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PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 28, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used these words of the Psalmist: *God is our refuge and strength, a very present help in time of trouble.*

Most merciful and gracious God, may we daily cultivate a deeper comprehension and concern for those majestic values of the spiritual life with which we have been endowed but which frequently seem so meaningless, so drab and dull.

We penitently confess that we often misdirect our energies and enthusiasms by allowing secular and materialistic interests and overtures to pollute and poison our faith and stifle our capacities for the more abundant life.

Grant that with Thy good hand of grace upon our President, our Speaker, and our Congress, in these days of world crisis and amidst the desolation of an embattled earth, may they be blessed with a wise leadership which will bring victory and peace to all mankind.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7091. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Pastore, Mr. Holland, Mr. Hayden, Mr. Ellender, Mr. Hill, Mr. Byrd of West Virginia, Mr. Young of North Dakota, Mr. Saltonstall, and Mr. Kuchel to be the conferees on the part of the Senate.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1965

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Mahon, Thomas, Kirwan, Whitten, Rooney of New York, Fogarty, Denton, Bow, Jonas, Laird, and Michel.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill H.R. 7091.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1966

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tomorrow night to file a report on the bill making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. LAIRD reserved all points of order on the bill.

INTER-AMERICAN BAR ASSOCIATION

Mr. PEPPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 349) welcoming to the United States the Inter-American Bar Association during its 14th conference to be held in Puerto Rico.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 349

Whereas the Inter-American Bar Association was organized at Washington, District of Columbia, May 16, 1940, and is now celebrating the twenty-fifth anniversary of its founding; and

Whereas the Inter-American Bar Association will hold its fourteenth conference at San Juan, Puerto Rico, during the period May 22–29, 1965; and

Whereas this is the first time that the Inter-American Bar Association has planned a conference in the Commonwealth of Puerto Rico; and

Whereas three previous conferences of the association have been held in the United States; and

Whereas the purposes of the association, as stated in its constitution, are to establish and maintain relations between associations and organizations of lawyers, national and local, in the various countries of the Americas, to provide a forum for exchange of views, and to encourage cordial intercourse and fellowship among the lawyers of the Western Hemisphere; and

Whereas the high character of this international association, its deliberations, and its members can do much to encourage understanding, friendship, and cordial relations among the countries of the Western Hemisphere; and

Whereas there were adopted by the Eightieth Congress, in its second session, and by the Eighty-sixth Congress, in its first session, concurrent resolutions of welcome and good wishes to the Inter-American Bar Association on the occasion of its holding conferences in the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States welcomes the Inter-American Bar Association during its fourteenth conference to be held in the Commonwealth of Puerto Rico, and wishes the association outstanding success in accomplishing its purposes; and be it further

Resolved, That a copy of this resolution be transmitted to the secretary general of the Inter-American Bar Association.

Mr. POLANCO-ABREU. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. POLANCO-ABREU. Mr. Speaker, the Inter-American Bar Association will hold its 14th conference in San Juan, Commonwealth of Puerto Rico, May 22 to May 29, 1965. Approximately, 1,500 lawyers, representing the Inter-American Bar Association and coming from the United States, from Canada, and from the various Latin American countries, will attend the conference

We, in Puerto Rico, are highly honored that this distinguished group has chosen to visit us on this occasion.

House Concurrent Resolution 349 would recognize the 14th conference of the Inter-American Bar Association and the 25th anniversary of the founding of the association and would extend welcome and good wishes for the outstanding success of the association in accomplishing its purposes.

Similar action was taken by the 86th Congress, 1st session, and by the 88th Congress, 2d session, by similar concurrent resolutions.

I hope that our colleagues will unanimously support House Concurrent Resolution 349, which appears fitting and appropriate at this time.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

INTER-AMERICAN BAR ASSOCIATION

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I commend and thank my colleagues for the adoption of House Concurrent Resolution 349 of which our distinguished colleague, Mr. SANTIAGO POLANCO-ABREU, the Resident Commissioner of Puerto Rico is the author, and of which I have a companion resolution, House Concurrent Resolution 354, expressing the welcome of the Congress of the United States to the Inter-American Bar Association to its 14th conference to be held at the beautiful city of San Juan in the Commonwealth of Puerto Rico, May 22–29. The Inter-American Bar Association is composed of members of the bar of the United States and all the Latin American countries excepting Cuba, of course, while it retains its Communist character, who banded together for the development of the law and legal institutions to forward the peace and the prosperity of the Americas. I am proud to be a member of the Inter-American Bar Association and to have attended the Inter-American Bar Association Conference in Bogotá some 4 years ago. I look forward with particular pleasure to attending the impending conference in San Juan.

Today, as we seek to establish peace through law and to build a world governed by law it is essential that we emphasize the role of the law in the building of a peaceful and a better world. Lawyers have always been the architects of institutions to progress the cause of peace and a better life for mankind. Today the troubled and still, I regret to say, lawless world challenges the genius of the lawyers of all lands who believe in the supremacy of law over the conduct of nations as well as men. The lawyers of the Western Hemisphere have much to offer in the building of such institutions. The Honorable Roy Vallance, of Washington, D.C., founder of the Inter-American Bar Association, is to be commended for bringing the lawyers of the free nations of our hemisphere, except Canada, into this Inter-American Bar Association. Much good has this association accomplished. Greater accomplishments lie ahead for it.

I am sure the San Juan Conference in the inspiring Commonwealth of Puerto Rico will do much to hasten the day, of which Mr. Justice Jackson spoke in his opening statement at the Nuremberg trials, when "every man shall live by no man's leave underneath the law."

VIETNAM SITUATION

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I commend the attention of the Members of this great body to the remarks made by the President of the United States on yesterday at his press conference relative to the crisis in Vietnam. This, of course, has been a subject of continuing discussion on the part of the American people.

The President on yesterday, Mr. Speaker, spelled out the policy of this Government to maintain freedom in that part of the world and elsewhere against Communist aggression. He restated the policy first laid down in his speech at Baltimore recently. To those who have been critical of our policy, I suggest that they read the press conference statement in full. I know that Members of this body, on both sides of the aisle, have generally supported the position taken by the President. And I am happy to note that in public opinion polls taken in depth throughout the Nation very recently, the American people support the President of the United States.

The foreign policy of our Government must indeed be a bipartisan foreign policy and I hope the American people generally will read this statement and understand the issue before our Nation.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join the distinguished gentleman from Louisiana in the statement he is making and I associate myself with his remarks. In his statement yesterday the President once again enunciated the aims and aspirations of the United States with respect to the crucial struggle in Vietnam. He stressed our determination to help a free country remain free. He stressed yet again that our fundamental purpose is to achieve a peaceful settlement that will permit the people of this area to live their lives in freedom and security. I would like to associate myself with this objective and under leave to extend my remarks I include the statement made by the President on yesterday:

STATEMENT OF THE PRESIDENT

We are engaged in a crucial struggle in Vietnam.

Some may consider it a small war. But to the men who give their lives, it is the last war. And the stakes are huge.

Independent South Vietnam has been attacked by North Vietnam. The objective of that attack is conquest.

Defeat in South Vietnam would be to deliver a friendly nation to terror and repression. It would encourage and spur on those who seek to conquer all free nations within their reach. Our own welfare and our own freedom would be in danger.

This is the clearest lesson of our time. From Munich until today we have learned that to yield to aggression brings only greater threats—and more destructive war. To stand firm is the only guarantee of lasting peace.

At every step of the way we have used our great power with the utmost restraint. We have made every effort to find a peaceful solution.

We have done this in the face of the most outrageous and brutal provocation against Vietnamese and Americans alike.

Through the first 7 months of 1964, both Vietnamese and Americans were the targets of constant acts of terror. Bombs exploded in helpless villages, in downtown movie theaters, even at a sports field. Soldiers and civilians, men and women, were murdered and crippled. Yet we took no action against the source of this brutality—North Vietnam.

When our destroyers were attacked in the Gulf of Tonkin, we replied with a single raid. The punishment was limited to the dead.

For the next 6 months we took no action against North Vietnam. We warned of danger; we hoped for caution in others.

The answer was attack, and explosions, and indiscriminate murder.

It soon became clear that our restraint was viewed as weakness. Our desire to limit conflict was viewed as a prelude to surrender. We could no longer stand by while attack mounted; and while the bases of the attackers were immune from reply.

And so, we began to strike back. But we have not changed our essential purpose. That purpose is peaceful settlement. That purpose is to resist aggression. That purpose is to avoid wider war.

I say again that I will talk to any government, anywhere, and without any conditions; if any doubt our sincerity, let them test it.

Each time we have met with silence, slander, or the sound of guns.

But just as we will not flag in battle, we will not weary in the search for peace.

I reaffirm my offer of unconditional discussions. We will discuss any subject, and any point of view, with any government concerned.

This offer may be rejected, as it has been in the past. But it will remain open; waiting for the day when it becomes clear to all that armed attack will not yield domination over others.

And I will continue along the course we have set; firmness with moderation; readiness for peace with refusal to retreat.

For this is the same battle which we have fought for a generation. Wherever we have stood firm, aggression has been halted, peace restored, and liberty maintained.

This was true under President Truman, President Eisenhower, and President Kennedy.

And it will be true again in southeast Asia.

Mr. GERALD R. FORD. Mr. Speaker will the gentleman yield?

Mr. BOGGS. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. As the gentleman from Louisiana has noted, both privately and publicly I have supported the President's present firm policy in Vietnam. It is also fair to state that all Members of our party on this side of the aisle in the House have supported the present course of action in Vietnam. This is a critical and serious situation that demands our maximum strength both at home and in Vietnam. In this instance, particularly, I feel we should have a very high degree of bipartisanship in order to convince the opponents, the Communists, that they should not miscalculate the intentions of America. If they miscalculate because of statements made by any public officials the dangers to all mankind could be significantly increased. Consequently I call upon all Americans, particularly those in elected office in the Federal Congress, to stand firm and steadfast against Communist aggression in southeast Asia or elsewhere.

Mr. BOGGS. Mr. Speaker, I thank the gentleman and commend him and his colleagues of his party for their statesmanship.

The SPEAKER. The time of the gentleman has expired.

BIRTHDAY GREETINGS TO AN ELDER STATESMAN

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, although this day has not been declared a national holiday, it should not go by without our observing that it was on this day, April 28, 83 years ago, that a great American and an elder statesman was born—a man younger and more agile in mind and spirit than many a man half his age—our eminent colleague, the gentleman from Illinois, the Honorable Barratt O'Hara.

A man of tremendous driving force and energy, he continues to serve his Nation and his constituents with amazing vigor. He possesses those indispensable elements of statesmanship, independence, and personal courage. He never hesitates to speak out on his personal convictions, whatever the trend of current public opinion may be.

We in this Chamber have often sat spellbound by the force and eloquence of his speeches.

Few men in public life possess the wealth of experience in diverse fields that Barratt O'Hara possesses—in journalism, radio broadcasting, law, politics, and military.

Barratt O'Hara has distinguished himself as one of the greatest criminal lawyers this country has known, a reputable magazine editor, a well-known radio commentator, the youngest Lieutenant Governor in the history of the great State of Illinois, and as the only veteran of the Spanish-American War now serving in Congress. He is also a veteran of World War I.

As Lieutenant Governor of Illinois and as the presiding officer of the State senate, he commenced an investigation into the wages paid to working women. This pioneer work in the field of women's rights resulted in giving the whole minimum wage movement its impetus. The administration, in which he played a major role, established the first public utilities commission in Illinois.

Barratt O'Hara entered his career in the Congress of the United States at an age when most men think only of retirement, at a youthful age of 66. He has since then given to the Nation invaluable service as a legislator totally committed to the public good.

As a Representative from the 50th State, I feel deeply indebted to Barratt O'Hara for his eloquent and moving pleas which he made in support of Hawaiian statehood. The Honolulu Star-Bulletin singled out his speech delivered on this floor in 1950 as the most effective made in behalf of Hawaiian statehood in the 81st Congress and printed it in three installments. He eloquently stated at that time:

> The pattern of the Old World of the horse and buggy should be modernized even in the matter of selecting territories to be taken into the Union of the States. My faith is in my country and the purity of its purpose to ask nothing for its own people that it does not seek to make possible for all men to attain in a world of brotherhood.

Mr. Speaker, Barratt O'Hara on his 83d birthday abounds in spirit and imagination which the young in age can well emulate, as we struggle for the attainment of the Great Society.

As one who has enjoyed a close personal friendship with Barratt O'Hara, I fervently hope that he will continue to serve his country and his constituency in Congress until he is 100—as he has vowed to do. God knows the world needs men of Barrett O'Hara's caliber, integrity, understanding, and foresight.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the distinguished majority leader.

Mr. ALBERT. I am happy that our colleague from Hawaii has taken this time to pay tribute to one of the finest, noblest men I have ever known. I associate myself with the remarks of my friend from Hawaii. Barratt O'Hara's careers have been as distinguished as they have been varied. I doubt that there is a single other person in public life in America today who has seen life from so many angles and who has appreciated its challenges as much as the gentleman from Illinois [Mr. O'Hara].

One of the most articulate men I have ever known, one of the most courageous men, one of the sweetest characters on earth, Barratt O'Hara—may he live long and may his ideals continue to prosper.

Mr. MATSUNAGA. I thank the majority leader.

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I merely wish to associate myself with the deserved tribute which has been paid to this noble colleague of ours, Mr. Barratt O'Hara, from Illinois. His eloquence, his nobility of spirit, his lofty idealism constitute an example and an inspiration not only for his colleagues but also for his countrymen. May his days continue to be long and fruitful in this Chamber and upon the earth.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from California.

Mr. MILLER. Mr. Speaker, I should like to associate myself with the remarks of the distinguished gentleman from Florida. I cannot express them as well or as eloquently as he, but I join him in paying tribute to my great leader, the great Barratt O'Hara.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman.

I, too, welcome the opportunity to join in this expression of love and admiration for the great colleague from Illinois whose eloquence continually stirs this legislative body.

I believe if there could appropriately be given a name to this outstanding Member of the House, it would be "the happy warrior of the Congress of the United States."

Congressman O'Hara is a great legislator, a great humanitarian, a great speaker, and a great individual. It is a continuing source of pleasure and inspiration to serve with him in this body.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Mr. Speaker, I should like to associate myself with the remarks of the distinguished gentleman from Florida. As a member of the House Committee on Foreign Affairs who has served on the committee with Congressman O'Hara, I want all Members to know and the Record to include that no one makes a finer contribution to the committee and no one engenders a more humane spirit in the legislation which emanates from the House Committee on Foreign Affairs than Barratt O'Hara. Barratt O'Hara served in the great 80th Division during World War I. Its motto was "The 80th Only Moves Forward." One of the reasons it always did was Barratt O'Hara. Barratt has always moved forward for his fellow man and still does. I hope he continues to do so for many years to come.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Speaker, I want to associate myself with the remarks made. The thing which has always impressed me most about Mr. O'Hara is his youthful spirit and his youthful outlook. I know how many years he claims, but I also know he is not a man who looks back. He always looks forward. I think some "young fogies" could well benefit from this youthful, effervescent spirit. It has been a pleasure to work with him.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, I simply want to join our colleagues in this well deserved tribute so deeply felt by all of our Members for our colleague, BARRATT O'HARA. His alert, inquisitive mind and his high-spirited idealism mark him as a young man. BARRATT O'HARA will always be a young man.

As one Member of this House, I shall treasure always the opportunities I have enjoyed to visit with BARRATT O'HARA on numerous occasions. I feel myself richer for having been exposed to his wealthy store of knowledge and his magnificently charitable spirit.

His mind and his heart are big. His vision is broad. And his friendship is truly a thing to treasure.

Mr. CONTE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, I would like to join with my colleagues in extending my greeting to the gentleman from Illinois, BARRATT O'HARA, on his birthday. I think one of the finest things that can be said about a man is that he is a good man. In my book BARRATT O'HARA is a good man.

Mr. Speaker, I would like to wish him many, many decades of good health, happiness, and success so that in the golden years of life he may harvest the rich dividends and spiritual satisfaction which he has so ably earned in a lifetime of dedicated service to his State and his country.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Massachusetts [Mr. CONTE] and the other Members here who have paid well deserved tribute to the gentleman from Illinois, my distinguished and indomitable colleague [Mr. O'HARA]. His ready wit and perceptive comment have added much to our deliberations and I am grateful to him for his constructive contributions to this body.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Massachusetts and the gentleman from New Hampshire and the gentleman from Hawaii and very simply say to my good friend and distinguished colleague BARRATT O'HARA that I greatly value his friendship. He is a man of principle, conviction, and courage. He has ennobled this House by his courage and his actions.

I might say he has always been a stanch friend of Israel, the only democracy in the Near East. His support of that country has meant much to the course of freedom in the Near East.

I would merely add, BARRATT, I hope that you not only prosper in your important work in this House for many years but in congratulating you on your birthday, may I wish that you live to be 120 years young.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the gentleman from Massachusetts yielding to me. I wish to join in paying tribute to BARRATT O'HARA today. He and I belong to a rather exclusive club, I think, perhaps with one or two other Members, not the Spanish-American War veterans but, rather, the former Lieutenant Governors of our respective States, which we were at almost the same time. Of course, BARRATT and I are about the same age, give or take 20 or 30 years. However, for a time when he first came to Congress—and I think I should say this for the benefit of the other Members of the House in case there is any question in your mind as to his ability—I managed him. When I say I managed him I mean I was in charge of booking all of the various prizefights and fisticuffs in which he engaged. He was known in the prize ring and up and down the eastern seaboard as "KID" O'HARA. He packed a very great wallop and we had a lot of fun out of it. "KID," I hope you continue in good shape and in good condition and that you do your roadwork regularly and keep your legs sound and hold your left out in front of you a little bit and watch out for those right uppercuts. I think you will finish the course all right. Congratulations.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. MADDEN. Mr. Speaker, I, too, wish to join the many Members of Congress who would like to pay tribute to the gentleman from Illinois, BARRATT O'HARA, on his 83d birthday. I ask unanimous consent that all Members who wish to pay tribute to him may extend their remarks at this point in the RECORD.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. In addition to what my colleague, the gentleman from Ohio, Congressman BROWN, has stated as to being a member of the exclusive club of former Lieutenant Governors, I want to point out that BARRATT O'HARA was elected Lieutenant Governor of Illinois in 1912. A great number of Members do not know that he was the first public official in the Nation to expose the slave labor conditions in the child labor sweatshops.

Lt. Gov. BARRATT O'HARA pioneered the first public hearings that exposed to the Nation the fact that children were working in those days at starvation wages in the sweatshops of the city of Chicago and also throughout the Nation. He was the pioneer public official who sponsored legislation that did away with the sweatshops in that early day.

He not only accomplished a great deal as Lieutenant Governor of Illinois, but he was also one of the great lawyers of the Middle West and was associated for a number of years with Clarence Darrow in the practice of law.

He also was nationally known as a newspaperman and his writings were published by newspapers and magazines throughout the Nation before and during World War I.

Mr. Speaker, he is the only Spanish-American War veteran in the Congress of the United States. We all hope that BARRATT O'HARA will be a Member of this body for many, many years to come and we congratulate him on his 83d birthday today.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. HUNGATE. We, from Missouri, are proud to offer the gentleman from Illinois, BARRATT O'HARA, as an example of the benefits to be derived from attending Missouri University. He was not only a great fighter, but he was the best football player pound for pound that attended that school. We commend his career to everyone.

Mrs. KELLY. Mr. Speaker, the great State of Illinois is known as the Land of Lincoln and, in this day, it has given other great men to our Nation and to public service.

I refer to two gentlemen whom I have the good fortune to have as my friends and colleagues, the Honorable WILLIAM L. DAWSON and the Honorable BARRATT O'HARA. Both of these Representatives serve their country well and both of them have celebrated their birthdays this week.

I join my colleagues in wishing them the best of health, happiness, and all good fortunes for many years to come.

Mr. ZABLOCKI. Mr. Speaker, I want to take this opportunity to join my colleagues in paying tribute to an outstanding Member of this body, the Honorable BARRATT O'HARA, on the occasion of his 83d birthday.

We in the House are fortunate indeed to have among us a man whose outstanding career is certain to merit him a place in American history. There are few indeed who are privileged to have had so much adventure and to have given so much service to their fellow men in one lifetime as BARRATT O'HARA.

Youthful explorer, Spanish American War and World War I soldier, newspapermen, youngest attorney general in Illinois history, motion picture executive, brilliant defense lawyer, author, and Congressman—each of these careers and achievements would require a lifetime of an ordinary man. BARRATT O'HARA has accomplished them in 83 short years.

It is a measure of the stature of this outstanding American that he first came to Congress at an age when most men have retired. Since his election from the Second District of Illinois to the 81st Congress, he has earned the respect of his colleagues for the depth of his wisdom and the breadth of his vision.

It has been my distinct privilege to have served with Mr. O'HARA on the

House Foreign Affairs Committee. He has never ceased to amaze me with his energy and abilities. His counsel and advice to me have been of inestimable value through the years.

Today in congratulating BARRATT O'HARA on his birthday, I want to add my sincere best wishes to him for many more years of fruitful service to his constituents and to our Nation.

Mr. FARBSTEIN. Mr. Speaker, I am pleased to make this statement congratulating my good friend and colleague, BARRATT O'HARA, of Illinois, on his 83d birthday.

Soldier, educator, Governor, and now, legislator—where is the location of the fountain of youth that he has discovered and used to such good advantage?

Forthright and courageous—a man of dominant will, who could face down the devil, if necessary.

A champion of the disadvantaged, both individual and national, it has been my great privilege to serve with him on the Committee on Foreign Affairs where he has made a great and outstanding record upholding the rights of the democratic African countries as chairman of that subcommittee. He has continually shown his friendship for that small Western-oriented country in the Middle East known as Israel.

May his breed continue; and may he, as the leader he has always been, continue to show us the light for many years to come. And may we again have the privilege next year of celebrating his 84th birthday.

Mr. ANNUNZIO. Mr. Speaker, I am happy this morning to join my other distinguished colleagues to pay tribute to BARRATT O'HARA on his birthday. I have known my distinguished colleague for a period of a quarter of a century. He has always been a fighter in the public interest. In Illinois, we refer to him as the boy wonder of Illinois politics.

He has served his country in war and peace. He is the only Member of Congress that is a veteran of the Spanish American War. At the early age of 30, he served our State as Lieutenant Governor of Illinois, the youngest in the history of our State. He led the fight for the passage of the State's first minimum wage law. He reentered military service during World War I and at the termination of hostilities, he resumed his law practice. In 1948 he was elected to the Congress of the United States. He served in the 81st Congress, the 83d, the 84th, the 85th, the 86th, the 87th, the 88th, and 89th Congresses with honor and distinction, recognizing the needs and wants of the vast majority of the American people.

To my 83-year-old young friend, I say to you that America is stronger because of you.

SUBCOMMITTEE ON COMMERCE AND FINANCE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee be permitted to sit during general debate this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

SUBCOMMITTEE ON TRANSPORTATION OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Transportation of the Committee on Interstate and Foreign Commerce be permitted to sit during general debate this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE LATE THOMAS A. FLAHERTY

Mr. O'NEILL of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is with heartfelt regret that I announce that former Congressman Thomas A. Flaherty of Boston passed away this morning. Mr. Flaherty was elected to the Congress in 1937 and served until 1942. He was one of the most beloved, able, and competent officials we ever had in our area of the country. Tom was loved by all.

After he left the Congress of the United States, willingly—he did not run for reelection in 1943—he became a public utilities commissioner. He enjoyed a full life of many honors working for the public. He was a man of greatest ability and outstanding integrity.

Mrs. O'Neill and my family offer our very heartfelt sympathies to the family of Mr. Flaherty.

Mr. McCORMACK. Mr. Speaker will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, it is with sadness that I rise to pay tribute to my good friend and former colleague, Thomas A. Flaherty, who has passed away.

The Commonwealth of Massachusetts and all America has lost a valuable public servant and I feel a great personal loss.

Thomas Flaherty not only knew his Government, but he had a great faith in our way of life and the institutions of democracy.

He was born in Boston on December 21, 1898, and attended the public schools of that city. He also attended Northeastern University Law School at Boston.

During the First World War Mr. Flaherty served as a private in the U.S. Army in 1918. Subsequently he continued to serve his country, and especially the veterans, when he was employed with the U.S. Veterans' Administration in Boston from 1920 to 1934.

His vital interest in the political life of our Commonwealth caused him to run for public office and he served as a member of the State house of representatives for 2 years.

He was elected as a Democrat to the 75th Congress of the United States to fill the vacancy caused by the resignation of John P. Higgins and was reelected to the 76th and 77th Congresses. He served in this legislative body from December 14, 1937, to January 3, 1943, and was not a candidate for renomination.

Returning to his native city, Tom Flaherty served as transit commissioner of the city of Boston for 2 years; as chairman of the Department of Public Utilities of Massachusetts from 1936 to 1953, as commissioner from 1953 to 1955, and chairman of the board of review, Assessing Department, city of Boston, from 1956 to 1960.

There is one thing we can never forget about Tom Flaherty, and that was his constant demonstration of the results of hard work. He made his own way in the world and never complained. He looked toward a goal and attained it.

He was a loyal Democrat, but first of all he was a loyal American.

Time will continue to reveal Tom Flaherty's contributions to his local community, to his State, and to his Nation. He was a fervent patriot. He loved his country. He respected the Congress and the House of Representatives. He was completely devoted to duty. I am proud to have called him my friend.

Mrs. McCormack and I extend to Mrs. Flaherty our deep sympathy in her great loss and sorrow.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I consider it a great privilege to join the gentleman from Massachusetts in paying tribute to our late friend and colleague, Mr. Flaherty.

It was my opportunity and pleasure to serve with him in the House where I became acquainted with him. He was a delightful gentleman, a very able Representative and, as the gentleman said, he left the House willingly to return to the State of Massachusetts in other positions.

I remember at the time we all wished him well. He left many friends behind, and we are grieved at his passing.

CALL OF THE HOUSE

Mr. CONTE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. HARRIS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 80]

Arends
Ashbrook
Ashley
Bandstra
Baring
Bolton

Brademas
Brown, Calif.
Cooley
Corman
Culver
Dawson
Dickinson
Diggs
Dingell
Duncan, Oreg.
Everett
Farnsley
Giaimo
Gibbons
Goodell
Halpern
Hanna
Hansen, Wash.
Hawkins
Hays
Holland
Jarman
Jones, Ala.
Keith
Latta
McDowell
Moeller
Morrison
Morse
Nix
O'Hara, Mich.
Powell
Redlin
Resnick
Rivers, Alaska
Rogers, Tex.
Schisler
Scott
Sisk
Stephens
Teague, Tex.
Toll
Van Deerlin
Waggonner
White, Idaho
Willis

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 381 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUCCESSION TO THE PRESIDENCY AND VICE-PRESIDENCY

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

The Chair hears none, and without objection appoints the following conferees: Messrs. CELLER, ROGERS of Colorado, CORMAN, MCCULLOCH, and POFF.

There was no objection.

THE LATE HONORABLE WILLIAM F. BRUNNER

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, it is with sadness that I announce the death of the late lamented William F. Brunner, a former Member of this House. Our former colleague and my esteemed friend, Bill Brunner, has unfortunately left us. He will be sadly missed by all who knew him and the many for whom he performed countless acts of kindness with humility and without fanfare.

Mr. Speaker, Bill was a lifelong resident of Queens County of the city of New York. He served as a member of the New York State Assembly from 1922 to 1928 and then was elected as a Democrat to the 71st and three succeeding Congresses, when he resigned in 1935 to serve in other public offices of the county of Queens and New York City.

In later years Bill resumed the insurance and real estate business but he never lost active interest in civic affairs and the community in which he lived. The Peninsula General Hospital in Edgemere, Long Island, of which he was president, was near and dear to his heart and he worked tirelessly to expand and help improve its facilities.

I knew him as a benign character. He was always kind in words and in action. We were enriched indeed by his having passed among us, and we are saddened by his departure. He has gone to that undiscovered country from whose bourne no traveler returns.

He leaves a good name, and a good name is like the acrostic; you read it from right to left, or up or down, and a good name always spells goodness. As the Psalmist said:

> Better is the fragrance of a good name than the perfume of precious oils.

Our condolences go forth to the members of his family and we mourn his passing.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. MADDEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 81]

Arends
Ashbrook
Ashley
Baring
Bates
Belcher
Bolton
Brademas
Brown, Calif.
Conte
Cooley
Corman
Culver
Davis, Wis.
Dingell
Duncan, Oreg.
Everett
Farnsley
Giaimo
Gibbons
Gubser
Halpern
Hanna
Hansen, Idaho
Hawkins
Holland
Hull
Hungate
Ichord
Jacobs
Jarman
Jones, Ala.
Jones, Mo.
Karsten
Keith
Leggett
Lindsay
Long, La.
Martin, Mass.
Mathias
May
Moeller
Moorhead
Morrison
Morse
Nix
Patman
Pool
Powell
Randall
Resnick
Reuss
Rivers, Alaska
Schisler
Schweiker
Scott
Senner
Sisk
Smith, Calif.
Sullivan
Teague, Calif.
Toll
Tupper
Van Deerlin
Waggonner
Weltner
White, Idaho
Williams
Willis
Young

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WATER QUALITY ACT OF 1965

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 339 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 339

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Public Works now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker House Resolution 339 provides for consideration of S. 4, a bill to amend and expand the Federal Water Pollution Control Act. It would establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes. The resolution provides an open rule, waiving points of order, with 2 hours of debate, making it in order to consider the substitute now in the bill.

No more important single problem faces this country today than the problem of good water. Water is our greatest single natural resource. The issue of pure water must be settled now for the benefit not only of this generation but for untold generations to come. The need for good quality water for all of our Nation's uses—public and private—is a paramount one.

The Calumet industrial region of Indiana comprises the First Congressional District which I represent in Congress. It is the No. 1 congressional district in the United States in relation to industrial concentration in the Gary, Hammond, East Chicago, Whiting area. Three major steel mills; Carnegie Illinois, Inland, Youngstown, and a number of smaller steel and smelter plants along with refineries of all major oil companies, and several hundred other large and small industries are located in this area. During the last quarter of a century these industries have expanded many times in production capacity. The major pollution to lakes and streams and especially beautiful Lake Michigan comes from the industrial waste from these plants.

Adjoining the Calumet region on the north is the large industrial complex of the city of Chicago and the same statement can be made regarding the pollution and waste expulsion into the waters of Lake Michigan as exists across the State line in Indiana.

The Hammond, Ind., Times reported recently a speech made by Richard Woodley of the Indiana State Board of Health. Mr. Woodley declared:

> The people are fed up with pollution and they want something done about it right away regardless if the action is local, State, or Federal.

Mr. Woodley is chief of the industrial waste section of the Indiana Board of Health.

As examples of the heavy concentration of pollution in the area waterways, Woodley reported outfalls were detected on a daily basis in these amounts: Oil, 106,000 pounds per day of which steel industries were responsible for 90 percent and the oil refineries the remaining 10 percent; ammonia, 500,000 pounds; phenols, 5,000 pounds; cyanides, 3,000 pounds.

These examples show why there is a large-scale effort underway to halt pollution.

The drinking water supply for approximately 600,000 people in the Calumet region and millions in the Chicago area is taken out of the waters of Lake Michigan adjacent to the shores from which this great industrial concentration is daily pouring industrial waste and other contaminating pollution into Lake Michigan. The health of approximately 7 million people in the Chicagoland and Indiana area is jeopardized and threatened by this inexcusable pollution into the formerly pure waters of Lake Michigan. Inland lakes and streams not only in this area but throughout Indiana, Illinois, and other States in the Union have already been contaminated by Government indifference toward enacting legislation to halt this health hazard to millions of our citizens.

The New York Times of April 18 had an extended three-page comment in its magazine section regarding the Raritan River in New Jersey. The Raritan River at the turn of the century was known as the "Queen of Rivers" with pure flowing waters coming from the mountains and hills without the least bit of contamination. An English poet, John Davis, described this river in the past century as the "queen of rivers." The article continued in stating that in the 1920's with the heavy concentration of industry and its depositing of waste and pollution from the towns and cities along its 100-mile shoreline, it became known as the "queen of sewers."

During the last 6 or 7 years, industries along this formerly "queen of rivers" have joined together in an effort to curb industrial waste from being deposited in the Raritan River. Great success has been accomplished by reason of the installation by these industries of modern methods to dispose of waste products and the river is gradually being restored to its former natural beauty and cleanliness.

The article further states that a complete recovery cannot be made until effective laws are passed to eliminate waste products from all industries along its borders, and it will, in a few years be restored to its title as "Queen of Rivers" with swimming, bathing, fishing, boating, and all the outdoor pleasures which its adjoining population took such delight and satisfaction in former years.

This Congress has made wonderful progress in legislation for the interest of millions of Americans so far this session. One of the real problems to be solved pertaining to the Nation's health is involved in this legislation pertaining to water pollution which we are considering today. It involves the health and welfare of every citizen in the United States regardless of whether he lives in an area that is a victim of pollution or out in the wide and open spaces where heavy concentration of industry is not a threat to outdoor recreations, and the welfare of wildlife, and enjoyment of which millions of our citizens have been deprived.

It has been nearly 9 years since the Congress, with the enactment of Public Law 660, 84th Congress, established the first permanent national program for a comprehensive attack on water pollution. The Federal role was fixed as one of support for the activities of the States, interstate agencies, and localities. The Federal Water Pollution Control Act authorized financial assistance for construction of municipal waste-treatment works, comprehensive river basin programs for water pollution control, research, and enforcement. It provided, too, for technical assistance, the encouragement of interstate compacts and uniform State laws, grants for State programs, the appointment of a Federal Water Pollution Control Advisory Board, and a cooperative program for the control of pollution from Federal installations.

The impact of the Federal Water Pollution Control Act has been impressive. It has taken us in less than 9 years from a situation in which untrammeled pollution threatened to foul the Nation's waterways beyond hope of restoration, to a point where we are holding our own. But that is not enough. The unprecedented and continuing population and economic growth are imposing ever-increasing demands upon our available water supplies. The accompanying trends toward increased urbanization and marked rapid technological change create new and complex water quality problems further diminishing the available supplies. S. 4 is a further and necessary step in continuing efforts to bring about proper water pollution control and a full upgrading of the water quality of our streams, rivers, and lakes.

Mr. Speaker, I urge the adoption of House Resolution 339.

Mr. Speaker, under unanimous consent, I incorporate with my remarks excerpts from the April 15 edition of the Chicago Tribune on the meeting of 68 industrialists, sanitation experts, and Federal and State officials meeting in Chicago, Ill., March 2–9, to discuss Lake Michigan pollution:

> Sixty-eight industrialists, sanitation experts, and officials of the Federal Government, and of Illinois and Indiana State and local governments, met from March 2 to 9 in Chicago to discuss ways to end the pollution.
>
> DANGER TO HEALTH
>
> Celebrezze called the conference after determining that poluted water at the lower end of the lake and the streams feeding it "endangered health and welfare" in both Illinois and Indiana.
>
> Celebrezze said the pollution of the interstate waters of the Grand Calumet River, Little Calumet River, Calumet River, Wolf Lake, and Lake Michigan was "caused by discharges of untreated and inadequately treated sewage and industrial wastes."
>
> Celebrezze and his staff had found that the polluted water from the heavily industrialized south end of the lake had crept dangerously close to the intake cribs of the Chicago water system.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Indiana [Mr. MADDEN] has explained, House Resolution 339 makes in order the consideration of S. 4, as amended by the House Committee on Public Works, under 2 hours of general debate, an open rule, subject of course to amendments under the 5-minute rule and the full consideration of the House of Representatives.

Mr. Speaker, I have studied this legislation carefully as possible both as a member of the Committee on Rules and in my capacity as a House Member interested in the welfare of my own State.

Mr. Speaker, I have had considerable correspondence with reference to this legislation. I am convinced that the House Committee on Public Works has done a splendid job in rewriting S. 4, and that is exactly what has been done. The bill has been rewritten and greatly amended.

The bill itself would change the name of the Federal Water Pollution Control Act to that of the Federal Water Pollution Control Administration. It would further provide grants for research and development, increase grants for construction and necessary treatment works, authorize the establishment of standards of water quality, and aid in preventing, controlling and abating pollution of interstate waters, and for other purposes.

The great difference between the House and Senate versions of this particular bill is that the House Committee bill now before us—that is, amended S. 4—provides that the standards for water quality shall be fixed by the local communities, working with the State, rather than by a Federal authority having jurisdiction over the entire country. That seems to be a very, very important difference, because it does keep control of the standards of water purity and water quality within the hands of the people who are the most interested, those in each locality, in each watershed.

I want to point out also, that this bill will provide for an increase of $50 million a year in the authorizations for the amount that can be appropriated for the purpose of making grants, gifts if you please, to different localities and their State system for sewage disposal plants, for the elimination of sewage waste and for the purification of the streams and rivers affected. That money would have to be matched by State or local authorities. In other words, while the Federal Government would put up $50 million, under the provisions of this bill, the States or the local communities would have to put up a like amount, so that there will be not only a local interest but a local investment in any project of this sort.

Of all the legislation I have seen brought to the floor of the House in recent months, this bill is probably the best thought-out and best prepared measure I have seen, and I want to take this means of publicly commending and congratulating the House Committee on Public Works for the accomplishments it brings before the House this afternoon for consideration.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 4, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was from this committee, the House Committee on Public Works, that the first substantial legislation involving water pollution control originated back in 1956, and one of the foremost leaders and sponsors of that legislation is now the distinguished chairman of our subcommittee, the distinguished, able and respected gentleman from Maryland [Mr. FALLON].

I yield such time as he may desire to the gentleman from Maryland [Mr. FALLON].

Mr. FALLON. Mr. Chairman, no more important single problem faces this country today than the problem of good water. Water is our greatest single natural resource. The need for good quality water for all our Nation's uses—public and private—is a paramount one.

The Committee on Public Works has been fully aware of this basic problem and from the committee came the first Federal legislation that brought into full focus the problem of water pollution control and water quality. The bill, S. 4, which the House will consider today, is one more step the committee believes in the continuing efforts to solve the great problem of water pollution and to provide for the use of good water.

It has been nearly 9 years since the Congress with the enactment of Public Law 660 in the 84th Congress established the first permanent national program for a comprehensive attack on water pollution. The opening phase of this program saw the Federal role of providing Federal assistance to local communities for the construction of sewage treatment plants. Since that time there have been further basic changes in the Water Pollution Control Act. At the present time the Federal Government is active in offering its good services in an effort to bring about proper control of those who would pollute our Nation's waters.

This program has proved to be a most effective one. Many miles of streams, rivers, and lakes of our Nation are now free from pollution as a result of the Federal assistance given during the last 9 years. Much more needs to be done. Much more will be done because I believe that we must find the means to fully and properly use our great God-given asset—the waters of this earth.

Water is industry's most valuable raw material and for our population growth, and by 1980 it will require twice as much as today. Water recreation has grown enormously during recent years as the leisure time and income of the American people has increased. They need this recreation outlet, yet each year more bathing beaches and water sports areas are closed because of pollution. The story is the same with sports fishing. Each year the number of pollution-caused fish kills grows higher.

There can be only one conclusion. This Nation is faced with a very critical problem of water pollution. You see it reflected in your daily newspapers, in your daily work, in your home districts, and here at the doorstep of the Nation's Capital.

S. 4 is, as I have said before, one more step along the way to the final solution to this great national problem. I trust this bill will pass and that we will continue to fight vigorously on all levels of government and in all fields of national endeavor both public and private until we have fully solved this problem.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I am glad to yield to the gentleman.

Mr. EDMONDSON. I merely want to express my personal appreciation for the very solid and thought-provoking analysis of the basic problem which confronts us in this field. I compliment the gentleman from Maryland who in his quiet but typically competent manner has brought to the floor of this House a bill which does represent very solid progress in an hour of great need.

I am pleased to be associated with the gentleman as a member of the committee which brought forth this bill.

Mr. FALLON. I thank the gentleman from Oklahoma.

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the Federal Water Pollution Control Act became permanent law in 1956, bringing the U.S. Government into full partnership with the States and localities in a great national enterprise—the prevention, control, and abatement of pollution of the waters of the Nation. The law was strengthened 5 years later with the enactment of the Federal Water Pollution Control Act Amendments of 1961. To make the act a more effective instrument through which to stop the issue of pollution into the waters of America, to save clean waters from degradation, and to enhance the quality of waters already defiled is the purpose of the bill which we consider today.

S. 4, the Water Quality Act of 1965, comes before the House of Representatives with the unanimous favorable report of the Committee on Public Works. The bill is the product of careful committee consideration. We held 3 days of public hearings in February of this year, and had the benefit of the record of 12 days of public hearings on similar legislation in the 88th Congress. The testimony of witnesses presenting different viewpoints assisted us in our deliberations. The statements of Members of Congress, administration spokesmen, State, interstate, and municipal officials, conservationists, long the stanch advocates of clean water, civic organizations, industry, and other interests are on the record. S. 4 was introduced in the other body by the Senator from Maine, Mr. MUSKIE, for himself and 31 other Senators, and under his able floor management, passed that House on January 28 by a roll-call vote of 68 to 8.

The committee amendments to S. 4 were approved after thorough consideration. The active interest of the chairman of the committee, the gentleman from Maryland [Mr. FALLON], the diligence of members of the committee of both parties, and the support of many colleagues who joined me in introducing the legislation in the House, have been of immeasurable assistance in the development of the sound bill which we have reported. A little later in these remarks I will review the provisions of the bill and briefly discuss the principal committee amendments.

The quality of water and the quantity of water are closely intertwined. Between 1900 and 1945 total water use in the United States more than quadrupled from 40.19 billion gallons a day to 170.46 billion gallons a day. Between 1945 and 1962 it doubled again, to 343.42 billion gallons a day. The population nearly doubled from 76,094,000 in 1900 to 140,468,000 in 1945, and grew to 186,656,000 in 1962. On the basis of population growth and industrial production estimates, the Department of Commerce forecasts total water use in 1965 at 371.7 billion gallons a day, in 1970 at 411.2

billion gallons a day, in 1975 at 449.7 billion gallons a day, and in 1980 at 494.1 billion gallons a day. A higher figure for 1980, 597.1 billion gallons a day, has wide acceptance, and experts talk of the possibility that by the year 2000, total water use in the country may reach 1,000 billion gallons a day. Our dependable supply of fresh water is about 315 billions gallons a day, which we expect can be increased to 515 billion gallons a day by 1980, and to 650 billion gallons a day by the year 2000 through water resources development projects. Let us do some simple arithmetic, and we will see that a water deficit of serious proportions is in prospect, 85 billion gallons a day short in 15 years, 350 billion gallons a day short in just 35 years. Are we going to run out of water? It is unthinkable that we should allow such a calamity to happen. The prospect of a scientific breakthrough which will make the large-scale conversion of salt water to fresh water at a reasonable cost excites the imagination. There is another course, less dramatic, which we must exploit to the fullest. That course is the control of pollution, so that water can be used and reused for all legitimate purposes—for drinking water and multiple domestic uses, for fish and wildlife propagation, for water-centered recreation such as swimming, boating, water skiing, and sport fishing, for agriculture, for industry, navigation and power, and for the enjoyment beyond estimation of the sight of a sparkling lake or bay or river.

Now is the time to escalate the war against pollution. When we enacted the Federal Water Pollution Control Act not quite 9 years ago, rampant pollution prevailed in many parts of the United States. The act authorized a multipronged attack on the fouling of the Nation's waters—grants for the construction of municipal waste treatment works, comprehensive river basin programs for water pollution control, research, and enforcement. Technical assistance, the encouragement of interstate compacts and uniform State laws, grants for State programs, the creation of the Federal Water Pollution Control Advisory Board, and a cooperative program for the control of pollution from Federal installations have been other components of the national program.

Progress under the act has been impressive. We have established a beachhead, but there is many a battle to be won. As we have moved against pollution, the enemy has been aided by reinforcements—population growth, urbanization, industrial growth, new technology, and the effects on water use of a higher standard of living. Every major river system in the country is polluted. Pollution has not spared the Great Lakes, the largest fresh water source in the world. Lake Erie, the shallowest of the five, is so degraded that an enormous and costly effort will be required to restore the quality of its waters.

S. 4, as reported from the House Committee on Public Works, is a strong, practical approach to water pollution control. Its provisions are well considered. Their implementation will have a decided impact on the nationwide campaign for clean water.

First. The bill adds to the Federal Water Pollution Control Act a positive statement of its purpose to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

Second. It gives the national water pollution control program an administrative placement commensurate with its importance through the creation within the Department of Health, Education, and Welfare of the Federal Water Pollution Control Administration, elevating the program from its present division status within the Public Health Service. The Secretary is to administer the act through the Administration, and with the assistance of an Assistant Secretary, is to supervise and direct the head of the new Administration, and the administration of all other Department functions relating to water pollution. A new position of Assistant Secretary is created. The Secretary is to designate the Assistant Secretary who shall assist him in the area of water pollution and to prescribe what additional functions he shall perform. Commissioned officers of the Public Health Service now assigned to the program may be transferred to civil service status with the Administration on their own volition and without loss of their rights and benefits.

Third. The bill authorizes a 4-year program of grants to develop projects which will demonstrate new or improved methods of controlling waste discharges from storm sewers or combined storm and sanitary sewers. This is a complex pollution problem which has plagued particularly the older cities of the country. The new program, to begin in the current fiscal year, is authorized at an annual level of $20 million. Federal grants will be limited to 50 percent of the estimated reasonable project cost, and no one grant may receive more than 5 percent of the total amount authorized in any one fiscal year. Contract authority may be used for the program's purposes, with up to 25 percent of the total amount appropriated for any fiscal year authorized to be expended by contract during that fiscal year.

Fourth. The bill doubles the dollar limitations on grants for waste treatment works construction from $600,000 to $1.2 million for a single project, and from $2.4 million to $4.8 million for a joint project serving two or more communities. The present 30 percent of project cost limitation on grants in existing law is not affected. For fiscal years 1966 and 1967, the 2 years remaining before the present authorization expires, the authorized annual appropriations will be increased from $100 million to $150 million. The first $100 million will be allocated to the States on the basis of 50 percent population and 50 percent per capita income, as existing law provides. Amounts appropriated in excess of $100 million will be allocated on a straight population basis. The requirement that at least one-half of the funds appropriated for each fiscal year must be used for grants to projects serving municipalities of not more than 125,000 population will apply to the first $100 million, but will not apply to the additional amounts appropriated. Further, if the State matches the full Federal contribution made to all projects assisted from the additional allotment, grants from that allotment may be made up to the full 30 percent of project cost, without regard to the dollar ceilings. To encourage the orderly development of metropolitan areas, the bill authorizes the Secretary to increase the amount of a grant by 10 percent, if the project is in conformity with a comprehensive metropolitan area plan.

Fifth. The bill requires that in order to receive any funds under the act, each State must file with the Secretary within 90 days after the bill's enactment, a letter of intent that the State will establish water quality criteria applicable to interstate waters not later than June 30, 1967.

Sixth. The bill requires the Secretary to invoke the enforcement authority in certain circumstances to abate pollution which results in substantial economic injury from the inability to market shellfish or shellfish products in interstate commerce.

Seventh. The bill strengthens the enforcement authority by empowering the secretary or his designee, at the public hearing stage of an enforcement action, to administer oaths, to subpena witnesses and testimony and the production of evidence relating to any matter under investigation at the public hearing. The subpena power does not extend to trade secrets or secret processes. Jurisdiction for obtaining compliance is vested in the U.S. district courts.

Eighth. The bill clarifies the authority and functions of the Secretary of Labor respecting the labor standards applicable to the act. It requires accountability for financial assistance given under the act in accordance with acceptable audit and examination practices.

Let me discuss some of the provisions of S. 4 a little more fully and point out the principal committee amendments to the bill.

S. 4, as reported, transfers the entire water pollution control program to the new administration. As passed by the other body, the bill requires the transfer of only selected functions. The importance of the total program and the interdependence of its parts indicate that it should be elevated intact to the higher organizational status, which is comparable to that occupied by other major Federal water resources activities. The 1961 amendments to the act vested in the secretary, rather than the Surgeon General, responsibility for the administration of the act. It was our intention at that time that it should be upgraded. In the interests of stronger administration, and more ready public identification, there should be no further delay in the establishment of the new administration.

Statutory responsibility for the administration of the act will remain in the secretary. He will administer the act with the assistance of the assistant secretary of his designation and through the administration. He will appoint and fix the salary of the administrator, who will be in a civil service status.

Water pollution control, as an integral part of water resources management, will no longer be conducted within the service concerned with the public health of the Nation. Health remains an important consideration, and the committee has provided that the administrator shall consult with the Surgeon General on public health aspects of the program.

We have provided for the voluntary transfer to civil service status of commissioned officers now working in the program, with protection for their rights and benefits. Of the 4,900 commissioned officers under the jurisdiction of the Surgeon General, 373 would be eligible for transfer. To insure their retirement rights, a maximum of $1,850,000 will be paid into the civil service retirement fund.

I do not wish to depart from this subject without paying tribute to the dedicated staff of the Federal water pollution control program in the Public Health Service, which has served so well during the important development years of the program. The new administration, to be established because of the importance of the work in which they have been engaged, is a recognition of their efforts.

The new 4-year program of research and development grants which is authorized by S. 4 will assist in the exploration of better methods of coping with the difficult pollution problem of the overflow from combined storm and sanitary sewers. Approximately 60 million people in some 2,000 communities are served by combined sewers and combinations of combined and separate sewer systems. Estimates of the cost nationwide of separating combined sewers run from $20 to $30 billion. Other solutions to the problem may be technically feasible and less expensive. Grants to States, municipalities, or intermunicipal or interstate agencies to finance up to half of the cost of demonstration projects will be of immediate value to the recipient areas, and will foster the development of knowledge applicable in other areas. The committee amended this section of S. 4 to permit the Secretary to use up to 25 percent of the funds appropriated for the program each year to contract with individuals, private enterprise, research institutions, or public agencies for demonstration work on the combined sewer overflow problem. A heavy dose of pollution can be administered to the receiving stream in a short time from this source. The new program will encourage the discovery of solutions to a particularly difficult pollution problem.

In recognition of the higher per capita cost of waste treatment facilities serving smaller communities, and of their difficulties in securing financing for public works on favorable terms, the Congress authorized a program of grants for the construction of municipal waste treatment works which gave proportionately more assistance to those communities. Their less costly projects could receive the full 30-percent grant provided by law. The $250,000 ceiling on the amount of a grant reduced the Federal share of larger projects to a fraction of 30 percent. When we passed the 1961 amendments, we raised the ceiling to $600,000 and authorized grants to joint projects with a ceiling of $2.4 million. Large projects still do not receive Federal assistance anywhere approaching 30 percent of total eligible cost. But it is in the metropolitan complexes of the Nation that the worst pollution exists. Large projects control more pollution from more people. In fairness to urban taxpayers, and in the interest of effective water pollution control, we should make more realistic assistance available for these large projects. The committee has amended S. 4, to increase the ceiling for single projects to $1.2 million, instead of $1 million, and for joint projects to $4.8 million, instead of $4 million.

When we review the construction grants program prior to its expiration on June 30, 1967, we will consider how large the program should be, and what direction it should take. We know that it is not large enough, and so our committee amended S. 4 to increase by $50 million the appropriations authorization for fiscal years 1966 and 1967. We know that it is not keeping up with the need in the urban complexes, and so we provided that the allocations to the States from appropriations made over and above the basic $100 million would be on a strict population basis, and we did not extend to them the requirement that half the funds go to communities of 125,000 population or less. We know that to wipe out the backlog of needed facilities, and to keep up with population growth and plant obsolescence will take the best efforts of government at all levels. At present only a few States participate in the financing of waste treatment works. By offering a full 30-percent grant, without regard to the dollar ceilings, for projects made from the additional allocation in States which match the Federal contribution, we hope to encourage more and more States to bear a share of the cost of these desperately needed and extremely costly public works.

The committee believes that the question of adequate water quality standards is of high importance throughout the Nation. We have considered carefully whether they should be established and promulgated by the Secretary of Health, Education, and Welfare, or fixed by the States. There is an urgent need for standards of water quality applicable to interstate waters or portions thereof to insure that there will be water of a quality high enough to serve the maximum number of needs demanded by a growing population or industry. On the basis of the exhaustive testimony taken this year and in the last Congress, we have amended S. 4 to give the States time to carry out their responsibilities for protecting the quality of the interstate waters within their respective jurisdictions. Waters arising entirely within a State, which do not flow into another State, and do not form a part of the State boundaries, are not deemed to be interstate waters and would not, therefore, be subject to any requirements respecting water quality criteria. Within 90 days after the bill is enacted, each State must file with the Secretary a letter of intent that the State will establish water quality criteria applicable to interstate waters or portions thereof within its jurisdiction not later than June 30, 1967. If a State fails to file such a letter of intent, it will receive no funds under the act until the letter is filed. We hope that the States will meet their responsibilities in this regard. The committee will consider additional water pollution control legislation in connection with the expiration on June 30, 1967, of provisions of the act. If the States have in fact met their responsibilities, they will be able to supply information of great value in the resolution of the water pollution problem.

S. 4 directs the Secretary to invoke the enforcement authority whenever he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution of interstate or navigable waters, and action of Federal, State, or local authorities. The provision would give recourse to persons who sustain economic loss because of a necessary ban on the shipment in interstate commerce of shellfish from polluted waters. The States must close harvesting areas found unsatisfactory for certification by the Public Health Service. The harvester, who is injured by necessary official action taken because of pollution which is not of his making and is beyond his control, should have the protection of official action in the abatement of that pollution.

The committee has amended S. 4 to give new support to the enforcement authority, the function on which the success of other program activity may ultimately depend. The Secretary or his designee will be given power to subpena witnesses and evidence which relate to any matter under investigation at the public hearing stage of an enforcement action. In the rare instances in which persons involved in enforcement proceedings fail to cooperate by furnishing needed information, the subpena power will aid effective enforcement. Trade secrets and secret processes will not be subject to subpena.

The 89th Congress in its first 100 days compiled a record of achievement which is compared to the first 100 days of the 73d Congress. A brave President, Franklin Delano Roosevelt, laid before the 73d Congress a bold program of far-reaching measures to bring the United States out of the depths of the despair wrought by the great depression. In a time of general prosperity, a brave President, Lyndon Baines Johnson, has laid before the 89th Congress a program to keep the Nation prosperous, to open opportunity to all of our people, and to improve the quality of American life.

Toward the third goal the President declared that we must act now to protect America's heritage of beauty. His brilliant message to the Congress on natural beauty expressed a sense of urgency about the massive pollution of the Nation's waters and the need for legislation to step up the fight to overcome it. In passing this bill we are stepping up the fight. The American people have thrown off the fetters of indifference which have for too long hampered the drive for clean water.

I recommend to the House the passage of S. 4, the Water Quality Act of 1965.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I will be pleased to yield to my friend from Iowa.

Mr. GROSS. First of all I want to compliment the committee on what I believe is a good bill. However, do I understand the gentleman to say that you have now pulled together in one place all things related to water pollution and to the supply of fresh water, in the Department of Health, Education, and Welfare? Is that correct?

Mr. BLATNIK. Yes, sir. All the functions that were until now under the Surgeon General, with the exception of those aspects which deal primarily with health. The aspects dealing with health will be retained, as under the previous law, by the Surgeon General. However, there are other aspects of pollution control which are under the Interior Department, the Agriculture Department, the Corps of Engineers, and the Conservation Corps, over which we have no jurisdiction.

Mr. GROSS. There is still some proliferation, then, of these activities?

Mr. BLATNIK. Yes. We took certain of these aspects from the Surgeon General and put them under an administrator so that they will now be at a higher level of administration than they were before.

Mr. GROSS. But you did take these activities out from under the Surgeon General?

Mr. BLATNIK. Yes, sir. And we put them under an administrator who will be in charge of this feature.

Mr. GROSS. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for a further clarification?

Mr. BLATNIK. I am glad to yield to my colleague from Florida.

Mr. CRAMER. The legislation does require that the Surgeon General be consulted at all times in matters relating to and concerning health. Therefore, the Surgeon General does retain jurisdiction in effect over health matters. I ask the gentleman from Minnesota, Is that not correct?

Mr. BLATNIK. That is correct, and I thank the gentleman from Florida for his contribution and clarification.

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, too, am delighted to be able to join with the majority in unanimous support of this bill. It was supported unanimously by the majority and the minority. I think this is a clear-cut and outstanding example, particularly during this session of Congress, a shining example, where a committee when it is given the opportunity to do so without exterior interference, can do a good job and can come up with a bill that deserves the support of everyone in the House.

Of course, this has not necessarily been the case on all legislation that we have had before our committee, but this is a shining example where we were given an opportunity to work our will and we did so and I think came up with a sound and reasonable approach to what is admittedly a most serious problem throughout this Nation.

We are all for clean water, just as we are all for motherhood. We are all for doing what can reasonably be done to prevent water pollution. But as was stated when the legislation was initially passed by Congress back in 1956—and which, incidentally, I and others on our side cosponsored along with those on the majority side, which legislation first established the water pollution control program and the sewage disposal plant Federal grant program—it was specifically stated, and I believe this concept to be extremely significant and important, and must be maintained if this is going to be an effective program—that this program is one which must be participated in to the fullest extent not only by the Federal Government, in its proper jurisdiction, but by local and State authorities as well.

In enacting the initial law, the Congress said, and I quote:

> It is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

Now, in 1956 we had a bill which we could all support and did support in the committee.

In 1961 we had some differences of opinion as to what was the proper Federal responsibility in light of this statement of policy.

In 1965 we are coming before this body, this House, with a bill recognizing those basic principles and thus we are able to be in support of it both on the majority and on the minority sides.

Mr. Chairman, we had some difficulties with the consideration of the bill. Last year, of course, a quite different bill was voted out of the committee. This year a number of changes were made. There were some difficult problems with which our committee had to wrestle, but I am proud to say that I believe we did so successfully.

For instance, Mr. Chairman, we had to deal with the question as a result of having before us S. 4, the Muskie bill from the other body, we had to actually deal with the provisions of that legislation and make necessary changes, for instance, in the field and on the question of Federal standards. That probably represented the most difficult problem with which we had to deal. However, I feel it was dealt with most successfully.

Mr. Chairman, I think it would be a grave mistake for the Federal Government to try to set, as was proposed in that bill, water quality standards on all streams throughout America, which amounts to the Federal zoning, which amounts to the Federal Government determining what use can be made of streams and lands adjacent thereto, a responsibility clearly recognized as that of the State and local communities throughout the history of America. This has been avoided in the pending legislation and successfully so in that the bill before us, in section 5, provides that in effect the States should be encouraged to accept this responsibility themselves and therefore there was written into section 5 as a substitute for the Senate bill the provision that no State is to receive any funds under this act unless it files a letter of intent with the Secretary that the State, not the Federal Government—and continuing to quote:

> The State will establish water quality criteria to be applicable to interstate waters and portions thereof within the State prior to June 30, 1967.

Mr. Chairman, I believe that is a sound and reasonable approach. It encourages the States to do a job which we all admit should be done if water pollution is to be controlled and if we are to have eventually the necessary clean water in America.

So, Mr. Chairman, I wholeheartedly—and so do the minority members of the committee—endorse not only that section but the balance of the pending bill.

We had some problems relating to subpena powers. We had the question as to whether or not the Federal Government should have the power to subpena State and local records, not at the hearing stage but at the conference stage where discussions are taking place relating to the enforcement of pollution abatement.

It was resolved, and I think properly and rightly so, at the hearing stage "yes," at the conference stage "no." And thus the subpena power is properly given to the new administration at the hearing stage. That was successfully resolved in the committee. We had the question that was with us in 1961 and this year: Should the States be encouraged to match Federal funds in the treatment works construction program? I think it is conceded, and a correct statement of the gentleman from Minnesota, as to how tremendous this problem is which is facing the Nation. I think the estimate is something like $5 billion as to what it would cost to catch up with the needed sewage plant construction program in America, let alone get ahead. To catch up it would require an estimated $500 million or $600 million a year of local municipal funds alone to do the job.

This clearly indicates that the States should be encouraged to get in and help in this program. At this time it is mostly the Federal Government and the municipalities. The States are not involved except to set priorities. They are not required to provide grant money. Therefore it is plain, as we recorded it in the minority views on the amendments to the Water Pollution Control Act in 1961, that—

> If there is to be any increase in the amount of funds appropriated for Federal grants it should be directed toward providing an effective incentive to accelerate needed construction by offering an inducement to the States to respond to their responsibilities and participate in the cost of treatment plants.
>
> If enlargement of the Federal grant program to construct local sewage treatment works is inescapable, then it is high time

that the States face up to their responsibilities and assist in defraying the costs of such facilities.

This was in 1961. We offered amendments we hoped would accomplish that, but they were turned down in 1961. Amendments to at least partially accomplish that were adopted, and I think properly so, by the committee on the occasion of the consideration of this bill. So that the States are being encouraged to get into the program, to participate in the program, by the formula that was written into this legislation, relating not to the $100 million authorization but relating to the increased $50 million authorization. If the States want to exceed the top dollar limit for a project, which was doubled in this legislation for both single and combined projects, then they will be required to match Federal funds, in that way hopefully to bring the States into the picture and accept responsibility in it.

I am personally convinced if the job is going to be done, it is a bigger job than either the Federal Government or the local communities can handle in the near future. It is essential that the States participate in the program.

We had also the problem to deal with, a serious one, of the objection on the part of many of the State agencies with regard to changing the administration setup, taking it out of the Public Health Service and putting it in the hands of a new administration. This was resolved, and I think reasonably so, by the amendment that was adopted that requires the new control administration to consult with the Surgeon General on all health aspects of water pollution control. Therefore, the Surgeon General and the Public Health Service will remain in the picture. They of necessity have to remain in it, and they have specific authority to do so under the language of the bill as voted out.

I do not intend to discuss in detail the bill itself. The gentleman from Minnesota has outlined what the bill does. I do have a couple of other comments to make.

This is not the last water pollution control bill we are going to have in the near future. There is going to be another one in 1967 for the obvious reason that authorizations run out in 1967 and additional authorizations will be necessary, probably to be considered in the early session of the 90th Congress, and other matters involving water pollution control can be considered and probably will be at that time. So this is not the last look at this problem that Congress is going to have, and perhaps rightly so. I think it is well for Congress to review from time to time these basic problems. We will have an opportunity to do so in 1967, probably.

With the fine work done by this committee, and I am confident it will be substantially supported in the House by the vote of the membership, it would be my hope that when this bill is passed in the House and we go to conference, there will be such an overwhelming vote for this legislation on the floor of this House that the hands of the conferees will be upheld and we will be in a strong position to demand of the other body that, with such overwhelming support of this view of this legislation, we will be able to sustain the House position in conference, it being a sound and a proper position to take. So I am asking that this bill be passed with an overwhelming vote. I hope it will pass substantially in the form it is now and be sustained in conference.

I will now be glad to yield for any questions.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I want to take this opportunity to congratulate the members of this great committee on having worked and produced what I believe is one of the finest pieces of legislation on water and the problems affecting water that has ever been presented to the House of Representatives. The gentleman from Minnesota [Mr. BLATNIK], the gentleman from Alabama [Mr. JONES], the gentleman from Florida [Mr. CRAMER], and the gentleman from California [Mr. BALDWIN] are to be particularly commended for what I consider to be outstanding statesmanship.

When you were holding your hearings, I know you were presented with many divergent views. When the committee had completed its hearings, closed the doors, and proceeded to mark up the bill, I am satisfied that partisan politics was laid aside. The Members on both sides of the aisle were determined to produce a good piece of legislation.

I sincerely hope there is a record vote on the passage of this bill, and that it will be supported unanimously in the House of Representatives. The other body should accept without question the House version and get this law on the books at the earliest possible date. Then the States and local municipalities will have more time in which to supplement this bill, and work on the probems in their immediate States and localities.

To all members of this great committee the Navy praise is appropriate: "Well done."

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Minnesota.

Mr. BLATNIK. I want to express my appreciation to the ranking minority member for his fine statement, and also to the gentleman from Pennsylvania, who for 10 years has been of great assistance in matters of water conservation and utilization.

Mr. CRAMER. I thank the gentleman.

Mr. BLATNIK. It saddens us deeply that the most dedicated, devoted, and honorable man in this body, if not in the entire Congress, in the field of many aspects of water utilization, preservation, conservation, and flood control, our dear friend ROBERT E. JONES, was so severely and seriously stricken a month ago.

I would like to point out that it was on the same evening when we were concluding the resolution of this highly controversial issue on standards and criteria in which the gentleman from Alabama [Mr. ROBERT JONES] played an important role and played a leading part together with our distinguished Member, the gentleman from Louisiana [Mr. T. A. THOMPSON], that we came to the conclusion, unknown to him, how seriously ill the gentleman from Alabama [Mr. JONES] was when he was taken to the hospital for extremely serious surgery from which he is still recovering. He is coming along most satisfactorily and I know we are all delighted to hear that. So at this point, Mr. Chairman, I ask unanimous consent that the remarks of the gentleman from Alabama [Mr. JONES] appear in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, we have only to travel a few blocks to the once beautiful Potomac River to see that water pollution is an imminent and pressing problem at our very doorstep. But, unfortunately, the Potomac is not the only polluted river in our Nation. The citizens of this great land find this problem repeated at practically every doorstep. There is increasing pollution of our water resources by raw sewage, untreated industrial wastes and other refuse. It gravely impedes our Nation's full social, economic, recreational and community growth.

Voices of concern are being raised by industries which must have an adequate supply of clean water for continued economic well-being. Anglers are outraged by fishkills and the diminishing quantity and quality of aquatic life in streams and lakes. Water sports enthusiasts are shocked when they are directed to avoid certain streams at peril to health and safety. Housewives cringe at the foul odor of even hygienically safe treated water. Conservationists are repulsed by the disgraceful sights which mar the streams of our otherwise beautiful woods, parks, and recreation areas. Civic-minded groups everywhere are aware of the need for cleaner waters to meet the demands of our growing population and developing industries.

These voices of concern were raised in a plea for action time after time at the extensive hearings, over which I presided as chairman of the Natural Resources and Power Subcommittee of the House Committee on Government Operations last year. We heard similar testimony in the hearings by the House Public Works Committee on the bill which is before us today. Hundreds of concerned citizens, representatives of industry, and many State and local officials testified on the needs for improving our water resources. Their testimony demonstrated that despite some encouraging successes in the battle to abate pollution, concerted action must be taken on all levels of government and in all sections of the Nation if we are to hold the progress which has been made and then turn back the increasing tide of polluted waters.

Mr. Chairman, I endorse S. 4 with the amendments reported by the House Public Works Committee.

We need to upgrade the Federal water pollution control efforts to reflect the broad problems associated with conservation of our great water resources. S. 4 will do this by establishing a Federal Water Pollution Control Administration to be headed by an assistant secretary in the Department of Health, Education, and Welfare. This agency will be able to administer all matters under the Federal Water Pollution Control Act. It will be able to deal with the broad problems of pollution associated with conservation of waters for all uses, including municipal water supplies, fish and aquatic life and wildlife, recreational needs, agricultural and industrial requirements, and other vital needs. It will be able to fulfill the purpose of the act to "enhance the quality and value of our water resources and to establish a national policy for prevention, control and abatement of water pollution."

Our hearings indicate the solutions to our water pollution problems will not be simple or easy. The problems are complex and their solution also can be very expensive. For example, combined storm and sanitary sewers are a critical source of pollution in many of our cities. To eliminate this source of contamination by physical separation may cost the cities as much as $30 billion unless new techniques can be found for handling the problem. We must provide for research assistance which is beyond the capability of the individual States or municipal governments.

The bill would authorize matching grants on approved demonstration research on combined sewers by States, municipalities, intermunicipal, or interstate agencies. These grants could be as much as $1 million per project, and total $20 million per year for 4 years. Furthermore, under the committee amendments, up to 25 percent of the same appropriation could be used for contracts with various private or public agencies for research on this subject.

It was encouraging at our hearings to learn of the thousands of municipal sewage treatment facilities fostered by the Federal construction grant program. In the past 9 years, Federal grants of $640 million have stimulated local governments to provide treatment facilities costing more than $3 billion. Every dollar of Federal aid resulted in $4 of local spending. This aid went to 6,028 projects which serve 48 million people. The rate of treatment plant construction has been almost doubled since the Federal program was begun. But as impressive as these figures are, our cities are still woefully short of the needed sewage treatment facilities. The backlog of needed facilities grows every day. Recent figures show that 1,470 applications, totaling $181.3 million, are now pending for treatment projects that will cost $904.1 million.

Population is increasing rapidly. Our cities are growing even more rapidly. Great demands are made on these municipal governments for improvement of services. And, whether we like it or not, city officials who are besieged by many problems are often tempted to give sewage treatment facilities a low priority. After all, the city can dump the sewage downstream where it presents no immediate threat to its citizens. Then only the water users farther downstream have to worry.

Limitations of existing legislation were pointed out in our hearings. Dollar ceilings of $600,000 on individual project grants and $2.4 million on multimunicipal project grants have inhibited local action in the larger cities where the cost of adequate facilities runs to many times the Federal portion. The ceilings also have tended to encourage smaller, sometimes less efficient, plants where larger facilities would have meant savings in the long run.

To advance this needed treatment plant construction and stimulate municipalities to end this source of water pollution, S. 4 as reported, will double the maximum construction grants to $1,200,000 for a single project and $4,800,000 for multimunicipal projects, provided the grant does not exceed 30 percent of the reasonable project cost.

The grant program has 2 years remaining under this act. If we are going to make a dent in the backlog of needed treatment facilities, the appropriation for these grants must be increased. S. 4 will authorize additional appropriations of $50 million a year for the next 2 years and bring the total authorized to $150 million annually. I believe these increases are not excessive. Indeed, they are truly minimal in light of the great national needs. The first $100 million in grant money will continue to be allocated under the existing formulas which insure more grant money for the smaller and medium-sized cities. Funds over $100 million will be allocated to the States on a population basis and thus allow for more substantial grants to the larger cities where the greatest need for improvement exists.

The main purpose of these grants is to stimulate local action. The bill, as reported, provides extra inducement where a State provides funds to cities, matching the Federal grants, for treatment plants. In such cases, the dollar ceiling limitations on grants, up to 30 percent of project costs, would be removed from the appropriation of the extra $50 million.

To encourage further economies and efficiencies, the bill provides a 10-percent increase for projects certified by State or regional planning agencies as conforming with the comprehensive plan for a metropolitan area when the President determines the area is appropriate for such increase.

S. 4 also takes a first step toward the establishment of critically needed water quality standards. As passed by the Senate, S. 4 would give the Secretary of Health, Education, and Welfare authority to establish standards for interstate and navigable waters. However, during our hearings, many witnesses representing many industries and many State agencies testified that such additional power on the Federal level is unnecessary and undesired; that it would be time consuming and costly to establish such standards; that the standards might be unrealistic because every stream, and even every segment of a stream, varies in its uses and in the amount of waste it can safely absorb; that these considerations require great familiarity with a multitude of diversified factors; and that the individual States should have greater proximity to these problems.

The reported bill, therefore, places on the States the responsibility for establishing the criteria for water quality within the State.

The acceptance by the States of this responsibility will be of great value in helping to solve the water pollution problem and will provide valuable information for consideration of new legislation when important provisions of the existing law expire in 2 years. Any State which fails within 90 days to file a letter of intent to establish such criteria before June 30, 1967, would not receive any Federal grants for its water pollution program.

At our hearings, representatives of the shellfish industry, which is highly dependent on clean waters, have repeatedly urged additional Federal action on interstate or navigable waters to curtail pollution which is cutting into the livelihood of the industry. This will authorize the Secretary of Health, Education, and Welfare to take action when he finds that substantial economic injury results from the inability to market shellfish in interstate commerce due to health threats resulting from pollution of these waterways.

To strengthen abatement efforts, the bill also empowers the Secretary of Health, Education, and Welfare to subpena witnesses in matters under investigation when the procedure reaches the public hearing stage.

Mr. Chairman, our hearings demonstrated that many industries are taking steps, often at great expense, to end or reduce the polluting effects of their manufacturing processes. The detergent industry is an excellent example of how self-regulation can shortstop the need for more Government regulation. Within the year, the industry will have changed from stream polluting hard detergents to a new product which can be handled in existing sewage treatment facilities. The end of the unsightly foam on our streams from these hard detergents may be anticipated in the near future. I strongly urge all industries to step up their antipollution efforts. The need for the control of industrial wastes is a great and pressing national problem.

Mr. Chairman, the scope of the water pollution problem is so great as to require the enthusiastic cooperation of all official and unofficial segments of our society. S. 4 as reported by the House Public Works Committee, seeks that cooperation, especially in regard to greater State participation. Some groups have urged stronger and more sweeping Federal powers than are included in this bill. Some have urged less. I believe that S. 4 as reported, is an equitable, workable, and necessary step if we are to attack this single most desperate natural resources problem facing the country today.

I urge adoption of this bill.

Mr. THOMPSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from Louisiana.

Mr. THOMPSON of Louisiana. Mr. Chairman, I would be remiss if I did not associate myself with the remarks of the gentleman from Minnesota not only in regard to this legislation but in regard to his remarks about the Honorable Robert E. Jones of Alabama.

I do not know of a man who is possessed of more of the qualities of leadership in this body and who can be more persuasive and who is possessed of a vast knowledge gained over many years of experience than our colleague, the gentleman from Alabama [Mr. Jones]. I am happy to have the opportunity to work with him, and I am happy also to report that he is doing so well that he is back in Washington today and, of course, we all hope that he will certainly continue to be with us for many, many years to come.

Mr. Chairman, if the gentleman from Minnesota will yield further, I do want to say, too, as a Louisianian, that our State of Louisiana is a recipient State when we speak of this problem of water pollution because, as a matter of fact, two-thirds of all the water that flows in this Nation and whatever pollution is in it flows through my State. So you can well see that if anyone or any State is interested in the abatement of pollution and the control of pollution, my State of Louisiana certainly is greatly interested.

Water pollution is a serious threat to the welfare of our country, and the critical need for clean water in our Nation's rivers and streams has been brought to the forefront with sober emphasis. We of the Public Works Committee, after long hearings and lengthy deliberation, feel that the bill as we reported it provides the best solution to the pollution problem. The House committee version includes a provision which allows the individual States to establish water quality control criteria, in lieu of having nationwide Federal standards.

Our extensive hearings clearly demonstrated the necessity for upgrading the Federal water pollution control effort. To satisfactorily eliminate the existing problems will require full and close cooperation between local, State, and Federal Governments. In recognizing that the problems within the various States are different, the House version points up the important responsibility of the States in the matter of pollution control and gives them an opportunity to establish water standards most suitable to their specific needs and problems. I believe the States can, and will, effectively assume this vital task, and actually, the Federal Government could not proceed as quickly as individual States can under this bill in establishing a National Inventory of Water Quality.

Another aspect of this bill authorizes a 50-percent increase in the total funds which may be appropriated for grants to States for construction of sewage treatment plants in cities, and would double the dollar ceilings on both municipal and multimunicipal projects. Recently there has been a noticeable increase in the number of such plants constructed throughout the United States, and there is a tremendous number of applications currently pending for municipal sewage treatment facility grants. These applications greatly exceed the amount of funds available. By increasing the appropriation and providing a greater availability of funds, treatment plant construction would be stimulated in all industrial areas where the most serious pollution problems exist. In Federal-State matching fund projects the bill would provide a 30-percent grant from the increased funds for treatment plant construction.

I believe that the bill as reported—placing the authority for water control criteria in the States, along with the other provisions made by the House Public Works Committee—is the most desirable means of reaching the goals we realize are vitally necessary and prove a giant step forward in the attack on, and the eventual elimination of, the water pollution problem.

My people in Louisiana are satisfied with this approach that is being made through this legislation. As a matter of fact, they have already commended me and all of the membership of this committee and have so advised me. Our Governor is working on this matter through our stream control commission. They have done a splendid job and they have asked me to extend to the entire membership of the Committee on Public Works of the House of Representatives their appreciation of what has been done.

Now, Mr. Chairman, this legislation could not have gone through without the bipartisan approach that was taken. I have great pride in being a member of the House Committee on Public Works. For many reasons, but especially because this legislation which approaches this problem in an attempt to attain the same goals that the other body is seeking, I hope inasmuch as our committee has approved this legislation and sent it to the floor of the House by a unanimous vote that the House would take the same action.

I also want to say that this legislation as it is now presented would not have been possible without the help of the hard working and enlightened staff that we have on our Committee on Public Works.

Mr. BLATNIK. I thank my colleague from Louisiana.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to my very dear friend, the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I think the Members of this body are indebted to the great Committee on Public Works, which enjoys a unique distinction in that, at least in the years I have had the honor of being a Member of this body, the committee has never lost a piece of legislation. This is a great tribute not only to the committee's parliamentary skill but to the thoroughness with which it approaches legislation. I think also the tributes to our colleague, the gentleman from Alabama [Mr. Jones], who has been ill, are particularly well deserved. There is not in this body a more sophisticated or more persuasive or more knowledgeable negotiator than Robert E. Jones of Alabama. I find myself not always in agreement with that distinguished gentleman, but I find myself without exception admiring of him and really too many times persuaded by his enormous skill which was demonstrated earlier in the handling of the Appalachia legislation and in this particular area in which we are legislating today. Robert E. Jones has made great and lasting contributions to Alabama and the Nation in many fields. He is this body's leading expert on the TVA, on Appalachia, and in water resources legislation.

In this particular area in which we are legislating today, he has a background of many years of service, especially with respect to technical knowledge of the subject, which he has so well at his command. I am sorry he has been ill, but am delighted by his recovery. He deserves the thanks of all of us. Robert E. Jones is one of the truly great public servants of our time.

Mr. BLATNIK. I thank the gentleman from New Jersey. I appreciate his remarks.

Mr. Chairman, the gentleman from Missouri [Mr. Randall] worked very closely with Mr. Jones and several others, particularly those on the Subcommittee of the Committee on Government Operations. They have held, without question, most intensive public hearings in several major areas of the United States.

I am pleased to yield at this time to the gentleman from Missouri [Mr. Randall].

Mr. RANDALL. Mr. Chairman, I appreciate being granted some time by the floor manager of this bill, the gentleman from Minnesota.

I rise in support of the Water Quality Act of 1965 and in tribute to a member of the Public Works Committee who was also my chairman in the Subcommittee on Natural Resources of the Committee on Government Operations, the gentleman from Alabama [Mr. Jones].

Under delegation of authority by the chairman of the Committee on Government Operations, the gentleman from Illinois, our dear friend Bob Jones conducted 2 full years of hearings both here in Washington, D.C., and from coast to coast in 1963 and 1964. These hearings and his other activities properly put Bob's name in the forefront of the fight for pure water. It was my privilege and honor to have served as a member of that subcommittee. We held hearings in Trenton, N.J.; Hartford, Conn.; Chicago, Ill.; Seattle, Wash.; Austin, Tex.; Muscle Shoals, Ala., and Kansas City, Mo.

We all know that Bob Jones has been stricken as a result of a serious operation, but it is good news to know that he is now recuperating. I know that every Member is pulling for his speedy recovery and his quick return to his duties here in the House.

To dramatize the harsh fact that we are soon going to have an acute shortage of pure water in this country, the gentleman from Alabama had a simple illustrative formula. He said there were three factors involved which could be treated like an ordinary, simple division problem. In the first place, he said, there is a divisor—and that is the population. The dividend is the fixed quantity of water, and it cannot easily be increased. As the population increases, the divisor goes up and is divided into the dividend, which remains static. As a result the quotient becomes smaller and smaller. That quotient is the amount of pure water each of us will have to use over the years ahead.

It was such clear and simple logic as that which pinpointed attention and focused the interest of the people from coast to coast on the importance of this problem.

Mr. Chairman, I would like to summarize a few of the findings and accomplishments of the Subcommittee on Natural Resources, but I first wish to compliment the gentleman from Minnesota on the thorough and competent job his committee has performed in improving through amendment S. 4, the bill sent here from the other body. The problems of drafting equitable Federal legislation to assist in abating and controlling water pollution are complex and controversial. It is evident the Public Works Committee has negotiated these problems with great skill and has reported a bill which will foster genuine progress in the field of pollution control and yet will not overstep the proper limits of Federal authority.

If I had to characterize the accomplishments of the Subcommittee on Natural Resources in just a few words, I would say that Mr. JONES' subcommittee gave the people of the United States a picture in proper perspective of Federal, State, and local water pollution abatement efforts.

In the first place, the National Resources Subcommittee created a forum in which citizens all across the country could express their concern about water pollution and in which responsible public and private officials had to justify their actions in the field of pollution control. Those who testified included Federal, State, and local officials or representatives, sportsmen and wildlife enthusiasts, and members of several civic organizations including the ever-present League of Women Voters.

The fact that these hearings were held by an arm of the legislative branch of the Government added to the importance of the forum. We were able to make this forum effective because as a subcommittee, we were an agency of the Congress working on a problem of national importance. For this reason we gained attention and response that no administrative official could have commanded.

In the second place, the subcommittee was able to pinpoint some of the difficulties connected with the concept of national water quality standards. At first some of the members were surprised to find out most of the areas in our country were opposed to the establishment of a Federal water standard, but as the hearings continued reasons began to develop why the areas must have a voice in establishing the standards of pollution control applicable to them. We found that each local area has its peculiar problems. In some places it was acids in the water from the mines; in other places it was wastes from the steel mills; and in still other areas it was refuse from the pulp and paper industry. In the Southwest, the problem was salinity and pollution from the natural salt content of the soil.

I can assure my colleagues that we did not shirk our duty of putting offenders on the spot and that at least to some degree we were able to dispel complacency and apathy. But I can also report that we found many occasions to commend and congratulate those who had already achieved some measure of accomplishment in solving their own local problems of water pollution. Indeed, if anything, the subcommittee came away from its hearings with the impression that much more was being done in this area than we had previously imagined.

In the third place, we were able to identify the multiplicity of Federal agencies that have been involved in protecting and securing pure water. We established the contributions to pollution control and abatement made by such agencies as the U.S. Geological Survey, the Department of Agriculture in its Soil Conservation Service studies and its studies of the effects of water on farming and irrigation, the Bureau of Fisheries, the Bureau of Mines, the Corps of Engineers, and the Public Health Service.

Finally, we like to think that through these hearings the subcommittee and its able chairman were enabled to promote a number of concrete accomplishments in reducing the impact of water pollution. There were no miracles performed, but some important first steps were taken. I should like to list just a few of them for the benefit of my colleagues:

First. An Executive order was issued giving the U.S. Geological Survey primary responsibility for establishing and maintaining a national network to measure quantity and quality of our waterways.

Second. Federal agencies and shipbuilders are finally developing requirements for treating sewage of ships, including those owned by the U.S. Government.

Third. Interagency conflict has been reduced among some of the Federal agencies working on the problem of water pollution.

Fourth. The results of research done by Federal agencies will now be more generally available to those who might have a need for them.

Fifth. It is likely that in the future Federal agencies and Federal installations will make more adequate provisions for waste treatment facilities. In particular, military installations have been made to realize that they will not be exempt from, but must comply with, the program of pollution abatement.

Sixth. The Bureau of Mines is really going to get to work on the problem of acid mine drainage, instead of just talking about it.

Mr. Chairman, I would like to make some brief comments on the two sections of S. 4 which relate to establishment of water pollution standards and to administration of Federal water pollution controls. Both provisions have a history of extended public controversy; and in both instances the Committee on Public Works has made marked improvement over the version of S. 4 as passed by the other body. We can only hope that the views of the House will prevail when the conferees meet to resolve differences between the two bills.

For my part, I was delighted to learn that the committee had stricken from the bill coming over from the other body the authority granted Federal agencies to set Federal standards for water quality. The hearings in which I participated provided ample evidence that the primary responsibility for abatement of water pollution must reside in the areas affected, if all relevant factors are to be given their proper weight. Our Public Works Committee did a real service to the people of this country by substituting for a mandatory water standard the provision that individual States must within 90 days file a letter of intent that they will establish not later than June 30, 1967, water quality criteria, if they are to be eligible for Federal grants under provisions of this act. This provision leaves primary responsibility for water quality standards to the States, yet because the act will again be reviewed by the Congress when it expires in 1967, they are given strong incentive to put their own houses in order with dispatch.

Let me say I was a little disappointed to learn of the creation of a separate Federal Water Pollution Control Administration within HEW, because I came away from these 2 years of hearings with the distinct impression that the U.S. Public Health Service had been doing a commendable job. However it is not always possible to have everything one would prefer in a bill, and some clauses are included which limit the potential dangers from such a change in administrative structure.

It is noteworthy that only those functions of the Surgeon General relating to the water pollution control program will be transferred to this new Administration. As was pointed out in debate a few moments ago, even with the changes, the Surgeon General must be consulted by the head of the new Federal Water Pollution Control Administration in all cases of pollution involving public health.

In addition, I am delighted to know that the bill was drawn in such a way that several hundreds commissioned officers now under the jurisdiction of the Surgeon General will be eligible for transfer to the new Pollution Control Administration.

Mr. Chairman, it is a happy occasion for all of us who served on the Natural Resources Subcommittee with the distinguished gentleman from Alabama to see this day arrive when we can join in support of the Water Quality Act of 1965. It makes one proud to think he may have had just a small part in this ever-continuing fight to prevent, control, and abate water pollution and to take this next step in amending the water pollution control statutes of 1948, 1956, and 1961. It is a great day in this House to see some action taken to provide adequate amounts of pure, potable water which is so essential to life's processes. Fresh water is America's most precious natural resource.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Gray].

Mr. GRAY. Mr. Chairman, S. 4 which has been reported unanimously by the Committee on Public Works, is good legislation.

I have a deep and abiding interest in the subject of water pollution and, as a member of the committee, have followed with a great deal of interest the public hearings on this bill and related bills. I think this legislation, which is being considered today, is another giant step forward in our efforts to solve the problem of water pollution.

It brings about a number of major and necessary changes in our approach to the overall problem of control of waters and the development of pure waters.

First. It upgrades the administration of the water pollution control program within the Department of Health, Education, and Welfare. This is a needed and necessary step. It places the program as it should be in a separate status so that full time can be given to it by experienced members of that great agency.

Second. The program for the first time is a beginning in solving the problem of storm intercepter sewers. It provides for $20 million for 4 fiscal years for research work in this most important field. As a result of this research I hope, and the committee hopes, that a program will begin to fully and completely place the storm intercepter sewers on their way to completion.

Third. For the first time by providing an additional $50 million distributed on the basis of population in addition to the regular authorizations and providing for the fact that if they wish they may participate in this phase of the program. It brings into being a concept which we have long sought—a local-State-Federal relationship to control this great national problem and finally, the bill provides for a requirement that the States by June 30, 1967, submit to the Secretary of Health, Education, and Welfare water quality criteria for the several States. With this information at hand both the Secretary of Health, Education, and Welfare and the Congress will have the opening steps, if needed, to still further classify some form of standards for all our streams in the years to come.

I am proud to have been associated with the formulation of this legislation.

In closing, I want to commend the father of the Water Pollution Control Act, the chairman of our Subcommittee on Rivers and Harbors, my good friend and highly able colleague, Mr. Blatnik, of Minnesota. I also want to commend our able colleague from Alabama, Mr. Jones, chairman of the Subcommittee on Flood Control, who has worked diligently for this bill as well as other important public works programs and I certainly want to commend our distinguished and able chairman of our full Committee on Public Works, Mr. Fallon, of Maryland, for his valuable assistance in connection with this important bill.

I strongly recommend its passage.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. Olsen], a member of the committee.

Mr. OLSEN of Montana. Mr. Chairman, I wish to compliment the author of this legislation, the gentleman from Minnesota [Mr. Blatnik], for his leadership of our committee in bringing this legislation to the floor. I agree wholeheartedly and support most wholeheartedly the efforts of the gentleman from Minnesota [Mr. Blatnik], the gentleman from Alabama [Mr. Jones], and the leadership of the committee.

Probably the most important problem in respect to water and water control in America today is the problem of securing good water. Thus, most strongly I support this legislation.

Our greatest single natural resource is "good water." On a Federal level we commenced nearly 9 years ago to face the issue of pure water. We came to realize then and more certainly we realize now that the issue of pure water must be settled soon for the benefit of this generation and certainly for the benefit of generations to come. There is a paramount need for good quality water for all the Nation's uses—public and private, human consumption and industrial use.

With the enactment of the Federal Water Pollution Control Act Amendments of 1961 the program was strengthened in several important ways. Appropriations for waste treatment works construction grants were increased. Research function was strengthened. Appropriations for State program grants were increased. Then the administration for the program was vested in the Secretary of Health, Education, and Welfare, rather than the Surgeon General of the Public Health Service, and the enforcement authority was extended to navigable as well as interstate waters.

The impact of the Federal program has been impressive. But it has not been enough. It has taken us not less than 9 years from a situation in which untrammeled pollution threatened to foul the Nation's water beyond hope of restoration to a point where we are holding our own.

However, accelerating population and economic growth are imposing ever-increasing demands upon our available water supplies. Therefore, in this act we increase the available funds for each and every phase of the program. And this time we issue a warning and an encouragement to the States. For, 2 years hence, we are demanding that the States pledge that they shall establish State classifications of water. Failing this pledge, they shall receive no assistance. If the efforts of the States are found insufficient upon review, 2 years hence, then it will be our purpose to discuss the establishment of Federal standards on all navigable waters and upon all waters which are found to contribute to the pollution of navigable waters.

In my State of Montana I think we can meet the challenge. I think that our State can establish genuinely pure water standards so that water flowing from our State will be pure water. I sincerely hope that the other States to whom we contribute such an abundance of water will as well meet this challenge.

I think that States and communities and individuals should join in this great crusade to purify and then to preserve pure water.

Mr. BLATNIK. I thank the gentleman from Montana.

Mr. Chairman, I yield 3 minutes to the gentleman from California, the distinguished dean, the chairman of the great Committee on Science and Astronautics [Mr. Miller].

Mr. MILLER. Mr. Chairman, I want to congratulate the Committee on Public Works for bringing out this legislation. I want to congratulate Mr. Blatnik, the gentleman from Minnesota, for the long fight that he has made in the field of obtaining pure water and the elimination of water pollution. Likewise I wish to congratulate Congressman Jones, who is not here today, unfortunately, but who has done an outstanding job in this field.

Mr. Chairman, I have some knowledge of water pollution and the meaning of water, especially pure water, in this country, because before I came to Congress I was executive officer of the California division of fish and game for 4 years. One of the duties of that commission is the enforcement of water pollution control in our State. We can see and sometimes we can smell the pollution that goes into our rivers, but how about the underground waters of the United States and their pollution? These are just as important as the waters that flow in our rivers. The continuous use of pesticides, of chemical fertilizers, which are taken underground into our waters, is something which is not only polluting these underground waters but is also polluting the land itself. In going into this field we have to be very careful that we do not treat the symptoms for the disease. There has never been a time when it has been more necessary to get on with this job, but this is a multidisciplinary scientific problem as well as a practical problem. It is a problem which requires the full cooperation of engineers and scientists throughout the country. It is a bigger job than we seek to do through this legislation, which, as important as it is, is only one facet of the problem of water pollution, which is becoming a very popular thing, too. Nevertheless, the real solution for this problem is one which we have not yet found and which will not be found until we apply the same intensive study to the matter of preserving the waters of this country as we apply to developing atomic energy or to the exploration of space. It is going to take almost the same type of effort to accomplish our goal in this field.

The record of the testimony before the Committee on Public Works on water pollution legislation reveals a curious alinement between State agencies and industry in opposing the significant water quality standards provision. Creative opposition, of course, is always beneficial and heartily welcomed. It is difficult, however, if not impossible to discern any creative opposition in these statements.

The formulation of effective Federal water pollution control legislation has been beset by this kind of irrational opposition from agencies fearful of loss of authority and from powerful self-interest groups. These same State agencies loudly denounced proposals for Federal financial assistance to their municipalities for waste treatment works construction when these were first made. We have only to look at the record of impartial and highly successful administration of this particular Federal Water Pollution Control Act program to measure how far wrong the initial opposition was. The strongest proponents now for extending and further liberalizing this program, as proposed in the pending legislation, are the State agencies.

Federal authority to enforce the abatement of pollution was just as vehemently opposed. Yet the States themselves sought and received Federal enforcement assistance in abating 13 pollution situations which were insufficiently responsive to their own efforts.

Let us examine the proposed Federal standards authority. It can easily be seen that this is not a grant of exclusive Federal jurisdiction to the detriment and weakening of State rights. The provision requires consultation with the State and local interests right from the start in the preparation of the standards before they are ever formally promulgated. Here again the Federal standards may not be imposed without affording the States a reasonable time for establishing consistent standards under their own authority. Administrative procedural safeguards are incorporated to give the utmost protection against arbitrary decision or action. We can only conclude that the State agencies resent being placed in a bad light for having abdicated their responsibilities. There is nothing to be gained in acceding to their assertions of State authority and willingness to discharge their obligations whether a period of 2 years, 5 years, or even 10 years is fixed for them to take action. They have not done the job and it is well nigh certain that they will not do the job except in conjunction with cooperative Federal authority and assistance.

The basis for industry's opposition to Federal standards authority can be readily understood if not appreciated. Responsible Federal action is much more inclined to further the ultimate public interest as against a short-term economic benefit. The polluted condition of the Nation's waters dictates that this kind of responsible action be taken now.

There is little merit to arguments against Federal standards which contend that the necessary knowledge and technical information requisite to the setting of standards is not yet available. It would appear that we should wait until the cause of death is determined by a post-mortem examination before we act to apply any kind of preventive medicine. And preventive medicine is exactly the appropriately correct term for standards of water quality. Establishment of already-developed standards on our interstate waters and strong enforcement of the standards once they are established is the soundest approach for preventing pollution from arising in those few streams that have not yet been dirtied. The standards will also demonstrate to municipalities and industries the potential for improving the quality of waters now despoiled by setting reasonable guidelines for effective waste disposal practices. This does not imply that standards are, in effect, a license to pollute. Conservation spokesmen, who have in fact experienced this in certain areas, are to be commended for their forthright demands that this not be allowed to happen. The Congress, of course, can make certain that it does not by carefully watching the administration of this authority if it is provided as it should be.

The strong endorsement and support of the President in behalf of this provision is expressed in his message on natural beauty. As indicated in my previous remarks, there is a total lack of convincing reasons why the Congress should not grant the requested authority. There is every reason, however, as only a look at the Potomac which flows past the Nation's capital will confirm, why the Congress should and must provide the Federal standard-setting authority so that pollution of the Nation's valuable water supplies may be effectively prevented.

Mr. BLATNIK. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. RODINO. Mr. Chairman, I am very happy today to have the opportunity to speak in support of S. 4, to amend the Federal Water Pollution Control Act.

For a long time I have advocated new legislation to control and correct the pollution of our water supplies. And as a member of the NATO Parliamentarians' Conference Scientific and Technical Committee I have been active in promoting studies of environmental health problems, such as air and water pollution. It is for these reasons that I introduced, on January 4, 1965, my own bill, H.R. 151, and that I am proud today to express my strong support for the administration's bill, S. 4.

We can sum up what is happening to the streams throughout our country in just two words: America's shame. Water pollution in the United States has become a menace to our health and an economic problem which robs us of the water we need. It destroys fish and wildlife, threatens outdoor recreation areas, and is often an esthetic horror.

We are daily pouring filth into our lakes, oceans, and rivers from the Snake and Columbia in the Northwest, to the Mississippi and Ohio in the Midwest, to the Passaic and Raritan in the Northeast. In addition to ordinary sewage, outfalls are discharging slaughterhouse byproducts, lethal chemicals, and radioactive matter in our waterways. Polio, infectious hepatitis, and more than 30 other live viruses carried by sewage effluent have been isolated by Public Health Service officials. These germs have even been found in sewage that has already been treated.

It should be of concern to all of us to realize that, because of the necessity of reusing water, there is an almost 50–50 chance that the water we drink has passed through someone else's plumbing or an industrial plant sewer.

The adverse effects of water pollution are much broader than health. Some industrial plants reject water as unfit for their uses. Swimming is forbidden on many beaches. Radioactive wastes are found in drainage basins. Floating garbage and other filth clog water supply intakes of some cities that take their water from open streams. Detergent foam runs from the faucets in several States. Mine acids pollute streams and kill wildlife. Oil spills kill birds and spoil beaches.

The first Federal Water Pollution Control Act, passed in 1948, authorized cooperative studies of the problem. The 1956 amendments authorized Federal grants for a small portion of the costs of sewage treatment plants. This program was strengthened and enlarged in 1961, but it is still not enough. We need to take a more positive approach to the whole problem along the lines of the provisions of S. 4, and we need to do this immediately. The longer we wait, the greater the dangers and the larger the problem.

Our greatest need is for a new national policy for the prevention of water pollution as well as abatement of pollution already created. The passage of S. 4 will enable us to establish such a policy through the efforts of a Federal Water Pollution Control Administration directly responsible to the Assistant Secretary of Health, Education, and Welfare charged with supervision of all water pollution control functions. It will also provide more money for research, development and construction of municipal sewage treatment works.

The pollution of our waters is the worst in our history, most experts agree. And our future water needs are staggering. We are already using more than 300 billion gallons of water a day, and by 1980 we will be using 600 billion gallons each day. By the year 2000, a trillion gallons. It is clear that we are going to have to reuse our water time and time again.

Water pollution is not an insurmountable problem, but it must be worked on immediately. We must invest more money in city and industrial water treatment plants and provide more research facilities for the development of efficient techniques of waste treatment.

The bill now under consideration is a step toward the achievement of the cleaner water supply needed to promote good health and to serve vital functions in the areas of industry, agriculture and recreation.

President Johnson has said that:

> A prime national goal must be an environment that is pleasing to the senses and healthy to live in.

Passage of S. 4 is certainly crucial to achievement of this objective, and I urge its prompt and unanimous approval.

Mr. BLATNIK. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. Stalbaum] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. STALBAUM. Mr. Chairman, the poisoning of America's waterways is a growing scandal. This pollution of our great natural resources is reaching the point where it is getting late.

An overwhelming mail response to a recent newsletter describing the urgent need for the preservation and restoration of this Nation's resources seems timely proof that our citizens are finally becoming alarmed over these shocking developments. My esteemed Wisconsin colleague, Senator Gaylord Nelson, joined me in pointing out the steadily worsening problem of pollution of our waterways.

The bill before us today to strengthen the Federal water pollution control program is most necessary in the current battle for conservation; the grim picture of the destruction of this great natural resource is all the more reason to do something now.

We must take action immediately or the green velvet countryside and glittering blue lakes will become so devastated as to deprive our children and succeeding generations of a land of beauty. Continuation of this critical poisoning of our waters will do untold damage, too, to the utilitarian aspects of this resource.

The lakes and streams of our country not only serve people as a source of water supply but provide everyone with ideal recreation and sport, and remain as a big part of this Nation's economy. I feel a great urgency in requesting our consideration and action in moving to stop pollution and provide protection for our country's waters.

Mr. BLATNIK. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. Kee].

Mr. KEE. Mr. Chairman, I rise at this time to pay tribute to the bipartisan leadership of the House Committee on Public Works for their dedicated work, which is based on experience, in drafting and bringing to the floor of the House this afternoon the Water Quality Act of 1965.

Water, clean water, is the most important domestic problem facing the American people today. This bill which we are now considering, as written, is one of the finest and most important pieces of legislation ever presented before the House of Representatives. Therefore, in conclusion, Mr. Chairman, I strongly recommend and urge Members of the House to see to it that this bill may unanimously pass without amendment. America needs this legislation. America needs clean water.

Thank you very much.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. Mize].

Mr. MIZE. Mr. Chairman, this is an excellent program. I live on the Missouri River. We call it the Big Muddy. I am happy to support this excellent program.

I want to remind Members of the House that we are being asked to spend $150 million in connection with cleaning up our rivers, and yet, before long, we are going to be asked to sustain a cut of $120 million in the agricultural conservation practices program. I hope we will all be consistent and restore that cut because permanent agricultural conservation practices contribute to the cleanliness of our streams and rivers.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Baldwin].

Mr. BALDWIN. Mr. Chairman, I rise in support of the bill S. 4. It was my privilege to support the original Water Pollution Control Act when it was passed through our committee and by the House in 1956. It was also my privilege to support the extension of the act in 1961. This is a further step toward the basic objective of cleaning up undue pollution in the streams of America. This is one field that the people of the United States fully understand. I do not think there is a person in this country who has any doubt whatsoever that there is a need to do something to control stream pollution, because every person can see with his own eyes the adverse results of pollution in streams throughout the Nation.

We have tremendous public support for legislation along these lines. I am very pleased to have been a member of the committee in their deliberations on this bill. It has my full support and I hope it will have the unanimous support of the House of Representatives today.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman.

Mr. BLATNIK. Mr. Chairman, I appreciate the gentleman's remarks. I should like to express for myself and for the gentleman's many, many friends on this side of the aisle our great delight in welcomeing back this modest, dedicated, and devoted Member of the House. He has been through an ordeal far beyond normal. Again, we welcome him with great enthusiasm and delight.

Mr. BALDWIN. Mr. Chairman, I thank the gentleman.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I should like to join in the comments made by the gentleman from Minnesota [Mr. Blatnik]. There is probably no more dedicated member of the Committee on Public Works, no one more capable member, than the gentleman from California. We are certainly delighted to have Mr. Baldwin back doing his customary sterling job.

Mr. BALDWIN. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. Don H. Clausen].

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of this legislation. I am pleased to follow the very able and distinguished gentleman from California [Mr. Baldwin] who has certainly provided the committee with great leadership. I join the gentleman from Minnesota [Mr. Blatnik] and the gentleman from Florida [Mr. Cramer], in their expressions of pleasure at having him back with our committee. We need his wise counsel and advice on many of these matters. He is certainly one of the finest Members of the House, and I have been pleased to be able to serve with him on this committee.

I was especially pleased with the deliberations on this bill, on this very important matter of improving the quality of water in the streams throughout America, the discussion was fully bipartisan. All of the comments relating to the exceptional cooperation of this committee that have been made here today are true and are certainly to the credit of the committee.

As was previously mentioned, during the committee hearings, there was never an ounce of doubt in the minds of the participating members that we were purely objective. There was no partisanship. I think the fact that the bill has come out of the committee with unanimous support is evidence of that point.

We must certainly move to improve the quality of water in all of the States. And, of course, as the gentleman from Minnesota [Mr. Blatnik] said, we have used the carrot as well as a prod to the States and local governments primarily responsible for water pollution control programs.

I would like to refer to this frankly as the motivated voluntary effort. However, I would want to admonish the States themselves that if they do not want Federal controls or Federal standards that certainly they are going to have to take the lead themselves, working in unison with all local units of government, to resolve some of these problems.

Mr. Chairman, this has been the great problem of America, the lack of leadership, the lack of ability sometimes to move forward and resolve problems in the environment where they exist.

Mr. Chairman, this bill is designed to provide the additional authorization and in 1967 we will again review this important subject. I would hope that we can see progress that follows the intent and objectives of the committee itself, as we have worked diligently and with dispatch to further the improvement of water quality throughout America.

I urgently request all Members to support this legislation and make this a historic day in the orderly development of adequate conservation measures.

Mr. CRAMER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. Harsha].

Mr. HARSHA. Mr. Chairman, water is one of the most important of our natural resources, and the entire fabric of our society is dependent on it. The wise and proper use of this great asset is essential to the growth and welfare of this Nation's fish and wildlife, our communities, our industries, our agriculture, and the very well-being of man himself.

Because the social and economic development of this country is so entwined around an adequate supply of clean water, the pollution of this Nation's streams, lakes, and waterways is one of the gravest domestic problems confronting us today.

Admittedly, significant progress has been made in combating pollution in the last few years, but a great deal remains to be done. We are far from having conquered the problem. Actually we have only begun—the war on pollution. The struggle to preserve and restore the waters of the Nation is a struggle which will not be won within the next few years or even within the next few decades. It is a struggle which will require the combined effort of Federal, State, and local governments. S. 4 as reported by the House Public Works Committee provides us with some of the tools to wage this war on pollution. For the first time in the history of Federal water pollution control legislation in this Nation, the bill before us today, S. 4, as reported, takes a step toward a cooperative effort among the three levels of government to share in the costs of construction of sewage treatment works. It has become obvious that a solution to the water pollution problem can be found only through the concerted action of all levels of government.

Despite the conviction of the minority on the Committee on Public Works that action to solve our water pollution problems was and still is urgently needed, it was our belief that many of the bills before our committee this session on the subject of water pollution control, contained unwise, undesirable, and unacceptable provisions.

After public hearings were held on these bills, lengthy deliberations of the committee were conducted in a bipartisan atmosphere. As a result of these deliberations, the committee has reported an amended bill which we do support. Even though it still contains sections about which we have reservations, such as the establishment of an additional Assistant Secretary of Health, Education, and Welfare, and the establishment of a separate Federal Water Pollution Control Administration within the Department, we feel the bill makes a great contribution to the struggle to combat pollution.

S. 4, as reported, is an acceptable and workable bill, and it is my hope that there will not be any attempt to amend the bill on the floor today to reincorporate those unwise, undesirable, and unacceptable provisions which the committee struck out.

I refer specifically to that section in S. 4, as passed by the other body, which would have given the Secretary of HEW the authority to promulgate regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. These standards would have been promulgated and would have been mandatory if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies had not developed standards found by the Secretary to be consistent with the stated purpose of the bill.

We, and evidently a considerable number of the majority on the committee, are strongly opposed to such a provision. Standards of water quality may be badly needed, but they should be established by the State and local agencies which are most familiar with the matter in a given locality, such as the economic impact of establishing and enforcing stringent standards of water quality.

The water pollution control program has traditionally been one of Federal-State cooperation, and while there can be no question of wishing to have the highest possible standards, I believe that the authority authorized by the other body would be contrary to the Federal-State cooperative relationship which has heretofore existed, and in fact do violence to that relationship and cooperation. Maximum progress in this field will only be achieved through cooperation between State and Federal agencies and to endanger this cooperation would be to hinder the objective of maximum progress. Authorizing the Secretary of HEW to promulgate and enforce such standards to the exclusion of the States would obviously discourage the States and local agencies from developing their own plans and standards for water quality and purity. It would give a single Federal official the power to control the economic, recreational, industrial, agricultural, and municipal uses of all interstate waters and subsequently lands adjacent to those waters in all parts of the Nation. A Federal bureaucracy would actually have the control of economic life or death over any given area within this Nation. It does not take a very vivid imagination to realize the ramifications of vesting such authority in the Federal Government. Such power over local affairs has never been vested in a Federal official, and we are opposed to doing it now.

After exhaustive consideration of this proposal, the committee approved a substitute provision which requires a letter of intent from the State that it will "establish water quality criteria applicable to interstate waters" by June 30, 1967. This is an acceptable provision and a vast improvement over the Senate version. The existing law declares that it is the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, and this new provision is consistent with that policy.

Mr. Chairman, public health is one of the primary objectives in any pollution abatement effort and the committee has provided that the Surgeon General must be consulted on the health aspects of water pollution by the new administration. As all of the Members know, the State authorities desire to keep public health in the pollution abatement picture and this should be done—since the necessity for insuring an adequate supply of pure water is based on human needs.

A compromise was made in the amounts of Federal grants for construction of sewage treatment works, as well as in the increased annual appropriation authority. The Republican position for years has been that the States should be encouraged to join in the construction of sewage treatment works, and this is accomplished under section 4, which permits Federal grants above dollar ceiling limitations only when the States match the Federal grants for such projects.

One other important revision in the law that is authorized by this bill before us today is the subpena power. At the outset it was suggested that this authority be applied to all phases of the enforcement sections, but realizing that this might lead to unnecessary harassment, the committee wisely limited this power to the public hearing stage with the provision that no trade secrets or secret processes need be divulged.

Mr. Chairman, those are the major revisions. S. 4, as reported, is supported by the minority of the committee, and we hope that this body will have the good judgment to pass this bill in the form it has been submitted by the committee.

Mr. THOMPSON of Louisiana. Mr. Chairman, I yield such time as he may desire to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, I rise in support of S. 4, the Water Quality Act of 1965.

It is often said that pure water is man's greatest asset. The truth of the statement is self-evident. The important corollary to that statement, one that we too often do not fully appreciate, is that pure water is water that is free of harmful impurities, in other words, water that is not polluted. And the problem of preventing pollution of water is intricately interwoven with the problem of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste.

These are problems which experience shows that our States, cities, and towns are not able to resolve without Federal assistance. This bill will not only continue to provide that assistance, but it will increase the volume and widen the scope of that assistance.

Noteworthy, for example, are the provisions in the bill which would increase the amount for a single municipal grant from $600,000 to $1.2 million and raise the ceiling for multimunicipal sewage treatment works from the present amount of $2.4 million to $4.8 million. As our Committee on Public Works has pointed out, this increase is expected to induce communities with larger populations and, therefore, larger costs to undertake construction of needed sewage treatment works.

While providing for the needs of larger communities, the bill also takes into consideration the pressing needs of the smaller communities. This it does by the allotment of the first $100 million on the basis of the existing formula that takes into account population and per capita income. The smaller communities are also protected by the provision that at least 50 percent of such $100 million is to be used for grants to projects servicing municipalities of 125,000 population or under.

In my own State of Hawaii, these provisions which assure aid to smaller communities will provide much needed assistance to our smaller cities and towns in the construction of sewage treatment works.

Mr. Chairman, the need for upgrading our pure water program is imperative, and I urge a vote in favor of this bill.

Mr. THOMPSON of Louisiana. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Chairman, H.R. 77, which I introduced this year, would have the effect of repealing provision 14b of the National Labor Management Relations Act of 1947. Since the true meaning of this bill has already been obscured in ads in major newspapers, it would be well to elaborate on this proposal. H.R. 77 would simply close a loophole in the body of Federal labor law which allows the States to interpose themselves in only one area between the contracting parties in a labor agreement. Every other aspect of the process leading to a labor contract in industries affecting commerce is governed by Federal law. Yet, in the single area of the right of a union to vote to negotiate for a union security clause calling for the union shop, States have been left with the power to interpose themselves. This power frustrates the right of free Americans operating in a legal group to vote to adopt policies and goals which they desire.

This erodes the overall national policy which has governed American labor relations for 30 years; the policy that the union by democratic means shall adopt the goals it wishes in collective bargaining. The repeal of these antivoting laws would have one chief and primary effect. The repeal of 14b would remove from the States the power to outlaw the union shop in those plants involved in interstate commerce. This in turn would have two immediate consequences.

First, it would return to the employer and the employees' duly elected bargaining agents the right to fix conditions of work, including the question of union membership, without interference of State law.

Second, it would remove from the political arena the prospects of recurrent and divisive debates about the enactment of laws which prohibit unions from negotiating contracts which have union security provisions making union membership a condition of work. Repeal of 14b would not have the effect of enacting automatic compulsory union membership.

The issue involved is simple and straightforward. Shall employees have the right to establish as a bargaining goal union membership as a condition of employment? It is the right to vote on this question which is the fundamental issue. In the United States lawful organizations vote to decide on the policies and goals which they favor. As Gov. George Romney, of Michigan, has said of these restricting laws:

> These laws, whether National or State, are not the answer, because they deny to workers the same organization rights exercised by stockholders. Management and its policies are the result of majority votes by stockholders, and minority stockholders must accept the will of the majority or sell out. In the American economy and political system, workers must have the same rights of organization.

Limitations are placed upon this right to vote only when the policies adopted would harm the public interest.

It has now been 18 years since the passage of the Labor Management Relations Act of 1947. In this time the union shop has not endangered the public interest in those States which have not restricted the right of unions to bargain for this goal. The public interest in these States has not been damaged because of the exercise of the right to vote by union members to seek a union shop. This is the test of whether or not union shops should be lawful. If it cannot be demonstrated, as it has not been, that the public interest has been harmed by the existence of the union shop, then laws which unfairly restrict the freedom of choice on the part of the union to adopt policies which do not endanger the public interest would be superseded by Federal law which will reestablish the right to vote on this question.

We have heard no outcry from the National Right To Work Committee or the NAM for legislation to guarantee the "right to work" of individuals laid off or released because of automation or by reason of management's decision to move a plant. There has been no suggestion that the inconvenience or injury caused to these individuals has damaged the public interest to the extent which would require passage of legislation. The sole concern of the proponents of the so-called right-to-work law is, in their own words, that the "right of the individual to keep his job whether he belongs to a union or not be protected." I suggest that this antiunionism does not justify the violation of the basic freedom of individuals to determine by majority vote the goals and policies of the group.

The inconsistency of these restricting laws with national policy is especially obnoxious when its effect is to undermine a Federal policy carefully and wisely built up over the years. The whole tenor of U.S. labor policy since the 1930's has been to encourage and fortify collective bargaining as the main instrument in labor-management relations. To enable States to pass compulsory open-shop laws is to erode that national policy. Thus, section 14b is inconsistent with section 1 of the Wagner Act, which is explicitly reasserted in Taft-Hartley:

> It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce * * * by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

In debate which preceded passage of the Taft-Hartley Act, the union shop was not ignored. It was specifically discussed. Congress refused to enact a Federal sanction against the union shop. The arguments which prevailed then against such Federal action should be equally as sound now against permitting the States opportunity to outlaw it. That argument was stated best by Senator Robert Taft:

> This amendment * * * proposes completely to abolish the union shop. * * * We considered the arguments very carefully in the committee, and I myself came to the conclusion that (since) there had been for such a long time so many union shops in the United States (and) since in many trades it was entirely customary and had worked satisfactorily, I at least was not willing to go to the extent of abolishing the possibility of a union shop contract.
>
> I think it would be a mistake to go to the extreme of absolutely outlawing a contract which provides for a union shop requiring all employees to join the union, if that arrangement meets with the approval of the employer and meets with the approval of the majority of the employees and is embodied in a written contract.

Unfortunately, the question of the right of employees to negotiate for a union shop as a condition for employment has become obscured by the emotional overtones of the debate about so-called right-to-work laws. This right-to-work position constitutes a mountain of distortion. This distortion was authoritatively exposed by the late Secretary of Labor James P. Mitchell:

> They call these "right-to-work" laws, but that is not what they really are. * * * In the first place, they do not create any jobs at all. In the second place, they result in undesirable and unnecessary limitations upon the freedom of working men and women and their employers to bargain collectively and agree upon conditions of work.

Supporters of right to work are engaged in the biggest masquerade since the beginning of the Mardi Gras and Halloween. We find the NAM a passionate defender of the right of the workingman not to join a union. When the wolf advocates Red Riding Hood's right to travel, beware. When the NAM is concerned with the right of the workingman not to join a union, beware.

The present activity in the defense of 14b by the NAM and other business interests is not without precedent. In 1903 the NAM sponsored an open shop drive—open the shop to nonunion employees. Following World War I, employer organizations sponsored the American plan—abolish the un-American closed shop. Following World War II, we have witnessed the right-to-work movement. The underlying purpose of all these drives is to hamstring union organization. So long as unions must fight to exist, so long as the principle of good faith collective bargaining is denied in large areas, employees need and should have the freedom to protect themselves by exercising their right to negotiate for and enter into union security agreements.

I submit that the workingman is the best judge of his own interests. The repeal of section 14b of the Labor Management Relations Act would allow workingmen in all States to determine for themselves whether they feel their interests would best be served by the union shop or the open shop. The National Right To Work Committee, in a full page ad in the Washington Post on April 25, asked—"Who in good conscience can vote to repeal this freedom safeguard?"

I ask, who in good conscience can limit American workers in their right to negotiate their contract rights, their right to vote to decide what is best for themselves? I submit that the repeal of 14b will allow him to make that decision. I believe that the worker can best protect his freedom by exercising it through his right to vote.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, there is no doubt in my mind that this Nation—and, indeed, the entire world—faces a deathly disastrous water shortage unless immediate steps are taken to plan for future needs.

The time can certainly come when the booming population's growing demands for clean water will greatly exceed the available supply. I say "clean" water, Mr. Chairman, because the vastly abundant supply of available water we have is not all good water. The oceans are the best example of this, as well as the huge underground supplies of brackish, unusable salt water. But more threatening to future generations is the ever-swelling supply of polluted sewage waters and the increasing contamination of our streams and rivers.

As the population explodes, the amount of polluted water becomes greater, while the demand for additional pure water increases. This puts a continual strain on existing supplies and, as time passes, the situation can only become worse.

In my opinion, Mr. Chairman, it is time we in Congress began to think in terms of water quality. And it is time we took effective action now to meet the pressing problems of water pollution.

I am convinced that the measure now before us, S. 4 by Mr. MUSKIE, as amended and submitted to the House by the Honorable JOHN BLATNIK from the Committee on Public Works, should be enacted without delay as an effective means to assure future generations of an adequate and ample supply of clean water.

Mr. BLATNIK. Mr. Chairman, the gentleman from New Jersey [Mr. HOWARD] has already demonstrated his capabilities in representing the citizens of the Third Congressional District of his State. In addition, he has become a valued member of the Committee on Public Works. I wish at this time to make the remarks which he prepared for presentation during the committee's recent public hearings on S. 4, the Water Quality Act of 1965, a part of the record on this important legislation. Through inadvertence, his statement failed to be included when the hearings went to print. The following remarks were prepared for delivery at 9:30 a.m., Friday, February 19, by Congressman JAMES J. HOWARD, Democrat, Third District of New Jersey, before the House Committee on Public Works at its hearings on water pollution control.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The remarks referred to are as follows:

Mr. HOWARD. Mr. Chairman, as a new Member of Congress and of the Committee on Public Works, I am honored to have this early opportunity to express my support for H.R. 3988, the Water Quality Act of 1965. The members of this committee, under the strong leadership of its chairman, have already made great and farsighted contributions to conservation in this country. The Water Quality Act of 1965 will give this Nation new tools with which to conserve that resource which may soon become our most precious—water. In commenting on H.R. 3988 today, I should like particularly to discuss one aspect of it, the creation of the Federal Water Pollution Control Administration.

The Third Congressional District of New Jersey—Ocean and Monmouth Counties—is a very water-conscious district. The lessons of the need to combat pollution have been learned the hard way by the residents of this area. Raritan Bay, which separates Monmouth County from Staten Island and Long Island, N.Y., may be this country's worst instance of the pollution of salt water.

Recently a Federal study of Raritan Bay pollution, with the help of some economists, has been able to estimate in dollars the damages actually inflicted by the pollution of Raritan Bay. The hard clam industry, once a major source of income in the bay towns, has had to be closed almost entirely, due to the presence of fecal bacteria in the shellfish which caused a serious hepatitis epidemic in 1961. The present value of the remaining shellfish industry is $40,000 a year; the projected value of the industry if the water were to be cleaned up is $3 million a year. The fin fish industry is currently worth only $200,000 a year; it is estimated that figure could be doubled if the water were clean. Many of the popular bathing beaches have had to be closed. The current yearly income from businesses associated with bathing beaches is $500,000; economists estimate that with the literally limitless demand for recreational opportunities in the New York metropolitan area, these businesses could be worth $10 million if the water were clean. The boating industry, including marinas and other docking facilities, is now worth three-fourths of a million dollars a year; it could easily reach $1½ million.

These figures on the value of fishing and recreation, do not, of course, and cannot include the inestimable value of safety for our people and, particularly their children. Although beaches and shellfish beds are closed, it is well known that children do swim in them and that unscrupulous clammers do take clams from polluted beds, and that the job of patrolling these waters adequately to prevent these dangerous incursions is beyond the power of State authorities.

New Jersey residents have, due to the financial inability to cope with a rapidly expanding population, failed to adequately treat their wastes, both municipal and industrial, before discharging them into public waters. But residents in the Raritan Bay vicinity have been equally, if not more, damaged by discharges of untreated and inadequately treated sewage from New York. Everyday, Manhattan alone discharges over 50 million gallons of raw sewage into New York Harbor, and more than half of the pollution of Raritan Bay comes into the bay from New York Harbor. This amounts to interstate pollution of the worst sort, precisely the interstate pollution that the Federal Water Pollution Control Act of 1956 was designed to correct.

President Johnson, in his message on natural beauty, spoke of the need for a new conservation. The old conservation, of protection and development, will no longer do the job, he said. What is needed now is a firm, regulatory hand. There must be no more procrastinating. Staff of the Department have prepared a priority list of 90 polluted interstate rivers which may require enforcement action; this action must be taken as expeditiously as possible.

For Federal enforcement to be fully effective, there must be continued popular support for the cause of pollution control. The creation of the Federal Water Pollution Control Administration, in addition to freeing the program from some bureaucratic slowdowns, will also serve to make the public more aware of the urgency of ending the pollution of our Nation's water resources. The country's demand for clean water is rapidly approaching the limit of its current supply, and unless action is taken to reclaim polluted water immediately, the year of 1980 may see our water supply inadequate to meet demands.

The Senate has passed a water pollution control bill, similar to H.R. 3988, by a nonpartisan vote of 68 to 8. I hope that, under the able leadership of the chairman of this committee, the House of Representatives will pass the excellent measure proposed by the chairman quickly and with as great a majority.

Mr. BLATNIK. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. HOWARD] such time as he may desire.

Mr. HOWARD. Mr. Chairman, I am privileged to speak today in support of one of the key pieces of legislation in the Nation's conservation program, the Federal Water Quality Act of 1965. President Johnson's Great Society program is, in a sense, a giant conservation program: a plan for making the most of human, natural, and economic resources. This Congress, in passing the Appalachia bill and other pieces of legislation in the war on poverty, has determined to end the anomaly of a wealthy nation, the wealthiest in human history, permitting a large fraction of its population to be damaged and degraded by poverty. It is equally anomalous for a wealthy nation to permit its natural resources to be damaged and degraded. The amendments to the Water Pollution Control Act of which I am proud to be a cosponsor aim to put an end to the abuse of needed resources. We have become great by using our resources; we must see that we do not now undermine our greatness by destroying them through careless waste and mismanagement.

The legislation we will pass today is designed to attack water pollution from all sides. We will attack it by means of a stronger enforcement program; by increased and better distributed Federal grants for construction of waste treatment facilities; by Federal grants for research and development.

The administrative provision of the bill, which forms the basis for all its other functions, is the creation of a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare. The new Administration will demonstrate the urgency of the need to abate pollution in America and at the same time provide the necessary machinery to do it. Today the Federal pollution control program is buried deep within the bureaucracy of the Department—branches within a division within a bureau within an office within an agency. With such an operation it has been difficult to inform the public of how crucial our threatening water shortage may be. It has also been difficult, for a program hindered by the redtape that accrues to a program so low in the chain of authority, to take imaginative, rapid, and forthright action to stop pollution. The new Administration, when supplied as it must and will be with an able Administrator and an expanded and capable staff, must at the very least triple the current pace of pollution abatement.

The bill provides for an important increase in authorization for Federal construction grants. The amount authorized in the new bill, $150 million a year, could be doubled or tripled and still be well spent. But this 50-percent increase should do much to stimulate construction of waste treatment facilities.

The bill also strengthens the enforcement arm of the program by providing subpena power to the Secretary in connection with the hearings that may be called if there is no compliance with conference recommendations. This power will enable the Administration to obtain, for example, data on industrial waste discharges, when such data is not forthcoming in the normally cooperative way.

The bill recognizes the growing contribution of storm-caused overflow of sewage and municipal wastes to polluting our streams. Grants for research and development work on this problem are provided with a total authorization of $20 million a year.

Finally, the bill recognizes particularly the damage inflicted by water pollution on the country's shellfish industry. I should like to expand somewhat on this point, for it is worthy of particular attention. Shellfish, particularly clams and oysters, are adversely affected by many pollutants. Research done by the Department of Health, Education, and Welfare is beginning to demonstrate that papermill wastes are toxic to oysters. It has long been known that both clams and oysters are sensitive to bacterial contamination, and that shellfish from polluted waters can cause serious illness, including hepatitis, in man. As a result of pollution, many beds that were once leading producers of shellfish have had to be closed by State and local authorities. Even more worrisome is the fact that the patrolling of closed beds is usually not adequate, and in many North Atlantic bays the poaching of shellfish from polluted beds and marketing them illicitly is a lucrative business. I am sure that my colleagues are aware of the several disastrous instances in which severe hepatitis epidemics have been caused by shellfish.

There are several factors that make pollution a particular hardship for shellfishermen. Stationed at the mouths and estuaries of rivers, they must watch angrily as year by year their upstream neighbors make of their river a dirtier and dirtier stream. Not a particularly powerful political force, shellfishermen have had little success in pleading their cause to State legislatures. Furthermore, Federal law itself discriminates against them: the Public Health Service is required to prohibit the movement of shellfish taken from polluted beds in interstate commerce, thus confiscating the product of the fisherman for no fault of his own. Yet no Government agency, as of today, is required to act to abate the pollution that ruined the fisherman's crop.

The shellfish provision in this bill will attempt to protect the economic interests of the shellfish industry, as well as the safety interests of the general public, by making "substantial economic injury from the inability to market shellfish or shellfish products" grounds for a water pollution control enforcement action. An additional tool in this many pronged attack on water pollution, the shellfish provision should correct a particular injustice that has been done to a small but priceless industry.

I would point out that my own district of Monmouth and Ocean Counties in the Third District of New Jersey lies along the Atlantic Ocean between the Raritan Bay on the north and extending below Barnegat Bay to the inlets south of Long Beach Island.

In my district the hard clam industry, once a major source of income in the bay towns, has had to be closed almost entirely, due to the presence of fecal bacteria in the shellfish which caused a serious hepatitis epidemic in 1961. The present value of the remaining shellfish industry is $40,000 a year; the projected value of the industry if the water is clean will rise to some $3 million a year. The fin fish industry is currently worth only $200,000 a year and it is estimated that this figure will be doubled if the water is cleaned.

The Federal Water Quality Act of 1965 is indeed a conservation milestone for which a major share of the credit must go to JOHN BLATNIK, Congressman from Minnesota. Author of the 1956 Federal Water Pollution Control Act, this ardent lover of Minnesota's beautiful waters has not rested since that time. He has ceaselessly inquired into the operations of the water pollution control program, concerning himself with the smallest details and the largest policies. As a result of his efforts, we now have a bill carefully and expertly tailored to fit the task. I am confident that the House will endorse it overwhelmingly.

Mr. THOMPSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman.

Mr. THOMPSON of Louisiana. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in regard to shellfish and other foods of the ocean. Coming from a coastal State which is one of the great producers of oysters and shrimp and other seafood, we have had problems of pollution over the years. We have cleared up some of these problems through our own State initiative, but it also goes to show that the States that are desirous of solving their own problems and cleaning up this water pollution need the helping hand of big brother, that is the Federal Government.

Mr. HOWARD. I thank the gentleman from Louisiana and I imagine the gentleman agrees that it is difficult for the poor shellfishermen to stand idly by while upstream pollutants, possibly from other States, pollute the water in his area and he is helpless to do anything about it.

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Chairman, before making my formal remarks in support of this legislation, I have a question I would like to ask the distinguished chairman of the subcommittee that considered this legislation, the gentleman from Minnesota [Mr. BLATNIK]. This has reference to subsection (h) of section 4, which is found on page 24 of the bill S. 4, as reported.

Before asking this question of our distinguished colleague, I would like to commend him as I would like to commend my colleague, the gentleman from Florida, for the bipartisan manner in which this bill was handled in committee. I think it is a stronger bill than it was and a better bill.

My question to Mr. BLATNIK is this: Under the provisions of subsection (h), which adds the new subsection (f) to the basic legislation—I have specific reference to the type of situation which might occur in the northern part of my district, where are located the headwaters of a river—if two or three towns got together and set up a regional planning agency for sewage control, if this were properly certified by the Governor of the State and otherwise came into conformity with this section, would the community qualify for this extra 10 percent of assistance? I am a little confused by the use of the word "metropolitan." In my district the towns involved are quite rural in nature. That is why I am concerned.

Mr. BLATNIK. Yes. In the opinion of the subcommittee chairman the areas would qualify. The intent was not to place any rigid interpretation on the word "metropolitan" even though the bill later, on page 25, line 7, does state:

> For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget—

The key language, I call to the attention of the gentleman, is at the bottom of page 24—

> or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used—

And the following is the key language:

> or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning)—

It was our purpose to make that flexible. In my opinion the situation the gentleman referred to would be covered, and that area would be eligible.

Mr. CLEVELAND. I thank the distinguished gentleman from Minnesota.

His words are most reassuring. We should all bear in mind that although many of the water pollution problems faced by the Nation are found in the city areas, by clearing up pollution of headwaters of some of our rivers there will be a great public benefit not only to the cities themselves, for water supply, but also for recreational benefits accruing to many people in the country.

I know the distinguished gentleman from Minnesota is aware of this, but we must also remember that in the headwaters areas where the pollution occurs the communities generally are smaller and their capacity to construct sewage treatment facilities and to pay the proper share of them is less.

Mr. Chairman, I am pleased to recommend S. 4, as amended, to the House. As a member of the Public Works Committee, I took an active part in the hearings on the bill and in the committee. This measure represents the best bipartisan, constructive effort. Substantial improvements have been made in the bill as it came to us from the Senate.

Our country has made great strides forward in the campaign against water pollution begun when the first national program was established under the Eisenhower administration, nearly 9 years ago. The program was strengthened further by amendments enacted during President Kennedy's first year in office.

As the committee report states:

> The impact of the Federal Water Pollution Control Act has been impressive. It has taken us in less than 9 years from a situation in which untrammeled pollution threatened to foul the Nation's waterways beyond hope of restoration, to a point where we are holding our own.

Greater efforts, made possible through these current amendments, however, are needed. It is not enough to hold our own at present levels. The pressures of population growth, the growth of our cities, and the changes in industrial technology make it imperative to step up the program.

It goes without saying that water is one of our most precious resources. Although it exists in tremendous quantity in a variety of ways, the time has past when we can use it carelessly. Through many years of direct experience and legislative work in New Hampshire, I have become intimately familiar with problems of water conservation and pollution in northern New England.

EXPERIENCE GUIDED AMENDMENT

It was on the basis of this experience that I vigorously opposed a provision in S. 4 as it was passed by the Senate that would have authorized the Secretary of Health, Education, and Welfare to prepare regulations setting forth standards of water quality to be applicable to waters covered by the bill. Under this provision, the Federal agency would establish standards that would be mandatory on the States. Happily, this provision has been changed by the committee and the bill now places responsibility for setting standards on the States.

High standards of water quality are essential but they ought to be set by those local agencies that are familiar with the local conditions including economic factors. There are places in New Hampshire, for instance, where a mandatory Federal standard set by a remote official could, conceivably, restore a river to its natural purity but only by ruining paper mills, which are the main or even the sole industry for an entire region. This is a problem that exists in various forms throughout the country. In legislating on the problem, we must take care to provide for a careful balancing of community interests. S. 4, as we have amended it, provides for this in the only practical way it can be done, that is, by working through the State and local governments.

FEDERAL ZONING CONTROL OPPOSED

The Senate version of the bill actually would discourage State and local governments from developing their own plans for water quality control. Moreover, it would give the Federal Government effective power to establish zoning measures by which to control the use of land within watershed areas in every part of the country. Such power over local affairs never has been vested in a Federal official and should not be. The drift toward centralization in this Nation is serious enough without accelerating it deliberately and unwisely.

Accordingly, the committee has removed this provision and instead has inserted a requirement for the States to file letters of intent setting forth their standards of water control. States that do not do so within a specified time limit would not receive any funds under this act.

The bill has been amended further to increase the authorization for grants to States for construction of waste treatment facilities and new incentives for the States to participate in the costs have been written in. The bill does not go as far along this line as I would have liked but it provides an important step forward.

CLEVELAND AMENDMENT EXPLAINED

It is a matter of keen regret to me that the Public Works Committee would not accept my proposed amendment to this bill, which would have given an extra boost to hard-pressed communities in disadvantaged and depressed areas. Under the provisions of my proposed amendment, communities in depressed or disadvantaged areas would receive an extra 15-percent contribution from the Federal Government provided they were located in States that matched equally the basic 30-percent Federal contribution. My reasons for proposing this amendment are, of course, clear. When we consider that in Appalachia, communities there may receive up to 80-percent Federal assistance for sewage treatment plants, it seems only fair that, in northern New England, communities should be entitled to at least 45 percent Federal assistance. Many of our headwater communities simply do not have enough taxable property to support large sewage treatment plants, the purpose of which is to ultimately benefit larger and more prosperous communities located down river, and, indeed the entire Nation, by improving our water resources and recreational opportunities.

In this connection, I am proud of the leadership in New Hampshire's General Court that have proposed to increase New Hampshire's share upward from the present level of 30 percent as high as any in the Nation. I applaud their constructive proposal, but, in certain rural areas of New Hampshire, I think it only fair that the Federal Government should do more.

In conclusion, Mr. Chairman, I repeat my statement, this measure is the product of careful, bipartisan deliberation. I urge its adoption.

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. McClory].

Mr. McCLORY. Mr. Chairman, I wish to speak briefly on this bill and to join with others who have commended the chairman and ranking minority member, the gentleman from Florida, as well as all members of the committee, who have considered this subject in great detail and have come forward with the legislation.

I had the privilege of serving with the gentleman from Alabama [Mr. Jones] as the ranking minority member on the Subcommittee on Natural Resources and Power, which, as the gentleman from Missouri [Mr. Randall] indicated earlier conducted the most extensive hearings ever conducted by a committee of the House on the subject of water pollution.

I wish to emphasize the fact that there are many competent and experienced local and State water pollution agencies. In addition, there are a great many responsible individuals and groups throughout the States who are working in behalf of cleaner water for our Nation.

I realize that there are differences of opinion as to some details of this bill. I testified on two occasions before the committee, giving my suggestions, not all of which are being followed. Nevertheless, I want to indicate my desire to support this legislation. The differences of opinion which I have are being reconciled in support of this measure which I regard as a forward step in the battle to reduce water pollution.

I would certainly like to join in the comment which was made earlier by the gentleman from California [Mr. Miller] in suggesting that the pollution of our underground water supply is threatened also. This is something which should be of great concern to the Federal, State, and local agencies of our country. More and more we are tending to dispose of our waste waters underground by pumping the used water below the surface. In this way we are contaminating, in many instances, the great underground water supplies. Underground water reserves amount to many times the supply of the surface waters, I might say.

I also want to indicate the good cooperation that has developed between the Federal, State, and local agencies in behalf of this subject of water pollution. Great progress has been made in this field. We should not underestimate the progress that has been made by the State and local agencies as well as by many industries and communities under the existing legislation. While this bill calls for the establishment of a new administration to be in charge of water pollution, I would certainly not want to suggest that the existing administration has not done an effective job, because, indeed, it has. Many other evidences of progress have been witnessed, including the coordination of data gathering of water quality and the coordination of water research activities. Many of these things have come about not just by legislation or by chance, but by virtue of the fact that we in the Congress and the public generally have focused attention on the need for cleaning up the waters of our Nation. The Congress and the public have promoted the most efficient possible employment of the limited number of expert hydrologists and other scientists whose talents are needed in reducing water pollution.

A continuing problem is that of our Federal installations. Our Subcommittee on Natural Resources and Power issued a report with regard to the problems of the Federal installations. We also produced a significant report with regard to municipal sewage and certain other subjects. These subjects may require additional legislation which we may have occasion to consider later. With respect to the subjects covered by the bill and with respect to the immediate needs we are considering here, I cannot help but feel that this is a great forward step in our national task of improving the quality of the waters of our Nation.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. Moss].

Mr. MOSS. Mr. Chairman, an effective Federal water pollution control program is essential to the preservation and protection of our Nation's waterways. However, no water pollution control program can be truly effective unless water quality standards are a part of that program.

Water quality standards are a recognized tool in pollution abatement programs throughout the country. Not only have official standards of water quality been established by a number of State and local agencies, but standards have been used by the Department of Health, Education, and Welfare in its pollution abatement program.

These standards, however, are not official standards of water quality set by the Department, but rather are those which are established at the conference stage of enforcement actions by the States concerned and the Department of Health, Education, and Welfare. At these conferences the conferees review the sources of effects of interstate pollution, usually agree upon water quality standards, and recommend a program of remedial action which will improve the quality of water to meet the standards they have established. This method has proved effective in a number of instances, such as the Colorado River and its tributaries and certain areas of the Mississippi River, to name but a few.

The most recent enforcement conference held by the Department of Health, Education, and Welfare on March 2–9, 1965, concerning the interstate waters of the southern end of Lake Michigan and the Calumet River, Ind. and Ill., is again illustrative of the use of water quality standards. At this conference the conferees unanimously agreed to use as a guide for water quality at Chicago waterworks intakes the "Recommended Quality Criteria Goals, Lake Water at Chicago Intakes" presented by the Department of Water and Sewers of the city of Chicago, at the conference. These standards were adopted by the conferees for the purpose of initiating a program of remedial action to protect water quality in the area for the maximum number of legitimate uses.

Although it is apparent that the Department of Health, Education, and Welfare can, and does, use water quality standards in its pollution control program, and these standards are an effective tool in pollution abatement action, I believe that the Federal pollution control program could proceed more rapidly and effectively if water quality standards were established separately, and not as a result of each individual enforcement action.

In most of the 34 enforcement actions taken by the Department of Health, Education, and Welfare since 1957, water quality standards have been established by the conferees, or when necessary, recommended by the Secretary. There are at least 90 more areas where the Department of Health, Education, and Welfare has evidence of interstate pollution. If enforcement action is taken on these polluted streams, and if the Federal and State agencies must wait until each conference is held before establishing water quality standards, it will be many long years before this pollution is abated. However, if the Department of Health, Education, and Welfare in cooperation with the State agencies, can act now to establish water quality standards for interstate streams throughout the country, I believe that the course of remedial action would be clear to all, and pollution abatement could be accomplished more swiftly on the local, State, and Federal levels.

Certainly water quality standards are an effective tool in pollution abatement programs, but even more important, they can be an effective measure in preventing pollution. Our scientists and engineers have developed almost miraculous techniques for reducing pollutants in waste discharges, but with all their technical knowledge and skill they cannot completely restore a filthy stream to its former freshness and beauty. The Potomac River is a good example of the deleterious effects of pollution on a once beautiful and clean stream. There is now an abatement program in force on the Potomac which will end the pollution of this river. But even with the tremendous efforts being put forth to clean up the Potomac we know that the effects of the many years of pollution will not vanish overnight.

The present approach of the Federal water pollution control program is negative. The Department of Health, Education, and Welfare under provisions of the Federal Water Pollution Control Act can act to abate interstate pollution only after health or welfare is endangered. In other words the Department of Health, Education, and Welfare can act only after serious and sometimes irreversible damages have occurred.

If the Department of Health, Education, and Welfare were able to set water quality standards, the Federal Government and the States could act to prevent the water quality from falling below these standards. Action could be taken before health or welfare was endangered and serious damages occurred. This is a positive, effective, and beneficial approach to preserving our water resources.

If clean water is our goal, it is essential that the Department of Health, Education, and Welfare be empowered to set standards of water quality not only to aid in the abatement of existing pollution, but to aid in the prevention of the further needless destruction of our remaining clean streams.

Mr. BLATNIK. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. Ottinger] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OTTINGER. Mr. Chairman, I rise in support of S. 4, the Water Quality Act of 1965, and I want to congratulate my distinguished colleague, the gentleman from Minnesota [Mr. Blatnik], for fighting the good fight to end pollution of the Nation's waterways. I only regret that his fight was not a bit more successful.

This bill purports to carry out the request of the President for a concerted attack on water pollution. It is to be a first step on the road to a Great Society in the area of meeting the Nation's pure water needs and ending the poisoning of our lakes, rivers and streams.

I hail the direction. But this bill is only a faltering, baby step in the right direction.

This bill does not begin to provide the funds necessary to do, or even stimulate State and local governments to do the job. It adds $50 million a year to the $100 million already authorized, and I am certainly grateful for that.

However, one sewage treatment plant for New York City alone cost $86 million. The State of New York has two-thirds of its population living in areas affected by polluted waters. It has 1,167 communities that are pouring either inadequately treated wastes or raw sewage into rivers, lakes and streams. I am sure that the problem in other States is of comparable proportions. The funds authorized by S. 4 will cure but a drop in the oceans of polluted water flowing through this land.

I testified before the Committee on Public Works to request additional funds to attack the pollution problem and I firmly believe that an effort of great magnitude will be required to resolve the problem.

Mr. Chairman, I and 10 of my colleagues have introduced legislation to establish a Hudson Highlands National Scenic Riverway in New York. One of the prime purposes of this legislation is to make land along the banks of the Hudson River available for recreational purposes—for swimming and boating and the like.

The benefits of this legislation will be beyond realization, however, regardless of what is done to preserve the shoreline, unless something is done to clear up the pollution that makes the river virtually useless for recreation the entire length of the Highlands.

New York City alone pours more than 600 million gallons of raw sewage into the Hudson daily. Since the Hudson is a tidal estuary, this sewage is a major factor in pollution reaching as far north as Poughkeepsie. To clear up this problem alone will require more money for New York City than S. 4 provides for the entire Nation.

The New York metropolitan area has a water shortage crisis this year. People will be prohibited from watering their lawns except for a few hours one day a week. Restrictions will be imposed on car washing and even on bathing. Hydrants will be sealed in New York City so that children will not be able to enjoy their usual summer play.

The most obvious way to meet this shortage would be to use the plentiful waters of the Hudson to supplement the watershed supply. This is feasible since the river is not saline north of Poughkeepsie. But many communities are revulsed at the idea of using Hudson River water for drinking purposes because of the pollution. To gain public acceptance of the idea of using Hudson water, we will have to clean up the river, and the cost will be far in excess of the funds S. 4 authorizes.

New York City newspapers recently carried a story about typhoid cases which resulted from children drinking Hudson River water. This certainly demonstrates the urgency of attacking the problem forcefully and immediately.

Governor Rockefeller has proposed a $1.7 billion water pollution control program for New York State. This program makes the Federal proposal we are considering today insignificant by comparison. In testifying before the Public Works Committee I supported Governor Rockefeller's request for an advance commitment formula so that States may plan ahead and commit funds for long-term programs of pollution control and abatement and take their share of Federal funds over a period of years. Such a formula would be a worthwhile addition to this legislation, for the cost of building sewage treatment facilities is ever rising, and it will cost both the States and the Federal Government far less to complete the necessary facilities as soon as possible.

In my view, there is also an urgent need for Federal standards for water pollution control. The State encouragement formula under S. 4 makes a start, but a real problem arises on interstate waterways when one State's inadequate practices nullify another State's worthy efforts. The results are particularly devastating when the lax State happens to lie upstream.

Mr. Chairman, I hope that before too long we will add the teeth necessary to make this legislation truly effective. I hope we will provide funds adequate to make a real dent in the water pollution problem, and I hope we will add Federal standards.

I support S. 4 as a first baby step in the right direction. I hope the baby's growth will be rapid and healthy.

Mr. BLATNIK. Mr. Chairman, the gentleman from Texas [Mr. WRIGHT] has been one of the real sparkplugs in this field. At times when we needed him we called him our running quarterback and at other times we called him our blocking halfback with respect to this water pollution control legislation for many years.

Mr. Chairman, I yield to the gentleman from Texas [Mr. WRIGHT], such time as he may require.

Mr. WRIGHT. Mr. Chairman, this undoubtedly is one of the most vitally necessary bills which will be presented to Congress this year. It builds upon the highly successful experience of the basic Water Pollution Control Act of 1956 and branches out onto new fronts in our continuing battle to preserve and pass on to the American posterity a heritage of clean water.

Certainly no informed person can deny the importance of the problem or the vital urgency of the need.

Within the past 8 years, through the program begun by this Congress and pioneered primarily by the vision of our colleague, the gentleman from Minnesota, JOHN BLATNIK, we have begun to make a dent in the problem. But there is much remaining to be done. During the past 8 years, 5,994 grants have been made to that many separate and distinct municipalities for the purpose of assisting them in the struggle to abate the pollution of our Nation's streams.

At the cost of approximately $500 million, we have stimulated local construction in the amount of more than $3 billion.

It probably is fair to say that we have reached the point where we are on the verge of holding our own against the onrushing tides of pollution. But this is far from adequate. The bill presently before us would expand this activity in several very meaningful ways.

First, let us get a broad general picture of the problem itself. Thousands of local crises are merging rapidly into one national crisis. A general cross-section of the national scene would include the following vignettes:

In a Connecticut public school, a new student tries the drinking fountain and steps back in horror as a milky substance froths up in bubbles from the faucet. A classmate explains that it is a bad time of day to get a drink, since detergents are working their way back through the city's water system.

Along the flooding Mississippi River this week, untreated sewage is washed up through storm sewers into the streets of several towns.

In the Nation's Capital, a father proudly takes his young daughter for a ride in a swan boat on the beautifully landscaped tidal basin where cherry trees form a delicate pink wreath beneath the Grecian grandeur of the Jefferson Memorial. He looks away in frantic embarrassment, a bit sick to his stomach, and suddenly changes the subject when his little girl asks "What are all those odd looking things" on top of the brownish water.

Lake Erie is dying. It has a "dead spot" covering several thousand acres where a cesspool of pollution robs the water of its life-giving oxygen.

Dead fish float up to the banks of Town Creek in a small midwestern community after a local shelling plant dumps its refuse, laden with tannic acid, into the stream.

A dry west Texas town hauls water 50 miles in tank trucks for its citizens to drink while an east Texas town feverishly fights a flood.

In a New York suburb, a salesman of distilled water reports a fantastic boom in the sale of bottled drinking water.

A southern city is turned down by the third industry in a week because it lacks a "dependable" water supply.

International crisis looms as an official Mexican delegation tells the U.S. Congress that our Colorado River irrigation system is dumping crop-destructive salt on the best farming lands in the Mexicali Valley.

All these are but facets of the most rapidly growing domestic headache in the United States—We are running out of usable water. The problem, at first parochial, very rapidly is becoming national in scope.

There are many reasons clean water is becoming increasingly important. The first is that there are more and ever more people drawing upon the fixed supply. One of the most crucially significant facts of our time may be read in the statistics of population growth—both in the United States and throughout the world.

In the beginning, the world's population grew very slowly. At the start of the Christian era, there were only some 250 million people on the entire earth. It took 1,500 years for that figure to double or reach 500 million. But then a sudden and dramatic upswing began which has continued over the past 400 years to increase by geometric progression. There were 1 billion people in 1835, 2 billion in 1935, 3 billion in 1965. If this pace is maintained, there will be 6 billion—twice as many as we now have—in the year 2000.

Here in America, when we sit down to dinner each evening, there are 7,000 more of us than on the evening before. Every year we add the population equivalent of a new Philadelphia. The same amount of land, air, and water must be made to serve more and ever more people.

More alarming still is the fact that our society each year is using more water per capita. While the whole Nation required only 40 billion gallons daily in 1900, we used 360 billion gallons a day last year. If present trends continue, this figure will double by 1980 and triple before the beginning of the 21st century.

Block by block, acre by acre, section by section, new housing projects sprawl inexorably outward, denuding the former countryside of its natural cover. Where trees and native plantlife once found ample succor from the rainfall, today neat rows of houses march in line behind their inevitable green carpets.

With typically more leisure time, the suburbanite waters his shrubbery, his flower beds, his lawn. The thirsty lawn grasses which have become a status symbol in American suburbia often soak up water at four and five times the pace required by the native grass and shrub life.

Washing machines with enamel plated efficiency put the clothes and dishes through several rinsings, extravagantly squandering the water supply and discharging insoluble detergent suds into the disposal lines. Fly by plane over a new top neighborhood in any southwestern city and count the private swimming pools which sparkle in the sun. In one such typical neighborhood, the loss to evaporation is counted in the thousands of gallons daily.

Increasingly in the past few years, pollution has become probably the most critical of our water resource problems. No major section of the country is immune. Streams which once ran clean and sparkling pure have become clogged by organic and industrial wastes which can transmit disease, by toxic detergents and pesticides, by inorganic chemical and mineral substances which result from mining, manufacturing, oil and chemical plant discharges. A prime example is the Potomac on whose banks sits the Capitol of the United States. There also is a relatively new problem arising from radioactive wastes.

When demand exceeds supply, the reuse of water is a necessity. A special U.S. Senate study recently pointed out that the total dependable fresh water supply available to the country by 1980 will be only about 515 billion gallons a day. But our total daily water requirement will have climbed to more than 600 billion gallons. Even with maximum engineering and purification works, the study concludes that the most we can hope to make available is about 650 billion gallons. And by the year 2000, our foreseeable water needs will exceed 1,000 billion gallons a day.

The pollution problem in spite of our best efforts has been growing at least as rapidly and probably more rapidly than our solutions. At the end of 1959, the municipal sewage released into our streams was equal in pollution effect to the untreated sewage from 75 million people, three times the amount in 1900.

The bill before us offers a greatly expanded opportunity to fight pollution effectively. It is a substantial improvement over existing law. It is worth noting that, almost uniquely among major legislative matters this year, it has the unanimous endorsement of the Committee on Public Works, including Members from both sides of the aisle.

This bill is the product of many weeks of public hearings last year as well as 3 weeks of additional hearings this year, plus 3 long arduous days in executive session. Many Members contributed creative thought to shaping its provisions.

Here basically, is what it will do:

First, it will upgrade administrative control through the creation of a Federal Water Pollution Control Administration. This will consolidate numerous scattered activities under one effective head, give the program an identity commensurate with its importance, and facilitate action. Heretofore, this significant activity has been relegated to the status of a division within a bureau within the Public Health Service within the Department of Health, Education, and Welfare.

Second, subpena power will be given to the Administrator to strengthen his hand in enforcing already existing standards. This can greatly facilitate compliance. This subpena power is available at the hearing stage.

Thirdly, more money will be made available for the practical battle against pollution. This is considerably more important than the adoption of theoretical standards. Existing pollution cannot be abated simply by court order, since the effluent from treatment plants flows through gravity into rivers. This bill provides $150 million rather than the existing $100 million annual authorization. The original Senate bill made no gain in this regard. For a battle of this crucial importance, we feel that $150 million a year is little enough indeed. It amounts to less than $1 per year for each citizen to preserve and protect the one commodity without which no citizen could live.

In the fourth place, realistic help for the big cities is available for the first time in this bill. This is where most of the pollution originates. Ceilings on individual matching grants have made existing law relatively ineffective as a meaningful help to the metropolitan cities. These ceilings are raised in this bill to a workable level. The original Senate bill offered no solution to this very real problem.

Finally, each State is required for the first time to develop a set of water quality and quantity criteria. This is a meaningful advance. It is the first step in making a national water inventory, which we have desperately needed. The States are given 2 years in which to prove that they can and will develop, apply, and enforce water quality criteria.

This bill is crucially important to the future of America. It deserves a truly overwhelming vote from the membership of this House. I hope and trust that we will demonstrate by the number of our votes today the determination of this body to win the continuing battle against pollution of the Nation's streams to the end that future generations may have as their heritage an abundant and usable supply of this most precious and most indispensable of all the earth's resources.

Mr. CRAMER. Mr. Chairman, I yield such time as he may require to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, it is a great pleasure for me to rise and support this legislation before the House today.

As a Representative of the Seventh Wisconsin District, I have long been aware of various attempts to meet the problems to which this legislation addresses itself. The Seventh Wisconsin District is composed of many papermills, and I am familiar with the good intentions of this industry with regard to water pollution control and abatement. The paper industry in my district is the largest single employer. Employers and employees in our Seventh District support this bill as amended by the House committee.

The pulp and paper industry has, of course, been specifically involved with the problem of pollution.

They are aware that the problems of control are both intricate and complex. On the one hand, the paper industry must have process water of adequate quality. On the other hand, the industry is aware that the users downstream must have suitable water also.

It is certainly safe to say that while much remains to be done, more than lipservice should be paid to the paper industry efforts in this area.

I would like to pass on one very impressive fact to my colleagues. During the past 20 years the total organic pollution load, as measured by biochemical oxygen demand, has actually been reduced by the paper industry, despite the fact that this major industry's production in tons has more than doubled in the same period.

And there are other noteworthy facts that could be mentioned at this time. A recent survey by the National Council for Stream Improvement indicates that 75 percent of the pulp and paper mills in the United States have waste treatment facilities in operation. This compares with only 37 percent in 1949. Thus it is obvious, Mr. Chairman, that the paper industry has recognized the need for water pollution control and that it has been taking concrete steps to alleviate the problem.

Through discussions with those concerned with various paper mills in my district, I have found that the efforts and achivements of the pulp and paper industry to combat water pollution are on the increase.

The whole problem faced by this legislation is exceedingly complex. The finger cannot be pointed at any one group. For at this critical time industry, government, and all involved groups have a stake in working toward a mutually beneficial solution to the water pollution problem.

I think the impressive story and the attitude of the paper industry is something which needs to be stated today.

This is a story, Mr. Chairman, which relates to the thinking of everyone in these Chambers. While some would contend that additional efforts could have been taken by the paper industry, the fact remains that they have made a significant beginning. I wish, for example, that I could present a similar array of facts for our Government installations. In glancing through the hearings in the House, I discovered a great deal of concern expressed by the members of the committee regarding pollution by Government installations.

This, however, is not the subject before the House today and will probably be dealt with, I hope, in the future. I stress this only to indicate that in the case of one specific industry—the paper industry—there are significant efforts underway. As a Member of the Congress representing an area which includes many outstanding papermaking facilities, I feel dutybound to spell out their efforts during a consideration of the Water Quality Act of 1965.

In conclusion, I think that the legislation as reported by the House committee emphasizes the continuing need of cooperation by all agencies concerned with the problems of pollution. I am certain, Mr. Chairman, this legislation will definitely enhance the quality and value of our water resources. I envision a future of cooperation and respect between all concerned groups, and particularly because of their past record, the various paper industries of the United States.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may require to a distinguished and important member of our committee, the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I rise in support of the pending legislation, S. 4. As a member of the Committee on Public Works and a member of the subcommittee that has dealt with this problem in the legislative session of 1961 and again in 1965 I want to say that all of the people of my State from whom I have heard are very much interested in the passage of this bill. Representing the watershed area in the West that I do I know how important it is to keep our streams clean and clear and free of pollution. We in California have many pollution problems. With the growth that is taking place in our State we are confronted with more of the problem of pollution which is causing concern all the way back to the mountainous areas where the streams arise. It is also a problem in our valleys and in the delta and great San Francisco Bay area. I know that this legislation is going to do a lot to clear up the rivers, lakes and bays of our Nation.

Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Minnesota [Mr. BLATNIK], as well as the minority members who have worked very hard with the majority in perfecting this bill and also, Mr. Chairman, I want to commend the chairman of the full committee, the gentleman from Maryland [Mr. FALLON], for bringing this fine piece of legislation to the floor for final passage.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, I want to ask the able gentleman from Minnesota and also my distinguished colleague from Florida, the ranking member of the Committee on Public Works [Mr. CRAMER], whether there is any language contained in this bill which would afford any assistance to this sort of a situation which exists in the congressional district which it is my honor to represent.

There are three municipalities which wish to combine to connect with an outfall, that is, a system of emptying impure water into the Atlantic Ocean, way out far enough so that it could not possibly pollute the beaches of the mainland areas. Under the public works program that sort of an effort cannot obtain assistance because that program is limited to sewage treatment plants.

Now, Mr. Chairman, these people want to accomplish the same purpose, that is to say, safely to dispose of impure water.

I just wanted to know whether or not any assistance might be possible for that sort of program under the provisions of this bill.

Mr. BLATNIK. In response to the gentleman's inquiry, we had been hopeful, at least some of us had the opinion, that perhaps under the research and planning section there was provision for combining storm and sanitary sewer projects, and that would be eligible. However, in further checking on the matter, I am informed that it would not be eligible. Funds with which to provide facilities for the treatment plants themselves certainly are eligible, but I do not believe this would apply to a project such as the outfall extension which the gentleman from Florida has described.

Mr. PEPPER. As the gentleman from Minnesota knows, it was I who advised the gentleman with reference to this matter for I called just a few minutes ago the Department of Health, Education, and Welfare, and one of the representatives there told me that he thought the use of an outfall in the disposal of waste was already well established and the proposal of my constituents, as I reported it to him, might not be eligible on an experimental or research basis. The language, however, of this bill is broad enough to cover the proposal of my constitutents if there is anything unique or distinctive about the proposal so that it would contribute something of value in disposing of impure water or sewage.

Mr. BLATNIK. If the gentleman will yield further, I would like to elaborate a little further. The problem of the gentleman from Florida [Mr. PEPPER] is a bona fide problem and one which is entitled to assistance. We have inland municipalities which need assistance by way of extensions of interceptor sewers in order to reach their treatment plants. There is an awareness of this need among the membership of the Committee on Public Works for a general public assistance program for community facilities. We do intend to hold hearings—at least I shall make every effort to do so—on this matter. It represents an important and justifiable area of exploration and we do hope that that program will be of assistance to the situation which the gentleman from Florida has described.

Mr. PEPPER. May I make some inquiry with respect to the same subject of my able colleague, the gentleman from Florida [Mr. CRAMER], the ranking minority member of the committee?

Mr. CRAMER. If the gentleman will yield, we had a discussion of this, of course, in the Rules Committee and I think it was generally conceded, as the gentleman from Minnesota [Mr. BLATNIK] has conceded, that there is no grant money but that which is limited to suitable disposal treatment plants. The only possibility would be under 6(a) relating to grants for research.

I believe the key phrase there is whether or not this is a new or improved method. On line 16, page 20; and line 18, page 21, there is some reference to the matter, but these grants are limited to new and improved methods. If this is a new and improved method for waste water, then it could be included and that would be a decision for the Secretary to make.

Mr. PEPPER. I thank very much the able gentleman from Minnesota and my able colleague from Florida for those remarks.

Mr. YATES. Mr. Chairman, water pollution is a problem of nationwide dimensions. Unfortunately, not enough of us are aware of its many disastrous consequences for municipal and industrial water supplies, for fish and wildlife, and for recreational areas. That is why this bill is so important—important to our Nation and especially important to those who live on the Great Lakes. Today I wish to speak particularly as a representative of the people of the 9th District of Illinois, which is located in the city of Chicago.

Chicago's development has been largely determined by its surrounding waters. Early ship traffic did much to make it an economic and communications center, the Nation's second largest haven for immigrants of many nationalities and a pioneering city for inventors, architects, and businessmen of all kinds. Blessed with a great diversity of people and talents, and the space and resources in which to develop those talents, Chicago became the largest city of the Great Lakes.

Our city's focus, its particular charm, its very life, have always been its beautiful lakefront, which has provided a population of more than 5 million people with unparalleled opportunities for development. After some fearful epidemics of cholera and typhoid fever at the end of the last century, the city of Chicago spent a great sum of money and performed extensive research to develop techniques of water treatment to assure a continuing safe water supply. In 1889 the city embarked on one of the engineering wonders of the world: reversal of the flow of the Chicago River. And in 1922 the same was accomplished with the Calumet River, in order to protect the lake.

Chicagoans are not oblivious to Lake Michigan's vulnerability. However, for many years they avoided taking measures sufficient to reduce the threat to the lake.

The Great Lakes comprise the greatest fresh water resources in the world. It is unforgiveable that our children should be deprived of the lakes' benefits. Yet that is what is happening.

This was demonstrated most clearly at the conference held under the existing Federal Water Pollution Control

Act provision at Chicago March 2 through 9 this year. Though I was unable to attend the conference, I followed it closely. At its conclusion, three State and two Federal conferees unanimously concluded that Lake Michigan and its tributaries are polluted, that bacterial counts are too high for safe swimming, that phenols are causing tastes and odors in the drinking water, and that nutrient discharges are accelerating the irreversible aging of the lake.

Damage to Lake Michigan probably represents the most unpardonable encroachment of water pollution in the United States. When our Great Lakes start to deteriorate, river pollution becomes routine. Pollution should never have been allowed to advance this far. At this pace we are losing the battle to pollution. Scientists studying the ecology of large stagnant bodies of water, such as Lake Michigan, are pointing to the phenomenon of eutrophication, or aging, as the most serious problem. Eutrophication refers to the fertilization of the water by steady addition of organic matter. It can be natural, from the deposits of dying creatures, but in the lakes it is greatly accelerated by artificial discharges of nutrients. Eutrophication is irreversible. In Lake Erie, a shallower body than Lake Michigan, it has proceeded to the point where it may be necessary to dredge the entire lake bottom to keep the lake from becoming a bog.

The particular contaminants of Lake Michigan illustrate the need for speed in stemming the aging process. The Federal Water Pollution Control Act has been amended several times already, and it may well be amended further. Many proposals have been made for further provisions, including licensing, standards, stopping pollution before it occurs, taxes on polluters, and incentives for industrial waste treatment.

The bill we are now considering is most conservative. It is designed to expedite and strengthen the existing program, to enlarge it slightly and give it the separate identity it needs if public opinion is to support us in this most important of all contemporary conservation struggles. It aims at essentials. It separates the three basic tools we require to protect water quality, and it sharpens all three: technology, incentives, and enforcement.

In pursuit of better technology, the Federal Water Quality Act of 1965 provides not only for continuation of existing grants for State water pollution programs and fellowships for training and investigation, but for a new program of research and development in the field of storm water overflow. I may say this is an increasingly important source of pollution as direct discharges of raw sewage begin to be eliminated. Grants can be made out of a total authorization of $20 million annually to pay up to 50 percent of any project also approved by an official State water pollution control agency.

More incentives for the construction of treatment facilities are provided through a 50-percent increase in the Federal construction grants program. The total authorized amount will be $150 million yearly, and the maximum for any one grant will be $1.2 million—$4.8 million for a project involving more than one municipality. These funds will now be distributed more consistently with real needs with more of the funds earmarked for large population centers where pollution problems are greatest.

Enforcement is tightened in three ways. First, the bill removes the entire program from the Public Health Service, which has not proved particularly effective in pursuing the abatement of pollution of interstate rivers. Second, the Secretary of Health, Education, and Welfare will have subpena powers for hearings on pollution of interstate or navigable waters. This will enable Federal investigators to examine data on waste discharges, to inspect industries or other installations suspected of discharging damaging wastes and require the attendance of polluters at such hearings. Finally, the bill gives the Secretary the responsibility to initiate enforcement action when he finds that substantial economic losses are resulting from pollution damages to shellfish. Shellfish contamination, one of the most destructive and hazardous consequences of pollution, has long merited this attention.

Mr. Chairman, it is said that nothing is so local as a drop of water, or so national as what we do with it. Our distinguished colleague the gentleman from Minnesota [Mr. BLATNIK] and the Public Works Committee have presented us with a worthy measure.

There is no doubt that these amendments will be affirmed by this House. We are summoning forth the means to restore our damaged water resources and to protect our still healthy streams. Water, our most valuable national commodity, is now one of our greatest national problems. I wholeheartedly support this bill, and I urge the House to endorse it as a worthy response to that problem.

Mr. WOLFF. Mr. Chairman, the present state of the Nation's polluted waterways mirrors the long shameful years of neglect and permissive disregard which preceded our aroused concern for protecting and improving the quality of the Nation's precious water resources. Instinctively our initial efforts to halt the pervasive besmirching of our streams have been directed to the cleanup of the most serious pollution situations. An impressive start has been made through the application of the Federal enforcement authority in approximately 34 instances. The continuing existence of almost 90 equally serious pollution situations calls for further intensifying and accelerating the enforcement momentum, which received its most meaningful impetus after the change of administration in 1961. We have made and continue to make significant strides in controlling pollution from municipal sources. The provision of Federal grant assistance to municipalities for construction of waste treatment works has rolled up an imposingly successful record. The struggle against water pollution has thus far proceeded on these two fronts of control and abatement.

In committing the Nation to an all-out effort in this field, President Johnson calls on us to take up the challenge on a third front—prevention of pollution before it happens. We can no longer afford to complacently allow pollutants to enter our streams, waters, and beaches except under strict and careful regulation. This is doubly true in the case of the newer wastes increasingly spawned by our rapidly growing and fast-changing technology.

The enormously complex character of these newer wastes and their potential effects on the quality of water is either inadequately understood or totally unknown. Their wholesale disposal into our waters amounts to another variation of the deadly game of Russian roulette with the difference that we are risking the health or welfare of entire populations.

Necessary authority or measures for preventing the inception of pollution are lacking in the enforcement provisions of the existing Federal Water Pollution Control Act. State laws, the great majority of them, contain such authority in provisions for establishment of standards of water quality. For whatever reasons, the States have not effectively implemented these provisions of their own laws. Their failure is reflected in the countless miles of polluted waterways and beaches throughout the Nation. The need for Federal action is urgent, especially in regard to interstate water areas where Federal responsibility is clear cut.

Current proposals for Federal establishment and enforcement of standards of water quality on interstate waters fully safeguard State and local interests. They do not represent in any way an infringement of States rights but instead are designed to encourage the States to face up to the problem realistically. Practical standards will serve to prevent our few remaining clean waters from becoming polluted. These same standards applied to waters already afflicted with the scourge of pollution will provide guidelines for improving the quality of these waters to serve all useful purposes. Standards fairly applied will help in eliminating the unwholesome competitive advantage for industry enjoyed by those States which are willing to sacrifice a noble heritage for an illusive and temporary economic benefit. Temporary, yes, for once the industry has fouled these waters to the extent that it cannot use it for its own needs, it too, will move out.

Time has long since run out for the purely "voluntary persuasion" policy that has marked State and local efforts to deal with the problem of pollution. The mounting volume of wastes generated by our advances in population, urbanization, and technology, require determinedly forceful measures. Strong leadership has been asserted by the President in behalf of the Nation. We in Congress can do no less than to legislate the strengthened and improved authority that is necessary to implement this leadership, under which Federal, State, and local action can confidently join in the knowledge that their concerted efforts will successfully control, abate, and most importantly, prevent water pollution.

Mr. SCHEUER. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MONAGAN. Mr. Chairman, I urge the adoption of S. 4, the Water Quality Act of 1965, as it has been amended and reported to the House by the Committee on Public Works. For the past 3 years the Natural Resources and Power Subcommittee of the House Government Operations Committee on which I serve has been conducting, under the chairmanship of the gentleman from Alabama [Mr. JONES] an exhaustive survey of our Nation's water pollution and from this study I have become convinced that there is great need for a stepping up of Federal assistance, greater local enforcement procedures, and a pattern of local, State, and Federal cooperation to abate and stamp out pollution. I have been taking an active interest in the legislative effort to bring about these improvements and I have in the last three Congresses filed bills to amend the Federal Water Pollution Control Act for this purpose. The bill which I filed in the 89th Congress is H.R. 3716.

I am convinced that the bill we have before us today is an improvement over the bill passed by the Senate and I note that this belief is shared by the New England Interstate Water Pollution Control Commission.

Water pollution is a problem which affects every community and every State in the Nation. It is increasingly acute because water demand and water pollution are mounting sharply at the same time.

Local communities and States cannot or will not bear the cost of abating pollution. It is my feeling that the Federal Government must step up its participation without further delay if we are to meet the crisis confronting us in the shortage of usable, clean water. Some efforts have been made and are continuing, but we must be shamefully aware that in spite of these efforts all our major streams, rivers, and lakes are suffering increasing pollution. On the basis of the study of our subcommittee I am of the opinion that, apart from foreign problems, water pollution is the Nation's single most serious hazard.

The House Public Works Committee in its examination of this problem considered, among others, my bill, H.R. 3716, and I was privileged to have the opportunity to testify in support of my bill before the committee on February 19, 1965.

On the evidence, one must concede the importance of establishing water quality standards, increasing grants for sewage treatment projects, improving administration of the Federal water pollution control program, and setting up a research and development program to cope with the problem of storm and sanitary sewage. President Johnson supported these objectives in his recent message on natural beauty. He also advocated an increase in ceiling for grants to State water pollution control programs. These provisions have been incorporated in the House committee's bill and I note with satisfaction that the committee has also given its endorsement to my recommendation to increase the authorized appropriation for sewage disposal plant construction grants from $100 million to $150 million for fiscal years 1966 and 1967. Actually, I had requested an increase to $150 million in 1966 and $200 million in 1967.

Mr. Chairman, without going into full details of this proposed legislation, since they have been fully explained by the able committee chairman, I want to state my support of the inclusion in the act of directive to the Secretary of Health, Education, and Welfare to initiate Federal enforcement action when he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution and action of Federal, State, and local authorities.

I also favor the bill's requirement that Federal pollution control funds be withheld from any State which fails, within 90 days after enactment of the act, to file a letter of intent with the Secretary of Health, Education, and Welfare undertaking that the State will, prior to June 30, 1967, establish water quality criteria to be applicable to interstate waters within the State.

Mr. Chairman, I believe that if we are to preserve the greatest of our national resources and afford an essential measure of protection to the future health, welfare, and economy of a nation which obviously has been remiss in meeting its responsibility in this regard, we must act now, and the enactment of S. 4 as recommended by the House Public Works Committee would be a mighty effective step in the right direction.

In support of this legislation I shall include a very timely article which appeared in the Hartford, Conn., Courant of Sunday, April 18, 1965. The article entitled "War Against Water Pollution Is Lots of Talk, Little Action" by E. Joseph Martin.

WAR AGAINST WATER POLLUTION IS LOTS OF TALK, LITTLE ACTION

(By E. Joseph Martin)

Once upon a time Connecticut cared about keeping its rivers and streams clean.

Time was when people were stirred up enough to act.

But as the years go by, more and more people are talking about water pollution while fewer and fewer people are doing something about it.

Rivers continue to be polluted. Fish continue to die from industrial wastes dumped into waterways. Instead of drinking water, more and more families draw detergent suds from their wells.

As the problem grows, Connecticut's initial commitment to act had become stagnated.

Connecticut's war against pollution was declared when the general assembly passed a law in 1925, but the battle has since become an extended skirmish and 40 years later victory is still 20 percent unrealized.

The law created a new agency to eliminate and control dirty rivers and streams. There were about 1.4 million people in Connecticut when the law creating the State water commission was passed. The population has since nearly doubled, the number and variety of industries continues to mount, and the number of contaminated wells also continues to increase.

However, with this increase in potential water polluters, the manpower in the State agency responsible for keeping the rivers and streams clean has remained about the same and has even diminished.

The State water resources commission was formed in 1957 to take over the duties of the State water commission and other agencies. Today, the commission has a staff of 10 engineers and 3 secretaries, the same number the water commission had 30 years ago.

Besides the additional number of staff help needed to keep pace with the growing problem, this same understaffed commission is responsible, in addition to water pollution, flood control, shore and beach erosion control, supervision of dams, structures and dredging in navigable waters, water resources inventories and other duties.

Today, 1,192 plants are treating waterborne wastes from industries, municipalities and institutions. Some 975 of these are treating sewerage and sanitary wastes and 217 are treating waste water from industries.

William S. Wise, director of the Water Resources Commission, says the State needs 235 more plants to treat industrial wastes and 46 more sewerage treatment plants.

Ten years ago, his staff started operations by projecting how long it would take to complete the water pollution control plants. The projects were placed into two phases.

Phase 1 was to complete sewerage treatment plants and was scheduled for completion this year. Phase 2 was the time needed to complete all industrial waste treatment plants. Target date was set for 1970.

However, because of the serious deficiency in the number of staff personnel, the sewerage treatment schedule was advanced to 1970 and the industrial treatment schedule advanced to 1975.

Five years ago, a commission study showed it needed a staff of 29 to do the work, more than double the number it now has. A Federal study later indicated the same commission would need a minimum of 46 and a maximum of 57. Wise, however, still thinks the figure of 29 is more realistic.

Budget requests for more staff have continually been cut back.

Can it be that the State administration and the general assembly wish to give only token attention to water pollution? If it did not so wish, why did it overburden the commission with so many other added duties?

Is it possible that a deliberate attempt is underway to slow down this State's initial drive against dirty water?

Wise has been reluctant to blame anyone for the apparent legislative and administrative apathy. He says the commission's record "points to notable progress. But," he says, "it also shows that we still face complex problems."

These complexities he enumerates:

The many suburban residential developments building beyond sewerage facilities and in inadequate drainage areas near small, clean streams.

Estuaries and tidal rivers complicating the receiving of outward flow from waste treatment facilities.

Ground disposal and treatment of various types of sanitary and industrial wastes and the treatment of disposal of wastes resulting from the production and the use of toxic substances, chemicals and pesticides, etc.

Besides these added so-called complexities, Wise and his staff do not have the manpower to regularly inspect the waste treatment plants already built. How can the commission expect the treatment plants built to continue to do the job if no staff is provided to see that they do?

> Last month residents from East Hampton complained about the red color of the Salmon River.
>
> The color came from paper fibers discharged from a paper company. Wise and his commission have had the plant under observation for 20 years. Different pollution control devices were tried with varying degrees of success.
>
> After 20 years, paper company officials were threatened with formal commission action if the company did not find a satisfactory remedy by Monday. And after 20 years, a plant apparently equipped with a waste treatment facility is still polluting the Salmon River.
>
> Is it enough to rationalize the problem away by admitting to complexities and the huge amount of work still left undone?
>
> Wise admits his staff has been slowed down by many obstacles. These he said were the money hurdle and getting public and private officials to put pollution control on a priority list of importance.
>
> But there must be a limit to buck passing. If enough money cannot be raised to pay for an adequate staff after the problems and complexities have been clearly stated, who is actually responsible? Or has the problem actually been clearly stated?
>
> If the administration does not consider water pollution an important enough problem to solve effectively, who is responsible for making them recognize the importance?
>
> Forty years ago, Connecticut thought the problem was serious enough to pass a law to solve it. Forty years have passed and administrative apathy has all but thwarted the law's directive.

Mr. TUNNEY. Mr. Chairman, I would like to express my support for the water pollution bill which is now before the House.

This legislation, S. 4, the Water Quality Act of 1965, will provide effective pollution prevention and enforcement. The bill has provisions for:

First. Setting water quality standards.

Second. Increasing the Federal grant ceilings for multimunicipal construction projects and State pollution control programs.

Third. Promoting research into the problems of mixed storm drainage and sanitary sewage systems.

We were once a nation that was proud of the beauty and majesty of our national resources. Today every major river system is polluted. Millions of Americans are denied the use of recreational areas because of widespread pollution. Furthermore, this pollution is detrimental and costly to our economy. It is very expensive to treat polluted drinking water.

The passage of this bill is essential if we are to return America to the beautiful Nation that it once was and can be once more. We must all be aware of the quiet crisis that we face with regard to the preservation of our natural resources. Industry and government at all levels work closely together in the area of pollution control. The passage of the Water Quality Act is important to insure that the Federal Government does its share to preserve our most precious resource—water.

Mr. GRABOWSKI. Mr. Chairman, it is a great pleasure for me to join with my distinguished colleagues in support of the legislation before the House. With a great many Americans I have always been concerned with the quality of water resources. For many years I have believed that our Nation's streams constituted the lifeblood of the Nation's health.

Our people require clean water in every respect whether we are referring to drinking water or to those leisurely hours when we vacation with family and friends near a cool lake. It is important that the quality of the water be of the highest possible standard.

In supporting this legislation, I am aware of the great efforts that have been made by the members of the House Public Works Committee, and by various Members in the other body. I have followed this work and I have read through the hearings that have been held in each body. I have been convinced that their work merits our great admiration. And I want to take this opportunity to praise the distinguished gentleman from Minnesota [Mr. BLATNIK] and all other Members who have worked so diligently on this legislation to amend the Federal Water Pollution Control Act, as amended.

This legislation has many, many interesting features. It establishes the Federal Water Pollution Control Administration. It provides grants for significant R. & D. matters and increases the grants for construction of municipal sewerage treatment works.

It is a time worn cliché to say that water is our greatest resource. As we look across the broad expanse of the globe, we can readily see that water constitutes a much wider area than land. We have been particularly fortunate here in the United States and it is absolutely imperative that we begin now on the course to settle the issue of pure water for all time. As was stated so poignantly in the House committee report to accompany S. 4, "the issue of pure water must be settled now for the benefit of, not only this generation, but for untold generations to come."

Mr. Chairman, in my judgment, the legislation before the House today will start us on the road to substantial and necessary improvement of our Nation's waterways. In two brilliant messages since January our distinguished President has called for improvement of our Nation's waterways. And back in the mid-thirties another great Democratic President said:

> To some generations much is given, to others much is expected. This generation of America has a rendezvous with destiny.

These memorable words of Franklin Delano Roosevelt apply to the present problem at hand.

Mr. Chairman, I know that other Members of this distinguished House will speak to the specific aspects of this legislation. I want to conclude my remarks by simply saying that I believe—that in terms of water quality improvement—this generation of Americans has a challenge and a moral commitment to start the long process of cleaning up our streams. I also know that representatives of the local governments and industry are prepared to begin together the long and difficult task that lies ahead. The legislation before us, as approved unanimously by the House Committee on Public Works, will start the ball rolling. I urge its immediate enactment. It will be of lasting benefit to all residents of the Sixth Connecticut District.

Mr. HELSTOSKI. Mr. Chairman, in my own district we have two major rivers, and I am sorry to say we cannot boast today of the beauty of either one. The Passaic and Hackensack Rivers at one time, however, were pure and beautiful. They once served our area not only for transportation but for recreation as well.

The encroachment of industry, uncontrolled until recent years, has changed that picture. Today, no one would bathe in either river because of heavy pollution and there are few fish able to survive the contents of the tidal areas in either stream.

This has become a growing problem, long overdue for correction. It has reached a point where many homeowners are affected directly—by peeling paint, unpleasant odors, and unsightly waterfronts.

It is my belief that the proposed amendment to the Federal Water Pollution Control Act will begin to correct these shortcomings in my district and in similarly affected communities throughout the Nation.

This bill is a necessary forward step in our national effort to solve our water pollution problem and to bring about proper water quality. It upgrades the existing program; provides incentives for the participation of States in assisting local governments to finance the construction of necessary waste treatment works, and requires the establishment of water quality criteria by the States.

The creation of a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare by this legislation will lead to a strong national policy for the prevention, control, and abatement of water pollution.

The question of water quality standards, Mr. Chairman, is one of prime importance in my own district. Large portions of New Jersey and neighboring States are now faced by the results of a 4-year period in which we received less-than-normal rainfall. Our reservoirs have been drained to dangerously low points at times and many of our areas have had to ration water during hot summer days.

Cleaning up our rivers under this act could lead to finding and developing new sources of water for consumption.

This bill will open new areas of cooperation between the States and Federal Government. In this program, States and local agencies will benefit from research, investigations, training and information programs developed by Federal Water Pollution Control Administration. And since waterways do not recognize State boundaries, local efforts could result in providing purer water for large areas.

This amendment also provides the means for communities—particularly our older cities—to find the means to combat problems caused by antiquated sanitary and storm sewer systems.

This bill will aid many additional communities by doubling the dollar ceilings limitations for construction of waste treatment works from $600,000 to $1.2 million for an individual project and from $2.4 million to $4.8 million for a joint project in which two or more communities participate. This dollar increase will still limit the Government to 30 percent of the total cost of the project, but is a more realistic figure based on present total construction costs. It will provide the degree of help necessary for larger cities and for those once-small communities which suddenly have found themselves mushroomed into city-like proportions. Their sewage treatment problems have grown at the same pace.

These, Mr. Chairman, I consider to be necessary services and aids for our communities. I strongly support this fight to combat water pollution and urge my colleagues to join me in voting for passage.

Mr. MORSE. Mr. Chairman, I rise in support of S. 4 as reported by the Public Works Committee.

In the 9 years since Congress first enacted a permanent program for an assault on the growing problem of water pollution, we have made important strides in the improvement of water quality. In 1961, I supported legislation to broaden and expand this program and was particularly pleased that the research function would be emphasized to a greater degree.

The efforts to date have borne fruit, but as the Public Works Committee has pointed out, we are just holding our own—we are not really getting at the root of the problem.

For this reason, I think that the bill before us today is necessary. If we wait much longer to intensify our attack, the battle may be lost.

It is estimated that we will be doubling our water consumption in the next two decades. It is clear that we have got to develop far more effective means of reusing water if we are to meet the rapidly rising demand for water for home, industrial, and scientific use.

This bill contemplates such an effort by including funds for projects to develop new means of waste disposal and control of discharge from sewers. Water treatment also will benefit. The cost of pollution control is expensive. But how much greater is the cost if we measure it in terms of lost opportunities for industrial development, or in terms of the health and happiness of our communities.

This legislation properly removes the limit on grants for waste treatment plants. At the same time, however, it provides incentives for State and local initiative and participation.

In short, it creates the opportunity for real partnership in this field.

In New England and particularly in Massachusetts, we have been blessed with an abundance of water for power and recreational purposes. I believe that this legislation can provide us with an opportunity to preserve that precious resource and open up a new era of economic growth and give our people the pure water they need for health and recreational use.

I urge the passage of the pending legislation.

Mrs. DWYER. Mr. Chairman, the pending bill, the Water Quality Act of 1965, can represent a major advance in one of the most critical problem areas facing the country—the need to clean up our waterways and assure our people of adequate quantities of clean water.

I strongly support this legislation, and I am pleased to note that it has come to the floor of the House with broad bipartisan backing.

New Jersey, Mr. Chairman, is no stranger to water pollution or to water shortages. As the most heavily populated and most intensively industrial of all the States, we have greater need for good water and face greater danger from polluted water and from inadequate supplies of clean water than most others.

In recent years, several of our communities have been forced to ration their water during periods of drought, while along sections of our seashore widespread pollution, at least temporarily, destroyed much of the shellfish industry and rendered useless miles of beaches for recreation purposes. Few of those who have been affected are likely ever to forget the role in their lives played by clean water.

More immediately, Mr. Chairman, northern New Jersey faces the most serious water shortage in its recent history. State and local officials are warning that 3 years of drought have reduced the huge reservoirs serving Newark and other major communities in the State to their lowest levels on record for this time of year. Last week, for instance, the two principal reservoirs in the area were down to 56 percent and 31 percent of capacity, respectively, whereas this time last year they were filled at 95 percent and 75 percent of capacity, respectively.

This impending emergency has not been created solely by inadequate rainfall. New Jersey, like most of the rest of the Nation, has plenty of water. But too much of it, including some of our biggest rivers, is so thoroughly polluted that it cannot be utilized as a source of public water supplies or even, in many cases, for industrial purposes.

Controlling and reducing and, finally, eliminating pollution from our lakes and streams is the only certain way of guaranteeing our people the water we need.

About 9 years ago, Mr. Chairman, Congress established the first comprehensive and permanent program for controlling water pollution. At that time, as the House Public Works Committee noted in its report on the present bill, "untrammeled pollution threatened to foul the Nation's waterways beyond hope of restoration."

Gradually, the committee believes, we have reached a point where we are just about holding our own. But that is not enough. In the face of unprecedented population growth, economic expansion, and rapid urbanization, the only way to keep up is to stay ahead. It is most significant that the committee was unanimous on this point. Both Democrats and Republicans—without exception—recognized this fact of life and voted to report the bill favorably. Since the bill was reported, the House Republican policy committee has joined in calling for its enactment—an excellent example of a bipartisan response to a national need.

The first water pollution control bill in 1956 defined the role of the Federal Government as primarily one of supporting and strengthening the activities of State, interstate, and local agencies. The program was improved in 1961, and the present bill will carry it forward again. But in all cases, Congress has recognized that nothing less than wholehearted cooperation between all levels of government will do the job. Congress and the executive branch can prod, encourage, advise, and help support the States and local communities. But it cannot step in and take over full responsibility for a problem that must, by its nature, be handled where it exists.

In 1962, the Advisory Commission on Intergovernmental Relations, on which I serve as one of three House Members and which is responsible for promoting greater Federal-State-local cooperation, recommended several improvements in the water pollution control program. The Commission proposed, among other things, that greater public investment in water supply and sewerage treatment facilities be encouraged; that the dollar ceilings be increased for individual grants for construction of sewerage treatment facilities so as to provide more help for larger cities; that grant ceilings be increased to encourage construction of joint projects serving two or more communities; and that an added incentive be provided to encourage the construction of waste treatment projects in conformity with regional or metropolitan area development plans.

Having introduced legislation in the previous Congress to implement these recommendations, I am especially pleased to note that the committee has included each of those I have mentioned in the bill now before us.

In addition, Mr. Chairman, the committee bill would also do these other important things:

Improve administration of the program by means of the proposed Federal Water Pollution Control Administration, the sole responsibility of which would be the prevention, control, and reduction of water pollution. Presently, this objective is only one of the many different jobs of the Public Health Service and this fact may help account for the rather unimpressive record of enforcement to date.

Encourage the development of new methods of controlling the discharge from storm sewers.

Promote the construction of larger waste treatment projects serving more people.

Require States to establish standards of water quality for the rivers, lakes, and other waterways they share with neighboring States, so that one State will not be polluting waters which also belong to others.

In connection with water standards, Mr. Chairman, it may be appropriate to echo the cautionary hope expressed by the League of Women Voters of the United States that the setting of water quality standards will not lead to protection of the status quo where existing conditions are poor or to further delay in making improvements. Such standards can and must be employed to upgrade continuously the quality of the waters concerned. There is no other justification for standards.

Water, Mr. Chairman, does not make headlines until there is too little of it. By passing this bill, the House will help to keep water out of the headlines and in the homes and industry of America.

Mr. REUSS. Mr. Chairman, water pollution in our country is not being halted at a pace fast enough to protect our water supplies. The amendments to the Federal Water Pollution Control Act being offered today represent the next major step in the fight to control this pollution. In formulating these amendments, concerned Congressmen have been searching for the combination of programs, responsibilities, and jurisdictions that would best enable us to halt the growing pollution of our streams. I hope that Congress will soon decide that the only way markedly to step up the pace of pollution abatement is to allow the Federal Government to set standards for water quality on interstate streams.

Water quality standards are neither new nor radical. They are a device that the Federal Government is copying from the States. In 1962, at least 40 out of 50 States had water pollution control laws which provided for the establishment of standards, criteria, objectives, or other similar schemes to preserve water quality. I believe that there is very little argument among water pollution control officers about the necessity for guidelines and standardization of requirements for water quality. Without them, regulatory programs can become arbitrary and difficult to enforce. The only argument is about how to make such standards work.

The States have had numerous difficulties in prosecuting their standards. Out of those 40 States with power to establish standards, 10 have never actually promulgated any standards at all; 10 have standards which apply only to certain rivers; and many have only objectives, vague and with little legal force.

Most State water pollution control programs are greatly understaffed, with insufficient appropriations even for inspection and enforcement, not to mention funds to help municipalities and industries build waste treatment facilities. As a result, State standards, despite the good intentions of State officials, have been of little help in abating pollution.

One reason for this failure is the variability of standards from State to State. It is difficult for a State official to insist that an industry improve its treatment facilities to meet standards if that industry can threaten to move to a neighboring State where standards are lower. Furthermore, there is little incentive to clean up a stream to meet standards if upstream neighbors are allowed to discharge wastes within a much lower standard.

Another reason is the difficulty of arriving at reasonable standards. In most States, the process has involved lengthy hearings and technical services, costs which lie heavily on State budgets. Particularly in those States which employ classification of streams, that is, determining the legitimate uses of the stream before prescribing necessary waste treatment, the procedure is inordinately lengthy. Finally, when standards are set from an exclusively local level, with budget problems and heavy opposition from industries and municipalities with a vested interest in being allowed to continue polluting, there has been a tendency to set standards or classifications very low, with little improvement over the current condition of the stream required. Where classification is employed, for example, we have seen many streams actually classified as suitable primarily for the transportation of sewage—that is, condemning a river to be a sewer. I do not believe that this country is so poor or so callous toward its beautiful, but limited water resources that we need to condemn entire reaches of rivers to be nothing but sewers.

Opponents of water quality standards have, I believe, tended to obscure the issue by bringing up arguments that actually have no relevance to the proposal. Standards, as I have pointed out, are nothing new; almost all the States have found them necessary. Standards can never be universal, applying with equal severity to all streams regardless of size or use. Standards can, of course, be amended upwards or downwards at any time; they are, of course, subject to judicial review like any other administrative ruling; and they can, of course, only be laid down after proper consultation with all parties concerned. These are assumptions never questioned by those of us who support a provision for Federal water quality standards.

The only real argument is whether we will continue to place the entire burden of setting the goals for our country's biggest conservation cause on the already overburdened shoulders of the States. Much aid would be rendered to the State programs by a Federal standard-setting procedure. In many cases, the Secretary of Health, Education, and Welfare would put the weight of his Department's program behind already existing State standards, making them easier to enforce. The Department could also be of particular help to downstream water-users, who have attempted pollution control but have had their efforts undone by their upstream neighbors. In States where permits are issued to waste-dischargers, a Federal standard-setting procedure would help in reviewing and issuing permits judiciously.

From the Washington vantage point, as Congressmen of the United States, we have the opportunity to view as a totality the immense worth of the country's water resources. We must make use of our nationwide view of the problem to provide the inspiration and leadership to step up the fight against pollution. Congress has recognized the responsibility of the Federal Government to lead the Nation in other conservation battles, and I am sure it will assume the same responsibility in this case.

Mr. VANIK. Mr. Chairman, I wish to commend this hard-working committee and its diligent chairman for their labors on this crucial measure. There is no group more keenly aware of the severe nature of the problems of water purity and supply than the chairman and his committee.

This bill will aid immeasurably in our fight to preserve our water supplies. Under the 4-year $20 million project development program new methods will be discovered to control storm sewer systems and sanitary sewage treatment. These efforts are an invaluable part of a total water pollution control program.

By doubling the ceiling of grants to individual projects to $1.2 million and twice that amount for joint projects individual locales are further assisting in the realization of projects which have been long overdue. The 10 percent incentive above the ceiling has merit since it is based upon the development of a comprehensive plan for a metropolitan area.

The several States must take the initiative of participating in this program by filing a letter of intent within 90 days to the Secretary of Health, Education, and Welfare that the State will establish water quality criteria applicable to interstate waters before June 30, 1967. It is my hope that my State of Ohio will not delay the implementation of this law by waiting the maximum time allotted.

As matters stand now the State of Ohio has refused to acknowledge that the critical problem of pollution of the waters of Lake Erie is a matter for the Federal Government to treat. The several States have neither the capacity nor manpower to effect a meaningful comprehensive program. The failure to act by the States has cost millions to those who depend upon Lake Erie and the other Great Lakes for fresh water, commerce, and recreation. The moneys already lost have been multiplied manifold as lake-related businesses have been stunted, decreasing jobs and tax revenue. Therefore, it was my hope that the Federal Government will have the opportunity to act when there is inaction by the States.

At the present time, Lake Erie is the largest body of contaminated fresh water in the world. Rich oxides and chemicals have permanently settled in the lake bottom and the level of this "life-killing" pollution is steadily rising and widening. Attractive marine life has all but vanished. Recreational values of the lake have diminished. The Lake Erie shores through three States between Detroit and Buffalo are replete with evidence of contamination. The Department of Health, Education, and Welfare has nevertheless determined that while there is serious and unquestionable pollution, it has not yet been proven to be interstate in nature qualifying Federal entry.

In the meantime, the Governor of Ohio has called for a Great Lakes Water Pollution Conference for Monday, May 10, at which he has invited other Governors of the Great Lakes area to consider the water pollution problem. On March 26, 1965, I wrote the following letter to Governor Rhodes:

> It is with great interest that I learned today of your decision to call for a conference on Lake Erie pollution. The problem was certainly not understated and the plea for joint consideration of this matter by the

Governors of all the States of the Great Lakes Basin is laudatory.

However, I am gravely concerned that the organization of the Great Lakes Water Pollution Compact and the development of studies and recommendations alone by that compact would serve to delay the direct solution of the problem.

An interstate compact among the several States would take an extended period of time to organize and would duplicate, in effect, the comprehensive studies which are currently being completed by the Public Health Service.

As matters stand now, the Department of Health, Education, and Welfare of the United States is ready, willing and able to schedule immediately a conference on Lake Erie pollution if you formally request it. Secretary Anthony J. Celebrezze told me last Monday, that a Federal conference on Lake Erie could not take place unless you request it.

Under Federal statutes a Federal Conference on Pollution is a mandatory prerequisite for the development of recommendations for pollution abatement and control. If these recommendations are not followed the Federal Government is then authorized to proceed to the courts to compel compliance with the "cleanup" directives.

It is my hope that the Governor's conference will not delay Federal entry into the solution of this problem.

I therefore urge that you request Secretary Anthony J. Celebrezze of Health, Education, and Welfare to proceed forthwith with a Federal Water Pollution Conference to meet simultaneously with the organization of a Governors' compact so that no time is lost in approaching effective solutions to the problem.

Mr. Chairman, I would interpret the vote on the legislation we consider today to indicate the tremendous public reaction and support to the Federal Government's activity in this field. It is my further hope that the Cleveland Water Pollution Conference called by Gov. James A. Rhodes will result in a call for a Federal water pollution conference on the Lake Erie problem so that the Federal machinery implemented by this bill may be put into motion.

Mr. ROUSH. Mr. Chairman, there can be no denial of the existence of a water pollution problem in our Nation. If there was no problem we would not be considering the legislation before us today.

There are other Members here who can claim and will, I am sure, exhibit a more detailed knowledge of this most serious subject than I can set forth. I wish to comment briefly on the urgency of the matter with which we are faced.

Time is a relative matter and 20 years can, from one point of view, appear to stretch out into the future in a seemingly interminable manner. But on this subject of water pollution, and the need to reduce and eliminate it, the end of the 20-year period is tomorrow.

By 1985 our Nation's population will have increased by 75 million people. This number is equal to the present population of the area extending from New York and New Jersey on the east to Illinois and Wisconsin on the west.

If we continue the present pace of attack on the water pollution problem on through the next two decades we will find ourselves almost hopelessly behind. It is imperative we upgrade our procedures and our efforts if we even hope to stand still in this area of need. The measure we are considering today will lend much-needed strength to the efforts of our States and cities and towns to combat this problem so vital to the health of our people.

We ourselves and our ancestors have grossly mismanaged this most precious heritage of clean water. It remains for us to insure this heritage will be handed on to those who come after us if we are to meet our responsibilities. We can do no less than to make certain the problem will not increase. We should do more so that the clean, clear streams, rivers, and lakes of yesteryear will be restored to their original state.

Mr. FARNUM. Mr. Chairman, it is our opportunity today to take effective steps to safeguard the greatest of all natural resources, which is pure water, for all generations to come.

That we have this opportunity is due in large measure to the farsightedness and dedication of an astute colleague, the gentleman from Minnesota, the Honorable JOHN A. BLATNIK, which is a State with problems much like those of my own Michigan, a State aptly called "The Water Wonderland."

As long ago as 1956 he helped build the base upon which the able Committee on Public Works, through its distinguished chairman, the gentleman from Maryland GEORGE H. FALLON, has helped him bring to the floor this bill so vital to the future of our nation.

It is of great importance, it seems to me, that primary responsibility for much of the effort to prevent, control, and abate water pollution is placed with the respective States and that promptness in action is encouraged through the requirement that each State to receive funds must demonstrate within 90 days after the day of enactment intent to establish water quality criteria applicable to interstate waters.

Let us hope that each of the States will take this local initiative to solve locally its own portion of the most pressing national problem facing us in the years immediately ahead.

It is important, of course, in the realm of the practical to underline the importance of the problem through establishment of a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare.

It is time indeed that we have an agency that will devote its total energies to attacking the pollution problem.

Increasing the amount of a single grant for municipal sewage treatment from a maximum of $600,000 to $1.2 million is certainly a step in the right direction as is the provision which grants of up to $4.8 million when two or more community applications are combined.

Passage of this bill will be a great step forward in building the America those who come after us will enjoy. With it we help to undo the mistakes of the past and restore the wonderful continent that our forefathers found when they came seeking liberty and the pursuit of happiness on these shores.

Mr. PHILBIN. Mr. Chairman, first, I want to extend my heartiest congratulations and my highest commendation to my dear friend and esteemed colleague, the outstanding chairman handling this fine bill on the floor, the gentleman from Minnesota, Congressman JOHN A. BLATNIK, and all members of the committee for the effective manner in which the bill has been prepared and presented to the House. I also want to thank the admired gentleman from Minnesota [Mr. BLATNIK], in particular, for the fair, balanced, informed and most impressive way in which he conducted the debate.

This bill is one of the most important that the Congress will be called upon to approve this session. First, because it relates to the health and well-being of the American people; second, because, as I have so often stated on this floor and elsewhere, the use, utilization, and control of water are of utmost importance to the American people and to this Government; and, thirdly, because this measure attacks the evil of pollution of our water supplies which is threatening us in so many ways these days; and fourthly, the issue of pure water must be settled now for the benefit of this generation and untold generations to come. The need, both public and private, is paramount.

This bill is one of several on the subject of water and pollution which this Congress has considered and approved within recent years. It is designed to enhance the quality and value of our water resources, and to set a national policy for the prevention, control, and abatement of water pollution. The bill authorizes a four-year program starting this fiscal year at an annual level of $20 million for grants to develop projects which will demonstrate new or improved methods of controlling waste discharges from storm sewers, or combined storm and sanitary sewers and provides contract authority for these purposes.

Federal grant participation is limited to 50 percent of the estimated, reasonable project cost, and may not exceed 5 percent of the total authorized annual amount for any one project. There is also a 25 percent limitation of the total appropriation on the funds which may be expended by contract during the fiscal year.

The bill doubles the dollar ceiling limitations on grants for construction of waste treatment works from $600,000 to $1.2 million for an individual project, and from $2.4 to $4.8 million for a joint project, in which two or more communities participate. The bill also gives the Secretary discretion to increase the basic grant by an additional 10 percent, if the project conforms to a comprehensive plan for a metropolitan area.

The bill also provides enforcement procedures to abate pollution resulting in a substantial economic injury from the inability to market shellfish or shellfish products in interstate commerce.

Proper safeguards for these enforcement procedures are in the bill to protect individual rights, require the production of appropriate evidence and to assure proper labor standards.

The chairman of the full committee, our most distinguished and beloved friend, the very able gentleman from Maryland, Congressman GEORGE H. FALLON, and all his colleagues on the committee, have long labored and have made effective contributions in the vital area of antipollution measures of the Federal Government, and it is noteworthy and commendable that these very able colleagues of ours have so keenly and clearly recognized the great need of declaring war upon pollution before it spreads its devastating effects throughout even more of the country.

The fight against pollution must be designed not only to eliminate existing pollution, but to prevent further pollution, and to assist municipalities and the several States to achieve these necessary ends, in behalf of enlightened sanitation and public health, not to speak of conservation and recreation.

I have long been interested in this subject, and have joined most vigorously in the past in the efforts the Congress has made to purge the Nation of harmful pollution. I am, therefore, especially pleased again to lend my voice and to cast my vote for this meritorious bill.

I hope that the communities and States will avail themselves of this new and broad opportunity to press toward the complete elimination wherever need exists in our communities and in our country, in the interest of public health, in the interest of the individual citizen and family, and in the interest of a better, cleaner, more wholesome, and happier country for all.

Mr. GRABOWSKI. Mr. Chairman, it is a great pleasure for me to join with my distinguished colleagues in support of the legislation before the House. With a great many Americans I have always been concerned with the quality of water resources. For many years I have believed that our Nation's streams constituted the lifeblood of the Nation's health.

Our people require clean water in every respect whether we are referring to drinking water or to those leisurely hours when we vacation with family and friends near a cool lake. It is important that the quality of the water be of the highest possible standard.

In supporting this legislation, I am aware of the great efforts that have been made by the members of the House Public Works Committee, and by various members of the other body. I have followed this work and I have read through the hearings that have been held in each body. I have been convinced that their work merits our great admiration. And I want to take this opportunity to praise the distinguished gentleman from Minnesota [Mr. BLATNIK] and all other Members who have worked so diligently on this legislation to amend the Federal Water Pollution Control Act, as amended.

This legislation has many, many interesting features. It establishes the Federal Water Pollution Control Administration. It provides grants for significant R. & D. matters and increases the grants for construction of municipal sewage treatment works.

It is a timeworn cliche to say that water is our greatest resource. As we look across the broad expanse of the globe, we can readily see that water constitutes a much wider area than land. We have been particularly fortunate here in the United States and it is absolutely imperative that we begin now on the course to settle the issue of pure water for all time. As was stated so poignantly in the House committee report to accompany S. 4:

> The issue of pure water must be settled now for the benefit of, not only this generation, but for untold generations to come.

Mr. Chairman, in my judgment, the legislation before the House today will start us on the road to substantial and necessary improvement of our Nation's waterways. In two brilliant messages since January our distinguished President has called for improvement of our Nation's waterways. And back in the midthirties another great Democratic President said:

> To some generations much is given, to others much is expected. This generation of America has a rendezvous with destiny.

These memorable words of Franklin Delano Roosevelt apply to the present problem at hand.

Mr. Chairman, I know that other Members of this distinguished House will speak to the specific aspects of this legislation. I want to conclude my remarks by simply saying that I believe—in terms of water quality improvement—this generation of Americans has a challenge and a moral commitment to start the long process of cleaning up our streams. I also know that representatives of the local governments and industry are prepared to begin together the long and difficult task that lies ahead. The legislation before us, as approved unanimously by the House Committee on Public Works, will start the ball rolling. I urge its immediate enactment. It will be of lasting benefit to all residents of the Sixth Connecticut District.

Mr. DUNCAN. Mr. Chairman, I am delighted that this bill has reached the floor of the House and will soon become law. The gentleman from Minnesota [Mr. BLATNIK] deserves the applause of the Nation for his efforts. There is no more important factor in the future of this country than water and the time is long since past when it should have had more of our attention. Parochial and personal considerations can no longer defer the solution of this problem.

I sit on the appropriations subcommittee handling the appropriations for this subject. Testimony was presented to us that 1,511 requests for Federal grants were in preparation or under review, all with the necessary local financing. With our present $100 million authorization only 800 of these sewage-disposal projects can be built; $184.8 million in Federal funds is required to cover the applications in already, not to mention those that can still reasonably be expected during the next fiscal year.

Because I am convinced that the time is here when we must cease polluting our rivers and estuaries; because we have the knowledge now to correct this grave deficiency in our civilization I am convinced that we cannot afford not to proceed with all possible speed to eliminate the blight of pollution. For that reason I introduced H.R. 5377 for the purpose of doubling the authorization for matching funds for pollution control from $100 million to $200 million. This bill adds $50 million for which I am grateful but which I consider to be inadequate. I am, nevertheless, willing to take half a cake to no cake at all.

I am also concerned about the change from the Senate bill to allow the States to set their own water quality standards. Certainly I would far prefer the States to handle this problem as I would so many of the others. But they have not done it so far and I doubt that they can under this law. I envision an interstate stream dividing two States which are commercial rivals with similar industries with disposal problems. It is obvious that both States must agree or there will be no standards. It will be the purest of coincidences if both States can set standards which will clean up the stream.

Again I say, that, while the bill is not perfect, it represents a step forward. The States have their chance. I hope they will succeed. If they do not, we must.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the Water Quality Act of 1965.

At the outset I want to commend the gentleman from Minnesota [Mr. BLATNIK] and the other members of the Committee on Public Works for reporting this important and necessary piece of legislation to the floor for action.

Our population is growing rapidly. In 1900 there were 76 million Americans. In 1950 there were 150 million. In 1960 there were 180 million. By 1980 it is expected that our population will reach 260 million. Obviously the more people there are the more water we have to have and the more sewage there will be. In the past 100 years water consumption in the United States has risen from a few gallons a day per person to about 700 gallons daily per person. Today the Nation is using approximately 323 billion gallons of water daily. Of this amount, industry uses 160 billion gallons; irrigation, 141 billion; municipal, 22 billion. In 1980 it will jump to 597 billion gallons per day, with industry using 394 billion; irrigation, 166 billion; and municipal, 37 billion.

It takes an ocean of water to maintain our jobs—1,400 gallons to produce a dollar's worth of steel; nearly 200 gallons for a dollar's worth of paper; 500 gallons to manufacture a yard of wool, and 320 gallons to make a ton of aluminum. Water quality and quantity requires careful planning and only clean water will do for most of our needs. So, the water supply must be protected to keep it clean or it must be treated each time it is used until it is clean.

The Water Quality Act of 1965 will, in my opinion, be a powerful legal tool in assisting the national effort toward proper water pollution control and increased purity in the water of our Nation's rivers, lakes, and streams.

Therefore, Mr. Chairman, I urge passage of the measure before us today. We must insure that pure water—so necessary to life—is available to our children and our children's children.

Mr. HORTON. Mr. Chairman, I rise in support of the pending legislation. S. 4 has my enthusiastic endorsement and I shall vote for it.

Water pollution is a serious national problem that deserves Federal attention and action. The steps we have taken so far to provide Government help to the States and local communities in combating polluting conditions have paid off handsomely.

Now, we can do even more. The formula for assistance in this measure promises to be a strong stimulant for other levels of Government to be powerful partners in the fight against pollution.

From my service on the Natural Resources and Power Subcommittee of the House Government Operations Committee, I am very much aware of the scope and extent of pollution problems in our Nation. I have seen them first hand and heard from officials in various areas of the country on the positive controls that can be installed with the kind of Federal assistance proposed in S. 4.

I am particularly pleased at the assistance this legislation will make available to New York State, for my State is embarking on a very ambitious program to purify its water resources and assure their clean condition for the future. The New York pure waters program has been designed in complete harmony with the additions being made to Federal water pollution efforts as they are embodied by the bill before us today.

We can and will assure clean water for our Nation by further helping to build and operate up-to-date sewage treatment systems, by providing information and guidance to industries for their pollution-abating activities, and by better measuring water situations throughout the country in order that we know where action is needed.

I believe the public investment in pure water will be returned many times over in terms of better health, improved recreation, higher property values, lower water costs, and general economic expansion because our Nation will be a finer place to live, work and play.

Mr. Chairman, this legislation represents considerable assistance from the Federal Government to help our States and localities answer water pollution problems. It is the result of long and serious consideration and has a potential of protecting our Nation's water supply in a very positive fashion.

Therefore, I urge the House to give its overwhelming approval to the passage of this bill.

Mr. BLATNIK. Mr. Chairman, I have no further requests for time.

Mr. CRAMER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "SECTION 1." a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

(b) Section 2 of Reorganization Plan Numbered 1 of 1953, as made effective April 1, 1953, by Public Law 83-13, is amended by striking out "two" and inserting in lieu thereof "three"; and paragraph (17) of subsection (d) of section 303 of the Federal Executive Salary Act of 1964 is amended by striking out "(2)" and inserting in lieu thereof "(3)".

Mr. BLATNIK (interrupting reading). Mr. Chairman, I ask unanimous consent that further reading of section 1 be dispensed with, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Chairman, this covers the water pollution situation, and states the purpose, that is, Federal water pollution control is to enhance the quality and value of our water resources and establish a national policy for the prevention, control, and abatement of water pollution.

The Clerk read as follows:

SEC. 2. (a) Such Act is further amended by redesignating sections 2 through 4, and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the 'Administration'). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration."

(b) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Water Pollution Control Administration, was, as such officer, performing functions relating to the Federal Water Pollution Control Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary of Health, Education, and Welfare may find necessary in individual cases) after such effective date. No commissioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term "transferring officer" means an officer transferred in accordance with this subsection.

(c)(1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer as provided in subsection (b), but only to the extent that such service is otherwise creditable under the Civil Service Retirement Act. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and, in the case of a medical officer, his special pay, during the years of service so creditable, including all such years after June 30, 1960.

(2) The deposits which the Secretary of Health, Education, and Welfare is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (b), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 4(d) of the Civil Service Retirement Act (5 U.S.C. 2254(c)).

(d) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the Civil Service Retirement Act, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Water Pollution Control Administration; however, no transferring officer may become entitled to benefits under both the Civil Service Retirement Act and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other.

(e) A transferring officer on whose behalf a deposit is required to be made by subsection (c) and who, after transfer to a classified position in the Federal Water Pollution Control Administration under subsection (b), is separated from Federal service or transfers to a position not covered by the Civil Service Retirement Act, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (b), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (c), no credit shall be allowed under the Civil Service Retirement Act with respect to such service.

(f) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under such Act upon his transfer to the Federal Water Pollution Control Administration regardless of age and insurability.

(g) Any commissioned officer of the Public Health Service who, pursuant to subsection (b) of this section, is transferred to a position in the Federal Water Pollution Control Administration which is subject to the Classification Act of 1949, as amended, shall receive a salary rate of the General Schedule grade of such position which is nearest to but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term "equalization factor" means an amount determined by the Secretary to be equal to the sum of (A) 6½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free.

(h) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (b) shall, on the date of such transfer, be credited with thirteen days of sick leave.

(i) Notwithstanding the provisions of any other law, any commissioned officer of the United States Public Health Service with twenty-five or more years of service who has held the temporary rank of Assistant Surgeon General in the Division of Water Supply and Pollution Control of the United States Public Health Service for three or more years and whose position and duties are affected by this Act, may, with the approval of the President, voluntarily retire from the United States Public Health Service with the same retirement benefits that would accrue to him if he had held the rank of Assistant Surgeon General for a period of four years or more if he so retires within ninety days of the date of the establishment of the Federal Water Pollution Control Administration.

(j) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Water Pollution Control Administration in matters of organization or in otherwise carrying out his duties under section 2 of this Act as he deems appropriate to the discharge of the functions of such Administration.

(k) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility.

Mr. WRIGHT (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that section 2 be considered as having been read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Chairman, this section provides for an upgraded status within the administrative structure for the water pollution control activities. Heretofore, the control of water pollution has been relegated to the very minor status of a division within a bureau of the Public Health Service within the Department of Health, Education, and Welfare. Certainly that is not a standing in keeping with or equal to the tasks or the importance of this activity. This section of the bill creates a Federal Water Pollution Control Administration. It will unify the three basic activities of research, enforcement, and assistance in one office. It consolidates the numerous scattered activities under one effective head. It will make compliance considerably easier, and make administration more effective.

AMENDMENTS OFFERED BY MR. BLATNIK

Mr. BLATNIK. Mr. Chairman, I have two amendments to offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BLATNIK: Page 17, line 2, strike out "4(d)" and insert in lieu thereof "4(e)".

Page 17, line 3, strike out "2254(c)" and insert in lieu thereof "2254(e)".

The amendments were agreed to.

Mr. BLATNIK. Mr. Chairman, I have three correcting amendments to offer, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BLATNIK: Page 21, line 23, strike out "1965," and insert in lieu thereof "1966,".

Page 21, line 25, strike out "purpose of making grants under" and insert in lieu thereof "purposes of".

Page 22, line 2, after "grant" insert "or contract."

The amendments were agreed to.

The Clerk read as follows:

SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith. The Secretary is authorized to provide for the conduct of research and demonstrations relating to new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "$500,000," and inserting in lieu thereof "$1,200,000,".

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "$2,400,000," and inserting in lieu thereof "$4,800,000,".

(c) Subsection (b) of such redesignated section 8 is amended by adding at the end thereof the following: "The limitations of $1,200,000 and $4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State."

(d)(1) The second sentence of subsection (c) of such redesignated section 8 is amended by striking out "for any fiscal year" and inserting in lieu thereof "for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965,".

(2) Subsection (c) of such redesignated section 8 is amended by inserting immediately after the period at the end of the second sentence thereof the following: "All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States."

(3) The third sentence of subsection (c) of such redesignated section 8 is amended by striking out "the preceding sentence" and inserting in lieu thereof "the two preceding sentences".

(4) The next to the last sentence of subsection (c) of such redesignated section 8 is amended by striking out "and third" and inserting in lieu thereof ", third, and fourth".

(e) The last sentence of subsection (d) of such redesignated section 8 is amended to read as follows: "Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under."

(f) Subsection (d) of such redesignated section 8 is amended by striking out "$100,000,000 for the fiscal year ending June 30, 1966, and $100,000,000 for the fiscal year ending June 30, 1967." and inserting in lieu thereof "$150,000,000 for the fiscal year ending June 30, 1966, and $150,000,000 for the fiscal year ending June 30, 1967."

(g) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z—15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)."

(h) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof."

Mr. CRAMER (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that this section be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCARTHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, two beleaguered contingents—one Federal and one local—have been waging a valiant war on water pollution.

But, we seem to be losing the war. Lake Erie, whose waters stretch for 20 miles in my district, soon will die if drastic steps are not taken promptly.

Reinforcements are needed. A third army must be recruited now. We need the States in this all-out battle.

In this bill, for the first time, the States are offered a real incentive to join in.

They are offered an incentive to help their larger cities shoulder the burden of this costly war.

Pollution, obviously, occurs where there are people. So the larger cities are the larger polluters.

But, until now, the $600,000 ceiling on a single project looked awkwardly, even impossibly low to the burgeoning municipalities.

Six hundred thousand dollars does not look like much to a fiscally strapped city that is faced with the need for a $10 million waste treatment plant and sees no hope of State aid.

The enemy—pollution—looks pretty ghastly, grim and growing to such a beleaguered city.

Responding to the plight of the cities, the committee has proposed that an additional $50 million be added to the original $50 million, a year program.

We propose that the new money be allocated to the States on a strict population basis and that the ceiling on Federal participation be raised to let the larger cities in. That it be lifted to a full 30 percent of the total cost of a waste treatment plant regardless of the total amount involved, provided that the State match dollar for dollar, all moneys allocated from the additional $50 million.

My State of New York has indicated that it would join the fight on this 30–30–40 basis—30 Federal, 30 State, 40 local. Other States would surely join in too.

This would offer new hope and help to those cities that previously faced a plight, like the city I mentioned, with the prospect of financing 94 percent of a $10 million waste treatment plant.

Under this new formula, this city could look to the State for $3 million, to the Federal Government for $3 million and would have to finance only $4 million, or 40 percent, locally.

Most important, by keeping this provision intact, we will be recruiting a new contingent—the States—into a new, three-pronged attack on water pollution.

We will lighten the financial load on all governments, hasten a victory over pollution and a cleanup of the Nation's waters.

But other forces, by way of other legislation and White House action, will have to join in if a total victory is to be gained.

Industries, many of whom have been draft-dodgers to date, must be pressed into the service with the carrot of tax incentives for extensive pollution abatement equipment and the stick of strict enforcement.

Our good neighbor Canada should be invited to join either through a new treaty or the existing international joint commission.

In a joint attack, Canada and the United States should eliminate municipal and industrial pollution from the Great Lakes, dredge vast quantities of algae from lake bottoms and finally, channel a new water supply from Hudson's Bay into the lakes to flush out pollutants, raise lake levels and provide for increased United States and Canadian water needs.

Much remains to be done. We must progressively escalate this war if we are to be victorious.

This bill today is a must.

As a Member of this body, as an American, a Buffalonian, a lover of Lake Erie, the Niagara River and all our lakes, streams, and rivers, I fervently hope you will vote for it.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from New York.

Mr. STRATTON. I wonder if the gentleman from New York would tell me whether that means of the $150 million authorized here, the $50 million would be earmarked, so to speak, for the larger cities and the $100 million would be earmarked for the smaller cities.

Mr. McCARTHY. Partially that would be the effect, because the additional $50 million that we are discussing here now would be allocated on a strictly population basis, so that the larger States where the largest cities are would get more money proportionately. However, the smaller States would draw on that $50 million also.

Mr. STRATTON. I hope that that interpretation will be clear in the record because while I recognize the problem of the larger cities, I am fearful if we raise the ceiling too high all the money might go to the largest cities, and we who represent the smaller communities might end up with very little in our areas.

If that $50 million is in a sense earmarked for cities, then we representing smaller communities can be sure that our communities still have something to help them out.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman.

Mr. BLATNIK. The gentleman from New York [Mr. McCarthy], a member of the committee, has answered the question and clarified the question raised by the gentleman from New York [Mr. Stratton]. We completely protect and do not at all change the position, and the justifiable position of priorities to small communities. On that initial $100 million authorization, half of that will be reserved. The priorities given to the $125,000 is as it now exists and has existed for these years under current law. The additional $50 million can be used in short by the States as they will. If their problem is as to small municipalities, they may emphasize aid in that direction for small municipalities. In other areas where we have huge metropolitan areas with their problems, then that money may be used to exceed the limit for the larger cities that equally need this. So we have a more flexible and more effective two-pronged program and at the same time encouraging and urging and hoping that the States will match on this additional $50 million—match their share prorated on a population basis dollar for dollar and they may, therefore, be permitted to exceed the limit. So we do adequately without question protect smaller communities and interests and for the first time also give an opportunity to assist the larger municipalities.

Mr. McCARTHY. I thank the distinguished chairman. I might add that one of the important effects of this, and I am sure the gentleman would agree, is that for the first time there is offered a real incentive to the States to come into this program. Up until now the Federal Government and the localities have been fighting a rather beleaguered war on pollution. They need reinforcements and this will bring the States in by offering an inducement.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the distinguished gentleman from Indiana.

Mr. HALLECK. I just want to say as one of the newer members of this committee, it has been a pleasure for me to work on the committee in drafting this legislation. I think the committee approached the whole matter with fairness and a desire to do the right thing on both sides of the aisle, and I am happy to lend my support on the passage of this bill.

Mr. McCARTHY. I thank the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: Page 24, line 8, strike out "(g)" and insert in lieu thereof "(h)".

Page 24, line 18, strike out "subsection" and insert in lieu thereof "subsections".

Page 25, line 18, strike out the quotation marks.

Page 25, after line 18, insert the following:

"(g) Notwithstanding any other provision of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 15 per centum of the amount of the total project cost if (1) the project for which the grant is made is for the service of a municipality located within an 'eligible area' as that term is defined in section 3(a) of the Public Works Acceleration Act (76 Stat. 541), and (2) such municipality is located outside the 'Appalachian region' as that term is defined in section 403 of the Appalachian Regional Development Act of 1965 (Public Law 89-4) and (3) the State or States in which such municipality is located pay toward the cost of such project an amount equal to the Federal contribution to such project authorized by subsection (b) of this section."

Mr. CLEVELAND. Mr. Chairman, I will try to explain this amendment briefly. The amendment was offered in committee but the committee did not adopt it.

The general purpose of this amendment is to recognize the fact that in some areas of the Nation, particularly those in the so-called deprived or disadvantaged areas, that even with 30 percent Federal help and even with 30 percent matching State funds, such as we have in New Hampshire, the remaining 40 percent is still beyond the reach of many of these small communities. This is particularly true of towns near or on the headwaters of some of the rivers that contribute to the pollution, which sometimes carries downstream and so affects the other communities far down the river.

The Committee on Public Works has recognized the fact that some of these rural communities cannot afford to participate with the matching funds necessary for sewage plants.

A remedy was provided in the Appalachian bill where up to 80 percent of the participating funds will be supplied by the Federal Government.

It seems only fair that in those rural towns—particularly those in depressed, distressed, or disadvantaged areas—there be an additional helping hand from the Federal Government, in recognition of the fact that even if they try their utmost they cannot afford to match these funds.

With this thought I offer the amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment. At the same time I wish to make it clear I am in sympathy with the objectives of giving additional financial help to municipalities which have such a need.

This is not the place to do so. It would upset the standard, which is consistent and uniform, in a very progressive matching formula.

We are hopeful that the addition of the $50 million will induce the States to act. We expect to match the 30 percent, leaving only 40 percent to be provided, and that will be of assistance.

Above all, there is legislation pending before our committee designed to give assistance to areas where municipalities, counties, and governmental subdivisions are in financial need. There is a substantial community facilities section, and I believe some of the communities to which the gentleman refers could benefit and could be assisted.

I am sympathetic to the objective, but this is not the place to take action. I ask that the amendment be defeated.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Florida.

Mr. CRAMER. I hesitate to oppose an amendment offered by the distinguished gentleman from New Hampshire, but I should like to ask a question.

An additional 15 percent is being proposed by the amendment, but there is no authorization increase to take care of the additional money in the amendment, so therefore would it not have to come out of the existing program which the legislation would authorize? In other words, the effect would be to permit a diversion of substantial funds to the additional "15 percent area."

Mr. BLATNIK. Yes.

Mr. CRAMER. Without increasing the authorization in the bill itself?

Mr. BLATNIK. That is correct.

Mr. CRAMER. This would have the effect of diverting funds from the authorizations proposed, as voted by the committee?

Mr. BLATNIK. That is correct.

Mr. CRAMER. From other communities which would otherwise qualify?

Mr. BLATNIK. That is correct.

Mr. CRAMER. I suggest to the gentleman that the question of depressed area legislation, as the gentleman from Minnesota said, will be considered by our committee. I believe that would be a better place for consideration of this proposal, although I hasten to say I doubt if I will be in support of that legislation when it is considered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. CLEVELAND].

The amendment was rejected.

Mr. SCHMIDHAUSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this moment to give my strong support to this excellent legislation. I should like to underscore certain provisions in it which are of exceptional value to us in the Midwest.

I have just returned from an exhaustive observation of the Mississippi River region of my congressional district. My trip vividly impressed upon me the urgency and imperative need for passage of the strong water pollution control bill which the House of Representatives is currently considering. The Mississippi River is now overflowing its banks and spreading over rich farmland, homes, factories, and areas along the river.

But the most serious aspect of the present flooding conditions is the flow of raw sewage directly into the Mississippi River. In many of the communities along the Mississippi, the water has backed up into the sewerage systems and put them out of operation, thus causing the free flow of raw sewage waste into the river. This situation not only is increasing the polluted state of the river, but has resulted in raw sewage being deposited over vast areas of the Upper Mississippi River Basin. City water resources and individual wells have been contaminated and residents are faced with the prospect of a serious shortage of pure water. In short, a serious public health hazard has been created because of the inadequate ability of the existing disposal plants to cope with floodwaters.

My on-the-spot observations underscore the urgent need for this bill which contains a provision for coping with the existing public health hazard. We cannot continue to jeopardize the health and safety of our citizens who are in dire need of assistance for their efforts to cope with the serious problem resulting from the free flow of raw sewage into their homes and water. In the Quad City area, including Davenport and Bettendorf in my district, the sewage of 100,000 people is flowing directly into the river. This bill will help guard against future disasters in all parts of the Nation.

The Water Quality Act of 1965 will strengthen and broaden the national program of prevention, control, and abatement of water pollution. The progress that has been made under the Federal Water Pollution Control Act of 1956 and the amendments of 1961, in controlling and abating pollution makes it apparent that the goal of clean water can be achieved. Due largely to the untiring efforts of JOHN BLATNIK, of Minnesota, we have the opportunity today to vote on the Water Quality Act of 1965, which I believe will expand the water pollution control program and greatly accelerate the rate of progress toward clean water throughout the Nation.

This act provides for the creation of the Federal Water Pollution Control Administration. As water pollution control has taken on greater national significance through the past few years, it is now essential that the administration of this program be given the necessary identity and status to perform its functions.

The section of the Water Quality Act of 1965 which I believe is particularly significant in the progressive fight against water pollution, is that which establishes a research and development program relating to combined sewers.

A great many cities in our country installed combined sewers at the time their sewer systems were constructed. Generally, these sewers are large enough to take not only the domestic sewage from the areas they serve, but also the water that runs off after a rainfall. Following a rain these sewers carry quantities of water which are frequently so great that it is not feasible to treat the water at any standard type of sewage treatment plant. And so, during periods of unusually high flow the excess water, including the domestic wastes carried with the water, is allowed to overflow directly to the receiving stream. Although the storm water provides some dilution of the domestic wastes, the heavy flows of storm water serve to flush out the accumulated organic material in the sewers, which increases the pollution of storm water overflows.

A recent study by the Department of Health, Education, and Welfare, on storm water overflows and combined sewer systems, showed that at least 59 million people in more than 1,900 communities are served by sewer systems which allow overflows. The annual average overflow is estimated to contain 3 to 5 percent of the untreated sewage and, during storms, the overflow contains as much as 95 percent of untreated sewage.

These discharges of untreated sewage adversely affect all known water uses, and significant economic loss results from the damages caused by these discharges.

There can be no question that something must be done about these discharges, but the question is what can be done.

The one method which we know will correct the problem is the complete separation of storm and sanitary sewers. With this method the domestic wastes would not be combined with the storm waters and would receive the treatment normally provided, at all times. This solution is technically sound, but financially impossible for most areas. Roughly, it would cost from $20 to $30 billion to achieve complete separation of sewers throughout the country. It is not hard to imagine why most cities find the cost of separating their sewers prohibitive.

Separating sewers involves not only spending huge amounts of money, but also involves disrupting normal life of a community. In order to separate sewers the streets must be torn up to lay the new pipes, thus streets must at times be closed to traffic and this can cause huge bottlenecks in rush-hour traffic. The merchants on the streets closed to traffic suffer great economic losses, as well. And, of course, the noise and dirt resulting from tearing up the streets are unpleasant to all.

Other methods of dealing with the problem of discharges from combined sewers have been proposed, but most of them are, as yet untried. These methods include partial separation of sanitary and storm sewers and other contributing sources, expanded or new treatment facilities, holding tanks with or without chlorination, disinfection, storage using lagoons, lakes, quarries, and other depressions, storage using guttering, streets and roadways, and inlets, additional sewer capacity, regulation and control of flow through the sewer system, and improved planning and zoning.

Up to this time these methods have not been studied because there are very few of such installations to study. And yet, to solve the critical problem of noxious discharges from combined sewers these new methods must be studied and evaluated.

The Water Quality Act of 1965, by providing grants to assist in the development of projects to find new or better methods of controlling discharges from combined sewers, is a great step toward the solution of this problem.

The expenditure of $20 million per year for the next 4 years, for research which can develop practical methods of controlling combined sewage wastes, is well justified when compared to the billions of dollars that otherwise would of necessity be spent to install separate sewer systems in cities throughout the country.

Although grants for research and development are a vital part of the water pollution control program, grants for construction of waste treatment facilities are also an important part of the total program. At present, grants under provisions of the Federal Water Pollution Control Act give the greatest benefit to small cities where the Federal grants frequently cover 30 percent of the construction costs. As the act allows grants up to 30 percent of the costs or $600,000, whichever is the smaller, large cities find that the Federal grants cover only a small portion of their total costs.

The Water Quality Act of 1965 provides for an increase in dollar limitations on treatment works construction. This increase will give the larger cities, with their proportionately greater treatment needs and expenditures, grants for a more equitable portion of their construction costs.

The procedures in the enforcement section of the Federal Water Pollution Control Act have been proven effective in the number of enforcement actions which have been taken. I am pleased to note that there are only two changes in this section, and both broaden the scope of the Secretary's authority in carrying out the enforcement provisions of this act.

The first change empowers the Secretary of Health, Education, and Welfare, to call a conference if he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution and action of Federal, State, or local authorities. Up to this time the Secretary has not had the authority to initiate action in such situations. This provision will enable the Secretary to take enforcement action where necessary, to deal with these problems.

The second change in the enforcement measures permits the issuance of subpenas at the hearing stage of enforcement procedures to compel the presence and testimony of witnesses, and the production of any evidence that relates to any matter under investigation. Although hearings have been necessary in only 4 out of the 34 enforcement actions it is essential that when a hearing is required the Federal authorities have the power to obtain the information which will make the hearing an effective and productive procedure.

I am convinced that this bill before us today is a major step forward in the fight against water pollution. In this fight we cannot take a moment's rest, for as every day passes millions and millions of gallons of water containing domestic sewage and industrial wastes of every sort, are poured into our streams increasing the already intolerable pollution load.

The **CHAIRMAN.** The Clerk will read.

The Clerk read as follows:

SEC. 5. (a) Subsection (f) of the section of the Federal Water Pollution Control Act herein redesignated as section 7 is amended by striking out "and" at the end of clause (5) and by inserting at the end of such subsection the following:

"(7) provides that the State will file with the Secretary a letter of intent that such State will establish on or before June 30, 1967, water quality criteria applicable to interstate waters and portions thereof within such State, and no State shall receive any funds under this Act after ninety days following the date of enactment of this clause until such a letter is so filed with the Secretary."

(b) Paragraph (1) of subsection (c) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

(c) Subsection (e) of such redesignated section 10 of the Federal Water Pollution Control Act is amended by inserting immediately after the period at the end of the third sentence thereof the following: "In connection with any such hearing, the Secretary or his designee shall have power to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation at such hearing, by the issuance of subpenas. No person shall be required under this subsection to divulge trade secrets or secret processes. Witnesses so subpenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of contumacy by, or refusal to obey a subpena duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secretary or the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof."

Mr. THOMPSON of Louisiana (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 5 be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. THOMPSON of Louisiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and gentlemen of this body, I believe that probably the part of this legislation as it was reported from the Senate which caused the greatest amount of concern was the part wherein the Federal Government would be authorized to promulgate water standards nationally.

After long deliberation in many hearings, as has been brought out here today, it was determined, after many, many meetings, that it was the consensus of the various States and, in fact, in nearly all instances where States were heard through their Governors or representatives, that they would prefer to work out their own problems settling what the criteria of water standards should be. We know that no two streams have the same personality, so to speak.

No two interstate streams have the same problems. Some pollution is caused by industry, other pollution by natural causes, other pollution by agriculture, and other by the communities located on the streams. Nevertheless all of it is pollution. In most cases we believe that the States should solve their own problems if they can. We feel that the Federal Government should not—and the committee agreed to this unanimously—attempt to step in and set water standards unless and until we can prove conclusively that the several States cannot do it for themselves.

In having this entire matter considered in this package type of legislation we have created a great incentive for the States to cooperate in solving a common problem and yet allow them to retain their privileges and prerogatives.

The legislation provides that by simply filing a letter of intent within 90 days after the passage of this legislation the States will be able to go on with their surveys for the establishment of water criteria to the point where reports will be available to Congress by June 30, 1967, at which time most of this legislation will have expired and when the Congress will be able to take another look at it. Those States which do not conform to this privilege and duty that is being given to them will, of course, not be allowed to receive their new grants.

We agreed to this, as I say, unanimously in the committee, and I am quite sure that the other body will see our point of view because it is one of the parts of the bill which was considered the longest and given the greatest deliberation by the experts, scientists, engineers, and our own legal and engineering staff on the committee. I hope there will be no amendment offered to this.

Mr. BLATNIK. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, our personal friend and able colleague, Congressman JOHN DINGELL of Michigan, has been in the forefront of conservation measures, particularly with regard to water pollution control legislation, from the very inception of it. Mr. DINGELL has done a tremendous job and has given valuable assistance to me personally and to many of us who are interested in effective legislation in this field.

Mr. Chairman, I ask unanimous consent that the remarks of the Hon. JOHN DINGELL appear at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DINGELL. Mr. Chairman, water is the lifeblood of every society. Without an adequate supply, history shows us, mighty nations crumble and once great peoples become the academic subjects of archeological diggings and scholarly dissertations.

Often, areas have been deprived of water due to changes in climatic conditions, changes over which primitive peoples and even advanced cultures have little control. While such deprivation is lamentable, at least man can console himself with the truth that the causes of his downfall are forces of nature beyond his power to affect.

We in America are confronted with a situation far more tragic. By polluting and defiling the sources of our water supply, we are thoughtlessly sowing the seeds of our own destruction. No acts of God are involved here, only the self-seeking shortsightedness of a prosperous nation.

Hence, it is imperative that we pause a moment amidst these days of unparalleled social and economic progress to take stock of this precious resource, the depletion of which would threaten our very survival, much less our struggle to build a better America.

The facts on water pollution are clear and frightening. As a nation, we receive about 1,200 billion gallons of water a day, about half of which is potentially usable. Current demand runs about 320 billion gallons daily, though only 315 billion gallons are available from running water and storage.

To make matters worse, water use is increasing at an accelerating rate. Since the turn of the century our population has tripled, but our fresh-water consumption has expanded eightfold from 40 billion gallons to the present level of 320 billion gallons a day. By 1980 water demand in America will have climbed to 600 billion gallons a day, about twice the present usage and equal to our total dependable supply.

Water reusage represents a partial solution to this crisis. The next time you turn on the faucet in your home, you will probably be reusing water utilized earlier by some upstream neighbor. In this sense we have not departed from the practices of ancient Rome, where water pipes bore the inscription:

> The water you drink may have quenched Caesar's thirst.

In 1980, when our population will be in excess of 200 million, the water of most of our streams will have to be reused six or eight times.

Reusage will only enable us to escape our demand-supply water predicament, however, if the more serious problem of pollution is solved. Since 1900, the municipal-waste pollution load discharged into the Nation's waters has increased from 24 million people to 75 million. This will grow to 84 million in the next decade and to 150 million by 1980 unless strong measures are taken.

The pollution load from industrial wastes has soared from the equivalent untreated sewage of 15 million persons to 150 million persons since 1900. There have been enormous increases in pollution by new and highly toxic chemicals. Unless industry faces up to its responsibility to control its contamination of our waters, its contribution will be equivalent to the waste of 300 million persons by 1970 and no one knows how many by the year 2000.

More than 100 million Americans get their drinking water today from rivers carrying sewage, industrial wastes, and anything else that can be flushed down a sewer or thrown from a bridge. The same municipalities and industries that need more clean water are soiling and defiling their own water supplies and those of their neighbors.

A partial list of the things we dump into our waters includes: untreated municipal sewage; manufacturing wastes; oxygen-absorbing chemicals; fish and animal matter; germs and viruses of a thousand varieties, including dysentery, cholera, infectious hepatitis, and probably polio; and radioactive wastes in small but increasingly dangerous doses.

Having surveyed the facts of the matter, what are the results of this failure to conserve our limited water resources? Most obviously, we are fast approaching the day when we will experience acute shortages of healthful water for drinking, cleaning, and washing.

It requires 770 gallons of water to refine 1 barrel—42 gallons—of petroleum, 50,000 gallons to test an airplane engine, 65,000 to produce 1 ton of steel, 320,000 gallons to produce 1 ton of aluminum, and 600,000 gallons to make 1 ton of synthetic rubber. Clearly, if something is not done, our industries will soon be constrained by inadequate supplies of water.

Esthetically, we can already witness the scars of pollutions. Our rivers and lakes were once clear, swift, and teeming with game fish. Today many of them lie sluggish, shallow, clogged with municipal and industrial wastes, and unable to sustain wildlife of any sort.

Commercial fishing industries and sport fishing on many of our inland rivers once known for their high yield of delicious fish have vanished, because the fish have been poisoned and suffocated or because they are so contaminated as to be ill smelling, evil tasting and often unsafe.

But what is to be done? Public Health Service experts estimate that the construction of 4,000 new sewage treatment plants and the modernization of 1,700 more are needed to handle the present load of municipal sewage dumped into the Nation's rivers and streams. It is further estimated that it will require $4.6 billion if municipalities are to catch up with treatment needs by 1968; $1.9 billion to eliminate the backlog, $1.8 billion to provide for population growth, and $900 million to replace obsolete plants.

What is more, the problem is not a local or even a regional one, but plagues every part of the Nation. Looking at the Midwest from where I come, one is struck by the shameful spectacle of once beautiful Lake Erie dying a premature death due to pollution. Thoughtless pollution has rendered the lake's periphery a bleak wasteland, unfit for residence, recreation, or even industry.

Turning closer to my district in Michigan, one sees the sullied waters of the busy Detroit River, no longer fit even for swimming or fishing.

Industries discharge 1 billion gallons of waste into the Detroit River each day and municipalities discharge 540 million gallons of sewage. The river has changed from what was once a clean body of water at its head to a polluted body in its lower regions. The pollution is bacteriological, chemical, physical and biological, and this pollution will become progressively worse unless effective remedial action is taken at once.

The pollution of the Detroit River causes interference with municipal water supplies, recreation, fish and wildlife propagation, and navigation. It makes all forms of water contact sports in the lower Detroit River a distinct hazard.

Industries and municipalities discharge 6 million pounds of waste products into the Detroit River every day. At my urging in 1962, then Governor John B. Swainson of Michigan requested Federal enforcement officials to provide a solution to Detroit River pollution. The study undertaken after the 1962 conference has been concluded, and study recommendations are expected to provide an appropriate basis for remedial action to be taken in abatement of the pollution problem.

Concerned citizens elsewhere ask why little or nothing is being done to abate pollution. The responsibility for most abatement activity rests at State and local levels. Yet, due to weak antipollution laws and the unending efforts of industrial lobbyists, little progress has been recorded. Whenever Federal legislation is proposed to meet the problem, it is opposed on the grounds that it is an invasion of States rights.

A questionnaire sent out a few years ago by the chairman of the Public Works Committee of the House revealed that many States had never initiated their first proceedings under their respective water pollution laws. Others had never obtained a conviction because of gaps in laws and because of judicial and administrative indifference. Billion dollar corporations have been fined $25 for major water pollution. Some States have no agency authorized to administer State water pollution laws and one State which did have an administrative body to abate pollution found on one occasion that the legislature cut off its funds when it began to get too hard on a politically potent polluter. Industries often threaten to move out of a State if pollution control is enforced too rigorously, and States hungry for jobs and industry are prone to look the other way.

It was against this background of a growing national pollution crisis and State inability to act that Congress began, 17 years ago, to consider Federal legislation.

In 1948 Congress authorized the Surgeon General to assist and encourage State studies and programs to prevent and abate pollution of interstate waters, including the enactment of uniform State pollution control laws and adoption of interstate pollution contracts. It directed the Justice Department, with State consent, to institute court actions to require an individual or firm to cease practices causing pollution, and it created a Water Pollution Control Board.

In 1956 Congress increased the Surgeon General's initiative and powers. In 1961 Congress transferred Federal authority to the Secretary of Health, Education, and Welfare, expanded Federal abatement authority to cover intrastate and coastal waters, and permitted the Secretary to bring court actions through the Justice Department without first seeking State permission.

The present House bill will establish a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare. It will require States to promise within 90 days to establish water quality criteria for interstate waters by June 30, 1967, if they wish to qualify for Federal aid in the construction of water treatment facilities.

This latter provision replaces a Senate proposal to authorize the Secretary of Health, Education, and Welfare to establish and enforce water quality standards. The House bill provision looks in the right direction, but it does not go far enough and in my opinion it will not solve the problem. I was one of the first Members of Congress to introduce legislation to authorize Federal water quality standards, and I hope to see the conference committee on this bill adopt the Senate plan.

Water quality standards are an essential tool which should be afforded to the Secretary of Health, Education, and Welfare to begin a cleanup of our rivers and streams through effective preventive regulation. It enables the Federal Government, rather than seeking to restore streams, rivers and lakes which have been dreadfully abused, polluted and contaminated by the dumping of industrial wastes, to prevent abuse, pollution and contamination. The water quality standards in the Senate bill, and in my bills, H.R. 983 and H.R. 4482, as originally introduced, were meant to be a program for a continuing upgrading of our water to the highest level possible. Had this provision been enforced for 10 years, the Ohio newspapers would not be complaining about filth and sludgy accumulation in Lake Erie at the rate of 6 inches a year, and President Johnson would not be pointing out in his message the fact that 25 percent of Lake Erie is an ecological desert incapable of supporting fish or wildlife or serving as a recreational area in our growing America.

No single provision of the legislation, both that already approved by the Senate and the companion House measures, H.R. 3988, sponsored by the gentleman from Minnesota [Mr. BLATNIK] and my own bill, H.R. 4482, was open to more deliberate and flagrant misinterpretation than the proposed authority for setting of Federal water quality standards on interstate streams. This provision was given the endorsement of President Johnson in his message on natural beauty and accordingly supported by the administration and conservation and citizen interests as necessary in order to prevent pollution before it happens. It is more than particularly shocking, therefore, to learn that Secretary of Agriculture Freeman, on his own admission before another committee of the House, has interposed himself in opposition to this significant provision. Were his opposition based on fact, I would be the first to admire and applaud him. However, the analysis of this provision, which he submitted as the basis for his position, is wholly and totally lacking as to any real understanding or appreciation of the very language of this section. It is difficult in the extreme to even try to understand how this department head could regard the language of the bill as excluding the important water use interests which he represents from any voice in the preparation of the standards. What, if anything, is more clear and intelligible than the bill's wording that the Secretary of Health, Education, and Welfare would prepare regulations setting forth the standards "in consultation with the Secretary of the Interior and with other Federal agencies"? If he wished to have the identical specificity accorded to the Secretary of the Interior by inclusion of himself in the bill, why did not he say so? Instead, he pleads that the legislation slipped through his entire Department unnoticed, despite the fact that the same identical provisions received Senate approval in the previous Congress and renewed administration endorsement in this session. What is worse is to find in his analysis a key to his opposition in regard to "permits for waste disposal from Federal installations" which is not and has not been in any way included in S. 4 of the House companion measures. If, as I suspect, his analysis was prepared by legislative experts within his Department, I recommend that he do himself and his agency a distinct service by some swift firing, and, unless he learns to better support his administration, perhaps by a resignation.

As coauthor of this legislation I want to make another important point. This legislation in setting up an administration of water pollution control is not aimed at transferring the entire personnel now serving on water pollution in the Public Health Service. Its personnel have an important purpose to carry out in the Public Health Service. They have been tried in connection with the handling of water pollution and in frequent cases have been found wanting.

As I pointed out in my testimony before the House Public Works Committee, progress in water pollution control under State administration and under the

Public Health Service is moving, but is moving determinedly the wrong way. An increasing number of streams, utilities, municipal water supplies, and waters for fish and wildlife and for recreational purposes are defiled and destroyed each year.

My testimony stated in part:

> When I testified before this committee more than 14 months ago, I had in my possession a list of 90 serious cases of interstate pollution on which no Federal enforcement action had been initiated. This list had been made available to me by the Secretary (of HEW) himself. Several days ago * * * I again requested a list of polluted rivers on which no Federal action had been taken, and this time I was proffered a list of 89 rivers. While less than overjoyed at the prospects of saving the Nation's waters at the aggregate advance rate of one river per annum, further investigation revealed that even this pathetic measure of progress was delusory. In fact, the list of 89 rivers actually included 102 waterways. Rivers that had been recorded separately on the first list were, for some reason, combined under one heading on the second list.
>
> Of the 90 rivers that had appeared on the list more than a year ago, 33 had received Federal attention during 1964, while 57 had received none. In addition, 45 rivers on which no Federal action had been taken became seriously enough polluted to demand inclusion on the present list. Thus, after yet another year with the pollution program under the dead hand of the Public Health Service, and $100 million later, we have fallen 12 rivers deeper on the debit side. Let no one accuse our pollution program of stagnating; it is moving quite determinedly in the wrong direction.

I do, however, pay richly deserved tribute to some of the highly capable people in the Public Health Service—like Mr. Murray Stein, who certainly is deserving of enthusiastic acclaim for his splendid work in this field, and many others in that agency.

In other respects I favor this House bill. For example, it authorizes the HEW Secretary to subpena necessary witnesses to water pollution control hearings.

Concurrently with steady progress toward uniform and effective control over water pollution, Congress has provided increasingly generous Federal aid for the construction of sewage treatment facilities. The present bill will authorize Federal grants up to $150 million a year for 1966 and 1967.

Also in this bill Congress recognizes the advantages of large treatment plants by encouraging small communities to undertake joint projects, and raising the cost ceilings to $1.2 million for single and $4.8 million for joint installations. It also recognizes a special problem by authorizing research into the control of raw sewage overflows from combined storm and sanitary sewers.

As one of the earliest advocates of clean water for Americans, I urge Members of the House to vote for this bill and to support the adoption in the conference committee of the Federal water quality standards provision.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

SEC. 7. (a) Section 7(f)(6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b)(4)." as contained therein and inserting in lieu thereof "section 8(b)(4); and".

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

(c) Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c)(3)" as contained therein and inserting in lieu thereof "section 10(c)(3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(e)".

SEC. 8. This Act may be cited as the "Water Quality Act of 1965".

Mr. BLATNIK (interrupting the reading of the bill). Mr. Chairman, these last two brief sections are primarily technical and for the purpose of enumerating and identifying certain portions of the bill. I ask unanimous consent that sections 7 and 8 be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 28, after line 21, insert the following:

"SEC. 8. Section 13(c) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by deleting the period at the end thereof, inserting a comma, and adding the following: 'and such lateral and other connecting sewer lines as the Secretary shall determine are necessary to a particular project.'" And on line 22, strike out "8" and insert "9".

Mr. STRATTON. Mr. Chairman, I support this program. I have supported it in the past, back in 1961 when we did not have quite as unanimous support for it as we have today; and I support it today. It is a program that is vitally needed. But I would like to underline—and that is the purpose primarily of the amendment I am offering here—the peculiar problem that is being faced in the smaller communities, in the suburban areas, in the resort areas where all the recent growth has been taking place. I am not sure that this problem has been fully recognized in drafting this legislation.

And like the gentleman from New Hampshire [Mr. CLEVELAND], I, too, have an amendment which I think is addressed to that need.

I never quite realized just how much of a problem sewer lines pose for the rural and suburban areas of the country, until 2 years ago when we had the accelerated public works program in operation, with the Federal Government coming up with 50 percent help on local projects, assisting in the construction of needed water and sewer lines to provide for new divisions and subdivisions and new resort cottages. I realized then what a tremendous lack there was and what a tremendous need there was in our upstate, rural areas.

There are many communities I found, Mr. Chairman, where a sewer treatment plant exists but where effective sewage disposal is not being done because of the fact that many new areas are still not connected with the treatment plant and they need these new lines for the program to be effective.

My amendment is simply an amendment to the definition section of the act which defines the term "treatment works." In the present legislation treatment works are defined to include not only the actual sewage plant itself but also the necessary intercepting sewers, the outfall sewers, the pumping and other equipment and "extensions, improvements, remodeling and additions and alterations."

Maybe this wording would already take in those additional lines that you need to go out beyond the major interceptor sewers. But to be absolutely certain I think we ought to add this amendment, which would simply say that a sewer treatment work does include whatever necessary network of additional sewer lines the Secretary determines are essential to any particular project.

The cost of building these lines is sometimes as great as and sometimes even greater than the cost of building the plant itself. Many small communities that I have the honor to represent are faced, in New York State, with a mandate from the State to build their plant and the lines. And yet they find that the cost of these projects actually exceeds the assessed valuation of their own property. They cannot take full advantage of this program without help with sewer lines, too. I think the help should be provided if this bill is to do an effective job.

This amendment would make the program more effective. While we all recognize the needs of our larger cities, as the gentleman from New York [Mr. MCCARTHY], pointed out awhile ago, they are, after all, a little bit better equipped to finance these works than are the smaller communities. My amendment would make the water pollution program a more meaningful one and one that could be more generally helpful. I urge the adoption of the amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the amendment proposes to do, of course, although in a limited way, is to extend the definition of "a sewage treatment facility plant."

The need for interceptor connectors to lines, of course, is an important one. We do not have the money authorized in this legislation and in this program to nearly begin to undertake a program of that scope. For instance, in the treatment plant program alone we have a backlog of $1.8 billion for almost 6,000 communities which do not even have a treatment plant, let alone the connector sewers.

Mr. Chairman, I am in sympathy, and I mean genuine sympathy, with the gentleman's problem and the proposal which he advocates.

We do have legislation to give broader assistance to municipalities in several forms of public works, not only the treatment plants, interceptor sewers, connecting sewers, substations, and so forth, but also water supply systems.

The gentleman from New York [Mr. STRATTON] has been a most consistent and effective supporter of legislation certainly of this type and he has given us some valuable and badly needed assistance and support in connection with the pending bill. It is my sincere hope that we can work together on additional legislation directed toward the problem which the gentleman from New York has described.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York.

Mr. STRATTON. The current legislation provides in section 13(c) that, as I mentioned a moment ago, "treatment works" means—includes any extension, improvement, remodeling, additions, and alterations thereof.

Perhaps the chairman could make it clear that this language would seem, for example, to authorize this type of program—if you have an existing sewer treatment plant and some outlying sewers, an extension of that sewer system could be authorized under the current law; is that not correct?

Mr. BLATNIK. No; not the lateral connections of the sewers. The determination under this definition has been made administratively by the Secretary of the Department of Health, Education, and Welfare and it has been quite clear, and consistently followed, that it applies primarily and directly to the treatment facilities themselves, with some appurtenances or related mechanisms.

Mr. STRATTON. If the gentleman will yield further, obviously we do not mean the laterals into the houses. But unless you can put the sewerlines out into the communities, the new ones that are perhaps now being served by septic tanks, the sewer treatment plant itself is not effective. Perhaps, this could be done under the law as it stands, but it does seem to me that we need to spell it out somewhere either in the amendment which I have offered or in the legislative history on this bill so that provision can be made for these newer areas.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I join the gentleman from Minnesota in his opposition to the amendment.

I think the gentleman from New York [Mr. STRATTON] stated the most effective and the clearest reasons for opposing the gentleman's amendment. The cost of this would probably be as great or greater than the entire treatment works program which exists today. No reasonable consideration has been given to this substantial increase in program or otherwise.

Mr. Chairman, I believe the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

The amendment was rejected.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we come this afternoon to the close of a debate which has certainly been a distinct compliment to this House. This bill has received the unanimous support on both sides of the Committee on Public Works, and is a piece of legislation which reflects with great credit upon the Committee on Public Works and its distinguished chairman. However, Mr. Chairman, this is a piece of legislation that reflects with great credit upon the distinguished gentleman from Minnesota, JOHN BLATNIK, the father and the foremost exponent of clean water in America.

Mr. Chairman, I am pleased, coming from the State of Ohio, to add my support to these needed amendments to this program and to note with pride the splendid spirit of bipartisan unity that made the amendments to the original S. 4 bill possible.

Mr. Chairman, we have shown by amendment and by the remarks here during the debate this afternoon that there seems to be agreement that the Federal Government in its attack upon water pollution must proceed cooperatively, with State and local governments and with the vast American industry as well as in cooperation with every agency throughout the land interested in winning ultimately the fight for clear water.

This bill is void of any accusatory tone and is, indeed, a constructive, intelligent approach which has already brought a response from State governments. Now at the moment of the adoption of this bill I am proud to announce to the House that there is in the Great Lakes region, about to be reconvened a five-State regional conference of State Governors to join with the Federal Government in streamlining America's program for clean water. I am proud to participate in this debate and to support this bill.

Mr. DORN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I want to express my deep admiration and respect for the distinguished subcommittee chairman, the gentleman from Minnesota [Mr. BLATNIK]. I commend Mr. BLATNIK for the magnificent job he has done in getting the committee finally to agree unanimously on one of the most important and controversial pieces of legislation to come before the Congress in a number of years.

I commend our committee chairman, the gentleman from Maryland [Mr. FALLON], the gentleman from Louisiana [Mr. THOMPSON], and the gentleman from Texas [Mr. WRIGHT] who played very important roles in getting every member of the committee to unite on this legislation. I wish the gentleman from Alabama [Mr. JONES] could be here during this debate. Mr. JONES worked long and hard and deserves much credit for final committee approval of the bill. I wish for him a complete recovery and that he will soon be here where he is needed.

This bill in its present form is a good piece of legislation. The distinguished subcommittee chairman, Mr. BLATNIK, deserves the unanimous support of the House of Representatives for his bill. I believe the passage of this bill today will be a significant milestone in the legislative history of this great body. I urge and believe this bill will pass unanimously.

I want to say, Mr. Chairman, that getting the various members of this committee together on this bill has been a monumental accomplishment. By the persistent efforts of the gentleman from Minnesota and the efforts of many others, we have agreed on a piece of legislation that will help purify the waters of the rivers of this country.

Unanimity could not have been possible without the splendid leadership of the minority leader, the gentleman from Florida [Mr. CRAMER]. The gentleman from Ohio [Mr. HARSHA], was most diligent, dedicated, and cooperative in helping to eliminate features of the original legislation objected to by industry, the States, and municipalities. Also, I commend Mr. BALDWIN, Mr. HALLECK, and the entire minority membership of the committee.

When this bill becomes law we will have the cooperation of the States, the local communities, and the industries involved.

Some days ago the distinguished chairman of the Committee on Interstate and Foreign Commerce brought forth a piece of controversal legislation—it was controversial at one time—before this body, and received a vote of 402 to 0. I hope the House will do the same in connection with this bill as a tribute to the magnificent achievement of the leaders of this committee who got all elements and factions together. It was no easy task to get the States, the local communities and industry, as well as the Federal Government, together on this bill, and I hope today the chairman of the subcommittee and the chairman of the full committee will receive a unanimous vote.

The CHAIRMAN. The question is on the committee substitute as an amendment to the Senate bill.

The substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. ALBERT, having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the

Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, pursuant to House Resolution 339, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLATNIK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 396, nays 0, not voting 37, as follows:

[Roll No. 82]

YEAS—396

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Callaway
Cameron
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Craley
Cramer
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Diggs
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Gathings
Gettys
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
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Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Monagan
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Powell
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
Saylor
Scheuer
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Utt
Vanik
Vigorito
Vivian
Walker, Miss.
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Widnall
Williams
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Younger
Zablocki

NAYS—0

NOT VOTING—37

Ashbrook
Ashley
Brown, Calif.
Conyers
Cooley
Corman
Culver
Dingell
Everett
Farnsley
Garmatz
Giaimo
Gibbons
Green, Oreg.
Halpern
Hanna
Hawkins
Holland
Jarman
Jones, Ala.
Mathias
May
Moeller
Morrison
Nix
O'Brien
Resnick
St. Onge
Schisler
Scott
Sisk
Toll
Tupper
Van Deerlin
Waggonner
White, Idaho
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Toll with Mr. Ashbrook.
Mr. Waggonner with Mrs. May.
Mr. Morrison with Mr. Halpern.
Mr. Culver with Mr. Mathias.
Mr. Nix with Mr. Tupper.
Mr. Garmatz with Mr. Young.
Mr. Giaimo with Mr. Van Deerlin.
Mr. Dingell with Mr. Conyers.
Mr. St. Onge with Mr. Farnsley.
Mr. Schisler with Mrs. Green of Oregon.
Mr. Sisk with Mr. Holland.
Mr. Cooley with Mr. Ashley.
Mr. Everett with Mr. Brown of California.
Mr. Moeller with Mr. Corman.
Mr. Scott with Mr. White of Idaho.
Mr. Resnick with Mr. Hanna.
Mr. Jarman with Mr. O'Brien.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "An Act to amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of Louisiana. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE ON RULES

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE LATE EDWARD R. MURROW

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, yesterday the Nation and the world lost one of its most beloved and well-known voices in a man who was the epitome of modern mass communication. The voice of Edward R. Murrow in the dark days of World War II was as familiar to Americans as those of our own families. Later, following the cessation of this worldwide struggle for peace, the face of Edward R. Murrow became familiar to all of us.

His death yesterday leaves a void that may never be filled, for he personally created a new dimension in journalism and perfected his craft as no other had done before. His death was a personal loss that will be felt the world over, but the depth of sadness will be even deeper in North Carolina—his birthplace. Edward R. Murrow was born 12 miles south of my home in Greensboro, N.C. From his place of birth on Polecat Creek in Guilford County, Mr. Murrow rose to become familiar to all who seek the truth.

We share the grief of his family and relatives, many of whom still reside in Guilford County—my home county—and I am certain that every Member of this 89th Congress joins me in expressing to them our great sense of loss. Our despair, however, is salved by the knowledge that he contributed so much to one of the principles inherent in the formation of this Government. It is such people as Edward R. Murrow that give meaning to "freedom of speech." It can truly be said of him, "Well done, thou good and faithful servant."

Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker my life was enriched by the warm and strengthening friendship of Edward R. Murrow, and when the tape on yesterday carried the sad tidings of his passing the world in which I live seemed narrowed and blackened.

In war and in peace, in places of quietude and in places of unrest in a changing world, Ed Murrow's was the voice of America in a very real and vibrant measure. His listeners found in his words the mirror of their unspoken thoughts. He personified the qualities of human understanding, humility, and courage, faith and vision in their finest American expression.

I shall always remember the gentle sweetness of Ed Murrow and always in the vision of my memory will be his smile. That smile I saw last on the eve of his hospitalization. He knew the operation that was ahead, and the full sweep of the hazard, but the smile on his face affirmed that the spirit of Ed Murrow was uncomplaining, unquestioning, and unafraid. Meeting head on and fearlessly the what had to be was his practice and his philosophy.

Ed Murrow loved his country with a passion of pure patriotism and he served the country of his love with rare devotion and high dedication; I would say in a spirit of genuine self-abnegation. He often said that never had he known such happiness and soul-satisfaction as had been his when serving his country as the directing head of USIA. Yet, although he never mentioned it, his friends knew that the salary of his Federal post, one of highest distinction and of massive influence on the thinking of the world, was not a tenth of his income in private life, an income he willing had abandoned to accept the call of President Kennedy to join him in the never-ending fight to gain the heights for humankind.

To the fine and noble woman who was his inspiration and his companion, and the other members of his family, and to his former associates in USIA, who grieve his passing and long will miss his presence, I extend my deepest sympathy.

Mr. IRWIN. Mr. Speaker, he always reacted. In an age of the institutional response, the corporate image and the faceless judgments of an anonymous editorial board, Ed Murrow stood out as an individual making judgments, taking risks and letting the chips fall where they may. Whether it was the bombing of London, the excesses of Joe McCarthy or the plight of migrant workers, Ed Murrow always reacted.

His response was not for CBS, with whom he spent some of his most brilliant days in radio journalism, or for a production crew, but for one human being, alive and deeply sensitive to the world around him.

To Edward R. Murrow, an individual voice in an institutional era, "Good night and good luck."

Mr. CLEVELAND. Mr. Speaker, the death of Edward R. Murrow is a source of great sorrow. As one of the prominent figures of the last world war, he was as battle-hardened as any soldier. He rose to the top of his profession and set new standards of courage and integrity in reporting. His work will always be a model of professional excellence. Like all men and women who excel in any endeavor, his influence extended far beyond the confines of his own field. Edward R. Murrow's work was felt throughout the world.

His was the voice of the Battle of Britain and in reporting it, Ed Murrow became a world figure in his own right. He gave to America a living sense of the heroism of the British and it was entirely fitting that the British, shortly before his death, conferred knighthood upon him to express the honor in which he is held.

He served his profession and his country with brilliance. It is fitting that he be honored in the House of Representatives. He will be much missed and long remembered. Our sympathy goes to his wife and family. With countless others, we share their sorrow.

THE LATE EDWARD R. MURROW

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I wish to join the gentleman from North Carolina in paying tribute to one of the greatest news reporters of all time, a man with a golden and courageous voice that called all America to arms in his famous broadcasts "London Calling."

I have known Ed Murrow for years. He was a personal friend. Along with every other newspaperman I considered him one of the truly great reporters of our generation. This country and the world have lost a great American in the death of Edward R. Murrow. We shall never see another Ed Murrow in our lifetime, I am sure, because like his close personal friend, Winston Churchill, there is only one in a generation.

THE LATE EDWARD R. MURROW

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, I would like to join with the distinguished gentleman from North Carolina and the distinguished gentleman from Ohio in expressing my deepest sympathy, and that, I believe, of the entire House, and of the 89th Congress, to the family of Ed Murrow.

I am sure his wife, Janet, and his son, Casey—of whom he was so proud—know how much he was respected and admired both by his colleagues in the press and by those in public life who had the warm privilege of working with him.

Ed Murrow was a reporter of the old school and a performer of the new, as Scotty Reston of the New York Times has so well stated.

He was perceptive in his search for the facts. He was incisive and articulate in their presentation, whether it was the Battle of Britain or the McCarthy hearings. In the latter instance, he was to show a moral courage that was to do much to put an end to the repugnant McCarthy era.

He was a warm and compassionate human being. His was a voice of conscience and leadership that rang out not only throughout the United States but throughout most of the free world.

Ed Murrow was a great American, a distinguished reporter, and a leader who will be long and deeply missed. We will not see his like again.

I wish to extend again the deepest sympathy of this House to Janet and Casey, and to all Ed Murrow's wonderful family.

Mr. Speaker, I would like to call to the attention of the Members the editorials in the New York Herald Tribune, the Washington Post, and the New York Times:

[From the New York Herald Tribune, Apr. 28, 1965]

THIS WAS MURROW

A man who could be at home with a king—and with a cockney—who could go from Prime Minister Winston Churchill's office at 10 Downing Street to lie down in a gutter, the better to record and then transmit to his American audience the sound, and even a sense of the smell and the taste, of the London blitz; such a man had the breadth of life itself, a talent for grasping it and for passing it on to others; such a man was Edward R. Murrow.

He was a pioneer in a pioneering field; restless, relentless, and perceptive in his search of facts and meanings; compassionate toward his fellow man, especially those whose suffering he chronicled; fearless in time of war and no less courageous in exposing those who would disturb the peace, at home and abroad. The "small world" of Ed Murrow has become smaller for his having signed off. He made it larger while he lived.

[From the Washington Post, Apr. 28, 1965]

EDWARD R. MURROW

His voice was as well known to a whole generation of Americans as that of any other living man. His face on television was as familiar as that of a member of the family. His manner on the air and on TV was imitated by numberless others less accomplished. His cigarette was a sort of trademark without which he would have seemed strange.

These matters of appearance and style were by no means all of Ed Murrow, the great and gifted radio and television commentator who died yesterday. They helped to make more successful the career of a man whose success rested primarily upon his great qualities of mind and heart and his indefatigable energy. He worked tirelessly at his trade, mastering background on world affairs and searching out the facts on personalities in the news until his listeners saw the events of his time through the prism of a fine mind, sharpened to detect the significance and importance of events. As a broadcaster and as a broadcasting executive he worried about his profession and the industry. His conscience was as unfailingly pressent at his performances as his cigarette.

It is very sad that illness cut short his new career at the U.S. Information Agency where he struggled to improve the organization of the agency and tried to lift the quality of its disseminations. He will be recalled as long as the world remembers the great events he reported throughout his career. He will be remembered for his skill, his carefulness, his humanity, and his conscience.

[From the New York Times, Apr. 28, 1965]

WASHINGTON: FAREWELL TO BROTHER ED

(By James Reston)

WASHINGTON, April 27.—Edward R. Murrow lived long enough before he died this week to achieve the two great objectives of a reporter: He endured, survived, and reported the great story of his generation, and in the process he won the respect, admiration, and affection of his profession.

The Second World War produced a great cast of characters, most of whom have been properly celebrated. Roosevelt, Churchill, and Stalin are gone. Chiang Kai-shek is now living in the shadow of continental China, which he once commanded, and only De Gaulle of France retains power among that remarkable generation of political leaders formed in the struggle of the two World Wars.

The great generals of that time, too, like MacArthur and Rommel, have died or, like Eisenhower and Montgomery, have retired; but in addition to these there was in that war a vast company of important but minor characters who played critical roles.

THE IRONY OF HISTORY

History would not have been the same without them. They were the unknown scientists, like Merle Tuve, who invented the proximity fuse and helped win the air war, and Chiefs of Staff like Bedell Smith, and the Foreign Service officers like Chip Bohlen and Peter Loxley of Britain, and on the side, the Boswells of the story, like Ed Murrow of the Columbia Broadcasting System.

It was odd of Ed to die this week at 57—usually his timing was much better. He was born at the right time in North Carolina—therefore he was around to understand the agony of the American South. He went west to the State of Washington as a student and therefore understood the American empire beyond the Rockies; and he came east and stumbled into radio just at the moment when it became the most powerful instrument of communication within and between the continents.

A REMARKABLE GROUP

He was part of a remarkable company of reporters from the West: Eric Sevareid, Ed Morgan, Bill Costello whom Murrow recruited at CBS, Hedley Donovan and Phil Potter out of Minnesota, Elmer Davis, Ernie Pyle, Tom Stokes, Bill Shirer, Raymond Clapper, Wallace Carroll, Webb Miller, Quentin Reynolds, Wally Deuel, the Mowrers, and many others, including his dearest friend, Raymond Gram Swing, who played such an important part in telling the story of the Old World's agony to America.

[From the New York Times, Apr. 28, 1965]

THIS IS LONDON

No one who heard Edward R. Murrow report on the Battle of Britain while it was in progress will ever forget him. A quarter of a century has elapsed since his calm baritone brought the indomitable spirit of the leaguered capital into millions of American homes, but the memory of his superb reporting still lives.

Many years later Mr. Murrow rose to another great opportunity, a test of moral courage rather than of physical bravery. By his devastating presentation of the facts he did as much to end the era of McCarthyism as any man could do.

Edward R. Murrow was a reporter of great courage, talent, and integrity. He will be mourned by multitudes who never knew him personally but who felt his impact on their lives.

THIS IS LONDON

But Murrow was the one who was in London at that remarkable period of the Battle of Britain, when all the violence and sensitivities of human life converged, and being sensitive and courageous himself, he gave the facts and conveyed the feeling and spirit of that time like nobody else.

It is really surprising that he lived to be 57. He was on the rooftops during the bombings of London, and in the bombers over the Ruhr, and on the convoys across the Atlantic from the beginning to the end of the battle. Janet Murrow, his lovely and faithful wife, and Casey, his son, never really knew where he was most of the time, but somehow he survived.

In the process, he became a symbol to his colleagues and a prominent public figure in his country, and there was something else about him that increased his influence. He had style. He was handsome. He dressed with that calculated conservative casualness that marked John Kennedy. He was not a good writer, but he talked in symbols, and he did so with a voice of doom.

It is no wonder that the British, who know something about the glory and tragedy of life, knighted him when they knew he was dying of cancer at the end. Their main hope in the darkest days of the German bombardment of London was that the New World would somehow understand and come to the rescue of the Old, and if anybody made the New World understand, it was Murrow.

THE RAT RACE

He hated the commercial rat race of the television networks, and fought their emphasis on what he regarded as the frivolities rather than the great issues of life, and talked constantly of escaping back into the small college atmosphere from which he came. He never made it and probably wouldn't have liked it if he had.

Those who knew him best admired him most. He was a reporter of the old school and a performer of the new. In radio and television, only the memory of other people remains, and the memory of Ed Murrow will remain for a long time among people who remember the terrible and wonderful days of the Battle of Britain.

INVASION OF PRIVACY: A REQUEST THAT ALL FEDERAL AGENCIES ADOPT REGULATIONS PROHIBITING PSYCHOLOGICAL TESTING

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, the right to privacy is under great assault in the United States. Americans are being subjected to lie detector tests, electronic eavesdropping, mail checks, peepholes in work areas and restrooms, trash snooping and other equally alarming intrusions. The Federal Government should be leading the fight to protect the right to privacy guaranteed under the fourth amendment to the Constitution, but I regret to say it is not. Certain branches of the Federal Government are among the chief offenders.

For several months, the House Committee on Government Operations has been investigating a number of aspects of invasion of privacy involving Federal agencies. One of these has been the use of psychological questionnaires and personality tests on Federal employees and job applicants. These tests supposedly seek out the mentally disturbed. But they invade the most intimate recesses of the human mind in doing so. Federal workers are asked extremely intrusive questions about their sex lives, their families, their religious views, their childhood and practically everything else that people have a right to keep private. After taking hours of these examinations, a person is left standing psychologically naked. They are not only having their minds violated but also their constitutional rights in my opinion.

On March 29, I advised the House that the State Department had agreed to discontinue psychological testing. Today, I am pleased to inform you that the Export-Import Bank, after consulting the committee, has issued a policy statement prohibiting the use of psychological tests in that agency. The Bank should be congratulated for this move. It is my hope that other agencies of the Federal Government will now follow the lead of the State Department and Export-Import Bank. Those agencies include the Defense Department, the Labor Department, the Interior Department, and the Peace Corps.

Following is the text of the order banning psychological testing which was issued by the Export-Import Bank:

EXPORT-IMPORT BANK OF WASHINGTON,
April 20, 1965.

MEMORANDUM TO PERSONNEL OFFICER

Subject: Applicant and employee testing.

1. The purpose of this memorandum is to establish a policy prohibiting the use of a certain type of test on employees or applicants for employment with the Export-Import Bank.

2. It is recognized that there are certain kinds of test materials under the general heading of psychological testing which are useful and permissible, such as aptitude and vocabulary tests.

3. Apart from the above, there has been some use made in Government of psychological-personality tests which most often include questions of an extreme personal nature bearing on sex, morality, parental relationships, and the like.

4. It is hereby prescribed that tests of the nature indicated in paragraph 3 above will not be used in any examination of employees or applicants for employment.

JOHN R. CROWN,
Administrative Officer.

Mr. Speaker, our House investigators have uncovered another psychological test in Government files. It is just as bad as others we have studied and has no place in any Government personnel office. Here are a number of true-false questions contained on that examination:

I feel very guilty about my sins.

I like Westerns on television.

I am contented with my sex life.

I love my mother.

I sometimes think that I failed in love.

My parents would not be proud of the kind of life I have led.

I go to church more than once a week.

I masturbated when I was an adolescent.

My family didn't show much love for each other.

Flirting is often a lot of fun.

I stole things once in awhile when I was a child.

I occasionally enjoy a dirty joke.

I enjoy gambling.

I am seldom constipated.

I feel that my sexual instinct is as strong as my ambition.

I am never tempted to do anything wrong.

I have had a good deal of sexual experience.

This examination continues in a similar vein for 300 questions. But question No. 221 really takes the cake:

I find answering these questions to be a rather unpleasant task.

I guess if you answer "True" to that one, it makes you suspect. One must conclude from this that if you believe in the right to privacy then that apparently counts against you. This type of thing builds nothing but mental tapeworms.

Now I ask you, would you like to answer such questions as a condition of your service as a Member of Congress? Yet, Federal employees are being forced to answer such questions as a condition of their employment. In some cases, you cannot get a job with a Federal agency unless you go through an inquisition with the brain watchers. This mental wiretapping should be ended now—today.

TELEVISION IN THE UNITED STATES TODAY

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I am introducing today a bill aimed at dealing with an important aspect of television in the United States today and, more importantly, perhaps, with the future of television in the United States. The bill seeks to deal with the role of community antenna television systems in relation to television broadcasting.

On Friday last, April 23, the Federal Communications Commission adopted a course of action which makes consideration of this legislation by the Congress urgently necessary. The Commission announced that it will regulate community antenna television systems by imposing on the operations of such systems certain requirements with regard to carrying programs of local television stations and prohibiting, for a period of 30 days, the duplication of programs carried by such stations.

Mr. Speaker, the course of action adopted by the Commission is a source of deep disappointment to me. I have urged the Commission repeatedly over a period of years, and particularly in recent months, to submit to the Congress legislative recommendations aimed at dealing in a comprehensive manner with the problems presented by CATV systems. Instead of proceeding in this manner, the Commission contends that it has statutory authority under the provisions of the Communications Act of 1934 to exercise regulatory controls without additional legislation.

Mr. Speaker, I seriously question the contention of the Commission that it has sufficient statutory authority to exercise adequate control. The Commission bases its contention on general language in the 1934 act authorizing the Commission to regulate broadcasting in the public interest. It is the Commission's contention that the statutory authority over broadcasting gives it power to regulate instrumentalities like community antenna television systems on the ground that their operation directly affect broadcasting.

Mr. Speaker, if Congress fails to take action clarifying the situation it would be for the courts to decide whether or not the Commission has the regulatory authority over community antenna television systems which it now claims to have. The scope of that authority, however, would remain in doubt unless the courts give to the Commission carte blanche to proceed in any way it sees fit.

There was a time when this same Commission, with a somewhat different membership thought differently on this point. In 1959, the Commission denied that it had regulatory authority over community antenna systems. Also, during the 86th Congress, the other body gave extensive consideration to legislation giving such authority to the Commission. By a vote of 39 to 38 the other body voted to recommit to the Committee on Interstate and Foreign Commerce of that body legislation which would have granted to the Commission regulatory authority over CATV systems because the grant of authority was considered too broad.

Now, in spite of this background, the Commission has adopted a course of action which, in my opinion, is not in the best interest of the future of television in the United States, and it places the Commission in the wrong posture vis-a-vis the Congress. Mr. Speaker, as I said, I am greatly disappointed. I want to stress, however, that I am not mad at anybody.

My disappointment is all the greater because the present course of action of the Commission with regard to CATV does not constitute an isolated instance. There have been similar instances in recent years with regard to other aspects of broadcasting where the Commission acting on its own has sought to extend its regulatory activities without a sufficient mandate and guidance from the Congress to undertake such activities.

I would like to remind the Members of this body and the members of the Commission that this unfortunate approach has not been limited to broadcast matters. In the case of communications satellites, the Commission sought to pursue a similar course of action. In that case Congress acted promptly to establish public policies which take into consideration the broad interests of the American people in international communications as well as the interests of the various industry segments here at home.

The Commission originally was bent on a course of action which would have made communications satellites an adjunct to existing cable and radio services. The legislation establishing the Communications Satellite Corp. provided a novel and greatly different approach from the one pursued by the Commission. Mr. Speaker, a similar situation appears to exist with regard to CATV. The Commission claims the statutory authority to regulate CATV operations as an adjunct to television broadcasting. In approaching the problem in this manner the Commission has failed in two respects.

First, the approach to CATV is a piecemeal approach which is motivated by bringing about what the majority of the Commission considers fair competition between broadcasters and CATV.

Secondly, being a piecemeal approach, the Commission has failed to ask itself the all important question: What should our national policy be with regard to the future of television in the United States?

Such a policy, Mr. Speaker, can be established only by the Congress and only after taking into consideration many, many factors which the Commission in acting on CATV has failed to take into consideration.

Mr. Speaker, my contention is that the Commission should have regulatory authority with regard to CATV operations. Such authority, however, should be granted to the Commission by the Congress. Such authority should be granted only after the Congress has had an opportunity to consider all aspects of the future of television in the United States and has been able to provide what role CATV operations should play in this respect.

Mr. Speaker, the bill which I am introducing today is more than a CATV bill. The bill seeks to establish a national television policy which gives frank recognition to some of the realities of television today. The bill would establish as the goal of the national television policy "to give to the people of the United

States access to the greatest practicable diversity of local, network, educational, and other television programs."

It is my purpose in this way to make more specific the all too general "public interest" standard which presently constitutes the sole yardstick guiding the Commission in regulating television broadcasting. This standard is insufficient to guide the Commission with regard to the complex regulatory questions relating to local, network, educational, and other television programing.

The bill would clarify the authority of the Commission to regulate community antenna television systems without regard to whether microwave or wires are used by such systems. Mr. Speaker, I believe that this clarification of the present authority of the Commission is urgently needed if the broadcasting and CATV industries are to escape from prolonged uncertainty which would result from judicial tests of the Commission's authority to issue the community antenna television regulation which it has proposed.

The bill would make clear that the Commission is authorized to regulate CATV systems but not to license them. It would also make clear that CATV systems should not be deemed to be common carriers.

The bill further recognizes that State statutes and local ordinances may affect the accomplishment of the national television policy. The bill, therefore, would call for the preemption for exclusive Federal regulation of "those aspects of intrastate and local television communications which may affect the accomplishment of the national television policy."

Most importantly, the bill would provide that no CATV rules promulgated by the Commission should take effect prior to the expiration of 90 calendar days following the date of promulgation.

Mr. Speaker, the purpose of this provision is to give the appropriate committees of the Congress and the Congress itself, an opportunity to review such rules before they become effective.

Mr. Speaker, I realize that this provision proposes an important change in the traditional relationship by the regulatory agencies and the Congress. It is my considered opinion that such change is urgently called for on a selective basis in the case of those rules which involve the exercise of broad rulemaking authority under rather general statutory standards.

Mr. Speaker, this provision calls for a procedure whereby rules promulgated by the Commission with regard to CATV may be reviewed by the Congress before they become effective. This procedure is designed to strengthen the hands of the Commission. The Commission cannot function in a vacuum. If broad policy rules promulgated by the Commission are to be viable they must have substantial congressional support. A 4-to-3 or 3-to-2 vote by the Commissioners does not suffice.

Mr. Speaker, on the other hand, such a provision places an important responsibility on the Congress. Such responsibility can and must be exercised in selected important areas if the Congress rather than the Commission is to be the policymaking body in these United States, and the future of television in the United States is important enough for the Congress to be concerned.

There is no use complaining that the FCC and other independent regulatory agencies frequently steer an erratic course in discharging their regulatory responsibilities. In many instances the mandate given by the Congress to such agencies simply is not specific enough to give them the needed backing for their regulatory efforts. It is my hope that the proposed procedure will set a pattern for a more effective relationship between regulatory agencies and the Congress on the one hand and regulators and the regulated industries on the other hand.

In addition, my bill would provide that any interim procedure adopted by the Commission with regard to CATV systems which was adopted without following the rulemaking provisions of the Administrative Procedure Act shall be null and void. Mr. Speaker, the practice has grown in several regulatory agencies and particularly in the FCC to "freeze" for an indeterminate period of time or to impose so-called voluntary regulations pending completion of formal agency rulemaking. In my opinion, this approach violates the spirit, if not actually the provisions, of the Administrative Procedure Act, and should be specifically prohibited.

Finally, the bill would authorize the Commission to secure full and complete information on CATV operations using subpenas if necessary as provided elsewhere in the act. This is absolutely necessary if we are to have effective regulation of CATV in the public interest.

In conclusion, Mr. Speaker, by introducing this bill, it is my purpose not only to propose legislation with regard to CATV operations. It is my additional purpose to propose a national television policy and a procedural pattern of legislation and regulation which will enable the FCC and the Congress to become more effective in reaching important policy decisions with regard to the future of television in the United States.

SUMMARY OF PROVISIONS

The bill would:

First. Establish a national television policy "to give to the people of the United States access to the greatest practicable diversity of local, network, educational, and other television programs." This language would make more specific the "public interest" provisions contained elsewhere in the act.

Second. State that in order to accomplish this national television policy, it is imperative that interstate television communications—whether by wire or by radio—be regulated. This would clarify the authority of the Commission to regulate CATV systems without regard to whether microwave radio or wires are used by such systems.

Third. Preempt for exclusive Federal regulation "those aspects of intrastate and local television communications which may affect the accomplishment of the national television policy."

Fourth. Authorize the Commission to regulate CATV systems but not license them. Make clear that CATV systems shall not be deemed to be common carriers.

Fifth. Provide that no CATV rules should take effect prior to the expiration of 90 calendar days following the date of promulgation of such rules by the Commission. This would give the Congress an opportunity to review such rules.

Sixth. Make null and void any interim procedure adopted by the Commission with regard to CATV systems which was adopted without following the rulemaking provisions of the Administrative Procedure Act. Such interim procedure has been put into effect by the Commission making microwave licenses conditional upon "voluntary" acceptance by the licensee of certain operational limitations with respect to nonduplication and carrying local stations.

Seventh. Authorize the Commission to secure full and complete information on CATV operations using subpenas, if necessary, as provided in section 409 of the act.

SELMA, ALA.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, after returning from my trip to Selma, Ala., on February 5, 1965, a drive was initiated in my congressional district for contributions to help the Negro Americans in the Selma area who have been the victims of severe economic intimidation as a result of their struggle to gain equal rights.

On Easter Sunday, April 18, 1965, I again visited Selma in order to present over 100,000 pounds of food, clothing, toys, medical supplies, and even Easter baskets donated by so many wonderful people throughout the State of Michigan. So much was contributed that it required six 40-foot trailer trucks, generously paid for by the Teamster's Union, to transport everything from Detroit to Selma.

While in Selma, a prominent white citizen showed me a newspaper advertisement in the Selma Times-Journal for that day. The sentiments and pledges expressed in that advertisement demonstrate that some progress is being made toward achieving equal rights for all the people of Alabama. I would like to quote some of the statements of belief from this advertisement, titled "What We Believe and Where We Stand," which was endorsed by a great many local groups and hundreds of individuals in Selma: "the full protection and opportunity under the law of all our citizens, both Negro and white," "the right of every eligible citizen to register and cast his ballot," and "obedience to the law." The advertisement also called upon Alabama businessmen to provide leadership in implementing title VII of the 1964 Civil Rights Act which prohibits discrimination in employment. I consider this last pledge particularly significant since the advertisement was signed by almost all the major business organizations when it was first published on April 15, 1965, in all Alabama dailies and the Wall Street Journal.

I have taken this time to bring these developments to the attention of my colleagues because I believe they are the crucial first steps toward achieving true democracy in Alabama and they deserve to be recognized and supported. I now look forward to specific actions in the next few weeks that will put these fine words into practice.

Mr. Speaker, I ask that, immediately following my remarks, there be printed in the Record the newspaper advertisement, "What We Believe and Where We Stand," with the initial list of endorsements, the list of people and groups in Selma who endorsed the advertisement on April 18, and also an article from the Selma Times-Journal of Sunday, April 18, explaining how the advertisement came to be supported by the Selma Chamber of Commerce.

What We Believe and Where We Stand

In light of recent developments in Alabama, we feel that the business community has an obligation to speak out for what it believes to be right.

The vast majority of the people of Alabama, like other responsible citizens throughout our Nation, believe in law and order, and in the fair and just treatment of all their fellow citizens. They believe in obedience to the law regardless of their personal feelings about its specific merits. They believe in the basic human dignity of all people of all races.

We intend to continue working diligently for the full development of Alabama, the welfare of its people and the maintenance of conditions favorable to the creation of an economy which will benefit every citizen.

For these reasons, we feel that we must publicly declare and reaffirm what we believe and where we stand.

First, we believe in the full protection and opportunity under the law of all our citizens, both Negro and white. Just as we feel every Alabamian inherently has the right of protection, so does every Alabamian have a responsibility to uphold the law. We deplore equally public demonstrations which violate the law, and the actions of those who take the law into their own hands. There are proper procedures for expressing protest in a lawful manner, just as there are procedures for restraining those who would violate the law.

We believe in the basic American heritage of voting, and in the right of every eligible citizen to register and to cast his ballot. We believe, however, that qualification of prospective voters, when properly and equitably administered, is a constitutional responsibility that must be preserved.

We believe in obedience to the law, even though some may question the wisdom of particular laws. Such a law is the recently enacted Civil Rights Act of 1964, which many of our citizens feel contains many unjust and improper provisions. We do, however, have an obligation to abide by it, and this we will do. Where injustices or inequities are indicated, we will seek relief through proper and legal channels.

Our State is faced specifically with compliance with title VII of this law which goes into effect shortly. This provides for nondiscrimination in employment and will call for some adjustments. While many of our employers have been in compliance with these provisions for some time, we call on business leaders all over the State to provide leadership in this matter.

We believe that communication between different elements of our society must be maintained. We urge leaders of both races to improve avenues of communication and understanding. While this has been done successfully in many local communities, we suggest that consideration be given to the establishment of positive new vehicles for communications between the races throughout all the State.

We believe that an expanding economy will benefit all of our people. This will provide more jobs and greater income, thus raising the standard of living for all of our citizens—both Negro and white.

We believe that an ever-increasing level of education is an important objective. This will better equip our citizens to take advantage of job opportunities and to become qualified voters.

We believe in Alabama, have confidence in its future, and call upon all of its citizens to join together in working for the attainment of these objectives and the solution of the many problems facing us.

Alabama State Chamber of Commerce.
Alabama Bankers Association.
Associated Industries of Alabama.
Alabama Textile Manufcturers Association.
Birmingham Chamber of Commerce.
Mobile Chamber of Commerce.
Montgomery Chamber of Commerce.
Huntsville Chamber of Commerce.
Alexander City Chamber of Commerce.
Andalusia Chamber of Commerce.
Anniston Chamber of Commerce.
Cullman Chamber of Commerce.
Decatur Chamber of Commerce.
Florence Chamber of Commerce.
Gadsden Chamber of Commerce.
Jasper Chamber of Commerce.
Muscle Shoals Chamber of Commerce.
Opelika Chamber of Commerce.
Sylacauga Chamber of Commerce.
Troy Chamber of Commerce.
Tuscaloosa Chamber of Commerce.
Association of Huntsville Area Contractors.

(Published in the Wall Street Journal, U.S. News & World Report and all Alabama dailies on April 15, 1965.)

[From the Selma (Ala.) Times-Journal, Apr. 18, 1965]

A Public Statement of Endorsement

In approval of the principles stated in the message, "What We Believe and Where We Stand."

The City Council of Selma, Ala.

The Selma Automobile Dealers Association.

The Selma Restaurant Association.

The Dallas County Dental Association.

The Selma-Dallas County Chamber of Commerce.

The board of directors, Selma Retail Merchants Association.

The Selma Automotive Jobbers Association.

The board of directors, Junior Chamber of Commerce.

The Peoples Bank & Trust Co.

The Selma-Dallas County Committee of 100 Plus.

The Selma chapter, Associated Industries of Alabama.

The Selma Home Builders Association.

The City National Bank of Selma.

The Selma National Bank.

John Hayne, Charles S. Frazer, Seymour Cohen, B. W. Kynard, Jacob Bendersky, Rubin Bernstein, J. M. Gentry, Nelson Phelps, C. M. Hohenberg, Edgar Stewart, Attorney, Sam Earle Hobbs, Attorney, Martin B. Coon, Jack W. Nelms, John J. Grimes, B. Frank Wilson, Stephen A. Ball, Eleanor R. Falkenberry, Frank Ford, Mrs. Ida W. Ford, Henry Loyd, Walter C. Calhoun, Mrs. Walter C. Calhoun, Arthur Capell, Jamie Wallace, Mrs. Kathryn Windham, Sam Ezell, Marshall Hooper, Harry Hooper, Kenneth Harper, Leonard McCary, Watson A. Rogers, R. W. King, Mrs. R. W. King, J. M. Young, Mrs. J. M. Young, Ellen P. Horsting, Carrie N. Pollard, G. D. Short, Dorothy P. Siniard, William W. Siniard, Roswell Falkenberry, Richard N. Speer, C. F. Shuptrine, Carl C. Morgan, Jr., George A. Swift, Julian B. Lilienthal, Sam Sommers, Mrs. Sam Sommers, Otis Adams, Bob Armstrong, Hugh P. Bostick, Henry A. Vaughan, O. H. Horsting, Seymour Palmer, James F. Alison, Jr., M.D., Rex J. Morthland, Robert M. Combs, M.D., William E. Ehlert, M.D., D. Thompson.

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STUDENTS

Charles Stewart Allen, Jr,, Amasa B. Windham, Jr., John Willis, Becky Kirczow, Donna Roberts, Carol McCarty.

[Article from Selma Times-Journal, Apr. 18, 1965]

Chamber Reverses Stand on Advertisement Issue

The Selma and Dallas County Chamber of Commerce board of directors voted 21 to 8 Saturday morning to endorse a statement of policy on moderation in civil rights issues which it had rejected by a 13 to 5 vote earlier in the week.

The action by 29 of the chamber's 30 directors came less than 24 hours after the Selma City Council stoutly challenged the wisdom of the chamber's initial position by voting 8 to 0 to endorse the declaration of principles.

Mayor Joe T. Smitherman has no vote on council, but both he and Council President Carl Morgan, Jr., who votes only to break a tie, gave endorsement of the statement strong support as being in the best interest of the city.

At 9 p.m. Saturday, after grappling with the thorny problem for 2 days, the Dallas County Board of Revenue announced its belated endorsement of the statement. No announcement was made of the breakdown of that ballot. The board was in session on the issue for several hours Friday but concluded the special meeting without making an endorsement. After the city took the leadership and the chamber reversed its position Saturday morning, the board went back into a closed-door huddle and thrashed out a supporting role.

On the heels of the city council's action early Friday afternoon, a petition supporting endorsement of the statement of principles began gaining momentum and by 6 p.m. Saturday it contained more than 1,100 names.

The statement of policy which prompted the local controversy was published Thursday as a full page advertisement in all Alabama daily newspapers and the nationally circulated Wall Street Journal of the chamber of commerce in with endorsements of 18 major cities in Alabama, the Alabama State Chamber of Commerce, Alabama Bankers' Association, Associated Industries of Alabama and the Alabama Textile Manufacturers Association.

Council approved the policy after a stormy 2-hour free discussion period which generated strong support from influential areas of the business and professional community and bitter opposition from citizen council leaders and that organization's supporters in some county elective posts.

About 40 prominent members of the Selma and professional community appeared before council in what amounted to the first public debate over a specific issue in Selma's long siege of racial trouble.

Names were called, tempers flared, and voices became impassioned as some 15 members of the group arose to be heard.

Major spokesmen against endorsement of the statement advertised as "What We Believe and Where We Stand" (a full text of which appears in this edition of the Times-Journal) were Sol Tepper, Joe Pilcher, Leon Jones, Walter Craig, Lee Calame, J. Bruce Pardue.

Most vocal in supporting the endorsement and other issues brought into the discussion were McLean Pitts, William B. Craig, B. Frank Wilson, Edgar Stewart, Jerry Siegel, Roger Jones, Paul Grist, Hugh Bostick.

Major support, which Pitts keynoted in outlining the background for and the issues facing the meeting, originated from concern over Selma's conspicuous absence from the advertisement expressed by Hammermill Paper Co. and Dan River Mill.

Pitts expressed it this way in opening the session:

"Hammermill and Dan River are very much concerned and feel that the Selma Chamber of Commerce is letting them down in some of the troubles they are having by being so conspicuously absent from the advertisement."

Pitts noted that both companies have been threatened by civil rights leaders with boycott and that Hammermill was picketed on Thursday because of their plans to locate a multimillion dollar plant in Selma. The Dan River plant is already under construction.

"Both of those industries have full confidence in the governing bodies of Selma and Dallas County," Pitts said, "and they want something to back them up in the troubles they are having over their Selma plant. When Selma's name wasn't on that advertisement, they felt that the props had kinda' been cut from under them."

"Whether or not the chamber should have signed the statement is the question before city council today," he said.

Announcing his support, Pitts said:

"The point is that the 1964 Civil Rights Act has been passed by Congress and it is the law, although I don't like it a damn bit," he said.

The attorney who has been associated in all of the legal defense of both the county and city on civil rights issues told the group that "as far as your Federal courts are concerned, you might as well forget it (challenging the Civil Rights Act).

"When you go to the Fifth Court of Appeals," he said, "you are beaten before you start."

Pitts said the attraction of industry into the section and the white voters which will follow the developments is one of the best ways to combat the threat of mass Negro voter registration.

Craig, president of the City National Bank, also urged endorsement of the statement and said he had been telephoned about Hammermill's and Dan River's concern over Selma's failure to join in the advertisement.

For the most part, the opposite viewpoint centered around the theme that to yield willingly even a fraction on the racial issue is to open the floodgates for mass integration into all areas of the community.

Jones, immediate past chairman of the Dallas County Citizens Council made this observation:

"If we want to do something, let's draw up a real resolution. That one they wanted the chamber to sign sounds like to me we're apologizing to the whole world about Alabama and I couldn't go along with it."

Tepper pronounced impassionately that "death is inevitable, too, but all of us put it off as long as we can."

Walter Craig asked, "What did we promise those industries to get them here, total integration? That we would knuckle under to any demand they made?"

Siegel, chairman of the Committee of 100-Plus, industrial prospect committee, which played a key role in the location of Hammermill here, answered Craig.

"Hammermill neither asked for nor received any promises on the race issue. All they want to know is whose side we are on now that we've thrown the ball right into Martin Luther King's hands by expressing this attitude of defiance toward moderation."

Ed McBride, drugstore owner, manufacturer and milk processor, in a middle-of-the-road position advised that "if this dog (civil rights demonstrations) is finally dead, let's let him stay dead."

Pilcher, who was the opposition's most prolific spokesman, said "the one problem in this community is that it is a divided community."

He called by name a group of bank presidents, attorneys, newspaper editor, lay church leader, and businessmen whom he said had been meeting for the past several months as a self-appointed group with a plan to compromise on Selma's racial issues.

Members of the group named by Pilcher included Rex Morthland, Roger Jones, Bruce Pardue, William Craig, presidents of Selma's banks; Frank Wilson, a bank vice president; Times-Journal Editor-Publisher Roswell Falkenberry; Attorneys Edgar Stewart and Sam Earle Hobbs; P. M. Grist, retired executive secretary of the YMCA; and C. M. Hohenberg.

Pilcher said "to yield is a sign of weakness" and the moderate group, as represented by a committee on which there are no elected officers, represents thinking along the line of a voluntary plan for integration.

The Selma attorney said the only hope to avert the disaster Selma faces unless its white people unite is a law enforcement policy preserving law and order without mass arrests and street confrontations and resistance in all areas of desegregation through the courts.

Pilcher advocated a rallying of all white persons behind joint leadership of Sheriff Clark and Mayor Smitherman along lines of a joint policy issued by the two officials several weeks ago.

When white people are finally united, Pilcher said, "they, by stalling in the courts, can hold integration to a minimum."

Stewart and Craig, with assistance from Wilson, Grist, and Jones, defended the committee of which they were members.

"Our only motive has been to do what we think is in the best interest for Selma," Stewart said. "And I assure you, we have not and will not compromise our principles of integrity under any pressure."

Craig agreed that unity in the white community might be desirable but he cautioned that responsible leadership "should not lower ourselves to achieve this unity."

Bostick said he respected and defended the citizens' council's right to express its views but said he thought they should be expressed through city and county governments as opposed to propaganda campaigns which confuse and inflame the public.

Mayor Smitherman restated his opposition to formation of a biracial committee but said he and members of his council have met and will continue to meet with local Negro leaders in an effort to work out solutions to Selma's racial problems.

CIVIL RIGHTS BILL

Mr. GLENN ANDREWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GLENN ANDREWS. Mr. Speaker, in answer to the comment of my distinguished colleague, the gentleman from Michigan [Mr. CONYERS], that he had noticed an advertisement over the Easter vacation in the Selma Times Journal that Selma people wished to take their place again in the Nation, I would remind him that this same expression was available to him on February 5 last, when all the citizens and principal people of Selma gathered together to tell him that story, and he made a speech instead and walked out on all of them. The facts are that certain political shylocks had not at that time exacted their pound of flesh.

Now all just men in America today believe that discrimination in voting must go, but the administration voting rights bill, soon to be presented to this body, in the name of upholding the 15th amendment violates at least four sections of the Constitution, and in its spirit of discrimination violates the 15th amendment itself.

Are we presently to look to the producers of crafty political drama in conspiracy with certain alchemists of the press, radio, and TV for leadership? Is frenzied public opinion developed in the cheap political theater like the performance in Selma going to be the basis for sound and effective law? Are these the moorings we are about to choose instead of our glorious Constitution?

SPANISH-AMERICAN WAR STATISTICS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as the last Spanish-American War veteran in the Congress, I am happy to extend my remarks to include a letter Sam Black wrote to the Chicago Tribune and which appeared in the April 26, 1965 edition of that newspaper in the "Voice of the People" column.

Sam Black, a fellow member of mine in Columbia Camp, is the present able, dedicated, and popular commander in chief of the United Spanish War Veterans. The letter follows:

SPANISH-AMERICAN WAR RECALLED

CHICAGO, April 16.—In today's Chicago Tribune there appears an article comparing losses in this undeclared Vietnam war, or whatever one could call it, with losses in the Spanish-American War.

The figures are wrong. The article states that 385 were killed in action and 1,662 were wounded in the period April 21, 1898, to August 1898, the inference being that the war had a duration of just a few days more than 5 months.

Officially, the Government recognizes the period April 21, 1898, to July 4, 1902, as the Spanish-American War, and includes the campaigns in Cuba and Puerto Rico, the Philippine Insurrection, the Boxer Rebellion in 1900. Four hundred and eighty-five thousand men fought these campaigns, and deaths from all causes were 4.3 percent, as nearly as can be ascertained from killed in action, deaths of wounded, and deaths from tropical diseases, such as yellow fever, malaria, dengue fever, and a few others.

The average length of service was 14 months, and 61 percent saw foreign service. The 358,000 men were volunteers. There was no draft in those days.

We were an unprepared nation. Our total Armed Forces consisted of 25,000 men. Yet President McKinley did not hesitate to declare war on the fourth most powerful nation in the world of that time.

Historians for some reason have chosen to ignore the Spanish-American War as a war of no consequence; yet as a result of our war, America became the most powerful nation on earth. Many thousands of World War II veterans are alive today because of the medical lessons learned from our war. None left this country in the 1940's without being given "shots" against the diseases that killed thousands of Spanish war men in Cuba and the jungles of the Philippines.

Poor equipment, poor food, poor transport, antiquated guns, black powder, and no system of medical treatment or hospitals. It is a wonder that our casualties from all causes were not greater than they actually were in these four campaigns of the Spanish-American War.

SAM BLACK,
Commander in Chief,
United Spanish War Veterans.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, yesterday I addressed the House regarding a report issued by the Comptroller General regarding the Agency for International Development and the Agency's activities concerning Brazil.

You will recall that particular report severely criticized the Agency for International Development for its failure to follow established U.S. policy and public law regarding the use of foreign currency for purchases in Brazil. Instead of using Brazilian moneys the AID—Agency for International Development—used U.S. dollars to pay for the purchases. This resulted in a loss of $3.8 million to the United States.

Today I wish to call the attention of my colleagues to the fact that AID has become noted for its abject failures to follow U.S. policies and public law.

A year ago the Comptroller General issued two scathing reports, deeply critical of the administration of AID.

Briefly I will outline the highlights of these provocative studies.

The first was sent to the Congress in February 1964, and it is entitled "Examination of Certain Economic Development Projects for Assistance to Central Treaty Organization, Agency for International Development."

The projects examined were negotiated by the special representative of the President in conjunction with commitment made to the Baghdad Pact countries, pursuant to Public Law 85-7.

This involves economic development projects for assistance to Central Treaty Organization—CENTO—as administered by the AID, after its inception, and its predecessor agencies, the International Cooperation Administration and Development Loan Fund.

The report tells how more than $8 million were misused in three projects.

The Comptroller General's report states:

> Because the availability of local resources was not adequately explored, grant and loan funds aggregating more than $8 million were used for purposes other than those for which they were initially obligated and for financing imports which were not needed or could be produced in the recipient country. Furthermore, the economic feasibility of the three projects for which the funds were obligated was dubious and, as conditions existed at the time of our review, there was no assurance that two of the three projects involved would ever be completed.

The GAO report contains recommendations made to AID, and the Agency's answer regarding the Comptroller General's recommendations. Furthermore, inaccuracies in the Agency's statements and reports, both before and after receiving the Comptroller General's recommendations, are outlined and noted by GAO.

The Comptroller General advises Congress that the annual program presentations from AID, concerning the projects studied, were not complete and did not fully disclose all circumstances involved.

The Comptroller General's report concludes:

> The annual program presentations to the Congress on three of the projects did not fully disclose the unusual circumstances and the problems which have attended the projects. Moreover, the presentations were incomplete and inaccurate and indicated that the aid provided to these projects was more effective than was actually the case. We are repeating our recommendation made in previous similar instances, that the Agency make more informative, clear, and accurate disclosure of significant data in annual program presentations.

The second report from GAO concerning AID activities I will comment on today was issued in June 1964.

It is entitled "Ineffective Administration of U.S. Assistance to Children's Hospital in Poland."

The Comptroller General's examination into this activity, for which about $2.2 million in U.S. dollars and the equivalent of about $8.3 million in United States-owned Polish currency has been appropriated, disclosed "an almost complete lack of U.S. Government surveillance of project activities. Consequently, U.S. officials were not aware of certain unfavorable financial and operational factors attending this project."

The Comptroller General found that AID cost estimates were incorrect, AID disbursed more funds to the private sponsor of the hospital than were provided for in the original grant agreement.

The sponsor incurred excessive costs, and, finally, the sponsor continued to incur costs, even after available funds were exhausted.

These indictments are certainly disturbing as are the additional findings of GAO.

Included is the discovery that $2.2 million in funds was requested of the Congress by AID when the then existing prohibition against giving dollar aid to Communist countries was in effect. In requesting the funds, AID failed to present a complete report to the Congress.

GAO advises Congress that the AID report was "incomplete and inaccurate."

The Comptroller General report's conclusion has a familiar ring to it.

Once again GAO is critical of reports issued to the Congress by AID.

The Comptroller General recommends "that future annual foreign aid budget presentations to the Congress describe projects and other significant activities in such clarity and specifics as will facilitate a full and correct understanding by the Congress of their scope, status, and administration."

This may seem like ancient history to delve into past reports from the Comptroller General to the Congress. It is not. Recent studies indicate that the Agency for International Development has gained little from the studies and recommendations of the Comptroller General.

AID continues to operate with disturbing administrational deficiencies, with continued disregard for unnecessary expenditures, with continued apparent disdain for the policies of the United States.

AID's activities are carried on in 85 nations around the globe. The Agency's ineptness warrants investigation by the Congress.

FIFTIETH ANNIVERSARY OF WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, the past half century has witnessed tremendous changes in almost every area of life. Dramatic progress has taken place in the field of science, with the harnessing of the atom and the penetration of outer space. Compared to such technological achievements, the progress in the art and science of living together peacefully sometimes seems small. Science and technology have produced intercontinental missiles bearing thermonuclear warheads, but our methods for keeping peace have not progressed to the point where we can be sure these weapons will not be used.

However, a review of the history of the past 50 years shows that a great deal of progress has been made toward the social goals of peace, freedom, and justice. For example, 50 years ago there did not exist a standing international organization for the consideration of international political and economic problems, but now the United Nations and its family of specialized agencies offer forums in which international negotiations may be undertaken on a regular basis.

Today I would like to pay tribute to an organization which has been a dynamic force in the progress toward peace for the last 50 years, the Women's International League for Peace and Freedom. When the first gathering which led to this organization convened at The Hague on April 28, 1915, women in many countries, including the United States, did not even have the right to vote. The hostilities of the First World War were underway with the result that it was necessary for many of the delegates to travel through mined waters. Undaunted, however, more than a thousand individuals from 12 countries, including 47 from the United States, assembled at the first International Congress of Women, as the group called itself, at The Hague. Before the war broke out it had been planned that the meeting would be an International Suffrage Congress. The war, however, persuaded many women to dedicate their energies to working for a just peace. Consequently, the first Congress concerned itself with the problems of peace and issued a set of principles on which a just peace might be based. President Wilson later told Miss Jane Addams, one of the members of the U.S. delegation, that he used some of the peace proposals of that Congress as a basis for his 14 points.

Four years later, in 1919, the second International Congress of Women met in Zurich. It was this Congress which created the permanent organization of the Women's International League for Peace and Freedom. The constitution adopted provided for national sections and for international congresses held at intervals for the purpose of voting on general policies and programs. Jane Addams was elected president, and Miss Emily Balch became resident secretary-treasurer of the international office in Geneva. Both these distinguished American women were later awarded the Nobel Peace Prize, Miss Addams in 1931 and Miss Balch in 1947. Miss Addams, who had founded Hull House in Chicago, which became a model center of social-welfare work, had been the moving spirit in organizing the energy of women in the cause of peace. Miss Balch, who was Miss Addams' successor as leader of the women's peace movement, was also one of the founders of the Women's Trade Union League of America, and brought to the league her own distinctive qualities of leadership. In addition, in 1937 the Nobel Committee awarded the WILPF 2,000 Norwegian kroner for its work.

Ever since its founding the Women's International League for Peace and Freedom has been courageous and persistent in supporting the policies and goals which it believed were essential to strengthen peace. It was in the vanguard of those recognizing that alleviation of poverty, hunger, and illness were essential for the maintenance of peace. Among the resolutions passed at its Third International Congress held in Vienna in 1921 was one on the need of "transforming the economic system in the direction of social justice." The next year the book by Jane Addams, "Peace and Bread," foreshadowed such programs as UNRRA and other foreign economic and technical assistance programs. Toward the end of the Second World War the women's organization urged the United States to take the initiative in distributing food on the basis of peace, taking the position that "food should never be used as a political weapon."

The Women's International League for Peace and Freedom has also been among the most unswerving and stanchest supporters of world organizations designed to strengthen the peace. It supported the League of Nations and established its headquarters in Geneva where assistance could be provided to all the national sections of the organization and close contact maintained with international problems. In 1927 the annual meeting of the U.S. section stated its "desire to see the United States enter the League of Nations, providing only that it does so with the understanding that the United States is exempt from any obligation to join in exerting military pressure." Ten years earlier, as the United States entered the First World War, it had urged the United States to work for a League of Nations.

When the San Francisco Conference convened for the purpose of establishing the United Nations, the League sent official observers, and in 1948 it was accorded consultative status with the Economic and Social Council. It was subsequently also given the privilege of having an official representative at UNESCO, FAO, WHO, and the ILO. Mme. Vijaya Pandit, who served a term as the first woman president of the U.N. General Assembly, had been a member of the League for many years and was former president of the Indian section.

The U.S. section also has an accredited U.N. observer who keeps the membership informed. It maintains a committee on the U.N. which suggests action which the membership might take, and community projects which might be undertaken, in support of the United Nations. During the Assembly sessions, it arranges U.N. seminars in New York.

However, perhaps the Women's International League for Peace and Freedom deserves the most commendation for its excellent work in the field of disarmament. Here again the roots of the league's work in this area extend deep into its history. In 1932 the WILPF collected 6 million signatures on a worldwide petition for submission to the Geneva Disarmament Conference. In the United States in 1934, the national section initiated and supported the Nye resolution to investigate the influence of munitions makers. Out of it grew the Committee for World Development and World Disarmament, a now independent organization which seeks to inform the public of the need for and problems of world disarmament and development.

The league has taken an active role in helping to bring about the progress toward arms control and disarmament which has been made in recent years. The U.S. section has been a strong supporter of the Arms Control and Disarmament Agency. Prior to the establishment of the Agency, the league passed a resolution noting with warm approval President Kennedy's recommendation to Congress for such an agency, and urging that the Agency "give priority to study of the organization of the United Nations in order to determine what changes may need to be made in the charter to make possible the development of world law and to facilitate the achievement of universal and total disarmament under United Nations control."

When the authorization for the Agency was again being considered in 1963, Mrs. Aileen Hutchinson testified on behalf of the Women's International League for Peace and Freedom and urged the granting of continuing authorization to the Arms Control and Disarmament Agency. She testified that the league was particularly pleased that the Agency was planning to expand its research operations in the economic field because the league believes that advance planning and preparation for conversion of industries from military to peaceful uses is essential.

This year, when the Arms Control Agency's authorization was again up for consideration, the league again submitted a statement asking that Congress approve the request of the Agency, and that the Agency itself increase its request each year so that it can expand its program. The statement said:

> The Agency sees its role as an integral part of our overall national security policy, but the Women's International League for Peace and Freedom would ask the Congress to look beyond this and see that not only national security is involved here, but world security against atomic war.

The league also gave firm support to the nuclear test ban treaty. In a statement to the Senate Foreign Relations Committee submitted by Miss Caroline Ramsay, the league urged approval of the treaty and said in regard to further disarmament:

> We believe that only a prompt and bold program for universal disarmament under United Nations supervision offers any security in this nuclear age and can release human and physical resources for constructive use.

In addition to these fields most closely related to world peace, the Women's International League for Peace and Freedom has also made notable contributions in other areas which, although seemingly not a part of the international problems of war and peace, form the foundation for the kind of world in which peace will be secure. For example, it has been active in the protection of civil liberties and the rights of minorities. It has a committee on art for world friendship which promotes understanding and friendship among the world's children through the exchange of original art exhibits. It presents annually the Jane Addams Children's Book Award to the author of the book which best promotes the ideals of brotherhood and international understanding.

As it celebrates its 50th anniversary, the Women's International League for Peace and Freedom has members or branches in about 40 countries. The U.S. section last year had some 7,000 members and is seeking to double this number during the anniversary year.

Many eminent American women are associated with the league, and it is impossible to mention them all. However, I would like to note that Marian Anderson and Helen Gahagan Douglas are cochairmen of the 50th anniversary celebration, and that other sponsors include Pearl Buck, Georgia Harkness, Kathleen Norris, Dorothy Day, and Lillian Smith. President of the U.S. section is Dr. Dorothy Hutchinson. Those of us in Congress will especially remember the dedicated and brilliant work of Mrs. Annalee Stewart, for many years legislative secretary here in Washington and now branch liaison. Her able successor in Washington is Dr. Milner Alexander.

Mr. Speaker, because of its half-century of persistent work toward peace, I would like to pay tribute to the Women's International League for Peace and Freedom on its 50th anniversary. It brings together women who want to achieve freedom from fear of war, of want, and of discrimination by nonviolent means so that all people may live in a world of peace and justice. It has played a leading role in channeling the tremendous energy of women and their guardianship of moral values into the field of world affairs. It has courageously stood for justice and peace at times when injustice was widespread and the prospects of peace have seemed remote indeed.

It is my sincere hope that the 50th anniversary of the Women's International League for Peace and Freedom will be but a beginning in the history of women's peace activities, and that this organization and women everywhere will continue to exert all the influence they command in favor of the cause of peace.

ADDRESS BY THE HONORABLE ROBERT F. WAGNER

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHEUER. Mr. Speaker, it gives me great pleasure to introduce into the RECORD, remarks by the Honorable Robert F. Wagner, mayor of the city of New York, made on February 18, 1965, at the conference for the American Foundation on Automation and Employment, Inc., and the Caribbean Foundation on Employment and Education, in San Juan, P.R.

Mayor Wagner, in his remarks, has made some cogent observations about the poverty program with particular reference to the problems of our Puerto Rican citizens which I believe will be of interest to the Members of the House of Representatives:

> It is a pleasure to be here in San Juan again at this conference. Here I feel very close to New York City, but strangely far, for instance, from Albany.

The relative peace and quiet of San Juan and the softness of the Caribbean air are indeed refreshing. I feel especially grateful to Christopher Columbus for discovering this place, and to former Gov. Luis Muñoz-Marín, incumbent Gov. Roberto Sanchez, and the ineffable Mayoress Dona Felisa for developing Puerto Rico in recent years. Finally, I am grateful to my good friends, John I. Snyder and Ted Kheel, for exploring and claiming Puerto Rico as a permanent meeting place for these annual conferences sponsored by the American Foundation on Automation and Employment.

Where would we all be without the individuals whose names I have just mentioned? The answer to that question comes under the head of idle speculation, and we don't have time for that today. Our schedule is much too crowded.

Very seriously, I turn to the subject matter of this conference, poverty and unemployment—1975. I want to say at this point that my vision isn't very good for 10 years ahead. For some reason or other, my mind keeps focusing on the next 10 months—or is it 9 until November? So let me discuss the present, and I'll leave the future to the prophets and soothsayers who are attending this conference in their professional capacities.

All of us who were here will long remember the first conference 15 months ago. President John F. Kennedy had been dead only a fortnight. We were all quite numb from the traumatic effects of that almost cosmic tragedy. A spirit of hush surrounded this conference—and the Nation and the world.

There was nothing to do but to move onward. So we did. And we have. The forward-looking spirit of President Kennedy still inspires us, as we are led skillfully forward at an ever swifter pace by President Lyndon B. Johnson.

As a general observation I say that even though, as of today, the answers to many of our problems still elude us, the desire to find them has never been greater and the hope of finding them, never higher.

The past 4 years have seen a renewal of hope—and of determination—to solve our problems, even though the problems themselves seem increasingly difficult.

One of the prime influences in this renewal of hope, as it relates to the subject of this conference, has been the national war against poverty. This has had a profoundly stimulating and energizing effect upon national and local attitudes—and also efforts—with regard to poverty and its root causes.

I recall an address I made to that first conference here in which I spoke about the swiftly decreasing employment opportunities for the unskilled and the growing pool of unskilled labor—unskilled, unemployed, and unlettered—in our cities and in our Nation.

In that address I urged that broadscale provision be made in behalf of these unemployed—these human spinoffs from our economy and the growing army of young rejects from our educational systems.

I described some of the social effects and problems resulting from this type of unemployment. I urged, among other steps, that a 10-year Federal public works program be undertaken, especially aimed at employing the unskilled and the semiskilled.

A month later, in an address to the City Council of New York, I proposed that New York City launch a broadscale attack on hardcore poverty in our city—to be aimed at the roots of the problem and its contributory factors.

Immediately some critics asked us to define precisely the poverty we were going to attack. During the ensuing discussion, I felt like saying what Humpty Dumpty said in "Alice in Wonderland":

"When I use a word," Humpty Dumpty said, "it means just what I choose it to mean—neither more nor less."

I think most of us know today what we mean by poverty. The figure used nationally—which we found to fit New York City, too—is one out of every five. In New York City about 1,800,000 individuals, belonging to 389,000 families, live in conditions approximating poverty. Of course, the dictionary definition of poverty—"having little or nothing in the way of wealth, goods, or subsistence" has little practical application to America in 1965. Most of the poor today have some goods, and almost all have or receive some subsistence.

But really, when we speak of the poor, we know whom we are talking about. But the entire range of the poor are hard to define precisely. They range from completely normal and law-abiding New Yorkers to some who have what the experts call a deep social pathology—with a sense of total alienation from existing social institutions as well as from the positive elements in their own communities and neighborhoods.

Most of this latter group have no respect for law and order. They include the drug addicts, the addict pushers, the numbers runners, the petty thieves, the muggers, and others who form a special underworld of the poor—which preys primarily upon the poor.

It is this underworld whose members constitute our greatest single social liability who are the greatest menace to their own communities as well as a source of endless social cost to society as a whole. These elements were responsible for most of the evidence and perpetrated most of the looting in last summer's convulsive riots. This subgroup gives a bad name to Negroes and to Puerto Ricans. It is our city's worst blight.

This is not the true underworld. The underworld I am now defining belongs to the poor. Its denizens come from the poor. They are poor.

It is not generally known, but these criminal poor prey most of all on other poor. The law-abiding poor are the easiest victims. They have the least security for what they own. Their property is the most accessible, and also the most disposable and the least traceable.

This victimization of the poor is one of the main indignities of poverty. Most of the poor think that they get less police protection than others do. In New York City, at least, this is not deliberately so, but it probably works out this way because of the greater difficulty of policing poor neighborhoods.

I dwell on this subject because it often goes unnoticed by those concerned with the problem of poverty. Yet it is a major aspect of the rising crime rate in our cities.

The underworld of poverty, while only a tiny part of the poverty population, plays a major part in the world of the poor, as an ever-present menace and symbol of the degradation of poverty. This underworld must be an object of our special attention in the war on poverty. None of our present programs confront it. It must be confronted.

The basic challenge is to give all the poor the opportunity and the wherewithal to better their economic condition. They must also be given the hope and the desire to do so.

New York City and the Nation have accepted the challenge. The question is: How are we meeting it? What is our plan?

Our plan consists of many parts, in order to meet the many-faceted problem. We intend to do a great many different things, designed to meet the needs of different groups, as well as different factors in the causation of poverty.

Unfortunately, thus far, we have been able to start only a few of the things we must do. We have begun to work on the special programs authorized under the Economic Opportunity Act, the Neighborhood Youth Corps, the Job Corps, and the activities that fall under the community action plan provided under title II of the Economic Opportunity Act.

All these programs are now in the beginning stages of implementation. In New York City our expectation for 1965 is to involve approximately 25,000 people—mostly youth—as direct beneficiaries and participants in the various programs under the Economic Opportunity Act.

Preschool training programs will be provided for approximately 7,000 children from disadvantaged neighborhoods.

Special loans and other aids are to be made to small businesses to enable qualified individuals from these disadvantaged neighborhoods to start and to conduct businesses of their own.

For the aged, there will be basic services including employment opportunities.

Most of these sample programs I have just mentioned will be operated and conducted from the disadvantaged neighborhoods. Except for the professional experts required for training, counseling, and administration, all the personnel required for these programs will be solicited from the neighborhoods.

I want to refer here to the two trailblazing, neighborhood-based poverty programs in New York City which have served as prototypes for others throughout the country: Haryou-Act in central Harlem, and mobilization-for-youth on the Lower East Side.

Although these programs were originally designed to combat juvenile delinquency, experience soon dictated that their scope should be enlarged to include a broad-scale attack upon the conditions underlying poverty.

Much has been learned from these two pioneer undertakings. We, in New York City, are trying to apply what has been learned. Meanwhile, we will continue to support mobilization-for-youth and Haryou-Act with New York City funds. The mobilization-for-youth program is, of course, of special interest in Puerto Rico because one of the major population components in the 67-block area covered by mobilization-for-youth is Puerto Rican.

Now, I want to turn to the special Puerto Rican aspects of our antipoverty program.

You might be interested in a few facts and figures about the Puerto Ricans in New York. Puerto Ricans born in New York get more education than those born in Puerto Rico who come to New York. The average is 2 years more education for Puerto Rican men and 3 years more for women. Nevertheless, compared to the rest of the population, Puerto Ricans are still at a disadvantage. According to the 1960 census, Puerto Ricans 25 years old and older averaged 3 years less education than the comparable figure for the total population of New York City.

Almost 30 percent of Puerto Ricans 25 years old or older had less than 5 years of education, compared to only 9 percent for the entire population of the city. In the same age group, only 10 percent of Puerto Ricans had completed high school, and only 3 percent had gone on to college, compared to 24 and 18 percent for the total population.

The unemployment rate for Puerto Ricans is double that of the city average.

In 1960, 33 percent of all Puerto Rican families in New York City had incomes of less than $3,000, compared with 13 percent of all families in New York City.

Only 3 percent of Puerto Rican families had incomes of $10,000 or more, in contrast to 22 percent for all New York City families.

Even these statistics have their bright side. The fact is that more than 5,000 Puerto Ricans have jobs with the city government.

More than 100 auxiliary teachers, who are completely bilingual, are working for the board of education. Almost all of them are graduates of the University of Puerto Rico.

More than 6,000 Puerto Ricans own their own businesses.

These are just sample figures which help in drawing a profile.

All the programs to which I have already referred are aimed at expanding the horizons of opportunity and lowering the barriers of discrimination for the benefit of New York City's Puerto Ricans, as well as for Negroes and other disadvantaged groups. In the preschool training program, special emphasis will be given to the language barrier. Bilingual teachers will be employed.

Puerto Ricans from among the ranks of the poor will be trained in subprofessional capacities for service to the poor—as assistants to visiting doctors and nurses, as attendants in hospitals and nursing homes, as itinerant helpers in the households of the aged, as maintenance personnel for apartment houses.

This kind of training can and will be provided in neighborhood centers for the unskilled, untrained, and unlettered.

We plan to mobilize Puerto Rican professionals—or at least Spanish-speaking professionals—to train these subprofessionals.

It is our belief that one of the expanding areas of employment opportunities for the future is in providing increased services to the sick, the disabled, the young, the aged—indeed, to all who need the kind of help which must be furnished by human hands and cannot be automated.

Late last summer a group of Puerto Ricans, acting through an organization called the Puerto Rican Forum, asked me to arrange a financial grant from the city government to enable them to plan a comprehensive anti-poverty program based on the special needs of Puerto Ricans in New York. I approved a $70,000 allocation for this purpose. Additional funds have since been granted. Recently, the Puerto Rican Forum submitted a comprehensive multimillion-dollar program. The proposals of the Puerto Rican Forum, which are complex, are under active study and consideration. Other Puerto Rican groups in New York have submitted alternative proposals. From all these proposals, a program will be worked out which can be fitted into the overall framework of the city's anti-poverty plan and provide an adequate reflection of special Puerto Rican needs.

One of the ideas proposed by the Puerto Rican Forum especially intrigued me. It was proposed to subsidize the maintenance and spread of Puerto Rican culture in New York City through a network of existing Puerto Rican organizations. This is linked up with the war against poverty. Actually, it would be difficult to allocate governmental funds for this purpose. However, we are still studying this approach, and are trying to find a way to get fiscal support for a part of this undertaking.

In any event, I want to tell you that I am determined, as mayor, to insure that the Puerto Ricans of New York receive a full share of the benefits of the poverty program—the share to which they are entitled by virtue of their numbers and by virtue of their need.

The full scope of the powers, authority, and resources of every department of the city government is to be focused on the achievement of this objective.

I would like to underline this point, because I believe that the uniqueness of New York City's poverty program lies in the fact that the entire range of city government resources has been placed, by executive order, within the orbit of the poverty program. To head up the poverty program, I selected one of the highest ranking officials of the City of New York, the president of the city council, Mr. Paul Screvane, who is also one of the most accomplished administrators to come up through the ranks of the city government in my memory.

My purpose was to give the poverty program a top priority among all the programs of the city government. In a real sense, the entire city government is engaged in the poverty program, and deeply committed to it.

I consider each Puerto Rican in New York a New Yorker like other New Yorkers—a New Yorker equal in all respects, in his rights and his claims for privilege and opportunity.

We certainly welcome the Commonwealth and its office in New York as the interpreter, advocate, friend, and defender of the Puerto Ricans in New York. There are, in fact, many individuals and organizations claiming to be the spokesmen of all Puerto Ricans in New York. That is natural. I honor and recognize them all for their efforts. However, I want recognition, too, as one who speaks and works for the interests of the 700,000 Puerto Ricans in the 5 boroughs of New York City.

In this connection, I want to pay tribute to the activities of the Commonwealth in New York City, particularly through its migration division. I want to express my appreciation to Labor Secretary Frank Zorilla, under whom the migration division operates. Secretary Zorilla deserves praise for his supervision of this fine activity. And of course, I want to mention the director of that division, a true friend, although he frequently presses us hard, Joe Monserrat. I was very happy to approve recently the appointment of one of the key employees of the migration division, brilliant young Joe Morales, to one of the top positions on the staff of the anti-poverty operations board.

If I were to summarize the prescription to meet the needs of the war against poverty, it would be a prescription for most of the things that are being done today. But I would prescribe a much bigger scale, with a much broader sweep. And there are many additional programs which cry to be launched.

Emergency actions are needed now to forestall emergency situations later.

We need that public works program I proposed 15 months ago. We need it now more than ever. Of course, the cost would be very great, and the cost of stepping up all the other programs I have been talking about would be very great, too.

Yet the money must be found, as it certainly would be found if we faced a military emergency abroad.

There must be substantially greater Federal grants directly to the localities for education, for training, for housing, for all the programs I have been talking about and that have been discussed at this conference. But the local and State governments must be ready to strain their resources, too. This means more taxes, which is not easy to contemplate and even less to institute. But it must be done. The people must be convinced that it must be done.

Will the sum of all the programs I have discussed cure poverty? Frankly, I don't know. Neither does anybody. I know one thing: we must try everything. We cannot afford to stop.

There are lions in the streets, angry lions, aggrieved lions, lions who had been caged until the cages crumbled. We had better do something about those lions, and when I speak of lions I do not mean individuals. I mean the spirit of the people, those who have been neglected and oppressed, and discriminated against, and misunderstood and forgotten. Some of them now have the spirits of angry lions. We must promptly set about to remedy the conditions which brought them into being. And we have no time. The time is now. It is already after midnight on the clock of history. We can only pray that the clock will stop awhile and give us the breathing space to work our wills in accordance with our consciences, to the best of our abilities.

THE PRESIDENT'S POLICY IN VIETNAM

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, I rise to commend President Johnson for his course of action in Vietnam and to express my appreciation for his frank and open statement to the American people and to the peoples of the world in explanation of U.S. policy in that area.

Public opinion polls have shown that a vast majority of the American people support the President's policy in Vietnam. After his press conference yesterday, that support should increase, both here and abroad. The President emphasized again that we have learned the lessons afforded by the appeasement of Munich. He could not have been more right when he said that failure to resist in Vietnam would deliver a friendly nation to terror and repression, encourage those who seek to conquer other nations in their reach, and endanger American welfare and freedom.

I am also proud of the restraint being exercised by our President in his determination to provide the maximum amount of deterrent with the minimum cost. The carefully controlled bombings which the President has authorized are coupled with his desire to stop the loss of lives and end the conflict. I was pleased to read his words:

> I do sometimes wonder how some people can be so concerned with our bombing a cold bridge of steel and concrete in North Vietnam but never open their mouth about a bomb being placed in our Embassy in South Vietnam.

President Johnson repeated that our bombings of their bridges, radar stations, and ammunition will cease the moment the North Vietnamese end their aggression. In renewing his offer for unconditional discussions and reemphasizing the firmness of our position, the President not only deserves the fullest support of every American, but that of freedom-loving people everywhere.

TIME FOR A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that various other Members be permitted to extend their remarks in today's RECORD at the end of my remarks on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks upon this same subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, present developments in various parts of the world, particularly in Vietnam, make the establishment of a Special Committee on the Captive Nations a definite necessity. Let us not forget that the captive people of North Vietnam also have a stake in the outcome of the current crisis there. Despite the eased tensions in Eastern Europe, let us not forget that the various totalitarian Red governments do not represent the underlying captive nations and in a variety of ways continue to oppress and exploit the captive peoples. Let us also not forget that Moscow's deceptive policy of peaceful coexistence cannot conceal the realities of Soviet Russian imperiocolonialism in the captive non-Russian countries of the empire-state called the Soviet Union. And let us not forget that the captive nation of Cuba is still off our shores and is being systematically exploited by Moscow and Peiping alike for Red totalitarian penetration of Latin America.

In short, Mr. Speaker, as our interest and energies are being absorbed by certain particular events, let us not forget the general and basic state of the captive nations in Eastern Europe, Asia, and Latin America. And the best way in not forgetting them at this time is to create now a Special Committee on the Captive Nations. This is the time for such a committee.

A BRIDGE TO TRUE UNDERSTANDING

As Representatives of the American people, we have now a wonderful opportunity to construct a bridge of true understanding between ourselves and the neglected captive nations and peoples. Diplomatic bridges with totalitarian governments in the Red empire are not necessarily bridges with the underlying captive nations. We need more than one type of bridge for the terrain is substantially different between the oppressor and the oppressed, the colonialist and the colonial, the exploiter and the exploited. A Special Committee on the Captive Nations in this Congress would be our bridge of true understanding of, and abiding faith in, the close to 1 billion captive people.

It has been my privilege to introduce the original resolution proposing this bridge of true understanding. Dozens of other similar resolutions have been submitted with the same objective in mind. I cannot thank my esteemed colleagues enough for their forceful expression of the mutual idea and common objectives in the national interest which we share alike. I also express my deep gratitude to many other Members who, though they have not introduced resolutions toward this end, have nonetheless been outspoken in their full support of our proposal.

TEN WHY'S FOR FAVORABLE ACTION

Mr. Speaker, the reasons for establishing this committee have been stated and reiterated on many occasions. Let me cite many of them again.

First, with legislative intent and purpose, this committee would conduct studies and investigations leading to conclusions that would justify recommendations for specific legislative action.

Second, with its unique orientation toward the captive nations in the aggregate, the committee would in reality and function represent no substantial encroachment on any standing committee.

Third, the range and depth of work that this proposed committee would be engaged in, not to say the uncovering of phenomena which have been virtually ignored by existing committees, would require time, effort, and dedicated application that only a special committee could undertake. For example, I ask what standing committee has looked into the plight of all the captive non-Russian nations in the U.S.S.R., some 120 million people, and assessed them in terms of our national interest? The answer is none.

A fourth important reason is that this committee would symbolize the determination of the American people never to forget the hopes for ultimate freedom on the part of all the captive nations and of the Russian people themselves.

Fifth, each of our Presidents in this contemporary period has urged the need for popular studies of all the captive nations and for bridges of understanding with these peoples.

Sixth, in the preceding decade the Congress made historic contributions through its Katyn Massacre Committee and the Select Committee To Investigate Communist Aggression; in this decade, it can make a similar contribution through a Special House Committee on the Captive Nations that would project further the tradition established by the work of those committees.

Seventh, if one reads carefully the 1964 Captive Nations Week proclamation issued by our President and his urging us "to give renewed devotion" to the captive peoples, there can be no more concrete response to this than for us to get on with the unprecedented work of this special committee.

Mr. Speaker, an eighth solid reason for this committee is that its work would be concentrated on Sino-Soviet Russian imperio-colonialism, a combination which has been completely overlooked by our Government. It is sickening for any alert American to read almost every day the egregious accusations by both Moscow and Peiping against American imperialism when facts will show that these are the two last remaining, backward centers of imperio-colonialist conquest.

Ninth, the formation of this committee would be the first concrete implementation by Congress of its own Captive Nations Week resolution passed in 1959, and which every year since both Moscow and Peiping have vehemently opposed.

And the 10th major reason for this committee is that its work and results would contribute heavily to the fundamental cause of a just peace in the world by demonstrating for world opinion the basically insecure foundations of the Sino-Soviet Russian imperia.

These are the 10 whys I submit now for favorable action on this proposal. The distinguished chairman of the Rules Committee has declared his willingness to consider the measure; many members of the committee have publicy stated their support of the resolutions for this special committee; and I entertain no doubt that, once reported out, the measure will be overwhelmingly passed upon by our colleagues. So, why the unnecessary delay? I urge now that immediate and favorable action be taken on this vital measure.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I am pleased to join my distinguished colleague DAN FLOOD in calling to the attention of the Members of the House the urgent need to create a special House Committee on Captive Nations.

For two consecutive Congresses we have cosponsored House Resolutions 14 and 15 and worked together to obtain Rules Committee approval of the Flood resolution. There is no doubt in my mind that when the Rules Committee approval is obtained, the House as a whole will overwhelmingly vote to establish the special committee.

It is necessary for us to keep in mind the tremendous international interest that surrounds the plight of the captive peoples of communism. As an example, I submit as part of my remarks a resolution passed by the 10th Annual Conference of the Asian Peoples' Anti-Communist League which was held in the city of Taipei, Taiwan, free China, in November of 1964.

RESOLUTION ON SOVIET RUSSIAN COLONIALISM AND THE LIBERATION OF SUBJUGATED PEOPLES

The 10th Conference of the Asian Peoples' Anti-Communist League: Stipulating that in an era when empires are disintegrating into national states, the Russian imperium, consisting of the so-called Soviet Union and its satellite countries, presents a conspicuous example to the contrary.

Noting that the national liberation movements in the Soviet-Russian sphere of influence constitute a decisive factor in the confrontation of Moscow, which is one of the two most important centers of the world communism;

Resolves:

1. To join in the spirit of the Captive Nations Week resolution of the U.S. Congress, and to express its solidarity with the free aspirations of the Estonian, Latvian, Lithuanian, Byelorussian, Ukrainian, Georgian, Armenian, Azerbaijanian, North Caucasian, Cossackian, Turkestanian (Usbekistanian, Nazakstanian, Taobzikistania, Kirgisichstanian, Turkmenistanian), Idel-Uralian, Polish, Slovakian, Czech, Hungarian, Rumanian, Bulgarian, Albanian, and other peoples against Communist tyranny and Russian foreign rule, and to urge reestablishment of their national independence within their ethnographic territories;

2. To speak out also in behalf of the liberation of the Germans, Chinese, Koreans, and Vietnamese, and the reunification of countries and peoples divided by Communist aggression;

3. To warn the Western World against supporting Titoism, which is the Trojan horse of communism, and to support the reestablishment of the freedom and national independence of the Serbians, Croatians, and

Slovenians, who are now condemned to live under Tito's regime of Communist tyranny;

4. To demand a just peace among all the peoples of the world, a peace which presupposes the liquidation of every form of national subjugation and the realization of indivisible freedom the world over;

5. To support the anti-Communist freedom movements everywhere in the world—in Africa, where the people of the Congo (Leopoldville) are fighting against Communist conspiracy, and in Cuba, where the people are fighting dictatorship and seeking the reestablishment of independence and freedom;

6. To urge the establishment of a common front including the peoples subjugated by both Russian and Chinese Communists, and to cooperate with ideologically and politically like-minded forces of the world against the common enemy;

7. To endorse mobilization of anti-Communist forces in the free countries against Russian imperialism and communism, and to promote national liberation revolutions to overthrow the Communist tyranny without nuclear war;

8. To back Members of the U.S. Congress in their efforts to establish a standing committee to deal with the problems of peoples subjugated by Russian imperialism and by communism, and to establish a Freedom Academy to serve the cause of national liberation.

Mr. Speaker, as we note the growing support which the satellite countries of Eastern Europe are providing the North Vietnam Communist regime, and as we take special cognizance of the discontent and suffering of the peoples of the captive nations, the latest example of which is seen in the revolt in Bulgaria that was crushed just a week ago, the need to fully study and review Communist control of the captive nations should be recognized by all.

Mr. Speaker, I believe the creation of a special House committee on captive nations would be a progressive, effective contribution on the part of the House to the foreign policy goals of our Nation and would demonstrate the enlightened interest of the United States in the colonial policies of the Soviet Union and our determination to maintain the great Wilsonian concept of self-determination.

Since the various resolutions have been introduced on a completely bipartisan basis, I urge Members of the House who heretofore have not expressed an opinion on this subject to study the need for the committee as outlined by my distinguished colleague from Pennsylvania and join him in the collective move to obtain Rules Committee approval.

Mr. FLOOD. The gentleman from Illinois is kind. I might add since this has begun he has been at my side. This is entirely a nonpartisan or, if you wish, a bipartisan operation. A copy of my resolution has been introduced by dozens of Members on both sides of the aisle. Both Democrats and Republicans throughout the country have been active in support of this resolution, and certainly no one has been more active than the gentleman from Illinois.

Mr. BROYHILL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in support of the gentleman's position, and compliment him on his remarks, and wish to associate myself with him.

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the proposal to create a Special Committee of the House on the Captive Nations has never been more valid and compelling than it is today.

As we battle for the freedom of southeast Asia, in the face of mounting hazards and criticism both abroad and at home, this step is of greater importance than ever before.

All along the Iron and Bamboo Curtains and throughout the lands imprisoned behind them, restive peoples are stirring, awaiting the moment when the odds will favor a bid for independence. These people represent a force of immense strategic importance because they compel the conqueror to deploy vast military and economic resources to keep them down.

The establishment of a Special Committee on the Captive Nations in the U.S. House of Representatives would reinforce their morale and increase our capacity to dramatize Communist oppressions. It also would be a formal expression of America's commitment to the cause of freedom everywhere.

We can and must maintain an all-out offensive against communism on the economic, political, and moral fronts. The Captive Nations Committee would enable us to maintain a continuing focus on the central issue which divides the world—the issue of freedom.

In America, we are closer to the ideal of individual freedom than men have ever been before. People of all nations have come here to seek and find personal fulfillment. Our system, while not perfect, has produced a bounty of intellectual freedom and material comfort unmatched in history.

The means of reform are built into our system and the troubles we have take place openly in full view of all the world. In the same manner, the settlements of these troubles take place at bargaining tables, in the halls of our legislatures, boards, and commissions, in Congress, and in the courts.

As a nation, we are generous to a fault, partly from self-interest but largely from plain charity. We worship as we choose or not at all if that is our choice.

We are a tremendously successful nation whose many roots reach back in time to every land and culture of the past. We have a national conscience that is our greatest moral weapon in the fight against Communist tyranny. No other system has brought so much to so many and no other system has required so much of its citizens to keep it free and functioning.

COMMITTEE BELONGS IN CONGRESS

The Captive Nations Committee would give formal expression to the American conscience in the battle for freedom. The House of Representatives, as the direct voice of all the people, is the best place for it.

Some object to the proposal as an encroachment upon the prerogative of the executive branch, with the Senate, to conduct foreign policy. This has been the position of the past several administrations to comment on the proposal. This fear is not justified.

It is not the purpose of the Captive Nations Committee to conduct foreign policy. It could not do so, even if it wished to try. Its purpose is rather to gather and publish information concerning captive nations and to reassure the peoples of those nations, through a formal body of the American Congress, that their cause is our cause and that they are not forgotten.

There are some, in addition, who oppose the committee because they fear it would aggravate the Communists and annoy them. To that argument we should give no room at all.

Tyranny is our eternal enemy. Today its name is communism. Its goal of world domination is the same. So are its weapons—fear, starvation, torture, government censorship in all the great and petty events of life, bringing in its train informers and spies, arrests in the night, mock trials, and mysterious murder, religious and racial persecutions—indeed, all the evil things that men can do to other men make up the armory of the Communist oppressor.

None of us is safe so long as this tyranny controls any part of the world. The Captive Nations Committee, which we propose today, would be an important part of the battle we fight against tyranny. It would shed light on dark places and maintain a continuing focus on the central issue which divides the world—the issue of freedom.

I urge the House to establish the committee promptly.

Mr. O'KONSKI. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Wisconsin.

Mr. O'KONSKI. Mr. Speaker, I wish to compliment the gentleman for his statement.

Mr. FLOOD. Mr. Speaker, as far as the gentleman from Wisconsin is concerned, I may say that he served with me in the last decade, although he does not look that old, on what we termed the Katyn Forest Committee. It occurs to me in this decade, since we are still living and breathing and, with the good judgment of our constituents, we should in this decade develop a counterpart of that most acceptable weapon that we used against communism in the investigation of the massacre in Katyn Forest.

I understand the gentleman is speaking at a dinner in my district this coming Saturday night. I hope I can be there. If I am not I hope he continues to say nice things about me, as he always does.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, again I would like to compliment my distinguished and able colleague from Pennsylvania for very forcefully advocating a measure which would place the Communists on the defense. Everywhere we go in this country people frequently ask how we can get off the defensive as a nation and as the leader of the free world, and get on the offensive. This is the way. Every time we mention the captive nations in this House it puts the jitters in the Kremlin and in Peiping, and all over the Communist world—I have heard the gentleman say this—that the captive nations are the Achilles heel of the Russian Communists. This is the way to put them on the defensive. Instead of this great country being on the defensive in Cuba, Panama, and in southeast Asia, we need to go to the source of the trouble, which is Russian Communist occupation of Eastern and Central Europe. This is where they are vulnerable. I commend the able gentleman for his courage and foresight and pledge him my cooperation.

Mr. FLOOD. The gentleman sat in about that seat where he is sitting now a few years ago, and alongside of him sat the gentleman from South Carolina [Mr. Rivers], when this proposal was first made. The gentleman from South Carolina is now the chairman of a distinguished subcommittee of the Committee on Armed Services.

Believe it or not, the joker we were talking about then was Castro and he was in great favor with everybody in the United States. I tried to point out that I had first encountered Castro in Bogotá in 1949 when he was a Communist student with Che Guevara in those massacres, and the gentleman from South Carolina [Mr. Rivers] and the gentleman from South Carolina who has just spoken, joined with me in vehement protest in trying to take the beard off this clown at this time. But if you live around here long enough, everyone comes around to what they think, I suppose.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois. This is a happy thing for me to do. I mentioned the gentleman from Wisconsin [Mr. O'Konski] served with me on the Katyn Forest Massacre Committee. I might say that the chief cook and bottle washer of the committee in those days, the chief clerk, chief interpreter, and everything else, and the guy who really did the hard, gut work, was the gentleman from Illinois who now asks me to yield [Mr. Pucinski]. He later was elected to the House and he has returned to us since. I hope he continues to do so because no one is better versed on the elements of this resolution and its purpose and background than my friend from Illinois.

Mr. PUCINSKI. I thank my friend from Pennsylvania [Mr. Flood] for his generous remarks. When that great day comes when the captive nations of this world rejoin the family of free nations, the words of the gentleman in the well, Mr. Flood, are going to be emblazoned in gold letters. It was my privilege to know him before I came to Congress, and I am familiar with his tremendous and sincere effort to recognize the plight of the some 120 million who are now held captive against their will under Communist bondage in Europe. Certainly he has been making every effort to win for these people their freedom in a peaceful and dignified manner.

I want to associate myself with the previous remarks here in connection with the Katyn Forest massacre investigation which this Congress conducted in 1952. I will never forget the efforts made in Europe to dissuade this congressional committee from carrying on its investigation. It was the strong and firm voice of the gentleman in the well who at that time told the British in no uncertain terms that we were interested in getting at the truth as to who massacred these 15,000 Polish army officers in the spring of 1940. Everything was being done then to try to play down that investigation. I have admired the gentleman for the courage, determination, and leadership he provided to make sure that the facts and the truth about the Katyn massacre came to the attention of the free world.

I might say this is the 25th anniversary of the Katyn massacre. The distinguished gentleman from Indiana [Mr. Madden], who had been the chairman of the select committee, addressed a huge gathering in Chicago on the 25th anniversary. So I hold the highest respect for the gentleman for his efforts in constantly bringing to the attention of the free world the chicanery, the deception, and the deceit of the Communists.

But I should like at this time to congratulate the gentleman from Pennsylvania for his continued effort in establishing this very important committee. The thing that distresses me and disturbs me very seriously is that this is, I believe, about the sixth or seventh year that we see a number of men, like the gentleman in the well, and other Members of this Congress, reintroducing these bills. I have reintroduced a resolution along with the gentleman from Pennsylvania to establish this committee, and it is completely beyond my ken to understand why it is that with so many Members of the Congress pushing for the establishment of this Committee on the Captive Nations that the will of the Congress cannot be done.

I wonder if the gentleman would care to add some light to this and try to explain this mystery. There is no question, as we read the Record over the years, that all of us are in agreement and that a great purpose can be served. Certainly, these captive nations continue to look to the United States as their great hope for salvation.

Mr. FLOOD. You know what I think—the same as you think—the striped pants boys are behind this. You know they come out of the woodwork down there at the fourth and fifth level to write the various level papers. I do not mean the top guys. But you have been around here a long time, and so have I, and this is always what happens. We had the same trouble on the Katyn massacre matter. They fought that Katyn massacre resolution until our backs were right to the wall.

Mr. PUCINSKI. That is correct.

Mr. FLOOD. That was in the Rules Committee. Yet, it went through the House here like a dose of salts. This water pollution bill just passed here 396 to nothing. This resolution would pass by the same kind of vote. If we had the captive nations resolution ever to come out of the Committee on Rules, there would not be a vote in the House against it from either side of the aisle. I think most of the members of the Committee on Rules would like to vote it out.

Mr. PUCINSKI. I agree with the gentleman. This is the thing that baffles me—why it is that the elements that have opposed the establishment of this committee in the State Department cannot read the yearnings of these people behind the Iron Curtain. One of the things that amazes me is—here it is 20 years after the end of the war and these people—these captive nations were plunged into Communist bondage 20 years ago and today the spirit of freedom is just as strong in those countries as it was 20 years ago, 100 years ago, and 200 years ago.

Mr. FLOOD. And it always will be. You know this—you remember the conversation I had with former Vice President Nixon. When he returned from his Moscow trip he told me the one thing that would make Khrushchev froth at the mouth—the one thing that drove Khrushchev nuts is our resolution on the captive nations. All you had to do was to bring that up and he took straight off up in the air.

Mr. PUCINSKI. May I say this then to the distinguished author of this resolution with whom I am proud to be associated in cosponsoring this legislation—by golly maybe the time has come when the Members of this Congress ought to start exercising some of the other legislative machinery available to us to get this resolution through and get this committee established if we cannot do it through the normal channels. I am distressed that people in the State Department would have such a profound influence on the normal machinery of this Congress that we cannot bring this resolution to the floor. So I would like to suggest to the distinguished author of this resolution that perhaps the time has come when we ought to start looking at some of the other vehicles that are available to get this resolution through because I agree with the gentleman that if this resolution ever gets to the floor of this House, I doubt strongly that there is going to be a single dissenting vote.

Mr. FLOOD. I have been here since the War Between the States and the last thing in the world that an old timer like me wants to do is to interfere with the jurisdiction of any standing committee. I am against that. I believe in the seniority system. It is like the jury system. There may be a lot of things better than the jury system. Everybody criticizes the jury system.

But there has been no proper substitute offered in English jurisprudence up to this minute. And there has been no substitute for the seniority system here. I would not put a glove on the prerogatives or the jurisdiction of any standing committee under any circumstances. All I want to do is to help them and propose investigations and make suggestions for them if they see fit to pass a law.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. FLOOD. I yield.

Mr. PUCINSKI. Perhaps if enough of us here in the Congress send the message down to the gentlemen who make up these reports which guide the committee that this body is getting restless, because it has been many years in which we have been trying to get such a committee through, and we are not at all convinced by the State Department opposition to this committee——

Mr. FLOOD. And they are opposed to it.

Mr. PUCINSKI. Yes, they are.

Mr. FLOOD. Of course, it is usually those faceless wonders I talked about, whom we cannot put a glove on, at the 4th and 5th levels, who write the position papers.

Mr. PUCINSKI. I suggest that perhaps if we get the message to them they might take another look at this. I would rather have the committee established through the normal legislative process.

Mr. FLOOD. I agree with that.

Mr. PUCINSKI. I must say it has been year in and year out that we have stood here on this floor. We have marveled at the gentleman's efforts to persuade.

Mr. FLOOD. You know, my name is DANIEL JOHN FRANCIS JOSEPH ALOYSIUS FLOOD. This tribe of mine has not quit in a long time.

Mr. PUCINSKI. That is right.

Mr. FLOOD. The Irish were kicked around for about 100 years. Now, thanks be to God, they have their own country. There are a great many in this country who help here.

In the veins of the gentleman from Illinois flows the proud blood of Polish ancestry. There is none prouder or braver or older or more distinguished. The gentleman does not like it. I know why.

Mr. PUCINSKI. I just do not like the long delay. That is why I should like to suggest again that we give serious consideration, if necessary, to using some of the other vehicles around here, when the legislative process is frustrated by the experts in the State Department.

Mr. FLOOD. The gentleman knows Poland as well as I. If anyone wonders why there is not an attack in the line all across East Germany, I ask, can you imagine the line of communications of the Russian Army making a move to the west across Poland? The Poles would take the supply lines apart with their bare hands.

Mr. PUCINSKI. Our greatest allies today are those 180 million unfortunate victims of Communist slavery. Nobody knows this better than the Kremlin. If the Kremlin thought for just 1 second that they could count on these unfortunate victims of communism, imposed upon them against their will—if the Kremlin thought they could count on these captive nations for just 1 second—the strategy and policy in Europe would change overnight. But the Kremlin knows better than the people in our own State Department that our greatest allies today are these people of Poland, Czechoslovakia, Lithuania, Latvia, and Estonia.

Mr. FLOOD. What would happen in the Ukraine? It would blow up overnight, and they know it, and 50 other countries all through the Balkans. That empire would fall apart like the one-horse shay. It is put together with sealing wax and scotch tape. They are kidding the troops.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Massachusetts.

Mr. CONTE. I wish to take this opportunity to compliment the gentleman from Pennsylvania for the wonderful message he has given the Congress today. I am quite familiar with his long fight for setting up a Captive Nations Committee here in the Congress. We joined together many years ago on this same issue. I filed a bill every year. Unfortunately, we have not prevailed upon the Rules Committee to bring this to the floor of the House.

I agree with the gentleman when he says that if the bill ever comes to the floor of the House it will be voted unanimously by this body.

I like the terminology used: it will go through here like a dose of salts.

Mr. FLOOD. This is a classic example of what this House is and of what this country is.

In the veins of the distinguished and attractive gentleman from Massachusetts flows the imperial blood of Rome. The gentleman has no quarrel with this problem, but he does not like the situation. That is why the gentleman from Massachusetts [Mr. CONTE] supports this resolution. This is in the best American tradition. You are a long way from Rome to Poland and the Balkans, but you believe in this, that is why you are fighting for it.

Mr. CONTE. Again I compliment the gentleman for the stalwart fight he has made down through the years. I will continue the fight with him.

Mr. FLOOD. I am sure the gentleman will.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I am glad to yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank the gentleman. All of us know of his dedication to the cause of human freedom. He deserves the gratitude of all who respect the inalienable right of the people of the captive nations to life, liberty, and the pursuit of happiness.

It is strange that the gentleman's resolution should require the expenditure of such time and effort as he has given toward its passage. It would seem fitting and proper that this action be taken long hence.

It is passing strange that America could rest content while millions of our fellows are captives of a brutal tyranny. To paraphrase the words of another American who cared about human dignity and human freedom; how can a world survive, half slave, half free?

I want to compliment the gentleman on his remarks and for his sustained and vigorous efforts to establish within this body a Committee on Captive Nations. This is a battle toward American recognition of the basic human rights of the people of such nations as Poland and Hungary.

It is a challenge to this body to act officially to search out the truth about the captive nations and then take whatever action is warranted in the light of such truth. The gentleman deserves and should have the support of all who recognize the elementary fact that men do not choose to become slaves, but are born to be free.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes. I am glad to yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, I would like to associate myself with the remarks made by the gentleman from Pennsylvania.

Mr. Speaker, I believe that one of the most powerful and effective weapons against communism is truth.

By establishing a Special Committee on the Captive Nations, communism would be exposed to the world with that great weapon, which is welcomed by freedom and resisted by tyranny.

No wonder Moscow roared with indignation when a resolution was passed by Congress in 1959, observing Captive Nations Week. Communism has so much to hide:

It does not allow freedom of speech.

It does not allow freedom of the press.

It does not allow freedom of the individual.

It does not allow freedom of enterprise.

And because communism does not recognize the existence of God, it even forbids freedom of worship.

That is why the Soviet Union is violently opposed to creation of a Special Committee on the Captive Nations.

I do not honestly believe that such a committee would result in the sudden freedom of the hundreds of millions subjugated by communism. But I do know that besides exposing communism for the fraud and tyranny it is, this committee would also show the world that the United States has not forgotten the plight of the captive nations, and that this Nation, in peaceful ways, will continue to demonstrate its sympathy and support for independence.

Creation of a Special Committee on the Captive Nations would not produce miracles, but it would give persons behind the Iron Curtain renewed hope for ultimate liberation and independence.

In establishing this committee, the Congress and people of the United States would be saying to the captive nations: "Do not give up hope. We are with you in spirit and we think and care about you. Some day you will be free again."

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I am glad to yield to my colleague from New York.

Mr. CAREY. Mr. Speaker, may I state that I am proud to coexist in this Chamber with the distinguished gentleman from Pennsylvania [Mr. FLOOD]. Long years and arduous hours have been spent on behalf of this resolution. I rise as a New Yorker because the Assembly for the Captive Nations is located in New York, adjacent to the United Nations, a great international institution. The captive nations are really not that. If I ever suggest an amendment, with the permission of the gentleman from Pennsylvania, it would probably be to amend the title so that these would not be called captive nations but captive peoples. They have lost their nationalism to an outside influence. They are peoples in captivity. Coexistence is not their own idea. They have no existence as national people. I would suggest that this truly is an apartheid of humanity. Freedom cannot coexist with slavery; liberty cannot coexist with bondage. As long as we tolerate it, we are as much at fault as anyone. I suggest that it is high time that action took the place of words in the Congress, but only the words of the gentleman from Pennsylvania can bring about the action. I summon all the commendation I can command to compliment him for his great work on behalf of this resolution.

Mr. FLOOD. Knowing you as long as and as well as I do, sir, I would expect that.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I would like to congratulate the gentleman from New York [Mr. CAREY], for bringing about in this RECORD this very important distinction. There is nothing, I think, that does greater damage to the great effort of helping these people than the constant reference in the American communications media to such things as "Communist Poland" or "Communist Hungary" or "Communist Czechoslovakia." Those countries are not Communist. They have never been and will never be. We have pleaded for years with the communications media to identify these nations as Communist-dominated countries.

Mr. FLOOD. You are so right.

Mr. PUCINSKI. So I want to congratulate the gentleman from New York [Mr. CAREY], for bringing this very important distinction to the attention of this House.

Mr. FLOOD. I might say as far as amending it that this is no sacred cow under any circumstances. As a brain child it does not have that status, and any contributions from either side of the aisle that have been made, by the way, from year to year, such as this have great merit.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I am proud to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I thank my friend for yielding. Again I want to compliment him on the work he is doing and which he has done for so many years in this area. There is no one else within my acquaintance who is so knowledgeable, who shows more determination, or who is more effective in all his undertakings than the gentleman from Pennsylvania. All of those, whether individuals or nations, who are unwillingly subjugated by Communist tyranny, owe the gentleman from Pennsylvania a debt of gratitude for his persistence in demanding that something be done about their plight. As a matter of fact, all liberty loving people are indebted to our friend from Pennsylvania. We are so happy that he is in such fine physical fettle again and able to carry on the fight as only he can carry it on.

Mr. FLOOD. The gentleman is very kind, but I am still a little weak in the knees.

Mr. McCARTHY. Mr. Speaker, the phrase captive nations is used to describe those people whose freedom is circumscribed behind the iron and bamboo countries by various Communist regimes. Approximately 35 percent of the world population finds itself in this onerous predicament.

Force and suppression as elements of foreign policy are antithetical to our beliefs as freedom loving people. This mode of dealing in international affairs is completely repugnant to our heritage which was founded in volition and free choice vis-a-vis subjugation by outside influences. Therefore, to be consistent with our traditional beliefs, we must speak out effectively against foreign policy predicated on repression and do everything within our power to assist nations in molding their own destinies.

The idea of subjugation, even if only for an instant, is repulsive to decent sensibilities. With this thought in mind, it must be remembered that many of the captive nations have had their freedom withheld from them for more than 40 years.

In light of recent world developments and thought provoking studies we are becoming increasingly aware that the idea of a Communist monolith is a mere fantasy. Differences of opinion within the Communist world are as rampant as are the divergent objectives pursued by the individual states within it. These developments provide us with the realization that this outside domination might be curtailed and eventually brought to an end by effectively exploiting these existing internal differences.

In order to achieve this goal a significant first step would be the passage of House Resolution 14 and the concomitant establishment of a permanent committee whose interest would be devoted exclusively to the problems of captive nations. Such a committee could maintain continuous touch with the problems of these people. This would enable it to take cognizance of any change in circumstance or viewpoint within the Communist world. When such change occurs the committee would be in a position to recommend the requisite measures.

While this is a needed step we cannot be naive enough to think that by instituting such a committee and giving it permanent standing we will be remedying the problems of these captive people. This measure is only a first step, albeit an effective one. Furthermore, it is a symbol to the world that the United States is firmly opposed to foreign domination and has once again alined itself with those who advocate self-determination of the people of the world.

Mr. McDADE. Mr. Speaker, there is scarcely a schoolboy in America who has not read one of the great sentences spoken by Abraham Lincoln. It is the sentence that says, "We cannot endure as a nation that is half slave and half free." What is true in our Nation is no less true in our world. We cannot endure as a world that is half slave and half free.

For every one of us in this Chamber this afternoon there are roots that lie deep in the soils of other nations. For some the distant roots are in Poland, or Italy, or Ireland. For some the roots are in the rich soil of the Ukraine. For some the roots are in Africa, or in China, or in South America. For all of us it may be said that we do not stand as solitary Americans; we stand upon the shoulders of many traditions, of many cultures from many lands. What is true of us as persons is true also of the intellectual and spiritual life of all America. It has often been noted that we Americans are part of the great Western tradition of culture, taking our immediate culture from Western and Eastern Europe and tracing that culture back through the Greeks, through the Middle East, and even into the distant learning of the Orient. All of us, therefore, represent not only an American culture but indeed a worldwide culture to which we have contributed new learning and new artistry in the short span of America's existence.

We look, therefore, far beyond the shores of America, and we find our own brothers across the seas. It is, unfortunately, a sad truth that while we sit in this citadel of freedom, in this noble lawmaking body, some of our brothers are living in slavery. In China alone there are nearly 700 million of our brothers who labor under the domination of atheist communism. The leaders of that nation are determined to destroy America and all that America represents. They have stated this publicly. They have indeed precipitated a fight within the ranks of Communist states over the issue of how violent the war against us should be. Let us not deceive ourselves. The issue is not whether America is to be thought of as the enemy. The issue is only how will the fight against America be waged?

In Europe there is an arc of nations from the Baltic Sea to the Black Sea still under the domination of communism; there are over 40 million people in the Ukraine alone whose voices cry for freedom from within the borders of the Soviet Union.

The Congress is now being asked by me and by many of my colleagues to form a special Captive Nations Committee. It is my hope and the hope of my colleagues that all of Congress will join in this desire. Do not for a moment believe that our desire to creat a Captive Nations Committee will go unnoticed in the Kremlin. In 1959 Khrushchev denounced the Congress of the United States for passing Public Law 86-90, calling upon the President to proclaim a Captive Nations Week. If we create the Captive Nations Committee I think I can assure all of my colleagues that we will be denounced with equal vigor by the present occupants of the Kremlin. I can also assure my colleagues that I will cherish that denunciation as a prize memento.

It is, I believe, worthy of note that the Khrushchev who denounced us in 1959 has fallen into a rather low estate in the Soviet Union. It would be interesting to have his opinion on freedom in the Soviet Union today. I am inclined to think there may well be some serious revisions in his attitude.

The creation of a Captive Nations Committee would not be an empty gesture. The world looks to America for leadership in the fight for freedom. We have asserted our leadership in that fight in many ways. It was not so long ago that Winston Churchill remarked that the deterrent power of America's arms was all that stood between the free world and Soviet domination. We have an opportunity to reassert that leadership in the creation of a Captive Nations Committee. If the Congress of the United States forms such a committee, then nearly a billion people on earth will soon learn that the highest lawmaking body in the American citadel of freedom has taken note of their plight and is determined to do something about it.

I am well aware of the opposition to the creation of this committee. It is no secret that the Department of State has opposed the creation of this committee and is still opposed to any such action taken in the direction of the Department of State. But we in Congress must answer to our own consciences; not to the conscience of the Secretary of State. I have agreed with the Secretary on many issues. I disagree strongly on this one. I am, therefore, calling upon my colleagues, all of my colleagues, to consider the creation of the Captive Nations Committee most seriously. It has been talked about in the Congress in the past. It is time, I think, that we should end the talking, that we should bring the bill to create such a committee to the floor of Congress, and that we should enact it finally into law. A billion voices across the whole world will echo the "yeas" of the record vote of such a bill.

Mr. CALLAWAY. Mr. Speaker, in America we are well aware of the suffering people behind the Iron Curtain. We speak of them often, and I daresay that there is not a man present who has not pledged his efforts to their ultimate liberation.

Yet I wonder how often we stop and think of the scope and meaning of our pledge; we who enjoy the freedom won for us by the blood and sacrifice of our forefathers.

Can we fully picture or understand the defiance of human dignity and freedom that has become a way of life within the Communist dominated countries of Eastern Europe? We can, Mr. Speaker, and we must if we are to fulfill the hopes and prayers of these brave people. Yet we cannot fulfill these hopes by giving aid to the Communist oppressors. And we cannot pursue our goal by capitulation to an enemy that has sworn to bury us. We must instead pursue the fight for freedom with strength and firmness of purpose.

Our goal, indeed, is freedom. And we must prove to the captive nations and to the world that not by lipservice, but that by action we intend to reach this goal.

To this end my colleagues have proposed the establishment of a House Committee on the Captive Nations in this 89th Congress. And to this end I join with them today in strongly urging its adoption. The establishment of a Committee on Captive Nations, Mr. Speaker, would symbolize to the world our determination as Americans to pursue our commitment to the ultimate liberation of the captive nations.

Therefore, let us wholeheartedly adopt this excellent proposal. Let us prove to the world that as long as men live under tyranny, as long as peoples are oppressed, Americans—the champions of freedom—will never give in.

Mr. BRAY. Mr. Speaker, I wish to congratulate the gentleman from Pennsylvania [Mr. FLOOD] for again bringing before us this important matter, and to direct the attention of this body once again to the subject of creating a special Committee on the Captive Nations. Resolutions for this purpose have been before the Committee on Rules since 1961, but action has been delayed largely because of the inflexible opposition of the State Department.

In our dealings with the Soviets we repeatedly have failed to use the most potent weapon at our disposal—that is to demand that the people under Communist domination be given the right to freely choose their own governments. We have never made this demand an instrument of national policy, although it has been a stated goal.

Recently, the actions of our Government have led to doubts about our sincerity in backing the peoples of the captive nations. We have even been reluctant to state forcefully that we sympathize with the people under Soviet dominance or that such dominance exists.

A Special Committee on the Captive Nations would focus attention on the plight of these people, and find ways to exploit the problems which any dominating power creates.

It should be remembered that the true facts and the importance of the Katyn massacre were revealed and emphasized by a special committee of the House. As a result of its investigations, the committee in 1952 disclosed that it was the Russians who committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest near Smolensk. The record of that special committee shows what can be accomplished by such a group.

It is in our interest to keep pointing out that there are several captive nations—sharing alike the tyranny of Communist rulers, bound by the yoke of Soviet imperialism. The Soviets prefer not to talk about the subjugation of the captive nations. The United States should prefer to talk about them and to take every reasonable means to bring them to the attention of the rest of the world.

We should demand that Russia give to the captive nations freedom of choice—allow these peoples to vote for the kind of government they want and to elect the officials they want.

I must refer again to a study that was made for the U.S. Arms Control and Disarmament Agency. While this statement has not been announced as approved policy, still its philosophy is startlingly similar to a line of thinking all too prevalent in the State Department today. I quote from that report:

> Whether we admit it to ourselves or not, we benefit enormously from the capability of the Soviet police system to keep law and order over 200 million odd Russians and many additional millions in the satellite states. The breakup of the Russian Communist empire today would doubtless be conducive to freedom, but would be a good deal more catastrophic for world order than was the breakup of the Austro-Hungarian empire in 1918.

Is that the kind of world order we want? I know that it is not the goal that I want.

The 1964 proclamation of Captive Nations Week by President Lyndon Johnson is striking in its omissions. It makes no reference to Soviet Russia, nor to communism. It refers to captive nations but is too timid to say who holds these nations captive.

The world looks to America for leadership in freedom. We should encourage all others to aspire to it, and should provide an example for them to follow.

One real contribution could be the creation of a Special Committee for the Captive Nations. This committee could reveal to the world the sorry record of the Soviets who must hold their empire together by force.

Mr. DELANEY. Mr. Speaker, I am deeply concerned for the captive nations' 90 million human beings—a group of people which is nearly half the size of the population of the United States. For 25 years these people have lived under Soviet bondage. During that time they have constantly been subjected to a tyranny characterized by repression of individual liberties, suppression of religion, and a systematic campaign to destroy family loyalties and to replace them with a blind obedience to the state.

These enslaved people have many close relatives living in the United States who look to us as the last hope for freedom of these captives. Therefore, I believe that it is singularly appropriate that we establish a Special House Committee on Captive Nations to serve as a forum for discussions which may lead to the eventual liberty of these oppressed people.

I believe that the very existence of such a committee in the Congress may also serve as a reminder to the world—and particularly to these unfortunate captives—that this Nation condemns Soviet colonialism in Eastern Europe, and that we insist that these people have the

God-given right to live under institutions and governments of their own choosing.

Further, I believe that the existence of this special committee will effectively symbolize our belief that it is in our national interest to sustain the spirit of resistance to communism among these people; to maintain their friendship and good will; and to strengthen their orientation toward the West. As they falter in the storm, this committee will shine as a beacon of hope in their hour of need.

Therefore, I support House Resolution 14, introduced by my distinguished colleague from Pennsylvania, and companion proposals introduced by other Members of this House, which would establish a Special House Committee on the Captive Nations.

Mr. GILBERT. Mr. Speaker, Public Law 90 of the 86th Congress established the third week in July of each year as Captive Nations Week. Once again I want to urge my colleagues in the House to join in a reaffirmation of the ideals embodied in Captive Nations Week; that is, to nourish the hopes of enslaved people and contribute to the ultimate goal of a world based on freedom, justice, and peace.

The Soviet Union violated its promises of freedom and independence after World War II to Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania. And the U.S.S.R. deprived the captive non-Russian peoples within its own borders of the promise of self-determination and independence.

The meager liberations and concessions by the Soviet in the cultural fields, cultural exchanges, and the extension of East-West trade, have not brought freedom and independence to the Captive Nations. The Soviet bonds of political and economic subservience still exist; the Soviet goal of international communism and world domination has not been abandoned.

We must keep in mind that the captive nations have not lost their desire for freedom and independence. We must not allow the spirit of captive peoples to succumb to despair; we must keep their spirit and hopes alive. With this in mind, I have joined several of my colleagues in the House in introducing a resolution to establish a Special Committee on Captive Nations.

I want to call to the attention of all Members of the Congress my resolution, House Resolution 28, and similar resolutions, and urge the Committee on Rules to consider this proposal as soon as possible.

Mr. GERALD R. FORD. Mr. Speaker, since the passage of the Captive Nations Week resolution in 1959 by the Congress, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations. I believe the United States should increase this knowledge and interest by using the weapons of truth, fact, and ideas. We should help these determined and stouthearted captive nations to win victory in the psychopolitical cold war.

I support the bipartisan effort to establish a Special Committee on Captive Nations, which will find means by which the United States can assist these nations by peaceful processes to regain their national and individual freedoms. The world is watching us and listening to us with studied attention. We must not fail, nor should we falter, in accomplishing this task.

Mr. HELSTOSKI. Mr. Speaker, at the outset I wish to commend the gentleman from Pennsylvania [Mr. FLOOD] and the gentleman from Illinois [Mr. DERWINSKI] in their truly bipartisan efforts to establish a Special House Committee on the Captive Nations.

It is my belief that the creation of such a special committee would do much to show to the world the weakness of the Soviet Empire and their hold over the many European countries which are now under Soviet domination, under the guise of being a part of the Soviet political sphere. Yet, as we know, these nations have been deprived of their national independence and their individual liberties.

The imperialistic and aggressive policies of the Soviet Union have created a situation which presents a threat to the security of the United States and to the free people throughout the world. Nations subjugated by the Soviet look to the United States for hope and the leadership which will bring liberation and independence and help to restore their religious freedoms and individual liberties.

The creation of a Captive Nations Committee to expose the actions of the Soviet leaders in subjugating these small and helpless nations does not meet with the approval of the Soviet leaders. Such a committee would prove to the world the false impression given by the Soviets, that these captive nations have their freedoms and are permitted to continue their everyday life in a normal way.

What a mockery it is to claim that the individuals of Poland, Hungary, Lithuania, the Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Armenia, Georgia, Albania, and others, have the right to express their religious beliefs. How can this be done when the churches and church properties have been confiscated and used for purposes other than church services? When priests have been deprived of their right to conduct religious services, how can they minister to the needs of their religious group?

Freedom of self-government—how can it be achieved when the elections are still held with single governmental lists? There are no opposition candidates, one has to vote the ballot that is handed to him or else it is voided. This is not the type of free elections as we know an election to be.

In industry, one does not work for personal well-being in the form of wages for his everyday purchases. In a subjugated country all is done for the state, with the state deriving the full benefit of industrial production. Yet the Soviet leadership will lead you to believe that the industrial worker shares in this productive field.

Farmers likewise produce for the state on collectivized farms. For their efforts in farm production, the farmer is given a small portion of the entire crop to sustain himself and his family. Only in Poland, have the farmers been able to own their own fields and that action was taken fairly recently, to show that these people have the freedom to own property for their farming efforts.

The creation of a Special Committee on the Captive Nations would bring hope to the subjugated nations who look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties.

We Americans are proud that many refugees from the oppressed countries have found asylum in the United States. The citizens of our country are linked by bonds of family and principle to many of the captive nations people and it is only appropriate and proper that we manifest to the captive nations people our concern over their plight and their determination and just aspirations for freedom and national independence.

We subscribe in full that every human being has the inherent right to self-determination in the conduct of his daily life. Yet, this right of self-determination is denied to millions of people within the sphere of Soviet domination.

Our affirmation that these subjugated nations should have freedom and independence is not enough. This Congress as represenatives of the people of the United States, now has the opportunity to further demonstrate to the people of these captive nations our concern over their plight, by taking action on the resolutions to create this Special Committee on the Captive Nations; so that it can expose the false information spread throughout the world by the Soviet leaders on the status of the Communist dominated nations.

I am in full agreement that this committee should be created as soon as possible so that its findings can be utilized in bringing about the liberation and restoration of freedom to these subjugated nations.

Mr. CUNNINGHAM. Mr. Speaker, it is an honor to join with my colleagues in this discussion of the need to establish a Special House Committee on the Captive Nations.

I am proud to be one of the sponsors of legislation calling for formation of such a committee. I have introduced similar legislation in past Congresses. I think this matter has been put off long enough—it is time this distinguished body take some action on the resolutions that have been introduced.

A Special Committee on the Captive Nations is badly needed to focus attention on the plight of these peoples and find ways to exploit the problems which any dominating power creates. This is, indeed, one of the sad aspects of our foreign policy, where, without doing anything much about it since 1961, we see before us the yearnings of peoples to have the right to vote for the kind of government they want and elect the officials they wish to represent them, without being hampered by the stringent ties of communism.

Free elections would be the most sound and fair kind of arrangement for the captive nations. It would certainly be superior to any form of treaty and it would serve to keep the desires of freedom-loving people alive. This is only one objective a Committee on Captive Nations could recommend and bring to the attention of the free world.

It is my belief that there can be no peace, no peaceful coexistence with communism. By establishing a Committee on Captive Nations we can put this Nation firmly on record as to our desires and in support of these captive nations.

Mr. BATES. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. FLOOD] for the opportunity to join with him in urging appropriate action by the House to reassure the people in the captive nations of the world that we in the United States are keenly interested in their struggles for liberation and freedom from the chains of despotism.

It is entirely appropriate that such an effort be bipartisan, because all Americans, regardless of political affiliation, sympathize with the oppressed citizens of the so-called captive nations. To achieve the objective, various similar bills are now before the Rules Committee seeking to establish a Special House Committee on the Captive Nations.

I am pleased, therefore, to add my voice in support of this proposal.

Mr. MULTER. Mr. Speaker, today and in the past we have heard many arguments supporting the case for establishing a Special Committee on the Captive Nations, but there is one argument, I believe, that stands out above all others, and thus deserves special emphasis.

This is the argument of colonialism and its relevance to the cause of the captive nations.

We of the West have been castigated over and over again by the propaganda charge that the United States and its allies are imperialists and oppressors of colonial peoples.

Today this charge has special relevance to our position in the world, because a massive third force has been emerging in the past two decades, a political force that can determine the direction and thus the ultimate success or failure of our foreign policy. I am, of course, speaking of the so-called neutralist nations, those nations of Asia and Africa now emerging from their former colonial status into a new era of independence.

Communist propaganda charges against the West have been designed to appeal to those peoples who having suffered from imperialism are now extraordinarily sensitive to the matter of colonialism. It is clear that the Communists are seeking allies in those areas, and one way to do it is to create a climate of political alienation between the newly independent countries and their friends. Of course, the charge that gains the most propaganda credits for the Communists is the charge of Western imperialism and Western colonialism.

I do not doubt that Communists have made considerable gains in these areas, owing to their skillful exploitation of the colonial issue. But their success, if indeed it has been achieved, is derived as much from our failure to counteract effectively Communist charges as it is from the skill of their propoganda apparatus.

I have long felt that the United States has not used to the fullest extent one of its greatest assets in this continuing propaganda war for the loyalties of the emerging peoples. This asset is the truth of Soviet colonialism.

It is an established historical fact that one of the greatest world movements since the end of World War II has been the movement toward liberation of peoples in the former colonial areas. Old empires have collapsed, and from their ruins have arisen new nations whose hopes and expectations are directed toward the fulfillment of their own independent national destiny.

Yet, there has been a powerful countertrend against this movement toward freedom, and that is the expansion of Communist totalitarianism. Wherever the opportunity was presented, the Communists expanded their power until they now hold one-fourth of the world's land area and control one-third of the world's population. Wherever the Communists implanted their flag, they brought with them the total denial of freedom.

Thus, the postwar world has witnessed a new development in the dialectics of history: the expansion of freedom in areas where imperialism and colonialism once dominated; and the expansion of tyranny in the form of a new Communist imperialism and a new Communist colonialism.

It is, of course, the Communists who are the imperialists and colonialists, and not we of the West. It is they who have stifled freedom of choice wherever they brought their power. In this era of dissolving empires and colonial systems, it is they who are busily engaged in building and expanding their own imperial system.

That the Soviet Union is in fact a colonial empire can be demonstrated by the recitation of a few facts. The U.S.S.R. is a prisonhouse of nationalities wherein its millions of peoples are denied the right of self-determination. There are over 100 different subject nations inhabiting this Soviet land, nations who have drastically different cultures, languages, and historical traditions. Over 25 million Moslems inhabit the Soviet Union, a fact not well known in the West. All of these non-Russian peoples were conquered and brought into the Russian Empire in the days of pre-Bolshevik Russia. But, the new Soviet Russia, in its drive to expand communism, rebuilt the old Russian empire and called it the U.S.S.R. Thus, the Soviet Union today, at least in its outer structure, is in form no different from old Russia: that is, both are imperial-colonial systems by the traditional definition of the terms.

Expansion of communism during the postwar years further substantiates the assertion that communism is today the most dangerous, all-pervasive force of imperialism and colonialism. It enveloped all of Eastern Europe and transformed those territories into miniature models of the Soviet Union. It consumed China, enveloped North Korea and now seeks to expand its power throughout southeast Asia.

In a word, communism is a driving, consuming force that seeks total power everywhere in the world. It is a political philosophy that operates on the principle of denying free choice whether it be in the realm of politics, religion, economics, or culture. It seeks total direction of society for ends and objectives that are global.

I am sure that what I have said thus far is obvious to all who are gathered in this great Chamber. Yet, this is a vital message; and regrettably it is a message that does not reach into the areas of the world where it is most needed, in areas where the people have fallen victim to the Communist propaganda charge of American imperialism.

It is for this reason, therefore, that I urge this House to establish a Special Committee on Captive Nations.

We must convey the message to these peoples in the emerging nations that it is the Communists who are the real imperialists and colonialists and not the West.

We must convey the message that communism is not the wave of the future; that it is not the great liberator of mankind; that it is, indeed, a massive historical anachronism that threatens to reverse the course of history as it moves toward progress and human freedom and to thrust mankind back into a new dark age.

To achieve these purposes requires the establishment of the Special Committee on the Captive Nations. Such a committee could serve as a collecting station, so to speak, collating all data on the subject of the captive peoples for dissemination in this country and abroad. Persons who have fled from Communist tyranny could be given the opportunity through public hearings before this committee to tell their story, thus giving a warning to the unwary. Interim reports published by the committee could be circulated abroad and would bear testimony to the tyranny of communism.

Only a congressional committee could effectively undertake such a mission; for the executive branch, whose responsibilities are of a different nature, does not have the freedom of action constitutionally and politically available to Congress.

I, therefore, urge that this Special Committee on the Captive Nations be established.

Mr. FARBSTEIN. Mr. Speaker, the war in Vietnam is escalating—slowly, surely, perceptibly.

Where this escalating crisis will lead us, we do not know: The course ahead is not clear, and unfortunately we are guided more by forces beyond us than by those within our own control. The dialectics of escalation impose a peculiar and compelling logic of its own, denying to one party and then the other freedom of choice until at last collision may be inevitable. But for us one thing is clear: The Communists must not be allowed to envelop southeast Asia; they must not be allowed to add another territory, another people to their lengthening list of captive nations.

From the crisis in Vietnam we can draw several lessons. First of all, the expansion of communism must be carried forth on the points of bayonets; it is not a process that takes place within a climate of peace and political serenity wherein the peoples have alternative choices. Secondly, Vietnam exposes once again the powerful inner dynamic that lies at the center of communism, a dynamic that propels its believers toward inevitable revolutionary political activity and even military aggression. And finally, Vietnam demonstrates beyond doubt that the most powerful counterforce for freedom in this world and for the thwarting of Communist expansion is the United States.

We Americans have now within our domain the power and the will to check Communist expansion. So long as this power and will remain strong, so long will free peoples be protected from tyranny and those captive nations now imprisoned under communism be given hope for a brighter future in freedom.

Mr. HORTON. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. FLOOD] for reserving this time in order that those of us who feel strongly about the need for Congress to create a Special Committee on the Captive Nations might have this opportunity to present our views.

I am proud to be the sponsor of House Resolution 36 in this 89th Congress. This is a resolution which calls for the creation of a Captive Nations Committee. It is identical to a measure I also sponsored in the last Congress.

My belief is that Congress can do much to win the ultimate freedom of those people in Eastern Europe presently held in slavery by Soviet totalitarianism and the committee being proposed can be an instrument of our action.

Such a committee could study and examine for the benefit of the American people and other free people of the world the present plight of those behind the Iron and Bamboo Curtains. By exposing the depths of deprivation which these many millions are being made to suffer would help to create a climate of outrage in world public opinion. This repugnance of Russian rule would be a powerful tool in forcing the Communist captors to loose their hold on the captive nations.

Further, a Captive Nations Committee in Congress would provide national recognition for the concern of so many Americans whose friends and relatives live in these countries. Because many of my constituents have these ties, I know the degree to which they yearn for this expression of Congress.

We must never forget the valiant determination of the captive peoples to be free. They struggle without letup for individual liberty, self-government, and the rights all of us enjoy as citizens of a democracy. Because freedom is their cause and because freedom is our heritage, we are and must continue to be a source of strength for their aspirations.

America has an opportunity through this great and free legislative body to add significantly to its belief in gaining freedom wherever it is denied. We can do this by creating in Congress a Special Committee on the Captive Nations.

Mr. FEIGHAN. Mr. Speaker, I congratulate our colleagues, the gentleman from Pennsylvania [Mr. FLOOD] and the gentleman from Illinois [Mr. DERWINSKI], for the initiative they have taken to establish a Special House Committee on the Captive Nations. Both have worked tirelessly and with purpose during the previous Congress and in this Congress to accomplish this worthy objective.

I have joined with our colleagues in this cause. I believe we have everything to gain and nothing to lose by establishing a Special House Committee on Captive Nations. It is important that we assure the millions of people held in Communist bondage in the captive nations that we have not forgotten them and that we support their aspirations for freedom and national independence. In doing so we advance the cause of peace. Equally important, such action serves as a deterrent to war because no tyrant or dictator will risk launching a war when he is aware that a majority of the subjugated and captive people will rise up in revolt. War provides the atmosphere for subjugated people to revolt against the tyranny of foreign occupation. We therefore serve our national objectives and interests when we act to keep alive the aspirations of the captive peoples.

I suggest three basic and very current reasons for establishing the special committee:

First. The increasing tempo of worldwide propaganda charging the United States with imperialism, launched by the Russians, Red Chinese, Vietcong, Indonesia, Cambodia, Castro, and other Communist sympathizers.

Second. The absence of a consistent U.S. effort directed at full public exposure of the imperial objectives of communism as demonstrated by its political enslavement of the captive nations of Europe, Asia, and Cuba in the Western Hemisphere.

Third. The wars of guerrilla aggression organized and supported by the Russian imperialists which they are able to propagandize successfully as "national liberation struggles" in the absence of an organized effort to expose the truth about these wars. The present war in Vietnam, where young Americans are now dying, is a case in point.

I am convinced a Special Committee on Captive Nations could put the label of "imperialism" where it properly belongs, that it could expose the true nature of the so-called national liberation wars which Moscow and Peiping are using to destroy the independence of nations and to place them in Communist chains. We need such an effort today to provide moral and psychological support for our efforts to defend freedom in Asia and elsewhere in the world. A House committee concentrating on the captive nations, how they became enslaved and what is happening to the people of those nations, would awaken people to the real issue at stake in Vietnam and elsewhere. We need such an effort here in Congress now to provide support for President Johnson and to promote better public understanding of the stand he has taken in southeast Asia.

I urge the House to act favorably on this matter and to put a Special Committee on Captive Nations to work as soon as possible.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the captive nations of communism are denied the most fundamental of all natural rights, the right of self-determination.

It is from this principle that are derived from all those other rights that insure man his greatest happiness. It is from this principle that flows all the benefits of democracy.

We Americans have enjoyed to the fullest this right of self-determination. And in our desire to perpetuate the ideals of democracy we have done our utmost to assure their permanence in this country and expand them to other lands.

Regrettably, the captive peoples now enslaved by communism have been denied the full benefits of democracy. Gripped in a tyranny more powerful and all-encompassing than the world has ever seen, these captive nations must, by necessity, look to America and other democratic lands for comfort and hope for the future.

All Americans, therefore, are one in a declaration of hope that the captive nations of the world will one day be free.

Mr. WOLFF. Mr. Speaker, on January 26, 1965, I introduced in this 1st session of the 89th Congress a resolution bearing the number House Resolution 144.

The purpose of this resolution was to ask the House of Representatives to establish a committee that would be known as the Special Committee on the Captive Nations. This special committee would be empowered to conduct an inquiry into and a study of all the captive non-Russian nations. This would include those captive peoples in the Soviet Union, both Russian and non-Russian, and the captive peoples in Asia and Eastern Europe.

The primary objective of this select committee would be to focus on the moral and legal status of Communist control over the captive peoples and bring together facts relating to the conditions existing in these nations.

But more than that, the committee would be expected to indicate where possible those means by which the United States could assist the captive peoples peacefully in their present state of servitude, particularly in their aspirations to regain their freedom and national independence.

The question naturally arises, What is the justification for setting up such a special committee?

Let me say, first of all, that the problem of national oppression in Communist countries does exist. It is a reality of international life that has a direct bearing upon our interest as a nation.

Many Americans and other peoples of the free world have the mistaken notion that Soviet Russia is a geographic area inhabited only by Russians. They do not realize that the Russian population of the Soviet Union, that is, the great Russian people, constitutes a little more than 50 percent of the total population.

The Soviet Union is in reality a multinational state. Over 100 different nationalities reside in the Soviet Union whose cultures, languages, and historical traditions differ radically. It would probably come as a surprise to most Americans to learn that there are more Turks in the Soviet Union than in Turkey, and more Moslems than in the United Arab Republic.

That the peoples of the Soviet Union have been and continue to be ruthlessly suppressed by the Communist regime in Moscow is a truth that has been reiterated many times on this floor of Congress. During World War I many of these peoples had declared their own independence as the old Russian Empire disintegrated. Seizing this momentous opportunity, the Ukranians, Lithuanians, Estonians, Latvians, Armenians, and many others declared their independence and established national republics. For the first time in many decades—and for some it was centuries—they had the chance to assert their own will and define their own national destiny. Their choice was freedom. But, regrettably the power of the Bolsheviks had overwhelmed these freedom-loving peoples, and ultimately only the people of Finland and the Baltic States were able to retain their hard-won independence. But, during the course of World War II the Baltic States were consumed again by the Soviet tyranny.

All of the captive peoples of the Soviet Union are denied the right of self-determination. They are not able to exercise those natural rights of man to which our Nation has been so dedicated. Politically, they are suppressed. In the cultural realm they have no other choice but to submit to the Soviet-imposed cultural norms of communism. Religious freedom is denied them. And in all they must adhere to the principle of total conformity to communism.

But, this is only part of the catalog of oppression under communism. This tyranny of the modern age has enveloped the whole of Eastern Europe. It is true that a certain air of permissiveness now permeates the politcal atmosphere of this area. Tourism is now being encouraged; contacts with the West tolerated; and trade extended. But, the fact remains that Communist tyranny still holds a tight grip over the peoples of Eastern Europe.

And, of course, we do not have to be reminded of the Far Eastern brand of Communist despotism. The crisis in Vietnam stands as a frightening reminder of communism's commitment to territorial expansion and conquest. The Chinese people, the North Koreans, the North Vietnamese—all are suppressed peoples, whose political choice is reduced to accepting the tyranny that bears down upon them.

Thus, the problem of national oppression does exist. It meets us in any direction we may turn.

Accepting this fact, we therefore proceed to the next point in the argument; namely, the necessity of bringing to the attention of the American people the vast dimension of Communist oppression.

According to my resolution, the special committee would conduct an inquiry into and make a study of the plight of the captive nations. The committee would also be directed to make such interim reports to the House of Representatives as it deems proper. In addition the committee would make its first comprehensive report of the results of the inquiry and study together with recommendations not later than January 31, 1966.

To carry out its operations efficiently and effectively, the committee would be authorized to conduct hearings within and outside of the United States. It would be further authorized to require the attendance of witnesses, gather books, papers, and documents, and take such testimony as it would believe advisable in order to fulfill its mission. And, of course, the committee would employ experts, consultants, and other staff that would be needed to undertake the entire project.

I have suggested this procedure because I believe that it is only through Congress, by virtue of its investigating authority and its close relationship with the people, that such a serious problem can be adequately explored. Our constitutional system allows Congress a wide range of independent expression, particularly in the area of foreign policy. We are not bound by the rigid formalities that encumber the executive branch. It is, therefore, understandable that here is a major task for congressional concern.

Finally, in considering this problem we must ask ourselves, Is it in our national interest to explore and expose all the ramifications of oppression in the Communist world?

I will say forthwith, that it is in our national interest.

I do not deny that there are certain risks involved in stirring up deep-rooted feelings of nationalism that exist in a suppressed people. Nationalism has been a force that has plagued the modern era. This, I recognize; but I also recognize that nationalism, restrained and intelligent, has been a force for good in the modern era. Indeed, our own American independence is a product of an evolving American nationalism that demanded severance of its political ties with its imperial parent and the creation of an independent national republic.

I submit that the oppressed peoples of the Soviet Union and those in all other countries under which communism holds sway are the "secret allies" of the United States. They represent a force of erosion within the tyranny that oppresses them.

I also submit that it is the moral duty of all Americans to concern themselves with the oppressed peoples of the world. This is our heritage.

For these reasons, Mr. Speaker, I urge this legislative body to act favorably upon the proposal to establish a Special Committee on the Captive Nations.

Mrs. DWYER. Mr. Speaker, it is a pleasure to join with many of my colleagues this afternoon in discussing the usefulness of the proposed Special House Committee on the Captive Nations.

As a sponsor of a resolution for this purpose, I share the hope expressed here that the Committee on Rules will act soon and favorably on our proposal.

The resolution itself, Mr. Speaker, recites several of the more important reasons for creating the special committee. But I think the substance of our position can be expressed this way: the captive nations, especially those in Eastern Europe are crucial to the future of freedom; they are the major testing ground for determining whether alien political ideologies and systems can be instituted and maintained by force; they constitute a huge refutation of Soviet Russia's anti-imperialist doctrines and stand as solemn warnings against accepting Soviet pretensions at face value; as such, they deserve more formal recognition of their significance in the struggle between freedom and slavery.

Careful attention to developments in the captive nations, Mr. Speaker, can be of great and increasing importance to Congress and the executive branch. A Special Committee on the Captive Nations can help provide that attention in the most useful way.

Mr. RHODES of Pennsylvania. Mr. Speaker, I would like to add my voice in support of the bipartisan effort to establish a Special House Committee on the Captive Nations.

It is true that there have been some welcome changes in the captive nations, and even in the Soviet Union itself which indicate a degree of relaxation in police state rule. There has also been some reduction in Soviet economic denomination of the captive nations, however, the captive nations are still occupied or surrounded by Soviet armies. Their economies are still largely dominated and controlled by the Soviet Union.

The Sino-Soviet dispute has temporarily given the captive nations some degree of bargaining power, and indeed the Soviet Union has made gestures toward giving them some independence. But how deep do the changes really go? This committee would help the Congress and the Nation in keeping abreast of these changes, and would also symbolize to the world that the American people are still aware of the fact that the captive nations are involved in a struggle to free themselves from Soviet imperialism and colonization.

Mr. O'HARA of Illinois. Mr. Speaker, I join with my able and distinguished friend from Pennsylvania [Mr. FLOOD], and others of my colleagues in urging immediate and favorable action on the resolution creating a Special House Committee on the Captive Nations.

Too long have we delayed the authorization for this committee, the very creation of which would hearten the suffering peoples of the captive nations and which in its hearings and its findings could be expected to bring under the limelight of the world and to the condemnation of all free nations the horrible and intolerable conditions forced upon the captive nations by a captor who knows no mercy and has respect for neither the laws of God nor the rights of men.

There should be no further delay. The creation of the Special Committee on the Captive Nations should be a must on the agenda of every Member of this body, who loves freedom and abhors tyranny.

PROPOSED AMENDMENTS TO THE UNITED NATIONS CHARTER

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from New York [Mr. BINGHAM] is recognized for 45 minutes.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the subject at hand; that is, the proposed United Nations Charter amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I want to express my appreciation to the Members for granting me, by unanimous consent, this opportunity to discuss the proposed amendments to the United Nations Charter which the President has submitted to the Senate for ratification. Although these proposals are not before this House for action, I believe it is important for all of us to understand them and the reasons for them.

The Charter of the United Nations was a remarkable job of draftsmanship. Its preamble, one of the great human documents of all time, stands as an inspiring affirmation of mankind's ideals for a world of peace with justice.

It can fairly be stated that, if we were to begin today to write a new charter for an international organization, we could not obtain agreement on provisions that would be nearly as satisfactory from our point of view as those that were formulated in San Francisco 20 years ago.

Like the U.S. Constitution, the present charter has proved remarkably adaptable. Changes have been made, but they have been made through practice, instead of charter amendment. Until 1963 no amendments to the charter were proposed by the General Assembly.

In December 1963, the General Assembly, by far more than the necessary two-thirds vote, adopted resolutions proposing two amendments. The first would increase the membership of the Security Council from 11 to 15 and raise the majority required for adoption of a resolution from 7 to 9 votes. The second amendment would increase the size of the Economic and Social Council from 18 to 27. The Assembly resolutions specified how the elective seats would be distributed geographically.

For these amendments to go into effect, they must be ratified by at least two-thirds of the U.N. members, including all five permanent members of the Security Council. So far 65 states have ratified. That is only 11 short of the necessary 76. But, of the permanent members of the Security Council, only the Soviet Union has so far ratified. In the General Assembly, the Soviet Union had voted no, along with France; the United States and the United Kingdom abstained.

The reason for these proposed amendments is simple: It is the increase in U.N. membership since 1945 from 51 to 114.

For a decade there has been growing pressure within the U.N., particularly from the newer members, for an increase in the membership of the Security Council and the Economic and Social Council. This pressure has come particularly from the newly emerging African and Asian states who felt seriously underrepresented on these two important Councils of the U.N.

At the time the original gentlemen's agreement governing the distribution of the six elective seats on the Security Council was made, there were very few Afro-Asian states in the U.N. That gentlemen's agreement allocated two seats to Latin America—then the largest identifiable group of members—and one seat each to Western Europe, the Commonwealth, the Middle East and Africa combined, and Eastern Europe. Asia was not specifically provided for at all, except for China's permanent seat, and except that some Asian states might—and occasionally did—get elected to the Commonwealth seat.

Under pressure from the Afro-Asian states, this gentlemen's agreement was gradually eroded. Since 1955, the East European seat has in effect been reduced to one-half a seat, through the use of split 2-year terms. On one occasion Western Europe likewise had to settle for half a term. In recent years the Commonwealth seat was given to an Asian or African member of the Commonwealth, until in 1963 the pretense of maintaining a Commonwealth seat as such was abandoned. In that year Ivory Coast was elected to replace Ghana.

Thus, in 1965 the distribution of the six elective seats is one for Western Europe, two for Latin America, 2½ for Afro-Asia and one-half for Eastern Europe.

This distribution is still far from satisfactory to the Afro-Asians. Even if one counts Nationalist China as an Asian state (and many of the Afro-Asians tend to regard Taiwan rather as a satellite of the United States) the Afro-Asians have only 3½ seats out of a total of 11, or slightly less than one-third, whereas they have almost 53 percent of the total U.N. membership. By contrast the Western European states and the Latin American states are considered by the Afro-Asians as being overrepresented.

The same pattern has been true to a large extent in the Economic and Social Council where all 18 seats are elective.

Until this year it was the Soviet Union that was taking most of the heat from the Afro-Asian in their desire for charter amendments on this subject. The reason was that the Soviet Union had stated again and again that it would never agree to any charter amendment so long as Communist China was not occupying China's seat at the U.N.

During that period we, on the U.S. delegation, were in the agreeable position of saying to the Afro-Asians: "We agree that the Council ought to be enlarged somewhat to reflect the changed membership of the U.N. Go talk to the Russians. They are the ones that are holding it up."

For several years the Afro-Asians refrained from trying to push anything through over Soviet objections, but in the fall of 1963 they decided to press ahead. Even those African states, such as Guinea, which favor the Soviet position on Communist China told the Soviets in no uncertain terms that the two issues—enlargement of the Councils and the Communist China issue—were unrelated, and that the Soviets should stop blocking progress.

It is highly significant—and not untypical of the Russians—that they have now reversed their position, in spite of the many formal statements that they would never do so. Having opposed any charter amendment for so long, and having voted against the amendments for council enlargement, they have become the first major power to ratify the amendments.

And so now the shoe is on the other foot. The heat is upon us and upon the other permanent members of the Security Council.

What should we do? In my view, we should promptly ratify the amendments because they are fair and because it is in our national interest to ratify them.

First, let us look at the question of fairness. With the U.N. membership 2¼ times larger than it was in 1945, it seems only right that a modest increase of 36 percent should be made in the Security Council, and of 50 percent in the case of ECOSOC.

Moreover, the amendments would make possible a more equitable distribution of seats than the present setup. In the Security Council, of the 10 elective members, 5 would be from Africa or Asia, 2 from Latin America, 1 from Eastern Europe, and 2 from Western Europe and other nations—mainly the so-called old Commonwealth. These allocations of the elective seats represent a rough approximation of the proportion of the membership comprised by each group.

The following tables show the percentages under the proposed plan for the Security Council, both exclusive of the permanent members and taking the permanent members into account:

SECURITY COUNCIL

Proposed allocation of 10 elective seats relative to total U.N. membership less 5 permanent members

Group	Number of members	Percent of total (109)	Seats allocated	Percent of total (10)
Afro-Asians	60	55	5	50
Latin Americans	22	20	2	20
Western Europe and other	18	17	2	20
Eastern Europe	9	8	1	10

Proposed allocation of all 15 seats relative to total U.N. membership

Group	Number of members	Percent of total (114)	Seats allocated	Percent of total (15)
Afro-Asians	61	53	6	40
Latin Americans	22	19	2	13
Western Europe and others (includes the United States)	12	18	5	33
Eastern Europe (includes U.S.S.R.)	10	9	2	13

The following table shows the proposed distribution in ECOSOC:

ECONOMIC AND SOCIAL COUNCIL

Proposed allocation of 27 seats relative to total U.N. membership

Group	Number of members	Percent of total (114)	Seats allocated	Percent of total (27)
Afro-Asians	61	53	12	44
Latin Americans	22	19	5	15
Western Europe and other (including the United States)	21	18	7	26
Eastern Europe (including U.S.S.R.)	10	9	3	11

It will be seen from these tables that under the proposed new allocations the Afro-Asian group will remain somewhat underrepresented numerically, but far less so than they are now; the Latin Americans will also be slightly underrepresented, in relation to the total Council memberships; the Eastern European group will have as nearly as possible its proportionate number of seats; still in the most favored position will be the western group, including the United States.

The disproportion that will remain will not be unreasonable, especially since some account is supposed to be taken of the relative contributions made to the U.N. (The charter provides, in article 23, that in the election of members of the Security Council "due regard" shall be "specially paid, in the first instance to the contribution of members of the United Nations to the maintenance of international peace and security and to the other purposes of the organization, and also to equitable geographic distribution.")

Another improvement in the proposal for the Security Council is that it will provide an opportunity for our friends from Canada, Australia and New Zealand to seek and obtain election, an opportunity which they do not now have as a practical matter.

Let us look now at the implications of the proposed amendments from the point of view strictly of the national interest of the United States.

At first blush, it might seem that we have nothing to gain from the amendments and that we do have something to lose, in that our influence on the Security Council and on ECOSOC will be somewhat diluted by the proposed increases.

This is undeniably true to a certain extent, but there are offsetting factors:

If we are concerned about preventing the Security Council from taking action we are opposed to, we still have the veto if we need it. Up to now we have never had to use the veto, partly because we have been able to block objectionable resolutions by mustering five or more no votes or abstentions so as to prevent the sponsors from obtaining the required seven affirmative votes. Under the proposed amendment we would need seven no votes or abstentions to achieve the same end, but this should not be too difficult: it would require our obtaining the support only of the five "western" members and the two Latin Americans.

On the other hand, in order to obtain favorable action from the Security Council, we would have to obtain usually at least two Afro-Asian votes to make up the required nine. This is feasible, since the Afro-Asian group includes some stanchly western-oriented states and many moderates. Indeed, our experience with the Afro-Asian states generally is that they tend to vote with us more often than with the Soviet bloc.

So far as the Economic and Social Council is concerned, there is a positive advantage to having it enlarged. While ECOSOC has tended to be a realistic and constructive body, it has in recent years suffered a decline in influence by very reason of its comparatively small size and the underrepresentation of the newer states. Thus, there has been a tendency among the Afro-Asians to set up specialized and larger committees, bypassing ECOSOC. There is good reason to believe that, with an enlarged and more representative membership, ECOSOC could resume its proper role as the principal overseer of the U.N.'s economic, developmental, and human rights activities.

Finally, there are two strong practical reasons for us to ratify the enlarging amendments: First, if we were to fail to do so, we would be handing the Soviets a major victory in their efforts to woo the Afro-Asians, particularly since the Afro-Asians know the Soviets had to back down from a major policy position in order to ratify. Second, if the Councils are not enlarged there will be a determined effort by the Afro-Asian group to win greater representation on the existing Councils, at the expense of the Western European and Latin American groups. If such an effort were successful, and it might well be, the result would be a reallocation of seats far less favorable, from our point of view, than the allocation proposed in the amendments.

Thus, we do not really have the option of keeping things as they are today. Changes are inevitable, and the question is, what sort of changes. The President has concluded that our interests will be best served if the proposed amendments are accepted, and I applaud his decision.

One final point: If the United States ratifies the amendments, it is important that the other permanent members of the Security Council do so also. If they do not, the damage to the western position would be almost as great as if we had failed to ratify ourselves. The United Kingdom has announced its intention to ratify. Nationalist China voted for the resolution dealing with enlargement of the Security Council (though it abstained on the ECOSOC one) and we may therefore expect that the Chinese will ratify. As for France, we should use whatever influence we may have to persuade the French to ratify also. This may be difficult, for in recent years General de Gaulle's attitude toward the U.N. has been consistently negative. Fortunately, however, France will be under great pressure to accept the amendments from her former African colonies with whom she is anxious to maintain good relations.

If the permanent members all ratify, we can take it for granted that the additional eight ratifications needed to make up two-thirds of the membership will be forthcoming promptly.

Mr. Speaker, at this late hour I do not want to impose upon the House by restating the many reasons why the U.N., in spite of all its limitations and difficulties, is important to us and to the world. Let me just say this: when the League of Nations was 20 years old, it was dying, in obscurity. At the age of 20, the U.N. is far from obscure and it is very much alive. It is in fact an essential part of the machinery of international relations today. There can be no thought of closing it down or withdrawing from it (it would make just as much sense to close down all our embassies and consulates abroad).

The U.N. cannot solve all our problems. But it has a vital role to play—in peacekeeping, in helping to close the dangerous gap that exists between the rich and the poor nations of the world, and in advancing man's quest for the achievement of his highest ideals. As the richest and most powerful Nation on earth, we have many responsibilities: one of them is to do what we can in the long hard task of strengthening our international organization and making it more effective. If we are successful in that task we shall have earned the gratitude of future generations.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I want to commend the gentleman from New York [Mr. Bingham] for securing this time during which the Members of the House can explore the importance of these proposed amendments which the President has sent to the other body for its consent to the ratification.

I want to say also, Mr. Speaker, that the gentleman from New York comes to this House with a record of public service as a member of the U.S. delegation to the United Nations. The gentleman has shown a continuing concern during his service here in Congress to improve the quality of American foreign policy.

Mr. Speaker, although the House will not be called upon directly to vote on these amendments to the United Nations Charter, I strongly agree with the gentleman from New York that we should be familiar with these changes and the effect they will have on our participation in the United Nations and its related organs.

The proposed amendments would enlarge the Security Council and the Economic and Social Council so as to restore the balance that originally existed between the General Assembly and the Council. Over the past 20 years membership in the United Nations has risen from 51 to 114, but the membership on the Councils has remained the same.

It is the Security Council which has primary responsibility, under the charter, for the maintenance of international peace and security. The charter makes the Economic and Social Council responsible for coordinating the technical and developmental work of the whole U.N. system. It is in the clear interest of this country that both Councils be able to carry out these responsibilities. This they cannot do if they are so unrepresentative of the U.N. membership as a whole as to lack the confidence of that membership.

For almost 10 years, pressures to enlarge the Councils have steadily risen as the membership has grown. The new members have made it clear that they do not consider the Councils as presently constituted an adequate reflection of the overall composition of the United Nations. For example, the Latin Americans who now constitute only 20 percent of the membership hold a third of the elective seats on the Security Council, while the Afro-Asian states which now constitute 55 percent of the membership have held on the average over the last 5 years just over 40 percent of the elective seats.

Without enlargement such imbalances as these can only be adjusted at the expense of the old members, thus substituting one inequity for another. For example, were Western Europe to lose its elective seat, it would have no representation except through the permanent members. Solutions such as these are obviously not in the U.S. interest. Without enlargement there is simply an inadequate number of seats to provide an equitable and generally satisfactory distribution of them.

The amendments would increase the membership of the Security Council from 11 to 15 and that of the Economic and Social Council from 18 to 27. With these enlargements, the aspirations of the new members can be met without reducing the representation that the old members have so far enjoyed on the Councils. The pattern for the geographic distribution of seats on the enlarged councils agreed on by the Assembly when it adopted the amendments allows Latin America to retain its two seats on the Security Council, gives Western Europe and "other states" an additional seat, and on the Economic and Social Council, gives both these areas an additional seat. At the same time, the desires of the African and Asian states for greater opportunities of representation is satisfied by the fact that they will hold 50 percent of the elective seats on the Security Council and roughly 45 percent of those on the Economic and Social Council.

These enlargements and the distribution of seats under them have been agreed upon as equitable among the areas concerned. This fact should, as the President pointed out in his message of April 6, serve to "eliminate the contentious problem of sharing an inadequate number of seats—which has led to pressures against existing seats, to disputes over the definition of geographic areas, and to split terms on the Security Council to meet competing claims for representation"—frequently to the detriment of more substantial issues before the General Assembly.

The proposed increase from 7 to 9 in the majority required for Security Council action is a reasonable one both in terms of a council of 15 and in terms of the distribution of seats on that Council. As is already the case, more than a simple majority is required for action, but the majority requirement is not so high as to make favorable action unduly difficult to achieve. At the same time there is no possibility of domination of the Council by any group of members whose policies are not such as to attract substantial support outside the group. The veto power of the five permanent members of the Council remains unchanged.

The Economic and Social Council will continue to act by simple majority vote, while the developing countries will be heavily represented on the enlarged Council, as they believe their vital interest in the work of this Council requires, the position of the developed countries is safeguarded by the fact that the decision whether to accept the recommendations of the Council remains with each of them individually. The Council has no power to make binding decisions.

The Assembly resolution to amend the charter, which was adopted by overwhelming majorities, set the target date of September 1, 1965, for the coming into force of these amendments. Sixty-three countries have now ratified. Seventy-six—two-thirds of the members—ratifications are required, including those of the five permanent members of the Security Council.

The U.S.S.R. has already ratified. The United Kingdom has announced its intention to do so. If the United States fails to ratify by September, it could find itself bearing the exclusive responsibility for preventing the amendments from coming into force in time for the elections to the Councils at the 20th General Assembly next fall. This would be widely resented by our friends in all parts of the world.

Therefore, in order to strengthen the potential of the United Nations by assuring a reasonably satisfactory composition of its major Councils, and to make certain that we do not find ourselves responsible for delaying enlargement, prompt consent to the ratification of these amendments appears of major importance to the long-term U.S. interest in the United Nations.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

Mr. BINGHAM. I would be happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join the gentleman from Minnesota [Mr. Fraser] in expressing my own appreciation to the gentleman from New York for taking this time for this purpose.

Mr. Speaker, the gentleman is performing a real service to the House of Representatives. He is bringing to the House a discussion of matters of the utmost importance to this country and the world—matters which affect the future of the United Nations. He brings this message to the House out of the vast personal experience which he has had in working with the United Nations as an American delegate to that great organization.

Mr. Speaker, I commend the gentleman for taking this time for this purpose and I know that all Members of the House join me in this expression of commendation to the gentleman from New York.

Mr. BINGHAM. I thank the majority leader for those kind words.

I now yield to our distinguished Speaker, the gentleman from Massachusetts [Mr. McCormack].

Mr. McCORMACK. Mr. Speaker, I rise at this time to join with the distinguished majority leader, the gentleman from Oklahoma, Carl Albert, in commending our distinguished colleague, the gentleman from New York, Congressman Jonathan Bingham, on his excellent and informative speech on the proposed amendments to the United Nations Charter.

It is of special interest that in the 20 years that the United Nations has been in existence no amendments have been previously proposed. Now the General Assembly has recommended the enlargement of the Security Council and the

Economic and Social Council. This reflects the interest of the membership of the United Nations itself, and the President has recommended that the United States join with the 65 other states which have already ratified.

I am glad that the gentleman from New York [Mr. BINGHAM] has brought this matter to the attention of the House, since it is one that vitally affects the future of the United Nations and is, therefore, one which vitally affects the future of the United States and of the world. The remarks of the gentleman from New York [Mr. BINGHAM] are worthy of deep consideration.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from New York.

Mr. SCHEUER. All of us in this Chamber are enormously impressed with any words coming from the gentleman, considering his background and depth in the diplomatic service and your service particularly as an Ambassador representing the United States in the United Nations. I am particularly interested in the comment the gentleman makes, and I am sure all of my colleagues here agree, that more frequently than not the African and Asian nations have supported us in the past in the U.N. as against the Communist-bloc nations.

Can the gentleman give us any specific examples of this out of his own background and his own personal experience? I am sure we will be very much interested to hear from his own experience about typical examples.

Mr. BINGHAM. I thank my colleague from New York. I will be delighted to reply to his question.

I certainly have had experience in 1 year on the Economic and Social Council and 2 years on the Trusteeship Council. Many of the resolutions that are adopted by these bodies do not hit the headlines, they do not attract much attention even though they may be of considerable importance. In both of these, the emphasis in many if not most of the issues was for the Communist cause to be isolated and for the Afro-Asian states to vote with us rather than the Communist countries. I think particularly of the Trusteeship Council, where during the administration of the trust territory, which, as the gentleman knows, is under American administration, the Soviet voted alone of all the members of the Trusteeship Council on, as I recall, 18 different occasions, whereas the Afro-Asian States on that Council voted with us. So I am grateful to my colleague for raising the point.

Mr. SCHEUER. May I thank my colleague for a most interesting set of facts that I am sure many of us on this floor were not fully aware of.

Mr. BINGHAM. I thank the gentleman.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I am happy to yield to my colleague.

Mr. SCHEUER. I wish to thank my colleague on behalf of all the Members of the House for his very thoughtful and scholarly statement in depth which reflects our colleague's many years of experience and his background at the highest levels of diplomacy having to do with the many complicated affairs confronting the United Nations. I am sure that his statement today gives us reasonable and responsible grounds for the hope that the United Nations will continue to fill an ever enlarging and ever more constructive role in the affairs of mankind. It was a wonderful statement and I know that we are the richer for it.

Mr. BINGHAM. I am very grateful to my colleague from New York for his generous statement.

Mr. Speaker, I yield back the balance of my time.

Mr. CLEVENGER. Mr. Speaker, in December 1963 the United Nations General Assembly adopted resolutions proposing that the membership of the Security Council be increased from 11 to 15 and that the Economic and Social Council be expanded from 18 to 27 members. Since these changes require amendment of the United Nations Charter, the increases in the size of the Councils must be ratified by two-thirds of the members of the United Nations, including all the permanent members of the Security Council, if they are to come into effect.

The President of the United States has now requested the advice and consent of the Senate to ratification of these two amendments. Hearings are scheduled to begin in the Senate today, and I sincerely hope the Senate will speedily consent to ratification. Already 63 members of the United Nations, including the Soviet Union have deposited instruments of ratification with the United Nations Secretariat, and the General Assembly resolutions themselves set September 1, 1965 as the deadline for ratification.

The increases in membership on these two United Nations Councils, it seems to me, are both justifiable and indeed necessary in view of the more than doubling of U.N. membership since creation of the world organization in 1945. Expansion of these two important Councils to reflect the increase in membership is only equitable; the increases are not such that the Councils would become unwieldy and ineffective. The recent practice of splitting terms on the Security Council bears witness to the fact that there are simply not enough seats now to go around.

Furthermore, the preponderant role of the great powers in the Security Council will in no way be eroded. The veto power of the permanent members will remain intact. I can see no danger whatsoever to U.S. influence in the Security Council through this increase in Council membership. Our veto right is preserved, and, if we chose, we could exercise it.

I am therefore convinced that an increase in membership on the Security Council and the Economic and Social Council is both timely and beneficial. If the vitality of the United Nations is to be maintained, the organization must adapt to the membership changes which have been placed since 1945. If the effectiveness of the United Nations is to be further developed, the new members as well as the old must be able to participate fully in the work of these two major organs of the United Nations.

STATUTES, REGULATIONS, POLICIES, AND PRACTICES OF SELECTED FOREIGN COUNTRIES PROVIDING FOR PREFERENCES FOR DOMESTIC MATERIALS AND FIRMS IN THE AWARDING OF PUBLIC SUPPLY AND PUBLIC WORKS CONTRACTS

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, under permission previously granted, I am inserting in the CONGRESSIONAL RECORD the second set of documents illustrating the policies adopted by other countries to assure their own industries and workers—at the exclusion of foreigners—of obtaining public works contracts. This philosophy is of course in direct contrast to the practice of the U.S. Federal Government, which procures materials from outside this country without regard to the impact on domestic employment.

I trust that all my colleagues will peruse carefully and keep on file this documented material, for every section of the country is directly affected when a contract is let by the Federal Government for materials and finished products made in an alien land. Whether or not you have a competing industry or plant in your district, your constituency contributes to the Treasury funds used in such purchases. You also are charged with a share of the expenditures for the relief of those Americans who otherwise would be employed if this Government bought and used U.S. products.

Chapter 2 of the series follows:

BENELUX ECONOMIC UNION

Unlike the Treaty of Rome establishing the European Economic Community, the treaty establishing the Economic Union between Belgium, the Netherlands, and Luxembourg (commonly referred to as Benelux) contains specific provisions recognizing that each of the contracting parties has legislative and administrative provisions, policies, and practices which discriminate against foreigners and products of foreign origin in the field of public contracts and providing for their elimination in a manner much more complete than any action heretofore taken or which will be taken in the foreseeable future under the provisions of the Treaty of Rome.

The treaty was signed on February 3, 1958, and entered into force on November 1, 1960. It is accompanied by (1) a convention of transitional provisions which acknowledges "that circumstances require temporary derogations from certain provisions of the treaty" and provides for the progressive abolition of such derogations by joint action, to the end that the full economic union may become effective, and (2) an implementing protocol, which provides for the methods by which certain provisions of the treaty and the convention will be executed. The official texts of the treaty, the convention and the protocol are published in Benelux, Bulletin Trimestriel, annex to No. 4, March 1958.

The treaty was preceded by a number of agreements looking toward full economic union. Moreover, Belgium and Luxembourg had constituted an economic union since 1921 under the provisions of the convention of July 25, 1921. Article 233 of the treaty establishing the European Economic Community and article 202 of the treaty establishing the European Atomic Energy Community permit the creation of the Benelux Union insofar as its objects are not attained by the application of those two treaties.

The purpose of the Union is declared to be the free movement of persons and the free exchange of goods, services, and capital. Internal and external economic, financial, and social policies of the three contracting parties are to be coordinated and imports and exports are subject to a common tariff.

The provisions of the treaty with regard to the elimination of discrimination in the field of public contracts are contained in articles 62 and 63, which are as follows (unofficial translation furnished by the Secretary General of Benelux):

"Article 62: In the field of public contracts and tenders, the authorities of a high contracting party may not discriminate in any way whatsoever in favor of national products or of their nationals and to the detriment of products or nationals of other high contracting parties.

"Article 63: The following are to be considered, for the application of article 62 of the present treaty:

"(A) As public contracts and tenders: All public contracts and tenders for the execution of works or the purchase of goods by the authorities for their own requirements, irrespective of the way the order is given.

"(B) As public institutions:

"(a) all organs of the State;

"(b) all regional and local organs in Belgium and in the Grand Duchy of Luxembourg as well as subordinate authorities of public law in the Netherlands;

"(c) inasmuch as the states effectively influence their public contracts: the 'parastatal' institutions in Belgium and in the Grand Duchy of Luxembourg and the semipublic institutions in the Netherlands."

By reason of the provisions of articles 4, 5, and 37 of the transitory convention, the provisions of articles 62 and 63 of the treaty will not become fully effective until November 1, 1965, the transitory period of 3 years after the entering into force of the treaty foreseen by articles 4 and 5 of the transitory convention having been extended for an additional period of 2 years by the Committee of Ministers pursuant to article 37. Articles 4, 5, and 37 provide as follows (unofficial translation furnished by the Secretary General of Benelux):

"Article 4:

"1. During a period not exceeding 3 years, measures may be taken derogating from the provisions of article 62 of the treaty for the Union, in accordance with the terms of conventions concluded between the high contracting parties, if an important disparity exists between public contracts awarded by the public authorities of one high contracting party to nationals of another high contracting party and public contracts awarded by the public authorities of the latter party to the nationals of the former party.

"2. In the case referred to in the first paragraph of the present article the college of arbitrators, referred to in article 15 of the treaty for the Union, shall decide exclusively ex aequo et bono.

"Article 5: During a period not exceeding 3 years, article 62 of the treaty for the Union shall only be applied to public contracts by public authorities, referred to in article 63, subparagraph B(b) thereof, insofar as the State effectively influences the award of these contracts.

* * * * *

"Article 37: If necessary, the Committee of Ministers may prolong by 2 years the periods of time provided for in the present convention."

Article 2 of the implementing protocol provides that the protocol concerning the national treatment in matters of tenders for works and purchases of goods signed at Brussels on July 6, 1956 (Moniteur Belge, Sept. 4, 1958), shall determine the terms of implementation of articles 62 and 63 of the treaty as well as the safeguarding clause provided for by article 4 of the transitory convention.

Under the provisions of a decision of the Council of Ministers of the Union dated November 3, 1960, the Special Commission for Tenders, which was instituted under the provisions of the 1956 protocol and the existence of which was confirmed by article 29 of the treaty, has responsibility for the application of the safeguarding clause of article 4 of the transitory convention and also serves as an appeal body for firms injured by discriminatory acts of national administrations.

PRINCIPAL SOURCE

Hainaut and Joliet, "Les Contrats de Travaux et de Fournitures de l'Administration dans le Marché Commun" (Public Works and Supply Contracts in the Common Market), volume 2 (Brussels, 1963).

BELGIUM (MEMBER OF BENELUX, EEC, GATT, OECD)

All government contracts are governed (effective January 1, 1965) by the law relating to contracts entered into on behalf of the state of March 4, 1963 (Moniteur Belge, Apr. 3, 1963), as implemented and regulated by the royal decree of October 14, 1964, and by a ministerial decree of the same date which prescribes the general contract conditions (Moniteur Belge, Oct. 17, 1964).

The 1963 law provides for the following methods for the award of government contracts:

1. General public tendering (adjudication publique)—publication of an invitation for competitive bidding in the bulletin published for that purpose and the opening of bids in public.

2. Restricted public tendering (adjudication restreinte)—invitation for competitive bidding (without publication) limited to those entrepreneurs or suppliers whom the Minister concerned decides to consult. Those entrepreneurs and suppliers are the only ones permitted to submit bids and to attend the opening thereof.

3. General invitation for offers (appel d'offres général)—publication of an invitation for competitive bidding in the bulletin published for that purpose.

4. Restricted invitation for offers (appel d'offres, restreint)—invitation for competitive bidding (without publication) limited to only those entrepreneurs or suppliers with whom the Minister concerned decides to consult.

5. Negotiated contract (marché de gré à gré)—negotiation of a contract by the Minister concerned with, and assignment of the contract to, the entrepreneur or supplier whom the Minister selects.

The Minister concerned has complete discretion to designate the method to be used in any case, except that the negotiated contract method may be used only in the 12 cases specified in the law, which include contracts that must be concluded abroad by reason of their nature or their special conditions.

In the case of general or restricted public tendering the Minister concerned is bound to accept the lowest bid (if he accepts any). In the case, however, of general or restricted invitations for offers the Minister concerned has complete discretion to accept the bid which he deems the most advantageous (la plus intéressante) according to objective criteria set out in the law. Moreover, in either case the Minister concerned may decide not to conclude a contract and may order that the procedure be repeated, even in a different manner, if necessary.

The law thus affords ample basis for the exercise of administrative discretion in favor of Belgian nationals and Belgian firms.

Outright discrimination in favor of Belgians and Belgian products is permitted, and in fact encouraged, by Royal Decree No. 204 of October 1, 1935 (Moniteur Belge, Oct. 3, 1935), as implemented and regulated by a second royal decree of the same date (Moniteur Belge, Oct. 3, 1935), which created a Permanent Consultative Commission on Matters of Contracts or Awards. All organs of the Government are required to submit to the Commission contracts for supplies or services "if they involve either the designation of a successful bidder, cocontractor or subcontractor of foreign nationality or recourse to personnel of foreign nationality or the furnishing or use of products or materials other than products or materials of Belgian origin." Copies of unofficial English translations from French of the two royal decrees are attached hereto as schedules A and B, respectively.

The Commission automatically increases offers by foreign bidders by a certain percentage, normally 10 percent. It recommends the granting of the contract to the Belgian bidder whose offer is lower than or the same as the thus increased offer by the foreign bidder. The Minister concerned is, however, not required to accept the recommendation of the Commission.

The Commission is made up of senior civil servants from the various ministries and is presided over by a "Directeur Général." According to Belgian counsel, the role of the Commission is to protect Belgian interests from unfair foreign competition, such as dumping, lack of reciprocity, etc. The factors which the Commission is said to take into account in making its recommendations include: (a) the level of unemployment in Belgium; (b) the interests of the Belgian Treasury; (c) encouragement to those countries which import substantial amounts of Belgian manufactured products; and (d) the interests of the Belgian Customs as to import duties on materials or equipment which it is proposed to import.

Under the provisions of the Decree No. 204 persons of Luxembourg nationality are placed on the same level with Belgians. Products and materials of Luxembourg origin are likewise placed on the same level with products and materials of Belgian origin.

Article 1 of the second royal decree requires that the producer, supplier, and the subcontractors, if any, be of Belgian or Luxembourg nationality and the "Belgian or Luxembourg preponderance of interests they represent must be proven." According to a report from the U.S. Embassy in Brussels, based on a discussion with an official of the Belgian Ministry of Economic Affairs (which is charged with the execution of the decree), companies with more than 30 percent foreign ownership are in effect not considered Belgian (or Luxembourg) nationals. According to the same report, the various Belgian ministries in fact have a tacit understanding that only bona fide Belgian (or Luxembourg) firms with less than 30 percent foreign ownership will be consulted with regard to procurement.

Decree No. 204 has broad application to all Government departments, the provinces, the communes, state corporations, and companies operating under license or concession.

A second statutory discrimination exists in the field of public works contracts. Article 1 of the decree-law of February 3, 1947 (Moniteur Belge, Feb. 12, 1947), as implemented and regulated by the decree of the regent of March 29, 1947, and the ministerial decree of the same date (Moniteur Belge, Mar. 30–31, 1947), expressly limits to Belgian nationals and to companies at least two-thirds of the capital of which is Belgian participation in public works contracts of the state and those which are financed or subsidized by it. A copy of an unofficial English translation from French of the decree-law of February 3, 1947, is attached hereto as schedule C.

The decree-law provides for the creation of an Approval Commission in the Ministry of Public Works with which contractors are listed after approval of their applications. The decree-law requires approval only at the time of the letting of public works contracts; hence, any company, whether Belgian or foreign, may bid on public works projects. Article 8 provides that a ministerial decree, stating the reasons on which it is based, issued upon receipt of an opinion by the Approval Commission, may dispense with any of the requirements of articles 1 through 7, including the nationality requirement. According to reports from the U.S. Embassy in Brussels, the nationality requirement will be thus dispensed with and the contract awarded to a foreign company only if no Belgian contractor is able to execute the proposed work or if the bid of the foreign company is more than 10 percent below that of the nearest domestic competitor.

The decree of the regent provides for the classification by the Approval Commission of contractors according to work categories and the cost of works. The ministerial decree lists the documents which must be attached to requests to the Approval Commission for approval.

By virtue of the convention dated July 25, 1921, between Belgium and Luxembourg, Luxembourg contractors are placed in the same position as Belgian contractors.

Articles 15, 16, and 17 of the royal decree of October 14, 1964, a copy of an unofficial English translation from French of which is attached hereto as schedule D, contains provisions which are designed to facilitate the enforcement of the 1947 decree-law and the 1935 decree and which further evidence the discriminatory nature of Belgian Government procurement. Thus, under section 15, the bidder must state his nationality and, if the bid relates to supplies or materials originating in a foreign country and to which the 1935 decree applies, the bid must state the merchandise of foreign origin which is involved in the bid, the country of origin of the products to be furnished, and the materials to be used and the nationality of subcontractors, if any, and the numbers of personnel employed by the bidder. Moreover, under article 17, the contracting authority can require a foreign bidder to elect a domicile in Belgium and also to furnish security or the guarantee of a Belgian bank.

PRINCIPAL SOURCES

1. Letters dated July 9 and October 27, 1964, from Maitre Etienne Gutt, Avocat à la Cour d'Appel, Brussels, to Cravath, Swaine & Moore, Paris.

2. Letter dated December 6, 1963, from the U.S. Embassy in Brussels to Cravath, Swaine & Moore, Paris.

3. de Grand Ry, "L'Harmonisation des Legislatións au sein du Marché Commun en Matière de Marchés Publics" (The Harmonization of Laws concerning Public Contracts in the Common Market), Revue de Marché Commun (No. 37) pages 247 to 251, (No. 38) pages 282 to 292 (1961).

4. Hainaut and Joliet, "Les Contrats de Travaux et de Fournitures de l'Administration dans le Marché Commun" (Public Works and Supply Contracts in the Common Market), volume 1 (Brussels, 1962), volume 2 (1963).

5. Foreign Service despatch No. 8 dated July 5, 1961, from the U.S. Embassy in Brussels, entitled "Export—Reporting on Construction Projects in Belgium."

6. Foreign Service despatch No. 23 dated July 6, 1961, from the U.S. Embassy in Brussels, entitled "Belgian Government Procurement Policy."

7. U.S. Department of Commerce, "Market for U.S. Products in Belgium" (1963).

SCHEDULE A: BELGIUM

ROYAL DECREE NO. 204 OF OCTOBER 1, 1935, ORGANIZING THE PERMANENT CONSULTATIVE COMMISSION ON CONTRACTS OR AWARDS (MONITEUR BELGE, OCT. 3, 1935)

(Unofficial Translation From French)

Leopold III, King of the Belgians, to all, present and future, greetings:

In view of the law of July 31, 1934, extended and supplemented by the law of December 7 of the same year, as well as by the laws of March 15 and 30, 1935, which confers upon the King certain powers for the purpose of economic and financial reconstruction and the lowering of public burdens;

In view, in particular, of subparagraphs d and h of item III of the first article of the above-mentioned law;

In view of the law of March 5, 1922, which approves the convention entered into between Belgium and the Grand Duchy of Luxembourg, concluded at Brussels on July 25, 1921, for the establishment of an economic union between the two countries;

In view of the protocol of May 23, 1935, dealing with the subject of the system of public awards in the Belgo-Luxembourg economic union;

Upon review of the royal decree of February 28, 1935, which established for the heads of provinces, communes, establishments which are subordinated to them and intercommunal associations certain obligations concerning calls for competitive bidding and acts of awards;

Whereas there is reason to extend, while supplementing them, the provisions of the last decree cited above to all public administrations as well as to institutions or organizations subordinated to them or in favor of which the public powers intervene financially;

Upon proposal by our Council of Ministers, we have decreed and are decreeing as follows:

Article 1. The following are subject to the provisions of this decree:

1. State administrations, the provinces, the communes, the groupings of provinces and communes, the institutions or organizations subordinated to the public powers.

2. The State corporations ["régies"] and companies operating under license where contracts subjected to the control of a public power are involved.

3. Organizations or institutions in favor of which the public powers intervene in one of the following forms:

(a) Where the public powers have a direct interest in the management and in particular where they have financially participated in the creation of the organization or the institution, where they share in the profits or cover possible losses, or further where they have, or may have, a responsibility for interests in the form of dividends or amortization [sic].

(b) Where, through subsidies or in other forms, the public powers intervene continuously in the business costs of the organization or institution.

(c) Where the public powers grant subsidies or grants for a fixed purpose as long as contracts concerning the objects or services to which the subsidies or grants relate are involved.

Article 2. Where the administrations, organizations, or institutions, State corporations or companies operating under license which are subject to the terms and provisions of article 1, in application of this decree, enter into contracts for the rental of services or for work, contractor's services or deliveries, either privately or after a call for competitive bidding, the cocontractor or bidder shall be held to state in the contract or in the bid:

(a) The nationality and actual residence of the cocontractor or bidder and of subcontractors, if any;

(b) The nationality of the staff members employed;

(c) The origin of the products to be furnished or materials to be used.

This article shall, however, not be applicable to contracts for the delivery of objects exclusively intended for education, studies, or scientific research.

Article 3. There shall be established with the Ministry of Economic Affairs a Permanent Consultative Commission on Contracts and Awards.

Its composition, the manner in which its president and its members are appointed, the remunerations to which they may be entitled, and its functioning shall be decreed by the king.

Article 4. The contracts referred to in article 2 and entered into by administrations, organizations, institutions, State corporations, and companies operating under license which are subject to the terms and conditions of article 1 in application of this decree must be notified, within 10 days of their date, to the president of the Permanent Consultative Commission by registered mail if they involve either the designation of a successful bidder, cocontractor, or subcontractor of foreign nationality or recourse to personnel of foreign nationality or the furnishing or use of products or materials other than products or materials of Belgian origin.

Article 5. The president of the Commission shall immediately forward the contract with an opinion by the Commission to the Minister having jurisdiction or to the Minister for Economic Affairs, in accordance with the rules to be established by royal decree.

Article 6. Apart from the application of other legal or regulatory provisions, the contract can only be executed if, within 30 days of mailing by registered mail, as provided in article 4 the Minister, after an opinion was rendered by the Commission, has not raised any objection to such execution.

The time limit of 30 days may be extended to no more than 50 days by decree of the Minister, notified to the contracting parties by registered mail within a period of 30 days.

Article 7. In case delay would imperil the matter, the Minister of Economic Affairs can suspend application of articles 4, 5 and 6.

Article 8. Unless so provided in a new contract drawn up in conformity with the prescriptions of this decree, it is prohibited to the cocontractors or successful bidders to call upon subcontractors or foreign personnel of a nationality other than that indicated, to furnish or use products or materials of foreign origin other than that provided for, or to take any measure which would be of a nature to enlarge the size of foreign factors of the contract.

Article 9. Where information furnished by virtue of article 2 is incorrect or in case of violation of the provisions of articles 6 or 8, the state is entitled to damages and interest equivalent to the value of the faulty delivery or to the amount of salaries paid to improperly employed personnel.

The action shall be instituted and pursued on behalf of the state by the Minister for Economic Affairs.

Article 10. For purposes of application of this decree, persons of Luxembourg nationality are given equal treatment with Belgians.

Article 11. A royal decree shall regulate the execution of this decree.

It shall determine in particular:

1. The terms and conditions on the basis of which products and materials shall be considered, for purposes of the application of this decree, as products and materials of Belgian origin.

2. The terms and conditions on the basis of which products and materials of Luxembourg origin shall be given equal treatment

with products and materials of Belgian origin.

3. The effective date of this decree.

Article 12. The royal decree of February 28, 1935, is hereby repealed.

Article 13. Our Ministers are charged, each one as to what concerns him with the execution of this decree.

Done at Brussels, this 1st of October 1935.

LEOPOLD.

(Here follow the signatures of all the Ministers.)

SCHEDULE B: BELGIUM

ROYAL DECREE NO. 658 OF OCTOBER 1, 1935, REGULATING THE IMPLEMENTATION OF THE ROYAL DECREE OF THE SAME DATE ORGANIZING THE PERMANENT CONSULTATIVE COMMISSION ON MATTERS OF CONTRACTS OR AWARDS (MONITEUR BELGE, OCT. 3, 1935)

(Unofficial Translation From French)

Leopold III, King of the Belgians to all, present and future, greetings:

In view of the royal decree dated of the same date and organizing the Permanent Consultative Commission on Matters of Contracts or Awards and establishing for the heads of public administrations and institutions or organisms which are subordinated to them or in favor of which the public powers intervene financially, certain obligations concerning contracts;

In view of the law of March 5, 1922, which approves the convention concluded at Brussels on July 25, 1921, between Belgium and the Grand Duchy of Luxembourg and establishing an economic union between the two countries;

In view of the protocol of May 23, 1935, dealing with the questions of the system of public awards in the Belgo-Luxembourg Economic Union;

Upon proposal by our Minister for Economic Affairs, we have decreed and are decreeing:

Article 1. With a view to applying the royal decree of this date mentioned above, products or materials shall be considered as of Belgian origin—and the products or materials of Luxembourg origin shall be given equal treatment with them—where they fulfill the following requirements listed below:

1. The producer, supplier and the subcontractors, if any, must be of Belgian or Luxembourg nationality, and the Belgian or Luxembourg preponderance of interests they represent must be proven;

2. The management and working personnel of the producer, supplier and the subcontractors, if any, must be, to the largest extent possible, of Belgian or Luxembourg nationality.

3. The raw materials, products and materials used must be of Belgian, Congolese or Luxembourg origin, except in cases where such raw materials are not found, and such products or materials not manufactured or prepared, in the territory of the Belgo-Luxembourg Union or in the Colony.

Article 2. The interested parties are entitled to file with the Permanent Consultative Commission on Matters of Contracts or Awards requests for information concerning the provisions of article 1 of this decree and subparagraphs (a), (b), and (c) of article 1 of the royal decree of this date mentioned above.

Article 3. The Commission shall render its decision within 15 days from receipt of the files by the President.

The President may decide, where the necessity is felt, that the procedure is urgent; in that case, the Commission shall issue its decision within 8 days.

Article 4. With a view to applying article 5 of the royal decree mentioned above, jurisdiction shall rest with the following:

(a) For contracts entered into by state administrations, the institutions or organizations subordinated to them, the state corporations and companies operating under license controlled by such administrations: the Minister under whose direction those administrations stand.

(b) For contracts entered into by the provinces, the communes, the institutions or organizations which are subordinated to them, the state corporations or companies operating under license controlled by those public powers, the groupings of provinces and of communes: the Minister of the Interior, within the limits of his competence.

(c) For contracts concluded by the public aid commissions: the Minister of Justice.

(d) For contracts concluded by organizations or institutions for the benefit of which public powers intervene financially in one of the forms listed under item 3 of article 1 of the above-mentioned royal decree: the Minister of the Department of the Budget in which the expenses appear, or the Minister under whose direction the public powers which have intervened financially stand.

(e) If one of the rules established in items (a), (b), and (c) applies simultaneously with that of item (d): the Minister having jurisdiction by virtue of items (a), (b), and (c).

(f) Where, by virtue of the rules established above, several Ministers have jurisdiction or where said rules do not apply: the Minister for Economic Affairs.

Article 5. The Minister for Economic Affairs may constitute within the Commission subcommissions with jurisdiction to examine contracts whose value does not exceed 1 million francs.

Article 6. The internal administrative rules of the Commission and the subcommissions shall be established by decree of the Minister of Economic Affairs.

Article 7. The Permanent Consultative Commission on Matters of Contracts or Awards shall have at least 15 members; it shall have a quorum only if at least 9 members are present.

The subcommissions, which shall have at least seven members, will not have a quorum unless a majority of members is present.

Article 8. The Commission may hear, with respect to each matter that is submitted to it, a delegate of the public powers or organizations concerned.

It may likewise hear experts or especially competent persons.

Voting may not take place in the presence of persons not belonging to the Commission.

Article 9. Our Minister for Economic Affairs shall be in charge of the execution of this decree, which shall become effective on the date on which the above-mentioned royal decree of today's date becomes effective.

Done at Brussels, October 1, 1935.

LEOPOLD.

For the King:

PH. VAN ISACKER,
The Minister for Economic Affairs.

SCHEDULE C: BELGIUM

DECREE-LAW OF FEBRUARY 3, 1947, ORGANIZING THE APPROVAL OF ENTREPRENEURS (MONITEUR BELGE, FEB. 12, 1947)

(Unofficial Translation From French)

Charles, etc., in view of articles 1, 3, of the coordinated laws of September 7, 1939, and December 14, 1944, investing the King with extraordinary powers;

Whereas the absence of any limitations for participation in public tenders presents serious problems;

Whereas the needs of the administration of the country, its reconstruction and its reequipment make it imperative not to entrust the execution of public enterprises and enterprises of public utility to persons other than those who are considered able to execute them well;

Whereas to that effect it is necessary and urgent to substitute new provisions for those maintained in effect, until December 31, 1946, by the decree of the regent dated February 14, 1946, with respect to the approval of entrepreneurs charged with the execution of works offered by the state or financed by it in whatever form it may be;

Whereas such approval must be regulated with all desirable guarantees and through a collaboration of the representatives of the state, the entrepreneurs and union representatives concerned;

In view of the law dated May 15, 1846, on accounting of the state;

Upon suggestion of the Minister of Public Works and of the opinion of the Ministers who have deliberated it in council, we have decreed and are decreeing:

Article 1A. Without prejudice to the law dated May 15, 1846, concerning accounting of the state, the execution of works offered by the state, or financed or subsidized by it, under whatever form it may be, can only be entrusted to entrepreneurs who satisfy the following conditions:

They must:

1. Be entered in the commercial register;

2. Be of Belgian nationality. If companies are involved, it is necessary that at least two-thirds of the capital be Belgian;

3(a) Not have been sentenced for a crime or offense against the external safety of the state;

(b) Not have been entered by the military auditor on the list prepared by virtue of article 4 of the decree-law dated September 19, 1945, on civil purification;

(c) Not have been excluded from contracts and bids of the state and not be so excluded in application of the provisions of article 6 of this decree-law.

(B) Furthermore, a special and previous approval shall be required:

1. If, at the time the contract is terminated or in the course of the execution, the total amount of all the works, public or public utility as well as private, executed simultaneously by the entrepreneur exceed a maximum which will be established by royal decree;

2. If the monetary value of the work to be awarded exceeds an amount established by royal decree.

The rules for classification of approved entrepreneurs in various categories of works and in classes by monetary value shall be established by royal decree.

The Minister of Public Works shall determine for each category of works the classes of entrepreneurs authorized to execute them.

Article 2. A Commission established in the Ministry of Public Works and composed as specified in article 3 shall be charged with giving its opinion on requests for approval.

The Commission shall examine the requests and establish by categories of specialties and by classes of monetary value of the enterprise, the list of entrepreneurs which it shall recommend to the Minister of Public Works for approval. The latter shall prepare the list of approved entrepreneurs and publish it for purposes of the administrative services and the para-state organizations.

In order to arrive at its recommendation, the Commission shall take into consideration the technical and financial capacities of the applicant, his organizational means of execution in qualified material and personnel, the volume and monetary value of works previously executed by him, their quality of execution as well as his commercial probity.

Article 3. The Approval Commission shall be composed:

1. Of a president, as "magistrat," and

2. Of an equal number of:

(a) Representatives of the various ministerial departments concerned in the execution of the works under consideration;

(b) Representatives of the professional entrepreneur organizations which are most representative (at least 5);

Representatives from labor union organizations of the construction industry which are the most representative (at least 3):

There shall be for the president, as well as for each incumbent, a substitute who may be seated only in case of the absence of the first.

The President, the incumbent members, the substitute president, and the substitute members shall be appointed and dismissed by royal decree.

A royal decree shall establish the scope of administrative personnel attached to the Commission.

Article 4. The Commission shall establish its internal regulation which shall enter into effect after having been approved by the Minister of Public Works.

Article 5. The Minister of Public Works shall send to every approved entrepreneur a certificate with the number of his entry in the list as to category and class of approval.

The approved entrepreneurs shall be held to indicate to the Commission any changes which may be of a nature to cause it to review its previous recommendations (amendments to the bylaws, the capital, the board of directors, its organic means of execution, etc.).

When bidding on works offered by the State, or financed or subsidized by it, entrepreneurs, whether or not they are approved, affirm implicitly that the total amount of the works, public or of public utility as well as private, simultaneously executed by them does not exceed, or will not exceed in the course of the execution, the maximum established by the royal decree referred to in article 1, (B)(1), and the next to last subparagraph of said article.

Article 6. Declassification, suspension and withdrawal of approval, temporary or final exclusion from contracts offered by the State or financed or subsidized by it may be ordered for the following reasons:

(a) Failure to comply with the terms and conditions of the awarded contracts;

(b) Diminishing of financial or technical guarantees;

(c) Serious mistake in the execution of the works;

(d) Lack of commercial probity;

(e) Failure, false statement or fraud relating to compliance with the obligations deriving from the two last subparagraphs of articles 5 and 7 of this decree law;

(f) Moral unworthiness, particularly in matters of citizenship.

The Approval Commission shall be charged with giving its advice on all records submitted to it by the administrations concerned, the public establishments and parastate organizations in general, which concern approved or nonapproved entrepreneurs who are accused of anything which may justify the application of an administrative penalty to them.

After an entrepreneur has been heard on his grounds for defense, the Commission shall propose to the Minister of Public Works, by reasoned opinion, the penalty to be applied. The Minister shall decide either on declassification, suspension, withdrawal of approval, temporary exclusion for a duration which he may determine or definitive exclusion from contracts or bids for account of the State, the subordinated administrations, public establishments and parastate organizations in general.

These decisions shall be published by the Minister for Public Works for the information of ministerial departments, subordinated administrations, public establishments and parastate organizations in general.

Article 7. Temporary associations of entrepreneurs may be admitted to the execution of works as long as at least one of the associates is approved for the works of the speciality and monetary value of those placed in tender and as long as the others satisfy the general conditions referred to in article 1, section A.

At the time the bid is deposited, details to that effect must be given by the nonapproved associates.

That information shall not weaken and shall not eliminate the liablity of the various entrepreneurs concerning the choice of their associates.

Article 8. The Ministers charged with the execution of a budgetary law or who have under their jurisdiction the control of public establishments or parastate organizations to which the works placed in tender relate may, for the latter, after an opinion from the commission and by reasoned decree, decide to waive all or part of the requirements provided in articles 1 and 7.

Article 9. The Minister for Public Works shall be charged with the execution of this decree law which shall enter into effect on January 1, 1947, with the exception of article 1, which shall not become effective until April 1, 1947. In this respect and as a transitory measure, the provisions of article 1 of the decree dated February 22, 1941, shall be maintained in effect until March 31, 1947, inclusive.

Consequently, any decisions taken before January 1, 1947, concerning requests for approval submitted before that date shall remain valid until March 31, 1947, inclusive.

Schedule D: Belgium

ROYAL DECREE OF OCTOBER 14, 1964, RELATING TO CONTRACTS ENTERED INTO IN THE NAME OF THE STATE (MONITEUR BELGE, OCT. 17, 1964)

(Unofficial Translation From French)

Article 15, section 1. The bid must indicate:

1. The name, first names, capacity or profession, nationality, and domicile of the bidder or, where the bidder is a company, the firm name or designation, its form, nationality, and business seat;

2. The name and designation of the account of the bidder with the postal checking office;

3. The entry relating to the registration of the bidder in the list of approved enterprises where the work offered in tender requires such approval.

Section 2. If the bid relates to supplies or materials which originate in a foreign country and to which Royal Decree No. 204, dated October 1, 1935, is applicable, it must furthermore indicate:

1. The goods of foreign origin which are involved in the bid, as well as the amount in which they figure therein, reduced by customs duties;

2. The country of origin of the products to be furnished and materials to be used;

3. The nationality of subcontractors, if any, and of members of personnel employed by the bidder;

4. Where products or materials to be finished or worked up in Belgium are involved, the value of the materials and work which will be incorporated into them in Belgium.

Section 3. The documents, models, and samples required by the special order specifications must be attached to the bid, except where said specifications provide otherwise.

Section 4. 1. The bidder who employs personnel subject to the decree law dated December 28, 1944, concerning the social security of workers, must attach to his bid, or produce for the administration before bids are opened, an attestation from the National Office of Social Security stating his standing with respect to that office concerning contributions of social security and of subsistence security as of a date not earlier than 3 months prior to the date of the session at which bids are opened.

2. A bid shall be regarded as irregular and discarded in the following cases:

(a) If the attestation mentioned under section 1 is not furnished within the required time, unless the bidder proves, before the administration allocates the contract, that the delay was not his fault;

(b) If it results from the attestation mentioned under section 1:

Either that the bidder has not sent to the National Office of Social Security all declarations as required up to and including those relating to the last but one quarter elapsed counting from the day of the session at which bids will be opened;

Or that he owes a total amount of contributions exceeding 50,000 francs;

Unless he has been granted term payments for that debt and strictly observes the terms; or

Unless he proves, before the contract is awarded, that he has one or several certain and due credits, with respect to the State or the public services listed in article 9, section 1, last but one subparagraph, of the decree by the regent dated January 16, 1945, concerning the functioning of the National Office of Social Security, for an amount which is at least equivalent to that by which he is in arrears on payment of contributions.

3. The provisions of this section 4 shall not be applicable where the amount of the bid does not exceed 300,000 francs.

It may likewise be waived if none of the bidders fulfill them and the contract has become of urgency.

Article 16. Where a bid relating to a works enterprise is deposited by a company having juridical personality, it shall mention all the information relating to what is prescribed by article 1(A), 2, of the decree-law dated February 3, 1947, organizing approval of entrepreneurs and relating to capital ownership of the company.

Article 17. Section 1. The administration can demand, for a certain date prior to the award of the contract:

1. From any Belgian bidder, a physical person: exhibition of a certificate of good conduct, life and morals.

2. From any Belgian bidder, a juridical person: exhibition of its bylaws or company charter and its latest balance statements as well as all information relating to its directors, commissioners or managers.

3. From any bidder of foreign nationality, whether a physical or juridical person:

(a) the election of domicile in Belgium;

(b) exhibition of an attestation by competent authority certifying that the party concerned is in good standing under the provisions of the social laws of his country.

4. From any foreign bidding company: exhibition of a copy of its bylaws, possibly accompanied by a translation thereof into the language used in the bid, and information on the latest balance statements, approved in accordance with the provisions of those bylaws and the legal provisions in effect.

5. From any bidder in general: all information concerning his manufacturers, suppliers or subcontractors.

Section 2. If the administration so requests, the foreign bidder must, before the opening of the bids, furnish either security in cash or in Government bonds or the guaranty of a Belgian bank.

Luxembourg (Member of Benelux, EEC, GATT and OECD)

The only statutory provision relating to public contracts is article 36 of the law of July 27, 1936, on the accountability of the state (Loi sur la Comptabilité de l'Etat) (Memorial du Grand-Duché de Luxembourg, 1936, p. 1333) which lays down the general principle of closed competitive bidding with public advertisement. That method is employed much more by Luxembourg than by any other member of the European Economic Community. Article 36 provides as follows (unofficial translation from French):

"All works or supplies for the account of the state form the subject of contracts entered into with competition and publicity, except in one or the other of the following cases:

"1. When the necessity therefor is established by a 'motivated' resolution of the Council of Government;

"2. When the expenses to be incurred do not exceed 30,000 francs [$600];

"3. When in a second invitation for tenders there are no bidders or only unacceptable prices have been offered."

That principle was spelled out and placed in effect by the ministerial decree of December 29, 1956 (Memorial, Jan. 14, 1957), which fixes the terms and conditions generally applicable to the award of public works and supply contracts the effectuation of which calls for public credits. The decree provides for the following methods of awarding contracts:

1. Public invitation for tenders (soumission publique)—public invitation for tenders made by means of the press to an unlimited number of bidders.

2. Restricted invitation for tenders (soumission restreinte)—invitation for tenders made to a restricted number of entrepreneurs (generally between three and seven) selected by the contracting authority.

3. Direct negotiation (marché de gré à gré)—the granting of the execution of a contract in the discretion of the contracting authority and without recourse to publicity.

Article 6 of the 1956 decree provides that the second method may be used only if contracts are concerned the special character or urgency of which requires bidders with particular technical or commercial abilities, or if a public invitation for tenders has not given a satisfactory result. Under the provisions of article 7 the third method may be used only in the cases provided for by article 36 of the 1936 law, supra. Nevertheless, article 7 goes on to provide for six situations in which the approval of the Council will be assumed, thereby leaving the way open for the exercise of considerable discretion by the contracting authorities.

Moreover, article 35 of the decree provides that price alone will not determine the choice of the successful bidder. The selected bidder must possess an establishment permit and be registered in the registry of firms and with the chamber of commerce and must satisfy a number of other prerequisites, including competence, experience, and technical and commercial capability. Accordingly, the way is again left open for the exercise of considerable administrative discretion. Some measure of control is provided, however, by the Tender Commission established by chapter XII of the decree, which exercises broad authority over all aspects of public contracts.

The fifth paragraph of article 3 provides that, except as otherwise provided in international agreements (of which there appear to be none), foreign bidders must satisfy the same requirements as domestic bidders or fulfill conditions deemed to be equivalent by the competent Luxembourg authorities.

Although the municipalities are not governed by any specific statutory provision, they in general follow the principle of closed competitive bidding with public advertisement laid down by article 36 of the 1936 law.

The sixth paragraph of article 3 provides that (unofficial translation from French): "Bidders under the jurisdiction of a country which has not concluded a treaty of reciprocity in matters of public bidding with Luxembourg can be excluded from bidding."

The Treaty of Friendship, Establishment of Navigation between the United States and Luxembourg of February 23, 1962, which entered into force on March 28, 1963 (14 UST 251), does not contain any provisions with respect to public contracts. Accordingly, Luxembourg authorities are free in their discretion to exclude U.S. bidders in any invitation for offers. The quoted provision clearly favors, on the other hand, nationals of Belgium and the Netherlands, since article 3 of the Convention of Economic Union between Belgium and Luxembourg of July 25, 1921, and article 62 of the treaty of February 3, 1958, establishing the Benelux Economic Union both provide for a system of reciprocity.

Article 19 of the 1956 decree also discriminates against U.S. firms and products by providing, in the second paragraph, that (unofficial translation from French): "As a matter of principle products of foreign origin shall not be used if producers of the Netherlands-Belgium-Luxembourg Customs Union are in a position to furnish the same quality at essentially equal prices."

In practice, products of Benelux origin benefit from a preferential margin of 10 percent as against foreign products. The preference is purely a matter of administrative practice which is left to the judgment of the procurement authorities. There appears to be no provision in the treaty between the United States and Luxembourg which precludes the granting of such a preference.

Another obstacle faced by foreign (as well as domestic) bidders is the requirement that public works and supply contracts cannot be awarded to those who do not possess establishment permits, which under the provisions of the law of June 2, 1962 (Memorial, June 19, 1962), are issued by the Minister of Economic Affairs. Article 19 of the 1962 law provides that only those under the jurisdiction of countries which accord reciprocal rights to Luxembourgers may obtain such a permit. Article VI of the treaty between the United States and Luxembourg appears, however, to guarantee such rights to Luxembourgers.

PRINCIPAL SOURCES

1. Letter dated December 5, 1963, from the U.S. Embassy in Luxembourg to Cravath, Swaine & Moore, Paris.

2. de Grand Ry, "L'Harmonisation des Legislatións au sein du Marché Commun en Matière de Marchés Publics" (The Harmonization of Laws concerning Public Contracts in the Common Market), Revue du Marché Commun (No. 37) pages 247–251 (No. 38), pages 282–292 (1961).

3. Hainaut and Joliet, "Les Contrats de Travaux et de Fournitures de l'Administration dans le Marché Commun" (Public Works and Supply Contracts in the Common Market), volume 2 (Brussels, 1963).

NETHERLANDS (MEMBER OF BENELUX, EEC, GATT AND OECD)

Among the six member states of the European Economic Community the Netherlands public contract system is undoubtedly the least organized, the least codified and the one in which the discretionary power of the contracting authorities is the greatest. In fact, the Commission of the Community in its explanatory statement accompanying the draft directive presented to the Council in July 1964 (Document IV/COM (64) 233 final) on the coordination of procedures in awarding public works contracts stated (p. 6) that "in the Netherlands the contracting authority negotiates under the same conditions as a private person." As a result, and because of the total absence of any guarantees of impartiality, there is in principle broad administrative discretion to discriminate against foreign bidders and foreign materials.

The sole legal provision governing public procurement is article 33 of the Comptabiliteitswet (Civil Accountability Act) of July 21, 1927, which lays down the basic rule of public tendering (openbare aanbesteding) in the following terms (unofficial translation from Dutch):

"1. All the works which are not executed by the administration and all supplies entailing an anticipated expenditure of 2,500 guilders [about $650] shall be the subject of public tendering.

"2. Nevertheless, by motivated decree a copy of which is sent to the General Audit Chamber, we may grant deviations from this rule for various cases of the same kind or for each special case.

"3. Contracts amounting to more than 1,000 guilders shall be entered into in writing.

"4. Notice shall be given to the General Audit Chamber of all awards of contracts by public tendering and of all private contracts concluded in writing."

In effect, there are only two methods of letting contracts—public tendering as prescribed by the 1927 law and private contract (rechtstreekse opdracht), although under a variation of the latter termed "onderhandse aanbesteding," which does not have any legal sanction, the letting of the contract is preceded by what amounts to a limited invitation for offers to selected suppliers or contractors on the private list of the particular contracting authority.

Almost all Government departments and agencies have been authorized to use the private contract method in a number of situations very broadly worded. Consequently, public tendering has been almost completely abandoned in the field of public supply contracts. In the field of public works contracts, it is still used, although it does not constitute the dominant method. Contracting authorities prefer, especially in important works, to use the variation of the private contract method (onderhandse aanbesteding) referred to above. According to reports from the U.S. Embassy in The Hague, public works contracts are rarely awarded to foreigners.

In the case of public tendering the law does not define the procedure to be followed or the rules for the awarding of contracts. Those rules have been prescribed for the "Rijkswaterstaat," which is concerned with the construction of highways, bridges, dikes and other hydraulic works, by the "Reglement op de door of vanwege het Departement van Waterstaat te houden openhare aanbestedingen van werken en leveringen" (regulations for inviting public tenders for works and supplies by or on behalf of the Department of Waterstaat) approved by royal decree of August 30, 1932. Most of the other departments do not have similar regulations and they follow, or incorporate by reference in their own regulations, the rules applied by the "Rijkswaterstaat."

Under the Waterstaat Regulations requests for public tenders are to be announced by a notice inserted in the Staatscourant and, if necessary, by any other method prescribed by the competent minister. In principle all interested parties can submit tenders. Nevertheless, the unlimited character of the competition is counterbalanced by the freedom which the contracting authority has as to the choice of contractor, since at the time of the awarding of the contract, the contracting authority can assess the professional and financial qualifications of each of the bidders and eliminate doubtful ones.

Moreover, the following provisions of article 11, paragraph 1, of the Waterstaat Regulations make it clear that there is no obligation either to make any award or to award the contract to the lowest bidder (unofficial translation from Dutch):

"Unless there appear to our Minister reasons for not awarding the contract, the contract is awarded to the bidder whose offer seems the most acceptable [het meest aanemelijk], without any obligation to give any reason for such choice."

The same principle is applied by all other contracting authorities.

As an example of the royal decrees which dispense with the legal requirement of public tendering, the "Rijkswaterstaat" is authorized by Royal Decree No. 15 of December

17, 1949, to conclude contracts by the private contract method under the following circumstances (unofficial translation from Dutch):

"1. When the works or supplies are ordered through the intermediary of the 'Rijksinkoopbureau' [Government Purchasing Office] or by State Enterprises;

"2. If the work or the supply cannot be determined in advance in a manner permitting an exact description;

"3. If the works to be executed or the goods to be furnished are of a nature so special that only one or a few bidders can be expected;

"4. If public tendering has not yielded an acceptable bid and a better result cannot be expected in a second public tendering;

"5. If the urgent character of the contract is incompatible with the time required for public tendering;

"6. If, by reason of special circumstances, it is improbable that an acceptable bid can be obtained by means of public tendering;

"7. If there are valid reasons for assuming that public tendering will be contrary to the financial interest of the Kingdom;

"8. If a work or a supply is so related to a work or a supply already ordered that a separation is not possible or desirable;

"9. If the special requirements connected with the work or the supply cannot be sufficiently taken into consideration in case of public tendering;

"10. If the scantiness of the construction area does not permit simultaneous work by several contractors (or suppliers) or does not permit the profitable use of material already installed;

"11. If the expenditures involved in the contract are so small that they do not justify the work and expense of public tendering."

The "Rijksinkoopbureau" is authorized completely to dispense with the rule of public tendering by royal decree No. 43 of September 16, 1929. That organization is the central purchasing office for the Netherlands Government and all ministries make their purchases of supply through it, except the Ministry of Defense. It is also authorized to do the purchasing for all institutions, etc., which receive a government subsidy and, in addition, the 11 Dutch Provinces and most of the larger municipalities avail themselves of its services.

In addition to the broad administrative discretion which the contracting authorities have to discriminate against foreign bidders and foreign materials, there are also a number of written discriminatory provisions. For example, paragraph 7 of article 7 of the Waterstaat Regulations provides as follows (unofficial translation from Dutch):

"7. If the bidder resides abroad, then domestic [i.e., Netherlands] domicile must be elected and a statement to this effect must be made in the tender."

Almost all government purchasing organizations impose the same requirement, including the "Rijksgebouwendienst" (Government Building Service), the General Contract Specifications[1] of which specifically incorporate the Waterstaat Regulations with exceptions not here pertinent, and the "Rijksinkoopbureau" (Government Purchasing Office).

It should be noted that the Dutch Government and some commentators take the position that the above-quoted provision merely means that, in order to obtain the contract, the bidder must have an address in the Netherlands where he can be reached, more particularly if any difficulties arise at the time of the execution of the contract.

In addition, paragraph 4 of article 4 of the general contract specifications of the "Rijksgebouwendienst" provides as follows (unofficial translation from Dutch):

"4. The contractor is obliged to declare to the administration ('directie') his intention as to the use of building materials or construction components which have their source in foreign countries.

"The administration is empowered to require a certificate of origin concerning the declared materials or construction components.

"If in the judgment of the administration such materials or construction components of domestic manufacture of equally good quality and at a not higher price can be substituted, then the contractor is obliged to do so.

"If on the other hand Netherlands manufacture is prescribed in the specifications, there may be no deviation therefrom."

Prior to 1963, works and supply contracts for the Ministry of Defense were reserved to Netherlands nationals and corporations or partnerships in which the members of the management, or the partners were Dutch nationals. In 1963, however, the Ministry took account of the provisions of the Treaty of Rome and of the treaty establishing the Benelux Economic Union to which reference has already been made, and amended section 9, paragraph 1, of its General Conditions[2] to read as follows (unofficial translation from Dutch):

"1. As contractors are permitted:

"a. Netherlanders according to the law and corporations or partnerships of which, respectively, the members of the management and any 'delegated supervising director' ['gedelegeerde Commissaris,' that is a supervising director with management powers] or the partners of which, are Netherlanders according to the law concerning whose capacity and sufficiency of means to execute the work [which word is defined in a footnote to section 1 to include supplies] and concerning whose dependability no doubt exists to the Minister of Defense.

"b. Foreign contractors which are established in 'partner nations' that have acceded to:

"1. Benelux.

"2. The European Economic Community (for works contracted for after December 31, 1963); provided that with regard to persons specified under (a) or (b) no doubt exists to the Minister of Defense as to their capacity and sufficiency of means to execute the work and their dependability.

"Before an order can be issued to any foreign bidder as to the carrying out of the work in the Netherlands, the interested party must elect domicile in the Netherlands upon a request to that effect of or in the name of the official who invites the tender.

"During the execution of the work the statutory and administrative regulations applicable in the Netherlands with regard to special rules, established for foreigners, remain in full force."

Finally the Vestigingsbesluit Bouwnijverheidsbedrijven 1958 (decree concerning the Establishment of Construction Industry Enterprises) requires that every civil and profit-making construction enterprise obtain an establishment permit under the provisions of the Vestigingswet Bedrijven, 1954 (law concerning the establishment of businesses). The permit is issued by the Chamber of Commerce and Industry, an official organization, in its discretion and may be withdrawn by it after issuance. In order to obtain a permit, it is necessary to satisfy a large number of formalities.

Insofar as the provinces are concerned, there is no legal provision requiring public tendering, although internal regulations apparently require recourse to that procedure. The municipalities are required by the Gemeentewet (municipality law) of June 29, 1851, to resort to public tendering, unless it appears preferable in the interest of the municipality to negotiate a private contract. Such a decision must be approved by the municipal council in public session and approved by the executive committee of the provincial council. In practice, the latter approval is a formality for the larger municipalities.

PRINCIPAL SOURCES

1. Letter dated October 14, 1964, from Jhr. Mr. P. J. W. de Brauw, advocaat (attorney) of The Hague, the Netherlands, to Cravath, Swaine & Moore, New York.

2. Letter dated December 5, 1963, from the U.S. Embassy in The Hague to Cravath, Swaine & More, Paris.

3. Foreign Service despatch No. 641 dated February 29, 1960, from the U.S. Embassy in The Hague, entitled "Procurement Policies and Practices of Netherlands Government."

4. Foreign Service despatch No. 246 dated September 15, 1954, from the U.S. Embassy in The Hague.

5. de Grand Ry, "L'Harmonisation des Législations au sein du Marché Commun en Matière de Marchés Publics" (The Harmonization of Laws Concerning Public Contracts in the Common Market), Revue du Marché Commun (No. 37) pages 247–251, (No. 38) pages 282–292 (1961).

6. Hainaut and Joliet, "Les Contrats de Travaux et de Fournitures de l'Administration dans le Marché Commun (Public Works and Supply Contracts in the Common Market), volume 2 (Brussels 1963).

DUAL DISTRIBUTION—A PROPOSED SOLUTION

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from California [Mr. ROOSEVELT] is recognized for 30 minutes.

Mr. ROOSEVELT. Mr. Speaker, the preservation of competition within our economy is a matter of the deepest concern to each of us. Indeed the role of competition is so central that when we refer to the free enterprise system it might well be said that what is really meant is the competitive free enterprise system.

In the years that have passed since the enactment of those statutes constituting our antitrust laws—the Sherman Act, the Clayton Acts and the Robinson-Patman amendments to the Clayton Act our economy has undergone great changes.

Economic concentration has increased. Recent figures indicate that our 100 largest firms now control over half of the Nation's entire industrial capacity.

Vertical integration—in which the same firm performs a number of successive stages of manufacture, fabrication, and distribution—has also increased sharply. Unfortunately, there are not available data adequate to definitely establish the precise degree of growth in vertical integration. However, it is clear that it has increased enormously since World War II.

A byproduct of vertical integration has been what is usually termed "dual distribution." Dual distribution occurs when a firm's supplier is also its competitor. As an example: An independent tire retailer buys his tires, for resale, from tire manufacturer X. This same manufacturer also maintains its own captive or integrated retail tire outlet a few blocks down the street. Thus, manufacturer X is both supplier and competitor to the independent merchant.

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[1] "Algemeene Bepalingen van de bestekken voor werken, welke onder directie van den Rijksgebouwendienst worden uitgevoerd" approved by decision of the Minister of Finance dated Nov. 22, 1933, No. 68.

[2] "Algemene Voorwarden voor de uitvoering van werken voor de Dienst de Genie" approved by decision of the Minister of Defense dated Oct. 11, 1930, as last amended by like decision on June 27, 1963.

Dual distribution occurs at a number of levels—fabricating, wholesaling, and retailing. While not always harmful, when dual distribution occurs in conjunction with either predatory tactics or substantial market power it can be deadly to small businesses. At its worst it gives the dual distributor control over both the cost of goods to the independent and the sales price received by him, thereby making the independent competitor vulnerable to a price squeeze from both sides.

The subject of dual distribution has been under congressional scrutiny for a number of years. Senate Small Business Subcommittees chaired by Vice President HUMPHREY, while he was a member of the Senate, and Senator RUSSELL LONG conducted studies of its effect in the tire and plate glass industries, respectively.

During the 88th Congress, the Distribution Subcommittee of the Select Committee on Small Business conducted hearings on the effects of dual distribution in 42 different industries.

Many of the small businessmen who appeared as witnesses in these hearings stated that unless a solution is found to the problems posed by dual distribution their future will be both brief and glum. I have received a great number of telegrams and letters urging early passage of legislation to correct this loophole in our antitrust laws. I am submitting a representative group of this correspondence and ask unanimous consent that they appear in the RECORD at the conclusion of these remarks.

The press also reveals the continuing nature of this problem. On Monday of this week, Louis C. Stengel, Jr., president of the Manhattan Shirt Co., in the New York Times deplored the corrosive effect on competition of dual distribution in the men's clothing industry. The lead article in the current issue of Iron Age describes the conflict within the steel industry resulting from dual distribution by the steel mills. My subcommittee will, later in this Congress, be looking into some of these most recent developments.

But investigation and study alone—although useful—are not enough.

Both the Federal Trade Commission and the Department of Justice have stated that dual distribution is not covered by existing antitrust laws.

Clearly, small businessmen are entitled to a remedy for injuries occurring from dual distribution.

To this end, I have today introduced two bills on the subject of dual distribution. One of them is a new bill, H.R. 7706. Its short title is the Antitrust Dual Distribution Amendment of 1965. It is a result of the lengthy hearings held during the 88th Congress on dual distribution and related vertical integration by the Subcommittee on Distribution of the House Small Business Committee. The contents of the bill were contained in the recommendations of the report on those hearings and also in the recommendations of the final report of the full Select Committee on Small Business for the 88th Congress. It is a matter of great pride to me that this bill is also being introduced today in the Senate by Senator RUSSELL B. LONG. Senator LONG's work in this and related fields has earned him an entirely deserved reputation as one of our most perceptive students of the effect of the antitrust laws on small business.

I have also reintroduced another bill on this same subject—the short title of which is the Antitrust Vertical Integration Amendment (H.R. 7705). This bill was first introduced in the 87th Congress by Senator LONG and in the 88th Congress by both Senator LONG and myself. It is, in general, addressed to the same problems as my first bill, but represents a different approach which could be of value either as an alternative or a supplementary method of dealing with dual distributional problems.

Additionally, at the beginning of this Congress, on January 5, I reintroduced the Dual Distribution Reporting Act (H.R. 1578). This bill, too, was first introduced in the 87th Congress by Senator LONG and reintroduced in the 88th Congress by both Senator LONG and myself. The Select Committee on Small Business and my subcommittee have recommended that this bill receive consideration by the appropriate legislative committee.

It is my hope that these bills will be given earnest consideration in the near future by the committee to which they have been referred. No one can conclusively state that any proposed solution is the ultimate answer to this complex problem. These bills do, however, contain specific solutions that reflect the thinking of a number of us who have closely studied the problem.

Many thousands of small businessmen throughout the Nation have expressed the conviction that new legislation is imperative with respect to dual distribution if they are to have equality of opportunity to compete. Indeed, an association of trade associations, the Council on Dual Distribution, based here in Washington, has been formed for the express purpose of securing such legislation. Surely, these small businessmen are entitled to a hearing from the committee which has the power to take legislative action regarding these proposals. It seems difficult to deny their right to an opportunity to submit evidence as to the need for this legislation. It will be their responsibility to show the members of the committee that these bills are needed.

Mr. Speaker, under unanimous consent, I place in the RECORD at this point an analysis of these three bills together with the full text, which is brief, of the antitrust dual distribution amendment:

ANALYSIS

1. Antitrust Dual Distribution Amendment (H.R. 7706):

This bill may also be described as the adequate differential bill. It prohibits price squeezes if their effect may be "substantially to lessen competition or tend to create a monopoly."

The text used is the same language used in section 7 of the Clayton Act, the Celler-Kefauver antimerger statute.

It would be an amendment to the Clayton Act. Thus, since it would be part of the antitrust laws private litigants could use it as a basis for actions for treble damages or injunctive relief, or both.

2. Antitrust Vertical Integration Amendment (H.R. 7705):

This bill may also be described as the equality of supplies bill. It places internal transfers within the purview of the Robinson-Patman Act to the same extent as sales to independent customers. The Robinson-Patman Act requires that sales to competing customers of goods of like grade and quality be on proportionately equal terms. However, it does not, in its present form, apply to transfers to integrated establishments. Thus, a manufacturer may now transfer goods at a lower price to his own integrated wholesale or retail outlet than the price charged to an independent competitor. This bill would make this an illegal price discrimination. Independent customers would be entitled to the same price as that granted the integrated or captive unit.

The defenses and tests for establishing a violation presently found in the Robinson-Patman Act would be retained.

The bill would also require that during times of shortage independent customers receive the same percentage of output sold to them during normal periods. Equal speed of shipments to independents is also required by the bill.

3. Dual Distribution Reporting Act (H.R. 1578):

This bill may also be described as the reporting bill.

The reporting bill would require companies engaged in dual distribution to "publish a separate annual operating statement for each establishment of that company which (1) receives from any other establishment of that company * * * any product of that company distributed by dual distribution, and (ii) is engaged, in any line of commerce, in direct competition with one or more independent establishments, customers of that company, in the sale or resale of that product or any other product derived in whole or in part through the use or consumption of that product."

These annual published statements would identify separately the establishments on which they reported by showing "at least the following information: (1) Total annual net sales of the establishment, with sales or transfers to related establishments and sales to independent establishments itemized in separate subtotals; (2) cost of goods sold, with costs itemized to identify separately (i) cost of products purchased or received from related establishments, (ii) cost of products purchased from independent establishments, and (iii) labor costs, if any (value added within the reporting establishment before addition of markup); (3) operating overhead; and (4) net profit or loss from operations."

The annual statements for each reporting establishment would also have to show the value of benefits received by the establishment but charged to other parts of the company, as well as additions to our subtractions from the capital investment of the company in the establishment.

In addition, this bill would require "every company engaged in dual distribution" (defined in the bill to exclude smaller concerns having no substantial market power) to "publish annually statistical information disclosing, for each product produced by that company and distributed by dual distribution: (1) The aggregate dollar amount of that company's net sales of that product during the year to all independent establishments; and (2) the dollar amounts or values of net sales or transfers of that product from the producer thereof to each related establishment, identifying the establishments separately by name or other designation and location, and the respective amounts of sales or transfers of the product to each."

H.R. 7706

A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in anticompetitive pricing practices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antitrust Dual Distribution Amendment of 1965."

Sec. 2. (a) The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 730, as amended; 15 U.S.C. 12 et seq.), commonly known as the Clayton Act, is amended by inserting therein, immediately after section 2 thereof, the following new section:

"Sec. 2A. It shall be unlawful for any person engaged in commerce who, in the course of such commerce, engages in competition in the sale of commodities with those to whom he sells such commodities, or a major ingredient or component thereof which is processed by the purchaser into such commodities, to fail to maintain adequate and fair differentials between those prices charged as supplier to such purchasers and those prices charged as a competitor of such purchasers, wherein any line of commerce in any section of the country, the effect of such failure may be substantially to lessen competition, or to tend to create a monopoly."

(b) Sections 11 and 16 of that Act, as amended (15 U.S.C. 21, 26), are amended by striking out the words "sections 2, 3, 7, and 8" wherever they appear therein, and inserting in lieu thereof in each instance the words "sections 2, 2A, 3, 7, and 8".

Sec. 3. The amendment made by this Act shall take effect on the first day of the seventh month beginning after the date of its enactment.

Conference on Dual Distribution,
March 15, 1965.

Hon. James Roosevelt,
House of Representatives,
Old House Office Building,
Washington, D.C.

Dear Congressman Roosevelt: We have read with interest about the forthcoming bill that you will introduce at the 89th Session of Congress relating to the ever-increasing problems of dual distribution.

The Conference on Dual Distribution, based in Washington, D.C., at the Shoreham Building, was organized by independent businessmen from all parts of the country, because these independent business leaders recognized that dual distribution threatens their very existence. Independent business leaders never ask for special favors; independent business leaders only want an opportunity to compete in a modern marketplace.

The Conference on Dual Distribution was organized to enable businessmen to survive the major swallowing program of big business. As the months went by, those of us who are instrumental in the organization of the Conference on Dual Distribution, found that it was like pebbles being thrown into the pond—more and more ripples kept appearing on the surface of the water. Each day, more and more independent business leaders sent letters to the Conference on Dual Distribution asking how they may join and what they can do to help fight the abuses and inequities of dual distribution.

We who have been active in the fight against the evils of dual distribution know that we owe a great deal to you because of your leadership in this area. We also owe a great debt to Congressman Joe L. Evins, chairman, House Select Committee on Small Business.

We feel that your soon to be introduced bill clearly annunciates the problems faced today by the independent businessmen. We also feel that this is a step in the right direction toward an equitable solution of these problems.

We believe that it is about time that the American public awoke to the fact that unless something is done about the inequities and abuses of dual distribution that independent businessmen will go down the drains. History has also taught us that when independent businessmen are forced out of the economy that dictatorship eventually takes over in that country. It is now a matter of accepted political science thinking that no democracy can exist without a strong middle class and no middle class can exist without a strong, independent business segment of the economy.

It is tragic to report that the president of a major trade association announced at a meeting on the west coast not too long ago that he was being called into office to preside at the funeral of the industry that he loved. He looked out at the people in attendance and stated: "You are here not only as pallbearers but also as corpses-to-be."

We can assure you, Congressman Roosevelt, that our members will be writing and wiring their Congressmen indicating their support of your bill. This will take place as soon as your bill is introduced at this session of Congress. We want you to know that we support your bill and we intend to make personal contact with our Congressmen to express our very strong and determined sentiments in this matter.

One of our membership groups have informed us that consideration is being given to the franchised operations. We urge that a day in court be given to this group as well and that policies now in effect for automobile groups be extended to all franchised operations.

We will join you, Congressman Roosevelt, in making known to Members of Congress and to the American public our strong conviction that independent business must not be permitted to be swallowed up by hungry and avaricious big business.

Sincerely yours,
Lawrence Schacht,
National Cochairman.
G. F. Beall,
National Cochairman.

National Federation of
Independent Business,
San Mateo, Calif., March 11, 1965.

Hon. James Roosevelt,
Chairman, Subcommittee No. 4, House Small Business Committee, House Office Building, Washington, D.C.

My Dear Congressman Roosevelt: Now that the new Congress is in session the past few months it is our hope that some legislation will be introduced and followed through to correct the ever increasing inroads of manufacturers in key industries in dual distribution.

Hardly a week or so goes by but that someone of the federation members nationwide, all independent business and professional men, all individual members in the 50 States, totaling 200,346 as of January 28, 1965, brings to our attention the unfair competition of their manufacturer suppliers in the retail field.

Most of them are aware of the action of your committee in 1963 and 1964 in the extensive hearings on dual distribution, and the reports, in which it appeared manufacturers in 50 or more industries were charged with such practices. Your committee received testimony from witnesses from all of these industries, which also included our testimony on the opening of the hearings, as reported by our members nationwide.

They now come to us with the plea: "What is going to be done at the earliest possible moment if we are to maintain our respective individual establishments. For example—note the letter received from Mr. George N. Eskra, which is self-explanatory.

It is also to be noted in a 2-page ad in the Washington Star of last night of a major rubber company whose business is reported in excess of $2 billion per year, they announced: "Another store to serve you. Grand opening."

It's hard to believe, but this tire manufacturer's retail store has invaded other major lines of industry—TV, refrigerators, washing machines, dryers, etc., etc.

I believe it will be found that this action of yesterday is following up a similar announcement a little over 30 days ago of a similar store being opened with a great hurrah in the papers.

The advertisement of last night in the Star discloses eight stores in the metropolitan area.

That particular industry has been plagued bitterly with increasing inroads of manufacturers in that industry in dual distribution.

It is interesting to note the trend that in 1926 the independents handled 83.9 percent of the replacement tire business; 1952 reduced to 50 percent (these are all Government findings), and more recently announced by a leading national publication that the independents' position has been reduced in the replacement field to 27 percent.

Bear in mind this is one of Nation's key industries, and there is no end in sight, and the pattern is being followed by other key industries in dual distribution.

If there is going to be any decrease in unemployment something must be done in a legislative move at the earliest possible moment to prevent and prohibit dual distribution in all major lines of industry where it creates an unfair, unjust competitive condition for independents in those industries where it is existing.

Acting in my official capacity for the membership of the federation I am urging appropriate action.

Sincerely,
George J. Burger,
Vice President.

Ray Winther Co.,
March 9, 1965.

National Federation of Independent Business,
Legislative Office, Washington Building,
Washington, D.C.

Gentlemen: This letter is prompted by a bulletin from the Refrigeration and Air Conditioning Contractors' Association of Sacramento, Calif., in which they have referred to a valuable suggestion by Walter W. Baldwin, who is an active member of your federation, that we write to you concerning any problems which we have in our businesses. Our company is very active in the selling, installing and servicing of refrigeration and air-conditioning equipment, and one of the things which we face as a very serious problem today and with the prospects of it being worse in the future, is the direct sales by manufacturers of their products to user accounts at prices equal to and sometimes lower than the prices which these same manufacturers will sell to us or any other contractors who are buying for resale.

There are various ways that many of these manufacturers use to distribute their merchandise through various channels at advantages to themselves and which leave the independent contractor in a very difficult and sometimes embarrassing position to deal with his old-line established accounts. The

House Small Business Committee in Washington has been conducting many hearings over the past year or more having to do with these practices, and recently two bills have been introduced having to do with the updating and strengthening of antitrust laws and also the requirements of businesses reporting separately on the facets of their operating having to do with the costs of operating their various methods of distribution. Any support that your federation might give to these bills or anything that your federation might do to remedy these distribution evils would certainly be helpful to the independent business operator.

Sincerely,

GEORGE N. ESKRA,
Executive Vice President.

WASHINGTON, D.C.,
March 15, 1965.

Hon. JAMES ROOSEVELT,
Chairman, Subcommittee on Distribution, House Small Business Committee, House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The National Association of Wholesalers have followed with great interest your penetrating hearings on dual distribution. Our association is composed of 43 national commodity line wholesale associations which are comprised of over 18,000 wholesale-distributor firms.

Of particular interest was your attention to the Federal laws and regulations which govern the business practices of vertically integrated organizations in contrast to the laws and regulations governing independent levels of distribution. Wholesale distributors and their customers, the independent retail merchants, contractors and service establishments, have long been troubled by certain Federal activities restricting exclusive territories, cooperative advertising of prices, and similar practices. They have long noted that when the manufacturer-wholesaler-retailer levels are under common ownership, the Federal Government permits business practices which would be banned if these levels were independent of each other.

The hearings of the Subcommittee on Distribution have established a clear and comprehensive record now available for study by both the business community and the Congress. Those who are interested in the economic survival of small business will find a wealth of information on federally imposed handicaps on these firms in competing with integrated companies. You are to be commended for providing this information. We look forward to the introduction of legislation which will afford small business greater opportunity to compete.

Sincerely yours,

JOHN T. KIRK,
President.

PAINT & WALLPAPER DEALERS ASSOCIATION OF GREATER NEW YORK, INC.,
March 12, 1965.

Congressman JAMES ROOSEVELT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: Dual distribution represents the most serious problem for small retailers and merchants in the paint and wallpaper industry. We are convinced that legislation is needed to assure equality of opportunity to compete against large manufacturers and suppliers of our industry's products.

We fully support your proposed legislation and hope your position will be sustained by the Congress. The board of directors of the Paint & Wallpaper Dealers Association of Greater New York has adopted a resolution to this effect.

Sincerely yours,

EPHRAIM J. FABER,
Executive Director.

CHICAGO, ILL.

Hon. JAMES ROOSEVELT,
U.S. House of Representatives,
House Office Building,
Washington, D.C.:

The automotive service industry association, with over 5,000 independent automotive wholesalers, warehouse distributors, parts rebuilders, and manufacturers support your continued interest in the growing economic problem of dual distribution wherein large integrated manufacturers compete with their own customers. We are greatly interested in legislative proposals to correct these abuses.

J. L. WIGGINS,
Executive Vice President, Automotive Service Industry Association.

CLEVELAND, OHIO,

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished products. This bill is very desirable from our viewpoint as a small manufacturing company we have been concerned about the problem of dual distribution by the giant integrated producers as this problem has become worse from year to year.

DEMSEY & ASSOCIATES, INC.

LOS ANGELES, CALIF.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We wish to advise you of our interest in and support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We, as an independent fabricator, have a vital interest in the success of this legislation. The independent fabricator is the victim of a price squeeze exerted by the large integrated mills who effectively control the domestic price of our raw material and at the same time compete with us when selling the end product in the marketplace. The spread between the raw materials and finished product as established by the integrated mills does not provide a sufficient profit margin for survival.

H. L. WARNER,
President, P I Steel Corp.

RAHWAY, N.J.

Hon. JAMES ROOSEVELT,
Representative, House Office Building,
Washington, D.C.:

As an independent wire drawer we fully support your bill for fair pricing on dual distribution industries. The price squeeze in the steel wire industry is becoming tighter due to dual distribution position of the integrated steel mills. Independents are having more difficulties each year to survive due to this unfair competition.

REPUBLIC WIRE CORP.,
NORMAN GELLER.

EVERETT, MASS.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

As a small independent manufacturer we heartily support your proposed legislation designed to control the price spread between raw material and finished products furnished by vertically integrated producers. Under the present dual distribution system, the integrated steel industry prices furnished goods at the same or lower prices than the raw material used to produce them where independent competition exists. We feel that the measure of protection afforded by your bill is the minimum necessary for the continued existence of the small independent in the steel industry.

ATLANTIC STEEL & TRADING CO.,
HENRY ROBERTS.

HOUSTON, TEX.

Hon. JAMES ROOSEVELT,
Washington, D.C.:

We wish to offer our support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We as a small independent fabricator have a vital interest in the success of this legislation. The independent fabricator is the victim of a price squeeze exerted by the large integrated mills who have effectively controlled the domestic price of our raw materials and at the same time compete with us when selling the end products in the marketplace. The spread between the raw material and finished products, as established by the integrated mills, does not provide a sufficient profit margin for survival.

JOHN R. WEST JOISTS, INC.

WARWICK, R.I.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

Our small independent concrete bar fabricating plant supports passage of your forthcoming bill designed to ease economic problems created by dual distribution. Subjected to tragic price squeezes exerted by the large integrated mills we have on various occasions practically been priced out of the concrete bar market. We sincerely hope that your act cited as "Antitrust Dual Distribution Amendment of 1965" will be favorably enacted by the Senate and House of Representatives of the United States. Copies of this wire are to be sent to Senators PASTORE, PELL, and Representatives FOGARTY and ST GERMAIN, of Rhode Island.

PLANTATIONS STEEL CO.,
ALEXANDER A. DIMARTINO,
President.

LAWRENCE, MASS.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished products. This bill is very desirable from our viewpoint. As a small manufacturing company we have been concerned about the problem of dual distribution by the giant integrated producers as this problem has become worse from year to year.

AARON J. NAISULER,
Northeast Aluminum.

JACKSONVILLE, FLA.

Hon. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

We are delighted to hear of your imminent intention to introduce a bill which is designed to correct the problems created by dual distribution. As an independent manufacturer of steel wire products we are at the mercy of the integrated mills who establish the sale price and compete with us in the sale of end products and at same token as a supplier of our raw materials effectively control our spread between the cost of our raw material and the sale price of our finished products. This spread is inadequate and does not provide sufficient margin for survival.

E. DANCIGER,
President, Florida Wire & Cable Co.

CHICAGO, ILL.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We wish to offer our support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We, as a small independent fabricator have a vital interest in the success of this legislation. The independent fabricator is the victim of a price squeeze exerted by the large integrated mills who effectively control the domestic price of our raw materials and at the same time compete with us when selling the end products in the marketplace. The spread between the raw materials and the finished products as established by the integrated mills does not provide a sufficient profit margin for survival.

JONES & MCKNIGHT, INC.,
G. A. MCKNIGHT, Jr.

DALLAS, TEX.

Congressman JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

As an independent wire fabricator, I heartily endorse your efforts to remedy the injustices of dual distribution. Dual distribution in the wire industries is getting worse every day and the situation of the independents is becoming more precarious. Your bill will do much to strengthen a free marketplace and will make it possible for many small independents to compete against the giants in this industry. I appreciate your concern in this matter.

HALCO FENCE & WIRE CO.,
H. A. LAWRENCE.

KANSAS CITY, MO.

Congressman JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

As an independent wire drawer and fabricator, we support the effort you are making to correct dual distribution ills. The situation in the wire product industries is getting worse with each passing day. Position of the dependent is almost untenable now. Your bill will greatly aid in the establishing of a free healthy market and will allow the independent to compete with the giant. We hope your colleagues will quickly follow your lead.

H. BROSKI BROS., INC.,
S. M. BROSKI, Jr.

CHICAGO, ILL.

Hon. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

Wire Sales Co. is an independent wire fabricator. We want you to know that we heartily endorse your efforts to remedy the many injustices of dual distribution. In the steel wire and wire products industry dual distribution is progressively increasing every day and the situation of the independent wire fabricators is becoming very serious. Even our continued existence is threatened and very precarious. Your bill will do much to strengthen a free marketplace and should permit independent companies like ourselves to fairly compete against the industrial giants. We sincerely appreciate your work in this direction.

F. C. MUNTWYLER,
President, Wire Sales Co.

NEW ORLEANS, LA.

Representative JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished products. This bill is very desirable from our viewpoint. As a small manufacturing company we have been concerned about the problem of dual distribution by the giant integrated producers as this problem has become worse from year to year.

SOUTHEAST STEEL & WIRE CORP.

MIAMI, FLA.

Hon. JAMES ROOSEVELT,
House Office Building,
Washington, D.C.:

As a small independent manufacturer we heartily support your proposed legislation designed to control the price spread between raw material and finished products furnished by vertically integrated producers. Under the present dual distribution system the integrated steel industry prices finished goods at the same or lower prices than the raw material used to produce them where independent competition exists. We feel that the measure of protection afforded by your bill is the minimum necessary for the continued existence of the small independent in the steel industry.

FLORIDA WIRE PRODUCTS CORP.,
J. A. REAGAN.

JACKSONVILLE, FLA.

Hon. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

We wish to offer our support for your forthcoming bill designed to correct some of the economic problems by dual distribution. We, as a small independent fabricator of steel wire reinforcing fabrics, have a vital interest in the success of this legislation. The independent fabricator is the victim of a price squeeze exerted by the large integrated mills who effectively control the domestic price of our raw material in the form of wire rods and at the same time compete with us when selling the end product in the marketplace. The spread between the raw material and finished product as established by the integrated mills does not provide a sufficient profit margin for survival.

J. W. SPOOR,
President, Ivy Steel & Wire Co.

RIVERSIDE, CALIF.

Congressman JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

We greatly appreciate your efforts to straighten out the unfair dual distribution practices of the steel wire and wire products industry. We as an independent cannot long survive without the help of your bill. Keep up the good work.

GENERAL STEEL & WIRE CO.
JAMES E. SMITH.

PHILADELPHIA, PA.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We wish to offer our support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We as a small independent fabricator have a vital interest in the success of this legislation. The independent fabricator is the victim of a price squeeze exerted by the large integrated mills who effectively control the domestic price of our raw materials and at the same time compete with us when selling the end product in the marketplace. The spread between the raw materials and finished product as established by the integrated mills does not provide a sufficient profit margin for survival.

MICHAEL FLYNN MANUFACTURING CO.,
L. STARR.

NEW ORLEANS, LA.,
March 18, 1965.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

As a small independent manufacturer of steel drums, we heartily support your proposed legislation designed to control the price spread between raw material and finished product furnished by vertically integrated producers. Under the present dual distribution system the integrated steel industry prices steel drums to certain users at lower prices than costs to produce them where independent competition exists. We feel that the measure of protection afforded by your bill is the minimum necessary for the continued existence of the small independent in the steel fabrication industry. We wish to offer our support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We, as the small independent fabricator, have a vital interest in the success of this registration. The independent fabricator is the victim of a price squeeze exerted by the large integrated mills, who effectively control the domestic price of our raw materials and at the same time compete with us when selling the end product in the marketplace. The spread between the raw material and finished product as established by the integrated mills does not provide a sufficient profit margin for survival. We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished product. This bill is very desirable from our viewpoint. As a small manufacturing company we have been concerned about the problem of dual distribution by the giant integrated producers as this problem has become worse from year to year.

ROBERT G. EVANS,
President, Evans Cooperage Co., Inc.

MIAMI, FLA.,
March 18, 1965.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished products. This bill is very desirable from our viewpoint as a small manufacturing company. We have been concerned about the problems of dual distribution by the giant integrated producers as this problem has become worse from year to year.

MIAMI WINDOW CORP.,
ROBERT RUSSELL,
President.

BETHLEHEM, PA.,
March 17, 1965.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

Bethlehem Fabricators, Inc., enthusiastically supports your forthcoming bill to amend the Clayton Act. The large integrated mills who control the domestic price of our raw materials also compete with us when selling the end product. Your bill, designed to assure a definite price spread between the raw material and the finished product, is necessary to provide a sufficient profit margin for survival of small independent companies. May you be successful in your efforts to correct some of the economic problems created by dual distribution.

BETHLEHEM FABRICATORS, INC.,
PARKE W. MUSSELMAN.

YOUNGSTOWN, OHIO,
March 17, 1965.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished products. This bill is very desirable from our viewpoint. As a small manufacturing company we have been concerned about the problem of dual distribution by the giant integrated producers as this problem has become worse from year to year.

THE AEROLITE EXTRUSION CO.,
THOMAS E. HUTCH,
President.

NEW YORK, N.Y.,
March 17, 1965.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished products. This bill is very desirable from our viewpoint. As a small manufacturing company we have been concerned about the problem of dual distribution by the giant integrated producers as this problem has become worse from year to year.

CAPITOL STEEL CORP.

HILLSIDE, N.J.,
March 15, 1965.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We wish to offer our support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We as a small independent fabricator have a vital interest in the success of this legislation. The independent fabricator is the victim of a price squeeze exerted by the large integrated mills who effectively control the domestic price of our raw materials and at the same time compete with us when selling the end product in the marketplace. The spread between the raw materials and finished product as established by the integrated mills does not provide a sufficient profit margin for survival.

SCHACHT STEEL CONSTRUCTION, INC.,
LAWRENCE SCHACHT, *President.*

NEW YORK, N.Y.,
March 12, 1965.

Congressman JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

Understand you are about to introduce legislation on dual distribution. Your continued interest in this area of our economies is essential to continuing prosperity of not only our membership but the Nation as a whole. Wish to assure you of support of legislation dealing with dual distribution. Would appreciate advance copies of suggested bills for distribution to membership for support.

DONN H. BYRNE BEAUTY & BARBER
SUPPLY INSTITUTE.

WASHINGTON, D.C.,
March 10, 1965.

Congressman JAMES ROOSEVELT,
House Office Building,
Washington, D.C.:

The Independent Wire Drawers Association fully supports your bill to provide for preservation of fair market conditions in dual distribution industries free from squeeze tactics and monopolistic sharp shooting.

INDEPENDENT WIRE DRAWERS ASSOCIATION.

WASHINGTON, D.C.,
March 12, 1965.

Hon. JAMES ROOSEVELT,
Chairman, Subcommittee on Distribution of the House Small Business Committee,
House Office Building, Washington, D.C.:

We appreciate your subcommittee's extensive investigation of the impact upon small business of dual distribution and we look forward to introduction of legislation that will correct the abuses of dual distribution.

HAROLD O. SMITH, Jr.,
Executive Vice President, United States Wholesale Grocers Association.

TAUNTON, MASS., *March 15, 1965.*

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We wish to offer our support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We, as a small independent fabricator, have a vital interest in the success of this legislation. The independent fabricator is the victim of a price squeeze exerted by the large integrated mills, who effectively control the domestic price of our raw materials and at the same time compete with us when selling the end product in the marketplace. The spread between raw materials and finished product as established by the integrated mills does not provide a sufficient profit margin for survival.

EDWIN ROSENBERG,
President, Royce Aluminum Corp.

MINEOLA, N.Y.,
March 15, 1965.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We wish to offer our support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We as a small independent aluminum extruder have a vital interest in the success of legislation. The independent extruder is the victim of a price squeeze exerted by the large integrated primary aluminum producers who effectively control the domestic price of our raw materials and at the same time compete with us when selling the end product in the marketplace. The spread between the raw materials and the finished product as established by the integrated prime aluminum producers does not provide a sufficient profit margin for survival.

U.S. EXTRUSIONS CORP.,
ARMAND M. KNOFF.

WASHINGTON, D.C.,
March 12, 1965.

Congressman JAMES ROOSEVELT,
House Office Building,
Washington, D.C.:

The candy wholesaling industry and our membership of approximately 1,000 wholesalers is indebted to you and Subcommittee No. 4 of the House Small Business Committee for your thorough investigation of the dual distribution practices in the confectionery and other fields and we shall await with interest your legislative proposals to remedy the faults of this system of distribution, particularly in the area of price differentials where businesses compete with their customers in the market place.

C. M. MCMILLAN,
Executive Secretary, National Candy Wholesalers Association, Inc.

DUNDALK, MD.,
March 10, 1965.

Hon. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

Your committee's vigorous action against dual distribution policies as practiced by integrated steel mills among others receives our unequivocal and appreciative support. Our company one of many independent wire and steel fabricators who make up small but important segment of small business now at mercy of administered pricing policies of big steel oligopoly.

H. C. YOUNGEN,
President, National Wire Products Corp.

HOUSTON, TEX., *March 11, 1965.*

Representative JAMES ROOSEVELT,
House Office Building,
Washington, D.C.:

We strongly support the legislation you intend to introduce requiring the major integrated mills to maintain a price spread between their selling price of raw material and the finished product. We are constantly faced with the situation of being offered raw material from the major mills at a price just below the price at which they are selling the finished product which both they and we manufacture from the raw material. The situation has been worsening over the years and the small independent mills are being slowly squeezed out of business. We sincerely appreciate your support.

H. M. CRAFT,
Vice President, Texas Steel Fabrics, Inc.

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. KLUCZYNSKI] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KLUCZYNSKI. Mr. Speaker, during the 88th Congress, it was my pleasure to serve as a member of the Subcommitte on Distribution of the House Small Business Committee. This subcommittee, which was ably served by my friend and colleague, the Honorable JAMES ROOSEVELT, received testimony from small business representatives from over 40 industries.

The record so compiled clearly established that dual distribution in many instances presents problems of a most serious nature to many small businessmen throughout the Nation. In my opinion, it is of the utmost importance that equal opportunity to compete be assured small businessmen confronted with price squeezes and other byproducts of dual distribution.

It is my hope that the bills introduced on this subject by Congressman ROOSEVELT will receive an early hearing and that this body will have an opportunity to favorably vote upon them. Congressman ROOSEVELT is to be commended for the diligence which he has shown in exploring these dual distributive problems and for placing these possible solutions before us for our consideration.

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. STEED] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STEED. Mr. Speaker, as a Member during the 88th Congress and of the Subcommittee on Distribution of the House Small Business Committee, I know from hearing the testimony of witnesses from a great number of industries, the importance of finding a workable solution to the problems posed to small busines by dual distribution. These hearings covered over 40 industries. As a result of the testimony and evidence received, I am convinced that in many instances dual distribution has had a most serious impact upon the small business sector of our economy.

The bills introduced by my distinguished colleague, the Honorable JAMES ROOSEVELT, deserve an early hearing and the most serious consideration by this body. Congressman ROOSEVELT is to be commended for the considerable time and effort which he has expended in investigating dual distribution problems in placing these bills which represent possible solutions before us.

ALLEGED VOTING IRREGULARITIES IN ARKANSAS

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LAIRD. Mr. Speaker, I request that following my remarks several articles dealing with the alleged voting irregularities in the State of Arkansas be included in the RECORD.

Particularly interesting is the record of Governor Faubus' home county of Madison which reportedly in 1954 gave the Governor the votes of 100.4 percent of the eligible poll tax holders.

One article reveals that in 1961, voters in predominantly Republican Venus Township showed up at the polls to find no ballot box, no poll books, and no tally sheets, among other missing items. Evidently some of them managed to vote in neighboring townships, but one Republican official was quoted as mourning the overall loss by saying, "60 votes may not seem much, but they mean a lot in Madison County."

A number of these news stories recount the frustration of Republican officials in their efforts to copy the voting records following last fall's election. Three attempts were made in November, but the Madison County clerk, Charles Whorton, refused the Republicans each time. On November 25, a suit was filed in Madison County chancery court to produce the records. After two postponements, the suit was heard on December 9 and a writ of mandamus issued. Immediately after the hearing the records were requested, and the request was repeated 5 days later. Then, Whorton appealed the court's decision to the State supreme court.

Republicans filed suit again, and again there were two postponements before it was finally heard on January 6. Republicans lost the suit as Chancellor Thomas Butt ruled that the party had not supplied sufficient evidence to prove the records had been denied. So, a formal request, in writing, was made on January 8. Three days later, Republican officials returned to the clerk's office, and one of them allegedly was struck on the side of the head when he asked to see the clerk.

Relying on chivalry, as one reporter put it, four Republican women went to the clerk's office the next day and were refused in their request to see the records. On January 13, these same women tried in vain to see the Governor himself. That night all of the voting records were stolen from the clerk's office. A short time later, a reward of $1,000 was made for information leading to the arrest of the thieves, which prompted the Marked Tree Tribune to comment:

> Somehow we don't think the reward is the highest bid offered for those records, and we don't look for them to turn up anytime soon as a result of that offer.

An editorial in the Arkansas Gazette summarized the situation by stating:

> Public records ought by any rational standard to be available for copying as well as for inspection. The reason they are public records is so that interested parties can make inquiry into public business. If an election is not public business, nothing is. If Republicans are not interested parties in a general election, no one is.

Mr. Speaker, I cannot vouch for the validity of all of these charges. But I do feel that when such a volley of accusations is made by reputable persons and papers, they should be brought to the attention of the House for possible investigation by one of the committees. Certainly it is an appropriate matter for the Congress to look into while it is considering the voting rights bill.

The articles and editorials referred to follow:

[From the Arkansas Gazette, June 28, 1961]

ELECTION TROUBLE IN MADISON COUNTY: REPUBLICAN VOTERS FIND NO BALLOTS

HUNTSVILLE, June 27.—Voters in Madison County's predominantly Republican Venus Township showed up at the polls this morning only to find there were no election materials and no ballot box.

By late this afternoon election judges and clerks from the township still were unable to locate the materials and voters were having to vote in neighboring townships.

There seemed to be no explanation as to why the materials were missing or where they were—or why additional materials could not be obtained. There also was some concern among Republicans over whether it was legal for Venus Township voters to ballot in other precincts.

There are about 70 eligible voters in the township, Republican officials said, and about 60 of these are Republicans.

The GOP ran a writein candidate, Essie Barker, of Hindville, against Governor Faubus' son, Farrell, in the Madison County representative race today. Returns tonight showed Farrell Faubus way ahead.

Madison County is Mr. Faubus' home county. About half the county's voters are Republican.

"Those 60 votes may not seem much but they mean a lot in Madison County," a Republican spokesman said.

Sheriff Noah Leathem, a Democrat, said the Venus Township voters were voting in Bowen Township.

"There wasn't enough interest to hold an election at Venus," he said.

J. Dwight Steele, of Huntsville, Republican county chairman, said on hearing Leathem's statement, "No interest, huh?" He laughed, then said, "I'll have to reserve my comment on that."

Steele said that if the polling place had been changed he had not been notified. He said several voters, two election judges, and a clerk appeared at the polling place this morning.

The sequence of events in Venus Township, pieced together by telephone calls to Steele and others at Huntsville went something like this:

When the voters and the election officials, two of whom were Republicans, found no ballot box and no election materials (poll books, blank certificates, tally sheets and envelopes) they contacted Steele and asked him if he knew where the materials were.

The officials were told to check with Sheriff Leatherm and County Judge Clarence Watson. Both of these men said they knew nothing about the situation. Steele said Venue election officials were led to believe the election materials had been given to an election judge—Dewey Reynolds (a Democrat) to take to the polls.

Reynolds, who had not appeared at the polling place was found at his home. He told the officials that he had informed the county election commission he would not serve as a judge and said he didn't have any idea where the materials were.

Steele said the officials then returned to the courthouse at Huntsville and "contacted two or three people but nobody seemed to know where they (the election materials) were."

Some of the Republicans asked Judge Watson and Sheriff Leatherm how they could get additional election forms and a ballot box to open the polls in the Venus precinct.

"The sheriff said he didn't know anything about it." Steele said, "and the judge said it wasn't any of his business."

The Republicans then contacted the party's general counsel, Graham Hall of Little Rock, and asked him what to do about the matter.

Hall told them that as far as he was able to determine, the voters who were unable to secure ballots in their own precinct should vote in neighboring precincts or at the county clerk's office.

[From the Union Labor Bulletin, Arkansas AFL–CIO publication]

VOTING SCANDALS IN ARKANSAS POINT TO NEED FOR NEW LAW

Only about a third of Arkansans 21 and over vote in the most exciting of State elections, but some persons make up for the poor showing.

They vote two and three times. Some vote without knowing it. Some vote in two States at the same time. Some rise from the grave to cast a ballot.

In Stone County, for instance, 310 of the 3,441 residents who paid their poll taxes last fall, aren't on the poll tax list in the county clerk's office.

It's just a matter of honest error, Sheriff Cullen Jake Storey says of the 9-percent discrepancy between the list and the poll taxes sold.

"I've never seen a list yet that checked out 100 percent. There's always going to be some names left off—by the collector, the clerk, or the printer."

Sheriff Storey, who is running for reelection, managed to sell poll taxes to 92.5 percent of the Stone County residents listed as 21 and over by the Federal census in 1960. Since the Stone County population dropped by 173 between 1940 and 1950 and by 433 between 1950 and 1960, it can be assumed that the percentage of adults who bought poll taxes last fall should be even higher than 92.5. Sheriff Storey did a remarkable job of selling poll taxes considering that, in the State as a whole, only 60.7 percent of the adults counted in the 1960 census paid the tax.

NOT UNUSUAL

There is some evidence to show that the Sheriff is right when he says errors in the poll tax list are in no way unusual.

In Lafayette County, Jack McClendon was astonished to find in 1962 the name of one of his employees, a Negro woman named Mrs. Margarine Turner, listed twice as "Margarine Turner" and "Margene Turner." Mrs. Turner was equally astonished.

They turned to another page in the book and Mrs. Turner spotted the names of her seven brothers and one sister. She said they had no business in the poll tax book because none of them had paid the poll tax. One of the brothers had lived in Texas 15 years and the sister had lived there 7 years.

The prosecuting attorney, Royce Weisenberger, of Hope, later found two affidavits to which someone had signed Mrs. Turner's name. The affidavits were used to buy poll tax receipts in her name through the mail. But Mrs. Turner didn't use the mail to pay her poll tax; she paid it in person at the courthouse.

On June 27, 1961, in Madison County, voter's showed up in the predominantly Republican Venus Township at the polls and found no election materials and no ballot box. By late afternoon of the election day, the judges and clerks were still unable to locate the materials and voters were having to vote in neighboring townships.

About 60 of the 70 eligible voters in the township were Republican.

"Those 60 votes may not seem much but they mean a lot in Madison County," a Republican spokesman said.

In December 1961 the Women's Emergency Committee for Public Schools learned from precinct workers that the returns for precinct C of the Third Ward should have been 191 votes for Ted Lamb and 21 for Dr. James G. Stuckey. The returns had given Ted Lamb 95 votes and Dr. Stuckey 96.

On May 8, 1964, Dale D. Swain resigned from the Morrilton City Council, charging that democracy in Morrilton, Conway County, and Arkansas had failed.

In a letter to the council, Swain said that he had "watched in helpless disgust as the needs of the citizens of Morrilton have been bypassed and ignored in favor of the demands of the few. * * * Thus has democracy in Morrilton, Conway County, and Arkansas faltered and finally failed."

The Lonoke County grand jury returned no indictments after investigating the August 1960 Democratic runoff primary for State senator, but concluded "there were many irregularities if not criminal acts committed, but they were of such a general and inconclusive nature that we did not feel any one or few persons could be singled out * * *."

One of the recommendations the grand jury made was that a voter list and certificate of judges and clerks should be posted at each polling place.

At Texarkana, a department store manager was indicted for altering ballots in the July 1960 Democratic primary.

The permanent voter registration law now being sought wouldn't eliminate all the election fraud in Arkansas. But it would help.

Each voter would have to appear in person before the county clerk to register. He would sign his own name in the registration book and the signatures would be checked when he went to vote.

No longer could poll taxes be bought for persons not present and without their knowledge.

EIGHTY CASES REPORTED OF SHODDY, ILLEGAL ELECTION PRACTICES

Illegal and shoddy election practices were reported across the State in this summer's primaries and are cause for alarm the director of the new Election Research Council, Inc., said Monday.

John H. Haley, a Little Rock lawyer who directs the group founded recently to make a detailed study of Arkansas election procedures, said some 80 reports of violations had been received from election officials, voters, poll watchers and legislators.

"Many of the reports have been confirmed," Haley said, "and I must say that our election process is in a sorry state."

He said he intended to forward reports of more flagant violations to the prosecuting attorneys for investigation.

Haley listed seven of the most common election violations of State law reported to the organization:

1. Lack of voting booths in nearly every precinct in the State, even though voting booths are required by law.
2. Widespread double voting.
3. Shoddy and haphazard counting of ballots.
4. Electioneering so close to the polls as to violate the law.
5. Failure to post voting results.
6. Illegal issuance of poll tax receipts.
7. Allowing unauthorized persons to aid in counting ballots.

"Perhaps most disturbing, because most common," Haley said, "is the obvious indifferent attitude of a number of election officials—indifference to what the law is, and indifference to that trust with which they are charged, that of seeing that the wishes of a free electorate may be expressed."

STATEWIDE REPORTS

Haley said reports have come from all over the State by mail, telephone and through personal contacts.

"By and large," he said, "the majority of reports about election irregularities point to the fact that there is slipshod administration."

Haley said that so long as there is disregard for the conduct of elections efforts to study and codify the laws will serve no purpose.

He said that lawyers, working with the council, are preparing a series of brief weekly articles illustrating violations of the law with actual examples observed at the polls this summer.

Haley also strenuously denied that the Election Research Council, Inc., is associated with any political candidate. He said an editorial in Monday's Gazette that indicated the belief that Winthrop Rockefeller had some role in setting up the council is in error.

"There is no money in this organization other than contributed by the board of directors," Haley said. "We have not received a dime from any candidate for political office."

He said that private individuals have indicated a desire to contribute, and are in the process of doing so.

The board, besides Haley, includes State Representative Hardy W. Croxton, of Benton County; Mrs. E. E. Elkins of Fort Smith, State president of the League of Women Voters; former State Senator Sam Levine of Pine Bluff, and Field Wasson, a lawyer and vice president of the Bratt-Wasson Bank at Siloam Springs.

Haley said the council welcomed inquiries and recommendations, which may be addressed to Post Office Box 1385, Little Rock.

[From the Arkansas Gazette, Aug. 20, 1964]

ABSENTEE BALLOTING MADE TO ORDER FOR ELECTION CROOKS

(By Karr Shannon)

It is easily possible for illegal absent ballots to be of sufficient number to win an election—in county, district, or State. In fact, the State's laws setting forth the ways and means of absentee voting couldn't be more appropriate for election crooks if they had been designed solely for the purpose of vote stealing.

Section 3.1110 of the Arkansas statutes reads as follows: "Any person who expects to be absent from his voting precinct on the day of such election, or primary, may appear before the county clerk, cast his vote and seal the same. Said voter shall execute an affidavit stating, among other things, his residence, if in town or city, as accurately as the same may be done; said affidavit to be made on a form prepared by the county clerk and attached to said ballot, declaring the same to be his ballot, and said ballot and said affidavit signed by the voter."

Section 3.1111 adds: "Any person not in the Armed Forces being absent from his or her regular voting place, and in or out of the State of Arkansas, may apply by letter to the county clerk for a ballot, as provided herein, and it shall be the duty of said clerk to forward said person a ballot for the purpose of voting, and accompany the same with a statement that they are necessarily away from home, and will not vote again in the primary. Any person in the Armed Forces, being absent from his or her regular voting place, and in or out of the State of Arkansas, may apply by letter to the county clerk for a ballot, as provided herein, or any member of the family of said person or persons in the Armed Forces may apply to the county clerk for a ballot, and it shall be the duty of said clerk to forward said person a ballot for the purpose of voting, and accompanying the same with the statement that they are necessarily away from home, and will not vote again in the primary * * *."

WHAT ABOUT POLL TAX?

This law, passed in 1927, does not require the clerk to mark or stamp the voters' poll tax receipt, as is required of a judge at each precinct voting place; it doesn't even require the clerk to ascertain that the voter has a poll tax receipt. It doesn't require a man or woman writing the clerk for an absentee ballot to prove possession of a poll tax receipt. (The State constitution was amended in 1944 to permit those serving in the Armed Forces to vote without having paid a poll tax.)

There is little but a moral code and conscience to prevent an absentee voter from voting again, on the day of election, at a precinct voting place. His poll tax receipt does not show that he has voted an absentee ballot. Fact is, hundreds of unscrupulous persons may vote absentee ballots—and never leave town; they vote again on election day. There has been ample evidence to prove that people living outside the county, with established residence, still vote absentee ballots in the home county. Some have lived for years outside the State and are no longer citizens of Arkansas, but they still vote "back home" via absentee ballot. They must sign an oath, but a false oath means nothing to a person unscrupulous enough to knowingly cast an illegal vote.

RESPONSIBLES DUCK

Since the clerk is not required to make investigations of an applicant's voter qualifications, even to finding out whether or not he or she has a poll tax receipt, our absentee ballot system is wide open for graveyard voting, multiple voting, and even to the voting of persons who never existed.

Absentee balloting seems to grow more corrupt with each election. The steady increase in the number of absentee ballots cast, especially in sparsely populated counties, apparently arouses no suspicion, no interest. Grand juries do nothing about it. Sheriffs and other law-enforcement officers do nothing. Prosecuting attorneys register no alarm, certainly no aggressiveness. When such matters are brought to the attention of the State's attorney general he invariably finds some way to sidetrack or duck the issue. When the Governor is approached he seems to be vitally unconcerned.

Our absentee balloting system, as it functions, is the core of election corruption. The very laws are so designed as to invite and encourage corruption. The laws should be made stricter; the penalties for violation should be more severe; enforcement agencies should be alerted to action. If this cannot be done, then next year's legislature should repeal—in toto—the absentee ballot laws.

[From the Arkansas Gazette, Nov. 7, 1962]

FBI GETS SEVERAL COMPLAINTS ABOUT IRREGULARITIES IN VOTING

The FBI said last night that it had received several complaints of voting irregularities in yesterday's general election in Arkansas, and would forward them to the Justice Department in Washington for a decision on whether to make an investigation.

A spokesman for the Little Rock FBI office said that most of the complaints concerned the handling of absentee ballots and the alleged refusal of some election officials to allow poll watchers inside the polling places. The spokesman declined to say what counties the complaints came from.

After the July 29 Democratic primary, complaints were received by the FBI that poll watchers were denied access to polling places in Conway and Mississippi Counties. A report on the matter was sent to the Justice Department, where it died, presumably because no violation of Federal election laws was involved.

U.S. Attorney Robert D. Smith, of Little Rock, said after the July 29 primary that Federal election laws dealt primarily with fraud—anything that would deprive an elector of his right to vote or of an honest count of his ballot—but did not cover matters that had no direct bearing on the results of the election.

The question of whether poll watchers may be present in a polling place during the time of the voting is one for interpretation by the State supreme court, Smith said, since it involves State election laws. There is considerable difference of opinion among Arkansas election officials about whether poll watchers for a candidate may be in the polling place during the day, or only while the ballots are being counted.

[From the Gazette State News Service, Dec. 2, 1964]

HEARING DELAYED IN GOP VOTE SUIT

HUNTSVILLE.—Chancellor Thomas Butt of Fayetteville has continued until 10 a.m. next Monday a hearing on a suit asking that Madison County Clerk Charles Whorton, Jr., be ordered to allow Republican workers to copy the county's voter lists.

The suit was filed last week by Joe Gaspard, of Fayetteville, a fieldworker for the State Republican Committee. A hearing was to have been held Monday but Whorton's attorney was out of town.

Gaspard said that Whorton allowed Republican workers to look at the voter lists last week but that Whorton said he wasn't required to allow the workers to copy them.

[From the Times Echo, Eureka Springs, Ark., Dec. 3, 1964]

HEARING DELAYED IN GOP VOTE SUIT

Chancellor Thomas Butt, of Fayetteville, has continued until 10 a.m. next Monday, a hearing on a suit asking that Madison County Clerk Charles Whorton, Jr., be ordered to allow Republican workers to copy the county's voter lists.

The suit was filed last week by Joe Gaspard of Fayetteville, a field worker for the State Republican committee. A hearing was to have been held Monday but Whorton's attorney was out of town.

Gaspard said that Whorton allowed Republican workers to look at the voter lists last week but that Whorton said he wasn't required to allow the workers to copy them.

[From the Arkansas Gazette, Dec. 11, 1964]

ODD CONTEST

It is an odd contest Democrats and Republicans are waging in Madison County. At stake is not office, honor or any other generally accepted political prize. The Democrats, in the person of County Clerk Charles Whorton, Jr., instead require the Republicans to contest for the very public records of more conventional competitions.

The Republicans finally got the Democrats into court last week, and procured an order permitting them to copy county voter lists. Even after the order had been issued, Mr. Whorton denied the Republicans access to the lists, explaining that he was planning to appeal the judge's order. The Republicans also asked to copy absentee ballot applications, and were denied permission to do so. They'll go back to court in quest of this permission.

There appears slight legal question in the case: Public records ought by any rational standard to be available for copying as well as for inspection. The reason they are public records is so that interested parties can make inquiry into public business. If an election is not public business, nothing is. If Republicans are not interested parties in a general election, no one is.

In the nature of things, a county clerk ought to be primarily an administrative officer who keeps records and performs other essentially nonpolitical functions. Democracy is in a sorry state when a county clerk has to be taken to court before he will furnish his political opposition full access to election records.

[From the Arkansas Gazette, Dec. 23, 1964]

MADISON CLERK APPEALS ORDER TO OPEN LISTS

HUNTSVILLE.—Madison County Clerk Charles Whorton, Jr., has filed notice that he intends to appeal a chancery court order telling him to allow Republican field workers to copy the voter lists for the November 3 election.

Whorton filed a notice of appeal to the State supreme court and posted a supersedeas bond Thursday, and Tuesday a State Republican official charged that the appeal was simply a delaying tactic.

Joe Gaspard and Otto Smith, the field workers, filed suit after the election, asking for a writ of mandamus to order Whorton to allow them to copy the records. Chancellor Thomas F. Butt issued the order December 9.

Whorton's appeal will mean that the order is suspended until the State supreme court rules on the validity of the order.

Odell Pollard, counsel for the Arkansas Republican State Committee, issued a statement saying that the appeal was "simply a delay tactic that could prevent Gaspard from copying the lists for as long as 7 months if the county clerk asks for and receives a time extension."

State law requires that voters lists be kept for only 6 months after the election. After that, the records may be destroyed.

Pollard demanded an explanation for what he called the secrecy of Whorton and a few other clerks who had denied Republicans copies of voter lists.

Whorton denied that the appeal was a delaying tactic. He said he had made voter lists and other records available to the Republicans and that they had examined them. But he said he would not let them photograph the records.

"I don't know whether they can do this under the law, so I decided to let the courts decide," the Associated Press quoted Whorton as saying.

"I have not refused them anything," he said. "I have shown them everything they asked to see. This is just harassment."

Bob Scott of Rogers, attorney for Gaspard and Smith, said that Whorton had denied the Republicans even the chance to look at the records several times before the lawsuit was filed. After that, he said, Whorton allowed them to look at the records but not to photocopy them.

Scott said that the chancery court order authorized them to make photocopies of the records.

[From the Arkansas Gazette, Jan. 15, 1965]

MADISON PROBE ASKED OF BAR—COUNTY SITUATION BLASTED BY HALEY

"Madison County has not become the laughingstock but has made itself the concern of the entire State," Chairman John H. Haley of the Election Research Council wrote Thursday night.

In a letter to Bruce Bullion of Little Rock, president of the Arkansas Bar Association, he commended to the bar a study and investigation of the "disgraceful situation" in Madison County.

He reviewed the efforts that he personally, and other organizations, including the Republican Party, have made in efforts to examine the November 3 voting records in Madison County, all to no avail thus far.

Now the records have been stolen. "The theft appears to have but one purpose: To conceal from the public the crimes which a study of the records would have revealed," Haley wrote.

He said the Election Research Council had evidence in the form of affidavits that nonresidents of Madison County voted with illegal absentee ballots in the November election.

[From the Arkansas Democrat, Jan. 11, 1965]

IN MADISON COUNTY: REPUBLICAN WORKER SLUGGED, SHOVED, SPOKESMAN CLAIMS

A Republican fieldman was reported slugged today as he sought to ask Madison County Clerk Charles Whorton, Jr., questions about voting records.

Truman Altebaumer, executive director of the Arkansas Republican Party, said that Carl White of Springdale, a GOP fieldman, was shoved and hit by an unidentified man in the Madison County clerk's office.

Legal action "is being contemplated" in connection with the incident, Altenbaumer said.

Four GOP fieldmen have made hourly calls in Whorton's office since Friday in an effort to ask his permission to copy public voting records, Altenbaumer said.

The four began the around-the-clock vigil after repeated unsuccessful attempts to contact Whorton, according to officials.

Altenbaumer said that the Madison County sheriff was in the hallway nearby during the incident this morning but refused to take any action.

White quoted the sheriff as saying: "I didn't see a thing.

The Republicans set up their seige Friday but Whorton was not in his office. He was on his chicken farm near Huntsville repairing a watering system.

"We're pretty busy today we have chancery and probate court," Whorton said today.

Chancery Judge Thomas Butt dismissed the GOP suit last week, saying the Republicans had not proved that they had been denied permission to photograph the absentee records.

Earlier, Butt had ruled for the Republicans in a suit in which they asked permission to photograph county voter lists. Whortion appealed Butt's ruling to the Arkansas Supreme Court. He said he wanted a final court decision on whether it is legal to photograph voter records.

"All I want is a ruling," Whorton said today. "I'm not trying to be snotty about it. I think I'm entitled to a ruling."

Whorton has been Madison County clerk for 10 years, "I'm the best little county clerk we've got in this county," he said jokingly. "My people think so, too. The local Republicans think so, too."

Of the Republican fieldmen, Whorton said, "Every time I talk to them they're either suing me or telling the newspapers a lie."

The Republicans said they left a written request to photograph the records last Friday, but Whorton said today he had not seen any request.

[From the Arkansas Gazette, Jan. 9, 1965]

Republicans Wait To Get Photos of Vote Records as Clerk Tends Chickens

Huntsville.—Four Republican Party fieldmen waited outside the Madison County clerk's office Friday, trying to photograph voting records while the clerk worked to repair a watering system for his chickens.

The Republicans were continuing their battle to photograph voting records in Governor Faubus' home county. They have twice taken the case to court, winning once and losing once. The county had the highest percentage of absentee voting of the State's 75 counties in the general election.

County Clerk Charles Whorton, Jr., was at his farm outside Huntsville. He said he was working on the watering system for his broilers. He said he was unaware of the presence of the Republicans until contacted by newsmen by telephone.

Whorton said he did not know when he would go to the office.

The Republicans vowed to wait throughout the day and return Monday morning until they could catch Whorton.

Chancellor Thomas F. Butt dismissed a GOP suit Wednesday seeking a court order to photograph absentee voter records. Judge Butt said the Republicans had not shown that they had been refused permission to see the records.

Earlier, Judge Butt had ordered Whorton to allow the GOP fieldmen to photograph voter lists, but Whorton appealed to the Arkansas Supreme Court, saying he wanted a final court ruling on whether such records could be photographed.

Truman Altenbaumer, executive director of the Republican State Committee, said Friday that the four fieldmen went to Whorton's office to make a formal request to photograph the absentee records, subject of the dismissed suit.

Whorton was not there, and Harrell Hughes, one of the fieldmen, said he left a written request.

Then Hughes and Otto Smith, Joe Gaspard, and Carl White took up posts outside the clerk's office, waiting in shifts of two for Whorton to appear.

[From the Commercial Appeal, Dec. 25, 1965]

Efforts Mapped for Voter Lists—Arkansas GOP Determined To Get Madison County Public Records

(By Carl Crawford)

Little Rock, Dec. 22.—State Republicans said Tuesday they will "exhaust all remedies—civil and criminal" in courts to get access to public records in Gov. Orval Faubus' home county of Madison.

The State GOP office here lambasted County Clerk Charles Whorton, Jr., at Huntsville for denying Republicans the right to photograph voter lists there.

Governor Faubus' executive secretary, Clarence Thornbrough, said, "We'll have no comment on that—that's Republican business."

Joe Gaspard, a GOP fieldman, said he was denied access to the records at Huntsville. Madison was one of three Arkansas counties which registered more voters this fall than the 1960 Federal census showed there were citizens of voting age.

Republicans emphasized they were not asking to see anybody's vote, just a look at the official list of persons registered to vote and the list of those who voted or applied for an absentee ballot.

"Those lists are public records and have been available for copying in many other counties," the GOP State committee said. "However, in Madison and a few other counties this privilege has been denied—for reasons not yet revealed by the officials who made the denials."

Republicans took Mr. Whorton to court a few weeks ago and, after a short delay, obtained an order forcing him to open the voter lists. However, the Madison County clerk posted bond and appealed to the State supreme court.

"This is simply a delay tactic that could prevent copying the lists for as long as 7 months," said Odell Pollard, of Searcy, State GOP legal counsel.

"We need the lists of voters to aid us in making a detailed analysis of the last general election," Mr. Pollard said. "This will help us prepare a more effective program for reaching the general public with our principles of government."

Winthrop Rockefeller, defeated by Governor Faubus November 3, has pledged to run again in 1966.

[From the Arkansas Democrat, Jan. 12, 1965]

Madison Door Shut in Women's Faces by Deputy Clerk

Four women representing the Arkansas Republican Party arrived in Huntsville today in an attempt to see the county clerk and the door was slammed in their faces.

The four's journey into Madison County was the latest effort by the State Republicans to gain permission to copy or photograph absentee voting records.

The deputy county clerk, Mrs. Rena Stewart, saw them coming and shut the door in their faces.

The women knocked on the door and Mrs. Stewart opened the office.

"I know who you are and what you're doing here," Mrs. Stewart told the visitors.

One of the Republican women, Mrs, Mildred Norman, of Little Rock, told the deputy clerk, "This (courthouse) is a public place and we're here on public business.

The four women planned to remain at the courthouse until it closed today. It was not known whether they will remain in the area and try again Wednesday.

This information was called into the GOP headquarters at Little Rock by the women. Truman Altenbaumer, executive director of the State Republican Party, released it to the Democrat.

The other three women on the trip are Mrs. Leona Troxell of Rose Bud (White County), Mrs. Marta Mathews of Heber Springs, and Mrs. Verna Cobb, of North Little Rock. All four volunteered to make the trip.

The Arkansas Republican Party has been trying to copy or photograph the Madsion County absentee voting records since the middle of November and Charles Whorton, Jr., county clerk, recently received a court order to turn over one set of records but has appealed the order to the Arkansas Supreme Court.

Mrs. Troxell, president of the Arkansas Federation of Republican Women, volunteered for the Huntsville mission, saying, "Surely they won't attack a woman."

The Republicans did not want to send their male field representatives back to Huntsville without police protection.

White said he was struck in the county clerk's office by an unidentified man as he approached Whorton to ask permission to see the voting records. He said the man pushed him, hit him with his fists, and picked up a paperweight and threatened him.

A Republican official at Little Rock said legal action is being considered in connection with the assault on White.

Faubus Refuses To See GOP Women Who Want Madison Vote Records

The four Republican women who say that absentee voting records in Madison County were denied them went to the Capitol Wednesday to complain to Governor Faubus.

Mr. Faubus said he regarded the visit as a publicity stunt and refused to see them.

Furthermore, he said, county controversies are not a part of the responsibilities of a State administration.

The Governor said in a prepared statement: "If you had contacted me in a proper manner, I would have conferred with you. I do not wish to be a part of a publicity stunt, as you invited the press and appeared here before I knew anything of your presence."

The statement was distributed to Mrs. Mildred Norman and Mrs. Verna Cobb, both of North Little Rock, Mrs. Leona Troxell of Rose Bud (White County), president of the Arkansas Federation of Republican Women, and Mrs. Marta Mathews of Heber Springs, by C. R. Thornbrough, the Governor's executive secretary.

The Governor remained in his private office a few feet away behind a closed door. Mr. Faubus was holding a staff conference with his department heads when the women arrived.

The State Republican Party office notified news media that the women were enroute to the Capitol. Thornbrough noted this although he avoided saying point-blank who called the press.

"We didn't," declared Mrs. Norman. "We understood the Governor is available to the public. I heard him say on television that he is available to see any citizen at any time."

"Shameful," commented Mrs. Cobb after she read the Governor's statement.

Mrs. Norman said the group wanted to see Mr. Faubus because he was from Madison County and his influence could get the absentee voting records open to them for inspection. They also want to photograph the records, which they say are public and should be open to all.

[From the Araknsas Democrat, Jan. 17, 1965]

Here's Long Story Before Madison's Vote Lists Vanished

A step-by-step account of Republican efforts to copy Madison County voting records has been released by GOP officials.

The effort began in November. Last Thursday, the records vanished from the courthouse at Huntsville. The sheriff said they had been stolen.

Following is the chronological summary of events in the continuing controversy:

"November 4, 1964: John Haley, chairman of the Board of the Election Research Council and two colleagues went to Huntsville to check absentee ballots. Haley talked with County Clerk Charles Whorton and asked him to let him see the absentee ballot applications for the county. Whorton replied that they were locked up and that he did not want to open the safe with so many people around. When Haley insisted, the men allegedly were threatened and told to leave town.

"November 16: Dotson Collins, Madison County chairman for the Republican Party, went to the county clerk's office and requested permission to copy the absentee voters' list. He was told that he could see the list, but couldn't make a copy.

"November 23: Joe Gaspard and Otto Smith, GOP fieldmen, went to the county clerk's office to ask for: 1, access to list of voters in November 3 general election; 2, list of persons applying for absentee ballots, and 3, applications for these absentee ballots. After the first request, they were told by the county clerk that they could have no records.

"November 25: Gaspard and Smith filed suit in Madison County chancery court for writ of mandamus (which is an order from the court requiring the county clerk to produce the records). A hearing was set for 10 a.m. November 30.

"November 30: Arrived for hearing to find that Whorton's attorney was out of town. Case was postponed and rescheduled for December 7.

"December 7: Gaspard and Smith with Attorney Bob Scott (of Rogers), and witnesses arrived for hearing. The case was postponed on a technicality and rescheduled for December 9.

"December 9: The suit was heard and a writ of mandamus issued, requiring county clerk to show the voters' list. Judge Thomas Butt refused to act on the other two points, saying that they had not been a part of the original request. Immediately after the hearing Smith and Carl White, a national committeeman fieldman, requested the other records.

"December 14: Gaspard and White again requested the same records in writing.

"December 16: The first case was appealed by County Clerk Whorton to the State supreme court.

"December 17: The second suit was filed and set for hearing at 10 a.m. December 23.

"December 23: The suit was reset after the sheriff said he couldn't find Whorton in time to serve the summons 2 days before the hearing.

"December 30: Whorton did not appear for the hearing. His attorney reported that he was ill, and after Scott's insistence presented a doctor's statement. Hearing was postponed until January 6.

"January 6, 1965: Chancellor Thomas Butt ruled that the Republican Party had failed to provide sufficient evidence that the county clerk had denied access to the records.

"January 8: A formal request, in writing, was made and left with Mrs. Rema Stewart in the county clerk's office by Harrel Hughes, a GOP fieldman. Whorton was not there, but the county judge, the sheriff, and the county assessor were present. The county judge told Mrs. Stewart: 'You haven't heard a word he (Hughes) said.' Hughes and three others with him, (Smith, Gaspard, and White), turned to leave, and the judge said 'You're going to have a * * * long wait.'

"January 11: The four fieldmen (Gaspard, Hughes, Smith, and White) returned to the clerk's office. When White asked permission to see the clerk, after the men had been ignored for approximately 45 minutes, he was hit on the side of the head by an unidentified assailant.

"January 12: Four volunteer GOP workers, Mrs. Leona Troxell, of Rosebud, Mrs. Martha Mathews, of Heber Springs, Mrs. Verna Cobb and Mrs. Mildred Norman, both of North Little Rock, went to the county clerk's office to request the records and were refused.

"January 13: These women went to the Governor's office to enlist his aid and were refused audience.

"January 14: Announcement came that the records had been stolen from the county clerk's office sometime during the night of January 13."

[From the Arkansas Gazette, Dec. 8, 1964]

Voter Lists

A hearing on an effort by Republicans to copy Madison County voter lists has been postponed by Chancellor Butt, of Fayetteville. The lawyer for Charles Whorton, Jr., the Madison County clerk, was out of town Monday, the date the hearing had been scheduled. It has been reset for tomorrow.

We do not pretend to be versed in the law but it seems outlandish that any sort of court action should be required to permit Republicans, or any other interested parties, to make copies of official voter lists.

If election records such as voter lists and absentee ballot applications are not now fully public records, corrective legislation should be an early order of business in the next legislature. The stake, after all, is the right of citizens and political parties to inquire into the conduct of elections.

[From the Arkansas Gazette, Apr. 14, 1965]

The Madison Records

Charles Whorton, Jr., the Madison County clerk, has told the State supreme court there's no reason to rush a decision on whether absentee voting records can be viewed and photocopied by interested citizens.

Whorton noted that the records Republicans want to photocopy have disappeared; which they sure have, from the unlocked vault in Whorton's office and out an unlocked back door to the courthouse. They disappeared while Mr. Whorton was contesting in court the right of Republicans and other citizens who wanted to see the records had been put off by Mr. Whorton, threatened with jailing by county officials, threatened with violence by courthouse hangers-on and, in the case of one Republican hired hand, clouted on the ear.

Mr. Whorton suggests that the supreme court take its time in deliberating his appeal, and pledges that if the voting records are recovered he will notify the supreme court at once. Jolly of him but we hope the supreme court will move with all deliberate dispatch to establish the right of citizens and taxpayers to view and copy public records. We are no more hopeful than we take Mr. Whorton to be that the Madison County records will turn up but a supreme court decision early on could prevent another protracted court fight in some other county—during which burglars might conceivably strike again.

[From the Arkansas Gazette, Jan. 13, 1965]

Resort to Chivalry

By a more or less natural progression, the right to full access to public records in the Madison County courthouse has come to hinge on the presumed chivalric constancy of the courthouse's distinctly shaggy habitants.

The Republican position is that the courthouse crew would never hit a lady, not even if failure to do so should imperil the secrecy of the legally public absentee voting records that the Republicans want to examine.

A Republican hired man who entered the courthouse Monday to petition for a look at the records alleges that he received a clout on the ear.

There were no disinterested witnesses to the alleged slugging: One of the troubles with Madison County is that a disinterested witness is as rare there as a gentleman of the western school in the horde of Ogotai Khan. The "furrin" press was not on hand, having itself been repulsed by threats of violence on its last known visitation, election day, November 3.

The appeal to chivalry may solve the problem and win the Republicans a chance to look at the records but we continue at least mildly skeptical. A Republican or any other enemy agent trying to find out how a Madison County election has been conducted runs essentially the same risks as a Negro trying to register to vote in Mississippi, with the difference that the Federal Department of Justice is not maintaining even sporadic oversight over the performance of the courthouse ring and its hangers-on at Huntsville.

That no more prosaic remedy than the appeal to chivalry suggests itself is a measure of how encompassing the ring has proved to be. A grand jury inquiry? Heh! An appeal to the Governor for State troopers to keep the peace and insure the physical safety of visitors to the courthouse? Heh! Heh! Heh!

We admire the Republican ladies immensely, and wish them all the best in their storming of the courthouse. While their faith in Madison County chivalry is surely not misplaced, they may wish to couple some discretion with their faith, and go decked in crash helmets.

[From the Arkansas Gazette, Jan. 15, 1965]

Quiet, Please

Restrain, faithful reader, those dark sniggers about the burglary of the Madison County Courthouse. It was shockingly inefficient of the Madison County management to leave the back door of the courthouse and the door to the county clerk's vault both unlocked. But there is good reason to believe that the burglary itself stemmed from the purest of humanitarian motives. It was, we suspect, committed by gentle souls whose sole motive was the avoidance of bloodshed. It was an outside job, in the spirit of the Mahatma.

One of the things that became clear early on in the Republican inquiry into the Madison County general election was that somebody could easily get bad hurt, and maybe even killed, if the Republicans and the other snoopers didn't go away and let Madison County's Democratic courthouse ring rest quiet on its triumph of November 3. Indeed, by Monday, a GOP fieldman already had suffered what he alleged was a clout on the ear while standing watch at the courthouse in an effort to intercept the county clerk, and thus lay the groundwork for further legal proceedings. Much earlier, there had been stern cautions from Madison's county officials and cruder warnings from courthouse hangers-on.

Whoever carried off the election records Wednesday night they might have saved the courthouse Democrats one embarrassment or another, but he may also have saved some poor Republican's life. We trust that the humanitarian aspect of the mission will be borne in mind when, as surely will happen, the Madison sheriff's office and the Arkansas State Police have tracked down the malefactors and they stand before the bar of justice, naked to the harsh punishments which this State traditionally imposes upon those who defile democracy at its source.

Explanation

After one of the more eloquent silences in his career, Governor Faubus got around Friday to discussing the theft of election records from the Madison County courthouse.

He explained that Republican inquiries into absentee balloting in the State are a scheme to build Winthrop Rockefeller a list of out-of-State voters for 1966.

As Mr. Faubus said, compilation of such a list would be "a pretty smart move."

We have no information on whether the Republicans are looking for vote fraud in the course of compiling a list or compiling a list in the course of looking for vote fraud. What we do know is that they by now have quite a list of absentee voters, along with quite a list of irregularities in absentee and other balloting. Nor does burglarizing a courthouse to frustrate Republican politicking go down more than marginally better than burglarizing a courthouse to frustrate Republican inquiries into vote fraud.

[From the Arkansas Gazette, Jan. 15, 1965]

GOVERNOR HAS NOTHING TO SAY

Governor Faubus wouldn't comment Thursday on the disappearance from a vault in the Madison County courthouse of some voter lists that Republicans want to see.

Mr. Faubus, whose home is in Madison County, attributed the repeated failure of Republican workers to see the lists as sheer stubbornness on the part of county Democratic officials.

As for the disappearance of the records and the effect this might have on the county image, Mr. Faubus had no comment. He said he wanted to avail himself of the facts before he made any statement.

He promised a statement later.

[From the Marked Tree Tribune]

THE HIGHEST BIDDER

There's a flyer out these day's offering a $1,000 reward for information leading to the arrest and conviction of the party or parties responsible for the theft of the voter records in Madison County, Ark. Somehow we don't think the reward is the highest bid offered for those records and we don't look for them to turn up anytime soon as a result of that offer.

Apparently much was at stake in that tawdry development. It must have been, if the Governor of the State would refuse to see a delegation of women protesting the Madison County clerk's refusal to make the records public—and if a circuit judge would refuse to back up a court order he had given to make those records public—and if another court would dawdle along about an obviously unnecessary ruling on whether the law forces the clerk to make those records public.

The Madison County story ranks alongside the Conway County story in its involvement of the justice of the courts with the fortunes of political machines, at both county and State levels. We'd call both real horror tales when viewed in the perspective of the democratic processes.

Obviously $1,000 is peanuts when compared to the control of a county, much less a State. Any concrete evidence that might rock the pleasure boats of the men in positions of power has to be concealed—or discredited through the use of some agency of government, including the courts if they are available for such perversion.

It might be well to keep in mind that what is being bid for here is a vestige of our freedom and our rights as citizens in a State that supposedly operates on democratic principles. To allow such precedents to go unchallenged is dangerous business.

It is time the responsible citizens of Arkansas entered their own bid in this deadly game. Their elected representatives in the general assembly should be flooded with protests. You can johnny well bet that if some professor in a State educational institution were accused of Communist leanings, the legislature would jump at the chance to investigate him—why not an investigation of practices that smack of demagoguery in the lowest Communist or Fascistic tradition?

We realize that such an investigation is not forthcoming at the moment because it would be a real political liability for any man to lead it, in view of the current State administration. But the people represented in the legislature, who care about retaining a semblance of integrity and democratic action in our State, could make it a political liability not to act.

These citizens could outbid both the Democratic Party's administration in this State and the Republican Party with a bunch of 5-cent stamps and phone calls in the interest of some precious commodities called individual freedom and fair and impartial justice.

[From the NLR Times, July 1, 1964]

THE FEAR OF VOTING BOOTHS

Why are people scared of voting booths? Mayor Laman said he thought they were a great idea. An ordinance was drawn up to appropriate $2,438 to build 50 of them. The city council has been considering it for a month but they still haven't taken any action on it. The mayor, who, apparently, has cooled off a bit on the idea, said that he can't even get an alderman to introduce the ordinance. Little Rock's city officials turned thumbs down, saying they'd rather spend their money on voting machines, which are other things that politicians also are afraid of. Then there's the Pulaski County Election Commission. It was one of their group, Dr. Wayne Babbitt, of North Little Rock, who came up with the idea in the first place. Excellent suggestion, said the other election commissioners when they heard about it, and they posed for pictures alongside a pilot model of the booth.

What's wrong? What's the holdup? Well, one excuse is that booths might delay the voting process even more. But this is ridiculous since the voters wouldn't have to use the booths if they got tired of waiting; they could take their ballots over to the windowsill, or rest them on the fender of a firetruck just as they've been doing all these years. And there's another reason—one that people don't like to talk about. Dr. Babbitt is a (don't look now) Republican. Any ideas advanced by Republicans are even less popular with incumbent Democratic politicians than those put forward by women, college professors, and editorial writers. Then, there's the problem of money. The political parties, who are responsible for the primary elections, have said that they certainly won't foot the bill. The city thinks the election commission ought to pay. But the election commission doesn't have any money. So if the county pays, it'll have to be paid by the county judge, and the election commission is afraid he won't like this. The only thing really clear about this is the law:

"All officers upon whom the law imposes the duty of designating polling places shall provide in each room designated by them as a polling place one booth, or compartment, for each 100 electors, or fraction of 100, voting there at the last preceding election, and furnish the same with a table, shelf, or desk for the convenience of electors in preparing their ballots."

Some people—those who are tired of people looking over their shoulders when they vote, tired of politicians' refusing to do anything to improve election procedures and turning their backs on carelessness and law violations—would like to know what happens next. If anything.

[From the Pine Bluff Commercial Appeal, July 1, 1964]

NEW LIFE AND OLD LAW

Jefferson County Clerk E. Allen Sheppard has refused to let a Republican field worker take a look at the list of voters who cast ballots in last year's general election.

The Republican, Marion R. Farmer, quoted the law to back up his request. Mr. Farmer cited Act 353 of 1947:

In every election held in this State, the two clerks * * * in each precinct * * * shall, each, make and keep an accurate list, in duplicate, of all persons voting in such precincts * * *. The original of such list filed with the county clerk shall be kept on file by said clerk in his office and shall be a public record subject to inspection by any candidate or any other person interested therein, but no candidate or other person shall be permitted to take the same out of the clerk's office.

Mr. Sheppard did not take issue with Mr. Farmer's law, but the county clerk felt that the request was too unusual to be granted without a court order.

Said Mr. Sheppard: "I'd rather be on the safe side * * * I never had anyone in 16 years ask to see the list that was made at each precinct at the time the voters went in to vote." So Mr. Sheppard suggested that Mr. Farmer get a court order.

If the Republican Party continues to grow in what has been a one-party State for so long, then a number of political practices that are now unusual may become commonplace—like checking the list of voters in separate precincts to see if anyone voted twice.

According to Mr. Farmer, checking the completed list would "help us determine if one person has voted in more than one box, more than one county, and even in more than one State."

One indictment of the hold that one-party politics has on this State is that a simple check like this one, specifically authorized by law, should be unusual enough to require a court order.

In this instance, the one-party system has led to keeping public records private until a court says otherwise. Being on the safe side, in this instance, has come to mean not obeying the law until the court says so.

The county clerk's hesitation in this case is understandable. The State has had a one-party system for so long that a request from the Republican Party for a look at the voting list ranks alongside the sight of a dinosaur grazing on Barraque Street.

One advantage of a two-party system would be to inject new life into some voting safeguards too often followed only in the lawbooks.

[From the Pine Bluff Commercial Appeal, Aug. 19, 1964]

THOSE IRREGULARITIES

The genteel call them election irregularities. Legislators pass laws against them. The Governor has snubbed them as unworthy of his attention.

But they still keep appearing. This time in Hot Springs, according to Prosecutor David Whittington. Mr. Whittington says he was turned up two cases of fraudulent voting in the Democratic primary runoff last Tuesday.

Election procedure is the basis of effective government in a republic—that is a truth as obvious as it is ignored by the present State administration, which has persistently refused to investigate charges of ballot box fraud in Conway County.

Now the blight has appeared in Hot Springs, according to both Prosecutor Whittington and the chairman of the Democratic Central Committee in Garland County.

This ought to be grist for the newly formed Election Research Council. Incentives for better voting laws abound in the State of Arkansas. The voter registration law on the November ballot represents one needed reform. The research council may not have to do extensive research to come up with more. Like a politician-proof secret ballot, for instance.

Certainly action is needed from some quarter. In the past, the State administration has adopted a policy of incredible patience toward violations of the law in Garland County. To quote the words of a ballad the Rockefeller people are singing:

"I'm a rovin' gambler,
I've gambled all around;
And for nine long Faubus years
Hot Springs has been my town."

It would be equally farcical if the State waited as long to act in this matter.

What this State needs is a Governor who can manage to get around to enforcing the law before the statute of limitations becomes a factor in the case.

Orval Faubus says he is "a little suspicious" that the Election Research Council is connected with Winthrop Rockefeller.

The Governor has a point: The Election Research Council says that it is in favor of honest elections. Winthrop Rockefeller says that he is in favor of honest elections.

Mr. Rockefeller actually has gone on record in favor of the concept: "I believe that honest elections are essential to the preservation of a democratic society, and that conduct which interferes with this process should be prosecuted to the full extent of the law. I will do all in my power to eliminate election frauds and abuses in Arkansas, so that the true 'will of the people' shall govern our State in the best tradition of democracy."

That suggests that the newly formed Election Research Council is in cahoots with Mr. Rockefeller. It proves that the council is engaged in an open conspiracy, together with every citizen of the State who believes in fair and honest elections, to prevent election frauds in Arkansas.

No one could make this charge stick against Orval Faubus, who has steadfastly refused to investigate those election irregularities in Conway County.

The Governor has gone so far as to assure citizens that the crime of double voting is at an absolute minimum.

That may say a good deal more about Orval Faubus' tolerance than it does about what constitutes an absolute minimum.

[From the Pine Bluff (Ark.) Commercial Appeal, Aug. 20, 1964]

OFFICIAL SAYS VIOLATIONS NECESSARY TO SPEED VOTE

(By Brenda Tirey)

The chairman of the Jefferson County Election Commission said yesterday that certain violation of election laws are necessary and practiced to speed vote tallying.

Garland (Pete) Brewster, Jr., commission chairman and also chairman of the Jefferson County Democratic Central Committee, told a reporter for the Commercial there were violations but defended them.

Brewster also said he thought the election laws ought to be overhauled so that they could be complied with more easily.

The reporter's interview was prompted by a report released by the Election Research Council, a nonpartisan organization of Little Rock. The report said there had been gross violations of the laws in the recent Democratic primary.

John Haley, director of the council, said that the more flagrant violations around the State were lack of voting booths, double voting, counting ballots in a way to invite miscounts, electioneering around the polls, illegal issuance of poll tax receipts and use of unauthorized persons to help count ballots.

Brewster said there were no real voting booths used in Jefferson County, but that there were tables with partitions to separate the voters at all polling places.

The law requires three judges and two clerks at each polling place. When the votes are counted one judge is to read the results from a ballot while a clerk writes them down. Then a second judge reads the results and a second clerk is to write them down. The third judge verifies the vote.

"If we used such a procedure at elections, which are held on Tuesday, we'd still be there Thursday," Brewster said.

In Jefferson County, the ballots are divided equally among the election officials and each counts the votes by himself, Brewster said. Any judge or clerk has a right to challenge the results, he said.

"It would be impossible to get judges and clerks if you had to count like that (according to law)," Brewster contended.

Are any unauthorized persons used to count ballots?

Brewster said that sometimes when there had been a heavy vote, he had sworn in two or three persons at 6:30 p.m. to help count ballots at the heaviest boxes.

"All I care about is that the candidates and issues get an honest count," he said.

He said the caliber of people who were used as judges and clerks here insured that there would be honest counts.

"I have never known of an instance of double voting or use of an unauthorized poll tax here," Brewster said.

He said he doubted that many changes would be made in the election procedures because of the council's study.

The council said it had six fieldmen to watch the polls during last month's primaries. Brewster said he didn't know if any of them were here.

[From the Arkansas Gazette, Aug. 23, 1964]

THE LITTLE THINGS

Nothing is more natural than that a man who had once received the votes of 100.4 percent of eligible poll-tax holders should have his own rather specialized view of minor election irregularities. Governor Faubus, who got that kind of a vote in the Madison County runoff primary in 1954 (while Francis Cherry was getting another 1.6 percent), suggested on Tuesday that while double voting was intolerable such minor violations of the law as failure to post the count at the polling place and electioneering too close to the polls must be viewed, if we understood him, philosophically.

"These things don't influence the outcome of the election or question the honesty of election officials or the correctness of the vote." the Governor explained.

Well, no, we don't suppose they do, except maybe once in a while. But an election judge who was planning to run himself up a revised set of returns on the long drive to the courthouse would be a pure fool to leave an unrevised set of returns on the wall of the polling place, now wouldn't he? And maybe that's one reason posting of returns outside the polling place is required by law. The problem with forgetfulness on the point is that it raises the suspicion of fraud. Nor does it seem to us that this kind of an irregularity ought to be so terribly difficult to correct. The count does eventually get to the courthouse in just about every case, along with the ballot box and the other paraphernalia of the election. It oughtn't be a terrible strain on precinct election officials to make sure that the posted copy just as surely finds its way onto the wall of the polling place. But we can expect that some election judges and clerks will go on forgetting this precaution so long as the State's Governor suggests that it ought not to be taken very seriously.

Passing out campaign literature too close to the polling place is another of those little things that can be presumed to count. The prohibited area around the polling place—100 feet in all directions—is of course arbitrary. But without rigid observance of such an arbitrary restriction, what is to keep electioneering and campaign materials from being passed out in the polling place itself—perhaps by the judges and clerks, as is alleged to have been the case with stickers for a write-in candidate for Congress in an election of relatively recent memory.

In running off honest elections, it's those little things, along with the big ones, that count.

[From the Pine Bluff (Ark.) Commercial Appeal, Oct. 16, 1964]

WHO NEEDS POLL WATCHERS?

James L. Bland, who is managing Orval Faubus' sixth campaign for Governor, stopped in Pine Bluff Tuesday night to deliver a campaign speech.

Mr. Bland whiles away the time between campaigns as director of the State employment security division. This sort of biennial migration from the State capital to the campaign trail is an accepted, if not acceptable, practice among the men Orval Faubus has appointed to high office in the State.

Another of the Governor's campaigners, J. Orville Cheney, acts as State revenue commissioner during the off-season.

That such blatant conflicts of interest inspire little criticism indicates (1) the enormity of the Governor's indiscretions that do draw criticism; and (2) the apathy that 10 years of Faubusism has encouraged.

But back to Mr. Bland and Tuesday night: In a gesture of largesse befitting the Faubus machine, Mr. Bland announced that the Democrats were not going to use poll watchers in November.

The machine's performance in some Arkansas counties may explain why. Madison County, for example: In the second primary of 1954, Orval Faubus received the vote of more than 100 percent of all poll tax holders in the county. Who needs poll watchers with a response like that?

Lest anyone think that this display can be explained away by the enthusiasm of Madison County for a home-grown product, there is the case of Stone County, where a grand total of 3,441 poll taxes have been sold. Which is pretty impressive when one considers that the county's poll tax list contains only 3,131 names.

[From the Arkansas Gazette, Little Rock (Ark.), Feb. 28, 1965]

LEGISLATIVE SOLUTION FOR ELECTION PROBES

The legislature has finally acknowledged the diligence of the Election Research Council and the Republican Party in inquiring into election irregularities.

Too predictably, the legislative response is to seek to hamstring further inquiries of the kind.

House bill 575 by Representative Hilburn of Lawrence County, would prevent public inspection of voting records, limiting such inspection to people involved in election contests.

Mr. Hilburn is sometimes more candid than perhaps he realizes. His bill would, he says, prevent troubles such as have occurred in Madison County and Howard County.

In Madison County, trouble took the form of a burglary, wherein election records were carried out of an unlocked vault and then through the unlocked back door of the courthouse. The Republicans who had been trying to get a look at them never did, and now presumably never will.

In Howard County, the Election Research Council claimed last weekend, signatures have been forged on seven absentee ballot applications, and on other absentee voting papers.

The Election Research Council has since been the target of bitter criticism in the State senate and the ERC chairman, John Haley, has made an appearance before the Howard County Grand Jury. There have been conflicting accounts of what Mr. Haley told the grand jury. The grand jury has branded the charges of election irregularity as false and has alleged that they were politically inspired. Yet it has not explicitly denied the Election Research Council's central allegation, that voting forms were signed by people other than the voter, in violation of the law.

One of the questions unanswered is how the grand jury discovered, in its session with Mr. Haley, that his organization was politically animated. An even larger question is what difference this should make. It would be far better if factfinding on election irregularities could be performed by groups and individuals without political bias, and our belief is that the Election Research Council is acting without political bias. But what matters is that the elections be cleaned up, and in any irregularity in any field the most likely complainant is the aggrieved party. In the field of voting, that is the defeated candidate or the "out" party.

In proposing that examination of election records be permitted only in election contests, Representative Hilburn is really proposing that election conduct be left in the condition it was in before the Republicans developed serious pretensions as a second party and before the Election Research Council came into existence. This condition does not strike us as satisfactory and we are dubious that it strikes most Arkansans as satisfactory. Election irregularities are not something dreamed up by the Republicans and the Election Research Council. They are presumed to exist by virtually every Arkansan of our acquaintance; they are one of the richest sources of reminiscences by veteran politicians; they are abundantly confirmed by the factfinding the Election Research Council and the Republican Party have done in the past 6 months.

We do not call to mind a single grand jury investigation or election contest in court that has not produced incontrovertible evidence of irregularity.

Nor is there any mystery why the irregularities have continued: Their perpetrators have not been prosecuted.

In the Sceeton-Gunter contest of 1960, diverse and massive irregularities were found to have occurred in both Prairie and Lonoke Counties. Yet only two election officials were ever convicted—and these two for having bet on the election.

The Election Research Council's inquiries into last November's election have produced only embarrassed silence on the part of prosecutor after prosecutor.

In Jefferson County, the Pine Bluff Commercial conducted its own investigation, and alleged that a number of absentee ballot applications and other documents had been forged. The Commercial published some of its evidence—in the form of photostats of the documents. But there has been no action even to inquire into the charges.

The pattern will, we think, continue for a while—perhaps until prosecutors are called upon, in their campaigns for reelection, to explain their inertia.

But we don't think Arkansans will stand for clapping a lid on election inquiries by the Republicans and the Election Research Council. Let the legislature try it, and it may take more irregularities than can be dreamt of to get the same bunch back in 1967.

[From the Morrilton (Ark.) Democrat, Mar. 4, 1965]

FAULKNER JUDGE TELLS GOP: GO!

Faulkner County Judge T. D. Reedy has ordered Republican Party representatives to refrain from copying election records from the November general election.

Gene Young, of Morrilton, a GOP representative, had gone to the Faulkner County courthouse Monday and obtained permission to copy the records from County Clerk L. J. Merritt.

Young and a friend were almost through copying the absentee applications when Reedy appeared and ordered him to get out and take his equipment with him.

"There'll be no picture taking in this courthouse without the permission of the county chairman. I'm the county judge so just bow out now until you hear from me," Reedy was quoted as saying.

Reedy also told Young: "I'm going to see a lawyer about what you're doing."

The GOP has experienced some difficulty in copying the public records in some counties since the November 3 election. In Madison County, for example, a GOP representative was assaulted and the records were reported "stolen" by the county officials.

A SMALL STEP FORWARD

(NOTE.—In the wake of a Poinsett County Grand Jury investigation of alleged voting irregularities in the county, the Marked Tree Tribune had this to say.)

Poinsett County took a small step forward toward honest elections last week when a grand jury saw fit to stay in session over a week considering evidence regarding voting irregularities.

It was obviously a bit disappointing to those persons who had spent countless hours gathering evidence regarding those obvious irregularities that the grand jury's report turned out to be only a vague wrist slap rather than a call for more vigorous action in the courts.

But we have to view even the mild action of the grand jury as a real bit of progress in this county, where for so long there has been absolutely no check on the manner in which elections were conducted, either in the primaries or in the general election.

After all, a grand jury did look into the matter. It even went so far as to admit in its report that evidence of voting irregularities existed and that "there was evidence indicating the possibility of forgery and making false statements."

So a small step has been taken. The grand jury handed the ball back to the electorate to be sure, when in its admission of evidence of irregularities it preferred not to indict but to leave "corrective action for problems of this nature" * * * to the "responsibility of the electorate."

There is nothing to keep responsible members of the electorate from picking up that challenge on a nonpartisan basis. Reams of evidence exist for them to examine in meetings if they choose to do so. We suggest the formation of an organization for this purpose and are quite willing to share all the information at our disposal with persons interested in such an undertaking.

Corrective action on the part of the electorate is possible but it must organize before such action can become a reality.

A BOON TO INDUSTRY: A STATE TECHNICAL SERVICES ACT OF 1965

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CONTE. Mr. Speaker, earlier this year I introduced legislation which would promote progress and scholarship in the humanities and the arts through the establishment of a National Humanities Foundation. I would now like to call the attention of my colleagues to a bill that I have introduced today which would promote the economic growth of this Nation, and Massachusetts, by supporting State and regional centers under a State Technical Services Act. These centers would place the findings of science and technology usefully in the hands of American businessmen, particularly small businessmen who are often unable to meet the pressing problems which they face because of a lack of funds, or simply because they do not know where to turn. My bill is identical to one introduced earlier this year by my colleague, the Member from Arkansas [Mr. HARRIS].

It is axiomatic that wider diffusion and more effective application of science and technology in industry and business is essential to the growth of the American economy and that of the several States. It is necessary if we are to maintain and increase present levels of employment. It is necessary if we are to successfully compete for world markets. And the time has come when it is necessary that the benefits of federally financed research, as well as other financed research, be placed effectively in the hands of American businessmen and American enterprises. To insure the most effective operation of this plan, and the most effective diffusion of this research and knowledge, it is imperative that this plan be one which is developed on a State or regional level. The States, through cooperation with their universities, communities, and industries, can best determine the needs of their industries and how the modern developments in science and technology can be most effectively applied to meet the needs of both new and old industries, to meet the needs of both large and small industries.

Mr. Speaker, in the Commonwealth of Massachusetts alone there are approximately 8,800 small industries, and I am happy to say that most of them are profitable. In this group, business is good and increasing. Profit is fine, cash flow excellent, and their aggressive managements believe that they can meet and master the competitive situation, and that the plant has kept pace with the technical improvements in machines, processes, and materials.

However, Mr. Speaker, I have personally observed the death of many firms in my district and in my State. A textile firm, successful for 50 years was forced to close its doors. A papermill was also forced to shut down its operations. I believe that if technical help had been available to these firms of the nature envisioned under the provisions of my bill, the story would have been different and the loss to the community and the families living in them could have been avoided. I am certain that many of you have also seen similar closing and similar losses suffered in your districts and in your States.

Essentially, under the provisions of this bill, an institution within a State or region would prepare a 5-year program outlining the economic and technological situation in the State or region, the State's industrial problems, and the means that could be used to solve them. The designated institution would also prepare an annual technical services program covering the objectives for the first year, and also prepare a budget. Up to $25,000 per year for each of the first 3 years may be paid to the designated institution to assist it in preparing the first 5-year plan and the initial annual program. The maximum annual payment for any program will be limited by a formula to be established by the Secretary of Commerce under three criteria: first, population according to the last census; second, industrial and economic development and productive efficiency; and third, technical resources. The formula to be used would be weighted to provide funds to States where there has been a lag in industrial development, or where technical resources are weak.

One of the most important provisions of the bill is that one which provides that the program would be planned locally and administered locally where the problems of economic growth and development are best realized and best met.

Once in operation, there are a great variety of technical services that might be offered by the institutions participating in the program. To give you an example, a technology diffusion program oriented to the needs and problems of a specific industry might offer workshops, seminars, and demonstrations in order to bring existing technology within the State and to the business leaders of the State.

Another service that might be provided could be a technology dissemination and referral center which could offer two types of services; one, technical reports, abstracts, bibliographies, reviews, microfilm, computer tapes, and similar services; and the second, referral to sources of scientific and engineering expertise in the fields of interest to the local industries. Such a center would be in continuous interaction with local business and industry so that its services would be pertinent to the needs of the local economy.

Another attractive feature of this bill is its low cost to the taxpayer. We have, in recent weeks, seen the passage of bills designed to promote economic growth that will cost billions of dollars. Here is one which would greatly aid local industries and economies, not through Federal intervention in local affairs, but through the utilization of State institutions, and which would cost far less than any economic expansion program passed this session of the Congress. The estimated cost during the first year is between $5 and $10 million. And it is to be remembered that these funds would be an investment in promoting the economic growth and industrial development of the entire Nation, not just one region or area.

Therefore, I urge that the support of all the Members of this House, both Republican and Democrat, be given to this legislation which would accomplish so much for local industries, at a local level.

TANZANIA'S FIRST ANNIVERSARY

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CEDERBERG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, April 26 marked the first anniversary of the establishment of the United Republic of Tanzania. I wish to extend my congratulations to that rising young African nation, to its President, Mwalimu Julius K. Nyerere, and to the people of Tanzania.

One year ago, the two new nations of Tanganyika and Zanzibar embarked upon the enormous project of combining their two countries into a single nation. Tanzania is rich in resources with which to build their new nation: a vigorous people, a society deeply imbedded with important values and traditions, mineral and agricultural resources with developmental potential and excellent tourist possibilities. With these endowments, Tanzanians have begun working out for themselves the physical, political, and cultural foundations for their new nation. They, and they alone, have the heavy responsibility for deciding their real future.

I join with my fellow Americans in expressing our friendship for the peoples of Tanzania as they strive to create a unified and prosperous nation.

FEDERAL WATER QUALITY ACT OF 1965

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. TUPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TUPPER. Mr. Speaker, the Congress today has the opportunity to make a splendid addition to the record of the 88th and 89th Congresses by passing the Federal Water Quality Act of 1965. The Congressman from Minnesota [Mr. BLATNIK] deserves our greatest thanks for the untiring and able manner in which he has led the fight for the protection and restoration of the country's waters.

As a former conservation official in my own State of Maine, I fully realize the problems and potential threats that polluted water present.

Maine is a traditional vacation area and has had to deal swiftly with threats to her water resources and only prompt local action has deterred catastrophic conditions.

This problem has become too great and too urgent to have stopgap programs and emergency measures enacted by individual States.

One provision missing from the bill that we shall vote on today, is of the utmost importance—the development of Federal standards for water quality.

One of the problems in fighting pollution, one which I have heard both local and Federal officials complain of, is not knowing where to begin. Do you start trying to clean up the dirtiest streams first, fearing that when you have finished, the rivers that used to be clean will have become degraded? Or do you start with the easier tasks, the rivers that are only slightly less than pure, and allow the rankest rivers to remain eyesores?

Another problem encountered in conducting a pollution control program is that once industries and municipalities have been allowed to start discharging wastes into streams, it is very difficult to make them stop. To build a waste disposal system into an old plant is expensive, much more so than if it had been designed into the plant in the first place. On the other hand, as long as older industries are permitted to discharge untreated wastes, newer plants will not see the justice in their being required to install waste treatment.

Systems of standards for water quality are designed to answer problems like these. Properly administered standards could be, as President Johnson suggested in his message on conservation, used to protect clean water, to abate pollution before it happens. Standards would be invaluable in creating comprehensive plans for pollution abatement and guaranteeing that they would be administered fairly. Perhaps most important, such standards could and would serve as incentives to the States and localities to supply their own high standards for clean water.

We take so many different kinds of standards for granted in our daily life that it is hard to understand why we have none yet for water. We have standards for foods, for meat, for drugs, for advertising, for utilities, for pesticides, for working conditions. In general, Americans welcome the use of quality standards to protect the consumer from dangerous or inferior goods. Yet stream pollution is growing daily, depriving American consumers of many favorite recreations and water sports, depriving fish of their habitat, threatening our drinking water supplies, and, in many cases, creating outright health hazards.

There is little time left for lengthy jurisdictional debates if we are going to save these waters. A peculiar characteristic of rivers and lakes is that they do not respect jurisdiction. Water flows, and with it goes its waste load, and State boundaries affect the flow of a river surprisingly little. A factory or a town may own the land alongside the river, and contain all its buildings and population within the land it owns, but if it discharges waste into the river, it is trespassing. Its wastes will inevitably be carried to its downstream neighbors, and to their neighbors, and so on. Where rivers are concerned, it is certain that no man is an island.

Attempts to establish standards at a State or local level have been helpful, but on the whole have not succeeded in cleaning up our major rivers, most of which are interstate. Interstate compacts, intended to deal with just such problems, are usually without the legal authority or the immunity from pressure needed to set firm standards and enforce them. The progress that has been made in cleaning up pollution—such as on the Columbia and Potomac, where bacterial contamination at least has been controlled, or in the Colorado River Basin, where dangerous radioactivity has been ended, or in the Menominee River, where pulp and paper discharges will soon be treated, or in the lower Mississippi, where one important source of pesticide discharges has been reduced—has been primarily due to Federal pressure. Under the present procedures of the Federal Water Pollution Control Act, this pressure is limited to those cases in which an enforcement action is initiated.

The Federal program would be much improved if, without going so far as to initiate enforcement proceedings, the Secretary of Health, Education, and Welfare, consulting and cooperating with the State and local officials and interested parties, could promulgate standards for the upgrading of water quality. A standard-setting procedure would enable the Department to take action not only on severely polluted rivers, but on clean rivers threatened with pollution from new industries or towns, on small rivers that could not claim the extended attention required by an enforcement case, and on special problems, in which one type of pollutant requiring only limited remedial action is the problem. Discharges in violation of the standards would be subject to enforcement actions under regular procedures of the Federal Water Pollution Control Act.

According to the Department of Health, Education, and Welfare there are approximately 200 interstate streams which already have some pollution problems. No matter what the increased pace and staffing of the Federal pollution control program, there will be no time for enforcement action on all of these in the near future. Lacking any other course, must the Department wait for their turn to come up 20 years hence, by which time mild pollution problems will have become severe and severe ones irremediable?

Water pollution is too big a problem to be solved by taking only one case at a time and relying on only one method. With the authority to set water quality standards I believe that the Department of Health, Education, and Welfare could begin now a much more flexible, inclusive, and rapid program of pollution control. It would be a program more helpful to the States than the present reliance entirely on enforcement action, and it would be a program designed to deal specifically with the particular problems of each region, basin, and river as effectively as possible. For these reasons it is my hope that the Federal Water Quality Act of 1965 will include a strong provision for water quality standards.

COMMUNISTS IN CIVIL RIGHTS MOVEMENT

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. EDWARDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. EDWARDS. Mr. Speaker, I am continuing my effort to point out the active participation of Communists in the civil rights movement and in all other areas where they can stir up trouble. One of the primary targets seems to be the college campus. It is impossible to carry on a responsible college program with continuous strife created by those who are not interested in legitimate goals, but only in destroying the fiber of this Nation. The New York Times of April 28, 1965, reports on the problem presently involving Howard University here in Washington, D.C. Dr. James M. Nabrit, Jr., president of Howard University, has forthrightly spoken out on this subject. Under unanimous consent, I include at the end of my remarks the story as it appears in the New York Times:

HEAD OF HOWARD UNIVERSITY WARNS COMMUNISTS

(By Ben A. Franklin)

WASHINGTON, April 27.—Dr. James M. Nabrit, Jr., president of Howard University, said today that Communists had joined a student protest group on the campus of the predominantly Negro college here in an effort to "disrupt our fight for justice."

He said that in the interests of freedom of speech and academic freedom they would be tolerated as long as they do not break the rules.

But he was plainly issuing a warning to civil rights groups on the campus that radicals of the extreme left were seeking to cloak themselves in the mantle of civil righters and plot and plan in secret to disrupt our fight for justice and full citizenship.

Many students and faculty members at Howard have been leaders in national civil rights organizations. The university has 7,800 students and is the largest predominantly Negro campus in the country.

In a statement read to a student assembly and later at a news conference, Dr. Nabrit said, "We must beware of people who come to us like Greeks bearing gifts. They do not care about the Negro people. They do not love Howard. They do not believe in civil rights for anyone.

"They thrive on dissension," he continued. "They create mythical evils and invent issues but do not want solutions to problems. They are children of lawlessness and disciples of destruction. They must be unmasked for the frauds they are. They must be fought in every arena and they must not be permitted to prevail."

The 64-year-old Negro lawyer and educator told reporters that a handful of students and outsiders had given evidence of a lack of respect for duly constituted authority and growing signs of open defiance of law and order.

He said he would not interfere with peaceful picketing or with demonstrations against administration decisions that did not interfere with normal operations of the university.

He declared that students must realize, however, that the responsibility for determination of university policy rests with the faculties, administration, and board of trustees.

He said he was giving notice that interference with classes, with passage, with entrance or use of any facilities will be dealt with promptly and firmly.

Dr. Nabrit's statement was approved by the university's board of trustees at a meeting this morning.

The need for it arose, he said, because a campus group called Students for Academic Freedom had been showing increasing militancy in demonstrations against alleged infringement of the academic freedom of students and faculty, against compulsory student participation in the Reserve Officers Training Corps and against university rules concerning the attire of students.

He said the student group had made "contrived and false" statements.

Dr. Nabrit said, "I know there are at least two Communists here because I saw them last Friday, handing out leaflets and stickers at a demonstration."

Asked how he could identify the two as Communists, the former law school dean said: "I know them, I defended one of them myself as an attorney." He emphasized that he was not saying that this student group is organized by Communists.

"I cannot document it," he told reporters, "but I think that in the incidents at Berkeley these people established a beachhead.

"Now they want to do it here in the East. And they have picked Howard because it is an institution predominantly for Negroes. They want to cloak it in the mantle of civil rights."

Student demonstrations at the University of California's Berkeley campus last year led to nearly 800 arrests.

CONGRESSMAN CURTIS CALLS FOR NEW EFFORTS IN INTERNATIONAL MONETARY FIELD

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WIDNALL. Mr. Speaker, in light of the passage yesterday of the new authorization for the International Monetary Fund participation by the United States, I think it very timely to call attention to an excellent letter, appearing in the April 15, 1965, edition of the New York Times, by my friend and colleague, the gentleman from Missouri, Congressman THOMAS B. CURTIS.

As the gentleman from Missouri [Mr. CURTIS] points out, the temporary relief through voluntary capital controls has begun to demonstrate the possibility of a problem in international liquidity as our deficits cease to supply the new liquidity necessary for sustained world economic growth. With remarkable foresight, he suggests that the visit by England's Prime Minister Harold Wilson could be used as a starting point to the necessary dialog among free world nations. Newspaper reports following Mr. Wilson's subsequent visit indicate that the President and the Prime Minister reasoned together on this area of concern.

What is needed now is the continuation of this dialog on a broader scale. Members from both sides of the aisle expressed their concern yesterday over our continuing payments problem and the problems of the international monetary system. I would suggest that an effective way to implement this concern would be for Congress to consider and act favorably upon the resolutions introduced by minority members of the Joint Economic Committee, including Congressman CURTIS and myself, and Senator JAVITS of New York, which would request an international conference on these problems. In his letter, Congressman CURTIS has outlined both the need for and the purpose of this monetary conference.

The letter to the New York Times follows:

TOWARD A STRONG WORLD MONETARY SYSTEM

To the EDITOR:

Evidence is accumulating that the administration's voluntary controls on U.S. foreign loans and investments have tightened European capital supplies. A Times correspondent in Europe recently pointed out that the program "is working in the direction intended. It is greatly reducing and perhaps temporarily drying up, the flow of dollars to Europe."

Further evidence is the quieting of European bankers' demands that the United States raise its interest rates to curb the dollar outflow. These sentiments had been informally expressed as recently as March at the American Bankers Association international monetary conference.

The broad significance of the tightening of credit in European capital markets is its meaning for the international monetary system. Europeans have begun to experience the effects of our balance-of-payments deficits, as these deficits cease to supply the new liquidity that steady growth in world trade and payments demands.

Therefore, while the administration's controls over capital are clearly harmful to long-run U.S. interests, they may serve the short-run purpose of dramatically demonstrating the need for reform of the world monetary system, perhaps helping to break the inertia that has too long characterized the attitude both of key European governments and of our own.

FOR DECISIVE ACTION

The Republican members of the Joint Economic Committee unanimously stated in their recent views on the 1965 economic report of the President and the Council of Economic Advisers that "reform of the existing international monetary system is urgently needed." We felt that "because liquidity for the existing system is largely supplied by U.S. balance-of-payments deficits, the system could break down when the United States finally eliminates its chronic deficit." The time for decisive action is now at hand. It should not await the final solution to our balance-of-payments problem.

Leadership of the kind required is not to be gained by mere tinkering with the present system, however valuable it has proved itself in the past. The resolution to increase the International Monetary Fund quotas approved in March by the IMF executive directors make modest innovations in the ways gold will be used to back new quotas. One wonders with the London Economist whether this will be the last increase in fund resources made under the present largely anachronistic accounting mechanism, which works reasonably enough when the dollar and sterling happen to be strong but in present circumstances makes the Fund heavily dependent on bilateral credits agreed through the Paris Club.

Many international economists will argue that international liquidity is now great enough to continue for several years to serve the requirements of world trade. Others, such as Dr. Walter Salant, of the Brookings Institution, feel that recent developments are already bringing the liquidity problem to a head.

TO CONVOKE CONFERENCE

Concurrent resolutions introduced in both the Senate and House, and sponsored by Republican members of the Joint Economic Committee, request the Executive to convoke a well-planned international conference to find solutions to the weaknesses of the world monetary system.

Such a conference would consider the correct role for the IMF or other appropriate international organizations in the management of international credit, would consider how to supply credit to deficit countries in time to correct threatening imbalances and how to increase the availability of long-term, low-cost credit to developing nations.

U.S. leadership in creating a suitable world monetary system is long overdue. The President must provide that leadership now. Prime Minister Harold Wilson's visit to the United States provides a unique opportunity to demonstrate that leadership.

THOMAS B. CURTIS,
Member of Congress,
Second District, Missouri.

WASHINGTON, *April 12, 1965.*

THE MERAMEC BASIN—THE NEED FOR ACTION

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CURTIS. Mr. Speaker, the city of St. Louis has made significant progress during the last decade in solving some of the major problems that were hindering its development. The result has been a revitalization of the metropolitan area. The spirit of rebirth is portrayed graphically in the construction of the new stainless steel arch now being erected on the riverfront. This structure symbolizes the city as "The Gateway to the West."

Despite the meritorious progress in most areas, there is one area in which progress has not been made. Today the St. Louis area is more remote from waters suitable for recreational use than almost any other major city in the United States. This situation is a serious drawback in the city's efforts to attract new industry. St. Louis has not remained complacent over this problem. Local groups, in conjunction with the State and Federal Governments, have joined to produce a solution and to provide the citizens of St. Louis and southern Missouri and Illinois with adequate water recreational facilities. A plan has been made to develop the Meramec River Basin for such use. The basin extends from St. Louis into the Ozark Mountains for approximately a hundred miles. The river flows through some of the most scenic, most rugged, and least populated areas in the eastern United States. The plan provides for the construction of 31 dams to create lakes with a shoreline approaching 800 miles—adequate room for fishing, water skiing, and boating activities. The Meramec River Basin project will also be useful for flood control and soil conservation as well as to improve quality of water available for drinking purposes.

There are three distinct phases to the design of this project, the first to be completed within 15 years after the starting date of 1967. The cost of the project is too great to be assumed entirely by local and State resources; therefore, Federal assistance is needed. The Corps of Engineers has recommended $236,228,000 to develop the basin. The Federal funds used by the project would be paid back over a period of years at a moderate rate of interest. The Corps of Engineers, in recommending the above sum, has determined that favorable cost-benefit ratios exist on the various projects making up the entire Meramec River Basin program.

One of the main advantages of the Meramec Basin project as I pointed out before, is its proximity to the St. Louis area. Since it is so close it will be used by more people. As we progress through the next few decades it appears that the number of man-hours worked by the average individual will decrease but that the amount of spendable income and time for travel and leisure available to the individual will go up; therefore, as time goes on, the project will most likely be used by increasing numbers of people for increasing periods of time. A report written by Washington University of St. Louis has estimated that up to 35 million visitor-days could be spent in the project areas. Certainly the use of the facilities of the Meramec River Basin project by this many people would be a tremendous stimulus to the economy of the people of southern and eastern Missouri.

This project involves the combined efforts of all levels of government as well as the efforts of many private citizens and groups. Local people will be especially concerned with zoning and access regulations to prevent shoddy development and to keep the area open to as many people as possible. This is a project for the benefit of the entire American public, not just to promote the interests of a few selfish individuals.

Mr. Speaker, I have been disturbed to learn that the Army Engineers will not have the Meramec Basin report forwarded from the St. Louis office until June 1965.

As I understand it, the procedure being followed by the Engineers will almost certainly prevent the report from being included this year in an omnibus bill for authorization. This also means, apparently, that we will have lost 2 years—presuming that the usual procedure is followed, and that there will be no omnibus bill until 1967.

Because of the urgency of the problem to the people of the Metropolitan St. Louis area, I would like to call to the attention of the Congress the need for more speed on this project so that the basin project may be started as soon as possible. To explain further the benefits and details of the project I would like to insert in the RECORD a recent speech made by Mr. Herbert W. Sayers, president of the Sayers Printing Co., St. Louis, Mo., before a group of business and labor leaders in Clayton, Mo. Mr. Sayers very coherently explains why this program should be given high priority; therefore, Mr. Speaker, I include his remarks in the CONGRESSIONAL RECORD at this point:

ADDRESS BY MR. SAYERS

Let's talk about our hometown, St. Louis. Let's talk briefly about her past, her present, and the challenge of her future; specifically, and at greater length, the part water, good old H_2O, will play in that challenge.

Forty years ago, I was a member of a well-known team called the Meramec River Patrol. We did lifeguard duty on St. Louis' most popular outing stream. Glencoe, Jedberg, Castlewood, Fern Glen, and Peerless Landing at Valley Park—those were all typical places on the Meramec to which thousands of St. Louisans commuted on weekends, enjoying the superb, clearwater swimming, canoeing and sightseeing in the beautiful and rugged Ozark hill land.

Those were the days when St. Louis was still fourth in population in these United States, and "Meet me in St. Louie, Louie, meet me at the Fair" was still an international byword. Our chamber of commerce, slogan, "Ship From the Center, Not the Rim," carried a real meaningful wallop and competitive advantage. A great river town, second largest rail center and important truckline hub, we were a proud and self-sufficient manufacturing city with a diversification of industry, which was the envy of the Nation.

We were first in booze, first in shoes, and, of course, last in the American League. We were complacent, secure, and rather satisfied with our position. We had become a great educational center, a great medical center, and a great cultural center. We were the city of big parks. Our Forest Park Muny Opera achieved a national reputation in the entertainment field. So much for the past.

All this time the old Mississippi, at our back door, has just "kept rolling along." I say back door, because during the post-World War II years, our city kept pushing farther and farther westward. The population explosion of the late forties and fifties with more—and still more—people, more households—and still more households—created a situation that finally left our core city in dire need of a facelifting. Thanks to the vision of a civic-minded group of St. Louis industrial leaders, our grand old city, celebrating her 200th birthday, is lifting herself out of a self-imposed complacency. Neither a great fire nor a devastating earthquake sparked this great rebuilding program. Literally, by her own bootstraps, the lovely old lady of the Mississippi is lifting her outer face to maintain her vitally important position as the strategic "center of America," and I might add, "potential space capital of the world."

Yes, today, St. Louis is on the way back—and in a big way. Our new spirit is reflected graphically in the building of our great, new stainless steel arch, symbolizing St. Louis as the "Gateway to the West." This masterpiece of construction is the new trademark of St. Louis; just as the Eiffel Tower typifies Paris and Washington's monument reflects our Nation's Capital.

Speaking facetiously, a lot of water has gone under Eads Bridge in the last 40 years. Speaking seriously, automation, more leisure time, and more and more people have aggravated a chronic condition that steadily has been deteriorating. It has always been a thorn in our side. St. Louis bankers will tell you it has cost us many a new industry. Time and again, given a choice, new firms and new people have shied away from St. Louis. Why should this be? We have lacked near-at-hand usable recreational waters—waters that could make St. Louisans feel they live in the midst of a vacation land.

Today, we in St. Louis are more remote from suitable recreational waters than any other large city in the United States, with the possible exception of Pittsburgh.

A report published in 1962 by the Outdoor Recreation Resources Commission stated, "As pressure continues to mount for St. Louis' recreational water facilities, the failure to act, and act quickly, could be crucial. St. Louis might well find itself defined as an area undesirable in which to live, work, and play."

However, we St. Louisans don't take things lying down. You know today the tremendous job being done in our core city. What you may or may not know is that great things are in store for our water recreational future.

After years and years of research, planning, many controversies, tomato-throwing meetings, more research and more planning, the development plan of the Meramec River Basin has finally been resolved. The plan is especially unique, in that, for the first time, Federal, State, and local groups have combined their efforts to produce an areawide workable program.

A whopping $236,228,000 Federal investment has been recommended by the Corps of Engineers to improve our Meramec Basin; extending from the St. Louis suburbs out into the Ozarks for over 100 miles, embracing one of the most forested, rugged, scenic, and least populated areas of the entire Eastern United States. We're going to use that clear mountain spring water, fish in it, sail, canoe, and water-ski on it before it gets muddied up with the old Mississippi on its way down to the Gulf of Mexico.

The master plan is a honey; including 31 dams, which will back up waters providing nearly 800 miles of shoreline, all within an approximate 1 or 2 hours drive from St. Louis.

Yes, the old Meramec River we enjoyed so much in a small way a generation ago is about to get a much-needed working over. Erosion and flooding will succumb to the power of man, who, literally, will move mountains with Caterpillars.

Specifically, the project is separated into a three-phase program. Phase I includes 4 large main stream lakes designated as Pine Ford, Irondale, Meramec Park, and Union; 3 intermediate reservoirs, 6 headwater reservoirs, 21 angler-use sites, and 5 levee protection projects. These are to be completed within 15 years with a probable dirt-moving start in 1967.

Phase II includes three large main stream lakes designated as Virginia Mines, Washington Park, and Salem; two intermediate reservoirs, three headwater reservoirs and three angler-use sites. These are to be completed following phase I.

Phase III includes seven intermediate reservoirs and three headwater reservoirs, plus two angler-use sites to be completed following phase II.

You can readily see this is a gigantic project, which most of us will be indeed fortunate to see through phase II.

Our Meramec Basin water development program clearly should not be looked upon as some miracle coming out of the Federal Treasury. To be successful, it will be because local organizations with the help of the State government assume and maintain a proportionate share of the cost of the job; receiving from the Federal Government that additional assistance which is beyond their technical and financial capacities.

We all know, or should know, there are actually no Federal handouts. You and I pay for every bit of Federal assistance we get in some form of tax bite. In our Meramec Basin, admittedly, the job to be done is far too great costwise for local organizations, or even at the State level. The Federal Government has funds available to be invested at low interest rates for projects such as ours, but these moneys must be paid back over a period of years. The Corps of Engineers has determined favorable cost-benefit ratios on the various individual projects which make up the water development program for the Meramec Basin.

The challenge we St. Louisans face is to make certain this enormous investment is expended in the best interests of the community, ourselves, our children, and our children's children.

There is a lot of work still to be done before any construction gets underway. It concerns local people and local interests. As typical examples, there are questions such as public access to lakes and rivers, and the zoning of land near the water so that shoddy development is avoided. This is essentially a citizen's job; possibly a conservancy district enactment, patterned after the successful Muskingum Valley project in Ohio.

The tremendous results achieved to date have required over 6 years of intensive citizen work, with an expenditure of $430,000—a good portion of which has been recovered through local and regional individual and corporate contributions.

Washington University, together with a small group of local and basin men, have been dedicated to this undertaking. Their work goes on.

I would like to quote from an inspiring address made by Gen. Walter K. Wilson, Jr., Chief of Engineers of the U.S. Army:

"What this country needs now, and needs badly, is a full realization of the great scope and size of the water development task confronting it, and an absorbing dedication to an all-out, generation-long water development effort.

"What we are dealing with involves the total future welfare of our Nation. Water resources development must be undertaken not merely because it is profitable, or that we may live more comfortably. It must be undertaken to preserve our national economy, our security, and our way of life. It is one of the foundation stones of national defense, and of our country's future greatness. No task is more urgent. It is a challenge to us all."

For St. Louisans, the development of the Meramec Basin will be our contribution to that great challenge. It is our privilege, and our duty to leave that bit of superscenic mid-America, not degraded by the exploitation of too many people, and selfish interests, but preserved and enhanced that all may benefit and enjoy her clear waters tomorrow—and for the many tomorrows to follow.

PRESIDENT JOHNSON'S POSITION ON POLL TAX

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. YOUNGER. Mr. Speaker, in the interest of historical accuracy, I rise to correct certain observations which President Lyndon B. Johnson made in his press conference of yesterday relating to his position on the poll tax.

The question asked at Mr. Johnson's press conference was:

> Your voting rights bill is moving toward completion in the Senate this week. Do you think that the proposal—the amendment to abolish the poll tax—would make this unconstitutional? Do you think it would damage the passage of the bill in the House? And what do you think about it generally?

And the Presidential response was:

> I think that that is being worked out in conferences they're having today and they will have in the next few weeks. I have always opposed the poll tax. I am opposed to it now. I have been advised by constitutional lawyers that we have a problem in repealing the poll tax by statute.
>
> For that reason, while a Member of Congress, I initiated and supported a constitutional amendment to repeal the poll tax in Federal elections. I think the bill as now

> drawn will not permit the poll tax to be used to discriminate against voters, and I think the administration will have adequate authority to prevent its use for that purpose.
>
> I have asked the Attorney General, however, to meet with the various Members of the House and Senate who are interested in this phase of it and, if possible, take every step that he can within constitutional bounds to see that the poll tax is not used as a discrimination against any voter, anywhere.

Yes, Mr. Johnson says he has "always" opposed the poll tax. In fact, Mr. Johnson had 14 opportunities to vote directly or indirectly on the matter of the poll tax while he was in the Congress. On 12 of these votes—every one down to 1960—he voted against repeal. In 1949, while participating in a filibuster on the floor of the Senate, he made his position quite clear, saying:

> I believe that the proposed antipoll-tax measures * * * is (sic) wholly unconstitutional and violates the rights of the States guaranteed by section 2 of article I of the Constitution. Believing that, I think I have the right to use my freedom to speak and stand on the floor of the Senate as long as I have the will, the determination, and the breadth to oppose such a measure.

I grant that the proposal in each case in which Mr. Johnson voted against the repeal of the poll tax was to achieve the result by statute, rather than by constitutional amendment.

But Mr. Johnson did not show enthusiasm to end the poll tax by amending the Constitution. In spite of his statement yesterday that he "initiated" the constitutional amendment to abolish the poll tax when he was in Congress, one has only to look at the record to find that not until 1959 did Senator Johnson joint 60 other Senators in cosponsoring Senator HOLLAND's constitutional amendment. That measure had been introduced in every Congress since 1949 without his cosponsorship.

In the great tradition of George Orwell, the President has now started rewriting the CONGRESSIONAL RECORD.

I am appending to these remarks a table recording how President Johnson voted each time repeal of the poll tax was under consideration while he was a Member of the Congress. This table also shows total vote by party of the Members of the Chamber in which Mr. Johnson was serving. The table shows that 91 percent of the Republican votes on these 13 rollcalls were cast against the poll tax whereas only 53 percent of the votes on the Democrat side were against the poll tax.

Lyndon Johnson's voting record on poll tax legislation

Date	Chamber	Johnson position	Republicans		Democrats	
			For poll tax repeal	Against poll tax repeal	For poll tax repeal	Against poll tax repeal
Substantive votes:						
Dec. 13, 1942	House	Against	131	3	120	81
May 25, 1943	House	Against	168	16	93	94
June 12, 1945	House	Against	131	19	118	86
July 21, 1947	House	Against (paired)	216	14	73	98
Jan. 18, 1950	Senate	Against	17	15	0	44
Aug. 1, 1955	Senate	Against (paired)	7	32	15	24
Feb. 2, 1960	Senate	For (constitutional amendment).	29	3	43	13
Feb. 2, 1960	Senate	Against	15	18	22	32
Feb. 2, 1960	Senate	For (constitutional amendment).	27	6	43	12
Procedural votes:						
Oct. 12, 1942	House	Against (motion to discharge poll tax bill from Rules Committee).	125	3	123	82
Oct. 12, 1942	House	Against (motion to consider poll tax bill).	123	3	124	81
May 24, 1943	House	Against (motion to discharge poll tax bill from Rules Committee).	176	10	88	100
May 24, 1943	House	Against (motion to consider poll tax bill).	176	10	85	95
July 21, 1947	House	Paired against (motion to adjourn before considering poll tax bill).	221	0	77	85
Total			1,565	149	1,034	917
Percentage			91	9	53	47

BUD SILVERMAN ENDS 35 YEARS WITH CLEVELAND PLAIN DEALER

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MINSHALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MINSHALL. Mr. Speaker, my good friend, Bud Silverman, is ending 35 years with the Cleveland Plain Dealer this week.

It is hard to believe that his by-line, "Alvin M. Silverman," will no longer be seen heading up some of the sharpest reporting and political analysis to come out of Washington, D.C.

Bud grew up with the Plain Dealer. He cut his cub-reporting teeth while attending East High School in Cleveland and continued as a sports reporter during his years at Western Reserve University. Later, there was not any phase of city-room work Bud was not assigned: schools, city hall, general politics, legislative correspondent, and day city editor. He became Washington's bureau chief in 1957.

All of us are going to miss Bud Silverman, but particularly the Minshalls to whom he was more than an impersonal newspaperman with Congress on his beat. He has been a loyal friend right from the start and we are delighted that he has elected to launch his public relations career in the Nation's Capital. Bud has become a partner in the Pearl-Silverman Agency at 815 16th Street NW.

The Minshall family and staff join with his countless Washington and Cleveland friends in wishing him well.

NEW YORK CITY IN CRISIS—PART LII

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article which continues the discussion of New York City's housing problems.

The article is part of the series on New York City in Crisis and appeared in the New York Herald Tribune on March 9, 1965.

The article follows:

NEW YORK CITY IN CRISIS—WHAT CONDITIONS ARE LIKE ON A TYPICAL DAY IN HOUSING COURT

(By Alfonso Narvaez of the Herald Tribune staff)

On almost any day of the week, the corridor outside room 216 at 52 Chambers Street is crowded with well-dressed men and women.

Many of them just sit on wooden benches, nervously rubbing their hands, but others stand around and talk excitedly with quiet, self-assured companions.

The nervous ones invariably are landlords, and they are waiting for part 6B of criminal court—housing court—to begin.

The quiet ones with them, who appear self-assured and confident, invariably are their lawyers.

They are in housing court to answer summonses for violations of the multiple-dwelling laws and other laws designed to protect the citizens of New York.

On a normal day the number of cases on the court docket can range between 40 and 60, but on some days it runs as high as 200 to 300. All the defendants are required to appear at 9:30 a.m. and the corridor is usually jammed with persons waiting for their cases to be called.

Each case can be for as little as 1 violation or as many as 50, for almost every type of nuisance—broken windows, faulty plumbing, lack of heat or hot water, rat and vermin infestation.

Although the buildings and health departments list some of the violations as hazardous to the lives and health of the men, women, and children who live in the buildings concerned, the landlords do not consider themselves criminals.

What is more important, however, is that the courts and the judges themselves do not consider them criminals, nor their acts more serious than many parking violations.

Despite the fact that the penalty for conviction for a housing misdemeanor can run as high as a $500 fine and 30 days in jail, it rarely does. In fact, many violators continue to find it far less expensive to pay their fines than to fix their houses.

In 1964 there were a total of 20,613 convictions in housing court and of these, 19,718 were fined a total of $332,498—an average of $16.86 per case. In January of this year, 957 cases were reported as convictions and 892 persons were fined $17,220, an average of $10.90 per case.

To put the court's attitude toward housing violations and the slumlords into proper perspective, one need look no further than traffic court, where the standard fine for parking a car in a restricted area is $15.

Even the amount of the fines in housing court is not an accurate barometer for measuring the punishment of housing violators. The average fine per case does not take into consideration the total number of violations per case.

In many instances, the fine averages out to no more than $4 a violation. For this reason, it is not difficult to see why many landlords find it far more economical to pay a small fine rather than have the violation fixed before the matter falls into the jurisdiction of the housing court. In some cases, landlords even save money by paying the fine.

For instance, yesterday one of the landlords convicted for failure to provide heat for 2 days to his 60-family apartment house in Manhattan was fined $25.

After paying his fine he told a reporter that the boiler was broken for the 2 days, but that during that time he saved almost 5,000 gallons of fuel, at 6 cents a gallon—$300.

Despite the high percentage of convictions—more than 90 percent—the criminal prosecution of housing code violators does not function as a deterrent to continued abuse. Landlords plead guilty to violations, but then appear at another time to make the plea to other charges.

The procedures of the court do not usually help the tenant who must endure the violation while the court action is taken.

At present there are often delays of as long as 3 months between the time an inspector makes a recommendation for court action and the first appearance of the violator in court. The matter does not usually end there, because in many cases there are continued adjournments and it may be a year before the case is finally settled.

For many landlords, housing court has taken on the flavor of traffic court, where, despite a person's feeling that he is not guilty, he will often plead guilty and pay a fine. If he were to plead not guilty, he would then have to appear on another day for trial, and even then he could not be sure the city would be ready with its case. If his time is more valuable, he pleads guilty and is finished with it.

However, the "operators"—landlords who buy and sell slum buildings for profit, and who milk them for every penny they can get out of them—will often "shop around" for a more lenient judge and will plead not guilty on a day when a strict judge is on the bench. On the day for trial, before the lenient judge, they will change their plea to guilty and accept the low fine imposed.

The "operators" also manage to avoid having their names sullied with convictions by having the name of a corporation substituted on the court records.

Another factor that works against the administration of justice in housing cases is that in the cases of flagrant violators, it is often difficult to find out who is the legal owner of the building.

Although "managing agents" usually collect the rent, when it comes time to appear in court for a series of violations they are frequently "fired" and no longer work for the owner.

The department issuing the summons for the violation must then try to find the true owner of the property. This is often more difficult than it may seem. The person who is held legally responsible for the building often maintains that he is still not the owner.

In these cases, the true owner hides behind a facade of corporation names and post office box numbers, or uses a telephone answering service so that he can screen his calls. In this way he "cannot be contacted" for the service of summonses or for complaints to be registered with him.

A typical day in housing court begins with the crowded corridor and the usual press of bodies trying to get into the courtroom.

Yesterday there were 44 cases on the docket and the courtroom was half empty. The court clerk—the "Bridgeman"—called off the name of a defendant, who would approach the bench. The clerk would ask if he was acquainted with the charges, rattle off the defendant's rights and then ask for a plea.

It was a bad day for the defendants.

In 20 cases, they pleaded guilty and were fined an average of $32 a case. One defendant paid $110 for four cases involving a total of 16 violations—or an average of $6 per violation.

Another landlord paid a $50 fine for a violation consisting of a faulty elevator.

Another claimed his tenant refused to allow his apartment to be painted and that an inspector issued a summons anyway. He received a $10 suspended sentence.

Of the rest of the cases, 20 were adjourned for trial. In the four others, warrants were issued for the defendants' arrest for failure to appear in court.

When the name of the landlord for 286 Fort Washington Avenue was called, 16 people rose and approached the bench. They were the landlord, his attorney, and 14 tenants from the building.

After pleading guilty, without an explanation, the landlord, W. Genuth, of 273 Havemeyer Street, Brooklyn, was fined $25 for failure to provide heat in the 60-apartment building. As the judge pronounced sentence, the tenants walked out quickly—obviously not satisfied.

Outside the courtroom they got into an argument with Mr. Genuth because they claimed that he had harassed them.

John Churko, a spokesman for the tenants, claimed that for the last 4 years they have had trouble with him. He said that the landlord had continually refused to make repairs or to paint the apartments. He said that for a period of 7 weeks early this year, the tenants had to walk to their apartments in the six-story building because the elevator was not working.

Mr. Genuth denied the charges of harassment but admitted that the elevator was not working for that length of time.

"Vandals broke the control panel on the elevator," he said, "and it took 7 weeks to the day to have it repaired. It cost me more than $7,000, but they don't want to listen to me."

As for the no-heat violation, Mr. Genuth agreed that the building was without heat for 2 days but said someone had broken the boiler. He showed a bill for $900 for repairs to the boiler, and for rusted bolts that allowed the water to seep out.

He blamed labor troubles for the "vandals" who had destroyed his property.

"It cost me more than $12,000 for all the work on the building so far this year," he said. "I try but I just can't keep up with it all. I have tenants in the building who are paying $65 a month for six rooms under rent control. They should have rent controls but they should make it like $25 a room instead of about $19. For me it's an investment, but I can't make money on this."

A half hour later, at 12:20, another day in housing court had drawn to a close. Judge Maurice Downing, graying and reserved, refused to talk with a reporter and left immediately.

Long criticized by civic groups for many reasons, the housing court and its judge remain unchanged.

Not too long ago, a city official, who is deeply concerned about the dual failure of the housing code and the housing court to bring about a solution to the problem of slumlords, brought up the topic with a criminal court judge, who sits on housing court.

According to the city official, the judge maintained that he just didn't feel that most housing violations were true criminal acts. According to this judge, most housing problems should be settled by the tenants and the landlords, not by the criminal courts.

As long as judges feel this way—and more than one certainly does—the housing court will continue to offer little relief to the thousands of New Yorkers being victimized daily by landlords who operate freely as slumlords within the framework of the law.

NEW YORK CITY IN CRISIS—PART LIII

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article on New York City's slumlords appeared in the New York Herald Tribune on March 10, 1965.

The article is part of the series on "New York City in Crisis" and follows:

NEW YORK CITY IN CRISIS—CITY ARMED WITH POPGUNS IN ITS WAR ON SLUMLORDS

(NOTE.—In the greatest city in the world, perhaps the basic ill is slum housing. As part of the Herald Tribune's continuing investigative series, "New York City in Crisis," Reporters Martin J. Steadman and Alfonso Narvaez have spent 1 month intensively examining the problems of the slumlords and the dwellers. Today, in the fourth article, the Tribune offers possible—and vitally necessary—solutions.)

(By Martin J. Steadman, of the Herald Tribune staff)

The New York City Buildings Department is fighting the growing slum problem with one hand tied behind its back.

A month-long Herald Tribune investigation found that loopholes in the law, lenient judges, and an outmanned buildings department let hard-core slumlords milk old-law tenements at the expense of the tenants.

Here are some of the problems the buildings department faces:

No legal staff. Cases against slumlords are prepared by clerks.

Delays of as long as 3 months from the time court action is recommended and the scheduled court appearance of the defendant.

Penalties imposed on landlords by judges in housing court are extremely lenient. Rarely does a slumlord go to jail. The average fine last year was $16.86, far less than what it would cost a landlord to make the repairs demanded by the buildings department.

Only eight process servers are available to try to track down the hard-core slumlords. The buildings department is forced to resort to service of summons by mail, a dubious legal maneuver. Result: There are now 1,500 cases pending where the landlord has not appeared in court following mailed service of the summons. The backlog of cases is growing.

The department tried to hire a private process service agency last year, paying first $1.50, then $2.50, per summons. But the agency found it unprofitable and notified the city that it would not do the job any longer.

The buildings department does not have statutory power to subpena witnesses, take testimony under oath, and compel the production of books and records of slumlords. Each year since 1960, a bill has been introduced in the legislature to give the department these powers. Each year the bill has died in committee.

The receivership program, which allows the city to seize a slum tenement, fix it up and collect rents until the job is paid for, is just limping along. To date, only 74 buildings have gone into receivership. The buildings department considers receivership a potent weapon in code enforcement. The mere threat of seizure has brought compliance by reluctant landlords in 154 buildings. But the staff for this highly touted program numbers only 17 people, with just 1 attorney, borrowed from another department. The entire receivership staff boasts three clerks, two typists, a stenographer, eight inspectors, and two process servers.

Overlapping jurisdiction. Lack-of-heat violations come under the jurisdiction of the health department. Lack-of-hot-water violations come under the jurisdiction of buildings. Usually both violations are traceable to a defective boiler. Though civic groups have clamored for consolidation of housing enforcement agencies for years, New York City still clings to the old way of doing things.

The shortcomings in budget and staff of the buildings department were recently pointed up by the Community Service Society, a quietly effective nonprofit civic group which keeps a close watch on housing problems. The agency wrote:

"No substantial improvement in code enforcement can be expected until the Department of Buildings receives a budget commensurate with its responsibilities."

CSS also took the occasion to criticize the courts. "Until fines are greater than the cost of repairs, it is not likely that this method of enforcement will be as effective as it should be."

The buildings department has been shaken by scandals many times over the years. Inspectors have been dismissed and jailed over taking graft. After the last grand jury report, in 1959, Mayor Wagner reached out for a cop to head the department. He got Harold Birns, a former assistant district attorney in Frank Hogan's rackets squad.

Since then the buildings department has been functioning in relative quiet. Commissioner Birns has fired 30 inspectors summarily, but no major scandal, or charges of organized graft collecting have disturbed his administration. As for enforcement of the housing code by the buildings department, statistics indicate it is doing a greater amount of enforcement each year.

Inspectors reported 425,526 housing violations on 30,562 buildings in 1964. The previous record high, in 1963, was 307,715. That figure was considerably higher than the 195,585 violations reported in 1962.

Most of the increased inspection activity was caused by the "cycle survey," a cellar-to-roof inspection of every building in a slum neighborhood, instituted July 15, 1963. The cycle survey teams do not wait for tenant complaints.

To date, cycle survey teams have visited 30,105 buildings, containing 157,209 apartments. When the program began, 40,208 violations were pending on those buildings. The inspectors handed out an additional 227,925 violations.

All this inspection activity shows up in housing court, of course. There were 22,441 cases brought by the buildings department in 1964, up from the 16,086 in 1963. More than 90 percent of the cases end in convictions, and last year 20,613 landlords paid $332,498 in fines.

The last figure is disturbing to civic groups as well as law enforcement officials. The average fine in 1960 was $26.67. Each year since, it has declined, until last year the landlords were walking out of housing court with average fines of less than $17.

In 1964, only 10 landlords went to jail. In 1963, only seven jail terms were handed down.

But many observers feel that even with the increased activity, the buildings department is losing the fight against spreading slums.

City Councilman J. Raymond Jones, speaking at a budget hearing last December, remarked: "We give the buildings department a teacup and expect it to stop the Hudson from flowing into the bay."

The buildings department budget for this fiscal year is $10.2 million. Commissioner Birns is asking $15 million for next year.

Almost the entire buildings department budget goes for the salaries of 1,642 employees, including 866 building and housing inspectors. The payroll amounts to $9.9 million of the $10.2 million budget.

The budget for the executive staff of the buildings department has always been rather niggardly compared to the plush budgets for other city departments.

There are only 20 lines in the budget, including the commissioner and two deputies, for the administration of a central office and five borough offices. Two of the lines are unfilled, which means two of the officials are doubling in their jobs. There is no public relations officer attached to the buildings department, perhaps the only major city department without one.

There are 43,000 old-law tenements on the city streets. Built before the turn of the century, many of these buildings would have been ordered boarded up long ago if there weren't a housing shortage in the city.

The vacancy ratio at present—the key figure in determining just how much leeway the city has in getting tough with landlords who do not comply with the law—is now at a very low 1.7 percent. In effect, this means that even if the city wanted to vacate a bad building, vacancy ratio figures insist that officials must go slow—there is no place to move the ousted tenants.

The vacate order is the ultimate weapon against the slumlord. His tenants are ordered out and the premises boarded up. But because there is no place to put the tenants, the buildings department could close only 27 old-law tenements in 1962, 34 in 1963, and 51 in 1964. In the 4 years between 1934 and 1937, the city boarded up over 2,000 slum buildings, an average of over 500 a year.

But it was easier for Mayor La Guardia, brandishing a hatchet or a flit gun, to order a slum building boarded up immediately. The vacancy ratio in the 1930's ran well up to between 12 and 17 percent. Adding to the enormity of the problem faced by Mayor Wagner and his building department is the simple fact that these tenements are now 30 years older than when Mr. La Guardia was crusading against them.

Last May, the city commissioned a study of the present housing code by the Columbia University Legislative Drafting Research Fund. Headed by Prof. Frank Grad, the study team is expected to take 3 years, at a cost of $255,000, to analyze the deficiencies in the present code, and return recommendations.

Professor Grad said yesterday that he filed a preliminary report on consolidation of housing enforcement agencies several months ago, but the city has not yet released his recommendations.

The professor declined to discuss his findings, but it was learned that he urged consolidation as a long-overdue measure.

Reforms in the tenements come in fits and starts. In 1901, the legislature passed the sweeping tenement house law, outlawing any more construction of the dingy, unsafe buildings. Toilets were moved into the houses from the backyards.

In 1929, the legislature mandated fire-retarding of cellars and halls, and in 1955, the multiple dwelling code was amended to require central heating in every apartment house.

This could be the year for greater tenement-house reform—perhaps a tightened multiple dwelling law and city housing code. If the people and their elected officers want it.

DAVID G. OSTERER RECEIVES THE ELOY ALFARO GRAND CROSS AND DIPLOMA IN RECOGNITION OF HIS DISTINGUISHED SERVICE TO MANKIND

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Speaker, under leave to extend my remarks, I am privileged to insert the highlights of the decoration ceremony, held on November 19, 1964, at the Westchester Country Club, when the Eloy Alfaro Grand Cross and Diploma of the Fundacion Internacional Eloy Alfaro of the Republic of Panama was conferred upon the Honorable David G. Osterer. This honor was given Mr. Osterer in recognition of his distinguished service to humanity, charity, ethical conduct in the business world, comparative religions, and in further recognition of his efforts toward the establishment of international peace.

The ceremony was opened by an outstanding address delivered by Dr. Herman A. Bayern, of Yonkers, N.Y., the American provost of the Eloy Alfaro International Foundation. In his speech, Dr. Bayern set forth the aims and purposes of the foundation and explained why Mr. Osterer was unanimously voted to receive this high honor, as well as setting forth the achievements and accomplishments of Eloy Alfaro, President of Ecuador from 1895 to 1901 and 1906 to 1911 and promoter of hemispheric solidarity.

Mr. Speaker, I present the investiture speech delivered by the Honorable Albert Conway, Justice of the Supreme Court of the State of New York:

INVESTITURE SPEECH OF THE HONORABLE ALBERT CONWAY

Judge McCullough, my colleague and toastmaster, Dr. Bayern, and the fine committee that has put in many hours to arrange this affair, guests and friends. This is a meaningful occasion. The purpose of making awards is not merely to honor an individual or reward him for his service, but to encourage others to follow by example.

Briefly, I would like to talk to you about David Osterer and the nature of this man. His friends at first suggested an elaborate dinner affair, which he refused because he felt it would place a tariff on people to see him honored, since it was not for a cause to which funds would go. He accepted the idea of public presentation when it was suggested to him that the purpose of a public presentation was to encourage others by example, whereas anonymity would not.

As a matter of fact, he has any number of honors he even refused to refer to. Our honored guest is known nationally and internationally in certain circles and is beloved, admired, and respected by many because of his charitable and civic activities. The place he has won in the business world alone—because of his ethics and principles—merits this high honor.

The board of dignitaries of the Eloy Alfaro International Foundation were very happy to unanimously vote him its highest honor—the Eloy Alfaro Foundation Grand Cross—and he now joins those famous Americans who likewise distinguished themselves in the service of humanity. Briefly, to delve into Mr. Osterer's background, I discovered that he is a dynamo.

He was not born on the East Side. However, he was a product of New York public schools, graduated from Brooklyn Law School (LL.B. cum laude). It is also interesting to note that while attending law school, Mr. Osterer worked 10 to 12 hours a day in the State of New Jersey, attended Brooklyn Law School and lived in the Bronx.

He engaged in the general practice of law until the early forties, at which time he became active in industry. He participated in the organization of the Induction Heating Corp. Subsequently, he became chairman of the board and executive vice president. He is one of the founders of Hydra-Power Corp. Later, while president of New Rochelle Precision Grinding Corp., he conceived of and was one of the founders of New Rochelle Termatool Corp., which is now a subsidiary of American Machine & Foundry.

It is interesting to note that while under his stewardship the Induction Heating Corp. received the Army and Navy E for its outstanding contribution to the war effort and the Termatool Corp. the E Award for its contribution to international trade.

Mr. Osterer has been the recipient of a number of testimonials from employees, and lectures from time to time on personnel and management policies, among other honors, he holds the Humanitarian Award from the United Cerebral Palsy Association of Westchester County, N.Y. He is currently a member of the board of the Harrison Community Center and a member of the board of the St. Agnes Association—as well as having been "entrusted" with the key of the city of New Orleans while being made an honorary citizen.

During his military career he rose from the rank of private to major in the New York Guard. The man who can testify to this is Colonel Lopaus, who is with us tonight.

Mr. Osterer has always demonstrated the quality of leadership and devotion to public service. His belief in man has been practiced with success. He has been "stiff necked" and rebellious against following the beaten paths in business and has been equally "stiff necked" and rebellious when pursuing the course of principle. A picture of Mr. Osterer can be derived not only from his activities, but from his writings and sayings which reflect a concern for the dignity of man. For example, he has written * * * "There is more potential drive in man than horsepower in machines."

This evening, we signally honor a man who knows a depth of concern for his fellow man and who, because of this concern, has led an exemplary life. His unwavering faith in the ideals of mankind and his tireless effort in the advancement of charitable service and humanity richly merits the honor he receives tonight.

On behalf of the Eloy Alfaro International Foundation, of which I have been an earlier recipient and in the language of the foundation's board of dignitaries * * * "In recognition of his distinguished service to humanity, charity, outstanding ethics in the business world, comparative religion, and in further recognition of his efforts toward the establishment of international peace" * * * I am honored to confer this diploma and Grand Cross on an outstanding citizen and a friend of all, the Honorable David G. Osterer.

Judge Conway then conferred the Eloy Alfaro Grand Cross and diploma upon the Honorable David G. Osterer, assisted by American Provost Dr. Herman A. Bayern.

The Honorable David G. Osterer then acknowledged the receipt of this award, as follows:

"Judge Conway, Judge McCullough, Reverend Clergy, Dr. Bayern, Mr. Gerner, ladies and gentlemen, I hope you will not consider the nature of my acceptance of this distinguished decoration as a display of immodest modesty.

"I cannot bring myself to believe, however, that I was chosen by a process of competitive elimination. I know and you know that there are thousands of Americans who have devoted themselves to the service of community and humanity and who are equally, if not more deserving than I am for such recognition. It is just that I was lucky enough to be noticed.

"So it is with a feeling of gratitude—mingled with a sense of being lucky, and as symbolic of all those who serve, that I accept this decoration.

"I feel it important to make further comment. If there is any basis to the concept of the true partnership of marriage, then any moneys I have expended, any service I have rendered, any anxieties I have experienced (and there is anxiety entailed in the service of causes), all has been equally shared in the giving of my wife, Marti.

"This Foundation, which bears his name, was decreed by the President of Panama in order to perpetuate the philosophies and purposes to which Gen. Eloy Alfaro devoted his life. I think it is only fitting and proper that I make expression relative to the purposes of the Foundation, which constitute my beliefs as well.

"The history of mankind reveals that the caveman's community of concern was his cave, his mate, his offspring, and the surrounding elements and animals he had to contend with in order to survive. He did not know, nor did he care about what was happening on the other side of his mountain.

"When man evolved to the tribe his community of concern was not only the tribe and its welfare, but the surrounding tribes, their problems, their weaknesses, their strengths, their purposes and their intentions.

"And so evolution continued until today. Man's community of concern is global, and happenings anywhere in the world (particularly with instantaneous communication and almost immediate impact) affects man in his community of residence, wherever in the world that may be.

"We are today confronted with a truism that we must recognize and deal with.

"That there is no area—whether it be in the community of our residence (city, State. or country—take Harlem for instance), or whether it be in a far distant land, that has not proved to be an area fertile for the growth of the root and the weed of destruction.

"I thank you, Msgr. James T. McDonnell, Rabbi Aaron Singer, Rev. Alfred S. Powell, for gracing this dais. I thank John Mann, president of the United Cerebral Palsy Association of Westchester County, N.Y., and my colleagues for your courtesies. I thank Dr. Herman S. Bayern in the name of the foundation for the recognition that you have extended to me, and to Henry M. Gerner, a member of the foundation. I thank Judge Frank McCollough, whom I have known both as a legislator and as a judge, as one who has never turned his back on causes he deemed right, for your good offices as chairman. And I thank Judge Albert Conway upon whom the State of New York has conferred its highest judicial honor—chief judge of the court of appeals—for the deference that you have shown me tonight.

"I thank the committee, whose generosity—more so graciousness—has made tonight possible.

"To you, my friends, who have so honored me with your presence tonight, I extend my deep gratitude."

Finally, Mr. Speaker, I insert an editorial which appeared in the Gannett newspapers in the State of New York. The following editorial appeared in the Daily Argus, Mount Vernon, N.Y., on Monday, November 23, 1964:

AN HONOR FOR MR. OSTERER

Chances are that few in Westchester are familiar with the Eloy Alfaro International Foundation of the Republic of Panama or that they even knew it existed until Thursday night when it honored David G. Osterer of Harrison with its Grand Cross and diploma.

But there are a great many people in Westchester who know and admire David Osterer and there are many more who are better off because he is the man he is.

The foundation, named after a former President of Ecuador, works toward improving the health of the peoples of the world and promoting the establishment of peace. It has numbered individuals among those chosen for its honor.

Its citation of Mr. Osterer reads: "In recognition of his distinguished services to humanity, charity, ethical conduct in the business world, comparative religions and in further recognition of his efforts toward the establishment of international peace."

Mr. Osterer is a man of deep religious conviction, close family ties, and wide charitable instincts.

Out of the regard for his own fine and healthy children and his conviction that man does not exist to serve himself alone, he came to accept the presidency of the United Cerebral Palsy Association of Westchester some years ago, when it had fallen on bad times.

Badly disorganized, perhaps because it was caught up so in the emotional problems of the parents of the afflicted children who tried to keep it afloat, the association was given a firm hand and strong leadership. Mr. Osterer brought into it many distinguished and influential Westchester people and put their talents to work. The result has been an ever-widening and increasing beneficial program for those stricken with cerebral palsy.

Mr. Osterer is an industrialist, and a successful businessman. The NBC is only one phase of the variety of activities which capture his energetic attention, but he is summed up to those who know him in the philosophy with which he approached the challenge of raising and disbursing funds for the UCP. "The public dollar is a public trust" is his slogan and he never let his colleagues forget it. His award is well deserved.

PROPOSAL FOR PEACE IN VIETNAM

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PEPPER. Mr. Speaker, the situation in Vietnam is one of such critical character that I am sure we all are glad to see outstanding and dedicated Americans earnestly thinking about the problem and offering their ideas as to what would contribute toward the solution of the problem in a way consistent with the interest of freedom of the people of Vietnam. I submit for the daily CONGRESSIONAL RECORD, for the consideration of my colleagues and fellow countrymen suggestions which I believe to be worthy of note which have been made upon the subject by Mr. John Bethea, an instructor in the Department of Social Science at the University of Miami, and together with the proposal of Mr. Bethea, an article by Mr. Clarke Ash, associate editor of the Miami News, commending the plan which Mr. Bethea proposes.

THE ECONOMIC DEVELOPMENT OF PUERTO RICO

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PEPPER. Mr. Speaker, it is with a great deal of pleasure that I submit for the reading of my colleagues an address by the distinguished Resident Commissioner of Puerto Rico, the Honorable SANTIAGO POLANCO-ABREU, and the well deserved introduction by Mr. Roy Vallance, president of the Inter-American Bar Association, delivered before Inter-American Bar Association and the District of Columbia Bar Committee on Inter-American Relations, at the National Lawyer Clubs of Washington, D.C., on April 27, 1965.

Mr. Speaker, the introduction and address of our colleague are as follows:

SANTIAGO POLANCO-ABREU

Born October 30, 1920, in Bayamón, P.R. Attended elementary and high school in Isabela, P.R. Bachelor of arts and LL.B., University of Puerto Rico, 1943. President of the student council. Popular Democrat. Practiced law in Isabela and San Juan. Appointed legal adviser to the tax court of Puerto Rico, August 1943. Married Viola Orsini, 1944; no children. Elected to the House of Representatives, Commonwealth of Puerto Rico, 1948, 1952, 1956, 1960. Member of the constitutional convention of Puerto Rico, 1951–52. Chairman, committee on finance; vice chairman, committees on interior government, appointments, and impeachment proceedings, and member of the committee of rules and calendar. Appointed speaker of the house, January 17, 1963. Member of the American Bar Association, Bar Association of Puerto Rico, Puerto Rican Atheneum, Association of American Writers, Lions' Club, and Pan-American Gun Club. Advocates economic and social change in Latin America and in this respect believes Puerto Rico has a fundamental role to fulfill. Has traveled in Europe, North America, and in most Latin American Republics. Elected November 3, 1964, for a 4-year term as Resident Commissioner.

THE ECONOMIC DEVELOPMENT OF PUERTO RICO

(Address by SANTIAGO POLANCO-ABRÉU, Resident Commissioner of the Commonwealth of Puerto Rico)

I am greatly honored by the invitation of the Inter-American Bar Association and the D.C. Bar Committee on Inter-American Relations to join with them here today to speak on the economic development of Puerto Rico. It is extremely rewarding to me that this distinguished group is interested in the problems of Puerto Rico and how we are handling them. And, with your permission, I would like to look at the Commonwealth against the larger backdrop of the two-thirds of the world which lives in deep poverty.

Certainly all of us are perturbed by the enormous gulf which separates the "have" from the "have not" nations, and even more perturbed by the fact that this gulf seems to be growing, rather than diminishing.

Happily, there have been some noteworthy exceptions to this trend of the rich getting richer, while the poor get poorer or barely hold their own. The rates of economic growth in Japan, Israel, and Puerto Rico, for example, are now much higher than the growth rates of more highly developed countries. In contrast with most underdeveloped countries, moreover, their growth has been nothing short of spectacular. Today, Japan, Israel, and Puerto Rico are on the other side of the fence, sending their technicians and providing technical assistance to their less fortunate neighbors.

Recognizing that Puerto Rico is no more a typical case than Japan or Israel, it is nevertheless worthwhile, I believe, to understand something of its economic development history in order to see more clearly some of the problems characteristic of underdeveloped countries and some of the solutions that have proved workable in Puerto Rico.

In 1898, when Puerto Rico was ceded by Spain to the United States, the island was indeed underdeveloped. Most people lived in poverty on small subsistence farms. Families were large and few children could be educated. Coffee was the only important export, and the total volume of oversea trade was small, indeed. The beginning of a modernized Puerto Rican economy was the development of sugar as a major export industry.

Growth of the sugar industry provided a necessary base for the more diversified economic development that was to come much later. The method of its development, however, was most damaging to the people of Puerto Rico. The sugar industry, largely owned by U.S. interests, took out from Puerto Rico far more in profits than the amount it invested or reinvested.

The depression of the 1930's hit Puerto Rico with great severity. Sugar and coffee prices tumbled to ruinous levels. Many coffee plantations, which had been severely damaged by hurricanes in 1928 and 1932, were not replanted. Everywhere there was deep social and political unrest. Puerto Rico was on the brink of revolution. Federal relief programs, although substantial in size, were not sufficient to offset the collapse in the economy.

When it did come in 1940, the revolution was a peaceful one. A newly formed political party, led by Luis Muñoz Marín, won a slim victory at the polls. Muñoz had campaigned, not on the traditional basis of Puerto Rico's political status, but on immediate and pressing economic and social issues. He promised bread for the hungry; land for the landless peasant; and freedom from political domination by the absentee sugar companies. His victory brought hope to a people that had for many years been mired in hopelessness.

During the war years, Muñoz and his new Popular Party administration laid the groundwork for the economic and social development programs which were later to be put into high gear. They also had a revenue windfall of $160 million from countervailing excise taxes on rum, which sold in large quantities in the United States during the war. And although this was badly needed for public assistance and a score of urgent, immediate problems, the government made the decision to invest this revenue in a number of public corporations intended to spearhead Puerto Rico's economic development.

Included among these publicly owned corporations were utility companies in the fields of power, water supply, transportation, and communications. There were five others that had specific economic development objectives—the Government Development Bank, the Industrial Development Co., the Land Authority, and the Agricultural Co. Today, there are 22 public corporations in operation. Most of the larger ones are self-financing and today their assets total well over a billion dollars. Their establishment early in the program and their continued record of sound and constructive management have been major factors in the success of the development program as a whole.

To appreciate the strategy of the development program that was being planned and started in the 1940's, one needs to know something about Puerto Rico and its resources. The island is only about 100 miles long and 36 miles wide. We have sunshine, beaches, and the sea, mountains, a tropical rain forest.

Coffee and tobacco, and fruits and vegetables are grown in the mountains; and we have a rapidly expanding livestock and poultry industry, which produces about as much farm income as sugarcane, our traditional crop.

It began to be clear even in the 1940's that Puerto Rican economy could not depend primarily on agriculture. The entire surface of the island has less than an acre of land per person and only about a third of it is suitable for crops of any kind. Even forestry is limited by the rugged terrain and by the great variety of trees and undergrowth typical of forests in the tropics. Prospecting for minerals started years ago and continues actively, but none has yet proved exploitable.

With limited land and no commercial resources of fuel or minerals, industrial development has had to be the key element in Puerto Rico's economic development program. But there were many people in the 1940's, including some of the experts, who believed that an industrial program was doomed to failure in a small agricultural country with such limited physical resources. In any case, it seemed quite clear that private investors would not initially undertake so rash a venture unless the Government functioned as a very active catalyst.

At first the Government constructed and operated five factories, but it soon became evident that it would be impossible for the Industrial Development Co. to create jobs for Puerto Rico's rapidly rising population by this method. Some way had to be found to enlist private capital on a large scale in the industrial program. A sound program of tax exemption, which was legislated in 1948, has proved to be the key incentive necessary for the development of private industrial enterprise in Puerto Rico.

Puerto Rico's program of tax incentives and assistance to private industry rests on two basic elements in Puerto Rican-United States relations. In accordance with its association with the United States, Federal taxes (with minor exceptions) do not apply in Puerto Rico and there are no tariffs or other restrictions on the flow of trade and money between the two areas. Since most

Federal taxes, including the Federal corporate income tax, do not apply in Puerto Rico, the Puerto Rican Government, by exempting a corporation from its own taxes, is able to grant complete tax freedom. Under present legislation, it does so for manufacturing and hotel enterprises for a period which ranges from 10 years of tax exemption in the San Juan metropolitan area to 17 years in less-developed parts of the island.

Free trade with the United States, the other key element in United States-Puerto Rican relations, meant that a manufacturing operation in postwar Puerto Rico was not limited to what was then a very small local market. A plant, efficient enough to compete with U.S. producers and also able to pay ocean frieght costs, was in a position to sell without any other restrictions in what was, and is, the world's largest common market.

Our promotion efforts were at first slow in yielding results. By 1950 only about 80 new, privately operated plants had been promoted, and most of them were relatively small. By 1955, 300 new privately owned factories had been established. Today, 10 years later, there are more than a thousand new, privately owned factories operating in Puerto Rico. Most of them are affiliates of U.S. manufacturing concerns.

These factories produce over 300 different products. Apparel, textiles, electronics, machinery and petrochemicals are among the largest and fastest growing of the new Puerto Rican industries. About three-quarters of their output is exported, mostly to the United States. Last year (1963-64), exports of the new industries totaled $556 million, more than three times the value of our shipments of sugar and other agricultural products. Manufacturing industries now employ 105,000 workers at an average wage of $1.15 an hour.

Puerto Rico is no longer a one-crop agricultural economy, moreover. Agricultural production has continued to expand and diversify. The value of livestock and poultry products, for example, is now about equal to sugar. But even with a growing total of agricultural production, manufacturing is today more than twice as important as agriculture as a source of income and as a stimulus to the general economy.

To develop manufacturing to the point it has already reached has taken considerably more than tax exemption, free trade, and promotion. The Puerto Rico Economic Development Administration and our vocational education system have had to train thousands of workers and supervisors. Many manufacturers have needed and have received marketing, engineering and other forms of technical assistance, as well as laboratory and testing services. For nearly a decade, the Industrial Development Co. has maintained a stock of about 50 new factory buildings throughout the island ready for immediate occupancy. The company and the Government Development Bank stand ready to participate in almost any kind of financing arrangement that seems mutually beneficial to the prospective manufacturer and to the people of Puerto Rico.

Tourism development was another logical target for Puerto Rico. The island's kind climate, its golden beaches, and its beautiful scenery provided the natural resources on which a major tourist industry could be built. Nevertheless, tourism was a relatively slow starter.

But in the past 7 years the growth of Puerto Rican tourism has been spectacular. We have about 7,000 hotel rooms, two-thirds of which have been built within this 7-year period.

Primarily because of the swift expansion of manufacturing and tourism, the growth of the Puerto Rican economy as a whole has been among the most rapid anywhere in the world. Discounting price increases, the increase in real Commonwealth gross product during the past 5 years was 58 percent, an average of 9.5 percent, compounded annually. The largest gains in real gross product or real national income recorded elsewhere by the United Nations were 9.6 percent for Israel between 1952 and 1960, and 9.5 percent for Japan between 1954 and 1960.

It is, of course, a great flow of capital investment that accounts for Puerto Rico's record, or near-record rate of economic expansion. For 7 years, gross investment in fixed capital has been 20 percent or more of Commonwealth gross product. Last year it was 24.6 percent. Such a high rate of investment is characteristic of highly-developed countries like Holland, Sweden, Canada, and the United States but not of underdeveloped countries where capital is ordinarily very scarce.

Recognizing the high productivity of new investment in our economy, Puerto Rico has not only welcomed but actively promoted the investment of outside capital. As a result, about half of the funds invested in Puerto Rico have come from external sources, mainly the United States. There are three principal channels through which these funds flow in: First, direct investment, mainly in factories, hotels, and commercial establishments; second, the sale of bonds and other obligations of the Commonwealth and municipal governments and of the public corporations; and third, the purchase of Federal Housing Administration guaranteed mortgages by the Federal National Mortgage Association (called Fanny May) and other investors outside Puerto Rico.

Direct investment of externally-owned funds in Puerto Rican factories already exceeds half a billion dollars. Outstanding obligations of the Commonwealth and municipal governments and of Puerto Rico's public corporations total nearly a billion. Nearly two-thirds of this is accounted for by the public corporations, of which the Water Resources Authority is the largest.

I have been speaking in economic abstractions. Now let me translate this into human terms. In 1940, Puerto Rico's per capita income was $121. By 1950 it had inched up to $279. In 1964 it reached $832, almost triple the figure of 14 years earlier. Even allowing for price increases, this meant that real per capita income had more than doubled in the past 14 years. In 1950, per capita income in Puerto Rico was barely 18 percent of the U.S. average, but by 1960, it had risen to 30 percent. So even in comparison with the United States, the gap has been closing rapidly. These per capita figures have, of course, deep human meaning. They mean that a man who was worried about being able to afford a pair of shoes 25 years ago, now worries about finding parking space for his Chevrolet; and that the woman who then wondered if she could feed her children, now is concerned with providing them with high school or college education.

Let me cite some revealing indexes of this new, relative prosperity. In only six years, the people of Puerto Rico raised their per capita consumption of animal proteins from 54 percent of the United States average to 82 percent. In these same six years, the registration of motor vehicles increased twofold, while the number of telephones has doubled in only 3 years. University enrollment is twice that of 9 years ago, and per capita expenditures for public health are now about the same in Puerto Rico as in the United States. One of the most dramatic results is that a Puerto Rican baby at birth can now expect to live to 70 years.

All these are impressive gains, but it is certainly logical to ask how much of Puerto Rico's experience has any relevance to the needs of other developing areas, and how much is peculiar to its own special conditions. Primary among these, of course, is the special economic-political relation with the United States.

Let it be said from the outset that Puerto Rico's spectacular growth could never have been achieved without its special relationship to the United States. But it is equally true that this relationship did not automatically give Puerto Rico a passport to prosperity. The fiscal and trade relations with the United States which exist today are almost precisely the same as those which existed from 1898 to 1940. Yet prior to 1940, the economic situation of Puerto Rico was desperate. The great change in productivity and per capita income has taken place only in recent years, and despite the fact that the economic intrinsics have not changed. "Why?" you may ask.

And here let me say frankly that I will give you a personal opinion, rather than a scientific evaluation. I believe that the heart of Puerto Rico's spectacular growth lies in the very high quality and notable stability of its government; in its true, genuine concern for social as well as economic development, and in its constant consideration of the human element.

Puerto Rico has been fortunate in having a stable, dedicated, democratic local government, whose chief executive and leading figure was Governor Luis Muñoz Marin until his retirement this year. It has been a government characterized by unfaltering devotion to the public welfare, by noteworthy sentiment of honesty, and by the tireless participation of a number of men of unusual competence and imagination.

Secondly, the Puerto Rican Government never lost sight of the fact that its economic development programs were for people, and that they had to be translated into social and economic benefits for people as rapidly as possible. The people, in turn, having confidence that the government was deeply responsive to their needs and hopes, were willing to make necessary sacrifices over many years while the development programs were getting slowly underway. It was essentially a political challenge and, in all developing areas, one of the most critical and most difficult—to provide inspiration and hope of the type which unleashes a sustained, creative outpouring of energy, even when early, visible returns are meager. Providing this kind of inspiration was one of the outstanding accomplishments of Governor Muñoz and his government.

Finally, both in government and in other fields, there has been an extraordinarily rapid accumulation of education, of expertise, and of skills. Barely 15 years ago, there were virtually no industrial skills or tradition in Puerto Rico, for example. Today, most of the highly sophisticated industrial plants have Puerto Rican managers, to say nothing of Puerto Rican engineers and technicians. A whole new generation of industrial and commercial entrepreneurs has sprung up with astonishing speed. This is only one facet of Puerto Rico's vast effort in education.

In sum, the basic reason for Puerto Rico's rapid growth has been good government, a genuine concern for people, and a passion for education. Stirred together, these have accounted for the explosion of energy which has allowed Puerto Rico to tackle successfully a job which many regarded as impossible.

Indeed, it is fair to say that the economic benefits of Puerto Rico's special relationship with the United States have barely compensated for its dearth of raw materials, lack of local market, and its former lack of industrial tradition or capital. These special benefits merely gave Puerto Rico a fighting chance. Many other developing countries have, on balance, a far more promising pattern of intrinsic circumstances than Puerto Rico has, even today.

In final analysis, which countries succeed and which ones flounder, usually reduces itself to the human element. The great natural riches of any country, in the absence of good government, are only a mockery. Yet basically poor countries can, with good government, achieve remarkable feats, seemingly in defiance of the laws of economic gravity.

Although perhaps the case of Puerto Rico is unusual, this, in my opinion, is the really important lesson of Puerto Rico's development. There are, of course, a number of specific Puerto Rican techniques and experiences which could be studied—and are studied—by other developing countries. I refer, for example, to Puerto Rico's highly effective promotional techniques for attracting maximum amounts of investments and tourists, and the mechanisms of the Economic Development Administration for translating these into income and jobs at an accelerated rate. But in essence, these techniques are meaningless unless there is honesty, dedication, and competence in government, to provide overall planning and leadership. Alongside such prime requirement, all else pales into insignificance.

While the Puerto Rico experience merits the study of underdeveloped countries, in my belief, it also illustrates a very valuable lesson for developed countries. It is these countries which are asked, through various channels, to help finance the development of the poorer countries. For them to do so willingly and enthusiastically it is useful to be able to appeal to their self-interest, as well as to their conscience.

For years the theory of development has been that, once an area was well on the way to higher income, it would become a sufficiently attractive market that the countries contributing to its development would profit economically, as well as morally and politically. Here Puerto Rico has become a telling example.

In 1940, when its per capita income was only $121, Puerto Rico's outside purchases were negligible; it bought an insignificant $107 million a year from the United States. But in 1964, as a direct result of its growing prosperity, Puerto Rico purchased nearly one and a quarter billion dollars from the continental United States—an increase of more than 10 times.

This level of purchases makes Puerto Rico one of the most important U.S. markets in the world, moreover. Though it is difficult to believe, little Puerto Rico—with only 2,500,000 people—now is a more important market for U.S. products than 17 European nations combined. It buys more from the United States than all 44 countries of the African continent. It purchases more than all the east coast countries of South America, including Brazil and Argentina, plus all the Caribbean Islands combined—a total of 14 countries.

In the entire world, only Canada and Japan buy substantially more from the United States than Puerto Rico; Great Britain and West Germany purchase slightly more. But on a per capita basis, Puerto Rico is far ahead of all these important markets, buying $490 per capita per year of U.S. products.

This has become an important factor in the economy of 47 States and there are now 150,000 jobs in the continental United States which are dependent on Puerto Rico's high level of purchases.

In sum, a formerly poor area was an insignificant market. As a direct result of its rapid economic development, however, it has become one of the really important world markets, despite its small size and population. This suggests that, if other underdeveloped countries could also increase their per capita income, even at a much more modest rate, the growth in new and profitable markets for the developed nations could become almost staggering in scale.

I would like to end on a frankly political note. In the Caribbean, historically, Cuba has been a rich island, happily endowed with great expanses of fertile fields, raw materials, and other natural blessings. Puerto Rico has been the poor cousin, whose heavy population pressure against scarce natural resources is one of the most unfavorable in the world. Yet in the 5 years since Castro has ruled rich Cuba, its per capita income has declined by 15 percent. During these same 5 years, Puerto Rico's per capita income has risen by more than 50 percent. I can think of few statistics which are more sobering. And, for developing areas, I can think of none that are more meaningful.

THE LATE WILLIAM BRUNNER

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ADDABBO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Speaker, Queens County, N.Y., has lost a distinguished citizen, a former Member of this body, the Honorable William F. Brunner.

Mr. Brunner gave a lifetime of service to his community, State, and Nation. This man will be sorely missed, and I extend my heartfelt sympathies to his loved ones.

Following is the article outlining the life and service to his fellow man of Mr. Brunner as it appeared in the Long Island Daily Press:

WILLIAM BRUNNER FUNERAL TUESDAY

Former Representative William F. Brunner, of Neponsit, is dead at 77.

He died yesterday in Peninsula General Hospital, Edgemere.

Mass will be offered Tuesday at 10 a.m. in St. Francis de Sales Catholic Church, Belle Harbor.

Burial will follow in St. John's Cemetery, Middle Village.

Mr. Brunner died yesterday at 1:45 p.m. in the hospital which he served as president of the board of trustees for the last 19 years. He relinquished the presidency earlier this month.

Already a patient in the hospital, Mr. Brunner left his hospital bed to attend a dinner in his honor on April 12 when he announced his retirement as president. He was named president emeritus and was presented with a plaque.

The plaque has been set up in the hospital's lobby. The next day, Mr. Brunner was back in his hospital bed.

Mr. Brunner was born in Woodhaven, September 15, 1887, and moved with his parents to Rockaway Beach in 1908.

Throughout his lifetime, his major interest was the Rockaways.

He married the former Theresa Poggi in 1919, and they have a son, William Brunner, Jr., and four grandchildren. Mr. Brunner lived at 145 Bch. 145th Street.

Mr. Brunner graduated from Public School 44, Rockaway Beach in 1902, and attended Far Rockaway High School until 1905. He then attended St. Leonard's Academy and graduated from Packard Commercial School.

At the age of 13 he delivered bread and rolls at 4 a.m. before school, and then again after school for his parent's bakery. He managed and played with the New York Nationals, one of the outstanding professional teams of the era. In 1912 the team, traveling between New York and Minneapolis, won 42 of 45 games. Three years later the team compiled a 45-to-1 record and played at the San Francisco World's Fair.

Before World War I, he engaged in general contracting, trucking, and the ice business under the name of Consolidated Ice & Trucking Corp. He served for 18 months in the Navy during World War I and saw duty abroad the flagship, U.S.S. *Seattle*.

After his discharge he started a sightseeing bus route between Rockaway Park and Rockaway Point.

While driving a bus, his friends talked him into entering politics. Brunner was elected to the assembly as a Democrat for seven terms beginning in 1922.

As an assemblyman he had legislation passed creating a new municipal court district for the Rockaways and Broad Channel. He cosponsored a bill creating a new city court judge for Queens and additional supreme court and county court judges. He sponsored legislation making possible Cross Bay Boulevard, beach protection, and the 7-mile long Rockaway boardwalk.

He was elected to Congress in 1928. While a Congressman for four terms, he was a member of the Post Office Committee. He was responsible for legislation benefiting postal employees and was made an honorary member of the National Post Office Clerks Association.

In 1933 he helped to obtain funds for many new buildings and improvements in Queens, including the Far Rockaway and Flushing Post Office. He was cosponsor of the Home Owners Loan Act which enabled more than 1,500 Queens homeowners, faced with foreclosure, to keep their homes.

Mr. Brunner resigned from Congress in 1935 and was elected Queens Sheriff in 1936. Later that year he resigned to be elected president of the Board of Aldermen.

The last president of New York City's Historic Board of Aldermen, served until 1938 when the board was abolished and the present city council created.

In 1941 he was named by the late Borough President George U. Harvey to serve as commissioner of borough works.

A real estate appraiser, realtor, and insurance broker with offices at 215 Beach 116th Street, Rockaway Park, Brunner kept busy with community affairs.

He was instrumental in advancing the protection of the beach front through the erection of jetties, the building of the 7-mile boardwalk, and the extension of the city's transit system to the Rockaways.

Mr. Brunner served as president of Rockaway Beach Hospital for 14 years and as president of the institution for the past 5 years under its new name of Peninsula General Hospital.

During his administration he spearheaded the campaign to build the new 200-bed, $5 million building which opened in June 1960, and the $500,000 nurses and interns residence and auditorium opened this year.

He was presidential chairman of the board of the Rockaway Chamber of Commerce serving as president in 1940, 1941, 1962, and 1963, and as board chairman in 1964 and 1965.

He was a past president of the Rockaway Rotary Club and the Rockaway Park Businessmen's Association, and was a director of the Neponsit Property Owners Association.

Mr. Brunner was past president of the Long Island Real Estate Appraisers; a member of the Long Island Real Estate Board, the New York State Real Estate Board, the National Real Estate Board, and the New York State Real Estate Appraisers, and was a director of the Lawrence-Cedarhurst Federal Savings & Loan Association.

He was also a director of the Queens American Red Cross chapter, the Queens Society for the Prevention of Cruelty to Children, and the Queens Division of the United Hospital Fund.

Mr. Brunner served as Queens chairman for the World War II bond drive, the Greater

New York fund and the United Hospital fund.

He was a life member of the Queensboro Elks Lodge and the Daniel M. O'Connell American Legion Post. He was also a member of the Rockaway Council of the Knights of Columbus, the Holy Name Society of St. Francis de Sales Catholic Church, the Hempstead Golf Club, and the Old Timers Basketball Association.

The funeral is under the direction of the Dennis S. O'Connor Funeral Home, 9105 Beach Channel Drive, Rockaway Beach.

END OF THE ROAD WITH SOCIALIZED MEDICINE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. HERLONG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HERLONG. Mr. Speaker, under leave to extend my remarks, I offer here a letter received recently by a doctor in this country from Americans now living in Germany.

I think this is another example of the end of the road with socialized medicine:

MUNICH, GERMANY.

DEAR DR. ———: I am sitting around the house recuperating from an appendectomy and naturally our conversation has been related to things medical and eventually we got around to discussing you and medical practices in the States. Therefore, I thought I would take this opportunity, since I have the time, to bring you up to date on the adventures of ——— clan in Germany.

As you probably remember, almost 3 years ago, my wife transferred over here in a pregnant condition. How, I understand, but why, I will never know. To say that she was emotionally distraught by the situation would be an understatement. She had visions of torture chambers and SS doctors experimenting on her. She refused to even see a doctor for the first 7 months. I think we both sort of hoped that if we ignored her condition long enough it might possibly go away. We finally faced the facts and she collected names of several doctors from our English-speaking friends.

The first one we tried had an office in an old building straight out of a Charles Adams cartoon. The doctor himself fit the part. He was shorter than my wife but when he met her he clicked his heels, bowed low, and kissed her hand. There was no physical examination. Just information as to what hospital and the revelation that she would probably not see him again until after the baby was born since a midwife at the hospital took care of all this nasty stuff. As you may well imagine, this just about did it. I was now searching for a competent psychiatrist as well as an O.B.

The second doctor we tried was recommended by a German friend. She was a "Frauen Arzt" who spoke limited English. She was highly recommended as a surgeon and an O.B. Her office downtown was very modern even by stateside standards. She turned out to be quite a character. Her practice was most "privat" which means she had to be good since the Deutschers would never spend their own money for something they could get free from the socialized doctors. She made frequent trips to the States for research and is supposed to be quite famous for a plastic surgery operation on the uterus. She gave my wife an examination and put her on calcium pills. She also gave her the address of a gymnasium where she was supposed to take exercises to prepare her for a "natural childbirth." She promised that she would be at the hospital even though the hospital had an around-the-clock midwife for such things. Claire decided to string along with her since she was the best we had found. That is, everything except the gymnasium.

As it turned out, Claire never really convinced herself that she was going to have this baby in Deutschland. She was 3 weeks late when Dr. ——— put her in the hospital to induce labor. It didn't work and several days later it started itself. I took her to the hospital and into the labor room. They are quite democratic about things like that in a "privat" hospital. In fact I could have spent the afternoon watching the whole show if I so desired.

Her labor was in bed with a pillow. When Claire asked Dr. ——— when they were going to the delivery room she answered that the baby would be delivered right where she was. "What, in a bed?" "Of course," Dr. ——— answered, "where else would you expect a baby to be delivered?" When Claire told her that all previous babies had been delivered on an operating table she answered, "How horrible." Of course this was no ordinary bed since the foot eventually broke away and there were fittings for stirrups.

All did not go well, however, since Alexander "Der Gross" not only had knotted his cord but also had it wrapped around his neck. It was impossible to knock Claire out completely since every bit of oxygen they could get was needed. He was quite blue when he was finally delivered but fortunately he survived with no ill effects. Dr. ——— explained that Claire had an emotional block that prevented her from delivering the baby on schedule. She said the sac was loaded with excess calcium.

The hospital for a "privat" patient is run quite similar to a hotel. The door is kept closed and nurses come in only for the bare essentials. Visiting is unlimited day or night. No water is ever provided the patients since they are very down on drinking water over here. Claire could have all the beer and champagne she wanted, but no water. "Sekt macht Milch." You ought to try that on your patients if you could run it by the AA.

The price of this "privat" room was about $9 (United States) a day. In winter they have a Heizung charge of about 75 cents they add on to this. The use of the nursery and the delivery room was about the same or a little cheaper than the States. My Travelers insurance paid for everything except about $17 of the total bill. Dr. ——— charged $200 for her fee. This you must realize is about top price here since most people use the government facilities.

We have lived over here almost 3 years and I think I have seen enough to say a few competent words regarding socialized medicine. I feel that Germany is not only 50 years behind but I can't see how they can ever catch up under the present system. The first thing that strikes you is the great number of amputees you see. At first I thought this was due to the war but it suddenly dawned on me one day that most of these people were young and born after the war. The cause of this, and German doctors I have spoken to about it have admitted the same, is that doctors do not have the time, for reasons I'll explain later. They can only go so far and then they amputate. They get so much money for each patient and they cannot let a single patient monopolize their time. They must see an average of 60 patients a day to make a living. About 95 percent of these amputations would be unnecessary by stateside standards. I know of a German family of eight who periodically go to the doctor with imaginary aches and pains because he will prescribe tea for them. They then get their tea free from the government. If you multiply the millions of tea drinkers by the number of people who clutter the doctor's office for aspirin, bandaids, eyewash, cotton, etc., it is easy to see why a patient who really needs medical aid cannot get it. The doctor is the middleman in this governmental dispensary but he does not discourage it. He needs the 60 signed yellow slips each day to make a living.

A patient entering a hospital has no doctor responsible for him but is subject to every doctor working in the hospital. A doctor treating a patient in the hospital may find that when he returns the next day, another doctor may have amputated on the patient he was treating. I heard one young doctor complaining that on a "privat" patient no one could do anything unless he had the permission of the doctor in charge of the patient. He said it prevented him from doing a lot of things he wanted to do. All I could do was to whisper, "Thank God."

The Deutscher of today is still not a free-thinking individual. The stigma of the "police state" is still stamped somewhere in the back of his brain. He would rather be legal than right. He derives maximum security from the multitude of laws and stamped legal documents he must carry for ordinary living. The "Stempel" is his God. Because of this ingrained characteristic he feels that this grist mill they call medicine emanating from the "Bund" is the best they can expect. They accept it without complaint because they have been conditioned for it and chalk up the loss of an arm or a leg as "ungluck."

My appendicitis began about 5 weeks ago in Berlin. After about 24 hours of a pain in my side I came back to Munich. Claire drove me to the emergency ward of the public hospital to get a blood count. I was taken to a small room by the intern and given two flat thermometers. I was instructed to crawl up on a narrow table and take my temperatures. The intern then left the room. How these Deutschers can balance on that narrow table and rectally take their own temperature while holding another thermometer in their armpit is an acrobatic feat I will never master. I think I established medical history by having the same temperature at both ends. I now know that if you hold a thermometer under each armpit they will both read 37.5° C. and surprise the doctor.

I finally got the blood count and it registered 11,000. I didn't know if that was high or not but they did want to operate right away. I stalled them and got in touch with Dr. ——— who recommended a surgeon. I entered the hospital on a Sunday evening. I met the doctor and talked to him for about 2 minutes. I was later given a stomach shave and an enema. The next morning I was given a sedative and wheeled to the operating room. There was no physical examination or past history interrogation. I could have been a born bleeder or subject to coronary attacks but the doctor would have never known it. The only information they had on me was my address and that I was a "privat" patient. I was told later that since they don't have the time to do these things with the government patients that most doctors have also eliminated it from their private patients.

It will be 5 weeks tomorrow since the operation and I am still not back to work. I had actually gone to Berlin last Monday to resume flying but I was seized with pains every time I breathed, running from the scar up to the base of my right rib cage. I had to come back to Munich. I saw the doctor yesterday and he explained "auf Deutsch" that my "Blinddarm" was on the wrong side of my liver and they had quite a bit of trouble getting it out. He prescribed "spaziern and frische Luft."

Well, enough of this ranting. I just thought that maybe you would be interested in our experience on this medical frontier. Claire said that she may possibly add something so I will close. If you ever possibly tear yourself away and decide to aggravate the outflow of gold by taking a European vacation, we would love to have you stay with us. Give our best to everyone.

Best regards,

—————— ——————.

POPULAR SUPPORT FOR A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Dulski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, as one who also has introduced a resolution calling for a Special Committee on the Captive Nations, I join my colleagues today to request early consideration of this most important measure. Favorable action on this is long overdue. Popular support for it has been long established, particularly as shown every Captive Nations Week observance. Our Presidents have expressed the need for intensive study of the captive nations; our esteemed Speaker is personally for such a committee; many prominent members of the Rules Committee are also on record in favor of it. Yet there seems to have been some mysterious hand delaying positive action on it.

SINO-SOVIET RUSSIAN IMPERIOCOLONIALISM

During the past 3 months we have heard a great deal about American imperialism in South Vietnam. The major accusers are Moscow and Peiping, with every other totalitarian Communist capital piping in. Havana, Belgrade, Warsaw, Bucharest play this tune. It is significant how all of these Red totalitarian regimes band together when a firm position is taken against their plans for world conquest. The supreme irony of all this is that the two main centers of colonialism and imperialism in our time are Warsaw and Peiping. In fact, they are the last, remaining sources of this historical scourge.

Mr. Speaker, this fundamental phenomenon would be a prime target for the Special Committee on the Captive Nations. There is much to uncover here for legislative, educational, and political purposes. As yet, we have not met successfully the false arguments and accusations of these imperiocolonialist centers, particularly in the arena of what is called world opinion. We can make significant contributions on this subject by forming this special committee in this session. With such a committee we would serve the interests of our people as those of the free world by counteracting Moscow's and Peiping's lies and fabrications with facts and truths about Sino-Soviet Russian imperiocolonialism.

No recent development in Eastern Europe, Asia, or Latin America has qualified or erased the basic reality of this imperiocolonialism. New methods of power influence and dictation are not substantive changes of this determining reality. It cannot be emphasized too strongly that one of the paramount purposes of a special committee on captive nations would be to focus a steady factual and objective spotlight on Moscow's and Peiping's colonialism and imperialism in the captive nations. No such spotlight of factfinding for legislative action or, for that matter, other forms of action exists.

Mr. Speaker, it is noteworthy that all major national organizations directly concerned with the captive nations and their importance to our national interest are on record in support of this committee. Thousands of letters have underscored the necessity of it. Articles, editorials, and commentaries in scores of organs have stressed the need to concentrate on Moscow's and Peiping's imperiocolonialist enterprises. We, as the people's representatives, have a remarkable opportunity today to do just this. The lull in our relations with Moscow should not lull us into ignoring this opportunity.

BOOK-BURNING IN UKRAINE AND CENTRAL ASIA

I feel certain most of our people are unaware of what is going on among the captive nations in the U.S.S.R. News accounts generated in Moscow are of little value in this respect. For example, Mr. Speaker, I have here the text of a clandestine pamphlet that has circulated in the U.S.S.R. and presents information about planned book-burning in the national libraries of Ukraine and Turkestan. This is only one example among many that would attract the attention of a Special Committee on the Captive Nations. Poor and false images of the U.S.S.R. certainly are not sound bases for effective legislation and executive policy. Because of its highly illuminating contents, I request that the full text of this pamphlet be printed at this point in my remarks:

On Occasion of Pohruzhalsky's Trial

(Note.—Complete text of a clandestine pamphlet written in and distributed throughout the Ukrainian S.S.R. and the U.S.S.R., a copy of which has been obtained by the Secretariate-General for Foreign Affairs of the Supreme Ukrainian Liberation Council (UHVR) (translation from Ukrainian).)

On May 24, 1964, there took place in Kiev, "capital" of the Ukraine, an event rarely duplicated in the history of world culture: The largest Ukrainian library, the Kiev Public Library of the Academy of Sciences of the Ukrainian S.S.R. was set on fire and burned.

How could the largest scientific library, located in the heart of a capital city burn down? As is well known, the firefighting techniques today are so efficient that large fires in cities are practically excluded, and even when they do occur, they are put out quickly. Things are so organized in libraries of the world today that not a single document can burn, let alone whole library possessions. World culture, during recent centuries knew of no case of the burning down of a national library, not in London, Paris, Stockholm, nor in Moscow (after 1812). And yet, the greatest Ukrainian library was burned down in 1964—in the era of the cosmos, the atom, and cybernetics.

Moreover, the huge crowd of people that gathered, by the sound of the silent anxiety, at the place of the horrible crime, witnessed how sluggishly the work of firefighting was proceeding. They could not get their rescue operations started at all for 2 hours because there was no water in the entire ward; the hydrants did not work. The fire was finally put out on the third day, only after the entire Ukrainian department of the library was completely burned.

It so happened that only the Ukrainiana burned—including old prints, rare books, manuscripts, archives (for instance, the archives of B. Hrinchenko, of "Kievskaya Staryna," of the Central Rada and others). A portion of those archives was not even yet cataloged nor categorized so that no one knows what there was and exactly what burned. They are lost forever to history. Also burned were special possessions of Ukrainiana through the year 1932 which had been collected on instructions of M. Skrypnyk after whose deposition they were classified as "secret" as was the entire Ukrainian history. The records burned also so that it is impossible to restore the index of books destroyed. Mention was made at the trial of 600,000 volumes. One can imagine how many books actually did burn.

Therefore, there was burned a part of Ukrainian history, a part of Ukrainian culture. Great spiritual treasures are lost forever. For thousands and millions of people, for generations of youth access was cut off to many spiritual sources, to books and documents, many of which have vanished forever; and others, if their duplicates do exist somewhere, are unavailable to the reader. At the present, even in Kiev itself there is no longer a place to work for the scholar, the aspirant, or the student, particularly if he is interested in the past of the Ukraine.

How could this unbelievable tragedy take place? Why? Under what circumstances? By whose hands and in what manner was it done? For what purpose?

The answers to all these questions were to be given at the trial of the individual who was caught redhandedly at the place of the crime—the library employee Pohruzhalsky. The trial took place in Kiev in late August of this year, in a small hall of the People's Court on Volodarska Street.

But from the very beginning the trial took on a very strange character. Anything which in any way would suggest the political nature of the crime, of its direction against Ukrainian culture, was meticulously eluded. Instead, everyone, the procurator, the judge, the defenders, the defendant himself, and the witnesses, coached in advance, were in contest with each other to prove that the defendant was simply of bad character and it was not surprising that he set the library on fire out of vengeance against the director who had offended him. Such "important" questions as how many wives the defendant had, how he met them and why they were divorced, what flowers he brought them and how the property was settled when they parted were discussed in a drawn-out and boring manner. The defense counsel dived deep into the psychology of the ofttimes married man and explained how various injustices heaped on him by his coworkers led this tenderly organized character to the idea of burning the Ukrainian books. The defendant himself touchingly told that when he ignited the books he was not seeing the books but only the hated face of the director. In his concluding statement he even read a patriotic poem which started with the words: "Forgive me, my motherland; forgive me, my native country." (Translator's comment: These lines are in Russian language.)

Pohruzhalsky—is an official patriot. He wrote poems in which he praised Khrushchev, and then he burned down the library. At the trial he felt like a hero, and it was obvious from all indications that he would not be punished severely. And indeed, he was sentenced to 10 years in prison. The "humane" Soviet law this time showed a compassion for the sentimental adventures of "this morally injured human being." A human being, we may add, who graduated from two higher educational institutions, and from the University of Marxism-Leninism, and who knew very well what he was doing and why he was doing it.

Of course, if Pohruzhalsky were to be sentenced to death by shooting this would not have restored the library. However, a few logical questions arise.

Why was there not a single word mentioned about the magnesium bands and phosphorus cones? As is well known, it was not easy to put out the fire. This is explained by the fact that books were packed with magnesium strips and phosphorus cones. There was not a single word about this at the trial. And Pohruzhalsky explained willingly that he did it all with a box of matches.

How could such a doubtful character have worked in the library for 10 years when the KGB takes interest even in the readers?

Why did no one raise the question about the lack of proper firefighting equipment in the largest library of the Republic? At the same time, for instance, such contemporary libraries as the Saltykov-Shchedrin in Leningrad are so thoroughly equipped that any fire can be put out immediately with the help of an automatic firefighting system (indicators, shielding, etc.).

Why were such valuable archieves-documents not kept in safes but instead in piles? Why did the court drag down to the level of just another adventure of the many times married man, Pohruzhalsky, the tragedy of the Ukrainian people known by now to the whole world?

Why did the judge make such strenuous efforts to prevent anyone from taking notes in the courtroom ("What are you writing there?" "Where do you work?" etc.)? (N.B.: The two questions are written in Russian.)

Finally, the main thing: If it was all the same to the incendiary what he was setting on fire, why did he set fire to the Ukrainian departments instead of, let us say, the department of Marxism-Leninism where he worked? Why, out of seven floors did only one burn down—the one where Ukrainian books were stored? Why did the court slur over this fact with phrases about "damage to Russian and Ukrainian literature"?

These and other questions (and there can be many of them) were not asked at the trial. How could they be asked when the KGB was in charge of the whole trial, which even "prepared" witnesses in advance, and obtained signed statements from the library employees to the effect that they would not "bring up the irrelevant." (Translator's comment: the quotation is in Russian—"boltat' lishneye.")

However, there were some new disclosures made at the trial. For example, that for many years now Ukrainian books are being removed from libraries en masse and destroyed. Pohruzhalsky made this statement in his defense implying that I am not such a villain since books were being destroyed in an organized manner prior to the fire set by me. This was, so to speak, a judicial counterattack by Pohruzhalsky. The judge found an answer to that also: the books were destroyed legally because there is a bylaw concerning the liquidation of "ideologically and scientifically antiquated books." The question is: why then was poor Pohruzhalsky tried? He merely applied the above-mentioned formula. And didn't the offended incendiary have the same thing in mind when he recited in his closing poetic monologue (also in Russian—Translator):

> "The enemies of culture are free
> Into prison they put only me?"

Besides, Pohruzhalsky's fate will be decided by his accomplices and adherents. We should consider the conclusions which ensue from this affair.

After having starved millions of Ukrainians in 1933, after having murdered the finer representatives of our intelligentsia, oppressing even the slightest effort to think, they have turned us into obedient slaves. Giving to the state all our strength and the fruits of our efforts, we haven't even the time to think: Who are we? Why are we living? Where are we being led?

We have been spat in the face many times. This year we have been spat at particularly impudently. They burned the largest Ukrainian library. They demolished the bridge between our past and present.

If this spit doesn't bring us to our senses and we submissively close our eyes, then what else are we but "slaves, footstools, the mud of Moscow"? (Translator's comment: The quotation is from Shevchenko.)

How can the Ukrainian people be frightened? How can they be destroyed? Even Stalin was not strong enough to do that?

Can they be robbed? But each year they give away everything they have! Take away the language? That is being done every day. In cities its status has been on the level of a domestic servant and in the villages it is being mutilated like a collective farmwoman's hands chapped from working by the beets.

Destroy the monuments of culture? They demolished the oldest Desiatynna Church, destroyed the Mykhaylivskyy and Uspenskyy Cathedrals, and currently they are destroying ancient churches in the villages.

History feeds the immortal heart of the Ukraine. History gave birth to Shevchenko and thousands of national heroes and they can again be resurrected in every young boy and girl. That is why they have hidden the history of the Ukraine from us and have started to burn it out with a "hot iron." (Quotation is in Russian—Translator.)

In school our children learn about the history of Russian czars and their generals, the smotherers. Children are given false notions about their forefathers. But in the archives, like dynamite, there lie books, facts. Only jailers have access to them. However, even behind seven locks they bothered somebody.

Ukrainian books have been burned. A strange history will someday be written about how these books passed through Russian and Austrian censorship. But even that which could be tolerated by white monarchistic chauvinism could not be borne by the red chauvinism. It (red chauvinism) turned mad with fury that one day these books might break out into freedom. They survived Stalin's terror, they survived Hitler's occupation. Then they were taken away for wastepaper as "ideologically antiquated." In one of seven floors of the library they found shelter on wooden shelves and awaited further "purging." They lie scattered about, being torn, rotting in millions, wallow in bulks in monasteries. But the Russian blackguard movement is intolerant, it does not want to wait, it is militant.

Ukrainians. Do you know what they have burned down? A part of your mind and soul has been burned. Not the one which Stalin's terror brought to bay, spat upon, drove into the heels, but the one which was to be resurrected in our children and grandchildren. They have burned the temple in which a soul becomes resurrected.

Russian great-power chauvinism, like antisemitism, has been rehabilitated long ago in the colonial empire called the U.S.S.R. The attack is being deployed on a wide front not only against Ukraine, but also against Belorussia, the Baltic countries, the Transcaucasus, and Central Asia. Attacks come not only officially but also in the same manner as Pohruzhalsky and those who stand behind his shoulders. There were fires in the national libraries of Turkmenia (Ashkhabad) and of Uzbekistan (Samarkand). Is this not another link in the same blackguard chain?

The chauvinism is everywhere—in leading positions and in secret decrees, but it is forbidden to mention it, as though it didn't exist at all. Instead, at every crossing they shout "Ukrainian bourgeois nationalism." Chauvinism strangles you but you bow to its international uniform. It ridicules you, and you swear by the love for the "great Russian people."

The chauvinism is powerful because it feels official support behind its back. In the eyes of our subjugators, those people who understand the great tragedy of the Ukraine, are state criminals. But we would not be afraid to place signatures under what we have written above if they would try us in an open public trial and punish us the way Pohruzhalsky was punished for the destruction of the Ukrainian academic library. However, along with you, we live in a country where for a word of truth people are being criminally destroyed without any trial.

Did they not conduct a wild retribution a few years ago against a group of Kiev and Lvov lawyers who wanted to bring before the Supreme Soviet and the United Nations the question about colonial oppression in the Ukraine and the ignoring of even the scanty Stalinist Constitution? A secret "trial," and execution by shooting—this is the response to any efforts to raise a voice for the rights of a subjugated nation. And to prevent descendants from learning about this, all documents regarding the investigation and the court proceedings were destroyed. * * *

And at a time when there are acts being performed which might be envied even by the mediaeval inquisitors, there is the classic claim from all tribunes that there are no political prisoners in our country and that "the dictatorship of proletariat" grew over into an all-people democratic state. If a gag in your mouth and secret destruction of political adversaries is democracy, then what is fascism?

It is quite indicative that the library was set on fire on the 24th of May, at the time of the Shevchenko celebrations. It gives a particularly ill-omened feature to the event. Perhaps not everyone is aware of how much has been done in 1963–64 to exclude everything Shevchenkovian from these celebrations. Outwardly Taras (Shevchenko) is seemingly glorified. Because what else is to be done with him? In reality there is a great war going on against Shevchenko. His greatest political poems ("Osiya Hlava XIX," "I Mertvym i zhyvym," "Rozryta Mohyla" and others) are being suppressed. There is a special instruction that all Shevchenko concerts and evenings be closely surveilled to be sure they are conducted on a "gopak" level, because otherwise, God forbid, the sincere bard's word might influence someone, awaken in someone a thought about the Ukraine, about "our, yet not our own soil." And how much material and poems and articles about Shevchenko in which the watchdog saw "a hint" about the present status of the Ukraine, were barred from magazines and newspapers by the censors!

Shevchenko was feared by the czar. Our party-czarists also fear him, why else did they bring in a mass of the soldiers and police, plus plainclothes KGBists to the hill in Kaniv on the anniversary date. And were there any people there? People were admitted to see Shevchenko only by permit. * * *

But the climax of all this was reached by the events that took place on the 22d of May in Kiev. On that day, the anniversary of the transfer of Shevchenko's remains from St. Petersburg for burial in Kaniv, is traditionally observed. People usually gather around the Shevchenko monument and sing songs. That is how it was in recent years. This year, however, fulfilling the general plan of work "on Shevchenko," the authorities decided to prevent this. On the eve, a group of young people, considered to be initiators of this affair, were called to the CC of the LKMSU (Young Communist League) and told that this was not permitted. Why? "Because such manifestations mean an offense to the great Russian people." That is literally how it was said: "an offense to the great Russian people."

Absurd, but consistent. Later deans and party organizers ran around in auditoriums and warned students that anyone seen near the Shevchenko monument on May 22 will be automatically expelled from the higher educational institution. Unbelievable? Ask the students of universities, the Pedagogical Institute, the Medical Institute, ask employees of the Institute of Literature, Folklore, and Ethnography, of the Derzhlitvydav (State Publishing House of Literature) and of other publishing houses. They all received telephone calls even from secretaries of the Central Committee on Komsomol of the Ukraine and were severely warned by them.

Despite all that, on the evening of May 22, a huge crowd of young people gathered around the monument. They were filmed and now are being "dragged around." Some were fired from their jobs. Others were to be fired but instructions from Moscow were received "not to inflate the incident."

That is how they fear Shevchenko. And that is how they fight against him. The war with Shevchenko is only part of the war against Ukrainian culture and the Ukrainian people. The burning down of Ukrainiana in the public library is also a part of this war. * * * Taras Shevchenko called us to "Learn, my brothers, think, and read."

Think. * * *

We know that the nation is immortal, it cannot be strangled, its spirit cannot be burned. Provided, of course, a spirit of struggle does exist. When it lacks a fighting spirit—it dies. Let us not console ourselves with eternal truth about immortality of a nation—its life depends on our readiness to stand up for ourselves.

(Unsigned.)

(The original document is hand printed and measures 6½ by 4¾ inches, unfolded or about 3¼ by 4¾ inches when folded.)

PICKETING OF CONSTRUCTION SITES

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, the April 1965 issue of the Carpenter, the monthly publication of the United Brotherhood of Carpenters & Joiners of America, carried an analysis of the purposes of H.R. 6363, introduced by the distinguished gentleman from New Jersey [Mr. THOMPSON].

As the article points out, the bill is designed to restore to the building trades unions the right to picket an unfair construction site.

Mr. Speaker, I commend the article to the attention of our colleagues and include it at this point in the RECORD:

ACTION ON CONSTRUCTION-SITE PICKETING

A bill (H.R. 6363) has been introduced in the House of Representatives by Congressman FRANK THOMPSON, Jr., of New Jersey, which, if passed, would restore, to the building trades in organized labor, the right to picket an unfair construction site.

The bill was introduced by Representative THOMPSON after the building trades department and the industrial union department of the AFL–CIO reached an agreement which assured the latter that the building trades unions would not use the right to picket such sites as a weapon against industrial union department affiliated unions.

Some industrial union department affiliates have feared that building and construction trades department unions might picket them if certain industrial union department affiliates performed inplant construction work which, ordinarily, might be considered as building and construction trades department work. An example might be new or alteration construction work on the property of some industry by its regular work force, which is organized and affiliated with the industrial union department.

A keystone clause in the agreement, hailed as one of the most important intralabor pacts since ratification of the no-raiding agreement which led to the AFL and CIO merger, declares that the settlement does not cover any strike "which arises from a dispute over work assignments as between AFL-CIO affiliated organizations."

The agreement was reached only after months of discussions. The statement of principles which emerged from the talks affirms:

1. The trade union obligation of all affiliates to refuse to perform struck work.

2. The trade union obligation of all union members to refuse, to the legal extent permissible, to cross the picket lines of another union.

3. The resolve of the affiliates to refrain from any action that adversely affects the position of a union on strike.

The statement also provides a working arrangement to handle any questions or complaints which may arise. Those that do arise will first be submitted to the presidents of the International Unions involved for resolution. In the event that agreement is not reached, they will then be submitted to a committee composed of the president of the AFL–CIO and the presidents of the building trades department and industrial union department for consideration, factfinding and a recommendation to the parties for a solution designed to achieve maximum trade union solidarity.

This agreement "within the house of labor" cleared the way for Representative THOMPSON's latest legislative move to amend the Taft-Hartley law's provisions which, at the present time, bar picketing at the site of a construction project when only part of the operation is nonunion.

Actually, there has been some picketing of an informational nature at construction projects from time to time and from place to place during the past 14 years. However, every individual instance of picketing has been subject to legal interpretation by judges. Liberal judges have allowed certain informational picketings while, in other instances, injunctions issued by judges who were not so liberal have forbidden picketing of any nature. In such instances, aggrieved unions have been forced to carry on picketing of construction contractors and subcontractors in the vicinity of their own, business premises, far-removed from the site of construction. Such picketing is not effective inasmuch as the work force affected does not come in contact with the pickets.

Passage of the Thompson bill would restore to organized labor its traditional right to consider every construction job as an integral unit where, in the interests of labor solidarity, "an injustice to one is an injustice to all."

"Situs picketing" was barred by the Denver Building Site decision of the NLRB in 1951. The historic case had its beginning in 1947 when Doose & Lintner, a general contractor, was awarded a contract for a new building in Denver. It gave the subcontract for electrical work to Gould & Preisner, a firm with a 20-year record of nonunion activity. The firm's workers proved to be the only nonunion men on the building site and the Building Trades Council of Denver picketed the job. All workers except the nonunion electricians walked off the job. After awhile, the general contractor told the nonunion electrical contractor to get his nonunion men off the job so they could get the other union men to work. Gould & Preisner filed NLRB charges alleging an unfair secondary strike according to the provisions of the Taft-Hartley law. The pertinent provision is contained in section 8(b)(4)(A), which states: "It shall be an unfair labor practice for a labor organization * * * to engage in * * * a strike * * * where an object thereof is: (A) forcing or requiring * * * an employer or other person * * * to cease doing business with any other person * * *."

There have been many efforts made to remedy the injustice brought about by this strained interpretation of the language of the Taft-Hartley Act. President Eisenhower, in his message to Congress in 1954, pointed out that the act should be remedied, saying: "The true secondary boycott is indefensible and must not be permitted.

"The act must not, however, prohibit legitimate concerted activities against other than innocent parties. I recommend that the act be clarified by making it explicit that concerted action against * * * an employer on a construction project, who together with other employers, is engaged in work on the site of the project, will not be treated as a secondary boycott. The Senate Labor Committee ruled favorably on a bill to carry out President Eisenhower's recommendation but it was bottled up by the House Labor Committee. Another bill was introduced in 1955 but neither House acted. Eisenhower never considered as a wild-eyed liberal, repeated his recommendation in his 1958 message to Congress and still again in 1959 but nothing happened. Senator J. F. Kennedy introduced a bill to amend the law in 1959 but, shortly thereafter, some industrial union withdrew vitally needed support of the proposal. Representative THOMPSON was a cosponsor of the matching 1959 legislation in the House of Representatives. This measure died and Representative THOMPSON introduced legislation again in 1961. Again, it died.

Now, with the unified support of organized labor, it is hoped that the long legislative history of the proposal to amend the Taft-Hartley law will be successfully completed and the same right of picketing which is available to nonbuilding unions will again rightfully be available to construction workers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RESNICK (at the request of Mr. ALBERT), for April 28–30, on account of illness.

Mr. TUPPER (at the request of Mr. GERALD R. FORD), for the balance of the week, on account of death in family.

Mr. STRATTON for April 29 and April 30, on account of official business as a member of the U.S. Naval Academy Board of Visitors.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Saylor, for 1 hour, on tomorrow; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Stalbaum.

Mr. Roosevelt and to include extraneous matter in his special order of today.

Mr. Albert his remarks made on the subject of the President's press conference on yesterday and to include a copy of the press conference of the President of the United States.

Mr. O'Konski and to include extraneous matter.

(The following Members (at the request of Mr. Broyhill of North Carolina) and to include extraneous matter:)

Mr. Springer.

Mr. Ayres.

(The following Members (at the request of Mr. Scheuer) and to include extraneous matter:)

Mr. Celler.

Mr. Murphy of New York.

Mr. Carey in two instances.

Mr. McVicker.

Mr. Pucinski.

ADJOURNMENT

Mr. SCHEUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p.m.) the House adjourned until tomorrow, Thursday, April 29, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1009. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the sale or loan of naval vessels to friendly Latin American countries, and for other purposes; to the Committee on Armed Services.

1010. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the loan of naval vessels to friendly foreign countries, and for other purposes; to the Committee on Armed Services.

1011. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the loan of naval vessels to friendly foreign countries; to the Committee on Armed Services.

1012. A letter from the Director, U.S. Information Agency, transmitting the 22d semiannual report of the Agency for period January 1 to June 30, 1964, pursuant to section 1008 of Public Law 80–402; to the Committee on Foreign Affairs.

1013. A letter from the Comptroller General of the United States, transmitting a report of failure to modify pallets to avoid unnecessary procurements, Defense Supply Agency, Department of Defense; to the Committee on Government Operations.

1014. A letter from the Comptroller General of the United States, transmitting a report of failure to use available warehouse platform trailers to avoid unnecessary procurements of similar equipment, Department of Defense; to the Committee on Government Operations.

1015. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the annual report of tort claims paid by the Department during calendar year 1964, pursuant to 28 U.S.C. 2673; to the Committee on the Judiciary.

1016. A letter from the director, Legislative Commission, the American Legion, transmitting a report of financial condition of the American Legion as of December 31, 1964, and the related statements of income, expense, and surplus for the year, pursuant to Public Law 66–47; to the Committee on Veterans' Affairs.

1017. A letter from the Attorney General, transmitting a report of the use of administrative debarments of contractors by Government agencies under the Federal Procurement Regulations, pursuant to section 10(c) of the Small Business Act of 1958, as amended; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 7181. A bill to provide for the commemoration of certain historical events in the State of Kansas, and for other purposes; without amendment (Rept. No. 265). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 355. Resolution for the consideration of H.R. 2984, a bill to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes; without amendment (Rept. No. 266). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 356. Resolution for the consideration of H.R. 2985, a bill to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers; without amendment (Rept. No. 267). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 357. Resolution for the consideration of H.R. 2986, a bill to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes; without amendment (Rept. No. 268). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 358. Resolution for the consideration of H.R. 5401, a bill to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes; without amendment (Rept. No. 269). Referred to the House Calendar.

Mr. MAHON: Committee of conference. H.R. 7091. A bill making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 270). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROOSEVELT:

H.R. 7705. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in discriminatory practices against independent producers and distributors; to the Committee on the Judiciary.

H.R. 7706. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in anticompetitive pricing practices; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 7707. A bill to authorize the appointment of crier-law clerks by district judges; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 7708. A bill to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise; to the Committee on Interstate and Foreign Commerce.

By Mr. CUNNINGHAM:

H.R. 7709. A bill to prohibit the use of the device of mail covers and the maintenance of lists of addresses receiving Communist political propaganda; to the Committee on Post Office and Civil Service.

By Mr. DANIELS:

H.R. 7710. A bill to amend the Civil Service Retirement Act to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee; to the Committee on Post Office and Civil Service.

By Mr. DIGGS:

H.R. 7711. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. EVERETT (by request):

H.R. 7712. A bill to establish the veterans reopened insurance fund in the Treasury and to authorize initial capital to operate insurance programs under 38 U.S.C. 725; to the Committee on Veterans' Affairs.

By Mr. GRABOWSKI:

H.R. 7713. A bill to require that packages of cigarettes shipped in commerce bear a warning that they may be dangerous to health; to the Committee on Interstate and Foreign Commerce.

H.R. 7714. A bill to amend the Internal Revenue Code of 1954 to provide for the gradual reduction and eventual elimination of the tax on communication services; to the Committee on Ways and Means.

By Mr. HARRIS:

H.R. 7715. A bill to amend the Communications Act of 1934 to establish a national television policy and to provide a method by which rules of the Federal Communications Commission with regard to community antenna television systems may be reviewed by the Congress before they become effective; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY:

H.R. 7716. A bill to provide time off duty for Government employees to comply with religious obligations prescribed by religious denominations of which such employees are bona fide members; to the Committee on Post Office and Civil Service.

By Mr. MILLER:

H.R. 7717. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MONAGAN:

H.R. 7718. A bill to amend the Bank Merger Act so as to provide that bank mergers, whether accomplished by the acquisition of stock or assets or in any other way, are subject exclusively to the provisions of the Bank Merger Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. TUNNEY:

H.R. 7719. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in years 1966 and 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. DENT:

H.R. 7720. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit the participation of retired employees of employers, employees of certain labor organizations, and employees of certain trust funds, as well as certain self-employed persons to participate as beneficiaries of welfare and pension trust funds; to the Committee on Education and Labor.

By Mr. DERWINSKI:

H.R. 7721. A bill to provide for the issuance of a special postage stamp to commemorate the 25th anniversary of the Katyn Forest massacre; to the Committee on Post Office and Civil Service.

By Mr. HENDERSON:

H.R. 7722. A bill to promote the public interest, improve aviation safety, and develop greater efficiency in Federal civilian air traffic control activities by providing certain employment benefits for Federal civilian employees engaged in such activities who are found no longer qualified to perform the duties thereof, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KING of California:

H.R. 7723. A bill to amend the tariff schedules of the United States to suspend the duty on certain tropical hardwoods; to the Committee on Ways and Means.

By Mr. McMILLAN (by request):

H.R. 7724. A bill to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947; to the Committee on the District of Columbia.

By Mr. McVICKER:

H.R. 7725. A bill to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 7726. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Education and Labor.

H.R. 7727. A bill to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959, and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (by request):

H.R. 7728. A bill to assure adequate and complete medical care for veterans by providing for participation by the Veterans' Administration in medical community planning and for the sharing of advanced medical technology and equipment between the Veterans' Administration and other public and private hospitals; to the Committee on Veterans' Affairs.

By Mr. DIGGS:

H.J. Res. 432. Joint resolution proposing an amendment to the Constitution of the United States relating to the right of citizens of the United States 18 years of age or older to vote; to the Committee on the Judiciary.

By Mr. GRAY:

H.J. Res. 433. Joint resolution to establish a tercentenary commission to commemorate the advent and history of Father Jacques Marquette in North America, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.J. Res. 434. Joint resolution to provide for the honorary designation of St. Ann's churchyard in the city of New York as a national historic site; to the Committee on Interior and Insular Affairs.

By Mr. ZABLOCKI:

H.J. Res. 435. Joint resolution to establish a tercentenary commission to commemorate the advent and history of Father Jacques Marquette in North America, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H. Con. Res. 401. Concurrent resolution to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.

By Mr. JOELSON:

H. Res. 351. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. ST GERMAIN:

H. Res. 352. Resolution to disapprove Reorganization Plan No. 1; to the Committee on Government Operations.

By Mr. CLEVELAND:

H. Res. 353. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. FASCELL:

H. Res. 354. Resolution authorizing the printing of additional copies of the report of the Committee on Foreign Affairs entitled "Oversea Programs of Private Nonprofit American Organizations"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

225. By Mr. TUPPER: Joint resolution to extend the northern terminus of the Interstate and Defense Highway System in Maine from Houlton to Fort Kent; to the Committee on Public Works.

226. Also, joint resolution of the 102d Maine Legislature to promote the protection of our gold reserves; to the Committee on Ways and Means.

227. By the SPEAKER: Memorial of the Legislature of the State of Iowa, relative to making daylight saving time uniform throughout all of the States; to the Committee on Interstate and Foreign Commerce.

228. Also, memorial of the Legislature of the State of North Dakota, urging the Congress to propose an amendment to the Constitution of the United States, relating to apportionment; to the Committee on the Judiciary.

229. Also, memorial of the Legislature of the State of Rhode Island, relative to urging immediate action to abolish the quota restriction on the import of residual oil; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 7729. A bill for the relief of Horace W. Sessing; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 7730. A bill for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Philadelphia Naval Shipyard, Philadelphia, Pa.; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 7731. A bill for the relief of Ivor Orlando Dwyer; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 7732. A bill for the relief of Francis X. Tuson; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 7733. A bill for the relief of Antonio Crincoli; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 7734. A bill for the relief of Robert Conkling, John Fox, Theodore Kachelriess, Joseph Logomarsino, William McCormick, Henry McDermott, Sabato Messina, Edward J. Miller, Henry J. Miller, Joseph Ostrowski, Albert Thorsen, Salvatore Vernaci, William Wein, and Preston York; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 7735. A bill for the relief of Vincent Esposito; to the Committee on the Judiciary.

By Mr. POFF:

H.R. 7736. A bill for the relief of Jay H. Seay; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 7737. A bill for the relief of Spyros Kallapodis; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 7738. A bill for the relief of Mrs. Sadie Brimberg; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 7739. A bill for the relief of Bing Yee Wu; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

189. By Mr. BARING: Resolution of board of commissioners, city of Las Vegas, Nev., memorializing Congress to provide for Federal participation funds in order to facilitate an adequate supply of water into the Las Vegas Valley; to the Committee on Interior and Insular Affairs.

190. By the SPEAKER: Petition of the Legion of Estonian Liberation, Inc., New York, N.Y., supporting the military and political actions taken by the President of the United States to prevent South Vietnam from falling to the aggressive forces of communism and supporting any future measures for that purpose; to the Committee on Foreign Affairs.

191. Also, petition of assistant mayor of Nishihara-son, Okinawa, requesting early passage of the prepeace treaty claims bill; to the Committee on Foreign Affairs.

192. Also, petition of Council of the City of Alexandria, Va., endorsing House Joint Resolution 350 which authorizes and requests the President to proclaim the week beginning the first Sunday in August of each year as "National Volunteer Fireman's Week"; to the Committee on the Judiciary.

193. Also, petition of Council of City of North Olmstead, Ohio, relative to supporting the past efforts of the House Un-American Activities Committee and urging the continuation of the duties and responsibilities being performed so ably by this valuable congressional committee and declaring an emergency; to the Committee on Un-American Activities.

SENATE

Wednesday, April 28, 1965

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God and Father of all mankind: Under the gleaming white dome of this legislative shrine of our free land, we bow this day with gratitude—that a thousand tongues could not exhaust—for all America means to us and to all the world.

In these days, as dangerous as any the Republic has ever known, subdue, we pray, all selfish clamor, so that amid our national confusion the voice of Thy guidance may be heard and heeded.

Thou, who art the author of liberty, hast taught us that the essence of our freedom is not in having rights, but in fulfilling them; and not in privileges, but in responsibilities. In Thy light, may there be revealed to this bewildered generation, with all its moral failures, that to insist on grasping or asking for that which may be justly claimed, and then to use such blessings for self-gratification and indulgence, is to prove that those thus oblivious to responsibility are unworthy of such inheritance.

Teach us to value beauty of heart or strength of brain in any strand of our common humanity, that we may become workers together with Thee in binding the races of mankind into the perfect unity that will belt the earth with good will when Thy radiant Kingdom comes.

In the name of Christ Jesus, our Lord, we ask it. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 27, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on April 26, 1965, the President had approved and signed the act (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 6497) to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6497) to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States, was read twice by its title and referred to the Committee on Foreign Relations.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request by Mr. Mansfield, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Committee on the District of Columbia and the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs were authorized to meet during the session of the Senate today.

On request of Mr. Inouye, and by unanimous consent, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDENT pro tempore. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF THE TREASURY

The Chief Clerk proceeded to read sundry nominations in the Department of the Treasury.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

CIVIL AERONAUTICS BOARD

The Chief Clerk read the nomination of John G. Adams, of South Dakota, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1970.

Mr. McGOVERN. Mr. President, I am pleased that the President has sent to the Senate for confirmation as a member of the Civil Aeronautics Board, the name of Mr. John Adams. I know that the Senate will unanimously confirm Mr. Adams for this high post. His superb qualifications have been recognized by the President and are well known by Members of the Senate.

Mr. Adams and members of his family are constituents of mine at Sioux Falls, S. Dak. The Adams family is a highly regarded, able family and John Adams is one of their most distinguished members. He will be a credit in the future as he has been in the past to his family, his State, and the Nation that he has served so effectively for many years.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

FEDERAL COMMUNICATIONS COMMISSION

The Chief Clerk read the nomination of James J. Wadsworth, of New York, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964.

Mr. COOPER. Mr. President, I am glad that today the Senate is confirming the nomination of James J. Wadsworth to be a member of the Federal Communications Commission.

Jimmy Wadsworth is a remarkable public servant in every capacity he has served, whether as a member of the State Legislature of New York or as the Ambassador and permanent representative to the United Nations, with strong intellect, good judgment, accompanied by good humor—he has served our country with distinction. Worthy son of a great father, former Senator and Representative James Wadsworth—Jimmy Wadsworth will render valuable service as a member of the Federal Communications Commission.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

FEDERAL POWER COMMISSION

The Chief Clerk read the nomination of Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission for the term expiring June 22, 1969.

Mr. MANSFIELD. Mr. President, I ask that the nomination be passed over temporarily for the reason that the distinguished junior Senator from Vermont [Mr. Prouty] wishes to be present and say some words in behalf of the nominee at the time the nomination is considered.

The PRESIDENT pro tempore. Without objection the nomination will be passed over temporarily.

DEPARTMENT OF COMMERCE

The Chief Clerk read the nomination of Alexander B. Trowbridge, of New York, to be an Assistant Secretary of Commerce.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COMMUNICATIONS SATELLITE CORP.

The Chief Clerk read the nomination of Frederic G. Donner, of New York, to be a member of the board of directors of the Communications Satellite Corp., until the date of the annual meeting of the corporation in 1968.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard, placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. JAVITS. Mr. President, the fact that the names of three New Yorkers are on the list of nominations presented today, and the fact that the President should have chosen them for such critically important positions, are a matter of great pride to my State, for each one is a man of great distinction and undoubted talent.

Personally, I take great pride in the appointment of Jim Wadsworth, of New York, especially because of the fact that I served with his father in the House of Representatives. His father was a Senator from the State of New York from 1915 to 1927. It is a most distinguished family. James J. Wadsworth is upholding its traditions magnificently. The appointment was made on the basis of great merit. The President chose from a considerable list including some excellent candidates. It should be most gratifying to all of us that he chose so well and in such a fine tradition.

Mr. President, Frederic Donner is the chairman of the board of the General Motors Corp. and exemplifies the businessman in Government service and business in the public interest in its best expression.

We are very proud of Alexander B. Trowbridge. He is a very distinguished New Yorker. I am confident that he will acquit himself most creditably in the highly important post to which he has been appointed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

JOINT RESOLUTION OF WISCONSIN LEGISLATURE

The PRESIDENT pro tempore laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Interior and Insular Affairs, as follows:

House Joint Resolution 34

Joint resolution memorializing the Congress of the United States to enact legislation which would provide a centrally located veterans' cemetery in the State

Whereas the demands of patriotism required Americans to come forth and give their youth and lives in every armed conflict in which this country has been forced to engage; and

Whereas these veterans return from the world's conflicts maimed, mentally disturbed, or many years older; and

Whereas Wisconsin is proud of its young men who have sacrificed their youth, health, and lives for the perpetuation of our way of life; and

Whereas the dread consequences of their sacrifice is now manifested by rows of crosses over bodies that are venerated for their unselfish sacrifice; and

Whereas Wisconsin does not have a proper resting place as a tribute to these fine Americans that have died or who may die from service-connected disabilities; and

Whereas this State needs a centrally located national cemetery to enshrine these noble men: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of Wisconsin urge the Congress of the United States to establish a national cemetery for the repose of the remains of Wisconsin veterans; and be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, to the Secretary of the U.S. Senate and the Chief Clerk of the House of Representatives and to each Member of the Wisconsin delegation in Congress.

Patrick Gluy,
President of the Senate.
William P. Nugent,
Chief Clerk of the Senate.
Robert T. Huber,
Speaker of the Assembly.
James P. Buckley,
Chief Clerk of the Assembly.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 627. A bill to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes (Rept. No. 168).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 1623. A bill to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource (Rept. No. 169).

FURTHER AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 170)

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I report favorably an original bill to amend the Foreign Assistance Act of 1961, as amended, and for other purposes. I ask unanimous consent that the report thereon be printed, together with the minority views of the Senator from Oregon [Mr. Morse].

The PRESIDING OFFICER (Mr. Kennedy of New York in the chair). The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Arkansas.

The bill (S. 1837) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, was placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 1832. A bill for the relief of Virginia Clemente Coelho; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1833. A bill to provide for a Pacific Medical Center in Hawaii; to the Committee on Labor and Public Welfare.

S. 1834. A bill authorizing a survey of the Kaneohe-Kailua Area, Oahu, Hawaii, in the interest of flood control and allied purposes; to the Committee on Public Works.

(See the remarks of Mr. Inouye when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. TOWER:

S. 1835. A bill to provide for the transfer of the Division of Predator and Rodent Control from the Department of Interior to the Department of Agriculture; to the Committee on Commerce.

(See the remarks of Mr. Tower when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH:

S. 1836. A bill for the relief of Capt. E. L. Gunnell, U.S. Air Force; to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 1837. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; placed on the calendar.

(See the remarks of Mr. Fulbright when he reported the above bill, which appear under a separate heading.)

By Mr. McGOVERN:

S. 1838. A bill to make dairy products available for domestic and foreign programs; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. McGovern when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE (for himself, Mr. Scott, Mr. Clark, Mr. Boggs, Mr. Kennedy of Massachusetts, Mr. Dirksen, Mr. Fannin, Mr. McCarthy, Mr. Murphy, Mr. Williams of New Jersey, Mr. Mondale, Mr. Holland, Mr. Prouty, Mr. Williams of Delaware, Mr. Randolph, and Mr. Javits):

S. 1839. A bill to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Hartke when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 1840. A bill to provide for the establishment and administration of the Ohio River National Parkway in the State of Indiana;

to the Committee on Interior and Insular Affairs.

S. 1841. A bill to amend title 23 of the United States Code in order to authorize costs of installing certain display boards providing historical and other information as part of the costs of construction under the Federal-aid highway program; to the Committee on Public Works.

(See the remarks of Mr. Hartke when he introducead the above bills, which appear under separate headings.)

By Mr. LONG of Louisiana:

S. 1842. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in discriminatory practices against independent producers and distributors;

S. 1843. A bill to require certain companies engaged in dual distribution to disclose separate annual operating data on each of their establishments which compete with independent customers of such companies in the sale and industrial use of their products, and for other purposes; and

S. 1844. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in anticompetitive pricing practices; to the Committee on the Judiciary.

(See the remarks of Mr. Long of Louisiana when he introduced the above bills, which appear under a separate heading.)

By Mrs. NEUBERGER:

S. 1845. A bill to amend section 8 of Public Law 87-657, 87th Congress; to the Committee on Interior and Insular Affairs.

(See the remarks of Mrs. Neuberger when she introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S.J. Res. 71. Joint resolution to amend the joint resolution of January 28, 1949, providing for membership and participation by the United States in the South Pacific Commission; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above joint resolution, which appear under a separate heading.)

ESTABLISHMENT OF PACIFIC MEDICAL CENTER IN HAWAII

Mr. INOUYE. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, President Lyndon Johnson, in his speech delivered at the Johns Hopkins University on April 7, stated:

> This war, like most wars, is filled with terrible irony. For what do the people of North Vietnam want? They want what their neighbors also desire: food for their hunger, health for their bodies and a chance to learn, progress for their country, and an end to the bondage of material misery. And they would find all these things far more readily in peaceful association with others than in the endless course of battle.
>
> These countries of Southeast Asia are homes for millions of impoverished people. Each day these people rise at dawn and struggle until the night to wrestle existence from the soil. They are often wracked by disease, plagued by hunger, and death comes at the early age of 40.
>
> The American people have helped generously in times past in these works.
>
> Now there must be a much more massive effort to improve the life of man in the conflict-torn corner of our world.

The President went on to say:

> The wonders of modern medicine can be spread through villages where thousands die every year from lack of care. Schools can be established to train people in the skills that are needed to manage the process of development.
>
> And these objectives, and more, are within the reach of a cooperative and determined effort.

Mr. President, I envision such a cooperative and determined effort under provisions of a bill which I have introduced today. The bill seeks to authorize the establishment in Hawaii of a Pacific Medical Center. I earnestly solicit your support.

The bill would authorize the establishment of a medical center which would provide suitable administrative and physical facilities in order to enable teaching and research of the medical arts so badly needed throughout southeast Asia, the trust territories, Okinawa, and the numerous island archipelagoes of the Pacific.

Having pioneered in the field in cultural and technical interchange between East and West through the East-West Center and having witnessed the most favorable and tangible returns to the peoples of Asia and America through the various programs so successfully carried out in the relatively few years of its existence, I deeply feel that the multiracial community of our island State is the most suitable fulcrum from which to launch this cooperative and determined effort.

Moreover, it has recently been announced that Hawaii will be the site of the first meeting of Japanese and American scientists who will commence in October to recommend ways in which their respective governments can aid in the fight against such diseases as cholera, tuberculosis, and leprosy in Asia. Hawaii, Mr. President, has the experience, the vision, and a strong desire to undertake this determined effort.

Through scholarships and research grants, we can attract those with the best potential to the Center or direct them to more specialized institutions in the continental United States, in order to train Asians to help their fellow men.

We can hope to attract the very best medical minds of the more developed countries of Asia and the Pacific, as well as the United States, to impart their skills and knowledge to their counterparts from the less developed countries. Trained physicians and researchers from the technologically advanced countries of Japan, the Philippines, and Hong Kong will be invited to offer their services under auspices of the United States in order to further develop the medical resources of their fellow Asian countries.

Universities and hospitals both in Hawaii and in the continental United States will be called upon to provide appropriate educational services through a program of fellowships, grants, and research stipends to be administered by the Center.

Advanced medical scholars and researchers from the United States will not only be asked to offer their knowledge and skills but also to learn from Asians and Pacific islanders who have long specialized in certain areas, such as tropical medicine and pathology.

To me, such a center and such a program will be immediately embraced by the countries of Asia and the Pacific as a concrete and graphic reminder that America intends to pay more than lipservice to the concept of humanitarian aid so generously offered.

To me, the costs involved in establishing and maintaining the Center and its programs will be far less annually than the expenses incurred in building a squadron of F-105's, only one of which costs the United States upward of $2½ million. It would be less than the total costs involved in training the pilots manning those planes, a training program estimated to be a minimum of $100,000 per pilot even before more expensive specialized combat training. The annual costs should be much less than the expense for 1 month's battle in Vietnam.

But the returns, Mr. President, would be immense. Knowing Asia and the Asians, and being fully acquainted with the ways of the Pacific islanders, I would venture to say that a Pacific Medical Center will be greeted with an enthusiasm seldom matched in the history of America's relations with these areas.

I have requested the support of the President of the United States, as I believe the program is nothing more, nothing less, than a logical corollary of the great speech he delivered at the Johns Hopkins University recently. I have also requested the Secretary of Health, Education, and Welfare, and the Secretary of State for their support.

Now, I should like to make a similar request of the Senate. I invite all Senators to join with me in this most worthwhile, most constructive, and most humane endeavor.

Mr. President, I introduce the bill, for appropriate reference. I ask unanimous consent that it may lie at the desk for 10 days to permit other Senators to join as cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie at the desk for 10 days, as requested.

The bill (S. 1833) to provide for a Pacific Medical Center in Hawaii, introduced by Mr. Inouye, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

TRANSFER OF DIVISION OF PREDATOR AND RODENT CONTROL FROM DEPARTMENT OF THE INTERIOR TO THE DEPARTMENT OF AGRICULTURE

Mr. TOWER. Mr. President, in order to clarify administration of Federal regulations dealing with predatory animals, the Texas Sheep & Goat Raisers' Association feels that a transfer of administrative duties would be beneficial.

The transfer would give the Department of Agriculture control and supervision, rather than the Branch of Predator and Rodent Control of the Department of the Interior.

I share the view that such a transfer would be useful, and I introduce for appropriate reference a bill designed to accomplish the transfer.

I ask, Mr. President, that a resolution of the Texas Sheep & Goat Raisers' Association about this matter be printed at this point in the Record along with the text of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the resolution will be printed in the Record.

The bill (S. 1835) to provide for the transfer of the Division of Predator and Rodent Control from the Department of the Interior to the Department of Agriculture, introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Division of Predator and Rodent Control which is presently administered under the Bureau of Sport Fisheries and Wildlife, Department of the Interior, is hereby transferred to the Department of Agriculture, and all functions and duties of the Secretary of the Interior which are carried out through the Division of Predator and Rodent Control shall be assumed by and become the sole responsibility of the Secretary of Agriculture.

Sec. 2. (a) All assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), available or to be made available, of the Department of the Interior which the Director of the Bureau of the Budget determines relates primarily to the Division of Predator and Rodent Control shall be transferred from the Department of the Interior to the Department of Agriculture at such time or times as the Director shall prescribe.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this Act shall be carried out in such manner as the Director shall prescribe.

Sec. 3. The transfer of the functions and duties provided for in the first section of this Act shall be completed not later than ninety days after the date of enactment of this Act.

The resolution presented by Mr. Tower is as follows:

Resolution of the Texas Sheep & Goat Raisers Association

Whereas the mission of the Bureau of Sport Fisheries and Wildlife no longer is concerned with management of predatory animals on private property; and

Whereas the U.S. Department of Agriculture is dedicated the management of the Nation's agricultural resources on both public and private lands: Now, therefore, be it

Resolved, That the board of directors of the Texas Sheep & Goat Raisers' Association request their delegates to Congress to introduce legislation transferring all of the facilities and personnel of the Branch of Predator and Rodent Control from the U.S. Department of the Interior to the U.S. Department of Agriculture during the current session of the U.S. Congress.

Gaylord Hankins,
President.

AN ASSURED MILK SUPPLY FOR ASSISTANCE PROGRAMS

Mr. McGOVERN. Mr. President, I introduce, for appropriate reference, a bill to make dairy products available for domestic and foreign programs.

The farm program which the President recently sent to the Congress did not contain provisions for a new dairy program. Our present program is carried on under the Agricultural Act of 1949. Products acquired by the Government under this price support program have served as a basis for improving the health and well-being of children and of undernourished segments of the population, both in the United States and abroad. It is the lack of sufficient supplies for these purposes that prompts introduction of my bill.

The Secretary of Agriculture has been hard pressed many times recently to meet requirements of school, welfare and foreign assistance programs while relying solely on accumulated government stocks of commodities. He is often required to shortchange children and the undernourished both at home and abroad, simply because he does not have food enough to satisfy their hunger.

He is now unable to develop reliable programs which will allow him to fully utilize this ability of American farmers to efficiently produce food in abundant amounts.

Secretary of State Dean Rusk recently reminded us of this fact:

> The miracle of American agriculture has not merely produced more and more food for a still-hungry world—

Mr. Rusk said—

> it has turned men's hopes toward science and technology and their appetites away from plunder and conquest. It has opened the historical possibility of meeting by peaceful means the elementary daily needs of the whole human race.

It is indeed unfortunate that the hopes of a hungry world and our ability to satisfy hunger must depend entirely upon uncommitted stocks of the Commodity Credit Corporation. My bill would allow for successful planning in the wise use of our abundance. Moreover, this legislation will serve to allow price support programs to work more effectively in the interests of our own dairy farmers. With this legislation we can use supplies of dairy products and, at the same time, keep the market for farmers firm enough so that they can begin to enjoy the fruits of the efficiencies which they have introduced into dairying. We can, through the application of this legislation, assure ourselves that we are instituting a program that will, at one and the same time, provide dairy farmers with the opportunity to utilize their productive capacity without depressing their own prices, and make certain that milk is used to best advantage both domestically and abroad.

Mr. President, I ask unanimous consent that the bill which I now introduce be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1838) to make dairy products available for domestic and foreign programs, introduced by Mr. McGovern, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools, domestic relief distribution, community action, foreign distribution, and such other programs as are authorized by law, when there are insufficient stocks of dairy products in the hands of Commodity Credit Corporation available for these purposes.

AMENDING THE PURE FOOD AND DRUG ACT

Mr. HARTKE. Mr. President, I offer today on behalf of myself and the junior Senator from Pennsylvania [Mr. Scott] and 14 other Senators a bill to correct an inequity in the Food, Drug, and Cosmetic Act by amending that law.

The bill which we offer will allow the use of nonnutritive substances in the manufacture of candy, substances which are allowed to be used in all other foods, contingent only on the establishment of their safety for human consumption. At present, canned foods, frozen foods, baked goods, preserves, and even baby foods may contain a wide variety of emulsifiers, stabilizers, preservatives, and other additives which enhance the texture, flavor, and other desirable attributes of the product. But candy alone may not contain these substances.

There may have been a historical reason for the discriminatory situation which candy manufacturers face, but it no longer exists. In fact, the Food and Drug Act of 1906 was in part brought into being by the adulteration which all too often existed near the turn of the century in the production of candy. Unscrupulous makers, in a quest for greater profits, added nonnutritive substances such as terra alba and talc to increase bulk and weight. The ethical portion of the industry supported Federal legislation to cure this evil, and the 1906 act specified that all additives used in confectionery must be nutritive. The language used there was in substance carried forward in succeeding laws and is now contained in section 402(d) of the Food, Drug, and Cosmetic Act.

But as the years have gone forward, so has scientific development. Food additives were developed which, while nonnutritive, were nevertheless helpful to the industry and which imparted useful qualities to the products. As a result, in order to assure the safety of all such additives, the Food Additives Amendment of 1958 required the pretesting of all such materials before they could be used in any food. But, although nonnutritive additives are thus a common, safe, and accepted part of the content of a wide variety of foods, the old language forbidding nonnutritive additives to candy is still there. This bill would correct that discrimination, based on a definition which has long since outlived its purpose in view of present legislation which accomplishes the end result fully as well.

Legislation to this end was passed by the House of Representatives in the last Congress on August 12, 1964, but no action was taken by the Senate. H.R. 6328, containing the same provisions, is presently again before the House, introduced by Congressman LEO W. O'BRIEN, of New York, a member of the House Interstate and Foreign Commerce Committee and ranking majority member of the Subcommittee on Public Health and Welfare. Representative TORBERT MACDONALD, of Massachusetts, a member of the same committee, has also presented a companion bill, H.R. 7042.

The Food and Drug Administration has told the industry that it would support an amendment permitting confectionery to use the same, safe, non-nutritive substances already available to the rest of the food industry—provided that the Food and Drug Administration would approve by individual regulations in each case. Rather than taking such an individualistic and cumbersome approach, the bill offered today would remove the present discrimination and place the confectionery industry on the same basis as the other segments of the food industry.

Mr. President, in further clarification of this proposal, I ask unanimous consent that there may be printed at the end of these remarks a portion of the text of House Report No. 1550, 88th Congress, 2d session, setting forth the opinions and recommendations of the House Committee on Interstate and Foreign Commerce.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the portion of the report will be printed in the RECORD.

The bill (S. 1839) to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The portion of the report presented by Mr. HARTKE is as follows:

PURPOSE OF THE BILL

This bill would permit manufacturers of candy to use, in the manufacture of candy, substances which are cleared for safety as food additives by the Food and Drug Administration, without regard to whether these additives are nutritive or not.

BACKGROUND

When the Pure Food and Drug Act was enacted in 1906, it contained a provision deeming confectionery to be adulterated if it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In 1938, this prohibition was expanded so that under section 402(d) of the act confectionery bearing or containing any nonnutritive substance or article, with certain specified exceptions is automatically deemed adulterated.

In 1958, section 409 was added to the Federal Food, Drug, and Cosmetic Act, providing authority for the Food and Drug Administration to regulate food additives. Under this amendment, any substance whose intended use results in its becoming a component or otherwise affecting the characteristics of any food (including confectionery) may not be used except (1) for investigational use, or (2) unless "there is in effect, and its use or intended use are in conformity with" a regulation issued by the Food and Drug Administration under section 409.

Notwithstanding the enactment of the Food Additives Amendments of 1958, no change was made at that time in section 402(d) of the Federal Food, Drug, and Cosmetic Act, the provision relating to confectionery.

The bill herewith reported would amend section 402(d) so as to eliminate those provisions in that section which deem confectionery to be adulterated if it bears or contains any nonnutritive article or substance except authorized coloring, harmless flavoring, or certain harmless resinous glazes. This will place the confectionery industry on the same basis as other segments of the food industry and will permit that industry to use in the manufacture of candy, food additives cleared for safety under the food additives amendment.

Existing law in this area presents somewhat of an anomaly. Certain additives may be used by the canning, frozen food, baking, bottling, and preserving segments of the food industry—even the baby foods industry—but these substances may not be used in the manufacture of candy.

The committee feels that this discriminatory and anomalous treatment of the confectionery industry is not warranted.

FOOD AND DRUG ADMINISTRATION POSITION

The Food and Drug Administration opposed the bill in the form in which it is reported, but recommended that existing law be amended to permit the Food and Drug Administration to permit proposed uses of nonnutritive additives in the manufacture of candy if the Secretary finds "that such use has technological value" and "is in accordance with good manufacturing practice." The committee sees no reason why a special rule should apply to the confectionery industry that does not apply to all other segments of industry, and points out that the provisions of section 409 of the Federal Food, Drug, and Cosmetic Act fully cover safety of additives, and provides protection against deceptions of the consumer, and prohibits use of any additive which would result in adulteration or in misbranding of food.

Prior to the enactment of the food additive amendment, undoubtedly there was some protection afforded to the public by section 402(d) although the law presented disadvantages which have become more serious as technological developments have occurred. Since the enactment of the food additives amendment, any benefits which the public derived from section 402(d) no longer continue but the disadvantages do continue. The safety of all additives used in all foods is assured by the food additives amendment, but nonnutritive additives which are safe and so recognized by the Food and Drug Administration and which are used by other segments of the food industry may not be used by the confectionery industry.

The facts which may have justified the existence of section 402(d) until a more adequate law was enacted assuring the safety of all additives used in all foods, which now has been accomplished by enactment of the food additives amendment, make the nonnutritive provision of section 402(d), which is applicable only to the confectionery industry, not only no longer necessary, but also not desirable.

The Food and Drug Administration also recommended that the legislation be amended so as to prohibit the intermingling of trinkets or other articles with candy, unless the trinket or article was "not physically integrated with or attached to it" and unless the trinket or article was separated and distinctly wrapped.

This amendment was designed to overrule the effect of a court of appeals decision in *U.S.* v. *Cavalier Co.* (190 F. 2d 386 (1951)) holding that the intermingling of trinkets with candy or gum in a vending machine did not result in adulteration of the candy within the meaning of the Food and Drug Act. It was pointed out to the committee that the effect of this amendment would be to seriously jeopardize the business of many persons in the vending machine industry.

The product liability insurance rate of that industry is among the lowest in the food industry. Under the circumstances, the committee felt that there is no threat to the public health sufficient to warrant the adoption of an amendment which would have such serious consequences for a segment of our domestic industry.

SUMMARY

This bill would amend 402(d) of the Federal Food, Drug, and Cosmetic Act so as to permit the candy manufacturing industry to use food additives which are cleared for safety by the Food and Drug Administration for use in the manufacture of food by all other segments of the food industry in the United States, and would eliminate the present anomalous situation under which a substance can be used in the manufacture of food by all other segments of the food industry—including the baby food manufacturing industry—but may not today be used in the manufacture of candy.

Mr. SCOTT. Mr. President, I am joining today as principal cosponsor with Senator HARTKE, of Indiana, and 15 other Senators in the introduction of legislation to eliminate a discriminatory situation which has faced our candy manufacturers for many years.

Under the present Food, Drug, and Cosmetic Act, canned foods, frozen foods, baked goods, preserves, and even baby foods may contain a wide variety of emulsifiers, stabilizers, preservatives, and other additives which enhance the texture, flavor, and other desirable attributes of the product. Our confectionery industry alone is not allowed the use of these nonnutritive substances.

The legislation which we are proposing today would remove this discrimination by amending the Food, Drug, and Cosmetic Act to permit the confectionery industry to use the same safe, nonnutritive substances already available to baby food manufacturers and other food industries.

OHIO RIVER NATIONAL PARKWAY

Mr. HARTKE. Mr. President, in this session of the Congress I have presented several bills for the benefit of the traveling public, including a proposal for spot highway improvements, to provide greater road safety; a bill to provide for the Lincoln Trail Memorial Parkway to run from Hodgenville, Ky., through the Indiana site of Lincoln's boyhood home and on to Springfield, Ill.; and one which calls for an extension of the Interstate Highway System from 41,000 to 60,000 miles. Today I am introducing two more bills which will further round out the better highways program I hope we may see developed. One, on which my comments appear under a separate heading, will provide for enhancement of the traveler's knowledge of the area he is in through historical display boards to be erected at rest stops on the Interstate Highway System. The other, of which I wish to speak now, provides for the establishment and administration of the Ohio River National Parkway.

The purpose of the bill is well stated in the opening sentence of the bill, which authorizes establishment of the Ohio River National Parkway "in order to enhance the public enjoyment and accessibility of certain areas in the State of Indiana having a scenic and historical value, including the Ohio River, vast and dense forests, historical sites, caverns, large rolling hills, and spectacular scenery." The parkway would begin near Aurora, Ind., where U.S. 52 turns away from the Ohio River to cross the State of Indiana. From that point through Ohio, Jefferson, and Switzerland Counties to Madison, State roads exist along the river, but much of that portion is listed on State highway maps as "dustless" rather than "paved." Other such existing roads follow the river from New Albany to New Boston and from Derby to Tell City. The intervening portions, despite the scenic nature of the southern Indiana countryside, do not presently carry roads following the river.

The terminus of such a parkway would be near Troy, Ind., where it would link up with the proposed Lincoln Trail Memorial Parkway, with a total distance of somewhat under 200 miles involved. It would afford a genuine addition to those places in the Nation which make so attractive the recently developed slogan, "See America First"—the promotion of which has been entrusted by President Johnson to our presiding officer, Vice President HUMPHREY.

This region of Indiana, as I have indicated, has scenic attractions as the Ohio River rolls on down toward my own home town of Evansville. I know this country, and I know its beauty. But its present state of relative inaccessibility does not permit many who might otherwise be attracted to it to share that knowledge with me. This land of ours is indeed "America the beautiful." The Ohio River National Parkway can help bring more of that beauty to visibility as our Hoosier attractions for tourists become increasingly known. Indiana's great potential in that direction has been thoroughly pointed out in a recent ARA-sponsored study of the 42 southern Indiana counties prepared by Indiana University. This project will benefit both those who live there and those who come to visit. I hope that it will find a favorable reception in the Congress.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1840) to provide for the establishment and administration of the Ohio River National Parkway in the State of Indiana, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

HISTORICAL DISPLAY BOARDS FOR INTERSTATE HIGHWAYS

Mr. HARTKE. Mr. President, the Interstate Highway System is one of the greatest programs of progress ever launched by any nation. It provides us with safe, economical, and convenient travel. It saves us lives and money and it increases the ties—both commercial and cultural—which bind us together as a nation.

The Interstate System, however, has by no means reached perfection. Improvements can always be made. I have suggested these in the past and I offer today a further refinement.

Although we enjoy the speed with which the Interstate System permits us to move, a common question at the end of an excursion is: "Where have we been?" On the Interstate System we speed almost nonstop through the countryside with little or no idea of what is around us. While the superhighway brings us to our destination more quickly, we often find the trip has been quite monotonous and boring.

I propose, in a bill which I offer today, that display boards listing nearby historical and scenic attractions be erected at each rest stop on the Interstate System. The cost for this project would be low in comparison to the large benefits, benefits not alone for the traveler but for residents of the area as well.

Such a display board would present historical highlights of the area and list noncommercial points of interest, together with road directions to them. The boards would be prepared by State universities, State or local historical societies, or others, using uniform standards set by the Bureau of Public Roads.

The family which has a limited time to travel would find display boards such as these a rapid and reliable source for orienting themselves to the area through which they are driving. For those with more leisure time, information on the display boards would encourage side trips from the interstate highway, to both the enlightenment and the enjoyment of the traveler.

This proposal, of course, is not unprecedented. Many States have for years provided varying types of historical markers along main highways. Such signs remind us of our heritage and enrich our travel experience. We need such an enriching program throughout the Interstate System.

I urge support of each of my colleagues on this bill. I therefore ask, Mr. President, that it may be held at the desk for cosponsors until the close of business on Friday next, April 30, and that the text of this short bill may appear at the close of these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD and held at the desk, as requested by the Senator from Indiana.

The bill (S. 1841) to amend title 23 of the United States Code in order to authorize costs of installing certain display boards providing historical and other information as part of the costs of construction under the Federal-aid highway program, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 101 (a) of title 23 of the United States Code, relating to the definition of the term "construction" for the purpose of the Federal-aid highway program, is amended by inserting before the period at the end thereof a comma and the following: "and also including costs of display boards placed at noncommercial rest areas on such highway to provide information with respect to the history of the area and noncommercial points of interest".

FUNDS FOR POINT REYES NATIONAL SEASHORE

Mrs. NEUBERGER. Mr. President, I am introducing, for appropriate reference, legislation to amend the public law which established Point Reyes National Seashore in California in 1962. Subsequent events have proved that the sum originally fixed in the law for acquisition of property within the new National Park unit is insufficient. The bill placed a limitation of $14 million on the amount to be appropriated for the valuable property in this area.

Point Reyes National Seashore will be the property of all the people of the United States. We have a valuable natural resource heritage involved here; and it is my strong belief that all of the people of the United States should help pay the cost of acquiring the needed land by direct purchase.

An increase in the appropriation ceiling for acquisition of Point Reyes Seashore land would be a constructive step. The bill I am introducing today will give the Senate Interior and Insular Affairs Committee a basis on which to determine the amount needed to complete the program for purchase of land. This is the procedure which should be followed in acquiring new seashore land, in my opinion.

Mr. President, I ask consent to have the text of the bill printed in the RECORD with my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1845) to amend section 8 of Public Law 87-657, 87th Congress, introduced by Mrs. NEUBERGER, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8 of Public Law 87-657 of the Eighty-seventh Congress is repealed and (b) that there is enacted in lieu thereof the following:

"SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

MEMBERSHIP AND PARTICIPATION BY THE UNITED STATES IN THE SOUTH PACIFIC COMMISSION

Mr. FULBRIGHT. Mr. President, by request I introduce, for appropriate reference, a joint resolution to amend the joint resolution of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

This legislation has been requested by the Acting Secretary of State, and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution may be printed at this point in the RECORD, together with a memorandum of justification and the letter from the Acting Secretary of State to the Vice President with regard to it.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution, memorandum, and letter will be printed in the RECORD.

The joint resolution (S.J. Res. 71) to amend the joint resolution of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 3(a) of the joint resolution entitled "Joint Resolution providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor", as amended (22 U.S.C. 280b) is hereby amended to read as follows:

"(a) such sums as may be required annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, as set forth in Article XIV of the Agreement establishing the South Pacific Commission."

The memorandum and letter presented by Mr. FULBRIGHT are as follows:

MEMORANDUM OF JUSTIFICATION OF PROPOSED AMENDMENT TO REMOVE STATUTORY RESTRICTIONS ON U.S. CONTRIBUTIONS TO THE SOUTH PACIFIC COMMISSION

Current legislation providing for U.S. participation in the South Pacific Commission restricts the authority to make appropriations to fiscal years 1965 and 1966 in amounts not to exceed $150,000.

The proposed draft of an amendment to Public Law 403, 80th Congress, would replace these restrictions by a continuing authorization without limitation as to amount.

The membership of the Commission consists of the state of Western Samoa, which became a member in 1964, and 5 Governments—Australia, France, New Zealand, the United Kingdom, and the United States—which together administer some 15 territories in the Pacific Ocean. These territories are scattered over an ocean area approximating one-fifth of the world's surface, about a third being in the U.S. sphere of responsibility. The U.S. territories covered by the Commission's activities include American Samoa and Guam as well as the Trust Territory of the Pacific Islands. The entire complex of islands in the Commission's geographical bounds is of strategic importance to the United States.

As a regional organization with the only permanent reservoir of expertise in the South Pacific area, the Commission is uniquely qualified to assist in the economic and social development of the South Pacific people. It supplements and complements the individual territorial efforts of the administering governments and has proved an effective method of mobilizing the resources of these governments in a common effort. At the same time, it provides a forum for the indigenous people to voice their views on the development of the region.

Concentrating in the fields of health, and economic and social development, the Commission carries out its work largely through a program of research, technical assistance, and the collection, publication, and distribution of scientific and technical information.

In the health field, attention centers on organizing research into unsolved health problems, health education, and maternal and child care. In the area of economic development, the Commission is currently concerned with improvement of basic crops, fisheries, and boatbuilding, and eradication of plant disease and pests. The social development program deals with community education, language training, cooperatives, library development, and reading aids.

In order to respond more effectively to the regional needs of the area, the Commission considers desirable a significant strengthening of all these activities over the next few years. Among the projects of high priority are the following:

1. A broad program of improving village sanitation. Emphasis would be placed on the control of insects and rats, the latter being a serious economic as well as health problem in the South Pacific.

2. Expansion of the maternal and child health program. This would include adding a public health nurse to the staff to assist in conducting courses for auxiliary staff in territories, refresher courses for midwives, and seminars on social pediatrics.

3. Strengthening of the Community Education Training Center in the Fiji Islands.

4. Establishment of a regional language-teaching institute for the Pacific region where teachers and administrators could be trained in new methods of teaching English.

5. Intensification of plant production improvement. As part of a program to introduce commercial crops, the Commission hopes to expand the service of supplying new, disease-resistant species of the breadfruit, cacao, and taro. If the basic research on insect control results in increased coconut production, a regional research and training center for coconut products and byproducts is considered a logical followup.

The budget for calendar year 1965, approved at an assessment level of $747,799, provides for a start on this work program. Since the United States is assessed at 20 percent of the Commission's budget, our share of 1965 expenditures is $149,559. This amount, to be funded from U.S. fiscal year 1966 appropriations, is just under the statutory limitation of $150,000 on our contribution. This ceiling, however, will be inadequate to cover our obligations under subsequent budgets which must increase over the 1965 level if the important projects outlined above are to be carried out.

As between the raising of the annual ceiling on the amounts authorized to be appropriated and eliminating the ceiling entirely, the Department recommends the latter.

A ceiling could prevent the United States from living up to the terms of the agreement establishing the South Pacific Commission which calls for contribution of a fixed percentage of the budget rather than a fixed amount. The other member countries, preferring to relate their financial support of the Commission to the intrinsic value of proposed programs and the overall effectiveness of the Commission, have not enacted such legislation. If they did so, it would result in financial chaos for the Commission since the size of the budget would be determined by a series of unilateral actions and not by multilateral negotiations.

We believe that the absence of a statutory limitation on the U.S. contribution would not result in sharp increases in the Commission budget, since the other contributors would have to pay their share of any expenses. Except for Western Samoa, their share is not much lower than that of the United States and in one case is significantly higher. Current assessments percentages are: Australia, 32; France, 14; New Zealand, 16; United Kingdom, 17; United States, 20; Western Samoa, 1. The relative size of their contributions constrains the other members to approach budget expansion with caution. Moreover, these are responsible governments which, while responsive to the Organization's real needs, have demonstrated a serious interest in the economical operation of the Commission.

The Department also sees advantage in having Congress authorize contributions to the Commission on the basis of a continuing authority. Prior to the adoption of an amendment in 1964 which restricted the authorization for appropriation to fiscal years 1965 and 1966, the Congress had provided a continuing authorization. A return to this arrangement seems appropriate because both the terms of the agreement establishing the Commission set no terminal date to the Commission's life, and the language of the joint resolution authorizing U.S. membership in the Commission places no limits on the duration of that membership. Reestablishment of the continuing authority would, therefore, serve to underline our positive interest in the future development of the Commission. This would in no way affect the availability of officials of the executive branch to testify before appropriate committees of the Congress upon request, in addition to the regular annual review by the Committees on Appropriations.

DEPARTMENT OF STATE,
Washington, April 8, 1965.

HUBERT H. HUMPHREY,
President of the Senate.

DEAR MR. VICE PRESIDENT: I submit herewith a proposed draft of an amendment to Public Law 403, 80th Congress, which provides for membership and participation by the United States in the South Pacific Commission.

By replacing the present authorization for appropriations in fiscal years 1965 and 1966 in amounts not exceeding $150,000 by a continuing authorization without limitation as to amount, the amendment would permit the United States to play its proper role in the expanded work of this important Commission.

I do not believe the elimination of the statutory limitation on our contribution would lead to a sharp increase in the U.S. contribution. A detailed description of the Commission's work and our reasons for proposing the amendment is enclosed.

I hope the Congress can give favorable consideration to the amendment during the present session so that the U.S. representative will be able to participate in the fall in the discussion and approval of the program to be included in the Commission's budget for calendar year 1966.

A similar communication is being sent to the Speaker of the House.

The Department of State has been advised by the Bureau of the Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,
George W. Ball,
Acting Secretary.

PRINTING OF REVIEW OF REPORT ON CENTRAL AND SOUTHERN FLORIDA, SOUTHWEST DADE COUNTY, FLA. (S. DOC. NO. 20)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report, dated September 15, 1964, from the Acting Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on central and southern Florida, Southwest Dade County, Fla., requested by a resolution of the Committee on Public Works, U.S. Senate, June 6, 1958. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORT ON CHETCO RIVER, OREG. (S. DOC. NO. 21)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report, dated March 4, 1965, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on Chetco River, Oreg., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted April 28, 1958. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATERSHED PROJECTS APPROVED BY THE COMMITTEE ON PUBLIC WORKS

Mr. McNAMARA. Mr. President, in order that the Senate and other interested parties may be advised of the various projects approved by the Committee on Public Works, I submit for inclusion in the Congressional Record, information on this matter:

Projects approved by the Committee on Public Works on Apr. 13, 1965, under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Cong., as amended

	Federal cost
Ketchepedrakee Creek, Ala	$882,740
Twin-Rush Creek, Ind	1,234,620
Badger Creek (supplemental), Iowa	212,965
Walters Creek, Iowa	1,074,920
Total	3,405,245

AMENDMENT OF HOUSING AND URBAN DEVELOPMENT ACT OF 1965—AMENDMENT (AMENDMENT NO. 101)

Mr. HART. Mr. President, I send to the desk an amendment to S. 1354—the Housing and Urban Development Act of 1965—and ask that it be printed, and appropriately referred. The purpose of this amendment is to provide grants to cities with workable programs to carry out programs of demolition of dilapidated structures in residential neighborhoods.

For many years cities across the Nation have been waging a battle against decay in residential neighborhoods, with Federal assistance. Thousands of acres of slums have been cleared for public and private redevelopment. Other vast areas have been designated as conservation neighborhoods. In these a vital instrument to achieve neighborhood betterment has been the removal of building which are too deteriorated to be rehabilitated.

Had these structures been permitted to remain, conservation efforts would have been severely hindered and sometimes completely blocked. While extensive efforts, involving substantial expenditures are being made to clear areas already blighted and to conserve neighborhoods which have moved significantly along toward becoming totally blighted, more preventative measures are needed.

Many neighborhoods in our cities are in generally excellent condition. In a substantial number of these, however, an occasional building has been abandoned by its owner. This has resulted in a creation of a condition hazardous to the health and welfare of the surrounding area.

These dilapidated buildings serve as an attractive nuisance to children and as a fire hazard. Their existance produces a negative effect on adjoining property owners in terms of their desire to maintain their own property. It is readily seen that one such building can be the seed of a new blighted neighborhood. The removal of these buildings, where it can be done under local law, becomes an extremely burdensome expense to the community and in almost every case more burdensome than the community can bear alone. Therefore in view of the deep involvement of the Federal Government in programs aimed at the elimination of slums, it seems essential that the elimination of the first sign of blight, that is, a single decaying structure, will in many instances be the key action in keeping a neighborhood as a desirable place in which to live.

The more that can be done to keep a neighborhood from becoming blighted, the less we will have to spend on future clearance of large areas. Commonsense seems to require that the removal of scattered, dilapidated buildings will provide a relatively inexpensive way of saving vast parts of our cities from becoming urban renewal projects through their fall into decay.

We have already made significant changes in Federal law in terms of strengthening local code enforcement activities. This will be another major step in that direction.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. The bill to which my amendment is offered is presently before the Senate Committee on Banking and Currency. My purpose is to have the amendment referred to that committee.

The PRESIDING OFFICER. It will be referred to the Committee on Banking and Currency.

The amendment (No. 101) was referred to the Committee on Banking and Currency.

VOTING RIGHTS ACT OF 1965—AMENDMENTS

AMENDMENT NO. 102

Mr. TOWER submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which was ordered to lie on the table and to be printed.

(See the remarks of Mr. Tower when he submitted the above amendment, which appear under a separate heading.)

AMENDMENTS NO. 103 THROUGH 114

Mr. EASTLAND submitted amendments, intended to be proposed by him, to Senate bill 1564, supra, which were ordered to lie on the table and to be printed

AMENDMENT NO. 115

Mr. FULBRIGHT (for himself and Mr. McClellan) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 1564, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NO. 116 THROUGH 119

Mr. ERVIN submitted four amendments, intended to be proposed by him, to Senate bill 1564, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 121

Mr. SPARKMAN. Mr. President, on a number of occasions, I have made my views known on the so-called voting rights bill, S. 1564. I have appeared before the Senate Judiciary Committee, and I have spoken here on the floor of my opposition to the bill.

On each occasion, I have explained that my opposition is not to the right of any qualified person to vote, but rather to the concept embodied in the bill which takes away from the States the right to set voter qualifications.

This bill repeats an old post-Civil War procedure which saw Federal officials entering the South for the purpose of usurping State powers. The bill seeks to send Federal voting examiners into suspected States to examine State voting procedures.

I have prepared an amendment to deal with this situation.

This amendment would compel Federal examiners to apply State laws and not their own self-made procedures concerning voter qualifications. Since the Constitution gives the States the right to establish qualifications and since the major complaint currently is the alleged discriminatory use of State laws, there should be no major objection to this amendment unless the sponsors of the bill intend to substitute Federal, agency, or self-made examiners' procedures on registration and qualification, for State laws.

The **PRESIDING OFFICER.** The amendment will be received, printed, and will lie on the table.

THE HIGHER EDUCATION ACT—AMENDMENT (AMENDMENT NO. 120)

Mr. **FULBRIGHT** submitted an amendment, intended to be proposed by him, to the bill (S. 600) to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education, which was referred to the Committte on Labor and Public Welfare and ordered to be printed.

VOTING RIGHTS ACT OF 1965—AMENDMENT (AMENDMENT NO. 102)

Mr. **TOWER.** Mr. President, I send to the desk an amendment to the voting rights bill, in the nature of a substitute—S. 1564.

The pending bill is seriously deficient at best, unconstitutional at worst. Its defects, though not seen in the earlier haste of presentation, have now come to light. I say let us correct such defects, not ignore them, in what should be a somewhat more calm period of reflection.

In essence my proposal would, first, insure the uniform application of all State voting requirements; second, prohibit fraudulent voting in Federal elections, prescribing penalties for those involved in such fraudulent actions; and third, provide for a detailed study by the Attorney General and Secretary of Defense to determine whether under State laws there are preconditions to voting or registering to vote, which tend to result in discrimination against Armed Forces personnel.

I believe my bill in its provisions prohibiting discrimination would accomplish the following:

First. Eliminate, effectively and expeditiously, voting discrimination wherever it exists.

Second. Bring an end to any and all unreasonable standards for registration and voting, without ending constitutional, State established requirements.

Third. End all vestiges of discriminatory application of voting and registration requirements.

Fourth. Responsibly refrain from penalizing States and subdivisions which are not guilty of discrimination.

My proposal would accomplish these objectives; the pending bill will not.

Mr. President, there is an absence of complicated and arbitrary percentage formulas in my proposal. It is simply stated, simply understood, and simply applied. My amendment prohibits discriminatory voting practices wherever they exist, not in just a few States and counties.

Whenever the Attorney General receives complaints from 25 or more residents of a county or similar political subdivision, alleging discrimination and denial of voting rights on the basis of race or color, a Federal examiner is appointed by the Civil Service Commission. The examiner immediately determines whether or not those alleging such discrimination possess the requisite voting qualifications. Any challenge by the State may be made within 10 days before a Federal hearing officer appointed by the Civil Service Commission. The hearing officer is required to render his decision within 7 days.

A pattern or practice of discrimination is established upon a determination by the hearing officer that the right of suffrage has been denied to 25 or more persons because of race or color. Immediately, upon this determination, the Civil Service Commission is required to appoint additional Federal examiners to register others within the county or political subdivision, who may be subject to discrimination.

My amendment provides for an appeal of the decision by the hearing officer within 15 days. However, during this period all persons found to possess voting qualifications shall be entitled to vote; those challenged may vote provisionally pending the appeal by the hearing officer and the court. The primary purpose of allowing provisional voting is to preclude delay of the appeal and thus to encourage its expeditious consideration.

Under my amendment, Federal examiners are required to accept a sixth-grade education as a presumption of literacy. The Federal examiners are likewise required to insure fair and nondiscriminatory application of existing literacy tests.

Mr. President, my amendment is aimed not only directly towards discriminatory practices in registration and voting, but deals also with the broader problem, where it exists, of physical or economic coercion and intimidation. The amendment I propose provides for both civil and criminal penalties for officials engaging in any such coercion or intimidation.

My amendment does not presume guilt, in lieu of our basic right of presumption of innocence. States and political subdivisions are not guilty under my proposal, until it has been proven that they discriminate.

Mr. President, my proposal also covers fraudulent counting and voting. I believe of equal importance to the right to vote is the right to have such vote properly counted, and thus not diminished in the overall returns.

Wherever a person alleges to an examiner within 24 hours that he was not permitted to vote or that his vote was not properly counted, the examiner notifies the Federal district attorney who may then apply to the Federal court for an order of contempt. Whoever under color of law fails to permit one to vote, or fails to count the vote properly, or intimidates or threatens or coerces the voter, is subject to a maximum penalty of $5,000 fine or 5 years imprisonment.

Also, under my proposal, whoever casts a ballot illegally, or casts more than one ballot, or attempts to, or alters ballots cast in a Federal election is subject to a like penalty.

My amendment also calls for a joint study by the Attorney General and Department of Defense to determine if, under the laws or practices of any State or States, there are preconditions to voting, or registering to vote, which might tend to result in discrimination against citizens serving in the armed services.

Mr. President, I believe this amendment I introduce today offers to the Senate an effective and expeditious, and constitutional alternative which would bring to an end the disenfranchisement, because of race or color, of any of our citizenry, and will insure to all such citizens the proper counting of their votes.

I ask unanimous consent that a section-by-section analysis of my amendment be printed in the RECORD at this point.

The **PRESIDING OFFICER.** The amendment will be received and printed, and will lie on the desk; and, without objection, the analysis will be printed in the RECORD.

The amendment (No. 102) was received, ordered to be printed, and to lie on the table.

The section-by-section analysis presented by Mr. TOWER is as follows:

BRIEF SECTION-BY-SECTION ANALYSIS, TOWER VOTING RIGHTS SUBSTITUTE

Literacy test definition—any requirement regarding ability to read, write, demonstrate educational achievement or knowledge of any particular subject (sec. 2a, p. 1).

Provides that one acting under color of law shall provide applicant opportunity to register or to qualify to vote within 2 weekdays after applicant makes good faith attempt to do so. Applicant must be notified of results within 7 days (sec. 26, p. 2).

Election definition—any general, special, primary in any voting district for selection of candidate or deciding proposition or issue of public law (sec. 2b, p. 2).

Congressional determination that large numbers of citizens have been and are being denied voting or registration on account of race or color in violation of the 15th amendment (sec. 3a, p. 2).

Congressional determination that literacy tests have been and are being used in some States and subdivisions as a means of discrimination on account of race or color (sec. 3b, p. 3).

Congressional determination of sixth grade presumption of literacy (sec. 3b, p. 3).

Eliminates requirement of good moral character, and so forth (with exception of felons) (sec. 3c, p. 3).

Establishes a pattern or practice of discrimination where 25 or more persons claim discriminatory denial of right to vote (sec. 3d, p. 3).

Federal examiner is appointed by Civil Service Commission upon certification by Attorney General that he has received in writing 25 or more complaints from residents of a voting district that they have been denied right to register, or to vote, and that he

[Attorney General] believes claims are meritorious (sec. 4a, pp. 3–4).

Certification by the Attorney General is final and effective upon publication in Federal Register (sec. 4b, p. 4).

Examiner shall examine complainants. Their statement under oath is prima facie evidence of age, residence, prior efforts to register or vote (sec. 4c, p. 4).

Upon examiner finding that 25 or more persons within the district have been denied the right to register or to vote, their names shall be placed on list of eligible voters—list goes to appropriate election officials, Attorney General, State attorney general, with report of findings (sec. 4d, p. 5).

Examiner shall administer literacy test where applicable (sec. 4d, p. 5).

Where a practice or pattern of discrimination is established, the Civil Service Commission shall appoint additional examiners within the voting district (sec. 4e, pp. 5–6).

Where examiner listing is challenged, persons listed can vote provisionally, pending hearing officer or court determination (sec. 4b, p. 5).

Provides that no person can vote unless his name has been certified and transmitted to appropriate election officials at least 45 days prior to such election (sec. 4g, p. 5).

A challenge to examiners' findings may be filed within 10 days of examiners' listing, by the State attorney general or appropriate election officials, to a hearing officer appointed by the Civil Service Commission. Challenge must be accompanied by affidavit of at least two persons; 7 days for challenge determination (sec. 5a, p. 6).

Appeal from hearing officer decision may be filed in U.S. Circuit Court of Appeals within 15 days of decision, but no decision of a hearing officer shall be overturned unless clearly erroneous (sec. 5b, p. 7).

Establishment of pattern or practice of discrimination shall not be stayed pending court determination of challenge (sec. 6, p. 7).

Where pattern or practice of discrimination is established the Civil Service Commission shall appoint necessary additional examiners within the district who shall determine whether persons within the voting district are qualified to register and to vote. Under this provision, persons appearing before examiners need not have first attempted to apply to a State or local registration official if he states under oath that in his belief to do so would have been futile or would have jeopardized his or family's personal wellbeing or property, or economic standing (sec. 7a, p. 7).

When a person alleges to examiners within 24 hours after closing of the polls that in spite of his listing under this act, he has not been permitted to vote or that his vote was not properly counted, the examiner notifies the U.S. district attorney who, if he determines claim is well founded, may apply to the district court for an order of contempt. Whoever under color of law prohibits proper counting or voting through intimidation, coercion, and so forth, shall be fined not more than $5,000 or imprisoned not more than 5 years or both. Same penalties where, under color of law and in districts where examiners have been appointed, for those who destroy or alter proper ballots or other voting machine records (sec. 8a, b, pp. 9–10).

District courts have jurisdiction of above without regard to whether an applicant has exhausted any administrative or other remedies (sec. 8c, p. 10).

Civil Service Commission prescribes forms for applicants. Examiner shall make themselves available every weekday in order to determine voter qualifications, regardless of State time limitations (sec. 9, pp. 10–11).

Successful applicant stays on the voting list until (1) he has been successfully challenged, or (2) he has been determined by an examiner not to have voted or attempted to vote at least once during 4 consecutive years while listed (or during such larger period as is allowed by State law with requiring registration, or (3) to have otherwise lost eligibility to vote. However, where a State requires registration within a period of time shorter than 4 years, the person must reregister with an examiner (sec. 10, p. 11).

Examiners shall be existing Federal officers and employees, who are residents of the State in which the Attorney General has issued certification (sec. 11, p. 11).

Provision of this act shall be applied in a voting district until, within any 12-month period, less than 25 persons within the voting district have been placed on lists of eligible voters by examiners (sec. 12, p. 12).

Cases of civil and criminal contempt shall be governed by contempt provisions of 1957 Civil Rights Act (sec. 13, p. 12).

Attorney General and Secretary of Defense shall make study of prerequisites to voting by servicemen, which might tend to result in discrimination against their right to vote. Report of study, with recommendations, shall be made by January 1, 1966 (sec. 15).

Whoever casts ballot in any Federal election knowing that he is ineligible, or casts more than one ballot, or steals or destroys or mutilates, and so forth, shall be fined not more than $5,000 or imprisoned not more than 5 years or both (sec. 16a, pp. 13–14).

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. JAVITS. I may not agree with any one of the Senator's proposals, but I certainly think it is fine when Senators who oppose seek creatively to find alternatives and propose them. I am glad to see this constructively critical approach by the Senator from Texas. I have also noted his feeling about the poll tax and that of the Senator from Mississippi, which I can understand, and I will speak on that matter later. It is most helpful when Senators dissent in a certain matter, when there is a great national problem involved, put forward their own ideas as to how they think those problems should be corrected.

Mr. TOWER. I thank the Senator. My principal objection is to abolishing the poll tax by statutory means. This proposal is largely the work of Representative McCulloch, of Ohio, one of the principal architects of the Civil Rights Act of 1964.

EXTENDING DAVIS-BACON ACT TO MAINTENANCE CONTRACTS—EXTENSION OF TIME FOR BILL TO LIE ON THE DESK

Mr. KUCHEL. Mr. President, I wish to discuss briefly S. 1797, to extend the Davis-Bacon Act to include contracts for maintenance work performed on Federal public works and buildings.

I ask unanimous consent that the bill (S. 1797) remain at the desk for, hopefully, additional cosponsors, until next Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, in the last Congress, the distinguished Vice President, then the majority whip, Mr. Humphrey, and I offered two bills to amend the Davis-Bacon Act. One of the proposals, providing for the inclusion of fringe benefits, such as those for hospital care, pensions, and retirement, in the prevailing wage provisions of the Davis-Bacon Act was enacted by the 88th Congress. The other is the measure which I have reintroduced as S. 1797 on April 22. This legislation is needed if we are to keep pace with the changes taking place in the work practices of a highly technical American industrial establishment.

Mr. President, in 1931, a historic act authorized by a Republican Senator from Pennsylvania, James Davis, and a Republican Representative from New York, Robert Bacon, was adopted by Congress and signed into law by President Hoover. In passing the Davis-Bacon Act, Congress wisely determined that when Federal tax dollars were being used for construction, the wages paid for a particular type of labor must be those prevailing in the locality for work on projects of a similar character. The purpose in passing this law was to prevent cheap labor from being imported into an area and thus undercutting the going wages in the local labor market. Effective administration of this act has meant more job opportunities for both local workers and local contractors.

I have long worked for the extension and improvement of the Davis-Bacon Act. In 1956, as a member of the Senate Committee on Public Works, I helped attain the adoption of an amendment which applied the Davis-Bacon principle to the construction authorized under the multibillion-dollar 41,000-mile interstate highway program. In urging that amendment almost 9 years ago, I noted what the application of the prevailing wage law would mean to the people of California and all other States, as follows:

> Our local working people will be given the statutory assurance by the Congress that, in working on a public construction job, they would have the same level of income or salary which they would have if they are working in similar enterprises in that locality. It also means that the local contractor who had local people working for him would not be subject to the hazard that some contractor from another part of the country might underbid him on the basis that he could import cheap labor into that area and could underbid the local contractor, and depress the local economy.

In the 87th Congress I coauthored an amendment to the administration's Urban Mass Transportation Act which applied the Davis-Bacon principle to that program. The Senate Committee on Banking and Currency agreed to the amendment which then became part of the Mass Transportation Act enacted in mid-1964. In 1964, the 88th Congress also accepted revision of the Davis-Bacon Act, which I also coauthored, to include the fringe benefits previously mentioned.

The fact that the Congress has steadily extended and improved the original Davis-Bacon concept is gratifying. However, additional revision is needed. The legislation which I have offered would fill an acute gap in the present law.

The Davis-Bacon concept should be extended to the maintenance contracts—such as those dealing with the replacement, modification, reconstruction, and demolition of a structure or project—which are made after the original construction has been completed. At this time, on military and other Federal installations in my own State and throughout America, we have the strange zigzag pattern where prevailing wages—and thus protection for local contractors and local workers—are honored during the construction phase but ignored when maintenance work—including replacement, modification, reconstruction, or demolition—occurs. Whole crews of out-of-State workers are brought in to perform such work below prevailing local wages while our local contractors and workers are literally standing outside the fence looking in. This condition is neither logical nor consistent. It certainly is not fair. The Federal Government should not condone unfair practices after construction while preventing them during construction. It should not, through inaction, encourage substandard working conditions. Interestingly enough, on State public works projects in California, alteration, demolition, or repair work, as well as construction, have been covered since the "little" Davis-Bacon Act, adopted by the California Legislature in 1937. The State act has worked successfully and has the support of contractors and workers in the areas involved.

Mr. President, revision of the Federal law is long overdue. I hope that the Congress will choose to amend the Davis-Bacon Act along the lines suggested in S. 1797.

Mr. President, I ask unanimous consent that the text of S. 1797 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1797

A bill to amend the Davis-Bacon Act to extend its application to contracts for the maintenance of Federal installations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1961, as amended (40 U.S.C. 276a–6), is amended to read as follows:

"SEC. 7. A contract for maintenance work on a public building or public work, including the replacement, modification, reconstruction, and demolition thereof, shall, for the purposes of this Act, be deemed to be a contract for the construction, alteration, and/or repair thereof."

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTION

Mr. MILLER. Mr. President, the distinguished junior Senator from Oklahoma [Mr. HARRIS] has asked to be listed as a cosponsor of S. 1675, creating a commission to be known as the Presidential Commission on Simplification of the Income Tax Laws, a bill introduced by me. I ask unanimous consent that he may be included as a cosponsor and that his name be added at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS subsequently said: Mr. President, in my opinion, nothing has greater influence and impact on our business lives and actions than the income tax laws. Therefore, those laws should be so simple that all of us can know in advance the consequences of our acts and business dealings. It is imperative that the income tax laws and returns be simplified.

Mr. HART. Mr. President, I ask unanimous consent that at the next printing of S. 1670, a bill to provide pollution control tax incentives, the name of the Senator from Indiana [Mr. HARTKE] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask unanimous consent that at the next printing of Senate Resolution 102, the name of the senior Senator from Alaska [Mr. BARTLETT] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON REAPPORTIONMENT OF STATE LEGISLATURES

Mr. BAYH. Mr. President, as chairman of the Senate Judiciary Subcommittee on Constitutional Amendments, I wish to announce further hearings on the matter of reapportionment of State legislatures. These hearings will be held on May 5, 6, and 7, 1965, in room 1318 of the New Senate Office Building beginning at 10 a.m.

RESUMPTION OF PUBLIC HEARINGS ON S. 1599, AND RELATED BILLS, TO ESTABLISH A DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. RIBICOFF. Mr. President, I wish to announce that the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations will resume public hearings on S. 1599, and related bills, to establish a Department of Housing and Urban Development, on May 19 and 20, 1965, at 10 a.m. in room 3302, New Senate Office Building. Individuals and groups interested in testifying should contact Mr. Jerome Sonosky in room 162, Old Senate Office Building, extension 2308.

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of Charles W. Adair, of Virginia, to be Ambassador to Panama; William R. Tyler, of the District of Columbia, to be Ambassador to the Kingdom of the Netherlands; Nathaniel Davis, of New Jersey, to be Minister to Bulgaria; Henry J. Tasca, of the District of Columbia, to be Ambassador to Morocco; and Henry A. Hoyt, of Pennsylvania, to be Ambassador to Uruguay.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

NOTICE OF HEARING ON NOMINATION OF FRED MOORE VINSON, JR., TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 5, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination: Fred Moore Vinson, Jr., of Maryland, to be an Assistant Attorney General.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman; the Senator from Maryland [Mr. TYDINGS], and the Senator from Nebraska [Mr. HRUSKA].

NOTICE OF HEARING ON NOMINATION OF EDWIN L. WEISL, JR., TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 5, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination: Edwin L. Weisl, Jr., of New York, to be an Assistant Attorney General.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman; the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from New York [Mr. JAVITS].

NOTICE OF HEARING ON NOMINATION OF DON J. YOUNG, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 5, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination: Don J. Young, of Ohio, to be U.S. district judge for the northern district of Ohio, vice Frank L. Kloeb, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman; the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Nebraska [Mr. HRUSKA].

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Ernest W. Rivers, of Kentucky, to be U.S. attorney for the western district of Kentucky for the term of 4 years, vice William E. Scent, resigned.

Joseph P. Hoey, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Raymond J. Pettine, of Rhode Island, to be U.S. attorney for the District of Rhode Island for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Olin N. Bell, of Missouri, to be U.S. marshal for the eastern district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

George A. Bayer, of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Francis M. Wilson, of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

E. Herman Burrows, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years. He is now serving in this office under an appointment which expired April 17, 1965.

Paul D. Sossamon, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years. He is now serving in this office under an appointment which expired April 17, 1965.

John Terrill, of Wyoming, to be U.S. marshal for the district of Wyoming for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

F. Russell Millin, of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired March 28, 1965.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, May 5, 1965, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. THOMAS, Mr. KIRWAN, Mr. WHITTEN, Mr. ROONEY of New York, Mr. FOGARTY, Mr. DENTON, Mr. BOW, Mr. JONAS, Mr. LAIRD, and Mr. MICHEL were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. ROGERS of Colorado, Mr. CORMAN, Mr. MCCULLOCH, and Mr. POFF were appointed managers on the part of the House at the conference.

JOE THORNE AND THE VIETNAM WAR

Mr. McGOVERN. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 minutes beyond the regular 3-minute limitation.

The PRESIDING OFFICER. Without objection, the Senator from South Dakota is recognized for 8 minutes.

Mr. McGOVERN. Mr. President, on Easter Sunday, one of South Dakota's most outstanding young men, 1st Lt. Josef L. Thorne, of Brookings, was killed when the helicopter he was piloting was shot down in Vietnam. Joe Thorne, one of the alltime great football stars in South Dakota's history, was known and respected across our State. He was a hero to thousands of South Dakota schoolboys. His death brings the war in Vietnam closer to the heart of every South Dakota citizen.

The son of Mr. and Mrs. M. L. Thorne, of Brookings, Joe was married to the former Diane Hover, daughter of Dr. and Mrs. Glen Hover, of Clear Lake, S. Dak. His wife and his 3-year-old son, Travis, have been residing in Clear Lake during his absence. Three brothers, Roy, of Sioux Falls, Tim and Tracy, both at home, and two sisters, Mrs. Dennis Weiland, of New Orleans, and Julie, at home, also survive him.

Mr. President, Joe Thorne was an unusual man. He was described by his coach at South Dakota State University, Ralph Ginn, as "one of the greatest young men I have ever worked with. His football record speaks for itself, but as a man, he was first team all the way." Coach Ginn continued:

> He made a terrific impact on our football. I have never known of a player in our conference that opponents respected more than they did Joe Thorne. We never had a football player at South Dakota State that commanded as great respect of his teammates and coaches as Joe did.

To illustrate Thorne's humility, Coach Ginn told how he would frequently pass up sitting with stars on the football team bus to join some third or fourth stringer who barely got to make the trip.

Mr. President, one of the saddest aspects of Joe Thorne's death is that those closest to him feel that it was a needless sacrifice. His father and mother told me in broken tones over the telephone that they hoped I would do everything in my power as a Member of the Senate to end this "foolish war in Vietnam." These grieving parents expressed the hope that their son's death would dramatize the futility of trying to impose a solution by arms in an area of political chaos and economic misery. Said Mr. Thorne:

> It is too late to save Joe, but do everything you can to get those other boys out of there before it is too late. Let's work out a settlement of this war, save our own boys, and stop shooting up that little country.

In a letter which Mr. Thorne sent me following his son's death he referred to photos and movies which his son sent home that "depict much of the life of the Vietnamese and the need they have for almost anything other than arms and military." Then he wrote:

> Surely, GEORGE, I will do everything within my power to assist you, in bringing to the minds of our people the real need in Vietnam.

Joe's lovely widow, Diane, also told me in a telephone conversation that the only consolation she could draw from his death is the hope that it might somehow hasten a settlement of the war.

Lieutenant Thorne's father sent me a copy of a letter from his son dated February 19, with permission to quote portions of it into the CONGRESSIONAL RECORD. The letter reads as follows:

> Today the Vietnamese are having another coup (anyway a shakeup in the government). The Army and Air Force (Vietnamese) are fighting among themselves. I still don't know what's going on.
>
> I'm doing fine and don't worry about a big war breaking out over this thing here in Vietnam. To be honest the cause is lost. We can't possibly win (at least as long as the Vietnamese do things the way they do). Don't get me wrong, when I say we can't win, doesn't mean—the United States is getting beat. Lately we have lost some people in hotel bombings, etc., but if the Vietnamese people could be depended on, it wouldn't happen. I don't think the Vietnamese people care one way or another. They are the ones who are getting beat, not us.
>
> You can't win when you can't drive over any road in the whole country. The people can but the soldiers can't.
>
> We could come over here and clean this up, but it wouldn't do any good, cause the same thing would happen when we pulled out.

Mr. President, I believe that there is no American vital interest in the outcome of the Vietnamese turmoil which justifies the death of men like Joe Thorne. There are predictions in the Washington press, more specifically in a recent column by the noted Columnists Rowland Evans and Robert Novak, that our Government is preparing to send upwards of 100,000 American boys to Vietnam. Does this mean that we are prepared to sacrifice a hundred thousand Joe Thornes in this highly questionable venture in the southeast Asia jungle? If we take that course we will have ignored the warnings of such respected generals as Dwight Eisenhower and Douglas MacArthur, who have both said that it would be disastrous for America to get sucked into another major land war on the Asian mainland.

I believe that President Johnson is trying to avoid that course. I applaud his repeated offers to enter into negotiations. I only hope that he will marshal all of his great skill and wisdom to seek out every possible way of reaching a peaceful settlement of this war before it claims many more Joe Thornes.

It is encouraging that the President has named Averell Harriman to represent our country in the proposed conference to insure the neutrality of Cambodia. That conference could open a window to discussions of the Vietnamese war. Mr. Harriman was a key figure in negotiating a settlement in Laos in 1962. He has the experience and the wisdom needed to undertake additional steps toward peace in southeast Asia.

Mr. President, I ask unanimous consent that news accounts of Lieutenant Thorne's death, published in the Brookings Register of April 21; a feature article published in the Sioux Falls Argus-Leader of April 23; and a stirring report on April 20 by KELO-TV sportscaster, Jim Burt, be printed at this point in the Record.

Mr. President, I also ask unanimous consent that two thoughtful editorials, one entitled "Time To Review Our Vietnam Policy," signed by Mr. Fred C. Christopherson and published in the Sioux Falls Argus-Leader of April 25, and the other, entitled "Sincere Dissenter," published in the Watertown Public Opinion of April 19, be printed at this point in the Record.

There being no objection, the articles, report, and editorials were ordered to be printed in the Record, as follows:

[From the Brookings (S. Dak.) Register, Apr. 21, 1965]

Helicopter Shot Down: Lt. Joe Thorne Vietnam Casualty

First Lt. Josef L. "Joe" Thorne, 24, son of Mr. and Mrs. M. L. Thorne, of 2028 Elmwood Drive, Brookings, and one of the alltime great football stars at South Dakota State University, was killed Easter Sunday when his helicopter was shot down in Vietnam, his parents were notified by the Department of the Army.

Lieutenant Thorne, a 1963 graduate of State, was assigned to the 145th Aviation Airlift Platoon with the American advisory forces in South Vietnam.

According to the initial telegram received Monday morning by the Thornes, he was aircraft commander of a UH-1B helicopter which was on a combat assault mission Sunday night when his aircraft was hit by hostile small arms ground fire. The craft crashed and exploded on impact.

A second telegram, received Tuesday, verified that Lieutenant Thorne had been identified as one of the casualties.

Mr. Thorne said the body of his son will be brought to Brookings for burial. However, no arrangements had been made at press time today, awaiting further information from the Department of the Army.

A native of International Falls, Minn., where he was born November 17, 1940, Lieutenant Thorne had spent most of his boyhood days at Gettysburg, S. Dak. The family moved to Beresford when he was a junior in high school and he graduated from that school in 1958. He enrolled in the fall of 1958 at South Dakota State University in Brookings, where he starred on the Jackrabbit football teams of 1959, 1960, and 1961, and spent another year at State, receiving a degree in civil engineering in August of 1963.

It was also in August 1963 that he was commissioned a second lieutenant in the Army Reserve Officers Training Corps at State. Assigned to active duty status on September 18, 1963, he attended school at Fort Sill, Okla., then took flight training at Fort Wolters, Tex. and later at Fort Rucker, Ala.

He was assigned to Vietnam the first part of November last year for a 12-month tour of duty, and was nearing the halfway mark in his oversea tour at the time of his death.

Lieutenant Thorne was married to the former Diane Hover, daughter of Dr. and Mrs. Glen Hover, of Clear Lake, and was the father of a 3-year-old son, Travis. Mrs. Thorne and their young son had been making their home in Clear Lake while he was in Vietnam, and she was enrolled as a student at State.

In addition to his wife and son, Lieutenant Thorne is survived by his parents; three brothers, Roy, of Sioux Falls, Tim and Tracy, both at home; and two sisters, Mrs. Dennis Weiland, of New Orleans, La., and Julie, at home.

[From the Brookings (S. Dak.) Register, Apr. 21, 1965]

Thorne One of Alltime Grid Greats at State

A name that will not soon be forgotten in the annals of South Dakota State grid greats, Joe Thorne appears destined to go down in history as one of the finest athletes to ever wear the blue and gold of the football jackrabbits.

A two-time all-North Central Conference selection, Thorne was killed Sunday night when his assault helicopter was shot down by hostile gunfire over Vietnam.

Thorne, named by the Associated Press as a second team Little All-American selection in 1961, holds three school records. It was in that same year that he scored 50 points in NCC play and tied with Dan Boals, of State College of Iowa, for "most valuable back" honors in the conference.

Said Ralph Ginn, head football coach at State upon learning of the death of Thorne, "This certainly brings the war close to home when we lose a young man such as Joe. His loss is a terrific loss to our society."

Ginn often referred to his 191-pound back as "the best fullback I've ever had." His blocking ability and his prowess on defense earned him the respect of his coach as much as his running talents did.

Thorne's 3 school records, all set in 1961, include most times carried in 1 game, 30 against SCI; most carries in 1 season, 174, and most net yards in 1 game, 200 against Morningside.

But it wasn't on the grid turf alone that Thorne stood out. Said Ginn, "As far as the boy is concerned, he was one of the greatest young men I've ever worked with. His football record speaks for itself, but as a man he was first team all the way."

Ginn continued, "In your years of coaching you work with a lot of boys. It seems like some become a part of you. That's the way it was with Joe."

"He made a terrific impact on our football. I've never known of a player in our conference that opponents respected more than they did Joe Thorne. It was the same every place."

Ginn commented that it was too bad opponents didn't have the opportunity to know him other than in football.

"We've never had a football player at South Dakota State that commanded as great respect of his teammates and coaches as Joe did." Coach Ginn labeled Thorne "a great captain." He was cocaptain with Mike Sterner of the 1961 team when the Jackrabbits shared the league title with State College of Iowa.

Thorne was named "most valuable" member of the Jackrabbit football team, both in 1960 and 1961, by the Brookings Rotary Club and the Collegian, campus newspaper at State.

In 3 years (1959-61) as a member of Jackrabbit football teams, he gained a total of 2,156 net yards rushing in 426 carries, for a healthy 5-yard-per-carry average. He scored 140 points during his 3-year career, including 12 touchdowns and 2 points after touchdown—74 points—in 1961; 7 touchdowns and 3 points after touchdown for 48 points in 1960; and 3 touchdowns for 18 points in 1959.

[From the Sioux Falls (S. Dak.) Argus-Leader, Apr. 25, 1965]

Letters and Gifts Arrive After Word of Thorne's Death

(By Bob Renshaw)

Clear Lake, S. Dak.—Too young to comprehend that his daddy will not be coming home, 3-year-old Travis Thorne played with candy eggs the Easter bunny brought to the home of his grandparents, Dr. and Mrs. G. F. Hover.

He has been living here with his mother while his father, Lt. Joe Thorne has been oversea. In the last letter to his wife Thorne, who was one of the alltime great football stars at South Dakota State University, told of plans to attend an Easter service on the beach in Vietnam where he was serving as a helicopter pilot.

That letter, along with two others, arrived after she had been notified that her husband had been killed when his helicopter was shot down Easter Sunday night. Easter gifts—a Vietnamese robe for his wife and suit for his son—as well as gifts for his younger brother in Brookings and for a neighbor girl with whom Travis plays have also come since his death.

REQUESTS DUTY

When he first arrived in Vietnam, according to Mrs. Thorne, he flew VIP's and mail for a couple of weeks and then started flying troops into battle. He requested duty as pilot of an armed ship. His wife said he explained that he would be flying in the same combat areas and it would be no more dangerous flying an armed helicopter than an unarmed troop carrier.

Mrs. Thorne said he had told her father that he wasn't afraid of dying, but that he hated to leave Diane and Travis for so long. Some of his loneliness for his family was expressed in his last letter when he said, "* * * You know, Diane, all the things I've done over here. Well, all I have to do now is repeat everything and it will be time to come back. Hope God stays with us and sees fit for me to return. No sense worrying about it."

SENSES TENSION

His last letter was written at the forward base of Nah Trang on the back of his orders because he had left his stationery at the home base in Phan Thiet. Mrs. Thorne said that in his letters starting with March 30 she seemed to detect a feeling of growing tension.

April 5 for the first time he told of enemy fire coming close, with tracer bullets striking within a half mile of the hotel where he was staying. Lack of good housing had never been a problem because troops are billeted in old resort hotels built by the French during the time they were in Vietnam.

Mrs. Thorne said his letters told how sorry he felt for the children in Vietnam, how they would gather around in swarms when the helicopter landed and how they loved to have their pictures taken.

Funeral services for Lieutenant Thorne will be held at South Dakota State University, Brookings, when the body has been returned. Mrs. Thorne requested that all memorials be sent to the Joe Thorne Memorial Fund, South Dakota State University. It will be used to establish an athletic scholarship at the university.

She said her husband didn't care for a lot of publicity. "Joe really didn't like big splashes. He would be saying 'no' to all this," she continued. "He was very sincere about everything and hated a big show. He wanted people to like him for what he was."

ECHOES SENTIMENTS

Ralph Ginn, who coached Thorne at South Dakota State University, echoed Mrs. Thorne's sentiments. "Joe wanted to be good and was willing to pay for it. But he got a real thrill from achieving and not from the glory that went with it," said Ginn.

To illustrate Thorne's humility, Ginn told how he would pass up sitting with stars on the bus to join some third or fourth stringer who barely got to make the trip. "He was very appreciative of what coaches and others did for him," said Ginn. "I never heard him criticize a teammate and he never alibied to me. I never had a player who held so much respect of teammates, coaches and opponents."

Jim Burt's Sports Scoreboard, April 20, 1965

Burt. The war in Vietnam came closer to home today. Especially to those who knew Joe Thorne. The former South Dakota State football star's body was recovered today after the helicopter he was piloting was shot down yesterday. When such a tragedy occurs, it gives cause for reviving exploits of an individual—and with Joe Thorne, this is not difficult. (Pix.)

Pix No. 1. We can easily recall watching and describing Thorne's explosive running—his devastating blocking. He was one of the most brilliant grid performers we have seen. Thorne's name still is attached to three South Dakota State school football records. Most times carried in one game—30—most times carried in one season—174 and most net yards gained in one game, 200.

Burt. He was cocaptain of the Jackrabbit football team in 1961. All North Central Conference fullback in 1960 and 1961. He tied with Dan Boals of SCI in 1961 for Most Valuable Back Award. He won the Collegian's Most Valuable Player Award both in 1960 and 1961. In 1961 he was second in the North Central Conference scoring with 50 points. In his 3-year varsity career he carried 426 times—gained 2,178 yards, lost only 22, for a net of 2,156. In his senior year his average per carry was 5.5 yards. He scored 22 touchdowns, ran for 4 extra points, for a scoring total of 140 points. He was named second team fullback on the 1961 AP Little All-American team. Thorne was drafted by the Green Bay Packers but never played pro ball. His football record is there to be admired—and challenged. But, Joe Thorne as an individual went deeper than that. As Head Football Coach Ralph Ginn said "As a man he was first team all the way." (Pix.)

Pix No. 2 (super name).

Burt. Those comments are typical of those who were closely associated with the former star athlete. Joe's wife Diane lives at Clear Lake with her parents and 3-year-old son Travis. She said, "Joe loved what he was doing. He was fighting for a cause and never once did he complain or regret what he was doing. I'm sure Joe had no regrets, he could never sit on the sidelines." Coach Ginn said he has never known a player in the North Central Conference which commanded more respect from opponents. Joe probably flew his copter like he played football. An intense, determined, bulldozing runner who saw no barriers. Joe Thorne joins a list of valiant Americans who have fought—and died—heroically for their country. Joe Thorne—the athlete—and the man—will long be remembered.

[From the Sioux Falls (S. Dak.) Argus-Leader, Apr. 25, 1965]

Christopherson's Notebook: Time To Review Our Vietnam Policy

The expanding military activity in Vietnam is disconcerting, and more and more people are beginning to wonder just how and where it will end.

About the developments in Vietnam today is a scene of frustration and uncertainty comparable to that which prevailed while the Korean struggle was underway several years ago.

In respect to Korea, there was confusion about our objectives and our methods. The same attitude exists now.

The conflict in Korea was terminated, happily, before it broadened into a major war. Many like to believe that the Vietnam episode will end similarly. But there's doubt, plus bewilderment, accentuated by the realization the problem seems to become more perplexing week after week.

KEEN PUBLIC INTEREST

This deep concern about Vietnam was very likely the reason why an overflow crowd assembled at luncheon in Nettleton Manor Thursday to hear Senator George McGovern, of South Dakota, discuss the matter. The luncheon was first scheduled to be a small one with members of the Public Affairs Committee and the directors of the Chamber of Commerce. But so many were eager to be present that the public generally was invited.

Perhaps the interest was intensified by the fact that McGovern previously had indicated a difference with the administration on Vietnam policy, suggesting that we should explore the possibilities of negotiating a settlement.

In his Thursday speech here, he explained why he considered negotiation both desirable and feasible. And, judging from the reception he received and the close attention paid to his remarks, there were many in the audience who shared his opinion.

THE ALTERNATIVES

The question about alternatives naturally arises. If we don't negotiate, what do we do?

One answer is to say we should either go into Vietnam with great enough strength to smash the opposition. Another is that we should withdraw.

Flaws can be found, however, with both of these suggestions.

If we go into the conflict with a full determination to smash the opposition, we invite sharp retaliation from both Red China and Russia. And that means moving right to the brink of major war and perhaps over it. We faced the same problem in Korea and our leaders wisely refrained from taking that gamble.

The other prospect—that of withdrawal—is also inadequate. If we do so, it may be maintained through the Asiatic southeast that we are, as the Red Chinese insist, just "a paper tiger." Withdrawal would be heralded widely as an American defeat and a Red Chinese triumph and it could be charged that we had deserted those who had depended on us.

WE DO HAVE STRENGTH

Between the two alternatives—an all-out smash or withdrawal—is the possibility of negotiation.

There are those who say that this isn't the time for a discussion of that and we should wait until we are ready to negotiate from strength. This means, of course, after we have beaten North Vietnam into a state of at least partial submission.

One may be sure, though, that the Red Chinese also may be reluctant to allow us to acquire this so-called position of strength. There will be growing resistance.

But what seems to be overlooked by many is that we are right now, as Senator McGovern pointed out Thursday, in a position to negotiate from strength.

We have the power in the Pacific and Asiatic waters to smash Red China to bits. The Red Chinese know this. And when you have that kind of strength behind you, you aren't negotiating from a position of weakness. We could approach the conference table with some mighty powerful cards on our side and those negotiating with us would be well aware of this.

WHAT WE DID IN KOREA

Every major step taken in this extraordinary day and age involves, of course, a calculated risk.

That was the case when President Eisenhower aided in the negotiation of the settlement in Korea. But the fighting was stopped and our prestige was unharmed.

It is entirely possible that the same step can be taken in respect to Vietnam. With proper negotiation, very likely something can be done to maintain a degree of prestige on both sides.

Just what can be done in respect to the self-government of Vietnam is, I grant, a disturbing problem. The government has changed freely there even under our supervision and may shift just as readily in the future.

OPEN MINDS NEEDED

What may be said in general is that the whole situation is so confusing that it is well that our minds be kept open. Negotiation may or may not be the answer but surely we should explore its possibilities in complete detail.

We are heading directly, as someone said the other day, along a collision course with Red China. Let's utilize the power of our strength to try to make a change before it is too late.

F. C. Christopherson.

[From the Watertown (S. Dak.) Public Opinion, Apr. 19, 1965]

Sincere Dissenter

There are many degrees of political courage but South Dakota Senator George McGovern is exhibiting one of the greatest—espousal of the unpopular side of a great national issue, even as his political peers try to shut him up.

The issue: Should the United States become increasingly involved in South Vietnam as the dangers of an escalated war loom greater?

McGovern's stand: No.

He stands fast on this line and hasn't been chary about saying so, even when such personal friends and influential big names as Hubert Humphrey and McGeorge Bundy have urged him to keep silent on behalf of national unity. McGovern keeps right on opposing the U.S. role in Vietnam and doing so out where lots of people see and hear him.

Chicken? Appeaser malcontent? By no means. McGovern points out that he is neither a pacifist nor an isolationist but simply, "I don't believe military aid can be used effectively in southeast Asia. The problems there are ones of internal political revolution."

In other words, in the McGovern book, America is charging along a jungle path in Vietnam that is not only militarily futile but very costly and extremely dangerous. He recently told Bucknell University students, "It seems clear that we are now on a spiral of blows and counterblows which could lead to a major war under the worst possible conditions for the United States."

He has recalled his food-for-peace days and reflected: "The extensive traveling I did in Asia and Latin America convinced me that the basic problems in these areas are ones of hunger, illiteracy, and bad government. These are the problems we should attack. In South Vietnam, we inherited the hostility and mess that came from 50 years of French misrule and exploitation."

McGovern obviously is under no illusions as to the political hazard of his own position. For the junior Senator from a prairie State to so adamantly oppose a major policy and commitment of his own party and administration, and to do it repeatedly while spurning big brother attempts to shush him, takes a brand of nerve one doesn't see very often these days, particularly not in politics. And to compound it, McGovern displayed something of the same independent attitude when he openly expressed his disappointment over some facets of the administration's new farm program * * * and vowed to work to correct them.

McGovern's views have not prevailed and it is unlikely that they will. But whether they do or not, the man who endorses them, and does so most effectively, has increased his stature among many people for his sincerity, his steadfastness, and his willingness to "go for broke" in behalf of an ideal he honestly believes is right.

VOTING RIGHTS ACT OF 1965

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Oregon for 2 minutes.

Mr. MORSE. I shall defer to the Senator from Mississippi.

Mr. STENNIS. Mr. President, as the debate on the voting rights bill has continued, I have become more and more amazed that the Senate would even seriously consider passing the section of the bill that would abolish poll taxes in State and local elections. I shall not speak on this subject now, except to sound a grave warning that to pass a bill to abolish the poll tax by statute would actually leave our Constitution in shambles and would make a mockery of the Senate's responsibility. The real question before the Senate is not the approval or disapproval of the payment of a poll tax as a prerequisite for voting.

The real and only question is the constitutional question as to whether the Senate has the power and authority to pass such a measure by means of a statute. No less a person than the President of the United States, yesterday in a press conference, said that to abolish the poll tax requirement by statute would raise a constitutional problem. He said he believed that if the poll tax were to be abolished, it must be abolished by an amendment to the Constitution of the United States. That statement comes from the highest source of responsibility under our Federal Government. Certainly those are not idle words and this statement by the President is consistent with what he said as a Senator on March 9, 1949—Congressional Record, page 2047. The President—then a Senator from Texas—said:

> The framers of the Constitution of the United States were plain, specific, and unambiguous in providing that each State should have the right to prescribe the qualifications of its electorate and that the qualifications of electors voting for Members of Congress should be the same as the qualifications of electors voting for members of the most numerous branch of the State legislatures. For that reason, and that reason alone, I believe that the proposed anti-poll-tax measures introduced in previous sessions of this body and advocated in the President's civil-rights program is wholly unconstitutional and violates the rights of the States guaranteed by section 2 of article I of the Constitution.

Not only has the President recently spoken on this subject, but also the Attorney General of the United States, Mr. Katzenbach, has stated most recently that the provision of the bill that would abolish the poll tax in the election of State officers is invalid. The Attorney General made that statement in his testimony before our subcommittee. He also made the statement to a national television audience recently on "Meet the Press."

Not only have those two high officials spoken out on this issue, but also the distinguished majority leader, the Senator from Montana [Mr. Mansfield] and the distinguished minority leader, the Senator from Illinois [Mr. Dirksen] are opposed to that part of the bill which attempts to abolish the poll tax by statute. They know that it would be unconstitutional to do so.

That the poll tax cannot be repealed without constitutional amendment is so well settled and firmly established that further discussion of the question would seem unnecessary. In 1960, by a vote of 50 to 37, the Senate clearly established the precedent that a constitutional amendment was necessary to abolish the poll tax in Federal elections. In 1962, the Senate reaffirmed that position when it adopted a resolution proposing a constitutional amendment applicable to Federal elections. That amendment is now part of the Constitution. In the course of debate on that resolution the Senate rejected by a vote of 59 to 34 the contention that the poll tax could be abolished by mere statute.

The Attorney General of the United States has said that the provision with regard to abolishing the poll tax in the election of State officers is invalid. He made that statement in his own testimony before our subcommittee, and he also made it to a national television audience on "Meet the Press."

The distinguished majority leader is opposed to that part of the bill which attempts to abolish poll taxes by statute because it would be unconstitutional to do so. The distinguished minority leader has stated his opposition to this section of the bill on the grounds that it is unconstitutional.

The law on this is as clear as a bell.

In 1951 the Supreme Court affirmed *Butler* v. *Thompson*, 97 F. Supp. 17, (D.C.E.D. Va., 1951), wherein the district court cited the case of *Breedlove* v. *Suttles*, 302 U.S. 277 (1937), and held:

> To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of th Federal Constitution, the State may condition suffrage as it deems appropriate.

That decision of the U.S. Supreme Court now stands as the law of the land. It is there for all to see. It is absolutely clear.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, every Member of Congress is under duty to support the Constitution of the United States. This is a constitutional matter that must be acknowledged. Every Senator must be governed by it, whether or not he agrees with its holding.

I do not impugn the integrity or sincerity of anyone. I point out that the decision should be made by each individual Senator. It cannot be avoided or delegated to another party by merely shrugging the shoulders and saying, "We elect to let the courts pass on it." That procedure would not follow the letter or spirit of the Constitution of the United States.

Every Senator must be governed by the constitutional conclusion that he may have on this question, regardless of how he may feel with reference to the poll tax itself.

The proposed bill was drafted in the atmosphere of massive public demonstrations, introduced in the Senate, and referred to the Committee on the Judiciary; under such limitations it was necessary that the committee hold only a few days of hearings and then frantically meet in executive session to report a bill. On several occasions reports reached the public that a revised or substitute version had been agreed upon by a majority of the committee; then, before that substitute could hardly be printed, numerous amendments would be offered thereto. Finally, upon the last day in which the committee had to consider this measure, what may well be called a conglomerate bill was put together and reported to the Senate.

I commend the majority and minority leaders, the Attorney General of the United States, and the President for coming out positively and definitely with a firm and correct statement on this matter. It seems to me, with all due deference to every Member of this great body, that merely to let the court decide such a measure would be a dereliction of our duty.

How derelict of our strict duty can we become? How much can we abdicate our responsibilities as members of the legislative branch of the Government just because the marchers march in Washington and at the White House? I cannot believe that a majority will succumb to this emotional appeal to set aside the Constitution. I know that we should promptly vote this provision down.

I hope that we may have an early vote upon this far-reaching act.

Mr. HILL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HILL. I commend the Senator from Mississippi for his very fine statement. I wish to a associate myself with his statement.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. TOWER. Mr. President, I associate myself with the remarks of the junior Senator from Mississippi.

THE PRESIDENT'S NEWS CONFERENCE OF YESTERDAY ON VIETNAM

Mr. MORSE. Mr. President, the President's news conference of yesterday marked another effort on the part of his administration to cloak a policy of war in the mantle of peace.

But all the while the President speaks of our desire for peace, he ignores all the efforts the United States has led in the last 20 years to devise means of keeping peace. I refer to our participation in and support of the United Nations and of the Southeast Asia Treaty Organization.

The President speaks eloquently about the lessons of history. But he has missed the greatest lesson of all, which is that no one nation can determine where and how the peace shall be kept without fighting eternal wars.

The specter of Munich, which was raised yesterday by the President, is the favorite image of the advocates of the war in Vietnam. But which of them is willing to argue that in 1938 the United States should have sent troops to Czechoslovakia to fight Germany alone? Which of them is willing to say that the intervention by Italy, Germany, and the Soviet Union into the Spanish Civil War was a good thing because each of them thought they were stopping the other's aggression before it could get started?

The real lesson of Munich and the Spanish Civil War is that nations acting unilaterally to protect their self-interest as they see it are going to get into wars. It is especially tragic to see two great ideological contestants again fighting over the prostrated body of a third country, very much as the fascists and Communists fought over the corpse of Spain, all in the name of preventing someone else's alleged aggression.

It was because of the events that led up to World War II and because of the war itself that the United Nations was set up, and no nation desired more earnestly than the United States that it be used to save mankind from another scourge of war.

Yet when the President of the United States talks about the international history of the last 27 years and its lessons, he makes no mention at all of the United Nations and its peace-keeping function. Apparently we are well on the way to emulating the French Bourbons who forgot nothing and learned nothing.

The President is quite wrong in believing that we who oppose our policy in Vietnam have ignored the terror and the bombings committed by the Communists. No doubt his attention is drawn to our criticisms and not to our condemnations of the Communists. But one can hardly say that Americans have the right to fight a civil war in another land and still remain immune from retaliation or attack. I have roundly criticized time and time again the tactics and terrorism of the Vietcong. I have criticized the bombing of the American Embassy in Saigon, and the killing and maiming of innocent civilians, both American and South Vietnamese. Likewise I have criticized the atrocities of the South Vietnamese practiced upon the Vietcong with U.S. military standing by doing nothing to enforce the Geneva Treaty covering the treatment of war prisoners. I have criticized terrorism and atrocities committed by Vietcong.

Of course the sad part is that the United States cannot expunge the record as to our own involvement in this dirty war. We have escalated it. We have participated in it. We have walked out on our peace keeping obligations under international law.

What in the world would lead the President to think that North Vietnam would not attack, starting with our escalation at Tonkin Bay? We can start with the American course of action in Tonkin Bay. From that time on, North Vietnam has proceeded at an ever-escalating rate to make war. We asked for it. We should have taken North Vietnams violations of international law at Tonkin Bay to the United Nations instead of going beyond the point of self-defense by committing acts of aggression of our own.

We have made the Vietnam civil war our war, and no one has done more to make it our war than President Johnson. In my opinion, we have been fortunate so far that our casualties have been so light and the attacks upon American civilians as few as they have been.

I invite the President's attention to the fact that despite the barrage of statistics from the Pentagon seeking to demonstrate that the Vietcong are being killed in large numbers, and that they are killing large numbers of civilians in South Vietnam by terrorist methods, the Pentagon informs me that it has no figure of any kind on the number of Vietnamese civilians killed by the military activities of the United States and the South Vietnam Army. Yet people who have been to that sad country tell of hospitals being filled with victims of our air raids and our fire bombings, and the ground activities of the South Vietnamese Army. Also no statistics are being given the American people of the civilians the bombings in North Vietnam are killing.

It takes at least two to make a war. We are one of the parties making it in Vietnam today.

The President's press conference yesterday was a graphic demonstration of how impossible it is for contesting parties to prevent war, or to stop a war before it can get started. All the administration is able to do under its present policy is to do what nations have been doing for hundreds of years before us, and that is to try to justify its own war.

With the hope that it may in some form reach the President's eyes, I ask unanimous consent to have printed at the conclusion of my remarks a speech prepared by Benjamin V. Cohen entitled "The United Nations in Its Twentieth Year," and delivered at the Hebrew University of Jerusalem on April 27, 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, Mr. Cohen outlines the obligations of the great powers to observe the United Nations Charter. I am satisfied that neither the United States nor the rest of the world will escape the scourge of war until we do, in fact, observe that charter.

Do not forget that Mr. Cohen is not only one of our greatest international lawyers but also do not forget that during his period of service to the U.S. Government, he has represented it in several international conferences.

Mr. President, I close by inviting the attention of the Senate to an announcement just received on the ticker, as follows:

> SAIGON.—Air strikes against North Vietnamese roads, bridges, and railroads are not choking off aid to the Vietcong, and a land invasion of the north should begin immediately, the commander of South Vietnam's Air Force says.
>
> "If we are just going to bomb communication lines, the Vietcong will be able to stand up for a long time, I'm afraid. So the next step must be big—either a big escalation of the war or negotiations," Brig. Gen. Nguyen Cao Ky told the Associated Press in an exclusive interview today.
>
> While the bulk of the raids against North Vietnam have been flown by U.S. Air Force and Navy planes, Ky's propeller-driven Skyraider bombers also have been over North Vietnam nearly every day.
>
> The 34-year-old general has flown three of the missions himself and was grazed by enemy flak on one of them. Three of his pilots have been shot down.
>
> "The raids against communications are not really effective," he said. "The Communists can always find ways of moving through the jungle.
>
> "But if we were to set up a kind of 'national liberation front' in the north, we could do the same things to the Communists that they've been doing to us here. We have superiority in the air over North Vietnam's central area from the 17th to the 20th parallels, and we could easily supply guerrillas of our own there.
>
> "The people in that area are basically anti-Communist and I'm sure they would help us. Then we could really start cutting their supply lines and giving them something to worry about."

Let there be no doubt in the minds of the American people that our South Vietnamese allies are going to continue to put on the pressure that the United States escalate the war into a big front in Asia.

I repeat—what the administration does not like to hear me say—namely, a deep conviction of mine based upon my conclusions from the briefings I have received as a member of the Committee on Foreign Relations. I believe that if we follow the Johnson course of action in Asia, in not too many months from now we shall be involved in a massive war in Asia which will take hundreds of thousands of American boys to Asia.

What is the alternative that we should try? It is an alternative that the President has not attempted to try.

In my judgment, the only way the President can prove his intentions for a peaceful settlement of the war in Asia is to proceed to use the procedures of international law as they now exist. That means that the President should lay the problem before the United Nations, pledging his cooperation to the United Nations to help enforce the peace in Asia. We should ask our alleged allies, who are also signers of the United Nations Charter, to assume their obligation to take United Nations action in southeast Asia.

Until the President does that, he will continue to be justifiably criticized, as I have been criticizing him.

If we wish peace, we must resort to peaceful procedures to accomplish that end, instead of making statements which seek to shroud the war in Asia with peace talk.

Once more I repeat that the United States is no longer in a position that permits it to conduct bilateral negotiations with North Vietnam, the Vietcong and Red China. Negotiations for peace must now be conducted by nonparticipants sitting at the head of the table under the auspices and procedure of the United Nations.

Mr. President, the administration is going to great lengths through its own officials and through newsmen it can influence to depict the protests on American campuses against our Vietnam war as irresponsible, "off-beat," and disreputable. Last week, on April 22 and 23, a "teach-in" on the Vietnam war was held at Rutgers University in New Brunswick, N.J.

I ask unanimous consent to have three articles from the campus paper, the Rutgers Daily Targum of April 26, printed at the close of these remarks. One is an editorial headed: "The Dawn of a New Era." The second is a letter to the editor from Hank Wallace, and the third is a report entitled: "Teach-in Triumph," written by Steve Herman.

This report on the value, the impact, and the conclusions of a teach-in on the Rutgers campus cannot be brushed off by an administration and a Secretary of State anxious to silence questions and criticisms of an anxious intellectual community. If they continue trying to do so, they are going to find themselves deserted and frankly opposed by an increasingly large body of American public opinion.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Rutgers Daily Targum, Apr. 26, 1965]

THE DAWN OF A NEW ERA

The dawn surely rose over Warren Susman Friday morning. As daylight broke through the foggy horizon surrounding Scott Hall at 5:30 a.m., so did the dawn of a new era in the history of the university breakthrough as Susman began to talk. It was a brillant climax to what will go down as the greatest event at Rutgers in the last 25 years—it is not likely to be duplicated for another 25.

FEVER PITCH

The teach-in Thursday night to Friday morning to protest the war in Vietnam was, indeed, the faculty and student body's finest hour. The electric intensity which accompanied the magnificient and impassioned faculty oratory spread infectiously throughout the 1,000-man audience until it reached a fever pitch during the now historic Susman-Fitzpatrick exchange. Never again will this university, in all likelihood, see a similar expression of political-emotional sentiments expressed by such a percentage of the student body.

Although we have complained in the past about student nondirection and nonactivity, we were stunned by the turnout and the general seriousness of purpose which characterized Friday's rally. Although the atmosphere was one of gaiety—helped along, no doubt, by relaxation of Douglass curfew laws—there was an overriding importance to the students involved which extended far beyond the scope of socialization.

For once, the university was truly a forum of ideas. A certain portion of the faculty proved incontravertibly that they were responsible to both their profession and to the student body.

Contrary to James Reston in Wednesday's New York Times, this was not "propaganda of the most vicious nature." This was a logical, clear forward interchange of ideas—it is unfortunate, perhaps, that the "stay-in-the-war" partisans could not have found a more effective spokesman for themselves than William Fitzpatrick. He was hopelessly outclassed.

HIGH POINT IN DRAMA

The teach-in team was superb. Susman was at his bombastic, dazzling, persuasive and didactic best. His interlude with Fitzpatrick hit a high point in sheer drama never again to be equaled. The three standing ovations he received during his peroration were indicative of the heights of esteem in which the student body holds him. The cold assertive logic of Lloyd Gardner's assessment of American-Asian relations, and the southern tones of Carter Jefferson's surveyal of the French role in southeast Asia best complemented Susman's oration.

There was one extremely sour note sounded, however. Notwithstanding the apparent spuriousness of the alleged "Colonel" of the "Christian Unity Party"—a purported neo-Fascist front—we have nothing but utter contempt for the university students who went along with the hoax. We do not particularly consider the Nazi Party to be an amusing divertissement. We are also in no way amused by either the sickeningly infantile and puerile actions of the students who "sieg heiled" along with Stetler or by the students who disgraced themselves and the university with their vile banners in Scott Hall. Such apparently psychopathic minds have no place in any institution of higher learning.

Disregarding this one blemish, the teach-in was a brilliant success. The faculty has proven themselves to be responsible to the student body and the student body has proven themselves worthy of a topflight faculty. We may never see its like again.

LETTERS: FINEST 8 HOURS

DEAR SIR: Years from now Rutgersmen will say this was their finest 8 hours.

The potential of our university was realized at the teach-in Friday morning.

Pulled together in a few days by a small group of professors, everything clicked:

Proponents on all sides of the Vietnam problem were spontaneous and outspoken, yet the exciting lecture series and the effectively distributed breaks were kept tightly on schedule but not stifled by coordinator Dr. Seymour Zenchelsky.

Happily, Rutgers College's finest hours were shared by hundreds of Douglass girls, for whom curfew was waived to further the coed-izing of the new Rutgers University.

Student response was overwhelming: Scott Hall walls were lined with standees through half the morning, and an astonishing number of students saw the adjournment at 8.

Luckily WRSU recorded the entire program on a dozen tapes. Jan Ploshnick recommended at 7:30 a.m. that an audio transcript be sent to the White House.

Perhaps a written transcript also could be produced in booklet form, available to students, faculty, and the public.

Since the time of the flood 200 years ago, Rutgers has never more nearly approached its destiny as a great university.

HANK WALLACE.

TEACH-IN TRIUMPH

(By Steve Herman)

The clock radios went off, alarm clock bells rang, people groggily got out of bed, washed up, and then hurried to their first period class. It was the beginning of another day. For others, however, Friday morning was the end of what must be described as one of the most exciting and wonderful evenings in their lives. For at 8 a.m. "the teach-in" to expose students to the various issues in problems in connection with the Vietnam problem came to an end.

The lecture discussion marathon began at 12 midnight in Scott Hall 123 before approximately 1,000 students—most of whom were either concerned and worried about U.S. policy in Vietnam or were just curious to see what the whole thing was about.

The audience was not made up of "kooks," but consisted of a cross section of the Rutgers community. And, as a matter of fact, the only "kooks" who were present were some very unsophisticated and crude representatives of the campus radical rightwing fringe. They carried signs with such slogans as "Better Dead than Red," "Blast the Chinks," and "——— Communism." These "kooks" also tried to rattle and heckle some of the professors, but they were all skillfully "put down." (After observing the performance of some of these characters, one student commented "the lack of political acumen of the rightwingers is exceeded only by their stupidity.")

At 12 when Professor Zenchelsky started the program, Scott 123 had a standing-room-only crowd, with people sitting on the stage, in the aisles, and in the lobby outside the room. The crowd surpassed any expectations that anyone may have had and it was a credit to most of the people there that they remained courteous and attentive for 8 hours.

Even more credit, however, has to go to the dozen professors who participated in this demonstration. They were all magnificant (Warren Susman was "super")—they had to be to keep the attention of such a large crowd. There was no repetition from one professor to another, each was an expert on his subject, and each one added something which was very constructive. They all spoke from the heart as well as the mind and their sentiments were felt by the entire audience.

Sitting in Scott Hall—a little dizzy at times because of the smoke and lack of sleep—one got the impression that "this is college." There was a free and unobstructed exchange of some very controversial ideas on a most important and meaningful topic. And the message that the scholars were so eloquently sending was being received by a large and very enthusiastic audience.

It seemed that in the middle of the night on last Friday—an apathetic, disinterested, and bored student body had come to life—it was serving a purpose—it was accomplishing something. After leaving the teach-in—whether one agreed with the views or not—you had the feeling that something extraordinary had taken place. Something constructive was done—time was spent with professors who spoke on a topic on which there would be no test, no grade, no quiz.

Once again thank you profs—you were all great—it was an evening which will never be forgotten and an experience that unfortunately will probably not be repeated.

EXHIBIT 1

THE UNITED NATIONS IN ITS 20TH YEAR: THE DAVID NILES MEMORIAL LECTURE AT THE HEBREW UNIVERSITY OF JERUSALEM, APRIL 27, 1965

(By Benjamin V. Cohen)

It is a high honor to be asked to inaugurate the David Niles Memorial Lectures at the Hebrew University of Jerusalem.

I was privileged to know David Niles. He was a retiring, self-effacing man of quiet powers. Even with his close friends he subordinated his person to his work and to their work and even more frequently to other people's welfare. He was by profession a social worker and both in public office and in nongovernmental work his principal concern was to help disadvantaged persons and groups to participate on a basis of equality in the life and work of the community in which they chose to live.

Quite early in his career he became interested in politics and government in order to secure the social and economic legislation necessary to protect disadvantaged persons and groups in our modern industrial society. He became active in the progressive movement in the 1920's. He took a prominent part in the LaFollette-Wheeler, third party campaign in 1924 and became a close friend of the LaFollettes, father and sons, of Senator Wheeler and Senator Norris. And in nearly every presidential campaign thereafter he was active in organizing an independent committee of liberals to support the more liberal candidates of the two parties.

I think it was Justice, then professor, Felix Frankfurter who first suggested to Harry Hopkins that David Niles belonged in the New Deal in Washington. David first worked as a personal assistant to Harry Hopkins, then to President Roosevelt and then to President Truman—concerning himself principally with the problems of the disadvantaged and minority groups.

In these positions David worked quietly for years in Washington. He had a real passion for anonimity, not being concerned with receiving public credit for what he did do and not troubling to deny blame attributed to him for what others did.

His years with President Truman were particularly productive. He gave significant assistance to President Truman in organizing and establishing in December 1946 the President's Committee on Civil Rights. It was the report of this Committee which gave great impetus to the movement for effective Federal civil rights legislation in the United States in the last decade. But nothing gave David Niles quite so much satisfaction, I am sure, as his work with President Truman on the Palestine problem. President Truman was deeply affected by the plight of the Jewish refugees in Europe at the close of the war and he turned to David for advice and assistance. President Truman discovered that the majority of the refugees wanted to go to Palestine and he was determined to help them get there.

I cannot tell you all the things David Niles did or did not do during the critical period of the Anglo-American Inquiry, the partition plan in the United Nations, and the subsequent struggle of the Jews in Palestine to gain their independence and to establish the State of Israel—because I do not know. But I do know that there were great and honest differences of opinion within the American Government and feelings ran high among those opposed to the establishment of the State and those in favor of it. There were those who suggested David was bringing political pressure on the State Department as if control of foreign policy in a democracy through the President and the Congress was unwarranted political pressure. But I feel confident when all the records are disclosed and all passion is spent it will be revealed that the greatest service David Niles rendered was to keep the President fully informed as to how his policies and directives were being carried out in the various departments of government so that the President could knowingly exercise his constitutional responsibilities. David performed this delicate and difficult task with great ability and skill. For this task conscientiously and faithfully performed we should gratefully honor his memory.

When I informed Mr. Truman I was to give the first David Niles Memorial Lecture here, he wrote me as follows:

"I was very fond of Dave Niles and I trusted him as I did few men.

"If there ever lived a man dedicated to the cause and plight of the abused, persecuted, and oppressed, it was Dave Niles. His concern for these people was mirrored in his face—a face I will always remember for its solemn sadness and compassion.

"Yours sincerely,

"HARRY S. TRUMAN."

In view of David Niles' great interest in the United Nations as he watched the development of the United Nations Palestine partition plan, I thought it would be appropriate for me to take as the subject of the first David Niles memorial lecture—"The United Nations in Its 20th Year." As I shall be particularly concerned with some developments and trends which in my view threaten to undermine the first and primary purpose of the United Nations—that is to maintain international peace and security—I do not want you to think that I am unaware of the great difficulties with which the United Nations has had to contend and the considerable progress it has made in many spheres of its activities.

When the charter was drafted it was contemplated that the Great Powers would work out an acceptable peace which the United Nations could maintain. But a stable and acceptable peace—a consensus or modicum of common understanding on the basic principles of coexistence—was never established after the last world war. The Great Powers were in no position to cooperate to maintain a peace the terms of which they were unable to agree upon. Rivalry and conflict among the Great Powers led to a cold war in which the adversaries lost sight of their common interest in peace and were prone to exploit their differences rather than to attempt to find means of composing them. Even apart from the cold war the whole world was struggling to adjust itself to revolutionary political, economic and social changes, and the adjustment in many areas was difficult, painful, and not altogether rational. There was widespread need of adjustment to the radically changed conditions of life which modern science and technology made possible. In many areas the striving for economic improvement was accompanied by movements to break the bonds of colonial rule and fuedal and tribal relationships. The very survival of the United Nations under these circumstances attests to humanity's essential need of the United Nations as an instrument of international cooperation in a world which has become increasingly intedependent despite ideological national and cultural differences and outlooks.

It is amazing the number of international institutions which have been created in the last two decades within the framework of the United Nations and its specialized agencies to meet the varied needs of states and their people. There is not only the United Nations but UNESCO, UNICEF, the World Health Organization, the Food and Agricultural Organization, the Monetary Fund, and the World Bank, GATT, the several regional U.N. economic commissions, the expanded program of technical assistance, the Special Fund, the Trade and Development Conference, and many more. In the modern world all states have felt the need in various ways of participating in cooperative international activities, and international cooperation is becoming the norm in many spheres of activities.

Technology has broken down the barriers of time and distance. New vistas bring new opportunities but new dangers. For good or ill, states cannot avoid multiple contacts with the outside world and increasing organization on an international basis is necessary to avoid conflict and promote common welfare. This is particularly true in the case of states emerging from colonial status. There can be no revolution of rising expectations in these underdeveloped lands without access to the tools and know-how of modern science and technology. To have such access, colonialism must not give way to a narrow isolationism with its turbulent nationalism or resurgent tribalism, but must be succeeded by enlightened international cooperation. Continued progress in the substitution of international cooperation for the old colonial relationship will be necessary in the years ahead for the common welfare of the people of the old as well as new states.

International cooperation within the general framework of the United Nations during the past 20 years has been much more widespread than it was within the framework of the League of Nations between the First and Second World Wars. This is an important measure due to the participation of the United States in these activities in contrast with its nonparticipation in most of the League's activities. The United Nations has aspired to a universality which was denied to the League because of America's absence. But it is important to remember that the universality to which the United Nations aspires is seriously threatened by the absence of representation of the mainland of China in United Nations' activities.

Without going into detail I think I have said enough to indicate that I am not unmindful of the growth and progress of many international activities within the framework of the United Nations during the last 20 years. But the many useful activities of the United Nations should not blind us to its faltering and disappointing progress in the fulfillment of its primary objective.

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While there may have been doubts and misgivings as to how the primary objective of the charter was to be achieved there was and can be no doubt what the primary objective of the charter was and is. It is not necessary to recite at length the purposes and principles of the charter as enumerated in articles 1 and 2 and as embellished in the preamble. Paragraph 1 of article 1 states the first and primary objective of the charter—"to maintain international peace and security." All of the other stated purposes and principles of the charter are designed to strengthen and safeguard the primary purpose of maintaining peace among nations.

One should, of course, avoid making dogmatic judgments about bypassing the United Nations. The United Nations is not a totalitarian institution. The charter does not require that all international acts and transactions be done in or through the United Nations. The charter expressly contemplates that parties to a dispute which may endanger the peace should, first of all, seek a solution by peaceful means of their own choosing. But the charter provides no excuse for member states, large or small, keeping disputes for which no peaceful solution has been found away from the United Nations until they have actually erupted into war.

The basic law on which the charter was constructed is simple. It imposes no straitjacket, no impossible burden or restriction on any state. It is based on principles by which all nations, large as well as small, must live if mankind is long to survive on this planet in this nuclear age. The law of the charter which all members are pledged to observe is twofold. First it requires all states, large as well as small, to refrain in their international relations from the threat or use of force except in individual or collective self-defense against armed attack, and all measures taken in the exercise of self-defense must be immediately reported to the Security Council. Second, the charter required all states, large and small, to settle their disputes by peaceful means in such a manner that peace, security, and justice are not endangered.

These two obligations of the charter are correlative. The surrender of the right of states to use force was not intended to leave states without any effective means of securing a redress of their grievances. A state which resorts to force to redress its grievances without first invoking the processes of the United Nations violates the charter. But a state which refuses to consider the serious grievance of a sister state and refuses to agree to any procedure for peaceful settlement also violates the law of the charter. Force is proscribed as a means of settlement but members must be willing to negotiate and submit their disputes for settlement under some reasonable procedure. While the primary purpose of the United Nations must be to maintain peace, peace cannot be maintained without some minimum redress of genuine grievances. This twofold law of the charter constitutes the heart of the charter. The law of the charter provides the minimum requirements necessary to enable members to work together to outlaw the use of force as a means of settling international disputes and to provide procedures for the peaceful settlement of disputes which threaten the peace.

There have always been questions and doubts how the United Nations could enforce the obligations of the charter against recalcitrant states, particularly the great powers. But there can be no question that the great powers as well as the small powers obligated themselves to observe the law of the charter. The veto may have given the great powers the right to forestall Security Council action, it did not give them the right to deny their obligation under the charter to respect the law of the charter. The "Uniting for Peace Resolution" of 1950 formally recognized the right of the Assembly to recommend action based on the obligations of the great powers as well as the small powers to observe the law of the charter.

In the early days of the charter the Soviet Union withdrew its troops from Iran, and France withdrew its troops from Syria to avoid charges of charter violation. In the early days of the charter it was assumed that if there was a threat to or breach of international peace, the United Nations would in one way or other be activated in an effort to stop the fighting and to restore peace. The U.N. may have been an imperfect instrument but it did help to restore peace in Greece, Kashmir and Korea. It also helped to restore peace in Israel when the State of Israel was first established and again at the time of the Suez difficulties even though the one-sided character of some of the Assembly's resolutions in the latter case may have been unfortunate and unwarranted.

Professions of faith in the United Nations and the law of the charter continue to be made in their formal addresses by heads of states and governments. But there has been a perceptible decline in the recognition and observance of the law of the charter, in the obligation to seek peaceful settlement or containment of disputes through the United Nations before using or threatening to use force to resolve them. There are, to be sure, explanations for these adverse developments—ideological differences between the east and the west and marked contrast in social and economic conditions between the north and the south. These would be sufficient explanations for nations trying to settle their disputes peacefully when they could without burdening the United Nations with their troubles. But these are scarcely justification for nations taking the law into their own hands and threatening to use and actually using force without first submitting the case to and seeking the good offices of the United Nations to obtain a redress of their grievances. It is said, however, that the United Nations cannot take care of its present burdens and is in no position to assume more. Feigned concern for the United Nations is no excuse for any member violating the law of the charter without even attempting to fulfill its obligations under the charter. If a member in good faith seeks the assistance of the United Nations to obtain a redress of its grievances against another state and the United Nations is, in fact, unable to act, it may then possibly be urged that there is a haitus in the charter that would relieve the aggrieved state of its obligation not to take the law into its own hands. But charter obligations become illusory and the charter, as the last best hope of peace on earth, becomes a dying hope if member states resort to war for the settlement of their differences without first at least invoking the good offices of the United Nations. Bypassing the United Nations under such circumstances, I fear, evinces more contempt than concern for the future of the United Nations.

During the last decade or so, states have with disturbing frequency resorted to force or the threat of force without feeling even a sense of obligation of reporting their action in advance or even subsequently to the United Nations. One need only mention Russia in the case of Hungary, India in the case of Goa, and the United States in significant aspects of the Cuban and South Vietnam situations. I mention these instances not to single out a few states but to indicate the generality of the nonobservance.

Some authorities have tried to justify the evisceration of the law of the charter by a latitudinarian construction of the right of self-defense under article 51 and of the authority of regional agencies under articles 52 and 53. I fear many of these interpretations are based on opinions that the legal advisers are requested to render after, rather than before, the political decision to resort to force has been made by the responsible political officers. Some of the more latitudinarian constructions of the right of individual and collective self-defense seems to me to militate against the spirit of the charter which is to bring disputes to the United Nations before they erupt into war. Perhaps more important than the exact scope of the right of self-defense is the recognition that the right of self-defense, whatever it limits, affords no excuse for not bringing a dispute which threatens the peace of the United Nations for settlement before the right of self-defense is exercised if time permits and immediately thereafter if prior submission is not possible.

The rightful exercise of the right of self-defense, in my view, is no excuse for continuing to wage war without resort to the United Nations for peaceful settlement. Neither should the wrongful exercise of the right of self-defense, if discontinued at the request of the United Nations, deprive a member state of its right to secure a redress of its grievances as part of the United Nations processes of peaceful settlement.

In recent years there has also been an attempt to justify the evisceration of the law of the charter on the ground that the charter does not forbid the use of force by one state at the request of the recognized government of another state to assist the latter state to quell a rebellion. Such a libertarian construction of the charter does violence to the letter and spirit of the charter. The armed intervention of one state in the civil war of another state whether at the request of the established government or its rival government is in fact the use of force by the intervening states in its international relations, whether the civil war be called a war of liberation or a war in defense of freedom.

True the charter does not forbid civil war or deny the right to revolt. But it does not sanction the right of an outside state to participate in another's state civil war. If a civil war in one state threatens international peace the United Nations may intervene to deal with that threat, but no member state on its own responsibility has the right to participate in the fighting in another state's civil war. If different states recognize opposing factions in a civil war and participate in the fighting with opposing factions, they create and do not prevent a threat to international peace. Events in Europe in connection with the Spanish Civil War made this obvious. This does not mean that arms may not be shipped to a friendly state threatened with rebellion; or that troops may not be sent to a friendly state to participate in a collective self-defense action to repel an armed attack from another state; or that troops may not be dispatched to a friendly state to participate in a mission of mercy to prevent the massacre of innocent civilians. But taking sides and fighting in another state's civil war is quite a different matter. See, Cohen, "The United Nations, Constitutional Developments, Growth, and Possibilities," Harvard University Press, 1961, pages 53–54.

It serves little purpose to debate the legal soundness of some of the interpretations given the charter under the impact of political forces. A recent study of the Carnegie Endowment for International Peace ("The OAS, the U.N. and the United States," by Inis L. Claude, Jr., International Conciliation No. 547, March 1964) demonstrates how under the impact of the cold war the U.S. Government has come close to shifting its legal position completely on the relations between the United Nations and regional agencies. There is a sort of Gresham's law operating in the field of charter interpretation. No state can or will long operate under a rule of law that is not respected by its fellow states. A restatement of the rule may fare no better unless there is a change in the political environment and the forces which shape the decisions of the responsible political officers of the state. I do not agree with many international lawyers and teachers who would like to have the Legal Committee have a monopoly on the legal questions arising under the charter in the General Assembly. I think it important that the highest political officers have a realistic understanding of the meaning and effect of charter interpretations and not merely accept the advice of their legal experts pro forma when it does not matter, only to reject and ignore it when it really touches a vital political nerve.

But whatever the causes or explanations, the law of the charter which was to outlaw the use of force as a means of settling disputes between states has fallen into desuetude. If we continue to accept this abandonment of the basic law of the charter requiring all nations, large and small, to seek in good faith peaceful settlement through the processes of the United Nations before resorting to war, we shall have allowed the very heart to be torn from the charter. Important as are the technical and social services the United Nations may render the underdeveloped countries, these are but fringe benefits which will wither away once the heart of the United Nations ceases to beat.

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What has gone wrong? Is it the fault of the charter? Is it due to the veto? Is it due to the excessive voting power of the small new states in the Assembly? Have we really exhausted the untried resources and potentialities of the charter?

The charter may not be perfect. But it is not the charter that obstructs the way to peace. The charter sets forth a few basic principles but leaves to successive generations who will live under it the responsibility of finding suitable means of carrying out those principles. The charter is not a self-operating mechanism. Its operation depends not so much on the words of the charter as on the way member states exercise their rights and meet their responsibilities. Some means are specified in the charter but these are not necessarily exclusive. Within widest limits other means are not prohibited. The charter is not a code of civil procedure to be strictly construed. I know no better canon of construction to be used in determining charter power than that laid down by Chief Justice Marshall in *McCulloch* v. *Maryland*, 4 Wheaton 316, 421, for determining constitutional power: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

It is the right and responsibility of member states to find means which are appropriate, which are not prohibited, but consist with the letter and spirit of the charter, to carry out purposes of the charter. There has been a tendency, I fear, for members to seek excuses and alibis for not working under the charter rather than to make any sustained efforts to find means of carrying out the purposes of the charter. It is quite possible that the means which may prove most helpful now are not necessarily the means which would have been most helpful in years past or the means which may be most helpful in the more distant future.

It seems to me that we have tried to build the United Nations too much in the image of the nation state—to muster power to fight wars rather than to develop the tolerance and understanding to prevent war. We have tried to exorcise differences by a majority vote rather than to seek means of composing and reconciling differences and containing, within reasonable, tolerable, and livable limits, those which cannot presently be composed or reconciled.

Of course until there is much greater progress toward general and effectively safeguarded disarmament it is necessary and in the interest of the United Nations and world peace that the member states maintain a reasonable balance of armed strength so that the most aggressive states will not be tempted to secure their interests by war rather than peaceful means. Of course it is in the interest of the United Nations and world peace that member states cooperate not only in the United Nations but in regional and functional organizations so that they will be better able to support the efforts of the United Nations to maintain peace in the world. We live in a pluralistic world and diverse and varied efforts—political, economic and social within and without the United Nations—are needed to strengthen the forces of peace, freedom and well-being throughout the world, provided, however, that such efforts do not countenance the waging of war in disregard of the United Nations Charter.

In this divided world in this nuclear age there is no substitute for an organization like the United Nations which transcends the interests of states and groups of states and sets above their divergent interests the common interest and the transcending vital interest of all states in the maintenance of peace.

Military alliances may deter war for a period by maintaining an uneasy balance of power, but military alliances are not likely to develop means or procedures for peaceful settlement or containment of vital differences among states or groups of states parties to different alliances. NATO, SEATO, and CENTO were to function in support of the United Nations and its charter principles, but in fact there has been little or no effort to relate their work to the United Nations. Many supporters of NATO, the greatest of the postwar military alliances, would give it priority over the United Nations. Yet NATO has not been able to secure peaceful settlement in its own area; it reluctantly acquiesced in the United Nations intervention in Cyprus when all else failed. NATO has in no way responded to the detente with the Soviet Union with any arms control proposals. Indeed it has tended to regard with suspicion any arms control proposals which would affect it. At the time of the 1961 Berlin crisis, NATO was used not in support of the U.N. and peaceful settlement but as an alternative to resort to the United Nations. When crises developed in Laos and South Vietnam, SEATO was invoked not in support of the U.N. and peaceful settlement but in lieu of the United Nations.

If one believes in the therapeutic effects of shock treatment in international affairs, in the therapeutic value of periodic armed confrontations such as occurred in Berlin, Cuba, and Vietnam, one need not be concerned by the fading out of the United Nations and what was once called man's last best hope of peace on earth. But such confrontations in this nuclear age involve risks which responsible statesmen conscious of their responsibilities to future generations cannot continue to ignore.

The United Nations was established to enable responsible statesmen to work together to avoid these risks. It was intended to provide an instrumentality through which members could unite their power and resources, spiritual and material, to protect their one and all-important common interest in the maintenance of peace in this nuclear age. Of course the charter will fail of its purposes if states insist on using force or the threat of force when it suits their interests without giving the United Nations the chance to use its good offices to compose differences which threaten the peace.

It is not the lack of power which might be called to the support of the United Nations which stands in the way of the realization of the promise of the United Nations. It is the lack of genuine effort on the part of the member states particularly the great powers, to use the as yet untapped resources of the United Nations to develop processes and procedures for the peaceful settlement of disputes among states. It is putting the cart before the horse, to put it mildly, to worry about how the United Nations is going to muster power to enforce peaceful settlement before it has developed processes and procedures for reaching peaceful settlements which can command the respect of states whose vital interests and possibly very existence are at stake. Intemperate invective and unrestrained cold war debate hastily followed by the counting of votes, in many instances uninformed and unaffected by the facts or merits of the controversy, constitute a rank betrayal of the purposes and principles of the charter.

It is extraordinary that so little sustained thought and consideration has been given to the development of the processes of conciliation and mediation as part of the pacific settlement functions of the United Nations. The sidetracking and soft-pedaling of the pacific settlement functions of the United Nations may be ascribed in large part, as I have indicated, to the cold war. Issues formally brought to the United Nations for peaceful settlement have been exploited for propaganda purposes and serious efforts to harmonize differences have been noticeable by their absence. The mediation and conciliation functions of the United Nations have been neglected and allowed to atrophy. Obviously in dealing with differences among sovereign states, particularly at this stage of international organization when states are excessively jealous of their sovereignty, an agreed solution is to be preferred to an imposed solution. Even states eager for a solution are loath to agree in advance to accept arbitration or an imposed solution for fear, sometimes for groundless fear, it may involve unexpected terms difficult or impossible to explain to their people. The imposition of a solution may produce serious divisions and strains within the United Nations, while an agreed solution, if it can be brought about, is an undisputed achievement and builds international confidence in the United Nations.

The process of conciliation and mediation encourages good faith negotiations and collective bargaining among states. It tends to curb the instinctive habits of states when national passions are aroused to try to get their way by threats and counterthreats of force instead of seeking a fair accommodation by a little give-and-take on both sides.

There is indeed at this stage of international organization perhaps more to learn from the traditions and practices which govern the peaceful settlement of labor disputes in modern industrial states than there is from the study of the making and enforcement of law within a state. In the early days of labor unions there seemed to be irreconcilable differences in the ideology of labor and capital, and the law in many states did not even recognize the right of labor to organize. Labor did not trust the courts, which labor felt shared the ideas of management. To paraphrase the remarks of Mr. Litvinov regarding the relations of capitalism and communism, labor thought no one could be neutral between management and labor. In the early days of union activities violence on one side or the other or both—allegedly in self-defense, of course—was not uncommon. Gradually the right of unions to organize and bargain collectively was recognized by law, but both sides shied away from compulsory arbitration unless it was agreed to in advance by both sides. But custom, if not law, imposed upon both sides the duty to bargain in good faith and make every effort to reach a peaceful agreement. If prolonged work stoppage threatens the welfare of the community it has become customary for the state or community to intervene, not by imposing a settlement but by creating an environment which should facilitate an agreed settlement. Sometimes the state or community will provide a cooling-off period comparable to a waiting period of 3 months following the report of the Council, which, under the convenant of the League, states agreed to observe before resorting to war. Sometimes the state or community will provide a cease-strike period comparable to a cease-fire during which negotiations can proceed in a relaxed atmosphere. Frequently the state or community will provide a mediator or conciliator, or a group of mediators or conciliators. These skilled professionals will bring the parties together, find the essential facts at the root of the controversy, define and narrow issues, isolate and defer issues on which agreement is clearly impossible, suggest alternative solutions, and at times make definite recommendations for settlement that they think both sides can accept and live with.

It might be said that in the labor relations field an unwritten common law has been developed and accepted that all disputes affecting the public welfare must be settled peacefully; that is, without violence and without protracted disruption of the public service. No particular means of reaching a settlement is prescribed, but all means cannot be rejected. Mediation and conciliation processes will be available to assist the parties reach an agreement by means of their own choice, and compulsory arbitration will be avoided as long as possible. But an agreed settlement or modus vivendi must be reached or the parties will be obliged to accept an imposed settlement.

Much of what has been learned in the last century in the handling of labor-management disputes can be applied in the handling of disputes among states. We should worry less about the power of the United Nations to compel or coerce settlement and concern ourselves more with the conciliation and mediation procedures and processes the United Nations can provide to assist states compose their differences and settle their disputes. The United Nations environment should be most favorable to the development of unparalleled facilities for conciliation and mediation. Most member states, with little or no direct interest in a direct dispute unless prematurely forced to take sides, will naturally want to be helpful in facilitating an agreed settlement by peaceful means. Most disputes between states like most disputes between labor and management involve other legal issues and cannot be settled by the application of any preexisting or mutually acceptable rule of law. Consequently they lend themselves more readily to negotiated settlements than to inflexible judicial settlements of political legislative solutions. The disputant states, like labor-management disputants, are less likely to fear outside intervention to facilitate a negotiated settlement than they are to fear outside intervention to impose or coerce a settlement.

Indeed despite the neglect of the pacific settlement functions of the United Nations and the lack of preparations to enable the United Nations to function effectively in this area, there is enough in the past activities of the United Nations to justify faith in the great potentialities of the United Nations in this area. There are the outstanding accomplishments of Count Bernadotte and Dr. Ralph Bunche as mediators in the Israeli-Arab conflict in 1948; the quick and extraordinary resourcefulness and imaginative statesmanship of Mr. Lester Pearson of Canada which led to the creation over a weekend in 1956 of a peacekeeping force not to fight but to keep the peace in the most sensitive areas in the Near East; the patience of Mr. Frank Graham in containig the Kashmir conflict; the deft and dedicated efforts of Dag Hammarskjold in handling the operations of the United Nations peacekeeping forces in the Near East and later in the Congo; and similar efforts of U Thant in the tense Cyprus situation.

Indeed it is interesting to contrast the failure of member states to earmark troops, by special agreements with the Security Council under article 43 of the charter or in response to the Collective Measures Committee of the General Assembly, for enforcement or sanction actions with the increasing willingness of member states to earmark troops for peacekeeping operations as an adjunct to pacific settlement. Canada, Denmark, Finland, Iran, Italy, the Netherlands, Norway, and Sweden and most recently the United Kingdom have already volunteered to hold troops on a permanent basis in readiness for United Nations peacekeeping operations. (Issues before the 19th General Assembly, International Conciliation, No. 550 November 1964, pp. 19–24.)

These are significant stirrings of hope. Yet one must regretfully observe that most national statesmen—while paying lipservice to the United Nations and tearfully lamenting its ineffectiveness and professing to wish to see it strengthened—have done precious little to develop and dramatize the great potentialities of the United Nations under the present charter in the field of peacekeeping and pacific settlement. If, as they tell us, there is no alternative to peace in this nuclear age, they should give at least a fraction of the time they give to building up military power to building up an effective administrative corps within the United Nations to assist and promote the peaceful settlement of international disputes. Certainly national statesmen might be expected to give us much time to this task as they give to the recently revived study of geopolitics which seems to be based on the supposedly obsolete theory that there is no alternative to war.

I will make only a few of many suggestions which should be worthy of study in this connection. One, there should be set up a reporting or rapporteur system to assist the Security Council and the General Assembly in handling disputes between states which threaten the peace. Every precaution should be taken to relieve the Security Council and the Assembly from having to act on the uncorroborated statements of the disputants and their partisans. There should be available to these organs reports—prepared by a professional rapporteur or group of rapporteurs—as objective as possible of the essential facts at issue and the positions taken by the disputants.

Second, as part of or in addition to such a corps of rapporteurs, there should be small corps of professional diplomats whose experience or training qualify them to act as mediators or conciliators. Among other things, it should be their duty to investigate on their own initiative or on the request of a specified number of member states the use of force or the threat to use force by any state or states which has not been brought to the attention of the United Nations and to report the essential facts to the Secretary General. The Secretary General should be authorized on the basis of such report to offer the services of the mediating and conciliating corps to the disputants to assist them in negotiating a settlement of their differences.

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It is gravely disturbing that many devoted friends of the United Nations have failed to grasp that the failure of the United Nations is threatened as much or more by the neglect of the great powers than by the irresponsibility of the small states. Even the revered Dag Hammarskjold who gave his life for the United Nations, in appealing for the support of the small states against Mr. Khrushchev's proposal to force his resignation and to trifurcate the office of the Secretary General, stated in the General Assembly in September 1961: "It is not the Soviet Union or indeed, any other big powers, who need the U.N. for their protection; it is all the others. In this sense, the Organization is first of all their organization, and I deeply believe in the wisdom with which they will be able to use it and guide it." It is quite understandable at that critical time Hammarskjold should have reminded the small states of their great stake in the United Nations and their duty to act responsibly. It was unfortunate, however, that the words may suggest that the great powers have a lesser stake in and a lesser need of the U.N. If great powers do not sense their imperative need of the United Nations to preserve the peace, they will not give the United Nations the support necessary for its growth and survival. If the great powers do not have confidence in the United Nations, they cannot expect the smaller powers to have confidence in it.

Recurrently and persistently a school of realists tell us that the United States cannot deal with conflicts between the great powers because of the veto and the lack of countervailing power. One would have thought that the uniting for peace resolution in 1950 would have put that argument to rest. Moreover, whatever criticism may be made of the one-sidedness of some of the resolutions in the Suez case, it certainly established the continued vitality of the uniting for peace resolution and rejected the proposition that the great powers have a right to ignore their charter obligations. Strong arguments may be advanced that the United Nations cannot muster the power, and would be unwise to attempt, to impose its will by force on the great powers or for that matter on some of the lesser powers. The primary purpose of the United Nations after all is to keep the peace and prevent war, not to fight wars, to stop aggression not to punish the aggressor. But there is nothing in the charter or outside the charter that would justify the great powers any more than the small powers to reject and ignore the conciliation, mediation, and other peacekeeping processes and procedures that the United Nations might provide for the peaceful settlement of disputes which threaten the peace. If the United Nations withers away, it will not be because it lacks the power to impose its will by force but because the forces for peace represented in the United Nations do not unite their strength as the charter bids them to do to bring the powers, great or small, which are involved in the conflict, to the conference table for good faith negotiation. I have scant sympathy with those who are so devoted to the United Nations that they would not saddle it with the burdensome task of bringing clashing powers to the conference table for fear the conference will be abortive. To what a pass the United Nations has come when it scarcely takes notice of a war in Vietnam which threatens to escalate into a major world conflict.

It is not suggested that disputes affecting the vital interests and very existence of states may peacefully be settled by cold war debate and the counting of partisan votes. On this greatly diversified and deeply divided world, a consensus is not easily found. But even amid diversity and division the common interest in peace—in the continuation of life itself on this planet—should be strong and effective enough to provide the procedures and processes to bring states in conflict to the conference table and to assist them to reach agreed settlements with which they can live.

This does not mean that all debate in the General Assembly and Security Council can or should be suppressed. As in all political bodies the delegates often speak as much to their own constituents as to their fellow delegates. To some extent this is unavoidable and with limits desirable. It does enable the delegates to inform and advise one another of the grievances, problems, and predilections of their various constituencies. But the cold war has unfortunately invaded the United Nations and taken over to the point that in some instances it has strengthened and accentuated divisions and actually militated against the development of a feeling of community, of shared interests in meeting the problems and adjusting the differences which threaten not only peace but life on this planet.

If the political organs of the United Nations are to play their part in building peace which will save the world from a nuclear holocaust, there must be when there is no clear consensus, a downgrading of voting and an upgrading of efforts to create and employ the processes of mediation and conciliation to obtain the accommodations, compromises, and provisional arrangements which are necessary if we are to live at peace. But there are those who say let justice and right prevail though the heavens fall. But who is to determine what is just and what is right. Does justice lie with the strongest battalions or the deadliest missiles? And what justice can there be if the heavens fall? I should think it might better be said: Let justice be done so that the heavens will not fall.

Antagonistic ideologies not reconcilable by logic have in the past been reconciled by the felt necessities of the times, even when they contended not only for the things of this earth but for man's immortal soul. The test of life, the test of peaceful coexistence—like the test of law as Justice Holmes has reminded us—is not logic but experience. Slowly and surely the most hardheaded statesman barring lapses in periods of tension and passion are coming to realize that war no longer is a practical way of adjusting international disputes.

What are some of the working rules which should be observed in the United Nations in order to make the most effective use of the processes of conciliation in the settlement of international disputes which threaten the peace? They conform very closely with those which have proved effective in the conciliation and mediation of labor disputes. Impartial rapporteurs and skilled mediators should objectively try to ascertain the essential facts and to determine the extent to which they may be in dispute; to ascertain and define the essential issues which divide the disputants so as to reduce, narrow and contain them to the greatest possible extent. They should also suggest alternative solutions to compose those differences which seem reconcilable with a little give and take, and should suggest provisional and ad hoc arrangements to circumvent or contain within tolerable and livable limits vital issues on which the parties are presently irreconcilably divided. This generation must be wise enough to find ways of leaving to the solvent of time and the wisdom of succeeding generations problems which this generation is unable to solve. If this generation does not find and accept such ways there may be no tomorrow. Let us not forget that the most aggressive ideologies undergo changes over the years. Even the most fanatical faiths balk at self-destruction and mellow with time. When men realize as Justice Holmes so eloquently stated that "time has upset many fighting faiths" (*Abrams* v. *U.S.*, 250 U.S. 616, 630) and when men realize that time has brought many unexpected changes even in our lifetime, we should have faith that the next generation may be able to solve the problems we are unable to solve. At least we should do our best to give the next generation a chance.

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Let us now take a look at the none too successful efforts at mediation and conciliation in the recent ill-fated 19th General Assembly centering about the application of article 19 of the charter to the Soviet Union. Article 19 provides that a member 2 years in arrears shall have no vote in the General Assembly, although the General Assembly may permit it to vote if it is satisfied that failure to pay is due to conditions beyond its control. It was contended by the United States, the United Kingdom and Canada that the Soviet Union was more than 2 years in arrears because of its failure to meet the General Assembly's assessments against it for the UNEF (United Nations Emergency Force) peacekeeping in the Middle East and for ONUC (United Nation's Operations in the Congo) peacekeeping. The International Court of Justice in an advisory opinion on which its members were sharply divided, nine to five, had found the assessments for UNEF and ONUC valid and binding under the charter. The General Assembly after acrimonious debate in its 18th session had voted to accept the opinion. The Soviet Union and France have taken the position that only the Security Council under the charter can impose binding obligations, although France supported the uniting for peace resolution in 1950 and met her contributions to UNEF voluntarily. The Soviet Union had initially supported the peacekeeping operation for the Congo in the Security Council, although it withdrew its support after Lumumba's ouster.

It is the contention of the Soviet Union that it is not in arrears, and that neither the Court's advisory opinion nor the resolution of the General Assembly can impose an obligation to pay for peacekeeping not authorized by the Security Council. France which during 1965 will similarly become in arrears because of her nonpayment of the Congo assessments supports the Soviet contention. It should be observed that both UNEF and ONUC were financed partly by a modified scale of assessments and partly by voluntary contributions. All subsequent peacekeeping operations have been financed by voluntary contribution.

The United States, the United Kingdom, and Canada have taken the position that the General Assembly has accepted the Court's opinion, that the President of the Assembly must automatically apply article 19 and deny the Soviet Union the right to vote. They further contend that on a point of order his ruling should and would be sustained by a simple majority vote. Other members take the position that article 19 must be read in connection with article 18 which provides that the suspension of rights and privileges should be considered important questions requiring a two-thirds vote.

The President of the Assembly and the Secretary General tried from November to February to mediate the dispute. They succeeded in quieting considerably the usual cold war debate and in avoiding a tabulated vote save on the final motion to adjourn in order to prevent a direct confrontation not of arms but of wills between the Soviet Union and the United States which might lead to the breakup of the United Nations.

Conciliation efforts have not succeeded but they have not finally failed. It seems a pity that in a period of detente between the United States and the Soviet Union, it was not possible to find practical means and measures of meeting the United Nation's deficit so that the Assembly could get on with its work without being bogged down in legalisms. With a little give and take a practical settlement might have been reached without resolving the controversial legal issues which have been unduly and unnecessarily exploited. Neither the Court's advisory opinion nor article 19 need stand in the way of a practical settlement. To reach a practical settlement it is not necessary to accept or reject the Court's opinion.

It is important to recall just what the Court did and did not advise: Not that the General Assembly may not finance peacekeeping by voluntary contributions, indeed both UNEF and ONUC are partially financed by voluntary contributions; Not that the General Assembly may not authorize States particularly interested to assume the preponderant burden as was the case in Korea and later in Cyprus and Yeman. The Court merely advised that the General Assembly had the charter power, and had exercised it in the case of UNEF and ONUC, to impose obligatory assessments to defray the costs of peacekeeping.

But the Court did not decide that at this stage of international organization in the world where states are still inordinately jealous of their sovereignty that it was wise statesmanship to finance peacekeeping on the basis of obligatory assessments. A political body whose powers are essentially recommendatory should hesitate, particularly in the absence of great power unity and an overwhelming consensus, to require sovereign states to finance actions which they oppose and which they cannot be required to participate in or assist directly. It is frequently asserted that the peacekeeping functions of the United Nations will not be undertaken if there is no power of obligatory assessment. I doubt this. Peacekeeping will not and should not be authorized unless the States supporting such action are willing to support or to find support for it. Obviously much of the social and economic work of United Nations and its specialized agencies could not and would not be carried out on other than an essentially voluntary basis.

It is no accident that both the United States and United Kingdom last summer (1964) proposed to the Working Group of the Assembly, which was studying methods for financing peacekeeping operations involving heavy expenditures, a special procedure for handling such financing in the General Assembly. They joined in proposing that in the future in apportioning expenses for peacekeeping operations the General Assembly acts only on the recommendation of a special finance committee which should include the permanent members of the Security Council and a relatively high percentage of member states in each geographical area that are large financial contributors to the United Nations. They further proposed that such recommendation be made only on a two-thirds vote of the committee membership. (U.N. Doc. A/AC 113/30, Sept. 14, 1964.) These proposals, I am sure, are designed not simply to offer some protection in the future to the Soviet Union but to other large contributors including the United States and the United Kingdom against being assessed for operations which they oppose and in which they cannot be forced to participate directly. At this stage of international organization, it is neither wise statesmanship nor practical politics to expect states to be able to get substantial appropriations from their national legislatures to finance international operations to which they are opposed. At this stage of international organization states must learn to cooperate voluntarily before they seek to enforce cooperation from recalcitrant states.

The long period of watchful waiting during which the 19th Assembly did nothing, clearly indicates that the member states do not want the future of the organization to depend upon whether the application of article 19 to the Soviet Union under the present state of accounts is or is not automatic. They do not want to offend the United States which has been the financial mainstay of the United Nations and the political champion of its expanding role in world affairs. On the other hand they recognize that the United Nations cannot be a worldwide organization for peace if the Soviet Union is to be deprived of its vote. The members do not want the United Nations to be stalled in its tracks. They want to find a way to get on with its work.

Had a way not been found to adjourn the Assembly until next September (1965), the President of the Assembly would undoubtedly have refrained from ruling on his own responsibility on the automatic application of article 19. He would undoubtedly have asked the advice of the member states. They also would have sought a way to avoid making a decision on application of article 19. If need be a majority might have voted to make this an important question requiring a two-thirds vote under article 18(3). In that case it would have been unlikely that any decision could command a two-thirds vote and efforts to find an accommodation or compromise would have had to be resumed.

A new Committee of 33 has been established by the Assembly and is instructed in consultation with the President and Secretary General to review the whole question of peacekeeping operations, including ways of overcoming the present financial difficulties of the organization and report by June 15 (1965). It is to be hoped that during the adjournment the Committee of 33 will find a way out of the morass. It really should not be difficult if the Committee recognizes its job is to break the deadlock and not to vindicate a theory. The legal questions need not stand in the way of an acceptable and workable accommodation. The Committee need not question the advisory opinion of the International Court of Justice. It need not decide whether the application of article 19 is or is not automatic. The Committee might well recommend that, in light of the practical difficulties encountered which have paralyzed the work of the 19th session, the Assembly should reconsider the nature of the assessments levied for UNEF and ONUC. It might suggest that without prejudice to its charter powers and without prejudice to the advisory opinion of the Court, the Assembly should declare the assessments to be recommendatory and nonmandatory while urging all states to meet their share of such assessments. The states which voted for these assessments should naturally feel morally bound to meet their share. Should some states fail to meet their quota, for reasons which to them seem compelling, they should be urged to contribute a substantially equivalent amount to other operations of the United Nations so that the overall costs of the United Nations may be equitably shared by its members. Should there remain a deficit in meeting the costs of UNEF and ONUC, a special appeal should be made for voluntary contributions to make up the deficit.

If the Assembly is prepared to recognize the unwisdom at this stage of international organization of attempting to make its assessments for special peacekeeping operations obligatory, there should be reason to hope that the Soviet Union and France would voluntarily meet their assessments or make substantially equivalent contributions to other essential activities of the United Nations. In the absence of special circumstances, States which do not contribute to special peacekeeping operations should not be entitled to a voice in the administration of such operations. Of course it may be a bit messy to reconsider the mandatory character of a partially executed plan of assessments. But it is better to offend the purists than to let the Assembly be stalemated or blackout indefinitely.

It is to be regretted, as I have indicated, that in a period of relative detente between the West and the Soviet Union a negotiated settlement has been so difficult to achieve. It is particularly regrettable that the work of the Assembly should have been stalled over the financing of peacekeeping operations because it has been in the field of peacekeeping as an aid to peaceful settlement that the most promising developments in the United Nations in recent years have occurred. It was somewhat reassuring to note that the cold war debate was less acrimonious than usual and that the membership as a whole calmly exerted their influence to mediate the differences between the United States and the Soviet Union and to prevent a self-defeating confrontation over article 19. Despite the unsuccessful attempt of Albania to precipitate the confrontation, the many new, small and weak members acted with a sense of responsibility and restraint.

* * * * *

The admission of many new small states has created problems which cannot be ignored. But the seriousness of these problems can be greatly minimized if the larger states take the lead in developing practices and procedures which encourage and promote the use of the Assembly not as a forum for fighting cold wars, but for ending them.

With the admission of many new and relatively weak states it becomes theoretically possible for the General Assembly to vote for action for the carrying out of which the voting majority would shoulder little or no responsibility or burden. It must be remembered, however, that the action of the General Assembly is recommendatory and not mandatory. Its effectiveness must depend upon its appeal to the judgment and interests of states. Indeed, democratic states cannot be expected to assist actively in carrying out programs to which their people are strongly opposed. It must be recognized that voting in the Assembly on the basis of the sovereign equality of states does not automatically reflect world power, world wealth, or world wisdom. Member states may be expected to give good faith consideration to the Assembly's recommendation, but they are not bound to act against their own better judgment nor to ignore the fact that a numerical majority may in some instances not be truly representative of informed world opinion.

When the cold war was at its height there was excessive emphasis on voting and a misguided attempt to exaggerate the significance of a mere numerical majority. At this stage of international organization a vote which requires action can become effective only if it moves to action states which have the will and power to act. A vote will command respect not by the mere number of states back of it but by the worldwide feelings or sentiments it reflects, by the worldwide response or reaction to events it evokes, and by the influence it brings to bear on the actions of the states to which it is addressed. Many closely divided votes may only serve to strengthen divisions rather than to develop a consensus.

Small states cannot expect to dictate to the more powerful states what they must do. On the other hand small states also have their rights, and large states cannot claim the right to act in areas in which small states are concerned without explaining and justifying their action. As President Roosevelt stated in his last state of the Union message on January 6, 1945, when the charter of the United Nations was being drafted: "We cannot deny that power is a factor in world politics any more than we can deny that power is a factor in national politics. But in a democratic world, as in a democratic nation, power must be linked with responsibility and obliged to defend and justify itself within the framework of the general good." And the power of which President Roosevelt was speaking was power which was something more than transient military force.

For the United Nations to function effectively with its present membership at this stage of international organization, greater reliance must be placed on procedures for peaceful settlement through conciliatory processes. Less reliance should be placed on voting on volatile political issues which in the absence of a clear consensus cannot be resolved by a vote.

In emphasizing the flexibility of the charter and its adaptability to "exigencies"—to paraphrase the remarks of Justice Holmes in reference to the American Constitution, "which could not have been completely foreseen by the most gifted of its begetters"—I do not wish to rule out all charter amendments. I only warn that we must exploit the potentialities of the present charter in order to develop a broader and deeper feeling of worldwide community which must precede any meaningful charter change. As we broaden the areas of concensus, we increase the possibility of strengthening the charter by amendment.

Amendments to the charter enlarging the Security Council and the Economic and Social Council have been proposed by the 18th General Assembly. (Resolutions 1991 A and B (xviii) Dec. 17, 1963.) The Security Council amendment would enlarge the Security Council to 15 members. Of the 10 nonpermanent members, 5 would come from Africa and Asia, 1 from Eastern Europe, 2 from Latin America, and 2 from Western Europe and elsewhere. The Economic and Social Council amendment would enlarge ECOSOC to 27 members, of which 9 would be elected each year for 3-year terms. Seven of nine elected each year would come from Africa and Asia, one from Latin America, and one from Western Europe.

A larger Security Council and ECOSOC would appear desirable in order to reflect a broader spectrum of world opinion. But it would seem to me that if the Security Council is to be enlarged there should be provision to insure that not less than one-third of its membership are drawn from a middle group of states which, while not among the original permanent members of the Council, are large financial contributors. This middle group might constitute a class of additional permanent members without power of veto or at least an additional class of members eligible for successive reelection. This middle group should include states like India, Japan, Brazil, Italy, Germany, and, possibly, Nigeria.

Moreover if the Security Council is to be enlarged in order to obtain a more balanced representation it would seem to be desirable if not necessary at the same time to provide for a better balanced distribution of voting power in the General Assembly. In light of the great disparity of power between the relatively small number of large States and the large number of small States some change in the distribution of voting power in the Assembly is important to maintain the influence of the General Assembly and to give meaning and power to its resolutions. It is likewist important to maintain the capacity of the Assembly to act responsibly—to represent power as well as numbers—when the veto forestalls action in the Security Council. But it is not easy to find any acceptable principle of weighted voting to impose on the principle of sovereign equality of states. A duel voting system perhaps affords the best way of reconciling the sovereign equality of states with a responsibly balanced power structure. It might conceivably be possible if and when the great powers consent to an enlarged and better balanced Security Council that the smaller powers would concurrently consent to a dual voting system in the General Assembly whereby ordinary resolutions in the General Assembly would require a double majority vote—a majority of all members and a majority of those states in the Assembly which are represented on the enlarged Security Council. Then important resolutions of the Assembly would require a two-thirds majority of the whole membership and a two-thirds majority of those states in the Assembly which are members of the Security Council. This is a form of weighted voting which avoids the need for weighing the votes of individual states. It should create a better relationship between the Security Council and the Assembly and at the same time increase the effective influence of the Assembly on the Security Council.

But desirable as some amendments may be, we must not let the obstacles in the way of attaining them blind us to the potentialities of the present charter which is and was designed to be adaptable to changing conditions and unforeseen exigencies. The means which may be most effective for carrying out the charter purposes when the great powers are working together may not be the most effective means when they are in conflict. The most effective means of carrying out the charter objectives at one stage in the growth of international organization may not be the most effective means at a different and more advanced stage. The charter is broad in scope and allows a wide measure of choice of means. It is for each generation to have the wisdom and imagination to choose the appropriate means and procedures for keeping the peace in its time.

At the present time the important thing is to find the means which enable the member states to cooperate to the maximum extent to keep the peace within the frame and law of the charter. The important thing is not to impose the will of a majority of states on a minority of states but to provide an environment and a procedure for composing or containing differences among states before they erupt into war. The peaceful settlement of disputes requires not armies but wisdom and vision. Long ago in the days of Solomon it was said that "Where there is no vision the people perish." Let us hope that in this nuclear age vision is not lacking when without vision life on this planet may cease to exist.

MIGRATORY FARM LABOR—THE BRACERO PROBLEM

Mr. DOMINICK. Mr. President, in recent months, the Senate has been engaging in serious colloquy concerning the bracero problem of importing labor to harvest the crops.

A great many farmers, as the President knows, are presently in serious straits, wondering whether to plant their crops because of the absence of available labor.

The other day, out of the blue, I received a letter from a gentleman in New York who owns property in my State of Colorado, and in that letter he included a copy of his letter to the Secretary of Labor, Mr. Wirtz.

The letter details the problems which farmers face in Colorado as well as in other parts of the country, and he includes some exhibits from his own tenant farmers in that area. I ask unanimous consent to have this material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.,
April 5, 1965.

Senator PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR MR. SENATOR: I am taking the liberty to forward to you a copy of a letter which I believe is self-explanatory in reference to the sugarbeet labor situation.

The situation is critical, and anything which you could do to help correct it in these next few days before planting time for the 1965 crop would be a godsend.

Sincerely yours,
HARRISON D. BLAIR.

NEW YORK, N.Y.,
April 5, 1965.

Hon. W. WILLARD WIRTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I doubt that you will remember me from the New York Beta of the Year Dinner at the Harvard Club May 15, 1963, but as a New York City banker of 40 years' experience and a third generation landowner from the Plains of Colorado where I grew up knowing well and intimately the vicissitudes of struggle with nature, I want to impose on your time for a few minutes to urgently discuss a matter of economic survival for some of our most valuable citizens—the sugarbeet farmers.

The lapse of Public Law 78, and sudden prohibition of the hiring of Mexicans, who have worked our beets for some two generations, presents a crisis, not just a problem, and a very serious crisis. The use of "braceros" must be reinstated at once.

Farming at best is a great risk, and the beet farmers have been working valiantly under the guidance of the sugar companies to mechanize and dispense with hand labor. Much progress has been registered with the innovation of segmented seed and introduction of chemical weed eradicators, but nature cannot be changed overnight as can be restrictive legislation. The substitute labor suggested is just not available for those farmers from a hundred to several hundred miles from congested cities with large relief populations. It is doubtful that those on relief would be efficient and effective on farms, or would care to "go rural" for a 2-month period. Furthermore, the capital cost of supplying required housing facilities for the short-term city relief workers and their families would be prohibitive and uneconomical.

The goal of complete mechanization can quite likely be achieved—but it will take some time. When that time comes, the inefficient labor that you are now trying to foist on the beet farmers will still be unemployed—and you will have only postponed the solution while ruining the solid citizen farmer.

Our domestic beet-sugar industry proved a godsend to the consuming public in World War II, but can it endure economically with a legislated 50-percent increase in labor costs plus the increased capital cost of mechanization? Forty or fifty years ago a farmer could get along with four or five teams that were worth about $100 per animal and machinery that cost $75 to $100 per item. Now tractors, harvesters, etc., cost $3,000 to $6,000 each, and the average tenant farmer can easily have a capital investment of $20,000 or so.

Our cost of sugar production should be as low as economically possible, as our prices are influenced or set by world supply. Does it make sense to legislate a 50-percent increase in labor cost when large producing areas around the world produce with labor costs only a fraction of ours? Also, is it good international relations to kick our neighbors south of the border in the teeth?

On my irrigated farmland of some 1,100 acres, I have six tenant farmers; they represent the kind of families that are the backbone of our American free-enterprise system. One is a grandson of a former tenant of my father, two are sons, and a fourth is married to the daughter of a former tenant. The boys and girls that have come from those farms for three generations are real Americans, and one son of a man who worked for my grandfather and father went to Washington to head up a section. Are we going to legislate those kind of people to second-grade society and relief?

That is what we will do if we solve this problem on the present approach of politics, and continue to ignore the rules and laws of economics.

It is wrong to throw a 50-percent labor cost increase at the farmer when he is facing a water shortage for the second year in a row. The Prewitt Reservoir in Logan County, Colo., is still empty, and our North Sterling Reservoir, dating from the early 1900's, has prospects of being only 50 percent full with the irrigation season now less than 2 months away.

At best, farming is precarious, and my tenant farmers work long hours for a modest return, if nature is kind. As a landlord, my six farmers, in the 9 years since I inherited them, have produced a gross income (including insurance, rebates for fire, wind, and hail damage, and some $15,800 soil practices payments) of $259,615.02, but after total expenses of $251,727.14 (which includes only modest depreciation as some buildings are 50 years old or more) my net income has been only $7,887.88. This is an average of $876.43 per farm over a 9-year period, or an average of only $97.38 per tenant per year. Not very exciting, considering the constantly increasing cost of repairs, insurance, and taxes—and my land is among some of the better land in the area. Some of my financial friends urge me to liquidate my landholdings and employ the funds in stocks and bonds to better advantage, but I like to think that, in that expenditure of $251,000, plus a greater one of my combined tenants, we have helped make honest jobs. But if this keeps up, maybe in 2 years when I retire from the bank I'll be forced to accede to their wishes.

I think that also I have among the better tenants in the area. Sometimes it is difficult to keep them from becoming discouraged. With the outlook which your Department is harnessing our beet farmers, they may not obtain their usual credit facilities from the local banks. The goal of your Department and the Department of Agriculture should be to reduce the need for farm support—not legislate so that there will be a necessity for more. I enclose three photostats of extracts from some of my tenants' correspondence these past couple of months to let you know eloquently how they feel and worry.

Cost for both the tenant farmer and the landlord are constantly rising (my farm real estate taxes last year advanced from 11.2 to 14.7 percent, and it is imperative that we grow the maximum dollar yield per acre crops (beets) so far as sound rotation programs permit in order to break even and stay out of the red. That is true in addition to having good growing weather and conditions. I have urged my tenants to cooperate fully in soil conservation practices but on principle have constantly insisted that they not engage in those practices whereby they might be paid for not growing crops which I feel is boondoggling.

The planting season is here, and I hope that your Department and all other departments involved and bureaus in Washington will reconsider and immediately advise the growers that after careful study they will have recourse to their tried and proven labor sources.

While I am leaving this Wednesday for a much needed week of vacation in Florida, after finishing on March 23 a grand jury term that started February 1 (which was in addition to my full-time bank job), I should be happy to come to Washington for conference if you feel that I could further clarify the picture. I shall be a guest of Mrs. Nohowel, 222 El Brillo Way, Palm Beach, telephone 305–833–5821. I should gladly return and make that sacrifice for my farmer boys.

I am taking the liberty to send a copy of this letter to my Congressmen and Senators, and also to Frank A. Kemp, president of the Great Western Sugar Co., a brother Beta from the University of Colorado and a very able executive of the highest integrity.

Sincerely yours,
HARRISON D. BLAIR.

JANUARY 6, 1965.

MR. BLAIR: Enclosed is a clipping from a local paper concerning the wage scale for the beet labor. In the past it was 90 cents per hour. And I understand in the future they are going to raise it 15 percent each year till it gets to a level where local labor will be glad to come to work for us. The only thing is us small farmers won't be around to pay this kind of labor bill. About the only other thing we can do is just let the weeds grow. Any suggestions?

The reservoir is taking in a little water, but they said that if some miracle didn't happen we'd be lucky to get 50 percent of water. Between the water shortage and labor shortage the future looks a little bleak.

JANUARY 23, 1965.

DEAR MR. BLAIR: Sounds like you are having a lot of snow in New York. We had 5 inches of snow, which was most welcome. This is the first moisture we have had all winter. We need 10 times as much yet. The reservoirs are still low. Prewitt is completely dry yet.

As for the crop planning for 1965, looking the situation over with the severe water shortage we had last year and not to much moisture as yet, and also, with this beet labor problem it encounters some very serious thinking and a lot of figuring.

I applied for 53 acres of beets, which I doubt I will get. It will probably be between

40 to 47 acres. This will most certainly be enough the way the outlook is on sugarbeets. We already lost one beet payment in August of 1964 for the 1963 crop. According to the newspaper of Great Western we might lose one or two payments in 1965 for the 1964 sugarbeet crop. Also, the water shortage.

As for beet labor, the Government is setting the price. We will have to pay by the hour instead of by the acre. We have to pay $1.30 an hour and hire domestic labor, which mainly will be people who are on welfare. I don't think I have to explain on how successful this will be. My opinion is it will be one of the biggest labor flops in American history. They are too lazy to work nowadays. Also, the Government is trying to push through better living quarters for the labor. They are talking about running water, bathrooms, and also furnish some of the household furnishings. The Government will send inspectors around to look at labor houses to see if they are suitable. It's one big mess. Pretty soon the Government is going to tell us what and when on everything we do.

MARCH 24, 1965.

MR. BLAIR: It's getting nearer to planting time and we are still in bad shape as far as water and beet labor is concerned.

At last report they figured the reservoir would end up with about 50 percent water, unless some miracle happens which is pretty doubtful. It's going to be pretty hard to make ends meet with that poor of a water supply. The farm loan people don't think too much of loaning money to farmers with half a supply of water.

They still haven't come up with anything for our beet labor, and the company has told us not to figure on any either. You said to go ahead and plant and see what happens.

It might be a little late to replant if we wait to see if they are going to be too weedy to save. I'm not financially fixed to take too many chances. You know that bankers don't loan too much money on hopes.

CONSTITUTIONAL AMENDMENT ON REAPPORTIONMENT

Mr. DOMINICK. Mr. President, I have had the privilege of testifying before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary in support of the proposed constitutional amendment of the Senator from Illinois [Mr. DIRKSEN] with respect to reapportionment.

The other day, I had an opportunity to read an excellent article on this problem written by Holman Harvey and Kenneth O. Gilmore, and published in synopsis form in the Reader's Digest for March 1965.

I believe that this article clearly sets forth one of the problems this country has faced before; namely, that some States have not gone ahead with reapportionment on their own.

It also clearly shows the great efforts which have been made by the State of Colorado in this particular complex situation and the difficulties Colorado has encountered because of the Supreme Court decision.

The article gives many of the basic reasons why I feel—as I know many others feel—that the passage of this constitutional amendment is imperative and should be accomplished as soon as possible.

Mr. President, I ask unanimous consent to have the article to which I have referred printed in the RECORD for reading by all Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, March 1965]

REAPPORTIONMENT: SHALL THE COURT OR THE PEOPLE DECIDE?

(NOTE.—It is more than a power struggle between city dwellers and country dwellers. At issue in today's political battles over the makeup of State legislatures are fundamental principles of democratic representation.)

(By Holman Harvey and Kenneth O. Gilmore)

Lightning struck last June 15 when the Supreme Court handed down its one-man, one-vote reapportionment decision. This decree requires both branches of every State legislature to be strictly based on population only. It represents the most far-reaching change in American political structure since our Constitution was written 178 years ago.

Few issues in recent times have stirred more controversy or created more confusion. Nearly every State in the Nation—from Montana to Maryland, from Alaska to Florida—is struggling to satisfy the Federal judiciary's order. A dozen States have already remapped their legislative districts. Others are desperately trying to meet Court-imposed deadlines or to devise delaying tactics. In the meantime, proposals for a constitutional amendment reversing the Court's action are being seriously debated in Congress and in the States.

Make no mistake, we are at a crossroads: our form of government is in a major crisis. What then are the stakes?

REPRESENT THE PEOPLE

"The basic issue," says Robert G. Dixon, Jr., professor of law at George Washington University, "is not simply 'one man one vote.' It is fair representation, a concept which philosophers and politicians have been arguing about for ages."

Since the beginning of democracy in the Greek city-states, man has groped for the best ways to govern himself and to achieve a true representation of the people's will. As far back as the 11th century England began to move painfully toward more representative government; kings formed various councils consisting of lords, clerics, and powerful landowners. Later, townships, boroughs and counties were called into councils—originally to be consulted on property taxes.

In America at the Constitutional Convention in Philadelphia in 1787, this was the essential question: How could a balanced, genuinely representative form of government be achieved, one that would reflect the majority will while protecting the minority and preventing mob rule? A solution was hammered out by our forefathers. So that the large States could not be controlled by the small or the small steamrollered by the large, a two-house plan was born, with a House of Representatives based on population and a Senate based on geography.

Thomas Jefferson is reputed to have asked George Washington why he favored the system. Washington asked Jefferson why he poured his coffee from cup to saucer. "To cool it" was the response.

"Even so," Washington said, "we pour legislation into the senatorial saucer to cool it."

As America matured into the world's first successful example of modern constitutional democracy, States adopted the Federal two-house system. By 1961, all but 11 States had constitutions that took into account interests other than population—geographic factors, mainly—so as to achieve fair representation. Missouri's "Little Federal" system furnishes an example. One house is apportioned on the basis of districts of fairly equal population in both city and rural areas, with districts adjusted every 10 years. In the other chamber each of the 114 counties has at least 1 member. Under these provisions, cooperation between city and rural areas is a valued tradition.

THE CHICKEN VOTE

But—and this is where the rub came—as America's cities grew, some States neglected to reapportion their lower houses. The result was, in many States, unjust rural domination of legislatures. Delaware's house districts had not changed since 1897. So unbalanced was Connecticut's House of Representatives that 1 vote in a rural town was worth 429 votes in Hartford. In New Hampshire's lower house, one district had 1,000 times more residents than another.

One remiss State was Tennessee, with no revisions since 1901. A group went to court to force reapportionment of the assembly, with Memphis resident Charles W. Baker suing the secretary of state, Joe C. Carr. "The pigs and chickens in our smaller counties have better representation in the Tennessee Legislature than the people of Nashville," declared the city's mayor.

The case reached the Supreme Court. Contrary to all previous decisions—and to Justice Felix Frankfurter's warning that the judiciary "ought not to enter this political thicket"—the Court ruled in 1962 that State legislative districts are subject to its judicial scrutiny.

The *Baker* v. *Carr* decision was a bombshell. It spawned similar reapportionment suits in 34 States. So varied were the court interpretations that cases from six States—Alabama, Colorado, Delaware, Maryland, New York, and Virginia—were appealed to the High Tribunal.

Then on June 15, 1964, the nine black-robed men filed into the marbled chambers and handed down their shattering decision. In four cases the voting was 8 to 1; in the other two, 6 to 3. In all cases, the long-established "Little Federal" system was knocked out. Chief Justice Earl Warren justified the decision on the provision of the 14th amendment to the U.S. Constitution which requires that no State shall "deny to any person within its jurisdiction the equal protection of the laws." He wrote: "Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

QUESTION THE WISDOM

There were vigorous dissents to the decision. Justice Potter Stewart noted: "The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, or in any prior decision of this Court, or in the 175-year political history of our Federal Union."

"It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States," said Justice John M. Harlan "People are not ciphers. Legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect where the electors live."

Aroused critics from both political parties questioned the wisdom of the Court's fiat. The Wall Street Journal summed up the feelings of many when it said, "The Court had a chance to bolster our traditions by requiring one house truly on population, and permitting the other on a geographical or other basis to reflect common interests. Instead of stopping with that, its flat threw out institutions painfully wrought by experience and tried to substitute abstract theory."

The House of Representatives was so incensed that it rammed through a bill stripping all Federal courts of the power to hear or review State legislative apportionment cases. The Senate passed a "sense of Congress" with the purpose of asking the courts to go slow in forcing State legislatures to fall into line until the whole matter could be reviewed.

PROBLEMS THAT COUNT

Today, as this momentous issue is debated across the land, every citizen should ponder these points:

1. The Court's decree threatens to spark a chain reaction that may go all the way down to the school-board level. There are 3,072 counties in the United States, and 91,185 local governments. How long will it be before the Federal courts poke into each of these units of representative democracy to take head counts and draw boundary lines? A Michigan court recently told Kent County's Board of Supervisors that it must be reapportioned on a population-only basis. Other suits have been filed in New York and California. Where, exactly, will it end?

"Carry the Court's decision to its logical conclusion," says William S. White, Pulitzer Prize-winning biographer and journalist, "and even the historic and deliberate population imbalance in the U.S. Senate could not in any logic longer prevail." After all Navada's 285,000 citizens elect as may U.S. Senators as do New York's 17 million.

2. The decision will swing the pendulum from legislatures with outdated apportionment and too much rural weight, to legislatures under the raw control of metropolitan vote-getting machines. In 25 States, more than half the population resides in metropolitan areas. In 14 States, three populous counties or fewer will elect more than 50 percent of the legislators.[1] America's sprawling urban areas will call the shots, up and down the land. Chicago will hold sway over Illinois, Detroit over Michigan, Philadelphia and Pittsburgh over Pennsylvania, Phoenix over Arizona, and Las Vegas over Nevada.

The specter of raids on State treasuries by metropolitan-dominated legislatures concerns many. They see pressures mounting for more State funds for urban renewal, relief cases and public housing—with many of the funds being matched by U.S. tax dollars. These spending programs in turn will garner more votes for the city machines. Mayors in some States may soon be far more influential than the governors.

New York is perhaps the most vivid case. Here 38 percent of the population has been able to elect a majority in the Senate, thus protecting certain underpopulated counties of this large State with all its diverse interests. But, under the Court's rule, it is only a matter of time before the New York City metropolitan area, with 63 percent of the State's population, will be completely dominant.

3. Some groups of voters can be wiped out, under a winner take all numerical system. The Court's decision, notes the Christian Science Monitor, "will tend to weaken the complex American system for diffusing power and protecting minorities." For example, under a purely numerical system of redistricting, South Dakota's 30,000 Indians, who live in huge reservations covering entire counties, will lose two State senators who now watch out for their interests.

Representative William M. McCulloch, of Ohio, says: "People have ever-changing problems that sometimes fail to yield to computer logic. Some may be lumbermen, miners, fishermen or farmers. Some may be of one religion or national origin peculiar in need or consideration. Some may direct their needs toward secondary roads or superhighways, while others are more concerned about the rapid transit system. Certainly the majority must have effective rule, but the minority, too, is entitled to effective representation, lest important segments of our people be completely subject to the tyranny of a temporary majority."

Chief Justice Warren himself declared, in 1948, when he was Governor of California: "Many California counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting the representation in the [State] senate to a strictly population basis."

4. The Court's decree is a dangerous intrusion by the Federal judiciary into the political affairs of the States. Hardly was the one-man-one-vote decision announced before lower courts showed how fast and how far they were willing to muscle in on the deliberations of State governments. Just 2 days after the June 15 decision, a U.S. district court directed the Michigan Apportionment Commission to come up with a districting plan in 48 hours. In a Vermont case appealed to the Supreme Court, it was ruled in January that the legislature must decide upon a plan and then disband—even though this defies the State constitution.

In Oklahoma a three-man Federal district court ignored the machinery set up by the State for reapportionment and autocratically undertook to rearrange the States' legislative districts itself. It set up a master plan that was a nightmare of free-floating voting zones and mistakes. Angrily, Oklahoma's Senator Mike Monroney said: "Hasty and ill-advised redistricting formulas promulgated by the courts can result in confusion and inequities. Good local self-government cannot be imposed from above. It must be generated by the poeple themselves."

5. The Court's edict means that the citizens of a State can no longer decide upon their own form of representative government. One of the six States involved in the Court's June 15 ruling was Colorado. Few States have so diligently attempted to work out a method of representation tailored to their own unique characteristics. Since it became a State in 1876, its legislature has been reapportioned five times. In the spring of 1962, citizens' groups gathered to work out a reapportionment amendment that would keep pace with the State's increasing urban growth. They split into two camps. One wanted both houses of the general assembly based on population alone; the other supported a Federal plan, keeping geographic representation in the senate.

Each side took its case to the public. They fought up and down the State with countless speeches, debates, newspaper ads, billboard posters, radio and TV spots. This referendum overshadowed all other election issues in Colorado that year. And the outcome was stunningly clear. The "Federal plan" won by 305,700 to 172,725. It carried every county in the State.

The amendment was challenged; it was upheld by a Federal district court. And then, on June 15, the Supreme Court threw out Colorado's plan. In an amazing statement, Chief Justice Warren said that, because the plan adopted was contrary to the Court's new ruling, Colorado's referendum vote was "without Federal constitutional significance."

There were stinging dissents. Said Justice Tom C. Clark: "Colorado, by an overwhelming vote, has written the organization of its legislative body into its constitution. In striking down Colorado's plan of apportionment, the Court is invading the valid functioning of the procedures of the States, and thereby commits a grievous error which will do irreparable damage to our Federal-State relationship."

Today Colorado's senate has been redrawn to satisfy the Court. But the issue is still being debated. Meanwhile, the voters wonder what, if anything, their ballot is worth, or their State constitution.

WILL OF THE PEOPLE

Only one recourse is left to American citizens who wish to restore our representative system to its original integrity: an amendment to the U.S. Constitution. Today in Congress, and in the States, forces are gathering behind proposals that would:

1. Guarantee the citizens of every State the right to decide for themselves, by one-man, one-vote ballot, the apportionment of their own legislature.

2. Guarantee that this power will not be curtailed or reviewed by any Federal court.

3. Guarantee that one house of each legislature can reflect factors other than population if such apportionment has been submitted to a vote of the people.

This in essence would be the 25th amendment to the Constitution. Whether it is passed in Congress and ratified by the States will depend upon the support it receives from the American people. The stakes are high—as high as the preservation of our Republic.

DR. TELLER CONTINUES TO BE WRONG: LET US DEFEAT CIVIL DEFENSE SHELTER PROPOSAL

Mr. YOUNG of Ohio. Mr. President, throughout the great debate in Congress on the ratification of the limited nuclear test ban treaty, the chief opponent in the scientific community, and practically the only nationally noted scientist to oppose ratification of the treaty, was Dr. Edward Teller.

Personally, I am very proud that the limited nuclear test ban treaty, so patiently and thoroughly sought by President Eisenhower and by President Truman before him, was finally ratified by the Senate during the term of our great late President John F. Kennedy. It will stand as one of the many monuments to his wisdom and determination.

Throughout that time Dr. Teller was wrong in opposing the ratification of this treaty. He direly predicted doom for this Nation were the nuclear test ban treaty to be ratified.

The treaty was ratified by an overwhelming vote in the Senate, and the first step toward permanent peace in this grim period of international anarchy was taken, the first step in a journey of a thousand miles, as it was so eloquently stated by our late great President Kennedy. In years to come historians may look upon the ratification of the limited nuclear test ban treaty as the most important single action taken by the U.S. Senate in this decade. It is certainly our hope and prayer and the prayer of free people the world over that eventually peoples of the world will enjoy permanent peace.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, Dr. Teller was dead wrong in 1962 and 1963. He is wrong now. The nuclear test ban treaty has succeeded. There have been no violations. In fact, our Government has conducted more underground nuclear tests than has the Soviet Union.

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[1] Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Illinois, Massachusetts, Missouri, Nevada, New Hampshire, Rhode Island, Utah, Washington.

Now this prophet of doom, Edward Teller, is highly critical of Government apathy toward the holes in the ground referred to by high salaried civil defense officials as "fallout shelters." He urges that the Federal Government undertake a mass shelter program, which by his own estimate will cost at least $20 billion over the next 10 years. This is a conservative estimate.

Herman Kahn, one of the foremost proponents of fallout shelters, has estimated that a reasonable program might involve a gradual buildup from about $1 billion annually to somewhere in the neighborhood of $5 billion annually. A recent estimate by Prof. John Ullman, chairman of the Department of Management of Hofstra College, would place the cost of an effective civil defense shelter system as high as $302 billion. Regardless of which of the expert opinions is cited, the price tag would be astronomical. Even then, there is no guarantee that a shelter program will be at all effective. With extensive advances being made in rocket and nuclear technology, many shelters would probably be obsolete and utterly useless before completion. One of the scientists now working on advanced weapons technology is reported to have said: "You ain't seen nothing yet compared with what is coming into sight in the way of new weapons."

There is the possibility of more deadly types of warfare for which shelters would offer no protection whatever—chemical and biological warfare. Any nation that would unleash a thermonuclear war would probably not hesitate to use other methods equally as terrifying.

Is the Congress prepared to embark on such a vast gamble and to spend perhaps $200 billion of taxpayers' money? Let us have no illusions. In reality this is what the civil defense planners and alarmists such as Edward Teller are asking us to do.

Anyone who has taken the trouble to look into the matter is aware of the fact that most building owners have ignored or refused requests to provide shelters, and that ordinary citizens have lost interest. During each crisis the get-rich-quick shelter salesmen appear. As soon as the crisis abates and public interest fades completely, they crawl back under the rocks from whence they came.

Communities throughout the Nation are awakening to the fact that thousands of dollars of taxpayers' money have been spent on foolish programs with no tangible results except for the fact that in many instances lush positions at the public trough were provided for ex-politicians and city hall parasites.

Mr. President, there is no shelter building program in Great Britain, France, or in any of the major Western Powers. Reliable observers in the Soviet Union report that there is no fallout shelter program in Russia. Henry Shapiro, dean of the American correspondents in Moscow, wrote:

> No foreigner here has seen any civil defense shelters. The average citizen is unaware of the existence of shelters.

Preston Grover of the Associated Press stated:

> Attachés from embassies who have looked around the country for sign of shelters have found nothing. Foreigners live in many of the newest buildings put up in Moscow, and they have no bomb shelters.

In 1961, the New York Times published a report from Moscow by Harrison Salisbury which stated:

> About 12,000 miles of travel in the Soviet Union by this correspondent in the last 4 weeks failed to turn up evidence of a single Soviet bomb shelter. Diplomats, foreign military attachés, and correspondents who have traveled widely in the Soviet Union report that there is no visible evidence of a widespread shelter program.

Gen. Curtis LeMay and others have said that our protection lies in spending money for offensive and defensive weapons, rather than in preparing to hide in holes, waiting for conquering paratroopers to come.

Mr. President, this year the Congress is being asked to appropriate $200 million to perpetuate this ridiculous shelter scheme. This is twice the amount requested by the President for the Peace Corps; it is 125 times the amount requested for the Commission on Civil Rights; it is 28 times the amount requested for the Small Business Administration.

Wherever and whenever possible our President and we in the Congress should be endeavoring to effect economy in Government without curtailing vital and needed programs both foreign and domestic. In good conscience we should not appropriate anywhere near the huge sum requested for civil defense purposes. To do so would be to make a sham of efforts toward more economy in Government, to encourage waste of taxpayers' money at all levels of Government, and a slap in the face to taxpayers.

Mr. President, the average salary in the Civil Defense Division of the Department of Defense is one of the highest in any agency in the Federal Government—$11,478 a year. Compare with $10,085 for the National Aeronautics and Space Administration, $8,318 for the Small Business Administration, and $8,467 for the Federal Bureau of Investigation—agencies that are performing essential and worthwhile public services.

Out of a total of 991 employees in the Civil Defense Division of the Department of Defense, 481—almost half—are GS-13 or above receiving from $13,336 to $27,000 a year. The remaining 510 are paid from $4,417 to $10,982 a year. Fifty-eight percent of those employed with the Civil Defense Division are classified as professional employees; that is, GS-12 or above. Compare this with 35 percent in the FBI and 37 percent in the NASA. What justification is there for such a high percentage of supersalaried bureaucrats in an agency performing so little service to taxpayers. The civil defense bureaucrats receive the most and do the least of all officials or employees of any agencies or departments in our Federal Government.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. YOUNG of Ohio. Mr. President, these officials and employees do very little for their money except concoct plans and send messages to each other, and think up silly schemes which would accomplish very little except annoy citizens. They make estimates that if thus and so happens, 50 million Americans will be killed. It is said that figures do not lie, but that liars figure. Incidentally, they issue a civil defense booklet on how to live through a nuclear bombing. In it they state:

> If you were near the explosion without adequate protection, you would be seriously affected by the immediate radiation, in addition to being killed.

There is no excuse whatever for the waste of money and personnel for the civil defense agency as now operated. Since its inception it has cost American taxpayers more than one and a half billion dollars with no tangible results whatever.

Mr. President, when I first began my investigation, research and protests against wasteful civil defense spending early in 1959 I was virtually alone in the Congress. Today I know that many of my colleagues share my views. This is evidenced by rollcall votes at various times on efforts to reduce such spending, and by the fact last year we in the Senate succeeded in defeating in committee the civil defense bill passed in the House of Representatives, authorizing an expenditure of $193 million.

I am hopeful that a majority of Senators will agree this year to the urgent necessity for drastically reducing the appropriations for this boondoggle.

THE PRESIDENT'S NEWS CONFERENCE

Mr. MANSFIELD. Mr. President, yesterday the President met with the press in a conference which was covered by TV and radio. His words were widely disseminated throughout the Nation and the world. It is most fortunate that they were because it was an excellent and highly informative interview. The President spoke with detailed knowledge on a great range of subjects. His responses were frank, straightforward, and most informative.

In particular, President Johnson's remarks on Vietnam and other international issues are of exceptional importance. They should be read and reread by all concerned both here and abroad. Once again, he underscored his great desire and continuing quest for a rational peace in Vietnam and southeast Asia. He deplored the violence which prevails there, noting correctly that it is being suffered most not in North Vietnam but in South Vietnam and by Americans as well as Vietnamese.

He made clear that his desire is to see a termination of this violence on all sides and as quickly as possible. To that end, he stressed once again his willingness to enter into unconditional discussions. I would hope that this open door to peaceful settlement will be noted, along with his determination to stay with the situation until the people of Vietnam do have an assured freedom of choice as to their future. Both his words of peace and his determination should be heeded in Hanoi, Saigon, and among all those who are carrying on the warfare in South Vietnam.

I would call attention, too, to the President's expressed aversion to the name-calling and labeling which has accompanied some of the debate and discussion of the Vietnamese question. Discussion in the Senate on Vietnam or any foreign policy issue, as I have noted on many previous occasions, has been and can continue to be useful. The President's comments on this matter in his press conference point the way to their most effective utilization. I quote these words in full:

> I don't believe in characterizing people with labels. I think you do a great disservice when you engage in name-calling. We want honest, forthright discussion in this country, and that will be a discussion with differences of views, and we welcome what our friends have to say, whether they agree with us or not. And I would not want to label people who agree with me or disagree with me.

These words are an approximate answer to those who have taken exception to the immense value—indeed, the vital necessity—to the Nation of free and responsible discussion of all points of view on the Vietnamese situation.

Mr. President, I ask unanimous consent that the text of the President's press conference be included at this point in the Record.

There being no objection, the text of the news conference was ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, Apr. 28, 1965]

Transcript of the President's News Conference on Foreign and Domestic Matters

(Note.—Following is a transcript of President Johnson's news conference in Washington yesterday, as recorded by the New York Times.)

OPENING STATEMENT

Good afternoon, ladies and gentlemen, I am glad to see that you are willing to trade your new comfort in the west lobby for these straightbacked chairs in the East Room.

Today I have somewhat of a conflict of emotions. I wanted to give you due and adequate 3-day notice of a press conference, and at the same time I didn't want to manage the news by holding up announcement of some appointees I have here today. So, we have tried to reconcile the two, and a little later in the statement I want to present to you some men that, over the weekend, I selected to occupy some important posts in Government.

VIETNAM STRUGGLE

We are engaged in a crucial struggle in Vietnam. Some may consider it a small war, but to the men who give their lives it is the last war, and the stakes are high.

Independent South Vietnam has been attacked by North Vietnam. The object of that attack is total conquest. Defeat in South Vietnam would deliver a friendly nation to terror and repression.

It would encourage and spur on those who seek to conquer all free nations that are within their reach. Our own welfare, our own freedom, would be in great danger.

This is the clearest lesson of our time. From Munich until today, we have learned that to yield to aggression brings only greater threats and brings even more destructive war. To stand firm is the only guarantee of a lasting peace.

At every step of the way we have used our great power with the utmost restraint. We have made every effort possible to find a peaceful solution. We have done this in the face of the most outrageous and brutal provocation against Vietnamese and against Americans alike.

Through the first 7 months of 1964, both Vietnamese and Americans were the targets of constant attacks of terror. Bombs exploded in helpless villages, in downtown movie theaters, even at the sports fields where the children played. Soldiers and civilians, men and women, were murdered and crippled, yet we took no action against the source of this brutality—North Vietnam.

When our destroyers were attacked in the Gulf of Tonkin, as you will remember, last summer, we replied promptly with a single raid. The punishment then was limited to the deed.

For the next 6 months we took no action against North Vietnam. We warned of danger. We hoped for caution in others.

Their answer was attack and explosion and indiscriminate murder. So, it soon became clear that our restraint was viewed as weakness; our desire to limit conflict was viewed as a prelude to our surrender. We could no longer stand by while attack mounted and while the bases of the attackers were immune from reply.

And, therefore, we began to strike back.

But America has not changed her essential position—and that purpose is peaceful settlement; that purpose is to resist aggression; that purpose is to avoid a wider war.

I say again that I will talk to any government, anywhere, any time, without any conditions; and, if any doubt our sincerity, let them test us. Each time we have met with silence or slander or the sound of guns, but, just as we will not flag in battle, we will not weary in the search for peace.

So, I reaffirm my offer of unconditional discussions. We will discuss any subject and any point of view with any government concerned. This offer may be rejected, as it has been in the past, but it will remain open, waiting for the day when it becomes clear to all that armed attack will not yield domination over others.

And I will continue along the course that we have set—firmness with moderation, readiness for peace with refusal to retreat.

For this is the same battle which we've fought for a generation. Wherever we have stood firm, aggression has been halted, peace has been restored and liberty has been maintained. This was true under President Truman, under President Eisenhower, under President Kennedy, and it will be true again in southeast Asia.

STEEL AGREEMENT

I want to go now to another subject.

I want to congratulate the negotiators for the steel companies and the United Steelworkers Union on the statesmanlike agreement that they reached yesterday to extend their contract. I hope and I expect that it will be approved by the union's committee tomorrow.

While the settlement reached in steel is only an interim one, I think we can be confident that the final settlement will be a responsible one which fully considers not only the interests of the immediate parties but also the larger public interest.

So far in 1965, our record of wage-price stability remains intact. A survey of the wage increases in more than 600 collective bargains settled so far this year shows that, on the average, the percentage increases were unchanged from the moderate increases agreed on in the same period last year. A number of important settlements were at approximately the level of our guideposts. And this record of private action is most encouraging.

FEDERAL BUDGET

Today I can report to you and to the Nation that our expanding economy will produce higher Federal revenues this year than we estimated to Congress in January.

I can also report that our continuing drive to hold down Government spending will produce lower expenditures this year than we estimated to Congress in January.

As a result, we expect the actual budget deficit for fiscal 1965 to be at least $1 billion below the $6.3 billion estimated last January, when we sent our budget to Congress.

Our expenditures, therefore, will be decreased by approximately $500 million under our estimate, and the revenues collected will be increased approximately $500 million over our estimates.

JOB CORPS CAMPS

I'm pleased also to announce today that the war on poverty is setting 10 new Job Corps conservation camps in nine States. They have run to 87 the number of centers that provide skills and education to our youngsters who are out of school and out of work These new centers will be located in the States of Arizona and Maine and Minnesota and Montana, New Mexico, North Dakota, Ohio, Utah, and Washington.

ADMINISTRATION POSTS

Now, today, I would like to introduce to you some gentlemen that I intend to nominate for new assignments in this administration.

First, Mr. Alan Boyd. He is 42 years of age, he's Chairman of the Civil Aeronautics Board, he's a distinguished lawyer and a very competent public servant. Mr. Boyd will become Under Secretary of Commerce for Transportation, the Senate being willing.

Mr. Warren Wiggins. Mr. Wiggins is 42 years old, with a master's degree in public administration from Harvard. In 1962 he was chosen one of the 10 outstanding men in the Federal Government. He's been with the Peace Corps since 1961. Today I'm nominating him as deputy director of the Peace Corps.

Dr. John A. Schnittker. He's 41 years old, with a Ph. D. from Iowa State University. He's one of the Nation's outstanding farm authorities. He's been director of agricultural economics with the Department of Agriculture. Today I'm nominating him to become Under Secretary of Agriculture.

Mr. Charles S. Murphy. This judicious and able man has served in Government for 21 years under four Presidents. He was President Truman's special counsel in the White House. He has performed with outstanding quality as Under Secretary of Agriculture. Today I'm nominating him to become chairman of the Civil Aeronautics Board.

Gen. William F. McKee. He is a four-star general who was a vice chief of the Air Force and on retirement became special assistant to the administrator of the National Aeronautics and Space Administration. Secretary McNamara has called him one of the most knowledgeable and competent administrators in the Defense Department with skills in research and development and administration, procurement and logistics, and today I'm nominating him to be the new administrator of the Federal Aviation Agency.

Mr. Wilbur J. Cohen. Mr. Cohen is a dedicated career public servant who has served the Government for 26 years as a full-time civil servant and another 5 years as a consultant. Since 1961 he has been an Assistant Secretary of Health, Education, and Welfare. Today I am nominating him for a promotion to become Under Secretary of Health, Education, and Welfare.

Mr. Donald F. Turner. Mr. Turner is 44 years old, a Phi Beta Kappa from Northwestern University. He has a Ph. D. in economics from Harvard and a law degree from Yale. He's been a law clerk to Supreme Court Justice and is widely and favorably known throughout the Nation for his work and writing in the antitrust legal field. He is currently a visiting law professor at Stanford University in California. Today I'm nominating him to become Assistant Attorney General in charge of the Antitrust Division.

Mr. Leonard C. Meeker, who is a career attorney with 25 years of Government service. He is a Phi Beta Kappa from Amherst College. Since 1961, he has served as deputy legal adviser in the State Department. Today I am nominating him to become legal adviser in the State Department.

DOMINICAN CRISIS

We are all very much concerned about the serious situation which has developed in the last few hours in the Dominican Republic. Fighting has occurred among different elements of the Dominician armed forces and other groups. Public order in the capital at Santo Domingo has broken down.

Due to the gravity of the situation and the possible danger to lives of American citizens in the Dominican Republic, I ordered the evacuation of those who wished to leave. As you know, the evacuation is now proceeding. My latest information is that 1,000 Americans have already been taken aboard ships of the U.S. Navy off the port of Haina, 8 miles west of Santo Domingo.

We profoundly deplore the violence and disorder in the Dominican Republic. The situation is grave and we are following the developments very closely. It is our hope that order can promptly be restored and that a peaceful settlement of their internal problems can be found.

DEATH OF MURROW

I have just received the sad news of the passing of Edward R. Murrow. It came to me just a little while ago. I believe that all of us feel a deep sense of loss. We who knew him knew that he was a gallant fighter, a man who dedicated his life, both as a newsman and as a public official, to an unrelenting search for truth. He subscribed to the proposition that free men and free inquiry are inseparable. He built his life on that unbreakable truth. We have all lost a friend.

QUESTIONS

1. Vietnam policy

Question. Mr. President, do you think any of the participants in the national discussion on Vietnam could appropriately be likened to the appeasers of 25 or 30 years ago?

Answer. I don't believe in characterizing people with labels. I think you do a great disservice when you engage in name calling. We want honest, forthright discussion in this country, and that will be a discussion with differences of views, and we welcome what our friends have to say, whether they agree with us or not. And I would not want to label people who agree with me or disagree with me.

2. India border strife

Question. Mr. President, what can you—can you tell us your reaction, or any information you have, on the reports of seemingly intensified fighting between the Indians and the forces of Pakistan, and could this possibly relate or have an effect on the fighting in Vietnam?

Answer. We deplore fighting wherever it takes place. We have been in close touch with the situation there. We are very hopeful that ways and means can be found to avoid conflict between these two friends of our country. I talked to Secretary Rusk about it within the hour, and we are anxious to do anything and everything that we can do to see that peace is restored in that area and conflict is ended.

3. Disarmament talks

Question. Mr. President, today the Soviet Union agreed to a French proposal for a five-power nuclear disarmament conference which would include Communist China as a nuclear power. What would be your attitude to this proposal, sir?

Answer. I have not studied the proposal and was not familiar with the fact that it had been made.

4. Vietnam talks

Question. Mr. President, the only formal answer so far to your Baltimore speech was that by the North Vietnamese Prime Minister, Pham Van Dong, who offered a four-point formula which he suggested was a possible basis for negotiations. My question is: Do you regard the four points as so unacceptable as to be a complete rejection of your offer to begin discussions or are there portions of the four points which interest you and which you might be willing to discuss?

Answer. I think that it was very evident from the Baltimore speech that most of the non-Communist countries in the world welcomed the proposal in that speech and most of the Communist countries found objections to it. I am very hopeful that some ways and means can be found to bring the parties who are interested in southeast Asia to a conference table.

Now just what those ways and means will be I do not know. But every day we explore to the limit of our capacity every possible political and diplomatic move that would bring that about.

5. Chinese volunteers

Question. I wonder, sir, if you could evaluate for us the threat that's been posed by Red China to send volunteers into Vietnam if we escalate the war further?

Answer. We have read their statements from time to time and the statements of other powers about what they propose to do. We are in close touch with the situation and that's all I think I would like to say on that matter.

6. War on poverty

Question. Mr. President, there's been some criticism at the local level in this country of your war on poverty and one of the chief complaints is that the local community action groups do not represent the poor. Have you found any basis for this criticism and do you feel that criticism such as this could have a demoralizing effect on the overall program?

Answer. Yes, I think that there has been unjust criticism, and unfair criticism, and uninformed criticism of the poverty program even before Congress passed it.

Some people opposed it every step of the way, some people oppose it now. I don't know of any national program in peace time that has reached so many people so fast and so effectively.

Over 16,000 Americans have already volunteered to live and work with the Peace Corps domestically. A quarter of a million young men have joined the Job Corps. Every major city has developed poverty plans and made applications for funds. Three hundred States and city and county community action programs have already received their money. Forty-five thousand students from needy families are already enrolled in 800 colleges under the work program.

More than 125,000 adults are trainees in adult education on the work experience program.

We will have difficulties, we will have politicians attempting to get some jobs in the local level; we'll have these differences as we do in all of our programs. But I have great confidence in Sargent Shriver as an administrator and as a man. And I have great confidence in the wisdom the Congress displayed in passing the poverty program and I think it will be one of the great monuments to this administration.

7. U.S. prestige

Question. Mr. President, is it true that the United States is losing rather than making friends around the world with its policy in Vietnam—sort of a falling-domino theory in reverse?

Answer. I think that we have friends throughout the world. I'm not concerned with any friends that we've lost. Following my Baltimore speech, I received from our allies almost universal approval.

Our enemies would have you believe that we are following policies that are ill-advised, but we are following the same policies in Asia that we followed in Europe, that we followed in Turkey and Greece and Iran. We are resisting aggression, and as long as the aggressors attack, we will stay there and resist them, whether we make friends or lose friends.

8. Voting rights bill

Question. Mr. President, your voting rights bill is moving toward completion in the Senate this week. Do you think that the proposal—the amendment to abolish the poll tax would make this unconstitutional? Do you think it would damage the passage of the bill in the House? And what do you think about it generally?

Answer. I think that that is being worked out in conferences they're having today and they will have in the next few weeks. I have always opposed the poll tax. I am opposed to it now. I have been advised by constitutional lawyers that we have a problem in repealing the poll tax by statute.

For that reason, while a Member of Congress, I initiated and supported a constitutional amendment to repeal the poll tax in Federal elections. I think the bill as now drawn will not permit the poll tax to be used to discriminate against voters, and I think the administration will have adequate authority to prevent its use for that purpose.

I have asked the Attorney General, however, to meet with the various Members of the House and Senate who are interested in this phase of it and, if possible, take every step that he can within constitutional bounds to see that the poll tax is not used as a discrimination against any voter, anywhere.

9. Critics of bombing

Question. Mr. President, a number of critics of your Vietnam policy say they support our presence in South Vietnam but do not support the bombing raids to the north. I wonder if there is anything you can say to them and what you can say on any conditions that might arise under which you feel the raids could be stopped?

Answer. I said in my opening statement that we went for months without destroying a bridge, or an ammunition depot, or a radar station. Those military targets have been the primary targets that we have attacked. There's no blood in a bridge made of concrete and steel.

But we do try to take it out so that people cannot furnish additional troops and additional equipment to kill the people of South Vietnam and to kill our own soldiers.

There are not many civilians involved in a radar station. But we do try to make it ineffective so that they cannot plot our planes and shoot our boys out of the skies. There are not many individuals involved in an ammunition dump. But we have tried to destroy that ammunition so it would be exploded in North Vietnam and not in the bodies of the people of South Vietnam or our American soldiers.

We have said time and again that we regret the necessity of doing this. But as long as aggression continues, as long as they bomb in South Vietnam, as long as they bomb our sports arenas and our theaters and our embassies and kill our women and our children, and the Vietnamese soldiers—several thousand of whom have been killed since the first of the year—we think that we are justified in trying to slow down that operation and make them realize that it is very costly and that their aggression should cease.

I do sometimes wonder how some people can be so concerned with our bombing a cold bridge of steel and concrete in North Vietnam but never open their mouth about a bomb being placed in our Embassy in South Vietnam.

The moment that this aggression ceases, the destruction of their bridges and their radar stations, and the ammunition that they use on * * *.

10. Shastri visit

Question. Mr. President, on your cancellation of the Ayub and Shastri visits, some of your critics have said that the reasons for your postponement were sound, but the abruptness of it left millions of Asians angry at this country. Is anything being done to correct that impression on their part?

Answer Well, first of all, I would not assume many parts of your statement. First, we didn't cancel it, so that's the first error that the critics have made. We feel very friendly toward the people of India and the Government of India, toward the people of Pakistan and the Government of Pakistan. I have spent some time in both of those countries.

I've had the leaders of those countries visit me in this country, and visit in my home. I have before the Congress now recommendations concerning the peoples of those countries, and how we can work together to try to achieve peace in the world.

I said, through the appropriate channels, to those governments that I had had some 8 or 9 visitors already the first 90 days of this administration, that the Congress was hopeful that it would get out of here early summer, that we had approximately 75 top important measures that we were trying to get considered and passed, 1 of which vitally affected that part of the world, and that I could be much more communicative and could respond much more to their suggestions and to their recommendations on the future of India and their 5-year plan and Pakistan and their plan if our visit could follow the enactment of some of these bills instead of precede them, because if they preceded them, I could not speak with authority—I would not know what the Congress would do.

We will spend—we have spent, oh, in excess of $10 billion in that area, and this year we will propose expenditures of more than $1 billion. But if the Congress said "No" to me, and didn't pass the foreign aid bill or materially reduced it, I would have made a commitment that I could not support.

So I said that if you would like to come now, in the month of May or June during this period, we can have a visit, but we will not be able to be as responsive as I would like to be if you could come a little later in the year.

And I've been host a few times in my life, and when you put things that way, most people want to come at the time that would be most convenient to us—to the host—and would be most helpful to them. And we communicated that to the appropriate people, and the answer came back that they would accept that decision.

Now I think it was a good decision in our interest, and I think it was a good decision in their interest, and I'm very sorry that our people have made a good deal of it.

But the provocation of the differences sometimes comes about, and I regret it, and so far as I know, it's a good decision and a wise one and one that I would make again at tho moment.

11. Nuclear weapons

Question. Mr. President, there were—in light of the new reports that came over the weekend, I wonder if you could clarify for us your position concerning the possibility of the use of nuclear weapons in southeast Asia?

Answer. Well, first of all, I have the responsibility for decision on nuclear weapons. That rests with the President. It is the most serious responsibility that rests with him. Secretary McNamara very carefully and very clearly in his television appearance yesterday covered that subject thoroughly and, I think, adequately, and there's not anything that I could really add to what he said.

I would observe this, that I've been President for 17 months, and I have sat many hours and weeks with the officials of this Government in trying to plan for the protection and security of our people, and I have never had a suggestion from a single official of this Government or employee of this Government concerning the use of such weapons in this area.

The only person that has ever mentioned it to me has been a newspaperman writing a story, and each time I tell him, please, get it out of your system—please forget it. There's just not anything to it. No one has discussed it with us at all. And I think that when Secretary McNamara told you of the requirement yesterday, and that no useful purpose was served by going into it further, I thought it had ended there.

12. Charge by Hanoi

Question. Mr. President, the North Vietnamese today, sir, say that in a raid on Sunday the United States and South Vietnam used what they called toxic chemicals. Now can you tell us, sir, what they might be talking about?

Answer. I wouldn't know. I frequently see statements they make that we never heard of, and I don't know about the particular report that you mention.

13. Troops in Vietnam

Question. Mr. President, are there—could there come about, as you now see the situation in Vietnam, could there be circumstances in which the—which large numbers of American troops might be engaged in the fighting of the war rather than in the advising and assistance to the South Vietnamese?

Answer. Our purpose in Vietnam is, as you well know, to advise and to assist those people in resisting aggression. We are performing that duty there now. I would not be able to anticipate or to speculate on the conduct of each individual in the days ahead.

I think that if the enemy there believes that we are there to stay, that we are not going to tuck our tails and run home and abandon our friends, I believe in due time peace can be observed in that area.

My objective is to contribute what we can to assist the people of South Vietnam, who have lost thousands of lives defending their country and to provide the maximum amount of deterrent with the minimum cost. They have lost thousands of people since February. We have lost some 40 to 50 people of our own. We could not anticipate in February whether we'd lose 50 or whether we'd lose 500.

That depends on the fortunes and the problems of conflict. But I can assure you that we are being very careful, we're being very studious, and we're being very deliberate—that we're trying to do everything we can within reason to convince these people that they should not attack, that they should not be aggressors, that they should not try to follow—swallow up their neighbor, and we are doing it with the minimum amount of expenditure of lives that we can spend.

14. Steel productivity

Question. Mr. President, labor, and management in steel have different versions of what their increase in productivity is. Can you tell us what your advisers figure this is and whether you think a settlement in excess of 2.7 percent of the interim agreement would be acceptable?

Answer. I don't want to pass on—we have laid down the guideposts, they're well acquainted with them, both management and employees. They have had very responsible negotiations.

We are very pleased with the outcome of those negotiations. We anticipate that they will be confirmed by both parties very shortly, and we believe between now and the September deadline that we will have an agreement.

I don't think that I've ever observed a period in the life of free enterprise in this country when American labor and American business have been more responsible and have been more anxious to work with this Government in maintaining full productivity, and I expect that that will come about.

Question. Thank you, Mr. President.

Mr. LONG of Louisiana subsequently said: Mr. President, I wish to applaud the strong stand of the President as it concerns the position of this Nation in Vietnam. The President made it clear that we are in Vietnam to resist aggression, that we are there to help a friendly government protect itself against subversion and aggression from without.

We wish to see that the Government of North Vietnam keeps its pledged word under the Geneva agreement which it signed, an agreement which that Government has violated in many ways.

It is costing this Government the lives of many American fighting men to assist a friendly power. Let me point out to those who do not seem to be aware of it, that the friendly Government of South Vietnam is doing the fighting there, that only a small portion of the fighting is being done by American troops. We have approximately 30,000 troops in that area. There are approximately 500,000 South Vietnamese troops fighting in the area. In other words, South Vietnam has approximately 15 men fighting against communism for every man the United States has there to assist that friendly power. In addition, our friends who are doing the fighting have done a rather good job of it. The estimate I saw was that approximately 89,000 Vietcong and North Vietnamese invaders have been killed by the forces of South Vietnam which has not sustained nearly so many casualties as the Vietcong and the North Vietnamese invaders. It has been estimated that approximately one South Vietnamese has been killed in battle, or missing, for every three Vietcong killed. The last figures I saw indicate that the kill ratio in battle for the fighters whom we are supporting in South Vietnam in recent weeks is approximately six Vietcong killed for every South Vietnamese lost.

On that basis, it appears that the enemy has lost approximately 200 men for every 1 American lost in the defense of freedom against communism.

Mr. President, if we have to run up the white flag and surrender to a small backward Communist power of 19 million people when the enemy is suffering casualties 200 times as great as ours, then this great Nation of over 190 million will be a far cry from what it has been in my time.

I notice that the present Presiding Officer in the chair is the new Senator from the State of South Carolina [Mr. Russell], who was on the "Today" program this morning. He made an excellent presentation, for one who has not had an occasion to study the question at the Washington level because he was discharging his responsibilities as Governor of South Carolina. He showed an understanding of the problem. He stated what I believe to be the case in Louisiana, that the people in our State are behind the President in his efforts to resist Communist subversion and aggression.

We applaud the President for the position he takes, that we will not surrender to communism, that we will meet force with greater force, that we will use such force as may be necessary, that we are not going to let Communist aggressors and Communist revolutionaries overthrow friendly powers by means of brutality, murder, kidnaping, assassination, or whatever device along that line happens to fit their methods.

The President stated quite clearly that this Nation is willing to negotiate. My impression is that every diplomatic channel available to us has been used to inform both the powers of Hanoi, Peiping, and Moscow that we are ready to negotiate at any time, on any honorable and reasonable basis; but that we are not prepared to surrender. We intend to strike them when they strike us, that when they undertake to attack Americans, to attack our ships at sea, to blast down our barracks and assassinate our people, we expect to strike them with whatever means are available to us and which seem appropriate to use under particular circumstances.

Mr. President, it is my understanding that the text of yesterday's news conference by President Johnson has already been placed in the Record by the majority leader. I recommend his statement on Vietnam to my colleagues and to all Americans as a clear, unequivocal, easily understood declaration of U.S. policy in Vietnam.

THE WAR IN VIETNAM

Mr. HARRIS. Mr. President, repeatedly I have made it clear on the floor of the Senate that I want to stand as a part of the solid phalanx of Members of the Senate and the people of the country who offer prayers and support for President Johnson as he deals with the delicate, grave, and troublesome problems of southeast Asia and South Vietnam.

I would first observe that those who look for immediate and dramatic solution to the "South Vietnam problem" or the "southeast Asia problem" by negotiation or unilateral action by the United States, whether it be the strategic bombing of cities or the withdrawal of our forces and a cessation of the present bombing of military targets, look in vain. History shows that in international relations, as in human relations, serious problems are seldom lastingly solved in one fell swoop.

We must prepare for a long period ahead when our perseverance and continuing interest in the peoples of southeast Asia will be required if their economic, social and political rights as individuals are to be allowed to flourish and develop, free from external aggression and internal terrorism and unrest.

While we are deeply motivated by a national sense of compassion and humanity, we must nevertheless continue to recognize that our own interests are involved in South Vietnam; that our power and prestige have been committed there by three Presidents; that those in that area who seek to build their own future free of Communist domination are watching closely to judge how valid our commitment to them is in the light of how we respond to our obligations to South Vietnam.

History clearly shows that aggression, even in that tiny and remote area of the world designated South Vietnam, threatens the peace and security of our country and of the world.

History clearly teaches that unchecked aggression builds and feeds on itself and is reproduced and duplicated until stopping it requires a much greater cost in lives and treasure than if resistance had first been made.

Furthermore, almost no one now faults President Truman for his momentous decision, following World War II, under the courageous Truman doctrine, to aid Greece, for example, to stabilize its political independence and its resistance to Communist domination, by helping it to quell Communist guerrilla activities within its borders, activities which were aided and abetted externally.

The case of aggression in Vietnam is even more flagrant. Let no one say that this country is more interested in Europe than in Asia. Let it be known that this country is as interested in the peoples of Asia as it is in the peoples of Europe.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial entitled "L.B.J.'s Appeal for Viet Peace," published in the San Francisco Chronicle in April 1965.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the San Francisco Chronicle, Apr. 1965]

L.B.J.'s Appeal for Viet Peace

The transcendent sincerity and earnest good will of Lyndon Johnson are qualities which show through the TV screen on occasions like the Johns Hopkins speech on Vietnam Wednesday night. Many confused Americans who had been wondering darkly what the President was really up to in southeast Asia, suddenly found themselves swept along with the Johnson dream of a Great Society along the Mekong.

Such is the measure of a great speech, that it can convert doubts into conviction and cross purposes into purposeful new directions. This timely, indeed overdue, address reached occasional peaks of eloquence and conveyed the impression that our intentions in Vietnam are both humane and plausible. Undoubtedly almost every American who heard or read it was filled with renewed hope that somehow the President's offers—of "unconditional discussions" and of a billion dollars for southeast Asia's development program—will promptly bring negotiators to a table where peace with honor can be agreed to.

For unquestionably, the American people want to get detached from the interminable conflict that has been going on almost without interruption in Indochina since the early 1940's. Yet at the same time, most would heartily support the President in refusing to abandon South Vietnam, "this small and brave nation," to its enemy.

Our objective is the independence of South Vietnam and its freedom from attack, said the President, and he wishes it were possible to "convince others with words of what we now find it necessary to say with guns and planes," namely, that armed hostility is futile because our resources are equal to any challenge. Once this is clear, there could be many ways to peace through "unconditional discussions" with the governments concerned; in large groups or small ones; in the reaffirmation of old agreements (the Geneva agreement of 1954?) or in new ones that strengthen the old.

This constitutes an offer, and it is clearly his hope that those who threaten South Vietnam's independence, i.e., "the leaders of North Vietnam," will respond to it. If they do respond, a mighty aid program beneficial to all countries of southeast Asia, including North Vietnam, will be set in motion.

However the Communist powers may react, and that will probably not become clear for some time, the President's speech has very effectively impressed the British, the Canadians and the French, whose support we certainly need; and it has earned the warm approbation of Secretary General U Thant of the United Nations, whose good offices were only recently being rather summarily rebuffed by the State Department.

The prestige and good name of America have been rescued and repaired, we hope and believe, by the President's performance.

Mr. HARRIS. Mr. President, while the hope expressed in the editorial that the response from the other side would be favorable to the President's call for "unconditional discussion" has not thus far materialized, nevertheless, the editorial calls to mind again, in the midst of public dialog on this subject, that President Johnson has no policy in southeast Asia other than peace and stability, and that his speech at Johns Hopkins University brought recognition of that fact here and abroad.

Each of us should be careful to note in our remarks that our goal is peace; and that President Johnson has clearly declared how it may be achieved.

Each of us should recognize that he who takes risks now in order to achieve a just and lasting peace is no less a peacemaker than he who advocates peace immediately but with no assurances against having to defend or enforce it later at a much greater price.

THE NEW EDUCATION BILL

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "The New Education Bill," written by W. Barry Garrett, associate director of the Baptist Joint Committee on Public Affairs, Washington, D.C.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baptist Messenger, Apr. 22, 1965]

THE NEW EDUCATION BILL

(By W. Barry Garrett, associate director, Baptist Joint Committee on Public Affairs, Washington, D.C.)

The Elementary and Secondary Education Act of 1965 has passed the House of Representatives and the Senate of the U.S. Congress by overwhelming majorities. The bill has been signed by the President and is now the law of the land.

Much confusion is abroad about the bill. This brief question and answer article will attempt to clarify some of the misunderstandings about it.

Question. What are the provisions of the bill?

Answer. It extends the federally impacted area aid program for another 2 years. In addition it does the following:

1. It authorizes $1.06 billion for public school agencies for the education of children of low-income families.
2. It authorizes $100 million to State public education agencies for school library resources, textbooks, and other instructional materials for children and teachers in public and private elementary and secondary schools.
3. It authorizes $100 million to public school agencies for the creation of supplementary educational centers and services available to all the schoolchildren in a community.
4. It authorizes $100 million to be allocated by the U.S. Commissioner of Education to universities, colleges, and other public and private research agencies to develop educational research and training.
5. It authorizes $25 million for grants to States to strengthen State departments of education.

The total of these authorized appropriations is $1.385 billion.

Question. Does the bill give aid to parochial schools?

Answer. The bill does not authorize any grant of funds or provide for services to private schools. All of the appropriations for elementary and secondary education are to public agencies.

Question. Does the bill give aid to parochial school pupils?

Answer. Yes. If the private school has children from poor families ($2,000 or less annual income) the public school that receives aid from this bill must provide them "special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment)" in which private school pupils can participate.

Other aids to private school pupils are school library resources, textbooks and other instructional materials. The supplementary educational centers and services are also available to all school children in a community.

Question. Through what channels or agencies will these aids be available to private school pupils?

Answer. Only through public agencies. The bill requires that the local educational agency will maintain administration and control of the programs available to private school children. It also assures that the title to any property constructed or purchased shall be in a public agency and that a public agency will administer the funds and property for public educational purposes.

According to the report of the Committee on Education and Labor, under the provision for library resources, textbooks and other aids available to all school children, the bill assures that the funds "will not enure to the enrichment or benefit of any private institution" by the following:

1. Library resources, textbooks and other instructional materials are to be made available to children and teachers and not to institutions.
2. Such materials are made available on a loan basis only.
3. Public authority must retain title and administrative control over such materials.
4. Such material must be that approved for use by public school authority in the State.
5. Books and material must not supplant those being provided children but must supplement library resources, textbooks, and other instructional materials to assure that the legislation will furnish increased opportunities for learning.

For the supplementary educational centers and services the grants are made to a public education agency, the property is in a public agency and the program is administered by the public agency.

Question. Why is there such widespread belief that the new education bill gives aid to parochial schools as well as to public schools?

Answer. There are at least four clear reasons for this confusion. First, the bill approaches education aid on a new basis. It is a poverty bill as well as an education bill, and it is aimed at children rather than institutions. This shift from the traditional thought patterns of education is not quickly made by those who have thought only of aid to schools.

Second, the news media are not always precise in the language used in reporting. In efforts to simplify complicated matters and to shorten lengthy explanations it is easy to use misleading terminology. Such efforts have resulted in a misrepresentation of the bill in some instances.

Third, some of those who are opposed to Federal aid to education have sought to use the religious issue to defeat the bill. When it was evident that all other tactics were failing, the opponents attempted to sidetrack it by the charge it provided aid to parochial schools. They did not succeed in convincing the religious leaders, the education leaders, or the political leaders of the Nation.

Fourth, the administration of the act will require private schools to cooperate with public schools to some extent if their pupils are to receive their aids. In some instances they may create community tensions and abuses if either the school board or the private school interests press for undue advantage.

Question. What has been the position of the Baptist Joint Committee on Public Affairs on the new education bill?

Answer. The Baptist Joint Committee on Public Affairs neither endorses nor opposes Federal aid to education. Neither can nor does the committee attempt to speak for all Baptists on such issues.

However, the Baptist agency played an important role in this legislation. From the first it was evident that Congress would pass an education bill this year. The problem was to get the best bill possible from a church-state viewpoint. The executive director of the committee, C. Emanuel Carlson, testified at hearings before the Senate and House Subcommittees on Education. He made many constructive suggestions for the improvement of the proposed bill to safeguard the principles of religious liberty and separation of church and state.

Question. Will there be church-state problems arising in the administration of this bill?

Answer. No doubt there will be. These will be problems, however, that arise largely on the local and State levels. This will shift much of the debate on church-state relations in education from Washington out to the communities where the decisions will be made and the policies worked out. In cases where obvious abuses arise, it may be necessary for complaints to be taken to the courts, if community dialog and efforts toward acceptable practices fail.

Many of the possible abuses, however, may be eliminated by the administration regulations that will be worked out by the Office of Education of the U.S. Department of Health, Education, and Welfare. Legislation cannot foresee or provide for every possible situation that might arise. Sound public policy, sensible public administration, and devotion to constitutional principles can solve many of these problems even before they arise.

THE UNITED NATIONS AND VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The U.N. and Vietnam," which was published on April 4 in the New York Times.

Of particular interest to all of us are the numerous references in the editorial to the recent speech on this subject by our esteemed and beloved colleague, Senator AIKEN, of Vermont. I believe the editorial will be of interest to Members of the Senate and to other readers of the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE U.N. AND VIETNAM

The administration's attitude toward United Nations action on Vietnam seems ambivalent, to say the least. A few days ago Assistant Secretary Harlan Cleveland spoke favorably of United Nations aid in opening Vietnam negotiations and in policing an ultimate settlement. The next day the State Department took pains once again to deny that it was encouraging Secretary General Thant to play any role.

Washington's strange course not only makes it difficult for the United Nations to help, but downgrades the world organization. It compounds the damage the State Department inflicted on the U.N. last winter by its tactics on the Soviet debt issue. Those tactics—as Senator AIKEN, the dean of Senate Republicans, pointed out a few days ago—have weakened the United Nations just when its help is badly needed in southeast Asia.

"International events of recent weeks," the Vermont Senator said, "seem to have overwhelmed the capacity of this Government for affirmative action, except in the military field." His trenchant comments on the U.N.'s peacekeeping role—and on Washington's efforts to force Moscow and Paris to pay for operations of which they disapproved—received the immediate endorsement of Majority Leader MANSFIELD. They deserve serious attention.

The American attempt to force the Russians to pay up or lose their General Assembly vote under article 19 of the U.N. Charter "collapsed like a punctured balloon," Senator AIKEN said—and not simply because a majority of the member nations were reluctant to go along. The main reason, in his judgment, was that the United States, after taking a tough line, backed away from a winning vote. It did so not only for fear of a Soviet withdrawal, but because such a vote would have set a precedent contrary to American national interests.

"The United States now recognizes," Mr. AIKEN said, "that if it were in the position of the Russians or the French, it would probably react in the same way * * * [the United States] is unwilling and unable to force the United Nations to abide by article 19 * * * [because it] is not willing to have article 19 applied to itself when its vital interests are involved."

What both Senators AIKEN and MANSFIELD were getting at was the explosion of new nations that has more than doubled U.N. membership to a present 114. A decisive two-thirds vote in the Assembly could now be made up of countries which possess only 10 percent of the U.N.'s population and pay less than 5 percent of its budget. As a result the United States shares the Soviet desire to increase the role of the Security Council, where the major nations possess a veto.

The real issue behind the financing of peacekeeping operations, as Senator AIKEN points out, "involves the readjustment of power and influence between the greater powers and the lesser nations rather than a struggle between the Soviet bloc and the West."

There is a problem of U.N. solvency—$110 million is needed to save the world organization from bankruptcy. And there is a need to work out new methods of authorizing and financing future peacekeeping operations. There is also a need for a Soviet financial contribution, which Moscow has acknowledged. But there is no need to force the U.S.S.R. to comply with article 19 by paying the exact sum Washington says—and Moscow denies—it owes.

As Senator AIKEN observed, President Johnson now "has a magnificent opportunity to put the United States back into the lead in international diplomacy by putting the United Nations back into business." And his first move should be to "instruct his representative to the United Nations to reconcile our position with the Soviet and French position on the assessment of members for peacekeeping functions—a view which may shock some, but a position which would definitely be in our own national interest * * * article 19 is dead as a doornail anyway."

It is essential to move now not only in the long-term interests of the United Nations but precisely because a vigorous U.N. could play a vital role in extricating the United States and the two Vietnams from their present tragic predicament.

EDWARD R. MURROW

Mr. JACKSON. Mr. President, I am saddened today because of the passing of Edward R. Murrow, a close personal friend of mine and a man who established standards of excellence in the broadcasting industry.

We of the State of Washington felt particular pride in the accomplishments of Ed Murrow. He was raised in our State, moving to Skagit County, Wash., from North Carolina when he was 4 years old. He attended our local public schools. He received a college education—with honors—at Washington State College at Pullman, where he was also president of the student body.

Ed Murrow received more than a formal education in Washington. He developed the toughness, the spirit, and the vitality for his great career by working in the logging camps of northwestern Washington. He earned money for college by operating a locomotive in the forests and by working as a compassman and topographer for timber cruisers.

All Americans of the day will remember his "This is London" reports of the bombing of Great Britain. When Germany invaded Austria, Ed Murrow chartered a plane and was in Vienna to report the Nazi march into that city in 1939.

He was never far from a microphone during the remainder of World War II. On rooftops he described the air raids in London. He once reported the bombing of the building from which he was broadcasting. He traveled on 25 missions over Germany bringing the accounts of these raids to Americans at home.

Ed Murrow went on to one of the finest careers in news broadcasting. He later served with distinction as the Director of the U.S. Information Agency under Presidents Kennedy and Johnson.

Ed Murrow was a courageous reporter. He was a man of integrity, reporting the news without fear or favor. A pioneer in a young industry, he exhibited the principles of fairness and honesty.

From the lumber camps of the Northwest, he rose to become a man of world prominence. People everywhere mourn his passing, but we of Washington State have particular sorrow on this day.

ADM. WILLIAM F. RABORN, NEW DIRECTOR OF CENTRAL INTELLIGENCE AGENCY

Mr. JACKSON. Mr. President, Adm. William F. Raborn was today sworn in at the White House as Director of the Central Intelligence Agency.

I have known and worked with Admiral Raborn for many years. He has served his country well. He was decorated for gallantry in action in the Pacific in World War II. He received the Distinguished Service Medal for his remarkable achievement in directing the Navy's development of the Polaris missile system. It is a testimony to the magnitude of his contribution in this field that the Polaris system has become an integral part of our deterrence shield—indeed, nowadays, we almost take it for granted—barely 10 years after the program got underway under Admiral Raborn's direction.

Admiral Raborn possesses managerial skills and leadership abilities of the highest order, and he tempers them with broad experience and a keen sense of humor. Criticized sometimes for operating with too small a staff, he has answered:

> I can get more out of one overworked man than two underworked ones.

He is a popular leader who runs a tight ship and accomplishes his missions. I am completely confident that his deep knowledge, his rich experience, and his capacity for service qualify him to be an exceptionally able chief of our intelligence operations.

I should also like to point out, Mr. President, that Admiral Raborn will be assisted in his formidable responsibilities by Mr. Richard M. Helms, the new Deputy Director of the CIA. Mr. Helms has distinguished himself, in his 18-year career with the Agency, as a man of good sense, sound judgment, and exceptional ability. I know that he will be an effective and energetic Deputy to the new Director.

Mr. President, I wish also to add that the Central Intelligence Agency is losing a fine Director. John McCone is stepping down after serving the Nation for 3½ years as CIA Chief. His appointment in 1961 to this most sensitive post occasioned no little controversy. But the skill and dedication of his service have silenced even the most hostile of his critics.

As a member of the Joint Committee on Atomic Energy and Armed Services Committee, it was my privilege to work with John McCone and to know him well. He served on President Truman's Air Policy Committee in 1947–48; and, as Under Secretary of the Air Force in those troubled years 1951–52, he played a key role in stepping up war plane production for the Korean conflict.

President Eisenhower appointed him Chairman of the Atomic Energy Commission in 1958, and his service was distinguished by a spirit of fruitful cooperation between the Commission and the Congress. Then, in 1961, President Kennedy—looking for a man with wide experience and proved judgment, turned to Mr. McCone to take on one of the most critical posts in our Government—head of the Central Intelligence Agency. When President Johnson took office, he continued to rely on Mr. McCone in this most difficult and delicate task.

In this long career—serving four Presidents—John McCone has consistently demonstrated unusual energy and administrative ability, a clear and forthright intellect, and a keen awareness of the threats to our national security. He is motivated by a deep-seated desire to serve his country. He stands in the great tradition of the Stimsons, the Forrestals, and the Lovetts—those outstanding private citizens who responded to the call of public duty when the Nation was in need. Our system of government uniquely depends upon the contributions of such distinguished citizens.

We shall miss Mr. McCone. We wish him good health and good fortune as he leaves high office and returns to private life.

We look forward to working with Admiral Raborn and Mr. Helms. We wish them the best of luck in the heavy responsibilities which they have undertaken.

MANPOWER DEVELOPMENT AND TRAINING ACT SIGNING

Mr. CLARK. Mr. President, last Monday at the White House, I had the pleasure of attending the ceremony incident to the signing of the Manpower Development and Training Act.

At that time, the President made some remarks on the problems of unemployment and manpower training, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF THE PRESIDENT UPON SIGNING THE MANPOWER DEVELOPMENT AND TRAINING ACT, APRIL 26, 1965

Members of the Cabinet, Members of the Congress, ladies and gentlemen: Several weeks ago I was privileged to sign the educational legislation that was enacted so promptly by this hard-working Congress. As I said at that time, I believe that the education bill will be the most important measure that I shall ever sign into public law.

This legislation before me this morning is a wise and necessary companion to our efforts in the educational field.

The manpower development and training program has already proved itself decisively with a most impressive record.

In 3 years, training has been authorized for 340,000 individuals. Another 67,000 have been made employable through special projects helping them overcome what would otherwise be lifetime handicaps.

I was in South Carolina last week and the then distinguished former Governor of that State told me he had in training some 7,000-odd trainees, and of those 7,000-odd that had finished their training he had already secured jobs for more than 5,000 of them.

At a nation, much of our strength comes from our dedication to wise and prudent policies for conserving our resources, but the most valuable of these are human resources. By this program we are rejecting the wastage, and the erosion, and the loss of human talent and human ability.

So, I am very pleased that this program has worked so remarkably well. We have reached down into the ranks of the hard core of unemployed and we have given men and women training to equip them for useful and productive jobs. The results thus far show that three-fourths of those trained have found employment—three-fourths of the total number of people who are tax eaters have now become taxpayers.

If this program is to work successfully it requires, as do all of our efforts, the support and the cooperation particularly of business, of labor, of every department of the Federal Government, and of all of our communities throughout the Nation.

We must make certain that there are jobs which graduates of this program can fill. I am determined as President that this administration will make every possible effort to assure such jobs. We have a Cabinet Committee of the highest level devoting their efforts to this end. This Cabinet Committee is chaired by the distinguished Vice President, who for many years has showed his concern for human resources. Along with him sit the Secretary of Labor, Mr. Wirtz, and the Secretary of Commerce, Mr. Connor.

Because of the huge number of employers that they deal with, I am asking this morning Secretary McNamara and Mr. Webb to join this committee, to visit some of these training programs, to interview some of the trainees, to relay this information to contractors with whom they deal, and to attempt to formulate with this Committee key programs for certain types of training where the graduates can fit into the contractors employment pattern.

We have had some very good economic news the first quarter of this year, and some particularly good news on the employment front But summer is just ahead of us, and hundreds of thousands of young people will be out of school and again they will be looking for jobs.

So I hope to appeal to every employer in this country, private and public, to take the time to apply effort and imagination and responsible civic spirit to the task of bringing into being the jobs that we need to fill the needs of our society.

America has always been the land of opportunity and we must make sure that this is a fact and not just a slogan. This vital extension of the Manpower Development and Training Act, which the Congress has so wisely and so promptly acted upon, is one such effort. But this effort must be made by all of us in every segment, in every section, in every city throughout the Nation.

So I congratulate the Congress on its prompt and prudent action on this measure. I particularly thank those here with me this morning who have been the mainstays of this program, who have been the wheelhorses, who have led the way to what we find before us today. And I am especially pleased that this bill reaches me this early in the session before the end of April. If we hold to this pace, maybe all of us will get to spend the last half of the year out with the people that we mutually serve, talking to them, listening to them, setting our course to serve their aspirations more fully.

For myself, I intend to visit some of these retraining operations in the various States. I intend to ask some of the Cabinet Committee, and some of the authors of the legislation and members of the committee who have made this possible, to go with me.

I know that the Vice President will do likewise and will give particular attention to a coordinated program with employers that will result in their helping to plan the project and will result in their being ready to fill requisitions for trainees as soon as they have completed their course.

This is a pleasant experience for me, and this is a good day, I think, for all America, because the people who have heretofore been denied jobs because of lack of training now will have an opportunity to get the training that they need so much, and the jobs that they want so much.

VIETNAM

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD what I consider to be a most able and incisive article published in yesterday's Washington Post, written by the distinguished columnist Walter Lippmann, and entitled "The Unfinished Debate," together with an editorial published in the Washington Post of April 26, entitled "Anguish of Power," on which Mr. Lippmann commented in his column.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 27, 1965]

THE UNFINISHED DEBATE

(By Walter Lippmann)

In my experience the President has never deluded himself by indulging in any wishful thinking about how the war is going in Vietnam or how the American people are feeling about it. When he tells visitors that "the ice is very thin," although the polls show that he has overwhelming popular support, the skepticism does not arise because he has a silly yearning to have everybody agree with him. The President's skepticism arises because he is wise in the ways of politics. Once the shooting starts, any and every President can count on a big majority. "My country right or wrong." What matters to the President is the indisputable fact that in the big majority who support him in the polls today, there is deep doubt and anxiety about the course we are taking. This is why he knows that the ice is very thin.

The popular doubt and anxiety have evoked a great debate which ought not to be vulgarized and degraded by the use of epithets like dove and hawk. This debate cannot be suspended while American policy is, as it is today, still unsettled and in the making. The debate on Vietnam has already brought about a very considerable improvement in our policy.

When the debate began, Mr. Rusk was saying that our war aim was that the North Vietnamese must "stop doing what they are doing," without specifying exactly what they must do or not do and what we would regard as sufficient proof they had done it. This was a demand for unconditional surrender, and it was far away from the President's Baltimore speech which offered, for the first time, "unconditional discussions." We have come a long way from the position of 3 months ago when we said that we did not think there was anything to negotiate about. For now the avowed purpose of our policy is to induce Hanoi to negotiate.

The debate, therefore, has not been in vain, and it must continue in order to clarify our thinking about where and when and how we want to bring about a cease-fire, and what, in the ensuing negotiations, we hope to achieve in Indochina. We are still far from such a clarification, even among the small circle of the President's principal advisers, and obviously the country as a whole is groping for information and for enlightenment.

As part of that debate, I should like to say something about a powerful and moving leading editorial in the Washington Post on Monday. It is called "Anguish of Power." Its theme is that once a nation has achieved great power, such as Great Britain did in the 19th century and as the United States has now, it "must live in anguish." For "no country can have great power and a quiet conscience."

Uneasy lies the head that wears a crown: No doubt it is true that great power and a quiet conscience do not easily or for long go together. Where I differ from the Washington Post is not about that. We cannot, and we should not if we could, return to the isolation which we practiced before the two World Wars, and imagine that we are returning to the age of our innocence. My thesis is that we must not make the mistake of jumping from isolationism into globalism, and that this is what the Washington Post is in fact saying we need to do.

It is true that this country cannot admit disinterest in any crisis. But what this country must learn to do is to measure how much it can afford to intervene in any crisis, and to distinguish between crises which affect its vital interests and those which do not. Great Britain in the 19th century did not regard it as a duty to intervene when a fire broke out—as, for example, in our Civil War, in the Franco-Prussian War, in the Balkan wars, in the Russo-Japanese War. What I reject is the idea that because the United States must take an interest when there is any breach of the peace, it must therefore be the global policeman or, as the Washington Post puts it, the global fire department.

A mature great power will make measured and limited use of its power. It will eschew the theory of a global and universal duty which not only commits it to unending wars of intervention but intoxicates its thinking with the illusion that it is a crusader for righteousness, that each war is a war to end all war.

Since in this generation we have become a great power, I am in favor of learning to behave like a great power, of getting rid of the globalism which would not only entangle us everywhere but is based on the totally vain notion that if we do not set the world in order, no matter what the price, we cannot live in the world safely. If we examine this idea thoroughly, we shall see that it is nothing but the old isolationism of our innocence in a new form. Then we thought we had to preserve our purity by withdrawal from the ugliness of great power politics. Now we sometimes talk as if we could preserve our purity only by policing the globe. But in the real world we shall have to learn to live as a great power which defends itself and makes its way among other great powers.

[From the Washington Post, Apr. 26, 1965]

ANGUISH OF POWER

This administration, and no doubt its successors far into the future, will have to deal with a deep-seated revulsion against the great power role of the United States. Now there is criticism of that role in South Vietnam; in subsequent crises it will be against the execution of a great power role in other areas.

Those who express resentment at and opposition to the employment of force in southeast Asia include some of the country's foremost liberals and intellectuals as well as academic and campus leaders of lesser eminence. Some of course oppose the policy on practical grounds. Some oppose it because of a belief that Chinese Communist power in the area is irresistible. Some are against it because they see it as an excessive commitment to a "Balkan" war that may weaken or divert forces needed in more important theaters of conflict. Some criticize it because they disagree as to the real national interest in the area. Some deplore it because they simply think we cannot achieve our objectives or carry out our commitments.

The largest opposition, however, no doubt comes from those who instinctively rebel against this country's great power role. They oppose the burden of great power as many of the British opposed it for nearly 300 years. But Great Britain for a long period could not escape the anguish that comes with the very possession of power. However large the crowds that gathered in Trafalgar Square to shout against the decisions of successive ministries to commit British power in Africa and Asia and America (or against the failure to commit it) no Parliament could relieve Great Britain of the anguish of great power, no monarch could rescue it from the burdens that go with the possession of predominant force. It was not governments that the people opposed; but the fate that put into the hands of the leaders of one nation the leverage to influence the course of events and the destiny of nations.

And this is the real misery of the mighty. Once power descends upon a people it can no longer achieve national peace of mind, even if it can achieve peace in the sense of avoiding war. From the moment its power position is achieved, the nation must live in anguish. It must endure the anguish that attends the application of force, arising out of all the normal revulsions against the resort to violence and against the imposition of pain and misery to achieve political results in a world where force or the use of force is the chief arbiter of nations. Or it must endure the anguish that attends the failure to use force where its employment would work for the national salvation or the preservation of peace. No country can have great power and a quiet conscience. Its people and its leaders must suffer either the reproaches of having used force or the reproaches for having failed to use it. Life alternates between the miseries of Vietnams and Munichs and is seldom free from one or the other.

There is no way a party or a President or a Congress can deliver a people from this discomfort. It was inescapable in the days of British power; it is more inevitable now when no crisis can be so remote or so little connected with the national interest that it can be simply overlooked. This country cannot admit disinterest in any crisis. It is vain to cry that Alabama is for Alabamians, Africa for Africans, Asia for Asians, America for Americans. We are influenced by every act of injustice and tyranny that takes place everywhere in the globe; and every act of tyranny and injustice that takes place here has its influence everywhere in the world. It is not one world in the happy sense that Wendell Willkie imagined it; but it is one world, nevertheless. And its oneness is such that no one can light a fire anywhere in it but that the nation with the biggest fire department has to decide whether to use it or not to use it. And out of that choice enormous consequences for good or evil must flow.

Such is our burden, such our plan, and such our anguish. When, as a people, we accept the fact that it is unavoidable and inescapable, the level of debate over what we should or should not do in each recurring crisis will rise. Each of our decisions to use force or to fail to use force is filled with potential pain and injury for millions. This is the anguish that goes with great power. No one can deliver us from it.

Mr. CLARK. Mr. President, on the subject of Vietnam and the President's press conference held yesterday, I should like to read into the RECORD headlines from three great eastern metropolitan daily newspapers, reflecting their views on the press conference, which views I am sure too many readers take instead of reading the remainder of the news article.

I would hope that the printer of the CONGRESSIONAL RECORD would feel that under the rules by which we operate, it might be appropriate to place headlines around these headlines.

The first is from the Washington Post of today, and reads as follows:

JOHNSON REAFFIRMS OFFER TO TALK PEACE

INVITES DOUBTER NATIONS TO TEST U.S. SINCERITY

The second headline is from this morning's Philadelphia Inquirer and reads as follows:

JOHNSON DARES REDS TO TAKE UP PEACE OFFER, BARS WAR LETUP

DEFENDS RAIDS, JABS AT CRITICS

The third headline reporting on the same press conference, published in the New York Times, reads as follows:

JOHNSON RENEWS BID ON VIETNAM; DEFENDS BOMBING

REPEATS HIS OFFER TO CONFER WITH ANY GOVERNMENT WITHOUT CONDITIONS—PEACE HOPES STRESSED

Mr. President, I ask the question: What newspapers do you read?

I thank the Senator from Arkansas for his courtesy in yielding to me.

DEATH OF EDWARD R. MURROW

Mr. MANSFIELD. Mr. President, "good night and good luck"—these were the words with which Edward R. Murrow concluded his radio and television program for more than 20 years. Born in the South, raised in the West, working in the East, he was truly all American. Ed Murrow's career was a unique one. It was a career based on a high regard for honesty, modesty, integrity, and forthright reporting. It was a career underlined by courage, a keen sense of the truth, and the need of the American people to know the truth. Ed Murrow served the American people, first as their eyes and their ears, as their witness to events which shook the world—then as interpreter to the world of American policies and American life. It was this sense of duty and a desire to get the truth across which motivated Murrow to leave his high-paying position as newscaster and analyst and to accept the difficult and demanding challenge to be Director of the U. S. Information Agency, a position which offered one-tenth his salary at CBS. At USIA, Ed Murrow made a great contribution. He worked tirelessly to upgrade the quality of our information program abroad and for some months he did it while fighting the early stages of lung cancer.

Ed Murrow was forced to leave his post at USIA last year. His fight had become his full-time job. It was, perhaps, the only job he ever undertook in which he was unsuccessful. His own words serve best right now to express my feeling at the passing of Edward R. Murrow: "Good night—and good luck—and thanks."

TRIBUTE TO SENATOR OLIN D. JOHNSTON

Mr. YARBOROUGH. Mr. President, the Postal Record, the official publication of the National Association of Letter Carriers, in its May 1965 issue has published an editorial, written by the able president of the NALC, Jerome J. Keating, on the life of our late colleague, Senator Olin D. Johnston. I believe the editorial should be printed in the CONGRESSIONAL RECORD, and I ask unanimous consent that that be done.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR OLIN D. JOHNSTON

(Editorial, from Jerome J. Keating)

Early Easter Sunday morning, my telephone rang; it was Bill Gulledge, staff director of the Senate Committee on Post Office and Civil Service. In a tearchoked voice, he declared, "Our Senator is dead; he passed away at 4:21 this morning."

Yes, "Our Senator is dead." If the letter carriers of America ever had a Senator, it was the six-foot-three South Carolinian—the man with the big heart and the astute mind—the man who was responsible for more postal legislation than any man who had ever lived.

Senator RALPH YARBOROUGH, of Texas, said simply: "My stanchest friend in the Senate is gone." The letter carriers of America can well re-echo that sentiment.

The Columbia, (S.C.) Record paid Senator Johnston a marvelous tribute:

"Son of a tenant farmer and early in life a laborer in the textile mills of South Carolina, Olin Dewitt Johnston never forgot his heritage. Throughout his long and colorful career of service to State and Nation, the Senator never disremembered what it is like to be born with a pewter, rather than a silver spoon. He never forgot the little people of South Carolina.

"They were his joy and his strength. And he was their joy and their strength.

"He knew and he understood, from firsthand, the privations of the poor, the constant struggle for survival of the textile worker, the pain of the Federal employee ignored by the sprawling bureaucracy, and the debilitating toil of the farmer patiently coercing a living out of Carolina soil. He knew. And these people knew that Olin Johnston knew—and cared.

"Throughout his governmental service, whether as State representative, governor or Senator, he championed the causes of the little people. Born to a tenant farm, nourished in a textile mill, politically educated in the great depression, he became an ardent New Dealer under Franklin Roosevelt and remained adamantly dedicated to its principles until his death.

"In the Senate, he was a good party man—one who knew the rules of 'the greatest club in the world,' understood its rules and played by its rules. He was universally respected.

On his last visit to the Senate, he was warmly welcomed by both sides of the aisle—with words of genuine affection, concern and praise from men of widely separated political attitudes.

"Today, South Carolinians paid due homage to the Senator, as his body rested in state in the State House. Tomorrow, he will be buried in the upstate region that nurtured him.

"And a change has come over our State with his passing. No longer will the textile workers greet the tall, hulking figure with the deep voice who knew them by their Christian names. No longer will the people of the State see him rise, shake his jowls and in characteristic southern speech intone, 'My fellow South Carolinians.'

"His fellow South Carolinians, who showed their esteem for the Senator by electing him to a series of offices matched by few in our history, will miss the big man from the Piedmont."

The letter carriers will miss him; the Federal employees and the little people all over America will miss this wonderful man of great courage and determination. Alvin Haith, his letter carrier at Kensington, Md., traveled all the way from Kensington to attend the funeral at Spartanburg. "You just don't know what your coming here means to me," declared Mrs. Gladys Johnston on seeing Carrier Haith.

On Monday, the body of Senator OLIN D. JOHNSTON lay in state in the beautiful old South Carolina capitol, in the capital city of the State where Senator JOHNSTON had served longer as Governor than any other man. He was the first man ever to lay in state in the capitol building.

All day long a steady stream of people, young and old, well dressed and poorly dressed, people of all races, passed the bier. On the face of each was reflected signs of sorrow. Many, remembering some kind deed, wept openly.

At 3:30 p.m., 50 Columbia letter carriers in uniform, led by Branch President Ray Lemmons, having completed their day's work, passed solemnly, soberly, and tearfully by the bier of their great champion. The loyal and faithfull Bill Johnston, the Senator's brother, who never left his side, greeted every one of them.

At 5:30 p.m., the President of the United States and Mrs. Johnson came to Columbia to console Mrs. Johnston and the Senator's family, and to pay their last respects to his long-time Senate colleague and his faithful supporter. Governor Donald Russell, in a few touching words, paid tribute to his friend. Chaplain George Mutze of the South Carolina State Senate prayed and offered spiritual consolation. The capitol was crowded with mourners, and the people lined the steps outside. Many letter carriers from nearby towns hurried in to attend the services in Columbia.

Early Tuesday morning the body was taken to Spartanburg, to the church where the Senator had long worshipped. The Vice President, and Mrs. Humphrey, headed a large group of Senators who came from Washington to attend the funeral. Postmaster General John Gronouski and Deputy Postmaster General Fred Belen accompanied the Vice President and his party. The State's congressional delegation and State officials were in the church; the main church was packed with mourners; a second chapel was crowded, and the steps to the church and sidewalk in front were filled with people who could not get in. Scattered through the reverent audience were many letter carriers from North and South Carolina.

The Spartanburg Journal reported: "Inside the church, floral wreaths from far and near were banked around the altar and two walls. In the lobby one simple wreath of red carnations, yellow chrysanthemums, and Easter lilies in green fern stood out from the others.

"It bore this message: 'Letter Carriers Branch 628, Spartanburg.' It was mute testimony to the popularity of the late Senator among letter carriers throughout the United States. He had served as chairman of the Senate Post Office Committee for years and, as such, wielded considerable influence in postal affairs."

Following the funeral at the Southside Baptist Church, the body was taken to Honea Path, South Carolina, for interment. It was characteristic of the humility and faithfulness of the Johnstons that the body was returned to a little cemetery in the small community of Honea Path, where Senator Johnston had lived as a boy.

A MARVELOUS CAREER

The career of Senator Olin D. Johnston is, indeed, one to inspire hope and raise the ambition of every young man in America. Here was a boy, the son of a tenant farmer. At the age of 9, he started to work in the mill. He studied hard; graduated with a bachelor's degree; later secured a master's degree; and finally secured his law degree. He was elected to the legislature, served as Governor of his State longer than any other man, and finally became U.S. Senator. In his senatorial campaigns, he was consistently opposed by the strongest candidates in the State. In his last election he turned back the Governor of the State in the primary and defeated a strong Republican candidate in the general election. He never forgot the people, and they never forgot him.

Senator Johnston served with the Rainbow Division in World War I. In college and in the service, he boxed as a heavyweight. Indeed, he had a fighting heart—a man 68 years of age who survived two major operations within a period of 3 months, and was finally struck down by pneumonia, was, indeed, a man with a fighting heart. So engrossed in the Senate and his responsibilities was he that he returned to his senatorial tasks between operations.

FRIEND OF THE POSTAL AND FEDERAL EMPLOYEES

To me, the death of Senator Johnston is a great loss. A kindly man, he always had time for our problems. One citizen attending the Senator's funeral at Spartanburg told a reporter: "I was down on my luck; I went to Washington. Our other Senator was too busy to see me, but Senator Johnston saw me and took care of my problems." That was typical of this great Senator.

Senator Olin D. Johnston came to Washington in 1945. I came to Washington in 1945. I have had the honor and privilege of associating with him during his entire career in the Senate. One of the first major legislative efforts in which he was involved was the 1948 amendments to the Retirement Act. That was epoch-making legislation. The Senator stood up like a trojan in the committee and on the floor of the Senate.

He was a central figure in our national convention and in our meetings held in Washington. Frequently he was accompanied by his good wife Gladys, and on some occasions by his fine children. A convention was not a convention without the Senator.

Legislatively, he worked closely with President Doherty and myself, and, in more recent years, with Vice President Rademacher as well.

Without a doubt, he sponsored and guided more postal and Federal employee legislation through the Congress than any man who had ever lived. The very last deed that he performed as a Member of the Senate was to introduce S. 1667, a bill to transfer back to Congress the exclusive right to set rates on parcel post.

The last increase for retirees enacted in 1962 would not have become a law were it not for the Senator. The House had passed the pay bill, but the increase for annuitants was tied up in the Rules Committee. Senator Johnston amended the pay bill by attaching the annuity increase to it, and thus it became law.

Frequently during his career as chairman of the Senate committee, the astute Senator resorted to unusual strategy to secure the enactment of a bill. Legislation during the past 20 years in the House has frequently been bottled up in the committees. Senator Johnston would take a minor bill that had passed the House, amend it by adding the major bill to it, and the bill would then go to conference.

The Charlotte (N.C.) Observer, in a sometimes complimentary and sometimes critical editorial, commenting on his political success, declared: "The overly frequent pay raises he got for the employees did not hurt either."

The same editorial stated, "But it is safe to say that South Carolina has not had a more effective lawmaker in Washington in many years."

Senator Johnston was kind, he never spoke harshly of anyone; he was an able legislator, universally liked, most considerate, and a great champion of the postal employees. He will be missed and mourned. To his fine family—his faithful wife Gladys, his son Olin, Jr., his two lovely daughters Mrs. Sallie Scott and Elizabeth, we extend our most sincere sympathy.

Undoubtedly Senator A. S. (MIKE) MONRONEY will become chairman of the committee. He has worked closely with Senator Johnston, he is a good friend of the employees, and will closely parallel the policies of his predecessor.

Gov. Donald Russell has stepped down from the governorship to assume the office of U.S. Senator. Suffice it to say, he was a close friend of Senator Olin D. Johnston.

PEOPLE'S WAR IN VIETNAM

Mr. SCOTT. Mr. President, I invite the attention of my colleagues, as well as of other readers of the CONGRESSIONAL RECORD, to a somewhat different and provocative viewpoint on the current struggle in Vietnam. Its expositor is Maj. Gen. Edward G. Lansdale, U.S. Air Force, retired, who as a result of several years' service in the Philippines and southeast Asia has earned the reputation of being one of the most knowledgeable Americans on the subject of Communist "wars of national liberation" and counterinsurgency. General Lansdale is presently a consultant to the staff of Food for Peace, at the White House.

General Lansdale does not question our presence in Vietnam, nor does he call for American withdrawal from Vietnam and southeast Asia. If anything, I think it is fair to say that he does not feel that we are involved as much as we should be in Vietnam. His principal criticism of our present policy in Vietnam is perhaps best summed up in the question: "Do we do something halfway: give a man a gun to defend himself, give him means to fill his belly, and let him shift for himself when it comes to realizing his great hope for man's liberty?" General Lansdale argues that the United States must help the Vietnamese arm themselves politically, as well as physically and materially. He cites as the major unused weapon of this "people's war" our ideology which is embodied in the opening paragraphs of the Declaration of Independence and the Bill of Rights.

General Lansdale most recently expressed his viewpoint on Vietnam in a talk at the Principia Conference on Vietnam, in Elsah, Ill., on April 9, 1965. I ask unanimous consent that General Lansdale's interesting and stimulating address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TALK AT PRINCIPIA CONFERENCE ON VIETNAM, ELSAH, ILL.

(By Edward G. Lansdale, major general, USAF, retired)

I

It is time that you and I and other Americans become pragmatic about Vietnam. A truly pragmatic American would insist that we do today what will help us tomorrow.

From this pragmatic viewpoint, we almost seem to have forgotten why we are in Vietnam. To be sure, we have said why. We have talked it up big. Some Americans even have talked it down big. Yet, the great challenge given the United States by events in Vietnam largely has gone unmet by practical or effective American deeds.

Since this challenge won't go away, just because we duck accepting it, let us get it out into the open here and now, look at it hard, and then dare to consider meeting it.

II

The great challenge given to us in Vietnam is political. Essentially, it is this: Can the Vietnamese win their freedom while they fail to agree on what freedom is—and fail to start governing themselves in a way that takes them toward that freedom? If they cannot, then should we Americans remain aloof from this political heart of the struggle and confine our most generous and dedicated help in Vietnam to military and socioeconomic assistance? Or rather, should we Americans give equally generous and dedicated help to the Vietnamese in their heartfelt longing to achieve ways to govern themselves, within their own truths and with a real degree of stability, while they set forth clearly the premise of the freedom they most desire for themselves?

Put it another way, it can be said that our side in Vietnam outnumbers, outguns, and outspends the enemy. Shouldn't we now make a real effort to outthink the enemy on the actual battleground among the people of Vietnam? This means helping the Vietnamese find their own true cause to fight for, much more than helping them fight against something. Such positive, in contrast to negative, help could well include sympathetic encouragement and assistance in the step-by-step development of a representative and responsive political system of Vietnamese origin. This would create something of their own to which the Vietnamese could pledge, willingly and freely, their lives, their fortunes, and their sacred honor.

Such work would fill a gap which has been the despair of Vietnamese, Americans, and other free people in Vietnam. It would put the war upon a sound moral and political footing. Given true political meaning, the military, psychological, and economic actions used to win the moral goal would increase a hundredfold in their effect on breaking the will of the enemy. A Vietnamese cause, with an attainable national goal closest to the hearts of the overwhelming majority of the Vietnamese, would not only give the Vietnamese something worth everything to defend. It also would be a goal desired even by those now under the control of Communist masters, one that would give them just cause to leave the ranks of the Communist and join their brothers on our side. This is true strategy for a "peoples' war" such as the Communists have sought to wage. It directly confronts the main weapon of the Communists—their political action—with a superior action of our own. If we employ it truly, there is little doubt about victory for the cause of freedom. Further, the struggle would be fought on the terms of freemen, not on those of the Communists.

This strategy deals with the hard inner core of the struggle in the world today, in Vietnam, in the so-called wars of national liberation elsewhere. The basic conflict is between the way we, the free, look at man and the way the Communists look at man. We see man as an individual, endowed by his Creator with "certain inalienable rights." The Communists see man as a cipher of the state, a materialist zero without a creator. So, what do we do in this basic conflict? Do we profess "self-evident truths" for ourselves alone? Do we permit the Communists to beguile, coerce, or otherwise rob a man of the true heritage we say he has, and let them make him a part of the Communist machine—while we keep silent about this true heritage, not help him come into it to the full extent of our ability? Do we do something halfway: give a man a gun to defend himself, give him means to fill his belly, and let him shift for himself when it comes to realizing his great hope for man's liberty? I don't believe we can do only this and still maintain our own freedom, strong and honest and lasting.

III

Now, this challenge has come to us at a moment of history. We should recognize that man's history is full of political challenges which were met by the world's leading power in each era. The challenges were met to keep the peace, as the leading power defined that peace. The great khans, Alexander, Tamerlane, Rome, Spain, and Britain all had their time of leadership and of keeping the peace, their style. Along with military strength which gained and enforced their leadership, along with economic measures which gave it commercial meaning, there also was political action by the leading power, to provide his means of control. Our name for this political action is "colonialism." The world leader in the past simply made colonies out of lands and peoples abroad, imposing upon them political systems, laws, language, modes of justice that were his own.

Today, the United States finds itself in the position of being the world's leading power. Yet, we Americans are opposed to colonialism and colonial methods for many reasons, including the fact that we too were once a colony and rebelled against the concept. Lyndon Johnson, with his gift for censensus, expressed out national feelings well in his inaugural address last January. The President said: "Our Nation's course is abundantly clear. We aspire to nothing that belongs to others. We seek no dominion over our fellow man, but man's dominion over tyranny and misery."

However, at this moment of man's history, we are not alone in the world. There are two Communist powers, the Soviet Union and China, who singly and jointly challenge our world leadership. On their part, they are quite brazen about using political action to gain control of other nations. They use a form of old power play, the old colonialism, in modern dress. A mention of Hungary and Tibet will make this point. These once-independent countries, conquered by neighboring Communists and made into satellites, tried to gain independence in much the same way as the American colonies did in 1776. The stamping out of these recent revolutions by foreign troops under the Communists were plain acts of colonial imperialism in the ugliest historic sense. Further, the expansion of the Communist empire has been an active fact of life in our time. For example, back when many of today's faculty members were students themselves, just before the outbreak of World War II, there were a little less than 200 million people under direct Communist rule. Today, the number of people under direct Communist rule has grown to almost 1,100 million people. (In contrast, people on our side, clearly committed to the cause of freedom, number some 752 million. This doesn't count many millions in Africa, India, the United Arab Republic, and Indonesia whose politics await the future.)

While the original Communist takeovers of Hungary, Tibet, and several other countries were plain conquests by use of conventional military force, the current methods of Communist expansion are more subtle. They entitle these methods as "wars of national liberation." We see them as "Communist subversive insurgency." Vietnam is today's most active example.

In the Asian method of Communist subversive insurgency, a national liberation political group is established at a remote base. This political group is given the image of a people's movement by naming members who allegedly represent big sectors of the national population—the farmers, the youth, the women, the workers, the students, and so on. Added to the political cadres are military cadres who are specialists in guerrilla warfare, and who will build a military apparatus upon the political footing provided by the political cadres. The "remote base" where this starts coming out in the open usually means a camp located far enough from centers of population to avoid immediate detection or access by the country's forces of law and order.

This political-military force then acts to gain control of the people on the land, by attraction or coercion as required. It is a step-by-step operation, first in the villages and hamlets closest to the base, and then ever widening. Nuclei are sent to establish more bases, to start the same process in other regions. Secret agents are sent to infiltrate centers of population and government organizations. The Asian Communist slogan which goes, "first the mountains, then the countryside, then the cities" is a good thumbnail description of the process. It is considerably different than the Soviet method of working with the proletariat in cities or of Soviet defensive partisan warfare.

Along with selling nationalistic goals, selected for the greatest local appeal, Asian Communists also act to destroy both the credibility and the instruments of the nation's government among the local people. In brief, they act to create a momentary vacuum of anarchy, to permit them to fill this vacuum with their own governing apparatus. The anarchy is created by destructive means: the character assassination of national leaders by psychological means, isolating the countryside from the city by strangling lines of communication through ambushing and cutting highways and railways, provoking government forces into acts against the people (such as hiding in villages and forcing the villagers to stay there while the Communists start a battle with government forces, and the liquidation of local people representing authority—such as village headmen, judges, public health and public works officials, policemen, even schoolteachers, and at times the families of these people. Many thousands of such public servants have been murdered by the Communists in Vietnam.

I suspect that Mao Tse-tung had a knowing look on his face when he told Edgar Snow recently that Americans seem to ignore "the decisive political fact that * * * governments cut off from the masses could not win against wars of national liberation." Mao had a big hand in developing the cynical, brutal Asian Communist method of cutting off the people from their government.

The trouble is, this method has a big appeal to ambitious people in a number of countries. It has become quite an export item to the Western Hemisphere and Africa, where there are some would-be leaders eager to try it. As General Giap, the Communist military leader in Hanoi, said not long ago: "South Vietnam is the model of the national liberation movement of our time * * *. If the special warfare that the U.S. imperialists are testing in South Vietnam is overcome, this means that it can be defeated everywhere in the world."

The forces of freedom must be vigilant about this vital facet of Communist action. In Malaysia, where Sukarno is trying to use this method his own way, the Malaysian Government has had a long, bitter experience in facing up to the challenge, from Communist guerrilla days. A recent warning by Dato Ghazali bin Shafie, who is Permanent Secretary to the Malaysian External Affairs Ministry, is worth noting. Dato Ghazali told the Malaysians: "It is the height of folly to assume that superior military expertise and superior firepower alone are decisive. To overlook the importance of political action is to miss the bus completely * * * Malaysia will endure * * * so long as the national will, which is the active expression of growing national unity, can withstand the pressures from within and without * * *. There is no alternative. It is of paramount importance to anticipate tensions and stresses wherever they are likely to appear between the people and the Government."

IV

So far, then, I have pointed out that a great challenge exists for us in Vietnam, have done my best to describe it, to tell how it came to be, and to sketch in the major pressures facing us. Now we reach the hard part. What do we want to do about it? What can we do about it? What is practical, feasible for the United States to do—within our own political heritage, within the talents of our people, within the goal of an honorably peaceful world such as we seek?

Noted journalists such as Joseph Kraft and C. L. Sulzberger have analyzed our U.S. organization and efforts in Vietnam and have concluded, in brief, that the United States does not have in Vietnam what it takes to meet the Communist political challenge there. Mr. Sulzberger wrote to the New York Times from Danang, Vietnam, in March: "Today, we acknowledge we have not found a formula to frustrate communism's brilliant revolutionary warfare techniques as such. Our governmental social and military systems are not devised for this. Never having had an empire, we possess no large cadres of civil servants experienced in Asia. We cannot dynamically export our ideology, which is not dynamic. And our warmaking capacity is founded on highly technical equipment and strategy unsuited to guerrilla engagements."

Assuming that there is some validity in such analyses, that we do not now have the people nor the organization in Vietnam to meet the great political challenge given us, we must also assume that the challenge won't go away just because it is unmet by us. Military actions in North Vietnam, the most skillful diplomatic moves, mammoth economic development projects such as the one for the Mekong Basin—even if successful in stopping the Communists from waging guerrilla warfare in South Vietnam and in giving a giant boost to the material well-being of the people in the region—won't by themselves end the Communist revolutionary process among the people. Like the magical invisible clothing for the emperor, in the child's tale, no matter how we say we see the problem, the central figure still remains naked. It is there. It is the truth we must face, sooner or later.

Further, there at the heart of the challenge is that question of ideology. As an American who served the United States for many years in Asia—served, if you will, as a public servant not to an empire but to a democracy, and served long tours in areas of active Communist revolution—I can say flatly that our political beliefs, our ideology, are far more dynamic, far more appealing in Asia than anything the Communists can put forward. Every time we have given our fundamental principles a fair chance, have stayed true to them, have practiced what we preached, our ideology has licked the Communists hands down. I have seen this happen on the spot at critical moments of history. If the Communists are beating us in Vietnam on so basic an issue, then I must join Dato Ghazali of Malaysia and say we are missing the bus completely.

One of our difficulties is that we confuse ourselves when we talk about politics, political action, and ideology once we leave our own shores. Different Americans define these words differently, when abroad. Yet, our basic political beliefs are set forth plainly and interpretation really rests on the courage of our convictions. Our basic political beliefs are there, for all to read, in the opening paragraphs of the Declaration of Independence, as followed by specific guidance in our Bill of Rights. We have, in these, a great promise coupled with its principled guidance. They form an ideology of dynamic universality, as alive today as when conceived, and close to the hearts of men of good will throughout the world. Although our expression of higher human concepts grew out of our own Graeco-Judaic-Christian background, the ethics expressed are in close harmony with the great teachings of Asia, including Confucianism. It passes understanding why any American tries to put this ideology of ours on the shelf, unused, in the face of an admittedly godless, a dialectical materialism, and, instead, substitutes a materialism of our own to meet the thrust of communism in dubious battle. This is waging war on grounds of our enemy's choosing, when we could be in our true place, fighting the good fight of our own choosing.

Too often, American political action abroad is seen as being limited to diplomatic negotiations between governments, or promoting the pro forma copying of parliamentary democracy in the image of the United States, or in a sort of self-righteous scolding of foreign leaders for behavior not conforming to our idea of what it should be, or even in charting how a native bureaucracy should work in an unwitting adherence to Parkinson's Law. We ourselves are to blame. We have not assigned the mission for true American political work abroad to any of our Government services, nor have trained any of our service personnel for it. Only a handful of Americans abroad, Americans who stuck their necks out and dared to do such work, have learned by experience.

Apart from some exceptions, then, the real American politicians, those who would know instinctively what I am talking about and would know instinctively how to get the work done, mostly are serving at home rather than abroad. They are our elected officials. They are in the White House, in Congress, in State capitals, even in city hall. Some fine ones, also, have left public service, but have not left their concern for public affairs. Those among them who came up the hard way, with a maximum of personal effort, have learned that politics is an art, not a science, that it is full of give and take, and that it requires deep understanding of human nature, hopes, and conscience.

This suggests in turn that perhaps it is now time to look again at this political Nation of our, to find a truer source of Americans to whom we can entrust our most sensitive political duties abroad. One such source, surely, is within our major political parties. Perhaps the leaders and the national committees of the Democrats and the Republicans could take a fresh look at the hard nut of this problem and at ways to solve it. Perhaps, too, some of our most perceptive journalists—foreign correspondents and Washington correspondents among them—could lend a hand. These folks, sitting down with a select few of our professionals in foreign affairs, might well find the answer needed, to pick just the right Americans to send abroad just the right way to undertake constructive political help in critical areas such as Vietnam. It is likely that our present governmental establishments, with their administrative overloads, would find difficulty in absorbing such work without considerable change to permit the freedom of maneuver required. The work would demand inspiration as well as sensitivity to the needs of others, an attitude of warm brotherhood in giving help with the honest humility which can be accepted with honor.

Incidentally, the AFL–CIO has made a fine start in such international brotherhood, with practical help in the growth of democratic trade unionism abroad. So, too, have a number of our American industrialists, who increasingly are giving practical help, in an unsung, unselfish way, to foreign peoples and communities in their growth toward enlightened individual enterprise. We, as Americans in an age of erosion by tyranny, need do much more of such constructive work.

V

Now, if we could get just the right handful of Americans out to Vietnam, what would we expect them to do? The general nature of the work can be sketched in readily. The criteria for the work should include the following:

It should be by Vietnamese invitation.

It should earn Vietnamese acceptance of Americans acting as unselfish friends, friends able to bridge over suspicions and ambitions among true leaders and bring them onto common ground for teamwork in the larger Vietnamese interest.

It should encourage the development of realizable political goals for the nation, expressive of the people's deepest hopes.

It should be able to instruct political parties and groups in how to develop their own popular base, get roots down among the people in all walks of life.

And, it should help create the most favorable climate possible (under conditions of emergency) for the growth of native political institutions which give the people an increasing, orderly opportunity to consent in how they are governed.

This listing is harmonious with our fundamental political beliefs, yet does full homage to the national integrity and honest pride of the Vietnamese. It outlines acts of real brotherhood, welcome to those who pray for a stable government, for a truer Vietnamese political future they can choose as an alternative to communism. Such work would get quickly at the urgent business of helping the Vietnamese get their political footing. Upon a sound political base, then, the supporting actions—psychological, military, and economic—could be guided firmly toward winning freedom in Vietnam, not just toward the defeat of some present Communist military forces, but toward a much more conclusive victory.

There are somewhere between 30 and 40 political parties and factions in Vietnam today. Most of them are opposed to communism and would suffer direly if the Communists won. But, they continue their divisive rivalry with each other. They need the positive, brotherly help our Nation really is capable of providing, to find and accept the realism underlying the motto, "divided we fall, united we stand" in a way that would encourage them to band together more, for their own common good. Much the same is true of Vietnamese religious groups, who have a number of responsible leaders yearning for stancher, more trusted ways to live in harmony with those of other religions.

Also, let us not forget the average guy in Vietnam, the plain, everyday citizen. His affectionate nickname in Vietnam is "Nguoi Thuong Dan." Our friend Dan cherishes his family life and has a deep belief in private property. Both the traditional family bonds and the concept of private property are institutions which are being destroyed in North Vietnam and in China. Our friend Dan needs most desperately to have a government of his own that shares his beliefs, that works with him to defend what he has and to realize the good life he most wants for himself, for his children, and for his children's children. The political wants of Vietnam truly offer a great challenge.

To give point to all of the foregoing, let me quote from a current Vietnamese student handbill in Saigon. It was written by student leaders to their fellow students. The young Vietnamese who wrote this want to lead 5,000 students in Saigon out into the countryside this coming summer vacation, despite the dangers and hardships they know await them in the country, to do social action work, literacy teaching, land rehabilitation, and construction. The student leaders make this plea to their fellow students:

"You will warm up your unfortunate comrades with your humanity and love. You will throw a bridge of communion between cities and countryside, the educated class and the uneducated one, the privileged people and the ill-treated ones. You are workers to build up love, understanding, sacrifice, confidence, and hope. You will revive the national self-reliant spirit, the 4,000-year-old moral tradition of Vietnam."

There speak the Vietnamese. Surely we have a bond of brotherhood with people such as they. I trust that you feel it and understand it. Our great challenge still awaits.

EFFICIENCY WITH ENTERPRISE USE OF CONTRACTOR PERSONNEL IN DEPARTMENT OF DEFENSE

Mr. BARTLETT. Mr. President, in certain circles, much attention has been directed recently to House Report No. 188, which was issued as a supplement to House Report No. 129, "Use of Contractor Personnel in Department of Defense." House Report No. 188 specifically deals with a decision of the Comptroller General of the United States regarding contractor technical services. In the past the Air Force has secured needed personnel services through contract procurement. Under this system, the Air Force contracts with a private firm for manhours at a stated price per unit. The contractor employs the personnel and assigns them to Air Force installations. The Air Force may select the personnel to be used and may remove those individuals who prove to be unsatisfactory. These contract technicians have no supervisory functions and are supervised by Air Force, military or civil service personnel. They work side by side with civil servants and perform the same tasks and have the same duties.

This decision on the part of the Comptroller General as to the legality of technical services procurement apparently has been misinterpreted by some people. For example, it has been interpreted to mean that the Defense Department must stop the practice of contracting with private industry for contractor-furnished technical personnel. More important, this decision has been interpreted to mean that the Federal Government should not only cease such practice but instead should take these technical people under the wing of the Federal Government as civil service personnel, with a subsequent increase in the Federal payroll.

A clear understanding of the Comptroller General's decision would not bring one to the above conclusions. This report calls upon the Defense Department to cease using a particular type of personnel procurement contract—a type of contract that apparently is used to avoid budget or manpower restrictions which have been imposed by either appropriation limitations or administrative ruling. The conclusions reached in the report make the distinction between the normal method of contracting out specific jobs to private contractors, as opposed to the practice of only contracting for personnel. The report makes objection only to the latter practice.

This objectionable practice works in the following manner: The Defense Department makes an agreement with a business firm to furnish technical people. These technicians are not furnished to perform a particular job as is true with normal contracts, but instead are assigned under the direct supervision of Government personnel on the basis of a stated number of personnel at a stated price per person, per day, per hour. These people then perform whatever tasks are assigned them, and usually are working side by side with Government personnel performing the same tasks in the same area. The GAO report condemns this practice and, in the public interest, wisely so.

The Comptroller General's report concerns an agency of the Air Force known as the Ground Electronics-Engineering Installation Agency, commonly referred to as GEEIA. This Agency is quite well known to me personally, and the practices of GEEIA repeatedly have been called to my attention. I have received reports that these practices are not only contrary to Department of Defense policy but, even more remarkable, contrary to stated Air Force policy.

Mr. President, the Senate Select Committee on Small Business held hearings on June 2, 1964, regarding the procurement practices of this agency. I was acting committee chairman during which hearing when the committee heard testimony from the Air Force, and also from the affected private businesses and unions through the representatives of the International Brotherhood of Electrical Workers and the National Electrical Contractors Association. During the hearing, evidence was received to indicate that GEEIA repeatedly, and in places as far apart as Alabama and Alaska, had performed electrical construction jobs which, according to most interpretations of Air Force, Defense, and Federal policy, are more economically and more properly performed by private enterprise. This hearing, the GAO report, and the continuous voices of protest were in part responsible for the complete study of Defense contracting policies which is currently being conducted by a special group appointed by Secretary of Defense McNamara.

It is my hope that this forthcoming study will concur with what is, I believe, the historical and sound policy of Congress and our Government: the Government should not compete with private enterprise.

I read with interest the recent testimony of Mr. George Friedl, Jr., the National Aeronautics and Space Administration's Deputy Associate Administrator for Industry Affairs, in hearings before the Senate Committee on Aeronautical and Space Sciences.

When speaking on the "Criteria for Contracting," Mr. Friedl stated that it is NASA policy to require "maximum practicable competition among qualified and responsible firms; establishment of a period of performance no longer than is actually required for the services; where extension of the contract work beyond the original term is justified and required, provisions for orderly transition to a new contractor under competitive conditions; and definition of the scope of work in terms of end results or products rather than in periods of time worked and clear separation of Government and contractor employee's responsibilities and performance."

I am pleased to note that GEEIA practices appear to be the exception rather than the rule, and that other agencies and departments are taking advantage of the benefits inherent in our free enterprise system. Private industry has special skills and resources which are not available to the Government and it is efficient for the Government to make full use of them. The fact that private industry has advantages and efficiencies lacking in Government activities was recognized by Mr. Friedl when he announced that his reports "indicate that the cost to the Government of performance by contract was more economical than if performance had been by Government personnel."

THE WAR ON UGLINESS

Mr. BURDICK. Mr. President, one of the heartening facts about the American labor movement is its broad-ranged interest in matters of the public interest. A good example of organized labor's public spirit is the way many in labor's ranks have taken to heart President Johnson's war on ugliness.

On May 24 and 25, a White House Conference on Natural Beauty will be convened, to assemble in Washington, D.C., those who have demonstrated leadership in conservation in the United States. Among them will be several outstanding labor leaders, as well as captains of industry, writers, lawyers, teachers, public officials, and others.

A mark of the readiness of the trade-union movement to enlist in the war against blight and ugliness is a featured article—published in the March 1965 issue of IUD Agenda—entitled "America, the Un-Beautiful," written by Frank Wallick, a longtime Wisconsin resident and conservationist, who serves labor now in Washington.

Mr. Wallick writes:

Now we are in a race with time to save the beauties of our countryside and our cityside. Every billboard jungle, every garish roadside stand or filling station, every dreary neighborhood with houses designed as if they came from a cookiecutter, every deserted downtown, every super-congested expressway, every bulldozer unnecessarily knocking down our trees—these are elements in the battle we must fight to save America's beauty.

Mr. President, I ask unanimous consent that the article, entitled "America, the Un-Beautiful," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

AMERICA THE UN-BEAUTIFUL

Remember that quiet spot you used to enjoy, or perhaps after the war, or that summer after you got through school and had some time to live the relaxed life?

It was a nice spot—a favorite for picnics, or swimming, or wetting a fishline—and you probably took it for granted. Why not?

Then one day, you came back and found a fence around the beach or a "No Trespassing" sign near the stream. Your little escape hatch from the city's hubbub was no more. Beer cans were littered along the road or honky-tonk tourist traps sprang up. You shrugged and told yourself—well, that's the price we pay for progress.

Go back still further—remember that vacant lot where you used to play football and baseball? Have you gone there lately? Most likely, there's a big apartment house there now, and the kids either don't play any more, or they play in the streets—because real parks and playgrounds were never built when the empty lots stopped being empty.

In the last 20 years our cities and the countryside have changed and—let's face it—much of the change is for the worse. If we bother to take an honest look at ourselves, it's enough to make us all shudder with disgust. The trees are chopped down to make way for long dreary rows of crackerbox houses, shopping centers are plunked down anywhere somebody can make a fast buck, nobody bothers to bury utility poles (they just stick up like weeds everywhere you look).

Schools, playgrounds, parks, swimming pools? These are afterthoughts or considered luxuries. In the mad rush to push out beyond the city limits, few cities planned for many blades of green grass, some open breathing space, or enough water to wiggle a toe in.

Our downtowns have gaping sections deserted by businesses which fled to the suburbs. Worse still, many downtowns are vast oceans of asphalt parking lots. City residential and business streets are usually too narrow to handle the traffic, too congested for cars that need to park. Billboards glare and neon signs blink, commercial hawkers shouting at each other, a blight on the surroundings.

It's a grim picture—perhaps even a bit exaggerated, but not much. In far too many places in our mushrooming America, the blind forces of growth, the relentless surge to expand, are ugly facts of life.

City life can be the good life, if we make it so. And there are still great stretches of unspoiled greenery, rippling waters, and natural scenery. They promise—with some planning and foresight—a life better than drab, unending rows of tacky homes and dull, horn-honking downtowns.

Far out where the rivers and lakes and ocean shorelines are—things are not much better, unless a State or national park has been staked out. There is overcrowding in our parks. The political battles over new parks are often furious. Those who got there first want to keep away all future trespassers, or put a hardnosed price tag on your right to partake of some remaining island of natural beauty away from the city's turmoil.

All these unhappy facts—the congestion of the central city, the drabness of the suburbs, and the trend to commercialization of our remaining scenic beauty spots—don't have to happen. And at long last somebody is starting to do something about it.

President Lyndon B. Johnson's landmark message to Congress on conservation and natural beauty is a referee's whistle blowing "foul" at the mayhem we do to ourselves. The President has let the Nation know that auto junkyards bug him, and in his vivid comment on the passing parade, President Johnson has jolted millions of his fellow citizens to hold up their physical environment to the mirror and look closely at the blemishes.

"A modern highway may wipe out the equivalent of a 50-acre park with every mile. And people who move out from the city," said the President, "to get closer to nature only find that nature has moved farther from them."

Working people, whose incomes barely meet the necessities of paying off a mortgage, are the most hapless victims of the junky atmosphere in so much of modern living. A worker who saves his money to buy a home may end up paying overblown costs for a plot of land. Peter Blake, once an editor of Architectural Forum and author of "God's Own Junkyard," notes that land costs have risen from 20 to 2,000 percent in certain areas where the sweep of population growth has moved the fastest. A land speculator is under no social obligation to beautify his land.

So our suburbs sprawl in spurts and jerks, a hotdog stand here, a filling station there, with little thought for slowing down traffic in residential areas, or developing parks and pools. Workers sit in their hot houses burning under the sun and wonder whether they can afford air conditioning. Nature's own air conditioning—the trees and streams—is ruined.

The President's message and his conference in mid-May on natural beauty are a starter. It's a powerful and eloquent signal from the White House that the Nation must start moving in a better and healthier direction. We need to plant flowers, to have shade trees, to funnel our traffic along landscaped freeways away from places where children can play; and we need to do something to brighten up the places where we shop—with something better than garish neon signs and billboards.

President John F. Kennedy was aghast at the unsightly souvenir vendor stands he found as he drove to the Capitol steps for his inauguration in 1961. He set up a commission to plan a new Pennsylvania Avenue as a great and beautiful ceremonial avenue. Final plans were not released until after President Kennedy's death, but he was well aware of what the commission was up to, and he wholeheartedly approved, as does President Johnson.

The ugliness of Pennsylvania Avenue is but a sample of the bleak look in so many American cities. Urban renewal plans can do something to correct these shortcomings, but every community needs the extra deft touch from people who care about beauty.

Some cities have started to move, but tragically much of the work which needs doing is still on the drawing boards and in blueprints. A spectacular plan to completely rebuild downtown Fort Worth, Tex., was sidetracked when the city fathers got cold feet and scaled their plans downward. Rochester, N.Y., with the help of Planner Victor Gruen took an old downtown section, blocked off a busy street for several blocks, built an arcade over the street, and created a new cluster of attractive shops which delights the eye and attracts everything from concerts to high school dances.

The President's wife, Lady Bird Johnson, has inspired planners and landscapers to fix up the Mall in Washington, D.C., which stretches from the Capitol steps to the Lincoln Memorial. Present plans call for outdoor restaurants, slow-moving minibuses connecting the tourist sights, snappy kiosks with maps, displays, shelter, flower stands, posters and telephones.

This dash of life on the impressive, but dull, Mall in the heart of Washington is precisely the new thinking the President wants in order to make our cities eye pleasing and exciting.

President Johnson's new conservation program is directed at beauty along the highways as much as beauty in the city and suburbs. It also looks at the air and water around us. And it continues to search for new sources of outdoor recreation in our rapidly diminishing supply of places to fish and hunt, to hike and ride, to explore and camp in.

Shocking pollution of water and air is often the first warning many communities have that something is going wrong with the balance of nature. A swimming beach closes because it's unsafe from pollution. Fish die out because of water poisoning. Eyes burn from smog, or the lungs choke up. These are the warnings that irritate people, but the tough battle to control pollution is not won easily despite the early warning system.

Industry has been the worst offender in pumping waste and chemicals into our waters. Along with the evils of strip mining, American industry has been criminal in its disregard of America's outdoor heritage of streams, lakes, and rivers. Much of Appalachia has suffered from years of gouging the land for coal.

The automobile has been guilty of fouling the air. Senator Gaylord Nelson, of Wisconsin, and others have proposed rigid standards on new automobiles to cut down air-polluting car exhausts.

Some of the President's strongest language in his conservation message was written on air pollution: "This generation has altered the composition of the atmosphere on a global scale through radioactive materials and a steady increase in carbon dioxide from the burning of fossil fuels," he told Congress.

"Entire regional airsheds, crop plant environments, and river basins are heavy with noxious materials. Motor vehicles and home heating plants, municipal dumps and factories continually hurl pollutants into the air we breathe. Each day almost 50,000 tons of unpleasant, and sometimes poisonous, sulfur dioxide are added to the atmosphere, and our automobiles produce almost 300,000 tons of other pollutants."

Smog is so bad in the Los Angeles area—despite rigid laws—that a daily smog index is reported over the radio to warn people of what to expect.

The last Congress won its name as a "Conservation Congress" for passing a wilderness bill, a land and water conservation fund, and youth conservation corps camps. Congress has begun to move to save little pockets of scenic beauty in new national parks and shorelines for generations yet unborn. But what was done in the last Congress is but a drop in the bucket to what still needs doing.

Two precious stretches of Lake Michigan shoreline—the Indiana Dunes and Sleeping Bear Dunes—are not yet safe from the grasp of money-grabbing real estate speculators. Time is running out for saving these outdoor playgrounds.

The eastern famine for places to camp in, hike, or fish was pinpointed by Pennsylvania's Senator Joseph Clark: "The West, where 15 percent of our people live on 39 percent of the Nation's land, has 72 percent of all our Federal recreation acreage. In the Northeast, including New England and the Middle Atlantic States, is one-fourth of our population. But here only 4 percent of the Nation's recreation areas is found."

America has made staggering changes in the past 20 years. Our population zoomed by 50 million since World War II's end—that's as much as we grew from the time the Pilgrims landed to 1880. In the short span of only 20 years, then, our country had to find room for millions upon millions of new families. In another 20 years, we will grow by 50 million more.

Where will these people live? How will they live? How will they get to work? Where will they play? What kind of neighborhoods will they have?

Answers to all these questions are wrapped up in how the American people respond to President Johnson's challenge to "organize for action and rebuild and reclaim the beauty we inherited."

We can have stimulating neighborhoods, with a blend of the old and the new, as Author Jane Jacobs suggested in her book, "The Death and Life of Great American Cities."

We can have lively malls along our downtown shopping districts, with restful benches and arcades, and battery driven buses, rapid transit systems, underground parking garages, and outdoor cafes.

We can have tree-shaded neighborhoods with parklike sections and special parking areas so that children can play without danger from speeding cars.

We can blend homes for the elderly with homes for families with small children, homes for all races and nationalities, and homes for rich and poor and those in between.

The Great Society must be a compassionate society, and it must also be a place filled with beauty.

The war on ugliness is a twin campaign to the war on poverty. Indeed they are twin blights—unnecessary blights—on mid-century America.

America the unbeautiful is the blight that stands in full view, waiting for an unthinking, affluent America to care and to act.

America the poor is a blight that tends to stand hidden in the shadows, only occasionally—as in these days—reminding an unthinking affluent American to care and to act.

The war against poverty and the war for conservation must be fought side by side. America can never be really beautiful if it harbors poverty; America can never be really rich if it harbors ugliness.

We have started to take the first steps to banish poverty.

Now we are in a race with time to save the beauties of our countryside and our cityside. Every billboard jungle, every garish roadside stand or filling station, every dreary neighborhood with houses designed as if they came from a cookiecutter, every deserted downtown, every super-congested expressway, every bulldozer unnecessarily knocking down our trees—these are elements in the battle we must fight to save America's beauty.

Are we up to it? We must be.

A STUDY OF ARIZONA'S POLITICS

Mr. FANNIN. Mr. President, I ask unanimous consent to have printed at this point in the Record a review of "Politics and Legislation: The Office of Governor in Arizona," authored by Roy D. Morey.

This excellent review, written by Dave Brinegar, was published in the Arizona Daily Star of Sunday, April 18, 1965.

Mr. Morey was special legislative assistant in the office of Governor during a portion of my term, and I found him a valuable and trusted aid. His study of the office of Governor is a thorough and penetrating one, and is worthwhile reading.

There being no objection, the review was ordered to be printed in the Record, as follows:

[From the Arizona Daily Star, Apr. 18, 1965]

Literary Lantern: Study of Arizona's Politics Well Done

(By Dave Brinegar)

("Politics and Legislation: The Office of Governor in Arizona," by Roy D. Morey (University of Arizona Press, 134 pages, $4).)

This is a study of the office of Governor in the Arizona political scene, with some side observations on sociology and economics. It is exceedingly competently done. It develops the history of the governorship as an American institution swiftly in the opening pages and then traces the development of the office in Arizona since statehood in 1912.

The broader conclusions seem fairly obvious—that Arizona was a one-party State until 1950, that Arizona has been more loyal to local Democrats than to national Democratic leaders, and that the influx of new residents after World War II changed the State to where it has in Morey's words "a viable" two-party system.

But beyond the surface things, Morey digs into the details of what has happened and why.

The root of the fact that Arizona's governorship is not a supremely powerful office lies, Morey says, in the Colonies, where the colonists saw the governor as an instrument of the Crown in frustrating the people's will.

Certainly the Arizona governorship is not a strong office in the accepted political sense. An Arizona Governor cannot, for instance, remove a sheriff or a mayor from office, nor dissolve a legislature.

Morey's discussion of this situation leaves this reviewer with the opinion that the Arizona governorship can be strong, however, when in the hands of a person of intellect, powerful will—and possessed of luck. The last factor is of incalculable importance.

Morey generously gives credit to working newspapermen who helped him with interviews and in other ways. These include the Star's political reporter, Lester Inskeep, Jim Cooper and this reviewer. Mention by Morey in the case of the reviewer was most generous.

Of especially heart-warming interest among the footnotes is the revelation that Morey talked with Judge Jacob Weinberger, the last surviving member of the Arizona Constitutional Convention, just before Christmas of 1963.

In perhaps an unusually critical reading because of special personal interest, this reviewer discovered only a couple of typographical errors, one statement that he thought was wrong and one place where there was an error of omission. On that basis, Morey can be considered to have done a practically perfect work, something the University of Arizona Press can publish with pride.

DENIAL OF FUNDS TO HISTORICAL OFFICE OF DEPARTMENT OF STATE

Mr. FULBRIGHT. Mr. President, I wish to call to the attention of the Senate a little known, but important, problem of American education and scholarship. I refer to the work of the Historical Office of the Department of State, which is being denied essential funds and personnel.

The Historical Office compiles significant historical documents from the files of the Department of State, for publication in the Foreign Relations series, which consists of several volumes for each year. The Foreign Relations series is well known and appreciated by historians and other scholars. These volumes provide vital source materials for study and writing in the history of America's foreign relations.

I strongly urge my colleagues to support adequate appropriations for the Historical Office, so that it may engage necessary personnel, close the time gap in publication which has resulted from inadequate resources, and meet other pressing needs.

The current problems of the State Department's Historical Office are elaborated in the 1964 report of the Advisory Committee on Foreign Relations, which is composed of seven prominent scholars, representing the American Political Science Association, the American Historical Association, and the American Society of International Law. I ask unanimous consent that the report of the Advisory Committee on Foreign Relations be printed at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report of the Advisory Committee on Foreign Relations for 1964

At its eighth annual meeting in Washington on November 6–7, 1964, the Advisory Committee on Foreign Relations agreed that the time had come to restate the basic aims of the State Department's oldest documentary series and reexamine the present procedures for carrying out those aims. The Committee has described in earlier reports the many problems besetting this distinguished series, recognized throughout the world as a model of governmental publication. Unfortunately, it must now report, some of those problems have not been solved. In spite of expressed sympathy by the highest officials in the Department, the Historical Office simply does not have the manpower or money to do its prescribed job. The Committee believes that both the executive and the legislative branches must act quickly and decisively to prevent a further deterioration of the situation.

The Foreign Relations series, begun under Abraham Lincoln, has long occupied a central place in an effort to base American foreign policy on a popular comprehension of the national purpose. A democracy needs to marshal all its intellectual resources for thinking through current problems and continuing values. To that end, it must provide full freedom of inquiry to its citizens and easy access to the primary materials on which sound research rests. Since 1921 the State Department has undertaken to print a comprehensive selection of documents, chosen by professional historians on the criterion of intrinsic importance, as soon after the events they describe as the Nation's security permits. That commitment was reaffirmed by Secretary Rusk in 1962 when he set the time lapse at 20 years (save in exceptional circumstances) instead of the 15 that had come to be regarded as traditional.

For more than 40 years this enlightened practice has provided statesmen, scholars, and publicists with the raw data for analyzing the recent past. The historical studies that draw upon Foreign Relations benefit not only the professional diplomat and the academic specialist but also the teachers who enlighten each generation of young Americans and the journalists who relate current developments to past events. Because the United States prints its diplomatic documents at an earlier date than any other nation does, the Foreign Relations series has done much to shape historical writing about the Second World War and the postwar era, just as the early publication of German diplomatic documents for the years from 1871 to 1914 greatly influenced historians who, in the 1920's dealt with the period before the First World War. The American series has been free, however, from the political motivation which colored the editing of Die Grosse Politik. In short, the value of Foreign Relations in helping to prevent distorted accounts of American policy during an era of "cold war" can hardly be exaggerated.

In previous reports the Committee has noted how the the growing number of Foreign Relations volumes for a calendar year paralleled the expanding role of the United States in world affairs. Where 2 volumes were the rule in the early 1920's and 5 in the late 1930's, the events of the Second World War demanded 8 to 12. The period after 1945, when the United States assumed a tremendous range of military, diplomatic, and economic responsibilities around the globe, brought a proliferation of records which threatened to require 20 volumes for each year. Since that figure was patently impractical, the Advisory Committee asked the Historical Office to take a fresh look at its task. The response was gratifying. With daring and imagination the staff established priorities which would make it possible to tell a reasonably complete story in about eight volumes for any one year. Yet this self-imposed limitation did not greatly lessen the workload of an already short-handed staff, for the same number of people had to search through and select from an ever increasing volume of documents. Every report of the Advisory Committee since 1957 has stressed the need for additional personnel.

That need has not been met. Instead of being increased, the staff of the Historical Office has dropped from 62 in 1952 to 37 in 1964, with 2 long unfilled vacancies. The Committee discussed this problem at length with the officers of the Department and was informed that the ceiling on personnel, a part of a Government-wide economy measure, could not be broken by departmental efforts. The older members of the Committee were dismayed by this conclusion, for earlier conversations with the Secretary and the Under Secretary had given them hope that, in a crisis, relief might be provided. In 1964 the Committee did receive encouragement from the Under Secretary for Political Affairs and from the Assistant Secretary for Public Affairs that its members, as a group and individually, might carry the campaign in behalf of the Foreign Relations series to the appropriate committees of Congress. This approach seems to offer some hope for meeting the crisis at hand—a crisis that must be faced now, not next year or the year after.

For the 20-year goal is in peril. By the end of 1964 the timelag was 22 years; 1942 was the last year for which all the regular volumes have been released. By the end of 1964 only five of the seven planned for 1943 and none of the seven planned for 1944 had been issued. Equally disturbing is the diminished rate of publication. Five volumes were released in 1962 and five in 1963, but only two in 1964. To hold a 20-year line, it will be necessary to print 16 volumes in 1965. After 1965, eight or nine would be needed for each year. The 20-year goal set by the Committee and approved by the Secretary, cannot be met with existing personnel.

A further personnel problem, soon to become critical, involves recruitment and advancement. The compilers of Foreign Relations are trained and experienced historians. Some have been on the job since the 1930's when government service was often more attractive than college teaching. A few are nearing retirement, and the prospect of finding replacements with equal talent is bleak. Younger members of the staff must be advanced in salary and rank lest they be lured away to more remunerative and prestigious positions. It will be difficult enough in the next few years to compete with the burgeoning college market where many more desirable teaching posts exist than there are qualified candidates to fill them. It will be impossible to staff the Historical Office with properly trained scholars if Congress and the Department do not recognize by word and deed the importance of Foreign Relations. There must be some incentive for those who toil loyally and, from a professional point of view, anonymously. Permitting this series to fall further and further in arrears will certainly diminish that incentive.

The Committee fears that present budget practices pose another threat to holding the 20-year line. With each Foreign Relations volume costing about $15,000 to print and bind, the base figure of $18,500 for fiscal 1965 was wholly unrealistic. To be sure, $58,500 was eventually allotted, but the fact remains that $120,000 will be needed for printing and binding eight volumes a year, and $240,000 would be required to meet the 20-year goal by the end of 1965. Nor can the editors plan efficiently if they do not know more precisely in advance their annual budget for printing and binding.

Insufficient manpower and money, then, are clear and present dangers to the Foreign Relations series. Further difficulties exist. Gaining prompt clearance to print documents more than 20 years old is not always easy; and the Committee, which spent time examining specific cases, was astounded by some of the objections raised within the Department and elsewhere in the executive branch. Inadequate indexing can also hamper operations, although for the moment the Publications and Reproduction Services Division is coping intelligently with the problem. There too, as in the Historical Office, impending retirements will soon make recruitment a major concern.

The Committee discussed two matters related to its major concern. One was the status of American Foreign Policy: Current Documents, an annual compilation of unclassified and previously printed materials. The first volume, that for 1956, appeared in 1959; those for 1957, 1958, 1959, and 1960 were released in each case 4 years after the events they treat. Since this publication helps slightly to bridge the 20-year gap left by Foreign Relations, the Committee recommends that the 4-year lag in current documents be shortened. The other matter was access to the unpublished files of the Department, the revised regulations on which were considered in the Committee's report for 1963 and were summarized in the scholarly journals. Here the Committee strongly recommends that access for a calendar year be granted on the present restricted basis as soon as the initial Foreign Relations volume for that year is issued.

Once again the Committee acknowledges the many courtesies it received during its meeting from officials in the Department, especially Secretary Dean Rusk, Under Secretary for Political Affairs W. Averell Harriman, Assistant Secretary for Public Affairs James L. Greenfield, and Executive Director of the Bureau of Public Affairs Francis T. Murphy. In behalf of the organizations its members represent—the American Historical Association, the American Political Science Association, and the American Society of International Law—it expresses once more its confidence in the scholarly integrity of the Foreign Relations series. It pays tribute to William M. Franklin, director of the Historical Office, to S. Everett Gleason, editor of Foreign Relations, and to their associates for dedication and loyalty in pursuing an important public and scholarly task under disheartening conditions. It urges Congress and the Department to take immediate steps to insure that Foreign Relations will be in the future, as it has been in the past, a publication which does credit to the Nation and provides enlightenment for all its citizens.

Respectfully submitted.

William W. Bishop, Jr., University of Michigan[3]; Robert H. Ferrell, Indiana University[1]; Philip E. Mosely, Columbia University[1]; Robert E. Osgood, the Johns Hopkins University[2]; Robert B. Stewart, Tufts University[2]; Robert R. Wilson, Duke University[3]; Richard W. Leopold, chairman, Northwestern University.[1]

VIETNAM: AN ENGLISH VIEW

Mr. CHURCH. Mr. President, all the evidence which comes from the Afro-Asian world bears one lesson for us: that the white Western powers must learn to play a new, nonmilitary role in that area. This advice applies to the European countries, as well as to the United States. In an article which was published in the highly respected English newspaper, The Guardian, Patrick Keatley reported that Western military intervention in that area only serves to benefit the cause of the Communist Chinese. In his article, Mr. Keatley summarized the Afro-Asian viewpoint as follows:

> The era for a Western military presence is past, though there are still Afro-Asian leaders who have not absorbed the lesson. Now is an era, not for Tommies, but for teachers and technicians; not for bombs and bases, but for books and businessmen.

Mr. Keatley concluded:

> In the Afro-Asia of 1965, the wisest rule for those heading east of Suez bearing burdens is that they should not be in uniform and not carrying guns. It is a lesson that Andrei Gromyko and Charles de Gaulle have both quite evidently learned.

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KIPLING'S COUNSEL

(By Patrick Keatley)

"Pan-Africanism has neither army nor budget."—Sir ROY WELENSKY.

"We must give active support to the national independence movements in Asia, Africa, and Latin America; to the righteous struggle in all countries throughout the world."—MAO TSE-TUNG.

There is a world of wisdom to be gained from the verbal confrontation above. The pathetic thing is that Rhodesia's fallen leader made his cynical assertion as recently as December 1962, during a congratulatory banquet in Johannesburg; whereas Chairman Mao had already spoken his prophetic warning in Peiping 6 years earlier.

And the single, stunning political fact of the world of Afro-Asia today is that nationalism no longer lacks for budget nor battalions.

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[1] Representing the American Historical Association.

[2] Representing the American Political Science Association.

[3] Representing the American Society of International Law.

This is the thing that strikes the Western visitor now who journeys east or south of Suez. Indeed, Sir Roy Welensky was already out of date (not for the first time) when he made that remark 2 years ago, though the process of boosting Afro-Asian firepower with Moscow muscle and Peiping potency has accelerated since then.

This is not to rejoice at his discomfiture, for I do not. Nor am I one of those who applaud with silent satisfaction at each new diplomatic success in Afro-Asia by China or the Soviet Union. It is just that as an observer, traveling in those lands today, I am bound—in spite of a private faith in liberal capitalism—to recognize and report blunt facts. And the basic fact is that the white man has, today, largely lost the diplomatic initiative.

This applies to the Russians almost as much as ourselves and, if Peiping overplays its hand, it will apply to the Han dynasty, too. There is a world of feeling in the sharp comment of President Ben Bella when he said recently that he will not tolerate that "at any price Algeria should become the pawn in a dispute which seems to us, at the very least, infuriating."

That observation came not long after Mr. Chou En-lai had wound up a Pan-African tour with the remark that "Africa today is ripe for revolution." So there is a certain caution in the back of the mind of any African leader when he negotiates with Mr. Ho Ying in Dar, Mr. Wang Yu Tien in Nairobi, or any of the other able Ambassadors that People's China has assigned in the past 5 years to the 16 new diplomatic missions she has opened on that continent. (Six more will be operating before the Second Afro-Asian Conference opens on June 29 in Algiers.)

But the thing that drives the Afro-Asian nationalist straight into the able, avuncular arms of Mr. Ho and Mr. Wang is when we in the West give way to an atavistic reflex that dates from Bismarck and Canning and the Congress of Vienna. Instinctively, like aging circus horses going into a familiar rountine, we have one instant reaction when we hear the thump of the Afro-Asian nationalist drum; alert aircraft/send soldiers/build bases. The harvest of headlines—as I saw them recently in the press of India and Pakistan—makes curious, outdated reading east of Suez: Airlift from Lyneham, RAF Rakes Harib, Greenjackets Go In.

HEADY WINE

These headlines may come as heady wine to some diehards at Westminster but there is only one other place where they can conceivably be received with satisfaction. That is in the Ministry of Foreign Affairs in Peiping where Mr. Wang—now in Nairobi—was until recently director of the West Asia and African Department.

The thing was put most vividly to me by the Indonesian Foreign Minister, Dr. Subandrio, when we met by chance in the plane from Lahore to Karachi just over a fortnight ago. We were introduced by Pakistan's Foreign Minister, Mr. Zulfikar Bhutto, his host for the political mission then in progress. (This has since been followed by a trade mission and a handsome loan, at low interest, to help Indonesia buy nonmilitary goods in Pakistan.) Mr. Bhutto, having made it clear that his country values its Commonwealth links with Britain and with Malaysia, then prompted his guest to speak.

What Dr. Subandrio had to say took some time, but in sum it came to the simple point that "We don't want British bases in Asia and we don't want white men in uniform on Asian soil." I started to argue the Malaysian case, pointing out that Tunku Abdul Rahman had negotiated the Singapore bases and the Anglo-Australian-New Zealand troop commitments as prime minister of a state that had—at the time of the 1963 London conference—been sovereign for 6 years.

But Dr. Subandrio's basic point was simple and he came back to it with Asian obduracy: whatever the reasons, these are simply the soldiers of a European colonial power on Asian soil; and the concept is politically out of date and emotionally unacceptable in the Asia of 1965. He did not want to stress the racial element, which was for him clearly a distasteful argument to employ. But it came through just the same, and when Mr. Bhutto joined in the conversation at the end (having carefully remained out of it so that I should hear the undiluted Indonesian case) the Afro-Asian view was summed up for me by the two Foreign Ministers this way:

"The era for a Western military presence is past, though there are still Afro-Asian leaders who have not absorbed the lesson. Now is an era, not for Tommies, but for teachers and technicians; not for bombs and bases, but for books and businessmen."

The same thought has been expressed in the past few days by the Vice President of Kenya, Mr. Oginga Odinga, who can hardly be described as a friend of the West and has spent many weeks in Peiping in the course of half a dozen visits since 1960. On a personal plane, he and I clash ideologically each time we meet. Yet I readily concede that he is a master politician, for he has an uncanny "nous" for sensing the pulse of the new Afro-Asia.

This week the news came out that Britain's new foreign secretary, Mr. Michael Stewart, had submitted to his fellow ministers at the Western European Union meeting in Rome a confidential analysis of Communist diplomatic penetration in Africa. Twenty-four hours later this produced from Nairobi this reaction from Mr. Odinga:

"During colonial days imperialist powers enjoyed the right to defend their ideological interests on Africa's soil. They still appear to retain that colonial mentality and continue to assume their activities cannot be checked."

One thing is certain to me: regardless of any private reservations President Kenyatta may feel about Mr. Odinga, when it comes to this sort of hot gospel of the new Afro-Asianism he certainly may not be checked.

VIGOROUS POLICY

But let me bring forward two authentically conservative voices to buttress my case. Mr. Bhutto is foreign minister of a regime which follows a vigorous economic policy favoring private enterprise as against the state. Yet on Afro-Asia he sounds like all the rest:

"The desire for solidarity is rooted in our general experience of colonialism and imperialism, with all the resultant indignities and exploitation. When nations emerging from foreign domination get together to promote the liberation of countries still subject to external control, it should not be regarded as merely negative unity but as a positive, moral force for human dignity and freedom."

My second authority is that other Asian conservative, Rudyard Kipling:

> "Take up the White Man's burden,
> and reap his old reward:
> The blame of those ye better,
> The hate of those ye guard."

In the Afro-Asia of 1965, the wisest rule for those heading east of Suez bearing burdens is that they should not be in uniform and not carrying guns. It is a lesson that Andrei Gromyko and Charles de Gaulle have both quite evidently learned.

COLD WAR GI BILL ESSENTIAL FOR BETTER EDUCATED AMERICA

Mr. YARBOROUGH. Mr. President, the 88th Congress has been referred to as "education Congress," and the 89th Congress has earned itself credit for passing the Elementary and Secondary Education Act, this year.

However, before we can be assured of a better educated America, it is essential that we do not neglect any group of citizens who require an education in order to advance themselves in our society.

Recently, I received from Private John F. Maxwell a letter in which he states that most servicemen planning to reenter civilian life require further education if they are to compete in our society. To illustrate the need for assistance through the cold war GI bill, to these cold war veterans, I ask unanimous consent that Private Maxwell's letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 26, 1965.

Senator Ralph Yarborough,
U.S. Senate,
Washington, D.C.

Dear Senator Yarborough: I have been reading about the GI bill you have introduced into the Senate. I think that such a bill would be an asset to the strength and freedom of our country.

As a soldier myself, I know some of the feelings of anxiety and worry of the return to civilian life. Upon reentering civilianhood, I, along with thousands of others, face the problems of finishing an education.

I believe that if this bill is passed, it will encourage many people to finish their educations. Most soldiers planning on regaining their civilian status understand and acknowledge the need of a good education to be better able to cope with the competition that exists in our society of free enterprise.

A program of this nature would more than repay its expenses, not only financially, but, also, in ways not measurable in money.

This bill would lead to a greater, better-educated America. An America that will not be pushed nor swayed in this unpredictable age in which we live.

I want to congratulate you on an excellent job and to encourage you to keep up the good work.

Sincerely,

Pfc. John F. Maxwell.

GARDNER JACKSON

Mr. GRUENING. Mr. President, a little over a week ago there died in Washington a man the like of whom America needs more—Gardner Jackson.

"Pat,"as he was known affectionately by a wide circle of friends, was a crusader for fairness to the underdog, a vigilant sentry for often forlorn causes, a kindly, generous human being who spent his life in helping those of his fellow men who lacked the conventional supports which in America can often, but not always, be mobilized in behalf of the disadvantaged.

"Pat's" range of interest was wide. It included the diversity of race, creed, color, national origins, of political, social and economic discrimination. He was a liberal in the generally accepted use of that label, which perhaps always needs definition. And so, while mobilizing, as a young newspaper reporter in Boston, a campaign for a fair trial for Sacco and Vanzetti, whose electrocution for a crime which it is now generally recognized they never committed—as the late Justice

Frankfurter also stoutly maintained—Gardner Jackson fought the attempted Communist penetration of the ranks of organized labor and suffered lifelong physical disabilities in consequence. Using much of his material inheritance in behalf of the victims of misfortune whom he sought to aid, he leaves to his family a priceless legacy of conspicuous courage, hopeful faith in his fellow men and of undeviating purpose to try to correct injustice.

Gardner Jackson falls into the precious category of occasional "movers and shakers" who, from the early days of our Republic, have risked contumely and obloquy to carry out the promptings of their conscience and to seek to bring American life closer to its professions and ideals. "Pat" took the inevitable obstacles that his activities aroused in his stride, good humoredly, unpretentiously and without animus. His was a great soul.

An excellent tribute to Gardner Jackson by historian Arthur Schlesinger, Jr. appears in the current—May 1—issue of the New Republic. I ask unanimous consent that it, an editorial from the Washington Post, and his obituary from the same paper be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New Republic magazine, May 1, 1965]

GARDNER JACKSON, 1897–1965

One of the notable figures of our times died in Washington on April 17. Gardner Jackson came from a wealthy railroad family in Colorado; but he spent his life, and most of his fortune, in helping the submerged people of his day, the subsistence farmers, the sharecroppers, the migrant laborers, the unskilled workers, the braceros, the American Indians. He began as a student by defending President Alexander Meiklejohn against conservative attacks at Amherst. As a reporter on the Boston Globe, he organized the defense committee for Sacco and Vanzetti. In New Deal Washington, he constituted a one-man farmer-labor party and reform movement, whether he happened to base himself at the Department of Agriculture or the Senate Civil Liberties Committee, the CIO, or the Farmers Union. If he could get no one to work with him in combating the indignities of the world, he would cheerfully set out to do it by himself.

Because he cared so deeply about people and injustice, he forgot things other people cared about, like power, success, prestige, money. They used to say sometimes that the underdog had "Pat" Jackson on a leash; but his caring was not soft or undiscriminating. Nearly a quarter of a century ago, when I came to Washington in the first years of the war, "Pat" Jackson invited me to join a group of anti-Communist liberals in Government agencies who met regularly for dinner and discussion. His courage as labor reporter for PM in exposing communism in the unions at the height of the wartime alliance with Soviet Russia led a band of National Maritime Union thugs to set on him late one night in 1944, beating him unmercifully and blinding him in one eye. No doubt historians will be hard put to credit Gardner Jackson with specific achievements—though people in Washington, as they read about Secretary Wirtz' bracero campaign today, will remember that they first heard about Mexican migrant labor from "Pat" Jackson 30 years ago; and this is true about many other things. His was a humane and spontaneous faith, generous, and disorderly, and he quickened the lives of all who knew him. He seemed to know everybody in the America of his time—from Meiklejohn, Robert Frost, and Stark Young in his undergraduate days through Felix Frankfurter, Reed Powell, and my father in Cambridge, John Dos Passos and Edmund Wilson on Cape Cod, and Franklin and Eleanor Roosevelt, Henry Wallace, Francis Biddle, John L. Lewis, and James G. Patton, down to John F. Kennedy, for whom he worked in the Massachusetts senatorial campaign of 1952.

With some of these people he came to a parting of the ways. But he valued and preserved the bonds of human affection. Not being devoid of human frailties, he always distinguished between the sinner and the sin. Those whose lives he enriched never forgot him. I remember that in the White House President Kennedy used to ask me from time to time what "Pat" Jackson was up to. Next to Pat's irrepressible humanism, the cheerless bureaucratized liberalism of later years, drilled in movements and tyrannized by slogans, seemed a sad and dreary thing. Gardner Jackson's everlasting strength was his perception that people mattered more than dogma, sympathy more than righteousness—this and a rare humor and modesty about himself.

ARTHUR SCHLESINGER, Jr.

[From the Washington (D.C.) Post, Apr. 22, 1965]

GARDNER JACKSON

Gardner Jackson—he was Pat Jackson to everyone who knew him—represented an essentially romantic and crusading tradition in journalism and in politics. The role of detached observer was not for him. He was a part of all that he experienced, a profoundly involved mover and participant. Thus, as a young newspaperman in Boston during the 1920's, he became involved in the Sacco-Vanzetti case and took a leading role in that bitter controversy. As a reporter in Washington during the earliest days of the New Deal, he soon found himself caught up in the excitement of its reforms and directly engaged in its internal struggles. The same course characterized his relations with the turmoil in the labor movement of the 1940's.

To every cause with which he was connected, Pat Jackson gave himself unstintingly. He brought to all that he did an extraordinary exuberance and commitment, a sense of ardor and of passionate conviction. His death at 68 takes from the Washington scene a most colorful and attractive figure. If he belonged somewhat more to an exciting past than to the present, he belongs none the less richly today to those who shared that past with him and cherish him as one of its authentic heroes.

[From the Washington (D.C.) Post, Apr. 18, 1965]

STORMY CAREER ENDS FOR GARDNER JACKSON

(By Willard Clopton)

Gardner (Pat) Jackson, 68, once called "the champion of lost causes" for his zealous support of the underdog, died early yesterday at Washington Hospital Center.

In 45 years as a newspaperman, public official, and union executive, Mr. Jackson crusaded for such causes as Sacco and Vanzetti, the southern sharecroppers, the Spanish Royalists, the American Indian, the bonus marchers, and civil liberties in general.

His persistence cost him several jobs, his inherited wealth, and the sight of one eye.

Born in Colorado Springs, son of a western railroad magnate, Mr. Jackson had lived in Washington more than 30 years. His home was at 1410 29th Street NW.

One morning in 1921, when he was a fledgling reporter on the Boston Globe, his wife, Dorothy, looked up from the paper and said, "Pat, there's something strange about this trial down in Dedham. Why don't you see if you can find out anything about it."

The trial was that of Nicola Sacco and Bartolomeo Vanzetti, two immigrant Italian anarchists accused of a payroll robbery and murder the year before.

Mr. Jackson became curious about the lack of hard evidence against the two and was soon convinced that they were on trial mainly for their political beliefs. He did much to bring the case to national attention.

He began giving more and more of his time to the case and in 1926 quit the Globe to become secretary of the Sacco-Vanzetti Defense Committee.

After the two were executed in 1927 he returned to the Globe, but came to Washington in 1930 to become correspondent for several Canadian papers.

Three years later, he was recruited by the New Deal as assistant consumer's counsel in the Agricultural Adjustment Administration, set up to help farmers hurt by the depression.

While Agriculture Secretary Henry A. Wallace was concentrating on aiding farmers who owned their lands, Mr. Jackson and some other aids began focusing instead on the problems of tenant farmers.

Their divergent interests led in 1935 to the "Wallace purge," in which Mr. Jackson and the others were fired.

Several years later he was rehired by Agriculture Secretary Claude Wickard, but in 1943 again was dismissed after pushing too hard for expansion of the Farm Security Administration, which focused its efforts on helping the small subsistence farmer.

An element in both firings was a suspicion that the outspoken official had leaked inside information to the press.

Mr. Jackson had by this time become a confidant of official Washington and his counsel was sought frequently by Cabinet officers, Supreme Court Justices, even the White House.

For several years in the 1930's and 1940's, Mr. Jackson did organizational work for the CIO, first under John L. Lewis and then under the late Philip Murray. He was active in helping to eliminate Communist influence from the organization after World War II.

In 1944, he was attacked outside a Greenwich Village restaurant and suffered a vicious beating, which caused him to lose the sight of one eye. The assault was believed linked to his anti-Communist activity.

The son of William S. Jackson, banker and owner of the Denver & Rio Grande Railroad, Mr. Jackson lived in Colorado until coming East to attend Amherst College.

After 2½ years there he entered the Army, which assigned him to a machinegun company in Georgia until after the end of World War I. He spent a year afterward at Columbia University before joining the Globe.

In the 1940's, Mr. Jackson spent 2 years covering Washington for the now defunct newspaper, PM. In recent years, he had been a freelance writer and labor consultant.

Mr. Jackson is survived by his wife; three sons, Gardner, Jr., and Geoffrey, of Boston, and Everett, of Cape Cod; a daughter, Mrs. Raymond Smith, of Hastings-on-Hudson, N.Y., and seven grandchildren.

A memorial service will be held at 11 a.m. Monday at Gawler's Funeral Home, Wisconson Avenue and Harrison Street NW. Burial will be private.

MRS. JUDITH BEILIN, CONSUL OF ISRAEL, GIVES SIGNIFICANT ADDRESS AT STATE OF ISRAEL BOND DINNER IN CHARLESTON, W. VA.

Mr. RANDOLPH. Mr. President, it was my privilege to participate in the program of the State of Israel bond dinner, sponsored by the Charleston, W. Va., committee, on April 11, 1965.

Mrs. George Samuels played the "Star-Spangled Banner" in opening the event and Rabbi Samuel Volkman of Charleston's Virginia Street Temple offered the invocation. The benediction was given by Rabbi Samuel Cooper.

Alvin Gordon, 1965 chairman of the Charleston bond drive, extended greetings and introduced Gov. Hulett Smith, and his lovely daughter; Mayor and Mrs. John Shanklin of Charleston, Mayor and Mrs. William Brown of Parkersburg, Mayor H. H. Cudden of Logan, Mayor John W. Smith of Beckley, and Mayor Frank Rybka of Weirton.

The permanent chairman of the Israel Bond Committee is Ben Lieberman, and Mrs. David E. Borstein serves as chairman of the Israel Bond Women's Division. Mrs. Lieberman introduced the principal speaker, Mrs. Judith Beilin, Consul of Israel, in New York since 1961. In a very moving talk Mrs. Beilin told of obstacles to be overcome by the people living in Israel and of the importance of bonds in the success of that developing country.

She told of the achievements thus far brought into being by the money secured through bonds. These include great progress in both youth and adult education, vocational training, irrigation, and cultivation. The building of 375,000 housing units for newcomers, and the expansion of industry for a labor force of some 800,000 are realities. Mrs. Bielin pointed to the rise in Israel's exports from $40 million in 1950 to $700 million today. She also emphasized that new roads and electricity and a cooperative program with the United States in the desalination of salt water by nuclear power, are being brought to fruition.

Mr. President, I was impressed with Mrs. Beilin's appeal, and I was deeply touched by the presentation she made to me on behalf of the Government of Israel.

There were approximately 150 West Virginians in attendance for this annual dinner.

IN SUPPORT OF THE 10TH INTERNATIONAL GAMES FOR THE DEAF

Mr. KENNEDY of New York. Mr. President, this summer an unusual event in the sports world will take place here in Washington, D.C. It is the 10th International Games for the Deaf.

Few Americans disclaim an interest in sports—whether it be as a participant on ski or skate or as a standing spectator at a sandlot game or when sitting in some huge municipal arena at a professional athletic contest.

And even those with only a casual interest are drawn to the sports pages during the time of the famed international Olympic games.

So it should be of general interest, Mr. President, to realize that a deserving international competition, the "Deaf Olympics," is being held in the Nation's Capital from June 26 through July 3 of this year. The program both deserves and warrants our support.

It was 40 years ago that Mr. E. Rubens-Alcaise founded the Committee for Silent Sports—a literal translation of the French title. Its purpose is to develop "physical education in general, and competitive sports in particular, among the deaf and dumb of the world."

In 1924, the committee sponsored the first International Games for the Deaf. Held in Paris, 145 athletes, representing 9 nations, competed. In 1935, the United States competed for the first time, thanks to S. Robey Burns, of Alexandria, Va. His guidance resulted in participation in the games by two American athletes.

Since then, the Deaf Olympics have drawn an increasing number of competing American athletes. The last games were held in Finland, 4 years ago.

Now, for the first time these games will be held in the United States, despite a strong bid by the Soviet Union. Also for the first time, the games will be run by the deaf themselves.

More than 1,000 athletes, representing 29 nations, will be competing. I understand that approximately 5,000 persons involved in some fashion in the games will come to Washington. Gallaudet College, the only institution of higher learning for the deaf in the world, will be headquarters for these Olympics.

The Deaf Olympics operate under the same rules and procedures as those of the senior Olympics. Competitors are drawn from among those "who are deaf by birth or become deaf following an illness or other extreme cause—and provided that they attend an institution for the deaf or received special instruction because of their deafness."

In 1951, the International Olympic Committee granted official recognition to the Deaf Olympics. Since 1963, the American Athletic Association for the Deaf has sponsored the U.S. representatives.

Jerald M. Jordon, chairman of the 10th International Games for the Deaf and a member of the Gallaudet faculty, recently stated quite well the games' purpose:

> The common incentive of sportsmanship and competitiveness hurdles the barriers of language and custom, and provides a notable contribution toward understanding among peoples.

Surely, these games inspire and challenge young men and women burdened by deafness to aspire to wider roles of leadership and usefulness in society.

In 1962, President Kennedy accepted an invitation to be the honorary chairman of this summer's games. At that time he said:

> They will open another area of cooperation with other nations of the world in helping and encouraging them to develop and improve the education and training of the deaf in their own countries.

Last year, President Johnson accepted the honorary chairmanship of the games. Since their beginning, President Johnson said:

> The Deaf Olympics have served efficiently to awaken the world to the potential of the deaf for full participation in our affairs.

Mr. Justice Byron White, the senior Senator from Massachusetts [Mr. Saltonstall], the Honorable Anthony J. Celebrezze, Secretary of Health, Education and Welfare, and I have been pleased to accept invitations to serve as sponsors of the games.

These Olympics present Americans with a wonderful opportunity to demonstrate to visiting athletes and their entourages the hospitality for which we are justly famed.

Moreover, at Gallaudet, headquarters for the games, deaf people are being trained in mathematics and science to a degree unparalleled elsewhere in the world. Foreign visitors will have an opportunity to see that the education of the deaf need not be limited to the relatively narrowing confines of vocational training.

Therefore, I hope my distinguished colleagues will agree with me that this vast undertaking by the deaf of the United States deserves the wholehearted support of all of us. And with this support comes our best wishes.

FORMER AMBASSADOR SPEAKS UP

Mr. CHURCH. Mr. President, John Kenneth Galbraith, the distinguished economist and professor at Harvard University, was one of the best ambassadorial appointments made after the Democrats came into power in 1961. Mr. Galbraith compiled a fine record of achievement as our Ambassador to India, before resigning, to return to Harvard. During his service as Ambassador, Mr. Galbraith displayed a developed sensitivity to Asian feelings and knowledge of the Asian point of view.

Ambassador Galbraith—who is a strong supporter of our President, and who campaigned vigorously for him last year—calls for an end to the bombings of North Vietnam, as a necessary precondition to any kind of negotiated settlement, in a letter published in the April 27 issue of the New York Times. In urging an end to the bombing of North Vietnam, Ambassador Galbraith, who made detailed studies of the effects of the massive American bombing of German cities during the Second World War, comments:

> Those of us who were responsible for air intelligence in World War II learned that bombing, without exception I believe, hardened the morale of those under attack. This, and the difficulty in seeming to yield while under attack, means that the raids undercut the offer of negotiations by the President.
>
> Finally, and most important, the attacks are alienating our friends in Asia, Europe, and Africa and quite possibly strengthening and consolidating our opposition.

I ask unanimous consent that Ambassador Galbraith's excellent letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Suspension of Air Attacks Urged

To the Editor:

In his column of April 21 on the recent Vietnam discussion in Cambridge, James Reston lists me as one of the defenders of President Johnson's policies. This is accurate. I noted that the President's choices had been greatly narrowed by the earlier history. His Baltimore speech was a long step away from the narrow intransigence which had previously passed for policy. Perhaps I might add a further word on my views.

As most people are now aware, those predominantly concerned with Vietnam policy in the past held doggedly to the thesis that it was primarily a military problem. Other interpretations and remedies, including those advanced by the President in Baltimore, were dismissed as softheaded. Then when things went wrong, as they repeatedly did, the protagonists urged as the reason that the military commitment was insufficient.

The remedy was to do more of the same. Since more could always be done, their case was not easy to refute. Furthermore, as is invariably the case, courage and vigor seemed to be on the side of military oversimplification.

COMMITMENT TO COURSE

It is an important consequence of policy that the individuals involved—I do not here include Secretary McNamara, whose rationality I much respect—have become deeply committed to this course. It is not so much the reputation of the United States as the reputation of particular policymakers that was at stake.

It was this current of history that the President in Baltimore began to reverse.

But reversal involves one further and important step. That is to suspend the air attacks, and this I strongly urged. Those of us who were responsible for air intelligence in World War II learned that bombing, without exception I believe, hardened the morale of those under attack. This, and the difficulty in seeming to yield while under attack, means that the raids undercut the offer of negotiations by the President.

And so long as they are not directed at cities, something that the President has scrupulously resisted, they are of slight effectiveness. Light weapons and supplies passing along jungle supply routes are all but invulnerable and, in any case, the Vietcong depends heavily on local resources.

Finally, and most important, the attacks are alienating our friends in Asia, Europe, and Africa and quite possibly strengthening and consolidating our opposition. Repeatedly in past moments of muscular aberration, we've imagined that we could get along without friends; as regularly, we have discovered it couldn't be done. This argues also for suspension.

Assuming that we must hold a bargaining position in the cites and surrounding areas, it is ground forces which are needed. These do not block the prospect for negotiations. They do not involve even the accidental danger of escalation. They do not produce daily reports of seemingly sanguinary action. And none of our friends will imagine that we intend to begin an infantry war in Asia.

AVOIDING DISASTROUS COURSE

In 1962, when the conflict between China and India erupted into open fighting, our policy was to help the Indians on the ground and persuade them not to commit their prestige and that of the Chinese by carrying the attack into the air. I invested great energy in this effort. I have always thought it was my most useful contribution to the avoidance of what might have been a costly and otherwise disastrous conflict.

JOHN KENNETH GALBRAITH.

CAMBRIDGE, MASS., *April 21, 1965.*

NEW UNDER SECRETARY OF THE DEPARTMENT OF AGRICULTURE

Mr. McGOVERN. Mr. President, yesterday the President announced at his news conference that he would nominate Charles S. Murphy, who has served 4 years as Under Secretary of Agriculture to become Chairman of the Civil Aeronautics Board. Charlie Murphy has been an outstanding Under Secretary, and he will be missed at the Department of Agriculture. He will, however, serve with great distinction in his new post.

I want him to know that I am one of many Members of Congress, representing agricultural States, who appreciate the time he has allocated out of his lifetime to the cause of the farmers, and the enlightened aid he has given throughout those years.

I am pleased that the President has nominated John A. Schnittker, the Director of Agricultural Economics of the Department of Agriculture to succeed Mr. Murphy as Under Secretary of Agriculture. Dr. Schnittker is an outstanding economist and a respected Government servant. He has worked closely with Secretary Freeman and Under Secretary Murphy for 4 years in fashioning improvements in the farm program. He has not ceased to seek means of making further improvements. He is a vigorous proponent of a prosperous agriculture which can contribute economic strength, as well as abundant food and fiber, to the Nation.

Before coming to the Department of Agriculture he was among the first of the agricultural economists in the land-grant universities to make his voice heard on the vital issues confronting American farmers as surplus stocks grew, and as farm incomes declined in the late 1950's.

In 1959 he served as a consultant to the Senate Committee on Agriculture and Forestry in developing a pioneer report on the dangerous effects to the incomes of American farmers of throwing them on the mercy of the marketplace. This early study, done by the Department of Agriculture with the collaboration of Dr. Schnittker and other university economists, has been reaffirmed over and over again by independent universities studies.

In 1960 Dr. Schnittker served as a consultant to the Joint Economic Committee of Congress in a study of American farm policy. In that report issued late in 1960, Dr. Schnittker worked closely with Dr. Walter Wilcox, the respected agricultural specialist of the Library of Congress, and with Dr. George Brandow, now the staff director of the National Commission on Food Marketing. This report again reaffirmed the importance of sound and responsible Government programs both to American farmers and to the national economy.

In 1960 Dr. Schnittker also published through the Kansas Agricultural Experiment Station an important report on wheat programs, in which he examined the basic alternatives open to farmers and to the Congress for changes in the wheat program in the 1960's.

In October of 1960 Senator John F. Kennedy asked Dr. Schnittker to serve as chairman of a task force to examine the wheat situation and to make recommendations to him after the election. This report was made to President Kennedy after his inauguration.

In May of 1961, Dr. Schnittker joined the Department of Agriculture as staff economist and worked closely with the Secretary and his staff in the development of improved programs for the major commodities particularly feed grains and wheat.

He has appeared many times before the Senate Committee on Agriculture and Forestry and other committees of the Congress and has always been most helpful to Members of Congress.

Over the last 2 years, Dr. Schnittker has also represented the Department of Agriculture and the U.S. Government in connection with grain negotiations associated with the Kennedy round of trade negotiations now underway in Geneva.

Early this year, he spoke at the annual convention of the National Association of Wheat Growers in Portland, Oreg., on the critical importance of both continuation of the wheat programs in this country and developments of export markets abroad. This was an excellent statement of the crucial relationship between domestic programs and trade relationships.

As a Senator from a wheat and feed grain producing State, I welcome Dr. Schnittker's elevation, for he is a scholar, a realist, and a dedicated friend of farmers.

EDWARD R. MURROW

Mr. KENNEDY of New York. Mr. President, the passing, yesterday, of Edward R. Murrow was a tragic loss for his family, and was an overwhelming loss for all the people of the United States. None of us will ever forget his broadcasts from England during the war. Millions of us sat by our radios regularly, waiting to hear his familiar voice saying, "This is London."

Of course, I knew him by reputation from that time; and I came to know him personally while we served together in Government. Everything I had heard was true; his integrity and his judgment earned him the highest respect of all who knew him. President Kennedy relied implicitly on him. He made a major difference, not only in the USIA, but also in everything else he turned his hand to within the Government. His recommendations and thoughts changed the course of American foreign policy more than once. He spoke very seldom, but when he did—in Cabinet meetings, in the National Security Council, and in many of the committees of Government—he inevitably made sense, and was listened to by everyone. All of us who served with him had the greatest affection for him. For President Kennedy, he was, in a word, indispensable.

I can think of nothing more appropriate to describe Ed Murrow than the following excerpt from Shakespeare's "Julius Caesar":

> His life was gentle, and the elements
> So mix'd in him that Nature might stand up
> And say to all the world, "This was a man!"

Mr. President, the tribute to Ed Murrow, written by James Reston, and published today in the New York Times, is deeply moving and very appropriate. I ask unanimous consent that it be printed in the RECORD at the close of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 28, 1965]

Washington: Farewell to Brother Ed

(By James Reston)

Washington, April 27.—Edward R. Murrow lived long enough before he died this week to achieve the two great objectives of a reporter: He endured, survived, and reported the great story of his generation, and in the process he won the respect, admiration, and affection of his profession.

The Second World War produced a great cast of characters, most of whom have been properly celebrated. Roosevelt, Churchill, and Stalin are gone. Chiang Kai-shek is now living in the shadow of continental China, which he once commanded, and only De Gaulle of France retains power among that remarkable generation of political leaders formed in the struggle of the two World Wars.

The great generals of that time too, like MacArthur and Rommel, have died or, like Eisenhower and Montgomery, have retired; but in addition to these there was in that war a vast company of important but minor characters who played critical roles.

THE IRONY OF HISTORY

History would not have been the same without them. They were the unknown scientists, like Merle Tuve, who invented the proximity fuse and helped win the air war, and chiefs of staff like Bedell Smith, and the Foreign Service officers like Chip Bohlen and Peter Loxley of Britain, and on the side, the Boswells of the story, like Ed Murrow of the Columbia Broadcasting System.

It was odd of Ed to die this week at 57—usually his timing was much better. He was born at the right time in North Carolina—therefore he was around to understand the agony of the American South. He went west to the State of Washington as a student and therefore understood the American empire beyond the Rockies; and he came east and stumbled into radio just at the moment when it became the most powerful instrument of communication within and between the continents.

A REMARKABLE GROUP

He was part of a remarkable company of reporters from the West: Eric Sevareid, Ed Morgan, Bill Costello, whom Murrow recruited at CBS; Hedley Donovan and Phil Potter, out of Minnesota; Elmer Davis, Ernie Pyle, Tom Stokes, Bill Shirer, Raymond Clapper, Wallace Carroll, Webb Miller, Quentin Reynolds, Wally Deuel, the Mowrers, and many others, including his dearest friend, Raymond Gram Swing, who played such an important part in telling the story of the Old World's agony to America.

"THIS IS LONDON"

But Murrow was the one who was in London at that remarkable period of the battle of Britain, when all the violence and sensitivities of human life converged, and being sensitive and courageous himself, he gave the facts and conveyed the feeling and spirit of that time like nobody else.

It is really surprising that he lived to be 57. He was on the rooftops during the bombings of London, and in the bombers over the Ruhr, and on the convoys across the Atlantic from the beginning to the end of the battle. Janet Murrow, his lovely and faithful wife, and Casey, his son, never really knew where he was most of the time but somehow he survived.

In the process, he became a symbol to his colleagues and a prominent public figure in his country, and there was something else about him that increased his influence. He had style. He was handsome. He dressed with that calculated conservative casualness that marked John Kennedy. He was not a good writer, but he talked in symbols and he did so with a voice of doom.

It is no wonder that the British, who know something about the glory and tragedy of life, knighted him when they knew he was dying of cancer at the end. Their main hope in the darkest days of the German bombardment of London was that the New World would somehow understand and come to the rescue of the Old, and if anybody made the New World understand, it was Murrow.

THE RAT RACE

He hated the commercial rat race of the television networks, and fought their emphasis on what he regarded as the frivolities rather than the great issues of life, and talked constantly of escaping back into the small college atmosphere from which he came. He never made it, and probably wouldn't have liked it if he had.

Those who knew him best admired him most. He was a reporter of the old school and a performer of the new. In radio and television, only the memory of other people remains, and the memory of Ed Murrow will remain for a long time among people who remember the terrible and wonderful days of the Battle of Britain.

SUCCESSFUL RAIL COMMUTER SERVICE

Mr. DOUGLAS. Mr. President, during recent years it has been the fashion of many railroads to bemoan their obligations to continue passenger service, when they would rather devote their investments to the more lucrative pastime of hauling freight. Passengers, it has been repeated time and time again, cannot be transported by rail at a profit. I always believed this premise was false; and now I am glad to report that it has been proven false. Airplanes have carried passengers at a profit, and busses have carried passengers at a profit; and I believed that sincere management would enable railroads to carry passengers at a profit.

The commuter problems in Chicago and Cook County are as severe as any that will be found in the world. While bringing passengers to and from work in the metropolitan area, the railroads complained of revenue and operating losses year after year. New expressways were constructed to meet the public demand for effective transportation facilities. Soon, these highways were enabling hundreds of thousands of commuters to drive into Chicago every day. But this resulted in the strangulation of the city's streets and parking lots.

Recently, the Chicago and North Western Railroad began a program of attacking the railroad-commuter problem at its source; the railroad management. It brought in Ben W. Heineman as chairman, and Clyde J. Fitzpatrick as president; and these two twisted the company's thinking around to where the considerations of the commuting public became paramount, rather than continuing under the old approach of giving the public what management thought the company could afford to give.

The entire attitude of the company changed from commuter tolerance to commuter enthusiasm. The C. & N.W. proceeded to put $50 million into new equipment designed specifically for commuter service. The bold gamble began to pay off; and in 1963, and again in 1964, the C. & N.W. operated its commuter service, using its new equipment, at a profit. This demonstrates the ability of railroads to operate this service at a profit. The story of the C. & N.W. encourages other railroads to step into this breach. Profits can be made by operating rail service for commuters; all it takes is the proper company attitude. As Mr. Heineman put it:

> You can't have successful suburban service without support, interest, attention, and devotion to top management. If top management doesn't want it, it's not going to happen.

In its April 5, 1965, edition, the St. Louis Post-Dispatch published an editorial on the C. & N.W.'s progress in serving the commuter; and I ask that the editorial be printed at this point in the Congressional Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Louis (Mo.) Post-Dispatch, Apr. 5, 1965]

Where the Commuter Is King: Chicago Produces Successful Rapid Transit With Good Management, Though Problems Loom

Roaring toward Chicago at high speeds from six different directions every workday morning are strings of double deck commuter cars bearing the emblems of four different railroads. They are clean, well lighted, warm in winter, cool in summer, and almost always on time. In their seats are perhaps the country's most contented railroad commuters.

There are two basic reasons why railroad commuter service is so much better in suburban Chicago. One is that most of the railroad managements there desired to make it so, and had the money or credit to implement their desires. The second is an enlightened public commission.

To four of Chicago's six major commuter railroads, the commuter is king. Together, these four have spent an aggregate $100 million in the past 10 years for modernization of suburban service. As a consequence they have held far more riders than the New York commuter lines. They have also cut or erased huge deficits, since newer equipment reduces their costs.

Most of these Chicago lines deal with a single State regulatory body, the Illinois Commerce Commission, which has repeatedly accepted railroad contentions that they deserve fare increases if they operate modern equipment.

Until recently Chicago has had nothing like New York's celebrated parkway system, which dates back to the 1930's, and this, too, has helped.

Now that expressway building in and around Chicago is in high gear, however, railroads are running into experiences similar to those that hit New York years ago.

The Illinois Central's daily passenger total, for example, has plummeted from 67,000 in 1957 to 46,000 today, with nearly half the decrease coming after the opening of a new expressway. For the same reason the Chicago, Rock Island & Pacific lost 10 percent of its passengers in 1963. When the Kennedy Expressway opened several years ago, the Chicago & North Western, perhaps the classic case of a successful suburban operation, lost 7.3 percent of its passengers.

At the time, the North Western had actually been making a slim profit from its commuter service. But after the expressway opened, it lost a combined $4 million in 1961 and 1962 when passengers deserted the railroad for concrete. Operations were back in the black in 1963, though, to a tune of $706,000—for a significant reason.

Extensive highway building north of Chicago had helped bring the demise of an electric interurban railway, the Chicago North Shore & Milwaukee. But when all the former North Shore passengers were turned loose, the highways became so jammed that the North Western added customers. It now carries 72,000, up from 62,000 a decade ago.

Many in Chicago fear that as such changes occur a lack of foresight and overall planning may someday create the same problems for Chicago the New York lines now suffer from.

Even with the relative success of the Chicago railroads, there are problems that could halt the system in the future, says one top official. "Public bodies react only to crisis," he points out. "Thus," he says, "there has been no comprehensive transportation plan completed to produce an integrated system of expressways, rapid transit, and commuter lines. Unless there is this plan, in 10 or 15 years we will find Chicago's favorable transportation situation changing to unfavorable."

For the time being, however, conditions are comparatively favorable. Take the case of the North Western. It was saddled with a $2,100,000 suburban deficit in 1957, when Chairman Ben W. Heineman and President Clyde J. Fitzpatrick spent their first year in control of the railroad. They concluded that the route to improvement lay in offering a first-class product. They first won the right to close 22 of 88 commuter stations; these were the stations closest to the city that were also being served by rapid transit lines. More importantly, they obtained a 24-percent increase in fares. Heineman then persuaded the Metropolitan Life Insurance Co. to lend the road what finally amounted to $50 million to purchase new equipment.

With the new equipment came two edicts: Trains would be run on time; commuters would be pampered.

This gives another insight into the success of the C. & N.W.'s commuter service. "You can't have successful suburban service without support, interest, attention, and devotion of top management," Heineman declares. "If top management doesn't want it, it's not going to happen."

Two other moves, unusual for commuter railroads, that Heineman instituted were an advertising campaign and special classes to teach conductors how to be polite.

Since 1959, the North Western has sponsored radio helicopter traffic report programs, seeking out the people it considers its prime potential customers—motorists stalled in traffic.

WAR IN SOUTHEAST ASIA—STATEMENTS BY SENATOR MANSFIELD AND SENATOR AIKEN

Mr. CHURCH. Mr. President, on April 21, both the distinguished majority leader, Senator MANSFIELD, and the respected dean of Senate Republicans, Senator AIKEN, made eloquent statements about the danger of an escalating war in southeast Asia. The applause from the galleries which greeted Senator AIKEN'S remarks represented a spontaneous demonstration of the commonsense feeling of most Americans that the United States should not become involved in a major war on the Asian continent. In the April 22 issue of the New York Times, Arthur Krock had a fine article in which he praised Senators MANSFIELD, AIKEN, and FULBRIGHT for the responsible manner in which they have fulfilled their constitutional duty respecting foreign affairs.

The New York Times published a fine editorial on the same day. In its lead editorial, entitled "'Descalation' Needed," the Times commented:

> Bitterness and emotionalism are increasingly entering the discussions on Vietnam in the United States. This is a deplorable development, and so is the polarization of opinion in every country and between blocs of countries. It is as if the battle lines were being drawn all over the world—but for a major war that need not and must not take place.
>
> President Johnson launched a very tentative but real peace offensive at Johns Hopkins. He has not yet given this policy enough time but the continued bombing has tended to cast some doubt on the sincerity of the U.S. desire for negotiations.
>
> This is clearly a moment of crisis—for Vietnam, for the United States and for the world. Less bombing, not more, offers some hope of peace—without weakness of American resolution. By taking such an attitude the United States would show strength as well as wisdom.

I ask unanimous consent to have the editorial and the article—both excellent—from the April 22 issue of the New York Times, printed at this point in the RECORD.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 22, 1965]

"DESCALATION" NEEDED

The war in Vietnam is to be "stepped up," Washington now says. In other words, the U.S. Government is going to continue to bomb, send in more Americans, spend more and commit more lives, money, destructiveness and power—and take more risk. In return, the hope is that Hanoi will act to curb the Vietcong guerrillas in South Vietnam, if it can, and will refrain from sending in more men and arms and orders to the south. The hope also is that Peiping and Moscow will hold off from their own particular methods of escalation.

Those who have all along feared that the course the war has been taking since early February would force the United States into an ever greater commitment, leading to ever greater danger to Asia and to the world, are unhappily being proved true prophets. Once a war begins, forces take over which seem beyond control. In Vietnam, on both sides, one step is leading—as if inexorably—to another and then another. Continuance of the present process by the opposing forces could lead to catastrophe.

Nothing is more important for Americans today than to face these hard truths before it is too late. And it is vital that the channels of communication, of opinion and of dissent be kept open—on the floor of Congress, in the press, in the country at large—in the face of a growing tendency to ridicule or to denounce the opposition and to demand unswerving support of further escalation in the name of patriotism.

Bitterness and emotionalism are increasingly entering the discussions on Vietnam in the United States. This is a deplorable development, and so is the polarization of opinion in every country and between blocs of countries. It is as if the battlelines were being drawn all over the world—but for a major war that need not and must not take place.

President Johnson's offer of "unconditional discussions" was a splendid move on the diplomatic/political front, in the effort to achieve a peaceful solution of the quarrel. While it deserved a far better response from the other side than it has yet received, it did mark, as we have previously noted, a beginning to an interchange among the combatants—subtle and indirect, but nevertheless a beginning.

But the continued bombing of North Vietnam makes progress toward a peaceful settlement—however far off it must necessarily be—more difficult rather than less, harder rather than easier. We think that as a followup to the President's fine declaration in Baltimore, a descalation of the war is needed, rather than the escalation that we now see imminent.

It is at least worth the effort to see whether a scaling-down of the bombing might not evoke a corresponding scaling-down of North Vietnamese aggression in South Vietnam. The North Vietnamese incidents in the South are easily measurable; if a diminution of American bombing of the North should lead to a miminution in the rate of incidents in the South, a major step would thereby be signaled toward the "unconditional discussions" offered by the President.

Of course there might be no such response at all; and if there were not, the bombing would be resumed. But at least a descalation such as we suggest would afford the opportunity to the other side of making a gesture toward peace without losing face. It might lead, ultimately, to a cease-fire and a truce.

President Johnson launched a very tentative but real peace offensive at Johns Hopkins. He has not yet given this policy enough time but the continued bombing has tended to cast some doubt on the sincerity of the U.S. desire for negotiations.

This is clearly a moment of crisis—for Vietnam, for the United States and for the world. Less bombing, not more, offers some hope for peace—without any weakness of American resolution. By taking such an attitude the United States would show strength as well as wisdom.

[From the New York Times, Apr. 22, 1965]

IN THE NATION: THE SENATE ON VIETNAM

(By Arthur Krock)

WASHINGTON, April 21.—On the initiative of its majority leader, MIKE MANSFIELD, the Senate today responsibly fulfilled the role assigned to it by the Constitution to advise the President on foreign affairs.

Senator FULBRIGHT who, in his official capacity as chairman of the committee on which the Senate relies for guidance on these questions, has been subjected to unwarranted abuse for stating as a mere hypothesis that "the prospects for discussions" looking to peace in southeast Asia "might be enhanced by a temporary cessation" by the United States of the military actions it is steadily escalating in the Vietnams. But, except for specific endorsement of what FULBRIGHT plainly identified as only a speculation, all the Senate speeches today were directed at the same objective, which MANSFIELD expressed as follows:

APPLYING GENEVA PRINCIPLE

It is of the utmost importance that the question of how to apply the principle of the Geneva agreement of 1954 be faced as soon as possible. * * * The longer this confrontation is put off, the more the people of North and South Vietnam pay for the delay, and the more the likelihood that the present limited conflict will spread into a general war in Asia.

His reference was to a proposal that the Geneva Conference be reconvened on the limited basis of producing an international guarantee of the neutrality of Vietnam's neighbor, Cambodia. "The need for a confrontation," he said, "on [this] situation in which none [the United States, Communist China, and the two Vietnams] is involved so directly may indeed be a preliminary to a separate and second confrontation on Vietnam in which the involvement of all is direct." And though MANSFIELD extolled the President as one who has "grasped the problem fully," citing his call for "unconditional discussions with the object of restoring a decent and honorable peace," it was evident from remarks by Senators who praised MANSFIELD's observations that they detected in these their own doubts of the wisdom of escalating U.S. military attacks on North Vietnam while there is the slightest possibility of progress in the secret negotiations for reconvening a Geneva Conference on Cambodia.

"While the talk goes on," said MANSFIELD, "the bloodshed also goes on. And the bleeding is not being done in the capitals of the world. It is being done in the ricefields and the jungles of Vietnam" whose peasants, in all probability, want peace and a minimum of contact with distant Saigon and distant Hanoi—not to speak of places of which they have scarcely heard about—Peiping, Moscow, or Washington. This called attention to the officially inconvenient fact that the conflict is in part a civil war.

CONFLICTING VIEWS

Taking this from the majority leader as his cue, Senator AIKEN protested that "it is difficult to see—except as an act of braggadocio—what U.S. military leaders are trying to accomplish when they send 200 planes to destroy one little bridge." But on the same day that the Senate was voicing its disturbance over the policy of military escalation, Secretary of Defense McNamara was announcing its wide expansion, as agreed on at the Honolulu conference this week. This conflict of attitudes is the inevitable product of the involvement into which the U.S. Government has drifted in Vietnam.

The Senate today reflected its alarmed conviction that the time is overdue for ending the war in southeast Asia, hopefully through the back door of guaranteed neutrality of Cambodia. But it has no magic formula for reconvening a Geneva Conference, now that the U.S.S.R. which proposed this has set preconditions it is aware the United States cannot possibly accept. And the close Presidential relations of some of the sources of the hysterical attacks on Senator FULBRIGHT for speculating that a temporary halt of U.S. military actions against North Vietnam "might" be the best way to discover whether the aggressors are open to a reasonable and honorable settlement, suggest that this idea has no future in the administration.

TO RESTORE PEACE

President Johnson has more information than the Senate can possibly have for the alarm which MANSFIELD and others expressed on the floor. But the sole meaning to be read into Secretary McNamara's announcement on the same day is that continued escalation of the Vietnam war on a steadily rising scale is our only policy for the restoration of peace in southeast Asia.

PRESIDENT JOHNSON IS THE BEST JUDGE OF WHEN STATE VISITS SHOULD OCCUR

Mr. DOUGLAS. Mr. President, our Government's postponement of the state visits to this country by the Prime Minister of India and the President of Pakistan has been unfairly criticized in this country and abroad. Frankly, I have been amazed at the lack of perspective on the part of those who have instigated this criticism. The President of the United States has a tremendous burden of responsibilities at all times; and at this particular time the international situation has made this burden greater than any man should have to bear. The President, moreover, is carrying out these responsibilities very well, with wisdom and courage.

This ridiculous tempest over the obviously necessary postponement of the state visits during this trying period is wholly unjustified.

Mr. President, with a personal apology for its choice of adjectives, I ask unanimous consent that there be printed in the RECORD an editorial from the Washington Daily News of April 22. I strongly agree with its wish that our homegrown and overseas advisers—who do not have any of the President's burdens—would give more weight to how he does his job, and less to relatively minor points of etiquette.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 22, 1965]

L.B.J. DOESN'T CLAIM TO BE COUTH

Some Nervous Nellie editorial writers and commentators, who think more of protocol than substance, are aflutter over President Johnson's request to the Prime Minister of India and the President of Pakistan to postpone their visits to the United States.

A social—or a state—visit should be arranged at the convenience of both the guest and the host.

If a host, at a given time, has family problems, naturally he would prefer that a guest come later when the family crisis has passed, especially if the guest is someone who has a penchant for advising the host on how to handle family problems.

It so happens that our President and our Congress are in the throes of decisions on foreign aid, in which India and Pakistan are involved to the tune of around a billion dollars. It also happens that we are involved in unpleasant difficulties in Vietnam, concerning which the Indians and Pakistanis have differing ideas on how we should meet our responsibilities. We seem to be getting advice from lots of folks who do not share our responsibilities.

It is one thing for them to advise from their own far-off rostrums, and quite another for them to come inside our borders to launch their views. That might really have muddied congressional waters where foreign aid allotments are supposed to be made on merit rather than emotional reaction.

We wish some of our homegrown and oversea advisers on our President's manners would give a bit more weight to how he does his job, and less to his etiquette.

The gentleman from the Pedernales River will never balance a teacup on his knee to their satisfaction—but when not nibbled to distraction by their mincing criticism, he has demonstrated he is quite a hand at getting results.

THE SECURITY TITLE GROUP AND E. CLAYTON GENGRAS

Mr. RIBICOFF. Mr. President, Hartford, Conn., has long been known as the insurance capital of the Nation. The insurance industry has benefited for years from the great leadership of E. Clayton Gengras, board chairman of the Security Insurance Group.

The Security Insurance Group has just completed its move to Hartford, Conn. Thus, the Security Group becomes the 26th insurance home office in the Greater Hartford area, and the 34th in the State of Connecticut.

The Security Title Group is a consolidated group of five property and casualty companies and one life insurance company: Security Connecticut Life Insurance Co., Security Insurance Co. of Hartford, New Amsterdam Casualty Co., United States Casualty Co., the Connecticut Indemnity Co., and the Fire and Casualty Insurance Co. of Connecticut.

The group has over 1 million policyholders, and operates in all 50 States, with 30 branch offices in principal cities throughout the country.

The group has 650 employees in its home office, 1,100 employees in its branch offices, and 6,000 agents throughout the country.

The Hartford Times recently published an excellent biography of Mr. Gengras and his dynamic operation. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hartford Times, Apr. 19, 1965]

MOVER AND SHAKER IN INSURANCE—THE GENGRAS IMPACT

E. Clayton Gengras, noted for his verve and drive in the business world, not only plays out this role, he also looks the part.

This brown-eyed 56-year-old West Hartford native is trim and agile and is well-known among colleagues and executives as a man who uses little waste motion—he moves quickly, doesn't like long conferences, makes fast, on-the-spot decisions, hates organizational "deadwood."

These qualities have put him to good stead in many business ventures, and his movement into the insurance industry is no exception. The Gengras "touch" has marked him as one of the few men who has ventured to demonstrate that the same principles can be applied to an intangible product—insurance—as to a tangible one.

SALES ORIENTED

Mr. Gengras and the executives around him are sales-oriented since this son of a West Hartford dentist, starting on the ground floor in the automobile business with a job in a garage in the midtwenties, early gained success as a salesman, first of the celebrated Stutz, and then, in 1931, of Fords.

In 1937, he opened a Ford agency in West Hartford, and married Elizabeth Hutchins. His business grew almost as quickly as did his family, eventually adding Ford dealerships in Hartford, Providence, R.I., and Queens, and the Lincoln distributorship for all of Connecticut except Fairfield County.

During World War II, he held his business together in large part by selling to priority-rated customers cars from the large inventory he had when civilian production ended.

WAR YEARS

In 1942, Mr. Gengras bought the Dauntless Shipyard in Essex, Conn., where 350 Coast Guard training ships were built. He then founded the Clayton Manufacturing Co., which, under Government contract, did oversea crating and packing and built gliders. In 1945, he sold the shipyard, dissolved Clayton Manufacturing and went back to automobiles.

It was not until 1950 that he entered the insurance field. Two years earlier, he had established Connecticut Acceptance, Inc., an auto financing company. Wanting to insure his financing deals, too, he bought the Fire & Casualty Insurance Co., of Connecticut.

Mr. Gengras took his second step into the insurance field in 1953, when a patient of his father's approached him with an offer of 50,000 shares, at $60 each, of the National Fire Insurance Co. of Hartford.

NATIONAL

Though he did not buy the offered stock, Mr. Gengras became a National Fire director and finance committee member. He later became a major stockholder. In 1956, the company was merged with the Continental Casualty Co. of Chicago.

He bought 35 percent of the Security Group's stock in 1957. The group was then made up of the Security Insurance Co. of New Haven, the Connecticut Indemnity Co. and the Security-Connecticut Life Insurance Co.

The next year Security bought Mr. Gengras' Fire & Casualty Co. In 1960, Security acquired the Founders Insurance Co. of Los Angeles in an exchange of stock.

The next year, the New Amsterdam Casualty Co. of Baltimore and its wholly owned subsidiary, the United States Casualty Co. of New York became the sixth and seventh members, but not without a fight with a major underwriter, the Home Insurance Co.

NEW AMSTERDAM

New Amsterdam's staff was reduced from 2,400 to 1,400 employees, and operations were centralized in the Baltimore office. Its New York buildings were sold, through their manager, to the Home. Similarly, Mr. Gengras had reduced by half the Security Group's New Haven staff of 800.

After several years in New Haven and Baltimore upgrading and reorganizing operations came what has been a milestone for Mr. Gengras, the climactic move to Hartford.

As he said in an announcement of the move last May before top business leaders at the Greater Hartford Chamber of Commerce, "It's nice to be back home."

This Hartford area native has overcome initial scorn by aggressive renovations in the insurance industry. Among his techniques:

Expansion through acquisition of established companies and cost-cutting centralization of operations.

Stressing of incentive payments (rather than high initial commissions) for agents, resulting in higher sales.

Highly selective risk coverages (for better underwriting profits), and quick settlement of claims.

JOSEPH KRAFT ON VIETNAM

Mr. CHURCH. Mr. President, during the current Vietnam crisis, the articles written by Joseph Kraft have been among the best which have appeared. His article entitled "General War Held a Real Threat" was particularly outstanding. Mr. Kraft maintains that the time to try to achieve a negotiated settlement in Vietnam is now, before the major Communist powers are drawn into Southeast Asia. Mr. Kraft aptly concludes his article in this way:

> Once the Chinese enter North Vietnam in large numbers, the prospects for settlement go down to zero.
>
> What has happened, in sum, is that the Russians and Chinese, once holding back, are now competing to help Hanoi. In these circumstances, the deeper the Americans become engaged, the deeper the Russians and Chinese will become engaged. Instead of a merely hypothetical possibility, the spread of the limited conflict in Vietnam to a more general war has become a real threat.

I ask unanimous consent that the article, which was published in the April 23 issue of the Washington Evening Star, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

General War Held a Real Threat

(By Joseph Kraft)

Washington is now approaching a point of no return in Vietnam. Diverse, though vague, possibilities for negotiations exist. But the logic of the war effort—the supposed military necessity—is pushing this country toward measures that would certainly compromise immediate prospects for settlement, and possibly plunge the United States into an endless war on the Asian mainland.

The hopes for settlement arise from two principal documents—the President's April 7 speech in Baltimore—and the four-point resolution of the North Vietnamese Assembly on April 10. The statements come from the highest, most responsible authority in each country. Both were measured and careful in tone. At least in words, they expressed a surprising amount of agreement.

Both countries are agreed that there need be no preconditions before discussion can get underway. Both call for a return to the Geneva Treaty of 1954. Both imply free choice for South Vietnam in picking its own regime and on the matter of unification with the north. Both look toward the eventual withdrawal of American troops.

To be sure, there are two important points of disagreement. One involves the rebels in the south, the so-called Vietcong. Washington has tended to exclude them from any approach to the conference table; Hanoi insists on their participation.

But that is a juridical issue, open to many different formulas of compromise, and thus one that could usefully be discussed. For that purpose, an immediate occasion is at hand. It lies in the proposal by Britain and the Soviet Union, as cochairman of the Geneva powers, to convoke the signatories in order to consider a complaint from Cambodia respecting alleged violations of her territory. If the soundings now in progress on such a conference proved satisfactory, it could begin in a matter of days. Even if the soundings did not prove out, it would not be difficult to find other occasions for talks—either secretly or in public.

The other big sticking point is a cease-fire. Neither side has yet declared itself officially on that issue. But once again there are some opportunities. Vietcong attacks have fallen in the last few weeks from a high of 35 in the week of March 6 to 13 to a low of 9 in the week of April 10 to 17. Perhaps this is a lull for regroupment. But, taken together with the expressions of such figures as the Pope, Senator J. William Fulbright, Democrat, of Arkansas, and Prime Minister Lester Pearson, of Canada, it offers the President an occasion to curtail the bombing of the north, with an explicit view toward encouraging a similar reduction of Vietcong attacks in the South. In that way, there could be set in motion progress toward a tacit cease-fire.

But all these fair prospects are compromised by the military proposals now being put forward for the purpose of improving the American war effort. These proposals include continued bombing of the north and a beefing up of American ground forces in the south.

If the bombing continues without letup, however, the Hanoi regime has no incentive to try to curtail Vietcong attacks.

The more this country brings American troops to South Vietnam, moreover, the more the Vietcong will be obliged to attack, if only to hold its present position.

Lastly, it has to be recognized that if the chance for a cease-fire and for talks is missed now, it is not apt to come around soon again. Already the continued bombings of the north have fostered a major change in the diplomatic and military lineup on the other side of the hill.

After weeks of backing and filling, the Russians have begun to come to the aid of the North Vietnamese with antiaircraft missiles. With Moscow backing Hanoi in a tangible way, Peiping has been obliged to go one better. The Chinese now are officially recruiting volunteers. That is something they have not done since they intervened in Korea back in 1950.

Once the Chinese enter North Vietnam in large numbers, the prospects for settlement go down to zero.

What has happened, in sum, is that the Russians and Chinese, once holding back, are now competing to help Hanoi. In these circumstances, the deeper the Americans become engaged, the deeper the Russians and Chinese will become engaged. Instead of a merely hypothetical possibility, the spread of the limited conflict in Vietnam to a more general war has become a real threat.

TRIBUTE TO ERNIE PYLE

Mr. HARTKE. Mr. President, on April 1, I introduced, as I did in the last session of Congress, a bill calling upon the Post Office Department to issue a commemorative stamp honoring the memory of a remarkable man, a native of Indiana—the war correspondent Ernie Pyle.

It is 20 years this month since Ernie Pyle was killed by a Japanese bullet on Ie Shima, in the Pacific. Hal Boyle, of the Associated Press, who went through four campaigns of World War II with Ernie Pyle, has written an Associated Press story recalling some of his personal experiences during that time. Ernie Pyle is still remembered affectionately by thousands of GI's with whom he spent time in his reporting of the war, and by millions here at home who read his dispatches.

I ask unanimous consent that the article by Mr. Boyle, a tribute to Ernie Pyle, be printed in the Congressional Record.

I also request that there be printed in the Record an article on Ernie Pyle's life, written by Mrs. Jo Doan, editor of the Dana News, of Dana, Ind., the town where Ernie Pyle was born and grew up, the town which he called home. The article was published on April 21 in the Veedersburg, Ind., News publication, "The Country Cousin."

I am sure that this intimate hometown portrait will be appreciated by all who knew Ernie Pyle in person or through the printed page.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Orlando (Fla.) Evening Star, Apr. 16, 1965]

Ernie Pyle Shot Down 20 Years Ago

(By Hal Boyle)

New York.—He came to the end of a tired road just 20 years ago this weekend.

He cautiously raised his head from a ditch on the tiny island of Ie Shima in the far Pacific. A Japanese sniper hit him in the left temple and Ernie Pyle died the death he had felt he would all along—a soldier's death.

His passing brought fresh sorrow to a homeland already in mourning for President Franklin D. Roosevelt, who had died a few days before.

For no other newspaperman in history had touched the heart of the American people as did Ernie Pyle. He was their eyes and ears with their boys at the front in World War II.

He was as different from the most famous correspondent of World War I—Richard Harding Davis—as cornbread is from caviar.

Davis, handsome as a matinee idol, mixed in high society and was one of the best dressed men of his day. He hobnobbed with generals, took a canvas bathtub with him when he went into the field, and wrote of war glamorously. He almost seemed to love war.

Ernie, an ex-farmboy from Indiana, stayed with the troops, ate what they ate, wore what they wore, slept in foxholes as they did. And from the depths of his soul he despised and hated war. He described it as a "perpetual weight that is compounded of fear and death and dirt and noise and anguish."

To him the only glorious thing about war was the wistful cameraderie with which it knit lonely men together in seamless unity in the performance of a common and dangerous mission.

It was my fortune to go through four campaigns with Pyle along with Don Whitehead, whom Ernie himself warmly admired as the greatest of the combat news correspondents.

Ernie's memory has endured well. Over the years, hundreds of people have asked me, "What was Ernie Pyle really like?" They have forgotten some of the famous generals; they still remember Ernie.

He was a man well worth remembering. He was of medium height, slender, and weighed about 113 pounds. Over his balding, grizzled hair he usually wore only a fatigue hat, because his helmet felt too heavy.

He had bright blue eyes in a leathery-crinkly face and looked like a wise elf—eyes that saw both the grief and fun of being alive. He usually had a cold, and he suffered from secondary anemia—something only a few battlefront doctors knew.

No man I ever met could win affection and respect quicker. He had an instinctive well of human sympathy for people in trouble. Soldiers, who are people always in trouble, instinctively sensed that kindness in him. They liked him, too, because he was even more scared than they were by danger—and didn't mind admitting it out loud.

Twice he broke down under the strain and had to come home for a rest. In early 1945 he had done his duty and had earned enough money to satisfy his modest needs for life. But he took his final assignment because he felt he ought to.

Ernie went to the Pacific fatalistically convinced he wouldn't come back because he felt his luck had about run out after a score or more battlefields. It had.

"Sometimes," he wrote to a friend, "I get so sad and despairing and homesick I can hardly keep from crying."

But that didn't keep him from doing his job—telling the homefolks what their men at the front were doing.

If he were alive now, he'd be 64. He lies now shoulder to shoulder with other fallen men in a military cemetery at Honolulu, and there's no truer soldier there than Ernest Taylor Pyle. Like the others, he beat down the human terror in him to become a hero.

[From the Veedersburg News, Apr. 21, 1965]

ERNIE PYLE: THE MAN

(EDITOR'S NOTE.—Because April 18, 1965, was the 20th anniversary of the death of Ernie Pyle, whose warm accounts of GI Joe touched all who read them, we believe that the story of this man is worth retelling at this time. We, in this section of Indiana, feel especially close to Ernie Pyle because he was born and lived his early life here.

(The story of his life, which appears in the Country Cousin this week, was written by Mrs. Jo Doan, editor of the Dana News, Dana, Ind., the town Ernie Pyle called home.)

Ernest Taylor Pyle became a casualty of World War II on April 18, 1945, and his memory is very much alive on this 20th anniversary of that tragic day. This fact alone bears out evidence of the esteem and affection he won for his writings to the homefolks of the life of the soldiers fighting World War II.

Born August 3, 1900, Ernie was the son of William and Maria Taylor Pyle. His parents were living at the time on the Sam Elder "west place" as sharecroppers. When Ernie was 18 months of age, the family moved to the farmhome of his grandfather, Lambert Taylor, located south and east of Dana about 2 miles. In this pleasant home, Ernie grew up and his parents lived there the rest of their lives.

Ernie attended school at Dana and later the nearby Bono School from which he graduated at the age of 17, in the year 1918. He commuted to school by buggy or horseback and was a very good student. At the age of 17 he joined the Navy, being sent to the University of Illinois for preliminary training. Soon afterward the armistice was signed and he was put on inactive duty. In 1919, Ernie entered Indiana University where he studied journalism. It was during his years at the university that he first began his travels, having made a trip to Japan by working his way to the Orient as a cabin boy on the SS *Keystone State*. He was appointed summer term editor-in-chief of the college paper, the Student, and was known as a big man on the campus. He did not graduate from the university but quit during his senior year to take a position with the La Porte Herald, thus beginning his successful career in the newspaper field.

From his early beginning, Ernie Pyle went on to great things, working on large newspapers and at one time serving as managing editor of the Washington News. He did not like the confines of the editing job and preferred the role of reporter.

His writings never lost the personal touch and the readers came to feel they knew the writer himself. Ernie and his wife, the former Geraldine Siebold, of Minnesota whom he married in 1925, toured the United States shortly after their marriage and Ernie wrote of the people he met and the places they visited. They stopped off in Dana during the tour to visit his parents, and while here visited old friends and neighbors.

Ernie was a quiet and well behaved child, and during his school years at Bono, he was an apt student given much to reading and well liked by his fellow students. The number of persons in the Dana area who were his fellow students are fewer now, but there are some of them living in the community today. All have fond memories of the days at the Bono school and of Ernie Pyle.

Even after Ernie was out in the world and had reached success, he did not like to dress up particularly, and preferred comfortable clothes. It is told that during a visit to have tea with Mrs. Franklin Roosevelt, wife of the President of the United States, Ernie wore a shirt with a hole in the sleeve. This is not to say he did not dress properly, for pictures show otherwise.

His travels took him to many parts of the world, going to Alaska in 1937; South America in 1938; New Mexico in 1939; Europe and many other places. With war going on in England, Ernie spent the winter months of 1940–41 in that country reporting firsthand the bombings and destruction being suffered by the people. While in London, he learned of the death of his mother who passed away March 1, 1941. He came home as soon as possible to visit his father and to ask Aunt Mary Bales to help keep up the homefront and care for his father, then went on to his home which he and his wife had established in Albuquerque, N. Mex. In 1942 he was in Ireland for 6 weeks, later going to North Africa where a big invasion had taken place. He covered battlefronts in Algiers and Tunisia and followed the foot soldiers through many fronts after that. His writings of the daily life and struggle of the fighting men helped folks at home understand the hardships and suffering their sons, husbands, fathers, relatives, and friends were enduring day to day to win the war and secure the peace. He wrote from the frontlines and foxholes which he shared with the soldiers, not from a headquarters far behind the lines. He shared the dangers and trials with the men about whom he wrote. He also shared the fear of being killed, and during the campaign in France, he felt this fear very strongly. This did not deter him from remaining at the front and continuing his writings, however. Since he was not in the military service nor compelled to remain, this is an example of the kind of person Ernie Pyle really was.

After a trip back to the United States in the late summer of 1944, Ernie was to go to the Pacific front. During his short respite in the States he visited his father and Aunt Mary in the latter part of September, arriving in Indianapolis by plane and being driven to Dana by two friends from there, arriving here Monday evening. On Tuesday, a family dinner was enjoyed at the Pyle home in his honor. He left Wednesday to continue to Albuquerque to spend some time with his wife. While here, reporters and photographers from many papers came to get articles and pictures of Ernie, his family, and his home.

On this visit to Dana, a local resident recalls Ernie sitting on the curb of Main Street chatting with several friends, wearing the shirt with the torn sleeve.

On November 13, 1944, the officials at Indiana University conferred the honorary degree of doctor of humane letters on Ernie Pyle at ceremonies also attended by his father and his aunt. Many other honors were bestowed on this gifted man during his lifetime, but he remained unchanged and the same warm human person he had always been.

Ernie Pyle wrote several books which were acclaimed and well read. A movie was based on one of these books, the movie being "The Story of GI Joe," which was also a great success.

Returning to his role as war correspondent, Ernie went to the front of the Pacific lines, flying first to the island of Ulithi. In February 1945 he went aboard the light carrier U.S.S. *Cabot* which was heading for Iwo Jima and Japan. He was welcomed aboard the ship with a huge cake with the inscription "Welcome Aboard, Mr. Pyle" in the icing. He spent 3 weeks on this ship. A visit to Guam was part of this trip, and from there he flew to Ulithi to prepare for the invasion of Okinawa. Ernie accompanied the marines on their landing at Okinawa. After a week ashore, he boarded a ship to rest and write. The ship he was on was to take part in an expedition by the 77th Infantry Division to seize the nearby islet of Ie Shima and its vital airstrips. It was on this small islet that the life of Ernie Pyle came to an end, being killed by a bullet from a machinegun fired from ambush by a Japanese sniper.

Word of his death shocked and sorrowed a nation which had grown to love him. The words on the marker standing on the spot where Ernie Pyle was killed so aptly expressed the feeling of the fighting men of whom he wrote, "On this Spot the 77th Infantry Lost a Buddy." To folks around the town of Dana, the loss was a personal one and felt very deeply. His father and aunt were grieved and shocked. His wife, already in poor health, lived only 7 months after the death of her husband.

The final resting place for Ernie Pyle is the Punchbowl National Cemetery overlooking Pearl Harbor and Honolulu in Hawaii. Flowers decorate his grave almost constantly yet today it is reported, mute testimony of the esteem and affection felt for this humble little man who wrote to the home folks during World War II.

On the 20th anniversary of his death, his memory is very much alive and vivid. His parents and aunt have passed on, but the town of Dana will never forget either them or Ernest Taylor Pyle. The pride felt for having known him is warm and glowing, and may it never diminish.

JAMES HARLAN CLEVELAND

Mr. CHURCH. Mr. President, one of the ablest men charged with the conduct of American foreign policy is the distinguished Assistant Secretary of State for International Organization Affairs, the Honorable James Harlan Cleveland. Although relatively young, Secretary Cleveland has had an impressive record of accomplishment: He is a graduate of Princeton, a Rhodes scholar, the publisher of the Reporter magazine, and the dean of the Maxwell Graduate School of Citizenship and Public Affairs, at Syracuse. Since becoming Assistant Secretary of State for International Organization Affairs, Mr. Cleveland, by the force of his intellect and personality, has made his bureau one of the strongest in the State Department. Considering the importance of the responsibilities with which his agency is charged, his success in strengthening it was much-needed, and is highly commendable.

Recently, the New York Times published a profile of Secretary Cleveland, as well as a front-page article on one of his speeches. I ask unanimous consent that both of these articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PROPONENT OF U.N.—JAMES HARLAN CLEVELAND

"When I was very young, I learned something I hope is true: that if I wiggled my little finger, it would affect the farthest star."

So wrote James Harlan Cleveland several years ago in an article discussing his beliefs. Omnipotence is a privilege of boys in reverie, but few men can take infinity for their spheres of influence. By now, Mr. Cleveland has had to settle for less. But when he wiggles his diplomatic finger, the world's farthest corner may feel the effect.

This tall, smooth-featured man bears the title Assistant Secretary of State for International Organization Affairs. In simplest term, it means that when the United States becomes involved in a cooperative project among nations or participates in an international conference, Mr. Cleveland picks the U.S. delegation.

JOKE FOR A DINNER

Last night Mr. Cleveland, a tireless advocate of increased peacekeeping duties for the United Nations, made a speech along that line to the National Council of Jewish Women and proved that he was a Government official self-confident enough to include a banquet joke in his prepared text.

The joke was about a newly married husband who told his wife he had found certain small defects in her character. She knew all about them, she said sweetly, and they were the reason she had not made a better marriage.

Mr. Cleveland has built his office into a minor "state department" within the State Department. He regards his as "the most interesting, the most complicated job in Washington."

"There are 53 organizations we deal with," he said, "and we recruit from all over the Government—indeed, from all over the country—to get people to go to conferences on matters from atomic energy to zinc.

"Last year, we went to 540 conferences practically everywhere in the world. In the last 2 years the United States attended more conferences than in the whole history of the Republic. It took us from 1789 until the Hot Springs Conference in 1943 to attend 1,000 conferences."

Mr. Cleveland, who is 47 years old, has had three careers—in Federal service, magazine editing, and higher education—and his position in each has been near the top. He has written or edited six books and has written many articles for magazines of opinion.

He was born in New York on January 19, 1918, and reared in Madison, Wis., and in Europe. His father was the Episcopal chaplain to students at Princeton University and at the University of Wisconsin.

The boy went to Phillips Academy in Andover, Mass. He was an undistinguished football tackle—he recalls having sat on the bench through an entire game with Exeter—but a brilliant student who was graduated cum laude.

At Princeton he continued his academic conquests, winning a Phi Beta Kappa key and honors in political studies. Styling himself J. Harlan Cleveland, he became vice president of the Whig-Cliosophic debating societies.

His next move was to Oxford as a Rhodes scholar. He was in the middle of doctoral studies when "the war came along, and they told us all to go home." He never received his degree, but he has acquired five honorary doctorates.

At 29, Mr. Cleveland was in Shanghai directing a $650 million relief program for the United Nations Relief and Rehabilitation Agency. Later, still in China, he joined the U.S. Economic Cooperation Administration. Later he became Assistant Director of the Mutual Security Agency in charge of the European program.

The Eisenhower years sent him to civilian pursuits. He became executive director, then publisher, of the Reporter, the biweekly magazine.

DEAN OF SYRACUSE SCHOOL

At 39, Mr. Cleveland became dean of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University, directing graduate programs in economics, history, philosophy, political science, sociology, and anthropology.

In July 1941, he married Lois W. Burton, a librarian. Their children are all of college age: Carol Zoe was recently graduated from Rollins College, where Mr. Cleveland's mother was once dean of women; the twins, 20 years old, are juniors—Alan at American University and Anne at Barnard. Anne is spending this semester in Florence, Italy, under a program her father devised.

The Clevelands have a rented home on McKinley Street in Washington, and the Assistant Secretary enjoys his drive at 8 a.m. through Rock Creek Park to the State Department "without getting involved in the city."

Mr. Cleveland is an eloquent man with a far-ranging mind. He seems to some to have a touch of professorial reserve but it is softened by a sense of humor that comes through in intellectual exchange.

U.S. OFFICIAL SEES U.N. VIETNAM ROLE—HARLAN CLEVELAND SAYS THAT THANT COULD HELP SOLVE BERLIN PROBLEM ALSO

(By Irving Spiegel)

Harlan Cleveland, Assistant Secretary of State for International Organization Affairs, asserted last night that there was a role for the United Nations in any future settlement in Vietnam. He also suggested that the "good offices" of the Secretary General, U Thant, could be used in the case of Berlin.

Mr. Cleveland, comparing the Berlin and Vietnam problems, said that "in both cases the good offices of the Secretary General remain available in the event the protagonists have anything to say to each other; and in both cases the United Nations might well have a role in supervising an agreement if one can be reached."

He made his remarks in an address prepared for delivery at a dinner of the biennial convention of the National Council of Jewish Women. Delegates from various parts of the country attended the dinner of the 72-year-old education and service organization in the delegates lounge at the United Nations.

UNITED STATES SAID TO BE WILLING

Authoritative sources in Washington have indicated in the past that the United States has always welcomed the possibility that the United Nations would provide a channel for mediation in Vietnam. The difficulty, Washington sources said, has been that the Hanoi regime has shown no willingness to end its aggression or to begin negotiations.

Sources at the United Nations indicated that this was the first time that the State Department had suggested that the Secretary General might play a role in Vietnam.

These sources said there had been efforts by Soviet journalists and East European diplomats to see if Mr. Thant could go to Hanoi to try to find a solution.

ROLE OF DIRECT DEALING

Mr. Thant, the sources indicated, would agree to go if there was some tacit agreement by the Soviet Union and the United States and if Hanoi would be willing to receive him.

Another source interpreted Mr. Cleveland's reference to the "good offices" of the Secretary General as a sign that the State Department would do nothing to oppose a trip by Mr. Thant.

Mr. Cleveland, who is known as a strong advocate of greater use of the United Nations for peacekeeping operations, asserted that "some conflicts have not yielded to treatment by direct dealings among the parties."

Berlin is "an obvious example," he said, "and so—so far—is Vietnam."

In neither case, he said, was the United Nations able to assume the task of enforcing peace.

"In neither case," he added, "has it seemed useful to freeze positions through public debate as long as no basis existed for a negotiated settlement among the powers mainly engaged."

It was at this point that he suggested there was a role for the United Nations in Berlin and Vietnam.

"Meanwhile," he added, "in our multiplicity of machinery for containing conflict and building up systems for world order, the residual capacity for dealing with conflict and containing violence must reside with our own Armed Forces. Other peacekeeping elements are clearly preferable to the direct use of American force."

WHERE NATION'S INTEREST LIES

He said that the use of techniques of direct settlement was in the national interest, just as support "for regional peacekeeping institutions is in our national interest." He also said that support for the United Nations was in the national interest.

Earlier in the day, at the session at the Waldorf-Astoria Hotel, the delegates urged amendment of the Johnson administration's school-aid bill, saying that the bill in its present form opened "the door to involvement of sectarian educators in decisions affecting public education."

The delegates cited the need for safeguards that would preclude undermining of "our tradition of separation of church and state."

HOUSING BENEFITS OF THE KATE MAREMONT FOUNDATION

Mr. DOUGLAS. Mr. President, I am happy to bring to the attention of the Senate the successful efforts of the Kate Maremont Foundation, in Chicago, to rehabilitate buildings before they are turned into slum tenements. The work of this foundation, assisted by the technical and financial resources of the Urban Renewal Administration, has helped Chicago's renewal program hurdle one of its most vexing problems. When code regulations are enforced, many landlords will make the necessary repairs, and then will begin to charge higher rents. The new rents force out the low-income tenents, who move into other overcrowded buildings offering low rents; and so the cycle continues.

The April 11, 1965, edition of the Chicago Sun-Times described the work and results of the Kate Maremont Foundation; and I ask that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Apr. 11, 1965]

REMAKING OF A CITY—FOUNDATION

NOTE.—For want of repairs and modernization many a Chicago building is becoming a tenement and many a Chicago neighborhood is sinking into a slum.

Now four attempts are being made to break the downslide and to substitute prevention and rehabilitation for eventual slum clearance.

One is the effort of the Kate Maremont Foundation, another that of the Community Renewal Foundation.

The other two are a new city project and the continuation of the city's longstanding program of conservation and renewal.

If these efforts to upgrade the city's thousands of substandard and outdated buildings succeed, urban renewal will move into a new and different phase.

The Sun-Times is presenting a definitive report on these new and varied efforts to remake a city.

(By Ruth Moore)

The problem was that the deterioration of thousands of the city's older apartments was enormous and seemingly intractable.

And when the Kate Maremont Foundation was established in 1963 and announced that it was going to undertake the rehabilitation of such buildings, it was about in the position of Jack the giant killer.

Only under special circumstances had substantial numbers of buildings been saved from a decline into slums, or brought back from those depths.

One was in conservation areas where the expenditure of millions for slum clearance and environmental improvement opened the way for upgrading the other buildings.

The other was in self-renewing areas where owners were willing to pay for improving their homes.

Elsewhere in the city buildings generally went only from bad to worse.

The Maremont Foundation proposed a bold attack, using newly authorized 100 percent Federal rehabilitation loans. It hoped to acquire about 100 buildings a year. The complexities of the work made this impossible, but the foundation now has rehabilitated or is rehabilitating 15 buildings with about 1,200 units at a cost of $7 million.

Among them are slum buildings, other units only shabby with age, and "The Rosenwald."

The latter, officially the Michigan Boulevard Garden Apartments in the block bounded by 46th, 47th, Michigan and Wabash, was philanthropist Julius Rosenwald's 1930 private attempt to solve urban problems with decent housing.

Most significantly, the foundation has demonstrated that some key older buildings in a variety of neighborhoods can be remade into livable, modernized, code-complying apartments with little or no rent increase.

The demonstration helped persuade city housing agencies to move into a building-rescue operation as part of the renewal of the city. If the process proves feasible, the city with its right of eminent domain and its financial resources could rehabilitate buildings a private foundation cannot handle and do it on a scale prohibited to a private group.

Thus Chicago may be acquiring an effective new tool for halting slums and rescuing downgrade neighborhoods. The Sun-Times will report in another article on the program the city is organizing.

Arnold H. Maremont established the Kate Maremont Foundation in memory of his mother after he had seen the degraded condition in which thousands of welfare families lived.

As former head of the Illinois Public Aid Commission, Maremont knew that the State and Federal Governments in effect were spending $50 million a year or more to rent the slums of Chicago.

Technically, the 90,000 welfare recipients in Cook County who rent private housing pay their own rent. Actually, the State makes specific rent grants.

Though the amounts allowed are standard, many welfare recipients can afford only wornout apartments.

Maremont wanted to do something about this housing and about other substandard buildings. The Federal program offering not-for-profit organizations 100 percent loans at below-market interest rates offered an opportunity.

The loans provided for by the Housing Act actually amount to about 98 percent. It takes private funds to get projects started. The foundation provides this money and the initiative.

The large loans, coupled with a low interest rate—initially the 3⅛ percent the Government itself had to pay for the money—and repayment over a maximum of 30 years, were designed to permit rehabilitation without an increase in rent. But given these aids, the rehabilitation is expected to pay its own way.

Making such loans for the purchase and repair of derelict buildings was essentially a new process to the Federal Housing Administration. Most of its experience was with new buildings. To develop the techniques that would make the program workable, FHA set up a special Chicago office headed by Carl D. Whitney. A staff was borrowed from other FHA offices.

Real estate men then came in, offering to sell the foundation their worst buildings and some others. The FHA staff studied scores of them.

Many were rejected as being beyond help. Small buildings with fewer than 30 units, poorly converted buildings and buildings in extremely bad neighborhoods also were judged impossible risks.

Attention turned primarily to aging buildings in sound neighborhoods and to buildings near renewal areas, where coming developments would give an improved structure a chance.

An apartment building at 3034–38 North Halsted became the foundation's first project. Its 92 apartments faced on a green, attractive court, and they had not been abused.

But it was clear that unless the building were thoroughly modernized, its days were numbered.

The Maremont Foundation bought the building for $350,000 and proposed to spend $252,600 to put it into first-class condition. FHA approved the total $602,600 loan needed.

After a slow start, the foundation began rehabilitating one tier at a time. Tenants were shifted to vacant units and no one had to leave the building.

The apartments and building now have a spick-and-span look. Paint is fresh and the floors have been sanded. The kitchen and baths with all their new equipment and outlets compare favorably with those in new buildings.

New closets provide some of the storage space the apartments always lacked. The foundation did not try to remove partitions or change room sizes, though the rooms are small.

And rents were increased only about $5 a month. They now average about $78 for a one-bedroom apartment.

In some of the other Maremont buildings rents were lowered or maintained at present levels.

The "stonefronts" the Maremount Foundation bought and is rehabilitating on the South Side provided a different test.

The once fashionable 80-year-old row at 1526–50 on East 65th could not have been in worse condition. The original 48 units had been cut up into 96 and the building virtually had been gutted.

The building department had found multiple violations, and had ordered the owners to deconvert and make repairs that would have cost several hundred thousand dollars.

Faced with this inevitability, they agreed to sell to the foundation for $100,000. The foundation will spend $375,000 to completely remodel the buildings. The $475,000 total was borrowed on a 100-percent loan.

The 96 units with their crash panels and shared baths will be reduced to 57 apartments of 4 to 7 rooms each. Virtually new baths and kitchens will be installed, and the apartments thoroughly cleaned. In addition, the foundation will cut courts into the rear of the buildings to bring light and air to all the rooms.

With all of this, rents will range from $90 to $125 a month. The Woodlawn Organization, a community group, will work with the foundation on the project and will help to find tenants.

Strict code enforcement that made it possible to buy the building for a relatively low figure was one factor that enabled the foundation to act. The coming rebuilding of Cottage Grove between 61st and 63d and the further development of the South Campus of the University of Chicago changed the outlook for the neighborhood. Both offered assurance of an environment in which a renewed building could healthily survive for the 30 years of the mortgage.

The Rosenwald offered still another test. The block-square buildings with their beautiful interior gardens had been an oasis in the generally forbidding area around them. Under the initial management of the late Robert R. Taylor and later, of a staff trained by him, the buildings were well maintained.

About 8 years ago the Rosenwald Foundation sold the building to private buyers. The buildings again were well handled, but by 1964 they were more than 35 years old. They, and the 450 units, needed major modernization if they were to maintain their character.

The foundation is buying them and plans to modernize them at a total cost of $2,300,000. A noble experiment of another era thus will continue to fulfill its high purposes. Without action the anchor buildings and all that they stood for on the South Side might have been lost.

The foundation has been moving slowly but is gaining experience. It is now considering a move into one of the most solidly built areas in Chicago, the "Canyon" in Hyde Park-Kenwood.

Both sides of Ingleside between 47th and 48th are almost a solid mass of masonry. Apartments are built almost flush with the sidewalk and cover virtually every inch of the land. The block is one of Chicago's most notorious cases of overbuilding.

The situation was bad enough when the apartments were their original size. Then half of them were cut up into smaller units, until now there are 650 units.

Though the Canyon is in the Hyde Park-Kenwood urban renewal area, it has largely been ignored. To clear it would have required the relocation of a backbreaking number of families.

Such a solution was rejected by the city department of urban renewal. However, under the renewal program for the area the Canyon must be brought up to code conformity.

The Maremont Foundation has indicated that it would be willing to buy the buildings and rehabilitate them.

Studies have shown how this might be accomplished. To break up the solid mass and bring in light and air, the foundation would tear down two of the buildings on each side of the street. The back half of two other buildings on each side would be razed.

The way would then be open for a thorough renovation of the remaining buildings. With demolition done, rehabilitation would cost about $1,600,000.

Negotiations to purchase the buildings have foundered on the high prices asked by some of the absentee owners.

The department of urban renewal has the authority under the Urban Renewal Act to use eminent domain to buy and raze or rehabilitate the buildings. State laws also permit the courts to disregard income from illegal conversions in fixing prices. When this has been done in other places prices often have been halved.

What will be done in the canyon has not been determined. Victor DeGrazia, president of the Maremont Foundation, said that if the buildings can be purchased at a realistic price and rehabilitated according to the proposed plan the area could be turned into a good, stable place to live. As part of the renewed Hyde Park area it could have a bright future.

The Maremont experience has shown that the prime requirement in rehabilitation is patience, DeGrazia said. Many buildings and neighborhoods have to be studied before suitable programs are found.

Out of bitter experience, the Maremont Foundation also has learned that it cannot subcontract for all phases of remodeling—the wiring, plumbing, and all the rest. It now employs a general contractor who makes a general cost estimate and undertakes to have the work done for that amount. Foundation and FHA inspection insures that the work is done properly.

The further the foundation goes into management, DeGrazia said, the more convinced it is that it must have tenant cooperation.

A staff member is being assigned to work with tenant councils and with the neighborhood.

A nonprofit foundation has a special advantage, DeGrazia believes. He hopes that continued maintenance will reduce costs and lead to a reduction in rents.

Experience also has shown, DeGrazia said, that enough buildings in any one neighborhood should be rehabilitated to produce an overall effect on the neighborhood. Clustering helps.

Above all, DeGrazia argues, the Maremont Foundation's great experiment proves that rehabilitation is possible as one way of sustaining a city and rescuing it from decay.

OUR OVERSEA STAFFS REMAIN INADEQUATELY TRAINED

Mr. MUNDT. Mr. President, in a series of brief statements to the Senate over recent weeks—see pages 4164, 4165, 4882-4884, 5436–5441, 6613–6617, and 7865–7870 of the RECORD—I have attempted to demonstrate validity in the concept of the Freedom Academy bill as a most promising approach toward improving our capacity to function effectively as the leading non-Communist power in what threatens to be a generations-long struggle to make certain by peaceful actions that Communist organization does not become the world's dominant political form.

The bill, S. 1232, is sponsored by an extraordinarily broadly based group of Senators representing the entire spectrum of mainstream American political thought ranging from liberal to conservative. They are not a group of blustering professional anti-Communists. They are Senators basically agreed that this country must develop better defenses against nonmilitary aggression. Sponsors of the bill, besides myself, are Senators CASE, DODD, DOUGLAS, FONG, HICKENLOOPER, LAUSCHE, MILLER, PROUTY, PROXMIRE, SCOTT, SMATHERS, and MURPHY.

The bill proposes, briefly, intensive concurrent effort of two kinds: research and training. Research would concentrate on an entirely new academic discipline which we have largely ignored but which has been intensely and determinedly developed for a generation or more by our Communist adversaries. This is the field of nonmilitary aggression—psychological warfare, guerrilla operations, enervating a target society, and all that goes with it.

We do not entirely comprehend these processes in our own Government. As the principal force of resistance against Communist and other totalitarian nonmilitary aggression, we need to comprehend these processes fully and we need to disseminate this understanding to everyone who has interest in and capacity for establishing effective defense against such aggression.

So the Freedom Academy bill (S. 1232) proposes a training program more ambitious by far than our current efforts and substantially different in character and purpose. It is a serious and comprehensive effort to close the vast manpower training gap existing between the Communists and the free world. Three categories of persons could participate in such training. First, of course, would be American Government personnel who function in the area of foreign affairs. These are the individuals charged with responsibility for our own national defense; and they should be prepared to recognize, to understand, and to counteract nonmilitary aggression in its early stages when it can be counteracted without fielding an entire army to do the job.

The second category of trainees would be foreign nationals, citizens of foreign countries who have an interest in and a potential for resisting and stopping nonmilitary aggression against their own countries. We have mutual interest with these people. They seek to defend their own societies from external aggression and internal collapse. We seek to preserve their countries as nonhostile entities, societies independent from Communist dominion. Such persons would be government officials or private citizens in position to act effectively, given advantage of the sophistication it takes to stop professional revolutionaries, to defend their own societies from externally inspired but internally conducted attack.

The third category of trainees would be American citizens employed in non-Government work whose assignments station them abroad and who, given the sophistication which the Freedom Academy could impart, could act effectively toward defense against nonmilitary aggression.

The research arm of the institution would be closely coordinated with the training arms; and training would be constantly bolstered by new understanding derived from continuing research.

A great deal of research, I suspect, would, as the several extensive congressional hearings on Freedom Academy bills have indicated, concentrate on communication and motivation. We need to know more and more about what makes other peoples tick and we need to know more about how to communicate effectively and persuasively with them in accordance with their own patterns of comprehension. We need to know what our adversaries already know about various national psychologies or psychological processes among different peoples. Already we know that effective motivational stimuli vary from one people to another. We need to know how they vary and how this information is utilized by our adversaries and how it can be used to defend the integrity of non-Communist societies.

Last week I attempted to demonstrate from the periodical press that Communist revolutions occurring all over Africa are planned and coordinated by experts trained for nonmilitary warfare in countries which are antagonistic to our own interests Today I would like to utilize the periodical press to show the same kind of development occurring in Latin America.

But no responsible person I know contends that all discontent in Latin America is fomented by revolutionary activity. Skilled revolutionaries, rather, exploit discontent, turn it to their own ends. We need better capability to erect good defense against such activity. The professional revolutionaries appear now to hold to themselves unchallenged the entire field of this effective political activity.

The Wall Street Journal of March 18, 1965, carried a story from Guatemala City, written by James C. Tanner, describing the general topic of Latin American anti-government activity. Of Communist endeavors, he writes:

> Observers foresee increasing Latin American terrorism * * * as Red China expands its revolutionary-minded ideology; the Sino guerrilla strategy particularly appeals to younger Latin leftists. One indication of

American concern is that U.S. Latin troubleshooters in the State Department now get regular reports from U.S. Embassies on sabotage and other violence. But terrorism is not the only weapon being used by Latin Communists.

The Reds are pushing peasant unrest and seizing on such issues as the Panama Canal to stir up turmoil. Though the Communists were unjustly blamed for starting the Panama Canal riots in January 1964, they were quick to capitalize on the friction. Since, a number of additional Communists have gone into Panama, and their hand was evident in the student-sponsored demonstrations this past January in observance of the "martyrs" who died a year earlier.

Mr. President, I ask unanimous consent that the whole text of this article, "Latin Leftists," from the Wall Street Journal of March 18, 1965, appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LATIN LEFTISTS—FEW AND DIVIDED, THEY STILL MANAGE TO MAKE TROUBLE

(By James C. Tanner)

GUATEMALA CITY, GUATEMALA.—Minutes before midnight on March 30, 1963, army tanks rammed through a wall around Casa Creme, the rambling "cream house" residence of President Miguel Ydigoras Fuentes, leveled their guns at the front door and waited while the jaunty Ydigoras packed his bags for a trip into exile.

Behind the golpe (Latin military coup) was a taciturn army career colonel with a penchant for horseback riding, Enrique Peralta Azurdia. Already defense minister, Colonel Peralta named himself chief of government and assured Guatemalans he acted only because Ydigoras was leading the government into corruption and yielding the land to communism. The 56-year-old colonel today still trumpets the Red threat.

Seated on an aging sofa in the national palace, he blames Castro "hoodlums" and Communist "bandits" for Guatemala's spasmodic outbreaks of terrorism. But he confides that the military government is only a provisional one, that it is bringing political tranquility and that presidential elections will be held before the year's end. He insists he will not be a candidate. But might he refuse to relinquish control to the new President? Yes, if the leftists win, replies the colonel. "Under no circumstances will we permit a movement with a communistic tint," he says.

Similarly, emerging political leaders in a growing number of the 2 dozen Latin lands are taking a tough, hard-line stand against the Reds. While this would appear cheering to Uncle Sam, many like the colonel heading this one-time communistic country are dictators. And even as the United States presses for democracies through such programs as the Alliance for Progress, it's being increasingly saddled politically with just the opposite. The claimed alternative is communism.

The Latin far left is being fragmented by the Soviet-Sino split and by the fading hero image of Castro. In the few countries where the Communist Party is not now outlawed, Red politicians are taking a thrashing at the polls. But the leftists are growing adept at keeping governments shaky and forcing golpes. Some observers of volatile Latin politics insist that dictatorships are in line with Communist objectives. Even if the Reds can't twist a revolt to their own aims as they did in Cuba, it's reasoned, a military government that makes a mess of running things offers more fertile ground than a democracy for Communist capture.

MAKING MORE NOISE

"The Communists in Latin America are weak, but they are making more noise and working toward the chaos that leads to military takeovers," asserts Arturo Jauregui, secretary general of the 28 million-member Mexico-based Inter-American Regional Organization of Workers. A Peruvian, Mr. Jauregui competes against Communists across Latin America for control of labor unions. Another Red foe, an astute Latin statesman, frets the day will come when perhaps as many as half of the Republics of Central and South America will be controlled by Communists. The other half, he reasons, will be ruled by dictators who have used the Red threat as an excuse to take over.

Latin America's Red repercussions pose more than just a matter of strategic concern for Uncle Sam. The United States has a bigger stake in this region than in any other area because Latin America is one of the best world markets for U.S. businessmen. American investments total $1 billion in Chile and more than $1 billion in Mexico, to cite just two examples.

Communists directed from Moscow, Peiping, and Havana are after this plum. Red China recently proclaimed it now is in a position to increase the export of its ideology to Latin America. In January, Pravda called on Latin working classes to join peasants in breaking the stranglehold of U.S. imperialists. Specific targets named in the Moscow communique were Panama, Haiti, Guatemala, Honduras, Colombia, Venezuela, and Paraguay. Castro exports guerrillas to other Latin countries.

Until just a few weeks ago, Communists were well on the way in British Guiana to a solid toehold on South America's mainland. Guatemala once fell to the Communists, Cuba still is Red, of course, and Argentina, Bolivia, and Brazil have come close to capture. And despite their small numbers and growing dissension within their ranks, the Communists are getting some results.

There are growing hints, for example, of a military takeover in Colombia. A thorny issue is leftist-inspired banditry. The commander of the armed forces complains increasingly of exploitation of Colombia's problems by what he calls "unscrupulous agents of foreign doctrines." President Guillermo Leon Valencia recently booted out his defense minister, mentioned as the likely leader of a pending coup.

A sticky situation also shapes up in El Salvador, though that tiny Central American nation has fewer than 1,000 Communists by government count. The trouble can be traced to Fabio Castillo, a physician turned talented administrator. A civilian member of a six-man junta which seized the government briefly in 1960, Mr. Castillo is using the national university he currently heads as a power base for the presidency, some Salvadorans claim. He's a recent visitor to Moscow, and set off a furor in his country with a proposal to bring in Russian professors.

Mr. Castillo also has labeled Salvador's reformed-minded president Julio A. Rivera a puppet of the United States. Through all the flap, President Rivera is acting with restraint. But this arouses mutterings from dissident elements of the military and from intransigent members of the oligarchy who want a hard-line approach to the leftist-leaning university. "As a result, the most serious threat to the political stability of the country comes not from the left but the right," notes a foreign diplomat at San Salvador.

If military coups should come in Colombia and Salvador, they would follow a path already paved by a swift sequence of golpes since Colonel Peralta made his move in Guatemala. The excuse of encroaching communism is the theme even though the actual threat may not be clear.

Some 17 months ago in Honduras, Col. Osvaldo Lopez Arellano, head of the armed forces, waged a brief but bloody battle to oust President Ramon Villeda Morales. The "golpe" came just 10 days before an election to name a successor for Villeda. Colonel Lopez, who now becomes constitutional President, says he acted to save the country from communism. Similar reasons were voiced by leaders of last year's revolt in Brazil which toppled the leftist regime of Joao Goulart.

Recently in landlocked Bolivia, after President Victor Paz Estenssoro courted danger by tangling with the Red-infiltrated tin miners' unions, widespread leftist-led student riots pushed his anti-Communist and American-backed government over the brink. Heading the military junta which overthrew President Paz: A crew-cut air force general, Rene Barrientos, who also is outspokenly anti-Red. Nicaragua has an elected president but the Somoza overlords still control that country; Ecuador is under a military junta, and a civilian junta rules the Dominican Republic.

REBELLION A POPULAR SPORT

Rebellion, of course, is the popular sport among Latins and not much of an excuse is needed to start one. A clandestine press conference by a former president sparked the Guatemalan golpe, for example. Though no Communist, Juan Jose Arevalo as president saw no danger from the Reds and permitted them to infiltrate labor and other groups.

His successor, moreover, was dominated by Communists. Jacobo Arbenz Guzman elected in 1951, staffed government posts with Reds, and Guatemala was controlled by Communists until a United States-backed insurrection chased him out. The most recent elected president, Ydigoras, was anti-Communist, but political conditions grew chaotic under his regime. Arevalo, in exile, loomed as his most likely successor. When Arevalo slipped into Guatemala to outline his presidential campaign strategy for the press, the military overthrew Ydigoras in a bloodless coup. Colonel Peralta justifies the action by characterizing Arevalo as a pro-Communist who would once again turn the country to the left.

A new constitution now is being drafted. It will prohibit the reelection of a former president, eliminating from the running such exiles as Arevalo, Arbenz, and Ydigoras.

Despite safeguards being written into the constitution and into its laws, Guatemala so far hasn't been able to legislate the Communists out of existence. The Communist Party is illegal, but some 1,000 active members continue working through a camouflaged front group. Castro-trained guerrillas operating near Lake Izubal in the interior and along the Honduras border occassionally machinegun an army officer, raid banana and rubber plantations, and sometimes, just to show the peasants whose side they are on, assassinate a landowner.

In recent weeks, urban terrorism by Guatamalan Reds—led by an army renegade trained in guerrilla fighting by U.S. forces in Panama—has taken a new tack with targets being U.S.-owned properties. New Year's Eve celebrations in Guatemala City included the burning of a U.S. Government garage along with the 23 cars in it. A U.S. Army colonel has been shot at, and a U.S. Army building bombed.

Observers foresee increasing Latin American terrorism of this sort as Red China expands its revolution-minded ideology; the Sino guerrilla strategy particularly appeals to younger Latin leftists. One indication of American concern is that U.S. Latin troubleshooters in the State Department now get regular reports from U.S. Embassies on sabotage and other violence. But terrorism is not the only weapon being used by Latin Communists.

THE CANAL ISSUE

The Reds are pushing peasant unrest and seizing on such issues as the Panama Canal to stir up turmoil. Though the Communists were unjustly blamed for starting the Panama Canal riots in January 1964, they were quick to capitalize on the friction. Since, a number of additional Communists have gone into Panama, and their hand was evident in the student-sponsored demonstrations this past January in observance of the "martyrs" who died a year earlier.

The Latin Reds, however, are running into some sizable setbacks in their more legitimate pursuits. Venezuela is cleaning up its Red-infiltrated schools, dismissing so far some 2,000 leftist teachers. A potentially potent leftist labor movement across Latin America has fallen apart. Not the least of the Communist troubles is the Peiping-Moscow rift. Notes a U.S. official long stationed in South America: "The older Communists that were Moscow-trained are aging. The younger ones for awhile leaped at Castro as the rising star. Now, he's out as a hero, and they look toward Peiping. So really, the unity of the Latin Communists is shot."

Pro-Soviet Reds still control the parties in most Latin lands. But their leaders are mellowing. Vicente Lombardo Toledano, an aging leftist who heads the Popular Socialist Party (PPS) in Mexico and long has been Moscow's chief missionary in Latin America, traded out with Mexico's ruling political party last year and backed anti-Communist Gustavo Diaz Ordaz for President. Now Mr. Lombardo Toledano is a deputy, spouting softened Marxist ideology from the congressional floor.

In Chile's presidential election last September, Communists threw all their support to a Socialist, a popular candidate who looked like a sure winner. He was soundly trounced by Christian Democrat Eduardo Frei. Mr. Frei's government further strengthened its hand in congressional elections this month by becoming the first to gain an absolute majority in the lower house. But experts on Latin Reds caution that their impact can't always be measured at the polls. Frei's programs in Chile, for instance, are being bottled up by the Reds. Though most citizens back his plans to go into partnership with the big U.S. companies in Chile's copper business, the Communists are teaming with nationalists to accuse Frei of selling out to the Yankees.

So, despite the emergence of stanchly anti-Communist leaders in a number of Latin lands, it is likely the Reds will keep Latin America in ferment for some time.

Mr. MUNDT. Marguerite Higgins has also noted the increasing exploitation of real discontent in Latin America by professional revolutionists who work toward violent overthrow of legitimate governments. She has written two recent articles to which I will allude. One appeared in the Washington Evening Star of March 22, 1965, where she quotes Cuba's Che Guevara as having asserted to an interviewer that:

> The armed fight which has already started in Guatemala and Colombia will develop into a continental movement.

Noting the newly agreed declaration by 22 Latin American Communist parties of support and solidarity for Fidel Castro, Marguerite Higgins tells how Castro finally obtained unified support for his type of revolution:

> In exchange for a Castro pledge of hands-off in most areas of Latin America, the hemisphere Communist parties promise "active aid" for violent attempts to overthrow the governments of Venezuela, Colombia, Guatemala, Honduras, Paraguay, Haiti, and Panama. These countries were named in the Havana communique as countries where the "liberation movement is most likely to succeed."
>
> And the professional revolutionaries are busily training others in their craft.
>
> With Soviet, Red Chinese, and North Vietnamese guerrilla experts already in place in camps near Havana, Castro now has unprecedented backing from the entire Communist apparatus in the hemisphere.
>
> There is no precedent—

Marguerite Higgins writes—

> for such a brazen declaration of guerrilla warfare against sovereign nations in this hemisphere. * * * It is a measure of world communism's confidence of America's inability—or unwillingness—to do anything about it.

My purpose in this series of statements is to answer just that charge—that our country refuses to confront this challenge. Establishment of something like the Freedom Academy, a concept which emerged from intensive effort and acute analysis, would commence improving defenses of the non-Communist world against nonmilitary aggression.

I ask unanimous consent that this article by Marguerite Higgins, entitled "United Reds Give Castro Lift," from the Washington Evening Star of March 22, 1965, appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED REDS GIVE CASTRO LIFT

(By Marguerite Higgins)

What are the Russians up to on the Caribbean front of the cold war? Is all as quiet south of the border as the Nation's preoccupation with Vietnam would seem to warrant?

The answer, unfortunately, is "No."

And the renewed cockiness of Fidel Castro & Co., inside Cuba and out, officials here concede, has a certain basis in fact.

An example of this cockiness was the interview given in Algeria by Cuba's far-traveling guerrilla expert, Ernesto "Che" Guevara, who declared, "The armed fight which has already started in Guatemala and Colombia will develop into a continental movement."

This is in line with the Cuban propaganda line that these two countries "will form the embryos for turning all of Latin America into a vast South Vietnam."

MOSCOW'S BLESSING

A new reason for this Cuban cockiness is the declaration of support and solidarity for Fidel Castro wrested from representatives of all 22 Latin American Communist parties in convention assembled in Havana. The communique of this Havana convention was issued in late January and immediately distributed by Tass New Agency, thus giving it Moscow's blessing.

But there is far more to the communique than meets the casual eye.

For one thing, it brings a certain order out of the interparty bickering and chaos that has often been a hindrance to Latin American Communist Parties.

For another, the communique of the hemisphere Communists, who are without exception under Soviet discipline, marks the first time in 6 years of power that Castro has been able to win this group's promise of coordinated support, not just for himself, but for his export of armed violence.

"ACTIVE AID" OFFERED

According to intelligence sources, Moscow engineered a rather remarkable compromise between the Latin American Communist Parties, who have resented Castro's meddling in their spheres of influence, and the Cuban dictator.

In exchange for a Castro pledge of hands-off in most areas of Latin America, the hemisphere Communist parties promise "active aid" for violent attempts to overthrow the Governments of Venezuela, Colombia, Guatemala, Honduras, Paraguay, Haiti and Panama. These countries were named in the Havana communique as countries where the "liberation movement" is most likely to succeed.

The communique marks an end to the previous contention of the Communist parties that revolution ought to be left to locals inside each country and sanctions export of terror and revolution to certain predesignated places.

With Soviet, Red Chinese and North Vietnamese guerrilla experts already in place in camps near Havana, Castro now has unprecedented backing from the entire Communist apparatus in the hemisphere. It will no longer carp and protest at Cuban meddling but will assist Castro.

BAD NEWS FOR UNITED STATES

In light of Castro's all too substantial successes already, this is bad news for his intended victims—and for the United States.

There is no precedent for such a brazen declaration of guerrilla warfare against sovereign nations in this hemisphere.

Unfortunately, it is not only a measure of Castro's cockiness: It is a measure of world communism's confidence in America's inability—or unwillingness—to do anything about it.

Whatever became of those ringing declarations of the Cuban crisis days in which the United States warned it would never stand idly by if Castro were to persist in attempts to export subversion in the hemisphere?

Mr. MUNDT. Miss Higgins continued a month later. She writes of the same developments but from the viewpoint of another month's consequential activities.

> And what is the situation in these threatened countries? Violence has flared to some degree in all. But the situations in Guatemala and Venezuela cause the most concern.
>
> American officials estimate that in Guatemala perhaps 500 well-trained terrorists are operating under direction from Havana where Soviet, Chinese, and even North Vietnamese experts cooperate in training Latin Americans in subversion.
>
> In Venezuela * * * guerrilla activities in the rural areas, which had been conspicuously on the wane, are now rising in intensity.

I ask unanimous consent that the Marguerite Higgins article "Castro Isn't Shaken by United States," from the Washington Evening Star of April 19, 1965, appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASTRO ISN'T SHAKEN BY UNITED STATES

(By Marguerite Higgins)

Fidel Castro is far from being in the corner into which Uncle Sam has tried to paint him. In fact, in some things, he is ahead on points.

This is the most significant conclusion to be drawn from careful analysis of testimony, given by top military, intelligence experts, and State Department officials to the House Inter-American Affairs Subcommittee.

This country has hoped that policies of economic isolation would make Cuba impossibly expensive to support—so expensive that Russia would find reason to cut Castro off without a ruble.

But according to John Crimmons, coordinator of Cuban affairs for the Department of State the situation today is that: "Despite apparent Soviet dissatisfaction with Cuban economic performance * * * and despite Soviet resentments of Cuban actions and attitudes, we estimate that the community of interest between Moscow and Havana is currently strong and that the reciprocal benefits of their association override their differences."

Time was when the United States threatened the use of force if Fidel Castro attempted to export subversion.

But the fact today is that the export of subversion is a fait accompli and such experts as Ellsworth Bunker, former U.S. representative to the Organization of American States, believes that "we might well be on the threshold of an intensified Communist effort in this hemisphere."

"Not only has the American threat of the possible use of force failed to deter Castro, it has failed to deter any of the hemisphere Communist Parties or Moscow.

In November of last year, the Communist Parties of the hemisphere attended a conference in Havana at which they proclaimed in a communique they would coordinate efforts with Castro to overthrow by force and violence ("liberate") Venezuela, Colombia, Guatemala, Honduras, Panama, Paraguay, and Haiti.

And what is the situation in these threatened countries? Violence has flared to some degree in all. But the situations in Guatamala and Venezuela cause the most concern.

American officials estimate that in Guatamala perhaps 500 well-trained terrorists are operating under direction from Havana where Soviet, Chinese, and even North Vietnamese experts cooperate in training Latin Americans in subversion.

In Venezuela, the important thing is that the guerrilla activities in the rural areas, which had been conspicuously on the wane, are now rising in intensity.

The capture last month in Caracas of three Communist agents carrying $340,000 in American money is indicative of the high priority given by the Communist bloc to the terror and havoc spread by the so-called Venezuelan National Liberation Front.

Mr. MUNDT. Now let us look a little more closely how these exercises in nonmilitary warfare in Latin America are progressing. There is an article written by a lieutenant colonel in the Argentine Army, Mr. Luis Alberto Leoni, which appeared in Military Review for January 1965, in which one method of undercutting legitimate government is described.

> Castro's * * * uncanny psychological perception of his people and environment have enabled him to maintain a somewhat hypnotic hold upon his admirers and fanatical followers. This he has done by the simple expedient of using grisly beards, field uniforms, and the ever present threat of "to the wall" as symbolic elements of the Cuban Communist revolution.
>
> Nearly all the subversive groups which operate throughout South America wear uniforms fashioned after those of their Caribbean precursors. The experience gained not too long ago of masses of people inspired and agitated by slogans, symbols, and gaudy uniforms—all characteristic of fascism and nazism—contained lessons not overlooked by these new traffickers in fervor and violence.

This approach appeals to the crowd. Others go more directly to the individuals.

> Among the means employed by Communist propaganda experts * * * a special technique has been developed which involves the preparation and wide distribution of letters addressed to "the fellow peasant."

But look at the intensive work toward understanding the peasants to whom these letters are addressed before they are written. Note the motivational perception.

> The technique employed in the preparation of these letters is proof in itself of the careful and detailed study of the peasant and his environment. The writers use a limited vocabulary, usually one not exceeding 500 words. Numerous comparisons and parables applicable to such typically everyday problems as the weather and the soil, which are common stock in the life relationships of agricultural societies, are also employed. Statements like the following—taken from a letter which recently appeared in Brazil—are typical.
>
> "Together with your fellow men, you are the one who makes up almost all of Brazil. You are the one who feeds the nation, while you go hungry yourself. You are the one who clothes us, while you wear only rags. You provide the soldiers to defend your country while your country neglects you. You provide labor and defend the big landowners who in turn exploit you. You give offerings to the church, which tells you to be submissive and turn the other cheek in the name of Christ. But Christ himself was a rebel.

And so on. There follows talks of Fidel Castro, of Mao Tse-tung, St. Francis of Assisi, and Christ.

This is powerful potion. It is targeted exactly at the group to be subverted. Colonel Leoni says:

> It matches perfectly the intellectual level of the group for which it is intended, and in a clever manner it simultaneously presents certain truths and falsehoods.

And here is the warning to us in the United States who have failed to analyze nonmilitary warfare in order to prepare the non-Communist world to meet it. Colonel Leoni warns, "Right now these letters are not considered to present an immediate threat." This is so even though, in diverse versions, they are commonly distributed throughout Latin America.

I ask unanimous consent that the article by Lt. Col. Luis Alberto Leoni "Letters to the Peasants," taken from Military Review of January 1965, appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LETTERS TO THE PEASANTS

(Lt. Col. Luis Alberto Leoni, Argentine Army)

(NOTE.—Lt. Col. Luis Alberto Leoni is presently assigned to the general staff of the Argentine Army. He is a frequent contributor to Argentine military journals and the winner of several literary prizes. In addition to his other duties, Colonel Leoni teaches a course in counterinsurgency at the Argentine Army War College.)

Sociological research into the reasons for the tremendous popularity of the existentialist theory among European youth found form rather than intellectual content as the preeminent attraction which led so many to that particular philosophy.

A similar conclusion could be drawn in connection with the support which Cuban Communist subversion has been obtaining from certain groups of Latin American youths. Their reaction is characterized by a subservient imitation of the outward appearances of the Castroite dictatorship—as if the mere adoption of such extravagant postures and coarse language would promise to solve the numberless problems which afflict the American States south of the Rio Grande.

There is no doubt that Castro's exceptional ability and uncanny psychological perception of his people and environment have enabled him to maintain a somewhat hypnotic hold upon his admirers and fanatical followers. This he has done by the simple expedient of using grizzly beards, field uniforms, and the ever-present threat of "to the wall" as symbolic elements of the Cuban Communist revolution.

The emotional impact of these elements of apparent outward simplicity, but of great transcendence, is proved by the fact that nearly all the subversive groups which operate throughout South America wear uniforms fashioned after those of their Caribbean precursors. The experience gained not too long ago of masses of people inspired and agitated by slogans, symbols, and gaudy uniforms—all characteristic of fascism and nazism—contained lessons not overlooked by these new traffickers in terror and violence.

IGNORE DANGER

Men and institutions of current democratic regimes, who are inclined to look at these reactions with indifference, seem to ignore the explosive danger which lurks beneath these demagogic efforts for the ideological conquest of men and minds under the Marxist yoke.

Among the means employed by Communist propaganda experts throughout the southern half of the South American Continent, a special technique has been developed which involves the preparation and wide distribution of letters addressed to "the fellow peasant."

The lexical, literary, and ideological content of these letters is a masterpiece of convincing propaganda which seeks to move the very soul of the peasant by the apparent truth of the majority of the statements therein. These statements are made with the obviously covert purpose of further transforming the peasant's life of misery and want to one of absolute totalitarian subjection.

The technique employed in the preparation of these letters is proof in itself of the careful and detailed study of the peasant and his environment. The writers use a limited vocabulary, usually one not exceeding 500 words. Numerous comparisons and parables applicable to such typical everyday problems as the weather and the soil, which are common stock in the life relationships of agricultural societies, are also employed. Statements like the following—taken from a letter which appeared recently in Brazil—are typical:

"Together with your fellow men, you are the one who makes up almost all of Brazil. You are the one who feeds the nation, while you go hungry yourself. You are the one who clothes us, while you wear only rags. You provide the soldiers to defend your country, while your country neglects you. You provide labor and defend the big landowners who in turn exploit you. You give offerings to the church, which tells you to be submissive and turn the other cheek in the name of Christ. But Christ Himself was a rebel, and that is the reason why He was crucified. Like Christ, the good Saint Francis of Assisi of Italy was also like you. Of those who are still living, Mao Tse-tung, of China, and Fidel Castro, of Cuba, won because they were like you and you are like them. You were and you are; you are and you will continue to be."

This technique for the conquest of the peasants has been quickly imitated in many other places of South America. Early in 1964 a similar "letter of proclamation" was widely

> distributed among the peasant population of the mountainous semijungle region of Salta, Argentina, near the Bolivian border, by a group of guerrillas whose activity was discovered in that area.
>
> This particular letter, titled "Proclamation From the Second in Command to the Comrade Peasants" and issued by the Popular Guerrilla Army, followed the same subversive approach as the letter circulated in Brazil.
>
> It matches perfectly the intellectual level of the group for which it is intended, and in a clever manner it simultaneously presents certain truths and falsehoods. This feat is accomplished by making reference to actual persons and known facts, although the latter are distorted in such a subtle way that they become easily acceptable as unquestionably true. Thus, the seed of doubt is sown in the minds of the worker and peasant while, at the same time, they are offered Marxist solutions to their problems.
>
> Right now, these letters are not considered to present an immediate threat. The same could have been said years ago about the Communist Manifesto by Marx and Engels. But we must not overlook the great lessons to be found along the bloody and tearful path of history. There is ample evidence of social inequalities which must first be corrected for the sake of human dignity and to uphold the spirit of democratic ideals. In the specific case of Latin America, the action against Marxist subversion must be undertaken immediately. This action should consist of a determined and selfless campaign aimed at the elimination of human misery, social neglect, disease, and illiteracy.
>
> The people south of the Rio Grande want neither pity, offerings, demagogery, nor Marxism in order to overcome these subversive trends. They need assistance coupled with dignity, capable government, harmony between labor and management, and, above all, justice among men. The placation must be attained now, not later when it may be more difficult to convince the people that their true environment is not the utopian life of a proletarian world proffered them by the terror traffickers full of false promises.
>
> Only then will the peasant firmly realize that liberty and justice are the true symbols of a free world. Then, also, the subversive letters, leaflets, pamphlets, proclamations, and other propaganda means will lack the conviction, the sense, and the capability to undermine his spirit. Then it will be possible to talk about the true accomplishment of humanity—the victory of peace, human rights, and dignity on earth.

Mr. MUNDT. Finally, for today, let us turn to the New Leader. Norman Gall, who recently completed a Latin American tour for the Washington Post, contributed an article called "The Continental Revolution."

Gall wastes no time before identifying the major problem.

> The fact is * * * in key areas of the country, the Venezuelan Government is now in a virtual state of war against guerrilla insurgents who are following a prescribed course of violence and economic disruption. This pattern of guerrilla insurgency is a clear reflection of the proliferating Communist literature of violence—a literature deeply indebted to the writings of Mao Tse-tung—and points to the adoption, in Venezuela, of the strategy of the long war, akin to the conflicts effectively waged in China, Algeria, and Vietnam. Designed to force large numbers of regular army units into antiguerrilla and security operations throughout the country and thus weaken the Government's ability to deal with urban rioting, terrorism, and barracks revolts, this strategy has already yielded the Communists a sizable dividend in political and social havoc.

Their tactics are familiar. Assassinations. Executions of peasants who don't cooperate. Attacks on small military outposts. Capture of munitions stores.

> The real importance of the Venezuela insurgency can only be measured against the increasingly aggressive tactics being adopted by the Communists in other key Latin American countries.
>
> In Cuba and Peru, just as in Venezuela, the Peiping line of violent insurrection predominates, and in Ecuador, Colombia, and Brazil it appears to be gaining rapidly. In the Peruvian Andes, more than 250,000 Indian peasants have been organized into Communist-led federations to invade haciendas and seize land.

The organizers, of course, are trained professional revolutionaries. Defending against their actions are personnel who largely do not recognize tactics used against them and who do not comprehend the challenge they confront. It would be interesting to know, Mr. President, what percentage of the officer corps of our own State Department and related agencies are intimately familiar with the tactical and strategic writings of Mao Tse-tung.

The Venezuelan Government, facing this immediate challenge of warfare, Gall says, exhibits a curious policy of silence.

> The government has shown itself to be particularly lacking in resourcefulness when responding to the guerrilla incursions, even where its own programs are at stake.

That is, the officials responsible for defense do not comprehend the attack.

Gall quotes a police chief who has tried fighting guerrillas:

> When we go out to hunt the guerrillas, we have only old Mauser rifles, no medicines, and no money to buy food. We must often confiscate our meals from peasants * * * guerrillas usually have money to pay for theirs. Many peasants are abandoning their farms. * * * Our letters asking for supplies go unanswered. We must arrest people to find out where the guerrillas are, since they have many agents in the countryside.

But perhaps most interesting in this article is his discussion of the careful preparation that precedes guerrilla expeditions.

> [A] guerrilla leader in an area where his father is one of the chief landowners went to Rome to study law in the early 1950's; he returned * * * a declared Communist * * * in late 1950 [he] * * * returned from a visit to Caracas with two youths who spent the next 2 months exploring the surrounding mountains. Early in 1959 groups of university students and professors appeared * * * on "field trips" to map the zone. It was not until late 1961 that the first open guerrilla activity began there.

And again, the failure of responsible officials to recognize the threat:

> One of the chief advantages in guerrilla operations is that the central government almost never recognizes their importance until it is too late. * * *
>
> Clearly * * * the governments not only of Venezuela but of other Latin American countries need to realize that they are involved—and have been for years—in an extended political-military conflict. All signs now indicate that violence will increase convulsively as new insurgencies go unrecognized and uncontrolled, and efforts to establish constitutional democracy are repeatedly aborted.

I ask unanimous consent that the full text of Norman Gall's article "The Continental Revolution," appearing in the New Leader for April 12, 1965, appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Insurgency in Venezuela: The Continental Revolution

("It is difficult, but not impossible, to believe in the triumph of Socialism in only one country. For some years now imperialism has been preparing an organized repression against the peoples of Latin America * * *. In response to this Internationale of repression, we foresee the organization of a continental front against imperialism. It will take time to organize this front, but when it exists it will represent a severe blow, if not a definitive one against imperialism."—Ernesto "Che" Guevara, interviewed in the Algerian magazine Révolution Africaine, December 26, 1964.)

(By Norman Gall)

Santa Cruz de Bucaral.—For 2 years now the successive Accion Democratica governments of Presidents Romulo Betancourt and Raul Leoni have been announcing the imminent annihilation of all guerrilla activity in Venezuela. In his televised New Year's message, Leoni referred to the guerrillas as "some tens [decenas] of delirious nonconformists" engaged in "criminal terrorist activities in the cities and an absurd and impotent rebellion in certain rural zones." Yet. far from being destroyed, guerrilla warfare has spread to wider and wider areas of the country during the past year. In Trujillo and Falcon, two states where the army has had to be dispatched for antiguerrilla operations, the peasants are gripped by fear of reprisals from both the guerrillas and the army, and in all the cities and towns I have visited during a month in Venezuela the guerrillas have loomed unmistakably as the prime topic of conversation.

The fact is, not only in the states of Trujillo and Falcon but elsewhere in key areas of the country, the Venezuelan Government is now in a virtual state of war against guerrilla insurgents who are following a prescribed course of violence and economic disruption. This pattern of guerrilla insurgency is a clear reflection of the proliferating Communist literature of violence—a literature deeply indebted to the writings of Mao Tse-tung—and points to the adoption, in Venezuela, of the strategy of the "long war," akin to the conflicts effectively waged in China, Algeria, and Vietnam. Designed to force large numbers of regular army units into antiguerrilla and security operations throughout the country and thus weaken the Government's ability to deal with urban rioting, terrorism, and barracks revolts, this strategy has already yielded the Communists a sizable dividend in political and social havoc.

The apparent aim of the guerrillas is to divide Venezuela militarily during an uprising. With that end in view, there is now a chain of overt or incipient guerrilla activity from the first continental outcropping of the Andean Mountain system near Cabure, about 30 miles from the Caribbean coast, all the way south to the Colombian frontier. Using the principal waterways of the region as their points of contact, the guerrillas in the mountains are able to coordinate their operations with those of their urban counterparts, the Unidades Tacticas de Combate (UTC), who function in a great many municipalities.

The significance of these operations cannot be judged either by their present strength or by current battle reports, which for the most part list only attacks on six-man police posts, assassinations of peasants accused of betraying the guerrillas, and assaults on military checkpoints on highways approaching the mountains. The real importance of the Venezuela insurgency can only be measured against the increasingly aggressive tactics being adopted by the Communists in other key Latin American countries.

In Cuba and Peru, just as in Venezuela, the Peiping line of violent insurrection predominates, and in Ecuador, Colombia and Brazil it appears to be gaining strength rapidly. In the Peruvian Andes, more than 250,000 Indian peasants have been organized into Communist-led federations to invade haciendas and seize land. Shipments of Communist arms have been entering Peru across the altiplano frontier with Bolivia, and in 1964 the Peruvian Communist Party was purged to give control to its pro-Chinese faction; leaders who favored cooperation with the regime of President Fernando Belaunde Terry, whom the Communist organization in the Peruvian sierra helped elect, were expelled. Similarly, in the northeast region of Brazil, which contains the most widely publicized peasant leagues in Latin America, a Maoist insurgency has split the Communist Party in two.

As an area of potential revolutionary activity, then, the Andean highlands of Peru, Bolivia and Ecuador look fertile indeed. Comprising more or less what had been the old Inca empire, this region forms a single geopolitical unit whose more than 10 million Indian inhabitants have scarcely been touched by Western culture. Like the peasants of prerevolutionary China, they speak vernacular tongues (Quechua and Aymara) divorced from the official language; they are subject to aristocratic exploitation and repression, deep communal allegiances, and extreme scarcity of land among the mass of subsistence farmers. Peonage and primitive farming methods continue unchanged, landlords collect rent in the form of labor, and the per capita ratio to cultivated land is virtually the same as that which existed in old China.

The beacon for this pattern of revolutionary activity is Cuba, which, after overtures last year toward better relations with the United States, has begun to formulate what appears to be a new hard line. "Che" Guevara's recent journey to Africa and Asia produced many statements supporting the Chinese attempt to divide the world into white and colored camps, and in Algiers he specifically mentioned the organization of a "continental front against imperialism" in Latin America to oppose the "internationale of repression" being formed by the United States. Castro himself, faced with increasing economic hardship and the possibility of curtailment of Soviet aid, used the occasion of his sixth anniversary in power, in January, to warn that Cuban Communists needed no meddling advice from other Communist parties—presumably a reference to the restraining hand of Moscow—and voiced faith in the ability of his people to subsist without foreign aid.

But Cuba's role involves more than rhetoric. Last November 14, Venezuela's Fuerzas Armadas de Liberación Nacional (FALN) opened its international headquarters in Havana with ceremonies attended by the Russian, Chinese and North Vietnamese Ambassadors. In a New York interview a month later, Guevara declared: "The road to the liberation of peoples, which will be the road to socialism, will go through bullets in almost all countries * * *. We have much enthusiasm for the freedom fighters in Venezuela. We have taught some of them to acquire military knowledge."

The majority of young Latin Americans now being schooled in Cuba in the tactics of rural and urban guerrilla warfare are, in fact, Venezuelans and Colombians, and the insurgent movements in both countries remain in frequent contact across an unguarded border which traditionally has been an open door for heavy smuggling in arms, cattle, and consumer goods. Colombian guerrillas have been operating for months now in the eastern mountain range along the Venezuelan frontier, and are said to have enlisted the bandits of the area in their service.

It is against this background of rising guerrilla warfare along Maoist lines throughout Latin America that the activities of the Venezuelan insurgents must be seen. Even in Venezuela itself, however, exact information about both guerrilla and antiguerrilla operations is not easy to come by. Communist journalists who remain infiltrated in the press, together with their still powerful, reactionary bosses, are alike in wanting to discredit the Accion Democratica government. As a result, news of the anti-Government operations strays from secrecy to exaggeration to confusion.

For example, a girlie magazine called Venezuela Grafica, owned by the rightwing Capriles chain, recently published a long picture story eulogizing the guerrillas. But it turned out that the pictures accompanying what were purported to be on-the-scene interviews were from another area of the country. The magazine was suspended for printing the story, and both left and right accused the Government of resorting to dictatorial methods.

The source of a good deal of exaggerated reportage on guerrilla activities is INNAC, a news service owned by the rightwing newspaper El Universal, whose owner was the Communist-backed candidate for the presidency of the Venezuela Press Association last year. Venezuela as a whole relies greatly on INNAC for news of the interior, though the organization is said to be heavily infiltrated by Communists.

The Government further confuses the problem by pretending at times that it doesn't exist. Last October four peasants were kidnapped and murdered by guerrillas near the village of Guaramacal in the Andean state of Trujillo. After the bodies were exhumed and identified, investigating officials reported the murders to Caracas, but the news remained a secret. For months now 600 troops have been engaged in antiguerrilla operations in Trujillo, begun in response to the Guaramacal killings, yet there are no official reports on their activities. In February, the Caracas press reported the crash of an army helicopter in the Falcon state guerrilla zone, but denied that the helicopter had been brought down by ground fire. On the following day, though, the Army rushed a company of reinforcements into the area.

Only last month, 30 guerrillas captured the police headquarters and telegraph office in the Falcon state town of Aracua. They sized a supply of weapons and ammunition, took over the town for 3 hours, and fled before any troops arrived. The following day the Minister of Defense, Gen. Ramon Florencio Gomez, said the guerrilla activities were "insignificant."

In addition to its curious policy of silence, the Government has shown itself to be particularly lacking in resourcefulness when responding to the guerrilla incursions, even where its own programs are at stake. The following incident provides a graphic illustration of its ineffectiveness.

In November there was a public execution carried out by the guerrillas in Tapatapa, about 20 miles from the village of Santa Cruz de Bucaral. The trip takes 2 hours by jeep or 6 hours by burro—and the chilling winter rains often turn the dirt roads into swamps so that only burros can get through. The roads wind through the rugged mountains and forests of Falcon state to connect caserios of mud-splattered adobe dwellings like Tuy and Tapatapa and Macuquita, which do not appear on the map.

Three years ago, the Government bought a large hacienda at Tapatapa and called a meeting to tell the squatters that they could continue living on their parcelas. Without further ceremony or improvement, the Instituto Agrario Nacional added Tapatapa to the list of agrarian reform sites in which nearly 80,000 peasant families are said to have been "resettled" in the past 6 years.

The secretary general of the peasant sindicato at Tapatapa, Rodolfo Romero, was also the local leader of the government's Accion Democratica Party. Neighbors claimed that Romero "tried to make himself big" by falsely accusing his enemies of collaborating with the guerrillas then being sought by the direccion general de policia (Digepol, the state security police) and the army. In any event, when Romero was informed that Douglas Bravo and his guerrilla followers were in the neighborhood, he set out for the army post in Santa Cruz to inform the commander.

When he arrived at the camp, another farm expropriated for the agrarian reform, the soldiers said they could not go to Tapatapa without permission from the command post 100 miles away. Romero waited for the orders from 10 a.m. to 4 p.m.; they did not come, and he started back.

On the lonely burro trail Romero was intercepted by guerrillas, who had been waiting for him. They marched him back to Tapatapa with his hands tied behind his back, hung him from a tree by his armpits and threw broken bottles at his face to make him bleed. They read an execution decree accusing Romero of betraying the cause of national liberation, then shot him as the whole community watched. About 30 families abandoned their parcelas in Tapatapa in the next few days.

One Accion Democratica congressman from the area commented: "When their leader dies this way, how will the others act? Through bribery and terror the guerrillas are steadily winning our peasants. The area is ideal for guerrillas. It has corn, cattle, abundant fresh water, and many mountains and caves. They are led by local boys who know the land far better than the army. The number of guerrillas in the hills is not important now. What is important is the number of collaborators in the villages and farms beside the roads.

"The guerrillas use money stolen from stores and factories and banks in the cities," the congressman continued. "They buy food from peasants at two or three times the regular price. They call their robberies 'revolutionary confiscations' and give away the money as 'advances on revolutionary agricultural credit' which the FALN says it will bring them in a future agrarian reform. The peasants voted for us by force of habit, but they are giving up hope and are cooperating more and more with the Communists. When is the Alliance for Progress coming to these mountains to meet its enemy? I asked the political officer of the U.S. Embassy this question, and he merely said there already are appropriate institutions handling these problems."

The situation of the peasants, caught in the crossfire of guerrilla and Government forces, has now become extremely grave. "When the army came to these mountains, things become rough for the peasants," said one farmer in Santa Cruz de Bucaral. "When the guerrillas were relatively unknown a peasant could coexist with them, getting good prices for his corn and hens, though most of those cooperating did so for fear of being killed. When the army arrived the peasants had two governments to deal with. The digepol is very badly trained. They often jail a peasant for a week or 10 days when he comes to give information, so that his whole neighborhood knows he has informed when he gets back home. The peasant then just stops giving information. The guerrillas pay for what they take and respect his women, while the army and the digepol often do neither. To top all this, people go around making false accusations to the army and police about their neighbors to settle old grudges."

The difficulties facing those assigned the task of suppressing the guerrillas were explained to me by Rafael Antonio Garcia, the young police chief of Santa Cruz de Bucaral. "When we go out to hunt the guerrillas we only have old Mauser rifles, no medicines and no money to buy food," he said. "We must often confiscate our meals from peasants. This is always a big problem, as the guerrillas usually have money to pay for theirs. Many peasants are abandoning their farms, leaving behind their animals and immovable possessions. The losses in crops are incalculable; large fields are abandoned with the corn unharvested. Our letters asking for supplies go unanswered. We must arrest people to find out where the guerrillas are, since they have many agents in the countryside. In November and December we arrested 63 peasants as agents."

Meanwhile, the guerrilla movement has itself given a new impetus to the Venezuelan Communists, who had lately been losing ground. The violence of the Betancourt years cost the Communists dearly. Many of their top leaders are jailed. Their support in the universities, though still strong, has ebbed significantly. Their once effective infiltration of the press, the teaching profession, and the armed forces has been somewhat reduced. In terms of both popular and organizational strength, the Communists are thus considerably less powerful than they were following the 1958 overthrow of Dictator Marcos Perez Jimenez—the period in which they enjoyed legality, infiltration, and influence. For all their lobbying, terrorism, and guerrilla warfare—and the prestige accrued from opposing the dictatorships of Perez Jimenez and Juan Vincente Gomez (1908–35)—the Venezuelan Communists have yet to produce a leader comparable in stature to a Castro or a Togliatti.

Ever since the failure of the FALN to stop the 1963 election, internal memorandums of the Venezuelan Communist Party (VCP) have been full of reproaches and laments concerning the sad state of party organization. There are, moreover, strong personal and ideological differences among the extremist leaders.

The FALN memorandum, "Our Errors," describes some of its internal difficulties as "Exhibitionism, which constantly leads us to show off * * * before friends, comrades, and strangers, the tasks we are undertaking, the secrets we know * * *. Deviations of a military character [take place] when we substitute personal leadership for collective leadership, when we seek to demonstrate that we are right by raising our voice or by constantly insisting on our positions as 'chiefs.'"

Still, the FALN record for 1964 has not been barren of success, and its prospects have been considerably brightened by the activities of the guerrillas. Thus, a recent memorandum of the VCP Politburo outlines a "defensive situation" to last "at least 6 months," with a plan consisting of the following operations: accelerated programs for training guerrillas abroad to take advantage of "unlimited" facilities offered; a campaign for amnesty for jailed insurrectionists; offers of a truce to the government by the VCP and the Marxist-Leninist Movement of the Revolutionary Left (MIR); quiet gestation of more guerrilla activity; and renewed efforts at infiltration of the armed forces.

In 1964 the leftist forces, even while expanding their guerrilla operations, were able to create a political climate propitious to amnesty for their jailed leaders. Yet the jails, as so often is the case when they house political prisoners, have become schools of revolutionary theory and tactics. Former Senator Pompeyo Marques, leading ideologue of the VCP's dominant pro-Chinese wing, writes his weekly column from his jail cell; it appears under the pseudonym "Carlos Valencia" in the Communist paper Que.

The amnesty campaign is being spearheaded through pressure on President Leoni by two old enemies who have joined Accion Democratica in a government coalition—the Union Republicana Democratica (URD) and a new party led by writer-politician Arturo Uslar Pietri. Both Uslar and URD have long records of collaboration with the Communists. During the Christmas rush of pressure for amnesty, the jailhouse corridors were crowded by the comings and goings of leading URD and Uslarista politicians. To date 33 political prisoners have been freed.

In the 1958 elections the VCP won 160,000 votes (6 percent of the total), which makes plausible a recent military estimate that there are 2,000 rural guerrillas and 3,000 urban UTC members available to the FALN, including those trained but not yet used. The new clandestine tactical manual "FALN Will Conquer" spells out one of the gravest political problems of antiguerrilla warfare in Latin America: "The uncontrolled increase in the armed forces would break the equilibrium of forces guaranteeing the stability of the Government; in other words, a civil government cannot sustain itself in a Spartan Venezuela. When revolutionary operations constantly strike the reactionary military vanguard, it is probable that the military will insist on certain political controls for 'pacification' and finally will decide on a coup d'etat."

One high-ranking Accion Democratica leader confirmed this analysis when he told me recently: "The real possibility of military overthrow of this Government is from the right rather than the left. It is likely that there will be a coup in Colombia soon and this could produce a strong reaction here. We are giving away nothing on the political prisoners. URD and Uslar have promised so much during the election campaign on this that we have to let them blow off steam. The few prisoners we have released mostly are students whose parents assured us that they will study at universities abroad. We are being careful, and no Communist leaders will be released for a good while."

Probably more significant than the size of guerrilla operations at this stage is the care with which they have been organized. The first guerrilla units in Falcon and Lara States began functioning near the only two hamlets in western Venezuela where the Communists won a clear majority in the 1958 elections.

Hipolito Acosta, guerrilla leader in an area where his father is one of the chief landowners, went to Rome to study law in the early 1950's; he returned to his Falcón village of Curimagua a declared Communist. His neighbors recall that in late 1950 "Polito" returned from a visit to Caracas with two youths who spent the next 2 months exploring the surrounding mountains. Early in 1959, groups of university students and professors appeared in Curimagua on "field trips" to map the zone. It was not until late in 1961 that the first open guerrilla activity began there.

"They spend their first 6 months in the mountains carefully exploring the land and acclimatizing themselves to the cold and rain," one Congressman from Trujillo State told me. "Many are university students from the cities and need this preparation. After months of secrecy they slowly start approaching the peasants, buying provisions at high prices and sometimes handing out medicines. They say they want to liberate the country from Yankee imperialism and its agents, the leaders of Accion Democratica. Only when they are established in the countryside do they finally attack to draw the army into the zone, trying to make the peasants feel the Government cannot protect them and that there is greater security in siding with the guerrillas."

One of the chief advantages in guerrilla operations is that the central government almost never recognizes their importance until it is too late. When will it be too late in Venezuela? It is a nation of chronic instability—exacerbated by an illegitimate birth rate of around 50 percent, a steady migration of peasants to the cities, furious political hatreds, and a military establishment which has let only one elected government in Venezuelan history, the Betancourt regime, finish its constitutional term.

In few Latin American nations, moreover, does there exist so dramatic a contrast between capital and countryside as between the opulence of Caracas and the abysmal condition of the Venezuelan peasantry. The Betancourt regime contributed major extensions of education and health facilities. Yet there are still appalling shortages of rural electrical and water supply installations, schools and medical facilities. Most of the scattered rural population—living in isolated shacks which cannot be protected from bands of armed men—suffers from anemia, malnutrition, and parasite infections which stunt growth (many male peasants are under five feet in height). Some 300,000 eligible peasant families are still waiting to receive land under an agrarian reform program which has been ineptly and sometimes corruptly implemented.

Clearly, then, the governments not only of Venezuela but of other Latin American countries need to realize that they are involved—and have been for years—in an extended political-military conflict. All signs now indicate that violence will increase convulsively as new insurgencies go unrecognized and uncontrolled, and efforts to establish constitutional democracy are repeatedly aborted. In the past the progress of Communist insurrection in Venezuela has been slowed by its own indiscriminate terrorism as well as the determined opposition of a freely elected government. After the tumultuous years (1959–64) of rightist and leftist insurrection against the Betancourt regime, the people of Venezuela are tired of violence, and yearn for stability. And at the moment the Communists show no capacity to seize power abruptly.

But their popular strength will rise rapidly ig the Leoni government should lose the initiative in the political struggle, either through failure to deliver on its promises of social advance or by flagging in its determination to resist insurrection. Either course would heighten the danger of a military coup, for which the FALN has been maneuvering in order to produce a polarization in Venezuelan politics. The result of a rightist military takeover would almost certainly be a gruesome reenactment of the Spanish civil war throughout the region of the Andean highlands. Thus, the outcome of this political struggle has implications for the United States as well.

Mr. MUNDT. Mr. President, we need to confront this mounting challenge. Senate sponsors of the Freedom Academy bill apprehend that practitioners of the new art of nonmilitary warfare are well begun toward asserting world dominion. And we, upon whom fundamental responsibility for organizing global defense rests, have not yet determined to comprehend the art.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT OF 1965

Mr. HART. Mr. President, I move that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th Amendment of the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. MILLER. Mr. President, the pending amendment, of which I am a cosponsor, should be adopted. I find it ludicrous that there is any opposition to it at all. The arguments that have been offered against it are superficial, unresponsive, and irrelevant. In substance, they represent a negative attitude approving the status quo, which simply means that citizens validly casting their votes in elections in some areas will continue to have their voice in Government canceled out by illegal votes or by votes which have been purchased by those who wish to perpetuate themselves in office.

The amendment by the Senator from Delaware [Mr. WILLIAMS] and myself simply provides as follows:

> Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both.

We believe that section 14(d) of the pending voting rights bill is deficient. First it limits its coverage to registration and voting under this act. There is no reason for limiting such coverage. Registration under this act or under any other act should be covered. There should be no loopholes. We should have clean elections—period; not clean elections under one act and unclean elections under some other act. The bill prohibits fraudulent registration. This is more difficult to prosecute than false registration, which is what our amendment prohibits. What cancels out the registration of an honest citizen is a false registration—fraudulent or otherwise. The bill prohibits the payment for illegal voting or the receipt of payment for illegal voting. Our amendment prohibits the payment of money for any voting, legal or illegal, or the receipt of payment therefor. Whether the voting is legal or illegal, it is the payment that we seek to prohibit, because it is precisely this type of activity which corrupts the election process.

In this connection, I would point out that the word "payment" is intended to be reasonably construed. It does not cover giving a person a ride to the polls, for example. It certainly does cover the payment of money. If candidates for political office are so lacking in qualification that they or their supporters have to resort to the corruption of voters by paying for their registration or voting, they ought to be put in jail instead of in office. And if voters are so corrupt as to sell their vote, fairness to the honest and conscientious voter demands that they be penalized too.

The need for this amendment is immediate and compelling. The Senator from Delaware has placed in the RECORD various newspaper and other accounts of cheating at elections—dishonest and corrupt practices which have canceled out the legal votes of good citizens. I could spend the rest of the afternoon doing the same thing. However, I shall not overburden the RECORD and instead will invite the attention of my colleagues to just a few additional examples which cry out for the Congress to take action.

In the Washington Post for April 19, Staff Writer Laurence Stern presents the story of Arkansas vote frauds where, for example, a migratory voter cast his ballot in at least four counties while traveling through the State last November 3. I ask unanimous consent that this article be placed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PATTERN WIDESPREAD: ARKANSAS VOTE FRAUDS FOUND

(By Laurence Stern)

A migratory voter cast his ballot in at least four counties while traveling through northwest Arkansas last November 3.

A prominent Little Rock attorney was warned to get out of town by sundown when he asked to see public voting records in the home county of Gov. Orval Faubus.

Signatures of 47 applications for absentee ballots from residents of an Arkansas nursing home were shown through handwriting analysis to have been forged.

These are a few examples of what a bipartisan investigating committee deemed to be a widespread pattern of election fraud in Arkansas last November 3. A copy of the report by the Election Research Council, Inc., was placed in the CONGRESSIONAL RECORD last Thursday by Representative MELVIN LAIRD, Republican, of Wisconsin.

The council's findings resulted in a series of local grand jury investigations but no prosecution to date. The Justice Department has been conducting a 2-month investigation of voting fraud in Faubus' home county of Madison found no instances of fraud but did accuse the council of smearing honest local election officials. A grand jury in Poinsett County acknowledged that there had been many voting irregularities but reported that it could not find the culprits.

Governor Faubus, a Democrat, accused the council of being a tool of the Rockefeller political organization since roughly half of its funds came from Rockefeller family foundation sources.

Winthrop Rockefeller opposed Faubus for the Governorship last November and got an unprecedented (for a Republican) 43 percent of the vote.

But the chairman, John Haley, a Little Rock attorney, insisted that the election fraud study was meticulously * * * as a preponderant majority of the civic, business and church leaders who comprised its board, are Democrats.

Absentee ballots, which were especially vulnerable to abuse in Arkansas last year, were the council's main interest in its postelection report.

The statewide absentee ballot count of 30,930 was "bloated with fraudulent and invalid votes," the council reported. On the basis of its own field studies the election group concluded that more than half of the absentee votes were invalid.

Until last November, the election council noted, "anyone could purchase poll tax receipts for an assortment of gravestones and then apply by mail for absentee ballots. The county clerk, seeing that the applicants were listed in the poll book, would then send the ballots and voters' statements to the designated address. The ballots would be returned and counted."

Arkansas voters ratified an amendment last year setting up a statewide registration system. Voters must now register in person and the poll tax has been abolished. The council found nursing homes in Arkansas were used as a means of bloc voting. It cited a letter from the president of the Arkansas Nursing Home Association to its constituent members urging that they secure poll tax receipts for "each of your nursing home patients who do not have a poll tax receipt and * * * for each of your employees."

One month after the election the Pine Bluff Commercial published an article pointing out that one nursing home paid the poll taxes of 60 inmates, several of whom had been adjudged as mental incompetents. Absentee ballots mailed from the nursing home, the council found, deviated sharply from the rest of the county—with an overwhelming vote for Faubus as well as for a legalized gambling amendment and heavy opposition to the voter registration amendment.

The Election Research Council report said that the high percentage of absentee voting in Faubus' home county of Madison—about 10 percent of the total vote—indicated "that the absentee box in Madison County was manipulated for political purposes." The 91 percent absentee vote for Faubus contrasted sharply with his Madison County total of 64 percent.

When Chairman Haley asked the Madison County clerk, Charles Whorton, for permission to inspect the public absentee voting lists the day after election, Whorton answered that the safe was locked. Haley was then told to get out of town.

Haley and Republican field workers persisted in their efforts to gain access to the records for more than 2 months. Finally on January 14 Madison County authorities announced that the voting records had been stolen the previous night.

The FBI has been looking into the incident.

Mr. MILLER. In the Washington Post for March 12 of this year, there is a report indicating that in the April 1964 Democratic primary in Philadelphia the U.S. Department of Justice found evidence of vote frauds. According to the advice received by U.S. Attorney D. J. T. O'Keefe from the Department, there was evidence of "conspiracy among ward leaders and committeemen to make false cancellation of returns."

On the same day the New York Times ran an article by William G. Weart on the same subject. I ask unanimous consent that the Times article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 12, 1965]

UNITED STATES CHARGES FRAUD IN PHILADELPHIA DEMOCRATIC PRIMARY VOTING

(By William G. Weart)

PHILADELPHIA.—The U.S. Department of Justice said today that unquestionably fraud had been committed in the reporting of election returns here in last April's bitter battle for the Democratic senatorial nomination.

A spokesman for the Department said there was "evidence of conspiracies among ward leaders and committeemen to make false certification of return" in 12 of the city's 60 wards.

The irregularities, uncovered during a 7-month investigation by Government agents, were alleged in the contest between Justice Michael A. Musmanno of the State supreme court, the choice of the Democratic organization, and State Secretary of Internal Affairs Genevieve Blatt.

After 5 months of legal maneuvering that reached the State supreme court and a recount of the city's 3,300 voting machines, Miss Blatt was certified as the winner of the statewide contest by a majority of 491 votes out of the 921,731 cast.

In the November general election Miss Blatt was defeated for the Senate seat by the Republican incumbent, HUGH SCOTT.

The Justice Department investigation centered on "patterns" of errors in the vote tabulation and the large number of absentee ballots cast in certain wards of the city.

A study of the errors in reporting returns showed, it was charged, that the same number of votes subtracted from Miss Blatt's total in some divisions had been added to the vote for Justice Musmanno.

The investigators found, for example, that in the first division of the 42d ward 22 votes were subtracted from Miss Blatt and 22 were added to Justice Musmanno for a net loss of 44 votes for Miss Blatt.

Also in the 42d ward, 302 Democratic absentee ballots were cast. That represented one-quarter of the entire total in the city.

The Justice Department, which has jurisdiction because a U.S. Senate seat was at stake, has turned over to U.S. Attorney Drew J. T. O'Keefe, a 10-inch-thick file of reports by agents of the Federal Bureau of Investigation and other investigators.

Nathaniel E. Cossack, head of the Criminal Fraud Division of the Justice Department, summed up the information in a 4-page letter that accompanied the file. The letter noted it would be difficult to prove fraud although the evidence was "compelling."

Mr. O'Keefe said he could not say what action might be taken until he had studied the voluminous file. After he has reviewed the evidence, he will submit his "views and recommendations" to the Justice Department.

Mr. MILLER. Of course everyone knows about the vote scandals in Chicago in the 1960 elections, but apparently there was some recurrence again last year.

I ask unanimous consent that an article appearing in the Christian Science Monitor for November 6, 1964, be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Nov. 6, 1964]

VOTE FRAUD CHARGED: EAGLE EYES IN CHICAGO

(By Nobuo Abiko)

CHICAGO.—As in 1960, the Democrats won in Chicago, and the Republicans are charging vote fraud.

But in 1960 Democrat John F. Kennedy carried the State by a tissue-thin 8,858 votes. This time President Johnson overwhelmed the Republicans by more than 800,000.

This difference has taken some of the urgency out of GOP charges of widespread voting irregularities in this Democratic bastion. As one Republican says privately, "When you lose by that much, what difference does a few thousand votes make?"

Obviously, there won't be any demand for a recount. But Republicans charge that irregularities did occur—some right under their eyes.

WATCHERS ASSIGNED

This year Republicans recruited thousands of volunteers for poll-watching duty in a project dubbed Operation Eagle Eye. They assigned poll watchers to some 1,500 Chicago precincts.

Operation Eagle Eye was the biggest but not the only poll-watching operation in Chicago this year. Others were run by the office of the Cook County sheriff (the sheriff is a Republican), the nonpartisan Citizens Honest Election Foundation, and the nonpartisan Joint Civic Commission on Elections.

All of them report having observed numerous irregularities.

Some eagle eyes didn't even get inside their assigned polling place. Other poll watchers, who posed as Republicans, beat them to it, they protested.

Sidney T. Holzman, Democratic chairman of the Chicago Board of Election Commissioners, called it "the most orderly election I can recall in my 45 years of public service."

Richard B. Ogilvie, Republican Cook County sheriff, did not quite concur. "A typical Chicago election," he snorted, "widespread vote buying and illegal voting assistance."

COMMISSIONER QUOTED

Mr. Holzman remained unfazed.

"All precinct captains worth their salt pay for votes," he was quoted as saying. "I've done it myself in the days when I used to be a precinct captain."

When asked if he had been quoted correctly, the election commissioner told this newspaper:

"You can ask any precinct captain. You gotta pay somebody to be a checker, to get out the vote. Now, you don't pay them to violate the law. But people are not interested in their duties to government—I don't say in all but in many instances.

"Every precinct captain is confronted with a family * * * so he's got to utilize one member of the family as a political worker so he can get the rest of the family out to vote. Now if that isn't a form of solicitation, I don't know what is. It isn't actually asking you for compensation."

Many of the volunteer watchers were college students. Said one of them: "This has been the most brazen and disgusting experience of my life."

Despite these experiences, poll-watch officials found some grounds for satisfaction.

"I think the deterrence of having all these poll watchers has been of great value," said one official. "The very fact that they were in the polling places prevented these irregularities from being really egregious."

Charles R. Barr, director of Operation Eagle Eye, commented: "We've got much more substantial evidence to go on this time."

At this writing, however, it was undecided when and what kind of legal action would be pressed.

Some observers felt the Democratic landslide had diluted the poll-watching effort. Others, like Mr. Barr, said, "It is time it is brought to people's attention that some of these activities are crimes for which there are heavy jail terms and fines."

One observer reflected that "a lot of these irregularities result in a voter voting the way he wanted to anyway."

When an election judge pulls the lever for him, it was observed, he is violating the law, but it still doesn't change the man's intended vote.

Mr. MILLER. The distinguished columnist Roscoe Drummond had an article which appeared in the Washington Post for June 24, 1963, discussing the problem of false registration, which the pending amendment seeks to combat. He reported that in 115 counties in 7 States the number of registered voters ranged from 101 to 165 percent of the white voting-age population. The pending bill concerns itself with political subdivisions where less than 50 percent of the adult population is registered. The Senator from Delaware [Mr. WILLIAMS] and I think the bill ought also to be concerned with those areas where some of the adult population has registered two or three times. In fact, the pending bill could be nullified if such a practice occurs.

I ask unanimous consent that the article by Mr. Drummond be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, June 24, 1963]

A VOTING PROBLEM: REGISTRATION AS HIGH AS 165 PERCENT

(By Roscoe Drummond)

In many parts of the United States the President's Commission on Registration and Voting Participation (bipartisan) faces an almost unpatriotic duty.

It has simply got to find a way to keep would-be voters from registering to vote.

I'm not fooling; this is serious. Too many people in too many places are too eager and too resourceful in getting their names on the voting lists.

Sounds ridiculous, doesn't it? We've all been accustomed to thinking that the great problem at election time is to get out the vote and that the great problem in getting out the vote is to get voting-age citizens registered.

Well, that may be the problem we hear most about—the problem of how to get the registration up to 60 or 70 percent or more of the total of eligible voters. That may be the task in many voting districts. In others it's just the opposite—how to get registration down to not more than 100 percent of the eligible voters.

What I am reporting is that in 115 counties in 7 States the passion to vote and the record of getting voters registered are so far above perfect that the number of registered voters ranges from 101 to 165 percent of the white voting-age population.

These startling statistics are contained in a report on overregistration submitted by Republican National Chairman William Miller to Dr. Richard Scammon, Chairman of the President's Commission on Registration and Voting Participation in the hope that the Commission can do something to temper the zeal of the voters or of the registration officials where registration soars to such towering and circumstantially illegal levels.

What these figures show is that these 115 counties in the States of Alabama, Florida, Georgia, Louisiana, North Carolina, Tennessee, and Virginia, the task is not to bring registration up to perfection but to keep it from exceeding "perfection." It is in these counties that there are from 1 to 65 percent more registrants than there are white voting-age citizens living there according to the 1960 census.

And it is not always, though mostly, the white voters who are over-registered. In two counties in Texas the registration is 107 percent of the total voting-age Negro population.

The Polk County, N.C., overregistration of 165 percent is the highest. But there are many others with such an excess of registration as to rule out any possibility that it is accidental. It leaves a clear presumption of official connivance and corruption. In a word, election rigging.

In Tennessee there are 23 counties with overregistration. In eight of them there are from 1,000 to 2,500 more white registrants than eligible white voters. This pattern prevails in all the other seven States and is carried to its orbital apogee in North Carolina where there are 55 counties with excessive registration. In one county of 29,000 eligible white voters, there are 38,000 registered. In another of 38,000, there are 45,000 registered. In a third of 64,000, there are 72,000 registered. Take two others. In one the overregistration is 12,700; in the other, 15,600.

Other voting problems cited by Republican Chairman Miller are these:

In each of 22 States more than 100,000 voters who registered in 1960 failed to vote.

Almost 5 million Americans who voted for President in 1960 failed to vote for Congress.

More than one-third of the Nation's eligible voters never even registered in 1960 and less than half of the eligible voters cast ballots in the elections last fall.

Mr. MILLER. Finally, I note the Election Research Council's report of February 21, 1965, covering the 1964 election, states that many fraudulent votes were no doubt cast. The report covers a number of cases and types of problems. After reading this report, I am sure any fair-minded person would recognize how important it is to our country for the Senate to adopt the pending amendment. I ask unanimous consent that the council's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE ELECTION RESEARCH COUNCIL, INC., REPORT, FEBRUARY 21, 1965

The first postelection report of the Election Research Council summarizes activities and findings of the council from November 3, 1964 to date. It does not purport to be a comprehensive summary of election irregularities occurring in the November election. To compile such a summary would require the full time and effort of scores of people over many months.

Rather than cover the entire field, the council has attempted to concentrate its efforts in the area of absentee voting. The reason for this is apparent. Until the requirement was imposed by amendment 51 that voters must register in person, the absentee ballot boxes were subject to manipulation almost at will.

For example, anyone could purchase poll tax receipts for an assortment of gravestones, and then apply by mail for absentee ballots. The county clerk, seeing that the applicants were listed in the poll book, would then send the ballots and voters' statements to the designated address. The ballots would be returned and counted.

It is generally agreed that there was more purging of absentee ballots this general election than ever before. This was due in part to the intense heat generated by the presidential and gubernatorial races and the controversial nature of some of the amendments on the ballot. Local option and other local issues also played an important part in many areas. Despite this widespread casting out of ballots, our preliminary studies indicate that the total of 30,930 ballots actually counted was bloated with fraudulent and invalid votes.

As previously indicated, our studies are incomplete at this time and we are therefore unable to specify exactly how many of these votes were fraudulent or otherwise invalid. If the ratio established thus far continues, it is probable that well over half of the 30,930 absentee votes are invalid. It is well to point out that this estimate does not take into consideration those voters who were not qualified voters either because of residency or other reasons. Neither does it take into consideration those applications with doubtful reasons for voting absentee listed.

A superficial leafing through applications and voter statements gives firm purchase to the proposition that residency and reason-for-absence requirements were not enforced. If these factors were considered, it is doubtful that there were 10,000 valid absentee votes cast in the general election of 1964.

Now that registration of each voter in person is required under Arkansas constitutional amendment 51, the problem of nonresident voters will be minimized. But, as the following report reflects, many of the abuses occurring in absentee voting could have been avoided if county clerks were more conversant with the absentee voting laws and with their duties in connection with it. For example, if an invalid application is received into the office of a county clerk, that clerk does a disservice to the voter by issuing him a ballot and voter's statement. Without an application in legal form, the ballot should not and may not be counted. Properly, the clerk should refuse all illegal applications and request the voter to make new application in legal form.

An additional problem encountered by the council was the inaccessibility of some records. Many fraudulent votes were no doubt cast and counted in the absentee boxes because some county clerks refused to allow public inspection of the absentee applications in advance of election day. This was certainly the case in Jefferson County, and we speculate that this would have been the case in Madison County to a greater extent than the few affidavits in our files reflect.

In many counties, we found conscientious county clerks who welcomed inspection of the records and who had a broad knowledge of our absentee voting laws. In those counties, in nearly all instances the absentee voting laws were followed to the letter with the result that illegal votes in those boxes were kept to a level below 10 percent. To name just a few, we were particularly impressed with the offices of the county clerks in Mississippi, Lonoke, Izard, Calhoun, Drew, and Lawrence Counties.

Although our investigation of the November election is by no means complete, we present some of our findings to date:

A. NURSING HOMES

The absentee boxes were utilized by many nursing homes in the State as a means of bloc voting in the November election. Of course, this is not a novel procedure. Following the Democratic primary, for instance, the GPW Negro nursing home administrator, Newport, Jackson County, was charged with commission of a felony after he purportedly forged the absentee applications of 44 patients, one of whom had been dead for some months.

But this November the political activity in nursing homes hit a new high. The reason can be found in a letter written by Charles A. Stewart, executive secretary of the Arkansas Nursing Home Association, to its constituent members. That letter is as follows:

(First, a memorandum to Governor Faubus concerning legislative proposals is set forth.)

"You will notice from the above memorandum that a great deal of work has been done toward the three State classifications of nursing homes. We feel very sure that with your help and 100 percent effort from all the nursing homes in the State of Arkansas, that we can put this plan into effect in full in early 1965. To do this we still must do several things. We must have the complete cooperation of as many State senators and representatives as possible and this is where you come in. We may and we will ask you to do some things which will require some work and a little money, but we cannot stress strongly enough that this is a must. We must have your help. One of the first things that must be done is that we need your help in securing a poll tax for each of your nursing home patients who do not have a new poll tax receipt and a poll tax receipt for each of your employees. It will be necessary for you to contact each employee and each patient to see if they have a new poll tax receipt which will be good for the November election. These may be bought until September 31 of this year.

"After making this survey of your own nursing home or nursing homes then we ask you to go to your county courthouse and secure poll taxes for every patient and every employee who does not have one. After doing this it is most important that we have, in this office, a list of these patients and employees with their poll tax numbers. There are about 7,000 nursing home patients in Arkansas at this time and an estimated 5,000 employees, you can see how effective politically, that a stack of these listings with poll tax numbers will be to us. This is an effort that requires the help of every nursing home in the State. Cooperation by half of the nursing homes simply will not get this job done.

"Again let us say that this is the most ambitious program that the nursing homes in Arkansas or any other State have ever undertaken. We have plans to change the entire regulations of both the health department and the welfare department and effect a complete new pay scale which will more equitably reimburse you for the care you are now giving your patients.

"We are most sensitive to the fact that the present rate of payment of $105 by the welfare department is woefully inadequate to care for those intermediate and skilled care patients who need care the most. The responsibility of caring for these patients is shared jointly by the State welfare department and the owners and administrators of the private nursing homes in Arkansas. We strongly believe in the future of proprietory type nursing homes. We want to make them stronger, and better, but at the same time that responsibility shared with us by the State welfare department must of necessity be truly shared in equitable reimbursement.

"This brings us to the summary in our memorandum to the Governor. Even though this new program will probably go into effect in early 1965, you need help now. The small raise we have asked for is dictated by the small amount of funds available to the welfare department for the balance of this year. We cannot assure you now that our request will be granted; we can assure you we are doing our best.

"Sincerely yours,

"CHARLES A. STEWART,
"*Executive Secretary.*"

The Pine Bluff Commercial, some 2 months ago, carried an article on voting practices at the Kilgore nursing home in Jefferson County. The newspaper pointed out that at least three of the Kilgore home voters were also on the list of persons who had been committed to the State hospital for the mentally ill. Two of the names of voting patients corresponded with the names of persons adjudged mentally incompetent in Jefferson County.

The Commercial interviewed one patient at the Kilgore home who stated that he couldn't say whether he voted or not, but that if he had, he didn't know for whom he voted.

The Commercial also determined that the home maintains a "political" folder, containing all of the poll tax receipts for the patients. The home paid for some 60 of the poll taxes. The administrator of the home, Mick Vaskov, stated that political materials had been received from the Nursing Home Association, including a brochure favoring amendment 55 (legalized gambling).

The council submitted the applications for poll tax receipts, the applications for absentee ballots, and the voters' statements accompanying the ballots for some 60 of the patients in the home to its handwriting analyst, who detected a number of forged signatures, and in fact stated that in his opinion many of the "x" marks of patients who presumably could not write were forged, 18 by one person and 13 by another. The analyst has formed an opinion as to the identity of the person making the 18 marks.

In absentee box No. 4, where the Kilgore patients were voted, only about 126 votes were cast. That box markedly deviated from the Jefferson County averages, being overwhelmingly in favor of Governor Faubus, and amendment 55 (legalized gambling), and overwhelmingly against amendment 54 (voter registration).

Other Kilgore nursing homes are located in Dallas County, where 70 patients voted absentee. Strenuous objections were raised to counting many of these votes where the patients had been transferred from the State Hospital for Nervous Diseases in Benton to the homes, but the votes were nonetheless counted.

The election officials of the absentee box in Saline County disqualified all the absentee ballots cast by or for patients at the Doyle Shelnutt nursing home in Benton during the November election, because all applications had been delivered to the county clerk by the Shelnutts personally, and this is not legally acceptable.

Previously, the Shelnutts had carried many of the patients to a polling place to vote in the Democratic primary. But this time, all were voted absentee. One lady, whose grandmother was in the home, objected to the purchase of her grandmother's poll tax receipt by any third party, and also objected to her grandmother's vote being cast in any election. Immediately following the election, she and her family were requested by Mrs. Shelnutt to remove her grandmother from the home.

Affidavits on file in the council office quote Mrs. Shelnutt as stating that she purchased poll tax receipts for many of the patients. Of course, this was contrary to our election laws.

The Pioneer Nursing Home in Melbourne, Izard County, with Mrs. Boyce Cook as administrator, was also politically active. Analysis of the handwriting of the 49 applications for absentee ballots reveals, in the opinion of the analyst, that 47 of these signatures were forged by the same person, and two others were authored by still another person. Scrutiny of the signatures on the voter statements showed that 34 of these signatures were forged by the same person forging 47 of the signatures on the applications. The handwriting analyst has formed an opinion as to the identity of the person forging these many signatures.

Interestingly enough, the forger made no effort to conceal the similarities in handwriting on the applications, but did attempt to cover up the forgeries on the voters' statements by simulating the shaky, erratic handwriting of the very old and the infirm.

Similarly, handwriting analysis revealed forgeries in the applications for absentee ballots and the voter statements from patients in the Twin Lakes Nursing Home at Mountain Home, in Baxter County. The expert's opinion is that 11 of the applications and 12 of the voter statements were signed by the same person, and that still another person executed the signatures on 6 applications and 6 voter statements. Here again, the forger attempted to disguise and vary his handwriting.

Boland Nursing in Howard County also produced some forged voter statements and applications. The handwriting analysis showed at least seven discrepancies in marks and signatures on the documents, and further showed that whoever filled out all the applications also signed signatures to at least two of the applications and two of the voter statements.

The Mitchell Nursing Home in Danville, Yell County, had a number of patients voting absentee. Of these, in three cases the signatures on the applications did not correspond with the signatures on the voter statements. And the signatures on five of the applications and corresponding voter statements were all made by the same person, in the opinion of our handwriting analyst.

The foregoing is not intended to be a complete listing. Many other instances are under investigation. Some instances cannot be investigated. For example, in Crawford County the applications for absentee ballots from patients in a nursing home there are not in the files of the county clerk.

We do not imply that any of the patients in any of the nursing homes are abused or receive anything other than the best of care. But it is apparent that after the urging of Mr. Stewart, many administrators of nursing homes found it their duty to "get out the vote," even as to senile or disoriented patients. An interesting footnote is that the 1965 Arkansas General Assembly has enacted the legislation sought by Mr. Stewart.

B. OTHER FORGERIES

In addition to the forgeries detected that stemmed from nursing homes, the handwriting analyst has discovered hundreds of other examples.

Taking the worst for illustration, in Phillips County there were 835 names on the absentee voters list. Of these, 209 names were either illegible or not in the poll books. Of the remainder, 223 were white and 403 were Negro.

The Phillips County clerk, Warfield Gist, had on file only 301 applications. He stated that the remaining 534 persons were allowed to vote absentee without applications. Of course, these votes should not have been counted. In addition, there were only 744 voters' statements, 91 less than the total number of absentee votes counted.

Taking the first 500 names on the absentee voters list, 326 are Negroes, of whom 195 reside in the fourth ward of Helena. This number represents over 20 percent of the total number of Negro voters listed in the poll book for that precinct.

We were curious about the cause of this remarkably heavy absentee vote, and interviews with local Negroes disclosed that Jack and Amanda Bryant, Negro proprietors of the Dream Girls Beauty Shop in Helena, were extremely active in the solicitation of absentee votes in this ward.

Our handwriting analyst informs us that in his opinion more than 100 of the voter statements from the Helena fourth ward bear signatures forged by the same person. The identity of the forger has been determined, and the information is being forwarded to the proper authorities.

Ward 4, Helena, was not the only Phillips County area in which absentee voting fraud occurred. Our handwriting expert found other groups of statements which were signed by common authors, but as yet these persons signing the names of others have not been identified.

One indication that these fraudulent ballots may have been voted almost as a bloc is the lopsided results in the most controversial issues: Amendment 54 (voter registration) received 169 votes for and 528 votes against. Amendment 55 (gambling legalized) received 599 votes for with 96 votes against.

A great many other instances of suspected falsification of signatures on absentee applications and voter statements from other counties are being studied and examined for a report at a later date.

We should observe at this juncture that some counties with a previous history of questionable absentee voting practices were exemplary in the November election. For instance, in the Democratic primary in Desha County there reportedly were more than 100 forgeries on absentee ballot requests in an unusually heavy absentee vote. This was brought to the attention of the public officials and citizens as a result of an election contest.

In the general election in Desha County, no forgeries were detected. Only 4.3 percent voted absentee, irregularities seemed to be at a minimum, and the absentee vote outcome was substantially similar to the total vote of the county, indicating that no faction exploited the box. The county clerk did an excellent job of attending to the absentee applications.

This is an example of the improvement that can be made in the conduct of elections when improper practices are brought to the attention of public officials.

C. NONRESIDENT VOTERS

Under our previous system of no voter registration whatever, quite a number of voters would cast their ballot in their county of residence, while at the same time continue to vote through absentee procedures in another county.

Of course, a few individuals in the State exerted some extra effort and voted in person in more than one county. Probably the worst performance in recent years in nonresident voting fraud was turned in by the resident of a county in the Arkansas River Valley who, while traveling through the northwest portion of the State on election day, cast his vote personally in at least four counties. This is not an isolated instance, but it is certainly the most outstanding one. Prior to the passage of the voter registration amendment, there existed no effective system of controls to prevent voters from voting on both sides of a county line if poll taxes were purchased in both counties.

Former residents vote

Then there is another category of migratory voter. In this classification all former residents of counties who continue to hold poll taxes in those counties and who continue to vote in those counties, not realizing that this is taking place. In illustration, a spot check of the absentee voters in Poinsett County produced affidavits from six or eight nonresidents who stated that they did not purchase a poll tax for Poinsett County; that they did not have the poll tax receipts in their possession; that they authorized no one to purchase their poll tax for them; and that they had not made application for absentee ballot. Nevertheless, the names of these persons are shown in the Poinsett County pollbook; and applications, obviously forged, for absentee ballots were mailed in. Some of these fraudulent applications were among the more than 175 applications received by the Poinsett County clerk from box 256, Trumann. Apparently this box number was used by some political group as a means of colonizing voters.

Madison County highest

Based on some fact and considerable speculation, we would place Madison County high on the list of areas infiltrated by nonresident voters.

Inasmuch as the Madison County voting records, previously inaccessible, disappeared on January 13, a complete study of election frauds there will be impossible.

The highest percentage of absentee voting in the State is an indication that the absentee box in Madison County was manipulated for political purposes. More than 1 of every 10 votes case in Madison County was cast in the absentee box. This "packing" of the absentee box resulted in a remarkable departure from the county averages. For example, in the Governor's race, Faubus received 64 percent of the total Madison County votes. But he received 91 percent of the votes cast in the absentee box. The discrepancy on the other issues and races were considerably less dramatic than this, except as to proposed amendment 55, which received a favorable vote on 56 percent of the votes cast in the absentee box, but only 41 percent of the countywide votes.

Affidavits on file

The affidavits and tape recordings on file now with the council reflect that political workers in Madison County went into the surrounding counties persuading residents of those counties to vote in the Madison County absentee box. How many fraudulent votes were cast in this fashion may never be determined, but the fact remains that it did happen. Now the persons who cast those fraudulent votes in the Madison County absentee box cannot be brought to justice for the crimes committed due to the stubborn refusal of the county clerk, Charles Whorton, to permit examination of the voting records prior to their theft.

Migratory voter problem

The migratory voter problem was also present in Perry County. Although the percentage of clearly invalid applications is relatively low when compared with other counties, many of the applications have been filled out by the same person and mailed to persons outside the county and State for their signatures. In such cases, there is an indiscriminate use of the term "work" as a cause for being absent. Nine and one-half percent of the total vote of Perry County (which exceeded the number of eligible voters as shown by the last census) was cast in the absentee box. We have contacted several longtime residents of Perry County and have gone over the list of absentee voters with them. A large number of these absentee voters are unknown to the Perry County residents of the wards in which the voters are supposed to reside.

As our studies are still incomplete on Perry County, we can offer no statistics at this time.

Conway County, the perennial home of the out-of-State voter, once again opened its absentee box to the applications and votes of many persons who have not lived in Conway County for many years. Indeed, some of the votes cast were by persons who have not entered the State of Arkansas in recent years. Other than the problem of adulterating the Conway County vote with the votes of nonresidents, no other unusual problems were encountered, although this county's results are still being studied.

In all counties where nonresident voting has become a problem, there were few if any controls over the purchase of poll tax receipts. In fact, in some counties poll tax receipts were purchased in large blocks by politically active personages for individuals who would not otherwise have paid a dollar for the privilege of voting.

Irregularities and Noncompliance With Laws

Many thousands of illegal votes were cast in the November election simply through failure of the voters or the county clerk to conform with the laws. The most extreme example is that of Pike County. The voter list shows that 190 absentee votes were cast and counted. Nevertheless, only 135 applications were on record, of which 127 were clearly invalid on their face. Some applications were not on the prescribed form, some were not signed by the voter, some gave no reason whatever for being absent from their precinct, and some were no more than notations on a scratch pad. This left only 8 possible valid votes of the total of 190.

But apparently there were no voters' statements submitted with the ballots, none being on file. This means that Pike County, if in fact the voter statements were not presented, had no valid absentee votes. A majority of the absentee applications examined from Pike County were written on commercial pads from the clerk's office, and were filled out by only one or two persons. At present, these applications are in the hands of a handwriting expert to examine in particular those applications which appear to the untrained eye to be signed by the same person.

In Polk County, failure to strictly comply with the law resulted in the invalidity of about one-third of the 459 ballots cast. In many of these instances, the applications were not signed by the elector. Other applications were simply in letter or memorandum form and not in compliance with our election laws. Other applications gave no reason or an inadequate reason for voting absentee.

Of the 254 absentee ballot applications examined in Monroe County, 87 were invalid on their face, all for failure to meet the requirements of the law. On some applications, persons other than the applicant signed. On others, the requests were made by letter or on notes rather than on the prescribed form. And in others, no reason or an insufficient reason was given for being absent.

Of the 246 applications examined from Cleburne County, there were 156 invalid on their face. Not all of these 156 persons applying voted, 124 actually casting ballots. The problem in this county is that most of the applications were made by letter.

The council previously observed, in news releases prior to the November election, that hundreds of applications for absentee ballots in Garland County were illegal for much the same reason as those listed above for the other counties. One difference, however, is that in Garland County error was invited by furnishing prospective absentee voters with a form of application which permits it to be signed by one other than the voter. Of course, votes cast upon such an application would be illegal and void.

A high percentage of invalid applications was also noted in Woodruff County, where of 153 votes counted, 65 were illegal because of invalid applications.

The problem of sloppy procedures in administration of absentee voting was graphically illustrated in Logan County, where an election contest for the office of county judge was recently concluded.

In Logan County, 375 absentee votes were cast and counted. Of this total, 147 were declared illegal during the course of the trial of the election contest. These votes amount to some 39 percent of the total absentee vote, and the illegalities were primarily the result of failure of the applicant to make application on the prescribed form or failure of the applicant to sign the application. As to those applications received in time, the county clerk could and should have returned the illegal applications to the applicant advising the voter to submit another application in proper form. Had this simple procedure been followed, those voters would not have been disenfranchised and their votes could have been counted in that very close election contest.

E. CONCLUSION

The foregoing findings, as we have observed, should not be considered a comprehensive review of all fraud involved in the November election. Even the limited areas studied by the council have not been completely explored.

The council files are replete with evidence of voting frauds occurring at the polls, but not so easily categorized as the studies we have chosen to present in this initial report. But as we have stated, our files are open for inspection by anyone as to any of our areas of inquiry.

We would like to acknowledge our appreciation to the civic groups, volunteers, county clerks, county election commissioners, and Democratic and Republican Party officials without whose assistance we could not have conducted this study.

We hope that something good may come of our study—with necessary revisions in our voting laws, greater appreciation of the election process on the part of the people, and willingness of Arkansas citizens to perform their public duty from time to time by serving as election judges and clerks.

Our election process, at best, is rather inefficient, but it marks the difference between our democratic society and totalitarian systems. The voice of the people can best be heard through the ballot, and we should never condone or close our eyes to any condition which would pollute or adulterate the integrity of the vote in any election on any candidate or issue.

Mr. MILLER. Mr. President, I yield the floor.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. PROUTY. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

If there be no reports of committees, the clerk will state the nomination on the Executive Calendar.

FEDERAL POWER COMMISSION

The legislative clerk read the name of Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission.

Mr. PROUTY. Mr. President, President Johnson recently sent to the Senate the nomination of Charles R. Ross for a 5-year term on the Federal Power Commission. Charles Ross has compiled a distinguished record on the Commission and his reappointment is viewed with overwhelming approval by the Senate Commerce Committee, on whose behalf I have the honor to report his nomination.

Mr. Ross, a Vermonter, was chosen by President Kennedy to serve as one of two Republicans on the Federal Power Commission in September of 1961 and his appointment was hailed in all quarters as an excellent one.

His renomination by the President could be justified solely on the basis of his record prior to coming to Washington. But, when that record is read together with his splendid service here, it is easily seen that the two areas of experience add up to a magnificent background for a magnificent public servant.

There are some who say that Mr. Ross is a "consumers' man." If, by this, they mean that he is an official who judges each case on the facts, then, of course, they are correct. But, if they mean that he is provincial in his thinking, ignores property rights, or the welfare of cooperatives and investor-owned utilities, then, of course, they are wrong.

Charles Ross has a distinguished academic record which includes the obtaining of a master of business administration and a law degree.

He taught government and business regulation at Oregon State College. He has worked in private business and he has engaged in the private practice of law. However, more pertinent here is the fact that he served on the Vermont Public Service Commission and was, for a considerable period of time, chairman of that commission.

It should be noted that Mr. Ross was appointed to the commission at a time when it was involved in a great controversy over the distribution of St. Lawrence power. His industry and fair, impartial attitude in this very difficult situation gained for him the respect of all of the contending parties.

Naturally, in his present position as a member of the Federal Power Commission, his opinions and recommendations have not pleased everyone, but they have pleased those who seek unbiased judgments and clear and honest thought from the Commission.

I believe that the Ross nomination is one of the finest that President Johnson will ever make and I urge, as does every member of the Commerce Committee, the confirmation of this nomination.

Some weeks ago the New York Times summed up the case for Charles R. Ross when it called him "a highly competent and knowledgeable regulator following an independent course."

The Times went on to say that "his professionalism and independence, combined with his devotion to public service, are sorely needed in the regulatory agencies." In that judgment I wholeheartedly concur, and I am confident that the Senate will do likewise.

The Committee on Commerce unanimously recommends that the nomination of Mr. Ross be confirmed.

Mr. HART. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. HART. Mr. President, I am delighted that the nomination of Mr. Ross comes to the floor with the unanimous recommendation of the Committee on Commerce for approval.

I share the very high opinion of Mr. Ross which has just been expressed by the Senator from Vermont.

I, too, hope that the nomination will be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. PROUTY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. PROUTY, and by unanimous consent, the Senate resumed the consideration of legislative business.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. ROBERTSON. Mr. President, this is the fourth time in 8 years that Congress has been called upon to give high priority to a civil rights bill to enable Federal officials to move in and regulate voting rights in the States.

On each of the three previous occasions, the advocates of those bills rode roughshod over the objections of a minority who sincerely believe that the Constitution makes the States the sole judges of the qualifications of voters.

As each of these three bills was signed into law, there were rosy predictions of how the path to the ballot box was being cleared for all citizens regardless of race.

But today, after the lapse of 8 years, we are told that all of the legal weapons we placed in the hands of the Attorney General in 1957, in 1960, and in 1964 are not enough. We are told that, unless we pass one more voting rights law, thousands of Negroes in the South will be denied the ballot.

I emphasize at the outset that I want to see every qualified citizen given the right to vote, without discrimination. I am glad that there is no evidence that my State of Virginia is practicing discrimination.

I do not deny that in some communities in the South misguided individuals have thrown obstacles in the way of Negroes attempting to register. Such actions are to be condemned. For such illegal actions, there are ample legal redresses.

Since 1957, Congress has clothed the Attorney General with ample legal machinery for dealing with any such obstructions to voting without stripping the States of the jurisdiction which the Constitution clearly gives them over voter qualifications, and making a mockery of the 10th Amendment, designed to preserve those rights.

The first two civil rights laws—of 1957 and 1960—were put forward by a Republican administration and passed by Democratic-controlled Congresses.

The 1964 act, and this pending bill, originated in a Democratic administration, but with widespread Republican support.

The conclusion is inescapable that both major parties are engaged in a contest to see which can outbid the other for the support of the Negro vote, especially in the big Northern States like New York, Ohio, and Illinois where this vote is decisive in presidential elections when it goes heavily to one party. Will passage of this iniquitous and unconstitutional civil rights bill end the matter? Certainly not. It will be quickly followed by other major demands, such as the suggested cash payment in the sum of $10 billion for alleged discrimination in the past.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Were we not told last year that with the passage of a broad, all-encompassing civil rights bill, which covered almost everything that the mind of man could conceive, there would not be any further need of a civil rights bill?

Mr. ROBERTSON. Absolutely.

Mr. TALMADGE. Does the Senator agree with me that there are 16 Federal statutes on the books guaranteeing the right to vote—both criminal and civil—and that they are ample in all respects to guarantee and protect the right to vote wherever discrimination exists?

Mr. ROBERTSON. That is true; and we already have State laws against illegal interference with voting in every State.

Mr. TALMADGE. Is it not true that the Attorney General has been authorized to bring a lawsuit for private individuals?

Mr. ROBERTSON. That was done in 1960. They said, "We will prove a pattern of discrimination. We will bring Federal referees in and take care of this matter." What do they say now? "That would take too much time. We cannot wait. We are going to let the Attorney General come in, without proving anything." It is a bill designed to hit six Southern States.

Mr. TALMADGE. Does the Senator believe that this procedure is aimed at circumventing judicial process and accomplishing its purpose by a Hitler-like decree?

Mr. ROBERTSON. That is correct. A distinguished gentleman from the State of the Senator from Georgia referred to this as lynch law—"We know they are guilty. We are not going through the time-proved process of trying them." That is what Mr. Bloch, a distinguished attorney from the Senator's State, said.

Mr. TALMADGE. Is not the Attorney General authorized to bring suits in behalf of private individuals and have entire counties in a State covered under the law?

Mr. ROBERTSON. That is correct, but, unfortunately, a man named King said "We cannot wait."

Mr. TALMADGE. Cannot the Attorney General under the 1964 act pick a three-judge tribunal, a hand-picked court, to try the lawsuit, and under the proposed bill he would go further still and require all such cases be tried in Washington?

Mr. ROBERTSON. That is correct. An accused cannot come before a court located in a State where the alleged discrimination arises for declaratory judgments or injunctive relief. He must come to Washington, before judges appointed in Washington, who know that any chance they have to get on the appellate court would depend on how they performed in the lower court.

Mr. TALMADGE. Is not the Attorney General also authorized to bring in a certain number of witnesses in a court of law to show a pattern of discrimination; and if it is shown, voter registration in that State can be taken over by Federal registrars?

Mr. ROBERTSON. That was provided in the 1960 act. It was said then, "The trouble is all over. We will correct all the injustices. We have passed the first civil rights act in 70 years."

Mr. TALMADGE. Could not the Attory General, under his own drafted bill, under his own procedure, appeal to the U.S. Supreme Court from his own handpicked three-judge court?

Mr. ROBERTSON. He can do so under existing law. We passed three such bills in rapid succession. We were told they would be enough, but now they say "We want one more."

Mr. TALMADGE. Does the Senator believe that that procedure should provide any competent Attorney General who diligently performed his responsibility and duty under existing law with ample authority to eradicate any voter discrimination that may exist in any fashion in any State of our country?

Mr. ROBERTSON. Absolutely, but Martin Luther King says they cannot wait for judicial action.

Mr. TALMADGE. Does the Senator believe there is any reason, or excuse whatever, no matter how or where it may be, to bypass the courts and judicial procedure and authorize some appointed official who has never been elected to any office in his life to issue a decree and do something that should ordinarily be done in a court of law?

Mr. ROBERTSON. There is both an excuse and a reason. They were given at Boston recently, when 18,000 demonstrators called on the mayor, who did not come out. They said, "We come to you now, but next time you had better come to us." This is a bill that Dr. Martin Luther King says "We demand." That is the reason—and an excuse for some people, but not for me.

Mr. TALMADGE. Would not this bill authorize, in a certain number of carefully selected States, to substitute for duly selected State officials certain appointed Federal officials as registrars?

Mr. ROBERTSON. It is somewhat similar to the time when Congress declared Virginia, the mother of States, to be incapable of self-government, and we were named Federal District No. 1, and Federal officials and carpetbaggers took charge of our State. This is somewhat similar and goes back to those bitter days of Reconstruction.

Mr. TALMADGE. Is there any more constitutional authority to discharge Virginia voting registrars and appoint Federal registrars in lieu thereof than to discharge the Virginia Governor and appoint a Federal Governor in his stead?

Mr. ROBERTSON. Certainly not. I have in my prepared speech quotations from the Constitution, from the debates at the Constitutional Convention, quotations from Rufus King, of Massachusetts, Oliver Ellsworth, of Connecticut, the Federalist Papers, Hamilton, and Madison. They made it crystal clear not only that the Constitution left to the States the exclusive right to fix the qualifications of their electors, but they said the States of Virginia, New York, Connecticut, and North Carolina would not have voted to ratify if they thought the Federal Government would under the Constitution be permitted to take charge of their elections.

Mr. TALMADGE. Has Congress any more constitutional authority to fire the State registrars of Virginia and supplant them with Federal registrars than it has to fire the General Assembly of Virginia and supplant them with appointed members of the legislature?

Mr. ROBERTSON. No. Congress has no more right to do that than to do what is proposed in this bill. It is unconstitutional, first, last, and always.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. If the Federal Government could discharge and supplant Virginia voting registrars by act of Congress, could it not also discharge and supplant Virginia's duly elected judges or duly appointed judges in that State?

Mr. ROBERTSON. I hope to see a new library building dedicated to the memory of the chief architect of the greatest instrument ever struck off by the hand and purpose of man, James Madison. I would like to see a hall dedicated to his memory. But if Congress adopts the provisions of this bill and if the Supreme Court upholds them—especially the poll tax provision—when the hall is dedicated to Madison, we should put a coffin in this hall dedicated to the memory of the chief architect of the arch of this Government, which has resulted in our national well-being and liberty, and prosperity, the greatest instrument ever struck off by the hand and purpose of man in the field of self-government, and erect above it a sign, "Dead, but not buried."

Mr. TALMADGE. Has the Supreme Court at any time in the entire history of our country ever held that a State could not prescribe the standards and qualifications for its electors?

Mr. ROBERTSON. The Supreme Court, going back to the Happersett case, down to the present, including a case decided March 1, has said that under the Constitution, only the States have that right, and no court has ever challenged or denied that right. It is proposed to put in the bill something as to which the Supreme Court would have to back down on anything it has ever said before.

Mr. TALMADGE. Would not this bill include as the target certain carefully selected States and suspend all the voter qualifications within those particular States?

Mr. ROBERTSON. Certainly it would; and the distinguished minority leader very thoughtfully had adopted in committee an amendment which would slow up this device; if we got busy and registered a few more people and voted a few more people, we could then get out from under its provision. But I understand that if he will agree to take that provision out, they will give him something else. I do not know what.

But as it now stands, the bill contains this triggering device, because the Judiciary Committee amended it, and it applies only to a part of Virginia's counties and cities but it is still aimed at six of our States.

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield further?

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Does the Senator from Virginia yield to the Senator from Georgia?

Mr. ROBERTSON. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Would not the bill deny to the States of Louisiana, Alabama, Mississippi, Georgia, North Carolina, and certain carefully selected counties in other areas the right to apply any literacy standards whatever for their voters?

Mr. ROBERTSON. The Senator is correct. New York would not be affected. New York has a higher literacy standard than we have ever imposed in Virginia. Last year, we wrote into a bill that if a literacy test did not go above the sixth grade, that would be all right. The North Carolina case, that went to the Supreme Court, the Lassiter case, involved a literacy test of about the sixth grade; and the Supreme Court said that was all right.

Yesterday, I placed in the RECORD an article entitled "The Poll Tax," written by Dr. Harley L. Lutz and published in the Wall Street Journal, in which he stated that if Congress decreed that no State could prohibit an illiterate from voting, perhaps a majority of illiterates could take over the Government. Then how long would it be before Congress prohibited—in order to prevent discrimination against those who claimed they did not have as much educational advantage as whites—any State from refusing a driver's license to an illiterate who could not read the direction signs, speed signs, or anything else on the highway?

Mr. TALMADGE. Does not the Senator agree that the bill would suspend the constitutional provisions in six States in the Union, while those same constitutional provisions would be applicable in 44 other States in the Union?

Mr. ROBERTSON. That is certainly correct. It was apparently designed carefully for that purpose.

Mr. TALMADGE. Does not the Senator agree with me that the Constitution of the United States is supposed to apply equally to all people, in all States, in all regions alike?

Mr. ROBERTSON. That is true. In addition, the framers of the Constitution delegated certain powers to the Federal Government and even provided that the exercise of such powers must be for the general welfare. It was intended that everything Congress did would be for the general welfare. Now, of course, we have a ruling of the Supreme Court that the general welfare is an unlimited grant of power; and if Congress passes an appropriation bill or an authorization bill it no longer states that it is for the general welfare. We appropriate for anything we please. We do not even bother any more to state that measures are enacted for the general welfare. But, even there, we do not deliberately discriminate, we do not deliberately—before the appearance of the pending bill—pick out just six States and say that in those States constitutional rights are wiped out, and that their citizens shall not enjoy them any more.

Mr. TALMADGE. Would it not suspend the poll tax in those carefully selected six States as well as the right to prescribe moral standards for the voters?

Mr. ROBERTSON. Yes, and I might add that the poll tax is one of the fairest of taxes. The Romans had a poll tax in the days of the Caesars, because it was the best way to collect revenue from the provinces. It was a head tax. Virginia has a poll tax in order to support its public schools. It receives a revenue of approximately one and a half million dollars. It is all the tax some people ever pay for public education, although they may have six or eight children in their family, and it may cost from $400 to $600 a year to educate each child. But if it can be said that there will be no poll tax, no literacy test, the Federal Government can come in and wipe out our 21-year age limitation. It can say that Georgia allows its citizens to vote at the age of 18; therefore, Virignia is discriminating against its boys and girls, Virginia is frustrating them, and, therefore, they must be allowed to vote at 18. That right would be taken away from us. In nearly all States, a person must have resided in it for 1 year before he can vote. But citizens recently arrived may say, "We wish to move around. We have a new job, we have been here only 3 months, but why should we not be allowed to vote?"

If the pending bill should be enacted into law, we would have given notice to the States that the Constitution will mean nothing, that whenever there is sufficient pressure to change it, it will be changed and we expect the Supreme Court to uphold what we do.

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Would not the bill open the door to potential election abuse, such as we have never seen before?

Mr. ROBERTSON. It might do that, but I am hopeful that the Senate will adopt the Williams amendment, which is national in its application, in that it hits at fraud in any Federal election, no matter where it occurs. It does not have to be in Atlanta, Richmond, Mobile, or other cities. If it occurs in New York, San Francisco, Chicago, Detroit, or any other great city which can be mentioned, it will come under this law. Fraud will be fraud. It will be a Federal offense. However, let us see what will happen.

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Would not the bill, in the carefully selected six target States, suspend the right of a State to apply the standard of good moral character?

Mr. ROBERTSON. Certainly. I do not know of any State which has allowed convicted felons to vote. But on the theory of this bill, Congress might say that a felon can vote. I do not know of any State which permits the inmates of an insane asylum to vote, but Congress can assert that we cannot discriminate against them, that some of them are only a little cockeyed, and that they should be permitted to vote because they may know a good deal about some other things.

In other words, it is proposed to open the door to ultimate supreme control by the Federal Government, in violation of anything in the Constitution in the matter of elections.

If that is not going down the road to dictatorship, how would we get a dictator?

Mr. TALMADGE. Has the Senator heard of any scheme or plan which would, since the force bills of Reconstruction days, suspend the Constitution of the United States in certain States, while it would be applicable in other States?

Mr. ROBERTSON. I have not. This is the first time since Reconstruction days. To me, it is perfectly astounding; and yet, according to press, television, and radio, a majority of the people wish it done. I cannot believe they know what they are doing, or else they are blind to the ultimate consequences of the action they are urging us to take.

Mr. TALMADGE. I thank my distinguished friend the Senator from Virginia for yielding to me, and I congratulate him on making a very excellent and significant speech.

Mr. ROBERTSON. I always appreciate the observations and help of my distinguished friend the Senator from Georgia. He is an outstanding lawyer. He has been a great Governor of the State of Georgia. He is reflecting great credit upon the State he now represents in part in this body.

Mr. President, in waging this contest, leaders of both major parties in the North have no difficulty getting together on legislation which is aimed primarily at the South.

This practice was never so glaringly illustrated as in the original draft of this pending bill, which was adroitly drawn to hit six Southern States, but only a few scattered counties in the North.

I wonder whether it was just a coincidence that the 1960 and 1964 civil rights laws were put through at the start of presidential campaigns?

The pending bill comes in an off-year, probably because recent demonstrations in Alabama led northern politicians to decide some further promises must be made. Otherwise, this bill might have remained in the Justice Department incubator until 1966 or 1968.

If this bill becomes law, the States will have very little authority left to fix the qualifications of voters, beyond designating the age eligibility and the length of residence within a State or locality.

Who can say that we will not be confronted next year, or in 1968, with another bill, lowering the voting age to 18 in all States, or requiring the States to register an applicant after 6 months of residence instead of a year.

In behalf of such a bill it could be argued that, since Georgia and Kentucky have lowered the voting age to 18, Hawaii to 20, and Alaska to 19, the other 46 States are discriminating by keeping the limit at 21.

If such a bill should ever pass, following the one we are now considering, the process of nullifying the power of the States to fix voting qualifications would be almost complete.

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield at that point?

Mr. ROBERTSON. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE, Mr. President, I hold in my hand volume 193 of the U.S. Supreme Court reports containing the case of Hope against Williams.

I now read a portion of the opinion in this case.

Mr. ROBERTSON. What is the date of that decision?

Mr. TALMADGE. Nineteen hundred and three. It has never been overruled in innumerable decisions which have been handed down time after time, as the Senator has pointed out, as late as March of this year. I quote from the opinion:

> The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States.

Does not the able Senator agree with that statement?

Mr. ROBERTSON. I do. That opinion was written by Mr. Justice Peckham, I believe.

Mr. TALMADGE. Yes. Is it not the law of the land now, and was it not the law of the land then?

Mr. ROBERTSON. Of course, it was the law of the land then. It is supposed to be the law of the land now in all cases which it covers. We have been told time after time, after the decision in the segregation case was rendered by the Supreme Court in the spring of 1954, that this is the law of the land. Yet here is a decision that has stood much longer, and it certainly should likewise be the law of the land.

Mr. TALMADGE. I thank my able friend.

Mr. ROBERTSON. I thank my friend from Georgia.

At this point, I would remind my colleagues that the Constitution states plainly in two places that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This provision was in the Constitution as originally adopted, and as recently as 1913 it was repeated in the 17th amendment, providing for the direct election of Senators by the people instead of the State legislatures.

The Constitution also states, in the 10th amendment, that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The process of whittling away at State control over the qualifications of voters began in 1957, when we empowered the Attorney General to seek Federal court injunctions whenever an individual complained he or she was about to be deprived of the right to vote in national elections.

That measure was hailed as the first civil rights law to pass in more than 80 years. But, before it had been in operation very long, its supporters were back in the halls of Congress complaining that it was inadequate.

So, in 1960, we passed another law, stipulating that after the Attorney General won an individual suit brought under the 1957 law, he could ask the court to make a separate finding that a pattern or practice of discrimination existed in a given area.

The 1960 law authorized the courts to appoint voting referees to receive applications from persons seeking to register, take evidence and report their findings to the court. The court may fix a time limit of up to 10 days, in which State officials may challenge a referee's report. The referees would have the same power as court masters to subpena records, administer oaths, and cross-examine witnesses.

In any suit under the 1960 law, a State would be held responsible for the actions of its officials, and, in the event State election officials resigned and were not replaced, the State could be sued.

But even this detailed procedure for court relief was not considered enough, and along came the 1964 law, placing further safeguards around the right to register and vote. That law sought to prevent use of literacy tests as a means of discriminating.

It requires the States to apply the same standards and procedures to all applicants to vote in any Federal election. It declares that minor errors in filling out registration forms shall not deprive a person of voting rights. And it specified that if literacy became a relevant factor in any court proceedings, there would be a rebuttable assumption that any person who had completed the sixth grade is literate enough to vote.

In addition to the three laws passed since 1957, Congress during that period submitted a constitutional amendment banning the poll tax in Federal elections. It was ratified by the required number of States and is now in effect.

The 1964 Civil Rights Act was the most all-embracing measure ever proposed on this subject. In addition to the added weapons it gave Federal courts to protect voting rights, it included these far-reaching provisions:

A ban on discrimination in places of public accommodation, such as restaurants, hotels, and motels.

A ban on discrimination in the use of public facilities of a State or other political subdivision.

A title giving the Federal Government new powers to eliminate segregation in schools.

Comprehensive machinery, which will go into effect in July, to eliminate discrimination in employment.

A ban on discrimination in federally assisted State programs and facilities.

A section defining in detail the duties and functions of the Civil Rights Commission.

Authority for the Commerce Department to gather statistics on the voting population in such geographic areas as the Civil Rights Commission may recommend.

Establishment at the Federal level of a Community Relations Service to promote better race relations.

When this law was placed on the statute books last July, it was hailed as having provided the necessary machinery for solving all major phases of the civil rights problem.

Mr. President, while we were considering the 1964 act we were told over and over again by its supporters that its passage would take the civil rights issue out of the streets and into the courts. We were warned that, if the bill failed to pass, there would be more disorders in big cities during the summer vacation months.

During the presidential election campaign last fall, there was a lull in civil rights demonstrations. The civil rights leaders apparently felt that too much public agitation at that time might hurt their cause at the ballot box.

But once the election and inauguration were over and the new Congress had convened, the marching began again in Alabama, and, presto, out of the Justice Department came another proposed voting rights law.

This time the administration asked that the Attorney General be empowered to send Federal officials into a State to register prospective voters without any requirement that he show in a court of law that the action is justified.

Bear in mind that the 1960 law already authorizes the courts to appoint Federal voting referees. Therefore, the only excuse for the pending bill is an unwillingness on the part of the administration to submit its complaints of discrimination to a court.

During the Senate hearings on this bill, Senator ERVIN, Democrat, of North Carolina—who was an eminent jurist before coming to the Senate—pointed out that the only reason advanced for this bill is that it takes time to litigate a case in court.

Charles A. Bloch, a noted constitutional lawyer, was testifying against the bill at the time, and Senator ERVIN put this question to the witness:

> I will ask you if that is not exactly the same argument, or rather the same justification, a mob uses when it lynches a man? It says, "We know this man is guilty, and we're not going to waste any time trying him, because it will take some time." Is that not exactly the argument of a mob?
>
> Yes—

Replied Mr. Bloch—

> this ought to be called a State lynching law, a law to provide for the lynching of certain States. And that is what it does.

Although the Senate Judiciary Committee made half a dozen major changes in the original bill, the committee did not deprive the Attorney General of the unprecedented authority he is seeking to send Federal examiners into a State or county without submitting to a court any proof of the need for his action.

It is true that the committee changed the bill so as to give the Attorney General a choice of proceeding either with or without court action, but this was a rather meaningless gesture. As a matter of fact, the 1960 law already authorizes him to ask a court to appoint voting referees.

Therefore, the essence of this bill is the right it gives the Attorney General to send in the Federal registrars on his own initiative.

The most sweeping change the Senate committee made was to undertake to repeal the poll tax which some States, including Virginia, still require as a condition to voting in the State or local elections. A House Judiciary subcommittee has taken similar action.

Despite its drastic nature, Mr. President, I am less concerned about this amendment than some of the other proposed changes, because I doubt that even the present Supreme Court, which has not hesitated to chip away at the powers of the States, would uphold this poll tax amendment.

Only a few years ago Congress decided that it would take a constitutional amendment to outlaw the poll tax in Federal elections, and it submitted such an amendment, which is now a part of the Constitution.

Mr. President, if Congress felt that it had to amend the Constitution to ban the poll tax in national elections, how can it be argued now that it can abolish that tax in State elections by a simple statute? I think it is significant that Congress did not attempt to interfere with State taxing power in local elections when it was voting in 1962 to amend the Constitution, even though it could have done so in a constitutional amendment.

As a matter of history, I should say at this point that in 1962 I not only opposed repealing the poll tax by statute—as I am doing today—but I also voted against the constitutional amendment to ban such a tax in national elections.

I did not feel that Congress, even by constitutional amendment, should chip away any more of the control which the Founding Fathers reserved to the States to fix the qualifications of voters. We had already chipped away some of that jurisdiction in the civil rights laws of 1957 and 1960.

Someday I hope we build a much needed third Library of Congress building and dedicate it to the memory of the "chief architect" of the Constitution, James Madison. But if we include in the pending bill the proposed anti-poll-tax amendment, and if the Supreme Court upholds it, I would with all due deference recommend that when the Madison Memorial Room in the library building has been completed, we deposit in a coffin in that room the greatest instrument ever struck off by the hand and purpose of man and erect above it a sign "Dead, but not buried."

Nowhere is the infringement of powers reserved to State governments more direct than in the area of voting qualifications. Since 1939 there have been varying attempts at such encroachment made by anti-poll-tax bills. These proposals, by seeking to outlaw the poll tax, restrict State authority to defining voting qualifications. My conclusion now, as it has always been, is that in view of the unconstitutional nature of anti-poll-tax legislation, the only proper course for abolition of the tax would be by State action or constitutional amendment.

If the imposition of a poll tax is a matter of the qualifications of a voter, it is controlled exclusively by the State under article I, section 2, and the Federal Government cannot under article I, section 4, prohibit the imposition of a poll tax under the guise of regulating the manner of the election.

Fortunately, the framers of the Constitution left us in no doubt on that subject, as the exclusive control of the States over voter qualifications is clearly shown in the Constitutional Debates and Federalist Papers.

DIFFERING QUALIFICATIONS OF THE STATES

A. THE CONSTITUTIONAL CONVENTION

At the outset, we should take note of the fact that in 1789 the States had rigorous and widely differing requirements for voting. These were summarized by Chief Justice Waite in his opinion in *Minor* v. *Happersett*, 21 Wall. 162 (1874) at page 172.

For example, the general requirement was ownership of property, usually real estate. In 1789 Georgia liberalized its requirements by extending the vote to those who had prepaid taxes, even though they did not qualify by property ownership. Other States followed suit. As the usual course, men of 21 years of age enjoyed the franchise. Residence restrictions sometimes existed.

These differences occasioned many debates in the Constitutional Convention on the possibility of uniform qualifications for voters. The dispute centered on whether the Constitution should limit the franchise to landowners or whether limitations should be left to the individual States. James Madison and Gouverneur Morris of Pennsylvania favored the former position. The argument was that landowners would be the safest depository of republican liberty. Moreover, they feared making qualifications dependent on the will of the States not because the States would unduly restrict the electorate, but because they would be too generous in extending the privilege.

As presented by Oliver Ellsworth of Connecticut, James Wilson of Pennsylvania, and George Mason of Virginia, the argument on the other side related to the diversity of existing State qualifications. They warned that the right of suffrage was a tender point carefully guarded in the State constitutions, and that tampering with it might wreck the new Government. They pointed out that it would be difficult to settle on a uniform rule for all States and that it would be awkward if the electors of the State legislatures and Congress were not the same—volume 5, Elliott's Debates, 385 (1866).

In addition, they argued that a power to alter the qualifications of voters would be a dangerous power in the hands of the National Legislature. Once the principle is established that the Congress can make such changes, the power used at one time to expand the electorate might be used at another to restrict it, and, theoretically at least, the restriction could be carried so far that there would result a despotism.

At the conclusion of the debate advocates of a ballot limited to freeholders were defeated by a vote of seven States to one, and the plan of the Committee on Detail was adopted without a dissenting vote. Its language was changed only slightly and it became that part of section 2, article I, of the Constitution which reads:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The words, "qualifications of the electors shall be the same from time to time," et cetera, had been omitted from the recommendation of the committee—volume 5, Elliott's Debates, 377.

It has been argued that this omission was for the purpose of preventing exclusive control over qualifications by the State legislatures, rather than by the people of States; and that the inclusions of "most numerous branch" of the State legislature was to assure a broad popular base. Undoubtedly this purpose was a real one, but the fact remains that as finally worded, section 2 of article I leaves to the States the choice of deciding the qualifications for the Federal electors, and for the reason that a uniform national requirement was found unworkable.

As has been indicated, the members of the Constitutional Convention were conscious of the need to satisfy the people of the various States sensitive on the subject of suffrage rights. It was therefore one of the subjects which received close attention in the Federalist Papers written at the time to convince State conventions to adopt the Constitution.

B. THE FEDERALIST

In No. 52 of the Federalist, it was pointed out that the Constitution made the qualification for Federal electors the same as those of the electors of the most numerous branch of the State legislature:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government.

The Federalist author continued:

> It was incumbent on the Convention therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone.

The following words of the paragraph should be noted:

> To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.
>
> The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established by the State itself. It will be safe to the United States because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to bridge rights secured to them by the Federal Constitution.

Then in the 54th Federalist, it was remarked:

> The qualifications on which the right of suffrage depend are not, perhaps, the same in any two States. In some of the States the difference is very material.

C. RATIFYING CONVENTIONS

Later, at the Massachusetts Ratifying Convention, in answer to a query as to whether Congress might prescribe a property qualification for voters, Mr. Rufus King, a member of the Federal Convention, said:

> The idea of the honorable gentleman from Douglas transcends my understanding; for the power of control given by this section extends to the manner of elections, not the qualifications of the electors.

And James Wilson, who had warned in the Constitutional Convention of the difficulty that might result if qualifications of State and national electors were different, had this to say in the Pennsylvania Convention:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no legislature in the States, there can be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government.

Those familiar with the Virginia Ratifying Convention know that Patrick Henry opposed the ratification of the Constitution on the ground that it gave the Federal Government too much power. One issue was whether the Federal Government could pass on the qualifications of the voters or whether Virginia, as in the past, could fix those qualifications. If the latter, the Federal Government would merely determine the times, places, and manner, if it wished to do so, of holding those elections, but those who had the right to vote under the State law would then freely participate.

Wilson Nicholas, a member of the Virginia Convention, gave the members positive assurance that the Federal Government could not and never would undertake to pass upon and fix the qualifications of voters.

Virginia agreed to ratify only on the assurance that the first session of the Congress would propose bill-of-rights amendments to the Constitution and even went a step further when the Convention named a committee, headed by Governor Edmond Randolph and including James Madison and John Marshall, to draft a form of ratification that would include certain reservations as to States rights.

The resolution reported by that committee and adopted by the Convention said:

> The powers granted under the Constitution being derived from the people of the United States, be resumed by them whenso-

> ever the same shall be perverted to their injury or oppression, and at their will.

In explaining the voting plan to the North Carolina Convention, John Steel, like Wilson Nicholas, said:

> Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors: The power over the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

The significance of this history is reinforced by the fact that as late as 1912, when the 17th amendment was proposed by Congress, providing for popular election of Senators, language was used identical to that of article I, section 2. This amendment says:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

It should be noted that these words were adopted after more than a century of experience with the suffrage provisions contained in the Constitution and also after there had been ample time to observe operations of the newer poll taxes which were imposed between 1875 and 1908.

D. FEDERALIST INTERPRETATAON OF MANNER

The fourth section of article I reads:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The main purpose of this section was to enable both the State and Federal Governments to preserve themselves by the regulation of elections. See Nos. 59 and 60, Federalist Papers.

Also, discussing article I, section 4, in the Virginia Ratifying Convention, Mr. Madison explained:

> It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution.
>
> And, considering the State governments and General Government as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.

This, it should be remarked, deals only with the times, places, and manner of holding elections and not with qualifications of voters since, under the provision of article I, section 2, a State could not attempt to dissolve the General Government by disqualifying voters without automatically dissolving its own government. It is essentially a distinction between substance and procedure. This distinction was made by a concurring opinion in *Newberry* v. *U.S.*, 256 U.S. 232, 280 (1920).

Arguments have been made that manner does not refer merely to procedure of elections; but to accept that premise is to agree to what the entire thrust of the constitutional debates refute, that the Central Government could impose uniform franchise qualifications. Rather, Hamilton argues that once the States set up a qualification, the Central Government could insist that it be carried out, that is, that elections could be held. Hamilton's analysis was reinforced by the majority opinion in Newberry against U.S., where Justice McReynolds states that manner of holding elections does not mean power broadly to regulate them—at 256.

Moreover, this clause has been used as the author foresaw, to protect a Federal election from corruption, later referred to.

There is convincing evidence that the members of the Constitutional Convention and the Ratifying Conventions intended the Constitution to give to the States—and to the States only—the authority to prescribe qualifications for voters. The courts have consistently followed this interpretation.

THE MEANING OF THE 15TH AMENDMENT

I should now like to examine that of the 15th, which reads:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

In *United States* v. *Reese*, 92 U.S. 214 (1875), the court construed a statute passed under Congress power of section 2 to enact appropriate legislation. The act was invoked by the applicant because his failure to pay a poll tax enabled the inspectors to prohibit his voting in a municipal election. In the opinion of Chief Justice Waite the following statement is made:

> Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress.
>
> * * * * *
>
> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not.

See also *Guinn and Beal* v. *United States*, 238, U.S. 347, 362 (1915) where Chief Justice White stated for the Court that the States retained the power under article I, section 2, to establish qualifications of voters, except, of course, as to the subject with which the amendment—15th—deals and to the extent that obedience to its command is necessary.

VIRGINIA POLL TAX HELD VALID

The question of Virginia poll tax as a prerequisite to voting was reviewed by a special three-judge court as recently as 1951 in *Butler* v. *Thompson*, D.C.E.D. Va., 97 F. Supp. 17, affirmed, 341 U.S. 937. Judge Dobie quoted from an earlier opinion in the case of *Saunders* v. *Wilkins*, 152 F. 2d 235, 237, as follows:

> The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges or immunities of citizens of the United States which are protected by the 14th amendments. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election for Members of Congress is set out in article I, section 2, clause 1 of the Federal Constitution which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The Supreme Court in *Breedlove* v. *Suttles*, 302 U.S. 277, 283, 58 S. Ct. 205, 82 L. Ed. 252, held that a poll tax prescribed by the constitution and statutes of the State of Georgia did not offend the Federal Constitution.

Then followed the quotation from Breedlove against Suttles, which I quoted earlier.

The latter part of Butler against Thompson discussed the general principle that a statute may be administered in such a fashion as to be unconstitutional even though it is fair on its face, under the 14th amendment, as in *Yick Wo* v. *Hopkins*, 118 U.S. 356, or under the 15th amendment as in *Lane* v. *Wilson*, 307 U.S. 268. Judge Dobie reviewed the administration of the poll tax in Virginia and came to the conclusion on the basis of the evidence presented to him that it was being fairly administered, without discrimination on the basis of race.

Accordingly, Judge Dobie, speaking for the unanimous three-judge court, held that the Virginia poll tax statute did not violate either the 14th amendment or the 15th amendment, and was valid under article I, section 2 of the Constitution of the United States.

The right of a sovereign State to fix nondiscriminatory prerequisites for voting as decided in the Butler case was fully confirmed no later than March 1 of this year, when, in the case of Carrington against Rash, the Supreme Court held:

> There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and on accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised. * * * In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution.

But a distinguished Senator from Massachusetts, an able and wonderfully fine man, but not a constitutional lawyer, says in effect: "Don't let those decisions bother you. The Supreme Court can be prevailed upon to overrule them."

The present Attorney General has said he is somewhat concerned over the poll tax repeal clause in the revised bill. During a recent televised interview he said:

> If the poll tax section should be held unconstitutional, the decision would create some difficult, practical problems in carrying out this bill.

In order to aim this bill directly at the South, the authors made it apply to any State which maintained a literacy test and in which fewer than 50 percent of the persons of voting age were registered, or if fewer than 50 percent voted last November. The Senate committee added as another condition, if more than 20 percent of the voting-age population were nonwhite.

Not content with these triggering formulas, the Senate committee added an alternative yardstick, which says:

> Even if there was no literacy test and even if more than 50 percent of the eligibles voted last November, the Federal Government could still send in registrars if the Census Bureau found that less than 25 percent of the members of any racial group in the State failed to register.

These mathematical triggering devices are based on an assumption that when less than half of the adults in a State fail to register or vote it must be due to discrimination.

This reasoning overlooks completely the possibility that millions of Americans never get interested enough in politics to take the trouble to go to the polls.

Since the formulas in this bill exempt virtually all of the States of the North and West, we can assume that the sponsors believe there is some magic connected with a turnout of 51 percent of the voters which automatically purges a State of any suspicion of discrimination.

And, yet, while the great State of New York got 63 percent of its eligibles to the polls last year, it still used a literacy test which denied voting rights to many Puerto Ricans because they could not speak English, even though they may be highly literate in Spanish.

For the Nation as a whole the number voting in the last presidential election was only 60.5 percent of the voting age population. No one would seriously contend that nearly 40 percent of the adults in the Nation were kept away from the polls by literacy tests or any other devices.

Unfortunately, it merely means that millions of people are simply not interested enough to go to the polls. They will listen to the candidates berate each other on television, and they will even argue some of the issues with the next-door neighbor. But on election day they say, "Let George do it."

It is a well known fact that, since Reconstruction days, the Republican Party has been so weak in the South that winning the Democratic nomination for a major office has been tantamount to election in all but a few scattered congressional districts.

Under these conditions, what incentive has there been for large numbers to go to the polls on election day in most Southern States?

It is true that in recent years General Eisenhower twice carried a few Southern States, and that last year former Senator Goldwater carried five States in Dixie. But this reflected discontent among Democrats, not an upsurge of Republican strength.

If, in the Nation as a whole, only 60.5 percent of the eligibles bother to vote, why nullify State election laws in the South because that section falls 10 percentage points below the national average?

I used to think the Einstein theory of relativity was complicated until I saw the assortment of formulas in this bill as it came from the Judiciary Committee.

The original bill started out covering the entire State of Virginia because it has a simple literacy test, requiring only ability to read and write, and because fewer than 50 percent of the eligibles voted last November—even though more than 50 percent were registered and could have voted.

Then the committee added a requirement that an area would be covered only if more than 20 percent of its voting-age population was nonwhite in the 1960 census. This eliminated more than half of the political subdivisions in Virginia.

But the committee was not through. It adopted one more triggering device, which says that if less than 25 percent of the persons of voting age of any race or color in any State or political subdivision are not registered, that area is back in the bill.

Tables printed in the report of the majority indicate that these formulas would still enable the Attorney General to send Federal registrars into 40 of the 96 counties and into 13 of the 34 independent cities of Virginia.

While I am glad that some parts of my State would be spared this return to the Federal control of election machinery that was tried and abandoned in reconstruction days, it has not altered my opposition to the measure. It is just as wrong for Congress to usurp the constitutional functions of a State in half the counties as it would be statewide.

According to the 1960 census, no State succeeded in getting more than 80 percent of its people of voting age to the polls that year, and estimated population figures for 1964 show no State with a turnout on election day above 77 percent.

If Congress can authorize Federal examiners to go into a State at the 50-percent level, or, if a State is to be exempt only if it reaches the national average of about 60 percent, then we could also adopt any other arbitrary yardstick.

So, why not make this bill national in its application by sending Federal examiners into any State in which fewer than 80 percent of the eligibles vote?

Of course, I realize, Mr. President, that my suggestion would change this bill into a recruiting device, to draw out citizens who stay home on election day by choice and not because of any obstacles placed in their way.

And perhaps this job of arousing more citizens to become voters should be left to the political parties.

All I am trying to show is that the mere fact that only 49 or 59 percent of the adults in a State went to the polls last November does not automatically prove that discrimination kept the others at home.

What happened in my own State of Virginia last fall fully supports that statement. In November 1964, 1,311,023 Virginians—51 percent of the population of voting age—were registered. If they had all gone to the polls on election day my State would not be affected by this bill. We would then have been as fortunate as New York, which has a more stringent literacy test than Virginia, but is not covered by this bill because more than 50 percent of its adults voted.

But because 269,000 of the Virginians who were registered, and could have voted without interference from anyone, failed to make it to the polls. Virginia's vote total dropped to 41 percent of the voting age population.

This means that under the arbitrary formulas written into the original draft of this bill it would have been possible for the Attorney General to send Federal examiners into my State, despite the absence of any substantial evidence that any devices are used to prevent Negroes from registering in Virginia.

If the Dirksen amendment is retained, it would be possible for Virginia to obtain a court decision exempting it from this bill by persuading an additional 10 percent of its people to register.

For that reason, I believe the Dirksen amendment eliminates some of the unfairness from this bill, and I will support it.

Another amendment I am glad the Judiciary Committee adopted directs the Census Bureau to exclude aliens, persons in active military service and their dependents, in estimating the percentage of voting age population registered or voting in 1964.

I understand this amendment was offered by the distinguished Senator from Hawaii [Mr. FONG], whose State, like Virginia, has a large number of servicemen stationed within its borders. Most servicemen are eligible to vote in their home States if they meet the age requirement.

In Virginia the effect of the Fong amendment would be to exclude 157,000 servicemen; about 22,000 aliens, and at least 54,000 dependents of servicemen. The Census Bureau found in 1960 that, of the servicemen stationed in Virginia, 54,722 listed themselves as heads of families, so I have used that as a minimum number of dependents.

These groups add up to 234,576, and when they are deducted from the total adult population, Virginia's percentage of voters last November goes up from 41 to more than 45 percent of voting age population.

If it were possible to ascertain and deduct the thousands living in northern Virginia counties, adjacent to Washington, who vote in other States from the

Atlantic to the Pacific, Virginia would be close to, if not above, the 50 percent level in voter turnout.

Incidentally, what happened when the District of Columbia took part in its first presidential election last fall offers further proof that a low turnout of voting age population does not necessarily reflect discrimination.

They polled fewer than we polled in Virginia. Yet we are singled out and stigmatized as a State that discriminates against a minority race.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. The bill does not provide for Federal registrars for the District of Columbia, does it?

Mr. ROBERTSON. Of course not. The District of Columbia was not in the list presented by Dr. Martin Luther King. His concern is directed at the Senator's State, my State, the State of Alabama, and other States to the south of us.

A Washingtonian was required only to sign a card vouching for the fact that he or she was a resident, and of the required age. This is substantially all that is required for a Virginian to vote in presidential elections, although a citizen of my State must still pay, for the benefit of public schools, a small poll tax to vote in local elections.

The amendment which Senate Republican Leader **Dirksen** got into the bill in the Judiciary Committee would enable any State to get out from under this measure whenever it can show in court that it is doing as well as the Nation generally in persuading its people to register and vote, and provided it can demonstrate it is not discriminating on the basis of race.

When we abolished the poll tax by the constitution in Virginia we had to find some way to determine what people were still living and who would really have the right to vote. In the past we have done that by requiring a poll tax before one was permitted to vote. The treasurer certified that fact to the clerk of the court, and the poll tax list went to the registrar. That list showed who was registered, who had paid the poll tax, and who was still living in Virginia.

In Virginia we have permanent registration. In New York, for example, which is supposed to be a model of everything that is fine, one must register before the election. At one time I ascertained that the registration in New York alone disqualified more people who failed to register than the Federal poll tax had in the entire State of Virginia.

But we had annual registration, and all one had to do was to sign the printed form and state his name, residence, and how long he had lived in the precinct, so that the election officials would know where he expected to vote.

What did the Supreme Court do yesterday? It threw out the requirement that one must give a certificate of residence so that the registrars and judges of elections could know that one living in Virginia would be entitled to vote in Virginia. They did so on the ground that was a relic of the past, an attempt to maintain the poll tax, when all that was intended was to try to find out who was legally a resident of Virginia, so that when the time came to make up the poll-tax voting list, the registrars would know who was eligible to vote in Virginia.

In Virginia, one cannot get on the list to vote later than 30 days before the election. Under the terms of the bill, a person could register to vote on the day of the election, if he so desired. There would be nothing to keep him from doing so. I do not know of any State that now allows a person to register and vote on the same day. If a person is not registered in time, he cannot register later. That is the case in New York, where a person must register before every election. If he is not registered, he is not entitled to vote; that is all there is to it. It is just that simple. That is still within the constitutional privileges of the great State of New York. All we are asking for Virginia is to preserve the same rights as are being exercised in New York—and New York, of course, is not covered by the bill.

In defense of his amendment, the Senator from Illinois [Mr. **Dirksen**] has said that Congress is trying only to see that rights created by the 15th amendment are protected and that "we should not seek to create conditions that will tie the hands of the States in the conduct of their elections for periods of time far beyond the time when discrimination in voting is abolished within a State."

But even this moderate amendment does not seem to be acceptable to Attorney General Katzenbach. When he was interviewed on "Meet the Press" recently, Mr. Katzenbach said the Dirksen amendment would take Louisiana, Georgia, and South Carolina from under the bill immediately, and a note of sadness seemed to creep into his voice as he added, "and I would suppose by the time the bill became effective it would have taken out the remainder."

The Attorney General was reminded that the Dirksen amendment had been strengthened to require a State not only to register 60 percent of its eligibles, but also to satisfy the court that it was not discriminating. He was asked if that made it acceptable. Mr. Katzenbach replied:

> I think that is helpful, but it is not totally acceptable because you run into the difficulty of what it means to say that they are not presently discriminating. Now, if that means they haven't discriminated in the past 6 months or year, or 2 years or something of that kind, then it might possibly be acceptable.

As I read the bill, it will mean that in the States to which it is applied voting qualifications will become a patchwork of State and Federal requirements. It could also be applied to one county or political subdivision of a State if the Attorney General concludes that a test or device has been used to interfere with registration of voters.

The bill as reported defines "test or device" as "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class."

Once the Attorney General has pointed his finger at a State or county, and said, "You are now under this new law," the registration of voters in that jurisdiction will henceforth be determined by some selected portions of the State law, plus a new set of requirements to be promulgated by the Civil Service Commission.

It is presumed, for example, that the Federal examiners from the Civil Service Commission will not change the State requirements as to age or length of residence.

But no one will know until the bill becomes law just what rules the Federal examiners will lay down to be complied with by the individuals who apply to them for registration.

The bill provides that "The times, places, and procedures, and form for application and listing" shall be promulgated as regulations by the Civil Service Commission. It also says that the Commission, after consulting the Attorney General, shall instruct the examiners concerning applicable State law "not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

Bearing in mind that the definition of "test bars any demonstration of ability to read, write, or understand any matter," one wonders what sort of form the Federal examiner will use.

Will the examiner be limited to filling out the application form for the registrant?

I suppose the answer will rest with the Attorney General, who, under the bill, will instruct the examiners. I suppose, also, that if the Attorney General decided that the simple form which a registrant in Virginia is asked to sign is not inconsistent with the Constitution and the laws of the United States, he could authorize the Federal examiners to retain that form.

But whatever procedure is adopted, the result will be a mixture of some State and some Federal regulations.

I was intrigued by one remark the Attorney General made during his recently televised interview. He was reminded of a provision in the original bill that, if a man placed on the voting roster by a Federal examiner failed to vote over a period of 3 years, his name would be dropped from the rolls. The Attorney General was asked why that was changed in committee to require that names be dropped only in accordance with State law.

His answer was that that "seemed to be a more uniform, more easily administered provision."

Mr. President, this answer left me with the impression that those who administer the act will follow State law only when it suits their purpose.

This is a far cry from the language in the Constitution, reserving to the States the power to determine the qualifications of voters.

Mr. President, I am opposed to the bill in its entirety because I am convinced that it is unconstitutional and is purposely drawn to apply only to one section of the Nation. But if it is going to pass, we should certainly strike out the section banning a poll tax in State or local elections. We should also retain the Dirksen amendment, which seeks only to free a State from this Federal control whenever it exceeds the national average in voter-turnout, or registers more than 60 percent of its voting age population.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The Senator from Alabama is recognized.

Mr. HILL. Mr. President, I regret to say that I have not been present to hear all of the speech of the Senator from Virginia. However, the part which I have heard has been very fine indeed. Did the Senator have an opportunity to discuss the provisions of the 17th amendment pertaining to the election of United States Senators?

Mr. ROBERTSON. I did not stress it. I mentioned it as one bit of evidence that Congress passed, proposed, ratified, and fully endorsed what was in the Constitution, in section 2 of article I, to give the States the right to fix the qualifications of electors, because it repeated it in the 17th amendment.

Mr. HILL. It repeated it verbatim, did it not?

Mr. ROBERTSON. The Senator is correct. In that way, it was fully ratified. I also cited numerous decisions going back to the early part of our history, to the time of the passage of the 15th amendment. These decisions show that the 15th amendment did not confer on anyone the right to determine qualifications for voting. They merely stated that those rights were left to the province of the States, and that the States could not discriminate by means of State law against a man because he was a nonwhite or a former slave.

Mr. HILL. Are there not many court decisions to that effect?

Mr. ROBERTSON. There are many decisions of the Supreme Court.

Mr. HILL. Is it not correct that some of our greatest judges have participated in those decisions?

Mr. ROBERTSON. The Senator is correct. I cited the decision of a three-judge court, headed by Judge Dobie, of the Federal Circuit Court of Appeals, which upheld the Virginia poll tax. This decision has gone unchallenged through all the succeeding years. A case was decided only March 1, 1965. In that case, all of the previous decisions concerning the right of the States to determine the qualifications of electors as their individual right were mentioned. This power does not belong to Congress under the Constitution. That has been the unanimous holding of the courts through the years.

I also cited the history of the section as set out very clearly by James Madison and Alexander Hamilton in the Federalist Papers. I also quoted from the ratifying convention to the same effect.

Mr. HILL. The various State conventions also had to ratify it. Is that correct?

Mr. ROBERTSON. The Massachusetts convention, the Virginia convention, and the Connecticut convention ratified it. There is no question about it being a constitutional law. It is a conclusion that one must reach.

The provisions that would outlaw any type of literacy test or poll tax are unconstitutional. That is just as clear as can be from the standpoint of a constitutional lawyer.

Mr. HILL. The Senator from Virginia is a great student of our history, and particularly our constitutional history. Does the Senator think that the Constitution of the United States would ever have been ratified or the Federal Union ever have come into being under the Constitution if this very provision had not been there, leaving to the States the right to fix qualifications of voters?

Mr. ROBERTSON. One of the greatest men the State of Virginia ever produced was George Mason. George Mason wrote the provisions of the declaration on which were based Jefferson's Declaration of Independence and Madison's Constitution.

In the Constitutional Convention, George Mason said that there was such diversity among the sovereign States concerning who could or could not vote, that if Congress were to attempt to provide that power and authorize it, the States would never ratify what the Convention did.

There was only one vote to provide Congress with that power.

Mr. HILL. All the other votes were to the effect that Congress should not have that power.

Mr. ROBERTSON. The votes provided that each State could do it, provided the State did not discriminate against the voters in election for Federal officials. The 15th amendment provided that we must not discriminate against a man because of his race, color, or previous condition of servitude. There was no provision which would touch the right of Congress to fix qualifications.

This bill is as unconstitutional as it can be.

Mr. HILL. Mr. President, can the Senator think of anything that would be more unconstitutional than this bill?

Mr. ROBERTSON. We might provide for the immediate repeal of the 10th amendment. This bill would practically do that.

Mr. HILL. That amendment ratified, affirmed, and confirmed the very thing the Senator said; namely, that the power to fix qualifications was to be absolutely and wholly within the power and authority of the States.

Mr. ROBERTSON. George Mason, Patrick Henry, and others claimed that Congress would eventually override the States and that the States would lose their power.

Virginia would not have ratified the Constitution but for the promise of George Washington, James Madison, and the great jurist John Marshall, that amendments would be offered. They spelled out 12 of the amendments.

One of the amendments was the 10th amendment, which provided that all powers not delegated to the Federal Government or denied to the States, would be reserved to the States and the people.

Virginia was the largest State in area and population. Virginia was the most powerful and richest State. When the State of Virginia entered the Union, it had more Members in the House than any other State. The largest city south of Philadelphia was Williamsburg. Think of that.

We would not have had any perfect Union without the 10th amendment. What kind of Union would we have if we were to pass this bill and take part of the 10th amendment out of the Constitution? That is what it would boil down to.

Mr. HILL. Mr. President, I congratulate my distinguished colleague for the very fine speech he made today.

Mr. ROBERTSON. I thank the Senator very much.

Mr. President, I yield the floor.

INCREDIBLE VIEWS OF FORMER SENATOR GOLDWATER ON WAR WITH CHINA

Mr. McGOVERN. Mr. President, I was appalled by the report in today's Washington Post of statements made by former Senator Barry Goldwater in Paris on yesterday. According to the distinguished Washington Post foreign correspondent, Waverly Root, Mr. Goldwater told newsmen at the Anglo-American Press Association luncheon that he "prays for Red China to provide provocations which would justify the United States in attacking her atomic installations, but he doesn't think she will."

As reported by Mr. Root, "the statement on China came in answer to the question of a British reporter who asked whether Goldwater would advocate attacking Chinese military, industrial, or atomic installation: 'Yes, if they give us provocation,' Goldwater answered. 'No, if they do not give us provocation. I rather pray that Red China would give us provocation to attack her military and atomic installations.' "

Asked what would constitute sufficient provocation for attacking China, Goldwater said "If China sends troops into South Vietnam or materiel in massive quantities."

In other words, Mr. President, what Mr. Goldwater is saying is that he hopes China will send troops into the Vietnamese conflict so that we will have an excuse to launch an attack on China.

Mr. President, this is the most incredible statement I have ever attributed to a prominent national figure. We can only speculate on the disastrous course our nation might have followed had Goldwater been elected to the Presidency last fall. Consider the impact on the rest of the world if a leading American figure openly praying that China will intervene in the Vietnamese war so that we will have an excuse to launch world war III by attacking this largest of all nations on the face of the earth. That concept is almost beyond comprehension. It makes one shudder at the mere expression of the thought, particularly when it was expressed in a foreign country at the largest luncheon ever held by the Anglo-American Press Association.

We can be thankful that the American people in their wisdom elected to the Presidency Lyndon Johnson, who has not only given repeated assurances that he seeks no wider war in Vietnam, but has offered to proceed at anytime with unconditional negotiations.

I applaud the President's appointment of the distinguished W. Averell Harriman to represent us at the proposed conference on Cambodian neutrality. That conference, as our majority leader has repeatedly reminded us, can open the door to further discussions leading to a settlement on the Vietnamese war.

As I first indicated on April 1, I trust that the President will also interrupt the bombing of North Vietnam long enough to provide some breathing room for the regime in Hanoi to consider negotiations, because, as the Senator from Arkansas [Mr. FULBRIGHT] has said, it is very difficult to create a climate favorable to negotiations so long as attacks continue on both sides. I would like to believe that this Nation is big enough and great enough to break the cycle of blows and counterblows which is a formula for a larger and larger war.

I also hope that our great President would not hesitate to consider some arrangement under which the National Liberation Front fighting in South Vietnam can be represented at negotiating sessions. After all, the principal antagonists in Vietnam are the South Vietnamese Government in Saigon and the South Vietnamese Liberation Front, which speaks for the Vietcong guerrillas. Unless those two principal antagonists can work out some kind of a settlement, it seems to me we miss the main point.

Negotiations must take place so that these two groups can reach some kind of a settlement, if the fighting is to cease. We should not lose sight of the fact that however much Hanoi and Peiping encourage and support the Vietcong guerrillas, this has always been fundamentally an internal struggle involving the Government of South Vietnam on one hand, and the Vietnamese guerrilla forces on the other.

I further hope that if negotiations do go forward, we will consider the creation of a southeast Asian peacekeeping force composed primarily of forces supplied by Burma, Cambodia, Thailand, Laos, Malaya, and Vietnam, and other nations in the southeast Asia area. I think it has been one of the ingredients missing from the agreement of 1954. We have had no effective peace keeping force to bring into that area under the agreements at Geneva 11 years ago.

Such a regional force affiliated with the United Nations would be in a much stronger position to stabilize this area of conflict and tension than would a unilateral force of Americans operating 8,000 miles away from home in alien territory.

Mr. President, one of the tragic aspects of this war is the growing terrorism on both sides.

I suspect that one of the prices we pay for an undeclared war is that it stays outside the scope of the application of international law that is applied in international conflicts.

Americans have certainly felt a growing sense of uneasiness about the use of our weapons to burn villages, destroy the jungle foliage, and wreak havoc on the Vietnamese countryside. All of this, however, has been accompanied by mounting terrorist activity by the Vietcong guerrillas.

I ask unanimous consent to have printed at this point in the RECORD a list of 12 recent acts of terrorism on the part of the Vietcong guerrillas directed primarily at U.S. personnel.

I request further that the article by Waverly Root reporting on Mr. Goldwater's comments printed in this morning's Washington Post be inserted at this point in the RECORD.

There being no objection, the list and news article were ordered to be printed in the RECORD, as follows:

INCIDENTS OF TERRORISM DIRECTED PRIMARILY AT U.S. PERSONNEL

1. On June 28, 1963, a bicycle bomb exploded near the wall of the MAAG compound in Saigon. A second similar incident followed by 10 minutes. Five U.S. personnel were injured.

2. On February 9, 1964, following a series of minor incidents, two bombs exploded under the bleachers of Pershing Field in Saigon. There were 2 U.S. personnel killed and 23 were injured.

3. A week later, on February 16, 1964, the U.S. movie theater in Saigon was attacked. The theater was heavily damaged. Three Americans were killed and 35 injured.

4. On August 12, 1964, a plastic bomb exploded on a bicycle at My Tho. Five Americans were wounded and three killed.

5. On August 25, 1964, the Caravelle Hotel in Saigon was bombed. There was extensive damage to the fifth floor but only one American was wounded.

6. On November 1, 1964, mortar fire delivered on the Bien Hoa Airfield killed 4 Americans and injured 72, while destroying many airplanes.

7. On Christmas Eve of 1964 the Brink Hotel in Saigon was bombed, killing 2 Americans and wounding 64 others. There was extensive damage and the hotel is now unoccupied.

8. On January 26, 1965, two time bombs exploded in MACV's secondary headquarters in Saigon but injured only one American.

9. On February 7, 1965, the Vietcong attacked the Pleiku compound killing 9 Americans and wounding 107.

10. On February 10, 1965, the Vietcong attacked the Qui Nhon U.S. enlisted men's billet. Twenty-three Americans were killed, 21 injured, and 7 Vietnamese were killed. The 4-story billet was destroyed.

11. On March 30, 1965, the U.S. Embassy in Saigon was bombed. Two Americans were killed and 48 wounded. Fourteen Vietnamese were killed and 106 wounded.

12. The most recent serious incident occurred on April 14, 1965, at Qui Nhon when an explosion was set off in U.S. ammunition storage. Thirty-one Americans were wounded in action, 13 of them by small arms fire which followed the explosion.

[From the Washington Post, Apr. 28, 1965]

BARRY SEES PEIPING FEAR OF ATTACK

(By Waverly Root, Washington Post foreign service)

PARIS, April 27.—Former Senator Barry Goldwater told 135 persons at the largest luncheon the Anglo-American Press Association has ever held today that he prays for Red China to provide provocations which would justify the United States attacking her atomic installations—but he doesn't think she will.

He also said he backed President Johnson's policy in Vietnam, that he did not expect nuclear weapons to be used there, and that while he doesn't expect to make another try for the presidency, he might run again for the Senate. But he said he found it rather pleasant to "stay home, play with my grandchildren, hunt and fish, humming 'Hail To The Chief.'"

The statement on China came in answer to the question of a British reporter who asked whether Goldwater would advocate attacking Chinese military, industrial, or atomic installations.

"Yes, if they give us provocation," Goldwater answered. "No, if they do not give us provocation. I rather pray that Red China would give us provocation to attack her military and atomic installations."

He added that "many peoples around the world would be happy to see China's nuclear capacity disappear."

RUSSIANS INCLUDED

He confirmed after his public speech that when he spoke of many peoples, he had Russians in mind among others.

Asked what would constitute sufficient provocation for attacking China, Goldwater said, "if China sends troops into South Vietnam or materiel in massive quantities."

He said this would not necessarily mean war. He said the United States could punish China from air or sea, where her strength is superior, but he would never favor sending ground troops in. "No country," he said, "can match China on the ground."

But he expressed the opinion that China will not provide provocation as he had defined it.

Asked by another British newspaperman how long the United States can keep China out of the United Nations, Goldwater said, "if it comes right down to it, I don't think we could keep her out very long."

He admitted the strength of the argument that a nation of 600 or 700 million is hard to ignore, but went on, "in the United States, this is a political question. If you want to get into trouble there, just advocate admitting Red China to the United Nations, or recognizing her."

"Do you agree with President Johnson's policy in South Vietnam?" Goldwater was asked.

JOHNSON SUPPORTED

"I have to say yes. My President has done the right thing, in the right way."

This came after Goldwater had introduced himself by saying, "If you don't know who I am, I'm the trigger-happy war-mongering * * * who proposed bombing the supply routes from North Vietnam. You're a statesman today when you propose that. I was a year too early."

Goldwater and Soviet Foreign Minister Andrei Gromyko were both on the town last night, playing an unperceived game of hide-and-seek, but so far as anyone knows their criss-crossing paths never intersected.

That was because they were pursuing widely different interests, both artistic. Gromyko was looking at the architectural gems of Paris and Goldwater was being tattooed.

LAST TATTOO

This took Gromyko to such magnificent sights of Paris as Notre Dame Cathedral and the Place de la Concorde, with fountain playing full blast, both floodlighted.

It took Goldwater to a narrow street climbing up the Montmartre hill behind the Pigalle Quarter. This is where you have to go to find one of the world's most famous tattoo artists, known by the single name of Bruno, whose weird working hours are 5 p.m. to 2 a.m.

Goldwater went there to have a Hopi Indian insignia near the base of his thumb completed. Member of a white man's association interested in Hopi folklore, Goldwater already had the first insignia—two little points symbolizing a snake bite. He also had the two dots, one below the other, beneath the bite mark, each of which signifies participation in a dance. After that you can dance and dance, but you earn no more dots. However, Goldwater was notified while here that he had just been named an honorary chief, which gives him the right to a half circle over the snake bite. He had it added last night.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MORTON. I was not present in the Chamber and did not hear the early part of the Senator's statement. Did the Senator quote from what Secretary McNamara said or what former Senator Goldwater said?

Mr. McGOVERN. The quotation was from an article appearing in today's Washington Post, under the byline of Waverly Root, and is attributed to former Senator Goldwater.

Mr. MORTON. I thought that perhaps it might have been Secretary McNamara.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Russell of South Carolina in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McGovern in the chair). Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. JAVITS. Mr. President, those of us who are proponents of the bill have found, in recent days, so much concentration of attention on the issue of the poll tax which, interestingly enough, is eliminated by bills pending in both this and the other body, that we thought it might be useful to discuss the matter again, to make our position clear on the Record, and to underline the fact that elimination of the poll tax would represent a really tangible and practical element of progress in the field of civil rights.

It is interesting to me that we have acted cautiously with respect to this problem in the past by adopting a constitutional amendment which eliminates it only as to Federal elections, but that we now find this half measure does not really cure the situation. For all practical purposes, the voter is still called upon to pay the poll tax.

I believe that it is fair to call the poll tax an anachronism. It is difficult to see how it can be defended by anyone except on the basis that the States should be permitted to do whatever they please in terms of defining as a qualification something which is not a qualification, or in terms of clinging to every vestigial institution, whatever it may be, including the poll tax, which places restrictions upon the voting right.

As a constitutional lawyer, it is my judgment—and I put into practice what I teach in theory, by introducing legislation to eliminate the poll tax by statute on previous occasions—that the poll tax can be eliminated by statute. This is central, I believe, to the theme of the majority on the Judiciary Committee which supported the amendment, that the poll tax in fact represents a burden on the voting right and an abridgment of the voting right within the context of the 15th amendment, and that as it has worked out it represents discrimination in favor of those who are economically able to pay and against those who are economically unable to pay.

(At this point Mr. Tydings took the chair as Presiding Officer.)

Mr. JAVITS. Mr. President, it has actually been used as an instrument to perpetuate abridgment of the right to register and vote, and therefore, both on the basis of law and practice—and the Supreme Court has always considered both—the poll tax should be abolished.

To those who would cite Breedlove against Suttles, which is the Georgia case which upheld a poll tax levied by a State, I would say two things: First, that case can be easily distinguished on the facts from the case now pending before the Supreme Court, Harper against the Virginia State Board of Elections, which will be argued this fall and undoubtedly decided reasonably soon thereafter. Second, the question of the 15th amendment was not even raised in Breedlove against Suttles.

Most of the States have repealed the poll tax. Only four States still have it.

The decisions by the Supreme Court in civil rights cases clearly indicate that the Court is interpreting the Constitution based upon the times in which the Constitution operates.

The case of Brown against the Board of Education, a landmark case, for all practical purposes reversed the separate-but-equal doctrine. This was also the case in sustaining the public accommodations section of the Civil Rights Act of 1964. This philosophy has been evident in other fields, in addition to the civil rights field.

If, on the contrary, we are to assume that the Supreme Court is static, we would still be citing the Dred Scott decision for basic propositions of law. However, the Supreme Court is not static, nor would the Constitution long survive if it were. Hence, I believe we are now reaching the point where there is real likelihood that the Court will declare the poll tax to be either an abridgement of the voting right under the 15th amendment, or a denial of equal protection of the laws under the 14th amendment—or both.

Mr. President, the question really is: Should Congress sit still with its hands folded, or should it not? I believe that it should not, and for this reason:

If we find that the poll tax is actually abridging the voting right—and I believe that is the burden of proof which must be borne by the proponents of the bill—I believe there is much more likelihood that the Court will sustain the action of Congress based upon its finding of fact than there is of a court proceeding academically based on facts in an individual case dealing with a poll tax to reverse the results of a previous decision.

I therefore conclude that there is a chance that the Court will hold that such a provision is constitutional. It is the duty of Congress to act, just as each of the three branches of government must do its duty.

This has been found to be the most practical plan under the Constitution. Where we are now seized again with leveling barriers to the voting right and as we again bear, without question, the burden of proof, Congress should do its duty.

I note the presence in the Chamber of the Senator from Massachusetts [Mr. Kennedy], who made a magnificent speech on this subject at the very opening of the debate on the pending bill, in connection with which he sponsored an amendment, which some of us on our side had the honor to support in the Committee on the Judiciary.

With his permission I shall quote certain conclusions, without again proving them, with respect to which we must bear the burden of proof.

An examination of his presentation indicates, first, that we must bear in mind the historic fact that it was admitted freely—in fact, it was stated to be the policy—in the poll tax States that the purpose of the poll tax was to restrict the franchise. This operated to a substantial extent against those who could least afford to pay the tax, who in most cases were Negroes in the States which imposed the tax.

Second, I believe that the speech of the Senator from Massachusetts made it clear that the poll tax has been used as an instrument of discrimination. Indeed, the Senator gave classic examples of the fact that restrictions were imposed as to where a person paid his poll tax. Often if he were a white man, he paid it to a prowling deputy sheriff; if the person were a Negro, he was required to pay it directly to the sheriff in the sheriff's office, which likely would be closed. Of course if the poll tax were not paid, the prospective voter would be disqualified. Since it is a dangerous business for Negroes to be out at night in some States, we can well imagine what chance a Negro would have under those conditions to find a place where he could pay his poll tax.

Another important point that was made in the Senator's speech was with respect to the disparity between the average per capita income of white families and the average per capita income of nonwhite families in the poll tax States. The smallest disparity is in the State of Virginia, where the difference between the per capita income of white families and nonwhite families is no more than half. In the States of Alabama, Mississippi, and Texas, the disparity is much wider, showing again that the utilization of the poll tax represents the greatest penalty against those who are least able to pay it.

Finally, I have argued—and did argue on in 1960 and in 1962—that the poll tax is not a qualification for voting. A poll tax does not tell anything about a man's ability or capability for voting, except that he can afford to pay the poll tax; and within our American system that is not a qualification with respect to whether a person should have the right to vote.

It was on that ground that I felt deeply, and still feel strongly, that the Supreme Court will sustain the constitutionality of our act in this respect. I derived considerable encouragement from the Supreme Court's announcement in the Harman case, which invalidated a section of Virginia law which substituted—and I shall explain in a moment why I use that word—for a poll tax in Federal elections a requirement for a witnessed or notarized residence certificate to be filed 6 months prior to the date of the election in order to qualify to vote.

The reason I use the word "substituted" is that this requirement was excused if the present State poll tax had been paid. The Supreme Court held it to be nothing but a substitute for the poll tax, which had been eliminated by constitutional amendment. It seems to me that the words used by Chief Justice Warren in respect to this matter are extremely pertinent. In the opinion by the Chief Justice, the Court held that the Virginia voting requirement is an illegal abridgment of the right to vote in Federal elections because it "exacted a price for the privilege of exercising the franchise."

It is very clear that this is the gravamen for the majority decision of the Court to sustain, based upon a finding of fact, the elimination of the poll tax in the pending bill. This proposition has had some support.

Let us remember that upon five occasions the House of Representatives has passed bills to eliminate the poll tax. In the Senate 37 Senators out of a Senate of 98 Members voted for a similar amendment in 1960. Thirty-four Senators—if we discount the technical situation, because they voted against a motion to table—voted for the same proposal in 1962. Many of the same Senators are still serving in the Senate and will be voting on the question again when it comes to a vote.

There remains one other point which I should like to make. We hear a great deal of talk in the corridors to the effect that the "liberals" are preparing to do something about a trade with respect to the poll tax and that perhaps they will trade it off against some other provision which does not suit them.

I am too old and have been too long in the Senate to make any rodomontade statements about trades. We know that every piece of legislation is the product of compromise. However, I take the greatest pride in the solidarity and effectiveness and the bipartisanship of those who have fought so long and so hard for this and other civil rights bills, and will continue to do so until an effective bill becomes law.

In saying what I do I merely evaluate what there is to trade.

In my opinion there is nothing to trade. A poll tax is an anachronism, a vestigial remnant of the past, which most Southern States do not care about. The State of Arkansas is in the process of eliminating it now. What could be more effective, in terms of meeting our responsibilities, than at long last to sweep it away and not allow it to survive a bill which is honestly seeking to level barriers to registration to voting.

Some are speculating that a trade will be made of the poll tax provision for the so-called 60-percent amendment. But as much as the 60-percent amendment was opposed, and will continue to be opposed in the Senate, the fact is that it carries a requirement that freedom from discrimination in voting must be shown before it could be used by any State or political subdivision to escape the provisions of the voting rights bill.

That at once puts the provision in a different category from the poll tax amendment. We are convinced that the poll tax would abridge and inhibit the exercise of the voting franchise, whereas at worst, if we should lose on the 60-percent amendment, there would still be a provision which would at least protect against current discrimination and denial of voting rights in a discriminatory way.

The point I wish to make is that these questions with which we are dealing are questions of deep conscience. We are dealing with a provision of law which inhibits voting by people in poor economic circumstances—on the whole, the very Negroes who have for so long been deprived of the right to vote—and we have the deep conviction that its elimination should become properly a part of the bill.

There should be no forensic and declamatory statements about deals. I cannot see why there should be any desire to trade off that provision against some other concession, for it is right and proper that the poll tax should be eliminated when we are trying to sweep away all the practices which have resulted in an abridgment of the 15th amendment voting right.

Mr. President, again I pay tribute to Senators in both parties who have been allied in the present struggle. I am confident that in every way they will endeavor to sustain the demands of conscience and really serve the fundamental purpose of the proposed legislation.

There is one other point that I should like to cover. It would be demeaning for the United States to lend itself to the collection of a poll tax as a condition of the right to vote. It is significant that in the original bill sent to the Congress by the administration that was exactly the responsibility imposed upon officers of the United States, the examiners specified in the bill, who would register for voting those who had been unlawfully denied the right to vote by States and their political subdivisions.

Mr. President, we were embarrassed by that provision. Every member of the committee who favors the bill on which I speak will state that we were literally embarrassed by the proposal that we enact a provision in which the United States would become the collection agent for the poll tax. Yet that was the dilemma in which we were cast, unless the tax could be eliminated.

So the bill before the Senate would end the embarrassment by cutting off the poll tax entirely. It is most significant, too, that in sustaining the administration position, the Attorney General argued the proposition that only 1 year's poll tax had to be paid by those registered by the examiners, notwithstanding how much in back poll taxes might be owed by such individuals, as computed under State law.

For example, under Virginia law there is a 3-year cumulative provision. It is my judgment that if under Federal law, in the judgment of the Attorney General, accumulated poll taxes imposed by State law could be reduced to 1 year's poll tax, the tax could be eliminated entirely.

The Attorney General justified his opinion on the ground that people had been denied the right to vote, and so they really did not owe a poll tax. But let us remember that it was the United States and not the State that was making that judgment. If the United States could make any judgment to reduce the poll tax, it could make a judgment to eliminate it.

I know that the President of the United States is very much in favor of the proposed legislation; but he said yesterday that his constitutional lawyers had some doubts about the constitutionality of what we are trying to do. I hope that he will consult those constitutional lawyers again. Having been a practicing lawyer for many years, I know that in the final analysis the client must make up his mind as to the businessman's risk, no matter what his lawyer advises him. In the final analysis the lawyer will tell his client, "If you really want to do this, I can tell you what the risks are. But, after all, you are the client, and if it is agreeable to you and it is ethical, you say so and we will do it."

I would hope that the President of the United States would think a little along that line. Since the poll tax amendment now seems to be a focal point of opposition to the bill, I would hope that the President would question his own constitutional lawyers, on the basis of the distinguished and very fine arguments which have been made, with factual background, by the Senator from Massachusetts [Mr. KENNEDY], the arguments which I made in the Senate in 1960 and in 1962, the fine argument by the Senator from Indiana [Mr. BAYH], the excellent argument by the Senator from Maryland [Mr. TYDINGS] and those made by other Senators, who, with all respect to the Attorney General and his people, are fairminded lawyers, too.

In the final analysis I hope that the President will feel that the poll tax is such an anachronism, and that the proposed provision is so essential to the true spirit of what we are trying to do, with the encouragement that we are getting from the cases and the attitude of the Supreme Court—even in a case decided today—with the factual basis being so strong for the removal of the poll tax, and in view of the strange position of the Attorney General that the poll tax could be cut down to 1 year but could not be eliminated, that the President will feel justified in saying, "I shall make the businessman's decision. I will back the bill all the way and will stand with you for the elimination of the poll tax."

For those reasons I have taken the floor today. I have done so in order to lay out our case, as it were. There will be plenty of opportunity for the President to give consideration to all that we have said and argued here, in fairness to our position, which was not taken lightly and was taken out of deep conviction. Interestingly enough, it is borne out by the position taken by the House as well, without any consultation with us. The House likes to proceed independently, as we all know, and quite properly so. It seems to me that the case calls for supporting the bill as it is, with the poll tax eliminated. I hope very much that, upon giving the point consideration, the President will be with us on that issue as he is so thoroughly in all other aspects of the bill.

I yield the floor.

Mr. McCLELLAN obtained the floor.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Massachusetts [Mr. KENNEDY] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, I appreciate the kindness of the distinguished Senator from Arkansas.

I rise to extend my very sincere congratulations once again to the Senator from New York [Mr. JAVITS], who has been in the forefront of the fight on the poll tax issue for many years, and before many of us entered this great Chamber. He fought for it equally well in the House of Representatives. I believe the Senator brings an experience, an understanding, and a commitment on this subject which are of great significance and importance. All of us who are identified in the present cause and in this fight appreciate his illuminating and constructive remarks on this question which has been open to many different understandings and many different interpretations. Once again, in the few minutes that have been permitted to him, the Senator from New York has expounded on the question with clarity and illumination. Once again he has made an effective presentation on an issue about which many of us in this Chamber feel strongly. I extend congratulations as well on behalf of other Senators on my side of the aisle who have worked with the Senator in constructing bipartisan support in the Judiciary Committee.

Mr. President, I believe that my colleagues in the Senate should take note of the decision by the Supreme Court yesterday, April 27, in the case of Harman against Forssenius. This was a case involving an attempt by the State of Virginia to undo the will of Congress and the States in outlawing the requirement of a poll tax as a prerequisite to vote in Federal elections. The State of Virginia attempted to cause a voter to file a notarized certificate of residence if he wished to exercise his constitutional right to vote in Federal elections without paying the poll tax.

The significance of this Supreme Court decision should be plain to those who have been questioning whether the Court would uphold congressional action to abolish all poll taxes that are tied to voting. The Supreme Court could have remained close to the specific issue at hand in the Virginia case, but significantly, it chose to delve deeply into the obnoxious nature of the poll tax.

In discussing the merits of the Virginia case, the Court again stressed that "the right to vote freely for the candidate of one's choice is of the essence of a democratic society and any restrictions on that right strike at the heart of representative government"—*Reynolds* v. *Simms*, 377 U.S. 533, 555. The Court went on to state that this voting right is fundamental "because preservation of all rights." *Yick Wo* v. *Hopkins*, 118 U.S. 356.

It is meaningful to me, Mr. President, that in order to strike down a plain attempt to evade the 24th amendment the Court saw fit to discuss all poll taxes in terms of their origin and current effect.

In looking at the poll tax in Virginia and its origins, the Court found that such taxes had been made a condition of voting in an atmosphere filled with prejudice and a firm resolve to disenfranchise Negroes. As the Court stated:

> The Virginia poll tax was born of a desire to disenfranchise the Negro. At the Virginia Constitutional Convention of 1902, the sponsor of the suffrage plan of which the poll tax was an integral part frankly expressed the purpose of the suffrage proposal:
>
> "Discrimination. Why, that is precisely what we propose; that, exactly, is what this convention was elected for—to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every Negro voter who can be gotten rid of legally, without materially impairing the numerical strength of the white electorate."

The Court plainly traced the long-frustrated attempts of Congress to act on such taxes in reaching yesterday's decision.

> Prior to the proposal of the 24th amendment in 1962 Federal legislation to eliminate poll taxes, either by constitutional amendment or statute, had been introduced in every Congress since 1939. The House of Representatives passed antipoll tax bills on five occasions and the Senate twice proposed constitutional amendments. Even though in 1962 only five States retained the poll tax as a voting requirement, Congress reflected widespread national concern with the characteristics of the tax. Disenchantment with the poll tax was many-faceted. One of the basic objections to the poll tax was that it exacted a price for the privilege of exercising the franchise. Congressional hearings and debates indicate a general repugnance to the disenfranchisement of the poor occasioned by failure to pay the tax.
>
> "While it is true that the amount of poll tax now required to be paid in the several States is small and imposes only a slight economical obstacle for any citizen who desires to qualify in order to vote, nevertheless, it is significant that the voting in poll tax States is relatively low as compared to the overall population which would be eligible. * * * The historical analysis * * * indicates that where the poll tax has been abandoned * * * voter participation increased." (H. Rept. House 1821, 87th Cong., 2d sess., p. 3.)
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> Another objection to the poll tax raised in the congressional hearings was that the tax usually had to be paid long before the election, at a time when political campaigns were still quiescent, which tended to eliminate from the franchise a substantial number of voters who did not plan so far ahead. The poll tax was also attacked as a vehicle for fraud which could be manipulated by political machines by financing block payments of the tax. In addition, and of primary concern to many, the poll tax was viewed as a requirement adopted with an eye to the disenfranchisement of Negroes and applied in a discriminatory manner.

Mr. President, I feel it most important to note that in this opinion it was made clear that the poll tax as tied to the constitutional right to vote has no standing before the Court when placed against the guarantees of the 14th and 15th amendments.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the decision by the Supreme Court of the United States in the case of Harman and others against Forssenius and others, decided yesterday, April 27, 1965.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

A. M. HARMAN, JR., ET AL., APPELLANTS, *v.* LARS FORSSENIUS, ET AL.

(Supreme Court of the United States, No. 360.—October Term, 1964, on Appeal From the U.S. District Court for the Eastern District of Virginia, April 27, 1965)

Mr. Chief Justice Warren delivered the opinion of the Court.

We are called upon in this case to construe, for the first time, the Twenty-fourth Amendment to the Constitution of the United States:

"The right of citizens of the United States to vote in any primary or other election for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

The precise issue is whether section 24–17.2 of the Virginia Code—which provides that in order to qualify to vote in Federal elections, one must either pay a poll tax or file a witnessed or notarized certificate of residence[1]—contravenes this command.

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[1] Va. Code Ann. § 24–17.2 (1964 Supp.) provides:

"Proof of residence required; how furnished.—

"(a) No person shall be deemed to have the qualifications of residency required by § 18 of the Constitution of Virginia and §§ 24–17 and 24–17.1 in any calendar year subsequent to that in which he registered under either § 24–67 or § 24–67.1, and shall not be entitled to vote in any election held in this State during any such subsequent calendar year, unless he has offered proof of continu-

Prior to the adoption of the Twenty-fourth Amendment, the Virginia Constitution (Art. II, secs. 18–20) and statutes (Va. Code Ann. secs. 24–17, 24–67 (1950)) established uniform standards for qualification for voting in both federal and state elections. The requirements were: (1) United States citizenship; (2) a minimum age of twenty-one; (3) residence in the State for one year, in the city or county for six months, and in the voting precinct for thirty days; and (4) payment "at least six months prior to the election . . . to the proper officer all State poll taxes [$1.50 annually] assessed or assessable against him for three years next preceding such election."[2] The statutes further provided for permanent registration.[3] Once registered, the voters could qualify for elections in subsequent years merely by paying the poll taxes.

In 1963, in anticipation of the promulgation of the Twenty-fourth Amendment, the Governor of Virginia convened a special session of the Virginia General Assembly. On November 21 of that year, the General Assembly enacted two Acts[4] designated—

"(1) to enable persons to register and vote in Federal elections without the payment of poll tax or other tax as required by the 24th Amendment to the Constitution of the United States, (2) to continue in effect in all other elections the present registration and voting requirements of the Constitution of Virginia, and (3) to provide methods by which all persons registered to vote in Federal or other elections may prove that they meet the residence requirements of Section 18 of the constitution of Virginia."[5]

No changes were made with regard to qualification for voting in state elections. With regard to federal elections, however, the payment of a poll tax as an absolute prerequisite to registration and voting was eliminated, and a provision was added requiring the federal voter to file a certificate of residence in each election year or, at his option, to pay the customary poll taxes. The statute provides that the certificate of residence must be filed no earlier than October 1 of the year immediately preceding that in which the voter desires to vote and not later than six months prior to the election. The voter must state in the certificate (which must be notarized or witnessed) his present address, that he is currently a resident of Virginia, that he has been a resident since the date of his registration, and that he does not presently intend to remove from the city or county of which he is a resident prior to the next general election. Va. Code Ann. sec. 24–17.2 (1964 Supp.). Thus, as a result of the 1963 Acts, a citizen after registration may vote in both federal and state elections upon the payment of all assessable poll taxes. Va. Code Ann. sec. 24–17 (1964 Supp.). If he has not paid such taxes he cannot vote in the state elections, and may vote in federal elections only upon filing a certificate of residence in each election year. Va. Code Ann. sec. 24–17.1, 24–17.2 (1964 Supp.).

The present appeal originated as two separate class actions, brought by appellees in the United States District Court for the Eastern District of Virginia, attacking the foregoing provisions of the 1963 Virginia legislation as violative of Art. I, section 2, of the Constitution of the United States, and the Fourteenth, Seventeenth, and Twenty-fourth Amendments thereto. The complaints, which prayed for declaratory and injunctive relief, named as defendants (appellants here) the three members of the Virginia State Board of Elections and, in one case, the County Treasurer of Roanoke County, Virginia, and, in the other, the Director of Finance of Fairfax County. The jurisdiction of the District Court was invoked pursuant to 28 United States Code 1331, 1343, 2201 (1958 ed.), and a court of three judges was convened pursuant to 28 United States Code 2281, 2284 (1958 ed.)

The District Court denied the State's motion to stay the proceedings in order to give the Virginia courts an opportunity to resolve the issues and interpret the statutes involved. The court further denied the State's motions to dismiss for failure to join indispensable parties, for failure to state a claim on which relief could be granted, and for want of a justiciable controversy.[6] On the merits, the District Court held that the certificate of residence requirement was "a distinct qualification" or at least an "increase [in] the quantum of necessary proof of residence" imposed solely on the federal voter, and that it therefore violated Art. I, section 2, and the Seventeenth Amendment, which provide that electors choosing a Representative or Senator in the Congress of the United States "shall have the qualifications requisite for electors of the most numerous branch of the State legislature." The court rejected the argument that the residency certificate was merely a method, like the poll tax, of proving the residence qualification which is imposed on both federal and state voters. Accordingly, the District Court entered an order declaring invalid the portions of the 1963 Virginia legislation which required the filing of a certificate of residence and enjoining appellants from requiring compliance by a voter with said portions of the 1963 Acts. We noted probable jurisdiction. 379 U.S. 810.

We hold that section 24–17.2 is repugnant to the Twenty-fourth Amendment and affirm the decision of the District Court on that basis. We therefore find it unnecessary to determine whether that section violates Art. 1, § 2, and the Seventeenth Amendment.

I

At the outset, we are faced with the State's contention that the District Court should have stayed the proceedings until the courts of Virginia had been afforded a reasonable opportunity to pass on underlying issues of state law and to construe the statutes involved. We hold that the District Court did not abuse its discretion in refusing to postpone the exercise of its jurisdiction.

In applying the doctrine of abstention, a federal district court is vested with discretion to decline to exercise or to postpone the exercise of its jurisdiction in deference to state court resolution of underlying issues of state law. *Railroad Comm'n* v. *Pullman Co.*, 312 U.S. 496.[7] Where resolution of the federal constitutional question is dependent upon, or may be materially altered by, the determination of an uncertain issue of state law, abstention may be proper in order to avoid unnecessary friction in federal-state relations, interference with important state functions, tentative decisions on questions of state law, and premature constitutional adjudication. E.g., *Railroad Comm'n* v. *Pullman Co., supra*. The doctrine, however, contemplates that deference to state court adjudication only be made where the issue of state law is uncertain. *Davis* v. *Mann*, 377 U.S. 678, 690; *McNeese* v. *Board of Education*, 373 U.S. 668, 673–674; *Chicago* v. *Atchison, T. & S. F. R. Co.*, 357 U.S. 77, 84.[8] If the state statute in question, although never interpreted by a state tribunal, is not fairly subject to an interpretation which will render unnecessary or substantially modify the federal constitutional question, it is the duty of the federal court to exercise its properly invoked jurisdiction. *Baggett* v. *Bullitt*, 377 U.S. 360, 375–379. Thus, "recognition of the role of state courts as the final expositors of state law implies no disregard for the primacy of the federal judiciary in deciding questions of federal law." *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 415–416.

The state statutes involved here are clear and unambiguous in all material respects.[9]

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ing residence by filing in person, or otherwise, a certificate of residence at the time and in the manner prescribed in paragraph (b) of this section, or, at his option, by personally paying to the proper officer, at least six months prior to any such election in which he offers to vote, all State poll taxes assessed or assessable against him for the three years next preceding that in which he offers to vote. Proof of continuing residence may only be established by either of such two methods.

"(b) Any person who shall offer proof of continuing residence by filing a certificate of residence as provided in paragraph (a) of this section, shall file with the treasurer of his county or city not earlier than the first of October of the year next preceding that in which he offers to vote and not later than six months prior to the election, a certificate in form substantially as follows:

"I do certify that I am now and have been a resident of Virginia since the date of my registration to vote under the laws of Virginia, that I am now a resident of -------- (city or county), residing at -------- (street and number, or place of residence therein), and that it is my present intention not to remove from the city or county stated herein prior to the next general election.

"------.

"Witnessed: ------, or

"Subscribed and sworn to before me this ---------- day of ----------, 19----.

"------,

"Notary Public."

[2] Members of the Armed Services are exempt from the poll tax requirement. Va. Code Ann. § 24–23.1 (1950).

[3] Va. Code Ann. §§ 24–52—24–119 (1950). Registration, effected by filing an application showing that the statutory requirements had been met (§ 24–68), was permanent. Thereafter, in order to qualify for subsequent elections, the voter merely had to pay the assessed poll taxes (unless, of course, his name had been removed from the registration lists for, *inter alia*, failure to meet the statutory and constitutional requirements (§§ 24–94—24–96)).

[4] Va. Acts, 1963 Extra Sess., cc. 1 and 2. Chapter 2 is now codified in Title 24 of the Virginia Code. Chapter 1—Applicable to 1964 elections only—has not been codified.

[5] Va. Acts, 1963 Extra Sess., c. 2, § 1(a).

[6] The motion to dismiss for failure to state a claim on which relief could be granted and for failure to set forth a justiciable controversy was directed solely at the complaint of appellee Henderson, who was registered and had already paid his poll tax. The District Court was patently correct in rejecting the State's argument that appellee Henderson lacked standing to maintain this action. *Gray* v. *Sanders*, 372 U.S. 368, 374–376; *Baker* v. *Carr*, 369 U.S. 186, 204–208.

[7] See *Hostetter* v. *Idlewild Bon Voyage Liquor Corp.*, 377 U.S. 324, 328–329; *Baggett* v. *Bullitt*, 377 U.S. 360, 375; *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 415–416.

[8] To the same effect, see *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 415–416; *United Gas Pipe Line Co.* v. *Ideal Cement Co.*, 369 U.S. 134, 135–136; *Spector Motor Service, Inc.* v. *McLaughlin*, 323 U.S. 101, 105.

[9] The only ambiguity discussed in the briefs of the parties or developed during argument concerned the question whether § 24–17.2 required the voter to secure a prepared certificate of residence from local election officials or whether he could personally prepare one "in form substantially" as set forth in the statute. We do not regard this as a material ambiguity having any effect on the constitutional question and accept, for the purposes of this decision, the State's assertion that the voter may secure such a

While the State suggests that the Virginia tribunals are "unquestionably far better equipped than the lower [federal] court to unravel the skeins of local law and administrative practices in which the Appellee's claims are entangled,"[10] the State does not point to any provision in the challenged statutes which leaves "reasonable room for a construction by the Virginia courts which might avoid in whole or in part the necessity for federal constitutional adjudication, or at least materially change the nature of the problem." *Harrison* v. *NAACP*, 360 U.S. 167, 177.

In spite of the clarity of the 1963 legislation, the State argues that the District Court should have abstained on the ground that if the certificate of residence requirement were found to be a qualification distinct from those specified in the Virginia Constitution, it would be invalid as a matter of Virginia law and "a crucial federal constitutional issue would accordingly disappear from the case." We find little force in this argument. The section of the Virginia Constitution (Art. II, sec. 18) on which the State relies expressly limits the franchise to citizens who have met certain residency requirements.[11] The statute in issue, section 24–17.2, requires the voter to certify that he meets those residence requirements. It is thus difficult to envisage how section 24–17.2 could be construed as setting forth a qualification not found in the Virginia Constitution.[12]

In addition to the clarity of Virginia statutes in issue, support for the District Court's refusal to stay the proceedings is found in the nature of the constitutional deprivation alleged and the probable consequences of abstaining. *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218, 229; *Baggett* v. *Bullitt*, 377 U.S. 360, 375–379. The District Court was faced with two class actions attacking a statutory scheme allegedly impairing the right to vote in violation of Art. I, sec. 2, and the Fourteenth, Seventeenth and Twenty-fourth Amendments. As this Court has stressed on numerous occasions, "the right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." *Reynolds* v. *Sims*, 377 U.S. 533, 555. The right is fundamental "because preservative of all rights." *Yick Wo* v. *Hopkins*, 118 U.S. 356, 370. In appraising the motion to stay proceedings, the District Court was thus faced with a claimed impairment of the fundamental civil rights of a broad class of citizens. The motion was heard about two months prior to the deadline for meeting the statutory requirements and just eight months before the 1964 general elections. Given the importance and immediacy of the problem, and the delay inherent in referring questions of state law to state tribunals,[13] it is evident that the District Court did not abuse its discretion in refusing to abstain. *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218, 229; *Baggett* v. *Bullitt*, 377 U.S. 360, 375–379.[14]

Reaching the merits, it is important to emphasize that the question presented is not whether it would be within a State's power to abolish entirely the poll tax and require all voters—state and federal—to file annually a certificate of residence. Rather, the issue here is whether the State of Virginia may constitutionally confront the federal voter with a requirement that he either pay the customary poll taxes as required for state elections or file a certificate of residence. We conclude that this requirement constitutes an abridgement of the right to vote in federal elections in contravention of the Twenty-fourth Amendment.

Prior to the proposal of the Twenty-fourth Amendment in 1962, federal legislation to eliminate poll taxes, either by constitutional amendment or statute, had been introduced in every Congress since 1939. The House of Representatives passed anti-poll tax bills on five occasions and the Senate twice proposed constitutional amendments.[15] Even though in 1962 only five States retained the poll tax as a voting requirement, Congress reflected widespread national concern with the characteristics of the tax. Disenchantment with the poll tax was many-faceted.[16] One of the basic objections to the poll tax was that it exacted a price for the privilege of exercising the franchise. Congressional hearings and debates indicate a general repugnance to the disenfranchisement of the poor occasioned by failure to pay the tax.[17]

"While it is true that the amount of poll tax now required to be paid in the several States is small and imposes only a slight economical obstacle for any citizen who desires to qualify in order to vote, nevertheless, it is significant that the voting in poll tax States is relatively low as compared to the overall population which would be eligible. . . . [T]he historical analysis . . . indicates that where the poll tax has been abandoned . . . voter participation increased." H.R. Rep. No. 1821, 87th Cong., 2d Sess., p. 3.

Another objection to the poll tax raised in the congressional hearings was that the tax usually had to be paid long before the election—at a time when political campaigns were still quiescent—which tended to eliminate from the franchise a substantial number of voters who did not plan so far ahead.[18] The poll tax was also attacked as a vehicle for fraud which could be manipulated by political machines by financing block payments of the tax.[19] In addition, and of primary concern to many, the poll tax was viewed as a requirement adopted with an eye to the disenfranchisement of Negroes and applied in a discriminatory manner.[20] It is against this background that Congress proposed, and three-fourths of the States ratified, the Twenty-fourth Amendment abolishing the poll tax as a requirement for voting in federal elections.

Upon adoption of the Amendment, of course, no State could condition the federal franchise upon payment of a poll tax. The State of Virginia accordingly removed the poll tax as an absolute prerequisite to qualification for voting in federal elections, but in its stead substituted a provision whereby the federal voter could qualify either by paying the customary poll tax or by filing a certificate of residence six months before the election.

It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution. *Frost & Frost Trucking Co.* v. *Railroad Comm'n of California*, 271 U.S. 583. "Constitutional rights would be of little value if they could be * * * indirectly denied," *Smith* v. *Allwright*, 321 U.S. 649, 664, or "manipulated out of existence." *Gomillion* v. *Lightfoot*, 364 U.S. 339, 345. Significantly, the Twenty-fourth Amendment does not merely insure that the franchise shall not be "denied" by reason of failure to pay the poll tax; it expressly guarantees that the right to vote shall not be "denied or abridged" for that reason. Thus, like the

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form from local election officials or prepare one according to the statutory description. Post, p. 13.

[10] The State also argues that since the States are empowered by Art. I, § 2, Art. II, § 1, and the Seventeenth Amendment to create voter qualifications for federal elections, the question whether a state statutory enactment creates a voter qualification must initially be referred to the state tribunals. True, "[t]he States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised." *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45, 50. *Pope* v. *Williams*, 193 U.S. 621, 633; *Mason* v. *Missouri*, 179 U.S. 328, 335. The right to vote, however, is constitutionally protected, *Ex parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 664; and the conditions imposed by the States upon that right must not contravene any constitutional provision or congressional restriction enacted pursuant to constitutional power. *Carrington* v. *Rash*, — U.S. —, —; *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45, 50–51; *United States* v. *Classic*, 313 U.S. 299, 315. The question presented in this case—whether the Virginia statute imposes a condition upon the franchise which violates the United States Constitution—is thus quite clearly a federal question. The precise nature of the condition imposed is, of course, a question of Virginia law. However, the statutory requirement is clear and unambiguous, and the sole question remaining is whether the state requirement is valid under the Federal Constitution.

[11] Va. Const., Art. II, § 18, sets forth as a qualification for voting: residency in the State for one year, in the city or county six months, and in the voting precinct thirty days.

[12] Moreover, the State cites no Virginia decisions in support of its contention that the requirement might constitute an impermissible "qualification" according to Virginia law.

[13] See *Baggett* v. *Bullitt*, 377 U.S. 360, 378–379; *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 425–426 (Douglas, J., concurring).

[14] The State also asserts that the District Court erred in denying its motion to dismiss for failure to join indispensable parties. The argument is that the relief requested in the complaints was an injunction against the enforcement of all provisions of the 1963 legislation, which included a system for separate registration of State and Federal voters. Va. Code Ann. §§ 24–67, 24–67.1 (1964 Supp.). Since registration in Virginia is entrusted to local registrars, the State argues, their joinder was essential in order to effect the relief requested. *Williams* v. *Fanning*, 332 U.S. 490, 493–494.

While the State is correct in asserting that the complaints were phrased broadly enough to encompass all portions of the 1963 Acts, the District Court was certainly warranted in concluding that the basic aim of the complaints was to secure relief from the certificate of residence requirement. The named defendants were clearly capable of effecting this relief and hence the District Court did not err in denying the motion to dismiss. *Ceballos* v. *Shaughnessy*, 352 U.S. 599, 603–604. Moreover, even accepting the State's broad construction of the complaints, it is apparent that, given the State Board of Election's power to supervise and to insure "legality" in the election process (Va. Code Ann. §§ 24–25, 24–26, 24–27 (1950)), the local registrars were not indispensable parties. See *Louisiana* v. *United States*, — U.S. —, —, n. 10.

[15] H. R. Rep. No. 1821, 87th Cong., 2d Sess., p. 2.

[16] See generally Ogden, The Poll Tax in the South (1958).

[17] See, e.g., Hearings before Subcommittee No. 5 of the House Committee on the Judiciary on Amendments to Abolish Tax and Property Qualifications for Electors in Federal Elections, 87th Cong., 2d Sess., 14–22, 48–58 (hereinafter cited as House Hearings); Hearings before a Subcommittee of the Senate Committee on the Judiciary on S.J. Res. 29, 33 (hereinafter cited as Senate Hearings).

[18] See, e.g., House Hearings 14–15. See generally Ogden, supra, note 16, at 44–52.

[19] See Ogden, supra, note 16, at 59–110.

[20] See House Hearings 14–22, 26–27, 48–58; Senate Hearings 33.

Fifteenth Amendment, the Twenty-fourth "nullifies sophisticated as well as simple-minded modes" of impairing the right guaranteed. *Lane* v. *Wilson,* 307 U.S. 268, 275. "It hits onerous procedural requirements which effectively handicap exercise of the franchise" by those claiming the constitutional immunity. *Lane* v. *Wilson, supra;* cf. *Gray* v. *Johnson,* 234 F. Supp. 743 (D.C.S.D. Miss.).

Thus, in order to demonstrate the invalidity of section 24-17.2 of the Virginia Code, it need only be shown that it imposes a material requirement solely upon those who refuse to surrender their constitutional right to vote in federal elections without paying a poll tax. Section 24-17.2 unquestionably erects a real obstacle to voting in federal elections for those who assert their constitutional exemption from the poll tax. As previously indicated, the requirement for those who wish to participate in federal elections without paying the poll tax is that they file in each election year, within a stated interval ending six months before the election, a notarized or witnessed certificate attesting that they have been continuous residents of the State since the date of registration (which might have been many years before under Virginia's system of permanent registration) and that they do not presently intend to leave the city or county in which they reside prior to the forthcoming election. Unlike the poll tax bill which is sent to the voter's residence, it is not entirely clear how one obtains the necessary certificate. The statutes merely provide for the distribution of the forms to city and county court clerks, and for further distribution to local registrars and election officials. Va. Code Ann. section 24-28.1 (1964 Supp.). Construing the statutes in the manner least burdensome to the voter, it would seem that the voter could either obtain the certificate of residence from local election officials or prepare personally "a certificate in form substantially" as set forth in the statute. The certificate must then be filed "in person, or otherwise" with the city or county treasurer. This is plainly a cumbersome procedure. In effect, it amounts to annual re-registration which Virginia officials have sharply contrasted with the "simple" poll tax system.[21] For many, it would probably seem far preferable to mail in the poll tax payment upon receipt of the bill. In addition, the certificate must be filed six months before the election, thus perpetuating one of the disenfranchising characteristics of the poll tax which the Twenty-fourth Amendment was designed to eliminate. We are thus constrained to hold that the requirement imposed upon the voter who refuses to pay the poll tax constitutes an abridgment of his right to vote by reason of failure to pay the poll tax.

The requirement imposed upon those who reject the poll tax method of qualifying would not be saved even if it could be said that it is no more onerous, or even somewhat less onerous, than the poll tax. For federal elections, the poll tax is abolished absolutely as a prerequisite to voting, and no equivalent or milder substitute may be imposed. Any material requirement imposed upon the federal voter solely because of his refusal to waive the constitutional immunity subverts the effectiveness of the Twenty-fourth Amendment and must fall under its ban.

Nor may the statutory scheme be saved, as the State asserts, on the ground that the certificate is a necessary substitute method of proving residence, serving the same function as the poll tax. As this Court has held in analogous situations, constitutional deprivations may not be justified by some remote administrative benefit to the State. *Carrington* v. *Rash,* — U.S. —, —; *Oyama* v. *California,* 332 U.S. 633, 646-647. Moreover, in this case the State has not demonstrated that the alternative requirement is in any sense necessary to the proper administration of its election laws. The forty-six States which do not require the payment of poll taxes have apparently found no great administrative burden in insuring that the electorate is limited to bona fide residents. The availability of numerous devices to enforce valid residence requirements—such as registration, use of the criminal sanction, purging of registration lists, challenges and oaths, public scrutiny by candidates and other interested parties—demonstrates quite clearly the lack of necessity for imposing a requirement whereby persons desiring to vote in federal elections must either pay a poll tax or file a certificate of residence six months prior to the election.

The Virginia poll tax was born of a desire to disenfranchise the Negro.[22] At the Virginia Constitutional Convention of 1902, the sponsor of the suffrage plan of which the poll tax was an integral part frankly expressed the purpose of the suffrage proposal:

"Discrimination! Why, that is precisely what we propose; that, exactly, is what this Convention was elected for—to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate."[23]

The poll tax was later characterized by the Virginia Supreme Court of Appeals as a device limiting "the right of suffrage to those who took sufficient interest in the affairs of the State to qualify themselves to vote." *Campbell* v. *Goode,* 172 Va. 463, 466, 2 S.E. 2d 456, 457. Whether, as the State contends, the payment of the poll tax is also a reliable indicium of continuing residence need not be decided, for even if the poll tax has served such an evidentiary function, the confrontation of the Federal voter with a requirement that he either continue to pay the customary poll tax or file a certificate of residence could not be sustained. For Federal elections the poll tax, regardless of the services it performs was abolished by the 24th amendment. That amendment was also designed to absolve all requirements impairing the right to vote in Federal elections by reason of failure to pay the poll tax. Section 24-17.2 of the Virginia Code falls within this proscription.

The judgment of the district ocurt is affirmed.

Mr. Justice Harlan agrees with this opinion insofar as it rests on the proposition that the 24th amendment forbids the use of a State poll tax for any purpose whatever in determining voter qualifications in all elections for Federal office. He also agrees that this is not a case for application of the abstention doctrine.

Mr. JAVITS. Mr. President, I thank the Senator from Massachusetts for his customary graciousness. He has brought much talent, energy, and new blood to this fight.

Mr. KENNEDY of Massachusetts. I thank the Senator from New York.

I appreciate the kindness and understanding of the Senator from Arkansas in yielding to me.

Mr. McCLELLAN. Mr. President, although Arkansas was mentioned in the remarks of the distinguished Senator from New York [Mr. JAVITS] in connection with the poll tax, the RECORD should show that the Civil Rights Commission, which made its investigation throughout the Nation in 1957, reported with respect to Arkansas, among some other States, as follows:

> Negroes now appear to encounter no significant racially motivated impediment to voting in 4 of the 12 Southern States.

Among the four States mentioned is Arkansas. I wish to emphasize that so far as Arkansas and the poll tax issue are concerned, the poll tax proposal is somewhat of a carryover from the feeling of antagonism to the tax and to the States that had it for several years before the constitutional amendment was adopted.

Having the poll tax provision in the bill cannot make the bill much worse than it is. We might as well have it in the bill as a bad feature among the other bad features in the bill. It merely contributes to making the bill a bad bill. Leaving it out would not improve the bill greatly.

Mr. JAVITS. I shall not endeavor to debate the Senator at this moment; but the Senator from Arkansas might enlighten us if he would tell us the reason for the elimination of the poll tax by the State of Arkansas by a constitutional amendment. The argument made to the people of the State must have been persuasive to induce them to do that.

Mr. McCLELLAN. There was no real inducement other than the attitude in Congress to pass a joint resolution to submit an amendment to the Federal Constitution. It was not that important to Arkansas. Our poll tax was used primarily to educate the children of Arkansas. Every poor child, about whom many crocodile tears have been shed concerning education, was able to get the benefit of an education by means of the poll tax. Every penny of the tax went into the common school fund; and the common school fund was allocated on the basis of school population.

So all that has been accomplished in Arkansas by removing the school tax has been to deprive the common school fund of that much money. Nothing else has been accomplished so far as voting is concerned. The Negro voted before the abolishment of the poll tax, as he will do in the future. I am speaking with respect to discrimination. No white person voted without the payment of his poll tax; no Negro voted without the payment of his poll tax.

I do not believe that any great sin or great breach of individual liberty is committed by requiring a citizen to make some contribution to his government in order to have the right to vote. The Senator from New York [Mr. JAVITS] disagrees with me. I do not believe it is an oppression to say to every citizen, "Contribute something to your government if you want to have a voice in it." The payment of $1 to a common school fund to educate children was the minimum contribution we could think of that should be required as a financial contribution.

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[21] See, e.g., the testimony of Judge William Old before the House Judiciary Committee, defending the poll tax as enabling Virginia "to avoid the burdensome necessity for anual registration." House Hearings 81. See also id., at 98-99 (Attorney General Button); CONGRESSIONAL RECORD, vol. 108, pt. 4, p. 4532 (Senator BYRD); CONGRESSIONAL RECORD, vol. 108, pt. 4, p. 4641 (Senator ROBERTSON); R. 73, 76 (Governor Harrison).

[22] See 2 Virginia Constitutional Convention (Proceedings and Debates, 1901-1902) 2937-3080.

[23] Statement of the Honorable Carter Glass, id., at 3076-3077. This statement was characteristic of the entire debate on the suffrage issue; the only real controversy was whether the provisions eventually adopted were sufficient to accomplish the disenfranchisement of the Negro. See id., at 2937-3080.

But Arkansas no longer has a poll tax. It does not matter. I merely point out that in Arkansas the poll tax did not operate as the opponents of poll taxes claim it does.

Merely because of the national clamor, which was a great deal of fuss and feathers about practically nothing, so far as Arkansas was concerned, we have repealed the poll tax. Arkansas no longer receives that revenue.

But Congress has passed a bill to provide Federal aid to education to make up the deficit. A few people will not pay, but they will vote, and their vote will cancel the votes of people who are energetic and who do pay to support their schools. Their votes will cancel the votes of those who have an interest and who make their contributions. That is what will happen if the poll tax is abolished.

The poll tax has been abolished in Federal elections. Now it is necessary to come to the Federal Treasury to obtain funds for education. In all probability, the national debt will have to be increased to finance the very activity from which we have taken support by the abolition of the poll tax.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, may I ask the Senator from Arkansas whether he believes that the reason for the elimination of the poll tax was the fact that it was considered impractical to use the poll tax in State elections since it was barred in Federal elections by a constitutional amendment?

Mr. McCLELLAN. That fact did make it more complicated. However, we were not wedded to using the poll tax as an instrument of discrimination. It was not used for that purpose.

In my campaign I urged people to pay their poll tax and vote. Everyone knows my position on these issues. We conducted campaigns to urge people to pay their poll tax and come out to vote.

The practice of discrimination has not prevailed in Arkansas. If so, it was in some very isolated community or area, not in the State as a whole, and not by the State leaders or responsible State officials.

With that little preliminary comment, I shall now proceed to discuss the bill. Actually, there is no necessity for this arbitrary, unjust, vindictive, punitive, and unconstitutional measure to be before the Senate.

The opportunity to vote in Arkansas is available to all qualified citizens. They not only have the opportunity to vote in any and all elections, but they are solicited and urged to do so. Even when we had the poll tax as a qualification for voting, people of all races were encouraged to qualify and to participate in every election. We no longer have the poll tax. We no longer require the payment of a poll tax as a prerequisite to voting. We now have in my State a new registration law which requires only the voter's name, his legal residence, place and date of birth, the voter's signature, or mark or cross if he is unable to sign, and an affirmation that the voter has all the qualifications that the Arkansas law requires.

The Arkansas registration law is most liberal, more generous toward the individuals' right to vote, and more considerate of that right from the standpoint of a liberal philosophy than are the laws of a number of States which are not affected by the bill as it is now written, or the laws of a number of States whose Senators are here undertaking, by the provisions of this bill, to drag Arkansas into a situation in which Federal registrars and examiners can be sent to one or two counties in Arkansas.

That is the reason I say that the bill is an arbitrary, unjust, vindictive, and punitive measure. If we were consciously trying to have uniform voting requirements in the United States, with the same qualifications prevailing in Pennsylvania, Ohio, Illinois, and other States that prevailed in Arkansas or any Southern State, we would have written some provision into the bill to include those States, rather than seek to place provisions in the bill which are calculated to reflect upon the section of the country from which I come.

The attitude of the people of Arkansas on the right to vote is reflected by their adoption of this new registration law. Styled "Voter Registration Without Poll Tax Payment," the new requirements were in the form of an amendment to the Arkansas Constitution. It provides a simple means of permanent registration for all legally qualified voters in our State, without a literacy test.

I have no objection to literacy tests. I believe there should be literacy tests. I do not believe that morons or criminals should have a right to vote. People who violate the law of the land and commit high crimes—and particularly those who are habitual criminals—in my judgment, forfeit their right to vote, if equity and justice is to prevail.

In Arkansas, we do not even require a literacy test. People do not even have to be able to read or write. However, literacy tests are required in some States which, by reason of the statistical mechanism of this bill, are exempted from the provisions of the bill.

This new law became effective on January 1 of this year. I hope that the Senate will look with favor upon an amendment to be offered later by my distinguished colleague the junior Senator from Arkansas and myself, to suspend, so far as Arkansas is concerned, the operation of the pending measure for a sufficient period of time to allow Arkansas an opportunity to test its new registration law.

If there is any sense of fairness and equity about this proposal, a State which has already gone almost to the extreme to place itself beyond any possible justification of criticism, a State that has the voting record that Arkansas has, a record of nondiscrimination, ought not to be singled out and penalized and held up to ridicule as the provisions of this bill propose to do.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ERVIN. Mr. President, do not 21 States, out of the 50 States of the Union, have literacy tests?

Mr. McCLELLAN. Mr. President, I think that my distinguished friend is correct. He is more familiar with it than I am. He has made a deeper study of it.

Mr. ERVIN. Mr. President, can the Senator from Arkansas reconcile with common fairness and common justice, the proposition contained in this bill that literacy tests be outlawed in 7 Southern States, but permitted in 14 Northern and Western States?

Mr. McCLELLAN. It cannot be rationalized unless, as I said, the bill is intended to be punitive.

Mr. ERVIN. I would like to ask the Senator if the Supreme Court of the United States has not held in a number of cases that the United States is a union of States of equal dignity and power.

Mr. McCLELLAN. That was the letter and spirit and intent of the Constitution adopted by our Founding Fathers, but the letter, intent, and spirit of our Founding Fathers have been frequently, as in this instance, disregarded.

Mr. ERVIN. I would like to ask the Senator from Arkansas if he agrees with the Senator from North Carolina in this proposition: That there is no constitutional way in which one can reconcile forbidding 7 Southern States to use a literacy test and permitting 14 Northern and Western States to so?

Mr. McCLELLAN. I agree with the Senator, but that is the way we are proceeding in this instance. As I pointed out, this is an arbitrary measure. It is not intended to be equal all over the Nation. If it were, there would not be any interest, of any consequence, on the floor of the Senate over this measure. There would not be this effort if the measure attempted to equalize the situation all over the Nation. That is not the purpose of the bill. The one purpose is to single out a few States in the Union in an attempt to hold them up to public ridicule. Remove that, and there is no motivation behind the bill that would bring it to the status it is in today.

Mr. ERVIN. I would like to ask the Senator from Arkansas if he agrees with the Senator from North Carolina that there is no way in which one can reconcile depriving 7 States of the right to use literacy tests and permitting 14 other States to use literacy tests with the constitutional doctrine that the United States is a union of States of equal dignity and power.

Mr. McCLELLAN. The Senator is eminently correct, but there are those who do not want the South to be equal in dignity and power. Therefore, we have this effort to try to single out the South and try to enact a law which is calculated to embarrass them. I refuse to be embarrassed; I do not care what kind of law is enacted. I know that, in order to do this, an unconstitutional law must be enacted. I would rather be right on the issue and refuse to be embarrassed than to have the dubious victory that the proponents of this measure possibly will achieve.

Mr. ERVIN. I ask the Senator from Arkansas if he does not agree with the Senator from North Carolina that the decisions of the U.S. Supreme Court interpreting the Constitution make it plain that this bill is inconsistent with several provisions of the Constitution.

Mr. McCLELLAN. I do.

Mr. ERVIN. I ask the distinguished Senator from Arkansas if the bill does not propose to suspend the constitutional powers of the State to levy poll taxes and to employ literacy tests.

Mr. McCLELLAN. That is what the bill seeks to do. Therefore, as I have said before, and will say again in this discussion, it is usurpation of powers that were reserved to the States, and never delegated to the Federal Government. They were powers that were reserved to the people. Yet, we propose to arrogate to the Congress the legislative authority to enact this character of legislation to interfere with powers that were reserved to the States and to the people thereof.

Mr. ERVIN. I ask the Senator from Arkansas if he agrees with the Senator from North Carolina that there is not a single provision in the Constitution of the United States which authorizes the Congress to suspend for even a moment a provision of the Constitution of the United States.

Mr. McCLELLAN. I do not believe Congress has any power to suspend it, but I am not sure that the Supreme Court would not undertake to uphold that authority, because it has gone so far astray in this particular area of government, and in the field of the authority and power of the jurisdiction of the States, that I would not be surprised at any decision that might be made involving an action of Congress in transgressing the rights of the States and arrogating to itself the right to usurp the powers of the States that were reserved to them by the Federal Constitution.

Mr. ERVIN. I ask the Senator from Arkansas if he does not agree with the Senator from North Carolina that the bill is absolutely inconsistent with the statement of Chief Justice Salmon P. Chase in Texas against White that the Constitution in all its provisions looks to an indestructible Union composed of indestructible States.

Mr. McCLELLAN. That is the theory upon which this Republic was founded, but that theory is being perverted in practice. It is being accomplished by this character of legislation.

The constitutional amendment adopted by the people of Arkansas last year also provides that all persons may register who:

First, are qualified electors and who have not previously registered;

Second, or will become qualified electors during the 20-day period immediately prior to the next election scheduled within the county; or

Third, are qualified electors but whose registration has been canceled or is subject to cancellation as provided by the new amendment.

In addition, the amendment provides that eligible voters may register at any time after the effective date of the amendment at the office of the permanent registrar and at any other place or places within the county as are designated by the permanent registrar. Provision is also made for registrars to call upon the residences of persons eligible to register but unable to do so in person because of sickness or physical disability. Also, provision is made for all persons in the Armed Forces, who are otherwise eligible, to vote without registration by absentee ballot. General absentee balloting is permitted.

Mr. President, the new registration law of Arkansas is simple and liberal, and I would hope that we would be given a chance to implement it without Federal interference.

As I pointed out, this registration law permits voting with less restriction in my State than is the case with respect to requirements and restrictions imposed in other States, from which States certain Senators are clamoring to pass a bill which would single out my State, along with others, in an effort to impose the will of the majority here upon the people there. Instead of that kind of punitive action toward the people of Arkansas, those people should be commended, not condemned or punished, as this voting rights bill as amended by the Judiciary Committee seeks to do.

The pending bill as amended in committee by motion of the senior Senator from New York is a specific effort to punish Arkansas—and a few other Southern States not covered in the original bill—despite the good faith shown by our present registration law. And despite the fact that the Commission on Civil Rights reported that:

> Negroes now appear to encounter no significant racially motivated impediments to voting in Arkansas (Commission on Civil Rights, Report on Voting, 1961, p. 22).

The amendment, adopted on motion by the senior Senator from New York, provides that if the Director of the Census determines by a survey made at the request of the Attorney General that the total number of persons of any race or color who are registered to vote in any State or subdivision is less than 25 percent of the total number of all persons of such race or color of voting age residing in such State or subdivision, then the penalties of this bill shall apply. According to figures compiled by the Civil Rights Commission—which I am confident are very inaccurate with respect to Arkansas—seven counties in Arkansas would be covered by this amendment, provided, of course, that a subsequent survey substantiated the Commission's figures.

Five of the seven Arkansas counties that would apparently be caught in the net of this amendment had more than 23 percent—and this is according to the report of the Civil Rights Commission, not based on any facts—of its colored eligible voters registered, so it is obvious that this provision was contrived deliberately out of prejudicial motivation and animosity against the South.

To show that these figures are not accurate and that very little care was used in obtaining them, one of the counties out of the seven counties in Arkansas proposed to be brought in under the provisions of the amendment, Crittenden County, is shown to have had 13.8 percent of its qualified Negroes as voting; Cross County is shown as having had 23.1 percent of its qualified Negroes voting; Independence County was shown as having 23.4 percent of its qualified Negroes as voting; Lee County is shown as having 24.1 percent of its qualified Negroes as voting; Poinsett County was shown to have 23.3 percent of its qualified Negroes as voting; Pope County was shown as having 24.3 percent of its qualified Negroes as voting; and Washington County was shown as having 3.9 percent of its qualified Negroes voting.

I point out the inaccuracies in the report, because in Lee County, where the report shows only 24.1 percent of its Negroes as voting, I give the figures accurately. In Lee County in 1964, 2,946 white people and 2,212 colored people were registered. That makes a total of 5,158 people in the county who were registered and eligible to vote. A total of 4,011 voted in the presidential election—50 or 60 more than that voted in the Governor's election—4,011 voted in the presidential election. Assuming that every one of the 2,946 white persons who were eligible to vote actually did vote—they did not, of course—it would still leave 27 percent of the Negroes voting.

At least 35 or 40 percent of those people voted. Yet under the terms of the bill, particularly the statistical provisions, that county would be caught in the dragnet.

I do not know about Washington County. That is the county in which my colleague lives. I have never heard of a Negro being denied the right to vote in that county. I have not checked it. I do not know whether the percentages stated are correct. I am sure that my colleague from Arkansas would have more information about that than I have. But I have pointed out that there are five counties that the sponsors of the bill wish to drag in, counties in which the percentage is less than 2 percent of the margin stated, even according to the Civil Rights Commission, which obviously is wrong, as I pointed out with relation to one of the counties for which I obtained figures.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to my colleague from Arkansas.

Mr. FULBRIGHT. I thoroughly approve of what the Senator has said about Arkansas. He knows there have been other critical remarks about other counties in the State which were not based upon fact.

Mr. McCLELLAN. I have shown one county about which the record is so obviously incorrect that anyone who can calculate with second- or third-grade arithmetic—add, multiply, and subtract—would know that it was incorrect.

Mr. FULBRIGHT. I agree with the Senator.

Mr. McCLELLAN. I believe that the members of the Commission would also. I do not know where they got their figures. I suppose someone supplied them. I am sure they did not go to any pains to make their own independent determination, or they would have reached a different conclusion.

The bill, as amended in committee, would not even afford Arkansas an opportunity to reply to a charge of voter discrimination. All this material carries with it a presumption that we have been discriminating against these people merely because 25 percent of them did not vote, whereas apparently more than 25 percent voted.

The bill simply states that because a certain arbitrary number of people failed to vote in several Arkansas counties in the last presidential election, the State—my State—therefore must be legislatively—not judicially—adjudged guilty without formal charges, accusations, or a trial.

We would merely make a statistical and legislative judgment of guilt of discriminating against the Negro because more than 25 percent, or allegedly more than 25 percent, of the Negroes in a given county did not vote.

In fact, this amendment, sponsored by the senior Senator from New York, represents an absolute denial of the right to be heard before guilt is pronounced and sentence is passed.

But before I get into the provisions and lack of merit of this bill, I would like to review the brief history of this legislation.

The President advised a joint session of the Congress that he would send down a "law"—not a bill, not a message, not a request—but he would send down a "law" designed to eliminate barriers to voting. He demanded that Congress enact a law which he had not yet formulated and the majority of Congress, caught up in the emotion of the moment, which persists still, indicated that it would pass whatever law the President had in mind.

No matter that the redress for the cited wrong subverted other constitutional provisions; notwithstanding that it denied fundamental due process; and despite the fact that it was unconstitutional; for all that mattered then—and now—is that something be done under the label of "Voting Rights."

On March 18, 1965, the bill was introduced and the Senate referred it to the Committee on the Judiciary with instructions to report it back to the Senate not later than April 9, 1965. Never mind whether the committee had an opportunity to give this measure the consideration or study it needed to perform its legislative function, or if even its proponents did not thoroughly understand all the ramifications of the bill. There was no concern about all the grave constitutional questions raised by the far-reaching language of the pending measure. Disregard all those things, said the Senate to the Judiciary Committee, just see that the measure is reported back by the magic day of April 9. In other words, the Senate said, "Do not bother us with the facts."

I just pointed out that the bill is premised on false information in some respects. The Senate said, "Do not bother us with the facts, or trying to develop any facts, just report this bill back by April 9." And because the Senate had spoken with a predetermined mind, the Judiciary Committee had no recourse but to send the bill back as per instructions. What a perfunctory gesture. What a mockery of due deliberation and judicious consideration. What a travesty on legislative procedure and due process. It is a demeaning and extreme measure unjustly employed to carry out the punitive intent that motivates this effort. And it raises a question of whether the Senate can any longer be validly referred to as the last great legislative deliberative body of the world.

This then established the warped ground rules under which this bill must be processed, and from this sad state of affairs, the situation deteriorated. The committee, doing its very best to accede to the demands of the Senate, held public hearings for 9 days and executive sessions for 4 days. Thus, while the committee had only 16 actual working days on this bill, it considered it for 13 of those days, although it certainly did not have the time to prepare for these hearings that is normally allotted bills of far less import.

Those brief, restricted hearings resulted in a report that states simply that the committee considered numerous amendments and that the amendments agreed to by the committee are set forth in the bill as reported to the Senate. Of course, the committee could do no more than state those simple facts in its report if it was to stay within the imposed deadline. There simply was not time to fashion a report. And as members read the complex provisions of this bill I am sure that many will regret that the Senate saw fit to deny a committee the opportunity to explore fully all the aspects of this measure and write a meaningful report on its contents.

Following public hearings on the administration's version of this measure, and not until the first day of executive sessions, a heretofore undisclosed new substitute proposal was unveiled. A version more vicious and dogmatic, more unjust and oppressive, than the original measure. And it was this substitute, not the one on which public hearings were held, that was further amended, in a peremptory steamroller fashion by the zealous proponents of this bill on the Judiciary Committee.

The original text of the bill—the bill the President sent down to Congress—was bad enough but the substitute measure, as amended, now before this body, is even worse. For it would extend and compound the evil and punitive intent inherent in the original bill.

To my mind both the original and the amended substitute are unwarranted—cruelly punitive and unconstitutional measures. The bill is regional in scope, and its primary object is to humiliate the South and cast aspersion and scorn on its people.

Mr. President, the Supreme Court's school desegregation decision of 1954—*Brown* v. *Board of Education,* 347 U.S. 483, 349 U.S. 294—marked the initial stages of the erosion of the true meaning of the Constitution. That decision provided the thrust away from the anchoring gravity of the Constitution, and the pending measure represents the second stage of our rocketing course away from sound constitutional concepts. For the pending measure perverts and makes a sham of the Constitution.

I never thought I would see the day when America's chief legal officer would support legislation designed to short circuit the concepts of the due process, and prostitute the judicial system of this Nation. This bill indicts some of the Southern States, and then in an exercise of gross effrontery closes all courthouses in the United States to them except the courts in the District of Columbia. It forecloses all the judicial talent of the country in favor of a few judges in the District of Columbia. The Attorney General said this was necessary in order to achieve uniformity of decisions. What a reflection upon the integrity and courage and wisdom of the rest of the Federal judges of the Nation, especially those of the South. But the proponents of this measure would sacrifice the judicial process for expediency in this instance.

This merely typifies some of the peculiar and diabolical thinking behind this measure.

It is often said that our Constitution was cast in the mold of durability. It surely needs this characteristic, for the pending bill represents yet another effort to distort it and reshape it to suit the supposed needs of the hour, and to accommodate those harboring prejudices against my section of the country.

It seems particularly unfortunate that more often than not those who purport to be aiding the minority groups are the very ones who appear bent on remolding or destroying the Constitution, a document truly designed for the protection of all Americans, collectively and individually.

I would remind those who cast the mold according to today's exigencies that they may find it unsuited for the demands of tomorrow.

Mr. President, this is a dangerous and a vicious bill. It emanated from emotion, prejudice, and hate. It was prepared in haste, and it will be passed in the heat of passion. What a sad commentary on the state of the Great Society.

Mr. President, if someone had contended that Congress had the power to nullify an act by the Texas legislature levying local sales taxes, and replace it with one of its own notion, I am sure all Members would have been astounded by such a preposterous proposition. Yet the pending measure embraces this very concept.

By the use of an arbitrary arithmetical formula, the bill would nullify otherwise valid literacy laws in some Southern States and subdivisions, and replace them with Federal rules and regulations.

As an example, the bill provides that if a State had an otherwise valid literacy test and less than 50 percent of its citizens of voting age were registered on November 1, 1964, or less than 50 percent of such citizens voted in the 1964 presidential election, then such States are covered by the bill, regardless of the reason for the lack of voter participation. This particular formula was contrived to apply only to the South. The bill is predicated largely on unwarranted assumptions of fact and is repugnant to the authority reposed in the States by the Federal Constitution.

The bill has no provision to determine if mere voter apathy, or failure to try to register, was the reason for the low figures of voter participation. It merely assumes that someone discriminated against someone else because he was colored. It merely provides that if less than 50 percent voted in a State having a literacy test, which my State does not have and has never had, voter discrimination has occurred. It is difficult to explain how voter discrimination occurred in a State like that but did not occur in the District of Columbia, where there is a predominant Negro population, yet only 38.4 percent of its voting-age population voted in the last general election. If apathy is given as the reason for the low voting figures in the District of Columbia, then I suggest that apathy might also account for some of the low voting figures in the South, where a predominant one-party system prevails. Senators from the North know how the doldrums of apathy can settle on a campaign, even in a strong two-party State. Certainly this condition is magnified in the South, where the Republican Party has not enjoyed any significant success.

I warn Senators that if Congress usurps this constitutional function of the States, a function expressly reserved to the States under the Constitution, then by the same logic—or a lack of logic—it could nullify a State tax law in Montana or Minnesota and replace it with one of its own making, or perhaps authorize the Attorney General to replace it at his will, as the bill undertakes to do in its grant of discretion to him.

To those who say that cannot happen, I say, "Read the bill again." To those who say it will not happen, I say that when the bill is passed and Federal regulations replace some valid State literacy laws, it will have begun.

To those who say, "Well, the bill affects only the South," let me remind them that tomorrow it could be those in the North, the East, or the West.

The deplorable dispatch with which the bill was drawn has been exceeded only by the lamentable manner in which it has been delivered to the Senate.

The proponents of the measure seek to still the voices of those who would criticize by saying that we are dealing with a great moral issue. In fact, the whole case for the proposed legislation has been rested on constitutional and moral principles. Certainly no one could ordinarily quarrel with such a solid base. But the problem here is that the remedy proposed by the advocates of this measure would subvert the very Constitution it seeks to enforce. Thus, we are presented with and asked to pursue an immoral approach to resolve what is alleged to be a moral issue. I submit that the proposed remedy is more painful, harmful, and objectionable than the disease it seeks to cure, even if the diagnosis is correct.

The pending measure is styled as a bill to enforce the 15th amendment, and again none can quarrel with the power of Congress to prevent violations against the rights protected by that provision. However, the quarrel I have with the bill is that it does not stop there, but goes on to abolish valid literacy tests in certain States and allows the Federal Government to replace such tests with those of its own notion. This strikes me as a very unusual way of resolving a "moral issue," since such action is diametrically opposed to the very Constitution which the proponents of this legislation say they are seeking to enforce.

Senators need not be reminded that the first article of the Constitution expressly authorizes the States to determine the qualifications of their voters, and the courts have repeatedly reaffirmed this principle at every opportunity.

The 15th amendment was not intended to—and did not—repeal the States right to determine the qualifications of voters under article I, section 2. That amendment merely was designed to prevent the States from denying or abridging the right to vote. It did not empower the Congress to replace any offending law with one of its own making. That the States retain their power to determine who had the right to vote was reaffirmed by the 17th amendment, passed some 40 years after the adoption of the 15th, and reiterating the same provisions of article I relating to voters, to wit:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Thus, it cannot be seriously contended that the 15th amendment repealed article I, section 2 by implication, because by the same logic, if it did, the 17th amendment revived and reaffirmed it, for it uses the identical language of the first article.

And it is just as specious to base the case for this legislation on the sheer morality of the issue since the very means employed exude immorality.

And this immorality is further compounded by the bill which calls for application of its provisions under the terms of double standard—a standard that is tailored to humiliate the South and blandly ignore the rest of the country.

The bill would abolish the literacy test in some States, thus allowing an illiterate to vote, while permitting other States to retain its literacy test and thus denying the vote to an illiterate citizen of that State. No one can explain this discrimination and favoritism on moral grounds. Nor do I know how the Congress, acting in an aura of morality, can deign to pass legislation containing such irrational regional rules.

The bill does not prove or show a rational relationship between the means used and the stated end. In fact, the statistics show that there is no such rational relationship. In truth, the bill simply lays an unproven premise that the use of literacy tests in some States, ipso facto, results in voter discrimination, while the use of literacy tests in other States, ipso facto, does not show voter discrimination.

I find it difficult to believe that the proponents of this measure are so bent on answering the moral call, from whence this legislation allegedly emanated, that they would ignore the constitutional provisions for equal protection and due process and turn justice into a mathematical percentage. The bill would say to a citizen in some States that his qualifications to vote would depend on how many of his fellow citizens voted, while in a sister State, a voter could ignore this new-fashioned justice by mathematics.

Again, I say where is the morality in such a peculiar arrangement? What happens to the cardinal principle of equal protection and treatment when the law is measured by percentages?

Congress can act under the 15th amendment to prevent the United States or any State from denying certain people the right to vote on account of their race or color. But, just as clearly, the 15th amendment does not empower Congress to confer upon anyone the right to vote. The United States has no voters; only the States have voters. The elected officers of the United States are all elected by State voters. Under article I, section 2 of the Constitution, the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The 15th amendment did not deprive the States of their constitutional power to determine who had the "right to vote" under article I, or under any other provisions of the Constitution. The amendment merely prevents the States from using its power to deprive or abridge the right to vote on account of race or color. And, as indicated, the authority of the States to determine the qualification of voters was reaffirmed by the 17th amendment, which has not since been changed.

At the time the Constitution was adopted, each State made its own determination regarding the right to vote, and in no State were all citizens permitted to vote.

Violations of the 15th amendment can be prevented by the Federal courts. But neither those courts nor Congress can by affirmative action replace an offending law.

The second clause of article II of the Constitution reserves exclusive power to the State legislatures to direct the manner in which the electors of President or Vice President shall be appointed, and to my knowledge that power was not diminished by either the 15th or any other amendment.

In support of this measure the Attorney General referred to the case of *Guin* v. *The United States,* (238

U.S. 347, 1915), where the court held invalid certain voter qualifications. But what he failed to add was that that case does not stand for the proposition that the court or the Congress could substitute a new law for the one struck down. In that case, the court said:

> The 15th amendment does not, in a general sense, take from the States the power over suffrage possessed by the States from the beginning, but it does restrict the power of the United States or the States to abridge or deny the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude. While the 15th amendment gives no right to suffrage, as its command is self-executing, rights of suffrage may be enjoyed by reason of striking out of discrimination against the exercise of the right.

The Guin case was cited in the 1959 case of *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45, 50, in connection with the proposition that a State "may apply a literacy test to all voters irrespective of race or color" and that the "States have long been held to have broad powers to determine the conditions under which the right to suffrage may be exercised."

In the Lassiter case it was said that—

> While the right of suffrage is established and guaranteed by the Constitution * * * it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restrictions that Congress acting pursuant to its constitutional powers has imposed.

I wonder how the Supreme Court is going to get around its own language, its own decision, its own interpretation of the Constitution of the United States? Will it say again, "We were wrong. We are going to reverse ourselves. The exigencies of the situation today demand that we simply go along with the times."

Mr. President, what is the Constitution for? If that is the way the Constitution is to be applied, if that is the force it is to have, the whole fabric of liberty we enjoy today is resting on a very weak support.

The theory of this bill is contrary to those cases because it provides that if Congress decides that a State imposes standards which are discriminatory then Congress may divest that State of its constitutional power to determine the conditions upon which the right of suffrage may be exercised; that it may substitute its own conditions, and that it may do all of that retroactively.

The bill also confers the power of veto in the Attorney General over the State legislatures.

And I am aware of no provision in the Constitution giving Congress the power to delegate, or vest a veto power over the States in the Attorney General.

Even if it is proved beyond the shadow of a doubt that there has been a flagrant denial of the right to vote under a State law, this would not give the Congress the power to strike down those laws and enact one of its own choosing to supplant the State law.

And in the pending bill we are dealing not with uncontradicted iron-clad proof of voter discrimination, but rather with a shadowy presumption standing on the shaky foundation of an arbitrary percentage and an arbitrary date called up from the past.

It is no wonder that our able colleague, the senior Senator from Virginia [Mr. BYRD] characterized the provisions of this legislation as "iniquitous in effect and contemptible in design," and I wholeheartedly agree with his appraisal. Imagine, if you will, the Congress of the United States saying that it will divide the several States into two groups—good States and bad States. And the determination as to the division of the 50 States into good States and bad States, will be based on such arbitrary and unconstitutional guidelines as: first, an arbitrary date; second, an arbitrary percentage; and, third, and arbitrary events.

The Attorney General said:

> The premise of section 3(a)—

Of the original bill—

> is that the coincidence of low electoral participation and the use of tests and devices results from racial discrimination in the administration of the tests and devices. That this premise is generally valid is demonstrated by the fact that of the six States in which tests and devices would be banned statewide by section 3(a), voting discrimination has unquestionably been widespread in all but South Carolina and Virginia, and other forms of racial discrimination, suggestive of voting discrimination, are general in both of these States.

I wonder why the Attorney General didn't seek to rectify the situation in the courts if voting discrimination is no flagrant and widespread. It was my impression that Congress had furnished the Attorney General with ample power to act under the recent rash of civil rights bills.

In 1957, Congress enacted a civil rights law embodying voting provisions. In 1960, it strengthened it and in 1964, it enacted another one. That is three in 7 years. The Attorney General of the United States has had the authority to institute civil action for preventive relief whenever any person has engaged, or there are reasonable grounds to believe that any person has engaged, in any act or practices which would deprive any person of his right to vote.

One must also wonder at the rationale of a bill that was drawn to apply to a State where 52 percent of the population voted, but not to apply to Texas where only 44 percent voted. The reason for the distinction and for this favoritism given by the proponents of the bill, and the distinction written into the original bill, is that one has a literacy test and the other does not. Now, if that were the case, you would expect to find that of the above two States, Texas, having the lower voter participation, must therefore be the bad State with a literacy test.

But no, Texas does not have a literacy test. Although only 44 percent of its eligibles voted, it is, by the standards of the original bill a good State. Whereas, the State that voted 52 percent of its eligibles is by the standards of the original bill, a bad State, simply because it has a literacy test. All of which means that it does not follow at all that literacy tests have an effect on the number of people voting, and therefore, there is no rational basis for the so-called triggering device set forth in the bill submitted by the administration.

What keeps the people from voting in Texas? My colleague, the Senior Senator from North Carolina, was equally perplexed about this matter, and he asked the Attorney General about it. The latter replied that he assumed the poll tax was the reason for the low turnout. And when reminded that the poll tax was abolished in Texas in presidential elections by amendments to the Constitution, the Attorney General said the people in Texas apparently had not found out about it.

I do not believe that he should reflect on the people of Texas. I am quite sure that, when a constitutional amendment was adopted, the people would know about it. But that is the answer the Attorney General gave. I suggest that it is about as sound and logical as some of the other justifications made for this legislation.

All of which caused the senior Senator from North Carolina [Mr. ERVIN] to wonder what a pity it was that the people of Texas were not required to read and write so they could have found out about it in the newspapers.

I relate this incident not to reflect on the good people of Texas, because I do not think it is so, but rather as a plain and demonstrated acknowledgment of the irrational reasoning behind this obnoxious bill.

Suppose for example that a State had a literacy test which requested a person to read a section of the Constitution. Up to this hour such a test is valid. I do not know what will happen when the question gets back to the Court again. The Court can change its position so easily, without any provocation, that I do not know what it would decide.

Under existing law and court decisions it is valid for a State to have such a requirement. But, if in the administration of that otherwise valid law, an election official should refuse to register a colored person who had complied with the State requirement, then, as I understand it, the Attorney General would have the right to file suit against that official who had failed to comply with the law.

But in the same situation, Congress has no right to step in and enact a statute the replace that valid State law, for that is not appropriate legislation under the 15th amendment since Congress simply is not vested with the power or authority to fix voter qualifications.

Congress, if it enacts this pending bill, will be declaring that if the Census Director determines that 50 percent of the persons of voting age in a given State or subdivision having a literacy test were not registered on November 1, 1965—regardless of the reason—or that 50 percent of such persons did not vote in the election of 1964—regardless of what reason—or if less than 25 percent of the persons of any race were not registered in any State or subdivision—again regardless of what reason—then that State or county is presumed guilty of violating the 15th amendment.

Yes, under this obnoxious bill that State is—

Presumed guilty—not innocent.

Presumed guilty—with no chance to rebut in a court of law.

Presumed guilty—and its literacy law abolished.

Presumed guilty—and the powers of its legislature to enact new registration laws literally suspended for 5 years.

Presumed guilty—and placed under the supervision of the courts and the shadow of the Attorney General's veto power for 5 years.

Presumed guilty—and thus opening its territory to Federal examiners and poll watchers.

To me, a presumption of guilt is a dubious and untenable doctrine to inject into the so-called moral issue at hand. Certainly, a presumption of guilt is an enemy to due process. I cannot understand the liberals adopting such a provision even for the sake of expediency.

Mr. President, these provisions are contained in the pending bill.

Mr. President, I submit that the mere fact of nonregistration of a given percentage of persons, without division between races, and without inquiring into the reason for such nonregistration, and without showing any attempts to register, proves absolutely nothing, except that those who advocate this measure are willing to go to any length to place a stigma on the people of the South.

I might add that the States are prohibited from keeping separate registration and voting records for whites and Negroes, so I do not know how anyone can tell how many either registered or voted in the last election. Therefore, I do not see how the provision added by the Judiciary Committee which will purportedly cover seven counties in Arkansas can be implemented. But I know from the prevailing winds in the administration and the Congress that an effort will be made in that direction.

By way of a sop, the bill does provide that a State, under an irrebuttable presumption of guilt, may seek to prove its innocence in a three-judge court in the District of Columbia by showing that there was no voter discrimination within its territory during the past 5 years. But in most of the affected States, this is plainly impossible as the proponents of the measure well know. For if a State had only an isolated incident of voter discrimination in just one of its 75 counties, it could not even get into court. It is bad enough that the bill closes the door to all courthouses, save one, to the States convicted by this measure. But then, to go further and say we cannot even get into that one lone courthouse for 5 years is a denial of traditional American justice, and is symbolic of the raw power inherent in a dictatorship.

Incidentally, the reason given for having all these cases heard by one court in the District of Columbia is so that we may have uniformity of decisions. What an intolerable and unjust way to seek enforcement of the Constitution, closing the courts—the Federal courts—in the affected States. Closing them to the States, but leaving every courthouse in the country open to the Federal Government, is a mockery of judicial process.

Regardless of the reason presented for this proposed corruption of our judicial system, I believe that it clearly reflects on the Federal judges of the South. For the implication is as clear as if the proponents had said that no Federal judge outside the District of Columbia—and especially no Federal judge in the South—can be trusted to deal with this matter. And I deeply resent such an implication.

Apparently the drafters of this bill were so enthusiastic in their zeal to fashion legislation that they also ignored the prohibitions against bills of attainder found in article I, section 9, of the Constitution.

As Members well know, legislative acts that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial, are "bills of attainder" and, as such, are clearly prohibited by the Constitution.

Certainly the pending measure seeks to inflict punishment on an easily ascertainable group of States, and just as certainly, the bill runs squarely into the prohibition against a bill of attainder.

For the pending measure says that if a State has a literacy test and has not registered 50 percent of the voting age population, or if that many did not vote on the magic date of November 1964, or if just less than 25 percent of any race or color has been registered, then the State is guilty by fiat of Congress. If that does not fall within the proscribed bill of attainder clause of the Constitution, then I know nothing that does or could.

This is much worse than a mere bad bill, Mr. President. Efforts to bring it into harmony with the Constitution in committee were peremptorily rejected by an inconsiderate majority. Efforts to maintain some semblance of due process, efforts to stay within the bounds of reason, efforts to uphold the constitutional rights of the States, efforts to do all that, and more, were all in vain. They were all tried but summarily and arbitrarily rejected.

Moreover, this measure which sacrifices constitutional principles in the name of voting rights, also added a prohibition against a poll tax, even though Congress in 1962 determined that such action required a constitutional amendment, not mere legislation. Arkansas has no poll tax, Mr. President, so this provision will not affect my State. I mention it to show how far afield the proponents of this proposed legislation have been carried in their zeal to get everything on the books about voting rights that they believe can be rushed through a Congress caught in the grip of emotion, fear, and frustration.

It is little wonder that in such a deplorable legislative atmosphere a bill so bad, a bill so vicious and so punitive as the pending measure has been wrought and presented.

Mr. President, I am a realist, and I know that the proponents of this proposed legislation have the votes to pass practically any version of a voting rights bill they choose to pass, unconstitutional or otherwise.

But, I remind them that as they act in haste to pass this measure that is so fraught with constitutional defects and dangers they are, among other things, eliminating vital elements of our long-established due process procedures in our system of justice and moving us toward compulsory and regimented voting in the United States. These changes, these innovations, in our system of government are totally incompatible with the concepts of liberty, justice, and democracy that are our heritage.

The enactment of this bill will constitute a willful usurpation by the Congress of powers reserved to the several States and to the people thereof by article I, section 2 of the Constitution and by the 10th and 17th amendments thereto. The provisions of this measure arbitrarily adjudicate guilt by legislative decree, deny a hearing and right of trial to the alleged offenders, and impose penalties and conditions of hardship without any right of review or redress for wrongs inflicted.

Mr. President, I oppose and protest with all of my strength the passage of this bill. I shall vote against it. The evil in it threatens the integrity and security of constitutional government in our Nation. It is dangerous and devastating in its potential consequences. It should be defeated.

Mr. President, I have made reference to and commented upon some of the basic provisions and purposes of the bill, purposes and provisions which are contrary to the fundamental principles upon which our Republic was founded.

At a later time, during the progress of debate, I propose to speak again and point out other major defects and of objectionable provisions which will, if enacted into law and enforced, usurp powers not delegated to this body or to either of the other branches of the Federal Government, but which are reserved to the States of the Union and the people thereof.

Mr. President, we are treading on dangerous ground. We are taking steps—if we enact this bill—which we shall never be able to retrace until it is too late. We shall have established a precedent which will carry force and weight henceforth into other areas of government, in other realms of liberty, where laws can be just as devastating to justice and right as this proposed measure.

DUAL DISTRIBUTION

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, three bills relating to the subject of dual distribution.

The PRESIDING OFFICER. Without objection, the three bills will be received and appropriately referred.

The bills, introduced by Mr. LONG of Louisiana, were received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

S. 1842. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in discriminatory practices against independent producers and distributors;

S. 1843. A bill to require certain companies engaged in dual distribution to disclose separate annual operating data on each of their establishments which compete with independent customers of such companies in the sale and industrial use of their products, and for other purposes; and

S. 1844. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in anticompetitive pricing practices.

Mr. LONG of Louisiana. Mr. President, two of them are the now familiar bills I initiated in the 87th Congress and reintroduced in the 88th. These bills have the short titles, the "Antitrust Vertical Integration Amendments" (S. 1842) and the "Dual Distribution Reporting Act" (S. 1843). The third bill is new. Its short title is the "Antitrust Dual Distribution Amendment" (S. 1844). This new measure has also been introduced today in the House of Representatives by Representative James Roosevelt (H.R. 7706), and I acknowledge with appreciation that he is the originator of the fresh approach it represents. Specifically, the substance of this original bill was first proposed in recommendation number 2(c) of the recent report of the House Small Business Committee on the very thorough study of dual distribution by Mr. Roosevelt's subcommittee.

The problem with which these three bills seek to deal has concerned the Congress generally and, in particular, the small business committees of the Senate and the House for many years.

Dual distribution is a term coined some years ago to describe competition by suppliers with their own customers. As early as 1953, dual distribution in the automotive tire industry was described in a staff report to the Senate Small Business Committee. Subcommittees of that committee have held hearings on dual distribution in the flat-glass industry—1958—and the tire industry—1959. The study of the flat-glass industry was conducted by the Subcommittee on Monopoly, under my chairmanship. The tire hearings were conducted by a subcommittee chaired by then Senator Hubert H. Humphrey, now the Vice President. Reports were issued in connection with both studies. I shall append to this statement a fuller citation of the publications I am mentioning.

During the 88th Congress, Subcommittee No. 4 of the House Small Business Committee made the first congressional inquiry into dual distribution on a multiple-industry basis. That subcommittee, chaired by Mr. Roosevelt, compiled 9 printed volumes of testimony and materials, including much academic and governmental testimony of a general nature and also information from and about 46 separate industries. The report issued by the subcommittee and approved by the full committee at the conclusion of the study deserves careful attention from all Members of Congress.

At some risk of oversimplification, it is fair to say that the studies of the Senate and the House Small Business Committees have established that, while dual distribution is not inherently and always harmful, and may even be beneficial in some circumstances, it contains many possibilities for harm to competition. The three bills that I am introducing today are intended to deal with four specific aspects of dual distribution that have been most frequently mentioned by small businessmen as representing a threat to competition and as a threat to their existence.

THE EQUALITY OF SUPPLIES BILL

The chief evil at which the Robinson-Patman Act of 1936 was aimed was price discrimination. The Robinson-Patman Act says to sellers, "You must not give a special price break or other favors to one of your customers if you do not give all of your other customers, who compete with him, the same break, on proportionally equal terms." That is, of course, a very crude paraphrase of the language of the act itself, and it does not cover the qualifications and provisos; but that is the essence of what this law says. After nearly 30 years on the statute books, the Robinson-Patman Act is still hailed by most independent entrepreneurs as the "Magna Carta" of small business.

But the rapid growth of vertical integration and dual distribution is eroding the significance of the Robinson-Patman Act, because the act does not cover dual distribution situations. A seller company that competes with its own customers through a captive establishment may give any kind of special price favoritism it likes to its own affiliate. Also, in times of short supply, the vertically integrated concern may, if it wishes, cut off entirely its independent customers and channel all of the available goods to its related establishment. Where concentration exists in the affected industry, either of these practices can result in destruction of nonintegrated firms by their integrated supplier-competitors.

My bill, entitled the "Antitrust Vertical Integration Amendments" (S. 1842)—which could also be fairly described as "the equality of supplies bill"—is directed at these two classes of power abuse by dual distributors. The bill would make applicable to plants, warehouses, and stores that are owned by supplier-competitors, all of the prohibitions against price discrimination that the Robinson-Patman Act presently imposes in connection with sales to independent customers that compete with one another. If S. 1842 were enacted, the law would say to an integrated company, "You must charge your captive establishment that competes with your independent customers the same prices that you charge the independents for goods of like grade and quality." All of the same tests for establishing a violation, and the same defenses, that are presently found in the Robinson-Patman Act would be carried over into this law, which would be made a new section of the Clayton Act.

In another section, the antitrust vertical integration amendments would provide for fair treatment of independent customers in shortage situations. This bill would require dual distributors, in effect, to "ration" essential products in short supply in fair proportions among their company-owned establishments and their independent customers that compete with those establishments. The bill would establish a presumption of fairness in the "rationing" formula if the supplier determined the percentage of its total output of the scarce product that had gone to captives and to independents during the year preceding the shortage, and allocated shipments on those same percentages while the scarcity continued. Prohibitions against favoritism to company-owned establishments with respect to speed of shipments in a shortage situation are also contained in the bill. These provisions would, I believe, greatly lessen the chance that integrated concerns might use their power unfairly and destructively against their independent customers. It is my impression that many of the Nation's great vertically integrated companies today impose upon themselves standards of behavior very similar to those this bill would write into law. Such concerns should welcome legislation that would impose upon their less scrupulous competitors the same standards of competitive equity and fairness that they have accepted for themselves without the sanction of statute.

Today's bill, the "Antitrust Vertical Integration Amendments of 1965"—S. 1842, 89th Congress— is, in all respects but the year mentioned in the short title, identical to my S. 1107, 88th Congress—and Mr. Roosevelt's H.R. 3562, 88th Congress—and to the original version, S. 2641, 87th Congress, which I introduced on September 26, 1961. Mr. Roosevelt has also reintroduced it today in the House, H.R. 7705, 89th Congress.

THE "REPORTING BILL"

My second bill, the "Dual Distribution Reporting Act"—S. 1843—is intended to overcome one of the chief points of objection that has been raised against the "equality of supplies bill." The point so mentioned is that, notwithstanding a statutory requirement that selling prices to captive and independent competitors be the same, a vertically integrated concern still has the option to operate at little or no profit at one level of operations by increasing prices—and profit—at another. The nonintegrated competitor has no such option. When a dual distributor increases the prices it charges as supplier and holds or reduces prices it charges as competitor, it engages in what economists call a price squeeze. My second bill and also the new, third bill, are both aimed directly at the price squeeze; but they take different approaches.

The theory of my second bill—the "reporting bill," S. 1843—is that the law should not prohibit the price squeeze; but those who engage in dual distribution should be required to disclose to the public the extent to which they subsidize low-profit or no-profit or loss operations in one level of business by raising prices at another level. The "reporting bill" would require companies engaged in dual distribution to—

> Publish a separate annual operating statement for each establishment of that company which (1) receives from any other establishment of that company any product

> of that company distributed by dual distribution, and (ii) is engaged, in any line of commerce, in direct competition with one or more independent establishments, customers of that company, in the sale or resale of that product or any other product derived in whole or in part through the use or consumption of that product.

These annual published statements would have to identify the establishments, separately, on which they reported. They would have to show at least the following information:

> (1) total annual net sales of the establishment, with sales or transfers to related establishments and sales to independent establishments itemized in separate subtotals; (2) cost of goods sold, with costs itemized to identify separately (i) cost of products purchased or received from related establishments, (ii) cost of products purchased from independent establishments, and (iii) labor costs, if any (value added within the reporting establishment before addition of markup); (3) operating overhead; and (4) net profit or loss from operations.

The annual statements for each reporting establishment would also have to show the value of benefits received by the establishment but charged to other parts of the company, as well as additions to or subtractions from the capital investment of the company in the establishment.

In addition, this bill would require "every company engaged in dual distribution"—defined in the bill to exclude smaller concerns having no substantial market power—to—

> Publish annually statistical information disclosing, for each product produced by that company and distributed by dual distribution: (1) the aggregate dollar amount of that company's net sales of that product during the year to all independent establishments; and (2) the dollar amounts or values of net sales or transfers of that product from the producer thereof to each related establishment, identifying the establishments separately by name or other designation and location, and the respective amounts of sales or transfers of the product to each.

Were this bill enacted, a company engaged in dual distribution would not be prohibited from utilizing the devices of the price squeeze and "subsidization" of no-profit operations for predatory reasons; but it would be required to do it out in the open, where both its customers and competitors, and the antitrust agencies of the Government, could make a determination whether its conduct amounted to actionable violation of the antitrust laws.

The Dual Distribution Reporting Act of 1965, S. 1843, which I have introduced today, is identical in all respects but the title to my 1963 version, S. 1108, 88th Congress. That bill, in turn, was substantially identical to the first version of this bill introduced in either House, my S. 2640, 87th Congress.

I take pride in the fact that the House Small Business Committee, in its recent important report on dual distribution, recommended that this proposed legislation receive early consideration from the Congress. I am also pleased and proud that Mr. ROOSEVELT has introduced this bill—following the text of S. 2640, 87th Congress—in both the 88th and 89th Congresses: H.R. 3559, 88th Congress; and H.R. 1578, 89th Congress.

Consideration of the equality of supplies and the reporting bills by the appropriate legislative committee of the Senate—the Judiciary Subcommittee on Antitrust and Monopoly—has been urged by the Senate Small Business Committee in its 12th, 13th, and 14th annual reports.

THE "ADEQUATE DIFFERENTIAL BILL"

My third bill, Mr. President—the one suggested by the recent House Small Business Committee report—has the short title, the "Antitrust Dual Distribution Amendment of 1965"—S. 1844. It could also be described, informally, as the "adequate differential bill." It attacks, as does the "reporting bill," the problem of the price squeeze; but it does it in a more direct way: it simply prohibits the price squeeze, if the effect of the squeeze may be substantially to lessen competition or to tend to create a monopoly. The test employed, as antitrust scholars will be quick to note, is in language identical to that of section 7 of the Clayton Act, the well-known Celler-Kefauver antimerger statute. Like the substantive provision of the "equality of supplies bill," the substance of the "adequate differential bill" would be made an amendment to the Clayton Act, thereby entitling those harmed by infractions to file private civil actions for treble damages or injunctive relief or both. The House Small Business Committee, in its dual distribution report, recommended consideration of legislation of this type—by implication—as an alternative to the "equality of supplies bill." I am most happy to sponsor this bill in the Senate, for discussion and consideration either as an alternative to the "equality of supplies bill" and the "reporting bill" or, perhaps, as a supplement to either or to both.

This new "adequate differential bill" would say to dual distributors—I am again paraphrasing, of course—"if you act as both a supplier and as a competitor, you must maintain a fair and adequate differential, or spread, between the prices you charge as a supplier and the prices you charge as a competitor. Your price spread will not be fair and adequate if it is so small that it may substantially lessen competition or tend to create a monopoly."

Mr. President, in introducing these bills today, as in the past, I want to make it clear that I do not regard them as necessarily the final or best solution to the difficult, very complex problems that arise under vertical integration in our competitive, free enterprise economy. Indeed, the "equality of supplies" and the "adequate differential" bills may be, in part, mutually exclusive. I am fully aware that these bills have far-reaching implications, not all of which are now foreseen by me. They represent, admittedly, a quite drastic remedy for what has been represented as a quite serious ailment in our competitive system. I cannot in good conscience say that I am now in possession of sufficient economic evidence to justify passage of any of these bills. I can and do say that there is more than sufficient indication that thousands and thousands of small businessmen think that some additional legislation along these lines is needed if they are to survive and grow. These small businessmen deserve a hearing from a committee that has power to report bills to the floor. It seems to me to be the duty of the appropriate legislative committee to afford them a hearing on these bills. The Senator from Michigan [Mr. HART], distinguished chairman of the Senate Judiciary Subcommittee on Antitrust and Monopoly, has assured me that a hearing of his subcommittee will be scheduled. When it is, the duty will shift to the small business supporters of this legislation to come forward with evidence that would justify the passage of one, two, or all three of these bills, as introduced, or with amendments.

In this connection, I think it is promising that there has been formed a national "association of associations," an interindustry conference on dual distribution, with headquarters here in Washington. Among its announced functions is the marshalling of evidence in support of these measures. If that conference does its work well, we can be hopeful that legislative hearings on these bills, when the Antitrust and Monopoly Subcommittee is able to fit them into its busy schedule, may quite possibly provide a firm and final answer to the question whether or not any or all of them would now be a necessary and desirable addition to the antitrust laws of the United States.

Mr. President, I ask unanimous consent that the text of the "adequate differential bill," which is brief, and a partial bibliography of congressional bills and materials relating to dual distribution be printed in the RECORD at this point, followed by a telegram and some letters that have been received by me, or received by or referred to the Senate Small Business Committee. These communications illustrate the nature of the problem and the desire of independent business for remedial legislation.

There being no objection, the bill, bibliography, telegrams, and letters were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antitrust Dual Distribution Amendment of 1965."

SEC. 2. (a) The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 730, as amended; 15 U.S.C. 12 et seq.), commonly known as the Clayton Act, is amended by inserting therein, immediately after Section 2 thereof, the following new section:

"SEC. 2A. It shall be unlawful for any person engaged in commerce who, in the course of such commerce, engages in competition in the sale of commodities with those to whom he sells such commodities, or a major ingredient or component thereof which is processed by the purchaser into such commodities, to fail to maintain adequate and fair differentials between those prices charged as supplier to such purchasers and those prices charged as a competitor of such purchasers, where in any line of commerce in any section of the country, the effect of such failure may be substantially to lessen competition, or to tend to create a monopoly."

(b) Sections 11 and 16 of that Act, as amended (15 U.S.C. 21, 26), are amended by striking out the words "sections 2, 3, 7 and 8" wherever they appear therein, and inserting in lieu thereof in each instance the words "sections 2, 2A, 3, 7, and 8".

SEC. 3. The amendment made by this Act shall take effect on the first day of the seventh month beginning after the date of its enactment.

EXHIBIT 2

PARTIAL BIBLIOGRAPHY OF CONGRESSIONAL MATERIALS (HEARINGS, REPORTS, BILLS, COMMITTEE PRINTS, FLOOR STATEMENTS) ON THE SUBJECT OF DUAL DISTRIBUTION, 1953–64

(NOTE.—The materials here listed are those directly relating to the aspects of dual distribution treated by the Long-Roosevelt "equality of supplies," "reporting," and "adequate differential" bills, and the approaches to the dual distribution problems represented by those bills. Consciously omitted from this list are numerous other bills and materials taking other approaches to the problems of vertical integration and dual distribution, e.g., bills expressly prohibiting dual distribution in specified industries, or attacking inequities in the tax structure that pertain to or stem from dual distribution. A comprehensive bibliography would also have to include, as this does not, bills and materials on such closely related subjects and proposals as functional discounts, franchising practices, and refusals to sell.)

Committee print, "Problems of Independent Tire Dealers," staff report to the Senate Select Committee on Small Business, 83d Congress, 1st session (1953).

Hearings before a subcommittee of the Senate Select Committee on Small Business on dual distribution methods of flat-glass producers and competitive problems of independent flat-glass dealers and distributors ("Competitive Problems of Independent Flat-Glass Dealers"), 85th Congress, 2d session (1958).

Senate Select Committee on Small Business, report on dual-distribution methods of flat-glass producers and competitive problems of independent flat-glass dealers and distributors, together with individual views (Senator Andrew F. Schoeppel of Kansas) and staff report (Raymond D. Watts, subcommittee counsel), ("Studies of Dual Distribution: The Flat-Glass Industry"), Senate Report 1015, 86th Congress, 1st session (1959).

Committee print, "Appendix to a staff report entitled dual distribution methods of flat-glass producers and competitive problems of independent flat-glass dealers and distributors," Senate Select Committee on Small Business, 86th Congress, 1st session (1959).

H.R. 2729, 86th Congress, 1st session, a bill (by Representative Alvin M. Bentley, of Michigan) to amend the Federal Trade Commission Act so as to prohibit certain practices in commerce by any manufacturer or producer who distributes his product in commerce through his own retail outlets, direct to consumers and also through other retail outlets (1959).

Hearings before a subcommittee of the House Committee on Interstate and Foreign Commerce on H.R. 2729, supra, 86th Congress, 1st session (1959).

Senate Select Committee on Small Business, 9th annual report, Senate Report No. 6, 86th Congress, 1st session, pages 30–34 (1959).

Hearings before a subcommittee of the Senate Select Committee on Small Business on dual distribution in the automotive tire industry—1959, in two parts: part 1 (hearings), 86th Congress, 1st session (1959); part 2 (supplemental materials), 86th Congress, 2d session (1960).

Senate Select Committee on Small Business, 10th annual report, Senate Report 1044, 86th Congress, 2d session, pages 42–47 (1960).

S. 2641, 87th Congress, 1st session, a bill (by Senator RUSSELL B. LONG, of Louisiana), to amend the Clayton Act to prohibit vertically integrated companies from engaging in discriminatory practices against independent producers and distributors, short-titled the "Antitrust Vertical Integration Amendments of 1962" (the first Senate "equality of supplies bill" and the first such bill in either House to take a Robinson-Patman Act approach) (1961).

S. 2640, 87th Congress, 1st session, a bill (by Senator RUSSELL B. LONG, of Louisiana) to require certain companies engaged in dual distribution to disclose separate annual operating data on each of their establishments which compete with independent customers of such companies in the sale and industrial use of their products, short-titled the "Dual Distribution Reporting Act of 1962" (the first "reporting" bill) (1961).

Remarks in the Senate by Senator RUSSELL B. LONG upon the introduction of S. 2641 and S. 2640, supra, "Dual Distribution and Fairplay," September 26, 1961, CONGRESSIONAL RECORD, volume 107, part 16, page 21407 (1961).

Senate Select Committee on Small Business, 12th annual report, Senate Report 1491, 87th Congress, 2d session, pages 31–35 (summarizes S. 2641 and S. 2640 and recommends hearings thereon by the appropriate legislative committee) (1962).

H.R. 3562, 88th Congress, 1st session, a bill (by Representative JAMES ROOSEVELT, of California): counterpart of S. 2641, 87th Congress, 1st session, supra (1963).

H.R. 3559, 88th Congress, 1st session, a bill (by Representative JAMES ROOSEVELT, of California): counterpart of S. 2640, 87th Congress, 1st session, supra (1963).

S. 1107, 88th Congress, 1st session, a bill (by Senator RUSSELL B. LONG, of Louisiana): counterpart of S. 2641, 87th Congress, 1st session, supra (1963).

S. 1108, 88th Congress, 1st session, a bill (by Senator RUSSELL B. LONG, of Louisiana): substantially identical to S. 2640, 87th Congress, 1st session, supra (1963).

Remarks in the Senate by Senator RUSSELL B. LONG upon the introduction of S. 1107 and S. 1108, supra, "Dual and Distribution and Fairplay," March 15, 1963, CONGRESSIONAL RECORD, volume 109, part 4, page 4319 (1963).

Senate Select Committee on Small Business, 13th annual report, Senate Report 104, 88th Congress, 1st session, pages 50–53 (1963).

Committee print, "Studies of Dual Distribution: The Automotive Tire Industry," report of the Subcommittee on Retailing, Distribution and Marketing Practices to the Senate Select Committee on Small Business, 88th Congress, 2d session (1964).

Senate Select Committee on Small Business, 14th annual report, Senate Report 1180, 88th Congress, 2d session, pages 68–71 (1964).

Hearings before a subcommittee of the House Select Committee on Small Business on the impact upon small business of dual distribution and related vertical integration, 88th Congress, 1st session (9 vols., 1963–64).

House Select Committee on Small Business, "The Impact Upon Small Business of Dual Distribution and Related Vertical Integration," House Report 1943, 88th Congress 2d session (1964).

House Select Committee on Small Business, final report, House Report 1944, 88th Congress, 2d session, pages 9–10, 159–182 (1964).

EXHIBIT 3(A)

NEW ORLEANS, LA.,
March 10, 1965.

Hon. RUSSELL LONG,
Senate Office Building,
Washington, D.C.:

We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished products. This bill is very desirable from our viewpoint as a small manufacturing company. We have been concerned about the problem of dual distribution by the giant integrated producers as this problem has become worse from year to year.

SOUTHEAST STEEL & WIRE CORP.

EXHIBIT 3(B)

SHARP & BOGAN,
Washington, D.C., March 18, 1965.

Mr. RAYMOND WATTS,
Senate Select Committee on Small Business, Old Senate Office Building, Washington, D.C.

DEAR MR. WATTS: The law firm of Sharp & Bogan represents the Independent Wire Drawers Association, a trade association of over 30 independent wire drawers and fabricators.

The U.S. steel wire and wire products industry is a classical dual distribution situation. During the past 10 years the independent wire drawers and fabricators have experienced a series of single and double price squeezes applied by the vertically integrated steel companies, which forced the independent wire drawers and fabricators to purchase foreign steel wire rod as a matter of economic survival.

The legislation sponsored by Senator RUSSELL B. LONG to eliminate unfair trade practices in dual distribution industries has the full support of the Independent Wire Drawers Association.

We look forward to working with you in seeking the enactment of this much needed legislation.

Sincerely,

ALAN D. HUTCHINSON.

EXHIBIT 3(C)

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS & HELPERS,
Kansas City, Kans., February 19, 1964.

Mr. HAROLD J. BUOY,
Legislative Assistant to the International President, Washington, D.C.

DEAR HAROLD: I wish to bring to your attention two bills presented by ROOSEVELT and two bills presented by LONG. I believe LONG's bills were presented to the 87th Congress.

Two things are important to me; first, what, if any, action has been taken by organized labor regarding these bills, H.R. 3559, H.R. 3562, S. 2640, and S. 2641.

These bills will have a very beneficial effect on some of our smaller manufacturing and fabricating, and pipe mill plants. At the present time the large steel companies in direct competition are underbidding independent pipe and culvert firms because of their ability to underwrite some of the steel costs to themselves. Of course, this same cost is not allowed our fair dealing independent operators who are forced to pay top prices for steel. The bills mentioned would force the large steel companies to declare all costs in this respect and would, therefore, place our operators in a more competitive position. None of our operators object to paying a published list cost on raw material, feeling only that the big steel companies should also pay this cost.

Any help you may be able to give me and the fair dealing operators of our area, as well as the other small fair dealing operators throughout the country will be sincerely appreciated.

Please forward to me any information which may be of benefit to us in our efforts to gain the passage of the aforementioned bills. Senator WAYNE MORSE has had correspondence on this, I know.

Will see you at the Shipbuilding Legislative Conference in Washington, D.C., on the 26th of March. Perhaps you could arrange an audience with some of our Representatives there who may assist in our efforts.

Fraternally yours,

E. L. ANGELL,
Business Manager.

EXHIBIT 3(D)

ROYCE ALUMINUM CORP.,
Taunton, Mass., December 2, 1964.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR KENNEDY: Our industry, which is aluminum extrusions, is quickly reaching a disastrous stage. As you probably know, our source of extrusion ingot supply must come from the primary producers; i.e., Alcoa, being the largest producer in the country, Kaiser Aluminum, and Reynolds Metals. We, in turn, extrude the material, then go into the marketplace and compete with these giants.

In recent months there have been several price increases on raw material. As we have had to pay these increases, the primary producers have in turn reduced their selling price of extrusions with each increase of raw material. Obviously, the handwriting is on the wall.

There is no doubt in my mind, nor in the minds of other independent extruders, that this is a frontal attack to drive the small businessman out of business and thereby monopolize the extrusion market.

We have been in business for 10 years and have never witnessed such a direct assault upon the independent extruders who are performing a valuable service in a more or less localized area and operating for a nominal profit.

We employ approximately 75 people who are dependent upon the existence of this company for the livelihood for themselves and their families and this flagrant violation of selling below cost jeopardizes their future employment.

We have a case in point where today's price of extrusion ingot is being sold to us at $0.263 per pound and in turn the prime producers are selling extrusions to our customers at $0.31 per pound—a difference of $0.047 per pound. Approximately 1 year ago extrusion ingot was being bought for $0.228 per pound and the selling price to this same account was $0.36 per pound (prior to the prime producer's intervening) which gave us a normal profit.

When asked why we cannot negotiate the price of extrusion ingot as they do with our customers, the answer is that extrusion ingot is too close to the basic metal (aluminum pig) which is the "gold standard" of the industry, and nothing will be done to upset that price. Of course, all the producers quote the exact same price for extrusion ingot. It is obvious that they are using the profits derived from the pig, or ingot, to subsidize their extrusion plants.

We recently have had an entry of a new primary producer, Phelps Dodge who, in order to get a foothold in the market, is also using their great advantage of producing primary metal by slashing extrusion prices.

Recent Department of Commerce figures report that 62 percent of all soft alloy extrusions sold in this country is produced by nonintegrated extruders. I believe that this figure in itself demonstrates the terrific marketing and selling job the nonintegrated extruders have performed.

All things being equal, we can compete with these giants, however, under the existing conditions outlined above we have nowhere to turn for help but to you.

We must have your help and assistance to combat forces which are beyond the control of small businessmen, for I still believe that the backbone of the economy of this country is based on the survival of the small businessman.

Anything you can do in our behalf as an official of our great State will be greatly appreciated.

Very truly yours,

EDWIN ROSENBERG,
President.

Mr. HART. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I am glad to yield to the Senator from Michigan.

Mr. HART. Mr. President, the distinguished Senator from Louisiana, our majority whip, spent many years as an active member of the Senate Small Business Committee. His expertise developed there is evidenced in the three bills concerned with distribution problems which he introduced today.

These bills seek to correct practices which have a substantial effect upon the ability of small and medium size businesses to prosper—or indeed, to survive. As the Senator has indicated, these practices are often referred to as "dual distribution" and "vertical price squeeze." Hearings held by the Senate and House Small Business Committees reveal that these problems exist in numerous industries.

The Robinson-Patman Act has been in effect nearly 30 years. It was designed to help smaller firms survive in their battle with their larger, more integrated rivals. However, it does not reach the difficulties facing smaller business concerns resulting from the growth of vertical integration in many of our industries. It does not protect the smaller businessman in his efforts to compete with the manufacturer who is engaged in both manufacturing and distribution, and who therefore, becomes the competitor of his own customers.

It is not an effective restraint on the vertically integrated manufacturer selling raw or semifinished materials to a fabricator with whom he is competing in the sale of the finished product.

I do not pretend to know today either the extent of the problems or the proper legislative approach to their solutions. These bills, however, do provide a vehicle by which a fuller understanding of the problems can be gained as they appear to exist in many of our industries.

As the Senator from Louisiana [Mr. LONG] stated, it is my intention to schedule hearings by the Antitrust and Monopoly Subcommittee on these measures. I say this now to afford the industries affected full opportunity to prepare factual and specific data—rather than general statements—on the extent and effect of the practices in those industries affected. Only through such comprehensive hearings can a sound legislative solution be formulated.

The Senator from Louisiana is to be commended for his determined efforts to insure we do respond to the problems he has discussed today, and I thank him.

Mr. LONG of Louisiana. I greatly appreciate the statement of the Senator from Michigan, who is chairman of the subcommittee which is now holding hearings on this subject with a view to recommending legislation. It has been the feeling of the Senator from Louisiana that these small concerns often find themselves in a position in which their suppliers, who are also competitors, hold a virtual life and death sentence over their business. It is not too bad that a competitor might graciously permit them to stay in business, but when their competitor who is also their supplier decides to exercise the death sentence over them, it creates a pitiful situation indeed.

I am hopeful that the Senator from Michigan and his subcommittee will carefully study the situation and see if it is not possible for them to report back proposed legislation that would adequately protect the small businessman against those concerns, which I believe to be in the minority, who have very little regard for their small competitors who are also customers for their product.

TRIBUTE TO EDWARD R. MURROW—THE SHADOW CAST BY CIGARETTES

Mrs. NEUBERGER. Mr. President, I rise to add my voice to that of others who lament and grieve over the death of Edward R. Murrow at the age of 57. Many of us who will forever hear that wonderful voice coming to us with the news through our televisions in our living rooms will more intimately associate it with a spiral of smoke from his ever-present cigarette.

The Senate Committee on Commerce is now completing action on bills that have brought forth great discussion about the relationship between the use of cigarettes and their effect on the health of people. I often wonder, if Ed Murrow could have been here to comment to us, what he might have said about the use of the cigarette.

I ask unanimous consent that an article entitled "Washington: Farewell to Brother Ed," by James Reston, published in today's issue of the New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON: FAREWELL TO BROTHER ED

(By James Reston)

WASHINGTON, April 27.—Edward R. Murrow lived long enough before he died this week to achieve the two great objectives of a reporter: He endured, survived, and reported the great story of his generation, and in the process he won the respect, admiration, and affection of his profession.

The Second World War produced a great cast of characters, most of whom have been properly celebrated. Roosevelt, Churchill, and Stalin are gone. Chiang Kai-shek is now living in the shadow of continental China, which he once commanded, and only De Gaulle of France retains power among that remarkable generation of political leaders formed in the struggle of the two World Wars.

The great generals of that time too, like MacArthur and Rommel, have died or, like Eisenhower and Montgomery, have retired; but in addition to these there was in that war a vast company of important but minor characters who played critical roles.

THE IRONY OF HISTORY

History would not have been the same without them. They were the unknown scientists, like Merle Tuve, who invented the proximity fuse and helped win the air war, and Chiefs of Staff like Bedell Smith, and the Foreign Service officers like Chip Bolen and Peter Loxley of Britain, and on the side, the Boswells of the story, like Ed Murrow of the Columbia Broadcasting System.

It was odd of Ed to die this week at 57—usually his timing was much better. He was born at the right time in North Carolina—therefore he was around to understand the agony of the American South. He went west to the State of Washington as a student and therefore understood the American empire beyond the Rockies; and he came east and stumbled into radio just at the moment when it became the most powerful instrument of communication within and between the continents.

A REMARKABLE GROUP

He was part of a remarkable company of reporters from the West: Eric Sevareid, Ed Morgan, Bill Costello whom Murrow recruited at CBS; Hedley Donovan and Phil Potter, out of Minnesota; Elmer Davis, Ernie Pyle, Tom Stokes, Bill Shirer, Raymond Clapper, Wallace Carroll, Webb Miller, Quentin Reynolds, Wally Deuel, the Mowrers, and many others, including his dearest friend, Raymond Gram Swing, who played such an important part in telling the story of the Old World's agony to America.

THIS IS LONDON

But Murrow was the one who was in London at that remarkable period of the Battle of Britain, when all the violence and sensitivities of human life converged, and being sensitive and courageous himself, he gave the facts and conveyed the feeling and spirit of that time like nobody else.

It is really surprising that he lived to be 57. He was on the rooftops during the bombings of London, and in the bombers over the Ruhr, and on the convoys across the Atlantic from the beginning to the end of the battle. Janet Murrow, his lovely and faithful wife, and Casey, his son, never really knew where he was most of the time but somehow he survived.

In the process, he became a symbol to his colleagues and a prominent public figure in his country, and there was something else about him that increased his influence. He had style. He was handsome. He dressed with that calculated conservative casualness that marked John Kennedy. He was not a good writer, but he talked in symbols and he did so with a voice of doom.

It is no wonder that the British, who know something about the glory and tragedy of life, knighted him when they knew he was dying of cancer at the end. Their main hope in the darkest days of the German bombardment of London was that the New World would somehow understand and come to the rescue of the old, and if anybody made the New World understand, it was Murrow.

THE RAT RACE

He hated the commercial rat race of the television networks, and fought their emphasis on what he regarded as the frivolities rather than the great issues of life, and talked constantly of escaping back into the small college atmosphere from which he came. He never made it, and probably wouldn't have liked it if he had.

Those who knew him best admired him most. He was a reporter of the old school and a performer of the new. In radio and television, only the memory of other people remains, and the memory of Ed Murrow will remain for a long time among people who remember the terrible and wonderful days of the Battle of Britain.

RAIL COMMUTER SERVICE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excellent editorial entitled "The Commuter Rail Solution," published in the New York Times for today, April 28, 1965.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE COMMUTER RAIL SOLUTION

In all the many years in which New York, New Jersey, and Connecticut have fumbled their way toward a remedy for the railroad commuter problem, never has a governmental solution been so specifically endorsed by a group of business leaders as it was this week by the newly organized Businessmen's Committee for Action on the Commuter Railroad Problem.

The committee's statement was noteworthy for two reasons: Although from a broad cross section of financial institutions, manufacturing concerns, department stores, publishing, advertising, insurance, and utility concerns—whose prevalent outlook would be generally conservative—it conceded that only Government could successfully operate and modernize the commuter lines; furthermore, it was the first time within memory so many top spokesmen for corporate management in this city had taken constructive, positive initiative on a major State and local issue.

The action represents a salutary break with the deplorable tradition of aloofness from the political marketplace. For too long have many of these chief executives of the business world left government on State and city level to the politicians and, except for sporadic participation in various civic agencies, stayed out of the fray.

While starting with an acknowledged reluctance to invade the field of private enterprise with Government subsidy, the new committee finds any solution lacking such aid to be "demonstrably beyond the private capital resources of the railroad companies." A "single public agency or cooperating State agencies" must be put in charge. The short-line, commuter service must be separated from the long-distance problem. Coordination of services is one of the essentials. There is "no reasonable alternative" to preserving commuter service; "in terms of cost and public convenience, the replacement of rail service by bus and private car is unthinkable."

These are all conclusions that we reached in a series of three editorials published in the Times late last year. Reluctantly too, after watching commuter service dwindle through the years while the States individually or in concert proposed first one piecemeal "solution" after another, we concluded that there was no future in mere "rescue," that the only genuine promise lay in coordination, modernization, expansion, making all equipment eventually compatible, abolition of costly turn-around at dead-end terminals, fusion with the city subway system, new trans-Manhattan loops—all manifestly beyond the capacity of private enterprise and attainable only by what amounted to government ownership.

The precedent exists in the city-owned New York transit system, in the Port Authority revitalization of the Hudson & Manhattan, and looms with the Rockefeller plan for State takeover of the Long Island. Without the security of tri-State agreement on such policy of government operation, enlargement and improvement of rail service, only periodical crises, relieved by palliatives, lie ahead.

The support of sound policy by these business executives could be the turning point in an hour when great decisions must be made. The danger, as in the past, is that the politicians will be satisfied with the making of small plans.

Mr. JAVITS. Mr. President, the editorial ties in with a statement I made yesterday, as appears at page 8550 of the RECORD, under the title "Public Rail Agency" and shows large business support for Government participation in the operation of commuter rail service in the New York area in a coordinated way.

Mr. President, we must put every possible effort and inducement before the State governments and the Federal Government. The State governments concerned are those of New York, New Jersey, and Connecticut, and perhaps Rhode Island and Massachusetts, as well. This seems to be the moment in which the great breakthrough in respect to rail commuter transportation can take place.

When anyone thinks of the number of automobile highways that would have to be constructed for only the 200,000 commuters who enter the city of New York each day, he knows that that would be impossible; we cannot go that route. The rail solution is the only way.

It is gratifying to observe that the business community, notwithstanding its deep feeling about private enterprise, is at last understanding that the solution must be a partnership of private and public enterprise—mixed enterprise, as I have called it—to do the job.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to be transacted, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 29, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 28, 1965:

DIPLOMATIC AND FOREIGN SERVICE

Charles W. Adair, Jr., of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

William R. Tyler, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nathaniel Davis, of New Jersey, a Foreign Service officer of class 2, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria.

Henry J. Tasca, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Henry A. Hoyt, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 28, 1965:

DEPARTMENT OF THE TREASURY

Joseph W. Barr, of Indiana, to be Under Secretary of the Treasury.

Merlyn N. Trued, of New Jersey, to be an Assistant Secretary of the Treasury.

Civil Aeronautics Board

John G. Adams, of South Dakota, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1970.

Federal Communications Commission

James J. Wadsworth, of New York, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964.

Federal Power Commission

Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission for the term expiring June 22, 1969.

Department of Commerce

Alexander B. Trowbridge, of New York, to be an Assistant Secretary of Commerce.

Communications Satellite Corp.

Frederic G. Donner, of New York, to be a member of the board of directors of the Communications Satellite Corp., until the date of the annual meeting of the corporation in 1968.

In the Coast Guard

The nominations beginning Cecil Warren Allison to be ensign, and ending Gerald Joseph Zanolli to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 21, 1965; and

The nominations beginning Philip P. Coady to be lieutenant, and ending William Chestnutt to be chief warrant officer, W-2, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 1965.

EXTENSIONS OF REMARKS

Hon. Oren Harris

EXTENSION OF REMARKS

OF

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. SPRINGER. Mr. Speaker, this week the American Good Government Society honored one of our most dedicated and able colleagues by presenting its 1965 George Washington Award to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Unfortunately, because of a longstanding commitment for a speaking engagement, I was unable to be present at the dinner at which our good friend, the gentleman from Arkansas, OREN HARRIS, received this award. However, in making the formal presentation, our former colleague, the Honorable Harold O. Lovre, quoted a tribute which I paid to our chairman of the occasion of the hanging of his portrait in the committee room.

What I said then is still true. OREN HARRIS has been a chairman of tremendous balance and judgment whose fairness is a hallmark of his character that has been noted time and again by every member of our committee whether he sits on the majority or the minority side of the committee table.

This is borne out in the presentation speech of Harold Lovre, a former Republican Congressman, which I include here under leave to extend my remarks:

> I am delighted to have the singular privilege of presenting one of the 1965 George Washington Awards to a grand American who epitomizes sound constitutional government in its finest form.
>
> My pleasure is enhanced by having known him personally since 1949, and having served with him in the Congress of the United States. Over those year, I have watched him in action in the committee room and on the floor, and I earnestly believe him to be one of the greatest legislators and public servants of our time.
>
> He has achieved this high standing largely because of his unswerving dedication to the principles laid out for us long ago by the revered founders of this glorious Republic. He is sincere of purpose. He is loyal to his people and his country. He drives himself to the limits of his endurance, and he has an uncommon capacity for looking objectively and in great depth at all sides of an issue. His judgments, when finally passed, reflect logic, a keen sense of fair play and, above all, the courage of his convictions.
>
> Born in Arkansas, he received his law degree in 1930 from Cumberland University in Tennessee. Three years later he became deputy prosecuting attorney of Union County in Arkansas. Then he was elected prosecuting attorney of the 13th Judicial District of Arkansas, where he served until 1940.
>
> In that year, the people of his district elected him to represent them in the Congress of the United States and they have been reelecting him ever since.
>
> He currently is in his ninth year as chairman of the important 33-member House Committee on Interstate and Foreign Commerce. Established in 1795, this is the oldest continuous committee of the Congress, and has the broadest jurisdiction of any committee in the House.
>
> Among other things, this great committee deals with legislation affecting communications, securities, petroleum, natural gas, and public health.
>
> It also handles all matters relating to commerce and transportation, which are the lifeblood of any nation, and under his chairmanship we have developed a remarkable transportation system that is the envy of all the world.
>
> Chairmanship of such a committee is a man-sized job, but the gentleman from Arkansas does not stop there. He also directs the activities of four subcommittees and, in addition, heads the special investigative subcommittee which looks into and exposes such things as rigged TV quiz shows, payola, and similar unfunny funny business.
>
> His work has carried him all over the world. In 1957, for example, he headed a study and investigation in connection with the International Geophysical Year which took his delegation to both the North and South Poles, including a week in Antarctica observing the scientific expedition of the National Science Foundation, which was established by his committee. More recently, the committee took a leading role in the authorization and development of the Telstar communications satellite.
>
> He has been given awards and accorded honors too numerous to mention, so we are by no means the first group to recognize his outstanding service.
>
> While he is human enough to cherish all of these awards, I suspect that he might be most proud of something that was said about him some time ago on the occasion of a presentation of his portrait to the committee. Among those who volunteered a few remarks that day was the Honorable WILLIAM SPRINGER, a ranking Republican on the committee.
>
> BILL SPRINGER's remarks that day paint a vivid picture of the gentleman we honor tonight, and here is what BILL said:
>
> "I came on the committee some 8 years ago. OREN at that time was about third, or fourth, and I was sitting at the small table down near the end.
>
> "As the years passed, I came to have a tremendous respect and admiration, for not only the mind of this man, which is keen in itself, but also for his thoughtfulness in his treatment of the other members of the committee, and, especially since he has been chairman, of those of us who have been across the aisle.
>
> "I think our committee has been in many respects a nonpartisan committee. I don't know that I could use the word 'bipartisan,' although we seem to bring a lot of legislation the the floor which comes with the approval of both parties * * * but certainly it has been a nonpartisan committee * * * and largely through the chairmanship of OREN HARRIS, we have made exceptional progress in the past 3 or 4 years.
>
> "It takes that kind of chairman, if you are going to get real legislation coming out of a committee where the economics of American life and the competition between the various economic segments is so keen. Only a chairman with tremendous balance and judgment could accomplish what he has in the time he has been chairman of this committee."
>
> In those few words, BILL SPRINGER just about said it all, and I shall make no effort to gild the lily.
>
> Therefore, I shall now exercise what I consider a very high privilege and present on behalf of the American Good Government Society the 1965 George Washington Award to the Honorable OREN HARRIS of Arkansas.

Victory Memorial Hospital in Brooklyn Continues To Provide Unexcelled Services After 60 years

EXTENSION OF REMARKS

OF

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. CAREY. Mr. Speaker, for many years the Bay Ridge community in Brooklyn has been considered one of the most underhospitalized areas in the city.

One of the leaders in the struggle against sickness and suffering has been Victory Memorial Hospital, Bay Ridge's only nonprofit, voluntary hospital. This magnificent institution has given effective and compassionate medical care for the sick and needy, of all races and creeds, for over 60 years. Founded in 1904, Victory Memorial today serves well over 5,000 patients each year, and the quality of medicine and surgery practiced in the hospital is unexcelled anywhere.

Throughout its history, Victory has responded to the call for expanded facilities in the community and its new 62-bed wing which opened in 1962 has been the key factor in enabling the hospital to meet the mounting demands for medical care in Bay Ridge. The importance of this new facility is reflected in the fact that in 1961 Victory Memorial admitted 3,186 patients. By 1964 this figure increased by 70 percent.

Significantly, Victory Memorial also is providing a major medical service for the residents of Staten Island, now that the Verrazzano Bridge has linked that borough with Brooklyn. Scores of emergency as well as routine cases have been brought to the hospital from Staten Island, and in general, Victory is providing valuable assistance to a neighboring county.

Last month, at the hospital's annual meeting of the board of trustees, George A. Aliano, an attorney and distinguished civic leader, was elected to an unprecedented 16th consecutive 1-year term as president of Victory Memorial. As a result of his dedicated efforts and the close cooperation of the entire board and the professional and nonprofessional staffs, the hospital has witnessed steady and healthy growth over the past several years.

I think it is noteworthy to point out that Victory's west wing was dedicated to the 134 south Brooklyn men killed in action in World War I and that the east wing was dedicated in memory of those servicemen from Bay Ridge who gave their lives during World War II and the Korean conflict.

It is in the name of these heroic men that Victory Memorial carries on its humane and essential programs in the unceasing war against disease and travail.

Address by Hon. Hervey G. Machen Before Graduating Class of Southeastern University, Washington, D.C., April 24, 1965

EXTENSION OF REMARKS

OF

HON. LYNN E. STALBAUM

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. STALBAUM. Mr. Speaker, a neighbor of mine, John P. Maurer, president of Southeastern University here in Washington told me about the inspirational remarks relating to the problems of today made by my colleague, the Honorable HERVEY G. MACHEN, Representative from Maryland's Fifth District, made at the university's annual dinner-dance for the 1965 graduating classes last Saturday evening, April 24.

Southeastern University is completing its 86th year as an operating service of the YMCA of Metropolitan Washington. It is proud to number Representative MACHEN as a distinguished alumnus. The Congressman received his LL.B. in 1939 and his LL.M. in 1941.

Congressman MACHEN's remarks follow:

ADDRESS OF CONGRESSMAN HERVEY G. MACHEN, DEMOCRAT, OF MARYLAND

Many years ago I walked the path many of you are now taking by working and going to school at the same time in an effort to make a career and a place in American society. You and I are fortunate that we have had the opportunity, desire, and drive to work and attend school at the same time.

As we all know, there are thousands and thousands of poverty-stricken Americans who cannot or do not have this same chance not only to be gainfully employed but to use spare time—hours that would have been spent in leisure or with our families—to attend school for a better education and improved career opportunities.

Similar opportunities are denied many thousands of people because they either lack initiative as a result of being entrenched in poverty for so many years that all hope of ever climbing out of the well was lost, or for a variety of other causes, such as the breakup of the family unit which I see as becoming a critical problem today, and just plain apathy on the part of local citizens themselves.

To conquer this cancer called poverty is where we—in Congress—and you—the citizens—must concentrate our efforts today. To guarantee that every American has an equal opportunity to a decent education and career and the initiative to take advantage of these opportunities is the goal of our generation. We are dedicated to building a new society for our country—a society and a way of life that will be a model for the world and a springboard for even better things for future generations. This feat cannot be accomplished overnight; nor can it be accomplished in a hundred or a thousand days because our society is not malleable like clay; and poverty, lack of education and initiative and generations-old institutions cannot be wiped out with a wave of the magic wand. Instead, our efforts are to be more like a builder constructing a grand new edifice, and we in the Congress are now providing you with the tools and the building blocks.

Let me cite a few of the ones that Congress has already provided: First there is the war-on-poverty bill, known as the Economic Opportunity Act of 1964. There is the aid-to-education bill and the Appalachian public works aid program to help bring the economy of that mountainous region into the 20th century.

Now I must caution you that these measures alone are far from the final answer. We already have mass welfare and relief programs which have been underway for decades. It is apparent that they are grossly inadequate. We have some private organizations which are carrying out their own antipoverty programs in various ways. But I sincerely hope that the sun has set on the belief that poverty can be conquered by merely handing out money to every open hand and mouth. It is my strong feeling that now we on Capitol Hill have mapped a course for an attack at the very roots of poverty by means of a comprehensive community program to be carried out primarily by the local citizens and those stricken by environment and circumstance.

The community-action program is the backbone of the antipoverty campaign and calls for participation and coordination by citizens—not bureaucrats—through their service organizations, schools, churches or civic associations. The success of our war on poverty lies in the hands of the citizens who—with the tools we in Congress have provided—must now go to work.

You who are here tonight have exhibited that incentive which is so necessary for success in almost any endeavor. This same incentive can and should be turned toward action against poverty in your own community where you could work through your churches, schools, service organizations, and citizens associations to implement what Congress has already done.

An excellent example of voluntary citizen participation is a growing program in Beltsville being carried out by a high school teacher and several students who are working with preschool youngsters who may be qualified as culturally deprived. This group is operating on its own initiative and with whatever funds it can raise locally for material. I feel their work is inspired and should be strongly encouraged and cited as the type of local voluntary antipoverty campaign which is striking at the roots of this cancer. I know there are a few other groups I could mention like the one in Beltsville. By this time next year I sincerely hope there will be hundreds of them.

I do hope you do not feel that we in Congress have placed the sole responsibility for the war on poverty with a brandnew growing bureaucracy which is already enmeshed in redtape and controversy. The Economic Opportunity Act of 1964 specifically calls for community action programs and major participation by local groups and citizens. This is where you and your friends fit into the picture.

If these broad new programs are nothing more than a bureaucratic power grab which is fed by citizen apathy, then I can see nothing but disaster for the antipoverty campaign and for the people we are trying to help. But I am optimistic that this will not happen as long as you do your share in this great effort. In this complex society what we really will have to do is concentrate on rebuilding family responsibility and church and community responsibility. This can be done only by the individual and not by the Federal Government or any of its programs.

Tonight should be a happy occasion for you who are graduating. It was for me when I was working my way through law school years ago. I want to close by saying that in this brief message it is my earnest hope that I have been able to impress on you some of the duties incumbent on you if we are to create a truly Great Society. I wish you all the best of everything.

Brown Bomber Social and Athletic Club of Staten Island, Inc.

EXTENSION OF REMARKS

OF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. MURPHY of New York. Mr. Speaker, the Brown Bomber Social and Athletic Club of Staten Island, New York, N.Y., held their annual dinner on Sunday, April 25, and the proceeds of this dinner will be donated to charitable organizations.

Mr. Christopher Moody was chairman of the dinner and justice of the criminal courts. Alfred J. Cawse was the recipient of the achievement award given each year to an outstanding citizen for his contributions to the Borough of Richmond. George "Timmy" Allen, senior in McKee High School was the winner of the sports award as Staten Island's outstanding high school basketball player. Councilman Robert G. Lindsay and Justice Frank Paulo, surrogate of Richmond County, were other guests of honor. Borough president, Albert V. Maniscalco, expressed the greetings of the city of New York and introduced me as principal speaker.

Mr. Speaker, under leave to extend my remarks in the RECORD, I include my address:

REMARKS OF HON. JOHN M. MURPHY BEFORE THE BROWN BOMBER SOCIAL CLUB, APRIL 25

Ladies and gentleman, tonight I want to talk to you briefly about education; but don't get in a panic and start looking for the exits; I'm not here as a professor—a calling, incidentally, that someone once described as getting paid to study the sleeping habits of students—but I do want to leave a few thoughts with you on education as an opportunity and as a challenge.

As you know, only 2 weeks ago President Johnson—once a teacher himself—signed into law the $1.3 billion aid-to-education bill, the greatest single advance in the war on ignorance that this country has ever made. It was an honor and a privilege for me to contribute my vote to the passage of this bill through Congress.

As the President said when he affixed his signature to this historic measure, "It will bring better education to millions of disadvantaged youth who need it most; put the best educational equipment and innovations within reach of all students; advance the technology of teaching and the training of teachers, and provide incentives for those who wish to learn at every stage along the road to learning."

Specifically, the bill is aimed at breaking the cycle of ignorance and poverty by giving special help to children from low-income families. Its main section authorizes the grant of $1.06 billion to the States for the benefit of about 5 million children in families earning under $2,000 a year.

It will provide additional millions to aid school libraries and buy publicly approved textbooks for children in public, private and parochial schools; to start a 5-year program for the establishment of educational and cultural centers such as science laboratories and reading clinics, and to aid educational research and training designed to improve the quality of teaching in grade and high schools.

But let me put it in human terms:

We Americans always pride ourselves on the availability and quality of our public education. For most of us, it is available and it is of good quality. But to hundreds of thousands of families in areas where poverty was and is a bitter reality—and these families and areas know no color line and no State lines—public education often is just barely available and too often of substandard quality.

For instance, recent educational research has shown that alarming numbers of these disadvantaged children are hopelessly behind, scholastically, by the time they struggle into the third or fourth grade. They must have preschool training in order to start on even terms in the first grade with their more fortunate classmates. But less than half of this country's school districts have kindergartens, and only a hundred or so have public nursery schools.

The aid-to-education bill will fill this urgent need.

Thus, we are on the road to the time when opportunity for education will be a reality for everyone, regardless of color or economic level; to the time when no man or woman will be tied to a deadend job, or doomed to a lifetime of idleness and handouts, simply because the door to educational opportunity was locked by circumstances; to the time when those in middle life will no longer have to wonder, as millions do now, what they might have accomplished if only they had had a chance.

I think we can now say, with confidence, that the goal of equality of opportunity is in sight. But opportunity alone is not enough; to it, we must bring dedication, responsibility and, above all, the surge of challenge.

In fact, I sometimes wonder, in our preoccupation with opportunity, if we have not neglected the qualities that are necessary to take advantage of it.

In the postwar years, hundreds of thousands of veterans, their educational opportunities wiped out by the great economic depression of the nineteen thirties, flocked to college campuses to study under the GI bill of rights. Education was the watchword, the theme of the nineteen forties. Then, a decade ago, began the industrial revolution brought about by automation, a revolution that is continuing. Again, education was the cry. Young people were told, and rightly so, that there would be no place for them in the world of the future unless they were trained in the skills demanded by modern technology.

Over these years, the educational picture of this country has undergone a dramatic change. Today, the college graduate is no longer a member of a small and elite minority, as he was for so many years. And the vast majority of our young people complete high school now, even if not all of them go on to college; let me give you an example—in just the past ten years, the high school dropout rate has been cut 98 percent, and the current drive to keep our young people in school is cutting it even more.

It is a heartening picture, certainly, but there is a flaw in it. Once, a college degree was virtually a guarantee of a job, if there was a job to be had. To too many young people, a degree became an end in itself, a passport into business or the professions where, by natural progression and with little effort on their part, they would ultimately arrive in the high tax brackets.

Unfortunately, this attitude persists and it persists in the face of a totally changed picture. Today, every applicant for a desirable job has a college diploma; no others need apply. So, the personnel manager is no longer impressed by college credentials; one school is very much like another, and the competition for a given job now narrows down to the individual and his basic attitude.

The door of opportunity has been opened for him, educationally, but has he the qualities that will enable him to walk through that door?

Is he simply looking for a job, a secure corner in which to sit and grow gray while he counts the years to retirement and another secure corner, this one in the sun? Or is he looking for challenge, a chance to put his educational opportunity to work for his firm, his community and himself?

If he is only a job seeker, his chance of exchanging that college degree for a secure corner grows slimmer every day. In today's business world, an employer looks for potential—the potential of growth—not only for his firm but for his community. The day when business took no active part in the community around it is long since gone; today, a business leader is also a community leader, and the qualities demanded in one are demanded in the other.

These qualities, in my view, are first, enthusiasm—the drive to do a job well regardless of its relative unimportance; initiative—the spirit needed to originate action on your own; responsibility—the ability to meet obligations or to act without superior authority or guidance; and service—the willingness to devote time and effort to build and improve your community.

Without these qualities, the door of educational opportunity is a revolving one that will bring you right back around to where you went in. Now, through the administration's aid-to-education bill, opportunity soon will be within the reach of everyone. But government can do no more than open the door; you must make your own way along the path to the rewards of accomplishment and service that lie beyond it. Thank you.

A Bill To Aid State and Local Law Enforcement

EXTENSION OF REMARKS

OF

HON. ROY H. McVICKER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. McVICKER. Mr. Speaker, one of our Nation's most important problems is the prodigious increase in its crime rate. The President pointed out in his message on crime to the Congress that since 1940 the crime rate in this country has doubled. Since 1958 it has increased five times as fast as our population.

Measures designed to aid in stemming the increase in crime have recently been passed or proposed in the Congress. Our efforts in combating poverty and in improving education, health, housing, and recreation will contribute greatly to eliminating the causes of criminal activity.

The crime problem will require long-range planning, but it is also a matter of immediate concern. We must act to combat the present threats to the security of our homes and places of business.

Although crime is a matter of grave national concern which deserves the best effort of the Federal Government, the principal enforcement responsibility still rests on State and local governments. That burden is great and becoming heavier. The cost of operating our police departments has risen by 50 percent in the last 5 years alone.

For some years, the Federal Government has been providing valuable assistance to local law-enforcement agencies. The FBI assist them with training activities and the FBI National Academy in Washington gives comprehensive instructions to State and local career law-enforcement officers yearly. The Federal Government also provides support for short-term vocational training for police officers and more extensive training in related fields through the Department of Health, Education, and Welfare. The Treasury Department provides instruction for narcotics enforcement personnel through the Bureau of Narcotics Training School.

These have been highly successful programs, but additional efforts are a necessity. We must provide additional assistance in training State and local law enforcement officers, and we must improve capabilities, techniques, and practices in the prevention and control of crime. To this end, I am today introducing for appropriate reference a bill designed to bolster present training programs.

The need for State and local law-enforcement training programs has long been recognized in my State of Colorado. In 1962, Mr. A. S. (Tony) Reeder, at the request of Gov. Steven McNichols, formed a committee of three chiefs of police, three sheriffs, and the administrative head of the Colorado State Patrol. The committee decided to divide the State into eight areas and to hold open hearings to which local chiefs of police, marshals, sheriffs, city councilmen, county commissioners, city managers, and other interested parties would be invited.

Investigations were conducted concerning which of the following were most urgently needed to upgrade law enforcement in Colorado—the establishment of a State central police records bureau, a State police identification bureau, or a State crime laboratory. As a result of these eight meetings and the correlation of information that had been obtained, it was agreed that the most urgent need of law-enforcement facilities in our State was a law-enforcement training program.

Maj. Gen. Joe Moffett, of the Colorado National Guard, suggested the plan of combining a Colorado law enforcement training academy with the new National Guard complex that was proposed for Camp George West near Golden, Colo. The committee agreed that this was the most feasible plan. They estimated the cost of constructing and equipping the law-enforcement academy at $313,000.

The committee proposed that the academy would house the Colorado State Patrol training facility and would afford a basic training, inservice, and administrative and specialized training to all municipal, county, and State law-enforcement officers in the State.

A questionnaire was then sent to all law enforcement administrators in the State. Fifty-three county sheriffs out of sixty-three reported that they would support and use the academy facilities. Of 151 city chiefs of police and marshals, 91 reported that they definitely would use the academy and 28 reported that they would use it when sufficient financial reserve could be obtained, either from local government or from State or Federal Government. These results represent a definite commitment from 2,441 full-time male officers, 130 full-time female personnel, and 1,691 Reserve and auxiliary officers.

There is at present a bill before the Colorado House of Representatives which would provide for the establishment of a training academy along the lines proposed by the committee. This bill has previously been approved by the State senate. There is, however, the problem of how sufficient funds can be secured to implement such a bill.

Recent speeches in the Congress have emphasized how education, health, welfare, and other endeavors have caused State expenditures to rise at a phenomenal rate, causing State finances to be strained enormously. In my own State of Colorado, the property tax, which is the State's primary basis for local and county financing has reached the point of regressiveness and is a major burden to orderly local government and a detriment to economic growth. Yet the need for a training program for our police and sheriffs is an absolute necessity in my State as it is in many States.

The bill I am introducing would provide for the assistance to the States or local agencies to establish programs and facilities giving professional training and education to law enforcement personnel toward the end of increasing the security of persons and property and to promote respect for the law.

I trust that the assistance given in this bill and the incentive that will be provided by its enactment, for my own State as well as the other States throughout the Union, will provide a training facility for law enforcement personnel that is necessary to increase safety in our streets and security in our homes and places of business.

Multiple Listing Service of the Brooklyn Real Estate Board Renders Outstanding Service to Buyer and Broker

EXTENSION OF REMARKS

OF

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. CAREY. Mr. Speaker, the Brooklyn Real Estate Board's multiple listing service from the Bay Ridge area, which pioneered multiple listing service in New York City 8 years ago, performs a commendable service for the prospective homebuyer, as well as for real estate brokers who are participants in this organization.

Through the use of this service the persons seeking to purchase a home can save considerable time, effort, and expense, and also, from the standpoint of the broker-participant, sales action is accelerated. This is how the multiple listing service assists the prospective homebuyer.

While there may be many houses on the market which meet all the buyer's specifications, the individual realtor cannot be thoroughly familiar with all of them.

However, each of the 50 members and more than 200 of their salesmen are able to offer the customer a choice of every house available on any given day.

The shopper can narrow his choice down to a few dwellings by looking at the listing sheets and photographs in the broker's office. He is then shown just the few dwellings which will fill his specific needs.

Although the listing sheets and pictures do not get into the hands of all members for approximately 5 days from the time it was listed, the average time expired from listing to sale in Bay Ridge is 32 days. This is the direct result of the realtor listing the property at a realistic selling price.

Persons who wish to sell their homes also enjoy the benefits, by obtaining an estimate of a fair market value. A photograph of his home is taken and distributed with his listing. This generates widespread interest and attracts many prospective buyers. Appointments to show the house are made at the seller's convenience.

These extra services provided by the multiple listing service cost the homeowner nothing more than the regular brokerage he would pay to the realtor who sells his house.

There is a growing awareness of the advantages such listing services offer brokers in today's varied real estate market.

During the past year, members of the Bay Bridge service have been invited to address various real estate boards throughout Brooklyn and Long Island, to help them organize their own listing service and exchange views.

Helping to guide the programs of multiple listing service are its capable committeemen, who include:

John A. Salvatore, chairman; Vincent F. Lucadana, cochairman; Robert J. Stapleton, legal consultant; Zenon L. Post, education; Joseph P. Alessio, budget director; Thomas A. Meagher, education; A. A. Bongiorno, program chairman and James B. Manzi, and John B. Swift, past presidents of the Brooklyn Real Estate Board.

Right-To-Work Laws

EXTENSION OF REMARKS

OF

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. AYRES. Mr. Speaker, Mr. Robert H. Feldkamp, one of the Nation's outstanding political writers, recently commented in his column in the Akron Beacon Journal about my position in regard to the repeal of section 14(b) of the Taft-Hartley Act.

The column follows:

THE POLITICAL PARADE

(By Robert H. Feldkamp)

Representative AYRES, of Akron, has decided to vote for repeal of section 14(b) of the Taft-Hartley Act—which may raise some eyebrows.

The is the controversial section permitting States to enact their own right-to-work laws—laws which bar compulsory unionism.

AYRES, a Republican, confides he will be taking a position contrary to that generally expressed by his party on the touchy subject of right to work.

Couple AYRES' position with the fact that he is the ranking Republican on the House Education and Labor Committee—where the repealer will first be considered, most likely this session—and it adds up to smooth sailing once the bill is thrown into the hopper.

This is doubly significant because labor has wanted to repeal 14(b) for nearly 20 years, but could never muster the strength in Congress.

This time, with Ayres' help, repeal is imminent.

Ayres and Adam Clayton Powell, the New York Democrat who heads the Education and Labor Committee, are working together.

Powell, in fact, is part of the reason that Ayres will support repeal.

The New Yorker knows that the bill probably will pass easily once it is reported out of committee. Democrats hold an overwhelming edge in Congress and most will go for it. And of the 435 House Members, only 124 come from the 19 States now having right-to-work laws—so no great opposition will develop there.

Powell knows that his greatest bargaining power comes while the bill still is in committee. So do labor chieftains, who dearly want repeal.

AFL–CIO President George Meany has a pledge from President Johnson—in return for a lot of help from labor during the last campaign—for help in killing 14(b).

Meany, however, must contend with Powell and that is what is happening now.

Powell, a Negro, long has been unhappy about the virtual exclusion of Negroes from union apprentice training programs. Ayres also has said publicly that qualified Negroes should be allowed into these programs.

Meany, it is understood, has promised Powell he will do all he can to break down these racial barriers—in return for fast committee action on 14(b).

This is where the matter now stands, and is part of the reason Ayres will line up with the Democrats.

He knows, too, that the Southern States now having right-to-work laws are using them as a magnet in attracting northern industries.

"Come on down," these Southern States are saying, "and you won't have to face compulsory union shops."

Ayres also remembers 1958 in Ohio of course, when Republicans who favored right to work were overwhelmed by labor-backed Democrats in almost every instance.

"The people of Ohio spoke out on this then, and were very clear," he says.

Mr. Speaker, I do not differ from the conclusions as drawn by Mr. Feldkamp; rather, I would elaborate and give the background of my position.

In 1958, when a right-to-work amendment was placed on our Ohio ballot, I publicly stated that I would not vote for it. I further stated that I felt that the U.S. Congress should face this issue.

Let no one feel that this is a reversal of position. I am a firm supporter of the Taft-Hartley Act and took a major part in the conference that brought about the enactment of the Landrum-Griffin Act.

I have always supported labor legislation that would provide the proper climate for fair bargaining. Excess of power by either party can but lead to disaster for both. I have always kept in mind that the general public had a great interest and that interest should have proper consideration.

There might be some who would infer that any movement to repeal section 14(b) of the Taft-Hartley Act would be an attack on that act itself. This is untrue.

There comes a time when experience brings about a review of some sections of what might be considered a very fair law.

Just a short time ago, I called for a review of the election provisions of the Landrum-Griffin. In two recent national union elections, loopholes in that law were found to exist—loopholes that permitted fraudulent or confusing action. The right of union members to conduct fair elections is paramount.

The Landrum-Griffin Act was drawn so as to give protection to union members that might, on occasion, be beset by autocratic leadership. It is a fine law but improvements, in this one direction, might be made. I would still protect the Landrum-Griffin Act as I still would protect the Taft-Hartley Act.

An organization that is disputing the repeal of section 14(b), falsely charges that this repeal would force every employee to join a union and pay dues. To clear up this misconception, I am detailing the actual effect of the repeal of section 14(b).

As I recently covered this subject in a speech, I do now include excerpts from my remarks pertaining to this subject:

Important Considerations in Connection With Proposals To Repeal Section 14(b)

Section 14(b) of Taft-Hartley authorizes the States to limit or completely prohibit any form of compulsory union membership arrangement. Nineteen of the fifty States have enacted such statutes, popularly known as right-to-work laws.

There seems to be a widespread misconception that in the 31 States which do not have right-to-work laws union membership is compulsory for employees in organized enterprises. This is utterly erroneous.

Compulsory union membership results exclusively from voluntary contracts entered into between employers and labor unions during the course of free collective bargaining. Nothing in either Federal or State law compels an employee to join a union or an employer to consent to an agreement with a union which would require his employees to join the union as a condition of retaining their jobs.

In other words, compulsory union membership, where it exists, is a result of free and voluntary agreement between employer and union, and is not a requirement imposed by law. If 14(b) were to be repealed, thus nullifying State right-to-work laws, nevertheless, no employee could be compelled to join a union in order to hold his job, unless his employer voluntarily agreed to including such a requirement in his contract with the union.

If section 14(b) were to be repealed, the provision in the Taft-Hartley Act permitting union security arrangements would then apply uniformly in all of the 50 States.

Again there seems to be a widespread misconception that this would have the effect of imposing unrestricted compulsory union membership on all employees in organized enterprises. This, too, is erroneous. The provision in Taft-Hartley permitting employers and unions to agree to union security arrangements is an extremely limited one.

The closed shop, which requires the employer to hire only those job applicants who are already members of the union, would still be unlawful. And employees required to join the union after getting their jobs [this is known as the union shop] could not be deprived of their jobs even if they lose their membership in the union, unless such loss of membership were the result of a refusal to pay their dues or initiation fee. Loss or denial of union membership for any other reason would not be a lawful reason for the employee's loss of his job.

Hence, apart from the requirement to pay union dues and initiation fees, the employee required to join the union would have no other obligations to the union as a condition of holding his job.

Repeal of 14(b) would leave the fundamental scheme of the Taft-Hartley and Landrum-Griffin Acts unchanged.

The Wagner Act which remained on the statute books substantially unchanged from 1935 to 1947, was limited to protecting employees against any attempt by their employers to interfere with their membership in or activities in behalf of their unions. No other safeguards for employees were provided, nor were there any protections provided for employers against any type of union misconduct.

The Taft-Hartley Act, passed in 1947, provided protections for employers against certain types of union conduct such as secondary boycotts, certain types of picketing, jurisdictional dispute strikes, etc. Moreover, the closed shop was completely outlawed, and only the limited type of union shop described above was permitted even in those States without right-to-work laws. None of these new safeguards would be affected in any way by the repeal of 14(b).

In 1959, the Landrum-Griffin Act became law. This strengthened the ban on secondary boycotts, outlawed hot-cargo contracts, and prohibited organizational, recognition, and extortionate picketing. These additional safeguards for employers and employees would not be changed by repeal of 14(b). Moreover, the new provisions establishing a bill of rights for union members, protecting union funds against misuse, erecting certain safeguards for the conduct of union elections, similarly would remain unaffected by repeal of 14(b).

Thus it is plain that repeal of 14(b) would result in no fundamental or significant modification in the structure and safeguards which the Taft-Hartley and Landrum-Griffin Acts have made available to rank-and-file union members, employees, and employers.

The Historical Background of the Transylvanian Question

EXTENSION OF REMARKS

OF

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. O'KONSKI. Mr. Speaker, my distinguished colleagues illuminated the present plight of the Hungarian minority in Transylvania and suggested some specific steps the administration could take to ameliorate its position in the course of American-Rumanian economic and cultural negotiations.

To understand the problem fully, we have to ask the question, however, how did the question arise, what are the historical-political facts that had led to the emergence of the present tragic situation?

Transylvania forms the eastern part of the Danubian Basin, a land surrounded everywhere except in the northwest by the Carpathian Mountains in the east and south and the Bhari—Bihor—Mountains in the west. Transylvania, a country of scenic beauty resembling Switzerland, is rich in mineral resources, including coal, iron, alloy metals, natural gas, and hydroelectric power, and its economy is well suited to the development of chemical and steel industries. As a matter of fact, the Communist Rumanian government built its industrialization plan around the Transylvanian resources as the pivot.

Magyars—Hungarians—live in Transylvania at least since the end of the ninth century. Historical research showed about 70 percent of the river and place names to be of Hungarian etymological origin, and only about 5 percent of the same names have Rumanian origin. In the 13th century, as Transylvania remained an exposed outpost of the kingdom, the Hungarian kings settled German Saxons and accepted the first Rumanian immigrants from the south into Transylvania. However, except in two counties, Rumanian mass immigration began only in the 16th and 17th centuries when Rumanians fled from the Danubian principalities of Moldavia and Valachia into Transylvania in the wake of Turkish raids, incessant civil wars, and cruel taxation by their Fanariot princes. The high altitudes and dense forests of the Carpathians provided a secure refuge for them, and the Westernized state system offered a more humane and civilized life.

Transylvania, however, failed to escape the Turkish wars either. Though never a Turkish province like the Danubian principalities and Central Hungary, Turkish raids in the 17th century and wars with the Habsburgs decimated its Hungarian population living in the valleys and on the central plateau. The mountaineer Rumanians herding their sheep suffered considerably less from marauding soldateska.

Despite the heavy blood losses, the 16th and 17th centuries were the golden age of Transylvanian culture and political power. An independent principality only loosely connected with the Hungarian Kingdom ruled by the Habsburgs, Transylvania was ruled by the three political nations, Hungarians, Szekler—old Hungarian frontiersmen—and the German Saxons. Rumanians were in the 15th and 16th centuries still in such a minority that when the nobility made the pact in 1437 they were not recognized as a nation.

One of the first princes of Transylvania, Stephen Bathori, became also King of Poland for more than a decade and under Gabriel Bethlen and George Rakoczi I, Transylvania was internationally recognized as a belligerent on the French side in the Thirty Years' War. Several hundred Transylvanian students were also studying at Western universities, and German, Italian, and even French teachers were teaching at Transylvanian colleges.

With the reconquest of central Hungary by the Habsburgs, helped by Hungarians and soldiers from many Western nations in a last crusade, Transylvania could no longer continue as an independent principality as it had always been regarded at home and abroad as a part of the Hungarian Kingdom.

Between 1091 and 1867, except for 1848–49, Transylvania was administered by the Habsburgs as a grand duchy belonging to the Hungarian Crown. The governor was usually a Hungarian nobleman from Transylvania, but there existed a separate Transylvanian chancery in Vienna, usually staffed by Austrians and Saxons. The Habsburg rule promoted the Saxons and even the Rumanians, but not the Hungarian majority which had to fight in order to continue its role in the Diet and the local administration.

The major accomplishment of the period was the education of the Rumanians and the subsequent awakening of national consciousness among them and among the Hungarians and Saxons as well.

The Hungarian princes of the Reformation period had already translated the Bible into Rumanian and tried to convert the Greek Orthodox Rumanians to Protestantism. They failed to achieve much success. The Roman Catholic Church was temporarily more successful after 1701 when the Orthodox clergy accepted the supremacy of the Pope in exchange for keeping their own Greek-Rumanian rites. In the Union of Gyulafehervar (Alba Julia) the Rumanian clergy became Uniate and soon its seminaries, especially the one at Balazsfalva (Blaj) were to become the cradles of Rumanian national consciousness. It was there that the idea of Daco-Roman origins of the Transylvanian Rumanians was conceived on the basis of Hungarian Renaissance Hungarian historians who tried to show as many ties between the Latins and the Hungarian King, Mathias Hunyadi (Corvinus). By 1848 national consciousness was well developed among all nationalities in Transylvania. The Magyars (Hungarians) wanted the abolition of the separate Habsburg administration of Transylvania and favored a political union with Hungary proper that would have its liberal constitution and freely elected, responsible government. They also wanted to abolish serfdom for all nationalities alike. The German Saxons favored the continuance of the status quo that enabled them to influence Transylvanian affairs to an extent incommensurate with their number that hardly exceeded 10 percent at that time.

The Rumanians were by now well provided with nationalistic leaders, including the Greek Orthodox Archbishop Andreas Saguna and the half insane, cruel guerrilla leaders around Avram Lancu. When in September 1848, the Vienna court decided to revoke the laws of April 1848, resulting in the political union with Transylvania and the liberal political reforms, it promised autonomy to the Transylvanian Rumanians in order to gain their military alliance against Louis Kossuth's Hungarians. Subsequently, some of the southern Transylvanian Rumanians rose under Iancu against the Hungarians, committing grave atrocities and massacres among the Hungarian population, only to be chased by Kossuth's armies into the mountains a few months later.

In 1849, just before the combined Austrian-Russian invasion ended the Kossuth regime, Rumanians, and Hungarians seemed to have come to an agreement on the nationality question but, of course, this remained dead paper because of the collapse of Kossuth's Hungary.

During the coming 17 years Hungarians and Rumanians alike were suppressed by the absolutist Habsburg regime. Thus by 1867 despite the realization of the political union between Transylvania and Hungary proper, the Rumanians were willing to accept the situation especially after the passing of the very liberal nationality law of the Hungarian Government in 1868.

Much has been written about the post-compromise period of Transylvania both by Hungarians and Rumanians. Eliminating the obvious propaganda on both sides, it must be said with J. Cabot Moore "The Racial Conflict in Transylvania" that the 50 years were years of development, culture, and progress. Even industrialization was begun and the cultural accomplishments in literature, architecture, sculpture, and theater were impressive. Politically, however, especially the last 15 years before the First World War were years of increasingly acute nationality conflict. Rumanian deputies in the Hungarian Parliament fought almost all the administrative and educational measures of the Government as Magyerizing and anti-Rumanian and the Liga Culturalea of Rumania sent money and agitators into Transylvania where the new Rumanian savings banks succeeded in buying up more and more land. At the same time, there were administrative abuses against the Rumanians on the Hungarian side, and both sides became bitter toward each other. Yet, it must be said that the expansion of public and parochial schools enabled Rumanians to educate their children in their mother tongue—there were 13 colleges, several hundred high schools, and 2,800 grade schools where Rumanian was the language of instruction in 1914 in Transylvania.

The number of Rumanian Deputies in the Budapest Parliament, though lower than proportional representation would have accorded it, was considerably higher than later on the number of Hungarian Deputies in the Rumanian Parliament after 1920. The Hungarians scolded the Rumanian politicians both for their preference to Vienna—A. Popovici in 1912 was the author of the most detailed book on how to reorganize the monarchy on ethnic basis—and for their suspected irredentist motivation and connections with the Rumanian Kingdom. The Rumanians, in turn, complained about highhanded Hungarian administration, and the failure to receive autonomy in the Rumanian areas.

The outcome of the First World War drastically changed the fate of Transylvania. First, Rumania, a German ally, changed sides in 1916 and attacked Austria-Hungary. In return for such a switch, the Allied Powers promised Transylvania and other parts of the Hungarian Kingdom to Rumania. Yet, Rumania was defeated by the German and Austro-Hungarian armies and had to sign a peace treaty in May 1918, at Bucharest which restored the prevailing frontiers. On November 7, 1918, several days after the armistice of Austria-Hungary with the Allies, Rumania again declared war on the nonexisting state, and proceeded to occupy Transylvania. Resisted only by one volunteer division of Szeklers and Hungarians, Rumanian advance remained still very slow, and only in March 1919, could they occupy Transylvania after the Allied High Command forced the Hungarians to withdraw.

On December 1, 1918, the Rumanians of Transylvania, after some bitter debate, voted for the incorporation of Transylvania into the Rumanian Kingdom, a step which was not followed by the Hungarians and accepted by the Saxons only after personal guarantees of the Rumanian leaders that the peace conference already assigned Transylvania to Rumania.

In the peace treaty of 1920, Rumania was given substantially the same area as promised to her in 1916. Minority protection clauses were included into the treaty. They were never kept fully but at least prevented an even more intense persecution of the Hungarians. About 150,000 Hungarians were forced to leave and the rest became second-class citizens.

Yet the Transylvanian Rumanians also had a sorry lot as their brethren from the Rumanian Kingdom took over. Some of the leaders, Vajda-Voevod, Maniu, Goga were the bitterest critics of the new regime, though certainly they were not friendly toward the Hungarians. Corruption, political and financial, flourished encouraging extremist movements on the right—Iron Guard—and aggravating the situation of the Hungarian minority, still numbering 1.6 million. The land reform hit the Hungarians as Rumanian estates were usually excluded under false pretexts, the language requirements were made too severe so that civil servants of Hungarian descent, even in the railroad and post offices were always in the danger of being fired, as they often were, Hungarian students were seldom allowed to pass the Rumanian university and high school exams, administrative abuses were numerous and schools were closed right and left.

By 1936 many a volume of the League of Nations was full with the complaints and proceedings of the Hungarian minority in Transylvania. It is interesting to note that though Rumania was a French ally, the League of Nations ordered at least partial relief in 40 percent of the cases of complaints.

By 1940 the situation changed internationally. Rumania abandoned the Anglo-French guarantee in the wake of France's surrender to Hitler's armies and Hungary pressed for a revision of the frontiers. The Soviet Union, under the secret protocol of the German-Russian Treaty of August 23, 1929, that led to the partition of Poland as well, demanded Bessarabia back from Rumania in June 1940. Rumania had no choice but to yield to the Soviet demand. Hungary's turn was next, but the subsequent negotiations led into a deadend street. War seemed to be imminent between the two countries, and Germany and Italy did not want any war while they were concentrating their activities against England and stepped in at Rumanian request. The result was the second Vienna award of August 30, 1940.

The decision restored about 40 percent of Transylvania to Hungary, including most of the Hungarian-inhabited areas and some Rumanian areas as well, as there could not be a clear-cut ethnic division of the province. Yet the solution was not regarded by anyone as final. The Germans used it as a bait both to the Rumanians whom they promised restoration of northern Transylvania if they act as loyal allies, and to the Hungarians whom they promised southern Transylvania as well if they follow the Fuehrer to "final victory." The British and Soviet Governments, in turn, promised the northern part of the province to that state which leaves the Axis Powers first.

As Rumania was the more easternmost German ally, she changed sides first on August 23, 1945, and the armistice provided for Rumanian administration of northern Transylvania. Yet, the atrocities of the returning Rumanian Armies and guerrilla bands were such, that the Red Army itself expelled the Rumanian administration from the region and established a Russian military government. Only after the Yalta Conference, when upon Molotov's pressure the Rumanian king appointed a pro-Communist government, was the region returned to Rumanian administration, a decision confirmed by the Paris Peace Conference of 1947. It is interesting to note that the State Department was in favor of returning some of northern Transylvania to Hungary in 1946 and it was only the Soviet veto at Faris which prevented the United States to provide for such a frontier revision. The reason for the Soviet veto was that Rumania was already in the Soviet orbit, while Hungary was still holding out, to be absorbed later.

My colleague from New York gave us an insight into the persecution of the Hungarian minority since 1956. While it is true that during the days of the Stalin rule in Russia, the Rumanian Communists equally persecuted Rumanians and Hungarians if they were anti-Communists, one should not forget to mention this persecution of anti-Communist Hungarians either. According to Hungarian sources, documented in every individual case, between 1945 and 1964 there were not less than 278,000 Hungarians killed or deported to Dobrudja in Rumania. Most of the cases occurred in the late forties and early fifties, in order to break the Hungarian middle class and smallholders, the two mainstays of the Hungarian minority which were declared "class alien." The churches were also severely attacked, the orders dissolved, and the Roman Catholic Bishop of Gyulafehervar (Alba Julia), Aron Marton, and hundreds of priests jailed. The Greek Uniate Church suffered an even more grievous fate. It was by decree united with the Orthodox Church, though it had about 1 million adherents in Transylvania and several bishoprics and large clergy. Today, they are separated from Rome and also curtailed in their jurisdiction by the Communist government.

This is the background to the "Transylvanian Question," which was known to us already since the end of the First World War. Until Communist rule perishes in Rumania and until Rumanians and Hungarians find the secure basis for coexistence, there will be no peace in this long-suffering area of Europe. A solution of the problem is even more urgent as the colored world has now received its independence and the map of the world is changing in accordance with the wishes of its populations. Only in the Soviet orbit everything remains politically the same. Minority protection and perhaps also a frontier revision—there are 1.65 million Hungarians in Rumania, and about 60,000 Rumanians in Hungary only—are demands of the hour if a reorganization of the region after the end of Communist rule is ever to take place.

Many Misinformed on Pending Immigration Revision Proposal

EXTENSION OF REMARKS

OF

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. CELLER. Mr. Speaker, as chairman of the Committee on the Judiciary, I have recently become aware of much public misinformation about the pending immigration bill. Some of this misinformation may come from persons who oppose the bill but who have not studied it themselves or do not understand it very well.

I have prepared an outline that is designed to correct mistaken notions which have been circulated about the bill and to provide accurate information on its purposes and anticipated effects.

COMMON MISAPPREHENSIONS ABOUT H.R. 2580

I

Claim: The bill would bring in an excessive number of immigrants and thereby aggravate our population problems.

The facts: The effect of the bill on our population would be quite insignificant. Our population is now increasing at the rate of about 3 million a year. The total number of quota immigrants now authorized is 158,000 a year and under the bill would be about 166,000, an increase of 8,000 per year. Actually, because the bill would authorize the use of quota numbers that now are authorized but unused, it would result in an increase in immigration of about 60,000 a year. This figure is, however, only about 2 percent of the present natural increase in our population and obviously can have little practical effect on population growth.

The old days of large-scale immigration to this country are a half-century past, and no one has suggested any legislation to bring them back. The administration's bill certainly would not have that effect; it is designed to deal primarily with the basis on which immigrants are chosen and leaves their number little changed. If at some future time the amount of immigration were to become a real problem from the standpoint of our population or anything else, Congress always has the power to curtail immigration further, and probably would do so.

II

Claim: The bill would let in hordes of Africans and Asiatics.

The facts: As pointed out above, the bill would not let in great numbers of immigrants from anywhere at all. Persons from Africa and Asia would continue to be quota immigrants, as they are under present law, but would be treated like everyone else. With the ending of discrimination by place of birth, there will be some shift of immigration to countries other than the ones in Northern Europe which are now favored by the national origins systems, but quota immigrants will have to compete and to qualify to get in, and quota immigration will not be predominantly from Asia and Africa. This is because there are many factors besides quotas that limit immigration, factors that the bill will not change. Actually, many countries in Africa do not use their present quotas of 100. The simple fact is that nations differ greatly in the number of their people who have the occupational attainments, or the family ties in the United States, to obtain a preference. There are also marked differences in wealth, earning power, and education which have a determining effect upon the numbers of people who could prove they would not be public charges if they came here, and who could meet the other prescribed tests for admission. Indeed, very few people from some areas can even pay the cost of tickets to come here. Because of practical and legal factors such as the above, quota immigration under the bill is likely to be more than 80 percent European.

Moreover, all countries will be limited by the bill to a maximum of 10 percent of the total quota immigration, so that no country could take up an excessive share of the overall quota. It should be noted that, in order to relieve hardship and for reasons of foreign policy, it would be possible under the bill to restore present quotas in some cases. This would, at least theoretically, allow the 10-percent limit to be exceeded in the cases of Great Britain, Germany, and Ireland. They happen to be the only countries whose present quotas exceed the 10-percent figures. The conclusion is plain—there would not be any flood of immigrants from any country, any continent, or from all of them put together.

III

Claim: The bill will lead to an increase in unemployment and in welfare rolls.

The facts: There is no real evidence to support this claim, and there is much evidence to disprove it.

First. Out of the 60,000 additional immigrants a year who would enter under the bill, only 24,000 would be workers. This number of additional workers is miscroscopic in relation to the U.S. work force—24,000 against our present work force of over 77 million, or about 1 to each 3,000 workers—hardly a drop in the bucket as a practical matter.

Second. For each additional worker admitted, the national economy will benefit from the admission of other persons who are consumers but not workers—elderly parents, women, children—in a ratio of workers to consumers that is as good or better than the ratio in our country today; these consumers should strengthen and not weaken the employment situation.

Third. The bill makes absolutely no change in the provisions of the present law, by which the Secretary of Labor can keep out immigrants who would take work from Americans or depress wages or working conditions here. The Secretary of Labor has testified that enactment of the bill will not increase unemployment.

Fourth. Every immigrant under the bill will have to satisfy the public charge test of present law before he can get a visa. This test was proven, during the depression, to be effective in keeping out those likely to become a public charge, and it will continue to keep out persons who will be unable to get jobs or will be prospects for welfare rolls. Finally, the improved preference structure of the bill will help stimulate business and should thus reduce unemployment through better selection of immigrants with outstanding talents—men like Steinmetz, the electrical genius; Giannini, the banker; Sikorski, the inventor; Fermi, the atomic pioneer. Such immigrants, instead of taking jobs from Americans, help to create whole new industries that make thousands of new jobs for our people.

IV

Claim: The bill would result in the admission of Communists, other subversives, or other undesirables.

The facts: The bill makes no change whatsoever in the safeguards of our present immigration laws which prohibit the admission of Communists, other subversives, security risks, narcotic addicts, persons with criminal records, illiterates, and other undesirables. Persons with mental afflictions also will continue to be generally excluded, except that if the afflicted person is an immediate relative of a family that can guarantee adequate and safe care here, without public expense, to the satisfaction of the Public Health Service and of the Attorney General, he can be admitted. This is true under present law for an immediate relative excludable for tuberculosis if adequate safeguards and guarantees are provided. Admissions of this kind are based on the humane policy of favoring family unity, provided the public is fully protected.

V

Claim: Under the bill an immigrant would no longer have to prove he has a job waiting for him.

The facts: This claim shows a misunderstanding of both the bill and the existing law. Under the present law immigrants generally do not have to prove that they have a specific job waiting for them. The bill makes no changes in this regard.

Under existing law, the only immigrant who must prove specifically that he has a job waiting for him is the immigrant who is seeking first preference. The law now provides for giving first preference within a quota to immigrants who can show extraordinary qualifications. This is a fine idea which in theory should strengthen and benefit our country, but in practice the present provision does not work well for two reasons:

First. Due to the national origins system, the preference is given only within a quota for a particular country. As a result, immigrants from undersubscribed countries can easily enter without having any special qualifications, while those from oversubscribed countries may be kept out for years no matter how much they could do for our country. For example, a housemaid from a favored country may enter quickly while outstanding doctors and scientists from oversubscribed countries are kept out. Since the housemaid does not seek a first preference, she need not prove a personal job offer, while the doctor, even if he proves that a particular hospital wants him badly, must still wait.

Second. The present provision does not work because it tends to favor applicants with personal connections in this country rather than just extraordinary talents. This is true because no matter how outstanding an individual may be, most employers will rarely promise a job without an interview. Therefore, the applicant who cannot get here for an interview will usually get a job offer only if he is lucky enough to have good connections with the employer. The bill would eliminate the need for such connections and also place of birth as a factor in granting a first preference, which would be granted solely on proof of exceptional qualifications that would be especially advantageous to this country. People with such high qualifications will have no problem in obtaining employment. Naturally, no matter how high the qualifications of a first preference applicant, they could not be found especially advantageous to this country if he would displace an American from a job. And the applicant would also have to satisfy all the eligibility tests that other immigrants must meet.

Idea for the Electronic Age

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1965

Mr. PUCINSKI. Mr. Speaker, the Chicago Sun-Times recently carried an editorial which has brought great pride to myself and to members of the subcommittee which I head. This editorial enthusiastically endorses the concept of establishing a national scientific research information retrieval system in the United States.

I am most grateful to the Chicago Sun-Times and its associate editor, Mr. Robert Kennedy, for the depth of understanding which they have expressed in this editorial.

I am enclosing the Chicago Sun-Times editorial in the RECORD today and since the editorial refers to the speech which I had the honor of presenting at the University of Pennsylvania on this important subject, I am also enclosing the entire speech for the perusal of my colleagues.

My own remarks delivered at the University of Pennsylvania follow the Chicago Sun-Times editorial:

IDEA FOR THE ELECTRONIC AGE

The world is going through a knowledge explosion as well as a population explosion. Man is learning more about the physical sciences faster than at any time in history. He is learning so much so quickly that it is becoming impossible to keep track of and to store information except through one of science's most recent marvels, the electronic computer.

Ultimately it may be not only possible but necessary to put such information into a central computer available to all who need up-to-date information. U.S. Representative ROMAN C. PUCINSKI, Democrat, of Illinois, has taken the lead in pushing such a project and is chairman of a House ad hoc subcommittee on a national information system.

On Friday, PUCINSKI described his plan to scientists gathered for the Second Annual Colloquium on Information Retrieval at the University of Pennsylvania. There are hundreds of information centers throughout the United States and the world. PUCINSKI proposes that they be tied into a central computer which would act not only as a storage center but a switching center.

"Ultimately," says PUCINSKI, "I foresee each individual scientist will have available a pocket-size TV screen tied in with the national information system, which in turn will be tied in with all the information centers throughout the world. In a matter of seconds, a scientist will be able to communicate and interrogate the world's storehouse of information and reproduce instantly any article he may need."

PUCINSKI's concept is certainly a space age one but it is not as fantastic as it might seem at first examination. Many businesses already centralize their records in a distant computer, linked with it by telephone wire. The American Bar Association is considering putting court decisions into computers to be made available on a national basis.

Not only would a system for storing and furnishing all types of knowledge—in all fields—be useful, it would help save waste through duplication of effort and it could save lives by making vital information quickly available. It would be an entirely new industry, PUCINSKI points out, and create jobs. It need not be a government monopoly but it could be operated within the concept of the private Communications Satellite Corporation created by Congress.

We may be many years away from the day when a scientist can scan the world's knowledge by pushing a button on a pocket-size TV set. But some start on containing the oceans of information and knowledge poured out every year must be made. Dr. Jerome Weisner, the late President Kennedy's science adviser, has said, "The balance of power between nations may well be resolved in favor of those countries which have the most effective information retrieval system."

ADDRESS OF CONGRESSMAN ROMAN C. PUCINSKI BEFORE THE SECOND ANNUAL COLLOQUIUM ON INFORMATION RETRIEVAL, UNIVERSITY OF PENNSYLVANIA, APRIL 23, 1965

I am delighted to have the opportunity to address this audience of outstanding scientists, in this distinguished institution of learning. Indeed, I feel humble standing here under the shadow of giants who built the world's first electronic computer.

There is a story circulating in the Soviet Union about the latest Russian breakthroughs in computer application to information retrieval. You can imagine how delighted the Russian scientists must have been when the computer, after being queried on ancient Russian history, replied that Adam and Eve were Russian. This reply prompted the Russian scientists to pursue the question further. "How do you know?" they asked the computer. And the computer faithfully replied: "To begin with, Adam and Eve had nothing to wear; they had only one apple between them; and in spite of all this, they still believed they were in paradise. Therefore, they must have been Russian."

There is also a story about a cello player who sawed away continuously on a single note. His wife remarked to him that other cello players seemed to move their fingers up and down the strings, producing less monotonous sounds.

"Oh," replied the cellist, "they are still looking for the note. I have found it."

In a sense I, too, have found my note: it is the establishment of a National Information System, and it is the subject I wish to discuss with you today. More specifically, I will discuss some of the highlights from the hearings held on H.R. 664, which calls for the establishment of a national information system and the role such a system will have in a great society.

During the past several years it has been a rich experience for me, as chairman of the ad hoc subcommittee on a national information system, to learn a great deal about some of the problems and solutions associated with DPIR. I had the privilege and honor to hear testimony on the subject of information handling from the most outstanding scientists representing universities and industry from all over the United States; I am happy to say that two of these scientists are from this beautiful city of brotherly love: Dr. Morris Rubinoff, Moore School of Electrical Engineering, and Dr. Eugene Garfield, Institute for Scientific Information.

I am sure this audience is well versed in the staggering statistics on the proliferation of scientific data, as well as the hopeless task our scientists are faced with in attempting to find pertinent information from the flowing torrents of scientific documents.

The loss of money, material, and manpower resources from waste and duplication is astonishing and overwhelming. But what is perhaps less known is that these losses do not extend merely into money and material. The lack of an effective national information system has also caused the needless loss of many lives.

Let me give you one example: in 1916 Dr. Peyton Rous and Dr. F. S. Jones developed an important method for using tissue cells in studying virus.

In 1954, almost a half century later, the same method was rediscovered by Doctors Dulbecco and Vogt, which led to vaccine production and treatment of virus diseases. I am told that millions of lives could have been saved had the earlier method been readily available to our scientists.

Unless we provide this Nation with an effective national information system for making readily available scientific and technical information; unless we assist and accelerate the discovery of cures for diseases; unless we prevent future thalidomide cases; we may well be charged with wanton murder.

This is but one of the many reasons I am so deeply concerned about the future direction of our national effort in the area of DPIR.

First of all, my responsibilities to my constituents make it imperative that the mounting Government costs in research are, in fact, spent for new and expanded research, and not for a duplicate effort contained in some document drowned in an ocean of inaccessible information.

Second, it is my firm belief that unless our scientists are given better, faster, and more accurate information wherever and whenever needed, their valuable training and creative energies will be substantially impaired.

Thirdly, the emergence and advancement of scientific and technological competition from many countries makes it crystal clear that this Nation, in order to insure its economic survival, no longer can afford to ignore the development of its most important national asset: scientific information.

I am well aware that we are faced with a tremendous job comparable in scope to the Manhattan project or even the moon shot. But now I am also aware that we have the brainpower and computer capability to break through the paper curtain and start on the road to a national information system.

Without exception, witnesses appearing before my committee agreed to the need for cooperation and coordination. For the heart of H.R. 664 is to cooperate and coordinate with all the various information centers throughout the country and the world. The proposed national information system will serve in the capacity of a switching network between all the independent sources of information, thus making it possible for all to reap and participate in the efforts of many.

Professor Fano of MIT gave testimony on Project MAC (multiple-access computer), which I am sure all of you are familiar with. Here is an excellent example of time sharing of computer facilities by users in remote areas. There are many similar projects springing up all over the Nation.

Mr. Norman Taylor, of Control Data Corp., discussed the possibility of man-machine interaction. This interesting concept of interrogating a computer by the question-answer method makes possible greater selectivity of information and holds promise of making a significant contribution to a national information system.

Many other individuals testified before my committee and provided important ideas and information on the concept of a national information system. I won't dwell any further on the testimony received by the committee, since the hearings are now in the process of publication and will shortly be available for distribution. To those of you who request copies and anyone else interested in a national information system, I would be grateful to receive your comments regarding the need for such a system and any other suggestions you may wish to make.

As for myself, the committee hearings bear out my hope that we can make an important beginning. Indeed I am most gratified to see the important progress being made by all the Government agencies in strengthening their information handling capabilities.

For example, in my speech delivered at Maryland University in 1963, I stated: "It is planned that there ultimately would be a single completely integrated index for the entire body of scientific and technical literature."

It is reassuring to note that, starting this month, a single index to unclassified governmental report literature will be issued monthly by the Clearinghouse for Federal Scientific and Technical Information of the U.S. Department of Commerce.

I am also tremendously impressed with the efforts of IEEE (Institute for Electrical and Electronic Engineers), under the able leadership of Dr. Rubinoff, in preparing a strong base which, it would be my hope, would be tied into the National Information System on a contractual basis.

As new advances in automatic documentation take place, the National Information System will provide a base for augmenting the evolutionary growth and capability for rendering information retrieval services to the scientific community.

It is readily apparent that modern science no longer recognizes the boundaries of various scientific disciplines. What happens in biology may be important to the theory of information, as indeed it is. What happens in physics may be important to a chemist, geologist, astronomer or biologist.

In short, the cross applications of various scientific disciplines provide a treasure house of important information. It is equally apparent that only a coordinating system in scope and function outlined here can hope to capitalize on and capture the cross-fertilization of scientific ideas and facts.

This will be possible through permanent communication links between the National Information System and various satellites of specialized information centers cooperating with the system.

The communication links will constantly provide the national information system with the latest scientific data processed in the various satellite centers. The system, in turn, will provide various services including: (1) retrospective searches on any specific subject, (2) current awareness profiles, (3) copies of references on request, and (4) with the help of our long established and highly developed abstracting societies, again on a contractual basis, classify and separate trash and trivia from the profound and penetrating. As the national system is developed, its services obviously would be expanded to include many other services.

I believe the hundreds of information centers throughout our land, isolated and disjointed and often uncoordinated, are doing an excellent job within their present limitations. However, when tied into a national information system, a switching network, these satellite centers would begin an integrated life of a living, coordinated organism with a much more profound direction and purpose and a more meaningful existence.

I want to emphasize that each of the many hundreds of specialized documentation centers has an important function and will be the major lifeline and source for the National Information System. In addition, many of the problems besetting each center will begin to diminish because of coordination and cooperation for a common purpose.

To paraphrase President Johnson, this is not a Defense Department problem, NASA problem, NIH problem or a Patent Office problem; this is a national problem.

Ultimately, I foresee each individual scientist will have available a pocket-sized TV screen tied in with the National Information System, which in turn will be tied in with all information sources throughout the world. In a matter of seconds, a scientist will be able to communicate and interrogate the world's storehouse of information and reproduce instantly any article or portion he may need. His own laboratory, through the full use of teletype equipment, closed circuit facsimile, and whatever new means the electronic industry develops—tied into the National Information System—will become in effect its own world storehouse of knowledge for use by himself and his staff, as the need for specific information arises.

Every doctor will receive instant warning bulletins, no matter where it may have originated. These and other realizations can be effectively achieved only through a National Information System. And I have no doubt that with the remarkable accomplishments of our scientists, we will achieve it.

Indeed, it is sometimes an overwhelming experience to observe the remarkable progress computers have made, including computer reproduction. For example, we now have computers which are being built from complete information furnished by another computer—a task virtually impossible for humans to achieve.

The full significance of the startling breakthrough becomes readily apparent when we recall that ony 130 years ago people were still counting on their fingers, over 20 years ago atomic energy was a speculation, 15 years ago computers as we know today were dreams—otherwise all of us would have bought IBM stock—and within the past few years the moon, the glorious lamp in heaven, has succumbed to space exploration and deprived the poet of its hidden mystery.

And to the skeptic prophets who harbor doom and doubt, let me read to you the editorial of the New York Times about space exploration written in 1920, almost a half century ago:

"A SEVERE STRAIN ON THE CREDULITY

"As a method of sending a missile to the higher, and even to the highest parts of the earth's atmospheric envelope, Professor Goddard's rocket is a practicable and therefore promising device. * * * It is when one considers the multi-charge rocket as a traveler to the moon that one begins to doubt * * * for after the rocket quits our air and really starts on its longer journey, its flight would be neither accelerated nor maintained by the explosion of the charges it then might have left. Professor Goddard, with his "chair" in Clark College and the countenancing of the Smithsonian Institution, does not know the relation of action to re-action, and of the need to have something better than a vacuum against which to react—to say that would be absurd. Of course he only seems to lack the knowledge ladled out daily in high schools."

To build a great society we need men of vision and courage, not doom and doubt; dedication and understanding, not skepticism.

I submit that President Johnson's own credo can best be defined as a firm belief that when the awards of freedom and democracy bestow upon us abundance and plenty, let us not forget the plenty who have been abandoned.

We can give living meaning to the commandments of the Great Society by developing a National Information System, and with its growth an entirely new basic industry for the United States.

I have discussed up to now the benefits that a National Information System would afford the scientific research community.

But there is an equally broad application to this concept as it relates to the Nation's economy.

As a member of the Labor Committee studying the present problems of employment and unemployment, I have seen impressive evidence that our Nation must create 1,700,000 new job opportunities every 12 months to sustain our economy.

We must create 1 million new jobs for young people coming into the labor market every year. We must create an additional 700,000 new jobs for people being displaced by automation.

I have supported and will continue to support the manpower retraining program, the antipoverty bill, the aid to education legislation, and all the other devices proposed by this administration to help meet the challenge ahead.

But in each instance I find that those administering these programs tell us that the ultimate answer is to constantly devise new ways to create new job opportunities.

Gentlemen, I submit that an orderly development of a national information system with its attendant proliferation of job opportunities throughout the width and breadth of this Nation will create one of the most impressive vistas for new employment in the 20th century.

This is no sport for the weakminded. We are on the threshold of seeing a whole new industry being borne; an industry that can create, not destroy, millions of job opportunities for Americans of all educational levels.

I am impressed with a project now underway in New York City where a group of dedicated businessmen have taken 100 youngsters off the streets of Harlem and are training them as punchcard operators in data processing. These are youngsters who but yesterday belonged to the toughest street gangs of New York. Today they are young men walking the street with dignity, earning their own salary, and above all, recognizing the positive contribution that they can make to society.

This is but a capsule of the fantastic opportunities that lie ahead as we develop and encourage the data processing industry.

I have no doubt that within the next few years, DPIR will stand beside steel, transportation, auto production, and building construction as one of this Nation's basic industries—holding out great hope for employment not only among the young but also among the old. Certainly, we can agree that in some aspects of DPIR, the job requirements do not necessitate great physical strain, and it offers a completely new horizon of hope for middle-aged and older Americans, who today are being denied job opportunities for no other reason but age.

We are indeed going to give the unemployed of this Nation a chance to share in the fruits of our computer age, and build one of the most durable weapons in President Johnson's war on poverty.

My committee now has under consideration legislation to help improve the library systems of our Nation's institutions of higher learning. Already we have seen examples of medical libraries on the east coast tieing together their facilities through lease lines and the use of computers for a more effective dissemination and sharing of their information. It is my hope that the bill before my committee will make funds available to encourage this kind of cooperative effort between the universities, and it is my hope that in a relatively short time these regional systems devised between the universities will be able to be tied in to the national information system.

It would be my judgment that tieing together the information resources of these respective university libraries; giving them the funds to improve their own research and retrieval facilities; giving them the funds to install the necessary electronic equipment; giving them the funds to hire the technical help and nontechnical help that they need; and finally, giving them the funds to train the urgently needed information specialists in this field, would develop one of the most formidable elements of the national information system.

There can be no question that ultimately all the other professions will want to give careful consideration to establishing information retrieval systems within the basic structure of their respective profession.

Professor Horty from the University of Pittsburgh testified before my committee regarding a project of his university, where they are now putting the Federal Code on magnetic tape for speedy retrieval. The American Bar Association already is considering a system of retrieval for court decisions, which I am sure will be made available on a national basis.

Dr. F. Ellis Kelsey testified before the committee that the Public Health Service is now on the threshhold of developing a highly computerized retrieval system for making readily available information on the effects and countereffects of the thousands of chemicals and drugs being used throughout this country and the world.

Nor can we ignore the exciting work that is now being done by the medical library in Washington under the auspices of the National Institute of Health to create a retrieval system for the medical profession.

All over this country exciting and significant breakthroughs are being made in data processing and information retrieval.

Our hope, contained in H.R. 664, is to create a national system which would make funds available to these individual efforts and then, under their own auspices, management, and direction, tie them in to the national information system.

I sincerely believe we are on the threshhold of one of the most exciting and daring achievements in the history of civilization. When man has devised a system for quick exchange of the products of his ingenious mind, only then will we be able to solve the many problems which have plagued civilization since its beginning.

Finally, gentlemen, what we propose here today can indeed help pave the way for mankind to solve his most pressing problem—that of conflict between nations.

The United States has been seeking ways to capture the imagination of people throughout the world, and through our various programs to convince them that indeed their future promises greater hope by alining themselves with our concepts.

We have succeeded in some areas and failed in others.

A national information system can have a profound effect on this Nation's foreign policy and help chart the way toward better understanding among nations—particularly among the newly emerging nations of the world.

I need only recall for you the impassioned plea made by some 2,300 scientists and scholars from the newly emerging nations of the world who met in Geneva 2 years ago, and in a formal resolution called upon the free world to establish a system by which they could share in the exchange of scientific knowledge for their own countries.

Man has made nuclear war so costly that we have reason to hope it can be avoided.

Our battlelines now are in the field of ideas; in the field of knowledge; in the field of concepts and philosophy.

Imagine, if you can, what a fantastic weapon for peace and freedom the United States would acquire if it had a National Information System now which it could make readily available to the scientists of the whole world to use as they wish. Here, I submit, is the lasting road to peace and dignity among men. Dr. Jerome Weisner, President Kennedy's science adviser, quite properly observed that, "The balance of power between nations may well be resolved in favor of that country which has the most effective information retrieval system."

And so you see, gentlemen, the challenge before us is breathtaking. Through hard work and unselfish support, we can build a National Information System which will not only strengthen our own democracy, but will prove one of our most formidable weapons in the struggle for peace.

My plea to the cynics and the skeptics is, "Don't fail to see the forest for the trees." We are not talking about centralization. We are not talking about the Government taking over the whole operation. We are not talking about reducing or eliminating existing facilities.

Indeed, it would be my hope that we could devise a method by which a national information system could be operated within the concept of Comsat, a private corporation created by Congress with strong support from the Federal Government, and this may also come. But for now we need a start, and I submit that H.R. 664 is the vehicle by which we can give everything said here today living meaning.

You will recall President Kennedy so eloquently reminded us that even a journey of 1,000 miles requires a first step. President Johnson, in every single program which he has presented to Congress, has recognized that ancient Chinese proverb.

I urge you to join me in supporting this first step embodied in H.R. 664.

May I conclude by reminding you that the true meaning of democracy is that whatever sacrifice we must make for our freedom to endure, we shall endure it freely.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 29, 1965

The House met at 12 o'clock noon.

Rev. Harry E. Olson, Jr., pastor, Messiah Lutheran Church, Fargo, N. Dak., offered the following prayer:

Let us pray.

Almighty God, the eyes of all wait upon Thee in this moment of silence and prayer. Empower these chosen men and women with evidence of the spirit of God within them. Help us to remember that this place is not an island unto itself but a part of the mainland. It is within these walls that we must remember the needs of all men. To that end enable those in positions of responsibility with such a sense of duty that no self-interest shall turn them from it. May we full well realize this day, O Lord; that history is being made by our judgments and the destiny of men's lives charted by our decisions. Grant Thy mighty aid to the efforts of men to establish peace among the nations of the world, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE PRESIDENT'S ACTION IN THE DOMINICAN REPUBLIC

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I am sure the American people and the Congress will not only support strongly but appreciate the action taken by the President of the United States in dispatching troops to the Dominican Republic for the purpose of safely evacuating American civilians and other foreign nationals. The President had no alternative under the circumstances.

The President had made urgent appeals to both sides in this struggle to cease fire long enough to permit the removal of civilians from the area. His petitions were ignored. Those in charge of the law-enforcement agencies of the Dominican Republic had notified American officials that it would no longer be possible for either civilian or military personnel on the ground to protect American citizens.

Under the circumstances the action of the President of the United States was not only correct; it was absolutely necessary. Marines were used in a protective evacuation and up to this time have not engaged in any shooting incidents.

The President has been joined in his appeal for an immediate cease fire by the Organization of American States which will present a formal request at an open meeting of the OAS later today.

I understand that the French Republic also has taken steps to protect the lives of its citizens in the Dominican Republic by sending in two warships for evacuation purposes.

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, I want to supplement and approve what the majority leader has said concerning the Dominican Republic. It has been established beyond the peradventure of a doubt that while that which the commentators have referred to as a local and internal conflict which started with the best intentions in the world to keep it a local affair, it has been documented that those now in charge have been oriented, trained, and directly identified with Castro's Cuba and that they are Communists. There is no question about this. It has been established.

The Americans in that part of the world were in grave danger. The local government could not cope with this type of warfare. The people in charge of this activity have been trained to conduct this type of guerrilla warfare and the government was unable, even with the implements in their possession, to control it.

It has also been established that those who started this and who had good intentions, have repudiated the present leadership. After getting these facts the President had no alternative.

The Marines are now ashore and this is the only way to protect the Americans. There are great numbers there. I applaud the action of the President. He had to act as he did. I am sure he will have the backing of the Congress and of the American people because had he not acted, Castro—and it was his intention to do so—could well have taken charge of the Dominican Republic. We cannot and must not permit such a thing to happen as happened in Cuba. It will happen if we are not firm and if we had not acted as we have.

LANDING OF MARINES IN THE DOMINICAN REPUBLIC

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, our distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], and the distinguished chairman of the House Committee on Armed Services, the gentleman from South Carolina [Mr. RIVERS], have already said much more eloquently and authoritatively than I can say what I came to the floor today to remark upon.

Mr. Speaker, there is no question of the fact that the landing of our marines in the Dominican Republic is a matter of very grave import. There is no question of the fact that having our marines in battle positions in this capital city poses a very grave crisis in our relations in the Western Hemisphere. But I believe the President has undoubtedly been in possession of information on this subject which has not been available to most of us. I believe further that the course of wisdom is to give to him the full and strong support which our Presidents have uniformly commanded in the actions which they have taken to protect American interests around the world. To me it is encouraging that our good friends and neighbors in Latin America are urging restraint on the subject in the reactions of the capitals of those countries on this subject as the Council of the Organization of American States meets today.

Mr. Speaker, I hope that in the halls of this great body and the other body on the other side of the Capitol and across the country there can be restraint in any criticism of the President's actions at this time and support for the Chief Executive and Commander in Chief as he endeavors to meet a fresh threat to freedom and justice in the democracies in the Western Hemisphere.

CALL OF THE HOUSE

Mr. SPRINGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). Evidently a quorum is not present.

Mr. MAHON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 83]

Ashbrook
Ashley
Blatnik
Bolton
Broyhill, Va.
Corman
Culver
Daddario
Dawson
Dingell
Dow
Dulski
Evans, Colo.
Farnsley
Giaimo
Gibbons
Goodell
Green, Oreg.
Halpern
Hanna
Harris
Harvey, Ind.
Hawkins
Hays
Holland
Jarman
Jones, Ala.
Lindsay
Madden
Mathias
May
Moeller
Morrison
Nix
O'Brien
Olson, Minn.
Pepper
Powell
Redlin
Resnick
Schisler
Scott
Senner
Sisk
Steed
Todd
Toll
Tupper
Van Deerlin
Waggonner
White, Idaho
Willis
Young

The SPEAKER. On this rollcall, 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON EDUCATION AND LABOR

Mr. POWELL. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may sit during general debate during the session of the House this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SUPPLEMENTAL APPROPRIATION BILL, 1965

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, since this bill is over $109 million more than was approved by the House a couple or three weeks ago, may I assume the gentleman will take ample time to explain where these increases occur and why?

Mr. MAHON. I shall undertake to do so and will be glad to yield to the gentleman for any inquiries or statement he wishes to make.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Texas and withdraw my reservation of objection.

Mr. SAYLOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAYLOR. Will it be possible to get a separate vote on one of the items in disagreement?

The SPEAKER. If an item is reported in disagreement, that would call for separate action.

Mr. SAYLOR. Will it be possible to get a separate vote on an item involving veterans' insurance?

Mr. MAHON. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 270)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7091) "making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 17, 18, 19, 20, 21, 22, 33, 34, 37, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 12, 13, 14, 25, 31, 32, 38, 43, 44, 45, 48, 50, 51, 54, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,960,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,376,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,305,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,750,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,985,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$89,000,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"COMMISSION ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE

"Salaries and expenses

"For expenses necessary for the Commission on International Rules of Judicial Procedure, $25,000, to remain available until May 1, 1965."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$9,000,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$300,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$717,500"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$32,500"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,575,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$300,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$325,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,225,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,153,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 6, 10, 11, 15, 26, 27, 28, 29, and 30.

George Mahon,
Albert Thomas,
Michael J. Kirwan,
Jamie L. Whitten,
John J. Rooney,
John E. Fogarty,
Winfield K. Denton,
Frank T. Bow,
Charles R. Jonas,
Melvin R. Laird,
Robert H. Michel,
Managers on the Part of the House.
John O. Pastore,
Spessard L. Holland,
Carl Hayden,
Allen J. Ellender,
Lister Hill,
Robert C. Byrd,
Milton R. Young,
Leverett Saltonstall,
Thomas H. Kuchel,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7091), making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

Chapter I

Department of Agriculture

Amendment No. 1: Appropriates $2,960,000 for "Research" instead of $2,860,000 as proposed by the House and $3,109,000 as proposed by the Senate.

Amendment No. 2: Appropriates $2,376,000 for "Plant and animal disease and pest control" instead of $2,176,000 as proposed by the House and $2,417,000 as proposed by the Senate.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment with an amendment; the action to be proposed is in no way to be considered as prejudging the program for the ensuing fiscal year.

Amendment No. 4: Appropriates $1,137,000 for "meat inspection" as proposed by the Senate instead of $1,047,000 as proposed by the House.

Chapter III

Foreign Operations

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment which will permit the Peace Corps to use an additional sum of $1,858,000 for administrative expenses.

Chapter IV

Independent Offices

Amendment No. 6: Reported in disagreement. The managers on the part of the House will offer a motion to insist upon disagreement.

Amendment No. 7: Appropriates $35,000,000 for "Disaster relief" as proposed by the Senate instead of $25,000,000 as proposed by the House.

Amendment No. 8: Appropriates $4,305,000 for "Construction, public buildings projects" (Ogden, Utah) instead of $4,055,000 as proposed by the House and $4,506,000 as proposed by the Senate.

Amendment No. 9: Appropriates $2,750,000 for "Operating expenses, Federal Supply Service" instead of $1,331,500 as proposed by the House and $4,166,500 as proposed by the Senate.

Amendment No. 10: Reported in disagreement. The managers on the part of the House will offer a motion to insist upon disagreement.

Amendment No. 11: Reported in disagreement. The managers on the part of the House will offer a motion to insist upon disagreement.

Amendment No. 12: Appropriates $30,000,000 for "Urban renewal fund (liquidation of contract authorization)" as proposed by the Senate. The House bill contained nothing on this item.

Amendment No. 13: Appropriates $8,320,000 for "Annual contributions, Public Housing Administration" as proposed by the Senate instead of $13,000,000 as proposed by the House.

Amendment No. 14: Appropriates $150,000,000 for "Compensation and pensions, Veterans' Administration" as proposed by the Senate instead of $108,000,000 as proposed by the House.

Amendment No. 15: Reported in disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment.

Chapter V

Department of the Interior

Amendment No. 16: Deletes Senate language to authorize $15,000 for travel and transportation of persons, National Park Service.

Amendments No. 17 and 18: Delete the Senate proposal to allow $8,000 for travel and transportation of persons under the appropriation for "Construction, National Park Service", and appropriate $580,000 as proposed by the House instead of $1,300,000 as proposed by the Senate.

Amendments No. 19 and 20: Apportion funds in the manner proposed by the House instead of the Senate relating to land and water conservation funds. This action is taken without prejudice to the Senate proposal which can be given further consideration in connection with the regular annual appropriation bill.

Amendment No. 21: Deletes Senate language relating to acquisition of land for Grand Teton National Park.

Amendment No. 22: Appropriates $550,000 for "Surveys, investigations, and research, Geological Survey" as proposed by the House instead of $800,000 as proposed by the Senate.

Amendment No. 23: Appropriates $1,985,000 for "Salaries and expenses, Office of Water Resources Research" instead of $985,000 as proposed by the House and $2,825,000 as proposed by the Senate.

Chapter VI

Department of Labor

Amendment No. 24: Appropriates $89,000,000 for "Manpower development and training activities" instead of $75,000,000 as proposed by the House and $103,000,000 as proposed by the Senate.

Amendment No. 25: Appropriates $11,000,000 for "Unemployment compensation for Federal employees and ex-servicemen" as proposed by the Senate instead of $14,000,000 as proposed by the House.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment.

Department of Health, Education, and Welfare

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment with an amendment.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment with an amendment.

Chapter VII

Legislative Branch

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment.

Amendment No. 31: Appropriates $8,000 for "Folding documents, Senate," as proposed by the Senate.

Chapter VIII

Department of Defense—Civil

Amendment No. 32: Appropriates $1,735,000 for "operation and maintenance, Corps of Engineers" as proposed by the Senate instead of $1,500,000 as proposed by the House.

Chapter IX

Department of Justice

Amendment No. 33: Appropriates $3,750,000 for "Buildings and facilities, Federal Prison System" as proposed by the House instead of $4,300,000 as proposed by the Senate.

Department of Commerce

Amendment No. 34: Deletes Senate proposal to appropriate $293,000 for "Registration and voting statistics, Bureau of the Census." This item was disallowed without prejudice, the conferees feeling that the matter should be settled at a later date after action has been taken on pending voting-rights legislation. The amount proposed in the amendment would have been available for only two months—an insufficient period of time to accomplish worthwhile results, and a greater sum as proposed in the budget estimate would have been subject to a point of order.

Commission on International Rules of Judicial Procedure

Amendment No. 35: Appropriates $25,000 for "salaries and expenses" instead of $50,938 as proposed by the Senate. The conferees further agreed with the statement in the Senate report (No. 167) to wit: "the Committee directs that the Commission not incur any obligations payable with appropriated funds on or after May 1, 1965".

United States Information Agency

Amendment No. 36: Appropriates $9,000,000 for "Special International Exhibitions" instead of $8,000,000 as proposed by the House and $11,700,000 as proposed by the Senate; and deletes the Senate proposal to allow $25,000 for representation and entertainment expenses.

TITLE II

Appalachian regional development

Department of Agriculture

Amendment No. 37: Appropriates $100,000 for "Salaries and expenses, Research" as proposed by the House instead of $200,000 as proposed by the Senate. No funds are provided for planning a fruit and berry laboratory.

Amendments Nos. 38 and 39: Appropriate $300,000 for "Payments and expenses, Cooperative State Research Service" instead of $100,000 as proposed by the House and $500,000 as proposed by the Senate; and permit its use for contracts and grants for basic and applied research.

Amendments Nos. 40 and 41: Appropriate $750,000 for "Cooperative extension work, Payments and expenses" instead of $500,000 as proposed by the House and $1,500,000 as proposed by the Senate.

Amendment No. 42: Appropriates $1,575,000 for "Conservation operations" instead of $1,500,000 as proposed by the House and $1,650,000 as proposed by the Senate.

Amendment No. 43: Appropriates $600,000 for "Watershed planning" as proposed by the Senate instead of $400,000 as proposed by the House.

Amendments Nos. 44 and 45: Appropriate $10,220,000 for "Watershed protection" as proposed by the Senate instead of $8,000,000 as proposed by the House; and provide $3,100,000 for loans as proposed by the Senate instead of $2,500,000 as proposed by the House.

Amendment No. 46: Appropriates $300,000 for "Salaries and expenses, Economic Research Service" instead of $200,000 as proposed by the House and $400,000 as proposed by the Senate.

Amendment No. 47: Appropriates $325,000 for "Salaries and expenses, Farmers Home Administration" instead of $250,000 as proposed by the House and $400,000 as proposed by the Senate.

Amendment No. 48: Appropriates $7,100,000 for the "Direct loan account" as proposed by the Senate instead of $6,000,000 as proposed by the House.

Amendment No. 49: Appropriates $50,000 for "Salaries and expenses, Rural Community Development Service" instead of $35,000 as proposed by the House and $65,000 as proposed by the Senate.

Amendments Nos. 50, 51 and 52: Appropriate $2,000,000 for "Forest land management" as proposed by the Senate instead of $1,500,000 as proposed by the House; authorize $1,000,000 for acquisition of land as proposed by the Senate instead of $500,000 as proposed by the House; also appropriate $1,225,000 for "Forest research" instead of $1,125,000 as proposed by the House and $1,325,000 as proposed by the Senate.

Department of Defense—Civil

Amendment No. 53: Appropriates $14,153,000 for "Construction, general, Corps of Engineers" instead of $13,778,000 as proposed by the House and $14,700,000 as proposed by the Senate. The amount allowed provides $375,000 for small flood control projects as proposed by the Senate, but disallows the amount of $547,000 for recreation facilities which was added by the Senate.

Department of the Interior

Amendment No. 54: Authorizes the purchase of not to exceed ten passenger motor vehicles, as proposed by the Senate.

Amendment No. 55: Appropriates $16,000,000 for "Appalachian Region Mining Area Restoration" instead of $15,850,000 as proposed by the House and $16,250,000 as proposed by the Senate. The amount allowed provides $500,000 for evaluation study instead of $750,000 as proposed by the Senate and $350,000 as proposed by the House.

Amendment No. 56: Appropriates $1,350,000 for Bureau of Sport Fisheries and Wildlife as proposed by the House instead of $1,750,000 as proposed by the Senate.

TITLE III

Increased pay costs

Amendments Nos. 57–67: Appropriate $3,426,445 for increased costs of various Senate activities as proposed by the Senate.

TITLE IV

Claims and judgments

Amendments Nos. 68 and 69: Appropriate $31,411,444 for claims and judgments as proposed by the Senate instead of $23,643,495 as proposed by the House; and include the items set forth in Senate Document No. 19.

GEORGE MAHON,
ALBERT THOMAS,
MICHAEL J. KIRWAN,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
JOHN E. FOGARTY,
WINFIELD K. DENTON,
FRANK T. BOW,
CHARLES R. JONAS,
MELVIN R. LAIRD,
ROBERT H. MICHEL,
Managers on the Part of the House.

Mr. MAHON. Mr. Speaker, I would like to announce that the Committee on Appropriations this morning approved a recommendation of about $8 billion for the Departments of Labor, and Health, Education, and Welfare, and the bill is scheduled to be before the House for consideration on next Tuesday. We are continuing to move along with these appropriation bills.

Now, Mr. Speaker, today we have the conference report on the second supplemental appropriation bill of the session.

There are three items in disagreement where the committee has insisted upon the House position. They relate to a number of matters, and on one of them the gentleman from Pennsylvania [Mr. SAYLOR] has already indicated a desire to be heard.

Mr. Speaker, I believe it would be well if we withheld discussion of these especially controverted questions until we have adopted the conference report. We will have an hour, if necessary, on each of the separate motions. The Members who have an interest will have full opportunity to discuss the issues involved.

Mr. Speaker, insofar as the conference report itself is concerned there is no great controversy.

As the conference report will indicate, there is about $2.227 billion involved. It is over the House bill by $109.2 million. It is under the Senate bill by $30.3 million. It is under the budget estimates by $52.7 million.

Mr. Speaker, in this supplemental bill we only considered matters generally considered of the greatest urgency. Naturally, there is not the latitude for deep reductions that might otherwise have been taken. So the reduction in the bill, in this $2.2 billion, is only $52 million below the budget estimates.

Mr. Speaker, the other body had before it some $53 million in budget requests not considered by the House. This accounts for a large portion of the increase made by the other body.

Another matter here involves $30 million which the House disallowed to provide funds under the urban renewal program. The House did not consider this to be of an emergency nature, but it must eventually be paid under the law. The other body put it in the bill and we have agreed to it. We thought it could be provided in the regular bill, but in order to come to agreement with the other body we agreed to it.

Mr. Speaker, I would also call the attention of the Members to the $100 million contained in the bill for the Small Business Administration in which many are interested. There are, in addition, a large number of items in the bill involving the Department of Agriculture, the District of Columbia, the foreign operations program, independent offices, the Interior Department, the Department of Health, Education, and Welfare, and Labor, the legislative branch, public works, the Departments of Justice, Commerce, and the judiciary as well as the Department of the Treasury. Many of these—most of these, in fact—are of course unchanged from the original House position.

Then we have funds in here for Appalachia, and a lot of money for pay increases. We passed a bill providing for pay increases throughout the Government and appropriations had not previously been made to cover those increases. In many cases the funds were partially absorbed, but not in all cases was that possible. Again the other body did not change the great majority of House amounts.

As I said, Mr. Speaker, I know of no objection to the conference report itself.

Mr. Speaker, I yield to the gentleman from Iowa for a question.

Mr. GROSS. It has come to the point in the House of Representatives and in the Congress where regular appropriation bills have less and less meaning; is that not true?

Here you have another supplemental or a deficiency appropriation bill amounting to some $2.25 billion. So that the regular appropriation bills really do not mean what they say or say what they mean.

Mr. MAHON. I believe that the regular appropriation bills say what they mean. We will probably never get completely away from supplemental and deficiency bills if we follow the pattern of last year. After the regular appropriation bills had been approved, the Congress passed new legislation changing the picture and at least implying additional demands for this current fiscal year, 1965. New legislation, mandatory-type items, and emergency measures account for 85 or 90 percent of the bill, as I recall from figures I gave here on the floor when the bill was before the House earlier this month.

As I said at the time, only limited portions represent amounts eliminated in the regular bills last year. I think the gentleman understands it is a somewhat unusual situation which confronts us.

Mr. GROSS. One notable exception to that is the Commodity Credit Corporation when everyone knew last year this money was going to be required, yet it was withheld from the regular appropriation bill, if I remember correctly.

Mr. MAHON. With respect to the Commodity Credit Corporation, that was in the first supplemental bill earlier in the year, and is not in this bill. We did in that instance underappropriate with the hope that the additional funds would not be required, but the calculations were in error. Requirements were in excess of what had been provided for; the gentleman is correct on that.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Texas.

Mr. THOMAS. I think the question of the gentleman from Iowa [Mr. GROSS] is certainly a very timely and proper one. May I respectfully point out to him that the Bureau of the Budget and the President's budget messages change from time to time as the situation requires and they specifically stated in the budget message "We are going to send you a new program later in the supplemental" instead of putting it in the January message.

Mr. GROSS. Every 15 minutes or 15 days.

Mr. THOMAS. That has complicated the situation.

Mr. MAHON. The President requested appropriations—new obligational authority to the extent of about $106 billion for the fiscal year 1966 which begins on July 1, 1965. He also indicated he would request supplemental sums for fiscal 1965 in the amount of about $6 billion. So this is not some unexpected action on the part of the Congress. These supplementals were forecast in the President's budget last January.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. BOW. I may say to the chairman of the Committee on Appropriations I would hope this practice is not going to continue. It would seem to me that in orderly fiscal policies we should have in our regular bills that which is necessary, and in the deficiency bills that we have deficiencies considered. I would hope that the Bureau of the Budget and the administration would do their planning so we might know. It seems to me the Congress is better informed when we come in with the regular bills and take care of the regular appropriations, and use the deficiency bills for deficiency purposes, in which event it would seem to me we would have much better control of fiscal responsibility.

Mr. MAHON. I believe the situation is somewhat unusual this year. It will not be duplicated next year; at least as far as I can now foresee, that is the situation. It is regrettable that it is necessary to have supplemental or deficiency bills. But I doubt if it is possible to completely avoid deficiency bills, but the numbers and amounts can certainly be minimized. I share the basic views of the gentleman.

Mr. Speaker, under permission, I append the customary comparative statistical table on the conference report.

Comparative statement of budget estimates, amounts in House and Senate bills and agreed to in conference—2d supplemental appropriation bill, 1965 (H.R. 7091)

Chapter	Department or activity	Budget estimates	House bill	Senate bill	Conference action	Conference action compared with—		
						Budget estimates	House bill	Senate bill
	TITLE I							
I	Agriculture	$22,563,000	$22,083,000	$22,663,000	$22,473,000	−$90,000	+$390,000	−$190,000
II	District of Columbia	(1,563,600)	(1,563,500)	(1,563,600)	(1,563,600)	------	------	------
III	Foreign operations	250,000,000	250,000,000	250,000,000	250,000,000	------	------	------
IV	Independent offices	268,972,500	188,925,400	276,038,400	267,913,900	−1,058,600	+78,988,500	−8,124,500
V	Interior	72,527,000	69,602,000	72,412,000	70,602,000	−1,925,000	+1,000,000	−1,810,000
VI	Labor, and Health, Education, and Welfare	527,900,000	496,900,000	511,900,000	507,900,000	−20,000,000	+11,000,000	−14,000,000
VII	Legislative	130,000	130,000	168,000	168,000	+38,000	+38,000	------
VIII	Public works	14,229,000	13,369,000	13,604,000	13,604,000	−625,000	+235,000	------
IX	State, Justice, Commerce, and the judiciary	141,769,000	129,390,000	133,983,938	130,415,000	−11,354,000	+1,025,000	−3,568,938
X	Treasury	271,000	271,000	271,000	271,000	------	------	------
	Total, title I	1,298,361,500	1,170,670,400	1,291,040,338	1,263,346,900	−35,014,600	+92,676,500	−27,693,438
	TITLE II							
	APPALACHIAN REGIONAL DEVELOPMENT							
	Agriculture	42,840,000	30,560,000	36,810,000	35,395,000	−7,445,000	+4,835,000	−1,415,000
	Commerce	248,000,000	247,500,000	247,500,000	247,500,000	−500,000	------	------
	Defense—Civil	17,271,000	15,778,000	16,700,000	16,153,000	−1,118,000	+375,000	−547,000
	Health, Education, and Welfare	34,775,000	32,000,000	32,000,000	32,000,000	−2,775,000	------	------
	Interior	19,250,000	18,000,000	18,800,000	18,150,000	−1,100,000	+150,000	−650,000
	Appalachian Regional Commission	500,000	490,000	490,000	490,000	−10,000	------	------
	Total, title II	362,636,000	344,328,000	352,300,000	349,688,000	−12,948,000	+5,360,000	−2,612,000
	TITLE III							
	Increased pay costs	587,842,383	579,691,188	583,117,633	583,117,633	−4,724,750	+3,426,445	------
	TITLE IV							
	Claims and judgments	31,411,444	23,643,495	31,411,444	31,411,444	------	+7,767,949	------
	Grand total:							
	Direct appropriations	2,261,836,327	2,099,918,083	2,239,454,415	2,209,148,977	−52,687,350	+109,230,894	−30,305,438
	Appropriation of receipts	16,012,000	16,012,000	16,012,000	16,012,000	------	------	------
	Special accounts	1,435,000	1,435,000	1,435,000	1,435,000	------	------	------
	Indefinite appropriations	968,000	968,000	968,000	968,000	------	------	------
	Total	2,280,251,327	2,118,333,083	2,257,869,415	2,227,563,977	−52,687,350	+109,230,894	−30,305,438

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Speaker, I do not plan to use the entire 5 minutes but do want to take a minute or two to call a few things to the attention of the House and to the people of the country who will read the RECORD.

I do not expect to discuss the supplemental appropriation bill in detail because we have already heard the pertinent facts about it, namely that it contains $2.227 billion in supplemental appropriations and $109 million more than the bill contained as it passed the House.

You have already listened to the interesting colloquy between the gentlemen from Texas [Mr. MAHON and Mr. THOMAS] and the gentleman from Iowa [Mr. GROSS] and the gentleman from

Ohio [Mr. Bow], concerning the problems that arise whenever we are requested to approve supplemental appropriations. I was especially pleased to hear the chairman of the great Committee on Appropriations say that he did not expect we would run into a similar situation next year, and I should certainly hope that he is correct. Many items amounting to millions and hundreds of millions of dollars have been packed into this supplemental appropriation bill in order to have them charged up against fiscal year 1965 appropriations although they are not projected for spending until fiscal year 1966 and normally should have been included in regular appropriation bills for 1966. The net effect of this is to make budget requests for 1966 look good in comparison with 1965. It is a gimmick used by budget makers but we should not be misled by it.

We have been reading a lot in the press recently about how fine our fiscal condition is. I read this morning that the anticipated deficit at the end of the current fiscal year is expected to be lower than was visualized last January. First let me say that I am glad that it is going to be lower instead of higher but I cannot generate too much enthusiasm because there is still going to be a substantial deficit. To run any deficit at all in periods of high prosperity cannot be justified. If this Government cannot live within its means during prosperous times, pray what will it do if adversity should ever strike. The time to start living within our means and begin curtailing the national debt is during periods of high prosperity. To lay away something for a rainy day is not too old fashioned for me.

We hear a lot of talk these days about spending under $100 billion. The truth of the matter is that 10 months of the current fiscal year has passed and spending to date has already crossed the $100 billion mark. I hold in my hand the daily statement of the U.S. Treasury for April 22, 1965, and it shows that since July 1, 1964, more than $100 billion have been withdrawn from the U.S. Treasury and spent. This means that our Government is currently spending money at the rate of $338,983,000 a day which works out to $14,124,290 per hour and $235,404 per minute.

I did not trust my own mathematics so I had the computer people make the computation and the figures given come from the computer.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the gentleman.

Mr. DAVIS of Wisconsin. Referring to the figure of $100.7 billion to which the gentleman referred, from his analysis of that spending, is that figure accurately to be compared with the estimate of between $97 and $98 billion that was forecast as being the outlay for this fiscal year?

Mr. JONAS. This sum would apply to the $127 billion of cash expenditures expected to be made by the Government out of regular and trust funds during the year.

Mr. DAVIS of Wisconsin. It includes trust fund expenditures?

Mr. JONAS. That is right. But we have already in the middle of April of this year gone above the $100 billion mark and I had this computation made for those who, as I say, may be interested in knowing the current rate of spending by the administration.

Mr. MAHON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on agreeing to the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman from Missouri objects to the vote on the ground that a quorum is not present, and makes the point of order that a quorum is not present. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 316, nays 55, not voting 62, as follows:

[Roll No. 84]

YEAS—316

Abbitt
Abernethy
Adair
Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Bennett
Berry
Bingham
Boland
Bolling
Bonner
Bow
Brademas
Brooks
Broomfield
Brown, Calif.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Casey
Cederberg
Celler
Chelf
Clancy
Clark
Clausen, Don H.
Cleveland
Clevenger
Cohelan
Colmer
Conable
Conte
Conyers
Cooley
Corbett
Craley
Curtin
Daniels
Davis, Ga.
de la Garza
Delaney
Dent
Denton
Donohue
Dorn
Dowdy
Downing
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Everett
Evins, Tenn.
Farbstein
Farnum
Fascell
Feighan
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Gathings
Gettys
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gubser
Hagan, Ga.
Hagen, Calif.
Halleck
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Howard
Hull
Hungate
Huot
Ichord
Jacobs
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Latta
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
Machen
Mackay
Mackie
Mahon
Marsh
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Mize
Monagan
Moore
Moorhead
Morgan
Morris
Morse
Morton
Moss
Multer
Murphy, Ill.
Murphy N.Y.
Murray
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Powell
Price
Pucinski
Purcell
Quillen
Race
Randall
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
Saylor
Scheuer
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Shipley
Sickles
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stalbaum
Stanton
Steed
Stephens
Stubblefield
Sullivan
Sweeney
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Zablocki

NAYS—55

Andrews, Glenn
Ashmore
Belcher
Bell
Betts
Bray
Brown, Ohio
Broyhill, N.C.
Buchanan
Byrnes, Wis.
Callaway
Chamberlain
Clawson, Del
Collier
Cramer
Cunningham
Curtis
Dague
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Findley
Gross
Grover
Gurney
Haley
Hall
Hosmer
Hutchinson
King, N.Y.
Langen
McClory
MacGregor
Martin, Ala.
Minshall
Mosher
Nelsen
O'Neal, Ga.
Poff
Quie
Rhodes, Ariz.
Shriver
Skubitz
Smith, Calif.
Talcott
Thomson, Wis.
Utt
Walker, Miss.
Wydler
Younger

NOT VOTING—62

Addabbo
Ashbrook
Blatnik
Boggs
Bolton
Brock
Broyhill, Va.
Corman
Culver
Daddario
Dawson
Diggs
Dingell
Dow
Dulski
Evans, Colo.
Fallon
Farnsley
Garmatz
Giaimo
Gibbons
Goodell
Halpern
Hanna
Harris
Hawkins
Hays
Holland
Irwin
Jarman
Jones, Ala.
Leggett
Lennon
Lindsay
Madden
Mailliard
Mathias
Moeller
Morrison
Nix
O'Brien
Olson, Minn.
Pool
Redlin
Reid, Ill.
Resnick
Rogers, Tex.
St. Onge
Schisler
Scott
Senner
Sisk
Staggers
Stratton
Todd
Toll
Tupper
Van Deerlin
Waggonner
White, Idaho
Willis
Young

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Giaimo with Mr. Goodell.

Mr. Morrison with Mr. Ashbrook.

Mr. Addabbo with Mrs. Bolton.

Mr. Boggs with Mr. Lindsay.

Mr. St. Onge with Mr. Halpern.

Mr. Schisler with Mr. Tupper.
Mr. Staggers with Mr. Mailliard.
Mr. Moeller with Mr. Broyhill of Virginia.
Mr. Daddario with Mr. Mathias.
Mr. Waggonner with Mr. Brock.
Mr. Culver with Mrs. Reid of Illinois.
Mr. Dingell with Mr. Dawson.
Mr. Lennon with Mr. Stratton.
Mr. Sisk with Mr. Resnick.
Mr. Farnsley with Mr. Fallon.
Mr. Madden with Mr. Garmatz.
Mr. Hays with Mr. Blatnik.
Mr. Harris with Mr. Leggett.
Mr. Scott with Mr. Dulski.
Mr. Nix with Mr. O'Brien.
Mr. Hanna with Mr. Diggs.
Mr. Pool with Mr. Corman.
Mr. Toll with Mr. Irwin.
Mr. Rogers of Texas with Mr. Van Deerlin.
Mr. White of Idaho with Mr. Dow.
Mr. Gibbons with Mr. Jarman.
Mr. Willis with Mr. Young.
Mr. Holland with Mr. Hawkins.
Mr. Evans of Colorado with Mr. Todd.
Mr. Olson of Minnesota with Mr. Senner.

Mr. BRAY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 2, line 11, insert: "(3) and including $100,000 for the purpose of extending the screw-worm barrier zone to Arizona and California with cost-sharing from State and local sources of at least 50 per centum of the expenses of production, irradiation and release of the screw-worm flies;"

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following: "and including $100,000 for the purpose of extending the screw-worm barrier zone on a limited basis to Arizona and California with cost-sharing from State and local sources of at least 50 per centum of the expenses of production, irradiation and release of the screw-worm flies;".

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: Page 4, line 16, insert:

"PEACE CORPS

"During the current fiscal year an additional amount of $1,858,000 shall be available in the appropriation for 'Peace Corps' for administrative and program support costs."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 5, line 8, strike out "$1,932,000" and insert "$2,874,000, of which not to exceed $942,000 shall be for helicopter operations during the current fiscal year."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House insist upon its disagreement to the amendment of the Senate numbered 6.

Mr. KEOGH. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. KEOGH moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Speaker, if you have never witnessed a very small boy being sent on a great big man's errand, you are witnessing that now.

My devotion, esteem, and respect for our dear and beloved colleague from Texas, the chairman of the Subcommittee on Independent Offices [Mr. THOMAS], knows no bounds. In all the years I have been here I face this task today with the fear that is normally in one, with the trepidation that one should have, and with the hope that the House will hear my plea.

My motion will have the effect of continuing in this second supplemental appropriation bill $942,000—not millions—$942,000. That represents an actual binding and, in the opinion of those who know, a legal commitment of the U.S. Government, which one day in one way or another will have to be paid. If that payment is delayed it will be paid in excess of $942,000.

All we seek here, Mr. Speaker, is to assure and insure the continuation until June 30 of this year of the scheduled helicopter services now being provided in three of the largest cities in the country—New York, Chicago, and Los Angeles. That service has been of immeasurable assistance in the national interests of this country and will continue to be so.

I regret exceedingly that the effect of the motion offered by the gentleman from Texas [Mr. MAHON] will be to terminate without notice these services that have been so well rendered over the past year. We realize and I appreciate the increasing reluctance on the part of the Congress to continue subsidies beyond the point where they are needed. But I submit, Mr. Speaker, for us to fail to give 2 months' notice would be an act of questionable wisdom.

I, therefore, hope, Mr. Speaker, that as much as I regret pitting my inadequate self against the obvious terrific forces of the highly respected and distinguished Committee on Appropriations, for once—for once you will hear my plea and for once you will do the justice that this day calls for lest that justice be denied by being delayed. I hope my motion will prevail.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from New York yield?

Mr. KEOGH. I am delighted to yield to my colleague from the great "state" of Brooklyn.

Mr. ROONEY of New York. Mr. Speaker, in addition to commending the distinguished gentleman from New York [Mr. KEOGH] upon his remarks on this subject here today, I should like to ask him if it is not the fact that the President of the United States, his Bureau of the Budget, and the Civil Aeronautics Board which controls aviation in this country have recommended this requested appropriation—the $942,000.

Mr. KEOGH. The gentleman as usual is eminently correct. The fact of the matter is that this represents a legal obligation of the U.S. Government.

Mr. ROONEY of New York. Exactly; this money has to be paid.

The SPEAKER. The time of the gentleman has expired.

The Chair recognizes the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, the most eminent authorities in the House on this subject are members of the Appropriations Subcommittee on Independent Offices. And the best informed man on this subject is the chairman of the subcommittee, the gentleman from Texas [Mr. THOMAS]. He will speak later, but I have listened with so much interest and feeling to the statement of our friend, the gentleman from New York, that I want to make a few remarks about this question.

There are three cities in the United States that have this helicopter service subsidized by the Government. There are at least 39 great cities that are interested in helicopter service. I would suspect that there are more than that.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I am glad to yield to my friend, the gentleman from New York.

Mr. KEOGH. I have heard this argument made, Mr. Chairman, but I say to you in response to that: However many States there may be that are eligible for this type of service, why penalize the three cities that have had the foresight and the courage to institute this type of service?

Mr. MAHON. Well, I do not want to penalize the three cities that have instituted it—in large part at the cost of the taxpayers. The city of San Francisco has not been penalized. It has helicopter service for which it pays.

Mr. KEOGH. You may not want to penalize the three cities but you certainly are penalizing them by your motion. But I do want to refer to San Francisco. I think the facts will show that that operation, operating without a subsidy, is losing at the rate of $1,250,000 a year, which loss is taken by the affiliate companies operating that service. So they are in fact being indirectly subsidized by the provisions of the Internal Revenue Code.

Mr. MAHON. I thank the gentleman for his contribution. My colleagues, you can see that there is more involved here than catches the eye. This is not something that came up the day before yesterday. Since 1947, one or more of these three cities have been getting subsidized helicopter service. I think it was an excellent idea to try it on an experimental basis.

It has now been tried in at least one of the cities for more than 15 years, and the operators are not able to run it without a Government subsidy.

We ought to do one of two things. Either we ought to eliminate the subsidized program for the three cities or we ought to enlarge it to cover other cities which are interested in this kind of service.

We have had a lot of time now to test out the service. It has not proved to be successful from an economic standpoint in these three cities.

But there is even more involved here than an experiment in three cities. There is a question of principle, a question of the dignity and the integrity of the Congress is involved in this issue. We must not only be heard but heeded.

It is occasionally said in the press and elsewhere that Congress has lost control of the purse strings. If agencies are able to do what they are undertaking to do in this instance, then to a considerable extent Congress has lost control of the purse strings, and there could be almost no end to the consequences.

We do not have the same platform from which we can address ourselves to the people as the executive branch has. But if we ever forfeit the power of the purse, "we have had it." That power is the supreme power of the Congress, representing the people, over the Government and the control of the Government.

This is the issue. I point it out in this way: From year to year we have been complaining about this program. We have been wrestling with this issue. We have been trying to get this service on a paying basis. But we have failed.

Mr. THOMAS' subcommittee last year, working with the other body on the conference report on the bill carrying an appropriation for this item, put some pertinent information in the conference report on page 13. And there was, in addition, in the appropriation law itself last year a specific limitation on the fiscal 1965 funds for these services.

This is the reason why I say the stature and integrity and prestige of Congress is in a measure involved here. I read from page 13 of the Independent Offices conference report of last year: "; and authorize $3,358,000 for subsidy for helicopter operations instead of $3 million as proposed by the House and $4,300,000 as proposed by the Senate."

The appropriation law reads as follows: "including not to exceed $3,358,000 for subsidy for helicopter operations during the current fiscal year."

So, the conference committee put in $3,358,000 for helicopter service in last year's bill. That was approved by Congress. The Congress turned over authority to spend an appropriation of $3,358,000 to the executive branch for this helicopter service for these three cities. The amount was limited to a sum certain.

This was the package. Officials did not get all they wanted, so it was up to them at that time to tailor the program within the $3,358,000.

Let me also read the language in the statement of the conferees which accompanied the conference report last year on the $3,358,000:

> This is the last money to be recommended by the committee for these projects exclusively.

You see, they were told. The Bureau of the Budget was told. The CAB was told. Everybody involved was told that "this is the last money to be recommended for these projects exclusively." Continuing to read the statement:

> The conferees respectfully request—

Do we have to get down on our knees every day to a Government agency which we create? Are we men or mice? What is our attitude? Do we have a right to the respect of the country? Is the prestige of Congress involved here? Of course it is.

> The conferees respectfully request the the CAB not to include 1 penny for these three lines in its budget next year.

What has it done? Here we are faced with a supplement of $942,000 to the $3,358,000, in the regular bill for fiscal 1965. This is a complete flouting of the action of Congress by the executive branch.

I continue to quote from the statement of last year:

> This position is unanimously agreed to by the House conferees and a majority of the conferees of the Senate.

They spoke not for the Appropriations Committee, but for the Congress, because the conference report was adopted in both Houses.

Let me quote again the entire part of the paragraph relating to helicopter subsidies:

> And authorize $3,358,000 for subsidy for helicopter operations instead of $3 million as proposed by the House and $4,300,000 as proposed by the Senate. The conferees have been wrestling many years with continuing subsidies for helicopter service for 3 cities while 39 other cities need it as badly as those that now have it. This is the last money to be recommended by the committee for these projects exclusively. The conferees respectfully request the CAB not to include 1 penny for these three lines in its budget next year. This position is unanimously agreed to by the House conferees and a majority of the conferees of the Senate.

So, in utter disregard of the will of the Congress, as so well and succinctly put in the report, the Civil Aeronautics Board has gone along and has been overspending, has not tailored the helicopter program to the funds available, as every family should try to do in handling money matters, and which every child knows is the right way to proceed. It has flouted the will of Congress in this matter. It has also asked for funds, in direct opposition to the expressed view of Congress, for the next fiscal year—$2,100,000 for fiscal 1966—and is planning to run this program until 1970.

As one Member of Congress who is not too interested in this from the standpoint of any service involved but who is interested in the prestige of Congress and the preeminence of Congress in money matters, I respectfully dissent, and I say to the CAB that Congress has control of the purse and that we do not intend to tolerate a continuation of this program in the face of the action of Congress last year. We do not intend to let the agency determine the appropriation. That is the business of Congress and must remain so.

That is where I stand, and that is where every Member of the House ought to stand.

Mr. YATES. Mr. Speaker, will the gentleman yield for a question?

Mr. MAHON. I will be glad to.

Mr. YATES. Mr. Speaker, the gentleman from New York [Mr. KEOGH], in the course of his address indicated that this was a legal obligation of the U.S. Government. Will the gentleman from Texas tell us whether this is true or not? As I understand it, the Civil Aeronautics Board takes the position that the law on the books requires them to establish this subsidy. Does the chairman of the committee contend that the words of the committee in its report amount to a repealer of the law which is on the books?

Mr. MAHON. The law authorizes the establishment of subsidies. Officials could subsidize under the law, if they had the money, dozens of cities for helicopter services, as I understand the law. So, yes; the law permits this to be done. But Congress only provided funds for the three cities, and the Congress has to find ways of meeting its responsibility for itself and to the people. So what shall we do when we are trampled upon by a Government agency which is the creature of the Congress? Shall we fight back? I think we should fight back. How can we? By denying funds. Where contracts have been made there is a legal responsibility, and if we can get our will established with respect to these funds, these funds can be appropriated by the Congress or could be provided by the Court of Claims. But the course we advocate here is the only avenue we have at the present time to project the determination and the will of Congress with respect to these matters, and no one will be deprived of any legal right thereby. We all know, if they are entitled to the funds, they can get the funds, and I would be perfectly glad to join in appropriating the funds after the subsidies have been terminated and after the Civil Aeronautics Board has seen fit to follow the mandate of Congress on the issue of subsidizing helicopter service to cities.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to my good friend from New York.

Mr. KEOGH. I think I should assure the gentleman from Texas that I share his views with respect to the necessity for maintaining the dignity and powers of the House of Representatives and of the Congress of the United States. I join with you in that. However, my point is simply that this is the wrong way to assert yourself. You are using a meat ax here when you should really reach for a surgeon's scalpel. That is all. Because you admit it is a liability. You know they are going to collect it and it is going to be increased by the costs involved and the interest. In the meantime you are terminating a service such as we have in New York where we are just about to open the operation on top of the Pan Am Building, the use of which by the President and the Vice President of the United States will more than make up this subsidy business. It is so thoughtless in my opinion. Excuse me for seeming to be strong about it, but it is shortsighted to do this in this way at this time.

Mr. MAHON. The gentleman's views are of interest, and if I were in New York City or in Los Angeles or in Chicago, I think I would see the issue in this same way. We are confronted with the problem. If we can use a small surgeon's knife to accomplish the results, all right. However, if the authority of Congress is involved and the only way we can protect ourselves is with a meat ax, then I say let us use the meat ax.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. BOW. The gentleman has said about what I was going to say a minute ago. It seems to me the Congress used a scalpel last year and in this very gentle operation we gave them an opportunity to cut the cord with the funds provided for them. This House passed that bill with the provision in it that there should be no more. What this is is simply a restoration of funds which Congress cut last year.

Are we going to pass bills with cuts and tell the agencies how to spend the money, and then have them disregard completely what we have told them on the theory that they could come back here and bludgeon us to give them the money later on in a supplemental? I think that is a mistake. I think we have got to stand by the committee on this and by the gentleman from Texas [Mr. THOMAS] who has made a study of this; because that committee and this House supported them last year in a reduction of the funds. This is an attempt to come back here and suggest that an agency downtown will disregard the reports of the committee and the action of the Congress and say, "You have got to give it to us in a supplemental bill." I think it is the wrong way to approach the matter.

Mr. MAHON. I think the gentleman is correct.

And if we in Congress do not stand up for our own prerogatives it is certain no one else is going to.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield.

Mr. REID of New York. Mr. Speaker, I appreciate the distinguished chairman's yielding.

I am very sensitive to the remarks made with regard to the authority of Congress in this matter. However, it is my understanding, after talking with Chairman Alan Boyd of the CAB, that the matter that is at stake here, as he told it to me, is this: He has said—

> In our judgment—

Meaning the CAB—

> if this supplemental is not put back in the bill the carriers could be put out of business.

I asked him most particularly whether that was his clear and thoughtful judgment, that the effect of this action could put the carriers out of business. He assured me that that was the case. And he said in addition that he thought that should this action be taken here, that is proposed today, there could be a suit in the court of claims which could result possibly in a more substantial payment or a payment of "at least" the amount involved in the bill. He thought that this was a clear, legal obligation of the United States and would be so upheld.

So my question to the chairman is this: If this has the effect of or runs the risk of putting the carriers out of business, is there not some remedy that could be applied to continue until such time as a more equitable formula could be worked out?

Mr. MAHON. We do not know whether it will put the carriers out of business. We would hope that they might be able to carry on without a subsidy, as is the case in San Francisco. But the agency has shown that it has not the slightest intention of complying with the wishes of Congress. It went ahead with a program which utilizes more than the $3 million plus Congress appropriated for the helicopter subsidy. Not only that, in the budget estimate for next year, 1966 the sum of $2.1 million has been included. So this is an indication that officials are saying. "We know what Congress did but we do not approve it and therefore, regardless of the action of Congress, we are going to proceed as we desire."

We cannot tolerate that. We must not tolerate that.

Mr. REID of New York. Mr. Speaker, will the gentleman yield for just one further question?

Mr. MAHON. I yield.

Mr. REID of New York. The point here it seems to me is this. I cannot comment on the gentleman's testimony on this point other than to say that whatever the testimony before the gentleman's great committee and the undertakings that were made, is it correct, is it proper to penalize the public interest and convenience? Because if there is any validity in the concern that the Chairman of the CAB has indicated to me, that the carriers might go out of business, then in effect, because of the relationship between the Congress and the CAB, we are penalizing the public interest and a young industry that is trying to serve both the national defense and the country. Have we the right to penalize the public regardless of undertakings that may or may not have been made between the committee and the CAB?

Mr. MAHON. I would say that these people have been getting this service a long time at a rather heavy cost in subsidies. Other cities have been trying to get into the picture and have not been able to do so. We have asked that this experiment be terminated. We gave the agency $3 million plus with which to tailor its program for this fiscal year. The act and the will of Congress have not been complied with. It is time for us to stand firm.

Mr. Speaker, I now yield 5 minutes to the gentleman from Texas [Mr. THOMAS] who as I stated before is the best informed Member of the House on this issue.

Mr. THOMAS. Mr. Speaker, let me address myself to this subject and let us clear away the cobwebs.

It has been said that no notice has been given. It has been said that it is a legal debt and there will be a judgment plastered against us.

Mr. Speaker, let us see the beginning of all this thing. You know how long it has been in operation? A little bit better than 15 long years. Do you know what these three cities have cost us? Right at $48 million. Has this been for the mutual benefit of the cities involved? Let us be frank about it. It is a direct subsidy to the major trunklines.

Mr. Speaker, studies have been made and they show beyond any doubt that the vast majority—not all, of course, but the vast majority—of the traffic served in these areas are out-of-town businessmen whose time is very valuable and they are willing to pay a premium to go from one airport to another.

This got started as an experiment, listen, as an experiment. To do what? To haul mail; to haul mail, not people. It was too expensive and it was dropped for that purpose.

Mr. Speaker, I have never seen in my experience here on this floor the pressure brought to bear on any one little item as that which has come up on this. That sugar that these operators are getting tastes mighty good and they just do not want to give it up. When it would not work for mail, then they said, "Well, let us experiment and we can develop the helicopter."

You are sure going to develop the helicopter through carrying a little 30-pound, 40-pound, or 50-pound bag of mail, when the armed services have hundreds and hundreds of them and they are in use every day in Vietnam.

So, where does the experiment go? Here, gentlemen, is the proposition.

As our distinguished chairman has pointed out to the Members, we have mentioned it on this floor every year for the last 6 or 7 years—and I shall not call any Members' names but I can see them here—they have got up and chided this little subcommittee for not ending this subsidy. You have heard it. I have heard it and everyone has heard it, and we have moaned and groaned and have asked them to either quit or cut bait.

Mr. Speaker, there are 39 other cities who want this and one is just as much entitled to its as another. It is all taxpayers' money. It goes to the use and benefit of the big trunklines.

Mr. Speaker, if we wind this up, the trunklines will work out this problem in less than 6 or 8 months, just as sure as shooting, in one form or another.

Now, they say this is a debt. You know whose story that is, and I say that with great humility and respect. Not even the Civil Aeronautics Administration will tell us positively about it. They say they think it is. Well, if they think it is, why not then subsidize that little line in San Francisco? Are there not other lines which are just as much entitled to this subsidy as the line that is operating further down south in California? Can you make fish out of one and fowl out of another?

Mr. Speaker, if they thought it was a legal obligation why did they not subsidize some of the other 39? Can you imagine any place on earth where you need it any more than from Washington to Dulles Airport or Washington to Baltimore or in Boston, as well as hundreds of other cities such as Atlanta, Cleveland, and so forth?

Mr. Speaker, it is not a debt in my humble judgment, and if I am wrong I will get up on this floor and tell you I am wrong. But it looks to me as if the Civil Aeronautics Board does not think it is a debt, because if they did, they would subsidize the other 39 and equalize it.

But of all the effrontery I have seen in a long time by governmental agencies created by this Congress, this is it, and there are good men on that Board. They are just as fine as any I know. But their great trouble, Mr. Speaker, is they want to spend the money and appropriate it too. That conference report was clear as a bell. We finally said, "We respectfully ask you to listen to us, we have been pleading with you for 6 or 7 years."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. You have me convinced. I suggest that the gentleman turn around and address his remarks to those on his side of the aisle who do not seem to be convinced.

Mr. THOMAS. In my humble opinion this is not a debt. They have had notice, not 1 year, not 2 years, not 3 years, not 4 years, but 5 and 6 years. We have gotten up here pleading just as we are doing now. Then they talk about a meat ax and no notice.

How much notice did they need? They are not going to do a thing in the world, and neither will the Civil Aeronautics Board. Let us do even-handed justice. You have taken the major trunklines off of direct subsidies. You give it to them in an indirect way.

Mr. Speaker, I hope the preferential motion is voted down—and it should be voted down. It is just giving even-handed justice, and I hope the committee will support your Appropriations Committee.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to my beloved friend from New York, who has announced he is going to retire. If he will listen to me he will be here another 30 or 40 years. He is beloved, he is chairman of our caucus, and if he has an enemy on the floor I do not know who it is.

Mr. KEOGH. My dearly beloved friend virtually took the words right out of my mouth. I was going to refer to his intention to retire. I hope he never does, I hope he is here for many years, and I say to him, Mr. Speaker, that my admiration and respect for him is exceeded by no one.

I would say further to him that when my preferential motion is adopted by the House I will love him just as much as I do now.

Mr. THOMAS. That will be mutual.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman yielding. I have asked the chairman for some time on my own, but since the gentleman has been good enough to yield I might mention the fact so many x millions of dollars have been voted over the years for subsidies to the helicopter service, and to the ones that are in operation. This figure pales into insignificance somewhat when you realize the testimony given before a committee in the other body in March of this year.

Mr. THOMAS. What is the question?

Mr. MICHEL. I am going to make the point if I may.

Mr. THOMAS. Go ahead.

Mr. MICHEL. The Defense Department witnesses say that the Defense Department has saved $70 million by the experience of the S–58 helicopter in the Chicago area alone.

Mr. THOMAS. I do not know where they got that figure or where the gentleman got it, but if he says it is true I will buy it.

Mr. MICHEL. The gentleman makes the point of the experience we have had in South Vietnam, but in substantially the same period helicopters are being utilized to the extent of 5 to 1 what they are in the military, and I say that is an experience that is of real consequence.

Mr. THOMAS. They are getting some rough treatment in Vietnam.

I thank the gentleman for his observation.

Mr. MAHON. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, of course, it is always very difficult to follow the very distinguished and able gentleman from Texas [Mr. THOMAS]. As a matter of fact, it is just about as difficult as following the junior Senator from Illinois, the distinguished minority leader, EVERETT DIRKSEN, but I do believe that there is another side to this story, and that these facts ought to be known to make the record complete.

My good friend, the distinguished chairman of our Appropriations Committee, made reference to last year's conference report in the course of his remarks, and that report was the subject of discussion in recent hearings on helicopter air service before the Aviation Subcommittee of the Senate. Senator MONRONEY was presiding and said on page 25 of those hearings:

> The Chair is in doubt whether a majority of the conferees of the Senate did agree to the House position. I recall no vote that was taken in the closed conference that was held, and, of course, it was not a matter of record anyway, because the Senate conferees could have spoken out by official voice at the time the conference report was adopted if they had concurred in the House conference, which they did not.

I might say that there were several of us as House conferees in the conference yesterday who are not in agreement with the House position and have as a matter of fact spoken out on this matter on previous occasions.

The funds previously provided for the helicopter carriers for this fiscal year were exhausted on April 11, 1965, and presently there are no funds to take them through the period from April 11 to June 30, 1965.

The $942,000 is needed to bridge this gap, and a supplemental appropriation in this amount has been requested by the administration. This request is set forth on page 21 of House Document No. 80 containing the communication from the President of the United States.

There are several reasons why it is vital for the House to approve this supplemental appropriation for the helicopter carriers.

Without this money, the scheduled helicopter industry in the three largest cities of the United States, New York, Los Angeles, and Chicago, would collapse within the next several weeks. One of the most promising new forms of transportation would be killed off just as it is beginning to demonstrate its capability of getting off of subsidy within a reasonable time.

The opposition to helicopter subsidy here in the Congress seems to be based on a misunderstanding that it is being used simply to defray the cost of a local transportation service in New York, Chicago, and Los Angeles, which unjustly discriminates in favor of these three cities and against other cities which also need but do not have helicopter service.

The fact is that these three operations were created by the Civil Aeronautics Board to operate as national helicopter laboratories, to develop the art of helicopter transportation to the point where it can become self-sustaining and then spread to other cities, employing the advances gained in these operations. The transportation service which these three carriers provide is only a necessary incident to the more important developmental function they are performing.

What we are buying with this subsidy is the maintenance of incubators or test beds which are developing for future national application this newest form of air transportation and the only form that can bring air transportation closer than airports to the people that use it.

The Congress itself has expressed interest in having helicopter service extended to new cities. In acting on the appropriation for fiscal 1963, the Senate voted to increase helicopter subsidy to $10 million, to provide for additional services. Last year, when the House conferees requested the exclusion of helicopter subsidy from the budget this year, there was an indication that this might help to get service for "39 other cities that need it as badly as those that now have it."

Actually, the reverse is true, because the quickest way to advance an expansion of helicopter service to other cities is by first perfecting the existing operations, after which new services in new cities can be authorized on a nonsubsidy basis.

Hence, what is at stake here today is not only the existing helicopter services in the three largest cities of the Nation but also the extension of service to other cities, which would be impaired if the present development program were to be snuffed out by cutting off all of the funds.

The helicopter carriers have been criticized because of the length of time it has taken for them to become free of subsidy. However, the delay has largely been beyond their control. They were delayed in getting their turbine-powered equipment. After the new equipment was delivered, the in-service debugging of the aircraft took substantially longer than expected.

Progress has also been deterred by the length of time it has taken to get instrument flight rules authority, which is essential to achieve high schedule performance and reliability, and the higher revenues which come with more reliable service. It has taken time to increase the period between overhauls on the new equipment and its components, which has kept costs at a higher level until the overhaul period could be increased.

These and other factors have accounted for the economic improvement of the carriers not having been more accelerated than it has been, and the delays encountered have been largely attributable to the uniqueness of this new breed of flying machine and the complexities it involves.

What is important today, is that the improvement in these helicopter carriers is now moving forward to the point where the CAB has just found—in orders Nos. E-21798 and 21799—that the two carriers receiving 82 percent of the total subsidy—New York and Los Angeles—can be expected to break even without subsidy in fiscal 1969. The third carrier—Chicago can be expected to do the same with the further activation of Midway Airport in Chicago.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am glad to yield to the gentleman from New York.

Mr. KEOGH. Can the gentleman affirm for me the fact that I have stated, that the San Francisco operation is running at a net loss in excess of $1 million, which is used as a tax carryover in connection with other operations?

Mr. MICHEL. The gentleman is absolutely correct.

Mr. KEOGH. This is subsidizing San Francisco to the extent of 49 percent of its loss.

Mr. MICHEL. The gentleman is correct. He serves on the Committee on Ways and Means and knows whereof he speaks.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Illinois yield?

Mr. MICHEL. I am glad to yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Speaker, I should like to remind the gentleman from Illinois that at the conference on yesterday, as one of the House conferees, I took the position favoring the appropriation and agreed with the Senate conferees whose views were principally voiced by the distinguished senior Senator from California, Mr. KUCHEL. At that time I pointed out that in most of the capitals of Europe there is 100 percent government-subsidized helicopter service; that here in this country in our three largest cities—and the three largest cities here are larger than most of the capital cities of Europe—we have only partially government-subsidized service. I should also mention the fact that at one time years ago this helicopter subsidy was a very substantial one. The government subsidy has now been brought down as the result of superior operating know-how and the more economical operations of these three helicopter companies.

Mr. Speaker, I sincerely hope the motion offered by the distinguished gentleman from New York [Mr. KEOGH] will prevail.

Mr. MICHEL. I thank the gentleman. I would say further, Mr. Speaker, that the collapse of the scheduled helicopter industry in our three largest cities could impair this country's world leadership in the field of vertical-lift aircraft.

The cessation of service in these three cities would receive worldwide attention because of the many international users of the service and the many representatives from countries throughout the world who visit these carriers seeking advice and assistance in the formulation of their own helicopter service plans.

U.S.-manufactured helicopters are being used in transport operations in a number of foreign countries, and a real stigma would ensue from closing down our own helicopter carriers while at the same time foreign operators were carrying on with the same kind of U.S. equipment which we ourselves have not seen fit to continue in service.

Lack of confidence in our helicopter products would inevitably follow, and existing and foreseeable foreign markets would be impaired as foreign competitors capitalized on the situation. Thus, our balance of payments could be adversely affected in a substantial way.

Another reason why this country cannot afford to scuttle its helicopter transport industry is the growing need for such a vehicle to combat the increasing congestion in urban areas.

Population studies show that by 1980 more than 72 percent of the U.S. population will be squeezed into our metropolitan areas, and the resultant congestion will require a whole new kit of transportation tools.

The helicopter is one of the most promising new transportation tools, because it operates in a new dimension lying above surface congestion on the ground and beneath the congestion of fixed-wing airplanes in the air.

Three Presidents of the United States have demonstrated that the helicopter is practical and safe and does a good job of jumping over ground transportation tangles on short-haul local and interurban flights.

One of the greatest challenges the helicopter has to offer is its potential of replacing fixed-wing aircraft on short-haul intercity operations in highly congested areas, and thus dispense with millions of dollars of otherwise needed additional airport facilities and at the same time better serve the passenger by flying him into the heart of the city instead of depositing him at an outlying airport as is now the case. Under the concept, New York City could forget about building a fourth or fifth airport, by funneling its short-haul operations into heliports and confining its airports to medium- and long-haul operations.

The point I am leading up to is that the continuation of the scheduled helicopter industry is far too important a matter to be determined by a supplemental appropriation covering less than a 90-day period. The $942,000 supplemental appropriation in question here today covers only the 80 days from April 11 to June 30, 1965.

Just last month, the Aviation Subcommittee of the Senate Commerce Committee held extensive hearings on the helicopter air service program and what the policy of the Congress should be on this subject. Certainly, we should retain the status quo until policy determinations have been made as a result of those hearings. It would be most inappropriate for this body prematurely to foreclose this whole inquiry by blocking the supplemental appropriation and putting these carriers out of business before the other body has had time to finish its task.

In closing, I want to add that the issue being debated here today also involves the willingness of the Congress to honor the legal obligations incurred by the U.S. Government.

In the debate this last Tuesday on the floor of the Senate, it was pointed out that the certificates of public convenience and necessity and rate orders issued to the helicopter carriers by the CAB, under the existing Federal Aviation Act, create a legal obligation on the Government to pay out the $942,000 for which a supplemental appropriation is being requested by the administration. There is a consensus of view that if the Congress does not appropriate this money, the helicopter carriers could successfully prosecute claims in the Court of Claims.

It is my understanding that a change would be required in the basic statute under which the CAB operates in order to eliminate the subsidy obligation to the helicopter carriers. The obligation cannot be eliminated simply by denying appropriations without changing the substantive law.

Those who advocate the termination of helicopter subsidy should address themselves to a change in the law instead of trying to achieve such a result through the appropriation process. I would oppose such a change in the law, and bring up the subject simply to point out the procedural problem involved.

The SPEAKER. The time of the gentleman has expired.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a question?

Mr. MAHON. I yield for a question.

Mr. PUCINSKI. Is it not a fact, Mr. Chairman, that what we are asking now—the additional funds—is a part of the CAB's program to phase out this subsidy and put these helicopter services on a pay-as-you-go basis? In other words, this is not part of a permanent, continuing program, but rather part of a plan established and agreed to by the CAB to phase out this subsidy to the helicopters and make them self-sufficient.

Mr. MAHON. Mr. Speaker, I would say that what we will vote on presently is a preferential motion made by the gentleman from New York [Mr. KEOGH] to overturn the recommendation of the conference committee, which has taken the position that we should insist on the $3 million being an adequate appropriation for this subsidy program for helicopters for the current fiscal year.

I do hope that Members, on this motion, will vote "No," and then will vote with the committee on the motion to insist upon the House position.

I do hope that the will of the Congress can be carried out, and the will of the Congress can be carried out by voting "No" on the motion which will presently be before us. When the House speaks, it ought not only to be heard but also heeded.

Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of the gentleman from New York's preferential motion that the House recede and concur with the Senate on amendment No. 6 under chapter IV, independent offices. Our two bodies agree on an allowance of $1,932,000 for the payment of subsidy obligations mainly for local service air carriers. The disagreement is focused on a subsidy of $942,000 for helicopter operations in Chicago, Los Angeles, and New York. The House failed to include these funds when H.R. 7091 was considered on April 6; however, the Senate believes that funds should be provided for payment of such subsidy obligations so long as the existing certification has not been discontinued by administrative or legislative action.

The Senate displays wisdom supporting an industry that is proving to be a valuable service, not only in the field of public service, but also in the defense structure of our Nation. And the issue at hand is important to the overall purpose of helicopter operations in both areas for the improvements realized in public transportation will benefit the defense phase of helicopter use and save our Government money in experimentation for improvement.

While the funds we now seek are designated to support three specific areas in the United States, the overall effects of the experiment in utilizing helicopters as a means of public transportation will reach out to all areas of this Nation, for as the industry progresses, its benefits will be available to a large majority of our citizenry.

The helicopter trial was launched with far-sighted vision of the needs of our people in expanding metropolitan areas. Traffic congestion is one of the most difficult problems facing our society. When you consider the costs in lost time of productive people who must sit in traffic jams, and the cost of moving freight in congested urban areas, we cannot hope to resolve these losses unless we can provide a solution to reduce travel time from outlying areas to the hub of industrial and business operations in the heart of these growing metropolitan complexes. The benefits we gain from the increased speed of cross country and intercontinental air travel will not be fully realized if we fail to provide a link between the airport terminals at the perimeter of metropolitan areas and the eventual destination in the center of these areas. The helicopter is the swiftest means of establishing this link.

In Chicago we have realized the need of helicopter service in our overall transportation picture of the city of Chicago and its farflung suburban areas.

We are reactivating Midway Airport on the South Side of Chicago as a supplement to the growing air traffic at O'Hare Field on the far northwest side of our city. Helicopters play an important role in transporting air passengers and air freight betwen these terminals where connections are made for continued travel to other areas of the United States and continents across the oceans. But this interexchange is only one part of the service that can be offered by helicopter transportation. They also proved a swift link between these terminals and Chicago's Loop and there are plans for intercity downtown service from Chicago to nearby cities like Milwaukee and South Bend.

The funds we seek in this amendment will enable the Chicago Helicopter Service and similar services in New York and Los Angeles to remain solvent while establishing their important foothold in the transportation field. If we fail to subsidize these services they will be lost for they have not had sufficient time to become firmly established and self-supporting. The benefits gained to date will be lost and will restrict the potential that can be realized from this service.

Congress had great vision in supporting air travel at its introduction in transportation and we now observe the results of this assistance through the development of modern aircraft and faster travel in the world. The helicopter is an outgrowth of the advancements in air transportation. It can and will develop as an important cog in this mode of travel but we will not realize this importance unless we support its purpose. Therefore Congress should continue its wisdom by assisting this industry to develop its full potential. Although we are seeking aid to only three large metropolitan areas in this amendment, the progress experienced in these areas can produce a self-sustaining industry which will eventually benefit other metropolitan areas and outlying communities. An expanding business helps the economy of our country and the birth of a new business certainly meets with the plans of a great society in the future.

The need for this subsidy has been affirmed by the Civil Aeronautics Board. They have carefully studied the results of the helicopter experiment to date and sustain its position as an important link in air travel. Their plan proposes a phaseout of subsidy payments over a 5-year period. By then the industry will have matured and be self-supporting.

A vote in favor of the motion to recede and concur with the Senate's amendment to subsidize the helicopter services in Chicago, Los Angeles, and New York will indicate the wisdom of this Congress by continued support of air transportation.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The question is on the preferential motion offered by the gentleman from New York [Mr. KEOGH].

The question was taken; and on a division (demanded by Mr. KEOGH) there were—ayes 62, noes 77.

Mr. ROOSEVELT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 144, nays 228, not voting 61, as follows:

[Roll No. 85]

YEAS—144

Adams
Anderson, Tenn.
Annunzio
Arends
Ayres
Barrett
Bell
Bingham
Bolton
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cahill
Cameron
Carey
Celler
Clawson, Del
Clevenger
Collier
Cooley
Corbett
Daniels
Delaney
Dent
Derwinski
Donohue
Dwyer
Dyal
Edwards, Calif.
Ellsworth
Erlenborn
Farbstein
Fino
Foley
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gilbert
Gilligan
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Grover
Hagen, Calif.
Halleck
Hanley
Hays
Helstoski
Hicks
Holifield
Hosmer
Howard
Huot
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kluczynski
Krebs
Lipscomb
Love
McCarthy
McDowell
McEwen
McGrath
McVicker
Macdonald
Martin, Mass.
Matsunaga
Meeds
Michel
Minish
Moorhead
Morgan
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Hara, Ill.
Olsen, Mont.
Ottinger
Patten
Pepper
Philbin
Pike
Pirnie
Powell
Price
Pucinski
Race
Reid, N.Y.
Reinecke
Reuss
Rhodes, Pa.
Rodino
Rogers, Colo.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ryan
St Germain
Scheuer
Secrest
Sickles
Sisk
Slack
Smith, Calif.
Smith, N.Y.
Stratton
Sweeney
Teague, Calif.
Tenzer
Thompson, N.J.
Tunney
Ullman
Utt
Watts
Widnall
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Zablocki

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Abbitt
Abernethy
Adair
Albert
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Ashley
Ashmore
Aspinall
Baldwin
Bandstra
Baring
Bates
Battin
Beckworth
Belcher

Bennett
Berry
Betts
Boland
Bolling
Bonner
Bow
Brademas
Bray
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Buchanan
Burleson
Burton, Utah
Cabell
Callan
Callaway
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Cleveland
Cohelan
Colmer
Conable
Conte
Craley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Denton
Devine
Dole
Dorn
Dowdy
Downing
Duncan, Oreg.
Duncan, Tenn.
Edmondson
Edwards, Ala.
Everett
Evins, Tenn.
Farnum
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Fogarty
Ford, Gerald R.
Ford, William D.
Fountain
Friedel
Fuqua
Gathings
Gettys
Gonzalez
Goodell
Griffin
Gross
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Hamilton
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hechler
Henderson
Herlong
Horton
Hull
Hungate
Hutchinson
Ichord
Irwin
Jacobs
Jennings
Joelson
Johnson, Okla.
Johnson, Pa.
Jonas
Keith
Kirwan
Kornegay
Kunkel
Laird
Landrum
Langen
Latta
Long, La.
Long, Md.
McClory
McCulloch
McDade
McFall
McMillan
MacGregor
Machen
Mackie
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Nebr.
Matthews
May
Miller
Mills
Mink
Minshall
Mize
Monagan
Moore
Morris
Morse
Morton
Mosher
Murray
Natcher
Nelsen
O'Hara, Mich.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pelly
Perkins
Pickle
Poage
Poff
Pool
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reifel
Rhodes, Ariz.
Rivers, S.C.
Roberts
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Roush
Satterfield
Saylor
Schmidhauser
Schneebeli
Schweiker
Selden
Shipley
Shriver
Sikes
Skubitz
Smith, Iowa
Smith, Va.
Stafford
Stalbaum
Stanton
Steed
Stubblefield
Sullivan
Talcott
Taylor
Teague, Tex.
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tuten
Udall
Vanik
Vigorito
Vivian
Walker, Miss.
Walker, N. Mex.
Watkins
Weltner
Whalley
White, Tex.
Whitener
Whitten
Williams
Willis
Wilson, Bob
Wyatt
Younger

NOT VOTING—61

Addabbo
Ashbrook
Blatnik
Boggs
Brock
Broyhill, Va.
Clark
Conyers
Corman
Culver
Daddario
Dawson
Dickinson
Diggs
Dingell
Dow
Dulski
Evans, Colo.
Fallon
Farnsley
Garmatz
Giaimo
Gibbons
Green, Oreg.
Halpern
Hanna
Hardy
Harris
Hawkins
Hébert
Holland
Jarman
Jones, Ala.
Jones, Mo.
Leggett
Lennon
Lindsay
Mackay
Madden
Mathias
Moeller
Morrison
Nix
O'Brien
Olson, Minn.
Redlin
Resnick
Rivers, Alaska
St. Onge
Schisler
Scott
Senner
Springer
Staggers
Stephens
Toll
Tupper
Van Deerlin
Waggonner
White, Idaho
Young

So the preferential motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Giaimo for, with Mr. Hébert against.
Mr. Dulski for, with Mr. Stephens against.
Mr. Leggett for, with Mr. Morrison against.
Mr. Toll for, with Mr. Waggonner against.
Mr. Addabbo for, with Mr. Holland against.
Mr. Lindsay for, with Mr. Garmatz against.
Mr. Halpern for, with Mr. Fallon against.
Mr. Dow for, with Mr. Brock against.
Mr. O'Brien for, with Mr. Hardy against.
Mr. Daddario for, with Mr. Lennon against.
Mr. Nix for, with Mr. Scott against.
Mr. Dawson for, with Mr. Dickinson against.
Mr. Dingell for, with Mr. Ashbrook against.
Mr. Diggs for, with Mr. Broyhill of Virginia against.
Mr. Resnick for, with Mr. Young against.

Until further notice:

Mr. Culver with Mr. Springer.
Mr. Conyers with Mr. Tupper.
Mr. Boggs with Mr. Mathias.
Mr. Blatnik with Mr. Hawkins.
Mr. Harris with Mr. St. Onge.
Mr. Schisler with Mr. Madden.
Mr. Staggers with Mr. White of Idaho.
Mr. Gibbons with Mrs. Green of Oregon.
Mr. Hanna with Mr. Redlin.
Mr. Moeller with Mr. Mackay.
Mr. Olson of Minnesota with Mr. Van Deerlin.
Mr. Jarman with Mr. Clark.
Mr. Corman with Mr. Senner.
Mr. Farnsley with Mr. Evans of Colorado.

Mr. BOB WILSON changed his vote from "yea" to "nay."

Mr. CLEVELAND changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. Mahon].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: On page 7, line 14, insert:

"FEDERAL-STATE TRAINING PROGRAMS

"For matching grants to States for authorized training and related activities, and for expenses of providing technical assistance to State and local governmental or public bodies (including studies and publication of information), as authorized by title VIII of the Housing Act of 1964 (20 U.S.C. 801–805), $5,050,000, to remain available until expended: *Provided*, That not to exceed $50,000 of this appropriation shall be available for administrative expenses."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist upon its disagreement to the amendment of the Senate numbered 10.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: Page 8, line 1, insert:

"FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

"For fellowships for city planning and urban studies as authorized by section 810 of the Housing Act of 1964 (20 U.S.C. 811), $515,000: *Provided*, That not to exceed $15,000 of this appropriation shall be available for administrative expenses."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist upon disagreement to the amendment of the Senate numbered 11.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 9, line 7, insert:

"VETERANS REOPENED INSURANCE FUND

"All premiums and collections on insurance issued pursuant to section 725 of title 38, United States Code, shall be credited to the 'Veterans reopened insurance fund', established pursuant to that section, and all payments on such insurance and on any total disability provisions attached thereto shall be made from that fund, notwithstanding any provisions of that section: *Provided*, That for actuarial and accounting purposes, the assets and liabilities (including liability for repayment of advances hereinafter authorized and adjustment of premiums) attributable to each insured group established under said section 725 shall be separately determined: *Provided further*, That such amounts of the 'Veterans special term insurance fund' as may hereafter be determined by the Administrator of Veterans' Affairs to be in excess of the actuarial liabilities of that fund, including contingency reserves, shall be available for transfer to the 'Veterans reopened insurance fund' as needed to provide initial capital: *Provided further*, That any amounts so transferred shall be repaid to the Treasury and shall bear interest payable to the Treasury at rates established in accordance with section 725(d)(1) of title 38, United States Code."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The SPEAKER. The gentleman from Texas [Mr. Mahon] is recognized for 1 hour.

Mr. MAHON. Mr. Speaker, this is one of the motions of the committee which is somewhat controversial. I yield 5 minutes to the gentleman from Pennsylvania [Mr. Saylor].

Mr. SAYLOR. Mr. Speaker and Members of the House, I respectfully urge that you vote down the motion of the gentleman from Texas [Mr. Mahon]. Only a few moments ago you heard my distinguished colleague say that the issue involved then was whether or not the Congress "would get into bed with an agency of the executive branch which has defied the legislative branch of the Government." That is exactly the issue here before us. If you vote to sustain the committee you are doing just that.

Let me give you the history of what has happened. Last year the Congress voted to open the GI insurance program under very limited terms. In that bill authorization was given the Veterans' Administration to ask for appropriations to carry on the work required. The VA officials appeared before the House Committee on Veterans' Affairs in February of this year to give us a report on how they were proceeding with carrying out the authority given to the agency. They told us absolutely nothing of the procedure proposed to finance it except that

they intended to operate in the same manner we had specified in our legislation.

Then, without saying a word to the staff of the Veterans' Affairs Committee, without saying a word to the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Texas [Mr. TEAGUE], or to any other member of the Veterans' Affairs Committee, they went to the Appropriations Committee and asked them to write in language which would completely change the manner in which this bill was to be financed.

I made a point of order against that language when the bill was before us the first time. That point of order was sustained.

As soon as the point of order was sustained I immediately wrote to the Senator, JOHN O. PASTORE, who is the chairman of the Senate subcommittee handling this bill, and explained to him why I had done this, and pointed out this action had the complete support of all members of the Veterans' Affairs Committee. I asked that it not be put back in the bill.

My letter was as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERAN AFFAIRS,
Washington, D.C., April 8, 1965.

Hon. JOHN O. PASTORE,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank you for the opportunity to express my position in connection with the rider relating to the veterans' insurance program which was contained in the second supplemental appropriations, H.R. 7090, in the form in which it was reported by the Committee on Appropriations.

Your attention is invited to page 7131 of the CONGRESSIONAL RECORD of April 6, on which I made a point of order against this language, a violation of the rules, which point of order was sustained.

It is my understanding that the Veterans' Administration still desires to have authority of this nature. It seems to me the transfer of any funds from a trust fund for purposes not contemplated when the trust fund was established, is a highly questionable procedure. It certainly is not countenanced in the business community, and I doubt the wisdom of the Veterans' Administration proceeding in this fashion.

I feel very strongly that the legislative committee, in this case, our own Veterans' Affairs Committee, should have been consulted on this point and prior approval obtained.

The simplest procedure, it seems to me, is for a direct appropriation to be made for this administrative service. The appropriation is quite warranted and will be repaid promptly as the premiums on the reopened insurance are received.

I have advised Mr. Brickfield and his associates, while I am sympathetic and fully understand the position in which they find themselves, if the Senate in its wisdom should include this language, I would feel duty bound to object to it when it came before the House at the time of the presentation of the conference report.

I appreciate the opportunity to make clear my position on this subject.

Sincerely yours,

JOHN P. SAYLOR,
Member of Congress.

Despite that fact, the Senate subcommittee inserted the language in the bill, and because of the fact that it is now brought up in the manner it is, I cannot make a point of order that it is legislation on this bill.

I have, however, sent a letter to the subcommittee chairman, ALBERT THOMAS, under date of April 28, 1965, and would like to have it inserted as part of my remarks:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., April 28, 1965.

Hon. ALBERT THOMAS,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you in your capacity as chairman of the subcommittee which handles the second supplemental appropriations bill H.R. 7091, because of the role which you and your associates will, I assume, play when this measure goes to conference.

I am disturbed to learn from reading the Senate reported version that the language permits the Veterans' Administration to transfer money from an insurance fund to meet the operating expenses authorized by appropriate sections of Public Law 88-664. You will recall that on April 6, 1965, I made a point of order against this identical language, which point of order was sustained by the Chair. On page 7131 of the RECORD of that date, I indicated to some small degree the reasons for my action.

Inherent in the entire history of this legislation as well as specifically in several sections of Public Law 88-664, is the authority to make appropriations necessary for the administration of this reopening. As you will recall, this entire insurance section was added to the non-service-connected pension bill, H.R. 1927, and in adding this section the Senate Committee on Finance in its report (S. Rept. 1591, 88th Cong.), made this statement: "There will be, however, an initial administrative outlay to the Veterans' Administration estimated at $6,580,000 for the first year, $4,408,500 for the second year, $2,989,750 for the third year, $2,945,000 for the fourth year, and $2,867,250 for the fifth year. In reality, this is a bookkeeping transaction involving no cost to the Government inasmuch as the bill provides that funds 'so appropriated' shall be repaid to the Treasury by collection of the administrative expenses from the policyholders."

I have supplied the emphasis in the aforementioned quotation to indicate that the authority of this legislation clearly shows that the administrative expenses inherently necessary in this reopening program would be appropriated from the Treasury and repaid by the policyholders who take advantage of this new law which is effective May 1. At no time during the hearings or consideration of this measure in the Senate or any time subsequent to the enactment of this law has the Congress been officially advised other than by the language of the supplemental appropriation, H.R. 7091, that it was contemplated to enact legislation through these means or otherwise, to permit the transfer of moneys from this trust fund for administrative purposes.

On February 17, the Deputy Administrator, Mr. Brickfield testified before the Subcommittee on Insurance of the Committee on Veterans' Affairs, at what was supposed to have been a hearing calling for full and complete disclosure of all facets of the reopening of the program of National Service Life Insurance. At no time during the hearing did Mr. Brickfield or any of his associates in any way indicate that legislation to permit such a transfer was needed or contemplated. On page 51 of these hearings, Mr. Brickfield states, "The initial working capital will be obtained by making a loan from the Treasury which will be repaid with interest as premium and other income becomes available." It would seem that if legislation were needed, full disclosure to the Congress would require that it take place in that hearing and Mr. Brickfield would have advised the subcommittee to this effect. Such advice was not forthcoming and the most charitable consideration which can be placed upon the Veterans' Administration action in this field is one of deviousness and a desire to be less than frank.

Subsequent to the House passage of 7901, I communicated the background of this question to the Senator from Rhode Island, Mr. PASTORE, who was in charge of this legislation in the Senate and expressed the desire that the Senate committee would follow regular standards in this matter by use of the legislative committee rather than resorting to a rider as has been done. Unfortunately, the Senate has seen fit to restore the language in question to the appropriation bill. On April 13, an executive session was held of the Subcommittee on Insurance of the Veterans' Affairs Committee and Mr. Brickfield and his associates from the Veterans' Administration appeared. Although not a member of the subcommittee, I also was asked to appear. It was learned during the course of this executive session that as long ago as last November the decision to proceed in this fashion to bypass the Committee on Veterans' Affairs had been made by the Bureau of the Budget with the full knowledge and acquiescence by the Veterans' Administration. This was at the time of the preparation of the 1966 budget. Mr. Brickfield and his associates were advised by all members of the subcommittee who were in attendance at this executive session to at once request the necessary funds by the regular appropriation route and they were also given assurance that the subcommittee members would do what they could to see that this was granted. For reasons unknown to me, the Bureau of the Budget refused to permit the Veterans' Administration to proceed in this fashion.

At this same executive session, the Veterans' Administration representatives were advised that if an appropriation could not be obtained for this purpose, that legislation to permit a transfer of funds would be introduced and carefully considered by the subcommittee. I have now introduced H.R. 7597, which accomplishes this purpose and is now pending before the Committee on Veterans' Affairs. It is my understanding that the gentleman from Tennessee [Mr. EVERETT], the chairman of the Subcommittee on Insurance, would have introduced identical legislation at the same time had he not been absent because of illness.

I am hopeful that this legislation can be speedily considered by the subcommittee, that a hearing be held on this specific bill, at which time this entire unfortunate affair can be laid bare. I am sure that the Subcommittee on Insurance as well as the full Committee on Veterans' Affairs will act promptly on this matter and in a responsible fashion.

I am sure that you would not for one moment be a party to the Veterans' Administration flouting the wishes or evading the responsibility or authority of a committee of the Congress and yet that is what the Veterans' Administration has sought to evade, a proper accounting to the committee which is charged with the legislative oversight of this agency.

The comptroller of the Veterans' Administration made it clear to the members of the subcommittee in executive session on April 13 that if this rider should not be approved, other funds would be transferred to provide for the necessary administrative funds for the reopening of this national service life insurance program. I stress this point to indicate that there will be no delay and no inconvenience to the veterans who are eligible for this type of insurance.

I hope that it will be possible for the Committee on Veterans' Affairs to act on this legislation before H.R. 7091 leaves the conference stage but in any event I ask your support in resisting the efforts of the managers of the bill in the other body to include this legislative language in the final version of the appropriation bill, H.R. 7091.

Sincerely yours,

John P. Saylor,
Member of Congress.

The representatives of the Veterans' Administration have now been before the Veterans' Affairs Committee. They have told us they do not need this language now, and have further informed us that they do not need the money now.

We asked what they needed. They drafted a bill and brought it to our committee. I have introduced H.R. 7597 which establishes the veterans reopened insurance fund, and wish to include it in entirety at this point of my remarks:

H.R. 7597

A bill to establish the Veterans Reopened Insurance Fund in the Treasury and to authorize initial capital to operate insurance and programs under title 38, United States Code, section 725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective May 1, 1965, section 725 of title 36, United States Code, is amended as follows:

(1) By placing a period after the word "basis" in clause (8) of subsection (b) and striking all of the remainder of such clause.

(2) By substituting a period for the semicolon at the end of clause (7) of subsection (c) and striking all of the remainder of the subsection.

(3) By amending subsection (d)(1) to read as follows:

"(d)(1) All premiums and collections on insurance issued pursuant to this section and any total disability income provision attached thereto shall be credited to the Veterans Reopened Insurance Fund, a revolving fund established in the Treasury of the United States, and all payments on such insurance and any total disability provision attached thereto shall be made from that fund. For actuarial and accounting purposes, the assets and liabilities (including liabilities for repayment of advances hereinafter authorized, and adjustment of premiums) attributable to the insured groups established under this section shall be separately determined. Such amounts in the Veterans Special Term Insurance Fund in the Treasury as may hereafter be determined by the Administrator to be in excess of the actuarial liabilities of that fund, including contingency reserves, shall be available for transfer to the Veterans Reopened Insurance Fund as needed to provide initial capital. Any amounts so transferred shall be repaid to the Treasury over a reasonable period of time with interest as determined by the Secretary of the Treasury taking into consideration the average yield on all marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt."

(4) By striking the words "subsection (b) of" wherever they appear in subsection (d)(2).

(5) By striking the following words from subsection (d)(3): "or the National Service Life Insurance appropriation, as appropriate,".

The distinguished gentleman from Tennessee [Mr. Everett], who is the chairman of the Insurance Subcommittee called a special committee meeting this morning. We held hearings and heard the representatives of the Bureau of the Budget and the Veterans' Administration. We reported this bill out unanimously. I urge the House, if they believe what the distinguished gentleman from Texas [Mr. Mahon] has said, namely, that the integrity of the House is involved and that we should not get into bed with an agency downtown that has defied the legislative branch of the Government, then you should vote down his motion.

Another thing I would like to call your attention to is the language meddles with trust funds. One of the important things you have to remember is that a trust fund is a rather sacred thing. It is set up for a special purpose.

The SPEAKER pro tempore (Mr. Albert). The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I yield the gentleman one additional minute.

Mr. SAYLOR. This trust fund that has been set up, that they now propose to transfer under the language in this bill, is not for the purpose they are trying to use it for now. If we have any financial integrity, if we as Members of Congress believe that trust funds are sacred funds and should be used only for the purposes for which they are created, then we should not meddle with this trust fund. I sincerely hope that you will support the members of the Committee on Veterans' Affairs and vote down this motion.

Mr. MAHON. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. Everett].

Mr. EVERETT. Mr. Speaker, there are just a few times that I have come to this floor to make any kind of remarks, but I am here today to protect the integrity of our distinguished chairman, the gentleman from Texas, the Honorable Olin Teague, and the Committee on Veterans' Affairs.

Last November 1964, when the budget was in preparation, a decision was made to try this route of transferring, from an insurance revolving fund, money to provide for the administrative expenses of the reopening of national service life insurance on May 1, and to accomplish this by means of legislation on an appropriation bill. We did not know a thing in the world about it. The distinguished gentlemen from Texas [Mr. Mahon and Mr. Thomas] have been in charge of this. Our distinguished chairman, the Honorable Olin Teague, has fought them on many occasions—not once but five or six times—protecting the Veterans' Administration and securing through the acts of this House millions of dollars to repair hospitals and to spend more millions of dollars to renovate old hospitals and construct new ones. At the present time we are working very hard to save a lot of the veterans' hospitals that the bureaucrats downtown want to close. So, my friends, when they brought this to our attention, we asked the appropriate Veterans' Administration officials why they chose this route after the point of order had been made by the gentleman from Pennsylvania [Mr. Saylor] on April 6, 1965, and sustained. They did not heed the Veterans' Affairs Committee; they went on over to the other body. And what did they do there? They got it put on, and now they bring it back to us. They say, "Oh, we were wrong about coming before this committee, but we want this passed because time is of the essence." They can live for 2 or 3 months without these funds. The minute we heard about it we introduced a bill—I and Mr. Saylor did—and the Subcommittee on Insurance met this morning and voted this measure out with full assurance from the chairman of the full committee that he will call a meeting soon, perhaps next week, to give the necessary authorization.

If you wish to protect the integrity of this House and protect us and all of the other legislative committees, I certainly want you to vote to agree with Mr. Saylor and Mr. Teague, who will follow me in a few minutes.

I thank you.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. Adair].

Mr. ADAIR. Mr. Speaker, we on the Committee on Veterans' Affairs have tried through the years to act responsively with respect to veterans programs. Members of the House know that there have been a number of highly controversial programs proposed, and it has been our purpose and our effort to try to do the things which we believe are in the best interests of the House, the veterans, and the people of the United States generally. I feel strongly that the position taken by the gentleman from Pennsylvania [Mr. Saylor] and the gentleman from Tennessee [Mr. Everett], which is the position of the Committee on Veterans' Affairs, ought to be sustained. I urge that the Members so vote.

Mr. MAHON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. Teague], the chairman of the House Committee on Veterans' Affairs.

Mr. TEAGUE of Texas. Mr. Speaker, I am sure that all Members of the House realize that we are not being critical of the Committee on Appropriations, but we do have a good committee that works very hard, as does the Insurance Subcommittee under the gentleman from Tennesse [Mr. Everett]. He has done a good job, as good a job as any subcommittee can do. I question that any committee of Congress is more responsive to any agency than we are to the Veterans' Administration. But I very much resent the fact that they did not even approach the legislative committee, but went to the Committee on Appropriations and asked for money which had not been authorized.

Mr. Speaker, I hope that the motion offered by the gentleman from Texas [Mr. Mahon] will be voted down.

Mr. MAHON. Mr. Speaker, the House and the country are under heavy obligation to the Committee on Veterans' Affairs. That committee does a fine job for our veterans and the Nation and I want to pay tribute to it. The question involved here is whether we make a direct appropriation from the Treasury or handle it through a transfer from a so-called trust fund. Certainly there is no desire on the part of the Committee on Appropriations to clash with members of the Committee on Veterans' Affairs. We are all working for the same people. I can understand some of the resentment which they feel against the Veterans' Administration for failing to make proper contact with the Committee on Veterans' Affairs. There must have been some misunderstanding. Certainly this important committee should have been fully consulted in the matter. However, we are now confronted with the proposition of what to do about this situation.

Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. Thomas] who handles these matters in the subcommittee for the independent offices bill.

Mr. THOMAS. Mr. Speaker, I regret that a misunderstanding has developed between, not the Committee on Appropriations and our distinguished friends on the legislative committee, but between the legislative committee and the Veterans' Administration officials downtown. Sometimes I wonder how awkward some of the Bureau people can get. Of all the hard working, efficient and distinguished legislative committees in this House I know of none that does a more efficient job or a better job, or has the interest of the veteran at heart more than this great committee of the House composed of our distinguished friends over here on my left and on my right. They are all my close personal friends.

I do hope that the Veterans' Administration officials will come over and make their peace with this committee. They cannot operate without them. You know it and I know it. They carry the load. This subcommittee and the Committee on Appropriations are nothing but waterboys for this legislative committee. We are delighted and happy and honored to serve them in that capacity.

Bear in mind, Mr. Speaker, that your subcommittee of the Committee on Appropriations does not have but just 50 percent of the authority—not all of the authority.

Mr. Speaker, we have an equal and coordinate body over at the other end of the Capitol and, of course, it is made up of great people also. But I suppose we have to brag on ourselves a little bit. They are not the greatest. However, they are equally important. Unfortunately, though, we have to listen to them every now and then because they have a vote also.

Now, Mr. Speaker, let me review what happened.

Mr. EVERETT. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Why, surely I yield to the gentleman from Tennessee.

Mr. EVERETT. Will not the gentleman from Texas admit that if we had listened to the other body over there what in the world would the national debt be today? Would the gentleman answer that question?

Mr. THOMAS. I will say to the gentleman from Tennessee [Mr. Everett] that I did not go to school that long.

Mr. EVERETT. If the gentleman will yield further, no one has worked any harder throughout the years during which he has served here in the Congress in protecting the rights of this House time and time again and in holding down expenditures when the other body loaded the bill time and time again with them and the gentleman has come back and he has used the butcher knife on them very effectively, has he not?

Mr. THOMAS. Well, we have tried, we have tried. I thank you for your contribution. We all love you and respect you.

Mr. Speaker, let us see what is involved here. I believe our chairman, the distinguished gentleman from Texas [Mr. Mahon], explained it very well. Outside of the personal controversy—and I do hope they can make it up, and if the VA officials downtown are smart, they had better make it up before the sun goes down—we are talking about $5.5 million, gentlemen, to take care of three insurance programs, to pay the premiums on those programs. These premiums are coming due now. Incidentally, the three programs came into existence through the only route by which they can become established and that is by law and this was because our beloved and efficient Committee on Veterans' Affairs sponsored them and urged the House of Representatives to approve them.

So, Mr. Speaker, in one sense of the word every key in the legislative process has been fully respected. Every "i" in the legislative process has been dotted. In other words, the three programs about which we are talking now were put forward and the House passed them by virtue of the high standing which these gentlemen who serve on the Committee on Veterans' Affairs enjoy. So what is involved really is a little question of money.

Now, Mr. Speaker, why was the point of order raised against it and why was it sustained, since they had already passed on the three programs and approved them legislatively? The reason is because there was no freshly appropriated money contained in the bill for that purpose. In other words, we were not taking from the taxpayers the $5.5 million contained in the bill. The Veterans' Administration had that amount of money in a trust fund and they merely wanted to transfer it and spend it for this purpose. Therefore, what is the alternative? This has got to be paid. These premiums are coming due. These gentlemen will have to come back and request what? A supplemental. If they do come back and request it, they are going to get it, and you know it and I know it.

Mr. EVERETT. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I am delighted to yield further to the gentleman from Tennessee.

Mr. EVERETT. This morning we passed a bill giving them the authority, the proper authorizing authority, to do that and to come back and get the approval of this distinguished committee. Now, what we are trying to do is to break these agencies and all of these departments and bureaus downtown from just completely ignoring the will of this House of Representatives as well as the will of the other body.

Mr. THOMAS. No one can fall out with the gentleman for that purpose; I cannot, I will tell the gentleman that.

Mr. EVERETT. If the gentleman will yield further, the gentleman enjoys serving on the Committee on Appropriations just as I enjoy serving on the Committee on Veterans' Affairs. But I surely hate to be ignored in the manner in which they have ignored the Committee on Veterans' Affairs.

Mr. THOMAS. The gentleman does a tremendous job and if they are halfway smart, they will not ignore the gentleman.

Mr. Speaker, if the Members of the House want to wait 60 or 90 days—I suppose we will be here anywhere from 30 to 60 to 90 days, who knows—they will have to come back and you will have to take from the taxpayer's pocket an additional $5.5 million.

As the matter now stands, and the way the Senate has put it in there, they can use the funds they already have. What you are doing is this: You are going to increase the debt another $5.5 million. It is that simple.

I have no quarrel with my distinguished friends. They do so much for the veterans. They do such a fine job that I cannot quarrel with them. But I think every legislative "i" has been dotted and every "t" crossed. The reason it was subject to a point of order is because it dealt with funds not in the bill, but appropriated in prior years.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. TEAGUE of California. I happen to serve on the subcommittee that dealt with this problem. My understanding is this money which was proposed to be transferred would otherwise go back to the Treasury. This is not costing or saving the taxpayers any money, one way or the other. But I do suggest we all bear in mind if we sustain the position of the House this is not going to affect in any detrimental way any veteran in this country. The program should be reinstated.

Mr. THOMAS. I did not intend to intimate it was, because I know those programs are going to be paid, and your great committee will see to that, and we will cooperate with you.

Mr. TEAGUE of California. The membership understands it is not a pro- or anti-veteran proposition, but as I see it a case of sustaining the position of the House and following our regular legislative procedure.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Ohio.

Mr. AYRES. I have been a member of the Committee on Veterans' Affairs under the chairmanship of three different members. For the length of time that the gentleman from Texas [Mr. Teague] has been chairman, we have had a very close and friendly relationship with the Veterans' Administration.

I was surprised in the last 6 months to see that there has been somewhat of a change. A concrete example of this happened a few months ago when the Veterans' Administration through the public press made an announcement they were going to close certain regional offices and hospitals. The chairman of the committee and myself were notified of the decision that they had made. They have had ample opportunity to come before the committee on this issue and ask for the proper authorization. Today we have an opportunity to cast a vote to show the Veterans' Administration that the Committee on Veterans' Affairs is capable, willing, and able as soon as they come before us. To date they have not done that.

Mr. THOMAS. Did not your committee really pass on these insurance programs? You brought them to the floor of the House and asked the Congress to write them and make them law, and by virtue of your recommendations to the House, the House followed your suggestion. So really, in truth and in fact, the "t's" have been crossed, and the "i's" have been dotted. What we were talking about is purely a matter of form.

Mr. AYRES. No. We are talking about the amount of money.

Mr. THOMAS. I am not going to fuss with my friend, because we love him, and he has done a fine job for the VA.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Albert). The question is on the motion offered by the gentleman from Texas [Mr. Mahon].

The question was taken; and on a division (demanded by Mr. Mahon) there were—ayes, 45, nays, 93.

So the motion was rejected.

Mr. MAHON. Mr. Speaker, I move that the House insist on its disagreement to the amendment of the Senate numbered 15.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 16, line 13, insert "together with such amount as may be necessary to be charged to the subsequent year appropriation for benefit payments for any period subsequent to May 31 of the year."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: Page 17, line 10, insert the following:

"SALARIES AND EXPENSES

"Amounts available for any activity under appropriations under this head in the Department of Labor, and Health, Education, and Welfare Appropriation Act, 1965, shall also be available for any other activity thereunder to the extent needed in preparing for and carrying out the Elementary and Secondary Education Act of 1965."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"SALARIES AND EXPENSES

"Amounts available for any activity under appropriations under this head in the Department of Labor, and Health, Education, and Welfare Appropriation Act, 1965, shall also be available for any other activity thereunder to the extent needed in preparing for the programs authorized by the Elementary and Secondary Education Act of 1965."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: Page 17, line 17, insert the following:

"PUBLIC HEALTH SERVICE

"Water supply and water pollution control

"Not to exceed $820,000 of the amount appropriated under this head in the Department of Health, Education, and Welfare Appropriation Act, 1965, shall remain available until June 30, 1966, for construction projects to demonstrate control and abatement of acid mine drainage."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: Page 18, line 4, insert the following:

"SOCIAL SECURITY ADMINISTRATION

"Limitation on salaries and expenses

"Amounts available for any activity under appropriations under this head in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1965, shall also be available for any other activity thereunder to the extent needed in preparing for and carrying out the Social Security Amendments of 1965."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"SOCIAL SECURITY ADMINISTRATION

"Limitation on salaries and expenses

"Amounts available for any activity under appropriations under this head in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1965, shall also be available for any other activity thereunder to the extent needed in preparing for the programs authorized by the social security amendments of 1965."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: On page 19, line 11, insert:

"SENATE

"For payment to Gladys A. Johnston, widow of Olin D. Johnston, late a Senator from the State of South Carolina, $30,000."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL PERMISSION TO REVISE AND EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the conference report may revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain tables relating to the conference report which has been adopted.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDING NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 325) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 325

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4714) to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. Quillen]; and pending that, to myself such time as I may consume.

Mr. Speaker, this is a rule to make in order a bill to correct an error that was made in Public Law 88-579, which establishes the National Council on the Arts. The clear intent of the act was to establish the Council on a continuing basis. But language was left out so there is a limitation on the appropriation for only 1 year. This obviously is not the intent of the Congress. The purpose of this resolution and bill which will be taken up pursuant to the resolution is to clear up this legislative error.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Missouri has adequately explained the purposes of the bill. I would like to point out, however, as I understand it, the bill was objected to previously under suspension and now it is up under a rule.

Mr. Speaker, I have no requests for time and yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4714) to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4714, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey [Mr. THOMPSON] will be recognized for 30 minutes and the gentleman from Ohio [Mr. AYRES], will be recognized for 30 minutes.

Mr. POWELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Mr. Chairman, last year, culminating almost 90 years of effort, the Congress gave national recognition to the arts by the enactment of Public Law 88-579. This act, the National Cultural Development Act of 1964, created a National Council on the Arts, to be composed of a Chairman and 24 members, plus the Secretary of the Smithsonian Institution, ex officio.

The Chairman of the Council is a full-time employee, appointed for a 6-year term. His salary is established, at $21,000 a year. During a term—he may not succeed himself—he will be paid a total of $126,000.

The Council, by law, must meet at least twice a year. When actually working, we authorize the standard per diem allowance for Council members, plus travel and subsistence payments. Council members serve for 6 years, staggered terms. During the tenure of one Chairman, the Council must meet at least 12 times. The cost of a meeting of the Council is about $3,500. Thus for the tenure of one Chairman, the statutory meetings of the Council, would cost $84,000, in total.

The act assigns a number of functions to the Council, including special studies, the appointment of panels of experts, and so forth. Special studies could be contracted out. The panels of experts would be paid in accord with existing laws and regulations for the use of such personnel.

During the debate on the bill last year, the gentleman from New Jersey [Mr. THOMPSON], suggested that the Chairman would need four permanent employees in his office. Obviously he will need stationery, telephone service, office space, travel funds, and so forth.

But if we count only the salary of the Chairman, and the estimated cost of the statutory meetings of the Council for one 6-year term, the sums required would amount to $200,000.

When the bill was reported to the House last year, section 10 authorized "such sums as may be necessary" for the expenses of the Council. During the debate the question of an authorized ceiling was discussed, and the majority accepted an amendment offered by the then ranking minority member, the gentleman from New Jersey [Mr. FRELINGHUYSEN], setting a ceiling of $150,000.

The inclusions of the words "per annum" was overlooked. At this time, the Appropriations Committee may not provide more than $150,000 for the lifetime of a permanent Council, whose expenses for just the Chairman's salary and for the statutory meetings, will exceed that sum during the 6-year tenure of the first Chairman.

The bill before us today corrects that error, and makes it possible to carry out the intent of the Congress.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill H.R. 4714 is a short bill, making a simple two-word amendment to the National Cultural Development Act of 1964. It adds the words "per annum" to section 10 of that act. It has the effect of authorizing annual appropriations for the National Council on the Arts, of not to exceed $150,000.

Due to a technical error, the House, in adopting an amendment which placed a ceiling on appropriations, omitted the words "per annum." It was clearly the intent that appropriations would be authorized on an annual basis.

As the report accompanying this bill sets forth, the Council is a permanent body. We create a Chairman who is specifically authorized to receive $21,000 per annum, and who is appointed for a 6-year term.

Unless we adopt this amendment, the Council may be funded at no more than $150,000 for its lifetime. It was granted $50,000 for the current fiscal year. In the absence of an annual authorization, the House has allowed but $50,000 for fiscal year 1966. The President, in his budget, included a request for $150,000 for the Council for fiscal year 1966.

I urge approval of the bill.

Mr. REID of New York. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the bill, H.R. 4714. I believe my distinguished colleague, the chairman of the subcommittee, the gentleman from New Jersey [Mr. THOMPSON], expressed the point clearly. This is essentially a technical amendment, merely adding the words "per annum".

It represents, in my judgment, the clear intent of what was meant in the passage of the National Arts and Cultural Development Act of 1964.

I might add that I have talked with my colleague, the gentleman from New Jersey [Mr. FRELINGHUYSEN], the former ranking minority member of the Committee on Education and Labor, who offered the amendment which limited the authorization to $150,000, and he told me it was his intent and his understanding at the time that "per annum" was implicit and that it was merely a technical oversight when it was not included. I do not know whether the gentleman from New Jersey is on the floor at present or whether he would wish to add to that, but I believe his intent was clear.

Accordingly, Mr. Chairman, I rise in support of the bill and I hope it will be promptly passed with bipartisan support. The legislation which we enacted into law in the 88th Congress—establishing the National Council on the Arts—was an important first step in recognizing the arts at the national level and will—I believe—encourage the growth and development of the arts throughout the United States.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. KREBS].

Mr. KREBS. Mr. Chairman, had I been a Member of this House when it enacted the National Arts and Cultural Development Act of 1964, I would have voted for it. Today I am offered a second-best opportunity which I accept. I, therefore, rise in strong support for H.R. 4714 which will clarify the intent of annual appropriations not to exceed $150,000.

It is entirely fitting that this bill be passed as we seek to extend the great American society throughout not only the huge urban centers that have traditionally been able to support their performing arts, but through the smaller communities that have tasted the greatness of our American culture but which somehow have not been able to alone maintain and nurture aspiring American artists.

From time to time one hears condescending attitudes from abroad about the lack of American capacity to maintain its artists, and, in fact, the number of artists who feel compelled to study and perform in foreign countries tends to lend credence to those critics.

Americans want and do support efforts to encourage and promote the arts at every level of government. Last year's passage of the National Arts and Cultural Development Act responded to that mandate. Let us in Congress today respond to a renewal of support for that goal by voting for this technical amendment contained in H.R. 4714.

Mr. FOGARTY. Mr. Chairman, I rise in support of H.R. 4714, a bill to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein.

My colleagues will recall my longstanding and profound interest in Federal legislation to promote nationwide support for the arts and humanities. In its earlier forms I have recommended this legislation since 1962. This bill, H.R. 4714, would simply correct a technical error in Public Law 88-579 since the clear intent of this act was to establish the National Council on the Arts on an ongoing basis and I urge favorable consideration of the measure.

It is my earnest desire that this legislation under consideration will be but the beginning of much greater expansion in this area and on March 10 of this year it was my privilege and satisfaction to be associated with the gentleman from New Jersey, Congressman THOMPSON, in the introduction of a bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts.

On that same day the President transmitted the administration's recommendations supporting this bill and declaring, in part:

> Government can seek to create conditions under which the arts can flourish; through recognition of achievements, through helping those who seek to enlarge creative understanding, through increasing the access of our people to the works of our artists, and through recognizing the arts as part of the pursuit of American greatness. That is the goal of this legislation.

I feel that the President's carefully chosen words express the essential meaning of this historically important legislation.

It is my hope that the Members of the House of Representatives will soon have the opportunity to approve this legislation and I want to take this opportunity to call attention to some of its features:

First. We are dealing here with a force vital to society which cannot sustain itself without help.

Second. The United States must not limit its effort to science and technology but must give full value and support to the other great branches of man's scholarly, literary, and artistic activity.

Third. This bill provides the necessary implementation of the National Council on the Arts which was established by Public Law 88-579—the National Arts and Cultural Development Act of 1964 which is presently under consideration.

Fourth. It provides assurances against Federal interference in scholarship, teaching, research, and artistic endeavors.

Fifth. Community, private, and State support for the arts and humanities will be increased by this legislation. Some of the States, notably New York, have proved the validity of this assumption through the additional local funds generated as the result of the expenditures of limited State funds by their respective State arts organizations.

Sixth. The bill emphasizes cooperation with existing Federal programs.

Passage of H.R. 4714 today, I believe, will provide the necessary groundwork to get this show on the road.

Mr. THOMPSON of New Jersey. Mr. Chairman, I have no further requests for time.

Mr. REID of New York. Mr. Chairman, I have no further requests for time unless someone present would like to use it. Mr. Chairman, I merely add my support to the bill. I think the National Council on the Arts should be supported.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the National Arts and Cultural Development Act of 1964 is amended by inserting "per annum" after "$150,000".

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, I doubt very much that this was an oversight or a technical error. In any event, the law ought to be retained as it is. As a matter of fact, there is no need for a $21,000-a-year Director of Cultural Affairs. Up to this point I have been unable to discover anything that this individual or cultural council has accomplished for the thousands of dollars already expended. In March, when this same bill was before the House under suspension of the rules and was defeated on that occasion, we were not able at that time to discover anything that had been accomplished up to that point as far as cultural affairs are concerned except to provide for a few payrollers. Therefore, I would hope that the House would stand by the position many of the Members took in March of this year and put this on an annual review basis as far as the Congress is concerned. I think that the proponents of this legislation, who propose to spend $150,000 a year on a small number of fat cats to promote alleged cultural affairs, ought to have to come to the floor of the House and justify how the money has been spent. With the rejection of this bill this is what they would have to do. This is apparently what they do not want to have to do, that is, come to the floor of the House and justify how the money has been spent and explain what this council is or, especially, is not doing. So I hope that the House will reject this measure and continue the situation as it presently is. Let them come in and justify it each year.

Mr. Chairman, in view of the enormous debt with which this country is confronted I think of nothing less necessary than a permanent Federal appropriation and the spending of $150,000 every year for the promotion of so-called culture when there are so many other drains upon the Treasury.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to give my friend from Iowa a bit of comfort by reassuring him on the question of what the intent of the author of the bill and its proponents was at the time an amendment limiting the appropriation to $150,000 was adopted last year. It was, I assure my friend from Iowa, our intent that this be on an annual basis. As the manager of that bill at the time, I am somewhat embarrassed now to have to admit my mistake in not noting the omission of the words "per annum." It was then, it is now, and it will continue to be our intent that this be a maximum of $150,000 per annum. I might remind my friend from Iowa further that this proposition received rather overwhelming support even in March when, even though we failed to receive a full two-thirds vote—the vote, I believe, was 217 to 118 or a margin of 99 votes—indicating a consensus here, I am convinced. I am also convinced of the need for this, and I might reassure my friend from Iowa by reminding him that this council must go before the appropriate subcommittee and before the full Committee on Appropriations each year to make its request and to justify its request.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I am delighted to yield.

Mr. GROSS. I thank the gentleman for yielding. That is exactly the point. We had some experience here this afternoon with the operations of the Committee on Appropriations and its various subcommittees. And so I say that as to a matter of this kind, with an expenditure of $150,000 a year—I do not know what for and I do not know that anyone can point to anything specifically that has been accomplished for the spending of thousands of dollars thus far——

Mr. THOMPSON of New Jersey. Mr. Chairman, I decline to yield further and wish to say only that the maximum is $150,000 and it has to be justified. I think it is entirely appropriate.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4714) to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein, pursuant to House Resolution 325, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 239, nays 116, not voting 78, as follows:

[Roll No. 86]

YEAS—239

Adams
Albert
Andrews,
 N. Dak.
Annunzio
Ashley
Aspinall
Ayres
Bandstra
Bates
Battin
Beckworth
Bingham
Boland
Bolling
Brademas
Brooks
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cahill
Callan
Cameron
Carey
Carter
Chamberlain
Chelf
Cleveland
Clevenger
Cohelan
Conable
Cooley
Corbett
Craley
Cramer
Curtin
Daniels
Davis, Wis.
de la Garza
Dent
Denton
Diggs
Donohue
Downing
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Everett
Evins, Tenn.
Farbstein
Fascell
Feighan
Fino
Flood
Foley
Ford, Gerald R.
Ford,
 William D.
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Gathings
Gettys
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg

Grider
Griffin
Griffiths
Grover
Hagen, Calif.
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harvey, Mich.
Hathaway
Hechler
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Huot
Ichord
Irwin
Jacobs
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Karsten
Karth
Kastenmeier
Kee
Keith
King, Calif.
King, Utah
Krebs
Kunkel
Leggett
Long, Md.
Love
McCarthy
McClory
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mahon
Mailliard
Marsh
Martin, Mass.
Matsunaga
Matthews
May
Meeds
Michel
Miller
Minish
Mink
Mize
Monagan
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Ottinger
Patman

Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Powell
Price
Pucinski
Purcell
Quie
Race
Randall
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan
St Germain
Saylor
Scheuer
Schmidhauser
Schneebeli
Schweiker
Sickles
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stalbaum
Stratton
Stubblefield
Sullivan
Sweeney
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Trimble
Tunney
Udall
Ullman
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watts
Weltner
Whalley
Willis
Wolff
Wright
Wyatt
Wydler
Yates
Zablocki

NAYS—116

Abbitt
Abernethy

Adair
Anderson, Ill.

Andrews,
 George W.

Arends
Ashmore
Baldwin
Baring
Bell
Bennett
Berry
Betts
Bolton
Bonner
Bow
Bray
Brown, Ohio
Broyhill, N.C.
Buchanan
Burleson
Burton, Utah
Cabell
Callaway
Casey
Cederberg
Clancy
Clausen,
 Don H.
Clawson, Del
Collier
Colmer
Cunningham
Curtis
Dague
Davis, Ga.
Derwinski
Dole
Dorn
Dowdy
Duncan, Tenn.
Edwards, Ala.
Erlenborn

Fisher
Flynt
Fountain
Gross
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Hansen, Idaho
Harsha
Harvey, Ind.
Henderson
Hosmer
Hull
Hutchinson
Johnson, Pa.
Jonas
King, N.Y.
Kornegay
Laird
Langen
Latta
Lipscomb
Long, La.
McCulloch
McEwen
Mackie
Martin, Ala.
Martin, Nebr.
Mills
Minshall
Moore
Murray
Nelsen
O'Konski
O'Neal, Ga.
Passman

Poff
Pool
Quillen
Reid, Ill.
Reinecke
Rhodes, Ariz.
Roberts
Robison
Rogers, Tex.
Roudebush
Satterfield
Secrest
Selden
Shipley
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, Va.
Stanton
Steed
Talcott
Taylor
Teague, Calif.
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Watkins
White, Tex.
Whitener
Whitten
Williams
Wilson, Bob
Younger

NOT VOTING—78

Addabbo
Anderson,
 Tenn.
Andrews,
 Glenn
Ashbrook
Barrett
Belcher
Blatnik
Boggs
Brock
Broyhill, Va.
Celler
Clark
Conte
Conyers
Corman
Culver
Daddario
Dawson
Delaney
Devine
Dickinson
Dingell
Dow
Dulski
Evans, Colo.

Fallon
Farnsley
Farnum
Findley
Fogarty
Friedel
Garmatz
Giaimo
Gibbons
Halleck
Halpern
Hanna
Harris
Hawkins
Hays
Hébert
Herlong
Holland
Jarman
Jones, Ala.
Jones, Mo.
Kelly
Keogh
Kirwan
Kluczynski
Landrum
Lennon

Lindsay
McMillan
Madden
Mathias
Moeller
Morrison
Nix
O'Brien
Olson, Minn.
O'Neill, Mass.
Redlin
Resnick
St. Onge
Schisler
Scott
Senner
Staggers
Stephens
Todd
Toll
Tupper
Van Deerlin
White, Idaho
Widnall
Wilson,
 Charles H.
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Findley against.
Mr. Fogarty for, with Mr. Devine against.
Mr. Kirwan for, with Mr. Brock against.
Mr. Addabbo for, with Mr. Halleck against.
Mr. Conte for, with Mr. Hébert against.
Mr. Lindsay for, with Mr. Lennon against.
Mr. St. Onge for, with Mr. Scott against.
Mr. Widnall for, with Mr. Ashbrook against.
Mr. Boggs for, with Mr. Stephens against.

Until further notice:

Mr. Toll with Mr. Andrews of Alabama.
Mr. Dingell with Mr. Halpern.
Mr. Barrett with Mr. Belcher.
Mr. Madden with Mr. Tupper.
Mr. Morrison with Mr. Mathias.
Mr. O'Neill of Massachusetts with Mr. Broyhill of Virginia.
Mr. Giaimo with Mr. Dickinson.
Mr. Daddario with Mr. Culver.
Mr. Todd with Mr. McMillan.
Mr. Moeller with Mr. Nix.
Mr. Garmatz with Mr. Hanna.
Mr. Dow with Mr. Landrum.
Mr. Kluczynski with Mr. Clark.
Mrs. Kelly with Mr. Holland.
Mr. Hays with Mr. Schisler.
Mr. Staggers with Mr. Celler.
Mr. Charles H. Wilson with Mr. Dulski.
Mr. Conyers with Mr. Resnick.
Mr. White of Idaho with Mr. Van Deerlin.
Mr. Senner with Mr. Anderson of Tennessee.
Mr. Harris with Mr. Corman.
Mr. Fallon with Mr. Farnum.
Mr. O'Brien with Mr. Gibbons.
Mr. Young with Mr. Evans of Colorado.
Mr. Friedel with Mr. Dawson.
Mr. Olson of Minnesota with Mr. Hawkins.
Mr. Jarman with Mr. Redlin.
Mr. Herlong with Mr. Farnsley.

The vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Mr. LAIRD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, I take this time to inquire of the majority leader the program for the remainder of the week and the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. LAIRD. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the gentleman from Wisconsin, we have completed the legislative program for this week and it will be our intention to ask to go over after the announcement of the program for next week, which is as follows:

Monday is Consent Calendar day.

There are seven suspensions:

H.R. 908, Nez Perce National Historical Park, Idaho;

H.R. 500, providing for the establishment of the Agate Fossil Beds National Monument, Nebr.;

H.R. 6926, improvement and modernization of Government employees' life insurance program;

H.R. 5640, jury commissions for U.S. district courts;

H.R. 5167, amending title 38 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes;

H.R. 5184, for the relief of the port of Portland, Oreg.; and

H.R. 5283, inclusion of years of service as judge of the district court for the Territory of Alaska in the computation of years of Federal judicial service for judges of the U.S. District Court for the District of Alaska.

Mr. Speaker, I advise the House that these bills may not be taken up in the order in which they have been announced.

Also on Monday H.R. 2986, the Community Health Services Extension Amendments of 1965, under an open rule with 2 hours of general debate.

Tuesday is Private Calendar Day. Also on Tuesday the 1966 appropriations for Labor and Health, Education, and Welfare. Also on Tuesday H.R. 2985, the Community Mental Health Centers

Act Amendments of 1965, under an open rule with 3 hours of debate. Also on Tuesday H.R. 5401, the Interstate Commerce Act amendments, under an open rule with 3 hours of debate.

On Wednesday H.R. 7657, authorizing defense procurement and research and development.

On Thursday H.R. 7717, authorizing appropriations to the National Aeronautics and Space Administration.

On Friday and the balance of the week H.R. 2984, the Health Research Facilities Amendments of 1965, under an open rule with 3 hours of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. Speaker, will the gentleman yield further for the purpose of making some unanimous-consent requests?

Mr. LAIRD. I am glad to yield to the majority leader.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield to me for a question?

Mr. LAIRD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I take this time to ask the distinguished majority leader if we can expect early programing of the emergency basin authorization bill which was reported yesterday by the House Committee on Public Works, with regard to which there is a growing emergency in terms of monetary authorizations for contracts?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, I would say that, of course, when the rule is granted on that bill I think we can assure the gentleman of early programing.

Mr. EDMONDSON. I thank the man very much.

AUTHORIZATION TO RECEIVE MESSAGES AND SIGN BILLS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. POWELL. Mr. Speaker, I ask unanimous consent that all Members of the House be given 5 legislative days in which to revise and extend their remarks in the RECORD with relation to the bill H.R. 4714.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ADMINISTRATION'S POLICY IN VIETNAM

Mr. CABELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CABELL. Mr. Speaker, in these days when a better understanding is so important on the part of the American people concerning the administration's policy in Vietnam, it is gratifying to know that our news media is so diligently trying to keep our Nation informed. I pay tribute especially to the Dallas Morning News, a great newspaper, which has so strongly expressed its support of our President.

At this time, I would like to include in the RECORD an editorial which appeared in the Dallas Morning News on April 21, 1965:

L.B.J.'s DIVIDENDS

> Dividends from the President's recent policy speech on Vietnam are coming in. Even if nothing ever comes of the offer of peace with honor, as matters now stand we will have received important cold war gains just by making it.
>
> The speech was not only a combination of sweet talk—which the neutralists like—and strong action—which the Reds understand. It was also an example of Johnson political jujitsu: It threw the Communists off balance at every level from the diplomatic to the tactical.
>
> On the tactical level, the northern Vietminh officers of the Vietcong are having a tough time trying to get any new recruits in the South. Furthermore, they are losing the ones they have. The United States is accentuating the positive goal of development and it sounds good to many Vietcong troopers, apparently.
>
> On the diplomatic level, it is now the Red North Vietnamese and their Chinese "big daddy" who are telling the neutralist peaceseekers to go jump in the lake and warning the U.N. to mind its own business. While this doesn't affect the military situation, it costs the Reds points among the Afro-Asian nations.
>
> In between, it made necessary an embarrassing switch in the party line of the leftist movements in this country. Heretofore, they had covered their goal of a free world surrender with the reasonable sounding appeal for negotiations. The two terms are synonyms in their book, anyway. Now they can no longer use "negotiations" as a cover and must campaign more explicitly for a sellout.
>
> All in all, it appears L.B.J. has won an inning in the Reds' own political warfare game.

IMPLICATIONS OF THE PROBLEMS OF VIETNAM

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, because of the urgency of the problem of Vietnam, I would like to discuss the implications from the answers on the Vietnam question in the recent questionnaire which I sent to constituents in the 29th District of California.

There were four policy choices available. These choices, with the percentage favoring each one, are as follows:

	Percent
1. Expansion of the war	42
2. Continue current level, without expansion	12
3. Seek negotiated settlement	29
4. Immediate withdrawal	11

Six percent did not give a choice or did not answer. Looked at another way, 54 percent favored continuing or expanding our effort, while 40 percent favored negotiating or withdrawing. Still another way of interpreting the results is that 52 percent disagree with the 42 percent who favor expansion.

We have analyzed these total responses in several different ways, and there are significant differences based on political preference, sex, religious preference, age, and education. I should mention, incidentally, that our sample of 13,000 is extremely close to the average of all voters in the district in terms of political affiliation and most other characteristics. It is slightly biased in favor of men, but I suspect that may result from husbands and wives collaborating in some cases and sending in the results under the husband's name. The returns are also biased in favor of the better educated, who, generally, are less afraid of questionnaires.

Broken down by political preference, the results show only 34 percent of the Democrats favoring No. 1, but 54 percent of the Republicans favoring this course. An equal percentage of Democrats—34 percent—favor No. 3, a negotiated settlement, but only 21 percent of the Republicans favor this alternative. About 10 percent of both parties favor the fourth choice—immediate withdrawal.

On the basis of sex, the women are evenly divided on policy, with 46 percent favoring No. 1 and No. 2 and 46 percent favoring No. 3 and No. 4. The men, on the other hand, favor No. 1 and No. 2 by 60 percent, with 37 percent favoring No. 3 and No. 4.

There is no significant difference between Catholic and Protestant responses, but the Jewish and "other" respondents, who represented about 15 percent of the total, were much more strongly in favor of negotiations—40 percent—and much less in favor of expansion—27 percent.

The distribution of responses based on education was quite interesting, and somewhat difficult to explain. For all of those having less than a high school education—11 years of schooling or less—more supported No. 3 and No. 4 than supported No. 1 and No. 2. For those with 12 years through 16 years of education, which was the largest grouping, opinion was strongly in favor of No. 1 and No. 2. For the "egghead" group—17 through 21 years of schooling—more favored negotiation than expansion. The responses of this group were about the same, in proportion, as the responses of those with less than high school education.

With regard to age, the significant results were that those under 30, who have never experienced war, were much more strongly in favor of continuing or expanding the military action than any other age group. Those 30 and over, whose generation participated in one or more wars, are considerably less enthusiastic.

In a very general way, the profile which emerges from this data is that the citizens of the 29th Congressional District in California are leaning toward a hard-line, expand-the-war policy, led by those who are young, college educated, Republican, and male. Those who are holding back, leaning toward a negotiated settlement, tend to be older, with either more or less education than the hard-line group, Democratic, more predominately female, and of a minority religious belief.

A number of interesting questions are raised as to how I should be guided by results such as these. Which "group" do I seek counsel from? Frankly, I believe that my course should be to decide my stand for myself, based on the best knowledge and judgment I possess. Having done that, I should make my position clear to all, and we should encourage a dialog, a broad exchange of views, to seek to achieve better understanding by all citizens and more reasonable decisions by our Government. We will rarely find that any of us are all right or all wrong. By exchanging views, we may each come a little closer to the truth. Obviously, there is no clear concensus of opinion indicated by the questionnaire results, and a lot of controversy is shown.

It may be anticlimactic for me to indicate, again, that I feel that our country is following the wrong policy in Vietnam.

A TRIBUTE TO THE PEOPLE OF RUSSIAVILLE, IND.

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, I take this time to pay tribute to the people of the town of Russiaville in my district in Indiana. On Palm Sunday a terrible, devastating storm cut a swath through my district which destroyed millions of dollars worth of property and claimed scores of lives. The town of Russiaville is a small and unincorporated town. They lost their post office and all of their public facilities, schools, and churches. However, the people of Russiaville are determined people and, despite this loss and despite the fact that they have not been able to determine how they might receive aid from either the State or the Federal Government because of the fact that they are not incorporated, they have banded themselves together with a determination which I think is commendable. I would commend their actions to the people of this country as an exemplification of the American spirit. I would trust that the Members of the House might give these people their moral support as they strive and endeavor to rebuild a community of very fine people.

They already have formed a nonprofit organization and will use the funds being obtained toward gaining legal recognition of their town. They have taken the initial steps which I am certain will lead to a new Russiaville replacing the scars left behind in the devastation of the original.

MAY 3 IN PROUD HISTORY OF POLAND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, on Monday next all Americans will join with their fellow Americans of Polish birth or descent in celebrating the anniversary of the Polish Constitution of 1791.

May 3, 1965, which is Monday next, will remind us of several significant dates in Polish-American history.

Three hundred and fifty-seven years ago on September 1608, the first Polish settlers landed in Jamestown, Va. The annals of John Smith attest to the fact that these Polish settlers were a most valuable asset to the struggling young colony. They brought their strength, their willingness to work, and their love of freedom to a settlement which needed and welcomed their sturdy qualities.

May 3, 1791, barely 2 years after the adoption of our own Constitution, Poland adopted a Constitution which marks that country as a pioneer of liberalism in Europe. It eliminated with one stroke the fundamental weaknesses of the Polish parliamentary and social system. It proclaimed the sovereignty of the people, a threat to tyranny and absolutism in Russia and Germany.

The Polish Constitution of May 3 proclaimed:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the State, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

The year 1966 will mark the one thousandth anniversary of the baptism of the Polish nations. One thousand years ago Poland linked her destiny with that of the west. During a period equal to one-half our Christian era, Poland linked her destiny with that of the west and became an integral and creative force in its culture.

The people of Poland have since the days of Jamestown and through the centuries events to the present furnished the bone and sinew of American Growth. At Jamestown, Poles, cheered and supported John Smith. During the Civil War her soldiers fought on the side of the Union while her daughters nursed our soldiers on the battlefield. Throughout the years these sturdy pioneers of freedom have been a source of strength to the country of their adoption. Today, Polish Americans have set their purpose to the ultimate liberation of their homeland. In their hopes and in the attainment of their prayers all Americans join.

SOIL CONSERVATION SERVICE REVOLVING FUND? NO, NO

Mr. ICHORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker, the recent recommendation of the Bureau of the Budget for a $100 million cut in the U.S. Department of Agriculture Soil Conservation Service and to establish a revolving fund for the conservation program is shortsighted planning and is damaging, to say the least, to an effective program which has been one of the most successful ventures of the Federal Government in conserving for the future.

The Soil Conservation Service, initiated in 1929, has without doubt returned dividends amounting to many, many times the original investment of the Government. Created to conserve America's farmland and to protect it from washing, eroding, and devastating windstorms, the Soil Conservation District has been one of the most productive farm programs ever devised.

It is my understanding the proposed reorganization of the program would require that participating farmers pay 50 percent of the cost of conservation practices. Let me reflect briefly on the accomplishments of the Soil Conservation Service.

The program was conceived at a time when the farmers of the United States could ill afford to spend money to conserve and rehabilitate America's greatest resource—the soil, which is the base of our economy. In 1936 when the conservation programs were born, much of our farmland had been both "misused and abused" through lack of funds for rehabilitating the land and also through lack of information about conservation practices. At that time duststorms, gullies, and damaging erosion were steadily and alarmingly consuming our topsoil. Millions of acres had been rendered unfit for crop use as a result. But the advent of conservation policy in 1936 has had miraculous effects. After 30 years of technical assistance through the Soil Conservation Service nearly 3,000 soil and water districts with nearly 2 million operators operating 648 million acres of land are engaged in conservation practices. They have applied 40 million acres of contour farming, nearly 20 million acres of stripcropping, 1.2 million miles of terracing; planted 11.3 million acres of trees; and have built 1.3 million ponds. In 1964 alone the Soil Conservation Service provided direct services to 1,123,801 landowners and farmers. Between 1 and 2 million acres of cropland were converted to other uses during the year as a result of conservation plans worked out by the Soil Conservation Service.

Through the operations of the Soil Conservation Service local needs and practices are worked out locally. The farmers themselves formulate the plans for conservation practices and are able to control and manage the same. By working together on a districtwide plan, countless advances and forward strides in meeting flood control problems and other agricultural problems have been made. Improvements in living standards can form better use of the land and water resources.

It is recognized that our future prosperity will depend on the foresight we have now in planning for the future use of all our resources. Is it not preposterous then to even suggest that this program of vital importance and significance be reduced? Every American, man, woman, and child has an interest in maintaining and conserving the productivity of our soil and for that reason careful thought must be given. The cost-sharing program proposed by the Bureau of the Budget would not work. It would not do the job the present program is doing. The $20 million which the Bureau of the Budget wants to delete from the appropriation is a mere drop in the bucket compared to the returns from the investment. Does the Bureau of the Budget actually believe that the American farmers can afford to engage in soil conservation practices to insure that the land will be productive and fertile for future generations? It really is not his job. It is the responsibility of the Government to plan far in advance for the future. I strongly oppose the revolving fund proposal and any reduction in benefits and operations of the Soil Conservation Service and the agriculture conservation program.

A STATEMENT ON THE MARCH FROM SELMA TO MONTGOMERY, ALA.

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, it is unfortunate that in recent weeks an effort has been made by some groups to discredit the march from Selma to Montgomery, Ala. Certain sensational and unfortunate charges have been made and may indeed be made again.

In order that the Record may be more complete on this matter—my colleague, Senator Javits, has previously inserted a statement on morality in the Selma crisis issued by a group of religious leaders—I ask unanimous consent to insert in the Congressional Record at this point a sworn statement of Dr. Theodore A. Gill, president of the San Francisco Theological Seminary in San Anselmo, Calif.

As a participant in the march, Dr. Gill's full sworn statement expressing concern at any effort "to distort the central drive and character of this historic march" is worthy, I believe, of the attention of the Members.

It is regrettable that this is even necessary, because nothing should be allowed to dim the clear need for new legislation so eloquently called for by the President to assure every citizen his or her inherent right to vote now.

As a member of a bipartisan group of Members of the House who made a private visit at our own expense to Selma in February, and who met with Dr. Martin Luther King, the legal and moral imperatives of additional legislation were all too plain. The remarkable and hopeful thing was that men and women throughout the United States, as well as many in Alabama and in the rural Black Belt counties, recognized the need for action.

It is a matter of some hope for our democracy that young men and women of our generation recognized that where any American is unconstitutionally denied the right to vote, the rights of all Americans are belittled.

Along with Members on both sides of the aisle, I have introduced voting rights bills covering Federal, State and local elections and striking down unconstitutional literacy tests and State poll taxes. It is my hope that the Judiciary Committee will soon report a voting rights bill and that it will enjoy the broadest bipartisan support.

Only in this way, can we in the House keep faith with those who believe freedom now must be made a present reality, for all Americans now. This is the message of Selma, and of the march on Montgomery, and nothing must be allowed to distort the need for this legislation, or to cast doubt on the remarkable spirit that is making the American dream come true.

Mr. Speaker, Dr. Gill's statement follows:

Sworn Statement of Dr. Theodore A. Gill, President of San Francisco Theological Seminary, San Anselmo, Calif.

(Given before Harry A. Cannon, a certified shorthand reporter and notary public in and for the city and county of San Francisco, State of California, on Monday, April 26, 1965, commencing at the hour of 10:40 a.m., at the offices of Thomas Elke, Esq., attorney at law, third floor, 333 Pine Street, San Francisco, Calif.)

Dr. Theodore A. Gill, being first duly sworn by the notary public to state the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION BY MR. ELKE

Question. Would you state your name, please.

Answer. Theodore A. Gill.

Question. Where do you reside?

Answer. 124 Seminary Road in San Anselmo.

Question. What is your business or profession?

Answer. I am the clergyman of the United Presbyterian Church, United States of America, president of the seminary of that church located in San Anselmo.

Question. How long have you been a minister, Dr. Gill?

Answer. I have been a minister since 1943. Twenty-two years.

Question. Did there come a time when you were in Selma, Ala., at or about the time of the march from Selma to Montgomery?

Answer. Yes. I arrived in Selma on the 19th of March.

Question. How did you arrive?

Answer. By air.

Question. Who went with you?

Answer. Rev. George Wilson from San Gabriel, Calif. He was a seat mate. Also on the plane were another eight or nine, I should think, colleagues from the seminary and from northern California, ministerial colleagues.

Question. You arrived in Montgomery and drove to Selma?

Answer. Yes.

Question. And you were in Selma from——

Answer. From Friday morning until what I call or refer to as the march to Montgomery, until that march left on Sunday noon about——

Question. Were you continuously in the March from Sunday when it left Selma until it got into Montgomery on the Thursday?

Answer. It dispersed at the capitol on the afternoon of Thursday, the 25th.

Question. Where did you spend the night, Friday?

Answer. In the home of Clementine Murphy, a lady living in what was called the compound, the Negro section of Selma.

Question. That is a brick housing project?

Answer. Brick housing project.

Question. In the area of Brown's Chapel?

Answer. That's right. Staying with me were this George Wilson from San Gabriel and Charles Smith, an alumnus of San Francisco Theological Seminary where I work.

Question. On Saturday night did you stay in the same place?

Answer. I stayed at the same place Saturday night.

Question. Were the same people with you?

Answer. The same people were with me.

Question. Sunday night where did you stay?

Answer. Somewhere in the woods, on the line of march, the first night's bivouac, wherever that was.

Question. Monday night you were in——

Answer. Still with the marchers, at the second campsite.

Question. And Tuesday night?

Answer. Still with the marchers at the third campsite.

Question. And Wednesday night?

Answer. Wednesday night the fourth campsite was at the city of St. Jude, a Roman Catholic institution on the edge of Montgomery, and I was with the marchers there.

Question. And Thursday you left Montgomery?

Answer. Thursday night we were, all people from San Anselmo, we were on the bus going back to California.

Question. All right, sir. Will you describe generally the tent arrangement that you indicated you slept at on Sunday, Monday, Tuesday, and Wednesday afternoon and evening?

Answer. Because our own men from the seminary were involved in setting up the tents and taking them down, we were probably more aware of the tenting situation than most other participants. There were two large tents, and two smaller tents at each of the campsites. As soon as arrangements were organized the first night, Sunday night, and it took an hour or two for things to shape down that night, one of the large tents was for the men marchers and one of the other large tents for the women.

Question. Who were the two smaller tents for, do you recall?

Answer. They were intended to be for the press. One of the smaller tents was for the press and the other for the cook shack in case it rained.

Question. Will you tell us on Sunday which of the tents you slept in?

Answer. I slept in the tent intended for the men.

Question. Were there any women in that tent?

Answer. In the first few minutes of our occupancy, when there was just a general milling around—this was the first night of the march and organizational matters were just being transmitted, for the first, I should not think, not more than an hour or so, in the midst of all the milling around, everybody was everywhere but we were all together in brightly lit tents, just wondering what the procedure should be. After about an hour of this kind of confusion, the orders came that the tent I was in at the time was to be the men's tent, and all the women, whatever women were there, should go to the other tent, and from that time on segregation was careful and complete.

Question. When you say "segregation" are you talking about segregation of sex?

Answer. Sexual segregation, yes.

Question. You mentioned these tents were lighted. Could you tell us how they were lighted?

Answer. They were lighted by just bare bulbs running from the standards; also by the light of furiously burning kerosene furnaces of some kind. And on the first night by television lights of the crews who were in there at all times. Especially until we got separated, in those first minutes of confusion the television lights were everywhere and were bright. It was the most public time of all, that first hour or so, when we weren't sure where we ought to be.

Question. Could you tell us around the tent area whether there were any security arrangements made at all?

Answer. Yes. The National Guard and the Army units were protecting the whole operation through a perimeter, a circle of soldiers around the camp every night. This was a ring of small campfires with at least two soldiers at each fire. I don't know precisely how far apart they were but probably not more than 100 feet.

Question. How far from the tents were they?

Answer. They were out about a city block from the center of the tents, off in every direction. I should say that the space between the tents and the Army patrol was patrolled regularly by the security force of the march itself.

Question. Were there any instructions with respect to any of the marchers or anybody in the tents leaving the tent area to go out in any area?

Answer. Oh, yes, and it was generally understood by all of us when you march with Army protection and helicopters hovering overhead that this was not a healthy area. I think it would hardly have taken any instruction. But I heard of those who went even to the perimeter to look out of being ordered back peremptorily. I am not aware of any attempt or any reason for any attempt to get beyond the ring.

Question. These lights—let's just take Sunday night—how long were they on? Did there come a time when they were turned off?

Answer. I don't think so. I was awake all night because confusion reigned and did every night. Many of the marchers were young people, of high school age, boys and girls, and they were greatly exhilarated by the unusual nature of the event and worried and anxious too, and this came out in kind of high spirits but for some reason or other seemed more antic at night than in the daytime, so that we were—at least I and I'm sure a great many other adults—were awake all night and, at least to my recollection, it seemed every night. So these sleeping arrangements were very public there.

Question. We have talked about the Sunday night arrangements, and in the course of that you made some general comment with respect to the sleeping arrangements on Monday, Tuesday, and Wednesday nights. Were there any differences apart from the location of the sleeping arrangements that you described on Sunday, with respect to any of the other nights?

Answer. None, except that from the second night on, the tent crew, largely made up of our own students from San Anselmo, commandeered what had been intended to be either the cook tent or the press tent—there always was debate as to which they were occupying. But anyway it was one of the smaller tents, and they used that. On the last night I think I shared that with them. That was in St. Jude, the city of St. Jude.

Question. Will you tell us very generally, what was the procedure in the morning when you would get ready to go on the march?

Answer. On the morning we struggled up out of the mud, usually—it rained a good deal on this march—and shaped up in a long line for the library paste that the oatmeal turned into in some way, and that was it, that was our whole preparation for the day, and soon after that we were organized, and the march began again. Our men, the students from San Anselmo, who were the tent crew, then struck the tents, after we had moved out, picked up as well as they could from the grounds. But you can get more precise information from them on that.

Question. I am not talking about the time of the march. I am talking of the time in each one of these camps and I will ask you whether you saw any kind of sexual behavior between men and women or even between men and men at any one of these camps that you were in, Doctor?

Answer. Absolutely not. I—well, I will just leave it flat and categorical.

Question. Was there any kind of drinking that you know about at any of those camps?

Answer. I have heard those charges, which are the most—well, I wouldn't say most ludicrous because there have been some very funny charges filed, but they are about as amazing as any could be. Not only wasn't there any drinking, we didn't hardly even have water—at least potable water. There was a creosote truck that carried tar or something before it started lugging water for the marchers, but none of us, after one taste of it, had very frequent recourse to that. It was about as dry, as parched a 4 days as most of us ever will be able to remember. We hope.

Question. Apart from the excitement that you indicated, some of the younger marchers evidenced in the tents and your difficulty of obtaining any sleep because of that, was there any kind of partying or excitement, or any kind of abhorrent behavior of any kind that you saw while you were in any of these camp areas?

Answer. Not at all. The atmosphere was more reminiscent of evangelistic campaigns than any great political event. There was a kind of exhilaration, even exultation about it in the midst of very difficult physical circumstances. There was very generous commeraderie and good fellowship, as we say, but certainly nothing dramatic, out of order, about the social relationship.

Question. With respect to the march itself—and I think you indicated to me that you were on the march continuously from its beginning to its end at the State capitol in Montgomery—could you tell us, sir, whether on that march itself, as distinguished from the time you were in the camp, did you notice any kind of unusual or even the usual sexual behavior or drinking or revelry or partying of any type?

Answer. Certainly not. Again, flat and categorical. Temperamentally, if not professionally, my own antenna are atuned for that sort of thing, so I think I would be aware of it as anybody. And I would say no, except—no, except—I would say no, in recalling at the same time this very pleasant and generous attitude and atmosphere of personal acceptation which marked the whole event. I speak of now of an entirely public friendship.

Question. Would you tell us of the security arrangements during the march, with particular reference to whether people were able to get in and out of the line or go off into any nonpublic area?

Answer. Oh, my, no. This was regulated by both State and Federal and local constabulary. Most of the march, the Army men, the soldiers lined the way. Every few feet there would be another soldier standing with his gun. The press sealed the front, we couldn't get past them ahead, and we were surrounded on both sides and at the end by military units, helicopters hovered overhead almost the whole length of the way observing from there. The land itself is inhospitable along most of the march. It is a raised highway with deep swamp coming right up to the edge of the highway on both sides. It is unthinkable that anyone should wander from the group or even wanted to. It is very hostile territory.

Question. I'm speaking only of the people on the march or the people who were at the campsites. Did you notice any particular amount of obscenity or swearing or what I would call bad language?

Answer. No, I cannot recall any specific words or language from my companions and colleagues on the march. I would be less realistic than I am, I think, if I thought for a moment there weren't some pretty excited language from time to time. As I say, I do not recall specific incidents. I do recall and will never forget the sustained and repetitive and unimaginative brutal obscenity of the white Alabamans who lined the route for long stretches. This was as foul as we have in the English language and it was excessive. But these were not marchers; these were people hostile to the march.

Question. All right, sir, based on your experience as a minister and the time you were on the march, would you give us your reaction to the character of the behavior of the people that were on the march or the people that were at the campsites?

Answer. Yes. I would think, not just on my experience as a minister but on my perceptions as a human being, it would be highly unlikely for a group as large as the group involved in this march, together as long as the members were together, if there were not somewhere in the picture some kind of hanky-panky. I did not see any. I have not talked to anybody who did see any. And I have made some effort to discover whether anybody I was with was aware of what we call "carrying on." But just in general, I must say I would be very surprised if there wasn't somewhere, somehow, although the ingenuity and the athleticism that would have been involved in this defy my imagination. But this is an entirely general observation. It would be very surprising if somehow or other in a group of this many college and high school kids some of that particular exercise were not at least attempted. My further generalization would be, though, that if so, this would be in far smaller percentage than is going on now by my observation of most college or university campuses of the country in much more normal situations.

But in all these last remarks I have been addressing myself to a hypothetical possibility which I find it reasonable to entertain but of which I had no evidence.

Question. Based on your observation, sir, would you care to generally characterize the general behavior of the people on the march or the people who were setting up the tents with respect to their general approach to what they were doing and the general reaction you felt there of the people involved in this endeavor?

Answer. Yes. The atmosphere was mingled hilarity and gravity. Everybody involved was fully aware of the international attention being given this event, very hopeful of the cultural consequences of this event, but we were all also full of the novelty of the occasion and enjoying each other's presence so that the atmosphere was, as I said a moment ago, mingled pleasure and deep purpose. I think I have already observed that there were at least religious overtones to the whole project and this was evidenced in the atmosphere and in the attitude of the people involved.

As a participant, I resent deeply any effort to pick up isolated incidents, however they may be documented, and suggest that they represent in any way what the point of this event was or what the prevailing mood of it was, or what the large generality of its action was, and I would assume that the intelligent and sophisticated Congressmen would resent, as much as those of us on the march, any effort to be treated as innocent or ignorant people who cannot distinguish between the accidents of the event and the large central purpose and action of the event.

Question. Could you tell us quite generally what you did in Selma before the march started?

Answer. Well, there was a good deal of milling around for the 2 days before the march was organized. We went to meetings, we attended rallies, we listened to preaching, we did a good deal of singing. There was very little sleeping on anybody's part, formal or informal. The place was charged. For most of us it was the first experience of being contained within a military shield. Everything was very close, very compressed, and everybody was under everybody else's observation. This was an extremely public event.

Question. Did you notice anything untoward there with respect to sexual behavior or drinking or partying or anything of that sort?

Answer. Absolutely not. From the point of view of diet, it was the soberest event on record, I am sure. From the point of view of personal spirits, maybe one of the most excited.

Question. Apart from what you told us, is there any particular thing that stands out in your mind, of any kind or character, that you feel you would like to get on the record?

Answer. No, except what I have already suggested in some of the other answers, a kind of angry bewilderment at any effort to distort by seizing at peripheral evidences, whatever they may be, to distort the central drive and character of this historic march. I can only suppose—because I would like to put a good light on this whole latest development—I can only suppose such effort to distort represents the action of men who know that they have been beaten on the main argument, that they cannot win on points and so now they must destroy the challenger.

Question. Dr. Gill, it is obvious that you just didn't show up here. Could you give us a little bit of the background as to the circumstances of why you are here and why I am taking these statements and why we are taking the statements of the remainder of the people.

Answer. Word came to us in San Anselmo from churchmen in Washington, speaking through the person of Rodney Shaw.

Question. Who is Rodney Shaw?

Answer. A Methodist liaison man to the operation of the American Government, and assigned liaison man for the Methodist Church; that charges would be made on the floor of the House of Representatives on Tuesday of this week, April 27. The nature of these charges has been well advertised by Congressman Dickinson; and people who had been on or near the march and in accord with its aim have been very disturbed at the thought of the possibility of its character being so distorted at this late date and so Mr. Shaw called me up on Sunday, April 25, and asked me, as one who had made the whole march and also as the president of the seminary from which so many members of the tent and cleanup crew had come, whether we had any evidence one way or the other. This is no effort to obscure evidence. We are concerned about the truth. And Mr. Shaw wondered what we had seen. So among us we decided to make this as legal and binding, since the whole crew of us cannot go to Washington, as we wish, and that is where this interrogation comes in. We would like to get it on the record, our observation, in the hopes that a moralistic hearing will not drag the whole country's attention from the tremendous moral purpose of the whole operation.

Mr. Elke. Thank you.

Theodore A. Gill.

Certification

State of California, city and county of San Francisco

I hereby certify that Dr. Theodore A. Gill was by me duly sworn to testify the truth, the whole truth and nothing but the truth; that said statement was reported at the time and place therein stated; that the testimony of said Dr. Theodore A. Gill was reported by me, Harry A. Cannon, a certified shorthand reporter and a disinterested party, and was thereafter transcribed into typewriting. I further certify that I am not of counsel or attorney for either or any of the parties to said statement.

In witness whereof, I have hereunto set my hand and affixed my seal of office this 26th day of April, 1965.

Harry A. Cannon,
Notary Public in and for the City and County of San Francisco, State of California.

STATE OF INDIANA PROUD OF MAJ. VIRGIL I. "GUS" GRISSOM

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUDEBUSH. Mr. Speaker, quite naturally, the State of Indiana is proud of Maj. Virgil I. "Gus" Grissom.

We Hoosiers would like to think that Major Grissom is a typical Indiana product, but, of course, his space feats as a member of our astronaut team place him in the most select group of Americans.

Major Grissom and his family will honor all Hoosiers on May 31 by attending the world-famous speed classic—the Indianapolis 500-mile race.

There is no other person in the United States whom Hoosiers would prefer to have as their honored guest on this occasion, and the entire State of Indiana is looking forward to Major Grissom coming back home for the big race.

A recent editorial presented by Indianapolis television station WISH–TV, and an article in the Washington, D.C., Star by Mr. William Hines, state very clearly why Indiana thinks so much of Virgil Grissom.

Mr. Speaker, these two statements merit the consideration of this entire body, and I request and am privileged to include them in the Record, as follows:

Indiana's Frontiersman in Space

(Editorial by WISH–TV 8, Mar. 22, 1965)

It would be quite an understatement to say that Indiana has just a special interest in the launching of this Nation's first two-man space vehicle. For no other State can really claim a greater personal share in the Gemini launch than can Indiana.

Virgil "Gus" Grissom, the command pilot of the Gemini spacecraft, is every inch a Hoosier. Born and raised in the southern Indiana town of Mitchell, he's the very personification of the hometown boy who made good.

The Hoosier heritage of Gus Grissom runs deep. His parents—the Dennis Grissoms, of Mitchell—still live in the same house that they moved into when Gus was only a year old. Gus grew up as might any other youngster in a small Indiana town, delivering newspapers and working summers in a grocery store and meat market.

He completed his early schooling in Mitchell, where he met and married his wife, the former Betty Moore. And like many other young marrieds, the Grissoms worked together to earn Gus a degree in engineering from Purdue University.

Now after a 1961 flight into space in the Mercury program, Gus Grissom is on the verge of making further history with the Gemini launch. And we don't think we really need to say that his family and friends in Mitchell are being joined in their feelings of pride by Hoosiers all over the State.

People like Gus Grissom are rare individuals in a society where "just getting by" seems to be a current philosophy. But it has been the pioneering Gus Grissoms of this Nation who have made America the country that it is, through courage, dedication, and personal sacrifice.

Gus Grissom is as much the frontiersman of the space age, as were those people who braved oceans and crossed mountains to extend the boundaries of the United States in its earliest days. And our descendants will be just as much in his debt.

[From the Washington Star]

Gus Grissom Has Spunk and Sense of Humor

(By William Hines)

Basically, Gus Grissom is my kind of hero. He's a homely little guy who dislikes newsmen—an attitude that is extremely easy to understand. Reporters have been putting him down ever since he lost *Liberty Bell–7* almost 4 years ago.

The *Liberty Bell* incident is the story of Gus' life. He's the type for whom everything goes perfectly (up to a point), and that's the story of my life, too. He is a man that a typical Walter Mitty can relate to without straining.

Gus is John Glenn reduced to life size and stripped of his merit badges. He'll never be anyone's "most unforgettable character," but he was the only comic relief the space program had after Shorty Powers left to sell cars, until John Young came along. And John, of course, is intentionally funny.

Everyone in the space effort takes his job very seriously, which is exactly as it should be, but everyone also takes himself very seriously—which is not so good.

Everyone except Gus. You don't catch him making inspirational little talks or running for the Senate or doing "Smokey-the-Bear" type commercials. He keeps his eyes open and his mouth shut (most of the time), plays it straight, and if things don't go just exactly right, brushes himself off, puts on a fresh bandaid, and is at it again.

Things have a way of not going just exactly right for the ride of the Mitchell boy. *Liberty Bell–7* was only one example.

Gus is not much of a talker, but sometimes he manages to squeeze a size eight shoe into a size two mouth to the consternation of his bosses and eventually of himself. Like his visit to the Titan plant outside Baltimore, when he commented to the effect that the rocket wasn't likely to get off the ground.

Gus ate his crow some time later, when the Space Agency stood him up and made him say publicly:

"I am here today to tell you Titan is 'Go.'"

People are always standing Gus up and telling him to talk. One time when he was on a television interview, he remarked that he wouldn't be there if he hadn't been ordered to.

In fact, Gus and his traveling companion, John Young, together said considerably less than Glenn said alone. Before the Gemini-Titan-3 mission there were no long delays like those before Glenn's flight, so Gus was not called on to say things like Glenn's famous, "The delay will only serve to hone the edge more sharply."

Gus is no more reticent than any of the other astros when the loot is being passed out. He is not interested in limelight; he follows Omar's advice: "Ah, take the cash and let the credit go, nor heed the rumble of a distant drum."

Gus is a grouchy, taciturn, introverted and not-very-lovable character who sometimes seems out of place in a lineup of all-American boys. There are those who would not give you 27 cents a pound for him, dressed and drawn, but one thing you've got to concede Grissom—he's got spunk and a sense of humor.

As I said, Gus Grissom is my kind of hero.

UNNECESSARY COST, WASTE, AND INEFFIENCY IN PROGRAMS UNDER JURISDICTION OF AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, on two previous occasions I have discussed unnecessary costs, wastes and inefficiencies found in the administration of programs under the jurisdiction of the Agency for International Development.

Each example of improper or inadequate administration by AID has been contained in reports to the Congress from the Office of the Comptroller General.

Today I wish to call your attention to still another example of inept administration found in a report issued on April 15, 1965, by GAO entitled "Failure To Effectively Utilize Excess U.S.-Owned Foreign Currencies To Pay International Air Travel Ticket Costs Being Paid in U.S. Dollars."

In this study the Comptroller General advises Congress of an annual loss, estimated at $2.3 million, when U.S. moneys are used, to buy airline tickets for official travel to and from eight countries instead of using U.S.-owned foreign currencies.

The eight countries involved in the report are: Burma, India, Israel, Pakistan, Poland, United Arab Republic, Yugoslavia, and Indonesia.

The reported $2.3 million annual estimated loss concerning these countries is divided between two categories:

The first involves an estimated unnecessary expenditure of $1.2 million because U.S. agencies have failed to develop, or have not adhered to, administrative regulations requiring maximum use of foreign currency.

The second involves an estimated $1.1 million annual expenditure of U.S. dollars because the State Department failed to obtain an agreement with Indonesia to allow the tickets to be paid for with excess United States-owned Indonesian rupiahs.

The unnecessary expenditures were not totally made by the Agency for International Development. The Department of State, the Department of Defense, and the U.S. Information Agency, too, failed to utilize excess U.S.-owned foreign currencies.

The Comptroller General notes that overall 31 percent of international air travel tickets eligible for payment in U.S.-owned foreign currencies were paid for in dollars instead of available foreign currencies.

The report states 42 percent of AID travel tickets eligible for payment in foreign currency were paid for with U.S. dollars.

I mention this report because once again it demonstrates the apparent disregard agencies of the United States seem to have for the rules and regulations under which they should operate.

The Comptroller General's report states:

> This report is being issued to the Congress because it demonstrates a laxity on the part of agency officials in making effective use of the substantial amounts of excess foreign currencies owned by the U.S. Government, despite congressional and executive branch interest in using these currencies to substitute dollar expenditures and to alleviate continuing U.S. balance-of-payment deficits.

I would be remiss if I did not add the Comptroller General was most hopeful his recommendations would be adhered to by the involved agencies in the future. GAO reports the agencies did recognize their carelessness in not utilizing excess U.S.-owned foreign currencies in this instance.

I wish to mention one other report from GAO today.

On March 19 of this year the Comptroller General's Office issued a report entitled "Unnecessary Costs Resulting From an Inflexible Policy of Donating Flour Instead of Wheat to Voluntary Relief Agencies for Distribution Abroad."

While the report's title may be long, the study itself is comparatively short. It deals with unnecessary costs amounting to about $3.7 million incurred by the U.S. Government in the surplus flour program to voluntary relief agencies for distribution to the needy people in the Republic of China.

The $3.7 million waste took place under the administration of the Agency for International Development and policies set by the Department of Agriculture.

Like other reports by the GAO concerning AID this one has worldwide application. While the specific example under study involves the Republic of China, the problem involves many other AID programs in many other nations.

The Comptroller General's Office advises Congress they "believe several million dollars could be saved each year on a worldwide basis if the Department of Agriculture revised its policy to permit the delivery of wheat, instead of flour, to those countries which have the milling capacity and the capability for processing and distributing wheat products."

The impact of a change in policy can be assessed when it is noted that the Department of Agriculture reports that in fiscal 1964 some 14 voluntary agencies distributed over 1 billion pounds of flour in 72 countries.

At present, the Department of Agriculture through AID could donate processed commodities, but the language of the act needs clarification.

The Comptroller General's office reports, that in this case, AID officials seem most willing to cooperate to enact any savings.

GAO advises that the Congress may wish "to enact legislation which would amend section 416 of the Agricultural Act of 1949, as amended, to permit the donation of processed commodities, such as flour, instead of whole grains, to voluntary agencies for distribution abroad only after the Secretary of Agriculture has determined on a case-by-case basis that it would not significantly increase costs to the United States to do so."

The Comptroller General further states his office would "be pleased to assist in drafting such proposed legislation."

I have mentioned this GAO report because it does involve AID.

It is apparent to me that, while AID, in the case of donations of flour to voluntary agencies in the Republic of China, seemed willing to enact economies, AID generally has not been economy minded or efficient in its operations.

Furthermore, the combined impact of the Comptroller General's reports involving AID indicates the Agency for International Development is not—

Operating in a most efficient and economical manner;

Following public law in all cases;

Adhering to the policies approved by the Congress;

of its own accord seeking out inefficiencies and waste.

I urge the Congress to initiate a study of the multiplicity of activities of the Agency for International Development.

WATER POLLUTION

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, at the present time, all America is acutely aware of its water problems. Yesterday, the House passed a bill to attack the problem of water pollution. All communications media resound with news of flood devastation throughout the Mississippi River Valley.

It has been proposed, in a suggestion we can only hope will receive serious reconsideration, that a substantial reduction be made in appropriations for the soil conservation service.

Mr. Speaker, when the floodwaters roll over the business districts of Hannibal, Mo., and other cities along the Mississippi, and when hundreds of thousands of acres of farmlands stand desolated by destructive torrents from our rivers, it is somewhat late to seek to control these waters. I submit a far more effective and useful job can be done through the support and, indeed, the expansion of our soil conservation service program, so that our natural water resources may be employed to improve rather than to inundate the American family farm.

I would call to the attention an acute analysis of this problem presented by Don Sosey, mayor of Palmyra, Mo., and editor of the Palmyra Spectator, as follows:

May Not Be a Wise Decision

We have been a firm believer in economy in government for many years and have frequently written articles about it, but occasionally the cut may come in the wrong place. It is being proposed to make a considerable reduction in the appropriation for the Soil Conservation Service, which would curtail much of the technical assistance given in setting up plans for the management and preservation of farmlands throughout the Nation. The idea is to have the landowner pay approximately 50 percent of the cost.

This might be all right if the farmer could be induced to do so, but a large majority of them feel that the land will last throughout their lifetime and they will not have to make this extra expenditure. While land is owned by individuals it is also the heritage of our country and one which is important to every citizen today and also to future generations. To allow it to become marginal and then nonproductive would be inviting famine at some future date. The wornout and eroded soil of many countries has caused food to be scarce in them and hunger and malnutrition to be high.

Even with the technical aid the Soil Conservation Service has been giving, it is difficult to obtain the cooperation of all land owners. Without this aid soil districts would probably lose much of their usefulness. We believe there are many other departments of Government, which could stand a reduction far better than the Conservation Service.

For a number of years we have believed that the most useful money expended by the Federal Government in water control is at its source. If through the construction of terraces, structures, ponds, timber and grass strips on the lands where the water originates its flow can be slowed, giving it a chance to seep into the ground, then the erosion will be checked and the heavy silting of our main streams will decrease. Such a plan can also raise the level of our water table and lessen the danger of water shortage.

Dams and levees have been constructed to control floods, but slowing the runoff at the source would be much more effective in the long run. The Soil Conservation Service provides the most important aid, which can be given by the Government to the landowner, and it should not be curtailed when so much remains to be done and there is such unnecessary waste in other departments of Government.

IMMIGRATION HEARINGS

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I take this opportunity to announce that hearings on pending immigration legislation by the Subcommittee on Immigration and Nationality have been delayed necessarily because of consideration of the voting rights bill by the full Judiciary Committee.

Our hearings opened on March 3, 1965, at which time Attorney General Nicholas Katzenbach appeared before the subcommittee. Secretary of State Dean Rusk, Secretary of Labor Willard Wirtz, and representatives of the U.S. Public Health Service appeared at subsequent hearings. We have taken testimony from interested Members of Congress and the record of hearings is still open for inclusion of statements from other interested Members.

It has been necessary to cancel scheduled hearings on three occasions since completing testimony from the Public Health Service on March 31, 1965.

I wish to assure representatives of nongovernmental organizations and the interested public who have made written requests to appear, that we expect to take up this phase of our hearings during the week beginning May 10. Full Judiciary Committee meetings preclude setting an earlier date. Notice will be provided witnesses of the day and time set for their appearance.

REPORT ON REFUGEE ADMISSIONS

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, pursuant to the provisions of the act of July 14, 1960—Public Law 86-648—the so-called fair share law, enabling the United States to participate in the resettlement of certain refugees, the Attorney General is directed to forward to the Congress every 6 months a report on administrative operations authorized under that law.

In view of the continuing interest of my colleagues in the House and for their information, I wish to include in the RECORD at this point the ninth semiannual report of the Commissioner of Immigration and Naturalization covering the operations from July 1 to December 31, 1964, together with a summary covering the preceding eight semiannual periods.

Detailed case reports on each person paroled into the United States are in the custody of the Committee on the Judiciary and are available for inspection by any Member of the House at the office of subcommittee No. 1 at 2139-A Rayburn House Office Building.

The report which is addressed to the Speaker of the House of Representatives is as follows:

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., February 4, 1965.

Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Refugee operations under the act of July 14, 1960, as amended by the act of June 28, 1962, were continued during the 6-month period ending December 31, 1964. This was the ninth 6-month period of operations under the act. During the preceding 6-month period, according to advisory report furnished by the Secretary of State, 17,651 refugee-escapees, as specified in section 1 of the act, availed themselves of resettlement opportunities offered by nations other than the United States. Accordingly, the number authorized by statutory "fair share" during the period covered by this report was 4,413. During the period, 1,994 registrations were received from refugees in the seven countries in which refugee operations were carried out under the act.

In addition to the 1,994 refugees who registered under the act during the 6-month period, there were 366 registrations pending at the beginning of the period, making a total of 2,360 refugee applicants available for consideration. Of these, 1,485 were found qualified for parole and 348 were rejected or otherwise closed, leaving 527 registrations pending at the end of the period.

The following reflects the activity in each of the countries in which the refugee operations were conducted during the period:

Country	Registrations pending June 30, 1964	Registrations received during period	Total	Found qualified for parole	Rejected or otherwise closed	Pending Dec. 31, 1964
Germany	13	130	143	49	51	43
France	50	349	399	261	78	60
Austria	31	152	183	99	25	59
Belgium	11	24	35	7	23	5
Italy	230	965	1,195	772	89	334
Greece	16	59	75	37	19	19
Lebanon	15	315	330	260	63	7
Total	366	1,994	2,360	1,485	348	527

Established screening procedures resulted in the rejection of 122 applicants during the period, on the following grounds:

Ineligible	19
Security grounds	18
Criminal grounds	3
Medical grounds	4
Immorality	0
Undesirability	7
Firmly settled	26
Split families (spouses and children left behind in country of origin)	11
Spouses and children of above principals	34
Total	122

As of December 31, 1964, the total number of refugee-escapees authorized by statutory "fair share" since the effective date of the act totaled 31,467 and a total of 29,714 refugees had registered since the beginning of the program. Statistics for the program are tabulated below:

	1st through 8th periods	9th period	Total
Authorized by statutory fair share	27,054	4,413	31,467
Pending beginning of period	--------	366	--------
Registered during period	27,720	1,994	29,714
Total registered (pending plus received)	27,720	2,360	--------
Found qualified for parole	17,408	1,485	18,893
Rejected or otherwise closed	9,946	348	10,294
Pending end of period	366	527	--------

Of the refugees approved for parole to date, 365 have been approved under section 2(b) of the act, which provides for a numerical limitation of 500 "difficult to resettle" cases.

A total of 18,022 refugees, in whose cases assurances of housing and employment have been received, have been referred to the Intergovernmental Committee for European Migration for transportation to the United States. Of these, 16,322 had arrived in the United States as of December 31, 1964, as follows:

Country of flight	During 1st 8 periods	During 9th period	Total
Albania	432	18	450
Bulgaria	257	67	324
Czechoslovakia	15	9	24
East Germany	5	0	5
Estonia	14	0	14
Hungary	1,426	112	1,538
Iraq	26	0	26
Jordan	2	0	2
Latvia	70	0	70
Libya	1	0	1
Lithuania	39	0	39
Poland	929	41	970
Rumania	2,988	785	3,773
Syrian Arab Republic	46	6	52
Turkey	15	0	15
United Arab Republic (Egypt)	2,861	181	3,042
U.S.S.R	93	5	98
Yugoslavia	5,357	522	5,879
Total	14,576	1,746	16,322

Registrations of applicants in the various countries, since the beginning of the program, have been as follows:

Country	In camp	Out of camp	Total
Austria	996	2,435	3,431
Belgium	--------	1,602	1,602
France	--------	8,759	8,759
Germany	630	3,382	4,012
Greece	986	290	1,276
Italy	4,467	2,603	7,070
Lebanon	--------	3,564	3,564
Total	7,079	22,635	29,714

Of the refugees who registered during the ninth period, 397 were camp residents and 1,597 were out-of-camp residents.

As of December 31, 1964, a total of 8,600 aliens, who have been in the United States for at least 2 years after their parole as refugee-escapees had been inspected and examined for admission, and accorded the status of permanent residents under section 4 of the act.

During the ninth period, the Congress approved private laws for four aliens in the United States, providing that these aliens shall be held and considered to have been paroled into the United States as provided for in the act of July 14, 1960.

In compliance with the provisions of section 2(a) of the act, detailed reports on individuals paroled into the United States are attached.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

THE DOMINICAN CRISIS

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, President Johnson is to be highly commended for his prompt action in sending in U.S. marines to the Dominican Republic to protect U.S. citizens in the country.

I sincerely hope the Marines may also serve as an indication of U.S. assistance to protect the freedom and stability of the government in that area of the world.

Although the activities of the original revolutionary forces in the country were apparently led by freedom-loving people, as far as the leadership was concerned, it seems clear to me now that the present leadership of the revolution is in the hands of Castro-Cuban-trained Communist agents.

Under these circumstances it is necessary, I believe, for the Organization of American States, or the United States acting independently, to bolster the stable and free government in the country to prevent another Cuba.

Today I have reintroduced a resolution, first introduced in 1961 by me, that asserts the sense of Congress to be that in emergency situations such as the one we have today that the United States and other free countries in this hemisphere do not have to wait on the action of the Organization of American States to deal with emergencies of this type.

The resolution follows:

Whereas the intervention of international communism directly or indirectly in an American republic would constitute a fact or situation threatening the sovereignty and political independence of the states of the entire New World; and

Whereas the American continents, by the free and independent position which they have assumed and maintained, have long since ceased to be considered as subjects for future colonization by any European power or powers; and

Whereas the intervention of international communism, directly or indirectly, or however disguised, in any American state, would be in effect such a colonization by a non-American power or powers, and would violate the sovereignty and political independence of an American state; and

Whereas such a fact or situation extended to any portions of this hemisphere would be dangerous to the peace and safety of the United States and the American continents; and

Whereas the American Republics have condemned intervention or the threat of intervention, even when conditional, from any extrahemispheric power and have rejected the attempt of the Sino-Soviet conspiracy in its attempt to destroy hemispheric unity and security; and

Whereas in the rapidly developing contingencies of the atomic age there might not be time to assemble a meeting of the Inter-American Organ of Consultation to provide for joint action to repel the danger: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That if such a fact or situation should present a sudden emergency, then any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance would be justified, in the exercise of individual or collective self-defense under article 51 of the Charter of the United Nations, in taking steps to forestall intervention, domination, control, and colonization by international communism in the New World.

In case of such defensive measures having been taken by the defending state or states, it or they should report to the Inter-American Organ of Consultation, to the end that an emergency committee, after the manner provided by the Convention of Havana of 1940, be set up for the provisional administration of the state thus defended, pending its restoration to a government of the people, by the people, and for the people.

WARSAW GHETTO UPRISING

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, spring is a time of year when all nature seems to come back to life. It is a joyous time; a time of renewal; a time of regeneration.

But, over two decades ago spring was not such a time for the Jewish inhabitants of the Warsaw ghetto; for theirs was a spring of sorrow, a spring of tragedy, a spring of death.

To speak of the Warsaw ghetto is to speak again of man's inhumanity to man.

Before Poland was overrun by the German and Soviet military forces in September 1939, the Jewish population of Poland was estimated at 3 million. On the eve of the invasion the population of the Warsaw ghetto was placed at approximately 300,000. After the Nazi and Soviet conquest of Poland, Jews from other areas throughout Poland were brought into the ghetto. The ill-fated inhabitants of the ghetto now numbered an estimated 450,000.

This is a formidable number of people, a number almost equivalent to the population of the city of Buffalo, N.Y.

These people, these unfortunate souls, imprisoned in their ghetto, were destined by fate and by the will of their Nazi overlords for total extermination; they were destined to be destroyed in the Nazi crematoriums.

In November 1940 the Nazi rulers of Warsaw began to take measures that would eventually lead to the so-called "final solution" of Poland's Jews. At that time the Warsaw ghetto was sealed off, and the prisoners, subjected to starvation, disease, and cruel and inhuman treatment by their Nazi captors, awaited the tolling of their death knell.

The destruction of the Warsaw ghetto and its inhabitants was carried out in an orderly and systematic manner, a manner that fits very well the image and reality of Nazi precision and thoroughness.

The "final solution" got underway in the summer of 1942.

On July 22, 1942, the Nazi forces began a systematic reduction of the Warsaw ghetto. On that day, they transported 6,289 persons to Treblinka where they perished.

On the following day, July 23, another 7,815 were transported; on July 24, another 7,444.

During the period from July 2 to July 23, 66,701 were taken from the ghetto.

In August, another 142,353 were removed.

In September, the number was 56,730.

It has been said that after this forced evacuation during the summer of 1942 only an estimated 40,000 to 50,000 Jews remained in the Warsaw ghetto. Reduced in numbers but not in their determination these human remnants of the Warsaw ghetto began in January 1943 to stage an open resistance to the Nazi campaign of extermination.

Let me say at this point that the details I am about to relate are taken from an account written in May 1943 by eyewitnesses.

According to this account, in early December 1942 a new wave of massacres and deportations began. Rumors circulated in Warsaw that January was the deadline. On January 18, the Germans began a campaign of total destruction that led to the obliteration of the Warsaw ghetto.

Early in the morning on January 18, strong detachments of the Nazi SS and their henchmen entered the ghetto. But, to their surprise some of the imprisoned Jews, in a final act of desperation, barricaded themselves in blocks of houses and mounted a bitter and heroic last-ditch fight.

In the first few days of the attack the Germans lost a score of dead and a few score wounded. The battle raged on until January 23, whereupon German tanks drove into the ghetto. Houses were burned down, and their dispossessed inhabitants were captured and killed. Over a thousand Jews perished.

However, the majority in the ghetto were forced to submit to the Nazi terror. Large transports departed each day for Treblinka; and after a few days this initial resistance to their Nazi oppressors ceased. The fate of the tragic remnants in the ghetto was still undecided.

A new crest of terror and violence was reached in April 1943. By this time many older men, women, and children, who had survived the deportations during the summer and fall, had been taken from the ghetto. But most of the younger men and women resisted offers of removal because they knew that every step from the ghetto would bring them closer to death. These young heroic Jews, these Davids of the beleaguered Warsaw ghetto, vowed to resist to the end from their imprisoned citadel.

Recognizing the danger of keeping tens of thousands of resolute young people in this concentrated area, the Germans decided to move in and liquidate the ghetto by force.

On the eve of the Passover in April 1943, the Nazi overlords made their decision. Many in the ghetto were slowly starving to death. Others were dying of disease. Living conditions, such as they were, were intolerably miserable. Their numbers dwindling, these heroic defenders had little hope for survival as the Nazis attacked en masse on April 19, 1943, in their last effort to destroy the imprisoned Jews and level the ghetto to the ground.

The "final solution" began suddenly at dawn on the 19th. The formal reason for the sudden strike was the failure of the Jews to answer a call for workers to be sent to Trawniki. Only 200 had responded and this did not meet the Nazi quota. Forthwith the ghetto was surrounded by SS men, German police, and their henchmen. Units of Germans, heavily armed with machineguns, grenades, and armored trucks, entered through the Zamenhof Street gate to the ghetto.

Though expecting some resistance, the Germans must have been surprised at the fury of the initial engagement in which they suffered serious losses. Within a few hours the first German attack was repulsed; the Germans retreated to the borders of the ghetto and called for reinforcements of tanks and artillery. Striking again with unrestrained fury, the Germans broke through the first line of defense. In the face of heavy artillery fire, the defenders fought back with machinegun fire, causing still further serious German losses. In this engagement the Nazi losses included two tanks.

Now the Germans were forced to use more powerful means, namely, to direct artillery fire from airplane observation and set fire to all houses. Changing their tactics, the Nazis refrained from attacking in the daytime using this time for observation. But during the night they launched a merciless barrage and burned block after block of houses in the outer streets of the ghetto. What the Nazi planned to do was to reduce the area of the struggle gradually and starve out the beleagured fighters.

During the nights of April 23–25, the Germans mounted a heavy barrage of artillery fire.

On the last day of the attack, the resistance weakened; the defense was now sporadic; and the ghetto was terrorized by enormous fires that consumed the rubble with its tragic human litter. Eventually the ghetto was split by the attaching Germans, forcing the defenders to retreat to the northern part of the city. Those who had not participated in the uprising were seized by the Nazis and transported to prison camps.

The thoroughness of the Nazi drive to destroy the ghetto was appallingly precise. Success on the night of April 23 was so considerable that now they decided to employ only long-range artillery. In addition to this they confined themselves to setting street after street to the torch and making escape impossible from this flaming inferno.

German guards shot every person within range whom they had seen in the ghetto.

They destroyed the openings of sewers on Plac Krasinsich, Leszno, and Bonifraterska Street through which attempts to escape were made.

Germans patrolled neighboring streets in order to catch those escaping. Those who were captured were shot on the spot. It was estimated that during the period from April 19 to May 5, about 3,000 Jews were killed in this manner.

Then the Germans published large placards declaring that the ghetto was being liquidated and that those Poles who were sheltering Jews would be severely treated by the occupation authorities. An announcement from the German commander called on the population to turn over any Jews who were in hiding.

In the early days of May the struggle in the ghetto stopped suddenly; resistance to the German oppressors was broken. There was no hope of survival against the heavy fires that swept over the ghetto. Hundreds of houses were destroyed, numerous streets were pulverized, and those houses remaining were destroyed by dynamite. The material loss from this calculated, diabolical campaign was greater than that which had occurred in the bombing of 1939. Fires raged on for 15 days. The great synagogue on Tlomackie Street situated a short distance outside the ghetto was destroyed by German demolition crews.

In what was called the small ghetto, the Germans used other tactics than those applied in the large ghetto. They did not come with tanks and artillery. Jews were ruthlessly seized from their workshops, deported, or killed. Through the early part of May the Germans had succeeded in killing and deporting 12,000 Jews. The liquidation of the small ghetto occurred, without a struggle, on May 15–18, 1943. All remaining Jews were deported or killed while their houses were leveled to the ground.

Thus, Gen. Jurgen Stoop, the Nazi commander of the attacking forces, could triumphantly announce: "There was a Jewish section in Warsaw, but it no longer exists."

These remarks, as I said before, are based upon eyewitness accounts written in May 1943. Let me quote from the last two paragraphs of this account:

> Today [that is, May 1943], the Warsaw ghetto consists only of the remains of hundreds of burned and ruined houses. The number of Jewish victims has not been counted and will probably never be counted, because the bodies of fighters were burned along with the houses. Hundreds of suffocated and burned bodies are to be found in the cellars of these houses. It is estimated that 5,000 Jews died within the iron ring of fire and shell. The rest were left to the Germans, and were tortured to death in execution camps. Only those who escaped from

> the ghetto and hid in the Aryan part of Warsaw are left in the city.
>
> A Jewish fighting organization led the defense in the ghetto. Their forces were small, they did not have much ammunition. Nevertheless they fought for 4 weeks to better effect than the Germans in this tragic struggle.

Mr. Speaker, 22 years ago courage and heroism abounded in the confines of the Warsaw ghetto. There can be no doubt of that. The few thousand Jews who had arms with which to fight fought as soldiers of freedom. They fought in the spirit and with the fury of the ancient Hebrews who sought so desperately to turn back the onslaught of their enemies. The odds against them were enormous, and yet their heroism shone through their miserable condition like a glowing light when in a last spasm of courage they struck at the enemy and were consumed by artillery and flames.

This tragic struggle must stand as another one of the many monuments of Nazi inhumanity toward mankind. Such inhumanity casts doubt upon man's capacity to progress into a new era of enlightenment. Yet we must not allow the tragedies of history to overwhelm our judgment of man's capacity for good.

We must never lose faith in mankind. Let us, therefore, find some solace in this tribute to the misery of a great and tragic people. This poem, called "A Child in the Warsaw Ghetto," is taken from the Warsaw ghetto paper, Gazeta Zydowska:

> From tomorrow on, I shall be sad
> From tomorrow on!
> Today I shall be gay
> What is the use of sadness—tell me that?
> Because these evil winds begin to blow?
>
> Why should I grieve for tomorrow—today?
> Tomorrow may be so good, so sunny,
> Tomorrow the sun may shine for us again
> We will no longer need to be sad.
>
> From tomorrow on, I shall be sad
> From tomorrow on!
> Not today; no! today I will be glad
> And every day, no matter how bitter it be,
> I shall say:
> From tomorrow on, I shall be sad,
> Not today!

A POINT OF PERSONAL PRIVILEGE

Mr. POWELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record on a point of personal privilege.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Mr. Speaker, I rise to inform the Members here of a grave breach of privilege which may threaten the integrity of the House.

At present I am being subjected to a criminal prosecution in a case which is not criminal in nature. Article I, section 6, of the U.S. Constitution states that Senators and Representatives "shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the attendance at the sessions of their respective Houses, and going to and returning from the same."

This has been interpreted to mean that each Representative shall have immunity from criminal arrest except in a criminal case. It follows that immunity from arrest renders a Representative immune from criminal prosecution. The privileges of the Members of this House are threatened by the present proceedings in New York by masking a civil case as a criminal case, thus subverting the clear intention of the Constitution.

In House Resolution 279, the Sergeant at Arms is authorized to supply certified copies of "such documents and papers in possession or control of said Sergeant at Arms as the court found to be material and relevant." I request the House to make an investigation into this matter since it is clear that it did not get sufficient information before it authorized the resolution. First of all, the affidavit used to induce the Supreme Court to sign an order that "records are material and relevant" has not been submitted for perusal by the House. We have not been informed of the materiality and the relevancy of the required documents.

Are these records relevant? If they are, what are they relevant to? The resolution requests to examine records for 3 years. Is this relevant to an alleged crime that has been committed in a single moment? Should not copies of this affidavit have been produced so that the House might have known whether its requirements were fairly and accurately stated to the court? Only on perusal of the affidavit would we know whether the judge acted in accordance with the constitutional privileges of the Members of the House, and whether the Members of the House are adequately protected. It is obvious that if the House cannot see the affidavit it cannot know what representations were made to the court.

Furthermore, House Resolution 279 states that there is a criminal action being prosecuted by the people of the State of New York against Adam Clayton Powell. The House has been misinformed. The subpena served on Bertha Klausner, a witness called before the grand jury, recited that the proceeding was People against "John Doe." The grand jury has been serving John Doe subpenas on all witnesses. It appears from the information given the House of Representatives that the criminal charge has been converted from the People of the State of New York against John Doe to the People of the State of New York against Adam Clayton Powell. But no case is pending in the New York courts of the People of the State of New York against Adam Clayton Powell.

The present criminal investigation is frivolous with no other purpose than harassment. The grand jury has been investigating a misdemeanor. In the State of New York a grand jury has never been used for the indictment of a misdemeanor. A grand jury would not ordinarily be called to investigate a Member here if he spit on the street. Yet, to prove the harassment involved in the present proceeding, let me point out that the grand jury has been investigating "John Doe" 4 or 5 months without having returned a true bill.

For the protection of its Members, the House should make an inquiry into the reason for the present investigatory proceedings against "John Doe," who just might be a Member of this body possessed of the privilege of the House. In the city of New York, when grand jury investigations have merit, the grand jury does not usually take more than 2 or 3 hours to make a determination. This is a very strange and unusual proceeding which the grand jury is conducting concerning "John Doe," and since it may be criminal in form but not in substance, the House should inquire into the question of whether the investigation by the grand jury of "John Doe" constitutes a real and bona fide effort to substantiate a charge already pending or whether it is an investigation for the purpose of finding a charge to place against a Member of this body.

The purpose of a grand jury is to investigate an allegation that a crime has been committed. Its purpose is never to decide in advance that a crime has been committed and then to look around for evidence to substantiate such decision. The House should not condone or approve or aid or assist in the fulfillment of this purpose. Nor should it allow its Members to be harassed by frivolous matters. The indictment of "John Doe" presently pending in the criminal courts of the State of New York does not even charge a crime. It charges that "John Doe" gave his wife $900. This is not a crime in the State of New York, or in any State in this Union.

Because of the matters at stake in this cause, I counsel the Members here to be careful of their rights where this type of impairment of privilege is involved, lest it solidify into a common practice and deny the Members of the House the unencumbered right to attend to their duties.

I therefore urge, for the protection of the Members of this body against the mischievous use of legal processes to invade their privileges or render them meaningless, that the House investigate these matters and I ask the Speaker's courtesy to suspend all proceedings under the resolution until such inquiry has been concluded.

VICE PRESIDENT HUMPHREY SHOULD BE SENT TO INDIA AND PAKISTAN TO RESTORE GOOD RELATIONS

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Morse] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MORSE. Mr. Speaker, on Monday I joined 11 Republican Members of the House in proposing that Vice President Humphrey be sent to India and Pakistan to attempt to restore good relations with those nations in advance of the SEATO foreign ministers meeting beginning in London next Monday.

Congressmen ANDREWS of North Dakota, BROOMFIELD, ELLSWORTH, FRELINGHUYSEN, HORTON, LINDSAY, MATHIAS, MCDADE, MOSHER, REID, and TUPPER believe as I do that the abrupt postponement of the impending visits of the heads of government of those two nations constitutes an unfortunate example of insensitivity in the conduct of U.S. foreign affairs.

Yesterday in the New York Times there appeared a letter from Mr. H. R. Vohra, the Washington correspondent of the Times of India. Mr. Vohra pointed out how unfortunate the timing of this administration action was in light of Prime Minister Shastri's proposed visit to Moscow in May, and the current harmony in United States-Indian relations. In his words:

> The withdrawal of the invitation by our rules of hospitality seemed not only ill-mannered, but political ill-conceived.

I would like to call the attention of the House to the full text of the statement issued on Monday and to the letter of Mr. Vohra by including them in the CONGRESSIONAL RECORD following my remarks:

STATEMENT ON CANCELLATION OF INDIAN AND PAKISTAN VISITS

We propose that Vice President HUMPHREY be sent immediately on a mission to India and Pakistan to assure friendly relations between the United States and these two nations. We urge the administration to explore promptly with the governments involved the possibility of such a trip as evidence of deep American concern over current misunderstanding.

The administration's sudden cancellation of the impending visits of President Ayub Khan of Pakistan and Prime Minister Lal Bahadur Shastri of India is an unfortunate example of insensitivity in the conduct of U.S. foreign affairs. While the administration certainly did not intend to insult either nation or their leaders the timing and means of the cancellation may have undermined American influence in Asia. Even the best of diplomatic purposes and policies can be ill-served by clumsy diplomatic practices and timing.

The visit of President Ayub Khan of Pakistan was cancelled only 9 days before it was to begin and only 17 days before the crucial SEATO foreign ministers conference in London on May 3. Thus President Johnson denied himself the opportunity to use his considerable persuasive abilities on the Pakistani leader immediately in advance of the London meeting.

The June visit of Prime Minister Shastri of India was cancelled within a few days after its itinerary had been made public. As a result, the Indian Government may be less inclined to respect American leadership. It has already issued a stinging denunciation of U.S. policy in Vietnam.

The reasons given publicly by the administration for the cancellation are insufficient. The pace of congressional business should never be allowed to dictate foreign policy. And while the President may be preoccupied with problems in Vietnam, so are most of the world's leaders. Surely American policy in Vietnam is directly affected by U.S. relations with all the countries of Asia.

An early visit by Vice President HUMPHREY to Pakistan and India could demonstrate that the administration intended no slight. It could facilitate a better understanding of U.S. policy in Vietnam. It could be a valuable diplomatic initiative in advance of the SEATO conference in early May. And it might also provide an opportunity to improve relations between the two countries themselves.

WITHDRAWAL OF INDIA'S INVITATION CRITICIZED

To the EDITOR:

Indian reporters (and I am one of them) whose task it is to interpret the changing moods and problems of this country have found it difficult to explain to our readers at home how so practiced a President could be so brusque in his treatment of an elected Prime Minister of the world's largest democracy.

I have been at a loss how to sell the official explanation that the President's load has so increased that the invitation he issued in the last week of March had to be withdrawn in the third week of April.

The difficulty was augmented when, necessarily, one viewed the official explanation in the lucid light of facts. No President in recent history, so one is told, has had an easier time with Congress. In any case, between March and April, nothing new has happened to add to the President's troubles and much has happened to establish that he can continue to rely on Congress to do his bidding.

The explanation about Vietnam relates to a chronic situation which has existed for months.

Reluctantly one came to the conclusion that there was more to it than meets the eye. It gave Indians no satisfaction that our Prime Minister should be equated even in the implied (or unwitting) discourtesy with Field Marshal Ayub Khan.

The Indian Ambassador sought an explanation of the debacle. Secretary Rusk tried to mollify Indian feelings, so it is reported, by reminding him that the Senate Foreign Relations Committee at one stage had cut $100 million from the aid authorization bill to mark its displeasure against two warring neighbors—India and Pakistan. The implication was that India and Pakistan should be grateful for the withdrawal of the invitations. The President, by this master stroke, was providing both with assured aid. It was better to have aid than to be invited.

POLITICALLY ILL CONCEIVED

The withdrawal of the invitation by our rules of hospitality seemed not only ill mannered, but politically ill conceived. Mr. Shastri was due to visit Moscow in May. In the past Moscow has sought to exploit every reverse in Indo-United States relations. It filled the gap when the United States faltered on the Bokaro project. It gave India MIG's when the United States hesitated on F-104's.

The disinvitation now leaves Mr. Shastri in an unbalanced political posture when he was anxious to correct it by a visit to this country. It would have been in the mutual interest of the United States and India that this should happen early.

The postponement, inexplicably, came at a moment when Indo-United States relations had achieved an unaccustomed harmony—the greatest source of harmony being the mutual understanding on Chinese communism and India's sworn determination to serve as a bulwark against its machinations across a 2,000-mile-long border. For the responsibility we bear in this matter at tremendous sacrifice to ourselves, we seek no reward. But, surely there is scope to recognize the difference between the Indian outlook and the Pakistani stand on Peiping. This difference makes the balancing between India and Pakistan a particularly ugly spectacle.

Let me make one final point to explain why Indian reaction to the postponement has been sharp. It is not the postponement which matters much but the way it was carried out.

There was no consultation, as far as I can make out, between the President and India's Prime Minister prior to the postponement. He was merely handed a letter asking to call later. The indelicate procedure adopted made the postponement doubly galling.

H. R. VOHRA,
Washington Correspondent, the Times of India.
WASHINGTON, *April 24, 1965.*

ANNIVERSARY OF ARMENIAN MASSACRE

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. LIPSCOMB] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, the tragic fate of the Armenian people in Turkey in 1915 stands out as the saddest and most unforgettable event of the First World War. This involved the lives of 2 million industrious, enterprising, intelligent, and prosperous people. In this wholesale and indiscriminate massacre, secretly planned and carefully concealed from the public until after the outbreak of the war, no one was to be spared from this ghastly holocaust.

Certain Turkish authorities had decided that for the alleged disloyalty of some Armenian leaders, all Armenians, irrespective of age and sex, had to pay with their lives. It is this aspect of the tragedy, the deliberate massacre of more than 1 million innocent and helpless Armenians under circumstances seldom recorded in the annals of history, that makes this crime against humanity and civilization stand out.

In the course of less than a year these Turks had done their very worst to finish this task. The large community of 2 million Armenians in Turkey was no more. It had ceased to exist. More than 1 million lost their lives in outright massacres and through starvation. Women and children by the hundreds of thousands were sold into slavery, to the Turks, Kurds, and Arabs. Some were lucky enough to save their lives by finding refuge in neighboring countries, and only the Armenians in Constantinople—today's Istanbul—were spared from this national scourge through the efforts of the U.S. Ambassador.

The United States is fortunate in that many Armenians have chosen to come here to establish new homes for themselves and their families. The Armenians have made many significant contributions to America. They are industrious and hardworking, and are fine citizens dedicated to advancing the welfare of their communities and their Nation.

This year marks the 50th anniversary of the sad event, the national tragedy of Armenians in Turkey. Armenians and their friends here and elsewhere observe this anniversary and mourn the tragic loss.

RESOLUTIONS OF THE STATE OF ILLINOIS ON LITHUANIAN INDEPENDENCE

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, 47 years ago Lithuania reestablished itself as a completely free sovereign state, and for 21 years the citizens made great progress under a stable, effective government.

Since 1940 the Soviet Union has held Lithuania in bondage; however, we in the United States have not forgotten the plight of the Lithuanian people and rededicate ourselves to the reestablishment of an independent Lithuania.

Therefore, I call to the attention of the Members resolutions adopted by the Illinois Senate and Illinois House of Representatives, which I insert in the Record at this point:

House Joint Resolution 12

Whereas this year marks the 47th year since the date the country of Lithuania regained status as an independent nation; and

Whereas Illinois citizens of Lithuanian descent are observing Lithuanian Independence Day on February 16; and

Whereas 20 years after World War II, Lithuania is still occupied and controlled by the Soviet Union contrary to international law and the will of the Lithuanian nation; and

Whereas the people of this State and Nation of Lithuanian ancestry have contributed much to the fiber of our society and the accomplishments of America as a whole: Therefore be it

Resolved by the House of Representatives of the 74th General Assembly of the State of Illinois (the Senate concurring herein), That we salute the Lithuanian people and extend our hope that their nation will again regain its independence; and that the people in this State and Nation of Lithuanian ancestry be congratulated for the contributions they have made for the preservation of freedom and to the greatness of this country.

Adopted by the house, February 3, 1965.

John P. Touhy,
Speaker of House.
Chas. F. Kervin,
Clerk of the House.

Concurred in by the senate, February 9, 1965.

Samuel H. Shapiro,
President of the Senate.
Edward E. Fernandes,
Secretary of the Senate.

Senate Resolution 24

Whereas this year marks the 47th year since the date the country of Lithuania regained status as an independent nation; and

Whereas Illinois citizens of Lithuanian descent are observing Lithuanian Independence Day on February 16; and

Whereas, 20 years after World War II, Lithuania is still occupied and controlled by the Soviet Union contrary to international law and the will of the Lithuanian nation; and

Whereas the people of this State and Nation of Lithuanian ancestry have contributed much to the fiber of our society and the accomplishments of America as a whole: Therefore be it

Resolved by the Senate of 74th General Assembly of the State of Illinois, That we salute the Lithuanian people and extend our hope that their nation will again regain its independence; and that the people in this State and Nation of Lithuanian ancestry be congratulated for the contributions they have made for the preservation of freedom and to the greatness of this country.

Adopted by the senate, February 3, 1965.

Samuel H. Shapiro,
President of the Senate.
Edward E. Fernandes,
Secretary of the Senate.

Mr. Speaker, the Illinois Senate and Illinois House passed these respective resolutions unanimously. It is indeed stimulating to note the dramatic fashion in which these Illinois legislators have commemorated the anniversary of Lithuanian independence.

URGENTLY NEEDED: EXPANDED VETERANS' ADMINISTRATION HOSPITAL FACILITIES

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. Pelly] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. PELLY. Mr. Speaker, it is my understanding that there is some thought being given to enlarging certain Veterans' Administration hospitals in the near future.

In this regard, I should like to bring to the attention of my colleagues the situation existing at the Veterans' Administration in Seattle, where, in my opinion, the need for expansion is desperate. I am sure that the Seattle VA hospital is only one of many in similar circumstances.

Recently, I received an urgent request from one of my constituents whose father, a veteran, is presently in a hospital where the cost for care is $50 a day. Inasmuch as the family has but a very small income, it is easy to see how such care is imposing a definite hardship on the family. My constituent asked that I do what I could to get her father transferred to the VA hospital, stating that the family had tried, but found that no space would be available until about the middle of next month.

In checking with the hospital, I found that the facts given by my constituent were quite correct. The hospital presently has a waiting list of 16 urgent cases, some of the patients being hospitalized elsewhere, and at least one instance where private hospitalization has used up just about all the patient's finances.

Mr. Speaker, I believe that a situation like this is positive indication that the proposal to enlarge VA hospitals should be made a definite project—and just as soon as possible. Our veterans deserve the gratitude of all Americans for the service they have rendered their country, and in my opinion, one of the best ways to express our gratitude is to assure that sufficient hospital space is available when the time comes that they have to call upon us for assistance.

I sincerely hope that expeditious action will be taken. Every day that passes with nothing being done to improve conditions at our VA hospitals adds to the urgency of the issue, and imposes additional strain and suffering on those waiting for the care to which they are entitled.

THE INEQUITY IN FINANCING SOCIAL SECURITY

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. Martin] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, earlier this month the House acted on the Social Security Amendments of 1965, H.R. 6675. On the two rollcall votes concerned with the final passage of this legislation, I voted in favor of the Republican substitute and against the majority bill which included the compulsory medicare plan financed by a regressive payroll tax.

At the time of the debate I said:

> I object to medicare because it is needlessly compulsory and because it is financed by a regressive payroll tax that will reduce the take-home pay of many people who cannot afford to pay additional taxes. * * * I also share the view expressed today that the inclusion of service-type benefits in the social security program may impair the ability to meet future cash benefit obligations.
>
> It is in part because of my business background that I am gravely concerned over the payroll tax burdens that will result from this bill. We are proposing to take almost $5 billion more in taxes next year just for social security purposes. The present $17 billion that we now collect in social security taxes will almost double by 1972 and the total will continue to mount after that.

During my remarks on the House floor, I associated myself with the able expression of additional separate views by my colleague, the gentleman from Virginia [Mr. Broyhill], who serves as a member of the Committee on Ways and Means, as his views are set forth in the committee report beginning on page 258. Mr. Broyhill and I were among the cosponsors of the eldercare approach to meeting the health needs of our senior citizens under a voluntary program made available to those individuals requiring Government assistance. In his views, Mr. Broyhill called attention to the fact that with the medicare proposal we were adding many billions of dollars to the more than $300 billion of existing unfunded obligations of the OASDI system. It was pointed out this unfunded condition of the system would mean that the younger and future members of our working population would be subjected to the inequity of having to pay not only the cost of their own benefits, but also the cost of beneficiaries who had preceded them in the program.

Mr. Speaker, as our young citizens become aware of the fact that social security is not the bargain it now appears, we will find a growing resentment developing with respect to the prodigality with which we have approached our responsibilities in financing social security. When this realization comes, we will find more sound than soundness in regard to social security financing. In this connection, it should be borne in mind that it is not a question of whether a Member is for or against the old people when he stands for a social security system that is responsibly financed. Indeed, the converse is true. A willingness to underfinance social security is a measure of the extent to which a Member of Congress is willing to go in imposing our tax burdens on the next generation.

Mr. Speaker, in the current issue of Barron's, there is an article captioned "Robbing Peter—A Critical Look at the Pending Social Security Bill." It comments on the financing aspects of social security. This article should be read by every American who has any interest in keeping our social security system on a sound basis. Accordingly, I include this article as a part of my remarks at this point in the RECORD:

ROBBING PETER—A CRITICAL LOOK AT THE PENDING SOCIAL SECURITY BILL

(By Shirley Scheibla)

WASHINGTON.—"Because social security recipients have been getting benefits 10 times as great as what they have paid in, people seem to think we have a special machine here which turns out $10 bills for $1 bills," says a top official of the Social Security Administration.

Since the SSA possesses no such wondrous device, it is counting on future contributions in excess of benefits to make ends meet for its old-age, survivors, and disability insurance. The present benefits-contributions ratio will grow even more unfavorable if the Senate enacts the social security bill, H.R. 6675, recently passed by the House.

The benefit-payment ratio for persons already retired obviously is responsible for much of the enthusiasm for the bill, which contains not only medicare but also a 7-percent increase in cash benefits. Retirement contributions, however, have been stepped up even more.

PUBLIC IGNORANCE

Says one official: "Continued general support for the social security system hinges on continued public ignorance of how the system works." He adds: "I believe that we have nothing to worry about because it is so enormously complex that nobody is going to figure it out."

Barron's hereby takes on the job.

The SSA worked up the following table, which purports to show that benefits in every age group exceed contributions.

	Retiree age 71	Worker now age 50	18-year-old future worker
Total contribution	$1,290	$5,832	$10,212
Retirement benefits	13,422	14,094	14,205
Wife's and widow's benefits	9,363	9,831	9,909
Total benefits	22,785	23,925	24,114

The table warrants close scrutiny. Based on maximum contributions and benefits, it includes only amounts paid by employees, even though employers pay matching amounts for their benefit. It also excludes interest which the money could have earned for the contributors if it had not been tied up in social security funds.

This approach, however, is far from realistic. To cover the true situation, the table would obviously have to include both interest and the employer's contribution. Starting with the 71-year-old retiree, and calculating interest at 3 percent (approximately the average national rate during the period of his contributions) would produce a figure of $3,373, against benefits of $22,785. Actuarially, he can expect to live to 79 to collect this amount. The 7-percent increase in cash benefits under H.R. 6675 would raise his benefits to $24,379. His contributions, of course, would not thereby increase, since he no longer makes any.

As for the 50-year-old worker, by including the employer contribution and interest at 3 percent during 1960 and 4¼ percent thereafter (again, the national average for the period) his total payments come to $22,856, against benefits of $23,925—if he lives long enough. The actuarial table used by the Internal Revenue Service for taxing annuities indicates he can expect to live to only 75½, whereas SSA has assumed he will live to 79.

The new bill would require this worker and his employer to contribute an extra $4,240 for retirement. At the same time, the bill's 7-percent increase in cash benefits would mean $1,667 for him. Thus, if H.R. 6675 becomes law, the 50-year-old worker can expect to make contributions of $26,012, including interest, against benefits of $25,592.

As for the 18-year-old, including the employer's contribution and figuring interest at 4¼ percent for the latter's 46-year working life (assumed by SSA) gives a total of $61,596, against $24,114 in benefits. For this contribution the worker could purchase from a private company a monthly annuity of $463 for life, after retirement. His maximum benefit under social security would be $254 a month.

MONTHLY ANNUITY

Under the new bill bill, H.R. 6675, employer-employees retirement contributions for the 18-year-old with 4¼ percent interest, would come to $84,300. The 7 percent increase in cash benefits would bring the latter to only $25,802. For this amount, the worker could purchase from a private company a monthly annuity of $634 for life. His maximum benefit under social security would be $312 a month.

The benefits figured may be high under both present law and the pension bill because SSA has assumed the youngster will retire at 67 and live to the ripe old age of 79. But the Internal Revenue Service actuarial table assumes that an 18-year-old today can expect to live to only 71.9. SSA in any case, has adopted a policy of robbing Peter to pay Paul.

Obviously, those who are urging Congress to be still more generous are thinking chiefly of people already retired or close to retirement. Few of these enthusiasts realize, however, that OASDI has been in operation for only 28 years and that therefore no one has paid social security taxes for his whole working life of 46 years. The system took in an additional 10 million people as recently as 1951, when new legislation covered farm and domestic workers. Another 7½ million members were added only 10 years ago, when coverage was extended to some self-employed. H.R. 6675 would take in still others, including waiters and additional professional workers.

A REAL BONANZA

For the 20 million retirees collecting today, social security is a real bonanza. For those who turned 65 a few years after entering the system, it represents a windfall. For new workers, however, today's largesse will be a crushing burden because, in order to pay Paul, SSA must rob Peter.

Neither SSA officials nor members of the Ways and Means Committee make any bones about the prospect that future contributions will pay the bill. This, they point out, is the great difference between social insurance and private pension plans.

The latter should have enough in the till to fulfill all obligations without counting on any new entrants. But under a compulsory system, the experts explain, they can count on the taxes on new workers coming into the system. SSA officials insist that an employer's social security taxes are for the social good, not for the individual good of the worker on whose earnings they are based.

Whether SSA will be able to sell this idea remains to be seen. Ray M. Peterson, vice president and associate actuary of the Equitable Life Assurance Society, has his doubts. Says he: "We may expect from sophisticated, market-oriented employers, and from labor union experts increasing dissatisfaction with the disparity between what OASDI promises and what could be secured under a private plan."

Some dissatisfaction already is becoming apparent. Students at Northern Illinois University have formed a young citizens council, to combat exploitation of young taxpayers under the social security program. Commented the Chicago Tribune; "They think it only fair that the young taxpayer who is getting set on a job and starting to raise a family should pay lower social security taxes than older persons who have to pay only a few years before they start receiving benefits."

Nobody knows the exact debt young workers will have to pay. Back in 1962, when the SSA last figured out its unfunded liability for OASDI, it totaled $321 billion. Now the experts think it may come to $330 billion or more. Just for present members, according to SSA officials, passage of H.R. 6675 would mean an additional liability of $40 to $50 billion for increased cash benefits and another $35 billion for medicare.

At the end of last year the old-age and survivors insurance trust fund totaled $19.1 billion, compared with a high of $22.5 billion 8 years ago.

The story is even worse for the disability insurance fund. When Congress created it in 1956 to finance disability payments, authorized then for the first time, much was made of the fact that the disability insurance fund was set up separately from the OASI fund. Congress developed a habit, however, of enlarging disability benefits more than it enlarged the fund. Last year disbursements exceeded receipts by $188 million, and the fund shrank to $2 billion at the end of the year. By 1969, under present law, it is expected to fall to $81 million.

The following table shows how the combined unfunded liability has increased since 1956:

[In billions of dollars]

	Taxes plus trust funds	Value of benefits	Unfunded liability
1956 act	217	486	269
1958 act	254	543	289
1960 act	276	587	311
1961 act	304	625	321

INCREASED BENEFITS

The unfunded liability has risen even though both the tax rate and the taxable earnings base have grown over the years. One difficulty, of course, is that each time Congress raises contributions, it also increases benefits.

When the system started out in 1937, the maximum earnings base was a mere $3,000, and employer and employee each paid a tax of 1 percent. The rate was to go up to 1½ percent each in 1940, to 2 percent in 1943, 2½ percent in 1946, and 3 percent in 1949. To reduce the burden of social security during World War II, however, Congress temporarily suspended the scheduled increases. By 1950 the combined tax went to 3 percent, and the following year the base went up to $3,600. In 1954 the rate rose to 4 percent, and the following year the base rose to $4,200. In 1956 Congress provided for the first cash benefits for disability, and the following year the rate went up to 4½ percent. In 1959 the rate became 5 percent, and the base $4,800. The next year, the rate increased to

6 percent. Another quarter percent was added in 1962. In 1963 it went up to 7½ percent.

Congress has always felt that the tax rate must not exceed 10 percent. This ceiling however, has been pierced in H.R. 6675. The following tables show what would happen to the combined tax rate and maximum contributions, under present law and under H.R. 6675.

Combined employer-employee contribution

[In percent]

Year	Present law	H.R. 6675	Amount [1]
1965	7.25	7.25	------------
1966	8.25	8.70	0.70
1967	8.25	9.00	1.00
1968	9.25	9.00	1.00
1969–70	9.25	9.80	1.00
1971–72	9.25	9.80	1.00
1973–75	9.25	10.70	1.10
1976–79	9.25	10.80	1.20
1980–86	9.25	11.00	1.40
1987 and after	9.25	11.20	1.60

[1] Portion of H.R. 6675 tax required for basic health insurance program.

Combined maximum contributions

Year	Present law	H.R. 6675 without medicare	H.R. 6675 with medicare
1965	$348	$348.00	$348.00
1966	396	448.00	487.20
1967	396	448.00	504.00
1968	444	448.00	504.00
1969–70	444	492.80	548.80
1971–72	444	580.80	646.80
1973–75	444	633.60	706.20
1976–79	444	633.60	712.80
1980–86	444	633.60	726.00
1987 on	444	633.60	739.20

Even these contributions do not assure the actuarial soundness of social security. In its last annual report, the board of trustees figured things out on the basis of high, low, and intermediate cost estimates, and on both a 75-year and perpetuity basis.

On a high-cost and perpetuity basis, benefits will come to 10.83 percent of payroll, and contributions will total 9.11 percent, producing an actuarial imbalance of 1.72 percent. On the intermediate cost estimate, however, contributions will total 9.11 percent and benefits 9.35 percent, leaving an imbalance of 0.24 percent, just within the limit of 0.25 percent which Congress has considered acceptable. Figured on a 75-year rather than a perpetuity basis and on intermediate costs, contributions will total 9.10 percent and benefits 9.09 percent, leaving the minuscule positive balance of 0.01 percent. With low costs and a 75-year basis, it is possible to show a positive balance of 1.13 percent. The figures, in short, can be juggled to show whatever one wants.

The Ways and Means Committee has chosen the figures which show a positive balance of 0.01 percent. It says H.R. 6675 would shift this "to a lack of balance of 0.08 percent, which is below the established limit within which the system is considered substantially in actuarial balance."

However, if the past is any key to the future, contributions will have to rise and liberalizing of benefits will follow, in a dizzy spiral. As employers' social security payroll taxes go up, their operating costs will rise. With increasing amounts deducted for social security, employees are likely to ask for wage increases to maintain their take-home pay. Faced with these twin developments, employers probably will raise prices. With higher prices, however, social security checks won't go so far, and beneficiaries again presumably will pressure Congress to boost monthly benefits.

In H.R. 6675 Congress seems to feel that it can slow down this process by giving up financing solely through social security taxes. For persons over 65 who are not eligible for medicare benefits from the general funds of the Treasury, the latter also would be used to match $3 monthly benefits; it would finance voluntary contributions from persons over 65 who want insurance to cover doctor bills.

Some observers feel that the introduction of general Government contributions is the first crack in the dike of financial controls maintained by payroll taxes. They expect some future Congress to decide that if workers and employers object to more than a 10-percent levy, the Government could keep on liberalizing social security and make up the difference from the Treasury's general funds.

SSA officials maintain, however, that there is a limit to how much the social security system can obtain from the latter source without necessitating an increase in the income tax.

The Ways and Means Committee has made much of the fact that H.R. 6675 sets up a separate fund for medicare benefits. Representative GERALD R. FORD, Republican, of Michigan, contended during the floor debate on H.R. 6675, however, that the trust funds will not be inviolate. "I need only point out to you that in this bill now before us is a provision increasing the allocation of funds to the disability trust fund to the detriment of the OASI fund," he declared.

Congress is as aware as anyone that there is no such thing as a free lunch—or free retirement or medical benefits. It is, however, much more concerned with the voters of today than with the youngsters who will pay their bills in the future.

This is an appropriate time, then, to recall what the Ways and Means Committee said 10 years ago: "We should take sober warning that, in our zeal to provide ever-greater benefits and to provide against an ever-wider area of need, we do not destroy the very system which we have created."

OBSERVANCE OF 50TH ANNIVERSARY OF MASSACRE OF ARMENIANS BY THE TURKS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Illinois [Mr. DERWINSKI] is recognized for 1 hour.

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent that I may extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, 50 years ago this week the Turkish atrocities and mass murders against the Armenian population of the then Ottoman Empire commenced. The slaughter by the Turks of the helpless Armenian civilian population was the first great genocide of modern times.

I call upon the Armenians throughout the United States to expand their program of commemorating the 50th anniversary of the Turkish genocide of the Armenians not only to develop proper world opinion in support of justice which the Armenian people have not received but also to point out the unpunished Turkish genocide, a precedent which has resulted in the slaughter of additional millions of people in struggles since that time.

Just 6 years ago the people of Tibet were the victims of Chinese Communist genocide, and the world was silent just as the world was silent during the deliberate famines created by the Soviet Government against non-Russian peoples of the U.S.S.R. in the 1920's and 1930's.

The acts of genocide perpetrated by the Nazis during World War II might not have occurred had world justice been applied against the Turks in 1915. The postwar acts of genocide by the Soviet Union against the Baltic peoples could have been averted had world justice moved to support the Armenians in 1915.

On Monday in the House of Representatives Archbishop Hrant Katchadoorian, prelate of the Armenian National Apostolic Church of North America, delivered the invocation. This afternoon Archbishop Katchadoorian delivered the invocation in the other body. He signifies the united, active participation of the American Armenian community in commemorative events in observance of the great tragedy that befell the Armenian nation.

Last Sunday evening in Boston the commemorative committee on the 50th anniversary of the Turkish genocide of the Armenians sponsored a banquet in Cambridge, Mass. The main address was delivered by Prof. Setrak Benjamin Minas, national chairman of the commemorative committee. I include his address in the RECORD at this point as part of my remarks:

SPEECH BY PROF. SETRAK BENJAMIN MINAS, NATIONAL CHAIRMAN OF THE COMMEMORATIVE COMMITTEE, ON THE 50TH ANNIVERSARY OF THE TURKISH GENOCIDE OF THE ARMENIANS

In April 1915 the Turkish Government began the planned mass murder of the Armenian people. This marked the 1st act of genocide in the 20th century. Over 300 years of periodic massacres and pillage and constant oppression culminated in the indiscriminate murder of 1½ million Armenians in 1915, and the deportation of over 1 million more under conditions so incredibly inhuman as to shock the sensibilities of the civilized world. All Armenian property was confiscated or destroyed.

Thus the 20th century began with this massive attempt to murder and to extirpate an entire people; an attempt to obliterate its entire culture; and did rob the Armenians of their entire material wealth. Never before, in the memory of living men had a crime of such enormity and viciousness been conceived and executed by a government. Of this appalling subhuman crime, the Government of Turkey in 1915 stands condemned, but unpunished, by documented history.

I refer to the book entitled "The Treatment of Armenians in the Ottoman Empire," published by the Houses of the British Parliament as an official paper. I quote from page 653:

"In one way or another, the Central Government (of Turkey) enforced and controlled the execution of the scheme, as it alone had originated the conception of it; and the Young Turkish Ministers and their associates at Constantinople are directly responsible, from beginning to end, for the gigantic crime that devastated the Near East in 1915."

Impartial history places the blame for this horrendous crime on the Turkish Government of 1915. This shocking tragedy is further compounded in 1965, when the Turkish representative in the United Nations and current Turkish news releases refer to this mass murder as the "alleged massacres of the Armenians," and then Turkey piously declares "the act of genocide can never be excused."

When the Turkish Government of 1965 attempts to pervert documented history, it discloses a studied ignorance and indifference that leads one to agree with the words of Viscount Bryce, "Can anyone still continue to hope that the evils of such a government are curable?" It is this Turkish Government that is allowed to sit as a member in the United Nations, and is permitted to use a civilized forum to express and to perpetuate its uncivilized character. The United Nations was established by civilized nations with the moral purpose of replacing the rule of force with the rule of law. An organization with a moral purpose cannot permit the membership of an amoral nation. The Turkish Government should sit in the defendants dock accused of a heinous crime, and not as a member of an organization seeking to act as a moral force. This travesty of logic and morality reduces this potentially great organization to a sham and a mockery. The United Nations must take a firm position on the side of good against evil. In the words of a great American, "Nonconformance with evil is just as important as conformance with good." If the majority of the member nations in the United Nations do not subscribe to international morality and justice, the minority of the member nations ought to resign their participation; if the majority of the member nations firmly believe in equal justice for all peoples, then it is their duty to courageously guide the United Nations to the achievement of its moral purpose.

In 1915, Talaat Pasha, Turkish Minister of the Interior and one of the chief architects of the genocide of the Armenian people, declared, "We will give the Armenians such a blow that there will be no Armenian Question for fifty years."

The year 1965 marks the end of the fifty years. Talaat Pasha is dead! The Armenian Question remains alive! One and one-half million Armenian voices were forever stilled in 1915—but in 1965, the resonant voices of their children and grandchildren ring out to remind the civilized world of the Turkish crime that defies human comprehension; to remind the civilized nations that the Armenian Question is still on the agenda of unfinished business.

For 600 years the Turkish Government attempted to destroy the identity of the Armenian people. But, the Armenian and his culture still live. Because the Armenian has always placed himself on the side of good against evil, he has become the indestructible Armenian.

The Turk of 1965 has inherited a legacy of guilt. The Armenian has inherited a legacy of noble adherence to God and to the Right. It is this noble heritage that makes the Armenian indestructible.

The indestructible Armenian on this Memorial Day declares that no nation or combination of nations has the legal or moral license to deny him his sovereign rights. As Pope John XXIII said in his "Pacem in Terris," the rights of men and governments stem not solely from human consent, but from the design of the Creator. The sovereign rights of the Armenian stemming from "the design of the Creator" cannot be abrogated by the Treaty of Lausanne. That which has been bestowed by God, only God can take away.

The avowed purpose of all civilized nations is to secure a universal peace which still remains beyond their grasp. The Armenian people would remind the free world that the only basis of a universal peace is the establishment of the principle of equal justice under the law, to be applied to the rights of all peoples. There can be no segregation in the application of human rights.

In the gigantic confrontation today of the forces of the free world, and the forces of evil, hundreds of millions of people stand uncommitted to one side or the other. Each side condemns their neutrality. It is not understood that these peoples are not being given the choice between good and evil, but only a choice between conflicting military power. Their posture of neutrality holds for them less danger than a choice that might become disastrous by the unpredictable shifts of modern weaponry. The neutral nations are wooed with money, when it is the morality of the Wilsonian doctrine they are seeking.

The Armenian question is the oldest unsettled business of the civilized world. I submit that if the Armenian case were reopened today and a just verdict were rendered, a long-lost faith would be rekindled in the hearts of the neutral peoples giving them the courage to arrange themselves on the side of good and the free world.

The disease infecting the free world today is lack of courage. It requires more courage to seek peace than to wage war; more courage is demanded to administer equal justice under the law, than to bow before the demands of political expediency.

The prerequisite of justice—unshakable courage. To stand for right against wrong.

The indestructible Armenian will continue to remind the world that genocide is a crime against the law of God—and remains a crime whether the nations of the world ratify or ignore the convention of genocide.

The indestructible Armenian, in defense of civilization, and in defense of his inalienable rights, will continue to appeal to the conscience of the free world for a just solution of the Armenian case.

The salvation of the human race lies in the renaissance of that conscience.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman from Illinois [Mr. DERWINSKI] for calling the attention of this House and of the Nation to the subject of this 50th observance of the massacre of the Armenians. I want to associate myself with the remarks of the gentleman and congratulate him for his work in this behalf as well as in behalf of freedom-loving peoples throughout the world.

Also, I want to commend the gentleman for his sponsorship and his leadership in the matter of the Captive Nations Resolution and all of the other great freedom-seeking efforts in which the gentleman has taken part.

I take particular interest in this subject because of a large Armenian community in the district which I represent, particularly in the area of Waukegan in Lake County, Ill., and the very fine citizens of Armenian descent who now occupy positions of leadership in the business, civic and political life of the congressional district which I serve. I direct attention, for instance, to the distinguished mayor of the city of Waukegan, a gentleman by the name of Robert Sabonjian, who is of Armenian descent. There are also many other public, civic, and business leaders in this area, of Armenian birth or descent, who have gained the respect of the entire community and who are intensely interested in the matter of this 50th observance. I am proud to join with them and with the gentleman from Illinois [Mr. DERWINSKI] in paying respect to the Armenian nation which some day, we hope, will be restored to full identity and full statehood.

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman from Illinois [Mr. McCLORY] for his pertinent comments and point out to the Members of the House that in addition to his very busy legislative schedule, he has been especially helpful in cooperating in the Illinois area with commemorative events this year.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Speaker, I thank my able colleague from Illinois for yielding to me. I wish to commend the gentleman for having had set aside this time today that the Members of the House of Representatives of the Congress of the United States could express our undying friendship for those of Armenian blood or descent and our sympathy for those who suffered cruelly in the tragedy of a half a century ago. That tragedy I remember so vividly, for a member of one of the Armenian families numbered among its victims escaped to the United States and was in my office.

Mr. Speaker, the men and women of Armenia during the wars have had a strong faith, an abiding faith, in God.

Among the unspeakable horrors and terrifying deeds of the First World War, the massacre of more than 1 million helpless and innocent Armenians in Turkey stands as the foulest crime. It was not caused by the war, although the war did provide the setting in which the foul act could be carried out with impunity. For the war tied the hands of all friends of the Armenian people, and no sympathetic European government could help them in their gravest national crisis.

Historic Armenia was conquered by Ottoman Turks more than 400 years ago, and Armenians thus became Ottoman subjects in their homeland. There they lived under oppressive alien rule, and were also subjected to pillage and plunder by other peoples, especially the wild and unruly Kurds. During all that time, helpless and unarmed Armenians were at the mercy of these lawless elements, for the Turkish Government made no effort to check such lawlessness on the part of its unruly subjects. Year after year Armenians complained of these outrages to the government, of the physical violence committed by the Kurds and others against them, of the way they were robbed and manhandled by these armed and uncontrolled bands. They asked the Government for its aid, feeling that if it were unable to provide it, then they should at least be allowed to arm themselves in self-defense. The Government promised to aid the Armenians, but that promise was never made good. Moreover it would not allow the Armenians to arm in self-defense, even though the Kurds and other non-Christians were allowed to bear arms. Such an absolutely unfair and discriminatory policy brought about a very precarious and dangerous situation for the Armenians, and they were in a very serious dilemma. This was the situation from the end of the 19th century until the outbreak of the First World War.

In the meantime the Turks developed their own plan for taking care of the Armenians' problems as became evident soon after the outbreak of the war. Taking Germany's side in that war, the Turks felt they were in a position to carry out their evil design of eliminating the Armenian element in Turkey, for none of the foreign governments sympathetic to the Armenians would be able to intervene on their behalf. Unfortunately, in this the Turks were correct; there was no one to restrain their deadly hands, and no power could stop them in their murderous task.

Their plans were carried out so effectively and efficiently that of the 2 million Armenians then living in the Ottoman Empire, more than 1 million died by the end of 1915. Half of these were massacred outright, while the rest were starved to death, or lost their lives under unbearable hardships during their forced deportation. In this national genocide Armenians by the hundreds of thousands were sold into slavery, while some managed to escape into Russia and Persia.

Such was the fate of the most industrious, enterprising, and progressive element in the Ottoman Empire. In one foul campaign they were eliminated from the land where they and their ancestors had lived for thousands of years. It was the most tragic blow struck against this helpless and peaceful national group in their long and turbulent history. In the past these people had experienced hardships, had put up with oppressive alien rulers, and some had even been massacred. But at no time in their national history were they subjected to wholesale and indiscriminate massacres until in 1915. This was done to them by their heartless overlords, the Turks.

This year marks the 50th anniversary of that national tragedy, that first case of genocide in modern history, perpetrated by the Turks in 1915. Armenians throughout the world are observing this sad anniversary with due solemnity, and their friends join them in paying tribute to the victims of that unspeakable crime against humanity.

Mr. DERWINSKI. Mr. Speaker, I am especially pleased that so many Members of the House have seen fit to participate this afternoon in this special order. Earlier in the week and during sessions last week, other Members have spoken on the subject of this year's commemoration of the Turkish genocide against the Armenian people.

Mr. GERALD R. FORD. Mr. Speaker, with mixed emotion we mark the 50th anniversary of the Turkish genocide of the Armenian people.

In taking special notice of the shocking events in 1915, we observe this anniversary with sorrow in recalling the massacres of Armenians and with pride in saluting those brave patriots who survived the attacks to fight on the side of freedom during World War I.

The stouthearted Armenian people who escaped the terror, murder, and carnage set an example for the free world by their devotion to the cause of freedom and by their tremendous personal sacrifices.

I join my colleagues in pausing to extend our deep sympathy to thousands of Americans whose Armenian forefathers fought for freedom with our war allies and who have given so much of themselves to make this a better country, and a strong one.

Mr. DINGELL. Mr. Speaker, the Armenian people were the helpless victims of the First World War. They lost all their wordly possessions, and more than 1 million of them died through wholesale massacres and famine. All this terrible holocaust took place in Turkey in 1915. At the beginning of that year there were about 2 million living in the Ottoman Empire. There they had lived for many centuries, long before the coming of the Ottoman Turks into Asia Minor. In their ancient homeland in eastern Asia Minor, they had somehow fended for themselves and had preserved their distinct ethnic status. They were successful in doing this even under the Ottoman Turks for several centuries, but toward the end of the last century, when all other non-Turkish subjects of the Turks had secured their freedom, it was natural for the Armenians to work for the improvement of their unhappy lot.

With that in mind, they asked the Turkish authorities for help, for reforms in areas where they formed a considerable portion of the population. In particular they asked for protection against the unbridled brigandage and violent acts of the Kurds. The Government promised to do something, but nothing was done. Then in desperation Armenian leaders appealed to European governments for aid.

These governments had already shown serious concern over the fate of the Armenian people in Turkey, and they advised the Turkish Government to introduce administrative reforms to improve their lot. The Turks agreed to introduce certain reforms, but they felt that European interference in their internal affairs was uncalled for, and they blamed the Armenians for this. The Turkish authorities were furious, and they seem to have decided to teach the Armenians a lesson.

Early in the First World War, this lesson took the form of the wholesale massacre of Armenians in all parts of the Ottoman Empire. In the execution of this inhuman measure the Turks were efficient and thorough. Before the end of 1915 nearly all of the 2 million Armenians had been uprooted from their homes and about half of them had been massacred and starved to death, while most of the survivors either became refugees in nearby lands, or were serving as slaves in Turkish homes. Such was the tragic fate of the Armenians in Turkey in 1915, and today the 50th anniversary of that national tragedy is being observed in all Armenian communities throughout the world.

Mr. BATES. Mr. Speaker, back in 1939, Adolf Hitler contemptuously asked the members of the Third Reich: "Who, pray say, remembers the Armenian massacres today?" He recognized that the world had not acted to redress the heinous genocide which the Government of the Turkish Empire launched against the Armenians on April 24, 1915. But today there is a determination among freedom-loving people everywhere that neither the mass murders of Hitler's Germany nor the atrocious massacres of the Armenians will ever be forgotten.

As we pause to commemorate the 50th anniversary of the World War I Turkish outrage, a World War II concentration camp in Germany is being unveiled as a permanent museum and reminder of the acts of other madmen. Never again let it be said that the world does not remember.

However, as new generations come along, there always seem to be those who believe that "it can't happen to us." We have in America and other Western nations today those who would have our country turn its back on aggression and oppression by modern-day practitioners of fear and intimidation—yes, and genocide. May God help all doubters to understand and rally against any repetition of such lessons in history as on those ignominious pages of 1915–18.

More than 1 million citizens of the Armenian nation were slaughtered and another million displaced at the hands of the Turkish brigands. Yet, those who survived went on to become what President Wilson affectionately called "our little ally" of the First World War. Their contribution to the American victory was great, inspired by the martyrdom of those who lost their lives in the cause of freedom.

It is incredible that such an all-out attempt to annihilate a whole race of people should have been started in Turkey in 1915, particularly in view of nearly a century of bloody massacre after bloody massacre, in which hundreds of thousands of Armenians, Greeks, Syrians, Maronites, and Bulgarians were slain by the Turks. But the bloodiest of all the Turkish massacres did take place a scant half century ago.

Hopefully, the rapidity of modern communication and the prospect of prompt retaliation from peace-loving countries will deter future despots from repeating such acts of wholesale barbarism. But we cannot leave it to history books alone to express our contempt for genocide or anything closely resembling it. We must continually remind the world as we are doing today—so that the sacrifice of the Armenians, and others like them, shall not have been entirely in vain.

Mr. Speaker, we in the United States are proud of the people of many races and creeds who have made our Nation great. Those of Armenian descent have contributed notably to the preservation and proliferation of the American way of life. I salute them particularly at this time as we honor the memory of their forebears in their former strife-stricken homeland.

Mr. JOELSON. Mr. Speaker, I think that our colleague, the gentleman from Illinois [Mr. DERWINSKI], is performing a valuable service in reminding the people of the United States of the brave history of the Armenian people.

I want to express my own personal admiration for the gallantry which Armenians have displayed in their fight for freedom.

In the congressional district which I represent, many Americans of Armenian descent have proven that they can render the same great service to this Nation as their ancestors have rendered in the past in their homeland.

They are warm, friendly, hard-working people who are respected and admired in their community.

I am proud and pleased to hail them and wish them well.

Mr. DANIELS. Mr. Speaker, today we are observing the 50th anniversary of one of the greatest crimes against humanity in the history of the world, the murder or deportation of almost 2 million Armenians by the Turks.

What happened 50 years ago was part of a plan to obliterate the Armenian people from the face of the earth. Clearly, the Turks were guilty of the most heinous of crimes, genocide, the attempted murder of a whole people.

It is easy to blame only the Turks for this terrible crime. But in a larger sense all the people of the world can share in the guilt for the awful happenings which occurred in this ancient land, for the world treated this monstrous crime with an attitude of almost complete disinterest.

In the Bible we read of the certain man who rode down from Jerusalem to Jericho and fell among robbers and after being robbed and beaten, lay in a ditch while two priests passed him by despite his obvious need for aid. Fifty years ago, the so-called civilized world behaved toward the Armenian people as those two priests did toward the man who had been robbed and beaten.

In that same Biblical story, a certain man out of Samaria, that most despised of lands, came to the aid of the victim after the two lordly religious leaders had ignored his plight.

So many years have passed since those terrible days that there is very little that we can do to right the wrongs that were committed, other than to utter a silent prayer that one day the Armenian people shall come into their rightful inheritance. We can, however, resolve to always emulate the way of the good Samaritan.

There are very few Armenian families who were not personally touched by the great massacre. It has left a scar that time will never wipe out. To the descendents and relatives of the victims we who did so little in their time of need can only say mea culpa.

Mr. LONG of Maryland. Mr. Speaker, 50 years ago this year one of the most cold-blooded and savage attempts to eradicate a people from the face of the earth took place: the massacre of hundreds of thousands of helpless Armenians by the troops of the Ottoman Turkish Empire. Seeking only their freedom from the tyranny of the Sultan, the Armenians were subjected to a campaign so ruthless in its effects that, despite the intervening barbarities of Hitler Germany, the mind boggles at its severity and magnitude.

The Armenians established themselves in the Transcaucasus hundreds of years before the birth of Christ, and became an important part of the mosaic of peoples and cultures which made up the past as well as the present Middle East. It is only in recent years, as the spade of the archeologist digs deeper into the history of man, that we are beginning to learn of the contributions made by the Armenians. Yet, for centuries they were used by this power or that power in order to fulfill selfish ends. And, when their very existence as a people was threatened, no one offered assistance.

We should remember this event and this people. We should remember the massacres as a symbol of the futility of carnage as a solution to problems of race or creed, and we should remember this people as a symbol of the will of all peoples to live according to their own traditions, in freedom.

Mr. GRABOWSKI. Mr. Speaker, the Armenian tragedy of 1915 was the saddest heritage of the First World War for the Armenian people. Even in their long and turbulent history, full of trials and tribulations and massacres, the tragedy of 1915 was quite unprecedented in its immensity and extent. It is difficult if not impossible to comprehend the nature of this tragedy, which, in less than 1 year, uprooted nearly all of the 2 million Armenians in Turkey. More than 1 million Armenians died while many hundreds of thousands were condemned to involuntary servitude in Turkish households and others were sold to Arabs and Kurds as slaves. As if by some unaccountable stroke of fate, the Armenians in Turkey were singled out and carried off from an area three times the size of the New England States, with most of them doomed to certain death. The monstrous machinery which the rulers of Turkey had devised for bringing on this wholesale deportation and massacre worked so effectively and ceaselessly, that even before the end of that year they were congratulating themselves for ridding Turkey of its Armenian population.

There are so many causes for this tragedy, so many alleged and actual reasons for Turkish cruelty toward the Armenians that it is not easy even now to list and catalog them in full. While I will try to enumerate and elaborate on some of these causes, it would be well to begin with some background information on Armenia and the Armenian people.

Armenia is the name of the country in the high, mountainous plateau in the eastern and northeastern part of Asia Minor, with an area of about 100,000 square miles. This area has been the homeland of the Armenian people for at least 2,500 years, and perhaps for a much longer period. Today more than four-fifths of this area form part of Turkey. Only a small portion in the northeasternmost part, about 11,000 square miles, constitutes the Soviet Socialistic Republic of Armenia—an integral part of the Soviet Union. The most characteristic feature of the land is its high elevation, most of it ranging well over 3,000 feet above sea level, and some reaching up to and above 6,000 feet. Armenia is a rugged and rough country, with a rather temperate climate, quite cold in winter and severely hot in dry summers. Only part of the country is productive agricultural land, but its fertile valleys and plains have produced abundant food under normal peaceful conditions for its hardy inhabitants. From most ancient days the country has been known as being rich in mineral and metallic natural resources, though to this day it has not been properly and adequately explored or surveyed.

The Armenian people have given their name to this land and have lived there. During the 9th–6th centuries before our era, part of the country was known by another name, Urartu. Centuries earlier the country was inhabited—in part, at least—by a people called Hurrians, who ruled over it during the 15th–13th centuries before our era. The coming of the Armenian people into the area and their origin is not quite clear. The generally accepted view has been that they came from Thrace sometime during the Greek migration to Asia Minor in the 11th century B.C., and then gradually moved to the Armenian tableland. More recently the prevalent view is that not all of the ancestors came from Thrace, but that many were of native stock, and the intermixture of these two groups gave rise to the Armenian people. Be that as it may, the Armenians lived in this land known by their name for more than 2,500 years, until their almost total elimination from that part of Armenian territory which is part of today's Turkey.

The long and turbulent history of the Armenian people has been sad and tragic. Throughout their history the Armenians have enjoyed peace and tranquillity in their homeland for only brief periods. Their homeland has been the bridge as well as the battleground of invading and conquering hordes from the east. Because of their geographic location, the Armenians have suffered in the course of wars between Rome and Persia, between the Greeks and the Arabs, between the Greeks and the Turks, and finally between the Persians and the Turks. Innumerable times their homeland has been partitioned between Rome and Persia, and between the Turks and Persians.

From the 7th to the 10th century Armenia was under the suzerainty of the Arabs. But by the mid-11th century Seljuk Turks overran the country. For several centuries the Armenian people were subjected to the oppressive rule of these Seljuk overlords. Then early in the 16th century nearly all Armenia was conquered by the Ottoman Turks, and from that time on, for four centuries, most of the Armenians lived under Ottoman sultans.

During their subjection to Ottoman Turks the Armenians struggled to maintain their national consciousness by keeping alive their national church and their language. Whenever they were oppressed by the Turks and whenever they felt the weight of the Ottoman yoke unbearable, they inevitably dreamed of the day when they could be free in their homeland, free from alien rulers. These aspirations were supported by their friends and sympathizers in the West. Late in the 19th century many Armenians felt that with the aid of European governments, they could obtain a measure of the autonomy to which they felt they were entitled. At the same time the Turkish Government, never admitting the validity of Armenian claims to equality and justice under the Turks, persecuted them for alleged conspiracy. Thus a very tense situation had developed by the turn of the century. The more the Armenian people pressed for some equality, the more the Turks resisted these Armenian claims. Numerous times the Turks resorted to mass murders and massacres, thereby hoping to discourage the Armenians from putting forth any claim for justice and equality. But such inhuman measures did not discourage the Armenians.

Massacres convinced the Armenian people that unless they could find a way of improving their unbearable lot, they were doomed to extinction as a distinct national community. And since they themselves could not bring about a change for the better, and since the Turkish Government was unwilling to do anything for them, they felt that the only way was to enlist the aid and assistance of European governments. As they made this move in desperation, they were overly optimistic. They felt that since these European governments had helped other Christian subjects of the Turks to attain autonomy and independence, these same governments would also aid them in their struggle. Of course we know today that this was a grave miscalculation on their part. For a number of reasons, these governments, though sympathetic with the Armenian cause, could not and would not aid the Armenians. And during World War I, when none of them could come to their aid, they were at the mercy of angry Turks.

During the decades preceding that war, when Armenian leaders were quite active in enlisting European sympathy for their cause, the Turks became suspicious of these moves. They felt that if European governments became too involved in Armenian affairs, they would use that as an excuse to interfere in Turkey's internal affairs. And the more these European governments showed some concern over the lot of the Armenian people, the more suspicious became the Turks. It seems that then the Turkish Government had its own plan for getting rid of its Armenian population at the first opportune moment, when none of the European friends of the Armenian people could come to their aid.

The War of 1914–18 offered them the opportunity. At the time, Britain, France, and Russia were stanch supporters of the Armenian cause; but, as all these governments were involved in the war against the Turks, they could not restrain the Turks in their inhuman excesses. In less than a year these callous and clumsy, but shrewd and wily Turks, succeeded in carrying out their design of ridding Turkey of its Armenian population through deportation, massacres, and slow death by famine and misery.

Today, 50 years after that tragic event, there are hardly any Armenians left in the historic Armenia that is part of the Turkish Republic, and only about 75,000 Armenians in certain Turkish cities remain of the once wealthy and prosperous Armenian community of about 2 million souls. Some fortunate ones who had survived this tragedy have since joined hands with their compatriots in the Russian-held portion of Armenia and have constituted their own Soviet Socialist Republic. On the 50th anniversary observance of this wanton genocide we do homage to the memory of its victims and wish peace and tranquillity to those living in a corner of their historic Armenia.

Mr. RODINO. Mr. Speaker, World War I caused misery and misfortune to many peoples, some being innocent victims of that war, but none suffered such irreparable losses as did the Armenians in Turkey.

Early in the war the Turkish Government publicized spurious charges that certain Armenian elements were fomenting uprisings and revolutions in the country, and on the basis of such unproved charges the authorities proceeded to eliminate all of the 2 million Armenians in the Ottoman Empire. Their plan was to get rid of the Armenians through deportation, famine, and wholesale massacres.

This hideous plan, carefully concealed until Turkey's entry into the war, was carried out in the course of 1915. Nearly all Armenians were uprooted from their homes, and many hundreds of thousands were massacred during the first few days of this forced deportation, while other hundreds of thousands were starved to death. Some saved their lives by escaping to nearby lands, and others were sold to Arabs, Kurds, and Turks as slaves.

In less than a year, this large, prosperous and industrious Armenian community in Turkey was no more. It was wiped out in the first case of genocide in modern history.

It is fitting for us today to honor the memory of the Armenian people who sought only to live peacefully in their ancient homeland. And in remembering the sufferings of the Armenian people we serve the cause of humanity by reaffirming this Nation's dedication to the ideals of liberty and justice for every individual.

Mr. HORTON. Mr. Speaker, I thank the distinguished gentleman from Illinois [Mr. DERWINSKI] for offering me the opportunity to join with him and many of our colleagues in this House in the commemoration of the 50th anniversary of the Turkish genocide of the Armenian people.

America properly recognizes this occasion because of our belief in humanity and because of the help the Armenian people gave the Allied war effort in World War I.

For decades and even for centuries the Armenian people in Turkey were known as the most enterprising and industrious racial element in the country. But soon after the First World War this people became known as the massacred Armenians and the starved Armenians. At the time no adjectives could describe these unfortunate souls more correctly, for in the year 1915 about half of Turkey's 2 million Armenians were massacred, and the survivors of this ghastly holocaust were starving. There is no denying of these horrors and terrors, this man-made hell on earth to which the blameless and defenseless Armenians were relegated.

No other event in the whole First World War was so shocking as this inhumanity of Ottoman authorities toward their Armenian subjects. They meant to annihilate through wholesale massacres, famine, and unthinkable tortures, all Armenians in Turkey, irrespective of age and sex. In this fiendish task they almost succeeded. Before the end of 1915 nearly all Armenians were uprooted from their homes, and not one Armenian was to be found, except in slavery, in the land which was their ancient homeland for thousands of years.

That event of 50 years ago, Mr. Speaker, is the national tragedy of the Armenian people. They are observing its sad anniversary everywhere, and I am glad to join them in paying tribute to the memory of the 1 million Armenians who were victims of Turkey's act of genocide in 1915.

Mr. HOWARD. Mr. Speaker, 50 years ago one of the most monstrous crimes ever perpetuated against a nearly defenseless people took place—the Armenian massacres. Although they have since been surpassed in fury by the actions of the Nazi Germans against the Jews shortly over two decades ago, this is no reason why they should be forgotten.

In the years before World War I, the Ottoman Empire, the last of the great multinational empires of the East, exercised dominion over literally scores of different peoples, races and religions. Decrepit and incompetent, it was called "the sick man of Europe." During its last years, many of the peoples within its borders sought to regain their freedom, and agitated for reforms. Among these were the Armenians, a people with a history and culture extending back into the millennia before Christ.

The advent of World War I and the preoccupations of the other powers unfortunately gave the Empire its opportunity to extract revenge. Beginning in the spring of 1915, it undertook a barbarous campaign designed to eliminate once and for all the imagined threat which the Armenians presented. Hundreds of thousands of innocents were slaughtered, and nearly all the remainder driven into exile.

It is worth recalling these events today as a reminder of the barbarity of man at his worst. At the same time, however, it is a more meaningful reminder that it is impossible to eradicate brave men anywhere. I therefore pay tribute to the Armenian people and their past tribulations, and wish them nothing but the best in the future.

Mr. HELSTOSKI. Mr. Speaker, the legacy of the First World War still weighs heavily upon all peoples involved in that international conflict, for all of them suffered by it. In some cases, however, certain minority groups suffered more during the war, and lost infinitely more than many actual participants in the war. The fate of the Armenian people in Turkey is a sad and tragic instance. There these unhappy people suffered the loss of all their worldly possessions, and their losses in human lives totaled more than 1 million people. And even more tragic is the fact that this loss was caused by carefully planned and effectively executed wholesale massacres by the Turkish Government.

For centuries the Armenian people had led a precarious existence as subjects of Ottoman sultans. They suffered under severe discriminations and disabilities. When they were attacked and manhandled by the Kurds, and when their homes were ravaged by unruly tribes, the Government failed to afford them protection; nor did it allow the Armenians to bear and possess arms in self-defense. Despite the fact that economically they were more prosperous than the indolent Turks and carefree Kurds, the Armenians were considered as second-class citizens by the Government and treated accordingly.

Toward the end of the 19th century, as other Christian subjects of Turkey regained their freedom with the aid of European governments, Armenians hoped that these governments would also help them to improve their unbearable lot. They did not expect just and fair treatment to be offered by the Turkish Government, but they felt that certain European governments could induce the Turks to be just toward them. Actually these governments did influence the Turkish Government to issue promises and make pledges with a view to introducing reforms in the Armenian provinces. All this seemed promising, and the Armenians were encouraged to look forward to the betterment of their unenviable lot. In reality, however, it turned out that the Turks resented deeply this European interference in their purely internal affairs. They thought that the Armenian leaders were responsible for Europe's intervention, and therefore they decided to teach the Armenians a lesson. They resolved to eliminate the Armenian element in the country, and thus once and for all put an end to the Armenian problem. World War I presented the Turks with the best possible opportunity to carry out their hideous designs with impunity.

At the beginning of the war there were about 2 million Armenians in Turkey. Early in 1915 nearly all of them were uprooted from their homes on the baseless pretext that they were plotting against the Government, and deported to distant Mesopotamian and Syrian Deserts. There, some were massacred with a brutality and cruelty rare in the annals of human history, while others were condemned to slow death by starvation. In this manmade holocaust, the first case of planned genocide in modern history, more than 1 million Armenians lost their lives in the course of a single year. Several hundred thousand Armenians were lucky enough to escape to neighboring countries, while a larger number of women and children were enslaved in Turkish, Kurdish, and Arab homes. In short, in 1 year during the First World War, the entire Armenian community in Turkey, consisting of the sinews and brains of Turkey's economic, industrial, and commercial life, was wiped out through wholesale massacres, deportation, and enslavement. That was the legacy of World War I to the Armenians who by sheer chance and good luck survived their national tragedy.

It is unfortunate and paradoxical that these people, who were the first to adopt the Christian faith as their state religion in the third century and who stoutly defended Christianity against paganism and Mohammedanism for more than 1,500 years, often at a terrific cost in human lives, could not obtain effective aid from their European friends. This nation of a few millions, though seldom allowed to enjoy tranquillity in their historic homeland, had rendered signal services to Europe's crusades in the Holy Land. And finally, this unhappy and unfortunate people, many of whom had enrolled abroad in the fighting forces of the Allied and associated Powers during World War I and fought gallantly in defense of democracy and freedom, were left to their unhappy fate at the end of the war.

On the 50th anniversary of this national tragedy we pay tribute to the Armenian victims of Turkish genocide and wish peace and tranquillity to the surviving Armenian people.

The great sacrifices of the Armenian people and their undying devotion to the cause of freedom will be spread upon the pages of history for all future generations. The Armenian fight for good government and their fight for human rights should not be forgotten. I am happy to be able to participate in paying tribute to these brave people and hope that their suffering for the cause of freedom and justice shall not have been in vain.

Mr. HANLEY. Mr. Speaker, April 24, 1915, a turbulent day forcasting many days of national and individual pain and sorrow, is a scarred, bloody marker in the chronicle of human suffering.

The security of peace and freedom as we in America enjoy it is almost totally unknown in the small nation of Armenia. This country has geographically and historically been the bridge and battleground of foreign forces. The strife erupting between Rome and Persia, between Byzantium and the Arabs, the Arabs and the Turks, exploded on Armenian soil slashing the ugly knives of hate and greed through Armenia's soul. Many alien masters have tried to impose their language and religion on these captives of history but the strong determination of the Armenians resisted and remained loyal to their consciences and culture.

For 400 years the Turkish Empire ruled over the Armenians. During this period the Armenians forecasted, faithfully fought, and waited for the day they could have freedom in their own homeland. Finally in the aging 19th century, the Armenians felt their endless plight could be realized with the aid of European governments. Simultaneously the Turkish Government, waiting for an opportunity to take severe action against their captives, persecuted the Armenians for alleged conspiracy and for fomenting disturbances.

This persecution formulated one of the most vile, inhuman chapters of ancient and modern books. On April 24, 1915, the Turks commenced vast massacres and at the end of that year, 1 million Armenians had been murdered at the hands of these dictators. The deadly hand of vengeance passed over every Armenian community smearing the land with blood, filling the Armenians with sorrow and desperation—slaughters carried out by a prearranged plan through monstrous machinery. A decree by the Turks had declared that all Armenians be disarmed. Armenian men had been drafted into an army. A public crier would announce to a town that all men were to report to duty—a rendezvous with death on a desolate road. Wives of these victims were killed or sold into slavery as were their children.

On April 24 we paid a solemn tribute to the thousands of Armenians who fifty years ago lost their lives for the sake of individual and national freedom—for the right of life with all its responsibilities and freedoms.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am proud to join with my distinguished colleague from Illinois [Mr. Derwinski] today in a tribute to the terrible sacrifice of a brave people.

The road to eventual universal freedom is bathed in the blood of patriots, to paraphrase Thomas Jefferson. In this long and weary journey toward liberty for mankind, the grandeur of the spirit of the Armenian people rises like a beacon in the dark night of the soul of the oppressed.

If we, as Americans in a free society, enjoy the privileges of liberty today, we owe a debt of gratitude to the Armenian people. They fought by our side in World War I; they resisted aggression on their own soil; they were overwhelmed by the numbers of those who opposed them, but the spirit they gave to the battle endures.

We pause, today, to remind ourselves of the legacy we have been given. We look back upon it. We profit from it.

And the spirit of all men is enlarged and ennobled because of it.

Mr. STALBAUM. Mr. Speaker, the Armenian people who were martyred 50 years ago through the Turkish genocide are almost forgotten in the moments of history so I take this opportunity to recall the courage of these courageous victims.

The Armenian nation was a great part of the Allied forces which gained victory against greed and tyranny in World War I and its contribution was overwhelming for so small a country.

In my hometown of Racine, Wis., I treasure my genuine friendships with surviving and following generations of these Armenian martyrs. They are wonderful Americans who share in the responsibilities of community life and contribute greatly to intellectual wealth of our Nation. I humbly pay respect to the memory of their martyred forebears.

My esteemed colleague from Wisconsin, Congressman Clement J. Zablocki, eloquently traced this story of human sacrifice and devotion to the cause of

freedom on April 25 when he addressed the Armenian community at Memorial Hall in Racine to commemorate the 50th anniversary of this horrible mass murder of innocent human beings.

The full text of Congressman Zablocki's commemorative address, "Genocide and the Future of Man," follows:

GENOCIDE AND THE FUTURE OF MAN

(Speech of Hon. Clement J. Zablocki, of Wisconsin, at Armenian martyrs 50th observance, Sunday, Apr. 25, 1965)

At the outset I want to express my deep appreciation at having been asked to speak at this 50th observance of the Armenian martyrs. I am indebted to your committee and to Mr. Jeknavorian for having asked me to participate in today's program.

My friends, we truly live in a marvelous age.

Only 7 years ago the Soviet Union launched its first sputnik into space. Today men are sent into space and tomorrow men will land on the moon, to explore that planet as once Columbus explored the Western Hemisphere.

There are wonders, too, of modern medicine. Diseases which had been the scourge of men for centuries have been virtually wiped out in the space of a few years.

Smallpox, typhus, bubonic plague, polio, typhoid, cholera—all these diseases have yielded before the mind and technology of modern man.

There also have been tremendous advances in feeding people, in housing them, in providing clothing for their bodies.

Through modern fertilizers and irrigation techniques the deserts have been made to bloom and former wastelands have produced abundance beyond man's wildest hopes.

New building materials have revolutionized man's search for proper housing for himself and his family.

New synthetic fibers have brought more versatile and less expensive clothing.

We need only look around us to see the marvels which have been brought to us by modern science and technology.

Yet for all these signs of progress, for all these indications that man is advancing, we still have not learned to cope with the basic problem of man's inhumanity to man.

As knowledge has grown more vast, wars have grown more terrible. With new methods of preserving and improving life have come novel ways of killing and destroying.

Today at least five nations have developed bombs capable of destroying whole cities—millions of people—in a single blast. We have seen the destruction which can be wrought by an atomic bomb—at Hiroshima and Nagasaki. We have seen the awesome power of the H-bomb at Bikini Atoll.

Modern science also has produced other modern weapons of awesome destruction. I am thinking of napalm, a jellied petroleum-base explosive that envelopes its victims in flames and cremates them alive.

There is nerve gas—developed by the Germans during World War II—which is invisible, odorless, and tasteless. Yet this gas can kill a man as quickly as a bullet to the brain.

It was scientific advances which put into the hands of the Nazis power to carry out extermination of Jews and Slavs in numbers that even today stagger the imagination.

Six million Jews in Europe went to the gas chambers. In addition more millions of Poles, Czechs, and other Slavic peoples were killed by Hitler's madness.

Without the specially developed gases, this slaughter would have been impossible. Without the specially designed ovens, the mass killings would have been thwarted.

Science—a tool of man's peaceful progress—became in the hands of the Nazis an instrument of that most heinous of crimes: genocide.

Genocide: The use of deliberate measures to exterminate a racial, political, or cultural group. Genocide: A crime against mankind that stands condemned by all organized religions, by history, and, in our own time, by special convention of the United Nations. Genocide: A sin that cries to God for vengeance.

Terrible though it is, genocide is an age-old sin of man. Born of narrow loyalties, nurtured in dark hatred and practiced with unrivaled savagery, genocide—instances of genocide—blacken the pages of world history.

We call to mind the great Greek epic of Homer—the Iliad. It is the story of the war between the Greeks and the Trojans. The conflict ended with the complete destruction of the Trojan people and their culture.

History also tells us of the titanic struggle between Rome and Carthage in the ancient world. When the Roman armies overcame the Carthaginians after years of battle, men, women, and children were put to the sword.

The city of Carthage itself was leveled—not one stone left upon a stone. And when that was finished the Romans salted the earth round about so that no living thing would grow there again for centuries.

It was with similar savage deeds that later Romans attempted to crush Christianity. We all know the stories of men, women, and children fed to lions simply because of their belief in God. We revere those who lost their lives because of their faith and honor them as saints and martyrs.

Today we honor another group of martyrs—Christian Armenians who became victims of mass persecution less than three generations ago.

It was on April 24, 1915, that the Government of Turkey, led by ruthless villians, took the first step in a systematic plan to exterminate the Armenian people.

On that day over 100 Armenian intellectuals were arrested in Constantinople. These victims were transported into the interior of Turkey and coldly murdered.

It was the first step in an attempt to wipe out the Armenian nation, the oppressed ancient inhabitants of Asia Minor and the Caucasus.

The events of those days and nights of horror are, I am sure, known much better to you than ever they could be recounted by me—even if a lifetime of study were devoted to the subject.

One can read of the massacre of the Armenian men, of the women being attacked, raped, and murdered, of children put to the sword or sold into slavery.

It is not an exaggeration that 1 million Armenians died during those terrible days.

One can comprehend all those facts and yet not appreciate their import as you do. Many of you lost parents, brothers, aunts, uncles, cousins, friends in the slaughter. Your lives have been intimately touched by this senseless outrage.

You know full well the horror of genocide.

It is a lesson that the world should learn well. Despite the terrible example of genocide practiced against the Armenians in World War I and the Jews in World War II, we still see attempts by races—peoples—to annihilate others.

Last year, for example, the newspapers were full of the story of the fierce tribal war between the Balubas and the Watusis. The rivers of Africa ran red in the slaughter of the tall Watusi tribesmen by the much smaller, but more numerous Balubas.

Less violent, but no less significant has been the effort by the Soviet Union to stifle its Jewish minority. The Jews are deprived by law from the basic cultural rights accorded to other nationalities.

The present Kremlin rulers are blaming the Jewish population of the U.S.S.R. and making them scapegoats for the regime's unsound economic policies. Jews have been singled out for persecution for so-called "economic" crimes, and have been denied the right to practice their religion.

We need only look to Communist Rumania for another example of a people systematically persecuting other people. For years the Hungarian minority living in Transylvania, a province of Rumania, have suffered discrimination, persecution and even death—simply because of their nationality.

Another prime example of genocide can be seen in the treatment of the people of Tibet by the Red Chinese. China has imposed a harsh rule on that once sovereign country and has forced the Tibetan ruler and spiritual chief—the Dalai Lama—to flee for his life.

Although few reports reach the West from those remote regions, it is evident that the Chinese have murdered thousands of persons in an attempt to stamp out any opposition to its absolute rule. The culture and religion of Tibet—among the oldest in the world—have all but been extinguished.

These examples help us to realize that genocide still remains a threat. Nor does it suffice simply to point the accusing finger at the Communist countries or at half-savage African tribesmen.

Here in our own country we have those who would—if given a chance—crush another minority.

There are Americans whose anti-Semitic bias is so strong that they would reinstitute the horrors of Hitler.

There are those in this great land of ours, who, if given a chance, would exterminate those of differing religious beliefs.

Some who harbor these feelings of hatred do not hesitate to state their objectives. There is a small group of fanatics and misfits which calls itself the American Nazi Party.

The leaders of this group have called on many occasions for open warfare against Jews and Negroes. There are other groups—perhaps less extreme than the American Nazi Party—which have similar aims.

It is a credit to the American people that those who support violent racist views are a small minority—most of them on the lunatic fringe.

But at the same time it would be foolish to state flatly that "it can't happen here"—to believe that the genocide practiced against Armenians, against Jews, against Christians, couldn't possibly happen in the United States.

It could happen here if we as Americans fail to hold fast to the ideals upon which this Nation was founded and prospered.

It could happen here if we cease to be on guard against every form of bigotry and prejudice.

It could happen here if we forget that every time the rights of another man are curtailed, we all are that much less free.

When an American citizen is denied the right to vote because he is a Negro, the democratic franchise of us all is less secure.

When a Jew is denied a job because of religion, our own right to work and support our families is abridged.

When a man is treated badly because he has an accent to his speech, or slanted eyes, or distinct facial characteristics or unique customs—then we are all less secure in the enjoyment of our liberties.

It is in this sense, then, that we must struggle to fulfill the promise of America. The Great Society, as described by President Johnson, is a striving, a constant effort to bring the fruits of democracy and justice to all our citizens.

In this effort, you as Americans of Armenian descent can play a special role. You and your ancestors have struggled for centuries for freedom and self-determination. You know the value of liberty and have been willing to pay the cost of preserving it.

Thus, you are in an excellent position to assist other peoples, other minority groups,

> as they strive for freedom and equality within our American system.
>
> But your role extends beyond just the shores of the United States. The Armenian heritage contains a lesson for all mankind.
>
> It exposes the folly of narrow nationalistic concerns which breed hatred and violence.
>
> The Armenian experience emphasizes the horror which results when one race, one nation, sets out to destroy another.
>
> It points up the fact that genocide must be universally condemned as abhorrent to humanity and to the author of all life.
>
> In our nuclear age—when a single act of genocide could encompass whole continents—the future of mankind may well depend on how well individual human beings learn the lesson taught by the death of the Armenian Martyrs.
>
> The task, therefore, is an awesome one. Yet the reward is high. For if our efforts—and those of men of good will everywhere—come to fruition, our children or our children's children may see a blessed time on earth, characterized by one outstanding fact:
>
> That man is humane to man.

Mr. McCORMACK. Mr. Speaker, the Armenians are one of the oldest peoples in human history, and today they are one of the few surviving nations of the ancient world. Their national history precedes our Christian era by many centuries. In their mountainous homeland in eastern Asia Minor they had constituted their own state and were content with their primitive, self-contained lot. But Armenia being placed across the path of invaders and conquerors, it was invaded and overrun by numerous Asiatic hordes including the Mongols, Tartar, Seljuk Turks, and finally Ottoman Turks, and the Armenian people lived for centuries under the oppressive alien rulers in their homeland.

While thus overwhelmed by these powerful hordes, and held down by brute force for centuries, the Armenians managed to maintain their distinct national entity, their own language, and above all their Christian faith. They did this even under most adverse circumstances, under the Ottoman Turks. Toward the end of the 19th century, however, they were unduly oppressed by both the government of Turkey and also by the unruly and wild Kurds. The Armenian leaders complained to the authorities and when the government failed to do anything for the improvement of conditions in the Armenian provinces of Turkey, then they appealed to European governments for some aid. These governments, which had acted as trustees of oppressed Christian subjects of Turkey, manifested serious concern with the fate of the Armenians, and they induced the Turks to protect the Armenians against the Kurds. The Turks reluctantly promised to do this but considered it European interference in their internal affairs. They felt that European intervention was caused by the presence of Armenians in Turkey. They then thought of eliminating the Armenian element in Turkey, through wholesale massacres if necessary.

Their evil and inhuman intentions were revealed in 1915, when in the course of less than 1 year, nearly all of the 2 million Armenians in Turkey, who had for centuries constituted the most industrious, energetic, peaceful, loyal, and productive element in the Ottoman Empire, were uprooted of their homes and deported to desolate and inhospitable deserts in Mesopotamia and northern Syria. Meanwhile more than 1 million of these were massacred and lost their lives through famine and otherwise. Only a fraction of the total number succeeded to save their lives by escaping to neighboring countries, while hundreds of thousands of others were sold into slavery by Arabs, Kurds, and Turks.

That is the sad and dismal story of the Armenian people in Turkey. It is indeed tragic that these people, who were among the earliest Christians and were the first to adopt Christian faith as their state religion, who had successfully held their own against all their conquerors and preserved their national entity, and through their enterprising activity had become a positive asset of the Ottoman Empire, were decimated and exterminated under circumstances of inhuman cruelty during the First World War. Fortunately for them, and also for us here, the many survivors of that holocaust have migrated to this hospitable Republic, and in a relatively short time, they have already made considerable contribution to our democratic way of life. They have made their marks in industry, in the arts and sciences, in commerce and trade, and in the fine arts and literature. Over all and above all else, they have become faithful, law-abiding, industrious, patriotic, and loyal citizens of their adopted country. On the observance of the 50th anniversary of their national tragedy in Turkey, we join them and pay tribute to the memory of Armenian victims of Turkish massacres in 1915.

Mr. MULTER. Mr. Speaker, the modern history of the Armenian people is characterized by misery and misfortune. Subjected to alien conquerors in their homeland, at times they were not even allowed to enjoy peace and tranquillity in their servitude. Such was their unenviable lot under Ottoman sultans for more than 400 years. There in their historic homeland in eastern Asia Minor, surrounded by wild tribes of different faiths, and held down by inefficient but oppressive government, most of them managed to survive. About 1 million Armenians were thus isolated from the West, and another 1 million were scattered in other parts of Turkey, constituting the most enterprising and industrious element in the old Ottoman Empire. For years they formed the commercial and industrial sinews of Turkey. Unfortunately their usefulness and even their indispensability to the country did not make the Armenians full-fledged citizens of Turkey. They were subjected to discrimination and a series of disabilities which made them barely second-class citizens. Since the Armenians were not members of the dominant race and did not accept the religion of the Turks, they were considered inferior in every respect. Armenians, on their part, had done everything to improve their lot, but all their efforts proved of no avail. They were the constant and ready prey of the plundering and robbing Kurds and corrupt government officials. Neither their property nor their very lives were safe under the prevailing conditions. And the most discouraging aspect of it all was that the Government did nothing about this abominable situation.

Armenians in desperation had appealed to the governments of Europe for help. They felt that since the Turkish Government would do nothing for them, they hoped and prayed for good words and deeds on the part of certain European governments. Fortunately, for the time being, these governments took up the case of the Armenians and urged the Turkish authorities to make reforms that would help the situation. The Turks promised to do something about it, but they felt that such a promise was extorted from them at the instigation of Armenian leaders. They were intensely angry, and they did not forget this. They seemed determined to teach the Armenians a lesson, and in the course of the First World War that lesson was administered to Armenians indiscriminately, regardless of age and sex, in the form of wholesale massacres, forced deportation, and famine.

This murderous machinery of genocide was put into effect in 1915. First all Armenian community leaders were arrested, imprisoned, and then murdered. Simultaneously Armenians serving in Turkey's armed forces were separated from their fighting units, disarmed and removed under heavy guards to the rear of fighting fronts, and then massacred by their Turkish comrades-in-arms. Then all able-bodied males in Armenian communities, ranging from 12 to 60 years old, were conscripted into "labor battalions," and soon these too were massacred. That left the women, the children, and the aged. These were removed from their homes, some were massacred in a few days, and others were deported to distant Mesopotamian and Syrian deserts, where they suffered slow death through starvation. Others were enslaved as servants and household help in Turkish, Kurdish, and Arab homes. In less than 1 year, in 1915, nearly 2 million Armenians in Turkey disappeard, more than 1 million having lost their lives in this first planned genocide in modern history. Committed decades before the savage onslaught of Hitler against the Jews, this ghastly deed cannot be minimized or condoned by the civilized world. Fifty years after their national tragedy, Armenians everywhere observe this sad anniversary, and I personally join them in paying tribute to the memory of 1 million Armenian victims of this genocide.

Mrs. BOLTON. Mr. Speaker, April 24 marked the 50th anniversary of the tragic losses of the Armenian people under the Ottoman Empire. Over 2 million gallant Armenians lost not only their worldly possessions, but more than half died under circumstances of brutality and cruelty.

Arnold Toynbee has written in his definitive work, "Treatment of the Armenians:"

> The exact quantitative scale of the crime remains uncertain, but there is no uncertainty as to the responsibility for its preparation. The guilt must therefore fall upon the officials of the Ottoman government, but it will not weigh equally upon all members of the official hierarchy. The behavior

of the gendarmerie, for example, was utterly atrocious; the subordinates were demoralized by the power for evil that was placed in their hands.

There is no earthly power that can approach the bar of public morality with clean hands, unstained by the blood of human life. But if we are still living in a world which has not yet learned to love rather than hate, our remembrance of this tragic occurrence from the past rekindles hope for the future. By paying tribute to the brave Armenian people on this occasion, we dramatize mankind's effort, no matter how feebly, to arouse an awakened conscience to search harder for a better way to live, a more decent way to settle our differences.

Time, education, and spiritual strength remain our best weapons in this eternal struggle against man's inhumanity to man.

Thanks to one of my colleagues, the distinguished Representative from Illinois [Mr. DERWINSKI] made it possible for me to meet His Grace, Archbishop Hrant Kaichadourian, prelate of Armenians of North America. This privilege brought a delightful sense of the oneness of the human family, emphasizing that the suffering of one group is indeed part of the life of all others.

Mr. DADDARIO. Mr. Speaker, many great tragedies live not only in the history books, but in the minds and memories of a great people. The 50th anniversary of the Turkish genocide of the Armenian population still brings a feeling of horror to the American Nation. It is not simple to grasp the dimensions of this tragedy—the fact, for instance, that more was contributed by Armenians to the Allied cause in terms of World War I casualties than by any other single Allied state, large or small, or the fact that it is as if all Armenians living in an area equal in size to the area of the New England States were hunted out, and carried off by some unaccountable affliction.

The Armenians were not protagonists in the war—they bore none of the guilt for its outbreak. But 2 million lived in Turkey, in that empire which had become known by the 20th century as the sick man of Europe, and by the end of 1915, only a handful was left, after a purge that accounted for more than 1 million Armenian lives. The real cause seemed to have been the determination of Turkey to do away with European intervention in behalf of the suffering Armenians.

The devotion of these people to their way of life and their perseverance in the face of oppression and tyranny deserves to be remembered.

Mr. BOLAND. Mr. Speaker, 50 years ago, on April 24, 1915, marked the beginning of the Turkish massacres of the Armenians. On that day the Government of the Turkish Empire arrested over 100 Armenian intellectuals and in a short time executed them. Within the year over 1 million Armenians were killed and another 1 million were driven from their homeland. Because of their Christianity the Armenians were the object of Turkish hatred. By 1915 international politics further compromised the Armenians in the eyes of the Turks. The Turkish Government, then in the midst of World War I on the side of the Germans, found itself fighting a losing war against the French and the English. The longstanding religious hatred, plus the common Christianity of the Armenians and the Western European allies made the Armenians a natural scapegoat for the proud Turks. Geographically isolated, the Armenians were an easy prey.

In 1915, the church was the principal institution of the Armenian people. Scarcely 10 percent of the Armenian clergymen survived the atrocities. Only one prelate was spared, the others were brutally murdered. Armenian Catholic priests and nuns joined their Armenian Apostolic brethren in death. A frightful toll was exacted from the Armenian Protestant community. According to careful studies, the Turks seized 2,050 Armenian churches and 203 Armenian monasteries during the genocide. Many churches were made into armories or torn down ritualistically.

Mr. Speaker, the spiritual leaders of the Armenian church have designated April as a month of mourning for the massacred Armenians. Pope Paul sung a solemn pontifical mass during the recent session of the Ecumenical Council in Rome for the Armenian martyrs. The Honorable John A. Volpe, Governor of the Commonwealth of Massachusetts, has issued a proclamation designating April 24 through May 31, 1965, as a period of mourning for these martyrs. On Saturday last, April 24, the 50th anniversary of the beginning of the Armenian massacres, special commemorative services were conducted throughout the United States for the million Armenians lost in 1915. I had the privilege of participating in one of these observances sponsored by St. Gregory Armenian Apostolic Church of Indian Orchard, Mass., held at the Sheraton Motor Inn in Springfield. I am sure that this was one of the most moving and impressive events held throughout the country to mark the 50th anniversary of the Armenian massacres. It was certainly one of the finest and most impressive commemorative events that I have ever attended. The address delivered by the Most Reverend Christopher J. Weldon, D.D., bishop of the Roman Catholic Diocese of Springfield, was particularly appropriate. The address in the Armenian language by the Very Reverend Khachadour Guiragossian, pastor of the St. Gregory Armenian Apostolic Church, was moving and impressive.

Mr. Speaker, under permission to extend my remarks, I include at this point in the RECORD a newspaper story from the Springfield Sunday Republican of April 25, containing excerpts of Bishop Weldon's fine speech, a copy of the excerpts of the Armenian language speech of Very Rev. Guiragossian, a copy of my address of tribute on this very significant occasion, and a copy of the program for the St. Gregory Armenian Apostolic Church commemorative dinner:

[From the Springfield (Mass.) Sunday Republican, Apr. 25, 1965]

MASSACRE ANNIVERSARY OBSERVED BY ARMENIANS

Observance of the 50th anniversary of the 1915 massacre of some 1,500,000 Armenians by the Turkish Government was highlighted by an address delivered by Most Rev. Christopher J. Weldon, bishop of the Roman Catholic Diocese of Springfield, at a commemorative dinner program Saturday night at the Sheraton Motor Inn.

TWO HUNDRED ATTEND

More than 200 Greater Springfield residents of Armenian descent remembered that tragic day of April 24, 1915, and heard Bishop Weldon paraphrase that portion of Abraham Lincoln's Gettysburg Address which states, "It's for us the living to dedicate ourselves for those who suffered and died, in order that they may not have died in vain."

Bishop Weldon, signifying Roman Catholic participation in the Armenians' anniversary observance of the slaughter, praised the Armenians here in America and abroad for remembering and keeping alive memories of that day 50 years ago. "Forgetfulness," he said, "breeds repetition."

He said that the Christian idea of brotherhood and love means we may even try to understand why the massacre happened and labor to prevent any repetition in the future.

TRUE TEST

The Springfield clergyman, drawing an analogy to the fact that a 50th anniversary traditionally means gold, said "The true test of gold is that it survives fire." "Armenians," he said, "have been tested by fire, and have survived."

"The fires of hatred ranging with all the atrocities done to the Armenian people," he continued, "have not destroyed the gold of the Armenian spirit."

The Very Rev. Khachadour Guiragossian, pastor of St. Gregory's Armenian Apostolic Church, speaking in Armenian, told of the history and background which led to the Turkish massacre of the Armenians, and said, "Fifty years have passed since that day and the Armenian people still live."

A WITNESS

He said he witnessed in Syria "thousands of starved women and children—unrecognizable, skeletonlike, and nearly naked. Of these Armenians," he continued, "many died before my eyes."

Father Guiragossian said it was the Armenian's faith in Christ that has given them the strength to endure, and concluded, "In this, the 50th year since the massacre, this must be our lesson—our martyrs died to teach us to live."

High masses commemorating April 24, 1915, will observe and remember that day in Armenian churches, locally, nationally, and abroad.

OTHER SPEAKERS

Tributes to the fallen Armenian martyrs were given in short addresses by Mayor Charles V. Ryan, Congressman EDWARD P. BOLAND, and Carnig Piligian, chairman of the board of trustees of the St. Gregory Armenian Apostolic Church, sponsors of the evening's program.

Ryan spoke of the enormity of the 1915 tragedy, and reminded the guests that they have a responsibility in the revitalization and perpetuation of the Armenian people.

A SURVIVOR

Present at the commemorative dinner was Onnik Melikian, who has lived in Springfield since 1926 and who was one of the survivors of the massacre.

He told the Republican he was studying at the St. Nishan Mission, a monetary school in Central Armenia, at the time of the Turkish slaughter. In 1914, he recalled, Armenia's Turkish overloads began registering all Armenians in the Turkish Empire. He received word while at school of the impending tragedy, and left the mission to start resistance groups in the surrounding hills.

There were about 200 groups all together he said, engaging in guerrilla warfare, with between 20 and 25 persons per group.

One day in March 1915, Melikian said, before the sun came up, Turkish troops were dispatched to surround every home in the Turkish Empire in which Armenians lived. The soldiers took all Armenian males between the ages of 13 and 45, put them in jail, and questioned them for 30 days.

STABBED TO DEATH

On April 24, he recalled, the soldiers removed their prisoners at night by twos at bayonet point, and tied them all together in groups of eight. The Armenians, he said, were thrown into pits 100 at a time, and then stabbed to death.

After the males were disposed of the women, the children, and the older men were forced into the Syrian desert and left with no means of support.

Melikian said his closest call came when his band was beseiged for 18 days by Turkish troops at the site of an old Roman fort in Central Armenia. He lost more than half his group of 25 men, and he and the survivors escaped to the hills under the cover of darkness.

Official records show that more than 1,500,000 of his countrymen died at the hands of the Turks, but Melikian estimates the true figure, which he says only the Turkish Government knows, may run as high as 3 million.

Included in the 50th anniversary program Saturday night was a recitation by Mrs. Ardashus A. Aykanian and Mrs. Nishan H. Vartanian of an Armenian poem called The Pilgrimage by Avedis Aharonian, and the singing of two selections appropriate to the day by the Choir of St. Gregory's Armenian Apostolic Church.

Members of the Armenian Martyrs' Day Committee were: Arthur A. Aykanian, chairman; Aroxy Aykanian, Leon Charkoudian, Mrs. Popken J. Hachigian, Alice Margosian, Harry Setian, and Leo Vartanian.

Excerpts From the Armenian Address by the Very Reverend Khachadour Guiragossian, Pastor of St. Gregory Armenian Apostolic Church, Delivered at the Commemorative Dinner on the 50th Observance of Armenian Martyrs' Day, Saturday, April 24, at the Sheraton Motor Inn

Today, April 24, for the Armenian people is a day dedicated to the memory of the 1 million martyrs. In Armenian the word "April" means "to live," but it was that month that the Turks chose to end the life of all Armenians. Fifty years have passed since that day and the Armenian people still live.

The Turkish Government was looking for the opportune moment to exterminate the Armenian people. This time came when the Allies were preoccupied with World War I. The Turkish Government took advantage of the isolated Armenians and at midnight April 24 arrested 100 intellectuals in the capital of Istanbul, deported them inland, then executed them. During the ensuing holy week began the deportation of Armenians from every village, from every town—black clouds hung over Armenians who were driven from their homes of 3,000 years to the barren desert land.

I witnessed with my own eyes in Syria, thousands of starved women and children—unrecognizable, skeletonlike, nearly naked Of these Armenians, noble Christians, many died before my eyes.

Between 1915 and 1918 Armenians took refuge in Syra. The Turks wanted to kill us all but they did not reach their objective. Evil never succeeds. For the Armenians that began to gather in Syria, aid came from America through the Near East relief. Orphanages and hospitals were set up. Armenians are eternally indebted to Americans for this aid.

Today 50 years have passed since those dark days and the Armenian population throughout the world has increased to at least that of 1915. Armenians have established themselves as good citizens in countries throughout the world.

In 1915 Turks made Armenia a burial ground. Armenians bore a cross on their shoulders; their faith in Christ gave them the strength to endure.

In this, the 50th year since the massacre, this must be our lesson—our martyrs died to teach us to live. Armenians all over the world are commemorating this day. We must have faith in Christ; faith in our future. Faith is a must to succeed and faith is tied to hope and love. Love of God, love of friends, neighbors—no matter of race, nationality. Love works miracles.

Speech by Congressman Edward P. Boland

The long and turbulent history of the Armenian people has been sad and tragic. Throughout its uneven course the Armenians have seldom enjoyed peace and rest in their homeland for any length of time. Their homeland, had been the bridge, as well as the battleground, of invading and conquering forces, from the east and from the west, and because of that geographic fact they have suffered in the course of wars between Rome and Persia between Byzantium and the Arabs, between Byzantium and the Turks. Numerous times their country was partitioned between Rome and Persia.

Early in the fifth century, nearly the whole country became part of Persia, and every effort was made by Persian rulers to have Armenians renounce their Christian religion.

A bitter religious war was fought in 451, one in which the Armenians were the losers, but they still refused to yield to superior Persian power on matters of conscience. By clinging to their Christian faith, they claimed moral victory over Persian authorities.

Toward the middle of the seventh century Armenia was overrun and conquered by the Arabs—and for some 250 years, Armenians lived under the ruthless Arab governors appointed by caliphs of Damascus and Baghdad.

In the late ninth century, as the Arab rule weakened, Armenians asserted their freedom, regained a good measure of independence and then for about 200 years lived in freedom and glory in the northern part of the country. That period was the medieval Golden Age of Armenia.

By the middle of the 11th century, Asiatic invaders—Suljuk Turks—were harassing the Armenians on their eastern borders. In 1071, the last Armenian stronghold surrendered to these invaders. Large groups of Armenians fled the country—seeking refuge and eventual homes in other lands. Thus late in the 11th century began the Armenian diaspora, the dispersion of Armenians from their historic homeland. Despite this, the majority of the population refused to abandon their native land and remained there until their extermination in 1915.

During the next several centuries, Armenians in Armenia endured all the hardships caused and brutalities committed by their Asiatic conquerors. Certain Turkish tribes replaced others as rulers of the land. As time went on, the number of invading peoples increased while the number of Armenians inevitably decreased through emigration, forced conversion to Islam and also through wanton massacres. Early in the 16th century, most of the country and the majority of Armenians were brought under the rule of the Ottoman Sultans. This did not improve the lot of the Armenian people. The Armenians were fated to suffer under their new masters as they had suffered under others—and for 400 years they endured their unenviable lot.

They made the best of a very bad situation, and through it all more than a million of them managed to survive in their homeland until the outbreak of the First World War.

And then came their national tragedy. Then came the day that we commemorate this day. Martyr's day. This day, marked by Armenians the world over, retells the brutal massacres by the Turkish rulers in April of 1915. Fifty years usually notes a golden anniversary. But not this event.

This event and this day commemorate one of the most tragic pages in the history of mankind. Think of it. Over a million Armenians massacred. This barbarous, inhuman sacrifice of human life has been exceeded in the world's history only by the insane actions of Hitler against the Jews in World War II.

And so we gather this day so that the world will never forget what happened 50 years ago to a brave and resolute people.

Is this occasion and the many, many like it throughout the world, an exercise in futility and frustration? No. I think not. The world must pause and reflect and point with shame to the events that this martyr's day brings to mind. It must not be allowed to forget. For the placid acceptance of the Armenian tragedy of 1915 begets the danger of repetition.

So I come to join with you in this meaningful occasion. To congratulate you on keeping the memory of your national tragedy alive—to commend you for your magnificent adherence to the cause of Christianity—to compliment you for not forgetting.

I express the gratitude of this Government for the contributions you have made and are making to this Nation. Your culture, your attractiveness, your intelligence, your spirit, have spread the world over. This Nation has been the beneficiary of these attributes and the United States of America appreciates them.

Program

Invocation: The Reverend Emerson W. Smith, executive director, Council of Churches of Greater Springfield.

Dinner.

Message: Carnig Philigian, chairman, board of trustees, St. Gregory Armenian Apostolic Church.

Armenian recitation: Mrs. Ardashus A. Aykanian, Mrs. Nishan H. Vartanian.

Honored guests: The Honorable Charles V. Ryan, mayor of Springfield; the Honorable Edward P. Boland, House of Representatives, Washington, D.C.

Armenian address: The Very Reverend Khachadour Guiragossian, St. Gregory Armenian Apostolic Church.

Choir: St. Gregory Armenian Apostolic Church.

Address: The Most Reverend Christopher J. Weldon, bishop of the Springfield Diocese.

Hayr Mer.

Benediction: The Very Reverend Khachadour Guiragossian.

Chairman of Armenian Martyrs' Day Observance: Ardashus A. Aykanian.

Mr. BUCHANAN. Mr. Speaker, the tragic story of Turkey's brutal slaughter of 1½ million Armenians in 1915 is a record of infamy to match the worst of the atrocities which have so filled and so defiled this century of human history. The genocide of this little nation which was American's staunch ally ranks with the crimes of Red China or of Nazi Germany. Indeed, Hitler himself drew from the fate of the Armenians inspiration to move forward in his war of extermination against Poland. To the military commanders of the Third Reich at Obersalzburg on August 22, 1939, he said:

> Our strength is in our quickness and our brutality. * * * I have given the order, and will have everyone shot who utters one word of criticism. * * * Thus for the time being I have sent to the east only my Death's Heads

> with the order to kill without pity or mercy all men, women, and children of the Polish race or language. Who still talks nowadays of the extermination of the Armenians?

He did well to cite the terrible fate of these brave people as his example, for this genocide by Turkey set the pattern for the other mass exterminations of our time.

This was, however, not even 50 years ago, a new pattern for the Turks. In a long record of systematic slaughter of Armenians, Greeks, and other groups, it has been estimated that Turkey has been responsible for the deaths of some 2,600,000 persons in a series of acts of genocide stretching from 1822 until the present time.

It is worthy of mention that in this 50th anniversary year of the Armenian tragedy, the nation responsible is engaged in another conflict, this time against America's friend of longstanding and staunch ally, the nation of Greece.

It is my profound hope that in this conflict we will neither be unmindful of Turkey's demonstrated propensity for violence and cruelty, or Greece's long and strong traditions of Christian faith and morality and of friendship for the United States. It is my further hope that as we remember the tragedy of these noble friends of yesterday, we shall be redetermined to keep faith with and act responsibly toward our friends of the here and now, so that nevermore shall an ally of this country suffer the terrible fate at the hands of Turkey that did the brave Armenians whose memory we honor this day.

Mr. BRAY. Mr. Speaker, half a century ago the people of Armenia suffered perhaps the first attempt at genocide in modern times. The Government of the Turkish Empire instituted a plan which led to the massacre of 1 million people and uprooted from their homes another 1 million. This terrible crime against humanity has gone virtually unnoticed through the years; in fact, Hitler, in 1939, contemptuously asked:

> Who still talks nowadays of the extermination of the Armenians?

To reemphasize that sad history Armenians in the United States have established a commemorative committee on the 50th anniversary of the Turkish massacre of the Armenians. I congratulate them on this effort, for the terrible episode they commemorate should be ever present in our minds as further evidence of man's inhumanity to man. We must ever be aware that such terrible things can happen.

In recent days we have learned of wholesale murders in the Dominican Republic. In another part of the world we rightly fear that our withdrawal from Vietnam would lead to the mass murder and persecution of those who have gallantly fought to defend their land.

Even this terrible trial was not the end of troubles for the people of Armenia, for after becoming a free country in 1918, Communists invaded the army and labor unions and attempted an uprising, which was suppressed. Thereafter Russia made a secret deal with Turkey whereby Turkey would attack Armenia from the south and Russia would begin harrassing action on the north. In 1920 Russia offered Armenia a treaty, which amounted to an ultimatum. Despite a guarantee of sovereignty, Russia took over on December 2, 1920. The Russian treatment of the Armenians was so cruel that on February 19, 1921, an outraged people threw out the Communist government and established their independence.

Upon reorganization of the independent Republic, Prime Minister Simon Veratzain appealed to the free world to help keep Armenia free. No aid came, however. In August 1921, great concentrations of Soviet military forces broke down Armenia's military resistance.

So the troubles of the Armenian people have been many, but at least in the commemoration of their great tragedy in 1915, we can perhaps renew our belief in the freedom and dignity of man and rededicate ourselves to prevent further occurrences of genocide wherever and whenever they may occur.

Mr. ROUDEBUSH. Mr. Speaker, the year 1965 marks the 50th anniversary of the saddest and most tragic event in the long and proud history of the Armenian people.

The Armenians, although the smallest of the Allied nations to participate in the struggle against Germany and Turkey in World War I, contributed more to the Allied cause in terms of casualties than any other single Allied state, large or small.

More than 1,500,000 Armenians perished during the Turkish genocide in the years 1915-18.

It is important that this event not be allowed to pass without the citizens of the United States of America pausing a moment in tribute to the memory of these martyrs.

It is important that we Americans know that these brave Armenians gave their lives so that the cause of virtuous democratic government, freedom, justice and human rights be served; and in advancing that cause, the Armenian victims advanced the cause of America and that of all freedom-loving countries in this world.

Such great sacrifices and devotion to the cause of freedom must not be forgotten in this year 1965, one-half century removed from the tragic events of 1915.

GENERAL LEAVE TO EXTEND

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

SITUATION IN THE DOMINICAN REPUBLIC

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, the revolt which brought a request from the Dominican military for assistance in protecting the lives of U.S. citizens made the action of President Johnson last evening not only necessary but urgent as well.

In a report issued only last week, the House Subcommitee on Inter-American Affairs, of which I am chairman, pointed out that recent failures of the Communists in Latin America only increase the possibility that they will now seek to extend their influence in that area by violence and by terrorist activities. While the situation in the Dominican Republic is far from stable at this moment, there is every indication that the rebel forces are now controlled by leftist, Communist, and Castro elements.

In my opinion, the President acted wisely in sending U.S. Marines to the Dominican Republic to protect the lives of U.S. citizens. Developments in that country should be watched carefully, as there is every indication the Communists are attempting to exploit the situation.

ECONOMIC WARFARE AND ECONOMIC SUICIDE

The SPEAKER pro tempore (Mr. ALBERT). Under the previous order of the House, the gentleman from Florida (Mr. ROGERS) is recognized for 30 minutes.

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the Soviet Union is openly engaged in an all-out effort to bury us—at sea.

This point can best be illustrated by the high priority which the Kremlin has assigned to the construction of ships for the Russian merchant and naval fleets. There can be little doubt that the Soviet Union is determined to control the oceans and trade routes of the world. As a naval power, she is already second only to the United States. As a maritime power, experts predict she will surpass the United States in less than 2 years. Because of her enormous fleet expansion program, the Soviet Union may soon be able to manipulate world ocean freight rates at will, and through a superiority in terms of numbers of ships, she may be well on the road to economic domination of the world. The weight of numbers will soon begin to tell.

As of February 1, 1965, 612 merchant vessels of various sizes and types—mostly dry cargo ships and tankers—totaling more than 4,197,200 deadweight tons were on order or under construction for the Soviet Union. With her own shipyards fully utilized, this tremendous building program is being accomplished by awards of sizable contracts to shipyards in East Germany, England, Finland, Holland, Hungary, Japan, Norway, Poland, Sweden, and Yugoslavia.

During the 3-month period from November 1964 through January 1965, the Soviet Union accepted delivery of 27 dry cargo ships. By comparison, U.S. shipyards delivered only 16 merchant vessels during the entire year of 1964. Moreover, it needs to be pointed out that other satellites in the Communist orbit—Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Red China, Rumania, Soviet Cuba, and Yugoslavia—are also participating in this maritime buildup. As will be seen from the attached tabulation, the Soviet bloc countries are building another 173 oceangoing vessels totaling more than 2,031,964 deadweight tons.

The extensive building program has obviously not been undertaken merely to serve Soviet foreign trade or as a military contingency, but must represent the Communists' approach to the cold war on the economic front, and recognition of ships as instruments of major economic influence. The present Soviet merchant shipbuilding effort alone is more than 10 times that of the United States. Nearly 2 million tons of the vessels under construction for the Russian flag are being built in Russian shipyards—an activity level 3 times that of U.S. shipyards. It should be noted that the Soviet Union has placed shipbuilding contracts with other countries—including some of our friends in the community of free nations—only because of this high degree of utilization of her own shipyard capacity.

As of February 1, 1965, there were 44 commercial vessels, totaling about 613,829 deadweight tons, on order or under construction in the United States. These involved 2 tankers, 39 cargo vessels, and 3 ferryboats. In other words, the Russians are building 15 times as many merchant ships as we are. In terms of tonnage, they are outbuilding us by a ratio of 7 to 1. And, I might add, the Soviet Union is committing large domestic resources and a substantial portion of its foreign exchange to enlarging its merchant fleet.

While the Communists are building a new and modern sea power potential, almost half of our naval fleet is composed of vessels 20 years of age and older. In less than 2 years, more than two-thirds of our Navy fleet will be overage. About 90 percent of all U.S.-flag dry cargo ships and 55 percent of our U.S.-flag tankers are 20 years of age or older. Our fleet of dry cargo ships engaged in domestic trades is virtually extinct. The average age of the ships in our Great Lakes fleet is 47 years. Our private shipyards are more than 50 percent idle. And, U.S.-flag shipping is carrying only 5 percent of our export and import commercial cargoes.

About these facts and figures, it is virtually impossible to find an adjective which would appropriately describe the depth of my concern and alarm. Our national security is at stake—so, too, is the collective security of the Western Hemisphere and the entire free world. Every new ship delivered to Russia by any shipyard on this side of the Iron Curtain nourishes the ever-extending arm of Soviet economic tyranny. It is particularly ironic that Spain—with whom we have a mutual security pact and with whom we conducted a large-scale military amphibious assault exercise only several months ago—has accepted contracts to build ships for Soviet Cuba. The necessary funds can probably be traced to the Kremlin.

One of the experts on this problem, Mr. Vincent F. Caputo, Director for Transportation and Warehousing Policy in the Office of the Secretary of Defense, stated recently:

> Spearheading the economic warfare of the U.S.S.R. is the oil offensive. In struggling for the world's petroleum markets, the U.S.S.R. has the oil, and can undercut the Western competitive prices. But it needs the tankers and pipelines that it cannot construct itself.
>
> It has asked the West to make the boomeranging poison darts that will ultimately undo the maker. And the West—a part of the West—has naively agreed to thus contribute to its own economic suicide.
>
> Last year the Soviet bloc was building 10 tankers in its own yards. But it can't meet the needs of its grand economic warfare strategy. So 43 tankers are being built for the bloc in the free world yards.

Once in a position to control the seas and the trade routes of the world, the hammer and sickle fleet will be able to force the ships of other nations into layup. To exploit Communist strategy, ocean freight rates will be deliberately and adroitly manipulated to undermine, bankrupt, and eventually eliminate free world shipping. Then, we may witness the display of Communist ships serving American ports.

There is another aspect to our present predicament. We also have the anomaly of witnessing the rapid decline of U.S.-flag passenger ships at a time when the Soviet Union and other countries are vying with one another in the construction and operation of luxury-class vessels. While in this country there are no oceangoing passenger ships on order, elsewhere in the world 43 are presently under construction, and 16 of these are for the Russians.

Press dispatches of January 3, 1965, reported Soviet Russia's ambition to operate regular passenger liner service between Odessa and New York.

Agreement has already been reached on new transatlantic passenger service between Leningrad and Montreal with stop at Helsinki, Stockholm, Southampton, and LeHavre. Russia's desire for a passenger service link with the United States was expressed last year when Soviet Merchant Marine Minister Victor Bakayev stated in a Moscow press conference:

> It is our dream to have them (the new Franko-class of luxury liners being built in East German shipyards) operate on a Soviet-American service between Odessa and New York.

All of this takes place while the United States apparently has decided to abandon passenger trade. All of this takes place despite actions by the Congress more than 5 years ago authorizing the construction of two superliners to augment the U.S. fleet—one for the Pacific and one for the Atlantic service.

It is clear that we are relaxing while the Communists aggressively build more ships and expand their maritime strength. Have we failed to recognize the real aims of Communist ideology?

Much public attention must be focused on this problem. The solution can be found only through nationwide resolution, stating in effect that America needs and wants a strong merchant marine. A first step could be taken by this Government, acting in the interests of the American people to preserve and build a strong merchant fleet for the sake of national defense. A first approach may well be increasing the requirement that U.S. Government-generated cargoes be shipped aboard American merchant ships. Is the present requirement that 50 percent of U.S. Government cargoes be carried by our own ships and crews sufficient? I do not think it is. More Government cargoes for our own shippers would help their business, create demand for more ships to be built, and cause adjustments in our national maritime policies. And cutting down the amount of U.S. Government cargoes shipped aboard foreign-flag ships would certainly cut down the outflow of U.S. gold. This step would surely be appropriate for the Government to take.

To serve the national interests on the oceans and Great Lakes, where foriegn shippers have penetrated to the point where they carry the majority of cargoes transported into the heartland of America, a reappraisal is in order. We must note the difference between destructive pennypinching and constructive investments.

The American people must be awakened to the threat that faces us on the oceans. We must recognize the wisdom of engaging in realistic maritime and shipbuilding programs. We must realize the time for action is now. To delay longer could be disastrous.

As part of my remarks I ask that the following table be included:

Communist shipbuilding contracts on order as of Jan. 31, 1965

	Number	Deadweight tons
Soviet Russia:		
Dry cargo vessels	427	2, 269, 900
Tankers	120	1, 769, 800
Bulk carriers	7	157, 500
Passenger and specialized vessels	58	(1)
Total	612	4, 197, 200
Poland:		
Dry cargo vessels	71	531, 400
Bulk carriers	6	135, 000
Total	77	666, 400
Yugoslavia:		
Dry cargo vessels	18	139, 000
Tankers	8	264, 000
Bulk carriers	11	320, 000
Passenger and specialized vessels	4	(1)
Total	41	723, 000

See footnote at end of table.

Communist shipbuilding contracts on order as of Jan. 31, 1965—Continued

	Number	Deadweight tons
Bulgaria:		
Dry cargo vessels	5	41,295
Tankers	2	49,900
Total	7	91,195
Rumania:		
Dry cargo vessels	6	38,500
Tankers	2	71,900
Bulk carriers	8	204,000
Total	16	314,400
Red China:		
Dry cargo vessels	5	70,660
Specialized vessels	1	(1)
Total	6	70,660
Soviet Cuba:		
Dry cargo vessels	8	81,709
Specialized vessels	2	(1)
Total	10	81,709
East Germany: Dry cargo vessels	14	69,200
Czechoslovakia: Dry cargo vessel	1	12,700
Hungary: Dry cargo vessel	1	2,700
Total	785	6,229,164

[1] Not available.

Source: Fairplay Shipping Journal, "World Ships on Order," February 1965.

SUPPORT FOR PRESIDENT JOHNSON'S ACTION IN DOMINICAN REPUBLIC CRISIS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes.

Mr. FASCELL. Mr. Speaker, President Johnson's action in sending the U.S. Marines into the Dominican Republic to protect the lives of American citizens caught in the attempted revolt, is urgent and necessary and I fully support it.

Furthermore, it appears that the revolutionary group is infiltrated by Castro Communists and they are attempting to take over the Dominican Republic.

The United States should promptly support the request for assistance by any anti-Communist provisional government so that this attempted takeover can be quashed.

The Organization of American States acting under article 39 of the charter of the OAS should immediately send an observation group to the Dominican Republic to assure the Latin American countries and the other nations as to what is transpiring and to insure the return of a democratic government to the people of Santo Domingo.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Speaker, I want to say that I commend the gentleman for his comments and I agree with him. It is my sincere hope that the President's actions represent a foreshadowing of the new approach that our Government will use in its foreign policy, that wherever the lives of Americans are in danger in any part of the world, the President will use whatever strength and force is necessary to give protection to American nationals.

STATUTES, REGULATIONS, POLICIES, AND PRACTICES OF SELECTED FOREIGN COUNTRIES PROVIDING FOR PREFERENCES FOR DOMESTIC MATERIALS AND FIRMS IN THE AWARDING OF PUBLIC SUPPLY AND PUBLIC WORKS CONTRACTS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 1 hour.

Mr. SAYLOR. Mr. Speaker, continuing the series of findings developed out of a study of the public purchasing policies of leading industrial nations doing business with the United States, I am today presenting the third of a series of documents that first appeared in the CONGRESSIONAL RECORD on April 27. The set to be included at the end of my remarks relates to the policies and practices of France, Germany, Italy, Greece, and Turkey.

As this series is continued, Members of Congress can understand more clearly and to appreciate more sympathetically why American industry and labor cry out against the U.S. Government's insistence on buying with tax funds for public use the products of alien industry and labor when the facilities and manpower to make them are available at our own plants.

Why, we ask, are U.S. Treasury funds expended outside this country at the expense of this Nation's work force?

Why, when our unfavorable balance-of-payments position threatens our whole monetary stability, are Federal dollars not kept at home whenever practicable?

Why is our own self-interest ignored when our friends abroad are so careful to exclude use of American products for public works projects?

It would be naive to suggest that the U.S. Government is pursuing its anomalous course as a gambit or stratagem to induce reciprocal treatment, for by now it must be obvious even to the most stubborn doctrinaire that the most friendly governments are not so magnanimous as to make contracts with outsiders while home industries and workers go begging.

The one remaining question, Mr. Speaker, is: How much longer must we tolerate Federal frivolity favoring foreign fiduciaries?

Following is part three of the series:

FRANCE

(Member of EEC, GATT, and OECD)

French Government contracts are generally governed by the Public Contracts Code established by Decree No. 64-729 of July 17, 1964 (Journal Officiel, July 21, 1964, p. 6438), which is for the most part a codification of a large number of earlier decrees and other regulatory provisions.

The Code provides for the following principal methods of letting contracts:

1. Open public tendering (adjudication ouverte): bidding is open to all interested persons.

2. Restricted public tendering (adjudication restreinte): Only persons approved by the contracting authority may submit bids.

3. Open invitation for bids (appel d'offres ouvert): Bidding is open to all interested persons.

4. Restricted invitation for bids (appel d'offres restreint): Only persons approved by the contracting authority may submit bids.

5. Private contract (marché de gré à gré): The contract may be negotiated with a supplier or contractor selected by the contracting authority.

The Code also provides for a special type of competitive invitation for bids (appel d'offres avec concours), which is authorized when technical, aesthetic or financial considerations justify special research, such as a proposal for a new public building of modern design. The competition takes place on the basis of a program drawn up by the contracting authority.

Both types of public tendering and the open invitation for bids must be preceded by advertisement in the official bulletin published for that purpose and in other media, such as trade and technical journals. Most government departments maintain lists of approved suppliers and contractors and written application must be made to each department for inclusion on its list. The lists are used in the selection of suppliers and contractors who are to be contacted in the case of restricted invitations for bids as well as the negotiation of private contracts. An unofficial translation from French of the application form of the PTT (Posts, Telegraphs and Telephones Administration) is attached hereto.

In the case of public tendering the contracting authority must award the contract to the lowest bidder, provided the price does not exceed the stipulated maximum and subject, in the case of open public tendering, to the right of the contracting authority to exclude bidders whom it regards as presenting insufficient moral, financial or technical qualifications.

In the case of invitations for offers the contracting authority need not accept the lowest bid and may accept the bid which it deems the most advantageous (la plus intéressante) according to objective criteria set forth in the Code.

Except for the private contract method, the contracting authority has complete discretion to select the method by which the contract is to be let. Theoretically, the use of the private contract method is limited to the special cases specified in the Code.

In any case the contracting authority always retains the right to reject every bid and to order the bidding procedure repeated. In the case of invitations for bids, the contracting authority may elect to negotiate a private contract.

Under the provisions of article 104 of the code that method of awarding contracts may be used for items of exclusive manufacture, for negotiating with owners of patents or inventors, or persons with exclusive rights to patents or inventions; in cases for which the technical problems and investments require the use of direct agreement, for products which must be bought at the place of production or at the stockpile, for work and services carried out at research centers in places of experimentation, etc.; whenever bidding by other methods has proved unacceptable to the contracting authority; for products and supplies as to which, on account of the shortage of material it is impossible to employ competitive bidding; when the enterprises and persons who were previously awarded contracts failed to carry them out and they are awarded to others at their risk and peril; in cases of shipping by public transportation services; and for all work, supplies and services which, due to urgency, are motivated by unforeseeable circumstances; for all those which, in the interest of the nation, must be kept secret or for any similar work, supply or service concerning national defense.

As the result of the broad interpretation given by the administrative authorities to the special cases permitting the use of the private contract method, which the code and previous statutory and other provisions on which it is based regard as the exceptional method, it is in fact the one most frequently used. According to the December 1964 issue of "Marchés Publics" [public contracts] published by the French Ministry of Finance and Economic Affairs, during the calendar year 1963 contracts concluded by open or restricted public tendering represented 1 percent of the total value of all contracts, contracts concluded by open invitations for bids 6.4 percent, contracts concluded by restricted invitations for bids 33 percent, and private contracts 58.8 percent. During that year the military contracting authorities continued to use the private contract and restricted procedures in preference to open procedures much more frequently than the civilian contracting authorities.

In practice, therefore, there is ample opportunity for discrimination against foreign bidders.

Under the provisions of decree No. 60-724 of July 25, 1960 (Journal Officiel, July 27, 1960), contracts of the departments, communes, departmental and communal public establishments, urban districts and other local and municipal entities, including the City of Paris, are governed in general by the same rules as French government contracts. The 1960 Decree does not, however, suppress the supremacy of public tendering, as does the Public Contracts Code, and grants much less discretion to use the invitation for offers method and the private contract method.

The 1964 code is not applicable to nationalized industries or state monopolies or to corporations wholly or partly owned by the state. Their procurement practices are essentially the same as those of private enterprises, although the provisions of the Code naturally have considerable influence.

In many cases, government contracts may be reserved for French nationals by the terms of the request for tenders or the invitation for offers. That situation is expressly recognized in the "Guide de Fournisseur de L'État" (Guide for the State Contractor) published in 1964 by the Commission Centrale des Marchés (Central Contracts Commission). The Guide states (page 12) that foreign suppliers can submit bids subject to having satisfied, if necessary, the conditions prevailing for importations of goods, but that in certain cases the French citizenship of the contractors is required. The French Council of State has held, however, that the contracting authority does not have the power to reject a bidder by reason of his foreign nationality, if the exclusion of foreigners was not expressly provided for by a provision of the law or of the General Contract Specifications. An example of such a provision is Section 2 of Article 6 of the General Administrative Clauses applicable to contracts for current supplies (fournitures courantes) approved by Decree No. 62-1510 of December 14, 1962 (Journal Officiel, December 16, 1962), which provides that, subject to not contravening the stipulations of international agreements, the Minister can decide that the bidders must be of French nationality. The decision must be mentioned in the notice of public tendering or invitation for bids. The notice must also specify the nature of the documents to be furnished by way of proof of nationality. According to the treatise by Hainaut and Joliet cited infra (volume 1, section 104 bis), similar provisions are contained in the General Contract Specifications of the Ministry of War (article 11) and the Ministry of the Navy (article 2), the General Contract Specifications for Military Supplies (article 21), the General Contract Specifications for Public Works of the P.T.T. (Posts, Telegraph and Telephones Administration) (Article 2) and the General Contract Specifications for Public Works of the City of Paris (Article 2).

In the field of military procurement and works contracts, specific regulatory provisions have the effect of reserving orders (except on very rare occasions) to purely French companies. Section 2 of Article 30 of the Arrêté (Order) of the Minister of National Defense and Armed Forces of May 7, 1958 (Journal Officiel, May 29, 1958, p. 5111), approving the General Administrative Clauses applicable to industrial contract of the Departments of National Defense, provides as follows (unofficial translation from French):

"2. Unless authorized by the Minister [of National Defense] and subject to the supplemental provisions of Article 33 relating to war materiel, allocation of orders can only be obtained by:

"Physical persons who are nationals of the French Union;

"Corporate bodies which are not, in law or in fact, subject to foreign influences which the contracting authority would consider incompatible with the requirements of national defense."

The provisions of Article 33 of the same Ministerial Order relating to orders for "war materiel" imply that enterprises manufacturing such equipment must be French or at least must manufacture in France. The provisions of that Article are as follows (unofficial translation from French):

"1. In addition to the obligations provided for in Art. 30, every candidate for a 'war materiel' contract must fulfill the special legal and regulatory obligations concerning such materiel, and in particular:

"Special nationality requirements;

"Obtaining a manufacturing license or a sales authorization;

"Control of the management;

"Maintenance of net price accounting in compliance with the provisions of Article 34 below;

"These provisions apply to concession holders, to sub-contractors as well as to sub-suppliers ["sous-commandiers"] who are themselves manufacturing components classified as war materiel.

"2. If, in an exceptional case, the State should give formal notice of a war contract to an enterprise which does not hold a manufacturing license or sales authorization for the materiel concerned, such notice shall take the place, for such enterprise and for the materiel under consideration, of a manufacturing license or sales authorization.

"During the entire duration of the execution of the contract, the enterprise shall remain subject to all legally enacted regulations which apply to license holders.

"Not later than one month after the giving of formal notice of such contract, the enterprise must deposit with the competent authority a file containing the documents laid down for all requests for a manufacturing license or sales authorization for the materiel which forms the subject of the contract.

"In case of non-compliance with this time-limit, the holder is liable to fines which, in the absence of respective regulation in the contract, shall be computed at the rate of ½ per mil of the amount of the contract per day of delay."

Under the provisions of Article 1 of the Decree-Law of April 18, 1939 (Journal Officiel, June 13, 1939, p. 1589) the term "war materiel" is defined as firearms and ammunition conceived or intended for land, naval or aerial war and material intended to carry or employ such firearms in combat.

Article 2 of the same Decree-Law provides that enterprises manufacturing or engaging in the purchase and sale of "war materiel" cannot operate without the previous authorization of the State and under its control, pursuant to the conditions prescribed by decree. Article 5 of the Decree of August 14, 1939, for the implementation of such Article 2 and following Articles (Journal Officiel, August 19, 1939, p. 10438) provides that, in order to receive a manufacturing license, a corporation (société par actions) must be of French nationality, must be managed and directed by French citizens and the majority of its capital must be held by French citizens.

In the field of public works, article 21 of the General Administrative Clauses applicable to public works contracts entered into in the name of the State established by Decree No. 61-529 of May 8, 1961 (Journal Officiel, May 31, 1961, p. 4915), provides for preferences for materials, etc., of French origin in the following terms (unofficial translation from French):

"5. With the exception of provisions arising from international treaties or agreements, where applicable, all materials, materiel, machines, apparatus, tools and appliances used for the execution of the works must be of French origin.

"6. With the same exception, special deviations may be provided for in the special contract specifications or may be granted in the course of the contract by ministerial decision."

The reference to international treaties and agreements is obviously intended to take into account the provisions of the Treaty of Rome, particularly those relating to the right of establishment and the free provision of services.

Article 3 of the same decree requires the submission with bids of proof of the nationality of the bidder and its personnel as required by the tender notice or the invitation for offers, if the contract is entered into for defense requirements.

The opportunities for preference in favor of French contractors and French materials in practice and under the applicable regulatory provisions are described in the following statement contained (pages 8-9) in the letter dated December 10, 1963, from Maitre Jean L. Sarrut and Maitre Bernard Siegler, cited infra.

"(b) Our public authorities have various possibilities to put aside foreign suppliers:

"In connection with national defense they may invoke the above referred regulations;

"They may raise the import duties;

"In connection with adjudications they may put aside the foreign tenderers, in the same manner as French tenderers who, in their opinion, do not fulfill the required conditions, without any recourse being possible;

"In connection with the 'appels d'offres' and the 'marchés de gré à gré' they may choose French suppliers without contacting foreign suppliers.

"Another means may consist, in connection with contracts concerning equipment of material, for example, in requiring such characteristics concerning the material that only French equipment can comply with.

"(c) In fact, certain of these means are indisputably used in some cases in France. In connection with national defense, for example, it might happen that French suppliers be selected, although their prices are much higher than those of foreign suppliers.

"But according to the information that we have gathered, the preference in favor of French suppliers has certain limits:

"The preference for French suppliers will not play if French prices are fairly higher than foreign ones. If, for example, foreign equipment costs, say 10 percent less than French equipment, our public authorities will hesitate to order French equipment as such decision might be criticized by the public control accountants.

"Also there are cases when, by reason of economic policy, for example when the French prices are going up, our public authorities buy abroad deliberately.

"All this is not theoretical, and we know, for example that our public authorities in charge of the manufacturing of French coins made abroad substantial orders which might have been passed in France. Also certain employers' federations complain about the fact that our public authorities pass too often contracts abroad."

The situation in the field of civilian government procurement is succinctly and accurately summarized in a publication entitled "France's Fifth Republic and the Business World" published in 1963 by Business International S.A., as follows (at page 31):

"Foreign companies can sell to civilian state 'markets' whether they manufacture in France or import, provided they abide by import regulations. There is no equivalent of the 'Buy American Act' in France. But in the absence of written regulations and presuming equal prices and services, the 'love-rate' (cote d'amour) is applied in favor of national suppliers, a reaction that the Commission Centrale [des Marchés] calls 'visceral.'"

The situation in France was confirmed by a conversation which two members of the United States Embassy in Paris had in April 1960 with Mr. Paul Gros, then Chief Purchasing Officer of the French State Railways and at the same time President of the French Association of Purchasing Agents, and a Mr. Dumas, of the Government Procurement Committee. The conversation is reported in Foreign Service Despatch No. 1585 (unclassified) dated April 12, 1960, from the United States Embassy in Paris to the Department of State. Messrs. Gros and Dumas were reported as stating that, while there are no legislative or administrative regulations corresponding to the Federal Buy American Act in France, preference would generally be given to the French suppliers without any official requirement to do so. Mr. Gros is also reported as stating that for a non-French firm to be seriously considered as a potential supplier, its bid would have to be 20 percent to 30 percent below the lowest French bid.

PRINCIPAL SOURCES

(1) Letter dated December 10, 1963, from Maitre Jean L. Sarrut and Maitre Bernard Siegler, Avocats à la Cour d'Appel, Paris, letter dated May 28, 1964 from Maitre Siegler and letter dated November 6, 1964, from Maitre Sarrut, all to Cravath, Swaine & Moore, Paris.

(2) Foreign Service Despatch No. 1585 dated April 12, 1960, from the United States Embassy in Paris entitled "EXPORT: Public Procurement Methods in France".

(3) Business International, S.A., "France's Fifth Republic and the Business World" (Geneva, Switzerland, 1963).

(4) Commission Centrale des Marchés (France), "Guide du Fournisseur de l'État" [Guide for the State Contractor] (Paris, 1964).

(5) de Grand Ry, "L'Harmonisation des Legislations au sein du Marché Commun en Matière de Marchés Publics" [The Harmonization of Laws concerning Public Contracts in the Common Market], Revue de Marché Commun (No. 37) pp. 247-251 (No. 38), pp. 282-292 (1961).

(6) Hainaut and Joliet, "Les Contrats de Travaux et de Fournitures de l'Administration dans le Marché Commun" [Public Works and Supply Contracts in the Common Market], vol. 1 (Brussels, 1962), vol. 2 (1963).

Posts—Telegraphs—Telephones

FORM OF GENERAL INFORMATION FOR SUPPLY CONTRACTS [FRANCE]

(Unofficial translation from French)

I. Administrative and Legal Information

A. to be furnished by all candidates:

Correct name of enterprise------------------

Address and telephone number:

(a) of business seat----------------------

(b) of plants, workshops or storage places where the supplies will be manufactured or kept-------------------------------

Posts—Telegraphs—Telephones—Continued

FORM OF GENERAL INFORMATION FOR SUPPLY CONTRACTS [FRANCE]—continued

Manner of working: working owner------; lessee-manager (state since what date)* ------

B. to be furnished by companies only: Juridicial form (example: stock company, limited liability company, partnership limited by shares)---------------------------

Business capital----------------------------

Date of information-------------------------

Persons authorized to bind the company in matters of contracts:

Name.

Office.

Nationality.

Authorizing documents.

(1) President-director general, manager, commercial director, etc.

(2) As applicable: by-laws, board of directors' resolutions dated------, etc.

II. Technical Information

1. Activities of the enterprise:

(a) List current manufactures:------------

(b) Do you wish to be consulted on all these manufactures or only on certain among them? (In that case, list them):------------

2. Area of plants, workshops, or storage spaces indicated on page 1 under 1–A, section b:------------

3. Personnel force used: Total number: ------ of which ------ laborers.

4. Energy used: Nature and power:-------

5. Machines and installations comprising plant equipment (list with indication of power and maximum capacity of each):-----

GERMAN FEDERAL REPUBLIC

(Member of EEC, GATT and OECD)

The only statutory provision relating to public procurement in the Federal Republic of Germany is the Reich Public Budget Regulation (Reichshaushaltsordnung) adopted December 31, 1922, and now in effect as last revised on April 30, 1938. Section 46 of the Regulation provides as follows (unofficial translation from German):

"(1) Contracts made for the account of the Reich must be preceded by public tender, unless the nature of the transaction or special circumstances justify a deviation.

"(2) The Government of the Reich shall establish uniform principles for the making of contracts."

The public budget laws of the Länder (States) contain similar provisions.

The basic provisions which are applied by public procurement authorities are:

(1) Regulations for the Placing of Public Orders—Except those in the Construction Industry (Verdingungsordnung für Leistungen—ausgenommen Bauleistungen) (VOL); and

(2) Regulations for the Placing of Construction Contracts (Verdingungsordung für Bauleistungen) (VOB).

The VOL and the VOB are not mandatory legal provisions but only general principles drafted by specialists and considered by them to constitute the best procedures. They have, however, been made binding on federal government departments and agencies and the Länder by means of administrative circulars.[1] The VOL applies to most government departments, including the Ministry of Defense, the Ministry of Posts and Telecommunications (PTT), the State Railways, the Ministry of the Interior and the Ministry for Economic Property. The VOB is applicable to all public works financed by means of federal credits. All nine Länder have also adopted both the VOB and the VOL and they are also binding on the municipalities.

Section 3 of the VOL and Section 3 of the VOB prescribe the following methods for the letting of contracts:

(1) Public invitation for offers (öffentliche Ausschreibung)—invitations for offers are made to an unrestricted number of firms by publication in the Bundesausschreibungsblatt (Federal Bulletin for the Invitation of Offers) and in the Bundesanzeiger (Federal Bulletin) as well as in daily newspapers and trade journals.

(2) Restricted invitation for offers (beschränkte Ausschreibung)—limited invitation for offers addressed privately to selected firms.

(3) Direct procurement (freihändige Vergabe)—contracts are awarded without formal proceedings in the discretion of the contracting authorities, usually on the basis of informal offers by at least three firms.

The first method is the standard one, but is used principally for construction contracts and even then accounts for only about one-third of such contracts in value. The second method may be used, if the nature and extent of the order or work demands special reliability, capability, or competence. The third method may be used in the restricted cases specified in the VOL and the VOB. In practice, however, the applicable provisions of the VOL and VOB are liberally interpreted by the contracting authorities, with the result that the method to be used is largely in their complete discretion.

In any event, even in the case of a public invitation for offers, the contracting authority is under a duty to accept the offer which is the most economical (wirtschaftliche), taking into account all relevant factors; hence, there is no duty to accept the lowest offer pricewise. There is, accordingly, ample opportunity for discrimination in favor of domestic suppliers and contractors.

Both the VOB and the VOL regulate explicitly the utilization of products or materials of foreign origin but they do not contain any specific provision dealing with the treatment to be given to foreign bidders.

Section 10, No. 4, of the VOL contains the following discriminatory provision (unofficial translation from German):

"4. Specified places of origin or supply sources shall be prescribed only in a case where required because of important reasons. Foreign products may not be supplied if appropriate products are manufactured in the interior of the country at reasonable prices."

Section 9, No. 7, of the VOB provides that (unofficial translation from German):

"The use of materials or construction components of foreign origin must not be requested if appropriate national products exist on the same terms and conditions."

Section 8, No. 1, of the VOB provides that (unofficial translation from German):

"In case of public invitation for offers, the contract documents must be sent to all domestic applicants who undertake professionally to effect performance of the class for which tenders have been invited".

All the foregoing provisions are, however, temporarily suspended. On May 20, 1954, the Federal Finance Minister issued a Circular (Ministerialblatt das Bundesministers für Wirtschaft, No. 12, June 30, 1954) initially providing for their suspension in the following terms (unofficial translation from German):

"In trade exchanges with the country of origin, the principle of reciprocity must be granted in the case of public invitations for tenders, i.e., offers by foreign competitors and of foreign products will, in the evaluation of bids, be considered in application of the same handicaps which the country of origin concerned will apply to West German bidders."

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* Strike out one or the other, as applicable.

[1] The current (1960) edition of the VOL was confirmed in effect with amendments by a Circular dated May 11, 1960, of the Federal Ministers of Economic Property and Economy. The current (1952) edition of the VOB was promulgated by a Circular dated April 23, 1953, of the Federal Ministers of Finance, Trade and PTT.

Moreover, for contracts valued at more than DM50,000 ($12,500), which involved the designation of a foreigner as the contractor or the use of products of foreign origin, the authorization of the Federal Minister of Finance was required.

The 1954 Circular was superseded by a Circular of the Federal Minister for Economic Patrimony dated April 29, 1960, and still in effect, which, at least literally, placed foreign competitors and products on the same level with domestic competitors and products. An unofficial translation from German of the 1960 Circular is attached hereto. It should be noted that paragraph 3 of the Circular states that application of the principle of reciprocity will again be taken into consideration if difficulties should arise.

The 1960 Circular does not affect provisions for the award of contracts to the following privileged groups:

(a) Expelled people and refugees from the Soviet Zone of Germany, individuals and firms in areas classified as "distressed areas" (including West Berlin), evacuees and victims of National Socialist persecution.

(b) Suitably qualified German "medium-sized" firms (i.e., employing not more than 50 persons). The Ministry of Defense places a proportion of the total value of its contracts with such firms. The proportion varies according to the type of supplies required but in practice ranges between 30 and 40 percent.

In the case of the first mentioned group, the contract is to be placed with the privileged applicant provided he is otherwise qualified and his bid is as economical as (or even, subject to adequate budgetary funds being available, slightly above) the most economical bid submitted by a non-privileged applicant. The *Länder* and municipalities are required to apply the same preferences.

It will be noted that the provisions relating to privileged groups bear considerable resemblance to the provisions of Executive Order No. 10582 under the Federal Buy American Act relating to awards to small business concerns and to concerns located in economically distressed areas.

By virtue of agreements with the United States a great deal of German defense procurement is carried out in the United States, primarily to offset the cost of maintaining United States armed forces in the German Federal Republic.

PRINCIPAL SOURCES

(1) Airgram No. A–737 dated October 31, 1963, entitled "Orders Placed by the German Bundespost with 'Privileged Bidders' ".

(2) Letters dated January 31, 1964, and October 15, 1964, from the United States Embassy in Bonn to Cravath, Swaine & Moore, Paris.

(3) de Grand Ry, "L'Harmonisation des Legislatións au sein du Marché Commun en Matière de Marchés Publics" [The Harmonization of Laws concerning Public Contracts in the Common Market], Revue du Marché Commun (No. 37) pp. 247–251, (No. 38) pp. 282–292 (1961).

(4) Hainaut and Joliet, "Les Contrats de Travaux et de Fournitures de l'Administration dans le Marché Commun" [Public Works and Supply Contracts in the Common Market], vol. 2 (Brussels, 1963).

(5) Marketing Conditions: Germany—III, Business International, February 5, 1965.

GERMAN FEDERAL REPUBLIC

(Joint Ministerial Circular dated April 29, 1960 (Ministerialblatt of the Federal Minister for Economy, No. 11, 1960, page 269)

(Unofficial translation from German)

Bonn, April 29, 1960.

The Federal Minister for Economic Property of the Federation: Ref.: III gen.—0 6060—2/60.

The Federal Minister for Economy: Ref.: I B 9—4436/60.

Foreign Office: Ref.: 400—80.10 (21).

To:

(a) The Federal Minister.

(b) The Federal Minister for Atomic Energy and Water Administration.

(c) The Federal Minister of the Interior.

(d) The Federal Minister for Post and Telecommunications.

(e) The Federal Minister for Transportation—with a copy to the Central Administration of the German Federal Railroads.

(f) The Federal Minister for Defense.

For information to: (g) the Federal Minister for Housing Construction.

Subject: Procurement Matters: Consideration of Foreign Bidders and Foreign Products (VOL/A § 10, No. 4, second sentence; VOB/A § 8, No. 1, first sentence, § 9, No. 7).

Reference:—

Enclosures: One.

The rules provided for in the Regulations (VOL/A § 10, No. 4, second sentence; VOB/A § 8, No. 1, first sentence; § 9, No. 7), concerning:

(a) the consideration of foreign bidders, and

(b) the use of products of foreign origin (where domestic bidders perform services)

in the case of public orders must be applied in keeping with the general economic development and, in particular, the progressive integration within the framework of the European Economic Community (EEC); in agreement with the Federal Finance Minister, it is requested that the following principles be observed in connection with all procurements within the Federal territory:

1. In view of the increasing liberalization, especially of the European Market, the German economic situation makes the purchase of foreign products and the consideration of foreign bidders desirable from the viewpoint of commercial and economic policies.

2. The advantages and disadvantages for the domestic employment situation which arise from the use of foreign products or ordering from foreign bidders must not be judged from the viewpoint of the individual economic section directly concerned. In the case of individual sectors of the economy for which special circumstances exist (e.g., mining), a need for protection might be justified from the point of view of national economy; in cases of doubt, it is recommended that an inquiry be addressed to the Federal Minister for Economy (Department I B 9; telephone Bonn 3 01 61).

3. The principle of reciprocity in the case of granting state orders to foreign bidders, as it had been set forth in the circular by the Federal Finance Minister dated May 20, 1954 (II D–O–6060–25/54), shall for the time being not be applicable. If in the future, in certain cases, particular difficulties should arise, the problem of reciprocity will be examined again. The circular of the Federal Finance Minister dated May 20, 1954 (II D–O–6060–25/54) shall in this respect become invalid.

4. When considering offers by foreign bidders, attention is to be given first of all to the following:

(a) the principle for granting orders must be observed (VOL/A § 2, No. 1, VOB/A § 2), i.e., that the bidders are competent, efficient and reliable;

(b) considering all circumstances, the offer must be the most economical ["das wirtschaftlichste"] (VOL/A–§ 24, VOB/A–§ 25), in which connection, particularly in the case of foreign bidders and foreign products, the sufficient securing of warranty rights, supplies of replacement parts and, where applicable, servicing of delivered equipment must, among other things, be carefully weighed.

Since the Federal Republic will, for the time being, no longer apply the principle of reciprocity in the case of public orders (No. 3), offers by foreign bidders shall be evaluated the same as all other offers, although the guiding principles for preferred bidders shall be observed.

5. The principles set forth in Nos. 3 and 4 shall apply mutatis mutandis in cases where domestic bidders intend to use foreign products in the execution of the work.

6. The participation of foreign bidders in public bids is promoted by the distribution abroad of the Federal Gazette publishing invitations to bid which the Foreign Office has originated. In connection with the nomination of suitable foreign bidders for limited invitations for offers and direct orders, to which special attention should be paid, it is recommended that inquiries be addressed to the representatives of foreign industrial organizations in the Federal Republic of Germany (see enclosure) or to the Consular offices.

The Economic Ministers (Economic Senators) and Finance Ministers (Finance Senators) of the States ["Länder"] as well as the municipal central organizations have today been informed correspondingly.

The Federal Minister for Economic Property of the Federation:

By order:

ROSSIG.

The Federal Minister for Economy:

By order:

DR. LANGER.

Foreign Office:

By order:

DR. HARKORT.

Attested

[OFFICIAL SEAL]

HOWALD.
(Howald)

Enclosure: to the joint circular from the Federal Minister for Economic Property of the Federation, the Federal Minister for Economy and the Foreign Office dated April 29, 1960 concerning: Defense Matters: Consideration of Foreign Bidders and Foreign Products (VOL/A § 10 No. 4 second sentence; VOB/A § 8 No. 1 first sentence, § 9 No. 7)

German-Belgian-Luxembourg Chamber of Commerce: (22c) Köln Cäcilienstr. 46.

United States Chamber of Commerce (16) Frankfurt (M) Rossmarkt 12.

Italian Chamber of Commerce for Germany (16) Frankfurt (M) Feldbergstr. 24.

Netherlands Chamber of Commerce for Germany (16) Frankfurt (M) Forsthausstr. 111.

French Commercial Service in Germany (22 c) Bad Godesberg Kappellenstr. 1 a.

Federation of British Industries (22 c) Köln—Marienburg Goltsteinstr. 219.

The Austrian Commercial Delegate in the Federal Republic of Germany (16) Frankfurt (M) Friedensstr. 5.

ITALY

(Member of EEC, GATT, and OECD)

The public works and public supply contracts of the State are governed by the provisions of Royal Decree No. 2440 of November 18, 1923, making new provisions regarding the administration of Government funds and the general accounting for Government services, as implemented and regulated by Royal Decree No. 827 of May 23, 1924, approving the rules for administration of Government funds and the general accounting for Government services.

Articles 3, 4, and 6 of the 1923 decree provide for the following four methods for the letting of contracts:

(1) Public tender (asta púbblica)—public invitations for tenders are issued to an unlimited number of bidders by notices in the press, and, in the case of larger contracts, in the Gazetta Ufficiale (Official Gazette) of the Republic.

(2) Selective tender (liticazione privata)—private invitations to tender are issued to a

limited number of suppliers or contractors selected by the contracting authority.

(3) Competitive tender (appalto-concorso)—this method is essentially the same as selective tender but is used in special cases.

(4) Private contract (trattativa privata)—the contract is let after private negotiation with one or more selected suppliers or contractors.

The 1923 decree prescribes public tendering by means of advertising as the normal method. Under the provisions of the 1924 decree selective tendering may be adopted in specified cases, including cases of urgency. Competitive tendering is essentially the same, except that it is used only for special works or supplies requiring well established technical, artistic or scientific qualifications. Under the provisions of the 1924 decree the private contract method may be used in specified cases where special or exceptional circumstances prevail which do not conveniently permit the use of any of the other procedures.

Under the public tendering and selective tendering procedures, the contract is awarded to the bidder who offers the best terms (i.e., the lowest tender in price). The contracting authority does not have discretion to select the bid which appears to it to be the best or the most advantageous. Nevertheless, the contracting authority has the power to exclude any bidder, despite the regularity of the documents which he presents. The exclusion may not be appealed and no reason need be given therefor.

The bidding procedures described above are mandatory for the entire State administration, that is, not only for the Ministries and their subordinate departments, but also for the autonomous agencies and other governmental agencies. They are also mandatory on the local administration level but different rules obtain in the Regions. They are not, however, applicable to industrial enterprises owned by the State, which operate like private corporations.

The only express statutory provision discriminating in favor of Italian firms and Italian materials are contained in Law No. 429 of July 7, 1907, as amended, relating to the State Railways, Articles 33 and 34 of which provide as follows (unofficial translation from Italian):

"33. Supplies of fixed and moveable material and metal structures are, as a rule, contracted out to national industry, by the system of public bidding.

"The general management of the State Railways, upon appropriate resolution of the Board of Directors, may proceed by selective tendering or private contract, when the interest of the Administration so advises or for the purpose of assuring an equitable distribution of the equipment among similar establishments in the various parts of the Kingdom, the provisions of Art. 16 of the Law of July 8, 1904, No. 351, remaining in effect.

"If the result of the public bidding, selective tendering or private negotiations demonstrate that the conditions of national industry do not permit the obtaining of satisfactory prices, the general management of the State Railways, upon due deliberation of the Board of Directors, and following authorization of the Council of Ministers, may proceed with international tenders, to which national firms are also invited.

"The director general shall give a detailed accounting of the above-mentioned supplies in the annual report pursuant to Article 9.

"34. Under the same conditions, national industry must be preferred in international tenders.

"For supplying of materials pursuant to the preceding article, there will be granted by deliberation of the Board of Directors an adequate protection to national industry, which, however, may never exceed 5% of the offer of foreign industry, increased by the expenses of customs and transport to the place of delivery.

"By offer of foreign industry is meant the average of the lowest offers which represent one-half of the number of foreign offers deemed valid. If these are in odd numbers, one-half is arrived at by the number itself increased by one.

"If the foreign offer consists of only one, the determination of equality of conditions will be submitted to the judgment of the Board of Directors.

"Whenever it may be necessary to provide promptly for the normal supply of materials for the operation of the State Railways, there may be specially authorized, upon resolution of the Council of Ministers, selective tendering or private negotiations with foreign firms.

In the case of public works, bids by foreign firms are effectively precluded by the fact that all contractors who perform works pertaining to the State or to public entities in general in an amount exceeding 10,000,000 lire (about $16,600) shall be registered in the national list of contractors established by Law No. 57 of February 10, 1962 (Gazzetta Ufficiale, March 2, 1962). Articles 13–15 of such Law, copies of an unofficial translation from Italian which are attached hereto, contain detailed prerequisites for inscription on the list. Most important, Article 13, read in conjunction with Article 15, requires, with respect to private firms, partnerships and corporations that the technical manager and all legally responsible directors be Italian nationals, or if they are foreigners, residents of Italy and nationals of countries which grant the same privilege to Italian citizens on a reciprocal basis. Exceptionally, Article 4 of the 1962 Law provides that, when the works described required a very particular skill and no suitable contractor appears to exist among those registered on the list, the contract may be awarded to Italian contractors not registered on the List or even to foreign contractors, subject to prior notice setting forth the reasons therefor being given by the contracting authority to the Committee in charge of the List.

Nevertheless, the basic form of discrimination against foreign bidders is administrative in nature. Despite the fact that the basic laws and regulations prescribed public tendering as the standard and normal method of letting contracts, the contracting authorities have so interpreted the law and regulations as to relegate public tendering to second place in favor of selective tendering, with the result that that method is used in an estimated 70 to 80 percent of the cases.

In selective tendering the contracting authorities resort to companies included on lists of suppliers, the most important of which is that maintained by the Provveditorato Generale dello Stato (General State Purchasing Office).

In order to obtain registration on the List of that Office, an application must be submitted and the applicant's technical and commercial ability must be established. Other lists of suppliers, more or less governed by the same practice, are maintained by various autonomous and state agencies and by the three branches of the Ministry of Defense (Army, Navy, and Air Force). Other ministries and government offices normally use the first mentioned list. It is extremely difficult, although not impossible, for a foreign company to obtain inclusion on any particular list, unless it operates in Italy through its own organization or a permanent representative. Each agency maintaining a list has full and complete discretion, moreover, as to whether it will or will not inscribe a company on the list, even if it complies with all the requirements prescribed. The same discretion exists in the case of removal from a list.

Furthermore, a number of important agencies are expressly authorized to let contracts by private negotiations. Article 1 of Royal Decree No. 540 of March 11, 1923, prescribes that method as the normal one for the General State Purchasing Office, which purchases certain supplies for all central and local administrations, except the State Railways. Under the provisions of Article 1 of Royal Decree-Law No. 1718 of September 30, 1929, the Ministry of Defense (Air Force) has complete discretion in most cases to use either the selective tendering or private contract methods. Also, Article 31 of Royal Decree No. 728 of June 28, 1912, grants the State Railways complete discretion to use the private contract method. Numerous other agencies have similar statutory dispensation.

PRINCIPAL SOURCES

(1) Letter and memorandum dated May 4, 1964, from Avv. Nicola Troilo of Studio dell'Avv. Ercole Graziadei, attorneys of Rome, Italy, to Cravath, Swaine & Moore, Paris.

(2) Foreign Service Despatch No. 922 dated March 25, 1960, from the United States Embassy in Rome, entitled "EXPORT—Italian Procurement Regulations and Practices as they affect American Bidders and Suppliers".

(3) Airgram No. A–1241 dated March 5, 1963, from the United States Embassy in Rome, entitled "Foreign Government Procurement Practices".

(4) Letter dated December 6, 1963, from the United States Embassy in Rome to Cravath, Swaine & Moore, Paris.

(5) de Grand Ry, "L'Harmonisation des Legislation au sein du Marché Commun en Matière de Marchés Publics" [The Harmonization of Laws concerning Public Contracts in the Common Market], Revue du Marché Commun (No. 37) pp. 247–251, (No. 38) pp. 282–292 (1961).

(6) Hainaut and Joliet, "Les Contrats de Travaux et de Fournitures de l'Administration dans le Marché Commun" [Public Works and Supply Contracts in the Common Market], volume 1 (Brussels, 1962), volume 2 (1963).

ITALY

(Excerpts from law of February 10, 1962, concerning the institution of a national registry of contractors (Gazzetta Ufficiale, Mar. 2, 1962))

(Unofficial translation from Italian)

ARTICLE 13. GENERAL REQUIREMENTS FOR REGISTRATION

The general requirements and necessary certifications for registration in the Registry are:

(1) Italian citizenship, or residence in Italy with respect to foreigners, contractors or directors of legally constituted commercial companies, provided they belong to States which grant reciprocal treatment with respect to Italian citizens.

(2) absence of penal records or pending matters relating to crimes under No. 2 of article 21.

If the technical manager (direttore) of the undertaking is a different person from its owner, the requirements of Nos. 1 and 2 must apply to both;

(3) certificate of registration with the Chamber of Commerce, Industry and Agriculture with indication of the specific activity of the firm;

(4) certificate of direct taxes of the district office from which income under category B is realized, for which the applicant has been registered in the income tax rolls in the 3-year period preceding the registration application, with respect to the particular activity as a contractor developed by him. If the latter is not yet registered, he must produce an appropriate statement by such office;

(5) certificate (optional) of registration in a similar association.

ARTICLE 14. SPECIFIC REQUIREMENTS FOR REGISTRATION

(1) Technical qualification—Technical qualification is demonstrated by means of diplomas, certificates issued or confirmed by technical officials in service activities referring to work executed or directed by the applicant and by any other document.

The certificates under the preceding paragraph must specifically indicate the works executed or directed, their amount, the time and place of execution and state if they were carried out properly and successfully or whether there were disputes with the Administration by arbitration or judicially, with an indication of the results of the same.

If the works were executed on behalf of the State or public entities, the certificate is issued by an official in active service, with qualifications no less than those of the Chief Engineer of Civil Engineering or by an office director, under the immediate direction of whom or under the supervision of the office, of which the official himself is chief, the works were executed.

If the works were executed on behalf of private parties, the relative declaration to be issued by the contractor or, if there was one, by the director of the works, must be confirmed, subject to verification, by the Chief Engineer of Civil Engineering.

For works executed or directed abroad, there may be submitted certificates by the proper consul, which contain all data required above, with the explicit declaration that, before issuing them, the official by whom the documents are signed carried out accurate investigations and obtained information from the technical authorities of the location.

(2) Financial capacity—This is demonstrated by proper bank references or by documents which validly prove the economic and financial potential of the interested party.

Bank references are requested directly and reservedly by the competent Committee of the institutions indicated by the applicant in the registration of the request in question. The other documents must be of a date not earlier than one month from the date of the application for registration and, if of an earlier date, must be expressly confirmed under date no earlier than 1 month from that of the application.

(3) Technical equipment—The possession of technical equipment must appear in the declaration of the applicant, in which there must be listed and described means of operation, equipment, and materials in general at its disposal, reserving to the Administration facilities to execute controls and to provide for legal redress in case of false or inaccurate statements.

Whenever the owner of the undertaking is someone other than the technical manager, the documents under No. 1 must refer to the manager, those under Nos. 2 and 3 must refer to the owner.

ARTICLE 15. REQUIREMENTS FOR COMMERCIAL COMPANIES AND COOPERATIVES

For the registration of commercial companies, cooperatives and their branches:

(a) The requirements under Nos. 1 and 2 of article 13 are applicable: to the technical manager and all "components" if it is an unlimited partnership; to the technical manager and all partners, if it is a limited partnership; to the technical manager and the directors (amministratori) furnished with powers of representation, for every other type of company.

(b) The documents under No. 1 of article 14 are applicable to the technical manager.

The companies must also exhibit an authentic copy of their certificate of incorporation and a certificate of the court issued not more than two months prior to the application for registration, from which it may be ascertained that the company is not in a state of liquidation or bankruptcy and has not submitted an application for bankruptcy. It must also be ascertainable from the certificate whether bankruptcy proceedings or an application for bankruptcy have occurred within the 5-year period prior to the above date.

GREECE

(Associate member of EEC; member of GATT and OECD)

Under the provisions of Law No. 3215 of April 26, 1955, Greek industrial products are accorded preference in purchases (through public bidding or otherwise) by State or quasi-governmental agencies, municipalities and communities as well as private business organizations enjoying partial or total duty-free import privileges. An unofficial translation from Greek prepared by the U.S. Embassy in Athens is attached hereto as schedule A.

The preferences are applied as follows:

(a) The margin of preference for Greek products is 8 percent of the landed cost of foreign products (i.e., c.i.f. invoice price plus all duties and taxes, other than turnover tax, payable upon importation). The maximum allowable margin of preference, calculated on the c.i.f. price of a similar foreign product, is 30 percent for domestic products in general and 35 percent for the products of the domestic iron and steel and metalworking industries. In determining the landed cost of imported products, the amount of import duty and taxes added as above to the c.i.f. invoice value may not be higher than 30 percent ad valorem generally and 35 percent ad valorem for metal products, exemption being granted for any duties and taxes in excess of those percentages.

(b) In lieu of the foregoing preferential treatment, Greek enterprises may apply for the duty and tax-free importation of the raw and auxiliary materials required for the production of the goods being procured, in which case the margin of preference accorded the domestic industry is 10 percent (instead of 30 percent or 35 percent) of the c.i.f. price of the foreign product.

(c) In comparing the prices of Greek provincial industrial and handicraft products with those of imported products, the price differentials in favor of Greek products indicated in paragraphs (a) and (b) above, are further increased by the margins of preference accorded provincial products in relation to products manufactured in the capital area, under the provision of Decree Law 2176 of 1952. The margin of preference accorded provincial products over those of the Athens area varies, according to the type of product involved from 2 percent to 5 percent and may in no case exceed 8 percent. By virtue of Law No. 3213 of 1955 those percentages are further increased by 50 percent for industrial enterprises operating on Greek islands (except the island of Euboea). Accordingly, provincial industrial and handicraft enterprises may be given a price preference of 11 percent to 20 percent of the landed cost of foreign products, depending on the location of the producing plant and the type of product involved.

The provisions of Law No. 3215 are not applicable to procurement contracts pertaining to industrial projects authorized under Greece's basic foreign investment law (Law No. 2687 of 1953) and under Law No. 4171 of 1961. For such projects, equipment and supplies may be purchased freely from any source at the discretion of the investor.

THE AGREEMENT OF ASSOCIATION WITH THE EUROPEAN ECONOMIC COMMUNITY

The Agreement was signed on July 9, 1961, and took effect on November 1, 1962 (Journal Officiel of the European Communities, February 18, 1963). It provides for the association of Greece with the Community under the provisions of Article 238 of the Treaty of Rome on the basis of a customs union, with the prospect of full membership when the progress of the Greek economy allows Greece to assume fully the obligations imposed by the Treaty. The customs union is to become fully effective on November 1, 1974, except in the case of specified manufactured goods produced in Greece as to which the effective date will be November 1, 1984.

Article 3 of the Agreement provides for an institutional structure for its implementation. The Association Council, which is composed of representatives of Greece on the one hand and of the Member States and of the Community on the other hand, has the general function of taking all measures necessary to assure the realization of the aims of the Agreement and to conduct all examinations into the development of the cooperation between the Contracting Parties. All decisions adopted by the Council must be unanimous.

The Agreement in general follows the outline of the Treaty of Rome. In the field of public contracts the most important provisions are Article 5 relating to the elimination of discrimination on the basis of nationality, Articles 47 and 48 relating to establishment, Article 49 relating to services, Article 57 dealing vaguely with the approximation of laws and Protocols 1 and 9 limiting the application of the Agreement in the field of public contracts. A copy of an unofficial translation from French of those Articles and Protocols is attached hereto as Schedule B.

It seems obvious that the application of the provisions of the Agreement, as limited by the Protocols, is not likely to have much effect in the foreseeable future in the field of public contracts. Protocol 1 contains express limitations on the application of Article 5 of the Agreement insofar as public contracts are concerned; Protocol 9 contains an exception with regard to agreements for financial aid between the United States and Greece and exempts them, at least until the end of the first transitional period ending in 1974, from the application of the provisions of Article 5. Moreover, Articles 47 and 48 contain only vague provisions with regard to the right of establishment and leave the ultimate decisions in this field to be worked out by the Association Council. Also, under Article 49 the authority to regulate the furnishing of services between the Community and Greece is reserved to the Association Council.

PRINCIPAL SOURCES

(1) Industrial Development Corporation S.A. (Athens), "Greece: Basic Incentives to Industrial Development and Foreign Investment" (July 1963).

(2) United States Department of Commerce, "Basic Data on the Economy of Greece," Overseas Business Reports, No. OBR 64–20 (February 1964).

(3) United States Department of Commerce, "Establishing a Business in Greece," Overseas Business Reports, OBR No. 62–10 (November 1962).

SCHEDULE A. GREECE

(Law No. 3215 of 1955 providing preferences for domestic industrial and handicraft products (Official Gazette, Apr. 30, 1955))

(Unofficial translation from Greek by U.S. Embassy in Athens)

PAUL, KING OF THE HELLENES

Having unanimously voted with Parliament, we decide and ordain:

Article 1

1. In connection with procurements effected by the State, or by Municipalities, or Communities, or any other legal entity of public or private law enjoying total or partial

exemption from import duties, either through competitive tender or otherwise, directly or through the State Procurement Service or any Committee, the products of domestic industry and handicraft are given preference as against the products of foreign origin even if the cost of the domestic products in question is higher up to 8 percent than that of the respective foreign products.

2. Procurements of domestic fertilizers are excepted, as coming under the application of law 760 of 1948 "re marketing of fertilizers" and as long as the law in question is valid.

3. Power production enterprises operating by virtue of contract privileges ratified by specific law, are excepted as well.

Article 2

To determine the comparative cost of a foreign product, we add to the offered CIF price the corresponding import duty—basic and additional—which is provided for each time by the duty tariff, as well as any other tax or due levied on importation, excepting the business turnover tax, which is not reckoned on the cost of the respective home product, and then we add the 8-percent rate provided for in the previous article to the price resulting in this way.

Article 3

1. A 30-percent rate on the respective CIF price of the foreign product is fixed as a maximum of the preference provided for in article 1 hereof in respect of home industry and handicraft products.

2. The maximum rate provided for in the previous paragraph is increased to 35 percent in respect of home metal industry products.

3. As places of delivery for such comparison of prices, according to the above, are determined: (a) the Customs House for the imported foreign products, and (b) the supplier's factory warehouse for the local products.

Article 4

1. At the request of a local industry or handicraft, in lieu of the protection provided for in articles 2 and 3 hereof, exemption from import duty is granted by joint decision of the Ministers of Finance and Industry in respect of the raw and auxiliary material required for the manufacturing of the products offered, in which instance the home product preference rate is fixed at 10 percent on the CIF price of the respective foreign items.

2. The terms and formalities for duty free importation of the raw and auxiliary material dealt with in the previous paragraph, as well as for control over the disposal of these for whatever purpose they have been imported, will be determined by joint decisions of the Ministers of Finance and Industry to be promulgated in the Government Gazette.

Article 5

In respect of monopoly items, as well as of industrial products, on which no direct or indirect duty is levied according to the duty tariff operating each time, the preference rate for the respective home industry and handicraft products is fixed either at 10 percent on the CIF cost of the foreign product, with duty free importation of the raw and auxiliary material required for the manufacturing of such home products, or up to 30 percent without duty free importation of the material in question. The above 10-percent preference rate can fluctuate between 10 and 20 percent in respect of certain monopoly items, following decision of the Ministerial Council.

Article 6

1. The terms of the procurements provided for in article 1 hereof are compulsorily formulated in such a way as to correspond to the possibilities of the local industrial or handicraft production under the prerequisite that the relative products can meet the requirements for which they are intended.

2. The method of application in general of the previous paragraph will be specified each time by joint decisions of the Ministers of Finance and Industry to be promulgated in the Official Gazette.

3. After 3 months from effect hereof, the procurements provided for in article 1 of the present law shall be effected in accordance with the decisions provided for in the previous paragraph.

Article 7

1. In connection with procurements effected according to the provisions hereof, eventual preference for items of foreign origin as against the respective local ones, entails an obligation for payment of the relevant duties and other taxes whose total cannot, however, exceed 30 percent on the CIF cost of these, or 35 percent as regards iron or metal industry products. In respect of duties and taxes over this percentage, exemption is granted in accordance with the relevant provisions, paragraph 3 of article 2 of E.L. 896/37 having no effect in this connection.

2. Particularly as regards Municipalities and Communities, full exemption from duties and taxes can be granted—following decision of the Ministerial Council issued upon proposal of the Ministers of Finance and Industry—in respect of water pipes imported from abroad, as long as the price of those offered by the local industry exceeds the preference rate of the CIF cost of the former.

3. The previous paragraphs are applicable on procurements of State items as well.

Article 8

The preference rates in favor of local industry products which were determined by virtue of the relative R.D. of the 2nd September 1952 in application of the provisions of article 3 of L.D. 2176/52 re protective measures for provincial industry, as well as by virtue of para. 1 of article 2 of the Law "re amendment and supplementation of the provisions concerning protective measures for provincial industry", are valid collectively in every instance of application of the provisions of the present Law.

Article 9

The contribution on every kind of wax materials, either foreign or local, which is levied in favor of T.A.K.E. (Greek Clergy Insurance Fund) by virtue of E.L. 816/1937, as subsequently amended and supplemented by E.L. 2293/1940, Law 1017/1949 and E.L. 3092/1954, is hereby abolished, as long as the materials in question are utilized—in the opinion of a Committee to be set up by joint decision of the Ministers of Industry and Education—for industrial or handicraft purposes, except for the manufacturing of candles or tapers.

Article 10

Transgression of the provisions hereof constitutes a disciplinary offense, while any civil, municipal or communal servants, or any municipal or communal authorities, or any of the administrative councils or the competent officials of the other entities provided for in article 1, who would eventually approve, or suggest for approval, the minutia of an adjudicated competition, or otherwise carry out a procurement in transgression of the above provisions, shall receive a disciplinary punishment by the competent agents, irrespective of any other legal consequence of such transgression.

Article 11

The following provisions are abolished: (a) article 6 of Law 2948/1922 re promoting industry and handicraft, (b) article 2 of Law 4536/1930 re amendment and supplementation of Law 2948/22, the Decrees issued in application of this article (1) of 14–5–31 re extending the preference limit for all kinds of stamps, (2) of 23–3–32 re extending the preference limit for military cartridges and ammunition from 20 to 30 percent, (3) of 25–10–35 re extending the preference limit up to 27 percent in respect of machinery and iron construction in general made by the Greek industry, (c) of article 8 para. 4 of E.L. 254/36 re amendment of the emergency laws of 19–10–35 and 28–12–35 re organization of a cotton institute, (d) of joint decision No. 6825/1263/22–1–37 of the Ministers of Finance and National Economy re fixing the preference limit for local cotton industry products at 35 percent, issued in application of para. 4 of article 8 of E.L. 254/36, and (e) of E.L. 477/37 re supplementation of article 16 of Law 2948/22 re promoting industry and handicraft, as amended by article 2 of Law 4536/30.

Article 12

Acts Nos. 261/3–3–1951 and 628/21–5–51 of the Ministerial Council are hereby ratified for the period they have operated, and are abolished by the present. Act No. 602/7–6/52 of the Ministerial Council is likewise abolished.

The acts in question read as follows:

[Note: Translation of Acts No. 261 and 628 of 1951 and Act No. 602 of 1952 omitted]

The present Law, having been passed by Parliament and ratified by Us today, shall be promulgated in the Official Gazette, and enforced as a Law of the State.

ATHENS, *April 26, 1955.*

PAUL R.

The Ministers of Industry:

A. PROTOPAPADAKIS.

Finance:

L. EFTAXIAS.

Ratified and sealed Athens, April 29, 1955.
The Minister of Justice:

CL. THEOPHANOPOULOS.

SCHEDULE B. GREECE

(Excerpts from agreement establishing an association between the European Economic Community and Greece and attached documents[1])

Article 5

1. In the area of implementation of the Agreement, and without prejudice of any special provisions which it contains, none of the Contracting Parties shall exercise or tolerate discriminations by reason of nationality or against physical persons who are nationals of another Contracting Party established in the territory of one of them.

2. For the implementation of the preceding paragraph, companies constituted pursuant to legislation of a Member State of the Community or of Greece which have their corporate business seat, their central administration or their principal establishment in the territory of one of the Contracting Parties shall be given equal standing with physical persons.

By companies, companies of the civil or commercial law shall be understood, including cooperatives, and other juridical persons under public or private law, with the exception of non-profit companies.

3. The Association Council shall, insofar as necessary, make the appropriate decisions for putting an end to the discriminations referred to in this article.

TITLE III. CIRCULATION OF PERSONS AND SERVICES

Article 47

The Contracting Parties shall facilitate, in a progressive and balanced manner, the establishment of nationals of the Member States in the territory of Greece and of nationals of Greece within the Community, in accordance with the principles of articles 52 to 56, inclusive, and 58 of the Treaty establishing the Community, with the exception of the provisions and articles relating to time-limits and to the procedure for the realization of a liberalization of establishment.

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[1] Unofficial translation from French. The Agreement was executed in Dutch, French, German, Greek and Italian, each of which is equally authentic (Article 77). There is no official English translation.

Article 48

The Association Council shall by decree set the tempo for this realization and establish the terms of implementation concerning the provisions of the preceding article for the different categories of activities; progressive implementation shall take place after the corresponding directives provided for in articles 52 to 56, inclusive, of the Treaty establishing the Community have become effective and in consideration of the special economic and social situation of Greece.

Article 49

The Association Council shall decide, during the transition period provided for in article 6 of the Agreement [1962–1974], on appropriate provisions to be taken in order to facilitate the rendering of services between the Community and Greece.

TITLE IV. PROVISIONS RELATING TO COMPETITION, TAXATION AND GRADUAL ELIMINATION OF DIFFERENCES BETWEEN LEGISLATION

Article 57

In the areas not covered by the provisions of this Agreement which have a direct influence on the functioning of the Association or in the areas covered by these provisions where they do not contain any specified procedure, the Association Council may make recommendations to the Contracting Parties inviting the latter to take measures which will serve to harmonize legislative, regulatory or administrative provisions.

PROTOCOL NO. 1—CONCERNING PUBLIC CONTRACTS

The contracting parties have agreed on the following provisions:

In deviation from the provisions of the Association Agreement, and in particular article 5, the Contracting Parties shall progressively adjust the terms and conditions for participation in contracts awarded by the administrations or public enterprises as well as private enterprises to which special or exclusive rights have been granted, in such a manner that, by the end of the transition period provided for in article 15 of the Agreement [1984], all discrimination between nationals of the Member States of the Community and those of Greece established within the territory of the Contracting Parties will be eliminated.

The terms and tempo under which the adaptation provided for in this Protocol must be realized shall be fixed by the Association Council taking its inspiration from the solutions which may be adopted in this field by the Member States of the Community.

This Protocol shall be attached to the Association Agreement.

PROTOCOL NO. 9—CONCERNING UTILIZATION OF AMERICAN AID BY GREECE

The contracting parties, in an endeavor not to interfere with the utilization of American aid by Greece, have agreed on the following provisions:

1. If the provisions of the Association Agreement form an obstacle to utilization by Greece of special assistance funds placed at the disposal of the Greek economy, either directly by the Government of the United States of America, or by intermediary of an organization designated by it, Greece shall have the power, after notification to the Association Council:

(a) To establish tariff quotas in observation of article 21, paragraph 2, of the Agreement for the importation of merchandise originating in the United States the purchase of which is financed with the funds in question;

(b) To import duty-free merchandise which forms the substance of the gifts provided for by Title III of "Public Law 480";

(c) To restrict awards of contracts to suppliers of products originating in the United States only where the utilization of the funds in question involves the importation of merchandise originating in the United States and where a competitive bidding procedure is required under legislative provisions either of Greece or the United States.

2. At the end of the transition period provided for in article 6 of the Agreement [1974], the Association Council may decide whether the provisions of this Protocol should be abolished or amended.

In the meantime, if changes occur in the nature of the funds referred to in paragraph 1 of this Protocol or in the procedures for utilization, or if difficulties arise with respect to such utilization, the Association Council shall re-examine the situation with a view to taking appropriate measures.

This Protocol shall be annexed to the Association Agreement.

TURKEY

(Associate member of EEC; member of GATT and OECD)

The basic law concerning public procurement is Law No. 2490 of June 2, 1934 (Official Gazette, June 10, 1934), as subsequently amended. Under the provisions of that Law, sealed public tenders are the standard and, in practice, the usual procedure. Procurement authorities may resort to open public tenders or to direct negotiation only when an invitation for sealed public tenders has met with no response, the volume of the goods and services is small or the articles in question are available only from a single source.

The objective of the sealed-envelope bidding system was to eliminate bargaining and price cutting by requiring every bidder to state his lowest price at the outset of the adjudication. In practice, however, there is much bargaining after the bids are opened, since all of them must then be reviewed privately by the Adjudication Commission, which subsequently invites each bidder separately to explain or amplify his offer.

Foreign firms or individuals may tender in the same way as Turkish nationals, unless the contract is for less than LT15,000 (about $1,667). In that event foreign nationals may not tender unless they are registered with the Turkish Commercial Registry Office and have been established in Turkey for at least 10 years.

In principal no preferential treatment is given to tender from any one foreign country as compared to any other country, except in the case of "tied" external financing arrangements. Under the provisions of Decree No. 6/3083 dated June 1, 1964, however, the Ministry of Finance is authorized to designate the country from which imports of capital goods exceeding $50,000 are to be made by departments, organizations and establishments in the State sector. The procurement authorities concerned are required to obtain information concerning foreign financing possibilities from the Ministry of Finance prior to their decision to purchase, or award of contracts for, imports exceeding $50,000. The Ministry may require that the terms and conditions of available credits be taken into consideration by the procurement authority concerned before a contract award is made.

Preference for Turkish products is provided by the requirement that, if the Ministry of Industry determines that a product is manufactured in Turkey in sufficient amounts to meet local demands, no similar product can be imported. On July 28, 1964, the Minister of Industry announced that a new list of products manufactured in Turkey was being compiled with a view to issuing new regulations precluding the importation of all such products.

AGREEMENT OF ASSOCIATION WITH THE EUROPEAN ECONOMIC COMMUNITY

The Agreement between Turkey and the European Economic Community was signed in Ankara on September 12, 1963, and entered into force on December 1, 1964 (Journal Officiel of the European Communities, December 29, 1964).

The Agreement provides for the association of Turkey with the Community under the provisions of Article 238 of the Treaty of Rome on the basis of a customs union, with the long-term possibility of full membership of Turkey in the Community.

The Agreement provides for a preparatory, a transitional and a final stage in the association. During the preparatory period of 5 years, possibly extended to 9 years, from the effective date, Turkey will continue its efforts to reorganize its economy and for that purpose the Community granted certain concessions in the form of tariff quotas for imports of particular importance to the Turkish economy as well as the granting through the European Investment Bank of financial assistance.

The Agreement provides only a general outline of the arrangements for the transitional stage, the details of which will be settled only towards the end of the preparatory stage. During the transitional stage, which may not exceed 12 years from the effective date, the Contracting Parties will gradually institute a customs union and bring into alignment the economic policies of Turkey and the Community.

The final stage is based on the customs union, which will cover all commodity trade except products of the European Coal and Steel Community.

Article 23 of the Agreement provides for an institutional structure for its implementation similar to that provided by the Agreement of Association with Greece. The Association Council, which is composed of representatives of Turkey on the one hand and of the Member States and of the Community on the other hand, has the general function of taking all measures necessary to assure the realization of the aims of the Agreement and to conduct all examinations into the development of the cooperation between the Contracting Parties. All decisions adopted by the Council must be unanimous.

The Agreement in general follows the outline of the Treaty of Rome. Unlike the Agreement of Association with Greece, there is no specific provision with regard to the elimination of discrimination on the basis of nationality in the field of public contracts. Articles 8 and 9, however, contain the following general provisions with regard to the elimination of discrimination on the basis of nationality during the transitional stage (unofficial translation from French by the American Society of International Law, 3 International Legal Materials 65 (1964)):

"Article 8

"In order to realize the objectives set forth in Article 4, the Association Council shall establish, prior to the start of the transitional phase, and in accordance with the procedure provided in Article 1 of the Provisional Protocol, the conditions, terms and rate of application of the provisions pertaining to the fields covered by the Treaty establishing the Community which will have to be considered, specifically those covered by the present Title, as well as any safeguard clause which might be considered useful.

"Article 9

"The Contracting Parties acknowledge that within the field of application of the Convention, and without prejudice to the specific provisions which might be established by virtue of Article 8, any discrimination on account of nationality is prohibited in accordance with the principle set forth in Article 7 of the Treaty establishing the Community."

Vague provisions relating to the right of establishment and the free rendering of services are contained in Articles 13 and 14, which provide as follows:

"Article 13

"The Contracting Parties agree to take inspiration from Articles 52 through 56 and 58 of the Treaty establishing the Community in order to eliminate the restrictions on the freedom of establishment among them.

"Article 14

"The Contracting Parties agree to take inspiration from Articles 55, 56, and 58 through 65 of the Treaty establishing the Community in order to abolish the restrictions on the free performance of services among them."

Similarly, vague provisions relating to the approximation of legislation are contained in Article 16, which provides as follows:

"Article 16

"The Contracting Parties recognize that the principles set forth in the provisions relating to competition, fiscality, and the approximation of legislation, contained in title I of the third part of the Treaty establishing the the [sic] Community, must be made applicable in their Association relations."

It seems obvious that the application of the provisions of the Agreement is not likely to have much effect in the foreseeable future in the field of public contracts.

PRINCIPAL SOURCES

(1) Union of Chambers of Commerce, Industry and Commodity Exchanges of Turkey, "Investment Guide to Turkey" (Ankara, 1964).

(2) United States Department of Commerce, "Investment in Turkey: Basic Information for United States Businessmen" (1956).

(3) United States Department of Commerce, "Selling in Turkey," Overseas Business Reports, OBR No. 64-97 (September 1964).

EXCISE TAX ON TELEPHONE SERVICE

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. VIVIAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. VIVIAN. Mr. Speaker, I am pleased to bring to the attention of the Members of the House of Representatives a petition I recently received from some 400 good citizens of the Lambertville, Ottawa Lake, and Temperance areas in the Second Congressional District of Michigan. The petition urges Congress to remove the Federal excise tax on telephone service.

This is an outstanding example of citizens being personally and individually interested in national legislation, and wisely acting to inform their representatives in Washington of their opinions. The merits of the reduction or abolition of the excise tax on telephone service deserves careful attention.

Few would argue today that telephone service is a luxury; certainly the productivity of my own office would be considerably diminished without our telephones. I have received a number of letters from elderly people in Lambertville and Temperance reminding me that they live alone and must maintain their telephone service, but that the tax on this service is a heavy load on their severely limited incomes. Most of us will agree that the telephone is no luxury for these people. Is it, in fact, a luxury for any of us?

Is the telephone a luxury for the businessman who orders, sells, and generally conducts a great deal of his business on the phone? Is it a luxury for the professional man; the housewife; the public administrator?

Of course, Mr. Speaker, the answer to these questions is: No. The telephone is a necessity in 20th century America, and everyone in this body knows it. My petition has come from citizens of the Second District of Michigan, but I believe they speak for millions of American telephone users.

As we all know, most excise taxes now in force were enacted in order to discourage "consumer" spending at a time when national resources and production were needed for a war effort. Today, we promote consumer spending in an effort to maintain our booming peacetime economy. Is it wise to maintain a tax which operates in opposition to national economic policy? I think not.

And, I would add, it is particularly inappropriate to continue a tax, falling on an essential service, which taxes without regard to a family's ability to pay. In this country, we have established the graduated income tax as that tax most likely to fall upon the citizen with some relation to his ability, as judged by his income, to pay. We have tried to reserve excise taxes largely to the function of "user taxes." This is how we justify, for example, gasoline taxes: they force the user of motor vehicle fuel to pay his share of the cost of constructing and maintaining highways.

But surely there is no cost to the Federal Government in the private use of telephone service. And the impact, for the average family in any given tax bracket, falls most heavily, as a percentage of income, on those low-income families least able to pay.

When legislation to adjust the Federal excise tax reaches this floor for a vote during this session of Congress, I hope we will abolish the fiction of the "luxury" telephone and remove this tax from the statute books.

NEW YORK CITY IN CRISIS—PART LIV

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following articles from the March 11, 1965, edition of the New York Herald Tribune.

These articles concern New York City's participation in the poverty program and is part of the series on "New York City in Crisis."

The articles follow:

NEW YORK: CITY IN CRISIS—CITY POVERTY PLEA TODAY: $11 MILLION

(By Barry Gottehrer)

An anticipated request by Mayor Wagner for more than $11 million in additional antipoverty funds from the Federal Government is expected to trigger at least two moves to audit the books of and investigate Haryou-Act, the controversial Harlem community-action program. Haryou-Act, which has been beset by internal conflict and external criticism since its formation last June, has been the target of increasing attacks and rumors during the last 2 months.

The audit reportedly would come from Sargent Shriver's Office of Economic Opportunity, which Mayor Wagner will ask today to give $1.5 million of the requested $11 million to Haryou-Act.

Though the audit is expected to be described as "customary procedure" when it takes place in the next 10 days, it is understood that the Federal agency has been waiting for its first opportunity to see exactly what has been taking place behind the doors of the Harlem organization, which now occupies two floors of the Hotel Theresa at 125th Street and 7th Avenue.

Though more than $5 million in city and Federal funds have already been appropriated for Haryou-Act, today's request represents the first time any funds have been requested directly from Sargent Shriver's office.

The second investigation will be called for by Representative ADAM CLAYTON POWELL, whose 18th Congressional District includes Haryou-Act's headquarters and whose reported influence and control of the program has been the chief source of much of the organization's continuing difficulties.

It was also learned last night that the city's antipoverty operations board, which has had only praise for the program publicly, has been privately conducting its own intensive audit of Haryou-Act's books for nearly a month.

Though Anne Roberts, the $22,500-a-year staff director of the city board, maintained last night that the city audit was "standard practice whenever city funds are used," Livingston Wingate, executive director of Haryou-Act, said that the audit has been brought about by "outside criticism" and "all those rumors."

Mr. Wingate, a onetime assistant to Representative POWELL, said he was referring to rumors centering around Haryou's decision to rent new quarters in the Theresa Hotel early this year.

Haryou-Act, which has been negotiating a lease with the owner of the Posner Building on 128th Street and still hopes to move there, had moved into the Theresa in early February to accommodate its expanding program and staff of 150.

Rumors of an inflated rental and a possible real estate coup, according to Mr. Wingate, reached city hall and precipitated the audit.

"Screvane (city council president and antipoverty board head) called us down and has been having his auditor go over our books for nearly a month," Mr. Wingate said yesterday.

Though he says the audit is still going on, Mr. Wingate says the city now agrees that Haryou-Act got "quite a deal" in renting the space at the hotel.

Under the contract rental according to Mr. Wingate, Haryou-Act is paying less than $14,000 in rent for 6 months and has induced owner Philip Edwards to pay $10,000 to repair and renovate the two floors, a section of the lobby, and a private elevator.

According to a contract signed and dated February 16, however, Haryou-Act agreed to pay the landlord $3,312.50 a month—a total of $19,875 for the 6 months.

Reached at his downtown office last week, Mr. Edwards said he was "gambling"—that he was hoping that Haryou-Act would stay longer than the 6 months.

Mr. Wingate said yesterday, however, that Haryou-Act had already made it clear to Mr. Edwards that it could not possibly extend its contract.

Mr. Wingate, 49, who earns $25,000 a year as director of the Nation's largest and most controversial antipoverty project, says he is also aware of the other possible investigations of the program.

"I have been hearing about plans to audit our books and investigate Haryou-Act for weeks," he said yesterday. "I welcome the investigation. If there is anything wrong here, I'd like to know about it. No project in the Nation has done as much as we have in so short a time. Any investigation that will give us a fair and honest appraisal will be most welcome."

Mr. Wingate heartily disagreed with the criticism that he had packed Haryou-Act with friends and associates of Representative Powell.

This criticism has existed since early last year, when Dr. Kenneth Clark, acting chairman of Haryou whose perceptive study, "Youth in the Ghetto," helped to launch the Harlem program, resigned from the group, which was to be merged with Act.

His charge: Representative Powell was trying to control the entire program.

These charges flared anew last month when Kenneth Marshall, Haryou-Act's program director, was ousted.

Mr. Marshall and his attorney, Paul Zuber, charged that the entire organization had become Representative Powell's private project and brought their charges to the attention of at least one New York Representative and a Middle Atlantic Senator.

"A congressional investigation is completely warranted," said Mr. Zuber last night. "This becomes mandatory when it is considered that the area served by Haryou-Act is a high-tension area and a potential danger area during the summer if there are no facilities and programs available for youngsters in the community."

Although Mr. Wingate—and the city administration—say that the Haryou-Act program has made "tremendous strides," considering that the first funds were not received until last September, others in addition to Mr. Zuber and Mr. Marshall have serious doubts.

One member of a group of New York City and State businessmen told several city officials after a tour of the Haryou-Act headquarters last fall that "as a matter of fact, if we were running the city, probably the first thing we would do would be to run a good hard audit on Haryou-Act."

The majority of these visiting businessmen saw little evidence of progress and achievement in the program, which had been designed to ungrade the skills and psychological attitudes of the area's 71,000 youths.

When the program was first conceived, Haryou-Act was described as an attempt to reduce the awesome delinquency and school dropout rate and at the same time combat the general hopelessness and despair of central Harlem's 232,000 residents.

It is precisely this conflict—between the city's claims and the mounting criticism—that reportedly has brought about the call for audits and investigations.

Though he says he is "satisfied" with the Haryou-Act progress and describes the program as the best in the United States, Representative Powell said yesterday that as chairman of the House Education and Labor Committee, which must pass on antipoverty funds, he still plans to call for an investigation of Haryou-Act and antipoverty programs all over the country.

"This investigation is the first order of business," he said. "Since the program began in my committee I think it's my responsibility to check and see how it's functioning."

Mr. Wingate said yesterday that the program had been somewhat slow in getting started but only because funds had been slow in being released. He said that, as of yesterday, only one-third of the appropriated funds had been utilized.

It was also learned last night that Mayor Wagner's plea for new Federal funds today will also request the setting up of six community project centers to combine all antipoverty services under one roof in various areas of the city.

These program centers, which reportedly will consume the large share of the $11 million, will resemble the Haryou-Act and mobilization-for-youth programs where all of an area's antipoverty programs are consolidated.

These six centers are reportedly scheduled for south Jamaica, Brownsville, east Harlem, Bedford-Stuyvesant, south Bronx, and lower Manhattan.

Criticism of the city's program and its delay in making its Federal request occurred at a luncheon of the Federation of Protestant Welfare Agencies yesterday afternoon.

Lester Granger, former president of the International Conference of Social Work, said, "We haven't got a war on poverty. We have a government pronouncement of an objective. Whether or not we have a real war on poverty is going to depend on this man (gesturing at Mayor Wagner) and you guys and gals."

After the luncheon, Mayor Wagner told reporters that Mr. Granger, "an old friend"—had "made a broad statement."

"We have a lot of programs," said the mayor, who then conceded that there had been "a great deal of delay due to bureaucracy." "We are really just at the beginning," he added. "I think we're ahead of anywhere else in the country."

New York City in Crisis—For the City's War on Poverty, a $500-a-Week Consultant

(By Martin J. Steadman)

The city's antipoverty program has a $500-a-week consultant.

She is Mrs. Mary Conway Kohler, one of three consultants hired by the Poverty Operations Board.

The others are Mrs. D'Jaris Watson, wife of Civil Court Judge James Watson, and Sidney Shiff. Mrs. Watson earns $65 a day and Mr. Shiff is paid $60 a day as a consultant on small business problems.

Mrs. Anne Roberts, $22,500-a-year director of the antipoverty program, said the three consultants were "vital, vigorous, social workers," who have been very helpful to her administration.

Mrs. Kohler also is a $75-a-day consultant to the U.S. Labor Department, and to the National Institute of Mental Health. In addition, she is paid $250 a day by two private foundations as a consultant.

She said yesterday that she keeps a diary and only charges a day's pay to the agency or foundation she worked for that day.

"Listen, this is none of your business," she said. "Sure, I make a lot of money. But I'm not going to tell a newspaperman how much I earn from my private business. The $100 a day I receive from the poverty program is really one of my cheapest fees."

Though Controller Abraham D. Beame's office has Mrs. Kohler listed as "$500-a-week consultant" to the Poverty Operations Board, and a spokesman for the controller said she was paid "fairly regularly" since May 1964, Mrs. Kohler said she sometimes works only half-time and can only recall charging the city full-time during December and January, when she helped set up the Neighborhood Youth Corps Program.

The total amount paid to Mrs. Kohler could not be learned late yesterday. She said she wouldn't tell if she knew.

She also refused to identify the two private foundations, and refused to say how much she is paid as a consultant to the National Institute of Mental Health. She did say that she probably only worked a few days for that agency last year.

Mrs. Roberts, the director, said Mrs. Kohler was "a tremendous consultant, with a respected background in social work."

Mrs. Kohler is paid at a higher rate of daily pay than the director, Mrs. Roberts.

Mrs. Kohler, who is now 60, came to New York from San Francisco in 1952. She had been a referee in San Francisco's Juvenile Court for 15 years. On her arrival here, she became a consultant to family and children's courts.

She is a member or trustee of 15 voluntary service organizations, and on November 2, 1963, Mayor Wagner appointed her to a vacancy on the board of education.

At the time of her appointment, Mrs. Kohler said she had devoted her entire life to "the disadvantaged children. I never thought of doing anything else."

Five months later, Mrs. Kohler resigned from the board of education to accept the poverty program job. In an interview shortly after taking her new job, Mrs. Kohler told a reporter:

"I decided early in life that I wanted to do some sort of public service work either as a social worker or a lawyer, and I chose the latter. I was born in Oakland, Calif., but went to convent schools all over the country and in Europe. My upbringing in the convents taught me always to serve and be responsible for the poor."

Mr. Shiff and Mrs. Watson could not be reached at the Poverty Operations Board offices at 250 Broadway yesterday afternoon. Mr. Shiff was at a meeting in Harlem and Mrs. Watson was in the field. Mrs. Watson is a trained social worker.

Judge Watson was until last year a Harlem political power, serving in the State senate. Her name was recently mentioned as a possible candidate for Manhattan borough president to succeed Edward R. Dudley, who became a supreme court justice January 1. Though Mrs. Constance Baker Motley won the post, it was said Judge Watson was the first choice of Tammany Hall leader J. Raymond Jones.

The Poverty Operations Board was formally announced June 30, 1964, by Mayor Wagner in an executive order. The mayor said his new antipoverty agency would "facilitate, expedite and energize the prosecution of 'The War Against Poverty.'"

NEW YORK CITY IN CRISIS—PART LV

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article is the second on New York City's participation in the war on poverty. It appeared in the New York Herald Tribune on March 12, 1965.

The article is part of the series on "New York City in Crisis," and follows:

NEW YORK CITY IN CRISIS—THE INVESTIGATION OF HARYOU—POWELL WILL LEAD IT

(By Alfonso Narvaez and Barry Gottehrer)

Mayor Wagner called on the Federal Government yesterday to provide the city with more than $10.3 million to implement the community action phase of New York's war on poverty.

At the same time, reports of an investigation of Haryou-Act, the controversial Harlem project which has been beset by internal conflict and external criticism since its formation last June, were confirmed.

The investigation of Haryou-Act and "poverty programs all over the country" will be conducted by Representative ADAM CLAYTON POWELL, chairman of the House Committee on Education and Labor, whose 18th Congressional District includes Haryou-Act headquarters and whose reported control has been the source of much of the program's problems.

CITY PROGRAM

In Washington, a Federal spokesman said that the Office of Economic Opportunity, which Mayor Wagner asked to give $1.5 million of the $10.3 million to Haryou-Act, "might" audit the Harlem project's books.

Though the spokesman said that "no special attention" would be paid to Haryou-Act, it had been learned previously that the Office of Economic Opportunity has been interested in clearing the air of controversy that has surrounded the project. An audit, as reported in yesterday's Herald Tribune, is expected to take place in the next 10 days.

In making his announcement at city hall yesterday, the mayor said the city would begin a "multipronged community action program based in six poverty-stricken neighborhoods, aimed at providing work for the disadvantaged, supplying needed new services and coordinating present ones.

"This new undertaking is designed to encourage, equip and help train the poor to help themselves, to make the services of government and voluntary agencies available and accessible to all * * * and encouraging the neighborhood people to participate in shaping the form and content of the antipoverty programs in their neighborhoods."

The mayor said that under the terms of the Economic Opportunity Act of 1964, the city would have to provide an additional $1.1 million, bringing the total cost of the program to $11.5 million.

The city's request for funds will be reviewed by Sargent Shriver's Office of Economic Opportunity in Washington, but a reply is expected within 30 days. The proposals will then be sent to Governor Rockefeller for final clearance.

Council President Paul R. Screvane, chairman of the city's antipoverty operations board, who took part in the press conference, denied heatedly a report that his office was conducting a special audit of Haryou-Act's books. He said that he did not know if the Federal Government or Representative POWELL was planning to conduct any investigation.

"I've been in constant touch with the people in the Office of Economic Opportunity and I have not heard of any probe," Mr. Screvane said. "I am not conducting one. We called Mr. Wingate (Livingston Wingate, executive director of Haryou-Act) a month ago, and we spoke of program, and went over fiscal matters. Their controller and our fiscal officer have been talking since then but there is nothing unusual about this."

PROGRESS CENTERS

When asked about reports of possible investigations, Mr. Wingate told the Herald Tribune, "I welcome the investigation. If there is anything wrong here, I'd like to know about it. No project in the Nation has done as much as we have in so short a time. It's the only project in the country where the people in the ghetto have diagnosed their own ills, formulated their own program and are implementing it. Any investigation that will give us a fair and honest appraisal will be most welcome."

When the money is finally approved, the city hopes to establish community progress centers in 6 of the 16 major areas of poverty in the city. However, no centers will be established in Harlem or on the Lower East Side, where Haryou-Act and mobilization for youth are already working.

The centers, which the city has requested $6.4 million to get going, will be established in East Harlem, Manhattan's West Side, Southeast Bronx, South Jamaica in Queens, and in the Williamsburg and Brownsville sections of Brooklyn.

Each center will employ about 25 professionals who will train and eventually employ more than 4,500 nonprofessional youths and adults. Representatives of city agencies will also use the centers to service the local residents.

The nonprofessional youths will serve as social worker aids, laboratory assistants, recreational aids, nurse aids, and orderlies. Adults will get training as school aids, homemaker aids, home visitors, housing aids, and information aids.

Youths working under the program will be paid $1.25 an hour, while adults will get $1.50 during their training period and eventually $1.75 an hour.

The city hopes that these nonprofessionals will learn enough to be able to take jobs in private industry.

The main target of the city's war on poverty will be the 1.7 million residents who live in conditions approaching poverty. The city will direct its efforts toward helping the unemployed adults, preschool children, mentally retarded children, unemployed school dropouts, unwed mothers and the aged.

The city hopes that the establishment of the centers will result in jobs for 4,800 persons, direct assistance to 55,000 others living in the designated poverty areas, and opportunities for participation in the program to the areas' 888,000 persons.

Other items in the city's request call for $1.5 million for Haryou-Act for the creation of neighborhood boards and neighborhood service centers, $500,000 for three programs for the Puerto Rican community, and $1.1 million for educational enrichment programs.

Mayor Wagner said that the funds being requested were for the rest of the calendar year, and that the request next year would be even greater. He said that he hoped to have the program working in 15 poverty areas next year.

LATIN AMERICA—THE WAGE BACKGROUND

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, in the past few months I have delivered a number of speeches on the floor of the House in regard to Latin-American relations and the Alliance for Progress. I have been attempting to bring to the attention of my colleagues some of the accomplishments of the Alliance, its potential for bringing about reform and development in Latin America, and the hard work that needs to be done.

Encouraging as are the steps that have been taken through the Alliance—the housing units, schools, and roads that have been built, the tax reforms that have been initiated—the problems that remain are enormous. Anyone who has a familiarity with the stark poverty of the Latin American masses, contrasting sharply with the wealth of the ruling families, is struck not only by the injustice of those conditions, but also by the difficulty in conveying or explaining them properly to others.

The American Institute for Free Labor Development in its April 1965 report published a compilation of data on the average monthly earnings in selected worker categories in the Latin American countries. The worker categories covered are textiles, mining, construction, and white collar. Earnings are given in the dollar equivalents.

Anyone interested in our own hemisphere should glance over this list, which I will insert in the RECORD at the close of my remarks. Some of the wages, particularly those in Venezuela, seem fair enough. Wages in that country range from $100 per month in the textile industry to $300 per month for white collar workers. But the workers in the other countries, in the categories selected, do not do so well.

Think what it means to earn $21.02 per month as a mineworker or $23.28 per month as a construction worker in Paraguay. How does one feed his family, much less house and clothe it, if he earns only $25.62 per month as a textile worker in Brazil, or $37.26 per month in the same industry in Chile, or $40 per month as a mineworker in El Salvador, or $25 per month as a construction worker in Bolivia? The answer, in many cases, is that you do not, adequately—that your children get sick and die.

While reading this list of average monthly earnings, one should keep in mind that only four categories are portrayed. In many other areas, such as agriculture, the wages are even lower. Further, there are millions of Latin Americans who are not even within the money economy. That is, they grow only enough food to subsist, make their own clothes, and barter for what necessities they can.

This is part of the meaning of economic underdevelopment.

With unanimous consent I am inserting in the RECORD the compilation of statistics, "1964 Wage Background—Latin America," from the AIFLD report, April 1965:

THE 1964 WAGE BACKGROUND—LATIN AMERICA

The following data was compiled by the AIFLD social projects department from information furnished by United States and Latin American official sources and, most especially, reliable Ibero-American trade union representatives. The table below shows average monthly income ranges. In some instances where minimum and maximum ranges were not available or where the extent of disparity was negligible, the only available figure or deducible average is given. In other cases for which figures were either unavailable or deemed unreliable, the designation "NA" has been used.

It should likewise be noted that the wages cited are based on official currency exchange rates. They, therefore, reflect disparities caused by unrealistic rates for some currencies. Inasmuch as no attempt whatever has been made to correlate this data with the purchasing power of individual national currencies, the figures themselves cannot be regarded as a reliable measure of the standard of living. They are presented solely as factual information within the body of reservations indicated above.

Average monthly dollar equivalent earnings in selected worker categories

Country	Textiles	Mining	Construction	White collar
Argentina	94.00	(1)	[2] 65.33	[2,3] 86.00
Bolivia	50.00- 67.00	40.00- 70.00	25.00- 41.00	40.00-100.00
Brazil	25.62	37.50	26.25	(1)
Chile	37.26	46.58	33.22- 86.41	51.55-120.80
Colombia	60.34- 69.62	[4] 73.10-149.11	49.46- 80.58	58.92-181.86
Costa Rica	52.50- 67.50	75.00-100.00	75.00-137.50	(1)
Dominican Republic	(1)	50.00-150.00	57.50-190.00	190.00
Ecuador	53.00- 68.14	(1)	19.47-113.57	216.33
El Salvador [5]	65.00	40.00	60.00	80.00
Guatemala	40.00- 70.00	(1)	30.00- 50.00	250.00
Honduras	62.50	57.50	70.00	72.50
Jamaica	83.99-189.00	148.76-324.00	89.78-218.81	324.00
Mexico	72.00- 91.20	56.00- 80.00	68.80- 72.00	64.00- 88.00
Nicaragua	64.28	58.91	82.85	100.00
Panama	(1)	(1)	64.00-120.00	100.00
Paraguay	(1)	21.02	23.28	(1)
Peru	87.87	63.02	66.57	38.77
Trinidad and Tobago	47.20- 94.40	[4] 99.12-112.34	59.47- 75.52	47.20- 70.80
Uruguay	48.00- 75.00	(1)	105.00-122.00	107.00-185.00
Venezuela	100.00-135.00	[4] 170.00-220.00	135.00-190.00	240.00-300.00

[1] Not available.
[2] Minimum.
[3] Does not include allowance for married workers of additional $9.33 for spouse and per each child.
[4] Includes petroleum workers.
[5] Does include 15 percent for fringe benefits received.

THE BRACERO PROGRAM IS OVER

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, that the bracero program is finally over no one can now seriously doubt. The following article in the April 1965 issue of the Laborer reviews briefly the news conference held by the Secretary of Labor, W. Willard Wirtz, in Los Angeles, after his 4 days of field visits and inspections of farm labor areas. In the course of the 1,200 miles that Secretary Wirtz covered in his inspection tour he saw for himself the backwardness and the substandard working conditions to which farm laborers are subjected.

Secretary Wirtz concluded not only that Congress was correct in ending the bracero program and ending the guaranteed labor supply that the Federal Government had been providing to the large growers, but he also concluded that the working conditions must and will be improved—there must be as a minimum improvement, decent housing and better wages for the farm workers.

I was particularly interested to note in the Secretary's remarks that he has endorsed a Federal minimum wage for agricultural employees. My bill, H.R. 2422, extends Federal minimum wage coverage to farm workers. The need for such a law has been dramatically demonstrated by Secretary Wirtz' recent inspection tour.

With unanimous consent I am inserting in the RECORD a copy of the article "Wirtz Predicts More Unionization of Farm Workers," from the April 1965 issue of the Laborer.

WIRTZ PREDICTS MORE UNIONIZATION OF FARM WORKERS

"The bracero program is over." With this terse statement at a news conference in Los Angeles, Calif., Secretary of Labor W. Willard Wirtz spelled out conclusions reached following 4 days of field visits and inspections of the California farm labor areas from Sacramento in the north down to the Mexican border. He was accompanied by Under Secretary of Labor John Henning, on the trip.

Following his 4 days of visits the Secretary held an informal press conference at the Los Angeles airport at which he spelled out his general reactions and conclusions to what he had seen and heard during the 1,200-mile trip.

Three main factors in the California labor situation were cited by the Secretary who has been under pressure to recommend admitting thousands of braceros or Mexican temporary laborers to help harvest the vegetable and fruit crops of the Far West. The Secretary noted:

Congress in ending Public Law 78 admitting braceros has "changed a situation in which there had previously been a fully insured, guaranteed labor supply for California agriculture. That will no longer be the case."

Another change is the fact "that this previously guaranteed and assured labor supply had been provided under terms which included no competitive or bargaining power as between employer and employee—the employment was solely on terms and conditions which could be dictated, subject only to the application of laws by the employers."

On this point the Secretary said that "From here on there will be a competitive factor in the labor situation which there has not been before."

A marked change in character of workers will be made. Under the old law at least one-fifth of California agriculture labor was performed on the basis of single individuals living apart from their families.

In the future, Mr. Wirtz said, "it is clear that to the extent that this labor is performed by workers from the United States, it will mean to a considerable extent workers who travel with their families."

Throughout the press conference the Secretary noted the importance of decent housing (he blasted some of the horrible housing conditions observed) and the necessity of providing decent wages and living conditions. He punctured the myth that decent wages would mean skyrocketing prices. While admitting that there would be some increase, he said that studies showed that field labor costs were in the order of a "part of a cent" a unit (a can of tomatoes, a head of lettuce, a dozen oranges, a pound of asparagus, etc.).

He also foresaw an "increased amount of unionization" with U.S. workers used as against braceros. He also said he and Henning personally favored a national minimum wage law for farmworkers. He said he felt that there would be an adequate supply of domestic workers and he concluded by saying "* * * there have been grossly unfair suggestions that the domestic workers involved here are an inferior breed compared to the rest of us."

THE 40TH ANNIVERSARY OF CORAL GABLES, FLA.

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FASCELL. Mr. Speaker, the travel section of the New York Sunday Times reads throughout the long, cold, Yankee winter as though it were a Florida publication. Story after story relates the history, the attractions, and the beauties of different Florida cities, towns, beaches, race tracks, museums, colleges, and, of course, occasionally a photograph of a Florida bathing beauty is included because of our prospective northern visitors' well-known cultural and intellectual interests.

For example, the issue of the Sunday Times for January 31, 1965, contained a long and interesting article about Florida's Gold Coast, with a detailed map of the area that extends from Hollywood to South Miami. But all that was said of Coral Gables was that it contained a "Miracle Mile" and the palm-lined campus of the University of Miami. There is much, much more to be said than that about Coral Gables, and its 40th anniversary as a city is an appropriate time to say it.

On April 29, 1925, Coral Gables was incorporated by the Legislature of the State of Florida as a city in its own right. Ever since then, no city in America has been able to excel Coral Gables in its boundless opportunities for everyday, winter-and-summer outdoor sports, enjoyment, and pleasure.

George Merrick was the moving spirit behind the development of Coral Gables. By about 1922, he began to obtain the financial support that was needed for the city of his dreams. He permitted nothing to be built on his land that did not conform to high architectural standards. He managed to interest leading American architects, town planners, and engineers in the infant Coral Gables, and they worked together in long committee meetings and endless conferences.

In the rise in land values that took place, Mr. Merrick found the basis for the financial support that he needed for his great project. An additional purchase of land extended his territory until it included 10,000 acres in all, or approximately 16 square miles. The Coral Gables Corp. came into being; boulevards were constructed; canals and waterways and lakes were blasted with dynamite and cleared by ditching machines; winding avenues with courts and fountains and plazas were cut out of the solid coral rock; hotels and public buildings began to rise out of what had been, only a few years before, George Merrick's father's 160-acre grapefruit grove.

Two hundred miles of paved streets were built, along with schools and banks and shops. In 2 years from the founding of the city, no less than fifteen hundred private homes were passed by the architectural board. At the time when the Florida land boom reached its height, Coral Gables was only about a fourth completed, sufficiently far advanced to give an indication of Mr. Merrick's conception of what the perfect city should be. The prevailing architecture was Spanish. Its main boulevards were all 100 feet wide, and at their intersections were fountains surrounded by tropical trees and wide plazas paved with coral rock. Everywhere was foliage of brilliant hues.

The streets were not laid out in the usual rectangular pattern, but, in many instances, were made to run parallel to the waterways. The houses were built to stand well back in their gardens. Then, as now, there were dazzling colors, white walls, striped awnings, red roofs, brilliant greenery, and always the intense blue of the Florida sky.

Taken as a whole, the building of Coral Gables was a magnificent achievement, in many ways far in advance of its time. Its water and lighting, its drainage and public utilities generally, embodied the best in scientific thought and engineering.

Coral Gables has survived boom-and-bust, it has survived hurricanes, it has survived to become the thrilling and beautiful spot it is today. The Gables is a city secure in its wealth and prestige with such outstanding city officials as, Mayor C. L. Dressel, Jr., Commissioner William H. Chapman, Commissioner Joseph H. Murphy, Commissioner W. Keith Phillips, Jr., Commissioner George M. Wilson, and City Manager L. W. Robinson, Jr. On its 40th anniversary, my colleagues will join me in a salute to Coral Gables, the city beautiful.

NEW UNDER SECRETARY OF AGRICULTURE

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PURCELL. Mr. Speaker, I want to take this opportunity to congratulate the President on his selection of Mr. John A. Schnittker to be the new Under Secretary of Agriculture. He has made an outstanding choice.

It has been my privilege to work very closely with Mr. Schnittker on a number of occasions. I believe this has given me the opportunity to become well acquainted with him, both as a person and in a professional capacity.

As a person, he is always pleasant, courteous, and interested in other people and their problems. To my knowledge, his integrity is unquestioned.

In his professional capacity, I have gained the highest respect for Mr. Schnittker's knowledge of agriculture and the operation of farm programs. He has served most capably in his position as Director of Agricultural Economics, a position which prepared him very well for his new responsibilities. I have been with him in conferences with legislators, farmers, processors, and consumers. He has a deep insight into the desires, needs, and problems of all groups concerned with the vast field of agriculture.

His appointment is another example of President Johnson's desire to give merit promotions to capable and deserving career Government employees. I congratulate the President and Mr. Schnittker on this appointment.

THE 200TH ANNIVERSARY OF CAJUNS ARRIVAL IN LOUISIANA

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WILLIS. Mr. Speaker, it is general knowledge that south Louisiana is the center of French culture in the United States. A large percentage of the French-speaking people of Louisiana are Canadian in origin. Having come from an area in Nova Scotia called Acadia, they are referred to as "Cajuns," a corruption of the word "Acadians."

This year we Cajuns are celebrating the 200th anniversary of our ancestors' arrival in Louisiana, and in this regard I insert into the RECORD statements by Dean Thomas Arceneaux, of the University of Southwestern Louisiana, and by the Honorable Roy R. Theriot, Louisiana State Comptroller, which tell of the coming of the Acadians to Louisiana and of the French-Acadian culture which has thrived there:

TWO CENTURIES OF ACADIAN CULTURE IN LOUISIANA

(By Thomas J. Arceneaux, dean, College of Agriculture, University of Southwestern Louisiana, Lafayette, La.)

This year marks the completion of the second century of Acadian culture in Louisiana. It was 200 years ago and 10 years after their cruel exile from their once peaceful valley in far off Nova Scotia, that the first official group of displaced Acadians arrived in Louisiana. There is a tradition that a few Acadians had come here previous to the beginning of the migration which started two centuries ago, but we do know positively that, beginning in 1765 and continuing for over 20 years thereafter, many groups of displaced Acadians arrived in Louisiana to once again plant the culture of old France in still another part of the New World.

We, of Acadian Louisiana, are proud that we are the descendants of the first French colonists in the New World. Port Royal, in old Acadia, now Nova Scotia, was settled in 1605. That was 2 years before the founding of Jamestown, 15 years before the landing of the Mayflower, and 113 years before New Orleans became the capital of Louisiana. Following their exile from Canada in 1755 and after many years of sufferings as a displaced people, they finally settled the vast fertile and yet undeveloped regions of south Louisiana. Because of their high ideals, their thrift, and their rural French-Acadian culture, they transformed a wilderness into one of the most highly developed rural sections of our Southland. Yes, beautiful is the land with its prairies and forest of fruit trees. They who dwell there have named it the Eden of Louisiana.

Before their exile from Nova Scotia, the Acadians had honestly endeavored to live, for 42 years, as best they could under British rule, only to be deported as criminals. Then it was that they suffered the hardships of long years of exile, and they lived through those horrible years inspired and sustained by the hope that someday their wanderings would lead them to sunny Louisiana where dwelt their own race and where waved the flag of "La belle France." Their wanderings did lead them to Louisiana, but to a Louisiana that had become, by that time, a Spanish colony. So once again, fate denied them the privilege of becoming citizens of their mother country. In sprit they remained as French-Acadians as ever, but at the same time they became loyal subjects of his Spanish majesty. Gladly did they accept land grants in the bayou and prairie country, and gladly did they brave the dangers of the wilderness in order to build a solid foundation of civilization and culture.

The loyalty of the Acadians to the country of their adoption is strongly attested by the fact that many among them enthusiastically responded to the call of Governor Galvez, when he led his expeditions to fight for the cause of the American revolutionists. Thus it is that many of the descendants of those brave pioneers are justly proud of their memberships as Sons and Daughters of the American Revolution.

To become citizens of yet a different country, as a result of the Louisiana Purchase, was not a new experience for our ancestors, but to become citizens of the rapidly growing Nation they had helped to establish by their active participation in the Revolution, must have been a welcome challenge to a group who had suffered so much in order to persevere in their high ideals. Their continued contribution to Louisiana and to America is proof of their strong determination to live as decent, law-abiding men of good will. Their faith in America and America's faith in them has been richly rewarded. Today, south Louisiana is one of the most progressive regions of our great Nation.

Today, the Evangeline country has been enriched by the migration, to our midst, of people from all parts of our Nation and from abroad. Together we strive to work in peace and in harmony in the great task of contributing our full share to the continued progress of our section, our State, and our Nation. While we commemorate the completion of two centuries of Acadian culture in Louisiana, we, the descendants of those brave pioneers, together with all the people of our great State, should take this great occasion as a means to thank God for having led our Acadian ancestors to the

"Eden of Louisiana," and eventually to become citizens of the greatest nation of all times. We gladly accept the challenge to remain true to their high ideals; true to the ideals which inspired Longfellow to immortalize their deeds in his great poem, "Evangeline." Thus, it is with justifiable pride that we commemorate two centuries of Acadian contributions to the development of our area, our State, and our Nation.

The rich heritage of the Louisiana Acadians is graphically represented by the flag recently adopted by their cultural society, France-Amerique de la Louisiane Acadienne. To symbolize the French origin of the Acadians, a portion of the arms of their mother country—three fleurs de lis—silver on a blue field—is used as part of the flag. To symbolize Spain, the nation which controlled Louisiana at the time of the Acadian migration to Louisiana and under whom they prospered after years of exile, the old arms of Castille—a gold tower on a red field—appear in one section of the flag. A gold star on a white field represents Our Lady of the Assumption (Maris Stella), Patroness of the Acadians. The star also symbolizes the active participation of the Acadians in the American Revolution, as soldiers under Galvez.

STATEMENT BY ROY R. THERIOT

The year 1965 marks the completion of two centuries of Acadian culture in Louisiana—200 years have passed since our noble and courageous forebears officially started their migration to Louisiana, a land destined to become a vast reservoir of unexcelled culture.

It is only fitting and apropos that the offspring of these high-principled, scrupulous, and loyal people commemorate the year 1965 with sacred memories of the past, a glorious and proud present, and with a resolute future, for no other people can be prouder of its great heritage than the Acadians of Louisiana.

The activities of our forebears at the moment of their exile in 1755 establishes beyond any question of doubt their principles, their courage, their fortitude, devotion to their church, and to their heritage. As a result, the sacrifices which they made became our dividends, blessings, and our good fortune. Because of this glorious inheritance we should accept it with pride and an unshakable determination to keep it alive forever. Let us, therefore, during this commemorative year of 1965 rededicate ourselves anew with vigor toward the preservation and perpetuation of our great birthright. To reject this plea and to entertain the thought of allowing our great heritage to wilt and die is paramount to denouncing the historic bravery, courage, and sacrifices, of our forebears and would be nothing short than the loudest expression of ingratitude to our fathers, mothers, our grandfathers, our grandmothers, to our great-grandfathers, our great-grandmothers, and to our kinsmen even beyond that.

The Acadians of Louisiana have given to our State and Nation distinguished leaders in all fields among which are lawyers, jurists, doctors, engineers, architects, public servants, teachers, priests and other religious leaders, and some of the finest business people. Certainly with this type of contribution to our State and Nation no person of Acadian descent can have but the greatest of pride.

The hospitality of the Acadians is unsurpassed and unexcelled. Our joie de vie and esprit de corps have endeared other people to us. The kindliness, friendliness, and considerateness of the Acadians have brought to us the highest praise.

In view of all of these accomplishments, no Acadian needs to apologize to anyone for his heritage. In fact, every Acadian should be proud of his heritage.

Thank God I am an Acadian—I am proud to be an Acadian, and I want my children to be as proud as I am of our ancestry.

I urge and invite everyone to join with us at the various events during this year commemorating 200 years of Acadian culture.

REGULATION OF SALE AND DISTRIBUTION OF FIREARMS

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, I would like to make a few comments and observations regarding legislation that has been introduced into the Congress to regulate the sale and distribution of firearms.

We are all aware of the tragedy of Dallas. The American people will always mourn the loss of their young President at the hands of a demented assassin. However, I do not believe we should be stampeded into passing legislation which would drastically curtail the availability of firearms to the American people. It was the very availability of personal firearms that gave birth to this great Nation. This right is written into our Constitution.

I know that many of us enjoy the occasional use of firearms in target practice, hunting, and other areas. Firearms are necessary to the individual to protect life and home. There is no doubt that some means of control should be established to keep these dangerous weapons out of the hands of juveniles, the mentally incompetent, and similar types of persons. However, I would urge the Congress to be most careful and thoughtful before enacting any legislation that would tend to deny the right to own and bear arms by the American people.

Mr. Speaker, I am hopeful a meaningful bill that will properly regulate the sale and distribution of firearms will come before the Congress for consideration. But, I call on this House not to let emotions or hysteria infringe upon a right of the American people since the beginning of our Republic.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FASCELL, for 5 minutes, today.

Mr. HOSMER (at the request of Mr. BROYHILL of North Carolina), for 20 minutes, on May 3; to revise and extend his remarks and include extraneous matter.

Mr. TENZER (at the request of Mr. KREBS), for 30 minutes, on May 6; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. MAHON to revise and extend his remarks and include tables on the conference report on H.R. 7091.

(The following Members (at the request of Mr. KREBS) and to include extraneous matter:)

Mr. OTTINGER.
Mr. MINISH.
Mr. CORMAN.
Mr. MONAGAN.
Mr. FASCELL.
Mr. DORN.
Mr. FULTON of Tennessee.
Mr. VANIK.
Mr. ROGERS of Florida.

ADJOURNMENT

Mr. KREBS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, May 3, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1018. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Income and Franchise Tax Act of 1947, as heretofore amended, to provide that taxable income for District income tax purposes and net income for District franchise tax purposes shall conform as closely as possible to taxable income for Federal income tax purposes under the present and future income tax laws of the United States, except as otherwise specifically provided herein, and for other purposes; to the Committee on the District of Columbia.

1019. A letter from the Comptroller General of the United States, transmitting a report of ineffective interservice utilization of aircraft jet engine parts, Department of Defense; to the Committee on Government Operations.

1020. A letter from the Comptroller General of the United States, transmitting a report of overpricing of aircraft identification equipment under contract AF 30(635)-13712 with Bell Aerosystems Co., a division of Bell Aerospace Corp., Wheatfield, N.Y., Department of the Air Force; to the Committee on Government Operations.

1021. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs incurred in the indirect procurment of selected subsystems and assemblies for A-4 aircraft and other types, Department of the Navy; to the Committee on Government Operations.

1022. A letter from the Comptroller General of the United States, transmitting a report of unnecessary retention of high-value land for recreation, Reserve forces training, and military housing purposes at Fort DeRussy, Waikiki Beach, Hawaii, Department of the Army; to the Committee on Government Operations.

1023. A letter from the commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions which the Immigration and Naturalization Service has approved according the beneficiaries of such petitions first preference classification under the Immigration and Nationality Act, as amended, and pursuant to section 204(c) of the act; to the Committee on the Judiciary.

1024. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend section 1822 (a) of title 38, United States Code, to extend the provisions for treble-damage actions to direct loan and insured loan cases; to the Committee on Veterans' Affairs.

1025. A letter from the Secretary of the Air Force, transmitting a report of the one Air Force military construction contract awarded by the Department without formal advertising for the period July 1 through December 31, 1964, pursuant to section 605 of Public Law 88-390; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 7657. A bill to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes; without amendment (Rept. No. 271). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOGARTY: Committee on Appropriations. H.R. 7765. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes; without amendment (Rept. No. 272). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 7740. A bill to provide Federal assistance to restore and repair certain disaster areas in the State of Illinois; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 7741. A bill to amend the Small Business Act to provide for increased eligibility for and greater utilization of the displaced business disaster loan program established under section 7(b)(3) of that act; to the Committee on Banking and Currency.

By Mr. BROYHILL of Virginia:

H.R. 7742. A bill to amend section 3 of the act for the retirement of public school teachers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DENT:

H.R. 7743. A bill to establish a system of loan insurance and a supplementary system of direct loans, to assist students to attend postsecondary business, trade, technical, and other vocational schools; to the Committee on Education and Labor.

By Mrs. GRIFFITHS:

H.R. 7744. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN of Iowa:

H.R. 7745. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. MATSUNAGA:

H.R. 7746. A bill establishing the rate of compensation payable to certain employees of the United States for performing inspection or quarantine services on a Sunday or holiday; to the Committee on Agriculture.

H.R. 7747. A bill to amend title 37 of the United States Code in order to assist career members of the Armed Forces to provide their children with a college education, and for other purposes; to the Committee on Armed Services.

H.R. 7748. A bill to amend chapter 147 of title 10, United States Code, to authorize the Secretary of Defense, or his designee, to dispose of telephone facilities by negotiated sale; to the Committee on Armed Services.

By Mr. MOORE (by request):

H.R. 7749. A bill to nullify certain rules of the Federal Communications Commission relating to the Citizens Radio Service; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN:

H.R. 7750. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H.R. 7751. A bill to amend the Export Control Act to prohibit actions by domestic concerns furthering restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States; to the Committee on Banking and Currency.

H.R. 7752. A bill to amend the Federal Firearms Act; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 7753. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHMIDHAUSER:

H.R. 7754. A bill to amend certain laws relating to housing in order to assist in the provision of decent, safe, and sanitary housing for low-income families in urban and rural areas, to provide standards for determining just compensation in eminent domain proceedings, and for other purposes; to the Committee on Banking and Currency.

By Mr. CELLER:

H.R. 7755. A bill to amend section 633 of title 28, United States Code, prescribing fees of U.S. commissioners; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 7756. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 7757. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other expenses paid by him for his education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 7758. A bill to designate a proposed park on the shores of the J. Percy Priest Reservoir as the "Estes Kefauver Memorial Park"; to the Committee on Public Works.

By Mr. McDADE:

H.R. 7759. A bill to amend the Agricultural Marketing Agreements Act of 1937 to require hearings on the adequacy of milk marketing order prices under drought conditions; to the Committee on Agriculture.

By Mr. NELSEN:

H.R. 7760. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide additional assistance for disaster victims; to the Committee on Agriculture.

By Mr. COHELAN:

H.R. 7761. A bill to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California; to the Committee on Interior and Insular Affairs.

By Mr. HÉBERT:

H.R. 7762. A bill to amend title 10, United States Code, with respect to the Reserve Officers' Training Corps; to the Committee on Armed Services.

By Mr. PEPPER:

H.R. 7763. A bill to amend the Employment Act of 1946 to declare a national policy with respect to the right of Americans to employment without regard to sex or age; to the Committee on Government Operations.

By Mr. SKUBITZ:

H.R. 7764. A bill to provide for the issuance of a special postage stamp in honor of Susanna Madora Salter, first woman mayor in the United States; to the Committee on Post Office and Civil Service.

By Mr. FOGARTY:

H.R. 7765. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes.

By Mr. ABBITT:

H.J. Res. 436. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed; to the Committee on Agriculture.

By Mr. PEPPER:

H.J. Res. 437. Joint resolution to authorize the President to proclaim the week beginning February 10 in each year as National Parkinson Week; to the Committee on the Judiciary.

By Mr. BENNETT:

H. Con. Res. 402. Concurrent resolution regarding the right of self-defense of the parties to the Inter-American Treaty of Reciprocal Assistance in forestalling intervention, domination, control, and colonization by international communism in the New World; to the Committee on Foreign Affairs.

By Mr. MORSE:

H. Con. Res. 403. Concurrent resolution to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.

By Mr. CAMERON:

H. Con. Res. 404. Concurrent resolution to request the President to initiate discussion of the Baltic States question before the United Nations with a view to gaining the independence of Lithuania, Latvia, and Estonia from the Soviet Union; to the Committee on Foreign Affairs.

By Mr. KEOGH:

H. Res. 359. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

By Mr. NELSEN:

H. Res. 360. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

230. By Mr. PEPPER: Memorial of the Legislature of the State of Florida, to the Congress of the United States to provide for the designation of a highway from Tampa, Fla., to Miami, Fla., as a part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

231. By the SPEAKER: Memorial of the Legislature of the State of Rhode Island, relative to proposing an amendment to the Constitution of the United States prohibiting literacy tests, so-called, in the States, as

a prerequisite to the exercise of voting rights; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 7766. A bill for the relief of Miss Chariclia Dede; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 7767. A bill for the relief of Dominic Barbaro; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 7768. A bill for the relief of Lena S. Tillman; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 7769. A bill for the relief of Gerlando Sottile, Giuseppa Sottile and Pasqualina Sottile; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 7770. A bill for the relief of Giuseppe Maturo; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 7771. A bill for the relief of Timothy Wilson; to the Committee on the Judiciary.

By Mr. McVICKER:

H.R. 7772. A bill for the relief of Kenneth Daniel Chase; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 7773. A bill for the relief of (John) Juan N. Ganaden, his wife, Lucia Magusara Ganaden, their minor son, Ernesto Alejandro Magusara Ganaden, and their minor daughters, Lucille Magusara Ganaden, and Georgina Magusara Ganaden; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 7774. A bill to provide for conveyance of certain mineral interests of the United States in real property situated in Florida to the record owners of the surface of that property; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 7775. A bill for the relief of Timoteo A. Tuazon; to the Comimttee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

194. The SPEAKER presented a petition of Henry Stoner, Columbus, Ohio, relative to requiring the Committee on Government Operations to issue certain charts annually which was referred to the Committee on Government Operations.

SENATE

Thursday, April 29, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore.

Archbishop Hrant Khatchadourian, prelate of the Armenian Apostolic Church of America, New York City, N.Y., offered the following prayer:

Heavenly Father, we thank Thee for Thy most cherished gift, the spirit of freedom. We ask that Thy every blessing be showered upon this Nation, where freedom and human justice proceed triumphant. Reveal always Thy infinite and holy spirit to the several Members of this august body, that they may be inspired toward a greatness of purpose, that they may be ennobled in the great and constant quest for peace, freedom, and justice for all mankind.

In Thy unbounded kindness, remember the souls of the 1½ million Armenians who perished in the Turkish massacres of 1915. Their once blessed land, O Lord, is now but an accursed and barren desert of empty silence. Give us, we beseech Thee, the joy of fulfillment in that land which was sanctified by the blood of our martyrs. We commit our hands and hearts to make of it an altar of glorification of Thy spirit.

Today, in sorrow, and yet in hope, we offer to Thee our bitter sacrifices upon the altar of freedom, in an act of redemption for all mankind. In turn, Heavenly Father, we ask only that Thy other children be always spared the anguish, the terror, and the agony of the final and overwhelming act of human rejection—genocide. We have seen that anguish. We have felt that terror. We have known that agony. We pray that the tyranny of man over men will vanish as the morning mist under the brilliance of Thy shining countenance. Armenians suffered long under the yoke of tyranny; and yet, Almighty Father, they asked little, and wanted nothing but freedom to live in the image of Thy Son, Our Lord, Jesus Christ.

Grant, O God, courage and forbearance to this great Nation, that it may stand steadfast against any future visitation of horror on mankind. Give, we beseech Thee, but a particle of Thy celestial wisdom to all men and nations, that they may learn to walk together on the path of righteousness and freedom. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 28, 1965, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in prevention, controlling, and abating pollution of interstate waters, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 349) welcoming to the United States the Inter-American Bar Association during its fourteenth conference to be held in Puerto Rico, in which it requested the concurrence of the Senate.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. Mansfield, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, wishes to announce the appointment of the senior Senator from Michigan [Mr. McNamara] to the U.S. National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO).

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Loan of Certain Submarines to Friendly Foreign Countries

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the loan of naval vessels to friendly foreign countries, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Loan of Certain Naval Vessels to Friendly Foreign Countries

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the loan of naval vessels to friendly foreign countries (with an accompanying paper); to the Committee on Armed Services.

Sale or Loan of Naval Vessels to Friendly Latin American Countries

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the sale or loan of naval vessels to friendly Latin American countries, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Report on Military Procurement Actions for Experimental, Developmental, or Research Work

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on military procurement actions for experimental, developmental, or research work, for the 6-month period ended December 31, 1964 (with an accompanying report); to the Committee on Armed Services.

Report on Strategic and Critical Materials Stockpiling Program

A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program, for the 6-month period ended December 31, 1964 (with an accompanying report); to the Committee on Armed Services.

Amendment of Communications Act of 1934, To Conform to the Convention for the Safety of Life at Sea, London (1960)

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, to conform to the Convention for the Safety of Life at Sea, London (1960) (with an accompanying paper); to the Committee on Commerce.

Proposed Legislation Relating to District of Columbia

A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended (with accompanying papers); to the Committee on the District of Columbia.

Amendment of the "United Nations Participation Act"

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the "United Nations Participation Act," as amended, 63 Stat. 734–736 (with accompanying papers); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs resulting from the entry into the military supply system of items identical or similar to items previously eliminated or to standard items that were retained, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on lack of proper inspection and effective maintenance practices for communication and electronic equipment in certain strategic army corps units at Fort Hood, Tex., Department of the Army, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs resulting from failure to acquire rights-of-way for an interstate highway in the State of Utah before properties were improved, Bureau of Public Roads, Department of Commerce, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs incurred by the Government for purchases of electronics equipment from Honeywell, Inc., Denver division, Denver, Colo., dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to consider modification of law relating to medical services furnished without charge to civilian field employees of the Public Health Service, Department of Health, Education, and Welfare, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on additional costs incurred in the procurement of dress raincoats with expensive back vents, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on failure to modify pallets to avoid unnecessary procurements, Defense Supply Agency, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on failure to use available warehouse platform trailers to avoid unnecessary procurements of similar equipment, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

Report of Naval Sea Cadet Corps

A letter from the Under Secretary of the Navy, transmitting, pursuant to law, a report of the Naval Sea Cadet Corps, for the year 1964 (with an accompanying report); to the Committee on the Judiciary.

Medical Care for Veterans

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to assure adequate and complete medical care for veterans by providing for participation by the Veterans' Administration in medical community planning and for the sharing of advanced medical technology and equipment between the Veterans' Administration and other public and private hospitals (with accompanying papers); to the Committee on Labor and Public Welfare.

Amendment of Dual Compensation Act

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the Dual Compensation Act (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Iowa; to the Committee on Commerce:

"Senate Concurrent Resolution 21

"Whereas 15 States observe daylight saving time on a statewide basis; and

"Whereas 16 States observe daylight saving time but not on a statewide basis; and

"Whereas 19 States do not observe daylight saving time; and

"Whereas all of the 15 States observing daylight saving time on a statewide basis switch to daylight saving time on the last Sunday in April; and

"Whereas the States observing daylight saving time but not on a statewide basis use varying dates for switching to daylight saving time; and

"Whereas 13 of the 15 States observing daylight saving time on a statewide basis return to standard time on the last Sunday in October; and

"Whereas a great deal of confusion and inconvenience has arisen due to the differences in time between States and between different localities within a State that does not observe daylight saving time on a statewide basis: Now, therefore, be it

"*Resolved by the senate (the house concurring)*, That the Congress of the United States be requested to enact a daylight saving time law that would make daylight saving time uniform throughout all of the States; be it further

"*Resolved*, That a copy of this resolution be forwarded by the secretary of the senate, to the President of the United States, and to each Member of the Senate and the House of Representatives of the United States.

"Peter F. Hansen,
"David Stanley,
"*Senators.*

"We, Robert D. Fulton, Lieutenant Governor of Iowa, Robert G. Moore, secretary of the senate, Vincent B. Steffen, speaker of the house of representatives, and William R. Kendrick, chief clerk of the house of representatives, hereby certify that the above and foregoing resolution was adopted by the senate and house of the 61st General Assembly of Iowa.

"Robert D. Fulton,
"*Lieutenant Governor of Iowa.*
"Robert G. Moore,
"*Secretary of the Senate.*
"Vincent B. Steffen,
"*Speaker of the House.*
"William R. Kendrick,
"*Chief Clerk of the House.*"

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"Senate Joint Resolution 19

"Joint resolution relative to memorializing Congress to consider instructing the National Institutes of Health to mount a program of fertility control

"Whereas the National Academy of Sciences has declared that 'the problem of uncontrolled population growth emerges as one of the critical issues of our time since it influences the welfare and happiness of all world citizens'; and

"Whereas this problem has been formally recognized by President Johnson in his state of the Union message, and by former Presidents Kennedy, Eisenhower, and Truman and by leading demographers, city planners, health and welfare experts, theologians and the American Medical Association; and

"Whereas new methods of fertility control widely useful in all cultures and fully acceptable to all religious faiths must be found and these can come about only through expanded research in physiology; and

"Whereas the Federal Government is the one source of research support of significant magnitude to attract the scientists and get the job done: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to give due consideration to instructing the National Institutes of Health to mount a major crash program to perfect a variety of simple means of fertility control widely useful in all cultures and fully acceptable to all religous faiths; and be it further

"*Resolved*, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education, and Welfare."

Two joint resolutions of the Legislature of the State of California; to the Committee on Public Works:

"Senate Joint Resolution 10

"Joint resolution relating to the Eel River and its tributaries

"Whereas through the gracious consent of the Honorable George Fallon, chairman of the Home of Representatives Committee on Public Works, and the Honorable Robert Jones, chairman of the Committee for Western Flood Inspection of the House of Representatives Committee on Public Works, the Committee for Western Flood Inspection met with the representatives of the County of Humboldt on January 11, 1965; and

"Whereas during the course of this meeting, the question of a study by the U.S. Army Corps of Engineers to control the flood-causing aspects of the Eel River and its tributaries was discussed; and

"Whereas in the opinion of the Board of Supervisors of Humboldt County, the lack of control of the Eel River and its tributaries was a dominant cause of the severe damage experienced by the County of Humboldt in the flood of December 1964; and

"Whereas authorization already exists with the U.S. Army Corps of Engineers to study the Eel River and its tributaries: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California (jointly)*, That the Congress of the United States and the U.S. Army Corps of Engineers are respectfully urged to take such steps as may be necessary to cause a study to be made of the flood prevention control aspects of the Eel River and its tributaries; and be it further

"*Resolved,* That the secretary of the senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and to the Chief of the U.S. Army Corps of Engineers."

"Senate Joint Resolution 11

"Joint resolution relating to the Klamath River and its tributaries

"Whereas through the gracious consent of the Honorable George Fallon, chairman of the House of Representatives Committee on Public Works, and the Honorable Robert Jones, chairman of the Committee for Western Flood Inspection of the House of Representatives Committee on Public Works, the Committee for Western Flood Inspection met with the representatives of the County of Siskiyou on January 11, 1965; and,

"Whereas during the course of this meeting, the question of a study by the U.S. Army Corps of Engineers to control the flood-causing aspects of the Klamath River and its tributaries was discussed; and

"Whereas in the opinion of the Board of Supervisors of Siskiyou County, the lack of control of the Klamath River and its tributaries was a dominant cause of the severe damage experienced by the County of Siskiyou in the flood of December 22, 1964; and

"Whereas authorization already exists with the U.S. Army Corps of Engineers to study the Klamath River and its tributaries: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California (jointly),* That the Congress of the United States and the U.S. Army Corps of Engineers are respectfully urged to take such steps as may be necessary to cause a study to be made of the flood prevention control aspects of the Klamath River and its tributaries; and be it further

"*Resolved,* That the secretary of the senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and to the Chief of the U.S. Corps of Engineers."

A resolution of the Senate of the State of Washington; to the Committee on Interior and Insular Affairs:

"Senate Resolution 1965—Ex 24

"To *the Honorable Lyndon B. Johnson, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States, and to the Senate and House of Representatives of the United States in Congress Assembled:*

"Whereas it is vital to the future economy of the State of Washington and the entire country that land and water resources be developed to their greatest potential use; and

"Whereas the Columbia Basin project has made a significant contribution to the State and Nation in utilizing these resources to create a growing economy; and

"Whereas the opportunities provided to date through irrigation of arid basin lands can be multiplied many times by complete utilization of land and water resources in an orderly development program; and

"Whereas there are areas of significant size in the Big Bend country of eastern Washington State in addition to the original authorized Columbia Basin project that could be served by project power and storage; and

"Whereas the crops raised on Columbia Basin project lands are not in surplus: Now, therefore, be it

"*Resolved by the senate,* That we do hereby endorse and support the orderly development program outlined by the Columbia Basin Commission proposing:

"(1) A development rate of 20,000 acres per year for the immediate future;

"(2) Immediate preparations to initiate construction of the necessary main line works to support this rate and prepare for increases as changing conditions might warrant; and

"(3) A reconnaissance survey of the Big Bend area not now served by an irrigation system or included in current studies; and be it further

"*Resolved,* That the secretary of the senate transmit copies of this resolution to the Honorable Lyndon B. Johnson, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States, to each Member of Congress from the State of Washington, and to the Secretary of the Department of the Interior.

"Ward Bowden,
"*Secretary of the Senate.*"

A resolution of the Legislature of the State of Florida; to the Committee on Public Works:

"Senate Memorial 27

"Memorial to the Congress of the United States to provide for the designation of a highway from Tampa, Fla., to Miami, Fla., as a part of the National System of Interstate and Defense Highways

"*Be it resolved by the Legislature of the State of Florida,* That the Congress of the United States be and it is hereby requested to provide for the designation as part of the National System of Interstate and Defense Highways described in section 103(d) of title 23 of the United States Code, a highway running from Tampa, Fla., to Miami, Fla.; be it further

"*Resolved,* That copies of this memorial be dispatched to the President of the United States; to the President of the U.S. Senate, to the Speaker of the U.S. House of Representatives, and to each member of the Florida delegation to the U.S. Congress.

"Approved by the Governor April 22, 1965.

"Filed in office, secretary of State, April 22, 1965."

A joint resolution of the Legislature of the State of Maine, relating to the protection of our gold reserves; to the Committee on Banking and Currency.

(See the above joint resolution printed in full when presented by Mrs. Smith (for herself and Mr. Muskie) on April 26, 1965, p. 8396, Congressional Record.)

A joint resolution of the Legislature of the State of Maine, favoring the extension of the northern terminus of the Interstate and Defense Highway System in Maine from Houlton to Fort Kent; to the Committee on Public Works.

(See the above joint resolution printed in full when presented by Mrs. Smith (for herself and Mr. Muskie) on April 26, 1965, p. 8396, Congressional Record.)

A resolution adopted by the Board of County Commissioners of Martin County, Fla., praying for the continuance of the policy of providing technical assistance to soil and water conservation districts; to the Committee on Appropriations.

The petition of Samuel S. Warda, of Modesto, Calif., relating to the manufacture of safer automobiles; to the Committee on Commerce.

A resolution of the Council of the City of Sitka, Alaska, protesting against the proposed closing of the Veterans' Administration facility in Alaska; to the Committee on Finance.

A resolution adopted by the women's division of the Kern River Valley Chamber of Commerce, Lake Isabella, Calif., relating to the protection of the Kern River Valley watershed; to the Committee on Interior and Insular Affairs.

A resolution adopted by the board of directors of the Kern Plateau Association, Inc., of Bakersfield, Calif., relating to the protection of the Kern River watershed; to the Committee on Interior and Insular Affairs.

A resolution adopted by the National Bicycle Dealers Association, Inc., of Wickliffe, Ohio, favoring the President's program for the development of bicycle paths; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HAYDEN, from the Committee on Appropriations, with amendments:

H.R. 6767. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes (Rept. No. 172).

By Mr. YOUNG of Ohio, from the Committee on Armed Services, with an amendment:

H.R. 3043. An act to amend title 37, United States Code, to authorize payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes (Rept. No. 173).

SALE OF UNIFORM CLOTHING TO NAVAL SEA CADET CORPS—REPORT OF A COMMITTEE

Mr. CANNON, from the Committee on Armed Services, reported an original bill (S. 1856) to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps, and submitted a report (No. 171) thereon, which bill was read twice by its title and ordered to be placed on the calendar, and the report was ordered to be printed.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures I submit a report on Federal stockpile inventories as of February 1965. I ask unanimous consent to have the report printed in the Record, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the Record, as follows:

Federal Stockpiles Inventories, February 1965

INTRODUCTION

This is the 63d in a series of monthly reports on Federal stockpile inventories. It is for the month of February 1965.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the Departments of Agriculture, Defense, Health, Education, and Welfare, and Interior, and the General Services Administration.

The cost value of materials in inventories covered in this report, as of February 1, 1965, totaled $13,236,183,096 and as of February 28, 1965, they totaled $13,052,653,269 a net decrease of $183,529,827 during the month.

Different units of measure make it impossible to summarize the quantities of commodities and materials which are shown in tables 1, 2, 3, 4, and 5, but the cost value figures are summarized by major category, as follows:

Summary of cost value of stockpile inventories by major category

Major category	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month
Strategic and critical materials:			
National stockpile [1]	$5,539,247,000	$5,521,145,800	−$18,101,200
Defense Production Act	1,424,948,300	1,414,482,900	−10,465,400
Supplemental—barter	1,399,569,506	1,400,563,510	+994,004
Total, strategic and critical materials [1]	8,363,764,806	8,336,192,210	−27,572,596
Agricultural commodities:			
Price support inventory	4,452,548,700	4,294,069,340	−158,479,360
Inventory transferred from national stockpile [1]	56,800,834	56,062,977	−737,857
Total, agricultural commodities [1]	4,509,349,534	4,350,132,317	−159,217,217
Civil defense supplies and equipment:			
Civil defense stockpile, Department of Defense	11,861,075	11,857,563	−3,512
Civil defense medical stockpile, Department of Health, Education, and Welfare	200,820,272	200,708,260	−112,012
Total, civil defense supplies and equipment	212,681,347	212,565,823	−115,524
Machine tools:			
Defense Production Act	45,300	45,300	----------
National Industrial Reserve Act	88,684,100	88,939,100	+255,000
Total, machine tools	88,729,400	88,984,400	+255,000
Helium	61,658,009	64,778,519	+3,120,510
Total, all inventories	13,236,183,096	13,052,653,269	−183,529,827

[1] Cotton inventory valued at $128,409,100 withdrawn from the national stockpile and transferred to Commodity Credit Corporation for disposal, pursuant to Public Law 87-548, during August 1962.

Detailed tables in this report show each commodity, by the major categories summarized above, in terms of quantity and cost value as of the beginning and end of the month. Net change figures reflect acquisitions, disposals, and accounting and other adjustments during the month.

The cost value figures represent generally the original acquisition cost of the commodities delivered to permanent storage locations, together with certain packaging, processing, upgrading, et cetera, costs as carried in agency inventory accounts. Quantities are stated in the designated stockpile unit of measure.

Appendix A to this report, beginning on page 8924, includes program descriptions and statutory citations pertinent to each stockpile inventory within the major categories.

The stockpile inventories covered by the report are tabulated in detail as follows:

Table 1.—Strategic and critical materials inventories (all grades), February 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month).

Table 2.—Agricultural commodities inventories, February 1965 (showing by commodity net changes during the month in terms of cost value and quantity).

Table 3.—Civil defense supplies and equipment inventories, February 1965 (showing by item net changes during the month in terms of cost value and quantity).

Table 4.—Machine tools inventories, February 1965 (showing by item net changes during the month in terms of cost value and quantity).

Table 5.—Helium inventories, February 1965 (showing by item net changes during the month in terms of cost value and quantity).

New stockpile objectives

The Office of Emergency Planning is in the process of establishing new stockpile objectives for strategic and critical materials.

Table 1 of this report reflects the new objectives established between May 1963 and April 1964, based on essential needs in the event of a "conventional war emergency."

Appendix B, beginning on page 8925, contains excerpts from Office of Emergency Planning statements setting forth the new policy and current studies with respect to objectives for strategic and critical materials required for "conventional war emergency" and "nuclear war emergency."

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Aluminum, metal:									
National stockpile	$487,680,600	$487,680,600	----------	Short ton	1,128,988	1,128,988	----------	----------	----------
Defense Production Act	401,660,300	400,267,600	−$1,392,700	do	796,656	793,906	−2,750	----------	----------
Total	889,340,900	887,948,200	−1,392,700	do	1,925,644	1,922,894	−2,750	450,000	1,472,894
Aluminum oxide, abrasive grain:									
Supplemental—barter	15,717,600	15,717,600	----------	Short dry ton	50,905	50,905	----------	(2)	50,905
Aluminum oxide, fused, crude:									
National stockpile	21,735,100	21,735,100	----------	Short ton	200,093	200,093	----------	----------	----------
Supplemental—barter	22,747,400	22,747,400	----------	do	178,266	178,266	----------	----------	----------
Total	44,482,500	44,482,500	----------	do	378,359	378,359	----------	160,000	218,359
Antimony:									
National stockpile	19,814,700	19,655,200	−159,500	do	29,320	29,096	−224	----------	----------
Supplemental—barter	13,550,500	13,550,500	----------	do	22,704	22,704	----------	----------	----------
Total	33,365,200	33,205,700	−159,500	do	52,024	51,800	−224	25,500	26,300
Asbestos, amosite:									
National stockpile	2,637,600	2,637,600	----------	do	11,705	11,705	----------	----------	----------
Supplemental—barter	10,004,950	10,084,168	+79,218	do	39,918	40,217	+299	----------	----------
Total	12,642,550	12,721,768	+79,218	do	51,623	51,922	+299	40,000	11,922
Asbestos, chrysotile:									
National stockpile	3,356,200	3,356,200	----------	do	6,224	6,224	----------	----------	----------
Defense Production Act	2,102,600	2,102,600	----------	do	2,348	2,348	----------	----------	----------
Supplemental—barter	5,001,054	4,990,054	−11,000	do	7,576	7,576	----------	----------	----------
Total	10,459,854	10,448,854	−11,000	do	16,148	16,148	----------	13,700	2,448
Asbestos, crocidolite:									
National stockpile	702,100	702,100	----------	do	1,567	1,567	----------	----------	----------
Supplemental—barter	10,827,262	10,777,962	−49,300	do	41,588	41,588	----------	----------	----------
Total	11,529,362	11,480,062	−49,300	do	43,155	43,155	----------	(2)	43,155
Bauxite, metal grade, Jamaica type:									
National stockpile	13,925,000	13,925,000	----------	Long dry ton	879,740	879,740	----------	----------	----------
Defense Production Act	18,168,000	18,168,000	----------	do	1,370,077	1,370,077	----------	----------	----------
Supplemental—barter	95,316,163	95,646,124	+329,961	do	6,195,489	6,217,796	+22,307	----------	----------
Total	127,409,163	127,739,124	+329,961	do	8,445,306	8,467,613	+22,307	5,000,000	3,467,613

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Bauxite, metal grade, Surinam type:									
National stockpile	$78, 552, 500	$78, 552, 500		Long dry ton	4, 962, 706	4, 962, 706			
Supplemental—barter	45, 197, 400	45, 197, 400		do	2, 927, 260	2, 927, 260			
Total	123, 749, 900	123, 749, 900		do	7, 889, 966	7, 889, 966		5, 300, 000	2, 589, 966
Bauxite, refractory grade:									
National stockpile	11, 347, 800	11, 347, 800		Long calcined ton.	299, 279	299, 279		173, 000	126, 279
Beryl:									
National stockpile	9, 768, 400	9, 768, 400		Short ton	23, 230	23, 230			
Defense Production Act	1, 425, 600	1, 425, 600		do	2, 542	2, 542			
Supplemental—barter	23, 049, 900	23, 049, 900		do	12, 277	12, 277			
Total	34, 243, 900	34, 243, 900		do	38, 049	38, 049		28, 000	10, 049
Beryllium metal:									
Supplemental—barter	18, 703, 500	18, 703, 500		do	153	153		(2)	153
Bismuth:									
National stockpile	2, 674, 300	2, 674, 300		Pound	1, 342, 402	1, 342, 402			
Defense Production Act	52, 400	52, 400		do	22, 901	22, 901			
Supplemental—barter	5, 536, 700	5, 536, 700		do	2, 506, 493	2, 506, 493			
Total	8, 263, 400	8, 263, 400		do	3, 871, 796	3, 871, 796		3, 600, 000	271, 796
Cadmium:									
National stockpile	15, 148, 200	15, 148, 200		do	7, 699, 481	7, 699, 481			
Supplemental—barter	12, 326, 600	12, 326, 600		do	7, 448, 389	7, 448, 389			
Total	27, 474, 800	27, 474, 800		do	15, 147, 870	15, 147, 870		5, 100, 000	10, 047, 870
Caster oil:									
National stockpile	44, 902, 900	44, 830, 800	−$72, 100	do	176, 562, 924	176, 204, 914	−358, 010	22, 000, 000	154, 209, 914
Celestite:									
National stockpile	1, 412, 300	1, 412, 300		Short ton	28, 816	28, 816			
Supplemental—barter	893, 735	885, 635	−8, 100	do	20, 968	20, 968			
Total	2, 306, 035	2, 297, 935	−8, 100	do	49, 784	49, 784		10, 300	39, 484
Chromite, chemical grade:									
National stockpile	12, 288, 000	12, 288, 000		Short dry ton	559, 452	559, 452			
Supplemental—barter	21, 993, 100	21, 993, 100		do	699, 644	699, 644			
Total	34, 281, 100	34, 281, 100		do	1, 259, 096	1, 259, 096		600, 000	659, 096
Chromite, metallurgical grade:									
National stockpile	264, 565, 500	264, 565, 500		do	3, 795, 291	3, 795, 291			
Defense Production Act	35, 879, 900	35, 879, 900		do	985, 646	985, 646			
Supplemental—barter	227, 010, 900	227, 245, 892	+234, 992	do	1, 558, 054	1, 560, 749	+2, 695		
Total	527, 456, 300	527, 691, 292	+234, 992	do	6, 338, 991	6, 341, 686	+2, 695	2, 970, 000	3, 371, 686
Chromite, refractory grade:									
National stockpile	25, 149, 300	25, 149, 300		do	1, 047, 159	1, 047, 159			
Supplemental—barter	5, 039, 000	5, 039, 000		do	179, 775	179, 775			
Total	30, 188, 300	30, 188, 300		do	1, 226, 934	1, 226, 934		1, 425, 000	(3)
Cobalt:									
National stockpile	169, 228, 500	169, 228, 500		Pound	76, 068, 771	76, 068, 771			
Defense Production Act	52, 075, 300	52, 075, 300		do	25, 066, 651	25, 066, 651			
Supplemental—barter	2, 169, 000	2, 169, 000		do	1, 065, 398	1, 065, 398			
Total	223, 472, 800	223, 472, 800		do	102, 200, 820	102, 200, 820		42, 000, 000	60, 200, 820
Coconut oil:									
National stockpile	984, 200	984, 200		do	6, 517, 421	6, 517, 421		(2)	6, 517, 421
Colemanite:									
Supplemental—barter	2, 636, 400	2, 636, 400		Long dry ton	67, 636	67, 636		(2)	67, 636
Columbium:									
National stockpile	24, 845, 500	24, 845, 500		Pound	7, 364, 642	7, 364, 642			
Defense Production Act	50, 238, 900	50, 238, 900		do	7, 966, 341	7, 966, 341			
Supplemental—barter	799, 100	799, 100		do	371, 426	371, 426			
Total	75, 883, 500	75, 883, 500		do	15, 702, 409	15, 702, 409		1, 176, 000	14, 526, 409
Copper:									
National stockpile	524, 503, 100	524, 503, 100		Short ton	1, 008, 474	1, 008, 474			
Defense Production Act	41, 942, 800	34, 749, 400	−7, 193, 400	do	74, 591	61, 864	−12, 727		
Supplemental—barter	8, 252, 100	8, 252, 100		do	12, 382	12, 382			
Total	574, 698, 000	567, 504, 600	−7, 193, 400	do	1, 095, 447	1, 082, 720	−12, 727	775, 000	307, 720
Cordage fibers, abaca:									
National stockpile	37, 034, 100	37, 034, 100		Pound	146, 933, 033	146, 933, 033		100, 000, 000	46, 933, 033
Cordage fibers, sisal:									
National stockpile	41, 858, 500	41, 822, 000	−36, 500	do	309, 500, 206	309, 230, 337	−269, 869	300, 000, 000	9, 230, 337
Corundum:									
National stockpile	393, 100	393, 100		Short ton	2, 008	2, 008		2, 500	(3)
Cryolite:									
Defense Production Act	5, 402, 200	5, 309, 900	−92, 300	do	19, 563	19, 229	−334	(2)	19, 229
Diamond dies:									
National stockpile	599, 300	599, 800	+500	Piece	19, 248	19, 414	+166	25, 000	(3)

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Diamond, industrial, crushing bort:									
National stockpile	$61,601,800	$61,601,800		Carat	31,109,411	31,109,411			
Supplemental—barter	15,800,500	15,800,500		do	5,550,579	5,550,579			
Total	77,402,300	77,402,300		do	36,659,990	36,659,990		24,700,000	11,959,990
Diamond, industrial, stones:									
National stockpile	100,509,400	100,509,400		do	9,319,183	9,319,183			
Supplemental—barter	186,341,500	186,341,500		do	15,425,827	15,425,827			
Total	286,850,900	286,850,900		do	24,745,010	24,745,010		16,500,000	8,245,010
Diamond tools:									
National stockpile	1,015,400	1,015,400		Piece	64,178	64,178		(2)	64,178
Feathers and down:									
National stockpile	31,216,400	30,734,900	−$481,500	Pound	7,534,338	7,418,509	−115,829	3,000,000	4,418,509
Fluorspar, acid grade:									
National stockpile	26,167,500	26,167,500		Short dry ton	463,049	463,049			
Defense Production Act	1,394,400	1,394,400		do	19,700	19,700			
Supplemental—barter	33,531,100	33,531,100		do	673,232	673,232			
Total	61,093,000	61,093,000		do	1,155,981	1,155,981		540,000	615,981
Fluorspar, metallurgical grade:									
National stockpile	17,332,400	17,332,400		do	369,443	369,443			
Supplemental—barter	1,508,100	1,508,100		do	42,800	42,800			
Total	18,840,500	18,840,500		do	412,243	412,243		850,000	(3)
Graphite, natural, Ceylon, amorphous lump:									
National stockpile	937,900	937,900		do	4,455	4,455			
Supplemental—barter	341,200	341,200		do	1,428	1,428			
Total	1,279,100	1,279,100		do	5,883	5,883		5,500	383
Graphite, natural, Malagasy, crystalline:									
National stockpile	6,725,000	6,732,800	+7,800	do	32,640	32,678	+38		
Supplemental—barter	232,500	232,500		do	1,908	1,908			
Total	6,957,500	6,965,300	+7,800	do	34,548	34,586	+38	18,000	16,586
Graphite, natural, other, crystalline:									
National stockpile	1,894,400	1,894,400		do	5,481	5,481		2,800	2,681
Hyoscine:									
National stockpile	30,600	31,200	+600	Ounce	2,100	2,140	+40	(2)	2,140
Iodine:									
National stockpile	4,082,000	4,082,000		Pound	2,956,713	2,956,713			
Supplemental—barter	1,412,300	1,421,000	+8,700	do	1,333,563	1,333,563			
Total	5,494,300	5,503,000	+8,700	do	4,290,276	4,290,276		8,000,000	(3)
Iridium:									
National stockpile	2,525,800	2,525,800		Troy ounce	13,937	13,937		17,000	(3)
Jewel bearings:									
National stockpile	4,564,600	4,578,600	+14,000	Piece	52,435,065	52,592,365	+157,300	57,500,000	(3)
Kyanite-mullite:									
National stockpile	721,400	717,200	−4,200	Short dry ton	8,344	8,295	−49	4,800	3,495
Lead:									
National stockpile	305,368,000	304,397,000	−971,000	Short ton	1,004,387	1,001,195	−3,192		
Supplemental—barter	78,398,500	78,398,500		do	327,998	327,998			
Total	383,766,500	382,795,500	−971,000	do	1,332,385	1,329,193	−3,192	0	1,329,193
Magnesium:									
National stockpile	124,281,700	124,170,500	−111,200	do	171,168	171,015	−153	145,000	26,015
Manganese, battery grade, natural ore:									
National stockpile	21,025,500	21,025,500		Short dry ton	144,485	144,485			
Supplemental—barter	14,076,600	14,121,400	+44,800	do	142,245	142,245			
Total	35,102,100	35,146,900	+44,800	do	286,730	286,730		80,000	206,730
Mica, muscovite block:									
National stockpile	27,627,600	27,627,600		Pound	11,622,775	11,622,775			
Defense Production Act	40,689,700	40,689,700		do	6,432,569	6,432,569			
Supplemental—barter	6,665,744	6,677,544	+11,800	do	1,950,810	1,950,810			
Total	74,983,044	74,994,844	+11,800	do	20,006,154	20,006,154		6,000,000	14,006,154
Mica, muscovite film:									
National stockpile	9,058,100	9,058,100		do	1,719,308	1,719,308			
Defense Production Act	633,300	633,300		do	102,681	102,681			
Supplemental—barter	1,060,200	1,062,600	+2,400	do	116,556	116,556			
Total	10,751,600	10,754,000	+2,400	do	1,938,545	1,938,545		2,000,000	(3)
Mica, muscovite splittings:									
National stockpile	40,598,300	40,598,300		do	40,040,169	40,040,169			
Supplemental—barter	6,225,800	6,225,800		do	4,826,257	4,826,257			
Total	46,824,100	46,824,100		do	44,866,426	44,866,426		22,200,000	22,666,426
Mica, phlogopite block:									
National stockpile	303,600	303,600		do	223,239	223,239		17,000	206,239

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Mica, phlogopite splittings:									
National stockpile	$2,580,500	$2,580,500		Pound	3,079,062	3,079,062			
Supplemental—barter	2,501,800	2,501,800		do	1,986,902	1,986,902			
Total	5,082,300	5,082,300		do	5,065,964	5,065,964		1,300,000	3,765,964
Molybdenum:									
National stockpile	74,869,500	74,869,500		do	72,052,882	72,052,882		68,000,000	4,052,882
Manganese, battery grade, synthetic dioxide:									
National stockpile	3,095,500	3,095,500		do	21,272	21,272			
Defense Production Act	2,524,700	2,524,700		do	3,779	3,779			
Total	5,620,200	5,620,200		do	25,051	25,051		6,700	18,351
Manganese, chemical grade, type A:									
National stockpile	2,133,300	2,133,300		do	29,307	29,307			
Supplemental—barter	7,922,100	7,922,100		do	117,607	117,607			
Total	10,055,400	10,055,400		do	146,914	146,914		68,500	78,414
Manganese, chemical grade, type B:									
National stockpile	132,600	132,600		do	1,822	1,822			
Supplemental—barter	6,669,800	6,669,800		do	99,016	99,016			
Total	6,802,400	6,802,400		do	100,838	100,838		64,000	36,838
Manganese, metallurgical grade:									
National stockpile	248,240,900	248,240,900		do	5,852,191	5,852,191			
Defense Production Act	172,122,100	172,122,100		do	2,980,257	2,980,257			
Supplemental—barter	266,280,404	266,630,937	+$350,533	do	3,987,110	3,988,982	+1,872		
Total	686,643,404	686,993,937	+350,533	do	12,819,558	12,821,430	+1,872	7,900,000	4,921,430
Mercury:									
National stockpile	33,077,100	33,080,300	+3,200	Flask	184,365	184,365			
Supplemental—barter	3,446,200	3,446,200		do	16,000	16,000			
Total	36,523,300	36,526,500	+3,200	do	200,365	200,365		200,000	365
Nickel:									
National stockpile	181,737,000	181,721,100	−15,900	Short ton	166,761	166,736	−25		
Defense Production Act	94,103,700	92,404,700	−1,699,000	do	49,779	49,065	−714		
Total	275,840,700	274,125,800	−1,714,900	do	216,540	215,801	−739	50,000	165,801
Opium:									
National stockpile	13,661,700	13,661,700		Pound	196,364	196,634		141,280	55,354
Palladium:									
National stockpile	2,079,000	2,079,000		Troy ounce	89,811	89,811			
Supplemental—barter	12,170,200	12,170,200		do	648,124	648,124			
Total	14,249,200	14,249,200		do	737,935	737,935		1,300,000	(3)
Palm oil:									
National stockpile	1,776,700	1,776,700		Pound	9,871,585	9,871,585		(2)	9,871,585
Platinum:									
National stockpile	56,879,900	56,879,900		Troy ounce	716,343	716,343			
Supplemental—barter	4,024,500	4,024,500		do	49,999	49,999			
Total	60,904,400	60,904,400		do	766,342	766,342		450,000	316,342
Pyrethrum:									
National stockpile	415,100	415,100		Pound	67,065	66,969	−96	25,000	41,969
Quartz crystals:									
National stockpile	67,075,300	66,934,100	−141,200	do	5,437,702	5,412,627	−25,075		
Supplemental—barter	3,519,200	3,519,200		do	232,352	232,352			
Total	70,594,500	70,453,300	−141,200	do	5,670,054	5,644,979	−25,075	650,000	4,994,979
Quinidine:									
National stockpile	1,846,000	1,846,000		Ounce	1,600,428	1,600,428		2,000,000	(3)
Quinine:									
National stockpile	2,617,000	2,617,000		do	4,137,733	4,137,733		4,130,000	7,733
Rare earths:									
National stockpile	7,134,900	7,134,900		Short dry ton	9,969	9,969			
Supplemental—barter	5,830,900	5,830,900		do	5,810	5,180			
Total	12,965,800	12,965,800		do	15,779	15,779		3,000	12,779
Rare earths residue:									
Defense Production Act	657,200	657,200		Pound	6,079,961	6,079,961		(2)	6,079,961
Rhodium:									
National stockpile	78,200	78,200		Troy ounce	618	618		(2)	618
Rubber:									
National stockpile	658,578,100	651,272,800	−7,305,300	Long ton	851,773	842,320	−9,453	130,000	712,320
Ruthenium:									
Supplemental—barter	559,500	559,500		Troy ounce	15,001	15,001		(2)	15,001
Rutile:									
National stockpile	2,070,100	2,070,100		Short dry ton	18,599	18,599			
Defense Production Act	2,725,100	2,725,100		do	17,385	17,385			
Supplemental—barter	1,061,300	1,061,300		do	11,632	11,632			
Total	5,856,500	5,856,500		do	47,616	47,616		51,000	(3)

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Sapphire and ruby:									
National stockpile	$190,000	$190,000		Carat	16,187,500	16,187,500		18,000,000	(3)
Selenium:									
National stockpile	757,100	757,100		Pound	97,100	97,100			
Supplemental—barter	1,659,294	1,659,294		do	306,603	306,603			
Total	2,416,394	2,416,394		do	403,703	403,703		475,000	(3)
Shellac:									
National stockpile	8,204,800	8,184,300	−$20,500	do	16,365,883	16,324,946	−40,937	8,300,000	8,024,946
Silicon carbide, crude:									
National stockpile	11,394,500	11,394,500		Short ton	64,697	64,697			
Supplemental—barter	26,803,600	26,803,600		do	131,805	131,805			
Total	38,198,100	38,198,100		do	196,502	196,502		30,000	166,502
Silk noils and waste:									
National stockpile	1,232,100	1,232,100		Pound	979,924	979,924		(2)	979,924
Silk, raw:									
National stockpile	486,600	486,600		do	113,515	113,515		(2)	113,515
Sperm oil:									
National stockpile	4,775,400	4,775,400		do	23,442,158	23,442,158		23,400,000	42,158
Talc, steatite block and lump:									
National stockpile	494,800	494,800		Short ton	1,269	1,269		200	6,069
Talc, steatite ground:									
National stockpile	231,200	231,200		do	3,901	3,901		(2)	3,901
Tantalum:									
National stockpile	12,104,200	12,104,200		Pound	3,148,556	3,148,556			
Defense Production Act	9,734,400	9,734,400		do	1,536,023	1,536,023			
Supplemental—barter	21,100	21,100		do	8,036	8,036			
Total	21,859,700	21,859,700		do	4,692,615	4,692,615		3,400,000	1,292,615
Thorium:									
Supplemental—barter	17,991,700	17,991,700			3,965,461	3,965,461		500,000	3,465,461
Thorium residue:									
Defense Production Act	42,000	42,000		do	848,354	848,354		(2)	848,354
Tin:									
National stockpile	723,811,500	715,095,800	−8,715,700	Long ton	297,661	294,046	−3,615		
Supplemental—barter	16,404,000	16,404,000		do	7,505	7,505			
Total	740,215,500	731,499,800	−8,715,700	do	305,166	301,551	−3,615	200,000	101,551
Titanium sponge:									
Defense Production Act	175,871,900	175,871,900		Short ton	22,339	22,339			
Supplemental—barter	32,097,700	32,097,700		do	9,021	9,021			
Total	207,969,600	207,969,600		do	31,360	31,360		20,500	10,860
Tungsten:									
National stockpile	369,128,100	369,128,100		Pound	120,013,898	120,013,898			
Defense Production Act	315,501,800	315,413,800	−88,000	do	77,351,978	77,326,520	−25,458		
Supplemental—barter	18,651,400	18,651,400		do	5,774,827	5,774,827			
Total	703,281,300	703,193,300	−88,000	do	203,140,703	203,115,245	−25,458	44,000,000	159,115,245
Vanadium:									
National stockpile	31,567,900	31,567,900		Short ton	7,865	7,865		1,400	6,465
Vegetable tannin extract, chestnut:									
National stockpile	9,988,300	9,931,100	−57,200	Long ton	35,800	35,595	−205	15,000	20,595
Vegetable tannin extract, quebracho:									
National stockpile	48,858,500	48,858,500		do	197,472	197,465	−7	86,000	111,465
Vegetable tannin extract, wattle:									
National stockpile	9,826,900	9,826,900		do	38,962	38,962		15,000	23,962
Zinc:									
National stockpile	342,598,600	342,563,100	−35,500	Short ton	1,181,076	1,180,952	−124		
Supplemental—barter	79,588,400	79,588,400		do	323,896	323,896			
Total	422,187,000	422,151,500	−35,500	do	1,504,972	1,504,848	−124	0	1,504,848
Zirconium ore, baddeleyite:									
National stockpile	710,600	710,600		Short dry ton	16,533	16,533		(2)	16,533
Zirconium ore, zircon:									
National stockpile	113,300	113,300		do	1,920	1,920		(2)	1,920
Total:									
National stockpile	5,539,247,000	5,521,145,800	−18,101,200						
Defense Production Act	1,424,948,300	1,414,482,900	−10,465,400						
Supplemental—barter	1,399,569,506	1,400,563,510	+994,004						
Total, strategic and critical materials.	8,363,764,806	8,336,192,210	−27,572,596						

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[1] Stockpile objectives for strategic and critical materials are determined pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). The Office of Emergency Planning is currently in the process of revising stockpile objectives. (See app. B, p. 8925.)

[2] No present objective.

[3] Not in excess of stockpile objective.

Source: Compiled from reports submitted by the General Services Administration and the Department of Agriculture.

TABLE 2.—*Agricultural commodities inventories, February 1965 (showing, by commodity, net changes during the month in terms of cost value and quantity)*

Commodity	Cost value			Quantity			
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month
Price-support inventory:							
Basic commodities:							
Corn	$990,987,974	$919,955,197	−$71,032,777	Bushel	810,035,515	748,654,071	−61,381,444
Cotton, extra-long staple	32,612,591	31,464,795	−1,147,796	Bale	123,813	119,462	−4,351
Cotton, upland	1,240,208,449	1,216,844,375	−23,364,074	do	7,506,558	7,365,114	−141,444
Peanuts, farmers' stock	9,301	9,301		Pound	78,291	78,291	
Peanuts, shelled	5,089,622	4,637,836	−451,786	do	29,628,627	26,973,292	−2,655,335
Rice, milled	100,520	111,828	+11,308	Hundredweight	12,102	11,320	−782
Rice, rough	4,738,994	3,965,397	−773,597	do	914,241	768,453	−145,788
Wheat	1,396,020,762	1,353,406,852	−42,613,910	Bushel	679,213,858	656,903,309	−22,310,549
Wheat flour	663,758	358,516	−305,242	Pound	11,704,300	6,443,700	−5,260,600
Total, basic commodities	3,670,431,971	3,530,754,097	−139,677,874				
Designated nonbasic commodities:							
Barley	19,090,756	18,638,000	−452,756	Bushel	22,165,809	21,648,945	−516,864
Grain sorghum	649,474,592	639,242,812	−10,231,780	do	574,794,144	563,923,230	−10,870,914
Milk and butterfat:							
Butter	22,069,628	19,823,947	−2,245,681	Pound	37,919,036	33,879,168	−4,039,868
Butter oil	8,208,357	5,954,555	−2,253,802	do	10,622,100	7,704,922	−2,917,178
Cheese	7,853,405	4,269,100	−3,584,305	do	20,413,640	10,837,897	−9,575,743
Milk, dried	23,117,306	25,836,554	+2,719,248	do	154,047,490	173,725,871	+19,678,381
Oats	19,362,206	19,084,199	−278,007	Bushel	32,029,357	31,520,470	−508,887
Rye	477,381	475,792	−1,589	do	424,390	422,766	−1,624
Tung oil	3,556,366	3,563,619	+7,253	Pound	14,818,194	14,848,355	+30,161
Total, designated nonbasic commodities	753,209,997	736,888,578	−16,321,419				
Other nonbasic commodities:							
Beans, dry, edible	2,807,283	1,427,489	−1,379,794	Hundredweight	395,562	201,428	−194,134
Cottonseed oil, refined, other	7,667,302	6,482,209	−1,185,093	Pound	68,283,871	57,730,953	−10,552,918
Cottonseed oil, refined, salad oil [1]	877,827	1,260,699	+382,872	do	4,784,843	6,611,329	+1,826,486
Flaxseed	8,127,063	7,784,763	−342,300	Bushel	2,738,980	2,622,679	−116,301
Linseed oil	9,330,758	9,447,039	+116,281	Pound	78,648,000	79,609,000	+961,000
Soybeans	96,499	24,466	−72,033	Bushel	42,092	11,803	−30,289
Total, other nonbasic commodities	28,906,732	26,426,665	−2,480,067				
Total, price support inventory	4,452,548,700	4,294,069,340	−158,479,360				
Inventory transferred from national stockpile: [2]							
Cotton, Egyptian	34,530,328	33,923,747	−606,581	Bale	40,873	40,155	−718
Cotton, American-Egyptian	22,270,506	22,139,230	−131,276	do	44,278	44,017	−261
Total, inventory transferred from national stockpile.	56,800,834	56,062,977	−737,857	do	85,151	84,172	−979
Total, agricultural commodities	4,509,349,534	4,350,132,317	−159,217,217				

[1] Reported as "Cottonseed oil, refined," prior to February 1964.

[2] Transferred from General Services Administration pursuant to Public Law 85-96 and Public Law 87-548. (See app. A, p. 8924.)

Source: Compiled from reports submitted by the Department of Agriculture.

TABLE 3.—*Civil defense supplies and equipment inventories, February 1965 (showing, by item, net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month
Civil defense stockpile, Department of Defense:							
Engineering equipment (engine generators, pumps, chlorinators, purifiers, pipe, and fittings).	$10,063,183	$10,060,221	−$2,962	10-mile units	45	45	
Chemical and biological equipment	1,797,892	1,797,342	−550	(1)			
Total	11,861,075	11,857,563	−3,512				
Civil defense medical stockpile, Department of Health, Education, and Welfare:							
Medical bulk stocks, and associated items at civil defense mobilization warehouses.	117,504,941	117,078,905	−426,036	(1)			
Medical bulk stock at manufacturer locations	5,090,353	5,036,008	−54,345	(1)			
Packaged disaster hospitals [2]	71,554,585	71,900,718	+346,133	Each	2,187	2,218	+31
Supply additions (for packaged disaster hospitals)	6,670,393	6,692,629	+22,236	(1)			
Total	200,820,272	200,708,260	−112,012				
Total, civil defense supplies and equipment	212,681,347	212,565,823	−115,524				

[1] Composite group of many different items.

[2] Reported as "Civil defense emergency hospitals," prior to February 1965.

Source: Compiled from reports submitted by the Department of Defense and the Department of Health, Education, and Welfare.

TABLE 4.—*Machine tools inventories, February 1965 (showing, by item, net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month
Defense Production Act:							
On loan	$45,300	$45,300		Tool	7	7	
National Industrial Reserve Act:							
In storage	75,912,100	75,962,800	+$50,700	do	6,610	6,661	+51
On lease	27,500	27,500		do	1	1	
On loan to other agencies	14,900	14,900		do	3	3	
On loan to school programs	12,729,600	12,933,900	+204,300	do	3,029	3,061	+32
Total	88,684,100	88,939,100	+255,000	do	9,643	9,726	+83
Total, machine tools	88,729,400	88,984,400	+255,000	do	9,650	9,733	+83

Source: Compiled from reports submitted by the General Services Administration.

TABLE 5.—*Helium inventories, February 1965 (showing, by item, net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1965	End of month, Feb. 28, 1965	Net change during month
Helium:							
Stored aboveground	$213,989	$270,436	+$56,447	Cubic foot	18,800,000	23,800,000	+5,000,000
Stored underground	61,444,020	64,508,083	+3,064,063	do	5,771,100,000	6,034,600,000	+263,500,000
Total, helium	61,658,009	64,778,519	+3,120,510	do	5,789,900,000	6,058,400,000	+268,500,000

Source: Compiled from reports submitted by the Department of the Interior.

APPENDIX A

PROGRAM DESCRIPTIONS AND STATUTORY CITATIONS

STRATEGIC AND CRITICAL MATERIALS

National stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. The General Services Administration is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Emergency Planning. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OEP. In addition, the General Services Administration is responsible for disposing of those strategic and critical materials which OEP determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Emergency Planning and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order No. 10480, as amended, the General Services Administration is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Emergency Planning.

Supplemental—barter

As a result of a delegation of authority from OEP (32A C.F.R., ch. I, DMO V–4) the General Services Administration is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

AGRICULTURAL COMMODITIES

The price-support program

Price-support operations are carried out under the charter powers (15 U.S.C. 714) of the Commodity Credit Corporation, Department of Agriculture, in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958, and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities; namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1966. Price support for other nonbasic agricultural commodities is discretionary except that, whenever the price of either cottonseed or soybeans is supported, the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations and, in the case of wool and mohair, through incentive payments based on marketings. The producers' commodities serve as collateral for price support loans. With limited exceptions, price support loans are nonrecourse and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of

1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Inventory transferred from national stockpile

This inventory, all cotton, was transferred to Commodity Credit Corporation at no cost from the national stockpile pursuant to Public Law 85–96 and Public Law 87–548. The proceeds from sales, less costs incurred by CCC, are covered into the Treasury as miscellaneous receipts; therefore, such proceeds and costs are not recorded in the operating accounts. The cost value as shown for this cotton has been computed on the basis of average per bale cost of each type of cotton when purchased by CCC for the national stockpile.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

Civil defense stockpile

The Department of Defense conducts this stockpiling program pursuant to section 201 (h) of Public Law 920, 81st Congress, as amended. The program is designed to provide some of the most essential materials to minimize the effects upon the civilian population which would be caused by an attack upon the United States. Supplies and equipment normally unavailable, or lacking in quantity needed to cope with such conditions, are stockpiled at strategic locations in a nationwide warehouse system consisting of general storage facilities.

Civil defense medical stockpile

The Department of Health, Education, and Welfare conducts the stockpiling program for medical supplies and equipment pursuant to section 201(h) of Public Law 920, 81st Congress, as delegated by the President following the intent of Reorganization Plan No. 1, of 1958. The Department of Health, Education, and Welfare plans and directs the procurement, storage, maintenance, inspection, survey, distribution, and utilization of essential supplies and equipment for emergency health services. The medical stockpile includes a program designed to pre-position assembled emergency hospitals and other medical supplies and equipment into communities throughout the Nation.

MACHINE TOOLS

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order No. 10480, as amended, the General Services Administration has acquired machine tools in furtherance of expansion of productive capacity, in accordance with programs certified by the Director of the Office of Emergency Planning.

National industrial equipment reserve

Under general policies established and directives issued by the Secretary of Defense, the General Services Administration is responsible for care, maintenance, utilization, transfer, leasing, lending to nonprofit schools, disposal, transportation, repair, restoration, and renovation of national industrial reserve equipment transferred to GSA under the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462).

HELIUM

The helium conservation program is conducted by the Department of the Interior pursuant to the Helium Act, approved September 13, 1960 (Public Law 86–777; 74 Stat. 918; 50 U.S.C. 167) and subsequent appropriations acts which have established fiscal limitations and provided borrowing authority for the program. Among other things, the Helium Act authorizes the Secretary of the Interior to produce helium in Government plants, to acquire helium from private plants, to sell helium to meet current demands, and to store for future use helium that is so produced or acquired in excess of that required to meet current demands. Sales of helium by the Secretary of the Interior shall be at prices established by him which shall be adequate to liquidate the costs of the program within 25 years, except that this period may be extended by the Secretary for not more than 10 years for funds borrowed for purposes other than the acquisition and construction of helium plants and facilities.

This report covers helium that is produced in Government plants and acquired from private plants. Helium in excess of current demands is stored in the Cliffside gasfield near Amarillo, Tex. The unit of measure is cubic foot at 14.7 pounds per square inch absolute pressure and 70° F.

APPENDIX B

NEW STOCKPILE OBJECTIVES

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. Table 1 of this report reflects the new objectives established between May 1963 and April 1964 for 79 materials (including 3 removed from stockpile list), based on essential needs in the event of a "conventional war emergency." The new objective for each material has been noted in the reports, beginning with June 1963, for the months in which the respective objectives were established.

The following excerpts from OEP statements dated July 11 and 19, 1963, February 28, 1964, March 6, 13, 20, and 27, 1964, and April 3 and 10, 1964, set forth the new policy with respect to objectives for strategic and critical materials:

"The Office of Emergency Planning is now conducting supply-requirements studies for all stockpile materials which will reflect current military, industrial, and other essential needs in the event of a conventional war emergency. On the basis of recently completed supply-requirements studies for the foregoing materials, the new stockpile objectives were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by the Office of Emergency Planning and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy to establish a single objective for each stockpile material. They have been determined on the basis of criteria heretofore used in establishing maximum objectives, and reflect the approximate calculated emergency deficits for the materials for conventional war and do not have any arbitrary adjustments for possible increased requirements for other types of emergency.

"Heretofore, there was a 'basic objective' and a 'maximum objective' for each material. The basic objectives assumed some continued reliance on foreign sources of supply in an emergency. The former maximum objectives completely discounted foreign sources of supply beyond North America and comparable accessible areas.

"Previously, maximum objectives could not be less than 6 months' normal usage of the material by industry in the United States in periods of active demand. The 6-month rule has been eliminated in establishing the new calculated conventional war objectives.

"The Office of Emergency Planning also announced that the present Defense Mobilization Order V–7, dealing with general policies for strategic and critical materials stockpiling, was now being revised to reflect these new policies. When finally prepared and approved, the new order will be published in the Federal Register.

"New conventional war objectives for the remaining stockpile materials are being developed as rapidly as new supply-requirements data become available. They will be released as they are approved.

"The Office of Emergency Planning is also making studies to determine stockpile needs to meet the requirements of general nuclear war and reconstruction. Stockpile objectives for nuclear war have not previously been developed. Some commodity objectives may be higher and others may be lower than the objectives established for conventional war.

"After the nuclear war supply-requirements studies are completed, stockpile objectives will be based upon calculated deficits for either conventional war or nuclear war, whichever need is larger.

"The Office of Emergency Planning stressed that any long-range disposal programs undertaken prior to the development of objectives based on nuclear war assumptions would provide against disposing of quantities which might be needed to meet essential requirements in the event of nuclear attack. While the disposal of surplus materials can produce many problems which have not heretofore arisen, every effort will be made to see that the interest of producers, processors, and consumers, and the international interests of the United States are carefully considered, both in the development and carrying out of disposal programs. Before decisions are made regarding the adoption of a long-range disposal program for a particular item in the stockpile, there will be appropriate consultations with industry in order to obtain the advice of interested parties."

The OEP statement of April 17, 1964, contained the following excerpts:

"Today's action completes supply-requirements studies for all stockpile materials based on current military, industrial, and other essential needs in the event of a conventional war emergency. Objectives for 79 materials in the stockpile were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by OEP and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy which accords with the recommendation of the Executive Stockpile Committee to establish a single objective for each material in the national stockpile. These new objectives will be reviewed and revised as necessary each year. Because military requirements and estimated emergency supplies of stockpile materials are constantly shifting, the supply-requirements balance for any material that is now or may become important to defense must be kept under continuing surveillance. Supply-requirements studies of the conventional war needs of approximately 20 other strategic and critical materials, which do not have stockpile objectives, are underway and are expected to be completed in the next few weeks. At the same time, studies on supply requirements for nuclear war are going forward. No definite date for completion of these studies has been established as yet.

"OEP stressed that long-range programs for disposal of identified surpluses would take into account the interests of producers, processors, and consumers, as well as the international interests of the United States. Appropriate consultation with industry will precede all decisions for the adoption of every disposal program and the advice of interested parties will be sought."

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of Federal stockpile inventories as of February 28, 1965, totaled $13,052,653,269. This was a net decrease of $183,529,827, as compared with the February 1 total of $13,236,183,096. Net changes during the month are summarized by major category as follows:

Major category	Cost value, February 1965	
	Net change during month	Total, end of month
Strategic and critical materials	−$27, 572, 596	$8, 336, 192, 210
Agricultural commodities	−159, 217, 217	4, 350, 132, 317
Civil defense supplies and equipment	−115, 524	212, 565, 823
Machine tools	+255, 000	88, 984, 400
Helium	+3, 120, 510	64, 778, 519
Total	−183, 529, 827	13, 052, 653, 269

These figures are from the February 1965 report on Federal stockpile inventories compiled from official agency data by the Joint Committee on Reduction of Nonessential Federal Expenditures, showing detail with respect to quantity and cost value of each commodity in the inventories covered.

STRATEGIC AND CRITICAL MATERIALS

So-called strategic and critical materials are stored by the Government in (1) the national stockpile, (2) the Defense Production Act inventory, and (3) the supplemental-barter stockpile.

Overall, there are now 94 materials stockpiled in the strategic and critical inventories. Stockpile objectives—in terms of volume—are presently fixed for 76 of these 94 materials. Of the 76 materials having stockpile objectives, 63 were stockpiled in excess of their objectives as of February 28, 1965.

Increases in cost value were reported in 13 of the materials stockpiled in all strategic and critical inventories, decreases were reported in 21 materials, and 60 materials remained unchanged during February.

National stockpile

The cost value of materials in the national stockpile as of February 28, 1965, totaled $5,521,145,800. This was a net decrease of $18,101,200 during the month. The largest decreases were $8,715,700 in tin and $7,305,300 in rubber.

Defense Production Act inventory

The cost value of materials in the Defense Production Act inventory as of February 28, 1965, totaled $1,414,482,900. This was a net decrease of $10,465,400. The largest decreases were in copper, nickel and aluminum.

Supplemental-barter

The cost value of materials in the supplemental-barter stockpile as of February 28, 1965, totaled $1,400,563,510. This was a net increase of $994,004. The largest increases were in manganese and bauxite.

OTHER STOCKPILE INVENTORIES

Among the other categories of stockpiled materials covered by the report the largest is $4.4 billion in agricultural commodities. Major decreases in agricultural commodities during February were reported for corn, wheat, cotton, and grain sorghum.

Inventories of civil defense supplies and equipment showed a net decrease; the machine tools inventories showed a net increase; and the helium inventories showed a net increase during February.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 125 general officers in the Army, Navy, and Air Force, and ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. (Mr. BASS in the chair.) Without objection, it is so ordered.

The nominations, ordered to placed on the Executive Calendar, are as follows:

Rear Adm. Luther C. Heinz, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Col. Edward Morton Hudgins, Col. William Arthur Reinken, and Col. Henry Albert Smith, Jr., Army National Guard of the United States officers, for appointment as Reserve commissioned officers of the Army;

Maj. Gen. George Merle Powell, Army of the United States (brigadier general, U.S. Army), and sundry other officers, for appointment in the Regular Army of the United States;

Brig. Gen. Henry Schuldt Murphey, U.S. Army, and sundry other officers, for temporary appointment in the Army of the United States;

Col. George Anson Kuhn, U.S. Army, for appointment in the Regular Army of the United States;

Maj. Gen. James C. McGehee (brigadier general, Regular Air Force), U.S. Air Force, and sundry other officers, for appointment in the Regular Air Force;

Brig. Gen. Gilbert L. Pritchard, Regular Air Force, and sundry other officers, for temporary appointment in the U.S. Air Force;

Brig. Gen. John L. Zoeckler (colonel, Regular Air Force), U.S. Air Force, for temporary appointment in the grade of major general, U.S. Air Force;

Gen. Hamilton Hawkins Howze, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Dwight Edward Beach, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of general;

Lt. Gen. Gordon A. Blake (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general; and

Maj. Gen. Benjamin O. Davis, Jr., Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general.

Mr. INOUYE. Mr. President, in addition, I report favorably 525 promotions in the Regular Army in the grade of captain and below; 1,010 appointments in the Navy in the grade of commander and below; 2,377 appointments in the Marine Corps in the grade of colonel and below; and 455 appointments in the Air Force in the grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

James T. Abbey, and sundry other Naval Officers' Training Corps candidates, for permanent assignment in the Navy;

Erich H. Ashburn, and sundry other graduates from the Navy enlisted scientific education program, for permanent assignment in the Navy;

Allen C. Minser, and sundry other Naval Reserve officers, for assignment in the Navy;

Francis X. Baglioni, and sundry other U.S. Navy officers, to be reverted to permanent chief warrant officers (W–4) in the Navy;

William J. Caldwell, and sundry other officers of the Naval Reserve Officers' Training Corps, for permanent appointment in the Marine Corps;

Richard E. Waters (Army Reserve Officers' Training Corps), for permanent appointment in the Marine Corps;

Vaughn E. Hill, and sundry other persons, for appointment in the Regular Air Force;

Alexander A. Abela, and sundry other distinguished military students of the Air Force Reserve Officers' Training Corps, for appointment in the Regular Air Force;

Joseph N. Acinapura, and sundry other officers, for promotion in the Regular Army of the United States;

Joseph S. McAuliffe, and sundry other distinguished military students, for appointment in the Regular Army of the United States; and

Nels E. Anderson, and sundry other officers, for promotion in the Marine Corps.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 1846. A bill for the relief of Dr. Glen Fulcher; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1847. A bill to provide for the modification of the excess land provision of Federal reclamation law as it applies to irrigable lands in the drainage area above Canyon Ferry Dam, Mont.; to the Committee on Interior and Insular Affairs.

By Mr. PEARSON:

S. 1848. A bill for the relief of Mary Horalek and Eva Horalek, Blue Rapids, Kans.; to the Committee on the Judiciary.

S. 1849. A bill to authorize the Secretary of the Army to pay the market value of certain leasehold interests, buildings, and improvements and to pay severance damages to certain persons having interests in lands acquired for the Marion Dam and Reservoir project in the State of Kansas; to the Committee on Public Works.

By Mr. BAYH (for himself, Mr. HARTKE, Mr. NELSON, and Mr. HART):

S. 1850. A bill to authorize disaster loans under title V of the Housing Act of 1949, including refinancing; to the Committee on Banking and Currency.

By Mr. RIBICOFF:

S. 1851. A bill to provide fellowships for research leading to a doctoral degree; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

By Mr. DOMINICK:

S. 1852. A bill to increase the annuities of certain schoolteachers in the District of Columbia who retired prior to October 1, 1956; and

S. 1853. A bill to provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants, and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. Dominick when he introduced the above bills, which appear under separate headings.)

By Mr. SPARKMAN:

S. 1854. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies; to the Committee on Finance.

(See the remarks of Mr. Sparkman when he introduced the above bill, which appear under a separate heading.)

By Mr. PELL (for himself and Mr. Pastore):

S. 1855. A bill to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Pell when he introduced the above bill, which appear under a separate heading.)

By Mr. CANNON:

S. 1856. A bill to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps; placed on the calendar.

(See reference to the above bill when reported by Mr. Cannon, which appears under the heading "Reports of Committees.")

By Mr. SCOTT:

S. 1857. A bill for the relief of Cesare Tambellini; to the Committee on the Judiciary.

By Mr. CLARK (for himself and Mr. Metcalf):

S.J. Res. 72. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the House of Representatives shall be 4 years;

S.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of U.S. Senators shall be 4 years; and

S.J. Res. 74. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of U.S. Senators shall be 8 years; to the Committee on the Judiciary.

(See the remarks of Mr. Clark when he introduced the above joint resolutions, which appear under a separate heading.)

RESOLUTION

AMENDMENT OF STANDING RULES OF THE SENATE

Mr. CLARK submitted a resolution (S. Res. 103) amending the Standing Rules of the Senate, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. Clark, which appears under a separate heading.)

FELLOWSHIPS FOR RESEARCH LEADING TO A DOCTORAL DEGREE

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to provide fellowships for research leading to completion of doctoral degrees.

For some time, both within and without the higher educational community, the extent of the present faculty shortage and its implications for academic standards has been hotly debated. The background for this debate has been some undeniable facts. Current college enrollments of 4.3 million will rise to 5.7 million in 5 years; within a decade the college population will reach approximately 8 million, or almost double what it is today.

For permanent appointments to college and university staffs, the doctoral degree has become almost a necessity. If staffing problems are difficult today, what will they be like in 10 years? Another undeniable fact is the low rate with which graduate students complete advanced degree requirements and enter college and university teaching with Ph. D.'s in their respective academic disciplines. The number of Ph. D.'s graduated in 1963 was only 20 percent higher than in 1953. During the same period, the college population increased twofold. It is obvious that the supply of graduated Ph. D.'s has fallen far behind the demand. From this situation follows two critical problems: The problem of maintaining staff quality—in some fields maintaining any staff at all—is acute in colleges and universities of low prestige offering the poorest rewards and heaviest burdens for academic service. The problem of maintaining staff quality is especially acute in fields with attractive employment possibilities outside the academic community, notably in science and economics.

In brief, there is great competition among colleges and universities for graduated Ph. D.'s in the sciences, in certain timely nonscientific fields like Russian, African and Asian studies, and great competition for quality people in all other fields. The intensity of this competition has compelled graduated schools all over the country to reexamine their programs with a view toward shortening the time necessary to complete doctoral work. In addition, private foundations like the Danforth, Woodrow Wilson, and Ford have provided scholarship funds and otherwise encouraged superior undergraduates to undertake graduate study. The business and industrial communities have continued to make substantial contributions to graduate programs in scientific fields and to a lesser degree to the social sciences and humanities. Graduate schools themselves have added greatly to their existing programs of student aid, and the Federal Government through the National Science Foundation and National Defense Education Act programs has progressively increased its direct financial support of graduate study.

Given the availability of scholarship, fellowship, and assistantship opportunities for superior students, why has not the number of Ph. D.'s graduated increased more rapidly? The truth of the matter is that many more students begin graduate studies than complete them. They are, if you please, Mr. President, dropouts. While the reasons for dropping out are many—including intellectual and psychological reasons—one of the most important reasons for leaving graduate school is economic. Most of the direct assistance available to graduate students is for the first year of study; the availability of direct grants diminishes as the student progresses through his second, third, fourth, and subsequent years. After the first year, graduate students in scientific fields generally support themselves either by teaching assistantships of 2 or 3 years' duration or by participation in nonteaching research programs. Students in nonscientific fields have the alternatives of teaching assistants or full-time employment as teachers before all of their degree requirements are satisfied.

Because graduate students are rarely full-time students after their second year, sometimes after their first year, the time required to complete degree requirements is excessively prolonged. Less true in scientific fields because of the greater availability of nonteaching and research assistantships, students in nonscientific fields without the good fortune of independent means are trapped by the economics of their situation. The consequence is that such students rarely complete their degree requirements in 4 years; some take 5, 6, 7, and many never finish at all. What is needed is a fellowship program that will make possible completion of what has been well begun. What is needed is a program of grants that will enable Ph. D. candidates in nonscientific fields to complete the writing of their doctoral dissertations. They must have some escape from their economic situation; the colleges, and the country need them.

Existing private programs simply do not approach the problem, and Federal ones all but ignore it. The Woodrow Wilson program has a small number of dissertation fellowships, those wise people at the Danforth Foundation try to see their fellowship holders through the completion of their graduate work, and departments in some of the leading graduate schools have programs that include a number of dissertation fellowships. To be sure, recent amendments to the National Defense Education Act fellowship programs are helpful. Grants available for 3 years need not be taken in three consecutive years, but students not on a National Defense Education Act program—by far the preponderance of students currently undertaking graduate study—have not even that resource.

To deal with this genuine problem in graduate education, to check the developing shortage of college professors, to improve the general state of instruction and research in all of our colleges and universities, Mr. President, I propose a program supported by the Federal Government offering fellowships for completion of doctoral dissertations. Though intended to assist students in nonscientific fields, this program would not discriminate against students studying in scientific fields. This program would be available to all graduate students in good standing in accredited graduate schools that have satisfied all academic requirements for the doctoral degree except completion of their dissertation. The Commissioner of Education would be authorized to award up to 2,000 fellowships for the first fiscal year and up to 2,000 new fellowships for the next 2 fiscal years. The fellowships would be awarded for such periods as the Commissioner of Education may determine but not to exceed 2 years. The amount of individual fellowships would be the same as is presently offered during the third year of the National Defense Education Act programs. Recipients of these fellowships will not be subject to a residence requirement. They will have the option of traveling to any library, archive, or research center in this country or elsewhere whose resources would facilitate completion of their dissertations.

Mr. President, the annual cost of this fellowship program would be minimal; the impact of this program upon American higher education could be a profound one.

Mr. President, I ask unanimous consent that the bill be printed in the Record at the conclusion of my remarks and that the bill may lie on the desk for 5 days to enable other Senators to become cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record, and held at the desk, as requested by the Senator from Connecticut.

The bill (S. 1851) to provide fellowships for research leading to a doctoral degree, introduced by Mr. Ribicoff, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dissertation Fellowship Act".

FELLOWSHIPS AUTHORIZED

Sec. 2. (a) The Commissioner of Education (hereinafter referred to as the "Commissioner") is authorized to award under the provisions of this Act not to exceed two thousand fellowships for the fiscal year ending June 30, 1966, and not to exceed two thousand new fellowships for each of the two succeeding fiscal years, for graduate research incident to the presentation of a doctoral dissertation. Such fellowships may be awarded for research at any institution of higher education, library, archive or other research center approved by the Commissioner. Such fellowships shall be awarded for such periods as the Commissioner may determine but not to exceed two years.

(b) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this Act but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

AWARD OF FELLOWSHIPS

Sec. 3. (a) Recipients of fellowships under this Act shall be persons who have completed all course work required for the granting of a doctoral degree (except such course work credited on the dissertation) and comprehensive examinations where appropriate, and whose doctoral dissertation proposal has been approved by the appropriate officials of an institution of higher education. For the purpose of this section, the term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a doctor's degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on trnasfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(b) No fellowship shall be awarded under this Act for research at a school or department of divinity or research leading to a degree of Doctor of Divinity. For the purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

DISTRIBUTION OF FELLOWSHIPS

Sec. 4. In awarding fellowships under the provisions of this Act the Commissioner shall endeavor to provide an equitable distribution of such fellowships throughout the Nation.

STIPENDS

Sec. 5. (a) Each person awarded a fellowship under the provisions of this Act shall receive stipends at the rate of $2,800 for the first year of research, and $2,800 for the second year, plus an additional amount of $400 for each year on account of each of his dependents.

(b) Such stipends shall be paid to each person awarded a fellowship under the provisions of this Act in such installments as the Commissioner deems appropriate.

FELLOWSHIP CONDITIONS

Sec. 6. (a) A person awarded a fellowship under the provisions of this Act shall continue to receive the payments provided in section 5 only during such periods as the Commissioner finds that he is maintaining satisfactory progress in, and devoting essentially full time to, the research for which such fellowship was awarded, and is not engaging in gainful employment.

(b) The Commissioner shall require reports containing such information in such form and to be filed at such times as he determines necessary from each person awarded a fellowship under the provisions of this Act. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the research for which the fellowship was awarded.

APPROPRIATIONS

Sec. 7. There are authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1967. For each of the fiscal years ending June 30, 1967, and June 30, 1968, there are authorized to be appropriated $8,000,000, and such sums as may be necessary for the fiscal year ending June 30, 1969 in order that fellowships already awarded might be completed.

INCREASED ANNUITIES OF CERTAIN SCHOOLTEACHERS IN DISTRICT OF COLUMBIA

Mr. DOMINICK. Mr. President, I introduce, for appropriate reference, a bill to increase the annuities of certain schoolteachers in the District of Columbia who retired prior to October 1, 1956.

On June 4, 1957, the 85th Congress approved Public Law 85-46, a bill to amend the act for retirement of public school teachers in the District of Columbia. This bill provided a more liberal formula for computing the annuities of teachers and officers retiring from the District of Columbia public schools. It was made retroactive to October 1, 1956, but included a restrictive clause stating that these amendments shall not apply in the case of teachers retired prior to the effective date, October 1, 1956. Since the passage of Public Law 85-46, there have been two increases, amounting to 15 percent, which have applied to persons retired before October 1, 1956. In spite of these increases, a sizable group of these older retired teachers is living on very small annuities, especially small when considered in the light of the increased cost of living.

The bill which I am introducing today would provide a minimum annuity of $4,000 to District of Columbia teachers who retired prior to October 1, 1956, and who had at least 20 years of creditable service. There are approximately 500 annuitants who would be affected by this bill. The age range for these teachers is 68 years and up. Very few are able to get any remunerative employment, so they must depend primarily on their retirement annuity. Some of these retired teachers gave more than 40 years service to the District of Columbia public schools; some are on the disability roll; and yet they are receiving an annuity of less than $4,000 per year—$333 per month. Many receive less than half that amount. In this group of teachers there are over 300 who taught for 30 years or more. That means they were teaching in 1926, when the beginning salary for an elementary teacher was $800, for a junior high teacher it was $1,000, and for a senior high school teacher it was $1,200. At the same time many of these teachers were paying as high as 8 percent into the teachers retirement fund. When the restrictive clause was written into Public Law 85-46, teachers who had taught while salaries were still very low were the ones who lost the benefit of the more liberal formula adopted for teachers who retired after October 1, 1956.

The number of teachers involved is a diminishing one. The cost to assure an adequate standard of living for them can never be more than on the day of enactment. The estimated cost of this legislation for the first year is in the neighborhood of $500,000—and it will always be decreasing. These teachers gave many years of loyal service in the field of education. If we are ever going to correct this inequitable situation, it must be now.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1852) to increase the annuities of certain schoolteachers in the District of Columbia who retired prior to October 1, 1956, introduced by Mr. Dominick, was received, read twice by its title, and referred to the Committee on the District of Columbia.

REGULATION OF PROFESSIONAL PRACTICE OF CERTIFIED PUBLIC ACCOUNTANTS IN DISTRICT OF COLUMBIA

Mr. DOMINICK. Mr. President, I introduce, for appropriate reference, a bill to provide for regulation of the professional practice of certified public accountants in the District of Columbia.

The present law providing for regulation of certified public accountants in the District of Columbia, namely, the act of Congress creating a Board of Accountancy in and for the District of Columbia, has been on the statute books without change since its passage in 1923, 40 years ago. Most of its provisions have been outmoded as a result of developments in the profession and of changes in economic, social, and political conditions during the period since its adoption. The primary purposes of the proposed new law are: First, to establish residence requirements for the taking of the examination for certified public accountant in the District of Columbia; second, to raise the education and experience requirements for eligibility to take such examination; third, to provide for the recognition of accounting experience gained in self-employment or with the Government; fourth, to provide for the certification of a certified public accountant in the District of Columbia by endorsement of his certificate from another jurisdiction; fifth, to provide for the biennial registration of practicing certified public accountants; and sixth, to provide for the licensing in the District of Columbia of partnerships of certified public accountants where the partners who reside in the District of Columbia are certified in this jurisdiction and the other partners are certified in some State.

A new law has been under consideration by the Board of Accountancy and others in the public accounting profession in the District of Columbia for several years. The Board of Governors of the District of Columbia Institute of Certified Public Accountants and its legislative committees participated in the present and in the several previous drafts of this legislation. Through the medium of a mail ballot it has been ascertained that this bill has the overwhelming support of certified public accountants in the District of Columbia.

Mr. President, this is very desirable legislation, and I am hopeful that the Committee on the District of Columbia can give it early and favorable consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1853) to provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants, and for other purposes, introduced by Mr. DOMINICK, was received, read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954 WITH RESPECT TO INCOME TAX TREATMENT OF SMALL BUSINESS INVESTMENT COMPANIES

Mr. SPARKMAN. Mr. President, when the Congress enacted the Small Business Investment Act of 1958, it was recognized that certain tax benefits would have to be offered to private investors to encourage their entrance into the SBIC program. Accordingly, the Technical Amendments Act of 1958 added three new provisions to the Internal Revenue Code. Section 243(b) gave SBIC's a 100-percent dividends-received deduction on dividends which they received from small business concerns to which such SBIC's provided equity capital. Section 1242 gave stockholders in SBIC's an unlimited ordinary loss deduction where they incurred losses on the sale or exchange of their stock in SBIC's. Section 1243 likewise gave SBIC's an unlimited ordinary loss deduction where they incurred losses on the sale or exchange of convertible debentures acquired by them from small business concerns to which they supplied equity capital. The same deduction applied to losses from the sale or exchange of stock acquired through the exercise of the conversion privilege.

Experience gained by the SBIC industry soon demonstrated that the tax features originally extended to the SBIC program, while of some limited benefit in encouraging private investment in the program, were either inadequate or not fully effective. Each Congress has, therefore, seen the introduction of bills designed to clarify or otherwise improve the tax features of the SBIC program.

Some of these bills have resulted in changes in the Internal Revenue Code or in the adoption of administrative rulings by the Internal Revenue Service, but much still remains to be done in the tax area to facilitate the organization and operation of SBIC's.

The SBIC tax bill which I am introducing today is designed to clarify and improve the tax climate for SBIC's. The bill addresses itself to those areas of the tax law which, in my opinion, and in the opinion of SBIC industry leaders, are most in need of clarification and correction.

LOSSES ON LOANS AND INVESTMENTS

Section 1 of the bill would authorize SBIC's to utilize either the specific write-off method or to establish reserves in anticipation of losses on any and all types of instruments used by SBIC's in their financing activities.

Section 166 of the Internal Revenue Code, relating to bad debts, permits a taxpayer to charge off against ordinary income a loss attributable to a debt which becomes uncollectible. The taxpayer may claim the deduction when the debt becomes uncollectible, or, in the alternative, he may establish a "reasonable reserve" in anticipation of such losses. Then, when a loan goes bad, the taxpayer may charge it against the reserve.

In December of 1963, the Internal Revenue Service published a technical information release permitting SBIC's to establish reserves equal to 10 percent of their loans to borrowing small business concerns. Difficulties arose, however, under code section 166(e) which provides that the bad debt provisions of that section shall not apply to a debt which is evidenced by a "security as defined in section 165(g)(2)(C)."

The latter section in pertinent part defines a "security" as being "any evidence of indebtedness, issued by a corportation, with interest coupons or in registered form."

Since many debt instruments acquired by SBIC's are in fact in registered form the ordinary loss and reserve provisions of code section 166 are accordingly denied to them, and the otherwise admirable IRS administrative ruling authorizing 10-percent reserves is thus rendered ineffective.

The first section of my bill would eliminate this problem by qualifying any type of instrument acquired by an SBIC for both ordinary loss and reserve treatment under code section 166.

While the IRS action in authorizing 10-percent reserves for SBIC's on loans was most commendable, it is my view that such action falls short of the goal Congress had in mind in establishing the SBIC program. Bearing in mind that we wish to encourage the provision of equity captial as well as long-term loan funds to small business concerns, it seems to me that equity financing by SBIC's ought to be encouraged to the utmost. Authorizing SBIC's to take ordinary losses or to establish reserves on the equity instruments which they acquire from small business concerns would help to accomplish this.

PERSONAL HOLDING COMPANY SURTAX EXEMPTION

Section 542(c)(11) was added to the Internal Revenue Code by the Technical Amendments Act of 1959. It was the first substantive change in statutes relating to the SBIC program following the enactment of the Small Business Investment Act of 1958.

The 1959 provision was designed to insulate SBIC's from the prohibitive surtaxes applicable to personal holding companies. Late in 1960 a spokesman for the Internal Revenue Service informed the industry that it was the view of the Service that the attribution rules under the code applied to section 542(c)(11) with the result that it rendered that section virtually ineffective.

In the view of IRS, where an SBIC held an equity interest in a small business concern receiving financing from the SBIC, that interest was attributable to the shareholders of the SBIC in proportion to their ownership of stock of the SBIC. By way of example, where the stock of an SBIC was owned equally by two individuals, and the SBIC owned 10 percent of the stock of a small corporation receiving financing from the SBIC, then that 10-percent stock interest was attributed to the shareholders of the

SBIC with the result that each was regarded as owning 5 percent of the stock of the small business concern. By the terms of section 542(c) (11), the exemption provided by that section was therefore lost to the SBIC, and it was subject to the personal holding company surtax; namely, 75 percent on the first $2,000 of undistributed personal holding company income and 85 percent on the excess.

The second section of my bill would expressly nullify the application of the attribution rules under the fact situation which I have outlined. The exemption would apply except where a 10-percent shareholder in an SBIC owned directly a 10-percent proprietary interest in the small business concern receiving financing from the SBIC.

The exemption would also be lost where the SBIC and its shareholders in the aggregate held a proprietary interest of more than 50 percent in a small business concern receiving financing from the SBIC. In the latter case however the exemption would not be lost if the SBIC could establish that the proprietary interest in excess of 50 percent arose from an acquisition by the SBIC designed to protect its earlier investment.

To illustrate, assume an SBIC owned 40 percent of the stock of a small business concern, and one of the 10-percent shareholders of the SBIC owns directly a separate 5-percent interest in the same small business concern. At this point, the SBIC would not be subject to the personal holding company surtax.

But if the same shareholder of the SBIC or any other 10-percent shareholder of the SBIC acquired as much as an additional 6-percent direct interest in the stock of the small business concern, then the SBIC would lose its personal holding company surtax exemption.

But where the SBIC, under the same set of facts, was obliged to acquire an additional proprietary interest of 6 percent or more in the small business concern in order to protect its earlier investment, the exemption would not be destroyed.

I believe the language in this bill would accomplish the purpose we had in mind when section 542(c) (11) was first enacted in 1959. A virtually identical provision passed the Senate last year in H.R. 8050. That provision was agreed to by the Treasury Department. I am therefore hopeful that the second section of our new bill will receive early and favorable consideration by the Congress.

REGULATED INVESTMENT COMPANY TREATMENT

Section 3 of the bill would permit any SBIC, whether or not registered under the Investment Company Act of 1940, to elect to be taxed as a regulated investment company, thereby permitting it to pass through to its shareholders both its ordinary income and its capital gains without the application of the intermediate corporate income tax.

This section would also substitute the diversification requirements of the Small Business Investment Act of 1958 for those generally applicable to regulated investment companies.

The purpose of these two changes would be to encourage additional private investment in SBIC's and to increase the flexibility of their operations.

Permitting the smaller and privately owned SBIC's to elect to be taxed as regulated investment companies would have the effect of extending to such companies the "pass-through" benefits now extended to small business corporations electing to be taxed under subchapter S of the Internal Revenue Code. Such a provision would undoubtedly encourage a substantial increase in private investment in the SBIC program, a result which the Congress has sought to encourage from the very inception of the program.

With respect to the diversification provision of this section of the bill, it has been found that the diversification requirements for regulated investment companies now contained in section 851(b) of the code greatly inhibit the ability of SBIC's to function as Congress intended. The provisions of section 851(b) are, of course, designed to control the investment activities of mutual funds and other large pools of capital invested generally in listed securities. In my view, they have little application to the investment activities of SBIC's and should, therefore, not control their investment activities.

In enacting the Small Business Investment Act of 1958, the Congress wrote into section 306 of that act a diversification requirement deemed suitable for SBIC's. Section 306 of the 1958 act provides in substance that without approval of the Small Business Administration, an SBIC may not invest or lend more than 20 percent of its capital and surplus in any single enterprise. In addition, the SBA has adopted regulations to restrict concentration of investments in particular industries.

It is my view that these limitations are sufficient to insure diversification by SBIC's in their financing activities to the end of spreading their risk, while at the same time it permits to them a desired flexibility in tailoring their financial assistance to the needs of small business concerns seeking SBIC financing.

In short, the diversification requirement which Congress agreed should be applicable to SBIC's, and the SBA's regulatory requirement relating to diversification, should be substituted for those now contained in the Internal Revenue Code with respect to companies electing to be taxed as regulated investment companies.

It should be pointed out that, under my bill, an SBIC would not be eligible to elect to be taxed as a regulated investment company if, first, it did not make at least 50 percent of its loans and investments in equity securities; or second, it is a personal holding company; or third, it fails to meet the investment diversification requirements of the Small Business Investment Act or those provided by SBA's regulations.

REPEAL OF SECTION 1243

The enactment of section 1 of my bill would render superfluous section 1243 which now grants to SBIC's an ordinary loss deduction on losses incurred through the sale or exchange of convertible debentures or stock acquired through exercise of the conversion privilege.

As previously pointed out, section 1 of the bill would extend both ordinary loss treatment and reserve treatment not only to convertible debentures but to all other types of financing instruments acquired by SBIC's, and thus section 1243 would no longer be necessary.

FINANCING SUBCHAPTER S CORPORATIONS

Sections 5 and 6 of the bill would permit SBIC's to become shareholders in small business corporations electing to be taxed under subchapter S of the Internal Revenue Code without granting to the SBIC shareholder the benefits of subchapter S flowing to other shareholders in an electing small business corporation.

One of the anomalies of the Small Business Investment Act of 1958 is the built-in bias encouraging SBIC financing of corporations.

The special tax features designed to implement the SBIC program are geared almost exclusively to the financing of corporations. The 100 percent dividends received deduction afforded SBIC's by section 243(b) of the code and the ordinary loss deduction afforded by section 1243 on losses on convertible debentures are available of course only where the SBIC is supplying financing to a corporation.

Of the 4.6 million small business concerns in this country, it is estimated that only 15 percent of them are in corporate form. Eighty-five percent of this Nation's small business entities are either sole proprietorships or partnerships.

Section 304(a) of the Small Business Investment Act of 1958 authorizes SBIC's to serve as a source of equity capital "for incorporated small business concerns." Section 305 authorizes them to make loans to "incorporated and unincorporated small business concerns."

Thus, the vast number of small business concerns operating in unincorporated form are effectively denied SBIC financing except in the form of long-term loan funds. Conversely, an SBIC seeking capital appreciation through its financing activities, cannot achieve such appreciation except where it furnishes financing to a corporation.

In order to make SBIC financing available to unincorporated businesses and to encourage SBIC financing of such concerns, sections 5 and 6 of my bill would permit SBIC's to become shareholders in business entities electing to be taxed as partnerships under subchapter S of the Internal Revenue Code.

We want to make it clear that in seeking this authorization for SBIC's, we do so primarily to benefit a much broader range of the small business economy. We do not seek for SBIC's those special tax benefits normally flowing to shareholders of subchapter S corporations.

Section 6 of my bill would provide expressly that distributions received by the SBIC from the subchapter S corporation shall be fully taxable and that the operating loss deductions normally available to shareholders in a subchapter S corporation shall not be available to the SBIC but shall be credited instead to all other shareholders of the electing small business corporation.

CONCLUSION

I earnestly believe that each and every provision of this tax bill is demonstrably necessary to the success of the SBIC program. I am confident that my colleagues have been heartened by the progress made to date under the Small Business Investment Act of 1958, and I am equally confident that they share with me my hope that we can lend further encouragement to the small business segment of our economy by enacting legislation to strengthen and assist the small business investment company program.

In my opinion, the tax bill which I am introducing today is admirably suited to this end. In a basically simple and straightforward manner, the bill will certainly encourage additional private investment in the program and thus increase the funds available to small business investment companies for the work that they are doing on behalf of small business.

I ask unanimous consent that the bill and also a section-by-section analysis may be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

The bill (S. 1854) to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 166 of the Internal Revenue Code of 1954 (relating to bad debts) is amended by redesignating subsection (g) as (h), and by inserting after subsection (f) the following new subsection:

"(g) SPECIAL RULE FOR SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding section 165(g)(1) and subsection (e) of this section, subsections (a), (b), and (c) of this section shall apply in the case of a taxpayer which is a small business investment company operating under the Small Business Investment Act of 1958 to an obligation of a small business concern which is evidenced by a security as defined in section 165(g)(2)."

SEC. 2. Section 542(c)(8) of the Internal Revenue Code of 1954 (relating to exception of small business investment companies from definition of personal holding company) is amended to read as follows:

"(8) a small business investment company which is licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958 and which is actively engaged in the business of providing funds to small business concerns under that Act. This paragraph shall not apply if—

"(A) at any time during the taxable year, any principal shareholder owns directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a)(2)) a 10 percent or more proprietary interest in a small business concern to which funds are provided by the small business investment company or 10 percent or more in value of the outstanding stock of such concern; or

"(B) at any time during the taxable year, the small business investment company owns (or the small business investment company and one or more of the principal shareholders of such company own) directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a)(2)) in the aggregate a proprietary interest of more than 50 percent in a small business concern to which funds are provided by the small business investment company or more than 50 percent in value of the outstanding stock of such concern. This subparagraph shall not apply if the small business investment company establishes that—

"(i) the proprietary interest in or stock of the small business concern owned in the aggregate by the small business investment company and its principal shareholders in excess of the ownership limitation described in this subparagraph is the result of an acquisition by the small business investment company of a proprietary interest in or stock of such small business concern; and

"(ii) the primary purpose of the acquisition and retention of such excess proprietary interest or stock is to prevent a substantial decrease in the value of the proprietary interest, stock, or evidence of indebtedness of such small business concern owned by such small business investment company before the acquisition described in clause (i).

For purposes of this paragraph, the term 'principal shareholder' means, with respect to any small business investment company, a shareholder owning directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a)(2)) 10 percent or more of the value of the outstanding stock of such small business investment company. If the principal shareholder or a small business investment company has an option to acquire stock of a small business concern, such stock shall be considered owned by such shareholder or company if, but only if, the effect is to make a principal shareholder exceed the percentage limitation described in subparagraph (A), or the small business investment company and its principal shareholders in the aggregate exceed the percentage limitation described in subparagraph (B). An option to acquire such an option, and each one of a series of such options, shall be considered an option to acquire stock. If a principal shareholder or a small business investment company owns outstanding securities of a small business concern which are convertible into stock (whether or not convertible during the taxable year), the securities shall be considered as outstanding stock if, but only if, the effect of the inclusion of all such securities is to make a principal shareholder exceed the percentage limitation described in subparagraph (A), or the small business investment company and its principal shareholders in the aggregate exceed the limitation described in subparagraph (B). In determining stock ownership for purposes of this paragraph, a shareholder of a small business investment company shall not be considered as owning any proprietary interest in or stock of a small business concern by reason of his ownership of stock of such small business investment company."

SEC. 3. Section 851 of the Internal Revenue Code (relating to definition of regulated investment company) is amended by inserting after subsection (e) the following new subsection:

"(f) SMALL BUSINESS INVESTMENT COMPANIES.—

"(1) GENERAL RULE.—If the Small Business Administration determines, in accordance with regulations issued by it, and certifies to the Secretary or his delegate not earlier than 60 days prior to the close of the taxable year that—

"(i) a small business investment company is duly licensed by the Small Business Administration under the Small Business Investment Act of 1958, as amended,

"(ii) such small business investment company has met the diversification requirements of said Act and all regulations relating to diversification of investments as promulgated under said Act,

"(iii) such small business investment company, irrespective of the provisions of section 542(c)(8), is not a personal holding company, and

"(iv) at least 50 percent of the funds loaned to or invested in small business concerns by such small business investment company are invested in equity securities pursuant to section 304 of the Small Business Investment Act of 1958, as amended, and the regulations thereunder—

such small business investment company shall be exempt from the provisions of said subsection (b)(4).

"(2) A small business investment company certified by the Small Business Administration as provided in subparagraph (1) shall be exempt from the provisions of subsection (a)(1) of this section."

SEC. 4. Section 1243 of the Internal Revenue Code of 1954 (relating to loss of small business investment company) is repealed.

SEC. 5. Section 1371(a)(2) of the Internal Revenue Code of 1954 (relating to small business corporation) is amended to read as follows:

"(2) have as a shareholder a person (other than an estate or a small business investment company operating under the Small Business Investment Act of 1958) who is not an individual;".

SEC. 6. Section 1375 (relating to special rules applicable to distributions of electing small business corporations) is amended by inserting after subsection (d) the following new subsection:

"(e) SPECIAL RULE FOR SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding the other provisions of this section, a small business investment company which is licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958 which is a shareholder of an electing small business corporation during any taxable year of the corporation shall include in its taxable income all amounts distributed or distributable from the electing small business corporation and in addition shall distribute to its shareholders on or before the end of its taxable year all such distributions received from, or distributable by, the electing small business corporation; *Provided, however,* That such small business investment company shall not be entitled to the net operating loss deduction provided under section 1374, and such net operating loss shall be credited instead to all other shareholders of the electing small business corporation on a pro-rata basis as provided under subsection 1374(c)."

SEC. 7. The amendments made by section 1 and section 4 of this Act shall apply to taxable years ending on or after June 11, 1960. The amendments made by section 2 of this Act shall apply to taxable years ending on or after December 31, 1958. All other amendments made by this Act shall apply to taxable years ending on or after March 31, 1965.

The section-by-section analysis presented by Mr. Sparkman is as follows:

SECTION-BY-SECTION ANALYSIS OF SBIC TAX BILL

Section 1 of the bill would authorize SBIC's to utilize either the specific writeoff method or the reserve method under section 166 of the code on all loans or investments made by them in their financing of small business concerns.

This authority would extend not only to simple debt instruments as now authorized by code section 166 but also to any other type of financing instrument utilized by an

SBIC including shares of stock, rights to subscribe to stock, and instruments issued in registered form or with coupons attached.

Section 2 would clarify the personal holding company exemption for SBIC's to eliminate the application of the attribution rules under the Code in determining whether an SBIC is in fact a personal holding company.

The exemption provided by this section would not be available to an SBIC where any one of its 10 percent or more shareholders held a direct proprietary interest of 10 percent or more in a small business concern to which funds are provided by the SBIC, or where the SBIC and its shareholders in the aggregate have a proprietary interest of more than 50 percent in such a small business concern. In the latter case, however, the exemption would not be lost to the SBIC if it establishes that the proprietary interest in excess of the 50 percent limitation is the result of an acquisition by the SBIC to prevent a substantial decrease in the value of the proprietary interest owned by such SBIC.

Section 3 of the bill would permit any SBIC, whether or not registered under the Investment Company Act of 1940, to elect to be taxed as a regulated investment company.

In addition, this section would exempt SBIC's from the diversification requirements now applicable to regulated investment companies under code section 851 and would substitute therefor the diversification requirements made applicable to all SBIC's by the terms of the Small Business Investment Act of 1958, as amended.

The election would not be available, however, to an SBIC which is a personal holding company, disregarding the provisions of section 2 of the bill, nor to an SBIC which fails to meet the diversification requirements of the Small Business Investment Act of 1958 and all SBA regulations on diversification of investments.

Section 4 would repeal section 1243 of the code. The latter section affords ordinary loss treatment to convertible debentures or stock acquired by SBIC's through exercise of the conversion privilege of such instruments. The enactment of section 1 of this bill would render section 1243 superfluous.

Section 5 would permit an SBIC to be a shareholder in a small business corporation electing to be taxed under the provisions of subchapter S of the code.

Section 6 would deny to an SBIC shareholder of an electing subchapter S corporation the benefits normally flowing to the shareholders of such a corporation and would instead allocate to the other shareholders the benefits that otherwise would accrue to the SBIC shareholder.

Section 7 would make the amendments provided by sections 1 and 4 of the bill effective for taxable years ending on or after June 11, 1960, the date of the enactment of the amendments to the Small Business Investment Act of 1958 which authorized SBIC's to acquire equity securities other than convertible debentures.

The amendments made by section 2 of the bill would apply to taxable years ending on or after December 31, 1958, the effective date of the personal holding company exemption originally provided in code section 542(c)(11).

All other amendments made by this bill would apply to taxable years ending on or after March 31, 1965, the fiscal year for all SBIC's as set by the Small Business Administration.

ROGER WILLIAMS MEMORIAL

Mr. PELL. Mr. President, I introduce for appropriate reference a bill to provide for the establishment of a Roger Williams National Memorial in the city of Providence.

This bill is of very special interest to my State and our capital city. It would, in the first place, commemorate our founding father, Roger Williams, who in 1636 established Rhode Island as a haven for a persecuted religious minority who fled the theocracy of Massachusetts Bay.

It is entirely fitting that the memorial by which we propose to commemorate him is both universal and forward-looking in concept. This bill would authorize the acquisition by the National Park Service of not more than 4 acres of land encompassing what was the heart of the original settlement of Providence. The area comprises the very neighborhood where Roger Williams lived and worked, and it includes the approximate site of the town spring which for a time was the center of community life.

The changing tides of city life have long since obscured most of the old landmarks and have in fact so deteriorated the area that it is now part of an urban renewal area. The Providence redevelopment agency, with admirable sensitivity to the historic and aesthetic structure of the city now proposes to preserve the area, not as a site for towering urban structures, but as a simple plot of peaceful green space in the center of a busy city. It seems to me a most appropriate way to commemorate a man who so long ago sought out that very spot as a haven of peace.

The bill I introduce today is not a new one. A somewhat similar measure was presented in the 86th Congress by my distinguished predecessor, Theodore Francis Green, and again in the 87th Congress. Last year, I introduced a perfected version of the bill, S. 2843, but the Committee on Interior and Insular Affairs was unable to schedule hearings.

This year we are confronted with a need for action. I am advised that the Providence redevelopment agency will move to acquire some of the property in the area of the proposed park in mid-1966. It will be necessary to know before then if the proposed national memorial is to be a reality.

I would point out that because the land involved falls within an urban renewal area, the land can be acquired by the National Park Service at a modest price, and that the entire project probably will cost under $1 million. Moreover, the bill specifies that the city of Providence and local historical and preservation societies may cooperate with the Secretary of the Interior in maintaining and operating the memorial park.

Finally, Mr. President, to avoid confusion, I should like to ask unanimous consent that this bill be referred to the Committee on Interior and Insular Affairs. On two previous occasions, predecessor bills have been referred to the Committee on Rules and Administration on the mistaken assumption that this bill involved the construction of a statue or memorial structure. It does not. But because it in fact provides for the creation of a small park, it more properly belongs before the Committee on Interior and Insular Affairs. I call attention in this regard to the rereferral of the identical bill in the 88th Congress, S. 2843, on June 11, 1964, when chairmen of both the Rules and Administration Committee and the Committee on Interior and Insular Affairs agreed to the rereferral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1855) to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes, introduced by Mr. PELL (for himself and Mr. PASTORE), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENTS TO CONSTITUTION RELATING TO TERMS OF OFFICE OF SENATORS AND REPRESENTATIVES

Mr. CLARK. Mr. President, I send to the desk for appropriate reference a joint resolution proposing an amendment to the Constitution of the United States to provide that the term of Members of the House of Representatives shall be 4 years instead of 2.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 72) proposing an amendment to the Constitution of the United States providing that the term of office of Members of the House of Representatives shall be 4 years, introduced by Mr. CLARK (for himself and Mr. METCALF), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLARK. Mr. President, I also send to the desk for appropriate reference a joint resolution proposing an amendment to the Constitution of the United States which would reduce the term of U.S. Senators from 6 years to 4.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States providing that the term of office of U.S. Senators shall be 4 years, introduced by Mr. CLARK (for himself and Mr. METCALF), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLARK. Mr. President, I send to the desk for appropriate reference a joint resolution proposing an amendment to the Constitution of the United States which would increase the term of U.S. Senators from 6 to 8 years.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 74) proposing an amendment to the Constitution of the United States providing that the term of office of U.S. Senators shall be 8 years, introduced by Mr. CLARK (for himself and Mr. METCALF), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLARK. Mr. President, the purpose of these three joint resolutions is to attempt to bring national party policy to bear on Congress by requiring that all congressional elections should take place in presidential years.

The end result hopefully would be that candidates of both political parties for Congress would be far more likely to pay some meaningful attention to the party platforms of their respective parties and to the programs of their candidates for the Presidency of the United States.

In this connection, I ask unanimous consent that a column by the well-known writer, Kenneth Crawford, published in Newsweek for April 19, 1965, entitled "Founders Confounded," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Founders Confounded

(By Kenneth Crawford)

The Daughters of the American Revolution will have even more than usual to resolve against at their annual meeting this month. For this spring has been a season of fantastic achievement for the U.S. Government—the kind of achievement the Daughters most deplore. As self-appointed spokesmen for the Founding Fathers, the Daughters hold that the Constitution was intended to create a system so finely checked and balanced that none of its components—executive, legislative, or judicial—would have power of quick decision. What the founders failed to anticipate, if this was indeed their purpose, was the present situation, in which the three branches, instead of checking each other, are working together for common objectives.

The evil the Constitution makers knew and guarded against was the tyranny of monarchs. They couldn't and didn't foresee the tyrannies of circumstance in an industrialized, interdependent society—poverty in the midst of plenty, ignorance in the midst of education, neglect of health in the midst of medical knowledge.

These are the tyrannies the American Government now tries to mitigate and hopes eventually to eliminate. The tools it uses must be fashioned from a document now almost two centuries old. The remarkable thing about it is that these tools can be made to do the job. Until Roosevelt's New Deal there was no certainty that the imperatives of government in a modern society could be served by the Constitution. But ways were found, by stretching here and patting there, to reconcile contemporary need with the basic law, if the need was clear enough for public recognition. Unfortunately, it has not always been that clear. The consequence has been long periods of virtual stalemate.

DREAD OF CHANGE

Lyndon Johnson is the fourth President to sponsor Federal aid to education and the third to press for medicare. Until now, these measures languished because the legislative branch was checking the executive. In Roosevelt's time, the President and Congress agreed on certain innovations only to be checked by the Supreme Court. This was the founders' balance operating against change. Daring innovators themselves, they dreaded future change and made it difficult, because they feared reversion to monarchy, the familiar menace.

Last week the founders were confounded to an unprecedented degree. Congress advanced education and medicare bills with startling ease. Laws to deal with poverty in general and the poverty of the Appalachian region in particular already were operative. Last year's civil rights law was about to be supplemented by a firmer voting-rights guarantee. The economy was benefiting from tax cuts granted last year in an effort to reduce unemployment. State legislatures were being forced by Supreme Court decisions to revise electoral patterns on a one-man, one-vote basis.

PROGRESSIVE MINDS

All this had become possible because, for once, courts, Congress, and the executive were all of equally progressive mind. They were proceeding in the same direction at about the same speed. Moreover, they moved unprodded either by world war or domestic depression. Such a confluence of forces had never occurred before and might never again. Feeling that it should happen more often—that this is how American government should be in the atomic age—Senator Joseph Clark, of Pennsylvania, proposes that Members of Congress, Senators as well as Representatives, be elected along with the President for 4-year terms instead of 6- and 2-year terms, as they are now. Under this system, the President's party would almost always command a majority in Congress, as it does now.

Americans who resent change will find Clark's idea repulsive. They will contend that revision of the founders' balance already permits a reckless majority to tyrannize over helpless minorities. Some among the minorities seem to feel that it is their inalienable right to shoot and bomb Negroes, to import cheap Mexican labor, or to cast weightier votes than anybody else. This is how it has been; ergo, this is how it should always be. But things will never be that way again. Hard as it is normally to move forward under the Fathers' commandments, it is even harder to back up.

Mr. CLARK. Mr. President, I ask unanimous consent that a brief explanation of the three proposed constitutional amendments which I have sent to the desk be printed at this point in the Record.

There being no objection, the explanations were ordered to be printed in the Record, as follows:

Explanation of Clark Constitutional Amendments Relating to the Term of Office of Congressmen and Senators

Amendment 1. To create a 4-year term for Members of the House of Representatives coinciding with the term of President. This amendment would eliminate the off-year election for Representatives, extending the term of office from 2 to 4 years.

Amendment 2. To create a 4-year term for Members of the Senate coinciding with the term of President. This amendment would eliminate the class system which presently exists in the Senate whereby one-third of the Senate is elected every 2 years. Instead it would require the election of all Members of the Senate for 4-year terms in each presidential year.

Amendment 3. To create an 8-year term for Members of the Senate. Under this amendment, Members of the Senate would be divided evenly into two classes, so that one-half of the Senate would be elected every 4 years. Off-year elections would be eliminated, and all senatorial elections would be held in presidential years.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. CLARK. I shall yield in a moment.

Mr. President, I ask unanimous consent that a most interesting article which appeared recently in the New York Times, written by William V. Shannon, one of the most able editorial writers on the editorial board of the New York Times, entitled "Reforming the House—A 4-Year Term?" be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reforming the House—A 4-Year Term?

(By William V. Shannon)

As the 89th Congress gets underway, congressional reform is more a subject of controversy than it has been for nearly 20 years.

One reform proposal which has received relatively little attention but which could have far-reaching consequences has been put forward by Senator Joseph S. Clark, Democrat, of Pennsylvania. He intends to offer a constitutional amendment increasing the length of the term for House Members from 2 years to 4.

He will offer his amendment later this month, as soon as he has arranged for its sponsorship by a Member of the House. Senator Clark could act alone, but since the amendment concerns the other body, he deems it wiser to let the House act first. The amendment is likely to be referred for hearings to the House and Senate Judiciary Committees. No action is probable this year because it takes time to develop support, but this proposal has already stirred wide interest. If approved by two-thirds of both Houses, it would become effective if ratified by three-quarters of the States.

"Two years is too short a term in which to represent effectively a congressional district," Senator Clark says. "A newly elected Congressman has hardly warmed his seat before he must leave it to campaign for renomination and reelection. And if he comes from a noncompetitive district, he will remain a Representative for the rest of his political life. So what does it matter if he goes through the motions of getting reelected once every 4 years instead of once every 2?"

Representative Florence Dwyer, New Jersey Republican, offers support for the 4-year term from a slightly different angle: "Eight years in the House have convinced me that a longer term for Congressmen could greatly improve the quality of representation. Under the present 2-year system, most House Members must spend an excessive amount of time politicking and campaigning—simply to survive. A term of 3 or 4 years would give us time to think and plan and produce a more consistent and constructive legislative program."

Mrs. Dwyer, who unseated Democrat Harrison Williams, now New Jersey's junior Senator, in 1956, and has won reelection by increasing margins every 2 years, notes that her State has an April primary, which means that every other year she has to do at least some campaigning from April through November.

The proposal for a 4-year term is part of the larger struggle for reform of the House. At issue are two divergent views of how the House ideally should function. The traditional view is that the first duty of a Representative is to represent the particular interests of his constituents and pay the closest attention to their opinions.

The late Estes Kefauver, a congressional reformer himself, liked to tell of the advice he received on his first day in Congress in 1939 from Speaker William B. Bankhead when he asked for the secret of how Members get reelected term after term. Bankhead replied without hesitation: "It is a simple secret. Give close and prompt attention to your mail. Your votes and speeches may make you well known and give you a reputation, but it's the way you handle your mail that determines your reelection."

Most pragmatic observers of the congressional scene would not dissent from this well-worn wisdom. Fast, efficient service on requests from constituents builds a body of loyal supporters and has helped keep many otherwise mediocre members in Congress for decades. "Listen to the home folks and answer your mail" is part of the conventional wisdom every Member of Congress knows, along with such hoary adages as "The way to get along is to go along," and "Vote your district," and "freshman Members should be seen and not heard."

These attitudes grow out of the present power arrangements of the House, in which most of the important work is done in committees; control of committees is governed by the automatic working of the seniority system, and favor trading among committee and subcommittee chairmen is one important way things get done.

Those observers who share Senator CLARK's dissenting view of how the congressional system should work, put forward a somewhat different view of reality. They point out that most of the work of servicing constituent requests is done by a Member's staff. Every Member has at least two or three employees devoting full time to what is known as "casework." Contrary to the Bankhead dictum, answering the mail is a task for a clerk, not a Congressman. Moreover, they note that there is no evidence that the dozens of Republican Congressmen swept out of office in last November's anti-Goldwater landslide had been dilatory or delinquent in answering their mail, sending out free "baby books" and other Government manuals, or processing requests for help in obtaining a veteran's pension or a social security benefit. Those Republicans lost simply because they were riding the wrong tide of public opinion.

In the view of Senator CLARK and his adherents, this is as it should be. The Members of the House, they argue, should not represent a network of petty political fiefdoms, each owing a nonideological loyalty to its Congressman for personal services rendered and for devotion to particular local interests. Members should instead represent—as the Presidency does—the changing national consensus on major issues. They see the ideal of what ought to be merging with the reality of what is, as major shifts in population in the last 30 years and the development of rapid transportation and communications destroy old parochialisms and make the Nation into a single great constituency.

How would a 4-year term for the House fit into this picture? Since Members would always run in presidential years, it would accentuate the coattail effect that the top of the national ticket usually exerts. Individual Congressmen and congressional candidates would become more dependent on the national party. In the same year as a presidential campaign, the voters would be more likely to cross-examine congressional candidates about their views on the national party platform and their agreement or disagreement with their party's national ticket. (Republican candidates in many districts last fall discovered only too clearly that extolling their own records was not sufficient to shake off the incubus of Mr. Goldwater's candidacy.) A 4-year term would eliminate the midterm election for the House, in which the party in power almost invariably loses seats. Since Presidents have enough trouble getting their programs through as it is, avoiding this drop in their political prestige at the midway point would represent clear gain for the White House.

In his recently published book, "Congress: The Sapless Branch," Senator CLARK puts the argument this way: "If (a Member) comes from a competitive district, he will be more of a statesman and less of an errand boy if he runs always at the same time and on the same ticket as the presidential candidate of his party. The strengthening of the national interest in terms of the effective dialog on issues which such a procedural change would bring about is substantial. The strengthening of the national parties is even more so. The strengthening of the hand of the President, who alone speaks for all Americans, is the most substantial of all."

It is an ironic footnote to this argument that Mr. CLARK was able to win his place in the Senate by unseating an Eisenhower Republican incumbent in 1956, although General Eisenhower swept the presidential election by 9,500,000 votes. That year, for the first time in a century, the party that won the White House failed to carry either House of Congress. Presumably even in the best reformed and well-ordered political system such anomalies would continue to occur occasionally.

When the framers of the Constitution provided that Members of the House should be popularly elected for 2 years and the Senators indirectly elected for 6, they anticipated that the Representatives would be immediately responsive to popular sentiment as the price of reelection. This was true until the Civil War. But over the past 100 years, the development of one-party strongholds across the country has meant that ordinarily fewer than 100 of the 435 Members need worry about reelection.

Democrats from Boston, New York, Chicago, and Los Angeles, as well as from many rural districts of the South, have safe seats which they regularly win by upward of 65 percent of the vote. A sizable number of Republicans in rural and smalltown districts of the Middle West from Ohio to Kansas are equally well-entrenched. Meanwhile, the Senators, now elected by direct popular vote and running statewide, are more subject to volatile shifts in public sentiment.

"The framers thought that the Senate would consist of a conservative body of senior statesmen who would restrain the speed and radicalism of the House," Representative RICHARD BOLLING, Missouri Democrat and a leader in the long struggle for congressional reform, recently observed. "But history has taken the two Houses in the reverse directions. At present the Senate is often the more liberal body because it is more responsive to the social pressures of the big cities and the suburbs. The House, organized under the seniority principle, is the restraining influence."

Under these circumstances the historical argument for sharply differentiating between House and Senate has lost much of its validity.

If Members of the House were elected for 4 years, this might subtly undermine the gerontocracy in the House. Newly elected Members who know they may be swept out at the midterm election have neither the time nor the incentive to mount an attack on the House establishment, since if they were to fight and win a larger share of committee control they would have only 2 years in which to enjoy it—and most of the second year is necessarily spent back home campaigning for reelection. But with the security of a 4-year term the newcomers would feel more nearly on an equal footing with the oldtimers and could look forward to more than 3 years of uninterrupted service.

As matters now stand, the 71 newly elected Democrats in the House become junior members of committees, every one of which is chaired by a member who has been there a minimum of 20 years. These newcomers won election as partners and supporters of Lyndon Johnson, but the fresh wave of 1965 has to yield to the men elected in the time of Franklin D. Roosevelt and, in a few instances, to those first elected in the days of Harding and Hoover.

Those who favor congressional reform are convinced that the only hope for improving the quality of House membership and the level of House performance is to speed up the rotation of those in positions of control by finding ways to bring junior Members to positions of power. The security of a 4-year term would be one step in this direction.

The elimination of midterm elections for the House would not necessarily weaken Congress as against the Presidency under our constitutional system of checks and balances. When the House is more liberal than the President, as it was in 1931–32 during the last half of the Hoover administration and again in 1959–60 at the end of the Eisenhower administration, the President can with relative ease frustrate the legislative plans of his liberal opponents.

When the House is more conservative than the President, as it was in 1947–48 during the Truman administration, the conservatives fare only slightly better. The Taft-Hartley Labor Relations Act was the one major exception to 2 years of Republican frustration in the 80th Congress.

Leaving the political struggle aside and looking at the House in purely institutional terms, one can see that a 4-year term would conform with the growing trend toward the professionalization of government. As big government has developed over the last 30 years, the tendency in State capitals and in Washington has been steadily toward longer legislative sessions, higher salaries, more expert staff assistance, and—in the States—toward longer terms of office.

So many States have lengthened the terms of office for their Governors, for example, that there are now only 16 which provide only a 2-year term; of these, Michigan and Massachusetts will switch next year to 4 years. Similarly, a 1-year term for State legislators was still common before World War I. Now all States elect them for at least 2 years. New York is currently considering extending the terms of its State senators from 2 years to 4.

Two arguments have proved persuasive in advancing this trend toward longer tenure.

The first is that most people now regard frequent elections not as a democratic safeguard but as a waste of time, energy, and money for both the candidates and the electorate. Shorter campaigns and less frequent elections are now the vogue.

Secondly, government at all levels has obviously grown so much more complex than it was in 1787, or even in grandfather's day, that the public has concluded that its officeholders, both legislative and executive, need more time if they are to learn their jobs thoroughly and do them properly, free from campaigning and other extraneous pressures.

For these reasons many people who do not approve of Senator CLARK's broader program for more tightly structured political parties and a Congress more on the model of the British House of Commons do favor his proposal for a 4-year term for Members of the House. A recent meeting of the American Assembly endorsed it, which suggests that although the idea has not been widely discussed, it does have public support.

More important is the absence of any strong opposition. This makes it difficult to estimate the proposal's chances of practical success. It is not likely to be adopted this year, but if the study commission on congressional reform that Senator MONRONEY, of Oklahoma, has proposed is established, and were to make the 4-year term part of its package of recommendations, it might sail through with little controversy.

The chief arguments against a 4-year term are the force of tradition and the belief that the necessity of running every 2 years is desirable in keeping a Representative close to his constituency.

Dr. Charles Clapp, of the Brookings Institution, reports in his book "The Congressman" that when he discussed briefly the possibility of a 4-year term with Republican and Democratic House Members in 1959, they were overwhelmingly of the opinion that, although longer tenure would be delightful from their vantage point, it would never be adopted. Senators, they observed, were not likely to adopt a constitutional amendment which would enable House Members to run for the Senate in midterm elections without risking their own seats.

The advocacy of this reform by Senator CLARK, who has never served in the House, suggests that these Congressmen may have judged their colleagues in the other Chamber too harshly. Notwithstanding the risks, ambitious House Members who want to enter the smaller and more prestigious Senate are usually willing to surrender their seats and make the attempt. The 4-year term would, in fact, not noticeably increase the number of Representatives running for the Senate. On the contrary, by lessening the difference between the two Chambers, it would encourage Members of the House to stay there.

In any event, Senator CLARK has one more reform to take care of this contingency as well. A second clause in his proposed constitutional amendment would reduce senatorial terms from 6 years to 4, thus eliminating midterm elections altogether. No one expects the Senate to adopt this self-denying innovation. Only a man of Senator CLARK's imperturbable spirit would propose it to his colleagues.

Mr. CLARK. Mr. President, I yield to the Senator from Montana.

Mr. METCALF. Mr. President, I compliment the Senator from Pennsylvania on introducing his proposed constitutional amendments. I proposed such an amendment in the previous Congress. My proposed constitutional amendment sought to fix the length of the terms of Members of the House at 4 years, and the terms of U.S. Senators at 8 years. This would have provided, as the Senator brought out, that Members of Congress would run only in presidential election years. In that way, Members of Congress would not present the effect of going against the President in so-called off years.

Mr. CLARK. Mr. President, I am happy to welcome the support of my friend from Montana.

If the Senator from Montana would like to cosponsor my measures, I would, indeed, be happy to have the Senator listed as a cosponsor.

Mr. METCALF. Mr. President, I ask unanimous consent that my name may be listed as a cosponsor to the joint resolutions submitted by the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I ask unanimous consent that comments which I made last year when I introduced my proposed amendment be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR METCALF

Today I am introducing for appropriate reference, a joint resolution proposing a constitutional amendment to extend to 4 years the terms of Members of the House of Representatives and to 8 years the terms of Senators.

The arguments in favor of this amendment to our Constitution are most persuasive. This is not a partisan proposal; it is a measure designed to strengthen our democratic processes and to make our National Government more sensitive to the wishes of its citizens.

As the distinguished political scientist and student of government, Stephen K. Bailey, has written, "The constitutional provisions for staggered elections are a significant cause of the pullings and haulings in our National Government." My amendment, Mr. President, would remove one obstacle to efficient and responsible National Government by eliminating the so-called off year election of U.S. Senators and Representatives.

Adoption of this constitutional amendment would represent a big step toward reducing much of the needless—and sometimes destructive—partisan bickering that has characterized our National Government when the executive branch is controlled by one political party and the legislative branch by the other. This situation is not unusual. The party of the President in office has lost control of the House in 17 midterm elections, out of the 44 off year elections held since the first one in 1790.

Under this amendment when fully operative, candidates seeking election to the House of Representatives and Senate—except in special circumstances—would run only in presidential election years.

When the people of this Nation go to the polls to elect a presidential candidate on the basis of a program he and his party have promised to implement, they should have the opportunity to vote for Senators and Representatives who will support that program.

Past experience indicates that election of a new Congress only in presidential election years would, in all probability, mean control of the executive and legislative branches of our National Government by the same party. In fact, there are only two clear-cut cases since the Constitution went into effect in 1789 when the newly elected President did not have a majority in the House of Representatives. If a President had dependable majorities, majorities identified with his program—in both Houses of Congress—for his full term, it would be much easier for the electorate to judge the performance of the party in power. The administration would be able to pursue its projects and plans unhampered by partisan prejudice, making possible a constructive, more nearly unified policy.

If the "in party" failed to meet its commitments, the electorate could unmistakably fix the responsibility and vote the President and his congressional supporters out at the next election. But the "in party" would have a full 4 years to fulfill its campaign pledges before going again to the voters for an expression of confidence.

The arguments in support of lengthening the terms of office for Members of the House of Representatives are familiar to all of us. Those of us who have served in the House as Representatives of two-party districts, need not be reminded how difficult it is to become familiar with the legislative process and become competent legislators when the next election is "just around the corner."

In recent years, Mr. President, it has become increasingly difficult to pass needed legislation through the other House. One of the reasons for this, I believe, is the preoccupation of House Members—especially the newer ones from two-party districts—with their reelection. A Representative is sent to Congress to give his constituency a voice in its relations with the Federal Government. But he is also expected to be a legislator—to understand and participate effectively in the legislative process. Under the present 2-year term, the new Representative finds it extremely difficult to become an effective legislator before he must face the electorate for a judgment on his performance. A 4-year term would give a Member of the House an opportunity to make a record before seeking a vote of confidence from his constituents.

When the Fathers of our Constitution settled on a 2-year term for Members of the House of Representatives, they anticipated that each session of Congress would be relatively short, leaving Representatives ample time to travel home and mix with the people. The first representatives proposed 142 bills of which they passed 111. During the 88th Congress, 15,299 bills and resolutions were introduced and 1,026 passed. Though figures tell far from the whole story, this is a strong indication that the 2-year term just can no longer adequately equip the Congress to do its job.

Adoption of this amendment also would mean substantial savings by eliminating the cost of participating in off-year elections.

Both primary and general election campaigns are becoming longer, more elaborate and more expensive. There appears to be no prospect of a change in this tendency. While modern methods of travel and communications are more expeditious, it costs thousands of dollars to cover a congressional district covering a large geographical area. Costs have increased in advertising, radio, and television time, printing and postage which are a necessary segment of a political campaign. The people have become accustomed to and expect extensive publicity as an informative means of a candidate's intentions. Electing Members of the House and Senate only during presidential election years would substantially reduce campaign costs as well as allow legislators to concentrate on legislation.

I believe this amendment deserves the serious consideration of this Congress. I recognize that it would represent a departure from our time tested election laws; but times are changing and we must change with them. The international and domestic challenges facing our Nation today and in the years ahead demand a responsible and responsive Congress. Adoption of this amendment would be a step in the direction of making the Congress more sensitive to the needs of our Nation.

Mr. President, I ask unanimous consent to insert immediately following my remarks a section from "The Condition of Our National Political Parties" by Stephen K. Bailey.

There being no objection, the excerpt was ordered printed in the RECORD, as follows:

"EXCERPT FROM ARTICLE 'CONGRESSIONAL TERMS'

"(By Stephen K. Bailey)

"The constitutional provisions for staggered elections are a significant cause of the pullings and haulings in our National Government. It is equally clear that a 2-year term for the House is too short to turn a freshman Member into an effective legislator or to avoid the harassing and expensive responsibilities of perpetual campaigning. The last election and the next election are often an indistinguishable blur. Furthermore, if a truly competitive two-party system should develop across the Nation, there will be more frequent alternation of victorious candidates between the parties, thus shortening the tenure of any one Congressman.

"A 4-year term for the House, if it coincides with the presidential term, should have a number of important effects. Under normal conditions, it would insure the same political complexion for the House as the President's. It would reduce the continuous campaign and constituency pressures which a 2-year term almost inevitably fosters. It would give Congressmen sufficient time to learn their trade and to make a substantial contribution to public life.

"Also, if an 8-year term were provided for Members of the Senate (half of them coming up for election every 4 years at the same time as the Presidency), the likelihood that the President would have a working majority in both Houses would be overwhelming. At the same time, the conservative utility of overlapping terms would be maintained with only a slight modification in the constitutional wish for continuity.

"Enhancing the possibility of one-party control of the Government would enhance the possibility of substantial governmental power and would unmistakably fix responsibility for governmental policy.

COMPREHENSIVE REVISION OF ALL SENATE RULES

Mr. CLARK. Mr. President, I submit, for appropriate reference, the same comprehensive revision of all the rules of the U.S. Senate, which I offered during the 2d session of the 88th Congress.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 103) amending the Standing Rules of the Senate, was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Standing Rules of the Senate are amended to read as follows:

"RULE I

"Election of President pro tempore and selection of officers

"At the commencement of each Congress, the Senate shall elect a President pro tempore and shall choose its officers, the Secretary, the Sergeant at Arms, the Chaplain, the secretary to the majority, the secretary to the minority.

"RULE II

"Appointment of a Senator to the Chair

"1. The President pro tempore shall perform the duties of the Chair in the absence of the Vice President or vacancy in the office of Vice President.

"2. In the absence of the Vice President, and pending the election of a President pro tempore, a Senator designated by the majority leader, with the concurrence of the minority leader, shall perform the duties of the Chair.

"3. The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair. In the absence of such designation by the President pro tempore, the majority leader, with the concurrence of the minority leader, shall designate a Senator or Senators to perform the duties of the Chair; but in neither instance shall such substitution extend beyond an adjournment, except by unanimous consent.

"4. Whenever any Senator shall be designated to perform the duties of the Chair during the temporary absence of the President pro tempore, such Senator shall be empowered to sign, as acting President pro tempore, the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States.

"RULE III

"Presentation of credentials

"1. The presentation of credentials of Senators-elect and other questions of privilege shall always be in order, except while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

"2. The Secretary shall keep a record of the certificates of election of Senators by entering in a well-bound book kept for that purpose the date of the election, the name of the person elected and the vote given at the election, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected.

"RULE IV

"Oaths, etc.

"The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

"RULE V

"Commencement of daily sessions

"The Presiding Officer having taken the Chair, and a quorum being present, motions to correct any mistakes made in the entries of the Senate Journal of the preceding day shall be in order and proceeded with until disposed of, unless objected to. If objection is made, the Senator moving to correct the Senate Journal and the Senator objecting may file at the Clerk's desk briefs in support of their positions. Such briefs shall be printed in the Senate Journal for the calendar day on which the motion to correct was made, together with a notice that a vote on the motion will take place on the following calendar day on which the Senate is in session at a time certain to be set by the Presiding Officer. At the designated time, the motion to correct shall be submitted to the Senate and decided without debate.

"2. Unless a motion to read the Senate Journal of the preceding day, which shall be nondebatable, is made and passed by majority vote, the Senate Journal shall be deemed to have been read without actual recitation and approved.

"3. A quorum shall consist of a majority of the Senators duly chosen and sworn.

"RULE VI

"Senate Journal

"1. The proceedings of the Senate shall be accurately stated in the Senate Journal which shall be the Senate section of the Congressional Record. Messages of the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate; the legislative proceedings; and, the executive proceedings in open executive sessions, shall be entered.

"2. The executive proceedings in closed session, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded by the Journal Clerk in a separate book.

"RULE VII

"Quorum—Absent Senators may be sent for

"1. No Senator shall absent himself from the service of the Senate without leave.

"2. If, at any time during the daily sessions of the Senate, a question shall be raised by the Majority Leader or the Minority Leader, or, in their absence, by the Acting Majority Leader or the Acting Minority Leader, as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

"3. Any Senator may raise the question as to the presence of a quorum but only for the purpose of seeking recognition and calling for a vote on the pending business once the presence of a quorum has been ascertained; and, declaration of such intention shall be made by such Senator immediately prior to his raising the question as to the presence of a quorum. Immediately upon the statement of such intention and the raising of such question by any Senator, the Presiding Officer shall forthwith direct the Secretary to call the roll and proceed as above provided.

"4. Whenever, during any quorum call as provided for in paragraphs 2 and 3, the Presiding Officer ascertains that a majority of the Senators are present in the chamber, he shall direct that the quorum call be halted.

"5. Whenever upon such rollcall it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

"RULE VIII

"Order of recognition

"When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized; and the Presiding Officer shall recognize the Senator who shall first address him, except that he shall first give recognition to the following Senators in the order prescribed if any of them shall also seek recognition:

"(1) The Majority Leader, or, in his absence, any Senator designated as Acting Majority Leader by the Majority Leader, and occupying the Majority Leader's desk.

"(2) The Minority Leader, or, in his absence, any Senator designated as Acting Minority Leader by the Minority Leader, and occupying the Minority Leader's desk.

"RULE IX

"Debate

"1. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; *Provided, however,* that such consent shall not be required where any Senator shall raise a germane point of order that the Senator in possession of the floor has transgressed the rules of the Senate. Unless submitted to the Senate, the germane point of order shall be decided by the Presiding Officer subject to an appeal to the Senate as provided in Rule X. Any Senator against whom a germane point of order shall have been raised and any Senator raising such point of order may appeal from the ruling of the Presiding Officer, which appeal shall be open to debate. If the Presiding Officer shall sustain the germane point of order and no appeal is taken, or if upon appeal the Senate shall sustain the germane point of order, the Senator against whom it has been made shall take his seat; otherwise he shall retain possession of the floor.

"A germane point of order may be raised in respect to enforcement of paragraphs 3 and 5 of this Rule.

"2. It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any petition, memorial, report of a committee, resolution, or bill. It shall be the duty of the Presiding Officer to enforce this Rule without any point of order hereunder being made by a Senator.

"3. No Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate.

"4. Upon the request of any Senator who has been recognized, his remarks upon any subject may be delivered in writing, and if so delivered shall be printed in the Senate Journal in the same manner, and in the same size print, as if those remarks had been delivered orally. The Senate Journal shall contain a notation that the material was submitted but not delivered orally.

"5. Whenever a Senator has held the floor for three consecutive hours, he shall be required to yield the floor upon objection and any Senator may raise a point of order at any time thereafter that such Senator yield the floor.

"6. No Senator in debate shall directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator, or refer offensively to any State of the Union.

"7. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgresses the rules of the Senate by impugning the motives or integrity of another Senator, the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.

"8. If a Senator be called to order for words spoken in debate, then, upon the demand of the Senator or of any other Senator, the exceptionable words shall be read by the Official Reporter for the information of the Senate.

"9. Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

"10. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the galleries of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent.

"11. During the consideration of any measure, motion, or other matter, any Senator may move that all further debate under the order for pending business shall be germane to the subject matter before the Senate. If such a motion, which shall be nondebatable, is approved by the Senate, all further debate under the said order shall be germane to the subject matter before the Senate, and all questions of germaneness under this rule, when raised, including appeals, shall be decided by the Senate without debate.

"12. When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

"13. No dilatory motion shall be entertained by the Presiding Officer. A Senator whose motion has been determined by the Presiding Officer to be dilatory may appeal from the decision of the Chair, which appeal shall be decided by the Senate without debate.

"14. Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements.

"RULE X

"Questions of order

"1. Subject to the limitations in Rule IX, a question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer.

"2. The Presiding Officer may submit any question of order for the decision of the Senate.

"3. When a question of order has been submitted to the Senate, or a debatable appeal has been taken on a decision of the Presiding Officer as provided herein, debate on such submission or appeal shall be limited, in all, to one hour, unless the Senate shall otherwise direct.

"RULE XI

"Morning business

"1. One hour, if that much time be needed, shall be set aside for the transaction of morning business as set forth in Rule XI, paragraph 2, on each legislative day at the opening of proceedings unless the Senate shall otherwise order by unanimous consent. The period for morning business may be extended for up to one additional hour, upon motion, which shall be nondebatable, approved by majority action.

"2. The Presiding Officer shall, during the period for morning business, lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer shall then call for:

"The presentation of petitions and memorials.

"Reports of standing and select committees.

"The introduction of bills and joint resolutions.

"Concurrent and other resolutions.

"Statements or comments not to exceed three minutes which may include requests for unanimous consent to insert articles and other printed matter in the Senate Journal and to submit statements.

"3. Until the morning business shall have been concluded, and so announced from the Chair, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

"RULE XII

"Petitions and memorials

"1. Every petition or memorial shall be signed by the petitioner or memorialist and have endorsed thereon a brief statement of its contents, and shall be presented and referred to the appropriate committee without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

"2. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.

"3. Only a brief statement of the contents of such communications as are presented under the order of business 'Presentation of petitions and memorials' shall be printed in the Senate Journal; and no other portion of such communications shall be inserted in the Senate Journal unless specifically so ordered by the Senate, as provided for in Rule XL, paragraph 1; except that communications from the legislatures or conventions, lawfully called, of the respective States and insular possessions shall be printed in full in the Senate Journal whenever presented, and the original copies of such communications shall be retained in the files of the Secretary of the Senate.

"4. Senators having petitions, memorials, or private bills to present after the conclusion of the morning business may deliver them to the Secretary of the Senate, indorsing upon them their names. Said petitions, memorials, or bills shall, with the approval of the Presiding Officer, be entered on the Senate Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees.

"RULE XIII

"Calendar Monday

"1. At the conclusion of the morning business on each Monday, unless upon motion decided without debate the Senate shall otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and bills and resolutions that are not objected to shall be taken up in their order. An objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the conclusion of morning business, and shall take precedence of the unfinished business and other special orders.

"RULE XIV

"Motions to consider

"1. All motions to proceed to the consideration of any matter shall be debatable, unless otherwise provided in these Rules: *Provided, however,* That when any Senator shall file, at the desk of the Clerk, a notice of intention to move to consider any matter on the Senate Calendar on the following calendar day on which the Senate is in session, such motion for consideration when made by such Senator shall be decided without debate. The notice of intent shall be printed in the Senate Journal.

"RULE XV

"Special orders

"1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time in which it was made special, unless it shall become by adjournment the unfinished business.

"2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

"And all motions to make a subject a special order, or to change such order, or to proceed to the consideration of other business, shall be decided without debate.

"RULE XVI

"Bills, joint resolutions, and resolutions

"1. Every bill and joint resolution shall receive three readings previous to its passage. The first reading and the second reading may be on the same calendar day, if the Senate by majority vote without debate, shall so direct; but the third reading must be on a different calendar day. The Presiding Officer shall give notice at each reading whether it be the first, second, or third. The first or second reading of each bill, or both, may be by title only, unless the Senate by majority vote without debate shall otherwise order.

"2. Every bill or joint resolution shall immediately after second reading be referred by the Presiding Officer to the appropriate committee. Appeals from rulings of the Presiding Officer referring bills and joint resolutions to committee shall be decided by the Senate without debate. A motion to place a bill or joint resolution on the Senate Calendar immediately and not refer it to committee may be made by any Senator after such bill or joint resolution has been read twice but before it has been referred to committee, and such motion shall be decided by majority vote of the Senate after debate not to exceed a period of one hour.

"3. Every bill and joint resolution having been read twice and referred to a committee, shall, upon being reported by the committee, immediately be placed on the calendar. Every bill and joint resolution originating in a committee shall, upon being reported by the committee, be read twice and then placed on the calendar.

"4. The Secretary of the Senate shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate, and shall examine all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

"5. All resolutions shall lie over one calendar day for consideration, unless the Senate shall by majority vote otherwise direct.

"RULE XVII

"Reports of committees and motions to discharge to lie over

"All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one calendar day for consideration, unless the Senate, without debate, by a majority vote shall otherwise direct, or unless otherwise provided in these Rules.

"RULE XVIII

"Reference to committees—amendments

"When motions are made for reference of a subject to a select committee or a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.

"RULE XIX

"Amendments to appropriation bills

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received.

"4. No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

"Name of committee	*Purpose of appropriation*
Committee on Agriculture and Forestry	For the Department of Agriculture.
Committee on Armed Services	For the Department of Defense.
Committee on Aeronautical and Space Sciences.	For aeronautical and space activities and matters relating to the scientific aspects thereof, except those peculiar to or primarily associated with the development of weapons systems or military operations.
Committee on Commerce	For the Department of Commerce and related activities.
Committee on the District of Columbia	For the District of Columbia.
Committee on Finance, Committee on Post Office and Civil Service.	For the Departments of the Treasury and the Post Office.
Committee on Foreign Relations	For the Department of State and related agencies, and for the foreign assistance programs.
Committee on Interior and Insular Affairs	For the Department of the Interior and related agencies.
Committee on the Judiciary	For the Department of Justice and for the Judiciary.
Committee on Labor and Public Welfare	For the Departments of Labor and of Health, Education, and Welfare.
Committee on Public Works	For public works.
Senate members of the Joint Committee on Atomic Energy (to be selected by said members).	For the development and utilization of atomic energy.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

"RULE XX

"Amendments—germaneness

"No amendment not germane or relevant to the subject matter contained in a bill under consideration shall be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments, when raised, shall be decided by the Presiding Officer, subject to appeal to the Senate to be decided without debate.

"RULE XXI

"Amendment may be laid on the table without prejudice to the bill

"When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

"RULE XXII

"Amendments—division of a question

"If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

"RULE XXIII

"Amendments after third reading—Recommitment

"When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar unless the Senate by majority vote shall otherwise direct.

"RULE XXIV

"Motions

"1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

"2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

"RULE XXV

"Precedence of motions—Previous question

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"For the previous question.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged, except that after the previous question shall have been ordered on the passage of a bill or joint resolution, no motion to lay on the table shall be in order; and the motions relating to adjournment, to take a recess, for the previous question, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. (a) Whenever any motion or amendment to a measure pending before the Senate has received consideration for a total of not less than fifteen hours, during a total of not less than three calendar days, any Senator may move the previous question with respect to such motion or amendment.

"(b) Whenever any measure pending before the Senate, together with any motions or amendments relating to it, has received consideration for a total of not exceeding fifteen calendar days, any Senator may move the previous question with respect to such measure and any or all motions or amendments relating to it.

"(c) When such a motion is made and a quorum is ascertained to be present, it shall be submitted immediately to the Senate by the Presiding Officer, without debate and shall be determined by a "yea" and "nay" vote, a majority prevailing. A previous question may be asked and ordered with respect to one or more measures, motions, amendments, or matters, and may embrace one or more amendments to any pending measure, motion or matter described therein, and the passage or rejection of the pending bill or resolution: *Provided, however,* That any or all motions or amendments not so embraced by the motion for the previous question shall be deemed rejected. If the previous question is so ordered as to any measure, motion, amendment, or matter, that measure, motion, amendment, or matter shall be presented immediately to the Senate for determination. One hour of debate, equally divided between opponents and proponents shall be allowed on any motion, amendment, or matter, other than the passage or rejection of the measure, bill, or resolution on which the previous question has been ordered; and, four hours of debate, divided in the same manner, shall be allowed on the passage or rejection of the measure, bill, or resolution covered by such order.

"All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

"RULE XXVI

"Preambles

"When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, on ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

"RULE XXVII

"Voting, etc.

"1. A demand for the yeas and nays, when seconded by eleven Senators, shall be sufficient to require a rollcall vote. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question unless excused by the Senate. Senators entering the chamber after their names have been called may obtain recognition from the Presiding Officer and have their votes recorded prior to the announcement of the vote; but no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, except that a Senator may, for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

"2. When a Senator declines a vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: 'Shall the Senator, for the reasons assigned by him, be excused from voting?', which question shall be decided without debate; and these proceedings shall be had after the rollcall and before the result is announced; and any further proceedings in reference hereto shall be after such announcement.

"3. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a rollcall ordered for the purpose by the Presiding Officer, it shall be discovered that a quorum of the Senate is present; and when a unanimous consent is thus given, the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

"RULE XXVIII

"Reconsideration

"1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

"2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

"RULE XXIX

"Appointment of committees

"1. At the beginning of each Congress the Senate shall proceed by ballot to appoint the members of each standing committee, and unless otherwise ordered, of each other committee of the Senate. All members of each such committee so appointed shall be appointed by one ballot. A plurality of the votes cast shall be required for the appointment of the members of each such committee.

"In the event a vacancy occurs for any reason in the membership of a standing committee and of any other committee of the Senate during a session of Congress, the Senate shall proceed by ballot to fill the vacancy. A plurality of the votes cast shall be required in the filling of a vacancy.

"2. Upon the appointment of the members of each such committee at the beginning of a Congress pursuant to paragraph 1, the majority Members thereof shall elect by secret ballot of the majority members of the committee one member of that committee to be chairman thereof. Such member shall be of the majority party of the Senate. A majority of the whole number of votes given shall be required for the election of a chairman of any such committee.

"No Senator shall be elected or shall continue to serve as chairman of a standing committee after he has attained the age of seventy years.

"When a permanent vacancy occurs for any reason in the chairmanship of a standing committee and of any other committee of the Senate, the vacancy in the membership shall first be filled (if necessary) as provided in paragraph 1 hereof, and a successor chairman thereafter elected as hereinabove provided.

"No Senator shall be chairman of more than one standing committee nor of more than one subcommittee of each committee of which he may be a member.

"RULE XXX

"Standing committees

"1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a)(1) Committee on Aeronautical and Space Sciences, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"(A) Aeronautical and space activities, as that term is defined in the National Aeronautics and Space Act of 1958, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(B) Matters relating generally to the scientific aspects of such aeronautical and space activities, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(C) National Aeronautics and Space Administration.

"(2) Such committee also shall have jurisdiction to survey and review, and to prepare studies and reports upon, aeronautical and space activities of all agencies of the United States, including such activities which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(b) Committee on Agriculture and Forestry, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

“16. Agricultural production and marketing and stabilization of prices of agricultural products.

“17. Crop insurance and soil conservation.

“(c) Committee on Appropriations, to consist of twenty-four Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation of the revenue for the support of the Government.

“(d) Committee on Armed Services, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“1. Common defense generally.

“2. The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally.

“3. Soldiers' and sailors' homes.

“4. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces.

“5. Selective service.

“6. Size and composition of the Army, Navy, and Air Force.

“7. Forts, arsenals, military reservations, and navy yards.

“8. Ammunition depots.

“9. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

“10. Conservation, development, and use of naval petroleum and oil shale reserves.

“11. Strategic and critical materials necessary for the common defense.

“12. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

“(e) Committee on Banking and Currency, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“1. Banking and currency generally.

“2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

“3. Deposit insurance.

“4. Public and private housing.

“5. Federal Reserve System.

“6. Gold and silver, including the coinage thereof.

“7. Issuance of notes and redemption thereof.

“8. Valuation and revaluation of the dollar.

“9. Control of prices of commodities, rents, or services.

“10. Bonded debt of the United States.

“11. Deposit of moneys.

“(f) Committee on Commerce, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“1. Interstate and foreign commerce generally.

“2. Regulation of interstate railroads, buses, trucks, and pipelines.

“3. Communication by telephone, telegraph, radio, and television.

“4. Civil aeronautics, except aeronautical and space activities of the National Aeronautics and Space Administration.

“5. Merchant marine generally.

“6. Registering and licensing of vessels and small boats.

“7. Navigation and the laws relating thereto, including pilotage.

“8. Rules and international agreements to prevent collisions at sea.

“9. Merchant marine officers and seamen.

“10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

“11. Coast and Geodetic Survey.

“12. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

“13. The United States Coast Guard and Merchant Marine Academies.

“14. Weather Bureau.

“15. Except as provided in paragraph (d), the Panama Canal and interoceanic canals generally.

“16. Inland waterways.

“17. Fisheries and wildlife, including research, restoration, refuges, and conservation.

“18. Bureau of Standards, including standardization of weights and measures and the metric system.

“19. Transportation of dutiable goods.

“(g) Committee on the District of Columbia, to consist of seven Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

“2. Public health and safety, sanitation, and quarantine regulations.

“3. Regulation of sale of intoxicating liquors.

“4. Adulteration of food and drugs.

“5. Taxes and tax sales.

“6. Insurance, executors, administrators, wills, and divorce.

“7. Municipal and juvenile courts.

“8. Incorporation and organization of societies.

“9. Municipal code and amendments to the criminal and corporation laws.

“(h) Committee on Finance, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“1. Revenue measures generally.

“2. Customs, collection districts, and ports of entry and delivery.

“3. Revenue measures relating to the insular possessions.

“4. Veterans' measures generally.

“5. Pensions of all the wars of the United States, general and special.

“6. Life insurance issued by the Government on account of service in the armed forces.

“7. Compensation of veterans.

“(i) Committee on Foreign Relations, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“1. Relations of the United States with foreign nations generally.

“2. Treaties.

“3. Establishment of boundary lines between the United States and foreign nations.

“4. Protection of American citizens abroad and expatriation.

“5. Neutrality.

“6. International conferences and congresses.

“7. The American National Red Cross.

“8. Intervention abroad and declarations of war.

“9. Measures relating to the diplomatic service.

“10. Acquisition of land and buildings for embassies and legations in foreign countries.

“11. Measures to foster commercial and cultural intercourse with foreign nations and to safeguard American business interests abroad.

“12. United Nations Organization and international financial and monetary organizations.

“13. Foreign loans and grants.

“14. Reciprocal trade agreements.

“15. Tariffs and import quotas and matters related thereto.

“(j)(1) Committee on Government Operations, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“(A) Budget and accounting measures, other than appropriations.

“(B) Reorganization in the executive branch of the Government.

“(2) Such committee shall have the duty of—

“(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

“(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

“(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

“(D) studying the intergovernmental relationships between the United States and the States and municipalities.

“(k) Committee on Interior and Insular Affairs, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“1. Public lands generally, including entry, easements, and grazing thereon.

“2. Mineral resources of the public lands.

“3. Forfeiture of land grants and alien ownership, including alien ownerships of mineral lands.

“4. Forest reserves and national parks created from the public domain.

“5. Military parks and battlefields, and national cemeteries.

“6. Preservation of prehistoric ruins and objects of interest on the public domain.

“7. Measures relating generally to the insular possessions of the United States, except those affecting their revenue and appropriations.

“8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

“9. Interstate compacts relating to apportionment of waters for irrigation purposes.

“10. Mining interests generally.

“11. Mineral land laws and claims and entries thereunder.

“12. Geological survey.

“13. Mining schools and experimental stations.

“14. Petroleum conservation and conservation of the radium supply in the United States.

“15. Relations of the United States with the Indians and the Indian tribes.

“16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

“(l) Committee on the Judiciary, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

“1. Judicial proceedings, civil and criminal generally.

“2. Constitutional amendments.

“3. Federal courts and judges.

“4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trademarks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"(m) Committee on Labor and Public Welfare, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Measures relating to health, education, labor, or public welfare generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract, and migratory labor generally.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"12. United States Employees' Compensation Commission.

"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.

"14. Welfare of miners.

"15. Vocational rehabilitation and education of veterans.

"16. Veterans' hospitals, medical care and treatment of veterans.

"17. Soldiers' and sailors' civil relief.

"18. Readjustment of servicemen to civil life.

"19. National social security.

"20. Employment, unemployment and the utilization of manpower.

"(n) Committee on Post Office and Civil Service, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(o) Committee on Public Works, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within ths District of Columbia.

"7. Measures relating to the Capitol building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads.

"(p)(1) Committee on Rules and Administration, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paragraph (o)(8), matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(C) Except as provided in paragraph (o)8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Buildings and the Senate wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the CONGRESSIONAL RECORD.

"(2) Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Buildings.

"(3) Such committee shall have jurisdiction to investigate every alleged violation of the rules of the Senate, and to make appropriate findings of fact and conclusions with respect thereto after according to any individual concerned due notice and opportunity for hearing. In any case in which the committee determines that any such violation has occurred, it shall be the duty of the committee to recommend to the Senate appropriate disciplinary action, including reprimand, censure, suspension from office or employment, or expulsion from office or employment.

"2. The said committees shall continue and have the power to act until their successors are appointed.

"3. (a) Except as provided in paragraph (b) of this subsection, each standing committee, and each subcommittee of any such committee, is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133(d) of the Legislative Reorganization Act of 1946.

"(b) Each standing committee, and each subcommittee of any such committee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

"4. Each Senator shall serve on two and no more of the following standing committees: Committee on Aeronautical and Space Sciences; Committee on Agriculture and Forestry; Committee on Appropriations; Committee on Armed Services; Committee on Banking and Currency; Committee on Commerce; Committee on Finance; Committee on Foreign Relations; Committee on Government Operations; Committee on Interior and Insular Affairs; Committee on the Judiciary; Committee on Labor and Public Welfare; and the Committee on Public Works. No Senator shall serve on more than one of the following standing committees: Committee on the District of Columbia; Committee on Post Office and Civil Service; and the Committee on Rules and Administration. Each Senator shall serve on no more than two of the subcommittees of any standing committee of which he may be a member, except that he may serve on more than two subcommittees of the Appropriations Committee. The foregoing provisions of this paragraph shall not be effective during any period when there are more than forty-six Senators of the minority party.

"5. No standing committee shall sit without special leave while the Senate is in session. A motion for leave for a standing committee to sit while the Senate is in session shall be a privileged motion and shall not be debatable.

"RULE XXXI

"*Committee procedure*

"1. Each standing committee shall meet at such time as it may prescribe by rule in accordance with provisions of section 133(a) of the Legislative Reorganization Act of 1946, upon the call of the chairman thereof, and at such other time as may be fixed by written notice signed by a majority of the members of the committee and filed with the committee clerk.

"2. The business to be considered at any meeting of a standing committee shall be determined in accordance with its rules. Any measure, motion, or matter within the jurisdiction of the committee which a majority of the members of the committee indicate their desire to consider by votes or by presentation or written notice filed with the committee clerk, shall be considered at such meeting.

"Action for the initiation, conduct, and termination of hearings by a standing committee upon any measure or matter within its jurisdiction shall be determined by majority vote of the members of the committee.

"3. Whenever any measure, motion, or other matter pending before a standing committee has received consideration in executive session or sessions of the committee for a total of not less than five hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, or a petition signed by a majority of the committee is presented to the chairman, and a quorum as prescribed by committee rules pursuant to paragraph 3 of rule XXX is present, it shall be submitted immediately to the committee by the chairman, and shall be determined without debate by yea-and-nay vote. A motion for the previous question shall be decided by a majority vote of the Senators voting. A previous question may be asked and ordered with respect to one or more pending measures, motions, or matters, and may embrace one or more pending amendments to any pending measure, motion, or matter described therein and final action by the committee on the pending bill or resolution. If the previous question is so ordered as to any measure, motion, or matter, that measure, motion, or matter shall be presented immediately to the committee for determination. Each member of the committee desiring to be heard on one or more of the measures, motions, or other matters on which the previous question has been ordered shall be allowed to speak thereon for a total of thirty minutes.

"4. The provisions of paragraph 1 herein, where applicable, and of paragraphs 2 and 3 herein shall be applicable to meetings and procedure thereat at any meeting of any subcommittee of any standing committee.

"RULE XXXII

"Instructions to report on major legislative matters

"1. It shall be in order at any time after the conclusion of morning business for any Senator to make a motion to denominate any measure then pending in any committee or subcommittee of the Senate as a 'major legislative matter,' and such motion shall be a privileged matter and subject to immediate consideration, provided that a notice of intention to make such a motion shall have been presented on the previous calendar day on which the Senate was in session, and printed in the Senate Journal.

"2. Debate upon such motion shall be limited to eight hours, the time to be evenly divided between the opponents and proponents of the motion.

"3. Such motion, when agreed to, shall constitute an instruction to the committee to which the measure denominated a 'major legislative matter' has been referred to report such measure to the Senate within 30 calendar days, by poll or otherwise, with the recommendation (a) that it be passed, or (b) that it not be passed, or (c) that it be passed with such amendments as shall be recommended.

"RULE XXXIII

"Session with closed doors

"On a motion made and carried by a vote of a majority of Senators present and voting to close the doors of the Senate on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

"RULE XXXIV

"Executive sessions

"1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of Executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

"2. All business in the Senate shall be transacted in open session, unless the Senate in closed session by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret: *Provided*, That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session: *Provided further*, That rule XXXIII shall apply to open executive session: *And provided further*, That any Senator may make public his vote in closed executive session.

"3. When the Senate is acting in closed executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Sergeant at Arms, the Parliamentarian, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

"4. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret until the Senate shall, by resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

"5. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate (except for the disclosure by a Senator of his vote in closed executive session) shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

"6. Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any Department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

"RULE XXXV

"Executive sessions—Proceedings on treaties

"1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order except to refer it to a committee, or to consider it in open executive session.

"When a treaty is reported from a committee with or without amendment, it shall, unless the Senate shall otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, 'Will the Senate concur in the amendments made in Committee of the Whole?' And the amendments may be taken separately or in gross, if no Senator shall object; after which new amendments may be proposed.

"The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless the Senate shall otherwise determine; at which stage no amendment shall be received unless by unanimous consent.

"On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

"2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

"RULE XXXVI

"Executive session—proceedings on nominations

"1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, 'Will the Senate advise and consent to this nomination?', which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless the Senate, by majority vote, should so direct.

"2. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection on a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

"3. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

"4. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fail; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

"5. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

"RULE XXXVII

"The President furnished with copies of records of executive sessions

"The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

"RULE XXXVIII

"Conference committees

"1. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters in disagreement with the House of Representatives which occasion the appointment of the committee.

"2. The presentation of reports of committees of conference shall always be in order except if a question of order or a motion to adjourn is pending, or which the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

"3. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

"4. Every report of a committee of conference shall be accompanied by a detailed statement of the Senate conferees sufficiently explicit to inform the Senate what effect such amendments or propositions as the conference shall have agreed to will have upon the measures to which they relate. The statement shall be in writing and shall be signed by at least a majority of the Senate conferees.

"5. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

"(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

"RULE XXXIX

"Messages; matter from the President and the House of Representatives

"1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while a question of order or a motion to adjourn is pending.

"2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.

"3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

"RULE XL

"Printing of papers, etc.

"1. Every motion to print documents, reports, and other matter transmitted by any of the executive departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motion to print by order of the standing or select committees of the Senate, shall, unless the Senate shall otherwise order, be referred to the Committee on Rules and Administration. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

"2. Motions to print additional numbers shall also be referred to the Committee on Rules and Administration; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of twelve hundred dollars, the concurrence of the House of Representatives shall be necessary for an order to print the same.

"3. Every bill and joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

"4. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. The subsection shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of the subsection to expedite the business of the Senate.

"RULE XLI

"Withdrawal of papers

"1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

"2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary.

"RULE XLII

"Reference of claims cases and of claims adversely reported

"1. Whenever a private bill is under consideration, it shall be in order to move, as a substitute for it, a resolution of the Senate referring the case to the Court of Claims, under the provisions of the act approved March 3, 1883, as amended.

"2. Whenever a committee of the Senate, to whom any claim has been referred, reports adversely, and the report is agreed to, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a petition therefor, stating that new evidence has been discovered since the report, and setting forth the substance of such new evidence. But when there has been no adverse report, it shall be the duty of the Secretary to transmit all such papers to the committee in which such claims are pending.

"RULE XLIII

"Business continued from session to session

"1. At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place.

"2. The rules of the Senate shall be adopted at the beginning of each Congress on a yea and nay vote, a quorum being present. A majority of the Senators voting and present shall prevail. They may be changed at any time as provided in these rules.

"RULE XLIV

"Privilege of the floor

"No person shall be admitted to the floor of the Senate while in session, except as follows:

"The President of the United States and his private secretary.

"The President elect and Vice President elect of the United States.

"Ex-Presidents and ex-Vice Presidents of the United States.

"Judges of the Supreme Court.

"Ex-Senators and Senators elect.

"The officers and employees of the Senate in the discharge of their official duties.

"Ex-Secretaries and ex-Sergeants at Arms of the Senate.

"Members of the House of Representatives and Members elect.

"Ex-Speakers of the House of Representatives.

"The Sergeant at Arms of the House and his chief deputy and the Clerk of the House and his deputy.

"Heads of the Executive Departments.

"Ambassadors and Ministers of the United States.

"Governors of States and Territories.

"Members of the Joint Chiefs of Staff.

"Members of National Legislatures of foreign countries.

"Judges of the Court of Claims.

"Commissioners of the District of Columbia.

"The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

"The Architect of the Capitol.

"The Secretary of the Smithsonian Institution.

"Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

"RULE XLV

"Regulation of the Senate wing of the Capitol

"1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate; no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars be brought into the Chamber.

"2. It shall be the duty of the Committee on Rules and Administration to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant and the Senate Office Building, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer. They shall make such regulations respecting the reporters' galleries of the Senate, together with the adjoining rooms and facilities, as will confine their occupancy and use to bona fide reporters for daily newspapers and periodicals, to bona fide reporters of news or press associations requiring telegraph service to their membership, and to bona fide reporters for daily news dissemination through radio, television, wire, wireless, and similar media of transmission. These regulations shall so provide for the use of such space and facilities as fairly to distribute their use to all such media of news dissemination.

"RULE XLVI

"Suspension and amendment of the rules

"No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. These rules may be amended by a majority vote, but a two-thirds vote of the Senators present, a quorum being present, is required for their suspension. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, rule XXVII.

"RULE XLVII

"Disclosure of financial interests

"1. Each individual who at any time during any calendar year serves as a Member of the Senate, or as an officer or employee of the Senate compensated at a gross rate in excess of $10,000 per annum, shall file with the Secretary of the Senate for that calendar year a written report containing the following information:

"(a) The fair market value of each asset having a fair market value of $5,000 or more held by him or by his spouse or by him and his spouse jointly, exclusively of any dwelling occupied as a residence by him or by members of his immediate family, at the end of that calendar year;

"(b) The amount of each liability in excess of $5,000 owed by him or by his spouse, or by him and his spouse jointly at the end of that calendar year;

"(c) The total amount of all capital gains realized, and the source and amount of each capital gain realized in any amount exceeding $5,000, during that calendar year by him or by his spouse, by him and his spouse jointly, or by any person acting on behalf or pursuant to the direction of him or his spouse, or him and his spouse jointly, as a result of any transaction or series of related transactions in securities or commodities, or any purchase or sale of real property or any interest therein other than a dwelling occupied as a residence by him or by members of his immediate family;

"(d) The source and amount of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by or accruing to him, his spouse, or from him and his spouse jointly from any source other than the United States during that calendar year, which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, or other facilities received by him in kind;

"(e) The name and address of any professional firm which engages in practice before any department, agency, or instrumentality of the United States in which he has a financial interest; and the name, address, and a brief description of the principal business of any client of such firm for whom any services involving representation before any department, agency, or instrumentality of the United States which were performed during that calendar year, together with a brief description of the services performed, and the total fees received or receivable by the firm as compensation for such services;

"(f) The name, address, and nature of the principal business or activity of each business or financial entity or enterprise with which he was associated at any time during that calendar year as an officer, director, or partner, or in any other managerial capacity.

"2. Each asset consisting of an interest in a business or financial entity or enterprise which is subject to disclosure under paragraph 1 shall be identified in each report made pursuant to that paragraph by a statement of the name of such entity or enterprise, the location of its principal office, and the nature of the business or activity in which it is principally engaged or with which it is principally concerned, except that an asset which is a security traded on any securities exchange subject to supervision by the Securities and Exchange Commission of the United States may be identified by a full and complete description of the security and the name of the issuer thereof. Each liability which is subject to disclosure under paragraph 1 shall be identified in each report made pursuant to that paragraph by a statement of the name and the address of the creditor to whom the obligation of such liability is owed.

"3. Except as otherwise hereinafter provided, each individual who is required by paragraph 1 to file a report for any calendar year shall file such report with the Secretary of the Senate not later than January 31 of the next following calendar year. No such report shall be required to be made for any calendar year beginning before January 1, 1964. The requirements of this rule shall apply only with respect to individuals who are Members of the Senate or officers or employees of the Senate on or after the date of adoption of this rule. Any individual who ceases to serve as a Member of the Senate or as an officer or employee of the Senate, before the close of any calendar year shall file such report on the last day of such service, or on such date not more than three months thereafter as the Secretary of the Senate may prescribe, and the report so made shall be made for that portion of that calendar year during which such individual so served. Whenever there is on file with the Secretary of the Senate a report made by any individual in compliance with paragraph 1 for any calendar year, the Secretary may accept from that individual for any succeeding calendar year, in lieu of the report required by paragraph 1, a certificate containing an accurate recitation of the changes in such report which are required for compliance with the provisions of paragraph 1 for that succeeding calendar year, or a statement to the effect that no change in such report is required for compliance with the provisions of paragraph 1 for that succeeding calendar year.

"4. Reports and certificates filed under this rule shall be made upon forms which shall be prepared and provided by the Secretary of the Senate, and shall be made in such manner and detail as he shall prescribe. The Secretary may provide for the grouping within such reports and certificate of items which are required by paragraph 1 to be disclosed whenever he determines that separate itemization thereof is not feasible or is not required for accurate disclosure with respect to such items. Reports and certificates filed under this rule shall be retained by the Secretary as public records for not less than six years after the close of the calendar year for which they are made, and while so retained shall be available for inspection by members of the public under such reasonable regulations as the Secretary shall prescribe.

"5. As used in this rule—

"(a) the term 'asset' includes any beneficial interest held or possessed directly or indirectly in any business or financial entity or enterprise, or in any security or evidence of indebtedness, but does not include any interest in any organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"(b) the term 'liability' includes any liability of any trust in which a beneficial interest is held or possessed directly or indirectly.

"(c) the term 'income' means gross income as defined by section 61 of the Internal Revenue Code of 1954.

"(d) the term 'security' means any security as defined by section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

"(e) the term 'commodity' means any commodity as defined by section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

"(f) the term 'dealing in securities or commodities' means any acquisition, transfer, disposition, or other transaction involving any security or commodity.

"(g) the term 'officer or employee of the Senate' means (1) an elected officer of the Senate who is not a Member of the Senate, (2) an employee of the Senate or any committee or subcommittee of the Senate, (3) the Legislative Counsel of the Senate and employees of his office, (4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties, (5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, (6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate, (7) an employee of a Member of the Senate if such employee's compensation is disbursed by the Secretary of the Senate, and (8) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

"RULE XLVIII

"Prohibited activities

"1. No Member of the Senate or any officer or employee of the Senate may engage or participate in any business or financial venture, enterprise, combination, or transaction with any person, firm, or corporation which is—

"(a) engaged in any lobbying activity;

"(b) engaged for compensation in the practice of rendering advisory or public relations services relating to the securing of contracts with the United States or any department, agency, or instrumentality thereof; or

"(c) engaged in, or seeking to become engaged in, the performance of any construction, manufacturing, research, development, or service contract with the United States or any department, agency, or instrumentality thereof.

"2. No Member of the Senate or any officer or employee of the Senate may accept—

"(a) at any time from any individual, entity, or enterprise which is engaged in lobbying activity any gift of money, property, entertainment, travel, or any other valuable consideration in an amount or having a value in excess of $100; or

"(b) within any calendar year from such individual, entity, or enterprise such gifts in an aggregate amount or having an aggregate value in excess of $100.

"3. No officer or employee of the Senate may be vested with or exercise any authority or responsibility for, or participate in any way in any consideration of or determination with respect to, the allocation among Members of the Senate of any funds available for use to defray expenses incurred or to be incurred by any individual for or in connection with any campaign for the nomination or election of any individual to be a Member of the Senate.

"4. As used in this rule—

"(a) the term 'officer or employee of the Senate' has the meaning given thereto by rule XLVII; and

"(b) the term 'lobbying activity' means any activity undertaken by any person other than a Member of the Congress to influence directly or indirectly the introduction, passage, defeat, amendment, or modification of any legislative measure in either House of the Congress.

"RULE XLIX

"Testimony of Members of the Senate before committees

"Whenever any standing, special, or select committee of the Senate or any joint committee of the Congress, which is engaged in any investigation within its jurdisdiction, has reason to believe that the testimony of any Member of the Senate may be pertinent to such investigation, such committee, with the approval of a majority of its members (including at least one member of the minority party), by written communication may request such Member of the Senate to appear before the committee to give testimony concerning the subject matter under investigation. Such Member of the Senate shall appear before such committee in obedience to such request unless within ten days after receipt thereof he delivers to the chairman of such committee a written statement, duly signed by such Member of the Senate, stating that he is without knowledge of the subject matter under investigation.

"RULE L

"Outside employment

"1. No officer or employee of the Senate shall engage in any business, financial, or professional activity or employment for compensation or gain unless—

"(a) such activity or employment is not inconsistent with the conscientious performance of his official duties; and

"(b) express permission has been granted by the Member of the Senate charged with supervision of such officer or employee by this rule;

Provided, however, That in no event shall any officer or full-time employee of the Senate, without special leave of the Senate—

"(a) serve in any managerial capacity in any business or financial enterprise; or

"(b) engage in any regular professional or consulting practice, or maintain an association with any professional or consulting firm.

"2. For the purposes of this rule—

"(a) each Member of the Senate shall be charged with the supervision of each of his employees;

"(b) each Member of the Senate who is the chairman of a Senate or joint committee or subcommittee shall be charged with the supervision of each employee of such committee or subcommittee;

"(c) the Majority Leader shall be charged with the supervision of each officer and employee of the Majority, and the Minority Leader shall be charged with the supervision of each officer and employee of the Minority;

"(d) the Vice President shall be charged with the supervision of each of his employees; and

"(e) the President Pro Tempore shall be charged with the supervision of all other officers and employees of the Senate.

"3. As used in this rule, the term 'officer or employee of the Senate' has the meaning given thereto by rule XLVII.

"RULE LI

"The Presiding Officer shall construe these rules so as to give effect to their plain meaning. Precedents and rulings in force prior to the adoption of these rules shall not be binding in the construction of these rules."

Mr. CLARK. Mr. President, as I explained at the time of offering this comprehensive revision of Senate rules during the 88th Congress, the revision was the result of more than 6 months' work by the Legislative Reference Bureau of the Library of Congress, acting with some guidance from me and members of my staff.

These rules and the proposed constitutional amendments are, in my judgment, two far-reaching reforms aimed at strengthening, revitalizing, and upgrading the position of Congress.

The first comprehensive and thoroughgoing rewriting of the procedural rules of the Senate since the days of Thomas Jefferson is included in the resolution that I have just sent to the desk. The package of constitutional amendments is designed to reduce parochialism in national politics by eliminating congressional elections in nonpresidential years. The explanation of these measures has already been given. However, with respect to the rules revision, these changes, if adopted, would help carry out the pledge contained in the congressional reform plank of the 64th Democratic platform which reads:

> The Congress of the United States should revise its rules and procedures to assure majority rule after reasonable debate and to guarantee that major legislative proposals of the President can be brought to a vote after reasonable consideration in committee.

There are 27 significant changes in the Senate rules contained in the proposed revision. The proposed changes would eliminate, in my judgment, archaic, obsolete, and undemocratic procedures, and permit a majority of the Senate to act when it is ready for action. As an example, the changes dealing with the obscure rules governing the morning hour—and I do not know whether we are presently in the morning hour or not; perhape the Presiding Officer or the Parliamentarian does.

The **PRESIDING OFFICER.** The Chair advises the Senator that the morning hour has closed.

Mr. CLARK. Mr. President, since the morning hour has closed, I am happy to say that I am no longer limited to the 3-minute rule. Nevertheless, I shall, for the benefit of my friend, the Senator from Alaska, yield to him shortly.

With respect to the morning hour rule, the morning hour can be 2 hours long. It usually takes place in the afternoon. The rule dealing with germaneness of debate was changed last year by the senior Senator from Rhode Island. However, I am still of the view that we might have been a little more drastic than we were at that time.

APPOINTMENT BY THE VICE PRESIDENT

The **PRESIDING OFFICER.** The Chair, on behalf of the Vice President, wishes to announce the appointment of the Senator from North Dakota [Mr. BURDICK] to the Intergovernmental Committee for European Migration at Geneva from May 3 to May 7, 1965.

THE NATIONAL TEACHERS CORPS—AMENDMENT (AMENDMENT NO. 122)

Mr. NELSON. Mr. President, I send to the desk, for proper referral, an amendment to the higher education bill (S. 600) to establish the National Teacher Corps. The amendment is introduced on behalf of myself and Senators CLARK of Pennsylvania and WILLIAMS of New Jersey.

I ask unanimous consent that the text of the amendment be printed in the RECORD at the end of my remarks together with a fact sheet and an explanation of the operation and background of the Teacher Corps.

In February I proposed the Teacher Corps as an amendment to the elementary and secondary education bill, then pending. That bill, as you know, was approved by the Senate without modification.

The present amendment to S. 600, is a very carefully revised and refined version of my earlier proposal. In drawing it up members of my staff have consulted with a large number of experts and officials in education.

The support the Corps has received from students, educators, and ordinary citizens has been very encouraging.

I hope the Senators will find this amendment of interest.

The **PRESIDING OFFICER.** The amendment will be received, printed, and appropriately referred; and, without objection, the amendment, fact sheet, and explanation will be printed in the RECORD.

The amendment (No. 122) was referred to the Committee on Labor and Public Welfare, as follows:

On page 71, between lines 19 and 20, insert the following:

"TITLE V—NATIONAL TEACHER CORPS

"STATEMENT OF PURPOSE

"SEC. 501. The purpose of this title is to establish a National Teacher Corps to attract and train able teachers for the children in the Nation's most deprived urban and rural schools. The Corps will be composed of inexperienced elementary and secondary school teacher-interns and experienced elementary and secondary school teachers to be assigned in teams to (1) provide teaching assistance to local educational agencies having in their schools large numbers of children from low-income families and (2) to provide teacher training to such teacher-interns.

"Establishment

"SEC. 502. There is hereby established in the Office of Education a National Teacher Corps. The Corps shall be headed by a Director who shall be compensated at the rate prescribed for grade 17 of the General Schedule of the Classification Act of 1949, and a Deputy Director who shall be compensated at the rate prescribed for grade 16 of such General Schedule. The Director and the Deputy Director shall perform such duties as are delegated to them by the Commissioner.

"Authorization

"SEC. 503. (a) In order to carry out the purpose of this title, the Commissioner is authorized to—

"(1) make arrangements with institutions of higher education, local educational agencies, or State educational agencies (as defined in section 601(k) of the Elementary and Secondary Education Act of 1965) to provide initial periods of not to exceed three months of training to individuals who have bachelor degrees or its equivalent and will serve as teacher-interns in elementary or secondary schools for the purposes of this title, and thereafter provide to such teacher-interns not to exceed two academic years of training while teaching in the elementary or secondary schools of local educational agencies pursuant to the provisions of this title;

"(2) make arrangements with institutions of higher education to provide training for experienced teachers who will guide and instruct teams of teacher-interns pursuant to this title;

"(3) make arrangements, including the payment of the costs of such arrangements, with local educational agencies having in their elementary and secondary schools large numbers of children from low-income families, under which a team consisting of a number of teacher-interns and an experienced teacher will be furnished to each such agency, without charge to such agency, to teach in the elementary or secondary schools of such agency, but with time available for a training program developed according to criteria established by the Commissioner for such interns to be carried out under the guidance and instruction of the experienced teacher in addition to teaching duties;

"(4) make arrangements, where appropriate, with State educational agencies (as defined in section 601(k) of the Elementary and Secondary Education Act of 1965) to participate in the arrangements made pursuant to the preceding clause;

"(5) make arrangements, where appropriate with agencies administering community action programs established pursuant to title II of the Economic Opportunity Act of 1964 to participate in arrangements made pursuant to clause (3) of this subsection;

"(6) make such grants to local educational agencies as may be necessary to pay the salaries of teachers and teacher-interns while they are teaching in elementary or secondary schools of such agencies under the arrangements made pursuant to clause (3) of this subsection.

"(7) employ experts and consultants or organizations thereof, to assist the Commissioner in carrying out his functions under this title, as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5 of such Act (5 U.S.C. 73b–2) for persons in the Government service employed intermittently, while so employed.

"(b) No arrangement pursuant to clause (3) of subsection (a) of this section shall be made by the Commissioner unless an institution of higher education is consulted and agrees to supervise such arrangement.

"(c) Arrangements with institutions of higher education to provide training for teacher-interns while teaching in schools for local educational agencies under the provisions of this title shall provide, whenever possible, for training leading to a graduate degree. The Commissioner is authorized to pay to such institution of higher education the costs of such training.

"Status of members of Teacher Corps

"Sec. 504. No teacher and no teacher-intern assigned to a local educational agency under this title shall be deemed to be a Federal employee.

"Compensation

"Sec. 505. (a) Arrangements made with local educational agencies pursuant to clause (3) of section 503(a) shall provide that an experienced teacher while teaching for a local educational agency under such arrangement shall be compensated by such agency at a rate not to exceed $10,000 per year and shall provide that a teacher-intern while teaching for such a local educational agency shall be compensated by such agency at a rate which is equal to the lowest rate paid by such agency for teaching full time in the same school and grade as such intern is teaching in as part of his training.

"(b) The Commissioner shall pay to an experienced teacher a stipend at a rate not to exceed $500 per month for any period of training prior to his being furnished to a local educational agency under clause (3) of section 503(a), plus an additional amount not to exceed $60 per month on account of each of his dependents. The Commissioner shall pay to a teacher-intern a stipend at a rate not to exceed $250 per month while he is receiving initial training under clause (1) of section 503(a), plus an additional amount not to exceed $60 per month on account of each of his dependents.

"(c) The Commissioner shall pay in advance or by reimbursement the necessary travel expenses under this title of teachers and teacher-interns and their dependents and for necessary expenses for the transportation of their household goods and personal effects.

"(d) The Commissioner is authorized to make such arrangements as may be practical, including the payment of any costs incident thereto, to protect the retirement rights and the participation in a medical insurance program of an experienced teacher while he is participating in any arrangement under clause (3) of section 503(a) of this title.

"Appropriation authorization

"Sec. 506. There is authorized to be appropriated for the purpose of carrying out the provisions of this title $40,000,000 for the fiscal year ending June 30, 1966, and thereafter such sums may be appropriated as the Congress may authorize by law.

"Maintenance of report

"Sec. 507. No teacher or teacher-intern shall be furnished to any local educational agency under the provisions of this title if such agency will use such teacher or teacher-intern to replace any teacher already employed by such agency.

"Administration

"Sec. 508. Whenever possible the Commissioner shall carry out the provisions of this title through such regional facilities for research as may be assisted by the Commissioner of Education under the Cooperative Research Act.

"Advisory Council on the National Teacher Corps

"Sec. 509. (a) The Commissioner may, without regard to the civil service laws, appoint an Advisory Council on the National Teacher Corps to advise and consult on the criteria for the selection of teachers and teacher-interns and on such other matters relating to his functions under this title as he deems appropriate. The Council shall consist of twelve persons chosen from teacher education, urban and rural school administration, universities, and representatives of the general public.

"(b) Members of such advisory council who are not regular full time employees of the United States shall, while attending meetings or conferences of such council or otherwise engaged on business of such council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"Definition of 'local educational agency' and 'elementary school'

"Sec. 510. As used in this title—

"(a) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(b) The term 'elementary school' means a school which provides elementary education as determined under State law."

On page 71, line 20, strike out "Title V" and insert in lieu thereof "Title VI".

Beginning on page 63, redesignate sections 501 through 504 as sections 601 through 604, respectively.

The fact sheet and explanation presented by Mr. Nelson are, as follows:

THE NATIONAL TEACHER CORPS BY SENATOR GAYLORD NELSON

Proposal: That S. 600, the higher education bill, be amended to include provisions establishing a National Teacher Corps.

Concept: That highly qualified, idealistic young Americans, like those who made the Peace Corps a success, would be eager to serve for 2 years in the crucial effort to improve educational opportunity for the children of poverty. Effective professional training for these young people can be provided in the most deprived rural and urban slum schools through cooperative arrangements between schools and local colleges and universities.

Specific objectives: To attract and train bright young people who might not otherwise enter the teaching profession or choose to teach in deprived schools; to bring able and spirited teaching help to our most deprived schools; to develop public awareness of the dramatic challenges faced by these schools; to encourage greater contact and cooperation between universities and deprived schools.

Operation of the Teacher Corps: The corps would consist of 1,000 experienced teachers and 5,000 college graduate teacher-interns. They would serve in teams consisting of one experienced teacher and approximately five interns.

Recruitment would be national in scope. Final selection and training would be done at the local level under arrangements approved by the Commissioner of Education.

Interns would begin with 3 months' intensive training. Practice teaching and personal acquaintance with the circumstances of poverty would be emphasized. Wherever possible the initial training would be carried out by a college or university in cooperation with the school in which the corps members would later serve.

After initial training, corps teams would go into schools requesting them through arrangement with the Commissioner of Education. Each member, experienced teacher and intern alike, would teach part time. Training in teaching technique, curriculum development, and other subjects would be carried on at seminars in the school led by the experienced teacher and university personnel.

Additional work at the cooperating college or university would lead to an advanced degree in education at the end of the 2 years for those completing the requirements.

The teams would operate under the supervision of the local public school authority and the college or university. Corps members would be employees of the local school authority.

All salary expenses and university costs would be paid by the Commissioner of Education.

An advisory council, representatives of rural and urban school administrators, professors of education, university professors, and the general public would advise the Commissioner on teacher qualifications and program standards.

Cost: A corps of 5,000 in the first year would cost approximately $40 million.

Salaries:	*Millions*
5,000 teacher-trainees—(maximum paid the beginning school salary of the local school)	$25
1,000 experienced teachers—(maximum paid $10,000 each)	10
University fees, administrative costs, etc	5
Total	40

Background: Intern training programs have been successful at Harvard, Yale, Wesleyan, Wisconsin, and other universities. A project at Cardozo High School in Washington, D.C., demonstrates that the team method of intern training as provided by the National Teacher Corps can be successfully conducted in a difficult school setting.

MEMO ON THE NATIONAL TEACHER CORPS: OPERATION AND BACKGROUND

INTRODUCTION

The national focus on the problem of poverty is welcomed by educators. Particularly those who must deal with the dilemmas of urban education have long been aware of the need for new approaches and new programs to meet the challenge of poverty. Many new, creative ideas have been developed. But a chronic shortage of cash for the big city and poor rural systems has hampered putting these ideas into action * * * and the teacher shortage, felt throughout the world of education is most acute in the most needy schools.

The National Teacher Corps is a new program, but it does not present any new ideas. Rather it brings together the practical idealism of American young people and the best ideas for the training of teachers for the disadvantaged in a government-funded effort to make a significant assault on that most crucial domestic challenge: increased educational opportunity for the children of poverty.

OPERATION

Recruitment would be national in scope but the training of the teachers and the day-to-day operation of the program would be in local hands.

The National Teacher Corps would be established in the Office of Education with a Director and a Deputy Director at the GS–17 and GS–15 level, respectively.

A broadly representative Advisory Council (urban and rural schoolmen, university personnel, professors of education, and the general public) would advise the Commissioner of Education in setting up qualifications for Teacher Corps members and program standards.

The Commissioner would be responsible for initial recruitment on a nationwide basis and for helping local schools and universities set up programs.

All projects would require the enthusiastic participation of a local school and a local college or university. The legislation authorizes the Commissioner to work with schools, the universities, State educational agencies, or even local community action agencies in arranging for a project. The aim is maximum flexibility, maximum opportunity for local initiative.

Volunteers for teacher internships would apply to Washington. After being accepted on a central roster of candidates they would be assigned to a local participating university for further screening and 3 months of intensive training.

The intensive training would include instruction in education theory and practice teaching wherever possible. Equally important would be instruction in urban or rural sociology together with practical experience of the conditions of poverty. Interns might well spend time working with local welfare and recreation agencies during the training period.

In the fall interns would begin teaching and continue teacher training in the local school in teams of five led by an experienced teacher. Both interns and experienced Teacher Corps members would teach part time. Seminars under the guidance of the experienced teacher and university instructors would be held in the school during school hours.

Continued course work at the university would lead, after 2 years, to an advanced degree in education. The costs of this further training would be paid by the Government.

Interns would be paid stipends during their period of initial training, and the beginning salary for a full-time teacher after acceptance of the local school for teaching and further training.

Experienced teachers in the corps to guide and train the intern teams would be selected on a national basis as well. Wherever possible, however, gifted local teachers would be assigned to lead teams in their own schools. These outstanding professional educators would be paid substantial salaries—up to $10,000. The legislation is designed to protect their pension rights and medical benefits.

At the local level a public school and a university would enter into an arrangement with each other and the Commissioner to train and employ the Teacher Corps teams.

The local public school would employ the teachers under a grant from the Commissioner. The teachers would be under the direct control of the school authorities. The school would receive the benefit of spirited teaching help and also the advantages of a close association with a university.

The university or college would be responsible for screening corps candidates, setting up initial training programs, supervising the in-school seminars and providing additional course work on the campus. The costs would be paid by the Government.

BACKGROUND

Internships

Internship teacher instruction began in 1911 at Brown University. It is now used at the University of Wisconsin, Harvard, Wesleyan, Yale and very widely on the west coast. Usually designed to prepare college graduates with little formal education course background for teaching, the internship programs often include a summer of intensive study combined with practice teaching, then actual schoolteaching experience under close supervision in the fall with continued course work at the university.

Dean Lindley J. Stiles, of the University of Wisconsin School of Education, said of the intern approach used in the Teacher Corps bill: "The idea of a 3 months' pretraining period and the provision of an experienced teacher to continue the training on the job is sound in every respect."

The team approach

The team approach, endorsed by Dean Stiles, has had nearly 2 years of hard, practical testing at Cardozo High School in Washington, D.C.'s inner city. After some initial distrust by older faculty the program is now running smoothly.

Of the original 10 interns in the Cardozo project in urban teachings' 1-year program, 8 are staying in disadvantaged schoolteaching and 1 is seeking a Ph. D. in American studies. All but one of the original volunteers were returned Peace Corps people—a good source of personnel for the Teacher Corps.

At Cardozo the interns in their classes and seminars developed not only as teachers themselves but also came up with a number of valuable new ideas for teaching English and history to disadvantaged children.

Randall R. Evans, principal of Cardozo, said recently: "The project and the team approach has not only been effective in training teachers but has also made a real contribution to the whole Cardozo High School program."

SCHOOL—UNIVERSITY COOPERATION IN TEACHER TRAINING

The great cities program for school improvement formed by the superintendents of 10 major cities to tackle the problems of slum education has been working for several years under a Federal grant on a teacher training program.

The resulting program—or rather series of programs—has now been designed, researched, agreed to, and is ready for operation. It is built around the concept of a training center within a disadvantaged area school operated by a university and a school system working together.

The National Teacher Corps bill has been drafted in consultation with great cities staff members and is based in part on research done for the great cities teacher education project.

Intern training projects for teachers of the disadvantaged are now being carried out by New York University and Hunter College in New York, Temple University in Philadelphia, Coppin State Teachers College in Baltimore, and a number of other schools.

The National Teacher Corps concept has received support from:

Lindley J. Stiles, dean, School of Education, University of Wisconsin, Madison, Wis.

Richard A. Harvill, president, University of Arizona, Tucson, Ariz.

Edward H. Litchfield, chancellor, University of Pittsburgh, Pittsburgh, Pa.

Erwin R. Steinberg, dean, Carnegie Institute of Technology, Pittsburgh, Pa.

Russell A. Hill, chairman, intern teaching program for college graduates, Temple University, Philadelphia, Pa.

Samuel R. Keys, associate professor of education, New York University, New York, N.Y.

Glen G. Eye, chairman, Department of Educational Administration, University of Wisconsin, Madison, Wis.

Harold Hutcheson, dean, School of Education, Wisconsin State University—Platteville, Platteville, Wis.

VOTING RIGHTS ACT OF 1965—AMENDMENTS (AMENDMENT NO. 123)

Mr. STENNIS submitted amendments, intended to be proposed by him, to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. DIRKSEN. Mr. President, due to a printing error, S. 1690, which Senator DOMINICK introduced on April 1, 1965, contains an incomplete list of cosponsors. I ask unanimous consent that the names of Senators ALLOTT, HOLLAND, FANNIN, and DIRKSEN be added as cosponsors at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to call attention to an omission in the printing of S. 1766, the Aiken bill, the rural water systems bill, which was introduced by the senior Senator from Vermont [Mr. AIKEN] and cosponsored by myself and 38 others. The name of the distinguished junior Senator from South Carolina [Mr. Russell] was inadvertently left out.

I ask unanimous consent that at the next printing of the bill Senator Russell of South Carolina's name be included, and that the name of the distinguished Senator from West Virginia [Mr. Byrd] likewise be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMOTION OF RURAL WATER SUPPLY PROGRAM—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 13, 1965, the names of Mr. Bass, Mr. Bayh, Mr. Boggs, Mr. Brewster, Mr. Carlson, Mr. Cotton, Mr. Eastland, Mr. Gore, Mr. Harris, Mr. Hart, Mr. Hill, Mr. Javits, Mr. Kennedy of Massachusetts, Mr. Kuchel, Mr. Long of Missouri, Mr. McCarthy, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Montoya, Mr. Morse, Mr. Mundt, Mr. Murphy, Mr. Muskie, Mr. Nelson, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Talmadge, Mr. Yarborough, and Mr. Young of Ohio were added as cosponsors of the bill (S. 1766) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes, introduced by Mr. Aiken (for himself and other Senators) on April 13, 1965.

NOTICE OF HEARINGS RELATING TO REORGANIZATION OF BUREAU OF CUSTOMS

Mr. RIBICOFF. Mr. President, I wish to announce that the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations will hold public hearings on May 12 and 14, 1965, on Senate Resolution 102, relating to the proposed reorganization of the Bureau of Customs. The hearings will be held in room 3302 of the New Senate Office Building commencing at 10 a.m. Those interested in testifying should contact Jerome Sonosky in room 162, Old Senate Office Building, extension 2308, before May 6.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. RANDOLPH:

Address delivered before Morgantown (W. Va.) High School in observance of Law Day, U.S.A.

ARMENIAN MEMORIAL DAY

Mr. SALTONSTALL. Mr. President, we have listened to an emotional and patriotic prayer offered by Archbishop Khaichadourian of the Armenian Church.

Those of us who are the children of the 20th century have witnessed and participated in many great moments of achievement. Our lives have been enriched by technological, industrial, educational, medical, and cultural advances. But, at the same time, we have seen in our generation the development of instruments of war capable of the immediate annihilation of all civilization. And in the pages of our recent history are recorded at least two attempts at the deliberate and systematic destruction of a racial, political, or cultural group.

This year, 1965, marks the sorrowful 50th anniversary of the inhuman massacre of many Armenian men, women, and children by the Turks. This tragic period in Armenian history began with a heavy and unduly stringent war tax on the Armenian people, within their own territory as well as elsewhere in the Turkish Empire. A complete disarmament of the Armenians followed, in order to eliminate any organized resistance. Armed bands of soldiers searched the Armenian communities, plundering and looting as they went along. With the Armenians in a weakened position, the Turks proceeded with the extensive massacres. These mass killings of innocent, unarmed people began on April 24, 1915, and continued for several years, during which time a major part of the Armenian population was either slain or deported from their homeland.

The tactics used against the Armenians were brutal. The people were led on forced death marches. Those who survived the marches, if they were not immediately put to death, were conscripted into labor forces. Women and children were tortured and abused before being allowed the mercy of death. Most of Armenia's leading artists, writers, and musicians were eliminated during this period. Their extermination was a loss to the cultural heritage of the entire world.

The month of April has been declared a national month of mourning by the Armenian Apostolic Church in memory of those who lost their lives during this dark chapter of history. In the Greater Boston area, some 40,000 persons of Armenian extraction observed this sad anniversary with services in the area's churches. In addition, a memorial dinner was held on April 25.

We have listened today to the invocation delivered by Archbishop Hrant Khaichadourian, the prelate of the Armenian National Apostolic Church in America. His words are an inspiration to all of us.

It is appropriate for us to extend our sympathy to all of the Armenian people on this sad occasion of remembrance. Her people aided the Allied cause significantly during World War I, and have always shown themselves dedicated and stalwart champions of freedom.

Mr. JAVITS. Mr. President, the distinguished prayer which we heard in the Senate today referred to genocide. One can understand the profound feelings of the Armenian people on this subject. However, the Genocide Convention, promulgated by the United Nations and subscribed to by many nations in the world, has still not even had consideration for ratification in the Senate. There are four conventions which are open from the United Nations.

Mr. President, I do not know what we are afraid of. If the Senate chooses not to approve ratification of the Genocide Convention, we ought to face it and the world ought to face it. Personally, I believe such a course is unthinkable. Nevertheless, that is only my opinion as one Senator.

I believe it is time to come to grips with the issue. Many years have passed without action on this critical subject, of which we are reminded in this deeply spiritual way today. I think that is shocking.

The time has come to stop holding off on so critically important a problem as the Genocide Convention. I hope that the chairman of the Committee on Foreign Relations will press for ratification of all four conventions. Even if the Senate turns down the Genocide Convention, it is high time that we met the issue and decided our real purpose with respect to this convention.

The ACTING PRESIDENT pro tempore. Is there further morning business?

VISIT TO THE SENATE BY MEMBERS OF THE BRITISH HOUSE OF COMMONS

Mr. SALTONSTALL. Mr. President, four distinguished Members of the British House of Commons are in the Chamber. I should like to present to the Senate our honored guests of the British House of Commons:

Mr. Alfred Morris, Member of Parliament for Manchester Wytheshane; Mr. John Biffen, Member of Parliament for Oswestry; Mr. Gordon Bagier, Member of Parliament for Sunderland; and Mr. Christopher Chattaway, Member of Parliament for Lewisham.

Mr. Chattaway is the English representative of the better-than-4-minute-mile group in his collegiate days. What groups the other gentlemen represent in Parliament, I do not know; but I do know that anyone who can run a mile in less than 4 minutes is welcome in political circles.

As a Republican, I might say that we have to watch the Democrats, so that we do not "get run away with"; but we certainly cannot run a mile in 4 minutes. [Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, we cannot let our colleagues on the other side of the aisle take to themselves the sole honor of welcoming our English cousins. It is indeed a pleasure to have our fellow parliamentarians visit us. We are delighted to have them on the floor of the Senate.

You honor us with your visit. I hope we shall have a chance to make your acquaintance a little better and the friendship between our two countries a little stronger.

Mr. DIRKSEN. Mr. President, we are always delighted to have legislators from all over the world come to see us. I am delighted to see your estimable athlete. I do not know whether his accomplishment qualifies him for the Olympic games. I never even got within hailing distance of the town in which you ran your mile, but as a trackman of a long time ago, I salute you.

DISCLOSURE OF FINANCIAL INTEREST

Mr. JAVITS. Mr. President, for many years I have urged Congress to adopt a code of ethics, and last January 12 I introduced Senate Resolution 26 requiring the Select Senate Committee on Standards and Conduct to draft such a code for Senators and their employees.

The select committee was established last July under an amendment introduced by Senator Cooper, of Kentucky, and adopted by the Senate at the time that the Bobby Baker affair was being debated. This committee, I believe, will soon be appointed.

I urge prompt consideration of Senate Resolution 26 which would, first, specifically require the select committee to make its recommendations within 1 year; second, provide an interim code—based on disclosure of financial interests—until a permanent code of ethics is adopted by the Senate; and, third, authorize the select committee to render advisory opinions on questions of ethics when so requested by Senators or officers or employees of the Senate.

My proposal would set basic standards for the conduct of Senators and their staffs, taking into consideration the necessary differences between the responsibilities and financial requirements of members of the executive branch and Members of Congress. I feel it is completely incongruous for Senate committees rigorously to question executive appointees on their financial affairs when those of us in Congress and our staffs are not subject to similar standards and requirements.

Repeating my action of the last several years, therefore, I will today abide by the disclosure provision of the interim code of ethics embodied in Senate Resolution 26 as if it were law, and place in the Record a current statement of my financial holdings. My proposal would amend the resolution establishing the select committee to require that Members or officers or employees of the Senate "having a financial interest, direct or indirect, which has a value of $5,000 or more, in any activity which is subject to the jurisdiction of a regulatory agency of the Federal Government," should make a matter of public record the nature of such interest by filing a statement with the Comptroller General. Since the Comptroller General does not now have the authority to receive and maintain such lists, I am now making a statement for the Record to demonstrate my concern with the matter. As of this date, my holdings of the described nature are as follows:

As trustee of a family trust I have a life interest in the following companies or their subsidiaries or affiliates, each in an amount exceeding $5,000. These are normal investments in publicly owned corporations and constitute no element of control, alone or in combination with others.

Mr. President, I ask unanimous consent that the list be printed in the Record, as a part of my remarks.

There being no objection, the list was ordered to be printed in the Record, as follows:

American & Foreign Securities Corp.
Cities Service Corp.
Criterion Insurance Co.
Government Employees Corp.
Government Employees Financial Corp.
Government Employees Insurance Co.
Government Employees Life Insurance Co.
South Carolina Electric & Gas Co.
Southern Co.
Transamerica Corp. of Delaware.
First National City Bank of New York.
U.S. Vitamin & Pharmaceutical Corp.

ELEVENTH ANNUAL REPORT BY SENATOR WILLIAMS OF DELAWARE OF DELINQUENT FEDERAL TAXES

Mr. WILLIAMS of Delaware. Mr. President, today I file the 11th annual report of delinquent Federal taxes. Prior to 1954 no such annual report was compiled by the Treasury Department, and when this point was called to my attention I discussed the question with the Secretary of the Treasury and suggested that an annual compilation of the delinquencies of the various offices would serve a constructive purpose from the standpoint of both the Department and the Congress. First, it would show up the extent of these delinquencies, and second, this report would point up the deficiencies in each of the various offices and emphasize their problems both to the Department and to the directors in the area.

As evidence that these annual reports have served a constructive purpose it is significant that between 1954 and 1964—the period in which these reports have been filed—total tax delinquencies have declined around $450 million, or from $1,614,494,000 in 1954 to $1,173,911,000 in 1964. This decline in total delinquencies is in the face of a substantial increase in total tax collections.

During the same 10-year period the number of delinquent taxpayers has declined from 1,725,474 in 1954 to 839,225 in 1964.

The importance in collecting these taxes cannot be overemphasized, nor should we ever lose sight of the fact that to the extent that certain taxpayers do not pay their taxes, other taxpayers assume the load.

I shall now review this 1964 report by regions.

Atlanta, Ga.: Total tax delinquencies in Atlanta declined from $20,972,000 in 1954 to $13,354,000 in 1964. It is significant that Atlanta's delinquencies declined 28 percent last year as compared with 1963.

Birmingham, Ala.: Total tax delinquencies in 1954 were $19,488,000. In 1964 these total delinquencies had been reduced to $9,424,000.

Columbia, S.C.: This office does not have such a good report. Delinquent accounts in Columbia, S.C., in 1954 were $7,201,000, and in 1962 these had been reduced to about one-half that amount or $3,619,000. But in 1964 they reached an alltime high of $23,180,000.

Greensboro, N.C.: This office during the past 10 years has reduced its total tax delinquencies approximately 50 percent, or from $26,395,000 in 1954 to $13,765,000 in 1964.

Jackson, Miss.: Jackson has reduced its total tax delinquencies from $4,717,000 in 1954 to $4,500,000 in 1964, but employment tax delinquencies in this same office have jumped from $636,000 in 1954 to $1,019,000 in 1964. For the past 4 years employment taxes have been running at an unnecessarily high level.

Jacksonville, Fla.: Delinquent taxes in Jacksonville are at an all-time high, or $50,334,000 in 1964 as compared with $47,883,000 in 1954. This increase is represented entirely by a 100-percent increase in delinquent employment taxes during the same 10-year period. In 1964 delinquent employment taxes were $9,743,000 as compared with $4,686,000 in 1954. We must not overlook the fact that these employment taxes represent money which is withheld by the employer from the employee's paycheck. These withheld taxes do not belong to the employer but are held in escrow by him, and he has no right to divert this money to his own use.

Nashville, Tenn.: Total tax delinquencies in this office were reduced from $12,463,000 in 1954 to $10,615,000 in 1964.

Augusta, Maine: This office has a good 10-year record. Delinquent employment taxes have been reduced from $665,000 in 1954 to $255,000 in 1964 while total tax delinquencies in this same office have been reduced from $2,582,000 in 1954 to $762,000 in 1964. This is an excellent record.

Boston, Mass.: Boston has during this 10-year period reduced its employment tax delinquencies from $11,226,000 in 1954 to $7,750,000 in 1964 while during the same period it reduced its total tax delinquencies from $41,306,000 in 1954 to $25,954,000 in 1964.

Burlington, Vt.: Total tax delinquencies were reduced from $644,000 in 1954 to $536,000 in 1964 while delinquent employment taxes during the same period were reduced from $241,000 in 1954 to $134,000 in 1964, both representing alltime lows.

Hartford, Conn.: Hartford has reduced its total tax delinquencies by approximately one-half, or from $15,271,000 in 1954 to $7,969,000 in 1964.

Portsmouth, N.H.: This office has a good report having reduced its total tax delinquencies from $3,252,000 in 1954 to $620,000 in 1964.

Providence, R.I.: This is another good report. Total tax delinquencies were reduced from $7,389,000 in 1954 to $2,363,000 in 1964, another record low.

Aberdeen, S. Dak.: Total tax delinquencies in this office reached $1,459,000 in 1964 as compared with total tax delinquencies of $1,255,000 in 1954.

Chicago, Ill.: Total tax delinquencies in this office were reduced from $81,659,000 in 1954 to $43,164,000 in 1964 while employment taxes in the same period were reduced from $12,802,000 in 1954 to $8,985,000 in 1964.

Des Moines, Iowa: Des Moines reduced its total delinquent taxes from $9,737,000 in 1954 to $3,506,000 in 1964. This is a good record, but the delinquent employment taxes in the same office have increased from $770,000 in 1954 to $988,000 in 1964.

Fargo, N. Dak.: Another good record. Total tax delinquencies in this office were reduced from $1,353,000 in 1954 to $637,000 in 1964 while in the same period delinquent employment taxes were reduced from $310,000 in 1954 to $115,000 in 1964.

Milwaukee, Wis.: Milwaukee reduced its total tax delinquencies from $16,592,000 in 1954 to $8,836,000 in 1964.

Omaha, Nebr.: Tax delinquencies in this office have increased from $4,180,000 in 1954 to $4,488,000 in 1964.

St. Louis, Mo.: Kansas City, Mo., has been merged with St. Louis. In 1954 the total tax delinquencies of these two offices were $21,288,000. In 1964 they had been reduced to $16,062,000, but during the same period total delinquencies on employment taxes jumped to $2,401,000 in 1964 from a combined total of $1,858,000 in 1954.

St. Paul, Minn.: This office reduced its total tax delinquencies from $9,725,000 in 1954 to $8,471,000 in 1964.

Springfield, Ill.: Springfield has a good record, having reduced its total tax delinquencies from $9,101,000 in 1954 to $3,984,000 in 1964 while during the same period it reduced its delinquent employment taxes from $1,903,000 in 1954 to $702,000 in 1964.

Cincinnati, Ohio: Columbus, Ohio, merged with the Cincinnati office in 1960. Total tax delinquencies of these two offices in 1954 were $21,780,000. In 1964 they had been reduced to $14,623,000.

Cleveland, Ohio: Toledo, Ohio, merged with the Cleveland office in 1960. In 1954 total tax delinquencies in Cleveland and Toledo were $46,280,000. In 1964 these delinquencies had been reduced to $19,962,000 while during the same period delinquent employment taxes were reduced from $5,664,000 to $2,954,000 in 1964. Another good report.

Detroit, Mich.: Total tax delinquencies were reduced from $44,787,000 in 1954 to $27,548,000 in 1964, but employment tax delinquencies rose from $7,782,000 in 1954 to $8,057,000 in 1964.

Indianapolis, Ind.: This office has a bad report. Total tax delinquencies jumped from $19,133,000 in 1954 to $29,717,000 in 1964 while employment tax delinquencies rose from $2,477,000 in 1954 to $2,675,000 in 1964.

Louisville, Ky.: Louisville reduced its total tax delinquencies from $11,834,000 in 1954 to $10,704,000 in 1964, but during the same period employment tax delinquencies rose from $1,035,000 in 1954 to $1,375,000 in 1964.

Parkersburg, W. Va.: This office has an excellent report. Total tax delinquencies in 1954 were $12,931,000. In 1964 these had been reduced to $3,304,000 while employment taxes were reduced from $1,952,000 in 1954 to $826,000 in 1964, both alltime lows.

Albuquerque, N. Mex.: The Albuquerque office has a bad report. Total tax delinquencies in this office rose from $2,824,000 in 1954 to $3,791,000 in 1964 while employment tax delinquencies in the same period rose from $741,000 in 1954 to $1,048,000 in 1964.

Austin, Tex.: This is another bad report. Total tax delinquencies in Austin have increased 100 percent in the last 10 years, or from $20,202,000 in 1954 to $40,319,000 in 1964. During the same period there has been a 60 percent increase in delinquencies of employment taxes from $3,021,000 in 1954 to $5,073,000 in 1964. Both accounts are near alltime highs.

Cheyenne, Wyo.: The Cheyenne office reduced its total tax delinquencies from $1,629,000 in 1954 to $1,057,000 in 1964, but its total employment tax delinquencies rose from $248,000 in 1954 to $363,000 in 1964.

Dallas, Tex.: Another office which has not kept pace with the national trend toward reducing its delinquent tax accounts. In 1954 the total tax delinquencies were $23,748,000. In 1964 they were $23,588,000, a slight reduction, but during the same period delinquent employment taxes jumped from $5,077,000 in 1954 to $5,971,000 in 1964.

Denver, Colo.: Employment tax delinquencies in Denver have risen from $1,319,000 in 1954 to $2,115,000 in 1964, but there has been a small decline in total tax delinquencies from $7,552,000 in 1954 to $7,261,000 in 1964.

Little Rock, Ark.: Little Rock has had a 400-percent rise in total tax delinquencies in the past 10 years, jumping from $2,315,000 in 1954 to $9,685,000 in 1964.

New Orleans, La.: This office has had a substantial reduction in total tax delinquencies but a large increase in the delinquent employment taxes. Total tax delinquencies were reduced from $17,472,000 in 1954 to $9,823,000 in 1964 while employment tax delinquencies rose from $1,948,000 in 1954 to $2,849,000 in 1964.

Oklahoma City, Okla.: Total tax delinquencies dropped from $9,043,000 in 1954 to $7,069,000 in 1964 while employment tax delinquencies had a slight increase.

Wichita, Kans.: Total tax delinquencies dropped from $7,316,000 in 1954 to $3,353,000 in 1964, a sizable decline.

Albany, N.Y.: Albany has a good report. Total tax delinquencies declined from $15,061,000 in 1954 to $4,744,000 in 1964 while employment tax delinquencies in the same 10-year period dropped from $3,559,000 to $1,737,000.

Brooklyn, N.Y.: Total tax delinquencies dropped from $106,522,000 in 1954 to $83,558,000 in 1964; while lower than 1954, this represents a substantial increase over the past 3 years.

Buffalo, N.Y.: Syracuse, N.Y., merged with Buffalo in 1964. In 1954 Buffalo and Syracuse combined had total tax delinquencies of $18,018,000. By 1964, these had been reduced to $11,607,000.

Manhattan, N.Y.: Lower Manhattan and Upper Manhattan, N.Y., merged in 1960 to form the office of Manhattan. In 1954 their combined delinquencies totaled $329,847,000. In 1964 this had been reduced to $132,398,000.

Baltimore, Md.: Baltimore has a good report. Total tax delinquencies were reduced from $68,663,000 in 1954 to $23,541,000 in 1964 while during the same period employment tax delinquencies were reduced from $6,296,000 to $4,935,000.

Newark, N.J.: Camden, N.J., was merged with Newark in 1964. In 1954 the tax delinquencies of both offices totaled $103,600,000. By 1964 this was reduced to $56,027,000 while during the same period employment tax delinquencies for the two offices were reduced from $26,173,000 to $13,856,000.

Scranton, Pa.: The accounts for this office were divided between Philadelphia and Pittsburgh in 1964. The Philadelphia and Pittsburgh 1954 figures do not reflect the Scranton accounts.

Philadelphia, Pa.: This office has a good report. Its total tax delinquencies were reduced from $63,450,000 in 1954 to $36,723,000 in 1964, while during the same period employment tax delinquencies were reduced from $15,700,000 to $8,309,000.

Pittsburgh, Pa.: Total tax delinquencies were reduced from $28,955,000 in 1954 to $15,915,000 in 1964, but there was a slight increase in employment tax delinquencies in this office.

Richmond, Va.: Total tax delinquencies were reduced from $20,986,000 in 1954 to $9,435,000 in 1964, but Richmond shows a slight increase in employment tax delinquencies.

Wilmington, Del.: Total tax delinquencies of this office are about one-fourth of what they were in 1954, having been reduced from $22,009,000 to $5,163,000 in 1964, although the 1964 figure does show an increase over the past 3 years.

Anchorage, Alaska: In 1954 Anchorage accounts were included in the Seattle figures, and therefore, we have no comparable data. However, since 1961 Anchorage has reduced its total tax delinquencies from $2,079,000 to $1,574,000 in 1964.

Boise, Idaho: Boise has reduced its tax delinquencies from $2,083,000 in 1954 to $1,641,000 in 1964, but its employment tax delinquencies in this period have risen from $470,000 in 1954 to $577,000 in 1964.

Helena, Mont.: This office has reduced its total tax delinquencies from $2,863,000 in 1954 to $1,961,000 in 1964, but employment tax delinquencies in this office have risen from $436,000 in 1954 to $572,000 in 1964.

Honolulu, Hawaii: This office has a good report. Total tax delinquencies have dropped from $4,620,000 in 1954 to $3,443,000 in 1964 while employment tax delinquencies during the same period have dropped from $898,000 to $385,000.

Los Angeles, Calif.: This office has a bad report. Total tax delinquencies in this office have jumped from $88,047,000 in 1954 to $100,825,000 in 1964 while during the same period employment tax delinquencies have risen from $13,396,000 to $17,506,000 in 1964.

Phoenix, Ariz.: In Phoenix, total tax delinquencies rose from $5,510,000 in 1954 to $5,935,000 in 1964 while employment tax delinquencies rose from $1,384,000 in 1954 to $1,552,000 in 1964.

Portland, Oreg.: This office has a good report. Total tax delinquencies in this office dropped from $15,351,000 in 1954 to $7,099,000 in 1964 while during the same period employment tax delinquencies dropped from $2,053,000 to $1,544,000.

Reno, Nev.: Reno has not done so well. Total tax delinquencies rose from $6,043,000 in 1954 to $7,849,000 in 1964 while during the same period employment tax delinquencies have doubled, rising from $1,480,000 in 1954 to $2,808,000 in 1964.

Salt Lake City, Utah: This office has dropped its delinquent accounts from $4,649,000 in 1954 to $3,640,000 in 1964.

San Francisco, Calif.: San Francisco has not done so well. Total tax delinquencies in this office have risen from $66,858,000 in 1954 to $104,014,000 in 1964. This is nearly an all-time high.

Seattle, Wash.: This office has a good report. Total tax delinquencies have been reduced from $19,804,000 in 1954 to $6,282,000 in 1964 while during the same period employment tax delinquencies have been reduced by nearly two-thirds.

Puerto Rico: This office has a bad report. Total tax delinquencies are five times higher than they were 10 years ago, rising from $273,000 in 1954 to $1,380,000 in 1964 while during the same period there has been an increase of nearly 700 percent in employment tax delinquencies, rising from $147,000 in 1954 to $1,094,000 in 1964.

International operations—exclusive of Puerto Rico: This represents primarily taxes owed by American citizens who are living abroad. In this category there has been a spectacular increase with total tax delinquencies rising from $16,704,000 in 1956 to $83,371,000 in 1964 while during the same period employment tax delinquencies roses from $146,000 to $755,000.

I ask unanimous consent to have printed at this point in the RECORD the March 15, 1965, letter received from Mr. Sheldon S. Cohen, Commissioner of Internal Revenue, followed by the tables prepared to show the status of the various districts.

There being no objection, the letter and tables were ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., March 15, 1965.

Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your request of February 25, 1965, for a report on our taxpayer delinquent accounts and for a breakdown showing all tax accounts abated or classified as uncollectible during 1964.

The record of our collection activity for the past year is very gratifying. We have continued our stress on taxpayer education, and other measures designed to improve voluntary compliance followed by prompt and firm enforcement action in the case of those who do not respond. We have continued to emphasize prompt action in the case of employers who file their employment tax returns without the required payments. We are continuing our emphasis on collection of these accounts in notice status before they ever reach the status of delinquent accounts. Rather than simply mailing notices to the taxpayers, personal contact by telephone or by visit by a revenue officer is made in each case where the liability is in excess of $500. While there was a decline of over 17,000 closures in notice status, or 14.8 percent, the money thus collected was up $16.3 million, or 7.6 percent. As you know, depositary receipts validated by banks provide another indication of voluntary compliance. Depositary receipt purchases were up 444,000, or 4 percent, in number but down $813 million, or 2 percent, in amount as compared with the previous calendar year. This decrease in dollar value of depositary receipt purchases can be attributed to the decrease in withholding rates provided in the Revenue Act of 1964.

The trend of delinquent account issuances is down. Monthly issuances were falling off at the end of the year and show an annual reduction of 56,000, or 1.9 percent, in number and $16.4 million, or 1.1 percent, in amount from the figures for the previous year. We think this downward trend reflects the value of our continuing efforts to improve voluntary compliance. There was an accompanying numerical improvement in our year-end delinquent accounts inventory, which was down 15.5 percent in number, although up 2.9 percent in amount, over the previous calendar year.

The table which follows summarizes as of December 31, 1963 and 1964, the taxpayer delinquent accounts broken down as to active and inactive status. You will note there has been an increase in the number—and particularly in the dollar value—of inactive accounts. Accounts in this category are those on which collection has been deferred pending the outcome of audit examinations, court cases, or other contingent actions. Since these accounts are not subject to closure action, there is little the Service can do about the increase in the inactive category.

TDA inventory

[Dollars in thousands]

	Active	Inactive	Total
AMOUNT			
Dec. 31, 1963	$611, 171	$530, 032	$1, 141, 203
Dec. 31, 1964	607, 186	566, 725	1, 173, 911
Change from Dec. 31, 1963 to 1964	3, 985	+36, 693	+32, 708
Percent of change	. 65	+6. 92	+2. 87
NUMBER			
Dec. 31, 1963	880, 013	113, 096	993, 109
Dec. 31, 1964	708, 841	130, 384	839, 225
Change from Dec. 31, 1963 to 1964	171, 172	+17, 288	−153, 884
Percent of change	19. 45	+15. 29	−15. 50

Attached is a tabulation of our delinquent account inventory broken down by the various tax groups, the inactive accounts being shown in the columns to the right. As in previous years, the figures in the inactive category are also included in the figures appearing in the columns under the various tax groups. All offices were current in their issuances as of December 31, which means that the tabulation includes all accounts that were in a delinquent status as of that date.

In response to your request, we are attaching a district-by-district tabulation of uncollectible accounts and abatements for 1964. The same information for 1963 is included for convenient comparison. We are unable to give you a district-by-district breakdown by class of tax but on the basis of the best information available, we estimate that 56 percent of the dollar value of 1964 uncollectibles were income tax, 28 percent were employment taxes, and 16 percent other classes of tax. We do not have any reliable basis for estimating what the breakdown of abatements would be by class of tax.

As explained in last year's report with respect to uncollectible accounts, many accounts are assessed, even though it is known at the time that the prospects for collection are extremely poor. Nevertheless, the assessments must be made in order that the liabilities may be established and the interests of the Government fully protected. I might add, however, that the decision to classify these accounts, or any others, as uncollectible is not made until all reasonable efforts have been exerted to locate the delinquent taxpayer and any income or assets from which collection may be enforced. In other words, delinquent accounts are classified as uncollectible only after it becomes clear that the accounts truly qualify as uncollectible. Furthermore, even after a decision has been made that one or more delinquent accounts are uncollectible, collection action is merely suspended until such time as collection prospects are improved or the period of limitations has expired. Many such accounts are reactivated on the basis of improvement in the taxpayer's financial situation and subjected to collection action before expiration of the statute of limitations. Separate records on such reactivated accounts are not maintained and adjustments to the amount reported as uncollectible cannot be made so as to reflect the amount that is ultimately written off as uncollectible.

Abatements are, of course, entirely different from uncollectibles. Except in the case of offers in compromise, an assessment is abated only if it is in excess of the tax amount actually due and owing at the time. The following types of assessment qualify for abatement:

1. Assessments in excess of the amount legally due as determined by audit examination.
2. Assessments in excess of the amount accepted on an offer in compromise.
3. Jeopardy assessments later determined by court ruling to be excessive.
4. Jeopardy assessments where it is administratively determined that jeopardy does not exist.
5. Transferee assessments in excess of the basic transferor assessment.
6. 100-percent penalty assessments in excess of the basic corporate assessment.

Assessments made in transferee cases always duplicate an amount already assessed against the transferor, and in cases involving the 100-percent penalty, assessments made against officers or employees of the taxpayer always constitute a duplication of an amount already assessed against the taxpayer himself. In fact, transferee assessments, all representing the same basic transferor liability, may be made against several transferees, and the 10-percent penalty may be assessed against more than one person in respect of the same offense. However, no more is actually collected than is actually due, of course, and all assessments over and above the basic one must ultimately be abated.

In jeopardy cases, the situation differs in that the assessments made are usually against the taxpayer and the taxpayer only. However, the amounts involved are determined on the basis of such information, sometimes rather limited, as is immediately available to the Service. Jeopardy assessments may, therefore, be in excess of the true liability as subsequently determined when all the facts are disclosed. In such cases, the amount of the jeopardy assessment is adjusted to the true liability.

We appreciate your interest and are pleased to furnish the information requested.

With kind regards,

Sincerely,

SHELDON S. COHEN,
Commissioner.

Enclosures.

Delinquent taxes

TOTALS

Year	Employment tax		Percent increase or decrease over preceding year	Total taxes		Percent increase or decrease over preceding year
	Number	Amount (in thousands)		Number	Amount (in thousands)	
1954	390, 398	$254, 062		1, 725, 474	$1, 614, 494	
1961	316, 612	268, 465		1, 071, 660	1, 063, 248	
1962	257, 421	242, 375	−9. 7	976, 147	1, 100, 780	+3.5
1963	246, 297	225, 613	−6. 9	993, 109	1, 141, 202	+3.9
1964	217, 283	217, 365	−3. 7	839, 225	1, 173, 911	+2.9

BY DISTRICT

District	Year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
		Number	Amount (in thousands)		Number	Amount (in thousands)	
Southeast region:							
Atlanta, Ga	1954	4, 963	$2, 947		26, 021	$20, 972	
	1961	5, 410	2, 539		18, 469	11, 386	
	1962	4, 624	2, 414	−4. 9	19, 071	12, 437	+9. 2
	1963	7, 264	4, 176	+73. 0	30, 124	18, 608	+49. 6
	1964	5, 167	2, 490	−40. 4	21, 388	13, 354	−28. 2
Birmingham, Ala	1954	4, 874	2, 299		19, 506	19, 488	
	1961	3, 604	2, 183		15, 121	13, 156	
	1962	2, 823	2, 243	+2. 7	14, 847	9, 947	−24. 4
	1963	6, 126	2, 583	+15. 2	22, 768	12, 633	+27. 0
	1964	4, 299	2, 185	−15. 4	19, 014	9, 424	−25. 4
Columbia, S.C	1954	3, 727	1, 078		14, 246	7, 201	
	1961	3, 362	1, 308		10, 621	3, 843	
	1962	2, 050	951	−27. 3	8, 208	3, 619	−5. 8
	1963	3, 339	1, 459	+53. 4	13, 350	14, 714	+306. 6
	1964	2, 444	990	−32. 1	10, 401	23, 180	+57. 5
Greensboro, N.C	1954	5, 332	2, 016		22, 459	26, 395	
	1961	4, 834	2, 079		20, 255	7, 661	
	1962	3, 578	1, 662	−20. 1	19, 860	7, 707	+. 6
	1963	7, 108	2, 544	+53. 1	31, 253	13, 538	+75. 7
	1964	4, 315	2, 168	−14. 8	19, 729	13, 765	+1. 7
Jackson, Miss	1954	1, 500	636		5, 563	4, 717	
	1961	2, 725	1, 267		7, 800	3, 750	
	1962	1, 884	1, 357	+7. 1	5, 998	3, 872	+3. 3
	1963	3, 053	1, 046	−22. 9	11, 222	4, 610	+19. 1
	1964	2, 283	1, 019	−2. 6	7, 933	4, 500	−2. 4
Jacksonville, Fla	1954	8, 451	4, 686		31, 020	47, 883	
	1961	14, 095	10, 436		38, 359	34, 787	
	1962	10, 506	8, 863	−15. 1	29, 995	34, 129	−1. 9
	1963	15, 439	10, 581	+19. 4	49, 434	45, 577	+33. 5
	1964	12, 074	9, 743	−7. 9	39, 739	50, 334	+10. 4
Nashville, Tenn	1954	3, 721	1, 775		15, 763	12, 463	
	1961	4, 065	1, 993		16, 756	11, 043	
	1962	2, 283	1, 875	−5. 9	13, 063	9, 083	−17. 7
	1963	4, 582	2, 040	+8. 8	21, 930	11, 917	+31. 2
	1964	3, 355	1, 784	−12. 5	14, 029	10, 615	−10. 9
Northeast region:							
Augusta, Maine	1954	1, 145	665		3, 478	2, 582	
	1961	1, 715	977		4, 361	3, 857	
	1962	1, 107	602	−38. 4	3, 563	3, 329	−13. 7
	1963	665	569	−5. 5	2, 505	1, 364	−59. 0
	1964	495	255	−55. 2	1, 882	762	−44. 1
Boston, Mass	1954	15, 058	11, 226		57, 082	41, 306	
	1961	12, 411	13, 455		35, 486	36, 658	
	1962	12, 166	12, 887	−4. 2	35, 530	42, 996	+17. 3
	1963	9, 749	11, 004	−14. 6	32, 071	33, 895	−21. 2
	1964	7, 448	7, 750	−29. 6	24, 358	25, 954	−23. 4
Burlington, Vt	1954	619	241		1, 424	644	
	1961	769	370		2, 054	937	
	1962	575	281	−24. 1	1, 529	3, 980	+324. 8
	1963	464	181	−35. 6	1, 283	678	−83. 0
	1964	333	134	−26. 0	888	536	−20. 9
Hartford, Conn	1954	4, 232	2, 831		22, 554	15, 271	
	1961	6, 771	5, 313		20, 977	13, 920	
	1962	4, 134	4, 429	−16. 6	17, 432	12, 322	−11. 5
	1963	3, 332	3, 009	−32. 1	14, 774	10, 152	−17. 6
	1964	2, 509	2, 360	−21. 6	8, 250	7, 969	−21. 5
Portsmouth, N.H	1954	1, 017	460		2, 854	3, 252	
	1961	547	314		2, 107	905	
	1962	376	334	+6. 4	1, 645	4, 977	+449. 9
	1963	313	403	+20. 7	1, 220	777	−84. 4
	1964	344	321	+20. 3	1, 264	620	−20. 2
Providence, R.I	1954	1, 847	1, 204		8, 060	7, 389	
	1961	2, 693	1, 907		5, 922	7, 275	
	1962	2, 269	1, 698	−11. 0	5, 143	6, 399	−12. 0
	1963	1, 750	1, 509	−11. 1	3, 944	3, 213	−49. 8
	1964	1, 224	1, 047	−30. 6	2, 732	2, 363	−26. 5
Midwest region:							
Aberdeen, S. Dak	1954	734	282		3, 092	1, 255	
	1961	665	277		2, 006	1, 420	
	1962	359	136	−50. 9	1, 447	1, 097	−22. 7
	1963	432	187	+37. 5	1, 631	1, 400	+27. 6
	1964	323	176	−5. 9	1, 389	1, 459	+4. 2
Chicago, Ill	1954	21, 439	12, 802		136, 532	81, 659	
	1961	15, 062	12, 682		62, 488	60, 273	
	1962	12, 249	11, 742	−7. 4	48, 027	47, 619	−21. 0
	1963	9, 243	9, 348	−20. 4	35, 518	40, 060	−15. 9
	1964	8, 640	8, 985	−3. 9	28, 649	43, 164	+7. 7
Des Moines, Iowa	1954	1, 781	770		5, 810	9, 737	
	1961	2, 310	1, 056		6, 945	4, 566	
	1962	1, 342	747	−29. 3	5, 877	7, 016	+53. 7
	1963	1, 519	805	+7. 8	5, 211	3, 909	−44. 3
	1964	1, 219	988	+22. 7	4, 461	3, 506	−10. 3

Delinquent taxes—Continued

BY DISTRICT—Continued

District	Year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
		Number	Amount (in thousands)		Number	Amount (in thousands)	
Midwest region—Continued							
Fargo, N. Dak	1954	843	$310	------	2,352	$1,353	------
	1961	962	463	------	2,558	1,248	------
	1962	406	277	−40.2	1,542	879	−29.6
	1963	316	190	−31.4	1,029	663	−24.6
	1964	278	115	−39.5	975	637	−3.9
Milwaukee, Wis	1954	3,759	1,704	------	16,962	16,592	------
	1961	3,933	2,992	------	10,489	9,929	------
	1962	2,903	2,512	−16.0	8,744	8,756	−11.8
	1963	2,284	2,161	−14.0	7,489	9,458	+8.0
	1964	2,274	1,863	−13.8	7,502	8,836	−6.6
Omaha, Nebr	1954	810	548	------	3,932	4,180	------
	1961	919	640	------	2,721	2,071	------
	1962	622	629	−1.7	1,900	1,318	−36.4
	1963	680	736	+17.0	2,014	2,140	+63.4
	1964	700	543	−26.2	2,300	4,488	+109.7
Kansas City, Kans.[1]	1954	1,783	884	------	8,155	9,021	------
	1961	2,875	1,514	------	9,574	22,990	------
	1962	1,155	844	−44.3	5,947	20,925	−9.0
	1963	886	549	−35.0	4,957	5,149	−75.4
St. Louis, Mo	1954	1,958	974	------	11,539	12,267	------
	1961	2,483	1,247	------	10,745	6,096	------
	1962	1,489	965	−22.6	8,599	5,293	−13.2
	1963	1,709	1,198	+24.1	7,777	16,122	+204.6
	1964	4,363	2,401	+37.4	18,797	16,062	−32.4
St. Paul, Minn	1954	3,096	1,929	------	10,916	9,725	------
	1961	3,287	2,384	------	9,708	12,702	------
	1962	2,421	1,878	−21.2	8,921	12,149	−4.4
	1963	2,121	1,387	−26.1	7,512	8,149	−32.9
	1964	2,462	1,689	+21.8	7,825	8,471	+4.0
Springfield, Ill	1954	4,563	1,903	------	19,192	9,101	------
	1961	1,837	1,092	------	5,333	5,597	------
	1962	1,409	871	−20.2	4,622	5,017	−10.4
	1963	1,146	776	−10.9	4,599	9,914	+97.6
	1964	1,301	702	−9.5	5,022	3,984	−59.8
Central region:							
Columbus, Ohio[2]	1954	1,207	594	------	13,054	6,652	------
Cincinnati, Ohio	1954	3,431	1,784	------	26,545	15,128	------
	1961	5,212	4,243	------	21,184	15,038	------
	1962	3,966	3,085	−27.3	20,080	13,239	−12.0
	1963	3,598	2,593	−15.9	18,740	14,537	+9.8
	1964	3,156	2,670	+3.0	16,242	14,623	+.6
Toledo, Ohio[3]	1954	929	392	------	6,072	3,317	------
Cleveland, Ohio	1954	7,958	5,272	------	49,841	42,963	------
	1961	6,579	4,899	------	26,165	27,511	------
	1962	4,131	4,194	−14.4	21,106	23,327	−15.2
	1963	3,750	3,359	−19.9	21,364	22,957	−1.6
	1964	3,619	2,954	−12.1	19,269	19,962	−13.0
Detroit, Mich	1954	11,891	7,782	------	68,809	44,787	------
	1961	16,816	13,830	------	43,712	38,163	------
	1962	12,334	9,896	−28.4	33,776	32,238	−15.5
	1963	8,038	7,422	−25.0	28,286	26,783	−16.9
	1964	8,227	8,057	+8.6	24,808	27,548	+2.9
Indianapolis, Ind	1954	3,420	2,477	------	23,475	19,133	------
	1961	5,337	5,643	------	15,290	19,682	------
	1962	3,557	5,010	−11.2	14,817	18,295	−7.0
	1963	2,982	3,790	−24.4	12,100	22,466	+22.8
	1964	2,840	2,675	−29.4	11,825	29,717	+32.3
Louisville, Ky	1954	2,019	1,035	------	12,161	11,834	------
	1961	3,050	1,839	------	11,954	8,807	------
	1962	2,818	2,019	+9.8	11,996	10,401	+18.1
	1963	2,882	1,915	−5.2	13,887	11,690	+12.4
	1964	1,917	1,375	−28.2	11,208	10,704	−8.4
Parkersburg, W. Va	1954	3,221	1,952	------	15,917	12,931	------
	1961	2,114	1,188	------	6,674	3,581	------
	1962	1,865	1,165	−1.9	6,361	3,904	+9.0
	1963	1,709	1,041	−10.6	5,270	3,483	−10.8
	1964	1,149	826	−20.7	4,594	3,304	−5.1
Southwest region:							
Albuquerque, N. Mex	1954	1,911	741	------	5,491	2,824	------
	1961	1,954	1,434	------	5,104	3,671	------
	1962	1,880	1,356	−5.4	4,962	5,595	+52.4
	1963	2,565	1,620	+19.5	5,651	4,458	−20.3
	1964	1,254	1,048	−35.3	3,444	3,791	−15.0
Austin, Tex	1954	5,609	3,021	------	22,355	20,202	------
	1961	7,798	5,486	------	25,329	17,874	------
	1962	5,995	4,062	−26.0	25,706	19,592	+9.6
	1963	9,065	5,101	+25.6	31,213	41,177	+110.2
	1964	5,027	5,073	−.5	20,376	40,319	−2.1
Cheyenne, Wyo	1954	688	248	------	2,445	1,629	------
	1961	946	448	------	3,275	1,244	------
	1962	570	279	−27.7	2,248	1,190	−4.3
	1963	600	298	+6.8	1,983	981	−17.6
	1964	614	363	+21.8	1,674	1,057	+7.7
Dallas, Tex	1954	9,311	5,077	------	31,244	23,748	------
	1961	7,678	5,918	------	25,741	23,377	------
	1962	6,859	5,139	−13.2	25,059	21,565	−7.8
	1963	7,095	4,909	−4.5	26,090	21,916	+1.6
	1964	5,068	5,971	+21.6	18,289	23,588	+7.6
Denver, Colo	1954	2,754	1,319	------	9,888	7,552	------
	1961	3,420	1,983	------	11,772	8,605	------
	1962	2,468	2,036	+2.7	9,124	7,480	−13.1
	1963	2,451	2,403	+18.0	9,263	8,602	+15.0
	1964	2,106	2,115	−12.0	7,731	7,261	−15.6
Little Rock, Ark	1954	1,801	462	------	5,431	2,315	------
	1961	2,377	800	------	5,636	9,435	------
	1962	1,867	614	−23.2	5,147	9,295	−1.5
	1963	1,694	668	+8.8	4,931	9,862	+6.1
	1964	1,073	471	−29.5	3,839	9,685	−1.8

See footnotes at end of table.

Delinquent taxes—Continued

BY DISTRICT—Continued

District	Year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
		Number	Amount (in thousands)		Number	Amount (in thousands)	
Southwest region—Continued							
New Orleans, La	1954	4, 566	$1, 948	------	19, 566	$17, 472	------
	1961	5, 140	3, 041	------	15, 077	9, 534	------
	1962	4, 270	2, 897	−4. 7	12, 453	8, 566	−10. 2
	1963	4, 564	3, 076	+6. 2	13, 623	8, 857	+3. 4
	1964	3, 119	2, 849	−7. 4	10, 988	9, 823	+10. 9
Oklahoma City, Okla	1954	3, 311	1, 790	------	9, 994	9, 043	------
	1961	3, 255	2, 177	------	10, 052	5, 976	------
	1962	3, 819	2, 463	+13. 1	10, 704	6, 974	+16. 7
	1963	4, 007	2, 553	+3. 7	12, 402	7, 812	+12. 0
	1964	3, 132	1, 935	−24. 2	9, 361	7, 069	−9. 5
Wichita, Kans	1954	2, 405	939	------	10, 542	7, 316	------
	1961	2, 570	1, 438	------	8, 147	5, 359	------
	1962	1, 488	845	−41. 2	5, 874	4, 864	−9. 2
	1963	1, 459	840	−. 6	5, 720	3, 478	−39. 9
	1964	1, 365	1, 000	+19. 0	5, 319	3, 353	−3. 6
New York region:							
Albany, N.Y	1954	4, 679	3, 559	------	13, 822	15, 061	------
	1961	3, 666	2, 925	------	10, 663	7, 338	------
	1962	2, 616	2, 059	−29. 6	8, 747	5, 901	−19. 6
	1963	1, 801	1, 798	−12. 7	7, 713	5, 127	−13. 1
	1964	1, 538	1, 737	−3. 4	6, 547	4, 744	−7. 5
Brooklyn, N.Y	1954	28, 903	18, 534	------	88, 274	106, 522	------
	1961	11, 743	13, 588	------	38, 621	58, 504	------
	1962	9, 913	14, 703	+8. 2	39, 361	58, 147	−. 6
	1963	10, 201	15, 859	+7. 9	47, 178	66, 611	+14. 6
	1964	10, 704	18, 366	+15. 8	40, 964	83, 558	+25. 4
Syracuse, N.Y.[4]	1954	3, 046	1, 552	------	12, 486	5, 650	------
	1961	3, 270	2, 146	------	9, 649	5, 338	------
	1962	2, 667	1, 728	−19. 5	8, 881	5, 411	+1. 4
	1963	2, 089	1, 786	+3. 4	9, 246	5, 086	−6. 0
Buffalo, N.Y	1954	4, 664	2, 351	------	21, 869	12, 368	------
	1961	3, 255	2, 218	------	10, 727	5, 772	------
	1962	2, 679	1, 892	−14. 7	8, 101	5, 269	−8. 7
	1963	2, 226	1, 835	−3. 0	8, 046	7, 649	+45. 2
	1964	4, 184	3, 796	+4. 8	13, 853	11, 607	−8. 9
Lower Manhattan N.Y.[5]	1954	22, 636	17, 622	------	48, 155	171, 309	------
Upper Manhattan, N.Y.[6]	1954	24, 420	26, 447	------	67, 328	158, 538	------
Manhattan, N.Y	1961	22, 607	28, 346	------	68, 863	115, 918	------
	1962	17, 181	24, 150	−14. 8	67, 934	110, 024	−5. 1
	1963	16, 872	27, 697	+14. 7	71, 265	121, 169	+10. 1
	1964	18, 650	32, 027	+15. 6	68, 627	132, 398	+9. 3
Mid-Atlantic region:							
Baltimore, Md	1954	12, 249	6, 296	------	120, 870	68, 663	------
	1961	6, 485	4, 341	------	37, 783	23, 390	------
	1962	4, 845	3, 626	−16. 5	34, 899	17, 440	−25. 4
	1963	4, 308	3, 498	−3. 5	30, 902	17, 226	−1. 2
	1964	4, 109	4, 935	+41. 1	25, 782	23, 541	+36. 7
Camden, N.J.[7]	1954	3, 526	2, 090	------	16, 986	10, 638	------
	1961	4, 070	3, 308	------	14, 654	11, 883	------
	1962	4, 078	3, 264	−1. 3	14, 263	11, 490	−3. 3
	1963	3, 515	2, 567	−21. 4	13, 384	12, 535	+9. 1
Newark, N.J	1954	37, 438	24, 083	------	122, 953	92, 962	------
	1961	10, 347	12, 441	------	37, 028	37, 905	------
	1962	9, 573	13, 132	+5. 6	33, 068	38, 350	+1. 2
	1963	7, 588	10, 839	−17. 5	32, 564	35, 915	−6. 3
	1964	12, 907	13, 856	+3. 4	49, 727	56, 027	+15. 6
Scranton, Pa.[8]	1954	2, 134	2, 345	------	9, 414	7, 948	------
	1961	2, 016	1, 907	------	5, 439	5, 192	------
	1962	1, 715	1, 527	−19. 9	4, 868	5, 068	−2. 4
	1963	1, 258	1, 307	−14. 4	4, 631	4, 893	−3. 5
Philadelphia, Pa	1954	18, 014	15, 700	------	95, 824	63, 450	------
	1961	9, 095	10, 393	------	29, 948	34, 477	------
	1962	7, 840	10, 100	−2. 8	32, 730	45, 050	+30. 3
	1963	6, 508	7, 977	−21. 0	5, 467	46, 401	+3. 0
	[9] 1963	7, 245	8, 667	------	37, 455	47, 938	------
	1964	7, 298	8, 309	−4. 1	31, 467	36, 723	−23. 4
Pittsburgh, Pa	1954	4, 880	3, 800	------	40, 973	28, 955	------
	1961	7, 179	6, 091	------	26, 104	19, 934	------
	1962	6, 130	5, 471	−10. 2	21, 852	17, 901	−10. 2
	1963	4, 361	3, 781	−30. 9	18, 810	17, 199	−3. 9
	[9] 1963	4, 882	4, 399	------	21, 453	20, 554	------
	1964	4, 466	4, 181	−5. 0	16, 768	15, 915	−22. 6
Richmond, Va	1954	4, 692	2, 239	------	32, 611	20, 986	------
	1961	5, 607	3, 693	------	21, 895	13, 762	------
	1962	4, 618	3, 050	−17. 4	22, 001	11, 604	−15. 7
	1963	3, 865	2, 599	−14. 8	18, 474	11, 319	−2. 5
	1964	3, 190	2, 458	−5. 4	14, 909	9, 435	−16. 6
Wilmington, Del	1954	571	303	------	5, 460	22, 009	------
	1961	516	248	------	3, 717	2, 591	------
	1962	617	369	+48. 8	4, 053	2, 835	+9. 4
	1963	557	256	−30. 6	3, 305	3, 331	+17. 5
	1964	656	294	+14. 8	3, 313	5, 163	+55. 0
Western region:							
Anchorage, Alaska[10]	1961	851	996	------	2, 314	2, 079	------
	1962	779	1, 118	+12. 2	2, 087	2, 363	+13. 7
	1963	491	707	−36. 8	2, 048	1, 732	−26. 7
	1964	505	689	−2. 5	1, 556	1, 574	−9. 1
Boise, Idaho	1954	1, 050	470	------	3, 115	2, 083	------
	1961	1, 066	659	------	3, 059	1, 546	------
	1962	972	692	+5. 0	3, 165	1, 576	+1. 9
	1963	916	438	−36. 7	2, 964	1, 697	+7. 7
	1964	761	577	+31. 7	2, 702	1, 641	−3. 3
Helena, Mont	1954	1, 064	436	------	3, 214	2, 863	------
	1961	1, 835	1, 022	------	5, 031	2, 368	------
	1962	1, 313	719	−29. 6	4, 243	2, 671	+12. 8
	1963	1, 004	736	+2. 4	3, 779	2, 200	−17. 6
	1964	1, 021	572	−22. 3	3, 501	1, 961	−10. 9

See footnotes at end of table.

Delinquent taxes—Continued

BY DISTRICT—Continued

District	Year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
		Number	Amount (in thousands)		Number	Amount (in thousands)	
Western region—Continued							
Honolulu, Hawaii	1954	1,338	$898	----------	4,682	$4,620	----------
	1961	873	950	----------	2,565	5,102	----------
	1962	909	735	−22.6	2,480	4,944	−3.1
	1963	597	473	−35.6	1,897	3,985	−19.4
	1964	506	385	−18.6	1,624	3,443	−13.6
Los Angeles, Calif	1954	16,989	13,396	----------	86,733	88,047	----------
	1961	25,123	28,692	----------	79,080	92,954	----------
	1962	21,804	27,920	−2.7	78,455	98,389	+5.9
	1963	15,281	20,392	−27.0	59,817	89,448	−9.1
	1964	13,852	17,506	−14.2	57,681	100,825	+12.7
Phoenix, Ariz	1954	2,158	1,384	----------	8,957	5,510	----------
	1961	2,823	2,218	----------	8,263	7,076	----------
	1962	2,917	2,736	+23.4	7,938	7,834	+10.7
	1963	2,255	2,053	−25.0	7,424	6,728	−14.1
	1964	1,071	1,552	−24.4	4,837	5,935	−11.8
Portland, Oreg	1954	4,059	2,053	----------	14,799	15,351	----------
	1961	3,366	2,879	----------	13,732	13,138	----------
	1962	3,725	2,306	−19.9	13,846	11,335	−13.7
	1963	2,396	1,878	−18.6	9,739	8,555	−24.5
	1964	2,280	1,544	−17.8	9,123	7,099	−17.0
Reno, Nev	1954	1,455	1,480	----------	4,576	6,043	----------
	1961	1,170	2,194	----------	4,095	4,628	----------
	1962	1,107	2,076	−5.4	3,819	5,550	+19.9
	1963	1,330	2,423	+16.7	4,662	6,936	+25.0
	1964	1,204	2,808	+15.9	4,514	7,849	+13.2
Salt Lake City, Utah	1954	1,671	925	----------	5,554	4,649	----------
	1961	1,849	1,122	----------	5,022	3,334	----------
	1962	1,813	1,165	+3.8	4,939	2,912	−12.7
	1963	1,531	1,109	−4.8	4,692	3,539	+21.5
	1964	1,351	1,072	−3.3	3,917	3,640	+2.9
San Francisco, Calif	1954	17,616	10,597	----------	85,750	66,858	----------
	1961	11,763	9,480	----------	43,675	57,977	----------
	1962	10,778	9,280	−2.1	44,853	104,359	+80.0
	1963	9,629	10,062	+8.4	43,460	106,939	+2.5
	1964	9,104	3,179	−18.7	39,701	104,014	−2.7
Seattle, Wash	[11] 1954	5,932	4,324	----------	27,707	19,804	----------
	1961	4,095	2,500	----------	11,493	11,779	----------
	1962	3,486	2,221	−11.2	11,000	11,029	−6.4
	1963	2,824	1,884	−15.2	11,133	7,415	−32.8
	1964	2,487	1,586	−15.8	9,350	6,282	−15.3
International operations: Puerto Rico	1954	1,530	147	----------	2,020	273	----------
	1961	1,850	565	----------	2,622	951	----------
	1962	2,232	685	+21.2	3,517	1,344	+41.3
	1963	2,386	1,100	+60.6	3,412	1,395	+3.8
	1964	3,495	1,094	−.5	4,914	1,380	−1.1
International operations (exclusive of Puerto Rico)	1956	197	146	----------	11,812	16,704	----------
	1961	512	689	----------	19,651	44,280	----------
	1962	524	397	−42.4	14,124	60,597	+36.8
	1963	529	531	+38.8	12,959	68,474	+13.0
	1964	428	755	+42.2	6,354	83,371	+21.8

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[1] Merged with St. Louis, 1964.
[2] Merged with Cincinnati, 1960.
[3] Merged with Cleveland, 1960.
[4] Merged with Buffalo, 1964.
[5] Merged with upper Manhattan to form Manhattan, 1960.
[6] Merged with lower Manhattan to form Manhattan, 1960.
[7] Merged with Newark, 1964.
[8] Accounts divided between Philadelphia and Pittsburgh offices, 1964.
[9] Figures include accounts transferred from Scranton.
[10] Was included in Seattle figures prior to January 1961.
[11] Includes Anchorage, Alaska, figures.

CONSUMER INTEREST AND PROTECTION

Mrs. SMITH. Mr. President, I have received a very interesting letter from a properly incensed mother and housewife. I am sure that many, many mothers and housewives share her reaction and concern.

I invite the attention of the President's Committee for Consumer Interest and Protection to this matter and hope that they contact this very intelligent and articulate young matron.

I ask unanimous consent to place her letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DOWNERS GROVE, ILL.,
April 25, 1965.

Hon. MARGARET CHASE SMITH,
Senate Chamber,
Washington, D.C.

DEAR MADAM: Each time I buy sewing notions and toys, and look over price and quality, I threaten to write all the women in Congress to see if something can't be done about the exorbitant prices we are being charged.

First of all—notions: Bias tape and rickrack are now 3 yards for 19 cents and not long ago they were 5 yards for 10 cents—and I'm not remembering back to the gay nineties—I'm only 35. Plastic buttons which change shape in hot water and shrivel up when touched by a hot iron are usually 29 cents for four or six—and the paper to which the buttons are attached is more costly to manufacture. Some bias tapes are so poor, one is better off using the material cut on the bias. Zippers are now all plastic and constantly on the "fritz" and need changing before a garment could possibly even show wear. Thread is so terrible it splits and cuts and knots. It gets a trifle irritating when one has the thread break five and six times when making one button hole. Fabric prices are reasonable and one gets what one pays for; but, when one buys a piece of good quality cotton for a child's dress and the notions come to twice the price of the material, it's ridiculous, especially when one isn't using extraordinarily pretty trims. I thought it was me for a long time, but everyone I talk with that does sew has identical complaints.

Second—toys: Have you looked at some of the trash that is being advertised on TV at high prices? They get our children all worked up over a toy—granted their advertising pays for children's programs—of which we could use half less, especially at the dinner hour (or isn't it a family custom to eat together anymore?). One buys the toy and it breaks while Daddy is trying to assemble it. How could it possibly hold out with children—and our three aren't even particularly destructive—they just give the toys, that are advertised as unbreakable, normal use. I'd like to see something done on this issue before we get hung again this Christmas with a pile of junk which is half broken before we've finished the cold turkey.

Granted, you are not the Senator from my State, but I feel a woman has more heart for these particular problems.

We hope to see your name on a national ballot again—my husband and I both switched over to the Republican side to give you our support. We think you do a fabulous job in the Senate, and wish everyone there was as conscientious.

Sincerely,
BEATRICE N. MEYERS
Mrs. Beatrice N. Meyers.

FIFTIETH ANNIVERSARY OF MASSACRE OF ARMENIANS

Mr. LAUSCHE. Mr. President, April 24 marked the 50th anniversary of the mass slaughter and deportation of the Armenians from their homeland.

On that date in 1915, a systematic plan of massacre of the Armenian Nation was set in motion by the Government of Turkey. Between the years 1915–18 more than 1 million Armenians lost their lives and another 1 million were permanently displaced. Untold wealth in properties were plundered or destroyed.

The 50th anniversary of the Turkish genocide of the Armenian people brings to mind not only the self-sacrifice of this virile people in the interest of virtuous government and human rights but also the important contributions made by the Armenians to the Allied war effort as "the Little Ally" of the West. Of the Grand Alliance of 1915–18 Armenia was the smallest; and yet, she suffered more casualties than any other state of that alliance.

Such great sacrifice and devotion to the cause of liberty must not be forgotten.

As we pause now to honor those courageous Armenians who lost their lives during this tragic period, let us resolve to forever guard against the recurrence of such events.

EDWARD R. MURROW

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed in the RECORD two articles which include most appropriate and sensitive comments on the life and service of Edward R. Murrow.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[Eric Sevareid–Cronkite News, Apr. 27, 1965]

This is not a normal day in this establishment. None of us here has worked easily or well. It is the day we knew was coming but for which we could not properly prepare, try as we would.

It is not my privilege to speak for all of Ed Murrow's colleagues and it is not possible for me to speak even for myself as I would wish to speak. One day someone may find the right words.

There are some of us here, and I am one, who owe their professional life to this man. There are many, working here and in other networks and stations, who owe to Ed Murrow their love of their work, their standards and sense of responsibility. He was a shooting star; we will live in his afterglow a very long time.

I never knew any person among those who worked in his realm to feel jealousy toward him. Not only because he made himself a refuge for those in trouble, a source of strength for those who were weak, but because there was no basis for comparison. He was an original and we shall not see his like again.

He was an artist, passionately alive, living each day as if it were his last, absorbing and radiating the glories and miseries of his generation; the men, the machines, the battles, the beauties. The poetry of America was in his bones. He believed in his family, his friends, his work, and his country. Himself, he often doubted.

Next to his own land, he loved England the most. Its people owe him much. I will presume to use the words of England's greatest poet about another brave and brooding figure who also died too young—"Now cracks a noble heart. Good night, sweet prince."

[From the Washington (D.C.) Evening Star, Apr. 28, 1965]

EDWARD R. MURROW: A STARTLINGLY DECENT MAN, HE SYMBOLIZED INTEGRITY

(By Mary McGrory)

A whole generation was brought up within the sound of his voice telling the truth. Yet what they remember best about Edward R. Murrow in Washington is how seldom he spoke during his 3 years as a public official.

He had always been reticent, although he made his living by talking. An old friend from broadcasting days said, "Ed communicated mainly in long pauses."

It was the same here. ROBERT F. KENNEDY recalls that at Cabinet and National Security Council meetings, "he never spoke unless spoken to."

"And," adds the junior Senator from New York, "I don't know anyone else in Government who made sense every time he talked."

Madison Avenue was openmouthed in astonishment when Murrow, in 1961, turned his back on its gold and glamor to take on the job of rescuing a Government agency that was the battered stepchild of Washington.

Murrow in broadcasting was a symbol of success and integrity. His reputation and performance were so preeminent that, as his grieving colleague, Eric Sevareid, said at the news of his death yesterday, he was "beyond jealousy." Around the offices of the Columbia Broadcasting System, which he ornamented for 25 years, he was known as a startlingly decent human being, who did battle with the brass, and unlike many great stars encouraged the young and obscure.

He came to Washington with few illusions about the world and himself. He referred to himself, his deputy, Donald L. Wilson, recalls, as "the Satchel Paige of the administration." Paige was almost 50 when he made it to the major leagues. Murrow was 53 when he took over the foundering fortunes of the U.S. Information Agency, which had had 5 names and 12 Directors in its stormy 21-year history and had suffered almost to death during the McCarthy era.

He came at a time when much Capitol Hill opinion held, in the words of former Senator Homer E. Capehart, Republican, of Indiana, that "America should be sold like Cadillacs."

Why did he come? He once told a friend:

"I always felt that if a man had a choice to do what I was doing or to work for the Government, he had to work for the Government. Besides, I had been criticizing bureaucrats all my adult life, and it was my turn to try."

From the first, his very presence acted as a tonic and spur to the troubled Agency.

Just to be working under the same roof with a professional of such distinction raised the spirit of many who never even saw him.

Besides, he had only one directive. The Agency was to tell the truth, to play the news straight. When a State Department official protested early on that the Voice of America was giving too heavy coverage to the freedom rider violence in Alabama, Murrow replied that it was a big story and "we better tell our own bad news rather than leave it to the enemy."

Congressmen bleated at the news policy, but when it was explained to them in that vibrant voice issuing from the familiar cloud of cigarette smoke, they subsided.

Murrow's reserve quickly became a legend. The local press, many of them old comrades in arms, found it out first. Murrow initially would grant no interviews. When he did it was a strain. Across the desk from the famous face with the bloodhound furrows and the gray eyes peering dubiously and inquiringly from under the black brows, they found his principal contribution was a brooding silence.

At the White House, this quality was prized. In a field of rampaging egoes, Murrow was conspicuously self-effacing.

McGeorge Bundy, the White House foreign policy adviser, remembers that Murrow never once asked to go to a meeting. In time he never had to ask. President Kennedy increasingly said, "Let's find out what Ed thinks" or "Be sure Murrow is here."

Kennedy's regard for Murrow's always solicited advice began during the period of the Bay of Pigs. Too late to stop that fatal course, Murrow heard what was afoot and compellingly and eloquently spoke out against it.

"Yet," says one witness, "no one ever heard him say he had tried to prevent it. He worked harder than anyone to pick up the broken china."

From then on, he was in on every discussion of foreign policy. On occasion, he changed its course.

LIGHTER MOMENTS

"He never fought a problem," says Bundy. "He never tried to impose himself on it."

Murrow was not a glittering figure on the Washington social scene. The shyness that prevented him from calling up a subordinate at the Agency whom he didn't know, kept him home a great deal. In his lighter moments he enjoyed talk of the trade—no man knew more about the capacities and limitations of his colleagues—and he could do a creditable imitation of Winston Churchill, the central figure of the years of his greatest acclaim.

An old New Frontiersman said, "Murrow's legacy here is probably all intangible. It seems to me it's in the duty officer at USIA. He's crisper and prouder than the others, and I think that comes of once having had Murrow for a boss."

In his obscure years here, Murrow brought pride and prestige to a discouraged Agency and he gave counsel to a young President, who always had to wait for the sound of his voice.

WILLIAM P. LEAR, SR.—KANSAS AVIATION LEADER

Mr. PEARSON. Mr. President, Kansas is the Nation's leader in the production of commercial light aircraft and through the efforts of a dynamic individual now is advancing into the ranks of States producing jetplanes for American businessmen.

It is largely through the efforts of William P. Lear, Sr., that this change has been made possible. An acknowledged leader in the aviation industry, he is genius in electronics and a man who has injected many new ideas into aviation. Three years ago, Mr. Lear established a new factory in Wichita, Kans., to build what he considered the twin-jetplane necessary to meet the price and capability needs of business.

In 3 short years this dream of Bill Lear's has been realized, and the new Lear-Jet aircraft are rolling from the production lines at the Wichita facility.

Mr. President, at his time I ask unanimous consent that an article from the April 8, Wichita Beacon, written by Mr. Joe McKnight of the Associated Press, outlining the accomplishments of William P. Lear, Sr., be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILLIAM LEAR "MAN IN HURRY" TO BUILD ON-THE-GO PLANES

(EDITOR'S NOTE.—The following article was written by Joe McKnight, Wichita Associated Press correspondent, for newspapers throughout the United States.)

William (Bill) P. Lear, Sr., is a stocky, restless man in a hurry to provide businessmen on the go with their private airliners.

At 62, he feels he's just getting off the ground in the executive jetplane business but already he's branching into another of his plush twin-jet planes priced at $595,000 apiece.

Lear has spent more than 40 years running engineering, electronics, and aviation firms.

Born at Hannibal, Mo., in 1902, he lied about his age to serve in the Navy as a radio instructor during World War I.

In 1921 he developed a battery operated radio, forerunner of the automobile radio. From 1922 to 1924 he was president of Quincy Radio Laboratory, Quincy, Ill., a pioneer firm in developing aircraft communications.

During the next 6 years he set up radio and manufacturing firms in Tulsa, Okla., and Chicago.

In 1930 he founded Lear developments, later known as Lear, Inc., which built a variety of aircraft electronics systems and was the basis for a Lear airplane.

He stayed with the firm until 1962, the last 12 years as chairman of the board. Lear, Inc., is now merged and known as Lear Siegler, Inc., an electronics firm at Santa Monica, Calif.

Lear holds about 100 patents on equipment for aircraft communications and navigation.

His newest product is a sleek needlenosed eight-place craft that can hustle 1,800 miles at up to 570 miles per hour and altitudes to 41,000 feet.

"We're the only plane manufacturer I know that sells on a no return of deposit. I sell no options, but I get progress payments while the plane is being built. These planes are paid for when they leave the plant.

"That's the only basis I can operate on."

Lear charges about his plant interrupting assembly line or engineering work to talk with employees or to show a visitor the mechanism for some part of the plane.

"I've got a bunch of guys that stay here because they love to compete," Lear said. "Engineering is the most fun of the business."

Several key personnel on Lear's staff have come from competitors, a knack which has brought some grumbles—and envy—among other plane builders.

In 1940 Lear was awarded the Frank M. Hawks memorial award for the design of a compact aircraft navigation aid.

He later developed an advanced autopilot and progressed to systems by which jet planes could make automatic pilotless landings.

For this the National Aeronautic Association awarded him the Collier aviation trophy in 1950.

One of his pet projects at Lear, Inc., was to buy twin-engine transport planes used by the military during World War II. He overhauled them, put in new engines, plush interiors and sold them as executive planes dubed the Learstar.

Lear sold his interest in the California firm in 1962 and shortly after came here to start Lear Jet Corp.

He found the going tough from the start.

"I was never able to borrow a dollar from any bank in America for this business," Lear said.

Lear put his personal fortune into the business and got the city of Wichita to sell bonds (which he later bought) to finance his initial jet plant. Associates estimate his personal investment at from $7.5 million to $10 million.

He credits his customers' faith, good credit and a way of doing business with making the firm go.

Late last year the Securities and Exchange Commission approved a public stock issue. Of the 4 million shares authorized, 500,000 were sold to the public at $10 per share. Lear retains 1.5 million shares and the remaining two million have not been issued.

Lear's first jet was hardly airborne before he was shopping for another enterprise.

So he opened a factory in Detroit, Mich., to make radio-stereotape players for automobiles. He hopes to add a line of home stereo units which will accept the same tapes. The tape units are also available in his planes.

APPROVAL OF THE MEDICARE BILL

Mr. ANDERSON. Mr. President, the Independent, of Anderson, S.C., on April 12, 1965, published an editorial entitled "'Thank God' Chorus of Older People Is Nationwide." The editorial comments on the overwhelming approval by the House of the administration's medicare bill. I ask unanimous consent that the editorial be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anderson (S.C.) Independent, Apr. 12, 1965]

"THANK GOD" CHORUS OF OLDER PEOPLE IS NATIONWIDE

Overwhelming House approval of the Johnson administration's medicare bill was, as the President said, "a landmark day in the historic evolution of our social security system."

The measure, which provides hospital and nursing care through social security for persons over 65 years of age, is assured of passage in the Senate.

The bill also liberalizes present social security old-age, survivors, and disability benefits. It broadens medical assistance under existing welfare programs.

The 3-to-1 vote by which the House approved this legislation to provide more security and dignity for older citizens represents a smashing victory for the people over entrenched special interests.

The battle to achieve passage of medicare has been fought for almost a decade. It was approved last year by the Senate, but was narrowly defeated in the House.

President Johnson campaigned last year with medicare as the No. 1 plank in his platform. His landslide victory also swept into the House the large Democratic House majority that accounted for the medicare victory.

No longer will older people have to live out their autumnal years in fear that serious illness will wipe out all they have and leave them helpless, hapless, and suffering wards of niggling and negligent public charity.

ANOTHER ALASKA FIRST

Mr. BARTLETT. Mr. President, I am proud to announce what is believed to be another first for the State of Alaska.

Students at the Manpower Development Training Center, at Anchorage Community College, have organized their own government, and have elected officers.

I have been informed by the U.S. Department of Labor that it has no record of a student government organization at any other such training center.

The effort which went into creating the organization indicates that the center has kindled among the students interest in becoming responsible, productive members of society. It is gratifying to learn that the program is progressing so well toward its goal.

Commendation should be given the news media of Alaska for giving their valuable support to the training program.

Also, I congratulate the officers of the center: Elfrain Romero, president; Angelo Deck, vice president; Susan Anderson, secretary; Evelyn Van Sickle, corresponding secretary; and Pedro Gaviria, treasurer.

A short description of the program is given in the Anchorage Daily News of April 2. I ask that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Anchorage (Alaska) News, Apr. 2, 1965]

FIRST OF ITS KIND: COMMUNITY COLLEGE ELECTS STUDENT BODY

The Manpower Development Training Center of the Anchorage Community College has elected Efrain Romero as the first student president of the center.

Following a vigorous campaign other officers installed included Angela Deck, vice president; Susan Anderson, secretary; Evelyn Van Sickle, corresponding secretary; and Pedro Gaviria, treasurer.

The MDTA student government is the idea of the students and faculty of the training center which is located at 670 Fireweed Lane.

Instructors and students hope the new student government will not only meet actual needs of the students but also give a working practice of governmental and political functions.

The center says, as far as it knows, this is the first student organization of its kind in the Nation.

TRIBUTE TO EDWARD R. MURROW

Mr. McGEE. Mr. President, a distinguished and intelligent voice has been stilled. A man who was no small part of America's conscience through times of turmoil is dead. Edward R. Murrow was a man who, as President Johnson has so aptly put it, "subscribed to the proposition that free men and free inquiry are inseparable," and who dedicated years of service as a broadcast newsman and as a servant of his Nation in that belief.

Millions of Americans never will forget, I am sure, the incisive voice of Edward R. Murrow from a London under seige, nor his supremely sane and often courageous ventures into the issues of the day on his "See It Now" program and others. In 1961 we applauded when another great American, President Kennedy, named Ed Murrow to head the U.S. Information Agency, a position which he filled admirably and at great sacrifice. For his talents had brought great financial reward to Edward R. Murrow, whose rise from a Carolina tenant farm to the pinnacle of his profession stands as a tribute to the Nation he loved. He used to say of his job at USIA that he liked to think he was serving his country. He was. He was serving us all. He served us well.

THE POLITICS OF NATIONAL GREATNESS

Mr. BREWSTER. Mr. President, the March-April edition of the Alumni magazine of the University of Maryland contains an article entitled "The Politics of National Greatness." This article was written by Prof. Franklin L. Burdette, director of the bureau of governmental research at the University of Maryland. Professor Burdette is a recognized authority, and I am confident that his comments on the current political scene will be of interest to my colleagues in the Senate.

Mr. President, I ask unanimous consent that Professor Burdette's article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICS OF NATIONAL GREATNESS

(By Franklin L. Burdette, professor and director, Bureau of Governmental Research, University of Maryland)

Can the Greaty Society that President Johnson proposes, that is both the slogan and the label of his leadership, become political reality? The simple and even obvious truth is that no one knows, that many hope and believe, that everyone in American will be vastly affected, and that the outcome will be greatly different from the pattern that anyone could now draw.

That a great society might need to be built is an implication which would have startled most Americans after World War I. A generation which had made the world safe for democracy was self-sufficient, isolationist, and complacent in temper. Had not America already attained its greatness, lasting and inevitable? It has always been and is now characteristic of Americans that no significant groups have really doubted the national greatness or the promise of the future. There is a new mode, however—less satisfied but touched with rising moral purpose—just over the national horizon, emergent but not yet triumphant. It has been nurtured by a great series of cataclysmic episodes: depression, the rise of totalitarianism abroad, war both hot and cold, new and almost unbelievable reaches in science and technology, unprecedented surges of cultural and political expectations everywhere in the world.

Americans have had a great society, but we must act to keep up with the times. That is the new imperative. But how shall we act? Seeing the need for action is an expression of national purpose. The nature and timing of action, the fixing of priorities and the allocation of resources are aspects of the grand strategy of deciding and guiding public policy.

STRATEGIES FOR THE NATIONAL INTEREST

Guidelines for political action, or programs that require political endorsement at the highest level for implementation were discernible in the campaign of 1964. They could be summarized by the campaign slogan, "peace, prosperity, preparedness." The first and last of the three are so closely linked as to be almost one. Peace through preparedness is an oversimplified way of putting a complex but overriding national demand. Two essential elements of recent programs for national security have been maintenance of the world's most powerful nuclear deterrent and of an effective Atlantic alliance. Senator J. W. FULBRIGHT, chairman of the Foreign Relations Committee of the Senate, advocates a third element in the strategy of national security—the building of modest and limited "bridges of accommodation with the Communist world, not because this approach is inherently more desirable than one of total victory for American interests but because there is no acceptable alternative in the nuclear age." Yet he favors continuance of the nuclear deterrent and the alliance. He said at Southern Methodist University in December: "These, I think, are the three bedrocks of our security: none would be an adequate policy by itself and each contributes to the effectiveness of the other." The Senator's suggestion about bridges of accommodation may presage changes in national policy. But it can also be incorporated in other long-range supplements to security to which the United States is already committed in principle: the evolution and refinement of the United Nations and the world rule of law without resort to a superstate.

Basic prosperity, with which the United States has been blessed in postwar years, is both a national demand and essential to the electoral survival of any administration or political party in office. It rests primarily on the productivity of the free enterprise system. As Dean Rusk, Secretary of State, has said of the development of world trade, "the results we achieve will depend more heavily upon private enterprise than upon Government." Maintenance of prosperity is highly complex, for it involves not only holding existing levels of achievement but also positive progress in economic growth. An insufficient rate of economic growth has been for more than a decade an important cause of pockets of poverty, deprivation, and unemployment. If a family income of $3,000 (or $1,500 for individuals) is used as a minimum standard, about 34 million people in the United States are living in poverty. Another 32 million, more or less, are living in deprivation by a standard of $5,000 for family income (or $2,500 for single person). Moreover, the unemployment rate has been persistently over 5 percent of the civilian labor force. These conditions have deterred economic growth by leaving a huge gap in the potential market for goods and services. The tax-reduction program of the National Government has been intended to stimulate both consumption and investment enterprise. The national antipoverty program has been planned as a means of education and training for employment and also as a way of increasing consumer income and demand.

President Johnson's budget, submitted to Congress on January 25, 1965, proposed: (1) increases of Federal funds for education, health, social security, the war on poverty, urban affairs, and conservation; (2) somewhat reduced expenses for defense, international and space programs, agriculture, and veterans' benefits; and (3) a reduction of about $1.75 billion in excise taxes. As could have been foreseen, the President has been criticized by some liberals for proposing expenditures too low to lift the economy rapidly upward, and by some conservatives for failing to effect possible economies in expenditure. The President's own sense of the politic has kept the budget below a $100 billion figure.

POLITICAL PARTIES AND THE STAKES OF POWER

The Democratic Party is now overwhelmingly the majority party in this country. Over half of American adults identify themselves in some degree with it. The latest polls report that only some 25 percent of Americans consider themselves Republicans. What we know of political behavior also suggests that party identification is the largest single factor in determining a voter's preference among candidates running for office in a partisan election. The dominance of the Democratic Party is likely to be changed only by a series of critical elections, as they are sometimes called, in which the primary allegiance of great numbers of voters is shifted. The election of 1896 brought a large change of voter allegiance from the Democratic to the Republican Party, which thereafter became basically dominant in American national politics for more than 30 years. The election of 1936 brought a mass shift in the other direction, although there are strong statistical evidences of growing voter preferences for the Democratic Party in the cities of the East, particularly in New England, as early as 1928. Even in a period of party dominance, the opposition may win a national election—and without a major change in voter allegiance. Woodrow Wilson was elected President in 1912 as a result of a split in Republican ranks, and reelected on his record as an advocate of peace and progress. Eisenhower was elected in 1952 by voters weary of military stalemate in Korea and in tribute to his personal image as a leader above petty partisanship, a major factor in his reelection in 1956.

In the past 70 years the major parties have had, in their respective periods of dominance, the primary loyalty of great numbers of industrial workers. As the modern Democratic Party has been the party of the New Deal and the Great Society, the Republican Party was once the party of the full dinner pail.

If the lessons of the past have validity, the dominant party must exert progressive leadership for economic opportunity and national development. If it loses that advantage, it loses the allegiance of its voter majority. The greatest peril to a party is that it may lose its image of leadership, that it may become ossified in times of changing conditions.

The United States is rapidly changing. Not only is population vastly expanding, it is becoming younger. The postwar birth rate is making the electorate, statistically, the youngest in the Nation's history. It is also an educated electorate, with relatively high job and income security. With the exception of pockets of poverty and deprivation, which may themselves give way to progress, economic issues are being pushed aside by demands for educational, recreational, and other cultural programs. The farm bloc and even organized labor, sure to remain politically important in decades to come, are relatively less numerous in the electorate as automation and other technological changes tend to supersede unskilled and semiskilled workers, whose electoral strength is being replaced by that of growing numbers of voters whose work is in middle management. As elemental economic considerations become less basic in predominant political motivation, moral and cultural aspirations become more so. It is surely no accident that the civil rights movement has come at such a time. Significant also is the fact that Negroes are turning from protest to politics. It is not lost in the minds of politicians that President Johnson's victory in four Southern States depended on the votes of Negroes.

Decisions of the Supreme Court on legislative apportionment and districting, widely affecting the politics of an urbanizing America, will have mixed repercussions for both majority and minority parties. The ultimate results may well force parties to be more rather than less adaptable to changing circumstances, less rather than more sure of stable majorities.

American mobility and the impact of mass communications media have tended to nationalize the appeals and activities of both parties. The decline of localism—especially in suburban areas and in spreading cities where voter identification with grassroots politics or even with community governmental services in minimal—has at the same time reduced the effective operation of permanent political organization.

With all the winds of change, there is no sound evidence that the Republican Party will disappear. On the contrary, the present large majority of the Democrats holds a new invitation to factionalism and disunity, as did the large majority of the Republican Party in its day in power. The advantages of the two-party system, of the loyal opposition (to use a favorite expression of former President Eisenhower) are deeply rooted in law and custom. The task of each party is to recruit and maintain responsible leadership, sensitive to the claims of progress, and much of the vigor and contribution of each of the parties will depend on how well it is done. The number of Americans who put party above country, or even above a central issue, is very small indeed. For an increasingly large number of voters, partisanship is incidental. Voters not only hedge their partisanship by splitting tickets; many of them willingly support able candidates on individual merit. An educated electorate the more readily recognizes that the demagog appeals to fragments rather to the whole of man's nature. In a society open to the participation of all its citizens, a society that we may properly call both free and great, it is the function of electorally responsible leadership to engage in political education and in the engineering of consent. The electoral rewards of responsibility have become more and more apparent in American politics.

Comparing the Roosevelt and Johnson mandates

Year	Popular vote	Percent	Number of Representatives				Number of Senators		
			Year	Democrats	Republicans	Other	Democrats	Republicans	Other
1932:									
Roosevelt	22,821,857	57.41	1933	310	117	5	60	35	1
Hoover	15,761,841	39.65							
1936:									
Roosevelt	27,752,841	60.80	1937	331	89	13	76	16	4
Landon	16,679,491	36.54							
1940:									
Roosevelt	27,243,466	54.69	1941	268	162	5	66	28	2
Wilkie	22,334,413	44.83							
1944:									
Roosevelt	25,612,474	53.39	1945	242	190	2	56	38	1
Dewey	22,017,570	45.89							
1964:									
Johnson	[1] 41,523,172	61.40	1965	296	139	------	68	32	------
Goldwater	[1] 26,171,832	38.60							

[1] Unofficial.

THIRTIETH ANNIVERSARY OF SOIL CONSERVATION SERVICE

Mr. BYRD of Virginia. Mr. President, through all the years of my life, it has been a source of satisfaction to me to participate in private and public efforts for conservation.

Personally, I have always been deeply interested in land and natural resources. Publicly, I have always done as much as I could for the constructive work of conservation in both State and Federal Government.

The word "conservation" has great meaning to me, however it is used. The word comes from "conserve," which, according to Webster, means "to keep in a safe and sound state." This is a high and worthy purpose, whether applied to natural resources or to political principles and institutions. The political definition of a conservative, again according to Webster, is one who "favors conservation of existing institutions and forms of government."

But it is not my purpose today to discuss political conservatism. April 27th was the 30th anniversary of the Soil Conservation Service. The act establishing the Service was signed on April 27, 1935.

I am told that—with Senators CARL HAYDEN and RICHARD RUSSELL—I am one of three Members of the Senate who were here when the act was passed. This is a program I am pleased to have supported.

Since we are observing the anniversary of an act of Congress of 30 years ago, I shall take the liberty of indulging in a little reminiscing. Let me recall March 4, 1933, when President Franklin Roosevelt and I took the oath of office.

We Democrats in 1932 voted in the New Deal on a great platform that stirred my enthusiasm. I am still enthusiastic about that platform, and to this day I am the most loyal of the original New Dealers in the Democratic Party.

I shall quote just a few passages from that 1932 New Deal platform, to back me up in the statement I have just made. I quote directly from the platform:

> We believe that a party platform is a covenant with the people, to be faithfully kept by the party when entrusted with power, and the people are entitled to know in plain words the contract to which they are asked to subscribe.

Now I shall quote some of the plain words of that contract between the New Deal and the people who entrusted them with power. These plain words in the platform included these which I quote:

> We advocate immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance, to accomplish a saving of not less than 25 percent of the cost of the Federal Government.

There we old New Dealers stand. Admittedly, there is not much left to stand on; but, then, there are not many of us left standing. Just let me quote again. That platform said:

> We favor maintenance of the national credit by a Federal budget annually balanced and a sound currency to be preserved at all hazards.

And to conclude these quotations from the original New Deal platform of 1932, it said we stood for—

> the removal of government from all fields of private enterprise, except where necessary to develop public works and natural resources in the common interest.

The Soil Conservation Service was one of the most productive agencies to spring from that platform; and for 30 years it has administered one of the most constructive programs of the Federal Government. This is a service to provide technical assistance in soil and water conservation, and watershed protection and flood prevention. Its primary job is to help farmers and ranchers individually, and in groups, to do conservation work on land.

It has been my great privilege to observe closely the development following this program in Virginia. There are 31 soil conservation districts in Virginia. There is reason to be proud of their accomplishments:

More than 30,000 farmers have developed conservation farm plans.

More than 1¼ million acres are under conservation cropping systems.

There are 14½ million feet of tile drains.

There are nearly 500 million feet of open drains.

More than 23,000 farm ponds have been built.

A quarter of a million acres have been planted in trees.

Nearly 25,000 acres have been established in wildlife development.

Landowners and operators in Virginia have invested well over $70 million of their money in applying conservation practices to the land, in connection with this program.

Nationwide, technicians of the Soil Conservation Service have helped some 2 million farmers and ranchers, whose farms and ranches cover more than half a billion acres.

It is a privilege and a pleasure for me to stand on the floor of the Senate and, from personal observations, to say here is a Federal agency and program which have earned the highest tribute described by the words—"Well done—in good, efficient, and constructive service."

"CONSERVATION AND THE GOOD LIFE"—ADDRESS BY SECRETARY UDALL

Mr. McINTYRE. Mr. President, on April 20, the Honorable Stewart Udall, Secretary of the Interior, addressed the New Hampshire Governor's Conference on Outdoor Recreation. In view of the increased focus of attention on preserving our natural resources throughout the Nation, I commend to my colleagues the Secretary's thoughful remarks on "Conservation and the Good Life."

I ask unanimous consent that Secretary Udall's splendid speech be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Conservation and the Good Life

(Remarks of Stewart L. Udall, Secretary of the Interior, at the New Hampshire Governor's Conference on Outdoor Recreation, Concord, N.H., Tuesday evening, Apr. 20, 1965)

Less than 3 months ago President Johnson sent to Congress a message on the natural beauty of our country. The response has been overwhelming, and unprecedented. In the vernacular, the President struck a nerve. It was as if the entire Nation had been waiting for someone to point out that natural beauty and the good life go hand in hand.

And that is what I wish to talk about today—the good life.

For that is the meaning of the Great Society. The good life is the Great Society translated into individual terms. It seems to me that a man has a right to be able to open his eyes in the morning and see trees. His daily trip to work should be in pleasant surroundings. He should find satisfaction in his job, and in the physical atmosphere in which he works. He should enjoy his evenings at home, and his children should have been able to partake of the realm of nature after school. And on Saturdays and holidays and during vacations, he should find satisfactions, whether they derive of the primitive outdoors, the languor of a well-filled waterfront, or the excitement of the theater and its kindred pursuits.

These are the meanings of President Johnson's message on natural beauty. These are the implications of his discussions of beauty and our highways, or rivers, trails, pollution, urban needs, and much more.

These are the reasons he proposed new Federal recreation areas at Assateague Island down on the Maryland-Virginia coast, at Tocks Island on the Delaware in New Jersey and Pennsylvania, and at 10 other specific locations throughout the Nation.

The quest for the good life is why he proposed a White House Conference on Natural Beauty and Conservation. This now has been set for May 24 and May 25 in Washington. Laurance Rockefeller will be Chairman to this illustrious gathering of perhaps 800 top business, Government, and conservation leaders. Some 15 small discussion panels will talk about automobile junkyards and burying unsightly electric power transmission lines and other new ideas and approaches.

We look for the White House Conference to serve as focal point for a larger public education effort. This is needed to alert Americans both to the dangers to our natural heritage and to the possibilities for action that will help produce the good life.

The charter contained in the message on natural beauty is broad, yet specific. For city problems, the open space program and the new land and water conservation fund are mentioned. So are more attention to architecture, roadbuilding, preservation of historical structures, careful suburban planning, programs of extending university resources to communities, and a series of local Federal park demonstration projects.

The object: to help make the good life an urban reality.

The message on natural beauty proposed landscaping certain Federal highways, more roadside rest, and recreation areas, attention to possibilities of a national system of scenic roads and parkways, billboard and junkyard control legislation.

The object, again: to help make urban and rural life a good life.

The far-reaching message on natural beauty proposed a cooperative Federal-State-local trail program for those who like to walk, ride horseback, or go bicycling. It sought clean water, clean air, better waste disposal, more care in use of pesticides, more environmental health research.

Why these recommendations? The search for the good life.

Outstanding in an outstanding message was support for the proposal that this Nation should establish a national system of wild rivers. We have dedicated rivers for navigation. We have set aside rivers for municipal and industrial water supply. We have preempted rivers for sewage disposal. We have earmarked rivers for irrigation. We have dammed rivers for hydroelectric power. Well and good; we have needed rivers for these purposes. We need rivers for recreation, just as much and often far more than we need them for these other purposes. Wild rivers legislation now pending before the Congress would dedicate to recreation a national system of wild rivers.

This legislation proposes that segments of six fine wild rivers be named now as National Wild Rivers. These are the Rogue of Oregon, the Salmon of Idaho, the Clearwater of Idaho, the Green of Wyoming, the Suwannee of Georgia and Florida, and Rio Grande of New Mexico.

The legislation suggests that nine other rivers, all wild in many aspects, be studied as possible later additions to the national system.

Three other rivers—the Allagash in your neighboring State of Maine, the St. Croix and its tributary, the Namekagon of Minnesota and Wisconsin, and the Buffalo of Arkansas will be the subjects of other legislation, similar to that which established the Ozark Scenic National Riverways in Missouri during the past Congress.

Wild rivers and the good life go hand in hand, particularly in a nation with the frontier heritage which profits us so much even today.

I shall return to a major aspect of the President's message on natural beauty in a few moments. First, though, I feel that I should mention two other bills relating to the kind of life we lead or want to lead. Both involve water. One is called the Federal water project recreation bill. This measure sets up prospective standard guidelines for allocating capital construction costs of Federal multiple-purpose water resource projects. Under this proposal, States or other public bodies could share part of the recreation costs of Federal water resource projects, thus making possible many projects that otherwise might not get built. This measure has passed the Senate and had hearings in the House.

The other measure which I have in mind is the Water Quality Act of 1965. Its purpose is to enhance the quality and value of our water resources and to set a national policy for prevention, control, and abatement of water pollution. Does this sound like the message on natural beauty? Indeed, it does; it goes to the root of one of our worst problems. New authorities under this measure would reside in the Department of Health, Education, and Welfare. Waste treatment construction grants, on a matched-fund basis, are doubled, among other provisions. We need this measure to help achieve the good life. The Senate agrees; it has passed the bill. The House seems to feel the same; the bill has been reported out of committee.

Now let us devote ourselves for the remainder of our time exclusively to outdoor recreation, although I think I hardly have mentioned a subject yet that isn't outdoor recreation. Municipal open space involves outdoor recreation. Primitive back-country trails involve outdoor recreation. County parks and reservoirs involve outdoor recreation. Private resorts and motels and sports areas are involved in outdoor recreation.

At times I hear questions about the value of outdoor recreation. The arch typical question seems to be, "Sure a park would be wonderful, but we need the land on the tax rolls."

I say this here and now. Land in parks and forests may be and quite often is more valuable to a community than that same land is on the tax rolls. Most urban land still on the tax rolls goes into residential developments. Before accepting the tax roll argument, I suggest that we total costs of new schools, new roads, added police service, more sewage mains and all the other commitments necessary to any housing development. And contrast this with increased values in areas surrounding land dedicated to open spaces. Why is the highest priced land often around golf courses? Ask the city of Minneapolis about this. They will tell you that their magnificent park developments have increased surrounding land values several times more than the cost of the system. The New York City Planning Commission says open space brings more profit to cities than the floor space which it replaces.

In our own Federal experience we have seen this: at Cape Hatteras National Seashore, at Grand Teton National Park, around Lake Texhoma, we have seen values of surrounding property increase, tax rates lower, bank deposits increase, retail sales rise.

Outdoor recreation is big business, more than $20 billion per year in goods and services. I don't have to tell New Hampshire people this. What have the summer homes meant to the economy of this State? What about ski slopes, although this is a poor year to bring up this subject? These result in increases in goods and services that are vital to the economic life of this State. Keeping abreast and ahead of the demand for outdoor recreation is one of the prime necessities for this State, and every State.

You approved $10 million for recreation loans and State parks in 1961. Many of your neighboring States have taken similar action. You now are engaged in developing a comprehensive statewide plan, with a comprehensive outdoor recreation plan as an integral part.

This plan will consider public and private, State and local, recreation needs, demand, programs, and other factors.

It is my understanding that you are considering extending your bond issue to provide money needed to match Federal funds under the Land and Water Conservation Fund Act. According to our more recent calculations, New Hampshire might qualify for somewhere in the neighborhood of $900,000 per year of Federal funds under this new act. This could be used for recreation planning, acquisition, and development. Part of it could be reallocated to the State's political subdivisions.

I understand that you added 3,664 acres to your park system in 1964. Improved the existing physical plant at many locations, and entertained more than 2,700,000 recreation users. In addition, you operate some Federal recreation lands under lease and, I hear, have your eye on other land in the event that it becomes surplus to the needs of our Military Establishment.

We are delighted to see your emphasis on these matters. State action on recreation problems will be of far greater benefit and will be far easier to justify to the doubting with comprehensive planning as a foundation.

Your support of outdoor recreation has parallels throughout the Nation. Indeed, it led Congress to pass the Land and Water Conservation Fund Act. This measure for the first time gives us a continuing source of funds to use in meeting our National and State recreation needs. A continuing source, based largely on pay-as-you-go revenues.

The President has asked Congress to appropriate $125 million this year from this new fund, about 60 percent of it to the States in matching grants. We have worked to devise a reasonable and fair formula for allocating to the States whatever appropriations result. Under the statute, each State gets an equal share of two-fifths of the moneys available to the States, assuming that the State matches the Federal money as required.

The remaining 60 percent of the State's share is divided as follows: 40 percent on the basis of population. Five percent on the basis of out-of-State use. Ten percent in relation to Federal resources and programs in the State. Five percent reserved for contingency.

The folks at the Bureau of Outdoor Recreation can give you more details. I know that some of you have been disturbed at not having the Federal money in hand already, even though Congress has yet to complete action on appropriations. I would say to you that translating the land and water conservation fund into operating reality entails tremendous work by both administrating and benefiting agencies. It takes numerous legal interpretations. And reasonable amounts of time.

The land and water conservation fund was hailed as landmark legislation by President Johnson when he signed it into law last September. Nothing has developed to discount his statement. On the contrary, we are only now beginning to glimpse its real potential in many areas. It is mandatory to its long-range success that we get the fund off on the right foot during its initial year of operation. Much that all of us will acknowledge as being of the good life depends on how well we accomplish this task.

Now in conclusion I want to turn salesman. I am selling $7 recreation conservation stickers. It's the finest outdoor recreation bargain you'll ever get. For $7 you get to visit all the national park system, all the national forest system, the national wildlife refuges, the Nation's reservoirs, its seashores—any and every Federal recreation area where admission is charged. And you get more than this for your $7. You get to take your whole family—as many people as you can crowd into your car—into all these Federal areas for an entire year.

Yet no one is forced to buy this recreation/conservation sticker to get into the Federal recreation areas. You can pay the 1-day admission fees, if you desire. Or, if you use only one particular park or forest throughout the year, we have an individual permit available. This costs no more than five times the individual daily rate. Children under 16 and conducted educational touring groups don't have to pay.

Evidences of unhappiness and dissatisfaction with the $7 recreation/conservation sticker are developing in some localities. I find this understandable, for in many instances we are requiring entrance charges for the first time. I think most dissatisfaction will evaporate as the value and purposes of the recreation/conservation sticker become better known. Yet I ask your help now, as a salesman, in telling people what this sticker is for. I expect to see this little 3-inch-square pressure-sensitive label evolve into something bigger. I expect to see it become the symbol of our concern with outdoor recreation, a sign that the holder is willing to pay a share of the cost of the benefits he enjoys.

Certainly right now it is the index of public concern with outdoor recreation needs. We expect to sell possibly 5 million of these $7 stickers this year. This revenue, together with proceeds from sale of surplus Federal real property and Federal motorboat fuel taxes, is the nucleus of the land and water conservation fund. It is these three sources of revenues, together with any other moneys which Congress may advance to the fund, that provide the approximately $900,000 per year which may be available as grants-in-aid to New Hampshire. These same revenues will help to acquire recreation areas already authorized in Federal legislation, many of them in your vicinity.

The recreation conservation sticker will be on sale at or near entrances to all Federal recreation areas where it can be used for admission. Many offices of the Department of the Interior and the Department of Agriculture will maintain stocks of the sticker for sale. We are negotiating with several private associations and companies with vital travel interests to stock and sell the new $7 stickers.

If you don't think you can find any other place to buy a sticker, send a check or money order to me or to the Bureau of Outdoor Recreation in the Department of the Interior in Washington. We will send you a sticker by registered mail.

We are doing our best to sell the recreation/conservation sticker and to administer the Land and Water Conservation Fund Act in full harmony with the spirit of the President's message on national beauty. It is our intention to make creative contributions to carry out the conservation objectives which he holds before us.

In this message the President told us how to open a window on the good life. He said: "We must not only protect the countryside and save it from destruction, we must restore what has been destroyed and salvage the beauty and charm of our cities. Our conservation must not be just the classic conservation of protection and development, but a creative conservation of restoration and innovation. Its concern is not with nature alone, but with the total relation between man and the world around him. Its object is not just man's welfare, but the dignity of man's spirit."

TRIBUTE TO JUDGE DAVID A. PINE

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as part of these remarks, an article entitled "A Model for the Judiciary," written by the eminent journalist, Arthur Krock.

The article is devoted to the great work of Judge David A. Pine, an outstanding jurist of his time. I think the article should appear in the RECORD, because, in my opinion, it deserves the widest possible dissemination.

Not only does Mr. Krock describe the work of a great jurist; he also quotes directly from a speech by Judge Pine at the College of William and Mary, in Virginia, when the founding of two oldest law schools in the world—those at Oxford and at William and Mary—was being observed.

These statements should be read by every lawyer and every judge, every citizen and every student in the country.

The celebration at William and Mary was chaired by the Honorable Otto Lowe, an alumnus of the William and Mary Law School, and a distinguished member of the Virginia and the American Bar Associations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Apr. 20, 1965]

IN THE NATION: A MODEL FOR THE JUDICIARY

(By Arthur Krock)

WASHINGTON, April 19.—"If conscientious, able, and independent men are put on the bench," wrote Charles Evans Hughes in his Columbia University lectures (1927), "you cannot predict their course as judges by reference either to partisan motives or personal or party loyalties." And no member of the American judiciary fits this description more closely than David A. Pine, who has just voluntarily changed his status from chief judge of the Federal courts of the District of Columbia to senior judge of this branch.

AUTHORIZED CHANGE

This change, authorized as an alternative to retiring by a recent act of Congress, enables Judge Pine to continue his service by sitting in a substantial number of cases of his own choosing. And this service has been most notably rendered in a number of judgments which are landmarks in the dispensing of impartial justice. For Hughes' adjective "conscientious," as applied to Judge Pine, especially fits his inflexible practice of deferring decision until both sides of a case have been fully presented. Also, in the concept that the standard of justice is the law of the case and not what he thinks would help formulate some new public policy he finds desirable.

Three celebrated rulings, and an address on the Constitution at William and Mary College, are sufficient examples of the contribution Judge Pine has made to the equitable administration of the law and the preservation of the American constitutional system since he was appointed by President F. D. Roosevelt, whom he had served in other legal posts. The first ruling grew out of the seizure of the steel industry by President Truman in 1952. This was done on a claim of inherent Presidential powers, under the Constitution to forestall an emergency to the national interest created by a contemplated strike.

The Youngstown Sheet & Tube companies, and other plants seized under the Executive order, sought an injunction. After stressing the principle that this is a government of limited, enumerated, and delegated powers, and taking note of the constitutional powers expressly granted to the President, Judge Pine rejected the argument that emergency situations permitted the President to expand them as in this instance.

"I believe," he wrote, "that the contemplated strike, if it came, with all its awful results, would be less injurious to the public interest than the injury which would flow from a timorous judicial recognition that there is some basis to this claim to unlimited and unrestrained Executive power, which would be implicit in a failure to grant the injunction."

U.S.S.R. EMBASSY CASE

Twelve years later three members of the Board of Zoning Adjustment in the District of Columbia, two of whom were minor Government employees, were secretly advised that high Federal officials wanted the Board to agree to permit the U.S.S.R. to erect an embassy office in a residential zone from which such structures are prohibited. The exception was ordered. Judge Pine vacated it, ruling that since there was no public record of any of these Government pressures on the Zoning Board members, the neighbors who objected had been denied a fair and impartial hearing. They were, he said, "entitled to the same fairness * * * and impartiality as are expected in a court of law."

Consistent with the above was Judge Pine's action to protect those General Aniline stockholders who, or whose agents, were not present in court to express either approval or disapproval of a consent decree settlement of ownership which had been reached between the U.S. Government and the Swiss holding company. He refused to put his signature on a decree negotiated in such circumstances.

The William and Mary College speech was at the 175th anniversary of the establishment of the first chair of law in this country, and commemorated the institution's most famous graduate—Chief Justice Marshall. The following excerpt illustrates Judge Pine's constitutional philosophy:

RESIST USURPATIONS

"Follow the example of the Founding Fathers and be as alertly fearful * * * of usurpation of power [by any of the three Federal branches], the forerunner of tyranny and despotism. * * * What I ask you to fear are attacks on the flanks (of the Constitution) made in the cause of expediency and supported by vast popular demands of the moment. * * * If conditions require a change in the Constitution in its basic provisions, let it be done by the manner provided therein. * * * I believe Marshall * * * would be equally fervent in opposing a nationalism or liberalism in construction [as he was against] any narrow debilitating States rights doctrine of his day."

REPORT ON POPULATION RESOLUTION ADOPTED AT INTERPARLIAMENTARY UNION MEETING IN DUBLIN, IRELAND

Mr. YARBOROUGH. Mr. President, the Economic and Social Committee of the Interparliamentary Union, meeting in Dublin on April 19–25, approved a far-reaching set of recommendations relating to the subject: "The Demographic Problem and the Forthcoming United Nations Conference on World Population." As one of the U.S. representatives on this committee, I am happy to report that all the recommendations submitted by the U.S. delegation were adopted by the committee.

Two of these recommendations are of particular interest to Congress:

The 54th Interparlimentary Conference:

2. Urges the governments of developed countries which are in a position to provide assistance for dealing with population problems to cooperate to the fullest extent possible with the United Nations and with the governments of interested developing countries in providing such assistance;

3. Calls upon the United Nations, interested governments, and appropriate nongovernmental scientific institutions and organizations to intensify research on all aspects of population problems, including medical research, and research on economic, social, educational, cultural, and organizational problems involved in implementing effective population programs;

Both of these recommendations were submitted by the U.S. group. Both were among the U.S. recommendations that were adopted by the committee.

There is presently before the Senate a bill which would put the U.S. Government into a position whereby it could begin to take action along the lines which it went on record as supporting at the Inter-Parliamentary Conference. Senate bill 1676, introduced by the Senator from Alaska [Mr. GRUENING], and cosponsored by seven other Senators, of which I am honored to be one, would create an Assistant Secretary of State for Population Problems and an Assistant Secretary of Health, Education, and Welfare for Health, Medical Services, and Population Problems. These two Assistant Secretaries, with the support of the Offices for Population Problems, which would be set up under them, would provide the Federal Government with sub-Cabinet-level officials devoting full time to the domestic and international aspects of a problem which, along with the threat of nuclear annihilation, ranks as one of the two great problems facing mankind today. I urge early enactment of this bill.

I ask unanimous consent that the draft resolution presented by the United States and the final resolution approved by the Economic and Social Committee of the Inter-Parliamentary Union be printed at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE DEMOGRAPHIC PROBLEM AND THE FORTHCOMING UNITED NATIONS CONFERENCE ON WORLD POPULATION

(Item 2 of the agenda: Draft resolution submitted by the U.S. group)

Noting the recent declaration by the Director-General of the Food and Agriculture Organization to the United Nations Population Commission that we must "take the fullest measures both to raise productivity and to stabilize population growth, or we will face disaster of an unprecedented magnitude";

Further noting the serious concern expressed in reply to an inquiry by the Secretary-General of the United Nations by many governments of developing countries about the slow rate of economic growth in their countries in relation to the high rate of their population growth;

Noting with appreciation the initiative of the United Nations Economic Commission for Asia and the Far East in convening the Asian Population Conference in December 1963 and the recommendations of that conference as endorsed by ECAFE in its resolution 54 (XX);

Noting with satisfaction the high priority given by the United Nations Advisory Committee on the Application of Science and Technology, inter alia, to the "objective of a more complete understanding of population problems";

Taking into account the action of the United Nations Economic and Social Council in its resolution 1048 (XXXVII) in inviting "the General Assembly, the regional economic commissions and the Population Commission to make recommendations with a view to intensifying the work of the United Nations in assisting the governments of the interested developing countries to deal with the population problems confronting them," and urging "the Secretary-General and the specialized agencies concerned to explore ways and means of strengthening and expanding their work in the field of population";

Commending the United Nations for organizing a World Population Conference to be held in Belgrade, Yugoslavia, in September 1965;

1. Recommends that the United Nations and the specialized agencies, including the World Health Organization, proceed as rapidly as is feasible in expanding the scope of the assistance which they are prepared to give, upon the request of Governments, in the development not only of statistics and research, but also of experimentation and action programs relating to population problems;

2. Urges the governments of developed countries which are in a position to provide assistance for dealing with population problems to cooperate to the fullest extent possible with the United Nations and with the Governments of interested developing countries in providing such assistance;

3. Calls upon the United Nations, interested governments, and appropriate nongovernmental scientific institutions and organizations to intensify research on all aspects of population problems, including medical research and research on economic, social, cultural, and organizational problems involved in implementing effective population programs.

4. Requests governments to facilitate participation in the forthcoming World Population Conference of outstanding scholars, scientists, and other experts in all relevant fields from both developing and developed countries.

THE DEMOGRAPHIC PROBLEM AND THE FORTHCOMING UNITED NATIONS CONFERENCE ON WORLD POPULATION

(Draft resolution adopted by the Economic and Social Committee)

The 54th Inter-Parliamentary Conference,

Taking into consideration that, according to U.N. data, today's world population of approximately 3.3 billion people is expected to double by the year 2000;

Further taking into consideration that this growth of population will occur especially in the developing countries;

Noting that the decline in the high mortality rate, which is the result of the general advance in the application of medical science and an almost complete stop in the spread of epidemics which previously caused the death of millions, is the main reason for this future, rapid growth of world population;

Recognizing that, if any nation's population rises faster than its wealth, its standard of living must inevitably fall and therefore it follows that control of population, by whatever means acceptable, is as important as the increase of the national wealth;

Taking into consideration that measures to solve the population problem should be brought into effect with regard to the various specific conditions of the development of population in individual countries;

Taking further into account that, for the future number of world inhabitants and for the growth of their living standards, it is essential to insure a speedier growth of their vital resources in relation to the growth of population, that is, foodstuffs and other consumer goods, housing, etc.;

Believing that the growth of vital resources must be insured by a faster economic development, especially by the development of the underdeveloped regions;

Noting that, in the developing countries, favorable social conditions, such as political and economic sovereignty, economic growth, development of the public sector, solution of the agrarian problems, etc., are necessary for the solution of population problems;

Commending the United Nations for organizing a World Population Conference to be held in Belgrade, Yugoslavia, in September 1965;

1. Recommends that the United Nations and the specialized agencies, including the World Health Organization, proceed as rapidly as is feasible in expanding the scope of the assistance which they are prepared to give, upon the request of governments, in the development not only of statistics and

research, but also of experimentation and action programs relating to population problems;

2. Urges the governments of developed countries which are in a position to provide assistance for dealing with population problems to cooperate to the fullest extent possible with the United Nations and with the governments of interested developing countries in providing such assistance;

3. Calls upon the United Nations, interested governments and appropriate nongovernmental scientific institutions and organizations to intensify research on all aspects of population problems, including medical research and research on economic, social, educational, cultural and organizational problems involved in implementing effective population programs;

4. Urges all parliaments to exercise influence on governments to facilitate participation in the forthcoming World Population Conference of outstanding scholars, scientists and other experts in all relevant fields from both developing and developed countries;

5. Calls on all countries to mobilize their resources for the growth and fairer distribution of the world's wealth and for the harmonious development of the world's population.

U.S. POLICY ON SOUTH VIETNAM

Mr. CANNON. Mr. President, in the Washington Post of April 21, Joseph Alsop set forth in his column a well-reasoned and much-needed explication of the wisdom of the Johnson administration's policy on South Vietnam.

Mr. Alsop discussed in detail the fallacies behind the wishful thinking of the critics of President Johnson who are arguing for peace at any price. He draws an interesting parallel between those who would retreat in the face of the threat of Chinese intervention and those who, a generation ago, counseled appeasement of Nazi Germany.

I commend this article to my colleagues, and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 21, 1965]

Pompous Ignorance

(By Joseph Alsop)

One proof of the wisdom of President Johnson's Vietnamese policy is its marked success to date.

One must always be prepared for bad news. But it must also be said that since the Pleiku episode drove the President to take determined action, he and his policymakers have been calling the shots with quite unprecedented accuracy.

Another proof of the President's wisdom is the kind of criticism his policy has thus far invited. It is bad enough when Senator Fulbright allows himself to ruminate in public on the desirability of "stopping the bombings." Apparently the Senator believes that this is the best way to promote negotiations on an acceptable basis. One can only reply that credulity is a cherished senatorial prerogative.

A more detailed reply is demanded, however, by the increasing barrage of such pieces as one just published by Prof. Hans J. Morgenthau, of the University of Chicago. Morgenthau is an interesting figure; for he plays almost the same key role among the modern appeasers that Geoffrey Damson, of the Times of London played in the be-nice-to-Hitler group in England before 1939.

The resemblance is curiously exact, moreover. "We are deluding ourselves in Vietnam," says Professor Morgenthau and he gives two main proofs for this assertion. First, he warns that we are getting Communist China's back up, which he thinks dangerous because he also thinks that the Chinese Communists are "the wave of the future."

He does not quite use that phrase from the old days. But his explanations of the need to recognize Communist China as "the dominant power in Asia" appear to have been borrowed, almost in toto, from the old Times of London leaders about the need to recognize Hitler's Germany as the dominant power in Europe.

But just as credulity must always be recognized as an inalienable senatorial prerogative, so the right of professors of political science to play at being realists must also be acknowledged. What is not pardonable in any serious academic figure is simple, pompous ignorance such as is revealed by Professor Morgenthau's statement that "the military conquest of Tibet" is an exceptional episode in Chinese history.

This statement is the key to the second Morgenthau argument, that if no one gets China's back up, China will leave her neighbors to "live peacefully in (her) shadow." But the central fact of Chinese history, its most impressive—indeed, awe inspiring—aspect, is the tirelessness with which the Chinese people have resumed the task of conquest whenever an opportunity offered.

China, properly so-called, appears when her history begins as a rather small region in the Yellow River Valley. Since then, China has regularly expanded whenever a strong central government possessed the means to do so. Even in this century, when China's government was weak for so long, the geographical area of ethnic China—the territory mainly inhabited by people of Chinese blood—has nonetheless more than doubled.

Manchuria is fully Sinified. Inner Mongolia is largely digested. The huge province of Sikang, where tribal peoples lived in effective independence until the end of the Second World War, is already being swallowed down. In one or two more generations the Tibetans, if they survive at all, are only likely to survive outside Tibet. And the ancient peoples of central Asia have heard their doom proclaimed.

Even in southeast Asia, both the Vietnamese and the Thais are refugee peoples, long ago pushed out of what is now China by Chinese pressure. In these circumstances, expecting the Chinese to let their neighbors alone, if everyone is just nice to them, is really a great deal sillier than the old be-nice-to-Hitler arguments.

That does not mean that the Chinese people are evil or perverted. On the contrary, they are enviably intelligent, industrious, courageous and in all ways talented. There is a grain of truth among Professor Morgenthau's silly chaff, in the sense that the formidable qualities of the Chinese people also make them a formidable problem.

One way to solve the problem, to be sure, is to recognize the Chinese as the Asian herrenvolk, and to allow them to gobble their neighbors at will, even though their neighbors happen to be our friends and allies. If Professor Morgenthau possessed enough forthrightness to recommend this solution, he could not be called ignorant, although he might perhaps be criticized on other grounds.

It seems a bit better, however, to stand fast by our allies; to defend our own vital position as a Pacific power, and to hope, with good reason, that the evolutionary power of time and the native strength of the Chinese people will eventually bring the present bout of Chinese governmental Stalinism to an end.

SENATOR McGEE HONORED BY WOOL INDUSTRY

Mr. McGOVERN. Mr. President, I call the attention of the Senate to a much-deserved honor that has come to one of our colleagues, Senator Gale McGee, of Wyoming, who on May 6 will receive the Golden Fleece Award of the National Association of Wool Manufacturers.

Senator McGee has been interested in the encouragement of the wool industry in the Nation and in his home State, throughout his career in the Senate, which actually started prior to his election to the Senate, when he served as assistant to the late, respected Senator Joseph P. O'Mahoney, of Wyoming.

He is currently the author of a bill to extend the Wool Act for a 7-year period.

I know that the Members of the Senate will join me in congratulating the National Association of Wool Manufacturers for the excellent selection they have made, for we all know the Wyoming Senator—and none better than I, these days—as an energetic exponent of every cause he undertakes.

Senator McGee's sponsorship of the Food Marketing Commission, last year, now holding hearings and making extensive studies of the food-marketing institutions of the Nation, is another splendid example of his effectiveness.

I ask unanimous consent to have printed in the Record a press release issued by the National Wool Manufacturers, announcing its selection of Senator McGee as one of this year's recipients of its Golden Fleece Award.

There being no objection, the release was ordered to be printed in the Record, as follows:

New York, April 18.—Three men of accomplishment—a U.S. textile executive, an international wool promotion director and a U.S. Senator—will receive Golden Fleece Awards of the National Association of Wool Manufacturers at its 100th annual meeting dinner here on May 6 at the Waldorf-Astoria Hotel. The awards are given for achievement in the recipient's chosen field.

As announced by Roger D. Newell, Newell Textile Sales Co., arrangements committee chairman, the awards will go to:

Ely R. Callaway, Jr., 45, executive vice president of Burlington Industries, Inc., and a director of NAWM who is active in the continuing effort to obtain safeguards against low-wage wool textile and apparel imports.

U.S. Senator Gale W. McGee, 50, of Wyoming, a major wool-producing State, who is one of the most active Senate leaders working on the wool product import problem, which President Johnson has publicly recognized, pledging that his administration will vigorously seek a solution.

William J. Vines, 48, managing director, International Wool Secretariat, London, which recently launched a worldwide wool market promotion program handled here by its U.S. office, the wool bureau.

Presenting the awards on behalf of NAWM, one of the oldest national trade organizations, will be Arlene Francis, famous actress and television personality. She performed the same function in 1960 when she herself received a Golden Fleece Award in a surprise ceremony.

Mr. Newell said that "the association is proud of its century of service but that NAWM and the wool textile industry are looking to the future and the Golden Fleece recipients illustrate this point because they are young men with many years of achievement still ahead of them."

ARMENIAN DAY

Mr. WILLIAMS of New Jersey. Mr. President, among the many nationalities which inhabit the area we refer to as the Middle East, few can claim as long a history as the Armenians. The Armenians enjoyed a long tradition of self-government, prosperity, and intellectual achievement.

Although Armenia became a part of the various multinational empires which have ruled much of the eastern Mediterranean area since antiquity, the Armenians were generally able to maintain their individuality and their traditions.

We recognize, today, the right of all nationality groups to independence; yet this was a new and dangerous philosophy in the 19th century, when the Armenians formed nationalist groups and began to agitate for such independence from the empire of which they then formed a part: the Ottoman. The Ottoman authorities tried to repress their movement, and began a brutal series of repressions in an attempt to convince the Armenians of the futility of their legitimate demands.

Beginning in 1895, and lasting for over two decades, the Ottoman Empire took nearly every opportunity to literally massacre the Armenians. In campaign after campaign, the armies of the empire slaughtered thousands upon thousands of men, women, and children in an effort to rid the empire, either by death or by exile, of the Armenians.

Now, 50 years after the most savage and inhuman of these campaigns began, the Armenians give us pause for reflection, for they provide us with reassuring and moving proof that the will of a people to self-determination and liberty can never be eradicated, no matter what the means.

FINANCIAL STATEMENT BY SENATOR MOSS

Mr. MOSS. Mr. President, I believe that all public officeholders and those who seek public office should make full disclosure of their income, financial assets, business relationships, and every other matter which might be a basis for conflict of interest. I know of no conflict of interest on my part.

I receive an annual salary of $30,000 from the U.S. Senate.

Since coming to the Senate, I have earned approximately $1,000 as honorariums for speeches.

I receive no income from the practice of law or from any business. Upon my election to the Senate, I withdrew from the law practice entirely; and since then I have received no income of any kind—present or future—from the law practice. I resigned from the board of two corporations, and sold my stock, when elected to the Senate. I now have no connection with, or income from, any business corporation, partnership, or proprietorship.

My wife and I own an equity of about $4,660 in the home in which we live in Maryland. I also own an unimproved lot in Holladay, Utah, with a value of less than $500.

Besides our household and personal effects, we own a 1964 Ford and a 1965 Mustang. We own U.S. savings bonds of face value of $1,250, have a savings account of $3,288.13, and maintain a fluctuating checking account of between $900 and $3,300.

We have one son in college—at the University of Utah; one son on a mission for the Church of Jesus Christ of Latter-day Saints; one son in junior high school, in Maryland; and our daughter is married.

COMPANY COMMANDER STATES NEED FOR COLD WAR GI BILL FOR HIS MEN

Mr. YARBOROUGH. Mr. President, recently I received a letter from a military officer, a company commander in the Army. As all know, few servicemen are closer to their men than is their commander; and this officer expresses deep concern for the future of his men when they return to civilian life.

To illustrate the types of educational needs which the servicemen in his company have, and to demonstrate the cogency of this young officer's argument for the cold war GI bill, I ask unanimous consent that this letter, from Capt. Harry C. Calvin, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLUMBUS, GA.,
April 20, 1965.

Senator RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

HON. SENATOR YARBOROUGH: I am an officer (class of 1960 USMA) in the Army with a permanent home in Houston, Tex.

I am writing to you about the need for a cold war GI bill which will enable many of our deserving and capable citizens to attend vocational and technical schools so they will continue to be useful and contributing citizens to our Nation's economy.

At the present time I am a rifle company commander in an infantry battalion. Fifty-eight of my young men are draftees, many from Appalachia and its borders. They have all done good jobs for me in the past year and served their country well. Some have volunteered for Vietnam duty, but were not called to go because (fortunately) ground combat troops have not yet entered that conflict other than as advisers. More than 75 percent of these men are high school dropouts for various reasons. Many have taken the high school general educational development tests sponsored by the U.S. Armed Forces Institute and passed them, indicating their capability to learn. A few have good jobs to return to in 6 months when they are discharged, but most will be forced to look for work; some admit they will draw unemployment as they do not expect to find work available. If they could only attend some vocational or technical school with Government assistance, they would be able to contribute much more to our society than they probably will under the present conditions facing them.

Another problem along this line is that some of my senior noncommissioned officers will be retiring in a few years. They have served us well from World War II and the Korean conflict through the present crisis in Vietnam. They were entitled to the GI bill of rights from World War II and the Korean war but now that these have expired they face bleak prospects of finding suitable jobs to augment their retirement income. Because they stayed in for a career they have been penalized by loss of the GI bill education benefits. Last week it was brought to my attention that Government statistics revealed one out of five retired Army personnel were still unemployed 6 months after retirement. Don't you think they deserve some assistance to be taught a new avocation?

A personal example I would like to point out is that my executive officer, in for a career, enlisted in the Army shortly after finishing high school. He was honorably discharged, attended college under the Korean bill of rights (Public Law 533), was commissioned an officer in the Army and now contributes much more to our country than if he had been discharged only to face a hunt for a job or the difficult task of going to school without any monetary assistance from the Government. This is only one example from millions of veterans that are now contributing much more to the gross national product than they would had they not been able to attend schools with Government assistance.

I urge you to do everything in your power to correct this deficiency in our national program to increase the economic welfare of our Nation's citizens.

Sincerely,

HARRY C. CALVIN,
Captain, Infantry.

GREAT PLAINS CONSERVATION PROGRAM

Mr. YARBOROUGH. Mr. President, in a recent editorial entitled "Reaping the Whirlwind," which was published in the New York Times, the problems of soil conservation and land cultivation in the Great Plains areas were discussed.

I do not feel that the New York Times editorial was written with a full understanding of the bionomics of the Great Plains. In the New York Times of April 25, 1965, there was published a letter which D. A. Williams, the Administrator of the Soil Conservation Service of the U.S. Department of Agriculture, wrote to the editor. In the letter, Mr. Williams explained the work being done by the Great Plains conservation program, and expressed the hope that a growing percentage of land will soon be safely kept in cultivation, with regular conservation practices. I congratulate the New York Times for printing his letter. Having lived in the Great Plains and a portion of my home State being within the Great Plains area, I have given some study to the Great Plains, its people, production, flora and fauna, and ecology. Mr. Williams' letter is very helpful to an understanding of that great area between the Mississippi Valley and the Rocky Mountains. Because this letter contributes greatly to our understanding of the problems and of what is being done to alleviate these problems in the Great Plains, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 25, 1965]

PROGRAM TO HALT GREAT PLAINS' SOIL EROSION

To the EDITOR:

Your recent editorial "Reaping the Whirlwind" excited considerable interest among those of us who are involved in the perplexing problems of Great Plains agriculture. The Times' interest in such matters is, in my opinion, entirely appropriate and extremely welcome.

This is the third year of below-normal rainfall in parts of the Great Plains. The result has been below-normal yields in these areas and below-normal crop residues (stubble) which furnish protection to cropland.

Surveys have shown that, although some of the cropland in the Great Plains is unsuitable for that use (9.6 percent), a great deal of it is in fact suited to cultivation.

Large-scale plowing of the native sod came with wartime urgency for crop production. We knew less about land capability in those years and had fewer tools for determining it. A part of this land became a problem in drought years. In the light of the new knowledge it should be returned to vegetation.

Getting the land back into grass has not been as easy as plowing it, and it was necessary to develop techniques, equipment and plant materials to match the problem. We have been able to do this, although getting grass cover established is always uncertain, even in years of average or better moisture.

It should be pointed out that there were dust storms in the Great Plains long before the first sod was broken out. The dust came from large areas where the soils were largely unprotected by vegetation.

DEALING WITH DROUGHT

In many respects the drought of the 1950's was worse than the one of the 1930's. It involved larger areas, lasted longer, and was more intense. But there was less land damage and human hardship because landowners were learning to deal with the problem.

We are making good progress in defining and revegetating of cropland that is unsuited to cropland use. Whereas in the early 1950's approximately 14 million acres of low-grade cropland was being cultivated in the Great Plains, that average is being rapidly reduced. By 1960 the Department of Agriculture's inventory of conservation needs showed the figure to be about 10,500,000 acres.

About 2 million acres of this ill-suited cropland has been revegetated in the relatively new Great Plains conservation program or is under contract for this treatment. This program was designed in 1956 as a new tool for the Soil Conservation Service in its assistance to soil conservation districts. The program operates in 392 counties and, although the Soil Conservation Service has leadership responsibility, it brings to bear all the resources of the Department of Agriculture.

It provides help in identifying the problem land, in developing conservation plans for the control of erosion and for the adjustments needed in land use, and for accelerated help in the form of technical assistance and cost-sharing to speed the job.

MARGINAL FARMS

There are human considerations, some from the days of homesteading. Families on too small holdings must often try to crop marginal land. Most of these farmers are trying to follow conservation practices that normally give the needed protection. The Department of Agriculture is helping many of the smaller landowners to solve their various problems, including that of too small holdings.

As to the matter of the "soil bomb" as a result of the pesticide residues, reflection indicates that this may be exaggerated. Pesticides and other chemical aids are used little in the production of wheat and other grains in the Great Plains. It is this land which is the primary source of dust in dry years.

Although large acreage will always be plowed in the Great Plains, our expectation is that a growing percentage will be land that can be safely kept in cultivation with regular conservation practices.

D. A. WILLIAMS,
Administrator, Soil Conservation Service, U.S. Department of Agriculture.
WASHINGTON, *April 16, 1965.*

"HOW THE HANDICAPPED ARE OVERCOMING BARRIERS IN MY COMMUNITY"—ESSAY BY MISS MARILYN DAUTRICH

Mr. MOSS. Mr. President, earlier today, I had the privilege of attending, in the departmental auditorium, the ceremonies at which Secretary of Labor Willard Wirtz awarded the first prize of $1,000 in the 1965 ability counts contest to Miss Marilyn Dautrich, of Salt Lake City, Utah. The contest was sponsored by the President's Committee on Employment of the Handicapped. Afterward, I had the pleasure of taking Miss Dautrich to the White House where she met President Johnson.

Miss Dautrich, who is an 18-year-old senior at Granite High School, competed with juniors and seniors from public, parochial, and private high schools in 49 States and territories in this annual community-survey contest, in which the $1,000 award is contributed by the Disabled American Veterans. The theme this year was "How the Handicapped Are Overcoming Barriers to Employment in My Community."

Miss Dautrich reported on interviews with five handicapped workers: A blind attorney, a drill operator who is a double-leg amputee, a bookkeeper who is a polio victim, an assembly machine operator who has one arm, and a physician with muscular dystrophy.

Miss Dautrich also told how employment of the handicapped has affected her home. Her father—a laboratory technician at the Eimco Corp., and one of the States well-known basketball referees and baseball umpires—had his left arm mangled by bullets during the invasion of the Philippines during World War II. She said he has supported a family of seven, despite his limitations—"proof that the handicapped can overcome barriers to employment and lead independent lives."

I ask unanimous consent that the full text of Miss Dautrich's award-winning essay be printed in the CONGRESSIONAL RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

HOW THE HANDICAPPED ARE OVERCOMING BARRIERS TO EMPLOYMENT IN MY COMMUNITY

(By Marilyn Dautrich, Granite High School, Salt Lake City, Utah)

This man is my father. His left arm, mangled twice by bullets in the invasion of the Philippines, is useless; but it doesn't seem to matter. He has won a threefold victory over employment barriers—as a laboratory technician at Eimco Corp., as an umpire, and as one of the top basketball officials in Utah. He has all the tools he needs to be a success in his work: a quick mind, sharp eyes, and an understanding personality. He has managed to support a family of seven, despite his limitations—proof that the handicapped can overcome barriers to employment and lead independent lives.

One of every 10 Americans is physically handicapped. Another one is 10 is mentally retarded or has suffered from mental illness. In Utah and in my community approximately 1,350 new cases every year join the backlog of 12,000 individuals that are significantly disabled. But with their weapons—sheer determination, willingness, and a desire to support themselves—the handicapped are developing inquiring minds and emotional stability, self-confidence, and enthusiasm for life. They have accepted the challenge to work for better goals to achieve an adequate living. Understanding their limitations, they do not take chances on the job and as a result have achieved a lower accident record than the able-bodied workers. They have compiled the lowest records of job turnover; and, since they want to stay with a position, they work harder at routine tasks. According to the Bureau of Labor Statistics, they have higher ratings of attendance, efficiency, and punctuality than has the average employee.

The following examples from my community are living proof that the handicapped are overcoming employment barriers and becoming independent, productive citizens.

Example 1: He is a lawyer, respected and admired for his achievements in a courtroom. It took 7 long years of study to acquire a degree, quite an accomplishment when one considers that he is totally blind. Though he cannot see his clients, he is sensitive to their problems. Unseeing eyes cannot bind the brilliance of this man's mind.

Example 2: He may not look up when a stranger enters, his powerful bench drill creates tremendous confusion when it is being used. When he does notice, he has a cheerful grin and friendly greeting—one does not mind that he cannot stand to meet him, for this man is a double amputee and two artificial legs make it difficult to move around. But his hands are quick and sure and his eyes are keen—all he needs to be a success at his occupation. He misses his legs but has learned to achieve without them.

Example 3: This man is a bookkeeper. His accounts are accurate and his manuals immaculate. Society considers him one of the finest and most efficient members of his profession in Utah. His legs and hands are twisted—polio. He is quick, however, with figures and can record his calculations by holding his right wrist with his left hand. Slow, one asks? His employer doesn't think so.

Example 4: The parts fly together with precision and accuracy. The man operating the assembling machine pumps the pedal rapidly with his foot, though the component parts assembler is usually run by hand. This operator doesn't have an arm—a punch press tore it from his body. Now, with courage, determination, and a slight modification in the assembler, he has been able to put his abilities to work.

Example 5: He meanders down the quiet halls of the Veterans' Administration hospital. His limbs are whole, but weakened and deteriorated by the crippling weapons of muscular dystrophy, a disease that proves fatal usually before the age of 20. He was told that he shouldn't go into medicine, that he was wasting his time. But with characteristic courage and determination, this man entered premedical school and, after ignoring the pain of his disease for 11 years, completed his residency and became a full-time physician. Crutches? Wheelchair? He thinks they would limit his ability to serve those who need him and so manages alone.

Aristotle once said, "If liberty and equality are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost." The handicapped have accepted this challenge and are achieving victories over employment barriers in all fields of labor and in every community of the United States. It is only logical that our country can remain great by the full utilization of its manpower. The handicapped have proved that they are willing to help, all they ask for is a chance to show what they can do.

ED MURROW: THE VOICE OF MANKIND

Mr. McGOVERN. Mr. President, few men who have left us in recent times will be missed by so many friends and admirers as will Edward R. Murrow.

The millions who were privileged to hear his voice will mourn the tragic loss which the dread disease, cancer, has again caused. None regret it more than I.

Modern communications—radio and television—made it possible for Ed Murrow to be a frequent visitor in millions of homes. Ed Murrow, perhaps more than any of his many skilled associates, projected his personality, his intense interest in events, and his compassion, so that the mechanical contrivances were forgotten, and his presence was felt. He made the events of the day come to life in our living rooms.

There was a genuineness about him, a concern about the fate of mankind, an insistence on a true portrayal of men and issues, that set a great objective for all of us—to find the facts and meet the issues of our times with humanity and good will.

Statesmen respected Ed Murrow for his great understanding and fine reporting. Rural America loved him, for he more than once portrayed their plight with an accuracy and understanding not always accorded them. The people he served—his listeners in all walks of life—identified themselves with him, because, as a man who had risen from a humble home to eminence, he remained unpretentious, devoted to serving his whole constituency and to increasing their understanding of the world and the affairs of their time.

He brought a new sense of dynamic direction to the U.S. Information Agency. The Voice of America always seemed more authentic to me when it came in the Ed Murrow style.

To Ed Murrow's wife, his son, and his associates, I offer my sympathy, for I keenly share their sense of loss. Ed Murrow was indeed a friend of all mankind.

I ask unanimous consent to have printed in the RECORD an article written by the brilliant Mary McGrory, and published in the Washington Star; and also a perceptive article written by Bernie Harrison, the television critic of the Washington Star.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star]

EDWARD R. MURROW—A STARTLINGLY DECENT MAN, HE SYMBOLIZED INTEGRITY

(By Mary McGrory)

A whole generation was brought up within the sound of his voice telling the truth. Yet what they remember best about Edward R. Murrow in Washington is how seldom he spoke during his 3 years as a public official.

He had always been reticent although he made his living by talking. An old friend from broadcasting days said, "Ed communicated mainly in long pauses."

It was the same here. ROBERT F. KENNEDY recalls that at Cabinet and National Security Council meetings, "he never spoke unless spoken to."

"And," adds the junior Senator from New York, "I don't know anyone else in Government who made sense every time he talked."

Madison Avenue was openmouthed in astonishment when Murrow, in 1961, turned his back on its gold and glamor to take on the job of rescuing a Government agency that was the battered stepchild of Washington.

Murrow in broadcasting was a symbol of success and integrity. His reputation and performance were so preeminent that, as his grieving colleague, Eric Sevareid, said at the news of his death yesterday, he was "beyond jealousy." Around the offices of the Columbia Broadcasting System, which he ornamented for 25 years, he was known as a startlingly decent human being, who did battle with the brass and, unlike many great stars, encouraged the young and obscure.

He came to Washington with few illusions about the world and himself. He referred to himself, his deputy, Donald L. Wilson, recalls, as "the Satchel Paige of the administration." Paige was almost 50 when he made it to the major leagues. Murrow was 53 when he took over the foundering fortunes of the U.S. Information Agency, which had had 5 names and 12 Directors in its stormy 21-year history and had suffered almost to death during the McCarthy era.

He came at a time when much Capitol Hill opinion held, in the words of former Senator Homer E. Capehart, Republican, of Indiana, that "America should be sold like Cadillacs."

Why did he come? He once told a friend:

"I always felt that if a man had a choice to do what I was doing or to work for the Government, he had to work for the Government. Besides, I had been criticizing bureaucrats all my adult life, and it was my turn to try."

From the first, his very presence acted as a tonic and spur to the troubled Agency. Just to be working under the same roof with a professional of such distinction raised the spirit of many who never even saw him.

Besides, he had only one directive. The Agency was to tell the truth, to play the news straight. When a State Department official protested early that the Voice of America was giving too heavy coverage to the freedom-rider violence in Alabama, Murrow replied that it was a big story and "we better tell our own bad news rather than leave it to the enemy."

Congressmen bleated at the news policy, but when it was explained to them in that vibrant voice issuing from the familiar cloud of cigarette smoke, they subsided.

Murrow's reserve quickly bcame a legend. The local press, many of them old comrades in arms, found it out first. Murrow initially would grant no interviews. When he did, it was a strain. Across the desk from the famous face with the bloodhound furrows and the grey eyes peering dubiously and inquiringly from under the black brows, they found his principal contribution was a brooding silence.

At the White House, this quality was prized. In a field of rampaging egoes, Murrow was conspicuously self-effacing.

McGeorge Bundy, the White House foreign policy adviser, remembers that Murrow never once asked to go to a meeting. In time he never had to ask. President Kennedy increasingly said, "Let's find out what Ed thinks" or "Be sure Murrow is here."

Kennedy's regard for Murrow's always solicited advice began during the period of the Bay of Pigs. Too late to stop that fatal course, Murrow heard what was afoot and compellingly and eloquently spoke out against it.

"Yet," said one witness, "no one ever heard him say he had tried to prevent it. He worked harder than anyone to pick up the broken china."

From then on, he was in on every discussion of foreign policy. On occasion, he changed its course.

"He never fought a problem," says Bundy. "He never tried to impose himself on it."

LIGHTER MOMENTS

Murrow was not a glittering figure on the Washington social scene. The shyness that prevented him from calling up a subordinate at the agency whom he didn't know, kept him home a great deal. In his lighter moments he enjoyed talk of the trade—no man knew more about the capacities and limitations of his colleagues—and he could do a creditable imitation of Winston Churchill, the central figure of the years of his greatest acclaim.

An old New Frontiersman said, "Murrow's legacy here is probably all intangible. It seems to me it's in the duty officer at USIA. He's crisper and prouder than the others, and I think that comes of once having had Murrow for a boss."

In his obscure years here, Murrow brought pride and prestige to a discouraged agency and he gave counsel to a young President, who always had to wait for the sound of his voice.

[From the Washington Star]

ED MURROW'S LONELIEST HOUR

(By Bernie Harrison)

I will always remember Edward R. Murrow for a speech I never heard him make.

It was a speech so typical of the man and his uncompromising honesty that you can almost "hear and see" him making it.

A word about the time and setting.

It was October 1958, and commercial television was already going sour. In mid-1958, CBS announced cancellation of the Murrow-Friendly series, "See It Now," and shortly after making this speech, Murrow asked for and was given a leave of absence, thus ending a 20-year association with the network going back to his memorable "This Is London" broadcasts during World War II and the London air raids.

His audience was the Association of Radio and Television News Directors, assembled in Chicago, and he began it in the forthright manner that was his hallmark. Here are the opening paragraphs. Close your eyes and you can see the cigarette smoke—and the TV industry's hair—curling.

HERETICAL THOUGHTS

"This just might do nobody any good. At the end of this discourse a few people may accuse this reporter of fouling his own comfortable nest; and your organization may be accused of having given hospitality to heretical and even dangerous thoughts.

"But the elaborate structure of networks, advertising agencies and sponsors will not be shaken or altered. It is my desire if not my duty to try to talk to you journeymen with some candor about what is happening to radio and television in this generous and capacious land.

"I have no technical advice or counsel to offer those of you who labor in this vineyard that produces words and pictures. You will forgive me for not telling you that the instruments with which you work are miraculous; that your responsibility is unprecedented; or that your aspirations are frequently frustrated. It is not necessary to remind you that the mere fact your voice is amplified to the degree where it reaches from one end of the country to the other does not confer upon you greater wisdom or understanding than you possessed when your voice reached only from one end of the bar to the other. All of these things you know.

"You should also know at the outset that, in the manner of witnesses before congressional committees, I appear here voluntarily—by invitation—that I am an employee of the Columbia Broadcasting System—that I am neither an officer nor a director of that corporation—and that these remarks are of a 'do-it-yourself' nature. If what I have to say is responsible, then I alone am responsible, for the saying of it. Seeking neither approbation from my employers, nor new sponsors, nor acclaim from the critics of radio and television, I cannot well be disappointed. Believing that potentially the commercial system of broadcasting as practiced in this country is the best and freest yet devised, I have decided to express my concern about what I believe to be happening to radio and television. These instruments have been good to me beyond my due. There exists in my mind no reasonable grounds for personal complaint. I have no feud, either with my employers, any sponsors, or with the professional critics of radio and television. But I am seized with an abiding fear regarding what these two instruments are doing to our society, our culture, and our heritage."

IN MORTAL DANGER

"Our history will be what we make it. And if there are any historians about 50 or a 100 years from now, and there should be preserved the kinescopes for 1 week of all three networks, they will there find recorded in black and white, or color, evidence of decadence, escapism and insulation from the realities of the world in which we live. I invite your attention to the television schedules of all networks between the hours of 8 and 11 p.m., Eastern time. Here you will find only fleeting and sposmodic reference to the fact that this Nation is in mortal danger. There are, it is true, occasional informative programs presented in that intellectual ghetto on Sunday afternoon. But during the daily peak viewing periods, television in the main insulates us from the realities of the world in which we live. If this state of affairs continues, we may alter an advertising slogan to read: 'Look Now, Pay Later.' For surely we shall pay for using this most powerful instrument of communication to insulate the citizenry from the hard and demanding realities which must be faced if we are to survive. I mean the word—survive—literally. If there were to be a competition in indifference, or perhaps in insulation from reality, then Nero and his fiddle, Chamberlain and his umbrella, could not find a place on an early-afternoon sustaining show. If Hollywood were to run out of Indians, the program schedules would be mangled beyond all recognition. Then, some courageous soul with a small budget might be able to do a documentary telling what, in fact, we have done—and are still doing—to the Indians in this country. But that would be unpleasant. And, we must at all costs shield the sensitive citizens from anything that is unpleasant."

My how it needed saying:

Two years later, Newton Minow made his maiden speech as chairman of the Federal Communications Commission. His inspiration seems plain.

"VAST WASTELAND

"I invite you to sit down in front of your television set," he said, "when your station goes on the air and stay there without a book, magazine, newspaper, profit-and-loss sheet or rating book to distract you—and keep your eyes glued to that set until the station signs off. I can assure you that you will observe a vast wasteland."

To television's credit, the network and local news departments slowly began to get the manpower and the budgets and some time. Any critique of television today must necessarily except the efforts in the news field, network and local. They could do much better—but by comparison with the bleak picture a few years ago, the performance is splendid, as the Peabody Award Committee just noted with its citation to the industry for "inescapably confronting the American public with the realities of racial discontent." While chiding TV for "a dreary sameness and steady conformity," the committee also cited "CBS Reports" and ABC Reporter William Lawrence.

No memorials are necessary to Murrow. You will find his spirit in the best of news and documentary shows and the hundreds of working TV newsmen he influenced. The sharpest loss is theirs.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if there is no further morning business, I should like to have the Senate proceed to the consideration of certain bills on the calendar.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXEMPTION OF OCEANOGRAPHIC RESEARCH VESSELS FROM APPLICATION OF CERTAIN VESSEL INSPECTION LAWS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 155, S. 627.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 627) to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 627) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act—

(1) the term "oceanographic research vessel" means a vessel which the Secretary of the department in which the Coast Guard is operating finds is operated in the public interest by being employed exclusively in scientific research, or instruction in oceanography or limnology, or both; and

(2) the term "scientific personnel" means persons who are aboard a vessel solely for the purpose of engaging in scientific research, instructing, or receiving instruction, in oceanography or limnology.

SEC. 2. An oceanographic research vessel shall not be considered a passenger vessel, a vessel carrying passengers, or a passenger-carrying vessel under the provisions of the laws relating to the inspection and manning of merchant vessels by reason of the carriage of scientific personnel.

SEC. 3. Scientific personnel on an oceanographic research vessel shall not be considered seamen under the provisions of title 53 of the Revised Statutes and Act amendatory thereof or supplementary thereto.

SEC. 4. If the Secretary of the department in which the Coast Guard is operating determines that the application to any oceanographic research vessel of any provision of title 52 or title 53 of the Revised Statutes, or Acts amendatory thereof or supplementary thereto, is not necessary in the public interest, he may by regulation exempt any such vessel from such provision, upon such terms and conditions as he may specify.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 168), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this proposed legislation is to encourage and facilitate oceanographic research and to remove several restrictions which have hampered the expansion of research in the marine sciences. This will be accomplished by exempting oceanographic research vessels from the application of certain vessel inspection laws.

CONTINUATION OF STUDY BY SECRETARY OF THE INTERIOR OF THE EFFECTS OF INSECTICIDES, HERBICIDES, FUNGICIDES, AND OTHER PESTICIDES UPON FISH AND WILDLIFE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 156, S. 1623.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1623) to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment on page 1, after line 5, to strike out:

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

And, in lieu thereof, to insert:

SEC. 2. In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed $3,200,000, and not to exceed $5,000,000 for each of the two fiscal years immediately following each year.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That section 2 of the Act of August 1, 1958 (72 Stat. 479), as amended by the Act of September 16, 1959 (73 Stat. 563), is amended to read as follows:

"Sec. 2. In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed $3,200,000, and not to exceed $5,000,000 for each of the two fiscal years immediately following such year."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1623) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 169), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to increase the authorized annual appropriation for pesticide research by the Department of the Interior from $2,565,000 to $3.2 million for fiscal year 1966 and $5 million annually for fiscal years 1967 and 1968.

VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. Nothing is pending at the moment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Is their objection? The Chair hears none. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. Williams], numbered 82, to the committee substitute.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTIONALITY OF PROPOSED VOTING RIGHTS ACT OF 1965

Mr. CLARK. Mr. President, Hon. Archibald Cox, Solicitor General of the United States, recently delivered a speech before the Student Bar Association of the University of Houston. This address will be printed soon in the Houston Law Review.

The address is entitled "The Constitutionality of the Proposed Voting Rights Act of 1965."

As one would expect from the very able and learned Solicitor General, I believe that there is food for much thought by Members of the Senate contained in this address.

I ask unanimous consent that the address may be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Constitutionality of the Proposed Voting Rights Act of 1965

(Address by Hon. Archibald Cox, Solicitor General of the United States, prepared for delivery before Student Bar Association of the University of Houston, Houston Club, Apr. 10, 1965)

When Robert H. Jackson was Solicitor General, he used to tell of a letter which arrived at the Washington Post Office addressed simply, the Celestial General, Washington, D.C. Within the hour, he used to boast, the letter was delivered to his office. I always enjoy lawyers, and especially law schools, but Texas, with its warm hospitality, makes me too feel like a celestial general.

Although its adjudication lies in the future, the most pressing constitutional questions today are probably those raised by the proposed Voting Rights Act of 1965. One could feel quite certain a year ago that the Supreme Court would unanimously uphold the constitutionality of the Federal equal public accommodations law for its provisions were all within a line of settled precedents going back to the Labor Board cases of 1937. The new Voting Rights Act of 1965 raises novel and I suppose fairly arguable questions; yet when one studies them closely, the conviction grows that this bill too is constitutional. I shall try not to talk too much like a professor but it occurred to me that you might be interested in taking a few moments to consider these questions.

The proposed Voting Rights Act of 1965 has two central features:

1. Provision for suspending under specified circumstances and for a substantial period the bundle of the State laws described as tests or devices, ranging from literacy tests to the more sophisticated requirements that a person seeking to vote demonstrate his understanding of the duties and obligations of citizenship, or his ability to interpret any provision of the State or Federal Constitution; and

2. Provision for the appointment of Federal examiners to register the victims of discrimination in areas in which local officials refuse to register qualified Negro voters even after the voiding of State laws establishing the tests or devices invalidated by the first feature of the act.

These provisions become operable upon three determinations made by the Attorney General and the Director of the Census without judicial review:

1. that the State has maintained laws establishing "interpretation" or "understanding" or "literacy" tests or other tests or devices;

2. that less than 50 percent of the persons of voting age in the State as a whole or an individual county have registered and voted;

3. that 20 percent of the population of voting age is nonwhite.

The authority to enact these provisions is conferred by section 2 of the 15th amendment. Section 1 guarantees all citizens against denial or abridgment of the right to vote by reason of race or color. Section 2 provides:

The Congress shall have power to enforce this article by appropriate legislation.

It is beyond dispute, as a matter of history, that the 14th and 15th amendments were adopted with a view to enlarging the powers of Congress and providing for congressional enforcement of the substantive constitutional rights.[1] By one of those curious turns of history that defeat the expectations of men, in fact we have until recently left enforcement to the judicial process and nobody of precedent is available to delimit the scope of the power to enact appropriate legislation. The closest analogy seems to be the "necessary and proper" clause in article I. The decisions under that clause suggest (i) that what is "appropriate" is essentially a question of fact and (ii) that the judgments expressed by Congress upon the question of fact, while not conclusive, will not be lightly disturbed.[2]

The conclusion that the immediate suspension of all tests or devices is appropriate where the three determinations are made rests upon three facts well known to Congress.

First. The coincidence of (i) the use of "understanding," "interpretation" and literacy tests and other tests and devices with (ii) low registration and voting and (iii) a substantial Negro population creates a strong probability that the low registration and voting are the result of racial discrimination in the use of the test. This is especially true anywhere there is a substantial nonwhite population.

Second. Court decisions [3] as well as general history demonstrate that most of such tests and devices—notably the "interpretation" and "understanding" tests—were devised and administered for the purpose of denying Negroes the right to vote.

By 1860, all of the States in which discrimination in voting is currently a problem had abandoned property qualifications and had no literacy requirements; they admitted to suffrage all adult white male citizens except lunatics and certain convicts. All the "tests and devices" were adopted after 1890.[4] The

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[1] See Mathews, "Legislative and Judicial History of the 15th Amendment," pp. 76–79. And see *Ex parte Virginia,* 100 U.S. 339, 345.

[2] See *McCulloch* v. *Maryland,* 4 Wheat. 316, 420; *Heart of Atlanta Motel Corp.* v. *United States,* 379 U.S. 241; *Katzenbach* v. *McClung,* 379 U.S. 294. See also *Norman* v. *Baltimore & O.R. Co.,* 294 U.S. 240, 311.

[3] *Davis* v. *Schnell,* 81 F. Supp. 872, affirmed, 336 U.S. 933 (Alabama); *Alabama* v. *United States,* 304 F. 2d 583, affirmed, 371 U.S. 37; *Louisiana* v. *United States,* No. 67, this term, decided March 8, 1965; brief for the United States in *United States* v. *Mississippi,* No. 73, this term.

[4] A partial history of the initial adoption of these tests and devices in the South is as follows:

Literacy: (a) by reading and/or writing a constitutional text: Miss. (1890); S.C. (1895); N.C. (1900); Ala. (1901); Va. (1902); Ga. (1908); La. (1921). And see Okla. (1910). (b) by completing an application form unaided: La. (1898); Va. (1902); La. (1921); Miss. (1954).

"interpretation" and "understanding" tests were frankly designed to enable local registrars to qualify all white applicants and disqualify all Negroes. Senator Bilbo explained in 1946, for example, that the real function of Mississippi's constitutional requirement that a voter should be able to read or explain the provisions of the constitution was to prevent Negroes from voting:

> The circuit clerks are under oath to protect the provisions of that Constitution, and if there is a single man or woman serving in this office who cannot think up questions enough to disqualify "undesirables" then write Bilbo or any good lawyer and there are a hundred questions which can be furnished.

The record in suits brought by the Department of Justice reveals how the tests were administered. An "undesirable" would be asked the meaning of the clause which provides that judges may be removed "for cause not constituting grounds of impeachment," while a "desirable" would be asked to explain the meaning of the provision that "there shall be no imprisonment for debt." If the latter's answer should be inadequate, the registrar could still pass him. One applicant asked to explain the provision "there shall be no imprisonment for debt," replied "I think that a nigra should have 2 years in college before voting because he doesn't understand." He was promptly registered.

Similarly, State laws requiring proof of "good moral character" were avowedly adopted for the purpose of enabling registrars uninhibited power to choose whom to register and whom to reject.

Even simple literacy tests, which might be thought the least objectionable, were usually accompanied by exceptions like the grandfather clauses enabling white illiterates to vote.[5] Such clauses, of course, have long been invalidated, but the literacy test itself inevitably vests a wide degree of discretion in the registrar; and if he is minded to discriminate, it is easy for him to find fault with the performance of one set of applicants while passing others of far lower qualification. This has been amply demonstrated by the rulings of many county registrars upon the sufficiency of application forms, some being rejected because answers were too short, others because they were too long, and others being passed that were really not responsive to the question.

Third. Most of the States as to which the determinations can be made, and most of the counties, have in fact engaged in widespread violation of the 15th Amendment over a long period. This is amply shown by evidence in suits brought by the Department of Justice during the past 5 years and by the studies of the Civil Rights Commission.

These three facts, I suggest, are more than enough to warrant the Congress in concluding that wherever the circumstances recited in the determinations exist there is a prima facie case that violations of the 15th amendment have occurred through the tests or devices and that their suppression is therefore a necessary measure for enforcing the 15th amendment right to vote without distinction of race or color.

It is possible, of course, that there may be instances in which the circumstances covered by the three determinations exist, but there has been no racial discrimination violating the 15th amendment. That possibility, however, is covered by a provision in the bill which affords any State or county with respect to which the determinations have been made an opportunity to obtain an adjudication that the tests or devices have not been used to accomplish any substantial discrimination. This provision for overturning the presumption or inference created by the determinations gives assurance that no State or county will be treated unfairly and that the suppression of tests and devices will be limited to areas where that is indeed necessary to enforce the 15th amendment right.[6]

II

No one who wholeheartedly accepts the principle of equal voting rights embodied in the 15th amendment is likely to object to outlawing the continued use of tests or devices as engines of discrimination. Indeed, the Supreme Court has already decided that such a remedy is appropriate in an action to enjoin discrimination. *Louisiana* v. *United States,* No. 67 of this term; *United States* v. *Mississippi,* No. 73, this term. The argument against the constitutionality of the bill that can be most seriously pressed runs like this:

> The Constitution assumes that the States shall have power to establish the qualifications of voters not only for the election of their own Governors and legislatures but even for the choice of Representatives and Senators. Article I, section 2, provides that those who elect the Federal House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature." The same language is found in the 17th amendment providing for the direct election of Senators. It is possible to administer a literacy test and perhaps even a "citizenship" or "understanding" test in a nondiscriminatory manner. The question is therefore asked: "How can the right to establish such qualifications be denied to States that have been engaged in the violation of the 15th amendment once they offer to demonstrate that they will administer them in a nondiscriminatory fashion?" Admittedly the bill does suspend the use of such laws for a substantial period after obvious discrimination has ceased.

The answer, in our judgment, is that the grant of power in section 2 of the 15th amendment to enact appropriate laws for its enforcement includes not only the power to strike down the strictly illegal but also the power to eliminate any substantial risk of evasion of the 15th amendment even to the point of prohibiting conduct that would be entirely legal if it had not once been entwined with the violation of constitutional rights. Let me remind you of three settled legal principles.

First. In many places the continuing effect of the previous unconstitutional discrimination can be eliminated only by prohibiting for a substantial period the use of the old, abused tests or devices. In those areas the white voters were granted permanent registration without actually being subjected to any test at all. To permit a test hereafter to be applied to everyone seeking to register would in fact operate almost entirely against the Negroes, most of whom had been discriminatorily barred from registration. Under such circumstances, the only way to give Negroes the equal opportunity to vote is to prohibit the use of all the tests for a substantial period so that Negroes may now register and vote on the same terms as the whites who have already been registered.

Let me illustrate the problem concretely. No one will deny that there are many counties in Alabama where there has been such widespread discrimination as virtually to exclude all Negroes from registration while registering all whites. In practice the tests of literacy and understanding of the duties of citizenship have not been applied to whites. Recently Alabama proposed to introduce a new test of an applicant's understanding of the duties and obligations of citizenship, which it was asserted would be administered in a nondiscriminatory fashion because it was written. Two of the questions were:

> Whether members of Alabama jury commissions are elected or appointed;
>
> Whether petit larceny or vagrancy conviction disqualifies one from voting.

Louisiana proposed multiple-choice examination. One question was:

> The President of the Senate gets his office (a) by election of the people; (b) by election of the Senate; (c) by appointment by the President.

I suspect that less than 2 percent of the population could pass these questions. They could be fairly and impartially graded but Negroes—and theretofore unregistered whites—would remain ineligible to vote. Other whites—and substantially only whites—would continue to vote.

The Supreme Court has already held that it is proper to knock out such tests entirely in a State where their elimination is necessary to enable Negroes to vote on the same terms previously granted to others. *Louisiana* v. *United States,* No. 67 this term.[7]

Oral constitutional "understanding" and "interpretation tests for illiterates: Miss. (1890); S.C. (1895); Va. (1902); La. (1921).

Understanding of the duties and obligations of citizenship: Ala. (1901); Ga. (1908); La. (1921); Miss. (1954).

Good moral character requirement (other than nonconviction of a crime): Ala. (1901); Ga. (1908); La. (1921); Miss. (1960).

[5] Thus, in Louisiana, North Carolina, and Oklahoma, white voters were exempted from the literacy test by a "voting" "grandfather clause." See La. Const. 1898, Art. 197, § 5; N.C. Const. 1876, Art. VI, § 4, as amended in 1900; Okla. Const. 1907, Art. III, § 4a, as amended in 1910. The same result was accomplished in Alabama, Georgia, and Virginia by the so-called "fighting" "grandfather clause." See Ala. Const. 1901, § 180, First and Second; Ga. Const. 1877, Art. II, § I, ¶ IV (1-2), as amended in 1908; Va. Const. 1902, § 19, First and Second. Several of these States provided a separate exemption from the literacy requirement for property holders. See La. Const. 1898, Art. 197, § 4; Ala. Const. 1901, § 181, Second; Va. Const. 1902, § 19 Third; Ga. Const. 1877, Art. II, § I, ¶ IV(5). And Alabama and Georgia additionally exempted persons of "good moral character" who understood "the duties and obligations of citizenship under a republican form of government." Ala. Const. 1901, § 180, Third; Ga. Const. 1877, Art. II, § I, ¶ IV(3), as amended in 1908. Another device, invented by Mississippi, and followed, for a time, by South Carolina and Virginia (and later Louisiana) offered white illiterates an opportunity to qualify by satisfying the registrar that they could "understand" and "interpret" a constitutional text when it was read to them. Miss. Const. 1890, § 244; S.C. Const. 1895, Art. II, § 4(c); Va. Const. 1902, § 19, Fourth; La. Const. 1921, Art. VIII, § 1(d). For later registrants, South Carolina substituted a property alternative. S.C. Const. 1895, Art. II, § 4(d).

[6] It is no objection that the formula which governs initial coverage may sometimes catch the innocent. That is true of all rebuttable presumptions. It is enough if the inference is well founded in "common experience." That is the test even when the presumption operates against the defendant in a criminal case. *Luria* v. *United States,* 231 U.S. 9, 25–26; *Hawes* v. *Georgia,* 258 U.S. 1, 4; *Yee Hem* v. *United States,* 268 U.S. 178, 184; *Casey* v. *United States,* 276 U.S. 413, 418; *United States* v. *Gainey, supra.* Plainly, nothing more is required in the premises.

[7] There was nothing new in this pronouncement. The principle that what has been waived for one class must be waived for all (when there is no proper basis for distinguishing) is, of course, well settled. See, *e.g., Iowa-Des Moines National Bank* v. *Bennett,* 284 U.S. 239. Cf. *Nashville, C & St. L.*

Surely the congressional power to formulate remedies for enforcing the 15th amendment is no less.

Second. A legislative body has power to adopt the most appropriate means for coping with an evil. The Congress may, where it finds it appropriate to enforcement, forbid otherwise lawful and unobjectionable conduct which is sufficiently related to the illegal conduct as to make its prohibition a reasonable measure for preventing the harmful conduct. Thus, in *Evarard's Breweries* v. *Day*, 265 U.S. 545, 560, the Court held that Congress, as a step in enforcing the prohibition of traffic in intoxicating liquors as a beverage, had power to forbid doctors from prescribing the use of malt liquors as bona fide medicine. And it has been held that the power to prohibit traffic in intoxicating liquors includes, as an appropriate means of making that prohibition effective, power to prohibit traffic in similar liquors, although nonintoxicating. *Purity Extract Co.* v. *Lynch*, 226 U.S. 192. See also *Ruppert* v. *Caffey*, 251 U.S. 264; *Currin* v. *Wallace*, 306 U.S. 1.

And so here, if Congress finds that forbidding all use of tests and devices is the most effective measure for preventing their unconstitutional use in violation of 15th-amendment rights, that would seem valid even though it trenches upon otherwise theoretically permissible action by a State or subdivision.

Third, It is a settled legal principle of general application that when important rights have been violated, the remedy may go beyond restraining the plainly unlawful conduct and prohibit associated acts which would be permissible at the hands of others or even the defendant if they had not been used to perpetrate the wrong. "Equity has power to eradicate the evils of a condemned scheme by prohibition of the use of admittedly valid parts of an invalid whole." (*United States* v. *Bausch & Lomb Co.*, 321 U.S. 707, 724.) In other words, one who has done wrong may, in order to eliminate all danger of repetition, be forbidden to engage in conduct open to others.[8] That principle runs through the whole body of our law. E.g., *Warner & Co.* v. *Lilly & Co.*, 265 U.S. 526, 532.[9]

If the judiciary has that power, it is also possessed by Congress under its power to enforce. The legislature may paint with a broader brush than the courts.

The three foregoing principles establish that Congress has power in enforcing the 15th amendment to forbid the use of abused voter qualification laws where Congress reasonably finds that necessary as a matter of fact to meet the risk of continued or renewed violations. The evidence showing that the broad prohibition is necessary for a period of time as a matter of fact falls under three heads:

First. Such tests—as I suggested earlier—have in the States affected always been an integral part of a long history of intentional violations of the 15th amendment. Not only were most of the tests or devices designed for that purpose but most of them have not been used elsewhere.

Second. The States affected have demonstrated that their settled policy is to delay and frustrate the enforcement of the 15th amendment. Mississippi, for example, when it was held in 1951 that the State constitution required registration of anyone who could read or interpret a section of the constitution, promptly enacted an amendment requiring ability both to read and interpret. When the Civil Rights Act of 1960 was before the Congress, authorizing the inspection of voting records in the several States, Mississippi immediately passed a statute repealing its well-established practice of preserving registration and voting records and authorized their destruction in order to frustrate Federal investigation. In 1962, when an injunction was issued forbidding the registrars of Forrest County from engaging in racial discrimination, Mississippi enacted a new package of laws requiring applicants to pass stiffer tests and to have their names published in local newspapers for an extended period before they should be registered to vote.

Third. After generations of following a hardened policy of racial discrimination in the administration of these voting tests, it would be exceedingly difficult if not altogether impossible for the most well-intentioned State administration to see that the old devices of racial discrimination were now administered fairly and equitably on a local level. The point requires no elaboration.

Two other points should be noted that may have constitutional importance although I suspect that they go more to the wisdom of the choice.

Fourth. Until a substantial period of time has elapsed in which everyone is registered without discrimination, it is impossible to say what is the will of the people of a State with respect to a literacy test or some similar examination of qualification to vote. By hypothesis, the electorate in a place where there has been widespread and long-continued discrimination is not representative of whole people. Its expressed desire carries less weight than the expressed desire of an electorate made up without discrimination.

Is there not also grave danger of exaggerating the importance of a literacy test? You have none in Texas, but I would suppose that Texas voters are no less intelligent and no less qualified than the voters of Alabama or Virginia—or for that matter in my own State of Massachusetts, where a literacy test has long been in force. Unless a pretty substantial body of knowledge is required in order to qualify—which no one seriously proposes—it makes very little difference whether the voter can read and write a few simple sentences.

Fifth. The provisions for avoiding all such tests for a 5-year period also result from the desire to minimize Federal interference and maximize continued State administration of their own election laws in compliance with the 15th amendment. This may seem a startling assertion at first, but consider the problem. There is no assurance that any law defined as a test or device, including a literacy test, can be administered by State and county officials fairly and without discrimination in areas where the power structure has been dedicated for three-fourths of a century to denying Negroes the opportunity to vote. Everything points to the contrary. The choice, therefore, came down to this: (1) provision could be made for appointing Federal examiners who would replace State registrars and who could and would administer the States' own voting qualification laws in nondiscriminatory fashion; or (2) the Federal law might sweep the engines of discrimination aside in the hope that the appointment of Federal examiners could be avoided because the State and county officials would then act in accordance with their constitutional duties. Given this choice, I submit, sweeping aside the engines of discrimination and encouraging States to continue to use their own officials without the necessity of Federal examiners does more to preserve and encourage local self-government.

III

There will no doubt be some instances—perhaps many but perhaps relatively few—in which discrimination continues even after invalidation of tests and devices. The Voting Rights Act of 1965 provides that when the Attorney General finds, upon complaint or upon other evidence, that discrimination has continued, then Federal examiners shall be appointed by the Civil Service Commission to register those qualified to vote who were refused by the State or county officials. The local authorities will then be under a duty to honor the Federal registration in all Federal, State, and local elections.

The constitutionality of these provisions depends upon much the same analysis as the suspension of tests and devices. The question is: Is this an appropriate measure for enforcement of the plainly declared, but often-denied, constitutional right?

The necessity is demonstrated—unhappily—by the failure of less drastic measures. We have been struggling with them since the Civil Rights Acts of 1957 and 1960. Their insufficiency and the need for stronger measures is demonstrated by the record in Dallas County, Ala., of which Selma is the county seat. Dallas County has a voting-age population of approximately 29,500, of whom 14,500 are white persons and 15,000 are Negroes. In 1961, 9,195 of the whites—64 percent of the voting-age total—and 156 Negroes—1 percent of the total—were registered to vote in Dallas County. An investigation by the Department of Justice substantiated the discriminatory practices that these statistics make obvious. A voter discrimination case was brought against the Dallas County board of registrars on April 13, 1961. It was 13 months before the case finally came to trial. We proved discrimination by prior registrars—that exactly 14 Negroes had been registered between 1954 and 1960. For whites, registration had been a simple corollary of citizenship. But the court found that the board of registrars then in office was not discriminating and refused

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Ry. v. *Browning*, 310 U.S. 362; *United States* v. *Bausch & Lomb Co.*, 321 U.S. 707; *United States* v. *Gypsum Co.*, 340 U.S. 76; *Ethyl Gasoline Corp.* v. *United States*, 309 U.S. 436, 461. Nor is there any novelty in applying the rule to correct violations of the 15th amendment. See *Lane* v. *Wilson*, 207 U.S. 268, 275–276. In the *Lassiter* v. *Northampton*, 360 U.S. 45, while upholding North Carolina's literacy law on its face, the Court was at pains to note that it was not condoning the application of the test to new applicants if some exempted by the grandfather clause were still voting: "If they were allowed to vote without taking a literacy test and if appellant were denied the right to vote unless she passed it, members of the white race would receive preferential privileges of the ballot contrary to the command of the 15th amendment." *Lassiter* v. *Northampton Election Board, supra*, 360 U.S. at 50.

[8] "Injunctions in broadest terms are granted even in acts of the widest content, when the court deems them essential to accomplish the purposes of the act." (*May Department Stores Co.* v. *Labor Board*, 326 U.S. 276, 390). See also *United States* v. *Crescent Amusement Co.*, 323 U.S. 173, 188; *United States* v. *United States Gypsum Co.*, 340 U.S. 76, 89; *Swift & Co.* v. *United States*, 276 U.S. 311. And see *Terry* v. *Adams*, 345 U.S. 461, 475–476 (opinion of Mr. Justice Frankfurter).

[9] See *Currin* v. *Wallace*, 306 U.S. 1; *United States* v. *Darby*, 312 U.S. 100, 121. What was said a few weeks ago in sustaining the constitutionality of the Civil Rights Act of 1964 is fully applicable—albeit the present proposal rests on the 15th amendment rather than the commerce clause:

> Where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end. * * * *Katzenbach* v. *McClung*, 379 U.S. 294, 303–304.

to issue an injunction against discrimination.

On September 30, 1963, 2½ years after the suit was originally filed, the court of appeals reversed the district court and ordered it to enter an injunction against discriminatory practices, but it refused to hold that Negro applicants must be judged by standards no different than the lenient ones that had been applied to white applicants during the long period of discrimination—so that the effects of past discrimination would be dissipated.

Two months later, the department photographed voter registration records at the Dallas County courthouse which showed that the new registrars whom the district court had earlier given a clean bill of health were engaging in blatant discrimination.

Of the 445 Negro applications rejected, 175 had been filed by Negroes with at least 12 years of education, including 21 with 16 years and 1 with a master's degree. Processing of applications was slowed to a snail's pace. In October 1963, when most of the applicants were Negroes, the average number of persons allowed to fill out forms each registration day was about one-fourth the average in previous years, when most of the applicants were white.

Since registration is permanent in Alabama, the great majority of white voters in Selma and Dallas County, already registered under easier standards, did not have to pass the tests that the local officials then devised. Under the new test, the applicant had to demonstrate his ability to spell and understand by writing individual words from the dictation of the registrar. Applicants in Selma were required to spell such difficult and technical words as "emolument," "impeachment," "apportionment," and "despotism." The Dallas County registrars also added a refinement not required by the terms of the State-prescribed form. Applicants were required to give a satisfactory interpretation of one of the excerpts of the Constitution printed on the form.

In March 1964 the department filed a motion in the original Dallas County case initiating a second full-scale attempt to end discriminatory practices in the registration process in that county. On February 4, 1965—nearly 4 years after we first brought suit—the district court finally enjoined use of the complicated literacy and knowledge-of-government tests and entered orders designed to deal with the serious problem of delay.

We hope that this most recent decree will be effective, but the Negroes of Dallas County are not unnaturally skeptical. After 4 years of litigation only 383 out of 15,000 Negroes in the county have been registered to vote.

The litigation in Dallas County took 4 years at a minimum to open the door to the exercise of constitutional rights conferred almost a century ago. The problem on a national scale is that the difficulties experienced in suits in Dallas County have been encountered over and over and over again under existing voting laws. Four years is too long. The burden is too heavy—the wrong to our citizens is too serious—the damage to our national conscience is too great not to adopt more effective measures than exist today.

Such is the essential justification for the pending bill.

IV

It is obvious that the proposed Voting Rights Act of 1965 introduces the possibility of major changes in present distribution of State and Federal responsibility for elections. Perhaps most of us regret the necessity, even though we earnestly support the measure because there is no alternative but the acceptance of an intolerable wrong contradicting the ideals to which we have professed devotion since the Declaration of Independence—and that is no alternative.

Whether the shift of responsibility proves great or small in the end depends entirely upon the willingness of the persons affected now to conform to the 15th amendment's declaration that the right of a citizen to vote shall not be denied or abridged on account of race or color. The bill will have no effect upon the respective functions of State and Federal Governments—it will not bring one iota of Federal intervention—in those States and localities in which the 15th amendment is made a living reality as the Constitution directs. I can think of no conclusion more devoutly to be desired.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. CLARK. I am happy to yield to the Senator from Rhode Island. I was hoping I would provoke him into a colloquy.

Mr. PASTORE. I suggest that the Senator from Pennsylvania is in violation of the germaneness rule at the moment.

Mr. CLARK. The Senator is quite correct. Therefore, Mr. President, I ask unanimous consent to proceed not in excess of 3 minutes in further violation of the rule.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. I have no objection.

The PRESIDING OFFICER. There is no objection; and the Senator from Pennsylvania may proceed for 3 minutes out of order.

Mr. CLARK. So I welcome the correction by my friend from Rhode Island.

Mr. President, I ask unanimous consent that a summary of the proposed changes in the Senate rules and of certain proposals requiring concurrent action of both Houses may be printed at this point in my remarks.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Significant Changes in Comprehensive Revision of Senate Rules

(Proposed by Senator Joseph S. Clark)

1. Journal: The Senate Journal is nothing more than a quaint anachronism which is never looked at by anyone and is read only for purposes of delay. Its place has been taken, for practical purposes, by the Congressional Record. The revision recognizes this fact, and satisfies article I, section 5, clause 3, of the Constitution, which requires each House to keep a journal of its proceedings, by stating that the Senate section of the Congressional Record shall be the Senate Journal.

Since the Congressional Record is printed and available to Senators each morning following a session, there is no need to have it read aloud, and the right to require that is abolished. Presumably any errors in the Congressional Record will be corrected informally, or by unanimous consent, as they are today. But a procedure for correcting mistakes by motion, without debate, is provided for those cases in which unanimous consent cannot be obtained. Under this procedure, the Senator seeking to make the correction, and the Senator objecting to the correction may file written briefs in support of their positions for publication in the Congressional Record in advance of the vote.

2. Quorums: The unrestricted right of any Senator to call for a quorum has frequently been the source of great harassment and delay. The revision circumscribes this right by requiring a Senator to declare his intention to call for a vote on the pending business once the presence of a quorum has been ascertained. Only on this condition could an individual Senator suggest the absence of a quorum. However the majority or minority leaders, or in their absence, the acting majority or minority leaders, could call for a quorum at any time. The Presiding Officer would have the duty to halt the quorum call once he ascertains the presence of a quorum in the Chamber.

3. Order of recognition: This provision codifies and elaborates the unwritten rule that the Chair will always give preference in recognition to the majority and minority leaders. In the absence of the leaders, it gives equivalent rights to any Senator designated to act in that capacity and occupying the leader's desk.

4. Germane points of order: The revision seeks to clear up the confusing situation which presently exists with regard to the right to interrupt a Senator who has the floor for the purpose of raising a point of order. It provides that a Senator may be interrupted without his consent for the purpose of raising a point of order that the Senator in possession of the floor has committed a transgression of the rules of the Senate germane to his possession of the floor.

5. Submission of speeches without delivery: Upon request, a Senator would be permitted to have his written remarks printed in the Congressional Record in normal size print without the requirement of full oral delivery. However, the Record would contain a notation to the effect that the material was submitted but not delivered orally.

6. Three-hour rule: Whenever a Senator has held the floor for more than three consecutive hours, an objection to his continued possession of the floor, if made by any Senator, would compel him to yield the floor.

7. Germaneness of debate: The present rule, which provides for a daily 3-hour period of germane debate, would be made more flexible by the adoption of a procedure whereby a majority of the Senate, by nondebatable motion, could require further debate on the pending business to be germane to the subject matter before the Senate until the business was disposed of.

8. Points of order: This new provision would limit debate on questions of order submitted to the Senate, and debatable appeals from rulings of the Chair, to 1 hour, in all, unless the Senate orders otherwise.

9. Morning business: The morning hour rule has been revised extensively to abolish the confusing distinction between morning hour and morning business, and to dispense with the need for unanimous consent to make statements or comments of not more than 3 minutes duration. There would be a daily period of 1 hour, if that much time should be needed, set aside at the opening of each new legislative day for the conduct of morning business. The Senate, by majority vote without debate, could extend the period for up to 1 additional hour. During this period, under the regular order of business, Senators would have the privilege of making 3-minute statements and could seek unanimous consent to have printed matter inserted in the Record.

10. Motions to take up: This revision would provide a means by which a Senator could convert a motion to proceed to the consideration any measure on the Senate Calendar, which would ordinarily be debatable, into a nondebatable motion. This could be done by filing at the desk of the clerk a notice of intention to make such a motion on the following calendar day on which the Senate is in session. The notice of intention would be printed in the Congressional Record.

11. Procedure for bills, joint resolutions and resolutions: This rule has been extensively rewritten both to clarify its operation, and to reduce the potential for disruption of normal legislative procedures by the objection of a single Senator. The provision by which any Senator can prevent a bill from being referred to committee, and have it placed directly on the calendar after second reading, has been eliminated. However, this may be done on motion by a majority of the Senate after 1 hour of debate, equally divided between opponents and proponents. The section permitting any Senator to force a postponement of the introduction of any bill or joint resolution for 1 day has also been eliminated.

12. Ex officio members of Appropriations Committee: The Senate rules presently provide for the selection of three ex officio members of the Appropriations Committee from each of eight legislative committees. These ex officio members serve on the Appropriations Committee for the limited purpose of considering annual appropriations for programs within the jurisdiction of their particular legislative committee. The revision of this rule adds five more legislative committees to this list, on the ground that they have equally valid claims to participate in appropriations decisions affecting matters within their jurisdiction. These five additional committees are: Commerce, Finance, Interior and Insular Affairs, Judiciary, and Labor and Public Welfare.

13. Germaneness of amendments: This provision, which is similar to the present practice of the House of Representatives, incorporates a general prohibition against nongermane amendments. Questions of germaneness are to be decided by the presiding officer subject to appeal to the Senate without debate.

14. Previous question: The cumbersome and unwieldly cloture provisions of rule XXII would be deleted by this revision. In their place would be substituted a split-level motion for the previous question, by which a majority of Senators present and voting could terminate debate: (1) on any motion or amendment to a measure pending before the Senate after that motion or amendment has received 15 hours of consideration on not less than 3 calendar days; or (2) on the measure itself, together with any motions or amendments relating to it, after the measure plus all related motions and amendments has received consideration for 15 calendar days.

If the previous question is ordered, 1 hour of debate equally divided between opponents and proponents, would be allowed as to any motion or amendment encompassed by the motion for the previous question, and 4 hours, divided in the same manner, would be allowed on final passage. Unlike the cloture procedure under which Senators may call up for a vote after cloture any amendment which has previously been presented and read, this procedure would limit consideration after the previous question had been ordered to amendments embraced by the motion. All other amendments would be deemed rejected.

15. Voting: Two additions have been made to the existing rule, both for the purpose of codifying existing practice: (1) A demand for the yeas and nays, when seconded by 11 Senators, shall be sufficient to require a rollcall vote; and (2) Senators entering the Chamber after their names have been called may obtain recognition from the presiding officer and have their votes recorded prior to the announcement of the vote.

16. Selection and retirement of committee chairmen: Chairmen of standing committees would be chosen by secret ballot of the majority members of the committee at the beginning of each new Congress. In addition, no Senator would be permitted to serve as chairman of a standing committee after he has attained the age of 70.

17. Jurisdiction of committees: The jurisdiction of the Senate Committees on Finance, Banking and Currency, Foreign Relations, Commerce, and Labor and Public Welfare would be shifted to provide a more logical and equitable division of responsibility. In addition, the jurisdiction of the Committee on Rules and Administration would be enlarged in accordance with Senate Resolution 338, to include violations of the rules of the Senate. The Rules Committee would also be given the power to recommend appropriate disciplinary action, including reprimand, censure, suspension, or expulsion from office or employment after making findings of fact and conclusions and after according notice and an opportunity for a hearing to any individual concerned.

18. Limit on committee memberships: The present rule which limits Senators to membership on not more than two major and one minor committee contains a grandfather clause making an exception for members of the Government Operations and Aeronautical and Space Sciences Committees. As a result, some Senators serve on as many as four major and one minor committee. This revision would strike the exception, and make up the difference by reducing slightly committee memberships. The Appropriations Committee would be reduced from 27 to 24 members. Of the remaining major committees, 10 would be cut back from 17 to 15 members, and 2 would be cut back from 15 to 13 members.

19. Committee meetings during Senate sessions: Although standing committees may now sit without special leave during the period while morning business is conducted, a single Senator still has the power to prevent every standing committee and every subcommittee of a standing committee from meeting while the Senate is in session after the close of morning business. The sole purpose of this revision is to implement the intention of the drafters of the Legislative Reorganization Act by stating that a committee may obtain leave to sit while the Senate is in session by a privileged, nondebatable motion.

20. Committee bill of rights: A majority of the members of each standing committee would be authorized, in addition to the procedures now provided in individual committee rules, to convene meetings; to direct the initiation, conduct and termination of hearings; to call up bills for consideration; and to terminate debate in committee after a measure has received committee consideration in executive session for a total of 5 hours.

21. Instructions to report on major legislative matters: Although it is axiomatic that the committees of the Senate are its creatures and agents, no procedures presently exist by which the Senate can exercise its authority in a fair, orderly, and effective manner.

The rules do presently provide for a motion to discharge a committee from further consideration of a measure. But this motion cannot be used to secure committee consideration of a subject, nor does it provide a device for obtaining a committee's recommendations. Moreover, such a motion can be filibustered, since it is debatable.

This proposal remedies these defects by creating a privileged motion to denominate any measure pending in committee or subcommittee as a "major legislative matter." This motion would be nondebatable, provided that a notice of intention to make such a motion had been presented on the previous calendar day, and printed in the CONGRESSIONAL RECORD.

Debate on the motion would be limited to 8 hours, the time to be divided equally between opponents and proponents. Such motion, if carried by a majority of Senators present and voting, would constitute an instruction to the committee in which the measure was then pending to report it to the Senate within 30 calendar days, by poll or otherwise, with the recommendation (a) that it be passed, or (b) that it not be passed, or (c) that it be passed with amendments, stating the recommended amendments.

22. Selection of conferees and exploratory statement: A majority of the Senate members of a conference committee would have to be chosen from those who indicated by their votes their concurrence with the prevailing view in the Senate on matters in disagreement with the House. Senate conferees would be required to prepare a statement explaining the action of the conference, just as the managers on the part of the House are required to do under the House rules.

23. Adoption of rules for each Congress: The provision continuing the rules of the Senate from one Congress to the next Congress would be deleted, and a majority of Senators present and voting would be empowered to adopt rules at the beginning of each Congress.

24. Disclosure of financial interests: This new rule, which was offered as an amendment in the nature of a substitute to the disclosure resolution favorably reported by the Rules Committee earlier in the year, would require every Senator and every Senate officer or employee compensated at a gross rate in excess of $10,000 per annum, to file a financial report each year. The report would contain the following kinds of information:

(a) Assets: The identity and fair market value of any asset having a fair market value of $5,000 or more.

(b) Liabilities: The amount of each liability in excess of $5,000, and the name and address of the creditor.

(c) Capital gains: Source and amount of all capital gains realized in the preceding calendar year in excess of $5,000.

(d) Income: Source and amount of every item of income for the calendar year in excess of $100, including gifts other than gifts from a relative.

(e) Assets belonging to a trust; assets, liabilities, capital gains, and income of a spouse; and capital gains earned through a strawman are all covered. Family homes and tax-exempt charitable entities are exempted.

(f) Association with a professional firm which practices before Federal Government agencies.

(g) Service as director, officer, or manager in a business enterprise.

25. Relations with lobbyists: This is another new rule which was offered as an amendment to the Rules Committee proposals. It prohibits Senators, and Senate officers and employees from engaging in joint ventures with lobbyists; and from accepting gifts worth more than $100 from lobbyists.

26. Testimony of Senators before committees: This new rule, also offered as an amendment to the Rules Committee conflict-of-interest resolution, would grant authority to any duly authorized committee of the Senate to request any Senator to come before it and give any pertinent testimony it has reason to believe he can give on the subject matter under investigation. A Senator receiving such a request would be required to appear and give testimony, unless within 10 days he delivers to the chairman of the committee a signed statement to the effect that he is without knowledge of the subject matter under investigation.

The Rules Committee would have the power to investigate breaches of this rule, and to recommend appropriate disciplinary action, including reprimand, censure, suspension or expulsion.

27. Moonlighting by Senate employees: This rule was also a part of the omnibus substitute amendment offered to the Rules Committee resolution. It would prohibit officers and full-time employees of the Senate from serving in any managerial capacity in any business or financial enterprise, or engaging in any regular professional or consulting practice, or maintaining an association with any professional or consulting firm without special leave of the Senate. In addition, it would permit moonlighting only if two conditions are met: (1) the activity or employment must not be inconsistent with the conscientious performance of the officer or employee's official duties; and (2) express permission must have been given by the Member of the Senate charged with the supervision of the officer or employee. For the purposes of this rule, each Senator would be responsible for supervising his own staff; chairmen of committees would supervise committee staffs; the majority and minority leaders and the Vice President would supervise their own employees; and the President pro tempore would be charged with the supervision of all other officers and employees of the Senate.

PROPOSALS REQUIRING CONCURRENT ACTION OF BOTH HOUSES

1. Appropriations Committee procedures: House and Senate Appropriations Committees would be authorized to hold joint hearings and half of the appropriations bills each year would originate in each Chamber to expedite congressional business. (S. Con. Res. 28, introduced by Senator Clark on March 7, 1963, and pending in Rules Committee.)

2. Separate session for appropriations: (S. 2198, introduced by Senator Magnuson, and cosponsored by Senators Clark, Neuberger, and Hart; pending in Rules Committee.) This bill would divide the annual session of Congress into two parts: a "legislative session" which would begin on January 3 of each year and end not later than the first Monday in November; and a "fiscal session" beginning on the second Monday in November and ending not later than December 31. Under the proposed procedure, Congress would devote the early session to substantive legislation including authorizations. It could then recess for the summer and come back in November to deal with appropriations. The bill also changes the fiscal year to make it correspond with the calendar year, so that all appropriations bills will be enacted before the beginning of the fiscal year to which they pertain.

ORDER OF BUSINESS

Mr. GRUENING. Mr. President, I ask unanimous consent that I may proceed for not to exceed 7 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 7 minutes. The request is not necessary unless the Senator wishes to speak out of order.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. GRUENING. I yield.

WELCOMING TO THE UNITED STATES THE INTER-AMERICAN BAR ASSOCIATION

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished minority leader, the Senator from Illinois [Mr. Dirksen], I ask unanimous consent for the immediate consideration of House Concurrent Resolution 349, which was messaged to the Senate this morning.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The Legislative Clerk. A concurrent resolution (H. Con. Res. 349) welcoming to the United States the Inter-American Bar Association during its 14th conference to be held in Puerto Rico.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution? There being no objection, the concurrent resolution was considered and agreed to, as follows:

> Whereas the Inter-American Bar Association was organized at Washington, District of Columbia, May 16, 1940, and is now celebrating the twenty-fifth anniversary of its founding; and
>
> Whereas the Inter-American Bar Association will hold its fourteenth conference at San Juan, Puerto Rico, during the period May 22–29, 1965; and
>
> Whereas this is the first time that the Inter-American Bar Association has planned a conference in the Commonwealth of Puerto Rico; and
>
> Whereas three previous conferences of the association have been held in the United States; and
>
> Whereas the purposes of the association, as stated in its constitution, are to establish and maintain relations between associations and organizations of lawyers, national and local, in the various countries of the Americas, to provide a forum for exchange of views, and to encourage cordial intercourse and fellowship among the lawyers of the Western Hemisphere; and
>
> Whereas the high character of this international association, its deliberations, and its members can do much to encourage understanding, friendship, and cordial relations among the countries of the Western Hemisphere; and
>
> Whereas there were adopted by the Eightieth Congress, in its second session, and by the Eighty-sixth Congress, in its first session, concurrent resolutions of welcome and good wishes to the Inter-American Bar Association on the occasion of its holding conferences in the United States: Now, therefore, be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That the Congress of the United States welcomes the Inter-American Bar Association during its fourteenth conference to be held in the Commonwealth of Puerto Rico, and wishes the association outstanding success in accomplishing its purposes; and be it further
>
> *Resolved*, That a copy of this resolution be transmitted to the Secretary General of the Inter-American Bar Association.

Mr. MANSFIELD. I thank the Senator from Alaska for yielding.

THE MESS IN VIETNAM—XI: OUR POLICIES IN SOUTHEAST ASIA ARE AIDING AND NOT THWARTING IMPERIALIST COMMUNISM

Mr. GRUENING. Mr. President, during his press conference Tuesday, President Johnson commendably rebuked those columnists who, speaking not alone for themselves but for the underlings in the Federal bureaucracy intent on justifying their past errors, are attempting to stamp out any and all criticism, however justified, of our policies in Vietnam.

In answer to the question, do you think any of the participants in the national discussion on Vietnam could appropriately be likened to the appeasers of 25 or 30 years ago? President Johnson incisively reasserted the right of critics to bring out their point of view on the mess in Vietnam by replying:

> I don't believe in characterizing people with labels. I think you do a great disservice when you engage in name calling. We want honest, forthright discussion in this country, and that will be a discussion with differences of views, and we welcome what our friends have to say, whether they agree with us or not. And I would not want to label people who agree with me or disagree with me.

I am gratified at the President's reply—as all right-thinking Americans should be—but not surprised. I would have expected no less from one nurtured in the finest traditions of the Congress where, in the Senate, the right to "take the floor" and speak out on any topic is assured. Of late, however, critics of our Vietnam policies have done so at the risk of vituperative comment in the press. Some of us who have done so have run the danger of being called beatniks, even though beardless.

I commend President Johnson, therefore, for his defense of his critics and in the same vein in which he said, "We want honest, forthright discussion in this country, and that will be a discussion with differences of views, and we welcome what our friends have to say, whether they agree or not." And I shall continue to criticize the current, unrealistic United States policies in Vietnam.

President Johnson's statements about Vietnam at his press conference yesterday sounded reasonable but were unrealistic.

Our administration's policy is unrealistic because it does not take into account the facts of life in Vietnam and of history.

It is unrealistic because it continues the past errors responsible for our being mired in the quagmire of Vietnam.

It is unrealistic because it does not take into account the fact that we are dealing in Vietnam with human beings and not machines.

It is unrealistic because it assumes a monolithic, absolute control of the Vietcong by Hanoi that simply does not exist.

By some sort of a process of self-mesmerization, those advising President Johnson have convinced themselves—and President Johnson, apparently—that the National Front of Liberation in South Vietnam is only a "front" for Hanoi.

Of course, it is in part.

But to say so does not mean that the National Front of Liberation has no entity of its own—that it has no aspirations of its own—that it has no will of its own.

The National Front of Liberation will accept from Hanoi direction and control in its efforts to conquer all of South Vietnam so long as Hanoi's objectives coincide with its own.

But, by excluding the National Front of Liberation from the groups with which he is willing to negotiate, the President is being entirely unrealistic.

Suppose we do go to the peace table with Hanoi and the latter should agree to discontinue its aid to the Vietcong.

Does anyone realistically believe that Hanoi could then issue orders to the Vietcong to lay down their arms and become part of the one big, happy family of peaceful Vietnamese?

Anyone who takes such an unrealistic position misreads history.

After Dienbienphu in 1954, Ho Chi Minh, leader of the Vietminh, agreed to the armistice terms at Geneva, which provided for the temporary partition of Vietnam at the 17th parallel only because those armistice terms contained the explicit agreement that free, supervised elections would be held by July 20, 1956, leading to the reunification of Vietnam.

In a separate declaration, the United States agreed to this reunification provision. Then in 1956 the United States acceded to and supported the breach of this provision of a solemn international undertaking.

In not even alluding at his press conference on Tuesday, April 27 and at Johns Hopkins on April 7 to this provision of the Geneva agreement—a return to which he called for in his March 25 remarks—by not holding out the smallest hope of ultimate reunification of all of Vietnam—President Johnson, despite his oft repeated offer of unconditional negotiations, is in effect saying that one of the conditions of negotiations is the agreement in advance that this provision of the Geneva agreement was nonnegotiable. In other words, while talking unconditional negotiation we are in fact asserting a condition precedent to any negotiations.

Such a condition precedent to negotiations ignores history. It conveniently slides under the rug not only the reunification provision of the Geneva agreement, but also the fact that for 800 years after it had ousted its Chinese conquerors and before it was colonized by force by France, the whole of Vietnam constituted one undivided, free, independent sovereign country.

I oppose U.S. policies in Vietnam—and have done so for over 13 months now—not alone because they are unrealistic and are leading us down the path to a full scale, major war, but also because they are playing right into the hands of Chinese imperialist communism.

Let us carefully and realistically examine the direction in which our present policies are headed.

We start out with the known fact that, having been a colony of China for over 1,000 years, and having expelled China by force of arms, North Vietnam is not anxious to be reconquered by China at this point in history.

We have now been bombing North Vietnam for nearly 3 months and the makers of policy in the Pentagon and some of the pundits in the press are pointing gleefully to the fact that neither the Red hordes from Communist China nor the forces from Communist Russia have poured across the 17th parallel.

But the fact remains that Hanoi does not need manpower either from Peiping or Moscow. It needs weapons and materiel and recent reports of the installation of missiles in Hanoi and elsewhere in North Vietnam indicate that it is or will be shortly obtaining Russian weapons and materiel. As for men, Hanoi has sufficient for the time being to maintain its infiltration of the civil war in South Vietnam.

Some may interpret the lack of Red Chinese fighting men in South Vietnam as restraint on the part of Red China.

One explanation is that the Chinese are anything but unhappy about the situation in which the United States finds itself.

They—the Chinese—see the United States entrapped in a war on the continent of Asia.

They see it realistically as a war in which we are losing American lives and spending vast sums of money.

They see the escalation of this war as an intensification of these two conditions—more American lives sacrificed, more dollars expended.

They see the Western white man—the United States—fighting all alone a small Asiatic nation on the continent of Asia and being held by that small nation at least to a standstill.

They note that the United States has been fighting this war all alone.

They see this war alienating from the United States the support of the neutrals and its allies.

Why should the Chinese not be more than content with this situation and let it develop without specific action on their part? For despite the allegations by some spokesmen for the administration—and indeed the President's own reference to Communist China—that China is behind the Vietcong it is more than evident that to date the Chinese have shown a complete self-restraint as far as any military action is concerned.

There is another explanation for Chinese inaction to date.

It is more plausible to interpret events as indicating that Hanoi has not invited Red Chinese troops into its country.

And for good reason.

Hanoi well remembers the last time Chinese hordes invaded Vietnam and how it took more than a thousand years to free itself.

Hanoi wants no repetition of that event.

But United States present policies may be driving Hanoi into the waiting arms of Peiping. If our war efforts are escalated and North Vietnam is laid bare, then Hanoi may be forced to call for aid from both Red China and Communist Russia. Once Red Chinese troops occupy North Vietnam, how many thousands of years will it take before they leave? It will be difficult to drive them out.

Our policies are also driving Peiping and Moscow closer whereas their deep split was a cause for rejoicing in the free world. Our policies are likewise estranging us from our allies and strengthening imperialist communism.

How are our policies in southeast Asia strengthening imperialist communism?

Because if we had adhered to the Geneva agreement and would adhere to it now, and announced our purpose to hold the elections promised in the Geneva agreement which we supported, a united Vietnam would inevitably firmly resist a takeover by the Chinese. This would be a complete accord with its past history.

The Vietnamese want to be independent. They objected to the presence of the French. They object to the presence of the United States. They would oppose the presence of the Chinese.

What would emerge in all probability judged by past history, both long time and recent, would be a Titoist form of government independent of Peiping.

To secure that type of independence from Moscow, the United States has invested $2 billion in foreign aid in Tito's Yugoslavia.

We could have pursued the same policy in southeast Asia, although in consequence of our aggressiveness there and now bombings of North Vietnam and our repeated declarations for an independent South Vietnam, this policy would now be more difficult to achieve than it would have been a year ago. But it is still possible.

In this policy we would have Russian support.

But if we escalate the war still further, go still farther north, continue to bait the Government of China, the Chinese may move in with ground troops into both North and South Vietnam. And once they occupy Vietnam it would be infinitely more difficult to get them out. It has been extremely difficult and as yet impossible to get Joseph Stalin's troops and tanks and their successors out of Estonia, Latvia, Lithuania and Poland and Czechoslovakia. But we managed to assist Tito in proclaiming and maintaining a considerable degree of independence from Moscow. We are pleased with the result and consider the $2 billion dollars it cost the American taxpayers as a sound investment.

His government is Communist, but it is a communism independent of imperial control which Joseph Stalin sought to impose. It is not a communism which is exported for the purpose of dominating other nations.

Similarly, if we had pursued or could now pursue a corresponding policy in southeast Asia, a reunited Vietnam choosing its own government would in all likelihood maintain its independence from the Peiping rule of Mao Tse-tung and Chou En-lai.

Unfortunately our present policy is likely to nullify that desirable solution.

Actually, our policy is leading to the very Chinese imperialist expansion which we declare it is our purpose to obviate.

I repeat my previous suggestions.

We should:

Stop the bombings in North Vietnam, at least for a limited period of time, so that negotiations can get underway without North Vietnam being dragged to the conference table with a pistol at its head.

Press for an immediate cease-fire in South Vietnam with international supervision.

Offer to go to the negotiating table with all the parties involved, including the Vietcong, the real opposition to the South Vietnamese Government which the United States supports.

It has been said that all wars end at the negotiating table, so why not this one?

I fear that this statement may no longer be true. The thermonuclear capabilities of the major nations of the world mean that the next—the last world war—could end not in negotiations but in total destruction of the peoples of the world, leaving no one to negotiate.

Is it not time for the President to take another firm, hard look at the policies he has been advised to pursue?

It is not too late—yet—for reason and realism to prevail.

Mr. President, I yield the floor.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

AMENDMENT NO. 117

Mr. ERVIN. Mr. President, I send to the desk an amendment to amendment No. 82 of the Senator from Delaware [Mr. Williams], and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated for the information of the Senate.

The Legislative Clerk. On page 1, line 10, of the amendment numbered 82, change the period to a colon and add this additional sentence: "*Provided, however,* That this provision shall be applicable only to elections held for the selection of presidential electors, Members of the United States Senate, and Members of the United States House of Representatives."

Mr. ERVIN. Mr. President, let me state briefly the reason why I offer my amendment to the pending amendment of the Senator from Delaware.

I am in favor of amendment No. 82. However, in my opinion amendment No. 82 in its present form is unconstitutional because it is not restricted to Federal elections. By the term "Federal elections", I mean elections in which presidential electors and Members of the U.S. Senate and Members of the U.S. House of Representatives are chosen.

The only effect of my amendment would be to confine the application of amendment No. 82 to Federal elections and thereby make it constitutional under the interpretation placed on the 15th amendment by the Supreme Court of the United States in a number of cases.

Mr. WILLIAMS of Delaware. Mr. President, I concur in the statement just made by the Senator from North Carolina [Mr. Ervin]. I find his amendment to my amendment to be perfectly acceptable. In fact, I believe that it would make my amendment stronger, which is the objective we are trying to achieve.

Since the yeas and nays have been ordered on the amendment I ask unanimous consent that I be allowed to modify my amendment to accept the provision of the amendment offered by the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. Williams], numbered 82 as amended by the amendment of the Senator from North Carolina [Mr. Ervin]. The Chair will put the question.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN POLICY IN VIETNAM AND DEBATE IN THE UNITED STATES

Mr. McGEE. Mr. President, a great national debate on our policy in Vietnam has moved a considerable distance since it opened on the floor of the Senate on the 17th of February. It is with some reluctance that I take issue with my distinguished friend, the Senator from Alaska [Mr. Gruening], who has just preceded me, but he and I have had rather strong differences on this question for some time. Let me add that we have likewise enjoyed the additional pleasure of exchanging those differences, not only in debate on the floor of the Senate, but also in debate on some of the campuses of the universities across this great land of ours.

It is that kind of debate which, it seems to me, is in the tradition of free inquiry and open discussion in the test of conflicting positions in the public forum. This helps to firm up the wisdom of policy positions.

Because of the debates which have taken place in the past 3 months, we can now point to a higher level of both discussion and debate, but now more often on the right questions for the right reasons instead of the wrong reasons, and with not quite so much misinformation as characterized the opening discussions.

This is all to the good. The country as a whole has become much more closely attuned to the tough issues which need to be resolved in southeast Asia. Much of the helpful delineation and consideration which plague our great country has come from high places in the administration, led by the President himself, aided and abetted by Secretary of State Rusk and Secretary of Defense McNamara, as well as some of the President's closest personal advisers. Likewise, articulate voices in the Senate have continued to contribute to the discussion, and thus have contributed to the shaping of policy positions.

Not the least of the forces which have contributed to enlightened debate have been the voices that have come from the nongovernmental level, from town meetings, community seminars, and perhaps most of all from the campuses of our great educational institutions, both large and small.

The knowledge of the academic world in these matters has taken on new dimensions during this time of crisis. Perhaps more so than at any time since the 1930's, the college campuses have come forward to participate in a controversy with debate of high caliber and considerable magnitude.

As a former academic, I am delighted to see this manifestation of deep concern about an issue of such vital international and national significance.

Having said that, however, there is one aspect about it that remains disturbing to many of us. This is the seeming impression, which has come to us at least through the media of communication, that the campuses of the land are almost totally in the grasp of those who oppose the President's position in Vietnam that they are engaging in a monolog rather than a dialog. We are being led to believe that the teach-ins, the picketing activity, the marchings, and the public student demonstrations all reflect a cross section of the campus life today.

It is unfortunate that this impression has gotten abroad in the land—unfortunate because it is not only unrealistic, but also because it is untrue. Yet at this very moment the image of the intellectual world is a one-sided image. It suggests that the students and their professors and intellectuals are all automatically pacifists or troublemakers, whose loyalty to their country may be open to question.

In the interest of objectivity, as we seek to judge the academic world of our time, particularly on the issue of Vietnam, it is necessary that we bear in mind how such distortion could emerge in the first place.

At the outset we ought to recognize that if the campuses were to rally around a policy that was already invoked, if the campuses were to accept what already is a fact, it would be less newsworthy and it would not attract attention from off the campus, and therefore the protester against the existing situation has the advantage in headlines.

Second, campuses generally and understandably draw hangers-on, those who are professional protesters, even though not officially members of the intellectual community. These hangers-on should not be confused with bona fide academics.

Third, major segments of the academic world have contributed through their intellectual resources to the warp and woof of the present American policy in Vietnam. The President himself is a former teacher. The Secretary of State was a professor of political science and a Rhodes scholar. The Secretary of Defense is a distinguished scholar PBK. McGeorge Bundy, a key adviser to the President on defense matters, was dean of arts and science at Yale. And Walt Rostow, chairman of the policy planning staff shaping these questions, was a professor of economic history at MIT and a Rhodes scholar.

In other ways, through position papers, field studies, public debates, and community dialogs, other voices from the classroom have helped to shape and to raise the level of understanding of the central issues in the Far East. On my own campus at the University of Wyoming my former colleagues in the department of history have taken the lead in this regard.

It is unfortunate in the light of this that only one side of the academic face is coming through—that which protests a strong policy in Indochina. One of the regrettable consequences is to give to the general public the wrong image of the intellectual in America—wrong only because it portrays him as being one-sided and with a closed mind. It is not that students and professors should not protest, for whatever else, protest should ever remain a hallmark of academia. Exploration of the unrealistic as well as the realistic, of the frowzy as well as the fundamental, should always be a way of life on the campus. The right to think otherwise or be otherwise should remain a cherished tradition in the halls of ivy.

On a question of the magnitude of American policy in Vietnam, it is important that the public image of the position of American intellectuals on it be brought back into balance. For all too long in our country's history academics were suspect, particularly in the public arena of politics. Among others, the Soviet Union frightened some of our countrymen into the realization that perhaps there was a proper place for intellect in a modern state. In any event, the intellectual has acquired a higher status and public respect today never before enjoyed—at least in this century. Thus, the campus is on the spot, and the urgency of getting through a balanced profile becomes even greater.

So I appeal to the currently silent segment of our campuses who support the President or who may agree with fundamental tenets implicit in a firm posture in Asia to declare themselves now in a public way. Let the professors speak out; let the students petition. It is time to stand up and be counted.

For several weeks, I have been meeting with groups of students and professors on the question of Vietnam. Their questions, their newspaper ads, and their picket signs generally center around half a dozen ideas. It has been my experience that the ideas often are noble but that the facts which led them to those ideas were often irrelevant. While ferment on the campus is to the good, we can ill afford campus monologs premised upon fermented facts, namely, facts that are old and out of date. How well I remember my own classroom days. It is with no thought of disparagement at all that I recall that Professor McGee had a lot more solutions to the problems of the world than does Senator McGee.

That may suggest, in capsule form, why President Truman, who may have held a different position until he became President, why President Eisenhower or President Johnson, too, came to about the same answers on this question. It is the difference between sheer speculation or posing theoretical postulates, and having to accept responsibility for taking a given policy position now on any given issue of the day.

Let us examine some of the questions and some of the answers to the questions which appear most frequently and most commonly in the student bodies with whom I have met, and many of the professors whom I know so well. These questions take into account the kinds of uncertainties that still prevail in many sincere and expert academic minds.

At the same time the answers take into account the radical changes in the status quo that have occurred in the last 6 to 8 months.

Perhaps one question that is put most often, or most frequently, is this: Why do we interfere in what is largely a simple civil war between two factions in South Vietnam?

Of course, the answer to that question lies in the developments which have occurred in recent months. In that interval of time the government in Hanoi has intensified its training of skilled guerrilla forces, recruited in North Vietnam, and they have likewise stepped up their infiltration of the territory south of the 17th parallel.

Also, in recent months Hanoi has begun to give direct radio signals—orders, if you will—to most of the units operating in South Vietnam. This has meant coordination of movement and a concentration of targets, and thus a greater effectiveness or a greater threat of their capability to disrupt and destroy in the south.

Third, we now have abundant evidence to suggest that even major regular army units from Hanoi are now operating across the border in the south. There has begun wholesale importation of supplies and armaments from outside Vietnam, which are then smuggled into the south on behalf of the guerrillas. We have learned that in recent battles the Vietcong has been armed with small arms of which more than 90 percent came from outside the area—notably arms from China, from Czechoslovakia. Almost 100 percent of the larger weapons were of Chinese manufacture.

Until 6 months or so ago, the guerrilla operations were largely endemic in their nature. Very often they were cannibals from the standpoint of arms, either converting arms that they captured or using arms that they had discovered in caches left over from the Japanese occupation or the war with the French.

But that has now changed; and this change is the point to which we ought to lend emphasis as we seek to respond to the academics who still call into question policies in Vietnam on the basis of outmoded and outdated fact.

Another question that is commonly raised in the campus discussions is as follows: Why do we remain in a land that wants no part of our presence there, where a large segment of the population is openly trying to throw us out, and is strongly supporting the position of the guerrillas or the Vietcong?

That item, I submit, is nonsensical on its face. In the first place, how do we measure the attitudes of the rural peasant population in South Vietnam? How do we determine the state of mind of the people in the hills and the mountain country north of Saigon?

Mr. Gallup has not been over there. There is no known standard of measurement that would stand up to the test of validity. But one of the students suggested to me on one occasion. "Whenever the guerrillas come into a village, the first thing they do is to get cooperation from the local villagers."

Mr. President, students have often suggested to me that the best evidence of the fact that Americans are not wanted in Vietnam is disclosed in the fact that villagers themselves often aid the Vietcong by giving them rice, where possible, by helping them repair weapons, and even by supplying them with manpower. This cannot be denied as a fact, but in my judgment it is a fact that very often stems from terrorism of the most extreme sort. I suggest that most villagers, wherever the village, confronted by the shooting in cold blood of their tribal leaders or of decimation of their ranks by firing squads or by other atrocities practiced upon selected leaders of their community, would more readily surrender to a guerrilla occupation, however small, than to try to resist them, only to suffer the same fate themselves.

The real point is that most of those people, being without adequate means to defend themselves, would find it easier to go along and cooperate, and perhaps spare the lives of the young ones or themselves, than to be mowed down by well-armed groups of terrorists from the ranks of the guerrillas.

On the other hand, terrorists have every advantage in some respects. In order to win, all that they have to do is to hit and run. All they have to do is to strike terror, not to deliver a program, and then fade away under cover of jungle or night, to strike again at some other place.

I reject, thus, the equation of the villagers cooperating with the terrorists with the opposition to the United States and our presence in Vietnam.

Another question that comes from the colleges suggests that, as a practical question, we are losing the war in Vietnam, anyway, and, therefore, we should not continue an effort to do better there; that we should get out while we can, and perhaps get out as gracefully as we can.

That point of view, too, is nonsense, as I see it. The war in Vietnam has been going on for 10 years. At the very beginning it was said that the war could not last for more than 6 months. That kind of warfare has almost become a way of life because of practices and policies designed to unsettle and terrorize that have plagued the Government in South Vietnam. This is not to make any apologies for the little game of "who is the president in South Vietnam" from time to time, for that in itself is another subject. But it is to say that the war is not lost and need not be lost in South Vietnam.

A noted correspondent for the Paris weekly, L'Express, Georges Chaffard, has filed a series of dispatches which indicates that there has been a serious shifting, a significant one, in Vietnam. That statement comes from a source which, in general, has been sharply critical not only of the American position there, but of the Saigon Government there as well. These articles report increasing cases of battle fatigue among the North Vietnamese and among guerrilla groups, whose ranks are no longer marching in a single step, as once was the case. It should be pointed out, as Joseph Alsop has mentioned in one of his columns, that Georges Chaffard is no friend of our present position there, but is merely recording a significant shift as he sees it on the spot. The correspondent does not predict, I hasten to add, an immediate end to the struggle. He has not pronounced that, therefore, in the wake of some depressing developments, there is suddenly to be a victory. What he is saying is that there has been a measurable shift, and it is the kind of shift that represents a basis for realistic judgment of the present policy that our Government has been pursuing in Vietnam.

Further, we now increasingly read in the press, reports of new cracks in the facade of intransigence, at Hanoi; cracks that suggest that the North Vietnamese themselves have become badly split due to the new pressures that have been imposed upon them.

Other correspondents write of vastly improved morale in South Vietnam, including the fact that 7,000 young men volunteered for military service in the South last month alone. A few months ago, the reports would likely have been that the same number of men had dodged the draft.

I would note that the picture is not all bright, and one would not find it wise to be overenthusiastic in the circumstances. There are those who still consider the conflict incapable of successful resolution, and they offer evidence to support their concept. But I insist that there has been a sufficient shift in the general complexion of affairs in South Vietnam today to sustain an attitude of guarded, cautious optimism, and a spirit of determination to continue the President's policy of a careful and planned use of force in North Vietnam.

We have also heard much of the idea that China represents the wave of the future in southeast Asia, that its power will inevitably dominate the entire area. I would agree that China will certainly be of increasing influence in that area in future years, but that is a totally different concept than actual domination of smaller, weaker nations. On this point I subscribe to what President Johnson said at Johns Hopkins that "there is no end to that argument until all of the nations of Asia are swallowed up."

Some of the comment from those who protest our involvement in Vietnam casts us in the role of blood-thirsty warmongers, unmoved by the slaughter of innocents, the deaths of women and children, and completely unaware of the issues causing their deaths.

On Tuesday I had printed in the RECORD an editorial from the Washington Post entitled "Anguish of Power." That editorial pointed out that the responsibilities of world leadership, which cannot be ignored, present us with alternatives, all of which will result in bloodshed and human suffering. It noted:

> Each of our decisions to use force or to fail to use force is filled with potential pain and injury for millions. This is the anguish that goes with great power. No one can deliver us from it.

The last question from the academic world which I will discuss here today—although there are many others—is the charge that we are all but alone in the nations of the free world in our policy in Vietnam, that we are earning universal condemnation and further tarnishing whatever good image is left us around the globe.

Let me say, that we must win our own respect first. We start with ourselves, to acquire what we regard as the best educated guesses, and we realize what our obligation is to mankind and to the world of which we are a part. We have to live with our conscience. We have to do what we believe in our best judgment is right because it is right, not because we are trying to win a popularity poll with some of the governments of the globe.

Any time we weigh foreign policy on the basis of taking a straw vote around the nations of the world, at that time we will be in deep trouble. This is not to suggest that we should ignore them. We must weigh and assess world opinion, national opinion, and the opinion of our colleagues, at all times. These are factors which we need to fit into the total scale of values which will guide us in our judgments. It does not mean that they should become a determining factor.

Those who are the most powerful in this world are rarely the most loved. Need I remind the Senate of the traditional role in history of the British nation for so many centuries, which in some respects became probably the most hated country in the world. We know that was true up and down the east coast of the United States for a long time. Especially was it true in Chicago during the 1920's, when the Mayor of Chicago ran his political campaigns based upon vilification of the King of England. This should remind us that with great power goes great responsibility and a great deal of unpopularity in the world.

We can never conduct our policies on the basis of trying to be loved by everyone or trying to be the good guy. We must do what the times require, for the simple reason that this is a world made up mostly of anarchy, and no one has agreed upon what rules we are to play as a result. There are others who are willing to be the bad guys, to take advantage of the inhibitions of civilization, of culture, of decent people, in order to exploit their inclinations not to act.

We dare not surrender to the temptation on the other side to exploit our respect for human life, our respect for the high level of civilization, and our abhorrence of war. One of the great calculations in the East has been the conviction that although the United States is a great power, that because of its highly civilized inhibitions it would not be willing to use its power. They are gambling on our unwillingness to use it.

It is not sufficient to suggest that because we have some new answers to old questions that we have sufficient justification for our role in Vietnam. We must ask ourselves—regardless of the success of our role—what business do we have in Vietnam at all. I submit that there are several reasons why to forfeit our presence in this troubled area would be to forfeit our leadership of the free world.

In the recent history of mankind the only force which has been able to keep international relationships on a peaceful plane has been that of balance of power. The Pax Britannica is a demonstration of how this concept, if pursued skillfully, can eliminate international conflicts on a global scale. And I would point out that though international conflicts once could be resolved upon the battlefields of Europe, this is no longer the case.

It makes a real difference to southeast Asia where the line representing the balance of power is drawn. This line is fairly well determined across most of the globe but in Vietnam we have a soft spot that the Communists seek to exploit for the extension of their domination.

The nations of southeast Asia have adopted the concept of wait and see over this struggle. For it is evident that the future course of these nations will be determined by our success or failure in stopping this pattern of conquest. Already we see the revival of Communist activity in Thailand, the Philippines, Indonesia, Laos, and Cambodia. The picture is clear: what can succeed in South Vietnam can succeed in these nations, too—and this applies for both sides in equal measure.

National independence is a concept for which peoples have died over the centuries. I am convinced that the independence of these nations from direct external control, no matter what is the nature or form of their government, best serves the interests of these nations and of world peace.

The policy of planned escalation of this conflict is the subject which began here in the Senate on February 17. That policy now is being carefully applied by the Johnson administration. These are what I consider to be the goals of this policy:

First, we seek to set the stage for negotiations between the parties involved in this dispute. We mean to convince those who thought we were summer soldiers that we will honor our commitments in South Vietnam regardless of the discomfort, regardless of the size of the effort. I believe this fact is now becoming apparent to Hanoi and I believe this fact is now becoming apparent and I believe the chances for meaningful negotiations are improving.

All of us readily admit, unless it be the most rabid militarist on the loose—and I trust there are none of those except in retirement—that there is no military solution to southeast Asia. We will not solve the southeast Asia problem with bullets, guns, and troops. We must reach the kind of stage at which it will be possible to sit down realistically and try to find some substitute for war there.

But in February we were in no position to negotiate. The other side was not disposed to negotiate. Why should they? They were convinced that they were going to get everything free. They would get all that they desired without sitting down with anyone. If they would only wait it out, the Americans would soon go home.

Thus, likewise, we had to acquire a position which would lead them to understand that we were there to stay, and that their only chance to realize some kind of settlement better than the drains on their resources that war was making is to talk.

So these, then, were the purposes of planned escalation.

Now, nearly 3 months later, it is possible to assess our Government's program with the advantage of hindsight. In spite of the attacks made by the critics of the President, in spite of the assaults on the part of those who thought that it would be suicide and that we ought to get out, it is now possible to note measurable progress through the policy of planned escalation.

Second, we seek to lessen the chances of accidental war. To those who believe that our policy is just the reverse, I would suggest that accidental wars are created by those who misread the intentions of their adversaries. A policy of uncertain response to aggression encourages that aggression and further aggression. At a certain point our alternatives would be exhausted and we would be at war. When the Communists understand our intentions, I believe the chances for accidental war will be materially lessened. We shall never be free of the threat of war, but we can reduce the risk as much as possible.

A third goal of this policy is the sealing off of the problem of South Vietnam. As George A. Carver, Jr., pointed out in an excellent article in the April issue of Foreign Affairs, there is a power struggle in South Vietnam, but neither of the two sides are connected with the Vietcong. The infiltration of men and arms from the North was stepped up in February in an attempt to solve all problems from the outside. The South Vietnamese should be given the chance to work out their own future and a closed border will help them do it. No one suggests that democracy as we know it can be installed there, but that is no reason to deny the South Vietnamese the right to plot their own future free from outside domination.

With these goals in mind, I firmly believe that we are making definite progress in this conflict. A cross section of press accounts indicates the morale is increasing in the South. The increase in military volunteers has already been referred to. More and more weapons are being captured by the South Vietnamese Army. The ranks of the guerrilla forces are being thinned by the failure to replace casualties and the increasing number of deserters. More and more of these South Vietnamese trained in the North for guerrilla warfare return to their homes and families immediately upon being infiltrated southward. In many places they have shifted from offense to defense.

Further stresses and strains are visible in the Moscow-Peiping Axis. Name calling between the two is increasing and some physical conflict has appeared in Chinese student attacks upon Soviet Embassies and reversed incidents in Moscow.

In Hanoi there are increasing reports of a split in the ranks of policymakers. Young officers are contesting the strategy of the old revolutionaries. Doubts about the wisdom of present policies are increasing.

The announcement this morning that a battalion of Australian infantrymen are being sent to South Vietnam is welcome news which indicates that our allies have confidence in our ability to carry out our program and that we do not stand alone in this troublesome endeavor.

Finally, the President's speech in Baltimore, following as it did in the wake of American escalation and in the wake of a dispatch of increased troop personnel from the United States to Vietnam, came as a gesture of strength and of a sincere desire for peace, rather than being subject, instead, to being considered a desperate porposal by a nation that was on the ropes in southeast Asia. That speech could not have been made in February with any dignity. That speech could not have received any kind of credence anywhere around the world 2 months before. But because of the acceleration that was planned in North Vietnam, it was possible to show to the rest of the world again the true face of America; namely, that we have no designs on anyone else's government, that we covet no other country's territory, and that our goal is peace wherever we can obtain it and in whatever proportions it can be achieved. We have shown to the world that we are willing to put our men, our money, our policy, and our hearts where our words have been. That is an important step forward.

None of these facts suggest that we shall be at the negotiating table next month, but they are signs that our policy is having the effect we wish it to have and that it should be continued.

The responsibilities we have accepted in Vietnam are ugly and unpleasant, filled with suffering, death, and dislocation. But we have accepted them in the hope that in the final tally mankind will have benefited, that as a result of what we do here this year and next some peoples will have a chance to seek and find independence and self-determination that otherwise would have been denied them.

Our policies, as a product of human endeavor, may not be perfect. They should be debated, discussed, analyzed, and criticized by those in our colleges and universities and by the man on the street. But it is my hope that these debates and discussions will be conducted with an objective view of the facts and in the context of honorable differences among honorable men. We have the choice of helping to steer the course of history or of muddying the waters with fruitless and irrational posturing.

I ask unanimous consent to have printed in the RECORD following my remarks a series of columns and articles. First, an article from the Evening Star of April 27 on the war; second, an editorial from the Washington Post, issue of April 28, on the war; next, a column by William S. White that was published in the Washington Post on April 28 on the same question; still another by Roscoe Drummond, from the same issue of the Post; likewise, an editorial entitled "Two-Pronged Attack on Vietcong," published in Life magazine of April 30; and a reprint from Life magazine of April 30 of material that appeared in a French weekly, L'Express, to which I referred earlier in my remarks as reprinted in Life magazine.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Apr. 27, 1965]

"McNAMARA'S WAR"

Secretary McNamara said he decided to hold his televised press conference on the war in Vietnam at the request of the reporters who cover the Pentagon. Undoubtedly there was a factual basis for this. Our guess is, however, that the Defense Secretary also wanted to let the people see how things have been going in which his critics call "McNamara's war."

They have been going rather well. Since the much-condemned bombing of North Vietnam got underway in February some 14 highway and railroad bridges have been knocked out. In addition, there has been substantial damage to military installations, radar stations, supply depots, truck convoys, and the like.

Mr. McNamara says that this has not halted the movement of arms, supplies, and men from the north to South Vietnam. It may not even have substantially slowed down this traffic. The essential point to bear in mind, however, is that we can keep up the bombings day after day after day. And to an appreciable extent, we can also interdict any similar movement along the sea routes.

The critics say that the bombings will never bring the Communists to the conference table and that, instead, they will merely stiffen the resistance of Ho Chi Minh. We do not believe it.

It is perfectly clear that American power in the air and in the China Sea cannot be successfully challenged. And as long as we control the air and the sea it is absurd to think there will be any massive introduction of Red Chinese or Russian troops into the combat area. They couldn't be supplied if they could get there. Meanwhile, it is also clear that the United States and the South Vietnamese Air Force can continue to chop away at every target of consequence in North Vietnam. It may take a long time, but these targets surely are doomed if Hanoi hangs on.

So what thoughts must be running through the mind of Ho Chi Minh? According to Mr. McNamara, some 89,000 Vietcong troops have been killed in the past 4½ years. The Communist sources of manpower in the south are drying up, and it is becoming increasingly necessary to send in reinforcements from the north. Ho Chi Minh is nobody's fool. As he sees the turn which the war is taking as he notes the absence of important aid from Peiping and Moscow, and as he surveys the mounting ruin in his own country, there must be times when he is a deeply discouraged man.

[From the Washington (D.C.) Post, Apr. 28, 1965]

Vietnam Policy: Consensus of Extremes

(By Roscoe Drummond)

There is every reason to believe President Johnson will widen and hold a decisive consensus in support of a strong policy in Vietnam.

He has one special asset. He is occupying his usual stance at the center. His policy is wedded to neither extreme. He rests on two pillars—clear determination to defend as long as the aggression continues; clear willingness to talk whenever Hanoi will start talking.

His senatorial, newspaper, and professional critics can offer no acceptable alternative. They are prepared to accept Chinese Communist domination of all southeast Asia. This is an alternative the American people will not accept without trying to do something about it.

The President has the backing of many Democrats (his offer of unconditional discussions won the approval of the ADA) and most Republicans.

Despite the honest, emotional student pickets and the college teach-ins, this leaves Mr. Johnson in a strategic position. And here is the evidence:

The Gallup poll finds that 29 percent of the country would like to see the United States withdraw completely from Vietnam, stop the fighting whatever the effects, and start negotiations whatever the outcome. It also finds that 31 percent of the country favors stepping up military activity and going the full distance of declaring war.

The President embraces neither extreme. He does not propose to withdraw or even cease defending. But he will start talking even while defending. He does not seek a solution by military means alone, but he will use military means until Hanoi is willing to use the conference table.

Where does this leave Mr. Johnson with respect to a public consensus? To obtain further evidence of the public's attitudes toward the handling of the situation in Vietnam, Dr. Gallup put this question to people in the same survey cited above: "Do you think the United States is handling affairs in Vietnam as well as could be expected, or do you think we are handling affairs there badly?"

The result was that by a ratio of more than 2 to 1 the American people approve of the Government's handling of the situation.

If there is any threat to the President's expanding and holding this consensus on Vietnam, it would only come, I think, from any sign of weakening in his policy.

Republican support is crucial to the Johnson consensus. The President knows it.

But the President knows that any sign of appeasement, intended or accidental, Republican support would vanish like a rocket into outer politics. As they did to President Truman over Korea, the Republicans can never call this "Johnson's war," but they could fight and possibly win election if it ever turned into "Johnson's appeasement."

[From the Washington (D.C.) Post, Apr. 28, 1965]

Vietnam Policy

President Johnson's press conference statements, added to those of Secretary McNamara earlier this week, make the American policy about as clear as it can be made with words. The policy enunciated at Baltimore stands. It is, as the President described it, a policy of "firmness with moderation."

The two press conferences have put at rest the alarms about nuclear weapons—if there ever was any justification for them. And that is a good thing. The situation is alarming enough without conjuring up risks that nothing but sheer folly could persuade this Government to take in the Vietnam war. Nuclear weapons would be about as useful in Vietnam as French 75s in a fly-swatting campaign. It is to be hoped that this will end this scare.

The President reemphasized that the American purpose is a "peaceful settlement." It is to be hoped that this strong reaffirmation has not been overlooked by Hanoi, Peiping, and Moscow. The crisis in South Vietnam is one that admits of a peaceful solution. The United States has no purpose there inconsistent with the legitimate aims of North Vietnam or irreconcilable with the independence of South Vietnam. The President has pointed this out again in terms that can only be construed as an invitation to peace—if peace is desired.

The strong emphasis that the United States now is giving to the role of North Vietnam, evident in the President's press conference, the McNamara press conference, and in other public statements, makes the fact of North Vietnam's aggression a first premise of our position. The indicated scale of infiltration may be in conformity with the available statistics and intelligence. But our reports should not be so phrased as to suggest that there is no indigenous revolutionary force in South Vietnam. The country must not be misled in the belief that this is wholly a case of external aggression any more than it should allow itself to be misled by critics and enemies into the belief that we deal only with a civil war. It is both. If the infiltration from the North could be stopped, the internal struggle might be manageable, but it would not necessarily end at once. It would still be difficult.

Americans must resist the temptation to believe that the recent improvements in the military situation forecast any quick or easy solution. Our firmness and resolution will be the more believable if we make it plain that we know how troublesome and dangerous a trial we face, and that we nevertheless are determined to fulfill our commitments. Our professions of peace will be the more believable if we do not conceal our anxiety to bring to an end this struggle and the sacrifices it entails.

It is to be hoped that the President's plain speaking will be understood.

[From the Washington (D.C.) Post, Apr. 28, 1965]

Screeching Splinter: Articulate Policy Support Needed

(By William S. White)

The frightening outlines of what could become an American tragedy without example can be seen in the feverish attacks of American citizens on the integrity of their own Government's course in resisting Communist aggression in Vietnam.

A small but screechingly articulate Democratic splinter in the Senate is day by day inviting the North Vietnamese and Chinese Communists to believe these monstrously dangerous falsehoods:

That the United States does not really mean it when it says we will not allow the Communist invaders a free run over South Vietnam on the way to eventual conquest of all southeast Asia.

That the Communists may safely persist in their attacks in the supposition that President Johnson's policy—which was also the policy of the Republican President Dwight Eisenhower and the Democratic President John Kennedy—is opposed by a great and possibly even a decisive part of the American political community.

That any number of Communist refusals to open honorable negotiations—that is, negotiations preconditioned by a halt in Communist assaults upon South Vietnam—will not stop the critics from ceaselessly demanding that the United States cease its own bombing; anyhow, and regardless of continued Communist aggression.

And what is to all accounts a small out screechingly articulate minority of college students and professors is contributing its bit. It is suggesting—and the Communist foreign press is lapping it up—that the real intellectuals and true friends of "peace" in this Nation are in total revolt against our cause in Vietnam.

Thus when the monumentally patient Secretary of State Dean Rusk at last speaks out plainly against all the bitter nonsense, all the blind rejection of the demonstrated facts of history about Communist aggression, what befalls him? Why, such a Senator as **Wayne Morse**, of Oregon, calls for the head not only of Dean Rusk but also of Secretary of Defense Robert McNamara.

To **Morse**, our action in Vietnam, in which we are carrying out the solemn pledges of three American Presidents, is "immoral and godless." He rages at the word appeasement. But what else, in fact, is it when men in public positions persistently find so much that is wrong with us and so much that is right with the Communist invaders? Another Democratic Senator, **Russell Long**, of Louisiana, goes to the heart of it.

For, he says truthfully, "modern-day appeasers and isolationists" are leading the Communists to suppose "that we will surrender all Asia to them if they will just keep up the pressure. So long as our adversaries suspect that this may be the case, they are going to pay an increasingly greater price to test our will."

Criticism of any foreign policy is, of course, both right and useful, so long as critics do not distort the demonstrable facts of history beyond reason and beyond belief. But no decent dialog can be conducted with Senators who use hysterical venom in place of reason and shameful attacks upon devoted public men—from the privileged sanctuary of the Senate floor—in place of logic and persuasion.

Nor can such a dialog be held with students who openly threaten to resist the common obligation of military service "unless we get out of Vietnam," even while they are applauding motion picture propaganda openly made by the Communists in Vietnam. This is nothing less than sedition; and from men whose very status as students gives them right now a deferment from the draft while better young men are carrying rifles in Vietnam.

Why don't we hear more from the college students who do not go along with this sick and ugly thing? Where are the college professors who respect history and who do not believe in dishonoring the honorable commitments of this counrty? It is past time for every American to do his duty, so as not to allow these noisy and fatally foolish fringe groups to lead the Communists into some mortal underestimate of the real strength and the real resolve of the vast, sensible majority of the American people.

[From Life magazine, Apr. 30, 1965]

Two-Pronged Attack on Vietcong

It is quite possible for the forces of law and order to win a war against Communist-backed guerrillas. This has just been proved in the Congo, where the Tshombe government's mercenary-led army has swept the Simba rebels out of the crucial northeast. "The water has dried up in the Congo," said one Leopoldville observer, referring to Mao Tse-tung's famous textbook for guerrillas, which tells them to move among the villagers like fish.

The war in Vietnam is much vaster and more complicated than the Simba action, but it is also a guerrilla war in which the Vietcong still move like fish. Its military objectives are not the bases and bridges our bombers have been clobbering in the north but the villages and rice fields where most of the 15 million South Vietnamese try to live and work. It is a political as well as a military war and "will be won or lost here in the provinces," as Joseph Grainger, the civilian AID man recently killed by the Vietcong, wrote his mother. Like hundreds of other U.S. civilians trying to improve the lot of the Vietnamese, he was fighting the political war. It is that war in which Ho Chi Minh still thinks he has the advantage and which our bombers alone cannot win.

There is nevertheless mounting evidence that the air raids in North Vietnam and the general firming up of the U.S. military commitment have had a marked effect on the decisive political equation in Vietnam. Our increased pressure has slowed the flow of supplies from Hanoi, boosted the morale of the Saigon government and armed forces, and increased the willingness of Vietnamese peasants to volunteer much needed information. The military and political wars interact on each other. It is therefore idle to criticize the "official theory of the war," which includes bombing, on the ground that the war can't be won by airplanes.

President Johnson is right to pursue his "official theory" until its full results are proved. He is right to ignore the untimely suggestion of Senator FULBRIGHT for suspending the air strikes. He is right to intensify U.S. support of the Vietnamese Army, to extend the sea patrols and to pursue other forms of action recommended by McNamara and Taylor after their meeting in Honolulu last week.

We even sympathize with the impulse, though not the method, of Johnson's impatient handling of Indian Prime Minister Shastri and other unhelpful critics of our policy in Vietnam. Johnson himself adopted the proposal of 17 neutralist nations meeting at Belgrade for unconditional discussions toward a cease-fire and peace. Since Moscow, Peiping and Hanoi have all spurned that proposal, the diplomatic ball is not in Johnson's court. He is right to pursue the tough side of his well balanced policy. He could report a fortnight ago that "news from the battlefront is improving;" he can legitimately hope to report better diplomatic news before too long.

The political war in the villages, meanwhile, needs beefing up along with the military war. Johnson has promised "a massive new effort to improve the lives of the people of southeast Asia" and appointed Eugene Black to work out details with the U.N. He has just sent rural electrification experts to Saigon. More effort along the same lines need not await a cease-fire. The villagers need more protection against Vietcong terrorism and they also need more tangible expectations against Vietcong promises. Apathy as well as fear compose the water in which the Vietcong swim.

As in the Congo, it can be dried up.

[From Life magazine, Apr. 30, 1965]

IS THE VIETCONG SUCH A SURE WINNER AFTER ALL?

(NOTE.—The following is excerpted from a four-part series in the liberal French weekly L'Express. It is by the respected French correspondent Georges Chaffard and is the first assessment from behind enemy lines of the effect of toughened U.S. policy on the Vietcong and North Vietnam.)

The American Air Force's show of strength, the encampment of marines in central Vietnam, the use of new weapons, China's and Russia's relatively passive attitude have tended to arrest pacifist trends which had begun to be rampant in Saigon. In the capital, one is no longer so sure the Vietcong will be the real winners; American determination makes one think. In short, a turn in public opinion has begun.

In the military domain, the influx of munitions and the new Marine units will force the Vietcong command to attempt a few decisive operations before the weight of the formidable American machine burdens them much longer. It would be no surprise, therefore, if an offensive were launched shortly by regular battalions against the Da Nang base, no matter what the cost.

However, such an increase in effort by the Vietcong will coincide with an appreciable decrease in the flow of aid by land and sea from the north. The heavy arms—105 cannons, antiaircraft weapons, 81-millimeter mortars—required to attack American troops head on and to neutralize their air support are scarce. There is no other choice than to chance supplies from the north. But only limited activity is possible on the infiltration routes along the Laotian border: first, because the American bombing raids occur almost daily; then, because the north-south trip lasts many weeks personnel is decimated from malaria and dysentery; finally, because the American-South Vietnamese Special Forces operating along the border have sophisticated detecting devices which allow them to pinpoint far in advance the truck convoys which sometimes try to come down the Ho Chi Minh trail.

The sea route is both shorter and more efficient. But the 7th Fleet's program to provide small boats will be accelerated and buttressed by the addition of small craft of a type similar to minesweepers.

A decrease in the flow of aid when the Vietcong needs it most, and the psychological repercussions of the American strikes in the north, will place the Vietcong in a difficult position in the weeks to come. This is not to say that those hardened fighters are ready to yield. They continue to voice confidence in the validity of their reasoning and to bet that Americans will not escalate the war beyond the fatal point. Moreover, some statements dropped by people in the Vietcong suggest that after all it is now up to the North to "sweat."

Since the first American air strike in August 1964 after the Gulf of Tonkin incident, the Government and the military leaders of North Vietnam have begun to prepare a new resistance on their own. Food and ammunition stocks have been replenished in the higher regions, in fortresses held at one time against the French. Military training for peasant and workers' militias has been intensified. An evacuation plan for the factories and their personnel has been developed. Since the Donghoi bombings in February, part of Hanoi's civilian population has been sent to the provinces, starting with the women and children—80,000 persons had left Hanoi by the beginning of March. The ministries are prepared to evacuate en masse the capital archives and government staff.

The principal danger for North Vietnam is not an invasion of American troops. But if American aircraft raze the factories around Hanoi, destroy the port of Haiphong, deactivate the coal mines of Hongay, flatten under their bombs the famous steel complex of Thai Nguyen—the pride of North Vietnamese industry—and, finally, sever the three railways which link Hanoi to Haiphong and to Red China (Langson and Yunnan), then the country is paralyzed—18 million North Vietnamese reduced to a subsistence economy, isolated from the rest of the world. "In that case, we would be done for," admitted a Hanoi official.

To avoid such a collapse, the Republic of North Vietnam needs antiaircraft weapons and planes capable of matching the American armada. It needs to rebuild its chain of radar stations methodically destroyed by American bombers. It does not need volunteers, Chinese or otherwise. It would have no use for them as long as it is not faced with the threat of land invasion. The presence of Chinese is, furthermore, unwanted because of the political debt that would be felt around North Vietnam.

But who will provide Vietcong Gen. Vo Nguyen Giap with the modern weapons he needs? China? It does not even have any of its own. Russia? The Russians would intervene in the Vietnamese trouble only reluctantly. Privately, the Russians explain that a Soviet-United States war would be a horrible thing and could not be accepted except for a stake more important than Vietnam. Let the leaders of Hanoi begin by helping themselves, and Moscow will give aid.

In this connection, one Soviet official cracked: "When a man is losing his pants, would you want someone to give him a belt? Let him pull up his pants first."

But one thing is certain: if the war were to spread to North Vietnam and the United States were to climb the last steps of an escalating war, Hanoi would not yield. North Vietnam's regular army would no longer hesitate to join hands openly with the resistance fighters in the South.

The French Communist Party delegation was in North Vietnam several months ago. In the course of lengthy discussion, the Hanoi leaders explained the substance of their objectives for South Vietnam: to obtain the withdrawal of American troops (but under conditions that would not cause the United States to lose face); to reestablish the traditional exchanges between the two zones (the North needs South Vietnamese rice urgently).

So far as negotiations are concerned, North Vietnam is more than willing to join in any peace talks which would give it a chance for the "diplomatic homecoming" dreamed of since 1954, and to appear at such talks as the prime Vietnamese spokesman. Ironically, the American bombings have increased the desire for negotiations (to spare the North from systematic destruction of its economic network), at the same time making the desire harder to articulate without appearing to give in to the "imperialist gangsters."

There have been a number of recent popular revolts in Namdinh, North Vietnam. They were put down quickly, but they showed that tightened police controls and the increased deprivations imposed by the shadow of war have been poorly received.

An interruption of aid from Hanoi to the Vietcong could only lead to bargaining. Even the Vietcong guerrillas, living under extremely difficult conditions in their hideouts, where they strut around in front of any foreign visitors, hope for peace. But the guerrillas make harsher demands than their allies in Hanoi. They are afraid of being duped by diplomatic maneuverings and are tired of playing the game of North Vietnam as well as that of the pro-American middle class of Saigon.

Finally, the National Liberation Front feels it can win the war with its own forces and doesn't need to accept a doubtful compromise.

My most interesting contact on this point has been a vice chairman of the NLF, Huynh Tanh Pat, a dry and smiling little man who fought with the Peace Movement before joining the Vietcong.

"Doesn't the increasingly serious nature of American intervention bother you?" I asked him. "We are convinced that the Americans won't go beyond certain limits," he replied. "That's why Hanoi hasn't retaliated by sending troops south."

"We're ready to fight for 10 years, 20 years or more," assures one NLF proclamation issued March 22. But at the same time, the regular battalions and one section of the administrative personnel of South Vietnam were retreating to the mountains north of Saigon, leaving behind them farewell messages strongly reminiscent of 1954, epitomized in the slogan: "Provisional withdrawal to return another day."

Wasn't this the admission of defeat in South Vietnam? Certainly they hoped that by regrouping the major portion of their regular troops in a less accessible place, they could establish impenetrable citadels which would be assets in negotiations.

I often questioned my contacts in the NLF on aid extended by the North. The answer was never a flat denial. It was more an indirect admission that betrayed the inadequacy of this aid: "If you think it is easy to deliver men and cannons through the Laotion trails. * * *" one said to me.

Guerrillas in the southern areas sometimes have the impression of being left to their own resources. The situation is certainly different in central Vietnam and in the mountain regions, near the Laotian infiltration routes.

Up to the last few months, mostly South Vietnamese in the Vietcong were sent to the south. These men had retreated to the north after 1954 and volunteered to return to their native provinces. But now Tonkin (native northern) groups are taking part in the convoys—first because the veterans of 1954 have grown older and are not always capable of undertaking long treks through the underbrush; secondly, because once they arrive in the South, their first thought is to see their families. Some do not rejoin their units.

Progressively, as the war has escalated, the Vietcong administration itself has been forced to levy taxes—first in produce, then in money—and to draft soldiers. Taxes and the draft are, in normal times, considered by any peasant in the world to be a necessary evil. But when you have believed, in a moment of enthusiasm, that the new leaders are going to do away with one or the other and when, on top of it all, still another authority, Saigon, continues to get its cut and recruit its soldiers, you can understand the sort of pained resignation in the faces of the peasants. Certainly the arguments of the Vietcong are glib, letting everyone think anything bad that happens is the fault of the American aggressors. But the buildup evident in the air attacks and the all too obvious destructive powers of napalm and gas have thrown the country people into a state of mind close to rebellion. Now it isn't just the withdrawal of the Americans that they want. They want peace; no matter what the terms are and no matter who the leaders are.

Mr. LAUSCHE. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. Frequently when I hear discussions urging our withdrawal, the thought comes to me: To what area shall we withdraw? How far must we retreat to become freed of this threat to the security of the nations of the free world?

I have in mind that during the French Indochina war, the Geneva Pact was made. By that pact, it was determined that certain lands would be given to the Communists, certain southern parts would be assigned to the nations of the free world, and that that would bring tranquillity to that area. But we have found that that did not bring peace.

The Communists were not content with the creation of a dividing line. We had trouble in Laos, which was, of course, a part of French Indochina. In 1962 we made a pact declaring that Laos would be neutral. Many of us contended that a coalition government in Laos would not work. But the Government of the United States and the governments of other nations made an agreement to create a three-headed government, with a neutral in the middle, a Communist on the left, and a conservative on the right. That was 3 years ago.

The nations of the West pulled out their men. France did. The United States did. The Communists did not. If our position in South Vietnam is dangerous, it is partly as a consequence of what happened in Laos in 1962.

My question is: Where do we run to? Will we have quiet and tranquillity if we pull out? What will happen in Thailand? What will happen in Malaysia? What will be likely to happen in Taiwan? How far away must we go to appease the Communists? Has the Senator from Wyoming given any thought to that?

Mr. McGEE. I thank the Senator from Ohio for his discerning question. He himself is an expert on this subject, being a member of the Committee on Foreign Relations. He has given deep study and thought to the problem.

We ought to have learned the hard way in history that the appetite of an aggressor is not satisfied by giving him a little; by giving him somebody else's food supply or somebody else's territory. We tried that with Mr. Hitler. We tried it in Austria. We tried it in Czechoslovakia. We tried it in Poland, hoping to succeed, but the only result was to intensify the hunger and ambition of a dictator.

There are those who seek to answer this question by saying that we still have our great power—our Navy and our Air Force—and that we should pull out and get off the mainland. But by pulling off the mainland of Asia we forfeit one of the great prizes in modern power structure; namely, southeast Asia to mainland China.

We could have pulled out of Western Europe in 1945, at the end of World War II. We alone had the atom bomb, and we could have defended ourselves in a very narrow way by maintaining our own defenses and leaving Europe to defend itself. But Europe is a great ally. She is a great source of strength. Europe wanted to know if we would pull out or whether we would stay and help her to become independent; to help resist the encroachment of the Soviet Union upon the West. Berlin answered that question. We answered with no uncertainty.

The same kind of question is argued today. We would not have the same power if we made our enemy more powerful by retreat. Our relative strength would be diminished.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. McGEE. I yield.

Mr. LAUSCHE. I have been a member of the Committee on Foreign Relations for 8 years. I have heard the advice of Secretaries of State, Secretaries of Defense, members of the Joint Chiefs of Staff, and, indirectly, the advice of the Presidents who have held office since 1956. I have also heard the advice of President Truman.

The record will show that every President, beginning with Truman and continuing through Eisenhower, Kennedy, and Johnson; every Secretary of State, every Secretary of Defense, and every member of the Joint Chiefs of Staff has taken the uniform position that the security of our country is wrapped up in keeping southeast Asia in the hands of people and governments that are friendly to the West.

Time and again, I have asked the question, If we should pull out of southeast Asia, what would happen? The answer has been that a vacuum would be created; that the Communists would step in; and that the first line of defense of the United States, instead of being 10,000 miles away, would be moved to the shores of California, or even, I suppose, to the shores of Hawaii.

The Senator from Wyoming touched on a subject that we have forgotten, that is, the history of what occurred in the days of Hitler, in 1933, when World War I had been concluded and the Versailles Treaty and other treaties were made. Two important provisions were included in those treaties. One was that Germany was not to have a military force; second, that the Rhineland was to be a neutral, nonmilitarized area.

That pact was kept until Hitler came into power. In 1933, in violation of the pact, Hitler began to conscript German youth. France and England protested: "You are violating the treaty." But that was as far as they went. Hitler built up his 500,000 men into stormtroops and then moved into the Rhineland. That was in 1935, as I recall. The United States protested the action in the Rhineland. We said: "You are violating the treaty." But that was all that was done. Hitler's maw was not appeased. He wanted Austria, so Chamberlain went to Austria with his umbrella. It is a pitiful and shameful episode to read how that great man trembled in the presence of Hitler. But he laid down the rule and surrendered Austria.

The world thought that that would satisfy Hitler. But no; he then asked for the Sudetenland from Czechoslovakia. The same story was repeated. Hitler got Sudetenland and then said, "That is not enough. I now want Czechoslovakia." Mussolini went into Ethiopia. He took Albania, a nearby country. Then Hitler said, "I want the corridor to Poland up to Danzig." He demanded it. It was not given to him immediately.

Then, France and England said, "We cannot stand it any longer. We must fight." They decided to defend themselves at the time that was most dangerous, and at a time that insured that the loss of life would be tremendous compared to what it would have been if they had stopped him from militarizing the Rhineland, and developing his military forces.

What the property damage was and what the loss of life was through that program of appeasement can never be told.

All we know is that the lands of the earth contain the bodies of the men who died in the millions because freemen did not have the will to say, "You cannot continue to violate your pacts."

I commend the Senator from Wyoming for his statement. We all want peace. It would be calloused and wrong to think that there is anyone within our country, especially those with high responsibility, who does not want to insure that our youth shall be free from the ravages of war.

I am definitely of the conviction that we can never surrender enough to satisfy the Communists. Satisfaction will come to them only when their flag is on our dome and we are the slaves of the dictators. Those who argue retreat and withdrawal have no conception of what the eventual price might be.

I am not one who would say to the men who fought in World War I, World War II, and Korea, "Your valor has been forgotten." I am not one who would say to the families of soldiers who were killed, "We care not for those who died." We owe something to those who died and to the families of those who died.

President Johnson does not want this involvement. He has not brought it upon us. It is the Communists who have created this situation. The situation will grow worse if we show any sign or indication that we do not have faith in our country.

I thank the Senator.

Mr. McGEE. Mr. President, I thank the Senator from Ohio for his contribution. I suggest to him that he should have been a professor of history in view of his recitation of the history of the thirties, which years produced Hitler and Mussolini. It is a history that ought not to be repeated now for any citizens of the world.

It is sometimes said that history repeats itself. But it was the great historian, Arnold Toynbee, who reminded us that history repeats itself only when men make the same mistakes again. It is no great disaster to make a mistake sometimes. But it can be a disaster if one makes the same mistake again.

We have the story of the thirties, as has been so ably related by the Senator from Ohio, to guide us now. There are those who raise the question, "What is the connection between the western and the eastern world? Their philosophy, standards, and priorities are different in the East." I say to those who raise those questions that there is one common denominator. That is the integrity, independence, and knowledge that an aggressor cannot be stopped by feeding him someone else's possessions. An aggressor must be stopped by our willingness to risk the use of force, if necessary, in order to withstand his continued pressure to move into new areas.

That is the issue in the East right now. I am not one who believes that our frontiers would be pushed back to Hawaii, San Francisco, New York, or Boston. I believe that we would still have Okinawa as a bastion of our defense there. We would still have some support at Taiwan. We would have the advantage of our Navy and air bases. However, the real point is that the moment a critical area is given to the other side in southeast Asia, at that time we diminish our relative power in the world. This part of southeast Asia has been a key goal of major powers throughout the history of our time. Japan started World War II in an effort to get southeast Asia, as I have said on another occasion. England fought a war to get it. So did the Dutch. So did the Germans. So did the Portuguese. The hard fact is that it makes a difference who has southeast Asia, as to what kind of balance exists in the world.

In my judgment, China, already with more people than it can feed and with its few resources to get its economy moving, is not a power which should be permitted to walk freely into this part of the world.

In southeast Asia are great repositories of rice, tin, oil, bauxite, and rubber. This indeed is a prize in the hard technique of power politics around the world. Why hand it over to the other side when, by the tide of history, we have placed upon us the responsibility of trying to make the world a little better, a more peaceful and stable place in which to live?

Mr. LAUSCHE. Mr. President, with respect to pulling out of southeast Asia, I do not feel that if we pull out of South Vietnam and wait to see what will happen, there will be an immediate pushing back of the line. However, if we pull out of South Vietnam, where will the next trouble spot be?

The next trouble spot will be in that area. There is no question about it. In my judgment, the next trouble spot will be in Thailand, and there will be increased trouble in Malaya. They will try to cause riots and demonstrations—some nonviolent and others violent—in Taiwan and Korea.

There will be no end to it. Many people are duped into the belief that we should pull out of South Vietnam or all will be over. It will not be over. There is not a chance in the world that it will be over. It is the old domino game. Knock one country over and the others fall successively.

I commend the Senator from Wyoming for his very fine presentation here and for the answers which he has given to the many people who are wondering why we should be present in southeast Asia.

No one wants to be there. I wish we could pull out. However, we cannot.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. LONG of Louisiana. If we are to buy the argument that because this nation borders on China, it is in China's sphere of influence and we must get out and let China take over, would not the same argument apply to every other country there, starting with Japan, Taiwan, the Philippines, the Malay states, Burma, Pakistan, and Iran? Would not that argument in effect mean we should back out and let them take over 900 million people?

Mr. McGEE. That is correct; and when they take over the 900 million people, will they stop there? Perhaps we should have a "General Motors" for the world, and let it be operated that way. That is what the meaning of it is.

Mr. LONG of Louisiana. I did not hear the beginning of the Senator's speech, but is it not also correct that the Vietnamese are really doing the fighting? I saw a headline in one of our newspapers a day or so ago stating that one American was killed. When I read further in the story, I learned that there had been a battle between the Vietnamese and the Vietcong, and that the Vietnamese had killed 400 Vietcong. The headlines stated that one American had been killed.

Is it not true that the South Vietnamese have killed about 89,000 of the Vietcong and the North Vietnamese? The South Vietnamese have paid a lesser price. They have paid about one-third of that price in lives.

Is it not correct to remind persons who say we should leave there and turn our tails and run and leave the 19 million people who are there that we are paying only a small price? The real fighting is being done by the South Vietnamese, whom we are trying to help to maintain their independence. When there is talk about an American being killed, about 200 or 300 of the Vietcong are being killed every day.

Mr. McGEE. I thank the Senator for his contribution. We hear a great cry to the effect that American blood is being spilled and Americans are being involved. There is no alternative. If we pull out, there will be greater bloodshed. The question is, What should we do in a world in which we seek independence and peace; and are we right in paying the price required?

Not quite a year ago I was measuring the volume of mail that came into the office. That very month we had lost seven men in Vietnam. There was a basketful of mail protesting it as unnecessary. Within a month we were conducting a "play" war in Arizona, and in that activity a dozen to 15 men were killed. I did not receive a single letter of protest against that.

It seems to me we ought to get our "ducks in line," we ought to put our priorities in order. We must expect to pay a price, and remember that peace is not going to be handed over to us merely because we are "good guys." We must pay a price to achieve law and order. The alternative is to give up and go on the other side.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. McGEE. I yield.

Mr. LONG of Louisiana. Some people do not seem to realize that it is a dangerous world we are living in, and it always has been. I was born at the end of World War I. There were some intervening years when people thought there would never be another great war, but we have found that as long as we have to struggle with those who want to take over the whole world, as long as there is communism, they are not going to change their spots or their minds. They want to take over the whole world. So it is going to be a dangerous world. Even without that factor, it would be a dangerous world. We must accept the fact that it is better to accept the burden of fighting every attack on freedom. In that way we shall live longer and be happier than we would otherwise be. There is no place else for us to go. We have found out that the world is round, and that we are on the same planet together. Those who want to back away from Vietnam will find that we will have to stop them somewhere. We must confront them in Vietnam and all over the world; and it is going to be that way in our lifetime. We had better hope it will be that way, because the alternative would be to be under the domination of Communist China or Communist Russia.

Referring to the taking of a popularity poll, I recall so well, during the fighting in South Korea, when we were helping them to maintain their independence at a heavy cost in American lives, that I happened to be in Libya, inspecting a military installation. I asked their Defense Minister about the reaction of his people to what the United States was doing in South Korea, because it seemed to me that a small nation such as Libya would applaud America's efforts to help a small country defend itself against aggression.

His first reaction was: "It is far away." In other words, his country really did not care much, one way or the other.

I imagine that would be the first reaction we would get in Mali, Uganda, Ghana, or any one of the distant African nations, if we were to ask them what they thought about U.S. efforts to help South Vietnam defend itself. Whether they knew anything about the situation at all—which they probably do not—their probable reaction would be that it was none of their concern. This is understandable, because such countries have never had to carry such a burden, have never had to face such a problem. I am quite sure they are not particularly excited about our involvement there.

Someone was asking me how much concern the people of Louisiana have regarding this issue. To tell the truth, I am sure that the people of Louisiana are much more concerned about voting rights than they are about the war in Vietnam.

Mr. McGEE. I can understand that.

Mr. LONG of Louisiana. They are very much more concerned about voting rights and civil rights matters. They discuss that subject a great deal more than they discuss the situation in Vietnam.

The Senator from Wyoming has well pointed out that if we are to take a poll to find out what someone in the Near East thinks about it, or what someone 2,000 miles away thinks about it, we will not get an informed opinion anyway, because those people do not have the responsibility to try to contain communism.

Mr. McGEE. If I might suggest a parallel, what might be true in New Orleans was probably also true in Cheyenne, Wyo., let us say in 1935, concerning the aggressions of Hitler in Western Europe. At that time, his depredations seemed a long way away. Our country had emerged from a rather short history with some fortunate experiences. Whenever war had broken out in Europe, there were two sides, of course, and we enjoyed the luxury of 3,000 miles of ocean between us and the combatants. We had the luxury of looking at the two sides and picking one, whenever one of those wars began—even though we may have had a stake in the war at some stage. We had the further luxury of being able to delay a decision while someone else held the frontline. During the First World War, France held the line, England held the line, as did the Belgians and the Dutch. That gave us time to dawdle and delay until we made up our minds.

Times have changed.

For the first time in our history, the United States is now one of two sides engaged in a war in the world. We have no choice.

Strangely, for the first time in history, we find ourselves on the frontline of the world with no one to hold the line for us until we make up our minds.

The burden rests upon us. We must do the job. This is not an obligation. This is our responsibility. This is the context in which we must view the requirements imposed upon us in regard to the relative position of the forces at stake in southeast Asia.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the Senator from Oklahoma.

Mr. HARRIS. I compliment the Senator from Wyoming upon the scholarly and careful way in which he has treated a most difficult subject. I associate myself with his remarks.

Several times on the floor of the Senate, and most recently yesterday, I made two points which I think the Senator from Wyoming has again brought to mind. First, as the Vice President of the United States used to say when he was a Member of the Senate, "There is no such thing as instant peace; there is only instant annihilation."

Those who advocate either less activity on our part or more activity on our part in southeast Asia, with the hope that some immediate and dramatic solution of the problem can take place, hope in vain, because, as in human affairs, in international affairs much perseverance and patience are required to achieve a lasting peace.

The other point that I think is imperative is one which I also made yesterday; that is that he who takes risks now in order to secure a just and lasting peace is no less a peacemaker than he who asks for peace immediately without the assurance that it can later be defended, or can be enforced even at much greater price.

I commend the Senator from Wyoming for his astute observation of the situation in Vietnam, including the hopeful signs we now see, especially in Australia's increased effort in that area. We recognize that what is happening is not merely a small conflict involving the people of North and South Vietnam; it involves, indeed, the peace and security not only of southeast Asia, but of the whole world. The Senator from Wyoming has made this point very well.

Mr. McGEE. I thank the junior Senator from Oklahoma for his comments. Although he is very new in these Halls, he has quickly won a place for himself as a true specialist and scholar on questions involving the national interest. His contributions are always constructive and helpful as we seek to discuss the alternatives that confront us.

Mr. ERVIN. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield to the Senator from North Carolina.

Mr. ERVIN. I commend the Senator from Wyoming upon a most eloquent and lucid exposition of the situation in southeast Asia. I should like to ask him several questions.

Does the United States have the power at this time to make an honorable peace in South Vietnam?

Mr. McGEE. Does the United States have the power?

Mr. ERVIN. The power to make an honorable peace at this time in South Vietnam.

Mr. McGEE. Peace is not achieved by decree. Peace is achieved when all the forces of power are available to produce agreement upon some stabilizing settlement. Therefore, a good bit more is required than what we could strike in the way of sheer power. Peace is not achieved with power; power merely affords an opportunity to achieve peace.

Mr. ERVIN. Is it not true that the United States is without power to put an end to the hostilities at the present moment, except by way of appeasement or surrender?

Mr. McGEE. I suppose we could make a decisive change there if we were wantonly to use our great airpower and obliterate Hanoi and some of the other cities in North Vietnam, to start with. Fortunately, we have been much more restrained. Our goal is not to destroy people; our goal is not to obliterate the capital of another land. Our goal is to try to deliver a message that the aggressors can understand when it is presented to them in black and white. Although they may not understand it on paper, they are understanding it in action.

In my judgment, the President has been highly restrained in his application of escalation in the north because, again, we have selected the escalation. It is planned escalation to meet a specific target, at a specific time, for a specific purpose. There has not been wanton warfare with the destruction of people.

Mr. ERVIN. Is it not true that the escalation has been deliberately planned in the hope that it might enable us to negotiate from strength and thus bring an end to hostilities in that part of the world?

Mr. McGEE. Indeed, it is. There is an old truism in the realm of diplomacy among the great powers, a truism that we need to understand fully: that a nation cannot win at the conference table what it is not willing to risk on the battlefield. That is a truism that is as old as politics itself. It is still true.

Mr. ERVIN. Is it not true that the government which sits in Hanoi is the only government that could put an immediate end to hostilities at this moment?

Mr. McGEE. Hanoi could take the step right now that could terminate hostilities there in the almost immediate future. It is within their power to do so.

Mr. ERVIN. There is an old adage to the effect that even the most righteous man cannot live in peace unless his wicked neighbor is willing to have him do so. Is it not true that the war in South Vietnam exists because the government of Hanoi is encouraging what is called infiltration, but is really an invasion of South Vietnam by the Vietcong?

Mr. McGEE. I think it is true, because the policies emanate from Hanoi; and it is true because it is to the obvious advantage of Peiping to maintain uncertainty, pressure, and difficulty in North Vietnam.

Mr. ERVIN. Does not the Senator from Wyoming agree with the Senator from North Carolina that the Secretary of State has made it clear on a number of occasions that the only thing that is necessary to put an end to the unfortunate hostilities now is to have the North Vietnamese cease their penetration of South Vietnam?

Mr. McGEE. It seems to me that even in elementary language or at the elementary level, the most elementary person could understand that. The language has been clear and unadulterated.

Mr. ERVIN. Is it not true that it is an impossibility for the United States to achieve peace by negotiation unless someone else is willing to negotiate?

Mr. McGEE. It takes two to negotiate.

Mr. ERVIN. Has not President Johnson made it as clear as the noonday sun that the United States stands willing to enter into negotiations with a view to bringing about peace in Vietnam with anyone who is willing to negotiate and who has the power to accomplish that purpose?

Mr. McGEE. I would qualify my answer by saying that it is as clear as the noonday sun in Wyoming, where the sun shines all day; I am not certain about the noonday sun in this area.

Mr. ERVIN. Has not the President iterated and reiterated that the United States stands willing to enter into negotiations with anyone who can offer any prospects of putting an end to hostilities in southeast Asia?

Mr. McGEE. Indeed, he has. All the world is watching because everyone understands the disposition of the President to sit down with anybody, at anytime, anywhere, to discuss a settlement of the problem in South Vietnam.

Mr. ERVIN. I thank the Senator for yielding. I again express to him my commendation upon an eloquent, lucid speech.

Mr. PELL. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield to the Senator from Rhode Island.

(At this point, Mr. HARRIS assumed the chair.)

Mr. PELL. Mr. President, I do not believe the President made it clear that he would be willing to conduct conversations with the Communists actually involved, the Vietcong. There are those who think that, for the conversations to be productive, all sides and factions would have to participate.

Mr. McGEE. Mr. President, I believe that statement is correct. The President has not made it clear that he would talk with the Vietcong. However, there is very good reason for not agreeing to such conversations. The factor that is so upsetting and unbalancing is the force that is being generated from Hanoi.

The President has made it clear that he would not talk with the North and South Vietnamese Governments about what kind of government would be in Saigon, but would talk about what may happen between South Vietnam and North Vietnam.

What the President has expressed in his comments, it would seem to me, is that the conflict between Hanoi and South Vietnam is one kettle of fish and whatever endemic civil strife there is within South Vietnam is another.

These situations should not be confused. There is a much larger question that would have to be resolved over a much longer period of time. It would be a mistake to have these problems mixed up around the same conference table.

Mr. PELL. Mr. President, I very much hope that the Senator is correct and that the two problems can be kept separate.

Mr. McGEE. The effort in the general escalation is a genuine effort to try to separate them. In a measure, it is succeeding.

The first real measure of actual separation would be the realization and willingness of the Vietminh to stop the predatory activities across the lines.

That would lead us to the question, if we were to have such a conference, "What could we talk about?" We have a self-enforcing kind of arrangement that can be made right now. "We will stop bombing the north if you stop infiltrating into the south." That is the easiest kind of agreement to keep. We can measure their violation if the other side does not keep the agreement. Thus, there is an obvious beginning.

Second, such a discussion could lead to agreement upon a delineating line separating North Vietnam from South Vietnam.

The outcome of such an agreement, to have two Vietnams, is not the most desirable situation in that part of the world, any more than two Koreas, two Chinas, two Germanys, or two Berlins. However, this would provide a start. It would be a place at which to begin. It would make it possible to arrive at some sort of modified cease-fire, some small degree of arrangement which would win time. There would be less violent things done, and thus, through the use of time, we would erode some of the harsher emotions that now cloud the atmosphere in that part of the world.

To that extent, I think that it is helpful.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

During the delivery of Mr. McGEE's speech,

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I am glad to yield to the distinguished majority leader with the understanding that I shall not lose my right to the floor, and that his remarks will appear elsewhere in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana in recognized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a vote on the Williams amendment at 4:30 o'clock this afternoon.

Mr. JAVITS. Mr. President, reserving the right to object, I have in mind the possibility of moving to amend the Williams amendment. A Member of the Senate could easily hold the floor from now until 4:30 p.m. and prevent any other amendment. Can the majority leader tell us what provision he would like to make with respect to allowing the Williams amendment to be debated and amended, if need be, so that Senators may have their rights protected?

Mr. MANSFIELD. As soon as the distinguished Senator from Wyoming completes his speech, which I am sure will not be too much longer, any Senator who wishes to take the floor to offer an amendment to the Williams amendment will be free to do so. We are trying to take this action as an accommodation to Senators on both sides.

Mr. JAVITS. Would the majority leader agree—and I do not wish to interfere with his proposal—that when any amendment to the amendment might be offered, a half hour be allowed for debate to each side, and if that results in extending the time beyond 4:30 p.m., the time should thereby be extended until such time as the amendments to the amendment are disposed of within that time limitation?

Mr. MANSFIELD. I would prefer to withdraw the unanimous-consent request and let nature take its course.

Mr. President, I withdraw my request.

THE U.S. CHAMBER OF COMMERCE SUPPORTS A STUDY OF THE METRIC SYSTEM

Mr. PELL. Mr. President, yesterday, April 28, the delegates to the 53d annual meeting of the national chamber, U.S.

Chamber of Commerce, voted unanimously in support of a study of the feasibility of adopting the metric system in this country.

I am delighted that such a nationally prominent organization occupying a leadership role in our country and representing businessmen the length and breadth of our land support this idea and the efforts that Congressman GEORGE P. MILLER and I have been making in urging such a study.

The chamber's declaration noted that—

> Most of the world embraces the metric system of measurement. Adoption of the system in the United States is worthy of study, on the theory that adherence to the system might assist fulfillment of our international responsibilities and our goal for increasing sales of U.S. goods abroad. Because of the problems of conversion, however, actual adoption of the system should not be considered until there has been a comprehensive study of the feasibility of adopting the system generally, or in specific fields, in the United States. Such a study should determine clearly the costs and economic advantages and disadvantages of conversion. The chamber encourages the conduct of such a study by the U.S. Department of Commerce.

Mr. President, my bill S. 774 would accomplish exactly what the chamber supports in its declaration. I am hopeful that other equally prominent groups will now lend their support to such a study, for it is increasingly clear that it is in our national interest to do so.

I thank the senior Senator from Wyoming for his kindness in the past in holding hearings on the metric system, the study of which is being assisted by the National Chamber of Commerce. I hope very much that we shall have hearings before too long, depending upon the heavy pressure of business before the Committee on Commerce.

Mr. McGEE. Mr. President, I suggest that the country owes thanks to the distinguished Senator from Rhode Island for having taken the lead in this measure. It has taken some doing to arouse interest in this measure. The Senator has made a great contribution. He has performed an unusual service in bringing the measure to the attention of the country as a whole.

Mr. PELL. Mr. President, it is because of the spontaneous and parallel action of the U.S. Chamber of Commerce that I took the liberty of discussing the proposal at this time.

CLOSER RELATIONSHIP WITH THE VATICAN

Mr. PELL. Mr. President, now that it is apparent that Pope Paul VI is following the policy of Pope John XXIII in setting for himself the twin goals of peace in our world and closer relationships between our various Christian faiths and even between peace-seeking men of all beliefs, I believe we should take action to help further these objectives. Why? Because the objectives of peace and the general ecumenical movement coincide 100 percent with our own American national interests.

Since this is the case, I believe our administration should take steps to maintain a closer relationship with the Vatican. There is nothing new or novel in this idea. For 73 years, from 1797 to 1870, the United States had consular relations with the Vatican, and in fact maintained regular diplomatic relations with the Vatican from 1848 to 1868. These relations only ended when the kingdom of a united Italy took over the papal states in 1870.

Before and after World War II, from 1939 to 1951, Presidents Roosevelt and Truman sent Myron Taylor, complete with an official staff, as a personal representative to the Pope. I suggest that this latter approach, or one similar to it, would be of great advantage to us at this time.

The initiative of Pope John, which Pope Paul continues, puts the Vatican in the vanguard of peace. Pope Paul's historic tours of the Holy Land and India provided a dramatic demonstration of the profound influence for peace which his papacy holds. In this age of possible total and instant annihilation, the U.S. Government surely should be in daily, official contact with the Catholic Church's campaign to literally save the world from its own physical self-destruction.

Simply from the viewpoint of knowing all that is going on around the world and particularly behind the curtain, I believe we are at a serious disadvantage in not having direct access to the Vatican and its information and intelligence.

If such a strong Protestant country as the United Kingdom where Anglicanism is the established church in England and Wales and the Church of Scotland occupies the same role in Scotland, can maintain full diplomatic relations with the Vatican, as it has done since 1928, certainly we can afford to do so.

If reports are correct that the Vatican and the atheistic Soviet Union are considering the establishment of some sort of diplomatic relationship, the United States would even more seem able to afford to do so.

Cardinal Koenig of Austria, who at my suggestion, on April 7, 1964, opened our own Senate with prayer, has actually been named by the Vatican to establish contact with atheistic groups.

In fact, 50 countries, including Communist Cuba, presently maintain diplomatic relations and representatives at the Vatican. Only about half of these nations could be characterized as Roman Catholic nations. Moreover, more than half the members of the U.N. Security Council are among those nations maintaining diplomatic relations with the Vatican.

I am not unmindful of the sensitivities of my fellow Protestants. I am not asking for immediate diplomatic recognition. What I am asking is that the general question of our relationship with the Vatican be once again examined by our administration and that some sort of rapport or diplomatic relationship be established, perhaps in the form of a personal representative of the President.

THE CRISIS IN THE DOMINICAN REPUBLIC

Mr. SMATHERS. Mr. President, the crisis in the Dominican Republic will require the most intensive U.S. scrutiny and vigilance in the next few days.

President Johnson has already taken swift steps to protect the lives of Americans in that troubled island. Four hundred marines have been sent in by helicopter, and additional forces are standing by at sea.

I commend the President for his wise and prompt action in this crisis.

We do not yet know whether this pressure in the Caribbean has been fomented in conjunction with the crisis in Vietnam, to divert and distract the United States.

But we do know this—there is already evidence that among the rebels who seek to return Juan Bosch to power are known Communists who have recently returned from Cuba and Czechoslovakia.

We know that Fidel Castro was behind terrorist activity in the Dominican Republic in 1963—that he shifted his efforts to subvert the Caribbean to the nearby Dominican Republic after failing to shake Venezuela with guerrilla warfare tactics.

I said in 1963, after President Bosch was deposed, that I was more concerned about the Dominican Republic than any other country in Latin America.

Today, more than ever, this island may hold the important key to the future of the Caribbean, and we must therefore move quickly to prevent any break in the dike of hemispheric solidarity.

President Johnson has called in the leaders of Congress on this fast-developing situation and he has our unqualified support.

He has appealed for a cease-fire and advised the Council of the Organization of American States on all developments.

The Council is, at this very moment, reviewing this critical situation and I am confident that working together, this new threat can be met and peace restored to this area of the Caribbean.

The United States has learned from history and does not, I am sure, intend to let Castro widen his sphere of influence or to let the Dominican Republic become another Cuba.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. HART. Mr. President, I ask unanimous consent that I may yield to the distinguished minority leader, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator from Michigan yield?

Mr. HART. I am very glad to yield to the Senator from New York.

Mr. JAVITS. Mr. President, the amendment of the Senator from Delaware, which is extremely desirable and attractive in its general implications, raises many serious questions with respect to exactly how the language will be interpreted and what will be the ambit of its interpretation. The Senator has already accepted a modification with respect to confining it to Federal elections.

There are many other practices—for example, those practices engaged in normally by political parties and civic organizations, such as giving voters a ride from their homes to the polling places if they are physically unable to get there, and so forth. All these points are raised by the amendment.

The Senator from Michigan has a series of interrogatories on the amendment which, in my judgment, will determine my vote and will be the fulcrum upon which the program in this field will turn, as to whether it should be a part of the bill, remembering that it is in substitution for what we consider to be a strong antifraud provision which is presently in the bill.

I thank the Senator from Michigan for yielding to me.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a vote be had at 4 o'clock on the pending Williams amendment, as modified, and that the time between now and 4 o'clock be equally divided between the distinguished senior Senator from Delaware [Mr. Wlliams] and the distinguished junior Senator from Michigan [Mr. Hart].

The PRESIDING OFFICER. Is there objection? None being heard, it is so ordered.

Mr. HART. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. HART. As much as is required.

The PRESIDING OFFICER. The Senator has 35 minutes on his side.

Mr. HART. I shall take 5 minutes at this time.

The Senator from Delaware, some weeks ago, filed an amendment which is now the pending amendment. It is No. 82. Subsequently, the Senator from Delaware appeared before the Committee on the Judiciary and stated very strongly his conviction that a provision to safeguard the purity of elections should be added to the bill. The committee felt that the original draft made adequate provision in that regard, but in our executive sessions, as is reflected by a copy of the bill, certain changes were made in line with the recommendation of the Senator from Delaware. These changes, as the earlier exchanges between the senior Senator from Delaware and me indicated, did not reach the point which the Senator from Delaware had in mind, and did not extend as far as he felt they should.

Along with some other Senators, I had concern that the amendment now pending, if adopted, could in a sense do more harm than good. I suggested that perhaps we did not understand fully the reach or the effect of all the consequences involved.

The Senator from Delaware has been most helpful in reviewing with those of us who had these concerns the purpose which he seeks to achieve by the amendment. In the discussion, we have exchanged points of view which, when we make them in the Record, I believe will tend to persuade all of us that the amendment as now modified is a desirable one and a worthwhile one.

In order to do that I should like to exchange some observations with the Senator from Delaware, if that is satisfactory to him.

Mr. WILLIAMS of Delaware. Yes.

Mr. HART. Would the amendment make it a crime for any group, be it a civil rights organization—I would not like to think of citizens councils—or any other organizations, such as a chamber of commerce, to transport persons to the office of the examiner or registrar, in order that they may register, or to the polls, to vote?

Mr. WILLIAMS of Delaware. I shall answer that question in the same manner that I answered it when I was in colloquy with the Senator from Michigan earlier this week. It does not in any way affect a practice which has been recognized and has been accepted by both political parties and all organizations with respect to helping to transport people who do not have means of transportation to the polls in order to cast their ballots. The amendment does not in any way affect a practice which has been accepted and recognized throughout the country. This is not so intended.

Mr. HART. I do not want to exclude other organizations, but we would include the League of Women Voters and labor organizations. Is that correct?

Mr. WILLIAMS of Delaware. Yes. It includes any group which wishes to transport these people. It might be that the Senator or I would wish to pick up a neighbor and take him to the polling place. The amendment is aimed against transporting someone and paying him $5 or $10, perhaps, to cast his vote. It does not include the mere transportation of a voter. It does not in any way affect the existing practice.

Mr. HART. I believe that is a desirable clarification, and a helpful one.

The next question that concerned some of us, which we discussed with the Senator from Delaware, relates to the encouragement and the organized support of civil rights and other groups—I should emphasize the other groups—annually or periodically to encourage other persons to register and to vote. They do that by a series of devices. They employ staff workers who organize registration drives. They hire these workers and pay them, and they pay for the printing of pamphlets and for the distribution of pamphlets and sample ballots and registration forms, and they provide food and refreshments at registration meetings and rallies. These expenditures are traditional in our system. Our concern is this: Does the amendment offered by the Senator from Delaware intend to prohibit any of that type of activity?

Mr. WILLIAMS of Delaware. No. This is a customary activity that is practiced by both political parties and has been established for a long time. In fact, last night I attended a somewhat similar function of my own political party. We heard some speeches for the good of the order, which I wish my friend from Michigan had been able to hear. This is a common practice. The amendment has nothing to do with the existing practice which has been accepted and practiced by both political parties as well as by other organizations throughout the entire election system.

Mr. HART. It emphasizes again that the reach of the Senator's amendment——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. I yield myself 5 additional minutes. The aim of the Senator's amendment is specifically directed at my offering, for example, the Senator some money in consideration of his voting or registering; is that correct?

Mr. WILLIAMS of Delaware. Yes.

Mr. HART. That is the only purpose?

Mr. WILLIAMS of Delaware. That is the sole purpose.

Mr. JAVITS. I should like to pinpoint this matter. The idea is that the offer or the acceptance will be made by the person who is registering or voting. We are not dealing with this whole thicket of indirection of "for the benefit of" and so on, but are dealing specifically with passing money to the person who is registering or voting.

Mr. WILLIAMS of Delaware. The Senator is correct. That is what I have tried to emphasize throughout the whole debate. I wish to make it as clear as it is possible to make it that it is intended solely to prohibit the practice of offering or accepting money or a fifth of liquor, or something—some payment of some kind—for voting or registering.

Mr. JAVITS. Made to the person who is voting or registering.

Mr. WILLIAMS of Delaware. Yes.

Mr. JAVITS. Directly.

Mr. WILLIAMS of Delaware. Directly; yes.

Mr. JAVITS. In testimony before the Judiciary Committee it is a fact that statements were made that voters or registrants were paid wholesale and that they then were herded down to the polls. This we thought was a characteristic of another day, but perhaps some of it still exists today.

I wish to have it pinpointed. I think this is important.

Mr. HART. It is desirable.

Mr. WILLIAMS of Delaware. As I told the Senator from New York privately and as I again state publicly, I am in no way trying to restrict the right of a man to cast his legitimate vote. I believe in that. I am trying to prevent any paying or accepting of payment for such votes or for registration.

Mr. HART. In that connection, there are a number of States which require, as I understand it, that an employer release an employee for a certain period of time in order that the employee may register or vote. No deduction from the person's wage is made. Is it the intention of the Senator from Delaware to reach into and upset such local custom or law?

Mr. WILLIAMS of Delaware. Most certainly not. That is a customary practice. It is an accepted part of our system. I will cite specifically an example of how this has been an accepted part of our system. Prior to the last election both the Senator from Michigan and I were on the payroll of the U.S. Government. We accepted our pay from the Government. Yet we were both out working in the election. It might be claimed that we had a conflict of interest, because we were trying to get ourselves elected.

Mr. HART. At least neither of us was openminded about it.

Mr. WILLIAMS of Delaware. That is right. That has always been an accepted part of our system of government. I would encourage an employer to give his employees time off to vote. I believe that employers should and most do allow their people some time off in order to vote. The amendment has nothing to do with that practice. It is well to clear up that point. I am glad that the Senator has raised the question, because I wish to make that point as clear as I can.

Mr. HART. I think it has been made very clear.

Mr. WILLIAMS of Delaware. Yes, we have discussed it before.

Mr. HART. It has been made very clear. I take it from the Senator's prior answer that he does not intend to reach certain activities. State laws explicitly enumerate activities which may be engaged in in the promotion of registration and voting. I should like to name some of them and then inquire whether it is the intention of the Senator from Delaware to reach and, if possible, upset those State authorizations.

State laws in various regions of the country permit expenditures in connection with providing music and the hiring of halls. I believe we have already made the point explicitly that authorization is provided for conveying people to the polls, purchasing radio and television time, and printing and distributing sample ballots. I am sure that that is not a complete list. But in most States, by statute, activities of that character are enumerated and permitted.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. HART. I should like to inquire of the Senator from Delaware whether his amendment is an attempt to prohibit such activities?

Mr. WILLIAMS of Delaware. My amendment would not touch those activities in any way. The purpose of the amendment is solely to prohibit the offer or the acceptance of pay for the purpose of registering or voting. It would not in any way affect any of the practices which have been accepted, such as the use of television, printing material, advertising material, et cetera. It would not affect those activities at all.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. HART. I yield.

Mr. JAVITS. The answer was broader than the question. The question referred to nullification of State laws. The answer referred to activities not unlawful under State laws. I gather that it is the answer rather than the limitation of the question which would control the legislative history. It is both those items specified by State laws as well as other practices which are not held unlawful under State law. Is that correct?

Mr. WILLIAMS of Delaware. That is correct. Both political parties hold meetings of the nature suggested. We rent halls. We invite the public to come together for educational purposes. We provide music and entertainment. They ofttimes enjoy the entertainment much better than they do our speeches, I regret to say. Nevertheless, that is a part of our election system. The amendment would not enter into that field at all or in any way restrict it. It does not attempt to deal with that subject.

Mr. HART. Whether it would be by political parties or others.

Mr. WILLIAMS of Delaware. Whether it be by political parties or other groups. If it were the Barnum & Bailey Circus it would not make any difference. It would not affect them at all.

Mr. HART. The League of Women Voters, the NAACP, a trade union, or any other group of citizens.

Mr. WILLIAMS of Delaware. It would not make any difference.

Mr. HART. The Senator has, by his answers, indicated that he intends not to prohibit such activity as I am about to describe. I would hope that it would not occur, but conceive that in a community an individual has emerged as a leader in an effort to encourage groups heretofore not encouraged to enroll and to vote. He has marked himself in the eyes of the community. As a consequence, some economic retaliation is directed toward him. Perhaps it might not be even that clear a case. It might merely involve an individual who is registered, and who finds that he has offended the local mores, and economic retaliation is aimed at him. Would anything offered by the Senator in the amendment prohibit another individual or an organized group of individuals from providing that individual financial assistance?

Mr. WILLIAMS of Delaware. That point may be dealt with in other sections of the bill. To the extent that it is so dealt with, the amendment would not affect it. The amendment would not touch that problem at all.

Mr. HART. I believe the Senator is correct that under another provision of the bill certain activities such as I have described may very well be subject to sanction. But the amendment offered by the Senator from Delaware could not be construed as raising any question as to the propriety of any event of that sort.

Mr. WILLIAMS of Delaware. It would not touch on that problem at all.

I should like to read the amendment again, because I want it very clear that it does carry out exactly the purpose I have stated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield myself an additional 5 minutes, and yield to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. The amendment provides as follows:

> Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to elections held for the selection of presidential electors, Members of the United States Senate, and Members of the United States House of Representatives.

That language includes the amendment which the Senator from North Carolina [Mr. ERVIN] offered today, which spells out that the amendment applies to those elections in which there are national candidates including Members of Congress, Members of the Senate, or presidential electors appearing on the ballot. I believe that language would carry out the purpose of my amendment better than the way it was originally drafted. I was glad to accept the amendment of the Senator from North Carolina. I think that it makes it clearer.

I am delighted that the Senator from Michigan has asked his questions. I do not wish any misunderstanding about what we are trying to achieve. We are trying to deal with two subjects—false registration and payments for registration and voting. First, we want to make sure that a person in registering does not knowingly or willfully give false information; second, we wish to make sure that anyone who pays or offers to pay a person or anyone who accepts payment for casting his vote or for registering would be in violation of the law. But beyond that, we do not intend to touch any of the other activities the Senator described.

Mr. HART. Mr. President, the responses that we have had from the Senator from Delaware enable all of us confidently to say that the amendment would indeed be a worthwhile addition to the bill. I hope very much that the Senate will adopt the amendment. I feel that having done so, the Senator from Delaware, who has already indicated his intention to support the bill, will feel that he has made a major contribution to it.

Mr. WILLIAMS of Delaware. I appreciate the remarks of the Senator from Michigan. I believe that this amendment will make a constructive contribution to the bill. I have always supported whatever legislation is necessary to guarantee to any American citizen the right to vote, and if we do not have adequate laws to do it now I wish to support whatever measure is necessary. As I stated before, if we come back next year and find that the proposed legislation does not protect their right to vote I will help correct it. I cannot conceive of any circumstances in this country under which we could defend the principle that an American citizen could be deprived of his right to vote. However, if he does not desire to register or to vote without being paid he is not eligible to vote.

All I am trying to do under this amendment is to make sure that we have clean elections and that once a man gets the right to vote and casts his vote, he will have the assurance that his vote will not be nullified by someone who is casting an illegal ballot or by someone who is being paid to vote. That is the sole purpose of the amendment.

I appreciate the remarks of the Senator from Michigan. I certainly hope that the amendment will be adopted.

Mr. President, I ask unanimous consent that the RECORD show the names of the Senator from California [Mr. MURPHY], who has spent considerable time in helping the Senator from Iowa [Mr. MILLER] and me to work out the language of the amendment, the Senator from Arizona [Mr. FANNIN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Texas [Mr. TOWER], and the Senator from Idaho[Mr. JORDAN] as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Those Senators have spent considerable time in helping to work out the language of the amendment. I thank each of them for his contribution. We could not have achieved the result without their support.

Mr. HART. Mr. President, I ask unanimous consent that there be a quorum call, and that the time for the call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 4 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 4 o'clock; and, if consent is granted, that when the Senate reconvenes, at that time there be a quorum call before the vote on the Williams amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

At 3 o'clock and 25 minutes p.m., the Senate took a recess until 4 o'clock p.m., the same day.

At 4 o'clock p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. RUSSELL of South Carolina in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware subsequently said: Mr. President, I ask unanimous consent that immediately prior to the vote on the amendment, which was approved, there appear a statement prepared by the Senator from California [Mr. MURPHY].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MURPHY

I was pleased to cosponsor S. 1564. I did so because I believe unequivocally that every qualified American should have the right to vote. S. 1564 is aimed at the elimination of voting discrimination based on race or color. To me it is most deplorable that at this juncture in our Nation's history it is even necessary for the Congress to consider legislation on this subject.

The amendment being considered now is aimed at an equally important problem—the elimination of voting fraud in Federal elections. It is based on the premise that voting fraud is incompatible with our democratic system. It attempts to eradicate voting fraud whether it occurs in Chicago or in Selma. It attempts to purge the voting process in Federal elections in the North, in the South, in the East, and in the West.

Voting fraud, unlike voter discrimination, is not clearly confined to one area. Its ugly head pops up in different areas and at unsuspected times.

To me and all Americans, the right of franchise is a sacred and priceless heritage. Voting fraud is repulsive to the American conscience and tends to undermine our way of life.

By accepting this amendment we can insure that the votes of our people will be counted and counted properly. I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS] numbered 82, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from Tennessee [Mr. BASS], the Senator from Ohio [Mr. LAUSCHE], the Senator from Georgia [Mr. RUSSELL], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Missouri [Mr. SYMINGTON], the Senator from Maryland [Mr. TYDINGS], and the Senator from Connecticut [Mr. DODD] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from California [Mr. MURPHY] are absent on official business, and, if present and voting, would each vote "yea."

The Senator from Kentucky [Mr. MORTON], the Senator from Kansas [Mr. PEARSON] and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Kentucky [Mr. MORTON] and the Senator from Kansas [Mr. PEARSON] would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 61 Leg.]

YEAS—86

Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gruening
Harris
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Muskie
Nelson
Neuberger
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—0

NOT VOTING—14

Aiken
Bass
Dodd
Lausche
Monroney
Morse
Morton
Murphy
Pastore
Pearson
Russell, Ga.
Symington
Tydings
Young, N. Dak.

So the amendment of Mr. WILLIAMS of Delaware, numbered 82, as modified, to the committee substitute, was agreed to.

COMMENDATION TO SENATOR WILLIAMS OF DELAWARE

Mr. MUNDT subsequently said: Mr. President, I do this because I think the Senate owes a debt of gratitude to the Senator from Delaware, who, with his customary diligence in examining into all important legislation, has come forth with an important amendment dealing with a vital part of this bill that has been adopted by unanimous vote. It is rare than an amendment to a civil rights bill is adopted by the Senate unanimously.

I think we owe a great debt of gratitude to the Senator from Delaware for an amendment which will be highly salutary and effective.

AMENDMENT NO. 83

Mr. ERVIN. Mr. President, I call up amendment No. 83 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The legislative clerk read as follows:

On page 12, line 15, change the figure "6" to the figure "5".

On pages 12 to 19, both inclusive, strike out sections 4 and 5 in their entirety and insert the following in lieu thereof:

"SEC. 4. When he has reason to believe that any State or political subdivision of a State is engaged in denying or abridging the rights of citizens to vote on account of race or color, the Attorney General may institute an action in the name of the United States in the district court of the United States against such State or political subdivision in the district in which the capital of the State in question is located or in which the political subdivision in question is situated, against such State or political subdivision, alleging that it is engaging in denying or abridging the rights of citizens to vote on account of race or color. Upon demand of the Attorney General, such action shall be tried by a three-judge district court convened in the manner prescribed by Sixty-second Statutes at Large, page 968 (28 U.S.C. 2284). In case the court finds on the trial on such action that the State or political subdivision in question is denying or abridging the rights of citizens to vote on account of race or color, the court shall so adjudge and shall authorize the appointment of examiners by the Civil Service Commission in accordance with section 5 to serve for such period of time and in such political subdivisions of such State or such political subdivision as the court shall determine is appropriate to enforce the guaranties of the fifteenth amendment."

On page 19, strike out everything from the semicolon on line 7 through the word "amendment" on line 21, and insert in lieu thereof the following "or section 4".

On page 28, lines 23 and 24, strike out the words "any declaratory judgment pursuant to section 4".

Renumber sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 5, 26, 28, and 30 to the bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 3, 27, and 29 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 6, 10, 11, and 15 to the bill.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1965—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

I wish to make it clear that the distinguished Senator from Rhode Island [Mr. PASTORE], who is chairman of the subcommittee handling this bill, is unavoidably absent from the city. He asked that the report be considered in his absence. It is for that reason that I am calling it up.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Apr. 29, 1965, pp. 8856–8858, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report? Without objection, the Senate will proceed to consider the report, and the question is on agreeing to the report.

Mr. HOLLAND. Mr. President, H.R. 7091, the second supplemental appropriation bill for 1965, was reported to the Senate on Friday, April 23, with its accompanying Report No. 167. The reported bill was passed, without amendment, on Tuesday, April 27. The budget estimates considered by the committee totaled $2,280,251,237; the House bill provided $2,118,333,083; the Senate version of the bill would provide a total of $2,257,869,415.

By way of explanation, I might proceed at this point to summarize the differences resolved in the conference.

An item of something over $400 million for the payment of Federal share to the States in the field of welfare was not in conference because there was no disagreement between the Houses.

The conferees agreed upon the provision of $150 million for veterans' compensation and pensions; an increase of $42 million over the original allowance of $108 million by the House.

The inclusion of $30 million for urban renewal funds, previously denied by the House, was approved.

The additional $10 million recommended in the Senate bill for the President's Disaster Relief Fund—at the urgent suggestion of the Senator from Indiana [Mr. HARTKE]—was approved, providing a total of $35 million in lieu of the House allowance of $25 million.

Senators will understand this is tied to emergencies in the upper Mississippi area which have so recently occurred.

The amount for claims and judgments, originally requested and approved in the House bill for approximately $23 million, was approved for $31 million following the receipt of an additional budget estimate after the bill was received from the House.

Funds for Appalachian regional development—title II of the bill—were approved totaling $349,688,000, for an increase of $5,360,000 over the House allowance of $344,328,000, but a slight reduction from the $352,300,000 in the Senate version of the bill.

The conferees were unable to reach agreement with regard to an additional $942,000—a small amount, but on an important matter—for the Civil Aeronautics Board for payments to air carriers for helicopter subsidies for the balance of the current fiscal year, and also unable to reach agreement on the provisions of $5,050,000 for Federal-State training programs and $515,000 for fellowships for city planning and urban studies—activities authorized under title VIII of the Housing Act of 1964. These items had been considered by the House and denied, and, as I say, were reported in disagreement by the conferees.

On the veterans language transferring funds for the reopened insurance fund the conferees had agreed that the motion would be made to concur in Senate amendment No. 15. I understand that by a division vote the House refused to concur, after which the House voted to further insist on the disagreement.

The Veterans' Administration has advised that they will be able to work out the problem of starting the insurance fund, in connection with the regular bill which is soon to be reported from the House.

House Members have said it will report that bill early next week and schedule it for early action thereafter.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. SALTONSTALL. It is my understanding that this item was included to avoid new appropriations. The House is about to act on a new appropriation very quickly, and it struck out the language, even though the House conferees agreed. Under the circumstances, I do not think we can do anything but accept the House action. I do not think it will have any injurious effect on veterans.

Mr. HOLLAND. I agree.

Incidentally, before leaving, the Senator from Rhode Island [Mr. PASTORE]

asked me to handle the conference report. I regret that I may not be able to answer all questions, because I was taking testimony on agricultural appropriations at the time Senator PASTORE was taking testimony on these items. He asked me to state that if the House refused to agree to any of the items in disagreement, he would take the position that we should have the rest of the bill and that the Senate should recede, and I intend to make a motion to recede on those amendments still in disagreement.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JAVITS. I refer to the helicopter appropriation, which is of interest to New York and a number of other areas of the country. As I understand, the Senate conferees sought to insist on the Senate amendment, which allowed $942,000. The House conferees refused to take it, so that it is a matter in disagreement. I understand the House voted it down by a vote of 228 to 144.

Is this a question which could be raised in the independent offices appropriation bill for fiscal year 1966? Am I correct in that?

Mr. HOLLAND. The Senator is correct. There is authorization and there is so-called contract authority outstanding. While the members of our committee are by no means in agreement on the subject, the conferees stood stoutly by our position in conference. The House stood stoutly by its former position, which is the reason for reporting the item in disagreement, which ended in the House action on the rollcall the Senator just referred to, in which the House refused to recede from its former position.

Mr. JAVITS. Is there any desire on the part of the committee to endeavor to have this matter taken up in a later measure?

Mr. HOLLAND. So far as I am concerned, I expect all Senators to stick more or less as they were recorded in the first place and were recorded the other day. There would not be a unanimous position in committee. A majority was for the inclusion of this item. I cannot recall the number, but I believe the Senator from California may remember it, for he was so ardently in support of this item.

Mr. KUCHEL. I will say to my friend that with absences, there were 11 in favor of the budget item and 9 against it.

Mr. HOLLAND. I think that is correst. The Senator is correct that there were a good many absences. However, a quorum of the committee was present. I believe that there will still be a substantial difference of opinion in that committee as to the wisdom of continuing the program, but it will be carefully investigated again and passed upon, I am sure. Judging by what has happened in the past, those who have supported the continuation of the helicopter program—I believe without exception, if my recollection is correct—have always prevailed in the Senate committee, although there has always been a substantial division.

Mr. JAVITS. Did the testimony indicate whether the helicopter services can survive during this period before the issue again comes up?

Mr. HOLLAND. That was not gone into in that specific way. It was understood that the present annual budget as submitted was for the end of this program to come at the end of this calendar year. This item had nothing to do with that. It had to do with the payment up to the end of the fiscal year, on contracts already made and the carrying on of the helicopter services at the three great terminals where that service now prevails.

Mr. JAVITS. So it is fair to say that the Senate in approving the action of the Appropriations Committee has opted to continue the service, and the House refuses to go along, but both Houses will have another opportunity to act on the matter in the independent offices appropriation bill which will come along before June 30.

Mr. HOLLAND. That is completely correct. Aside from that, it was claimed by supporters of this particular appropriation in the nature of a subsidy, that the contract existing was so binding that an action in the Court of Claims would even prevail.

I express no opinion on this issue. I have no definite information upon it, but this is not the end. There is in the budget, I am told, an amount to carry the program to the period of termination now recommended by the administration, which I understand is at the end of this calendar year.

I ask the Senator from California [Mr. KUCHEL] if I am correct in that understanding?

Mr. KUCHEL. Let me say to my able friend the Senator from Florida that the CAB has recommended a phasing out over a 5-year period, commencing with the next fiscal year. If I am correct, my understanding is that the Budget Bureau has approved the request for an appropriation for the ensuing fiscal year, but does not look with favor on any additional subsidy thereafter.

Mr. HOLLAND. The matter is in a state of uncertainty. That is perfectly clear from what we have all said. But it is not dead. That is what I believe the Senator is really concerned about.

Mr. JAVITS. It is not dead, if the lines can survive between now and the time when the appropriation is passed—if it is passed.

Mr. SALTONSTALL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. Let me finish my thought, and I shall be glad then to yield to the Senator from Massachusetts.

I might say, because I do not wish to be left in an unfortunate position, that I have always opposed the subsidy. I support the action of the Senate in the conference, of course. I have desisted from any action now. The concentration of this effort in three places—whereas there are so many other places, such as the National Capital with three airports; namely, Friendship, National, and Dulles without this subsidized service, to cite only one example—has brought on argument in this field, aside from the question as to whether any subsidy at all should be granted. So that it is an arguable matter.

But I assure all concerned that the action today will not terminate it. Some Senators might be sorry that it would not terminate it, but I am perfectly willing to reexamine the situation. I am sure that other Senators are, also. If history teaches me anything, I am sure that a majority of the Appropriations Committee will approve the appropriation for this objective.

Mr. JAVITS. Never have any of us who are supporting the helicopter subsidy contended that there should be only three lines. We have always been anxious that it should be widely used. And that other cities throughout the Nation utilize the experience and tested equipment of the existing lines.

We have always maintained that the only justification for the three at this time was to prove that it is practicable, feasible, and ultimately sound and economical. We are anxious to have other States and cities participate in the use of this medium of air travel including Washington, D.C., which I believe is now exploring the use of helicopter services.

Mr. HOLLAND. Let me say, in order that the record may be made quite clear, that in spite of my own feelings, if the House action had been otherwise today, I would have requested Senate approval and confirmation because we have all got to treat the great group of objectives in this bill as a whole, when we get to this stage of the proceeding where there has been a conference report—and it was a good, sturdy one—and the Senate conferees all stuck together; but when we finally come to the end of the road, we have to enact a bill.

I believe that we should enact this bill in the form in which it is at present, as it comes out of conference, and accept as graciously as we can the action taken by the other body today.

After all, the House has yielded to us in probably three instances to one instance in which we have yielded to them, as will be noted from the report of the conference committee.

I am glad now to yield to the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. SALTONSTALL. Let me add to what the Senator from Florida has said, if the Senator from New York will listen for a moment. We certainly do not wish to deceive the Senator from New York or the Senator from California. The House report, led by Representative THOMAS, of Texas, made it clear in its report last year that it was going to stop the subsidies as of June 30 this year, that there would be no further subsidies. He was emphatic in conference yesterday on that subject. We voted—and I voted—for the helicopter subsidy last year, and again this year.

I believe that it is only fair to point out to the Senator from California and the Senator from New York that there is divided opinion in the Appropriations Committee as to whether the CAB carried forward any possibilities of legally stopping the subsidies, so that we voted this year to keep those subsidies up because otherwise the Government would be liable to a suit.

I do not believe that we can say to the distinguished Senators from New York and California what the action will be in next year's budget, even if the Senate includes it, as I believe it will, and certainly in committee, although the committee is divided, because the House, led by Representative THOMAS, of Texas, is adamant that these subsidies shall be stopped. I believe that it is only fair to point this out to the Senators from New York and California at this time.

Mr. JAVITS. I thank the Senator from Florida and the Senator from Massachusetts.

Mr. HOLLAND. Mr. President, the matters which we have been discussing relate to something that should come after the adoption of the conference report, if it should be adopted.

Mr. HARTKE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to the Senator from Indiana.

Mr. HARTKE. I thank the distinguished Senator from Florida [Mr. HOLLAND] for the fine work which he has performed, especially in regard to the $10 million in the President's disaster relief fund which will be sent to those people suffering from tornadoes and flood damage in the Midwest.

I also thank the members of the committee, including the Senator from Arizona [Mr. HAYDEN], who has worked so diligently for the success of this program.

Mr. HOLLAND. Mr. President, for the whole committee, I am glad to accept the Senator's kind remarks, because there was not a dissenting vote in committee. All members of the committee felt that in view of the immensity of the disaster it should build up the President's fund a little more than had been contemplated before the recent unfortunate conditions developed along the Mississippi River and its tributaries.

Mr. HARTKE. I thank the Senator from Florida.

Mr. HOLLAND. Mr. President, I move that the conference report be adopted.

Mr. KUCHEL. Mr. President——

Mr. HOLLAND. Let me say to the Senator from California that this does not include the matter in which he is interested, which will come up separately.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The question is on agreeing to the conference report.

The report was agreed to.

Mr. HOLLAND. Mr. President, there are three amendments of the Senate which were reported in technical disagreement but which have been now amended and passed in the House. They bear no reference to the helicopter matter.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House, which will be read.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 5, 26, 28, and 30 to the bill (H.R. 7091) entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes", and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3, and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following: "and including $100,000 for the purpose of extending the screw worm barter zone on a limited basis to Arizona and California with cost-sharing from State and local sources of at least 50 per centum of the expenses of production, irradiation and release of the screw worm flies;".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27, and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"SALARIES AND EXPENSES

"Amounts available for any activity under appropriations under this head in the Department of Labor, and Health, Education, and Welfare Appropriation Act, 1965, shall also be available for any other activity thereunder to the extent needed in preparing for the programs authorized by the Elementary and Secondary Education Act of 1965."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29, and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"SOCIAL SECURITY ADMINISTRATION

"*Limitation on Salaries and Expenses*

"Amounts available for any activity under appropriations under this head in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1965, shall also be available for any other activity thereunder to the extent needed in preparing for the programs authorized by the Social Security Amendments of 1965."

Resolved, That the House insist upon its disagreement to the amendments of the Senate numbered 6, 10, 11 and 15 to aforesaid bill.

Mr. HOLLAND. The amendments are numbered 3, 27, and 29. If I may have the attention of the Senator from California [Mr. KUCHEL], these amendments which I propose to call up now still do not involve the matter which is in contention and in which the Senator from California is interested.

Mr. KUCHEL. I thank the Senator from Florida for that information.

Mr. HOLLAND. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate, amendments Nos. 3, 27, and 29.

The amendments were agreed to.

Mr. HOLLAND. I move that the Senate recede from its amendments numbered 6, 10, 11, and 15.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall yield in a moment. Did the clerk include in his reading all three of the amendments, or only the first one?

The PRESIDING OFFICER. Amendments 3, 27, and 29.

Mr. HOLLAND. I thank the clerk for his expeditious handling of the amendments.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CLARK. I invite the attention of the Senator from New York and the Senator from Illinois to what I am about to say. Two of the three items which the senior Senator from Florida has just moved, in connection with which the Senate should recede, have to do with matters of considerable concern to those of us interested in metropolitan areas which are interested in the development of competent individuals to engage in metropolitan area planning.

I desire to make a little legislative history on these matters, so that when we consider the independent offices bill for the next fiscal year, the attitude of some Members of the Senate may be made clear.

The history is as follows: For 9 years the Senator from Alabama [Mr. SPARKMAN], the chairman of the Subcommittee on Housing, and I as a member of the Subcommittee on Housing—although I am no longer a member of the subcommittee—have done our level best to have some Federal money appropriated to pay for the necessary amount of training, with matching State funds, to provide necessary scholarships and fellowships to further that highly important skill, which is in very short supply, of competent metropolitan area planners and competent city planners, and competent individuals in various areas of urban renewal and urban rehabilitation, and to encourage the training of those who are in such short supply.

In the Housing Act of 1964 we finally prevailed, after 8 years of effort. I shall not go into any detail in that regard. The Budget Bureau and the President of the United States recommended that fellowships for training programs be funded. The House Appropriations Committee last year, however, refused to appropriate any part of the money that had been authorized by Congress and requested by the President of the United States. They took the position that they did not approve of the program, and therefore, as members of the Appropriations Committee, they would nullify and negate the intention of Congress as indicated by the action taken in the Housing Act of 1964.

When the supplemental appropriation bill came before the Senate Appropriation Committee I consulted Senator SPARKMAN and was authorized by him to request that the Senate committee add the amount requested by the Bureau of the Budget, which is $5,050,000 for item No. 10, which is the training program, and $515,000 for the fellowships and scholarships.

The Senator from Rhode Island [Mr. PASTORE], as chairman of the subcommittee, was most gracious. He heard our program. He agreed with it. He requested the amount in the supplemental appropriation bill. In conference the House was adamant in its position against it.

Mr. HOLLAND. So was the Senate. These amendments were in disagreement.

Mr. CLARK. I thank the Senator for being adamant, as the Senator from Alabama and I would have been had we been in conference.

The House again refused to fund the programs authorized by the act of 1964, recommended by the President, on the sole ground that the members of the House Appropriations Committee do not approve of the program. Congress has approved it. I hope very much, I say to my friend, the senior Senator from Florida, that when the appropriation bill comes up for the next fiscal year, we shall be able to persuade our brothers in the House, particularly the members of the House Appropriations Committee, that when Congress authorizes a program and the President requests that it be funded, there is some obligation on the part of the Appropriations Committee to carry out the will of Congress. They do not have to fund it for the same amount that the President requested, but they should not merely say, "We do not approve of this program and therefore we will not give one cent for it."

I suggest that that is not proper procedure by the other body.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall yield in a moment. These things happen from time to time. The acid test is when amendments are reported in disagreement. The two amendments to which the Senator refers, 10 and 11, were reported in disagreement. Some of the Members of the House who voted to authorize these programs stood by their conferees in the Appropriations Committee and refused to recede from their position.

Mr. CLARK. I have no doubt that they did. I do not believe that any Member of the Senate is deceived by that action. When a powerful group such as the Appropriations Committee comes in with an item, in a $2 billion bill which amounts to very little, by comparison, it would be rather odd for the Appropriations Committee to be reversed.

I say two things to the Senator from Florida. First, I thank him for his strenuous effort to maintain the position of the Senate; and, second, we hope to have better luck next time.

Mr. HOLLAND. There was not one Senator in the conference who did not stick with the action of the Senate, whether he had been in accord with it or not.

Mr. KENNEDY of New York. Mr. President, I thank the Senator from Florida for his efforts.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JAVITS. I say to the Senator from Florida that we have had this problem before. I am convinced of the helicopter program's worth, and desirability. We always have the problem of being caught in the middle between two millstones, consisting of things that people think are urgently needed, and critical things left out, which others find offensive. I hope very much, although this may not be the ultimate ground to stand on to fight—as with respect to the helicopter appropriation that we shall find a ground upon which to stand on and fight. That will be the basic annual appropriation bill. I pledge to the Senator from Pennsylvania my support in putting up that fight in every way that is open to us.

Mr. CLARK. I thank my friend from New York and his colleague from New York. I am confident that if there were more than a handful of Senators on the floor we would have additional support from a number of the other industrial States and other States with metropolitan areas where there is a requirement for the necessary skills to do the planning and administration of these important programs.

Mr. JAVITS. I understand that provisions for annual contributions for public housing differed by approximately $4.7 million in the Senate and House bills. Can the Senator tell us about that?

Mr. HOLLAND. As I said, I did not hear all the testimony on this bill. I was conducting other hearings. I can give the Senator the information in a moment. The amount for the Public Housing Administration was $8,320,000, as agreed to by the conferees of both Houses.

Mr. JAVITS. I thank the Senator. I also understand that there was a difference in the Senate and House bills with respect to urban renewal in the amount of $30 million.

Mr. HOLLAND. The House accepted the Senate amendment for $30 million for an allied subject, for urban renewal, so the objectives which the Senator has in mind did not go——

Mr. JAVITS. Down the drain.

Mr. HOLLAND. Unmentioned.

I move that the Senate recede in each case, on the first amendment, No. 6, on helicopter subsidies; on the second amendment, No. 10, the Federal-State training program; on No. 11, fellowships for city planning and urban studies; and on No. 15, for the veterans reopened insurance fund, which was the one in which the House turned down the conference action, which happens sometimes even in the Senate, and apparently does happen in the House as well.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JAVITS. What is the amendment number of the proposed appropriation related to the CAB helicopter subsidy?

Mr. HOLLAND. That is No. 6.

Mr. JAVITS. Mr. President, I ask that that amendment be submitted to the Senate for a separate vote. I wish to vote "no" on it.

Mr. HOLLAND. Mr. President, I ask for a vote on amendment No. 6.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion that the Senate recede from its amendment No. 6.

Mr. KUCHEL. Mr. President, I rise merely to express my vigorous objection to the action which the Senate is about to take. For many years the law of our land has directed the Civil Aeronautics Board to hold hearings and to determine whether or not public convenience and necessity would be served by granting an applicant a certificate to engage in transportation by use of helicopters. The Congress has provided by law for the Civil Aeronautics Board, having made such a decision, to determine the amount of Federal assistance or subsidy which the successful applicant should have in order to conduct its business operations. That law is on the books today. No one has attempted to repeal it. If the Civil Aeronautics Board does its duty and follows the law, that is what it must do.

So with the approval of the President of the United States and the Budget Bureau, there came to the Senate a request for a little less than $1 million to continue the subsidy operations for the remainder of the present fiscal year. The House Appropriations Committee knocked out the provision. The item went to the House and came to the Senate. The Senate Appropriations Committee put it back in. The Senate concurred in that judgment.

Then this afternoon, led by some of our colleagues on the Appropriations Committee in the House, out again went an item which, under the law of our land, the Civil Aeronautics Board is required to determine is necessary and is in the public interest.

Orderly procedure in American Government took a kick in the stomach today.

In the State from which I come 900 citizens became stockholders in a helicopter organization some 17 years ago. They have never received a nickel in dividends. They put their money in, and about 750 people are working day in and day out to provide a modern, a new, and unique form of transportation all over the great Los Angeles metropolitan area. In the years ahead Congress will continue to grant great amounts of subsidy to certain airlines in this country. The Congress will provide a means through the appropriation process by which, in the city of the Acting President pro tempore or my own, the Federal Government will assist in building airports.

That cannot be done in a helicopter operation. I ask Senators to consider my home community of Anaheim. Since Disneyland located there, there has been a great deal of interest in my hometown. Only the other day 500 people used the helicopter to fly from the Los Angeles Airport to the city which I call my home.

Approximately 70 miles away from the Los Angeles Airport is San Bernardino, a great, thriving metropolitan area which is not served by an airline. But one can travel from San Bernardino into the airport or into the community by a helicopter operation. It is supported by the cities which themselves have used their money to build heliports over the years. By the aid of the Government of the United States the cost factor has gone down to a point at which it is believed that in a very few more years there will be an example, or perhaps two examples, or maybe three examples, of how people can provide this new form of transportation and enter that field for profit. That was the basis upon which the subsidy was originally created.

I shall not speak very much longer, but I desire, with the consent of the Senate, to have printed at this point in the RECORD a portion of pages 140 and 141 of the Senate hearings on the measure, which demonstrates that the Civil Aeronautics Board issued formal orders to the three helicopter lines—one in Los Angeles, one in Chicago, and one in New York—to come before them and show cause why their certificate should not be amended so that 5 years hence, all Federal assistance would be eliminated. But during those 5 years the people of the United States would continue to have an active interest in and a growing hope that helicopter transportation would be available in any community in this land where there was a demand for use of that rapid type of transportation.

Mr. President, I ask unanimous consent that the excerpt from the hearings to which I have referred be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

OPERATING AUTHORITY OF CARRIERS

1. On February 16, 1965, the Board issued formal orders to show cause with regard to Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., and New York Airways, Inc., which formally placed in issue the matter of the amendment, modification, renewal, and/or termination of the operating authority of each of the three carriers. Those orders proposed, on a tentative basis and subject to the required formal hearings before appropriate hearing examiners and thereafter the Board, to insert clauses in the certificates of the carriers which would, in effect, make them ineligible for subsidy exceeding the following aggregate amount:

Maximum subsidy eligibility

Fiscal year:	*Thousands*
1966	$4.2
1967	3.6
1968	2.7
1969	1.9
1970	1.1
1971	0

2. The institution of these formal hearing steps, which are required by both section 401 of the Federal Aviation Act and by the Administrative Procedure Act, were preceded by the following:

(*a*) Early in 1964, the Board appointed a staff task force to study the various phases of helicopter operations, and this staff task force—after study at the home bases of the helicopter operators on the east coast, in Chicago, and on the west coast—reported the results of its investigation to the Board on May 8, 1964.

(*b*) On June 18, 1964, Chairman Boyd, at the request of Senator Magnuson, presented to the Senate subcommittee of the Committee on Appropriations a report setting forth the program for the phasing out of helicopter subsidy in the amounts and for the periods set forth in 1. above (Hearings on Independent Offices Appropriations, 1965, before the subcommittee of the Committee on Appropriations, U.S. Senate, 88th Cong., 2d sess., pp. 1018–1020).

(*c*) A Board staff task force scheduled and conducted extensive informal meetings beginning in August 1964 and concluding in September 1964 with all interested parties including governmental agencies, the domestic trunkline carriers, manufacturers, the local service carriers, and the helicopter operators.

(*d*) Petitions by the helicopter carriers proposing amendment of their certificates to phase out helicopter subsidy in the manner described in the report referred to in subparagraph (b) above, were filed on November 4 and 12, 1964, and amended by the carriers on January 8, 11, 15, and 21, 1965.

3. Formal prehearing conferences before the hearing examiners are scheduled for each carrier on April 13, 14, and 15, respectively. Thereafter formal written exhibits will be exchanged and an evidentiary record will be made before the hearing examiners.

Mr. KUCHEL. I take little comfort from the statement of my friend the Senator from Florida that, "The action today will not terminate Federal assistance to helicopters." I utter a fond hope that such may be the fact. I recall what my friend the Senator from Massachusetts said subsequently. But I say to my friend that it would be a sad thing in this nuclear age, in this age of outer space, if the Congress should turn its back on an active interest in rapid transportation by air in these amazing new devices which we call helicopters.

So when the President of the United States once again sends to us his recommendations for Federal assistance next year—and I am told that we shall have that request before the Senate Committee on Appropriations shortly—I express the fond hope that my friend the Senator from Florida will be vindicated in what he has said today, and that the action today will not terminate Federal assistance to this program.

Mr. HOLLAND. Mr. President, I believe that the Senator from California [Mr. Kuchel] and, before him, the Senator from New York [Mr. Javits] made forceful statements of their case. I have great sympathy with their case. I do not see what we can do about it, however. The Senate decided with them. Their conferees stood with them. Their eloquence is really needed over in the other body rather than in the Senate. We are in a situation in which, it seems to me, they must look to another day, and I am sure that day will be open to the Senator. As I have stated, I do not see how it could be otherwise, because the President's spending budget requests that the program continue until the end of this calendar year, and that involves a substantial additional sum.

Mr. KUCHEL. The next fiscal year.

Mr. HOLLAND. I believe that is correct.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JAVITS. I ask unanimous consent that there be printed at this point in the Record, as an addition to what has already been inserted in the Record, the question and answer which appear at the top of page 142 of the record of hearings of the Appropriations Committee at which point Vice Chairman Robert T. Murphy, of the Civil Aeronautics Board, gives the opinion that legally these subsidies are owing, and that in order to cancel out that obligation it will be necessary to amend the Federal Aviation Act, which, of course, the Congress has not done.

Mr. HOLLAND. I have no objection.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

LEGISLATIVE ACTION REQUIRED

Senator Pastore. How do you bring this thing to an end? That is the question I am asking.

Mr. Murphy. Really the only legal way to bring it to an end, as we see it, is to amend the basic Federal Aviation Act, the basic statute, from which the licenses or certificates are derived. It was amended at one time to forbid payment of subsidies to supplemental carriers. If this is the policy and will of the Congress, it will take a simple amendment to section 406(b) of the Federal Aviation Act to do that. This would not only alleviate the potential liability in the future, but it would deliver us at the Civil Aeronautics Board from a perplexing dilemma.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion that the Senate recede from its amendment No. 6, which relates to the proposed helicopter subsidy.

The motion was agreed to.

Mr. HOLLAND. Mr. President, unless there is objection, I move that the Senate recede from amendments numbered 10, 11, and 15, and that they be considered en bloc.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, as the distinguished Senator from Florida [Mr. Holland] has indicated, there are no items in disagreement between the two Houses insofar as Appalachian regional development moneys under title II are concerned. All title II items were resolved, and I think, on the whole, that the Appalachian programs came through the conference in good condition. The original budget estimate was $362,636,000. The House bill allowed $344,328,000. The Senate restored $7,972,000. Of the amount restored by the Senate, the House conferees receded on items amounting to $5,360,000. The Senate conferees receded on items amounting to $2,612,000. The total appropriation for Appalachian regional development activities, as agreed upon by both Houses in conference, is $349,688,000 which, as I have stated, is $5,360,000 above the original House bill. The appropriation for Appalachian regional development activities, therefore, represents only about a 3.5-percent cut in the original budget estimate of $362,636,000. I believe that this appropriation will be amply sufficient to get the programs off to a good start and an early start, and the minute reduction which was made in the original budget estimate is indicative of the strong congressional support of the programs. I am grateful to Senator Pastore, for his having requested that I be appointed to serve as a Senate conferee, and I am glad for the progress that was made in the conference on yesterday with regard to the appropriation for Appalachian regional development activities.

On Tuesday of this week, April 27, I enumerated the items in the appropriation bill which dealt with Appalachian regional development activities, I gave a brief explanation of each item, and I indicated the action taken by the Senate Appropriations Committee.

At this time, I shall explain the action taken by the Senate and House conferees on those Appalachian aid items which were before the conference for consideration and resolution.

For the Agricultural Research Service, the budget estimate was $520,000, the

House had allowed $100,000, the Senate added $100,000 to make a total of $200,000. The Senate yielded in conference, and the appropriation stands at $100,000.

For the Cooperative State Research Service, the budget estimate was $1 million, the House appropriated $100,000, the Senate restored $400,000, making the total appropriation $500,000. The conferees agreed on a total of $300,000.

For the Extension Service, the budget estimate was $2 million, the House allowed $500,000, the Senate restored $1 million, making a total of $1.5 million. The conferees agreed on a total of $750,000.

For "Conservation operations," Soil Conservation Service, the budget estimate was $1,950,000, the House appropriated $1.5 million, the Senate added $150,000. The conferees agreed on a total of $1,575,000.

For "Watershed planning," the budget estimate was $600,000, the House bill allowed $400,000, and the Senate restored $200,000, making a total of $600,000. In conference the House receded from its position, leaving the total for "Watershed planning" at $600,000.

For "Watershed protection," the budget estimate was $10,220,000, the House bill allowed $8 million, and the Senate restored $2,220,000, for the full budget estimate. In conference, the House receded, and the full budget estimate of $10,220,000 stands. Of this amount, $3.1 million is for the funding of applications for loans for small watersheds in the Appalachian region.

For the Economic Research Service, the budget estimate was $400,000, the House allowed $200,000, and the Senate restored the $200,000 back to the full budget estimate. The conferees agreed on a total appropriation of $300,000.

For the Farmers Home Administration, salaries and expenses, the budget estimate was $500,000, the House bill allowed $250,000, and the Senate restored $150,000, bringing the amount up to $400,000. The Senate and House conferees agreed on a total appropriation of $325,000.

For the "Direct loan account," Farmers Home Administration, the budget estimate was $8.6 million, the House appropriated $6 million, and the Senate restored $1.1 million. The conference agreed on the Senate-appropriated amount of $7.1 million.

For the Rural Community Development Service, the budget estimate was $65,000, the House bill allowed $35,000, the Senate-passed bill restored $30,000. The conferees agreed on a total of $50,000.

For Forest Service acquisition of depleted lands in Kentucky and West Virginia, the budget estimate was $1.1 million, the House bill allowed $500,000, and the Senate restored $500,000 to bring the amount up to the full budget estimate. The House receded on this item, so the appropriation for land acquisition stands at $1 million, of which appropriation $900,000 will be used to purchase depleted lands in Kentucky and $100,000 shall be used for the purchase of such lands in Pocahontas, Randolph, and Webster Counties, W. Va.

The next item before the conference was the appropriation for "Forest Research." The budget estimate was in the amount of $1,785,000, the House had allowed $1,125,000, and the Senate restored $200,000, making a total of $1,325,000. The Senate-House conference agreed on an appropriation of $1,225,000. This is $100,000 above the House-passed bill, and the additional $100,000 is for forest engineering research at Morgantown, W. Va.

For "Construction, general," Corps of Engineers, the budget estimate was $15 million, the House bill appropriated $13,778,000, the Senate restored $922,000. The Senate-House conference agreed on a total appropriation, for this item, of $14,153,000.

For "Appalachian region mining area restoration," Bureau of Mines, the budget estimate was $16,250,000, the House bill allowed $15,850,000, and the Senate restored $400,000, making a total of $16,250,000. The conferees reached an agreement on a total appropriation of $16 million.

The final item in disagreement between the two Houses insofar as the Appalachian regional development items were concerned, was a Bureau of Sport Fisheries and Wildlife item. The President had requested $1,750,000 for Appalachian region fish and wildlife restoration projects, the House bill had allowed $1,350,000, and the Senate restored $400,000. In conference, the Senate receded and the total appropriation for this item stands at $1,350,000.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Florida will state it.

Mr. HOLLAND. Does this complete action on the bill?

The ACTING PRESIDENT pro tempore. This concludes action upon the bill.

Mr. HOLLAND. I thank the Acting President pro tempore. I ask unanimous consent to have printed at this point in the RECORD a table showing the supplemental budget estimates of the House and Senate versions of the second supplemental appropriation bill for 1965 and the final amounts agreed to in conference.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The 2d supplemental appropriation bill for 1965 (H.R. 7091)

SUMMARY RECAPITULATION BY TITLE

Chapter	Department or activity	Budget estimate	House version of bill	Senate version of bill	Conference action
	TITLE I				
I	Agriculture	$22, 563, 000	$22, 083, 000	$22, 663, 000	$22, 473, 000
II	District of Columbia	(1, 563, 600)	(1, 563, 600)	(1, 563, 600)	(1, 563, 600)
III	Foreign operations	250, 000, 000	250, 000, 000	250, 000, 000	250, 000, 000
IV	Independent offices	268, 972, 500	188, 925, 400	276, 038, 400	267, 913, 900
V	Interior	72, 527, 000	69, 602, 000	72, 412, 000	70, 602, 000
VI	Labor and Health, Education, and Welfare	527, 900, 000	496, 900, 000	521, 900, 000	507, 900, 000
VII	Legislative	130, 000	130, 000	168, 000	168, 000
VIII	Public works	14, 229, 000	13, 369, 000	13, 604, 000	13, 604, 000
IX	State, Justice, Commerce, and the Judiciary	141, 769, 000	129, 390, 000	133, 983, 938	130, 415, 000
X	Treasury and Post Office	271, 000	271, 000	271, 000	271, 000
	Total, title I	1, 298, 361, 500	1, 170, 670, 400	1, 291, 040, 338	1, 263, 346, 900
	TITLE II APPALACHIAN REGIONAL DEVELOPMENT (H. Doc. No. 110)				
	Agriculture	42, 840, 000	30, 560, 000	36, 810, 000	35, 395, 000
	Commerce	248, 000, 000	247, 500, 000	247, 500, 000	247, 500, 000
	Defense—Civil functions	17, 271, 000	15, 778, 000	16, 700, 000	16, 153, 000
	Health, Education, and Welfare	34, 775, 000	32, 000, 000	32, 000, 000	32, 000, 000
	Interior	19, 250, 000	18, 000, 000	18, 800, 000	18, 150, 000
	Appalachian Regional Commission	500, 000	490, 000	490, 000	490, 000
	Total, title II	362, 636, 000	344, 328, 000	352, 300, 000	349, 688, 000
	TITLE III				
	Increased pay costs (H. Doc. No. 98)	587, 842, 383	579, 691, 188	583, 117, 633	583, 117, 633
	TITLE IV				
	Claims and judgments (H. Doc. No. 113 and S. Doc. No. 19)	31, 411, 444	23, 643, 495	31, 411, 444	31, 411, 444
	Grand total	2, 280, 251, 327	2, 118, 333, 083	2, 267, 869, 415	2, 227, 563, 977

The 2d supplemental appropriation bill for 1965 (H.R. 7091)—Continued

TITLE I

H. Doc.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Conference action
	CHAPTER I				
	DEPARTMENT OF AGRICULTURE				
	Agricultural Research Service:				
	Salaries and expenses:				
80	Research (pay costs)	$3,109,000	$2,860,000	$3,109,000	$2,960,000
80	Plant and animal disease and pest control:				
	Pay costs	1,767,000	1,626,000	2,417,000	2,376,000
	Screw-worm eradication	550,000	550,000		
	Arizona-California control			(100,000)	(100,000)
80	Meat inspection (pay costs)	1,137,000	1,047,000	1,137,000	1,137,000
	Agricultural Stabilization and Conservation Service:				
80	Sugar Act program	6,000,000	6,000,000	6,000,000	6,000,000
80	Emergency conservation measures	10,000,000	10,000,000	10,000,000	10,000,000
	Total, chapter I	22,563,000	22,083,000	22,663,000	22,473,000
	CHAPTER II				
	DISTRICT OF COLUMBIA				
	DISTRICT OF COLUMBIA FUNDS				
	Operating expenses:				
80	General operating expenses	(80,000)	(80,000)	(585,800)	(585,800)
	Pay costs	(505,800)	(505,800)		
80	Settlement of claims and suits	(6,800)	(6,800)	(6,800)	(6,800)
114	Capital outlay	(971,000)	(971,000)	(971,000)	(971,000)
	Total, chapter II	(1,563,600)	(1,563,600)	(1,563,600)	(1,563,600)
	CHAPTER III				
	FOREIGN OPERATIONS				
	Funds appropriated to the President:				
112	Investment in Inter-American Development Bank	250,000,000	250,000,000	250,000,000	250,000,000
80	Peace Corps (limitation increase)	(1,200,000)		(1,858,000)	(1,858,000)
	Pay costs	(658,000)			
	Total, chapter III	250,000,000	250,000,000	250,000,000	250,000,000
	CHAPTER IV				
	INDEPENDENT OFFICES				
	CIVIL AERONAUTICS BOARD				
80	Payments to air carriers (liquidation of contract authorization)	2,874,000	1,932,000	2,874,000	1,932,000
	CIVIL SERVICE COMMISSION				
80	Government payments for annuitants, employees' health benefits fund	1,560,000	1,560,000	1,560,000	1,560,000
	FUNDS APPROPRIATED TO THE PRESIDENT				
80	Disaster relief	25,000,000	25,000,000	35,000,000	35,000,000
80	Alaska mortgage indemnity grants	5,500,000			
	GENERAL SERVICES ADMINISTRATION				
	Construction, public buildings projects		7,245,900	7,245,900	7,245,900
80	IRS building at Ogden	4,506,000	4,055,000	4,506,000	4,305,000
80	Operating expenses, Federal Supply Service	2,835,000		4,166,500	2,750,000
	Pay costs	1,331,500	1,331,500		
	HOUSING AND HOME FINANCE AGENCY				
	Office of the Administrator:				
80	Rehabilitation loan fund	10,180,000	10,180,000	10,180,000	10,180,000
80	Federal-State training programs	5,050,000		5,050,000	
80	Fellowships for city planning and urban studies	515,000		515,000	
119	Urban renewal fund (liquidation of contract authorization)	30,000,000		30,000,000	30,000,000
119	Public Housing Administration: Annual contributions	13,000,000	13,000,000	8,320,000	8,320,000
	VETERANS' ADMINISTRATION				
80	General operating expenses	2,809,000	2,809,000	7,745,000	7,745,000
80	Pay costs	4,936,000	4,936,000		
80	Compensation and pensions	108,000,000	108,000,000	} 150,000,000	150,000,000
S. 18	Compensation and pensions	42,000,000			
80	Readjustment benefits	8,800,000	8,800,000	8,800,000	8,800,000
80	Grants to the Republic of the Philippines	76,000	76,000	76,000	76,000
80	Veterans' reopened insurance fund	Language		Language	
	Total, chapter IV	268,972,500	188,925,400	276,038,400	267,913,900
	CHAPTER V				
	DEPARTMENT OF THE INTERIOR				
	Bureau of Land Management:				
80	Management of lands and resources	3,200,000	3,200,000	3,950,000	3,950,000
	Pay costs	750,000	750,000		
111	Public land development roads and trails (liquidation of contract authorization)	500,000	500,000	500,000	500,000
111	Oregon and California grant lands (indefinite appropriation of receipts)	8,500,000	8,500,000	8,500,000	8,500,000
	Bureau of Indian Affairs:				
111	Education and welfare services	600,000	600,000	600,000	600,000
80	Resources management	307,000	307,000	1,031,000	1,031,000
	Pay costs	724,000	724,000		
111	Construction	1,910,600	1,910,000	1,910,000	1,910,000
111	Road construction (liquidation of contract authorization)	1,115,000	1,000,000	1,000,000	1,000,000
	National Park Service:				
80	Management and protection	265,000	265,000	897,000	897,000
	Pay costs	632,000	632,000		
111	Construction	1,300,000	580,000	1,300,000	580,000

The 2d supplemental appropriation bill for 1965 (H.R. 7091)—Continued

TITLE I—Continued

H. Doc.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Conference action
	CHAPTER V—Continued				
	DEPARTMENT OF THE INTERIOR—Continued				
80	Bureau of Outdoor Recreation: Land and water conservation (indefinite appropriation of receipts)	$16,000,000	$16,000,000	$16,000,000	$16,000,000
80	Office of Territories: Claims of inhabitants of Rongelap Atoll	950,000	950,000	950,000	950,000
111	The Alaska Railroad: Payment to the Alaska Railroad revolving fund	1,300,000	1,300,000	1,300,000	1,300,000
111	Geological Survey: Surveys, investigations, and research	800,000	550,000	800,000	550,000
	Fish and Wildlife Service:				
111	Bureau of Commercial Fisheries: Construction	1,125,000	1,125,000	1,125,000	1,125,000
111	Bureau of Sport Fisheries and Wildlife: Construction	1,200,000	1,200,000	1,200,000	1,200,000
80	Office of Saline Water: Salaries and expenses	3,900,000	3,900,000	3,900,000	3,900,000
80	Office of Water Resources Research: Salaries and expenses	2,825,000	985,000	2,825,000	1,985,000
	DEPARTMENT OF AGRICULTURE				
	Forest Service:				
	Forest protection and utilization:				
80	Forest land management	14,000,000	14,000,000	21,362,000	21,362,000
	Pay costs	3,162,000	3,162,000		
111	Forest land management	4,200,000	4,200,000		
80	Forest research (pay costs)	704,000	704,000	704,000	704,000
80	State and private forestry cooperation (pay costs)	58,000	58,000	58,000	58,000
111	Forest roads and trails (liquidation of contract authorization)	2,000,000	2,000,000	2,000,000	2,000,000
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
111	Public Health Service: Construction of Indian health facilities	500,000	500,000	500,000	500,000
	Total, chapter V	72,527,000	69,602,000	72,412,000	70,602,000
	CHAPTER VI				
	DEPARTMENT OF LABOR				
	Manpower Administration:				
80	Manpower develop and training activities	103,000,000	75,000,000	103,000,000	89,000,000
80	Limitation on grants to States for unemployment compensation and employment service administration	(560,000)	(560,000)	(560,000)	(560,000)
80	Unemployment compensation for Federal employees and ex-servicemen	17,000,000	14,000,000	11,000,000	11,000,000
80	Limitation on salaries and expenses, Bureau of Employment Security (increase)	(178,000)	(178,000)	(627,500)	(627,500)
	Pay costs	(449,500)	(449,500)	------	------
	Total, Labor	120,000,000	89,000,000	114,000,000	100,000,000
	HEALTH, EDUCATION, AND WELFARE				
	Office of Education:				
80	Defense educational activities (limitation)	(627,500)	(627,500)	(627,500)	(627,500)
	Salaries and expenses (limitation)	------	------	Language	Language
	Social Security Administration:				
	Limitation on salaries and expenses	------	------	Language	Language
	Welfare Administration:				
	Bureau of Family Services:				
80	Grants to States for public assistance	407,900,000	407,900,000	407,900,000	407,900,000
	Total, Health, Education, and Welfare	407,900,000	407,900,000	407,900,000	407,900,000
	RELATED AGENCIES				
	NATIONAL LABOR RELATIONS BOARD				
80	Salaries and expenses (limitation)	(2,460,000)	(2,460,000)	(2,460,000)	(2,460,000)
	NATIONAL MEDIATION BOARD				
80	Salaries and expenses (limitation)	(845,000)	(845,000)	(845,000)	(845,000)
	RAILROAD RETIREMENT BOARD				
80	Limitation on salaries and expenses	(343,000)	(343,000)	(343,000)	(343,000)
	Total, chapter VI	527,900,000	496,900,000	521,900,000	507,900,000
	CHAPTER VII				
	LEGISLATIVE BRANCH				
	SENATE				
	Payment to the widow of Senator Johnston	------	------	30,000	30,000
	Contingent expenses of the Senate:				
	Folding documents	------	------	8,000	8,000
	ARCHITECT OF THE CAPITOL				
	Capitol Buildings and Grounds:				
80	Capitol Buildings	130,000	130,000	130,000	130,000
	Total, chapter VII	130,000	130,000	168,000	168,000
	CHAPTER VIII				
	PUBLIC WORKS				
	Department of the Army:				
	Cemeterial expenses:				
80	Salaries and expenses	1,770,000	1,770,000	1,869,000	1,869,000
	Pay costs	99,000	99,000	------	------
	Corps of Engineers—Civil:				
111	General investigations	25,000	------	------	------
80	Construction, general: Lower Granite project, Washington	600,000	------	------	------
111	Operation and maintenance, general	1,735,000	1,500,000	1,735,000	1,735,000
111	Flood control, hurricane, and shore-protection emergencies	10,000,000	10,000,000	10,000,000	10,000,000
	Total, chapter VIII	14,229,000	13,369,000	13,604,000	13,604,000

The 2d supplemental appropriation bill for 1965 (H.R. 7091)—Continued

TITLE I—Continued

H. Doc.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Conference action
	CHAPTER IX				
	DEPARTMENT OF STATE				
80	Salaries and expenses	$900,000	$400,000	$6,255,000	$6,255,000
	Pay costs:				
	Appropriation	5,855,000	5,855,000		
	By transfer	(890,000)	(890,000)	(890,000)	(890,000)
80	Emergencies in the diplomatic and consular service	500,000	500,000	500,000	500,000
	Total, State	7,255,000	6,755,000	6,755,000	6,755,000
	DEPARTMENT OF JUSTICE				
119	Legal activities and general administration: Fees and expenses of witnesses (limitation increase)	(75,000)	(65,000)	(65,000)	(65,000)
	Federal Bureau of Investigation:				
80	Salaries and expenses	5,030,000	5,030,000	10,635,000	10,635,000
	Pay costs	5,605,000	5,605,000		
80	Federal Prison System: Buildings and facilities	4,300,000	3,750,000	4,300,000	3,750,000
	Total, Justice	14,935,000	14,385,000	14,935,000	14,385,000
	DEPARTMENT OF COMMERCE				
80	Bureau of the Census: Registration and voting statistics	7,500,000	----------	293,000	----------
80	Bureau of Public Roads: Federal-aid highways (trust fund)	(250,000,000)	(250,000,000)	(250,000,000)	(250,000,000)
	Total, Commerce	7,500,000	----------	293,000	----------
	THE JUDICIARY				
	Courts of appeals, district courts, and other judicial services				
80	Fees of jurors and commissioners	300,000	250,000	250,000	250,000
	RELATED AGENCIES				
	COMMISSION ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE				
80	Salaries and expenses	79,000	----------	50,938	25,000
	SMALL BUSINESS ADMINISTRATION				
80	Revolving fund	100,000,000	100,000,000	100,000,000	100,000,000
	U.S. INFORMATION AGENCY				
80	Special international exhibitions	11,700,000	8,000,000	11,700,000	9,000,000
	Total, chapter IX	141,769,000	129,390,000	133,983,938	130,415,000
	CHAPTER X				
	TREASURY DEPARTMENT				
	U.S. Secret Service:				
119	Salaries and expenses	56,000	56,000	271,000	271,000
	By transfer	(539,000)	(539,000)	(539,000)	(539,000)
	Pay costs	215,000	215,000	----------	----------
	Total, chapter X	271,000	271,000	271,000	271,000
	Total, all chapters, title I	[1] 1,298,361,500	[2] 1,170,670,400	[1] 1,291,040,338	[3] 1,263,346,900

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT (H. DOC. No. 110)

	Budget estimate (1)	House version of bill (2)	Senate version of bill (3)	Conference action (4)
DEPARTMENT OF AGRICULTURE				
Agricultural Research Service: Salaries and expenses	$520,000	$100,000	$200,000	$100,000
Cooperative State Research Service: Payments and expenses	1,000,000	100,000	500,000	300,000
Extension Service: Cooperative extension work, payments, and expenses	2,000,000	500,000	1,500,000	750,000
Soil Conservation Service:				
Conservation operations	1,950,000	1,500,000	1,650,000	1,575,000
Watershed planning	600,000	400,000	600,000	600,000
Watershed protection	10,220,000	8,000,000	10,220,000	10,220,000
Loan limitations	(3,100,000)	(2,500,000)	(3,100,000)	(3,100,000)
Economic Research Service: Salaries and expenses	400,000	200,000	400,000	300,000
Agricultural Stabilization and Conservation Service: Appalachian region conservation program	8,500,000	7,000,000	7,000,000	7,000,000
Farmers Home Administration:				
Salaries and expenses	500,000	250,000	400,000	325,000
Direct loan account	8,600,000	6,000,000	7,100,000	7,100,000
Rural Community Development Service: Salaries and expenses	65,000	35,000	65,000	50,000
Forest Service:				
Forest protection and utilization:				
Forest land management	2,500,000	1,500,000	2,000,000	2,000,000
Forest research	1,785,000	1,125,000	1,325,000	1,225,000
State and private forestry cooperation	350,000	350,000	350,000	350,000
Forest roads and trails (liquidation of contract authorization)	2,500,000	2,500,000	2,500,000	2,500,000
Timber development organization loans and technical assistance	1,350,000	1,000,000	1,000,000	1,000,000
Total, Agriculture	42,840,000	30,560,000	36,810,000	35,395,000
DEPARTMENT OF COMMERCE				
Grants for local development districts and for research and demonstration	3,000,000	2,500,000	2,500,000	2,500,000
Supplemental grants-in-aid	45,000,000	45,000,000	45,000,000	45,000,000
Bureau of Public Roads: Appalachian development highway system	200,000,000	200,000,000	200,000,000	200,000,000
Total, Commerce	248,000,000	247,500,000	247,500,000	247,500,000

See footnotes at end of table.

The 2d supplemental appropriation bill for 1965 (H.R. 7091)—Continued

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT (H. DOC. No. 110)—Continued

	Budget estimate (1)	House version of bill (2)	Senate version of bill (3)	Conference action (4)
DEPARTMENT OF DEFENSE—CIVIL				
Department of the Army:				
Corps of Engineers—Civil:				
General investigations	$2, 271, 000	$2, 000, 000	$2, 000, 000	$2, 000, 000
Construction, general	15, 000, 000	13, 778, 000	14, 700, 000	14, 153, 000
Total, Defense—Civil	17, 271, 000	15, 778, 000	16, 700, 000	16, 153, 000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
Office of Education:				
Expansion and improvement of vocational education	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000
Public Health Service:				
Hospital construction activities	21, 000, 000	21, 000, 000	21, 000, 000	21, 000, 000
Air pollution	975, 000	----------	----------	----------
Water supply and water pollution control	1, 800, 000	----------	----------	----------
Grants for waste treatment works construction	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000
Total, Health, Education, and Welfare	34, 775, 000	32, 000, 000	32, 000, 000	32, 000, 000
DEPARTMENT OF THE INTERIOR				
Geological Survey:				
Surveys, investigations, and research	750, 000	500, 000	500, 000	500, 000
Bureau of Mines:				
Conservation and development of mineral resources	500, 000	300, 000	300, 000	300, 000
Appalachian region mining area restoration	16, 250, 000	15, 850, 000	16, 250, 000	16, 000, 000
Bureau of Sport Fisheries and Wildlife:				
Appalachian region fish and wildlife restoration projects	1, 750, 000	1, 350, 000	1, 750, 000	1, 350, 000
Total, Interior	19, 250, 000	18, 000, 000	18, 800, 000	18, 150, 000
OTHER INDEPENDENT OFFICES				
Appalachian Regional Commission:				
Salaries and expenses	500, 000	490, 000	490, 000	490, 000
Total, title II	362, 636, 000	344, 328, 000	352, 300, 000	349, 688, 000

TITLE III—INCREASED PAY COSTS (H. DOC. 98)

	Budget estimate (1)	House version of bill (2)	Senate version of bill (3)	Conference action (4)
LEGISLATIVE BRANCH				
SENATE				
Compensation of the Vice President and Senators	$406, 120	----------	$406, 120	$406, 120
Salaries, officers and employees	2, 857, 110	----------	2, 357, 110	2, 357, 110
Office of the Legislative Counsel of the Senate	40, 845	----------	40, 845	40, 845
Contingent expenses of the Senate:				
Senate policy committees	42, 880	----------	42, 880	42, 880
Automobiles and maintenance	2, 700	----------	2, 700	2, 700
Inquiries and investigations	501, 630	----------	401, 630	401, 630
Folding documents	2, 275	----------	2, 275	2, 275
Miscellaneous items	122, 885	----------	122, 885	122, 885
Total, Senate items	3, 976, 445	----------	3, 376, 445	3, 376, 445
Joint items:				
Joint Committee on Reduction of Nonessential Federal Expenditures	4, 915	$4, 915	4, 915	4, 915
Contingent expenses of the Senate:				
Joint Economic Committee	30, 080	30, 080	30, 080	30, 080
Joint Committee on Atomic Energy	36, 510	36, 510	36, 510	36, 510
Joint Committee on Printing	19, 845	19, 845	19, 845	19, 845
Joint Committee on Internal Revenue Taxation	45, 560	45, 560	45, 560	45, 560
Joint Committee on Immigration and Nationality Policy	4, 100	4, 100	4, 100	4, 100
Joint Committee on Defense Production (includes $10,000 in H. Doc. 119)	15, 000	15, 000	15, 000	15, 000
Capitol Police Board	130, 566	130, 566	130, 566	130, 566
Education of pages	5, 787	5, 787	5, 787	5, 787
Total, joint items	292, 363	292, 363	292, 363	292, 363
HOUSE				
Compensation of Members	1, 759, 000	1, 759, 000	1, 759, 000	1, 759, 000
Office of the Speaker	20, 225	20, 225	20, 225	20, 225
Office of the Parliamentarian	26, 495	26, 495	26, 495	26, 495
Office of the Chaplain	3, 070	3, 070	3, 070	3, 070
Office of the Clerk	154, 500	100, 000	100, 000	100, 000
Committee employees	600, 000	575, 000	575, 000	575, 000
Sergeant at Arms	98, 500	----------	----------	----------
Doorkeeper	106, 800	80, 000	80, 000	80, 000
6 minority employees	17, 635	17, 635	17, 635	17, 635
Majority floor leader	7, 240	7, 240	7, 240	7, 240
Minority floor leader	8, 000	8, 000	8, 000	8, 000
Majority whip	5, 815	5, 815	5, 815	5, 815
Minority whip	5, 815	5, 815	5, 815	5, 815
Printing clerks	1, 385	1, 385	1, 385	1, 385
Technical assistant to attending physician	1, 790	1, 790	1, 790	1, 790
Postmaster	81, 550	66, 000	66, 000	66, 000
Official Reporters of Debates	37, 650	37, 650	37, 650	37, 650
Official reporters to committees	37, 605	37, 605	37, 605	37, 605
Legislative Counsel	42, 000	32, 000	32, 000	32, 000
Members' clerk hire	3, 200, 000	3, 200, 000	3, 200, 000	3, 200, 000
Special and select committees	575, 000	575, 000	575, 000	575, 000
Coordinator of information	18, 400	18, 400	18, 400	18, 400
Folding documents	25, 000	25, 000	25, 000	25, 000
Revision of the laws	4, 100	4, 100	4, 100	4, 100
Speaker's auto	1, 100	1, 100	1, 100	1, 100
Majority leader's auto	1, 100	1, 100	1, 100	1, 100
Minority leader's auto	1, 100	1, 100	1, 100	1, 100
Total, House items	6, 840, 875	6, 610, 525	6, 610, 525	6, 610, 525

The 2d supplemental appropriation bill for 1965 (H.R. 7091)—Continued

TITLE III—INCREASED PAY COSTS (H. DOC. 98)—Continued

	Budget estimate (1)	House version of bill (2)	Senate version of bill (3)	Conference action (4)
LEGISLATIVE BRANCH—Continued				
ARCHITECT OF THE CAPITOL				
Office of Architect of the Capitol:				
Salaries	$40,000	$40,000	$40,000	$40,000
Capitol buildings	10,000	10,000	10,000	10,000
Senate office buildings	50,000	-----	50,000	50,000
Capitol Buildings and Grounds: Legislative garage	800	800	800	800
Total, Architect	100,800	50,800	100,800	100,800
LIBRARY OF CONGRESS				
Salaries and expenses	415,800	375,800	375,800	375,800
Copyright office: Salaries and expenses	86,200	86,200	86,200	86,200
Legislative Reference Service: Salaries and expenses	172,800	167,800	167,800	167,800
Distribution of catalog cards: Salaries and expenses	106,300	106,300	106,300	106,300
Books for the blind: Salaries and expenses	14,000	12,600	12,600	12,600
Collection and distribution of library materials (special foreign currency program)	5,700	-----	-----	-----
Total, Library of Congress	800,800	748,700	748,700	748,700
GOVERNMENT PRINTING OFFICE				
Office of the Superintendent of Documents: Salaries and expenses	128,300	(125,000)	(125,000)	(125,000)
Total, legislative	12,139,583	7,702,388	11,128,833	11,128,833
THE JUDICIARY				
Supreme Court of the United States:				
Salaries	79,000	79,000	79,000	79,000
Automobile for the Chief Justice	400	400	400	400
Court of Customs and Patent Appeals: Salaries and expenses	43,000	43,000	43,000	43,000
Customs Court: Salaries and expenses	91,000	91,000	91,000	91,000
Court of Claims. Salaries and expenses	132,000	132,000	132,000	132,000
Courts of appeals, district courts, and other judicial services:				
Salaries of judges	3,400,000	3,400,000	3,400,000	3,400,000
Salaries of supporting personnel	1,105,000	1,105,000	1,105,000	1,105,000
Administrative Office of the U.S. Courts	81,500	81,500	81,500	81,500
Salaries of referees (special account)	1,230,000	1,230,000	1,230,000	1,230,000
Expenses of referees (special account)	205,000	205,000	205,000	205,000
Total, the Judiciary	6,366,900	6,366,900	6,366,900	6,366,900
EXECUTIVE OFFICE OF THE PRESIDENT				
The White House Office: Salaries and expenses (by transfer)	(125,000)	(125,000)	(125,000)	(125,000)
Bureau of the Budget: Salaries and expenses	453,800	453,800	453,900	453,800
Council of Economic Advisers: Salaries and expenses	52,000	52,000	52,000	52,000
National Security Council: Salaries and expenses	62,900	62,900	62,900	62,900
Office of Emergency Planning:				
Salaries and expenses	241,000	241,000	241,000	241,000
Civil defense and defense mobilization functions of Federal agencies	174,900	174,900	174,900	174,900
Office of Science and Technology: Salaries and expenses	76,500	76,500	76,500	76,500
Special representative for trade negotiations: Salaries and expenses	31,000	31,000	31,000	31,000
Total, Executive Office of the President	1,092,100	1,092,100	1,092,100	1,092,100
FUNDS APPROPRIATED TO THE PRESIDENT				
Economic assistance:				
Administrative expenses, Agency for International Development (by transfer)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)
Administrative and other expenses, Department of State (by transfer)	(129,100)	(129,100)	(129,100)	(129,100)
Total, funds appropriated to the President	(2,529,100)	(2,529,100)	(2,529,100)	(2,529,100)
DEPARTMENT OF AGRICULTURE				
Cooperative States Research Service: Payments and expenses (by transfer)	(67,000)	(67,000)	(67,000)	(67,000)
Extension Service: Cooperative extension work, payments and expenses (transfer)	(114,000)	(114,000)	(114,000)	(114,000)
Farmer Cooperative Service: Salaries and expenses	39,000	39,000	39,000	39,000
Soil Conservation Service:				
Conservation operations	4,050,000	4,050,000	4,050,000	4,050,000
Watershed planning	200,000	200,000	200,000	200,000
Watershed protection	735,000	735,000	735,000	735,000
Great Plains conservation program	120,000	120,000	120,000	120,000
Resource conservation and development	43,000	43,000	43,000	43,000
Economic Research: Salaries and expenses	360,000	360,000	360,000	360,000
Statistical Reporting Service: Salaries and expenses	406,000	406,000	406,000	406,000
Agricultural Marketing Service: Marketing services	1,000,000	1,000,000	1,000,000	1,000,000
Foreign Agricultural Service: Salaries and expenses	305,000	305,000	305,000	305,000
Commodity Exchange Authority: Salaries and expenses	50,000	50,000	50,000	50,000
Agricultural Stabilization and Conservation Service:				
Expenses:				
Appropriation	2,950,000	2,950,000	2,950,000	2,950,000
By transfer	(1,756,100)	(1,756,100)	(1,756,100)	(1,756,100)
Federal Crop Insurance Corporation: Administrative and operating expenses	291,000	291,000	291,000	291,000
Rural Electrification Administration: Salaries and expenses	360,000	360,000	360,000	360,000
Farmers Home Administration: Salaries and expenses	1,700,000	1,700,000	1,700,000	1,700,000
Rural Community Development Service: Salaries and expenses	9,000	9,000	9,000	9,000
Office of the Inspector General: Salaries and expenses	250,000	250,000	250,000	250,000
Office of the General Counsel: Salaries and expenses	186,000	186,000	186,000	186,000
Office of Information: Salaries and expenses	41,000	41,000	41,000	41,000
National Agricultural Library: Salaries and expenses	52,000	52,000	52,000	52,000
Office of Management Services: Salaries and expenses	20,000	20,000	20,000	20,000
General administration: Salaries and expenses	239,000	239,000	239,000	239,000
Forest Service: Forest roads and trails (liquidation of contract authorization)	1,172,000	1,172,000	1,172,000	1,172,000
Total, Agriculture	14,578,000	14,578,000	14,578,000	14,578,000

The 2d supplemental appropriation bill for 1965 (H.R. 7091)—Continued

TITLE III—INCREASED PAY COSTS (H. DOC. 98)—Continued

	Budget estimate (1)	House version of bill (2)	Senate version of bill (3)	Conference action (4)
DEPARTMENT OF COMMERCE				
General administration: Salaries and expenses	$270,000	$270,000	$270,000	$270,000
Office of Business Economics: Salaries and expenses	101,000	101,000	101,000	101,000
Bureau of the Census:				
Salaries and expenses	509,000	509,000	509,000	509,000
1964 Census of Agriculture	150,000	150,000	150,000	150,000
Preparation for the 19th Decennial Census	13,000	13,000	13,000	13,000
Business and Defense Services Administration: Salaries and expenses	209,000	209,000	209,000	209,000
International activities:				
Salaries and expenses	247,000	247,000	247,000	247,000
Export control	160,000	160,000	160,000	160,000
Transfer to Customs	(58,000)	(58,000)	(58,000)	(58,000)
Office of Field Services: Salaries and expenses	131,000	131,000	131,000	131,000
Coast and Geodetic Survey: Salaries and expenses	250,000	205,000	205,000	205,000
Patent Office: Salaries and expenses	995,000	995,000	995,000	995,000
National Bureau of Standards:				
Research and technical services	843,000	843,000	843,000	843,000
Office of Technical Services: Salaries and expenses	37,000	37,000	37,000	37,000
Weather Bureau: Salaries and expenses	1,841,000	1,841,000	1,841,000	1,841,000
Maritime Administration:				
Research and development (limitation increase)	(25,000)	(25,000)	(25,000)	(25,000)
Salaries and expenses	311,000	311,000	311,000	311,000
Administrative expenses (limitation)	(282,000)	(282,000)	(282,000)	(282,000)
Reserve fleet expenses (limitation)	(29,000)	(29,000)	(29,000)	(29,000)
Maritime training	33,000	33,000	33,000	33,000
Bureau of Public Roads: Limitation on general administrative expenses	(1,350,000)	(1,350,000)	(1,350,000)	(1,350,000)
Total, Commerce	6,055,000	6,055,000	6,055,000	6,055,000
DEPARTMENT OF DEFENSE—MILITARY				
Military personnel:				
Military personnel, Navy	29,000,000	29,000,000	29,000,000	29,000,000
Military personnel, Marine Corps	9,500,000	9,500,000	9,500,000	9,500,000
Military personnel, Air Force	59,500,000	59,500,000	59,500,000	59,500,000
Operation and maintenance:				
Operation and maintenance, Army	43,910,000	43,910,000	43,910,000	43,910,000
Operation and maintenance, Navy	34,122,000	34,122,000	34,122,000	34,122,000
Operation and maintenance, Marine Corps	1,621,000	1,621,000	1,621,000	1,621,000
Operation and maintenance, Air Force	47,716,000	47,716,000	47,716,000	47,716,000
Operation and maintenance, Army National Guard	3,424,000	3,424,000	3,424,000	3,424,000
Operation and maintenance, Air National Guard	1,552,000	1,552,000	1,552,000	1,552,000
Court of military appeals, Defense	49,000	49,000	49,000	49,000
Total, Defense—Military	230,394,000	230,394,000	230,394,000	230,394,000
DEPARTMENT OF DEFENSE—CIVIL				
Department of the Army:				
Corps of Engineers—Civil:				
Operation and maintenance, general	2,012,000	2,012,000	2,012,000	2,012,000
General expenses	588,000	588,000	588,000	588,000
U.S. Soldiers' Home' Limitation on operation and maintenance and capital outlay (increase)	(130,000)	(130,000)	(130,000)	(130,000)
The Panama Canal:				
Canal Zone Government:				
Operating expenses	872,000	872,000	872,000	872,000
Panama Canal Company:				
Limitation on general and administrative expenses (increase)	(185,000)	(185,000)	(185,000)	(185,000)
Total, Defense—Civil	3,472,000	3,472,000	3,472,000	3,472,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
Food and Drug Administration: Salaries and expenses (by transfer)	(1,170,000)	(1,170,000)	(1,170,000)	(1,170,000)
Office of Education:				
Salaries and expenses:				
Appropriation	308,500	308,500	308,500	308,500
By transfer	(120,000)	(120,000)	(120,000)	(120,000)
Vocational Rehabilitation Administration: Salaries and expenses	92,000	92,000	92,000	92,000
Public Health Service:				
Accident prevention	63,000	63,000	63,000	63,000
Chronic diseases and health of the aged	186,000	186,000	186,000	186,000
Communicable disease activities	146,000	146,000	146,000	146,000
Community health practice and research	55,000	55,000	55,000	55,000
Control of tuberculosis	81,000	18,000	18,000	18,000
Control of veneral diseases	75,000	75,000	75,000	75,000
Dental services and resources	57,000	57,000	57,000	57,000
Nursing services and resources	29,000	29,000	29,000	29,000
Hospital construction activities	61,000	61,000	61,000	61,000
Environmental health sciences	30,000	30,000	30,000	30,000
Air pollution	65,000	65,000	65,000	65,000
Environmental engineering and sanitation	53,000	53,000	53,000	53,000
Occupational health	31,000	31,000	31,000	31,000
Radiological health	122,000	122,000	122,000	122,000
Water supply and water pollution control	117,000	117,000	117,000	117,000
Hospital and medical care:				
Appropriation	427,000	427,000	427,000	427,000
By transfer	(1,299,000)	(1,299,000)	(1,299,000)	(1,299,000)
Foreign quarantine activities	158,000	158,000	158,000	158,000
Indian health activities	1,320,000	1,320,000	1,320,000	1,320,000
National Institute of Mental Health (transfer)	(341,000)	(341,000)	(341,000)	(341,000)
National Heart Institute (by transfers)	(347,000)	(347,000)	(347,000)	(347,000)
National Institute of Dental Research (transfer)	(107,000)	(107,000)	(107,000)	(107,000)
National Institute of Arthritis and Metabolic Diseases (transfer)	(294,000)	(294,000)	(294,000)	(294,000)
National Institute of Allergy and Infectious Diseases (transfer)	(253,000)	(253,000)	(253,000)	(253,000)
National Institute of Neurological Diseases and Blindness (transfer)	(268,000)	(268,000)	(268,000)	(268,000)
National health statistics	152,000	152,000	152,000	152,000
National Library of Medicine	66,000	66,000	66,000	66,000
Salaries and expenses, Office of the Surgeon General	208,000	208,000	208,000	208,000

***The 2d supplemental appropriation bill for 1965** (H.R. 7091)*—Continued

TITLE III—INCREASED PAY COSTS (H. DOC. 98)—Continued

	Budget estimate (1)	House version of bill (2)	Senate version of bill (3)	Conference action (4)
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued				
St. Elizabeths Hospital: Salaries and expenses	$968,000	$968,000	$968,000	$968,000
Social Security Administration: Limitation on salaries and expenses	*(5,216,000)*	*(5,216,000)*	*(5,216,000)*	*(5,216,000)*
Welfare Administration:				
Salaries and expenses, Bureau of Family Services	155,000	155,000	155,000	155,000
Salaries and expenses, Children's Bureau	103,000	103,000	103,000	103,000
Salaries and expenses, Office of Aging	21,000	21,000	21,000	21,000
Salaries and expenses, Office of the Commissioner	42,000	42,000	42,000	42,000
Special institutions:				
Freedmen's Hospital	165,000	165,000	165,000	165,000
Salaries and expenses, Howard University	183,000	183,000	183,000	183,000
Office of the Secretary: Salaries and expenses	211,000	211,000	211,000	211,000
Office of Field Administration:				
Appropriation	155,000	155,000	155,000	155,000
Transfer	*(52,000)*	*(52,000)*	*(52,000)*	*(52,000)*
Surplus property utilization	31,000	31,000	31,000	31,000
Office of the General Counsel	100,500	100,500	100,500	100,500
Total, Health, Education, and Welfare	5,974,000	5,974,000	5,974,000	5,974,000
DEPARTMENT OF THE INTERIOR				
Bureau of Indian Affairs:				
Education and welfare services	1,497,000	1,497,000	1,497,000	1,497,000
General administrative expenses	189,000	189,000	189,000	189,000
National Park Service:				
Maintenance and rehabilitation of physical facilities	550,000	550,000	550,000	550,000
General administrative expenses	97,000	97,000	97,000	97,000
Bureau of Outdoor Recreation: Salaries and expenses	80,000	80,000	80,000	80,000
Office of Territories: Administration of territories	45,000	45,000	45,000	45,000
Geological Survey: Surveys, investigations, and research	2,079,000	1,079,000	2,079,000	2,079,000
Bureau of Mines:				
Conservation and development of mineral resources	798,000	798,000	798,000	798,000
Health and safety	237,000	237,000	237,000	237,000
General administrative expenses	59,000	59,000	59,000	59,000
Office of Oil and Gas: Salaries and expenses	44,000	44,000	44,000	44,000
Fish and Wildlife Service:				
Office of the Commissioner of Fish and Wildlife: Salaries and expenses	19,000	19,000	19,000	19,000
Bureau of Commercial Fisheries:				
Management and investigations of resources	288,000	288,000	288,000	288,000
General administrative expenses	37,000	37,000	37,000	37,000
Administration of Pribilof Islands (appropriation of receipts)	12,000	12,000	12,000	12,000
Bureau of Sport Fisheries and Wildlife:				
Management and investigations of resources	470,000	470,000	470,000	470,000
General administrative expenses	59,000	59,000	59,000	59,000
Bureau of Reclamation: General administrative expenses (transfer)	(374,800)	(374,800)	(374,800)	(374,800)
Bonneville Power Administration: Operations and maintenance	280,000	280,000	280,000	280,000
Office of the Solicitor: Salaries and expenses	170,000	170,000	170,000	170,000
Office of the Secretary: Salaries and expenses	254,500	254,500	254,500	254,500
Total, Interior	7,264,500	7,264,500	7,264,500	7,264,500
DEPARTMENT OF JUSTICE				
Legal activities and general administration:				
Salaries and expenses, general administration	200,000	200,000	200,000	200,000
Salaries and expenses, general legal activities	150,000	150,000	150,000	150,000
Salaries and expenses, Antitrust Division	218,000	218,000	218,000	218,000
Salaries and expenses, U.S. attorneys and marshals	1,600,000	1,600,000	1,600,000	1,600,000
Immigration and Naturalization Service: Salaries and expenses	2,064,000	2,064,000	2,064,000	2,064,000
Federal prison system: Salaries and expenses	1,250,000	1,250,000	1,250,000	1,250,000
Federal Prison Industries, Inc.: Limitation on vocational training expenses	(30,000)	(30,000)	(30,000)	(30,000)
Total, Justice	5,482,000	5,482,000	5,482,000	5,482,000
DEPARTMENT OF LABOR				
Bureau of Labor Statistics: Salaries and expenses	617,000	617,000	617,000	617,000
Bureau of International Labor Affairs: Salaries and expenses	25,500	25,500	25,500	25,500
Manpower Administration: Bureau of Apprenticeship and Training	181,000	181,000	181,000	181,000
Labor-management relations:				
Labor-Management Services Administration	241,300	241,300	241,300	241,300
Bureau of Veterans' Reemployment Rights	29,700	29,700	29,700	29,700
Wage and labor standards:				
Bureau of Labor Standards	118,600	118,600	118,600	118,600
Women's Bureau	27,200	27,200	27,200	27,200
Wage and Hour Division	574,000	574,000	574,000	574,000
Employees' Compensation: Salaries and expenses, Bureau of Employees Compensation:				
Appropriation	166,200	166,200	166,200	166,200
Transfers	(2,100)	(2,100)	(2,100)	(2,100)
Office of the Solicitor: Salaries and expenses:				
Appropriation	42,000	42,000	42,000	42,000
Transfers	(152,000)	(152,000)	(152,000)	(152,000)
Office of the Secretary: Salaries and expenses (transfer)	(1,000)	(1,000)	(1,000)	(1,000)
Total, Labor	2,022,500	2,022,500	2,022,500	2,022,500
POST OFFICE DEPARTMENT				
Administration and regional operation (transfer)	(1,941,000)	(1,941,000)	(1,941,000)	(1,941,000)
Operations:				
Appropriation	203,714,000	200,000,000	200,000,000	200,000,000
Transfer	(4,059,000)	(4,059,000)	(4,059,000)	(4,059,000)
Total, Post Office	203,714,000	200,000,000	200,000,000	200,000,000

The 2d supplemental appropriation bill for 1965 (H.R. 7091)—Continued

TITLE III—INCREASED PAY COSTS (H. DOC. 98)—Continued

	Budget estimate (1)	House version of bill (2)	Senate version of bill (3)	Conference action (4)
DEPARTMENT OF STATE				
International organizations and conferences: Missions to international organizations (transfer)	($180, 000)	($180, 000)	($180, 000)	($180, 000)
International commissions:				
International Boundary and Water Commission, United States and Mexico:				
Salaries and expenses (transfer)	(30, 000)	(30, 000)	(30, 000)	(30, 000)
Operation and maintenance (transfer)	(24, 000)	(24, 000)	(24, 000)	(24, 000)
American sections, international commissions (transfer)	(12, 000	(12, 000)	(12, 000)	(12, 000)
Educational exchange: Mutual educational and cultural exchange (limitation decrease)	(375, 000)	(375, 000)	(375, 000)	(375, 000)
TREASURY DEPARTMENT				
Office of the Secretary: Salaries and expenses	357, 000	357, 000	357, 000	357, 000
Bureau of Customs: Salaries and expenses	2, 304, 000	2, 304, 000	2, 304, 000	2, 304, 000
Bureau of the Mint: Salaries and expenses	179, 000	179, 000	179, 000	179, 000
Bureau of Narcotics: Salaries and expenses (transfer)	(107, 000)	(107, 000)	(107, 000)	(107, 000)
Bureau of the Public Debt: Administering the public debt	667, 000	667, 000	667, 000	667, 000
Coast Guard:				
Operating expenses	2, 652, 000	2, 652, 000	2, 652, 000	2, 652, 000
Reserve training	239, 000	239, 000	239, 000	239, 000
Internal Revenue Service:				
Salaries and expenses	595, 000	595, 000	595, 000	595, 000
Revenue accounting and processing	3, 300, 000	3, 300, 000	3, 300, 000	3, 300, 000
Compliance	11, 500, 000	11, 500, 000	11, 500, 000	11, 500, 000
Office of the Treasurer: Salaries and expenses	175, 000	175, 000	175, 000	175, 000
U.S. Secret Service:				
Salaries and expenses, White House Police (transfer)	(129, 000)	(129, 000)	(129, 000)	(129, 000)
Salaries and expenses, guard force	16, 000	16, 000	16, 000	16, 000
Total, Treasury	21, 984, 000	21, 984, 000	21, 984, 000	21, 984, 000
INDEPENDENT AGENCIES				
Federal Aviation Agency:				
Operations	9, 300, 000	9, 300, 000	9, 300, 000	9, 300, 000
Operation and maintenance, Washington National Airport	58, 000	58, 000	58, 000	58, 000
Operation and maintenance, Dulles International Airport	60, 000	60, 000	60, 000	60, 000
General Services Administration:				
Operating expenses, Public Buildings Service	4, 055, 000	4, 055, 000	4, 055, 000	4, 055, 000
Operating expenses, National Archives and Records Service	542, 000	542, 000	542, 000	542, 000
Operating expenses, Transportation and Communications Service	225, 000	225, 000	225, 000	225, 000
Strategic and critical materials	118, 500	118, 500	118, 500	118, 500
Salaries and expenses, Office of Administrator	110, 000	110, 000	110, 000	110, 000
Housing and Home Finance Agency:				
Office of the Administrator:				
Salaries and expenses	660, 000	660, 000	660, 000	660, 000
Urban studies and housing research	10, 000	10, 000	10, 000	10, 000
Open-space land grants (limitation)	(11, 000)	(11, 000)	(11, 000)	(11, 000)
Low-income housing demonstration program (limitation)	(2, 300)	(2, 300)	(2, 300)	(2, 300)
Limitation on administrative expenses, Office of the Administrator, college housing loans	(75, 000)	(75, 000)	(75, 000)	(75, 000)
Limitation on administrative expenses, Office of the Administrator, public facility loans	(50, 000)	(50, 000)	(50, 000)	(50, 000)
Limitation on administrative expenses, Office of the Administrator, revolving fund (liquidating programs)	(4, 000)	(4, 000)	(4, 000)	(4, 000)
Administrative expenses, urban transportation activities	12, 500	12, 500	12, 500	12, 500
Limitation on administrative and nonadministrative expenses, Office of the Administrator, housing for the elderly	(35, 000)	(35, 000)	(35, 000)	(35, 000)
Federal Housing Administration:				
Limitation increase:				
Administrative expenses	(397, 000)	(397, 000)	(397, 000)	(397, 000)
Nonadministrative expenses	(1, 775, 000)	(1, 775, 000)	(1, 775, 000)	(1, 775, 000)
Public Housing Administration:				
Administrative expenses	568, 000	568, 000	568, 000	568, 000
Limitation on administrative and nonadministrative expenses	(568, 000)	(568, 000)	(568, 000)	(568, 000)
Veterans' Administration:				
Medical administration and miscellaneous operating expenses	696, 000	696, 000	696, 000	696, 000
Medical and prosthetic research	783, 000	783, 000	783, 000	783, 000
Medical care	38, 474, 000	38, 474, 000	38, 474, 000	38, 474, 000
OTHER INDEPENDENT AGENCIES				
Advisory Commission on Intergovernmental Relations: Salaries and expenses	15, 000	15, 000	15, 000	15, 000
American Battle Monuments Commission: Salaries and expenses	16, 000	16, 000	16, 000	16, 000
Civil Aeronautics Board: Salaries and expenses	488, 000	488, 000	488, 000	488, 000
Civil Service Commission: Salaries and expenses	700, 000	700, 000	700, 000	700, 000
Export-Import Bank of Washington: Limitation on administrative expenses	(134, 000)	(134, 000)	(134, 000)	(134, 000)
Farm Credit Administration: Limitation on administrative expenses	(55, 000)	(55, 000)	(55, 000)	(55, 000)
Federal Coal Mine Safety Board of Review: Salaries and expenses	3, 000	3, 000	3, 000	3, 000
Federal Communications Commission: Salaries and expenses	600, 000	600, 000	600, 000	600, 000
Federal Home Loan Bank Board:				
Limitation on administrative expenses	(81, 000)	(81, 000)	(81, 000)	(81, 000)
Limitation on administrative expenses, Federal Savings and Loan Insurance Corporation	(7, 800)	(7, 800)	(7, 800)	(7, 800)
Federal Maritime Commission: Salaries and expenses	183, 000	183, 000	183, 000	183, 000
Federal Mediation and Conciliation Service: Salaries and expenses	234, 000	234, 000	234, 000	234, 000
Federal Power Commission: Salaries and expenses	535, 000	535, 000	535, 000	535, 000
Federal Trade Commission: Salaries and expenses	600, 000	600, 000	600, 000	600, 000
Foreign Claims Settlement Commission: Salaries and expenses	64, 000	64, 000	64, 000	64, 000
Indian Claims Commission: Salaries and expenses	25, 000	25, 000	25, 000	25, 000
Interstate Commerce Commission: Salaries and expenses	1, 230, 000	1, 230, 000	1, 230, 000	1, 230, 000
National Capital Planning Commission: Salaries and expenses	31, 000	31, 000	31, 000	31, 000
National Labor Relations Board: Salaries and expenses	1, 157, 500	1, 157, 500	1, 157, 500	1, 157, 500
National Mediation Board: Salaries and expenses	52, 000	52, 000	52, 000	52, 000
Participation in Interstate-Federal Commissions: Delaware River Basin Commission: Salaries and expenses	5, 000	5, 000	5, 000	5, 000
Railroad Retirement Board: Limitation on salaries and expenses	(200, 000)	(200, 000)	(200, 000)	(200, 000)
St. Lawrence Seaway Development Corporation: Limitation on administrative expenses	(20, 000)	(20, 000)	(20, 000)	(20, 000)
Securities and Exchange Commission: Salaries and expenses	612, 000	612, 000	612, 000	612, 000
Selective Service System: Salaries and expenses	1, 353, 000	1, 353, 000	1, 353, 000	1, 353, 000
Small Business Administration: Salaries and expenses	336, 000	336, 000	336, 000	336, 000
Smithsonian Institution:				
Salaries and expenses	540, 000	540, 000	540, 000	540, 000
Salaries and expenses, National Gallery of Art	80, 000	80, 000	80, 000	80, 000

The 2d supplemental appropriation bill for 1965 (H.R. 7091)—Continued

TITLE III—INCREASED PAY COSTS (H. DOC. 98)—Continued

	Budget estimate (1)	House version of bill (2)	Senate version of bill (3)	Conference action (4)
OTHER INDEPENDENT AGENCIES—Continued				
Tariff Commission: Salaries and expenses	$95,000	$95,000	$95,000	$95,000
Tax Court of the United States: Salaries and expenses	223,300	223,300	223,300	223,300
U.S. Information Agency: Salaries and expenses	2,454,000	2,454,000	2,454,000	2,454,000
Total, independent agencies	67,303,800	67,303,800	67,303,800	67,303,800
DISTRICT OF COLUMBIA				
(Out of District of Columbia funds)				
Operating expenses:				
Public safety	(4,499,800)	(4,499,800)	(4,499,800)	(4,499,800)
Education	(3,522,500)	(3,522,500)	(3,522,500)	(3,522,500)
Parks and recreation	(244,200)	(244,200)	(244,200)	(244,200)
Health and welfare	(1,294,500)	(1,294,500)	(1,294,500)	(1,294,500)
Highways and traffic	(50,000)	(50,000)	(50,000)	(50,000)
Sanitary engineering	(255,900)	(255,900)	(255,900)	(255,900)
Total	(9,866,900)	(9,866,900)	(9,866,900)	(9,866,900)
Total, title III	587,842,383	579,691,188	583,117,633	583,117,633
TITLE IV				
CLAIMS AND JUDGMENTS				
Claims and judgments (H. Doc. 113)	23,643,495	23,643,495	31,411,444	31,411,444
Claims and judgments (S. Doc. 19)	7,767,949			
Total, titles I, II, III, and IV	2,280,251,327	2,118,333,083	2,257,869,415	2,227,563,977

[1] Includes $30,084,500 increased pay costs.
[2] Includes $29,604 500 increased pay costs.
[3] Includes $29,894,500 increased pay costs.

OPPOSITION TO RETURN TO POWER IN DOMINICAN REPUBLIC OF FORMER DOMINICAN PRESIDENT JUAN BOSCH

Mr. EASTLAND. Mr. President, as chairman of the Subcommittee on Internal Security of the Committee on the Judiciary, and speaking also on behalf of the Senator from Illinois [Mr. DIRKSEN] and the Senator from Nebraska [Mr. HRUSKA], I wish to call for a firm stand by the United States against the return to power in the Dominican Republic of former Dominican President Juan Bosch.

We have today, in Cuba, one Communist-type government subservient to the world Communist conspiracy.

Establishment in the Western Hemisphere of a second Castro-type government, similarly subservient to the world Communist conspiracy, is the eminent threat which confronts the United States today in the Dominican Republic.

If Juan Bosch, former President of the Dominican Republic, is permitted to return to power the Communists will have won another major victory. Bosch will prove to be, in effect, a second Fidel Castro.

Juan Bosch himself is probably not a Communist Party member. He definitely is an ideological Trotskyite, and therefore, by definition, an ideological Communist. Evidence of his softness toward communism is ample and convincing.

While Bosch was President of the Dominican Republic, not only were the Communists allowed free rein for all their activities, but real power was exercised by known Communists whom Bosch obviously either could not or did not wish to control. Exiled Communist leaders from all over Latin America flocked to the Dominican Republic under the Bosch regime, and the Communists began a drive having as its long-range objective not only a complete Communist takeover in Santo Domingo, but also the conditioning of the people of that island republic to such an extent that this Communist takeover would have majority support among the people themselves. This drive was along two main lines: First, indoctrination of the military, and establishment of Communist cadres in military units; and second, indoctrination of youths, from the ages 16 up, especially in colleges and secondary schools.

The success of this Communist campaign is demonstrated by the course of recent events in the Dominican Republic, and by the situation which confronts us there today.

For the purpose of providing additional details with respect to these matters, we are releasing with this statement important excerpts from a memorandum prepared by the research staff of the Internal Security Subcommittee.

Protection of the security of the United States demands that the United States stand firm against the Communist-directed, Castro-supported drive to bring Juan Bosch back to power in the Dominican Republic. Not only must this country resolutely use whatever force is necessary to protect American lives and property; we must just as resolutely take whatever action is required to prevent the establishment in Santo Domingo of another Communist bastion in the Western Hemisphere.

That is the gist of the crises we face. Now let me fill in a little background.

There was plenty of warning, more than a year before he first came to power in the Dominican Republic, of the coming takeover by Juan Bosch, and of his pro-Communist predilections. For instance, the Charleston News and Courier of July 12, 1961, printed an editorial which began:

> Unless the United States is alert, communism will take over the Dominican Republic as it captured Cuba.

The editorial continued:

> The Dominican Revolutionary Party headed by Juan Bosch, an exiled group with headquarters in Venezuela, is agitating for so-called democratic reforms. If the existing Dominican government of President Joaquin Balaguer refuses to accept change, Bosch warns that his group will start a revolution.
>
> Bosch is on record as saying he is not anti-Communist. Revolt in the Dominican Republic led by Bosch would be another Red victory in the Caribbean.
>
> Congress should keep a close watch on Dominican developments as the State Department is notoriously sympathetic to Latin leftists.

That warning, and similar warnings, went substantially unheeded.

It is doubtful that Juan Bosch is a Communist Party member. Most probably he is not. Certainly he is an ideological Trotskyite. His whole record proves it. Juan Bosch even named his son Leon Trotsky Bosch, and no attempt ever was made to change that name.

In his campaign for the Dominican presidency, Juan Bosch accepted political support from all quarters. He refused to renounce leftwing elements or the Communist Party. There were reports from reliable sources, even then, that he had received support from the 26th of July Movement, controlled by Fidel Castro.

Jules DuBois, veteran Latin American correspondent for major American newspapers, in his book "Operation America," speaking of the election which put Juan Bosch in power, declared:

> This election was not held without an 11th-hour drama. A Spanish Jesuit priest accused Juan Bosch, head of the Partido Revolucionario Dominicano, of being Marxist-Leninist, because, in an article published while he was in exile in Venezuela in 1959, Bosch had called Lenin "the archetype of a revolutionary."

According to DuBois:

> Bosch challenged the priest to a television and radio debate. The accusation and the resulting debate, in which Bosch proved to be a master of polemic, helped seal his landslide victory over Dr. Viriato Fiallo in a 6-man race. The Partido Revolucionario Dominicano also won 52 of 72 seats in the Chamber of Deputies, and 22 of 27 seats in the senate. Victories were scored in most of the municipalities as well.

Juan Bosch was elected President of the Dominican Republic in December 1962. Early the next month, he came to the United States, and went also to Europe, seeking financial support for his administration. Both in this country and in Europe, Bosch showed reluctance to make any public statement against Communist Cuba.

When Bosch came to the United States early in January 1963, as President-elect of the Dominican Republic, he met what the Washington Star described as "a wave of enthusiasm inside the Kennedy administration for this blossoming 'showcase of democracy' in the Caribbean."

According to the Washington Star of January 3, 1963, unnamed "U.S. officials" were said to "admit that Mr. Bosch has often been critical of U.S. policy in Latin America" but to "maintain" that Bosch was "ripe for conversion." The same unnamed officials, according to the Star, "flatly reject charges that Mr. Bosch is a Communist in disguise."

There is danger today that a similar attitude may tend to lead us, through inaction, into another major defeat, just as great, and just as deadly as the establishment of Castro communism in Cuba.

According to Jules DuBois, writing in his book "Operation America":

> It was obvious that he [Juan Bosch] had made a campaign deal with the Communists, who ordered their partisans to vote for him. The intermediary for the deal was reported to have been Angel Miolan, who had served as Secretary to Vicente Lombardo-Toledano in the early 1940's and had taught at Lombardo's Universidad Obrero de Mexico. Miolan was Bosch's campaign manager.

While in Europe, Bosch introduced a comprehensive constitutional reform which raised conflict with the Roman Catholic Church as well as with certain sectors of the labor movement. Msgr. Eliseo Perez-Sanchez, a member of the Council of State, made a public statement expressing "profound consternation." Objected to by both the church and conservative labor elements were several constitutional articles proposed by Bosch, including:

First. A provision that the school system would be "absolutely subject to the organization and supervision of the state";

Second. A provision that the state would not allow religious education;

Third. A provision making divorce easier, and putting common-law marriages on the same footing as civil marriages;

Fourth. A provision authorizing conversion of the economy, and of all property rights—both agricultural and nonagricultural—to a collective basis;

Fifth. A provision against ownership of land by legally constituted societies—which presumably included churches;

Sixth. A provision against allowing any foreigner to file a protest even with his Embassy against confiscation of his property;

Seventh. A provision banning parallel trade unions within a single factory, and putting all labor under the "supervision and protection of the state."

Bosch was installed as President of the Dominican Republic in February 1963, and had a short regime of continual crises. There were various causes for this. His plans for his regime appeared fuzzy. He had been too long an antagonist to be able to slip readily into the role of government administrator. His party—PRD—did not have enough competent people at various levels to form a viable government. There were other problems. But the Communist issue overshadowed all others. While few political observers believed Juan Bosch to be a member of the Communist Party, nearly all were gravely worried by his leniency toward communism, and by the eventualities they foresaw in the fact that Bosch was allowing communism to thrive, to indoctrinate and subvert youth, to build stocks of arms, and to strengthen and consolidate its power in other ways.

During his regime, Bosch refused to denounce Castro. Communist Party groups had complete freedom of action. On various occasions the Communist Party put paid advertisements in the newspapers supporting Bosch or his regime.

When Juan Bosch came into power in the Dominican Republic, Communists from all over the hemisphere flocked there, as I said earlier; and the principal Communist objectives were indoctrination of the young people in the schools, and indoctrination of members of the armed forces.

These are general statements. Now let me cite specific facts which support them. These facts, and others touched upon in his speech, are from records gathered and compiled by the Senate Internal Security Subcommittee.

One of Bosch's strong supporters when he took power was Telma Frias, a Senator of the PRD, and a known Communist. She was one of the founders of the Movimiento Popular Dominicano, which was headed by Maximo Lopez Molina. Molina himself also returned to the Dominican Republic after a long period spent in Cuba. Molina has a long Communist record, including a record of arrest in the United States as a Communist agitator.

Lopez Molina has been openly allied with Fidel Castro and during Bosch's period of power in the Dominican Republic he was actively campaigning in favor of Castroism.

Maximo Lopez Molina was the foremost Dominican Communist during the Cuban crisis. He is back in the Dominican Republic today among the leaders of the present revolution.

In the spring of 1953, Bosch brought to the Dominican Republic one Sacha Vollman, a onetime Russian of Rumanian origin, who later became a naturalized citizen of the United States. Vollman was secretary of the Instituto de Capacitacion Politica (Institute of Political Training) at San Jose, Costa Rica, which was attended by President Bosch of the Dominican Republic.

Vollman became Bosch's constant companion and adviser, and was said to wield considerable power. Cubans who attended the institute at one time or another have reported that Vollman was known for his pro-Communist tendencies.

Among the full-time pro-Soviet agitators who returned to the Dominican Republic after years of exile, when Bosch came to power, were Pericles Franco Ornes, Tulio Arvelo, Tobias Cabral, and Edna Moore. Miss Moore operated in Santiago, the second largest city of the Dominican Republic, as head of a woman's front organization.

At the time Bosch took over the Presidency of the Dominican Republic, the secretary-general of the PRD—Bosch's party—was Washington de Pena, a lifetime Communist. President of the PRD was Angel Miolan Reynoso, who was in Cuba until Perez Jiminez fell, and then went to Venezuela to help organize the pro-Castro group there.

At the beginning of the Bosch regime all appointments to see Bosch, and all jobs in the Dominican Government under Bosch, had to be cleared by Miolan.

By the spring of 1963, a prominent Communist known as "Corpito" Cabral—real name Manual Perez Cabral—formerly resident in Cuba who at the time was president of the Partido Nacionalista Revolucionario—official name for the Communist Party of the Dominican Republic—emerged as apparently in charge of training armed forces cadres.

Training among schoolboys of 16 years of age appeared to be under the charge of one, Dato Pagan, secretary of Cabral's PNR, and a longtime Communist, who was assisted by a number of university and college instructors, prominent among them Jose del Carmen Rodriguez, a professor at the Juan Pablo Durate School, who was openly indoctrinating young people in Communist organizational activity.

Bosch's philosophy was described by him as "revolutionary democracy," and he spent a good deal of time talking about it to the campesinos; but he seemed oblivious to what the Communists were doing to his democracy and to those democratic institutions in the island which had survived.

Inroads of the Communist Party were counteracted in part during the late spring and summer of 1963 by so-called "Christian reaffirmation rallies," which were a major factor in bringing about an anti-Communist general strike, which led to Bosch's ouster in September 1963.

Anti-Bosch forces in the Dominican Republic today—not counting U.S. marines—are believed to be both outnumbered, and out-gunned by the revolutionary forces seeking to return Bosch to power.

The first provisional government, set up by pro-Bosch forces, was headed by Rafael Molinza Urena. Provisional President Urena was chosen by the rebels because of his extreme leftist orientation.

This "first provisional government" was succeeded by a "second provisional government" set up by anti-Bosch forces, and composed of Col. Pedro Bartolome Benoit—Air Force—Col. Enrique Apolinario Casado Saladin—Army—and Capt. Manuel Santana Carosco—Navy. An announcement attributed to Antonio Martinez Francisco, secretary of the PRD, broadcast yesterday by Radio San Isidro, said this supposedly "anti-Bosch" three-man junta had negotiated a deal with Juan Bosch's revoluntionary democratic party—PRD. It was greeted with considerable skepticism in diplomatic circles, as there is no known evidence of any Communist tinge in the record of any of these three junta members.

Commander of the anti-Bosch forces is Brig. Gen. Elias Wessin y Wessin, supporting the government of Donald Reid Cabral—who is no relation to the Communist Cabral.

Military field commanders of the pro-Bosch rebel forces are reported to be Col. Hernando Ramirez and Col. Francisco Caamano. Militia units under these two officers, augmented by armed civilians, seemed solidly established in the center of the capital city this morning. These forces were heavily armed, having ordnance able to repel a tank attack. That is the situation into which our Marines moved, on orders of President Johnson.

Intercepts of radio broadcasts from Havana indicate the Castro radio currently is giving Bosch's revolutionary forces full backing. The implications of this fact were clearly pointed out by Dr. Carlos Prio Socarras, who preceded Batista as President of Cuba, in a statement made today at his home in Miami Beach, Fla., to a staff member of the Internal Security Subcommittee.

Said Dr. Prio:

> Juan Bosch had been my secretary for 12 years. I do not think he is an out-and-out Communist, but I would not doubt that he would enter into a pact with the Reds in order to return to the presidency of the Dominican Republic.
>
> Proof of it is that Castro defended him, something that he did not do when he (Castro) organized the invasion of the Dominican Republic in June 1959. At that time, Castro utilized outright Communists, but now that Bosch can be a vehicle for a Communist takeover, he did not hesitate to give Bosch his backing. There is other proof that this is a very serious attempt at a Communist takeover, because the fact is that the insurgents burned the headquarters of the Vangisardia, a democratic political organization not connected with the government, and of left-of-center political orientation.

Mr. President, those are the facts.

It seems clear that we are in danger of repeating, in the case of the Dominican Republic, the same disastrous cycle we experienced in the case of Cuba: First tolerance, then endorsement of a candidate who professes to be anti-Communist, but who nevertheless is supported by the Communists and who permits them free rein; finally debacle when this same candidate proves himself to be openly pro-Communist and pro-Soviet.

How many times must we be bamboozled before we learn from bitter experience?

Do we dare endanger our national security by permitting the enlargement of the Communist Latin American bridgehead to another country just a stone's throw from our shores? The strategic importance of Santo Domingo, as an island bastion of communism, is apparent from one look at the map. The propaganda importance of the establishment of another Communist base of operations on the Caribbean can hardly be overvalued.

Mr. President, the islands in the Caribbean are the soft underbelly of the United States. Once they were occupied, or once missiles were placed there by the Soviet Union, in my judgment, this country would be defenseless. We must prevent a step-by-step attempt by the Soviet Union to control the islands of the Caribbean, because those islands, armed with modern weapons, control the defense of the United States.

Mr. HRUSKA. Mr. President, will the Senator from Mississippi yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. EASTLAND. I am happy to yield to the Senator from Nebraska.

Mr. HRUSKA. The information contained in the remarks of the Senator from Mississippi, in the main, have been gathered from records and the archives of the Internal Security Subcommittee although, of course, other sources have also been utilized in compiling these facts.

This data reveals a remarkable parallel between the careers of Bosch in the Dominican Republic and of Castro in Cuba as they developed prior to Castro's absolute takeover of the Cuban island itself. This parallel is found not only in the ideological backgrounds of these two men but also in their activities and the programs they espouse.

Mr. EASTLAND. Is it not apparent that once the Dominican Republic is taken over, from that very second, Haiti will fall?

Mr. HRUSKA. That would be an inescapable development. With a hostile government established on one side of the mountains which separate the two countries, a takeover of the shaky government in Haiti would be inevitable and would come in short order.

Mr. EASTLAND. And from there the whole island of Hispanola?

Mr. HRUSKA. Once the dominoes started to fall in that area further exploitation and further occupation would surely follow.

I ask the Senator from Mississippi if it is not true there is also a clear parallel to be found between Bosch and Castro in that while each has frequently denied that he was a Communist, or a member of the Communist Party, nevertheless, each has surrrounded himself with close associates who are hard-core, well-trained, and well-known Communist leaders? The Senator from Mississippi has documented these facts with reference to Bosch in his statement and history affirms them regarding Castro.

Mr. EASTLAND. The Senator is exactly right. It is apparent that the Communist leaders are not there for nothing. They are there for a purpose.

What is that purpose?

The purpose is to take over the government of the Dominican Republic exactly as it took over Cuba and took over Castro at the same time.

Mr. HRUSKA. Bosch as a figurehead will provide an excellent instrumentality behind which the Communists can accomplish their purpose.

It is clear that it does not matter whether Bosch is a Communist or not. If he surrenders himself to those who are subject to the discipline of the Communist Party, and if he allows them to implement a program similar to the one which he outlined when he was in Europe prior to his inauguration as President in 1963, the damage will have been done. The control will have passed into Communist hands. Then we shall have a second Castro-style government, working hand in hand with Cuba, working not only to subvert the Caribbean area but Central and South America, too. Is that not about the way it would work out?

Mr. EASTLAND. Of course, that is exactly what is at issue. He is a man who is controlled by the Communists. It was evident that he was heading in that direction when he was overthrown in the Dominican Republic. According to Radio Havana, it is evident what Mr. Castro's intentions are: to take over the Dominican Republic.

Mr. HRUSKA. There is another aspect of the situation, I am sure, which has occurred to the Senator from Mississippi. This would be an opportune time, for the Communists to capitalize on this kind of action for our attention and our resources are directed toward the situation in Vietnam. We are now building up our own forces in South Vietnam. This represents a most opportune time for the Communists to commence an operation of this kind in the Dominican Republic. History should have impressed us all with the opportunistic ruthlessness of the Communists. The timing of the action in the Dominican Republic is ideal for their purpose and does not appear coincidental.

Mr. EASTLAND. The distinguished Senator from Nebraska is exactly correct.

Mr. HRUSKA. Our experiences in the past should alert us to the pitfall which the Senator has referred to in the concluding paragraphs of his statement:

> It seems clear that we are in danger of repeating, in the case of the Dominican Republic, the same disastrous cycle we experienced in the case of Cuba: First tolerance,

> then endorsement of a candidate who professes to be anti-Communist, but who nevertheless is supported by the Communists and who permits them free rein; finally debacle when this same candidate proves himself to be openly pro-Communist and pro-Soviet.

Mr. EASTLAND. Is it not true that the Soviet Union desires to outflank the defenses of the United States? There is one way to do it; namely, to place missile bases on those islands in the Caribbean. Is that not their ultimate objective? Was that not their intention when they moved missiles into Cuba?

Mr. HRUSKA. That is undoubtedly one of their major objectives. A look at the map drives home some appreciation of the strategic locations of Cuba on one side of Florida and the Dominican Republic and Haiti on the other side. This must convince anyone who wishes to be realistic in his thinking, that we cannot allow the Dominican Republic and then Haiti to go by default as we did in the case of Cuba. The future of not only the United States but all of the Americas is involved, for to allow Bosch to regain control is to give the Communists another base in our hemisphere not only for their missiles but also for their ideologies which are equally lethal for freemen.

Mr. EASTLAND. Does not the distinguished Senator from Nebraska realize that this is a fight in the Dominican Republic today against communism and against a Communist takeover of the country? That is exactly what it is. Bosch is a man who is a tool of the Communists. He has always been a tool of the Communists.

Mr. HRUSKA. The Senator has documented the situation very clearly and the evidence is convincing. While there has been no proof of open support by Castro, we have learned of the use of high-powered weapons in the fighting which occurred yesterday and today in the central part of the city. This equipment could come from only one source. Its origin undoubtedly can be traced and will be traced in due time.

It would come as a distinct surprise to this Senator if these weapons were not from a care package, Communist style. The presence of heavy armament in the hands of the rebels serves to further document the conclusions of the Senator from Mississippi.

Mr. EASTLAND. I have noticed one thing, that the Soviet Union and its satellites do not give away weapons for nothing. It is absolutely obvious that they have armed Bosch's people in the Dominican Republic. They have better arms and better equipment and can outgun the opposition down there. Those weapons were put down there for one purpose and one purpose only; namely, to take over that country.

To take over that country for what purpose?

To take it over for communism.

Mr. HRUSKA. I was interested in the Senator's observation that when Bosch visited this country after his election and prior to his inauguration, it was denied by unnamed officials in this country that Bosch was a Communist. Those statements were reminiscent of the assurances given when Castro visited this country prior to his takeover of Cuba.

It is my belief that in the last analysis, whether Bosch is or is not a Communist is academic. Experience indicates that the ultimate outcome can be no different than it was with Castro. The fellow traveler cannot get off the train once he turns control of the engine of government over to the Communists. The evidence indicates that Bosch has surrounded himself with hard-core Communists. He has left himself no recourse but to endorse their plans.

That day will come for Bosch for this is the pattern set by the Communists and the one which is always followed.

Mr. EASTLAND. The Senator is correct.

Mr. HRUSKA. I thank the Senator for yielding to me and to make these comments.

Mr. EASTLAND. Mr. President, I return, as I began, on behalf of myself and the Senator from Illinois [Mr. DIRKSEN] and the Senator from Nebraska [Mr. HRUSKA], to a call for firmness and fearlessness in handling this situation. The United States must do whatever is necessary to prevent the threatened Communist takeover in the Dominican Republic.

INDONESIA—LAXITY IN FOREIGN AID

Mr. MILLER. Mr. President, the United States, through fiscal year 1964, furnished Indonesia $937.7 million in assistance under our foreign aid program.

In fiscal year 1964 alone, this aid totaled $56.7 million.

Indonesia's President Sukarno has used the money to purchase ships, to develop harbors, to modernize railroads, to rebuild plants, to shore up consumer industries, to build cement and paper pulp plants and mills, to train air technicians, to train propagandists—though this was politely termed "mass media education."

And I notice, from various Agency for International Development reports, that there are many active projects within Indonesia for which we are apparently still committed to expend funds for some time.

These include that country's national agriculture program, completion date set for June 1968; an industrial and mining program, completion date set for June 1967; two transportation programs, involving maritime operations and air transportation maintenance, both set for completion this June; two programs involving labor leadership and training, the first scheduled to be completed June 1967, the second June of this year; two health and sanitation programs, to be completed next year and in 1967; two programs relating to education, one set for completion in June 1967, the other in June of this year; a public administration program, to be completed in June; and three programs for improving technical information services, to be completed June 1965, civic action activities, to be completed July 1966, and one for technical support, to end in June 1979.

And now that we have poured nearly a billion dollars of aid into his country, what has been the return from Sukarno?

First. He has told us to go to hell with our aid.

Second. He is and has been pushing efforts to force the United States out of South Vietnam, to drive the Western Powers from southeast Asia.

Third. He has directed his guerrillas to invade Malaysia.

Fourth. He is openly in collusion with Red China and other Communist nations, and he has pulled his country out of the United Nations with a view to organizing a Communist bloc organization.

Fifth. He has seized three U.S. owned oil companies.

Sixth. He has forced closing of USIA libraries.

Seventh. His Communist labor unions cut off gas and electricity to U.S. facilities.

Eighth. His Communist postal workers' union has imposed a mail and telegraph boycott on the U.S. Embassy.

Ninth. He has made it nearly impossible for U.S. news correspondents to send out dispatches.

Tenth. He has issued orders requiring all U.S. diplomatic personnel in Indonesia to inform his Government in advance of any travel plans within the country.

Additionally, there are now reports that he would like to force a break in diplomatic relations with the United States.

I, for one, would have no objection if diplomatic relations were severed.

How much Indonesia has taken us for is revealed in a report by the Comptroller General dated April 15. This report is one of the most disturbing indictments of the State Department's "let us get along with everyone and hang the cost" policies I have seen.

In an examination of what can only be described as "unusual favoritism" toward a nation which has long used the United States as a whipping boy, the Comptroller General reported:

> As of June 30, 1963, the United States had sold Indonesia $345.8 million worth of surplus agricultural commodities under the provisions of Public Law 480. Sales provisions provided for varying percentages of rupiah proceeds to be set aside for U.S. use, the latest Public Law 480 agreement entered into in February 1962 providing 10 percent for this purpose.
>
> Under the terms of the agreements, rupiah sales proceeds have been deposited at "official" rates of exchange that bear no realistic relationship to the actual internal purchasing power of the rupiah. Thus, the 1962 agreement provided for an official average exchange of 52.03 rupiahs to the dollar, compared with unofficial average rupiah rates to the dollar of from 985 to 1,259 during 1963. It is thus evident that little financial benefit has accrued to the United States from Public Law 480 sales in Indonesia.

Let me repeat two sentences:

> Under the terms of the agreements, rupiah sales proceeds have been deposited at "official" rates of exchange that bear no realistic relationship to the actual internal purchasing power of the rupiah. * * * It is thus evident that little financial benefit has accrued to the United States from Public Law 480 sales in Indonesia.

These two sentences should be weighed in the context of another paragraph in that same report:

> A recent change in the official exchange rates in Indonesia has resulted in an exchange loss of $130 million on the U.S. rupiah proceeds from Public Law 480 sales.

In other words, Mr. President, that $130 million has been now written off as a bad investment—to the detriment of the American taxpayer.

This raises several questions:

First. Why did the U.S. Government enter into such an agreement with Indonesia, an agreement which is considered to have been so unrealistic?

Second. In what other countries have we entered into such agreements "that bear no realistic relationship" to the internal foreign currencies?

Third. How much aid are we still furnishing Indonesia, especially in view of the continued provocations by that country?

Fourth. Have we written off all aid to that country as a bad investment or do we hold out a possibility of collecting the money it owes to us?

I think answers should be provided the American people by the administration.

There is another area of that report which is also bothersome. It relates to the question of our balance of payments.

Earlier this year, President Johnson, taking note of the $3 billion deficit last year, promised to reduce U.S. Government expenditures abroad, to increase foreign investment in the United States, encouraged Americans to see America, rather than go abroad, urged voluntary action on the part of businessmen to refrain from lending money abroad or making investment in developed nations.

But this problem can only be solved with the fullest cooperation of all, including governmental agencies.

I would like to quote further from the Comptroller General's report of April 15:

> U.S. agencies are or have been unnecessarily expending dollars in an amount that we estimate at about $2.3 million annually to buy air tickets for official travel to or from eight countries instead of utilizing the excess foreign currencies which the United States owns in those countries.

The report goes on to say that—and I quote:

> About $1.2 million of this amount is being unnecessarily expended annually because U.S. agencies either have failed to develop or have not adhered to administrative regulations requiring maximum use of available foreign currency.

At this point in the report, our old friend, Indonesia, crops up again:

> About $1.1 million has been spent annually which could have been paid from excess United States-owned Indonesian rupiah if the State Department had obtained an agreement with Indonesia similar to the agreements with the other countries included in this review.

The report noted in all the cases that "this failure has occurred despite the expressed intent of the Congress and the policy of the executive branch that maximum use be made of U.S.-owned foreign currency." These instructions go back as far as 1961.

The Comptroller General cited these agencies as failing to effectively utilize excess U.S.-owned foreign currencies: The Department of State, Department of Defense, Agency for International Development, U.S. Information Agency.

This laxity also related to currencies owned in Burma, India, Israel, Pakistan, Poland, United Arab Republic, and Yugoslavia.

In the case of Indonesia, the Comptroller General found that the Department of State had failed to "aggressively" pursue the matter of an agreement covering these currencies after the Government of Indonesia had objected.

If we are to resolve our balance-of-payments problem, then everyone, including Government agencies, must cooperate fully.

I think it is about time that we stop accepting excuses and see to it that agencies of this administration comply with instructions and regulations and get rid of the officials who have not been doing so.

OUR RARE AND ENDANGERED SPECIES OF WILDLIFE NEED HELP NOW

Mr. MUNDT. Mr. President, for many years I have been deeply interested in wildlife conservation. As long ago as 1929, I served as State president of the Izaak Walton League in South Dakota. In 1931, I was appointed to a 6-year term on the South Dakota Game and Fish Commission; and in 1937, I served as national vice president of the Izaak Walton League, and was a member of the national executive board, in 1938, when elected to Congress.

Through the years, as I have served, first in the House of Representatives and then in the Senate, I have maintained my interest in all fields of conservation.

A few years ago, I was able to restore funds in the Interior Department appropriation bill, so as to enable the Bureau of Sport Fisheries and Wildlife to continue its propagation work with sandhill cranes—work which was preliminary to work with the endangered whooping crane. Each year since, our subcommittee has included in the Interior bill a small amount earmarked for work with endangered species.

This year, I had a discussion at our appropriation hearings with John S. Gottschalk, Director, Bureau of Sport Fisheries and Wildlife, concerning the immediate problem. As a result, I submitted an amendment to provide $350,000 for headquartering in southern Maryland a wildlife research project to save from extinction rare and endangered American wildlife species. I can report that only this morning the Senate Appropriations Committee approved this amendment, as part of the funding bill for the Department of the Interior.

Mr. President, this project should have unanimous backing. It is in line with the President's program of increasing emphasis on all forms of conservation. The people of this country want a program of this type. The program needs to be done.

This program should be done. We owe future generations of Americans a chance to be able to see these rare and endangered species of wildlife in the flesh, rather than as pictures preserved in the archives.

Director John Gottschalk and his staff have been most helpful to me as I have tried to develop this program. They always stand ready to answer questions or to provide technical information. Dr. Ray C. Erickson, of the Division of Wildlife Research, has been most considerate and helpful in answering the multitude of questions which have come up during the past several years.

I wish to go into some detail in connection with the background of the endangered species program:

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, is the Federal agency to which has been delegated the responsibility for the preservation and enhancement of wildlife occurring in the United States. For migratory birds, the Bureau goals include the maintenance of traditional seasonal migrations in the United States and the prevention of the extinction of any species. The extension of security from extinction to all species and subspecies, or, from the affirmative side, restoring to safe numbers, for public enjoyment, species whose populations have seriously declined, is the ultimate goal of the Nation's wildlife conservation program.

The preservation of rare and endangered species is a problem which has long held the interest of many private and public organizations, as well as that of individuals, with diverse interests and conservation objectives, but united in their dedication to the common goal of preventing the loss of any additional kinds of our native wildlife fauna. For some species, such as the great auk, passenger pigeon, the heath hen, the Labrador duck, and the Carolina parakeet, this mounting awareness has come too late, and the Eskimo curlew and the ivory-billed woodpecker may already be at the point of no return, if they are not already gone. The whooping crane, Attwater's prairie chicken, the masked bobwhite, the Everglades kite, the California condor, the Aleutian Canadian goose, and the black-footed ferret are among those which, while precariously balanced, are not yet beyond the possibility of restoration. The trumpeter swan and the Hawaiian goose, or nene, are showing heartening response to management measures on their behalf. Many other rare species will require close and continuing attention and action, to insure their future.

The perpetuation of a species requires that its year-round needs be met; and, for migratory kinds, this means not only on the breeding and wintering grounds, but also at stopover locations between these points. Rapidly changing habitat conditions, brought about by progressively more intense land use and other human-related adverse factors, can be expected to increase the obstacles to the survival of many forms of wildlife. With others, the relatively adverse conditions may be temporary. It may be necessary only to provide alternate habitats in place of those disadvantageously altered or destroyed, or to tide species through interim periods of adversely.

When a species must be protected from excessive hunting, more intensive enforcement of regulations may be advisable; and if the problem includes killing by the uninformed, but well-meaning, public, more extensive informational programs may be a necessary companion measure.

The Bureau's current program for rare and endangered wildlife includes four principal categories; namely, first, habitat preservation and management; second, promulgation and enforcement of protective regulations; third, public information dissemination; and, fourth, research on the biology and status of individual species.

HABITAT PRESERVATION AND MANAGEMENT

The philosophy that each species must have a satisfactory place in which to live and to reproduce, in order to survive, led to the setting aside, in 1903, of the first Federal refuge, on Pelican Island, off the coast of Florida. Nearly 300 other Federal refuges have been established since that time. In some areas, all that was necessary was protection of land, waters, and the associated flora and fauna from disturbance. In others, a major habitat restoration effort was in order, or the elimination of adverse factors, such as hunting or other human disturbances, excessive predation, or disease-producing conditions. The presence of a resident staff at most of the refuges has served to deter vandalism, and has enabled the continuing study of wildlife characteristics and the correction of problems as they develop. The acquisition of additional areas, including several key tracts adjoining existing refuges, is needed and may be facilitated by the recently passed Land and Water Conservation Fund Act.

PROMULGATION AND ENFORCEMENT OF PROTECTIVE REGULATIONS

Regulations are an important means of permitting the harvest of game species which can tolerate cropping, or protecting those which need this type of assistance. With others, it may be necessary to make periodical removals of a part of the population, in order to prevent deterioration of the habitat by overuse. International treaties and Federal and State legislation have virtually eliminated market hunting, and have strictly controlled the use of animals and their parts in the clothing trade. Many game species can be readily identified by the hunter; and these can be given protection, as needed, by excluding them from the list of species which may be taken. Others, similar in appearance, habits, or the habitats which they occupy, must be protected by various means—such as area closures—which take into account more subtle differences.

Two important protective measures are based on control over the time and the place at which hunting is allowed. For example, the hunting of a species may be delayed, moved up, or interrupted, in order to protect a similar-appearing, but rarer, type during the time that it is passing through, or resident in, an area. An example is a delay in opening the hunting season on white—snow—geese in a province of Canada, to permit most Ross' geese to pass through safely. By restricting the places where hunting is permitted, the more common species can be taken with minimal risk to rare or endangered forms. One example is the protection given the greater snow goose on its wintering grounds along the coasts of Virginia and North Carolina, which the similarly marked lesser snow goose ordinarily does not frequent. Another example is the limitations in areas where lesser sandhill cranes may be hunted in western Texas and northeastern New Mexico, in order to protect the endangered whooping crane and the rare greater sandhill crane. Other restrictive actions to regulate the take of certain wildlife include special seasons, limitations on equipment or methods used, reductions in restrictions on the daily or seasonal bag, hunter participation by permit requirements, and provision for sanctuaries or refuges where hunting is curtailed or prohibited, and where purposeful habitat management is carried out to favor those with reduced or declining numbers. Many regulations operate in favor of rare wildlife by reducing predator or competitive species which share limited habitats.

PUBLIC INFORMATION PROGRAMS

Universal stewardship of wildlife by the public is essential in order to give maximum protection, because most species are off refuges and are not under continuing surveillance most of each year. To establish and maintain this sense of responsibility requires that the conservation program for rare and endangered wildlife be explained and demonstrated at every opportunity. The dissemination of newsworthy items, photographs, posters, and similar material among the various news media at strategic times, as well as on a perennial basis, appears to have been effective in reducing to a minimum the hunting mortality of migrating whooping cranes. A similar program pointed to the California condor may also be helpful for that species. Popular bulletins, including illustrated identification guides, have carried the conservation story to all segments of public interest; and television and radio wildlife programs on this subject are well received. The entire conservation information program and the observed reaction of wildlife to it demonstrate that public awareness and interest in rare and endangered species are indispensable to their welfare.

RESEARCH AND STATUS SURVEYS

Biological studies and population surveys have been important in pointing the way for the application of habitat acquisition and management and the development of protective regulations for all wildlife. To know best how to meet the needs of a species, its characteristics must be known intimately. For some species, taxonomic studies have been necessary, to clarify their identity. Others have been studied in detail, and their life histories and ecology carefully documented. Management must be carried out, to capitalize on the strong traits, and to minimize or compensate for the weak ones. Limiting factors must be recognized, and solutions to such conditions must be devised. Continuing population surveys of each threatened species and its habitat are the best way to detect significant changes, so that remedial action can be carried out in time. Action on behalf of the trumpeter swan, the American bison, the key deer, the desert bighorn, and other wildlife was begun before these species had passed beyond recoverable limits; and they now seem secure. The same, unfortunately, has not been true for the heath hen, the passenger pigeon, the Carolina parakeet, and others.

ADDITIONAL MEASURES NEEDED

Despite major management efforts on their behalf, prospects for the survival of certain species are bleak, particularly those with narrow ranges of adaptability or with special habits and requirements. The acquisition and management of refuges, the enforcement of regulations, public information programs, and current research efforts have been effective for most wildlife species, and should be continued and expanded wherever necessary. However, many forms, particularly migratory species, range widely, free to come and go. It is not possible to keep them on managed habitats or under protective observation much of each year, so other measures are needed. The alternative is to consider them expendable, become resigned to the continuing attrition of adverse factors, and accept the progressive loss of more elements of our faunal wealth.

The recently enacted land and water conservation fund legislation was an indication of congressional intent to provide the means for obtaining additional properties with which to meet the needs of endangered species. The passage of this act coincided with accelerated interest in the Department of the Interior's activities on behalf of disappearing wildlife. This interest was reflected in the program of the Bureau of Sport Fisheries and Wildlife, by the appointment of a committee of biologists to advise the Director on animals which should be included in a list of rare and endangered species, and on other related information. The committee has been gathering data from many authoritative sources, for the compilation of a publication summarizing most of what is known about this group of vertebrates, including mammals, birds, reptiles, amphibians, and fishes. Preliminary findings of the committee reveal extensive voids in knowledge about many of the animals listed.

The species which have become extinct during the past century did not disappear because of a lack of knowledge of how to save them. Absent was a technical staff and a stable facility, with assured continuity and coordination of interest, and assigned the exclusive responsibility of keeping abreast of the status of all declining species, management measures, research findings for each species, and of recommending remedial measures needed in order to assure their survival. A description of the means of assuring this increased security to all American wildlife is as follows:

PROPOSED PROGRAM

A research facility is needed for the primary purpose of studying the needs and devising solutions to the problems of rare and endangered wildlife in the United States. It should engage in a progressive dual approach, as follows: First, distributional, ecological, physiological, and behavioral studies of rare and endangered species in the wild and in captivity, to determine their characteristics and requirements, so as to identify factors reducing them or preventing their increase in numbers, and to devise solutions to adverse conditions; and, second, the maintenance of captive flocks of all rare and endangered species, so as to produce stock with which to bolster or restore populations in the wild, or, when this is not feasible, to perpetuate them in captivity. The program of the proposed research station would be divisible into three major areas of endeavor, as follows:

First. The propagation facility would consist of incubation and brooder buildings, shelters, and outdoor pounds, pastures, and enclosures for hatching, rearing, and prerelease conditioning of all species and subspecies of rare and endangered wildlife in North America, bird and mammal, migratory and nonmigratory. Work with endangered species would be preceded by experimentation with closely related, but more numerous, kinds of wildlife.

Second. The field investigations phase of this program would be staffed with biologists who would study the requirements and limiting factors of disappearing species, and would coordinate surveys to determine their abundance and distribution. They would obtain stock from the wild, for propagation purposes, when this course is determined to be necessary; they would inventory candidate areas where stock reared in captivity could be released; and they would carry out actual releases of birds within their previously occupied range where former decimating factors had disappeared, or in new locations where their survival prospects are good. Followup observations, in order to determine the fate of the transplantings, would also be necessary.

Third. The laboratory facility, located near the propagation facility, would consist of a fully equipped building, staffed with specialists engaged in studies of avian and mammalian nutrition, physiology, pathology, behavior, genetics, and related scientific disciplines. These specialists would provide supporting services for the propagation and field-investigations programs. In addition, they would carry out studies in areas of basic research essential to this program, but not now of active interest to other research organizations. These investigations are of a distinctly different nature, and would not duplicate work now in progress at other wildlife research centers of the Bureau of Sport Fisheries and Wildlife or other agencies.

The propagation phase of this program was commenced 4 years ago at the Monte Vista National Wildlife Refuge, in southern Colorado. It was realized at that time that the severe climate and the distance from consultative, advanced educational, and other essential services precluded establishing a permanent station at this location. Developments, accordingly, were of a temporary nature, and were kept to a minimum, to avoid monetary losses that otherwise would be occasioned by the eventual transfer of stock and equipment. Moving to a more satisfactory location was to be done when funds for this purpose could be obtained.

The use of captive propagation and release methods, to restore wildlife population in natural habitats, is endorsed by the principal conservation organizations interested in endangered species. As would be expected, there are some differences of opinion on technical procedural details and time schedules with certain species of critical, international interest, such as the whooping crane. Authority to purchase land, build facilities, employ a staff, and carry out research on waterfowl and other migratory wildlife is contained in the Migratory Bird Treaty Act, July 3, 1918—40 Stat. 755, section 9; the Migratory Bird Conservation Act, Public Law No. 770, February 18, 1929, section 12; the Duck Stamp Act, Public Law No. 124 of March 16, 1934, section 4(a); the Coordination Act, Public Law No. 121 of March 10, 1934, section 5; and the Fish and Wildlife Act of 1956, Public Law No. 1024, chapter 1036, 2d session, section 7(a), 70 Stat. 1119.

The dedication of a principal research station to the proposed program is a particularly efficient method of meeting the needs of endangered wildlife, because many different species can be accommodated on a relatively small acreage of land, and can be maintained under the surveillance or supervision of a single staff. Also, it is one of the best insurance measures against the extinction of a species, in the event of natural catastrophes. In captivity, mortality factors are under more complete control, and much greater productivity by each pair is possible. As the program unfolds, one or more satellite propagation stations in other parts of the country may be necessary, in order to meet the living requirements characterizing the great variety of wildlife found within the 50 States.

Mr. President, the response to my proposal has been enthusiastic. The following is a list of some of the persons and organizations who have contacted me and have indicated their support of the program:

Donald F. Hoffmeister, president, American Society of Mammalogists, Urbana, Ill.; Harvey Broome, president, the Wilderness Society, Knoxville, Tenn.; Terrence N. Ingram, editor, Inland Bird Banding Association, Apple River, Ill.; Jerome J. Pratt, secretary, Whooping Crane Conservation Association, Sierra Vista, Ariz.; Dr. Warren D. Thomas, Omaha Zoological Society, Omaha, Nebr.; Claude Harris, chairman, Virginia Division, IWLA, Alexandria, Va.; Royal B. McClelland, Washington, D.C.; Philip A. Douglas, executive secretary, Sport Fishing Institute, Washington, D.C.; George J. Eicher, president, Portland General Electric Co., Portland, Oreg.; Robert T. Dennis, Assistant Conservation Director, IWLA, Washington, D.C.; John A. Gustafson, treasurer, the American Nature Study Society, Homer, N.Y.; George Shields, director, Department of Game and Inland Fish, Annapolis, Md.; William Metzger, Jr., chairman, conservation committee, Maryland State Game and Fish Protective Association, Baltimore, Md.; Phil Campbell, commissioner, Department of Agriculture, Atlanta, Ga.; M. J. Golden, executive director, Pennsylvania Game Commission, Harrisburg, Pa.; Laurence R. Jahn, Horicon, Wis.; C. R. Gutermuth, vice president, Wildlife Management Institute, Washington, D.C.; Everett R. Brue, Sioux Falls, S. Dak.; Harold J. Gordon, Jr., Amherst, Mass.; Walter J. Fillmore, director, South Dakota Department of Game, Fish and Parks, Pierre, S. Dak.; L. P. Voigt, conservation director, Madison, Wis.; John F. Reed, chairman, Ecology Study Committee, Durango, Colo.; Henry S. Mosby, president of the Wildlife Society, Department of Forestry and Wildlife, College of Agriculture, Blacksburg, Va.; Marion S. Monk, Jr., president, National Association of Soil and Water Conservation Districts, Batchelor, La.; Phillip Alampi, secretary, Department of Agriculture, Trenton, N.J.; Ira N. Gabrielson, president, World Wildlife Fund, Washington, D.C.; George H. Pournelle, curator, San Diego Zoological Garden, San Diego, Calif.; Richard Adrian, White River, S. Dak.; James L. Ruos, chairman, Prairie Grouse Technical Council, Warroad, Minn.; Lewis W. Walker, associate director, Arizona-Sonora Desert Museum, Tucson, Ariz.; Donald M. Christisen, Missouri Conservation Commission, Jefferson City, Mo.; Dr. S. Glidden Baldwin, Vermilion County Audubon Society, Danville, Ill.; Hugo Fisher, administrator, the Resources Agency of California, Sacramento, Calif.; W. Harley Webster, assistant director, the Nature Conservancy, Washington, D.C.; Clarence Cottam, director, Welder Wildlife Foundation, Sinton, Tex.; and Doran E. Perry, Pasadena, Calif.

Mr. President, since I announced sponsorship of the amendment to provide funds for the preservation of endangered species, there has been considerable comment in the newspapers of the country.

Two of these articles—one by Lee Weishaar, wildlife editor of the American-News, in Aberdeen, S. Dak.; and the other by Jim Johnson, of the Daily Plainsman, of Huron, S. Dak.—illustrate the tenor of most of the comments. I ask that these two articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Aberdeen (S. Dak.) American-News, Apr. 4, 1965]

OUTDOORS IN THE DAKOTAS

(By Lee Weishaar)

Early in March, South Dakota Senator KARL MUNDT called for a proposal to provide $350,000 for a wildlife research project in southern Maryland "to save from extinction rare and endangered American wildlife species."

John S. Gottschalk, director of the Bureau of Sport Fisheries and Wildlife commented on the proposal: "The immediate need" (to insure success of the propagation of endangered species program) "is to move our present activities from the Monte Vista National Wildlife Refuge in southern Colorado to a location where this work can be carried out under more favorable conditions."

The Monte Vista operation is presently concerned primarily with sandhill and whooping crane studies.

Gottschalk said that "Monte Vista is too isolated and the winter climate too severe for this critical work."

This research center, located at Patuxent Wildlife Research Center about midway between Washington and Baltimore, would be a positive step in the right direction in an effort to save our endangered wildlife species. Only the two species of crane are mentioned in the news release from Senator MUNDT's office. However, a single research center such as this would be able to collect specimens of remnants of wildlife species and study them to discover the best methods to save what populations we have and effect restoration of various species.

The Department of the Interior has also issued a call for help from conservation groups, professional organizations and individual experts throughout the United States to help in the fight to save endangered wildlife species.

The Department estimates that 16 kinds of mammals and 30 to 40 types of birds are in the endangered category. Somewhere in the vicinity of 40 wildlife species have disappeared from the American scene in the past 150 years. About half of the extinct species have vanished since 1900.

Some of the endangered species are game animals, hunted to near extinction by the sporting gunner. Others are simply animals of beauty. Some combination of the two. The graceful trumpeter swan, the huge and beautiful whooping crane, the wood duck, the prairie chicken, and the passenger pigeon are just some of the birds that are in trouble or have completely disappeared. This writer does not know what a great auk looks like, except from pictures. The penguinlike bird once thrived in the north of our continent, and is now gone forever. The passenger pigeon is another bird that disappeared before I was born.

Will the children of today and the next generation have to rely on pictures to know what the whooping crane or trumpeter swan looked like? Will a description from grandfather have to suffice in the case of the great California condor? All people interested in the outdoors and its wonderful creatures hope not. Through research and careful control, the government agencies charged with preservation of North American creatures have managed to halt the downward growth of many species and have started some of them on the long, slow climb back to abundance.

South Dakota has had part of the loss. The Badlands bighorn sheep and the Plains grizzly bear have been gone since about the turn of the century. The passenger pigeon, once prolific and covering the North American continent, was part of South Dakota before the bird's decline and total destruction in the early 1920's.

The black-footed ferret, which lived off of prairie dog towns, has nearly disappeared from the scene in South Dakota and neighboring States.

The degree of danger to the various species in the 50 United States, Canada, and Mexico varies greatly. Some scientists disagree that certain species are really in danger. Others would add more to the list.

The pressure of high population and other factors responsible in many States for wildlife losses have not yet hit South Dakota. Our game, fish, and parks department and the U.S. Fish and Wildlife Service, along with private clubs and groups, have done much to preserve and propagate wildlife in South Dakota.

But the danger looms just ahead. No one thought the great buffalo herds of the 1800's would dwindle to a mere handful, but it happened. Without careful control and research, the same can and will happen to more species. The proposed Maryland research center is just one of the many things people can support to insure a healthy and stable wildlife population for years to come.

[From the Huron (S. Dak.) Daily Plainsman, Apr. 11, 1965]

PRESERVATION OF WILDLIFE—STUDIES, FUNDS ARE NEEDED

(By Jim Johnson)

With wildlife, as other things, sometimes a situation gets bad enough that something gets done about it, possibly not too late.

A project, long past due, to save from extinction rare and endangered American wildlife species should have general and nonpartisan support. Being proposed as a committee amendment to the budget request for the Department of the Interior, Bureau of Sport Fisheries and Wildlife, by Senator KARL E. MUNDT, of the Senate Appropriations Subcommittee, it has just been announced by the Senator, ranking minority member of the subcommittee.

Testimony before this subcommittee shows what has long been of common concern with students of wildlife, that the greatest need is for knowledge. And the research must now include the urgency of a crash program if it is to be more than a post mortem on another series of wildlife species allowed by ignorance, greed, and indifference to go the way of the great auk, the passenger pigeon, and the heath hen, to mention only a few of the scores lost in the past century.

Species most in need of help now are the whooping crane, the tule white-fronted goose (larger and darker edition of our white-fronted goose), the Everglades kite, the masked bobwhite quail (that used to be so common in the Southwest), and the ivory-billed woodpecker. And we hardly know enough of their life histories to decide the best place to start.

"The most immediate need," the subcommittee was told by John S. Gottschalk, Director, Bureau of Sport Fisheries and Wildlife, "is to move our present activities from Monte Vista, in southern Colorado, to a location where the work can be carried out under more favorable conditions."

Sandhill and whooping crane studies are currently underway at Monte Vista. "Too isolated and the winter climate too severe for this critical work," Gottschalk told the subcommittee.

The plan now hopefully proposed is to move the project to a tract of land at the Patuxent Wildlife Research Center, which is about halfway between Washington and Baltimore.

The program visualized would start with a propagation phase in which techniques must be learned and perfected to produce the endangered species in workable numbers.

This would be followed by a laboratory phase in which specialists in physiology, nutrition, pathology, and other fields would join in supporting studies of the species. In a field study phase, which must start quickly, wildlife research biologists would study the species in the wild and learn their needs, assist in gathering breeding stock, and find the best sites for the release of captive reared stock into the wild.

Aside from the mild weather mentioned as an important element in the selected location is the unspoken but probably no less important local climate of biological knowledge and concern for the endangered species available for consultation about the research center and in the Washington-Baltimore area. If they can be saved from extinction, these people are most likely to come up with a method.

And the cost? For the early and vital work that is already too late. Needed are incubation-brooder building and its essential facilities, a couple of maintenance-patrolmen, a supervising biologist and secretary, the bringing of the present stock from Monte Vista and elsewhere, the development of plans for the later laboratory building, and four field biologists' salaries and expenses to start field studies on the species at once. Their numbers are already too low to allow the latter to wait on the other phases. The total is estimated at $350,000, a figure so small it may well be in danger of getting lost among the hundreds of millions it takes to get attention these days.

"We need to locate the remnant populations and study the factors affecting their survival as the starting point for restoration measures," explained Gottschalk.

Mr. MUNDT. Mr. President, in connection with the work on endangered species, just last Sunday, April 25, the Omaha World-Herald published in its Sunday magazine section an article—written by Ralph J. Smith—dealing with the discovery in South Dakota of a family of black-footed ferrets. Mr. Smith outlined the research work on the black-footed ferret, being conducted at South Dakota State University by the South Dakota Cooperative Wildlife Research Unit, which was established as a result of an amendment I proposed in the Senate Appropriations Committee.

In addition to the research at South Dakota State University, it should be noted that the proposed activity in Maryland would also give emphasis to saving this important mammal, along with other endangered species.

The article by Mr. Smith provides an excellent example of just one of the rare wildlife species that are endangered; and I request permission to have his article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Omaha (Nebr.) World-Herald, Apr. 25, 1965]

THE BLACK-FOOTED FERRET: "PHANTOM OF THE PLAINS"

(By Ralph J. Smith)

Ever heard of the black-footed ferret? Few people have. Even fewer have seen one. This includes the naturalists, to whom it has been a biological will-o-the-wisp for 115 years.

They call it the Phantom of the Plains. It is certainly Nebraska's, possibly the Great Plains' and perhaps the Nation's rarest mammal. The last all-out search for this elusive animal could account for only 60, give or take a few, in the Nation. It is on the danger list of creatures threatened with extinction, an unhappy classification that it shares with the ivory-billed woodpecker, the whooping crane and the grizzly bear.

The black-footed ferret is an animal about 24 inches long that in appearance looks like a dry-land mink. Buff-yellow, it is most distinguishable by its black feet, a black-tipped tail and a black bandit's mask across the face. It has the sinuous, flowing movement that is characteristic of the weasel family, of which it is a member, and a quickness of movement so incredible as to be almost sinister.

The mystery that has long veiled the animal now promises to be torn away. And so, if luck holds, does the threat to the ferret's continuance.

A group has been located in South Dakota. The animals are under study to learn their life history, ecology, behavior, and movements. Once these are known, naturalists hope they can manage things to assure the survival and multiplication of the creature.

The study is a joint effort headed by the South Dakota Cooperative Wildlife Research Unit, of which Dr. Paul F. Springer is leader, headquartered at South Dakota State University at Brookings. Taking part are the university, the National Park Service, the South Dakota Department of Game, Fish and Parks, the U.S. Fish and Wildlife Service and the Wildlife Management Institute. In addition, funds are being contributed by the Welder Wildlife Foundation.

The National Park Service hopes its participation eventually will lead to reestablishing the animal in national parks and monuments, said Research Biologist Walter H. Kittams of Omaha. So far as is known, there is not a single ferret in any of the installations—Yellowstone, Theodore Roosevelt, Badlands, Wind Cave, Devil's Tower—in the Midwest region's jurisdiction.

As a byproduct of its participation, the National Park Service hopes to advance scientific knowledge, Mr. Kittams said.

The difficulty of the job ahead, as well as its nature, is indicated by naturalists' inability in the past to find the answers.

What are regarded as facts about the black-footed ferret prove, on close examination, to be only assumptions; even these are hedged by question marks.

In overwhelming number of cases the ferret is found in prairie dog towns, which is part of the problem. Control programs are carried out to poison off prairie dogs when they reach destructive numbers. (Thirty-two prairie dogs consume as much grass as one sheep; 256 as much as a cow.)

Biologists' concern is that the ferret may become a victim of prairie dog eradication, either through eating poisoned carcasses or by the resultant radical change in environment.

One of the frustrating things about the ferret is that for every seeming fact there is a contradiction. Although the link with prairie dogs is so close that the association is part of Sioux Indian legends, they also are found on occasion in haystacks and around deserted buildings; one lived under a wooden sidewalk at Hays, Kans., where it reportedly caught rats.

The ferret has been observed mainly in association with the black-tailed prairie dog. There have been only a very few instances of it occurring with the white-tailed prairie dog. The significance is that the black-tailed dog lives in towns of fairly dense concentration while his cousin occurs in widely scattered colonies.

Ground squirrels, field mice, ground-nesting birds, gophers and the like exist in prairie dog colonies as a potential source of food. In Custer County, Nebr., a ferret was seen carrying a ground squirrel it had killed.

The scarcity of solid information on the ferret is surprising in view of the length of time that the animal has been known to natural science.

The black-footed ferret was first described by naturalists John J. Audubon and John Bachman in 1851. Their description was based on an imperfect skin sent them by Alexander Culbertson, the famed American Fur Co. factor.

Thereafter 25 years passed during which naturalists began to question whether there even was such an animal, before it was reported again.

Down through the years since, scientists' encounters with the ferret have been tenuous and uncertain.

In 1952 the executive committee of the American Committee for International Wild Life Protection made an all-out survey to find out how many animals there were. Over a 7-year period it came up with reports of 50 to 70 animals in 42 locations.

Several years ago Walt Disney and his staff were able to trap three ferrets in central South Dakota for the film, "The Vanishing Prairie." Subsequently they were released in Wind Cave National Park.

In 1961, American Museum of Natural History scientists made a pilgrimage to Wind Cave to study this natural history rarity. They could find no traces of the animal.

In 1962 a South Dakota youth spotted a ferret by the beam of his car's headlights and captured it. Fortunately he was the son of a mink rancher and knew how to handle the animal; the savage ferret is not a creature to tackle casually.

The animal eventually was turned over to South Dakota State University, which kept it in a pen until it died last spring. While some basic information was gained, the artificial environment limited the scope of the observations.

Then, last summer, the jackpot. Several ferrets were spotted in a prairie dog town in South Dakota and the cooperative study was organized. Location of the dog town is being guarded as a precaution against curiosity seekers or poachers who might imperil the observations, Dr. Springer and Mr. Kittams said.

Now that chance has delivered the opportunity that so long eluded them, the naturalists don't intend to imperil it by hasty or casual action. The study of the ferret group, Dr. Springer said, probably will require 3 years. A biologist has moved into the field to live with the ferrets for the study's duration.

To disturb the creatures as little as possible, the initial phase of the study is being limited to field observation. When this has yielded its full harvest of facts, the study will move into a closer-range relationship with the animals.

They may be marked, using a dye of some kind, to enable the pinpointing of an individual animal's activities. The final phases likely will require live trapping of the animals, Dr. Springer said.

The nocturnal nature of the animals posed an initial problem. Originally the field observer used a white spotlight to follow the animals' movements when they came out of their holes.

The ferrets reacted to the light beam with a distressed behavior that threatened to interfere with the field observation.

The study group turned to the military for help. The U.S. Fish and Wildlife Service arranged for the loan and modification of a snooperscope.

This is a spotting device which has proved its value in the guerrilla conditions of the jungle war in Vietnam. It uses an infrared beam, invisible to the person or animal upon which it is being shown, to light up an image on a screen. With this, the field biologist is carrying out the observations without the animals' knowledge.

It's hell on privacy but it's wonderful for science, Dr. Springer conceded.

Mr. MUNDT. Finally, Mr. President, I ask to have printed in the Record, as part of my remarks, a booklet, entitled "Protecting Our Endangered Birds," prepared by the Fish and Wildlife Service of the Department of Interior. This booklet, prepared several years ago, still applies, except for the fact that since it was published, the whooping crane population has increased from 38 to 50.

There being no objection, the booklet was ordered to be printed in the Record, as follows:

Protecting Our Endangered Birds

Twelve valuable and interesting birds have disappeared from America in the less than 200 years of its existence as a nation—the great auk, passenger pigeon, heath hen, Labrador duck, and Carolina parakeet, to name a few. Still others are endangered and may vanish within a few years. This is a matter of grave concern to the Federal Government. The Bureau of Sport Fisheries and Wildlife is working in close cooperation with the State and private conservation agencies to do what can be done to stem this tide of extinction.

WHAT CAUSES AN ANIMAL TO DISAPPEAR?

Whenever a species is reduced to a small number of individuals it is in danger of extinction; a catastrophe such as destruction of important habitat, a severe winter, an outbreak of disease, or excessive shooting, can easily wipe it out. In America, a number of species were greatly reduced or destroyed during settlement of the country. The building of cities, roads, dams, draining of marshes, and cultivation of large areas literally pushed many species from their homes. During the 19th century, market-hunters, killing thousands of birds for feathers and meat, destroyed or nearly destroyed some species before the American people realized what was happening.

Today, the drainage of vast marshes and thousands of potholes throughout the country is destroying habitat essential to certain wildlife species. These wetlands are sorely needed by our waterfowl, shorebirds, and many other birds and fur animals.

Pollution is another problem facing us today. Sewage from our cities and wastes from our factories, mines, and ships, are turning many of our lakes and streams into open sewers.

SOME ENDANGERED BIRDS

Several American birds are in immediate danger of disappearing: the Eskimo curlew, ivory-billed woodpecker, whooping crane, Attwater's prairie chicken, Everglade kite, California condor, and nene or Hawaiian goose.

The Eskimo curlew once migrated through the coastal prairies of Texas and the Great Plains in countless numbers. In spring, immense flocks of the long-legged shorebirds stopped to feed on insects in freshly plowed fields and burned-over prairies. Hunting for the fine-flavored birds was a popular sport and thousands were shot for city markets. The curlews were easily killed because of the habit of a flock staying with a wounded companion. By 1892 the great flocks were nearly gone, and the species has never recoverd. The last record was a sighting in Argentina in 1937, but hope still remains that a few birds survive.

Too few people living have ever had an opportunity to see the magnificent ivory-billed woodpecker with its shining black plumage and great scarlet crest. It is a shy, wild bird that lives in mature, broad-leaved forests of our southern swamps and river valleys. It was doomed when loggers began cutting the great trees in the river swamps, as its chief food, a beetle grub, lives under the bark of very old trees. There have been no authentic records for several years.

Former numbers of the whooping crane are a matter of speculation. These magnificent birds, nearly as tall as a man and with a wingspread of almost 7 feet, may not have exceeded 1,400 at the time America was discovered. Traveling in small flocks or family groups, they made their 2,500-mile flights each year through the Great Plains between Arctic nesting grounds and winter quarters on the gulf coast. By 1938 only 14 remained. They could not cope with the draining of the prairie potholes, plowing under the grasslands, and excessive shooting along their migration routes. Public concern for the future existence of these cranes led to the creation of the Aransas National Wildlife Refuge in Texas on their hereditary wintering grounds. In the fall of 1958 23 adults and 9 rusty-colored youngsters returned to the refuge from northern nesting areas. In all, the whoopers now number 38 birds, including 6 held in zoos.

At one time a million Attwater's prairie chickens are thought to have ranged over the coastal prairies of Louisiana and Texas. Today, as the result of pollution from oil drilling, rice farming that destroys their grasslands, and drought, only a few thousand remain. The future existence of this splendid game bird demands that it be provided soon with a permanent refuge area in which it will have the tall grasses, fresh water, and protection from shooting that it needs.

The Everglade kite and California condor are endangered by dwindling food supplies. The gentle and graceful kite lives in the fresh water marshes of Florida and feeds only on a fresh water snail. As extensive marshes are drained, the snail becomes increasingly scarce. Looking much like a marsh hawk, this very rare bird is often shot by hunters. The growing shortage in its food and needless killings by hunters make the future of the harmless Everglade kite very dark.

The once common California condor ranged from Lower California to the Columbia River. Today not more than 60 birds remain. This remnant of a great race lives within the Los Padres National Forest in California. Because of modern ranching methods and the trend toward grain farming, carrion is no longer as abundant as in the days of the old Spanish ranches. Ranging widely for food, the condor risks being shot or feeding on poisoned meat placed on the ranges for coyotes and rodents.

Encroachment of men on its living areas has greatly endangered the nene, a Hawaiian goose. At one time rather common, the nene regularly migrated from the seacoasts to the uplands to nest in the kapukas or islands of low vegetation on the open lava flows at the higher elevations. The development of beach resorts, construction of military roads through the uplands, and introduction of domestic animals, particularly dogs and pigs, rats and the weasel-like mongoose, have nearly destroyed the nene. Probably not more than 50 wild birds remain today. Fortunately, the nene can be raised in captivity. Some 150 birds live on the Severn Wildfowl Trust in England and a couple of smaller captive flocks are in Hawaii. Recognizing the threat to the nene, the Congress in 1958 instructed the Department of the Interior to try to save this endangered bird. Consequently, a program of research, breeding, and protection of the nene (which is the State bird of Hawaii) in its own habitat has been developed. This work is being done in cooperation with the board of commissioners of agriculture and forestry, the agency responsible for the State of Hawaii's wildlife.

PROTECTING OUR RARE BIRDS

Future generations of Americans will enjoy such beautiful and rare birds as the trumpeter swan, great white heron, American and snowy egrets, wood duck, and Hudsonian godwit because of the foresight of past generations. In many parts of the United States we have set aside refuge areas for the protection of our wildlife. Sometimes endangered animals are saved simply by the setting up of a protected area with the type of habitat they need where they can rest and feed and bear their young. The operation or management of a refuge insures that food supplies are sufficient, and that living conditions are right, too, for the arrival of the new generations that the adults will produce. This means the land must have good plant cover of the particular kind needed by a species. Overgrazed lands are returned to native grasses and shrubs; marshes, with their great variety of plantlife, are restored. Water is important, especially in arid regions. In desert areas wells are dug, springs opened up, and new waterholes developed. On some refuges it is necessary to protect endangered species by controlling predators such as snakes, coyotes, and bobcats. Heavy losses of young animals during the breeding season will help destroy a species already on the danger list.

Frequently a refuge is established on an area that has the last survivors of a species, as the Aransas Refuge in Texas on the wintering grounds of the whooping crane. By using a remnant group as breeding stock, every effort is made to restore the species, as for example, the trumpeter swan on the Red Rock Lakes National Wildlife Refuge in Montana. The trumpeter swan was thought to be extinct by 1900, the result of excessive shooting by trappers and early settlers for their feathers and meat. But in the early 1930's a small flock of about 33 swans was found in the vicinity of Yellowstone National Park. To save these rare birds, many of which nested and wintered on unprotected lands near the park, the Red Rock Lakes Refuge was created in 1935. By 1958 the trumpeter has increased to more than 700 birds. Its recovery is the story of conservation in action: complete protection from shooting and from intrusion of men and cattle on its nesting areas. What has been done for the trumpeter swan it is hoped can be done for the whooping crane.

At the turn of the century, the American egret, snowy egret, and great white heron were in great danger of extinction. Feather hunters persistently raided the rookeries, killing the adults for their beautiful plumes and leaving the young to starve. Today, you can visit many refuges in the Southern States and see large rookeries of these beautiful birds.

Seeing a roseate spoonbill in its natural environment is a thrilling experience, but in a few years this rare bird probably will not be found outside of refuge areas. It is decreasing in Florida, and in Texas drilling for oil is destroying its habitat. National wildlife refuges and Audubon sanctuaries in Florida, Louisiana, and Texas protect several colonies of these beautiful pink birds. The future existence of the spoonbill seems assured as long as it remains on these protected lands.

Formerly an abundant bird, the wood duck was reduced almost to extinction in this century. Not only was it widely hunted but it was also steadily losing places to live. Many of its swamps were being drained and the woods in which its nesting trees stood were being cut. So much concern was felt for the wood duck that in 1918 it was placed on the protected list and hunters could not legally kill it. By 1941 this duck had become numerous enough again that hunters were permitted to take a limited number. Since the 1930's, several national wildlife refuges have been developed in its range. Protected from overshooting and given permanent and suitable places to live, the wood duck is once more becoming a common bird in many of our inland, swampy woodlands and tree-bordered streams.

The Hudsonian godwit, one of our rarer shorebirds, also was a casualty of market-hunting days. Considering the continuous and heavy shooting of the birds in those early days as they migrated through our Great Plains, it is a wonder any survived. Only in recent years has this long-legged, long-billed bird begun to show an increase in its numbers. In 1956, several hundred were seen on national wildlife refuges in the Great Plains. The birds stopped over to feed and rest before resuming their long flight to northern nesting grounds. In common with other shorebirds, the godwits are of great value to the farmer. They feed heavily on mosquitoes, grasshoppers, crane-fly larvae, and other insect pests of farm animals and crops.

The future of our wildlife is in the hands of the American people. Constant vigilance and concerted action by all conservationists and conservation organizations are necessary if we are to succeed in saving and restoring our endangered species of wildlife.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

PORT ORFORD, OREG., DUNGENESS CRAB

Mr. MORSE. Mr. President, in the cool coastal waters of the Pacific Ocean off the coast of Port Orford, Oreg., range some of the finest ocean crabs known as the Dungeness variety.

The succulent meat from this shellfish is served fresh throughout the Northwest at the finest restaurants and hotels. I recommend this delicacy to my colleagues whenever they are fortunate enough to visit the State of Oregon.

Last Friday officials of the port of Port Orford, the city of Port Orford, and Curry County visited in Washington, D.C. The occasion for their visit was to present testimony before the Senate Committee on Public Works for authorization on a meritorious project at Port Orford of importance to the economy of that area. These visitors were the Honorable Lloyd Bates, mayor of Port Orford; the Honorable Fels Campbell, county judge, Curry County Court; Mr. Ray Reinke, president of port of Port Orford; Ryce Wilson, commissioner of Curry County; and Ira Tucker, secretary of port of Port Orford.

These officials brought with them to Washington a very generous quantity of frozen Port Orford crabmeat and tomorrow in the Senate restaurant, my Senate colleagues will be able to enjoy this treat.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Friday, April 30, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, April 29, 1965:

U.S. MARSHAL

Covell H. Meek, of Iowa, to be U.S. marshal for the northern district of Iowa for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

THE JUDICIARY

James E. Doyle, of Wisconsin, to be U.S. district judge for the western district of Wisconsin, vice Patrick T. Stone, deceased.

EXTENSIONS OF REMARKS

Warsaw Ghetto Uprising: A Commemoration

EXTENSION OF REMARKS

OF

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1965

Mr. MINISH. Mr. Speaker, April and May this year mark the 22d anniversary of a great and tragic event. It was during this period in 1943, from April 19 to the end of May, that a few thousand Jewish survivors of the Warsaw ghetto staged a desperate last-ditch resistance to the Nazi campaign of extermination and for a brief time and against overwhelming odds demonstrated a type of courage and heroism that the world has not very often seen.

When the Nazis and Russians moved into Poland at the opening of World War II, Poland was divided for another time. Forthwith the Nazis rounded up the Jewish population and forced many of them into the Warsaw ghetto, swelling its numbers to about 450,000. In the summer of 1942 the Germans began their campaign to exterminate the Jews. And during July and August of that year they systematically removed the Jews from the ghetto, placed them in prisons, and eventually destroyed them in their crematoriums.

As the numbers of the imprisoned Jews dwindled, the survivors were determined to stage a last-ditch resistance against the Nazis. Open resistance began in January 1943, but on April 19, the eve of the Jewish Passover, the Nazis attacked en masse and in desperate fury, and with tanks, artillery, and troops, they set out to destroy the ghetto completely. For a month the battle raged and even in the summer token resistance could still be detected, but the ghetto was reduced to rubble by the end of May and most of its inhabitants either killed or shipped off to concentration camps.

It is well for us to commemorate the anniversary of the Warsaw ghetto uprising; for here is a tragic demonstration of man's courage in the face of a fearful and overpowering enemy. But more important, Mr. Speaker, such commemorations can serve as a continuing reminder to us all of the extremes to which man can go when his soul has become filled with racial prejudice and racial hatred.

In recognition of this fact, the Essex County Warsaw Ghetto Commemoration Committee has arranged a memorable commemoration for Sunday evening, May 2, at the Weequahic High School Auditorium in Newark, N.J. The event is being sponsored by 55 Jewish and non-Jewish organizations and will be attended by 2,000 persons, including State and local officials and representatives of religious groups. Among the distinguished speakers will be Dr. Joachim Prinz, president of the American Jewish Congress; Mr. I. Goldberg, director of the New Jersey Service Bureau for Jewish Education; and Mr. Kenneth Gibson, cochairman of the Business and Industrial Coordinating Council. Three local choral groups will participate. There will be a dramatic presentation of "The Witness" followed by a candlelighting and memorial service.

As we mourn this tragedy, may we be inspired to a greater dedication to our Judeo-Christian ethic.

Law Day, U.S.A.

EXTENSION OF REMARKS

OF

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1965

Mr. CORMAN. Mr. Speaker, our American history has been marked by a valiant struggle for equal justice under law and the preservation of individual liberty and dignity.

Recent events throughout the world and within our own borders make it clear that this struggle is far from over—that our commitment to the concept of individual liberty and freedom under law is constantly being challenged.

The American legal profession, of which I am proud to be a part, is making an outstanding effort to give citizens a deeper awareness of this continuing challenge and to alert us to our responsibilities as free, law-abiding people.

One means of doing this is the annual observance of Law Day, U.S.A. on May 1. The theme of this year's observance, "Uphold the Law—A Citizen's First Duty," is designed to direct public attention to the rights and duties of citizenship.

As Americans, we enjoy wide freedoms, guaranteed by law, which distinguish our society from a totalitarian system. But with these rights and freedoms go individual responsibility which all Americans must exercise.

While we enjoy the right to equal protection of laws, equal justice in the courts, and the right to be free from arbitrary search or arrest, we are bound to obey the laws which give us these rights and to respect the rights of our fellow Americans.

We are privileged to be able to choose our public officers in free elections, but as members of a democratic nation, we are charged with the responsibility of voting in elections.

We are indeed fortunate that we live by a government of laws, where legislation is subject to the perfecting process of judicial review.

The eighth annual observance of Law Day, U.S.A. will focus national attention on our rights and responsibilities as citizens of the greatest Nation in the world—a Nation whose greatness stems from our dedication to rule of law.

The legal profession is to be commended for its work in helping Americans to understand more fully the value of our system of liberty under law. As we observe Law Day, let each of us commit ourselves to the fulfillment of our responsibilities as beneficiaries of that liberty.

An American Basketball at Moscow University

EXTENSION OF REMARKS

OF

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1965

Mr. MONAGAN. Mr. Speaker, I was interested to read a United Press International report today from Indianapolis, Ind., that the U.S. All Stars defeated the Soviet Union Nationals by a score of 78 to 73 in a basketball game that attracted nearly 14,000 fans. It was also noteworthy that last night's victory gave the American team a 4-to-1 edge in the five games played with the touring Russians.

I call this to the attention of my colleagues because of a pleasant experience which developed from a meeting I had with an American student at the University of Moscow when I was in Russia last November on a study mission with the Europe Subcommittee of the Committee on Foreign Affairs.

I enjoyed a pleasant conversation at the Prague Restaurant in Moscow with Mr. Edward Milton Ifft, of 239 Alameda Road, Butler, Pa., a member of the University of Moscow basketball team who informed me that the pleasure of his association with the university team was alloyed by the fact that the team played with a basketball produced in Red China.

Upon my return to the United States I related this experience to Mr. John B. Colt, export manager of A. G. Spalding & Bros., Inc., Chicopee, Mass., who agreed with me that it is not fit and proper for an American to be playing the American game of basketball with equipment produced in China and he thereafter forwarded as a gift a "Made in America" basketball to Mr. Ifft.

This week I have received from Mr. Ifft a very interesting letter which gives evidence that this basketball is being worked into a game of good will which could, ultimately, lead to possible exclusion of Red Chinese-made balls from the basketball courts of Moscow. I presume that in the current series of exhibition games here between Russian and American teams, American-made equipment is used exclusively and I suggest that Russian coaches should be encouraged to advocate greater use of American equipment in practice sessions.

Given a choice I would prefer to play ball with the Russians than with the Chinese, under American rules and with

American equipment and it is conceivable that out of this relatively minor experience there could develop a new phase in East-West relations. I have expressed my thanks to Mr. Colt and to Mr. Ifft for their participation and I am sure that all of us would welcome the opportunity to encourage and to develop a familiarity with American equipment on the part of Russian athletes.

Mr. Ifft has assured me that the American-made basketball which was sent to him by Mr. Colt will have a "long and useful career here at the Moscow University" in spite of the fact that his initial effort to have it used was not successful because of the reluctance of the opposing team to use an unfamiliar ball.

I am including here the letter I received this week from Mr. Ifft, together with my initial letter to Mr. Colt and his reply:

FEBRUARY 10, 1965.

A. G. SPALDING & BROS., INC.,
Meadow Street, Chicopee, Mass.

GENTLEMEN: During a recent trip to Moscow I made the acquaintance of one of our American students who is studying at the University of Moscow. He is a basketball player and a member of the University of Moscow team. However, in describing his experiences with that group he told me that his pleasure was alloyed by the fact that they were playing with a basketball produced by the Red Chinese.

It occurred to me that under the circumstances you might consider making a good American basketball available to Mr. Edward Milton Ifft, APO 664, Box M, New York, N.Y., not only to give him satisfaction, but to prove the superiority of American-produced athletic equipment.

Sincerely yours,

JOHN S. MONAGAN,
Member of Congress.

A. G. SPALDING & BROS. INC.,
Chicopee, Mass., February 19, 1965.

Representative JOHN S. MONAGAN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. MONAGAN: Thank you very much for your interesting letter of February 10th telling us of one of our American students studying at the University of Moscow.

I agree with you entirely that it is not fit and proper for an American to be playing the American game of basketball with equipment produced in China.

We are going to send to him a contribution of a really fine basketball just as soon as we determine from him whether their sport is played indoors or outdoors, as this would make a difference in the type of ball which we would supply.

My sincere thanks to you for bringing this matter to our attention.

Sincerely yours,

JOHN B. COLT,
Export Manager.

Representative JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE MONAGAN: I am one of the American students you met at the Prague Restaurant in Moscow several months ago. At your suggestion, the Spalding Co. has sent me, free of charge, one of their basketballs to present to the Moscow University team, of which I am a member. I presented the ball to the team just before a game last week. Our players were quite impressed and were ready to use it immediately as the game ball. Interestingly enough, the visiting team was a bit afraid of a new and unfamiliar ball and we ended up using one of the usual Chinese balls. Nevertheless I have no doubt our basketball will have a long and useful career here at Moscow University.

I am very glad you followed up your idea, as it was indeed a fine gesture. Thank you very much for allowing me to join with you and the Spalding people in helping, in some small way, to increase the considerable reservoir of good will toward us which exists among the ordinary Soviet people.

Yours truly,

EDWARD M. IFFT.

Our Continuing Struggle in Vietnam

EXTENSION OF REMARKS
OF

HON. RICHARD L. OTTINGER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 29, 1965

Mr. OTTINGER. Mr. Speaker, today it was my sad duty to write a letter of condolence to the widow of one of my constituents killed recently in Vietnam—Capt. Kenneth L. Dean, Jr., U.S. Army.

This morning, Captain Dean was laid to rest at his alma mater—the U.S. Military Academy at West Point. He was killed on April 20 as a result of gunshot wounds while accompanying a Vietnamese Army unit engaged in a fight with the Vietcong. When he attempted to move a Vietnamese soldier, he was hit by hostile small arms fire. At the time of his death, he was a first lieutenant and was recently posthumously promoted to the rank of captain. His widow, Mrs. Sheila Dean of Dobbs Ferry, has received two Government citations—one from the President and an Army Honorary Service Award.

Captain Dean died defending freedom and honoring our commitments to free nations to protect them from the spread of world communism. While his death is a deep loss to all of us, his widow and other Americans can find some comfort in knowing that he did not die in vain. His life, and those of other American servicemen killed in Vietnam, were given to afford the people of Vietnam the opportunity to once again become free from intimidation and harassment by the forces of aggression. He died so that one day the Vietnamese will be able to decide their own future.

His tragic death could have been prevented if the Vietcong and the Chinese Communists had accepted President Johnson's offer to achieve peace in that strife-torn area through unconditional negotiations. The gauntlet has been tossed and for the moment it appears that world communism will accept nothing less than the total destruction and control of their smaller and peaceful neighbors.

The President, in his speech at Johns Hopkins University earlier this month, placed the responsibility for the quest for peace squarely upon the Communists. Their failure to respond clearly indicates their desire for continued hostilities. These forces have been accurately identified as the perpetrators of continued bloodshed in Vietnam and their unwillingness to discuss this matter at a bargaining table demonstrates their continuing desire to establish a totalitarian empire in southeast Asia.

There is so much which can be done in this area to assist all peoples to gain a healthier, better educated, and more prosperous and peaceful life. As I stated in this distinguished body earlier this month, this war certainly grows as much as anything from the frustrations of hunger and deprivation. The responsibilities of all nations in southeast Asia, and most particularly in Vietnam, are to build rather than destroy, to educate rather than subvert, to heal rather than wound, to cultivate rather than plow under. The quest for peace is the goal for which we are all fighting.

Mr. Speaker, let us never forget the sacrifice of Captain Dean and the other gallant Americans who have shed their blood in this quest for peace. All Americans, and all the peoples of the free world, should stand in honor to Captain Dean and his comrades and pay tribute to their enduring contribution to world peace through the giving of their lives.

Estes Kefauver Memorial Park

EXTENSION OF REMARKS
OF

HON. RICHARD FULTON

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 29, 1965

Mr. FULTON of Tennessee. Mr. Speaker, 2 years ago this body lost one of its most distinguished former Members and the people of the State of Tennessee lost one of their ablest and most outstanding Senators at the death of Estes Kefauver.

He left the Congress with an excellent record as a legislator and champion of the common man. He left Tennessee a better place in which to live, do business, and raise a family because of his efforts in our behalf.

Estes Kefauver was a man of many talents and interests. One of these interests was in the field of conservation and water resource development. Much of the work that has been done for Tennessee by the Tennessee Valley Authority, the Corps of Engineers, and other waterway programs was advanced significantly by Senator Kefauver.

He was especially valuable in securing congressional approval for the J. Percy Priest Dam and Reservoir named in honor of the late Member of this body from Nashville.

Today the Corps of Engineers is developing a 416-square-acre park on the Priest Reservoir in Davidson County, Tenn., on the Hamilton Creek embayment between the communities of Una and Smith Springs. This park will be developed for picknicking, boating, fishing, and other recreational activities.

Mr. Speaker, today I am introducing a bill to name this park the "Estes Kefauver Memorial Park" in honor of the late Senator from Tennessee who did so much for this project in Nashville and similar projects across Tennessee.

Senator Randolph Stresses Strength of Citizenship Responsibility in Address to Student Body in Law Day, U.S.A., Commemoration at Morgantown, W. Va., High School

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Thursday, April 29, 1965

Mr. RANDOLPH. Mr. President, on Friday, April 23, it was my privilege and challenge to speak before the student body of the Morgantown, W. Va., High School in observance of Law Day, U.S.A. Scott Davis, dedicated principal, and his capable teaching staff, were also present.

Established in 1958, Law Day is celebrated on May 1 and is now a permanent national event. It is a time for Americans to reaffirm their loyalties to the United States and rededicate themselves to the ideals of equality and justice. It has been said that "the trouble seems to be that too many people think the law should be enforced, and not enough think it should be observed." The purpose of Law Day is to change this idea.

In our country May Day is a commemoration of the laws which make us free men, a contrast to the communistic celebration which emphasizes military force.

Mr. President, I addressed 1,600 high school students assembled by the Key Club, of Morgantown High School, in coordination with the Monongalia County Bar Association. The program included remarks by Key Club President-Elect Sam Marino, current President Roger Warsewich, and Vice President Gary George.

Representing the Morgantown civic leaders and the Monongalia legal group were: Mayor Arthur Buehler; Albert Morgan, president of the bar association; Robert Goodwin, chairman, Law Day committee, bar association; Robert Creel, vice president, Kiwanis; Steve Gatrell and Albert Tennant, faculty advisers of the Key Club; and Rev. Jerry Rector, campus minister, of West Virginia University.

Mr. President, I ask unanimous consent that this address, "Citizenship and the Rule of Law," to the Morgantown High School students be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CITIZENSHIP AND THE RULE OF LAW

(An address by Senator JENNINGS RANDOLPH, of West Virginia, Morgantown High School, Law Day, Morgantown, W. Va., Apr. 23, 1965)

It is indeed a pleasure to be here in your high school to join in your observance of Law Day.

This is a relatively young celebration—younger than any of you. May 1, 1958, was the first time that Law Day was observed. President Dwight D. Eisenhower issued the first proclamation designating May 1 as Law Day, U.S.A.

Because the leaders of our country felt that Law Day was a day worthy of commemoration, Congress passed a joint resolution in 1961 designating the first day of May as a permanent national observance. This resolution stated that Law Day, U.S.A. "* * * is set aside as a special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America: of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life."

May Day itself has traditionally been a notable occasion for centuries—dating back to pagan celebrations. The Maypole and the Maypole dance date back further than some of the codes of law which are forerunners of the law to which we pay tribute today. Perhaps some of you would prefer the traditional dances of yesteryear to the speechmaking of today—but, if it were not for the rule of law which exists in our land today, even dancing, traditional or otherwise, might be impossible. Many of you have read that the "twist" was outlawed by the Communist leaders, along with Western jazz. As Americans we do not believe in such arbitrary restrictions. Can you imagine the President and the Government of the United States denying you the right to do the frug and the watusi?

And dancing is but one of many individual activities which is regulated behind the Iron Curtain. I have no doubt that if our President did seek to outlaw social dancing, considerable opposition could be found within the White House itself with his two daughters as its leaders.

On May 1 we express formal tribute throughout our land to the faith of every American in the rule of law and its supremacy in the lives of all freemen. One of the reasons that Law Day, U.S.A., came into being was to provide a dramatic contrast to communism's May Day. What better contrast can be made to the missiles and troops parading past Red Square in the Communist celebration of May Day than the peaceful observances, such as ours, that will take place throughout the country? The Communist rule is a rule of force. Under Red rule the rights and liberties of the individual seem to be secondary to the interests of the all-powerful state and the few men who govern it.

What is the rule of law that we commemorate? It is our system of laws that protects the rights of people, assures the freedom and dignity of the individual, and enables impartial courts to settle disputes fairly. The rule of law derives its principles from our Declaration of Independence, the Constitution, the Bill of Rights, and our legal system created by our Constitution to safeguard the rights set forth in these documents.

What are the first words that come to your mind when you think of the United States of America? Democracy? Freedom? Government by law? What is government by law? Do we need it? Let's imagine a football game where there are no rules. It would be havoc.

So in everyday life we must have rules and laws and penalties for their violation. Suppose in this same football game the referee made his own rules, judging each player by his own whims? It wouldn't be much of a game. Government without law can result in dictatorship, with each leader determining what is lawful. The same rules might not apply equally to everyone. With each new leader there might be a change of law. The result would be instability. Citizens would have no standards to guide them.

Our laws come from the people, and through our legislatures. They reflect the belief of most of us as to what is right and necessary for the orderly conduct of our society. If we don't like a law, we can attempt to change it. I receive letters every day from people who want to change laws; yet, they abide by them until they can be changed. The rights of all Americans depend on our respect for the law. You cannot play a football game without rules nor can we have a working society without laws and respect for the rule of law.

We live under a system, fortunately, where supremacy of the law exists. Our unique constitutional structure in which the separation of powers is accomplished and the rights of our individual citizens are defined, has resulted in the elevation of law to a position of supremacy as a component of our democracy. The supremacy of law has great significance today at the international level.

Destruction, in this nuclear age, could conceivably be accomplished in a matter of minutes—by pushing a button. The world and the hope for world peace seems now to have only one hope of survival and that survival can only be accomplished if we turn to the rule of law as a means for bringing peaceful solutions to problems between nations.

The theme for this year's Law Day is "Uphold the Law—A Citizen's First Duty." You, as students, may be able to accomplish little as arbiters of the international crises we face today; you can, however, contribute individually to a greater society in the exercise of your responsibilities as citizens.

What do your duties as a citizen include? First, the duty to obey the laws, the duty to respect the rights of others, the duty to inform yourself on issues of government and community welfare, the duty to vote and to serve on juries (when you are old enough), to serve and defend your country, to assist those that enforce the law, and the duty to practice and teach the principles of good citizenship.

As young citizens you may have unfortunately given the rule of law a negative emphasis, thinking of it as a series of prohibitions. But, law can be an instrumentality of man and a positive force for social order. The law prohibits you—yes—but it also protects you. For example, it protects you here at school; your cafeteria is regulated by certain health and sanitation laws applying to public eating places. You are protected as you sleep at night by building codes and fire prevention laws. Law can be restrictive, but its values far outweigh its restrictions.

It is essential under our system of government that we abide by the restrictions of law which are protective and essential and we must assume the responsibilities of citizenship. Every American citizen, including each student in this high school, should make every day Law Day by doing whatever he can each day to foster respect for law and order and insure the many blessings of liberty we enjoy in this Republic.

Polish Independence

EXTENSION OF REMARKS
OF
HON. CHARLES A. VANIK
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 29, 1965

Mr. VANIK. Mr. Speaker, on Sunday, May 2, 1965, Americans in communities throughout the Nation will celebrate the 174th anniversary of Polish independence. I join my colleagues in paying special tribute to the framers of the Polish Constitution of 1791. The people of Poland and those Americans of Polish descent can be proud of this rich heritage of freedom which stemmed from the adoption of their Constitution. This document was inspired by the American Declaration of Independence and it included within its framework the fundamentals of freedom written into the U.S. Constitution several years earlier. It is fitting and proper that we remember each year this document of freedom which symbolizes with our own the will of man to achieve liberty.

While the people of Poland have been less fortunate than we in preserving their freedom in their homeland, they have persevered in their efforts to regain liberty each time it was taken from them by war and political partitions. In addition to their brave resistance to tyranny at home, they have sent to our own shores their sons and daughters who have made a major contribution in our own struggle to maintain the institutions of democracy. Americans of Polish descent who live in Cleveland as well as in other American communities, have been stable, prudent, and reliable citizens. They have contributed in every line of endeavor. They have been a part of the greatness of our country.

It is to be hoped that a relaxation of artificial barriers which exist in Europe will permit greater communication between citizens of the free world and Iron Curtain countries. Communism cannot long survive in its present tyrannical form if it is thus exposed to the free exchange of ideas which would result from increased personal contacts between citizens of our countries.

The 40th Anniversary of the Lions Club, Miami Beach, Fla.

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1965

Mr. FASCELL. Mr. Speaker, as a member of the Lions Club of Miami, I am only one of hundreds who will offer their congratulations and tribute to the Miami Beach Lions Club on the occasion of its 40th anniversary.

As an example of the spirit that animates those who hold dear the purple and gold banner of Lionism, I may cite the resolution of Florida's Lions which I had the honor to bring to the attention of the House of Representatives on March 26. The resolution "recommended and requested that all Lions, Lions Clubs, and Lions districts in the State of Florida, and Florida Lions while assembled in the next Florida Lions State convention, do favorably consider the adoption of this active program of American citizenship and patriotism. We pledge ourselves individually and collectively to take vigorous and positive action by encouraging, participating, and helping to develop educational programs designed to emphasize the American way of life to include our traditions, ideals, and religious freedoms, as well as our political and economic rights as guaranteed by the Constitution of the United States, and to insure that our children, and the public are informed of the nature of the international Communist conspiracy to conquer the world."

The Lions Club of Miami Beach is only 10 years younger than Miami Beach itself, which celebrated the 50 years since its incorporation as a city on March 27. Of course, Miami Beach was already a going concern when the incorporation papers were signed in 1915. At that time there were plenty of hotels and bathhouses and a furious activity in construction. The man behind much of the activity was Carl G. Fisher who had planned and was building this beautiful resort city. He put up hotels, golf courses, polo fields, and playgrounds. Miami Beach has developed in 50 years from Fisher's plans and plats to a lovely city which entertains 2 million vacationers each year. For its own citizens it provides the services and joys of a true community.

The Lions Club of Miami Beach has had more than its share in the growth and development of this community. How could it have been otherwise, since Lions are men who are interested in good will and good fellowship, instead of distrust, fear, and hate. As the largest service club organization in the world, Lions International has achieved a truly outstanding record everywhere, but it is its achievements here in Miami Beach that we wish to honor on the 40th anniversary of our own Lions club.

Some of the entries for the early years in "The Lion" show how busy the Lions club of Miami Beach was, and describe the nature of the activities that it undertook in those days so long ago. In the April 1926, issue, it was noted that the club "arranged for the extension of streetcar lines; placed two signs of 'welcome' at the city's entrances, and assisted in the collection of subscriptions for the Miami University."

In the May 1926, issue, there was reported "a joint meeting with Miami club to meet President Benjamin F. Jones. Continuing the investigation of the school system with the idea of having the schools taken from county control and placed in the hands of a local board. Assisting the chamber of commerce in their advertising campaign."

The same spirit of dedication to country, community, and human welfare that inspired the founders of the Miami Beach Lions club remains part of the club's greatness today. It deserves every salute that it will receive on its 40th anniversary.

Cutting Costs With Carpets

EXTENSION OF REMARKS

OF

HON. W. J. BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1965

Mr. DORN. Mr. Speaker, I have been most impressed with the tremendous technological gains our carpet industry has made in the last few years. Carpets are no longer considered a luxury item but are now recognized by experts as a desirable and economical floor covering. The manufacture of floor coverings which wear longer, look better, absorb noise and reduce cost of maintenance has enabled this industry to expand their markets to many new areas thought impossible only a short time ago.

I would like to take this opportunity to commend our distinguished leader, Mr. McCormack, his special committee, and the Architect of the Capitol for their foresight in authorizing the installation of carpet in the new Rayburn Office Building. These carpets have created a dignified and wonderful environment, but most important of all, the Government can maintain these floors at a higher appearance level and at the same time save money on maintenance costs. You will be interested to know that they have installed the carpets over concrete slab, thereby eliminating the necessity of installing other expensive types of floor covering. I am convinced that the savings in maintenance costs alone will be more than enough to pay for the carpets and installation within a very short period, and in addition, the carpets have made each office a more efficient and desirable place in which to work.

Mr. Speaker, I am proud of the dynamic progress which the carpet mills in my district have made. Our research and development programs have been fascinating and the end results have been fantastic. South Carolina is considered one of the leading carpet centers in the world and our plants there are providing employment for thousands of people. They are making a lasting contribution to the industrial growth and welfare of my district and my State.

The installation of carpeting has been for many years an accepted practice in hotels, motels, and many offices, but in the last few years research has proved beyond any reasonable doubt that carpets are an economical and desirable floor covering in schools, hospitals, dining rooms and many other public areas. You will be interested to know that a carpeting is now being designed especially for kitchens. Research conducted at schools where carpeting has been installed shows that the carpeted area cost approximately half as much to maintain at a higher appearance level when compared to other types of floor covering. The savings derived from the use of carpeting in schools throughout the Nation has been most impressive.

The Bender Building, here in Washington, D.C., has installed carpeting in all its corridors and elevators consisting of approximately 1,729 square yards. Based on their own study, the owners estimate their maintenance costs alone have been reduced by $10,000 annually. On the basis of the desirable results obtained from this pilot project, this corporation is installing carpeting in their new office building located at 18th and G Streets NW. Carpeting will be placed in the corridors, elevators and all office space. It is my understanding that a substantial savings in maintenance costs will be made through this use of carpeting.

Acoustical qualities of carpet are another important factor which have gained recognition in the past few years. Dr. Harris of Columbia University, who has performed extensive acoustical research on carpeting, found that controlling noise at its source was far better than allowing noise to be created and then trying to control it with acoustical tile. He estimated that noise could be reduced in a room by as much as 50 percent through the use of carpet. The U.S. Bureau of Standards has estimated that sound-conditioning properties of carpet were not only 10 times greater than any other flooring product, but actually increased the efficiency of many acoustical products used on ceilings.

The Federal Housing Administration has given carpeted floors a higher rating for their ability to reduce impact noise in apartment buildings. A publication by the Federal Housing Administration points out that the rapid rate of apartment buildings currently in progress in cities throughout the Nation, plus the trend to lightweight structures and increasing noisiness of our environment, "have led to a growing number of complaints to the FHA of inadequate sound isolation in multifamily dwellings." In every series of tests reproduced in the report, the floorings using carpeting—with and without padding—surpassed other floor and ceiling combinations in their ability to reduce impact noise. Also, the carpeted floors tested exceeded the FHA recommendations for minimum noise control in every case.

You will also be interested to know that leading architects throughout the Nation are recommending carpeting in schools, hospitals, apartments and other public areas as a desirable and economical floor covering.

I have been intrigued with the expanded use of carpeting in public schools and the favorable reaction by pupils and teachers as well as the tremendous savings made through reducing maintenance costs. I would like to insert an excerpt from the American Carpet Institute's newsletter concerning a maintenance contract for schools:

EDUCATIONAL FACILITIES LABORATORIES, INC., NEWSLETTER REPORTS ON CARPET PLAN NOW OPERATING IN CALIFORNIA SCHOOLS

The current issue of EFL College Newsletter, fifth in a series published for college administrators by Educational Facilities Laboratories, Inc., reports on a carpeting program developed and operated by the School Research & Service Corp., 5201 Kenwood Avenue, Buena Vista, Calif.

Erwin Somogyi is president of the corporation which offers carpet to schools and colleges at no initial cost with a 5-year maintenance contract.

The newsletter reports: "Via the wonders of American enterprise, seven California public schools opened this fall, their interiors graced by 30,000 square yards, or almost 6 acres, of wall-to-wall carpeting that won't set them back a nickel initially. The carpet is not a gift. The secret ingredient—as they say in the soap commercials—is maintenance."

The report explains that schools contracting for 5 years of maintenance services get carpeting, installation, and service in the same package. This is made possible, the newsletter states, by two factors:

"(a) With carpeting, less maintenance is required than when the schools had hard surface flooring; (b) the contractor, using special equipment and techniques, is able to perform the work with greater efficiency than the schools' custodial staffs. Where a school formerly required eight men to do the job, the contractor can cut it to five. The savings on the cost of the three men amortizes the carpeting. The arrangement, therefore, is not possible without the carpeting."

The report explains that carpets used are of a high quality of the same type installed in Shaker High School, Newtonville, N.Y., and that colors, quality, installation, and care conform to specifications set up by the schools. Arrangements are made for renewal of the 5-year contracts, an option to buy the carpet, or termination of the contract after 2 years with carpet leasing or purchasing.

The newsletter quotes Frank L. Mattox, assistant superintendent of business, La Puente Union High School District: "A thorough cost study was made prior to entering into the carpet and custodial services contract * * *. We found that there would be no material increase in cost by contracting the service. We have been in operation in a new high school under this contract for about 1 month and our experience so far has been in line with our estimates. It would appear that by contracting this service, including the carpeting, we will experience no increase in cost of any significance. We plan to evaluate this program during each of the 5 years of the contract period."

This is impressive evidence of the overwhelming merits of carpeting and is full justification for expanded use of carpet in all Government buildings including hospitals, rehabilitation centers, nursing homes, housing for senior citizens and housing financed by FHA.

I have outlined only a few of the outstanding features of carpet which justify it as an economical floor covering. I am indeed pleased that carpeting has been installed in the new Rayburn Office Building and I would like to commend the carpet industry for the outstanding progress they are making in designing and manufacturing carpets which will contribute to making the new Rayburn Office Building a beautiful and more desirable place in which to conduct our business.

George Washington Good Government Award to Hon. Oren Harris

EXTENSION OF REMARKS

OF

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1965

Mr. ROGERS of Florida. Mr. Speaker, last Sunday, April 25, at the annual George Washington dinner given by the American Good Government Society, celebrating the 176th anniversary of the inauguration of the first President of the United States, the society's 1965 George Washington Awards were presented to the Senator from Nebraska, Mr. HRUSKA, and our distinguished colleague in the House, the gentleman from Arkansas, the Honorable OREN HARRIS.

The award, in the form of a scroll, was presented to Congressman HARRIS by former Congressman Harold O. Lovre, a trustee of the American Good Government Society. In making the ward, Mr. Lovre hailed him as one of the greatest legislators and public servants of our time. Said Mr. Lovre:

He has achieved this high standing largely because of his unswerving dedication to the principles laid out for us long ago by the revered founders of this glorious Republic. He is sincere of purpose. He is loyal to his people and his country. He drives himself to the limits of his endurance, and he has an uncommon capacity for looking objectively and in great depth, at all sides of an issue. His judgments, when finally passed, reflect logic, a keen sense of fair play and, above all, the courage of his convictions.

Mr. Speaker, I include herewith the inscription on the scroll presented to Congressman HARRIS and his acceptance remarks at this point in the RECORD:

Lawyer and statesman, has served the people of Arkansas and the United States almost 30 years: first as prosecuting attorney, and then as Representative in Congress for 25 years, and the last 8 of these as chairman of the Committee on Interstate and Foreign Commerce.

His broad knowledge and clear understanding of commerce, gained in long years of work with his able colleagues, have made him an outstanding committee chairman. This all-important work includes such diverse elements as transportation of every kind; public safety in trade, in food and drugs, and in less air pollution; financial underwriting and stock exchanges; communication by telephone, telegraph, radio, and TV; and interstate movement of natural gas, oil, and electric power.

Representative HARRIS' character, ability, industry and judgment have won him the high regard of his colleagues, and of the host of citizens whose affairs make up the work of his committee.

Arkansas can be justly proud of her illustrious son.

STATEMENT OF CONGRESSMAN OREN HARRIS ON ACCEPTANCE OF GEORGE WASHINGTON AWARD, AMERICAN GOOD GOVERNMENT SOCIETY, WASHINGTON, D.C., APRIL 25, 1965

Mr. Lovre, Mr. Chairman, fellow colleagues, honored guests at the head table, and friends all, let me express my deep and sincere appreciation for being here tonight as one of the recipients of the George Washington Award of the American Good Government Society.

I don't know whether or not it is simple coincidence but it's interesting to note that this is the 13th annual awards banquet. It honors a man who originally started out leading 13 Colonies. I started my political career as prosecuting attorney for the 13th Judicial District of Arkansas. I am looking forward to my 13th term in Congress, and as if that weren't enough, my lovely wife Ruth, who is here with me this evening, celebrates her birthday on the 13th. Another interesting fact about tonight's awards presentation, and I am sure that it, too, is coincidental, has to do with my good friend, Senator HRUSKA, and the State from which he comes. Although we appear here tonight as equals, I am mighty happy to say that was not the way things ended up in the Cotton Bowl last January between Arkansas and Nebraska.

After those introductory remarks by my good friend and former colleague, I thought of the story of the widow upon hearing the remarks of the preacher at her husband's funeral. She leaned over and said to her son, "Boy, step up there and see if that is your paw in that wooden box."

At any rate, I feel like the confused and excited recipient of an award who said, "I don't know whether I appreciate it or not but I sure deserve it."

Seriously, to be selected as the recipient of this George Washington Award is a tribute and honor I shall ever cherish. To be included with so many great and distinguished Americans honored by this patriotic organization, one of whom is seated at the head table tonight—my close personal friend, Senator JOHN MCCLELLAN, of my State—and a third member of our Arkansas team, the Honorable WILBUR MILLS, who was unable to be here tonight, but who sends his regards in a nice telegram, is a recognition I have never expected or dreamed of.

I am deeply grateful and humbly accept your generous accolade in recognition of 25 years of service as a Member of the Congress of the United States. It is my fervent hope and prayer that I may continue to serve our country during this pathway of life that will justify your confidence.

As Harold has already told you, back in 1940, a lot of good people in Arkansas elected a young district attorney as their Congressman. I suppose they thought that anyone who had made it through the depression, survived the confrontations of a district attorney, and who had the nerve to proclaim that he could be elected to Congress ought to have a fling at it for them in Washington.

Regardless of the reasons, however, I am profoundly grateful that they gave me the opportunity and that they have done me the signal honor of serving in this great institution during these years.

Many of those same good folks have come to Washington and are here tonight to share this occasion with me. As I look out over this gathering, I see so many friends from Arkansas, and permit me to express my thanks and appreciation for your being here.

I fully recognize that whatever success I may have had, or the contributions I may have made toward better government, have come through the assistance, cooperation, and confidence of the people from my district. This occasion tonight must in a large measure be shared with my lovely wife, Ruth, other members of the family, and the people of my district and State. It is to them that I give the major credit.

I want to pay my compliment to the American Good Government Society, an organization whose heritage and contribution to our Nation, the principle of constitutional goverment, and the strength of our society, speak for themselves.

The problems of government are always intense and, therefore, in need of constant concern on the part of the people. By constantly calling attention to these problems, your organization provides a practical service of great consequence to all Americans.

As a student of government, I am convinced that the most exceptional governmental system yet conceived by man is ours as originally established under the Federal Constitution in 1787. Prime Minister Gladstone, perhaps the greatest in the history of Great Britain, said of our Constitution that it was "the most wonderful work ever struck off at a given time by the brain and purpose of man."

As observers of political events, we are familiar with the fact that controversy has raged for 177 years, since the adoption of our Constitution, over the question of its basic purposes.

And yet, the fact is clear to us all that the supreme issue in American life today as in the past is whether or not our political system with its remarkable institutions and their traditions shall be maintained in the face of great and continuous pressure from without, as well as from within.

If we are to resist these pressures, we must first insure a basis of stability without which all government is subject to division, confusion, and turmoil. The first step—the primary consideration—toward stable conditions is, of course, good government, the constant guarantee of law and order, and freedom from chaos.

To Americans good government is better known perhaps than to any other people in the world. Yet, even here there are examples of the opposite from time to time in all levels of our system.

Moreover, to us—to all Americans—good government has come to mean far more than honesty, efficiency, and competence on the part of public officials, which is important and imperative. In the eyes of our people the true measure is in terms of achievement, achievement along the lines on which our Government was organized, instituted, and ordained.

Under our unique governmental arrangement, the people chose to create a Federal authority to whom they granted certain powers, dividing the rest between the State governments and the people themselves—the last retaining full sovereignty in the moral realm of personal liberty.

And yet, no sooner was the vehicle of American democracy in motion than disputes arose as to the interpretation of the rules set forth in the Federal Constitution. In consequence of this, the struggle over constitutional interpretation has raged along endlessly from the foundation of the country until this present day.

The voice of the Federal Government is louder today in the operation of our national tasks than ever before in history. There is always a need to keep the balance between Federal, State, and personal authority, and when the scales tip too far in one direction, there must arise a force to strike and rectify the condition.

To such a purpose we must be dedicated in order to preserve democratic tradition. Let us in our day have cause to rejoice in the fullness of our service, knowing full well the value of vigilance to the cause of freedom.

It is with this profound sense of humility and deep appreciation that I receive this token of esteem, which I shall cherish throughout my life.

SENATE

FRIDAY, APRIL 30, 1965

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, who art behind the enshrouding shadows, and in them, and who in all life's crises art a shelter from the stormy blasts, and as the shadow of a great rock in a weary land: Thou hast called us to play our part in tragic and decisive years which are determining the shape of tomorrow's life for Thy children on this earth which is our home.

Undisturbed by the shattering events which fling their angry fury across our troubled world, we would maintain an inner sanctuary inviolate and still.

As increasing tests await this dear land of our hope and prayer, we pray that we may not shirk facing the issues of these creative days as we discharge the stewardship of world leadership, or lose our victorious faith in the final overthrow of evil and the coronation of righteousness and truth, but that solemnly committing ourselves and our cause unto Thee who knoweth the way we take, we may come forth like gold tried in the fire.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. STENNIS, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 29, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Labor and Public Welfare.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 4714) to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriation therein, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 4714) to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriation therein, was read twice by its title and referred to the Committee on Labor and Public Welfare.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. STENNIS, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF ATTORNEY GENERAL RELATING TO SMALL BUSINESS

A letter from the Attorney General, transmitting, pursuant to law, a report relating to small business (with an accompanying report); to the Committee on Banking and Currency.

Operation of Certain Concessions at Washington National Airport

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting a draft of proposed legislation to amend the act of October 9, 1940 (54 Stat. 1030, 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes (with an accompanying paper); to the Committee on Commerce.

Proposed Legislation Relating to District of Columbia

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Income and Franchise Tax Act of 1947, as heretofore amended, to provide that taxable income for District income tax purposes and net income for District franchise tax purposes shall conform as closely as possible to taxable income for Federal income tax purposes under the present and future income tax laws of the United States, except as otherwise specifically provided herein, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

Amendment of Section 1822(a) of Title 38, United States Code, Relating to Certain Damage Actions

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to amend section 1822(a) of title 38, United States Code, to extend the provisions for treble-damage actions to direct loan and insured loan cases (with an accompanying paper); to the Committee on Finance.

Report of the American Legion

A letter from the director, the American Legion, Washington, D.C., transmitting, pursuant to law, a report on the financial condition of that organization, and the related statements of income, expense, and surplus, for the calendar year 1964 (with an accompanying report); to the Committee on Finance.

Report of U.S. Information Agency

A letter from the Director, U.S. Information Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for the 6-month period ended June 30, 1964 (with an accompanying report); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on inadequate planning, programing, and contracting for a fixed communications system for the Government of Indonesia under the military assistance program, Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective interservice utilization of aircraft jet engine parts, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overpricing of aircraft identification equipment under Contract AF 30(635)-13712 with Bell Aerosystems Co., a division of Bell Aerospace Corp., Wheatfield, N.Y., Department of the Air Force, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred in the indirect procurement of selected subsystems and assemblies for A-4 aircraft and other types, Department of the Navy, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary retention of high-value land for recreation, Reserve forces training, and military housing purposes at Fort Derussy, Waikiki Beach, Hawaii, Department of the Army, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

Report on Tort Claims Paid by Department of State

A letter from the Assistant Secretary for Congressional Relations, Department of State, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Department, during the calendar year 1964 (with an accompanying report); to the Committee on the Judiciary.

Resolution of Association of Mayors of Puerto Rico, Relating to Civil Rights

A letter from the Legislative Reference Service, Library of Congress, transmitting a translation of a letter of transmittal and resolution of the Association of Mayors of Puerto Rico, supporting President Lyndon B. Johnson in his struggle for civil rights (with accompanying papers); to the Committee on the Judiciary.

Study Relating to Establishment of a National Armed Forces Museum

A letter from the Secretary, Smithsonian Institution, Washington, D.C., transmitting, for the information of the Senate, a copy of a study relating to the establishment of a National Armed Forces Museum (with accompanying papers); to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

"H. 1637

"Resolution memorializing the Congress of the United States to propose an amendment to the Constitution of the United States prohibiting literacy tests, so-called, in the States, as a prerequisite to the exercise of voting rights

"Whereas the right to vote is a right guaranteed to all citizens by the Constitution of the United States, regardless of race, color, creed or national origin; and

"Whereas there are now in force in some States laws which, in effect, frustrate this constitutional right by imposing certain conditions, restrictions and prerequisites on the right to vote, which have the effect of disfranchising many citizens of the United States; and

"Whereas literacy tests, so called, as a prerequisite to the right to vote, have the effect of disfranchising many citizens of the United States, who are otherwise qualified to vote, and guaranteed the right to vote by virtue of the U.S. Constitution: Now, therefore, be it

"*Resolved,* That the General Assembly of the State of Rhode Island and Providence Plantations place itself on record as respectfully requesting the Congress of the United States to propose an amendment to the Constitution of the United States prohibiting literacy test, so called, in the States, as a prerequisite to the exercise of voting rights, and to submit said proposed amendment to the legislatures of the several States for ratification; and be it further

"*Resolved,* That the secretary of state prepare certified copies of this resolution and send them to the Speaker of the House of Representatives and the President of the Senate in the U.S. Congress, the majority and minority leaders of both Houses of Congress, and the members of the Rhode Island delegation in the Congress."

A resolution adopted by the Board of Trustees of the Village of River Hills, Wis., relating to tax relief for State and local governments; to the Committee on Finance.

By Mr. SALTONSTALL (for himself and Mr. Kennedy of Massachusetts):

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Commerce:

"Resolution Relative to the Decision of the Civil Aeronautics Board in Washington To Reject the Application of Northeast Airlines for a Permanent Certificate To Run Commercial Flights Between Boston and Florida

"Whereas the Civil Aeronautics Board in Washington has rendered a decision rejecting the application of Northeast Airlines for a permanent certificate to run commercial flights between Boston and Florida; and

"Whereas during the past 8 years Northeast Airlines has operated under a temporary certificate to make this run and has established a successful operational effort. It now carries 60 percent of all Boston-to-Miami passengers, more than 60 percent of all Boston-to-Washington passengers, and almost 60 percent of all Boston-to-Philadelphia passengers; and

"Whereas Northeast Airlines is a definite asset to the economy of all New England, providing 2,500 skilled jobs, an annual New England payroll of $16 million, and $3,500,000 in annual expenditures for supplies in New England; and

"Whereas because of the fact that Northeast Airlines has been operating under a temporary certificate, it has been impossible for the company to obtain long-term financing thus adding a drain on its resources; and

"Whereas the granting of this permanent certificate is essential if Northeast Airlines is to continue to operate: Therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby requests the Civil Aeronautics Board in Washington to reconsider its decision and grant to Northeast Airlines the permanent certificate to make the Boston-to-Florida run; and be it further

"*Resolved,* That copies of these resolutions be transmitted by the secretary of the Commonwealth to the Chairman and every member of the Civil Aeronautics Board in Washington, and to the Members of Congress representing the New England States.

"Adopted by the house of representatives April 21, 1965.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

AMERICAN POLICY AND THE DOMINICAN REPUBLIC

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may be permitted to speak for 10 minutes.

The PRESIDING OFFICER (Mr. Mondale in the chair). Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I regret that I was unable to be in the Senate Chamber yesterday when the senior

Senator from Mississippi [Mr. Eastland] made his remarks concerning the situation now prevailing in the Dominican Republic.

On several occasions in the past I have pointed out the fallacy of American policy toward the Dominican Republic. The role played by the United States in the overthrow of the Trujillo regime was shameful. There can be no doubt that we were wrong in meddling in the internal affairs of the Dominican Republic. In our zeal to foist democratic governments upon the people of Latin America we inevitably find that in most all attempts we have exchanged a stable government for one of chaos. The record of our policy toward Latin American governments should convince us that there are far worse things than the traditional military governments of those republics.

In Cuba we exchanged an innocuous army sergeant for a dangerous Communist that almost brought disaster to us in October 1962. I had warned against Castro, but the State Department and the press clamored for Batista's ouster and saw in Castro a savior for Cuba.

It is time that our Government put aside its moralist attitude in foreign policy. We must acknowledge the fact that we cannot hurry the process of democracy. We can only encourage it. We can hope that others will follow the example of our Revolution, but we must not allow ourselves to pursue unwise policies when they choose to charter their course differently. Democracy is a slow and painful process which has its foundations in the development of a sense of personal responsibility in the citizenry.

Leaders who are not satisfactory to us may be suitable for the countries they head. If we continue to look for George Washingtons in every revolutionary uprising in Latin America, we shall continue to be rewarded with Castros.

That Trujillo was a strong man cannot be denied, but to equate his type of dictatorship with that of Hitler's was a serious mistake. Here I am speaking of intensity and not just magnitude. During the Trujillo regime American assistance to the Dominican Republic was negligible, amounting to only $4 million. Now it is enormous. In spite of that aid, the political and economic conditions of that country were far healthier than today. We have given $103.9 million to that nation since Trujillo's death, excluding fiscal year 1965, the current fiscal year.

I visited the Dominican Republic in 1958 and at that time the assistance we granted was primarily technical and at low cost. Great progress was made in the economic development of the country under Trujillo's direction. In my report to the Senate, I observed that:

> His [Trujillo's] efforts have been directed at bettering the living conditions of his people. It is obvious that under his administration the Dominican Republic has made great economic progress. As a matter of fact greater progress has been made in the Dominican Republic since 1952, the year of my last visit, than in any country in South and Central America during the same period.

I have never advocated the use of American aid to shore up dictatorships in Latin America. I have advocated self-determination of these republics and the encouragement of closer economic ties between the United States and the other countries of this hemisphere. I have favored and do now favor technical assistance and repayable loans for the development of the great natural resources of our hemisphere. I support the principles of the Alliance for Progress and have always insisted that our first consideration in extending assistance should be to Latin America. Close proximity alone is sufficient reason to concentrate on the economic development of these republics.

In my speech on the Senate floor on August 24, 1960, regarding our policy toward the Belaguer government of the Dominican Republic, I said:

> In politics, both domestic and foreign, as in physics, a vacuum once created is quickly filled. The sanctions which the President proposes to impose against the Dominican Republic—commercial sanctions, as opposed to an embargo on arms shipments—will, in time, I am convinced, result in the removal of the existing government of that country and in the creation of a political vacuum. Once a vacuum develops, Mr. President, it will be quickly filled.

If we constantly pressure governments to conform to our ideas of democracy by use of the aid programs we shall never have stable governments. It is charged that our aid is being wasted by corrupt practices. This is one reason I have opposed this type of aid. Countries are less likely to waste money obtained through repayable loans than by grants. Emphasis should always be placed on technical assistance which is of enduring value to the countries because it improves the people themselves.

An examination of our aid to the Dominican Republic from 1946 to 1964 indicates how much assistance we extended the Bosch regime and even with such massive aid it collapsed. Very little assistance was given to Trujillo, yet the country and its people were much better off then than they are today.

Mr. President, I ask unanimous consent to have printed at this point in the Record a table entitled "Aid Extended to Dominican Republic During the Period 1946–64."

There being no objection, the table was ordered to be printed in the Record, as follows:

Aid extended to Dominican Republic during the period 1946–64

Year:	*Amount*
1946–48 (economic)	$500,000
1949–52 (economic)	300,000
1953–57 ($4,300,000 military; $1,200,000 economic)	5,500,000
1958 ($900,000 military; $200,000 economic)	1,100,000
1959 ($700,000 military; $200,000 economic)	900,000
1960 ($200,000 military; $200,000 economic)	400,000
1961 (economic)	100,000
1962 ($200,000 military; $35,000,000 economic)	35,200,000
1963 ($1,900,000 military; $51,600,000 economic)	53,500,000
1964 ($1,500,000 military; $13,700,000 economic)	15,200,000

(From 1946 to 1963 an additional $2,500,000 of military stocks at acquisition cost to the United States was given to the Dominican Republic.)

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in the Record my full report on the Dominican Republic, which I made in 1958.

There being no objection, the report was ordered to be printed in the Record, as follows:

Dominican Republic

The Dominican Republic occupies the eastern two-thirds of the island of Hispaniola, which lies in the Caribbean Sea between Puerto Rico and Cuba. The western third is occupied by Haiti.

The area of the Dominican Republic is approximately 20,000 square miles, or about the combined areas of Vermont and New Hampshire. The maximum length from east to west is 240 miles and the maximum width from north to south is 170 miles. It has a coastline of more than 1,000 miles and the common border with Haiti runs 193 miles.

The population is approximately 2.5 million, composed of 70 percent mixed blood, 10 percent white, and 20 percent Negro. Ciudad Trujillo, the principal city, has a population of 194,000.

Discovered by Columbus on his first voyage in 1492, the island of Hispaniola constituted, in early colonial times, the jumping-off point from which the Spaniards fanned out into this hemisphere. The French settled the western end of the island which in 1697 was ceded to France and in 1804 became the Republic of Haiti.

In 1822 the Haitians conquered the whole island and held it until 1844 when the hero of Dominican independence, Juan Pablo Duarte, drove the Haitians out and established the Dominican Republic as an independent state. In 1861 the Dominicans voluntarily returned to Spanish domination and remained annexed to Spain until 1865.

In 1905 the U.S. Government established a receivership over the Dominican customs on behalf of U.S. bondholders, and U.S. financial tutelage continued in one form or another until 1940. From 1916 to 1924 the U.S. Marines occupied the Dominican Republic. Rafael L. Trujillo rose to power in 1930 when he first was elected President. He has remained in effective control of the Dominican Republic since then.

During Trujillo's stewardship, the Dominican Republic has made very substantial progress economically and in public health and construction. Members of the Trujillo family occupy high offices in the Government, including the Presidency, and also are reported to hold wide economic and financial interests in the country.

The Dominican economy is basically agricultural and is dependent for prosperity on world markets for its agricultural staples—sugar, coffee, and cacao. Of prime importance is sugar, which normally constitutes about 38 percent of the value of Dominican exports; 95 percent is sold for dollars in the world market.

Most of the coffee and cacao production is sold in the United States. Small quantities of foodstuffs, such as coconuts, beans, chilled beef, and live cattle, are exported to Puerto Rico and other Caribbean islands. The value of Dominican exports in 1957 was $161,017,000 and the value of imports, $116,478,000. Half of the exports normally go to the United States and more than 60 percent of the imports come from the United States. Per capita national income in 1955 was $226.

Rice, corn, plantains, oranges, and pineapples are produced principally for domestic consumption. Manufacturing is limited primarily to the processing of certain agricultural commodities such as the manufacture of raw sugar, of sisal for cordage and other purposes, the production of rum, chocolate, and edible oils.

There are a few other industrial enterprises including cement, brewing, textile, and soft drinks. The mining industry is very small, although some salt and gypsum deposits are being mined and high-grade iron ore is being produced in very limited quantities. Bauxite deposits are being developed by Alcoa.

I was amazed at the signs of economic development since my last visit in 1952. The capital city of Ciudad Trujillo has had its face lifted and is being converted into a modern municipality. I was told by a number of U.S. businessmen as well as our own official representatives here, that Generalissimo Rafael Trujillo is a human dynamo, and one of the busiest men in his country. His efforts have been directed at bettering the living conditions of his people. It is obvious that under his administration the Dominican Republic has made great economic progress. As a matter of fact greater progress has been made in the Dominican Republic since 1952, the year of my last visit, than in any country in South and Central America during the same period. I was told that the country is now almost self-sufficient in the production of many commodities.

The Trujillo reign has been the subject of much criticism in the United States. In all frankness, I wish to make it abundantly clear that I do not regard myself as being in a position to comment on the conduct of the Government of this country, one way or the other. I have no personal knowledge as to the internal policies or, for that matter, the political composition of the Government of the Dominican Republic, although Americans with whom I spoke during my visit offered some criticism and also lots of praise.

I did find that hundreds of new homes have been built in Ciudad Trujillo. In addition I saw many fine schools, good hospitals and excellent market facilities. I was informed that similar facilities have been provided in other parts of the country. I did not see cleaner and better operated markets in any South or Central American country than those I saw in the Dominican Republic. It is apparent that good meat, fine poultry and a large assortment of vegetables and other products are now being produced in large quantities.

I was informed that the Trujillo government has fostered the immigration of over 200 Jewish people who are engaged in developing a dairy industry. They have met with much success.

A good road system is being built and many harbors are being adapted to commerce.

I talked with both Generalissimo Trujillo and his brother, the President, Hector B. Trujillo Molina. We discussed various subjects and I reminded Generalissimo Rafael Trujillo of two previous occasions when I had met him, both of which were in Washington. He remembered the two occasions.

I asked for a frank opinion from both men as to the status of relations between the United States and the Dominican Republic. General Trujillo emphasized that, in his opinion, relations were extremely good, and that he knew of no way to improve them.

Our discussions centered on the island's economy, and I was given much information which later I substantiated by personal visits. I did not discuss the case of Gerald Lester Murphy, the American pilot who disappeared under mysterious circumstances in December of 1956, nor did I allude to the criticism of the Trujillo regime in connection with that incident.

In my tour of the Republic, I saw visible evidence of expanded agricultural and industrial capacity far beyond my expectations. The people are working and seem to be contented.

I visited one of the world's largest sugar mills, located at Rio Haina. The equipment is massive. The mills crush 15,000 tons of cane each 24 hours, and with a total capacity of over 2,700,000 tons of cane per year. Total sugar production for the country is 900,000 tons per year. The Dominican Republic's internal consumption amounts to 60,000 tons. Some 73,000 tons is exported to the United States under the existing quota system and the remainder is sold at world prices.

I also saw the site of the 1956 fair (the buildings are now being used to house various government agencies), and I visited the site of Christopher Columbus' landing on Hispaniola. The stump of the old tree where Columbus is said to have tied his ship still stands, although reinforced by concrete.

I also visited a palace built by Bartholomew Columbus, which was recently restored at a cost of over $1 million. At Columbus Square, I entered Columbus Church, where Christopher Columbus is said to be buried. The church is over 400 years old.

A very spacious and modern hotel has been built in recent years. It compares favorably with many of our own. The country offers an ideal spot for tourists.

EMBASSY OPERATIONS

Our Ambassador to the Dominican Republic is Joseph S. Farland, a conscientious worker who is apparently doing a good job, and is well liked.

So far he has prevented the construction of a new chancery building—or, at the very least, an expensive addition to the present building. He told me that the addition of a few rooms to the rear of the present structure would more than take care of the Embassy's needs.

He also did his best to prevent the recent extensive repairs to the home of the Ambassador, but his views did not prevail.

Incidentally, 2 years have elapsed since construction began, and the work is still not completed. The Ambassador is living in a rented building. I was informed that the repairs will cost more than $150,000.

The political section is headed by Francis L. Spalding, who is also deputy chief of mission. He is assisted by one officer and one U.S. secretary. Two other Americans are also assigned to this section but are not chargeable to the State Department.

The section is well organized, and could well serve as a model for other posts. No reports are required of this section, other than contributions to WEEKA.

The economic and commercial section is under the direction of Henry S. Hammond. His staff is composed of one American officer and one secretary, plus two local employees. He said his chief duty is filling the comprehensive reporting program reports.

Harry M. Lofton is chief of the consular section. He is assisted by two American officers, one American clerk and five locals. There are 1,260 U.S. citizens registered with the consular; some 3,000 or 4,000 additional Americans in the Dominican Republic who serve on occasions although not registered. This latter category includes a number of people who entered the Dominican Republic from Puerto Rico to work in the cane fields. Many have remained here so long that they have lost their U.S. citizenship.

During the first 6 months of 1958, this section issued 650 immigrant visas and 2,030 nonimmigrant visas. Mr. Lofton said that the yearly average amounts to about 6,000 nonimmigrant quotas and 1,150 immigrant quotas. About $30,000 in fees are collected each year. Lofton is a fine and faithful officer and is well qualified to hold a much higher position than he now fills.

Lee Cotterman is head of the administrative section. Thirteen Americans and 11 local employees are charged to this section. However, of the 13 Americans 7 are U.S. Marine guards. Cotterman is the only officer in this section, which does all the "housekeeping" work for USIS, including the preparation of their budget. It also extends either full or partial administrative support to ICA (but does not participate in either budget preparation or payment of employees for this agency), the agricultural attaché, and the Air Force and Naval Mission, and Military Assistance Advisory Group.

Exhibit A is the table entitled "Current Total Allotment Limitations," which lists, among other things, the amount of money paid the administrative section on a reimbursable basis for work performed for non-State Department agencies.

Exhibit B is a memorandum covering Embassy operations.

SERVICE ATTACHÉS, MILITARY MISSIONS, AND MILITARY ASSISTANCE ADVISORY GROUP

The naval military attaché, Cmdr. Thomas Keyes, is the sole military attaché here. The Army attaché in Havana and the Air attaché in Caracas are also accredited to the Dominican Republic.

Commander Keyes is assisted by one civilian and one local employee.

However, we maintain both naval and air missions here. The naval mission is headed by Comdr. George H. Rood. The commanding officer of the air mission is Col. John J. Thornhill.

While a naval mission is very much desired, I was informed that the air mission is not wanted by the Dominican Government. We furnished airplanes to the Dominican Republic at one time and now that they are no longer needed, the Government wants to return them to us at once, I was informed.

I recommend that the aircraft be accepted by the United States, pursuant to the desire of the local government, and that the Air Force mission be withdrawn. Certainly, we are doing ourselves no good by maintaining a mission here which is not wanted by the host government, especially when the sole excuse for the continuation of the mission is the possession by the local government of aircraft which that government is anxious to return to the United States. In addition Colonel Thornhill was frank in telling me that he has nothing to do and sees no reason why he should be kept on assignment here.

Attached to the conclusion of my remarks on the Dominican Republic and labeled "Exhibit C" is a description of the duties of the naval attaché and specific answers to questions as to availability of hardware furnished to the Dominican Republic by the Military Assistance Advisory Group. However, the latter portion of answers furnished by MAAG have been declared confidential and are for the use of the Appropriations Committee alone.

U.S. INFORMATION SERVICE

The U.S. Information Service mission is headed by Miss Juana A. Vogt; she told me that she keeps very busy. She is the only officer and is assisted by three locals. Aside from her salary (which is paid by Washington), the cost of operating this mission amounts to $24,480 per year. We maintain one binational center here. We contribute $8,000 to pay English teachers, and pay for one grantee who operates the center.

There are also three educational exchange programs in operations in the Dominican Republic:

(1) The program of scholarships and other aid under Public Law 402;

(2) A bilateral exchange program under agreements authorized by the inter-American cultural convention, which provides two scholarships in each country; and

(3) Scholarships provided through the Institute of International Education, which have averaged about two a year.

Exhibit D is a compilation of USIS activities in the Dominican Republic.

INTERNATIONAL COOPERATION ADMINISTRATION

The ICA mission is headed by Henry R. Jasmer. For fiscal 1959 the program calls for eight U.S. citizens and five locals.

The administrative expenses for fiscal 1959 will require some $42,000. This sum includes the salaries of the five locals and the director.

> I was assured that no money is being used for economic aid, but only for demonstration purposes. Forty thousand dollars was contributed to a vocational education service, along with books, tools for shops, etc. It strikes me that some of these programs could be eliminated.
>
> The projected ICA program for fiscal year 1959 shows a substantial increase over fiscal year 1958, with $238,000 programed for expenditure, compared with $171,000 during fiscal 1958. In this regard, as exhibit E (attached) demonstrates, the program in the prior fiscal year, fiscal year 1957, required only $136,000.
>
> While these amounts are comparatively small, I frankly doubt the need for further expenditures here at all. The Dominican economy is healthy, and, I believe, well able to provide the needed advancement.
>
> I want to make it clear that while the program presently is confined to technical assistance, I can see no reason why the local government should not either pay the needed technicians, or at least, reimburse the U.S. Government for their salaries. As a matter of fact, the local government has already employed a number of American and European technicians in various fields.
>
> Exhibit E is a fiscal summary of ICA/Dominican Republic expenditures during recent years, and a discussion of various technical aid projects either underway or already completed.

Mr. ELLENDER. Mr. President, I should like to read excerpts from a speech I made in the Senate on February 9, 1959:

> In the Dominican Republic, I learned, to my surprise, that it possesses one of the largest sugar factories in the world, and I had the opportunity to see this factory at the time of my visit. It, as the report shows, grinds 15,000 tons of sugarcane every 24 hours. It is modern in every respect. To me, it is a great advancement in the production of sugar, which, by the way, is the principal industry of the Dominican Republic.
>
> I may say by way of repetition, because it appears in my report, that I found the least amount of progress being made in Haiti. In my report, I state that although conditions in Haiti are not exactly hopeless, it would take the expenditure of much money to improve economic conditions there.
>
> I found that in Haiti—as in other underdeveloped countries of the world—many of our foreign aid administrators are trying to start at the middle rung of the economic ladder rather than the bottom rung. They have tried to do the job too fast, and go far beyond the capability of the people. In other words, it is my feeling that aid programs should begin at the lowest level and be worked upward very slowly. A man must first be shown how to build a better hut before he is shown how to build a four-bedroom house with three baths.
>
> Many of the projects which the United States has fostered in Haiti through ICA and other operations are, in my opinion, more or less WPA—or make work—projects. For instance, modern machinery is not used to build canals for irrigation purposes. The work is actually carried on to give employment to the greatest number of people. That may be a good thing, but I found it to be very expensive. I learned that prior estimates of projects cost—because of this make-work procedure—are many millions of dollars under what the actual construction costs will be.

Mr. President, I was interrupted by the distinguished Senator from Florida [Mr. Smathers] who, as all of us know, has had much experience in the affairs of South and Central America. The Senator from Florida said:

> Mr. Smathers. I congratulate the able Senator from Louisiana on the report which he is making about his trip through Central and South America. I was privileged to follow him by about 6 weeks. I visited only five or six of the countries, but each of the countries which I visited had been visited earlier by the Senator from Louisiana, and the people were still very much impressed by the interest shown by the Senator from Louisiana in every facet of their life.
>
> I also congratulate the Senator on having the courage to stand in the Senate and make the statement in which many of us who have traveled in that area completely concur, namely, that in the Dominican Republic, which operates under a form of government of which we do not necessarily approve in this country, more schools and hospitals and better health facilities and better roads have been built per thousand persons than in almost any other country in either Central America or South America. Unfortunately, too infrequently are Senators willing to make such an assertion, because they fear that some criticism might be directed to them for having, in some fashion, upheld the hand of Mr. Trujillo. But in this instance, I congratulate the Senator from Louisiana for his statement, and I associate myself with it.

Mr. ELLENDER. Mr. President, as was specifically stated by the Senator from Florida, I could get no one except, as I recall, the distinguished Senator from Mississippi [Mr. Eastland] to agree with me with respect to my findings in the Dominican Republic. Everyone was afraid to say anything good about Trujillo. Because I had visited South America and Central America in 1952 and again in 1959, I was able to compare the situations that existed in 1952 and 1959. As I said in my report, I found no country in South America or Central America that had made the progress that the Dominican Republic under Trujillo had made. I was lambasted by some of the newspapers from ocean to ocean and from Canada to Mexico when I spoke favorably of the Trujillo regime.

Notwithstanding what my critics may have said about me the statements I made in 1959 and 1961, when Trujillo was assassinated, have proven to be prophetic. I derive no great pleasure in having been proved right in predicting the chaos that would enure in the Dominican Republic. But if my advice had been heeded by the administrations, we would not be in the trouble we are in today in Santo Domingo.

On October 1, 1963, a few days after Juan Bosch had been deposed, the Senator from Oregon [Mr. Morse] and I had a colloquy which appears in the Congressional Record, volume 109, part 14, page 18485. I said:

> Mr. Ellender. The Senator will remember that we were at odds with respect to what was happening in the Dominican Republic prior to the Bosch regime. At the time of my visit in the Dominican Republic I said it was a mistake for us to do anything to throw Trujillo out. We did it. Today there is turmoil, and it can be expected to continue. That has been true since Trujillo's overthrow. Since the death of Trujillo we spent more than $65 million in economic aid alone, and that is only a beginning.

Since that time, as I pointed out earlier, we have spent $40 million more; and although I do not have the precise amount we have spent in fiscal year 1965, it has been quite a large sum. I continue to read:

> As I pointed out, there is no question that Trujillo was a dictator. There is no doubt that he might have had to kill a few persons to get where he was. He did it with force. However, that is the condition we find all through the South American countries.
>
> If the distinguished Senator from Oregon or the distinguished Senator from Alaska believes that they can establish democracy, as we know it in this country, he is mistaken. It will require time to do so. If Trujillo had not been killed I venture to say that much of the property that he owned would have been distributed among the people. He had started to do that. Unfortunately, he was shot before that operation could be carried out. After that happened, I predicted that there would be chaos in that country. It will take millions of dollars to restore order, and we may never be able to restore the prosperous economy that existed prior to the death of Trujillo.

Mr President, I must reiterate that it causes me great pain to see my dire predictions come to pass in the Dominican Republic, when it is realized that little effort would have been required to prevent their fulfillment. When blunders are committed, however, it often takes drastic action to bring about their correction. In this connection, I agree that it is necessary for our Nation to protect the American lives that are endangered by the current chaos in the Dominican Republic, but I hope that the action taken by our President will be restricted to just the attainment of that goal.

Our motives are now being questioned by some of our friends in this hemisphere. Due to the fact that our present intervention is occurring at a time when we are being accused of interfering in Asia, it will be most difficult for us to make a convincing argument as to what prompts us to follow through with our intervention in the Dominican Republic.

Mr. President, I ask unanimous consent to have printed at this point in the Record, a chronology of the regimes in the Dominican Republic since the ouster of Trujillo.

There being no objection, the chronology was ordered to be printed in the Record, as follows:

CHRONOLOGY OF REGIMES SINCE TRUJILLO OUSTER

I

Trujillo was killed on May 31, 1961 and at that time Belaguer was President. He remained in office until December 29, 1961.

II

Belaguer was ousted as the result of a coup d'etat and the coup set up a government which remained in power during the period January 18, 1962 through January 31, 1962.

III

On January 31, 1962, the "Council of States" Government, headed by Mr. Borelli took control and remained in command until the inauguration of Juan Bosch on May 27, 1963.

IV

Mr. Bosch was ousted by a military coup on September 25, 1963 and subsequent to his removal the military group set up a civilian triumvirate, which remained in control until this past weekend.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 5702. An act to extend for 1 year the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress and to provide necessary authorization of appropriations for such Commission (Rept. No. 174).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BARTLETT:

S. 1858. A bill to promote the replacement and expansion of the U.S. nonsubsidized merchant and fishing fleets; to the Committee on Commerce.

(See the remarks of Mr. Bartlett when he introduced the above bill, which appear under a separate heading.)

By Mr. BASS:

S. 1859. A bill for the relief of Giovanni Profeta and Oliva Pizzo Profeta; to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina (for himself and Mr. Erwin):

S. 1860. A bill for the relief of Flor Franco Guillermo and Erlindo Franco Guillermo, Jr.; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Bartlett, Mr. Burdick, Mr. Dirksen, Mr. Douglas, Mr. Gruening, Mr. Hart, Mr. Hartke, Mr. Inouye, Mr. Kennedy of Massachusetts, Mr. Lausche, Mr. Long of Missouri, Mr. Magnuson, Mr. Mansfield, Mr. McCarthy, Mr. McNamara, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Morse, Mr. Nelson, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Smathers, Mr. Symington, Mr. Tydings, and Mr. Young of Ohio):

S. 1861. A bill to provide additional assistance for areas suffering a major disaster; by unanimous consent; to the Committee on Public Works.

(See the remarks of Mr. Bayh when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia (by request):

S. 1862. A bill to authorize an appropriation of $175,000 for use in the restoration as a historic site of the building in Wheeling, W. Va., known as West Virginia Independence Hall; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of North Dakota:

S. 1863. A bill for the relief of Salih K. Cankir; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Javits, Mr. Clark, Mr. McCarthy, Mr. Douglas, Mr. Inouye, Mr. Young of Ohio, and Mr. Bartlett):

S. 1864. A bill to amend the Fair Labor Standards Act, 1938, as amended, to provide for minimum wages for certain persons employed in agriculture, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Javits, Mr. Clark, Mr. McCarthy, Mr. Inouye, Mr. Douglas, Mr. Young of Ohio, Mr. Long of Missouri, Mr. Nelson, and Mr. Bartlett):

S. 1865. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Clark, Mr. McCarthy, Mr. Inouye, Mr. Douglas, Mr. Young of Ohio, and Mr. Bartlett):

S. 1866. A bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Javits, Mr. Clark, Mr. McCarthy, Mr. Morse, Mr. Inouye, Mr. Douglas, Mr. Young of Ohio, and Mr. Bartlett):

S. 1867. A bill to amend the act of June 6, 1933, as amended, to authorize the Secretary of Labor to develop and maintain improved, voluntary methods of recruiting, training, transporting, and distributing agricultural workers, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate hearing.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Nelson, Mr. Javits, Mr. Clark, Mr. McCarthy, Mr. Inouye, Mr. Douglas, Mr. Young of Ohio, and Mr. Bartlett):

S. 1868. A bill to provide for the establishment of a Council to be known as the "National Advisory Council on Migratory Labor"; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Nelson, Mr. Javits, Mr. McCarthy, Mr. Morse, Mr. Inouye, Mr. Young of Ohio, Mr. Yarborough, and Mr. Bartlett):

S. 1869. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of housing facilities for agricultural workers by permitting the amortization over a 60-month period of the cost, or a portion of the cost, of constructing such housing facilities; to the Committee on Finance.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Nelson, Mr. McCarthy, Mr. Inouye, Mr. Yarborough, and Mr. McGee):

S.J. Res. 75. Joint resolution proposing an amendment to the Constitution of the United States relating to residence and physical presence requirements for voting in presidential and vice-presidential elections and for voting in elections for U.S. Senators and Members of the House of Representatives; to the Committee on the Judiciary.

(See the remarks of Mr. Williams of New Jersey when he introduced the above joint resolution, which appear under a separate heading.)

PROMOTING THE EXPANSION OF THE U.S. MERCHANT AND FISHING FLEETS

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to promote the replacement and expansion of the U.S. nonsubsidized merchant and fishing fleets.

The United States has a long and brilliant history on the high seas. This history began in the early days of the Republic. Over the years the U.S. power and prestige on the seas has known days of glory and days of decline but there has never been, in my opinion, a time in history in which the U.S. position on the high seas was as weak as it is today.

It is acknowledged that a nation's power on the high seas depends not only, or even primarily, on its naval capability, but rather its prestige and power depends essentially on its ability to carry commerce and harvest the resources of the ocean. In turn, this power and ability for peaceful and commercial uses of the oceans is ultimately dependent upon the availability of a sizable, modern, efficient, fleet of vessels. This Nation has no such fleet. Our prestige as a maritime power is hampered by many obstacles—some are domestic, some foreign, but in my opinion the obstacle that is paramount is the shameful inadequacy of the present merchant and fishing fleet. The fleet is too small. It is old. Yet the United States has no effective instruments to encourage an increase in the fleet or even an adequate replacement of the fleet. This bill is designed to accomplish precisely this.

What this bill in essence does is allow merchant vessel operators to commit themselves by contract with the Secretary of Commerce, and fishing vessel owners with the Secretary of the Interior, for the establishment of a vessel replacement reserve fund. Into this fund must be deposited the proceeds of the sale of any vessel, proceeds of any insurance and indemnities, annual depreciation charges, earnings made on deposits in the fund, and may be deposited moneys from other sources such as operating earnings. Such deposits are treated as tax deferred but only if they are used for this exclusive national interest purpose—the replacement and modernization of merchant or fishing vessels. This is no tax escape proposal.

Further it provides, in the case of merchant vessels, that Government payments in the form of freight rate differentials on Government-sponsored cargoes must, and in degree determined by the Secretary of Commerce, be deposited in the reserve fund dedicated to vessel replacement. It is apparent to me that to a substantial degree the singular inadequacy we can now note in the so-called cargo preference act is that it has not promoted the construction of a modern tramp or bulk-carrying fleet. This must be corrected now. With this correction we can look to the construction of modern vessels—and with them a vast lowering in the cost of differential payments as these programs continue in the future.

Those who are familiar with the present plight of our seapower need not be reminded of the desperate condition of our merchant marine and fishing fleets. But for others let me say, but say briefly, that it is an extremely depressing picture. The present fishing fleet is composed of approximately 12,000 vessels. Ninety percent of these are extremely small craft capable of fishing only inland and coastal waters. Two-thirds of the present U.S. fishing fleet is overage; 50 percent was constructed 30 years ago.

This presents a sad picture when compared with the fishing fleet of the United States immediately before World War II. And it is even a sadder picture when compared with the modern fishing fleets of European nations and modern fishing fleets being constructed by Japan and the Soviet Union. I believe that the clearest illustration of the inadequacy of the present fishing fleet is the fact that this summer over 1,500 large foreign fishing vessels ranging in size from 1,000 to 15,000 tons will harvest our coastal fishery resources. The United States has only 200 vessels in its entire fleet that will match the smallest vessel in the foreign armada that will ring the U.S. coast. We must take action to place again an American-flag fishing fleet on the high seas.

The picture of the merchant fleet is no brighter. There is an active merchant fleet today that numbers approximately 900. One-third of the fleet is subsidized under an operating differential subsidy and is now engaged in a substantial replacement program. The remaining two-thirds of the fleet involves vessels primarily constructed during World War II for which there is no effective replacement program. This proposed legislation will provide such a program.

Not coincidentally, I assure you, it gives recognition to the essentiality of modernizing our antiquated Great Lakes fleets and expanding its capability in those vital waters of heartland America.

The fact that our domestic fleet has dwindled from some 450 vessels during the late thirties to less than one-fifth that size today is sufficient evidence of the inadequacy of the present program. Extensive hearings were conducted by the Senate Commerce Committee last year on legislation I introduced at that time to focus attention on problems of the rejuvenation of our domestic fleet. I can assure everyone concerned that some constructive action is needed if we are to make available to those who wish to ship goods in commerce an American service adequate to meet our needs.

But perhaps the saddest story of all is the condition of our tramp fleet upon which we depend to move our bulk commodities—a trade which has seen movements skyrocket in volume beyond any levels which could have been foreseen prior to World War II or even as recently as a decade ago.

No perceptive American can recognize these facts without appreciating the urgent need for legislation to correct existing deficiencies in the equipment needed to handle our waterborne trade. The time is growing late, we must act soon. And it is to this end that I have introduced this bill.

Mr. President, I ask unanimous consent that the bill lay on the table for 10 days to give other Senators an opportunity to cosponsor this measure, and that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and remain at the desk for 10 days as requested by the Senator from Alaska.

The bill (S. 1858) to promote the replacement and expansion of the U.S. nonsubsidized merchant and fishing fleets, introduced by Mr. BARTLETT, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO NEGOTIATE CONTRACTS.—(a) For the purpose of promoting the construction or acquisition of new merchant vessels or the substantial reconstruction of existing merchant vessels and for other purposes authorized by this Act, the Secretary of Commerce may enter into contracts not to exceed twenty years with any person who is a citizen of the United States if the Secretary determines the person possesses the ability, experience, financial resources and other qualifications necessary to enable him to conduct the proposed operations of the merchant vessels as to meet competitive conditions and promote United States domestic or foreign commerce.

(b) For the purpose of promoting the construction of new fishing vessels, the Secretary of the Interior may enter into contracts not to exceed twenty years with any person who is a citizen of the United States if the Secretary determines the person possesses the ability, experience, financial resources and other qualifications necessary to enable him to conduct the proposed operations of the fishing vessel to meet competitive conditions and promote the utilization of fishery resources.

SEC. 2. TERMS AND CONDITIONS OF CONTRACT.—The Secretary shall include in each contract a provision:

(a) that any new vessel constructed under a contract will be built in a shipyard in the United States under a contract with a shipbuilder entered into after the effective date of this Act;

(b) that any new vessel acquired under a contract will be one that was built in a shipyard in the United States for the United States Government under a contract with a shipbuilder entered into after the effective date of this Act.

(c) that any vessel substantially reconstructed under a contract will be one that was built in a shipyard in the United States and will be substantially reconstructed in a shipyard in the United States under a contract with a shipbuilder entered into after the effective date this Act;

(d) that any vessel constructed, acquired or substantially reconstructed under a contract will be of a type, size and speed that the Secretary determines to be suitable for use on the high seas or Great Lakes;

(e) that any vessel constructed, acquired, or substantially reconstructed under a contract negotiated under section 1(a) will be of a type which the Secretary of Navy certifies is suitable for economical and speedy conversion into a naval auxiliary or otherwise suitable for use by the United States in the event of war or national emergency;

(f) for the creation and maintenance of a capital reserve fund;

(g) for the approximate number and type of vessels which the contractor will construct, acquire, or substantially reconstruct subject to modifications and extensions upon a showing to the satisfaction of the Secretary of acceptable reasons for modifications or extensions;

(h) for additional terms and conditions consistent with this Act, that the Secretary determines to be necessary to protect the interest of the United States;

(i) for the early replacement of any war-built vessel used in the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended;

(j) that each contractor agrees not to incur any purchase money indebtedness with respect to any vessel constructed, acquired, or substantially reconstructed under a contract without the prior consent of the Secretary;

(k) that upon failure of the contractor to construct, acquire, or substantially reconstruct any vessel as provided in the contract as modified or extended, all deposits of the contractor will be withdrawn from the fund with the same tax consequences as result from withdrawals from the funds created by section 607, Merchant Marine Act, 1936, as amended, and no further deposits may be made by the contractor until a new contract is negotiated; and

(1) that the contractor agrees that any vessel constructed or acquired under a contract will remain documented under the laws of the United States for 25 years from the date of its delivery by the shipbuilder and any vessel reconstructed under a contract will remain documented under the laws of the United States for the remainder of its economic life as determined by the Secretary.

SEC. 3. CREATION AND MAINTENANCE OF CAPITAL RESERVE FUND.—(a) Each contractor shall create and maintain for the duration of the contract, in depositories approved by the Secretary, a capital reserve fund under the joint control of the operator and the Secretary.

(b) Each contractor shall deposit in the capital reserve fund as is required to be deposited by subsidized operators under section 607, Merchant Marine Act, 1936, as amended, the proceeds of sales of vessels, the proceeds of insurance indemnities, the depreciation charges, as earned, and the earnings made on deposits in the capital reserve fund, and shall annually deposit any percentage of differential payments received on the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended, that the Secretary determines is from profits and is necessary to fulfill the contractor's obligation under the contract.

(c) The contractor may deposit in the fund other earnings from his vessel operations.

SEC. 5. TAX DEFERMENT OF DEPOSITS IN THE FUND.—(a) Deposits of capital gains into the fund are taxed in the same manner as deposits of capital gains by subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

(b) Deposits of earnings and differential payments into the fund are taxed in the same manner as deposits of earnings of subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

SEC. 6. WITHDRAWALS FROM THE FUND.—Contractors may withdraw deposits from the fund with the same restriction and limitation, under the same conditions and with the same tax consequences as deposits may be withdrawn from the capital reserve fund by subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

Sec. 7. Investment of the Fund.—Contractors may invest deposits in the fund under the conditions and with the same restriction as deposits of subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

Sec. 8. Discontinuance of Differential Payments.—No operator of a non-subsidized vessel may receive any differential payments for cargo moved by such vessel under section 901(b), Merchant Marine Act, 1936, as amended, unless the operator has concluded a contract with the Secretary under this Act before January 1, 1967.

Sec. 9. Definitions—In this Act—

(a) "Contract" means a vessel construction, acquisition, or reconstruction contract authorized by this Act.

(b) "Differential payments" means the payments made by the United States Government to operators of United States-flag merchant vessels for the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended, at rates in excess of world market rates.

(c) "Documented" includes enrolled.

(d) "Earnings from the operation of vessels" includes hire from bareboat charters.

(e) "Earnings made on deposits" means earnings on funds deposited as well as earnings on accumulated earnings and gains made on sale of securities.

(f) "Fund" means the capital reserve fund authorized by this act.

(g) "Non-subsidized vessel" means any vessel not included in an operating differential subsidy contract under the Merchant Marine Act, 1936, as amended.

(h) "Person" includes corporation.

(i) "Reconstruction" means the substantial reconstruction and major modernization of a vessel if the Secretary determines that the objectives of this act will be promoted by such reconstruction.

(j) "Secretary" means the Secretary of Commerce in reference to powers and duties relating to contracts for the construction, acquisition or substantial reconstruction of merchant vessels and means the Secretary of the Interior in reference to powers and duties relating to contracts for the construction of fishing vessels.

(k) "Subsidized operators" means persons who have an operating differential subsidy contract under the Merchant Marine Act, 1936, as amended.

(1) "Vessel" includes non-self propelled vessels, cargo containers, cargo vans and other related equipment.

(m) "War built vessel" means a vessel as defined in section 3, Merchant Ship Sales Act, 1946.

PROPOSED LEGISLATION RELATING TO MIGRATORY LABOR

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself, and other Senators, I introduce, for appropriate reference, six bills and a joint resolution affecting various aspects of the migratory farm labor problem. Specifically, the legislation would extend minimum wage protection under the Fair Labor Standards Act to farmworkers and strengthen the act's presently inadequate provisions against harmful child labor in agriculture; extend to agriculture the rights to organize and bargain collectively under the National Labor Relations Act; and improve the Federal-State Farm Placement Service by providing new methods, for voluntary use, of recruitment, transportation, and distribution of farmworkers. In addition, the bills provide for establishment of a National Advisory Council on Migratory Labor and for a tax incentive to farmers and others regarding the construction of farm labor housing. The joint resolution proposes a constitutional amendment to prevent our mobile citizens from being disenfranchised, in presidential and congressional elections, because of State residence or physical presence requirements.

I ask unanimous consent that these measures be printed in the Record, along with a summary of their provisions, and that the bills lie on the desk until May 4 so that other Senators may join as cosponsors.

I wish also to inform the Senate that, because of conflicting commitments among several of the witnesses, the previously scheduled migratory labor hearings on five of these bills have been postponed and will be rescheduled in the near future.

The PRESIDING OFFICER. The bills and joint resolution will be received and appropriately referred; and, without objection, the bills, joint resolution, and summary will be printed in the Record, and will be held at the desk, as requested by the Senator from New Jersey.

The bills and joint resolution, introduced by Mr. Williams of New Jersey, were received, read twice by their titles, appropriately referred, and ordered to be printed in the Record, as follows:

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Javits, Mr. Clark, Mr. McCarthy, Mr. Douglas, Mr. Inouye, Mr. Young of Ohio, and Mr. Bartlett):

S. 1864. A bill to amend the Fair Labor Standards Act, 1938, as amended, to provide for minimum wages for certain persons employed in agriculture, and for other purposes; to the Committee on Labor and Public Welfare.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(e) of the Fair Labor Standards Act of 1938, as amended, defining the term "employee", is amended to read as follows:

"(e) 'Employee' includes any individual employed by an employer, except that such term shall not, for the purposes of section 6 (a)(4), include any individual employed by an employer engaged in agriculture if such individual is (1) a member of the employer's immediate family, or (2) a sharecropper, or a member of the sharecropper's immediate family, working on or in connection with the sharecropper's tract of land."

Sec. 2. Section 3 of such Act is further amended by adding at the end thereof the following new paragraphs:

"(t) 'Man-day' means any day during any portion of which an employee performs any agricultural work;

"(u) 'Hired farm labor' means the labor of any employee employed in agriculture;

"(v) 'Sharecropper' means any individual who works in whole or in part a particular tract of land from planting through harvesting under general supervision and is entitled to receive as the primary return for his labor on the tract a share of the crop or crops produced thereon or of the proceeds realized therefrom."

Sec. 3. Subsection (a) of section 6 of such Act is amended by striking out the period at the end of paragraph (3), inserting a semicolon, and by adding the following new paragraph:

"(4) if such employee performs hired farm labor for an employer who during any one of the four preceding calendar quarters used more than three hundred man-days of hired farm labor, such employee shall be paid by his employer (i) not less than $1.15 an hour during the first year following the effective date of this paragraph, (ii) not less than $1.20 an hour during the second year following such effective date, (iii) not less than $1.25 an hour during the third year following such effective date, and (iv) thereafter, not less than the rate prescribed in paragraph (1) of this subsection. If such employee performs hired farm labor for such an employer on a daily, weekly, monthly, or annual basis, such employee shall be paid at a rate which will, for the period covered by the wage payment, provide him wages at least equal to compensation he would have been entitled to receive had he been employed at the minimum hourly rate prescribed in this paragraph. In any case in which employees (covered by the provisions of this paragraph) of any employer are paid on a piecework basis, the actual wage paid such employees shall not be less than prescribed in the foregoing provisions of this paragraph. Notwithstanding any other provisions of this Act, this paragraph shall apply only with respect to an employee whose services during the workweek are performed within a State of the United States or the District of Columbia."

Sec. 4. (a) Subsection (a) of section 13 of such Act is amended by striking out in clause (6) thereof in agriculture".

(b) Subsection (b) of such section is amended by striking out the period at the end thereof, inserting a semicolon and the word "or" and by adding the following new paragraph:

"(12) any employee employed in agriculture.".

Sec. 5. This Act shall take effect on the first day of the fourth month following the month in which it is enacted.

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Javits, Mr. Clark, Mr. McCarthy, Mr. Inouye, Mr. Douglas, Mr. Young of Ohio, Mr. Long of Missouri, Mr. Nelson, and Mr. Bartlett):

S. 1865. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; to the Committee on Labor and Public Welfare.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(c) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(c)(1) The provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee is—

"(A) employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

"(B) is 14 years of age or over, or

"(C) is 12 years of age or over and is employed on a farm to which he commutes daily within 25 miles of his permanent residence, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or person standing in place of his parent is also employed on the same farm.

"(2) No employee below the age of 18 may be employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below age 18, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

"(3) The provisions of section 12 relating to child labor shall not apply to any child employed as an an actor or performer in motion pictures or theatrical productions, or in radio or television productions."

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Clark, Mr. McCarthy, Mr. Inouye, Mr. Douglas, Mr. Young of Ohio, and Mr. Bartlett):

S. 1866. A bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture; to the Committee on Labor and Public Welfare.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(3) of the National Labor Relations Act, as amended, is amended by striking out the following phrase: "as an agricultural laborer, or".

Sec. 2. Section 8(f) of the National Labor Relations Act, as amended, is amended to read as follows:

"(f) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer engaged primarily in the building and construction industry, or an employer engaged in agriculture, to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the building and construction industry, or as agricultural laborers, with a labor organization of which such employees are members (not established, maintained, or assisted by any action defined in section 8(a) of this Act as an unfair labor practice) because (1) the majority status of such labor organization has not been established under the provisions of section 9 of this Act prior to the making of such agreement, or (2) such agreement requires as a condition of employment, membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later, or (3) such agreement requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer qualified applicants for such employment, or (4) such agreement specifies minimum training or experience qualifications for employment or provides for priority in opportunities for employment based upon length of service with such employer, in the industry or in the particular geographical area: *Provided,* That nothing in this subsection shall set aside the final proviso to section 8(a)(3) of this Act: *Provided further,* That any agreement which would be invalid, but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e)."

Sec. 3. Notwithstanding the provisions of any other law, the amendments made by this Act shall take effect sixty days after the date of enactment.

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Javits, Mr. Clark, Mr. McCarthy, Mr. Morse, Mr. Inouye, Mr. Douglas, Mr. Young of Ohio, and Mr. Bartlett):

S. 1867. A bill to amend the Act of June 6, 1933, as amended, to authorize the Secretary of Labor to develop and maintain improved, voluntary methods of recruiting, training, transporting, and distributing agricultural workers, and for other purposes; to the Committee on Labor and Public Welfare.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 6, 1933, as amended (48 Stat. 113; 29 U.S.C. 49 et seq.), is amended by inserting the heading "Title I" before the first section, and by adding at the end of such Act a new title as follows:

"TITLE II—VOLUNTARY FARM EMPLOYMENT SERVICE

"Legislative findings and declaration of policy

"Sec. 201. (a) The Congress finds that (1) an adequate supply of agricultural labor is essential to the Nation's health and welfare; (2) the insecurity and instability of agricultural employment has rendered such employment relatively unattractive; (3) in many cases agricultural workers have traveled unnecessarily long distances to obtain agricultural employment when such employment was available at relatively shorter distances; (4) shortages of agricultural labor in some areas have existed at the same time that surpluses of such labor existed in other areas; (5) the filling of such shortages with qualified, dependable agricultural workers would aid in reducing the serious rural unemployment and underemployment in this country; (6) the need for agricultural labor can be met and fuller employment for agricultural workers can be provided in many cases only through assisting such workers to travel, in many instances across State boundaries, to areas in which agricultural labor shortages exist; (7) steadily increasing mechanization has resulted in greater demand for skilled agricultural workers; and (8) the need for agricultural labor can be better met, agricultural employment can be made a more stable and attractive means of earning a living, and fuller employment can be promoted through improvements in the recruitment, training, transportation, and distribution of agricultural workers.

"(b) It is hereby declared that the policy of the Congress is to meet the Nation's needs for agricultural labor, to make agricultural employment a more stable and attractive means of earning a living, and to promote fuller employment. It is the purpose of this title to effectuate such policy by authorizing the Secretary to develop and maintain, through the voluntary cooperation and the voluntary participation of employers and workers, improved methods of recruiting, training, transporting, and distributing agricultural workers.

"Supplemental nature of program

"Sec. 202. The authority of the Secretary under this title shall be in addition to and not in place of any authority under title I of this Act.

"Preservation of individual choice

"Sec. 203. Nothing in this title shall be construed as denying (1) the right of any worker to accept or refuse agricultural employment with any employer, or his right to refuse to enter into an agreement to perform work of a nature he does not wish to perform, or (2) the right of any employer to refuse to offer agricultural employment to any worker, or the right to offer agricultural employment to any worker of his choice.

"Definitions

"Sec. 204. As used in this title—

"(1) The term 'agricultural employment' means services and activities defined in section 3(f) of the Fair Labor Standards Act of 1938, as amended, or section 3121(g) of the Internal Revenue Code of 1954, as amended.

"(2) The term 'employer' means any person for whom agricultural employment is performed, or association of such persons, but shall not include any employment or labor contracting agent.

"(3) The term 'worker' means any individual who is a permanent resident of the United States and engaged in or available for agricultural employment.

"(4) The term 'Secretary' means the Secretary of Labor or his duly authorized representative.

"(5) The term 'United States' means the several States, the District of Columbia and the Commonwealth of Puerto Rico.

"Program authorized

"Sec. 205. (a) In order to effectuate the purposes of this title, the Secretary is authorized to—

"(1) recruit qualified, willing, and able workers to fill orders placed by employers for workers recruited under this title;

"(2) provide for the medical examination of such workers to assure that they are physically capable of performing agricultural employment and suffering from no communicable disease;

"(3) furnish such workers with transportation to and return from areas of agricultural employment;

"(4) furnish such workers with food, housing, and emergency medical care during such transportation and while arrangements are being made for the employment of such workers or their departure from an area of agricultural employment;

"(5) provide such facilities as may be necessary to carry out the purposes of this title; and

"(6) establish a revolving fund sufficient to pay the cost of transportation, food, housing, and emergency medical care authorized under this title.

"(b) An order by an employer for agricultural workers recruited under this title shall include such information as the Secretary finds necessary to enable him to carry out the purposes of this title, including information with respect to the type of agricultural employment to be performed, the time and place at which such employment is to be performed, and any particular qualifications or experience that the employer desires the workers to possess.

"(c) No worker shall be made available under this title to an employer unless the Secretary has determined that—

"(1) sufficient qualified, willing, and able workers who reside permanently in the area where the agricultural employment is to be performed are not available for such employment; and

"(2) reasonable efforts have been made to attract such workers for such employment (including the offering of wages, hours, and working conditions comparable to those specified under section 207 for workers recruited under this title).

"Employee and employer qualifications

"Sec. 206. (a) No worker shall be made available under this title to an employer unless—

"(1) the Secretary has determined that such worker is (A) qualified, willing, and able to perform the agricultural employment specified in the employer's order, and (B) physically fit to perform such employment and suffering from no communicable disease, as determined by a medical examination;

"(2) such worker has been interviewed by the employer (or an opportunity for an interview has been afforded) and has not been rejected by him;

"(3) such worker has agreed (A) to accept agricultural employment, specified as to type, time, and area; and (B) to enter into an agreement, as provided in section 207, with each employer with whom he accepts such employment; and

"(4) such worker has agreed that if, without good cause, he fails to comply with any agreement entered into by him pursuant to paragraph (3) of this subsection and such failure is a material violation of such agreement, such worker will reimburse the United States for expenses incurred by it in furnishing him transportation, food, housing, and emergency medical care under this title. The amount of the reimbursement in any such case shall be determined by the Secretary, taking into account the amount of employment performed by the worker pursuant to his agreement under paragraph (3)(A) of this subsection.

"(b) No worker recruited under this title shall be made available to an employer unless such employer has agreed that if he employs such worker he will—

"(1) pay the United States a fee, not to exceed $15 (without charging the worker therefor) to cover expenses incurred by the United States in furnishing transportation, food, housing, and emergency medical care to workers recruited under this title;

"(2) furnish transportation (without charging the worker therefor) from a point designated by the Secretary in the area of employment to the point of such worker's employment and return;

"(3) enter into an agreement with the worker, or his representative, as provided in section 207; and

"(4) maintain such records relating to the earnings, deductions, and hours of employment of the worker, as the Secretary may by regulation require.

"Employment agreement

"SEC. 207. Any agreement between any employer and any worker, or such worker's representative, entered into pursuant to subsections (a)(3)(B) and (b)(3) of section 206, shall clearly specify—

"(1) the period of the employment, and a guarantee that the worker shall have the opportunity to work at least three-quarters of full time during the period of the employment (forty-eight hours per week to be considered full time); but in the event an agreement is terminated by an employer for reasons beyond his control, the three-quarters work guarantee shall apply only to the period beginning on the day after the worker's arrival at the place of employment and ending on the date the agreement is terminated;

"(2) the wage rate to be paid the worker, which shall be not less than the prevailing wage rate paid by employers to workers similarly employed in the area in which the work is to be performed;

"(3) the intervals at which wage payments will be made, which shall be no less frequent than those established for other workers similarly employed by the employer, and in no event less frequent than semimonthly;

"(4) that any housing and sanitary facilities made available by the employer will conform to minimum standards prescribed by the Secretary;

"(5) that the employer will provide, at no cost to the worker, workmen's compensation insurance; and

"(6) that the worker will perform all agricultural work required of him with proper application, care, and diligence during the period of employment agreed upon; that he will exercise reasonable care and diligence in the use of any housing and sanitary facilities made available to him by the employer; that he will comply with all rules and regulations specified in the agreement relating to safety, discipline, and the care and maintenance of property; and that he will not, except by mutual agreement, perform work for any other employer during the period of the agreement.

"REPLACEMENT WORKERS AND REIMBURSEMENT

"SEC. 208. In any case in which the Secretary determines that a worker has failed to carry out the terms of an agreement entered into by him pursuant to section 206(a)(3)(B), and that such failure is a material violation of the agreement, the Secretary shall—

"(1) supply a replacement worker to the employer and furnish such worker transportation to the place of employment without charging an additional fee under section 206(b)(1), or reduce the amount of the fee paid or to be paid with respect to the worker who violated the agreement by an amount that is directly proportional to the period of the agreement that such worker failed to complete; and

"(2) in any case in which a replacement worker is supplied, reimburse the employer in an amount equal to any amount expended for transportation under section 206(b)(2) in excess of the amount such employer would have had to expend if no agreement violation had occurred, or, in any case in which a replacement worker is not supplied, reimburse such employer for transportation expenses incurred under such section with respect to the worker who violated his agreement, taking into account the portion of the period of employment provided for in the agreement not completed by the worker.

"Compliance

"SEC. 209. (a) The Secretary may refuse to make the services afforded under this title available to any employer or worker upon a determination, made after notice and an opportunity to be heard, that such employer or worker has failed, without good cause, to comply with (1) any provision of this title, any rule or regulation implementing this title, or any agreement with the Secretary entered into pursuant to this title, if such failure is of such a nature as substantially to impair the effective administration of this title, or (2) any agreement entered into pursuant to section 206(a)(3)(B) or section 206(b)(3), if such failure is a material violation of such agreement.

"(b) The services afforded under this title may be furnished to an employer or worker who has previously been refused such services pursuant to subsection (a) if such employer or worker demonstrates, in accordance with regulations prescribed by the Secretary, that he will in the future comply with the requirements of this title.

"General provisions

"SEC. 210. (a) The Secretary shall provide for the establishment and maintenance of a system of recording, utilizing, and making available to employers information concerning the willingness, ability, and specific qualifications of individual workers to perform agricultural employment.

"(b) The Secretary may provide, and may require reimbursement from the worker for the expenses of, transportation, food, housing, and emergency medical care to the members of such worker's family if he determines that the furnishing of such services is a practicable and desirable means of carrying out the purposes of this title.

"(c) Private employment agencies and labor contracting agents may be permitted, to the extent authorized under regulations prescribed by the Secretary, to participate under this title in the recruitment and placement of workers.

"(d) The Secretary is authorized to enter into such agreements with State and local agencies as he deems proper for carrying out the purposes of this title, and may utilize the services of any other department or agency of the Federal Government for such purposes on a reimbursable basis.

"(e) Any money received by the Secretary pursuant to section 206(a)(4), section 206(b)(1), or subsection (b) of this section shall be credited to the revolving fund established pursuant to section 205(a)(6) of this title.

"(f) The Secretary is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this title.

"Judicial review

"SEC. 211. Any person aggrieved by any order or determination of the Secretary made under this title may obtain judicial review of such order or determination by filing in the United States district court for the district in which such person resides or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days from the date such order or determination was made, a written petition praying that the order or determination of the Secretary be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the Secretary and thereupon the Secretary shall file in the court a transcript of the record upon which such order or determination was made. Thereupon the court shall have jurisdiction of the record and shall have power to affirm, set aside, modify, or enforce the order or determination of the Secretary, in whole or in part. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive. Service of process in such action shall be made in accordance with the rule for service of process upon the United States prescribed by the Rules of Civil Procedure for the United States District Courts.

"Special studies and projects

"SEC. 212. In carrying out the provisions of this title the Secretary is authorized to undertake such special studies and conduct such experimental, pilot, and demonstration projects as he determines have promise of leading to fuller utilization of underemployed rural Americans and to meeting the labor requirements of employers. Such studies and projects may include, but shall not be limited to, special job training, counseling, resettlement, overnight transient camps, community exchange services, and special placement services. The Secretary is authorized to expend an amount not to exceed $200,000 per annum for the purpose of carrying out such studies and projects.

"Authorization for appropriations

"SEC. 213. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

"Short title

"SEC. 214. The provisions of this title may be cited as the 'Voluntary Farm Employment Service Act'."

SEC. 2. The Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.), is further amended by inserting at the end of title I (as designated by the first section of this Act) the following new section:

"SEC. 14. As used in this title, references to 'this Act' shall be deemed to mean 'this title', and any reference to the provisions of this Act in any other law or in any regulation shall be deemed to refer to title I hereof unless the text clearly indicates otherwise."

By Mr. WILLIAMS of New Jersey (for himself, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. NELSON, Mr. JAVITS, Mr. CLARK, Mr. MCCARTHY, Mr. INOUYE, Mr. DOUGLAS, Mr. YOUNG of Ohio, and Mr. BARTLETT):

S. 1868. A bill to provide for the establishment of a Council to be known as the "National Advisory Council on Migratory Labor"; to the Committee on Labor and Public Welfare.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a Council to be known as the "National Advisory Council on Migratory Labor" (hereinafter referred to as the "Council"). The Council shall be composed of fifteen members, appointed by the President without regard to political affiliations as follows:

(1) Four individuals, appointed from private life, to represent the farmer, who shall be individuals actively engaged in, and whose livelihoods are dependent upon, agriculture, and who employ migratory labor in connection therewith;

(2) Four individuals, appointed from private life, to represent the migratory agricultural workers;

(3) Two individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to migratory agricultural labor, including the problems of the migratory agricultural worker, his employer, and the community;

(4) Two individuals, appointed from private life, who are or have been actively engaged in activities aimed at determining and solving the health, education, and welfare problems of the migratory agricultural worker and his family; and

(5) Three individuals who have had experience as State officials and who are knowledgeable of the problems relating to migratory agricultural labor.

(b) Members of the Council shall be appointed for the life of the Council. A vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) The President shall designate one of the members of the Council as Chairman, and one as Vice Chairman. Eight members of the Council shall constitute a quorum.

(d) While rendering service as a member of the Council, or as an attorney or expert in any business or professional field employed by the Council on a part-time basis or without compensation, an individual shall be regarded as a special Government employee within the meaning of chapter 11 of title 18 of the United States Code.

(e) Members of the Council shall each be entitled to receive $50 per diem when engaged in the actual performance of duties vested in the Council, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(f) The Council shall meet at the call of the Chairman or at the call of a majority of the members thereof, but not less often than once each calendar year.

SEC. 2. (a) The Council shall have a staff director who shall be appointed by the Chairman without regard to the civil service laws and the Classification Act of 1949, as amended. The staff director shall have such duties as may be imposed by the Council, and shall be compensated at a rate not to exceed $18,000 per annum.

(b) The Council shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(c) The Council may procure, in accordance with the provisions of section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Council, but not in excess of $50 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 3. (a) It shall be the duty of the Council to advise the President and the Congress, with respect to (1) the operation of Federal laws, regulations, programs, and policies relating to any and all aspects of migratory agricultural labor; and (2) any and all other matters relating to migratory agricultural labor.

(b) It shall also be the duty of the Council to consider, analyze, and evaluate the problems relating to migratory agricultural labor with a view to devising plans and making recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying out such duty, the Council shall consider, among others, the following matters:

(1) The effect of existing laws, regulations, programs, and policies on the various problems relating to migratory agricultural labor, including the problems of the migratory agricultural worker, his employer, and the local area in which he is employed; and

(2) The means for improved coordination of Federal, State, county, and local policies and programs relating to migratory agricultural labor.

(c) The Council shall, on or before March 31 of each calendar year, submit an annual comprehensive report of its findings and recommendations to the Secretary of Labor for transmission by him to the President and to the Congress.

SEC. 4. The Council shall cease to exist upon the expiration of five years from the date of the initial appointments to the Council made by the President under this Act.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary, not to exceed $50,000 in any fiscal year, to carry out the provisions of this Act.

By Mr. WILLIAMS of New Jersey (for himself, Mr. KENNEDY of Massachusetts, Mr. NELSON, Mr. JAVITS, Mr. MCCARTHY, Mr. MORSE, Mr. INOUYE, Mr. YOUNG of Ohio, Mr. YARBOROUGH, and Mr. BARTLETT):

S. 1869. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of housing facilities for agricultural workers by permitting the amortization over a 60-month period of the cost, or a portion of the cost, of constructing such housing facilities; to the Committee on Finance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 183. AMORTIZATION OF HOUSING FACILITIES FOR AGRICULTURAL WORKERS

"(a) ALLOWANCE OF DEDUCTION.—

"(1) ORIGINAL OWNER.—Any person who constructs a certified housing facility for agricultural workers shall, at his election, be entitled to a deduction with respect to the amortization of the adjusted basis (determined under subsection (f)(1)) of such facility based on a period of 60 months. The 60-month period shall begin as to any such facility, at the election of the taxpayer, with the month following the month in which the facility was completed, or with the succeeding taxable year.

"(2) SUBSEQUENT OWNERS.—Any person who acquires a housing facility for agricultural workers—

"(A) with respect to which a certificate has been issued by the Secretary of Agriculture under subsection (e) (whether such certificate is issued before or after the date such person acquires such facility), and

"(B) with respect to which the amortization deduction under this section has been allowed for less than a 60-month period,

shall, at his election, be entitled to a deduction with respect to the adjusted basis (determined under subsection (f)(2)) of such facility based on a 60-month period reduced by the number of months with respect to which an amortization deduction under this section has been allowed to any taxpayer prior to the acquisition of such facility by such person.

"(3) AMOUNT OF DEDUCTION.—The amortization deduction provided in paragraphs (1) and (2) shall be an amount, with respect to each month of the amortization period within the taxable year, equal to the adjusted basis of the facility at the end of such month, divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall be in lieu of the depreciation deduction with respect to such facility for such month provided by section 167.

"(b) ELECTION OF AMORTIZATION.—The election of the taxpayer under subsection (a)(1) to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility was completed shall be made only by a statement to that effect in the return for the taxable year in which the facility was completed. The election of the taxpayer under subsection (a)(1) to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in the return for such succeeding taxable year. The election of the taxpayer under subsection (a)(2) to take the amortization deduction shall be made only by a statement to that effect in the return for the taxable year in which the facility was acquired. Notwithstanding the preceding three sentences, the election of the taxpayer under subsection (a) (1) or (2) may be made, under such regulations as the Secretary or his delegate may prescribe, before the time prescribed in the applicable sentence.

"(c) DISCONTINUANCE OF AMORTIZATION DEDUCTION.—

"(1) DISCONTINUANCE BY TAXPAYER.—A taxpayer who has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period. Such discontinuance shall begin, and may be terminated, as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month.

"(2) DISCONTINUANCE BY SECRETARY OF AGRICULTURE.—The amortization deduction provided in subsection (a) shall be discontinued if the Secretary of Agriculture finds and certifies, after notice to the taxpayer and opportunity for hearings, to the Secretary or his delegate that the requirements of subsection (e)(2) have not been complied with. Such discontinuance shall begin as of the beginning of the taxable year in which such finding is made and certified and shall continue until the month following the month in which the Secretary of Agriculture certifies to the Secretary that the Secretary of Agriculture is satisfied that there is no longer any failure to satisfy such requirements.

"(3) Where a discontinuance of such an amortization deduction shall have been terminated, as provided in paragraphs (1) or (2), the period with respect to which such deduction may subsequently be allowed shall be equal to 60 months minus the number of months with respect to which such deduction shall have previously been allowed.

"(4) DEPRECIATION DEDUCTION.—The depreciation deduction provided under section 167 shall be allowed with respect to any housing facility for agricultural workers for any month for which the amortization deduction provided in this section is not allowed.

"(d) Definitions.—For purposes of this section—

"(1) Agricultural worker.—The term 'agricultural worker' means an individual (other than the taxpayer, his spouse and dependents, and members of his household) who is a citizen or permanent resident of the United States and whose primary employment is in agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938, or performing agricultural labor, as defined in section 3121(g).

"(2) Certified housing facility for agricultural workers.—The term 'certified housing facility for agricultural workers' means any dwelling or dwelling unit for the housing of agricultural workers—

"(A) the construction of which is completed after December 31, 1964; and

"(B) with respect to which a certificate has been issued by the Secretary of Agriculture under subsection (e).

If any facility is converted, through alteration or remodeling, into a housing facility for agricultural workers, or if a housing facility for agricultural workers is altered or remodeled so as to increase the number of dwelling units in such facility, or to improve any of the dwelling units in such facility, such alteration or remodeling shall be treated as the construction of a housing facility for agricultural workers.

"(e) Certification by Secretary of Agriculture.—

"(1) Applications.—Any person who after December 31, 1964, completes the construction of a housing facility for agricultural workers may apply to the Secretary of Agriculture for a certificate under this subsection, or, if the person who completes such construction has not obtained such a certificate, then his successor in interest may apply to the Secretary of Agriculture for a certificate under this subsection. Such application shall be filed at such time, shall be in such form, and shall contain such information as the Secretary of Agriculture may prescribe by regulations.

"(2) Requirements for certified housing facility for agricultural workers.—The Secretary of Agriculture shall issue a certificate with respect to a housing facility for agricultural workers if he is satisfied that—

"(A) such housing facility has been constructed to provide decent, safe, and sanitary housing for agricultural workers:

"(B) any rentals charged an agricultural worker for the occupancy of any dwelling unit in such facility will not exceed rates within the means of the probable occupants of such unit, due consideration being given to the income and earning capacity of agricultural workers in the area; and

"(C) for a period of five years (commencing with the date of application for such certificate), the dwelling units in such housing facility (i) will be made available primarily for occupancy by agricultural workers, (ii) will, when rented, be rented at rates consistent with the provisions of subparagraph (B), and (iii) will be maintained in accordance with such safety and sanitation standards as may be prescribed by State or local law, or, in the absence of such standards, in accordance with such minimum requirements as the Secretary of Agriculture shall prescribe.

The Secretary shall not refuse to issue a certificate with respect to a housing facility for agricultural workers to any person solely by reason of the fact that such person intends to sell such facility to an agricultural worker within the five-year period referred to in subparagraph (C).

"(3) Preliminary certification.—An application under paragraph (1) may be filed with respect to any housing facility for agricultural workers prior to the completion of the construction of such housing facility. The Secretary of Agriculture may, by regulations, provide for the issuance of a conditional certificate to any such applicant if it appears from the information contained in his application that upon completion such housing facility will fulfill the requirements for a certificate prescribed in paragraph (2).

(4) Regulations.—The Secretary of Agriculture shall prescribe such regulations as he deems necessary to carry out the provisions of this subsection.

"(f) Determinations of Adjusted Basis.—

"(1) Original owners.—For purposes of subsection (a)(1), in determining the adjusted basis of any certified housing facility for agricultural workers—

"(A) there shall be included only so much of the amount of the adjusted basis (for determining gain), computed without regard to this subsection, as is properly attributable to construction after December 31, 1964, which the Secretary of Agriculture certifies is attributable to the provision of housing for agricultural workers; and

"(B) if the facility is a certified housing facility for agricultural workers within the meaning of the second sentence of subsection (d)(2), there shall be included only so much of the amount otherwise included in such adjusted basis as is properly attributable to the alteration or remodeling.

"(2) Subsequent owners.—For purposes of subsection (a)(2), the adjusted basis of any certified housing facility for agricultural workers shall be whichever of the following amounts is the smaller:

"(A) the basis (unadjusted) of such facility for purposes of this section in the hands of the person who constructed such facility, adjusted as if such facility in the hands of the taxpayer had a substituted basis within the meaning of section 1016(b); or

"(B) so much of the adjusted basis (for determining gain) of the facility in the hands of the taxpayer (computed without regard to this subsection) as is properly attributable to construction after December 31, 1964, which the Secretary of Agriculture has certified is attributable to the provision of housing for agricultural workers.

"(3) Separate facilities; special rule.—If any existing certified housing facility for agricultural workers (as defined in the first sentence of subsection (d)(2)) is altered or remodeled as provided in the second sentence of subsection (d)(2), the expenditures for such alteration or remodeling shall not be applied in adjustment of the basis of such existing facility but a separate basis shall be computed as if the part altered or remodeled were a new and separate housing facility for agricultural workers.

"(g) Depreciation Deduction.—If the adjusted basis of a certified housing facility for agricultural workers (computed without regard to subsection (f)) exceeds the adjusted basis computed under subsection (f), the depreciation deduction provided by section 167 shall, despite the provisions of subsection (a)(3) of this section, be allowed with respect to such facility as if the adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

"(h) Life Tenant and Remainderman.—In the case of property held by one person for life with remainder to another person, the amortization deduction provided in subsection (a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

"(i) Limitation.—No deduction shall be allowed under subsection (a) with respect to a certified housing facility for agricultural workers for any month during any part of which—

"(1) if the taxpayer is an individual (other than an estate or trust), such facility is occupied by the taxpayer or by the spouse, any dependent, or any member of the household of the taxpayer.

"(2) if the taxpayer is an estate or trust, such facility is occupied by a beneficiary of the estate or trust, or

"(3) if the taxpayer is a corporation, such facility is occupied by any stockholder or officer of the corporation or by any employee of the corporation who is not an agricultural worker.

"(j) Cross Reference.—

"For special rule with respect to gain derived from the sale or exchange of property the adjusted basis of which is determined with regard to this section, see section 1238."

(b) The table of sections for such part VI is amended by adding at the end thereof:

"Sec. 183. Amortization of housing facilities for agricultural workers."

Sec. 2. Section 1238 of the Internal Revenue Code of 1954 (relating to amortization in excess of depreciation) is amended by inserting after "section 168 (relating to amortization deduction of emergency facilities)" the following: "or section 183 (relating to amortization deduction of housing facilities for agricultural workers)".

Sec. 3. The amendments made by this Act shall apply to taxable years beginning after December 31, 1964.

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy of Massachusetts, Mr. Nelson, Mr. McCarthy, Mr. Inouye, Mr. Yarborough, and Mr. McGee):

S.J. Res. 75. Joint resolution proposing an amendment to the Constitution of the United States relating to residence and physical presence requirements for voting in presidential and vice-presidential elections and for voting in elections for U.S. Senators and Members of the House of Representatives; to the Committee on the Judiciary.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"Section 1. The right of any citizen of the United States to vote in any election for President or Vice President or for electors for President or Vice President shall not be denied or abridged by any State by reason of the failure of such citizen to meet any residence requirement of such State, if such citizen is otherwise qualified to vote in such election in such State and such citizen has resided in such State for a period of at least thirty days preceding such election.

"Sec. 2. The right of any citizen of the United States to vote in any election for President or Vice President or for electors for President or Vice President or in any election for Senator or Representative in Congress shall not be denied or abridged by any State by reason of the failure of such citizen to be physically present to vote in such election in such State, if such citizen is otherwise qualified to vote in such election in such State and such citizen, at the time such election is held, is not with good cause, physically present in such State.

"Sec. 3. The term 'State' as used in sections 1 and 2 includes the District constituting the seat of government of the United States and the political subdivisions of each of the several States.

"The term 'election' includes any primary, general, or special election.

"Sec. 4. The Congress shall have power to enforce this article by appropriate legislation.

"Sec. 5. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress."

The summary presented by Mr. WILLIAMS of New Jersey is as follows:

SUMMARY OF PROPOSED MIGRATORY LABOR LEGISLATION

MINIMUM WAGE

This bill would amend the Fair Labor Standards Act to provide minimum wages for agricultural employees. The agricultural minimum wage would be stepped up gradually over a 3- or 4-year period to the industrial minimum wage level. The minimum would be $1.15 an hour the first year; $1.20 the second; $1.25 the third; and the industrial minimum (currently also $1.25) in the fourth. "Wage paid to an agricultural employee would include the reasonable costs, as determined by the Secretary of Labor, of board, lodging, or other facilities customarily furnished the employee.

Coverage under the bill would extend to all employees performing hired farm labor for an employer who used more than 300 man-days of hired farm labor in any one of the four preceding calendar quarters. The effect of the 300-man-day test would be to apply minimum wage requirements to farm enterprises using approximately four or five full-time employees during a calendar quarter. It is estimated that the test would apply to about 78,000 farms, thus providing minimum wage coverage for over 750,000 farm employees.

Exempted from the minimum wage requirements would be members of employers' immediate families, sharecroppers, or members of sharecroppers' immediate families working on or in connection with the sharecroppers' tracts of land.

CHILD LABOR

Under existing Federal law, the employment of children in agriculture is regulated only during school hours. This bill would amend the Fair Labor Standards Act to provide limitations on agricultural child labor outside of school hours and when school is not in session.

Under the bill, a child would be permitted to work in agriculture outside of regular school hours or during vacation only if (1) he is 14 years of age or over or (2) he is between 12 and 14 and commutes daily not more than 25 miles from his permanent residence and either has the written consent of his parent or his parent is employed on the same farm.

The Secretary of Labor would be authorized to issue regulations barring children below age 18 from working on particularly hazardous farm operations.

By express provision in the bill, however, no restrictions are imposed on the employment of children working for their parents on a home farm.

COLLECTIVE BARGAINING

This bill would amend the National Labor Relations Act to extend collective bargaining rights to agricultural employees. The bill adapts some of the National Labor Relations Act's provisions to take account of the seasonal nature of much agricultural work. For this purpose, agricultural workers would be placed within the same special National Labor Relations Act provisions as are now applicable to workers in the building and construction industry under section 8(f) of the act.

VOLUNTARY FARM EMPLOYMENT SERVICE

This bill would amend the Wagner-Peyser Act to provide a voluntary farm placement program supplementing the present Federal-State placement procedures. The bill is designed to meet the problems of providing fuller employment for farmworkers and of assuring growers that sufficient qualified workers will arrive at, and stay for, the needed time. Under the voluntary procedures provided in the bill, assured transportation for farmworkers and other means would be used to increase the mobility of the farm labor force, improve farm labor logistics, and to rationalize the farm labor force, improve farm labor logistics, and to rationalize the labor market generally. Workers recruited under these procedures and their employers would enter into written contracts which make applicable to the domestic worker some of the same employment conditions that have long been assured to foreign contract labor.

NATIONAL ADVISORY COUNCIL

This bill provides for a National Advisory Council on Migratory Labor, composed of 15 members appointed by the President. Appointments would be made for the life of the Council, a period of 5 years, and without regard to political affiliations. The Council members would be appointed as follows: Four to represent the farmer; four to represent the migratory worker; two who have a demonstrated interest in and knowledge of the problems relating to migratory agricultural labor; two with experience in activities aimed at determining and solving the health, education, and welfare problems of the migratory worker and his family; and three with experience as State officials who are knowledgeable of migratory worker problems.

The Council would have the duty of advising the President and the Congress with respect to (1) the operation of Federal laws, regulations, programs, and policies relating to any and all aspects of migratory agricultural labor; and (2) any and all other matters relating to migratory agricultural labor. The Council would also consider, analyze, and evaluate the problems relating to migratory agricultural labor with a view to devising plans and making recommendations for the establishment of policies and programs designed to meet such problems effectively. In addition, it would submit an annual comprehensive report of its findings and recommendations to the Secretary of Labor for transmission by him to the President and to the Congress.

TAX AMORTIZATION FOR FARM LABOR HOUSING

This bill would amend the Internal Revenue Code of 1954 to provide a tax incentive for the construction of farm labor housing. This tax benefit, which would be available to farmers and others building such housing, would be in the form of rapid amortization of construction costs, over a period of 5 years. Under present tax law, such construction costs must be depreciated over the useful life of the housing facility, which may be as long as 40 years.

In addition to new construction, the 5-year amortization would be available respecting the costs of alteration or remodeling to improve existing farm labor housing.

This special deduction, in lieu of depreciation, could be taken by a farmer or other owner with respect to housing completed after December 31, 1964, or by the purchaser of such housing. To qualify, the owner would obtain a certificate from the Secretary of Agriculture covering these 3 points.

First, that the housing facility has been constructed to provide decent, safe, and sanitary housing for agricultural workers;

Second, if the housing is to be rented, rather than being furnished to farmworkers rent free, that the rentals will be reasonable in view of the occupants' probable incomes and earning capacities; and

Third, that during the 5-year amortization period, the housing will be made available primarily for occupancy by domestic agricultural workers and will be maintained in accordance with applicable minimum standards on safety and sanitation.

The deduction could be discontinued at the election of the taxpayer, or by the Secretary of Agriculture if he finds the certification is not being complied with. The revenue loss under the amendment would not exceed $2.5 million annually.

REDUCED RESIDENCE REQUIREMENTS FOR VOTING

This joint resolution proposes a constitutional amendment liberalizing certain qualifications of the right to vote in presidential and congressional elections. These qualifications, which relate to the voter's residence and physical presence, would be affected as follows: (1) If a voter is otherwise qualified and has resided in the State for at least 30 days the State could not deny or abridge his right to vote in a presidential election because of failure to meet State residence requirements; (2) if a voter is otherwise qualified but, for good cause, is physically absent from the State or from the appropriate political subdivision, the State could not deny or abridge his right to vote in a congressional or presidential election because he is not physically present. In such a case, provision for absentee balloting would have to be made.

VOTING RIGHTS ACT OF 1965—AMENDMENTS

AMENDMENT NO. 124

Mr. MANSFIELD (for himself and Mr. DIRKSEN) proposed an amendment to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which was ordered to be printed.

AMENDMENT NO. 134

Mr. SPARKMAN. Mr. President, debate on this so-called voting rights bill certainly provides a fertile field for stimulating amendments which may conceivably give the bill at least a hint of constitutionality. But even that hint of constitutionality cannot hope to counteract the basic fault of the bill. This basic fault is that the bill amounts to Federal control of voting qualifications. Again, I emphasize that I believe every qualified person should have the right to vote. However, those qualifications should be set by the States, not the Federal Government.

In order to counteract a provision of the bill which would give a Federal court veto power over the actions of State legislatures in the voting area, I am offering my second amendment to the voting bill.

This amendment would eliminate the requirement that any change in the voting laws in a State, after it has been determined to be covered by the act, would have to be approved by a Federal court in the District of Columbia, unless the Attorney General interposed no objection to the new law, before it could be placed into effect.

Such an attempted curb on the legislative power of a State is a flagrant violation of our traditions of Government and for many reasons it appears to be unconstitutional. The amendment would delete the pertinent language and would leave judicial review of State laws as it is under our normal and accepted system.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

The amendment (No. 134) was ordered to lie on the table.

SOCIAL SECURITY ACT AMENDMENTS OF 1965—AMENDMENTS

AMENDMENTS NOS. 125 AND 126

Mr. FONG. Mr. President, today I am submitting two amendments regarding the disability provisions of the social security law relative to young workers and disabled children. The amendments are to H.R. 6675, Social Security Act Amendments of 1965, on which the Senate Finance Committee has just begun hearings.

The first amendment reduces the number of quarters of covered employment required for workers totally disabled before age 31. Under existing law, workers who become totally disabled must have worked at least 5 years in social security covered employment in the 10 years before the disability occurred in order to qualify for social security disability benefits.

This 5-year requirement makes it difficult or even impossible for young workers who become totally disabled to obtain disability benefits under social security.

For example, a person who started work at age 21 and who becomes totally disabled at age 25 has only 4 years of covered employment and therefore cannot qualify for disability benefits under social security.

My amendment will help close a gap in social security disability protection for young workers.

Under my amendment, a worker disabled before age 31 would qualify if he has whichever is greater: First. Six quarters—1½ years—of coverage in social security employment or, second, quarters equal to one-half the time between age 21 and the age he becomes disabled. If disabled at age 30, for example, the work requirement would be 4½ years; at age 25, the requirement would be 2 years.

In the case of those totally disabled before age 24, the minimum covered work required would be 1½ years in the 3 years prior to disability.

Where disability occurs after age 31, a worker would have to be in covered employment for 5 out of the 10 years before he became disabled. This is in line with present law.

These provisions carry out a recommendation of the advisory council on social security in January 1965.

CHILD'S BENEFITS FOR THOSE DISABLED BEFORE AGE 22

The second amendment I am submitting would extend child's benefits to certain totally disabled children.

Existing law permits a disabled child over 18 years of age to receive child's insurance benefits under social security only if the child became disabled before attaining age 18 and is still disabled.

My amendment would allow an eligible disabled child to receive a child's benefit under social security if he became disabled before attaining age 22 and is still disabled.

Other eligibility requirements for a child's benefit contained in present law would remain unchanged by my amendment. These include a requirement that the disabled child be single, be so severely disabled that he is unable to do any substantial work for pay and is the child of a parent entitled to social security benefits.

The amount of benefit payments also would continue to be computed as at present. Existing law provides that in a family receiving social security survivors' insurance benefits, a child or an adult disabled in childhood generally receives 75 percent of the amount the worker would have received at retirement.

In a family receiving monthly social security retirement of disability benefits, the amount received by this type of beneficiary is 50 percent of the worker's benefit. However, the total amount payable on the worker's account cannot, in any case, exceed the family maximum established by law.

I am advised that the cost of raising the age limit to 22 would be negligible, for the number of totally disabled persons between 18 and 22 is small. While the total number of children affected may be small, the benefit to each of them would be significant. To the parent caring for a totally disabled child the benefit also would be significant.

I hope the Congress will make these needed improvements in the social security disability program.

These are only two of a number of social security amendments which I believe are urgently needed. Earlier in this session, I introduced these amendments as separate bills along with four other bills improving social security.

As passed by the House, H.R. 6675 contains the substance of my bills; the 7-percent social security increase, social security benefits for certain aged persons 72 and older, and extending child's insurance benefits to full-time students until age 22. The House bill also raises the earnings limit for persons receiving social security but not as much as I believe the limit should be raised. I am drafting an amendment to increase to $2,400 the amount social security recipients may earn before losing any of their monthly benefits.

I hope my amendments will be enacted into law.

The **PRESIDING OFFICER.** The amendments will be received, printed, and appropriately referred.

The amendments (Nos. 125 and 126) were referred to the Committee on Finance.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATION BILL, 1966

AMENDMENT NO. 127

Mr. HAYDEN submitted the following notice in writing:

> In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6767) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, the following amendment; namely, on page 13, line 6, after the word "proportionately" insert: ": *Provided further,* That no part of this appropriation shall be used for the condemnation of any land for Grand Teton National Park in the State of Wyoming".

Mr. HAYDEN also submitted an amendment (No. 127), intended to be proposed by him, to House bill 6767, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 128

Mr. HAYDEN also submitted the following notice in writing:

> In accordance with rule XI, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6767) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, the following amendment; namely, on page 6, line 21, after the word "Reclamation" insert: ": *Provided further,* That not to exceed $588,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1, for construction of an addition to the Dunseith Public School".

Mr. HAYDEN also submitted an amendment (No. 128), intended to be proposed by him, to House bill 6767, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 129

Mr. HAYDEN also submitted the following notice in writing:

> In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6767) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, the following amendment; namely, on page 23, line 8, after the word "expended" insert: ": *Provided,* That in addition, any unobligated balance as of June 30, 1965, of the amount appropriated under this head in the Supplemental Appropriation Act, 1965, shall be transferred to and merged with this appropriation".

Mr. HAYDEN also submitted an amendment (No. 129), intended to be proposed by him, to House bill 6767, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 130

Mr. HAYDEN also submitted the following notice in writing:

> In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6767) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for

other purposes, the following amendment; namely, on page 25, line 2, after the figure insert: ": *Provided*, That lands or interests therein needed for the Wildlife Research Center, Jamestown, North Dakota, may be acquired by purchase, or by exchange of lands of approximately equal value".

Mr. HAYDEN also submitted an amendment (No. 130), intended to be proposed by him, to House bill 6767, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 131

Mr. HAYDEN also submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6767) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, the following amendment; namely, on page 6, line 21, after the word "Reclamation" insert: ": *Provided further*, That not to exceed $450,000 shall be for assistance to the Tularosa, New Mexico, School District No. 4, for construction of junior high school and high school facilities".

Mr. HAYDEN also submitted an amendment (No. 131), intended to be proposed by him, to House bill 6767, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 132

Mr. HAYDEN also submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6767) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, the following amendment; namely, on page 5, line 17, after the figure insert: ": *Provided*, That not to exceed $85,000 of this appropriation shall be made available to the San Carlos Apache Indian Tribe for maintenance of law and order".

Mr. HAYDEN also submitted an amendment (No. 132), intended to be proposed by him, to House bill 6767, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 133

Mr. HAYDEN also submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6767) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, the following amendment; namely, on page 41, line 22, after the figure insert: ", to be available from January 1, 1965".

Mr. HAYDEN also submitted an amendment (No. 133), intended to be proposed by him, to House bill 6767, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

EXTENSION OF TIME FOR BILL TO BE HELD AT THE DESK

Mr. LONG of Missouri. Mr. President, I ask unanimous consent that S. 1808, to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States, which is being held at the desk until today under previous order, be held at the desk until Wednesday, May 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAW ENFORCEMENT ASSISTANCE ACT OF 1965—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 21, 1965, the names of Mr. BARTLETT, Mr. HAYDEN, Mr. LONG of Missouri, Mr. MANSFIELD, Mr. METCALF, Mrs. NEUBERGER, and Mr. TYDINGS were added as additional cosponsors of the bill (S. 1792) to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes, introduced by Mr. MOSS on April 21, 1965.

NOTICE OF HEARINGS ON S. 289

Mr. MORSE. Mr. President, headlines in the national newspapers for Thursday, April 29, 1965, revealing that the Pacific Northwest had been struck by an earthquake measure 7 on the Richter scale, have once more focused attention upon a problem which demands legislative solution.

The last 2 years have been unfortunately replete with instance after instance of natural calamities ranging from earth movement through flood and tornado.

While major legislation quite properly should be considered to deal with many of the areas of support for those afflicted by these natural disasters, it is my judgment that in the educational field there is one area which ought to be defined by statute. I have reference to the need of providing financial support to local school districts to repair damage and restore schools to full operating condition as soon as possible after the calamity has occurred. It was for that purpose that on January 6, 1965, I introduced S. 289.

Hearings on a substantially similar measure, S. 2725 of the 88th Congress, were held last July 29 and 30. In order that prompt consideration may be given to the merits of such legislation, I wish to announce that the Education Subcommittee of the Senate Committee on Labor and Public Welfare will meet at 10 a.m., on May 4 in room 4232 of the New Senate Office Building for public hearings on S. 289.

In view of the recency with which consideration has been given by the subcommittee to similar legislation, I feel that it is unnecessary to have extended hearings on the proposal. It is my intention to call for administration views and to incorporate into the hearing record the relevant material from the summer of 1964 hearings record.

I know, however, that many Senators may wish to have statements presented to the subcommittee in support of this legislation, based upon the problems which so many of our areas have suffered in recent months through flood and wind damage. The subcommittee will be most pleased to have statements from all Senators on the merits of the bill and I can assure you that the hearing record will be kept open for a 1 week period in order that written statements from the public sector may be added to it for the consideration of the subcommittee at an early executive session.

Mr. President, in order that Senators and others may have the basic information on S. 289 available, I ask unanimous consent that material pertaining to the measure which appears on pages 45 through 50 of our hearings record of July 29 and 30, 1964, be printed at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON S. 2725 BY SENATOR MORSE

I turn now to the consideration of S. 2725 which, if enacted, would add standby disaster authority to the authorities exercised by the Commissioner of Education. Specifically, the Commissioner would be empowered upon a finding by the President that a disaster had occurred, to immediately make funds in his possession previously appropriated under Public Law 815 available for use in the repairing and renovation or restoration of the schools in the disaster area. The amount of the grant which he would make would not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the full cost of restoring or replacing the damaged facility.

The Commissioner would also be authorized under the authorities of Public Law 874 to make disaster grants for current operating expenses to the school districts in the disaster area for a 5-fiscal-year period beginning with the fiscal year in which the disaster occurred. Here again, however, the amount of the grant could not exceed the difference between that which was reasonably available to the local educational agency from other sources and the cost of providing a level of education equivalent to that maintained in the schools during the last full fiscal year prior to the disaster.

Amounts provided during the last 3 years of the 5-year period could not exceed 75, 50, and 25 percent respectively, of the amount provided during the first fiscal year following the disaster. In addition, however, the Commissioner could provide funds to replace destroyed supplies, equipment, and materials and to provide school and cafeteria facilities. Senators will recall that the occasion of the introduction of this legislation was the disastrous consequences suffered by our friends and neighbors in the great State of Alaska. Subsequent to that time, there have been other areas, such as those in Montana, in which much damage was suffered, by reason of floods. Truly, as set forth in the publication of the Alaska Education Association, such a tragedy could strike any community or State in our Nation. The advantage of having standby legislation for disasters, to restore as soon as possible educational opportunities to the youngsters in the community, is that within a matter of hours after the determinations were made by the President, help would be on its way. Reconstruction could take place far more quickly, and most importantly, the communities would not be faced, in nearly the same degree of difficulty, with making agonizing choices between equally important public functions, all of which had been damaged by the disaster.

The safeguards in the bill, in my judgment, are sufficient to make sure that the State and the community will bear their full share of the burden while also making sure that the education of the children will not suffer because of the financial stringencies on local governmental units which occur through the almost complete erosion of proceeds from the tax rolls in the first years immediately following a major disaster. At this point in my remarks, Mr. President, I ask unanimous consent that communications I have received from the Honorable William A. Egan, Governor of the State of Alaska, Resolution No. 37 of the State Senate and Resolution No. 16 of the State House of Representatives of Alaska, together with the text of an article which was prepared by the Alaska Education Association and which I understand will be given wide distribution at the national convention of the National Education Association in Seattle, be inserted at this point in my remarks.

(There being no objection, the material was ordered to be printed in the Record, as follows:)

State of Alaska,
Office of the Governor,
Juneau, June 16, 1964.

Hon. Wayne Morse,
U.S. Senator,
Washington, D.C.

Dear Senator Morse: This letter is written to express my full support for provisions of S. 2725, introduced by you, to authorize the U.S. Commissioner of Education to extend grants to local public educational agencies for reconstruction, rehabilitation and/or operation of school facilities in a major disaster area.

As Governor of the State of Alaska, which is now engaged in a major effort to recover from the devastating effects of earthquake and seismic seas, I have particular reason to be aware of the desirability for automatic standby authority of the nature proposed by S. 2725.

Its enactment—particularly as regards the authority provided in section 2 of the bill relating to grants for school operation—would fill a gap now existing among the statutory remedies available to areas of our Nation in the wake of disaster. Essential and badly needed assistance could be extended promptly—at a time when urgency of action is most vital to mitigate against unnecessary delay or interruption in the provision of vital educational services.

The March 27 disaster in Alaska caused in excess of $10 million damage and destruction to school buildings and related educational facilities. Funds for reconstruction and rehabilitation of these facilities have been forthcoming from President Johnson and the Office of Emergency Planning under the provisions of Public Law 875.

Of even greater magnitude than that inflicted upon these physical properties, however, is the serious financial blow struck at the future operation of these facilities through the destruction of land values, loss of employment and other factors directly affecting the tax base providing the revenues needed by the State and local school entities for school support. The State of Alaska has estimated that it will suffer, together with individual school districts, a shortfall of approximately $12 million during the remainder of this fiscal year and fiscal years 1965 and 1966 in school support revenues. This need too has been recognized in part in the enactment of legislation to amend the Alaska Omnibus Act and extend for 2 years the program of transitional grants to Alaska.

While Alaskans shall forever be grateful for the prompt and ready manner in which the President and Congress of the United States have responded to the needs arising from the March 27 disaster, it is pertinent to note that had the provisions of S. 2725 been in effect it would not be necessary that the State seek special legislation to meet this disaster-caused need.

Additionally, it should be noted that the Bureau of the Budget, in preparing its estimate of revenue shortfalls in connection with the Alaska disaster, did so on the basis of an 18-month recovery. The estimate of the State of Alaska was based on a 30-month recovery which it believes is a more reasonable period over which rehabilitation and economic recovery will occur. This uncertainty would be resolved under the provisions of section 2 of S. 2725 which would permit the Commissioner of Education, where justified by circumstances, to make gains for operation of schools suffering the impact of disaster over a 5-year period with appropriate reductions in amount in each of the last 3 fiscal years.

The Office of Emergency Planning has done an outstanding job in assisting Alaska's recovery. Of necessity, however, it must give priority to those responsibilities involving the emergency needs of human beings. It cannot give immediate attention to those other equally essential but less urgent tasks of reconstruction.

Assignment of responsibility for reconstruction, rehabilitation, and operation of disaster-affected educational facilities to the U.S. Commissioner of Education not only would relieve the Office of Emergency Planning from this responsibility at a time when it is hard pressed to meet other more urgent needs but would also place the responsibility in an agency particularly adapted by its day-to-day program to know the nature and extent of the need which exists.

The State of Alaska strongly supports the provisions of S. 2725.

Sincerely,
William A. Egan, *Governor.*

Resolution Requesting the Expansion of Federal Programs To Meet the Effects of the Natural Disaster on the State School System

Be it resolved by the senate:

Whereas the earthquake disaster has had a grave impact on the public education program and system of the State through the destruction of school facilities and the loss of revenues vital to the existence of education; and

Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school system in Alaska; and

Whereas U.S. Senator Wayne Morse has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

Resolved, That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the State is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable Wayne Morse, U.S. Senator; and the members of the Alaska delegation in Congress. Passed by the senate April 10, 1964.

———— ————,
President of the Senate (pro tempore).
Attest:
Evelyn K. Stevenson,
Secretary of the Senate.
Certified true, full and correct.
Evelyn K. Stevenson,
Secretary of the Senate.

State of Alaska,
Secretary of State,
Juneau, April 17, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: At the request of the House of Representatives of the State of Alaska, I have the honor of transmitting to you a certified copy of House Resolution 16, requesting the expansion of Federal programs to meet the effects of the natural disaster on the State school system.

Sincerely yours,
Hugh J. Wade,
Secretary of State.

House Resolution 16

Resolution requesting the expansion of Federal programs to meet the effects of the natural disaster on the State school system

Be it resolved by the House of Representatives:

Whereas the earthquake disaster has had a grave impact on the public education program and system of the State through the destruction of school facilities and the loss of revenues vital to the existence of education; and

Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school systems in Alaska; and

Whereas U.S. Senator Wayne Morse has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

Resolved, That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the State is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable CARL HAYDEN, President pro tempore of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable WAYNE MORSE, U.S. Senator; and the members of the Alaska delegation in Congress. Passed by the house April 12, 1964.

BRUCE KENDALL,
Speaker of the House.

Attest: PATRICIA R. SLACK,
Chief Clerk of the House.

Certified true, full, and correct.

[SEAL] PATRICIA R. SLACK,
Chief Clerk of the House.

ALASKA EDUCATION ASSOCIATION,
Juneau, Alaska, June 15, 1964.

Hon. WAYNE MORSE,
Senator From the State of Oregon, New Senate Office Building, Washington, D.C.

MY DEAR SENATOR MORSE: We are sending you a copy of a leaflet that has been prepared by us for general distribution at the National Education Association Representative Assembly at Seattle later this month.

We are hoping that we can aid in garnering widespread individual and collective support from teachers and educators across the Nation. The enclosed leaflet and other material will be distributed in Seattle prior to the presentation of a resolution on the floor of the assembly calling for NEA support.

Senator MORSE, know that we in Alaska are most appreciative of all of your efforts in behalf of education, and particularly, we are grateful for your efforts in this most recent instance. With friends like you "in the garrison," certainly the future for public education in this Nation is much brighter.

Sincerely yours,

HAZE J. BERGERON,
Executive Secretary.

IT HAPPENED IN ALASKA—BUT IT COULD HAPPEN TO YOU

(Reprinted from CONGRESSIONAL RECORD—Senate, Apr. 9)

FEDERAL AID TO SCHOOLS IN DISASTER-STRUCK AREAS

Mr. MORSE. Mr. President, I know you share with me the heartfelt sympathy that all Americans extended immediately to our brothers in Alaska and on the sea-ravaged portions of the west coast as a result of the earthquake and the tidal wave which followed. I shall, of course, support every effort to provide financial assistance to the State of Alaska and the affected communities. This terrible news caused me to think, however, that perhaps we should explore the utility of an automatic standby authority which would release Federal funds for the replacement of schools damaged by such acts of God. Three to four schools a week in this country, I am advised, burn or are destroyed. Floods, windstorm, tornadoes, and hurricanes take all their toll of our schools, and as importantly, the local tax base which supports the school. The replacement of these schools in a great many cases, where tragedy has also wiped from the tax rolls the land values in the community, poses a terribly difficult financial problem to the affected local communities.

I send to the desk for appropriate reference a bill designed to meet these contingencies which we will all hope will never strike our own home States. It is a standby authority bill which, if enacted, would go far in restoring the damage to the school plant, thus permitting an early resumption of the school operations.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks the text of the bill together with a short section-by-section analysis of the major provisions.

There being no objection, the bill and section-by-section analysis was ordered to be printed in the RECORD.

"SENATOR MORSE PROPOSES FEDERAL AID TO SCHOOLS IN DISASTER-STRUCK AREAS (S. 2725)

"Senator WAYNE MORSE, Democrat, of Oregon, chairman of the Senate Subcommittee on Education, on April 9 proposed major disaster amendments to Public Laws 815 and 874. Senator MORSE pointed out that 'as a result of the [Alaskan] earthquake and tidal wave, perhaps we should explore the utility of an automatic standby authority which would release Federal funds for the replacement of schools damaged by such acts of God.'

"The new Morse bill, S. 2725, would amend Public Law 815 to permit the Commissioner to make school construction and rehabilitation grants to a local public educational agency located in whole or in part in an area which, in the determination of the President, has suffered a major disaster. The grants would be in such amounts as the Commissioner determines to be in the public interest, but they could not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the cost of restoring or replacing the public school facilities destroyed or damaged as a result of the disaster. Assurances would be required that the appropriate State and local governments would also make reasonable expenditures for these purposes. Appropriations would be authorized in such amounts as would be necessary to carry out this provision, and pending such appropriations the Commissioner could use funds appropriated for other sections of Public Law 815.

"S. 2725 would also amend Public Law 874 to permit the Commissioner to make grants for current operating expenses to a local public educational agency located in whole or in part in an area which, in the determination of the President, has suffered a major disaster. The grants, which could be made for the 5-fiscal-year period beginning with the fiscal year in which the disaster occurred, could not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the cost of providing a level of education equivalent to that maintained in the agency's schools during the last full fiscal year prior to the disaster. Amounts provided during the last 3 years of the 5-fiscal-year period could not exceed 75, 60, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster. In addition the Commissioner could provide funds to replace temporarily facilities destroyed as a result of the disaster. Assurance would be required that the appropriate State and local governments would also make reasonable expenditures for these purposes. Appropriations authorized in such amount as would be necessary to carry out this provision, and pending such appropriations the Commissioner could use funds appropriated for other sections of Public Law 874."

If enacted by Congress, S. 2725 would become broad permanent general legislation that would benefit all areas of our Nation faced with disaster. Write to your congressional delegation. Offer your support for S. 2725.

Mr. MORSE. Mr. President, I assure those who have written me on this subject that it is my earnest hope that this needed standby legislation can receive congressional approval in this session of the Congress.

Mr. MORSE. Mr. President, from the preliminary reports which have been received in my office, it would appear that the earthquake damage in the Pacific Northwest, I am very happy to say, is not as severe as that which has occurred on other occasions, but the fact that it did occur brings vividly to mind the potential damage that such natural cataclysms could accomplish. Disasters such as those referred to in S. 289 can strike and have struck in every geographical area of the United States from the hurricane damage which afflicts the east and gulf coasts to the tidal waves which are a threat to the western United States through Hawaii. The standby authority conveyed in S. 289 can provide the Government with an effective tool to meet the special needs of our schools and our schoolchildren whenever and wherever the blows of nature are of sufficient magnitude to justify designation by the President of the United States of the area as a disaster area.

HEARINGS ON THE DESALINATION PROGRAM

Mr. JACKSON. Mr. President, pursuant to Public Law 448 of the 82d Congress, on April 20 the Secretary of the Interior submitted to Congress an annual report summarizing the desalting operations of the Department of the Interior in 1964.

The desalination program is, in my opinion, one of the most important programs in which this Government can participate. If we achieve the success in this area which is hoped for by Congress and by the President, we shall have, indeed, reached a monumental achievement in our Nation's history.

As chairman of the Committee on Interior and Insular Affairs, I am attempting to reschedule hearings on the progress and status of our desalination program. Unfortunately, the hearings which previously were scheduled for April 29 and 30 had to be canceled due to a conflict of schedules. I hope to reschedule these meetings within the next 2 or 3 weeks; and ample notice will be given to the Senate and the public.

It is my intention to hold an annual session, before our committee, on the "state of the art" in connection with the desalting activities carried on in the Nation by the Government, industry, and our universities. I am convinced that such annual meetings will provide an awareness by the people of the potential benefits to be derived, both domestically and in other nations, if a successful economic breakthrough in this scientific endeavor can be made.

I ask unanimous consent that the letter from the Secretary, containing his report, be printed in full at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 20, 1965.
Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: This letter is my report summarizing the 1964 desalting operations of the Department of the Interior, submitted under Public Law 448, 82d Congress, 2d session, as amended.

The year 1964 marked a turning point in the Department's approach to saline water conversion. Heretofore, we have endeavored to lay a solid foundation for desalting technology by carefully exploring the broad spectrum of the field and demonstrating the applicability of various processes. Now, we are turning our attention toward more intensive engineering development of those specific processes best adapted to satisfying identifiable water needs.

We have established meaningful short and long-range goals for this program. While we believe the short-range engineering goals to be realistic, they constitute a complex challenge to engineers in the Office of Saline Water and in private industry as well. We are channeling our efforts to provide technology that will economically meet two separate identifiable needs: (1) Supplemental water for municipal and industrial uses in water-short coastal regions, and (2) the water requirements of inland cities and communities which are dependent upon brackish water sources of poor quality. It is difficult to determine which of the two needs should have priority; to the extent possible, we will therefore assign equal effort to both.

As we proceed with our engineering program to lower costs as soon as possible with available techniques, we are concurrently supporting a long-range scientific program of basic research—the obvious reason being that we must keep a balance between engineering and research. Through these fundamental studies we are continually probing for revolutionary new concepts that will dramatically reduce the cost of desalination; but there is a need now for low-cost water, and we must meet this need with the best equipment we can devise.

Our plans for achieving these objectives were set forth in the "Program for Advancing Desalting Technology" which we submitted on September 22, 1964, in response to the request of President Johnson for an aggressive and imaginative desalting program. I am pleased to report that both industry and the research community have given the accelerated program a heartening reception. We have collaborated with the Atomic Energy Commission as we developed this program to assure that the development schedule for large-scale desalting plants is coordinated with the schedule for appropriate reactors.

To enable us to undertake the accelerated program, it was recommended that the Anderson-Aspinall Act of 1961, the authorizing legislation for the saline water conversion program, be extended 5 years through fiscal year 1972, with an additional authorization of $200 million.

To implement the accelerated program, the Office of Saline Water has been reorganized. C. F. MacGowan, who served as director of the office since 1961, has been appointed to serve as my special assistant on nuclear-desalting activities, and Frank C. Di Luzio has been appointed director.

The saline water conversion demonstration plant on Point Loma at San Diego, Calif., was closed down and transferred to the Navy on February 26, 1964, after almost 2 years of successful operation. The plant was moved to Guantanamo Naval Base and put back "on stream" on July 26. During the time the plant operated in California it produced over one-half billion gallons of fresh water from the Pacific Ocean and provided valuable information and operating data. The plant was originally designed to produce 1 million gallons of fresh water per day at an upper operating temperature of 200° F. Engineering advances in the control of scale formation enabled the operating temperature to gradually be increased to 250° F. At the higher temperature the plant produced 1.4 million gallons of fresh water per day.

Million of gallons of desalted ocean water may be supplied daily to southern California's homes and industries by 1970 as a result of a far-reaching engineering study initiated on August 18, 1964, by the Metropolitan Water District of Southern California, the Atomic Energy Commission, and the Department of the Interior. The study will determine the economic and engineering feasibility of a dual-purpose plant with a proposed fresh water capacity of between 50 and 150 million gallons per day and a generating capacity of 150 to 750 megawatts of electric power. The study will also evaluate the economics of the various fossil fuels compared to a nuclear reactor as the energy source for the combination plant.

As a result of the agreement reached during the meeting in June between President Johnson and Prime Minister Eshkol, a United States-Israel desalting and power team was formed to undertake a preliminary study of the feasibility of a combination electric power and desalting installation for Israel. On the recommendation of the joint team, we are cooperating with Israel in financing a detailed engineering feasibility study of a dual-purpose plant which would provide up to 200 megawatts of electricity and approximately 120 million gallons-per-day of fresh water.

During the year, desalting and atomic energy experts from the United States and the Soviet Union participated in an exchange of information. A Soviet delegation visited the United States in July. Three days of meetings were devoted to a full and frank report of activities both here and in Russia. Following this, the Soviet group was escorted on a 1-week inspection tour of major U.S. desalination and nuclear energy facilities.

The first international symposium on water desalination will be held in Washington October 3–9, 1965. Forty nations have already accepted the invitation of the United States to send official delegations to this important meeting. This symposium will provide an excellent forum for the exchange of technical information that has been developed by scientists and engineers in many lands and serve as a stimulant to increase the world level of effort in this important endeavor.

At the 1-million-gallon-per-day Freeport demonstration plant, the initial operating temperature has been increased from 240° F. to 270° F., making it possible to achieve an output of 1,140,000 gallons per day while using only two-thirds of the plant's evaporator capacity. Successful application of the "fluted tube" distillation concept led to plans for incorporating it in the Freeport demonstration plant. Experiments in multistage flash distillation provided information for improved designs and better heat transfer rates.

On the basis of solar-still experiments at the Daytona Beach, Fla., test site, Church World Services installed a production unit on the arid Greek island of Symi.

One of the meaningful accomplishments of the research program has been to accelerate the development of the promising reverse osmosis process. Early membranes had a water flux of 0.2 gallon per square foot of membrane per day. Membranes available today have water fluxes as high as 23 gallons per square foot of membrane per day, an increase of more than a hundredfold. A pilot plant with a design capacity of 1,000 gallons per day has been fabricated and operated successfully on sea water. Three additional 1,000-gallon-per-day experimental units are being built and we plan construction of a 50,000-gallon-per-day brackish water pilot plant during fiscal year 1966.

Six pilot plants, ranging in size from 3,000 to 37,000 gallons per day are in operation at the Research and Development Test Station at Wrightsville Beach, N.C. A seventh is nearing completion and additional units are planned.

The electrodialysis demonstration plant at Webster, S. Dak., continues to operate with a high degree of reliability with approximately 90-percent on-stream time. The plant now operates unattended from midnight to 7 a.m. We are continuing to develop improved operating techniques and recent tests with a new membrane show that it is superior to the original equipment.

The obvious importance of brackish water conversion processes makes it ever more clear that we should increase the level of effort in this area. Much of the information that is available for brackish water conversion processes has been obtained from studies conducted on sea water. This type of data is often unsatisfactory or inconclusive. An increased level of effort will be placed on experiments conducted in areas where brackish water is available.

The brackish water distillation plant at Roswell, N. Mex., has not yet operated with a high degree of reliability. It has been plagued by process problems related to pretreatment of the feed water to avoid scale formation on the heat transfer surfaces of the evaporators. There have also been equipment failures. A number of engineering studies have resulted in modifications to the system in an effort to improve performance.

The use of desalination processes to improve the quality of inland brackish water may be the first major application of desalting equipment in the United States. Over 1,000 of our cities and communities now use water containing dissolved salt in excess of quality standards established for good drinking water. Processes now available can improve the quality of this water by lowering its dissolved salt content to an acceptable level at a cost of less than $1 per 1,000 gallons. Two cities, Coalinga, Calif., and Buckeye, Ariz., already have brackish water desalting plants in operation and a third is under construction at Port Mansfield, Tex.

During the year the east coast conversion plant, a 200,000-gallon-per-day freezing process plant, was completed at Wrightsville Beach, N.C. The plant has not yet been successfully operated, however, due to mechanical difficulties and design problems in the ice-brine separator.

Several contracts have been awarded for conceptual design studies of a 50-million-gallons-per-day plant we have proposed for construction in Southern California. Through these contracts we are marshalling the creativity and capabilities of American industry toward converting large quantities of water from the sea at the lowest possible cost in the shortest possible time. This cost reduction process is not a new phenomenon; it has been demonstrated over and over again in the chemical industry. Plans are moving rapidly ahead for the establishment of a west coast test center where the preliminary engineering developments that must be accomplished prior to the construction of a large plant will be undertaken. This work will include the construction and operation of modules of the full-size plant to economically develop accurate information on hydraulics, heat balance, scale control, etc. The information thus obtained will be used as a reliable basis for the design of the 50-million-gallons-per-day plant. Models of other necessary equipment or of other processes may also be constructed.

While we are concentrating our efforts to insure a successful beginning for the accelerated desalting program, we are coordinating our activities with those of other Government agencies who are also working to improve the overall water supply situation. It is clear that no one program offers the best solution to the multiplicity of water supply problems that are developing across the country and around the world. The latest developments of all programs must be carefully evaluated to determine the best method or combination of methods to employ to provide fresh water for specific needs.

Sincerely yours.

STEWART L. UDALL,
Secretary of the Interior.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, and it was signed by the Vice President.

"THE CHOICE IS YOURS"—SENATOR HRUSKA'S ADDRESS TO U.S. CHAMBER OF COMMERCE

Mr. DIRKSEN. Mr. President, on Tuesday of this week, our colleague, Senator HRUSKA, made the keynote speech to the second general session of the annual meeting of the U.S. Chamber of Commerce.

As is always the case when the senior Senator from Nebraska speaks, his words had great merit. While I was not present to hear his remarks, I have read a copy of them. I believe they should be called to the attention of the Senate and to the attention of all thoughtful persons who are concerned about the choice between individual freedom and governmental control.

Senator HRUSKA was assigned the title, "The Choice Is Yours." In his remarks, he has made a precise and penetrating analysis of the elements which make up the choice confronting today's American.

As his colleague on the Antitrust and Monopoly Subcommittee, I have long admired Senator HRUSKA's skill in focusing on the essentials of the problems we face in that difficult field. He has again demonstrated that remarkable clarity in his speech before the U.S. chamber.

I ask unanimous consent, Mr. President, to have the text of that speech printed at this point in the RECORD, in order that it might be shared with the great audience it deserves.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CHOICE IS YOURS

(Extracts from the remarks of Senator ROMAN L. HRUSKA, of Nebraska; keynote address, 2d general session, 53d annual meeting, Chamber of Commerce of the United States)

Some 14 or 15 years ago, the distinguished historian, Arnold Toynbee, writing for the New York Times, speculated on the subject: "What will the outstanding feature of our 20th century appear to be in the perspective of 300 years hence?"

He wrote that our age will be remembered chiefly for its being the first since the dawn of civilization, some five or six thousand years ago, in which people dared to think it practicable to make the benefits of civilization available to the whole human race.

He called this vision of a good life for all a new one—not older than the 17th century beginning with the West European settlements on the east coast of North America. It was originally based on seemingly inexhaustible expanses of arable land, but that did not last very long. Within 250 years, the land was generally settled and occupied. The dream would have faded long ago had it remained affixed to agriculture.

But then came the application of mechanical power to technology and man found the ability to make nature produce his requirements.

This development, for the first time in history, made the ideal of welfare for all a practical objective instead of a mere utopian dream.

The proposition advanced by Toynbee leads to two pertinent observations: (a) The Great Society was not born in 1963 or 1964. In fact, it did not see the light of day for the first time some 50 years ago when it first appeared in Socialist Party literature of that day. It actually has an age of some 200 years as a concept, as a vision of a good life for all, as a dream of benefits of civilization for the entire human race. (b) The swirl of this dynamic and dramatic two-century-old dream of a great society is the essence of the greatest political issue of this century.

Sometimes, when this second observation is made, it evokes arched eyebrows and quizzical expressions. After all, how can anyone quarrel or find fault with a good life for all?

Of course, they cannot find fault with it. All will be in agreement on the result.

But it is the method or the means by which the dream is to be realized upon which wide and spirited differences present themselves.

The Communist world has its broad blueprint for a Great Society. It came into being as long ago as 1884. But only in the past half century has it been sharply defined. Many countries who look longingly on the fruitful yield in the United States have succumbed to the blandishments of the Soviet to use the forced march of communism as a shortcut to the good life for all.

They were told that the Soviet system overcomes many of the practical obstacles by which free nations are beset.

This eagerness to reach the welfare goal for all often leads to a fatal error, the granting of priority to equality over liberty; and the inescapable result is that they do not achieve either one.

But the struggle between methods to achieve the vision of a good life for all is not restricted to the global conflict of the free world against the Communists.

It is also present in a large and realistic way within our own Republic. Its immediate battleground is to be found here in the Nation's Capital, although the entire 50 States constitute the theater of war and all of our 195 million population are the combatants.

This battle is being waged to answer the question: "Under what auspices will the dream of benefits of civilization for all be advanced and realized?"

There are those who strongly advocate and champion an all-encompassing program of the public sector by which benefits of all kinds shall be delivered to all people. Public sector means a Federal Government of tremendously increased and constantly expanding scope, size, and cost.

There are those, on the other hand, who contend that the goal of attaining the American dream is best won by restricted Government activity, but with a greater reliance on the private sector with its features of competition and incentive and profit.

These are the contending forces in the mighty political battle now being waged.

The choice is yours, ladies and gentlemen, if it is not too late to make one.

A recent survey by Fortune magazine indicated that American businessmen were pleased with the policies of this administration. The climate for business is good, in the opinion of some 30 corporate executives. Taxes have been cut. The budget has been reduced. Free enterprise is functioning as well as could be expected in the very complicated society that we have today.

For the moment, let me overlook the fact that the budget is the highest in history—that the tax adjustment still leaves us with a constantly increasing national debt.

Right now, I won't even press the point that free enterprise actually is under Government duress.

"Our complicated society"—that's the phrase that troubles me the most.

Just how complex is our life today? Do the achievements of scientists force us to ask the Government to manage our economy and our lives? Have the great advances in education, in social theory, in mass production, in marketing, in affluence made our federal system obsolete? Is our society too complicated for the free enterprise system?

We are told by modern libertarians that our Founding Fathers had no idea that an industrial revolution would overtake the world. Our reformers say men such as Washington, Jefferson, Hamilton, and Adams could not conceive that populations would become so great in the 20th century that we would have cities with millions of people—that suburbs would swarm over family farms. Perhaps. But that's not the point.

Our Founding Fathers were concerned with freedom. They wanted a society in which individual liberty was paramount. They not only wanted majority rule, they wanted minority rights under majority rule.

Experience had taught those colonial Americans that the most dangerous threat to liberty was government itself. Their objective was to have the people control the Government. They wanted to limit forever the power of government to coerce either the majority or the minorities.

They devised the federal system to balance the powers of the Federal Government, and to keep government itself distributed among the States.

They were concerned with the proper role of government. And so should we be today. We should be aware that there are two divergent roads to travel in our search for the good life for all.

One is to let the Government take an increasing role because, thereby, the obstacles besetting the free enterprise way can be readily and expeditiously swept aside. Trust your friendly, congenial government, give up more and more in the area of decisionmaking, follow the regulations handed you, and make a lot of money. This will lead to the distribution of dividend checks as your main job.

The other road is the one this Nation has traveled for a long time. It is the way by which our strength, competence, resourcefulness, initiative, and wealth have been acquired. It is the way that the people reserve to themselves the right to make decisions, choices, and exercise options; that is to say, to have liberty. They reserve the right to take risks with capital and make innovations. It is the way that has promise, vision, and hope commensurate with the dignity and the worth of humankind.

For 30 years, America has been marching toward a monolithic government of ever-broadening scope and size. In the last 100 days, legislative steps long dreamed for by the advocates of this type of government have been realized and the foundation has been laid for even more of them. The appetite for even more expansion seems insatiable and the march unstoppable with the one-man consensus composing the government of the day.

To those who conceive of monolithic government as terminating in total government domination with all its resultant disaster, the outlook is dim and depressing.

To these, I say there is need for greater concern, but there is no need for such deep despair. There is much to fight for, there is much to fight with, there is much we can look forward to; and there are many obstacles in the way of all-encompassing Federal power before it reaches the goal sought by its advocates.

These advocates are in reality defeatists. They are men and women of little faith or vision and of small caliber measured in terms of national and human destiny.

They have lost faith in the American people and in their institutions.

These advocates concentrate on the imperfections in our society. They have adopted a course of expedience to effect seeming cures at once, but without due regard for the price being paid for the palliatives of doubtful value contained in the Great Planned Society.

The price, ladies and gentlemen, is not only in dollars, but in other and much more precious exchange.

This is so because by seeking superficial and expedient cures of imperfections, a course is being prescribed which seeks to remake our Government and our economic and social structure. It is a course which is not only unworkable, but which will greatly impair and perhaps destroy that economic, civic, and social arrangement which has built our Nation to the strength it has and which points the way to an even greater destiny.

The serious impairment of our business and industrial structure is an inherent and likely potential in the course being prescribed for the Great Society.

Why is it serious?

Not in terms of lesser profits and smaller dividends as such. These are vital and important, but they are, after all, only symbols, only results, only indicators of a much greater and more significant pattern.

Our business and industrial structure in the United States is important not only for profits and dividends, but for:

1. Jobs—well-paying jobs with extensive fringe benefits—over 70 million of them now. And more to come, if the National Government policy will only permit.

2. An incentive for U.S. citizens—millions of them, including millions of the wage earners themselves—to save and invest; not for returns that will yield personal, selfish indulgence, but for their homes, the education for their children, security for later years of their lives. This is the stuff of which the good life for all is made. These and related items constitute the benefits of civilization which should be available to all members of the human race.

3. And now comes one of the most important necessities of our system of free enterprise, profitmaking, business, and industrial organization in America, to wit—ladies and gentlemen, mark this well—whatever national goals are determined upon, the only way they can be achieved is by continuance of the sound management, prosperity, future growth, and constant innovations in our free enterprise, profitmaking economic system.

Not only is this a self-evident truth, but once in mind it calls for the establishment and maintenance of a satisfactory and truly operative working relationship between Government on one hand and business and industry on the other.

MUCH LIPSERVICE BUT VERY FEW RESULTS

This idea of such a relationship between business and Government is commonly conceded as meritorious. Much lip service is paid to it.

Within the past year, some of our national leaders in Government have made a great point of this with loud and frequent professions along this line to the captains and owners of industry.

The hosannahs and hallelujahs were many, clearly sounded, and widely sung.

They were quite persuasive, too. Many businessmen of high stature were convinced that the administration was really desirous of making and being friends. The extent of this conviction was well testified to by the number and memberships of businessmen's clubs organized to promote the candidacy of the President.

Need one remind an audience like this, however, that handsome is as handsome does?

Does such a happy relationship actually exist? Is an effort truly being made to achieve it?

Is the Government truly trying to foster and encourage profits and economic growth?

Or, in spite of the lip service rendered, is there not rather a drive for more of the same, in terms of punitive taxation, overregulation, governmental competition with private business, wholesale interference with the workings of the economy and a pervading, insidious tendency in too many Government levels and officials to equate profit with greed?

We should be aware of some of the indicators to show how far this Nation has already gone toward an ever-expanding Government in terms of size, scope, and cost. We should realize the high velocity with which our Nation is speeding toward unquestioned Government domination: All taxes and other Government levies now consume 35 percent of total national income; 1 out of 6 workers in the United States is a Government employee; $1 out of every $5 spent in the United States for goods and services is spent by Government; half of the personal income in the United States is accounted for by direct Government payments; Federal aid to State and local governments in 1956 was $3.8 billion; 10 years later, it is $13.6 billion—an increase of 260 percent.

Mind you, these and many other statistics are before the impact of the Great Society is registered. On that score, Senator DIRKSEN has said: "There is no conceivable way to estimate its future cost. The sky is the limit." And he is right.

BUDGET

All of the foregoing is the basis for heavy taxes now, and substantially heavier taxes in the future.

The amount of the budget demonstrates how inescapable is this result.

Let us stop being kidded about an economy budget of under $100 billion. There has been no such thing since 1963 fiscal year budget which was transmitted to the Congress in January 1962.

A year ago, much was made of a budget which "was under $100 billion." The President's message transmitting it to the House of Representatives arrived on January 21, 1964. On that very day, an analysis of it was presented to the floor of the House by the late Clarence Cannon, chairman of the Appropriations Committee—40 years a Democratic Congressman from Missouri, and one of the congressional field marshals for his party. During the course of his remarks, he stated:

"Contrary to impressions, this budget is above, not below, the magic mark of $100 billion. This is the third straight year the asking price in obligational authority in the President's budget crosses the $100 billion mark. * * *

"It is actively misleading to regard this budget as being below the $100 billion mark. To the contrary, this is the third one above that peacetime record amount * * *."

Strong words, ladies and gentlemen. But their speaker was a wise, competent, and courageous parliamentarian. He spoke words that are recorded in unflinching type in the congressional archives, however widely they may vary from frequent press releases and oral statements coming from one high in Government official circles. If it takes a budget under $100 billion for a championship award as an economizer, there was no title holder in 1964, or in 1963.

Nor was there any such title holder on that basis in 1965, notwithstanding loud and frequent claims to the contrary, and in spite of much tall talk about another budget under $100 billion.

Is the budget now too high?

Make up your own minds on this score, ladies and gentlemen, but in doing so, please recall that in the last full fiscal year under the Eisenhower administration, the budget was at a level of $76 billion as against a level which currently approximates $110 billion.

The meaning of this budget situation in terms of a happy working relationship between Government and business is this: That the black cloud of heavy, burdensome, and punitive taxation looms large for the immediate future; and with the immensity of the budget figures which are built into the present Great Society program, there is absolute certainty (in addition to taxation) of the continuance and the expansion of governmental competition with private business.

ACTIVITIES OF REGULATORY BODIES

Shortly after assuming office, President Johnson told a group of businessmen here in Washington, in an effort to set the tone of his administration respecting relationship between Government and business: "We will not harass or persecute you; banish your fear and shed your doubts and renew your hopes."

A short time later, as if to underscore these reassuring words, the President told the heads of the regulatory agencies: "A moving and progressive society finds oppressive, distracting, irritating, and ultimately intolerable the heavy hand of complacent and static regulation."

About the same time the President was telling the business community to banish its fears, as I have quoted, he sent a request to the Congress for 500 more investigators and prosecutors for the five regulatory agencies: FPC, FTC, FCC, SEC, and the Food and Drug Administration.

How the employment of 500 additional investigators and prosecutors would help banish the businessman's fears and make the heavy hand of complacent and static regulations a little lighter has never been explained.

Perhaps a poll taken among members of this audience would disclose whether or not the activities of investigators and prosecutors, the volumes and reams of questionnaires and paperwork necessary to satisfy the apparently insatiable appetite of Government agencies and bureaus for information have actually decreased.

ANTITRUST AND MONOPOLY

The Department of Justice persistently uses Federal might to prevent mergers which it admits have no effect on any competitor, but which merely conflict with a current theory held within the Department and which uses as justification a statute specifically designed to prevent unlawful injury to competition.

The yardstick being used dates back to 1870. It would be more fitting to think in terms of one designed with 1970 in mind.

While the antiquity of antitrust laws is somewhat to blame, more often it is in the administration by enforcement agencies that we can find the greatest fault together with competition for jurisdiction among various enforcement agencies with each having conflicting views as to what should be done and how.

Cooperation with Government is fine as a general slogan. It is well to bear in mind those brave and apparently sage words, "Come, let us reason together."

But with which agency in Government in particular shall there be cooperation, even assuming a desire on the part of the agency and the businessman to engage in such amicable relationships?

EXAMPLE

During Senate debate of the Bank Merger Act of 1960, the then majority leader gave assurances that the bank mergers were then and would continue to be exempt from the antimerger provisions of section 7 of the Clayton Act. The bill was passed on the assumption that such mergers would remain subject to supervision and approval by the banking authorities; namely, the Federal Reserve Board of Governors, Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

Subsequent court decisions, however, in the Philadelphia, Lexington, and Manufacturers-Hanover cases repudiated all this.

Now then, no Senate majority leader, no President, and no Congress or any part of it can be charged with responsibility for a Supreme Court decision; and should not be.

Here is a splendid opportunity to apply this business of "Come, let us get together and reason." This is so because the case is now back in the Congress in the form of a bill. Senator Robertson, chairman of the Banking and Currency Committee, has introduced a corrective bill providing that supervision of bank mergers be restored to the Federal banking authorities.

A well-placed word or a message from the President on the subject on which he has personal and technical knowledge would make the assurances of the 1960 Senate majority leader come true.

It is sincerely hoped that such will be the case, and that current rumors are false in saying that the Department of Justice and the Bureau of the Budget—the President's right arm—will oppose the Robertson bill.

TO SUMMARIZE

To pledge friendship and profess a desire for an acceptable relationship between Government and business is one thing.

To try to find them in actual existence these days is something else.

If the examples and remarks already given are not enough, bring to your mind some topics such as these: Packaging and labeling bill, minimum wage increase, double pay for overtime, extended coverage in Wage-and-Hour Act, 35-hour workweek, summary extinction of the bracero program, repeal of section 14b of the Taft-Hartley Act, expansion of the Walsh-Healey Act by administrative action, expansion of the Bacon Act, also by Executive order or action, aspects of urban renewal, rent subsidies for families living in nonprofit housing developments, some of which must be occupied by tenants paying their own way.

Whatever national goals are decided upon, their success will depend upon the private economy growing and prospering.

Without that growth, such goals will never be approached.

It is the private economy alone that can create, produce wealth, develop and keep up to date in a way and degree equal to the task. It has the incentives, positive and negative, to get this done.

It is subjected to the daily test of competition. If it makes wrong decisions, disciplines assert themselves at once—either a loss of profits or corporate extinction. If there are a minimum of errors, profits result.

For the Government, there are no checks. The most erroneous program, once started, can roll on unchecked indefinitely and usually does. Since there is no competition and since profit means nothing to government, there is no incentive or reason to be efficient or productive.

Knowing of this indispensable role of private economy in attainment of national goals, is it not incumbent upon the owners and managers of American business and industry to use their strengths as a deterrent against that incessant drive for ever-expanding Government activity which can end in nothing less than complete domination?

So there is still time. Consensus conformity is not yet absolute. Great freedoms can still be an alternative to the Great Planned Society. There is still time. There is still choice. But if the time is not used to make the choice—we may run out of both, even as to wring our hands and pay our dues.

Time and choice will not compromise with us. The advocates of central authority will not and never have compromised. Today we cannot compromise. We must make our choice—and it must become our life.

Today we have a choice and the choice is yours.

That is the provocative title assigned to me today, "The Choice is Yours."

I cannot help wondering whether the same title can be assigned to a speaker on your program 10 years from now, or even 5 years. Some people wonder whether we will still have a choice at that later time.

I believe we will.

The choice is yours—and mine.

TRIBUTE TO SENATOR DIRKSEN FOR ADDRESS AT APPRECIATION DINNER

Mr. CARLSON. Mr. President, on the evening of April 28 over 800 Republicans and friends honored our distinguished minority leader, the Honorable Everett McKinley Dirksen, Senator from Illinois, by giving an appreciation dinner at the Sheraton Park Hotel.

Members of Congress, outstanding business executives, and other friends of Senator Dirksen were in attendance.

On this occasion Senator Dirksen delivered a most informative and interesting address on the future outlook of the Republican Party.

I ask unanimous consent that his address be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Mr. Chairman, my colleagues, fellow Republicans and friends, truly, I am highly honored by your presence tonight. I am humbly grateful for this testimonial occasion. I hope that even in modest degree I merit this expression of esteem and confidence. I can only requite it by continuing service to my country and my party according to my lights so that at long last it may be said that I made some telling marks in the cause of freedom and of mankind.

In larger measure your salute should be tendered to the distinguished Senator from Kentucky, Thruston Morton. With complete unselfishness he has journeyed to every corner of this country in behalf of our party and its candidates. Busy as he is with the important work of the Commerce and Finance Committees of the Senate he has cheerfully and vigorously pursued his duties as chairman of the Republican National Senatorial Campaign Committee. With high devotion he has undertaken the thankless task of raising funds for his colleagues and the party. He has done a superb job in presenting the party cause. Tonight may I respectfully suggest that we give Thruston Morton a rising vote of thanks as a modest token of our deep appreciation for his work.

Your presence at this dinner is evidence of your faith in the Republican cause despite the reverses we have suffered. It is a measure of your faith in the Republican Party as the real hope for preserving our free system against the deeper and deeper intrusions of government into the affairs of the people. Your presence is an impressive response to the needs of the party and fortifies our hope for victory as we approach the campaign of 1966.

Both in the past and in the present there is plenty to sustain our hopes for the future. The Republican vote in 1964 was 10 million greater than in 1936. It was 5 million greater than in 1940. It was 5 million greater than in 1944. It was 5 million greater than in 1948. It was equal to the Democrat vote in 1952. It was 1 million greater than the Democrat vote in 1960. It was topped only once by the Democrat or the Republican loser in the last 28 years. This record does not sustain the cry of despair, disaster and catastrophe which was heard after the election of 1964.

In recent weeks there have been local elections in which the results clearly indicate a resurgence of Republican spirit. If the bold and determined spirit manifested by the party workers is a hint of what lies ahead we can cheerfully and confidently face the elections of 1966 and thereafter with a high and resolute hope of victory.

The same passion which encompassed our defeat in 1964 can be the same passion and the same force to produce victory in the days ahead. The campaign of 1964 was so basically one of fear which had a real impact on the people. The basic propositions, however, on which we stand are those upon which we have based our case before and which are fundamental tenets of the party.

The proposition is peace and the "trigger happy" sloganeers will find little in the record to bring them cheer and comfort as they face the electorate in the future. It is not the fact that we are in Vietnam that will count but that we have been in Vietnam too long without decisive and encouraging results.

The proposition still is the spending of billions of borrowed money over and above the heavy taxes at Federal, State, and local levels and the open invitation to destructive inflation which goes with it.

The proposition still is burdensome taxes. Today the taxgatherer at all levels takes 25 percent of the national income. The boast of reduced taxes at the Federal level and their effect on individual incomes will vanish when we make it crystal clear that reductions are more than offset by increasing levies at local levels and by the indirect burdens placed upon the people as well as the eroding away of purchasing power by inflation.

The proposition is the growing concentration of power in the Federal Central Government. Phrased another way it is the proposition of big government. One out of every six workers in the United States is a Government employee. Today it totals 12 million. Fifteen years ago it was but 7 million. As the number of farmers diminishes the rolls of the Department of Agriculture go up and now stands at 110,000. Other agencies of government have proliferated to unbelievable size. Truly this is the day of gargantuan government.

The proposition is freedom. More and more it is no longer the consent of the governed but rather the consent of the Government which must be obtained in the coduct of commerce and business. More and more the States and communities become subservient. Federal aid to State and local governments has risen from 3.8 billion in 1956 to 13.6 billion in 1966, an increase of 260 percent. Federal funds returned to State and local governments now equal 14 percent of their revenues and with this dependence upon the Federal Government there goes the quiet and steady erosion of freedom.

The proposition is foreign aid. Twenty years after a single paragraph in the speech of George Marshall initiated the Marshall plan and after the expenditure of 110 billions we are still loaning, granting, assisting on a worldwide basis and the end is not in sight. We cannot forever redress the grievances and assume the burdens of this entire world.

The proposition is our vanishing prestige as a world leader. Once our party was charged with impairing our prestige abroad. Lift your eyes in any direction and one can say that our prestige has been all but destroyed.

The proposition is respect for our country. Our embassies have been picketed and assaulted. Our flag has been hauled down and desecrated. Our citizens have been humiliated. Little Caesars have insulted our pride and it is high time that we retrieve our prestige everywhere in the world.

The proposition is domestic tranquillity. Long ago Jefferson wrote that among other things the people intended this Government to insure domestic tranquillity. There is a strange current of uneasiness in the land. It springs from strife and demonstrations, from crime and violence, from student upheavals and a strange and growing incapacity for living with ourselves in an atmosphere of serenity and tranquillity. The test of any administration is not merely the well-being of the Nation but the tranquillity and basic contentment of the people.

The proposition is the preservation of a vital, vigorous two-party system. Government is dangerously unbalanced. Topheavy majorities in both branches of Congress come unhappily close to one-party government. It becomes a seedbed for bureaucratic government and partiality. A top issue in the elections of 1966 will be the preservation of this two-party system which for 175 years has stood the test of time.

The average age is lowering in this Nation and young Americans are going to pay the bills which this generation so carelessly piles up but they are beginning to ask questions. For us to say what fun it would be if our great-grandchildren could see how much fun we are having in spending that which they in their day will have to pay back, may evoke a polite smile but down deep, young America is beginning to appreciate what the bitter legacy will be.

It was written in the Holy Book that the fear of the Lord is the beginning of wisdom. We can say that the fear for peace, security, solvency, soundness, tranquillity, freedom, prestige, all become a matter of deep concern and then become a matter of political action. Tonight we witness an impressive beginning.

THE REVOLUTION IN THE DOMINICAN REPUBLIC

Mr. THURMOND. Mr. President, the current crisis in the Dominican Republic presents a type of problem to the United States which in recent years has become all too familiar, in all too many spots in the world. It is a revolution with the ostensible purpose of installing a self-avowed democratic head of state, who is in reality either a sympathizer or frontman for the Communists, supported by the Communists in an effort to secure control and domination over one more country.

As the able chairman of the Senate Internal Security Subcommittee pointed out yesterday, in his timely and forthright speech on the Senate floor, there is a convincing parallel between Juan Bosch and Fidel Castro, and between the current situation in the Dominican Republic and the events in Cuba preceding Castro's takeover.

For all the similarities, however, there is one significant, refreshing, and encouraging difference between the current events in the Dominican Republic and those which took place in Cuba and so many other target countries of the Communists.

The difference, Mr. President, is the attitude and action of the United States. And the difference is all important. Instead of being too late with too little, the United States has acted with dispatch and decision to protect the interest of the United States and of freedom.

There is little doubt, of course, that the President will be subjected to a loud chorus of criticism, not only from abroad, but probably from within the country as well. Before the criticism starts, those who support the President's resolute action should make their support known. I am sure that the President will have the support of a great majority of Americans for this action on the Dominican crisis.

It was announced this morning that the United States was sending two battalions of paratroops to support the approximately 1,500 U.S. marines already in the Dominican Republic. This prompt action may well prevent the establishment of Communist domination in another Caribbean country.

I commend the President for the dispatch and firm resolve with which he has met this challenge. It has been many years, indeed, since Americans have had occasion for such pride and confidence in their Government's handling of a foreign crisis.

ALL DEFENSE CONTRACTORS SHOULD INITIATE AN AFFIRMATIVE PROGRAM OF COST REDUCTION IN PERFORMANCE OF DEFENSE CONTRACTS

Mr. STENNIS. Mr. President, I have a statement which was released by the President of the United States under date of April 28, 1965, regarding certain matters with reference to defense contractors.

In this statement, the President enumerates that in December of 1963, he requested all defense contractors to initiate immediately "an affirmative program of cost reduction in the performance of defense contracts."

The objectives stated in the guidelines, as he reviews them, are set forth in this statement. The statement also includes a statement by the President with reference to the speed and effectiveness with which our Nation's defense industry has responded to the challenge and his gratification.

This statement deserves publication in the Congressional Record, not only to benefit contractors, who are interested parties in such matters, but also the general public. I ask unanimous consent that this statement from the White House be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY THE PRESIDENT

On December 2, 1963, I requested that all defense contractors initiate immediately "an affirmative program of cost reduction in the performance of defense contracts." Subsequently, the Department of Defense issued guidelines defining an effective contractor-cost-reduction program to contractors having an annual volume of defense sales in excess of $5 million, exclusive of firm fixed-price contracts. The objectives stated in those guidelines were:

1. Intensify efforts by individual contractors to achieve cost reductions in the performance of defense contracts.
2. Establish criteria for operating a contractor-cost-reduction program.
3. Provide for regular review and evaluation by the Department of Defense of contractors' individual cost-reduction programs.
4. Assure that the effectiveness of a contractor's cost-reduction program will be taken into account in making future source selections and in determining contractor profit and fee rates.
5. Provide appropriate public recognition to contractors who have achieved significant cost reductions.

I am happy to report that 78 of the Nation's largest defense contractors, with a total of 205 major plants or divisions, have now joined us in this vital effort, and that reports of their considerable accomplishments are now being evaluated by the Department of Defense. The first of these semiannual reports covers cost reductions for the previous 6-month period, based on the individual contractor's fiscal year.

During March and April, defense contractors from all parts of the country are participating in the advanced planning briefings for industry at Los Angeles, New York, Chicago, Dallas, and Washington, D.C. These briefings, which are jointly sponsored by the Department of Defense and the National Security Industrial Association, are providing opportunities for defense contractors to display the many impressive cost reduction ideas which they have already put into practice and of which they are justifiably proud.

The speed and effectiveness with which our Nation's defense industry has responded to this challenge is not surprising, but it is gratifying. The contractors engaged in this important effort have pledged a dollar's value for every dollar spent, and this value is being reflected in lower costs to the American people for their national defense.

JOINT ECONOMIC COMMITTEE SETS HEARINGS ON BERNSTEIN COMMITTEE REPORT ON BALANCE-OF-PAYMENT STATISTICS

Mr. PROXMIRE. Mr. President, today the Bernstein committee, which has been meeting for 2 years, has published its report on balance-of-payments statistics. This is a very important and controversial report.

The report recommends that we stop measuring the balance-of-payments deficit in the manner in which it is being measured now, and promote the use of a new concept which gives sharply different numerical results.

As chairman of the Subcommittee on Economic Statistics, I announce that our subcommittee will hold hearings beginning on Tuesday, May 11. Dr. Bernstein, chairman of the Bernstein committee, will appear, accompanied by the very distinguished panel of economists who filed the report with him. These economists are Richard E. Caves, professor of economics, Harvard University; George Garvy, economic adviser, Federal Reserve Bank of New York; Walter E. Hoadley, vice president and treasurer, Armstrong Cork Co.; Harry G. Johnson, professor of economics, University of Chicago; Peter B. Kenen, professor of economics, Columbia University; Roy L. Reierson, senior vice president, Bankers Trust Co.; and Charles F. Schwartz, Assistant Director, Western Hemisphere Department, International Monetary Fund.

These men are some of the most distinguished economists and experts in this field in the world. After the hearings, we shall have the views of Government and other witnesses who oppose the views of the Bernstein committee. We shall try to obtain as balanced and comprehensive a picture of the recommendations as possible.

Mr. President, I stress the great importance of this report. The policies determined by Congress relating to the balance of payments cover a great many fields: the foreign aid program, participation in financing international organizations, tax policy, policies related to military operations, monetary policy, and a variety of Treasury policies, as well as many private banking and business policies.

Generally, the wisdom of these policies must be based on accurate and comprehensive statistics in regard to balance of payments. This study explores in depth and detail how these statistics can best be improved. It goes far beyond a simple recommendation of the statistical change that has caught the headlines.

I invite attention, for example, to the recommendations in the summary of findings and recommendations, which I read briefly:

> Benchmark data against which to check the accuracy of current estimates are out of date or lacking for many types of international transactions. For example, no thorough study of travel expenditures has ever been made. The current estimate of foreigners' earnings from their investments in U.S. corporate stocks is based on estimates of their holdings derived in part from an analysis of U.S. withholding tax returns for the year 1949. No census of U.S. direct investments abroad has been taken since 1957, although such investments are estimated to have nearly doubled since then * * *.
>
> A large statistical discrepancy—the "net errors and omissions" item—indicates an inability to identify or measure a large volume of international transactions, and to interpret developments. For instance, the deficit settled by official transactions diminished by about $1 billion from 1962 to 1963. Yet the available data on trade, services, and capital transactions identify only about $250 million of this improvement. Larger changes, favorable to the extent of about $750 million, remain unidentified in net errors and omissions.

Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. In addition to this area of prospective improvement, the study pointed out that:

> It is very difficult to analyze the significance of changes in trade without proper and reliable indexes of export and import prices. Yet such basic information is not available in a dependable form.

I read another paragraph from this analysis:

> A good deal of significant work on balance-of-payments analysis is being done by economists in universities and in business. For them, as well as for other users of the statistics, it is essential to have a thorough understanding of the coverage, composition, and derivation of every item in the balance-of-payments tables and related data. The last balance-of-payments manual was published by the Commerce Department in 1952 and is now seriously out of date. A new version is urgently needed. Other Federal agencies engaged in the collection of data on international transactions should also publish new descriptions of their methodology. A comprehensive account of the way in which merchandise trade statistics are compiled was last published by the Bureau of the Census in 1950. The Treasury and Federal Reserve System have never published a full account of their systems of data collection * * *.

So it is apparent that there are a great many areas where improvement in the statistics can very greatly help us base our judgments in this field on accurate information.

Because of the importance of the report and because it is so comprehensive, I ask unanimous consent to have printed in the Record certain parts of it from pages 32 and 33, 34, 38 and 39, 40, 43 and 44, 59, 66, 67, 82, 83, 97, 109–121, and 172 and 173.

There being no objection, the extracts were ordered to be printed in the Record, as follows:

CONCLUSIONS AND RECOMMENDATIONS

The committee has been impressed by the scope and detail of the foreign trade statistics program of the United States. It is an undertaking of very large proportions, and it produces, mainly to meet industry's needs, a wealth of highly detailed data far beyond what is expected of the typical economic statistics program. It has been the object of continuous professional scrutiny both within and outside the Government. We have found that the U.S. foreign trade data are highly regarded among the statisticians of leading trading nations.

Although well designed for other purposes, the trade data have not been good enough to meet the increasingly demanding requirements of the balance of payments and of economic analysis of foreign trade. Because merchandise trade constitutes so large a portion of total international receipts and payments, recommendations to improve these data deserve high priority.

The committee regards the balance-of-payments use of the trade statistics as at least equal in national importance with other uses. In the absence of overriding considerations, we assume therefore that the trade data should conform in concept reasonably closely to balance-of-payments needs; should be collected so as to provide a tolerable degree of reliability in the context of the balance of payments with regard to valuation and timing; should be presented in a form convenient for economic analysis; and should be easily available to analysts, both private and governmental. The provision of data properly adapted to the measurement of the balance of payments and to related needs of foreign trade analysis must be recognized as a major statistical need of the Federal Government. Responsibility for this should be assumed primarily by the Secretary of Commerce and the Secretary of the Treasury on behalf of the agencies administering the trade statistics program, and by all other agencies whose cooperation is essential to the program.

The procedures which generate the export and import statistics, even if perfectly administered, would still provide data that would need adjustments for which the necessary information is not now at hand. In addition, a number of sources of error have been identified, and there is sufficient evidence to indicate that they may seriously affect the reliability of the data for balance-of-payments purposes.

It is unfortunate that this immense program dedicated to the measurement of foreign trade has grown so large, absorbed so large a proportion of the Census budget, and occasioned so much planning effort, without more adequate attention being given to the problem of meeting the requirements of the balance-of-payments accounts. In particular, we feel that the proper valuation of shipments has been neglected. The latest check on the accuracy of import valuation is 15 years old; and there has never been a study of the adequacy of export valuation. Recently, a massive new attack on the inaccuracy of import data has been launched at the Customs Bureau with inadequate concern about the validity of the valuations of most of the trade. In the export field, a recent carefully planned research effort has been concerned with commodity classification alone and not at all with valuation.

Meeting the requirements of the balance-of-payments statistics should require no increase in the resources devoted to Census tabulation of foreign trade statistics. Indeed, the immediate needs of the balance-of-payments compilers could be met by sample surveys or other statistical procedures costing only a minor fraction of the more than $1 million recently provided for the special checking of imports of Customs. It would seem that some reallocation of resources within the existing program might increase the total usefulness of the data.

The Census Bureau (with BPD cooperation) should promptly make studies to discover and measure sources of error in valuation, coverage, timing, and other aspects of trade data for balance-of-payments purposes. These studies should include, but not be limited to, an immediate sample study of import and export transactions and an inquiry as to the adequacy of export reporting on the Canadian border. Since the committee has found little evidence of error of known magnitude, but rather grounds for suspicion and concern, because too little is known about the quality of the data, a first urgent task is one of immediate reconnaissance which at least can indicate the amount of error now in the data and at best may suggest remedial action. Special surveys now urgently needed should be followed by a program of continuing checks on quality. The pending study of export values is a step in this direction. If systematic biases appear, consideration should be given to developing adjustment factors. Consideration should be given to possible studies of the consistency of our statistics with those compiled by our trading partners to cover the same flows of exports or imports.

The Census Bureau should take steps immediately to make instructions for reporting the value of exports and imports insofar as possible consistent with the balance-of-payments concepts. If necessary, these steps should include changes in legislation. It is not necessary to postpone all improvements until the results of exploratory studies are available. It is already clear that, for both imports and exports, existing reporting requirements depart from balance-of-payments concepts for reasons which the committee cannot accept. The rule that exports are to be valued at cost if not sold is inconsistent with the balance of payments approach, inconsistent with the approach of the Census Bureau in compiling data on domestic shipments, vague as an operating instruction, and unnecessary. Similarly, the requirement that all imports, regardless of whether they are subject to ad valorem duties, be valued according to an artificial formula for tariff valuation departs from balance-of-payments concepts. Without questioning the need for the tariff valuation rule for tariff purposes, we believe that for most imports, for which this rule has no operational relevance, valuation should be at the actual payments value on an f.o.b. port of export basis. Perhaps sufficient data could be obtained on the documents to allow for such a valuation of ad valorem dutiable products as well.

The Census and Customs Bureaus, in their day-to-day operations, should broaden their efforts to improve the quality of the data to insure coverage of all matters—particularly valuation—important to the balance of payments. In the systematic effort currently devoted to insuring and improving the quality of foreign trade data, particular attention should be given to balance-of-payments statistical needs. The current quality improvement program for export statistics at Census, aimed at educating shippers to report more accurately, could be broadened beyond the problem of commodity classification. For both imports and exports, educational efforts to impress on shippers the importance of accurate reporting, together with reliance on penalties for incorrect reporting, would seem to have promise.

Census should accelerate its efforts to present its foreign trade statistics in a way more suitable for economic analysis. We commend the current plans and efforts in this direction. We urge the early publication of both import and export data in terms of the "end-use" classification illustrated in table IV of chapter 10. The committee is not qualified to judge the requirements of national security as they relate to the publication of data on foreign trade in military goods. We are gratified, however, that the recent review of the publication rules relating to the special category commodities has resulted in some simplification. We hope that attention will also be given to rules affecting the publication of data on military grant-aid exports, and that this review will result in a more intelligible body of foreign trade statistics. We urge further inquiry into whether the needs of most users would not be more adequately met by publishing the detailed statistics of imports on a "general imports" basis, which are now available only for reference. Publication of "Foreign Commerce and Navigation of the United States" as an annual reference compendium should be resumed promptly.

The Census Bureau should prepare promptly a new descriptive statement covering the trade data and the procedures whereby they are compiled. This is a corollary to the improvement of the publication programs. An updating of the last definitive descriptive and methodological statement, which relates to the data for 1946, is long overdue.

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APPRAISAL AND RECOMMENDATIONS

From the foregoing description of the nature and methods of estimation of the travel accounts, it is evident that the quality of the statistics varies widely among the different categories of travel, and that there is considerable room for improvement in components accounting for large proportions of the total. The sizable revisions, in both absolute and relative terms, made in the travel estimates of recent years emphasize the tenuousness of current figures. Thus the 1962 estimate of total travel receipts was revised downward by over $50 million between June 1963 and June 1964. (Much greater revisions have been necessary for 1960 and 1961; yet the figures for receipts from Mexico, which are much less firmly based than the others and account for one-fourth of the total, have not been significantly revised.)

The committee has refrained from making sweeping recommendations for dramatic improvements in the travel data, realizing that for some of the components substantial improvement would require a vast increase in expenditure on data collection and processing—more than would be warranted by the importance of this account in the balance of payments. Thus a very substantial sum of money might have to be spent on improving the estimates of receipts from travelers from overseas in order to obtain a substantially improved estimate of an item now running at about one-third of a billion dollars a year. We therefore confine our observations to points where improvement could be obtained with a reasonable amount of additional expenditure, and to some general matters. Also, we confine our recommendations to objectives reasonably related to balance-of-payments analysis, realizing that additional data may be demanded for travel analysis and promotion which will not necessarily be provided by the program recommended and may require other measures.

The BPD should make an on-the-spot study of Mexican border area payments, and of the characteristics of the border area labor force, with the objective of establishing a system for sampling expenditures by both Mexican and United States border crossers. The most unsatisfactory statistics are the estimates of expenditures by border crossers at the Mexican border. The chief problems here concern the adequacy of net currency flows as a measure of the net travel expenditure in Mexico by United States border crossers, the method of estimating expenditure per border crossing, and the treatment of the income and expenditure of Mexicans working in the United States.

The BPD should explore means of improving the quality of the sampling of expenditures by United States travelers to areas other than Canada. For certain groups of United States travelers other than Mexican border crossers, the response rates, and to some degree the numbers of responses, are so low as to make the resulting estimates subject to a high margin of error. These groups include travelers to the Mexican interior and sea travelers returning to ports other than New York. The quality of information on these sectors of the travel accounts could be improved by more frequent distribution of questionnaires, and experimentation with the design of the questionnaires; perhaps an abbreviated questionnaire would result in better response rates. Recognizing the very great difficulties involved, we nevertheless urge further effort to obtain some measure of bias resulting from nonresponse, for example, through periodic interviewing of samples of returning travelers.

The BPD should seek to improve the sampling coverage of questionnaires distributed to oversea visitors by the distribution of more questionnaires and by more effective means of soliciting cooperation, such as the distribution through oversea consular offices now being tested. For visitors from overseas, the response rate is so low as to raise serious doubts about the reliability of the estimates of their expenditures in this country. Unfortunately, there are important obstacles to the improvement of these data. In particular, there are limits to the extent to which U.S. authorities can press foreign visitors to complete their questionnaires before leaving the country. Nevertheless, some effort along the lines indicated above is warranted.

Efforts should be made to increase efficiency in the processing of the travel questionnaires by greater use of mechanical and electronic equipment. A substantial amount of time is devoted by the staff of the BPD to the editing of questionnaires prior to tabulation and statistical manipulation. By greater use of mechanical and electronic equipment much of this time could be saved and could be reallocated to improving the quality of the sampling procedures for collecting data. We understand a beginning has already been made in the use of automatic data processing in this work.

The BPD should resume, through appropriate channels, discussion with the transportation companies of the question of distributing questionnaires to travelers in the course of their return journeys, and should explore the feasibility of an international agreement for the joint collection of travel data. A major difficulty in the sampling of expenditures is that U.S. travelers receive questionnaires after their return, and foreign visitors on arrival; a much better response could be obtained if questionnaires were distributed for completion during the traveler's return journey. This procedure would require the cooperation of the airline and shipping companies. These companies are reluctant to assume such a responsibility, in large part because they believe that it might oblige them to distribute questionnaires for every country on any transportation route. This particular difficulty would be greatly reduced by international arrangements for the joint collection of travel data.

In the interest of economy and efficiency, the committee recommends extension of the practice of collaborating with the statistical offices of other countries in the compilation of travel statistics. The committee is aware that some might question the wisdom of the practice of the BPD of relying on the Dominion Bureau of Statistics for estimates of Canadian travel expenditures in the United States and of the major part of U.S. travel expenditures in Canada. It finds, however, that the quality of the Canadian data used in the U.S. balance-of-payments travel accounts is satisfactory for the purpose. In general, it feels that further opportunities for international collaboration should be sought.

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APPRAISAL AND RECOMMENDATIONS

The general picture which emerges is that a large number of compromises and approximations are used to obtain the transportation estimates. Many of the difficulties involve very minor items, and more elaborate collection procedures would not be warranted. Some weaknesses exist, however, in the collection of major items, and these call into question the quality of the transportation account. Evidence of difficulties faced in the recent past, which have presumably been overcome, may be seen in recent large revisions of previously published estimates. Thus total transportation receipts for 1962 have been revised upward by $180 million, or 10 percent. Despite recent progress, however, the committee believes that additional efforts to secure better data should definitely be made.

The BPD should undertake to improve its estimates of U.S. ocean freight receipts by whatever means seem most practicable and fruitful—increasing the contacts with shipping companies, making reports on BE–30 mandatory, periodic benchmark surveys, or other measures that further inquiry may suggest. The resources needed for contacting shipping companies to discuss reporting procedures exceed those now permitted under the budget of the BPD. The estimate of U.S. receipts from ocean shipping could be significantly in error because of the difficulties of identifying the proper reporting agent and of adjusting the sample upward. The efforts of the BPD to place the responsibility for reporting a shipping transaction on the company carrying out the transaction is praiseworthy.

The BPD should enforce a satisfactory filing of form BE–29; if this should prove unobtainable, a pilot study should be undertaken as a step toward collecting both free alongside ship and cost, insurance, and freight valuations for U.S. imports to provide a benchmark. The estimate of U.S. payments for ocean shipping, based on sample information submitted on form BE–29, is highly unsatisfactory. The decision to heed the desires of other countries not to require the agents of their shipping companies to file form BE–29 was, in our judgment, unfortunate, and the question should be reopened. Present returns on forms BE–29 may contain large biases, of unknown direction, as a basis for estimating total ocean freight payments. If we are to continue to use consolidated reports from foreign countries, they must be made consistent with the principle that shipping transactions be attributed to operators rather than to owners of the ships.

An alternative approach might be to estimate the value of U.S. imports on both an f.a.s. and a c.i.f. basis, imputing the difference between them to transportation and other services. This procedure would have a number of uses, but it would also be very expensive, and would not solve the problem of country attribution of transportation transactions. Nevertheless, a pilot study of the problems involved in collecting both f.a.s. and c.i.f. valuations on a benchmark basis should be seriously considered.

The BPD should expend more effect in contacting carriers and their agents to insure consistent reporting of port expenditures. Estimates of transportation receipts and payments relating to port expenditures are subject to the same difficulties as estimates of receipts and payments for ocean freight shipments. They would be considerably improved if the two preceding recommendations were carried out. In addition, there are special problems in securing consistent reporting among companies concerning the amount and geographical distribution of port expenditures.

While improvement of statistics of ocean freight receipts and payments and of related port expenditures is urgent, we note that to some degree the errors in these items tend to be offsetting. If a U.S. payment for ocean freight is missed because the operator is not correctly identified as foreign, then the vessel's port expenditures in U.S. ports (a U.S. receipt) will also be missed.

The BPD should keep under investigation the possibilities for international exchange of statistical information relating to the transportation accounts and for agreement on concepts and definitions. Some evidence suggests that international transactions in transportation are less reconcilable than most other categories of international transactions among balance-of-payments statistics of different countries. Yet, aside from excellent cooperation between the United States and Canada, little success has been achieved in the international exchange of information on this matter. Although major gains in making the data of different countries consistent with reporting concepts may prove exceedingly difficult for many reasons, including legal restrictions on the disclosure of individual transactions, an effort in this direction should be made.

The BPD should explore the possibility of a pilot project, in cooperation with Canada, to investigate the size of transportation receipts and payments for a sample of trucking companies operating across the United States-Canadian border. Data are not collected at present on trucking services (and the corresponding "port expenditures") operated across the border. While the BPD is probably correct in believing that such transactions are small, are largely offsetting, and would be difficult to collect, we believe that a special study is required to verify this assumption.

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RECOMMENDATIONS

The Bureau of the Budget, the reporting Government agencies, and the BPD should make further efforts to improve and regularize the reporting of the international transactions of the Federal Government. The Budget Bureau's new instructions for reporting by the agencies to the BPD provide the basis for a fresh start. Conscientious efforts by the agencies to comply with these instructions, and insistence by the Bureau on prompt and strict compliance, will improve the quality and reliability of the resulting balance of payments data. They will also place on a firmer basis a reporting system that has hitherto been too little integrated and supervised, and too little understood by the reporting agencies. In particular, the BPD should have access to the gross data it needs for certain transactions that may justifiably be netted out of "gold budget" reports but not out of the balance of payments. Also, the BPD should be provided with whatever detailed data on Government transactions it may reasonably require to adjust non-Government accounts in the balance of payments.

The Government accounts group in the BPD should promptly undertake the writing of a methodology on the compilation of the Government accounts, and keep it up to date. At present, there is no complete and up-to-date methodology available, even for internal use within the Government, on the compilation of balance-of-payments statistics on Government transactions and on the accounting principles and problems involved. Lack of a written methodology has caused difficulties, and will continue to do so until remedied. Other branches of the Government using the balance-of-payments statistics or compiling reports on their own international transactions are seriously handicapped by not knowing how the BPD currently arrives at the figures it publishes, or how the BPD would prefer to do the job if improved data could be obtained. The public also needs to know the content of these important statistical series.

The Defense Department should seek to improve its data on the foreign expenditures of personnel stationed abroad by developing estimates of their transactions with the United States through private channels. Estimates derived from the recent Defense surveys or other sources should be used in estimating private flows, to the extent that such estimates are compatible with generally accepted balance of payments accounting principles. Defense should in the future make additional surveys as needed to provide a current basis for estimates. At present, estimates of expenditures abroad of about $800 million a year by military personnel are in error to the extent that the private flows are not taken into account.

Grants of surplus agricultural products should be valued at export-offering prices in the balance of payments, and the Department of Agriculture should provide the information on export prices that is required for this purpose. Grants of surplus agricultural products under Public Law 480 are now overvalued by considerable amounts because they are valued at CCC's full reimbursement cost price or at other estimated prices that are higher than current export market prices.

Government agencies, particularly the AID, should improve their data on the extent to which Government grants and loans are initially spent in the United States or initially spent abroad, and the corresponding data on aid-financed exports of goods and services; particularly efforts should be made to produce annual data of high quality. Some of the data and estimates used to classify grants and capital outflows into those initially spent at home and those initially spent abroad are unreliable. Provision for their improvement is made in the new Budget Bureau reporting instructions. Since it is particularly difficult to improve some of these data on a quarterly basis and to match them quarterly against related transfers of goods and services, especially when the two transactions take place at different times, increased attention should be given to the improvement of annual data.

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RECOMMENDATIONS

It is apparent that improving the data on direct investment transactions is not an easy assignment that can be accomplished in a few months. The dynamic character of direct investment activities requires that continuing attention be given to modernizing reporting forms and methods in order to pick up new types of transactions and to identify new entrants into the field of direct investment who should be reporting. The task of accumulating reliable data on direct investments is made more onerous by the complexity of intercorporate relationships and by the fact that a given transaction may involve several affiliated enterprises and several sets of corporate accounts.

The committee has been favorably impressed by the current reporting system and its recent evolution, by the resourcefulness shown by the Government statisticians and economists who operate the system, and by the efforts made by reporting businesses to provide the required information. It is our view, despite the complexity of the problems, that steps can and should be undertaken along several different avenues that hold promise of further improving the data on direct investment and related transactions.

Improvement of the quality of reporting

The BPD should expand its facilities for reviewing reports and consulting with and advising reporters, particularly the large corporate reporters. This use of additional manpower seems more likely than any other to be productive in improving the quality of data on direct investments. Experience clearly demonstrates that time spent with reporters yields significant, tangible returns in the form of more accurate data and better understanding of the transactions. Regular consultation with each of some 200 of the largest direct investment enterprises should be undertaken at least once every 2 years.

Where reporting companies are willing, there should be joint consultation between the company and the Treasury and BPD statisticians to reduce the possibility of confusion and overlapping between different reports on capital movements. Experience has demonstrated that such consultation facilitates reporting and improves its quality. Also, the possibility should be explored of giving the BPD access to the detailed data collected by the Treasury and Federal Reserve Banks from nonfinancial concerns on their foreign claims and liabilities other than direct investments.

The BPD should prepare a manual of reporting instructions for distribution to all direct investment reporters. The manual should include illustrations of the correct reporting procedure for complicated transactions. Its use would reduce the number of man-hours spent in editing and attempting to verify the data shown on the individual reports and in explaining the necessarily terse instructions on the reporting forms.

An advisory committee on direct investment reporting should be formed under the aegis of the BPD, its membership consisting of representatives of the various categories of reporters. This committee would advise the staff of the BPD on a number of aspects of the reporting problem, e.g., the kinds of investments or transactions that are not being correctly reported; suggestions for simplification and consolidation of the reporting system; types of data and analysis that might be of greatest interest to the users of the data, etc. The committee could also assist in convincing the business community of the need for, and importance of, achieving greater accuracy in reporting, emphasizing that reporting serves purely statistical purposes, with individual reports held strictly confidential.

Better benchmarks

The BPD should conduct a census of direct investment once every 5 years, rather than at longer intervals as in the past. It is particularly important that resources be provided for the scheduled census of U.S. direct investments abroad for the year 1965. Censuses provide the basis for evaluating and improving the current reporting system. They also provide many kinds of data which are not collected quarterly because of the reporting burden but which are important for evaluating the nature and economic effects of direct investment. Substantial revisions of data and improvements in method resulted from the latest censuses. Because U.S. direct investments abroad are estimated to have nearly doubled since the 1957 census (the latest one), it is essential to take another accurate reading on these as soon as possible, and to shorten the interval between censuses in the future.

On the basis of more frequent censuses, the BPD should develop methods of adjusting the balance-of-payments data for unreported transactions. Estimates of investment income are already adjusted upward to allow for unreported items. But the data on flows of direct investment capital are not so adjusted; they include only items actually reported, on regular forms or by ad hoc correspondence. The BPD staff has felt that adjustment of capital movements for unreported items was both impracticable and unnecessary. The committee recognizes the practical difficulties, particularly in connection with detailed classification of the data by area and industry. But it believes the difficulties would be substantially reduced by more frequent censuses. Regular reporters accounted for about 90 percent of total direct investment at the time of the 1957 census; they may well account for a smaller proportion now, and the scattered reports that are added to regularly reported data seem unlikely to have accounted for all the remainder.

Additional information and analysis

The BPD should study the desirability and feasibility of using data of other countries as a cross-check on U.S. data on direct investments. Although such cross-checking is difficult for a variety of reasons, the possibilities should be further explored. At a minimum, more could be learned in this way about methods of collecting information, and efforts could be directed toward exploring the sources of large discrepancies between particular foreign and U.S. estimates.

The BPD should develop quarterly data on the undistributed profits of direct investment subsidiaries, and incorporate them into the balance-of-payments tables. It seems clear in principle that undistributed profits should be shown both as income and as capital flow. Until the practical obstacle of lack of quarterly data can be overcome, exclusion of this item from balance-of-payments tables should be footnoted, and annual data shown in memorandum items.

The BPD should tabulate, publish, and analyze additional detailed information on direct investments that is already in its files. Such information includes data by various categories of manufacturing and by country, much of which could be published without violating confidentiality. It would facilitate analysis, for example, of American experience in direct foreign investments in particular industries and regions, showing methods of financing, competitive aspects, profitability, etc. It would shed light on important relationships between direct investment transactions and other items in the balance of payments, and on the factors that affect the volume of direct investment. The only obstacle to such further publication and analysis has been shortage of staff.

The BPD should continue its efforts to develop supplementary information about direct investments that is relevant to balance-of-payments analysis. Recent examples of such information include the collection of information on sources and uses of funds, projected plant and equipment expenditures, and mechandise trade between affiliates. The advisory committee, whose establishment is recommended above, could provide guidance on additional types of information that it would be desirable and feasible to have.

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RECOMMENDATIONS

The BPD and the Treasury should establish new benchmark data on long-term portfolio assets and on private short-term claims and liabilities. Data of benchmark quality are already available on foreign holdings (largely official) of U.S. Government bonds and notes, for which monthly reports on transactions have corresponded closely with the results of periodic surveys of outstanding holdings. Data on foreign claims and liabilities reported by banks in the United States, through their regular monthly reports as recently revised and supplemented, are also among the best in the area of capital movements, despite some deficiencies. However, data presently available on other assets and liabilities are of much more uncertain quality and need to be checked periodically by censuses or sample surveys wherever feasible.

Such checks are clearly feasible for nonbanking concerns of the type that presently report on quarterly and supplementary monthly Treasury forms and which presumably account for the bulk of all such assets and liabilities. Censuses or surveys are needed particularly for certain classes of nonbank financial intermediaries, including insurance companies, pension funds, mutual funds, and other savings institutions, and for nonprofit foundations. They are also needed for manufacturing and commercial concerns. While the appropriate universe for censuses or surveys of these last two groups might not extend much beyond the present regular reporters, additional information is needed to shed light on the accuracy and completeness of the regular reports, on the extent to which current reporting on a variety of forms results in gaps or double counting, and on holding of particular types of assets for which little information is presently available, including not only securities, but also long-term investments that are not readily negotiable (such as real property and mortgages) and minority interests in foreign businesses.

Surveys of personal trust funds and of individuals who are likely to be investors in foreign assets will be much more difficult. But the possibility of making them should be actively explored. The volume of international transactions involved could be substantial, given the large number of U.S. residents who are of foreign origin, the proximity of Canada, and the increased attractiveness of foreign investment opportunities in recent years.

Information useful for establishing benchmarks may be obtainable in some instances by supplementing the reporting forms on which regulated financial intermediaries presently submit data to supervising authorities. U.S. income tax forms filed by U.S. residents to claim credit for foreign taxes paid on foreign income could provide lists of U.S. residents having investments abroad. Information on foreign assets in this country could be obtained periodically, as it was in 1949, from forms 1001 and 1042a filed to declare withholding of taxes on income paid to foreigners. The use of tax data for strictly statistical purposes is permitted, and its confidentiality can be assured. Benchmarks of capital assets and liabilities are needed at roughly 5-year intervals, because the flows are large and heterogeneous and many change rapidly over time. Naturally, not all desirable surveys can be undertaken at once, but an early beginning should be made on those that offer the most promising results for a given amount of effort.

The Treasury and the BPD should use the results of these censuses and surveys to review the data collecting system and to provide a better basis for estimating income from investments. The Treasury should use the information to supplement the lists of reporters that file regular reports, to assist it in systematically reconsidering reporting instructions including cutoff levels, and to revise the Treasury reporting system in other ways, should this be found desirable. The BPD should use the information to improve the data in its annual statement of foreign assets of U.S. residents and U.S. assets of foreign residents, discussed in chapter 8. In addition, better geographic and type classifications of such assets will permit more accurate calculation of income from investments.

The Treasury and Federal Reserve banks should maintain closer and more systematic liaison with the reporting units. Relatively few reporters account for a large proportion of the totals reported. These large reporters should be visited regularly (about every 2 years) by Treasury and Federal Reserve experts to discuss the whole range of reporting procedures and to offer assistance in solving specific problems. Such consultations will improve the data and also provide better knowledge of their inherent shortcomings. For smaller reporters, informal regional conferences might be organized from time to time by the Treasury and the Federal Reserve banks, to explain data needs and to discuss data problems.

The Treasury should issue a manual of clear and detailed instructions to reporters, particularly to nonbank reporters, many of which are less experienced than banks in reporting. The manual should include illustrative reporting problems and lists of specific reportable assets and liabilities likely to be held by various groups of reporters. Present instructions are highly technical and do not provide sufficiently clear guidelines to the reporter who is not an expert.

Finally, for all statistical reporters, continuing efforts should be made by the Treasury to see that the officers responsible for reporting understand the need for the data, and the scope and problems of data gathering.

The U.S. Government should seek to broaden cooperative arrangements with key countries abroad and with international organizations to obtain data on particular types of international capital movements and holdings. Foreign data could serve to check statistics collected in the United States on the same types of capital, and could point out ways to improve the U.S. data. Some economies of statistical effort by separate countries may even be achievable through joint efforts. Use should be made of the fact that it is usually easier to measure liabilities than assets. For example, it is easier for a foreign country to collect data from its banks on the deposits of U.S. residents in that country than it is for the United States to identify and survey the many U.S. residents who hold deposits there.

Data presently collected by the Treasury from nonbanking concerns should be published in greater detail. Full details from the quarterly reports should be published immediately. The more detailed information on liquid foreign assets of large concerns, now being collected monthly, should be published as soon as the reporting procedure is well established.

The Treasury should consider publishing some of the supplementary information it presently collects on claims and liabilities between U.S. agencies of foreign banks and their head offices, and between U.S. banks and their foreign branches. This information would facilitate analysis of the changing size and composition of U.S. claims and liabilities, even if considerations of confidentiality prevent publication of details by area.

The BPD should make periodic use of questionnaires to the U.S. fiscal agents of foreign issuers of dollar bonds. Such questionnaires were formerly used, but have been discontinued. They can provide information that will help to check and improve the data on outstanding U.S. holdings of foreign dollar bonds, and the estimates of redemptions, of, and income from, such bonds.

After benchmark data on U.S. holdings of foreign assets, by type and by foreign area, are developed, the BPD should review and improve its estimates of yields on such assets. More accurate estimates of yields, applied to more accurately stratified holdings, will produce considerably more reliable estimates of income.

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RECOMMENDATIONS

The BPD and the Treasury Department should improve—in the various ways recommended in chapters 5 and 6—the basic data that enter the international investment position statement. These improvements in the coverage and quality of the data will contribute generally to greater accuracy in the investment position statement, and should provide in particular:

1. Better data on foreign securities holdings of U.S. residents according to the nationality of the security, which will permit adjustment of these holdings for changes in prices and exchange rates.

2. Better data on the miscellaneous group of U.S. and foreign assets—real estate, insurance policies, etc.—for which data are now wholly inadequate and are carried forward unchanged from year to year.

The OBE should modify its presentation of the investment position statement in several ways.

Table 8.1 above (not printed in the RECORD) shows the proposed form of presentation. The main changes from the present BPD format are as follows:

1. The U.S. gold stock should be included as an integral part of the U.S. Government investments and claims on foreigners.

2. Foreign claims on the United States should be classified chiefly according to whether the foreign holder is private or official. The present main classification, according to whether the U.S. debtor is private or official, is of less interest. As discussed extensively in chapter 9, it is important to know foreign official holdings separately. The classification by status of debtor should be preserved, but shown in supplementary tables.

3. U.S. and foreign direct investment should be shown by major industry in the main investment position statement. While a much more detailed breakdown is separately published, and should continue to be published, some details on this huge category are needed in the main statement.

4. Nominal figures for foreign holdings of dollar currency, for which no reliable data are available, should not be included in the investment position table. The committee notes that the BPD has eliminated this figure from its most recently published data, in the August 1964 "Survey of Current Business."

5. Some rearrangements of, and additions to, detailed tables on the investment position should be made as recommended in appendix B (proposed tables XIIA–XIIC). These would include the introduction of a table reconciling the flows in past years with the changes in the investment position in those years, showing adjustments made. (Again, it may be noted that such a table was included in the annual investment article in the August 1964 Survey.) The international investment position tables should be published regularly with other balance-of-payments tables in the annual supplement proposed in chapter 10 and detailed in appendix B.

"OFFICIAL SETTLEMENTS" CONCEPT

The committee recommends a summary presentation of the balance of payments in which settlement items, regarded as financing the balance on all other transactions, include only "reserve transactions" and, when appropriate, special intergovernmental transactions. These two together we have labeled "official settlements"; the balance on all other transactions is thus the "balance settled by official transactions." The relationship of these summary categories to those presently used by the BPD is shown in table 9.5 for the years 1960–64. A full tabulation of the statistics, rearranged and relabeled according to our recommendations, is presented in chapter 10.

"Reserve transactions" comprise three items: (1) Changes in U.S. reserves of gold and convertible foreign currencies; (2) changes in the net U.S. credit or debtor position in the IMF (shown separately from (1) to allow for the possibility that the United States might on occasion become a net debtor in the Fund); and (3) changes in total U.S. liabilities to foreign official monetary institutions—liabilities which represent reserve assets of those institutions. All changes in U.S. "liquid" liabilities to all other foreigners and to international nonmonetary institutions are placed above the line with ordinary market transactions. Thus, the key test becomes whether or not the foreign holder of an asset in the United States is a monetary authority, instead of whether the asset itself is "liquid" or "nonliquid". This same test is already applied to U.S. assets by the BPD.

TABLE 9.5.—*U.S. Balance of payments, 1960–64, on "official settlements" concept*

[In millions of dollars]

	1960	1961	1962	1963	1964[1]
1. Balance on "regular types of transactions" from line 5, table 9.3	−3,918	−3,071	−3,605	−3,261	−3,053
2. U.S. liquid liabilities to—					
(a) Foreign official nonmonetary institutions (line 1d, table 9.4)[2]	190	−60	−462		
(b) Foreign commercial banks (line 2, table 9.4)	104	595	−129	438	1,415
(c) International nonmonetary institutions (line 3 less memo, table 9.4)	337	407	211	−238	−246
(d) Private nonbank foreigners (line 4, table 9.4)	−152	81	131	394	348
3. Advances on U.S. military exports (line 8b, table 9.2)[2]	−16	5	470	334	206
4. U.S. Government nonmarketable, medium-term, nonconvertible securities sold to the Swiss confederation (part of line 8c, table 9.2)[3]			51	76	30
5. Less U.S. Government nonmarketable, medium-term, nonconvertible securities sold to the Government of Canada in connection with transactions under the Columbia River Treaty					204
6. Balance settled by official transactions (sum of items above, equal, with opposite sign, to sum of items below)	−3,455	−2,043	−3,333	−2,257	−1,504
7. Special intergovernmental transactions: Advance repayments of U.S. Government loans (line 8a, table 9.2)	53	696	681	326	122
8. Balance settled by reserve transactions (sum of items above, equal, with opposite sign, to sum of items below)	−3,402	−1,347	2,652	−1,931	−1,382
9. U.S. liabilities to foreign official monetary institutions	1,259	741	1,119	1,553	1,211
a. Liquid liabilities (lines 1a, 1b, 1c, and 3, memo, table 9.4)	1,259	741	919	1,672	1,073
b. U.S. Government nonmarketable, medium-term, nonconvertible securities sold to foreign official monetary institutions (part of line 8c, table 9.2, plus line 5 above)[3]			200	−119	138
10. U.S. monetary reserve assets, including gold, convertible currencies, and IMF position [increase (−)]	2,143	606	1,533	378	171

[1] Preliminary.

[2] Lines 2a and 3 are closely related. The opposite changes they show in 1962 reflect the firm commitment to military procurement in that year of funds previously classified as liquid. Line 3 is put under special Government transactions in BPD presentation.

[3] See table 9.6.

NOTE.—This table is designed to highlight differences between the "official settlements" concept and the BPD "liquidity" concept. A full tabulation of the statistics, rearranged and relabeled according to the Committee's recommendations, is given in Chapter 10.

The following considerations are the main ones that have persuaded the committee that measurement of the surplus or deficit by official settlements will provide the most useful indicator of the overall payments position and will facilitate both public understanding and expert analysis of the U.S. balance of payments:

1. Under the present international financial system, national monetary authorities—central banks and treasuries—have a responsibility for maintaining stable exchange rates; they carry out this task, in effect, by settling the net international deficits or surpluses that arise on all other transactions.

2. In fulfilling this function, monetary authorities gain or lose reserve assets, and liabilities to foreign monetary authorities fall or rise. The size of these transactions in international reserves provides the best available measure of the market intervention that has been necessary, of the gaps that have had to be filled, and hence of payments disequilibria.

3. No one else besides the monetary authorities has the responsibility for maintaining stable exchange rates. Private individuals and businesses undertake international transactions primarily in response to market forces (including forces generated by official actions) and considerations of profit and loss, whereas monetary authorities, by and large, do not respond to these motivations.

4. The motivations that affect private behavior operate similarly for both private residents of the United States and private residents of foreign countries.

5. Hence, the distinction between monetary authorities on the one hand and everyone else on the other is of greater analytical significance than the distinction between private foreign residents and private domestic residents.

6. The private transactions of U.S. residents and of foreign residents are not only similarly motivated, but are also often closely linked. For example, a U.S. bank will more readily lend to a foreigner if he or his local banker keeps deposits with the U.S. bank. Funds placed in a foreign bank by a U.S. resident are often invested by the bank in liquid assets in the United States. Our proposed classification puts both sides of such linked transactions above the line, whereas the present classification puts the U.S. capital outflow above the line where it tends to enlarge a deficit while the related inflow of foreign capital goes below the line as a settlement item.

7. The proposed classification, if adopted also by other countries, could be made internationally symmetrical (after adjustment for new gold production). In a world where leading countries increasingly consult together to assess the problems and responsibilities of surplus and deficit countries and deal with the problems in a coordinated way, it is helpful if one country's surplus (or deficit) can be seen to have a counterpart in deficits (or surpluses) of other countries.

8. The treatment of the statistical discrepancy (net errors and omissions) is much more satisfactory in the proposed treatment than in the present one. As noted in chapter 7, there are reasons to suppose that changes in the discrepancy result in large measure from changes in private capital flows that are not reported. So long as some private capital movements are placed above the line while others are placed below, changes in the measured deficit or surplus will be in error by some unknown but possibly significant amount. But when all private capital movements are placed above the line, as in the proposed classification, and the statistical discrepancy is placed there too, the resulting measured deficit or surplus may be presumed to be largely unaffected by changing errors and omissions.

(9) The proposed classification dispenses with the need to make distinctions between "liquid" and "nonliquid" assets and liabilities (sometimes difficult, as in the recent cases of nonmarketable U.S. securities). Also, it permits a more straightforward treatment of the transactions of governmental and international nonmonetary institutions than is presently possible, and reduces the number of transactions that require treatment as special transactions.

The advantages of the proposed presentation have increased over the past decade, and the shortcomings of the present official presentation have become correspondingly more serious. It was possible through the middle 1950's to regard foreign liquid assets in the United States as foreign reserves without doing great violence to the facts. Thus the BPD concept was initially very close to the official settlements concept. But now, with leading foreign currencies convertible and foreign economies strong, the variety and volume of financial transactions between U.S. residents and residents of other countries have greatly increased. They include a great many ordinary financial transactions in which foreigners and Americans cannot be sharply differentiated as to motive or freedom of action. Also, the volume of liquid assets held in the United States by international nonmonetary institutions has increased substantially since the mid-1950's, and to regard this increase as helping to finance a U.S. deficit, as the BPD does, seems misleading.

Finally, international cooperative efforts to analyze and deal jointly with balance-of-payments problems have intensified. For this reason also, it has become less and less useful to distinguish between the behavior of private U.S. residents and private foreign residents, with corresponding lack of international symmetry as well as of realism, and more and more important to distinguish the actions of monetary authorities from those of everyone else.

Many of the detailed changes involved in moving from the present to the proposed concepts seem unlikely to be controversial. These are briefly discussed below. The difficult case of foreign commercial bank assets is reserved for the next section.

Liabilities to foreign official monetary institutions

The committee proposes that changes in all U.S. liabilities to foreign official monetary institutions, without regard to maturity or liquidity, be classified as settlement items below the line in a summary presentation. This follows from the proposition, which we believe to be true, that all foreign assets held by monetary authorities are held as international reserves.

Only one change in the present classification of liabilities is required. In addition to changes in what are now called liquid liabilities to foreign monetary institutions, changes in their holdings of U.S. Government nonmarketable, medium-term, nonconvertible securities should also be entered below the line in reserve transactions. Their holdings of such securities increased by $200 million in 1962, the year in which such securities were first issued, decreased by $137 million in 1963, and increased again by $141 million in 1964, as shown in table 9.6. We include in these figures the securities purchased by the Government of Canada in 1964 in connection with transactions under the Columbia River Treaty, even though they are excluded from Canadian official reserve figures and are now placed above the line in U.S. statistics, apart from all other securities of the same type. On the other hand, we are not inclined to regard as U.S. liabilities to foreign monetary authorities the securities of this type that have been purchased by the Swiss Confederation as an investment of budget surpluses. These purchases we place above the line, as ordinary capital inflows.

TABLE 9.6.—*Changes in foreign official holdings of U.S. Government nonmarketable, medium-term, nonconvertible securities, 1962–64*

[In millions of dollars]

	1962	1963	1964
1. Total from table 9.2, line 8c [1]	251	−43	−36
2. Less Export-Import Bank portfolio fund certificates of participation sold abroad	--------	−18	−3
3. Plus securities sold to the Government of Canada in connection with transactions under the Columbia River Treaty	--------	--------	204
4. Total U.S. Government nonmarketable, medium-term, nonconvertible securities [2]	251	−61	171
a. Purchased by the Swiss Confederation as an investment of budget surpluses	51	76	30
b. Purchased by foreign official monetary institutions	200	−137	141
5. (Memorandum: Line 2 plus line 4b) [3]	(200)	(−119)	(138)

[1] As published in the SCB, including Export-Import Bank certificates (line 2 of this table) and excluding the special Canadian purchase of securities (line 3 of this table).

[2] Consistent with data published in the Treasury Bulletin and the Federal Reserve Bulletin.

[3] To the extent that Export-Import Bank certificates (line 2) are held by foreigners other than official monetary institutions, they ought not to be included among official settlement items. In fact, however, they have been so included in all the tables of this report (except in tables I–XI of ch. 10) in order to avoid burdening the tables with an additional and minor statistical adjustment. Thus, line 5 of this table, rather than line 4.b, is used in table 9.5.

We propose the inclusion of the nonconvertible securities with more liquid types of U.S. liabilities even though we recognize that foreign central banks have sometimes bought them instead of gold, thus reducing the decline in U.S. reserves. There is a difference, however, between reducing the gold outflow and reducing the deficit. This fact is recognized in the present BPD tables by treating sales of the special securities as special transactions. It seems desirable to regularize their treatment by including them as part of a standard category.

A statistical difficulty arises because the Treasury now collects data, on its foreign exchange forms, on liabilities to all foreign official holders without distinguishing monetary from nonmonetary institutions. To the extent that large official accounts are held at the Federal Reserve banks and the Treasury, they might be readily subclassified, and efforts should be made to do this. But it would be difficult to distinguish the widely scattered holdings of such nonmonetary official holders as foreign consulates and purchasing missions, at least without adding several new columns to reporting forms that are already complicated and burdensome. The committee finds it reasonable to suppose that the scattered nonmonetary holdings do not change very much in the aggregate. Therefore, while some occasional testing of this proposition would be desirable, as by a sample survey of major reporters, it can probably be assumed that changes in total foreign official holdings are good approximations of changes in holdings of foreign official monetary institutions.

Liabilities to foreign private nonbank holders

The committee proposes that all changes in liabilities to foreign private nonbank holders, whether liquid or not, be placed above the line with other ordinary transactions. Transactions in U.S. Government bonds and notes would be combined with transactions in other U.S. long-term securities. Foreigner's short-term claims reported by U.S. banks would be entered along with the other short-term claims of private nonbank foreigners.

Foreign private nonbank claims on the United States have risen gradually over the years, as chart 9.1 (not printed in the Record) shows, although with occasional fluctuations. There is every reason to suppose that such assets, largely deposit balances, are held for ordinary business or personal reasons. Required working balances increase with increasing business. For instance, nonresident foreign life insurance companies accepting business from this country must keep policy reserves here. There is no reason whatever for regarding inflows of foreign private capital for such purposes as different in kind from outflows of U.S. private capital, or as serving to finance an overall U.S. payments deficit.

Liabilities to international nonmonetary institutions

Changes in liquid U.S. liabilities to international nonmonetary institutions—the World Bank, the IDA, the IDB, and a miscellany of organizations like the United Nations and the World Health Organization—should also be placed above the line. Indeed, steps in this direction have already been taken; international holdings consisting of special U.S. noninterest-bearing demand notes that represent subscriptions of U.S. capital not yet needed by these nonmonetary institutions for disbursements are already put above the line as Government nonliquid liabilities. Recently, arrangements have been made for international institutions that borrow in the United States to place the proceeds of their U.S. bond issues in long-term time deposits here, pending use, so that the issues would not add misleadingly to the deficit as it is now measured. The holding of assets in the United States by these institutions is subject more to the motivations and influences affecting private business than to those affecting central banks. The international institutions cannot buy gold. Their assets represent working balances, including funds borrowed in anticipation of loans disbursements, and reserves and accumulated surpluses of a business nature.

Holdings by international nonmonetary institutions of short-term assets and of U.S. Government longer term securities rose rapidly from $500 million in 1956 to a peak of $2.2 billion at the end of 1962, and then declined to $1.7 billion at the end of 1964, as will be seen from chart 9.2 (not printed in the Record). The building up and drawing down of these holdings are best viewed as ordinary capital flows, not as settlement items.

Liabilities to foreign official nonmonetary institutions

Changes in all liabilities to foreign official nonmonetary institutions should be placed above the line. It was noted above that data collected on Treasury reporting forms do not distinguish foreign official monetary institutions from other foreign official holders, but a partial reclassification of accounts is possible for accounts held with the Treasury and with Federal Reserve banks.

Many foreign official nonmonetary accounts have hitherto been classified as nonliquid. While our proposals for tabular presentation offered in chapter 10 will regularize their treatment, it will leave most of them properly above the line as before, and hence not change any summary indicators of the deficit. One change that will affect the deficit—the shifting below the line of nonconvertible, nonmarketable U.S. Government bonds held by foreign monetary authorities—had already been discussed. A second reclassification that follows from the principles that we urge should be followed will also affect the deficit for recent years.

Some foreign governments built up accounts with the U.S. Government during the 1950's and early 1960's that were loosely related to intended future procurement in the United States, particularly military procurement. Changes in these accounts were initially treated in the balance of payments as changes in liquid U.S. liabilities. In 1962, however, arrangements were made to link the large outstanding sums more closely with specific commitments to purchase U.S. goods and services, and the accounts were therefore reclassified as nonliquid. This reclassification reduces a deficit calculated on the liquidity principle. But in the committee's view, what matters most is not whether the liability is liquid, but whether it is owed to a monetary authority. Thus, the committee's recommendations require the placing of such liabilities above the line as they are built up.

The reclassification of these liabilities in 1962 sharply reduced U.S. liquid liabilities, and the resulting above-the-line receipt in the BPD tables was large enough to warrant its being treated as a special Government transaction so that it would not be shown as reducing the deficit. This same reclassification, however, did not have the same abrupt effect on U.S. liabilities to foreign official monetary institutions, the category we propose, and hence does not warrant any special treatment. This is a welcome outcome, since there is something arbitrary about treating military deliveries as ordinary transactions and military prepayments as special. Whether receipts represent one or the other depends to a large extent on the way that shipment dates happen to fall, and both are part of a single program to improve the U.S. payments position by increasing military sales.

CLAIMS OF FOREIGN COMMERCIAL BANKS

The committee proposes that changes in short-term claims of foreign commercial banks reported by U.S. banks be classified above the line as ordinary private capital flows. It recognizes that no classification of these transactions under the official settlements concept can be wholly satisfactory. Changes in foreign commercial bank holdings are often intimately connected with changes in foreign central bank holdings. And in certain cases, changes that are intentionally brought about by the actions of monetary authorities, here and abroad, might appropriately be regarded as reserve-type transactions to be entered below the line. It appears, however, that these instances by no means dominate the short-run ebb and flow of foreign commercial bank funds, much less the longrun expansion of these holdings. On balance, flows of such funds are best regarded as ordinary private capital movements.

The issues here are complicated, and the magnitudes involved are large. As will be seen from chart 9.3 (not printed in the Record), the short-term U.S. assets of foreign commercial banks (including foreign branches of U.S. banks) have expanded rapidly in recent years, rising from $3.5 billion at the end of 1958 to more than $7 billion at the end of 1964. Furthermore, they have fluctuated widely, often by several hundred million dollars in a single quarter. While a large portion of the quarterly movements has been seasonal—including, in recent years, perhaps $200 million of the increase in the first quarter of each year and perhaps $200 million of the decrease in the third and fourth quarters—there have also been large nonseasonal movements.

Official influence and connections

Seasonal movements: The seasonal movements noted have a counterpart in official reserve transactions. Foreign commercial banks that hold large liquid assets in U.S. dollars often prefer to show domestic currency assets in their balance sheets on statement dates; when they temporarily reduce their dollar holdings at those times, the dollar holdings of the central banks increase correspondingly. Also, seasonal money market pressures may produce shifts of this kind. Such regular seasonal shifts can be allowed for in the U.S. statistics by appropriate seasonal adjustments and therefore need raise no questions of principle. (At present, since foreign commercial bank holdings and foreign official holdings are combined below the line in the BPD presentation, no seasonal adjustment of the commercial bank item is required for calculation of a seasonally adjusted overall balance, and none has yet been developed.)

Sensitivity to policy: Commercial banks in a number of countries, especially in countries where domestic money-market instruments are lacking, hold a large part of their liquid assets in the form of dollar assets. Therefore, their dollar holdings are particularly susceptible to the influence of changes in credit conditions and in monetary policies. If, for example, the monetary authorities in a foreign country find it necessary to tighten credit, one result may be that banks in the country reduce their holdings of U.S. assets, and that the dollar assets of the central banks increase correspondingly.

It is sometimes argued that a change of this kind should not appear in U.S. statistics as a change in the overall balance. The opposite argument is, however, more convincing. There has been, in the example above, an outflow from the United States of foreign private (bank) capital because of tightening credit conditions abroad, and the foreign central bank has increased its dollar reserves, which it may use to buy gold. This is precisely the sort of adjustment that the foreign country would be striving for if it were coping with a payments deficit, and the sort of adjustment that ought to be reflected in overall payments balances here and abroad. It is a market adjustment to an official policy action. Presumably other international flows—e.g., of U.S. private capital, of foreign nonbank capital, and even of current transactions in goods and services—will also be influenced by the monetary action in question. Just as those changes, on any summary concept, affect the overall position, so the changes in foreign banking claims on the United States should be shown as affecting the overall position in this case.

The argument is strengthened by consideration of a different case that looks exactly the same in the statistics—the case in which foreign commercial banks reduce their dollar holdings (and central bank holdings rise) because foreigners become bearish about the dollar. Surely, this represents a real turn for the worst in U.S. international transactions. It is just the kind of development to which U.S. policymakers and the public should be promptly alerted. It should show as an increase in the deficit (or a diminution in the surplus).

Institutional differences among countries: One objection sometimes raised to placing foreign commercial bank assets above the line is that this permits the U.S. deficit to be influenced by international transactions that have nothing to do with the United States. For example, if net dollar payments are made from a foreign country where commercial banks have large foreign exchange holdings to a second foreign country where foreign exchange holdings are concentrated in the hands of the central bank, the overall U.S. deficit increases (or the surplus diminishes) even though, it is said, there has been no international transaction involving the United States. The committee has not found this argument persuasive. Acquisitions by foreign central banks of claims on the United States, and declines in foreign private claims on the United States, do indeed represent transactions with this country. As a matter of practical experience, moreover, shifts of dollar funds among countries with widely different foreign exchange holding patterns do not seem to have been a major element in either the shortrun or the longrun behavior of foreign commercial bank claims on the United States.

Direct controls: It is sometimes argued that a significant portion of the reported assets of foreign commercial banks in the United States either belong directly to foreign central banks, for which the commercial banks act only as agents, or else are directly controlled by foreign central banks by means of exchange controls and detailed directives. There was a good deal of truth in this argument early in the postwar period. But at that time, precisely because of the strict controls, the assets of foreign commercial banks in the United States were small. The huge increase in such holdings in recent years has come largely as a result of relaxations of exchange controls, and foreign commercial banks now move funds about rather freely for their own account. They are often still subject to general regulations, which may be changed from time to time, e.g., requirements that they maintain a balanced spot and forward position in foreign currencies. But regulations of this sort affect many kinds of international transactions that are generally agreed to belong above the line in a summary presentation of the balance of payments. For example, the prohibition of interest payments on certain foreign deposits in Germany and Switzerland affect, and are intended to affect, flows of U.S. private capital to those countries. One must always allow in analysis for changes in transactions that are occasioned by changes in official regulations; but the presence of regulations should not determine how the affected transactions are to be classified in the balance of payments.

Forward exchange operations: A troublesome case arises when the monetary authorities offer special inducements to foreign commercial banks to hold U.S. dollar assets, and particularly when the inducement takes the form of forward exchange operations. Thus, since 1959, the German Bundesbank has from time to time offered forward German marks against dollars to German commercial banks at rates considerably more favorable than those obtainable in the market, in order to induce the German banks to acquire U.S. dollar assets. A number of other central banks also engage in substantial forward exchange operations from time to time. The U.S. Treasury has done so since March 1961, often with the explicit purpose of inducing foreign commercial banks to hold dollar assets that might otherwise accrue to monetary authorities and be converted in part into gold.

The magnitudes of these operations have sometimes been substantial. During 1961, the U.S. Treasury's forward commitments in German marks changed by as much as $200 million in a single quarter. Its forward Swiss franc commitments have sometimes changed by as much as $100 million in a single quarter. Forward commitments in lire rose from $200 million to $500 million between January and August 1962, and thereafter generally declined; the quarterly movements have not been made public.

The operations of the German Bundesbank also have been large. It will be seen from chart 9.4 (not printed in the Record) that the short-term foreign-currency assets (largely dollar denominated) of German commercial banks have shown very large changes beyond the seasonal ones that are already striking. Sharp increases in such assets early in 1959 and again early in 1961, and subsequent sharp declines, were certainly related to intervention in the forward exchange market by the central bank, and were an important factor in those periods in the change of total U.S. liabilities to all foreign commercial banks. (Changes in German banks' dollar-denominated assets cannot, of course, be traced directly in U.S. data, since German dollar holdings in Euro-currency markets appear in U.S. statistics, if they appear at all, as liabilities to other countries.)

Balance-of-payments statistics do not include forward transactions, and could not well do so systematically, given the many kinds of private and official forward commitments that are possible, including orders for goods. It might be possible to include, as a memorandum item, the forward exchange commitments of U.S. monetary authorities, but not those of foreign authorities. Furthermore, there is no way of ascertaining statistically the effects of forward exchange operations. They are unlikely to have a one-for-one relationship to foreign commercial bank holdings. For example, a German commercial bank, given the offer of a favorable forward rate, might do at that rate not only whatever additional business the rate induced but also some business that it would have done in any case. Also, other transactions besides those of banks are affected when official intervention changes the pattern of rates.

It is sometimes argued that whatever the precise effects of official forward exchange transactions, their effects on foreign commercial bank assets in the United States are known to have been large, and in some calendar quarters to have dominated the total change in such assets, or to have prevented large changes that would otherwise have taken place. Therefore, it is said, changes in foreign commerical bank assets must be grouped below the line with official settlements if a misleading picture of overall payments developments is to be avoided. The problem is particularly acute if U.S. intervention is involved, if it is large, and if for some reason it cannot be revealed promptly. Even when it is reported promptly, it may still be subject to misinterpretation in an official settlements presentation. Legitimate intervention to minimize a gold outflow may be misinterpreted as an effort to hide the deficit.

The committee recognizes that changes in commercial bank holdings of dollars directly induced by official forward intervention have some characteristics of official reserve transactions. However, the affected portion of commercial bank holdings cannot be statistically separated from the total. Hence the question is whether that portion is so dominant so much of the time as to justify placing below the line all changes in foreign commercial bank claims on the United States.

The committee has concluded that this would not be the appropriate solution. It does not appear that official intervention has accounted in more than a few quarters in recent years for a substantial proportion of the change in foreign commercial bank claims on the United States. Furthermore, there is a decisive longrun argument for putting commercial bank claims above the line, even at the risk of occasional shortrun distortions requiring special analysis and explanation. While specific central bank policies can have large effects on commercial bank claims on the United States over short periods, they cannot do so in the long run. The massive buildup of foreign bank claims over the past 6 years represents a genuine inflow of private capital, related closely to other above-the-line transactions, as explained more fully below. It seems better to have a summary indicator of the overall balance that, despite some shortrun distortions resulting from official actions, accurately reflects more enduring developments than to place commercial bank asset changes below the line with reserve transactions and thus obtain an indicator that is distorted more often than the alternative in the short run and is, in addition, misleading in the long run.

Analysts must, however, take the fullest possible account of the effects of official forward exchange operations, to the extent that their dimensions are known. To facilitate this, the committee recommends that changes in the short-term claims of foreign commercial banks reported by U.S. banks be shown prominently as a separate category above the line, and that careful attention be given in analysis to the extent to which this item has been influenced by specific official actions.

Quarterly changes in the overall balance will not be noticeably more erratic, after proper seasonal adjustment, on one classification of commercial bank transactions than on another. Occasional large quarterly swings occur on either basis, and special influences and unusual transactions must always be studied and explained. The addition of foreign commercial bank transactions to the list of topics requiring special analytical attention could produce better understanding of an area hitherto inadequately studied.

Euro-dollars: Some foreign central banks hold a portion of their dollar assets with banks outside the United States, i.e., in the so-called Euro-dollar market. It is sometimes argued that this fact seriously impairs the usefulness of an application of the official settlements concept that places foreign commercial bank transactions above the line. Thus, for example, if a South American central bank should acquire dollars and deposit them with a London bank, and if the funds should then be remitted to a U.S. bank, the U.S. statistics would show an increase in liabilities to a commercial bank in London, and would not show a reserve transaction with the South American country when in fact, it is said, such a transaction has occurred. This is the point of the footnote to recent SCB tables stating that U.S. short-term liabilities to foreign commercial banks "include banking liabilities to foreign official institutions held through foreign commercial banks."

While official transactions in Euro-currency markets do pose some difficulties of interpretation, these do not appear to be decisive. In the illustration given above, it is not clear that the committee's version of the official settlements concept misstates the facts. It is a British bank, not a U.S. bank, that has incurred a liability to a foreign official institution, even though the liability is denominated in dollars. The decision of a British bank to hold dollar assets in New York as cover for its liabilities is, in any case, a private business decision; the bank could have sold those dollars for sterling or invested them in some other form. Nationality of residence ought to take precedence over nationality of currency in balance of payments classifications, and generally does so. The fact that obligations of one foreigner to another happen to be denominated in U.S. dollars does not make them U.S. obligations. It is not the pyramided aggregate of such claims, but the nonduplicated claims on the United States that matter.

Misunderstandings might arise if official monetary holding of Euro-dollars were very large, and especially if they were to change rapidly. For example, foreign central banks as a group might form the impression that they were gaining dollars rather rapidly at a time when U.S. statistics might not show such a gain. But any difficulty here would arise not from a defect in the U.S. statistics, but from the fact that foreign countries were not carefully recording, and perhaps were not aware of, the growing dollar-denominated liabilities of their residents, which might form part of a long and complicated chain of transactions. Foreign monetary authorities as a group can acquire dollar assets faster than U.S. dollar liabilities to them increase only to the extent that residents of foreign countries add also to their dollar liabilities to monetary authorities.

The IMF has been well placed to make a rough annual check on the extent to which foreign monetary authorities' dollar holdings exceed U.S. liabilities to foreign monetary authorities. It has found that the excess (which may to some extent represent errors in the statistics or differences of definition and timing) rose sharply from 1959 to 1960, a period in which the Euro-dollar market was developing rapidly. Since then, however, there have apparently not been further large changes.

The Bank for International Settlements has also made studies of this subject and of the Euro-currency markets in general. The central banks of leading countries have a clear interest in knowing the extent to which they are counting as reserves dollars held in each other's markets in addition to dollars held directly in the United States, even if considerations of confidentiality prevent disclosure of figures for individual central banks. As such studies are pursued further, their results should be used to cast additional light on the extent to which reserve transactions that appear in U.S. statistics correspond to reserve changes as recorded by the foreign authorities. But the fact that the two may diverge does not seriously impair the usefulness of the official settlements concept. It simply reflects the fact that not all assets denominated in U.S. dollars represent liabilities of U.S. residents.

Connections with other private transactions

The foregoing discussion gives reasons why the sensitivity of foreign commercial banks to official actions does not seem, on balance, to warrant placing the banks' transactions below the line with official settlements. Even more important than these considerations are the positive connections that exist between changes in foreign commercial bank claims on the United States and other private transactions. There are many such connections, all of them indicating that short-term capital transactions of banks—U.S. and foreign—should be put on the same footing.

Sometimes the connections are specific. A U.S. bank may arrange with a foreign bank for each to make a deposit with the other, in order to establish correspondent relationships or for window-dressing purposes. A U.S. bank making a loan to a foreign bank may require a compensating balance. Foreign funds may be held in the United States against letters of credit outstanding, or in a sinking fund against a foreign dollar bond issue, or to redeem other obligations.

Most of the connections, however, are of a looser sort. They would be difficult to document by collecting data on individual transactions, but they are nonetheless real. U.S. banks, in making foreign loans and acceptances, are much influenced by the deposits that foreigners hold with them even when there is no formal compensatory balance arrangement. They prefer to lend to foreign banks that keep deposits with them, or, more broadly, to foreigners whose banks, central banks, or governments keep such deposits.

The claims of Canadian banks upon banks in this country—representing more than one-fourth of total foreign commercial banking claims, and taking the form largely of Canadian banks' claims on their agencies in the United States—are closely related to the volume of funds placed by U.S. residents, mainly nonbank corporations, in Canadian banks. From time to time, Canadian banks are net suppliers of Euro-dollars to, or borrowers from, the rest of the world, but a very large proportion of the liquid U.S. funds placed in Canada is reinvested in the United States.

There are other connections even less direct. Oversea branches of U.S. banks often deposit with the head office dollar funds they have received from foreign subsidiaries of U.S. corporations—funds that may have left this country in the form of direct investments, or that would come back, and at a later time may come, as dividends declared if they did not come instead in a given quarter as inflows of foreign banking funds. Finally, growth in foreign commercial bank holdings in the United States has accompanied growth in the volume of private international transactions of all sorts, simply because larger working balances and investments go hand in hand with a larger volume of commercial and financial business.

The committee concludes that the large inflows into the United States of foreign commercial bank funds in recent years are predominantly a private, market-oriented, business phenomenon, much like outflows of U.S. private capital. Special official inducements to alter such flows temporarily may cause changes of hundreds of millions of dollars at times, and their effects require careful scrutiny in the interpretation of quarterly data. But total inflows of foreign banking funds over the years, like outflows of U.S. capital, are reckoned in billions. They should not be regarded as financing a U.S. deficit in the way that official settlements do. Instead, they belong above the line with other private capital movements.

One alleged advantage of the BPD liquidity concept over the official settlements concept is that it provides an earlier warning of impending difficulties. In support of this contention, it is said that the increase in foreign private bank and nonbank dollar holdings during the 1950's was a portent of trouble, and that it was appropriately brought to policymakers' attention by being placed below the line; i.e., by not being allowed to appear as a capital inflow serving to reduce the overall deficit. Certainly it is true that there was such a buildup of private foreign dollar holdings (although it has been more rapid since 1958 than before); but there seems no reason why it should ordinarily be regarded as a sign of impending trouble. Indeed, one might expect the opposite. Inflows of foreign private capital into the United States would ordinarily be a sign of developing strength for the dollar, rather than of weakness. If such inflows are proceeding at a clearly unsustainable rate, and hence must later be expected to slacken, analysis must take account of that fact, just as it must look to see whether other capital inflows, or any other types of transactions, are above trend for temporary reasons. But we see no reason why facts of this kind should be worked into the analysis by saying that the swelling of these flows represents the financing of a deficit.

SPECIAL INTERGOVERNMENTAL TRANSACTIONS

For calculation of a summary indicator that will serve as a starting point for analysis, the committee supports the present practice of listing below the line, as special intergovernmental transactions, those classes of transactions, other than reserve transactions, that have been arranged by governments for the purpose of helping to finance an overall surplus or deficit. However, the concept of special transactions is slippery. It is easily misunderstood, and may involve biases and asymmetries. Therefore, the category should be used sparingly, and the items included should be explicitly described and their inclusion explained.

Sometimes analysts are tempted to remove to a special transactions category all lumpy, nonrecurrent, identified transactions, so as better to examine the smoother trend of the remaining transactions. This looser concept of special transactions has its uses in detailed analysis, but it should not be applied to standard balance-of-payments tabulations and summaries. So many international transactions are lumpy, particularly direct investments, that any tabulation which sets them outside their standard categories loses touch with reality.

The committee suggests the following highly restrictive criteria for selection of items to be entered as special intergovernmental transactions in a standard table:

1. The transaction is a capital payment from one government to another;
2. The transaction (or the bulk of the transactions in a class) has been specifically arranged for the purpose of financing an international payments surplus or deficit;
3. The transaction is large and is noncurrent in nature.

The only transactions that seem to the committee to have met all three criteria in recent years are the large advance repayments on long-term U.S. Government loans made since 1958 by a number of countries, mainly the countries of Western Europe that were experiencing overall payments surpluses while the United States was in deficit.

The nonmarketable U.S. Government securities issued since late 1962 fall into standard categories in the committee's arrangement of the statistics, according to whether or not they are owned by foreign monetary authorities. There is no need to treat them as special, as is presently done.

On our official settlements definition, advances on U.S. military exports do not appear as a lumpy transaction that affects the deficit in 1962, as they do on the BPD liquidity concept. As the liabilities that became nonliquid in that year were liabilities to foreign government agencies rather than to monetary authorities, they are shown above the line in our classification, regardless of their liquidity. The BPD treatment of military prepayments as special was required on BPD definitions to avoid distortion of the 1962 figures, but in many respects it is unsatisfactory. Military prepayments are part of the same program as military deliveries, so there is little reason to assign them separate roles in calculating an overall deficit. Recently, the net prepayments have sometimes turned negative, as deliveries have overtaken commitments. It is illogical, with the United States still in overall deficit, to suggest that an increase in the deficit by means of negative prepayments has been deliberately worked out between governments.

Treating debt prepayments as special transactions also involves some awkward points. It introduces a bias into the accounts over time. Theoretically, a debt prepayment credited as a special receipt in one year ought to be matched in later years by special debits representing failure to receive scheduled payments because they had been made earlier. Thus, over the full span of the maturity of the loan, there should be no net entry in the special transactions category, since there is nothing special about a loan having been repaid. In practice, however, the corresponding debit entries cannot be made for several reasons. First, under the terms of the loan and the prepayment, it may not be clear whether the installment prepaid was the one falling due in the next year, or the final one due 20 years later. Second, putting a debit entry under special transactions in the year in which the United States failed to receive a scheduled payment (earlier prepaid) would necessitate making a highly artificial counterentry above the line in order to keep the accounts in balance; one would end up with two entries for a nontransaction. Finally, the whole concept of what is scheduled and what is unscheduled changes as time passes. Repayment this year of a loan not due until 1970 is clearly an unscheduled receipt. But by 1970, it will not make sense to distinguish scheduled from unscheduled receipts except in 1970 terms; there would be no particular logic then in using the schedule as it had appeared in 1965.

Thus, there is no simple way of removing this bias. Putting debt prepayments into a category called special transactions will result in a cumulative overstatement over the years of the deficit settled by official transactions. One must simply remain alert to this fact, and perhaps over long periods cumulate only the balance settled by reserve transactions alone, rather than the balance settled by total official transactions (including special transactions).

COMPARATIVE STATISTICS

The quantitative effects on the summary indicators of shifting from the BPD's liquidity concept to the committee's official settlements concept are shown quarterly for 1959–64 in table 9.7 and chart 9.5 (not printed in the RECORD); annual data have been presented in table 9.5, and for a longer period in chart I (not printed in the RECORD) and table I in the "Summary of Findings and Recommendations" (not printed in the RECORD). The committee is recommending an important modification, but not a change so radical as to alter sharply the existing views as to the seriousness of the U.S. payments problem in recent years.

The proposed balance settled by official transactions shows a smaller deficit or larger surplus in every year of the period 1954–64 than does the BPD's present balance on regular types of transactions. This results from the fact that liquid U.S. liabilities to private foreign holders plus international nonmonetary institutions have increased in every year, and hence are counted on the proposed concept as inflows of capital. The magnitudes of the two deficit measurements, however, are on broadly the same scale because their common elements are large.

Trends and fluctuations are somewhat different on one concept than on the other. On the official settlements concept, the worst year was 1960 rather than 1959, and there was a more substantial deterioration during late 1960, a sharper improvement in 1961, and again a more marked deterioration in 1962. These differences are mainly the result of treating changes in the claims of foreign commercial banks as capital flows above the line. The banks reduced their U.S. assets in late 1960, enlarged them in 1961, and reduced them again in 1962. As argued above, we regard these movements as having represented significant changes in the overall U.S. payments position, rather than mere shifts in the financing of the deficit, even though they were to some extent induced by official actions.

Much analytical work still needs to be done on the behavior of those items that are classified differently on the official settlements concept than on the present liquidity concept. Such work must include the improvement and extension of seasonal adjustments, and much fuller analysis of the behavior of foreign commercial banks and of interconnections among related transactions.

Meanwhile, however, adoption of the official settlements concept will provide a better starting point for appraisal of the overall position. Together with the improved tabulation proposed in chapter 10, it will make the statistics clearer and more useful for those who analyze them. And it should help to establish internationally comparable measurements, and common points of view, among leading countries.

TABLE 9.7.—*Summary indicators of the U.S. balance-of-payments position, quarterly, 1959–64* [1]

[In millions of dollars]

Period	Recommended by the committee				Presently used in official statistics [3]				Difference,[4] col. (1) less col. (5)
	Balance settled by official transactions		Official transactions		Balance on regular types of transactions		Special Government transactions	Reduction in reserve assets and increase in liquid liabilities	
	Seasonally adjusted [2]	Unadjusted	Debt prepayments	Reserve transactions	Seasonally adjusted	Unadjusted			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1959:									
I	−748	−433	150	283	−1,101	−986	150	836	353
II	−660	−775		775	−1,062	−1,177		1,177	402
III	−668	−816		816	−1,191	−1,259		1,259	523
IV	−444	−496	285	211	−824	−756	285	471	380
1960:									
I	−334	−37	17	20	−761	−664	−34	698	427
II	−627	−605	5	600	−915	−893	65	828	288
III	−986	−1,258	24	1,234	−1,015	−1,207	26	1,181	29
IV	−1,508	−1,555	7	1,548	−1,227	−1,154	−20	1,174	−281
1961:									
I	−784	−429	5	424	−491	−336	5	331	−293
II	−43	−17	634	−617	−554	−528	601	−73	511
III	−429	−721	6	715	−728	−940	28	912	299
IV	−787	−876	51	825	−1,298	−1,267	67	1,200	511
1962:									
I	−364	110	1	−111	−892	−618	144	474	528
II	−589	−471	58	413	−496	−378	56	322	−93
III	−1,304	−1,743	477	1,266	−918	−1,277	584	693	−386
IV	−1,076	−1,229	145	1,084	−1,299	−1,332	618	714	223
1963:									
I	−923	−366	25	341	−1,170	−813	108	705	247
II	−1,129	−1,027	34	993	−1,314	−1,212	19	1,193	185
III	−172	−693	241	452	−379	−820	226	594	207
IV	−33	−171	26	145	−398	−416	264	152	365
1964:									
I	−83	453	52	−505	−267	60	148	−217	184
II	−577	−542	33	509	−622	−587	−39	626	45
III	−258	−691	30	661	−659	−1,012	0	1,012	401
IV [5]	−586	−724	7	717	−1,505	−1,523	183	1,340	919

[1] For annual data, 1954–64, see table 1, p. 4 (not printed in RECORD).

[2] Includes rough seasonal adjustment for changes in claims of foreign commercial banks as follows: I, −$200,000,000; II, 0; III, +$80,000,000; IV, +$120,000,000.

[3] In 1963–64, U.S. Government nonmarketable, medium-term, convertible securities are here included in "liquid liabilities" rather than in "special Government transactions."

[4] For components of the difference, annually, 1960–64, see table 9.5, p. 9044.

[5] Preliminary.

* * * * *

RECOMMENDATIONS

The Office of Statistical Standards (OSS) in the Bureau of the Budget should assume the primary overall responsibility for maintenance and improvement of the quality of the balance-of-payments statistics. The OSS should make sure that the adequacy of coverage of all the accounts in the balance of payments is systematically evaluated on a continuing basis. It should suggest improvements where appropriate, and actively assist the BPD and other agencies to obtain the resources and data needed to achieve them. Heretofore, the OSS has not had sufficient resources for active supervision of this kind. The OSS staff resources should be supplemented, and the OSS should more systematically make use in this field of the services of its experts in sampling and other statistical techniques, including data processing.

The OSS should assert its leadership under statutory authority to seek professional consensus within the Government concerning the proper treatment of specific transactions in the balance-of-payments statistics. It should chair a permanent interagency committee in which issues of data adequacy, statistical classification, and presentation may be discussed. The Bureau of the Budget should more actively exercise its authority to coordinate and improve programs related to balance-of-payments statistics. The committee recommended here should serve as a forum for the discussion of issues involving conceptual problems, data collection, consistency over time, international comparability, and all other aspects of balance-of-payments statistics.

There should be better coordination of the analytical work done by the BPD, the Treasury, the Council of Economic Advisers, the Federal Reserve Board, the Federal Reserve Bank of New York, and other agencies concerned. There should be a broader exchange of information at the technical level concerning data and analytical projects. There should also be a freer flow of information between staff and top-level officials, so that relevant research comes promptly to the attention of officials throughout the Government, and so that research is oriented toward relevant policy issues. The Balance of Payments Information Committee, as presently constituted, should continue to function as a Government forum for discussion of substantive current balance-of-payments developments and projects. It should meet more frequently and regularly than in recent years—at least once or twice a quarter. Its discussions may be expected to stimulate and orient analytical work in the participating agencies.

The BPD should be given the additional personnel it needs. Although this committee has not determined the exact number and qualifications of additional persons needed to carry out the required improvements in the statistics, it believes that the staff should be increased by about 15 to 20 persons. More senior economists are needed to permit more systematic contacts with firms reporting data for the balance of payments, more sampling and testing of data, and increased supervision of special economic analyses, technical studies, and censuses. Several additional economists are needed at the intermediate level to work on the census of foreign direct investments and other surveys leading to the establishment of new benchmarks; economists at this level should bear the main burden of responsibility for recurring statistical compilation in order to permit senior staff more time for general analysis, critical evaluation of the work program, and representation of the Division in interagency meetings. More junior professionals are needed to provide assistance to the senior and intermediate staff members and also to be trained for greater responsibilities and as replacements, when needed, for senior employees. Additional clerks are also required. Since qualified personnel are difficult to recruit, it is important that efforts to strengthen the BPD's staff begin as soon as possible.

Automatic data processing should be used where it would increase efficiency. It is recognized that the installation of automatic data processing will create, initially, extra expense and extra demands on staff time; however, once routinized, it should be no more expensive than the manual processing of documents. Also, it will permit the use of larger samples and more flexible tabulations, and will free the staff for nonroutine work.

Government agencies reporting their own transactions and agencies collecting basic data from the public must accept greater responsibility for providing accurate and complete reports. The BPD needs the strong backing of the Budget Bureau when seeking better data on international transactions. Agencies, such as the Census Bureau, that collect basic data on international transactions from the public should be required to give high priority to providing the data in the form required for balance-of-payments purposes. The new instructions issued by the Budget Bureau to agencies for reporting their own international transactions have clarified the agencies' reporting obligations and provide a basis for improved reporting.

Each agency with sizable international transactions should designate a single representative to provide liaison with the BPD. As called for in the relevant Budget Bureau circular, this coordinator would provide the BPD with data in the form required, and would provide underlying data for adjusting agency data to balance-of-payments definitions. Some agencies have established such liaison, but others need to assume greater responsibility for preparing data on their operations for inclusion in the balance-of-payments statistics and to follow more closely the uses made of their data in the statistics. The establishment of such liaison, however, will not obviate the need for the BPD to have access, whenever needed, to the basic data on the operations of the agencies involved.

Mr. PROXMIRE. These recommendations should form a basis for reliable and comprehensive information to help determine not only direct balance-of-payments policies but the wide variety of related policies on which Congress and American business must act.

GOVERNMENT MERGER POLICIES—A THREAT TO COMPETITION?

Mr. HRUSKA. Mr. President, there have been several recent examples in which the Department of Justice has somewhat arbitrarily used the power of the Federal Government to prevent mergers. These proposed mergers though admittedly not having adverse affects on competition, were thwarted merely because they happened to conflict with prevailing theory held within the Department. It used as justification for imposing its philosophical beliefs a statute specifically designed to prevent unlawful injury to competition.

Our antitrust laws themselves are partly to blame for some of the present difficulties in that they were written for economic and business conditions of the 1870's rather than the 1970's. More often, however, the fault lies in the administration and interpretation of these laws by enforcement agencies. Coupled with this, very often there is rather keen competition for jurisdiction among the various agencies, each having its own approach as to what should be done and how. The result sometimes is conflicting and contradictory.

Mr. George Love, chairman of the board of Chrysler Corp., recently received the Gold Medal Award from the Wharton School of Finance of the University of Pennsylvania. His response to this award was a penetrating analysis of current governmental policies—an analysis based on first-hand experience with the high-handedness that has characterized the administration of merger law. Alarmed by what he characterized as "growing dogmatism in Government circles," Mr. Love called for all businessmen to "discuss this matter even more seriously than they have been doing in an attempt to bring about a better understanding of its effect on the efficient working of our free market system."

Mr. Love reviewed the Supreme Court's recent adverse decision in the Philadelphia National Bank case which barred the merger of two major banks and concluded:

> This decision prevented two of your major banks from consolidating although it appears obvious that a larger bank in Philadelphia could compete more successfully with the New York banks and that there would be benefits to Philadelphia and the country from increased banking competition between New York and Philadelphia.

Mr. Love then comments on the Chrysler-Mack merger:

> I believe our recent experience in the Chrysler-Mack Trucks case clearly shows the constricting nature of the current merger policy.

Portions of Mr. Love's speech were reprinted in the April 12 editions of the Wall Street Journal. Because of the soundness of his comments and the importance of the subject, I ask unanimous consent, Mr. President, that the text of the speech be printed in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SOME BENEFITS OF LOOKING BACKWARD

(Wharton school address of George H. Love, University of Pennsylvania, Bellevue-Stratford Hotel, Philadelphia, Nov. 18, 1964)

I am very honored, I am exceedingly happy and more pleased than I can tell you to be the recipient of this Gold Medal from the Wharton School. This is particularly true when I look over the list of those who have received this award since it was first given in 1950. I have known all of these men and some as intimately from a personal as from a business standpoint. For example, in spite of a slight difference in age, Ben Fairless and I were very close associates in business and living. Dick Mellon and I started to Culver Summer School together 50 years ago last June and we have lived our business lives in Pittsburgh. Your own Tom McCabe, Henry Ford, and I served on the General Electric Board when Ralph Cordiner was its outstanding chairman and all of these received this medal. George Humphrey, whom you honored in 1959 is not only one of my close personal friends, but certainly is responsible for any measure of success which may have come my way. The list of former recipients is so distinguished that while I will serve as a leveler to bring the average down to a more normal basis, I am still thrilled to be included in such distinguished company.

When I learned of your intention to honor me in this way, I began immediately to think what I might say this evening which should be in some measure, worthy of the occasion. We could talk about the new techniques in business brought on by this computer age or we could look at the potentialities of new products or new investment opened up by research in this age of accelerating change. Having been involved through the years in labor-management disputes in several of our basic industries, I even thought of discussing this subject with you or perhaps exploring the development of improvements in this relationship which must eventually provide management with something like equality with the large industrial unions at the bargaining table. However, I thought it might possibly be of greater interest to talk with you this evening about one distinct weakness which may be serious enough to slow our economic system down and keep it from reaching its full potential. More and more men in business and Government have been discussing this problem during the last year or two and I feel certain it is vital and important enough to warrant our spending these few minutes this evening giving it additional consideration. This weakness has to do with basic disagreements between business and Government regarding the nature of competition and the meaning of laws relating to competition. To put it another way, it has to do with current policies affecting business mergers.

I have no specific recommendations or remedies, but I would like to raise some doubts and ask some questions about what appears to be a growing dogmatism in Government circles concerning the question of mergers. As a layman, fortunate enough to have had very little contact with the law, I can give you no legal answers and I don't even know all the questions. But I do think it is time for all businessmen to discuss this matter even more seriously than they have been doing in an attempt to bring about a better understanding of its effect upon the efficient working of our free market system. Tonight a very brief discussion of problems which have arisen in connection with the two companies for which I work may shed light on the subject.

As you know, there are three principal laws relating to competition and mergers: the first one being the Sherman Act of 1890, the next the Clayton Act of 1914 and finally, the Celler-Kefauver amendment to the Clayton Act in 1950. It is this last law, together with the recent Supreme Court decisions of that law, which is now having such a heavy impact on business and business planning. Probably none of us disagree with what Crawford Greenewalt, another former recipient of this Wharton award, had to say on this subject over a year ago:

"I doubt that there is any substantial area of disagreement between the business community and the enforcement officers of the Antitrust Division on matters of broad policy. I am convinced that my own strong support of the antitrust statues is shared by every thoughtful businessman. I think we all recognize the merits of a vigorous competitive system. If I am right, it would seem to me that the posture of the Antitrust Division and the business community should be one of mutual support and understanding, not of adversaries with fists clenched, wary and suspicious of each other's motives."

Being in Philadelphia, it is proper in any discussion such as this to first mention the Philadelphia National Bank case as it shows so distinctly the trend in all recent Supreme Court decisions. This decision prevented two of your major banks from consolidating although it appears obvious that a larger bank in Philadelphia could compete more successfully with the New York banks and that there were potential and great benefits to Philadelphia and the country resulting from increased banking competition between New York and Philadelphia. But the Court made no findings concerning these benefits and washed its hands of any concern with economic or social gains and said in part: "a merger * * * is not saved because of some ultimate reckoning of social economic debits and credits." I merely raise these questions: If this Philadelphia merger had taken place, would there be more or less competition in banking in the East? And as a result of such a merger, would the New York banks consider their competition to have been increased or decreased?

I believe our recent experience in the Chrysler-Mack Trucks case clearly shows the constricting nature of the current merger policy. It appeared to the managements of both these companies that we could offer a stronger competitive challenge in the truck business if we combined than if we went our separate ways. Chrysler was strong in the light-truck end of the market and Mack was strong in the heavy-duty truck market. These two markets were as far apart as the poles. In addition to the fact that the kind of trucks built by Mack were complementary to rather than competitive with the trucks built by Chrysler, Mack offered excellent facilities for the servicing and distribution of extra-heavy trucks, and if Chrysler wanted to increase its sales in this sector of the market, it would need facilities of that kind.

This proposed acquisition of Mack was one part of our strategy for making a stronger competitive challenge at home and abroad to our major competitors in the automobile industry. We have been increasing our share of the automobile market, but the market for trucks has been growing even faster than the market for automobiles and it has been our aim to take our proper place there as quickly as possible. We felt, as we still do, that through this merger with Mack, we could lay down a more powerful challenge to General Motors and Ford in the truck market. In other words, we were convinced it would promote competition instead of lessening it.

You know the rest of the story. Nearly 100 days after the merger was announced and just before it was to be completed, the U.S. district court in Newark entered a preliminary injunction against the merger, and faced with the uncertainties of further litigation in time and money, the two companies dropped their plans to merge. The court's main contention seemed to me to be that Chrysler was adequately financed to build up its own heavy-duty truck manufacturing and service plants and therefore it did not need Mack's facilities. The court appeared to believe that the merger would stop construction of additional facilities which otherwise might be built, and to advocate building additional plants even if they were unnecessary and uneconomic duplications. Does the forced spending of capital on uneconomic plants make American industry more competitive in the world markets? Did that decision make Chrysler more or less competitive in the domestic and world truck market? I leave the answers to you.

Let me just say a word about the value of past mergers in the history of Chrysler. From the time in 1921 when Walter Chrysler was called upon to reorganize the Maxwell Motor Co., and its subsidiary, Chalmers, the Chrysler story was one of growth through ingenuity as well as acquisition. By the beginning of 1928, Chrysler had gained 4th place in the automobile industry and was selling just under 6 percent of the market, but to make further progress against the giants in the business, the company needed more productive capacity and more retail outlets with an additional force of experienced dealers. It got all these things through the acquisition in 1928 of Dodge Brothers—one of the most respected companies in the industry at that time, though its share of automobile sales was less than 5 percent during that period.

Overnight, Chrysler took third place in the industry and a few years later had even gained second place in the market for passenger cars. The Dodge merger gave Dodge and Chrysler together the productive and merchandising strength to challenge the leaders. That merger is now something of a classic in the history of American business. The Brookings Institution has pointed to it as an instance of the merging of smaller firms "to produce one that could compete successfully with the leading firms in the industry." The Dodge merger of 1928 is a happy story with a happy ending and without it there still might be only two major automobile companies in this country. If present Government policy had been in effect in 1928, would this merger—of benefit to all—been permitted?

Now let me go on and tell you a little bit about the place mergers played in the bituminous coal industry in which I've spent my business life. I honestly believe mergers and consolidations saved this basic coal industry of ours and permitted it to go on under private ownership as opposed to Government control or nationalization. The coal industry had developed as a completely fragmentary business made up of thousands of small operators fighting for a share of the declining market as they attempted to reduce wages faster than prices, which in turn, degraded and impoverished the men who worked in the mines. Most operators had only one mine and it was better to lose money than to shut that mine down because once it was flooded or its roofs had caved in, it probably could never be reopened. There was no leadership worthy of the name, no research, and no possibility of outside capital.

The Second World War came along and temporarily stimulated the demand for coal as oil tankers disappeared from the oceans. But postwar, it was obvious that coal, with the continuing loss of two of its principal markets—railroad fuel and home heating—would be faced with greater problems than ever before.

The two largest coal companies (although each was very small) were the Pittsburgh Coal Co. and Consolidation Coal Co. and they were both in serious financial condition. The first had almost $200 per share in arrearages on preferred stock and the other had just shed itself of great debt by going through what amounted to receivership in the courts. A plan to merge these two companies was worked out with the intent that a consolidation might save them both and as the proxy statement issued in June of 1945 declared, "The plan should contribute materially to meeting the problems and challenges facing the Constituent Corporations in the postwar years that lie ahead."

The merger was finally effective and there emerged a company adequately financed and with sufficient reserves and mines so that it could close down the uneconomic ones and concentrate on the good ones. Since its formation, that one company has carried on more research each year than the whole coal industry carried on in the entire decade before—even though it represented less than 10 percent of the industry. It has also been able to take the leadership in working with the union so that employees throughout the industry could be adequately compensated for the work they do. And it has set the standard for other mergers and consolidations in coal—all of which have gone a long way to save the industry.

Now let me raise these questions. Would the merger of the two largest companies in an industry, although each unit was very small, be permitted under the present Government concept of mergers? Second, if such a merger had not been permitted, would we have a bituminous coal industry operating in this country known throughout the world for its tremendous efficiency and productivity? Finally, would this basic and essential industry be operating under private ownership today or would it have been nationalized in this country as it has been in practically every other country in the world?

We have been looking backward to show how some former mergers helped to build our present competitive system. And we have done so in the hope that these accounts of what happened in the past may in some small way help the Government look forward to a more positive and constructive policy on mergers in the future.

Isn't it possible that to build such a policy what is needed is a rule of reason which would permit constructive mergers to meet competitive situations? How else can our railroads in the northeastern part of the country be saved except through such consolidations? The ability to create consolidations has been a great and constructive force and it has even been a particular stimulus to the growth of small privately owned businesses. Why? In the past, owners of small businesses knew that if they were successful and reached a point where they needed more financing than they could obtain—or where the inheritance tax consequences of continuing under the same ownership were overwhelming—they could turn to a larger company in their own or a related business and be taken over for cash or marketable securities. For many small companies this has been the only out—and the entire country has benefited, including the larger company which, by this means, has frequently acquired unusual management talent.

An industry in this country can no longer be considered as merely competing within itself. We now see whole industries competing with other industries for the same market. And we see natural materials competing with synthetic materials. Coal doesn't compete with coal alone. Coal is energy—and as such it competes with gas and oil and hydraulic energy as well as with the atom itself. The great diamond monopoly of South Africa now must compete with manmade industrial diamonds developed by General Electric. Steel must compete with aluminum and aluminum in turn with plastics, and structural steel with concrete. And finally, nylon, which took over a great part of silk's market, has been challenged by dozens of new synthetic fabrics.

All of us in business, whether in entertainment, services, or manufacturing are competing to get a larger share of the gross national product. In a world that economically is changing so fast, we should not consider that size per se is interfering with healthy competition. General Motors is big, but no one would say that its size has made the automobile industry noncompetitive. Its very competitive force has caused automobiles to be sold at the same price for the last several years, while offering greater and greater value each year. If anyone thinks the automobile industry is not competitive, he need only spend a few days in Detroit.

More than a decade ago David Lilienthal, the father of the TVA, warned the country against the growth of unfounded fears concerning the bigness of business. What he had to say is so appropriate to our discussion, that before asking a few final questions, I would like to repeat a few of his words:

"The driving force of our economic life is now large business; no amount of nostalgia for the good old days can change that fact. What chiefly stands in the way of the fuller realization of the great productive and social benefits of bigness is, then, a way of thinking. We think negatively. We are preoccupied with restraints, prohibitions, antitrust, antimonopoly, anti-this, and anti-that.

"We seem to be split personalities, against bigness but desiring its fruits. But we can't have it completely both ways. We cannot try, at one and the same time, to restore the past and to create the future. As a Nation, we can't live in a world of economic folk dancing and basket weaving and simultaneously in the world of the big productive machine.

"I believe that we should set about at once to reexamine the outdated structure of our public policy toward bigness. We should, in my opinion, replace it with a foundation of feeling and of economic and legal policy based upon the realities of the mid-20th century."

Throughout this paper I have raised a few specific questions. Now I would like to ask a few more general questions that have to do with this matter of size itself:

Do we as Americans know that big business—through research and the economies of mass production—is providing increasing opportunities for the establishment and growth of small business?

Do we appreciate the way mergers have helped and can continue to help small- and medium-sized businesses to achieve the benefits of size—and put them in a position to challenge their bigger competitors?

Do we know how important it is to encourage companies to become big enough and strong enough to help our country meet the challenge of change through research and development?

And do we understand the need to encourage the growth of big American companies with international operations that can compete effectively in the world market with the big and growing business organizations of other countries—many of them either nationalized or subsidized by foreign governments?

I am sure we would all like to assume that the answer to each of those questions is "Yes." But in view of some of the actions that have been initiated by our Government, and some of the decisions that have been handed down by our courts, it does seem that this may be an unwarranted assumption.

What is needed most, perhaps, is a fresh new appreciation of what constitutes the right climate for healthy competition in our fantastically complex and changing world. Filling that need is going to be a long and difficult job.

This is a job for businessmen—but it is also a job for the business educator. I would like to suggest that it is a job that could be done most effectively by a great school of business like Wharton. I hope you take up the challenge.

THE NEED TO PROTECT OUR SYSTEM OF WILDLIFE REFUGES

Mr. HRUSKA. Mr. President, repeatedly since the first of the year, the Congress has been given cause for disquiet or dismay by arbitrary actions of the administration in altering the conduct of programs heretofore carried on in accordance with the will of Congress, and particularly in the abrupt curtailment of functions or the closing down of entire installations which had previously been established pursuant to congressional directives.

The sudden announcements of the intention to close down certain Veterans' Administration hospitals, and likewise a number of agricultural research stations and projects come immediately to mind. Those intentions were announced precipitately, without warning, in both cases. They were not preceded by consultation with the appropriate officials of the States and communities in question, nor even with their elected spokesmen in Congress. The decisions were apparently arrived at deep within the Bureau of the Budget.

Just shortly after last November's election, there had been the equally sudden announcement of the closing down of dozens of military installations.

In no case has legislation to accomplish these actions been requested by the administration, nor the advice of Congress sought, nor have the Members of Congress from the affected States or congressional districts even been consulted in advance.

Now we learn that our system of wildlife refuges is faced with a similar threat. The Secretary of the Interior has determined that no less than 11 of the national wildlife refuges are to be curtailed in size, or abolished entirely.

These precipitate closures by the executive branch in some cases raise serious questions as to the legal authority under which they are proposed to be done, and may present a direct challenge to the rightful powers of the Congress.

This is particularly the case with respect to the refuges for migratory waterfowl. It was not the executive branch which determined that these waterfowl refuges should be established, or selected the sites and designated the boundaries of them. Congress has never delegated its authority in that regard to any executive agency. As the Senate knows, Congress long ago set up a special procedure for the selection and establishment of such refuges. Each such refuge must be specifically authorized by a special instrumentality, the Migratory Bird Conservation Commission, which is composed of the Secretary of the Interior who is Chairman, the Secretaries of Agriculture and Commerce, and two Senators and two Members of the House of Representatives. In other words, Congress carefully provided that the Commission would have at all times a majority from the legislative branch. It has been my privilege to serve on that Commission since 1959.

But, though no migratory bird refuge can be established without our express approval, the Secretary of the Interior contends that refuges heretofore created by the Migratory Bird Conservation Commission can now be curtailed or abolished by him without even consulting the Commission. It is contended that the Commission, which has everything to say about the creation of a refuge, has nothing at all to say about the destruction of one.

Nor is that all. The primary source of funds for acquiring migratory bird refuge lands is the duck stamp—in effect, a user charge against hunters. Formerly, duck stamp receipts were also used for development and construction, research, even operation and maintenance of such refuges.

Now, it appears that the administration intends to break faith with the duck hunters, and divert to other uses certain of the lands which were either bought or maintained with the funds collected from them. The migratory bird refuge program is one of the few Federal activities for the support of which the supposed beneficiaries are expected to provide the funds through a special tax. Thus, the Federal Government is in a moral sense the trustee for the purchasers of the duck stamps, with respect to the expenditures of the revenues collected through this means. Those of us who serve on the Migratory Bird Conservation Commission have, in turn, a special responsibility—to represent the Congress in the conduct of that trusteeship, and to speak out against threats of the destruction or curtailment of the refuge system, or against the diversion of duck stamp revenues or of the lands purchased with such revenues.

Earlier this week the Senator from Montana [Mr. METCALF] introduced a bill, S. 1816, on which I was happy to join him as a cosponsor, to close up the loophole in the law regarding the powers of the Commission. His bill is very simple. It would add to the Migratory Bird Conservation Act the following new subsection:

> Any land or interest in land approved for acquisition or use by the Commission pursuant to this Act shall not be sold, terminated, transferred for any other use, or otherwise disposed of without the approval of the Commission.

In other words, land could get out of the migratory waterfowl refuge system through the same means by which it gets in, and through no other means.

The refuges proposed to be reduced or eliminated, together with the present acreage of each and the acreage reduction contemplated, are the following:

Havasu National Wildlife Refuge in Arizona and California, now about 45,000 acres, which is to be reduced by some 17,000 acres.

Piedmont National Wildlife Refuge, Georgia, 33,000 acres, which is to be disposed of entirely.

Monomoy National Wildlife Refuge, Massachusetts, an island in the Cape Cod region of 2,700 acres, which is to be disposed of entirely.

Desert Game Range, Nevada, an area of approximately 2,250,000 acres, which is to be reduced approximately 500,000 acres.

Killcohook National Wildlife Refuge, New Jersey, 900 acres, to be abolished.

Bosque del Apache National Wildlife Refuge, New Mexico, 57,000 acres of which 35,000 acres is to be dropped from the refuge.

Sullys Hill National Game Preserve, North Dakota, containing 1,674 acres, which is to be disposed of entirely.

Carolina Sandhills National Wildlife Refuge, South Carolina, 49,000 acres, to be abolished.

Little Pend Oreille National Wildlife Refuge, State of Washington, 44,000 acres, to be disposed of entirely.

Pathfinder National Wildlife Refuge, Wyoming, 46,000 acres, of which 32,000 acres are to be released.

Moosehorn National Wildlife Refuge in Maine, containing 23,000 acres, part of which is to be disposed of to a public agency, and part exchanged with private timber companies, leaving only a small area in Federal hands but the acreage figures have not been supplied me.

Thus, 6 of the 11 are to be closed down entirely or disposed of. Of the other five a major portion of the acreage is to be disposed of, or diverted to some other use. This is to be done without the concurrence of the Migratory Bird Conservation Commission, solely on the initiative of the Secretary of the Interior.

I say that Congress, or a body officially created to determine policy in this area such as the Migratory Bird Conservation Commission, should play a direct role in the determination of these issues. It is a travesty of good sense to say that the Commission which must approve each of these waterfowl refuges individually, and determine its boundaries, and even pass on the authorized cost of land acquisitions, should be excluded entirely from the decisionmaking process when it comes to liquidating one or disposing of a major part of its acreage.

As noted above, we have recently had a similar problem with respect to certain research stations and experimental projects under jurisdiction of the Department of Agriculture. Secretary Freeman had announced his intention to close out 43 such stations and projects. On this matter he was quizzed closely during the hearings on the Department of Agriculture appropriations bill for 1966. Some of the items he proposed to close down had been specifically authorized and directed to be carried on by statute. For example, one of the programs to be terminated was research into horticultural crops, farm windbreaks, and new crops at the experiment station at Cheyenne, Wyo.

At the time of his appearance before us, I pointed out that Congress had provided in the authorizing statute as follows:

> The Secretary of Agriculture is authorized and directed to cause such shade, ornamental, fruit, and shelter-belt trees * * * as are adapted to the conditions and needs of the semiarid or dryland regions of the United States, to be propagated at an experiment station of the Department of Agriculture to be established at or near Cheyenne, Wyo.—

When I asked him whence came his authority to discontinue the operation in the face of that direct statutory mandate, Secretary Freeman's reply was "that statute does not anywhere say 'continue this facility.'" In other words, he recognized the congressional authority to direct him to establish the program, but reserved unto himself the right to close it down immediately thereafter.

However, that particular story has a somewhat happier ending. The Secretary's program for terminating these 43 research stations and projects was temporarily blocked by an amendment to the first supplemental appropriations bill. Thereafter, the Senator from Florida [Mr. HOLLAND] held extensive hearings on each item involved, and he and the Senator from North Dakota [Mr. YOUNG], as representatives of our committee, held full discussions with Secretary Freeman. The Secretary was constrained to concede that he had been hasty, and to accept the major part of the recommendations of the Senate committee. Nearly half of the items in controversy were saved, at least for the time being, including the program at the Cheyenne station to which I have just referred, and including also a program at Mitchell, Nebr., in which I was interested.

Recurring now to the problem of the wildlife refuges, it seems to me that the plans for curtailment or disposition of each should receive the same careful scrutiny as was given to the agricultural research station. In each case numerous questions should be asked, and answers demanded. What was the cost of each refuge? What was the source of the funds? What improvements have been made? What role does it play in our overall plan for wildlife conservation? To what use will the land be put if it is taken out of the wildlife refuge system? These are some of the questions that should be answered.

For example, we are informed that $44,000 in duck stamp funds were expended for the purchase of lands in the Piedmont Refuge in Georgia, and about $43,000 for lands in the Moosehorn Refuge in Maine. If these lands are transferred out of the refuge system, what recompense will the duck hunters receive for their contributions which were expended on the acquisition of these lands?

We are also told, in the material supplied by the Department, that "areas relinquished will remain in public ownership." Yet, the fact is that for most of these refuges no arrangements whatever have been made to carry out this promise. We are told, for example, that the State of Georgia or the U.S. Forest Service might take over the Piedmont Refuge, but apparently no negotiations have been carried on to effectuate either transfer. It is said that Sullys Hill Game Preserve will be released to a public agency with the buildings and other facilities, but it is admitted that no negotiations have been carried out to date at all. In the same way, it is conceded that no negotiations have been carried out with any other Federal or State or local public body regarding the relinquishment of the 35,000 acres of the Bosque del Apache Refuge, or the Carolina Sandhills Refuge which is to be disposed of entirely, or the Little Pend Oreille Refuge, or the Moosehorn Refuge. Yet the appropriation request of the Bureau for the coming fiscal year, which begins in just 2 months, already reflects the plan for disposition of all these projects.

Mr. President, I believe that in the matter of these refuges, as we have done with the agricultural stations and the veterans' hospitals, it is up to Congress to take a stand and insist upon participation in the decisions. When a program or installation has been created directly on the basis of congressional authority, it is the most obvious logic that Congress should also participate in the decision whether that activity should be terminated. When there is a special body such as the Migratory Bird Conservation Commission specifically created by Congress to supervise the creation of new installations, it seems obvious that the same Commission would naturally represent the public interest in passing on proposed disposals or terminations. That is what the Metcalf-Hruska bill provides, and I urge that it receive prompt and sympathetic consideration.

ADDRESS BY SENATOR AIKEN BEFORE JOINT SESSION OF VERMONT LEGISLATURE

Mrs. SMITH. Mr. President, the senior Senator from Vermont [Mr. AIKEN] has made a historic address to a joint session of the Vermont Legislature. In that address he expounds wisdom that is so characteristic of him and he indulges in understandable praise of his home State. I ask unanimous consent that his address of April 29, 1965, to the Vermont Legislature be incorporated in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR GEORGE D. AIKEN BEFORE VERMONT LEGISLATURE, MONTPELIER, VT., APRIL 29, 1965

When you invited me to speak to this joint session, the question that came to mind was what should I talk about.

My committee work in the Senate takes me from agriculture—way down here on the ground—to infinite space—way up there and beyond—with atomic energy and foreign relations taking up my spare time.

Actually, much of my time this year is taken up by international matters and, frankly, I don't like either the results or the prospects, so far.

It is still possible that a general world war with nuclear potential can be avoided.

I am doing all I can to convince those who are responsible for our foreign operations that it must not happen.

I realize that there are those who feel that a showdown with the Communist world is inevitable and that the sooner it comes the more likely will be victory—if it can be called that—for our side.

It is incredible that the United States and Russia, who jointly hold the key to the situation, will permit any holocaust that would likely wipe out half the population of either country.

It is equally incredible that the United States after the experience of the French at Dienbienphu and our own experience in Korea will undertake a ground war involving several hundred million people on the other side.

We did make a commitment to the government of President Diem of South Vietnam, but that little nation has had nearly a dozen governments since we made that commitment.

Economically, we have done just "so-so" in helping the people of Vietnam.

Militarily and politically, however, things are now thoroughly messed up.

So the situation boils down to this: there either will be a war or there won't be.

If there is no nuclear war, you won't need to worry.

If there is a nuclear war, you won't be able to worry anyway.

So let's put the whole thing aside for now and turn to the subject which always has been and always will be closest to my thoughts and to my heart—Vermont and its people.

Now, to get down to business, let me say that it is with pride and a considerable amount of nostalgia that I address you today.

Like so many of our best institutions, the Vermont Legislature, as I have known it, seems to be coming to an end.

You, it appears, are to be its final graduating class.

Therefore, this event should be ceremoniously observed, a sort of graduation exercise, if you please, and I have appointed myself valedictorian for the occasion.

I realize that you haven't quite completed your courses yet, but let's just overlook that little matter.

From this year on, we understand that our legislature, like the legislatures of 49 other States, will become modern in every respect.

I understood the old-fashioned Vermont Assembly.

It is my fervent hope that the modernization of this institution will not leave me in the same state of bewilderment as do some of the creators of our modern works of art.

I don't think it will, but the job of readjustment will not be easy.

It will tax our utmost capacity for vision to build a bridge from the well-recorded era of the past to the uncertain, cloudy but potentially broader era of the future.

First, for the benefit of those who have been led to believe that all Vermont Legislatures of the last generation have been hatched from dinosaur eggs I want to say—"Ladies and gentlemen, it just ain't so. You have been brainwashed."

Has the Vermont Legislature really been an antediluvian institution?

It may be well to remind ourselves that the Vermont Legislature was one of the first to establish a State income tax system—and may possibly be the last to reach for a sales tax.

We were the first State in the Union to approve the full social security system.

Let us also remember that from the very beginning our legislature has kept Vermont in the lead of all States in soil conservation practices and extension forestry services.

Years ago we recognized the value of keeping roadsides clean and attractive.

We were one of the very first States to restrict billboard advertising.

We have led the Nation in the field of true interstate cooperation—in contrast to some of the crude proposals of recent years.

We never regarded State solvency as retrogressive.

We showed the Nation the advantages of privately operated recreational facilities while at the same time providing unequaled opportunities for the public.

I could go on and on extolling the progressiveness of our State such as reminding you:

That Vermont industrial labor now gets better pay than Maine, Rhode Island, and New Hampshire, and is catching up on Massachusetts.

That we were the first State to enact an effective 39-week period for unemployment compensation.

That Vermont permits people to vote who wouldn't have a chance to vote under the laws of New York and most other States.

And everyone does know that Vermont was the first State to completely outlaw slavery.

You may not remember that Vermont, during the depression years of the thirties, blocked the sellout of small businesses and farms at a time when neither credit nor cash was available and foreclosures were the order of the day in the rest of the Nation.

You all know how Vermont years ago took the lead for this area in securing electric energy at lower cost. We still hold that lead and for heaven's sake don't merge our power rates with the rates prevailing in the rest of New England. Keep ahead.

But, enough of this or you may think I am bragging; just remember that Vermont is, without doubt, the finest State in the Union and anyone who tells you differently is either ignorant of the facts or has an ax to grind.

As we view the political trends in the world today, and in the United States in particular, we might assume that the status of legislative bodies is entering a sharp decline.

I do not accept such a premise.

While the tendency to consolidate communities, States, and sometimes even nations for administrative purposes does indeed indicate a growing trend toward eventual lessening of legislative responsibilities it does not necessarily mean there will be no use for legislative bodies in the future.

They can survive. That is, if they want to survive.

I still firmly believe, as I told you many years ago, that the roots of good government are bedded in the community, be it a city ward or a country town.

It is a downright privilege to share the responsibility for good State or local government and anyone who thinks only of what his government can do for him, and admits no responsibility to that government, is usually a trivial asset or less to his community.

Regardless of one's preferences, we might, however, be reconciled to the fact that the Federal Government is going to play an ever-increasing part in our lives.

The nature of that Federal Government will be mightily influenced by the manner in which we handle our affairs on the State and community basis.

Not only have States and municipalities been going into debt head over heels, but local taxes have been raised to the point of agony in many communities.

Still, the public demands and Congress and State legislatures vote more and more benefits of many varieties.

This leaves the Federal Treasury as the logical source of funds regardless of whether such funds are borrowed, manufactured or are the result of higher taxes.

So, we continue to have Federal and State-Federal programs affecting health, highways, schools, natural resource development, soil conservation, labor, social security, et cetera, et cetera, et cetera, and the end is not yet.

And since this trend is not going to change, unless human nature changes or unless an atomic war does exterminate most of the people on earth, the best thing to do is to adapt ourselves to the situation and get the most we can out of it.

While the Great Society is having little difficulty in passing legislation, it is having considerable difficulty in getting some of its programs off the ground.

I anticipate that Father Time will alleviate this problem and when he does, I expect to see Vermont participating to the fullest extent in Federal programs just as we have been doing for the past 30 years.

One Federal program which received much advance billing but which, up to date, has not put on a first-class show is the poverty program so-called.

Perhaps it is not understood and perhaps it is suffering at the higher levels from the general shortage of qualified personnel which a program of this magnitude requires.

Coming down to brass tacks, I want to say that poverty is one of the present day's most widely misused words.

It is used to fit most any situation and to promote most any desire.

To some, it means poor health, no money, no job, and a leaky roof.

To others, it means no third car, no four-bedroom house and no vacation trip overseas.

To others, it is a magic word which, if repeated often enough, produces the key which unlocks the door to the Federal Treasury.

And to still others, it is a word which if used in a promising manner, and I underscore the word "promising," can conceivably enhance one's chances of success at election time.

I have always believed that so long as one single person is in want or suffers ill health it is a matter for public concern and public expense, if necessary.

I am equally convinced that for any of us who occasionally run for office to attempt to capitalize on the misery of others will be rated up yonder as a cardinal sin.

Actually, I never knew a Vermont Legislature to be unsympathetic to those in need, or to waste much sympathy on able-bodied freeloaders.

It was back in 1937, while under the illusion that all able-bodied persons entitled to the benefits of State government should also bear at least a minimum of responsibility to the State that I recommended a head tax of $2.75 for the support of our old-age assistance program.

This was long before the head tax got involved in any political feud.

I never knew whether that recommendation made or lost votes for me in subsequent elections; as a matter of fact, I didn't care.

But, I do know that as a result of the acceptance of my recommendations by the Vermont Legislature many elderly and worthy Vermont citizens lived longer and happier lives.

It is true that we have been restricted by lack of means and I am very, very thankful that during the last 30 years those means have increased until today only a small percentage of our people are in actual distress due to curable afflictions or conditions.

Our objective should be to reduce that small percentage to the vanishing point.

If I were asked to enumerate the requirements of our State for a healthy growth for industry, agriculture, and recreation, I would name those basic needs which must be perfectly apparent to all of you.

Obviously, if Vermont is to grow in a healthy manner—as I am sure it will—we have to think of transportation, power, water, public facilities—probably zoning and a lot of other things.

Let's consider transportation.

This affects travel by air, by water, by rail, by highway, and even on horseback and on foot.

For Vermont, these last two methods are important, too.

Now, let me try out one highway suggestion on you to get your reaction.

"A mid-State route from the Massachusetts border to Lake Memphremagog by way of Wilmington, Ludlow, Rochester, and Morrisville and two or three cross-State routes, would seem to provide almost unlimited possibilities for the development and settlement of our mountain towns by tourists, summer, and permanent residents.

"These people are attracted to Vermont because of the natural beauty and charm of our State. Conditions existing along the roadsides are likely to decide visitors from other States as to the advisability of purchasing homes in Vermont. Therefore it seems vitally necessary that the State should control the roadsides of our most scenic highways if desecration and despoliation are to be guarded against.

"So I recommend that the highway board be empowered to secure along existing or prospective rights-of-way by gift, purchase or lease such areas as may be necessary to preserve the natural beauty along our highways. And I further recommend that the board be empowered to regulate industrial traffic on obviously scenic or light travel highways in order that the purpose in developing these routes may not be defeated."

Now, don't try to tell me that I am behind the times with this recommendation because I quoted it word for word from my inaugural message to the Vermont Legislature delivered on January 7, 1937.

I have been acutely reminded of it in recent weeks by the number of people who have complained to me about unsightly automobile dumps in Vermont.

All I can tell them is that this situation is not a Federal responsibility.

As to other transportation matters, you know about them as well or better than I do.

I do know, however, that you can't effect beneficial changes in transportation or any other field without offending some who are against any changes at all.

The most vital requirement of a growing community is probably an adequate supply of clean water.

Vermont has an adequate water supply both for now and for the future.

Much of it needs to be cleaned up.

Two-thirds of our communities lack adequate distribution systems.

The economy of Vermont cannot enjoy maximum growth until every community has an available supply of pure water.

This need calls for a cooperative community, State, and Federal effort.

Along with others, I am working at the Federal level with considerable prospect of success and I have no doubt that both State and local levels will be ready to participate when the time comes.

I was very much pleased to receive earlier this week the joint resolution of this legislature endorsing the efforts I am making in the Congress.

Next to a water supply, the most essential incentive to attract new business and industry is electric energy at appealing rates.

Having led the way to lower energy costs, Vermont must now plan for a supply several times greater than we needed at the time we received our first St. Lawrence power.

The States of Maine, New Hampshire, Massachusetts, and Rhode Island now have the highest residential electric rates of all the 50 States.

Connecticut rates are somewhat lower while Vermont is well below Connecticut.

A few weeks ago a Senator from another New England State told me that they had lost a new industry to Vermont because of the power situation.

As I see it, we have two feasible sources from which to augment our power supply—either purchase Canadian power or develop it from the atom.

Either source should provide it at considerably less than the price we are now paying the New York Power Authority.

There will be efforts to block our getting lower-cost power from any source.

Not only do some of the patriarchs of the scarcity and high price era still remain, but the producers of fossil fuels will not only resort to all their old-time tricks but will also try to scare you about the danger of radiation from an atomic plant.

Don't believe them.

I assure you that you will be in no danger from an atomic powerplant, unless you try to drive it on the highway.

In passing, I might add that a few years hence you will likely be eating food preserved by radiation processes.

We are just beginning to learn the values of radiation for many purposes.

Another number in my hit or miss suggestions to this graduating class relates to our so-called backroads.

In these days of rapidly expanding recreation facilities backroads are a priceless asset and will become more valuable as the years go on.

I refer to good passable roads, many of them with grass growing in the middle—not hard-top highways, and not necessarily highways which are maintained by State funds.

In fact, not much in the way of any funds should be necessary to maintain many of them.

These roads are now largely publicly owned but once they revert to private ownership and are closed to travel they might seem to be paved with gold.

The question has been quite properly raised about the cost of improving such roads should someone choose to build a home or other development some distance from the main highway.

The answer to this is another question—What would it cost to not only maintain a road but to repurchase the right-of-way once it has been permitted to lapse back into private ownership?

I look for a great deal of residential development on roads which are now used only for riding trails and hiking.

There is just one more matter I will call to your attention and then I will let you go.

You have awaiting action in the House, a bill entitled "An act entering into the New England Interstate Planning Compact, and for related purposes."

I have had this bill analyzed by experts in this field and learn that when it is presented to Congress for approval, this seemingly new proposal could easily be used as a backdoor approach to the "Northeastern water and related land resources compact," a proposal which was sponsored by the New England Council a few years ago and which has twice been turned down by the Congress.

Neither was it approved by the Legislatures of Maine and Vermont, where the greatest natural resources are to be found.

By all means work in harmony with our neighboring States.

I have always advocated this and since being in the U.S. Senate have introduced the Connecticut River flood control compact and also the northeastern interstate forest fire protection compact, both of which were approved by the Congress.

I believe thoroughly in true interstate cooperation, but I am just as firmly opposed to agreements which give certain States unwarranted advantages over their neighbors.

You should also be aware of the Supreme Court decision in the case of the *State of West Virginia* v. *Sims* which held the consent by the Congress to the interstate compact (in this case the Ohio River compact) made that compact the supreme law of the land, and that the State having assumed obligations by entering the compact was bound to abide by its financial commitments even though they might be detrimental to the State itself.

And now, members of the graduating class of 1965, you have been very patient and I have no further advice to offer at this time.

You still have much work to do and there isn't much time left.

Your final exams are coming up.

I hope you pass them and graduate with honors.

We want no blank diplomas in this class.

LABOR DEPARTMENT SPEAKS ON FARM EMPLOYMENT

Mr. BYRD of West Virginia. Mr. President, persons associated with the fruit industry in West Virginia's eastern Panhandle have been seriously concerned about the outlook for an adequate qualified labor force to harvest the crop this fall. I have met several times with my constituents in regard to this important matter, and I recently arranged a conference with Under Secretary of Labor John Henning, which conference was attended by several of the eastern panhandle fruitgrowers. Additionally, I have had numerous telephonic conversations with Secretary of Labor Willard W. Wirtz and Under Secretary Henning. On April 12, I sent a telegram to Secretary Wirtz which read as follows:

> In view of the extension granted Florida fruitgrowers to use nondomestic labor, I earnestly request that further consideration be given to providing adequate labor forces to harvest the fruit crop in the eastern Panhandle of West Virginia. I am confident that civic, business, and labor leaders of this area will offer complete cooperation in resolving this problem which, growers believe, has now become critical.

In response to the telegram which I had sent to the Department seeking assistance, I was given the following reply by Under Secretary Henning:

> In response to your telegram, the recent approval by the Secretary of Labor of the importation of foreign workers for temporary agricultural needs in Florida and California would indicate that, if growers comply fully with the criteria issued by the Secretary for recruitment of domestic workers and are then unable to find domestic workers for their needs, the importation of foreign workers for limited periods will be allowed. However, this certainly does not suggest that the Secretary has issued any blank check assurance that growers may have foreign workers. It is obvious that the growers must first comply with domestic recruitment regulations of the Department of Labor.

I am told that labor officials have joined with civic leaders in the eastern Panhandle of West Virginia to solve this problem. I am sure they join with me in commending the U.S. Department of Labor for its expressed desire to be cooperative and helpful in this matter.

ACKERET WINS AWARD FOR RESCUE OPERATION

Mr. PROXMIRE. Mr. President, Thomas Ackeret is a young Wisconsin man who attended Marquette University High School, in Milwaukee, Wis., went to Marquette University, and graduated in June 1961 with a B.S. degree in chemistry. He came into the Peace Corps on June 17, 1963, and is a science math teacher in the Philippines.

On November 28, 1964, Thomas Ackeret demonstrated great courage in a rescue at sea in the Philippines. He has been cited by the mayor of Zamboanga and by Sargent Shriver, head of the Peace Corps. I am delighted to call this action to the attention of the U.S. Senate. I ask unanimous consent that the letter, names, and plaque be printed in the RECORD.

There being no objection, the letter, name, and plaque were ordered to be printed in the RECORD, as follows:

PEACE CORPS,
Washington, D.C., April 29, 1965.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

DEAR BILL: Earlier this year, 46 Peace Corps volunteers received special commendation for their role in a rescue effort at sea during a severe storm in the Philippines. As indicated in the enclosed list, some of the volunteers are your constituents.

I felt you would want to be advised of the commendation and that you would be interested in seeing a copy of the citations which are enclosed.

Thanks for your continuing interest and support of the Peace Corps.

Sincerely,

SARGENT SHRIVER,
Director.

VOLUNTEER, NEXT OF KIN, HOME ADDRESS

Mr. Thomas Ackeret: Mr. and Mrs. Walter J. Ackeret, 5566 Berkeley Boulevard, Milwaukee, Wis.

The Zamboanga City Woman's Club,
Diploma of Honor and Recognition

This is to certify that the Peace Corps volunteers of Zamboanga City are awarded this diploma of honor and recognition for the heroic assistance on November 28, 1964, given the survivors of the MV *Don Jose*. A great contribution to the national and community progress and welfare.

Vicenta C. R. Mauricio,
President, Chairman, Screening Board.
Zamboanga City, *December 30, 1964.*

Plaque of the Mayor of Zamboanga,
Republic of the Philippines

To All Whom These Presents May Come, Greetings:

Be it known that on November 28, 1964, at about 4:20 o'clock in the afternoon, the strong winds and waves at Caldera Bay off Recodo, city of Zamboanga, had sunk the MS *Don Jose*; had claimed many lives of men, women, and children—its passengers, crewmen, and officers—and caused enormous loss to property.

When they saw the mishap from their Ayala seacoast headquarters, situated near the scene of the shipwreck, 49 U.S. Peace Corps volunteers and three native employees, led by their director, Mr. Philip Olsen, and his charming wife, ran to the beach and immediately undertook the following rescue operations:

The men, under Mr. Philip Olsen, braving the strong winds and currents and unmindful of their own personal safety, tore into the surging billows in their light outboard crafts toward the sinking ship. Reaching it as near as possible, they threw paddles and ropes at the survivors with which the latter tied their rafts together. The rescuers towed the rafts safely to the shore—where the women, under Mrs. Olsen, received the shivering survivors, gave them dry clothes and hot drinks. Before total darkness had enveloped the area, the American volunteers were able to rescue 18 survivors. Throughout the night they scoured the shoreline with flashlights and lanterns—ever on the lookout for other survivors or victims of the worst sea tragedy in local maritime history in which so many crewmen and officers and passengers have not been accounted for.

In recognition of the exemplary acts of heroism and humanitarian consideration toward their fellowmen in distress so magnificently demonstrated and without thought to their own personal convenience and safety, as above-narrated, the city government of Zamboanga hereby awards this: Plaque of Commendation to the U.S. Peace Corps volunteers concerned.

Given in the city of Zamboanga, Republic of the Philippines, the 30th of December 1964.

Nector C. Suarez,
Mayor.

ADDRESS BY THE SECRETARY OF AGRICULTURE AT NATIONAL CONFERENCE ON POVERTY PROGRAM IN RURAL AMERICA

Mr. BASS. Mr. President, it is my pleasure to call to the Senate's attention a notable speech made recently by the Secretary of Agriculture, Orville L. Freeman, at the National Conference on the Poverty Program in Rural America.

Mr. Freeman spoke to more than 400 rural leaders, representing about 40 national organizations, at the conference, which was sponsored by the National Rural Electric Cooperative Association, and was held at the Shoreham Hotel.

I am particularly interested in the Secretary's speech, because I know the problems faced by the people who live in our rural areas. They are truly fighting a war against poverty, right in their own barnyards and small towns.

But, Mr. President, the residents of our rural areas are short of weapons with which to fight their war, and they are not getting their share of the weapons available in our arsenal aimed against poverty.

No one in the top policy command at the Office of Economic Opportunity is an expert in rural problems. There is no rural representative on the OEO's Advisory Committee, and information on the OEO programs is not getting out to rural leaders who can, and will, make these programs effective.

Next year, the situation will be made even more critical, because grants under title II of the Economic Opportunity Act will be reduced to 50 percent. This year, 90 percent grants are authorized.

Mr. Freeman described the situation as follows:

> While rural America has about half of the poverty in the United States—and therefore half the need—rural America has qualified for somewhat less than 5 percent of the funds so far allocated in those programs where community organization and community initiative are required.

By contrast, the OEO reports that 90 percent of all cities with more than 50,000 population have a community-action organization either in being or in process of formation.

Mr. President, I believe the Secretary's speech contributes greatly to the understanding of poverty problems in our rural areas. I ask unanimous consent that his speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Secretary of Agriculture Orville L. Freeman at the National Conference on the Poverty Program in Rural America, Shoreham Hotel, Washington, D.C., April 6, 1965

We are here today to discuss one aspect of what may be called the "opportunity gap" between rural and urban America.

In his message to the Congress on agriculture and rural affairs, President Johnson announced a new goal for those of us who are concerned with the problems of rural America. He described that goal as "parity of opportunity" for those Americans who live in rural areas.

The child who happens to grow up in rural America, or the family who happens to live there, does not now have—on the average—parity of opportunity.

Perhaps we can coin a new phrase to describe the people of rural America: They are the "geographically disadvantaged."

We have met today to talk about overcoming some of those disadvantages. We have met to consider how to close the "opportunity gap" for rural people.

I congratulate your president, Clyde Ellis, and his staff for their intiative in arranging this conference, for getting Vice President Humphrey and Sargent Shriver and Senator Douglas as participants, and for recognizing the need for action.

Let me illustrate what I mean by the "opportunity gap":

A family living in rural America is twice as likely to be living in poverty as a family in urban America.

A rural family is twice as likely to be living in substandard, slum housing.

Almost every city family is assured of an ample supply of pure water. But in many rural areas, no family can be sure of drinking uncontaminated water. Some 15,000 rural communities over 100 population have no water systems. A fourth of all farm homes, and a fifth of rural nonfarm homes, have no running water.

Rural children have, on the average, less chance for a first-class education. Rural teachers are paid less; rural schools are less well-equipped. Such extra advantages as kindergartens, for example, which are taken for granted in our better city and suburban school systems, are almost unheard of in the countryside. The best, up-to-date vocational training for space-age occupations is concentrated in the cities. For higher education, far more urban than rural young people have college facilities within commuting distance. For all these reasons, the average educational attainment in rural areas is about 2 years less than in the cities.

Job opportunities are concentrated in urban areas. A recent survey by the National Rural Electric Cooperative Association shows that in more than half of the rural areas served by your organizations job opportunities are insufficient. Two-thirds of the cooperatives reported there were no adult job training programs in their areas, or those available were inadequate.

Rural children receive one-third less medical attention than urban children. Rural people have less access to credit for housing, for business expansion, for public utilities.

I could go on. But the picture is clear. It is the picture of a segment of the American people who are disadvantaged in almost every way because of their place of residence—the "geographically disadvantaged."

The President has challenged us to close the opportunity gap for rural America. Insofar as we who administer Federal programs are concerned, it is more than a challenge—it is a directive. We are instructed to make sure that the benefits of Federal assistance programs—like those under the Economic Opportunity Act—reach rural America in a fair proportion. Insofar as rural organizations outside the Government are concerned, yours is the enormous job of mobilizing under the banner of "parity of opportunity" the leadership and the talent that exist in every rural community.

We know the opportunity gap can be closed, because it has been closed—in at least one major respect. Thirty years ago we could have said about electricity what I said earlier about central water supplies—almost every urban resident had access to electric power; relatively few rural residents had such access. To close this particular opportunity gap, we created one of the most productive partnerships between Government and local leadership in the history of America—the rural electrification movement. In less than a score of years, parity of opportunity was virtually achieved. Today, scarcely an area in all of America is too remote to be reached by the lines of the rural electric cooperatives which make up the organization that is sponsoring this conference.

So we have a model. Let us apply what we have learned in all the other areas of rural disadvantage.

The Economic Opportunity Act, which is our concern today, sets up another framework for a creative partnership between Government and local leadership. As communities take the initiative, organize, and prepare programs for eradicating poverty, the Federal Government stands ready to finance those programs—just as it did in the case of rural electrification.

We have about one year's experience, now, in working with rural communities to obtain the benefits of that Act. And we have learned all over again about the inherent difficulties that stand in the way of extending the benefits of a Federal program equitably as between urban and rural areas.

These difficulties can be summed up to one word: "communication." Sargent Shriver may be able to launch the war on poverty in a city of one million people with a single phone call to the mayor. Usually, in fact, he doesn't have to call the mayor; the mayor, or somebody else, calls him. His happy problem in dealing with the cities, I understand, is often that too many people are ready to act, and he has to get all the groups who are eager to participate working together in a coordinated way.

But nobody can launch the war on poverty among a million rural people with one phone call, or a dozen phone calls, or even a hundred. A million rural people may be spread among several hundred counties, and literally thousands of communities. Until the leadership in every one of these communities is alerted, and moves into action, rural America will not be able to share in equal measure in the Federal assistance that is available to communities to wage the war on poverty.

The enormous magnitude of the communications problem is measured in the fact that, while rural America has about half the poverty in the United States—and therefore half the need—rural America has qualified for somewhat less than 5 percent of the funds so far allocated in those programs where community organization and community initiative are required.

This is not a reflection of lack of effort on the part of the Department of Agriculture or the Office of Economic Opportunity. It is a reflection, simply, of the magnitude of the problems of communication and organization among a dispersed rural population.

We are told by OEO that 90 percent of all cities over 50,000 population either have a community action organization in being or in process of formation. The Cooperative Extension Service tells me that a comparable figure for rural counties would be, at the most optimistic, 30 percent. They report that they are working with, or know about, 738 counties in 46 States that are developing community action organizations and programs. Ultimately, this should mean, of course, that the 5 percent of the funds now going into rural areas will increase. Yet we know that the rural counties labor under inherent handicaps—they have fewer resources of skilled professional personnel to work on project applications; they have less in the way of funds to finance trips by local sponsors to Washington or to the OEO regional offices; they are going to need more technical assistance and more time to get their projects in shape to be approved. So while that 5 percent figure is surely bound to rise eventually, I am afraid that the going, for a long time, will be mighty slow.

During the past year, we in the Department of Agriculture have diverted all of the resources we could muster to work in cooperation with the Office of Economic Opportunity in helping the communities of rural America enlist in the war on poverty.

Staff members of the Cooperative Extension Service, or of one or another USDA agency, have been instrumental in encouraging and assisting many, if not most, of the rural communities who have thus far had community action proposals approved by OEO.

We are able to build, of course, on the strong foundations which you and we have laid through 4 years of intensive work in rural areas development, beginning with our Land and People Conferences back in 1961.

As the result of that effort, rural community development groups are organized in more than 2,100 counties, involving over 100,000 rural leaders. These groups have helped to create some 412,000 new jobs in rural communities, including 40,000 jobs provided by 316 projects financed through the Area Redevelopment Administration. Over 550 rural communities have built or expanded water systems with USDA loans since 1961, and we have been able to provide financial assistance for a variety of other activities—rural housing, small watershed development, rural recreation enterprises, new agricultural enterprises, and so on.

The elimination of rural poverty was from the beginning one of the stated aims of Rural Areas Development. The job-creating activities of the RAD committees are assuredly one of the essential means of overcoming poverty. But the Economic Opportunity Act, following the President's declaration of unconditional war on poverty, gave to local communities a whole range of new and effective weapons which they can now employ.

As soon as the act was sent to the Congress, we mobilized our communications resources—just as you did yours—to let rural communities know of the new opportunities that were at their disposal.

We have impressed upon every Rural Areas Development committee that the war on poverty is a high priority element of a complete RAD program. We have encouraged the RAD committees to broaden out as may be necessary and themselves become community action organizations or, as an alternative, help form other organizations in their communities to undertake the community action job.

We have assigned people to Mr. Shriver, from the very first day, to help him with the rural aspects of his job. Only yesterday, nine people from our Department reported for duty at OEO to work with Dick Hausler's rural task force.

The Federal Extension Service, the Farmers Home Administration, and other of our agencies have held regional meetings to inform and educate our field personnel and the State extension staffs, so that they in turn could carry the word out to local personnel working with RAD committees and other local organizations.

I will not mention the title III program administered by FHA or the work the Forest Service is doing with the Job Corps, since Howard Bertsch and Dr. Singletary are among your speakers.

We have established a new agency—the Rural Community Development Service—to provide a new communications channel to rural America serving agencies outside the Department of Agriculture. The top priority assignment of this new Service—although its staff will be quite limited until we get our appropriation for next year—will be to help the Office of Economic Opportunity get its message through to rural areas. You will meet the head of this new Service, Robert G. Lewis, at this afternoon's session.

Extension leaders in the various States are organizing inservice training programs this summer to prepare their people to work more effectively with low-income families and minority groups.

We are now working on a motion picture that will graphically portray the problem of rural poverty and provide a "How to do it" guide to community organizations.

The one additional ingredient that we have needed most, perhaps, it is the one that I hope will grow out of this meeting today—a better network of communication among and to rural leaders through the membership of the National Rural Electric Cooperative Association and other organizations participating in this conference.

If the rural poor are going to have a voice in our society, the organizations which you represent must be that voice.

Let's face it: We who speak for rural America have to compete with those who speak for urban America, and we are badly outorganized.

Our rural organizations have magnificent records of accomplishment in some fields—in supporting our farm commodity programs, rural electrification, soil and water conservation, for example. But when it comes to some of the most fundamental problems of rural America, our voices are scarcely heard.

For example: Powerful organizations are constantly publicizing the evils of the city slums, and they have obtained billions of Federal dollars for urban renewal. But how many organizations can you name that are actively supporting rural renewal, and how many dollars have we obtained?

Lobbyists from a dozen urban organizations are, at this very moment, organizing to support the President's proposal for a Department of Housing and Urban Development.

Some organizations support the urban housing programs. But there is nowhere near the same degree of organized support for rural housing programs. That may help account for the fact that, since 1949, for every home the Federal Government has helped to build in rural America, it has assisted in the construction of something like 37 in our metropolitan centers.

This weakness in rural organizations is the inevitable reflection of the overriding problem of communication among a dispersed population to which I have referred. The relative power and number of urban lobby groups is the reflection of the concentration of people and the ease of communication within and between cities.

So, I have six words of advice for you as you undertake to help rural America achieve full participation in the war on poverty. The six words are these: Organize, organize, organize, and communicate, communicate, communicate.

We need strong action organizations throughout rural America. We need vital lines of communication between those organizations, the State capitols, the land-grant colleges, and Washington.

Those of us in the Department of Agriculture will be doing all we can. I know that our colleagues in the Office of Economic Opportunity, and the other Federal agencies, will be doing all they can.

And I am delighted to know, through the very fact that this conference is being held, that your organizations that have made such a magnificent record of service to rural America, will be doing all that you can, too.

ABILITY COUNTS

Mr. BARTLETT. Mr. President, an Alaska, visitor in Washington today is Miss Marie Kathleen Trickey, of Anchorage. Miss Trickey is a 16-year-old junior at West Anchorage High School, and is Alaska's first-place winner of the statewide Ability Counts contest. The contest is, as we know, to create more public interest in, and support for, the employment of the handicapped, and is sponsored by the President's Committee on Employment of the Handicapped, in cooperation with the Governor's Committee on Employment of the Handicapped. The Alaska State Federation of Labor, AFL–CIO, was the contributor of the first-prize award—an expense-paid, round trip to Washington and $100 in cash.

I have found the text of Miss Trickey's essay of such interest that I ask to have it reproduced in the RECORD, so that others, too, may enjoy it.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

HOW THE HANDICAPPED ARE OVERCOMING BARRIERS TO EMPLOYMENT IN MY COMMUNITY

Elmendorf Air Force Base, Alaska, serving as a community of over 10,000 people, employs 1,600 civilian workers, 53 of whom have some physical disability.

Noticeably and purposefully, Federal employment of the physically handicapped began during World War II, when laborers were in demand and difficult to obtain. As their work became more beneficial, the program was expanded, with the Government realizing that, when it hired the handicapped, it helped itself. Air Force experience reveals a high production potential among handicapped workers. They have relatively greater qualities of dependability, enthusiasm, inventiveness, assurance, and less absenteeism than do nonhandicapped workers.

Accentuating the utilization of civilians, the Air Force preserves the highest possible expansion capability in terms of combat qualified personnel. Accommodations necessary to the support of an expedient oversea rotation program are provided. In turn, the civilian status of the disabled employee assures him stability inassignment, association, and environment, which contributes to his job efficiency.

Handicapped workers are referred to Elmendorf by the Anchorage branches of the Alaska State Employment Service and the Division of Vocational Rehabilitation to insure their proper placement and adjustment. Considered on the basis of experience, education, aptitudes, training, specialized skills, and physical capacity, the extent of their ability is learned before referral. Discrimination against physically limited personnel in any personnel action is prohibited by the Civil Service Act of 1883. Therefore the Air Force policy on use of the physically handicapped places no limitation on their employment for civilian positions—they are employed on the basis of skill and ability in spite of physical disabilities. As abilities are matched with actual job requirements, the existence of a physical impairment will not be the basis for failure to select a candidate or to retain an employee if he can perform the job competently. Those employees becoming incapacitated on the job are given every consideration for continuation of employment.

Designated as National Employ the Physically Handicapped Week, the first week in October presents the installation of Elmendorf with a chance to strengthen relations with the city of Anchorage. During the few weeks preceding this National Week and for a period of time afterwards, contacts with the Alaska State Employment Service in the city are more frequent, and group discussions help lead the way to better understanding and cooperation. Local newspapers print articles furnished by the base civilian personnel office and use photographs of significant accomplishments and improvements. The annual progress report sent to the Civil Service Commission and the periodical Employee Newsletter articles involving achievements and new methods arouse interests and concern for what is being done or not being done.

The nature of the jobs available at Elmendorf does not lend to placing many handicapped workers. Positions as skilled tradesmen or truckdrivers are typical openings, both of which involve enough moving around as to rule out the hiring of multiple amputees or others who have difficulty in walking. With these limited areas and few opportunities available, no modifications of equipment have been necessitated. One civilian employee at Elmendorf, who, due to a construction accident has only partial flexibility of one of his limbs, is doing successful work at a desk job with a minimum motion requirement. A supply technician has a knee injury; one of the welders is doing efficient and excellent work with only one arm. Others with artificial legs, or partially amputated legs or arms, are working at clerking, real estate, and other similar assignments.

The hard-to-administer program for placement of the physically handicapped can be greatly aided by plans revolving around two steps. First, by knowing about the individual disabled worker—what he can do and cannot do. His placement requires the analysis of his capabilities. Second, workers must be referred on a continuing basis, because they are competing for jobs for which they cannot be considered until their eligibility is known. The fulfillment of this timetaking task results in manifold benefits to the employer, the employee, and the Government as a whole.

Fighting to gain confidence and to display his potential, the handicapped applicant at Elmendorf is given every possible benefit. The opportunity offered him is eagerly accepted as he proves his ability and shows employers all over the Nation that it's good business to hire the handicapped.

IOU NO. 34: NARUC "UMPIRES" JOIN IOU BALL CLUB

Mr. METCALF. Mr. President, I shall preface my remarks today with a quotation from a former President of the United States:

> The Public Service Commission is not a mere judicial body to act solely as umpire between complaining consumer or the complaining investor on the one hand, and the great public utility systems on the other hand. * * * The Public Service Commission had, and has, a definitely delegated authority and duty to act as the agent of the public themselves. * * * It is not a mere arbitrator as between the people of the public utilities, but was created for the purpose of seeing that the public utilities do two things: first, give adequate service; second, charge reasonable rates; that in performing this function, it must act as agent of the public, upon its own initiative as well as upon petition, to investigate the acts of public utilities relative to service and rates, and to enforce adequate service and reasonable rates.
>
> The regulating commission, my friends, must be a tribune of the people, putting its engineering, its accounting, and its legal resources into the breach for the purpose of getting the facts and doing justice to both the consumers and investors in public utilities. This means, when that duty is properly exercised, positive and active protection of the people against private greed.

Those were the words of Franklin D. Roosevelt.

Regulation of public utilities has seldom reached the standard which he set, a standard which should be emblazoned on the wall of every regulatory commission, State or Federal. Regulators have attempted frequently to be only judges, weighing the evidence presented to them by the utilities and the public. The difficulty with that arrangement is that the public does not have, except through the regulatory commission, the facts or the staff to draw upon in presenting the public's side. In some cases State regulatory commissions do not have the facts, or the staff with which to ascertain the facts, and rely on the utilities themselves to supply the information upon which, supposedly, the utilities' case can be challenged. One does not have to be a lawyer to appreciate the imbalanced presentations that result. The regulatory commission must, as Roosevelt said, be an agent of the public, if the public interest is to be served.

However, Mr. President, some State regulators of the IOU's—investor-owned utilities—are not even umpires. They are playing ball with the IOU's. They appear, in public, as umpires. But the umpires are going to bat for the IOU's, who have even helped work out the batting order for the umpires. The National Association of Railroad & Utility Commissioners has put itself in the hands of the National Association of Electric Companies, the latter being one of the power company lobbies.

The umpires and the IOU managers met at Miami's DuPont Plaza Hotel on April 8. The purpose of the meeting was to work out the plays at the two-game series scheduled for Washington, May 12 and 13, before the Senate Commerce Committee. The committee will be conducting hearings on S. 218, which would exempt most power companies from regulation of wholesale power rates by the Federal Power Commission.

At the meeting in Miami, Robert C. Dolan, assistant to the president of the National Association of Electric Companies, was named—and I quote from the minutes of the meeting—"coordinator of the joint efforts of the State commissions and all other interested parties."

The minutes also state that "Mr. Dolan will furnish to Mr. Storm such reports and other information as may be helpful and the NARUC witnesses' statements will be submitted to Mr. Storm in advance for proper coordination."

The Mr. Storm referred to is Edward D. Storm, chairman of the NARUC Legislation Committee and a member of the Maryland Public Service Commission. So Mr. Storm will coordinate the regulators' statements with the coordinator, who is one of the utility lobbyists.

At a meeting held the previous day, April 8, here in Washington, the NARUC Legislation Committee resolved to ask each State commission to furnish the "known attitudes of their various Senators and Congressmen" on S. 218. This information can of course be coordinated with the IOU coordinator too, and checked against the information gathered through other utility lobby sources. This use of NARUC for NAEC lobbying illustrates the usual power company technique of "going through" other organizations.

Attending the Miami meeting, in addition to Messrs. Dolan and Storm, were Edwin L. Mason, chairman of the Florida Public Utilities Commission, Lewis W. Petteway, executive secretary and general counsel of the Florida commission, President Robert Fite and Vice President Benjamin Fuqua of Florida Power & Light, and Harry Poth, representing Reid & Priest, a New York law firm which represents utilities.

Mr. President, it is pertinent to point out that Florida is one of the States whose commission does not regulate wholesale power sales to municipally owned power systems. So if FPC is prohibited from regulating the wholesale rates, nobody will regulate them, in Florida and a number of other States. Thus States rights is not the issue. Rather, the issue is abdication of responsibility to the consuming public by both State and Federal agencies.

Even the umpires' batting order was worked out at the Miami meeting. First up will be Mr. Mason, appearing for the Florida Commission and Southeastern Conference of Utility Commissioners. Judge Merton J. Stanley will be on deck. He will appear for the Indiana Commission and the Great Lakes Conference of Utility Commissioners. In the hole, representing NARUC, will be Noel A. Clark. Following him, to testify for S. 218, will be Frederick B. Holoboff, appearing for the California Commission and the Western Conference of Utility Commissioners and James A. Lundy, appearing for the New York Commission.

Mr. President, the increasing profits virtually guaranteed power companies far exceed those of risk-taking businesses. Use of stock options is spreading throughout the power industry. These stock-option schemes secretly enrich company insiders and dilute the equity of ordinary stockholders. I submit, Mr. President, that these excesses will not be curbed, customers will be continually overcharged, and ordinary stockholders will see their holdings diluted by option schemes, until regulators, both Federal and State, adopt the sound philosophy of regulation set forth by President Franklin D. Roosevelt.

Mr. President, I have obtained copies of the minutes of the meetings of April 8 and April 9 to which I have referred. I ask unanimous consent to insert them in the CONGRESSIONAL RECORD, immediately following these remarks.

There being no objection, the minutes were ordered to be printed in the RECORD, as follows:

MINUTES OF NARUC LEGISLATION COMMITTEE

The Legislation Committee of the NARUC met at the Executive House, 1515 Rhode Island Avenue, Washington, D.C., at 2 p.m. on April 8, 1965, following the meeting of the executive committee.

Those present were: President Noel A. Clark, Nevada; Vice President James A. Lundy, New York; Frederick N. Allen, Maine; General Solicitor Austin L. Roberts; Secretary Everette Kreeger; Judge H. Lester Hooker, Virginia; Walter R. McDonald, Georgia; Harry T. Westcott, North Carolina; William F. Hyland, New Jersey; Ralph H. Wickberg, Idaho; John R. Thompson, Arkansas; Francis J. Riordan, New Hampshire; Edward D. Storm, Maryland; and Kenneth Gatlan, representing Commissioner Edwin L. Mason, Florida.

The functions of the committee on legislation were reviewed and confirmed as follows: (1) To use all proper means to interpret to Members of Congress the association's recommendations as to legislation as approved by the executive committee; and (2) to bring to the executive committee from member commissions such legislation as the members desire the executive committee to consider.

Of immediate concern is the action to be taken on S. 218 introduced at the 89th Congress by Senators HOLLAND and SMATHERS, of Florida.

Mr. Storm reported on the action taken by commissions throughout the country.

It was resolved that General Solicitor Roberts prepare an answer to the report of the Federal Power Commission which was circulated recently by Chairman Swidler. Mr. Roberts' answer will be distributed to all State commissions and the Commerce Committee of the Senate and the Interstate and Foreign Commerce Committee of the House of Representatives.

It was further resolved to request each State commission, if any have not already done so, to pass a suitable resolution in support of S. 218 and send the same to Secretary Kreeger who will compile them in proper form for presentation to the Congress.

It was resolved to suggest that State commissions not only contact their representatives of Congress to urge passage of this legislation, but where Governors are interested, that Governors be requested to support the association's stand.

It was resolved to attempt to get the subcommittee chaired by Senator MONRONEY to withhold action on the Burdick bill (which would give a status exemption to cooperatives) to withhold action after their hearings, scheduled later this month, until action is to be taken on S. 218, because both of these bills should be considered together.

It was resolved to ask each State commission to send a summary to General Solicitor Roberts giving the known attitudes of their various Senators and Congressmen.

It was resolved to request all area organizations such as the Great Lakes Conference, Southeastern Conference, etc., to take a stand on this legislation if this can be done prior to the hearings which are scheduled for May 12 and 13.

Mr. Storm reported that he was going to meet with Chairman Mason of the Florida Public Utilities Commission and several other interested persons in Miami immediately following the meeting of the committee and he would report the results of this conference.

There being no further business before the meeting, the same was duly adjourned.

Respectfully submitted.

EDWARD D. STORM,
Chairman, Maryland NARUC Legislation Committee.

APRIL 14, 1965.

NOTES ON FLORIDA MEETING

The following persons met at the DuPont Plaza Hotel in Miami, Fla., on April 9, 1965, to discuss ways and means of supporting S. 218 (89th Cong.) which was introduced in the U.S. Senate by Senators HOLLAND and SMATHERS, of Florida:

Hon. Edwin L. Mason, chairman, Florida Public Utilities Commission.

Mr. Lewis W. Petteway, executive secretary of Florida Public Utilities Commission and general counsel.

Mr. Robert Fite, president, Florida Power & Light Co.

Mr. Benjamin Fuqua, vice president, Florida Power & Light Co.

Mr. Harry Poth, firm of Reid & Priest, New York attorneys.

Mr. Robert C. Dolan, representing the National Association of Electric Companies; and

Edward D. Storm of Maryland commission, chairman of the NARUC Legislation Committee.

All parties exchanged ideas and information and it was agreed that the program as outlined in the minutes of the Legislation Committee of the NARUC would be very helpful and it is hoped that this can be carried through promptly. It was agreed that since Mr. Dolan is working full time on this legislation at the present time and since he is familiar with the procedures in the Senate and the House of Representatives that he be the coordinator of the joint efforts of the State commissions and all other interested parties.

It was agreed that the Legislation Committee of NARUC would request witnesses as follows:

I. Mr. Edwin L. Mason:

1. Appearing for: (a) Florida commission; (b) Southeastern Conference of Utility Commissioners.

2. Essence of statement: A reasonable line of demarcation between the jurisdiction of the State commissions and FPC is whether the business sought to be regulated is basically local or national in character. Matters of local interest should be regulated by the States—matters of national interest by FPC. S. 218 would define those matters of local interest which should be subject to State regulation.

II. Judge Merton J. Stanley:

1. Appearing for: (a) Indiana commission, (b) Great Lakes Conference of Utility Commissioners.

2. Essence of statement: Transactions which directly affect the citizens of a single State are matters for State regulation. Transactions which affect the citizens of more than one State, and are a burden on interstate commerce, are matters for regulation by FPC. Analysis of Indiana situation, and extent of regulation of wholesale contracts.

III. Mr. Noel A. Clark:

1. Appearing for NARUC:

2. Essence of statement:

A. Introduction for the record of NARUC resolution, individual State commission resolutions, and regional resolution where appropriate, as well as whatever statement or response is made by NARUC to FPC report on S. 218.

B. In introducing the above, Mr. Clark might make a short one- or two-page statement to the effect that S. 218 would prevent the widespread confusion that will occur if present State practices, which have been designed to meet widely varying local conditions, are forced to fit into a single Federal mold.

IV. Mr. Frederick B. Holoboff:

1. Appearing for: (a) California Commission, (b) Western Conference of Utility Commissioners.

2. Essence of statements: S. 218 would prevent the weakening of State regulation which will inevitably occur if regulatory responsibilities which have long been exercised by the State commissions are now taken over by the Federal Government. FPC's current claim to jurisdiction over local matters which have long been held to be a State responsibility, if upheld by Congress, will create major hardships in many instances, because of the distance, time and expense involved in having to settle matters in Washington, rather than at the State level. S. 218 would leave to the State commissions those regulatory responsibilities which by training, experience, competence and local knowledge they are equipped to handle.

A brief analysis of the work of the California commission, and the competence of its staff, would be helpful in impressing on the committee the ability of the State commissions to handle those matters which the FPC is trying to take over.

V. Mr. James A. Lundy:

1. Appearing for: (a) New York commission.

2. Essence of statement: S. 218 would prevent FPC from attempting to preempt State regulation. The State commissions are complying with the provisions of their State laws in regulating matters of local concern, and FPC has not demonstrated a need for the Federal Government to interfere with such local problems.

The caliber and thoroughness of State regulation of matters of local concern has increased tremendously since passage of the 1935 act, particularly with respect to the number of skilled, professional and experienced people on their staffs. For example, the New York commission staff is composed of economists, attorneys, engineers, etc.

The actual ground to be covered by each witness will, of course, depend upon the views of the individual and will be governed in large part by prevailing conditions in his State.

It was agreed that in addition to the NARUC witnesses the following persons or interests would be asked to testify:

Mr. Frite, of Florida Power & Light Co.

Mr. Cook (a written statement only since he will be out of the country), of American Power.

Mr. Persons, of the Electric Institute and president of Public Service Co. of Colorado.

Representatives of cooperatives in Ohio and several other States.

Representatives of labor organizations.

Because the hearings are scheduled for 2 days and Senator HOLLAND will be the lead-off witness, with other Members of Congress having an opportunity to testify and because the Federal Power Commission representatives will take considerable time, all of our witnesses should have prepared statements in writing to submit to the committee, as well as short oral statements giving the highlights of their written statements.

Mr. Dolan will furnish to Mr. Storm such research reports and other information as may be helpful and the NARUC witnesses' statements will be submitted to Mr. Storm in advance for proper coordination.

All persons present will keep in touch with each other as to developments.

Respectfully submitted.

EDWARD D. STORM,
Maryland Chairman, NARUC Legislation Committee.
APRIL 14, 1965.

THE MESS IN VIETNAM—XIII

Mr. GRUENING. Mr. President, yesterday one of my colleagues inserted in the RECORD a recent article by Joseph Alsop, which previously had been printed in the Washington Post. In the article, Mr. Alsop devoted a good deal of critical attention to Hans J. Morgenthau, the noted political scientist.

Mr. Morgenthau replied to Mr. Alsop's article in a communication to the Post, published this morning. Since it refutes the allegations in Mr. Alsop's article, I think it appropriate that the letter be printed in the CONGRESSIONAL RECORD, and I ask unanimous consent that it appear at the conclusion of my remarks. It might also be well to include with it the biographical sketch from "Who's Who," showing the superlative qualifications of Professor Morgenthau as a political scientist; and I ask unanimous consent that that likewise be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. GRUENING. Mr. President, a previous article by Hans Morgenthau was inserted by me in the CONGRESSIONAL RECORD on April 1. A subsequent article, entitled "Russia, the United States and Vietnam,"—published in the current May 1 issue of the New Republic—sheds further light on the dilemma the United States faces in its southeast Asia intervention. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

On a related subject, the New York Times this morning published a leading editorial entitled, "Information for What?" on the situation in southeast Asia. I commend its reading to all those concerned with our involvement in southeast Asia, and ask unanimous consent that it also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3 and 4.)

Mr. GRUENING. Mr. President, the Times editorial properly takes Secretary Rusk to task for accusing members of the intellectual community, university professors, and those who have been critical of the administration's Vietnam policies, of "nonsense, gullibility, and the stubborn disregard of plain facts." The editorial goes on to point to the administration's failure to make enough "plain facts" available.

The following are some of the plain facts which the administration has not made available, but which have a significant bearing on our Nation's policies in southeast Asia past, present, and future.

First. The United States in effect asked itself in. The evidence is found in the letter of President Eisenhower to Ngo Dinh Diem, on October 23, 1954; and in the statement issued by the White House on November 3, 1954—Department of State Bulletin, November 22, 1954.

Second. South Vietnam and the United States violated article 16 of chapter III which provided:

> The introduction into Vietnam of any troop reinforcements and additional military personnel is prohibited.

The United States has steadily enlarged the number of its personnel of "advisors" and other military men there.

Third. South Vietnam and the United States violated article 17 of the agreement which prohibited "the introduction into Vietnam of any reinforcements in the form of all types of arms, munitions, and other war materials such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armored vehicles."

North Vietnam also violated various sections of the agreement in the cessation of hostilities. Does this justify the United States doing it? The evidence indicates that we did it early, and on a larger scale.

The International Control Commission, composed of representatives of Canada, India, and Poland, found in the case of South Vietnam:

> Since December 1961, the Commission's teams in South Vietnam have been persistently denied the right to control and inspect, which are part of their mandatory tasks. Thus, these teams, though they were able to observe the steady and continuous arrival of war material, including aircraft carriers with helicopters on board, were unable, in view of the denial of controls, to determine precisely the quantum and nature of war material unloaded and introduced into South Vietnam.
>
> As the Commission has been denied mandatory controls, as pointed out earlier * * * it has not been able to make a precise assessment of the number of military personnel and the quantum of war material brought in.
>
> However, from December 3, 1961, up to May 5, 1962, the Commission's teams have controlled the entry of 72 military personnel, and observed but not controlled 173 military personnel, 62 helicopters, 6 reconnaissance aircraft, 5 jet aircraft, 57 fighters/fighter bombers, 25 transport aircraft, 26 unspecified types of aircraft, 102 jeeps, 8 tractors, 8 105-millimeter howitzers, 3 armoured carriers (tracked), 29 armoured fighting vehicle trailers, 404 other trailers and radar equipment and crates, 5 warships, 9 LST's (including 4 visiting LST's), 3 LCT's, 5 visiting aircraft carriers and spares of various kinds. In respect of some of the instances of import of war materials between December 3, 1961, and January 16, 1962, violations under article 17(e) as well as violation of article 25, have been recorded against the Republic of Vietnam for its failure to notify arrivals and imports as required by the Geneva agreement, and for not affording all possible assistance to the Commission's teams in the performance of their tasks.

In the case of North Vietnam the Commission found:

> Having examined the complaints and the supporting material sent by the South Vietnamese mission, the committee has come to the conclusion that in specific instances there is evidence to show that armed and unarmed personnel, arms, munitions, and other supplies have been sent from the zone in the north to the zone in the south with the object of supporting, organizing, and carrying out hostile activities, including armed attacks, directed against the armed forces and administration of the zone in the south. These acts are in violation of articles 10, 19, 24, and 27 of the agreement on the cessation of hostilities in Vietnam.
>
> In examining the complaints and the supporting material, in particular, documentary material sent by the South Vietnamese mission, the committee has come to the further conclusion that there is evidence to show that the People's Army of Vietnam has allowed the zone in the north to be used for inciting, encouraging, and supporting hostile activities in the zone in the south, aimed at the overthrow of the administration in the south. The use of the zone in the north for such activities is in violation of articles 19, 24, and 27 of the agreement on the cessation of hostilities in Vietnam.

In other words, both North Vietnam and South Vietnam and the United States were guilty of treaty and agreement violations. But from the administration, we hear only about "aggression from the north."

These are among the "plain facts" for which Secretary Rusk shows the "stubborn disregard" which he alleges the the critics of our southeast Asia policy are exhibiting.

EXHIBIT 1

[From the Washington Post, Apr. 30, 1965]

A COMMUNICATION

The story is told of a medieval peasant who made it his hobby to visit the public disputations of learned men. "What do you do this for?" one of his fellow peasants asked him one day, and he answered: "I want to know who is right." "How can you know that since you don't understand Latin?" was the retort. Our man replied: "I don't need to. Whoever gets angry first is wrong."

Mr. Joseph Alsop, in his column of April 21, is obviously angry with me, and he chooses to express his anger by questioning my intelligence, my knowledge, and my character. If Mr. Alsop had arguments with which to demolish my position, he would have used them rather than hurling invectives at my person.

Mr. Alsop misrepresents my position with regard to our involvement in Vietnam and our relations with China virtually out of recognition. I cannot be expected to repeat here what I have said elsewhere for the benefit of the readers of Mr. Alsop's column who might be misled by his misrepresentation. I refer to the New Republic of April 3 and 31 and to the New York Times Magazine of April 18. I cannot be expected either to explain to a literate public that Mao Tse-tung is not Hitler, that the position of China in Asia is not like that of Nazi Germany in Europe, that Vietnam is not Czechoslovakia, that my opposition to our involvement in Vietnam is not identical with that of the appeasers of 1938. Anyone who believes that these disparate situations and issues are identical is beyond the reach of rational argument.

However, Mr. Alsop puts up what has at least the appearance of a rational argument in the form of his references to Chinese history. Anyone with the slightest knowledge of that history must recognize the absurdity of Mr. Alsop's contentions. But not all readers of Mr. Alsop's column can be expected to have that knowledge. Thus I must perform the unpleasant but necessary task to set the record straight.

Mr. Alsop contends that "the central fact of Chinese history * * * is the tirelessness with which the Chinese people have resumed the task of conquest whenever an opportunity offered." In support of that contention Mr. Alsop adduces three facts: First, China appeared originally "as a rather small region in the Yellow River Valley." Second, even in this century the geographic area of ethnic China has more than doubled, with Manchuria, Inner Mongolia, and Sinkiang having been digested. Third, in southeast Asia, the Vietnamese and Thai are "refugee peoples, long ago pushed out by Chinese pressure."

The first "fact" refers to the bronze age and is, of course, equally true of all nations now existing. They all have developed throughout millenia from small beginnings through conquest and migration into their present size. The second "fact" refers not to conquest but to inner migration. It is analogous to the westward expansion of the original States of the Union, to the recent settlement of California and Arizona by easterners and midwesterners, or to the settlement of Siberia by Russians. The third "fact" is not a fact at all. The Vietnamese and Thais migrated in prehistoric times to where they have lived ever since, and in the absence of any record nobody can tell for sure where they came from and why they moved.

Nothing Mr. Alsop has said invalidates my original statement that China has expanded south and southwestward primarily through its political and cultural superiority and not through conquest. To quote from an article in the Far Eastern Quarterly of February 1942, by Prof. John K. Fairbank of Harvard, whose knowledge of Chinese history is superior to Mr. Alsop's and mine: "Separated from the West, the Chinese Empire grew by the acculturation of its borders. Its expansion was the expansion of a way of life * * * the Chinese were impressed with one fact: that their superiority was not one of mere material power but of culture * * *. Gradually but invariably the barbarian in contact with China tended to become Chinese by this most flattering act reinforcing Chinese conviction of superiority." It is this cultural superiority recognized by all concerned which made it unnecessary for China to conquer her neighbors to the south and southwest. During approximately 2,000 years of her history, China could have conquered any of her neighbors to the south and southwest but did not do so. Throughout her history, China was satisfied with special tributary relationships which left the individuality and autonomy of her neighbors intact.

Mr. Alsop's column is indeed a scandal. It is a flagrant abuse of the freedom of the press, for he uses that freedom as a license to smear, abuse, and misinform. But there is a consolation in that episode, too; for since the real reason for Mr. Alsop's excesses is my opposition to a policy which is likely to lead to war with China or the Soviet Union or both, that small but influential group within our Government, whose spokesman Mr. Alsop has been consistently, must be pretty desperate if they have nothing better to offer in support of their cause than this column of Mr. Alsop's.

H. J. MORGENTHAU,
Center for the Study of American Foreign and Military Policy, University of Chicago.

EXHIBIT 2

(From Who's Who)

Morgenthau, Hans Joachim, educator; b. Coburg, Germany, Feb. 17, 1904; s. Ludwig and Frieda (Bachmann) M; student U. Berlin, U. Frankfort, U. Munich, 1923–27; magna cum laude, U. Munich, 1927; summa cum laude, U. Frankfort, 1929; grad. work, Grad. Inst. for Intermat. Studies, Geneva, 1932; LL. D., Clark University, 1962, Ripon Coll., 1962; m. Irma Thormann, June 3, 1935; children—Matthew, Susanna. Came to U.S. 1937, naturalized, 1943. Admitted to bar, 1927; practiced law, 1927–30; asst. to law faculty U. Frankfort, 1931; acting pres. Labor Law Court, Frankfort, 1931–33; Instr. polit. sci. U. Geneva, 1932–35; prof, internat. law, Inst. Internat. and Econ. Studies, Madrid, Spain, 1935–36; instr. govt. Brooklyn Coll., 1937–39; asst. prof. law history and polit. sci. U. Kan., Kansas City (Mo.), 1939–43; admitted to Mo. bar; vis. asso. prof. polit. sci. U. Chgo., 1943–45, asso. prof., 1945–49, prof., 1949–61, prof. polit. sci. and modern history 1961—, Albert A. Michelson Distinguished Service prof., 1963—, dir. Center for Study of Am. Fgn. Policy, 1950—; vis. prof. U. Cal. at Berkeley, 1949, Harvard, 1951, 59, 60, 61, Northwestern U., 1954, Columbia, Yale, 1956, Princeton Inst. for Advanced Study, 1958, Washington Center Fgn. Policy Research, 1958–60. Cons. Dept. of State, 1949–51. Mem. American Philosophical Society, American, International political sci. assns., Am. Society Internat. Law, Am. Acad. Arts and Scis., Am. Assn. U. Profs. Club; Quadrangle (Chgo.). Author, coauthor numerous books relating to field, 1920—, among latest; Scientific Man vs. Power Politics, 1946; Politics Among Nations, 1948, 3d edit., 1960; Principles and Problems of International Politics (with Keneth W. Thompson), 1950; In Defense of the National Interest, 1951; Dilemmas of Politics, 1958; The Purpose of American Politics, pub. in 1960; Politics in the 20th Century, 3 vols., 1962. Contbr. articles to philos., law and polit. sci. jours. nat. newspapers, and Ency. Britannica. Home: 5542 S. Dorchester Av., Chgo. 37.

EXHIBIT 3

[From the New Republic, May 1, 1965]

RUSSIA, THE UNITED STATES AND VIETNAM

(By Hans J. Morgenthau)

Having just returned from Moscow after talking to American diplomats, to representatives of allied and neutral countries, and to Soviet officials, academicians and military men, I carry with me two major impressions: The hopelessness of a negotiated settlement of the war in Vietnam under present conditions and the likelihood of Soviet military intervention.

A negotiated settlement is now rendered impossible by three factors: The irreconcilable character of the positions taken by either side, the military situation remaining unfavorable to the United States, and the ambiguity of the American negotiating position. Moscow, Hanoi, Peiping and the Vietcong are as one in seeking the elimination of the American military presence in South Vietnam, while the United States appears to be willing to remove its military presence only on conditions of stability in South Vietnam which are unattainable in the foreseeable future. The military situation remains as desperate as it has been in recent times. Richard Dudman has given in the St. Louis Post Dispatch a vivid picture of incessant military deterioration, of cities supplied only by air or sea, of the Vietcong exacting tribute even from government convoys. The London Economist reports in its issue of April 17 that "two slogans that are now heard quite often in Saigon and elsewhere are: 'Yank go fight your war someplace else,' and, in Army circles: 'He who doesn't fight has no need to run away'" and that "north of Saigon, it is with the greatest difficulty that the American can persuade the government forces to keep the main coastal road open during the day." Finally, the President's speech of April 7, intended to open a new, more conciliatory phase in American policy, is contradictory within itself in that it attempts to combine elements of the old policy of indiscriminate peripheral military containment of communism in Asia with a new policy of creating an independent Indochina including North Vietnam and supported by the Soviet Union. In Soviet eyes, however, these constructive elements in the President's speech have been obliterated by the massive air raids on North Vietnam, following the President's speech by less than 24 hours. Wherever I mentioned in Moscow the constructive elements in the President's speech, I was referred to the bombs whose detonations seem to have drowned out the words uttered in Baltimore.

The Soviet attitude toward American policy is one of despair, alarm, and exasperation. The despair is most keenly felt by those who have been identified with Khrushchev's policy of peaceful coexistence and of mitigating the conflict with the United States. They declare themselves to be fighting with their backs to the wall, barely holding their own against the growing influence of the faction that favors the hard line of the Chinese. It is not necessary to take such statements at face value in order to recognize the dilemma in which the Soviet Union finds itself and the impossibility for the Soviet Union to remain indefinitely a passive bystander in the face of the progressive destruction of North Vietnam by American military power. It is likewise easy to see why the Soviet Union would take an active part in the hostilities only with the greatest reluctance, being forced by American policy to take a course of action it would not have taken if it had had a choice.

The dilemma the Soviet Union faces stems from the fact that, on the one hand, the Soviet Union has a vital interest in avoiding a direct military confrontation with the United States and that, on the other hand, it cannot remain indifferent to the fate of another Communist country and ally, such as North Vietnam, especially as it must compete with China for the control of the world Communist movement. However anxious the Soviet Union is to avoid a direct military confrontation with the United States, it is not willing to buy that avoidance with its abdication as leader and protector of its Communist allies.

Thus the bombing of North Vietnam, a complete failure as an inducement to bring Hanoi to the negotiating table, is likely to succeed in bringing the Soviet Union to the battlefields of southeast Asia. The bombing is bound to continue on an ever-expanding scale; for such are its inner dynamics in view of its assumptions and of its failure to achieve its end. Every target hit—one marvels, to believe the official reports, at the number of bridges and radar stations with which the landscape of North Vietnam must be dotted—weakens not the resolution of Hanoi to unify Vietnam under its auspices but the resolution of the Soviet Union to stay out of the conflict.

Yet military intervention, carefully limited, brings compensation to the Soviet Union, and the hard-liners have not been remiss in pointing them out. Military intervention might well serve to restore the ascendancy of the Soviet Union in the world Communist movement. That ascendancy has been effectively challenged by China, and the main talking point of China has been the lack of the Soviet Union's revolutionary militancy. However, in the present conflict China is in no position to come to the aid of North Vietnam without risking the destruction of its atomic and major industrial installations; for it is not yet a nuclear power. But the Soviet Union is under the cover of its nuclear deterrent. It could go a long way, albeit facing the risk of escalation, to demonstrate to the Communist world that while China only speaks loudly but can do very little, it is the Soviet Union who in actuality carries the big stick and is willing to use it on behalf of another Communist nation. If worse should come to worse and China, too, were to be involved actively in the conflict, she would have to rely for her protection upon the deterrent nuclear power and the conventional arms of the Soviet Union.

Thus in the end the monolithic character of the Communist camp would be restored under the auspices of the Soviet Union, which would have demonstrated by deed where effective power lies within that camp.

Turning from the substance of policy to its intellectual quality, the critical observer is struck by the motivating force which considerations of prestige exert both in Washington and Moscow. That this is so in Washington hardly needs extensive elaboration. If one probes beneath the rationalizations for our military presence in South Vietnam, one finds as the dominant motivation the fear that if South Vietnam should go Communist no nation threatened by communism would entrust its protection to us. Thus one nation after the other would go Communist. In other words, the communization of South Vietnam would be the beginning of the end of the free world. We have even dignified this historic determinism with the name of a theory, the so-called "Domino Theory." It assumes that as South Vietnam goes so will Thailand, and as Thailand goes so will India, and so forth, until the whole world will have gone Communist.

This theory is a slogan born of fear and of a misconception of history and politics. It is unsupported by any historic evidence. The Soviet Union went Communist in 1917 and China in 1949, but no other nation followed suit. In 1945, Poland and Hungary went Communist, but Finland did not, and all the Balkan States went Communist, but Greece did not. In 1948 Czechoslovakia went Communist, but no other nation did. In 1954 North Vietnam went Communist all by herself, and in 1960 or so Cuba went Communist without being followed by any other Latin American nation. Social and, more particularly, revolutionary change is not the mechanical result of imitation and prestige but of objective conditions peculiar to individual nations. It is, however, illuminating to note that the "Domino Theory" is but a replica of a vulgar Marxism which also believes in the inevitable spread of communism from one country to the rest of the world.

Similarly, the Soviet Union operates on assumptions of prestige, both for itself and for North Vietnam. It cannot allow Hanoi to go to the negotiating table under a hail of American bombs; for to do so would be tantamount to admitting that the United States can impose its will upon a small Communist nation by force of arms. It cannot afford to remain indefinitely passive while American bombs destroy North Vietnam; for to do so would be tantamount to admitting that the Soviet Union cannot protect a small Communist nation against America's military power. When I mentioned to a Soviet official American considerations of prestige and pointed to the need for a face-saving device and for Soviet cooperation in providing it, he replied: "Other nations must take care of their prestige, too." He was right. But then it is the task of statesmanship to settle disputes in such a way as to minimize the damage to the prestige of the parties concerned. Of such statesmanship there is not a trace to be found on either side. As a result, we are moving closer and closer to that military confrontation which nobody wants but which nobody knows how to avoid.

Exhibit 4

[From the New York Times, Apr. 30, 1965]

Information for What?

Secretary Rusk accuses members of the intellectual community who have been criticizing the administration's Vietnam policies of "nonsense, gullibility, and the stubborn disregard of plain facts." Yet, it was just such criticism that helped impel President Johnson for the first time to make firm proposals for peace negotiations and the extension of economic aid to southeast Asia. As the President himself has observed, it is a disservice to label all critics as appeasers and to discourage "honest, forthright discussion."

Mr. Rusk's complaint is further diminished by the administration's failure to make enough "plain facts" available. Misleading information—foisted upon the Nation in past years—continues on a reduced scale, despite major improvements brought by a vigorous, new civilian information chief in Saigon. The entrance of Americans into direct combat has created further difficulties.

The most important problem is in Washington, not Saigon. It stems from the President's own concept of the Vietnam conflict and his role in it. He has been behaving as if he were John F. Kennedy in the midst of the Cuban missile crisis, playing all the cards himself very close to the chest. But the methods that served the country well in a 1-week confrontation over an offshore island are highly unsuitable for a complex politicomilitary conflict in Asia, where the U.S. involvement has been deepening for several years and, as Secretary McNamara has just said, "a long and difficult road" lies ahead.

To hold American and world opinion, maximum information rather than maximum secrecy is required. That demands a policy capable of defense without oversimplification or concealment of the facts.

Distortion is inevitable when information is manipulated to serve the policy of the day. For months, during the campaign against Senator Goldwater, the administration line was that the war in South Vietnam was substantially self-sustaining and had to be won there. Almost overnight, when the bombing of North Vietnam began, information was produced to prove that "aggression from the north," as the State Department's white paper called it, is the key to everything. No wonder many Americans were puzzled. Nor is Washington's credibility increased by the President's insistence, at the very time that we widen the war, that he is against any "wider war" and has not changed his policy.

Why does Secretary McNamara say only 10 to 15 percent of the Vietcong's weapons have been captured (or bought) from Government troops when the State Department's interagency coordinator for Vietnam uses a figure of 30 percent?

It is true that talk of 150,000 guerrillas conceals the intelligence that the Vietcong possesses only half that number of weapons?

Why, within 48 hours of Mr. McNamara's televised assertions of bombing effectiveness, did South Vietnam's air force commander say: "The raids against communications are not really effective. The Communists can always find ways of moving through the jungle?"

The time has come for a thorough, impartial look at information policies concerning Vietnam. A Presidential commission that would give civilian and military information officials the counsel of independent minds would be the best approach to the problem. No time should be lost in getting it started.

UNITED STATES-CANADIAN AUTOMOTIVE AGREEMENT

Mr. FULBRIGHT. Mr. President, at the time when President Johnson and the Canadian Prime Minister, Lester B. Pearson, signed the United States-Canadian Automotive Agreement, in January 1965, it was announced that the agreement would be submitted to Congress, for its approval by the enactment of necessary implementing legislation, rather than by seeking approval as a treaty requiring the advice and consent of the Senate.

In order to clarify the thinking of the executive branch in adopting this procedure, I asked the Department of State for its views, which I finally received in the form of a letter from the acting legal adviser, dated February 24, 1965.

Not being completely satisfied with the acting legal adviser's opinion that "the President may enter into a trade agreement either as an executive agreement or as a treaty," and that "his choice is not dictated by the Constitution, but by his own appraisal of the merits of either choice," I asked the American Law Division of the Library of Congress to give me a critical appraisal of the opinion of the acting legal adviser. Such an appraisal was prepared by Legislative Attorney Norman J. Small, and was received by me on March 29, 1965.

Mr. Small's appraisal is most helpful. I call attention to only one of his comments on the opinion of the acting legal adviser; namely: that

> To the extent that either a treaty or an executive agreement is dependent upon legislative implementation for its effectuation, the President may be said to enjoy a choice of means only insofar as the Congress is disposed to sustain him in his election. It is the Congress, not the President, which retains the last word in determining whether the President's selection of the * * * means is to prove abortive or successful.

I believe that the exchange of correspondence I have had on this subject will be of interest to constitutional lawyers and to Congress, in giving consideration to its role in acting upon agreements with foreign countries which have been negotiated by the President of the United States.

I ask unanimous consent that the following material be printed at this point in the Record:

A letter from Chairman Fulbright to Secretary of State Rusk, dated January 28, 1965;

A letter from Acting Assistant Secretary of State Robert Lee to Chairman Fulbright, dated February 9, 1965, with enclosed agreement;

A letter from Chairman Fulbright to Secretary Rusk, dated February 15, 1965;

A letter from Acting Legal Adviser Leonard C. Meeker to Chairman Fulbright, dated February 24, 1965; and

The Norman J. Small critical appraisal of March 29, 1965.

There being no objection, the letters and the appraisal were ordered to be printed in the RECORD, as follows:

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I have noted the agreement recently signed between the United States and Canada concerning tariff concessions on the exchange of automotive products between the United States and Canada. Several members of the committee have commented to me about this agreement and wanted to know whether it will be submitted to the Senate for its advice and consent.

It is my impression that the administration considers this an agreement which the executive branch is competent to bring into effect without approval as a treaty. If this is the case, would you please give the committee at your early convenience an explanation of the administration's reasons for such a conclusion.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., February 9, 1965.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, U. S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter of January 28, 1965, to Secretary Rusk raising the questions of whether the agreement recently signed with Canada to remove duties on automotive products is to be submitted to the Senate for its advice and consent and whether the executive branch can bring it into effect without approval as a treaty.

As you know article I, section 7, of the Constitution requires that "All bills for raising revenue shall originate in the House of Representatives." It has been generally recognized that when international agreements relating to revenue matters are entered into by treaty, this constitutional provision requires that implementing legislation also be obtained. In other words, treaties relating to the raising of revenue are not considered "self-executing" but require separate legislation. (See the comments of Corwin in S. Doc. 170, 82d Cong., 2d sess. 418-420 (1953); see also Willoughby, "On the Constitution of the United States" I (2d ed., New York 1929), 558-560.) In the case of agreements relating to tariffs, in order to avoid presenting the Senate with the necessity to act twice upon the same matter, it has been customary to enter into such arrangements in the form of Executive agreements implemented under legislative authority. (S. Doc. 170, op. cit. at 419.)

The need for reaching an agreement with Canada which would make it possible for Canada to end its remission plan at the earliest possible time made it impractical to seek authorizing legislation prior to entering into the agreement. However, the agreement itself recognizes the need to obtain such legislation. As you will see in article II of the enclosed text, the agreement states that the Government of the United States will seek legislation during the present session of the Congress which would authorize the President to accord duty-free treatment to the products of Canada covered by the agreement. Canada has already ended its remission plan and removed its duties. Proposed legislation to permit the United States to remove its duties will be submitted shortly.

I hope this response to the questions raised in your letter will be helpful to you and the members of your committee. If you wish any further information on this matter, please let me know.

Sincerely yours,
ROBERT E. LEE,
Acting Assistant Secretary for Congressional Relations.

AGREEMENT CONCERNING AUTOMOTIVE PRODUCTS BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA

The Government of the United States of America and the Government of Canada,

Determined to strengthen the economic relations between their two countries;

Recognizing that this can best be achieved through the stimulation of economic growth and through the expansion of markets available to producers in both countries within the framework of the established policy of both countries of promoting multilateral trade;

Recognizing that an expansion of trade can best be achieved through the reduction or elimination of tariff and all other barriers to trade operating to impede or distort the full and efficient development of each country's trade and industrial potential;

Recognizing the important place that the automotive industry occupies in the industrial economy of the two countries and the interests of industry, labor and consumers in sustaining high levels of efficient production and continued growth in the automotive industry;

Agree as follows:

ARTICLE I

The Governments of the United States and Canada, pursuant to the above principles, shall seek the early achievement of the following objectives:

(a) The creation of a broader market for automotive products within which the full benefits of specialization and large-scale production can be achieved;

(b) The liberalization of United States and Canadian automotive trade in respect of tariff barriers and other factors tending to impede it, with a view to enabling the industries of both countries to participate on a fair and equitable basis in the expanding total market of the two countries;

(c) The development of conditions in which market forces may operate effectively to attain the most economic pattern of investment, production and trade.

It shall be the policy of each Government to avoid actions which would frustrate the achievement of these objectives.

ARTICLE II

(a) The Government of Canada, not later than the entry into force of the legislation contemplated in paragraph (b) of this article, shall accord duty-free treatment to imports of the products of the United States described in Annex A.

(b) The Government of the United States, during the session of the United States Congress commencing on January 4, 1965, shall seek enactment of legislation authorizing duty-free treatment of imports of the products of Canada described in Annex B. In seeking such legislation, the Government of the United States shall also seek authority permitting the implementation of such duty-free treatment retroactively to the earliest date administratively possible following the date upon which the Government of Canada has accorded duty-free treatment. Promptly after the entry into force of such legislation, the Government of the United States shall accord duty-free treatment to the products of Canada described in Annex B.

ARTICLE III

The commitments made by the two Governments in this Agreement shall not preclude action by either Government consistent with its obligations under Part II of the General Agreement on Tariffs and Trade.

ARTICLE IV

(a) At any time, at the request of either Government, the two Governments shall consult with respect to any matter relating to this Agreement.

(b) Without limiting the foregoing, the two Governments shall, at the request of either Government, consult with respect to any problems which may arise concerning automotive producers in the United States which do not at present have facilities in Canada for the manufacture of motor vehicles, and with respect to the implications for the operation of this Agreement of new automotive producers becoming established in Canada.

(c) No later than January 1, 1968, the two Governments shall jointly undertake a comprehensive review of the progress made towards achieving the objectives set forth in Article I. During this review the Governments shall consider such further steps as may be necessary or desirable for the full achievement of these objectives.

ARTICLE V

Access to the United States and Canadian markets provided for under this Agreement may by agreement be accorded on similar terms to other countries.

ARTICLE VI

This Agreement shall enter into force provisionally on the date of signature and definitively on the date upon which notes are exchanged between the two Governments giving notice that appropriate action in their respective legislatures has been completed.

ARTICLE VII

This Agreement shall be of unlimited duration. Each Government shall however have the right to terminate this Agreement twelve months from the date on which that Government gives written notice to the other Government of its intention to terminate the Agreement.

In witness whereof the representatives of the two Governments have signed this Agreement.

Done in duplicate at Johnson City, Texas, this 16th day of January 1965, in English and French, the two texts being equally authentic.

For the Government of the United States of America:
LYNDON B. JOHNSON.
DEAN RUSK.

For the Government of Canada:
LESTER B. PEARSON.
PAUL MARTIN.

ANNEX A

1. (1) Automobiles; when imported by a manufacturer of automobiles.

(2) All parts; and accessories and parts thereof, except tires and tubes, when imported for use as original equipment in automobiles to be produced in Canada by a manufacturer of automobiles.

(3) Buses, when imported by a manufacturer of buses.

(4) All parts, and accessories and parts thereof, except tires and tubes, when imported for use as original equipment in buses to be produced in Canada by a manufacturer of buses.

(5) Specified commercial vehicles, when imported by a manufacturer of specified commercial vehicles.

(6) All parts, and accessories and parts thereof, except tires, tubes and any machines or other articles required under Canadian tariff item 438a to be valued separately under the tariff items regularly applicable thereto, when imported for use as original equipment in specified commercial vehicles to be produced in Canada by a manufacturer of specified commercial vehicles.

2. (1) "Automobile" means a four-wheeled passenger automobile having a seating capacity for not more than ten persons;

(2) "Base year" means the period of twelve months commencing on the 1st day of August 1963 and ending on the 31st day of July, 1964;

(3) "Bus" means a passenger motor vehicle having a seating capacity for more than 10 persons, or a chassis therefor, but does not include any following vehicle or chassis therefor, namely an electric trackless trolley bus, amphibious vehicle, tracked or half-tracked vehicle or motor vehicle designed primarily for off-highway use;

(4) "Canadian value added" has the meaning assigned by regulations made under section 273 of the Canadian Customs Act;

(5) "Manufacturer" of vehicles of any following class, namely automobiles, buses or specified commercial vehicles, means, in relation to any importation of goods in respect of which the description is relevant * * *.

(A) the ratio of the net sales value of which to the net sales value of all vehicles of that class sold for consumption in Canada by the manufacturer in that period is equal to or higher than the ratio of the net sales value of all vehicles of that class produced in Canada by the manufacturer in the base year to the net sales value of all vehicles of that class sold for consumption in Canada by the manufacturer in the base year, and is not in any case lower than seventy-five to one hundred; and

(B) the Canadian value added of which is equal to or greater than the Canadian value added of all vehicles of that class produced in Canada by the manufacturer in the base year;

(6) "Net sales value" has the meaning assigned by regulations made under section 273 of the Canadian Customs Act; and

(7) "Specified commercial vehicle" means a motor truck, motor truck chassis, ambulance or chassis therefor, or hearse or chassis therefor, but does not include:

(a) any following vehicle or a chassis designed primarily therefor, namely a bus, electric trackless trolley bus, amphibious vehicle, tracked or half-tracked vehicle, golf or invalid cart, straddle carrier, motor vehicle designed primarily for off-highway use, or motor vehicle specially constructed and equipped to perform special services or functions, such as, but not limited to, a fire engine, mobile crane, wrecker, concrete mixer or mobile clinic; or

(b) any machine or other article required under Canadian tariff item 438a to be valued separately under the tariff item regularly applicable thereto.

3. The Government of Canada may designate a manufacturer not falling within the categories set out above as being entitled to the benefit of duty-free treatment in respect of the goods described in this Annex.

ANNEX B

(1) Motor vehicles for the transport of persons or articles as provided for in items 692.05 and 692.10 of the Tariff Schedules of the United States and chassis therefor, but not including electric trolley buses, three-wheeled vehicles, or trailers accompanying truck tractors, or chassis therefor.

(2) Fabricated components, not including trailers, tires, or tubes for tires, for use as original equipment in the manufacture of motor vehicles of the kinds described in paragraph (1) above.

(3) Articles of the kinds described in paragraphs (1) and (2) above include such articles whether finished or unfinished but do not include any article produced with the use of materials imported into Canada which are products of any foreign country (except materials produced within the customs territory of the United States), if the aggregate value of such imported materials when landed at the Canadian port of entry, exclusive of any landing cost and Canadian duty, was—

(a) with regard to articles of the kinds described in paragraph (1), not including chassis, more than 60 percent until January 1, 1968, and thereafter more than 50 percent of the appraised customs value of the article imported into the customs territory of the United States; and

(b) with regard to chassis of the kinds described in paragraph (1), and articles of the kinds described in paragraph (2), more than 50 percent of the appraised customs value of the article imported into the customs territory of the United States.

FEBRUARY 15, 1965.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I refer to my letter to you of January 28, 1965, in which I asked for a statement of the administration's reasons for concluding that the United States-Canadian Automotive Agreement of January 16 should not be submitted to the Senate for its advice and consent in accordance with the applicable constitutional provisions. The reply of February 9, 1965, which I received from Acting Assistant Secretary of State for Congressional Relations, Mr. Lee, does not, in my opinion, meet the issue. The issue is constitutional and the Department's position should rest on constitutional grounds, not on the procedural convenience of the Senate; i.e., to avoid presenting the Senate with the necessity to act twice upon the same matter.

An increasing number of Members are under the impression that executive branch decisions whether to submit international agreements to the Senate for approval by two-thirds of its Members or to the Congress for a majority decision are based on expediency rather than the Constitution.

Could I have from you, or from your Legal Adviser speaking for the Department of State, such legal opinion as may underlie the Department's decision in this case? That opinion should, in my view, seek to distinguish between the Canadian agreement on automotive parts and commodity agreements requiring implementing legislation, such as those relating to coffee and wheat.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., February 24, 1965.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, U.S. Senate.

DEAR MR. CHAIRMAN: I have for reply your letter to the Secretary of February 15, 1965, in which you request a legal opinion underlying the Department's reasons for concluding that the United States-Canadian automotive agreement of January 16 should not be submitted to the Senate for its advice and consent as a treaty.

It is well settled that the President, by virtue of his constitutional power to conduct foreign relations, may enter into many types of international agreements without resort to the treaty-making process. *United States* v. *Belmont*, 301 U.S. 324 (1937).[1] Some of these executive agreements require implementing legislation, some do not, but the power to enter into such agreements is quite broad. Corwin has stated that "the executive agreement power, especially when it is supported by congressional legislation, today overlaps the treaty-making power." "The Constitution of the United States of America, S. Doc. 170, 82d Cong. 2d sess., 1953 (Corwin ed.).[2]

The Supreme Court has stated that trade agreements are among those which the President has the power to enter into through the executive agreement process. In *Altman & Co.* v. *U.S.* 224 U.S. 583 (1912), the Court recognized that an executive agreement entered into pursuant to the Tariff Act of 1897 was a "compact authorized by the Congress of the United States, negotiated and proclaimed under the authority of its President." (At p. 601.)

The next question with regard to an executive agreement is whether it is self-executing or whether congressional action is necessary to implement it. While the line of demarcation is not always wholly clear, legislation is necessary where the United States is required under the agreement to take actions not consistent with existing statutes. Because the primary purpose of the automotive agreement is to remove existing duties on automotive products, and because this step is not permitted by existing trade legislation, implementing legislation is necessary. Accordingly, we have made sure in the agreement that we undertake no obligations requiring changes in statutory provisions until such implementing legislation is secured.

It is, of course, open to the President to enter into a trade agreement through the treatymaking process. In most instances, ratification by the President after advice and consent by the Senate will bring a treaty into force as law. However, in some cases, treaties are not self-executing but require implementing legislation. This is true of a treaty which deals with revenue matters, where it has been thought that legislation is required to satisfy the provisions of article I, section 7, of the Constitution, which says "All bills for raising revenue shall originate in the House of Representatives." (See Willoughby, "On the Constitution of the United States" I (2d ed. 1929) 558–560.) Since the automotive agreement contemplates the elimination of customs duties, under this view legislation would have been required even if the agreement were in the form of a treaty.

Thus, as a constitutional matter, the President may enter into a trade agreement either as an executive agreement or as a treaty. He has this choice whether or not legislation is required to execute the agreement. The question of whether a trade agreement should be entered into as a treaty or executive agreement rests in the judgment of the President. His choice is not dictated by the Constitution but by his own appraisal of the merits of either choice. As the Supreme Court said in *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 218 (1936), "not only, as we have shown is the Federal power over external affairs in origin and essential character different from that of internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen and to agree as a representative of the Nation."

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[1] McClure states that the President entered into 27 executive agreements during the first 50 years of the Republic, 238 during the second 50 years, and 917 during the third 50 years. (McClure, "International Executive Agreements," 4 (1941).)

[2] See also McDougal & Lans, "Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy," 54 Yale Law J. 181 and 534 (1945). "[O]ur constitutional law today makes available two parallel and completely interchangeable procedures, wholly applicable to the same subject matters and of identical domestic and international legal consequences, for the consummation of intergovernmental agreements. In addition to the treaty-making procedure * * * there is what may be called an 'agreement-making procedure' which may operate either under the combined powers of the Congress or the President or in some cases under the powers of the President alone." (Id. at page 187.) This article is a definitive work on the origin and extent of the "agreement-making power."

The President's choice between the treaty and executive agreement procedures will be based on many factors, including foreign policy considerations. For example, with regard to several recent multilateral commodity agreements, it was the judgment of the President that the participation in the agreement by the United States should be made through the treaty process. As you know, these agreements are of great importance to the less developed member countries, and it was believed that the status of these agreements would be enhanced if the United States and the other member countries followed the formal treaty process in ratifying them. This procedure has usually been followed in multilateral agreements dealing with commodities, but in some cases, e.g., the Short-Term and Long-Term Cotton Textile Agreements (TIAS 4884 and 5240), the President considered the executive agreement with legislation procedure appropriate.

The United States-Canadian automotive agreement is bilateral and deals with the elimination of duties. It has been the regular practice for over 30 years to use the executive agreement-legislative authority procedure for agreements of this type. In the usual case, the legislative authority has been provided first and the executive agreement made later—as under the reciprocal trade legislation of 1934 and the Trade Expansion Act of 1962. However, it is equally within the constitutional powers of the President to make an executive agreement first, subject to the enactment of legislation and have the legislation follow. This was done, for example, with regard to the cotton textile arrangements where legislation (Public Law 87-488, June 19, 1962, 76 Stat. 104) was subsequently enacted to permit actions against nonparticipating countries.

This tradition of using the executive agreement procedure for trade arrangements dealing with tariff matters was continued with the automotive agreement. We believe the course taken by the President is clearly within his constitutional prerogatives.

Sincerely yours,

LEONARD C. MEEKER,
Acting Legal Adviser.

[From the Library of Congress Legislative Reference Service]

A CRITICAL APPRAISAL OF THE LEGAL ARGUMENTS PRESENTED IN AN OPINION SUBMITTED BY THE ACTING LEGAL ADVISER TO THE STATE DEPARTMENT

(Prepared at the request of the Senate Committee on Foreign Relations by Norman J. Small, legislative attorney, American Law Division, Mar. 29, 1965)

As a preliminary to extensive consideration of the aforementioned issue, it must be recognized at the outset that tolerance of the President's choice of procedure on the part of the Senate coupled with its willingness to join with the House in the adoption of the required implementing legislation would achieve the President's objective by an approach that constitutionally would be entirely feasible. Manifestly, the validity of this approach will not be impaired by whether the requisite statutory authorization is adopted first in point of time or is extended subsequently to the negotiation of such agreement (Tariff Act of 1897; 30 Stat. 151, 203, sec. 3; Trade Agreements Act of 1934; 19 U.S.C. 1351–1354; Trade Expansion Act of 1962; 19 U.S.C. 1351). However, until this grant of statutory power is forthcoming, the executive agreement with Canada will not become enforcible; for it is intended to effect an alteration of the tariff policy of the United States, the origination of which is reserved by the Constitution (art. I, sec. 7) to the legislative branch.

To concede that the last mentioned approach will satisfy all legal requirements, nevertheless, does not entail unqualified acceptance of the statement of the acting legal adviser that "as a constitutional matter, the President * * * has a choice * * * [as to] whether a trade agreement should be entered into as a treaty or executive agreement," and independently of the fact that one or both means may require for their execution the passage of implementing legislation, the President's selection of either is dictated solely by his own appraisal of the merits of each in any given situation (opinion of the acting legal adviser, p. 2). Appraised as a point of departure, this statement on its face appears to be entirely accurate; for in embarking upon any given negotiation intended to be productive of an international understanding, the President, indeed, is free to select the means, treaty, or executive agreement, for attaining such an accord with one or more nations. On the other hand, when appraised in terms of fruition, the acting legal adviser's statement falls short of complete accuracy. To the extent that either a treaty or an executive agreement is dependent upon legislative implementation for its effectuation, the President may be said to enjoy a choice of means only insofar as the Congress is disposed to sustain him in his election. This conclusion is abundantly sustained by the substantial number of significant executive agreements which were reduced to scraps of paper by the refusal, born of their disapprobation of this means of negotiation, of one or both Houses to adopt the legislation requisite for their enforcement.

After a thorough examination of the complete record of congressional reaction to the President's recourse to executive agreements in lieu of treaties, one text writer has observed:

"Experience has, however, at least vindicated and reestablished the principle that significant financial commitments may not be made except by treaty, or at all events legislative action of the two Houses; that, in general, agreements profoundly affecting the country's foreign interests and policies should be only by treaty; and, finally, that the dividing line between treaty procedure and some alternative procedure is one to be drawn, in the final analysis, not by an executive, but by the Senate or by Congress as a whole. (Frederic A. Ogg and P. Orman Ray. Introduction to American Government (9th ed., 1948), p. 792.)

Thus, when a President chooses to forgo "constitutional processes," a phrase which in the Senate dictionary always has meant negotiation by treaty requiring Senate approval by the usual two-thirds majority, and to reach an international understanding by recourse to a non-self-executory type of executive agreement, it is the Congress, and not the President, which retains the last word in determining whether the President's selection of the latter means is to prove abortive or successful. How the Congress will express this last word in connection with the Canadian agreement and upon what grounds it will be based embrace matters not properly within the scope of this report. The historical record, however, suggests one consideration to which the Congress hitherto has accorded significance.

For over 65 years, beginning with the Tariff Act of 1897 (30 Stat. 151, 204–205, sec. 4) and continuing through the Tariff Act of 1922 (42 Stat. 858, 941–942, sec. 3), the Trade Agreements Act of 1934, and presently, the Trade Expansion Act of 1962, the Congress, pursuant to the powers vested in it by the plain language of the Constitution, has empowered the President to effect no more than reductions, not in excess of the percentages set forth therein, of tariff rates fixed by law. Whether or not the President has ever solicited broader discretion or whether or not the Congress was averse to granting it, the record thus far discloses but one expansion of this measure of authority; to wit, the provisions of the Trade Expansion Act (19 U.S.C. 1831–1833) authorizing the President to negotiate reductions in excess of such percentages in negotiations limited to the European Common Market.

Since the validity of these measures is not disputed, and since enforcement thereof is encompassed within the President's duty to see to the faithful execution of the laws (art. 2, sec. 3), it would appear that the President, consistently with this obligation, might have taken the precaution of conforming his negotiations with Canada to the procedures sanctioned by the Trade Expansion Act of 1962 or by such amendment thereof as might have proved more adequate for furtherance of his purposes. After more than 65 years of repeated enactments affording the President discretion limited to effecting no more than a partial reduction, as distinguished from a total elimination, of existing tariff rates, it could reasonably be contended that the President would seem to have been put on notice by the Congress that it did not intend these statutory provisions to be dismissed as no more than casual guidelines in no way contracting the President's choice of means for effectuating such total elimination.

Even the Acting Legal Adviser contributes a measure of support for this conclusion: for on page 3 of his opinion he endeavors to equate tariff elimination agreements with tariff reduction agreements by asserting that the "tradition of using the executive agreement procedure for trade arrangements dealing with tariff matters was continued with automotive agreement." If, indeed, tariff elimination agreements merit equation with tariff reduction agreements, then compliance with at least section 243 of the Trade Expansion Act might be said to be indispensable to sustain the State Department's contention that the agreement reached with Canada is virtually indistinguishable from the tariff cutting agreements for which Congress has afforded him statutory warrant of authority. As spelled out in section 243 of the Trade Expansion Act of 1962 (19 U.S.C. 1873), the President, before each negotiation authorized thereunder, "shall upon the recommendation of the Speaker of the House of Representatives, select two members (not of the same political party) of the Committee on Ways and Means, and shall, upon the recommendation of the President of the Senate, select two members (not of the same political party) of the Committee on Finance, who shall be accredited as members of the United States delegation to such negotiation." In the negotiations with Canada this provision was ignored.

As a matter of expediency, moreover, fulfillment of the requirements of section 243 might have obviated the controversy now being appraised. By including in the negotiating delegation the four Members of Congress, as stipulated in that provision, the executive branch might have been alerted in advance to the prospect of an unfavorable congressional reaction to the consummation of the present executive agreement, and, thus forewarned, might have elected to conduct the Canadian negotiations along more conventional lines.

Even the most noteworthy proponents of presidential reliance upon executive agreements in lieu of treaties, among them at least one quoted in the opinion (p. 1) of the acting legal adviser, seem prepared to concede the advisability of adopting such precautions. Thus, Wallace M. McClure, who precipitated endless controversy by his assertion that "the President can do by executive agreement anything that he can do by treaty;" but who limited this conclusion by a most significant qualification, "provided Congress by law cooperates," recognizes the President's dependence upon congressional support to effectuate an executive agreement which amends or will conflict with existing statutory enactments, the very result produced by the pending Canadian agreement which cannot be reconciled with the terms of the Trade Expansion Act. According to McClure:

"The procedure of congressional enactment giving effect to executive agreements thus furnishes a facile method of enabling the President in actual practice, provided he has assurance of congressional support, to enter into executive agreements which will result in overruling previous acts of Congress * * *. In actual practice, congressional 'authorization,' as in the Trade Agreements Act of 1934, enables Congress to dictate the terms within which negotiations must be confirmed and hence to participate in a very direct way in the actual conduct of international relations." ("International Executive Agreements," pp. 353, 362, 363 (1941).)

These aforementioned quotations clearly are open to a construction supporting the suggestions heretofore advanced; namely, that when a President contemplates entering into an executive agreement embodying provisions that exceed his statutory warrant of authority, fulfillment of his constitutional obligation to see to the faithful execution of the laws would seem to render more prudent and advisable the acquisition of requisite legislative authority prior to entering upon the negotiation of said agreement. That was the approach observed by the late President Roosevelt who, in his message to Congress recommending adoption of what was to become the Trade Agreements Act of 1934, asserted that, "I am requesting the Congress to authorize the Executive to enter into commercial agreements with foreign nations" (H. Doc. No. 273, 73d Cong., 2d sess., p. 1).

Even the authors quoted by the acting legal adviser seem to be in accord: "A direct presidential agreement will not ordinarily be valid if contrary to previously enacted legislation * * * [and] a wise President will of course ordinarily seek to avoid conflict with the Congress by seeking legislative support for his actions" (Myres S. McDougall and Asher Lans, "Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy," 54 Yale L.J. 181, 317–318, 589 (1945)).

In final analysis, however, it must be recognized that the controversy likely to arise out of the pending Canadian agreements is not one which may be resolved by adjudication or by the exchange of legal precedents by the opposing parties therein engaged. Of the three decisions cited by the acting legal adviser, none contributes any support for his cause. The quotation from *U.S.* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 318, 319 (1936) is wholly irrelevant; for the present disagreement entails no encroachment upon the President's exclusive prerogative to serve as the conduit for the conduct of foreign relations. Such encroachment would arise only in the event that Members of Congress attempted to contact the Canadian Ambassador or the Canadian Foreign Office with a view to offering advice to the Canadian officials on the merits of the pending agreement. Nothing approximating such intrusion is herein involved. On the contrary, such controversy as may arise in conjunction with consideration of the pending agreement will pertain to what possibly might be described as congressional insistence upon Executive compliance with legislation which the Congress was empowered to enact. Moreover, whatever may be the legal status of certain self-executing executive agreements entered into by the President independently of any statutory authorization (*United States* v. *Belmont*, 301 U.S. 324 (1937)), or of executive agreements enforced pursuant to prior warrant of statutory authority (*Altman & Co.* v. *United States*, 224 U.S. 583, 600–601 (1912)), the pending agreement with Canada is presently not possessed of any of the attributes of a law. It is not a law precisely for the reason that it is dependent upon an amendment of existing law for its implementation.

If precedents are sought for purposes of discussions with the State Department, the following statement extracted from the concurring opinion of Mr. Justice Jackson in *Youngstown Co.* v. *Sawyer* (343 U.S. 579, 637–638 (1952)), a decision arising from a legislative-executive collision in a matter of domestic, as distinguished from foreign, policy; to wit, the Presidential seizure of the steel mills, would appear, on its face in any event, to afford support for congressional insistence upon the President's compliance with the aforementioned Trade Expansion Act:

"When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system."

What underlies the present controversy is the allotment of powers which the Constitution grants, respectively, to the President and Congress. If the President cannot commit the Senate to approval of a treaty which he has negotiated; and if the President and Senate, subsequently to ratification and promulgation of a treaty, cannot commit the House of Representatives to appropriate funds requisite for enforcement of the treaty, manifestly a President who elects to negotiate, via Executive agreement rather than by treaty, an understanding which is in excess of the statutory authority which Congress hitherto accorded him, may be said to have embarked upon a gamble that the Congress would prove content to extricate him from his dilemma by adoption of the necessary legislation.

NEW DEFENSE DEPARTMENT DEVELOPMENT PROGRAM

Mr. SCOTT. Mr. President, the Advanced Research Projects Agency of the Department of Defense has recently initiated a new program aimed at stimulating the development of new materials. The program proposes to do this through joint projects between the Nation's colleges and industrial complexes. Three teams, each consisting of an industrial laboratory and a university, all located in the Midwest, have been sponsored initially.

I highly endorse this program, and urge that it be broadened and extended to include other technically competent teams which can serve to promote the technological needs of the Department of Defense and NASA. Current participants in this program are located in the Midwest, which may have been a factor in their selection. While such factors are relevant, let us remember that the primary objective of such programs must be the satisfaction of military and civilian needs by the best qualified contractors. I am sure that the east coast, and the Commonwealth of Pennsylvania, in particular, have much to offer in this regard.

SUKARNO AGREES TO TAKE OUR AID

Mr. MUNDT. Mr. President, one reason why our Senate Committee on Foreign Relations, in reporting this year's foreign aid authorization bill, added an amendment terminating the whole program in 2 years and suggesting a National Review Commission to study the situation in the meantime and to come up with a more realistic approach is the fact that inconsistencies and inadequacies have crept to a most alarming degree into our foreign aid program. An article by Lyle Wilson, of United Press International, indicates a case in point.

Aiding those who insult us; giving our money to those who attack us; strengthening the economies and the military might of those who seem likely to employ their forces against us—these are examples of the types of foreign aid which, to use a State Department favorite phrase, are "counterproductive," to put it mildly—and perhaps "dangerously deceptive," to put it more bluntly. It is to be hoped that out of the recommendations anticipated as a result of the action taken by our Senate Committee on Foreign Relations, a more realistic, a more beneficial, and a more productive policy will be evolved, by which our great country can effectively fulfill its mission as the admitted leader of the free world. Unless our leadership soon begins to acquire a "loyal followship," it is doomed to defeat.

Mr. President, I recommend the article by Lyle Wilson for general reading, and ask that it be printed in the body of the RECORD as a part of these remarks. I am indebted to a great former Member of this body, Senator Albert W. Hawkes, of New Jersey for calling it to my attention.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Palm Springs (Calif.) Desert Sun, Apr. 21, 1965]

SUKARNO AGREES TO TAKE OUR AID

(By Lyle Wilson)

Be of good cheer, fellow citizens. President Johnson's special ambassador to Indonesia scored a triumph. He sweet talked Indonesian President Sukarno into continuing to accept some U.S. foreign aid. Not much foreign aid, but some. And every little bit helps.

Sukarno qualifies for U.S. foreign aid by denouncing the United States on all occasions, by seizing American-owned properties in Indonesia, and by permitting hoodlums to loot and burn U.S. Government installations in that country.

Sukarno's most recent bid for U.S. good will was to permit Indonesian workers to seize the American-owned National Carbide Co. On March 20, Sukarno announced seizure of three foreign oil companies, two of them American-owned. These seizures followed Communist-led demonstrations demanding such action.

MOBS ATTACK EMBASSY

Indonesian mobs have attacked the U.S. Embassy in Jakarta and have raided U.S. information centers. Indonesian Foreign Minister Subandrio joined Red Chinese Foreign Minister Marshal Chen Yi in a February statement asserting that the United States and other big powers were manipulating the

United Nations and, thereby, discreditng the U.N.

Sukarno's Indonesia generally aligns itself with Red China. Sukarno has demanded withdrawal of U.S. forces from Asia, thus supporting the Communist position on Vietnam. Sukarno equally objects to the existence of the state of Malaysia and is committed to its destruction. He is guilty of armed aggression.

REVIEW AID PROGRAM

L.B.J.'s special emissary to the Indonesian bully boy was Ellsworth Bunker who ended his mission last week. Bunker joined Sukarno in a statement announcing the end of U.S. Peace Corps operations in Indonesia and stating that American aid to Indonesia would be reviewed and revised.

The statement also revealed that U.S. teachers from the universities of California and Kentucky would remain in Indonesia on assignment to medical, engineering, and agricultural schools. Sukarno occasionally has suggested that the United States go to hell with its aid. But he generously said last week that the U.S. teaching programs were welcome and would have the full support of his government. That probably means that the teachers and their classrooms usually will be protected from mob action and their books usually will be safe from burning.

A BIG CONCESSION

This is a big concession on Sukarno's part and no doubt will be chalked up as an American diplomatic victory. On the day that Sukarno and Bunker were making their joint statement and saying goodby, Sukarno was scratching around for someone to manage the newly seized American National Carbide Co. He announced the job would go to the governor of Jakarta. Immediately thereafter Sukarno joined Communist North Korean Premier Kim Il Sung in demanding withdrawal of U.S. troops from all of Asia.

The diplomatic triumph that Ambassador Bunker brings back from Indonesia is Sukarno's agreement that U.S. aid be reviewed and revised. What an American taxpayer might want to know would be this: Why does Sukarno get as much as a dime's worth of U.S. aid?

How can aid to Sukarno be justified under the aid policy stated by Congress that the help shall be limited to friendly countries?

Is Uncle Sugar being played for a sucker again?

AGAINST SOIL CONSERVATION CUTS

Mr. CHURCH. Mr. President, in Idaho there is much concern over the proposed $20 million cut in the coming year's budget for the Soil Conservation Service. I share that concern.

In this country, today, there are about 3,000 soil conservation districts; 736 of these—or less than one-quarter—are located in the 12 Western States. I cannot speak for any other State, but I can speak for my own when I point out that, in the 54 districts in Idaho, more than 13,000 farmers were participants last year in the soil conservation program.

The proposed cut would trim the operating budgets of Idaho's 54 districts by about $358,000 in the coming fiscal year. The result, in practical effect, would be that of reducing present conservation practices on Idaho farms by approximately 50 percent.

In the first instance, the proposed cut would reduce, by 14,000 acres, our next season's land-leveling program for improved irrigation. This would mean that more land would deteriorate from poor drainage, erosion, alkali, and waterlogging. Putting a price tag on this loss of land is hardly possible, but we can put a price tag on the resulting loss of business to land-leveling contractors. It would amount to about $560,000 in the first year.

The proposed cut would also mean that some 30,000 feet of irrigation pipeline would not be sold in Idaho, next year. Moreover, the installation of approximately 325,000 feet of canal lining would be lost, cutting back contracts for concrete work by another $450,000.

I could recite more examples, each with a direct business loss to related trades. Suffice it to say that the total estimated loss, just for supplies and services, would amount to more than $2 million annually in Idaho alone, against the $358,000 which would be saved by the proposed budget reductions.

Bear in mind that I speak only for the 54 districts of the State of Idaho. If the loss of sales and services comes to more than $2 million for these few districts, what will be the cumulative loss in the 736 soil conservation districts of the 12 Western States? What, indeed, will be the overall economic loss in the more than 3,000 districts throughout the Nation?

This brings me to the companion proposal, made in conjunction with the recommended reduction in the soil conservation budget—the proposal to establish a revolving fund to which the farmer cooperators would contribute.

Again, Mr. President, I speak only for Idaho, and I am sure that our conditions correspond with those of other agricultural States.

Of the more than 13,000 Idaho farmers participating last year in the programs of the Soil Conservation Service, about one-half would fall into the category of small-farm operators—that is to say, farming on 160 acres or less. Every year we see more and more of these small farmers quitting the soil, and turning to the city, in search of employment. This is seldom from choice, but rather, because they are being driven from the land by rising operating and mechanization costs. Having little accumulated capital, and skirting the thin edge of financial failure from crop loss, these small farmers are the ones who derive the greatest benefit from soil-conservation programs, since they have the greatest need for squeezing the highest possible yield from their land. They are also the farmers least able to pay for the soil conservation services which they are now receiving. However, they are fully contributing their time and labor. Today, these farmers put in an average of 7 hours of work on their land for every 1 hour of agency assistance on this soil-conservation projects.

Giving direction to the overall program, we have in Idaho 270 elected district supervisors, working without pay. In addition, the farmers are helping to do most of the survey work in land-leveling operations. They are providing more than one-half of the engineer costs, with the result that SCS technical assistance has dropped from 3 to 5 hours per acre in 1949 to one-half to three-quarters of an hour per acre today.

The supervisors of the soil conservation districts in my State have been asking for more technical assistance, rather than less. Since the wise and efficient conservation of the land benefits the entire Nation, and helps preserve a legacy for the future, I have always felt that this program represents money wisely spent. Therefore, I support the request of the National Association of Soil and Water Conservation Districts for $115,040,000 to finance the SCS operations, nationwide, during the coming year.

The recent floods in Idaho have underscored the need for treating many of our small watersheds on a wholly coordinated basis. The severe floods of December and January generally involved watersheds which were also damaged in the 1962 and 1963 Idaho floods. The need for the small watershed flood-control program of the SCS is also urgent.

In recognition of these facts, the Idaho Legislature earlier this year sent to the Congress of the United States a memorial expressing opposition to the proposed $20 million budget reduction in the soil conservation program, and asked for increased technical assistance for Idaho farmers, instead. I ask unanimous consent that the text of this memorial be printed at this point in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

HOUSE JOINT MEMORIAL 8

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

We your memorialists, the members of the Senate and the House of Representatives of the Legislature of the State of Idaho, assembled in the 38th session thereof, do respectfully represent that:

Whereas the Bureau of the Budget has proposed that the Soil Conservation Service appropriation for assisting locally organized and locally managed soil conservation districts be reduced by $20 million and that soil conservation districts and cooperating farmers, ranchers, and other landowners pay the Federal Government up to 50 percent of the cost of technical assistance furnished in the design, layout, and installation of planned soil and water conservation practices on their lands; and

Whereas the Federal Government has, for some 30 years, provided technical assistance to owners and operators of privately owned lands believing that it is in the total public interest, and one of the most urgent national needs to protect and improve the soil and water resources of this Nation; and

Whereas over 95 percent of Idaho's privately owned land is included in its 54 soil conservation districts and nearly a third of Idaho's farmers and ranchers are annually using the technical assistance in the design, layout, and installation of planned soil and water conservation measures on their lands; and

Whereas the supervisors of Idaho's 54 soil conservation districts have continuously requested additional technical assistance to meet the needs of farmers and ranchers to accelerate the application of conservation practices; and

Whereas recent statewide storms and floods of disastrous proportions have resulted in heavy erosion and loss of valuable topsoil, heavy sediment deposits in our reservoirs, lakes, streams, and rivers and spread over valuable bottom lands and other flood damages to both public and private property together with destruction or severe damage to thousands of water control and use structures, indicate a need for more, rather than reduced efforts in the application of soil and water conservation practices; and

Whereas such assessments of payments to the Federal Government will discourage and seriously curtail the application of soil and water conservation measures on lands so vital to the strength and welfare of the State of Idaho and the Nation and fall harvest on family farms and small operators; and

Whereas this proposed additional burden added to the costs of farmers and ranchers already in a depressed economical condition would limit the ability of these people to participate in the existing agricultural conservation program and similar programs which have in the past contributed substantially to the conservation development and wise use of these soil and water resources: Now, therefore, be it

Resolved by the 38th session of the Legislature of the State of Idaho, now in session (the Senate and House of Representatives concurring), That we most respectfully urge the Congress of the United States of America to continue the long-established policy of providing technical assistance to soil conservation districts and their cooperating landowners and operators without requiring that they pay the Federal Government any portion of cost of such technical assistance; and be it further

Resolved, That the Congress provide the increases in technical assistance requested by the soil conservation districts in Idaho and throughout the Nation to meet the needs of landowners and operators to accelerate the planning and application of conservation measures on their privately owned lands; and be it further

Resolved, That the secretary of state of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing this State in the Congress of the United States, and to the Secretary of Agriculture.

Mr. CHURCH. Mr. President, though soil conservation benefits us all, the work must be done by those who till the land. In Idaho, the farmers have demonstrated their willingness to get the job done, if qualified technical assistance is available. The Idaho farmer knows that increased technical help will be more than matched by the farmers themselves—the work-hour ratio of 7 to 1 may even grow larger; but the Idaho farmers just as strongly feel that the work now performed by Federal employees should continue to be borne by the Federal Government, so that a firm base for the technical skills required may be properly assured.

The opposition I have expressed today to the proposed budget cuts for the Soil Conservation Service, and to the establishment of a revolving fund to defray the cost of technical assistance, is widely shared by my constituents. Many have written to protest these proposals. I have selected a few of their letters, which I regard as fairly representative of the overwhelming sentiment among the farmers of Idaho. I ask unanimous consent, Mr. President, that these selected letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MADISON SOIL CONSERVATION DISTRICT,
Rexburg, Idaho, January 20, 1965.

Senator FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SIR: We have been informed that the proposed national budget for the fiscal year of 1966 recommends a drastic cut in conservation funds. This would no doubt cut out or curtail some work already planned. It would certainly disrupt the Soil Conservation Service organization by eliminating trained men that are needed to assist our farmers. It has been proven and figures presented to Congress in the past that each soil conservation district needs at least one more man than they have had. Damaging floods each year make unexpected demands on the soil conservation technicians' time to help landowners restore their lands to productiveness.

We as supervisors of the Madison Soil Conservation District strongly oppose any reduction in Federal funds for conservation. We would appreciate any support you could give our opinion.

Very truly yours,
WILFORD JENSEN,
Chairman, Board of Supervisors.

Senator FRANK CHURCH.

DEAR MR. CHURCH: For many years we have been going forward with our conservation work, and we feel that right now we are accomplishing a great deal of good for this section of Idaho; therefore, we feel that we need the help of trained men to assist us in beneficial work to save the resources of our county; we have felt for some time that we needed at least one more man with technical ability to help push this big job along. If our staff were decreased, it could be disastrous.

Therefore, we urge that if anything can be done to help us out in this good cause, we would appreciate it very much for your support in this matter.

Yours very truly,
R. J. WALZ,
County Supervisor.

ONEIDA SOIL AND WATER
CONSERVATION DISTRICT,
Malad City, Idaho, January 11, 1965.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR MR. CHURCH: It came to our attention of a proposed cut in the Soil Conservation Service appropriations for assisting soil and water conservation districts.

We recently received an assistant to help our technician which we have needed very much for 4 or 5 years. The recent floods 3 years ago and also the past Christmas holiday flood has caused an extra heavy workload.

We the supervisors feel that the watershed projects that have been started to help the farmers would suffer very much. We have hopes that the Pocatello Valley watershed will start to be planned in the next year or two.

The Department of Agriculture is the only Department that is helping the farmers at all and we feel that there should be no proposed cut to the Soil Conservation Service.

Sincerely yours,
RAY ELIASON,
Chairman.
RALPH HUGHES,
Vice Chairman.
GRANT JONES,
Secretary.
GENE EDWARDS.
KENNETH BLAISDELL.

TETON SOIL CONSERVATION DISTRICT,
Driggs, Idaho.

Senator FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: We have received a proposal which President Johnson is advocating. We would appreciate an answer from you as how you feel about it.

The Bureau of the Budget's proposal is to start a revolving fund making the farmers pay for a free service. This is very disturbing to us. We know you have been a strong supporter of the soil conservation district and realize the importance of local leadership in the district movement. It is felt that because of the district program, erosion and silting of the Teton River has been cut by nearly 50 percent in the last 10 years, besides the building of a more prosperous family farming society. If such a proposal is enacted, the other 50 percent may never be done. Our county has felt the importance of this movement by giving local county funds for help to the district. Many other counties are doing the same.

We urge you not to support these changes for the interest of our country and State.

Sincerely,
ARNOLD W. KING.

BEAR LAKE SOIL
CONSERVATION DISTRICT,
Montpelier, Idaho, February 12, 1965.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SIR: We, the supervisors of the Bear Lake Soil and Water Conservation District, are greatly disturbed by the proposal of the Bureau of the Budget, as it affects the Soil Conservation Service in its assistance in carrying out our district program. We strongly protest the proposed revolving fund concept of financing technical assistance to our district cooperators in the application of needed soil and water conservation practices. We believe that this proposal will result in an immediate decrease of at least 75 percent in participation by our district cooperators and that the ultimate result will be a complete halt of the grassroots directed program of conservation, which has proven to be of inestimable value to our Nation.

We request that you use the full powers of your office to stop this attempt to undermine the soil conservation district programs, which have done so much to conserve and protect two of our most precious natural resources, soil and water.

We further request that you spare no effort to see that the proposed reduction of $20,130,000 in the appropriation to the Soil Conservation Service be restored in full, with no strings attached. It would be shameful, indeed, to see the fruits of our efforts for the past 25 years wither and fall to the ground through the misguided efforts of those who claim to be working for a strong, stable nation.

Yours truly,
J. RODNEY REAM,
Chairman.
JAMES PAGMIRE,
PRESTON C. THOMAS,
BENNIE SNEDDON,
JESSE SCHEIDEGGER,
GROVE M. PHELPS.

SAGLE, IDAHO,
March 19, 1965.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR MR. CHURCH: We operate a small family farm (200 acres hay and pasture land and 640 acres timber and range land) in Bonner County of northern Idaho.

Our farmland has at least four distinct soil types which require different cropping, fertilizers, tillage, and weed control. In addition to these problems we have hills and gullies with erosion and drainage problems. Our entire farm is so varied in physical characteristics that it takes a great deal of know-how to take advantage of all phases of it.

Where can ordinary people like us get all the know-how to run a place like this with any kind of efficiency? We read the farm publications and we attend the lectures set up by our county agent and extension service. Yes, they give up good ideas but quite often don't apply to our particular problem or area.

There is one source we count on, however. There is someone who visits our farm, looks at the crops, checks the soil, and listens to our problems; someone who gives us the information when and where we need it; someone who saves us costly mistakes and takes an active interest in the care of our land—our soil conservation technicians.

This service along with cost sharing for conservation practices on our farm is the only help we receive. There are, no doubt, millions of small farmers like us who get no other farm program help of any kind. If the small farmer is charged a fee for the technical help on these conservation practices, I am convinced that it will be very difficult to get him to sign up and to agree to undertake the needed practices on his land.

We protest any budget cut in our soil conservation funds. We feel that this service is vital because it does help the small farmer's income and at the same time encourages him to take better care of his land. Taken over the Nation as a whole this is of paramount importance.

We urge you to work to restore our funds for soil conservation work and to give more help and encouragement to our locally organized soil conservation districts.

Respectfully yours,

VIRGINIA OVERLAND.

SANDPOINT, IDAHO,
March 8, 1965.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am against any cuts in the agricultural conservation program and the Bonner County Soil Conservation District work. If the proposal goes through that I must pay 50 percent of the cost for the services of the soil conservation technician, then I must use my own judgment as to which crops I shall plant because every dollar counts and I would be unable to meet this additional expense.

Too well I remember the Dust Bowl of Oklahoma; without this service it could happen again.

EARL M. SMITH.

CASTLEFORD, IDAHO,
March 9, 1965.

Hon. FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The proposal to reduce the technical assistance to the soil conservation districts by reducing the appropriations of $20 million to the U.S. Soil Conservation Service and setting up a revolving fund to be financed by farmers and ranchers, is something I cannot understand.

It appears that agriculture is not considered a necessary part of the American way of life any more.

I have served as a supervisor on the board of the Twin Falls Soil Conservation District since it was organized some 15 years ago. I have seen what has been accomplished on our rangelands, irrigated farmlands, and watersheds. Without the technical service of the Soil Conservation Service many of us would probably have been out of business.

The economic value the soil and water conservation program has had upon this area is tremendous.

I live on my ranch south of Castleford and over the many years have seen the outstanding job our soil conservation technicians have done on our farms and ranches in the area. Therefore, I ask you to oppose the proposed cut recommended by the Budget Bureau and also oppose the recommendations to set up a revolving fund for the Soil Conservation Service.

Sincerely yours,

TRUMAN CLARK.

CHALLIS, IDAHO,
March 1, 1965.

Re soil conservation proposed revolving fund.

Hon. FRANK CHURCH,
U.S. Senator,
Washington, D.C.

DEAR MR. CHURCH: Several of our clients, as well as ourselves, personally, have participated in the present soil conservation plan and have thought it most satisfactory and see no reason for changing it. In fact, as we understand the proposed change creating the revolving fund with the participants standing part of the cost of technical assistance, this would work a real hardship on small ranchers, of which this area is composed.

In the first place, it would seem to us that the rancher would be, in fact, paying the Soil Conservation Office twice for the same services, for his tax dollar is presently helping to pay the wages of these people and then he would be asked to pay again for any technical service.

In the second place, if these services, even in part, had to be paid for by the average farmer, he just wouldn't avail himself of these services and would do without or struggle along on his own and we feel that it would not be long before the Soil Conservation Office would be discontinued here. At present they have a good program going here with a great deal of participation on the part of the farmers and, as we said before, we see no reason for changing it.

We are all for cutting down on needless spending and reduction of taxes but can't see how this proposed change is going to accomplish this, at least to the point where it would be justified. It would appear that this proposal is asking the farmer to pay for services that our Government gives freely to others—even foreign nations in large amounts.

Very truly yours,

WILLARD and BEULAH ROOD.

WEST CASSIA COUNTY
SOIL CONSERVATION DISTRICT,
Burley, Idaho, April 21, 1965.

Hon. FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: I heard your comments on KMVT Twin Falls last night about our Soil Conservation Service and was much pleased with your fighting spirit. We certainly want to compliment you for the action you have taken in support of the soil conservation movement. We feel very strongly about conservation in our area. This is the reason that we serve as supervisors and it is also the reason that we asked your support in assuring continual technical assistance from the Soil Conservation Service.

An analysis of our work program shows that we could use a staff of five technicians if we were to do the job that needs to be done. At the present we have about two and one-half with the prospects of losing part of them. We have a big territory to conserve and many problems are going unsolved because of lack of planning and application of sound conservation measures. We cannot continue this trend indefinitely or our offspring will suffer the consequences. Please help us sustain and increase the conservation effort in our district.

Sincerely yours,

GARNET KIDD,
Chairman, WCSCD.

APRIL 21, 1965.

Senator FRANK CHURCH,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR: We want to congratulate you on your stand to oppose a cutback in the budget for the SCS and the charge to be made against the farmers for the kind of help they have received in the past.

We are earthmoving equipment operators working mostly in the soil and water conservation districts in Bonneville and Jefferson Counties. We firmly believe that if the slash in the present amount for agricultural conservation program cost-sharing or the cut in money for the SCS help is made, we stand a very good chance to lose everything (our business and equipment). We don't see how the farmers can stand this cut and still continue to do conservation work, the return to them is too often far in their future. We support you in your efforts, keep it going.

Sincerely yours,

ARLAND J. BALL,
O. V. HANDLY.

ENSIGN, DAVIS & ENSIGN AGENCY,
Hailey, Idaho; Ketchum, Idaho,
March 1, 1695.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: We operate the Ensign, Davies & Ensign Real Estate Agency within the Blaine Soil Conservation District. We have good information on land values and the problems of farmers and ranchers.

Many measures have been established on farms and ranches to make better use of the land and water and yet conserve these resources. Much remains yet to be done and repeated. The Soil Conservation Service has provided technical soils, agronomy, range, and engineering assistance to individual and groups of landowners. Businessmen and landowners watch the snow-survey reports of the SCS and cooperating agencies to appraise flood threats and water supplies for many uses. These services have given landowners and water users encouragement to establish conservation measures which benefit everyone. Most of these measures are of a permanent or semipermanent benefit which will extend way beyond the life of the present landowner.

The proposed revolving fund requiring the local landowners and water users to pay for half of this SCS service will bring 75 to 90 percent of the beneficial conservation practices to a standstill. Right now owners are suffering from a lack of net income from the land. The only ones who have a better chance of surviving the squeeze are those with other adequate income from which they can subsidize the farm or ranch or those large landowners who have savings from past prosperity and are willing to operate at a loss. Many new landowners with other incomes have not acquired the love of the land which those have who have toiled and sweated to see it improve have acquired. Each new operator or owner needs to be taught the needs and capabilities of the land he has acquired. When the land is not paying off the expenses, the landowner will do only those things which will (he thinks) bring him a "fast buck" each year, even if it permanently damages a vital resource.

Incentives in the form of technical help and cost sharing for soil conservation improvements, gives a landowner both a physical and psychological boost in thinking that the public as a whole is interested in helping him improve and maintain a permanent basic resource. I'm sure people should be made aware of everyone's dependency and very existence on our soil and water resources.

An unproductive farm or ranch gets a reputation which makes it hard to sell and if sold, breeds distrust, and disappointment among past and prospective buyers.

Cutting soil conservation funds at this time or asking farmers to pay the conservation bill alone, so as to finance other worthy new Government programs, is not even "pennywise." There are other places in Government where economizing could provide the necessary dollars. Let's not cripple guardians of resources we and future generations are so dependent upon.

We urge you to defeat the revolving fund provision of the SCS appropriation and restore the necessary funds, as in the past, to help landowners protect resources so vital to the general public.

Sincerely yours,

J. W. Davies.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The clerk will state the bill by title.

The Legislative Clerk. A bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the bill.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. ERVIN. Mr. President, yesterday, I called up my amendment No. 83. I have been advised by the majority and minority leaders that they are disposed to offer a new substitute, and I have been advised by the Parliamentarian that I may offer an amendment to the substitute. In order to facilitate the work of the Senate, I will withdraw my amendment No. 83 at this time, with the understanding that on Monday, after the new proposed substitute is made available, I shall offer a redrafted amendment to fit the new substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, will the Senator yield? Has morning business been completed?

The PRESIDING OFFICER. Yes.

Mr. STENNIS. My attention was diverted.

The PRESIDING OFFICER. Will the Senator from Montana withhold his suggestion of the absence of a quorum?

Mr. MANSFIELD. Yes, without losing my right to the floor.

RESIGNATION OF JOHN A. McCONE AS HEAD OF CIA

Mr. STENNIS. Mr. President, within the last few days we have witnessed the resignation of the Director of the Central Intelligence Agency, Mr. John A. McCone, who has reentered private life. I have had a great deal of contact with Mr. McCone in connection with his work during his tenure as Director.

I wish to make brief remarks with reference to the fine way he performed in a difficult position. Mr. McCone brought to his office a wealthy background of public and business experience. He possesses a keen intelligence. He showed that he had patience, organizational ability, devotion to duty, and great courage. All these qualities combined helped to make him, in my opinion, one of the most outstanding Directors the country has ever had in carrying out far-reaching, worldwide responsibilities.

Furthermore, he showed a fine understanding of worldwide problems, as reflected in many different ways in more than 100 nations, and in situations and conditions which were changing rapidly overnight in the unusual transition period through which the world is now passing.

I was impressed, too, with his leadership. He had an extraordinary ability to gather men of experience and leadership around him. The leadership he exhibited and the way he was able to combine the very fine talents of the men and women in the Central Intelligence Agency was another reason for his success.

However, above all, it was the high integrity he personified in his service to our Government, as well as that of others, which went to make up the confidence that I had, and I believe that all others had who dealt with him in any way, with reference to his endeavors and his conclusions in trying to solve the many difficult problems with which he was confronted.

The renowned columnist, Mr. Arthur Krock, has paid a fine tribute to Mr. McCone in an article published in the New York Times on yesterday, entitled "In the Nation: Making History Without Headlines."

I believe that this article is entitled to wider distribution, and I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

In the Nation: Making History Without Headlines

(By Arthur Krock)

Washington, April 28.—Some of the most memorable verses ever written are attributed in the anthologies to "Anon." And no one knows what and how many disciples put in written form the oral discourses of the Prophet Isaiah, to whose book President Johnson turns most frequently for appeals to the higher nature of mankind.

EX OFFICIO ANONYMITY

This anonymity is imposed ex officio on the incumbent of the Office of Director of the Central Intelligence Agency insofar as his achievements in the safeguarding of national security are concerned. Though when there is circumstantial evidence of errors of commission and omission by the Agency, its Director is publicly censured by name. Therefore, like all his predecessors, John Alex McCone today reentered the private life (from which he has often been called to high official duty) in this unbalanced context for evaluation of his public service.

When President Johnson last night made McCone the 11th recipient of the National Security Medal, the accompanying citation lauded his latest official contribution as a product of "inspiration, idealism, experience, and unchallenged integrity." The same could be said of McCone's previous Government career as Under Secretary of the Air Force in the Truman administration and as Chairman of the Atomic Energy Commission under President Eisenhower. But the nature of his duty in all three posts was such that, though he made history beneficial to national security, he made few of the front-page headlines.

Others of Cabinet rank and Members of Congress are free to hold press interviews, make speeches, and engage in kindred activities to create favorable public "images" and advance their particular programs. These forums are necessarily denied to the officials responsible for certain Government operations that inherently must be pursued in secret if they are to be effective instruments of national defense. And, even more than the Chairman of the AEC, the Director of the CIA is subject to this requirement.

DISCLOSURE OF ROLE

Because President Kennedy authorized the publication of certain details of the secret high-level conferences in which the firm policy of dealing with the Cuban missile crisis was involved, the public knows something of the positive role played by McCone in formulating the decision which forced the U.S.S.R. to retreat from the grave provocation of nuclear war created by his missile installations in Cuba. In the course of the series of warnings about these constructions by former Senator Keating, of New York, on the Senate floor, it also became a matter of public knowledge that McCone had previously urged intensification of the surveys from the air that, when eventually made, produced the confirmatory photographs.

But of the quality of McCone's administration of the CIA little can be determined except that, since his subordinates have felt free at least to answer questions about it with uniform and glowing praise, the Director apparently ran the best-organized shop in the history of the Agency. One great improvement he made was to collect the scattered units of intelligence specialists in the field of scientific research into one division and under a single deputy.

But on the limited public record of McCone's Government service is sufficient evidence that he was a pioneer in the effort to establish and rapidly advance a missile-construction program for the United States. In August 1950 he submitted two memorandums of extraordinary perceptiveness, but which were not fully activated until they were brought to the attention of President Eisenhower at the end of October 1957. These, all to briefly stated, were their principal propositions:

NEW MISSILES NEEDED

All the existing defense plans against the atomic bombs the U.S.S.R. was building are "relatively ineffective." "The development, perfection, and production of supersonic ground-to-air guided and other missiles," should be "immediately initiated * * * to accomplish this objective in the minimum time * * * with a minimum initial spending of $2 to $3 billion." The United States has spent $94 million on missiles thus far (August 1950) and fired 78 tests.

This brought the call to McCone from President Eisenhower to reenter Government as Chairman of the AEC. Since then, with a brief interval, it has been one invisible defense achievement after another.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Ohio [Mr. YOUNG] kindly consented to allow the morning hour to come to a close so that I could obtain the floor. I feel that it is only fair that I now yield to the Senator from Ohio, provided that in doing so I shall not lose my right to the floor, although I do not have the right to farm out time as I am doing at this moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

OHIO COAL

Mr. YOUNG of Ohio. Mr. President, Ohio is one of the leading coal-producing States in the Union. From the coalfields of southeastern Ohio comes much of the fuel to stoke the furnaces of the industries which make our Nation the strongest and richest in the history of mankind. We in Ohio are proud of the more than 7,000 men who daily toil in our coal industry. We are proud of the tremendous contribution they make to the economy of our State and Nation.

There are 25 coal-producing counties in eastern and southeastern Ohio with more than 17,000 persons employed in mining, transporting, and allied industries. In 1962 their combined annual wages were more than $100 million. Each year the coal industry contributes nearly a quarter of a billion dollars to Ohio's economy through wages, taxes, and purchases of services and supplies.

However, there are factors and practices in force that work to the detriment of the coal industry.

One is the lack of adequate controls on the importation of residual oil, a waste product which comes primarily from Venezuela and can be sold at almost any price to undercut that of coal. This is a grossly unfair form of foreign competition with domestic trade. Despite controls which were imposed in 1959, imports of residual oil have climbed steadily, They have increased by nine times in the past 4 years. They now amount to 233 million barrels a year, which is roughly equal to 56 million tons of coal. Loss of this much tonnage to the coal industry could mean the loss of $150 million in wages alone for coal miners and railroad workers.

Residual oil is used mainly in cities along the east coast, and eastern coal companies have been forced to seek new markets in areas already served by the Ohio Coal Industry. Ohio's 25 coal-producing counties are, for the most part, in the area covered by the Appalachia bill. It does not make good sense to permit increased competition from imported foreign oil with coal. This could further ruin the economy of an area into which we are pouring millions of dollars in an attempt to provide a better life for its citizens.

Mr. President, there is also a deficiency in the ratemaking policies of the Federal Power Commission. Gas companies have a practice of selling natural gas at what are called dump prices. This is the sale of gas during slack months to utilities and industry at rates as much as one-third below those available to residential consumers. Natural gas is not so abundant a resource that it can be sold this way. It is a valuable resource whose reserves are rapidly dwindling and steps should be taken to prevent irresponsible depletion by the actions of a few. There is, however, no such short supply of coal. Ohio alone has more than 21 billion tons of recoverable coal reserves—ample to last for hundreds of years, taking into account even the most optimistic predictions of future needs.

The use of modern machinery and new, more efficient mechanized mining methods has trebled coal production in the last 10 years. Coal production costs have stayed down despite other rising costs. Also, the delivered price of coal is becoming even lower through the substantial assistance of the railroads which have effected drastically cheaper rates by using the unit-train method of coal shipment.

The greatest consumer of Ohio's coal is the power-producing industry. In less than 15 years the utility companies of my State have doubled their consumption of coal. In 1963, the power utilities used over 23 million tons of the 37 million tons mined in Ohio. It is predicted that in another 15 years coal consumption by utility companies will rise by 250 percent.

In the last decade, powerplants have been the coal industry's only major growth market. Half of all bituminous coal mined goes to utility companies as fuel for their generators. Prospects for the coal mining industry would be brighter if certain coal buying practices were curtailed.

For example, an electric utility buying nonunion produced coal is demolishing or at least lowering living standards of coal miners and their communities.

A strong, secure labor movement is the cornerstone of progress in our free enterprise system. Those who would weaken the trade union movement would, in effect, weaken our national economic progress.

First. Such practices strengthen nonunion coal operators—men who would force other men and women to live as industrial serfs.

Second. They weaken the United Mine Workers' wage scale, a scale which allows coal miners to live in dignity, decency, and comfort.

Third. They damage the effectiveness of the mineworkers' welfare and retirement fund, a fund which has meant much to coal miners and their families in Ohio and other States. These purchases of nonunion coal place the buyers on the side of those who would plunge our Nation into the old days of economic and class warfare. Even if such purchases of nonunion coal are less expensive, they cannot be justified. In the long run, they will injure officials and employees of the utility companies as well as the coal miners.

Prices for coal consumed by Ohio utilities have remained remarkably stable, going from $5.48 in 1950 to $5.12 in 1963, a decrease of 36 cents during a period of inflation. This record is unparalleled and has had much to do with the ability of the utility industry to expand.

The first coal pipeline operated in the world was in Ohio. The invention, a part of the continuing efforts of the responsible coal industry to stay competitive, has been a boon to all electric consumers in our State. Through it rail rates have been reduced and coal moves more economically from mine to generating station. Coal mine operators and members of the United Mine Workers of America are constantly seeking a new and better way to produce coal. Responsible coal operators, companies determined to stay in the business over the long haul, invest millions of dollars to improve their product and lower their costs.

It should seem inconceivable that any utility executive, with full knowledge of his dependence upon coal, would ignore responsible coal operators and join forces with those who seek immediate gains only, with no thought for the future.

Throughout the Nation, officials of utility companies are signing long-term contracts with responsible coal operators. They are doing so on the strength of large coal reserves, efficient mining operations, and stable labor relations. These progressive leaders of utilities look beyond the present to the future welfare of their companies. In effect, their actions bring them under the umbrella of stability in fuel costs and an availability of fuel that can be provided only by the responsible segment of the coal industry.

Mr. President, as the Nation unites for a war on poverty, it is distressing that officials of several utility companies in Ohio are callously contributing to the perpetuation of human misery by pursuing the cruel policy of encouraging the production of nonunion coal in unsafe doghole mines whose operators pay substandard wages.

While the elimination of pockets of poverty is one of our primary national goals, these officials of utilities are ruthlessly wrecking the economies of many Ohio and Pennsylvania coal mining communities and lowering the standard of living of many who reside there. They are hurting the regional and national economies by depriving thousands of families of adequate purchasing power.

Most utility company executives realize that, due to the monopolistic character of their industry, they have a special obligation and duty to serve the public interest. They have a real responsibility, as well as a self-interest, to support the national policy of eliminating poverty in America.

I urge managing executives of the electric power companies of my State to abandon the unfair practices by some of them of forcing unnecessary hardship and misery on thousands of coal miners and their families. If these company officials persist in encouraging the doghole operators, they will disrupt the entire coal industry.

It would be ironic if top executives of the utilities which manufacture light were to be responsible for plunging a great industry into economic darkness. I cannot believe that they would do so intentionally and knowingly.

Executives of the public utility corporations of Ohio would do well to reexamine carefully the significance and social consequences of their coal-buying policies.

May I express my fervent hope that officials of the Cleveland Electric Illuminating Co., one of the foremost and most respected public utility corporations in America, set an example for other public utility corporations by purchasing union-produced coal exclusively.

Last year, this company purchased 3,913,000 tons of coal of which 2,045,000 tons or 52 percent was nonunion. I am informed that it has gradually been decreasing its purchase of nonunion coal.

I am hopeful that next year will be the best year ever for the Cleveland Electric Illuminating Co., and that the coal with which it manufactures its power will be purchased entirely from mines worked by workingmen who belong to the union of their choice.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

AMENDMENT NO. 124

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I send to the desk a substitute for the voting rights bill which was reported by the Judiciary Committee about 2 weeks ago. The substitute does not differ greatly from the committee bill. On the contrary it recognizes and adopts most of the legal contributions which were made by the distinguished lawyers of the Judiciary Committee. The brilliant work in committee of the able Senator from Michigan [Mr. Hart], the Senator from Missouri [Mr. Long], the Senator from Massachusetts [Mr. Kennedy], the Senator from Indiana [Mr. Bayh], the Senator from North Dakota [Mr. Burdick], the Senator from Maryland [Mr. Tydings], the Senator from Nebraska [Mr. Hruska], the Senator from Hawaii [Mr. Fong], the Senator from Pennsylvania [Mr. Scott], the Senator from New York [Mr. Javits], as well, of course, as that of the distinguished minority leader [Mr. Dirksen]—the great contributions of these Senators to more effective insurance of the right to vote for all, have been, for the most part, retained in the substitute.

The actual changes from the committee version of the bill originally introduced by the joint leadership are not great. I now list them in summary form.

The first appears in the so-called cleansing portion of the bill, section 4(a). Our amendment strikes the escape clauses of the present bill, including the controversial 60 percent escape hatch. In brief, it provides that a State or subdivision may get out from under the act only when the effects of the denial and abridgement of the right to vote have been effectively corrected and there is no reasonable cause to believe that a test or device will be used for the purpose or will have the effect of discrimination in voting. As in the present bill, the court maintains jurisdiction of the matter for 5 years to insure against backsliding.

In section 7 the substitute simplifies the procedure for listing voters by Federal examiners. An applicant to an examiner need only allege that he is not registered and that he has been denied the opportunity to do so. The Attorney General may waive the latter requirement.

The amended bill contains a new poll tax provision—section 9—which is clearly constitutional, which places the Congress clearly on record against discriminatory poll taxes, and which assures a speedy determination on the matter by the Supreme Court. It is true that this provision does not automatically abolish all poll taxes as some would have the Congress attempt by legislation. But we are convinced, largely by the arguments of the Attorney General, that there would be a significant constitutional question involved in such an attempt. Indeed, it might, in the end, result in no action at all being taken on poll taxes. We are persuaded, too, that the language of the substitute not only insures against the use of poll taxes where there is even the slightest suggestion of discriminatory purpose or use but also provides for the most rapid and direct court test of the constitutionality of this question.

Finally, a new section 10 assures that persons listed by Federal examiners will actually have the ballot placed in their hands.

The amendment proposed by the senior Senator from Delaware [Mr. Williams], as modified by the senior Senator from North Carolina [Mr. Ervin] and adopted by the Senate yesterday, is included.

The distinguished minority leader and I are in agreement in our belief that these changes will strengthen the effectiveness of the legislation. We believe they will be helpful in bringing about at the earliest possible moment the equal treatment of all citizens in their right to vote in all elections—Federal, State, and local.

I realize that other Members may not feel the same way. Each lawyer in the Senate as well as all those outside has his own ideas about how to achieve the same legal purpose. There are many roads which lead to the same end and they are followed by Senators who are at least as able as the lawyers who worked with us to perfect this substitute. But, in the end, Senators who are generally trying to go in the same direction must also try to get together on the same road, if there is to be any legislation in the Senate at all. The joint leadership is hopeful that this substitute provides such a road. We are hopeful that, with the key questions now placed in focus, the Senate will proceed steadily until the matter is resolved. For the information of the Senate, it is our intention to consider the substitute at the earliest possible moment consistent with respect for the rights of all other Members. Once it is before the Senate we will stay with it until a decision is made one way or the other.

In view of the amount of time already spent on the voting rights legislation, moreover, the Senate is on notice that beginning Monday, sessions will be lengthened. The intention is to come in at noon as heretofore in order to permit committees to meet, on other essential business. But Members should anticipate that the Senate will be in session until about 7 p.m. or later every day. Beginning on Monday the possibility of quorums and votes at any time will exist. Senators should make their plans accordingly.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

S. 1564

Amendment (in the nature of a substitute) proposed by Mr. Mansfield (for himself and Mr. Dirksen), to S. 1564, a bill to enforce the fifteenth amendment to the Constitution of the United States, viz: In lieu of the language proposed to be inserted beginning on line 3, page 12, down through and including line 12, page 30, insert the following: That this Act shall be known as the "Voting Rights Act of 1965"

Sec. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

Sec. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of examiners by the Civil Service Commission in accordance with section 6 to serve for such period of time and in such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgment of the right to vote on account of race or color (1) have been limited in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for purposes of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of such test or device in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and shall order that during such period any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be submitted to the Attorney General. If the Attorney General files objection with the court within sixty days after such qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to him, such qualification, prerequisite, standard, practice, or procedure shall not be enforced unless and until the court finds that it does not have the purpose or will not have the effect of denying or abridging the right to vote on account of race or color; except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

Sec. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection 4(b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that the effects of denial or abridgement, if any, of the right to vote on account of race or color have been effectively corrected by State or local action and that there is no reasonable cause to believe that any test or device sought to be used by such State or subdivision will be used for the purpose or will have the effect of denying or abridging the right to vote on account of race or color: *Provided,* That a final judgment heretofore or hereafter rendered by any court of the United States, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of any such plaintiff, may be introduced in any such declaratory judgment action brought within five years of such final judgment as prima facie evidence of the facts found by the court, except that notwithstanding this provision the judgment shall retain whatever legal effect it would have under existing law.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or will have the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines (A) that less than 50 per centum of the persons, other than aliens and persons in active military service and their dependents, of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such person voted in the presidential election of November 1964, and (B) that according to the 1960 census, more than 20 per centum of the persons of voting age were nonwhite; or, (3), notwithstanding the foregoing (1) and (2), the Director of the Census determines, by a survey made upon the request of the Attorney General that the total number of persons of any race or color who are registered to vote in any State or political subdivision is less than 25 per centum of the total number of all persons of such race or color of voting age residing in such State or political subdivision.

A determination or certification of the Attorney General or of the Director of the Census under this subsection or under section 6 shall be final and effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any education achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose of denying or abridging the right to vote on account of race or color if (1) incidents of such have been limited in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

Sec. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose or will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure unless such qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission. Neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Such an action shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

Sec. 6. Whenever the Attorney General certifies (a) that a court has authorized the appointment of examiners pursuant to the provisions of section 3(a); or (b) unless a declaratory judgment has been rendered under section 4(a), with respect to any political subdivision named in, or included within the scope of determinations made under section 4(b) that (1) he has received complaints in writing from 20 or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be fairly attributable to violations of the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners, who shall to the extent practicable be residents of such State, in such subdivision as it may deem appropriate to prepare and maintain, by examining applicants pursuant to section 7, lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 8(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided,* that the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

Sec. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as provided by section 8(b) and in addition shall contain allegations (1) that the applicant is not registered to vote, and (2) that, within ninety days preceding his application, he has been denied under color of law the opportunity to register or to vote or has been found not qualified to vote by a person acting under color of law: *Provided,* That the requirement of clause (2) of this subsection may be waived by the Attorney General.

(b) Any person whom the examiner finds, in accordance with instructions received under section 8(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 8(a) and shall not be the basis for a prosecution under section 11 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection beginning on the last business day of the month and on the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from the examiner's list in accordance with subsection (d): *Provided,* That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted by the examiner to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on the examiner's list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on the examiner's list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 8, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate within ten days after the listing of the challenged person is made available for public inspection, and if supported (1) by the affidavit of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the moving party, but no decision of a hearing officer shall be overturned unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, and procedures and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger, the Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In a case of contumacy or refusal to obey a subpena, any district court of the United States or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 9. (a) In view of evidence presented to the Congress that the constitutional right of citizens of the United States to vote is denied or abridged in some States by the requirement of the payment of a poll tax as a condition of voting in State or local elections and to assure that such right is not denied or abridged in violation of the Constitution, the Attorney General shall forthwith institute in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax, or other tax or payment, which, as a condition of voting in State or local elections, has the purpose or effect of denying or abridging the right to vote.

(b) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of Title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

SEC. 10. Whenever the Attorney General receives at least twenty days prior to any election a complaint in writing signed by twenty or more persons of voting age who are residents of a political subdivision alleging that persons who have been listed in accordance with the provisions of section 7 have not been placed upon the official voting lists by the appropriate local or State election officials he shall institute an action to require that such persons be placed on the official voting lists and be permitted to vote. Such action shall be filed in the appropriate district court which shall have jurisdiction thereof and upon request of the Attorney General shall be determined by a court of three judges in accordance with the provisions of section 2284 of Title 28, United States Code. The relief in such action shall, upon request of the Attorney General, include the appointment by the court of such persons as may be necessary to observe, at such places as the court may order, whether persons entitled to vote are permitted to vote and have their votes counted and the court may in its discretion impound all ballots cast in such election until such time as all persons whom the court has ordered permitted to vote, and who are refused or denied the opportunity to vote, have the opportunity to vote on election day or the day following. The remedy provided by this section shall not preclude any other remedy available under State or Federal law.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit to vote any person who is entitled to vote under any provision of this Act, or fail or refuse to count such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person from voting or attempting to vote or to intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person from exercising any powers or duties under section 3(a), 6, 8, 10, or 12(e).

SEC. 12. (a) Whoever shall willfully and knowingly deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, 9, or 10 or who shall willfully and knowingly violate section 11, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) fraudulently destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot cast in such election, or (2) fraudulently alters any record of voting in such election made by a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or willfully and knowingly interferes with any right secured by section 2, 3, 4, 5, 7, 9, 10, or 11 shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within twenty-four hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the United States attorney for the judicial district if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the United States attorney may not later than seventy-two hours after the closing of the polls file with the district court an application for an order providing for the casting or counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission (1) that all persons listed by the examiner for such subdivision have been placed on the appropriate voting registration roll, (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision; and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a).

SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1955).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 8 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act. The right to intervene in any action brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their appropriate officials.

(c)(1) The term "vote" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to elections held for the selection of presidential electors, Members of the United States Senate, and Members of the United States House of Representatives.

SEC. 15. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 16. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Mr. ELLENDER. Mr. President, will the Senator from Montana yield for a parliamentary inquiry?

Mr. MANSFIELD. I yield.

Mr. ELLENDER. As I understand, the substitute which has been sent to the desk is a substitute to the committee substitute.

The PRESIDING OFFICER. The Senator is correct.

Mr. ELLENDER. The now pending substitute to the committee substitute is an amendment in the first degree. Is that correct?

The PRESIDING OFFICER. The pending substitute is an amendment in the first degree.

Mr. ELLENDER. A short time ago the distinguished Senator from North Carolina [Mr. ERVIN] withdrew an amendment that he had pending to the committee substitute. If that amendment had remained pending for debate, am I correct in assuming that that amendment would have been in the first degree and could have been amended before action were taken on it?

The PRESIDING OFFICER. That is correct—in one further degree.

Mr. ELLENDER. If the distinguished Senator from North Carolina [Mr. ERVIN] should now send to the desk an amendment to the now pending second substitute, that would be an amendment in the second degree. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ELLENDER. And not subject to amendment.

The PRESIDING OFFICER. No; because another amendment thereto would be an amendment in the third degree, and would not be in order.

Mr. ELLENDER. The only thing that the distinguished senior Senator from North Carolina could do, before the yeas and nays were ordered on the amendment that he proposes to offer next Monday, as he indicated, would be to modify his own amendment before the yeas and nays were ordered. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, will the distinguished Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, may we have order? It is impossible to hear. There is a great deal of talking and walking around while this important subject is being discussed.

The PRESIDING OFFICER (Mr. BASS in the chair). The Senate will be in order. Does the Senator from Montana yield? If so, to whom does he yield?

Mr. MANSFIELD. I yield to the Senator from Illinois.

Mr. DIRKSEN. I believe the distinguished majority leader has very clearly stated the case. Insofar as possible, we have sought to preserve the text in all sections of the bill that was first offered as it came to the Senate from the committee before the deadline on April 9. We were careful to preserve that language so that it could not be said that we were coming here with an entirely new bill.

However, there were provisions concerning which deep conviction reposed on both sides of the aisle. I come within that orbit of conviction. That concern related, first, to the poll tax; second, with respect to making clear the real objective of the bill; third, with respect to the cleansing provision. Those are the major items as to which modifications have been made.

As the majority leader has indicated, we hope that the subject of the poll tax, without actually being resolved in the Senate, and leaving it in the status which it presently enjoys, will finally go to the Supreme Court with as much dispatch as possible for the purpose of obtaining a declaratory judgment. Then we shall know, notwithstanding the recent decision—in fact, this week—in the Virginia case, and notwithstanding the dicta in that case, where we stand on the subject of the poll tax.

I was afraid an impression might go abroad that there was something punitive about the bill and that we were missing the objective of trying to secure the voting rights of people. That was the reason for section 10, verifying and simplifying it, and going to the heart of the subject.

Finally, there was the so-called cleansing provision in section 4.

Those items constitute the real improvements in the bill. I earnestly hope that when we resume explanation and discussion, not merely today, but in the next week, we can move apace and finally get the bill out of the Senate and on the way to the House of Representatives.

TRIBUTE TO CORNELIUS B. KENNEDY

Mr. President, I have one other thing to say. Today will terminate the services of one of the ablest young lawyers I have ever known. He has worked indefatigably on the bill. He is on my staff and is assigned to the Judiciary Committee. He has been with me for quite some time. He served as a member of one of the large law firms in Chicago, and has an immense aptitude for drafting proposed legislation and for seeing to those abstruse things that so often concern us. I wish to note for the RECORD that I am distressed and sorry. I shall miss Neal Kennedy—his real name is Cornelius Kennedy—but he has been summoned to higher responsibilities, and I believe far greater remuneration than we can give him in the Congress out of the Federal Treasury or out of our contingent fund.

I salute him. I bid him hail and farewell as he undertakes his new duties. I shall be sorry indeed to lose you, Neal, but I am glad that you will remain in these parts because we shall have an opportunity informally to tap your wisdom and your ability from time to time.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from Delaware, I should like to join, without hesitation and wholeheartedly, in the fine things which the Senator from Illinois has had to say about Neal Kennedy. I have watched him at firsthand work with members of the staff of the Democratic policy committee. I have very high admiration for him and his ability. I have great admiration for his integrity and his forthrightness. We shall miss him because of his wise counsel, his sage advice, and the good sense which he brought to the deliberations on many bills in which both sides were engaged.

I yield to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I thank both the majority leader and the minority leader for including as a part of the substitute bill the amendment which the Senate approved unanimously yesterday, the purpose of which was to provide a formula for cleaner elections. However, to keep the record straight, I should like to ask the following question:

It is true, is it not, that the amendment as it is included in the substitute bill is in exactly the same form as that in which it was approved as a part of the pending proposed legislation?

Mr. MANSFIELD. The Senator is correct. Exactly.

Mr. WILLIAMS of Delaware. I thank the Senator very much.

In conclusion, I join both the majority leader and the minority leader in paying respects to Mr. Kennedy, who is retiring. He was of great assistance to me in drafting the clean election amendment and in developing the background material to support it on the floor of the Senate.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a copy of the Williams amendment which was unanimously adopted yesterday by the Senate and which likewise appears as a part of the substitute bill followed by a brief statement which I have made in explanation of this amendment.

There being no objection, the amendment and statement were ordered to be printed in the RECORD, as follows:

CLEAN ELECTION AMENDMENT

Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Provided, however, That this provision shall be applicable only to elections held for the selection of presidential electors, Members of the United States Senate, and Members of the United States House of Representatives.

The explanation of the amendment is as follows:

This amendment is applicable in every national election wherein there appears on the ballot the name of a candidate for presidential elector, Member of the U.S. Senate, or Member of the U.S. House of Representatives. It is also applicable to the registration and voting in any primary for the purpose of selecting national candidates.

The amendment is in two parts: First, it places more stringent penalties upon any person who knowingly or willfully gives false information as to his name or address or period of residence in the voting district for the purpose of establishing his eligibility to register or vote.

It likewise places the same penalties upon any other individual who conspires with another for the purpose of encouraging his false registration or illegal voting.

Second, it places more stringent penalties upon anyone who pays or offers to pay or who accepts payment either for registration or for voting.

The penalties under this amendment are not applicable in local elections such as school boards, city councils, etc., when such elections are held separately from national elections; however, in those cases where candidates for local office appear on the same ballot as candidates for the U.S. Congress or Senate or presidential electors, then they would be subject to the provisions of the amendment.

Simply stated, the purpose of this amendment is to stop fraudulent registrations and vote buying in any election involving national candidates.

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from Michigan, I wish to point out that the purpose of introducing the substitute bill today was to have it printed in the RECORD so that all Senators, regardless of their position on this most important subject, would at least have an opportunity to study it in some detail over the weekend.

I now yield to the distinguished Senator from Michigan, the Senator in charge of the bill.

Mr. HART. Mr. President, I believe the remarks just made by our distinguished majority leader are responsive to the question I was about to ask. All of us appreciate the effort and the concern evidenced during the past days by the majority leader and the minority leader. As the majority leader said, the introduction of the proposed substitute today will give those of us who did not participate in the development of it an opportunity to study it. It reflects again the desire which is shared by all of us to insure that this time, when we pass the voting rights bill, we shall be able with conviction to say that we have responded to the request of the President and to the conscience of America; namely, that all citizens qualified to vote in this country shall be permitted to vote, and all who seek to register freely may register. That is the goal. Short of it, none of us should undertake to make any claim with respect to our end product. If we fail to achieve that goal, we shall have failed in a very serious responsibility. If we achieve it, history's verdict on us will be reasonably gentle.

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from New Hampshire, I should like the RECORD to show that the distinguished Senator from Michigan [Mr. HART] and his colleagues on the Judiciary Committee, in my opinion, have performed a great and unselfish service. They have worked hard on the bill. They have made contributions. We have at all times tried to keep those factors in mind. We did not consult with them in drawing up the substitute, which will be before the Senate shortly, but I assure them, on my own initiative, that their views were kept fully in mind, and that, as far as the leadership was concerned, we depended quite heavily on the advice and the judgment of the Attorney General of the United States, who, of course, is quite knowledgeable in this particular field, among others.

I now yield to the distinguished Senator from New Hampshire.

Mr. COTTON. I thank the distinguished majority leader. It was difficult for some of us to hear the rulings of the Chair in response to the parliamentary inquiries of the distinguished Senator from Louisiana [Mr. ELLENDER]. If I correctly understood the rulings of the Chair, while the substitute is before the Senate, provided the yeas and nays have not been ordered, amendments can be offered to the substitute.

I hope that the amendment in the nature of a substitute will not be dealt with in such manner that amendments to it will be precluded too soon. The Senator from New Hampshire has always voted for every bill to insure voting rights, even though he did not vote for the omnibus civil rights bill of last year. He is a cosponsor of and intends to vote for this bill. If it becomes necessary, he is willing to vote for the elimination of the poll tax as a prerequisite for voting in State and local elections.

But there is one point upon which the Senator from New Hampshire is deeply troubled. What the substitute provides, we cannot know until we study it more carefully; but the original bill provides that in States where it is found or indicated that literacy tests are being used to prevent registration and voting by Negroes, the literacy tests in those particular areas would be abolished. The Senator from New Hampshire could vote for the suspension of such tests for a period of time or could vote for the substitution for a period, of a certain grade attained in school. But the Senator from New Hampshire is extremely reluctant to vote for a bill which would permanently abolish a literacy test anywhere in the Nation. I think it would be a sad day if Congress turned its face against literacy tests in those States which choose to have them, because the future of the Republic depends largely on the literacy and the intelligence of its electorate.

I hope that this point will be made clear. If the period is not made temporary, and if the bill is to be voted upon, I still would be compelled to vote for the bill. But I am sincerely concerned that the bill shall contain such a provision, so that it cannot be said that because the administration of literacy tests has been used in a discriminatory manner, or is alleged to have been so used in certain States, Congress has undertaken to abolish a literacy test anywhere. I believe that literacy tests as such, properly administered, should be encouraged, not discouraged.

I sincerely trust that we shall have an opportunity to offer an amendment and to vote on that particular point.

Mr. MANSFIELD. The Senator from New Hampshire is correct. The key word is "suspension," not "permanency."

Mr. COTTON. It is "suspension"?

Mr. MANSFIELD. Yes.

Mr. COTTON. I am greatly reassured. I thank the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, as a member of the Committee on the Judiciary who attended, along with many other Senators, the many meetings that were held; who considered the testimony that was given before the full committee; and who attended all the committee hearings and considered a number of amendments that were offered from both sides of the aisle, I wish to commend the leadership on both sides of the aisle for their attentiveness to many of the questions surrounding the amendments which were offered in committee. I am thinking especially in terms of the amendment that I introduced to abolish the poll tax. The Judiciary Committee also considered the amendment of the distinguished majority leader establishing the 60 percent of eligible citizens registered provision as a basis for a State or subdivision to seek a declaratory judgment, and a number of us indicated our opposition to it at the time. We are now encouraged by the elimination of that particular provision.

Although I speak for myself, many of us are, to a certain extent, concerned about whether the additional substitute language that has been brought into the new provision will truly meet the purpose and the need that many of us are concerned about in the area of voting rights.

We are satisfied that the joint leadership has concerned itself with the sensitive question of providing poll watchers in areas where there is a sense of urgency and a sense of necessity. I, for one, shall reserve judgment on that part of the joint statement and substitute bill that has been introduced concerning the poll tax provision.

I, too, desire to have this legislation contain a poll tax provision that is constitutional. I personally feel that the abolition by the Congress of the poll tax as a precondition to voting is constitutional. I know that a number of persons who have concerned themselves in a study of this question support this position.

I feel, as well, that Congress must act responsibly and must work its will. There is no purpose in leaving this issue to the Supreme Court rather than seeking an act of Congress if admittedly the congressional finding is to the effect that we believe, in 1965, that poll taxes have the effect of discriminating against many citizens and depriving them of their constitutional rights.

So I shall study the new language. We have not had an opportunity to review it at length. We are deeply concerned that we act responsibly and that we achieve the purposes outlined by the President in passing an effective, efficient bill. A bill that will guarantee the right to vote to all qualified Americans.

I join in the efforts being made by the leadership in this undertaking; but I think all of us, as the substitute measure comes before the Senate this afternoon, desire that it be given careful study.

I add my voice in support of the suggestion of the majority leader and the minority leader by saying that all of us should read and deliberate upon this proposal over the weekend, so that when we speak on the measure next week—and I feel that many of us will—we shall be better able to fulfill our responsibilities in a sensible and rational way in considering these questions.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Massachusetts, who has looked at this proposal in his usual, understanding way.

One reason why the substitute was submitted today was to give all Senators—those who favor, those who are opposed, and those who are somewhere in between—an opportunity to study over the weekend exactly what changes have taken place in the substitute which will shortly come before the Senate.

ORDER FOR ADJOURNMENT UNTIL NOON ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate has completed its business today, it adjourn until 12 o'clock noon on Monday next.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is not anticipated that there will be much in the way of discussion this afternoon. Certainly, no action will be taken which would in any manner, shape, or form jeopardize the rights of any Senator. I wanted Senators to have that assurance.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. TALMADGE. Mr. President, why is it that the Senate cannot reaffirm its support of the right to vote without doing violence to the Constitution?

Why is it that the Senate cannot say to the proponents of the so-called voting rights bill that no Member of this body is opposed to the exercise by any citizen of his constitutional right to vote, but in swearing to uphold the provisions of the 15th amendment, we took an oath to uphold and abide by all of the Constitution?

Why is it that the Senate does not say to the marchers and the demonstrators who are bent on terrorizing entire cities and States that we believe that whenever and wherever voter discrimination exists, it should be eliminated, but there is a right and a wrong way to go about ending such discrimination, just as there is a right way and a wrong way under our system of government to correct all evils?

Why is it that the Senate does not say to the hordes who go about the country taking the law into their own hands, creating discord and strife and driving our people apart, that the Senate, even though it is in sympathy with efforts to bring an end to voter discrimination, we cannot condone the means being employed to achieve this end?

Why is it that we have not gone on record and let it be known to the entire Nation that the Senate does not look with favor upon lawlessness and disorder, wherever it may occur, whatever form it may take, or however worthy the cause may seem to be?

Why is it that the Senate will not say to each and every one now clamoring for the speedy enactment of this bill that we stand with them in seeking to secure the right to vote for all American citizens, but we should not and we must not be stampeded into taking action that is as unwarranted as it is unjust and unconstitutional?

Why is it that we do not reject the philosophy that the end justifies the means?

I can tell you why, Mr. President. The Senate will not stand up against this onslaught against the Constitution and will not rise up in angry protest against legislation that is shocking to all fair-minded men, because the people of this country have been whipped into an emotional frenzy that has overwhelmed all reason.

The people have blood in their eyes. They have been wrongfully provoked into this state of mind by the unlawful actions of those who have set themselves up as judge, jury, and executioner of their fellowmen. The people have allowed themselves to succumb to the idea that citizens of this country can disobey any law with which they disagree, and that they can scorn any authority which does not perform its duty the way they think it should—any authority, Mr. President, from city, county, or State officials on up to the President of the United States of America.

Those who have put themselves above the law, who resort to mob action instead of employing legal and civilized methods to resolve differences and express discontent, know no authority but their own and have no respect for any law which does not suit their purposes.

The mob then is virtually in control in many areas of our great Nation. The mob was in control in Selma, Ala. So unmindful of the principles of law and order have many, many people of this country become that the mob in Selma, Ala., was able to attract to its ranks many notable personages, including leading educators, respected members of the clergy, political figures, and even emissaries of that great mecca of morality, Hollywood, Calif.

Mr. President, I fear for the future of law and order in this country, for if we can accept the word of the mob, we have seen only the beginning.

It is said that this bill was written by the U.S. Attorney General and subsequently modified in committee by certain Members of the Senate.

Mr. President, a few moments ago we witnessed the seventh edition of this bill which has been proposed, as a substitute by the distinguished majority and minority leaders. There were five versions of the bill before it ever went to the Committee on the Judiciary. In the Committee on the Judiciary, the will was rewritten, thus making the sixth version of the bill. It has now been rewritten again, and this is the seventh version.

In that connection, we are confronted with a peculiar parliamentary situation. The Senate normally uses the opportunity to offer, consider, and discuss amendments to work its wisdom on any legislation brought before this body. We now have a substitute to a bill that becomes an amendment in the first degree, and only one additional amendment can be offered. That is an amendment in the second degree.

I say to my colleagues in the Senate that it now becomes necessary that we use great wisdom in preparing amendments, because they can be amended only by the author of the particular amendment himself. It is therefore vital that great wisdom be used in preparing an amendment to consider on this particular substitute.

I submit that the mob in the street is the author and the sponsor of the legislation now before the Senate. This bill was conceived by an unholy alliance of lawless mob action on the one hand and murder and mayhem on the other.

This bill was coerced into being by insulting threats such as that uttered by James Forman, executive secretary of the militant Student Non-Violent Coordinating Committee. Forman told the Nation in no uncertain terms what he demanded of the Federal Government. I quote from his remarks in Montgomery, Ala., as reported in the press:

> If those crooks in the White House, those crooks in the Senate, those crooks in the House don't do something, we're going up there to Washington, and we're going to stop traffic; we're going to stop every car, every cab, every truck; we're going to show them the biggest piece of civil disobedience the world has ever seen.

Mr. President, in order that there be no mistake, let me state to the Senate, to all the Nation, and to the citizens of the State of Georgia, that I am unalterably opposed to denying any qualified citizen the right to vote in any election.

Mr. President, Georgia has one of the most liberal voting laws of any State in the Union. Citizens in my State can register and vote if they become 18 years of age by the time of the election. That means that they can register when they are 17½ years of age. The only requirement is that they not be convicted felons, that they be of good moral character, and be able to read and write any paragraph of the Constitution in English.

That is a very simple, reasonable prerequisite for the right to register. Almost 300,000 Negroes are registered in Georgia. Negroes hold virtually every kind of political office in the State legislature, counties, and county school boards. I know of no discrimination in the right to vote anywhere in the State of Georgia.

Just as I am opposed to voter discrimination, I am likewise opposed to coercion, threats, intimidation, lawless and disorderly conduct in pursuit of the right to vote.

I am likewise opposed to cowardly bombings, shootings, beatings, or any manner of vigilante retaliation, whatever the provocation may be.

I am opposed to any departure from the orderly processes of the law which is the foundation and bedrock of our system of government and our society.

This is why, Mr. President, I am compelled to oppose the so-called voting rights bill.

Because it goes far outside the law as contained in the Constitution.

Because it flies in the face of numerous decisions rendered by the Federal courts, including the U.S. Supreme Court.

And if these grounds for opposing the bill were not sufficient, although all anyone need do is look at the law to see that they are, I am opposed to the enactment of S. 1564 for these additional, overpowering reasons.

It is not needed.

It is grossly unjust and vindictive in nature. It is designed not to enforce the constitutional right to vote, but to inflict severe punishment upon certain carefully selected States.

The Congress in recent years has demonstrated its willingness to enact legislation to add more strength to the right to vote. This is without a doubt the best protected right of the American people today.

There are at the present time 16 civil and criminal statutes relating either directly or indirectly to the protection of the right to vote. With diligent prosecution and the facts to sustain their enforcement, they can and will be enforced in any court in the land.

Included among these laws are those which were placed on the books in 1957, 1960, and only last year, in the Civil Rights Act of 1964.

Under the 1957 act, the U.S. Attorney General was given power to file suits for the Government in behalf of citizens claiming a deprivation of their right to vote, to take action to prevent the intimidation of citizens in the exercise of their right of franchise, and to prosecute in contempt procedures when court orders are disobeyed.

Moreover, the 1957 act created within the Department of Justice a new division whose primary responsibility it became to investigate and prosecute civil rights cases.

Only 2 years later, after only three suits had been filed by the Civil Rights Division under the new law, it is interesting to note that the 1957 voting act was deemed weak and ineffective.

Then came the Civil Rights Act of 1960, which permitted the Attorney General to go into court and secure the appointment of Federal voting referees whenever he finds a so-called pattern or practice of voting discrimination. Thus may the court, whenever it sees fit, appoint Federal agents to supplant State registrars and to register persons to vote. Also, under the provisions of this Act, the Attorney General was authorized to impound and scrutinize voting registration records—which State officials are required by law to preserve—even before he had any evidence of alleged voting discrimination. Thus may the Attorney General go on fishing exeditions, regardless of whether or not he has one scintilla of evidence of any alleged wrong-doing.

With weapons such as these, it is indeed difficult to imagine how the Attorney General could ask for anything more. But again in response to the mob in the street, Congress was called upon to pass new so-called Civil Rights legislation. We were again told that the statutes were still inadequate to protect the right to vote. We were told that the 1964 Civil Rights Act would bring about a restoration of order to the Nation and take the problem of discrimination, both real and imagined, out of the streets and place it before our courts of law.

The Attorney General said prosecution under existing voting rights laws were slow and tedious. So the Congress allowed him to expedite his cases by securing the appointment of special, three-judge courts, with direct appeal to the Supreme Court.

The Attorney General said there was much chicanery going on in the administration of literacy tests which made prosecution difficult. So the Congress required that all literacy tests must be administered on a uniform basis and anyone who has completed the sixth grade of school must be presumed to be literate, and thus qualified to vote.

Now, less than a year since the enactment of these far-reaching provisions, there is a great hue and cry for still more voting rights legislation.

I have no way of knowing on what grounds the Attorney General bases his claim that the present voting laws are still too cumbersome or totally ineffective. I believe, however, that it is appropriate to inquire how he has attempted to prosecute under the laws that are now at his disposal.

According to his testimony before the House Committee on the Judiciary, a total of 71 cases have been filed under the Civil Rights Acts of 1957, 1960, and 1964. In the past eight years then, this averages out to only about nine voting cases a year. And only one suit has been filed under the 1964 act.

Under existing law, one suit could be filed in Alabama, or in Mississippi, or in any other State in which the Attorney General decided to proceed, and every county in the entire State could be vouched under that one suit and all cases could be determined at one time.

What the Attorney General desires, and what is pending before the Senate, is not a law under which he must submit proof, and put up evidence, in a court of law where there is the right of cross-examination and a proceeding with due process.

That is the proper way to try a lawsuit. That is the way to prove a case, with lawful evidence and witnesses. What the Attorney General desires is not a law under which he must go into court with due process. What the Attorney General now seeks and desires is a law under which he can sign Hitler-like decrees and proceed under these decrees.

It is a sad day in America when an official of the Cabinet of the United States asks the Congress of the United States to invest him with Hitler-like powers whereby he can avoid the courts, whereby he can avoid proof, whereby he can avoid evidence, whereby he can avoid decisions, but whereby he can get what he desires on his own motion, without proof, without evidence, without trial, without juries, or without judgment. Our country was never founded for such a procedure as that.

Mr. HART. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. HART. I have a suspicion that the Senator from Georgia will not agree with my statement, but I ask it in the form of a question. It is not the Attorney General that is making the decision that when a certain combination of circumstances is established, voting examiners may be sent in and that tests and devices may be suspended. Under the proposed legislation pending, is it not true that it is the Congress of the United States that is making the decision?

Mr. TALMADGE. Yes; but I would point out to the Senator, who is an able lawyer, that our Constitution prohibits bills of attainder; and in this particular case they would be called bills of pain and suffering, because they do not convict for treason. It says that it shall convict for voting rights violations only, and after several efforts a carefully contrived formula has been worked out which relates to a few States and excludes other States.

Mr. HART. This is the basis which gives all of us who support the bill confidence that the formula is prudent, reasonable, and appropriate. That the States which over recent years have occasioned the greatest difficulty to citizens securing their voting rights are identified by the formula. It is for this reason that the appropriateness is highlighted.

Mr. TALMADGE. Why did the formula exclude the District of Columbia? It did not poll 50 percent of the vote in the last election.

Mr. HART. The formula is one which seeks to identify areas where there is a large percentage of nonwhites, a high percentage of white registration, a low voter turnout, and the existence of literacy tests.

Mr. TALMADGE. If the Senator wished to be fair about it, he would have included the entire country, instead of picking out target States initially and then designing a formula to cover them.

Mr. HART. The bill does pick out the entire country wherever discrimination is practiced.

Mr. TALMADGE. The Senator designed the formula for selected targets.

Mr. HART. This the Attorney General denies. Those of us who support the bill also deny it.

Mr. TALMADGE. Then why did the Senator first include a county in Maine and then exclude it? Why did the Senator include a county in Nevada and then proceed to exclude that county?

Mr. HART. We added—as an additional factor to make the formula as airtight as possible—the requirement that at least 20 percent of the population be nonwhite. We are satisfied, as the Attorney General is, that the formula is reasonable. We went further and said that in the event there is an exception to this rule, the court may, by a declaratory judgment, find that there is no discrimination.

Mr. TALMADGE. The Senator assumes certain things and then says those areas are guilty. The Senator, able lawyer that he is, knows that we cannot assume things at law, that we must prove them to the satisfaction of a fairminded court and jury.

What the Senator seeks to do is to avoid the judicial process and pass a law and say, "Do it. We will not submit any proof. We judge you guilty without proof. You cannot even ask for a pardon for 5 years." That is what the Senator's bill would do.

Mr. HART. We believe that the record reflects its validity as to the application of the formula. We consider that the formula, when applied, will clearly identify the areas. The Attorney General has described them in great detail.

To refer earlier to a comment of the Senator from Georgia, a great amount of time will be spent in prosecuting on a case-by-case basis in these areas, and then having succeeded——

Mr. TALMADGE. The Senator knows that the cases can be consolidated——

Mr. HART. We know that the State legislatures there will, in effect, upset the overt decision of the Court.

Mr. TALMADGE. What the Senator seeks to do is to judge certain States guilty without proof, without any evidence, without any opportunity to be heard, without any opportunity to go into court. He does this with a bill, and then he states that we cannot even go into court and prove that we are not guilty or ask for a pardon for 5 years.

The Senator knows that we do not enact such laws for rapists, murders, felons, or even traitors, all of whom are entitled to be heard in court.

Mr. HART. The presumption is that the bill establishes and reflects the attitude of Congress. We therefore insist that it will be valid in a court of law.

Mr. TALMADGE. The courts have held that we cannot enact legislation based on presumption. It has been outlawed.

Mr. HART. Assumption. Assumption. Indeed, we know as Senators and Representatives that in making a presumption, a reasonable legislative formula being applied establishes the reasonableness of the bill. At the same time, an additional step is provided for escape in the event of exception.

Mr. TALMADGE. The Senator is satisfied with his own method of procedure. Adolf Hitler was also quite satisfied with his method of procedure, and so was Benito Mussolini. But, when the Congress of the United States seeks to enact laws which deny sovereign States the right to be heard, and deny them also the right even to prove their innocence, I say to the Senator that we are tearing the Constitution of the United States asunder.

I am truly surprised that more suits than this have not been filed, because according to the Attorney General's own testimony, voting discrimination is so rampant that it is a shame and a disgrace, not only to the Nation, but to the whole world.

If this be the case, Mr. President, then I submit that the office of the U.S. Attorney General has spent more time drafting new voting bills than it has in enforcing laws already on the books.

If existing laws to protect the right to vote are not working, it must be because they have not been put to work.

Let us not put the blame on imagined shortcomings of the law. Let us not insult the judicial system and argue, as did the Attorney General, that our courts are not able to cope with cases of voting discrimination. Let us not accuse the Congress of being slow to act.

The Congress has repeatedly given the Attorney General the tools with which to combat voting discrimination, and the courts have been firm in prescribing strict and drastic relief whenever the prosecution showed that the situation warranted such action.

I submit that the Attorney General is yet to show the Congress that he has fully utilized the weapons he now has.

But he still wants more.

If we continue on our present course, the next step in the not-too-distant future undoubtedly will be, once and for all, to wrest completely from the States the right to elect their Governors, to elect their Senators and Congressmen, their mayors, city councilmen, and county commissioners, and school board members, and to turn this power over to the Federal Government.

As it applies to some States, the bill now before the Senate goes a long way in that direction.

Not since the dark and evil days of Reconstruction has such an immoral and vicious bill been drawn for the punishment of carefully selected sovereign States.

To ask the Senate to accept such a measure as this is an affront to the dignity, integrity, and fairmindedness of every Member of this body.

It reeks of unconstitutionality.

On the basis of an arbitrary and capriciously contrived formula, the bill would outlaw literacy tests and set up a Federal election machine in States where less than 50 percent of their citizens were registered on November 1, 1964, or where less than 50 percent of the registered voters cast ballots in the presidential election of 1964.

It is more than coincidence that this clever formula basically applies only to six States in the South—Georgia, Alabama, Louisiana, Mississippi, South Carolina, and several counties in Virginia and North Carolina.

What manner of legislation is this, Mr. President, that it would declare entire States guilty of voter discrimination, simply because less than 50 percent of their voting population was registered or voted last November?

To presume discrimination because of voting statistics and to mete out justice on the basis of percentages violates both the letter and the spirit of the Constitution and is totally lacking in rationality. The test of a presumption under due process of law is whether there is a rational relation between two facts, that is, the fact proven and the fact presumed. There simply is no rational connection between the proved fact that less than 50 percent of a voting-age population is registered or voted, and the presumption of alleged discrimination. In the case of Snowden versus Hughes, which was decided by the U.S. Supreme Court in 1944, it was judicially declared that "discrimination is not to be presumed."

The fact that a State has a low voter turnout or less than a certain percentage of its voting-age population registered can and does very easily result from any number of factors not condemned by the 15th amendment.

My own State of Georgia provides an excellent case at point. According to the latest available statistics, Georgia has registered 63 percent of its voting-age population. And bear in mind that Georgia is one of the States where 18-year-old citizens are allowed to vote, and in most areas of the State, they are encouraged to register at age 17½. In order for a person to register to vote in Georgia, all he has to do is meet the residency and age requirements, and fulfill the simple literacy requirement of reading and writing a paragraph of the Constitution.

Georgia need apologize to no one for its record of assuring that all of its qualified citizens are given free exercise of their right to vote.

However, because of its literacy test and the fact that only about 43 percent of its registered voters went to the polls last November, Georgia would be drawn under the harsh provisions of this bill, without the benefit of any judicial hearings, without the finding of a single fact, without hearing from witnesses, or the taking of any evidence whatsoever of alleged discrimination.

If this bill becomes law, Georgia, like the other selected States, will be singled out for punishment and presumed guilty until proven innocent. These States will be indicted by this bill, tried by this bill, adjudged guilty by this bill, and punished by this bill.

In order for these States to recover their sovereignty and be restored their constitutional right to conduct their own elections, they must come into Federal court on bended knee and ask forgiveness.

The Attorney General has ordained that the Federal district courts in the affected States are not suitable or qualified to hear these appeals. He has indicated that he has no faith at all in any of the Federal district courts in the United States except the U.S. District Court for the District of Columbia. So the States must come all the way to Washington and stand trial for their alleged, yet unproven, transgressions.

Once before the court and the inquisition has begun, the State stands not as the accused, but already convicted. If the court is generous, the State may be permitted to try to absolve itself of guilt by attempting to disprove something that has never been proven in the first place.

In order to do this, the State must not only try to prove to the court that no sins are being committed, at the present time, but that no one in the State has sinned for the past 5 years, which clearly places this bill in the realm of unconstitutional ex post facto legislation.

Even if the State were able to perform this remarkable feat, the court would retain jurisdiction of the case for 5 years, and at any time the Attorney General need only crack his whip in order to drag the State back into court.

While caught in the clutches of this bill, these States would be stripped of their constitutional authority to determine the qualifications of their voters.

At the same time only the target States would be deprived of their constitutional right; the other States would still retain their sovereign power under the Constitution to do the same thing that the target States are precluded from doing.

A vast army of Federal agents would be appointed to supplant voting registrars and to take over election machinery at every level of government within the State. All comers would thereupon be declared eligible to vote with no regard whatsoever for their qualifications.

Other States meanwhile would remain untouched and be allowed to go about business as usual.

Thus, literacy tests would be banned in some States, but administered in others. The State of New York could continue to require that its voters be literate and conversant with the English language, but morons could be registered in the State of Georgia. The State of New York may demand that its voters possess good moral character, but in Georgia felons of the worst sort could be registered to vote.

For many citizens, the right to vote would depend solely upon where they lived. Not only would this fearsome law be applied against some States and not against others, but it would also be applied just as unfairly and unequally within the confines of single States. Certain counties may be brought under the provisions of the bill and prohibited from setting literacy, moral, or mental competency standards for voting, while in adjacent counties citizens of the same State would be required to meet such standards.

And perhaps worse yet, sovereign State legislatures would be enjoined from enacting any laws pertaining to voter qualifications or election procedures, without a prior stamp of approval by the Attorney General and the U.S. District Court for the District of Columbia.

This is probably one of the most drastic proposals ever presented to the Congress of the United States. It would give the Attorney General and the Federal judiciary unprecedented and unconscionable veto power over State legislatures, thereby making them a part of the State's lawmaking authority.

Mr. President, this bill purports to condemn discrimination, but in reality it creates a discrimination of the rankest sort and opens the door to potential election corruption the likes of which this country has never seen.

It is no less than shocking that such a proposal as this should even be seriously considered.

When I came to the Senate and recited my oath of office, I pledged to uphold, support, and defend the Constitution of the United States. Today we are confronted with legislation which is clearly destructive of that noble and durable instrument. This punitive and oppressive bill is an unprecedented attempt to totally subjugate the States to the will of the Federal Government, with utter disregard and the greatest contempt for long-established constitutional principles.

Representing the greatest triumph in history of democracy and the forces of freedom over despotism and totalitarianism, the Constitution was conceived in the theory that certain enumerated powers should adhere to a national government, while matters of local concern were best left to the determination of State and local governments.

One of the foremost rights guaranteed the American people by the Constitution is the right to free elections. It was no idle gesture on the part of the Founding Fathers when they sought to preserve free elections in this country for all posterity by giving the States exclusive authority to determine the qualifications of the electorate.

The qualification of voters is a power expressly delegated to the sovereign States. I defy anyone to show where in the Constitution there is authority for action such as that contemplated by the bill now before us. The Congress has no more authority to declare what voter qualifications will not be than it does to dictate what they will be. The Congress can no more abolish voter qualifications than it can create them. The Congress has no more right to provide for the appointment of Federal voting registrars to take over the duties of State registrars than it does to appoint Federal Governors, mayors, city councilmen, or members of the State legislature.

No other principle is more firmly imbedded in the Constitution than this: the power to change or establish qualifications of electors can be accomplished by constitutional amendment alone.

Article I, section 2, of the United States Constitution, sets forth this principle in unmistakable language:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The 17th amendment, which was ratified in 1913, 43 years after the ratification of the 15th amendment, upon which this bill purports to be founded, adopted the identical language of article I.

An unbroken line of court decisions have held this provision of the Constitution to mean just what it says: that the State is the sole judge of who may or who may not exercise the franchise, subject of course to constitutional limitations.

The 14th amendment forbids the denial of equal protection of the laws.

The 15th amendment prohibits the States from denying anyone the right to vote on grounds of race, color, or previous condition of servitude.

The 19th amendment restricts the States from setting voter qualifications on the basis of sex.

The 24th amendment declares that no poll tax can be levied as a prerequisite to voting in a Federal or national election.

These amendments, however, do not in any way diminish or infringe upon the original grant of State authority found in article I, and reiterated in the 17th amendment. Neither do they affirmatively convey the right of franchise to anyone. They merely prevent the State from denying or abridging the right to vote on the basis of race, sex, inability to pay the poll tax, and a denial of the equal protection of the law.

This principle was laid down by the Supreme Court in Guinn against the United States, and later emphasized and reaffirmed in 1959 in Lassiter against Northampton County Board of Elections, which is today the leading case on the subject. I quote from the Lassiter case:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States, supra,* at 366, disposed of the question in a few words. "No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."
>
> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, absent of course the discrimination which the Constitution condemns. Article I, section 2 of the Constitution in its provision for the election of Members in the House of Representatives and the 17th amendment in its provisions for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Mississippi.

Mr. STENNIS. I appreciate the Senator's yielding to me. The Senator from Georgia is now discussing a very important part—in fact, I believe the gist—of the bill. The part that he is now so ably discussing relates to constitutional provisions. I invite his attention to the subject of literacy tests. Is it not true that most States have as a qualification for voting for members of their most numerous branch of their State legislatures the requirement that the voter shall be able to read and write?

Mr. TALMADGE. Of the 50 States in the United States, 21 States have literacy tests, and only 8 of those 21 States are in the South.

Mr. STENNIS. Does not the Senator think that that is a very valid and a very sound provision of law, and it is so conceded in political circles everywhere?

Mr. TALMADGE. Indeed I do. I was in the midst of reading the Supreme Court decision of 1959 in the Lassiter case, wherein the members of the court, in a unanimous opinion, stated that they thought it was a reasonable requirement that voters ought to be literate.

Mr. STENNIS. I do not wish to interrupt the Senator in his reading of that decision.

Mr. TALMADGE. I am glad to have the Senator do so.

Mr. STENNIS. I wish to get an opinion on the following subject: In discussions on the floor of the Senate we have heard it said that the literacy test is a valid and valuable requirement. A few minutes ago the esteemed Senator from New Hampshire [Mr. COTTON], who has been called away from the Chamber on some other issue and is not present now, said, as the Senator from Mississippi understood him, that he would be willing to vote for a bill which would suspend the requirement for literacy tests, but he did not wish to have any provision in the bill that would suggest that Congress has the power to abolish the test. My question to the Senator is as follows: Where is there any authority for the Congress to suspend, under any circumstances, the operation of that which is clearly a constitutional principle?

Mr. TALMADGE. There is no provision for it. As the Senator knows, the Constitution of the United States applies equally to all 50 States. It cannot operate in 44 States and be denied in 6. That is what the bill purports to do.

Mr. STENNIS. Does the Senator from Georgia know of any authority, any precedent in a decision of a court, or even an action of Congress, that states that the Constitution of the United States can be suspended?

Mr. TALMADGE. There is no such authority.

Mr. STENNIS. To the contrary, are not the lawbooks full of cases that expressly provide that it cannot be done?

Mr. TALMADGE. That is entirely correct. The able Senator from Mississippi has been a very distinguished and able judge in his own right. He knows that the Constitution applies equally to every part of the United States and its territories.

Mr. STENNIS. If Congress could suspend the operation of a voting law or requirement, such as a literacy test requirement, could not Congress also suspend the right of trial by jury?

Mr. TALMADGE. Of course it could.

Mr. STENNIS. The principle is the same, is it not?

Mr. TALMADGE. Certainly. We could suspend the Constitution in its entirety if we could suspend part of it.

Mr. STENNIS. The outstanding precedent on that subject was established in an attempt by a military court to suspend the right of trial by jury during the Civil War. A man was tried and sentenced to be hanged. He petitioned for a writ of habeas corpus before the Supreme Court of the United States. The defense was that the Nation was at war, and that that fact had to take precedence over the right of habeas corpus. The Supreme Court held that it did not, and that the right of habeas corpus could not be suspended under any circumstances.

Mr. TALMADGE. Even in wartime.

Mr. STENNIS. Even in wartime.

Mr. TALMADGE. The Senator is eminently correct.

Mr. STENNIS. The precedents have followed that principle even down to the present day.

Mr. TALMADGE. The Senator is entirely correct. Every court of law in the country has so held. The Constitution of the United States cannot be legally suspended. The only way it could be suspended would be through repeal by the people in the manner provided by the law. That would be to substitute a new Constitution for it; or else, I presume, for the Soviets, the Chinese, or some other foreign power to come over and, by conquering us, suspend it by military occupation and by right of conquest. Otherwise, as the Senator knows, it could not be suspended.

Mr. STENNIS. I thank the Senator.

Mr. TALMADGE. I thank the Senator for his invaluable contribution. To continue to read from the Lassiter case:

> So while the right of suffrage is established and guaranteed by the Constitution, it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed.
>
> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters.

I call the following language to the attention of the Senator from Mississippi. I am now reading from the U.S. Supreme Court decision in 1959:

> The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

Mr. President, in the course of the past few weeks, much has been said by both proponents and opponents of the voting rights bill concerning the power of Congress under the 15th amendment to suspend the operation of State imposed voter qualifications.

Those opposing this abortive legislative attempt have pointed out that innumerable Supreme Court decisions, beginning with Minor against Happersett, decided in 1874 and culminating with Lassiter against Northampton County Board of Elections, have upheld the constitutionality of literacy tests irrespective of the 15th amendment mandate. The cases have held that only when a literacy requirement is used as a vehicle for discrimination is it in derogation of the 15th amendment. In that case, the courts and not Congress, are empowered to divest the State of such a device. Of course, Congress, by virtue of its authority under the 2d section of the 15th amendment, may impose civil and criminal sanctions to protect the right to vote from interference on racial grounds. But nowhere, neither in the Constitution nor in Court decisions, do we find a rational basis to support the contention that Congress may abolish State literacy requirements by legislative fiat whenever the Congress concludes on the basis of arbitrary statistics that such action is necessary.

The theory advanced by the sponsors of this bill is that in enforcing the 15th amendment, Congress may forbid the use of voter qualification laws where necessary to meet the risk of continued or renewed violation of constitutional rights, even though, in the absence of the course of illegal conduct predicated upon the use of such tests, the same State laws might be unobjectionable and wholly constitutional.

The misconception under which the proponents of the bill are laboring, to the effect that the 15th amendment authorizes congressional prohibition of literacy tests if such are being used to disenfranchise voters on the basis of race or color, can be explained only as a dereliction of legislative history.

When the 15th amendment was being considered by Congress, the Senate amended the House version of the bill to provide that in addition to the prohibition against denial of the voting privilege on grounds now encompassed by that amendment, no State should deny the franchise on the ground that the applicant lacked educational attainment. The Senate amendment was then sent back to the House, which struck it out by the overwhelming vote of 133 to 37. It does not seem reasonable to conclude that Congress can now, by act, under the guise of enforcing the 15th amendment as it stands, pass legislation to overrule this very conscious deletion made in 1870, and thereby amend the 15th amendment of the Constitution.

What Congress now seeks to do is to engraft language on the 15th amendment, which Congress itself refused to accept as a part of the 15th amendment in 1870.

Before the final language of the 15th amendment was adopted and passed by both Houses, various proposals concerning the wording of the amendment were considered by Congress.

The following form of amendment was offered in the Senate:

> Congress shall have power to abolish or modify any restrictions upon the right to vote or hold office prescribed by the Constitution or laws of any State.

Admittedly, if this had been the form incorporated in the 15th amendment, Congress would now be authorized under the Constitution to enact S. 1564. However, it was not the intent of the 40th Congress to so amend the Constitution.

What Congress seeks to do now is to pass, by an act, a provision which would provide that that is what the 15th amendment to the Constitution means—language which the authors of the 15th amendment themselves refused to accept. They refused to accept it in the Senate by a vote of 38 to 6.

There is an abundance of analytical commentaries on the 15th amendment written by the Members of Congress responsible for its adoption, who were thoroughly aware of its import.

George W. McCrary, who was chairman of the Committee on Elections at the time the 15th amendment was proposed, wrote in 1875:

> Subject to the limitation contained in the 15th amendment to the Constitution of the United States, the power to fix the qualifications of voters is vested in the States. Each State fixes for itself these qualifications, and the United States adopts the State law upon the subject, as the rule in Federal elections, as will be seen by reference to section 2, article I, of the Constitution.

A former Speaker of the House and Member of the Senate, James G. Blaine, recalled in his memoirs:

> The 19th amendment, now proposed, did not attempt to declare affirmatively that the Negro should be endowed with the elective franchise, but it did what was tantamount, in forbidding to the United States, or to any State, the power to deny or abridge the right to vote on account of race, color, or previous condition of servitude. States that should adopt an educational test or a property qualification might still exclude a vast majority of Negroes from the polls, but they would, at the same time, exclude all white men who could not comply with the tests that excluded the Negro. In short, suffrage by the 15th amendment was made impartial, but not necessarily universal, to male citizens above the age of 21 years.

Correctly interpreted, this historical evidence attributes no intention on the part of the framers of the 15th amendment to subject State qualifications to the will of the National Government. Nor does the express language of the 15th amendment manifest such an intention.

Mr. Justice Story, in discussing the 15th amendment, stated the correct rule concisely at page 719 of volume 2 of "Story on the Constitution"—1891—as follows:

> There was no thought at this time of correcting at once and by a single act all the inequalities and all the injustice that might exist in the suffrage laws of the several States. There was no thought or purpose of regulating by amendment, or of conferring upon Congress the authority to regulate, or to prescribe qualifications for, the privilege of the ballot.

In Guinn against the United States, the Oklahoma "grandfather" clause was declared unconstitutional because it imposed a literacy test on Negro voters while exempting white voters. However, the Court clearly pointed out that neither the 14th nor 15th amendment had affected the power of the States to prescribe qualifications not dependent upon race. The Court stated:

> Beyond doubt, the (15th) amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution, and the organization of both Governments rest, would be without support, and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

Even a cursory examination by one unskilled in the law reveals that neither the judicial interpretation nor the legislative history of the 15th amendment lay any foundation for the legality of altering, abolishing, or creating qualifications of voters in the sovereign States.

In United States against Miller, the Supreme Court declared, referring to the enforcement provision of the amendment:

> It is manifest that no power is conferred on Congress by the second section to enact legislation for the regulation and control of elections generally, nor for securing to the citizens of the United States the right to vote at all elections. The right of suffrage is not inherent in citizenship, nor is it a natural and inalienable right, like the right to life, liberty, and the pursuit of happiness. Unless restrained by constitutional limitation, the legislature may lawfully confer the right of suffrage upon such portion of the citizens of the United States as it may deem expedient, and may deny that right to all others. Before the adoption of the 15th amendment, it was within the power of the State to exclude citizens of the United States from voting on account of race, age, property, education, or on any other ground however arbitrary or whimsical. The Constitution of the United States, before the adoption of the 15th amendment, in no wise interfered with this absolute power of the State to control the right of suffrage in accordance with its own views of expediency or propriety. It simply secured the right to vote for Members of Congress to a definite class of voters of the State, consisting of those who were eligible to vote for members of the most numerous branch of the State legislature. Further than this, no power was given by the Constitution, before the adoption of the 15th amendment, to secure the right of suffrage to any one. The 15th amendment does not in direct terms confer the right of suffrage upon any one. It secures to the colored man the same right to vote as that possessed by the white man, by prohibiting any discrimination against him on account of race, color, or previous condition of servitude. Subject to that limitation, the States still possess uncontrollable authority to regulate the right of suffrage according to their own views of expediency.

Mr. President, the position of the Senator from Georgia is no stronger than that taken in 1949 by then Senator Lyndon B. Johnson, when he declared:

> The framers of the Constitution were plain, specific, and unambiguous in providing that each State should have the right to prescribe the qualifications of its electorate and that the qualifications of electors voting for Members of Congress should be the same as the qualifications of electors voting for members of the most numerous branch of the State legislature.

My position is the same today as it was in 1960 when I declared on this floor that I know of no patriotic American who values his freedom who does not favor the full and unfettered right to vote by every qualified citizen.

Wherever there exists the evil of voter discrimination, let it be remedied at the local level, and if necessary by use of present Federal laws, not by a swarm of Federal registrars, or by tearing the Constitution asunder.

Wherever literacy tests are unfairly administered so as to abridge the right of qualified citizens to vote, let corrective action be taken by the Attorney General in a court of law and not by a Hitlerlike decree.

Wherever citizens claim a deprivation of their right to vote, let them secure a redress of grievances in a legal and orderly fashion, and they will find that existing laws place the full might of the Federal Government at their disposal.

In seeking to resolve the issue now before the Senate, let us look to the law as contained in the Constitution and rendered by the Federal courts, including the Supreme Court.

I can find no justification in anything that has taken place in the past, or that is happening now, for overriding the Constitution and long-established law in the manner that is proposed by this bill.

I urge the Senate then to obey the command of the law and the Constitution, not to react to the demand of the mob.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I commend the Senator for his learned and able speech, not only for his logic, but also for the background and legal precedents that he has established.

His reference to history and the evidence before Congress when the 15th amendment was debated and finally adopted is an outstanding contribution to this debate, and a conclusive answer to the proponents of the bill, who would seek now to put another interpretation on it to justify the bill.

The Senator has performed a great service in bringing out that that is exactly why the proponents are trying to append something to the measure now.

Mr. TALMADGE. The Senator is correct. And they are attempting to do it by statute, although the author of the 15th amendment rejected that interpretation.

Mr. STENNIS. We have a problem with the administration of the law in the various States. There is a problem which is being seriously considered, reconsidered, and solved at the local level. However, the mere fact that there is a problem, as the Senator has pointed out, is certainly no justification for jumping the gun and attempting to read meaning and words into the Constitution that are not there.

The Constitution stands unalterable unless the prescribed manner of amendment is pursued.

Mr. TALMADGE. Mr. President, I am grateful for the very generous comments of my able and distinguished friend, who has been a very able and distinguished judge in his own State.

Mr. President, I yield the floor.

Mr. HART. Mr. President, it might be helpful for the reader of the Record to read some of the testimony of the Attorney General of the United States.

I ask unanimous consent that certain portions of the testimony of the Attorney General before the Committee on the Judiciary may be printed at this point in the Record. The first portion, appearing on pages 9 through 14, bears on the inadequacy of existing voter legislation. The second, appearing on pages 19 through 22, bears on the constitutionality of the proposed legislation.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Attorney General Katzenbach. Current voter registration statistics demonstrate that comprehensive implementing legislation is essential to make the 15th amendment work.

In Alabama, the number of Negroes registered to vote has increased by only 5.2 percent between 1958 and 1964—to a total of 19.4 percent of those eligible. I am using the word "eligible" there, Mr. Chairman, in terms of literacy and age. This compares with 69.2 percent of the eligible whites.

In Mississippi, the number of Negroes registered to vote has increased even more slowly. In 1955, about 4.3 percent of the eligible Negroes were registered; today, the approximate figure is 6.4 percent. Meanwhile, in areas for which we have statistics, 80.5 percent of eligible whites are registered.

In Louisiana, Negro registration has scarcely increased at all. In 1956, 31.7 percent of the eligible Negroes were registered. As of January 1, 1965, the figure was 31.8 percent. The current white percentage is 80.2 percent.

The discouraging situation these statistics reflect exists despite the best efforts of four Attorneys General under three Presidents, Republican and Democratic. It exists largely because the judicial process, upon which all existing remedies depend, is institutionally inadequate to deal with practices so deeply rooted in the social and political structure.

I will not burden this committee again with numerous examples of the use of tests and similar devices which measure only the race of an applicant for registration, not his literacy or anything else.

And I need not describe at length how much time it takes to obtain judicial relief against discrimination, relief which so often proves inadequate. Even after the Department of Justice obtains a judicial decree, a recalcitrant registrar's ability to invent ways to evade the court's command is all too frequently more than equal to the court's capacity to police the State registration process.

By way of example of the delays and difficulties we encounter, let me describe our experience in Dallas County, Ala., its neighboring counties, and Clarke County in Mississippi.

Mr. Chairman, my statement then goes on for some length with case histories in this respect. I think they demonstrate the difficulties of the judicial process. With your permission, I will just insert those case histories into the record.

The Chairman. The whole statement has been ordered in.

Senator Ervin. Mr. Chairman, I hate to put an undue burden upon the Attorney General, but I have not had an opportunity to read this and I would like him to read them. I want to know what he is testifying to and I cannot examine him on it until I have had an opportunity to read it. I only saw it just a moment ago.

Attorney General Katzenbach. I recognize that, Senator. I shall read it.

The Negroes of Dallas County, Ala., of which Selma is the seat, have been the victims of pervasive and unrelenting voter discrimination since at least 1954. Dallas County has a voting age population of approximately 29,500, of whom 14,500 are white persons and 15,000 are Negroes. In 1961, 9,195 of the whites—64 percent of the voting age total—and 156 Negroes—1 percent of the total—were registered to vote in Dallas County. An investigation by the Department of Justice substantiated the discriminatory practices that these statistics, without more, made obvious.

As a consequence, the first voter discrimination case of the Kennedy-Johnson administration was brought against the Dallas County Board of Registrars on April 13, 1961. When the case finally came to trial 13 months later, we proved discrimination by prior registrars. It was shown, for example, that exactly 14 Negroes had been registered between 1954 and 1960. For whites, registration had been a simple corollary of citizenship. But the court found that the board of registrars then in office was not discriminating and refused to issue an injunction against discrimination.

We appealed. On September 30, 1963, 2½ years after the suit was originally filed, the court of appeals reversed the district court and ordered it to enter an injunction against discriminatory practices. The Department of Justice also had urged the court of appeals to hold that Negro applicants must be judged by standards no different than the lenient ones that had been applied to white applicants during the long period of discrimination—so that the effects of past discrimination would be dissipated.

Our experience has shown that such relief is essential to any meaningful improvement in Negro voter registration in areas where there has been systematic and persistent discrimination. The Court of Appeals for the Fifth Circuit has adopted this view in recent cases, but declined to order this relief in the first Dallas County case. Thus, after 2½ years, the first round of litigation against discrimination in Selma ended substantially in failure.

Two months later, Department personnel inspected and photographed voter registration records at the Dallas County Courthouse. These records showed that the same registrars whom the district court had earlier given a clean bill of health were engaging in blatant discrimination. With a topheavy majority of whites already registered standards for applicants of both races had been raised. The percentage of rejections both for white and Negro applicants for registration had more than doubled since the trial in May 1962.

The impact, of course, was greatest on the Negroes, of whom only a handful were registered. Eighty-nine percent of the Negro applications had been rejected between May 1962 and November 1963.

Of the 445 Negro applications rejected, 175 had been filed by Negroes with at least 12 years of education, including 21 with 16 years and 1 with a master's degree.

In addition to discriminatory grading practices, the registrars also were using one of their most effective indirect methods—delay. Under Alabama law, the registrars meet and process applications on a limited number of days each year. Processing of applications was slowed to a snail's pace. In October 1963, when most of the applicants were Negroes, the average number of persons allowed to fill out forms each registration day was about one-fourth the average in previous years, when most of the applicants were white.

For Negroes to register in Dallas County was thus extremely difficult. In February 1964, it became virtually impossible. Then all Alabama county boards of registrars, including the Dallas County board in Selma, began using a new application form which included a complicated literacy and knowledge-of-government test.

Since registration is permanent in Alabama, the great majority of white voters in Selma and Dallas County, already registered under easier standards, did not have to pass the test. But the great majority of voting age Negroes, unregistered, now faced a still higher obstacle to voting.

Under the new test, the applicant had to demonstrate his ability to spell and understand by writing individual words from the dictation of the registrar. Applicants in Selma were required to spell such difficult and technical words as "emolument," "capitation," "impeachment," "apportionment," and "despotism." The Dallas County registrars also added a refinement not required by the terms of the State-prescribed form. Applicants were required to give a satisfactory interpretation of one of the excerpts of the Constitution printed on the form.

We decided to go back to court. In March 1964, we filed a motion in the original Dallas County case initiating a second full-scale attempt to end discriminatory practices in the registration process in that county.

In September 1964, pending trial of this second proceeding, Alabama registrars, including those in Dallas County, began using another, still more difficult test.

In October 1964, our reopened case came on for trial. We proved that between May 1962, the date of the first trial, and August 1964, 795 Negroes had applied for registration but only 93 were accepted. During the same period, 1,232 white persons applied for registration, of whom 945 were registered. Thus, less than 12 percent of the Negro applicants but more than 75 percent of the white applicants were accepted.

On February 4, 1965, nearly 4 years after we first brought suit, the district court entered a second decree. This time, the court substantially accepted our contentions and the relief requested by the Department was granted. The court enjoined use of the complicated literacy and knowledge-of-government tests and entered orders designed to deal with the serious problem of delay.

We hope this most decent decree will be effective, but the Negroes of Dallas County have good reason to be skeptical. After 4 years of litigation, only 383 Negroes are registered to vote in Dallas County today. The Selma-to-Montgomery march demonstrates that, understandably, the Negroes are tired of waiting.

The story of Selma illustrates a good deal more than discrimination by voting registrars and delays of litigation. It also illustrates another obstacle, sometimes more subtle, certainly more damaging. I am talking about fear.

The Department has filed a series of suits against intimidation of Negro registration applicants by Sheriff James Clark, by his deputies, and by the Dallas County White Citizens Council. These cases involved intimidation, physical violence and baseless arrests and prosecutions. Our appeals against adverse decisions in the first two such cases will be argued tomorrow in the court of appeals.

The story of the areas adjacent to Selma is very similar. East of Selma, in Lowndes County, only one Negro is registered—and he was put on the rolls only last week. Fifteen other Negro applicants were recently rejected.

South of Selma, in Wilcox County, there were no Negroes registered to vote until a few weeks ago, when a token number were registered. Twenty-nine Negroes applied for registration in 1963. All were rejected. The Department filed a lawsuit on July 19, 1963. On March 31, 1964, the district court entered its decision, finding that the Negro applicants had been rejected "mainly due to their failure to obtain the signature of a qualified voter in Wilcox County to vouch for them." Unfortunately, the court went on to rule that the voucher requirement was neither "discriminatory nor oppressive as to the Negro applicants"—this in a county where no Negroes were registered. Our appeal was argued last Friday.

Our experiences in Mississippi parallel those in Alabama. On July 6, 1961, the Department filed a complaint seeking an injunction against discriminatory registration practices by the registrar of Clarke County, Miss. At that time 76 percent of eligible whites were registered, but not one Negro out of a voting-age population of 2,998 persons.

A year and a half later, on December 26, 1962, the trial began. It was a quick trial and was concluded 2 days later. The Government's evidence showed that several highly qualified Negroes, including a school principal, had been denied registration, while illiterate and semiliterate whites had been registered. Negro applicants were sent home to "think" over their applications. White applicants merely had to "sign the book" for themselves and their spouses without any test whatsoever.

On February 5, 1963, the district court rendered judgment for the Government, finding discrimination against Negroes and massive irregularities in the registration of white persons. An injunction was granted. However, the court found that discrimination had not occurred pursuant to a "pattern or practice," a finding which precluded the use of the voting referee provisions of the 1960 Civil Rights Act. The court also refused to require the registration of Negroes whose qualifications were equal to those of whites who had been registered.

The effectiveness of the relief the district court granted can be illustrated by the fact that by August 4, 1964, the percentage of Negroes registered had risen from zero percent of the voting-age population to 2.2 percent—that is, in about 3 years, 64 Negroes were registered.

Following the Government's appeal, the court of appeals rendered its opinion on February 20, 1964, a year after the district court decision. While the court of appeals modified the judgment below in minor respects, it expressly approved the denial of equalization relief. On petition for rehearing, however, the court of appeals modified its prior determination to the extent of holding that the trial court's refusal to find a "pattern or practice" of discrimination was "clearly erroneous" and in the light of that holding remanded the case to the district court.

On December 1, 1964, 3½ years from the start of this action, the district court amended its order, not to find that there had been a pattern or practice of discrimination, but to withdraw its previous ruling on the point and to make no finding at all. The judge again denied equalization relief. The second appeal in this case has followed, nearly 4 years after the suit was brought.

All the cases I have discussed thus far have been aimed at discrimination in voting on the county level. The Department has also brought suits designed to bar use of illegal tests and devices statewide. To date, these suits have produced mixed results.

On August 28, 1962, the Department filed a lawsuit against the State of Mississippi, its State board of elections, and six county registrars, broadly challenging the validity of a bundle of the State's voter registration laws, including the interpretation test. Nineteen months later, a three-judge district court, one judge dissenting, dismissed the complaint in its entirety. Two weeks ago this decision was reversed in its entirety by the Supreme Court, which remarked that the basis for the lower court's decision on one crucial point was "difficult to take seriously." However, 31 months after filing the complaint no trial on the merits has yet been held, and it is difficult to predict how much more time will pass before relief is obtained.

The situation in Louisiana is also discouraging. The Supreme Court recently affirmed the decision of the three-judge Federal district court in *United States* v. *Louisiana* which held that Louisiana's "constitutional interpretation" test is invalid and, in addition, enjoined the use of Louisiana's recently adopted "citizenship test" in 21 parishes where discrimination has been practiced. But other techniques of discrimination remain available, and much of the force of this decree may be largely dissipated if State and parish officials decide to conduct a reregistration.

One example of the techniques still employed in Louisiana cropped up in East and West Feliciana Parishes. These registrars were among those enjoined in *United States* v. *Louisiana* from using certain State-prescribed tests. Contending that they would be subject to prosecution by the State for not applying Louisiana law, a manifestly untenable position under the supremacy clause of the Federal Constitution, they responded with their ultimate weapon by closing up shop altogether. We asked a single district judge, who had been a dissenting member of the panel which enjoined use of the tests, to order the registrars to resume registration. This judge agreed with the registrars. We appealed immediately and obtained a temporary injunction pending appeal. But meanwhile the rolls had been frozen for over 6 months.

* * * * *

Attorney General KATZENBACH. Let me pursue the matter a little. This is not a case where the Congress would be invoking some inherent, but unexpressed, power. The Constitution itself expressly says in section 2 of the 15th article of amendment:

"The Congress shall have power to enforce this article by appropriate legislation."

Here, then, we draw on one of the powers expressly delegated by the people and by the States to the National Legislature. In this instance, it is the power to eradicate color discrimination affecting the right to vote. Accordingly, as Chief Justice Marshall said in *Gibbons* v. *Ogden* (9 Wheat. 1, 196), with respect to another express power—the power to regulate interstate commerce—

"[T]his power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution."

That was the constitutional rule in 1824 when those words were first spoken by Chief Justice Marshall. It remains the constitutional rule today; those same words were repeated by Mr. Justice Clark for a unanimous Court just recently in sustaining the public accommodation provisions of the Civil Rights Act of 1964. See *Atlanta Motel* v. *United States* (379 U.S. 241, 255).

This is not a case where the subject matter has been exclusively reserved to another branch of Government—to the executive or the courts. The 15th amendment leaves no doubt about the propriety of legislative action. And, of course, both immediately after the passage of the 15th amendment, and more recently, the Congress has acted to implement the right. See the very comprehensive act of May 31, 1870 (16 Stat. 140), and the voting provisions of the Civil Rights Acts of 1957, 1960, and 1964.

Some of the early laws were voided as too broad and others were later repealed. But the Supreme Court has never voided a statute limited to enforcement of the 15th amendment's prohibition against discrimination in voting. On the contrary, in the old cases of *United States* v. *Reese* (92 U.S. 214, 218) and *James* v. *Bowman* (190 U.S. 127, 138–139), the Supreme Court, while invalidating certain statutory provisions, expressly pointed to the power of Congress to protect the right to "exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by 'appropriate legislation.'"

And with respect to congressional elections, shortly after the adoption of the 15th amendment, the Court sustained a system of Federal supervisors for registration and voting not dissimilar to the system proposed here. See *Ex parte Siebold* (100 U.S. 371), *United States* v. *Gale* (109 U.S. 65). Constitutional assaults on the more recent legislation have been uniformly rejected. See *United States* v. *Raines* (362 U.S. 17 (1957 act)); *United States* v. *Thomas* (362 U.S. 58 (same)); *Hannah* v. *Larche* (363 U.S. 420 (Civil Rights Commission rules under 1957 act)); *Alabama* v. *United States* (371 U.S. 37 (1960 act)); *United States* v. *Mississippi* (No. 73, this term, decided Mar. 8, 1965 (same)); *Louisiana* v. *United States* (No. 67, this term, decided Mar. 8, 1965 (same)).

This legislation has only one aim—to effectuate at long last the promise of the 15th amendment—that there shall be no discrimination on account of race or color with respect to the right to vote. That is the only purpose of the proposed bill. It is, therefore, truly legislation "designed to enforce" the amendment. To meet the test of constitutionality, it remains only to demonstrate that the means suggested are appropriate.

The relevant constitutional rule, again, was established once and for all by Chief Justice Marshall. Speaking for the Court in *McCullough* v. *Maryland* (4 Wheat. 316, 421), he said:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional."

The same rule applies to the powers conferred by the amendments to the Constitution. In the case of *Ex parte Virginia* (100 U.S. 339, 345–346), speaking of the 13th and 14th amendments, the Court said:

"Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power."

See also, *Everard's Breweries* v. *Day* (265 U.S. 545, 558–559), applying the same standard to the enforcement section of the prohibition (18th) amendment.

That is really the end of the matter. The means chosen are certainly not "prohibited" by the Constitution (as I shall show in a moment) and they are—as I have already outlined—"appropriate" and "plainly adapted" to the end of eliminating racial discrimination in voting. It does not matter, constitutionally, that the same result might be achieved in some other way. That has been settled since the beginning and was expressly reaffirmed very recently in the cases upholding the Civil Rights Act of 1964. See

Atlanta Motel v. *United States* (379 U.S. 241, 261).

All workable legislation tends to set up categories—inevitably so. I have explained the premise for the classification made and, with some possible exceptions, as I have said, the facts support the hypothesis.

But the exceptional case is provided for in section 3(c) of the bill which I have already discussed. Given a valid factual premise—as we have here—it is for Congress to set the boundaries. That is essentially a legislative function which the courts do not and cannot quibble about. Compare *Boynton* v. *Virginia* (364 U.S. 454), *Currin* v. *Wallace* (306 U.S. 1), *United States* v. *Darby* (312 U.S. 100, 121). See also, *Purity Extract Co.* v. *Lynch* (226 U.S. 192).

The President submits the present proposal only because he deems it imperative to deal in this way with the invidious discrimination that persists despite determined efforts to eradicate the evil by other means. It is only after long experience with lesser means and a discouraging record of obstruction and delay that we resort to more far-reaching solutions.

The Constitution, however, does not even require this much forbearance. When there is clear legislative power to act, the remedy chosen need not be absolutely necessary; it is enough if it be "appropriate." And I am certain that you all recall that the Supreme Court—in sustaining the finding of the 88th Congress that racial discrimination by a local restaurant serving a substantial amount of out-of-State food adversely affects interstate commerce—made it clear that so long as there is a "rational basis" for the congressional finding, the finding itself need not be formally embodied in the statute (*Katzenbach* v. *McClung* (379 U.S. 294, 303–305)).

I turn now to the contention often heard that, whatever the power of Congress under the enforcement clause of the 15th amendment in other respects, it can never be used to infringe on the right of the States to fix qualifications for voting, at least for non-Federal elections. The short answer to this argument was given most emphatically by the late Mr. Justice Frankfurter, speaking for the Court in *Gomillion* v. *Lightfoot* (364 U.S. 339, 347), a 15th amendment case:

"When a State exercises power wholly within the domain of State interest, it is insulated from Federal judicial review. But such insulation is not carried over when State power is used as an instrument for circumventing a federally protected right."

The constitutional rule is clear: So long as State laws or practices erecting voting qualifications for non-Federal elections do not run afoul of the 14th or 15th amendments, they stand undisturbed. But when State power is abused—as it plainly is in the areas affected by the present bill—there is no magic in the words "voting qualification."

The "grandfather clauses" of Oklahoma and Maryland were, of course, voting qualifications. Yet they had to bow before the 15th amendment (*Guinn* v. *United States* (238 U.S. 347), *Myers* v. *Anderson* (238 U.S. 368)). Nor are only the most obvious devices reached. As the Court said in *Lane* v. *Wilson* (307 U.S. 268, 275):

"The amendment nullifies sophisticated as well as simple-minded modes of discrimination."

Nor do literacy tests and similar requirements enjoy special immunity. To be sure, in *Lassiter* v. *Northampton Election Board* (360 U.S. 45), the Court found no fault with a literacy requirement, as such, but it added:

"Of course, a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot (id., 53. See also, *Gray* v. *Sanders* (372 U.S. 368, 379))."

Indeed, as the opinion in *Lassister* noted, the Court had earlier affirmed a decision annulling Alabama's literacy test on the ground that it was "merely a device to make racial discrimination easy" (360 U.S. at 53). See *Davis* v. *Schnell* (336 U.S. 933, affirming 81 F. Supp. 872). And, only the other day, the Supreme Court voided one of Louisiana's literacy tests (*Louisiana* v. *United States* (No. 67, this term, decided Mar. 8, 1965); see, also, *United States* v. *Mississippi, supra*).

Thus, it is clear that the Constitution will not allow racially discriminatory voting practices to stand. But it is even clearer, as we have seen, that the Constitution invites Congress to do more than stand by and watch the courts invalidate State practices. It invites Congress to take a positive role by outlawing the use of any practices utilized to deny rights under the 15th amendment.

CRISIS IN SANTO DOMINGO

Mr. SMATHERS. Mr. President, the situation in Santo Domingo is tragic. The events which are occurring there should offend the sensibilities of the leaders of every government in the Western Hemisphere of the world and all civilized governments everywhere.

These events should not be permitted to continue. I, for one, am very pleased with the fact that the President of the United States saw fit to act quickly and decisively, as he did, with respect to sending U.S. marines to protect not only the American Embassy and American property, but, more importantly, American lives, and to offer sanctuary to nationals of other countries who might want to avail themselves of the protection afforded by our marines.

What the outcome of the situation will be, nobody at this point could accurately predict, but I for one hope that U.S. forces will remain there now that it has become evident that Castro and other Communist leaders have taken over the revolution; and that men who have been trained in Cuba, Czechoslovakia, and elsewhere behind the Iron Curtain, are leading the revolution, not any longer in the name of Juan Bosch, but in the name of communism.

We hope our forces are permitted to bring about a settlement of conditions in that country, and that we may call upon the Organization of American States to set up a trusteeship over that area, a trusteeship which was recommended by Mr. Figueres 3 years ago, after the turmoil which resulted after the assassination of Trujillo.

I am sure that anybody who has thought about this particular problem supports the position of the President. I do not know what the final decision will be; but I hope it will be that our troops will remain and help bring about order, peace, and tranquillity to that troubled and perplexed island.

CRISIS IN VIETNAM

Mr. SMATHERS. Mr. President, the political alchemists among us have a wondrous scheme for southeast Asia.

All we have to do, they say, is recognize that we must have an accommodation with Red China in Asia and presto—instant peace.

The pressure will vanish in Vietnam, we will no longer have to battle a war in which we are deluding ourselves, and peace-loving America will be drawn back from the edge of the chasm.

But, Mr. President, in my judgment, that talk is arrant nonsense, a concept of certain theorists as circular as the belief that base metal could be transformed into gold.

I was heartened Tuesday by the fact that President Johnson, at his news conference, demonstrated with magnificent firmness that U.S. leadership will not be swayed from within by an anxiety neurosis, and that it will not depart from what I believe to be the best and most productive path to peace in Vietnam.

President Johnson said:

> From Munich until today, we have learned that to yield to aggression brings only greater threats—and more destructive war. To stand firm is the only guarantee of lasting peace.

Overwhelming evidence exists—from those brave men serving in South Vietnam to our citizens at home—that the majority of Americans subscribe to the President's clear leadership.

I subscribe to the policies he enunciated—that we discuss without conditions, the path to peace with any government—but that we will not retreat.

The Gallup poll shows that by a ratio of more than 2 to 1, the American people approve of the Government's handling of the situation in Vietnam.

Of course, there is deep concern over the risks—but what are the alternatives?

Some of those who most regularly and loudly criticize our present course of action, have presented no viable and practical substitute courses. They tell us only that the path we take is the wrong one.

There is a curious obsessive pattern to this philosophers' debate, not unlike those ancients of the Sanhedrin, who pondered and agonized over the meanings of the Bible.

So perfectly could some of these men spin their abstractions that they refused to be confounded by realities.

So it was with the rabbi who said that he was sure that God's law would always make a piece of bread fall with the buttered side up.

When a colleague proceeded to test him by dropping a piece of buttered bread, the servant watched it fall face down to the earth and then with a triumphant smile said, "But you buttered it on the wrong side."

And thus it is today.

If Secretary of State Dean Rusk produces evidence of systematic aggressive acts by Hanoi since 1959, the critics say the United States refuses to recognize a civil war when it sees one.

If Secretary of Defense Robert McNamara displays confiscated weapons which betray their origin from the powers to the north, the critics say most of the insurgents are South Vietnamese using American arms.

And, say the peace-at-any-price critics, all the United States could lose by pulling out of Vietnam would be a little prestige—something easily repaired in a few years' time.

Mr. President, there is more than prestige involved—it is no less than humanity.

Ambassador W. Averell Harriman, who knows as much about the struggle for men's minds as anyone, says the issue at stake is the "outward thrust of communism."

And, says Ambassador Harriman, the outward thrust must be checked in southeast Asia just as it was in Europe.

Ambassador Harriman said recently:

> The Communists firmly believe that what they call wars of liberation will be victorious for them.
>
> They also believe those wars are something we cannot deal with. I look upon what is happening in South Vietnam as an ultimate expression of what the Communists intend to do in this respect.

Mr. Harriman suggests, and I agree, that it may take a long time to convince the Communists they cannot win in Vietnam—but the firmer we are, the shorter that time will be.

Communist strategy thrives on the proliferation of dissent at home.

I do not suggest for a minute we should halt all discussion of our national goals and objectives in Asia, but I believe any critic of our leadership should weigh the responsibilities he takes.

I point out that peaceful coexistence is part of the Communist arsenal.

Would our abrupt withdrawal from Vietnam bring peace or only the illusion of peace?

There are many Kremlinologists who think that Russia's apparent moves toward a détente in recent years are only an effort to induce a relaxation of tensions, even a national euphoria, and that our inability to recognize this could prove fatal.

Would Asian communism be any less likely to use such a stratagem?

I do not say that communism is a monolithic foe and that we must react like Pavlov's dogs to any Communist move.

But, let us not mistake our carefully controlled air responses to North Vietnamese aggression as anything akin to total U.S. involvement in that conflict, either.

All that we have done so far—from the replies of our forces in the Gulf of Tonkin to the recent air strikes—has been carefully controlled—measured.

Ninety-five percent of the troops engaged in field missions are South Vietnamese troops—there are 450,000 of them, to 32,500 of our officers and men.

Certainly the commitment of the South Vietnamese people, despite terrorist attacks on the civilian population and sustained military casualties of heavy proportions, should tell us that here is a people with a will to fight.

As President Johnson said to us:

> I think that if the enemy there believes that we are going to stay, that we are not going to tuck our tails and run home and abandon our friends, I believe in due time that peace can be observed in that area.

Perhaps, we should remind our colleagues here at home—and perhaps General de Gaulle as well—that a nation founded in liberty's name does not readily abandon its friends, even when the risks are great.

A convenient amnesia is not something which the United States can afford at this critical juncture of history.

Perhaps France can forget who came to its rescue twice in this century, but the United States cannot and will not forget its pledge to freedom.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

PROPOSED AMENDMENT RE DEMONSTRATIONS

Mr. STENNIS. Mr. President, the recent marches, sit-ins, and other demonstrations that have disrupted the conduct of government in counties, cities, and even entire States make it apparent that our public officials must have some effective and legal protection from the demonstrators, who seem determined to continue a campaign of harassment.

The law-abiding residents who as taxpayers must pay the bill caused by these demonstrators are also entitled to a means of relief. The innocent private citizens who must suffer inconveniences and the dedicated public officials who must do their work are entitled to the assistance of the U.S. Attorney General in the protection of their right to perform their duties without unreasonable harassment. If it is proper to provide by law that the Attorney General must throw the full weight and assistance of his office into the effort to secure for some people the right to vote—as under this bill a petition by 20 persons would do—then it is proper to provide by law that the Attorney General must throw the full weight and assistance of his office into the effort of public officials and private citizens to secure the right to live in peace and perform their duties.

This amendment simply provides that the Attorney General, if requested to do so, must assist State, county, and local government officials to do the same thing the Attorney General did when demonstrators invaded his office—that is, throw them out so he "could get some work done." Both the Attorney General and the White House have recognized that demonstrations interfere with and prevent the orderly and efficient accomplishment of work. This was admitted when demonstrators were ordered removed from the Attorney General's office and from inside the White House.

Under this amendment, the Attorney General would be compelled to come to the assistance of public officials of any political subdivision when persons who have not been denied the right to vote and are not residents therein, nevertheless storm into an area and create strife and discord; and interfere with public officials in the discharge and performance of their duty, including the registration of voters.

In brief, this amendment simply imposes upon the Attorney General the duty, when he is requested to do so, to see that the rights of all individuals are protected.

The necessity of adopting this amendment is underscored and emphasized by the recent statement of Martin Luther King that he felt he was under no moral obligation to obey laws with which he did not personally agree. He, in fact, went so far as to say that he had a moral duty to violate any law which he did not morally approve.

It would be a mockery of justice for us to provide that the full weight of the Federal Government must be thrown behind an individual who has openly stated that he will not obey the law if he does not agree with it, and at the same time refuse to give the assistance of the Federal Government to those who want to obey the law and are anxious to discharge their duty to enforce and apply the laws.

The proposed voting rights bill, if it passes, will give to the Attorney General every legal and necessary authority to secure the right of every citizen to vote. It goes so far in giving him this authority that it violates the Constitution, and I am opposed to its passage for the reason that it tramples upon constitutional principles. I shall oppose it with all my strength. But the hard facts are that 66 Senators have signed this bill. That is only one vote short of the necessary votes to invoke cloture. If it is passed, the Attorney General will be empowered with more authority than has ever been given to one individual in the history of this Government. I am opposed to giving one man the power that is given the Attorney General under the terms of this bill, but if he is to have such power, he should be compelled to use it in the protection of all citizens, especially those public officials who want to honorably perform their duties and also those citizens who seek to live in peace and who have a right to do so, without unreasonable interference.

Surely, with all of the power available to the Attorney General under this proposed bill, and with all of the legal procedures available to those who seek the right to vote, there is no need for marches, sit-ins, stand-ins, and other demonstrations that would unreasonably interfere with the rights of others. This amendment would strengthen the method of taking the issue out of the streets and placing it into the courts, where it properly belongs.

Unlike the terms of the substitute bill, this amendment applies to all States and political subdivisions, not just a select few. It will be needed in every State and in many cities outside the South. The April 12 issue of Newsweek magazine contained an article which quoted Martin Luther King as saying demonstrations would be conducted nationwide in the coming year. He said:

> You can expect this in New York and in Philadelphia and Chicago and Detroit and Los Angeles and Selma.

This amendment is not just to protect the South—it is to preserve law and order throughout the Nation.

The growing demonstrations are apparently a matter of grave concern to high ranking officials in the administration, including the White House, where, the same Newsweek issue states:

> Presidential aides privately expressed fear that Martin Luther King might lose his leadership to SNCC hotheads.

This amendment is necessary as a protection to our public officials and the taxpaying, peaceable citizens of our Nation.

At the appropriate time I shall urge its adoption.

THE DOMINICAN REPUBLIC

Mr. STENNIS. Mr. President, before I yield the floor, I wish to make a few brief remarks with reference to the very grave and serious situation with which we are confronted now in the Dominican Republic. In my judgment, it becomes graver and more serious hour by hour. The news is not at all good now, and it is entirely possible that the Government in the Dominican Republic could collapse over the weekend. I have not read any of the news on the tickers in the past few hours, but the situation is changing by the hour. It could collapse in such a way, before the Senate reassembled on Monday, that the rebel forces, unless otherwise prevented, would take over. Among those rebels forces are an extreme Communist group which has come to the top, have come to power, and these include a group of them specially trained in guerrilla warfare of the most effective and severe type. They are already the dominant position of that group. If they get an opportunity to form a government, they will naturally be at its head.

President Johnson has acted wisely and quickly in sending in the armed might of this Nation to protect our civilians there. I know that we will be criticized by many of the family of nations around the world for being too harsh or too quick, or for engaging in a diplomacy of power, or of blood and iron. However, I am one of those who have believed for a long time that we were going to have to take stronger measures and act quickly under these new conditions if we are going to be effective.

I believe in this situation which is so near our own shorelines and what has already happened in Cuba, and is now becoming apparent in the Dominican Republic, that the President has acted entirely properly, that his action was necessary and that his promptness to act will save a great deal of serious trouble, and probably far more extensive interventions and loss of life in the future.

The big question is still to come, a question which we may have to decide over the weekend: How much further shall our forces be used to keep a possible Communist regime from coming to power and taking over the Government of the Dominican Republic?

I hope that the President will see fit at least to exercise his power for a holding action to prevent such a take over. We must then get a decision from the Organization of American States to see whether they will stand with us and try to prevent another nation from being taken over by an actual, outright Communist regime. We cannot afford to wait for the OAS to act first.

Mr. President, I attend a great many military hearings and briefings and perhaps am therefore closer to the problem than most. I cannot overemphasize how grave the situation is and how essential it will be for us to make up our minds quickly. We are taking one of the gravest steps a nation can take. However, the stakes are very high and if we can prevent this takeover and the Organization of American States does not back us up—I hope and pray that they will, and I believe that they will—then we will have to make a decision as to how far we are going alone.

Under all the circumstances we have no real choice. We cannot permit a Communist regime to set itself up in the Dominican Republic, in a country so close to our shores. If we do permit it, then that will really be the breakthrough, and expansion in Latin America after that will come thick and fast, and soon get beyond our control.

I earnestly pray that the situation will develop in the other direction. It is grave at present and is growing and developing by the hour. We must stand firm and take whatever steps are necessary through the armed forces which we fortunately have there, in order to prevent this takeover, and to set up a plan—even if we have to go it alone—to make our opposition effective and permanent.

Mr. President, I yield the floor.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. NAVY

The legislative clerk read the nomination of Rear Adm. Luther C. Heinz, to be vice admiral.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE AIR FORCE, ARMY, NAVY AND MARINE CORPS, AND THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Air Force, the Army, Navy and Marine Corps, and the Marine Corps, which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, these nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. MANSFIELD. Mr. President, before the Senate returns to legislative session, let me say that I am particularly happy that Brig. Gen. Charles R. Roderick, of the U.S. Air Force, who has rendered outstanding service in the Department of Defense, has been promoted to the rank of major general.

I wish him well in his new rank. So far as his duties are concerned, I know that they will be carried out as scrupulously, as fairly, and as impartially as possible.

I am delighted that this recognition—long overdue—has finally been given to this outstanding officer.

Mr. STENNIS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. Let me express my satisfaction at the promotion of Col. Richard Irving Crone to major general in the Army Medical Corps.

General Crone is a most outstanding member of the Medical Corps, U.S. Army. He has done wonderful work in the Army and in his great profession, and has also exhibited splendid leadership at Walter Reed Hospital.

Certainly he deserves this great honor. He has earned the splendid opportunity which comes with this promotion.

Mr. President, let me also express similar remarks in the promotion of Brig. Gen. Byron Ludwig Steger to major general. General Steger is an outstanding member of his profession, a truly fine officer and a princely gentleman in the very best sense. I congratulate him on his record and his great opportunity.

I thank the Senator from Montana for yielding to me.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

AUTHORIZATION TO SELL UNIFORM CLOTHING TO THE NAVAL SEA CADET CORPS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to consideration of Calendar No. 158, Senate bill 1856.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. The bill (S. 1856) to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 647 of title 10, United States Code, is amended—

(1) by inserting the following new section after section 7541:

"§ 751a. Uniform clothing: sale to Naval Sea Cadet Corps

"Subject to regulations under section 486 of title 40, the Secretary of the Navy, under regulations prescribed by him, may sell any item of enlisted naval uniform clothing that may be spared, at a price representing its fair value, to the Naval Sea Cadet Corps for the sea cadets. The cost of transportation and delivery of items sold under this section shall be charged to the Naval Sea Cadet Corps."; and

(2) by inserting the following new item in the analysis:

"7541a. Uniform clothing: sale to Naval Sea Cadet Corps."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the Report No. 171, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this legislation is to authorize the Secretary of the Navy to sell items of enlisted naval clothing at no Government expense to the Naval Sea Cadet Corps for sea cadets.

PAYMENT OF SPECIAL ALLOWANCES TO DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 160, House bill 3043.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 3043), to amend title 37, United States Code, to authorize payment of special allowances to dependents of members of the uniformed services to offset expenditures incident to their evacuation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment to strike out all after enacting clause and insert:

That title 37, United States Code, is amended as follows:

(1) The following new section is inserted after section 405:

"§ 405a. Travel and transportation allowances: evacuation allowances.

"(a) Under regulations prescribed by the Secretaries concerned, when dependents of members of the uniformed services are ordered evacuated by competent authority from places outside the United States to places inside the United States, they may be authorized such allowances as the Secretary concerned determines necessary to offset the expenses incident to the evacuation. Allowances authorized by this section are in addition to those authorized by any other section of this title. For the purposes of this section, a dependent 'ordered evacuated by competent authority' includes—

"(1) a dependent who is present at or in the vicinity of the member's duty station when the evacuation of dependents is ordered by competent authority and who actually moves to an authorized safe haven designated by that authority, whether such safe haven is at or in the vicinity of the member's duty station or elsewhere.

"(2) a dependent who established a household at or in the vicinity of the member's duty station but who is temporarily absent therefrom for any reason when evacuation of dependents is ordered by competent authority; and

"(3) a dependent who was authorized to join the member and who departed from his former place of residence incident to joining the member but who, as a result of the evacuation of dependents, is diverted to a safe haven designated by competent authority or is authorized to travel to a place the dependent may designate, even though he was in the United States when the evacuation was ordered.

"(b) Under regulations prescribed by the Secretaries concerned, each member whose dependents are covered by subsection (a) of this section is entitled to have one motor vehicle owned by him and for his personal use, or the use of the dependents, transported at the expense of the United States to a designated place for the use of the dependents. When the dependents are permitted to rejoin the member, the vehicle may be transported at the expense of the United States to his permanent duty station."

(2) The analysis of chapter 7 is amended by inserting the following new item:

"406a. Travel and transportation allowances; evacuation allowances."

(3) Section 407(a) is amended by inserting the words ", or whose dependents are covered by section 405a(a) of this title" after the word "station".

(4) Section 407(b) is amended—

(A) by striking out the word "or" at the end of clause (1);

(B) by striking out the period at the end of clause (2) and inserting the word "; or" in place thereof; and

(C) by adding the following clause (2):

"(3) the member's dependents are covered by section 405a(a) of this title."

(5) Section 411(a) is amended by inserting the figure "405a," after the figure "405,".

(6) Section 1006 is amended—

(A) by adding the following sentence at the end of subsection (c): "The Secretary concerned or his designee may waive any right of recovery of not more than one month's basic pay advanced under this subsection if he finds that recovery of the advance would be against equity and good conscience or against the public interest."; and

(B) by adding at the end:

"(g) Under regulations prescribed by the Secretary concerned, the dislocation allowance authorized by section 407 of this title for a member of a uniformed service whose dependents are covered by section 405a(a) of this title may be paid in advance of the evacuation of the dependents and to the dependents designated by the member."

SEC. 2. This Act becomes effective on February 1, 1965, and terminates on June 30, 1966.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 173), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this legislation is to authorize the payment of special allowances and dislocation allowances to dependents of members of the uniformed services whenever these dependents are evacuated from an oversea danger area to the United States.

As many Members of the House will recall, the need for such allowances was graphically demonstrated during the evacuation of dependents of military personnel from the Naval Base, Guantanomo Bay, Cuba, to Norfolk, Va., in October 1962.

As a consequence of that evacuation, under circumstances in which dependents were only permitted to take one suitcase per person, they arrived in Norfolk with limited amounts of clothing, and most with limited funds. Consequently, a number of cases of serious hardship occurred.

In the absence of legislation, the Secretary of Defense subsequently approved certain expenditures from his contingency fund to cover some of the unusual expenses incurred by dependents evacuated from Guantanamo Bay, Cuba, to Norfolk, Va.

EXISTING LAW

Under existing law dependents of uniformed services personnel evacuated from an oversea area are entitled to the following payments—

(1) There is presently no authority for special allowances for dependents who are evacuated from oversea points to the United States.

The present authority for payments is limited to evacuations from one oversea area to another oversea area. Under these circumstances dependents are entitled to a per diem payment and the cost-of-living allowance prescribed for the area to which they are evacuated.

(2) Advances in pay up to 2 months' basic pay can be made by the service to dependents of members of the Armed Forces designated for evacuation. This advance, however, is basically a loan which requires ultimate repayment.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. CLARK. Mr. President, this morning's newspapers carry the news of the landing of U.S. marines in Santo Domingo. The announced purpose is to protect American lives, to defend our Embassy, and to restore order in a country where government appears to have broken down.

I hope that that is the entire purpose of the landing of the marines. I do not question the authority of the President to send our marines to that strife-torn country; nor do I criticize him for doing so for the announced purpose. Nevertheless, it is disturbing to find a reversion to what has come to be known historically as gunboat diplomacy. Criticism is already appearing in metropolitan daily newspapers of high repute. I ask unanimous consent that an editorial published in this morning's New York Times entitled "Marines in Santo Domingo," may be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MARINES IN SANTO DOMINGO

There was a valid reason for the United States to put a marine landing force in Santo Domingo. This reason was to protect Americans and evacuate those who desire to leave. There would be no excuse for American Marines to remain beyond that short time. It will be for the Organization of American States to pick up from there.

Only Latin Americans and students of the history of the Caribbean can appreciate fully what it means to have the word flashed around the hemisphere: "The American Marines have landed." The symbol of President Theodore Roosevelt's "Big Stick" and of President Taft's "Dollar Diplomacy" is United States occupation by marines.

The present move, according to President Johnson, is not intended to be an occupation. He has explained that the troops went ashore "to give protection to hundreds of Americans who are still in the Dominican Republic and to escort them safely back to this country."

This is a right and necessary function; it should be the only one. As in the Cuban nuclear crisis of 1962, the OAS has been faced with a fait accompli and there appears to be some hard feelings on that score. The United States decision was a unilateral one made, presumably, because there was no Dominican Government empowered to ask for American troops.

The main function of the OAS now is to set up a mediation mission and send it to Santo Domingo as soon as possible. The heavy fighting cannot last much longer.

Afterward the full depth of the tragedy will be only too clear. In a brief and concentrated fashion, the Dominican Republic is in the throes of a species of civil war. It is a small country, in which the leading families are well known to each other and to the people. The seeds of hatred have been planted, and they will bear bitter fruit for years to come.

The political situation will defy simple solution, whichever side wins. The Dominican Republic is now and will be for some time a shattered country. Moreover, its political components—in the parties, the trade union, the army and the so-called "club of families" or oligarchy—are immensely complicated. The way things are going to be, the Dominican Republic will need an extended period of peace, one sustained by Dominicans, perhaps with the help of the OAS—but not by American Marines.

Mr. CLARK. Mr. President, I ask unanimous consent that an editorial in this morning's Washington Post, entitled "Back to 1916?" may be printed in the RECORD at this point of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BACK TO 1916?

In 1916, when President Wilson was otherwise distracted with the war in Europe, he was persuaded to send U.S. marines into the Dominican Republic on the argument that the political anarchy there threatened American lives and property and assistance was needed to service foreign debts. The President's action resulted in a full-scale military occupation and the marines stayed on for 8 years. When they did leave, they were soon succeeded by Rafael Trujillo, a military dictator who tyrannized the Dominican people for another 30 years.

Now President Johnson has ordered U.S. Marines to the Dominican Republic to protect Americans and other nationals and assist their evacuation from a republic beset with political anarchy. Their numbers, listed by the White House as 400 on Wednesday night, already had jumped to 556 in a State Department announcement yesterday noon.

The leaders in the Dominican military coup last Sunday were members of the Dominican army. They were opposed by members of the Dominican tank corps and air force and, eventually by members of the Dominican navy. The army tossed out President Juan Bosch's unconstitutional successor, Donald Reid Carbal, and moved to bring Bosch back from his exile in Puerto Rico. The anti-Bosch forces, led by tank corps Brig. Gen. Elias Wessin y Wessin, a tough-fighting, fanatically religious anti-Communist who booted Bosch out in the first place, quickly stood up to the army. Then, as the crossfire continued, the anti-Bosch forces—not the Dominican military as a whole—appealed to the United States to send in the marines.

Before we get drawn into Dominican affairs in the name of anticommunism we need to examine the extent of Dominican communism. There are three minor groups, the orthodox Soviet-oriented, PSPD which is aimed at both indoctrination and infiltration; the terroristic, Cuban-directed MPD; and the minute PNR, which advocates communism by education. There is also a fourth, the biggest and most important, the Fourteenth of June Group, which is an indigenous nationalist party with, indeed, a heavy Communist sprinkling.

Until now, it has been U.S. policy and interest to keep these Communist groups fighting each other, and to prevent a polarization of military extremists on the right and unified Communist extremists on the left which would leave no room for moderates in the middle.

Certainly, the United States does not want to see the Dominican Republic become another Communist Cuba. But equally certainly, the United States does not want to see the Dominican Republic revert to another tyrannical military dictatorship led by the Trujilloists still around.

When Trujillo was assassinated 3 years ago, a Latin American elder statesman, former President Figueres of Costa Rica, suggested that a trusteeship be established either under the Organization of American States or the United Nations to provide for some sort of orderly transition. Yesterday the OAS called for a cease-fire and began to move toward collective action. Certainly either the OAS itself or the U.N. would appear preferable to the U.S. Marine diplomacy of 1916.

Mr. CLARK. One would hope that the Organization of American States would agree promptly to take over the job of reestablishing order in the Dominican Republic and would make prompt arrangements for free elections. One would also hope that as soon as that was done the Marines would be withdrawn.

I have long been of the view that in the modern world military solutions to political problems are no longer feasible. We have a well-established procedure in the Western Hemisphere for dealing with civil disorders and for calling into play rather elaborate treaty provisions in which all of the countries of the Western Hemisphere can join under the auspices of the Organization of American States.

We have suffered too long under the criticism of what has sometimes been called "dollar diplomacy," or "gunboat diplomacy," to look with equanimity on another example of its use in an independent country.

Mr. President, I would hope that these legal agreements to which we are a party could be promptly brought into effect.

I do not have the slightest doubt that this is the intention of the Secretary of State and the President of the United States. We shall recall that the last time marines went into the Dominican Republic, they stayed there for 8 years. Shortly after they left, the Dictator Trujillo took over, and he oppressed, killed, or imprisoned his people and ruled with a ruthless dictatorship for 30 years. We did very little to remove his dictatorial and cruel government. Possibly we were quite correct in not doing so, because once we withdrew the marines, we undertook to recognize the sovereignty of that country and of all others. In due course, the Dictator Trujillo, far too late, was removed from office.

There was a revolution. He was assassinated. A free election was arranged, and Juan Bosch received 60 percent of the votes in a free election. He took office. It has been said that he was not a good administrator. It has been said that he did not very satisfactorily deal with the many different factions and disruptions and with the economic, political, and financial problems of his country. No doubt those criticisms have some merit. No one is perfect. But he was the first duly elected President of the Dominican Republic as a result of a free election within the memory of man.

I do not say that the United States supported the revolution which deposed him. I do say that we viewed his deposition with rather extraordinary equanimity. It is now suggested that the revolutionaries are supporting a return of Mr. Bosch. I do not condone either the revolution which deposed him or the revolution which seeks to reinstate him. I do say that there is no reputable opinion in this country or elsewhere which can produce a scintilla of evidence that Mr. Bosch is a Communist. On the contrary, his political principles are quite closely related to those of the great Governor of Puerto Rico, Muñoz-Marín.

Whether a revolution to unseat the duly elected President of a neighboring and friendly country is desirable or not, we did not send marines down there to restore him to power. On the contrary, in short order we recognized the military junta which replaced him, and then the civilian junta which took over from the military.

It may well be, as the newspapers have stated, that there are certain Castro-trained Communists who are in the revolution and are promoting chaos in Santo Domingo today. If that is true, I deplore it. It would be a tragedy to have Santo Domingo follow the Castro example and show up with a Communist government. But in all candor I suggest that it is not a very good way to prevent a country from going Communist to send 4,800 marines into that country to protect 1,300 American citizens. I suggest also that the natural adverse reaction to sending marines back into the Caribbean is not helped very much by the reports in today's newspapers. I quote a dispatch from Santo Domingo that appeared in the New York Times:

> A high ranking United States naval officer said early today that the function of the marines who have been landed here was not only to protect the evacuation of Americans and other nations but also "to see that no Communist government is established in the Dominican Republic.

Mr. President, since when have anonymous high naval officers been stating the foreign policy of the United States of America? I would hope that the naval officer who made that statement was not authorized to do so, either by the Pentagon or by the State Department. I hope that his identity will be determined and that he will be disciplined.

The foreign policy of our country is made by civilians and not by the military. It may well be that this is merely a sample of the tendency I have noted elsewhere, and which I deplore, not only in Santo Domingo, but in South Vietnam and elsewhere. The military is tending to usurp civilian authority. We find that military operations tend to outrace diplomacy. We become committed to actions not only in Santo Domingo but also in South Vietnam; and one wonders whether they have ever been approved by either the Secretary of State or the President of the United States.

I would hope very much that both the White House and the State Department would look with great care into the statement by a so-called high ranking officer stating the purpose of our marines in Santo Domingo. I am encouraged to note that the statements which have come from the White House and the State Department do not conform to what that anonymous high ranking naval officer has said. On the contrary, they say that, "The purpose of the marines in Santo Domingo is to protect American lives." Once arrangements can be made for the Organization of American States to restore order and to establish some kind of interim government there so that free elections can be held, I would hope that the State Department would withdraw the marines.

I note on the floor of the Senate the able chairman of the Subcommittee on American Republics Affairs of the Foreign Relations Committee, who is an expert on this subject. I wonder if he has any views with respect to what I have said.

Mr. MORSE. I had come to the floor of the Senate to make a speech, but the Senator from Pennsylvania is making it for me. I did not vote for that resolution last August; the Senator from Pennsylvania did, so he is better qualified, I think, as I am sure he voted for it based upon an interpretation as to what he thought it meant.

I should like to ask the Senator from Pennsylvania a question, because I think these things are all related. I shall not interrupt the Senator very long. I wonder if the Senator from Pennsylvania, when he voted for that resolution last August, thought he was authorizing the President of the United States to send many thousands of American boys into southeast Asia without coming back to the Congress of the United States and asking for approval?

Mr. CLARK. Or to send hundreds of American boys and airplanes to bomb the North Vietnamese north of the 17th parallel. My categorical answer is that I did not. I have had an opportunity this morning to review a part of the debate in the Senate with respect to that resolution, and I find, not to my surprise, that the chairman of the Foreign Relations Committee did not think so either.

Mr. MORSE. I say to the Senator from Pennsylvania that that subject will be a part of my speech this afternoon, too. I have studied that debate. I do not see how anyone could read the debate in the Senate of last August and find any justification for the President of the United States bombing North Vietnam or sending increasing thousands of American boys to South Vietnam. Once again I say to my President, "Come to a joint session of the Congress and do what the Constitution clearly calls upon you to do. Recommend to the Senate and to the House of Representatives a declaration of war, or else stop conducting Johnson's war in southeast Asia that is going to kill thousands and thousands of American boys."

From the floor of the Senate today I say to the American people, "Wake up. Your President is taking you into war without the authorization of the Congress." When the President says, "You people in Congress voted for it; you determined the policy last August," I say that the President had better read that debate, because that debate never gave the President the authority that he has assumed today to make war in southeast Asia and in which there is taking place the killing of unjustifiably increasing numbers of American boys, because in the absence of a declaration of war, the President of the United States has no justification for killing American boys in southeast Asia.

The Senator from Pennsylvania is responsible for my statement about it because of the brilliant observations that he has made. But I say that he and I are members of the Foreign Relations Committee. The Foreign Relations Committee had better get on the job. The Foreign Relations Committee has the responsibility. The Foreign Relations Committee has the responsibility now of pointing out to the American people what I consider to be usurpation of power on the part of the President of the United States in making war in southeast Asia in the way he is making it now. The resolution does not give him the authority. The Constitution does not give him the authority. The Foreign Relations Committee had better begin to hold him to an accounting.

Mr. CLARK. Mr. President, I say in all good humor to my good friend from Oregon that I shall not detain him much longer by holding the floor, but I would prefer to have him make his speech on his own time. I disassociate myself from his criticisms of the President of the United States, whom I hold in very high regard.

I should like now to turn very briefly to Santo Domingo. To conclude my comments in that regard, I would hope very much that the President and the Secretary of State, both of whom I honor and both of whom I support, would find it possible, in short order, to turn over the Santo Domingo problem to the Organization of American States, of which we are a part, and to withdraw the U.S. marines from Vietnam, having provided for the safety of the American citizens there, and to appreciate that in the modern world it is wiser to solve these problems, wherever possible, through bilateral diplomacy, and when that type of diplomacy fails, then by regional or collective action of the countries which are treaty bound to preserve order in the hemisphere and to prevent the infiltration of communism there.

The image of the United States all over the world is suffering—and I am one of those who thinks that the image of the United States all over world is important—because we are increasingly resorting to force instead of to diplomacy in attempting to solve the difficult problems which confront our country all over the world. Some of those problems are beyond our somewhat limited power to solve unilaterally, but none of them are likely to be brought to a happy solution by turning our foreign policy over to the military.

COLUMNISTS AND AMERICAN FOREIGN POLICY

Mr. CLARK. Mr. President, I now turn briefly to another subject. It has to do with some of the recent activities of some of our columnists with respect to American policy in South Vietnam.

It has been pointed out that in our pluralistic and democratic society, it is impossible, and probably unwise, to stifle criticism of governmental action. Many of us who are loyal supporters of the Johnson administration have understandably been reluctant to criticize his policies in Vietnam and elsewhere. Personally, I am still reluctant to do so. But we cannot shut the mouths of columnists, letter writers, editorial writers, and others. It is a good thing that we cannot.

But just as the comments of a Member of Congress on the floor of either Chamber are not subject to suits for libel or slander, so we on our part are reluctant to criticize the widely syndicated columnists whose readership is so much greater than our own, as our views are published either in the press or in the CONGRESSIONAL RECORD. So realizing the risk one runs, and having already, in fact, made a few comments on this subject before, I should like to indicate my rather complete dissent from the point of view of that most emotional, although nonetheless erudite, of columnists, Mr. Joseph Alsop, a gentleman of deep knowledge, great energy, careful and studious scholarship, yet, nevertheless, a gentleman with whose judgment I have had many an occasion to quarrel—and not only with his judgment, but with his manners.

Mr. Alsop wrote for the Washington Post of the 21st of April an extraordinary column entitled "Pompous Ignorance." Parenthetically, this is one of the most outstanding instances of the pot calling the kettle black that I have seen in some time.

I ask unanimous consent that this column by Mr. Alsop be printed in full at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

POMPOUS IGNORANCE

(By Joseph Alsop)

One proof of the wisdom of President Johnson's Vietnamese policy is its marked success to date.

One must always be prepared for bad news. But it must also be said that since the Pleiku episode drove the President to take determined action, he and his policymakers have been calling the shots with quite unprecedented accuracy.

Another proof of the President's wisdom is the kind of criticism his policy has thus far invited. It is bad enough when Senator FULBRIGHT allows himself to ruminate in public on the desirability of stopping the bombings. Apparently the Senator believes that this is the best way to promote negotiations on an acceptable basis. One can only reply that credulity is a cherished senatorial prerogative.

A more detailed reply is demanded, however, by the increasing barrage of such pieces as one just published by Prof. Hans J. Morgenthau of the University of Chicago. Morgenthau is an interesting figure; for he plays almost the same key role among the modern appeasers that Geoffrey Dawson of the Times of London played in the be-nice-to-Hitler group in England before 1939.

The resemblance is curiously exact, moreover. "We are deluding ourselves in Vietnam," says Professor Morgenthau and he gives two main proofs for this assertion. First, he warns that we are getting Communist China's back up, which he thinks dangerous because he also thinks that the Chinese Communists are "the wave of the future."

He does not quite use that phrase from the old days. But his explanations of the need to recognize Communist China as the dominant power in Asia appear to have been borrowed, almost in toto, from the old Times of London leaders about the need to recognize Hitler's Germany as the dominant power in Europe.

But just as credulity must always be recognized as an inalienable senatorial prerogative, so the right of professors of political science to play at being realists must also be acknowledged. What is not pardonable in any serious academic figure is simple, pompous ignorance such as is revealed by Professor Morgenthau's statement that "the military conquest of Tibet" is an exceptional episode in Chinese history.

This statement is the key to the second Morgenthau argument, that if no one gets China's back up, China will leave her neighbors to "live peacefully in (her) shadow." But the central fact of Chinese history, its most impressive, indeed awe-inspiring aspect, is the tirelessness with which the Chinese people have resumed the task of conquest whenever an opportunity offered.

China, properly so called, appears when her history begins as a rather small region in the Yellow River Valley. Since then, China has regularly expanded whenever a strong central government possessed the means to do so. Even in this century, when China's Government was weak for so long, the geographical area of ethnic China—the territory mainly inhabited by people of Chinese blood—has nonetheless more than doubled.

Manchuria is fully Sinified. Inner Mongolia is largely digested. The huge province of Sikiang where tribal peoples lived in effective independence until the end of the Second World War, is already being swallowed down. In one or two more generations the Tibetans, if they survive at all, are only likely to survive outside Tibet. And the ancient peoples of central Asia have heard their doom proclaimed.

Even in southeast Asia, both the Vietnamese and the Thais are refugee peoples, long ago pushed out of what is now China by Chinese pressure. In these circumstances, expecting the Chinese to let their neighbors alone, if everyone is just nice to them, is really a great deal sillier than the old be-nice-to-Hitler arguments.

That does not mean that the Chinese people are evil or perverted. On the contrary, they are enviably intelligent, industrious, courageous, and in all ways talented. There is a grain of truth among Professor Morgenthau's silly chaff, in the sense that the formidable qualities of the Chinese people also make them a formidable problem.

One way to solve the problem, to be sure, is to recognize the Chinese as the Asian herrenvolk, and to allow them to gobble their neighbors at will, even though their neighbors happen to be our friends and allies. If Professor Morgenthau possessed enough forthrightness to recommend this solution, he could not be called ignorant, although he might perhaps be criticized on other grounds.

It seems a bit better, however, to stand fast by our allies; to defend our own vital position as a Pacific power, and to hope, with good reason, that the evolutionary power of time and the native strength of the Chinese people will eventually bring the present bout of Chinese governmental Stalinism to an end.

Mr. CLARK. Mr. President, in the course of his column, Mr. Alsop undertook to criticize an eminent professor, a student of Far Eastern affairs and of foreign affairs generally, Prof. Hans J. Morgenthau, of the University of Chicago. Mr. Morgenthau, an acquaintance of mine, but a man whom I do not know well, has written with what I think has been great perspicacity and shrewd understanding about many of the problems confronting our country in the modern world. It is true that he has been somewhat critical of our foreign policy in Vietnam.

In the column he wrote, Mr. Alsop took affront—and rather angry affront—at some of Mr. Morgenthau's views; in fact, Mr. Alsop was rather shrill about it. Mr. Morgenthau, with what I thought was considerable good humor and devastating logic, undertook to rebut Mr. Alsop's point of view in a communication published in the Washington Post this morning. I ask unanimous consent that Mr. Morgenthau's reply be printed at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

A COMMUNICATION

The story is told of a medieval peasant who made it his hobby to visit the public disputations of learned men. "What do you do this for?" one of his fellow peasants asked him one day, and he answered: "I want to know who is right." "How can you know that since you don't understand Latin?" was the retort. Our man replied: "I don't need to. Whoever gets angry first is wrong."

Mr. Joseph Alsop, in his column of April 21, is obviously angry with me, and he chooses to express his anger by questioning my intelligence, my knowledge, and my character. If Mr. Alsop had arguments with which to demolish my position, he would have used them rather than hurling invectives at my person.

Mr. Alsop misrepresents my position with regard to our involvement in Vietnam and our relations with China virtually out of recognition. I cannot be expected to repeat here what I have said elsewhere for the benefit of the readers of Mr. Alsop's column who might be misled by his misrepresentation. I refer to the New Republic of April 3 and 31 and to the New York Times magazine of April 18. I cannot be expected either to explain to a literate public that Mao Tse-tung is not Hitler, that the position of China in Asia is not like that of Nazi Germany in Europe, that Vietnam is not Czechoslovakia, that my opposition to our involvement in Vietnam is not identical with that of the appeasers of 1938. Anyone who believes that these disparate situations and issues are identical is beyond the reach of rational argument.

However, Mr. Alsop puts up what has at least the appearance of a rational argument in the form of his references to Chinese history. Anyone with the slightest knowledge of that history must recognize the absurdity of Mr. Alsop's contentions. But not all readers of Mr. Alsop's column can be expected to have that knowledge. Thus I must perform the unpleasant but necessary task to set the record straight.

Mr. Alsop contends that "the central fact of Chinese history * * * is the tirelessness with which the Chinese people have resumed the task of conquest whenever an opportunity offered." In support of that contention Mr. Alsop adduces three facts: First, China appeared originally "as a rather small region in the Yellow River Valley." Second, even in this century the geographic area of ethnic China has more than doubled, with Manchuria, Inner Mongolia, and Sinkiang having been digested. Third, in southeast Asia, the Vietnamese and Thais are "refugee peoples, long ago pushed out by Chinese pressure."

The first "fact" refers to the bronze age and is, of course, equally true of all nations now existing. They all have developed throughout millenia from small beginnings through conquest and migration into their present size. The second fact refers not to conquest but to inner migration. It is analogous to the westward expansion of the original States of the Union, to the recent settlement of California and Arizona by easterners and midwesterners, or to the settlement of Siberia by Russians. The third fact is not a fact at all. The Vietnamese and Thais migrated in prehistoric times to where they have lived ever since, and in the absence of any record nobody can tell for sure where they came from and why they moved.

Nothing Mr. Alsop has said invalidates my original statement that China has expanded south and southwestward primarily through its political and cultural superiority and not through conquest. To quote from an article in the Far Eastern Quarterly of February 1942 by Prof. John K. Fairbank, of Harvard, whose knowledge of Chinese history is superior to Mr. Alsop's and mine: "Separated from the West, the Chinese Empire grew by the acculturation of its borders. Its expansion was the expansion of a way of life * * * the Chinese were impressed with one fact: that their superiority was not one of mere material power but of culture.

Gradually but invariably the barbarian in contact with China tended to become Chinese, by this most flattering act reinforcing Chinese conviction of superiority." It is this cultural superiority recognized by all concerned which made it unnecessary for China to conquer her neighbors to the south and southwest. During approximately 2,000 years of her history, China could have conquered any of her neighbors to the south and southwest but did not do so. Throughout her history, China was satisfied with special tributary relationships which left the individuality and autonomy of her neighbors intact.

Mr. Alsop's column is indeed a scandal. It is a flagrant abuse of the freedom of the press, for he uses that freedom as a license to smear, abuse, and misinform. But there is a consolation in that episode, too; for since the real reason for Mr. Alsop's excesses is my opposition to a policy which is likely to lead to war with China or the Soviet Union or both, that small but influential group within our Government, whose spokesman Mr. Alsop has been consistently, must be pretty desperate if they have nothing better to offer in support of their cause than this column of Mr. Alsop's.

H. J. MORGENTHAU,
Center for the Study of American Foreign and Military Policy, University of Chicago.

Mr. CLARK. Mr. President, I am amused at an anecdote Mr. Morgenthau tells at the beginning of his communication, which so clearly shows the limitations of the type of invective customarily displayed by Mr. Alsop. It is about an ignorant peasant in medieval times, who, although he did not understand Latin, used to sit and listen to the disputations of learned men on the philosophical and political problems of the day. He was asked by a friend why, not being able to understand a word the erudite gentlemen were saying, he always sat in on the disputations. He replied, "Because I want to find out who is right." His friend said, "Since you cannot understand a word they say, how do you know who is right?"

"Oh," he said, "I can always tell. Whoever gets angry first is wrong."

Continuing with keen logic, Mr. Morgenthau, to my way of thinking, completely rebuts the unsound position which Mr. Alsop has taken. I leave it to readers of the CONGRESSIONAL RECORD as to whether they think Mr. Alsop or Professor Morgenthau is right. I have no doubt in my own mind as to which one is correct.

Mr. Alsop is reluctantly leaving the Washington scene to go abroad, in order to pursue his inquiry with respect to our foreign policy and, no doubt, to reinforce his own already well publicized views on that subject. As his valedictory before he leaves, he has had published in the Washington Post of this morning a column entitled "American Ferment." I ask unanimous consent that the column be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

MATTER OF FACT: THE AMERICAN FERMENT

(By Joseph Alsop)

This is a bad moment to be leaving Washington. The wisteria is about to blossom; Lyndon B. Johnson is about to pass another miracle; and the new appeasers are about to have another conniption fit.

No one who savors experience can wish to miss these spectacles, with all their delight, wonderment and bizarrerie. The time has come, nonetheless, to go and have another look overseas; and the moment of parting, with all its mingled regrets, also seems a good moment for stocktaking.

Taking stock of the American condition at this juncture is not an easy task. Maybe the best way to begin is to quote an astute observer, Karl E. Meyer, of the Washington Post, who recently summed up his 9 years' experience in Washington on leaving for a new assignment in London. He wrote in that not very pro-American periodical, the British New Statesman and Nation:

"What has impressed me most is the extent to which a cumbersome system of government actually works—not perfectly but surprisingly well. * * * One is continually impressed by popular perception of the broad lines of foreign affairs." And a little later, Meyer sums up:

"Those civic virtues that were tested a century ago—belief in law, the equality of man, and the integrity of the Nation—are more relevant than ever in a disordered world. One feels profoundly that the words of Tom Paine in 1776 retain the force of truth—that 'the cause of America is in great measure the cause of all mankind.' "

To borrow Meyer's words is perhaps self-indulgent. But the temptation is too great when one sees the mainspring of one's own abiding faith, the few and simple ideas that give meaning to life and work, so neatly and concisely summed up by an experienced man who sees life from a greatly different angle of vision.

But if this is really where we stand, you may well ask, what is there to worry about? The answer is that we have entered a new phase of ferment and change, which wants a lot of thinking about and even worry about by all concerned.

For an American who cares about "the cause of America" remaining "the cause of all mankind," the thing to worry about until last election day was the prevalence of a mean, sordid, and backward-looking spirit and frame of mind, that falsely claimed the honorable title of "conservatism." With a strong assist from Senator Barry Goldwater, the pendulum has now swung so far, however, that we are in a quite new phase.

In this new phase, the loudest noises are coming from the left, and since noise on the left always means change, the new phase, if we have any luck at all, should be more creative than its predecessor. Some of the noises are a bit disconcerting, all the same, because the new American left has recently been developing some tendencies that may later seem almost as regrettable as the boobish party-lining of the thirties.

There is, first of all, the tendency to want the United States to go out of business as a great power. This program, generally presented as fitting our commitments to our capabilities, is nowadays presented as noble, progressive, and highminded.

It is bolstered by long expositions of Asian problems by persons who have never been there, or, if there, have never bothered to read Asian history.

This sort of thing, with its implied inattention to hard facts, is much too like the kind of leftwing thought about foreign affairs that made trouble once before. It is time to remember that earlier trouble, and it is also time to remember that the shadow of Nazi tyranny was not lifted from the world because the United States went out of business as a great power.

The breast beating and fact ignoring about foreign problems is perhaps linked to the other leftwing tendency which is beginning to be worrying. Besides valuing slogans for slogans sake, the new left seems to value emotions for emotions' sake. On any subject, if your feelings are noble, "engaged" and favorable to the common man, that seems to be good enough nowadays.

But it is never good enough. Great social questions at home, like great problems of foreign policy abroad, can only be solved by tedious examination of the practical facts. Something is beginning to be done about poverty, not because people were emotional about it, but because Michael Harrington and Dwight MacDonald were factual about it.

There are many other fronts on which we should be moving forward at home, just as there are many other problems besides Vietnam abroad. But bluebooks, not protest marches, are the best means of forward movement in most cases. Facts are the grand stimuli which make our "cumbersome system of Government actually work."

Mr. CLARK. In the course of his column, Mr. Alsop suggests that certain citizens, whom he describes as being on the left and making the loudest noise, are developing some tendencies that may later seem almost as regrettable as what, with a slip from his usually impeccable Harvard English, he refers to as the "Boobish party lining of the 1930's."

Mr. Alsop suggests that some of these people are on what he calls the left. I do not know whether I am left, center, or right. However, I happen to believe in the point of view which Mr. Alsop was criticizing. He suggests that there is a tendency to want the United States to go out of business as a great power.

This program, generally presented as fitting our commitments to our capabilities, is nowadays presented as noble, progressive, and high minded, he says.

I do not know of anyone in the United States who wants the U.S. Government to go out of business as a great power. I do not think that Mr. Alsop could document his charge in any way whatever.

There are some of us who do not want the United States to escalate the war in South Vietnam to the point at which we would find ourselves opposed by a united China and Russia and confronted with World War III on a nuclear basis. That would be a course, in my judgment, to which the opinions of Mr. Alsop, if adopted—and I am confident they will not be—would almost certainly lead us.

Mr. Alsop then says that these expositions on Asian problems are by persons who have never been there, or, if they have, the individuals writing them have never bothered to read any Asian history.

Mr. Morgenthau, incidentally, has been in Asia. He has read deeply about Asian problems. In my opinion, he knows far more about them than does Mr. Alsop.

Mr. Alsop then suggests that the trouble with anyone who does not agree with him is that they are not interested in the facts. I suggest with all humility that some of us who disagree with Mr. Alsop have paid a good deal more attention to the facts than he. He suggests that blue books and not protest marches are the best means of forwarding the movement in both cases. The facts are the grand stimuli, he says, which make our cumbersome system of government actually work.

I quite agree. Those of us who have been critical of the Goldwater program and the Dulles program thought we were dealing with facts. We thought that we were persuading an overwhelming majority of the American people to agree with us that the facts were on the side of the Democratic Party and its candidates for Congress, the Vice-Presidency, and the Presidency of the United States.

I think we were. I hope that in due course the President and the Secretary of State, whom I say again that I support, will take another look at the course on which they are headed, repudiate the policy of John Foster Dulles and Barry Goldwater and Joseph Alsop, and return to those sound principles which were the basis of the President's campaign for election and the heritage he received upon his succession to the Presidency after the tragic assassination of President Kennedy.

I appeal, too, for a calm consideration of the facts—facts which have been well laid out for all to see, by columnists, and, if I may say so, by Senators and Representatives, with far more objectivity and far less emotion than Mr. Alsop displays.

I refer to Mr. Morgenthau's communication which I have just requested to have printed in the Record, for a complete demolition of Mr. Alsop's alleged erudition on the subject of Asian history. It is true that Mr. Alsop has read much Asian history. It is true that for a while during World War II he was in China and served as the aide-de-camp to General Claire L. Chennault. He also served in other capacities, and, very much to his credit, he was a brave and loyal soldier.

I suspect that Mr. Alsop's reading of history brings him out with an unsound judgment and misapprehension of what the history of Asia is. This has been pretty well established by Mr. Morgenthau in the article which I have just introduced.

In the long, hard, and anxious days which lie ahead, I have every confidence that the President of the United States will lead us into the paths of peace and to a return to negotiated diplomacy and a rejection of military dominance in the conduct of our foreign affairs.

Mr. President, I yield the floor.

ADDITIONAL ASSISTANCE FOR AREAS SUFFERING A MAJOR DISASTER

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a bill to provide for additional assistance for areas suffering a major disaster and I ask unanimous consent that the bill be printed in the Record, and that it be held at the desk until next Tuesday, May 4, so that other Senators who may wish to do so may cosponsor it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record, and held at the desk, as requested by the Senator from Indiana.

The bill (S. 1861) to provide additional assistance for areas suffering a major disaster, introduced by Mr. Bayh (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

By Mr. BAYH (for himself, Mr. Bartlett, Mr. Burdick, Mr. Dirksen, Mr. Douglas, Mr. Gruening, Mr. Hart, Mr. Hartke, Mr. Inouye, Mr. Kennedy of Massachusetts, Mr. Lausche, Mr. Long of Missouri, Mr. Magnuson, Mr. Mansfield, Mr. McCarthy, Mr. McNamara, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Morse, Mr. Nelson, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Smathers, Mr. Symington, Mr. Tydings, Mr. Young of Ohio.)

S. 1861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act of 1965".

DEFINITIONS

Sec. 2. As used in this Act, the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g).

FEDERAL LOAN ADJUSTMENTS

Sec. 3. (a) The Secretary of Agriculture is authorized to refinance a borrower's indebtedness under programs administered by the Farmers Home Administration where he finds such refinancing necessary because of property losses sustained by such borrower as a result of a major disaster. Any loan so refinanced may provide for the repair or construction of structures and for the purchase of building sites when the original sites cannot be utilized as a result of such disaster. The interest rate on any loan refinanced under this subsection may be reduced to a rate not less than 3 per centum per annum, and the term thereof may be extended for such period as will provide a maturity of not to exceed forty years: *Provided,* That the Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

(b) The Secretary of Agriculture is authorized to refinance a borrower's indebtedness under programs administered by the Rural Electrification Administration, where he finds such refinancing necessary because of loss, destruction, or damage of property resulting from a major disaster. The term of such loan may be extended for such period as will provide a maturity of not to exceed forty years: *Provided,* That the Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

(c) The Housing and Home Finance Administrator is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Housing and Home Finance Agency, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage to property or facilities securing such obligations as a result of a major disaster. The interest rate on any note or other obligation refinanced under this subsection may be reduced to a rate not less than 3 per centum per annum, and the term thereof may be extended for such period as will provide a maturity of not to exceed forty years: *Provided,* That the Administrator may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

(d) The Administrator of Veterans' Affairs is authorized to refinance any loan made by the Veterans' Administration where he finds such refinancing necessary because of the loss, destruction, or damage to property securing such loan as the result of a major disaster. The interest rate on any loan refinanced under this subsection may be reduced to a rate not less than 3 per centum per annum, and the term thereof may be extended for such period as will provide a maturity of not to exceed forty years: *Provided,* That the Administrator may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

(e) Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), for the purpose of replacing, reconstructing, or repairing dwellings damaged or destroyed as a result of a major disaster may have a maturity of not to exceed forty years: *Provided,* That the Administrator of the Small Business Administration may authorize a suspension in the payment of principal and interest charges on, and an extension in the maturity of, any such loan for a period not to exceed five years, if he determines that such action is necessary to avoid sever financial hardship. The provisions of section 7(c) of such Act shall not be applicable to any such loans which have a maturity in excess of thirty years.

(f) The Administrator of the Small Business Administration may authorize for a period not to exceed five years a suspension in the payment of principal and interest charges on, and an extension in the maturity of, any loan made to small business concerns pursuant to section 636(a) of the Small Business Act, as amended (15 U.S.C. 636(a)), if he determines that such action is necessary to avoid severe financial hardship resulting from loss or damage incurred by a major disaster.

(g) Such sums as may be necessary to carry out the provisions of this section are hereby authorized to be appropriated.

REFINANCING OF OUTSTANDING MORTGAGE OBLIGATIONS

Sec. 4. (a) For the purpose of enabling any State which has suffered a major disaster to refinance outstanding home mortgage obligations or other real property liens which are not insured or guaranteed by any Federal agency and which are secured by one- to four-family homes which have been severely damaged or destroyed by such disaster, the President is authorized, upon application, to make matching grants to such State on a 75 per centum Federal—25 per centum State participating basis, any funds provided by such State to pay the costs of refinancing such mortgage obligations or real property liens.

(b) Any application for a grant under this section shall—

(1) be in accordance wtih a plan submitted by the State, to be approved by the President, for the implementation of the purpose of this section;

(2) designate the State agency for carrying out the plan;

(3) provide assurances that any loan made for the purpose of refinancing any mortgage obligation, or other real estate lien, shall have a maturity of not to exceed forty years and bear interest at a rate not to exceed 3 per centum per annum: *Provided,* That the State agency may authorize a suspension in

the payment of principal and interest charges on, and an extension of the maturity of, any such loan for a period not to exceed five years, if it determines that such action is necessary to avoid severe financial hardship;

(4) specify that no loan for refinancing the outstanding debt secured by any single property shall exceed $30,000;

(5) provide assurances that equitable treatment will be accorded to all eligible property owners; and

(6) set forth such further information as the President may by regulation require.

(c) The President shall prescribe such rules and regulations as he deems necessary for the effective administration of this section, and to prevent the waste or dissipation of Federal funds.

(d) Each State receiving assistance under this section shall, through its designated State agency, make such reports as the President may require, and each such agency shall, upon request of the President, make available its books and records for audit and examination.

(e) The President may exercise the powers conferred upon him by this section either directly or through such Federal agency as he may designate.

(f) Such sums as may be necessary to carry out the purposes of this section are hereby authorized to be appropriated.

SHELTER FOR DISASTER VICTIMS

SEC. 5. (a) The President is authorized to provide dwelling accommodations for any individual or family whenever he determines—

(1) that such individual or family occupied a house (as an owner or tenant) which was destroyed, or damaged to such an extent that it is uninhabitable, as the result of a major disaster; and

(2) that such action is neccessary to avoid severe hardship on the part of such individual family; and

(3) that such owner or tenant cannot otherwise provide suitable dwelling accommodations for himself and/or his family.

(b) Such dwelling accomodations, including mobile homes, as may be necessary to meet the need, shall be provided through acquisition, acquisition and rehabilitation, or lease. Dwelling accomodations in such housing shall be made available to any such individual or family for such period as may be necessary to enable the individual or family to find other decent, safe, and sanitary housing which is within his or its ability to finance. Rentals shall be established for such accomodations, under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be compromised or adjusted for a period not to exceed twelve months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense related to the amortization of debt owing on a house destroyed or damaged in a disaster) which is in excess of 25 per centum of the individual's or family's monthly income.

(c) In the performance of, and with respect to, the powers and duties conferred upon him by this section, the President may—

(1) prescribe such rules and regulations as he deems necessary to carry out the purposes of this section;

(2) exercise such powers and duties either directly or through such Federal agency or agencies as he may designate;

(3) sell or exchange at public or private sale, or lease, any real property acquired or constructed under this section;

(4) obtain insurance against loss in connection with any such real property;

(5) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any such real property; and

(6) include in any contract or instrument made pursuant to this section, such conditions and provisions as he deems necessary to assure that the purposes of this section will be achieved.

(d) Such sums as may be necessary to carry out the provisions of this section are hereby authorized to be appropriated.

FHA INSURED DISASTER LOANS

SEC. 6. (a) Section 203(h) of the National Housing Act is amended to read as follows:

"(h)(1) Notwithstanding any other provision of this section, the Commissioner is authorized to insure and to make commitments to insure any mortgage secured by a property upon which there is located a dwelling designed principally for a single-family residence, where the mortgagor is the owner and occupant and establishes (to the satisfaction of the Commissioner) that his house which he occupied as an owner or as a tenant was destroyed or damaged to such an extent that reconstruction or replacement is required as a result of a natural disaster determined by the President to be a major disaster pursuant to the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g).

"(2) To be eligible for insurance under this section, a mortgage shall—

"(A) not exceed $20,000; and

"(B) not exceed (i) 100 per centum of the appraised value of the property, or (ii) the sum of the estimated cost of restoring the property and the Commissioner's estimate of the value of the property before restoration: *Provided*, That in no case involving refinancing shall such mortgage exceed the estimated cost of restoring the property and the amount (as determined by the Commissioner) required to refinance existing indebtedness secured by the property;

"(C) bear interest (exclusive of premium charges for insurance and service charge, if any) at not less than the annual rate of interest determined, from time to time by the Secretary of the Treasury at the request of the Commissioner, by estimating the average market yield to maturity on all outstanding marketable obligations of the United States, and by adjusting such yield to the nearest one-eighth of 1 per centum; and

"(D) provide for complete amortization by periodic payments within such terms as the Commissioner may prescribe, but not to exceed 40 years from the beginning of the amortization of the mortgage.

"(3) The property covered by any mortgage insured under this subsection shall comply with such standards and conditions as the Commissioner may prescribe (having due regard to the purposes sought to be achieved by this subsection) to establish the acceptability of such property for mortgage insurance."

(b) Section 305 of such Act is amended by adding at the end thereof a new subsection as follows:

"(i) Notwithstanding any other provision of this Act, the Association is authorized to make commitments to purchase and to purchase, service, or sell, any mortgage which is insured under section 203(h) of this Act: *Provided*, That the total amount of purchases and commitments authorized by this subsection shall not exceed $———."

(c) Section 221 of such Act is amended by striking out "or as a result of governmental actions", in subsections (a) and (f), and inserting in lieu thereof ", as a result of governmental action, or as a result of a major disaster as determined by the President pursuant to the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g)".

EXTENSION OF TIME FOR COMPLIANCE WITH PROGRAMS ADMINISTERED BY DEPARTMENT OF AGRICULTURE

SEC. 7. The Secretary of Agriculture is authorized in the case of any farmer in any area which has suffered a major disaster to reopen or extend, under such terms and conditions as he may prescribe, the period prescribed for participating in any program being administered by the Department of Agriculture, if the Secretary determines that (1) such action is necessary to help such farmer avoid severe financial hardship which has or will likely result from such major disaster, (2) such farmer would have been eligible to participate in such program if he had made timely application for participation therein, and (3) such action is feasible and will not materially defeat the purpose of such program.

DISASTER WARNINGS

SEC. 8. (a) The Secretary of Defense is authorized to utilize the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c)), for the purpose of providing needed warning to governmental authorities and the civilian population in areas endangered by imminent natural disasters.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (a).

ASSISTANCE TO UNINCORPORATED COMMUNITIES

SEC. 9. The Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855), is amended by inserting before the semicolon at the end of section 2(e) a comma and by adding the following: "and includes any rural community or unincorporated town or village with respect to which the head of the Federal agency concerned determines that (1) there is a need for assistance under this Act, (2) the furnishing of such assistance is feasible, and (3) it will be effectively utilized".

Section 306 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926) is amended by adding the following new subsection (c): "In areas which have suffered major disasters the Secretary is authorized, without regard to the limitations of subsections (a) or (b), to make or insure loans to associations, including corporations not operated for profit and public and quasi-public agencies, for the acquisition, construction, improvement, or extension of waste disposal systems and other public facilities providing for community services in rural areas, when the Secretary determines that such action is necessary for the rebuilding of a community or a portion thereof damaged by a disaster. The Secretary is also authorized to make construction grants not to exceed 50 per centum of the cost of waste disposal systems and other public facilities providing for community services in these areas in any case in which repayment of a loan for such purposes from income would require a charge for such service beyond the ability of a majority of the users who might be served thereby to pay such charges and if such charge would exceed 150 per centum of the average cost for such services in comparable communities in the State.

ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE IN DISASTER AREAS

SEC. 10. (a) The Act of September 23, 1950, Public Law 815, Eighty-first Congress, as amended (20 U.S.C. 631–645), is amended by inserting, immediately after section 15 of that Act the following new section:

"SCHOOL CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

"SEC. 16. (a) If the Commissioner determines with respect to any local educational agency that—

"(1)(A) such agency is located in whole or in part within an area which has suffered a major disaster, as determined by the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), and

"(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe;

"(2) public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of this major disaster;

"(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the replacement or restoration of such school facilities; and

"(4) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance on such school facilities, to provide the minimum school facilities needed for the restoration or replacement of the school facilities so destroyed or seriously damaged,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which the Commissioner determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster.

"(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6(b)(1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

"(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6(b)(1), shall apply with respect to this section."

(b) The Act of September 30, 1950, Public Law 874, Eighty-first Congress, as amended, is amended by inserting, immediately after section 303 of that Act, the following new section:

"ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN MAJOR DISASTER AREAS

"SEC. 304. (a) If the Commissioner determines with respect to any local educational agency that—

"(1)(A) such agency is located in whole or in part within an area which has suffered a major disaster, as determined by the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), and

"(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe; and

"(a) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance, but as a result of such major disaster it is unable to secure sufficient funds to meet the cost of providing free public education for the children attending the schools of such agency,

he may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five fiscal year period beginning with the fiscal year in which the President has determined that such area suffered a major disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determined to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency during the last full fiscal year prior to the occurrence of such major disaster. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which the President determined that such area has suffered a major disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

"(b) In addition to and apart from the funds provided under subsection (a), the Commissioner is authorized to provide to such agency an amount which he determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such major disaster, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the major disaster.

"(c) There is hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act, such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

"(e) Amounts paid by the Commissioner to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States."

HIGHWAY ASSISTANCE IN DISASTER AREAS

SEC. 11. (a) Section 120(f) of title 23 of the United States Code, relating to the Federal share in emergency highway relief, is amended by inserting before the period at the end of the first sentence a colon and the following: "*And provided further,* That the Federal share payable on account of any repair or reconstruction of any Federal-aid highway necessitated by a major disaster, as determined by the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a (a)), shall be 100 per centum of the cost thereof."

(b) Section 125 of title 23 of the United States Code, relating to emergency highway relief, is amended by striking out the second sentence and inserting in lieu thereof "There is authorized to be appropriated not to exceed $——— for the fiscal year ending June 30, 1965, and not to exceed $——— for each fiscal year thereafter for the purposes of such fund."

REIMBURSEMENT FOR NECESSARY EMERGENCY FLOOD PROTECTION

SEC. 12. In the case of any individual, partnership, corporation, or other entity, which has requested proper local governmental authorities to provide protection against flooding in major disaster areas, and which has incurred emergency expenditures for the purpose of preventing damage from such flooding, and which expenditures were necessitated by the inability or failure of local governmental authorities to provide such protection, the Office of Emergency Planning is authorized, upon certification by proper local governmental authorities that such protection would have been provided except for contingencies caused by the emergency, to reimburse such individual, partnership, corporation or other entity not to exceed 50 per centum of the total cost expended for such protection against flooding.

Mr. BAYH. Mr. President, within the past 12 months, various sections of our Nation have experienced enormous losses of life and property as a result of earthquakes, tidal waves, floods, hurricanes, tornadoes, and other natural disasters.

In March of 1964, the State of Alaska was devastated by an earthquake. Yesterday, barely a year later, an earthquake—fortunately not as severe as the Alaska earthquake—struck the State of Washington. Between these two events there have been disasters of varying magnitude in nearly all corners of our Nation.

On Palm Sunday, tornadoes ravaged Indiana and portions of Michigan, Illinois, and Ohio. On the heels of this terrible storm came flood-waters in Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

I wish I were able to predict with certainty that there would be no other disaster. However, that would be folly. It would be folly even to attempt to predict the scope of future disasters, for although estimates of the damages of the recent storms to which I have referred are still being made, it seems clear that total damages in the Midwestern States will be of such magnitude as to be recorded as one of the worst calamities from natural causes to strike our Nation in the last 50 years.

When we consider the period starting with the Alaskan earthquake and ending with the Washington earthquake of only a few hours ago, it is difficult to remember when so much destruction befell so broad an area of our country in so short a period of time.

The present law generally provides adequate assistance from the Federal Government to our States and our communities regarding public property losses.

In speaking for myself and some twoscore of my colleagues, there is a great and immediate need to expand existing law so the Government may provide assistance to individual citizens in the declared disaster areas who lose their homes, businesses, farm buildings, and other general property.

In thousands of cases, individuals in disaster areas lose everything except their mortgage obligations which they had on the property which no longer exists. Many have the painful choice of facing a future of almost insurmountable financial hardship, or permitting foreclosure on their property.

Immediately after the tornado struck across northern Indiana, I joined my senior colleague and members of the congressional delegation from Indiana, with the President of the United States, in visiting some of the disaster areas. A few days later I returned for a more specific tour of the entire tornado disaster area.

The President was obviously stunned by what he saw. The Governor of Indiana, Mr. Roger D. Branigin, said that it looked like photographs he had seen of Hiroshima after that city had been struck by an atomic bomb.

What all of us saw was a scene of total destruction. It was as if some senseless giant hand had smashed down and flattened everything beneath it. Homes, schools, hospitals, and churches were splintered as if they had been constructed of match sticks rather than of brick, mortar, and steel.

The hospitals were filled with the suffering. In one place I had the unfortunate opportunity to visit, a father who had lost a leg in the storm was wheeling himself along a corridor to tell his injured 10-year-old daughter that her mother had just died. Their 15-year-old son was in the hospital. One family of five members was swept half a mile to be dashed to death in a matter of seconds.

Similar tales could be told again and again. The nurse who was attending the man to whom I have referred had lost her husband and did not know whether her young son was going to survive his injuries. But she said to me, as I recall, "We must go on. We must do what we can."

That is what the people of Indiana have been doing, as have other areas affected by the disaster.

Upon comparing the progress that had been made between the time the President visited in northern Indiana and the second visit I made, the progress that the people had made to restore the damage, despite some insurmountable obstacles, was almost unbelievable.

Mr. President, there is no way that we can restore the lives of the 134 persons who perished in Indiana's tornadoes. We cannot relieve the grief and suffering over the loss of their loved ones. There is no way we can ease the pain of those who were injured.

I have never seen anything like it. Some of the effects looked like the result of bombardments. Straw, wood, and broken glass struck with the force of a bombardment.

It seems to me, in spite of our inability to deal with the losses or the pain, there is much we can do for those whose future is made all the more bleak in Indiana and other disaster stricken States by the fact that they must look forward to a future of financial hardship.

Many of those who have lost their homes and property were covered by insurance—but only partially. In the disaster-prone areas, the cost of disaster insurance is prohibitive to many. Some can borrow, but at best this would mean a new mortgage in addition to the one they must yet pay on homes or business establishments that, in numerous cases, no longer exist. Many who were formerly in a position to borrow through normal financial channels lost most of their collateral with which to obtain private loans.

I am convinced that recent disasters make it abundantly clear that there is a great and pressing need for legislation to provide equitable relief for losses incurred by individual citizens, farmers, and businessmen who have been struck by disaster.

Mr. President, since Palm Sunday, a series of meetings has been conducted by Midwestern Senators or Representatives from the States that were affected. Fifteen of those Senators and 12 Senators from other areas of the country have joined to introduce today a comprehensive bill designed not only to provide relief in disaster areas, but also to look into inequities which presently exist in the public sector.

None of us contends that this bill would meet every need of every individual in a disaster area. Nor do we suggest that the bill cannot be strengthened, improved, or refined. But, I emphasize, we agree that the bill points the way toward adoption of much-needed legislation. It matters not to any of us which procedures are followed to secure consideration and passage of legislation for additional disaster relief. The important thing is results. The important thing is swift action so that relief may be provided for citizens who, despite the calamities that have befallen them, have retained their hope, their faith, and their will to surmount adversity.

Briefly referring to the general subjects covered in the bill, let me summarize very quickly. We are giving additional authority to agents of the Federal Government which now have authority to loan money to refinance on more liberal terms if an area is struck by disaster, terms which would range for as long as 40 years, with interest rates as low as 3 percent. In addition, we give discretion to the Administrator by which interest and principle in certain cases of severe hardship could be waived for as long as 5 years, with the understanding that the same payment would be tagged onto the end of the existing agreement.

The Small Business Administration is given additional authority to have this moratorium applied to business loans which it previously made.

We also provide for a disaster fund for non-Federal insured loans—those loans which are not insured by the agencies previously referred to—the Farmers Home Administration, the Housing and Home Finance Agency, the Veterans' Administration, and the Small Business Administration—to enable some relief to be given where loss of property financed by this type of loan is involved.

We suggest that this fund be made up on a matching basis, 75 percent to be contributed by the Federal Government, and 25 percent to be contributed by the State, to assure that there will be State participation and initiative. Relief would be granted with respect to such loans in similar fashion as those insured by the Federal Government.

This is extremely important as I look at those who are in need. There should be provision for adequate housing facilities for these victims, who presently are without any homes, and who are living in mangers, or in the back ends of churches, or other such places.

It has been brought to my attention that vacant houses exist in some communities where a part has been struck by tornadoes. We provide that the Federal Government, in the event of disaster may rent, or, if necessary, buy, with the intention of subsequently renting, such empty houses to provide temporary emergency housing facilities for victims of the disaster. We provide that the rates of rental for the facilities should be based on those similar to the public housing law; namely, on ability of the individual to pay. In certain hardship cases, we provide that the Administrator of such law would have discretion to waive any rental whatsoever for a period not to exceed 1 year. We give the FHA more authority and additional funding power to insure new loans necessary to rebuild in disaster areas.

We urge the Secretary of Agriculture to reopen or extend the time limitation which exists for citizens to sign up and participate in the various farm programs, feeling that this would be a great help in the areas involved. We ask the Secretary of Defense and the Director of Civil Defense to utilize the existing communication systems of civil defense to warn governmental authorities and individuals of impending natural disasters, just as the structures which are presently constructed would warn of impending military disaster.

We provide that in the event of disaster, unincorporated communities, rural communities, or small towns may take advantage of certain Federal programs to build community facilities and provide for as much as a 50 percent grant on the part of the Federal Government in certain hardship cases.

I compliment the Presiding Officer, the junior Senator from New Mexico [Mr. MONTOYA], for taking the lead in this field to provide the same kind of facility to people all over the country in the event there is no disaster.

I hope that the distinguished junior Senator from New Mexico will permit me to join him in this measure, which is not confined to disasters. I believe that it is much needed. I also feel that in the interim we should provide this measure at the minimum to small communities affected by disaster.

We provide for additional relief in the event of the destruction of schools. Funds are now available under the auspices of OEP for minimum amounts of reconstruction if a school is blown away. Equipment within the school and school books blown away cannot be financed by grant from the Federal Government. We all know that equipment and school books are as important as the building itself. Also, some additional funds for the maintenance and operation of schools in hardship cases, in the event of disaster.

Finally, we ask that Congress take another hard look at the validity of the present disaster program in the area of highways.

The present disaster provision provides that if a Federal-State highway is destroyed in a disaster, the Federal Government will participate in its reconstrucion to the same percent it contributed to its construction—that is, the A-B-C kind of highway. This means that in most highways of this kind there is a 50–50 matching agreement. The State would therefore be required to match dollar for dollar each dollar which the Federal Government would provide for the reconstruction of the highway.

On the surface, this sounds just, until we realize that in a time of national emergency or local disaster, all available State funds are required to rebuild local and State roads, bridges, and highways which have been swept away by the same disaster that destroyed the Federal-State highway facility.

We suggest in our measure that more equitable treatment would be provided if the Federal Government would bear the cost of replacement in toto, so that total State funds could then be used to restore State and local facilities which have been destroyed.

I hope that the committee, and subsequently Congress, will give this subject thorough consideration. I feel that the time has come to review the provisions of the disaster legislation. It is unfortunate that it requires a series of tragedies to arouse sufficient congressional interest.

Let us take advantage of this horrible opportunity—if I may describe it that way—to rectify the shortcomings which exist in the present disaster law, so that those who are struck by disaster, unannounced, unaware, dispossessed of all that they own, and caused to suffer great loss in property and pain and suffering otherwise, may be given the opportunity better to help themselves to restoration.

Let me close with one comment: This morning, I consulted with the distinguished Senator from Alaska [Mr. GRUENING], with reference to a letter which he had written, before cosponsoring the bill, in which he pointed out that he felt the least we should do—when we deal with earthquakes and disasters in faraway countries, such as we have in Chile on a grant basis at three-quarters of 1 percent interest—is to do something more to liberalize the treatment which the citizens of this country receive, in the event a disaster should befall them.

Mr. President, I yield the floor.

MIDDLE WEST FLOODS AND PACIFIC NORTHWEST QUAKE ONCE AGAIN DEMONSTRATE THE NEED FOR FEDERAL DISASTER LEGISLATION

Mr. BARTLETT. Mr. President, I have recently returned from my State of Alaska. There I found the most profound sympathy for the plight of the people of the Middle Western States currently being victimized by massive Mississippi River system flooding.

The people of my State are familiar with natural disasters. Floods and earthquakes have long been phenomena with which Alaskans have had to live.

As in the case of the west coast floods of December and January last, this most recent news together with news of a severe earth tremor in the Pacific Northwest demonstrates the urgent need for some more comprehensive national disaster legislation. Once again, as happened in the case of Alaska last spring and in the case of California, Oregon, Washington, and Idaho this last winter, Senators and Congressmen from the affected disaster stricken areas have had to put together emergency legislation and press it through the congressional grist mills. It is inevitable that such hastily drafted legislation will be found to have both technical and practical defects.

On March 18, I addressed the Senate on the subject of the lessons learned from the great Alaska earthquake. I pointed out that the Federal Reconstruction and Development Planning Commission for Alaska, headed by the distinguished senior Senator from New Mexico [Mr. ANDERSON], had, at the conclusion of its work, made certain recommendations for improvement of the ability of the Federal Government to respond to disaster.

These included, among others, recommendations for revision of Public Law 81–875, the Federal Disaster Act. In my remarks on March 18, I reported that a three-part study by the Office of Emergency Planning of ways in which the Public Law 81–875 could be improved was currently going on. And I told the Senate that my contacts with the Office of Emergency Planning indicated that the Senate could, in the relatively near future, expect some recommendations from the President for improvements.

Now we have another disaster which, without the promised improvements in Public Law 81–875 and the much-needed review of related statutes, must once again be handled by special legislation. In the same week that the Senate passed S. 327, the omnibus disaster bill dealing with winter floods in Oregon, Washington, California, and Idaho, the junior Senator from Minnesota [Mr. MONDALE] for himself and the senior Senator from Minnesota [Mr. MCCARTHY] introduced an omnibus disaster bill (S. 1793) to cover the current flood disaster in the upper Midwest. The following day the senior Senator from Wisconsin [Mr. PROXMIRE] for himself and the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. MONDALE], the Senator from Iowa [Mr. MILLER], the Senator from Wisconsin [Mr. NELSON], and the Senator from Missouri [Mr. LONG], introduced a bill (S. 1795) to provide special disaster relief to certain persons covered by the Consolidated Farmers Home Administration Act of 1961. Immediately thereafter, for himself and the Senator from Illinois [Mr. DOUGLAS], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. MONDALE], the Senator from Missouri [Mr. LONG], and the Senator from Wisconsin [Mr. MCCARTHY], the Senator from Wisconsin [Mr. PROXMIRE] introduced legislation—S. 1796—to amend the Small Business Act so as to provide additional assistance for disaster victims.

Not being unfamiliar with existing Federal disaster legislation, Mr. President, I understand with some intimacy the problems for which my colleagues are now trying to find solutions. I support their legislative proposals with enthusiasm for I know how absolutely necessary Federal assistance is to the victims of major natural disasters. As in the case of the Alaska omnibus bill—S. 2881—of last spring, Mr. President, and as in the case of the west coast disaster bill of this year—S. 327—these legislative proposals must be passed by the Congress in order that thousands of individual disaster victims and scores of flooded communities may be assisted in their efforts to rebuild and redevelop.

At the same time, Mr. President, I again point out that such stopgap legislation, however necessary at the time, only demonstrates the need for major amendments to existing Federal legislation.

More than just a revision of Public Law 81–875 is necessary. Amendments are needed to Farmers Home Administration legislation, Rural Electrification Administration legislation, Housing and

Home Finance Administration legislation, Veterans' Administration legislation, the Small Business Act, Federal Housing Administration legislation, Department of Agriculture legislation, Federal aid highways legislation, and civil defense legislation.

For this reason I have joined with other Senators in sponsoring the proposal of the junior Senator from Indiana [Mr. BAYH] for legislation in all of these areas.

As Senator BAYH's proposals are considered by the Congress, let us hope that we will have the comments of the affected executive agencies in order that we may have the benefit of their experience in administering existing natural disaster legislation. I know that the sponsors of S. 1861 will welcome suggestions for altering their proposals.

The liberal terms of the Alaska earthquake and the west coast flood disaster legislation have twice been approved by this body. Most of their terms appear in the pending Midwest flood disaster legislation. The experience of those who have drafted these stopgap measures have been utilized by those who drafted the bill.

This great Nation can no longer afford to wait until disaster strikes before granting to executive agencies authority to deal with the multitude of problems which every natural disaster presents. They must have authority on a continuing basis. This bill will grant them on a permanent basis what we have so often given them on a temporary, limited basis.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. FULBRIGHT. Mr. President, I wish to call up my amendment which has been sent to the desk, a substitute for Amendment No. 115, which the senior Senator from Arkansas [Mr. McCLELLAN] and I jointly sponsor.

The **PRESIDING OFFICER.** The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. At the end of the bill, insert the following:

> SEC. 17. No examiners shall be appointed pursuant to section 6 as a result of a determination made pursuant to clause (3) of section 4(b) until thirty days prior to the first primary election or general election in calendar year 1966, within the territory of any State which has adopted any amendment to its State constitution, or enacted any law, subsequent to November 1, 1964, and prior to March 1, 1965, under which all persons desiring to vote in any election held in such State are required to reregister.

Mr. FULBRIGHT. Mr. President, this amendment is straightforward and simple. I shall be brief in describing it to the Senate.

Before I outline the amendment and the peculiar circumstances which prompt me to offer it, I should like to make some brief observations about the general subject of Negro voting rights in Arkansas.

The U.S. Commission on Civil Rights has repeatedly noted in its reports that there has been no discriminatory application of voting laws in Arkansas. The 1961 Civil Rights Commission report on voting contains this statement:

> The absence of complaints to the Commission, actions by the Department of Justice, private litigation, or other indications of discriminaton, have led the Commission to conclude that, with the possible exception of a deterrent effect of the poll tax—which does not appear generally to be discriminatory upon the basis of race or color—Negroes now appear to encounter no significant racially motivated impediments to voting in 4 of the 12 Southern States: Arkansas, Oklahoma, Texas, and Virginia.

The Commission's 1963 report makes no mention of Arkansas in its discussion of voting rights.

To confirm that there has been no change in the Commission's evaluation of Arkansas so far as Negro voting is concerned, I wrote to the Chairman of the Commission on April 8, 1965. On April 16 I received a reply from Mr. William L. Taylor, Staff Director-designate of the U.S. Commission on Civil Rights. Mr. Taylor's letter deals with some matters extraneous to the issue of voting rights, but it is pertinent in part. I would like to quote one passage from his letter:

> As you noted, the Commission's 1961 report concluded that there was no evidence of discrimination in Arkansas voter registration and that this finding was confirmed by the omission of Arkansas from consideration in the Commission's 1963 report. You inquired whether any subsequent developments have required the Commission to change this evaluation. There has been no change.

Mr. President, I ask unanimous consent that the entire text of Mr. Taylor's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> U.S. COMMISSION ON CIVIL RIGHTS,
> *Washington, D.C., April 16, 1965.*
>
> Hon. J. W. FULBRIGHT,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR FULBRIGHT: I am writing in response to your letter of April 8, 1965, to John A Hannah, Chairman of this Commission.
>
> As you noted, the Commission's 1961 report concluded that there was no evidence of discrimination in Arkansas voter registration and that this finding was confirmed by the omission of Arkansas from consideration in the Commission's 1963 report. You inquired whether any subsequent developments have required the Commission to change this evaluation.
>
> There has been no change. We have recently sought additional information on this question, both from members of our State advisory committee and from civil rights organizations within the State. These sources advise that there is no evidence of discriminatory conduct by registration officials or by law enforcement officials directed at applicants for registration. We have, however, received a complaint alleging that in November 1964 an attack by white citizens against a civil rights worker at a polling place in Lincoln County was not prevented by the sheriff who was present. This complaint has been referred to the Department of Justice for investigation and no report has yet been received. A second complaint, received by us in April 1964, alleged that two civil rights workers in Lincoln County were arrested on allegedly false traffic charges. This allegation was investigated by the FBI. The Department of Justice determined that there had been no violation of Federal law.
>
> While these incidents, if the allegations are true, may suggest the existence of official and private resistance to efforts within these counties to improve the Negroes' status, we do not believe they indicate the existence of discriminatory application of registration or voting laws.
>
> Sincerely yours,
> WILLIAM L. TAYLOR,
> *Staff Director-Designate.*

Mr. FULBRIGHT. Mr. President, I am proud to say that I know of no instance in which a Negro has experienced any difficulty in paying a poll tax, which until last November was the sole means of registration in Arkansas.

Registration and voting statistics released by the Civil Rights Commission on March 19, 1965, indicate that in 1963, when there were no statewide elections, 77,714 Negroes or 40.3 percent of the Negroes of voting age population held poll taxes in Arkansas out of a total of 633,658 registered voters. The Civil Rights Commission report makes note of the fact that its figures are well over a year old but that in the election of 1964 the total number of people eligible to vote had risen to 717,537. I was personally active in the campaign last fall, and I can say from experience that a substantial number of the new voters who comprise this increase are Negroes.

These comments are not immediately relevant to my amendment, but I do not wish to leave the impression that I now seek exemption for my State because of any discriminatory practices at the State or local level.

The voting rights bill which was referred by the Senate to the Judiciary Committee did not cover Arkansas inasmuch as my State has no literacy test or other device which would bring us under clauses 1 and 2 of section 4(b). The second substitute, which is now before the Senate, contains an additional clause providing for the appointment of Federal examiners in States or their political subdivisions where "the total number of persons of any race or color who are registered to vote in any State or political subdivision is less than 25 percent of the total number of all persons of such race or color of voting age residing in such State or political subdivision." The individual views filed by a majority of the Judiciary Committee indicate that one purpose of this provision is to cover States and counties where no literacy test or other device is required.

Mr. President, we have a peculiar situation in Arkansas at the present time. Prior to the ratification of the 24th amendment the only requirement for voting in Arkansas other than those relating to age and residence was the payment of a $1 noncumulative poll tax. The 24th amendment to the U.S. Constitution, of course, eliminated the poll tax requirement with respect to Federal elections. The poll tax requirement for voting in State elections could not be changed by State statute as it was provided for in the State constitution. We, therefore, had one set of requirements for Federal elections and one set for State elections. The Arkansas State Legislature made provision for registration for Federal elections by authorizing the issuance of so-called "free" poll tax receipts which entitled the holders to vote in Federal elections and for which there was no charge. This interim device was used to bridge the gap between the poll tax and a registration system divorced from it.

Last November 3 the people of Arkansas voted to adopt amendment 51 to the Arkansas State constitution eliminating the poll tax as a prerequisite for voting and establishing a new registration system.

The registration system established by this amendment cannot be construed to contain the means for discrimination in any way, shape, or form.

It eliminates the poll tax as a prerequisite for voting in Arkansas.

It is a permanent registration system, and names are removed from the rolls only by request, death, failure to vote in any election during 4 successive calendar years, change of residence outside the county, or conviction of a felony.

It contains no literacy test. As a matter of fact, provision is made for the registration of persons who cannot read or write.

Anyone satisfying the general requirements of age and residence may register at the office of the county clerk in the county in which he or she resides. In order to insure that adequate lists of eligible voters are available on election day, registration is closed 20 days prior to an election so far as that election is concerned. Persons may register during the 20-day period and be eligible for future elections.

In short, the people of Arkansas have now provided for themselves by constitutional amendment a progressive, simple, and unquestionably fair voter registration system.

Mr. President, I ask unanimous consent that amendment 51 to the Arkansas State Constitution be printed in the Record at this point.

There being no objection, the text of the amendment was ordered to be printed in the Record, as follows:

Amendment No. 51

(Voter Registration Without Poll Tax Payment)

Section 1. Statement of policy. The purpose of this amendment is to establish a system of permanent personal registration as a means of determining that all who cast ballots in general, special, and primary elections in this State are legally qualified to vote in such elections, in accordance with the constitution of Arkansas and the Constitution of the United States.

Sec. 2. Definitions. As used in this amendment, the terms—

(a) "County Board of Registration" means the county board of election commissioners in each of the several counties of this State.

(b) "Permanent registrar" means the county clerk in each of the several counties of this State.

(c) "Deputy registrar" means the deputy county clerk or clerical assistants appointed by the county clerk.

(d) "Election" means any general, special, or primary election held pursuant to any provisions of the constitution or statutes of the State of Arkansas: *Provided*, That this amendment shall not apply to selection of delegates to party conventions by party committees or to selection of party committeemen by party conventions.

Sec. 3. Application. No person shall vote or be permitted to vote in any election unless registered in a manner provided for by this amendment.

Sec 4. Permanent registration. When a voter is once registered under the provisions of this amendment, it is unnecessary for such voter again to register unless such registration is canceled or subject to cancellation in a manner provided for by this amendment.

Sec. 5. Duties of registration officials. (a) The registration of voters is to be under the supervision of the permanent registrar. Eligible voters resident in a county may register at any time from and after the effective date of this amendment at the office of the permanent registrar and at any other place or places within the county as are designated by the permanent registrar. The permanent registrar shall provide office and clerical facilities and may employ such clerical assistants which he may deem necessary to fulfill the duties imposed by this amendment: *Provided*, That all clerical assistants so employed shall have the qualifications required by law of eligible voters and shall be selected on the basis of competence and without reference to political affiliation.

(b) The State auditor, from and after the effective date of this amendment, shall provide a sufficient number of blank forms to each permanent registrar for the registration of the voters in each county. The forms shall be known as affidavits of registration and shall consist of looseleaf sheets of durable quality. All affidavits of registration shall be made and executed in quadruplicate, the original and each copy of a distinctively different color. Each form shall be printed at the top thereof with the word "original," "duplicate," "triplicate," or "quadruplicate," as the case may be, each to be followed immediately by the words, "affidavit of registration." The forms shall be bound together in books or pads and each set of copies shall be capable of being detached from the book or pad and inserted and locked into the registration record files. All forms in a quadruplicate set shall have an identical number, the sets being numbered in sequence.

(c) The State board of election commissioners is authorized and, as soon as is possible after the effective date of this amendment, directed to prescribe, adopt, publish, and distribute:

1. Such rules and regulations supplementary to this amendment and consistent with this amendment and other laws of Arkansas as are necessary to secure uniform and efficient procedures in the administration of this amendment throughout the State;

2. A manual of instruction for the information, guidance, and direction of election officials within the State; and

3. Detailed specifications of the registration record files, the affidavits of registration, and other registration forms, all of which shall be consistent with this amendment and uniform throughout the State.

Sec. 6. Affidavits of registration. (a) The front of the affidavit of registration shall contain the name of the county in which issued and:

1. The voter's name, including given name, middle name or initial (if any), and last name, and, in the case of a woman, the given name shall be preceded by the designation of "Miss" or "Mrs.";

2. The legal residence of the voter, including street address and house number if house numbers are used, otherwise such a description of the voter's legal residence as makes its location possible for determination of the voter's proper precinct, and length of time during which the voter has resided at the above address. If the voter resides at a hotel, motel, apartment house, boarding house, or institution, such additional information is to be included as is necessary to determine the exact location of the legal residence of the voter;

3. Country or State and country of the voter's birth;

4. If any voter is foreign born, how his American citizenship was acquired, including the name of the court granting the same, the place and date thereof, and if naturalized through another person, the name of such person;

5. The month, day, and year of birth of the voter;

6. If the voter cannot read or write, this must be indicated;

7. If the voter is unable to make a mark or cross on the affidavit of registration or on a ballot, this must be indicated;

8. Number or name of the voter's school district and number or name of the voter's precinct;

9. The address in Arkansas where the voter was last registered, if any, and the name under which so registered; and

10. The signature of the permanent or deputy registrar who receives the voter's application to register.

(b) The back of the affidavit of registration shall contain:

1. Signature. When registering the voter shall manually sign with ink or indelible pencil the original and all copies of the affidavit of registration, the signature to include given name, middle name or initial (if any), and last name. If the voter is unable to sign his name, the voter, witnessed by the permanent or deputy registrar, may sign with a mark or cross. If the voter signs with a mark or cross or is unable to sign or make a mark or a cross, the permanent or deputy registrar shall so indicate in the space provided for the voter's signature, and must write in said space the month and day of the voter's birth;

2. Affidavit. Immediately above the space for the signature on the original and all copies must be printed an affidavit in which the voter swears or affirms that he has all qualifications required by the laws of this State to entitle him to vote and, thereafter, these words; "I, being duly sworn on oath (or affirmation), depose and swear (or affirm) to the best of my knowledge and belief that the statements hereon made by me are true and correct"; and

3. Record of voting. Immediately following the space for the signature of the voter on the affidavit of registration forms shall be printed a record of voting form, which includes as many blank spaces as may be possible, each blank space sufficient to include a stamped date and the signature or mark of the voter, substantially as follows:

Record of voting

Date----------- -----------------------
Signature.

Date----------- -----------------------
Signature.

(et cetera for as many spaces as possible).

(c) The State Board of Election Commissioners may require blank spaces for additional information, including supplements to the record of voting form.

Sec. 7. Registration record files. (a) In each county, the permanent registrar shall provide three active registration record files for all voters legally resident within that county:

1. The permanent registration file which shall contain, securely fastened, all original copies of the affidavits of registration in alphabetical order for the whole county without regard to precincts or other districts;

2. A precinct registration file which shall contain, securely fastened in binders suitable for locking, all duplicate copies of the affidavits of registration, arranged and bound by precinct; and

3. A precinct registration file which shall contain, securely fastened in binders suitable

for locking, all triplicate copies of the affidavits of registration, arranged and bound by precinct.

(b) The affidavits of registration within the precinct registration files shall be arranged in alphabetical order; provided, that the affidavits of registration in all or in some of such files may be arranged by street and street number or on some other appropriate basis, and shall be so arranged at the direction of the county board of registration.

(c) In each county, the permanent registrar shall provide an inactive registration file which shall contain, securely fastened, all canceled original affidavits of registration, arranged in alphabetical order for the whole county without regard to precincts or other districts.

(d) The appropriate precinct registration file or files containing the duplicate copies of affidavits of registration shall be delivered to the polling places and used in all elections; provided, that the appropriate precinct registration file or files containing the duplicate copies of the affidavits of registration shall be delivered to the polling places of the majority political party for use at party primary elections of such party and the appropriate precinct registration file or files containing the triplicate copies of the affidavits of registration shall be delivered to the polling places of the minority political party for use at party primary elections of such party. Before being delivered to the appropriate county board of registration or other lawfully designated election officials for use at any election, the affidavits of registration in the precinct registration files shall be securely fastened and locked.

(e) The county board of registration or other lawfully designated election officials shall cause the appropriate precinct registration files to be at the polling places on the date of elections, and shall return them at the close of the election to the office of the permanent registrar with the ballot boxes.

Sec. 8. Spoiled affidavits of registration. The permanent registrar shall give a receipt to the State auditor for all blank affidavits of registration issued to the county and shall be strictly accountable to the State auditor for the blanks provided. The permanent registrar must account for each blank set of affidavit of registration, whether unused, spoiled or in the proper registration record files. If for any cause a blank affidavit of registration is spoiled or mutilated, it shall be stamped or written across the face of all copies of the blank form and all copies of the form shall be returned by the permanent registrar to the State auditor. The State auditor shall compile a record of the number of the spoiled or mutilated affidavits of registration, send a copy of such record to the permanent registrar, and then destroy the spoiled or mutilated affidavits of registration. By the first of June of each year the permanent registrar shall make an accounting of all affidavits of registration to the State auditor.

Sec. 9. Application to register. (a) All persons may register who:

(1) are qualified electors and who have not previously registered;

(2) will become qualified electors during the 20-day period immediately prior to the next election scheduled within the county; or

(3) are qualified electors but whose registration has been canceled or is subject to cancellation in a manner provided for by this amendment.

(b) Registration shall be in progress at all times except during the 20-day period immediately prior to any election scheduled within the county, during which period registration of voters shall cease for that election, but registration during such period shall be effective for subsequent elections.

(c) The original, duplicate, and triplicate copies of all affidavits of registration submitted as applications for registration to the permanent registrar shall be filed promptly in the active registration record files unless the applicant lacks one or more of the qualifications required by law of voters of this State. The quadruplicate copy of all affidavits of registration shall be given to each applicant immediately upon the acceptance of his application. The permanent and deputy registrars are empowered to administer oaths for purposes of executing the affidavits of registration.

(d) If the permanent registrar has any reason to doubt the qualifications of an applicant for registration, he shall submit such application to the county board of registration and such board shall make a determination with respect to such qualifications and shall instruct the permanent registrar regarding the same.

(e) If any person eligible to register as a voter is unable to register in person at the permanent registrar's office by reason of sickness or physical disability, the permanent or deputy registrar shall register the applicant at his place of abode within such county, if practicable, in the same manner as if he had appeared at the permanent registrar's office.

(f) Notwithstanding other provisions of this amendment, all members of the Armed Forces of the United States and their spouses when residing with or accompanying them, who are otherwise eligible, may vote without registration by absentee ballot in accordance with the laws of this State.

(g) Any person whose registration status or voting eligibility is affected adversely by an administrative determination under this amendment may appeal such adverse determination within 5 days of receipt of notice thereof to the county board of registration. The county board of registration shall act on such appeal and render its decision within 10 days of its receipt. Within 30 days after receipt of such decision, any aggrieved party may appeal further to the circuit court of the county.

Sec. 10. Transfer and change of status. (a) Upon a change of legal residence within the county, any registered voter may cause his registration to be transferred to his new address by signing a mailed request to the permanent registrar, giving his present address and the address at which he was last registered, or by applying in person at the office of the permanent registrar. The permanent registrar shall strike through the last address and record the new address of the voter on the original, duplicate, and triplicate copies of the affidavit of registration and upon the quadruplicate copy if it is presented for that purpose to the permanent registrar by the registered voter. The permanent registrar promptly shall make such appropriate changes in the precinct registration files as necessitated by such change of address.

(b) Upon a change of legal residence to another county within the State of Arkansas, an eligible voter must register again and shall record his former address in the spaces provided for such purpose in the affidavit of registration.

(c) Upon a change of name by marriage or otherwise, an eligible voter must register again and shall record his former name in the spaces provided for such purpose in the affidavit of registration.

Sec. 11. Cancellation of Registration. (a) It shall be the duty of the permanent registrar to cancel the registration of voters:

(1) who have failed to vote in any election during 4 successive calendar years immediately preceding the first of January of any year;

(2) who have changed their residence to an address outside the county;

(3) who have died or changed their name;

(4) who have been convicted of felonies and not been pardoned; or

(5) who are not lawfully qualified or registered electors of this State, or of the county.

(b) It shall be the duty of the permanent registrar of each county upon the registration of a person who has been registered previously in another county to notify promptly the permanent registrar of such other county of the new registration.

(c) It shall be the duty of the director of the bureau of vital statistics to notify promptly the permanent registrar in each county of the death of all residents of such county.

(d) It shall be the duty of the circuit clerk of each county upon the conviction of any person of a felony to notify promptly the permanent registrar of the county of residence of such convicted felon.

(e) Within 10 days following the receipt or possession of information requiring any cancellation of registration, the permanent registrar shall write or stamp the word "canceled" across the face of such original affidavit of registration and note the date of the cancellation, the reason for the cancellation, and the signature of the person canceling in blank spaces provided thereon for such purposes. Such canceled original affidavit of registration shall then be transferred to the inactive registration file and the duplicate or triplicate copies in the precinct registration files shall then be destroyed.

(f) The permanent registrar shall send all persons whose affidavits of registration are canceled in accordance with section 11(a) (1) of this amendment the following notice by first-class mail within 10 days after such cancellation: "Notice of cancellation of voter registration. Notice is hereby given that due to your failure to vote in any election in this county during the preceding 4 calendar years, under the laws of this State your voter registration has been canceled. If you are still a qualified voter, you may register again at any time."

(g) The permanent registrar is authorized, and may be directed by the county board of registration, to determine by mail check, house to house canvass or any other reasonable means at any time within the whole or any part of the county whether active record registration files contain the names of any persons not qualified by law to vote. Further, upon application based upon affidavits of one or more qualified voters by the prosecuting attorney for the county, the circuit judge of the county, for good cause shown, may order the permanent registrar to make such determination or to cancel the registration of such unqualified person.

Sec. 12. Loss or Destruction of Affidavits of Registration. In the event any registration record file shall become lost or destroyed, or in the event that any affidavit of registration in any registration record file shall be mutilated or destroyed in any manner not authorized by this amendment, the permanent registrar shall prepare, from the remaining files, temporary copies of the affidavits of registration, if necessary for the conduct of any election. The permanent registrar shall send notice of such fact by first-class mail to any voter whose affidavit has been lost, destroyed or mutilated in order that such voter may register again. The previous registration shall be canceled at the time of the new registration, and in any event within 60 days after mailing of such notice.

Sec. 13. Signature Requirement. (a) No voter shall receive a ballot at any election until a judge of the election has stamped the date and until the voter, in the presence of such judge, has signed his name, including his given name, his middle name or initial (if any), and his last name in the first unused space on the record of voting form.

(b) No registered voter shall receive a ballot for any election unless the signature of the person on the affidavit of registration and his signature in the appropriate space on the record of voting form thereon are deemed by the judges to be identical.

(c) No registered voter unable to sign his signature or unable to make his mark or cross in the appropriate space on the record of voting form shall receive a ballot at any election unless the month and day of the person's birth, as then stated by him, conform to that entered in the space for the person's signature on the affidavit of registration by the permanent or deputy registrar.

(d) Absentee voting shall be conducted in the same manner as now provided under the laws of the State; provided, that the permanent registrar shall determine that the signature on the application for absentee ballot is identical with the signature appearing on the voter's affidavit of registration before mailing or passing out an absentee ballot. The permanent registrar shall, upon permitting absentee voting in the manner hereinabove authorized, stamp in the first vacant and unused blank space in the record of voting form the date of the forthcoming election and shall note thereafter the words "absentee ballot."

(e) Notwithstanding the foregoing provisions of this section, if a voter presents himself at a polling place on the date of an election but no copy of his affidavit of registration can be located by the judges of the election in the precinct registration files, such voter shall be permitted to vote when all of the following conditions are satisfied:

(1) The voter surrenders the quadruplicate copy of his affidavit of registration;

(2) The voter signs such quadruplicate copy in accordance with section 13 (a), (b) and (c) of this amendment;

(3) An election judge verifies the existence of an original affidavit of registration in the permanent registration file; and

(4) The original affidavit of registration reveals that the voter has presented himself at a precinct polling place where he is legally qualified to vote. The quadruplicate affidavits of registration so surrendered shall be returned to the permanent registrar with the precinct registration files, and new registration shall thereupon be required in accordance with the procedure set out by section 12 of this amendment.

SEC. 14. Lists of voters. (a) By the first day of June of each year, and at such other times as may be practicable, all permanent registrars shall, and at their discretion at other times may, print or otherwise duplicate and publish lists of registered voters by precincts, and may distribute such lists free of cost, or, with the approval of the county board of registration, at a price necessary to cover cost of publication. A copy of the most current such list in each precinct shall be furnished the election officials at each precinct at the time the ballot boxes are delivered and such election officials shall post said list at a conspicuous place in the polling area.

(b) By the first day of June of each year, the permanent registrar shall certify to the State auditor the total number of registered voters in the county. The State auditor shall tabulate the total number of registered voters in the State and shall make such information available to interested persons upon request.

SEC. 15. Penalties. (a) Any person who shall maliciously and intentionally destroy, steal, mutilate or unlawfully detain or obtain any affidavits of registration or any registration record files shall be guilty of a felony, and upon conviction thereof shall be fined in the sum of not less than $100 nor more than $1,000, or be imprisoned in the State penitentiary for a period of not less than 1 year nor more than 5 years, or both.

(b) Any public official or election official who willfully violates any provisions of this amendment shall be guilty of a misdemeanor, and upon conviction thereof shall also be removed from such office.

(c) Any other person who willfully violates any provision of this amendment shall be guilty of a misdemeanor.

SEC. 16. Severability. If any provision of this amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the amendment which can be given effect without the invalid provision or application, and to this end the provisions of this amendment are declared to be severable.

SEC. 17. Effect on other laws. This amendment supersedes and repeals the requirement of amendment No. 8 that a poll tax receipt be presented prior to registration or voting, and further supersedes and repeals act 19 of 1964 and all other laws or parts of laws in conflict herewith.

SEC. 18. Appropriations. The general assembly shall make such appropriations as may be required for the effectuation of this amendment.

SEC. 19. Amendment. The general assembly may, in the same manner as required for amendment of laws initiated by the people, amend sections 5 through 15 of this amendment, so long as such amendments are germane to this amendment, and consistent with its policy and purposes.

SEC. 20. Short title. This amendment shall be known as the "Arkansas Amendment for Voter Registration Without Poll Tax Payment."

SEC. 21. Effective date. This amendment shall be in full force and effect from and after January 1, 1965; provided, that for any elections held before March 1, 1965, those voters who are registered electors as of December 31, 1964, shall be permitted to vote in such election if otherwise qualified.

Proposed by initiated petition. Filed in the office of the Secretary of State on the 26th day of June 1964. Voted on at the general election, November 3, 1964. Returns: for, 277,087; against, 218,681.

Mr. FULBRIGHT. Mr. President, the implementation of this system has been delayed somewhat because of litigation in the State courts. The Arkansas State Election Commission sought to add to the voter registration form specified by the amendment spaces for the entry of party affiliation and race. This action was challenged, and the Supreme Court of Arkansas recently held that the commission did not have authority to take such action. Thus, the registration form which will be used does not require the applicant to indicate his race.

Another suit contested the award of the contract for printing the registration form.

This had nothing whatever to do with the merits of the amendment. There was a quarrel about who should print the forms arising out of the amendment. Both suits have been decided and the State and our 75 counties are in the process of obtaining the forms and looseleaf binders specified by the constitutional amendment.

There is no carryover of voter lists under the amendment. All persons who were eligible to vote by virtue of holding poll tax receipts are required to register in person in accord with the new system.

Obviously, it will take some time before a substantial number of people are registered; 1956 is an off year politically and there is no pressure on voters to hasten to the county clerk's office to sign up.

Thus we are presently without registered voters in Arkansas and technically every county in the State would fall under clause 3 of section 4(b), which provides for the appointment of Federal examiners in any State or political subdivision where a survey by the Bureau of the Census shows that the total number of persons of any race or color who are registered to vote is less than 25 percent of the total number of all persons of such race or color residing therein.

I do not believe it is the intention of the sponsors of this bill to provide authority for the appointment of Federal examiners throughout Arkansas because of these peculiar circumstances. My amendment would straighten out the situation by providing no examiner may be appointed until 30 days prior to the first primary in calendar year 1966 within any State which has adopted an amendment to its constitution subsequent to November 1, 1964, and prior to March 1, 1965, under which all persons desiring to vote are required to register, if the amendment does not require the payment of any tax as a prerequisite for voting and does not impose any test or device as a precondition for registration or voting.

The people of Arkansas have on their own initiative adopted a registration system which is straightforward and free of discrimination. Congress should reward this action by giving time for the system to be implemented. My amendment is consistent with the aims of the bill. It will not detract in any way from the achievement of its purpose. It will give the people of Arkansas a chance to register with their own county officials and I feel sure that within a reasonable time all eligibile and interested citizens in Arkansas will be so registered. If I am wrong and any Federal action is required, the provisions in the bill before us will then be available to the Attorney General.

Mr. President, in my estimation this is an eminently reasonable amendment. Any Member of the Senate who takes time to consider our circumstances in Arkansas will, I am sure, support it.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. STENNIS. I believe I got the import or the correct meaning of the Senator's amendment, but to be certain, I ask if my understanding is correct. The Senator proposes that, because of the peculiar situation in which his State would be placed, and only because of that—adoption of the amendment, the wiping off of the registration books and a new start being taken—the Senator proposes that the State of Arkansas be excepted from the operation of the proposed legislation, so far as the designation of examiners is concerned, until Arkansas would have an opportunity to complete a new registration, which would be not until 30 days before the forthcoming election. Is that correct?

Mr. FULBRIGHT. The Senator is correct. In the summertime, when no election is pending, we know that people do not bother to register. But they will register as the election approaches.

Mr. STENNIS. I would not wish to deny the Senator in getting what he can for his State, but at the same time we must treat all States alike. The Senator is making his appeal solely because of the peculiar situation which exists in Arkansas.

Mr. FULBRIGHT. Yes. I know of no other State that has followed that particular course; and that course was followed long before the bill was thought of. That was last fall.

Mr. STENNIS. As soon as the time which the Senator has designated had elapsed, the State of Arkansas would be subject to all the provisions of the law as any other State would be.

Mr. FULBRIGHT. That is correct.

Mr. STENNIS. I have no objection to the Senator's amendment.

Mr. HART. Mr. President, the explanation given by the distinguished Senator from Arkansas, and coupled with it, the exchange between the Senator from Arkansas and the Senator from Mississippi, would persuade every Senator, I believe, that the amendment is completely reasonable. A point to remember is that the action which gives rise to the situation occurred before the bill was in the minds of anyone, and I believe a responsible action by the Congress would be to recognize it for what it is.

Mr. FULBRIGHT. I thank the Senator. I have discussed the subject with the Senator from Michigan. He was very cooperative. I have also discussed it with the Senator from Illinois [Mr. DIRKSEN], the minority leader, the Senator from New York [Mr. JAVITS], and the Senator from Louisiana [Mr. ELLENDER]. As I made clear, the senior Senator from Arkansas [Mr. MCCLELLAN] is a cosponsor of the amendment. I believe that there is no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas to the amendment in the nature of a substitute, offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

The amendment to the amendment was agreed to.

MISCONDUCT IN FOOD AND DRUG ADMINISTRATION

Mr. LONG of Missouri. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a remarkable article published in the New York Times of this morning, April 30, 1965.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> SENATOR SCORES FDA INQUIRIES—BUT AGENCY AID SAYS PANEL LISTENED TO CRACKPOTS
>
> WASHINGTON, April 29.—The chairman of a Senate subcommittee accused the Food and Drug Administration today of wholesale misconduct in the performance of its duties.
>
> Concluding 3 days of public hearings into the agency's use of electronic eavesdropping equipment, Senator EDWARD V. LONG, Democrat of Missouri, who is chairman of the Judiciary Subcommittee on Administrative Practice and Procedure, charged:
>
> "The hearings have revealed police-state tactics ranging from perjured testimony to gain a conviction to abusive law enforcement practices, including intimidation and gross disregard for the constitutional rights guaranteed to all American citizens."
>
> The agency's Commissioner, George P. Larrick, declined to comment, but other agency officials complained that the committee had not sought a balanced picture.
>
> "QUACKS" TESTIFIED
>
> "The committee let well-known quacks and crackpots fill the record with their charges," one agency official said, "but made no effort to test the truth or falsity of what they said."
>
> This official noted that all of those who had testified against the agency were persons or representatives of corporations against whom the agency had taken legal action under the pure food and drug laws—some of them repeatedly over a number of years.
>
> At today's hearing of Dr. Carlton Fredericks, of New York, writer and radio commentator on nutrition, told the inquiry that he had had a running battle with Government regulatory agencies for more than a dozen years, and that the FDA had made a relentless and unabated effort to "suppress" his broadcasts.
>
> Dr. Fredericks said he holds a Ph. D. from New York University but was not a doctor of medicine.
>
> PROSECUTED IN NEW YORK
>
> In 1945, he was convicted in New York City of practicing medicine without a license.
>
> He told the committee today that he had pleaded guilty rather than stand trial and risk the loss of his radio clients.
>
> The record indicates that he also has been involved with two companies prosecuted on charges of misbranding health products.
>
> A part, at least, of Senator LONG's ire springs from what he regards a lack of cooperation by the agency in the inquiry.
>
> He is known to have been irritated that some of his letters of inquiry to Anthony J. Celebrezze, Secretary of Health, Education, and Welfare, had been answered by other persons in the Department; that three agency employees in Kansas City, whom the committee wanted to question, had to be subpenaed, and that officials delayed 3 months in supplying the committee with a copy of its agents' manual.

(At this point Mrs. NEUBERGER took the chair as Presiding Officer.)

Mr. LONG of Missouri. This article outlines briefly the last 3 days of hearings we have had before the Subcommittee on Administrative Practice and Procedure with respect to possible invasions of privacy by the Food and Drug Administration.

I am correctly quoted as saying:

> The hearings have revealed police-state tactics ranging from perjured testimony to gain a conviction, to abusive law enforcement practices including intimidation and gross disregard for the constitutional rights guaranteed to all American citizens.

The article goes on to state that the agency's Commissioner, George P. Larrick, declined to comment, "but other agency officials complained that the committee had not sought a balanced picture."

Then, we get these statements:

> "The committee let well-known quacks and crackpots fill the record with their charges," one agency official said, "but made no effort to test the truth or falsity of what they said."

I think that this performance by the FDA is typical; they whine to the press behind a wall of self-imposed secrecy. They decline official comment to the press, but there seems to be no control over unofficial comment.

This is just the type of thing that so many of our witnesses complained of.

I will now take up their charges one by one.

As to a balanced picture, we invited as our opening witness or witnesses Secretary Celebrezze and any FDA officials that he saw fit to send. He saw fit to send Commissioner George P. Larrick, Mr. Winton B. Rankin, Assistant Commissioner, and Mr. Allen E. Rayfield of the Bureau of Field Administration.

After their testimony on the first day, they were invited to stay for the remainder of the 3 days' hearings and, in fact, Messrs. Rankin and Rayfield were present during almost the entire hearings. On a number of occasions they were invited to comment on testimony and did so. On other occasions, they were asked to supply information with respect to testimony, but, unfortunately, were unable to do so on a number of occasions. They were asked to supply material for the record. Certainly, they had every conceivable opportunity to reply to any testimony with which they disagreed. In fact, I think the record will show that Mr. Rankin was the last witness to testify at the hearings.

Now, as to the question of "quacks and crackpots", let me make these comments. The following is a list of all of the non-FDA witnesses.

The first of these is a former Governor of Georgia, Ellis Arnall. My distinguished colleague from Georgia [Mr. TALMADGE] made the following comments upon introducing Governor Arnall:

> Mr. Chairman, I am honored to have the privilege of appearing before you and your distinguished subcommittee this morning to present a distinguished Georgian, the former Governor of my State. I have known Governor Arnall now for some 30 years. At that time, I was a student in the University of Georgia. He was then a member of the Georgia General Assembly and served as speaker pro tem of the house of representatives. Subsequent thereto he was elected attorney general of the State, also served as Governor of the State. He held both offices with distinction.
>
> Since that time he has represented this country in various important positions—as Director of the Office of Price Administration. He serves now, I believe, on the Committee of UNESCO for the United Nations.
>
> He is engaged in the private practice of law at the present time.
>
> He is one of my State's most outstanding lawyers.
>
> I am honored to present him to you and to this distinguished committee.

I do not know who the unnamed FDA official in the New York Times report is, and I will probably never find out, but it would be interesting to know into which category, "quack" or "crackpot," he places this distinguished citizen.

The next non-Government witness was Mr. Kirkpatrick W. Dilling, well-known Chicago attorney. As he is not a medical man, it would seem that FDA would brand him a "crackpot." It seems to be a habit of FDA to so brand those who might oppose its official dogma and Mr. Dilling might well fit into this category because, as defense attorney in a number of FDA cases, he has vigorously opposed FDA on behalf of his clients. This is a cardinal sin.

The next witnesses were Messrs. Oscar H. Brinkman and Wayne Rohrer on behalf of the Church of Scientology.

I ask unanimous consent to have printed in the Record at this point a full biography of Mr. Brinkman, who has had a distinguished legal career in Washington for over 40 years.

There being no objection, the biography was ordered to be printed in the Record, as follows:

Biography of Oscar H. Brinkman, Attorney for Founding Church of Scientology, Washington, D.C.

Engaged in the general practice of the law with office in the Warner Building, suite 957, 501 13th Street, NW., Washington, D.C.

Legal education (after public schools): Kansas City School of Law, Kansas City, Mo. (LL.B. 1920), and previously attended Georgetown University College of Law, Washington, D.C. (Kansas City School of Law was merged with University of Kansas City and is now part of the University of Missouri in Kansas City.)

Admitted to bar in Missouri in 1920 and practiced law there, and later admitted to the State bar in Massachusetts, and the Federal court bars of Massachusetts and the District of Columbia; also a member of the bar of the U.S. Supreme Court. Practiced law over a period of 45 years in Kansas City, Boston, and Washington, D.C. Counsel to the Founding Church since 1955, and acted as attorney in its organization and incorporation. (Not a member of the church.)

Served as counsel to three committees of the U.S. Senate in various investigations relating to the sale of securities, the rental situation in the District of Columbia, the fraudulent practices in real estate mortgages and foreclosures, and unfair labor practices by employers. Drafted bill for the regulation of security sales in the District of Columbia (passed by the Senate), and also assisted in obtaining legislation to regulate foreclosures on homes in the District of Columbia.

Served as regional attorney for the Interstate Commerce Commission in the six New England States, prosecuting cases under the Motor Carriers Act.

Served as trial and appeals attorney for the National Labor Relations Board.

Other activities: Editor of Babson's Washington Forecast (weekly business newsletter), 1944–52; editor, Business Digest & Forecast (business newsletter), 1954 to present time.

Author: "America's Choice: Freedom or Slavery" (1965); also numerous magazine and newspaper articles on business and political subjects.

Married 50 years; wife and two married daughters.

Homes: Arlington, Va., and Wellesley, Mass.

Mr. LONG of Missouri. Mr. Rohrer is an ordained minister in the Church of Scientology, which is specifically licensed as a church by the government of the District of Columbia.

The next witness was Mr. Irwin L. Hubbard, president, American Dietaids Co., Inc., New York City. His "sin" was to find a hidden tape recorder in the brief case of an FDA agent who was, without color of law, attempting to entrap Mr. Hubbard into possibly incriminating statements. As a result of the Hubbard case, FDA "outlawed" the use of tape recorders in factory inspections. As I said, Mr. Hubbard's "sin" was discovering their use which made outlawing them necessary.

I might add parenthetically that there is sworn testimony in our record to indicate that the practice has continued after the "outlawing," even though some of the FDA witnesses testified to the contrary.

The last witness was Dr. Carlton Fredericks, a well-known health lecturer and nutritionist. He holds a Ph. D. in Public Health Education from New York University. He also taught this subject at New York University and has been a nationwide broadcaster on health subjects for 25 years. I would guess that the unnamed FDA official would brand him both a "quack" and a "crackpot," as he has long fought in favor of food supplements—vitamins and nutrients—which FDA has branded as unnecessary and which it has vigorously tried to take off the market.

There are complaints by the same faceless FDA official that we did not attempt to "test the truth or falsity of what they said." In this regard, I might say that each witness was sworn before testifying. Each witness was asked to supply documents and other evidence to substantiate their charges; each did supply the subcommittee with such evidence.

Although I did not have much difficulty with the validity of statements by non-Government witnesses, I certainly had difficulty with a number of statements by Government witnesses. The most remarkable of all was a statement from Mr. Rayfield when asked about tape recording of "spiels" of drug company salesmen, he said that it was unnecessary and—

> As far as I have been able to learn—and we have not run across a single employee of a pharmaceutical firm as a detail man that has made representations for his firm's products that were exorbitant or exaggerated.

It is inconceivable to me that with all of the trouble we have had with the side effects of such dangerous drugs as Chloromycetin, MER–29, and Thalidomide—to name just a few—that not a single doctor in the United States would have ever sent one complaint to FDA about an exaggerated claim by a single one of the 15,000 drug salesmen. I believe if Mr. Rayfield will check FDA's own files, he will find many, many such letters.

And, speaking of validity of testimony, and truth and falsity, let me read to you what a Federal judge said of one of our FDA witnesses when he testified in a recent case before the judge:

> I am greatly concerned about the method of enforcement used by Agent Schreiber, coupled with his testimony on the stand wherein he did without qualification volunteer the evidence that a factory inspection of February 19, 1964, was a routine inspection, that he did not know of any contemplated criminal proceeding. In his written memo direction to make the inspection it expressly stated that criminal proceedings were contemplated, and he was to make further investigation in aid thereto, which poses the pointed question of whether or not the court should overlook any perjury by a Government agent hired to enforce the law.
>
> Now that is a question I think that is going to have to be submitted to a Federal grand jury. That cannot go unchallenged. I do not like to get any young fellow in trouble. But, on the other hand, the public is entitled to be protected against the overzeal of any agent, and the desire of an agent to make a case, even perjuring to the extent that he can make a case. That is the way the matter is presented at this juncture of this hearing.
>
> Now you have been all through the hearing, Dr. Kramer. Do you disagree with that Statement?

Dr. Kramer was another of the FDA representatives.

> Dr. Kramer. No, I cannot disagree with the statement because I think you are calling it exactly as it occurred.

Madam President, I should like to repeat what I said at the close of these hearings.

We have had startling and shocking disclosures during these last 3 days of hearings. The hearings have revealed police-state tactics ranging from perjured testimony to gain a conviction, to abusive law enforcement practices including intimidation and gross disregard for the constitutional rights guaranteed to all American citizens by the first, fourth, fifth, and sixth amendments. In short, an agency of the Federal Government has been accused of attempting to gain convictions at any cost.

Prior to the commencement of these hearings, this same agency saw fit to be uncooperative, misleading, and evasive with this subcommittee.

The unfortunate ramifications of such conduct on the part of a Federal agency are overwhelming. The Food and Drug Administration is charged with an onerous responsibility—that of protecting this Nation's health. Instead of shouldering this heavy responsibility, we find the agency engaged in bizarre and juvenile games of cops and robbers. Instead of a guardian of the national health, we find an agency which is police-oriented, chiefly concerned with prosecutions and convictions, totally indifferent to individuals' rights, and bent on using snooping gear to pry and invade the citizen's right of privacy.

I sincerely regret having to make these remarks. I am sure there are responsible employees working for the Food and Drug Administration who deplore such practices. Such employees know, as do others, including the Senate, the necessity for strong, vigorous, and intelligent enforcement of the laws concerning the food we eat and the drugs we take. Bugging schoolteachers, raiding churches, harassing honest and loyal businessmen, and generally spending the time of Government employees and the money of the taxpayers on such silly and juevnile investigations is an unconscienable waste. Using the awesome power of the Federal Government against the defenseless or hard-pressed private citizen without regard for his reputation, feelings, or ideas is affrontery to the inveterate and sacred principles of this country.

We have learned that, according to the Food and Drug Administration gospel, only quacks prescribe and only dupes take vitamin and nutrient pills.

The Food and Drug Administration notwithstanding, millions of Americans, including me, think we feel better and have more pep when we take One-a-Day vitamin pills.

Maybe we and our doctors are wrong. I do not think so; but, even if we are, the pills at worst are admittedly harmless.

In my view, Congress never intended the Food and Drug Administration to arrogate to itself the power to tell Americans what foods to eat or whether or not they should take vitamin or nutrient supplements.

Nor did the Congress intend to give the Food and Drug Administration power to tell people what kind of religion to practice, or what church to attend, or what money they should pay to any church or in what form. I do not know much about scientology, but if it helps its believers lead better lives, I am for it.

In any event, it is no business of the Food and Drug Administration to interfere with any religion.

These are invasions of privacy of the worst sort.

If the Food and Drug Administration would spend a little less time and effort on religions, small manufacturers of vitamins, and milk substitutes, and a little more on the large manufacturers of such dangerous drugs as chloromycetin, Mer-29, and thalidomide, the public would be better served.

This subcommittee has no desire to hinder effective law enforcement; but it does mean to assure that law enforcement complies not only with the letter of the Constitution, but also with the spirit of the Constitution so that the promise and opporunity granted by that great document is available to all Americans.

I shall do all in my power to see to it that the abuses we have learned of in the past few days do not recur in the future. It must also be stated that it is the immediate and urgent duty of the Food and Drug officials to acquaint themselves with, as well as to instruct their employees on, the rights of the individual and to learn that in America, the statement that a man is innocent until proven guilty is a credo by which we live and not a worn and tired cliche.

U.S. POLICY WITH RESPECT TO THE DOMINICAN REPUBLIC

Mr. MORSE. Madam President, during the day there was some discussion on the floor of the Senate with regard to the sending of U.S. Marines into the Dominican Republic. I have been asked by a good many persons, both in and out of the Senate, to make some comment on the matter because of my chairmanship of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations. I have kept myself informed of and have followed step by step, as I could obtain information from the executive branch of the Government, our course of action in the Dominican Republic.

It seems to me there is one salient point that some members of the press, who seem to be criticizing the sending of American Marines into the Dominican Republic, are overlooking; that is, that our Government was officially advised by the officials of the Government of the Dominican Republic, which we recognized, that that Government could not give assurance that Americans in the Dominican Republic would be protected.

Madam President, I have familiarized myself with the timing of the event; and time was of the essence. Some of our good friends in Latin America seem to hold to the position that the President of the United States should have first resorted to the procedures of the Organization of American States before sending in the Marines.

I would share that point of view if time had permitted it, but it did not. We are either going to protect and save American lives or we are not.

When we were notified by the officials of the Dominican Republic that they could not give assurances that American lives could be protected, I think it was imperative that the President meet the emergency.

Many labor under the false impression that emergencies can be continuing things, lasting for a considerable period of time, and, so long as that period of time runs, there is no responsibility on the Chief Executive of this land to resort to procedures that would permit of a review of his exercise of power.

However, in this case the President was well within his authority and his duty, having been notified by the Dominican Government that these American lives were in danger, in proceeding to rescue the American nationals and directing the attention of the Marines to that operation and that operation only, instructing them not to involve themselves or participate in the internal strife that had broken out in the Dominican Republic.

I am not in a position to comment on what has happened in recent hours, but I feel that I am at least in a position to comment on the cause and purpose of our going in, and the instructions that were given to our Marines and their officers.

I believe that the mission is being accomplished. As far as the protection of Americans in the Dominican Republic is concerned, a large number of them have already been evacuated. I am advised that steps are being taken to evacuate the others.

It has been brought out in discussions today, with members of the Committee on Foreign Relations and others, that there is concern as to whether our Marines are not being used now for an occupation that involves them in the domestic affairs of the Dominican Republic, rather than in the right of our Government to respond to the need for protecting American nationals in the Dominican Republic.

Frankly, I am in no position to comment on what has transpired, if anything, over and above the effectuating of the purpose for which they were sent in under the invitation of the Dominican Government itself.

These matters are so vital, so critical, and so important to our country that I have no intention at this time of commenting in regard to certain allegations that have been bandied about today to the effect that we have pretty much performed the mission for which we went in, and that now apparently a policy is being pursued of staying there in order to prevent the Dominican Republic from being taken over by elements that our Government may think are Communist oriented—God forbid—and elements that might possibly set up another Cuba in the Dominican Republic—God forbid.

I shall await a further briefing as to whether there have been any changes in instructions to our military personnel in the Dominican Republic. So far as I am concerned, I believe the President acted properly. He acted after consultation with the leaders of Congress and with our ambassadorial officials who were in a position to give him the best evidence available at the moment. I do not believe that the President is deserving of any criticism for sending them in. Apparently the purpose of our presence in the Dominican Republic is being limited to protecting American lives and getting American nationals out. If that is not the purpose, that raises the very difficult and delicate matter of whether the fact that the government that we recognized—if it has, and I do not know that it has—invited us to come to its assistance to protect our American nationals from an alleged Communist overthrow would justify a further occupation.

As a matter of international law, I would say that it would not justify further occupation without two approvals. We should have the approval of the Organization of American States itself, because under that charter, procedures are set up that would be binding upon the United States and every other member of the charter in respect to any intervention on the part of any member of the charter or any other country.

Furthermore, I would like to believe, and still hope, that in this country, congressional approval would be obtained on the specific facts before any occupation of that nature would be sanctioned by the President in that state.

I shall await the facts, which I do not have now, before I pass any judgment on some of the criticisms that are being hurled at the U.S. Government from both within our country and abroad.

The reaction in Latin America needs to be watched very carefully for, too often, it is nip and tuck in Latin America so far as having the approval of the countries which we want as friends is concerned.

I hold in my hand a UP dispatch which reads:

> Latin American nations today protested the U.S. troop landings in the Dominican Republic as a violation of that nation's sovereignty, but some recognized the need to protect U.S. citizens.

I digress from the dispatch to say that apparently they are not aware of the fact, as I announced earlier in these comments that we went in when we were invited by the then official government of the Dominican Republic. It probably still is the official government of the Dominican Republic. Until we get reports to the effect that the rebels have succeeded, I have no reason not to believe it to be.

The dispatch continues:

> Mexico, in a government statement, "lamented" the U.S. action and expressed hope

> the troops would be withdrawn as soon as possible. It conceded, however, that "reasons of a humanitarian character" caused the landing.

There is no question about it. I wonder if the officials of the Mexican Government who made the statement are aware of the fact that the United States was notified that in the uprising which broke out there would be no assurance that Americans would be protected. Not only that; we have been protecting not only Americans, but, as is typical with us, we made it clear we would protect others besides American nationals.

The dispatch continues:

> Uruguay's chamber of deputies voted 65–9 to protest against the landings. But the government turned down a Venezuelan move for joint action to halt bloodshed in the Dominican Republic. It said there was no "external aggression" there.
>
> Peru last night called the landings "lamentable" and a reverse for the inter-American system.
>
> It said the OAS charter condemns such interference in the internal affairs of a member state.
>
> In Santiago, it was announced that Venezuela and Chile have formed a common front to halt the bloodshed in the Dominican Republic "and avoid the establishment of a dictatorship."
>
> Chilean President Eduardo Frei received a cable from President Raul Leoni yesterday urging a joint mediation attempt, and agreed immediately.
>
> In Caracas, Venezuela, the Dominican exile colony protested against "foreign intervention."
>
> The Peronist bloc in Argentina's chamber of deputies attacked the landings as intervention in the Dominican Republic's internal affairs.

Madam President, I quote these UP dispatches concerning Latin American reactions in some places to lay the foundation for the observation I now make. I am sorry that apparently these dispatches were sent abroad without the knowledge that the U.S. Government has made very, very clear that it would welcome consideration of the entire problem from the standpoint of the Organization of American States and its procedures, and will proceed with those discussions.

The last information I have received which was within the hour, is that discussions will start as early as tomorrow.

It is not expected that we are going to walk out on our nationals in the Dominican Republic before we evacuated them. I have been told, and I believe correctly, that the evacuation is proceeding as rapidly as possible.

This is not a black and white situation; grey areas are bound to develop. Therefore, we are entitled to know, and I believe we will be told as soon as the facts can be collected, whether or not there is any basis in fact for a point of view I have heard expressed here and by some in the Foreign Relations Committee this morning, that in the Dominican Republic we are going beyond the legitimate protection of American nationals and are seeking to decide for ourselves whether or not the military junta is being threatened by a proleftist group, and that, therefore, we ought to stay and involve ourselves in that controversy.

From the standpoint of our treaty obligations, our Latin American allies who object will have the better of the argument. In regard to that kind of information, we had a clear duty before that matter was initiated, but we do now, certainly, if that happens to be the fact—I have no reason to believe it is, and trust it is not—to lay that problem before the Organization of American States and abide by the procedures and processes of that body as set up in the charter.

I conclude my remarks for today on the Dominican Republic matter by saying that I believe the President was right in sending troops in to protect our nationals. I believe the President was right in making it clear, as to any of the other events that might develop, or that it is alleged are developing out of the incident, that we are perfectly willing to have a full disclosure, an unconditional discussion of those issues before the Organization of American States.

Madam President, it is very important—and I am absolutely confident the President and the Secretary of State share this point of view—that in a critical situation such as this we leave no room for doubt among our Latin American allies and friends that we join with them in seeking to carry out the obligations that we all have under the Organization of American States; that we are not seeking to engage in unilateral military action on the part of the United States in respect to any of the domestic problems of the Dominican Republic. Under that charter, we have no right to do so. Under that charter we have an obligation to place the problem before the Organization and recommend whatever joint action we might think under the premises and facts are justified.

Mr. ALLOTT. Madam President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. ALLOTT. I have listened to the remarks of the Senator with a great deal of interest. Does the Senator believe that if events should occur which would make clear that we were encountering a Communist takeover in the Dominican Republic, along similar lines, but not necessarily the same lines, as occurred in Cuba, the Organization of American States would see fit to take action, or would they still regard this as an internal affair of the Dominican Republic?

Mr. MORSE. My point is that, in the first place, we have an obligation, under the charter, to lay the matter before the Organization and see what it wants to do. I believe, particularly from the Punta del Este Conference and the meeting of the Ministers of the Organization of American States held last year in Washington, that they would not stand by and have communism take over the Dominican Republic, because both at Punta del Este and the Conference here last year the members of the Organization of American States pledged joint action against the spread of communism in the Western Hemisphere.

My plea is that we go through the procedures of the Organization of American States and not run the risk of giving anti-American groups in Latin American countries propaganda fodder. These groups exist in practically every country there. I do not know of one country in which they do not exist. In my judgment, they are a relatively small minority. I do not wish to give them any reason to build up a successful course of action by making charges that the United States is deciding unilaterally what shall be done in regard to an assumed Communist threat in the Dominican Republic.

Mr. ALLOTT. With that point, while I would agree with the Senator from Oregon at this point in time that we should not place ourselves in this position, in a short time we may find ourselves on the horns of the proverbial dilemma, that after we have evacuated our citizens and perhaps have evacuated ourselves—and we would have to evacuate, in order to keep full faith with the statements President Johnson has made—we might then find ourselves facing a de facto Communist takeover. After presenting the problem to the Organization of American States, we might find them reluctant to live up to its expressions of last year and permit another Communist country in the Western Hemisphere. It seems to me that we cannot afford to permit that to happen, although, at the present moment, no one can give an answer.

Mr. MORSE. But we can talk about it hypothetically, and that is what I am coming to——

Mr. ALLOTT. That is all we can do at present.

Mr. MORSE. I am coming to the hypothetical question the Senator has in mind in regard to what our rights are. The rights of every other member of the Organization of American States happen to be that when they find that the security of, say "X" country—and I am going to talk about the United States—becomes jeopardized, and there is no action which the Organization of American States can agree to, of course, that was the Cuban missile case. It does not have to be a missile threat. We can take other kinds of threats, which I shall discuss momentarily. I thank the Senator for helping me point up the problem.

Mr. ALLOTT. I appreciate the Senator's remarks because in discussing a hypothetical situation, we also look down the road to see alternatives that will have to be met, which will not be easy to solve.

Mr. MORSE. Madam President, I recapitulate, because I wish the RECORD to be perfectly clear for future reference regarding my position, which is the same as that of the Senator from Colorado, on the basis of what he has stated thus far.

We acted by moving in to protect our nationals when we were advised that the Government of the Dominican Republic, which we had recognized, could not guarantee their protection, although we are protecting other nationals as well as our own. We have no right to act unilaterally beyond that limited purpose. As I have said, discussions with other Latin American countries on what to do next will begin tomorrow morning. As I have stated to the Senator from Colorado, I believe that if a factual situation should develop which would meet the premises of the hypothetical points I now state; namely, that Communist forces are about to take over another sector of the Western Hemisphere within the boundaries of an existing country—in this instance, the Dominican Republic—the OAS will be obligated to act under both Punta del Este and the Washington act of a year ago, signed in Washington, D.C., along with the Senator from Iowa [Mr. HICKENLOOPER] and I, who had the privilege of being the two Senate delegates, as the Senator from Iowa [Mr. HICKENLOOPER] and I were to Punta del Este, and also to the Act of Bogotá.

Assuming that such facts did exist—at least we thought they existed—if the OAS decided not to act and did not agree with the contention I have just made that under Punta del Este and the act of Washington they should act, would we then be justified in unilateral action?

Let the record be clear that it is my opinion that we would be justified if—and only if—we believed that the security of the United States was directly threatened by such a Communist takeover.

That is the Cuban case all over, so far as the missile situation is concerned. President Kennedy acted unilaterally in that situation, in that there was no formal agreement at the time he acted on the part of our allies in Latin America, but there was an informal understanding. There was immediately a full briefing of our allies in the Western Hemisphere, as to why the President found it necessary from the standpoint of the security of our country to take the action which he did. Everyone knows what the aftermath was; namely, complete understanding. Not only that, we had the acceptance of that act on the part of the United States to protect its own security, which is not removed from us by the OAS Charter—or the United Nations Charter, for that matter.

I hope that the hypothetical points I have just outlined will not develop.

Many disagree with me in the position I took, but I thought it was a great mistake for the United States to recognize the military junta in the Dominican Republic.

Remember that when the President invited a group of us to a Cabinet meeting for a briefing on the situation, mine was the lone dissent in the group. I stated at that meeting that I feared recognition of the military junta would be interpreted in many places—including the Dominican Republic—as a rejection on the part of the United States of constitutionalism in the Dominican Republic. I further stated then, and reiterated on the floor of the Senate immediately thereafter, that I held no special brief for Bosch, and did not know the facts about the allegations concerning him, but that I knew he was President constitutionally.

He had left the country. The Constitution called for his successor to take office. I said it was a great mistake for the United States to recognize and assist the military junta in open defiance of that constitutional system; that our position ought to be that the next man in line should take office; and that the Congress of the Dominican Republic should be defended and should be allowed to carry out its constitutional authority.

I said in that Cabinet meeting and later on the floor of the Senate that if we did not follow that course of action we would be inviting other uprisings in the Dominican Republic and would play into the hands of military juntas elsewhere in Latin America.

The record is perfectly clear that that is exactly what is happening and what has happened in other places, and will continue to happen, so long as the United States follows, as it does intermittently, a course of action in respect to aiding governments which come into being through military overthrow.

We shall not strengthen the image of the United States in Latin America whenever we turn our back on a constitutional system.

I said we should not recognize any military junta unless we get some conditions precedent, by way of commitment. I want to know what the group that is now asking for support proposes to do about returning the Dominican Republic to a constitutional system providing for elections.

Is it merely a caretaker government for an interim period of time until the Congress of the Dominican Republic can put its constitutional processes to work again? It is perfectly obvious that what we are being asked to do is to recognize a group of militarists who have taken over a government by force. Wessin y Wessin was the leader then, and he is now. I said, also that I thought all we were doing was buying trouble for ourselves. We have certainly found it.

That does not mean that I shall support a revolutionary body in the Dominican Republic until I know at least what its intent is. There is no doubt that since we have recognized it the Dominican Government has been ruled by a military group. It is their right to revolt. It is very easy, when a group of freemen revolt against military tyranny, for many to put the label of "Communists" on them.

I have not the slightest idea how many, if any, Communists are involved. I would not be surprised if there were not some. However, my words today should be phrased in syllables of caution. Let us be careful not to prejudge what may be a good faith attempt on the part of freemen to overthrow a form of totalitarianism which has plagued this little country for many years.

VIETNAM

Mr. MORSE. Madam President, the discussion today in the Senate and in the Foreign Relations Committee about the Dominican Republic led into a discussion of South Vietnam. I shall be exceedingly brief about it. However, a good deal of this discussion today has been around the meaning of the joint resolution which Congress passed on August 7 with only 2 dissenting votes, those of the Senator from Alaska [Mr. GRUENING] and the senior Senator from Oregon.

I ask unanimous consent that the joint resolution may be printed at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

> Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and
>
> Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and
>
> Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.
>
> SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.
>
> SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. MORSE. Madam President, in spite of some of the statements I heard today from my colleagues in the Foreign Relations Committee, which I believe can fairly be said to reflect reservations on their part as to the sweep and breadth of the resolution, I voted against the resolution because of its sweep and breadth, as the material which, without taking the time to read it, I shall put into the RECORD shortly will show.

My argument of August 6 and 7 emphasized over and over again that I thought the resolution was entirely too broad and did not contain within its language sufficient checks on the part of Congress.

The first resolving clause reads:

> That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

The words "to prevent further aggression" are absolutely undefined as to time, place, or the source of said alleged aggression.

So also are the words "take all necessary measures" totally unlimited and undefined.

That is rather broad.

Section 2 reads:

> SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines.

How can we have a fuller sweep and a broader vesting of power, or an attempt to do it? I held then, and I hold now, that of course Congress did not have the power to vest such power in the President under the Constitution. Sincere men disagree. I continue to read from the resolution:

> to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Section 3 of the joint resolution reads:

> SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

In some of the discussions today, some of my colleagues held that the joint resolution never contemplated giving the President of the United States the authority to bomb North Vietnam, that they never gave to the President the authority to send many thousands of men into southeast Asia.

That discussion among my colleagues in the committee arose because of the expressed concern on their part that the news tickers today had carried some articles to the effect that we were about to send two more divisions into southeast Asia. There had been no confirmation of that, from either the State Department or the Pentagon. I also say most respectfully that that does not mean that it will not happen, because all too frequently in connection with the South Vietnamese operations we have been confronted with accomplished facts, even though we were led to believe that rumors that certain things were about to take place were unfounded.

However, I shall continue, until I have proved to the contrary, to assume that the divisions are not being sent, until the Government tells us that they are.

In the debate on the joint resolution, the Chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], acting really as the Senator in charge of the bill—therefore his comments are of great importance in subsequent determination of what the intent of the Senate was, at least when it adopted the resolution—answered a considerable number of questions. I wish to quote his responses to a few. On August 6, 1964, in colloquy with the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Dakota [Mr. McGOVERN] said:

> Mr. McGOVERN. I should like to put one other question to the Senator. Over the past few days, possibly the past 2 or 3 weeks, there have been statements in the press quoting General Khanh, the South Vietnamese leader, as saying that the war had to be won by carrying it to North Vietnam. Almost simultaneously our administration leaders have been quoted as saying that the only way the war can be won is by taking on the guerrillas in South Vietnam, and that our policy is not one of extending the war to the north; quite to the contrary, that the victory must be had in the south and that we will take all reasonable steps to confine the war to South Vietnam.
>
> Does the Senator think there is any danger in this resolution that we may be surrendering to General Khanh's position our attitude as to where the war should be fought?
>
> Mr. FULBRIGHT. I do not think there is any danger of that. There is, of course, a danger in this whole area, and there has been for 10 years. It is dangerous. The policy of our Government not to expand the war still holds. That is not inconsistent with any response to attacks on our vessels on the high seas where they have a right to be.
>
> Mr. McGOVERN. I agree.
>
> Mr. FULBRIGHT. I do not think the policy that the war be confined to South Vietnam has changed. I think it is still the policy. I think it is the correct one. What causes difficulty is the fact that this is a new type of war. It is not a war in the orthodox sense. This is subversion, inspired and conducted through infiltration of supplies and men by a neighboring country without a declaration of war. It does not fit the pattern of the traditional way we think of war. It is, nevertheless, aggression, a modernized, specialized kind of aggression, brought to a high degree of perfection by the leader of the Chinese Communists, Mao Tse-tung, who established the basic theory of how to conduct this type of warfare.
>
> It is difficult to adjust our concepts to warfare of this kind. I think it is just as savage and as much in violation of international good behavior and law as is an overt invasion by troops. I tried to make this point in my remarks. North Vietnam has been an aggressor against South Vietnam; and I do not think so merely because of the testimony in the past 2 or 3 days. Over several years, we have received testimony about what the North Vietnamese were doing in Laos and to a much higher degree in South Vietnam.
>
> They had two major ways of approaching South Vietnam, one by sea, and one by ground. The sea approach was the easiest way to supply the Mekong Delta. So we helped the South Vietnam Government try to interrupt the transfer of men and supplies to the Mekong Delta. Junks were built up for that purpose. The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping South Vietnam arm itself. I do not know about the specific boats.
>
> I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for many years.
>
> Mr. McGOVERN. I am inclined to agree with the Senator. I did not want my remarks to be interpreted as prejudicing the case for aid——
>
> Mr. FULBRIGHT. I am glad to try to clarify the situation. It is difficult and confusing.
>
> Mr. McGOVERN. There have been references in the press to the effect that General Khanh was in political trouble and that one way he thought he could get out of it was to divert attention from failure in the conduct of the war in the south to some kind of strike in the north, presumably largely underwritten by the United States. It was because of my concern with that possibility that I raised these questions.
>
> I thank the Senator for yielding.

Subsequently the Senator from Maryland [Mr. BREWSTER] asked the Senator from Arkansas the following question:

> Mr. BREWSTER. I had the opportunity to see warfare not so very far from this area, and it was very mean. I would look with great dismay on a situation involving the landing of large land armies on the continent of Asia. So my question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China.
>
> Mr. FULBRIGHT. There is nothing in the resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do. However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated. This kind of question should more properly be addressed to the chairman of the Armed Services Committee. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia; that our power is sea and air, and that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity.
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> Mr. BREWSTER. I thank the distinguished chairman.
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> Mr. MORTON. Mr. President, will the Senator yield?
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> Mr. FULBRIGHT. I yield.
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> Mr. MORTON. Mr. President, first I say to the distinguished Senator from Arkansas that I approve the action that has been taken, and I approve this resolution. On the matter which was the subject of the colloquy between the chairman of the Foreign Relations Committee and the distinguished Senator from Louisiana, can we not associate our presence in the Gulf of Tonkin to a degree with our own interpretation of our obligations under the SEATO Treaty?
>
> Mr. FULBRIGHT. Yes. I made mention of it. That is a further responsibility that we undertook in alining ourselves with other countries in trying to bring peace and stability into this area. That was another obligation which we undertook. It fortifies our right or responsibility for being in the Gulf of Tonkin.
>
> Mr. MORTON. I believe the action taken by the President helps to avoid any miscalculation on the part of either and North Vietnamese or the Chinese Communists. I believe the joint resolution gives that policy further strength. In my opinion, the three major wars in which we have been involved in this century have come about by miscalculation on the part of the aggressor.
>
> I believe Congress should speak loud and clear and make it plain to any would-be aggressor that we intend to stand here. If we make that clear, we will avoid war, and not have to land vast land armies on the shores of Asia. In that connection I share the apprehension of my friend the Senator from Maryland [Mr. BREWSTER].
>
> Mr. FULBRIGHT. The Senator has put it very clearly. I interpret the joint resolution in the same way. This action is limited, but very sharp. It is the best action that I can think of to deter an escalation or enlargement of the war. If we did not take such action, it might spread further. If we went further, and ruthlessly bombed Hanoi

> and other places we would be guilty of bad judgment, both on humanitarian grounds and on policy grounds, because then we would certainly inspire further retaliation.
>
> This situation has been handled in the best way possible under the circumstances, so as to calm the situation, and not escalate it into a major war.

Later the Senator from Wisconsin [Mr. Nelson] was concerned about what the resolution meant. He said:

> Mr. Nelson. I have a couple of additional questions. But first I wish to say that I did not suggest that by the use of hindsight I would now conclude that the intervention in 1954 was wrong. I do not know. I understand the necessity for the United States since it is the leader of the free world, to do all it can in furtherance of the protection of the idea of freedom and independence, and that, to do so, we must make gambles. We shall lose some; we shall win some. I believe the public is slow to recognize that we have vast responsibilities, and they expect us to win every gamble that we take. I do not expect that. And I do not now rise here to criticize the original decision.
>
> But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.
>
> Mr. Fulbright. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years.
>
> Mr. Nelson. Did I correctly understand the Senator from Arkansas to say a while ago that the language of the resolution is aimed at the problem of further aggression against our ships and our naval facilities?
>
> Mr. Fulbright. I think that is the logical way to interpret the language. It makes reference to the armed attack against the forces of the United States which has just taken place, and to prevention of further aggression against our forces. Then the joint resolution passes on to our obligations under the treaty, which involves other countries.
>
> I believe also that it is implicit, if not explicit, in the next section that the intent is to prevent the continuing aggression that now exists against South Vietnam.
>
> Mr. Nelson. If the Senator would permit, I should like to ask a few brief additional questions. I could not hear colloquy between the Senator from Arkansas and the Senator from Louisiana. In relation to international boundary waters, can the Senator tell me what distance offshore we recognize in respect to North Vietnam and Red China?

Then they engaged in a colloquy concerning the 12-mile theory and the 3-mile theory.

Later in the debate, the Senator from Kentucky [Mr. Cooper] made a comment:

> Yes, warfare today is different. Time is of the essence. But the power provided the President in section 2 is great.
>
> Mr. Fulbright. This provision is intended to give clearance to the President to use his discretion. We all hope and believe that the President will not use this discretion arbitrarily or irresponsibly. We know that he is accustomed to consulting with the Joint Chiefs of Staff and with congressional leaders. But he does not have to do that.
>
> Mr. Cooper. I understand, and believe that the President will use this vast power with judgment.
>
> Mr. Fulbright. He intends to do it, and he has done it.
>
> Mr. Cooper. I do not wish to take more time now, because the distinguished Senator from Georgia wishes to speak, and I want to hear him.
>
> Mr. Fulbright. I have no doubt that the President will consult with Congress in case a major change in present policy becomes necessary.

At that time the Senator from Arkansas did not outline what he meant by believing that the President would consult with Congress. The President has consulted with leaders of Congress. On two occasions he has afforded an opportunity to every Member of the Senate, and I believe a similar opportunity has been given to Members of the House, to be briefed on Vietnam. It may well be that the language of the Senator from Arkansas means that the President will consult with Congress formally in case a major change in present policy becomes necessary. I believe that is the only kind of consultation that would have any significant importance. I stress this language because it will bear upon a recommendation or a suggestion that I shall make before I finish, in view of the concern that I have heard expressed by a considerable number of Senators today in respect to the joint resolution for which they voted last August.

The Senator from Kentucky [Mr. Cooper] said later:

> We have confidence in the President and in his good judgment. But I believe we have the obligation of understanding fully that there is a distinction between defending our forces, and taking offensive measures in South Vietnam which could lead progressively to a third world war.

That was not the only time the Senator from Kentucky made an observation with this meaning. That happens to be a point that I emphasized, as will be seen from the material I shall place in the Record, based upon the long speech of opposition I made to the joint resolution. My opinion is that many Senators apparently, from what they say now, at least, thought they were voting for a joint resolution that would result in the President coming to Congress to get support and verification for an escalation policy.

But, said the Senator from Arkansas [Mr. Fulbright], in response to the Senator from Kentucky:

> The question concerns the kind of actions taken in this instance. I think the President took action that is designed to accomplish the objective the Senator from Kentucky has stated. That is what I have tried to make clear. I join in the Senator's hope that all-out war can be avoided.

Madam President, I ask unanimous consent to have printed at this point in the Record the colloquy between the Senator from South Dakota [Mr. McGovern] and the Senator from Arkansas [Mr. Fulbright], which occurred immediately following the statement I have just read, and which appears in the Congressional Record, volume 110, part 14, page 18410.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

> Mr. McGovern. Mr. President, will the Senator yield for one question?
>
> Mr. Fulbright. I shall yield for one question; then I shall yield the floor.
>
> Mr. McGovern. The Senator may recall that about 10 years ago, on December 2, 1954, the United States signed with the Nationalist Chinese Government a mutual defense treaty. In effect, we committed ourselves to join defense for security interests in the western Pacific.
>
> Shortly after that agreement was signed, there was a considerable amount of anxiety expressed in the United States that perhaps we in effect had surrendered control of our foreign policy in that part of the world to the Nationalist Chinese. Partly to offset that anxiety, there was an exchange of notes between Secretary Dulles and the Nationalist Chinese Minister of Foreign Affairs, in which the two gentlemen agreed in effect that if there were to be any action by military forces on the part of either the Nationalist Chinese Government or ourselves in the western Pacific, the two countries would consult with each other, and that any such action would be taken only after mutual agreement.
>
> I am wondering whether there is any similar protection written into the security arrangements that we have with reference to South Vietnam. Is that kind of protection, for example, written into the SEATO agreement, or in any of the notes which have been exchanged between our Governments, so that we would not, in effect, be surrendering control of our actions in southeast Asia to the Government of South Vietnam?
>
> Mr. Fulbright. I do not believe we are surrendering control to them. Under the SEATO Treaty, as I recall it, we take our own actions according to our constitutional processes. I do not believe that we have surrendered control of our actions. However, as a practical matter our influence upon the Government of South Vietnam is a matter of relations between our Ambassador and General Khanh. We consult daily, I believe, with regard to the conduct of our mutual affairs in that area. To give a short answer, I know of no exchange of notes, or anything of that kind. I do not recall any testimony on the precise point the Senator has brought up.
>
> Mr. McGovern. What I am getting at is, suppose the Government of South Vietnam, for whatever reason, should decide to launch a major military attack on North Vietnam, would we be obligated in any kind of arrangement we have with South Vietnam?
>
> Mr. Fulbright. No. We have no obligation to follow through with a situation which we believe to be unwise, stupid, or silly. We could disavow it and withdraw and have nothing to do with it. We have no treaty agreement or any other agreement that I know of that binds us to follow through with that.
>
> Mr. Lausche. The southeast Asia treaty provides specifically that it is applicable only when aggressions are committed against members of the treaty, and is not applicable should members of the treaty commit aggressions against countries other than those who are members of the treaty. That is written into the treaty.
>
> Mr. Fulbright. I believe that it also applies only to aggression from Communist countries.
>
> Mr. Morse. It covers the protocol countries.
>
> Mr. McGovern. I was not a Member of the Senate at the time, and I know that the Senator from Arkansas knows infinitely more about it than I do, but when the Formosa resolution was approved by Congress early in 1955, I believe that the approval for that resolution was secured partly because of the exchange of notes which had taken place months before, in which both Nationalist China and the United States agreed that neither country would undertake any kind of military action in the Pacific without making it a joint action. It is on the basis

of that assurance that the Formosa resolution was approved. So that is why I rose to ask my question.

Mr. FULBRIGHT. I know of no such exchanges in this case.

Mr. MCGOVERN. I thank the Senator.

Mr. MORSE. Madam President, on August 7, the debate continued. Without taking the time to read it, I ask unanimous consent that such parts of my speech of August 7, 1964, as I shall designate, in opposition to the joint resolution, be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

It is easy, understandable, and natural in a time of high national emotion, in a time of strong patriotic fervor, to say, "Give 'em the works." It is also true that in such an hour of high national emotion and hysteria, we who sit in seats of responsibility, so far as the legislative process is concerned, can say, "Let us wait. Let us first analyze the situation on the facts, and then vote the authority that is needed to protect the country. Sincere and honest men can differ as to the procedural form that the grant of such authority shall take."

In 1955 and again in 1957 the senior Senator from Oregon took the position, as he does in the instance of this resolution, that the Middle East resolution and the Formosa resolution would be grants of authority to the President to exercise power which would amount to predated declarations of war. That should not be done. It is not necessary. All the world knows that any country that attacks the United States will be met immediately with the exercise of the inherent power of the President, under the Constitution, to defend the Republic. All the world knows that if any country continues an attack upon this country, the President will come before this body and quickly, as the great Roosevelt did after Pearl Harbor, in 1941, obtain from Congress a declaration of war. What more is needed?

A constitutional principle is involved. It is dangerous to give to any President an unchecked power, after the passage of a joint resolution, to make war. Consider the procedural complications that could develop if Congress decided that the President was making serious mistakes in the conduct of a personal war—for it would be a Presidential war at that point. How would the President be stopped? He could not be stopped. Consider what would happen to this Republic if we got into that kind of conflict with the President in carrying out the joint resolution.

But, say some, see what the end of section 3 provides:

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

That would create a nice mess, would it not? That would be a nice portrait of the United States to paint before the eyes of the world. What havoc of disunity that kind of procedure would encompass.

What is wrong with letting the Constitution operate as written by our constitutional fathers? Why this indirect amendment of the Constitution? There are Senators, for whom I have deep affection, who become a little shaken, in our private conversations, when I say, "What you are really seeking to do is to get around the amending process of the Constitution. In effect, you are trying to get around article I, section 8, by amending the Constitution by way of a joint resolution."

I do not believe we ought to establish any more precedents of this kind. I do not accept the argument that because we have made two mistakes in the past—we made no mistake in connection with the Cuban resolution; and I shall speak on that later—because we made mistakes in the Formosa and the Middle East joint resolutions, we can make another one. Even a repetition of mistakes does not create a legal right in the President. I do not believe it is good legislative process to repeat mistakes. We ought to stop making them.

In effect, this joint resolution constitutes an amendment of article I, section 8, of the Constitution, in that it would give the President, in practice and effect, the power to make war in the absence of a declaration of war. It is also important to demonstrate to the world, including the free nations, that the Constitution of the United States is not an instrument to be tinkered with; that the Constitution is a precious, sacred document, so far as our form of government is concerned, and is not subject to subversion in the legislative process. We should never miss an opportunity to demonstrate this principle to the totalitarian nations of the world. We should never forget that under Fascist or Communist regimes there are no rights and liberties of the person.

It is proposed, by this joint resolution, to subvert the Constitution. We are engaging in a subterfuge, so far as article I, section 8, is concerned. We should not do that. We should not in any resolution tinker with the Constitution in respect to the powers and prerogatives of the President, and the limitations upon such powers and prerogatives.

Going back to section 1 of the resolution, I assert again that in the language "to take all necessary measures to repel any armed attack against the forces of the United States," there is no question about the inherent power of the President to do so without a resolution.

I have stated that if this proposed grant of power implies that the right of the President of the United States to take all the necessary measures to "repel any armed attack against the forces of the United States"—which former Secretary of State Dulles and Admiral Radford asked for in 1954—includes the authority to commit an act of aggression before an act of aggression is committed against the United States, on the basis of the theory of a preventive war, that is a dangerous doctrine. It cannot possibly be reconciled with the Constitution; nor can it be reconciled with sound national policy.

There is no question that the meaning of the next four words on line 6 of page 2 clearly authorize—"to prevent further aggression."

That is when the whole realm of judgment upon the part of the President of the United States comes into play. That is when we substitute the President for article I, section 8 of the Constitution. That is when we say to the President, "You can go beyond acts of immediate self-defense of the Republic. You do not have to come to the Congress, as Franklin Roosevelt did after Pearl Harbor, and ask for a declaration of war. You can proceed in the exercise of your judgment to prevent further aggression."

The uninformed, unenlightened editor of the Washington Post who wrote that stupid editorial in this morning's paper has not the slightest conception of the meaning of those words. If he had, he would not have written in his editorial:

"There is no substance in Senator MORSE's charge that the resolution amounts to a 'predated declaration of war.'"

That is exactly what those words mean. It is incontrovertible. The President would not have to come and ask for a declaration of war. He would be given sanction by Congress to make war without a declaration of war. It will be noted that I do not say "the authority," for the authority cannot be granted by Congress. Congress cannot amend the Constitution in this way. This does not conform to the amendment processes of the Constitution. It is proposed that Congress sanction the action of the President in making war, if in his judgment, he thinks making war is necessary to prevent further aggression. I shall come to that point later. But that is why I said last night that so many want to turn away from the most delicate question involved in the debate. That is why I said last night—and shall discuss it at greater length today—that the President and our country were quite right in meeting the attack on the destroyers last Tuesday night. But, in my judgment, that did not empower him, under the right of self-defense, to try to proceed beyond protecting those ships, and strike the mainland of North Vietnam. In my judgment, that constituted an act of war—not an act of self-defense.

Mr. President, at that point, under our treaty commitments, our allegations in regard to the absolutely inexcusable and illegal attack on our ships on the high seas by the North Vietnamese forces should have been taken immediately to the United Nations. As to that attack we had an unassailable case. They attacked us on the high seas and we responded in self-defense.

We were clearly within our international law rights. Unfortunately we did not stop there. We then went beyond our rights of self-defense and proceeded to bomb the mainland of North Vietnam.

We either support a rule of law procedure or we ignore it. We ignored it. We had an irrefutable case of violation of international law by North Vietnam in connection with their attack on our ships. We would have a hard time, under international law, supporting our subsequent attack on North Vietnam in the absence of a declaration of war. There will be those who will say that that is cutting the line pretty fine. Nevertheless, the difference is between acting within the Constitution and acting outside of it. It is the difference between staying within our rights of self-defense and proceeding to turn ourselves into an aggressive warmaking power.

No one despises, hates, and repudiates more than does the senior Senator from Oregon, communism, Communist regimes, including North Vietnam, Red China, Cuba, Red Russia, and all of the rest. But I do not propose to allow my hatred, my detestation, my complete disgust with the police state methods of a Communist regime to cause me to give support to a proposal to go outside the constitutional guarantees of our system of government. I want to keep my Government in an impregnable position, so that we can go before any international tribunal and establish our case, and not have thrown back in our teeth a showing to establish a series of allegations in regard to the exercise of power and military might on the part of the United States that takes us outside the framework of international law.

There is no doubt that the language, "to prevent further aggression," rouses all the objections that I made in 1955 to the Formosa resolution. This proposal seeks to vest in the President of the United States the power to carry on a so-called preventive war. By preventive war, we mean making a war against another country because it is assumed that that country is about to make war, or contemplates making war, against the United States. Such authority is not to be found in the Constitution. The Congress cannot give such authority to the President of the United States as far as the Constitution is concerned. It can sanction the exercise of the authority but the exercise of the authority would still be just as much outside the Constitution as though the President acted without the joint resolution. The joint resolution could never make legal the exercise of such authority by the President of the United States.

That is not the only place in the resolution in which we would give to the President a preventive war authority. I refer the Senate to section 2, line 7, which provides—

"SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution—"

It has been agreed, by way of an amendment to the joint resolution, that that means the Constitution of the United States—"and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. President, that is an awful power to give to a President. If the Washington Post does not think that that is a predated declaration of war, the editor ought to start asking himself some questions about certain hypothetical situations.

Shall we allow any President of the United States to decide, with no check—that is, no check for immediate application—to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom?

We had better pause long enough to take a look at the nature of some of the countries involved, because many of the countries are not free countries. Many of those countries are totalitarian countries. Many of those countries are dictatorships. It is wishful thinking to assume that it would be safe to give the President of the United States unchecked authority to proceed to use American boys in defense of those countries on the basis of claims that acts of aggression are being committed against them by some other country, without a congressional check. Have we reached the point in American foreign policy where we are going to permit the President to send American boys to their death in the defense of military dictatorships, monarchies, and Fascist regimes around the world with which we have entered into treaty obligations involving mutual security, no matter what the provocation and no matter what wrongs they may have committed that cause an attack upon them? Are we going to do that without a check of Congress by way of a declaration of war? What are we thinking of? What time factor would justify such precipitate action?

Mr. President, this Senator will never vote to send an American boy to his death anywhere in the world under any such language as is contained in that part of the joint resolution. It is of utmost importance that we surround that language with a congressional check. And there is none.

One could say, as I said a few moments ago, "But, Mr. Senator, the Congress can terminate this authority by a concurrent resolution."

I have already pointed out the kind of hassle that such a situation would create, and the kind of disunity that such action would produce. The American people should be protected from a possible abuse of the authority. So long as abuse of a procedure is possible, the procedure should be modified to prevent the possibility of the abuse.

Mr. President, that is why it is so important that we hold any President—I care not who he is—to article I, section 8, of the Constitution in the carrying out of mutual security agreements. We should hold him to the approval of the Congress before the fact and not after the fact.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GRUENING. I wish the Senator would discuss what seems to me the obvious escalation of the war by the authority granted in section 2 of the joint resolution—"To assist any member or protocol state of the Southeast Asia Collective Defense Treaty."

Mr. MORSE. I was about to do so.

Mr. GRUENING. Hitherto we have been dealing wholly with South Vietnam. The President has stated his purpose, which is quite evident—not to extend the war.

In the section to which I referred we are including a number of additional nations into which we could send our Armed Forces. The joint resolution would extend the prospective war all over southeast Asia, would it not?

Mr. MORSE. It certainly would, with no check on it.

Mr. GRUENING. In other words, in effect, the Congress would authorize an escalation of the war to Thailand, Laos, Cambodia, North Vietnam, South Vietnam—and what else?

Mr. MORSE. Pakistan.

Mr. GRUENING. I have in my possession, which I intend to present when the foreign aid bill comes before the Senate, a statement from a high official of Pakistan indicating that his government has no intention of using the nearly $1 billion in military aid that we have given to Pakistan to help out our cause because it is needed in their prospective difficulties with India.

Mr. MORSE. The Foreign Minister of Pakistan in effect made that statement in Washington, D.C., when he addressed the Press Club not so many weeks ago. He was asked by a newspaperman at the meeting to state whether or not Pakistan could be counted upon to be of assistance in southeast Asia. He said, "No."

He gave his reason. His reason was Pakistan's involvement with India. Pakistan has no intention of responding to any calls to SEATO members.

I yield further.

Mr. GRUENING. It seems to me that the joint resolution presents an unlimited authorization for war anywhere in southeast Asia, including Pakistan, which is really not in southeast Asia, but which is in south central Asia, and it seems to me a very dangerous, unwarranted, and unprecedented action.

Mr. MORSE. Do not forget, Pakistan is a member of SEATO; its obligations to South Vietnam are the same as ours.

Mr. GRUENING. Yes; but it has shown no disposition whatever to carry out its obligations under that treaty.

Mr. MORSE. That is correct; but, she being a SEATO member, we would be obligated to go to her assistance.

Mr. GRUENING. This resolution, in effect, is an authorization which would be the equivalent of a declaration of war by the Congress. Would it not be?

Mr. MORSE. I think so.

Mr. GRUENING. That is one thing I am very apprehensive about. If we should get into an all-out war, which I fear may happen, this resolution would be considered the authorization by the Congress to so proceed. Would it not?

Mr. MORSE. That is correct.

Mr. GRUENING. I expressed my views on it yesterday. I do not at all criticize the President—in fact, I think the President was correct—for repelling the assault, whatever may be the background, on American vessels and destroying the attackers. I approve of that action, but the resolution goes far beyond such action, which apparently precipitated the request by the President for such a resolution, and covers the whole of southeast Asia area. I distinctly disagree with the administration policy.

As I have stated repeatedly, this was a policy which the President inherited, and from which I hoped he would disengage himself. He inherited it from the Eisenhower administration, from John Foster Dulles, when we picked up the fiasco the French had engaged in with the loss of over 100,000 young lives. We contributed vast sums of money to that operation. It was obviously a failure.

Now we have escalated it, as could be foreseen, and as I in fact did foretell, and as the Senator from Oregon foretold, into an all-out war in southeast Asia. Regrettably, the end is not yet. I am extremely fearful about the situation.

This is a moment when patriotic passions are aroused, and it seems indicated that we should do whatever the President asks.

It is very painful for those of us who disagree with the policy. I felt it was wrong in the beginning and have repeatedly stated for 5 months that I thought it was wrong, and that we should continue to try to find a peaceful solution; that we should take the issue to the United Nations and seek a ceasefire. It is, as I have said, painful not to support the President, but I cannot do so in good conscience under the blanket terms of this resolution.

Mr. MORSE. As the Senator knows, last night it was impossible for him, because of a previous appointment, to be present when I paid my high respects to him for his courage, statesmanship, and leadership in this matter for many months past. I said last night that the Senator from Alaska had put the issue squarely.

Now, in a very few moments, the Senator from Alaska has summarized succinctly the major points of the address I have been making on the floor of the Senate the last hour and 15 minutes. I wish to formalize those points before I come to the next major issue which I shall discuss in my speech.

What I have said expresses my views as to the power that would be granted to the President in the resolution. It is what I have called an undated declaration of war. I summarize the points as follows:

First, the unlimited language of the resolution would authorize acts of war without specifying countries, places, or times. That language cannot be reconciled with article I, section 8 of the Constitution. It amounts, in fact as well as in law, to a predated declaration of war.

Next, as I said last night, we have armed forces in South Vietnam, some 20,000, or more, apparently, with the number increasing by planeload after planeload.

Senators can bemoan and warn against a land war in Asia, but the resolution would put the United States in the middle of the Vietnam civil war, which is basically a land war.

Under the resolution Congress would give to the President of the United States great authority, without coming to the Congress and obtaining approval by way of declaration of war, to carry on a land war in South Vietnam. The choice is left up to him.

As I said last night, the interesting thing is that South Vietnam, with a population of 15 million, and an armed force of 400,000 to 450,000 men, has been unable, through all the years of the holocaust in South Vietnam, to put down a Vietcong force of a maximum of 35,000 men. The Pentagon and the State Department, in testifying before the committee, say the number probably does not exceed 25,000. We have to have more than 20,000 American boys over there to die in whatever numbers they are killed, in an attempt to win that war. And for whom?

Mr. President, the leaders of this Government keep talking about freedom in South Vietnam. There is not one iota of freedom in South Vietnam, for the South Vietnamese people, by and large, do not know what the word means. I quoted in a speech the day before yesterday, a letter I received from a Republican Member of Congress, in full support of the position I have taken on this issue. I paraphrase it, although the quotation is already in the RECORD. He said that the average man of North or South Vietnam would not know what democracy looked like if he met it on the main street of Saigon. The difference between their governments is like the difference between tweedledum and tweedledee. But both are interested in the next bowl of rice.

That is why this Senator has been pleading for years, in connection with foreign policy, that the great need of the United States in the field of foreign policy is to export economic freedom and to stop exporting military aid, for our military aid makes Communists. Prepare the seedbeds of economic freedom for the masses of the people of any country and we prepare for the growth of freedom. Unless the people are first economically free, they cannot be politically free; and, what is more important, they will never understand political freedom until they are first economically free.

There is great danger now that Congress will give to the President of the United States power to carry on whatever type of war he wishes to wage in southeast Asia. That is why I said, in answer to an argument that was made on the floor of the Senate yesterday, apparently some colleagues are laboring under the illusion that perhaps the resolution would reduce the danger of fighting a land war in Asia. There is not a word in the resolution that has any bearing on the subject. To the contrary, the broad, sweeping, sanction of power—note my language, because it cannot be done legally—the broad, arbitrary, sweeping power Congress is sanctioning for the President would in no way stop him from sending as many American boys as he wants to send into South Vietnam to make war.

As the Senator from Alaska has said over and over again, and as I have joined him in saying, all South Vietnam is not worth the life of a single American boy; and the killing of a single American boy in South Vietnam is an unjustified killing. It ought to stop. It is not going to stop until we turn our warmaking policy into a peacekeeping policy. It is not going to stop until we insist that our alleged allies in SEATO come in with as many divisions of peacekeeping units as are necessary to keep the belligerents apart. It is not going to stop until the United Nations, under the procedures of international law, can come in and keep the peace and set up whatever controls are needed, by way of United Nations trusteeships if necessary, to bring that war to an end.

This result will not be achieved by unilateral military action. It makes me sad to have to say it, but I am satisfied that history will record this horrendous mistake of the United States in its false assumption in the year 1964 that it could supplant in South Vietnam military control by Asiatics with military control by the United States.

We could never win such a war. We might win military victory after military victory. If we did not stop the escalation, we would kill millions of people, because the escalation, step by step, would lead to all-out bombing of North Vietnam and Red Chinese cities. When we were through, we should have killed millions and won military victory after military victory, but we should still have lost the war.

The United States can never dominate and control Asia, with 800 million people in China alone. That kind of war would create a hatred for the United States and for the white man generally that would persist for centuries. Dominating Asia, after destroying her cities and killing her millions by bombings—that is the danger that we are walking into—would not make the white man supreme in Asia, but only hated.

We know what the floods of human history do. Eventually the white man will be engulfed in that Asiatic flood and drowned.

Mr. MORSE. Madam President, I shall comment on only a point or two by way of quotation; then I shall summarize my position, because it bears on some of the conversations I have had today with other Senators who apparently, in some instances, thought they were voting for a joint resolution that was free of the very objections that I raised to it in my speech opposing it last year. For example, I said:

> So I am concerned about the resolution in respect to its giving to the President what I honestly and sincerely believe is an unconstitutional power—that is, the power to make war without a declaration of war. It feeds a political trend in this country that needs to be checked. For some time past in this Republic we have been moving in the direction of a government by executive supremacy.
>
> It is very interesting to listen to the arguments that one hears for extending and expanding the power of the White House. It is extremely important—and I speak soberly and out of a depth of great sincerity—that we never grant a single power to any President, I care not who he is, that in any way cannot be reconciled with that precious fundamental foundation of our Republic; namely, a system of three coordinate and coequal branches of government.
>
> It is dangerous to the freedoms and liberties of the American people to vest in any President, at any time, under any circumstances, power that exceeds the constitutional concept of three coordinate and coequal branches of government.

Then I discussed at length and in some detail my view of the joint resolution, saying that it did give to the President broad, sweeping power to make war.

I do not see how one can read the joint resolution and reach any other conclusion. Yet, I listened to a colleague on the Committee on Foreign Relations say to a high official of this Government who interpreted the resolution as giving the broad power that I was objecting to last year: "If I thought that I was voting for that power, I would have voted against the resolution with WAYNE MORSE, not for it. That is not what I voted for."

I am afraid he did, may I say to the Senators who, in effect, have said, "I did not vote for a resolution that would authorize the President to send thousands upon thousands of American troops into Vietnam or into southeast Asia." That is what concerns them today. I do not believe any Senator knows tonight how many thousands of American soldiers we now have in southeast Asia and how many thousands more may be on the way.

This has been on interesting day in the Senate. I have listened to many expressions of hindsight on the part of some of my colleagues who are disturbed about the rapid escalation of the war in North Vietnam and who did not believe when they voted for this resolution that they were voting to empower the President of the United States, without a declaration of war, to bomb North Vietnam.

I believe that they did vote for it. I did my best to get them to see that that was what they were voting for. I do not know how one could have been more explicit than I was.

Apparently they shared the feeling that was sincerely held by the chairman of the Foreign Relations Committee and eloquently expressed by him, which was contrary to the views expressed by the Senator from Alaska [Mr. GRUENING] and the senior Senator from Oregon.

The sad fact is that they voted for a blank check and now that the numbers are being filled in all the American people are going to suffer.

(At this point Mr. HART took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, earlier this afternoon I said that the Foreign Relations Committee now has an obligation to proceed with some consideration on the joint resolution that was passed last August. I have heard enough doubts expressed today as to what this resolution means that I think the American people are entitled to have the thought of the Foreign Relations Committee clarified, or try to.

Section 3 reads:

> This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Congress of course reserved the right to terminate it. There is also a clear implication that they reserved the right to modify it—and I think it is time for members of the Foreign Relations Committee—the resolution came from the Foreign Relations Committee—to formally and officially raise this question and give the Senate at least an opportunity to decide whether it wants to reaffirm its position of last August, or declare war, or terminate the power that it thought it could give to the President, but which, in the opinion of the senior Senator from Oregon, it could not possibly delegate to the President.

Since last August 7, both the President and Congress have been engaged in a clearly unconstitutional course of action. We cannot delegate this power to the President. The President under the Constitution has no authority to exercise the power. However, we have been confronted with a type of legal anomaly such that if Congress and the President really usurp power or act outside the law in this interesting field of the law, we know of no procedure that can get the question to the U.S. Supreme Court for review and determination.

I say, good naturedly and respectfully, and out of love and affection for my colleagues who have been so disturbed today about whether or not they are going along with the policy that they did not think they voted for last August, that they owe it to themselves, to the Senate, and to the American people to formally, as members of the Foreign Relations Committee, bring that resolution back to the floor of the Senate for reaffirmation, for extermination by way of repeal, or, if they really want to fight a war with the lives of American boys, live up to article I of section 8 of the Constitution and introduce a resolution declaring war.

I wonder why they do not do that. It is interesting to speculate on that question. I wonder if Congress dares declare war against any country in southeast Asia.

If it is going to fight a war, it ought to declare it.

I wonder if the Members of this Congress—at least some—might have a slight feeling that perhaps the American people would not approve of a formal declaration of war. I wonder if they have a lurking suspicion that would put upon them and this Government for the first time the obligation of telling the American people all the facts about America's course of action in southeast Asia.

I am satisfied that if we could only get all the facts before the American people about the outlawry of the United States in southeast Asia, the American people would repudiate both the White House and the Congress.

I wish my colleagues who are so disturbed today would now proceed to act on their hindsights. I know the old rationalization—"The fat is in the fire. It is too late. There is nothing we can do about it."

We had better do something about it. Mr. President, we had better do what we can to give greater assurance than we are at the present time that mankind is going to be saved from a holocaust that could very well start in Asia.

I was a little amused today to learn that the Secretary of State is not opposed to debate. He is not opposed to the expression of criticisms, of opposition. Yet the record he made leaves the impression that he wishes people would not debate and would not express opposition. The Secretary of State cannot have freedom of speech and censorship at the same time. I want him to know there is going to be freedom of speech as long as we remain free in this country. But, of course, if there is a declaration of war, there will be many restrictions on freedom. That is inevitable. But until there is a declaration of war, it is of vital importance, despite the disgraceful speech the Secretary of State made several nights ago, which I criticized on the floor of the Senate. It means only one thing if he was speaking for the administration—and I have no doubt he was—the less discussion we have in this country about America's shocking course of action in making war unilaterally in Asia, the better this administration will like it. But there are a good many of us who are not going to oblige them, for the people are entitled to know, as best we can inform them.

I hope the remarks I have made here today will convince some of my colleagues on the Foreign Relations Committee and some of my colleagues in the Senate who are not on the Foreign Relations Committee to give careful consideration to a review of all the possible implications of the most unfortunate resolution the Congress passed last August 7, which has created such an ugly image of the United States around the world.

Even some of our best friends do not like our war breath. They like to turn away from it. They find it impossible to break their association with us at this time. So they continue to give us words of encouragement, and they themselves walk out on their obligations, by their signatures to the United Nations Charter, of calling for the application of existing peaceful procedures for the settlement of disputes that threaten peace.

Let me say to my Canadian friends who have criticized me in recent days because I have criticized the Prime Minister of Canada, Mr. Pearson—and I repeat my criticism this afternoon—that Canada clearly is obligated under the United Nations Charter to have laid this threat to the peace to mankind before the United Nations. I say to the Prime Minister of Great Britain that his dependence upon the United States in stabilizing the British pound does not justify Great Britain in not calling the United States to an accounting, along with our Communist opponents, under the procedures of the United Nations Charter.

I say to the Prime Minister of Italy, who was feted in Washington, that when he gets back to Italy I hope his government will live up to its obligations resulting from its signature to the United Nations Charter and ask for an international conference on the war in Asia under the auspices of the United Nations, with the United Nations representative sitting at the head of the table and the combatants, including the United States, on the two sides of that table—the United States and South Vietnam on one side and the Vietcong and the North Vietnamese on the other—because at the present time, in spite of all the acts of a provocateur of which the United States is guilty, Red China is not in the war yet. May God prevent her from ever coming in.

But I think she will if we continue our course of action, for we are going to give her no alternative.

The only hope, as I see it, is an international conference for negotiations, not bilateral in nature, for we cannot have those any more, but a trilateral negotiation, a tripartite negotiation, a negotiation with the two opposing forces, of which the United States and South Vietnam happen to be one, but in the middle and as chairman, so-called, of the conference, officially selected representatives of noncombatants. That is the honorable way.

There is nothing dishonorable about that, Mr. President. It is a hopeful way. It calls for our alleged friends in other countries coming to realize that if the world is thrown into a major holocaust as a result of this war, they cannot escape their fair share of responsibility for letting it happen.

It is hoped, of course, that a military victory may be a face saver for the United States. It is hoped to have a victory by sending increasing thousands of Americans trained in jungle fighting—and they have been in training for many months past. There has been a design to escalate the war by the Secretary of Defense, Mr. McNamara, by the Ambassador to South Vietnam, Mr. Taylor, by the Bundys at the White House and the State Department, by the Secretary of State himself. The plan for escalating the war has been in operation, behind the scenes, for many months.

I say to the American people, "Do not let them pull the diplomatic wool over your eyes. You are entitled to know the facts."

Of course, we may win great military victories, yet lose the war. The United States continues its program of acting as a provocateur in Asia, which is the chief role of the United States in the war up to the present time, to provoke and provoke and provoke to get North Vietnam to act, which we did.

For many months the testimony by leading witnesses of the Johnson administration before the Committee on Foreign Relations was that North Vietnam was not in the war in any numbers whatsoever, that 80 percent to 90 percent of the fighting personnel in South Vietnam were South Vietnamese. For months and months those witnesses from the Pentagon and State Department testified that they had not been able to detect a single cadre of North Vietnamese. Then came Tonkin Bay, where we provided cover for small naval vessels of the South Vietnamese, completely equipped by the United States, in violation of the Geneva accords. Those vessels bombed two North Vietnamese islands 3 to 6 miles from the mainland of North Vietnam, with our destroyers on the high seas but in a position of cover and constant radio communication with Saigon, which was fully informed of every mile of the voyage of the bombing ships.

We were attacked on the high seas, and we therefore had a right to respond to the attack, although we provoked it. Then, with the second bombing, we were still on the high seas and had every right to respond to it. But, we had no right under international law to bomb the mainland of North Vietnam. When we did, under orders of the President of the United States, we became a clear aggressor against North Vietnam.

I do not know why anyone is so surprised that following that act of aggression there then was a definite speedup of North Vietnamese activity in the war. That is what we expected. Of course, our duty—after we attacked the North Vietnamese torpedo boats, which we had a right to do in national self-defense—was to lay the violations of international law immediately before the United Nations Security Council.

There is nothing in international law which authorizes a country in such a situation to proceed to make war on territory of a country which has violated international law on the high seas.

Many times I have stated in the past year and half—and repeat tonight—that I am perfectly satisfied that the real objective of the preventive war crowd in the Pentagon and the State Department is to bomb the nuclear installations of Red China. That is what they are after. They know well that, when they do, they will bring Red China into the war.

No Senator can deny what I now assert, that when Red China starts to move on the ground, the plan will be to send over several hundred thousand American boys to the mainland of Asia.

Authority after authority—who have forgotten more about Asia than the President's advisers will ever know—have pointed out that those boys will come back to the United States in tens of thousands of coffins in the years that it will take for us eventually to get out of China.

That is the horrendous picture which faces the people of the United States. That is why I repeat—and it is not pleasant to do so—that the President of the United States owes it to the American people to recommend either a declaration of war against whatever countries he proposes to fight a war, or to go back and put into practice the great American ideal—in regard to which we led the world for years, but now have sullied that record—that we are ready to substitute the procedures of the rule of law for America's jungle law and the law of America's claw in Asia.

Mr. President, that is our obligation. It still is not too late, but it is growing later. There is still time, but not too much. Mr. President, you and I know that when those tens of thousands of American boys reach Asia, there will not be much time to talk about preventing war. There will not be much time, then, nor will it be appropriate if we are in a massive war, to talk about proposing the substitution of the rule of law for war. Then, we shall be completely in the hands of our friends. Then, our only way to get out will be for our friends to do what they should have done more than a year ago, when the seriousness of the situation became obvious to the world: They should have called for submission of this dirty war to procedures which exist for the settlement of disputes which threaten the peace of mankind.

Mr. President, it is fine for the President to say that he is for unconditional discussion. It sounds good. But, who is going to conduct it? What will its format be? Has the State Department actually advised him that it is within the realm of reality that the United States can say to North Vietnam and China that we have not even indicated a willingness to deal with the other side of the civil war in South Vietnam, which happens to be in a majority, controlling not only a majority of the land but also a majority of the people? Too many people in this country seem to believe that Saigon is South Vietnam. It is a very small part of South Vietnam.

That happens to be the headquarters of the American puppets who have denied freedom to the South Vietnamese people ever since the Geneva accords were signed on the part of those who participated in the conference.

No, Mr. President, we cannot have unconditional discussions now on a bilateral basis. We can have unconditional discussions only if we have a sharing and directing in those negotiations on the part of official representatives of noncombatants. That is why the senior Senator from Oregon has pleaded for a year and a half from this desk, and will continue to plead, until there is a declaration of war, that my country take advantage of one of the greatest opportunities and obligations that destiny has placed upon its shoulders, to recognize before it is too late that our present course of action means a holocaust, unless for a time North Vietnam and China may give the appearance of capitulating because we shall have wreaked military devastation upon them in the months ahead.

However, let us not be fooled by the appearance of a capitulation. If we continue this course of action we shall have earned the hatred not only of North Vietnam and Red China, but also of all Asians for a thousand years or more. If we refresh our memory on what has happened to other nations in the course of the history of men who came to feel that they were powerful enough to dominate any people who did not do their bidding, we learn that those countries ultimately fell because of the vengence and hatred of the millions that they came to dominate. Finally in this instance they will become more powerful as a weapon for destruction than America's hydrogen bombs.

Many do not like to hear me talk about our acting on the basis of moral values. They seem to think that when we get into a war, morality goes out. I believe that any country that follows a course of action such as my country is following today, which cannot possibly be squared with morality, will ultimately lose, no matter how many military victories it wins.

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. MORSE. Mr. President, on behalf of the junior Senator from Maryland [Mr. TYDINGS], I ask unanimous consent that his name be added as a cosponsor of the resolution (S. Res. 102) to disapprove Reorganization Plan No. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. MORSE. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 55 minutes p.m.) the Senate adjourned, under the previous order, until Monday, May 3, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 30, 1965:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. For appointment:

To be senior surgeon

Paul D. Pedersen

To be senior assistant surgeons

Alan I. Levenson
Amos C. Lewis

To be senior assistant sanitarian

William P. Wollschlager

II. For permanent promotion:

To be assistant pharmacist

Douglas O. Sharp

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30, 1965:

U.S. AIR FORCE

The following-named officers for appointment in the Regular Air Force, to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code:

To be major generals

Maj. Gen. James C. McGehee, 1746A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Thomas E. Moore, 1804A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Francis C. Gideon, 1993A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John N. Ewbank, Jr., 1381A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. George B. Greene, Jr., 1736A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Melvin F. McNickle, 1891A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Reginald J. Clizbe, 2004A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert N. Smith, 3783A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Selmon W. Wells, 3991A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Jack J. Catton, 4719A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Andrew J. Kinney, 1661A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Veal, 1902A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Eugene B. LeBeilly, 1920A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Gilbert L. Meyers, 1958A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Alvan C. Gillem II, 2025A (brigadier general, Regular Air Force), U.S. Air Force).

Maj. Gen. Rollen H. Anthis, 2053A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Joseph A. Cunningham, 2054A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John B. McPherson, 2068A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Gerald F. Keeling, 3827A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John B. Henry, Jr., 4129A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John W. O'Neill, 4155A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Earl C. Hedlund, 4170A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Jamie Gough, 4511A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Samuel C. Phillips, 8981A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Kenneth E. Pletcher, 19136A (brigadier general, Regular Air Force, Medical), U.S. Air Force.

To be brigadier general

Brig. Gen. Emmett M. Tally, Jr., 1312A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Linscott A. Hall, 1342A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Louis E. Coira, 1429A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kyle L. Riddle 1617A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert C. Richardson III, 1681A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William T. Smith, 1689A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. David M. Jones, 1811A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Eugene L. Strickland, 1856A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Leo F. Dusard, Jr., 1869A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Adriel N. Williams, 1970A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard S. Abbey, 1992A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert W. Strong, Jr., 2010A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Roy W. Nelson, Jr., 2016A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Thomas S. Jeffrey, Jr., 2057A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William D. Greenfield, 1899A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Glenn A. Kent, 3701A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John L. Zoeckler, 3724A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Woodrow P. Swancutt, 3729A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Wendell E. Carter, 3848A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Howard A. Davis, 3860A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Stebbins W. Griffith, 3944A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Thomas G. Corbin, 4097A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen Luther H. Richmond, 4133A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Grover C. Brown, 4144A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harry J. Sands, Jr., 4145A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph S. Bleymaier, 3883A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William T. Dailey, 3947A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert H. McCutcheon, 4150A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William A. Tope, 4287A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William J. Meng, 4510A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Timothy F. O'Keefe, 4608A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William H. Brandon, 4712A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George S. Boylan, Jr., 4836A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Delmar L. Crowson, 4954A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Oris B. Johnson, 5025A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lawrence S. Lightner, 5219A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clarence J. Galligan, 4772A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ernest C. Hardin, Jr., 8211A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lawrence F. Tanberg, 8286A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Royal N. Baker, 8315A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jewell C. Maxwell, 8393A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Royal B. Allison, 8451A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Chesley G. Peterson, 9383A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Don S. Wenger, 19186A (colonel, Regular Air Force, Medical), U.S. Air Force.

Brig. Gen. Larry A. Smith, 19176A (colonel, Regular Air Force, Medical), U.S. Air Force.

Brig. Gen. Fred J. Higgins, 20019A (colonel, Regular Air Force), U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code:

To be major generals

Brig. Gen. Gilbert L. Pritchard, 1974A, Regular Air Force.

Brig. Gen. Robert R. Rowland, 1906A, Regular Air Force.

Brig. Gen. Carroll W. McColpin, 3514A, Regular Air Force.

Brig. Gen. Robert W. Burns, 4142A, Regular Air Force.

Brig. Gen. Alonzo A. Towner, 1915A, Regular Air Force.

Brig. Gen. Lewis E. Lyle, 4115A, Regular Air Force.

Brig. Gen. Donald W. Graham, 4361A, Regular Air Force.

Brig. Gen. Otto J. Glasser, 4368A, Regular Air Force.

Brig. Gen. Jay T. Robbins, 5029A, Regular Air Force.

Brig. Gen. John W. Vogt, Jr., 8709A, Regular Air Force.

Brig. Gen. Emmett M. Tally, Jr., 1312A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. David M. Jones, 1811A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Thomas G. Corbin, 4097A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harry J. Sands, Jr., 4145A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Don S. Wenger, 19186A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles R. Roderick, 5266A colonel, Regular Air Force), U.S. Air Force.

To be brigadier generals

Col. William L. Hamrick, 1392A, Regular Air Force.

Col. Alvan N. Moore, 2062A, Regular Air Force.

Col. Robert J. Gibbons, 3978A, Regular Air Force.

Col. Roland A. Campbell, 4535A, Regular Air Force.

Col. Joseph J. Kruzel, 4640A, Regular Air Force.

Col. Sam J. Byerley, 4875A, Regular Air Force.

Col. William Burke, 4950A, Regular Air Force.

Col. John M. McNabb, 5037A, Regular Air Force.

Col. Jack C. Ledford, 5238A, Regular Air Force.

Col. Guy H. Goddard, 7111A, Regular Air Force.

Col. Joseph J. Cappucci, 5577A, Regular Air Force.

Col. Clifford J. Kronauer, Jr., 7750A, Regular Air Force.

Col. John E. Morrison, Jr., 8459A, Regular Air Force.

Col. Paul K. Carlton, 8693A, Regular Air Force.

Col. George M. Johnson, Jr., 8810A, Regular Air Force.

Col. Robert W. Waltz, 9672A, Regular Air Force.

Col. John W. Baer, 9820A, Regular Air Force.

Col. William H. Lumpkin, 6487A, Regular Air Force.

Col. Edmund F. O'Connor, 10200A, Regular Air Force.

Col. Robert J. Dixon, 14462A (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. William G. Moore, Jr., 34534A (lieutenant colonel, Regular Air Force), U.S. Air Force.

To be major generals

Brig. Gen. John L. Zoeckler, 3724A (colonel, Regular Air Force), U.S. Air Force, for temporary appointment in the grade indicated, U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code.

To be lieutenant generals

Lt. Gen. Gordon A. Blake, 582A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade indicated, under the provisions of section 8962, title 10, of the United States Code.

Maj. Gen. Benjamin O. Davis, Jr., 1206A, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10, of the United States Code.

U.S. ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier generals

Col. Edward Morton Hudgins, O359172, Infantry.

Col. William Arthur Reingen, O1042406, Artillery.

Col. Henry Albert Smith, Jr., O404289, Artillery.

The following-named officers for appointment in the Regular Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, sections 3284, 3306, 3307:

To be major generals, Medical Corps

Maj. Gen. George Merle Powell, O19340, Army of the United States (brigadier general, Medical Corps, U.S. Army).

Brig. Gen. Henry Schuldt Murphey, O19338, Medical Corps, U.S. Army.

To be brigadier generals, Medical Corps

Maj. Gen. William Donald Graham, O20067, Army of the United States (colonel, Medical Corps, U.S. Army).

Maj. Gen. Douglas Blair Kendrick, Jr., O20511, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Norman Everett Peatfield, O21027, Army of the United States (colonel, Medical Corps, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals, Medical Corps

Brig. Gen. Henry Schuldt Murphey, O19338, Medical Corps, U.S. Army.

Brig. Gen. Byron Ludwig Steger, O19661, Medical Corps, U.S. Army.

Brig. Gen. James Thomas McGibony, O20406, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Conn Lewis Milburn, Jr., O20405, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Laurence Addison Potter, O22294, Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier generals, Medical Corps

Col. Frederic John Hughes, Jr., O26370, Medical Corps, U.S. Army.

Col. Philip Wallace Mallory, O20916, Medical Corps, U.S. Army.

Col. Oscar Elliott Ursin, O21687, Medical Corps, U.S. Army.

Col. Richard Irving Crone, O21727, Medical Corps, U.S. Army.

Col. Glenn Jesse Collins, O22687, Medical Corps, U.S. Army.

Col. Colin Francis Vorder Bruegge, O26958, Medical Corps, U.S. Army.

Col. George Joseph Hayes, O57388, Army of the United States (lieutenant colonel, Medical Corps, U.S. Army).

The following-named officer for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306;

To be brigadier general, Veterinary Corps

Col. George Anson Kuhn, O84813, Veterinary Corps, U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Hamilton Hawkins Howze, O18088, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Dwight Edward Beach, O18747, Army of the United States (major general, U.S. Army), in the grade indicated.

U.S. NAVY

To be vice admiral

Rear Adm. Luther C. Heinz, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

IN THE AIR FORCE

The nominations beginning Vaughn E. Hill to be captain, and ending Michael A. Zoeller to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 1, 1965.

IN THE ARMY

The nominations beginning Joseph N. Acinapura to be first lieutenant, and ending Ralph R. Young to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 13, 1965.

IN THE NAVY AND MARINE CORPS

The nominations beginning James T. Abbey to be ensign in the Navy, and ending Richard E. Waters to be second lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 1, 1965.

IN THE MARINE CORPS

The nominations beginning Nels E. Anderson to be colonel, and ending Michael G. Wystrach to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 13, 1965.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 3, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of the Scriptures: Malachi 3: 17: *And they shall be mine, saith the Lord of hosts, in that day when I make up my jewels.*

Almighty God, in the midst of the tragic unrest of our day we are encouraged to turn our wavering and wandering minds and hearts to Thee in prayer.

May we daily walk without fear knowing that in dark ways Thou art our light and in dim paths Thou art our guide for Thou hearest the cry of every contrite and humble spirit.

Grant that we may always be blessed with ears that hear and hearts to heed Thy voice seeking to set us free and cause the hidden beauty and splendor within to blossom and bear fruit for Thy glory.

Inspire our storm-tossed humanity with a more passionate yearning to lay hold of Thee with a profound and vivid sense of Thy healing presence for Thy infinite power is equal to our many needs.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 29, 1965, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On April 22, 1965:

H.R. 4778. An act to increase the amounts authorized for Indian adult vocational education.

On April 30, 1965:

H.R. 7091. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

On May 1, 1965:

H.R. 2594. An act to clarify the application of certain annuity increase legislation.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3043. An act to amend title 37, United States Code, to authorize payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 627. An act to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes;

S. 1623. An act to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource; and

S. 1856. An act to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication, which was read by the Clerk:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 30, 1965.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to authority granted on April 29, 1965, the Clerk received from the Secretary of the Senate today, the following messages:

That the Senate passed House Concurrent Resolution 349, entitled "Concurrent resolution welcoming to the United States the Inter-American Bar Association during its 14th conference to be held in Puerto Rico";

That the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill H.R. 7091 entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes";

That the Senate agree to the amendments of the House of Representatives to Senate amendments Nos. 3, 27, and 29 to the above-entitled bill; and

That the Senate recede from its amendments Nos. 6, 10, 11, and 15 to the above-entitled bill.

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

HOUSE BILL ENROLLED

Mr. BURLESON, from the Committee on House Administration, reported that on April 30, 1965, that committee had examined and found truly enrolled a bill of the House of the following title:

H.R. 7091. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

SIGNING OF ENROLLED BILL

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, April 20, 1965, he did on April 30, 1965, sign the following enrolled bill of the House:

H.R. 7091. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

WATERSHED PROTECTION AND FLOOD PROTECTION ACT

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS,
CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 28, 1965.

Hon. JOHN W. MCCORMACK,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are:

Iowa: Badger Creek watershed (supplemental); Executive Communication No. 714; committee approval, April 28, 1965.

Alabama: Ketchepedrakee Creek watershed; Executive Communication No. 714; committee approval, April 28, 1965.

Indiana: Twin-Rush Creek watershed; Executive Communication No. 714; committee approval, April 28, 1965.

Iowa: Walter's Creek watershed; Executive Communication No. 714; committee approval, April 28, 1965.

Sincerely yours,

GEORGE H. FALLON,
Chairman, Committee on Public Works.

ANNUAL REPORT ON THE FOREIGN ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit the annual report on the foreign assistance program of the United States for fiscal year 1964. It demonstrates that our program of international assistance is fulfilling its promise to the world and to America.

We are engaged in this great effort for many reasons. We seek to alleviate poverty, starvation, and disease. We seek also to resist aggression and to promote independence and self-determination for the people of other nations.

In these pursuits there is no conflict between "humanitarian" goals and "national" goals. Our own security rests on the security of others. Their good health is our good health. As they prosper we prosper. Our concern must—and does—transcend national borders.

Neither is there conflict between "economic" goals and "military" goals. Neither purpose is sufficient by itself. Military security without economic and political development brings no lasting benefits; economic help to people vulnerable to aggression would largely be wasted.

In promoting the growth of free nations, the United States must serve both as partner and leader. We travel a difficult road. On the basis of our experience in recent years, I am persuaded that we are on the right road.

The Agency for International Development is successfully applying a hard test of where and how our limited resources will yield the greatest rewards—

By enlisting America's private resources in what is increasingly a joint endeavor. AID specific risk guarantees of American private investment in the less-developed countries, for instance, reached a record of nearly $1.4 billion in fiscal 1964, an amount almost triple that of the previous year;

By centering AID's effort in those countries, relatively few in number, which are able to follow the disciplined and arduous path to progress;

By concentrating more on long-term development which fosters self-sustaining growth and an eventual end to the need for external aid.

In fiscal year 1964, more than 45 percent of the total AID program was in the form of development assistance. This compares to 25 percent 3 years ago.

At the same time, AID was able to make savings of more than $9 million by introducing increasingly higher standards of operating efficiency into its administrative structure and by reducing direct-hire employment by more than 1,100.

Statistics cannot tell the whole story. Recipient countries increasingly understand that we are engaged in a common enterprise. The relatively small measure of resources that the United States can provide must largely serve only as a catalyst for their own efforts. Many nations, accustomed to tradition, are finding solutions to modern problems through new techniques: increased savings, effective land reform, efficient tax systems, and other steps toward progress.

Nothing gives me greater satisfaction than the progress of the Alliance for Progress, which with strong U.S. participation is bringing significant changes in Latin America:

In Ecuador, a 146-mile, all-weather highway has been completed connecting the capital city, Quito, and the coastal city of Quevedo. The road traverses some of the most difficult mountain terrain in the world. It has opened up rich coastal land to settlers.

In Chile, a $5 million loan to assist the Central Savings & Loan Bank has supported a nationwide system of new private savings and loan associations. Twenty-two such associations are now operating. These thrift institutions had financed the construction of more than 10,000 homes by the end of 1963, and 10,000 more were to be built in 1964.

In Brazil, an AID agreement is helping improve the living standards of 25 million people in the northeast, one of Latin America's major underdeveloped areas and politically one of the most vulnerable to Communist influence. A total of 270 health units has been constructed or renovated. Water supply units are under construction in 70 cities and towns. Electricity has come to 73 towns. Altogether 2,290 new homes and 2,900 classrooms have been built. Twenty-four teacher-training and supervisory centers have been established. An additional 14,000 classrooms are under construction. Agreements for the training of 28,000 teachers have been made; 4,700 have actually completed their courses.

AID's story extends to many other parts of the world:

In West Pakistan, a development loan to expand the capacity of the railway system helped the Pakistan Western Railway to handle the increasing transportation load for the first time in several years.

In India, an intensive effort to streamline the teaching of science and mathematics in order to develop higher skills among Indian youth was conducted with U.S. assistance. AID financed 44 6-week institutes at 34 locations in which 80 U.S. college and high school educators demonstrated modern teaching techniques to some 1,700 Indian teachers.

In Israel, work was completed on the modernization of Lod International Airport, near Tev Aviv, which is used by a dozen international airlines. A local currency loan made earlier by the United States financed the installation of American-made navigation, communications and radar equipment to improve efficiency and safety at the airport.

In Afghanistan, a U.S. firm of industrial consultants under AID contract is investigating the development possibilities of a variety of local private industries which could produce goods for export or to replace imports, thus strengthening that country's balance-of-payments position.

In Iran, a project conducted by the Iranian Army with the assistance of the U.S. AID Mission and the U.S. Military Assistance Advisory Group, provides training for soldiers in nine vocational fields.

In Taiwan, the Shihmen multipurpose dam was completed in June 1964 with AID assistance. The project includes a 436-foot dam, a 256,000-acre-foot reservoir, two 45,000-kilowatt generators, a new irrigation canal system, and a public water supply system. Besides providing the new power source, the dam project will irrigate about 145,000 acres of double-crop paddy fields and reduce flood damage in the Taipei area.

In Korea, 30 new diesel electric locomotives financed by a U.S. loan are now in operation. Because of greater efficiency and load capacity, they are expected to save more than $1 million a year in foreign exchange expenditures for fuel.

In the Philippines, a new coconut processing system which could revolutionize this food industry was developed in a research project directed by the Armour Research Institute, working with the National Science Foundation under an AID contract.

In Nigeria, AID-sponsored projects at the University of Nigeria and at the Aijetoro and Port Harcourt comprehensive schools are revolutionizing secondary and higher education, adapting it more closely to that country's development needs.

Slowly, but I believe steadily, all these efforts are leading nations to greater economic prosperity and social stability. Countries such as Greece, Taiwan, and Israel, long recipients of our economic support and encouragement, are emerging to a stage of progress where they no longer need our economic assistance. Other nations, poised at the crossroads of political decisions, are watching. We must not—and we will not—falter in building this bridge to a more peaceful future.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 3, 1965*.

DOMINICAN SITUATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, our country faces a grave challenge in the Dominican Republic—a challenge to safeguard the lives of our fellow citizens and other foreign nationals in the tragic breakdown of law and order in that country; a challenge also to assure—in cooperation with the other American Republics—that the Dominican people are free to work out their own destiny and are not enslaved by international communism which is busily at work trying to control the course of the uprising.

Our President made this abundantly clear last night; we all owe his strong leadership our support in this national crisis. We do not want in any way to interfere with the Dominican people's destiny, and we wish them well in their search for a stable and democratic government. We do want to protect American lives and the lives of other foreigners. We have evacuated over 3,000 and there are thousands more to come. We want to be sure that international communism does not seize and stifle the legitimate desires of the Dominicans for freedom and progress. We know that there are scores of foreign trained Communist agitators at work. We hope that Dominicans of all factions will repudiate them and work peacefully for their country. That is our aim. That is the aim of all the American Republics.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I would like to subscribe to the statement just made by the majority leader. I think this Nation and the free world owe a debt of gratitude to President Johnson for acting with dispatch. The word came last week about the utter chaos then prevailing in the Dominican Republic. President Johnson moved expeditiously, and I think we can say today that there are several thousand Americans alive who might not have been alive had he and our Armed Forces not acted. It is the hope of everybody in this country that a repetition of what happened in Cuba has been prevented by the dispatch with which the President acted.

Mr. ALBERT. I thank the gentleman from Louisiana for his comments, and I now yield to the distinguished Republican whip.

Mr. ARENDS. Mr. Speaker, I would like to add to what the gentleman from Oklahoma, the majority leader, has said. All of us in the Congress forget partisanship in these all-important matters and we wholeheartedly support the President of the United States in the firm position that he has taken and which he continues to take not only in the situation in Vietnam but in the speedy and direct action he took last week relative to the Dominican Republic. I trust the President will understand and know that we, too, are as interested in the national welfare as he is and we wholeheartedly support him in his endeavors and purposes in these two trouble spots in our world. I feel that I can say for our minority leader, the gentleman from Michigan [Mr. FORD], and other Members of this side of the political aisle, that we applaud the President for his firm stands already taken.

Mr. ALBERT. Mr. Speaker, I thank the very distinguished gentleman from Illinois whose cooperation and support of American foreign policy as against any partisan foreign policy has been evident throughout this entire crisis. Of course, that has also been true of the distinguished Republican leader of the House, the gentleman from Michigan [Mr. FORD], and of the overwhelming majority of Members on both sides of the aisle. The action of the minority leadership in connection with this matter has manifested constructive statesmanship of the highest order.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the action of the President in seeking to restore order in the Dominican Republic is commendable. This forthright approach to the threat to democracy in Latin America will, in my judgment, prove to be one of the most fruitful decisions by our Government in this generation in international relations.

We have seen the tragedy of the establishment of a Communist beachhead in Cuba. The same Communist conspiracy was at work in the Dominican Republic. The situation demanded immediate action if our Nation was to meet its obligation to repel further Communist expansion in our hemisphere.

All thoughtful Americans deplore the necessity for the action that our Government has so wisely taken. We all regret the necessary exposure of our military personnel to the snipers' bullets. As much as we regret the necessity for these happenings, we can take pride in the fact that our military people under the direction of firm civilian leadership were ready, willing, and able to fulfill their assigned role in this crisis.

There will be those in the United States who disagree with the action taken by our Government. Some of them will be sincere in their disagreement as is true in virtually every situation where such positive action is necessarily carried out. There will be many in the United States who will disagree with this policy because of their disapproval of our overall philosophy of democratic government. This latter group will make themselves heard in the usual disorderly fashion. We must be able to identify the actions and the sources of this latter element and warn our people of the rationale of the insincere adversaries of our American system.

Mr. Speaker, it is my fervent hope that the President will have the support of the American people in this great undertaking for humanity. If all of us support him in his aggressive leadership in meeting the problems confronting free people in the Dominican Republic, I am sure that the cause of mankind will have been well served.

In this time of travail, let us all pray that the right solution to the grave problems of the Dominican people will be forthcoming without further bloodshed.

Mr. DORN. Mr. Speaker, I have just returned from speaking engagements in Charleston, S.C., Fort Pulaski in Savannah, Ga., and from a visit—with my distinguished friend the gentleman from South Carolina [Mr. RIVERS], chairman of the House Armed Services Committee—to the Marine base at Parris Island.

I want to report to you, Mr. Speaker, and to the House that the people approve of the prompt and decisive action of the President in Santo Domingo. Our people are holding up their heads and are proud to be Americans. They are backing the President in his efforts to forestall Communist aggression in the form of infiltration, sabotage, and violence.

Santo Domingo is of worldwide strategic importance. It controls the windward passages—these great sealanes which are so vital to the Western World. We cannot afford and we cannot tolerate another Castro Cuba. Make no mistake about it, Castro's agents are in Santo Domingo and all of the Republics of South and Central America. These Red agents of aggression are exploiting any situation to seize power and establish a base of aggression. Violence and bloodshed in Santo Domingo is a cold calculated move by the Castro Communists to capture another strategic base in the Western Hemisphere. The President acted in the nick of time. He acted in the interest of freedom and the security of the West. The President's swift and determined reaction to this grave threat further serves notice to the Kremlin, to Hanoi, and to Peiping, that the United States will stand firm for freedom throughout this world.

Mr. Speaker, I am introducing a House concurrent resolution today commending the President for his timely and forthright action.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

BENEFITS FOR DISABILITY IN LINE OF DUTY

The Clerk called the bill (H.R. 3413) to amend section 106 of title 38 of the United States Code to provide that individuals who incur a disability in line of duty during certain service shall be entitled to certain veterans' benefits.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, there was colloquy on this floor April 26, 1965, concerning this proposed legislation and it was at that time put over without prejudice.

Mr. Speaker, I understand the gentleman who requested this legislation, the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], is on the floor today and is very much interested in this bill and would like to make a statement with reference thereto.

Mr. Speaker, I continue to be concerned because of the precedent established by this single legislative action concerning an individual, on the Veterans' Preferance Act insofar as preference in future like cases, is concerned, despite the unfortunate circumstances involved in this particular case. He is getting veterans care—although he is not in fact a veteran—since he has never been inducted and he has received no type of discharge.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I would be delighted to yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, I thank the gentleman. I want to share his concern with reference to the protection of the Veterans' Preference Act. I do feel, however, that there are mitigating circumstances here that justify—as a matter of fact that require—special dispensation.

I would like to say to the gentleman from Missouri that in the first place I would not consider this as a precedent. I would hope it would not be considered as such. I believe that as a matter of fact equity and justice sometimes should be the prevailing and motivating reasons behind our actions and not be considered as precedent for general legislation.

Further, Mr. Speaker, I would like to say to the gentleman from Missouri and to the Members of the House that this would affect a constituent of mine, a distinguished gentleman who lives in my district, and a lifelong friend of the gentleman from Texas [Mr. TEAGUE], chairman of the Committee on Veterans' Affairs. He is a former State senator of our State; served as speaker of the house of representatives.

He moved to California where he lived for several years, during which time he served in the position of postmaster in California. He came back to our State and recently there was a vacancy in the position of postmaster in the city of Mena, Ark. I designated him as the acting postmaster.

During the war he was about to be inducted, and on his way in a Government vehicle with a number of other boys who were going to be inducted. Unfortunately, there was an accident that occurred to this vehicle. This party was permanently injured in that accident.

Under the veterans law he was awarded service-connected disability, and he has been drawing service-connected disability since. However, in view of the fact he had not served 90 days, or had actual service of 90 days, though he was entitled to disability, and received it, he is prevented from receiving the veterans preference in the examination for this position.

It is a well-known fact that several other veterans who have taken the examination perhaps would have an advantage, and we think it is just an inequity under the present situation that could not be helped. It is just one of those things, and we seek to correct the inequity. I believe the inequity overrides the matter of it being considered as a precedent. For that reason we are trying to give him the same preference only, to do justice and equity under the circumstances, and I believe it is right.

Mr. HALL. I want to thank the gentleman, especially for delving into the matter of equity and justice being regarded as a precedent. There is not the slightest question but what this might be a place where a particular incident or a particularly deserving individual, even though actually inducted under one code, would receive veterans benefits. He has been receiving hospitalization when needed.

Mr. HARRIS. That is true.

Mr. HALL. And also he deservedly receives VA medical assistance. That might well be and is properly considered by this Government, but it does not have anything to do with the question of precedent in the case. I have never had the privilege of appointing a postmaster or recommending one. That does not bother me a bit as sometimes I think it is a blessing. But the fact remains we have two different rules and regulations, two different opinions. The Veterans' Administration has more or less washed its hands in this case, and defers to the Veterans' Preference Act as administered by the Civil Service Commission.

For the benefit of the record, the Commission says:

> We believe that this should continue to be the primary criterion.

Namely, preference under that act being contingent upon separation from the armed services of the United States.

Continuing:

> To accord preference for reasons other than that would be contrary to the intent of the Veterans' Preference Act and would weaken the original benefit granted by Congress.

And, parenthetically, these veterans benefits are a gratuity of a grateful nation. They are not a right under the law.

Continuing:

> Moreover, this legislation is inequitable. It would have the effect of granting persons who never saw active duty in the Armed Forces an advantage over most of those who did. This is because persons coming under the purview of this legislation would be considered service-connected disabled ex-servicemen, and would thus be accorded five more points than nondisabled ex-servicemen on earned ratings—

Who had served—

> and late-filing privileges for examinations.

Therefore the Commission does not favor enactment of this legislation, and it comes back to my fear of a precedent.

Then I would like to ask one other question. In addition to that, would it not be better to allow this man to have just a 5-point preference, if we are going to "bridge the gap" rather than a full 10 points? Or would this upset the appointing mechanism?

Mr. HARRIS. It would make some difference because if, for example, there are three other disabled applicants who are receiving service-connected disability as this man is receiving service-connected disability, then they would go to the top of the list even though they made the lowest score.

Mr. HALL. But the fact of the matter is, if the chairman will bear with me just a little further on this reservation of objection, there are not three with service-connected disability—there are three who have taken the same examination and are on the civil service registry with non-service-connected disabilities. Therefore, they have 5 points of preference and this would automatically put the man over them when he is given 10 points of preference but no induction or military service. Is that true or is it not?

Mr. HARRIS. I do not know how many have taken the examination. It has already been called for but I do not believe it has actually been held. Just how many will show up to take the examination I do not know, but there will be several who will be taking the examination.

Mr. HALL. I was under the impression that the registry had already been established in this particular instance.

Mr. HARRIS. I do believe that the Civil Service Commission's position should be prevailing. They are talking about the general application, and I would agree that if there is going to be a general application, from the best information we have, this just happens to be a particular situation. It would be a very rare thing if anyone else would come under this kind of situation.

Mr. HALL. But last week the chairman of the Committee on Veterans' affairs and this week the gentleman who is now in the well of the House admits that it might well be used as a precedent. Because of the fact that it does establish a precedent objected to by the Civil Service Commission and also provide for 10 points of preference instead of 5 points, even though it may be a most deserving case, I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice once again.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR THE REAPPOINTMENT OF ROBERT V. FLEMING AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The Clerk called the joint resolution (H.J. Res. 324) to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 324

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Robert V. Fleming, of

Washington, District of Columbia, on July 23, 1965, be filled by the reappointment of the present incumbent for the statutory term of six years.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE DESIGNATION OF A GROVE OF REDWOOD TREES AS A MEMORIAL TO THE LATE DAG HAMMARSKJOLD

The Clerk called the concurrent resolution (H. Con. Res. 305) expressing the sense of the Congress with respect to the designation of a grove of redwood trees as a memorial to the late Dag Hammarskjold.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 305

Whereas the Dag Hammarskjold International Foundation, the American Association for the United Nations, the State of California Dag Hammarskjold Memorial Grove Committee and numerous cooperating groups including the Save-the-Redwoods League are carrying forward the proposal for a Dag Hammarskjold Memorial Redwood Grove; and

Whereas the life of Dag Hammarskjold was in concordance with the deep and pervading majesty of the redwoods, among which we find spiritual refuge and gain a more profound realization of his own thought that "we each have within us a center of stillness surrounded by silence," and

Whereas Dag Hammarskjold, until his death on September 17, 1961, served eight years as Secretary-General of the United Nations, carrying on his widely significant and courageous search for world peace; and

Whereas by their very grandeur the giant redwoods imbue us with a stronger realization of human dignity, tolerance, and stateliness so characteristic of Dag Hammarskjold's life: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that it is appropriate to designate a grove of redwood trees as selected by the State of California, as the Dag Hammarskjold Memorial Redwood Grove.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR SECRET SERVICE AGENTS TO MAKE ARRESTS

The Clerk called the bill (H.R. 6294) to authorize Secret Service agents to make arrests without warrant for offenses committed in their presence, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to ask the proper people on this committee, realizing that it was opposed by the Comptroller General in the 88th Congress, whether or not that opposition still stands?

Mr. ASHMORE. Mr. Speaker, if the gentleman will yield, I believe the gentleman is misinformed as to that. We have no record of the Comptroller General making any objection to this.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection, and have at hand the wrong numbered calendar bill.

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask why this authority was not given the Secret Service many years ago?

Mr. ASHMORE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ASHMORE. I have wondered about that myself. None of us know of any real reason why they were not given this authority many years ago. This matter was brought to a head and was given great emphasis during the investigation by the President's Commission on the Assassination of President Kennedy and they made this recommendation. It is just something that never really came to the attention of the Congress, I suppose, or that no emphasis was placed on it. The need is now recognized by all of us.

Mr. GROSS. I assume if this bill becomes law that this would then entitle Secret Service agents to make arrests in such cases as the recent carryings-on on the sidewalks in front of the White House and that sort of thing?

This would give them authority to make arrests in those instances as well as others; would it not?

Mr. ASHMORE. If the gentleman will yield further, I would say that this bill bears identical language to the law which now permits FBI agents and U.S. marshals to make arrests. I quote from the report: "committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony."

Mr. GROSS. So if there is any violation of law on the sidewalks around the White House, they could arrest those individuals with the same facility that a U.S. marshal could arrest a citizen in Selma, Ala.?

Mr. ASHMORE. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HALL. Mr. Speaker, further reserving the right to object, I now have the correct calendar bill. I notice that the report does not include a report from the Department of Justice, nor does a statement about that appear in the committee report. Does the Department of Justice approve this proposal?

Mr. ASHMORE. It cleared the Bureau of the Budget as an executive communication.

Mr. HALL. Yes. I am asking about the Department of Justice, if the gentleman will answer further. There is no report of the Department of Justice, nor does that appear in the committee report. I have the information here that the other requirements for Consent Calendar bills have been met by the Treasury Department and the Bureau of the Budget and the committee.

Mr. ASHMORE. It had to clear the Department of Justice, or else the Bureau of the Budget would not have cleared the executive communication of the Treasury Department. It had to do so.

Mr. HALL. I thank the gentleman. Now further, how important are the words "without warrant"? I am a little sensitive to that, in view of the recent disclosure of search and seizure of mail without warrant by the Internal Revenue Service and the Postmaster General. I wonder how important those words "without warrant" are, and if this merely conforms to authority given to other law enforcement agencies to make arrests on suspicion of a felony being committed.

Mr. ASHMORE. It is very important, because without a warrant, heretofore, they could not make an arrest even though they saw the crime being committed.

Mr. HALL. I have one other question of the distinguished gentleman from the Carolinas.

Would this allow due process and all constitutional safeguards of the individual, including a right to contact an attorney after such an arrest? Would it preclude Federal hospitalization, without due process and judicial determination of being of unsound mind, in one of the medical centers of the Department of Justice hospital system, in accordance with existing law or proposed law, without violating constitutional rights in such an apprehension?

Mr. ASHMORE. In my opinion, it would not violate an individual's constitutional rights, as to being sent to a hospital.

Mr. HALL. The gentleman believes the individual would be safeguarded under this change?

Mr. ASHMORE. Yes.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to further interrogate the gentleman.

Will the Secret Service agents, as a result of this legislation, now become what is known as officers of the law?

Mr. ASHMORE. In common parlance they probably would. I do not know exactly the complete meaning that term might carry. I believe it is a relative term. Some people would call a justice of the peace or a constable an officer of the law. Someone else might not.

Mr. JOHNSON of Pennsylvania. Will they become commissioned officers? Will they get commissions as officers in the Secret Service entitled to make arrests without warrant, like any other police officer?

Mr. ASHMORE. Does the gentleman mean, Would that be included in the commission? Would that specific right be included?

Mr. JOHNSON of Pennsylvania. Yes.

Mr. ASHMORE. I do not believe it would. If this bill is passed and it becomes a law, the statute would cover it. It would not be necessary to put that in the commission.

Mr. JOHNSON of Pennsylvania. As a result of this enlarged power to make arrests without warrant, would they have to post a bond to guarantee judgments against them for false arrests?

Mr. ASHMORE. It is my opinion that the bond that they now have, whatever that might be, would certainly cover this. Any act committed by an officer as a law enforcement officer, that is. In my opinion, he would be covered by the bond.

Mr. JOHNSON of Pennsylvania. You feel they will become officers and if there is a bond protecting officers of the law, in making a false arrest they would come within the protection of that bond so that they could respond to a judgment for false arrest if one were had against them?

Mr. ASHMORE. I am satisfied they would, It would depend on the terminology of the particular bond they have. It should be in it, and I think it would be.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 6294

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That title 18, United States Code, section 3056, is amended as follows—

(1) By inserting the following sentence immediately preceding the last sentence thereof: "In the performance of their duties under this section, the Chief, Deputy Chief, Assistant Chief, inspectors, and agents of the Secret Service are authorized to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony."; and

(2) By striking out "508 and 509" and inserting in lieu thereof "508, 509, and 871".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN RETIRED OFFICERS OF THE ARMY, NAVY, AND AIR FORCE

The Clerk called the bill (H.R. 3349) for the relief of certain retired officers of the Army, Navy, and Air Force.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I will redirect my question to the gentleman from South Carolina. I now have the correctly numbered Consent Calendar bill. Is the Comptroller General still opposed, as he was in a prior letter in a prior Congress, to the enactment of this legislation?

Mr. ASHMORE. Mr. Speaker, if the gentleman will yield, I must say that the Comptroller General is still opposed. However, this bill, despite the opposition to it, passed the House in the last session of Congress. It is not unusual for the Comptroller General to oppose such a matter as this legislation on a strictly legal basis where legislative relief is sought as a matter of equity as it is in this case.

Mr. HALL. I want to make it clear to the gentleman that I am not making this reservation, in order to have the matter put over. In fact, I very strongly favor this particular piece of legislation not only because it passed the last Congress but because there are only 125 officers involved and less than a total of a quarter of a million dollars, in order to adjust and make comparable the retirement of these officers brought about by factors over which they had no control. They were ordered back to duty in the early part of World War II, during which time the gentleman speaking had much to do with mobilizing the Reserve Forces and the Guard Forces. These men were then physically rejected from the Army and sent back with only a certain limitation of time in which they could act. It has been open to them since that time, and I do believe the gentleman's statement is correct that in the interest of equity and justice an exception could be made by the Congress even though the Comptroller General and the General Accounting Office (creatures of the Congress), are still in opposition.

Mr. ASHMORE. Of course, the Comptroller General and the General Accounting Office are compelled by their oath of office and in carrying out the duties of that office to object to something that is not quite correct from a strictly legal standpoint. We do realize that this is a matter of equity.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. HALL. I will be glad to yield to the gentleman from Colorado.

Mr. ASPINALL. Under the rules of procedure which the Committee on Objectors has agreed upon, it is only necessary for us to ask that a departmental report be received and printed in the committee's report. We do not ask that the report be favorable to the piece of legislation under consideration. If there is much controversy, it would be difficult for us to properly debate the matter in the few minutes at our disposal, under current calendar procedures, and it would be necessary to carry such legislation over. However, there is nothing in the rules of procedure that we are operating under that would necessitate a favorable report in the matter now under consideration.

Mr. HALL. I appreciate the remarks of the gentleman, and I think he would agree that such reports should at least be current in this Congress.

Mr. ASPINALL. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 3349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation of time prescribed by the Act of October 9, 1940 (54 Stat. 1061; 31 U.S.C. 237), is hereby waived with respect to claims for increased retired pay by any retired officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, if (1) he served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918; (2) he was retired under any provision of law prior to June 1, 1942, and was subsequently called to active duty; and (3) he was returned to an inactive status on a retired list after May 31, 1942: *Provided,* That a claim for such retired pay shall be filed with the General Accounting Office by each such officer or by his designated beneficiary, within one year following the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TORT CLAIMS ARISING IN FOREIGN COUNTRIES

The Clerk called the bill (H.R. 5167) to amend title 38 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 5167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter III of chapter 3 of title 38, United States Code, is amended by adding a new section 236 as follows:

"§ 236. Administrative settlement of tort claims arising in foreign countries

"The Administrator may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, when such claims arise in foreign countries in connection with Veterans' Administration operations abroad."

(b) The analysis of chapter 3 of such title 38, is amended by adding at the end thereof the following:

"236. Administrative settlement of tort claims arising in foreign countries."

(c) Section 235 of title 38, United States Code, is amended to read as follows: "The Administrator may, under such rules and regulations as may be prescribed by the President or his designee, provide to personnel of the Veterans' Administration who are United States citizens and are assigned by the Administrator to the Veterans' Administration offices in the Republic of the Philippines or to the Veterans' Administration office in Europe, established pursuant to section 230(c) of this title, allowances and benefits similar to those provided by the following provisions of law:

"(1) Section 1131 of title 22 (relating to allowances to provide for the proper representation of the United States).

"(2) Section 1136 (1), (2), (3), (4), (5), and (7) of title 22 (relating to travel expenses).

"(3) Section 1138 of title 22 (relating to transportation of automobiles).

"(4) Section 1148 of title 22 (relating to the return of personnel to the United States on leave of absence).

"(5) Section 1156 of title 22 (relating to payments by the United States of expenses for treating illness or injury of officers or employees and dependents requiring hospitalization).

"The foregoing authority supplements, but is not in lieu of, other allowances and benefits provided by titles 5 and 22."

(d) All delegations of authority, orders, regulations, directives, or other official actions, with respect to the benefits and allowances provided by such section 235 of title 38, United States Code, shall continue in full force and effect until modified, amended, superseded, or revoked.

With the following committee amendments:

On page 2, line 2, after the word "abroad.", insert "A claim may not be allowed under this section unless it is presented in writing to the Administrator or his designee within two years after the claim accrues."

On page 3, line 6, after the word "benefits", insert "for overseas employees of the Veterans' Administration."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUDGES OF THE U.S. DISTRICT COURT, ALASKA

The Clerk called the bill (H.R. 5283) to provide for the inclusion of years of service as judge of the district court for the Territory of Alaska in the computation of years of Federal judicial service for judges of the U.S. District Court for the District of Alaska.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. **PELLY.** Mr. Speaker, reserving the right to object, I would like to inquire how much of an increase in monthly annuity and/or other benefits would this particular individual judge receive as a result of this bill.

Mr. **ASHMORE.** Mr. Speaker, will the gentleman yield?

Mr. **PELLY.** I yield to the gentleman.

Mr. **ASHMORE.** There will be no increase in annuities under the terms of this bill. This simply provides for the inclusion of a judge's service while he was serving as a judge in the Territory of Alaska before it became a State. It puts persons who served as judges of the territorial court in Alaska in the same category as those who served in the State of Hawaii at the time when Hawaii became a State. For some reason this was neglected in the case of Alaska.

Mr. **PELLY.** I would like to inquire further whether this legislation would not simply qualify this individual for retirement under the System? Is that the purpose of the legislation?

Mr. **ASHMORE.** I do not know, as a matter of fact, whether it would qualify him. But, of course, as a matter of logic I should think that would probably have something to do with the reason for the bill being here. It simply puts him in the same category from the standpoint of retirement as he would have been in had he served in a Federal district court in the United States rather than having served in the Territory.

Mr. **PELLY.** How about other judges now serving in Alaska? Will this legislation have any effect on them?

Mr. **ASHMORE.** This, so far as I know, affects only one judge.

Mr. **PELLY.** Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 5283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, any service as a judge of the District Court for the Territory of Alaska shall be included in computing under sections 371 and 372 of title 28, United States Code, the aggregate years of judicial service of a United States district judge for the district of Alaska.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PORT OF PORTLAND, OREG.

The Clerk called the bill (H.R. 5184) for the relief of the port of Portland, Oreg.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. **GROSS.** Mr. Speaker, reserving the right to object, I only want to observe that apparently someone in the Federal Government did not do a very good job of homework in looking up the law of the State of Oregon, in view of the fact that the U.S. Government said it would not pay royalties on this operation and then it was compelled by the Supreme Court of the State of Oregon to pay a royalty. I should think someone, some Federal attorney somewhere who represented the Government in this case might well have his knuckles rapped for entering into contract and being made to back down by reason of State law which ought to have been taken into consideration in the first place.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 5184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the port of Portland (Oregon) on account of payment of a judgment plus interest to the State of Oregon, pursuant to a decision of the Circuit Court of Multnomah County (Oregon), representing a royalty on certain material supplied to the Department of the Army by the port under a negotiated contract, order numbered 40-71921, dated January 28, 1959, and to allow in full and final settlement of the claim a sum not to exceed $6,226.80. There is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $6,226.80 for the payment of said claim.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JURY COMMISSIONS FOR U.S. DISTRICT COURTS

The Clerk called the bill (H.R. 5640) to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes.

Mr. **ASPINALL.** Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

VALIDATE PAYMENTS TO EMPLOYEES OF THE FOREST SERVICE

The Clerk called the bill (H.R. 6691) to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. **HALL.** Mr. Speaker, reserving the right to object, this is about the same proposition that we were up against in prior Congresses with regard to relieving accountability and responsibility of disbursing officers. I understand that this is an unusual situation. I understand that remedial steps have been taken to avoid a recurrence of these special overpayments to deserving firefighters who have been transported long distances, and particularly these fine Indian and/or Spanish-American firefighters who formed teams of their own and who are paid by their "head man" after being recruited from the pueblos et cetera. Why do we not try to penalize the paymaster rather than using a legislative remedy to correct these excessive payments and these errors in handling the public moneys?

Is there any top limit in the amount that we will allow them relief from?

Mr. **ASHMORE.** Mr. Speaker, if the gentleman will yield, did the gentleman ask for the amount involved?

Mr. **HALL.** I understand all of the amounts are between a few dollars and $99.84. I ask two questions. One, is there any top limit in the amounts that the paymaster may be relieved from overpaying in this bill; and then I ask the question, why we do not penalize the paymaster instead of just granting largess and relief for all of these overpayments?

Mr. **ASHMORE.** Mr. Speaker, if the gentleman will yield further, the answer to the first question is "No."

Mr. **HALL.** I can't believe that. If they—paymaster—overpay $1,000 and still could prove that there was no collusion, under this bill in a future similar incident they would be allowed to go scot free?

Mr. **ASHMORE.** No, no. The gentleman has the wrong impression. This bill does not cover any future instances of this kind. It just takes care of the inequity provided for in this particular case and these few firefighters involved. The lowest sum involved for any person here is $3.10 and the maximum is $99.84.

Mr. **HALL.** Does not the gentleman agree that this would set a precedent for future firefighting teams and relief of the paymasters thereof?

Mr. **ASHMORE.** It could set a precedent in a sense, in view of the fact that this type case was taken care of, but we hope this will not arise again in the future. We hope they will make provision to avoid such a situation as this and I believe they surely will. It is simply a matter of wage rates between firefighters who came from the State of Arizona in one case and from New Mexico in another case. It is hoped that they will take care of this inequity or this difference in the wages that these Indians are paid when they are called upon to fight a fire.

Mr. HALL. I certainly join the gentleman from South Carolina in his hope and I pray that there will not be a recurrence of this and that it is remedied.

I still feel, as he and I have discussed the matter the past year re: relief of paymasters, be they in military service or elsewhere; that perhaps we should not completely relieve them of responsibility and accountability even in rare and separate instances.

Mr. ASHMORE. I agree with the gentleman.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6691

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That overpayments made by the Forest Service, United States Department of Agriculture, during the forest fire seasons, 1961, 1962, and 1963 to employee-members of southwestern firefighter crews from New Mexico and Arizona, whose services were used in fighting forest fires in Idaho, Nevada, California, Colorado, and Wyoming, and payments for traveltime in excess of eight hours a day and for traveltime prior to actual start of travel, are hereby validated.

Sec. 2. The Comptroller General of the United States, or his designee, shall relieve authorized certifying and disbursing officers of the Forest Service, United States Department of Agriculture, from accountability or responsibility for any payments described in section 1 of this Act, and shall allow credits in the settlement of the accounts of those officers for payments which are found to be free from fraud and collusion.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

IMPARTING OF FALSE INFORMATION

The Clerk called the bill (H.R. 6848) to amend section 35 of title 18 of the United States Code relating to the imparting or conveying of false information.

There being no objection, the Clerk read the bill, as follows:

H.R. 6848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 35 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title shall be subject to a civil penalty of not more than $1,000 which shall be recoverable in a civil action brought in the name of the United States."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

TRAVEL IN AID OF ARSON

The Clerk called the bill (H.R. 6507) to make section 1952 of title 18, United States Code, applicable to travel in aid of arson.

There being no objection, the Clerk read the bill, as follows:

H.R. 6507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b)(2) of section 1952 of title 18, United States Code, is amended to read as follows:

"(2) extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

NEZ PERCE NATIONAL HISTORICAL PARK, IDAHO

Mr. RIVERS of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 908) to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, as amended.

The Clerk read as follows:

H.R. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to facilitate protection and provide interpretation of sites in the Nez Perce country of Idaho that have exceptional value in commemorating the history of the Nation.

Sec. 2. To implement this purpose the Secretary of the Interior may designate as the Nez Perce National Historical Park various component sites in Federal and non-Federal ownership relating to the early Nez Perce culture, the Lewis and Clark Expedition through the area, the fur trade, missionaries, gold mining and logging, the Nez Perce war of 1877, and such other sites as he finds will depict the role of the Nez Perce country in the westward expansion of the Nation.

Sec 3. The Secretary of the Interior may acquire by donation or with donated funds such lands, or interests therein, and other property which in his judgment will further the purpose of this Act and he may purchase with appropriated funds land, or interests therein, required for the administration of the Nez Perce National Historical Park: *Provided,* That he may purchase no more than one thousand five hundred acres in fee, and no more than one thousand five hundred acres in scenic easements. The Nez Perce Tribe's governing body, if it so desires, with the approval of the Secretary of the Interior, is authorized to sell, donate, or exchange tribal-owned lands held in trust needed to further the purpose of this Act.

Sec. 4. (a) Indian trust land may be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the beneficial owner. States in Federal ownership under the administrative jurisdiction of other Government agencies may likewise be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the agency having administrative responsibility therefor, but such designation shall effect no transfer of administrative control unless the administering agency consents thereto. Not more than one thousand and five hundred acres overall shall be designated pursuant to the foregoing provisions of this subsection. The Secretary of the Interior may cooperate with the Nez Perce Tribe or the administering agency, as the case may be, in research into and interpretation of the significance of any site so designated and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site and in conservation of the scenic and other resources thereof.

(b) The Secretary of the Interior may enter into cooperative agreements with the owners of property which, under the provisions of this Act, may be designated for inclusion in Nez Perce National Historical Park as sites in non-Federal ownership, and he may assist in the preservation, renewal, and interpretation of the properties, provided the cooperative agreements shall contain, but not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alterations shall be made in the properties, including buildings and grounds, without the written consent of the Secretary.

Sec. 5. When the Secretary of the Interior determines that he has acquired title to, or interest in, sufficient properties or determines that he has entered into appropriate cooperative agreements with owners of non-Federal properties, or any combination thereof including the designation of sites already in Federal ownership, he shall by publication in the Federal Register establish the Nez Perce National Historical Park and thereafter administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

Sec. 6 (a) In order to carry out the purpose of this Act the Secretary of the Interior may contract and make cooperative agreements with the State of Idaho, its political subdivisions or agencies, corporations, associations, the Nez Perce Tribe, or individuals, to protect, preserve, maintain, or operate any site, object, or property included within the Nez Perce National Historical Park, regardless of whether title thereto is in the United States: *Provided,* That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(b) To facilitate the interpretation of the Nez Perce country the Secretary is authorized to erect and maintain tablets or markers in accordance with the provisions contained in the Act approved August 21, 1935, entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (49 Stat. 666).

Sec. 7. There are hereby authorized to be appropriated the sums of not more than $630,000 for the acquisition of lands and interests in land and not more than $1,337,000 for construction, restoration work, and other improvements at the Nez Perce National Historical Park under this Act.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

Mr. RIVERS of Alaska. Mr. Speaker, I yield 6 minutes to the gentleman from Colorado, chairman of the full committee [Mr. Aspinall].

Mr. ASPINALL. Mr. Speaker, the Committee on Interior and Insular Affairs is bringing up for debate today two of the seven bills that have come out of its Subcommittee on National Parks and Recreation so far this year.

Within the last few weeks we took care, on the Consent Calendar, of H.R. 881, a bill by the gentleman from Texas [Mr. ROGERS] to provide for the establishment of the Alibates Flint Quarries National Monument, and H.R. 3165, a bill by the gentleman from New Mexico [Mr. MORRIS] to provide for the establishment of the Pecos National Monument.

Today we have H.R. 908 by the gentleman from Idaho [Mr. WHITE] to establish the Nez Perce National Historical Park, and H.R. 500 by the gentleman from Nebraska [Mr. MARTIN] to provide for the establishment of the Agate Fossil Beds National Monument.

Next time the Consent Calendar is called, we will have H.R. 681 by the gentleman from Kansas [Mr. SKUBITZ] to provide for the commemoration of a number of historical events that happened in his part of the country.

Then, as soon as we can move them out of our committee and through the Rules Committee, we will have H.R. 89 by the gentleman from Pennsylvania [Mr. SAYLOR] to establish the Tocks Island—or, as we prefer, the Delaware Valley—National Recreation Area and H.R. 797 by the gentleman from California [Mr. JOHNSON] to establish the Whiskeytown-Shasta-Trinity National Recreation Area.

Still others will be coming along later, but I am not prepared to say at this time what they will be.

As Members can see from the list I have just given the House, the projects that our National Parks and Recreation Subcommittee is dealing with come from all over the country. They are being reported without regard to the political affiliations of their sponsors. And they cover quite a variety of interests.

We have outdoor recreation represented by the Tocks Island and Whiskeytown-Shasta-Trinity bills. We have prehistoric natural life represented by agate fossil beds. We have the American Indian remembered in Alibates and Pecos and Nez Perce. We have the Civil War and pre-Civil War period in Mr. SKUBITZ' Fort Scott bill.

Sometimes we are approached with a plea for a certain park bill on the ground that such and such an area has nothing in the national park system and therefore the bill ought to be passed. Mr. Speaker, such a plea falls on deaf ears. Our concern is not to see that each and every part of the country has a national park system installation. It is to see that all areas of national significance which are worthy of preservation because of their scenery, their historical associations, their recreational opportunities, or their scientific interest are preserved. This calls for careful screening—otherwise we would lose sight of the high standards which our national park system has generally maintained. It is such screening that our colleagues downtown in the National Park Service and the Bureau of Outdoor Recreation have to to do in the first instance, that the Advisory Board on National Parks has to do next, and that we here on the Hill have to do thereafter.

Now, let us look at the Nez Perce bill in the light of these comments. In spite of its being in the newest part of the New World, the Panhandle of Idaho is old country. Men have lived there for at least 10,000 years. What H.R. 908 proposes is that we set aside about 3,000 acres of land, and mark a number of other spots, some in Federal, some in non-Federal ownership, so that we and our descendants can remind ourselves from time to time of what happened here—remind ourselves at the Weis Rockshelter that this is the way people lived in 5500 B.C.; remind ourselves at the Heart of the Monster and at Coyote's Fishnet of the beliefs of the Nez Perce people about their origins and their mythical ancestor, coyote; remind ourselves along the Lolo Trail and at Weippe Prairie and other sites that this is country that was crossed and explored by Lewis and Clark 150 or more years ago; remind ourselves at White Bird Battlefield and Clearwater that less than 100 years ago Indians and white men were fighting each other and that it was not always the white man who was right; and remind ourselves at such places as the Henry Spalding Mission and at St. Joseph's Mission that there were brave men of religion who went into the wilderness of their day to teach what they honestly and thoroughly believed.

I shall not detain the House any longer with details. Our colleague the gentleman from Idaho [Mr. WHITE] will be able to supply them better than I can. Let me merely close by saying that the estimated cost of land acquisition and development under this legislation is about $1,900,000. This is not an insignificant sum, I realize, but it is a price worth paying for preserving and making available to the public these remnants of our history.

Mr. Speaker, I commend H.R. 908 to the House and recommend its enactment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my colleague, the gentleman from Iowa.

Mr. GROSS. Do I understand that this bill calls for the acquiring of some 1,500 acres of land; that is, the purchase of 1,500 acres of land at a cost of $630,000? If so, it seems to me this would figure out at a total of $420 an acre which is a pretty high price for some Idaho land that I have seen.

Mr. RIVERS of Alaska. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. RIVERS of Alaska. To respond to the gentleman, we have the figures on page 4 of the report where it says the estimated cost of acquiring the land and scenic easements that have been described is $630,000 and the development costs for a visitors' center and interpretative centers, restoration work, and the like, are estimated to be $1,287,000 and the cost of providing markers and exhibits at various scattered sites is $50,000. In other words, the estimated cost of acquiring the land and scenic easements is $630,000, there being involved title to about 1,500 acres and scenic easements to about 1,500 acres for a total of about 3,000 acres.

Mr. ASPINALL. This brings to my mind an item of additional cost. The cost for the additional easements, the scenic easements in the area, those areas that cannot be used for other than the purposes under the provisions of the scenic agreement agreed before. Such costs are also included in the total acquisition cost.

Mr. GROSS. Even so, if you figure this at 3,000 acres for the purchase of land and easements for 1,500 acres, this still runs to a cost of around $210 an acre. Is this land being bought at the fair market value? Is it being bought on a tax appraisal basis? Let us take the 1,500-acre figure—you can give me any figure you want, but it is going to be a higher figure for land in the mountains out there, I would think.

Mr. ASPINALL. Of course, this land is not what you might call nonproductive land although it is in the mountains. It is land along the highways and presently is being used for agriculture and other purposes, as far as that is concerned.

Mr. GROSS. Is it productive agricultural land?

Mr. ASPINALL. Some of it is very productive agricultural land—yes; there is no question about that. It is a limited amount of land. The land will be purchased, if my colleague will permit me to say, if it has to be purchased or condemned it will be acquired only after fair values have been determined by established appraisal procedures. Condemnation proceedings would naturally take the case into the courts.

Mr. GROSS. But the report says nothing about a fair market value or anything else. I would like to see a provision here for the land to be purchased at the fair market value. But there is no such language in the report that I can find anywhere.

Mr. ASPINALL. All I can say to my colleague is that if it has to be purchased, it will be purchased at the fair market value. There is not going to be any blown up cost under any of these authorizations.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SKUBITZ. Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker and Members of the House, I commend the statement which the gentleman from Colorado [Mr. ASPINALL], chairman of the Committee on Interior and Insular Affairs, has made with regard to the bills which will be brought before this session of Congress from our committee to create new national parks, historical monuments and recreation areas.

To my colleague, the gentleman from Iowa [Mr. GROSS], I wish to say that it has been the policy of the House Committee on Interior and Insular Affairs ever since I have been a Member—and I am sure long before that time—to insist that all properties purchased by the

Park Service for inclusion in national parks or monuments be acquired at not more than the fair market value. This is done by means of appraisals. We like to negotiate and we do not like to use the right of condemnation, but on occasion, when people have tried to ask outlandish prices or prices which could not be sustained on the basis of fair market value, our committee has authorized the Park Service to use the right of condemnation.

I feel certain that in regard to this bill and the others which will be considered during this session any land which may be acquired will be acquired after proper appraisal and at not more than fair market value.

This area which is being designated today as the Nez Perce National Historical Park is unusual in that it is not a compact unit. It is divided at the present time into four areas which have been designated by the Park Service as the most outstanding examples of the history of the Nez Perce people.

I have visited these areas. I am satisfied that they should be preserved.

Members will note that one of the important amendments adopted by the committee is that the land which belongs to the Nez Perce Indians, while included in the bill, will not be included in the National Historical Park unless the Nez Perce Indians themselves consent.

I urge that the rules be suspended and that the bill be passed.

Mr. RIVERS of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Speaker, this bill was introduced, as the chairman of the full committee explained, to provide for the Nez Perce National Historical Park in the State of Idaho.

For the clarification of Members of the House, I believe it would be well to point out that this covers a large area, and it is a new concept in national parks. Instead of acquiring all the land in the area, we will acquire only the points of historical significance. It will be spread over several hundred miles and it will have 3 sites—1 administrative site and 2 interpretive sites—as well as 19 other centers which will be used to show the history of the Nez Perce Indians, the history of the Lewis and Clark Expedition, the history of the early missionaries who went into Idaho, and the history of the gold mining which started the initial settlement of the State.

It is with a great deal of pride that I ask my colleagues' support for H.R. 908, which would authorize the establishment of the Nez Perce National Historical Park in north-central Idaho. This bill was born of the realization by Idahoans that the march of time and progress might obliterate the physical evidence of Northwest history, which has been traced back 10,000 years and was first discovered 160 years ago by the famous Lewis and Clark Expedition.

This evidence includes the culture of the Nez Perce Indian Nation and the valiant fight the tribe waged to hold its land from the advance of civilization that followed Lewis and Clark into north-central Idaho. Also included are imprints left on the land by the missionaries and the gold miners who came later to this vast and beautiful territory.

Fully aware that history and progress can be partners, Idaho is asking that these remnants of history be preserved and interpreted for the Nation under a new concept of national park development.

Rather than seal off the entire region by Federal acquisition of land, the Nez Perce National Historical Park would be composed of 22 scattered sites of historical significance.

The 22 sites would be interpreted at administrative centers. No large land areas would be involved and Idaho's commerce would continue to expand, unhindered by the past.

The park would facilitate the protection of and provide accurate, detailed public information on the various historic sites through cooperative agreements and understandings among State, Federal, and private agencies and individual landowners.

It is a new concept in national park development, and it has received the enthusiastic support of nearly every individual and responsible organization in Idaho.

H.R. 908 is a truly remarkable proposal for a coordinated effort by Federal, State, and community governments and by many nongovernmental interests to develop a project of national significance.

Its importance can be seen by a study of the history of north-central Idaho. I believe many of us are familiar with Chief Joseph and his historic retreat before the might of U.S. cavalry. The Nez Perce is the only Indian tribe that ever took up the use of animal husbandry and through their efforts was developed the Apaloosa horse, one of the major breeds in the United States today.

I would like to say to the gentleman from Iowa that the lands to be acquired in fee lie in three principal areas. One is at the confluence of Lapwai Creek and the Clearwater River, which joins the Snake River several miles downstream at Lewiston, Idaho. This melon-producing land is adjacent to Spalding State Park, which will be acquired without any remuneration to the State. The Nez Perce Tribe is acquiring the lands at the present time to prevent speculators from profiting by purchases based on hopes of selling back at prices more than what may be the fair market value. An additional area included in the site at Spalding would be condemned if this is necessary. This is land which has a value of over $500 an acre. At Kamiah, Idaho, another acquisition is to be made within the confines of the community. It is occupied land which is worth well over $500 an acre.

The third major site is the White Bird Battlefield. This land is now the center of a cattle ranch. There will be some severance consideration involved in this taking.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

Mr. RIVERS of Alaska. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. WHITE of Idaho. I would be glad to yield to the gentleman.

Mr. GROSS. I thank the gentleman for his explanation. I would like to make this suggestion to the committee and to my friend from Colorado, the chairman of the House Committee on Interior and Insular Affairs. In the future, with respect to these bills where land is to be acquired for this purpose, the bill should contain the language that the land is to be acquired at a fair market value. Either the bill or the report should contain this language. This will help those of us who are on the outside and it would resolve doubts in my mind if this language were even inserted in the report stating that the land to be acquired is to be acquired at fair market value.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. WHITE of Idaho. I yield to the gentleman.

Mr. ASPINALL. I think the suggestion is a good one. We follow this as far as our procedures are concerned in making the legislative history. I think it would be well to follow it in the report and place it in the report or the legislation itself, as we do in many of our public land bills.

Mr. WHITE of Idaho. Mr. Speaker, I would like to say one last thing to the gentleman from Iowa. The basic idea of this bill is to keep land acquisition costs down. That is why it is proposed to acquire the land in small parcels rather than acquiring huge parcels.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may desire to my colleague from Idaho [Mr. HANSEN].

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of H.R. 908, a bill to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho. I believe the extent of my support can be measured by the fact that I have introduced an identical bill—H.R. 5395.

Although most of the work on this legislation was accomplished prior to my election to the Congress, I have not been unaware of the great interest of the people of Idaho in designating the Nez Perce National Historical Park in the State of Idaho.

There is no opposition, insofar as I have been able to determine, to the establishment of this park, either locally or at the national level. This, I believe, speaks extremely well for all the local people—Idaho Governor Robert E. Smylie, Idaho State officials, church, civic and local groups, and the Nez Perce Tribal Council—who helped initiate this proposal and who played a great part in creating the original interest in it. Such unanimity of opinion on legislative proposals is rare today.

I would like at this time to commend these people and these groups for the outstanding work they have done. I am sure that all Idahoans join us today in backing this bill which does three essential things: First, it protects and preserves a historic landmark; second, it opens to all the world a new vista of an almost forgotten frontier; and third, it envisions a new high in cooperative efforts between Government and private interests to depict a wide variety of significant phases in the development and preservation of the American West of which we are so proud.

I strongly urge, Mr. Speaker, that this legislation do pass.

The SPEAKER pro tempore. The question is, will the House suspend the rules and pass the bill (H.R. 908) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. RIVERS of Alaska. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 60 to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, a similar bill to the one the House just passed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the bill, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to facilitate protection and provide interpretation of sites in the Nez Perce country of Idaho that have exceptional value in commemorating the history of the Nation.

SEC. 2. To implement this purpose the Secretary of the Interior may designate as the Nez Perce National Historical Park various component sites in Federal and non-Federal ownership relating to the early Nez Perce culture, the Lewis and Clark Expedition through the area, the fur trade, missionaries, gold mining, and logging, the Nez Perce war of 1877, and such other sites as he finds will depict the role of the Nez Perce country in the westward expansion of the Nation.

SEC. 3. The Secretary of the Interior may acquire by donation or with donated funds such lands, or interests therein, and other property which in his judgment will further the purpose of this Act and he may purchase with appropriated funds land, or interests therein, required for the administration of the Nez Perce National Historical Park: *Provided,* That he may purchase no more than one thousand five hundred acres in fee, and no more than one thousand five hundred acres in scenic easements. The Nez Perce Tribe's governing body, if it so desires, with the approval of the Secretary of the Interior, is authorized to sell, donate, or exchange tribal-owned lands held in trust needed to further the purpose of this Act.

SEC. 4. (a) Indian trust lands and sites in Federal ownership under the administrative jurisdiction of other Government agencies, not to exceed one thousand five hundred acres overall, may be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the beneficial owner or agency having administrative responsibility therefor, but such designation shall effect no transfer of administrative control unless the administering agency consents thereto. The Secretary of the Interior may cooperate with the administering agency in research into and interpretation of the significance of the site and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site, and in conservation of the scenic and other resources thereof.

(b) The Secretary of the Interior may enter into cooperative agreements with the owners of property which under the provisions of this Act may be designated for inclusion in Nez Perce National Historical Park as sites in non-Federal ownership, and he may assist in the preservation, renewal, and interpretation of the properties, provided the cooperative agreements shall contain, but not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alterations shall be made in the properties, including buildings and grounds, without the written consent of the Secretary.

SEC. 5. When the Secretary of the Interior determines that he has acquired title to, or interest in, sufficient properties or determines that he has entered into appropriate cooperative agreements with owners of non-Federal properties, or any combination thereof including the designation of sites already in Federal ownership, he shall by publication in the Federal Register establish the Nez Perce National Historical Park and thereafter administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 6. (a) In order to carry out the purposes of this Act the Secretary of the Interior may contract and make cooperative agreements with the State of Idaho, its political subdivisions or agencies, corporations, associations, the Nez Perce Tribe, or individuals, to protect, preserve, maintain, or operate any site, object, or property included within the Nez Perce National Historical Park, regardless as to whether title thereto is in the United States: *Provided,* That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(b) To facilitate the interpretation of the Nez Perce country the Secretary is authorized to erect and maintain tablets or markers in accordance with the provisions contained in the Act approved August 21, 1935, entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (49 Stat. 666).

SEC. 7. There are hereby authorized to be appropriated not to exceed $630,000 for the acquisition of land and interests in land pursuant to this Act.

AMENDMENT OFFERED BY MR. RIVERS OF ALASKA

Mr. RIVERS of Alaska. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIVERS of Alaska: Strike out all after the enacting clause of the bill (S. 60) and insert the provisions of the bill H.R. 908, as passed:

"That it is the purpose of this Act to facilitate protection and provide interpretation of sites in the Nez Perce country of Idaho that have exceptional value in commemorating the history of the Nation.

"SEC. 2. To implement this purpose the Secretary of the Interior may designate as the Nez Perce National Historical Park various component sites in Federal and non-Federal ownership relating to the early Nez Perce culture, the Lewis and Clark Expedition through the area, the fur trade, missionaries, gold mining and logging, the Nez Perce war of 1877, and such other sites as he finds will depict the role of the Nez Perce country in the westward expansion of the Nation.

"SEC. 3. The Secretary of the Interior may acquire by donation or with donated funds such lands, or interests therein, and other property which in his judgment will further the purpose of this Act and he may purchase with appropriated funds land, or interests therein, required for the administration of the Nez Perce National Historical Park: *Provided,* That he may purchase no more than one thousand five hundred acres in fee, and no more than one thousand five hundred acres in scenic easements. The Nez Perce Tribe's governing body, if it so desires, with the approval of the Secretary of the Interior, is authorized to sell, donate, or exchange tribal-owned lands held in trust needed to further the purpose of this Act.

"SEC. 4. (a) Indian trust land may be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the beneficial owner. Sites in Federal ownership under the administrative jurisdiction of other Government agencies may likewise be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the agency having administrative responsibility therefor, but such designation shall effect no transfer of administrative control unless the administering agency consents thereto. Not more than one thousand and five hundred acres overall shall be designated pursuant to the foregoing provisions of this subsection. The Secretary of the Interior may cooperate with the Nez Perce Tribe or the administering agency, as the case may be, in research into and interpretation of the significance of any site so designated and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site and in conservation of the scenic and other resources thereof.

"(b) The Secretary of the Interior may enter into cooperative agreements with the owners of property which, under the provisions of this Act, may be designated for inclusion in Nez Perce National Historical Park as sites in non-Federal ownership, and he may assist in the preservation, renewal, and interpretation of the properties, provided the cooperative agreements shall contain, but not be limited to, provision that: (1) the Secretary has right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alterations shall be made in the properties, including buildings and grounds, without the written consent of the Secretary.

"SEC. 5. When the Secretary of the Interior determines that he has acquired title to, or interest in, sufficient properties or determines that he has entered into appropriate cooperative agreements with owners of non-Federal properties, or any combination thereof including the designation of sites already in Federal ownership, he shall by publication in the Federal Register establish the Nez Perce National Historical Park and thereafter administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

"SEC. 6. (a) In order to carry out the purpose of this Act the Secretary of the Interior may contract and make cooperative agreements with the State of Idaho, its political subdivisions or agencies, corporations, associations, the Nez Perce Tribe, or individuals, to protect, preserve, maintain, or operate any site, object, or property included within the Nez Perce National Historical Park, regardless of whether title thereto is in the United States: *Provided,* That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

"(b) To facilitate the interpretation of the Nez Perce country the Secretary is authorized to erect and maintain tablets or markers in accordance with the provisions contained in the Act approved August 21, 1935, entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes' (49 Stat. 666).

"Sec. 7. There are hereby authorized to be appropriated the sums of not more than $630,000 for the acquisition of lands and interests in land and not more than $1,337,000 for construction, restoration work, and other improvements at the Nez Perce National Historical Park under this Act."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 908) was laid on the table.

AGATE FOSSIL BEDS NATIONAL MONUMENT, NEBR.

Mr. RIVERS of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 500) to provide for the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes.

The Clerk read as follows:

H.R. 500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Agate Springs Fossil Quarries, and nearby related geological phenomena, to provide a center for continuing paleontological research and for the display and interpretation of the scientific specimens uncovered at such sites, and to facilitate the protection and exhibition of a valuable collection of Indian artifacts and relics that are representative of an important phase of Indian history, the Secretary of the Interior is authorized to acquire by donation, or by purchase with donated or appropriated funds, or otherwise, title or a lesser interest in not more than three thousand one hundred and fifty acres of land in township 28 north, range 55 west, sixth principal meridian, Sioux County, Nebraska, for inclusion in the Agate Fossil Beds National Monument in accordance with the boundary designation made pursuant to section 2 hereof, which boundary may include such right-of-way as is needed for a road between the Stenomylus Quarry site and the monument lands lying in section 3 or 10 of the said township and range.

Sec. 2. Within the acreage limitation of section 1, the Secretary may designate and adjust the boundaries of Agate Fossil Beds National Monument. When the Secretary finds that lands constituting an initially administrable unit are in Federal ownership, he shall establish such national monument by publication of notice thereof in the Federal Register, and any subsequent adjustment of its boundaries shall be effectuated in the same manner.

Sec. 3. The Agate Fossil Beds National Monument shall be administered by the Secretary of the Interior pursuant to the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

Sec. 4. There are hereby authorized to be appropriated the sums of not more than $301,150 for acquisition of lands and interests in land and not more than $1,842,000 for development in connection with the Agate Fossil Beds National Monument under this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. RIVERS of Alaska. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado [Mr. Aspinall].

Mr. ASPINALL. Mr. Speaker, when we were discussing the Nez Perce bill a little while ago, I spoke of the variety of National Park units our Subcommittee on National Parks and Recreation deals with. Here, in H.R. 500, we have a proposal to establish the Agate Fossil Beds National Monument, and I dare say that in the years to come it will be one of the most instructive and educational units that the system will have.

I am reminded by this proposal of a remark attributed to the late Senator Millikin of Colorado. He was being importuned, I am told, to save the Dinosaur National Monument from invasion and his answer was to this effect: Why bother about these old bones? Anybody who wants to see fossils should come to our next national convention.

But, seriously, what we are engaged in today is dealing with the preservation for posterity of an area which has great scientific importance. Take the whole time that has elapsed since Columbus discovered the New World. That was a little less than 500 years ago. To get back to the time when the animals whose bones were found in the Agate Fossil Beds were roaming around we have to multiply 500 by 30,000. This is more than an exercise in arithmetic; it is an exercise in imagination of a staggering sort.

I said that this area is of great scientific importance. From it have come already to the great museums of the country a large number of fine specimens of the animals that roamed this part of the country millions of years ago—a double-horned rhinoceros the size of a Shetland pony; another beast known as the Moropus with the head of a horse, the body of a tapir, the front legs of a rhinoceros, the rear legs of a bear, and the neck of a giraffe; still another, the "Terrible Pig," was over 7 feet tall and 10 feet long. There were others, too, but these will serve as examples.

Even though excavations have been conducted here for many years, the area is far from exhausted. It has been estimated that perhaps only 25 percent of the remains have been taken out. The other 75 percent are still in place. This means that we have an opportunity not only to continue excavations under controlled conditions but also that we can teach ourselves how this important work is conducted, for the plan is to construct an on-site museum so that everyone can see the remains in place and how scientists go about removing them.

Mr. Speaker, before I close I want to pay tribute to Mrs. Harold J. Cook. It is because of her interest and the interest of her late husband and her father-in-law in this area that it has been kept as it has for so many years. Not only that, but Mrs. Cook has agreed to donate her husband's very valuable library of paleontology and his collection of Indian artifacts and historical materials to the Government. These gifts will undoubtedly enhance the value of the Agate Fossil Beds National Monument to the Nation.

I also want to express my appreciation and the appreciation of the committee to Dr. Malcolm McKenna, of the American Museum of Natural History in New York, and to Dr. C. C. Black, of the Carnegie Museum in Pittsburgh. Their very enlightening testimony before our committee did much to give us an awareness of the importance of the step we are about to take to set aside this area for the national good.

The estimated cost of acquiring the 3,150 acres of land which the Agate Fossil Beds National Monument will embrace is $301,150, and the cost of the development program is $1,842,000. The latter will include museums, a visitors center, and necessary road construction.

Mr. Speaker, I recommend enactment of H.R. 500.

Mr. Speaker, I believe that this is a good piece of legislation and deserves the support of the Congress.

Mr. SKUBITZ. Mr. Speaker, I yield to my colleague, the gentleman from Nebraska [Mr. Martin] such time as he may consume.

Mr. MARTIN of Nebraska. Mr. Speaker, the Agate Springs Fossil Quarries site located in Sioux County, Nebr., is world renowned for its rich concentrations of the fossile remains of mammals that lived 15 million years ago.

A study of this site was made by the Midwest Region, National Park Service, in the fall of 1960 and a preliminary report prepared. In May of 1961 the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments recommended to the Secretary of the Interior the establishment of the site as a National Monument. I shall confine myself to the history and the value of these fossil beds which paleontologists state are some of the finest in the entire world.

The proposed Agate Fossil Beds National Monument is located in northwestern Nebraska 20 miles south of Harrison and about 40 miles north of Scottsbluff, Nebr. The proposal encompasses 3,150 acres about 4 miles east and west and varies in width from three-fourths to almost 2 miles. Nebraska State Highway 29 runs through the area and is very close to the former ranch home of Capt. James H. Cook. This is the proposed site of the headquarters and vistors center.

The economy of this area is ranching. The land which would be purchased is grassland. Present owners have indicated a willingness to sell for the purpose of establishing a national monument. Two ranch headquarters would be involved and 3,150 acres. Estimated cost of the land is approximately $301,150.

In addition, the Park Service estimates an expenditure over the next 5 years of approximately $1,842,000 to properly develop the area.

Capt. James H. Cook, the noted Indian scout, friend, and confidant of the Sioux Indians, paleontologist and author, discovered these fossil beds in 1878. He was a great-grandson of Capt. James Cook, the famed English explorer who circumnavigated the globe from 1768 to 1771, explored New Zealand, the east coast of Australia, and led the search for a Pacific-Atlantic passage through North America. Captain Cook purchased this ranch in 1887 from his father-in-law, Dr. E. B. Graham.

Because of Captain Cook's great interest in paleontology, he interested many of his friends in this field in the fossil beds. As a result, leading paleontologists from Carnegie Institute, the American Museum of Natural History, the Chicago Natural History Museum, the Smithsonian Institute, the Colorado Museum of Natural History, Amherst College, the Universities of Chicago, Kansas, Michigan, Princeton, Yale, Nebraska, and many other scientific institutions have excavated and studied at the site. These deposits have been described by the renowned paleontologist, the late Henry Fairfield Osborn, president American Museum, as the most remarkable deposits of mammalian remains of the Tertiary age ever found anywhere in the world.

Capt. James Cook willed the ranch and these important fossil beds to his son, Harold J. Cook, upon his death in 1942. Harold Cook inherited the keen interest and knowledge of his father in these beds and preserved them for scientific research. This was Harold Cook's home all of his life, and he won an international reputation in the field of paleontology. Throughout his life he contributed a great deal to this science by writing scholarly technical papers and by awakening public interest in this field—especially among schoolchildren—by leading tours to the Agate quarries. After his death in 1962, Mrs. Margaret C. Cook, his widow, has continued his interest in preserving these important fossil beds as a national monument. She has offered to donate the valuable artifacts and Indian collection which Dr. James Cook accumulated.

Although the site has been worked off and on for many years, it is estimated that 75 percent of the fossils still remain in the area. One slab quarried with an area of 44 square feet contained 4,300 separate bones and skulls. The National Park Service has estimated that by the time the area is fully developed, in about 5 years, the visitors will number 120,000 and possibly 200,000 per year.

The Agate fossil beds are nationally significant because of their numerous, concentrated, well-preserved Miocene mammal fossils which represent an important chapter in the history of life, one that is not now adequately represented in the national park system. This site is significant too because of the important contributions made here by the early pioneers of scientific research in the West. The area also meets suitability and feasibility requirements for a national monument.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. Cunningham].

Mr. CUNNINGHAM. Mr. Speaker, I want to commend the gentleman from Colorado [Mr. Aspinall], chairman of the Committee on Interior and Insular Affairs, for his interest in this legislation and also the gentleman from Aslaska [Mr. Rivers] who brings the bill to the floor of the House today.

Mr. Speaker, I compliment the author of the bill, my colleague, the gentleman from Nebraska [Mr. Martin] on this legislation.

Mr. Speaker, this particular legislation will mean a great deal to the future generations of this country. There is nothing like this area in the world.

Mr. Speaker, this section lies in northwest Nebraska in the beautiful so-called San Hills area, adjacent to the Wyoming line and not too far from historic Fort Robinson. These fossils have been unearthed by various universities and other agencies interested in prehistoric animals and mammals.

So, Mr. Speaker, I am very delighted to support this legislation and urge its adoption.

The SPEAKER pro tempore (Mr. Albert). The question is on the motion of the gentleman from Alaska [Mr. Rivers] that the House suspend the rules and pass the bill H.R. 500.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. RIVERS of Alaska. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 339 to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes, a bill similar to the one just passed.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Agate Springs Fossil Quarries, and nearby related geological phenomena, to provide a center for continuing paleontological research and for the display and interpretation of the scientific specimens uncovered at such sites, and to facilitate the protection and exhibition of a valuable collection of Indian artifacts and relics that are representative of an important phase of Indian history, the Secretary of the Interior is authorized to acquire by donation, or by purchase with donated or appropriated funds, or otherwise, title or a lesser interest in not more than 3,150 acres of land in township 28 north, range 55 west, 6th principal meridian, Sioux County, Nebraska, for inclusion in the Agate Fossil Beds National Monument in accordance with the boundary designation made pursuant to section 2 hereof, which boundary may include such right-of-way as is needed for a road between the Stenomylus Quarry site, and the monument lands lying in section 3 or 10 of said township and range.

Sec. 2. Within the acreage limitation of section 1, the Secretary may designate and adjust the boundaries of Agate Fossil Beds National Monument. When the Secretary finds that lands constituting an administrable unit are in Federal ownership, he shall establish such national monument by publication of notice thereof in the Federal Register, and any subsequent adjustment of its boundaries shall be effectuated in the same manner.

Sec. 3. The Agate Fossil Beds National Monument shall be administered by the Secretary of the Interior pursuant to the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

Sec. 4. There is hereby authorized to be appropriated not more than $315,000 for the acquisition of land and interests in land pursuant to this Act.

AMENDMENT OFFERED BY MR. RIVERS OF ALASKA

Mr. RIVERS of Alaska. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rivers of Alaska: Strike out after the enacting clause of S. 339 and insert the provisions of H.R. 500, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

GOVERNMENT EMPLOYEES' LIFE INSURANCE PROGRAM

Mr. OLSEN of Montana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6926) to strengthen the financial condition of the Employees' Life Insurance Fund created by the Federal Employees' Group Life Insurance Act of 1954, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such act, and for other purposes.

The Clerk read as follows:

H.R. 6926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 5 of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2094(b)), is amended to read as follows:

"(b) For each period in which an employee is insured under a policy of insurance purchased by the Commission as authorized in section 7 of this Act, there shall be contributed from the respective appropriation or fund which is used for payment of his salary, wage, or other compensation (or, in the case of an elected official, from such appropriation or funds as may be available for payment of other salaries of the same office or establishment) a sum computed at a rate determined by the Commission, but not to exceed the amount withheld from the employee under this section."

Sec. 2. Section 3(a) of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2092 (a)), is amended to read as follows:

"(a) Each employee to whom this Act applies shall be eligible to be insured for an amount of group life insurance approximating his annual compensation not exceeding $30,000 plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

"If annual compensation is—		The amount of group life insurance shall be—	The amount of group accidental death and dismemberment insurance shall be—
Greater than—	But not greater than—		
0	$1,000	$1,000	$1,000
$1,000	2,000	2,000	2,000
2,000	3,000	3,000	3,000
3,000	4,000	4,000	4,000
4,000	5,000	5,000	5,000
5,000	6,000	6,000	6,000
6,000	7,000	7,000	7,000
7,000	8,000	8,000	8,000
8,000	9,000	9,000	9,000
9,000	10,000	10,000	10,000
10,000	11,000	11,000	11,000
11,000	12,000	12,000	12,000
12,000	13,000	13,000	13,000
13,000	14,000	14,000	14,000
14.000	15.000	15,000	15,000
15,000	16,000	16,000	16,000
16,000	17,000	17,000	17,000
17.000	18,000	18,000	18,000
18,000	19,000	19,000	19,000
19,000	20,000	20,000	20,000
20,000	21,000	21,000	21,000
21,000	22,000	22,000	22,000
22,000	23,000	23,000	23,000
23,000	24,000	24,000	24,000
24.000	25,000	25,000	25,000
25,000	26,000	26,000	26,000
26,000	27,000	27,000	27,000
27,000	28,000	28,000	28,000
28,000	29,000	29,000	29,000
29,000	------	30,000	30,000".

SEC. 3. (a) The first section of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1965.

(b) Section 2 of this Act shall become effective upon date of enactment with respect to death or dismemberment which shall have occurred on or after such date of enactment. Section 2 shall not be effective with respect to death or dismemberment of any person who shall have been separated or retired prior to the date of enactment of this Act.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **CORBETT**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **OLSEN** of Montana. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GREEN], a member of the Subcommittee on Retirement, Insurance, and Health Benefits of the Post Office and Civil Service Committee.

Mr. **GREEN** of Pennsylvania. Mr. Speaker, I rise in support of H.R. 6926. This is a good bill. It is a short bill containing two important sections.

The first section of H.R. 6926 authorizes needed additional Government contributions to the insurance fund in the Treasury, from which the obligations of the Government employees' group life insurance program are paid. Section 2 increases the maximum amount of insurance which a Government officer or employee may carry under the program, in order to restore an appropriate relationship in higher governmental brackets between such maximum amount of insurance and the current Federal civilian salary levels.

It is appropriate at this time to consider the history and the background of this act.

The Federal Employees' Group Life Insurance Act of 1954 authorizes life insurance protection for Federal employees not in excess of the amount of their annual salary carried to the next higher $1,000. Each employee now pays the maximum premium permitted by law—25 cents biweekly—for each $1,000 of insurance protection. Each agency contributes 12½ cents per $1,000 of insurance—which is also the maximum presently permitted by law. Currently then the employee pays two-thirds and the Government pays one-third of the cost. This bill is in response to an actuarial valuation of the life insurance program as of June 30, 1963, which disclosed that the aggregate of the present employee and agency payments falls 7 cents short of providing adequate financing of the program if future claim experience follows the pattern thus far established.

The first section of H.R. 6926 authorizes the Civil Service Commission to increase the Government's contribution when it determines that such an increase is necessary to protect the financial integrity of the program; but not to a point higher than the employee's 25-cent premium rate. It is emphasized that this authority is permissive, not mandatory. The Commission will still have the necessary flexibility in determining what share of the cost the Government should bear and may exercise this discretion from time to time as the need arises.

Millions of Government employees, their wives, and children depend heavily on this program for a major part of their insurance protection. Premiums paid by employees, with the smaller Government contribution, make up a trust fund from which obligations of the life insurance program are paid. This fund must be maintained at a proper level, in the interest of the United States and to keep faith with the employees.

Experience has demonstrated that failure of the Government to assure adequate financing of trust funds of this kind leads to serious trouble. Government payments to the civil service retirement fund, for example, from the start have been too little and too late, contributing materially to the heavy actuarial deficit in that fund. That kind of history cannot be repeated.

The Civil Service Commission has recommended that this bill be amended to authorize the Commission to also increase employee premiums but specified no amount for this proposed increase. The committee, however, does not believe that there is any need or justification in light of modern trends in industry to increase employees' premiums and, accordingly, the reported bill does not provide for any such increase.

Testimony before our committee indicated that of the 100 industries listed in a Department of Labor study of industrial insurance plans about 40 percent paid the entire premium of their employees and very few paid less than half.

Some of the companies which paid all of the employees premiums are: American Sugar Refining Co., Armstrong Cork Co., Swift & Co., Armour & Co., Campbell Soup Co., Liggett & Myers Tobacco Co., distillery industry, clothing industry, Continental Can, Inc., Bethlehem Steel Co., Owens-Illinois Glass Co., Firestone Tire & Rubber Co., and many other companies in this country provide the complete premium for their employees.

Our committee feels, therefore, that an increase in the employees' contribution rate at this time is unwarranted.

If the bill is passed and the Civil Service Commission uses its permissive authority to increase the Government's contribution, in all likelihood the Government would still not be paying one-half of the cost of the premium, but would be paying approximately 19½ cents biweekly for each $1,000 of insurance coverage while the employee continues to pay 25 cents biweekly.

Section 2 of this bill will merely modernize or update the limitation on the maximum insurance coverage provided by the Government Employees' Group Life Insurance Act of 1954. The $20,000 maximum prescribed in that act was appropriate in 1954, in relation to the then existing Government salary levels, but is entirely unsuitable and unrealistic in relation to present day salary levels. This section 2 of this bill has the complete endorsement of the Civil Service Commission.

What will this act cost? Enactment will result in no additional cost unless and until the Civil Service Commission shall determine that an increase in the Government's share of premiums is necessary to protect the financial soundness of the life insurance fund.

The Chairman of the Commission testified his agency did not plan to use the discretionary authority provided by the bill now or in the immediate future.

For each 1-cent increase in the Government's share per $1,000 of insurance, the annual cost would be approximately $4,728,500. According to the Civil Service Commission, enactment of section 2 of this bill would provide no material increase because of the relatively small number of employees to whom this section applies.

I strongly support this bill and urge my colleagues to support it. I am happy to report to you that this bill received the unanimous approval of our committee.

Mr. **CORBETT**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree entirely with the gentleman from Pennsylvania who has just concluded. It was my pleasure in 1954 to be the manager of this life insurance program when it first came to the floor of the House. Since that time we have seen the program put into operation and become one of the major fringe benefits of Government employees in this country.

Presently we are approaching a time when the first important correction is needed in the program. That correction as the gentleman just outlined is to raise first the amount of maximum insurance which can be purchased by an employee and, secondly, if possible to have the Government's participation in the premiums increased.

I was very happy that it was pointed out that private business is more and more paying from 50 to 100 percent of the life insurance premiums of their employees. I think the Federal Government has lagged very greatly in only paying one-third of the cost. To suggest seriously that the Government employee's payments be increased while the Government's payment be held at the same figures that they are now—12½ cents per thousand for a biweekly pay period is absolutely going the wrong way.

I believe it should also be pointed out that the committee, by acting now rather than waiting for the President's Cabinet Committee to make a finding, is doing exactly the right thing. The President's Cabinet Committee is not scheduled to report until December of this calendar year. Under this arrangement legislation of this nature would not reach the floor probably until March, April, or May of 1966. In the meantime, many, many employees would have died or retired and would have lost the benefits contemplated under this bill.

Likewise, while the fund is still in good shape, we are approaching danger points and greater amounts of money should go into the fund. The Government should act now.

In any event, we all know that committees and commissions have sometimes been created for the exact purpose of delay. We know even when that was not the purpose, that has often been the result.

In making it permissive for the administration to increase the Government's payments if the President's Cabinet Committee finds that to be wise, it will not be necessary to come to Congress for permission—they will have it already—and the recommendations can be put into effect promptly, instead of waiting for the slow legislative process to be concluded.

Mr. Speaker, I strongly urge that this legislation be passed. It is timely. It is in order. It is sound. I believe it will make its contribution toward maintaining a good life insurance program, which will do that much more to make employment with our Federal Government that much more attractive to good, capable employees.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska, the ranking minority member of the subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, I wish to compliment my distinguished colleague on the committee, the gentleman from Pennsylvania [Mr. GREEN], for a very clear statement as to the purpose of the bill. I also commend the statement made by the gentleman from Pennsylvania [Mr. CORBETT], the ranking minority member of the full committee.

I was a member of the Committee on Post Office and Civil Service when this piece of legislation was first enacted, as well as when the Federal Employees Health Benefits Act passed. These two programs have served all the employees and Members of the House of Representatives and the other body very well.

I might add that this bill does not apply only to Federal workers in the various agencies, but will afford the Members of Congress an opportunity to increase their life insurance under this program from $20,000 to $30,000.

Mr. Speaker, I rise in full support of this bill. As the gentleman from Pennsylvania said, I am the ranking minority member on this subcommittee. This bill was passed unanimously by the subcommittee and by the full committee.

Mr. OLSEN of Montana. Mr. Speaker, I rise in support of H.R. 6926.

First of all, I should like to commend the Subcommittee on Retirement, Insurance, and Health Benefits for developing this important legislation, and particularly to congratulate the gentleman from Pennsylvania [Mr. GREEN] for his very thorough analysis and explanation of the bill.

Mr. Speaker, the establishment of policy with respect to both salaries and fringe benefits of Federal employees is, and must be exclusively in the province of the Congress. The Congress has laid down the firm policy of comparability of Federal civilian salaries with those in private enterprise, and the same principle certainly should be applied to fringe benefits, including the Federal employees' life insurance program.

We have made significant progress toward salary comparability and there is no reason whatever for the Government's participation in our employees' life insurance program to lag behind similar programs for employees in enlightened private enterprise. Mediocrity will not suffice; our Federal program should be at least on a par with the best in private industry.

It was my privilege, through the courtesy of our Subcommittee on Retirement, Insurance, and Health Benefits, to attend public hearings on this legislation. In my judgment, the evident need for this legislation was clearly demonstrated when the Chairman of the Civil Service Commission testified, in response to questioning, that many private corporations pay at least half, and some pay all, of the costs of employee life insurance programs. The trend in private industry, according to testimony based on AFL–CIO data sources, is well beyond the 50-percent level for employers' contributions.

The Bureau of Labor Statistics in the Department of Labor has conducted two studies which further support the need for H.R. 6926. The first, printed in Bulletin No. 1330, is entitled: "A Digest of 100 Selected Health and Insurance Plans Under Collective Bargaining, Winter 1961–62." It was brought further up to date by a supplemental study of 50 plans in 1963.

The first such study disclosed that approximately 40 of the 100 corporations paid the entire cost of their employees' life insurance plans, and all but a few paid at least half of the cost. To name a few, the American Sugar Refining Co., Armstrong Cork Co., Swift & Co., Armour & Co., Campbell Soup Co., Liggett & Myers Tobacco Co., distillery industry, clothing industry, Continental Can, Inc., Bethlehem Steel Co., Owens-Illinois Glass Co., and the Firestone Tire & Rubber Co., pay the full cost. Incidentally, they also pay the full cost of their employees' health insurance plans. Some even permit employees to carry life insurance equal to double the amount of their earnings.

Mr. Speaker, this bill represents the first major revision of the Federal Employees' Group Life Insurance Act of 1954 since it was enacted nearly 11 years ago. The record is clear that our program has fallen seriously behind the trend in private industry. Enactment of H.R. 6926 will be a step in the right direction toward closing the gap, and I earnestly recommend its approval by the House.

Mr. DANIELS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DANIELS. Mr. Chairman, it has been my privilege, as chairman of the Subcommittee on Retirement, Insurance, and Health Benefits of the Post Office and Civil Service Committee, to conduct public hearings and a related study in depth of the Government employees' life insurance program. On the basis of the hearings and study, I introduced H.R. 6926 which is before the House of Representatives for approval today.

The enactment of H.R. 6926 will strengthen and modernize the life insurance program established by the Government Employees' Life Insurance Act of 1954 but which has not been materially changed during the ensuing 11 years. That act was written by the Post Office and Civil Service Committee and, at the time, constituted a valuable and fully justified new employee fringe benefit. However, I am sure that neither our committee nor the Congress in 1954 intended that the provisions then drafted should constitute an ironclad limitation on the life insurance program that could not be changed and adjusted, from time to time, as conditions warranted. On the contrary, my discussions with senior Members—and particularly with our ranking minority Member, the gentleman from Pennsylvania [Mr. CORBETT]—have convinced me that future changes to keep abreast of the times were both anticipated and expected when the law was written in 1954.

I should like to take a moment now to commend the wisdom and the foresight of our predecessors in writing the basic framework for an employee life insurance program into the permanent body of the law. In truth and in fact, the Government Employees' Life Insurance Act has proved out to be one of the finest employee programs ever adopted—in the interest of both the Government and its personnel. But changes in the structure and manning of our Government posts, and in the economic necessities of those who carry out essential public programs, require constant vigilance and attention by the Congress to keep abreast of the times.

This, then, is essentially the background for the development of H.R. 6926. When the Life Insurance Act was written in 1954, it placed Government employees substantially on a par with their fellow workers in private enterprise with respect to life insurance protection with employer participation. Such no longer is the case. Our Federal employees' life insurance plan has remained dormant, in terms of relative employee-employer contributions, while being far outstripped by employer support and contributions to private industry employees' life insurance.

One of the issues considered during the public hearings was whether the Congress should act now or await the recommendations of a special panel that has been appointed by the President to study Federal employees' fringe benefits, including life insurance. No report or recommendation can be expected from the panel until late in the current year. In the meantime, of course, many employees will pass away and, to the extent there is any inadequacy in their life insurance plan, their surviving widows and children may suffer loss.

During the course of the public hearings it was disclosed that the Bureau of Labor Statistics in the Department of Labor has made two pertinent investigations of private enterprise health and insurance plans, and has published comprehensive reports of the results. The first, printed as Bulletin No. 1330 of the Department of Labor, is entitled "Digest of 100 Selected Health and Insurance Plans Under Collective Bargaining, Winter 1961–62." The second, supplementing the first and printed as Department of Labor Bulletin No. 1377, is entitled "Digest of 50 Selected Health and Insurance Plans for Salaried Employees, Spring 1963."

I will not burden the Record with the voluminous statistical data contained in these two bulletins. Suffice it to say that, in my judgment and that of our committee, they constitute overwhelming official evidence that our Government employees' life insurance program lags far behind current policies and practices in enlightened private industry. Approximately 40 percent of the major firms surveyed pay the full cost of life insurance—subject to moderate dollar limitations in some cases—and nearly all pay a larger share of the cost than does the Federal Government for its employees.

In view of the foregoing, and the more than ample evidence that major adjustments in the Federal program are needed if it is to have any reasonable comparability with private enterprise, there is frankly no excuse for delaying action until still another group or panel has "studied" the situation. It is the responsibility—indeed, the high obligation—of the Congress of the United States to determine and enunciate policies in these matters, and to maintain a standard whereunder the Federal Government will not suffer in comparison to private enterprise.

Enactment of H.R. 6926 will not, in my estimation, quite bring our Federal employees' life insurance program up to a par with the best—or even the very good—plans in private enterprise. But it will constitute a major step in the right direction. It will make provision for immediate adjustment by administrative action—without the delay of seeking legislation—at such time as the Civil Service Commission shall determine that an increase in the Government's contribution is necessary to maintain the financial integrity of the program. It will also fix a realistic maximum on the amount of life insurance that Federal employees may carry under the Government plan—commensurate with current salary levels—in lieu of the outdated, 11-year-old maximum written into the law in 1954 and unchanged since that time. Additional insurance permitted under the new maximum will be paid for on the same terms per $1,000 of coverage as now provided by law, so there will be no drain on the life insurance finances by reason of this adjustment.

Mr. Speaker, I strongly recommend enactment of H.R. 6926 to the membership of the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Montana that the House suspend the rules and pass the bill H.R. 6926.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JURY COMMISSIONERS FOR U.S. DISTRICT COURTS

Mr. ASHMORE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5640) to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes.

The Clerk read as follows:

H.R. 5640

A bill to provide for a jury commission for each United States district court, to regulate its compensation, to prescribe its duties, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1864 of title 28 of the United States Code is amended to read as follows:

"§ 1864. Jury commission: Duties, compensation, and methods of selecting and drawing jurors

"(a) Appointment.—A jury commission shall be established in each judicial district, consisting of the clerk of the court and one or more jury commissioners, appointed by the district court. The jury commissioner shall be a citizen of the United States of good character residing in the district of appointment who, at the time of his appointment, shall not be a member of the same political party as the clerk of the court or a duly qualified deputy clerk acting for the clerk. If more than one jury commissioner is appointed, each may be designated to serve in one or more of the places where court is held, and the clerk and the jury commissioner so designated shall constitute the jury commission for that part of the district. In the event that a jury commissioner is unable for any reason to perform his duties, another jury commissioner may be appointed, as provided herein, to act in his place until he is able to resume his duties.

"Jury commissioners shall be appointed to serve on a part-time or full-time basis. If in the opinion of the court the efficient operation of the jury system requires the services of a full-time jury commissioner, the court may, with the approval of the Judicial Conference of the United States, appoint one or more full-time jury commissioners.

"(b) Duties.—In the performance of all its duties the jury commission shall act under the direction and supervision of the chief judge of the district.

"The sources of the names and the methods to be used by the jury commission in selecting the names of persons who may be called for grand or petit jury service shall be as directed by the chief judge. The procedures employed by the jury commission in selecting the names of qualified persons to be placed in the jury box, wheel, or similar device, shall not systematically or deliberately exclude any group from the jury panel on account of race, sex, political, or religious affiliations, or economic or social status. In determining whether persons are qualified as jurors under section 1861 of this title, the jury commission shall use questionnaires and such other means as the chief judge may deem appropriate, including the administering of oaths.

"The names of jurors shall be publicly drawn by chance from a jury box, wheel, or similar device, which contains the commencement of each drawing the names of not less than three hundred qualified persons selected by the jury commission in accordance with the provisions of this subsection.

"The jury commission shall keep records of the names of persons placed in the jury box, wheel, or similar device, the questionnaires returned by said persons, the names of the persons who are selected for jury service, the dates of service, and such other appropriate records as the chief judge may direct, all for a period of not less than two years. With the approval of the chief judge, the jury commission may designate deputy clerks and other employees in the office of the clerk of the court to assist the commission in the performance of its duties and to perform under its direction such of the detailed duties of the commission as in the opinion of the chief judge can be assigned to them.

"(c) Compensation.—Each jury commissioner appointed on a part-time basis shall be compensated for his services at the rate of $10 per day for each day in which he actually and necessarily is engaged in the performance of his official duties, to be paid upon certificate of the chief judge of the district.

"Each jury commissioner appointed on a full-time basis shall receive a salary to be fixed from time to time by the Judicial Conference of the United States at a rate which in the opinion of the Judicial Conference corresponds to that provided by the Classification Act of 1949, as amended, for positions in the executive branch with comparable responsibilities.

"Each jury commissioner shall receive his traveling and subsistence expenses within the limitations prescribed for clerks of district courts while absent from his designated post of duty on official business.

"(d) Any of the powers or duties conferred upon the chief judge under this section may be delegated by him to another judge of the district: *Provided, however,* That where part of a district by agreement or order of court is assigned to one particular judge and he customarily holds court there, as to such part of the district he shall perform the functions and fulfill the duties conferred upon the chief judge in this section.

"(e) This section shall not apply to the District of Columbia."

Sec. 2. Section 1865 of such title is amended by striking out the words "and may appoint a jury commissioner for each such place" in the second sentence of subsection (a) thereof and inserting a period after the word "district" in such sentence.

Sec. 3. Each jury commissioner holding office on the effective date of this Act shall continue in office until his successor is duly appointed and qualified.

Sec. 4. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry the provisions of this Act into effect.

Sec. 5. The provisions of this Act shall take effect ninety days after the date of approval thereof: *Provided, however,* That no grand or petit jury sworn prior to the effective date of this Act nor any person called or summoned for jury service, or whose name is on a jury list or has been placed in a box, wheel, or similar device, prior to that date, shall be ineligible to serve if the procedure by which the jury or the individual juror was selected, called, summoned, or by which his name was listed or placed in a box, wheel, or similar device, was in compliance with the law in effect at the time of such action.

Sec. 6. (a) The table of sections at the head of chapter 121 of title 28 of the United States Code is amended by amending items 1864 and 1865 to read as follows:

"1864. Jury commission; duties, compensation, and methods of selecting and drawing jurors."

"1865. Apportionment within district."

(b) The catchline at the beginning of section 1865 of title 28 of the United States Code is amended to read as follows:

"§ 1865. Apportionment within district".

The **SPEAKER** pro tempore (Mr. Albert). Is a second demanded?

Mr. **KING** of New York. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **ASHMORE**. Mr. Speaker, the purpose of this bill is to revise the existing language of title 28, United States Code, section 1864. It would improve and strengthen the operation of jury commissions for each judicial district of the United States and would also impose a greater responsibility, I might say, upon the chief judge of each district court to supervise the performance of the duties of the jury commission.

Mr. Speaker, I have no requests for time and yield back the balance of my time, because I know of no questions on this matter.

Mr. **KING** of New York. Mr. Speaker, I join with my colleague from South Carolina and urge my colleagues to support this bill.

Mr. Speaker, I join with my distinguished colleague from South Carolina in supporting the bill H.R. 5640 concerning jury commissions for each U.S. district court. This bill was considered by the subcommittee of which the gentleman from South Carolina is the chairman and of which I am privileged to be a member. The bill was unanimously recommended by the subcommittee and the full committee and has as its basic purpose the revision of the existing language of section 1864 of title 28 of the United States Code, so as to improve and strengthen the work of jury commissions in each judicial district. The bill further expressly provides that the chief judge of the district shall direct and supervise the jury commission in the performance of its duties. The language proposed in the bill clearly defines the duties of the commission and further provides for the appointment of commissioners and their compensation.

The testimony before the subcommittee established that in some instances the lack of supervision of those charged with the initial selection of persons to be called for jury service has resulted in challenges of the juries ultimately selected for trial of cases in the U.S. district courts. When it is considered that the jury system is basic in our system of law, I feel that it is self-evident that every effort should be made to improve and strengthen procedures associated with the selection of persons who ultimately may be called upon to serve as jurors in the trial of cases in the Federal courts. I feel the provisions of H.R. 5640 have been carefully drafted to further this purpose.

Mr. Speaker, I have no further requests for time.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from South Carolina that the House suspend the rules and pass the bill H.R. 5640.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMUNITY HEALTH SERVICES EXTENSION AMENDMENTS OF 1965

Mr. **DELANEY**. Mr. Speaker, I call up House Resolution 357 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 357

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2986) to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. **DELANEY**. Mr. Speaker, I yield one-half of my time to the gentleman from California [Mr. Smith]. I now yield myself such time as I may consume.

Mr. Speaker, House Resolution 357 provides for consideration of H.R. 2986, a bill to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes. The resolution provides an open rule with 2 hours of general debate.

H.R. 2986 extends four current programs carried out under the Public Health Service Act relating to health services.

It extends the duration of the current immunization program for an additional 3 years and extends the coverage of the program to include assistance in immunization programs against measles and other diseases presenting a major public health problem.

The bill also extends for an additional 3 years the current program under health services provided to domestic agricultural migratory workers.

The current program authorizing $50 million annually for grants to the States for health services under section 314(c) of the Public Health Service Act is extended for an additional year, and the program of special project grants for community health services authorizing appropriations up to $10 million annually is also extended for an additional year. Both of these latter programs are under review by the Public Health Service and the Association of State and Territorial Health Officers, and the State and territorial mental health authorities.

Mr. Speaker, I urge the adoption of H. Res. 357.

Mr. **SMITH** of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from New York, House Resolution 357 provides an open rule with 2 hours of general debate for the consideration of the bill, H.R. 2986. H.R. 2986 will extend the Community Health Services. It is a very fine bill. I know of no objection to it and I know of no objection to the rule.

Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **SMITH** of California. Mr. Speaker, I am compelled to speak out on a matter of grave concern, not only to the citizens of the great State of California but to all people of this Republic. This urge is prompted by a deep and abiding love of our Nation and a reminder that 30 days hence, on May 30, Americans will be memorializing those who so loved their country that they laid down their lives in its defense.

How callous, how unfeeling we would be if we labeled as naught the sacrifice of these martyrs of freedom. Yet, today we are being asked—no, it is being demanded—that we abandon our great heritage as protectors of freedom and allow the forces of communism to engulf the world. We are being urged to follow a course that has been mapped by practitioners of deceit and treachery.

I, for one, will not be coerced by means repugnant to our democratic processes.

DIRTY WAR OF IMPERIALIST AGGRESSION

During the last several months, the international event which has most occupied the attention of the Communist

Party, U.S.A., and the Communist-inspired youth group, the W. E. B. Du Bois Clubs of America, has been the war in Vietnam. Following long-established practice of supporting Communist causes wherever they exist throughout the world, the Communist Party, U.S.A., justifies and supports with propaganda the Communist Vietcong. At the same time, the party criticizes with vehemence and protests against U.S. foreign policy in Vietnam.

Deliberately ignoring the real issues of Communist invasion, Communist terror, and Communist insurgency in Vietnam, the Communist Party, U.S.A., accuses the United States of engaging in a "dirty war of imperialist aggression." To implement its steady and mounting propaganda attack against the policy of the U.S. Government in Vietnam, the Communist Party gives its full support to all mass actions such as protest demonstrations.

It is recognized, of course, that other individuals who are not members of the Communist Party or its front groups have participated in protest demonstrations against U.S. policy in Vietnam. While most individuals who have taken part in demonstrations of this type were not directly influenced by the Communist Party the Communists have endorsed and supported any group which organizes such a demonstration. This policy was established almost a year ago when Jack Stachel, member of the party's national committee, proposed the formation of a united front of Communists, other leftist groups, trade unions, peace organizations, Negro organizations, and churches to promote a campaign in opposition to U.S. policy in southeast Asia.

PARTY DIRECTIVES AND DISCUSSIONS

Let us take a look at the development of this Communist campaign against U.S. policy in Vietnam.

During March 1964 a directive entitled "The United States and South Vietnam Developments" was sent out from the Communist Party's national headquarters in New York City to all its districts. The situation in southeast Asia was described in this directive as an even greater threat to peace than Cuba or Berlin. Party members were urged to send telegrams to President Johnson protesting American "military aggression" in South Vietnam, to place advertisements in newspapers throughout the country, to organize protest meetings and picket lines, and to enlist the support of non-Communist groups in these activities.

Vietnam was the principal topic of discussion at a meeting of the top Communist Party leaders in June 1964. At this meeting Jack Stachel spoke up again and warned against elements in the United States who favor enlarging the war, argued that the Vietnam situation could not be settled by military force alone, and stressed that Communist China must be a participant in any negotiations. Stachel also proposed that the Communist Party, U.S.A., take the position that what is at issue in Vietnam is not U.S. prevention of Communist domination, but the right of all nations in southeast Asia to manage their own internal affairs. As a further suggestion for the party's campaign against U.S. policy in Vietnam, Stachel relied on a typical Communist tactic when he urged adoption of the slogan, "Bring the boys home."

The party then called upon Margrit Pittman to prepare a discussion outline on the topic "Vietnam and Peace." A longtime member of the Communist Party, Margrit Pittman was in the Soviet Union from 1959 to 1962. During these years, her husband, John Pittman, was the Moscow correspondent for the Communist newspaper, The Worker.

In her outline, Mrs. Pittman characterized the war in South Vietnam as a war of aggression by U.S. "imperialism" designed to expand American influence in southeast Asia and to crush the Vietnamese fight for freedom. The Vietcong insurgents, however, were said to be fighting a war of national liberation whose goal is peace through negotiations leading to the eventual reunification of North and South Vietnam. Pittman used this outline to urge telegrams, letters, resolutions, meetings, marches, and other forms of demonstrations to demand U.S. withdrawal from South Vietnam.

CAMPAIGN MOVES INTO HIGH GEAR

The incident which moved the Communist campaign into high gear was the action in the Gulf of Tonkin in early August 1964. The Communist Party, U.S.A., quickly came to the support of the North Vietnamese Communists and characteristically criticized U.S. foreign policy when American aircraft attacked selected targets in North Vietnam following torpedo-boat attacks against our destroyers in the Gulf of Tonkin. Speaking at a meeting of the party's Southern California district, District Chairman Dorothy Healey called this retaliatory action against North Vietnam "dirty aggression" and suggested that 50,000 letters be sent to President Johnson to protest the U.S. air attack on North Vietnam.

As Mrs. Healey was speaking in California, the party's national headquarters was issuing a press release which condemned the retaliatory strike against North Vietnam and charged that U.S. war planes had brought death to innocent people. The party claimed that the air raid on North Vietnam was an expansion of the war in the direction of the policy of brinkmanship demanded by Barry Goldwater. The press release exhorted everyone in the United States "to speak out for peace" through petitions, letters, and telegrams to be sent to President Johnson, Senators, and Congressmen. These messages were to urge negotiation and the settlement of all issues in Vietnam through the existing machinery of the 14-power Geneva Conference and the United Nations.

BRINGING PRESSURE TO BEAR

In a letter dated August 19, 1964, addressed to all Communist Party districts, the party's national organization department stated that it was obvious that the danger of expanding the war in southeast Asia remained high and that this and similar foreign policy issues would be prominent in the 1964 presidential election campaign. Party members were urged, because of the role of U.S. imperialism in southeast Asia, to use even greater initiative to stimulate pressure for a negotiated settlement and the convening of a 14-nation conference concerning Vietnam.

At a meeting of top party officials in November 1964 Arnold Johnson, the party's public relations director, reported to his comrades on the situation in Vietnam. Johnson urged that the party utilize the many organizations and "groupings" which, he claimed, were bringing pressure on the U.S. Government to end the war in Vietnam.

Johnson also suggested that the party prepare, by the end of November, a definitive document on Vietnam and distribute 50,000 copies of this document. Such a document was prepared and distributed to all the party's districts with instructions that it be given wide circulation.

Johnson further proposed that the party strive to organize a conference to be held in Washington, D.C., which would represent the totality of American opinion on Vietnam and would attempt to bring about a change in U.S. policy in Vietnam.

During another meeting of leading functionaries of the Communist Party, held in late November 1964, Johnson again stressed that it was necessary for the Communist Party, U.S.A., to fight against extension of the war in Vietnam. He recommended that a memorandum on the party's position be sent to all of its districts. The key point in the memorandum would be the demand for peace and an end to the war in Vietnam. Johnson also suggested a petition and postcard campaign against the war in Vietnam.

Following through on Johnson's proposals, the party's national organization department sent an avalanche of instructions to party districts pertaining to activities designed to achieve Communist objectives in South Vietnam. Party districts were told in late November that a demand for peace was a key point in the election mandate given to President Johnson and that any implementation of that demand called for an end to the war in South Vietnam.

PEACE ON EARTH

The party's district leaders were instructed in late November to organize activities in the trade union movement, in youth organizations, and in religious organizations until peace was achieved. The party directive pointed out that this was the time of year when church and other organizations talked about peace on earth, but the "key test" would be what they said about peace in Vietnam.

In a directive issued in December the national organization department warned party districts that every passing event made it more urgent that all sections of the population speak out "to end the war in South Vietnam." All districts were urged to make special efforts for mass activities and expressions of peace during the weekend of December 19 and 20, 1964. This directive also called attention to an enclosed leaflet which urged the reader to "join in an appeal to the conscience of America to end the war in Vietnam."

AIR STRIKES CONDEMNED

Following precedent set during the Gulf of Tonkin confrontation last August, the Communist Party was quick to give verbal support to North Vietnam and to condemn the U.S. foreign policy after a retaliatory air bombardment of North Vietnamese military targets on February 7, 1965. These air strikes followed Vietcong attacks against U.S. bases in South Vietnam.

Within minutes after the air attacks were announced, the party's general secretary, Gus Hall, who refers to himself as the leading spokesman for the Communist Party of the United States, was ready with another press release. Hall termed the American air strike as "the gravest threat to world peace since the Cuban crisis" of 1962. In his statement, Hall bitterly condemned the air strike as "an act of brutal aggression which horrifies the world." Nothing was said, of course, about the Vietcong mortar attacks.

Hall did repeat the by now familiar exhortation to the people of the United States to demand that this country withdraw all its troops from South Vietnam. He went on to say: "A policy to escalate the war can only lead to disaster. It will intimidate no one. It will bring an even more humiliating defeat or a world nuclear war. The American people must speak out loud and clear."

All the familiar Communist tactics were again brought into play, such as a telegram campaign launched immediately by the Communist Party in an effort to pressure the White House. On the night of February 7, 1965, for example, a party conference was being held in Chicago. The proceedings were interrupted and blank telegram forms were distributed. Each of the assembled comrades was instructed to write and sign an individual telegram to President Johnson condemning the air strike. These telegrams were then sent to the White House.

In a February 9, 1965, memorandum to all districts from the national organization department, it was stated that the major point on the agenda for all the American people was obviously to bring a halt to the war in South Vietnam, to demand an end to all actions of aggression against North Vietnam, to insist that all military personnel and forces of the United States be withdrawn from South Vietnam, and to insure that the Vietnamese be given an opportunity to determine their own destiny and to exercise their right of self-determination. This memorandum then claimed that thousands of telegrams were being sent to the President in protest against his authorization of the "brazen act of aggression" against North Vietnam.

At a meeting of party officials in mid-February 1965 Robert Thompson, organizer of the party's New York district, stated that attempts should be made to get trade-union spokesmen to speak out publicly against the role of the United States in Vietnam. Communist Party, U.S.A., Secretariat Member Gilbert Green said the situation in Vietnam had demonstrated that the Chinese Communists were not warmongers, because they had acted responsibly under great provocation. Communist Party, U.S.A., National Labor Secretary Carl Winter claimed that there was mass pressure for peace in Vietnam and President Johnson recognized this. In Winter's opinion, the "unique contribution" made by the Communist Party in the 1964 presidential election campaign was the conclusion that the people should never put their trust in President Johnson but should exert continuous pressure to obtain their goals.

COMMUNIST SPEAKERS ON COLLEGE CAMPUSES

The devious hand of the Communists appeared on the turbulent campus of the University of California at Berkeley, Calif., which has been disrupted almost constantly with "student demonstrations" during the current school year. On February 8, 1965, there was a rally of approximately 1,300 students at this campus for the purpose of protesting what was described as U.S. intervention in Vietnam. Communist Party National Committeeman Herbert Aptheker, appearing as director of the Institute for Marxist Studies, a Communist front, was one of the speakers.

Aptheker asserted that the U.S. Government was engaged in a classic imperialistic war in South Vietnam. He described the February 7, 1965, American bombing mission into North Vietnam as "not retaliatory, but aggressive and barbarous." The Vietcong was characterized by Aptheker as a national liberation movement front embraced by the people of Vietnam. Nothing else could explain, Aptheker concluded, the success of the Vietcong against the greatest military power in the world.

In recent months, Aptheker and other Communist spokesmen have appeared at a number of colleges and universities throughout the country where they have bitterly attacked U.S. policy in Vietnam. They have indicted the United States as an aggressor interfering in the internal affairs of other nations. They contend that President Johnson could prove the sincerity of his advocacy of peace if he would seek, through negotiation, a peaceful solution to the situation in Vietnam. To them, of course, a peaceful solution would mean U.S. withdrawal.

The appearance of Communist speakers on college campuses is part of the Communist Party's program to propagandize young students under the guise of academic freedom. Since 1961, Communist Party luminaries have made an average of 50 campus appearances a year.

WAR ISOLATING UNITED STATES

Gus Hall held a press conference at the party's national headquarters on February 25, 1965, as a result of the new indictment of the Communist Party, U.S.A., for violation of the Internal Security Act of 1950. Hall termed the indictment an attempt to create hysteria and a national emergency for the purpose of silencing all opposition to the conduct of an unpopular, undeclared, and, therefore, unconstitutional and unjust war of aggression in South Vietnam. Continuing, Hall said that the policies of aggression in South Vietnam were isolating the United States from all those who were for peace, and this "political prosecution" of the Communist Party further isolated the United States from all those who were for democracy.

Communist Party leaders and rank-and-file members have participated in demonstrations and other activities designed to carry out party directives. A recent and striking example of Communist participation in a demonstration was the April 17 march on Washington to end the war in Vietnam. A Communist Party directive, which was sent to all Communist Party districts in March 1965, described the contemplated march as the "biggest single action calling for an end to the war in Vietnam."

On March 30, 1965, Herbert Aptheker spoke to some 200 persons in New York City and attacked U.S. policy in Vietnam. He stated that this country was using Vietnam as a testing ground for new weapons, was exploiting the people and resources of Vietnam, and was continuing the war for its imperialist designs. He urged those in this audience to write letters to their Senators and to President Johnson for the purpose of showing their indignation over U.S. policy and asking for U.S. withdrawal from Vietnam. Aptheker said that he would participate in the April 17 march on Washington and urged young people in his audience to do likewise.

Aptheker spoke again at a "teach-in" which was held at City College of New York on April 13 and 14. Before a crowd which varied from 400 to 600 Aptheker severely criticized the policies of the United States in Vietnam.

STUDENT MARCH ON WASHINGTON

The planned student march on Washington was held on April 17, 1965. It was the largest single demonstration held to date to protest U.S. action in Vietnam. Some 15,000 persons participated in the demonstration. While the march was not Communist initiated, dominated, or controlled, Communist Party members from throughout the Nation participated in this demonstration. Among the leading Communist participants were Arnold Johnson, Michael Zagarell, and George Meyers. Johnson is the party's public relations director; Zagarell is the party's national youth director; and Meyers is in charge of the party's southern region.

In addition to members of the Communist Party and the Du Bois Clubs who participated in the march were representatives of such Communist splinter groups as the Socialist Workers Party, Young Socialist Alliance, Workers World Party, Youth Against War and Fascism, Progressive Labor Movement, and May 2 Movement.

The greatest number of individuals with subversive backgrounds who participated in the march came from New York City, including 78 individuals who were identified as Communist Party members or sympathizers. There were also participants with subversive backgrounds from such other major cities as Baltimore, Boston, Buffalo, Cleveland, Seattle, and Washington, D.C.

A special edition of "The Worker," an east coast Communist newspaper, and copies of "The Militant" and the "Young

Socialist," publications of the Socialist Workers Party and its youth affiliate, Young Socialist Alliance, were distributed during the march.

Major demonstrations in support of the march took place in Chicago, San Francisco, and Los Angeles. Communist Party members and other individuals with subversive backgrounds participated in each of these demonstrations. The largest demonstration took place in San Francisco where 2,000 gathered at the Federal Building and heard speeches delivered by representatives of such Communist splinter groups as the Socialist Workers Party, Young Socialist Alliance, Progressive Labor Movement, and May 2 Movement.

At a meeting of the Communist Party's National Committee held in late April 1965, Michael Zagarell claimed that the Communist Party played a decisive role in the April 17, 1965, march on Washington, even though it was not there in name. In this regard Arnold Johnson praised the march and said that party people from all over the country were in Washington for the march. Credit is due, Johnson added, to the stimulus given to the march by the Du Bois Clubs.

DU BOIS CLUBS ACTIVE IN PROTESTS

Participation in a protest against U.S. policy in Vietnam was not a new experience for members of the Du Bois Clubs. In Chicago, for instance, members were involved in demonstrations protesting American action in Vietnam on two occasions in February 1965. Du Bois Club members were among some 300 individuals involved in a similar protest in Los Angeles on February 13, 1965. On February 27, 1965, members demonstrated in Newark, N.J., against American activities in Vietnam. Richard Healey, the son of Dorothy Healey, chairman of the Communist Party's Southern California district, led Communist Party, U.S.A., and Du Bois Club members in a picket line in Portland, Oreg., on February 27, 1965, opposing U.S. policy in Vietnam.

By its participation in these demonstrations, the Du Bois Clubs is following the Communist Party, U.S.A., line on Vietnam just as it has paralleled Communist policy since its founding in June 1964. Nevertheless, the national office of the Du Bois Clubs sent to all its chapters in March 1964 an "Emergency Memo on Vietnam Crisis." In this memorandum, the opinion was expressed that it was now possible to mobilize massive support for a movement to bring peace to Vietnam. It was further stated that the Du Bois Clubs was circulating in colleges and universities a petition of refusal to serve in the Armed Forces against the people of Vietnam. The memorandum called upon all chapters, members, and friends of the Du Bois Clubs to join with all groups and individuals in a "stepped-up campaign to end the war in Vietnam."

UNITED FRONT APPROACH

At a meeting of the national committee of the Communist Party in April 1965 Gus Hall characterized the situation in Vietnam as a war of U.S. imperialist aggression and compared the present action of the U.S. Government in Vietnam to fascism in Nazi Germany. He claimed that people throughout the world are protesting U.S. aggression and calling this country an outlaw. Continuing this condemnation of his native country, Hall maintained that U.S. imperialism is the principal obstacle to peace in the world today and that this country is the only power which has not abandoned war as an instrument of diplomacy.

Hall instructed that each party district should make a survey of the people's political action groups in its territory, should not be afraid of becoming involved in united front activities, but should work with any force willing to accept Communist assistance. Hall also stated that a victory over present U.S. policies in Vietnam would be a victory for coexistence. In conclusion, Hall claimed that officials and members of the Communist Party have taken part in the leadership, planning, and initiation of recent mass actions in the United States.

Demonstrations, telegrams, and letterwriting campaigns similar to those which have been described can be expected for as long as our Nation remains the principal deterrent to Communist designs to conquer the world. While the Communists may not be the instigators of a particular action of this type, it can be expected that they will make every effort to exploit any activity initiated by non-Communists which can be used to further Communist objectives.

Mr. DELANEY. Mr. Speaker, I have no further requests for time. I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNITY HEALTH SERVICES EXTENSION AMENDMENTS OF 1965

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2986) to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2986 with Mr. PHILBIN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. HARRIS], will be recognized for 1 hour and the gentleman from Illinois [Mr. SPRINGER], will be recognized for 1 hour. The Chair recognizes the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, I am pleased to present to the House this afternoon this most important legislative proposal, H.R. 2986. This bill was reported by the Committee on Interstate and Foreign Commerce unanimously. It is a very necessary legislative program, one of great interest and great importance. It would extend four present legislative authorizations for community health services under the Public Health Service. First, the community immunization program enacted 3 years ago would be extended for an additional 3 years at the current authorization appropriation level of $11 million a year. The present program, which is limited to immunization against polio, diphtheria, whooping cough, and tetanus would be broadened to include immunization also against measles, and the Surgeon General would be authorized to add these programs against other diseases of a serious nature, if the vaccines against such diseases become available during the next few years.

Secondly, the bill provides for the extension of the present law relating to migratory workers' health service programs, which was also enacted 3 years ago. This program is extended for an additional 3 years at the present $3 million a year appropriation authorization.

Thirdly, the 5-year authorization for grants to States to establish and maintain adequate community health services and for the support of a training program in schools of public health would be extended for an additional year through June 30, 1967.

The $50 million annual appropriation presently authorized for this program would not be changed.

Finally, Mr. Chairman, the program of special projects for community health services which was authorized by the Community Health Services and Facilities Act of 1961 would be extended for an additional year with no change in the $10 million annual appropriation authorization.

Let me explain these various programs in more detail.

First, the immunization program in section 2 of the bill provides for the extension and expansion of the current vaccination programs. Since the enactment of the Vaccination Assistance Act of 1962 significant progress has been made. During the period of 1962 to 1964 the number of poliomyelitis cases in the United States was reduced from 910 to 121. Diphtheria is down from 444 to 304. Tetanus is down from 322 to 271. In 1962 only one-third of the children under 5 years of age were adequately immunized against polio. As of September 1964 two-thirds of all children under the age of 5 were protected.

Millions of people, adults and children alike, have been immunized during this 2-year period.

Although substantial progress has been made, the total impact of the vaccination program has not been realized. Extension of the program will provide time and funds to assure that the people of the Nation, particularly the children, are fully protected against these four serious communicable diseases—polio, diphtheria, whooping cough, and tetanus.

A primary aim of H.R. 2986, however, is to launch a nationwide immunization program against measles. This common childhood disease is one of the most infectious and serious of the diseases which attack children. Each year approximately 4 million cases of measles occur in the United States, causing about 500 deaths and leading to serious complications, such as measles, encephalitis, pneumonia, and hearing disorders. Modern medical research has provided vaccines which can prevent the disease, and yet measles continues to take its toll among the children of our Nation. Under the authority provided in this bill, States and communities will be assisted in the conduct of comprehensive immunization programs. This will be a major effort against measles and at the same time, the work that still needs to be done against polio, diphtheria, whooping cough, and tetanus will be continued.

MIGRATORY WORKERS HEALTH SERVICES PROGRAM

Section 3 of the bill extends for 3 years the current program of project grants for domestic agricultural migratory workers.

The need for funds to help support health services for more than 1 million farm migrants—including workers and families—was well documented when the original authorizing legislation was pending before Congress in 1962. The people are poor and cannot afford to purchase the medical care they need. Yet they fail to qualify as legal residents in their temporary work communities and are thus excluded from community services for other indigent persons. Many communities which need their labor for brief periods are small and isolated. Some have meager health resources even to serve local residents. These resources are severely overtaxed by a periodic influx of migrants.

Congress established the current migrant health project grant program in 1962. The program has demonstrated its possibilities for helping migrants to obtain needed health care. About 40-percent of the total budgeted costs of the 63 projects in 32 States assisted by migrant health grants has come from other than grant sources.

Through grant-assisted projects, night clinics provide needed care for all family workers in or near large labor camps and nurses make regular camp visits. Sanitarians work with growers and with migrants to upgrade labor camps and health educators teach the migrants how to take better care of themselves in order to prevent illness and disability to the extent possible.

So, Mr. Chairman, the program is now operating effectively and we think warrants continuation.

In addition, many more migrant workers' work areas need to develop projects.

A further need is for the addition of hospital care to the services which can be supported by migrant health grants. With the extension of this legislation, project support can be continued as necessary, hospital care can be added to project services and new migrant work areas can be encouraged to develop health services where they are needed.

Mr. Chairman, the extension of this program has been endorsed by the American Medical Association, the American Public Health Association, the Association of State and Territorial Health Officers, and other interested groups.

Many public and voluntary organizations have demonstrated their interest by the active promotion and participation in migrant health project development.

Mr. Chairman, this has been truly a cooperative program and it has worked out literally that way.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HARRIS. Mr. Chairman, I yield myself 5 additional minutes.

Now, finally, Mr. Chairman, with reference to the general public health services, section 4 of the bill provides for a 1-year extension of the current program under section 314(c) of the Public Health Service Act. Under this program the Public Health Service makes grants on a formula and matching basis to the States to assist them in establishing and maintaining adequate State and local public health services.

The category of diseases and conditions for which grants are made to all the States include general health services, dental health services, mental health services, chronic illness and aging health services as well as radiological health services.

Mr. Chairman, for fiscal 1965 the appropriations totaled $34,020,000 under this section. The administration this year has requested $34,570,000, which is about the current level. In addition to the above-mentioned programs, the Public Health Service makes grants under this section to 11 schools of public health to assist them in carrying out the public health training responsibilities. There is an annual authorization of $50 million for all the programs authorized by this subsection and a $2.5 million annual subceiling on the grants to schools of public health.

So, Mr. Chairman, this bill would extend this section 314(c) for 1 additional year beyond its current June 30, 1966, expiration date with no change in the annual authorization.

The purpose of this amendment is to permit a thorough study to be made of the programs being carried out under the present authorization and to develop legislative recommendations as to where their effectiveness may be increased. These studies are being carried out in cooperation with the State health officers and State mental health officers.

Section 5 of the bill dealing with special project grants for community health services provides a 1-year extension of section 316 of the Public Health Service Act under which project grants are made for community health services.

Section 316 of the Public Health Service Act authorizes the Surgeon General to make special project grants to public and voluntary agencies for studies and demonstrations relating to development of new or improved health services, particularly for the chronically ill and aged.

Since the enactment of this authorization as part of the Community Health Services and Facilities Act of 1961 grants have been made to almost 200 projects in 40 States which will result in the development, extension, and improvement of a wide variety of essential community health services for the chronically ill and aged outside the hospital.

The 1-year extension of this program beyond its current expiration date, with no change in the $10 million annual appropriation authorization, will permit an evaluation of its effectiveness to be conducted as part of the study I have just mentioned.

Mr. Chairman, the Committee on Interstate and Foreign Commerce believes this is a reasonable bill and an important one. We conducted hearings which lasted for a period of several days. The Secretary of Health, Education, and Welfare led off as the first witness. We had extended support for the bill from various organizations, and the committee determined that the bill was justified and in the interest of the public.

Mr. Chairman, the Senate has passed a similar bill which extends the programs similarly to the House bill. It increases certain authorizations of these various programs. We feel that, with the approval of this bill, we can go to conference with the Senate in an effort to bring back the best possible program to meet this need.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am happy to have been coauthor of this important and timely legislation.

In the year 1955, the Federal Government reached a decision to use its resources to fight diseases that knew no State boundaries and the results of which called for immediate action if many thousands of American children were to be spared the horrors of crippling polio. Since that time the fight has gone on using the combined resources and talents of government, industry, and the medical fraternity. There is no need to detail the struggle or the results. We have seen polio eliminated as a threat to the public health of our citizens. Thank God for the dedication and foresight of those who brought it about.

During these years the battle has also been waged against other diseases and so far as they posed a continuing threat to the very young we have considered them national problems. If any one program in the field of health can be pointed to as an unqualified success it is the immunization program. Not always can we see the results around us day by day, but in this case any parent can sense the relief which comparative safety from these dread diseases must bring.

This modest program has been running $11 million per year. If we were requested to renew this expenditure just to continue present activities it would be worthwhile. There is, however, great promise at this time for a vaccine to stamp out measles, that childhood disease which brushes by thousands of children but singles out some to suffer lasting effects, such as mental retardation or hearing disorders.

No increase in funds is authorized in the present bill. It contemplates rather that the same efforts be now transferred to combat measles. The specialists in this field think it can be conquered. We hope so. Certainly we should try.

Other vaccines are still being developed. At least one more may prove itself before the end of the 3-year period contemplated for the extension of this effort by H.R. 2986. Should one be ready for general distribution this bill would allow a start to be made toward general immunization in the same pattern heretofore used. It is not contemplated that much more than the measles will be tackled during the 3-year period, but it would be unwise to hold back favorable possibilities in so vital an area.

I recommend that the immunization program be continued as set forth in H.R. 2986.

A second program outlined in this bill is also a continuation of a present effort. Federal assistance for migratory workers is somewhat more controversial surely than national immunization from dreaded diseases. When the matter is carefully examined, however, in the light of the problem and the very modest part the Federal Government has seen fit to take, it appears on balance that it should be continued at its present level. Although the agency concerned suggests first that no ceiling be placed on this authorization, it has been the practice of this body to make the necessary determination to set the spending level beforehand. Once it became clear that this was intended a figure far above present expenditures was suggested. Meanwhile, the other body did report out a bill on the same subject providing for increases. It was the determination of your committee that the level of present expenditures, $3 million per year, should be maintained.

That migratory workers bring new and unusual problems to a community cannot be denied. Those responsible for the very rudiments of public health and for the protection of the community from diseases imported with such labor find themselves completely swamped. Hospital care for some of these laborers will be necessary and the handling of such expense within the existing institutions becomes very complicated. As much as anything else such a city or county needs more trained manpower to cope with this temporary situation.

Management can and must do much more to accept the burden of providing adequate health care. Partly because of this the Federal Government has not made any move to accept the whole problem as its own. This is right. But we must and do recognize that the situation of the migratory worker is not solved by pointing a finger at anyone and saying, "Take over, the responsibility is all yours." This modest government-to-government assistance takes the correct approach and merits being continued at this time.

The question has been asked whether or not the assistance provided in this part of H.R. 2986 is not duplicated in other programs underway or about to be started. As far as the legislation now in being and the actions said to be contemplated by the executive thereunder we do not find duplication.

For nearly 10 years now Congress has been authorizing and appropriating money to assist States and other local entities in the establishment and maintenance of public health services. Some areas such as mental health and chronic illness come to deserve more attention and we have added these to the categories for which grants may be given. In 1961 the overall authorization was raised from $30 million per year to $50 million per year. The actual expenditures have been running about $35 million per year.

This money is parceled out on a formula basis to all the States and used mainly to finance adequate manpower for the health departments across the Nation.

At present a study is underway to analyze this whole program and for this reason only a 1-year extension is suggested.

Also under study and also to be extended for 1 year only is the remaining program included in the bill—special grants. During the last 3 years we have provided funds for demonstration and experimental projects which might show the way to better health care and the better methods of treatment for various diseases of the chronically ill. Obviously the main purpose of this experimenting is to find ways to cope with the increasing problems caused by the number of aging citizens among us. Much of value will be learned. Two examples of projects now underway should show you better what is being done.

One project in Ohio will try to determine whether home care for the chronically ill and aged through homemaker services will prevent unnecessary hospitalization for the group, and whether the homemaker can provide basic services; or whether she must be further assisted by outside services such as meals-on-wheels, volunteers, or other community services.

Another project in Michigan will establish a training program in home care as a joint effort of the School of Public Health and the Visiting Nurses Association of Detroit. There will be 4-day institutes in each of 3 years. Materials developed will be incorporated into a training manual for use by communities.

I recommend the extension of this program and the others included in H.R. 2986.

Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. KEITH].

Mr. KEITH. Mr. Chairman, I rise to express my general support for the Community Health Services Extension Amendments which we are now considering. This measure is necessary in order that there will be a continuation of certain important programs carried on under parts of the Public Health Service Act.

Other speakers have addressed themselves to the individual sections of that act which will now be extended under this legislation. I agree with my chairman, who has given his support to these extensions and asked the House for its approval of the bill in its entirety.

I would like to point out to my colleagues, however, that the other body has considered this legislation and has passed an amended version. I would like to speak for a moment in support of one of the Senate amendments.

At the present time we have 12 schools of public health in the United States. They perform a very valuable service for this country and are a principal source of professional public health personnel for local, State, and Federal Government agencies.

I might say, Mr. Chairman, since the chairman of our committee, my colleague from Arkansas, outlined the great progress that has been made in reducing the numbers of cases of diphtheria, and other contagious diseases by our immunization program, that this program is implemented by, in most cases, graduates of the schools of public health. Unless we have strong and competent schools of public health we will not have the personnel to administer this program in all of its aspects.

The formula grants which are made under section 314(c) of the Public Health Service Act now amount to $2.5 million, and are used to assist these schools in providing vital public health training. The schools are reimbursed in part for teaching costs.

Last year the Congress approved the Graduate Public Health Training Amendments of 1964, which more than doubles the amount of Federal support to individuals for public health training. This will result in an increase in the number of professional public health students; therefore, additional support for the schools is also needed if they are to maintain the high level of training that is now offered.

In addition, in the very near future, two new schools of public health will be established. This will further dilute the amount that each school will receive for support of the training it provides.

Mr. Chairman, the other body has raised the amount of formula grants to these schools from $2.5 to $5 million with no increase in the total $50 million authorization in the bill. I strongly recommend that we accept this amendment and concur that this amount is needed in order that the important role performed by these schools be continued. I do not believe that it would be in the public interest to wait another year before granting these increased funds.

The formula grants to the States will undergo a complete review in the next year. However, the grants to these schools of public health are not to be included in this review. Their needs are separate from the needs of the State agencies.

Mr. Chairman, I do not now offer an amendment to H.R. 2986 to increase the amount going to these schools. However, I strongly urge my colleagues to consider accepting in conference S. 510, which incorporates this and other minor amendments. I emphasize that this amendment does not change or increase the overall $50 million ceiling in the whole bill. It merely provides for an increase in this particular item.

Mr. Chairman, I hope when the House Members go to conference with the Senate that we will concur in the Senate version with reference to the question of assisting our public health schools.

I yield back the remainder of my time.

Mr. HARRIS. Mr. Chairman, I yield such time as he may require to the gentleman from Texas [Mr. Pickle].

Mr. PICKLE. Mr. Chairman, each year at this time, many thousands of migratory workers begin moving northward from the border areas of Texas. It is estimated that some one million such persons—including workers and family dependents—move during each crop season in response to seasonal farm labor demand.

These migrants live and work for brief periods in many parts of the Nation before returning in the fall to areas of the South and Southwest. Their health needs are quite acute because of low income, lack of education, and their unfortunate isolation from communities and their health services. Their annual earnings, I am advised, average less than $1,000 per worker.

We in Texas are proud of the good work being done to provide much-needed health services to our migratory workers. As you know, Mr. Chairman, the Congress in 1962 first enacted legislation providing grants for family health service clinics and other health services to migratory agricultural workers.

This program expires on June 30, this year, unless extended as proposed by this measure now before us. I urge the House to give its full support to H.R. 2986 not only because of the migratory workers provision, but to maintain the effective immunization program which is rapidly reducing our rate of communicable diseases throughout the Nation, and to continue the many special project grants to the States for general and community health services.

Mr. HARRIS. Mr. Chairman, I yield such time as he may require to the gentleman from Florida [Mr. Rogers].

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman from Arkansas.

I rise in support of this legislation. As a member of the Interstate and Foreign Commerce Committee I was pleased to have played a part in committee formulation of this bill.

This measure extends the provisions of several programs which are of great importance to the Nation and to Florida. One of those programs is the health service extended to domestic migratory farmworkers and their dependents. The original legislation enacted in 1962, and which I supported, allowed for grants for family service clinics and related health care centers for such workers. A total of 29 States and Puerto Rico received funds under this program, and its scope affects over 1 million farmworkers and their dependents.

The widespread health problems afflicting this group of workers are compounded by illiteracy and lack of permanent residence. Their health problems become those of the communities which they visit, and they work and live on a temporary basis in nearly one-third of the counties of America.

In Florida some $269,851 were received last year under this program for operations of these facilities. In Palm Beach County, where a large number of these workers come each year to work in a variety of crops, mobile health centers have been made possible under this program, and just this season alone covering from November 1 through last week, almost 1,400 calls were made by migrant workers in need of care. In 1964, the Palm Beach County Health Department administered 1,328 immunizations to migrant workers.

This is but one example of the great number of counties and communities assisted under the programs contained in this extension. I urge the membership to again recognize the merits of this legislation and approve these existing provisions by extending them.

Mr. HARRIS. Mr. Chairman, I am happy to yield now to my distinguished colleague and my neighbor, the gentleman from Louisiana [Mr. Waggonner].

Mr. WAGGONNER. Mr. Chairman, I support H.R. 2986 which amends and extends certain expiring provisions of the Public Health Service Act that relate to community health services. I want to commend my colleague from Arkansas [Mr. Harris] for his leadership in this matter. These planned immunization programs are improving the health of this Nation. Defects such as mental retardation are being reduced. Deaths are being reduced and our Nation benefits. Surely we can all support the able and capable chairman of this committee, the gentleman from Arkansas [Mr. Harris], in this effort.

Mr. HARRIS. Mr. Chairman, I yield such time as he may require to the gentleman from North Carolina [Mr. Kornegay].

Mr. KORNEGAY. Mr. Chairman, I rise in support of this bill now pending before the House.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FOGARTY. Mr. Chairman, I rise to express my strong endorsement of the Community Health Services Extension Amendments of 1965 and urge their enactment.

The bill before you would authorize the Public Health Service to move forward with four important health programs which have conclusively demonstrated their effectiveness.

Taken together, these four programs bring better health protection to all our people. They are of special benefit to the two segments of the population in greatest need of health care—the very young and the aged—and to our domestic migratory agricultural workers whose health conditions in the past have been a national disgrace.

The very young are the special beneficiaries of the Vaccination Assistance Act of 1962, which would be extended and expanded by the amendments before you. The great forward sweep of medical research has brought a growing number of diseases within our powers of control. The Vaccination Assistance Act was designed to bring four totally preventable diseases—polio, diphtheria, tetanus, and whooping cough—to the point of eradication. Thanks in considerable measure to the vaccination assistance program, their toll is now declining at a rapid rate. Still the work must continue, and oncoming generations must receive protection if all our children are to be forever free of these ancient and deadly enemies.

Moreover, safe and effective protection is now possible against measles—a dangerously underrated disease which strikes 4 million children annually, kills several hundred, and leads to such lifelong impairments as mental retardation and deafness in thousands more. The amendments under consideration would add measles to the list of immunizations for which the Public Health Service may furnish technical and financial aid to States and municipalities, and authorize the appropriation of sufficient funds to make a major impact on this disease.

A second element of the Community Health Services Extension Amendments is the Migrant Health Act of 1962, also due to expire at the end of the current fiscal year. In its 3-year history this act has led to the establishment of family health clinics and other services for domestic migrant farmworkers in 29 States and Puerto Rico—services which are desperately needed and in desperately short supply. This is an impressive beginning. But many of these people, upon whom much of our agricultural production depends, have not yet been reached. Their need is no less acute, their situations no less hopeless unless this kind of aid continues.

The Nation's growing number of chronically ill and aged derive the chief benefit from the Community Health Services and Facilities Act of 1961. This is a program of grants to test and demonstrate effective new ways of delivering better health care outside the hospital. Nearly 200 such projects in 40 States are underway. Through them, people are getting health care when and where they need it most.

The legislation before us would extend this program—correctly termed a milestone in public health—until June 30, 1967. It would also extend to the same date the Public Health Service's program of grants to the States to support general public health services under section 314 (c) of the Public Health Service Act, including dental health, radiological health, and others. This section also provides urgently needed support for the Nation's schools of public health—our principal reservoir of public health manpower.

Thus we have at hand the opportunity to continue and strengthen programs to immunize our children, encourage better health services for the elderly, and bring the benefits of health care to migrant agricultural workers. I wholeheartedly recommend enactment of the Community Health Services Extension Amendments of 1965.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may require to the gentleman from Georgia [Mr. Callaway].

Mr. CALLAWAY. Mr. Chairman, I rise in support of this bill.

As a member of the committee reporting H.R. 2986 to the House, I wish to indicate here my identification with the report submitted and with the remarks already made by our chairman, the gentleman from Arkansas [Mr. Harris], and our ranking minority member, the gentleman from Illinois [Mr. Springer].

Immunization of our youngsters could well be characterized as the most successful and meaningful program in the entire field of public health. We can all recall the day when tetanus was a feared killer of children. Not so today. More recently we have observed firsthand the virtual elimination of polio as a threat. For the very modest outlay of $11 million per year we have accomplished these miracles. Now we find that measles can be attacked in the same way and with the same dramatic results. Were the price far greater it would still be a bargain.

Assistance to communities which find themselves overwhelmed by the social problems caused by the influx of migratory workers is justified. The small grants made under this legislation help obtain trained manpower to carry out our basic public health programs. About 100 counties have required such aid. Eventually we can expect that the communities, working with employer groups, will work out their problems.

For some years now the Federal Government has supplied funds to help States and local governments establish and build adequate and competent public service organizations. Taken in conjunction with the efforts to train more people in these skills, it becomes the kind of really useful help which reaches down to the individual citizen.

The remaining program included in H.R. 2986 is only 3 years old but is doing an important job. As the problems of the aging become more prominent we need actively to look for long-range solutions. One good way to conduct the search is through experimental and demonstration projects which try new methods. Ideas so developed can be used in making the best use of funds, facilities, and personnel in the future. Here we propose 1 more year at the present funding and then a review of accomplishments and an assessment of results. I foresee more and better health care for that increasing segment of our population—the aging.

This is good legislation and I support it.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may desire to the gentleman from Kentucky [Mr. Carter].

Mr. CARTER. Mr. Chairman, I rise in support of H.R. 2986. This bill extends the duration of the current immunization program for an additional 3 years and extends coverage to include assistance in immunization programs against measles and other diseases presenting a major public health problem.

The bill also extends for an additional 3 years the current program under which health services are provided to domestic agricultural migratory workers.

The current program authorizes $50 million annually for grants to the States for health services.

The first major program for Federal assistance for immunization programs was established in 1955 with enactment of the Poliomyelitis Vaccination Assistance Act. In 1962, Congress enacted the Vaccination Assistance Act authorizing grants for a 3-year period to assist States and local communities in carrying out extensive vaccinations against poliomyelitis, diphtheria, pertussis, and tetanus.

Measles immunizations will be added to the program in this bill. It is estimated that approximately 4 million cases occur yearly, resulting in at least 500 deaths and in extensive complications such as mental retardation, pneumonia, hearing disorders, and encephalitis. Two vaccines recently developed have been proven quite effective. Measles immunization will prevent most of these dread conditions which have followed measles.

In years of practice, I have seen many cases of measles and of the disabling results therefrom. Immunization will be a great step forward to insuring healthier, stronger, and happier children.

Under this act, immunizations may also be extended to cover other diseases now under investigation: rubella (German measles), which causes deformities of children born of mothers who have this disease; influenza, and combined live vaccines—measles, smallpox, and yellow fever.

I unhesitatingly recommend passage of the present bill in its entirety to insure improvement of the physical and mental health of our children.

Mr. HARRIS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from Massachusetts [Mr. Keith] mentioned in his comments what he believes is the need for expanded programs for the schools of public health. The bill carries in this extension, Mr. Chairman, authorization at the same level that we have had for the last 3 years. As I mentioned in my earlier remarks, a similar bill has passed the Senate already. It does carry an increased authorization for schools of public health to $5 million, which is twice the amount of the authorization we have now and which is provided in this bill. Should we go to conference—and I suppose we will—we will have an opportunity to consider further expansion of this program if it can be shown that the need justifies it. Certainly I, for one, would give it most careful consideration and would certainly be solicitous of the desires of the gentleman from Massachusetts and others who are vitally interested in this program.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be glad to yield to the gentleman from Massachusetts.

Mr. KEITH. Mr. Chairman, I have great confidence in the chances of this amendment receiving favorable action on the part of the conference committee. I am very pleased that my chairman indicated his willingness to consider further evidence that might be helpful in reaching this conclusion. In that regard I have two pieces of correspondence from the Harvard School of Public Health which I will bring to his attention and to the attention of my colleagues. At the appropriate time I will ask permission to have it inserted in the Record at this point.

HARVARD SCHOOL OF
PUBLIC HEALTH,
OFFICE OF THE DEAN,
Boston, Mass., March 2, 1965.

Hon. HASTINGS KEITH,
The House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KEITH: The administration bills, H.R. 2986 and H.R. 2984, introduced by Chairman Harris and now before the Committee on Interstate and Foreign Commerce, are extremely important to the Harvard School of Public Health. I hope that you will support both of these measures.

I also respectfully ask you to consider the merits of a proposal by the Association of Schools of Public Health that H.R. 2986 be amended in committee so as to increase the annual authorization for Hill-Rhodes formula grants from $2.5 to $5 million. As you know, these grants help offset the costs incurred by graduate schools of public health in the comprehensive training of professional public health personnel for our entire Nation.

Since Senator Lister Hill, John F. Kennedy, Pat McNamara, John Sherman Cooper, and Irving Ives sponsored the initiating legislation in 1957, the Hill-Rhodes formula grants program has had strong bipartisan support in both branches. The Congress has recognized the fact that the Nation depends on the 12 U.S. schools of public health as the only source of comprehensively trained public health physicians, dentists, engineers, nurses, and others to serve in Federal, State, and local health agencies and institutions. There is a serious national shortage of such personnel. The costs of their training are relatively high, both for the students and the schools.

The U.S. Public Health Service traineeships provide tuition and living stipends for students. The Hill-Rhodes formula grants provide partial reimbursement to the schools for teaching costs which cannot, of course, be paid from Federal funds restricted to research purposes. Doubling of traineeship funds for this year and provision for further increases in succeeding years are expected to increase student enrollment appreciably in the schools. Although this will add to the schools' teaching load and costs, H.R. 2983, as written, would renew the expiring Hill-Rhodes program without any increase in the Federal share of such costs beyond the $2.5 million authorized during the past 5 years.

The National Conference on Public Health Training (attended by 91 of our country's experts in health in 1963) recommended that the annual authorization for Hill-Rhodes formula grants be increased to $5 million. This proposal is endorsed by the Association of Schools of Public Health and by the Association of State and Territorial Health Officers. I know of no opposition to that recommendation. For amplification of the case outlined in this letter, I enclose a copy of the letter of February 26, 1965, to Chairman Harris by Dr. Myron E. Wegman, president of the Association of Schools of Public Health. He points out that an increase in the amount earmarked in section 314(c)(2), PHS Act, for formula grants to schools of public health would not have the effect of raising the existing ceiling on the overall authorization.

It is most important to differentiate between formula grants to States and formula grants to schools of public health. Both are authorized in section 314(c) of the Public Health Service Act which would be renewed without change by H.R. 2986 as introduced. While it is understood that the question of increasing formula grants to States is to be studied during the coming year, no one, in or out of Government, has questioned the justification of increasing the formula grants to schools of public health in connection with renewal this year.

My colleagues and I would be deeply grateful for your support of the proposal that H.R. 2986 be amended in committee to increase the authorization in section 314(c)(2), Public Health Service Act, from $2.5 million to $5 million.

We are most appreciative of the close attention which you always devote to legislation concerning health and for your consistent efforts to strengthen graduate education in public health.

With best wishes.

Sincerely yours,
JOHN C. SNYDER, M.D.,
Dean.

HARVARD SCHOOL OF PUBLIC HEALTH,
OFFICE OF THE DEAN,
Boston, Mass., April 27, 1965.
Hon. HASTINGS KEITH,
The House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KEITH: We are grateful for your efforts in committee to increase the authorization for formula grants to schools of public health in H.R. 2986. Since the Senate version (S. 510) would increase the authorization from $2.5 to $5 million, we assume the matter will be taken up in conference. Perhaps you would be willing to urge the House conferees to consider the merits of the Senate position on this item. The main points:

(1) The formula grants reimburse the 12 schools, in part, for teaching costs incurred in training personnel for public service in the 50 States and at Federal and international levels.

(2) The schools will need more teaching funds next year because the Congress has provided for more Public Health Service trainees to enroll in the schools.

(3) The number of accredited schools of public health may increase during fiscal 1966 and this would have the effect of reducing the proportionate shares of formula funds for the existing schools, unless a larger amount is made available.

(4) The proposed increase in formula grant funds for schools of public health will not affect the existing overall authorization under section 314(c).

(5) The formula grants to schools of public health are not involved in the review of formula grants to States.

Your continued interest and help in this matter will be greatly appreciated.

With best wishes.

JOHN C. SNYDER, M.D.,
Dean.

Mr. HARRIS. Mr. Chairman, I shall be happy to have this information. On page 12 of the report is a table which indicates the schools of public health and the number of students sponsored at each of these great institutions throughout the country over that period of time.

Mr. KEITH. I thank the gentleman and simply point out that these have been additional programs under the legislation passed last year which would in a way limit the amount of funds available for the programs at these schools.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I should like to express my appreciation to the chairman of the Commerce Committee for his statement that he intends to approach this matter sympathetically in conference, because I think that everyone is well aware that schools of public health have not only provided very useful and valuable service, to train students not only within their own boundaries of their own States, but residents of all States. More importantly, the cost under most of the tuition and other programs is far less than the real cost of the program to the school. I think it would be very worth while that the conferees on the part of the House consider very sympathetically any approach by the Members of the other body to justify a larger appropriation.

Mr. HARRIS. Mr. Chairman, I thank the gentleman. The committee realizes—and I do personally—full well the contribution this program has made and the importance of it to our public health program. Certainly we intend to give it our attention.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. HARRIS. Mr. Chairman, I have no further requests for time.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Health Services Extension Amendments of 1965".

IMMUNIZATION PROGRAMS

SEC. 2. (a) The first sentence of subsection (a) of section 317 of the Public Health Service Act is amended by striking out "and" before "$11,000,000" and by inserting "and such sums as may be necessary for each of the next five fiscal years" immediately after "June 30, 1965,". The second sentence of such subsection is amended by striking out "the fiscal years ending June 30, 1963, and June 30, 1964" and inserting in lieu thereof "any fiscal year ending prior to July 1, 1970". The third sentence of such subsection is amended by striking "and tetanus" and inserting in lieu thereof "tetanus, and measles", and by striking out "under the age of five years" and inserting in lieu thereof "of preschool age".

(b) Subsection (a) of such section is further amended by adding at the end thereof the following new sentence: "Such grants may also be used to pay similar costs in connection with immunization programs against any other disease of an infectious nature which the Surgeon General finds represents a major public health problem in terms of high mortality, morbidity, disability, or epidemic potential and to be susceptible of practical elimination as a public health problem through immunization with vaccines or other preventive agents which may become available in the future."

(c) Subsection (b) of such section is amended by striking out "of limited duration", by striking out "against poliomyelitis, diphtheria, whooping cough, and tetanus" and inserting in lieu thereof "against the diseases referred to in subsection (a)", and by striking out "who are under the age of five years" and inserting in lieu thereof "of preschool age".

(d) Such section is further amended by striking out "intensive community vaccination" wherever it appears in subsections (a), (b), and (c) and inserting in lieu thereof "immunization".

MIGRATORY WORKERS HEALTH SERVICES

SEC. 3. Section 310 of the Public Health Service Act is amended by striking out "the fiscal year ending June 30, 1963, the fiscal year ending June 30, 1964, and the fiscal year ending June 30, 1965" and inserting in lieu thereof "each fiscal year ending prior to July 1, 1970", and by striking out "any year" and inserting in lieu thereof "any year ending prior to July 1, 1965".

GENERAL PUBLIC HEALTH SERVICE

SEC. 4. The first sentence of subsection (c) of section 314 of such Act is amended by striking out "first five fiscal years ending after June 30, 1961" and inserting in lieu thereof "first six fiscal years ending after June 30, 1961".

SPECIAL PROJECT GRANTS FOR COMMUNITY HEALTH SERVICES

SEC. 5. The first sentence of subsection (a) of section 316 of such Act is amended by striking out "first five fiscal years ending after June 30, 1961" and inserting in lieu thereof "first six fiscal years ending after June 30, 1961".

Mr. HARRIS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, beginning in line 6, strike out "The" and all that follows down to and including the period in line 10, and insert in lieu thereof the following: "The first sentence of subsection (a) of section 317 of the Public Health Service Act is amended by striking out 'and' before 'June 30, 1965' and by inserting 'and each of the next three fiscal years,' immediately after 'June 30, 1965,'."

Page 2, line 4, strike out "1970" and insert in lieu thereof "1968".

On page 3, line 1, insert "(1)" immediately after "(d)".

On page 3, after line 4, insert the following: "(2) The heading of such section is amended by striking out 'intensive vaccination' and inserting in lieu thereof 'immunization'."

Page 3, line 10, strike out "1970" and insert in lieu thereof "1968". Page 3, beginning in line 10, strike out the comma and the following: "and by striking out 'any year' and inserting in lieu thereof 'any year ending prior to July 1, 1965'."

The committee amendments were agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PHILBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2986) to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes, pursuant to House Resolution 357, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 347, nays 0, not voting 86, as follows:

[Roll No. 87]

YEAS—347

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Bell
Bennett
Berry
Betts
Bingham
Boggs
Boland
Bolton
Bow
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Cooley
Corbett
Corman
Craley
Cramer
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Duncan, Oreg.
Duncan, Tenn.
Dyal
Edmondson
Edwards, Ala.
Ellsworth
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnum
Fascell
Fisher
Flood
Flynt
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Joelson
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Love
McCarthy
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
Meeds
Miller
Minish
Mink
Moeller
Moore
Morris
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
Saylor
Scheuer
Schisler
Schneebeli
Schweiker
Scott
Selden
Shriver
Sickles
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, La.
Thompson, Tex.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Williams
Wilson, Bob
Wolff
Wright
Wyatt
Wydler
Yates
Younger
Zablocki

NAYS—0

NOT VOTING—86

Ashbrook
Ashley
Belcher
Blatnik
Bolling
Bonner
Brademas
Broyhill, Va.
Burleson
Cahill
Cameron
Carey
Celler
Clevenger
Cohelan
Conte
Conyers
Culver
Curtis
Dawson
Derwinski
Dickinson
Dulski
Dwyer
Edwards, Calif.
Erlenborn
Farnsley
Feighan
Findley
Fino
Frelinghuysen
Gallagher
Giaimo
Grabowski
Gray
Halleck
Halpern
Hays
Holland
Hosmer
Jacobs
Jarman
Jennings
Johnson, Calif.
Jones, Mo.
Keogh
Long, Md.
McClory
McVicker
MacGregor
Mathias
May
Michel
Mills
Minshall
Mize
Monagan
Moorhead
Morgan
Morrison
Morton
Nix
O'Neill, Mass.
Pepper
Pirnie
Powell
Redlin
Resnick
Rodino
St. Onge
Schmidhauser
Secrest
Senner
Shipley
Slack
Smith, Iowa
Staggers
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Toll
Udall
Whitten
Willis
Wilson, Charles H.
Young

So the bill was passed.

The Clerk announced the following pairs.

Mr. Rodino with Mr. Frelinghuysen.

Mr. Toll with Mr. Mathias.

Mr. Schmidhauser with Mr. Findley.

Mr. Monagan with Mr. Conte.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Johnson of California with Mr. Hosmer.

Mr. Conyers with Mr. Fino.

Mr. Culver with Mr. Derwinski.

Mr. Feighan with Mr. Cahill.

Mr. Keogh with Mr. Thomson of Wisconsin.

Mr. Giaimo with Mr. Pirnie.

Mr. Jennings with Mr. Ashbrook.

Mr. St. Onge with Mr. McClory.

Mr. Shipley with Mr. Morton.

Mr. Burleson with Mr. Halleck.

Mr. Carey with Mr. Erlenborn.

Mr. O'Neill of Massachusetts with Mr. Curtis.

Mr. Resnick with Mr. MacGregor.

Mr. Celler with Mrs. May.

Mr. Mills with Mr. Belcher.

Mr. Morgan with Mr. Minshall.

Mr. Morrison with Mr. Dickinson.

Mr. Powell with Mr. Halpern.

Mr. Teague of Texas with Mr. Mize.

Mr. Staggers with Mr. Broyhill of Virginia.

Mr. Slack with Mr. Michel.

Mr. Cohelan with Mr. Farnsley.

Mr. Cameron with Mr. Dawson.

Mr. Long of Maryland with Mr. Brademas.

Mr. Blatnik with Mr. Whitten.

Mr. Charles H. Wilson with Mr. Nix.

Mr. Pepper with Mr. Redlin.

Mr. Gallagher with Mr. Gray.

Mr. Udall with Mr. Dulski.

Mr. Moorhead with Mr. Clevenger.

Mr. Bonner with Mr. Ashley.

Mr. Secrest with Mr. Jarman.

Mr. Hays with Mr. Senner.

Mr. Holland with Mr. Edwards of California.

Mr. Grabowski with Mr. McVicker.

Mr. Smith of Iowa with Mr. Jacobs.

Mr. Young with Mr. Willis.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

HON. ROBERT E. JONES, OF ALABAMA

Mr. HARRIS. Mr. Speaker, our distinguished colleague, the gentleman from Louisiana [Mr. THOMPSON], who just had to leave the Chamber, to keep an appointment, was going to make an announcement which all Members of the House would be glad to hear.

I have the honor of making the announcement for him. We are so glad and happy to see our colleague, the gentleman from Alabama, BOB JONES, who has been in the hospital back with us again. He is looking hale and hearty and we want to give him a cordial welcome. We are so thankful to providence that he is back with us and we are glad to see him looking so well.

COMMUNITY HEALTH SERVICES EXTENSION AMENDMENTS OF 1965

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 510) to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes, a bill similar to the one just passed by the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

S. 510

An act to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Health Services Extension Amendments of 1965".

IMMUNIZATION PROGRAMS

SEC. 2. (a) The first sentence of subsection (a) of section 317 of the Public Health Service Act is amended by striking out "and" before "$11,000,000" and by inserting "and $8,000,000 for each of the next five fiscal years" immediately after "June 30, 1965,". The second sentence of such subsection is amended by striking out "the fiscal years ending June 30, 1963, and June 30, 1964" and inserting in lieu thereof "any fiscal year ending prior to July 1, 1970". The third sentence of such subsection is amended by striking "and tetanus" and inserting in lieu thereof "tetanus, and measles", and by striking out "under the age of five years" and inserting in lieu thereof "of preschool age".

(b) Subsection (a) of such section is further amended by adding at the end thereof the following new sentence: "Such grants may also be used to pay similar costs in connection with immunization programs against any other disease of an infectious nature which the Surgeon General finds represents a major public health problem in terms of high mortality, morbidity, disability, or epidemic potential and to be susceptible of practical elimination as a public health problem through immunization with vaccines or other preventive agents which may become available in the future."

(c) Subsection (b) of such section is amended by striking out "of limited duration", by striking out "against poliomyelitis, diphtheria, whooping cough, and tetanus" and inserting in lieu thereof "against the diseases referred to in subsection (a)", and by striking out "who are under the age of five years" and inserting in lieu thereof "of preschool age".

(d) Such section is further amended by striking out "intensive community vaccination" wherever it appears in subsections (a), (b), and (c) and inserting in lieu thereof "immunization".

(e) Paragraph 1 of subsection (c) is amended by inserting "on the basis of estimates" after "advance"; by striking out the comma after the word "reimbursement" and inserting in lieu thereof "(with necessary adjustments on account of underpayments or overpayments),"; and by adding at the end of such paragraph the following sentence: "Nothing in this section shall be construed to require, or authorize any requirement of, any grantee to maintain a detailed record or provide a detailed report with respect to the age of individuals vaccinated with vaccines financed in whole or part under this section so long as such grantee maintains such records and makes such reports as the Surgeon General may require of the number of individuals actually vaccinated with such vaccines and which the Surgeon General finds that such number does not exceed the number of children estimated by him from time to time to be within the age group or groups eligible under this section to receive such vaccines."

MIGRATORY WORKERS HEALTH SERVICES

SEC. 3. (a) Effective with respect to appropriations for fiscal years beginning after June 30, 1965, section 310 of the Public Health Service Act is amended by striking out "for the fiscal year ending June 30, 1963, the fiscal year ending June 30, 1964, and the fiscal year ending June 30, 1965, such sums, not to exceed $3,000,000 for any year, as may be necessary" and inserting in lieu thereof "not to exceed $7,000,000 for the fiscal year ending June 30, 1966, $8,000,000 for the fiscal year ending June 30, 1967, $9,000,000 for the fiscal year ending June 30, 1968, and $10,000,000 each for the fiscal years ending June 30, 1969, and June 30, 1970,".

(b) Such section is further amended by inserting "including necessary hospital care, and" immediately after "agricultural migratory workers and their families," in clause (1) (ii) of such section.

GENERAL PUBLIC HEALTH SERVICES

SEC. 4. (a) The first sentence of subsection (c) of section 314 of such Act is amended by striking out "first five fiscal years ending after June 30, 1961" and inserting in lieu thereof "first six fiscal years ending after June 30, 1961".

(b) The third sentence of subsection (c) of section 314 of such Act is amended by striking out "$2,500,000" and inserting in lieu thereof "$5,000,000".

SPECIAL PROJECT GRANTS FOR COMMUNITY HEALTH SERVICES

SEC. 5. The first sentence of subsection (a) of section 316 of such Act is amended by striking out "first five fiscal years ending after June 30, 1961" and inserting in lieu thereof "first six fiscal years ending after June 30, 1961".

Passed the Senate March 11, 1965.

Attest:

Secretary.

AMENDMENT OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Strike out all after the enacting clause of S. 510 and insert the provisions of H.R. 2986 as passed:

"That this Act may be cited as the "Community Health Services Extension Amendments of 1965".

"IMMUNIZATION PROGRAMS

"SEC. 2. (a) The first sentence of subsection (a) of section 317 of the Public Health Service Act is amended by striking out 'and' before 'June 30, 1965' and by inserting 'and each of the next three fiscal years,' immediately after 'June 30, 1965,'. The second sentence of such subsection is amended by striking out 'the fiscal years ending June 30, 1963, and June 30, 1964' and inserting in lieu thereof 'any fiscal year ending prior to July 1, 1968'. The third sentence of such subsection is amended by striking 'and tetanus' and inserting in lieu thereof 'tetanus, and measles', and by striking out 'under the age of five years' and inserting in lieu thereof 'of preschool age'.

"(b) Subsection (a) of such section is further amended by adding at the end thereof the following new sentence: 'Such grants may also be used to pay similar costs in connection with immunization programs against any other disease of an infectious nature which the Surgeon General finds represents a major public health problem in terms of high mortality, morbidity, disability, or epidemic potential and to be susceptible of practical elimination as a public health problem through immunization with vaccines or other preventive agents which may become available in the future.'

"(c) Subsection (b) of such section is amended by striking out 'of limited duration', by striking out 'against poliomyelitis, diphtheria, whooping cough, and tetanus' and inserting in lieu thereof 'against the diseases referred to in subsection (a)', and by striking out 'who are under the age of five years' and inserting in lieu thereof 'of preschool age'.

"(d)(1) Such section is further amended by striking out 'intensive community vaccination' wherever it appears in subsections (a), (b), and (c) and inserting in lieu thereof 'immunization'.

"(2) The heading of such section is amended by striking out 'INTENSIVE VACCINATION' and inserting in lieu thereof 'IMMUNIZATION'.

"MIGRATORY WORKERS HEALTH SERVICES

"SEC. 3. Section 310 of the Public Health Service Act is amended by striking out 'the fiscal year ending June 30, 1963, the fiscal year ending June 30, 1964, and the fiscal year ending June 30, 1965' and inserting in lieu thereof 'each fiscal year ending prior to July 1, 1968'.

"GENERAL PUBLIC HEALTH SERVICES

"SEC. 4. The first sentence of subsection (c) of section 314 of such Act is amended by striking out 'first five fiscal years ending after June 30, 1961' and inserting in lieu thereof 'first six fiscal years ending after June 30, 1961'.

"SPECIAL PROJECT GRANTS FOR COMMUNITY HEALTH SERVICES

"SEC. 5. The first sentence of subsection (a) of section 316 of such Act is amended by striking out 'first five fiscal years ending after June 30, 1961' and inserting in lieu thereof 'first six fiscal years ending after June 30, 1961'."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2986) was laid on the table.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 510) to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes, with a House amendment thereto, insist upon the House amendment, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. HARRIS, O'BRIEN, ROGERS of Florida, SATTERFIELD, SPRINGER, NELSEN, and CARTER.

POLISH CONSTITUTION DAY

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, 174 years ago today a great milestone was passed in Europe. On that day Poland adopted a Constitution which so clearly defined the rights of citizens and so forcibly portrayed the elements of freedom and justice that freedom-loving people everywhere rejoiced in the great steps forward which Poland had taken.

Because of its great similarity to our own Constitution, which came into being only a few years earlier, our fine Polish-American organizations are wont to pay equal and deserving tribute to our own charter as they commemorate the anniversary of the adoption of the Polish Constitution. This constitutes one of the real reasons for Americans of Polish birth and descent having a tremendous love and respect for our American Constitution.

Mr. Speaker, we as Americans should rejoice in the fact that the document which the wise and farseeing founders of this Nation drafted was given an adequate chance to be tried and tested for generations to come.

But how tragic was the lot of Poland in contrast. Within a few years after the adoption of its superb Constitution, the Polish people were to suffer the loss of their all-too-short enjoyment of freedom and liberty and become subjected to the sorrows of enslavement as Russia, Austria, and Prussia carved up and claimed parts of their homeland.

How differently might the pages of history have been written if the Polish Constitution had had a reasonable chance to have become the document under which the people of Poland could have lived and worked in independence and under a self-determined government which would foster the dignity of unfettered men.

But even with the tragedies which befell Poland subsequent to the worldwide acclaim given its fine Constitution, the contents and the noble spirit of that document can never be forgotten. From time to time through the generations which have followed that of the framers of the famed charter, Polish leaders with the love of freedom and the welfare of the people in their hearts have gone to the Constitution for guidance and for inspiration.

And among the people of Poland there have always been those who have sought independence, who have wooed justice, because they have had an inborn love of liberty. There will always be Poles who revere the almost sacred text of the Constitution and who aspire to a life of independence.

We know the great influence which our own Constitution has had on other nations beginning with the French Revolution and extending over almost two centuries to today.

Our pride grows as we recall the meaning of our Constitution to France, Poland, Czechoslovakia, country after country in Latin America, and most recently the newly formed nations of Africa.

It is therefore incumbent upon all of us—not just those in whose veins flows the proud blood of Poland—to rededicate ourselves to the cause of freedom. As Americans we have a particular challenge to enjoy and savor the blessings of liberty in this country and to fight any and all who might attempt to deny that same enjoyment of blessings to Americans because of reasons related to race, color, religion, or ethnic background.

Ours is the challenge, too, to help perpetuate the memory of the Polish Constitution and to help perpetuate a recognition of its glory for all mankind. This we shall do to add further strength to our efforts to obtain as swiftly as possible a complete release of Poland from the external Soviet authority which today enslaves it and secure the attainment of self-determination for all Poles now and for future generations.

Mr. Speaker, to achieve these aims we must rededicate ourselves to the task which President Johnson so ably outlined to the Polish-American organizations last September when he said:

> That is why we will continue to maintain the closest relations with the people of Poland. That is why we shall try to strengthen them through bridges of people, ideas, trade and aid, regardless of temporary political obstacles we may encounter.
>
> So it is that we shall devise a policy that will achieve freedom for the Polish people * * * a freedom that will not be accompanied by obliteration.

Mr. Speaker, we cannot truly enjoy our blessings under the magnificent Constitution of our country so long as the people of Poland suffer the deprivation of liberty and freedom which might now be theirs if the Polish Constitution so magnificently created and so happily adopted 174 years ago today were now in force.

We must meet the challenge of helping President Johnson build those bridges to bring hope and freedom to our friends and neighbors in Poland.

CAN WE HAVE A TIGHT MONEY POLICY WITHOUT DAMAGING EFFECTS TO THE ECONOMY?

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, the question of the monetary policy of this country has long interested me. But of even greater interest to me is the feeling by a group of "tight money" advocates who feel that we can adopt a restrictive money policy without damaging our economy. In fact, this group even goes so far as to say that such a tight money policy would help the economy. I fail to see even the simplest logic in this type of thinking. I share the beliefs of the distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas [Mr. PATMAN], that this Nation should adopt a financial policy based on the premise of an adequate money supply to meet the needs of an expanding economy. It is impossible to use the words "expanding" and "tight money" in any sound economic policy. If they are to be used together, this would be similar to Congress saying, "The United States needs to have an expansion in the homebuilding field, but we are going to restrict the amount of building supplies that will be made available." In short, you cannot restrict and expect growth.

It has become increasingly clear in recent weeks that the Federal Reserve Board is restricting the credit needs of this country. At the present time bank reserves are at their lowest period in 5 years, thus forcing interest rates to near record highs. Our economy cannot continue to expand under the Federal Reserve Board's present restrictive monetary policy. There is no reason for such a policy, and I would hope that this Nation is not forced into an even tighter financial position simply on the basis of a majority vote of the Board of Governors of the Federal Reserve System.

Mr. Speaker, recently two distinguished Members of this body, the gentleman from Texas [Mr. PATMAN] and the gentleman from Missouri [Mr. CURTIS], engaged in a newspaper debate on the subject of adequate or tight credit. The two articles were written for United Press International and were made available to newspapers throughout the Nation. In view of the Federal Reserve's continued efforts to tighten credit, I think it is important that the articles by the gentleman from Texas and the gentleman from Missouri be reviewed by Members of this House. Included in my remarks is a copy of both articles so that every Member of this body can see the importance of this situation.

No. 1 Backer of Soft Policy Says Good Supply Is Vital to Economy

(By Representative WRIGHT PATMAN)

America's public and private debt today adds up to the fantastic total of $1,300 billion.

A rise of but one percentage point in interest charges on this already extravagant aggregate of more than $75 billion Americans are now paying as interest.

Since Biblical days, interest charges—then called usury—have frequently meant woe for the borrower and joy for the lender. Governments have passed laws to protect the borrower from extortionate rates and inhuman foreclosures.

More than five centuries before Christ, the great Athenian lawmaker, Solon, forbade men being sold into slavery because of unpaid interest charges.

In Christ's time, the money changers in the temple were not exactly held in the highest repute. Both the Jewish and Christian churches outlawed usury. But money lending still took place.

In the year 1545, England removed the prohibition on the lending of money and fixed a legal maximum interest rate. Many continental nations soon followed suit.

Today, it is imperative, as never before, that Americans center their attention on interest charges.

For many months, bankers have been propagandizing to raise the amount of interest. Americans are taxed by the private lending institutions. There has been a concerted effort to raise interest rates and to get public acceptance by one pretext or another. This despite pleas from President Johnson to hold the rates down.

The mere fact that bank profits are higher than ever before in history has made no difference. Many independent bankers are willing to let well enough alone. But few dare openly buck the banking establishment which sets policy.

According to a bit of facetious testimony by John Galbraith, the great economist, before the Joint Economic Committee recently: "Interest rates are the only price that is never raised in order to give the recipient a greater return." They're always increased "as a somber act of national policy."

DAY OF INFAMY

One day interest rates must go up because of "inflationary threats"; then the excuse is "unfavorable balance of payments." Last November 23, which I called the "day of financial infamy," our Federal Reserve System raised our discount rate 15 percent when the British raised theirs 2 percent.

The excuse offered was "to keep our investors from sending their money overseas."

The very next day, our Government put $1 billion into a $3 billion fund to support the British pound. If ever a financial policy was working at cross purposes, this was it.

We still get a lot of chatter from the bankers' lobby about unfavorable balance of payments forcing interest rates up. Corporate investments abroad, vast defense expenditures, and foreign aid are ignored as causes for our imbalance of payments. Only higher interest rates will correct the imbalance. To this we say "hogwash."

MARTIN'S TESTIMONY

Within a day of Galbraith's testimony, William McChesney Martin, chairman of the Federal Reserve System, told the Joint Economic Committee that he thought it may be necessary to tighten credit and raise interest rates. When I asked him if he would agree to a 6-percent interest on Government bonds, he didn't bat an eye.

Such a raise would lead to a national debt of $600 billion within 15 years, and meant that the American people would pay upward of $36 billion a year on the public debt.

As of now, they are paying $5.5 billion more than they should (over $11 billion instead of $5.5 billion), thanks to the precipitous increases brought about during the Eisenhower regime.

The tragedy of tight money and high interest rates is that ultimately they bring about economic disaster. In tandem they cause a slackening of our economic growth; the net result—more unemployment.

PAST DISASTERS

It would be perfectly absurd for America to pursue monetary policies that have invariably brought disaster in the past.

We had three manmade depressions under Eisenhower. President Kennedy brought us out of the last of these in 1961, and there were no recessions during his administration. There is no need to have any under Mr. Johnson.

To avert disaster, we need adequate credit for the small and large businessman, at reasonable interest charges.

We need a sound money policy so that the farmer won't be soaked on his mortgage, the new homeowner on his split-level. Our school systems should not have to pay unconscionably high rates to private lenders.

FEELING THE PINCH

Our municipalities are feeling the pinch of high interest rates, as are our county and State governments. Despite denials, interest charges are going up all along the line and money is harder to come by.

I never could understand why it was necessary for Uncle Sam to advance credit to private banking institutions which enables them to purchase Government securities at high interest rates. When interest on Government securities goes up, all types of borrowing cost more to the consumer. A raise of only 1 percent on a 20-year, $10,000 mortgage will cost the home purchaser an additional $2,000.

A raise of but 0.25 percent on the national debt will cost all Americans more than $800 million a year additional.

I say it's time to reverse the trend. It's time for interest rates to come down and for money to be available to the legitimate borrower for legitimate business or personal reasons at fair rates. If bankers want to maintain a respectable public image, it would be wise for them to reconsider their drive for a pound of flesh.

CHEAP MONEY OPPONENT WANTS MARKET INTERPLAY TO FIX RATES

(By Representative THOMAS B. CURTIS)

Baron Rothschild, the great international banker, once observed there were only three people who really understood the meaning of money and none of them had very much of it.

Money to people in developed economies is a medium of exchange. Yet there are millions of people throughout the world who are outside a "money" economy. When exchange of goods or services occurs in such countries, it is by barter. Unlike many other advanced economies at their present stage of development, in the United States money goes beyond cash to include credit, which goes beyond present wealth to cover future earning power.

As the economy of a nation becomes more sophisticated, the problems involved in the power "to coin money, regulate the value thereof" become inextricably interwoven with the companion power "to borrow money on the credit of the government." The quotes are from the U.S. Constitution.

In the United States the problems involved in maintaining "money" as an accurate "weight and measure" for the marketplace exchange of services, goods and savings became too cumbersome to handle through the routine congressional machinery. Accordingly, in 1913 the power to regulate the value of money (now including credit) was vested in a newly-created arm of the Congress, the Federal Reserve System.

After World War II, the problems involved in borrowing money on the credit of the United States to finance the war were so great that large sums had to be sold directly to the Federal Reserve System. As a result, the value of money seriously deteriorated.

In 1951 the Treasury Department, which is responsible for marketing the Federal debt, reached an "accord" with the Federal Reserve System which freed it from the obligation to absorb additional bonds. This to some degree separated fiscal power from monetary power. The cost of using credit instead of money (borrowing) went up, and the value of money, as evidenced by the rising price level ceased its rapid decline.

INEXTRICABLY TWINED

It is important to understand the distinction between credit and money, even though, as I have said, they become inextricably interwoven in a sophisticated economy to the extent that some credit is called money and other credit, for example, Treasury bills, is called near-money.

Credit in one sense is spending money without selling an asset, or spending money to obtain an asset by cashing in future earning power. Credit requires the use of money which can come from only two sources: (1) Borrowing someone else's money or (2) newly created money (which the Government alone, through the medium of the Federal Reserve System and the commercial banks, can "coin").

SOME MOTIVATION

If someone else's money is used, there must be some motivation to that person to save (not spend) his money and invest (let someone else spend) his money at the risk of not getting it back.

The economic incentives to save and to risk savings are called interest, dividends, and capital gains. The rate of return on money lent determines whether a person will save and at what risk he is willing to assume in lending his savings.

Government can alter the marketplace demand for and the price of credit by changing the value of money. It does this by creating more of it or withdrawing some of it, by its own borrowings or by directly lending money itself at certain rates.

POWER TO CHANGE

The Federal Reserve System has considerable power to alter the market demand by creating both money and credit. The Treasury Department by itself or working through the Federal Reserve has power to alter the market demand through its management of the Federal debt.

However, there are two disciplines outside the Government which limit both monetary and fiscal policy: (1) The actual amount of savings in the society and the willingness to risk the savings in the economic climate prevailing, and (2) the impact on our economy of economies abroad.

Both outside disciplines are strongly affected by the size of Government borrowings (the Federal debt). They also are affected by the amount of private borrowings against assets and future earning power, and the maintenance of money as a stable measure of the value of services, goods, and savings.

EFFECT REPLACES CAUSE

It is argued by some that easy credit and cheap money are necessary to promote maximum employment and economic growth. This is putting the effect in place of the cause. Maximum employment and economic growth will produce easy credit and cheap money but not vice versa. By trying to use the effect to produce the cause, we may damage both.

Maximum employment and economic growth are basically produced by intelligent spending. We must always be able to distinguish the real from the sham. The expenditure of the savings of people to create new wealth and to increase purchasing power is, of course, stimulated by consumer spending in the first place.

However, if there is insufficient incentive to save and then to invest at a risk, the cycle is broken. Here is where the interference of government to produce artificially low rates of return for investment or to produce cheaper money defeats its objectives.

GOVERNMENT FAILURE

In recent years, the Federal Government has failed to use monetary and debt policy to preserve an interest rate necessary to channel the risking of savings into wise expenditure policies. Indeed, Government through its own expenditure policies has contributed to a further deterioration of good expenditure judgments.

The result is we have had a constant deterioration in our international balance of payments. This has led to a flow of gold outside our society. This, in turn, is a threat to the maintenance of the value of the dollar as a medium of exchange domestically and internationally. In other words, we have not preserved the value of the dollar.

Only by the exercise of self-discipline can we maintain correct monetary and fiscal policy. That discipline is to balance our Federal budget and our international payments over the life of the business cycle.

THE TWO FACES OF CIVIL RIGHTS

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, an article in today's Washington Post, entitled "The Two Faces of Civil Rights," indicates the militant and unreasonable attitude being taken by elements of the civil rights movement.

The article by Mr. Evans and Mr. Novak, which follows, points out that SCLC leadership in Demopolis, Ala., is seeking national publicity rather than their professed aim of better jobs for Negro citizens:

THE TWO FACES OF CIVIL RIGHTS

(By Rowland Evans and Robert Novak)

DEMOPOLIS, ALA.—Although the newspaper headlines from here last week told of clashes between Negro demonstrators and tear-gas-tossing police, the more important struggle in Demopolis was waged between moderates and radicals inside the civil rights movement.

In this Black Belt city of 8,500 (where whites outnumber Negroes by less than 50 persons) the two faces of civil rights glare at each other with increasing hostility, as elsewhere in the Deep South.

One face is conciliatory, seeking to reach an accommodation with the white power structure. The other face is revolutionary, skeptical that "Mr. Charlie" (the white man) will concede anything.

This conflict has ironic overtones in Demopolis. Mayor Ed Bailey, a segregationist who realizes a new day has come to the South, has made more concessions than any other mayor in rural Alabama. Yet the civil rights radicals—not the moderates—control events here and have turned Demopolis into the South's current trouble spot.

Doubly ironic is the fact there is only one civil rights organization active here—the Reverend Dr. Martin Luther King's Southern Christian Leadership Conference (SCLC). But the SCLC itself is split between radicals and moderates, its own fieldmen here traveling separate paths.

This was graphically illustrated at a civil rights mass meeting one recent Sunday in the Morning Star Baptist Church.

Directing the meeting was the Reverend Samuel Wells of Albany, Ga., a stout, worried-looking SCLC organizer. Under his supervision, young middle-class Demopolis Negroes, dressed in their Sunday best, softly revealed results of negotiations they and Wells had conducted with Mayor Bailey.

The results were impressive, indeed. SCLC has won more in Demopolis during 6 days than in Selma (45 miles to the west) during 6 weeks. Bailey had agreed to multiple demands by the Demopolis Civil Club (an SCLC-sponsored group organized by Mr. Wells) aimed mainly at better jobs for Negroes.

But as the Civil Club officers recounted their negotiations, a dozen young men and women (both white and Negro) seated on the church altar seethed in anger.

Dressed in disheveled work and sport clothes, these were the field workers of SCLC's militant youth branch. Supposedly, they got orders not from Mr. Wells in Demopolis, but from the Reverend James Bevel—most militant of Dr. King's lieutenants—by telephone from Selma.

Mr. Bevel's field commander in Demopolis, a northern Negro named Gerald Turley, moved to the pulpit. Dressed in sweaty T-shirt and blue jeans, Turley stirred the crowd for the first time with his gravel-voiced eloquence.

Though Mr. Wells and the Voters League wanted a halt to demonstrations, Turley shouted, "We're going to be on the streets. We're going to die in the street if need be."

Henry Wershaw, a young white SCLC worker from New York, was even more explosive. "If the white man won't let you have your freedom, you're going to have to take it," he yelled.

The upshot came the next morning. In negotiations at city hall Bailey agreed to much more than Selma's officials have gotten—city government supervisory positions for Negroes and guaranteed sales jobs in Demopolis stores. Nevertheless, Turley sent Demopolis teenagers (kept out of school against the wishes of the Civil Club) marching through the streets.

Bailey would have issued a parade permit, but Turley refused to ask for it. To maintain the principle of law and order, Bailey told police to stop the marchers. The result: Tear gas and national publicity.

Indeed, national publicity—not jobs in Demopolis stores—was what Turley was seeking. Believing that the white man is unworthy of trust, the civil rights movement's revolutionary wing believes in agitation, agitation, and still more agitation to bring out the worst in the white man. Such is the rationale of the Gerald Turleys.

But Gerald Turley will leave Demopolis sometime soon. When he does, the Demopolis Negroes will be left to reach permanent understanding with the white establishment. That's why many of them feel today that Turley's radical tactics, coming after—not before—the whites had been forced to the bargaining table, have done more harm than good.

POLISH CONSTITUTION DAY

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, today on May 3 we commemorate the 174th anniversary of an event which in itself was joyous and momentous but short-lived. On May 3, 1791, the Polish Parliament decisively adopted a constitution which transformed Poland's limited autocracy into a constitutional democracy. Unfortunately, the enlightened Government established by the Constitution of 1791 survived little more than 2 years, for not surprisingly, the Government was not to the liking of autocratic Czarist Russia. Russian troops invaded Poland and finally succeeded in overthrowing the Government. The Polish people struggled valiantly against the foreign oppressor, but their brave battle was in vain. In 1793 their country was partitioned between Russia and Prussia, and in 1795 Poland disappeared from the map of Europe until the end of World War I.

Because the Constitution of 1791 was so quickly and forcibly shelved and because Poland's history since then has been a tragic saga of foreign occupation interspersed only by a brief period of freedom between the First and Second World Wars, the significance of this document and of Poland's constitutional traditions are frequently overlooked. Poland was a great empire by the late 16th and early 17th centuries, with lands extending far in the east into what is today the Soviet Union and in the south to the Black Sea and the Carpathian Mountains. Even at this time, when most of Europe was under the iron rule of autocratic kings whose powers were unlimited, Poland, though far from a democracy, had already taken some initial steps toward constitutional government. From medieval times the respective roles of the church, the clergy, and the gentry had been carefully defined. The king ruled, not as unlimited autocrat but more accurately as cosharer of power with the gentry and high officials who sat in a bicameral parliament vested with legislative and executive powers equal to those of the king. By the middle of the 16th century the king had become an elective monarch, chosen for life by parliament and obliged to sign a written agreement enumerating his powers.

In a sense it is surprising that the democratic Constitution of 1791 was drafted when it was and not either sooner or later, for Poland's earlier progression toward constitutional government had been interrupted during the 18th century by the dynastic struggles of Austria, Prussia, and Russia over Polish territory. It may be recalled that in 1772 Poland was partitioned among these three dynasties and despoiled of one-fourth of her territory. The moment looked dark for constitutional reform which would be bound to antagonize Poland's stronger neighbors, but when a rift developed between Russia and Prussia after the death of Frederick the Great in 1786, Poland seized its opportunity. In 1788 the Polish Diet, or parliament, was convened to revise the Constitution, and by 1791 its work was finished.

The adoption of the new Constitution by Parliament and its acceptance by the King, who took an oath to support and implement it, was a unique step forward in eastern Europe, a major advance in man's history of governing himself, and the beginning of what was expected to be a peaceful social revolution in Poland. Poland became a limited monarchy with a cabinet government responsible to Parliament. Parliamentary representation and certain other prerogatives of the nobility such as the privilege of office-holding, were extended to townsmen. The cities were given greater administrative and judicial autonomy, and the peasants were placed under the protection of the law, laying the basis for the abolition of serfdom.

The unique significance of the Polish Constitution of 1791 is not merely that democratic government replaced limited autocracy but rather that an event of such magnitude was accomplished with little or no bloodshed. In one sense it is not surprising that Poland should have chosen the 18th century for a monumental revision of its Constitution, for the fever of liberalism was spreading through the Western world in the 18th century. It was the century of Montesquieu and Locke, of the U.S. Constitution, and the French declaration of the rights of man and of the citizen. The concept of popular sovereignty—that all authority emanates from the will of the people—was being expounded far and wide.

But, I repeat, the Polish experience is still unique. Whereas the Americans fought a war to gain independence and the French succumbed to a reign of terror in the name of democracy, the Polish people accomplished the momentous transition peacefully. Commenting upon the Polish Constitution, Baron d'Escare wrote:

> In France to gain liberty, they began with anarchy; in Poland, the nation was given liberty and independence, the respect for the law, for person and property was assured, and all this without violence, without murder soley through the virtue of the courage of the nation, which, realizing her misfortune and her error, knew how to heal her wounds.

Because of the important place Poland's Constitution of 1791 holds in the history of constitutional democracy, the sequel of Poland's own history seems particularly tragic. To be swallowed up completely by three greedy neighbors and erased out of existence as an independent nation for over a century is a particularly bitter lot for a people as fiercely individualistic, courageous, and freedom-loving as the Poles. The history of the Polish people in our own country provides numerous examples of the traits which gave inspiration to the Constitution of 1791. Polish Generals Pulaski and Kosciusko fought valiantly beside George Washington in the Revolutionary War. Polish Americans fearlessly helped to open up the American West, gradually pushing the American frontier ever farther across our country until the wilderness was gone and the Pacific Ocean had been reached. In every community where there are Polish Americans their influence has been felt: in street names, in the cultural heritage of Polish songs and dances, in Polish-American contributions to civic office and community development.

The tragedy of Poland itself has not yet ended. After its brief interwar interlude of freedom, Poland was overrun first by the Nazis from Germany and then by Soviet troops from the East. Many Poles fought courageously and to their very death at the side of the Allies in World War II, but for them victory did not mean a renewal of freedom. As we only too well know, Poland was turned into a Communist satellite where the individual liberties fought for so long and hard were brutally repressed by a ruthless police state. Yet, even the repressive techniques of Communism have been unable to crush the ideal of freedom and democracy which still burns brightly in the hearts of the Polish people. The Poznan uprising in 1956 and lesser signs of uneasiness constantly recurring in Poland are proof positive that the Polish people are still willing to suffer severe hardships for the right to speak out against a government they abhor and to die for the cause of freedom.

On this important anniversary, Mr. Speaker, we commend from the bottom of our hearts the unswerving courage of the Polish people and encourage them in the hope that they may yet one day secure the ideals represented by the Constitution of 1791.

THE DOMINICAN CRISIS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I support the action of President Johnson in sending U.S. marines and paratroopers into the Dominican Republic 100 percent.

I commend him for the decisive and appropriate action he has taken the past several days to protect the lives of American citizens and other foreign nationals in that tragically strife-torn country.

It was only after the local Dominican police and military authorities informed our Government that they could no longer guarantee the safety of foreign nationals that Mr. Johnson initiated action for their protection.

As the President has said repeatedly, our only motive has been humanitarian, not lust for the territory of a small, sister republic. We crave not the land of others, but the continued freedom and security of the inter-American systems. We seek not domination over the brave peoples of the Dominican Republic, but the certainty that they will have the right to determine their own destiny free from the chains of an alien system.

It has become increasingly clear over the past weekend that Communist agitators have seized control of the revolt in the country in an effort to drag yet another free people behind the Iron Curtain in the Western Hemisphere. We are pledged to the prevention of another Communist dictatorship as exists on the island of Cuba, just 90 miles off the shores of my own State of Florida.

If, in addition to protection of the lives of foreigners in the Dominican Republic, the presence of American troops dramatizes our continuing commitment to the freedom and independence of our sister republics, we are equally justified in our course of action.

For the Communists, the world over, understand only determination, force and decisive action. They thrive upon lack of resolve, weakness, and vacillation.

I share the hope of our President that an effective multination Organization of American States police force can be formed to replace the bulk of our troops on the island. By our willingness to cooperate with such a mission, we will further demonstrate to the whole world our lasting commitment to the inter-American system and close cooperation among its members in preserving freedom in our hemisphere and defeating an alien system which seeks to destroy it.

DEATH TOLL ON THE HIGHWAYS

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, for a number of years I have not only been interested, but very concerned over the terrible slaughter on the Nation's highways.

When the Special Subcommittee on Traffic Safety was first created in 1956, I became a member of that committee which immediately set to work to learn what it could about traffic safety and to do something about it.

As a member of the Interstate and Foreign Commerce Committee, I have continued my interest in this field.

As a member of the Subcommittee on Transportation and Aeronautics, which has taken over the responsibility for highway safety, among its multiple duties, it is my plan to exert every effort to reduce the terrible carnage on our highways.

The increasing concern of the Congress over the ever increasing death toll has been indicated by the enactment into law of legislation requiring seat belt standards, brake fluid standards and in the past Congress, safe car standards.

Mr. Speaker, it is my firm conviction that we must continue to strive to make our highways safe. When one considers the financial burden, the loss of productivity and the hardship placed upon the families of victims of highway accidents which now cause the death of over 45,000 annually, as well as some four million injured, bearing in mind that many of those injured are totally and permanently disabled, it is time that we step up our pace in the traffic safety area.

At the time that the special subcommittee was established in 1956, we found that the public health service budgeted only $150,000 for all accident prevention research. I am pleased to note, Mr. Speaker, as a result of congressional interest, the budget of the Public Health Service for this problem has been increased to over $4 million. We still have a long way to go, however, when you compare the death and injury statistics to the statistics on fatalities as a result of heart disease, in which field over $135 million is expended in research by the National Heart Institute and where over $140 million is expended for cancer research by the National Cancer Institute.

Mr. Speaker, I well realize that in the last analysis, the man behind the wheel is the controlling factor. Should his vision be impaired, should he have had too much to drink or have other defects, accidents, many times fatal, will occur. However, we can and we must reduce this possibility to a minimum and I am hopeful that through driver education and through the various States taking the initiative to adopt the uniform code, we can reduce the number of incompetent drivers.

Now, Mr. Speaker, I believe it is also our responsibility to see that the purchasers of automobiles and accessories are provided with as safe a vehicle as possible to reduce the possibility of malfunctioning of equipment which is the cause of many of our accidents.

As I previously indicated, Mr. Speaker, the Congress has taken the initiative to provide standards for seat belts, brake fluid, and safe cars. However, there is still a glaring omission in safety standards—tire standards.

I do not believe that today there is a Member of this House who, desiring to purchase new tires for his automobile, that transports his family, would know the type, size, or quality of the tires he would ultimately purchase.

Mr. Speaker, today we can purchase a second line tire from a manufacturer that will be labeled a first line tire under another brand label. We are advised of tire sizes by the manufacturers, yet when the General Services Administration purchased tires for the purpose of comparison, there were many variations in sizes and quality.

Mr. Speaker, we also see ads in the papers where one may purchase tires for as low as $9. It is not false advertising, as the manufacturers indicate these tires are for city or slow speed driving. Unfortunately, the teenagers, who have a minimum to spend, purchase this type of tire and then use them on highways at excessive speeds causing the tires to blow and we, in many instances, have another statistic.

In line with the thinking of the Congress, as expressed in the passage of the bills previously mentioned, I am today introducing a bill to require safe standards for tires for motor vehicles. I believe such a bill is essential for the motoring public and I hope that the committee will move for early and expeditious action on the legislation.

I might go one step further, Mr. Speaker, and say that I had hoped that the manufacturers would take it upon themselves, for the safety of the public to provide set standards. However, after the New York State Legislature had considered legislation to establish standards, the manufacturers came out with a hodgepodge of specifications. This still leaves the public in the dark. Therefore, I believe it to be imperative that the Congress take action now.

Mr. Speaker, under unanimous consent, I insert the bill which I am introducing at this point in the Record:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce shall prescribe and publish in the Federal Register minimum standards for tires for use on motor vehicles other than those of carriers subject to safety regulations under part II of the Interstate Commerce Act. Such standards shall be designated to provide the public with safe tires so that motor vehicle accidents caused by tire failure can be kept to a minimum. Standards first established under this section shall be prescribed and published not later than one year after the date of enactment of this Act.

Sec. 2. (a) The manufacture for sale, the sale, or the offering for sale, in interstate commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation, or causing to be transported, in interstate commerce, or for the purpose of sale, or delivery after sale, in interstate commerce, of any tire manufactures on or after the date of this section takes effect shall be unlawful unless such tire meets the standards prescribed by the Secretary of Commerce as set forth in the first section of this Act.

(b) Whoever knowingly and willfully violates this section shall be fined not more than $1,000, or imprisoned not more than one year, or both.

Sec. 3. As used in this Act—

(1) The term "interstate commerce" includes commerce between one State, territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico and another State, territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) The term "motor vehicle" means any other vehicle or machine propelled or drawn by mechanical power and used on the highways principally in the transportation of passengers.

Sec. 4. This Act shall take effect on the date of its enactment except that section 2 shall take effect on such date as the Secretary of Commerce shall determine, but such date shall not be less than one hundred and eighty days nor more than one year after the date of publication of standards first established under the first section of this Act. If such standards first established are thereafter changed, such standards as so changed shall take effect on such date as the Secretary of Commerce shall determine, but such date shall be not less than one hundred and eighty days nor more than one year after the date of their publication in accordance with the provisions of the first section of this Act.

JUNIOR ACHIEVEMENT

Mr. CALLAWAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CALLAWAY. Mr. Speaker, today I am privileged to take part in ceremonies honoring the SeRoCo Junior Achievement Co. of Columbus, Ga. Junior Achievement, as we all know, is an organization sponsored and supported by business and industry in the United States and Canada. Its aim is to educate youngsters in the principles and facts of free enterprise, and further, to educate through action.

Each year boys and girls in Junior Achievement groups gather in hundreds of American cities to plan, form, and run their own businesses. This year, the award for the first place Junior Achievement Co. in America went to SeRoCo, the company founded and run by 27 Columbus, Ga., teenagers.

Their efforts in SeRoCo surely gave these young citizens a firsthand knowledge of our great American free enterprise system. Yet in addition, Mr. Speaker, they have learned not only how the free enterprise system works, but also why it works—the greatness of free men ruling a free economy.

I ask unanimous consent to insert in the Record a speech that ably demonstrates the value of this lesson. It is a speech prepared by a young junior achiever, David Reddick, president of the award-winning SeRoCo Co.

I am proud today to salute the Junior Achievement program, its sponsors, and its fine young members like David. They have joined forces to learn the workings of freedom; and this, as the name implies, is truly achievement.

Speech Given by David Reddick, President of SeRoCo, No. 1 Junior Achievement Co. Nationally, 1964–65

"Communism will rule the world." This was a theory echoed around the world by Mr. Lenin way back in 1918.

During the past 3 years, I have had the opportunity of being a member of Junior Achievement. The experience and knowledge I have gained during this time has taught me that Mr. Lenin's theory was nothing more than hot air. Communism will never rule the world.

I have been taught the true meaning of the free enterprise system and the profit motive. During this period of time I have been in companies that have been very successful and in some not quite so successful. I have experienced the sweetness of success and also the bitterness of failure. I have learned the risks that must be taken and also the rewards at the end of the rainbow.

I have grown in knowledge and experience and have learned of the organization and procedure of business. It has given me the basic qualification for entering the business world. Not only have I gained in experience, but I have been taught the importance of initiative, the ability to work with others, but most important, the need for making a profit. It is my confirmed opinion that a business is as good as the people who run it. No better, no worse.

The training and experience to be gained by active participation in Junior Achievement is a must for all young people. It has made available to me vital knowledge which cannot be obtained in high school or college. I would like to make it clear here that this is certainly no reflection on our school system—we have one of the best, but the high schools are just not prepared to teach business because the curriculum is already overloaded.

Junior Achievement provides all young people with the necessary tools to construct a foundation for most any type business. The training received prepares us for the future of tomorrow, and what does the future of tomorrow hold?

I might answer that by saying—How high is up? Allow me to quote one of the Nation's leading insurance companies, and I quote, "The future belongs to those who prepare for it." As a result of the training received in Junior Achievement, I am convinced that I am better qualified to compete in tomorrow's business world where job competition is becoming greater and greater.

We have taken as our responsibility the preservation of the free enterprise system. The free, private enterprise system has been, and will continue to be, the one outstanding reason for America's phenomenal economic growth and secure position as leader of the free world. The free enterprise system and its amazing productivity was the key to America's victory in World War II. It has survived the test of time in a way that no other system has.

This is not to say, however, that the survival of our American economic way of life is guaranteed. On the contrary, the security of free enterprise is maintained only through hard work and faith, faith and belief that ours is the best way, the only way to secure the good life for our people.

Free enterprise and America, for they are one and the same, is being challenged by many people with many ideas. Because of this, we must dedicate ourselves, in our own way, to the preservation of free enterprise. Without free enterprise America would no longer exist. Our business system is the key to our freedom, and if it were to vanish, then history would say of us, "They had a good system, but neglected to appreciate and preserve it."

It is by the investment of our business leaders that more young people are being taught about the greatest heritage the world has ever known—the American free enterprise system—a system upon which America was founded, built, and upon which it will build its future.

The question has often been asked among young people, "How can one get a job that takes experience, if he has no experience?"

Our business and industrial leaders have made this experience available to over 100,000 young people this past year. It has been stated that a person who has received training in the Junior Achievement program makes a better business person than one who has graduated from high school without experience and training in Junior Achievement.

There are many in this room who are responsible for Junior Achievement and its success. I'm sure I speak for everyone in Junior Achievement when I say that we will forever be indebted to you and others like you for the opportunity you have given us.

May I leave you with this quote: A noted historian made this observation: "Most democracies last for about 200 years"—gentlemen, ours is 176 years old.

Thank you.

PRESIDENT'S ACTION IN DOMINICAN REPUBLIC

Mr. GLEN ANDREWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GLENN ANDREWS. Mr. Speaker, I rise to commend the President of the United States for the firm, prompt, and thorough manner in which he seems to be handling the situation in the Dominican Republic.

His expressed determination to prevent the establishment of another Communist regime in this hemisphere is the most encouraging announcement in America's foreign policy since January 1961.

In a spirit of constructive admonition, I should like to take this opportunity to state to my colleagues that until the Communist cancer, centered in Havana, Cuba, is torn out by the roots, more American boys will have to be sent into other Latin countries and too many will return home in flag-draped coffins.

The President did not hesitate to tell the Nation last night that many of the Communists active in the Dominican uprising were trained in Cuba.

The eruption in the Dominican Republic should be the last evidence required by this hemisphere for a decision to eliminate the Communist regime in Cuba.

I urge the President to quickly announce that the liquidation of Cuba's Communist government is a definite aim of American foreign policy, and that no pressures from any source, Communist or ally, will dissuade us from that goal.

GOVERNMENT STILL GOING IN THE RED

Mr. MARTIN of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, in spite of the optimism of the President who reports with great satisfaction that the expected deficit will be less than he anticipated, the fact is we are still piling up huge deficits which endanger our economy.

Federal spending continues to increase; shortly we will be asked to increase the debt limit; each year the Federal Government goes deeper into the red. We cannot continue following such fuzzy economic theories without being forced, one day, to pay the piper for the ball the big spenders have been having.

Let me remind you that the last balanced budget was in the last full fiscal year of the Republican administration under President Eisenhower. We have been told that spending has increased because of the increase in defense costs, but again let me remind you that the spending level increase has not been due to increased defense programs, but to increased social welfare programs.

I would also like to point out that the increase in dollar spending, serious as it is, does not reflect an even more serious danger to our Republic, the increase of Federal encroachment in areas which are rightfully the responsibility of the private sector, the States and individual citizens.

Mr. Speaker, it is far past time for us to return to responsible fiscal policies. If our private enterprise system is to survive we must live within our income. We must call a halt to programs we cannot afford if we are to remain a strong and solvent nation.

How far we have gone along the road to irresponsibility in fiscal matters is clearly shown in the excellent editorial by David Lawrence in this week's issue of U.S. News & World Report. I include the editorial, "Only $30 Billion in the Red" as a part of these remarks.

ONLY $30 BILLION IN THE RED

(By David Lawrence)

President Johnson, in a somewhat optimistic vein, the other day told the American people by television and radio and through the press that the deficit in the Federal budget for the fiscal year ending June 30, 1965, would be at least a billion dollars below the $6.3 billion which he had estimated last January.

This is supposed to be a sign of an improvement, if not a reversal, in the deficit spending which has now been going on year after year.

The sad truth is that in the 5 fiscal years beginning on July 1, 1960, the gross public debt will have increased by approximately $30 billion. The total interest now costs more than $11 billion a year.

Unfortunately, most persons in official life and also many others engaged in economic dialog are not disturbed by deficits totaling only $30 billion in 5 years. The thesis of the new school of economists is that deficit spending is the way to keep business good and that it doesn't matter whether the Government, year after year, is spending more than it is taking in.

The official budget estimates are often misleading. In the past 10 years, the original forecasts of the budget made 18 months before the end of a fiscal year amounted cumulatively to a total of only $200 million of deficit. But the revised estimates, made each time a year later, added up to an accumulated deficit of $36.9 billion. In that same 10-year period, the actual figures showed a deficit total of $40.8 billion.

The big fact is that the Government is running in the red year after year. Expenditures are kept down in some categories but go up in others.

The assumption is that, even with the large deficits, the United States will be able to pay its bills. But it can do so only with depreciated currency, and the risk to the average citizen is that prices will rise as the monetary unit dwindles in value. Many governments have had a tragic experience with such inflation.

Business conditions, of course, are regarded as good today, largely as a result of the recent cuts in tax rates. But how long will this last? For wages and prices as well as State taxes are continuing their upward trend. The mere size of the sales volume is not an indicator of a nation's ability to maintain its monetary unit on a stable basis.

The truth is that the Government is spending money for many things that it could well do without. This doesn't mean that the money is actually wasted, but it does mean that priority could be given to sound finance and the Nation would not suffer.

No administration, of course, can balance the budget at once. It must be a gradual process so that the economy can absorb the changes. But when year after year there is no sign that a balanced budget is even in sight, there is bound to be discouragement.

Meanwhile, the Nation will have to examine carefully all the official forecasts being made because experience has shown that, under both Republican and Democratic administrations, erroneous estimates have been offered. This is due to some extent to an inability to gauge correctly future trends in business, both in this country and overseas.

The Eisenhower administration in January 1958, for example, predicted a surplus of $500 million for the fiscal year ending June 30, 1959. But, due to a downturn in business which, during that same period, developed into a real recession, receipts were $6.1 billion less than anticipated. In an attempt to reverse the business curve, the spending went up by $6.7 billion. So the final outcome was a budget deficit of $12.4 billion.

Likewise in January 1962 the Kennedy administration forecast a surplus of $500 million for the fiscal year ending June 30 1963 but the estimate proved to be wrong by nearly $7 billion. This was because corporate profits had been estimated at $56.5 billion and turned out to be only $48.2 billion. Also taxes from individuals did not come up to the figures that had been predicted. Much of this was due to the uncertainties in business occasioned by the unsettled conditions in the steel industry. The final result was a budget deficit of $6.3 billion.

It would be much better if an incumbent Administration would make long-range appraisals and chart the budget trends for a given period of years rather than concentrating on a single year.

What America needs is a comprehensive program of expense cutting along with a stimulus to business which will produce more tax receipts. Such a plan cannot be confined to a single year. There ought to be at least a 5-year look ahead with a program for a balanced budget which would be accepted as the reasonable reflection of a sound trend in Government finance.

The American people would welcome an end to the deficit era—a total deficit of $40.8 billion in the last 10 years with $30 billion of this piling up in the last 5 years. The official figure for the public debt now is close to $317 billion. It's the biggest debt that any nation has ever faced in the history of the world.

LOCATION OF JONES & LAUGHLIN STEEL CORP. PLANT IN CONGRESSIONAL DISTRICT REPRESENTED BY REPRESENTATIVE MICHEL

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD with respect to the location of Jones & Laughlin Steel Corp. plant in my congressional district.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, last week the Jones & Laughlin Steel Corp., the fifth largest steel producer in the United States, made a very significant announcement with respect to the future of Jones-Laughlin and to my congressional district.

Mr. Charles M. Beeghly, chairman of the board and chief executive officer of Jones & Laughlin Steel Corp., told the annual meeting of shareholders on April 29:

> The Middle West is one of the fastest growing markets for products made by your company. A location in that general area for a J. & L. steel plant is essential if we are to achieve our objective of selling an increasing share of the total steel used, as well as expanding our position as a supplier to the national market. Our opportunity for sharing in the growth of the Middle West appeared to be limited by new steel plants recently built or building by our competitors, chiefly in Metropolitan Chicago, as well as by the expansion of the longer established companies in that area. We concluded that to locate a new J. & L. plant next door to our Chicago-area competition would lack in imagination and economic sense. Accordingly, we conceived and developed a quite different approach to this competitive problem—an offensive, rather than a defensive posture.
>
> Our objective became the identification of an extraordinarily large site, accessible to the Middle West and Southwest markets by means of modern highway systems, barge and rail, and with rail and water systems to accommodate economic delivery of raw materials and semifinished steel. Many months have been spent in the search for a site which met all of our criteria. These include a site of sufficient size to provide building room for steel-fabricating customers, who will find it advantageous to locate next door. Our search has ended. We have optioned almost 6,000 acres, more than 10 times the area of any existing J. & L. steel plant, approximately 100 miles west of the Chicago Loop, on the Illinois River near the town of Hennepin.

Mr. Speaker, I am proud to say that Hennepin, Ill., is the county seat of the smallest county in the State of Illinois, located in my congressional district, so you can see that this is a very significant announcement for our area, and I would surely draw special attention to the fact that as Mr. Beeghly pointed out, the site is, "of sufficient size to provide building room for fabricating customers who will find it advantageous to locate next door." We hope that in the coming months and years ahead many progressive, forward-looking concerns will look to the many advantages of this location and what we in central Illinois have to offer.

Mr. Beeghly went on to advise the shareholders as follows:

> Long range, our plan includes an integrated steel plant, with iron-ore pellets or prereduced iron to come from our taconite lands to the north. Short range, our plan includes facilities to finish steel, which will be melted in our Pittsburgh, Aliquippa, Cleveland, and Detroit plants. From any of these four steel plants, we can reach our new site by rail or water. We have the option of the river system or rail from Pittsburgh and Aliquippa, or from Cleveland and Detroit by rail, or by lake boat with rail or barge transshipment.
>
> The property is located close to the new East-West Interstate Route 80, which in an easterly direction will speed delivery of finished products into the network of new highways around the Chicago area. Connecting with this fine new high-speed interstate highway, are major highways and new ones planned which will permit us to reach north, west and south. This will mean good access into other important steel-consuming markets, which will continue to grow as the industrial trend continues to spread across our country.
>
> Plans for the development of this new steel plant are in preparation. We expect to complete land acquisition and begin construction next year. Flat-rolled steel products are included in our plans and perhaps other steel shapes as well. No further details as to product lines will be announced at this time, nor can we state now when we will be in production. Announcements will be made from time to time as our plans progress.
>
> Even in its initial stage this project will represent the largest single development ever undertaken by Jones & Laughlin. It will greatly increase our percentage of finishing capacity and service capability in products and markets of great future promise. Of importance also, is the finishing capacity this expansion will free-up in our existing J. & L. plants, providing us with an ever better ability to supply the markets closer to these well-established J. & L. producing points.

Mr. Speaker, I just want to say in conclusion for the RECORD that we feel very fortunate in J. & L.'s decision to locate in our congressional district. We welcome this industrial expansion in our area with open arms and we are sure that it will lead to a wide range of development for this very productive area—that part of my home State which we like to refer to as "The Heart of Illinois."

THE 20TH ANNIVERSARY OF THE FOUNDING OF THE UNITED NATIONS IN SAN FRANCISCO

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, this year marks the 20th anniversary of the founding of the United Nations in San Francisco. In connection with this anniversary, I think proper recognition should be given in California to one of the great early leaders of the United Nations—Dag Hammarskjold. To that end, I have before you today, a resolution expressing the sense of Congress that a silent, timeless redwood forest in my district be designated the Dag Hammarskjold Memorial Grove.

To fully explain this proposal, I will attempt to relate the real meaning of *Sequoia sempervirens*—the ever-living redwood. A book I have been reading tells the story of the life of one tree. I would like to attempt to summarize this story in a few words, if I may.

During the founding of the Babylonian empire 2,200 years ago, a sprout emerged from a seed no bigger than a matchhead. It crept up, straight and true, a few inches a year toward a patch of sky between the cover of the huge trees surrounding it. Two hundred years later, about the time Jesus of Nazareth began to preach his parables, our tree was 100 feet tall and 3 feet thick at the base. Over the centuries it inched up, expanding a fraction of an inch in girth each year as empires rose and fell, as the dark ages came and disappeared into the Renaissance, as Columbus discovered the New World and a new nation with a new idea of government based on freedom and individual responsibility grew to maturity.

During these millenniums, monumental natural calamities struck. Floods of the centuries crept up the trunk of the tree, depositing several feet of new soil over its root system. Six times in its life the tree grew a new set of roots closer to the surface to gather forest nutrients. Several major forest fires scarred its skin and ate its flesh, but each time it healed its wounds with decades of new growth until 1849, the year of the great gold rush to California. That year, a forest fire burned a 17-foot-wide scar on its side, killing all the roots under the wounded area. The tree, over the next decades, started to lean. At the same time, it began growing a brace to shore up its wounded side. In 106 years, it grew a buttress projecting 4 feet to shore up its great weight. But the centuries needed to fully protect itself from natural disaster were not to come before the next natural onslaught.

Everyone recalls the 1955 floods in California when levees broke. Yuba City was flooded, and scores of people were drowned. This same flood made a bog around the tree and the buttress sank in as the tree leaned farther and farther. Finally, its 1,000 tons of redwood snapped its good roots and crashed to the ground along a 350-foot path. When its great trunk was cut, most of the history of modern civilization could be traced on its life rings.

This, Mr. Speaker, is why national interest has been aroused over preservation of a suitable grove of these stately trees, in commemoration of the respect people throughout the world hold for the great international leader, Dag Hammarskjold.

The life of Dag Hammarskjold was in concordance with the deep and pervading majesty of the redwoods among which we find spiritual refuge and gain a more profound realization of his own thought that "we each have within us a center of stillness surrounded by silence."

Dag Hammarskjold, until his death in 1961, served 8 years as Secretary General of the United Nations, carrying on his widely significant and courageous search for world peace. By their very grandeur, the giant redwoods imbue us with a strong realization of human dignity, tolerance and stateliness, so characteristic of Dag Hammarskjold's life.

This, Mr. Speaker, is largely the sentiment expressed in my concurrent resolution. I think it altogether fitting that a redwood grove in my district be selected by the State of California as a memorial to this world leader, and I would urge my colleagues to join me in this recognition.

EVENTS IN DOMINICAN REPUBLIC BRING HOME FORCEFULLY FOLLY OF ALLOWING COMMUNIST BASE IN CUBA

Mr. BRAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, the tragic events in the Dominican Republic have brought home forcefully the folly of allowing the Communist base in Cuba to continue in spreading its poison among its sister Republics of Latin America.

Several of us in the past have noted the school of Communist subversion and revolution which Castro has founded and which has been directed by Che Guevara. I pointed out this on the floor 2 years ago. It is obvious that Cuban-trained revolutionaries are at this moment planning to attempt revolts in other Central American countries. Perhaps the swift reaction of the United States in the Dominican Republic will retard their efforts.

Unfortunately we are continuing to pay for the fumbling defeat at the Bay of Pigs, which not only allowed Castro to remain in power but encouraged Communist subversives to believe they could proceed in Latin America without fear of U.S. action.

The President has courageously taken the correct step.

Today the Communist world should be on notice that they can no longer expect to romp in safety, for the United States will resist attempts to establish new Communist regimes by force in Latin America.

WILLIAM H. BOOK

Mr. BRAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, the city of Indianapolis was saddened last week by the death of William H. Book, for many years the director of the Indianapolis Chamber of Commerce.

Few men have left a greater mark on Indianapolis. He was a citizen whom Indianapolis and the entire State of Indiana will miss, a man most difficult to replace.

Bill Book was a quiet and friendly man, but fervently and unselfishly dedicated to the principles which he believed were right. He had a host of friends in many walks of life. I took pride in being one of those friends.

Mr. Speaker, under unanimous consent I insert at this point editorials by the three daily newspapers in Indianapolis in tribute to Mr. Book:

[From the Indianapolis (Ind.) Star, May 1, 1965]

WILLIAM H. BOOK

Bill Book was a prime mover. Other men have formed committees. He formed committees and got things done.

Much lipservice is paid to business. Bill Book gave business—and the whole community—much more. He gave it true stewardship. In the depths of the depression, when morale and courage were low, he helped the unemployed find jobs. Then he helped rally the forces that had the power to rebuild, to attract new industry and get things going again. It was a time when jobs were the main concern of thousands of hard-hit working people.

The times called for imaginative leadership. Bill Book offered it. The community gained. Indianapolis became a key industrial center during an era that began in economic stagnation and could have ended in something far worse.

In the grim days when every dollar was a drop of economic blood, William H. Book, executive vice president of the Indianapolis Chamber of Commerce, fought to hold government spending to a minimum, to eliminate waste. Then in the days of expansion after World War II, as the city grew and faced new problems, Bill Book battled equally hard to sell business leadership on the spending necessary to solve these problems. This led to collisions with hardheads, but the cool, efficient Bill Book was the winner—and so was Indianapolis.

In time he won the nickname "Mr. Indianapolis." Few men have done more to deserve it.

He took pride in being a conservative. He warned of the dangers of centralized supergovernment and unrestrained Federal power. And he opposed turning to the Federal authority for financial aid. As the chamber often has pointed out, with Bookian logic, the "Federal" money came from local communities in the first place. So "Federal help" was a misnomer, and furthermore it carried Federal strings.

Yet Indianapolis needed to rebuild much of its downtown district. It did, spectacularly, with private money and initiative, and won admiration from all over the country.

Bill Book's newspaper days taught him the value of facts and research, the soundness of gathering detailed, valid data before making decisions on complex problems. His forte was research, as he often said, and research is a pillar of the chamber's operation today. This thin, calm man, with his trim mustache, rare powers of persuasion and abounding energy which poured into dozens of constructive channels, gave his talents to Indianapolis and its chamber of commerce for four decades. He played a giant role in making our chamber one of the most effective organizations of its type in the land.

Bill Book helped lead Indianapolis to the threshold of new potentialities and challenges. He believed in preserving what was best of the past and adapting imaginatively, intelligently to the changing world. "If we don't have a good vision for the future," he said, "we are not going to achieve very much in the future."

His vision was that of "a strong, virile, growing, dynamic community," energetically developing its cultural, social, business, educational, professional, research and scientific opportunities—making the most of its human resources.

This vision is Bill Book's heritage to the city that was his life.

[From the Indianapolis (Ind.) Times, Apr. 30, 1965]

WILLIAM H. BOOK

The impact of William H. Book on this community and his contributions to it are not difficult to measure. Both were immense.

As head of the chamber of commerce for many, many years, he not only set the tone for industrial and business expansion here, but the political and philosophical tone of Indianapolis as well.

He had a rugged belief that the responsibility for problem solving lay primarily with local communities, and this was a belief which he pursued with unyielding vigor.

Many disagreed with some of the things which Bill Book stood for. But he earned universal respect for his sincerity and for his integrity.

Beyond his duties with the chamber, Mr. Book was an energetic volunteer in countless civic efforts.

He was was closely identified over many years with the Red Cross, and was chairman of the Indianapolis chapter at the time of his death.

He served ably in a remarkable variety of other activities, ranging from the 500 festival to the annual fund drive for the United Negro Colleges.

For a man of his strong convictions and boundless energy, he was personally remarkably retiring. His voice always had that soft quality of his native Virginia, and his approach was quiet and always friendly.

The people of this community, in all economic stations, will miss Bill Book immensely, for he was a man whom they had known well and admired deeply.

Few men do so much to shape the current of any community as Bill Book did here in Indianapolis, and few work so tirelessly at what they so earnestly believe to be right.

[From the Indianapolis (Ind.) News, May 1, 1965]

WILLIAM H. BOOK

No one person will ever know all the good that William H. Book did in his life on this earth.

And no one—though many have tried—will be able to pay full tribute to his abilities or all of his accomplishments.

His interests and activities were innumerable and yet he found the time to give active, useful support and leadership to all of them—his church, his community, his family, his friends, his schools, his State, and his country. It was typical of him that he had been as busy in retirement as when he was full-time executive vice president of the Indianapolis Chamber of Commerce.

Throughout a career that involved newspaper work, public service, and his chamber career, he had a part, and always an important part, in every major civic enterprise in this city. Often little publicized, these pursuits included participation in business development, race relations, all kinds of legislation, government administration, social and welfare activity, State regulation, municipal planning, and a host of nongovernmental programs directed by citizens determined to bring about a better city, State, or Nation.

Bill Book believed firmly and fervently in free, private enterprise as it has developed under our unique form of government. He respected politics and government but he abhorred unnecessary government and its interference in private affairs. More than that, he personally was willing to do something about it. He spent all his waking hours—too many of them to the detriment of his health—trying to further those causes in which he believed.

Some of Bill Book's critics complained that he was too conservative, too opposed to changes, too much a servant of business. They didn't really know him and they didn't know his record.

He was a leader, not a follower. He was constructive, not obstructive. He could see someone else's point of view. And he wanted change, but he wanted change for the better, not change for the sake of change.

To get those changes, he wrote speeches and articles, raised money, buttonholed friends and strangers, prepared legislation, generated news stories—in short, did everything possible to accomplish his purpose.

His writing was an outgrowth of his early career as a newspaper reporter. He was both an excellent reporter and an excellent writer. He was proud of the record he made at the Indianapolis News and we at the News were proud to have him as a distinguished alumnus.

Above all else, Bill Book was a Christian gentleman who believed wholeheartedly in the principles of his religious faith and practiced those principles to the end of his days.

His life and his work made this city and State much better places in which to live. And he set a rare and admirable example of Christian service to his fellow man.

TRACKING DOWN A LIFESAVER

Mr. BRAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, under unanimous consent I insert in the RECORD an editorial from the Indianapolis Star of May 3, which tells the amazing story of the development of a new wonder drug.

This new drug, which promises to be of major significance in combating several types of infection, was developed through a series of programs, but ultimately it was through the persistence of the researchers at the Eli Lilly Co. in Indianapolis that this drug was produced in a usable form.

This story demonstrates again the invaluable role which private drug companies play in the development of new medicines and medical techniques. Not infrequently these companies are subjected to attack from those who believe that all such activities should be conducted by the Federal Government. A few years ago, the Eli Lilly Co. was among five which were charged with price fixing concerning the Salk polio vaccine. At that time I spoke in defense of the great record these companies had in producing a tremendous amount of the vaccine in a short period of time. The great discovery of Dr. Jonas Salk had to be translated into efficient, inexpensive manufacture to make it useful to the millions who needed it.

The various private companies rose to meet that challenge in a truly remarkable manner. I am glad to say that the price-fixing charges were dropped, because the Government could produce no evidence to substantiate them.

The story which follows about cephalothin tells a similar tale, and there are many such in the annals of drug research.

Despite this record the private drug industry continues to know abuse at the hands of its own Government. Very unwisely, I believe, our Government has purchased drugs from sources outside of this country which operate in violation of the drug patents possessed by American manufacturers. This practice has been decried, and legislation is pending to try to remedy this situation.

Although originally conceived of by an Italian scientist, drug producers in that country were unable to effectively develop cephalothin. One reason is that they have little protection for drug discoveries, hence, it is not feasible to underwrite new research.

In any event, we again can see from the following article the debt that we do owe to private drug companies. They have done much to relieve suffering, and the facilities and brainpower they offer in their research programs which cost many millions of dollars annually offer great hope in the continuing battle against disease.

The article follows:

TRACKING DOWN A LIFESAVER

There's a new name among lifesaving "wonder drugs." It is cephalothin, one of a family of antibiotics called cephalosporin. It is the practical result of one of the longest laboratory hunts in the history of antibiotics.

The long trail began in 1945 in the Mediterranean Sea, off the coast of Sardinia. Prof. Giuseppe Brotzu of the Cagliari Institute of Hygiene was studying micro-organisms where the city's sewers discharge into the sea. He found a fungus which secreted a substance with the power to attack and destroy disease-causing bacteria.

Excited by the discovery, the professor spent 3 years pursuing it. He succeeded in growing his fungus in the laboratory and extracting a drug which was tested with some success. Most provocatively, it was effective against the dreaded "staph" infections, which resist penicillin and the sulfas. At the same time it was relatively free from the side effects and adverse reactions sometimes encountered with those drugs. The new substance produced improvement in patients with typhoid and undulant fevers.

Alas, Professor Brotzu's drug was too weak, and too costly to produce. He made a report of his findings, and there the matter seemed at an end. To go further would require the facilities of a large industrial research laboratory, and there was no such in Italy.

An alert British health officer in Sardinia passed the report to Sir Howard Florey at Oxford University, who had helped to rescue penicillin from the oblivion of a forgotten report. The Oxford laboratories explored it, almost abandoned it because of lack of significant new results. Then after 7 years the new antibiotic, dubbed cephalosporin C, was isolated and defined. It was still too weak, but now the work went on with new encouragement. The British National Research and Development Corporation patented the new substance, but efforts to develop it into a practical commercial medicine met failure after failure.

Ultimately the scene shifted to the laboratories of Eli Lilly & Co. in Indianapolis. There were more setbacks and more disappointments. But there was also promise and the scale of work was multiplied. At last came the breakthrough, the discovery of a way to produce a cephalosporin derivative—cephalothin—of useful strength and in commercially practical quantities. The trail was 19 years long from the discovery off Sardinia to Lilly production of a marketable drug.

Along the way, the search also produced in other laboratories some new types of penicillin which went into commercial production. Still to be explored are other possible derivatives.

Many individuals and many institutions had a part in the development. There were various key elements—but one without which the others would not have been possible. That one key was the patent system. The overriding reason for lack of a major industrial drug laboratory in Italy is the fact that in Italy there is no patent protection for drug manufacturers. The hunt for cephalothin involved the commitment of large sums of money. The only practical source of such sums, to finance this kind of extended research, is the revenue to be recovered from sale of a patentable product when one is developed. That's why this work was accomplished in countries where that protection is available.

The story of the hunt for cephalothin is a story of perceptiveness, ingenuity, skill, determination, and risk taking—all thriving in the favorable climate of free enterprise economy.

A PACIFIC MEDICAL CENTER FOR INTERNATIONAL COOPERATION IN THE CONQUEST OF DISEASES

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, I have today introduced a bill which seeks to authorize the establishment in Hawaii of a Pacific Medical Center. The bill is a concrete and far-reaching effort to carry out in the field of the medical arts some of the laudatory ideas which were expressed by President Johnson in his April 7 address at the Johns Hopkins University.

You will recall that our President stated upon that occasion:

> These countries of southeast Asia are homes for millions of impoverished people. Each day these people rise at dawn and struggle until the night to wrestle existence from the soil. They are often wracked by disease, plagued by hunger, and death comes at the early age of 40.
>
> The American people have helped generously in times past * * *.
>
> Now there must be a much more massive effort to improve the life of man in the conflict-torn corner of our world * * *.

And the President went on to say:

> The wonders of modern medicine can be spread through villages where thousands die every year from lack of care. Schools can be established to train people in the skills that are needed to manage the process of development.
>
> And these objectives, and more, are within the reach of a cooperative and determined effort.

Mr. Speaker, such a cooperative and determined effort is encompassed by the provisions of the bill I have introduced.

The bill would authorize the establishment of a medical center which would provide suitable administrative and physical facilities in order to enable teaching and research of the medical arts so badly needed throughout southeast Asia, the trust territories, Okinawa, and the numerous island archipelagoes of the Pacific.

The United States has pioneered in the field of cultural and technical interchange between the East and the West through the East-West Center in Hawaii. We have already seen, with justifiable pride, the incalculable benefits which have flowed to the peoples of Asia and America from the East-West Center. It is with a deep conviction, therefore, that I state that our island State, with its people of heterogeneous racial backgrounds, is the most suitable site from which to launch this cooperative and determined effort in the field of the medical arts.

It seems that this view with regard to the suitability of Hawaii as the home of such a Pacific Medical Center is shared by many. For example, it has recently been announced that Hawaii will be the site of the first meeting of Japanese and American scientists who will commence in October 1965, to recommend ways in which their respective governments can aid in the fight against such diseases as cholera, tuberculosis, and leprosy in Asia.

Hawaii, Mr. Speaker, has the experience, the vision, and the enthusiasm to undertake this project.

Through scholarships and research grants, we can attract those with the best potential to the proposed medical center or direct them to more specialized institutions in the continental United States, in order to train Asians to help their fellow men.

We can hope to attract the very best medical minds of the more developed countries of Asia and the Pacific, as well as the United States, to impart their skills and knowledge to their counterparts from the less developed countries. Trained physicians and researchers from the technologically advanced countries of Japan, the Philippines, and Hong Kong will be invited to offer their services under the auspices of the United States in order to further develop the medical resources of their fellow Asian countries.

Universities and hospitals both in Hawaii and in the continental United States will be called upon to provide appropriate educational services through a program of fellowships, grants, and research stipends to be administered by the Center.

Advanced medical scholars and researchers from the United States will not only be asked to offer their knowledge and skills, but also to learn from Asians and Pacific islanders who have long specialized in certain areas, such as tropical medicine and pathology.

Mr. Speaker, I am convinced that such a medical center and such a medical-sharing program will be immediately embraced by the countries of Asia and the Pacific. The medical center will be a lasting and living memorial of America's aid to medicine in the countries of Asia and the Pacific.

The Pacific Medical Center will be a Federal project in its entirety and will come under the cognizance of the Secretary of Health, Education, and Welfare.

I have been informed that the cost of operating the Pacific Medical Center for a whole year should be much less than the expense for carrying on 1 month's effort in Vietnam. The comparison may not be entirely appropriate, but it is certainly graphic.

Mr. Speaker, a similar bill was introduced in the Senate on April 28, 1965, by the distinguished Senator from Hawaii, Daniel K. Inouye. Senator Inouye has requested the support of the President of the United States. He has also requested the support of the Secretary of Health, Education, and Welfare and the Secretary of State. He has already been assured of the support of many of his distinguished colleagues in the Senate.

Mr. Speaker, I earnestly solicit the support of the Members of this great body for the establishment of a Pacific Medical Center in Hawaii.

COMMITTEE ON THE JUDICIARY

Mr. CHELF. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit during general debate for the balance of this week. I understand, Mr. Speaker, that this has been cleared with the gentleman from New York [Mr. Celler] on the majority side and with the gentleman from Ohio [Mr. McCulloch] on the minority side.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ONE-PRICE COTTON

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, the elimination of two-price cotton has been the greatest incentive for the American textile industry to expand, remodel, and employ more people than ever before in the history of the textile industry. The elimination of two-price cotton is aiding the American cotton grower. It is estimated that the American textile industry will use 1 million bales more of American-grown cotton this year than during the last year of the two-price cotton. Two-price cotton was unfair to the American cotton farmers. It was unfair to the American textile manufacturers. It was unfair to the American textile workers and employees in related industries.

Mr. Speaker, let us get rid of two-price cotton once and for all by appropriate legislation during this session of Congress.

Mr. Speaker, the South Carolina Legislature in both houses unanimously adopted a concurrent resolution addressed to the Congress urging that we extend the one-price cotton program. This resolution was adopted on April 28 and follows:

H. Con. Res. —

A concurrent resolution memorializing the Congress of the United States to extend the one-price cotton program for the seasons of 1966 and 1967

Whereas the present one-price cotton program makes cotton competitive in price in the domestic market as well as the foreign; and

Whereas it ended the cost advantage to foreign mills which were rapidly taking over domestic markets; and

Whereas the two-price program would destroy many public opportunities and economic activities generated by the great cotton industry: Now, therefore, be it

Resolved by the house of representatives, (the senate concurring), That the Congress of the United States is respectfully requested to extend the one-price cotton program for the seasons of 1966 and 1967; be it further

Resolved, That copies of this resolution be forwarded to the Senators and Members of the House of Representatives in the Congress from South Carolina and to the Secretary of Agriculture.

Attest:

Inez Watson,
Clerk of the House.

POLISH CONSTITUTION DAY

The SPEAKER. Under previous order of the House the gentleman from Illinois [Mr. Kluczynski] is recognized for 60 minutes.

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KLUCZYNSKI. Mr. Speaker, today is May 3, but in Poland today there is no rejoicing, no celebration of that glorious Polish national holiday, May 3d Constitution Day. This Polish holiday, observed by the Poles for the last 174 years—since 1791—has been abolished by the Communist government imposed by Soviet Russia on the Polish nation. The Soviet puppets have created another national holiday for Poland, the date of the so-called liberation of Poland by Soviet armies. What bitter mockery of liberty this is.

But free Poles all over the world and Americans of Polish descent keep the faith, and celebrate May 3 as the true Polish national holiday. And Poles in Poland who cannot celebrate this glorious anniversary openly are celebrating it in their hearts, hoping always that the day will come when once more Poland will be free and the bells in all the churches in Poland will once more ring joyously the message of May 3, the message of freedom, justice, and democracy.

The Polish Constitution of May 3, adopted in 1791, is a veritable landmark, not only in Polish history but in the political and constitutional history of all eastern Europe. For the first time, constitutional monarchy with limited powers and a responsible cabinet form of government was adopted in that part of Europe. By that Constitution, ancient class distinctions and privileges were wiped out, and the arm of the central government was strengthened by extending the protection of the law to the peasantry. Most significant, however, for those days and for that part of Europe, was the fact that this Constitution guaranteed absolute religious freedom. In this and in many other ways the Polish Constitution of 1791 was the vanguard of democracy's advance into central and eastern Europe. Although the Polish State was shortly thereafter devoured by her predatory neighbors, this Constitution remained a beacon to the Poles in their never-ceasing efforts for freedom and independence, efforts which were crowned with success in 1918. And today, though Poland has lain beneath the oppressor's heel since 1939, the ideal and principles of that Constitution continue to inspire Polish patriots in their struggle against tyranny.

Today, in commemorating the 174th anniversary of the adoption of that Constitution, we pay our respects to the memory of its creators—men of vision and of courage. In celebrating that historic anniversary we strengthen the bond of sympathy and understanding between ourselves and the Polish people who have been sealed off from the free world. We ardently hope that soon all Poles will be able to celebrate this anniversary in a homeland again made peaceful and free.

Mr. Charles Burke of the Polish American Congress, writing about the anniversary of the Polish Constitution of May 3, reminds us of other anniversaries that also will be remembered this year by free Poles the world over, for this year is also the 25th anniversary of the Katyn Forest massacre, when 15,000 Polish officers and professionals were slaughtered by their brutal Communist captors.

The Katyn massacre, which shocked the world as one of the most savage acts of genocide in World War II, took place 25 years ago in a forest near Smolensk in the Soviet Union. The first news of the mass graves at Katyn was announced by the German radio in April 1943. Citing identification cards, letters, and newspapers found in the graves as well as the expert opinions of pathologists, the Germans accused the Russians of the massmurder of Polish officers and intellectuals in the month of March 1940. Radio Moscow not only denied the accusations, but in turn charged the Germans with this hideous crime. The Polish Government-in-exile in London appealed to the International Red Cross to conduct an impartial investigation, and from this background the following facts were established: the bodies of 4,423 Polish officers, scientists, professors, chaplains, lawyers, and students were found in three mass graves in the Katyn Forest. Their last place of imprisonment had been the military prisoner's camp at Kozeilsk. An additional 9,860 Polish officers from the Starobielsk and Ostashkov camps had disappeared without a single trace.

On September 18, 1951, the House of Representatives appointed a Select Committee To Investigate the Katyn Massacre. Headed by Representative RAY J. MADDEN, of Indiana, the committee was composed of Representatives DANIEL FLOOD, of Pennsylvania, Foster Furcolo, of Massachusetts, Thaddeus Machrowicz, of Michigan, Alvin O'Konski, of Wisconsin, and Timothy Sheehan, of Illinois. After a detailed investigation of the pertinent documents and hearing the testimony of hundreds of witnesses, the committee stated in its reports in July and December 1952 that beyond doubt, Russia stood accused of the Katyn massacre.

All of us who live in the free nations of the world, and especially those of us who have the good fortune to live in our own United States, blessed with personal liberty greater than any nation in history has enjoyed, tend to turn away from these bitter memories. We strive, and rightly so, for a better world ahead, and perhaps would prefer to close this page of history and forget. But we cannot allow ourselves that luxury. The truth must be remembered, to show how at one time a civilization reverted to barbarism, and then to remind ourselves of the perils that are not far away.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, 174 years ago today the Polish people adopted the now justly famous Constitution of May 3, 1791, in the hope of uniting Poland under an improved constitutional government against her traditional foes—Russia, Prussia, and Austria.

The Polish Constitution of 1791 is a landmark in the struggle of men to form a government that will be guided by the will of the majority and subject to laws formulated by representative bodies. It ranks with our own Constitution and the English parliamentary system as an example of what a free people can accomplish when they dedicate themselves to the ideals of liberty and democracy for all men.

Viewed in historical perspective, the constitution is an amazing document. That such a blend of conservatism and liberalism could have been achieved in an age of absolute monarchs and dictatorial regimes dedicated to their own lust for power is a historical feat of giant proportions. It set up a constitutional monarchy in which the prerogatives of the king were carefully defined. The executive power which he possessed was exercised through a cabinet which was responsible to the Diet, or Parliament; any member of the cabinet could be removed at any time by a two-thirds parliamentary vote. The chamber of deputies was given decided preponderance over the senate, whose role was confined to that of adviser and moderator.

Suffrage was widely extended and many of the economic barriers between the nobles and the bourgeoisie were broken down. The townsmen recovered their judicial autonomy and received a number of political rights. Most important, the doors to the Diet were opened once again to deputies from the towns, a reform which greatly broadened the basis of representation, hitherto restricted to the noble class. Finally, the peasantry, so long without recourse against the arbitrary will of often cruel masters, was now taken under the protection of the law.

All this was accomplished in a country where previously 100-percent agreement had been required on every bill that was adopted by parliament. In short, this great nation accomplished a major judicial and economic revolution without bloodshed and without domestic violence. Various groups within Poland's society received increased rights; autocratic privileges were curbed. But agreement on the need for reform was so widespread that those whose power was reduced did not revolt against the new government.

As has happened so often in Polish history, the Poles themselves were not permitted to determine their own future. After the war with Turkey had ended, Russia and Austria again turned their attention to Poland, and in 1793 Poland was partitioned for a second time.

So great was the accomplishment of the Polish nation in 1791 that May 3 has become a national holiday for Polish citizens all over the world. On this important day it is fitting for us to remember the Polish dedication to an ideal—an ideal of fair and representative government. The Polish Constitution did not survive for long, but the ideals that it embodied are vibrantly alive in Polish hearts today. I am proud to salute my Polish friends on this important day—a day on which all Americans rededicate themselves to the hope of all Polish people everywhere, that in the near future Poland will once again be a free nation under a constitutional democratic government.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Illinois, who has done such a marvelous job as the chief investigator in 1952 of that great committee, chairmaned by the gentleman from Indiana [Mr. MADDEN] and who did such an outstanding job in investigating the Katyn Forest massacre.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman from Chicago for taking time today to pay tribute to this very inspiring doctrine, the Polish Constitution, which was adopted 174 years ago on May 3 by the people of Poland. The gentleman from Illinois Mr. [KLUCZYNSKI] is performing a great public service by taking this time to remind us of the contents of that great document and what it has meant since its adoption in 1791.

Yesterday there was a massive observance in the city of Chicago where 150,000 people assembled in Humboldt Park to pay tribute to this constitution, and to hear an inspiring message by the Vice President of the United States, Mr. HUMPHREY, who was the main speaker. Vice President HUMPHREY quite properly pointed out at this huge observance in Chicago yesterday that Poland's Constitution of May 3, which Poles and all freedom-loving people honor all over the world, was the first liberal document submitted to the continent of Europe.

This Polish Constitution was adopted 4 years after the American Constitution. It was no surprise that the Polish people in Europe should follow the footpaths of our own Founding Fathers in America, because for 1,000 years the Polish people have been fighting for human dignity and freedom. This document adopted by the Polish people 174 years ago brought new hope to the European continent. It brought a new and revolutionary concept of self-determination to a continent where subjugation of whole nations by despotic rulers was an accepted way of life. This is the real meaning of Poland's Constitution of 1791 and this is why millions of Americans pay tribute to this magnificent doctrine every year.

We here in Congress pay tribute to this document because we feel it is important to remind people that, yes, 174 years ago the brave people of Poland adopted the Constitution which recognized the dignity and freedom of man. Tragically that Constitution was destroyed only 6 years later when Poland was torn apart by her warring neighbors simply because they could not tolerate such revolutionary concepts of freedom and dignity on the European Continent which had been introduced in the United States just a few years earlier. They feared that the seeds of freedom transplanted from the shores of America to Europe by the Poles in their Constitution would threaten the very existence of despotism in Europe. It is a tragedy that the Polish Constitution was not permitted to flourish because today we would have had in Europe the same concepts of democratic progress that we have in this country.

Mr. HUMPHREY gave one of the most inspiring messages ever heard during the 26 years that Polish Constitution Day has been observed in Chicago. It is significant that 150,000 people gathered there gave him a thunderous ovation in recognition of the fundamentals he laid down in Chicago. These people were applauding Mr. HUMPHREY and at the same time, President Johnson who 2 years earlier had addressed in a stirring manner a similar gathering of 150,000 people.

I should also like to point out that the president of the Polish National Alliance, Charles Rozmarek, very strongly yesterday endorsed the brave and heroic decisions made by President Johnson both in Vietnam and the Dominican Republic. Mr. Rozmarek quite properly reminded the people that this great Polish Constitution had been destroyed only because the people in Europe did not understand the price of freedom. Mr. Rozmarek said that our great President, President Johnson, recognized the price we must pay for freedom and in a bold move and a determined move has served notice on the Communists that we are not going to capitulate to their aggression.

I should like to quote two short paragraphs from Mr. Rozmarek's remarks because I think it is significant that the president of the largest Polish-American fraternal organization in the world should today fully subscribe and endorse the foreign policy of our great President.

Mr. Rozmarek said yesterday, in introducing Vice President HUMPHREY:

> In this race between liberty and disaster, I am convinced that President Johnson's firm decision to defend South Vietnam will be assessed by historians as one of the most important moves of the current decade.
>
> We are proud that President Johnson is rebuilding our foreign policy on a strong military basis and on diplomatic firmness. This is also strengthening our American image abroad.
>
> As Americans, we wholeheartedly support our President's bold and prudent course of action in the defense of freedom.

Mr. Rozmarek's tribute to President Johnson and Vice President HUMPHREY reflects the high regard those Americans of Polish descent have for these two great leaders.

Mr. Speaker, I should also like to point out that participating in yesterday's tribute to the Polish Constitution in Humboldt Park was Mayor Richard J. Daley, today acclaimed as the most effective public administrator in the world. His presence gave renewed meaning to the dignity of yesterday's tribute.

So I should like to congratulate the gentleman from Chicago [Mr. KLUCZYNSKI], now in the well of the House for taking this time today to pay tribute to this great document because this yearly observance on the floor of the House of Representatives serves to help remind all Americans regardless of what their ethnic background may be, of the great price that has been paid by people in the past in defense of freedom. Mr. KLUCZYNSKI again demonstrates his unyielding dedication to the cause of freedom.

In closing, Mr. Speaker, I should like to pay tribute to the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts [Mr. McCORMACK], who today, knowing that the gentleman from Chicago had obtained this special order to commemorate this occasion, invited the gentleman who is now occupying the chair as Speaker pro tempore, the gentleman from Illinois [Mr. ANNUNZIO] to preside while this tribute is being paid.

Many of my colleagues do not know, and I think they ought to know, that Mr. ANNUNZIO represents a congressional district in Chicago in which are located the headquarters of most of the largest Polish fraternal organizations in America, including the Polish National Alliance. I think it is most fitting that our distinguished Speaker would select Mr. ANNUNZIO to preside over this tribute on the 174th anniversary of Polish Constitution day.

Mr. KLUCZYNSKI. I want to thank the gentleman from Illinois for his fine remarks. Again I want to say as chief investigator for the Katyn Massacre Committee, back in 1951 the gentleman from Illinois [Mr. PUCINSKI] did an outstanding job and made one of the finest reports that has ever been recorded in the Congress.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman.

Mr. DORN. Mr. Speaker, I would like to join my colleagues here today in complimenting and commending the distinguished and able gentleman from Illinois for his continuing fight for the freedom of the people of Poland. I would like to join my dedicated and devoted colleague in pointing out that Poland is not "Communist Poland." It is a great country that has been taken over by the Russian Communist conspiracy through stark raw military aggression. Some day the Polish people will rise again and win back their freedom as they have so many times in the past history of the world.

When I think about the distinguished gentleman from Illinois [Mr. KLUCZYNSKI], and the gentleman from Illinois [Mr. PUCINSKI], the gentleman now presiding over the House [Mr. ANNUNZIO], and all my good friends, I think about the patriotic and able leadership afforded by them not only to the people of Polish extraction but to all the American people. I commend the gentlemen for keeping alive in the hearts of the Polish people and in the hearts of freedom-loving people everywhere the desire and determination to free Poland from Communist bondage.

Mr. KLUCZYNSKI. I thank the gentleman from South Carolina [Mr. DORN].

Mr. GARMATZ. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I am happy to yield to the gentleman from Maryland.

Mr. GARMATZ. Mr. Speaker, I had the pleasure of attending and addressing a banquet in Baltimore last night by a Polish group representing the Polish Congress of America, in observance of their 174th anniversary.

I would like to insert that address at this point in the RECORD:

> Mr. Toastmaster, Governor Tawes, Father Szelagowski, distinguished officials of our State and city government, other head table guests, officers and members of the Maryland Division of the Polish American Congress, ladies and gentlemen, once again we assemble to commemorate the 174th anniversary of the adoption of the Polish Constitution of May 3, 1791. This is the most significant day in Poland's history, and is being commemorated by approximately 10 million Americans of Polish ancestry throughout our country today.
>
> But May 3, 1791, is not just an anniversary, it stands as a memorial day for what was once a free Poland and it prophesies the ultimate triumph of justice even though Poland has once more been deprived of her independence and sovereignty by Soviet Russia. For "Truth crushed to the earth shall rise again," say the poets, and so it has with the Polish people who have time and again since this memorable date revolted from tyrannical domination and asserted their national identity.
>
> This year's constitutional day observance also coincides with other significant dates in Polish history: the 25th anniversary of the discovery of the Katyn massacre; the 20th anniversary of the Yalta Agreement; and the 20th anniversary of the treacherous imprisonment by Russia of 16 members of free Poland's underground government.
>
> Of these dates, the one that will long burn in the hearts of Polish patriots as one of the most brutal acts of genocide in World War II was perpetrated by the Russians who massacred 14,283 Polish officers and intellectual prisoners in the spring of 1940 at the Katyn Forest near Smolensk in the Soviet Union.
>
> When accused of these murders, Moscow immediately denied them and countercharged the Nazi's with responsibility for this hideous crime. To establish the truth the Polish Government-in-exile in London appealed to the International Red Cross to conduct an impartial investigation of the incident. Since the Red Cross demanded representatives of each country involved in the charges to be present during the investigations, they refused to conduct them. for Soviet Russia would not agree to be represented. The Russians instead severed diplomatic relations with the Polish Government-in-exile, denouncing it as acting falsely in collaboration with Nazi Germany.
>
> It wasn't until December 1952 that a select committee of the U.S. House of Representatives after a year and a half of detailed investigations of pertinent documents and testimony by hundreds of duly identified witnesses established beyond the shadow of a doubt that Russia stands accused of the Katyn massacre.
>
> These facts of crime, deceit, falsehood, and treachery should bring about a new awareness to us of the Western World, of the true face of communism.
>
> We must here today rededicate ourselves to deliverance of not only the Polish people but all peoples behind the Iron Curtain from the yoke of oppression.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Massachusetts.

Mr. KEITH. I should like to join in commending not only the gentleman from Illinois but also the gentleman who headed the committee which investigated the Katyn Forest massacre.

I should like to recall to the Congress the efforts of Ambassador Arthur Bliss Lane, who, in my recollection was the only career Ambassador to ever resign in protest over our country's failure to live up to treaties which we entered.

Ambassador Lane was our Ambassador to Poland who, when we failed to insist on the free elections for Poland as called for in the agreements entered into at Yalta resigned in protest in order to point out to the world our country's failure to live up to its commitments.

I believe it is a great tribute to President Johnson that he has, in recent days, taken the action he has in regard to the Dominican Republic and Vietnam. It shows a much enlightened view of worldwide Communist efforts to subvert the democracies from their course which would bring true self-government to all countries of the world. I join with the gentleman from Illinois [Mr. KLUCZYNSKI] and others in commending him on a courageous course of action.

Mr. KLUCZYNSKI. I thank the gentleman from Massachusetts.

Mr. NEDZI. Mr. Speaker, today we pay tribute to a great day in the history of Poland.

This is the 174th anniversay of the Polish Constitution, a remarkable document written by a remarkable group of farsighted men in 1791.

By our observance, we remind the world of the contributions Poland has made to the development of Western civilization. Moreover, we remind ourselves of the lessons to be learned from Poland's fight for freedom over the centuries.

America's growth was given much of its early impetus and its continuing sustenance by a great Constitution. Americans should appreciate, therefore, the veneration of its Constitution by the Polish people.

The Polish Constitution of 1791 was a progressive document, greatly influenced by liberal movements in England, France, and America. Unfortunately, the people were denied the chance to live under this Constitution. The spirit in which it was developed alarmed the dictatorship in Russia, just as the attractive example of Poland's independent spirit has continued to alarm her totalitarian neighbors down to the present day.

In Poland today, there is still a desire for true freedom, just as there was in the 19th century, when there was no Poland except in the memories of the people.

It was in the year 966, nearly 1,000 years ago, that Poland accepted Christianity and joined her destiny to the West. Ever since, the Catholic church has been the sanctuary of nationalist spirit.

The people of Poland know they must walk a shadow line—resistance to the East, sympathy for the attractive West. Their geographical position is a hazardous one.

But the Communist Government of Poland has reversed the liberalization encouraged by the revolution of 1956. The hopes aroused then have been steadily dampened. The screws have been turned a little tighter.

Religion is under attack in Poland; the Catholic church is in a continuing contest to preserve some independence.

A few weeks ago Stefan Cardinal Wyszynski protested to Premier Joseph Cyrankiewicz that the regime is inspecting classes, confiscating church schools, and drafting seminary students into the army.

Cardinal Wyszynski has been a titan of strength in preserving the vitality of the Catholic church under the most trying circumstances. He is one of Europe's outstanding figures and we look forward with great anticipation to his scheduled visit to Detroit in 1966.

In our lifetimes, we have seen Poland undergo bitter suffering. The root causes of this suffering pose lessons that we must not forget.

Yet, once again we hear expressed the same views which ultimately cost the lives of millions of men and women in World War II.

People of Polish blood remember their history better than most Americans. Certainly, if Hitler had been challenged and stopped early when he took over the Rhineland, Austria, and Czechoslovakia, his invasion of Poland may never have happened.

We are told by some today, as we were told in the 1930's, that the countries threatened are far away. But seldom does an aggressor make it convenient for you. It is suggested that the aggressor will be content if he is permitted just one more bite. But the appetite for aggression grows upon feeding.

Recent Polish history, indeed, all recent history, teaches us that withdrawal will encourage rather than discourage our adversaries. I hope our memories are not so short that we will have to learn this bitter fact again—the hard way.

President Johnson and Secretary of State Rusk know their history. Therefore, there will be no appeasement in southeast Asia. We will stand firm.

Whatever we as a nation do in the short run affects our interests in the long run. As the principal guardians of the free world, we must honor our commitments now or risk complicating our expected responsibilities 5, 10, and 20 years from now.

The hottest trouble spot of the moment is Vietnam. Our policy is to stay in South Vietnam until that Government's ability to maintain its own security is firmly established.

One does not have to fully accept the automatic operation of the so-called "domino theory" to recognize the strategic and psychological importance of South Vietnam.

We hear some people advocate withdrawal. But consider the impact of any American withdrawal on the stability of Thailand, Laos, Cambodia, and Malaysia. And think what this would mean to Japan and India, two democracies without nuclear arms who might someday need to rely on our assurances and nuclear guarantee in the face of a hostile, nuclear-armed China.

Moreover, we must consider our overall position in Asia, Africa, and Latin America, particularly in the light of present conditions in the Dominican Republic, and consider what a soft policy in one place will do to our interests elsewhere.

Regardless of the complexities and unpleasantries, therefore, we must meet our responsibilities.

It is good to restate these truths. For while Poles have discovered a new society in America, and helped to build America as Americans, they have not forgotten their history and traditions and the lessons of recent history.

Mr. KREBS. Mr. Speaker, in marking today's 174th anniversary of the Polish Constitution, I would like to express the hope that soon all Polish peoples will be able to freely celebrate the many happy occasions of their nation's illustrious history.

It is fitting for the U.S. Congress to take note of this anniversary as but one more act of a warm friendship that has characterized the life of these two countries. Indeed, the names of Poland's own heroes are names familiar to Americans who take pride in the revolutionary spirit of our own Nation's birth. The Kosciusko's and Pulaski's were but forerunners of the Polish allies which our later American GI's valued during World Wars I and II.

This long heritage of common American and Polish interests has been demonstrated not only in the fields of military battle but in recent years has been cemented in such humanitarian ventures as the establishment of the Krakow Children's Hospital in Poland. This wonderful project has been financed by American foreign aid and it is the kind of constructive assistance which Americans unstintingly support. As then-Senator HUBERT HUMPHREY stated last year:

> Here we have shown our willingness to enter into workable agreements in fields which offer progress, while recognizing continued conflict over other matters.

Mr. Speaker, it is my firm wish that our two peoples will continue finding areas of workable agreements for a fuller enjoyment of freedom which Poland's people have found wanting in that nation.

Mr. GREEN of Pennsylvania. Mr. Speaker, on the 3d of May each year, this House sets aside time to commemorate the constitution proclaimed by Poland on that day in 1791. In those famous words spoken on another occasion, "it is altogether fitting and proper that we should do this." For our commemoration serves a dual purpose. It reminds us, on the one hand, that the principles of freedom and democracy are not the exclusive product of the society and culture originating in Western Europe, and espoused most vigorously in our own country, but that these same principles found eloquent expression in Eastern Europe at virtually the same time as our own Government was being established. Secondly, this reminder of Poland's democratic heritage services to refresh and invigorate our belief that the era of Communist domination cannot last. As

Poland has won her freedom in the past, so she will surely recapture it in the future.

The history of Poland has not been a happy one. She has been called a victim of her geography, and in a sense this is so. Caught between more powerful states lying to the east and west of her, she has had to battle repeatedly for national survival. At times that battle looked hopeless, but for that very reason the people of Poland never gave up hope, a quixotic hope, some would say, but a hope which history validated in the long run when, at the end of the First World War, a Polish state was once again established.

Today Poland is once again under a foreign heel. True, the government is Polish, but it is a puppet government, kept in power by Soviet bayonets. If a truly free plebiscite were held tomorrow, the Polish people would vote their masters out of office before the day was done.

For the tradition of Poland is the tradition of the constitution of 1791. It is the spirit of truly responsible and democratic government, the spirit which says that all power in civil society should be derived from the will of the people. It is the flaming determination to be free, manifested throughout Polish history, both at home and abroad. It is Kosciusko and Pulaski in our own Revolution, and it is the indomitable fighters who finally took Monte Cassino in World War II. With this spirit, who can doubt that a free and independent Poland will one day resume her rightful place among the nations of the world?

Mr. ROSTENKOWSKI. Mr. Speaker, on May 3, 1791, the people of Poland adopted a Constitution whereby they declared:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

This action by the Poles followed just 2 years after the United States adopted its own Constitution of freedom, by which we are still governed. The birth of freedom highlighted world history late in the 18th century.

Today marks the 174th anniversary of that great moment in Poland's history and I rise to recognize the Poles of that era for the courage and strength they displayed in declaring their freedom from oppression and tyranny, which prevailed in Europe at the time. The Poles consider May 3, 1791, the greatest moment in their history and this May 3 we pay tribute to the Poles to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

However, the importance of the occasion cannot be celebrated in Poland today, in the fashion that we celebrate our own Independence Day, for the Polish Constitution is not the rule under which present-day Poland is governed. The citizens of Poland cannot enjoy the human dignity professed by their ancestors under their doctrine of equality, for the cloak of communism has descended upon them. The will of the people does not exist in today's Poland, for the Communists do not believe in the will of the people. Under their form of rule the people serve the Government rather than the Government serving the people. This moment in our history is likened as to the history of May 3, 1791, because of the intensified move by modern-day despots to control the will of the people in the world today, as the despots of Europe of those days crushed the desires of their subjects. Therefore, the recognition that we give to the May 3 Polish Constitution on this occasion has greater meaning than before, for it contains the hope of the free world and to keep this hope alive we must strongly endorse the purpose for which it was designed. The precious freedom that we enjoy is the light of hope for the world so our actions for this cause must be strong to give strength to the people of the captive nations to work for their right of self-government. We are their incentive just as we were the incentive for the Poles of 1791 when they moved for independence and self-government.

The age-old struggle of tyranny against liberty has intensified around the globe. The liberties in southeast Asia are being challenged, the liberties in the Caribbean are being challenged, and the liberties in Europe are being challenged. Unless we support the cause of those liberties we cannot help but expect our own liberty to be challenged for the spread of communism will not stop at our shores if they are successful with their movement in the rest of the world. We must be more firm than ever in protecting what we fought for in two great wars and we must defend what so many died to protect.

Unfortunately before the Constitution was put into full force, Poland's enemies overpowered her for they could not afford an independent nation to gain strength within their midst. Poland has never really enjoyed the fruits of their move toward independence but the spirit of their move remains strong in the present generation of Poles. They have not given up hope that one day they will enjoy the right to own land, the right to worship as they please, the right to hold office in their Government, and the right to express their views on governmental affairs. Although they do not enjoy full liberty the Polish people in that nation are asserting themselves more and more. They are encouraged by our stand for equality and I believe their will for freedom can again be realized by their continuing their determined efforts toward that goal. The knowledge of their Constitution is the guideline by which they can resolve their present plight. It is the rule by which they should live, for it is the rule by which they want to live. Poland's history has been a saga of glory and tragedy, but this nation has never quit. They have not forgotten the promise of 1791 and I am sure that we all believe that someday this promise will be realized.

By observing the anniversary of Polish Constitution Day we renew our support of their liberation from oppression and give meaning to their cause. But more so we give meaning to the cause of all freemen in the world today. This is the important struggle in the world today and to win it we must be firm. Our firmness gives courage, not only to Poland, but to all the captive nations, which will one day break loose from their bonds so that the world will rejoice in peace.

Mr. HELSTOSKI. Mr. Speaker, yesterday afternoon the Polish people of the 9th New Jersey District, which I have the honor to represent, and those of the surrounding areas met to observe the 174th anniversary of the Polish Constitution.

The many people who assembled to give recognition to this historic Polish document, are proud of their heritage and of their contributions to the American way of life. These who have migrated to this country years ago have taken part in developing this Nation to the stature it holds in the eyes of the world.

The Poles who came to our shores in recent years as displaced persons or refugees know the meaning of the words "freedom and liberty" as opposed to "subjugation and oppression" now being practiced in their beloved country, Poland.

At this celebration, they reaffirmed their desires and hopes that Poland will once again be free and independent, and take its rightful place among the free nations of the world.

As the main speaker at this celebration, I traced the history of Poland throughout the years and expressed my hopes that Poland would again be free. Mr. Speaker, under leave to extend my remarks, I would like to include these remarks which were delivered to the freedom-loving Poles of my congressional district:

REMARKS BY MR. HELSTOSKI

Poland, one of the larger and more populous countries of Europe; venerable in her 1,000-year-old existence; admired for her chivalry and her heroism; respected for her courage and her love of liberty; champion of the cause of freedom, whose banners bore the motto "For Our Liberty and Yours"; a great contributor to the world's culture and science; the Poland of a glorious historical past, now despoiled by enemies, abandoned by friends, this Poland shall be the subject of my talk this afternoon.

The Sarmatians, ancestors of the Poles, for 2,000 years occupied lands along the shores of the Baltic with boundaries extending to Berlin, Bohemia and Central Russia. Buried cities disclose the ruins of walled cities and imposing temples containing many evidences of ancient culture.

In 964, the North Slavic tribes, uniting under the leadership of the Piast family formed the independent state of Polska (Poland). Prince Mieczyslaw became the first ruler with Gniezno the capital. The new nation accepted Christianity and joined the Western Roman culture.

Shortly after Boleslaw the Brave ascended the throne, Germany, Bohemia and Hungary attacked Poland. At the head of 15,000 knights, he defeated the armies of the German Emperor, and in turn conquered Bohemia, Hungary, and later defeated the Dukes of Moscovy. His great ability in military tactics firmly established the borders of Poland.

During the following three centuries Poland was engaged in defensive wars. When Genghis Khan invaded Europe about 1250, it was Poland that finally stopped the Mongol invasion.

The order of the Teutonic Knights of the Cross presented a serious problem for the Polish nation. Konrad, Polish Duke of Mazovia, invited the Knights to Christianize the pagan Letts. Instead, they built fortified strongholds and proceeded to prey upon their neighbors. They burned villages and slaughtered the populace. Later they sacked Polish cities in West Prussia and eventually attempted to invade Poland. King Lokietek curbed their lawlessness by defeating them in 1320.

Casimer the Great was without doubt Poland's greatest King. During his reign there was established a new code of laws embracing all parts of Poland. He launched an extensive program of public and private improvements. Huge massive structures of stone and marble appeared in many parts of Poland. He also founded the University of Krakow in 1364, which celebrated its 600th anniversary just last year.

Mikolaj Kopernik (Nicholas Copernicus) the great astronomer, who revolutionized the world's conception of the solar system, was one of the students of the Krakow University.

Then followed the most momentous event in Poland's history—the voluntary union of Lithuania with Poland. Jadwiga, Poland's first queen, at the age of 13, was elected to the Polish throne. She proceeded to improve the living conditions of the peasantry. Under her reign, health centers and hospitals were established and provision was made for the care of the young and old of the poorer classes. Her solicitude for the welfare of the people won her the love and affection of her subjects. She was acclaimed the most beloved ruler in Poland's history.

Wladyslaw Jagiello, Grand Duke of Lithuania, sought the hand of the young queen, promising the union of his vast domain with Poland and further promising the acceptance of Christianity by his people. Through the marriage that followed, Lithuania was united with Poland. The union of the two nations continued for 400 years until 1795.

The great Jagiellonian dynasty which ruled Poland until 1672, began its reign with the election, in 1386, of Wladyslaw Jagiello as King of Poland. During his reign, war broke out between Poland and the Knights of the Cross. A victory for the Knights of the Cross might have eliminated Poland as a nation. The historic battle took place at Grunwald in Prussia and resulted in a brilliant victory for the Poles. The Teutonic Knights were completely defeated and their grand master killed. This occurred in July 1410. The Order of the Knights finally disbanded in 1550, when Albrecht I, their grand master, joined the Lutheran Church.

Albrecht I, grand master of the Teutonic Knights of the Cross paid tribute to Poland. All Prussian cities were under Polish rule. This was the beginning of Poland's greatest era. She became one of the wealthiest and most important nations of Europe for the following 150 years.

When Zygmunt August became King of Poland in 1545, Livonia was united with Poland. During his reign all Europe, except Poland, was engaged in bloody religious wars.

Poland proclaimed religious freedom within its boundaries and thousands of victims of religious persecution fled to Poland.

During the reign of Stefan Batory, mints were opened in Wilno, Lithuania and Riga, Livonia (Latvia). Batory's rule, though lasting only 10 years, was marked by great wisdom and ability. Among his greatest accomplishments was the establishment of the University of Wilno, in 1560, and many lesser institutions of learning so that Polish education and culture would have the best means of expansion and existence.

Zygmunt III, of the Swedish Vasa Dynasty, became the King of Poland. His father was Gustav III, King of Sweden, his mother was a Polish princess. Zygmunt was also King of Sweden during the years 1592–1604. His reign marked the peak of Poland's golden era. The numerous mints of Poland issued vast amounts of money. Among the unusual, were the 100, 70, 50, 10, and 5 ducat gold pieces. During Zygmunt's reign and that of his two successors, the title—King of Poland and Sweden—was used on all coins.

During Zygmunt's reign war broke out between Poland and Russia. When Prince Wladyslaw captured the strong Russian fortified city of Smolensk, the Russians surrendered. Wladyslaw's generous and magnanimous conduct won the respect and admiration of the defeated Russians.

In 1610 they elected him Czar of Russia and it was most unfortunate that the Polish Diet delayed the approval of this election. The Russians, after waiting 3 years, finally elected a Romanoff as their czar. Thus, instead of Polish kings, the Romanoffs occupied the throne of the czars for the next 300 years.

Poland, through hesitancy and delay, lost a golden opportunity of uniting the vast domain of the Russians with that of Poland and Lithuania.

During the reign of John Casimer, Poland was attacked by Sweden, Russia, and the Tatars. Enemy armies had overrun Poland and finally at the siege of Krakow and Czestochowa, Poland defeated the combined armies of Sweden and Brandenburg. Though Poland was victorious, nevertheless she paid a terrible and costly price for her victory. The country lay in ruins and the people of Poland were demoralized.

But, through the dark clouds of despair, Poland came into the great moment of glory. Shortly thereafter, Poland's great military leader, Jan Sobieski III ascended the Polish throne as King of Poland. Vienna was besieged by a half million Turks and her fall seemed to be imminent, particularly so since Emperor Leopold I abandoned Vienna and sought refuge with his military leaders in the Bavarian Alps, strangely enough near the site later selected by Adolph Hitler as his refuge.

Pope Innocent XI, despairing of the situation that endangered not only Vienna but the Christianity of Europe, sent an urgent plea to the King of Poland for help in the fight against the Turks.

Sobieski, at the head of 45,000 Polish troops hurried to the aid of Vienna. Upon his arrival, he was selected commander in chief of the allied forces. Shortly thereafter a fierce struggle ensued and the battle waged for a considerable time, with the final result in doubt. Finally, Sobieski at the head of his Polish troops, attacked the mighty Turk forces and on September 13, 1683, drove the Turkish armies out in disorder, captured thousands of prisoners and vast amounts of arms. The whole Moslem camp fell with its rich treasures into the hands of the Polish Army. Among the many priceless articles, a very rare and expensive Persian silk wall hanging was removed from the vizier's tent. This was turned over to Sobieski, who presented it to his adjutant, Prince Sanguszko. This historic trophy is now owned by the Cleveland Museum of Art.

Through this victory, Vienna was saved as so was the Christianity of Europe, yet a hundred years later Austria participated in the partition of Poland.

After Sobieski's death, August II of Saxony was elected King of Poland. The election to the Polish throne of the Saxons, August II and his son August III, was most unfortunate to the Polish nation. Their misrule and loose living demoralized the people of Poland and, with the aid of France and Sweden, Stanislaus Leszczynski was placed on the throne of Poland, after having deposed August II. This reign lasted only 5 years when August II regained the throne.

The last King of Poland, Stanislaw August, attempted to instill a new spirit into the nation. He established a national department of education, and recodified the laws of Poland. His greatest effort, however, was the adoption of a new constitution on May 3, 1791. On that memorable day in 1791, King Stanislaus exhorted the deputies of the Polish Diet to accept the new Constitution as the last means of saving their country and himself set an example by swearing to defend it. Under this Constitution class distinctions were abolished, absolute religious toleration was established, and every citizen was declared equal under the law.

The Polish Constitution of May 3, 1791, ranks with our own Declaration of Independence and with that of England's Magna Carta as one of the great democratic documents of history, granting liberty to its people. Its adoption by the Poles came shortly after the Declaration of Independence of our own country, and the principles in both documents show great similarity.

Throughout this Nation, as throughout the world, people of Polish descent hail May 3 as we hail the celebration of our independence on the 4th of July. Why they cherish this holiday is not hard to understand when we recall our own joy at having cast off the yoke of nobilities' oppression back in 1776. The Poles did likewise when they divorced themselves from the noble ruling class and established an independent and free country 174 years ago.

Unfortunately, the Constitution had hardly been signed when Russia, Prussia, and Austria invaded and partitioned the country in 1793. Subsequently, in 1795, the Polish nation was devoured by her predatory neighbors because it dared to be liberal and democratic, despite the fight to keep free by Thaddeus Kosciuszko, a name familiar to us in our own struggle to keep free and independent.

Through the efforts of Ignace Jan Paderewski and with the assistance of President Woodrow Wilson, Poland again attained her freedom in 1918 when the Republic of Poland was formed and the new Government followed the basic ideas of the original Constitution of 1791.

However, freedom for Poland was of short duration, for in 1939 Hitler and his Nazi hordes unleased their power against Poland and invaded her fertile lands. After 6 weeks of desperate resistance against the vast military might of the Nazis, Poland was compelled to yield when it was administered the death blow by the Russians' invasion of Poland from the rear on September 17, 1939.

After Poland's collapse in 1939, her sons fought with distinction in North Africa, Italy, France, Belgium, and Germany. Her brave airmen fought in the defense of Britain. On land, on sea, and in the air, Poland's gallant sons gave their all for the Allied cause.

Poland's reward is the loss of her 1,000-year-old fatherland and being branded by her allies as "Communist Poland." Poland is not, never was and never will be Communist. If Poland is Communist dominated, it is not by her choice or her desire, but by the will of her allies.

Poland will always remember Yalta and Teheran, as the most cruel appeasement in all history. Poland, a heroic and cultured nation of over 30 million people, willfully condemned to political slavery by her allies.

Every foot of Polands' ground is drenched with the heroic blood of her sons, who for a thousand years fought in the defense of their homeland. The graves of Poland contain the remains of her sons who gave their lives for their beloved country. Poland is the hallowed ground of her people and will continue to be so long as there is a solitary son of Poland.

If nations like Poland, Czechoslovakia, Rumania, Hungary, Yugoslavia, Lithuania, and Latvia had not been handed over to Russia they would have formed an Iron Curtain against Russia, instead of constituting an Iron Curtain against the democracies of the West.

If the world of democracy is now fearfully living in the shadow of World War III, the elimination of Poland as a free nation is in a large measure the answer to the world's present state of apprehension.

Yet the Poles have never lost faith. They hope and pray that democracy of the world will prevail and that 30 million Poles, now enslaved, will regain their freedom and liberty. In the words of Poland's national anthem, "Jeszcze Polska Nie Zginela"—Poland is not yet lost.

I am of the firm belief that in our words expressed here today for the people of Poland, in our sympathy for their plight, in our rededication to the principles of liberty for all people, we also use this occasion to learn what we can from the experience of Poland and apply this information to help solve our own problems here in the United States.

That is why I have gone back into Poland's history, into her problems at the time her Constitution was coming into being, because I think it holds a lesson of faith and determination of a nation to be free of foreign domination, with hopes of independence and individual liberty.

Mr. BRAY. Mr. Speaker, I would like to join my colleagues in noting the 174th anniversary of the Polish Constitution of 1791.

The Polish people have added much to the culture of Europe and their sons and daughters who have emigrated to the United States have enriched our heritage. They brought many strong qualities to add to the composite of traits which has become the American national character.

By an unhappy accident of geography the Polish people have had to contend through the centuries with the recurrent aggression of their Russian neighbors. Poland revolted against her oppressors many times, and despite the tyranny imposed from Russia she has remained dedicated to her own nationalism and freedom. Her current plight derives from the unholy pact between Hitler and the Soviet Union by which they agreed to divide Poland between them. Since that time the Polish people have been under the domination of the Kremlin leaders but have continued to show their basic desire for independence.

I am sure that in a truly free election the Poles would reject communism by an overwhelming vote. I am convinced that we as a nation should insist that Russia allow her captive nations such as Poland the opportunity for a free and unfettered choice between independence and Soviet domination.

Surely the day will come when the Polish people will be a free nation again and we will rejoice with them in that happy time.

Mr. BYRNE of Pennsylvania. Mr. Speaker, on this May 3, as in previous years, we are reminded once again of an event of special significance in the history of Poland and indeed in the constitutional history of the Western World. May 3 marks the anniversary of the adoption of the Polish Constitution of 1791. The Constitution of 1791 was a landmark not only in Poland's political development but also in the political development of Eastern Europe and of the whole Western World.

The 18th century was the age of liberalism in the West, when Locke in England, Montesquieu in France, and our own Founding Fathers in the United States were formulating new systems of government based on the concept of popular sovereignty. But in Eastern Europe, with the exception of Poland, absolutism was the order of the day—in Prussia, in Austria, in Russia. The exercise of power was the prerogative of the ruler alone, unrestrained by the limits of a written constitution or by a parliamentary system of government.

In Poland, however, even prior to May 3, 1791, limitations had been placed on the autocratic power of the King. The townspeople and peasants were still without representation, but from medieval times Poland had a bicameral parliament composed of the gentry and highest officials of the land and vested with legislative and executive powers equal to those of the king. In the middle of the 16th century the King had become an elective monarch, chosen for life by the autocracy. His powers were explicitly stated in a written agreement signed by him before his election.

Thus, in Poland the Third of May Constitution was simply one further step—albeit an extremely significant one—in a progression of moves toward democratic government. While Western Europe was being governed by kings ruling by "divine right," in Poland the autocratic power of the King had already been limited by the beginnings of a constitutional system.

The Third of May Constitution wrought tremendous change in Polish life: townsmen for the first time were given parliamentary representation and office-holding privileges; the peasants were placed under protection of the laws; the governing powers of the towns and cities were significantly broadened. The Constitution of 1791 in effect established a new system of government—constitutional democracy—and at the same time initiated a peaceful social revolution. The spirit of liberalism which spread through Western Europe in the 18th century is nowhere better expressed than in the Constitution whose adoption we commemorate today:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty, and the good order of society, on an equal scale, and on a lasting foundation.

Unfortunately, the Polish people have not always been able to exercise this will and to preserve the system of government they so ardently desire, for the liberal spirit of Poland has time and again frightened Poland's absolutist and totalitarian neighbors. Thus, perceiving the threat to their own absolutist systems presented by the Polish Constitution of 1791, Russian and Prussia sent their armies out to capture Poland, and in 1795 Poland disappeared from the map of Europe. History repeated itself in 1939 when, once more, totalitarian regimes in Germany and Russia overran Poland.

Thus, Poland was once again deprived of her independence and is still suffering under the yoke of Communist tyranny. Nevertheless, the Constitution of 1791 is a reminder of the fervent spirit of liberalism which abides in the Polish people. They have not given up, and they will never give up. They are as certain as we are that one day justice will triumph and Poland will again be free.

Mr. PATTEN. Mr. Speaker, 25 years ago, one of history's most inhuman crimes was committed by the Soviet Union against Poland.

The Katyn massacre is so shocking, it seems almost fictional. It is hard to believe that any civilized nation would murder in cold blood 14,283 officers and intellectuals—4,423 of whom were buried in mass graves and 9,860 others never seen again. But evidence shows that it did happen.

I do not say that arbitrarily, because a Select House Subcommittee To Investigate the Katyn Massacre reported beyond doubt that the mass murder was committed by the Soviet Union.

We do not have the power to return these 14,283 Polish leaders to life, but from that monstrous crime we should have learned a tragic and costly lesson: that communism is brutal and cruel.

As we observe with sorrow and indignation the 25th anniversary of the Katyn massacre, let all free nations reaffirm their determination to keep free and strong and be on constant guard against communism—which cannot be trusted.

I also want to join my colleagues in observing the Polish national holiday. The free world has a debt of gratitude to Poland and the United States is a stronger nation because of the Polish people.

Mrs. GRIFFITHS. Mr. Speaker, the Polish 3d of May Constitution Day is being celebrated today by free Poles everywhere and persons of Polish descent who reside in many countries throughout the world. I wish to join them in commemorating this Polish national holiday and to reassert America's deep and lasting friendship toward the Polish nation.

Throughout the United States, over 10 million Americans of Polish ancestry will pay tribute to the Polish nation and its cultural heritage. The first Poles arrived in America at Jamestown, Va., in 1608, bringing with them the great traditions of Poland which had been contributing to the growth and development of Western civilization and culture for 624 years.

The affinity between Poland and the United States is clearly reflected by the fact that the Polish Constitution of 1791 and the Constitution of the United States were adopted within a few short years of each other and both embodied the principles of ordered liberty and freedom. Through the courage and understanding of the people of both nations, these two great Constitutions were formed with a basis grounded in respect for the law and the protection and integrity of individuals.

The glory of the May 3d Polish Constitution shines all the more brilliantly when one considers the ancient feudal ideas prevailing internally at that time and the extreme pressures bearing on the Polish nation from without by the powerful monarchies of Prussia, Russia, and Austria.

Through subsequent partitions, the Polish May 3d Constitution was in fact terminated by countries permeated by tyranny and absolutism. But in reality, the Constitution lived on in the valiant hearts of the oppressed Poles. The tenets expressed in that Constitution were handed down through generations by the gallant display of courage that each son witnessed in his father. This was vividly displayed during the merciless occupation by the Nazis during World War II and continues under the equally unmerciful subjugation of Poland by the Soviet Union.

In thus living the May 3d Constitution through all their trials and sufferings, the brave and courageous people of Poland can, without a doubt, be considered a beacon of hope for the entire free world amidst the dark sea of communism.

The people of Polish ancestry can justly be proud of the examples of inspiration and intrepidity which are a part of the great Polish tradition. We can only estimate, but history will surely relate, the profound impact that this tradition has on the liberation of all human beings throughout the world.

Mr. KARTH. The 3d of May has come to be celebrated in Congress each year since the outbreak of World War II to demonstrate the solidarity of Americans with the people of the Polish Nation.

This annual observance of the 1791 Polish Constitution is particularly appropriate because this great charter was inspired by the liberal spirit which was responsible for our own Constitution of 1789. Unfortunately for the Polish nation her rapacious neighbors in 1795 dismembered her and crushed at that time the flowering of a liberal democracy.

From the tragedies which have torn Poland, the United States has gained millions of Poland's sons and daughters, who have brought with them their cherished heritage of liberalism. They have enriched and strengthened our own American democracy with their political philosophy, their precepts of social justice, in their concepts of the brotherhood of man, and in the arts and sciences.

It is a great privilege for me to salute Poles and citizens of Polish ancestry on May 3d, the Polish national holiday.

Mr. ANNUNZIO. Mr. Speaker, I am delighted to join in the annual commemoration of Polish Constitution Day.

One hundred and seventy-six years ago today, on May 3, 1791, the great Polish nation adopted a democratic constitution. It established a rule of law responsive to the will of the people and thereby earned Poland a place in the front ranks of European democracy. By a stroke of the pen, the Polish people overcame tyranny and absolutism which ruled over all of Europe.

It is one of the tragedies of our time that this national holiday of a brave and freedom-loving people is no longer celebrated in the homeland. The dictatorial Communist government that holds absolute power in Poland today will permit no public mention of this historic occasion.

But millions of Americans of Polish extraction will mark this day with proper celebrations to assure that the traditions of freedom which their people have long upheld will not be allowed to die.

It is fitting that Americans join in commemorating the day on which Poland first became a democracy. We who have enjoyed the benefits of constitutional government for almost two centuries, must never forget the struggles of our brothers who do not enjoy these same privileges.

I know that my colleagues in the House of Representatives share my determination to do everything in our power to hasten the day when Poland shall once again be a nation of free people. Our observances today will help to keep that determination alive.

Mr. DERWINSKI. Mr. Speaker, I am proud to join my colleagues in the House in commemoration of Polish Constitution Day, the national holiday of Poland prior to the Communist takeover of that country. The principles of the Constitution of May 3, 1791, have lived in the hearts of the Polish people throughout their history of oppression and foreign domination. Our participation in the observance again this year dramatizes the support and interest of the U.S. Congress in the Polish nation and the other peoples who are the oppressed captives of communism.

We must continue to support the Polish people's hopes for restoration of their freedom until the day when their rightful aspirations are realized. It is especially tragic that the people of Poland and the other Eastern European nations were delivered into Communist hands by the wartime agreement between President Roosevelt and Soviet Dictator Stalin. It is our obligation to rectify that momentous mistake.

Although the Polish people have been suffering under Soviet-imposed rule for 21 years now, they are still vigorous in their personal opposition to the Communist system and have shown the courage which will enable them to overcome their Communist oppressors someday.

As they did during the many years of the partition of Poland, the Poles continue to retain their national heritage and distinctive traditions under the cruel Communist tyranny which plagues them. I know that their fortitude is strengthened by the knowledge that they are supported by the thousands of Poles and other refugees from the captive nations of Eastern Europe who are thriving in the free world and working for the common goal of restoration of freedom for their homelands.

As we in the Congress pay tribute today to the brave Polish people on their national holiday, we reaffirm our determination to help them achieve the legitimate independence which they have been denied for so long. We who enjoy life in a free country must rededicate ourselves to the philosophy of self-determination of people in order that justice will someday triumph over Communist tyranny and the principles embodied in the Polish Constitution of May 3, 1791, will once again serve the people of Poland.

Mr. DELANEY. Mr. Speaker, once again May 3 comes to remind free men everywhere of Polish Constitution Day, that day in 1791 when the Polish people eloquently expressed their aspirations for democratic self-government based on the sovereignty of the people.

Unfortunately, the constitutional government of Poland was extinguished less than a year later by the conquest of Russian armies, and the subsequent partition of her territory among autocratic Austria, Prussia, and Russia. Even so, the noble aspirations expressed in this memorable document constantly serve as a source of inspiration and encouragement to the Polish people as they patiently await their deliverance from bondage.

It is a cruel irony of history that while Polish Constitution Day recalls the highest aspirations of man, it also reminds us of his utter debasement. For this year's May 3 observance will also mark the 25th anniversary of one of the most brutal acts of genocide ever perpetrated when the Soviets massacred more than 4,000 Polish officers and intellectuals.

The history of Poland is replete with tragedy, sacrifice, and cruel disappointment, but it is also infused with courage, heroism, profound intellectual attainment, and deep piety. It is these latter unique attributes that have gained for the Polish people the profound respect and admiration of the civilized world.

So today, I am pleased to join my colleagues in expressing a sincere hope that the noble aspirations of the Polish people for the restoration of true independence and freedom from oppression will soon become a reality.

Mr. BURKE. Mr. Speaker, the Poles are a gifted and proud people, and they take just pride in their great deeds and superb accomplishments. They are known not only as sturdy and skilled workers; not only as gallant warriors and brave fighters; but they are also distinguished as accomplished masters in the arts and the sciences, and as uncompromising champions of human freedom and dignity. They have struggled hard, and for long periods, for their freedom and independence. This was particularly true during the last decades of the 18th century when their very existence as a free and sovereign nation was threatened by their powerful and implacable neighbors. Then they were arrayed against the combined forces of Austria, Prussia and Russia, although not powerful enough to cope with any one of them. But they felt that by reforming their governmental machinery they would be in a stronger position to face their foes with confidence. With that in mind, Polish leaders set out to remodel and reshape their central governing institution. And by 1791 the Constitution was ready for adoption. On May 3 of that year it was promulgated and since then that date has been celebrated as a Polish holiday.

That historic Constitution was a remarkable document in that it made

Poland a limited monarchy and a constitutional democracy. The powers of the King were sharply curtailed, and he was to share his executive authority with a council. The nobility was to lose many of its privileges, and its ranks were opened to the townsmen. The peasants' relations with their landlords were regulated by law, and thereafter they were not to be subjected to the arbitrary powers of their landlords. Religious freedom was established, though Poland remained officially Roman Catholic. By this Constitution the governmental machinery was liberalized and became far more democratic, being characterized as a progressive government. This was a distinct forward step, and a pioneering one in that part of eastern Europe, for in no other country were there any such sweeping governmental reforms.

Unhappily the Polish people did not have the opportunity to put their new Constitution into force. Their foes soon attacked Poland, putting an end to a free and sovereign state of Poland until 1918. Today, on the 174th anniversary of the promulgation of that Constitution, Mr. Speaker, Poles would like to demonstrate their devotion to the democratic and liberal spirit of that Constitution by observing its anniversary, Polish Constitution Day.

Mr. MONAGAN. Mr. Speaker, each year we commemorate Poland's May 3 Constitution of 1791 and this year we also take note of other significant dates in the history of Poland. This is the 174th anniversary of Polish independence and I take this opportunity to pay special tribute to the framers of the Polish Constitution of 1791.

Today there are artificial barriers in Europe which restrain the good Polish people from the exercise of the liberties provided in their Constitution, but we take hope in the knowledge and belief that communism in its present form cannot long survive if it continues to hold down a people whose love for liberty has survived through all these years.

I am personally familiar with the problems of Poland through my service on the Europe Subcommittee of the Committee on Foreign Affairs, and also through my associations with Americans of Polish descent who live in large numbers in my congressional district and who have contributed greatly and materially to the cultural and economic development of my congressional district. They have played a major role in the greatness of our country and they look forward to the day when Poland again will be free.

This year, as we salute our Polish friends and our Americans of Polish descent, we take sad cognizance of their plight and we recall not only the 174th anniversary of Polish independence but, also, the 25th anniversary of the Katyn massacre perpetrated by the Soviet Union, the 20th anniversary of the Yalta Agreement, the 20th anniversary of the imprisonment by Russia of 16 members of free Poland's underground government, and also the 1,000th anniversary of the baptism of Poland. We do this in commemoration of the heroes of Poland, living and dead, and in our desire to keep alive the desire for freedom and liberty among Polish people and all other victims of enslavement whom we symbolize.

Mr. PIKE. Mr. Speaker, today, May 3, marks the one great moment in Polish history, 174 years ago, when the future looked bright, when that gallant, freedom-loving nation finally seemed destined for the kind of governmental system we Americans find as natural as breathing.

Just 174 years ago, at the same time we and the French were incorporating our love of liberty into immortal documents of our own, the Polish people drew up the Constitution of May 1791, proclaiming their deep conviction that—

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Sadly, that great document was never fully realized, for the heroic Polish people have fought and suffered one oppressor after another throughout most of their history. Today their Constitution remains the great common bond of Polish people everywhere—those who have found freedom in other lands, and those still under the heel of a ruthless tyrant—who join today in reaffirmation of the great Polish national traditions, and their stanch faith that their nation will once again be free.

On May 3 each year the Congress of the United States is proud to join the Polish people across the world in salute to their undying resolve, and to rejoice with them that the spirit of that Constitution will never die. "Niech Zyje Pamiec I Duch Konstytucji Trzeciego Maja"—may the memory and the spirit of the Constitution of May 3 live forever.

Mr. GERALD R. FORD. Mr. Speaker, today is a time to join with citizens of Polish origin at home and abroad in many countries in commemorating an event of May 3, 1791.

On that historic date, Poland was successful in reforming her public life in an assertion of democracy by adopting a constitution based on the philosophy of freedom.

Although the action failed to deter partition of Poland in 1795 by Russia, Prussia, and Austria, it was a strong flame of hope that this courageous country would successfully—against overwhelming odds—dissolve tyranny and absolutism.

I join my colleagues in saluting the courage, wisdom, and patriotism of the Poles whose faith in the concept of freedom has remained strong through generations despite political and physical attacks against the country.

Even though Poland's independence has once more been taken from her, there is assurance of an ultimate triumph of justice.

Mr. MURPHY of Illinois. Mr. Speaker, we are today saluting the Polish people in their never-ending pursuit for political freedom.

The Polish Constitution of 1791 was a most advanced and liberal document in Europe in its day. It was drafted by the gifted and patriotic leaders of Poland and was adopted and promulgated on May 3 of that year as the best means of reforming Poland's internal administration and of strengthening her against foreign foes. As such it was deemed well suited to serve this double purpose. At the same time it was a significant milestone in the progressive evolution of governmental institutions.

This memorable Constitution made Poland a limited constitutional monarchy. The cabinet form of government, with ministerial responsibility, was introduced. Intricate and obstructive features of the old system were eliminated and many class distinctions were abolished. The towns were given administrative and judicial autonomy and also a measure of parliamentary representation. Personal privileges formerly enjoyed by the gentry alone were made available to all townsmen. The peasantry was placed under the protection of the law. Absolute religious toleration and freedom of conscience were guaranteed. Provisions were also made whereby periodic reforms could be introduced and alterations enacted. Judged in the light of then current ideas, the Polish Constitution of 1791 was a real advance in democratic government. It was hailed as such by liberals everywhere, and won the admiration of that great British statesman and political writer, Edmund Burke.

It was most unfortunate for the Poles that they were not allowed to live under this democratic Constitution, for soon after its promulgation, Poland was attacked by its powerful foes, and then partitioned among them, putting an end to Poland's independence. But all through these years the free and democratic spirit has lived in the hearts of the Polish people, and wherever they are permitted they take distinct pride in celebrating the promulgation of their democratic Constitution as an important holiday.

In connection with the celebration of the Polish Constitution day, it is worth remembering that 23 years ago the mutilated remains of more than 4,000 Polish Army officers, who had been missing since early in the war, were discovered in the Katyn forest. This was the foulest deed committed by their heartless foes, in violation of all rules in the conduct of war, and also in violation of human decency. All Poles and their friends remember this shocking revelation of 23 years ago, and think of the fate of these gallant and patriotic Polish officers. Mr. Speaker, I gladly join my Polish friends in the celebration of Polish Constitution Day and pay tribute to the memory of the victims of the Katyn Forest massacre.

Mr. MULTER. Mr. Speaker, undoubtedly one of the most striking features of the Polish Constitution of 1791 was what the noted American scholar of Polish history, Dr. Robert Howard Lord, has quite correctly referred to as the "happy blend of liberalism and conservatism." Indeed this Constitution was a harmonious mixture of liberalism and conservatism, and it is for that reason that this Constitution held such great promise for the Polish nation.

The Polish constitutional experience was a peaceful revolution. It was a revolution because it changed substantially the structure of the Polish state. Yet it was a revolution carried out peacefully and without bloodshed.

What a contrast to the experience in France at that time.

The French Revolution and the events that followed were accompanied by violence, terror, and war. Nothing of the past was held sacred. Whatever reminded the revolutionaries of the past was something to be destroyed and blotted out of the nation's memory. Intoxicated by the cry of "Egalité, Fraternité, and Liberté," French radicals destroyed the old order of things with an absolute reckless abandon, and upon the ruins of the old regime they attempted—and unsuccessfully—to create a new state guided by the principles they had proclaimed.

In Poland, there was no bloodshed; no rejection of the past; no radicalism.

In Poland, peace, orderliness and harmony marked the transformation of the Government from the old to the new. Reforms, many of which were radical, were carried out with an absence of violence, terror, and civil disorder. When the Polish Diet accepted the new Constitution, all Poland rejoiced at this dawning of a new day of liberty.

This was a Constitution that sought to conserve the nation. By it the Polish reformers sought to preserve the traditions of the past and thus maintain that organic tie that must exist from one era to the next if there is to be no serious political dislocation. Property was respected; religious traditions were preserved; many privileges of the nobility and propertied classes, although modified, were maintained; the institution of the monarchy, although limited, were strengthened and placed on a more stable basis.

Great care was taken to achieve transition to a more perfect state in an orderly, peaceful manner.

No scenes of terror were played out on the streets of Warsaw.

There was no guillotine.

There were no Robespierre.

But, for Poland's misfortune, there were the Russians.

Russia could never tolerate a strong Poland.

If it could never tolerate a strong Poland, certainly it would never tolerate a more liberal Poland.

The "Jacobins of Warsaw" is the name Catherine the Great gave to the Polish reformers. For her, they were a threat; a threat to her autocracy, a threat to her sovereign power. Thus, with a lull in the Turkish wars, Catherine threw her troops against Poland, and after a desperate fight, defeated the Poles, destroyed the May 3d Constitution, and partitioned Poland.

The dream of the reformers had come to an end; but dreams that are deposited in the traditions of nations never really come to an end. They live on in the spirit of the nation; and indeed this moment of glory and honor, this great Constitution, lives on in the hearts and minds of the Polish people and in the soul of Poland herself.

On this anniversary of the Polish Constitution, we pay tribute to a great people who for a moment in history demonstrated a degree of political wisdom unknown at the time on the continent of Europe. These great statesmen, these reformers of 1791, created a constitutional masterpiece; but they created, too, a spirit of liberalism that has inspired the Poles ever since.

Mr. RYAN. Mr. Speaker, today, friends of Poland and of freedom all across this great land are celebrating the adoption of the Polish Constitution of 1791. This great document embodies the love of freedom and true representative government which the Polish people hold so dear. The document was born out of the need to build an internally strong government better able to resist the depredations of the combined forces of Russia, Prussia, and Austria, intent on partitioning Poland for a second time. In this the Poles were unsuccessful. But they were everlastingly successful in bringing together in one work the dreams and aspirations of a great people.

The Constitution enlarged the electorate; reformed the Parliament, giving more power to the lower house; reduced the power of the nobility; and granted increased political participation to townsmen and the peasantry. All this was accomplished without bloodshed, with most of the opposition accepting its defeat and working for the new government.

The impact of this political document on the rest of the Western World was immediate. Edmund Burke, the great English statesman and political philosopher, declared that the King, Stanislas Augustus, with the help of the Parliament, "had achieved a great work." He added: "Humanity must rejoice and glory when it considers the change in Poland." Our own George Washington, the first President of the then new Republic of the United States, wrote that Poland, by the public papers, appeared to have made large and unexpected strides toward liberty, which, if true, reflected great honor on the King, who seemed to have been the principal promoter of the change. It is most certainly true that contemporary opinion was right; the Constitution of the 3d of May is one of the greatest achievements in all Polish history.

Our own country has very close ties to the events of 1791 in Poland. One of the strongest supporters of the new Constitution was Gen. Thaddeus Kosciusko, who had fought gallantly in both the American Revolution and the Polish defense. He fought in this country because he believed in the principles for which we fought our own Revolutionary War. Later he was to return and fight for another great idea—an idea embodied in the Polish Constitution. Unfortunately, he was to see his country go down to defeat, and indeed, the Polish people have since suffered a great deal.

Mr. Speaker, today we recognize the dedication of the Polish people and their determination to achieve full independence. As we reflect upon Poland's glorious past, the Polish dream lives on.

I am honored to join in celebrating Polish Constitution Day, and I fervently hope that the Polish dream of freedom will once again be realized.

Mr. DINGELL. Mr. Speaker, today we honor the ratification of the Polish Constitution which took place on May 3, 1791. In this document the citizens of Poland reaffirmed their faith in freedom and independence. Moreover, they broke down many of the inequalities that formerly existed in the society. They were unusually progressive in an age of absolute monarchies.

It is unfortunate for the world as well as the Polish people themselves that the Constitution never went into effect. Six months after its ratification the Russian Army invaded and partitioned Poland for the second time. The Polish people resisted their Russian overlords in 1830 and 1863 but both revolts were ruthlessly crushed. Passive resistance continued until the First World War when Pilsudski in Poland and the famous Paderewski in the United States succeeded in achieving their goal of independence for Poland. Between the two wars the Poles worked hard and long to assure that their independence would not be just another interlude in their long history of foreign oppression.

In 1939 the Polish hopes were dashed yet again when the combined armies of Russia and Germany attacked Poland from the West and the East. Throughout the war Polish soldiers fought valiantly, contributing to the Axis defeat. Polish blood was spilled in France, Italy, and Germany.

The history of Poland since the end of the war has been another chapter in this brave people's fight against oppression, in this case, Communist. It is to their credit that Poland has achieved a degree of freedom not enjoyed by her neighbor satellites. The church and the intellectual class have more freedom than their counterparts in Communist dominated Eastern Europe. The Polish people have frustrated all the attempts of their puppet leaders to impose collective farming and a state-supported religion.

We are honoring today a great document. The ideal that it embodies was given concrete demonstration in 1956 when the workers of Poznan rioted against their overlords, again demonstrating, as in 1830, 1863, and 1902 that the spirit of liberty will never be extinguished. The Polish people are a freedom-loving people and they have shown over and over again that they are willing to die for their ideal of freedom and independence. When we honor their progressive Constitution we also honor the great spirit which has been Poland's for centuries. The Polish-Americans who contribute so much to our country today are manifestations of that spirit at work. We share their wish that Poland and all other captive nations will one day be free. Communism must fail for it is based on the deprivation of liberty.

Our hopes are more than wishful thinking for it is now obvious that communism, far from being the wave of the future, runs counter to the fundamental human characteristics of freedom and diversity. Mankind, as the Polish people have proved, cannot be forced into a common mold.

Mrs. **KELLY.** Mr. Speaker, every year we commemorate the anniversary of the May 3 Constitution. We do this, I believe, for a good and praiseworthy reason. This Constitution embodied many of the ideas that would have assured Poland of a democratic constitutional system. One of the basic ideas in this Constitution was the concept of ministerial responsibility, a mechanism we all know, Mr. Speaker, constitutes the direct line of power and authority from the executive authority above to the masses below. As this device had evolved in Britain, it became the nexus connecting the ruled and the ruler in a manner that the ruler becomes a creature of the ruled. It is entirely possible that this type of democratic constitutionalism could have evolved in Poland.

Regrettably, the Constitution was never given a chance to become rooted in the Polish political system. This failure was not due to any shortcoming on the part of the Polish leadership or of the Polish people, or indeed on the part of the document itself. But, rather, the failure of fruition was due to the Russian military intervention, their conquest of Poland, and the destruction of the Constitution.

It is true that the Russians were able to destroy this Constitution as a practical instrument of government. But, what they could not do was to destroy the tradition of democracy that this Constitution had created in Poland.

And thus today, Mr. Speaker, when we commemorate the anniversary of this Constitution, we do more than pay tribute to an instrument of government; we pay tribute to the spirit of the people of Poland; we pay tribute to this vigorous Polish tradition of constitutional democracy, their courage, their faith, and their hope.

Mr. **RODINO.** Mr. Speaker, peace, security, and progress are fundamental objectives which most people of the world seek; but, goals such as these are seldom achieved in their entirety. Limitations in the human conditions denies total peace, absolute security, and unimpeded progress. Certainly among the peoples of the world who have not long enjoyed the fruits of peace, security, and progress, such as they are in the life of reality, are the Poles; for since the first partition in 1772, with the exception of the period between World War I and II, the history of Poland has been one marked by oppression and strife.

The Constitution of 1791 that we commemorate today held out to the Poles a great promise for the future. Herein lay the seeds of parliamentary democracy that surely would have meant the evolution of a glorious democratic state in Poland. There can be no doubt that this memorable constitutional document contained those elements that would have brought Poland to the threshold of renewed national greatness. But Russia, then as in some many instances since, intervened and through a vicious military attack destroyed Polish hopes for the future.

This anniversary of the Polish Constitution provides a proper occasion for us to rededicate ourselves to the cause of oppressed Poland. This anniversary is a reminder to all of us that the world will never know peace, security, and progress so long as the tyranny of communism continues to envelop the globe.

Mr. **BATES.** Mr. Speaker, "All power in civil society should be derived from the will of the people."

That quotation sounds as though it could have come from an American document, but the words are from Poland's May 3d Constitution of 1791.

As the threat of new Communist aggression and expansion burdens us in other parts of the world today, we can perhaps better understand that freedom, as we in the United States have been privileged to know it, can be taken away from those who do not remain strong enough to protect it.

We must not forget that 4 years after that great declaration of principles was promulgated in Poland, that brave nation was partitioned for a third time by Russia, Prussia, and Austria. Again, in World War II, Soviet Russia occupied Poland, and it still seeks to stamp out all sparks of the will of the people in that country. Yet, the promise held by that May 3d Constitution has continued down through the years to inspire the Polish people and others of Polish descent everywhere to strive for restoration of Poland's independence.

As the Polish American Congress, representing approximately 10 million Americans of Polish ancestry, observes:

> The philosophy of government discernible throughout the 3d of May Polish Constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective Constitutions from the same source.
>
> Meditation on the anniversary of May the 3d deepens the faith and heightens the courage of every Pole and of every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice.

Next year will mark the 1,000th anniversary of the baptism of Poland through which that country linked her destiny with that of the West and became a vital force in its culture. So, as we pause today to mark the 174th anniversary of Poland's famed Constitution, our prayers for the Polish people are that they may be delivered from oppression and that the faith, the contributions, and the sacrifices of their forebears will have been justified.

Mr. **ZABLOCKI.** Mr. Speaker, I wish to commend my distinguished colleague from Illinois [Mr. KLUCZYNSKI] for obtaining time for the commemoration of the 174th anniversary of the Polish Constitution of May 3, 1791.

As we pay tribute to this historic document, we are mindful of its significance in the history of man's advancement in freedom, liberty, and justice.

It is, therefore, entirely fitting that we pause in our deliberations in the Congress of the United States, to pay homage to the Constitution of 1791 and honor the Polish nation which created it.

The Constitution of May 3, modeled after our own Declaration of Independence and Constitution, guaranteed the people of Poland the rights to which men everywhere, and in all eras, have aspired.

It embodies a fundamental principle handed down to us as a birthright by the founders of our own country—the principle that sovereignty belongs to the people.

It truly is tragic to reflect that the freedom-loving people of Poland, who conceived this brilliant and enlightened document, should now be under the yoke of communism. This materialistic, determinist philosophy is completely alien to the spirit of the Polish people, just as it is completely alien to the Judeo-Christian tradition in which the Poles have played so important and integral a part.

Today the Poles to a great degree are denied those principles of liberty and freedom, denied any meaningful participation in the political life of their nation, denied the rights that were the keystones of the Constitution of 1791.

There can be little doubt that improvements have occurred in Poland since the death of Stalin and the 1956 revolt. Yet the present regime continues to deny any meaningful freedom in the press or in the universities or in non-Communist political activities. Further, the regime is consciously and with determination pursuing policies designed to transform Poland, and the Polish nation, into a 100-percent materialist, Communist, godless state.

This has been particularly evident as the year 1966 approaches. During that year will be celebrated the millenium—the 1,000th anniversary of the coming of Christianity to Poland. In the United States and throughout the world persons of Polish ancestry are planning celebrations of this notable anniversary. Yet inside Poland itself the government has acted to impede millenium activities rather than to foster them.

It is my deep conviction that efforts to communize the Polish people are doomed to failure. The love of freedom in their hearts cannot be extinguished in a decade of tyranny or a generation of oppression. Even in a century the ideals which the Poles have cherished for a millenium will not be eradicated.

Mr. Speaker, we in the United States, secure in the guarantees of our own revered Constitution, must not cease our efforts in assisting the people of the world who desire freedom. Our cooperation must continue toward the ultimate release of the Polish people from the grip of Marxist socialism.

We must continue to use every peaceful means at our command to bring freedom once again to Poland. Through trade, cultural and educational exchanges, and certain select types of aid—such as the American Children's Hospital at Krakow—we can demonstrate that our system is preferable to the narrow ideological views of the Communists.

With a continuing, increasing infusion of Western thought and ideals, it may be possible ultimately to restore the Polish nation to full participation in European and world affairs.

We look forward to the time when Poland will share a common heritage, a common prosperity, and a common freedom with the people of the United States—just as now it suffers in Communist domination and economic stagnation as a satellite of the Soviet Union.

When the time comes, Mr. Speaker, that Poland once again is able to enjoy constitutional democracy, I am confident that it will be to the Constitution of May 3, 1791, that the people of that great nation will look for guidance and inspiration.

Mr. PHILBIN. Mr. Speaker, on the occasion of Polish National Day, it is my great privilege and honor to address the House for the great cause of Poland, which will always continue to be fought by the Polish people and which will never be forgotten by the American people. It is a great cause, very dear to my heart.

The world is greatly indebted to the Polish nation for its long service to humanity, to freedom, to justice, and to its spiritual ideals.

This Nation is under a great debt to persons of Polish descent, since Revolutionary days, for their heroic service in our armed services in time of war, and for their outstanding citizenship, enthusiastic support and contributions in time of peace to the well-being and advancement of the United States, our great, beloved country.

In virtually every community, people of Polish blood live and they are highly esteemed and respected by their neighbors as self-respecting lovers of freedom and democracy, who are pledged to the free way of life, always ready to strike a blow for personal liberty.

The rich Polish heritage is one of the proudest and most brilliant in all history. It is, therefore, no wonder that the Polish rank among the great leaders of the world and this Nation, and that the Polish people generally should be so universally esteemed, admired, and appreciated by all who know of their loyalty and devotion to every good cause. They are noble and brave by nature and instinct.

The Polish people are indeed, as I have said so many times, a noble people, and their nobility grows through the years, because throughout years of despair, and the days of tyranny, they have never known the word "defeat"; they have never given in; they have never forgotten the ideals and principles of their parents taught them; never forsaken their birthright; always they have cherished and upheld that birthright, their beliefs, their principles and ideals; always they have fought for the right, and they have hoped, prayed, and fought when others have thrown in the sponge; they have dared when others flinched; and they will fight on until Poland regains its freedom. Of that, we may be sure.

I am honored on this occasion as I request unanimous consent to extend my remarks, to ask for inclusion in these remarks, the stirring message of the President of the Republic of Poland, His Excellency August Zaleski, to the Polish nation on the occasion of the Polish National Day, May 3, 1965.

This message is an outstanding example of brilliant eloquence, lofty composition, and it has pinpointed and summarized the Polish cause much more effectively and brilliantly than anything I could say.

It is another example of the fine leadership the Polish nation has and enjoys, in exile, and I compliment His Excellency, August Zaleski, for his clarion words, and his high purpose to fight with characteristic resolution as long as necessary to win.

After all, that is the spirit—not to weaken, flinch, or quit, but regardless of the odds at any given time, to summon moral strength, from within and from above, and fight on bravely and courageously until victory has been won, ever willing to fight one more round.

God love Poland and its gallant sons and daughters.

May they soon enjoy the liberty and peace they so richly deserve.

Mr. Speaker, I express my gratitude and admiration to President Zaleski for his sterling leadership and inspired message, which follows:

MESSAGE OF THE PRESIDENT OF THE REPUBLIC OF POLAND TO THE POLISH NATION ON THE OCCASION OF THE POLISH NATIONAL DAY, MAY 3, 1965

(His Excellency August Zaleski, legitimate President of the Polish Republic, addressed the following message to the Polish nation on the occasion of the Polish National Day this year:)

Thanks to the Constitution of May 3, 1791, the Polish nation became "wisely free, actually independent, securely governed." So concisely did that great patriot, Bishop Adam Naruszewicz, define the significance of that Constitution. Hence the Constitution aroused admiration in many countries. The London "Dodsley's Annual Register for the year 1791," reviewing the political events of that year, compared the French Constitution of that time with the new Polish one as follows:

"The revolutions and new constitutions in Poland and France are vast subjects of reflection in themselves * * * The French legislators considered mankind under general views * * * Their general maxims were not without plausibility but they related more to a kind of abstract and ideal beings than to mankind, as they really are in all their circumstances, and with all their habits, prejudices, and passions. The application of them in practice produced manifold acts of injustice and inhumanity * * * The Poles did not want talents for abstraction nor the faculty of perceiving the symmetry and beauty of ideal systems; but they were too generous and good to suffer any general principles to break in upon the happiness of the different ranks of society. Liberty was dear to them, but humanity dearer. The Polish Constitution would have stood on its own basis, if it had not been assailed by foreign violence—the French Constitution, or rather constitutions, contained in themselves the seeds of dissolution."

When the Great Diet enacted the 3d of May Constitution, it seemed to many that Europe was moving toward the formation of a broad federation designed for defense against the menace of Russian imperialism. Britain and Prussia headed this movement and Vienna likewise favored it. There was even talk of the need to force a Russian withdrawal to beyond the Urals. Those who drew up the Polish Constitution were aware of these intentions. But their illusions were short lived. Russian troops invaded the Ukrainian and Lithuanian territories of the Polish Commonwealth simultaneously on May 19, 1792. The King of Prussia immediately passed over to the Russians in order to participate in a new partition of Poland. The heroic defense led by Kosciuszko and Prince Joseph Poniatowski was unable to save the Polish Commonwealth.

Just as in the last war, none of those upon whose help the authors of the 3d of May Constitution relied, came to our aid. In spite of this, the Polish nation did not abandon the struggle. It lasted over a century and ended in victory. We will likewise now struggle with equal resolution in the hope, under God, that present fight will be shorter.

Mr. O'HARA of Michigan. Mr. Speaker, today I rise to join in commemorating the 174th anniversary of the Polish Constitution of 1791, an anniversary which symbolizes the dedication and yearning of the Polish people for freedom.

Just 4 years after the Constitution of the United States was signed, the Polish Diet adopted a new constitution replacing its medieval system of government with a modern constitutional monarchy and parliamentary type of government. The Constitution of the 3d of May, 1791, brought to the great and ancient nation of Poland the framework for making historic new strides toward liberty and representative government.

Unfortunately, fate was less kind to the new Polish Constitution than to ours. While our Constitution grew through the decades and proved adaptable to changing times and equal to every challenge, the Polish Constitution had almost no opportunity to prove its great potential. Poland's large eastern neighbor, Imperial Russia, regarded the reforms in the new Constitution as dangerous, and used it as an excuse to invade Poland on April 8, 1792. Subsequently, the invasion led to the abolition of the Constitution and the partition of Poland between Russia and Prussia.

The date of the May 3d Constitution has been chosen by freedom-loving Poles to symbolize their love of liberty and their desire for true independence.

The Poles of today find themselves in much the same frustrating situation as did their ancestors after 1791. They want to live in freedom with a democratic system of government. The reality of the Russian military power, however, prevents attainment of their burning ambition.

Mr. Speaker, we in the United States can help sustain the hope of the Polish people for growing liberty by our recognition of their plight and by our expressions of concern for their welfare. The many Americans of Polish ancestry and origin form a living bond between the two peoples. Let us hope that this bond will be strengthened and that the longing of the Polish people for liberty will be realized through freedom and independence for the country of Poland.

Mr. DANIELS. Mr. Speaker, this morning I was honored by being requested to speak at ceremonies commemorating the proclamation of the Polish Constitution of 1791.

There are no better Americans anywhere than those Americans of Polish extraction. There is no group of people whose loyalty to this Nation is greater. Their support of this Nation in every war since 1775 has earned them an honored place in our hearts. Our history books are filled with names like those of Casimer Pulaski and Thaddeus Kosciusko who served so faithfully in the cause of American independence.

The history of Poland, like that of the United States, has been that of a people attempting to expand the freedom and dignity of man.

At this point in the RECORD, I would like to insert the remarks which I gave at ceremonies held at the Hudson County Administration Building in Jersey City, N.J., this morning:

> POLISH CONSTITUTION DAY: A TRIBUTE
>
> I am delighted to be with all of you, my dear friends, on this festive occasion.
>
> On this day we are commemorating a glorious event in the history of Poland. That event is the proclamation of the Polish May 3 Constitution over 174 years ago. This was a truly memorable historic occasion, and it is one that gives great credit to the people of Poland and to the wisdom of their political leaders.
>
> It is, of course, never an easy task to devise a constitutional system that suits the purpose and meets the demands of not only the moment but all those that rise and take precedence at some future time.
>
> To a great extent we Americans are the most fortunate of peoples. We are fortunate because our Founding Fathers had designed a Constitution that met not only the needs of their era but also contained the vital processes of orderly change that has enabled Americans thereafter to adapt their government to the demands of changing eras.
>
> It is precisely this rare quality of adaptability to reality that has made our American Constitution a living organism within the body politic and thus has made an everlasting impression upon the soul of the Nation.
>
> Unfortunately, the Polish people had not the good fortune that had befallen our ancestors and, indeed, ourselves. We Americans had been isolated in our continental domain, protected from external enemies and relatively free from serious distractions to pursue our own expanding national destiny. But in contrast the Polish people lived in a veritable cockpit of war in Europe and by the designs of others and not by their choice they were caught up in the great and mighty rivalries among Europe's great powers.
>
> Failure of Poland to achieve the promise of the reformers that had given her the May 3 Constitution cannot, therefore, be attributed to any fault of her own, but rather it must be attributed to the peculiarities of Poland's geopolitical setting; for Poland was a nation surrounded by enemies, great and powerful, who saw in her a source for gratifying their own political greed. From this unpleasant reality of geopolitical life, there was no escape for Poland; but only submission, partition, and enforced servitude.
>
> The instincts of the Polish reformers were pure and noble; their desire to serve Poland and her people were most praiseworthy; their dedication to the cause of humanity unassailable.
>
> Yet, Polish reformers of May 3 had failed. Their great expectations for Poland and her people were never realized. But this failure in no way deflects from their glory and the greater glory of Poland. Nor does their failure detract from the fundamental significance of this document as a milestone in constitutional government.
>
> The glory of all those great men who participated in this event has a lasting quality that shall endure so long as Poland herself lives.
>
> Thus, my dear friends, when we pay tribute to the May 3 Constitution we really do not pay tribute to a lost cause. For the cause of the Constitution was the glory of Poland and that glory can never be effaced.
>
> At this moment in history the Polish Constitution has, therefore, a special meaning. It has a special meaning because it has come to symbolize all the hopes and all the expectations of a people who desire a genuinely free and independent Poland. It has this special meaning, it has become this national symbol, because the May 3 Constitution embodies all the glory and honor that is Poland.

Mr. ST. ONGE. Mr. Speaker, on this 174th anniversary of the Polish Constitution of 1791, a document which has been a landmark of freedom for Poles everywhere, I wish to join with my colleagues in paying tribute to the Polish people for their heroic struggle for freedom and independence of this ancestral homeland.

For more than a quarter of a century, ever since that infamous day in September 1939 when the Nazi hordes overran Poland, that unhappy land has been subject to a continuous reign of terror—first by the Nazis and later by the Communists. The freedom and independence of the Polish nation was destroyed, its culture and religion which date back over many centuries are being suppressed.

May 3 of each year, the anniversary of the Polish Constitution, has become the rallying date when freedom-loving people everywhere observe Poland's freedom and its hopes for liberation. On this occasion it has become customary for the American people to express its friendship toward the people of Poland and their descendants in this country. In the Congress of the United States many of us join in this expression of friendship and in voicing our hope for Poland's rebirth as an independent nation.

This year we again join in the commemoration of Polish Constitution Day. We pray that this age-old document of freedom will serve as a source of inspiration to the Polish people and will help to sustain them in their struggle to throw off the yoke of Communist oppression. We hope that this tragic period in Poland's history will soon come to an end and that this nation will once again join the ranks of the world's free nations.

I am pleased to salute all Americans of Polish descent on this occasion and pledge them my full support and understanding. May they live to see a free and prosperous Polish nation restored on its ancient soil in the very near future.

Mr. IRWIN. Mr. Speaker, today is a day of great importance and significance—Polish Independence Day. Through no fault of their own and through the misfortune of geography, being sandwiched between powerful neighbors on the east and west, the Poles have suffered more than their share of hardships.

In 1772, when Austria, Prussia, and Russia carved out large slices of Poland, her people stood by powerless, unable to prevent that tragedy. But from then on, her leaders were bent on strengthening the Government to deal with future crises more effectively. They agreed to modernize Poland's Government and make it more democratic. And on this day, May 3, 1791, the Constitution was drafted and adopted.

The document was historical and far reaching. A government with ministerial responsibility was established. A bicameral national legislature was set up.

The nobility lost many special privileges. The peasantry gained many new protections. The townsmen found their status improved. New standards of religious toleration were established. By any standards, it was a liberal document and was hailed throughout Europe.

But Poland's foes, both at home and abroad, succeeded in sabotaging it. Before it could be put into full force, the Polish nation was sliced up by its neighbors and four years after the Constitution's adoption, Poland no longer existed as an independent state.

But the spirit of independence that the Constitution generated did not die. After the First World War, when the Poles regained their independence, that spirit again came to life.

But, of course, it was snuffed out by the tragedy that befell Poland during and after the Second World War. And on this, the 174th anniversary of the adoption of the Constitution, I join Polish Americans and freedom-loving people everywhere in hoping that the Poles will once again regain their freedom and be able to celebrate Constitution Day in their homeland.

Mr. FRIEDEL. Mr. Speaker, congratulations are in order to my colleagues for their inspiring remarks made in commemorating Poland's May 3 Constitution of 1791. I wish to associate myself with the previous speakers and join in the observance of this special day.

Each year since the beginning of World War II, both the House of Representatives and the Senate, under special orders have marked this important day in the history of Poland, as further evidence of man's eternal desire to be free and independent.

It is fully recognized by statesmen that Poland's Constitution of May 3, 1791, ranks among the great charters of government of the world perhaps for one significant reason: It gave the Polish people a plan which, if put into practice, effectively, would surely have brought orderly government to Poland and undoubtedly would have enlarged substantially the area of freedom throughout the nation.

The high hopes entertained by the Polish patriots of that time were soon destroyed, when in 1792, almost a year to the day after the Constitution was adopted, Russia invaded that unhappy land, defeated the Polish Army, abolished the Constitution of 1791, and subsequently partitioned Poland.

On this occasion it is fitting that we recall a historic document which 47 years ago became the foundation for the liberation of enslaved nations. I, of course, refer to the 14-point message of President Woodrow Wilson. The 13th point concerned Poland, which had been enslaved since the end of the 18th century and it reads as follows:

> An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and

economic independence and territorial integrity should be guaranteed by international covenant.

Not quite a year passed after President Wilson's message when Poland joined the family of free nations, united and independent. But what do we know of this once-proud nation now?

Because of the courageous stand taken by Poland against Hitler's Germany, Poland was invaded by the Nazi hordes. Seventeen days later, a Poland fighting for its life was attacked from the rear by Soviet Russia. Shortly thereafter, Communist Russia and Nazi Germany carried out their secret agreement and again partitioned Poland.

Today Poland is a captive nation enslaved behind the Iron Curtain. We sympathize and commiserate with her. Several years ago, the President of the United States declared:

> The peaceful liberation of the captive peoples has been, is, and, until success is achieved will continue to be a major goal of U.S. foreign policy.

With that statement I completely agree. So on this historic anniversary may the brave and long-suffering Polish people gain hope from the fact that we in America will ever keep them in our hearts and prayers until they once again join the free and independent nations of the world.

Mr. BOLAND. Mr. Speaker, on May 3, 1791, Poland received a new constitution. This document is one of the landmarks of European history and one of the great steps by a free people toward fairer and more representative government. This great nation peacefully attained liberty, with respect for the law, for the right to private property and for the individual. This is a feat of no small proportion in any era. For its time, this was a giant achievement and one that was attained in most other countries only through bloodshed and violence.

Several factors contributed to the adoption of the constitution in 1791. In 1786 Frederick the Great of Prussia died; consequently the alliance between Russia and Prussia was weakened, which encouraged Poland to follow a more independent foreign and domestic policy. Eastern Europe was at this time distracted by the war against Turkey, which was involving, among others, Russia and Austria. Thus, with Russia and Austria preoccupied in other quarters and a friendly Prussia on its western border, both of Poland's flanks, heretofore exceedingly vulnerable, were momentarily secure.

In addition, the ideas that were developed in the French Revolution of 1789 had a great effect on constitutional reform in Poland. Their great constitution which we honor today was an adaptation of French and English principles and practices modified to fit the realities of Polish life. Influences from our own Constituton are also discernible in the Polish document ratified just 174 years ago.

But we must do more than just honor a document; we must remember also today the great individuals who had the courage to strike out and do something new. Men like King Stanislas Augustus, the two Polish leaders who assisted America in its revolution against the British, Generals Kosciusko and Pulaski, and other Polish patriots had the fortitude and strength to work for a better world in which the dignity and worth of each individual would be honored and protected. They typify so very well the strength and courage that we now associate with the Polish people all over the world.

It is noteworthy that the celebration of Polish Constitution Day has been forbidden in Poland. Repression is, unfortunately, not a new phenomenon to these brave people. As we honor the great event of the past, we honor the great spirit of the past also. That spirit is alive today and is struggling to reassert itself.

Mr. Speaker, in celebrating one of the greatest events in Polish history, we reaffirm our faith in the future, a future of freedom for all men. I am proud to join in celebrating this great event and to express my hope that in the very near future the principles so well expressed in the constitution of the 3d of May, 1791, will again become a reality in Poland.

Mr. FEIGHAN. Mr. Speaker, today is Polish Constitution Day. It is a day which is observed by the people of Polish origin and their friends in many parts of the free world. The people of Poland are denied the opportunity to observe this historic occasion in a manner fitting to its importance in the life of the Polish Nation.

An inspiring public ceremony took place in Cleveland yesterday to observe Polish Constitution Day. That ceremony was held in Wade Park in sight of the impressive statue of General Kosciusko.

Richard E. Jablonski was chairman of the organizing committee, and Mr. Joseph Ptak served as secretary of the committee.

The guest speaker was Dr. Henry Joseph Parcinski, president, Alliance College, Cambridge Springs, Pa. Dr. Parcinski is a well-known educator and authority on Polish culture and history. His remarks were enthusiastically received by the large audience present. It was my privilege to speak on this occasion and by unanimous consent, I include my address on "Polish Constitution Day":

Polish Constitution Day

Poland as a nation reaches back into the history of civilized man for a thousand years.

Poland has enjoyed great and heroic epics as well as experiencing those chapters of history blackened by armed aggression from her neighbors and foreign occupation.

The spirit of national independence is engrained in the bones of every Pole because they have fought to win it or defend it in almost every generation. That is why the 3d of May is such an important event in the long history of the Polish people.

The Polish National Constitution of May 3, 1791, stands as a historic commitment to personal liberty and national independence under law, forged by the will of the people, freely given through their representatives in Parliament.

It is worth noting that the passage of Poland from a kingdom with an all-powerful King to a republic with a representative form of government was peaceful and without bloodshed. But the blood of many patriotic Poles was spilled because the needs of self-government had blossomed in their lands.

Imperial Russia and Prussia regarded the light of democracy shinning forth from Poland as a threat to their futures. The sharp contrast between the absolute state where tyranny of the individual was common, and the popular Republic of Poland where the dignity of man prevailed, could not be tolerated. Consequently, Poland was invaded by her neighbors, her sovereignty destroyed, and the nation was partitioned among the aggressors in 1792.

General Kosciuszko, hero of the American Revolutionary War, rallied his countrymen in 1794 in an attempt to restore the Republic.

Without arms or training, the Poles attacked the occupying Russian Army, seizing artillery and arms to carry on their fight. Empress Catherine of Russia sent large armies into Poland to crush the revolt. Kosciuszko was seriously wounded and taken prisoner by the Russians and Poland was partitioned once more. For over 100 years Poland remained partitioned and occupied until it rose again to win national independence in 1918.

Poland today is the captive of imperial Russia. Imposed upon her is a regime which has won neither consent nor approval of the Polish people. And worse, the reactionary way of life that regime seeks to impose upon Poland does violence to her culture, traditions, and aspirations. The people of Poland are paying a terrible price for their devotion to liberty, self-government, and national independence. Like their devotion to Christian life, they believe these values are as important as life itself. This faith has sustained Poland as a nation throughout the centuries and will win victory for her in the present struggle with the modern day barbarians.

Poland will be free and self-governing. That is the meaning of this observance of the 3d of May.

Mrs. DWYER. Mr. Speaker, I am delighted to have another opportunity to join with our colleagues in commemorating today, May 3, the anniversary of Polish Constitution Day—an event of major significance to all those of Polish birth or descent and to all who cherish political freedom.

It was my special pleasure yesterday, Mr. Speaker, to join with hundreds of my constituents in Union County, N.J., in the annual observance of Polish Constitution Day sponsored by the Elizabeth Federation of Polish Organizations.

At that time, I was called on to speak, and as a part of my remarks on this occasion I should like to include the text of my speech of yesterday:

Polish Constitution Day, 1965

(Address by Mrs. Dwyer)

The celebration of Polish Constitution Day is an annual event of great importance. Each year since I have been a Member of Congress—9 years in all—I have been privileged to join many of my colleagues on the floor of the House of Representatives where, in a series of speeches, we have called public attention to Constitution Day and to its great significance for all who believe in personal freedom and national independence.

On Monday—tomorrow—the House will again commemorate Polish Constitution Day, and I shall be there in order to pay my own tribute to a great people.

Today, the strategic position of Poland in Eastern Europe, the crisis in Berlin, the constant pressure on the Polish people to conform with Communist dictates, and the worldwide conflict between freedom and communism make it more important than ever that we tell the American people the truth about the Polish people and the long and fruitful tradition of freedom which Poles everywhere have carried with them. I believe that this 171st anniversary of the Polish Constitution is a good and appropriate occasion for us to do it.

First of all, let me say that I disagree very strongly with those who would have us shut the door on Poland and deprive the Polish people because of the crimes of a foreign government which was inflicted upon them by the force of arms. To do this would be to play into the hands of the Communists themselves. If the free world should abandon Poland, we would be proving that Communist propagandists are right, when they say the West doesn't care or can't be counted on for help. We would be forcing the Polish people to turn to the Russians and away from freedom.

We in the United States should, instead, be doing just the opposite. We should increase our interest in the Polish people. We should distinguish carefully between the Polish people and their alien government, and help the people in every way that will not strengthen the Government. We should seek to increase the contacts between the people of Poland and the people of the West. We should reinforce their hopes for the future. We should convince them that the free world has not forgotten their brave struggles against tyranny. We should compete against, rather than give into, the Communist forces and prove to the Polish people that freedom and democracy are the great hope of mankind and that godless communism will eventually collapse as a result of its own abuses and contradictions.

If we of the Western World truly believe in our ideals of freedom and independence, democracy and self-government, and the dignity and worth of each human being, then we have nothing to fear from communism. We should oppose Communists wherever we find them—oppose them by demonstrating the superiority of freedom, by proving that we really care about people and that we are willing to help them in their hour of need. It won't be easy. The odds are heavily against us in parts of the world already occupied by the forces of Soviet oppression. But freedom is never easy, either to win in the first place or to maintain. But because freedom is priceless it is always worth fighting for, to those who understand it and value it.

This, I believe, is the spirit of the occasion we are celebrating today. This is the meaning behind the Polish Constitution of 1791, just as it is in meaning that underlies the Constitution of the United States which was adopted just a few years earlier and which became such a great inspiration to the Polish patriots who were seeking freedom from foreign powers.

This kind of spirit doesn't die. It lives on as strongly as ever in the hearts of the Polish people, despite the severe restrictions under which they live today. It lives on and is given strong voice and effective action wherever Polish people, outside their homeland, are free to gather together and to plan and work for better days.

To me, it is nothing less than amazing that, in spite of years of Soviet occupation, the fundamental value and hopes and love of freedom and independence have survived among the people of Poland. Yet, this is the nearly unanimous report of those who have visited Poland in recent years. I have talked with several of my fellow Congressmen and with Polish-American constituents, all of whose experiences in Poland have confirmed the warmth and friendship felt by the Polish people toward their friends in America—and this despite the constant "hate-America" propaganda to which Poles are forced to listen.

Polish Constitution Day is an ideal opportunity for reminding the rest of the world that the people of Poland and the people of the United States have too much in common, too long a history of friendship and cooperation, ever to let the forces of communism separate us. There are limits, of course, to what we can do in the present circumstances. But within those limits, we must never miss a chance to strengthen the bonds that unite freedom-loving people in both our countries. Personal contact, correspondence, assistance to private schools and hospitals, the shipment of food and medicine—these and other activities can provide the fuel to keep alive the flame of freedom.

These are troubled times almost everywhere in the world. The cost of our leadership of the free world is high, but it is a burden from which Americans have never shrunk. If peace and freedom are ever to bless this earth again, we must lead the way. It is essential that we give of ourselves and our resources, and, while doing so, thank Almighty God for having made it possible.

What better occasion could there be than this one to re-dedicate ourselves to the goal of replacing fear with confidence, of substituting freedom for slavery, of bringing hope to the people of Poland and other Communist-dominated lands—and, by so doing, justify the gifts and the trust which God has bestowed upon us.

Mr. COLLIER. Mr. Speaker, the modern history of the Poles is marked with calamities and misfortunes. This was especially so in the late 18th century when their freedom and independence was in jeopardy. In 1772 they had already lost a third of their country to Austria, Prussia, and Russia. In order to forestall the repetition of such a disaster, Poland's leaders aimed at strengthening the Government of Poland by reforming and overhauling its governing machinery. In 1788, a committee of the Diet—the assembly—began to draw up a constitution. In the course of 3 years this was completed, and the resulting document, the Constitution of May 3, 1791, was promulgated on that day. For the Poles that date became memorable and the Constitution a historic document.

This Constitution introduced many radical changes in the government of the country. Poland became a constitutional monarchy, with a responsible cabinet type of government. The powers of the lower chamber were enhanced and those of the upper chamber drastically reduced. The barriers separating the nobility from other classes were practically eliminated. The authority of landlords over the peasantry was reduced, and religious toleration was guaranteed. These liberal provisions made the Constitution a truly democratic document. Its promulgation was hailed both by Poles and by their friends in many lands. From then on the date of its promulgation became a Polish national holiday. Unfortunately, the Poles did not have the chance to put their new Constitution into force and reap its benefits, but today all Poles take just pride in the fact that their leaders were the first among other national leaders in Eastern Europe to draft and promulgate such a liberal and democratic constitution. That historic document testifies to their genuine democratic aspirations. In the celebration of the 174th anniversary of Polish Constitution Day I gladly join hands with all liberty-loving Poles.

Mr. KEOGH. Mr. Speaker, great historic documents are the expression of lofty ideals conceived and formulated by men of vision and foresight, often becoming landmarks in national histories and leaving their permanent impression on national character. The Polish Constitution of May 1791, is such a document and reflects the liberal and progressive character of Poland's leaders in the late 18th century.

This memorable and historic Constitution embodied many democratic ideas, and represented a decisive advance over anything previously attempted in Poland. By its provisions Poland abandoned its antiquated, medieval system of government and adopted one with many modern features. Autocratic Poland became a constitutional monarchy. The most startling innovation was the abolition of the liberum veto by which any one member in the Diet—the national assembly—could veto any measure, preventing the enactment of any legislation. The new Constitution did away with this obstructive feature, and thereby paved the way for new legislation. The powers of the upper house were reduced and those of the popularly elected lower house were increased. Freedom of conscience and of free speech were guaranteed. These democratic features made the Constitution of May a model progressive instrument, and as such it was widely hailed both in Poland and by Poland's friends everywhere.

Through such a drastic overhauling of Poland's Government, its valiant and liberal leaders hoped to save their fatherland from eventual dismemberment. Unfortunately that in itself was not sufficient to save Poland. Soon after the proclamation of this Constitution, Poland's foes attacked her, and brought her independent existence to an end for more than a century. Unhappily the Poles did not have the good fortune to live at peace under their new Constitution, but they have looked upon it as a memorable, almost sacred, document embodying their unrealized dreams and long-cherished hopes. The ideals embodied in that Constitution, Mr. Speaker, are as alive in the hearts of the Polish people on this 174th anniversary celebration of its promulgation as they were in 1791.

Mr. LINDSAY. Mr. Speaker, citizens of Polish origin in this country will join with their brethren in many nations of the world on May 3, in celebration of a great Polish national holiday—the Polish Constitution Day. The valiant struggle of the Polish people for national independence has inspired all people who cherish freedom and the dignity of the individual. The 3d of May Constitution declared the fundamental faith of a liberal people, a faith which still burns today in their hearts despite the chilling oppression of a Communist state.

The Polish 3d of May Constitution states that truth which is the cornerstone of all democratic governments, and which echoes the basic tenets of our own Constitution adopted just 2 years before. Its words are:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order

> of society, on an equal scale and on a lasting foundation.

Thus the philosophies of government of the American and free Polish people are strongly linked.

Other significant dates in Polish history will also be marked by this year's May 3 observance. Among these is the 25th anniversary of the Katyn massacre, the coldblooded mass murder of thousands of Polish officers and intellectuals in a forest near Smolensk in the Soviet Union. One of the most brutal acts of genocide the world has ever known, it is a vivid reminder and warning of the inhumane nature of totalitarian government.

I salute the members of the Polish American Congress, representing nearly 10 million Americans of Polish descent, for the work they have done to make the observance of Polish 3d of May Constitution Day an impressive and memorable event.

Mr. DADDARIO. Mr. Speaker, many Members of the House are saluting today the great contributions which Poland has made in the course of democratic history. The drafting of the Constitution of May 3, 1791, was a unique statement of freedom and of the rights of the people in that part of Europe. It deserves to be remembered and to be recalled wherever freemen gather.

Poland, by its geography, has been under constant pressure from other powerful nations. It has been forced to accept the tyranny which is imposed on it today, but the ideals which were embodied in that Constitution of 174 years ago have been kept alive by Poland's many brave sons and daughters throughout the world, as well as at home. The great gatherings of this past weekend have shown how many long to see a free and constitutional democracy flower there again.

It is well that we look back and study the language of that 1791 Constitution—language that set limits on the power of rulers, and imposed responsibilities on the cabinet chosen to administer the nation. It was a farsighted document that breathed freedom and human dignity. I join my colleagues in calling the attention of our people to this great, if tragic, anniversary.

Mr. TENZER. Mr. Speaker, I am privileged to join my colleagues in paying tribute to the great nation of Poland on the 174th anniversary of the adoption of the Polish Constitution of May 3, 1791.

This anniversary is particularly meaningful to me because my parents of blessed memory came to this country from Poland, my mother, in the year 1871 at the age of 2, and my father in the year 1883 at the age of 14.

The United States of America was indeed a land of opportunity and promise to my parents. They were married here on Thanksgiving Day 1890 and were blessed with seven children. They celebrated their 61st wedding anniversary in 1951 and when my father passed away in 1952 and my mother in 1953 they were survived by 7 children, all married, 15 grandchildren, and 26 great grandchildren. Their descendants have made and are making a contribution to our American way of life. They served in our Armed Forces. Each in his own way and each in his own community is active in business, the professions, and in community and philanthropic affairs. And now, Mr. Speaker, one of their sons is privileged to sit in this House, the most distinguished legislative body in the world. Such is the way of life in our Nation.

The Congress of the United States remembers Polish Constitution Day and salutes the many Americans who are proud of their Polish heritage and recalls the document outlining the principles of democracy which was adopted by a nation which in 1791 had experienced more than a century of cruelty and repression.

The courageous people of Poland are again experiencing a period of oppression and cruelty under a Communist government not of their own choosing. The people of Poland will continue their fight for freedom and liberty and one day, we pray that will be real soon, they will once again regain the precious rights of life, liberty and the pursuit of happiness—the rights they won in 1791, in a bloodless revolution.

A land which gave birth to such great artists as Chopin and Paderewski, who are speaking to peoples throughout the world in the international language of music, is a land which should be a free land, a land of liberty.

The Congress will this year consider an immigration bill of great importance to people in many lands throughout the world, who seek admission to this land of promise and opportunity. Let us also this year join with the people of Poland in their desire to find a new life within their own country by gaining freedom from the oppression of communism and once again make Poland a land of liberty.

Mr. FASCELL. Today, Mr. Speaker, we are commemorating the anniversary of the Polish Constitution of 1791. This is a great day for the Polish people, and it is a day that they commemorate with a feeling of pride and a sense of honor. This feeling comes not from the fact that this Constitution had had any practical effect upon the political system of Poland, because the Russians had invaded Poland, crushed the Polish opposition, and destroyed the Constitution before it could really have become deeply engrained in the Polish system of government. Rather this feeling comes from the fact that this Constitution represents the totality of Polish aspirations for freedom and democracy. The Constitution was not long lasting. This is true. But what lived on in the Polish tradition were the ideals of this Constitution. And so even today this Constitution is a source of inspiration for all Poles.

To speak of the Polish historical experience is to speak of a series of great tragedies that have befallen this much-respected and much-honored people. At the beginning of World War II, Poland was invaded and partitioned by the Nazis and the Soviets. In the spring of 1940, the Soviets killed off the flower of Polish leadership when it murdered thousands of Poland's soldiers at Katyn. In the closing days of World War II, Poland found her territory occupied again by the hated Soviet Russians. And in those days the Russians destroyed what hopes of freedom were possible by grossly violating the Yalta agreement that had called for free and unfettered elections. In the process of imposing their tyrannical system, the Soviets also imprisoned the leaders of Poland's underground government.

We call to mind today these tragedies, Mr. Speaker, as we commemorate the anniversary of the May 3 Constitution. To Poles everywhere and to the members of the Polish-American Congress, a body that has kept alive American concern for Poland, I extend my congratulations and join with all of my colleagues in this Chamber to salute Polish people everywhere in their continuing struggle to throw off the yoke of tyranny.

Mr. O'HARA of Illinois. Mr. Speaker, I join with all my heart in the acclaim of the people of Poland, their dedication to freedom and their high accomplishments that marks this anniversary of the Polish Constitution of 1791.

Four of the Members of this body from the great State of Illinois are of Polish blood and descent: Congressmen DERWINSKI, KLUCZYNSKI, PUCINSKI, and ROSTENKOWSKI. And this is a reminder of the tremendous contribution men and women of Polish blood have made in the building of our cities and our States and the cathedral of our democracy from the very earliest days.

Three hundred and fifty-seven years ago on September 1608, the first Polish settlers landed in Jamestown, Va. The annals of John Smith attest to the fact that these Polish settlers were a most valuable asset to the struggling young colony. They brought their strength, their willingness to work, and their love of freedom to a settlement which needed and welcomed their sturdy qualities.

May 3, 1791, barely 2 years after the adoption of our own Constitution, Poland adopted a constitution which marks that country as a pioneer of liberalism in Europe. It eliminated with one stroke the fundamental weaknesses of the Polish parliamentary and social system. It proclaimed the sovereignty of the people, a threat to tyranny and absolutism in Russia and Germany.

The Polish Constitution of May 3 proclaimed:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

The year 1966 will mark the 1,000th anniversary of the baptism of the Polish nation. One thousand years ago Poland linked her destiny with that of the West. During a period equal to one-half our Christian era, Poland linked her destiny with that of the West, and became an integral and creative force in its culture.

The people of Poland have, since the days of Jamestown and through the centuries of events to the present, furnished the bone and sinew of American growth. At Jamestown Poles cheered and supported John Smith. During the Civil War her soldiers fought on the side of the Union while her daughters nursed our soldiers on the battlefield. Throughout the years these sturdy pioneers of freedom have been a source of strength to the country of their adoption. Today, Polish Americans have set their purpose to the ultimate liberation of their homeland. In their hopes and in the attainment of their prayers all Americans join.

Mr. HANLEY. Mr. Speaker, it is my great pleasure to commend the people of Poland and their American brothers on the anniversary of the Polish Constitution signed on May 3, 1791.

The country of Poland had been severed by Russia, Prussia, and Austria and after that partitioning, Polish leaders felt a sense of urgency to find a means to prevent future national calamities. They needed a format for the Government designed to unite and strengthen their country.

To this end, in 1788, a committee of the National Assembly, the Diet, was formulated to draw up a constitution to improve the Government. This commissioned body was comprised of liberal, freedom-seeking, patriotic men. Discontentment among the tired and disgusted masses in monarchial Poland was great. This state acted as a catalyst; thus 3 years later, a constitution was signed.

This first Democratic document in Eastern Europe, signed on May 3, 1791, reduced the arbitrary powers of the King by channeling his authority through a council. The powers of the upper Chamber of the Assembly were reduced and those of the popular-elected lower Chamber were liberalized and fortified. The peasantry were freed and placed for the first time under the protection of the law. Separation of the middle and lower classes from the nobility was minimized. The authority of the landlords over the peasantry was reduced. Equally as important, the liberum veto whereby one Member of the Diet could veto any measure was abolished thus assuring passage of more legislation. This constitution also created the first type of cabinet government. Perhaps one of the most important provisions was freedom of religion, conscience, and speech. Thus, Poland became the pioneer of democracy in Europe by proclaiming the sovereignty of her people.

Mr. ELLSWORTH. Mr. Speaker, I want to join with those who have paid tribute to the great Polish Constitution of 1791, Polish Constitution Day being properly observed on May 3, and to call attention once again to those enduring precepts of democracy that prompted the Polish Constitution, precepts which had just 2 years earlier prompted our own Constitution of the United States.

During the intervening years, Mr. Speaker, fate has not treated Poland and the United States with equal favor, and Poland has from time to time been and is now subjected to the tyrant's hand. Throughout, however, the spirit of liberty has remained alive in Poland, and is deeply instilled in the hearts and minds of Poles wherever they live.

I know that the occasion of Constitution Day heightens the courage of every Pole, and all freedom-loving people, to look to the ultimate triumph of freedom and justice, when, as the Polish Constitution of 1791 so aptly puts it:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Mr. GALLAGHER. Mr. Speaker, we all know that a spirit of freedom is possessed by many men who live under tyranny. The flame never ceases to burn although its light may be dimmed to protect those who gather hope from the smallest ray of light.

This may somewhat describe the plight of freedom loving people in Poland. The spirit of freedom lives on though it may of necessity be dimmed. It is, nonetheless, a source of encouragement to those who continue to be hopeful that one day this land may once again be free.

On May 3, the people of Poland and Americans whose ancestors or who themselves may have come from that great land celebrate Constitution Day, on this date in 1791 the Polish Diet, or Parliament, ratified a new constitution which established constitutional democracy under cabinet government in Poland.

I was privileged to be in attendance at a ceremony sponsored by the Polish American Citizens Club in Bayonne, commemorating Polish Constitution Day. Speakers recalled from history the names of Poles who fought for freedom not only in their native land but on the side of freedom with the American colonists in 1776. All Americans continue to be inspired by the spirit and deeds of the legendary heroes of the American revolution which included Generals Pulaski and Kosciusko.

As we spoke of these great men, I was mindful that in our city were two Americans of Polish ancestry who were recipients of the Congressional Medal of Honor awarded for valor in combat in World War II—Stephen Gregg and Nicholas Oresko. The people of Bayonne are proud of these modern day heroes who themselves are part of the great history of America and grateful for the service they rendered our country.

We should be ever mindful that many thousands of Polish-Americans fought in World War II, in Korea and are now serving in our Armed Forces. They too follow the pathway of freedom blazed by Pulaski and Kosciusko.

We are mindful that thousands of free poles fought with the Allied forces in Europe.

We acknowledge the great contributions made by Poles in every profession to the building of America. We are aware of the role of the Polish American community to the civic, culture, business, and political activities of this country. We are inspired and encouraged by their great accomplishments.

Polish Constitution Day is their day to recall the sacrifices that have been made for freedom in Poland and to rededicate themselves to the proposition that one day all men will be free.

GENERAL LEAVE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

NOTICE TO CONSERVATIONISTS—THE GRAND CANYON WILL NOT BE FLOODED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOSMER] is recognized for 20 minutes.

Mr. HOSMER. Mr. Speaker, Members of Congress are being deluged with letters from honest and sincere people protesting what they call the flooding out of the Grand Canyon. If this were about to happen I would be right in there with them protesting as loud as anybody. This is not the case, however, and I would like to put the record straight.

There are before the Interior Committees of both the House and Senate bills to authorize the Lower Colorado River Basin project formerly known as the Pacific Southwest water plan. This is a bold, necessary and imaginative project for the vital purpose of relieving arid conditions in the States of Arizona, Nevada, and California, whose increasing populations, burgeoning industries and large agricultural economies are contributing so greatly to the progress of the United States and its position of world leadership. New and additional sources of water simply must be found if this area of our Nation is to continue playing its major role in America's destiny.

Already the State of California is investing over a billion dollars in the Feather River project which—as vast as it is—only will provide water sufficient for increased uses during the immediate future. The desalting of sea water holds great promise for the distant future but only by maximum utilization of nature's own water can this vital element of life be supplied to homes, factories, and farms at a cost which will not stifle the economy of the Pacific Southwest.

The Lower Colorado River Basin project represents a historic act of unity between the States of the Lower Colorado Basin which for a century have fought amongst each other over their shares of the Colorado River's meager waters. The project's concept is fully within the criteria for sound resource management. It will repay every cent of Federal investment in it and, by underpinning the improvement and advancement of the Pacific Southwest, will provide substantial additional tax resources to all levels of government.

The keystone and all-important feature of this project is a concept of regional water resources development financed by an overall basin account. Hydroelectric plants will provide the necessary revenues to underwrite the pumping plants, aqueducts, reservoirs, pipes, and conduits that make water available. Without these hydroelectric plants the plan is totally infeasible and impossible of accomplishment.

The plan envisions construction of two dams for hydroelectric generation. Marble Canyon Dam is to be upstream from Grand Canyon National Park. Bridge Canyon Dam will be downstream at the headwaters of Lake Mead. Its lake will backup upstream about 93 miles. Approximately the last 13 miles of the headwaters of this lake will be in Grand Canyon National Park to the extent that the natural bed of the Colorado River is within the park's boundary at this location. Less than 1 percent of the total geographic area of the park will be affected. No part of the reservoir will be visible from any established observation point on the rim or on the river. One would have to float far downstream to detect any change whatever. This is hardly a flooding out of the Grand Canyon. It interferes in no way with any use of the Grand Canyon which conservationists are making.

When the Grand Canyon Park was created by Act of Congress in 1919 it was specifically understood that the park was not to interfere with reasonable developments. The act specifically provides the following:

> Whenever consistent with the primary purposes of said park, the Secretary of Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project.

This is a context in which the Lower Colorado River Basin project has been formulated. Let me say emphatically that there is no intention or even a remote physical possibility of flooding out Grand Canyon. A stretch of 104 miles of natural river will remain between the headwaters of Bridge Canyon Dam and the Marble Canyon Dam. This magnificent chasm created by the forces of nature dwarfs even the most dramatic efforts of man. We could not flood it if we wanted to. And, we do not want to. The only thing that will happen in the canyon is realization of the awareness that long ago, in 1919, was expressed that there must be some reasonable development of the Colorado in this general area if the river's waters are to be used to the fullest extent possible for the benefit of the Pacific Southwest and all Americans.

Some people have argued that the sum of 10 cents a year from every individual in the United States would compensate for the loss of Bridge Canyon and Marble Canyon Dams. This simply would mean an added cost to the water and power users or to the taxpayers of the United States of $18 or $20 million annually. This kind of added cost is simply irrational in relation to the minor extension of a beautiful new lake, a relatively minor distance into the Grand Canyon National Park. The 104 miles of natural river just mentioned, will include about 91 miles within the boundaries of Grand Canyon National Park itself. The same matchless and unaltered view still will be available from the rim. The same mule-back trips or long, arduous foot descent and climb will be possible and in no way deteriorated or impaired.

Some people are suggesting instead of hydroelectric plants that thermal-generating plants be installed at other locations to act as cash registers for the Lower Colorado River Basin project. This too is lacking in reason in relation to the purposes and economics of the project. The dams are needed not only to produce power but as well to regulate flow of the river which varies greatly from year to year. The system of lower basin dams including Davis, Parker, Hoover, Bridge Canyon, and Marble Canyon will insure steady supplies of water for the lower basin in wet years and dry years. These dams will operate in conjunction with those of the Upper Colorado River Basin to regulate the entire river so that tremendous benefits will accrue to all seven States which have major dependence on it. Additionally, newly developing economics of power generation in the Far West are placing an even high premium on hydroelectric power for peaking purposes. For this reason the Bridge and Marble Canyon Dams' hydroelectric facilities can be operated to maximize electric revenues in a manner which thermal-generating plants can never be.

Unless the Lower Colorado River Basin project as planned is allowed to proceed, the Nation will not keep faith with the people of the Pacific Southwest. The Colorado River is the lifeblood of the Rocky Mountain and Pacific Southwestern States. The lower basin has seen no river developments of consequence since Davis Dam was completed in 1950. In this decade and a half, the population of Arizona, southern Nevada, and southern California—the service area of the Lower Colorado River Basin—has increased 85 percent and there is no sign of any letup in growth. The visionary leaders of the early days had the wisdom to know that the Colorado River's primary use must be for sustaining the life and economy of the area it serves. The time has now come when it must be developed to its maximum for that purpose. Construction of Bridge and Marble Canyon Dams are integral parts of the plan devised by cooperative efforts of the Federal Government and States to that end. Any further stalemate will have disastrous consequences. It must be prevented at all costs.

Already many of the most dedicated of conservationists are commencing to appraise these facts as they are realistically withdrawing their objections to the construction of these dams. They are aware of the extreme need of both the Pacific Southwest and the entire country for maximum development of the Colorado. They know that the cause of conservation can only be harmed by an unreasonable campaign aimed at an unreasonable objective; namely, paralysis of the growth and progress of America. They respect not only needs and viewpoints other than their own with respect to economic developments, but as well the vast recreational opportunities these two new beautiful lakes will open up to millions of their fellow citizens.

NEIGHBORHOOD YOUTH CORPS: WOOD COUNTY LEADS THE WAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. HECHLER] is recognized for 15 minutes.

Mr. HECHLER. Mr. Speaker, those who wonder whether the war on poverty is getting off the ground should take a look at what is happening in Wood County, W. Va. One of the many projects which West Virginia has under way is the Neighborhood Youth Corps, which helps young men and women get the jobs and training necessary for them to stay in school or go back to school, and to obtain the skills essential for their future progress.

Wood County was one of the first counties to formulate its plans for the Neighborhood Youth Corps. This is largely due to the vision and imaginative leadership of Wood County's new superintendent of schools, Dr. Grant Venn. In the brief time he has been in Wood County, Dr. Venn has given new vitality to the school system and, with an instinct for the jugular, he has identified the needs of the community and moved forward boldly in meeting these needs. Assisted by a $100,000 grant from the Carnegie Corp., a placement and counseling center was established last year which gave Wood County a running start in preparing for the Neighborhood Youth Corps.

WOOD COUNTY ON THE MOVE

After the passage of the Economic Opportunity Act, Wood County was ready to move swiftly to submit an application to enable young men and women to obtain useful part-time jobs and training. A Federal grant of $223,800, second largest to date in West Virginia, was awarded to Wood County to cover 788 students. A huge percentage of these students are already at work, under the program supervised by Neighborhood Youth Corps Director C. Robert Sullivan.

From teachers, principals, administrators and in the entire community, the cooperation in Wood County has been inspiring to behold. Mr. Speaker, any new program which has to utilize untried and untested procedures is bound to have some bugs. But the sheer enthusiasm engendered by accomplishment is serving to minimize these difficulties.

WHAT MANNER OF MAN

Once there was a guidance counselor, a Navy flight instructor and a teaching fellow in the State of Washington. He went out to get his feet wet in applied education in places like Yakima and Othello. Suddenly, the different school districts where he went were being selected as among the five outstanding school districts in the Nation. Then he went on to be president of Western State College in Colorado, then to be director of field training for the Peace Corps and to the American Council of Education. Did you ever hear of a book entitled "Man, Education and Work," which could sell 14,000 copies? That is because you may not know Dr. Grant Venn.

Working closely with Dr. Venn on the Wood County Board of Education is Mrs. Forrest G. (Catharine) Clark. Each week she tells the story of progress in Wood County. Because I want my colleagues to receive a firsthand report of what a successful county can do with the Neighborhood Youth Corps, under unanimous consent I am including Mrs. Clark's column from the Parkersburg News of May 2:

NEIGHBORHOOD YOUTH CORPS STARTS AS A GREAT ADVENTURE

(By Catharine Clark)

Things are taking on a new look around public buildings in Wood County this spring, and esprit de corps is on the upswing in a number of public operations. Reason: The Neighborhood Youth Corps.

Youthful muscles are flexing over jobs that have long been undone, but with youthful vigor hundreds of young people are learning to do things they have not tried before.

Here are some of the things that are going on under the Federal program designed to help youth between the ages of 16 and 22 gain experience and learn skills that they can use in the competitive labor market later on. Sometimes the skills consist of good work habits. Always, good attitudes are important.

The young people are under supervision of regular employees on each job, but always they are doing work that does not take employment from regular employees or prospective employees.

Here are some of the things those involved have to say about the work:

"We like it at the city park, and we're getting a lot done," beams one of three crew leaders. The 15 boys doing park work are divided in groups, of 5 each with its own leader. They are all in school, so they keep their workclothes at the park, don them at 4 p.m. and work until 7 p.m.

PARK CREWS BEAUTIFY

The park crews have been setting new guard rail posts, raking leaves, picking up broken blacktop and hauling it away by tractor, and running the powermower.

All the boys like to work for Hubert Jenkins, park superintendent, they say. School buildings are going to look cleaner than they have for sometime, simply because there is more muscle power. Both boys and girls are helping with building cleaning, which includes giving a good sparkle to windows both inside and outside.

Students have always helped in school cafeterias and have been rewarded with free lunch tickets. Mrs. Bessie Godbey, head of the Parkersburg High School cafeteria, finds though that there is new zip to the program with more helpers on the job and with many of them on regular payroll from the Youth Corps. Some are coming to work during the busy morning hours when the cooks always needed more hands than they have.

Twelve young people are being trained on the data processing equipment. They are setting up school records so that thousands of man-hours will be saved later for teachers and office personnel. The entire inventory of the county school property and other pertinent information will soon be on the machines; soon even the Neighborhood Youth Corps paychecks will be prepared mechanically.

EXPERIENCE IS IMPORTANT

"The experience is going to be more valuable to me than even the money," one of the girls working in data processing exclaimed. "Although I'm going to buy new glasses with the money, I expect to be able to work my way through college with the skills I'm learning here."

"I just love the work," another girl sighed.

Library books are being repaired in school libraries, and in the Carnegie Library. The Wood County law library is to be inventoried.

Two girls are learning to score achievement tests on the Wood County schools test scoring machine.

"I'm so glad to learn how to use this machine," one of them said, "because I'm going to have to work my way through school, and every college has work like this to be done."

Some of the youth on the corps are especially interested in gaining work experience which they can use in future references.

"It's pretty rough to be turned down for jobs because you're inexperienced. How's a fellow to get experience?" they ask. "You have to start somewhere."

Supervisors are keeping careful references and insisting on full hours of work for the pay.

BOYS CLUB HAS LIBRARIAN

Frank Siebel of Boys' Club is pleased with every one of those helping him.

"We've had no one to help in the library before now," he pointed out.

Now there's a girl in the library, and another is teaching arts and crafts on Tuesday and Thursday from 4 p.m. until 5:30; and on Monday, Wednesday, and Friday from 6:30 p.m. until 9 p.m. and all day on Saturday.

Two boys are working as physical program assistants, one in the gym and one in the games room, and another boy is on maintenance. He is washing windows until they shine and is painting woodwork.

Masses of brush are being cut at Jackson Park—and so it goes! So, how will the money be used? In as many ways as there are youth to use it:

"Boy, can I use it! I need some clothes," said a girl.

"I'm going to help my mother dress me, too," said another.

"College, college, college," is heard from youngsters who had been about to give up hope of going on for higher education.

"I'm going to pay my bookfine in the library out of my first check," one lad grinned. (Somebody he "didn't know" tore out the pages!)

"I hope this program turns out well, so next year's kids can have jobs, too," said one 16-year-old.

"I expect some people are complaining about this program," mused a young philosopher, "but I believe that the ones who complain do not know that this project is planned for the future. And in the future, if everything goes as planned and the people who get the money are the ones who really, really need it, this program will surely last!"

Problems there are, needless to say. The fellow who tries a job for 1 day and finds that the work is too hard for him—after 10 minutes; the one who is on a job unsuited to him and needs to be shifted.

These are among the reasons there are college-trained coordinators, counselors and teachers to work with enrollees and to teach remedial work when difficulties show up.

Yes, the Wood County Neighborhood Youth Corps is starting off as a great adventure and promises community improvement of untold value.

STATUTES, REGULATIONS, POLICIES, AND PRACTICES OF SELECTED FOREIGN COUNTRIES PROVIDING FOR PREFERENCES FOR DOMESTIC MATERIALS AND FIRMS IN AWARDING OF PUBLIC SUPPLY AND PUBLIC WORKS CONTRACTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, before inserting in the CONGRESSIONAL RECORD the fourth of a series of documented reports on the public works purchasing policies of other nations, I should like to assure my colleagues that the conclusions to be derived from this study will be wholly devoid of partisan implications.

The U.S. Government's strange proclivity of putting Federal contracts up for open world bidding without considering the impact on domestic employment is not exclusively the fault or eccentricity of either major party. The practice has endured, to the disadvantage of American industry and labor, under both Democratic and Republican administrations.

Today's listings pertain to members of the European Free Trade Association established by the Stockholm Convention in 1959. I call your particular attention to that paragraph developed by the Convention to emphasize that most governments of Europe engage in miscellaneous businesses that are outside the activities of our own Federal and State Governments. Despite the disparity in government involvements in commercial enterprises, however, foreign firms annually indulge in Uncle Sam's multimillion-dollar contracts while U.S. businessmen find the doors closed when public bids are being negotiated elsewhere in the world.

I also ask that you peruse carefully the Austrian policy stipulating that "insofar as possible only domestic products shall be used and only domestic enterprises shall be employed." This principle of looking out for native workers is typical in all world capitals save Washington. In its absence here, our foreign friends must surely look upon us not with gratitude but with kind contempt.

Finally, will you note particularly that the United Kingdom takes the balance-of-payments factor into consideration when letting contracts. In contrast, our own Government further exhausts our precious and dwindling stocks of gold by buying materials and supplies from foreign producers.

Article No. 4 of my series follows:

EUROPEAN FREE TRADE ASSOCIATION (EFTA)

Like the treaty establishing the Benelux Economic Union, and unlike the Treaty of Rome establishing the European Economic Community, the Stockholm Convention establishing the European Free Trade Association (EFTA) (HMSO, Cmnd. 906 (1959)) contains specific provisions recognizing the existence in the member states of legislative and administrative provisions, practices, and policies discriminating against foreigners and products of foreign origin in the field of public contracts and providing for their elimination.

The Stockholm Convention was signed on November 20, 1959, by Austria, Denmark, Norway, Portugal, Sweden, Switzerland, and the United Kingdom and entered into force on May 2, 1960. An Agreement of Association with Finland was signed on March 27, 1961, and entered into force on June 26, 1961 (HMSO, Cmnd. 1335 (1961)).

The Stockholm Convention is concerned primarily with the liberalization of trade through the elimination of tariffs and all other restrictions on the flow of trade between the member states. Unlike the Common Market and Benelux, each member state retains its own external tariffs and commercial policies.

The organization of EFTA is simple. The Council is the principal organ and can meet at either the ministerial or official (permanent resident) level. Each member state is represented with one vote. The Council has responsibility for supervising the application of the Convention and exercising the powers of functions conferred upon it by the Convention. Its decisions are binding on member states but they must, with specified exceptions, be made by unanimous vote.

The provisions of the Convention with regard to purchases by public undertakings are contained in article 14, which reads as follows:

"1. Member states shall insure the progressive elimination, during the period from July 1, 1960, to December 31, 1969, in the practices of public undertakings, of—

"(a) measures the effect of which is to afford protection to domestic production which would be inconsistent with this Convention if achieved by means of a duty or charge with equivalent effect, quantitative restriction or Government aid, or

"(b) trade discrimination on grounds of nationality insofar as it frustrates the benefits expected from the removal or absence of duties and quantitative restrictions on trade between member states.

"2. Insofar as the provisions of article 15 (relating to restrictive business practices) are relevant to the activities of public undertakings, that article shall apply to them in the same way as it applies to other enterprises.

"3. Member states shall insure that new practices of the kind described in paragraph 1 of this article are not introduced.

"4. Where member states do not have the necessary legal powers to control the activities of regional or local government authorities or enterprises under their control in these matters, they shall nevertheless endeavor to insure that those authorities or enterprises comply with the provisions of this article.

"5. The Council shall keep the provisions of this article under review and may decide to amend them.

"6. For the purposes of this article, 'public undertakings' means central, regional, or local government authorities, public enterprises and any other organization by means of which a member state, by law or in practice, controls or appreciably influences imports from, or exports to, the territory of a member state."

Those provisions are explained as follows in an analysis of the provisions of the Convention entitled "Stockholm Convention Examined" published by the Secretariat of EFTA in January 1963 (pp. 37–38):

"It has long been recognized, for example in article XVII of the GATT, that state trading enterprises should act in commercial matters according to normal commercial principles insofar as this may affect international commerce. Because a trading concern is owned or controlled by the state, it should not behave in commercial matters as if it were above the 'law' as it is defined or established by international commercial agreements to which the state concerned is party.

"The governments of even the most rigorously free-enterprise economies indulge in extensive commercial activities, if only through the purchase and disposal of supplies and equipment. In the Europe we live in today, most governments go beyond this and operate railways and telephones, while many have established organizations to produce and trade in tobacco manufactures or alcoholic beverages; others mine coal and make steel. These activities may be undertaken by central, regional or local governments, and may be undertaken directly or through state corporations, state-owned or state-controlled companies, or other publicly controlled bodies.

"Article 14 provides that all these activities shall, by the end of the transitional period, be carried out according to normal commercial principles so far as this may be necessary to insure that the obligations of the Convention are applied to them as to any purely private concern. In the first place member states must bring to an end measures the effect of which is to afford protection to domestic production, where that protection would be inconsistent with the Convention if it were achieved through tariffs, quotas, or subsidies. Secondly, they must cease to discriminate on grounds of nationality, insofar as this would frustrate the benefits to be expected from the freeing of trade; that is to say that governments or state enterprises should not give preference to their own national producers simply because they are of that nationality; if they buy national products this should be for normal commercial reasons, such as cheapness, quality, suitability, facility of production control, or earlier delivery. Thirdly, it is made clear that the provisions of the Convention relating to monopolies and restrictive business practices apply to state-trading no less than to private trading organizations.

"The article requires that, during the transitional period while these provisions come gradually into full effect, no new practices inconsistent with those provisions shall be introduced. If the governments of the member states do not have complete control over regional or local authorities or public undertakings, they are required to use their influence to insure that those bodies comply with the article.

"The Council is empowered to amend the article. The provisions of paragraph 1 are so worded as to refer obliquely to the consultation and complaints procedure, through which control must ultimately be exercised. Paragraph 6 defines public undertakings in terms wide enough to insure that particular undertakings do not slip through the net by virtue of some special peculiarity of their constitutions or of their relationships with the central governments."

By decision of the Council No. 10 of 1963, adopted on May 10, 1963, the date of December 31, 1969, in paragraph 1 of article 14 of the Convention was replaced by the date of December 31, 1966.

Since the provisions of article 14 relate only to the elimination of practices which control or influence imports and exports, they are much more limited in effect in the field of public contracts than the broad provisions of articles 62 and 63 of the treaty establishing the Benelux Union.

Article 16 of the Stockholm Convention contains the following provisions with regard to the right of establishment:

"1. Member states recognize that restrictions on the establishment and operation of economic enterprises in their territories by nationals of other member states should not be applied, through accord to such nationals of treatment which is less favorable than that accorded to their own nationals in such matters, in such a way as to frustrate the benefits expected from the removal or the absence of duties and quantitative restrictions on trade between member states.

"2. Member states shall not apply new restrictions in such a way that they conflict with the principle set out in paragraph 1 of this article.

"3. Member states shall notify the Council, within such period as the Council may decide, of particulars of any restrictions which they apply in such a way that nationals of another member state are accorded in their territories less favorable treatment in respect of the matters set out in paragraph 1 of this article than is accorded to their own nationals.

"4. The Council shall consider not later than December 31, 1964, and may consider at any time thereafter, whether further or different provisions are necessary to give effect to the principles set out in paragraph 1 of this article, and may decide to make the necessary provisions.

"5. Nothing in this article shall prevent the adoption and enforcement by a member state of measures for the control of entry, residence, activity and departure of aliens where such measures are justified by reasons of public order, public health or morality, or national security, or for the prevention of a serious imbalance in the social or demographic structure of that member state.

"6. For the purposes of this article:

"(a) 'Nationals' means, in relation to a Member State, (i) physical persons who have the nationality of that Member State and (ii) companies and other legal persons constituted in the territory of that member state in conformity with the law of that state and which that state regards as having its nationality, provided that they have been formed for gainful purposes and that they have their registered office and central administration, and carry on substantial activity, within the area of the Association;

"(b) 'Economic enterprises' means any type of economic enterprise for production of or commerce in goods which are of area origin, whether conducted by physical persons or through agencies, branches or companies or other legal persons."

It seems apparent that the provisions of article 16 are not of much importance in the field of public contracts. Moreover, particularly since the Convention contains no provisions for the rendering of services which do not require establishment in the territory of a member state, articles 14 and 16 probably are not of much importance in the field of government public works contracts.

Principal sources

(1) EFTA Secretariat, "Stockholm Convention Examined" (Geneva, 1963).

(2) Hay, "Some Problems of Doing Business in the Regional Markets of Europe," 17 Rutgers Law Review, page 305 (1963).

(3) Jantzen, "The Operation of a Free Trade Area" (Geneva, 1964).

(4) Surrey and Shaw (editors), "A Lawyer's Guide to International Business Transactions" (Philadelphia, 1963).

AUSTRIA (MEMBER OF EFTA, GATT, AND OECD)

Procurement procedures for the ministries, affiliated agencies, and institutions of the Federal Government are laid down in ÖNorm A–2050, "Procurement Practices" (Vergebung von Leistungen) dated March 30, 1957.

ÖNorm A–2050 prescribes the following methods for the letting of contracts:

(1) Public invitation for offers (öffentliche Ausschreibung)—invitations for offers are published in the official Wiener Zeitung or the Amtlicher Lieferanzeiger (official procurement gazette) and also in daily newspapers and trade journals.

(2) Restricted invitation for offers (beschränkte Ausschreibung)—limited invitations for offers are privately addressed to selected firms.

(3) Direct procurement (freihändige Vergebung)—contracts are awarded without formal proceedings in the discretion of the contracting authorities.

The first method is the standard one and is normally used for all contracts of more than 300,000 Austrian schillings (about $11,700). The second method may be used in the restricted cases specified in article 1.432 of ÖNorm A–2050 and the third method in the even more restricted cases specified in article 1.433.

In any case the contracting authority is under a duty to accept the offer which best satisfies all technical and economic viewpoints and hence not necessarily the lowest one in price.

The following provisions of article 1.34 of ÖNorm A–2050 provide for an outright preference for domestic firms and domestic products (unofficial translation from German): "Insofar as possible, only domestic products shall be used and only domestic enterprises shall be employed."

In compliance therewith most advertisements for offers specify that only Austrian firms may submit offers.

The standards set forth in ÖNorm A–2050 were drawn up and published by the quasi-official Austrian Standardization Association (Österreichischer Normenausschuss) but in 1963 the Austrian Cabinet approved the provisions thereof and Federal ministers were requested to, and did, issue internal service regulations making compliance with such provisions mandatory for the ministries, affiliated agencies, and institutions of the Federal Government. At the same time, provincial governments and municipal administrations were invited to issue similar instructions and by the end of 1964 most of them had complied with the Federal Government's bids.

Principal sources

(1) Letter dated October 28, 1964, from the U.S. Embassy in Vienna to Cravath, Swaine & Moore, Paris.

(2) Foreign Service Dispatch No. 1017 from the U.S. Embassy in Vienna entitled "Bidding in Award of Public Contracts."

(3) Airgram No. A–76 from the U.S. Embassy in Vienna entitled "Procurement Practices of Austrian Government Agencies."

(4) U.S. Department of Commerce, "Selling in Austria" (Oversea Business Rept. No. 64–70, June 1964).

DENMARK (MEMBER OF GATT, EFTA, AND OECD)

Procurement for public purposes in Denmark takes place under a variety of regulations, and there is no uniform law with regard to inviting tenders or the letting of contracts by the various official agencies.

Discrimination against foreign bidders and foreign materials exists by administrative practice and the discretion vested in the various procurement authorities.

Public tenders are invited infrequently, principally in connection with the procurement of engineering products. The general and usual procedure is one of selective tender under which estimates may be obtained from a number of suppliers, with complete discretion in the particular procurement authority as to whether estimates will be requested from foreigners. In considering the estimates the procurement authority takes into account not only the price but also quality, servicing, and other factors.

Consequently, contracts are generally awarded only to Danish firms.

Principal sources

The foregoing is based principally on information supplied by the Bureau of International Commerce of the U.S. Department of Commerce on the basis of reports from the U.S. Embassy in Copenhagen.

NORWAY (MEMBER OF EFTA, GATT, AND OECD)

Norwegian Government procurement is conducted under the provisions of the Government Regulations Concerning Tenders of July 4, 1927, as amended, which were promulgated by Royal decree.

The normal procedure established by the regulations calls for general competition through the medium of public invitation for tenders by means of advertisement. The regulations themselves contain no provisions discriminating against foreign bidders or foreign materials. Nevertheless, discrimination does exist as a result of administrative practice, particularly the discretion which procurement authorities have in the tendering procedure.

In the first place, there is no requirement that foreign tenders be invited. In general, such tenders are invited where there is only one Norwegian supplier of the procurement item or where the procurement authority finds that foreign competition is in the public interest.

Secondly, even if foreign tenders are invited, preference is given to a Norwegian tender and a foreign tender is accepted only in exceptional cases, such as where a substantial price differential (price offered plus tariff) exists or where no Norwegian bidder is deemed to be qualified to perform a contract for technical, financial, or other reasons the application of which is in the complete discretion of the procurement authority.

Finally, even if products manufactured in Norway are considered, the degree to which such products incorporate foreign raw materials or semimanufactured products enters into the determination as to which Norwegian product is chosen.

Special concessions with regard to the acquisition of waterfalls (in connection with hydroelectric plants) and the development of mining resources granted under the General Concessions Act (Lov om Ehverrelse av Vandfald, Bergverk og Anden Fast Eiendom) of December 14, 1917, require that machinery, equipment, and other materials must be purchased in Norway if the price of the Norwegian product is not more than 10 percent above the cost of a similar foreign product.

Principal sources

The foregoing is based principally on information supplied by the Bureau of International Commerce of the U.S. Department of Commerce on the basis of reports from the U.S. Embassy in Oslo.

PORTUGAL (MEMBER OF EFTA, GATT, AND OECD)

Article 359 of the Portuguese Administrative Code establishes public tendering preceded by advertisement as the basic method of awarding contracts.

The basic law applicable to Government procurement is decree-law No. 41,375 of November 19, 1957. It establishes the legal regime under which government services, including those granted administrative and financial autonomy, may effect expenditures for construction and repair of public works or for acquisition of supplies, equipment, and other material.

The decree-law provides for three administrative systems of inviting tenders, as follows:

(a) Public tendering (concurso público)—all who satisfy the general conditions established by law can submit tenders. This method is compulsory for supplies or services costing more than 100,000 escudos (about $3,500).

(b) Restricted tendering (concurso limitado)—only firms specifically invited (in principle, more than three) may submit tenders. Restricted tenders (or, if determined by the contracting authority, public tenders) are compulsory for works, supplies, or services costing more than 20,000 escudos (about $700).

(c) Direct negotiation (ajuste directo)—the contract is awarded by the contracting authority without competition. Wherever possible, however, the award is preceded by consultation with at least three firms. Prior consultation is compulsory for expenditures exceeding 2,500 escudos. Tendering whether public or restricted may be dispensed with in the interest of the state and direct negotiation employed particularly where there is only one possible supplier when the prices of the goods are officially controlled when national security is involved, or when responses to previous calls for tenders for the same work or material have not resulted in any tenders or the tenders received were deemed unacceptable.

Article 24 of Portaria (Ministerial Order) No. 7,702 of October 24, 1933, provides as follows concerning the awarding of contracts (unofficial translation from Portuguese):

"Subject to the provisions of section 4 of article 6 contracts for works or supplies shall be awarded as a rule to the bidder who has submitted the bid which is lowest in price [a propuesta de menor preco]. The Government reserves nevertheless the right to make the award to the bidder who offers the best guarantees [maiores garantias] although not the one who submitted the lowest bid, it being necessary in such case that the award decision be duly justified."

Article 6, section 4, as amended by Portaria No. 8,716 of May 19, 1937, reserves to the Government the right not to make any award, if the conditions attached to the bid are not satisfactory, if the bidders do not possess the indispensable moral suitability or if there is a presumption of collusion.

Discrimination in favor of Portuguese contractors and suppliers and Portuguese products is practiced in a number of different ways, among which are the following:

(1) Although the same procedure and criteria are applied to foreign and domestic bids, contracting authorities are required to give preference to Portuguese products, other things being equal. Article 359, section 5 of the Administrative Code provides in that regard that "conditions of quality and price being equal, Portuguese products shall always be preferred in the furnishing of materials." Article 2 of decree with force of law No. 22,037 of December 27, 1932, requires that the departments and services of the state, the autonomous administrations, the administrative bodies and corporations and private firms and companies which are concessionnaires of the state prefer national products in their purchases, provided that the price be equal to, or lower than, the price of foreign products that are similar or which serve the same purpose. Decree No. 38,504 of November 12, 1951, provides that the latter determination must be made by the Economic Coordination Commission.

(2) In the case of contracts for supplies, equipment, etc., foreign companies can submit bids, but, since Government departments can usually buy goods through national importers, they only deal directly with suppliers in foreign countries in exceptional cases.

(3) Effective competition by foreign contractors for public works contracts requires, as a practical matter, association with a Portuguese company, either as agent or as a subsidiary of the foreign company. The licenses which are required are not granted to foreign companies and Portuguese engineers must enter invoices or participate in the supervision of the projects. In many situations a considerable number of licenses is required.

In an example cited by the U.S. Embassy in Lisbon on the basis of an official source, a large French construction company bid five times in its own name but was unsuccessful until it secured a local subsidiary which employed Portuguese engineers.

The Embassy also reported that Portuguese officials based the award in February 1961, of the $66 million contract for the construction of a long bridge over the Tagus River Estuary (scheduled for completion in 1966) to a consortium headed by U.S. Steel Export Co. on the following considerations, among others: United States Steel was represented by a Portuguese agent, the bridge was to be constructed in association with a Portuguese steel company and Portuguese engineers would (as required by law) participate in the supervision of the project.

In general, every bidder on a public works contract exceeding 250,000 escudos (about $8,750) must possess a license issued by the Commission for Registration and Classification of Public Works Contractors established in the Ministry of Public Works by decree-law No. 40,623 of May 30, 1956, which is regulated by Portaria No. 18,475 of May 16, 1961.

The Portaria provides for the classification of contractors according to construction category and the size of the projects that they are qualified to undertake. The issuance of the license is conditioned on compliance with a large number of formalities.

Article 4 of the decree-law provides that licenses may be issued only to Portuguese citizens and Portuguese companies. In order to qualify as a Portuguese company, at least 60 percent of its capital must be owned by Portuguese citizens and a majority of its board of directors and its managing director must be Portuguese.

Section 2 of article 15 provides exceptionally that, when the characteristics of the work justify it, foreign firms may be permitted to submit bids by decision of the competent minister. In that event, they must comply with the following requirement of section 4 of article 17 of Portaria No. 7,702 of October 24, 1933 (unofficial translation from Portuguese):

"If the bidder is foreign, [he must] attach a declaration, notarized by the legation or consulate of his country, that he renounces whatever rights or prerogatives he possesses as a foreigner, renouncing any special forum, and that he submits, in everything that relates to the execution of the contract, to what is prescribed by Portuguese legislation in force."

Principal sources

(1) Ventura Reimão, "Obras Públicas, Empreitadas e Forneciementos—Legislacão Coordenada e Anotado" [Public Works, Contract Work and Supplies—Legislation Coordinated and Annotated] (Lisbon, 1950, with 1960 supplement).

(2) Foreign Service despatch No. 314 dated March 15, 1962, from the U.S. Embassy in Lisbon, entitled "Export: Government Tenders: General System of Portuguese Ministries."

(3) U.S. Department of Commerce, "Basic Data on the Economy of Portugal," World Trade Information Series, pt. I, No. 60–44 (1960).

SWEDEN (MEMBER OF EFTA, GATT, AND OECD)

The procedures for procurement of commodities and services by the national government as well as national public works contracts are regulated by Royal Decree No. 496, dated June 6, 1952, as amended.

As a general rule, procurement at the national level is made on the basis of competitive bidding. The 1952 decree provides for the following procurement methods:

(1) Public tender (anbud, som infordras genom annonsering)—public invitation for offers published in the "Tidning for leveranser till staten," a weekly publication devoted entirely to state procurement, and occasionally also in the daily press.

(2) Selective tender (anbud, som infordras genom särskilda skrivelser)—solicitation of offers by circular letters to selected suppliers or contractors.

(3) Private tender (anbud, som infordras under hand)—solicitation of offers by informal communications to as many suppliers or contractors as good business practice requires.

All government-owned business undertakings and public utilities of the central government, as well as certain designated government institutions and agencies may, considering the nature and size of the procurement and paying due regard to efficient business practices, invite bids "in any such manner as may be deemed proper and appropriate."

The rules and regulations set forth in the Royal Decree make no distinction between domestic and foreign suppliers or contractors or materials. They do, however, give wide discretion to the responsible government purchasing institutions and agencies in selecting such suppliers or contractors and in rejecting bids submitted by them. Moreover, there is nothing to prevent a government institution or agency from purchasing from whatever source it deems appropriate. The contracting authority has the duty of accepting the "most beneficial" offer; hence, price is not necessarily a decisive factor and equal importance is attached to quality, delivery time, the general reputation and integrity of suppliers, and their ability or willingness to meet required standards and specifications.

The same considerations are reported to be employed by the city governments, municipalities, and rural communities, which are not regulated by statutory provisions or administrative decrees in the procurement of commodities and services and the construction of public works. The normal procedure for inviting bids appears to be through the medium of circular letters addressed directly to firms known to be reputable and reliable.

In view of the wide discretion which is vested in procurement authorities at all levels of government, there is inevitably a natural administrative preference for Swedish suppliers and Swedish materials, despite the official Swedish liberal trading policy.

Principal sources

(1) Letter dated November 29, 1963, from the U.S. Embassy in Stockholm to Cravath Swaine & Moore, Paris.

(2) Airgram No. 448 dated November 29, 1963, from the U.S. Embassy in Stockholm entitled "Procurement: Swedish National and Local Governmental Procedures."

SWITZERLAND (MEMBER OF EFTA AND OECD)

Swiss Government procurement is generally subject to the provisions of the Order (Arrêté) dated March 4, 1924, of the Swiss Federal Council concerning federal government supply and works contracts.

The procedure for inviting tenders for supplies and the placing of orders depends usually on the kinds of supplies to be purchased, but the procurement authorities have a great deal of discretion and supply contracts are usually awarded on grounds of technical suitability rather than solely on price.

Public works contracts and contracts for construction materials of any importance are usually awarded on the basis of public or selective tendering, in the complete discretion of the procurement authorities.

Article 3 of the decree of March 4, 1924, provides in part as follows:

"Preference will be given to Swiss industry in the case of offers which are approximately equal.

"Among Swiss bidders whose offers are equal, preference will be given to those who undertake to employ principally Swiss workers in the execution of the work or the supply contract."

Also, foreign suppliers and contractors must be represented in Switzerland by a person or firm domiciled in Switzerland (i.e., a representative, agency or branch) and legally entitled to act on behalf of the foreign supplier or contractor.

The Federal railways are reported to have a buying policy based on sound economic principles and are unhampered in the choice of supplier by any specific statutory provisions.

Due in part to the traditionally decentralized nature of the Swiss Confederation, many public projects, including some which are totally or partially financed by the Federal Government, are carried out by cantonal and communal procurement authorities. They are for the most part required to give preference to suppliers and contractors located in the town, region or canton concerned, or failing such a supplier or contractor, located elsewhere in Switzerland, if their prices are not substantially higher than those of other possible sources.

Semi-public services are not bound by any statutory requirements but, in practice, it may be assumed that private firms holding shares in a particular concern will be given preference when suppliers are chosen.

Principal sources

(1) Letter dated November 5, 1964, from the U.S. Embassy in Bern to Cravath, Swaine & Moore, Paris.

(2) Foreign Service Despatch No. 252 dated October 16, 1956, from the U.S. Embassy in Bern.

(3) U.S. Department of Commerce, "Selling in Switzerland," Overseas Business Reports, OBR No. 64–108 (September 1964).

UNITED KINGDOM (MEMBER OF EFTA, GATT, AND OECD)

There is no statute governing public procurement or requiring that public contracts be let by competitive bidding and advertising. Apart from the requirement that contracts involving £50,000 (about $140,000) or more be referred to the Treasury for review, if it is contemplated that the contract will be awarded to a foreign firm, the Government departments have full discretion to follow the practices best suited to their needs and the nature of the purchase.

Government contracts can be placed in one of the following three ways:

(1) Public tender—invitations to tender are normally published in the appropriate trade journals and, also where appropriate, in the public press.

(2) Selective tender—this method is used in the great majority of cases. Invitations to tender, which are not made public, are sent to a limited number of suppliers drawn from approved lists maintained for the purpose in respect of each class of goods which a department expects to buy. Although foreign materials are, in general, eligible for inclusion on such lists, their inclusion thereon is in the discretion of the particular department.

(3) Single tender—this method involves the negotiation of a contract with a selected firm and is used where circumstances do not permit normal competition, such as instances where it is impracticable to obtain the supplies elsewhere, either in the United Kingdom or abroad.

In the public tender and selective tender procedures, the contract is normally but not invariably awarded to the lowest bidder, thus leaving room for considerable administrative discretion.

The Stationery Office grants a 10-percent preference in favor of United Kingdom companies. Limited preference is also given by Government departments and nationalized industries to domestic firms located in districts declared to be in need of assistance because persistent and high unemployment exists, or is expected.

Contracts involving £50,000 or more are normally submitted for review to the Treasury, if it is contemplated that the contract will be awarded to a foreign firm. The Treasury is the instrument through which the Government exercises fiscal control over its constituent departments and is governed by a board of commissioners composed of the First Lord of the Treasury (an office usually held by the Prime Minister), the Chancellor of the Exchequer and a varying number of junior lords nominated by the First Lord and appointed by the Crown. If there are no overriding balance of payments considerations and if there is a significant saving to be realized by the letting of a contract to a foreign firm, the Treasury ordinarily does not oppose the awarding of a contract to a supplier or contractor outside the United Kingdom.

Since many contracts are placed under public supply agreements, or through selective tender from a closed list of suppliers, or by confidential negotiations, there are many opportunities for the exercise of discrimination by purchasing department. Moreover, in accordance with the practice reaffirmed by the Commonwealth Trade and

Economic Conference in Montreal in 1958, purchasing departments intending to place orders abroad seek to inform themselves as to whether the goods concerned can be obtained on competitive terms within the Commonwealth.

The selective and discretionary process is best illustrated by the offers for building contracts which are solicited from short lists of selected firms appropriate to the particular project and are awarded to the firm making the lowest suitable offer. Contracts are not advertised in the press or put out for open competition in any way.

Another example recently brought to light in proceedings under the British Restrictive Trading Practices Act is illustrative of the sort of "gentlemen's agreement" approach which is employed by purchasing departments. The proceedings revealed that the British Postmaster General had concluded a Crown Agreement with a group of eight United Kingdom manufacturers to supply all telephone apparatus for the British Post Office. Under the terms of the agreement the Post Office and the manufacturers agreed on the specifications and the prices (which were not published), and, when a contract was to be let, the manufacturers' group selected 1 of the 8 companies for the purpose. Exchange equipment, cables and loading cables were covered by comparable agreements, which brought the total number of manufacturers involved to 13, 5 of whom were parties to more than one agreement.

Principal sources

(1) Airgram No. A-2658 dated May 6, 1963, from the U.S. Embassy in London entitled "United Kingdom Government Procurement Practices."

(2) Letters dated November 21, 1963, and January 2, 1964, from the U.S. Embassy in London to Cravath, Swaine & Moore, Paris.

(3) Whelan, "Public Contracts of the United Kingdom: A Comparative Survey and Introduction," 32 George Washington Law Review 80 (1963).

(4) Arthur Andersen & Co., "Tax and Trade Guide: United Kingdom" (New York, 1964).

FINLAND (ASSOCIATE MEMBER OF EFTA; MEMBER OF GATT)

Finland has no general laws or statutory regulations relating to public supply and public works contracts. Each contracting authority has its own special "provisions for procurement." Those of the National Board of Public Roads and Waterways (the NBR) relating to procurement of machinery and other equipment, which were approved on August 21, 1964, are regarded as typical. They provide for a system of selective tendering under which bids are requested from at least four vendors "known to be reliable and able to supply." Vendors who do not receive the initial invitation may, however, submit tenders if found to be qualified.

Paragraph 8 of section 2 provides as follows concerning the acceptance of tenders (official translation from Finnish):

"Such bid shall be accepted as is deemed to be the most advantageous from the point of view of the state. Solely the price quoted shall not be deemed to be decisive for an acceptance. Where the NBR accepts a bid which is higher than the lowest one, the respective motivation shall be duly recorded."

Preliminary investigation has revealed no Finnish laws or regulations which favor Finnish firms or Finnish products in the field of public contracts.

According to the U.S. Embassy in Helsinki, Finnish officials endeavor wherever feasible to satisfy their requirements from domestic sources, but there is no deliberate discrimination against foreign products or foreign bidders. The "Provisions for Procurement" of the NBR referred to above clearly contemplate the possibility of foreign contractors, but the above-quoted provisions concerning the acceptance of tenders obviously permit discrimination in favor of Finnish products and bidders.

Agreement of Association with the European Free Trade Association

The agreement creating an association between the member countries of the European Free Trade Association and Finland was signed in Helsinki on March 27, 1961, and entered into force on June 26, 1961. The first tariff reduction and the first relaxation of quantitative import restrictions took place on July 1, 1961, when duties on most of the trade in industrial goods between Finland and the seven member countries of EFTA were reduced by 30 percent.

The agreement of association provides for the application to Finland of most of the provisions of the Stockholm Convention establishing EFTA, including article 14 relating to purchases by public undertakings and article 16 relating to the right of establishment.

The agreement of association created a Joint Council composed of representatives of Finland and the Seven in which each country has one vote and which has jurisdiction to deal with matters arising out of the Agreement of Association. Decisions of the Joint Council bind Finland and all of the Seven. Decisions of the EFTA Council, if taken by a unanimous vote, are only binding upon Finland if referred to the Joint Council and accepted by Finland without reservation. Decisions of the EFTA Council taken by a majority vote, if referred to the Joint Council, become binding upon Finland if passed by an affirmative vote of four, whether or not Finland is one of those four.

Principal sources

(1) Letter dated November 3, 1964, from the U.S. Embassy in Helsinki to Cravath, Swaine & Moore, Paris.

(2) Letter dated December 10, 1964, from the Embassy of Finland, Washington, D.C., to Cravath, Swaine & Moore, New York.

OTHER EUROPE

IRELAND (MEMBER OF OECD)

The Government Contracts Committee directs and controls the placing of contracts. There are no laws or specific statutory regulations relating to the awarding of Government contracts. In general, the system prevailing in the United Kingdom is followed.

The general procurement procedure is one of selective tendering under which tenders are invited from all firms that are known to be interested which are considered capable of supplying satisfactorily the goods, services, or works required. If the contracting authority considers it necessary to secure satisfactory competition, use may be made of public tendering and invitations for tenders are published in the press and in trade and technical journals.

It is in the discretion of the contracting authority to invite foreign tenders but foreign firms that learn of invitations for tenders are not precluded from submitting tenders.

In cases where foreign tenders are solicited and/or submitted, preference is given to Irish firms to the extent of the duty or import quota in cases in which the goods to be purchased are subject to such a duty or quota and to an unknown extent in the case of nondutiable items or those not subject to quota.

Usually, but in the discretion of the contracting authority, the lowest "suitable" tender is accepted.

The Irish tariff is three column: Full, preferential, and special preferential. Special preferential rates apply to specified classes of goods originating in the United Kingdom and Canada and are generally equal to one-half or two-thirds of the full rates. Preferential rates apply to products of the Commonwealth not entitled to special preferential rates. Full rates apply to all other dutiable imports, including imports from the United States. Accordingly, U.S. firms are at a distinct disadvantage in bidding on Government contracts.

Principal sources

(1) Letter dated December 15, 1964, from the Embassy of Ireland, Washington, D.C., to Cravath, Swaine & Moore, New York.

(2) U.S. Department of Commerce, "Foreign Trade Regulations of Ireland," Overseas Business Reports, OBR No. 64-64 (June 1964).

SPAIN (MEMBER OF GATT AND OECD)

Public procurement in Spain continues to be governed by the provisions of the law on the state administration and accountability (Ley de Administracion y Contabilidad del Estado) of July 1, 1911, as amended by the law of December 20, 1952, until such time as the Government publishes an implementing text (texto articulado) of law No. 198 of December 28, 1963 (Boletín Oficial, Dec. 31, 1963), concerning the bases of Government contracts (Bases de Contratos del Estado).

Under the 1911 law, as amended, there are primarily three kinds of systems used in government procurement: public tendering (subasta), competitive tendering (concurso-subasta) and direct contracting (concierto directo). Contracts for public works or public services to be carried out on behalf of the State are normally awarded through public tendering. The letting of contracts by competitive tendering and direct contracting is exceptional and the circumstances under which contracts may be awarded by those two methods are narrowly defined.

The formalities as to the publication of notices and specifications, etc., are not as great as in the case of competitive tendering as they are for public tendering. In the latter case the contract is normally awarded to the lowest bidder, that is, the one who makes the most economically advantageous offer consistent with the specifications. In the case of competitive tendering the contracting authority has the option of either awarding the contract for the works or services which are the subject of the tender or of nullifying it. The award is made by selecting the bid which offers the most advantages both in the light of the specifications and the various tenders, without any legal obligation to award the contract to the bidder offering the lowest price.

The new law will give much more discretion to the contracting authorities in the selection of the method which they use and also permits the use of a fourth method—selective tendering (concurso). In the case of public works contracts the contracting authorities will have complete discretion to choose between public and competitive tendering. The circumstances under which selective tendering and direct contracting may be resorted to will be defined in the implementing text. In the case of public supply contracts, selective tendering is specified as the normal method, with direct contracting permitted in exceptional and restricted cases. The new law also provides for the first time for the prior qualification and classification of public works contractors and the establishment of a Register of Contractors in which they are to be enrolled.

The new law provided that the implementing text was to be drawn up and promulgated by the government within a period of 1 year. Under the provisions, however, of the decree-law of December 28, 1964 (Boletín Oficial, December 29, 1964), the Government was given an additional period of 4 months, that is, until April 30, 1965, in which to do so.

Article 10 of the law of November 24, 1939 (Boletín Oficial, December 15, 1939), for the Coordination and Protection of the National Industry (Protección y Fomento de la Industria Nacional) provides that a wide variety of public bodies must use articles exclusively of Spanish manufacture. A copy of an unofficial translation from Spanish of article 10 is attached hereto.

Principal sources

The foregoing is based principally on information obtained from private sources and the U.S. Department of Commerce.

SPAIN

(Law of November 24, 1939, for the Coordination and Defense of National Industries, (Boletin Oficial, December 15, 1939)—Unofficial translation from Spanish)

Article 10. In any works, installations, services and purchases carried out with funds of the state, provinces, municipalities, agencies, and delegations of the movement, monopolies, public service concessions or companies enjoying benefits or assistance in any administrative, economic, or financial form, use will solely be made of goods manufactured in Spain, as evidenced by the national certificate of manufacture issued by the Ministry of Industry and Trade.

Exceptionally and following consultations with the Technical Services of the General Directorate of Industry, the Ministry of Industry and Trade may authorize the purchase of foreign industrial products by special dispensation in each case, for one of the following reasons:

(1) When the national product is expressly declared to be unsuited for a specific purpose, following appropriate analyses, tests, or trials carried out at the request of the interested party.

(2) When the Spanish industry is unable to meet a recognized urgent need, provided the agency or body concerned in the purchase conclusively shows that the need in question was impossible to foresee in the time available, or that the product cannot be replaced in a shorter time by a similar article of national manufacture.

(3) When no similar article is nationally produced, subject to the proviso that no arbitrary, irregular or untoward competitive conditions unjustly excluding the national product shall be tolerated under such a pretext.

The foregoing conditions shall not exclude others which urgent circumstances and the special duties of the Ministries responsible for national defense may require them to impose in regard to matters coming under their jurisdiction.

RESIGNATION OF HERBERT W. KLOTZ

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. YOUNGER. Mr. Speaker, the resignation of Assistant Commerce Secretary Herbert W. Klotz gives rise to a number of questions which are well treated in an article by Louis M. Kohlmeier in the Wall Street Journal of April 27.

Many of us feel that Congress has degenerated into pretty much a rubberstamp, as the President is acting as majority leader in both the House and the Senate, but now the Presidential influence seems to have penetrated the so-called independent regulatory agencies. There has been a great deal of debate and concern about Congressmen calling up members of these independent agencies, and many Congressmen have been criticized for attempting to favorably influence members of the independent agencies toward some project initiated by a constituent—yet if what Mr. Klotz reports is true, the President seems to feel that he has a right to dictate to the chairmen of the so-called independent agencies.

Mr. Kohlmeier's article follows:

THE KLOTZ AFFAIR: IMPACT ON CAPITAL

(By Louis M. Kohlmeier)

WASHINGTON.—The summary sacking of Assistant Commerce Secretary Herbert W. Klotz for his involvement in the Texas Gulf Sulfur case, even though Mr. Klotz was a minor figure accused of no crime, undoubtedly has conveyed this warning to all Federal officials: The Johnson administration does not intend its image in history to be dirtied by episodes that even suggest private gain obtained in public office.

At the same time, Mr. Klotz' exit has, quite inadvertently, focused attention anew on the Johnson family's corporate stock holdings and the problems they create in the minds of some Federal officials. And the relations between the President and the Securities and Exchange Commission and other regulatory agencies may have been complicated still further.

When the SEC last week filed the suit that accused 13 officers, directors, and employees of Texas Gulf of profiting from inside information about a rich silver and copper strike in Canada, Mr. Klotz wasn't named a defendant. His name isn't even mentioned until page 14 of the SEC's complaint, and then only as 1 of 10 individuals who took a position in Texas Gulf stock on the basis of tips from an insider. Before the suit was filed, there even was discussion inside the SEC about the propriety of mentioning the names, since none was accused of violating any law.

BOUGHT ON A TIP

The suit didn't say that Mr. Klotz personally had any contact with a Texas Gulf insider. Rather, it alleges an insider named Kenneth Darke, a Texas Gulf geologist who was on the spot at the ore strike near Timmins, Ontario, got in touch with a friend, Nancy Atkinson (now Mrs. Francis Brown) who worked as a secretary in the Commerce Department and who passed the tip on to Mr. Klotz and others. Mr. Klotz claims he did no wrong because his private stock interest was unrelated to his public office: "In my official capacity with the Department of Commerce, I have never had nor could be expected to have any dealings" with Texas Gulf or its officials.

This response, at first, seemed to satisfy his boss, Commerce Secretary Connor, who approved the Klotz statement prior to delivery. Now Mr. Connor says it "seems clear that high Government officials are acting unwisely if they speculate in the stock market on the basis of information not readily available to the public."

That this harder line is a hand-me-down from President Johnson also seems clear. Though the SEC, as is its habit as an independent, quasi-judicial Government agency, didn't tell the White House before it filed the suit, Mr. Johnson, as soon as he heard of it, telephoned SEC chairman Manuel F. Cohen, who was at home recuperating from a heart attack. Just what Mr. Johnson said to Mr. Cohen and what was said to other SEC officials in subsequent calls the White House reportedly made, isn't clear. One version is that the President asked about the details of Mr. Klotz' involvement. Another is that the President berated the SEC, though for precisely what isn't clear either.

Whatever, the upshot was Mr. Klotz' resignation "accepted by the President," and a resurgence of feeling inside the SEC that Mr. Klotz shouldn't have been named in the complaint against Texas Gulf.

So there you have it—even after Mr. Klotz is gone, the memory of Mr. Johnson's phone call to Chairman Cohen will linger on at the SEC. And this could be an important new element in the complicated relationship between the President and the regulatory agencies that are supposed to be independent of the White House. Inside the independent agencies, well aware that the President controls the pursestrings and reappointments, no White House call is lightly dismissed.

CONFLICTS OF INTEREST

Perhaps even more importantly, the Klotz affair represents another blind alley for any Federal official who tries to find a safe route through the maze of laws, regulations, and mores designed to protect against "conflict of interest." The late President Kennedy, conceding that no set of laws or regulations could hope to cover the infinite variation of problems that can arise, laid down this general doctrine to govern Federal officials: "The highest standards of ethical behavior * * * must be followed not only in reality but in appearance."

The difficulty comes in translating the general to the specific. From the Klotz affair, a cautious Federal official might well conclude the only sure way to avoid trouble is to dispose of all stocks before he enters office, and refrain from buying securities while in office—even if his private holdings in no way can collide with his public position. If this, indeed, is the Johnson rule, then it poses serious problems for the President.

Certain to be compounded is the Johnson administration's already considerable difficulty in recruiting superior executive talent from the ranks of industry. The President has suffered several disappointments because some business executives have been unwilling to dispose of corporate benefits, such as stock options, to come to Washinton; unquestionably even more would decline public service if they felt they had to refrain while in office from holding stocks.

Also brought into question, again, is the Johnson family's retention of beneficial ownership of stock in Texas radio and television stations—holdings that have brought the family a multimillion-dollar fortune—during the years that Mr. Johnson held Federal office, in the House and Senate and then as Vice President. When Mr. Johnson became President, he acquired the right to initiate FCC appointments, and recognized the clear conflict of interest. But did he really solve it?

The President did place the stocks in a trust, ostensibly beyond his control, but the Johnson family retains beneficial ownership and the trust arrangement will expire when Mr. Johnson leaves the White House.

So, the significance of the Klotz affair, looking beyond the Assistant Secretary's personal tragedy, lies in the President's reaction to the incident. For Washington officialdom is now buzzing with unflattering comment on the apparent difference between the standards the White House has set for itself and those it had adopted for the rest of the executive branch.

THE COMMUTER CRISIS

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mrs. DWYER. Mr. Speaker, so far as this Congress and this administration are concerned, the crisis in commuter rail transportation is undoubtedly the least understood, least acted on major problem facing the country today.

For several years, a number of us in the House and Senate have been seeking to alert our colleagues to the Federal Government's role and responsibility in the effort to avert a collapse in commuter rail service in our heavily populated urban areas.

That collapse has never been closer than it is today, and in the single most important, and vulnerable, metropolitan area in the world—New York, New Jersey, and Connecticut.

Yet, we hear little or nothing from responsible officials of the Government. The administration seems to have no proposal to which it is giving serious study. The Congress appears to have no major legislation which is receiving adequate consideration.

The current issue, May, of Fortune magazine, Mr. Speaker, contains an article which should jolt our Government out of its lethargy. Entitled, "Commuter Railroads Can Be Saved," and written by Harold B. Meyers, it presents a thoughtful and balanced view of the current problem, warns forcefully of the high cost of further inaction, and offers some useful suggestions.

I recommend the article to our colleagues, Mr. Speaker, and I include it herewith as a part of my remarks:

Commuter Railroads Can Be Saved

(By Harold B. Meyers)

For a few hours each morning and evening, the New York metropolitan area is a vast kaleidoscope of people in motion. In an 8,000-square-mile region of New York State, New Jersey, and Connecticut are concentrated more than 17,100,000 people, and nearly 2 million of them work in the densely packed 8.7 square miles of Manhattan between 60th Street and the Battery, where 137 of the Nation's largest industrial corporations have their headquarters. But only one out of four of the people who work in that tiny area actually lives in Manhattan; the others converge on the island in the morning and leave it at night. About 400,000 Manhattan workers have their homes entirely outside the 5 boroughs of New York City.

Half of these suburban dwellers make their daily journey to and from work by highway, and the other half by commuter train. But there has never been a half-and-half division in public policy. The highway users have had all the best of it. In the last 10 years alone, about $4 billion has been spent on streets and highways in the New York region, while the suburban railroads, when not gouged by tax collectors, were pretty much neglected and left to sink into deep, perhaps mortal, trouble.

It is apparent at last that continued favoritism toward the automobile at the expense of the train can lead only to chaos. Even with all the money that has been poured into them, the expressways, bridges, and tunnels serving New York City are scarcely able to cope with the present peak-hour jams; during that time the expressways compete for the title of "world's longest parking lot." If the 200,000 train commuters were forced to take to cars and buses, there would be neither time, money, nor space for construction of highways to accommodate them comfortably, much less the expected increase in their numbers. Says New Jersey State Highway Commissioner Dwight R. G. Palmer: "Only continued use of our rail commuter lines provides the possibility of keeping our present highway congestion within reasonable limits."

The privately owned railroads have had precious little reward for running an essential public utility. Commuter service was never highly profitable. Its very nature, particularly the fact that costly equipment and manpower are fully utilized only for brief daily periods, makes profits hard to come by. Years ago the local railroads gladly provided commuter service to lure people into their territories in order to gain freight revenues on the goods—especially coal for heating—consumed in the suburban towns. Times have changed. Now homes are heated by oil or gas instead of coal, and very little freight revenue is generated at most suburban stations. At the same time, off-peak passenger travel has declined, reducing the utilization of equipment. Instead of taking a train to shop on 5th Avenue or 34th Street, housewives drive to suburban shopping centers, which offer almost the same variety as Manhattan stores and convenience besides. Even the 5-day week has hurt the railroads, since it cuts 1 day of utilization for their suburban equipment. Nowadays what railroad managements are most anxious to do about their commuter service is to close it down.

Obviously, this can't be allowed to happen. But it is equally obvious that the railroad companies and their investors cannot be expected to take a beating indefinitely. A new and imaginative public policy must grapple with the problems. Fortunately, a sense of crisis has finally impelled Government and civic leaders to develop practical new programs. The air is at least full of ideas.

TALCUM POWDER ON A BROKEN BACK

Some of the commuter lines serving New York City have not seen a banker smile since firemen shoveled coal. With the exception of the merger-bound New York Central and Pennsylvania, both of which have freight profits to keep them healthy, the suburban railroads are in miserable financial shape. Left to themselves, the Long Island, the New Haven, the Erie-Lackawanna, and the Central of New Jersey would appear to be racing neck and neck for the graveyard.

The Long Island has a special status that has kept it functioning relatively smoothly for a long time, but the dispensations that have saved it are running out. It is almost entirely a passenger line—in 1964, $66,530,800 of its revenue came from its 192,000 daily passengers, more than 80,000 of whom are regular commuters, and only $9,286,000 came from freight. The Long Island's last black-ink years as a private enterprise were during World War II. It went into bankruptcy in 1949 and then suffered more reverses, including 2 wrecks in which 109 commuters were killed. Since 1954 the Long Island has been operated as a special Railroad Redevelopment Corp., created by the State. For the last 10 years the Long Island's owner, the Pennsylvania, has forgone any return on its $131 million investment, including the $2,092,000 in interest due annually on the Long Island's bonds, and the railroad has been forgiven $2,260,000 a year in taxes. Aided by this forbearance, the line embarked on a program for $65 million worth of improvements. Progress has been real, and adroit public relations has made the most of it to give the Long Island the look of a going concern. But the legislative authorization for the Railroad Redevelopment Corp. expires next year, and the Pennsy has served notice that its investors can no longer be expected to subsidize the Long Island's operations. Unless an imaginative plan like the one for State ownership proposed by New York Gov. Nelson Rockefeller is put into effect, the only way for the Long Island to go is back to bankruptcy.

The New Haven, which hauls about 25,000 commuters a day from Connecticut and Westchester County into Manhattan, has been perennially and notoriously in so precarious a condition that one wonders how it keeps running at all. The line has been in reorganization since 1961 and is still losing on all fronts—$10,509,000 on passenger service last year (more than half, by the trustees' calculations, on commuters) and $6,532,000 on freight. With cash draining away each month, the New Haven's trustees concluded long ago that passenger service would have to be abandoned or turned over to someone else. The agreement with the New York Central and Pennsylvania for inclusion of the New Haven's freight business in the Penn-Central system does nothing for either long-haul or commuter passenger service, except make them clearly separate problems.

So far, public plans for saving commuter service have seemed more political than practical. Some time back, New York and Connecticut offered new equipment, but were turned down. Explains a New Haven official: "Offering us new passenger cars is like offering to loan a Cadillac to a man who doesn't have a dime for a cup of coffee. How's he going to run it?" When U.S. Circuit Judge Robert P. Anderson granted the trustees permission to seek discontinuance of passenger service, he said of the car-equipment plan: "This would be as effective as attempting to remedy a broken back by dusting it with talcum powder."

Across the Hudson River, the Erie-Lackawanna claims it lost $8,250,000 last year on its suburban trains, which carry more than 25,000 commuters a day. The State of New Jersey provided a direct cash subsidy in 1964 of $2,200,000 to help cover the Erie-Lackawanna's commuter losses, but at the same time the railroad was paying $4,300,000 in property taxes. It does not have a single passenger car that is less than 30 years old, and the ferryboats that provide its own link to Manhattan are even older. With the hope of tidying his line up enough to make it attractive for a merger, Erie-Lackawanna Chairman William White has offered to donate his commuter rolling stock to anyone who would operate it without loss to the railroad. He has found no takers.

The Central of New Jersey, used daily by almost 10,000 commuters, has some equipment even more decrepit than Erie-Lackawanna's and faces financial collapse every time a gandy dancer cashes a paycheck. Last year was its seventh straight year of deficit operations. In the last decade the Jersey Central earned $50 million on freight, lost $66,500,000 on passengers, and received $6,400,000 in direct cash subsidies from the States (while paying $30 million in New Jersey property taxes). To ease its tax burden, the railroad has been unloading property—by sale when possible, otherwise simply by relinquishing title to a municipality. The line has given up ownership of 768 acres of land, largely in Hudson County, on which it otherwise would have had to pay $1,400,000 in taxes last year. Some of the land in Jersey City had been assessed at $20,000 to $30,000 an acre. The city has since sold parts of it for only $1,000 an acre.

THE PRICE OF A HIGHWAY MILE

The plight of New York's commuter railroads is not just the business of commuters condemned to dirty, ill-kept trains and unkept schedules, and uncertain of whether they can ride at all next month or next year. Nor is it the business just of the stockholders and bondholders deprived of a fair retturn on investment. No matter how sorry a lot they may be, the railroads are essential to the public functioning of the region they serve—and, to the great extent that Manhattan is the financial and corporate center of the United States, essential to the Nation as well. That is why it is simply unthinkable that they should go out of existence. It should not be forgotten that if rail commuter service were dropped, the public purse would have to pay for whatever substitute could be devised. And highways are a far costlier way than railroads of getting masses of people from place to place. An apt comparison has been made by New Jersey Commissioner Palmer. Pointing out that his State has been providing direct subsidies of about $7 million a year to commuter lines, Palmer says: "This is about the same amount that a mile of modern freeway in our urban areas would cost." And, indeed, he understates the case; some miles of urban expressways cost as much as $25 million.

Lots of figures have been bandied about regarding the investment needed to restore the railroads to health. The New York Central, which already has the best commuter service in the New York area, has estimated that it would take $58 million more to provide what it envisages as the finest possible service. The Erie-Lackawanna's estimate for its own line, to achieve a more modest standard, is $80 million. One proposal for improving the Long Island calls for spending $200 million. These figures are for practical improvements, many of an obvious nature, on individual lines. An areawide estimate has been made by the Regional Plan Association, a nonprofit civic organization. Regional Plan has put the probable cost of full modernization and integration of all the essential commuter lines serving New York at $1 billion—$100 million in capital investment for each of 10 years.

A billion dollars is a lot of money, even spread among all the New York region's commuter roads. And under present conditions, private management would have to be moonstruck to make the investment. Warning New Jersey political leaders last year of his company's dire straits, Erie-Lackawanna's White listed some of the immediate needs for the road just to maintain service at present levels. "This company does not have funds with which to replace equipment and facilities," he contended, "and even if funds were available, we would not be justified in investing money for these purposes with no prospect of earning a return on the investment nor even the prospect of providing the service at a breakeven point. Sound business judgment would preclude any businessman from doing so."

That would seem to leave it up to the public—and, as has been pointed out, a billion dollars is only a quarter of what has been spent on highways in the New York region in the last 10 years. In the next 10 years it is expected that highway spending will keep about the same pace.

HISTORY OF BUCKPASSING

There is now widespread, though not unanimous, agreement that the commuter lines must be rescued by some sort of Government action. The sticky question is—which government? The railroads are not neatly confined to single political subdivisions. They cross city lines, county lines, and State lines; and the benefits from them are not limited merely to communities that have stations at which trains stop. They are vital to the economic health of the entire region. This interdependence is not always visible to the separate governmental jurisdictions, however, and parochialism has added to the difficulty of developing public policy to aid the railroads. Last fall Westchester County supervisors voted down a proposal to provide $400,000 in cash assistance for the New Haven. Only when $300,000 was made available by the towns directly served was the grant finally approved—though contingent on conditions never accepted by the New Haven trustees.

Too often, municipalities argue that the county is the smallest unit that can be expected to participate directly in a program to aid the railroads. Counties look to the States, and the States look to Washington. For its part, the Federal Government has acknowledged some responsibility. After all, its spending on highway building—90 percent of funds for the interstate highway system come from Washington—has contributed to the railroad decline.

Federal policy, as formally stated, now calls for a balanced transportation system. To that end, the availability of highway funds will be dependent on the establishment of a planning process to assure the broadest possible consideration of each community's real needs. Federal funds have been provided for demonstration grants to be used in practical efforts to break transportation bottlenecks. In 1964, Congress passed the Urban Mass Transportation Act and appropriated money for capital improvements. Much more money will be needed, no doubt, than the $375 million over 3 years projected by the act, but at least a start has been made.

There are and must be limits on Federal involvement in the local operations of commuter trains. Both the administration and Congress have taken the sound position that Federal assistance should be directed only to capital needs and that day-to-day operations and deficits are matters best handled locally. There is no desire in Washington to "become intimately involved in the management of local transportation," says John C. Kohl, of the Housing and Home Finance Agency, who administers Federal participation in transportation programs authorized by the Urban Mass Transportation Act.

Observers of the Washington scene may find this restraint unusual, but it is nonetheless commendable. In the commuter-railroad crisis there is still a chance to show, with Washington's blessing, that a serious problem can be handled without setting up another stack of offices along the Potomac. But to do this will take imagination and ingenuity in developing new mechanisms in public administration. There will have to be a partnership and cooperation of a rare sort among different levels of Government and with private enterprise.

A NETWORK FOR THE FUTURE

A regional organization dealing with transportation problems is already in existence, though it is no more than a first step toward what is needed. In 1961 the Governors of New York, New Jersey, and Connecticut agreed to form the Tri-State Transportation Committee. The committee is carrying out the most comprehensive study of existing and potential transportation facilities, habits, and needs ever made in its area. It has made aerial maps of every inch of the region and taken actual counts of passengers aboard commuter trains (learning, among other things, that trainmen, afraid of being deemed superfluous, sometimes overstate the number of passengers they serve). The reams of information and studies available from other sources have been sifted and analyzed and then added to the fresh data developed by the committee. Using computers and a large staff of transportation specialists, the committee is putting together a full and accurate picture of the commuter-railroad situation; incredibly, this is the first time it's ever been done. Even more important, it is engaged in making comprehensive projections of future requirements in the region.

But the Tri-State Transportation Committee, as now constituted, is just another planning body. It has no power to put its recommendations into effect. What is needed in addition is an operating agency with ample resources and a broad mandate—modeled, perhaps, on the Port of New York Authority, a bistate agency that owns and operates airports, docks, bridges, tunnels, and other transportation facilities in which New York and New Jersey share an interest. Like the Port of New York Authority, the transportation agency should be nonpartisan and independent, with a board of qualified directors appointed by and answerable to the Governors and instructed to aim at financial self-sufficiency. The agency would purchase the commuter equipment and lease trackage rights from the railroad companies (where appropriate, it might contract with private management to run the service). Although many an intervening step would be required, the ultimate goal would be to tie all the lines, vastly improved and modernized, into a single, efficient commuter rail network, fitting into an overall transportation scheme including New York's subways and the regional highway system.

A public transportation agency of this sort would probably be welcomed by the private railroad operators. "I know of no alternative but for some agency to take over the burden of commuter losses—or to abandon service," says the Erie-Lackawanna's White. In a recent letter to New Jersey's Governor, Pennsylvania Railroad President Allen Greenough and Jersey Central President Perry Shoemaker wrote: "We have in mind a basic public service which ideally can and should be provided by a public agency."

NEW CARS FOR OLD LINES

The first advantage a public agency would have over the private railroads would be its access to money. Like a turnpike authority, the agency could sell bonds backed by State treasuries to obtain funds for the large and quick doses of capital investment needed. It would, in addition, have State assistance in meeting the deficits racked up by commuter service; these deficits now run about $25 million a year for the whole New York area, over and above assistance already given by the States.

The money would go, first of all, toward the purchase of new passenger cars and the rehabilitation of old ones. Greater reliability would mean more efficient utilization of both manpower and trains. Another immediate benefit would be a reduction in running expenses. Decrepit equipment is costly to operate and maintain. Although they turned down the New York-Connecticut offer of new cars for other reasons, the New Haven's trustees conceded the great advantage of good equipment. They have reported that maintenance costs are 45 cents per car-mile on old commuter cars and 20 cents on the last new equipment installed on the line.

The changes that could be wrought with money do not end with new rolling stock. Nor would they have to await great new technological developments such as those envisioned in last month's Fortune ("The 400-Mph Passenger Train"). Beginning with what exists now and applying known technology, an agency with money to invest could create a transportation system that would seem utopian by present standards. Roadbeds could be rebuilt and jointed rails replaced by welded ones, decreasing wear and tear on both equipment and passengers. Electrical power systems could be extended and modernized; for years the New Haven has had to pay a premium to equip its power units so that they will operate on both its own overhead a.c. lines and the third-rail d.c. system on the New York Central track it shares between Woodlawn and Grand Central Station.

Stations throughout the metropolitan region could be rebuilt with high-level platforms so that passengers could step aboard trains without climbing steps. This would not only be a convenience for the passengers, it would also mean faster loading and unloading and make possible the use of automatic doors—which, in turn, would help to reduce the work force needed to operate each train. With the installation of an automatic ticket system, conductors would not have to struggle through the trains checking every passenger's ticket. Experiments with such installations are already being conducted on both the Long Island and the New York Central.

There is no need for great departure from today's basic system. For example, it would not make sense to substitute a monorail system for the perfectly sound dual rail that now exists. But it might make sense one day to have a rail system running through Manhattan from New Jersey to Long Island, instead of having every train come to a dead stop in the heart of the city and then go back where it came from.

Ironical as it may seem, one good reason for putting the commuter lines under a public agency is to relieve them of some of the burdens put upon them by public policy. So long as this service remains in private hands, some local taxing authorities will continue to regard it as fair game, no matter how bare the railroads' treasuries. New York and Connecticut have taken some constructive action in recent years to relieve railroads of onerous taxation, but in New Jersey a soak-the-railroads bias still prevails.

A public agency could also have the privilege of setting rates and arranging schedules without other State and Federal bureaucracies looking over its shoulder at every move. Neither at the State nor at the Federal level has railroad regulation been marked by the flexibility and dispatch needed to meet changing conditions. Too often, railroads have encountered the added hurdle of overlapping jurisdictions: management has had to get permission from not only the Interstate Commerce Commission but State regulators as well to make the changes and adjustments it felt necessary for efficient operation.

One of the Erie-Lackawanna's big problems, for example, has been its inability to close down stations. Some stops are less than a mile apart, slowing train service and making no economic sense. But efforts to eliminate stops have invariably provoked public outcries. Branch lines—e.g., on the New Haven—likewise have been preserved by timid regulatory agencies bowing to political pressures out of all proportion to the importance of the service involved.

Modernization of commuter lines would open up opportunities for reducing the size of train crews and for utilizing workers more efficiently. The Institute of Public Administration has estimated that automatic fare collection on a combined New Haven-New York Central service might result in net savings of $697,000 a year, mostly in labor costs.

But such economies will be possible only if unions can be induced to accept further changes in present practices in the interest of continued and improved commuter service. A public transportation agency presumably could approach the unions on a fresh basis of cooperation, and there are hopeful signs that railroad labor is becoming somewhat more aware of the need of innovation to protect its long-range interests. Even with private railroads, some unions have recently withdrawn their longstanding insistence that New York retain its costly "full crew" law.

A public agency might also let some needed fresh air into executive suites. The present managements have shown none of the will-to-win that has inspired the Chicago commuter lines, particularly the Burlington and the Chicago & North Western, to improve their operations. In the East there has been too much rigid devotion to tradition in evaluating proposals for improvement in service.

THE STIRRING OF POLITICS

For all its bright promise, of course, a public agency might very well raise some new problems. Taxpayers would have to be prepared for a long, perhaps unending, period of deficit operations. Any public body carries its own dangers and its own built-in tendency toward bureaucratic rigidity. One pressing problem would be how to set it up in such a way as to make it responsive to real public needs without becoming a political football. And no one wants an overweening agency beyond the reach of political processes.

The creation of the right kind of tristate agency is likely to take quite a while. But the plight of the New York region's commuter lines demands immediate attention. What is required right away is a line-by-line approach that will keep commuter services going without foreclosing the ultimate creation of a regional system. Governor Rockefeller's proposal for the Long Island is an example of what might be done. He has recommended that the State buy the Long Island Rail Road from the Pennsylvania 'if a reasonable price can be obtained." Responsibility for operation of the road, either through contract with private management or through its own operating division, would rest with a New York State Metropolitan Commuter Transportation Authority to be created by the State. The authority would embark on a $200-million program of modernization and rehabilitation. Part of the money, $89,500,000, would go for 497 new cars. The rest would pay for such basic improvements as the extension of electrification and the installation of automatic ticket-collection equipment and high-level platforms. It still remained to be seen, as this issue of Fortune went to press, how Rockefeller's plan would fare in the State legislature—and, of course, in negotiations with the "Pennsy."

The New Haven's commuter service, it appears, will be orphaned if that line's property folds into the Pennsylvania-New York Central merger. The Governors of New York and Connecticut have suggested a bistate compact under which the States would contract with the railroads for the New York Central to manage its own and the New Haven's commuter services as an integrated system. Unfortunately, much of the financing proposed by the States would have to come from the Federal Government and is not assured. The New Haven still awaits effective public help.

Not quite everybody has given up on the possibility of operating the New Haven as a private and profitable enterprise, despite its dismal record. The New Haven Commuter Study Group, Inc., a nonprofit corporation headed by Frank P. Davidson, a founder of an organization promoting a railway tunnel under the English Channel, has taken a new and searching look at the New Haven. On the basis of a feasibility study by the transportation-engineering firm of De Leuw, Cather & Associates, Davidson's group hopes to make a proposal this month for operation of the New Haven's commuter services in a manner attractive to private investors.

Over in New Jersey, the State has unveiled a proposal for a $55,800,000 program—about half Federal, half State—to aid the Erie-Lackawanna and other lines with capital investments and operating changes. Much further along is the so-called Aldene Plan, which may keep the Jersey Central going for awhile. Under this plan the line will drop its ferry service and terminate at the Pennsylvania Railroad Station at Newark. It hopes thus to get rid of its Jersey City passenger terminal and save some $440,000 a year in taxes. Though there is hope of getting Federal assistance, the State is picking up half of the bill, estimated at $10,400,000, for the first phase of the necessary improvements.

PATH TO PROGRESS

An essential participant in the Aldene Plan is PATH (Port Authority Trans-Hudson Corp.), the railroad operating subsidiary of the Port of New York Authority. It is by PATH cars, traveling part of the way over Pennsy tracks, that the Jersey Central's commuters will be transported from Newark to stops in lower Manhattan. Passengers going to midtown will take either a Pennsy train or PATH.

PATH is a successful example of public operation of an essential commuter service. It was formed in 1962, under special legislation passed by both New York and New Jersey, to take over by condemnation the bankrupt Hudson & Manhattan Railroad's Hudson Tubes, which provides a subway-type river crossing for nearly 100,000 passengers each weekday. PATH has introduced changes that have been little short of monumental. The unusually constructive attitude of the 12 unions representing PATH workers has made possible a long-term increase in efficiency based on attrition and retraining. Morale among the workers has never been higher; trainmen even treat passengers courteously.

A renovation program costing more than $50 million is making PATH a modern and comfortable transportation service. PATH has cleaned up its station and is now taking delivery on a fleet of 162 aluminum cars, costing $17 million, from the St. Louis Car Division of General Steel Industries, Inc. These cars have been specially designed throughout—even to the positioning of straps for standing passengers—for both passenger comfort and operating efficiency. Before fall PATH will have a fully air-conditioned fleet of rail transit cars. Trans-Hudson commuters have never had it so good. If leadership proves equal to the challenge, commuters elsewhere in the tristate region might one day share the PATH riders' good fortune.

ANNIVERSARY OF THE POLISH CONSTITUTION

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mrs. BOLTON. Mr. Speaker, each year at this time I am privileged to join with millions of Americans of Polish descent, to celebrate a Polish national holiday—the Polish Third of May Constitution.

The abandonment of Poland to the control of first czarist and then Soviet Russia cannot be erased from the pages of history. Through the years the Polish people have suffered in slavery, fighting in vain against the forces of tyranny. Is it not up to freemen to see that the enslaved are not forgotten?

In the United States today there are over 7 million people of Polish origin participating in America's destiny. In observing this historic event they are remembering why they and their ancestors came to our shores. Commemoration of this day deepens the faith and renews the resolve of every free American regardless of origin. For that rebirth of patriotism, and contribution to the moral and spiritual wealth of America, we are indebted to Polish Americans.

So it is my honor to salute the Polish people and their Constitution of May 3 at this time.

ATTACK ON GRAND CANYON

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mrs. BOLTON. Mr. Speaker, "Grand Canyon, America's best known scenic preserve, is in imminent danger, threatened by two huge unnecessary power dams," writes Dr. Richard C. Bradley, associate professor of physics, at Colorado College, in the winter of 1964–65 issue of the Living Wilderness magazine.

The two dams are the Bridge Canyon and Marble Gorge Dams, key features in the proposed Lower Colorado River Basin project. "Neither dam is necessary for the success of the southwest water plan," according to Dr. Bradley. Pointing out the similarity between this proposal and the Echo Park Dam proposal for Dinosaur National Monument a decade ago, which precipitated one of the classic conservation battles of our time, Dr. Bradley noted that Echo Park also had been described as a "key unit" in a multi-billion-dollar water storage project, that could not be eliminated without jeopardizing the whole program. Yet, Dr. Bradley writes, the storage project has been able to get along very well without Echo Park, which was rejected by an overwhelming mandate of the people.

In view of the likelihood of early hearings and consideration of this matter by the respective House and Senate Committees on Interior and Insular Affairs, Dr. Bradley's article is quite timely and under unanimous consent, I insert it herewith in the Record. The article follows:

Attack on Grand Canyon

(By Richard C. Bradley)

(Note.—Mr. Bradley is an associate professor of physics at Colorado College, and has published many research papers in his field as well as on conservation issues. He is a fellow of the American Physical Society and holds membership in a number of other professional societies. He participated in the conservationists' battle aginst Echo Park Dam. Among other attributes, he is an active outdoorsman, and has been through Dinosaur and Glen Canyon on the rivers. He graduated magna cum laude with distinction from Dartmouth College in 1943, and obtained his Ph. D. in physics at the University of California in 1953.)

Grand Canyon, America's best known scenic preserve, is in imminent danger, theatened by two huge unnecessary power dams. The Federal Bureau of Reclamation, in its latest assault on the national park system, is seeking immediate authorization to build these hydroelectric dams as part of its comprehensive multi-billion-dollar Southwest water plan. Besides violating the unique and irreplaceable park system, the dams would waste precious water in a land that does not have enough water to go around, and would produce power at such high cost it could probably only be sold at a loss in tomorrow's power market. For all that, the dams have powerful support in and out of Congress, and the blessings of the Secretary of the Interior. The American public, on the other hand, scarcely even knows about them.

Both dams would be located on the Colorado River in Grand Canyon, one in Marble Gorge and one in Lower Granite Gorge. Neither dam is necessary for the success of the Southwest water plan. Both would be wasteful and destructive. The one in Lower Granite Gorge—the so-called Bridge Canyon Dam—would back up water through the entire length of Grand Canyon National Monument and 13 miles into Grand Canyon National Park, areas which are supposed to be preserved unimpaired for future generations.

The Bureau argues that this invasion of the park is authorized by the Grand Canyon Act of 1919 which reads: "That, whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of the areas therein which may be necessary for the development and maintenance of a Government reclamation project." But, it is fair to ask, is a fluctuating reservoir that destroys all life within its zone of fluctuation "consistent with the primary purposes of the park?" Does a reservoir that brings no water to anyone and which annually evaporates enough to supply a city of over a half a million people properly qualify as a "reclamation project"? Can a hydropower project in a land rich in fossil and nuclear fuels really be considered "necessary"? And what of Grand Canyon National Monument, just downstream from the park and scheduled for even greater devastation? Where in the proclamation setting aside this monument can the Bureau find any mention of any reclamation project whatever? Let the American people, and especially their elected representatives, ponder well these questions before turning over any of their superb national park system to the Bureau of Reclamation's bulldozers.

The principal objective of the whole Southwest water plan, of which these two dams are a part, is to bring water to a fast-growing and thirsty region. We do not contest this objective. We do not deny that central Arizona, for example, is legally entitled to, and urgently needs, the million acre-feet of Colorado River water it would annually receive under the plan. But this does not, mean that dams must be built in Grand Canyon. The Southwest will not get its water from these dams even if they are built. Arizona will get hers from Lake Havesu on the California-Arizona border far downstream. Nevada will get water from Lake Mead. Southern California will get water from northern California, or the Pacific Northwest, or the ocean, or from all three—but certainly not from Grand Canyon. The sole purpose of the Grand Canyon dams is to produce power which the Bureau will then sell to help finance the rest of its program. In other words, the dams are intended to make money.

But let us look at the power situation in the Southwest. Is damming Grand Canyon the only way of producing power in that area? The southwest water plan itself says: "The total proposed Bridge Canyon and Marble Gorge capacity will provide only a small increment of the projected future demand of the area * * *. The major portion of the future electrical energy demand of the area in the Pacific Southwest will be generated by thermoelectric plants. In the future thermal units in Arizona will probably utilize coal or gas * * *. Reserves of fossil fuels are more than adequate to meet foreseeable power needs." Water may be in short supply in the Southwest (and reservoir evaporation will make it shorter still) but certainly not power potential.

Are the dams, then, so much more economical than other power sources that we cannot afford not to build them? This again is not the case. The Bureau's Grand Canyon power will sell at a composite figure of 5.3 mills per kilowatt-hour, whereas private steamplants at Shiprock, N. Mex., are now selling it for 5.8 mills. And if the steamplants had the same low interest tax-free benefits the Federal dams enjoy, they could sell power today for somewhat less than 5.3 mills. The Bureau's dams, then, can be considered competitive with, but not superior to, other power sources that exist today.

But how about the trends in power generation? Will the 5.3-mill power continue to be competitive for the next 60 years while the dams are being built and amortized? We cannot answer this with certainty, but we do know that advancing technology is bringing down the costs of thermal power without materially changing that of hydropower. A decade ago steamplants were selling power for over 7 mills per kilowatt-hour. Now it is below 6 mills.

Assistant Commissioner Bennett of the Reclamation Bureau predicted a year ago that thermal power would soon be delivered in the Colorado River Basin at less than 5 mills. Senator Anderson, of New Mexico, said last fall that the Four Corners area will shortly be getting it for 4 mills. Coal and nuclear steamplants are being built in the East which within 3 years will be selling it for less than 4 mills. And the Office of Science and Technology of the U.S. Government is predicting that within 10 years nuclear plants will be producing power for about 2.5 mills and fresh water besides. It may well come to pass that long before the Grand Canyon dams can be paid for, their power will be the most costly in the Southwest. And if the Bureau cannot sell its power at a profit, it can neither pay for the dams nor the rest of its program.

Commissioner Dominy of the Bureau acknowledges these trends, but argues that hydropower will still be needed because it has greater flexibility than steampower for meeting peak demands. He is certainly correct that it is easier to draw down additional water from a reservoir when power demands suddenly go up than it is to fire up another boiler. But there are several other good ways of producing peak power besides steam and hydro. Diesel-electric peaking plants, for example, are now being built that can be turned on in a matter of seconds. Such plants can be installed when and where they are needed in much less time and at much less cost per installed kilowatt than the Bureau's dams, and although they require fuel (which is not in short supply) they do not evaporate water (which is). Thus, even if we grant the need for peaking plants, there is still no need to put them in Grand Canyon.

A little over a decade ago this same Bureau came before Congress with a remarkably similar proposal and remarkably similar arguments to back it. Echo Park Dam, a hydropower facility the Bureau wished to put in Dinosaur National Monument, was described as a "key unit" in a large comprehensive multibillion-dollar water storage project, a unit that could not be eliminated without jeopardizing the whole program, a unit that was especially desirable because of a low evaporation rate, a unit that would not really damage the monument very much and which in any case was authorized by the proclamation establishing the monument. The American people listened to these arguments, but decided to protect their national park system instead, and rejected Echo Park Dam by an overwhelming mandate. Interestingly enough, the storage project seems to have gotten along very well without it.

The situation is comparable at Grand Canyon. The dams are only a small part of a large comprehensive water salvage program, but the Bureau claims they are essential and cannot be removed without endangering the rest of the program. It argues they are needed for peaking power, will not harm Grand Canyon very much, and are authorized by the Grand Canyon Act. No doubt in this case as well, the water plan would survive admirably without these dams. However, the forces promoting them are very powerful and they work swiftly. The bills have already been introduced in Congress. They will undoubtedly pass both Houses unless an aroused public can make itself heard in time. It will take nothing short of another mandate, perhaps another million letters to Congressmen, to save Grand Canyon from this wanton desecration. But it would be worth it, for the stakes are high. If America's best known scenic preserve can be sacrificed in the name of "peaking power," what can possibly save Yellowstone or Yosemite or any of the other national parks and monuments from a similar fate?

HORTON BILL TO END AUTO EXCISE TAX

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. HORTON. Mr. Speaker, I am introducing legislation today for the repeal of the Federal excise tax on new passenger automobiles.

I am prompted to push repeal of the 10-percent Federal excise tax currently borne by new car purchasers for two reasons, and both relate to the economy of the community I represent—one specifically, the other generally.

First. There are in Rochester, N.Y., some 7,500 employees of General Motors. Their livelihoods are directly tied to the economic health of the auto industry.

Second. Repeal of this excise tax would leave millions of additional dollars in our area to be spent locally for the betterment of the entire economy.

Our economic picture presently is bright. Therefore, we must continue our best efforts to keep it in high gear. Among the necessary steps is putting the maximum amount of money possible in the hands of the people to buy and invest. Excise taxation works against this principle.

On the average, the price of every new car sold in this country is increased by $225, the amount of the manufacturer's excise tax. Just imagine what that $225 could do if it did not have to be siphoned off for the Federal Treasury.

There is no question but that repeal of this excise tax could benefit auto industry workers. As demand for new cars increased—and it should do so definitely because the automakers are pledged to reducing new car prices by the full amount of any excise tax reduction—so would employment increase. More people working means more money for more families and an improved standard of living. Further, wage earners are taxpayers; therefore, as in all cases of excise tax loss to the Treasury, there is a potential for offset from higher income tax collections.

The community at large is going to benefit a great deal from removal of this auto excise tax, too. With more people making more money, there is a greater amount of capital to be spent in buying goods and services. Those buying new cars at reduced prices also will have more money at their disposal for other uses. Just as we learned from the income tax cut of the last Congress, when taxes are reduced reasonably there is a multiplier effect which takes place. The effect of tax reduction is felt many times in the economy, not just at the place it is removed, but through every step taken by the additional capital made available for economic growth.

The automotive industry of America is so vital to our economy that any stimulation it receives is reflected immediately and directly in the overall picture. Certainly, then, we should not hesitate further to remove this one tax whose repeal can benefit us to such an extent.

The auto excise tax is an unfair and highly discriminatory burden on the new car buyer. It applies uniformly to those in all income brackets, and in that regard is completely out of step with our fundamental tax philosophy. This tax has had its day. Now, that day is gone, the war emergency is over, and it no longer is right or due for the Federal Government to tax its citizens in this manner.

I urge that this Congress move decisively and directly to repeal the auto excise tax.

HORTON RESOLUTION FOR NATIONAL ARBOR DAY

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. HORTON. Mr. Speaker, this is the first meeting of the House since the last Friday in April. For that reason, I think it is appropriate for me to announce that I have introduced today a joint resolution authorizing the President to proclaim the last Friday of April of each year as National Arbor Day.

In many States and localities, the last Friday of April is observed traditionally as Arbor Day. Yet, there is no recognition of this important occasion in our national life.

I feel there should be and that feeling prompts my support and sponsorship of this resolution for an appropriate Presidential proclamation.

A National Arbor Day would provide the opportunity of emphasizing the importance of tree planting in America. It would afford recognition of the vital part which trees and woodlands play in beautifying the landscape, protecting watersheds, and providing timber and its products for the comfort and convenience of the people in this Nation.

While tree-planting festivals are probably as old as civilization—the Aztecs, ancestors of the Mexican people, planted a tree for each newborn child—Arbor Day, as such, is essentially an American institution. It first was observed in Nebraska in 1872.

The Bible tells us, "The tree of the field is man's life." We can make it a more important part of our national life, I believe, by passing this National Arbor Day resolution.

COMMENDATION OF JEWISH COMMUNITY RELATIONS COUNCIL OF PHILADELPHIA

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SCHWEIKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, I rise today to commend the impressive and vital work which has been carried on in Washington by members of the Jewish Community Relations Council of Greater Philadelphia. Throughout the months of February and March this organization has been coordinating and sponsoring visits to Washington by concerned citizens of Greater Philadelphia to protest the evil of anti-Semitism as it has been permitted to flourish in the Soviet Union today.

These citizens, by participating in demonstrations before the Soviet Embassy, have voiced their quarrel with injustice in quiet eloquence. Their vigil has been courteous, decent, and dignified. I hope that finally the American Government through President Johnson and our State Department will make these grievances known to those who have power to change this policy within the Soviet Government.

The members of the Community Relations Council are reaching toward a great and worthy objective; that objective is to achieve an end to religious oppression as it exists today in the Soviet Union.

On March 28, 1965, the Community Relations Council sponsored a mass rally in Independence Square of Philadelphia to focus public opinion on this issue. The rally attracted more than 5,000 citizens. I commend the council's dedication to this great cause and I shall continue to support their efforts in the Congress until something is done.

A recent article from the New York Times shows new evidence of concerted efforts to oppress the Jewish population of Russia. This information is as contemporary as today. I insert it in the RECORD at this time and commend it to the attention of all Members of Congress and to the concerned public.

JUDAISM ASSAILED IN SOVIET ARTICLE—U.S. JEWISH GROUPS SCORE "HYSTERICAL ANTI-SEMITISM"

A coordinating body of 24 national Jewish groups charged yesterday that an article in a prominent Soviet newspaper reviles Judaism as an enemy of the Soviet people.

Label A. Katz, chairman of the steering committee of the American Jewish Conference on Soviet Jewry, the coordinating body, said in a statement that the article appeared in the February 2 issue of Zviazda, a newspaper of Minsk, capital of the Byelorussian Republic.

The 1,350-word article, as translated by Mr. Katz' group from the Byelorussian, charges Judaism with being "the enemy of human culture, the hotbed of a code of morality hostile to the Soviet Union." The author is listed as J. Muraviev, a senior lecturer at the V. I. Lenin Byelorussian State University.

Titled the "Shadow of the Synagogue: For the Verdict of Reason," the article says in part:

"The shadow of the synagogue: It has shrunk and moved back, but it still crosses our path. It is a reminder of the evil, heavy darkness that blinded thousands and thousands of people, poisoned their souls and stunted their bright aspirations. In our day, the servitors of the synagogue strive to prove that Judaism is not an accumulation of harmful prejudices, but a 'form of culture'; not dead superstition.

"Like all other religions," it goes on, "Judaism is the enemy of human culture, is in contradiction to science and is the hotbed of a code of morality hostile to us."

Mr. Katz described the article as "hysterical anti-Semitism" and said "its abusive character is obviously intended to promote a policy of suppression of Soviet Jewish life by intimidating the Jews of Minsk."

Minsk's population of 500,000 includes 30,000 to 40,000 Jews. There are about three million Jews in the Soviet Union.

The 24 Jewish organizations that assailed the article include the American Jewish Congress, the Union of American Hebrew Congregations, the Jewish Labor Committee and the National Council of Jewish Women.

The attacks cited in this news article have no justification. Such attacks suggest that the time is long overdue for our Government to start working toward a new and concrete foreign policy goal—that goal must be a change in the policy of oppression of religious freedoms in the U.S.S.R.

This story of oppression is an ominous reminder of another chapter of religious oppression in world history; a chapter which was also written during an April month. On April 19, 1943, the eve of the Jewish Passover, the bitterly remembered Warsaw Ghetto uprising began. For a few courageous days the Jewish community of Warsaw demonstrated to the world a fighting courage and heroism that has seldom been seen. More than 400,000 innocent citizens lost their lives in this human holocaust. Silence and indifference, the sin of silence, became the shame of the world. We must learn from that moment of silence. We must learn that silence in the face of religious oppression will lead only to futher oppression.

America did not respond to anti-Semitism in Europe in 1939 until it was too late. Our Congress did not speak out against this injustice. There was no united voice in Congress. We who are privileged to be Members of Congress today can learn a great deal from that moment of apathy. Whatever we do learn can be applied actively to this problem. From little seedlings of hate and bigotry mighty oak trees grow—and anti-Semitism as it exists in Russia today, is becoming an evil and sturdy oak tree indeed.

In asking that the Jews or any other faith in Russia be given freedom of religion we are asking no more than the enforcement of what the Russian Constitution already provides. The Russian government should be reminded of this constitutional obligation, as provided in article 124 of the Constitution of the Union of Soviet Socialists Republics. I quote from article 124:

> In order to insure to citizens freedom of conscience, the church in the U.S.S.R. is separated from the state, and the school from the church. Freedom of religious worship and freedom of antireligious propaganda is recognized for all citizens.

"Freedom of religious worship is recognized for all citizens." Certainly this assures for all citizens of the U.S.S.R. the rights now in question. Restoration of these guaranteed rights is a justifiable objective of our own foreign policy. Our insistence that the Russian Government live up to its own constitutional obligations must be heard.

The cancer of oppression and bigotry is as alive in the Soviet Union as it has ever been. This cancer must be eradicated at its source, by a change in Soviet national policy, before it spreads quietly to more serious and uncontrollable proportions.

The United States, by concurrent resolutions, can make it clear to all concerned citizens throughout the United States and the world that the response of our national leaders will not be silence and apathy. These concurrent resolutions, of which I am a sponsor, have wide support in both the Senate and the House.

The position of Members of Congress should be united and vocal on this important issue. Our attitude should be stated in concurrent resolutions and expressed on the floor of the Congress until the Soviet Government assures us that the rights guaranteed by article 124 are being protected.

This expression by the Congress could become a living memorial; it would be proof that we have learned to take preventive action against the evil of religious oppression while time for action and time for a change in a national policy still remains.

CAPTIVE NATIONS COMMITTEE

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SCHNEEBELI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SCHNEEBELI. Mr. Speaker, I want to add my voice to those of my colleagues who have expressed their approval of the resolution to establish a special committee on the captive nations.

Congress needs this special committee if it is to carry its full share of the responsibilities invested in it by the American people. The resolution under consideration is intended to give Congress an effective weapon in opposing the expansion of communism. By conducting hearings and publishing studies on the condition of the captive nations, Congress will be able to project into the mainstream of world thinking the reality of the terrible plight of those peoples living under communism who are denied their freedom. The executive branch is necessarily inhibited from carrying on this aspect of the cold war, and thus the responsibility must rest with Congress.

The claims of the Soviet Union and its allies in the Communist camp have been virtually uncontested when they issue propaganda statements that the United States and the West are the leaders of imperialism and colonialism, and thus represent a force of retrogression for humanity. We all realize that this is not the case. It is the Communist countries which are indeed the greatest imperialists of the modern age. This is the message that must be communicated to the peoples in the former colonial areas, and none can do this better than a congressional select committee on the captive nations.

ARMENIAN MASSACRE

Mr. Speaker, Although we have become somewhat inured to the grossest of crimes as a result of our knowledge of World War II, we should not forget other genocidal campaigns of the past. Today, I should particularly like to draw attention to the incredible hardships of the Armenian people.

The Armenians have for thousands of years occupied a small area east of the Caucasian mountains. Due to the tradition of great multinational empires in the Middle East, whose governing hand was usually light, the Armenians were able to live in relative tranquillity for many years. When the Ottoman Empire, however, became increasingly tyrannical, the Armenians, as Christians under Moslem rule, suffered increasing hardships. Eager to regain their cherished freedom, and the free exercise of their religion and way of life, they clamored for independence.

It was their great and unhappy misfortune to feel the full wrath of the Ottoman Turkish armies, for expression of their desire for liberty coincided with World War I, when the powers of Europe were engaged in a struggle for their own existence. Without the knowledge of most of the world, the Turks were able to carry out a savage campaign of repression which resulted in the death of hundreds of thousands of innocents.

Although the number of dead and wounded, and those driven into unhappy exile in strange lands exceeds the one million mark, the Turks were not successful in stilling either the courage or culture of the Armenian people. Both continue to the present day, a symbol of the desire of all people to live in peace and freedom.

CURB THE FEDERAL POWER COMMISSION

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROBISON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ROBISON. Mr. Speaker, I am pleased today to cosponsor legislation to amend the Federal Power Act in respect to the jurisdiction of the Federal Power Commission over State canals, river-regulating reservoirs, and facilities or power projects incidental thereto.

This measure, which has the bipartisan support of the steering committee of the New York delegation, is designed to define the jurisdictional limits of the authority of the Federal Power Commission, and to curb the efforts of this Commission to extend its regulatory powers to those waters of New York State which, traditionally and historically, have been the exclusive concern of the State of New York.

I share the widespread serious concern that the rights and interests of New York in its own waters are in jeopardy, and that the State will lose its sovereignty over waters which have been and should remain under its exclusive control, if the Commission is allowed to realize its demands for licensing authority over these waters.

The amendment which I propose would in no way alter congressional intent as contained in the language of the Federal Power Act, but rather would clarify the scope of the act by proscribing the Commission's licensing jurisdiction over waters peculiarly of State concern.

THE HUDSON: A RIVER IN PERIL

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OTTINGER. Mr. Speaker, in recent months there has been an encouraging growth of public concern over the fate of our Nation's rivers. It has not come a moment too soon, for, as President Johnson warned in his message on natural beauty, "this seemingly indestructible natural resource is in danger." Years of neglect and indifference to reckless exploitation have left us with precious little to save and much to restore.

Now, there is a heartening reaction against this apathy. Public indignation and official concern are spurring efforts to save those few rivers that are as yet unspoiled and to reclaim those which have been damaged, but not yet destroyed. The national wild rivers bill and the forthcoming proposals for the Potomac are among the more encouraging signs of the awakening national interest.

Mr. Speaker, I regret to say that one of the Nation's greatest rivers has not yet benefited from this recent awakening of official concern. In spite of unparalleled public demand, in spite of the efforts of the State and Federal legislators and a wealth of proposals for its development and restoration, one river has been exempt from constructive official action. I am speaking of the great and historic Hudson River—without question one of the Nation's most beautiful and valuable river resources.

It is generally recognized that no river in America is in greater need of help than our beloved Hudson; it stands on the brink of destruction. Yet, it also stands on the threshold of a great new future. Decisions made in the next few months could well determine whether it will become a model of modern river development or an industrial canal.

The Hudson River presents us with a new problem in conservation and one that we must solve soon if we are to achieve the bold goals of the Great Society. This beautiful river runs through settled areas, through growing cities. It is an important avenue of commerce and it has a role to play in the industrial and commercial growth of its people. We cannot halt growth and change along the Hudson's banks. We cannot just establish a national park. We must have true cooperative action by local, State and Federal Governments to develop the whole range of the river's economic and esthetic resources in a manner consistent with the unique scenic character of the riverway and appropriate to the needs of its people.

Although much has already been lost due to indifference and neglect, there is much that can be saved and developed in the interests of all the people.

Last January, I introduced a bill, H.R. 3012, to overcome the unfortunate record of official neglect and to restore and rehabilitate this great river. This measure to establish a Hudson Highlands National Scenic Riverway, received nonpartisan support throughout the State of New York and in the Nation. Ten of my distinguished colleagues in the House, including members from both parties, introduced similar legislation. The two Senators from New York, cosponsored a similar measure in the other body. Seldom in recent times, I am told, has a conservation measure generated such public enthusiasm and support.

Mr. Speaker, the measure which I proposed protects the rights of the people who live, work and own property along the riverway. H.R. 3012 supports local authority and the rights of local governments to plan for their own future. Most important, it removes one serious existing impediment to these rights: the complex Federal authority which has been interjected into the river's business over past years. As of now, at least five Federal agencies have the authority to make major long-range plans for the development of the riverway. They may do so without reference to the plans or feelings of local interests and without control by any other State or Federal authority. This situation has already damaged the interests of the river seriously and it hangs like a sword of Damocles over any plans that the State or local governments may advance.

H.R. 3012 will correct this situation. It will bring the fragmented interests of the Federal Government under one authority directed to protect the interests of the people. It places the burden of proof regarding any proposal squarely on the shoulders of the agency making the proposal, not upon the ill-formed, ill-financed private citizens, as it is now.

H.R. 3012 would encourage appropriate industrial development along the Hudson, it would start coordinated action to clean up and restore blighted areas. It would begin the big job of abating pollution and stimulate local and State planning for the future of the river.

It saddens me to report that other interests in the river are apparently trying to block the expressed will of the people. These interests see the problems of the Hudson as a political issue, although I and my colleagues have tried in every way to avoid this.

I hope that it will be possible to overcome the petty opportunism that would frustrate public interest in saving and developing the Hudson. I hope that we can do so without recourse to direct political action which could only weaken efforts for a constructive solution to the river's problems. But one way or the other, we will have to act and soon.

Mr. Speaker, the difficulties that face the Hudson are great and complex. Years of official indifference have created what must be one of the most complex conservation problems in the Nation today. I do not propose to explain all the complexities here now, but I would like to bring to the attention of this House and the American people a remarkable analysis of one aspect of the Hudson's problems. This analysis, published in the April 26, 1965, issue of one of our most distinguished national magazines, Sports Illustrated, is a frank and penetrating report on the effect of official indifference on an important natural resource. It documents the destruction of the Hudson's unique anadromous fish by commercial interests exploiting the river's resources. It pinpoints the ways that political expediency and official apathy made this destruction possible.

This remarkable article by Robert Boyle, a distinguished editor of Sports Illustrated should be read by everyone who is concerned with developing our natural resources. But most of all it should be read by all those who question the need for Federal action to save what the State has failed to protect:

A Stink of Dead Stripers: The Storm King Fight Rages Over the Hudson and a Conservationist Raises Questions About Missing Pictures and Spawning Grounds

(By Robert H. Boyle)

Take a good look at the picture below. It shows a mass of dead striped bass left to rot by the Consolidated Edison Co., on a dump near its Indian Point powerplant on the Hudson River. Officials of the New York State Conservation Department not only have denied that such pictures existed, they have hushed the fact that pictures were held by the department itself. Starting on May 10, this hush-up and other revelations about Hudson River fish will be the subject of an investigation by the Fisheries and Wildlife Conservation Subcommittee of the U.S. House of Representatives. The testimony to be given is almost sure to embarrass Con Ed, the Conservation Department and its boss, Commissioner Harold Wilm, and even Gov. Nelson Rockefeller.

To the anger and dismay of commercial fishermen, sportsmen, and conservationists, Governor Rockefeller has been backing the construction of another Con Ed powerplant 15 miles north of Indian Point at Storm King Mountain on the Hudson. Governor Rockefeller and Con Ed won a round last month when the Federal Power Commission licensed the Storm King plant—and possibly licensed the decimation of the rest of the Hudson's striped-bass population.

Led by the Scenic Hudson Preservation Conference, the conservation groups have bitterly fought the Storm King project on a number of grounds. For one, the project would violate State park lands; for another, it would scar more than 20 miles of Putnam and Westchester Counties with high-tension towers. At full capacity the plant will be able to suck off 12 billion gallons of river water a day, and since, according to the latest study, Storm King sits squarely in the middle of the Hudson's bass spawning grounds there is excellent reason to fear for the fishery. These grounds furnish bass to Long Island Sound and northern New Jersey waters. On the northeast coast, sportsmen alone spend $45 million a year in quest of stripers.

The Fisheries and Wildlife Conservation Subcommittee is holding the investigation at the request of RICHARD OTTINGER, a Democrat representing Putnam and western Westchester Counties. Last January, OTTINGER introduced a bill into the House calling for the establishment of a Hudson Highlands national scenic riverway. The bill, which has backing from Democrats and Republicans, would, among other things, prohibit the construction of power installations along a 40-mile stretch of the river from just north of New York City to beyond Storm King. When OTTINGER submitted his bill, he also asked the FPC to delay any decision on licensing Storm King until Congress had a chance to decide on the riverway. The FPC—an autonomous body of five men appointed by the President rejected the request and last month licensed the plant after hearing only one fishery witness, a biologist retained by Con Ed.

Specifically, the Fisheries Subcommittee will determine whether or not Federal and State officials charged with the protection of fish have fulfilled their duties at Storm King and Indian Point. There are indications that they have not. In the first half of 1963—the year the nuclear Indian Point station began full operation—there was an extensive kill of fish. The exact cause of the kill has never been made precisely clear, but the fish apparently were attracted by warm water discharged from the plant and then were trapped beneath a dock. Some sportsmen learned of the kill when great numbers of crows began concentrating at the dump. On June 12, 1963, Dominick Pirone, a graduate student at Fordham and consulting biologist to the League of Saltwater Sportsmen; Harvey Hauptner, then the league's conservation chairman; Fred Luks, an outdoor columnist; and Arthur Glowka, a freelance writer, visited the Indian Point plant, and on that day, Pirone says, "We saw 10,000 dead and dying fish under the dock. We learned that Con Ed had two trucks hauling dead fish to the dump when the plant was in operation."

Pictures of piles of dead fish were taken by sportsmen and at least one member of the conservation department, and other sportsmen who happened to see them were horrified. Pictures were called in by the conservation department's Poughkeepsie office, and then sent on to its Albany office. Before the controversial pictures started disappearing, Dom Pirone saw some. One that sticks in his mind shows a pile of dead striped bass a dozen feet high. In the December 1963 issue of the Southern New York Sportsman, Editor Ted Keatley wrote, "I have a print of a picture taken at the dump. This was forwarded to me with the following commentary: 'Enclosed is a photo taken one evening in early March and showing just one section of the dump. The fish seen here were supposed to be about 1 or 2 days' accumulation. They were piled to a depth of several feet. They covered an area encompassing more than a city lot.'" Earlier Keatley had estimated the kill at 1 million striped bass, but then Assistant Commissioner W. Mason Lawrence of the conservation department tut-tutted that figure as unrealistic in a letter to Keatley, and instead pegged the peak kill at only 800 strippers a day, "mostly of rather small fish." He made no mention of pictures.

Last December, in an attempt to get some straight answers about Indian Point, Pirone and Glowka went to the Poughkeepsie office, where they spoke to Warren McKeon, the regional supervisor, and Ken Wich, the regional fish manager. Both men denied that they had ever seen any pictures of the kill. They offered to open up the office files on Indian Point, but when Pirone later wrote a letter asking to examine the records, Wich wrote back that "Mr. McKeon has been advised by Albany that, at this time, we cannot release departmental reports to the public concerning matters still under investigation." In response to this, Pirone wrote Wich: "Personally, I have heard direct contradictions from several sources as to some of the statements that you and Mr. McKeon made to us on December 23. The question of pictures of the horrible kills at Indian Point passing through the Poughkeepsie office is in particular dispute." Wich never answered.

A few weeks ago State Senator R. Watson Pomeroy, a Dutchess County Republican, decided he wanted to see the hushed-up pictures. Senator Pomeroy, a former chairman of the joint legislative committee on natural resources, is a man of some consequence in the State.

"Commissioner Wilm gave me permission to see them," Senator Pomeroy says, "I wrote to him asking permission to see them, and he wrote me in return giving me permission." Senator Pomeroy was shown two black-and-whites taken in February 1963, at the start of the Indian Point kill. "They did show fish which had been killed," the Senator says. "They were fairly sizable fish kills—a couple of thousand fish. They were brought from the Poughkeepsie office and shown to me at my house."

The hushup of the Indian Point pictures has angered those fighting Con Ed at Storm King. For its part, Con Ed has played down Indian Point as it seeks to dig into Storm King. The company says only thousands—150,000—of fish were killed, and it declares that the big kill stopped in late June 1963, when screening was put beneath the dock.

The conservation department also says fish are no longer being killed in any great number. Con Ed has the matter under study, but meanwhile kills still occur, mostly of smaller fish that get through.

In addition to Indian Point, the Fisheries Subcommittee will investigate the testimony given before the FPC on Storm King by Dr. Alfred Perlmutter, a former employee of the Conservation Department who is now an associate professor at New York University and a Con Ed consultant. Briefly, Dr. Perlmutter testified that he could almost guarantee that the proposed Storm King plant would have little effect on fish eggs. The best spawning grounds for striped bass, he said, were much farther up river. Later he added, "The last study on the Hudson River was made in 1938, and it hasn't been done since."

No other fish experts were present when Dr. Perlmutter testified before the FPC—which had published notice of the project without naming Storm King as the site in a newspaper in out-of-the-way Goshen, N.Y.—but when a number of organizations interested in fish resources heard about his statements, they sought to join Scenic Hudson in the fight by asking the FPC to reopen the hearings. The gist of their protests was that the New York State conservation department had published a study of the Hudson stripers not in 1938 but in 1957. Further, this study indicated that the fish spawned in the vicinity of Storm King. Moreover, the two biologists who had conducted the study, Lewis Miller and Warren Rathjen, had been hired for that job by none other than Dr. Perlmutter. Among the groups which sought to reopen the hearings to allow other experts to testify were the Cortlandt Conservation Association up on the Hudson; the village of Freeport on Long Island; the town of Hempstead, which has a population of nearly a million; the Hempstead Town Lands Resources Council, with 30,000 members and affiliates; the Nassau County Fish and Game Association; the Long Island [commercial] Fishermen's Association; and the National Party Boat Owners Alliance, composed of captains who have direct financial stake in the irreplaceable Hudson fisheries.

Before granting its license to Con Ed the FPC could have reopened hearings to admit extraordinary testimony. But for all the angry letters and petitions that went to the FPC demanding a rehearing, Con Ed sent a reply to the Commission claiming rebuttal on Storm King was too late and that allegations about Indian Point were irrelevant. On March 9 the FPC, in a 3-to-1 vote, agreed to grant Con Ed a license. The Indian Point kill was dismissed by the FPC in a footnote as "outside the jurisdiction of this Commission." As for Dr. Perlmutter, the FPC has endorsed him as "an outstanding ichthyologist." Charles Ross, the dissenting Commissioner, wrote: "The continued existence of this [Hudson fish] resource is one of the primary issues in this case, and I, for one, am not willing to base an ultimate conclusion upon testimony about which serious doubts have arisen."

A hearing was set for May 4 to determine the route of the high-tension towers and the type of screen to be placed over the Storm King intake tubes. On April 1 the conservation department announced Con Ed would finance a $150,000 3-year study of Hudson River fish. In view of the fact there is no fish screen that can exclude the tiny striper eggs, the May 4 session promises to be meaningless.

Fortunately, the Fisheries Subcommittee will bare all the facts. Perhaps, ironically, the Hudson River, the living river, may yet be saved by dead fish long thought buried in an obscure dump and by pictures buried in conservation department files.

VOLUNTEER FLOOD WORKERS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHMIDHAUSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Speaker, as the devastating Mississippi flood waters begin to recede in southeast Iowa, I want to take this opportunity to call to the attention of my colleagues the tremendous contribution made by thousands of volunteer flood workers. These selfless and brave volunteers have manned the levees for days as southeast Iowa communities battled the mighty Mississippi. They worked hand in hand with the Army Corps of Engineers in building temporary new levees, they helped strengthen and build up the existing levees, they filled sand bags and transported them to the areas of greatest need and they patroled the levees day and night, carefully watching for leaks and weak spots. Their effort is deserving of the highest praise.

Mr. Speaker, we often hear many reports about our young people that cast doubt on their dedication and ambition. But, I want you and the Members of this distinguished body to know that hundreds of teenage boys and girls and countless college students from all over southeast Iowa responded promptly to the dire need for assistance to fight this disastrous flood. They worked long hours throughout the crises.

I was very proud to see the young people of my district fill this great need. As I toured the area, it was extremely gratifying to view their efforts. I look to the future with optimism because the quality and ability of our future leaders is high. This is revealed on countless occasions, but nowhere have I seen it more vividly illustrated than in this spring's disaster. I am sure all my colleagues will join me in saluting these fine young men and women.

Now that the floodwaters are beginning to recede, the human suffering of the victims and the loss of their property remain.

NEW YORK CITY IN CRISIS—PART LVI

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following articles from the New York Herald Tribune of March 13, 1965, concerning attempts by New York City to attract industry and Department of Labor efforts to train the unemployed youth in the city.

The articles are part of the continuing series on New York City in Crisis:

NEW YORK CITY IN CRISIS: BUSINESS "RAIDER" ON SOUTHERN TOUR

(By Barrett McGurn)

New York City's industrial development commissioner flew South yesterday morning "as a salesman" to attempt to induce a 600-man furniture factory to move to New York. He thinks he has a strong chance of succeeding.

Neither the commissioner nor his department would reveal which State he was "raiding," but his first destination was Miami.

The trip is the latest in a growing city effort to stem a tide which has swept an estimated 100,000 blue-collar jobs out of New York's five boroughs during the last 6 years.

The journey also will serve at least as a partial city hall answer to 70 presidents and board chairmen of New York's, and America's, largest firms who have become so alarmed by the loss of blue-collar jobs that they have promised to form a private industrial development corporation by March 21.

The $1-a-year commissioner is Louis Broido, former executive vice president of Gimbels, and joint head of the city's Department of Commerce and Industrial Development and of the city-owned Industrial Redevelopment Corp. Mr. Broido hopes that the businessmen's movement will not form a rival development corporation but will join forces with the city's effort.

MERGER SEEMS UNLIKELY

The businessmen made no formal reply yesterday to the Broido offer, but one of their leaders indicated that a "merger" seemed unlikely. Two events yesterday underlined the reasons for the doubts of Mark Richardson, executive vice president of the 197-year-old New York Chamber of Commerce. The chamber has been one of the powerhouses in organizing the businessmen's drive.

Mr. Richardson noted that Commissioner Broido would like the businessmen to give up the idea of an industrial development corporation of their own, and to join him on a "50-50" basis inside the city's corporation with Commissioner Broido as president.

Control by city officials is just what many of the businessmen do not trust, Mr. Richardson responded frankly. Remarking on Mr. Broido's claim that he has saved New York 2,000 light manufacturing jobs during the last 12 months, the chamber of commerce vice president observed that that was a small beginning in the face of the calculated 100,000 loss.

A 14-man businessmen's organizing committee, including presidents and board chairmen of R. H. Macy, the New York Life Insurance Co., the Chase Manhattan Bank, the New York Telephone Co., and the Consolidated Edison Co., will decide on Mr. Broido's offer within 9 days, but Mr. Richardson saw little chance of full acceptance.

Mr. Broido would like the businessmen to serve as a grapevine to report on companies planning to quit New York so that they can be reasoned out of it, and helped where possible. He would also like the businessmen to provide $3 million in debentures at 3 or 4 percent interest.

Palliatives are not what the businessmen seek; they want a radical cure of the troubles which are driving so much manufacturing away, Mr. Richardson said.

The two events which served as background to Mr. Richardson's remarks were these:

Another light manufacturing operation disclosed that it has practically decided to move away. It is the bulk of the Benrus Watch Co. operation at 50 West 44th Street, due to start moving out of New York between late 1966 and the year 1969. The operation will transfer to a 47-acre site in Ridgefield, Conn. About 180 watchmaking jobs will stay at the 44th Street plant because those special skills are unavailable outside New York, but 220 other paychecks will move out. One hundred and fifty jobs in Rockaway also will remain here because the company found space there for needed expansion.

Another city which has had a businessmen's reform movement announced a wide range of successes and cited New York by contrast as an area of at least relative decline. The other city was Atlanta, Ga., where indignant businessmen seized control of a declining situation 3 years ago, elected Ivan Allen, Jr., president of the Atlanta Chamber of Commerce as mayor, forced reforms in expressway construction to relieve traffic jams, and have helped add 20,000 jobs a year for each of the last 3 years. Atlanta's New York publicity agents, the Bell & Stanton Co., pointed out that the Southern city's retail sales have risen 23.2 percent in 2 years compared with New York's rise of 9.1 percent.

As Commissioner Broido packed his bags in hopes of stealing the Southern furniture operation, Julian Lazrus, president of the Benrus Watch Co., told yesterday why he has virtually decided to take another 220 blue-collar jobs from New York.

"You may not like this," he said, "but we also hope to take the people, too. We will make it as attractive as possible for them to come with us, and some of them have told us that because of the present state of their neighborhoods they want to."

TRANSPORTATION SQUEEZE

The key trouble at the Benrus plant is what Commissioner Broido's department has found to be the reason in 70 percent of the cases of factories fleeing New York. The plant needs to expand.

"And how," Mr. Lazrus asked, "are you going to do that in a loft building where we already occupy the whole of the floor we are on?"

For efficient operations the plant also must consolidate four factories in Waterbury and the one on Manhattan's West Side.

"Connecticut has to come here, or New York has to go there," Mr. Lazrus said. "And where am I going to find 10 acres in New York? And at what price? I could never afford it. As it is, some of my directors may be worrying about 47 acres in Ridgefield, but 6 of that is a pond—all the water I need. And there will be 5 acres of parking space. Everybody will be coming to work by car."

Another squeeze is New York transportation. Watches are small but thousands of watches packed in gift boxes become bulky. Then there's the problem of getting them through the New York traffic tangle.

Counterbalancing the disturbing news in part was one New York City government step in the direction of helping afflicted manufacturers. Mrs. Constance Baker Motley, the new borough president of Manhattan, as a board of estimate member proposed the closing of the easternmost half block of 117th and 118th Streets, next to Franklin D. Roosevelt Drive, so that the Washburn Wire Co. can use the space for parking and unloading.

Local residents had objected. Mrs. Motley said neighbors could use a 120th Street overpass to reach the East River promenade. Otherwise, she said, the plant threatens to take another 900 jobs out of New York.

UNITED STATES WILL SET UP FOUR CENTERS IN CITY TO TRAIN AND PLACE YOUTHS IN JOBS

(By Sue Reinert)

The Department of Labor intends to establish four new centers for jobless youths in New York that will have the same function as the six Job Orientation in Neighborhood (JOIN) centers operated by the city.

Both JOIN and Youth Opportunity Centers will train, counsel, and place youths in jobs. But YOC will be run by the State Employment Service instead of the city, and the YOC facilities will also be able to place youths directly in certain Federal training programs.

A spokesman for the Department of Labor said in Washington yesterday that the New York YOC would be part of a nationwide network of 205 centers, but as yet, the program has no specific sum allocated to it.

Mrs. Anne Roberts, executive director of the city's Poverty Operations Board, said the YOC would not be "quite" like JOIN. She said YOC staff had the statutory authority "to place youths in MDTA programs," but JOIN staff did not have the authority. MDTA is short for Manpower Development and Training Act.

In addition, YOC staff will be placed in the six JOIN centers, plus two HARYOU-ACT employment centers and Mobilization for Youth. Mrs. Roberts said the YOC people had "expertise" and could place JOIN, HARYOU-ACT, and MFY applicants directly into MDTA programs, without the YOC staff, JOIN would have to send MDTA candidates to either YOC or the New York State Employment Service (NYSES).

In addition, if the city's community action program, announced Thursday, is approved by the Office of Economic Opportunity (OEO), some of the JOIN centers may also house Community Progress Centers (CPC). That would mean a jobless youth could get the services of the CPC, JOIN, and YOC in one place.

The Labor Department spokesman in Washington said the establishment of YOC would "clarify some of the confusion that exists."

"We don't care if there is confusion in the public mind," said the spokesman, "but if the kids get in the right place, that's all we're interested in."

NEW YORK CITY IN CRISIS—PART LVII

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, the following two articles concern what has been happening with New York City's Puerto Rican population with regard to the increasing number who return to Puerto Rico and the views of the city's Puerto Rican community on the war on poverty.

The articles appeared in the March 14, 1965, edition of the New York Herald Tribune and are part of the "New York City in Crisis" series.

The articles follow:

NEW YORK CITY IN CRISIS: PUERTO RICO IN-MIGRATION—RETURN OF DISENCHANTED

(NOTE.—There are 1 million Puerto Ricans living in the United States today and 700,000 have settled in New York. This is not the story of one of them. It is, instead, the story of one Puerto Rican family who, like a great many other Puerto Ricans, came to New York City expecting a new and better life—and never found it in 17 years here. Their solution: A return to Puerto Rico.)

(By Stephen R. Conn)

SAN JUAN.—"In New York, you run from the muggers, you run to catch the subway trains, you run because you're always on a merry-go-round.

"Here, the only time you run is to get out of the rain—and that is very rare," said Jose Garcia, a powerful-looking man in his late thirties.

Mr. Garcia and his family, living quietly in a five-room wood and stucco home for which they pay $65 a month rent in the San Juan suburb of Bayomon, are part of the phenomenon of reverse migration that is creating vast changes in the life of the island.

It is estimated that more than one-half million of the 2.6 million Puerto Rican population has lived in the United States for more than 1 year.

During the 1950's, more than 40,000 people a year went to the United States from Puerto Rico than went from the United States to the island—and, for a while, most people saw no reason to expect a change.

In 1960, the Puerto Rico Planning Board forecast an average net outmigration (persons leaving Puerto Rico) of 15,000 a year from 1960 through 1965.

It was a poor forecast. By 1961, there were 1,754 more people coming to the island than left in a single year. And, by 1963, the net inmigration had soared to 5,479.

Since 1939, when the migration of Puerto Ricans to the United States was first charted officially, this was only the third time when Puerto Rico showed an inflow from the United States greater than the outflow. The other times: 425 people in 1940 and 1,754 in 1961.

Despite a shift last year (when 1,370 more people left Puerto Rico than came in), it remains apparent that at least some Puerto Ricans no longer regard the United States and particularly New York City, where 70 percent of the country's 1 million Puerto Ricans now live, as the land of unlimited opportunity, as they once did.

"I came to New York in 1947 with dreams for myself and my family. It took me nearly 17 years to know that the United States was not all I thought it would be and that happiness for us was in Puerto Rico," said Mr. Garcia who returned to his homeland to live exactly 1 year ago this month.

In New York Mr. Garcia had a $90-a-week machine foreman's job with Vanderbilt Products, Inc., at 585 Dean St. in Brooklyn. He now makes $54 a week as a property security guard for International Security, Inc., here. However, he feels that his lot is immeasurably better since he no longer has to contend with the higher cost of living in the States, the constant rush of big city life, what he considers to be discrimination against minority groups, inadequate protection against muggers and hoodlums, inadequate protection by law-enforcement agencies, changes in weather and an atmosphere of indifference and unfriendliness.

HOPES FOR CHILDREN

Mr. Garcia feels that there is greater opportunity for his children, Milagras, 18, and Jose Miguel, 20, in Puerto Rico than there would have been in New York and his wife, Eloina, who like her husband is in her late thirties agrees.

"New York was always rush, rush, rush," said Mrs. Garcia, who speaks only Spanish. "People rush you and push you and shove you in subways, markets, and department stores. Here everything is done without confusion.

"The children may like New York's excitement but they will like this life better, especially when they realize the more opportunities they have here."

The majority of the returning Puerto Ricans have been married couples with small children. Most of the returnees are under 15 or over 35.

But for the children the return to Puerto Rico has not been without problems.

"I had much difficulty with the Spanish language and with school when I first got here," said Milagras, who speaks in the halting English of her father.

"I had to be put in a separate class to learn Spanish again but now I like school here much better than in New York." She plans to enter nursing school in the fall.

EYEING A DEGREE

Jose Miguel, who prefers to be called Mike, as he was in the States, works in the advertising department of the San Juan Star, the island's only English-language paper, and plans to attend night school for a degree in business administration.

He speaks excellent English and said:

"People think you are different and not as good as them if your language is not their native tongue and that is the principal reason why Puerto Ricans are discriminated against in the United States."

Because of the return migration radical changes have been wrought in the educational system of the island. For a good part of the century, Puerto Rico fought to have its public schools taught in the island's native Spanish. Now the system has had to create special classes for the growing number of English-speaking Puerto Rican children.

In the 1950's, when it was expected that the high migration to the mainland would continue, it was estimated that there would be fewer than 500,000 children in school by 1975. Now the Superior Education Council foresees almost 900,000 children by then.

With the present school enrollment at 579,000, it poses a serious problem when school construction and teacher preparation plans were made on the basis of predictions that were off by 400,000.

Since the start of the decade, a growing number of Puerto Ricans in New York have either not found the employment they desire or any employment at all.

Many seem to be returning with no idea of what awaits them in Puerto Rico. Unemployment among returnees is about the same as the 12 percent of the labor force on the island.

But the returnees do bring with them in many instances new skills, chiefly mechanical, picked up in the States. Of 10,000 new professional and technical positions created from 1955-60, 30 percent were taken by returnees.

Paradoxically, the "Americanization" of Puerto Rico is being accomplished not by the Americans who jam the luxurious hotels that line the magnificent beach front in Santurce, nor, by the Americans who run the big clothing plants in San Juan or the huge chemical refineries in Ponce, but by the Puerto Ricans themselves.

With over half a million of the present population having lived in the States for at least a year, it is easy to see why American movies, TV programs, newspapers, magazines, and music have all been so popular on the island.

The most immediate and serious effect of the return migration is on the population. The return migration has complicated the problems brought on by a population explosion averaging 2.4 percent a year.

At this rate of growth, Puerto Rico's population will double in 28 years, putting great pressure on an economy just now emerging from poverty and underdevelopment.

Despite the great strides made under the Operation Bootstrap program of former Governor Luis Munoz Marin, Puerto Rico's per capita income is only $840, about one-half that of Mississippi, poorest of the 50 States, and the average educational level is less than 5 years.

"It may be just as crowded here as it was in New York," said Mike, who had lived with his family in a four-room, $75-a-month apartment in the low-income Bronx River Housing Development at 1460 Bronx River Avenue.

"But there's a big difference. Here all the people are friendly, and it was only a couple of months before I knew all the fellows on the block. In New York it took me 5 years to get to know the people next door.

"I hope I never see New York again."

NEW YORK CITY IN CRISIS: PUERTO RICAN DISPLEASURE IN WAR AND POVERTY

(By Alfonso Narvaez and Barry Gottehrer)

Mayor Wagner's request for $437,030 in Federal funds for an attack on poverty in the city's Puerto Rican community last week was greeted with decidedly mixed emotions by the leaders of the Puerto Rican community.

They are delighted by the fact that, after prolonged delay and indecision by the city administration, some funds have finally been requested.

They are disgusted, however, by the fact that, out of the $12.5 million the Puerto Rican Forum (a nonprofit organization dedicated to the development of Puerto Rican leadership) had requested to run a citywide development program, the mayor slashed the request to only $485,589 (including city funds in addition to Federal).

Yet mixed with the delight and disgust is dissension among the ranks of the Puerto

Rican leaders themselves—struggle for control that threatens the entire program itself regardless of the amount of money appropriated.

News of the struggle first broke last Wednesday, prior to the mayor's announcement and focused attention on the 66-man board of directors of the Puerto Rican community development project.

The project—and its governing board made up of the most influential members of the Puerto Rican community—had been formed initially to coordinate the various aspects of the program the 7-year-old Puerto Rican Forum had hoped to set up with $12.5 million.

CHARGES BRING RESIGNATIONS

At a meeting Wednesday, hurling charges of "disruptive tactics" and "attempted illegal practices," 21 members of the board, many of them members of the forum, which will eventually be responsible for two of the three Puerto Rican programs planned by the city, resigned.

Control of the board of the community development project now rests in the hands of a dissident group headed by Jose Erazo, a lawyer who had been acting chairman of the board.

The new group quickly named the Reverend Ruben Dario Colon, president of the board, and Mr. Erazo, vice president.

Mr. Erazo is also a Democratic district leader from the 16th Assembly District.

Calling the mayor's request "one of most promising programs for Puerto Ricans and other New Yorkers ever proposed by this or any administration," the new board announced late last week that it would hold a press conference Monday afternoon to "discuss our plans on the war on poverty."

Mr. Erazo denied the charges of a "takeover" and said that the members who had resigned had merely walked out of a board meeting.

"I've received no formal announcement of their resignation," he said. "This is only an intraorganizational difference of opinion. I support all of the programs that were submitted in the $12.5 million proposal. This is totally unfortunate and does not present a united front for the Puerto Rican community."

ACTIVITIES LIMITED

Though Mr. Erazo said the present board, which he controls, would now submit other proposals to the city for funds to support a citywide action program for Puerto Ricans, their present activities would seem severely limited.

Since $335,641 of the $485,589 slated for two Forum projects, Mr. Erazo's group would seem to have board control—and little else.

The members of the Forum who resigned from the board made it clear, however, that they were no longer connected with the board in any way and that they had disassociated themselves from any action it might take.

Dr. Francisco Trilla, chairman of the Forum and former chairman of the board of the development project, said that approval of even 3 of the 11 proposals originally submitted by the Forum under the terms of a $49,000 study paid for by the city would "result in great strides in the community's war on poverty."

"While we are pleased that three of the Forum's recommendations were adopted by the city's Antipoverty Board, we are disappointed that they did not approve the entire comprehensive self-help plan to attack poverty as it affects the Puerto Rican," he said. "We are hopeful that other programs which we recommended will still be considered and approved in the near future."

Dr. Trilla said the split in the community development project board would not affect any of the programs already in progress or any of the new programs under the terms of the city's proposal.

Controversy over the community development project was not new to the Puerto Rican Forum. Just 2 weeks ago it announced it was closing the offices of the project at 296 Fifth Avenue because of the city's delay in making a decision on the proposal submitted last October 23.

Josephine Nieves, director of the project, announced the shutdown despite the fact that the city was giving them $10,000 a month to continue a holding operation while a decision was being made.

"JUST SITTING AROUND"

"They had us sitting around here for 4 months," she said, "while the community has this crucial problem facing it. They said that they had over 300 proposals to study and we would have to wait. I can understand the need to study a proposal, but it has been almost 5 months now. The city has a responsibility to get these programs underway."

Dr. Trilla also complained of the long delay.

"We felt that to continue a meaningless holding operation that was costing the city taxpayers thousands of dollars a month was of no benefit to the city, the Puerto Rican community, or the Forum," he said. "We felt that we had no alternative but to close the office. We refused to accept money for just a holding operation."

He said the announcement had created a stir in city hall and that the very next day they were called down to City Council President Paul Screvane's office, where they were informed of the city's decision. Mr. Screvane is chairman of the city's Antipoverty Operations Board, which studies all proposals sent to the city for poverty funds.

STUDY DISREGARDED

Dr. Trilla said that in July 1964 the city had contracted with the Forum for a 4-month study of poverty in the Puerto Rican community. He said that by October the study had been submitted to the city and nothing had been heard until he announced the closing of the office.

The 3-month delay in making a decision on the forum's proposal cost the city taxpayers an additional $30,000 over the cost of the $49,000 study.

The programs which were finally approved by the city include a proposal to help 2,000 Puerto Rican and Spanish-speaking youths between the ages of 16 and 26 plan and prepare for future careers.

There would also be a block nursery program to help 120 East Harlem children with environmentally induced handicaps so that they can enter school with a good command of English and with experiences which would assure them of an opportunity of success in school.

In both of these programs the forum will be the contracting agent with the city.

The third proposal will be under the auspices of the Puerto Rican Family Institute and will promote the rapid integration of newly arrived Puerto Rican families into active participation in the life of the city.

CAPTIVE NATIONS COMMITTEE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Speaker, I have long been a supporter of the causes of the captive nations. I have always felt very deeply that their cause was our cause. This belief is derived from the total commitment that I as an American have to the cause of freedom and national independence.

During the past few days Members of the House of Representatives have expressed their support for the creation of a special committee on captive nations.

Mr. Speaker, today I want to add my voice to those who urge the setting up of such a committee. To do this, I believe, is in the national interest, and being so, is a step that should be taken without delay.

Why do I support the resolution to establish this committee?

I support it, first of all, Mr. Speaker, because the message of freedom is not really getting across to the imprisoned peoples of the world. But, most of all, the message of Soviet colonialism is not reaching those underdeveloped areas of the world where its meaning has the most relevance. The word must go out to these people that the real imperialistic and colonial power in the world is not the United States and the other nations of the West, but rather the Soviet Union. The Communists persistently charge that we are the great force for the enslavement of mankind, while they are the liberators. We know wherein lies the truth, and knowing this truth we must convey the message to the world.

The other argument supporting the creation of this committee is similarly a simple one: the House of Representatives is a logical place to have such an instrument for carrying on this most important battle of the cold war. Our Chamber is less inhibited than the executive branch in matters of foreign policy. This fact derives from both the constitutional and political reality of our national life. Therefore, a committee of this House should be created, a committee that can hold hearings, undertake studies, and in general serve as a collecting station for all data concerning the captive nations.

We must harness all our energies in this task of conveying the truth to the peoples of the world.

I throw my weight, therefore, behind this powerful move in Congress to establish a special committee on the captive nations.

GEN. JOHN J. PERSHING

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Hull] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HULL. Mr. Speaker, the current status of my bill (H.R. 17) has become a matter of active interest to a distinguished group of veterans acting as an ad hoc committee for the erection of a memorial on Pennsylvania Avenue honoring Gen. John J. Pershing, commander in chief of the American Expeditionary Forces during World War I. This committee, under the leadership of Maj. Gen. U. S. Grant III, is performing a patriotic service in bringing to the attention of the public and the Congress the failure of the Congress to pass the necessary enabling legislation.

When General Pershing returned home in 1919, he had been acclaimed by all of the Allied Powers for his great contribution to victory. Here, at home, he received the adulation of the Nation. He spurned any effort to advance himself in a political sense. He continued as Chief of Staff of the Army until retirement. Thereafter, as Chairman of the American Battle Monuments Commission, he supervised the design and execution of the plans for our magnificent U.S. battlefield cemeteries abroad. He died in 1948 and our Government has erected in his honor only a simple stone over his grave in Arlington.

An article in the Washington Post of April 23, 1965, by Edward T. Folliard, is of current interest. Mr. Folliard is himself an oversea veteran of World War I.

Pershing Memorial and Grand Design Clash

(By Edward T. Folliard, Washington Post staff writer)

Almost a half century has passed since General of the Armies John J. Pershing led the American Expeditionary Forces to victory in World War I. Yet the only monument to him here is a standard quartermaster gravestone in Arlington Cemetery.

True, there is a plot called Pershing Square, which is set aside for him on the south side of Pennsylvania Avenue between 14th and 15th Streets opposite the Willard Hotel.

The square was not intended as a memorial to gallant Black Jack Pershing, but simply as a pedestal for a monument. Such a memorial was recommended by the American Legion and the Veterans of Foreign Wars back in the 1940's.

Congress authorized the American Battle Monuments Commission to arrange for a design for the memorial, and this the commission has done.

At the moment, the Pershing Memorial is caught in a quandary, brought about by the ambitious plan to rejuvenate Pennsylvania Avenue as the Nation's grand ceremonial boulevard.

Under the plan, there would be a great National Square at the western terminus of the avenue. This would require the tearing down of the Willard and Washington Hotels, the National Press Building, and other structures in the area.

The National Square would embrace the park set aside for the Pershing memorial; but the President's Council on Pennsylvania Avenue, which drafted the plan, did not say whether the memorial would or would not be in the way.

Gen. U.S. Grant III, grandson of the Civil War general, wrote to President Johnson and asked him to back the Pershing Memorial, Mr. Johnson directed Richard N. Goodwin, a special assistant, to write this reply:

"You may be assured that we all recognize the great contribution made by General Pershing to the history of this country. Also, we are in accord with the proposal to erect a memorial on Federal land to this great American.

"The Pennsylvania Avenue Commission is presently coordinating plans for the entire avenue and the Pershing Memorial project is within the area of its consideration. We hope there will be no further delay in proceeding with this project."

General Grant plans to talk today to William Walton, chairman of the Fine Arts Commission and also a member of the Pennsylvania Avenue Commission. He will be accompanied by Gen. Jacob L. Devers, chairman of the American Battle Monuments Commission; Gen. Thomas North, secretary of the Commission, and former U.S. Senator Charles E. Potter, of Michigan.

Also on the committee pushing the Pershing Memorial are Maj. Gen. Graves D. Erskine, USMC (ret.), and Col. James W. Boyer, both of whom fought under General Pershing in France.

The committee plans to ask former Presidents Harry S. Truman and Dwight D. Eisenhower to get behind the campaign for the memorial.

The matter of the overall improvement of Pennsylvania Avenue now in its planning stage is given as a reason for delay. This may be a reason but it is not sufficient excuse to the survivors of the American Expeditionary Forces, whose average age is now 75 years, and who agree with me that General Pershing deserves a memorial in the Nation's Capital.

The Congress sought and secured a plan for the Pershing memorial. It was approved as to form and location by the Senate 5 years ago. Unfortunately the House of Representatives has not taken action.

The American Battle Monuments Commission has furnished me with the following chronological statement of the legislative efforts to memorialize General Pershing covering a period of 17 years.

Synopsis of History of General Pershing Memorial

Gen. John J. Pershing, born September 13, 1860; died July 15, 1948.

1948–49. American Legion and VFW national conventions recommended a memorial in Washington, D.C., to General Pershing.

1949. ABMC appointed a committee to consider such monument proposed by Senator Forrest C. Donnell, of Missouri. Senator Maybank introduced S.J. Res. 130 to authorize ABMC to propose a site and submit plans and estimates for memorial to General Pershing. Reported out by Committee on Rules and Administration.

1950. ABMC invited the American Legion, VFW, DAV, AmVets (chartered organizations) to confer with the ABMC committee.

1951. Maybank resolution reintroduced as S.J. Res. 61. ABMC committee and veterans representatives met twice but crystallized no specific ideas. Considered proposals for General Pershing memorial as part of Smithsonian expansion, or as a traditional type monument on Nevius tract (for which it asked allotment of a site), or as a stadium near National Guard armory.

1953. Maybank resolution reintroduced as S.J. Res. 5; enactment urged by the American Legion national convention.

1955. Senator Charles E. Potter reintroduced Maybank resolution as S.J. Res. 95. Mr. Hull introduced companion bill H.J. Res. 537. Enacted as Public Law 461, 84th Congress, April 2, 1956.

ABMC received several recommendations as to the site; e.g., Laclede, Mo., General Pershing's birthplace, Lincoln, Nebr., his longtime home, West Point, his alma mater, but decided that the most appropriate would be in the National Capital where it would be seen and appreciated by the greatest number of visitors including veterans. Requested allotment of site bounded by Pennsylvania Avenue, 14th, E and 15th Streets. After long negotiation, and some help from Federal City Council, this was granted in March 1957 by the National Park Service, Fine Arts Commission, and the Secretary of the Interior on May 8, 1957.

1957. ABMC given legislative authority to spend funds for design, and commissioned Harrison & Abramovitz of New York City as architects.

1959. ABMC approved architects' design after several previous disapprovals and modifications. Design approved also by Fine Arts Commission and by National Capital Parks.

December 3, 1959. ABMC submitted plans and estimate to the Congress.

1960. Mr. Hull introduced H.J. Res. 12808 authorizing ABMC to erect the monument on the proposed site, implying that necessary funds should be raised by private contributions. Not passed. Companion bill, S. 3901, passed by Senate.

1961. S. 360 introduced by Senator Symington with similar intent. Secretary of the Interior recommended postponing action until a National Capital Parks Monument Board could consider it in relation to the entire problem of monuments in the District. Companion bill H.R. 1780 introduced by Congressman Hull. Hearings held by committee on House Administration on June 27, 1961.

ABMC recommended that necessary funds be appropriated, because; (a) ABMC is not qualified to form part of a fund-raising organization; (b) Fund-raising specialists, if employed, would absorb a significant part of contributions; (c) A major part of the cost would be spent on development of park and fountains, civic projects which should be defrayed by public funds.

Bill not reported out.

1963. Mr. Hull introduced H.R. 893, similar to previous bills except that funds would be appropriated. Bureau of the Budget felt that action should be deferred until report of President's Council on Pennsylvania Avenue has been reviewed.

1965. Mr. Hull introduced H.R. 17, similar to H.R. 893.

During these years the Pershing Memorial proposal has been strongly endorsed by the local press, by Members of the Congress, including Senators Morse, Symington, and Congressman Hull; also by veterans' organizations as well as private citizens.

"For many years the justification for a memorial to Gen. John J. Pershing has been evident to many persons and to us veterans of World War I. The lack of such a memorial in the Nation's Capital has seemed as undeserved and shameful omission. In my opinion there could be a no more appropriate site than this triangle (Pershing Square)."

This was a statement by the grandson of the Gen. Ulysses S. Grant, who led his victorious Grand Army of the Republic on its last famous march down Pennsylvania Avenue in 1865. There is no living authority who has more profound interest and sentiment in Pennsylvania Avenue than Maj. Gen. U.S. Grant III, retired.

I urge the passage of H.R. 17 which authorizes the appropriation for a Pershing memorial, estimated at $1,375,000. It is my hope that the Congress will never give favorable consideration to any recommendation that Pershing Park be utilized for any purpose other than a site for a memorial to General Pershing.

MINNESOTA DST MUDDLE DEEPENS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Fraser] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRASER. Mr. Speaker, 2 weeks ago many areas of the United States began daylight saving time. My own State of Minnesota does not go on daylight saving time until May 23. Our neighbor to the east, Wisconsin has already gone on daylight saving time and to keep in step with its neighboring city of Superior, Wis., Duluth went on daylight saving time earlier than Minnesota State law allows.

Now several other communities in northern Minnesota have also decided to ignore State law and go on daylight saving time before the May 23 date of the law.

To compound our confusion two communities in western Minnesota have decided to ignore daylight saving time completely because the communities in nearby North Dakota do not observe it.

All this confusion in just one State points up the need for Federal legislation to provide more time uniformity. I have introduced H.R. 6134 which would have daylight saving time start on the last Sunday in April and end on the last Sunday in October wherever it is used.

I commend the following article from the Minneapolis Tribune to my colleagues:

[From the Minneapolis Tribune, April 30, 1965]

Minnesota DST Muddle Deepens

The muddled daylight saving time controversy in Minnesota gets worse by the hour.

Several Iron Range communities have decided to buck State law and adopt fast time in advance of the May 23 date set by the State. Duluth already is on daylight time, to keep in step with neighboring Superior, Wis.

Silver Bay followed Duluth's lead, and Babbitt went on fast time last week because Silver Bay did.

Tower, Sudan, and Ely will go on fast time Sunday.

Meanwhile, both Moorhead and Breckenridge, on the western border of the State, have decided not to go on fast time at all. Both will remain on central standard time because neighboring North Dakota communities do so.

AZALEA FESTIVAL

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. Hardy] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HARDY. Mr. Speaker, on April 24 the very lovely and charming daughter of the President of the United States was crowned Queen Azalea XII. I can tell you that Queen Luci captivated the entire population of the city of Norfolk and the representatives of the NATO countries who participated in her coronation.

I was especially gratified that the President, along with Mrs. Johnson and former Queen Lynda, honored the city of Norfolk and my district by attending our Azalea Festival. The President, in turn, had the honor of crowning his daughter Luci as our Queen, and as her first royal act she invited him to address her "subjects".

In his brief remarks, the President said:

Ladies and gentlemen, someone once said that a daughter is a ticklish possession. I am reminded of this on occasions when I have the experience of reading the newspapers about Luci. I never really know when she is going to do what her father does instead of doing what her mother wishes that we would both do.

Luci has been having such a fine time down here at the Azalea Festival that I just could not resist the temptation to come down this afternoon and participate. Luci agreed and gave me clearance to come, mainly because she said she needed some more ball-point pens.

I am proud to be here, as any father would be. While any father with a daughter is lucky, I am convinced that no father could be luckier than I am about both Lynda and Luci.

I am proud to be here at Norfolk in the great State of Virginia as President of the United States.

I am so happy that I could be here in the presence of your distinguished Governor Harrison, your distinguished Senator Willis Robertson, and your distinguished Congressman Porter Hardy, all of whom served with great distinction in Washington.

Your city and this region of Virginia has been a source of great strength as long as we have been a Nation. Today you are making a vital contribution to the strength of the great North Atlantic Alliance for freedom. All Americans value respect and look forward to growing strength for NATO.

So, I am very privileged now to thank you for permitting me to come here and crown the lovely queen of the Azalea Festival of 1965. And it gives me great pleasure to look at the lovely representatives of all of our NATO allies who happen to be with us here this afternoon, and their escorts.

Thank you very much.

OSLEY BIRD SAUNOOKE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Taylor] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TAYLOR. Mr. Speaker, Osley Bird Saunooke, former Tribal Chief of the eastern band of Cherokee Indians, Cherokee, N.C., and heavyweight wrestling champion of the world for 14 years, died on April 15, 1965, at age 58. This legendary chief was known and respected by Indian leaders throughout the Nation, by Members of this body, and by the giants of the sports world.

But in spite of his success, he did not forget the home folks at Cherokee whom he served with ability and devotion. During recent years, Cherokee has made more progress than any other Indian reservation in America and much of the credit goes to Chief Saunooke. His death was mourned by great and small.

Mr. Speaker, I place in the Record at this point, an article written by Bob Terrell, sports editor of the Asheville Citizen and reprinted in the Smoky Mountain Times:

The Chief Is Gone

(By Bob Terrell)

Cherokee will never be the same.

The big man who made the Indian Reservation a model for other tribes to copy, is dead. There will never be another like Chief Osley Bird Saunooke; he was the last in a line of great Indian chiefs who fought for a cause.

He could be likened to such as Chief Joseph of the Nez Perces, Sitting Bull of the Sioux, and the legendary Cochise of the Apache.

But where the others failed, Chief Saunooke succeeded.

His, like that of the others, was a war on poverty among his people, on encroachment of the whites, on anything that hindered progress of the Cherokees. And because he came along a half-century after the others, he had better weapons, the best of which was a silvery tongue that commanded attention when he spoke, and he used it well in the proper places, in the halls of Congress, in the White House, in all the chambers of political regimen where Indian affairs are legislated.

His people prospered under his leadership even though among them rose strong critics. There are always critics for one who does so much, and those the chief could not soothe, he ignored. That way was traditional among the great Indian chiefs.

The chief will be remembered by his people, even his critics, for what he accomplished for them.

He was a man of color, a trait rapidly disappearing among the American people. He was a man you wanted to know more about, a man with whom you naturally wanted to be associated. And those who were his close friends were fortunate, indeed.

THE FIRE ANT PROBLEM

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. O'Neal] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent to have printed in the Record an excerpt from the Bulletin of Georgia Academy of Science. Frederick Bellinger, chairman, Fire Ant Committee, who is now serving with the Engineering Experiment Station, Georgia Institute of Technology, Atlanta, Ga., and who was formerly president of the Georgia Academy of Science composed of 500 members, as president appointed an ad hoc committee to make a comprehensive review of the problem of the imported fire ant. I believe the Members of the House will find this report to be most enlightening.

A Review of the Problem of the Imported Fire Ant

(By F. Bellinger,[1] R. E. Dyer,[2] R. King,[3] R. B. Platt[4])

The imported fire ant in the United States has created a "storm" of controversy from many divergent opinions and generalized statements in public press media (1–13), and also a large body of scientific but largely uncorrelated data in scientific journals. It has been reported that the fire ant is a significant economic pest, that its venomous stings cause death to wildlife and domestic stock, and that the ant is a menace to humans, particularly children. Others report that the fire ant is beneficial to our welfare through its insectivorous habit (the remains of more than 100 different species of other insects having been found in the mounds of the fire ant) (38), and as an aid in soil genesis through aeration by the tunnels emanating from the central mound which also form a reservoir for rainfall, thus retaining more moisture in the soil and reducing soil erosion (42). However, just the fact that approximately 31 million acres in the Southern United States are now infested with this ant, warrants a careful look at its potential as a pest or hazard.

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[1] Engineering Experiment Station, Georgia Institute of Technology.

[2] Professor of medicine (ret.), Emory University; formerly, Director, National Institutes of Health.

[3] School of Civil Engineering, Georgia Institute of Technology.

[4] Biology Department, Emory University.

The authors constituted an ad hoc Fire Ant Committee of the Georgia Academy of Science, which was appointed in April 1963, to review the problem of the imported fire ant and to report substantiated facts on which to base a sound evaluation of control-eradication programs. This paper presents a summarization of the findings of this Committee but does not necessarily represent the position of the Georgia Academy of Science.

The authors met with representatives of the State department of agriculture, U.S. Department of Agriculture (Gulfport, Miss., and Macon, Ga., offices), Louisiana State University, U.S. Communicable Disease Center, U.S. Public Health Service, School of Forestry of the University of Georgia, and with the General Chemicals Division of Allied Chemical Corp. (producers of Mirex).

Extensive correspondence was effected with the Department of Entomology of Auburn University; the Fish and Wildlife Service of the U.S. Department of the Interior; the Conservation Foundation of New York; California, Louisiana State, Tulane, and Harvard Universities; many individual scientists; and pertinent departments of the States of Alabama, Florida, Georgia, and Mississippi. Details of other States' programs were obtained from Mr. C. C. Fancher, USDA-Gulfport.

The authors wish to express grateful acknowledgment of the cooperation they received from the Georgia State Department of Agriculture, Mr. Phil Campbell, commissioner. The assistance of Dr. W. E. Blasingame, Director, Department of Entomology, and of Mr. Jack Gilchrist, field director, fire ant eradication program, deserve particular note.

NATURAL HISTORY

Habitat

Detailed accounts of the history of the Fire Ant and its natural history, have been provided by Dr. Edward O. Wilson (61), by Dr. John L. George (37), and by Dr. W. L. Brown, Jr. (24). Dr. Blasingame, in meeting with the Committee in September 1963, stated that there are 122 species of ants in Georgia, 3 of which have been classified, as fire ants, and listed as economic pests.

The fire ants belong to the geminata group of genus Solenopsis. Up to about 1918, three species were known to occur in the United States, of which two, Solenopsis xyloni and S. geminata were in the Southeastern States, and were regarded as a nuisance, not an economic pest of significance. A fourth species appeared in the Mobile, Ala., area about 1918. This was the Solenopsis saevissima, common in Argentina and Uruguay, was a blackish form with a dull orange band at the base of its gaster, and for about 10 years, lived within or near the city limits of Mobile. Then, about 1930, another phase, smaller and light reddish in color appeared, also in the Mobile area. This phase is common in southern Brazil and Paraguay and the weight of evidence points toward a new importation rather than a mutant form. The light red form is aggressive and tends to overcome the populations of the S. xyloni and S. geminata (24). Where both forms live close together, various shades between red and black appear indicating that several genes are involved (26). This new form initiated an active outward migration which now (1963) extends into nine Southeastern States, infesting a land area roughly estimated as 31 million acres (33) in spite of quarantine and control programs.

In the Southeastern United States, the ant shows a decided preference for infrequently disturbed open habitats, such as permament pastures, road right-of-ways, and wastelands. Few colonies are found in frequently disturbed areas (42). Soil type has little influence other than larger and more conspicuous mounds are found in clayey areas, as these are not as subject to the forces of erosion as rapidly as those of more sandy soils. Mature colonies average about 25,000 individuals, but may exceed 200,000. Hays (42) reports that initial infestations may involve 150 mounds per acre but that this number decreases to perhaps 40 mounds per acre as the individuals increase.

Food habits

The food habits of the imported fire ants have been the subject of many publications as reviewed by Hays and Hays (40). A number of investigators including Yeats and Smith (64), Bruce, et al. (25), Wilson and Eades (60), and Lyle and Fortune (55) have reported damage in varying degrees to major agricultural crops, young livestock, new born wildlife, and to pasture grasses. These were based on gross observations, not on analytical studies. The only paper located which was based on an experimental approach to the food habits of the imported fire ant, was that by Hays and Hays (40). In their study, ant mounds were dissected in the field to determine their food storage, and ants were observed at work to determine the food materials collected by the foraging ant parties. Field studies were supported by laboratory observation. Data were obtained in a reproducible manner.

Of 95 mounds studied, 72 contained no food material, 13 contained stored food, and in 10 mounds there was evidence that food had been stored, either in blind and large tunnels or located in the underground portion. These included other insects, such as termites, weevils, and choleopteras insects, cutworms, snails, and other fire ants, indicating some degree of cannibalism. At all openings along tunnels that radiate from the mound, workers were observed bringing various insect parts to the entrance, where they were devoured. Aphids, small spiders, various larvae, and some beetles were included. Fly larvae seemed to be a favorite food, particularly where they were available in cow dung. Live insects placed in wire cages near the mounds were immediately attacked and killed, and the soft portions carried into the mounds. Dead insects placed in the area were carried to the tunnel entrances and devoured. The principal dietary item, as noted in the field, was not vegetation, but other insects, both living and dead. Larval forms, particularly soft forms, were preferred over the harder and perhaps more difficult to handle adult forms.

Results of laboratory studies reveal that of 17 kinds of dry seeds placed on the mounds, only peanuts were eaten. The ants neither damaged nor moved seeds of the other plants. Germinating seeds of the plants were also available to the ants, but only peanuts, okra, and corn were eaten. A thorough examination of roots and above-ground parts of 18 species of seedling plants transplanted into mounds and allowed to grow for 6 weeks revealed no damage. The 18 species of plants produced from seed in the mound grew with no damage to the seed, and damage to okra plants only. Where food was not available, cannibalism occurred.

Reports by Riberio (58), in 1954, and by Hays (38), in 1958, are of particular interest because of their conflicting statements concerning the food habits of the fire ant in Argentina. Riberio stated, in an undocumented paper, that in Argentina "the damages caused by the fire ant to truck crops are enormous. Because in addition to transporting large numbers of small grains from the seed beds and causing losses to the seed beds, they suck the juices from the young and succulent plants, chewing the tender parts of the stalk that they find next to the soil as well as the roots of the same, causing lesions which permit easy entrance of fungi and bacteria." His report continues in the same vein, detailing other damages, including that to young animals such as calves, newborn pigs, and the young of birds. The report that the ant sometimes invades residences to steal food is included.

In sharp contrast Hays, who visited Argentina to study the fire ant, states that "the food of the imported fire ant in Argentina is composed largely on insects. Argentine specialists have not noted injury to vegetation except in the building of mounds. Occasionally, ants have been observed to feed on germinating seed, particularly those of high oil content. Most specialists consider the ant beneficial because of its insectivorous habits. Many reported seeing ants stinging, killing, and carrying numerous harmful species of insects into their mounds. One specialist estimated he had seen 100 different species of insects stored in the mounds of these ants. The specialists, agricultural workers, and farmers of Argentina do not consider the imported fire ant an economic pest. Since little or no hay is harvested, and farmers do not clip or mow their pastures, little or no damage to farm machinery was reported. No deaths of calves or other livestock resulting from fire ant attack have been reported to Argentine authorities."

Natural enemies

Three parasites of the fire ant have been noted in Argentina (38). One species of ant lives on the body of the queen, consumes part of her food and also is reported to eat part of the eggs laid by the queen, thus weakening but not destroying the colony. The larvae of a small wasp parasitizes the prepupa just after the last exuvia has been shed, but the effectiveness of the wasp larvae under field conditions is low. The third parasite, the larvae of a small fly, is but little known.

MEDICAL ASPECTS

The imported fire ant is so-called because of its ability to inflict painful stings, which are followed by a small pustule at the site of each sting. Karo et al. (45) reported on skin responses to the sting of the imported fire ant, and presented diagrams of the anatomy of the stinging apparatus. The ant fist fixates itself with its mandibles to the skin, arches its back and inserts the stinger. It may maintain this position for several seconds, usually 25 or 30, following which it removes the stinger. Then, using the head as a pivot, it may rotate and reinsert the stinger in two or three additional sites. This clustering of stings is reported to be useful in diagnosis. Sometimes two bright red puncta may be seen at the site of entry of the mandibles. At the site of the sting, there is an almost immediate flare, followed by a wheal which may grow to 2, or even 10 millimeters in diameter. This may persist for about 1 hour. Small prominences may be seen at the site of the sting 1½ to 2 hours later. These elevations seem to consist of quite superficial vescicles containing a clear, thin fluid. They then lose this fluid by rupture or drying, producing depressed centers; 8 to 10 hours later, a cloudy fluid may be noted at the puncture areas, soon becoming purulent. After 24 hours, the sting sites are slightly raised pustules, sometimes surrounded by a narrow red halo or perhaps a large painful area. The pustule may remain 3 to 10 days, and then rupture occurs with crust formation.

The nature of the venom has been studied by Blum, et al. (22, 23) Adrouny, et al. (14) and Derbes (30, 31). The venom demonstrates definite antibiotic behavior, and differs from that of any other stinging insect previously studied.

In addition to the local reaction of the area surrounding the sting, which varies from one individual to another, some individuals have demonstrated feverial and allergic systemic reactions. Allergic responses have been elicited in individuals by one or two stings to as many as 50 to 100. However, in all documented cases, a previous history of stings was recorded. People suffering allergic reactions probably have become sensitized to the venom by previous stings by these, or other species of ants. Blum, et al. (22), recognize that there has been at least one and possibly two reactions to ant stings which have been fatal. Favorite (35) reports that of approximately 300 persons reportedly stung by the imported fire ant, five persons manifested allergic reactions, but none were serious. Parish (57) found that all species of ants accounted for only 4 of the 460 fatalities reported from venomous animals in the United States from 1950 to 1959.

The above data demonstrates the fallacy of referring to the "extremely potent venom of the fire ant" since in almost all cases it produced no more than a temporary burning sensation, followed a day later by a small white pustule. Severe reactions are due to allergic conditions rather than the potency of the venom.

INFESTATION IN THE UNITED STATES

The imported fire ants reportedly arrived in this country about 1918, probably at the port of Mobile. George (37) noted that the spread could be considered in three rather distinct periods; the first, 1918–1932, with a peripheral spread of 1 mile per year or less; the second, 1932–1950, with a spread rate of 1 to 3 miles per year; and the third "explosive" spread from "1950 to the present," i.e., 1958, at a rate of 20 miles per year. The "explosive" spread was attributed to secondary infestations transported originally by cars, trains, truck and by shipments of soil and nursery stocks.

Estimated infested areas, not including lakes, bayous, and rivers, have been supplied by Fancher (34) up to nearly the end of 1963. The data are shown graphically in figure 1. (Not printed in the RECORD.) It is seen that a fourth period initiated about 1959 at a rate of about 45 miles per year, with the past 2 years approaching 100. It is ironical to compare these data with attempts to eradicate-control the ant. The first significant effort was made in 1937 in Baldwin County, Ala. Alabama in 1949, and Louisiana in 1952 furnished free or at cost, respectively, quantities of chlordane to provide local control. USDA-State quarantine procedures: treatment of nursery stock, etc., were initiated on a broad scale toward the end of 1958.

Within the State of Georgia, surveys in 1949 revealed localized infestations of 9 of the 159 counties. By 1958, 37 counties, and in 1963, 65 counties had some degree of infestation. Present infested areas totalling some 6.4 million acres are shown in figure 2. (Not printed in the RECORD.) It is noted that a number of noninfested areas occur which are completely surrounded by infested areas, a peculiarity attributed to the absence of nurseries in the clear areas.

A PEST OR A NUISANCE?

There is no clear answer to this question due to divergent definitions, and differences of opinions as to where the magnitude of a nuisance becomes a pest. In its native habitat in Argentina, it is not officially classified as a pest (38). Yet, if one reads only the observations of Riberio (58), the conclusion would be that it is a severe economic pest.

In U.S. farmlands, the mounds interfere with the operation of mowers, rakes, and combines. To workers gathering hay, clearing clogged blades, and so on, who suffer pain when stung by the ant, it is a pest. To 300 soldiers stung by the fire ants while crawling on the ground at Fort Benning, Ga., during night exercises, the ant was more than a nuisance. To farmers whose crops suffered from a loss of quality even if not destroyed, the cause apparently by the ant, the ant is a pest. It was in response to the complaints of so many people, with data available on the alarming rate of spread of infestation, that Congress, in 1957, appropriated $2.4 million for the initiation of a control program, involving the spraying of about 20 million acres with Dieldrin. The fact that sizable funds and efforts have been contributed by individual landowners, by counties and by States, is accepted by some people as evidence that this ant is a pest (59). To others, it is considered possible that the beneficial insectivorous habits of the ant outweigh the minor economic damage attributed to this ant (38, 56). Further, the control measures have resulted in unanticipated high economic losses, through sharp increases in damage caused by other known pests (15, 43, 56).

Economic considerations

Perhaps the uncertainties of "pest or nuisance" can be avoided through a consideration of the economic values involved in relation to the costs and effectiveness of control-eradication programs.

In view of the attention paid the imported fire ant, it is somewhat surprising that the Cooperative Economic Insect Report, issued in May 1958, of the Pest Control Division, USDA, showed only Louisiana and Mississippi as listing the fire ant among their 20 most important economic insects, and then not high on the list (37). In 1949, Arant reported (16) that the imported fire ant was an economic pest; in 1962 he stated (15) that the ant did not cause damage to crops or livestock, this being confirmed by Newsom (56), as regards Louisiana. A 1963 communication from Arant (18) stated that "apparently these (early) reports (of widespread damage to crops, livestock and newborn animals) were erroneous or the ant has changed its habits. Damage to crops is rare. It is possible that an occasional animal has been killed, but we know of no authentic record of such happenings." Wilson (62) uses almost the same words: "In the late forties it was a significant pest in southern Alabama, but in the early fifties it ceased to be significant in this regard. As I understand it, it is no longer a significant agricultural pest. I am convinced that this change is due to some change in the fire ant population itself." The George report (37) presents data showing the difference between "early" reports and verified crop damage. In one instance, crop damage in 1 year in Mobile and Baldwin Counties was claimed to total $535,222. A 1952 work project (No. I–h–8) by the U.S. Department of Agriculture found the fire ant damage to be about $50,000 per year, or about 3 percent of the total crop value for those two counties.

York (65) confirmed the dangers of accepting "reports" of damage when, in 1949, he investigated numerous claims by farmers of damage due to the imported fire ant and found other causes. Yet, some USDA publications lent credence to the belief that the ant was a serious economic pest. A USDA leaflet, No. 350, 1954, stated:

> "Imported fire ants seriously damage many vegetable crops by feeding on the young, succulent plants. They soften the tender stems just below the soil, then suck the plant juices. In this way they gnaw holes in roots, tubers, stalks, buds, ears, and pods.
>
> "These pests often extend their attacks to young, unprotected animals; such as newborn calves and pigs and newly hatched quail and poultry. They are very fond of quail; they enter the piped eggs to get them. The ants often chase brooding hens off their nests and eat their chicks."

It is noted that these statements actually are simply descriptive of types of injuries "observed," but furnish no guide as to the economic extent of damage.

The conclusion is, therefore, that the imported fire ant should not now be considered as a significant economic pest, although it is definitely a nuisance and in certain cases, control measures in farmlands prior to harvesting may be helpful.

CONTROL-ERADICATION PROGRAMS

Differences of opinion exist as to the precise meanings of the words "control" and "eradication." The committee has interpreted and based its study on the following: "Control" programs are those which have the purpose of prevention of the spread of infestation; the eradication, more or less completely, in specific and relatively small areas such as individual farms, playgrounds, and highway right-of-way shoulders; and programs to reduce the population of the fire ant, in selected areas, to a degree such that the fire ants will not materially affect the conduct of farm operations or human activities in recreational and privately owned areas. Quarantine procedures, initiated in 1958, applied to shipments of nursery stocks, stump wood, truck crops, and other commodities, fall within this definition. "Eradication" programs are those which have the purpose of complete kill of the fire ant, and reducing the fire ant population to zero.

The magnitude of the subject of insect control, and successes and failures are well and succinctly presented by Brown's paper (24), in which a thorough treatment of data is given to each of four representative large-scale U.S. insect control programs: gypsy moth, fire ant, Mediterranean fruit fly, and screw-worm. The relationship between the degree of success of the programs and prior research on which the programs were based is clear.

Attempts to control or eradicate the imported fire ant have a history in the United States extending back to 1937. The use of insecticides seemed to offer a logical approach. The magnitude of the problem of selecting a suitable pesticide is apparent when one considers that Frear's annual "Pesticide Handbook" (36) listed 7,851 products in the 1960 edition and 9,444 in the 1962 edition. Many materials, and methods, were tried in a sporadic and uncoordinated program by individuals and with county, and later, State assistance. For brevity, this report will deal only with those insecticides which found early and rather widespread use, and with "Mirex," a bait-insecticide, recently developed primarily for use against the fire ant and stated to be safe as regards wildlife, domestic animals, and fish. By 1962, Mirex became the chemical most generally used for control of the fire ant. Information on other insecticides furnished a well-documented history of the hazards of prematurely using insecticides on a broad scale prior to research and controlled experimentation to determine side effects, and prior to research upon the ecology of the pest of immediate concern.

Dieldrin, Heptachlor, and other insecticides

Only a few of the more significant experiments will be included in the interest of brevity and to permit a more complete presentation of information on Mirex which now and for the immediate future is practically "the" insecticide being used. Research work published prior to 1957 has been reviewed by Hays, et al. (39).

The first recorded large-scale program, using calcium cyanide dust, was in 1937, in Baldwin County, Ala. By 1949, Chlordane, Toxaphene, DDT, and other insecticides had been used with varying application techniques, and kills varying from 80 to above 90 percent were obtained (16). Harmful side effects were noted in some cases, but the potential of these effects was not appreciated. In 1957, Auburn University initiated an extensive study "to develop low cost control with baits containing toxicants that would not be harmful to wildlife, beneficial insects or other inhabitants of the treated area" (41). More than 400 formulations consisting of 29 different insecticides and 104 bait materials were studied. Kepone and Heptachlor were found of most promise in meeting the objectives of the program.

By the middle of 1958, it was apparent that certain chlorinated hydrocarbons had most promise for control-eradication. In fact, the 1957 congressional appropriation contemplated the use of Dieldrin or Heptachlor. Interest was centered on these and Kepone and Chlordane as toxicants incorporated in protein baits. Two to four pounds of toxicant per acre gave effective control for 3 to 5 years; doses of 0.25 to 1 pound per acre gave good control from 1 to 2 years; and winter applications were found less effective than at other seasons (39, 46, 49, 52). Based upon laboratory tests, Lofgren (54) found LD–50 (lethal dose for 50 percent of those exposed) values, expressed in parts per million: Heptachlor Epoxide, 0.0075; Heptachlor, 0.0080; Aldrin, 0.0099; Dieldrin, 0.0243; and Chlordane, 0.0377. Earlier large-scale field tests by Hays and Arant (41) showed the same relative order with Aldrin less effective than would be expected from these LD–50 values.

Residual characteristics are important from at least two aspects: first, the time period of effectiveness and hence the frequency of reapplication needed; and second, effects on other life. With granular heptachlor exposed on soil for 7 months—June 1959–January 1960—20 percent was converted to the epoxide, and an additional 68 percent lost by volatilization (21). Mound treatment with Chlordane did not prevent reinfestation of the area (39). Plane spraying with Chlordane or Dieldrin gave control from 1 to 5 years, but upon loss of effectiveness reinfestation occurred (51), with a greater number of mounds per acre in treated than in untreated areas, typical of newly infested areas (39). These data showed the need for reapplication of insecticides after about 2 years even when long-term insecticides were used.

Ecological factors involved and the effect of the insecticides on other pests were given little consideration until about 1958. Two areas in Louisiana, treated with Heptachlor against the fire ant, resulted, in the case of rice field application, in "the heaviest infestation of the rice stinkbug ever," a thirty-fold increase in the number of adult Draeculacephala, virtual elimination of the crawfish Procombaras, while damselflies, grasshoppers, and the bug Paromius longulus were unaffected (56). In the other case (sugar fields), a 50-percent increase in infestation by the sugar cane borer occurred (43).

Chlordane or Dieldrin or Heptachlor when applied at optimum low doses apparently do not affect grazing cattle or sheep but were found to cause high mortality in quail and 41 other species of animals (17, 20). Jenkins (44) found Heptachlor at 1.25 pounds or less per acre did not affect quail population, and states this information was confirmed in 1962 by Murray in north Florida and by Dewberry in southwest Georgia. Extensive data on the effect of chlorinated hydrocarbons, including Mirex in water on sea life, fresh water fish and certain fowl are presented in circular 143 for 1960, and circular 167, for 1961–62, by the USDI Fish and Wildlife Service.

Barthel (21) reported on the uptake of Heptachlor by grazing cattle with 1 to 3.45 ppm, of residue found in the peritoneal fat, 1 ppm. in raw and cooked meat, and no residue in the brain, liver or kidneys. Lofgren (47) investigated Heptachlor uptake by truck crops and found no residue in 14 of the 16 crops investigated with 0.03 to 0.20 ppm. in onions and radishes, respectively.

However, in 1960, the U.S. Food and Drug Administration placed a zero (whatever zero means) tolerance for Heptachlor in foods and effectively precluded the use of Heptachlor in pastures and wherever food animals could graze.

Mirex

The long-term residual effects of chlorinated hydrocarbon and potential health hazard through uptake of residue in foods and crops, led to intensive research to develop an effective insecticide but which would have low or negligible toxicity to other than fire ants, and would have negligible residual effects.

The General Chemical Division of Allied Chemical Corp. developed Experimental Insecticide Compound GC–1283, which is currently the insecticide being used in airplane spraying programs against the fire ant under the Federal-State program. This compound has the empirical formula: $C_{10}Cl_{12}$ (an analog of Kepone which has the formula: $C_{10}Cl_{2}O$). The chemical name is dodecachlorooctahydro-1, 3, 4-metheno-2H-cyclobuta(cd)pentalene, and is also known as dodecachloropentalcyclodecane. General Chemical states that this compound is available as a 50 percent wettable powder; is a white, crystalline, non-volatile solid melting at about 485° C; is insoluble in water; is unaffected by sulphuric, nitric, and hydrochloric acid; and is soluble, at 75° F to the extent shown in parentheses in: dioxane (15.3 percent), xylene (14.3 percent), benzene (12.2 percent), carbon tetrachloride (7.2 percent), and methylethyl ketone (5.6 percent). It is further stated to have an LD_{50} (acute oral) value for white rats above 4000 mg/kg. and non-irritating to shaved and abraded skin of white rabbits in dermal tests.

In common usage the word "Mirex" applies to both the compound and to the complete bait. The most widely used complete bait is composed of: Corncob grits as absorbent carrier, 85 percent by weight; soybean oil as attractant, 14.925 percent by weight; Mirex, 0.075 percent by weight.

Dissemination and Effectiveness

Mirex has been shown to have high effectiveness in quick-kill of the fire ant, the quickness being largely weather dependent, under warm moist conditions the ant forages more vigorously than in cool dry weather.

Laboratory tests by Lofgren (48) showed that at low concentrations, of about 0.014 percent, Mirex was more effective with quicker kill than Kepone. Also, that bait containing 0.03 to 0.15 percent of Mirex gave 99 to 100 percent control within four weeks in field tests. In 1963, he (50) reported that bait with 0.075 percent of Mirex, or of Kepone, when applied at from 5 to 20 pounds of bait per acre, gave more than 95 percent control. Kepone was somewhat less effective than Mirex.

Lofgren (53), in the fall of 1961, plane-sprayed 12.5 pounds of bait (4.2 grams of Mirex) per acre over a 960-acre field with only one colony of the approximate total of 760 surviving after 32 weeks. The slow kill was thought due to the onset of cool dry fall weather immediately after spraying. A year later, the area had become reinfested with numerous small mounds. Two complete tests were then carried out with baits containing 0.075, 0.15 and 0.30 percent Mirex and applied at rates of 3, 5, and 10 pounds of bait per acre. One spraying operation was carried out in March, the other in June. A 98-percent kill was estimated for each test. But no counts were made after 16 weeks since the test areas had become reinfested with new colonies. Apparently, therefore, fields treated with Mirex from January through July will become reinfested that fall; or if an area is treated in the fall, it will not become reinfested until the next fall.

Mirex does not get into the pupae. As the time from egg to adult requires from 32 to 40 days, the time of spraying with Mirex is critical. In seasons when rainfall is frequent, Mirex corncob grits bait disintegrates within about 8 to 14 days. No data are available as to the "fate" of Mirex itself.

Residual aspects—side effects

Baker (19) offered an opinion in 1963 that Mirex does not leave a residue that affects ants; that as Mirex has such a short "life" it does not kill all the ants. Mirex can be considered only as a control rather than an eradication agent, an opinion shared by Cope (27). De Witt of the Patuxent Wildlife Research Center said, in August 1963 (32), that they had no data on the development of concentration of Mirex in tissues of animals following exposure, nor of the possible development of resistence to Mirex by the fire ant. Further, that as Mirex is so similar to Kepone that it was assumed that Mirex residue would be detectable in fatty tissues of animals which had ingested Mirex.

Jenkins (44) reported results of a little over 2 years of work with Mirex (using a 0.15-percent Mirex in bait applied at a base rate of 6.25 pounds of bait per acre): no losses of quail, turkeys, chickens, and ducks, in pens treated with 8 to 10 times the recommended field dosage; in aquariums testing with up to 30 times the field dosage, no losses of goldfish, minnows, or bluegills have occurred, while channel catfish survived 15 times the field rate and were not attracted to the bait; the corncob grits bait is not attractive to quail, chicks, chickens, turkeys, ducks, cotton rats, rabbits, goats, nor to catfish, bluegills or goldfish.

Lofgren (53) reports that Darley, in 1962, found no accumulation of Mirex in the butterfat of cows grazing in fields treated at the dosage just referred to by Jenkins (4.2 grams Mirex per acre). Baker found Mirex bait to be harmless to wildlife in pens with dosages up to 1,000 pounds of bait per acre (19). These data are encouraging to those using, or planning to use, Mirex against the ant.

Recent data from pond tests, treated with Mirex at 1 ppm., showed bluegill sunfish to accumulate Mirex residues at rapid rates, reaching "22 ppm. in whole body residues in 72 hours. Uptake in vegetation was also extremely rapid. Serum protein levels in bluegill and microhematocrit levels in bluegills were apparently not affected by Mirex" (28).

Other Methods

Many methods of eradication, some exotic, have been considered but research into the feasibility of using techniques such as attractants, and sterilization of males by exposure to radiation, so effective against the screw-worm, has not developed to a state where a promising technique has been suggested.

Wilson (63) pointed out that research on the biology of the fire ant had been quite "trivial" at the time an eradication program was initiated, a program which essentially was a failure and which provided a focal point of controversy. He suggested that basic research programs sponsored by the USDA be increased manyfold, so that a foundation of facts would be available on which to base a sound control or eradication program.

PROGRAMS WITHIN INFESTED STATES

The information summarized in this section was obtained from letters and maps (from Alabama, Mississippi, and Georgia) from the State departments responsible for the programs, and from comments, in October 1963, by Mr. C. C. Fancher, regional supervisor, southern plant pest control region, USDA, Gulfport, Miss.

Alabama

Alabama carried out the first significant program of eradication in the United States. At present Alabama has the greatest infestation, and in 1962, the fire ant was listed as one of the 10 most important insects in the State. The Tennessee Valley area in north Alabama has 13 counties free of infestation. Just below this tier, light infestation occurs in about 15 counties, while south of this area, all counties are heavily infested. Approximately 10 million acres of land in the State are known to be infested at this time. It would likely cost in excess of $15 million to treat all infested areas in Alabama at one time" (59).

The on-going program is generally one of containment, with all known infestations in 10 counties in the northern part of the State to be treated in fiscal year 1964. The southern part of the State, where there is general infestation will receive treatment in the peripheral areas. To date, State and Federal funds for control of the ant to prevent further spread of infestation total, roughly, $1.5 million. It is estimated that landowners have expended more than this amount.

Arkansas

All infested areas have been treated with heptachlor and more recently with Mirex.

Florida

The heaviest infestation is in the western five or six counties in the panhandle. Mild infestation occurs in a rather narrow east-west band across the center, and at the southern tip of the State. Mr. H. L. Jones, Assistant Director, Division of Plant Industry, reported in August 1963 that the State entered into an eradication program several years ago, using dieldrin where the white-fringed beetle also existed, and heptachlor in other areas. No adverse side effects were detected. After 2 years, it was found that the effort permitted by the State funds available were insufficient to keep the infestation from spreading, much less annihilate it. The action by the Food and Drug Administration in placing a zero tolerance on heptachlor residue precluded its use on pastures, and the State program was dropped except for regulatory work.

In response to pleas for relief from the western counties, the legislature appropriated $250,000, effective July 1, 1963, to initiate another control program. A 12,000-acre test with Mirex in 1962 had given encouraging results; it is planned to use Mirex in the current program.

Georgia

Through the courtesy of Dr. W. E. Blasingame, Director, Division of Entomology and Plant Industry, State Department of Agriculture, a detailed summary of past and current programs in Georgia was supplied in November 1963, with the location and types of programs shown in figure 2. Certain extracts from this document, amplified with comments received during personal interviews, are appropriate here.

"The [final] objective of the Georgia program is eradication. At the beginning of the program in late 1957, treatment consisted of a single treatment of 2 pounds of Heptachlor per acre applied in a granular formulation * * * the required dosage was (later) reduced to 1.25 pounds per acre. At present, Mirex is being used * * * at only 1/7 ounces per acre. (Heptachlor is being used on isolated areas such as highway shoulders.) Equipment used to dispense the insecticide range from jeep-mounted turbine blowers to multiengine aircraft.

"The plan of operation consists in the treatment of all outlying areas of infestation. Regulatory procedures to retard natural and artificial spread are carried out in periphery counties where eradication treatments are not underway. This is a cooperative program involving Federal, State, and local governments and to date, 2,402,042 acres have been treated, with an estimated 4,031,860 yet to be treated as of November 1963.

"Intensive surveys were begun in the fall of 1957 and have continued to the present time * * * State and Federal quarantines were invoked in 1958 and regulate the movement of materials such as soils, gravel, sand, products with soil attached, and unmanufactured forest products. Inspection, and treatment if necessary, have kept (these materials) moving in normal trade channels, and long distance spread of the pest through these means has thus been prevented."

Louisiana

Heaviest infestation occurs in the southern half of the State. The USDA program hopes to cut infestation southward to the "parish line," that is to about the middle of the State. Control emphasis is largely in the southwest corner of the State. In view of the several instances noted above as to benefits from the ant, it was surprising to find that Louisiana ranked next to Georgia in total local support funds contributed. One parish contributed $39,000 to a program and raised taxes.

Mississippi

Approximately two-thirds of the counties of the State are infested. Only Mississippi still contains the dark form populations originally introduced into the United States. Mr. Si Corley (29), Commissioner, State department of agriculture and commerce, stated that their control program has been one of containment designed to treat outlying infestations first, with the final objective aimed at eradication. Current programs show an intensified effort in comparison with past years.

The State appropriated $25,000 for controls during the fiscal year 1963 and 350,000 acres were treated; however, city and county governments spent $192,600 to eradicate this pest within their own communities. During the fiscal year 1964, the entire State program is to be expanded, and all known infestations are to be treated in 14 counties located in the central and northern portions of the State. Some degree of treatment is to be provided in control programs in 17 counties located mainly in southwestern Mississippi, while 25 eastern counties have no control programs planned at present.

North Carolina

Only seven counties are involved, five of which have been treated, with the remaining two to be treated during 1964. Data on the effectiveness of the treatments were not available.

South Carolina

Seventeen counties have reported mild infestations emanating from nursery stocks. Fourteen of these counties have been treated; three spot areas of infestation totaling about 200,000 acres are to be treated soon as of November 1963. An infested area around Charleston was scheduled for treatment during 1964.

Texas

Infestation has been reported in the southeastern part of the State, and control-eradication programs are receiving support from individuals, cities, and counties in that area.

EVALUATION-SUMMARY

The imported fire ant arrived in the United States about 1918 at Mobile, Ala., from South America. The first imported fire ant was a dark form which spread rather slowly, from 2 to 5 miles per year, with about 700,000 acres infested by 1930. During the 1930's a light form appeared, again apparently imported from South America. This form, which swarms 8 to 10 times a year—Louisiana reported 19 swarms one year—has become the dominant form, and has spread rapidly to where nearly 31 million acres in nine States had become infested by late 1963.

Early reports of fire ant damage to crops, wildlife, fish, and to humans have not been verified, but have been too numerous to discount completely. It appears probable that the "light," now dominant form, is much less an economic pest than was the earlier dark form. At this time, the fire ant is not considered an economic pest in South America, and is low on the list of all but a few of the nine U.S. States with infested areas. Due to its insectivorous habits, many scientists, and others, consider the beneficial results to outweigh the harmful effects. Most colonies become cannibalistic rather than feed on plant material, though, on occasion, they have been observed to carry seeds to the mound.

The aggressive nature of the ant, and the multiple stings received from each individual ant, are quite painful for a short time. The "stings" are sterile in themselves, and, except for allergy-sensitive individuals, cause no effects other than the pain, shock, and the appearance of small pustules which normally disappear in a few days.

To the farmworker who receives stings when harvesting crops, or to the children (and their parents) who are stung while playing, the fire ant is a feared nuisance, to say the least. It was in response to public demand for action against the ant that the U.S. Congress, in 1957, appropriated funds and charged the Department of Agriculture to initiate an eradication program. Quarantine programs are helpful in lowering the spread to noninfested areas. Several chlorinated hydrocarbons were found effective against the fire ant, and widespread application of these pesticides was initiated. It was soon found that these pesticides had harmful side effects such that their widespread use had to be discontinued.

The development of a new pesticide, Mirex, about 1960 gave promise of a highly effective agent against the fire ant without the harmful side effects of the insecticides formerly used. Mirex has been found effective in very small quantities, but due to the relatively short—2 weeks—life of the Mirex bait, it can be considered only as a control agent (19, 26, 59, 62).

It is too early to evaluate the effectiveness of the large area plane-spraying operations and the mopup attention paid to smaller isolated areas of infestation. A number of authoritative comments are similar: That for effective control-containment-eradication of the imported fire ant with Mirex, only a greatly magnified effort has a possibility of success, and the cost involved in such a massive undertaking is not justifiable.

Based on data summarized in this report, the United States should free itself from any illusion that current airplane spray operations with Mirex is anything but a control operation, which will require reapplication more than once a year to the periphery of the infested area, even simply to prevent the spread of infestation. Consideration may be given to a federally subsidized program to provide Mirex to farmers and State agencies, to provide local control where the "nuisance" of the ant so warrants. Wilson (63), in a 1963 appearance before a U.S. Senate subcommittee, stated: "How much, in fact, was learned in advance of the spraying program about the biology of the fire ant? The (USDA) research on this species, other than routine scouting and insecticide tests, was quite trivial. Had but a small fraction of the $2.4 million (for the eradication program) been devoted to basic research, there would now be solid achievements to build upon." The imported fire ant and control and eradication programs initiated in 1957 may well be a classic example of the converse of these recommendations. The results, to date, as indicated by the rate of spread shown in Figure 1, can be characterized by: "too little and too late with too little knowledge."

Quarantine and limited control programs prior to adequate research findings may be warranted to minimize spread and to permit operation in isolated heavily infested areas. Widespread eradication programs should not be carried out until the scope, program effectiveness, costs, and all ecological factors involved can be evaluated and related to the need.

It is hoped that this report will aid in providing more education to the public, and that it has placed the fire ant problem, at this time, in perspective.

LITERATURE CITED

1. Anon., "Additional Controls on Use of Pesticides Not Needed," Chemical & Engineering News, p. 21 (Apr. 22, 1963).

2. Anon., "Agencies Back Proper Use of Insecticides," Chemical & Engineering News, p. 42–43 (June 3, 1963).

3. Anon., "Ag Toxicologists Broaden Training Program," Chemical & Engineering News, p. 41 (Aug. 26, 1963).

4. Anon., "The Desolate Year," Monsanto Magazine, Monsanto Chemical Co., St. Louis, Mo. (Oct. 1962).

5. Anon., "Industry Blasts Pesticides Report" (of the President's Advisory Committee—see 13 below), Chemical & Engineering News, pp. 32–34 (July 8. 1964).

6. Anon., "Pesticide Spraying—Environmental Hazards To Be Investigated," Chemical & Engineering News, p. 39 (Apr. 15, 1963).

7. Anon., "Present Pesticide Control Laws Are Adequate To Protect Public," Chemical & Engineering News, p. 15 (Aug. 26, 1963).

8. Anon., "Pretesting of New Insecticides on Wildlife Urged," Chemical & Engineering News, p. 36 (Oct. 15, 1962).

9. Anon., "Rachel Carson Recites Details on Pesticide Problems," Chemical & Engineering News, pp. 36–37 (June 17, 1963).

10. Anon., "Rudolfs Research Conference on Principles and Applications in Aquatic Microbiology," Rutgers University, June 5–7, 1963. (Report by Dr. F. Pohland, Georgia Tech, June 12, 1963.)

11. Anon., "Storm Over Pesticides Spreads to Seafood Industry," AP report from Olympia, Wash., Aug. 17, 1963.

12. Anon., "TV Man Dies of Bee Sting," Atlanta Journal, Sept. 16, 1963, p. 5.

13. Anon., "Use of Pesticides," a report of the President's Science Advisory Committee, the White House, May 15, 1963.

14. Adrouny, George A., J. Derbes, and C. Jung, "Isolation of a Hemolytic Component of Fire Ant Venom," Science 130 (3373), p. 449 (1959).

15. Arant, F. S., Auburn University, Alabama, letter dated Mar. 7, 1962.

16. Arant, F. S., and W. G. Eden, "Control of the Imported Fire Ant," Ala. Ag. Exp. Sta., Ala. Poly. Inst. Progress Report Series No. 42, Dec. 1949, and Journal Economic Entomology, 42, p. 976 (Dec. 1949).

17. Arant, F. S., K. L. Hays, and D. W. Speake, "Facts About the Imported Fire Ant," Highlight of Agric. Res. 5 (winter 1958).

18. Arant, F. S., Auburn Univ., Private Communication, July 1963.

19. Baker, M. F., Auburn Univ., Private Communication, Aug. 19, 1963.

20. Baker, M. F., and S. G. Clawson, "Immediate Effects of Dieldrin and Heptachlor on Bobwhites," Journal Wildlife Management 23, pages 215–219 (April 1959).

21. Barthel, W. F., et al., "The Fate of Heptachlor in the Soil Following Granular Application to the Surface," Agriculture and Food Chemistry 8, pages 445–447 (November–December 1960).

22. Blum, M. S., et al., "Chemical, Insecticidal, and Antibiotic Properties of Fire Ant Venoms," Science 128, pages 306–307 (Aug. 8, 1958).

23. Blum, M. S., and P. S. Callahan, "The Venom of Solenopsis Saevissima," XI Int. Kongr. F. Entom, Wien 1960, Vehr. B. III.

24. Brown, W. L., Jr., "Mass Insect Control Programs: Four Case Histories," Psyche 68, pages 75–108, 1961.

25. Bruce, W. G., J. M. Coarsey, Jr., M. R. Smith, and G. H. Culpepper, "Survey of the Imported Fire Ant, Solenopsis saevissima var. richteri Forel," USDA Bureau of Entomology and Pl. Quar., special report S–15, 25 pages (1949).

26. Comstock, J. H., "Introduction to Entomology," Comstock Publishing Co., 1947.

27. Cope, O. B., chief, Fish-Pesticide Research Lab, USDI, Denver, Colo., private communication, August 20, 1963.

28. Cope, O. B., chief, Fish-Pesticide Research Lab, USDI, Denver, Colo., private communication, November 17, 1964.

29. Corley, Si, Commissioner of Ag. and Commerce, Mississippi, Private Communication, Aug. 28, 1963.

30. Derbes, V. J., et al, "Sting Responses to the Sting of the Imported Fire Ant," AMA Archives of Dermatology 75, pp. 475–488 (Apr. 1957).

31. Derbes, V. J., et al, "Isolation of a Hemolytic Component of Fire Ant Venom," Science 130, p. 449 (Aug. 21, 1959).

32. DeWitt, J. B., Chief, Chem. & Physiological Studies, Patuxent Wildlife Research Center, USDI, Private Communication, August 19, 1963.

33. Fancher, C. C., Regional Supervisor, Southern Plant Pest Control Region, Gulfport, Miss., Private Communication, October 1, 1963.

34. Fancher, C. C., loc. cit., Private Communication, October 30, 1963.

35. Favorite, F. G., "The Imported Fire Ant," Public Health Reports 73 (5), pp. 445–447 (1958).

36. Frear, D. E. H., Editor, Pesticide Handbook, College Science Publishers, State College, Pa., 12th Edition, 1960, 14th Edition, 1962.

37. George, John L., "The Program to Eradicate the Imported Fire Ant," a report to the Conservation Foundation and to the New York Zoological Society, July 1958.

38. Hays, K. L., "The Present Status of the Imported Fire Ant in Argentina," J. Ec. Ent. 51, pp. 111–112 (February 1958).

39. Hays, K. L., et al., "Residual Effectiveness of Chlorinated Hydrocarbons for Control of the Imported Fire Ant," J. Ec. Ent. 52, pp. 1–3 (February 1959).

40. Hays, K. L., and S. B. Hays, "Food Habits of Solenopsis saevissima var. richteri Forel," J. Ec. Ent. 52, pp. 455–457 (June 1959).

41. Hays, S. B., and F. S. Arant, "Insecticidal Baits for Control of the Imported Fire Ant," J. Ec. Ent. 53, pp. 188–191 (April 1960).

42. Hays, K. L., "Ecological Observations on the Imported Fire Ant Solenopsis saevissima var. richteri Forel in Alabama," J. Ala. Acad. of Science 30 (April 1959).

43. Hensley, S. D., et al., "Effects of Insecticides on the Predaceous Arthropod Fauna of Louisiana Sugar Cane Fields," J. Ec. Ent. 54, pp. 146–149 (February 1961).

44. Jenkins, J. H., "Some Observations on the New Fire Ant Bait in Relation to Wildlife," presented at S. E. Branch, Ent. Soc. of America, Jackson, Miss., (January 29–31, 1963).

45. Karo, R., V. J. Derbes, R. Jung, AMA. Arch. Dermatol 75, p. 475 (1957).

46. Lofgren, C. S., et al., "Imported Fire Ant Bait Studies: The Evaluation of Various Food Materials," J. Ec. Ent. 54, pp. 1096–1100 (Dec. 1961).

47. Lofgren, C. S., et al., "Heptachlor and Heptachlor Epoxide Residues in Truck Crops," J. Ec. Ent. 54, pp. 1264–1265 (Dec. 1961).

48. Lofgren, C. S., et al., "Imported Fire Ant Toxic Bait Studies: GC–1283, a Promising Toxicant?" J. Ec. Ent. 55, pp. 405–407 (June 1962).

49. Lofgren, C. S., et al., "Residual Studies in Connection with Successive Application of Heptachlor for Imported Fire Ant Eradication," Ag. & Food Chem. 10, pp. 5–7 (Jan.–Feb. 1962).

50. Lofgren, C. S., et al., "Imported Fire Ant Bait Studies: Evaluation of Carriers for Oil Baits," J. Ec. Ent. 56, pp. 62–66 (Feb. 1963).

51. Lofgren, C. S., et al., "Control of Imported Fire Ants with Chlordane," submitted to J. Ec. Ent. (June 24, 1963).

52. Lofgren, C. S., et al., "The Effectiveness of Heptachlor and Chlordane on the Foraging Activity of Imported Fire Ants," submitted to J. Ec. Ent. (June 24, 1963).

53. Lofgren, C. S., et al., "Imported Fire Ant Toxic Bait Studies: Further Tests With Granulated Mirex-Soybean Oil Bait," submitted to J. Ec. Ent. (Sept. 12, 1963).

54. Lofgren, C. S., et al., "Laboratory Investigation of Soil Insecticides Against the Imported Fire Ant," submitted to J. Ec. Ent. (Aug. 26, 1963).

55. Lyle, Clay, and Irma Fortune, "Notes on an Imported Fire Ant," Jour. Econ. Ent. 41 (5), pp. 833–834 (1948).

56. Newsom, L. D., et al., "Effect of the Fire Ant Eradication Program on the Fauna of Rice Fields," Insect Conditions in Louisiana 2, pp. 8–14 (1959).

57. Parrish, Henry M., "Analysis of 460 Fatalities From Venomous Animals in the United States," Amer. Journal of the Medical Sciences, 245 (2), pp. 129–140 (February 1963).

58. Riberio, J. H. Carneiro. Article in Agronomia, Rio de Janeiro, Brazil, vol. 13, Nos. 3–4, pp. 227–231 (1954).

59. Ruffin, W. A., Supervisor, Div. of Plant Ind., D/A, Ala., private communication, September 11, 1963.

60. Wilson, Edward O., and J. H. Eads. A report on the Imported Fire Ant Solenopsis saevissima var. richteri Forel in Alabama. Alabama Department of Conservation, 54 pages.

61. Wilson, E. O., "The Fire Ant," Scientific American, pp. 36–41 (Mar. 1958).

62. Wilson, E. O., Biological Laboratories, Harvard Univ., Private Communication, November 20, 1963.

63. Wilson, E. O., Prepared statement and read it before U.S. Senate Subcommittee on Reorganization and International Organizations on October 8, 1963.

64. Yates, Harold, and M. R. Smith, "First Report of Crop Damage by the Imported Fire Ant," (Rep. from API Gulf Coast Sub Sta. Assistant Superintendent and USDA representative).

65. York, H. H., Project Forester of Alabama. Memorandum: "Fire Ants." Mimeographed report, 3 p. (1949).

THE PRESIDENT'S STAND IN VIETNAM

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I have, on a number of occasions recently, congratulated the President on the strong stand that has now been adopted in Vietnam. In my opinion, the posture we have now taken is the most positive action, expressing our determination to halt the growth and expansion of communism, to come from the White House in a great number of years.

It is not surprising that the so-called intellectuals who speak so volubly for the left are heated in their denunciation of this position of strength. I think it is incumbent upon those of us who believe that we have backtracked, apologized and negotiated long enough, to speak up in defense of the President and encourage him to continue the policy we have now adopted.

In this context, I would like to insert here in the Record a recent editorial from the Shreveport Times that expresses my sentiments and those, I believe, of the majority of all Americans.

In the Name of God * * *

Secretary of State Dean Rusk's denunciation of "intellectuals" and "educated men" who are conducting a nationwide propaganda drive against President Johnson's course in Vietnam is the strongest, the most encouraging and the most commendable utterance in behalf of standing up against communism that has come from the State Department since cancer forced John Foster Dulles out of the Secretaryship in the late 1950's.

What Mr. Rusk said, in his speech before the American Society of International Law in Washington, could not and would not have been said without full approval of President Johnson. Thus it not only carries added weight in its national and international importance, but brings new commendation to the President for his determination not only to fight in southeast Asia but to stand up against those in his own country who attack him when they should be supporting him.

Further, Mr. Rusk knows whereof he speaks. In the 1940's he was a member of the Institute of Pacific Relations. It fostered propaganda helping the Communist cause in China, then a free republic under Chiang Kai-shek. It pictured the Chinese Communist as "simple farmers" simply trying to elevate their living standards. It was under this and similar propaganda that the Communists took over China and forced the government of Chiang Kai-shek—our staunch ally throughout World War II—into exile on Formosa. It was as a result of these philosophies that the Korean war was fought; and, because it was fought on a no-win basis, Communist China became the second strongest Communist power in the world.

It was from so-called intellectuals and educated men that the philosophies came which made possible the terrible international mess of which Mr. Rusk speaks today. It is to his full credit that he does speak today—with President Johnson's approval; it is also to his credit that he saw the error of his original ways even before the Korean war came. As it approached he denounced Red China as a menace to the world, but it was too late then.

But the issue now is what is happening today and not what was happening then. If we permit a repetition now of the events of the 1940's—and earlier in other ways—then freedom for nations may, indeed, be on its last legs around the earth.

Mr. Rusk did not use the word "clergy" nor did he use the phrase "college faculty members." But his attack is directly on segments of these groups, for it is from within them that "educated men" conduct their anti-Johnson—and, in our opinion, un-American—propaganda today. This does not mean that "the clergy" of the Nation in all-embracing sense, or college faculty people in an all-embracing sense, come under Mr. Rusk's criticism or ours.

But it does mean that the ever increasing effort to encourage backing down from communism by the United States—as has been the course of this country since 1961, with one or two temporary and quickly abandoned "strong stands" intermingled—too often is agitated and urged on fundamentally from within the clergy and within the colleges at the faculty level—with plenty of help from other sources, including Communist or pro-Communist sources at times.

Shortly before Mr. Rusk delivered his speech, a full page advertisement appeared in the New York Times stating that it was sponsored by 2,000 clergymen. We did not count the names printed in it but the total could have been that number. It was a demand on President Johnson, starting out with these words: "In the name of God get us out of Vietnam."

Fundamentally this full page advertisement also was an appeal to other clergymen to send in their names—for use in future ads—in support of the plea, "In the name of God get us out of Vietnam." The result was that 14,000 additional clergymen mailed in their names. Why not? For a postcard they could get their names printed in a paid ad and gratify their ego. They could attain some point and moment of prominence—or at least public attention and notoriety that was gratification to their exhibitionism. They didn't have to send any money—somebody else put up the money to pay for the advertising.

There was nothing in the advertisement to point out that the biggest and strongest and most dangerous enemy of the free world today is communism.

There was nothing to point out that communism is seeking to suppress freedom everywhere it can reach with its claws; that that is the issue in Vietnam.

There was nothing to point out that this Nation has an established foreign policy, set up by President Truman in the 1940's and reiterated over and over by both him and the Congress of the United States and by President Eisenhower and President Kennedy—that whenever a country being attacked by a Communist aggressor nation seeks our help, we will give it, militarily or otherwise.

There was nothing in the advertisement to bring out that we have reached the days for a final issue in this world; either freedom is to survive and exist where it wishes to, or communism is to control wherever it wishes to.

The ministers who signed the original advertisement are the same type who furthered the Nazi cause by encouragement for the organization and flourishing of Nazi fronts in this country in the 1930's. In some instances they are the same identical men—youngsters with no real intelligence then and apparently having gained little in the years that have passed.

They are the same type that, in the years immediately following World War II, again furthered the Communist cause; and in some instances they are the same men. In all of these activities they were ably assisted from college faculty ranks; more so now than in the past.

Some of them are the same men, who, mingling with college professors, took part in the Fair Play for Cuba Committee which was a Castro Communist propaganda agency in this country and which became the haven of Lee Harvey Oswald, accused assassin of President Kennedy.

Around the country one finds the same college professors—or the same type—that were in the past engaged in furthering pacifist or similar leftist-liberal organizations now seeking to break down American opposition to its only real enemy in the world—communism.

In the lists of members of the clergy, members of college faculties, members of so-called intellectual and educated groups denouncing President Johnson for his South Vietnam course also are found many who lead in defiance of law in a manner to bring bloody violence and horrible murder as a result of civil rights demonstrations. And in their own advocacy of defiance of law, and sometimes defiance on their own, who can question that they encourage—perhaps without any intent at all—the widespread violence and lawbreaking and even terror that spreads over the Nation today from teenage groups on the beaches through college campuses and into the streets of the cities? Those who proclaim "In the name of God get us out of Vietnam"—through surrender or the equivalent if need be—would do better to say:

"So long as we have a President who will fight against communism and not back down, in Vietnam or anywhere else, in the name of God support him."

SUPPORT PRESIDENT'S ACTION IN DOMINICAN REPUBLIC

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Fuqua] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FUQUA. Mr. Speaker, I rise today to express my support of the President of the United States for his swift and forceful action in the Dominican Republic crisis. Only this bold move prevented yet another nation from falling into the grasp of communism, with the consequence that the United States would have been faced with another Cuba.

The fast-moving events of the past few days saw a revolt begin in that strife-torn nation which had as its avowed purpose a democratic government. This revolt was quickly taken over by Communist conspirators and drastic action was necessary to prevent another Castro-type government in this hemisphere.

Many of these Communist conspirators, who took control of the revolt, had been trained in these very methods in Cuba. It is the type of situation which concerns us greatly, and one which I spoke to the House about nearly 2 years ago, when I pointed to the growing menace of Communists trained in Cuba who seek to infest every land in South America.

As President Johnson expressed so ably to the Nation, we cannot and will not allow another Castro-type government to further infest this hemisphere. Every beachhead they establish means that they will redouble their efforts to establish others, spreading violence and discord in their wake—destroying every vestige of freedom when they are in control.

I support the swift and dramatic action of the President in sending American forces to protect American lives, and then when it became obvious that a Communist takeover was possible, taking forceful action to prevent such eventuality.

This action on the part of the President is part of the new policy of these United States as we seek to halt aggression and the spread of communism through violence, subversion, and deceit. The Communist aggressors understand only force and this Nation must not waver in its determination to halt the spread of this dictatorial plague which seeks to engulf all mankind. This course of action we have embarked upon is a dangerous one, we know, but one which all those who love freedom must be willing to assume.

I support the President in this firm action.

We seek not to dominate our neighbors, but by the same token, we cannot and must not allow them to fall victims to trained conspirators who seek to place another land under the Communist doctrine, which stifles freedom in all its forms.

I feel that such determined and forceful action on the part of these United States makes crystal clear our determination to preserve freedom, and is the only course of action open to us if we are to ultimately preserve our own democracy.

CONSTITUTIONAL AMENDMENT ON THE VOTING AGE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Rosenthal] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, today I am introducing a joint resolution which proposes a constitutional amendment granting American citizens who have attained the age 18 the right to vote.

For many years now, such action has been proposed, discussed, put aside, proposed again, discussed again, and put aside again. I think we ought to understand fully the present factors which make it proper and necessary for citizens of 18 to be entitled to vote.

In the past several years, this country has witnessed a significant growth in the maturity of our younger citizens. Many of these young Americans are actively involved furthering the goals of the Great Society: in civil rights, in the war on poverty, in the Peace Corps, and in the armed services. In the Peace Corps and the VISTA program of the war on poverty, such young citizens are largely responsible for unprecedented successes.

Young men under 21 are spread all over the world as members of our Armed Forces, ready to give their lives to further what we believe to be the rights of all freemen, regardless of nationality. At this very moment, many such young men are dying in southeast Asia.

During this past campaign, an unprecedented number of young citizens offered, without reward, their time and energy to political campaigns all over the country. All of us in this Chamber, I think, realize the extent and, indeed, the importance of this commitment.

Almost every day, I receive intelligent, informed, and well-reasoned letters from young constituents of mine, expressing a wide range of political views. I am constantly impressed by the authority and sophistication of such letters. I also encounter this intelligence and interest when I return to my district to meet with and talk to my constituents in person.

The conclusion seems to me inescapable. Young men and women are already taking part in the American political process, offering their resources and, in many cases, their lives for democratic ideals we all seek to promote. That they should be doing this without the most basic of all political rights—the right to vote—seems to me a serious inconsistency. We are asking our young soldiers to die for our democracy; yet we deny them an electoral voice in the operation of that democracy. We are reaping the benefit of the efforts of young Americans in the war against poverty and the Peace Corps; yet we refuse them basic participation in the system they seek to support and improve. Many of us, regardless of party, find such young people of enormous help in our campaigns, or in summer jobs in our offices. Yet all these young Americans, and all their contemporaries are denied the right to vote.

I strongly urge the adoption of a constitutional amendment to grant that right to citizens above the age of 18.

THE ROLE OF INTERNATIONAL LAW IN THE CONDUCT OF OUR INTERNATIONAL BEHAVIOR

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. Downing] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DOWNING. Mr. Speaker, over the years many of us have been concerned about the role of international law in the conduct of our international behavior.

On Saturday, May 1, 1965, it was my privilege to hear Vice President Hubert H. Humphrey discuss this sensitive and challenging topic at a Law Day celebration at the College of William and Mary in Williamsburg, Va.

The Vice President's remarks, delivered before a large and appreciative audience on a beautiful spring day in the colonial capital of America, reminded me and my fellow Virginians of the importance of applying the ideals of equality and justice to our international relations.

I believe, Mr. Speaker, that my colleagues would welcome an opportunity to read Vice President Humphrey's Law Day address, and I include it in the Record at this point:

Address of Vice President Hubert H. Humphrey, Law Day, College of William and Mary, May 1, 1965

Same 350 years ago, the English historian, William Camden, urged: "Agree, for the law is costly."

Today on Law Day his remark carries an important message.

On a day reserved to honor our own legal system, we should remember that its foundation is agreement—a common purpose which permits us to resolve our difficulties and disputes without each time seeking some formal legal remedy.

Camden's advice is vital to our success. For if international law is to prosper, it can only be because we have found matters upon which we can agree.

Our judicial heritage is just that, a slow accretion of statutes and judicial decisions, handed from generation to generation, made to fit the needs of the time and the place, but endowed with the objectivity necessary to fair decision.

Since Camden's day, our system has become a superbly refined instrument for protecting human rights and personal values. Gradually, but irrevocably, we have made broader the obligations owed by society to its members. We have firmly fixed the power to govern upon the consent of the governed. We have eliminated slavery as an institution and a practice. We have maintained respect for the inalienable rights of individuals as our Republic's foundation.

This refinement of our system has brought more and more of our citizens under the law. In fact, the success of our legal system has rested upon its ability to draw nourishment from common agreement upon the basic principles the law embraces.

This is as it must be. For law is meaningless if there is no public will to observe it. And this public will, in turn, can exist only when the law is just and deserving of honor.

Today in the United States we have a consensus on the rules and regulations that govern our society. We have a remarkably effective system of enforcing these rules and regulations.

But even though our legal system is the most advanced the world has come to know, it would be folly to suggest that nothing remains to be done. The Congress and the State legislatures are deluged each year with suggestions for improvement. Arguments range in the legal community and in the public at large on the wisdom of some court decisions.

These ragged edges on our national consensus do not worry me.

What does worry me are the more basic problems we face.

Where we have basic unrest, it is because a consensus continues to elude us.

It is missing because some of our people are denied full participation in their society.

We cannot expect to breed respect for law and order among people who do not share the fruits of our freedom.

Under the leadership of President Johnson we are determined to end poverty and discrimination. We work toward a goal of equal opportunity for all our citizens. Only when this goal is realized will we find a full and healthy respect for law and order in our Nation.

On Law Day in America we have our work cut out for us. But what of Law Day in the world?

There are those who assume that we can only express hope for international law. They look at the state of the world today and ask: How can the concept of law have true meaning when nations are at war, when millions are underfed, when even greater millions live under the yoke of tyranny?

We should frankly acknowledge that the international legal system is rudimentary.

As there is lack of full consensus in the United States, there is much greater lack of consensus in the world.

Efforts to institute and practice collective responsibility for world peace have been beset by the veto in the United Nations Security Council and by refusal of some nations to pay their assessed share of expenses for international peacekeeping.

Since the test ban treaty 2 years ago, the Disarmament Conference in Geneva has not achieved significant progress.

In some parts of the world large sections of the population, or indeed whole peoples, are denied fundamental human rights.

So, at times, the essential questions which face the world—questions of human dignity, war and peace, life and death—seem to loom larger than our capacity to resolve them.

But we should not despair of a world order in which the rule of law is supreme.

The basis of a world under law is growing and expanding: Today we can point to the many areas in which the interests of the powerful and the weak, the rich and the poor, the free world and the Communist, have reached a common ground.

Perhaps most basic, there can come to be a common recognition that nuclear war has no place as an "instrument of national policy."

Total war as fought in our modern world has become to terrifying and wasteful to permit the recurrence of periodic bloodlettings. Today, few countries deny the need for subjecting national force to rational controls.

Utilizing this measure of common belief, we were able to negotiate a limited nuclear test ban treaty. Today some 100 countries have joined this first concrete action to limit the possibility of a nuclear holocaust.

We are taking steps to encourage the growth of a whole network of measures to reduce the risk of nuclear war. We support an inspected comprehensive test ban. We support efforts in the United Nations and elsewhere to prevent the proliferation of nuclear weapons.

We have proposed a cutoff in production of fissionable material for weapons and a freeze in the levels of strategic nuclear delivery vehicles. Last year in the United Nations, we passed a resolution against the orbiting of nuclear weapons.

In other areas as well, nations have joined together to establish ground rules: The vast preponderance of world trade moves within the framework of the General Agreement on Tariffs and Trade. We have a whole network of aviation agreements. Copyright matters, postal arrangements, health measures, and a vast array of other matters are now subject to multilateral and bilateral agreements, all testifying to the proposition that law does play an essential role in our world.

Specialized agencies of the United Nations are another example of agreement among nations. The World Health Organization (WHO) strives in all countries to stamp out the spread of disease. The Food and Agriculture Organization (FAO) searches for ways to eliminate hunger from the world. The World Bank is a powerful stimulant to world economic development.

In these matters we have achieved international cooperation on day-to-day questions of international behavior. While our problems still make the headlines, we tend to forget that hundreds of times each day countries do shape their actions in conformity with their obligations to the consensus of international law.

We should not, therefore, think of the law only as a series of decrees issued by some high authority and enforced by some police power. Nothing could be further from the truth.

In America we have seen that no matter how "efficient" the enforcement arm of the legal system, law can only succeed if it rests upon agreement within the society that the law is just and should be followed. There are not enough jails, not enough policemen, not enough courts to enforce a law not supported by the people.

In the international framework, we can see that the absence of an international enforcement mechanism has not prevented the development of limited international consensus to guide the decisions of nations. Formal treaties and customs, and even world opinion, delimit the course nations will follow.

Internationally we are building our legal system in a different way than at home. We are adding slowly but continuously to a body of agreed-upon principles and objectives. As this consensus grows, enforcement will begin to take care of itself.

Is there hope of real progress in extending the area where the writ of international law may run? I believe the answer is indicated in the remark of Benjamin Franklin after the Constitutional Convention. Behind the desk of George Washington hung a painting of the sun low in the horizon. Many delegates wondered whether it was a rising or a setting sun. Benjamin Franklin remarked: "We have now signed the Constitution. We now know looking at that picture that it is a rising sun and the beginning of a new day."

If we here today—both those in the law and those in government—do our job we can some day look out—both at home and abroad—on a rising sun and the beginning of a new day. We can some day look out on a world where law reigns supreme.

ARMENIA MUST BE FREE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. FEIGHAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, yesterday, May 2, the Armenian community of Cleveland observed the 50th anniversary of the Turkish massacre of Armenians, in a public ceremony at the Sheraton-Cleveland Hotel. This was a solemn occasion, marking one of the saddest chapters in the long history of the Armenian people. It was my privilege to speak on this occasion and I include, by unanimous consent, my address entitled "Armenia Must Be Free":

ARMENIA MUST BE FREE

April is the month of infamy in the centuries-long history of the Armenian nation. For it was during the month of April, 50 years ago, that over 1 million Armenians were slaughtered and another million Armenians were uprooted and disseminated to foreign lands by the leaders of the Ottoman Empire. What had the Armenians done to warrant such evil treatment. They had not conspired against the Turks. They were a peaceful people, seeking only to maintain their ancient Christian way of life.

The Armenian nation had been partitioned and occupied by both imperial Russia and the Ottoman Empire, a situation which created tensions with the outbreak of World War I. But this was not the fault of the Armenian people for they were the victims of imperial partition. The fault rested with the partitioners who had extended their empires at the expense of the Armenian nation. With the Turks and Russians on opposite sides in the war, partitioned Armenia was soon to become a common battleground. In these circumstances the Armenian people were helpless pawns in the hands of the warring imperial powers. It was a foregone conclusion that both the Turks and the Russians would seek to use the Armenian people to further their war aims. Nevertheless, the Armenian people on both sides of the struggle sought to establish their neutrality. Having no government of their own, the voice of the Armenian nation spoke through the Dashnago, declaring neutrality for all Armenians. But this voice of the Armenian people went unheeded.

On the one side the Turks inducted Armenians into their armed forces. On the other side the Russians organized Armenian volunteer battalions. This set the stage to pit Armenian against Armenian and for the bloody massacre which followed. Caught in this vise of disaster, the Armenian people had no course open but to fight for their very survival as a people. Acts of self-defense were branded by the Turks as revolt against the Ottoman Empire. Under this pretense the genocidal slaughter of 1915 was launched and carried out with such heartless abandon that it shocked the conscience of all civilized mankind.

It is little wonder that with the collapse of the Ottoman and Russian Empires there was popular support among the victorious powers to restore an independent Armenian nation. Nothing less could ease the conscience of mankind for what had taken place in Armenian lands during the month of infamy in 1915 and in the years of war which followed.

President Woodrow Wilson proposed the establishment of an American mandate in Armenia to help the Armenians maintain their existence. The authority to do so was not granted to him by Congress. The Russian Bolsheviks then led by Lenin, sensing the power of world opinion favoring the Armenian cause, proclaimed in October of 1917 the right of Armenia to self-determination. But the Bolshevik proclamation turned out to be the essence of duplicity and deception. Six months later the Bolsheviks signed a secret treaty with the Turks which guaranteed the continuing partition of Armenia between the two powers. Independent Armenia which had been restored by the surviving patriots, with no help from the victorious Allies, soon became the victim of this secret pact.

Red Russia installed a puppet Communist regime in one part of Armenia and Turkey simply annexed the other part of the partitioned nation. What a cruel reward this was for the Armenian nation which had seen half its population killed or disseminated during the course of World War I.

Red Russia began a systematic liquidation of all Armenian patriots and intellectuals in that part of Armenia under Communist occupation. The massacre which followed was no less severe than that carried out by the Turks at an earlier date. This brought another popular uprising among the Armenians which drove the Communist puppets out. But the Red army reinvaded Armenia a few months later and reestablished a Communist puppet regime which remains in control to this day.

Fifty years have passed since the massacre of the Armenias by the Ottoman Turks. In that half century we have seen the practice of genocide repeated by power hungry dictators who set out to build vast empires and even conquer the world. Stalin and his henchmen were experts in this evil practice. They eliminated the Chechins, the Ingush, the Crimean Tatars, and the Kalmucks, they ordered the manmade famine in Ukraine during 1922–23, which brought death to no less than 3 million Ukrainians. And Stalin's successors have been attempting to rub out nations under Communist bondage through the tactics of mass deportations and population scrambling.

Hitler did not invent the crime of genocide, even though he was guilty of its evil practice. In an effort to justify his superior race theories and their practice in time of war, Hitler proclaimed: "The world forgot about the Armenians." He then launched a blood bath across Europe, with the active collaboration of Soviet Russia. Hitler perished by the sword and his henchmen were tried and found guilty for crimes against humanity. But the Nuremberg trials did not stop crimes against humanity, because they are practiced today—behind the Iron and Bamboo Curtains, in that vast area of the world held in Communist chains.

After the close of active hostilities in Europe and before the Nuremberg trials commenced the Tito Communists perpetrated a well-planned crime of genocide against the Croatian nation. Twenty years ago this month the Bleiburg tragedy took place. Over 100,000 Croatian prisoners of war and civilians were forced into a death march from which no more than a handful of survivors remain. Tito Communists slaughtered these people along the route of the march and threw the dead into mass graves.

What crime did these people commit? Their only fault was that they fought for the national independence of Croatia and were enemies of communism. Tito and his henchmen called this a crime and punished the offenders by an act of genocide. Those guilty for this crime have gone unpunished. The terrible truth about this crime was concealed from wide publication until recent years. All the facts have now been published and they serve as further evidence that communism embraces the crime of genocide to extend its empire over nations and peoples.

Time tends to dim the memory of both good and evil events in the life of man. Younger generations are seldom in tune with the lessons of the past because they are preoccupied with events of the present. But we have reached a point in world affairs wherein to reject the harsh lessons of the past is to invite certain disaster for all civilization. It cannot be denied that in our time man's inhumanity to man is more likely to be met with "so what" rather than indignation and public protest. Are we to conclude that the conscience of the West is dormant? Let us look briefly at the record. Take the cause of the captive nations, those once free and independent nations now in Communist chains. Not so many years ago we as a people were openly and vigorously advocating the rights of all those nations to be free and self-governing. Our official protests against the enslavement of those nations were heard in the United Nations, in the Congress, and at public rallies dedicated to peace with universal freedom.

What are we doing about the captive nations today? Aside from those dedicated Members of Congress whose voices of protest are raised in defense of the captive nations cause, it appears that a spirit of "all quiet on the Western front" has possessed our foreign policy.

Can it be that we have been victimized by the claim that the Russians are mellowing, that they are moving in the direction of liberty for individuals and freedom for nations—and that we should do nothing to defend the cause of the captive nations because this would offend the Russians. Or is it more accurate to observe that we as a people have grown weary of the burden which we must carry as champions of human freedom? In either case, events taking place in southeast Asia and in our hemisphere demand that we wake up before it is too late. The so-called Communist war of liberation now underway in Vietnam is nothing less than a war of aggression against a nation of the free world.

What international communism is attempting to do in Vietnam has already been done to such nations as Armenia, Poland, Ukraine, Hungary, Estonia, Latvia, Lithuania, Yugoslavia, Romania, Czechoslovakia, and Byelorussia, just to mention a few. They are in Communist chains. If Vietnam should be conquered by Communist aggression, all the free nations of southeast Asia will soon fall to Communist rule.

We have the same problem right on our doorstep. Cuba is the case in point. That country is now nothing more than a base of Russian operations in the Western Hemisphere. There can be no doubts that Castro-trained Communist agents are playing a leading role in the Dominican Republic in an effort to seize control there. If that effort should succeed, we will see more Communist inspired and directed wars of so-called liberation into communism throughout the Western Hemisphere.

President Johnson has taken the only stand open to him in both instances. It is his sworn duty to defend the United States and he has done what had to be done to fulfill that oath.

Communist aggression, by whatever name it is called, must be stopped. To suggest that Soviet Russia is not involved in the war of aggression in Vietnam is to be blind to the obvious.

To suggest that Soviet Russia is not using its base of operations in Cuba to cause Communist unrest and aggression in the Western Hemisphere is to bury ones head in the sand. Soviet Russia is the prime instigator of crisis throughout the free world community.

It is time we carried the struggle to the heartland of Russian power. It is time we took up the cause of the captive nations, an action which is certain to put the Russians on the defensive and expose the imperial nature of communism. For too long the Russians have made the free world the exclusive battleground of the struggle between tyranny and freedom, between dictatorship and self-government. That struggle must be turned to the battleground behind the Iron Curtain where the millions of people in the captive nations resist their occupier and await moral and political support from the United States.

We must make it clear that we support the right of all people to be free and self-governing.

We must demand the right of self-determination for all captive nations, under United Nations supervision. The louder the Russians protest the louder should be our demand for these basic human rights.

Modern day Turkey has open to it a unique opportunity to amend some of the terrible wrong done the Armenian people 50 years ago.

The wounds of that experience are deep and they have not been healed during the past half century.

Armenians today, in the homeland and throughout the world, long for and work for a restoration of their national independence.

Turkey, by virtue of history and geography, is in a position to provide powerful impetus and support for Armenian national aspirations.

A Turkish declaration of support for Armenian national independence would open the door to a new era in Armenian-Turkish relations which would have a far-reaching effect on the future of human freedom. Such action would advance immeasurably the cause of peace with freedom for all nations and peoples.

ISRAEL'S INDEPENDENCE DAY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MURPHY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, today we have set aside time to express our admiration for the thriving democracy of Israel and to send our greetings to the people of that land on the occasion of the 17th anniversary of their proclamation of independence. During these times of great political, economic, and social transition, we are constantly distracted by the troubles and birth pains of new nations. It is comforting, therefore, to turn our attention to the success story of Israel.

Within 17 short years, the small Republic of Israel has managed to assimilate over a million immigrants, a feat unequaled even in our own country during its greatest periods of immigration. An admirable concern for the formation of a nation of responsible citizens led to the early establishment of a system of universal education. This system has been supplemented by education centers for the young and old where the Hebrew language and civics are taught. Today, the system of higher education in Israel is the finest in the Middle East, which means that the majority of Israel's students can stay at home to receive their advanced training.

It is undeniable that these achievements in education have played an important role in Israel's rapid economic development. Today, the country is flourishing, thanks in large part to the hard work of the Israelis and to generous public and private aid from the United States. Where once there were empty coasts there are now thriving ports and tourist centers. Where once there were barren deserts there are now flourishing agricultural communities. Garden cities and light industries have sprung up along the shores of the Dead Sea. Abandoned mines have been reopened; new mines have been built to exploit the slim natural resources of the country.

All these accomplishments would be impressive enough under ordinary circumstances. But in Israel there have been special circumstances that make these accomplishments seem truly extraordinary. Israelis could not turn their attention to economic development until they had first fought a costly war to secure their borders. Surrounded on all sides by hostile neighbors, they have been forced to maintain expensive defense forces and to mount a constant guard against harassing border attacks. Today, the success of their most ambitious project—the use of the waters of the Jordan to irrigate the Negev Desert—is threatened by diabolical Arab schemes to divert these waters. Economic development, then, has proceeded while Israel has remained in a state of armed vigilance. No more difficult circumstances can be imagined.

These circumstances have been surmounted only because the Israeli people have clung tenaciously to their goals and have refused to be discouraged by adversity. It is to be fervently hoped that one day the people of Israel will be permitted to lay down their arms and to devote their genius entirely to peaceful activities. Until that day comes, however, this country must be firm in supporting in every way possible the right of the nation of Israel to exist and to work out its destiny in an area that has been for centuries the promised land for its people.

POLAND—AN INSPIRATION FOR MANKIND

The SPEAKER pro tempore (Mr. ANNUNZIO). Under previous order of the House, the gentleman from Delaware [Mr. McDOWELL] is recognized for 10 minutes.

Mr. McDOWELL. Mr. Speaker, May 3 is the Polish national holiday, and it is on this day that Poles celebrate their Constitution Day. Throughout the United States, wherever Americans of

Polish descent live, this holiday is observed with appropriate exercises. It reminds all Americans that Poland was one of the pioneers of liberalism in Europe, and the world.

The significance of this day is that it was on May 3, 1791, that Poland without a coup, a putsch, a revolution, or disorder of any kind, succeeded in reforming her Constitution and her public life. Unfortunately, this rebirth and reformation did not stop or forestall the third partition of Poland in 1795 by Russia, Prussia, and Austria.

However, this internal reformation, and the Constitution which crowned it, cast a light in the darkness of the period that was never to be extinguished. The Polish Constitution, which was adopted only 2 years after our own Constitution was adopted, makes this historic declaration:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the State, the civil liberty and the good order of society, on on equal scale and on a lasting foundation.

The Polish American Congress, whose president is Charles Rozmarek, states, and I think, justifiably, that—

> The greatness of the May 3d Polish Constitution consisted in the fact that it eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories or heroic revolutions.

The Polish American Congress adds that—

> The philosophy of government discernible throughout the 3d of May Polish constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source.

I am pleased to include, as part of my remarks, excerpts from papers supplied me by the Polish American Congress. The information on the Katyn massacre points out that on September 18, 1951, the House of Representatives appointed a select committee to investigate this atrocity. Several of the members of that select committee still grace this body, including its chairman, the gentleman from Indiana [Mr. Madden], the gentleman from Pennsylvania [Mr. Flood], and the gentleman from Wisconsin [Mr. O'Konski].

The excerpts follow:

THE 25TH ANNIVERSARY OF THE KATYN MASSACRE

The Katyn massacre which shocked the world as one of the most brutal acts of genocide in World War II took place 25 years ago in a forest near Smolensk in the Soviet Union.

Mr. Charles Rozmarek, president of the Polish American Congress and the Polish National Alliance, recently presented a study of this international crime. Mr Rozmarek stated in an address delivered in New York City:

"The basic facts of the Katyn massacre are well known to world public opinion.

"The first news of the mass graves at Katyn was announced by the German Radio on April 13, 1943. In the next few days, citing personal documents, identification cards, letters and newspapers found in the graves as well as quoting expert opinion of the pathologists, the Germans accused the Russians of mass murdering Polish officers and intellectuals in the month of March of 1940.

"On April 15, 1943, Radio Moscow not only denied the accusations made, but in turn, charged the Germans with this hideous crime of genocide.

"On April 17, 1943, the Polish Government-in-Exile in London appealed to the International Red Cross at Geneva to conduct an impartial investigation and determine the actual facts of the Katyn crime.

"Nine days later, on April 26, 1943, the Soviet Union severed diplomatic relations with the Polish Government in London, denouncing it falsely as acting in collaboration with Nazi Germany."

* * * * *

With the quoted dates as the background, the following facts were ascertained and established.

The bodies of 4,423 Polish officers, scientists, professors, chaplains, lawyers and students were found in three mass graves in the Katyn Forest. Their last place of imprisonment had been the military prisoners camp at Kozielsk.

Held in another camp at Starobielsk were an additional 3,290 Polish officers, while 6,570 officers were interned in the third camp near Ostashkov. These prisoners of war from the Starobielsk and Ostashkov camps disappeared without a single clue or trace as to their whereabouts. The conclusion is thus inescapable that they met with the same fate as that which befell their fellow officers of the Kozielsk camp. It has not been established as yet whether they rest in some unidentified, up to the present time, mass graves, or were simply heretofore drowned at sea.

Thus, 14,283 Polish officers and intellectuals, taken as prisoners of war by the Soviets in September of 1939, were brutally and inhumanly murdered in one of the most shocking crimes of genocide in the history of mankind.

* * * * *

The second in the series of dates and facts relating to the crime of Katyn Forest is to be found in the United States, due largely to the efforts of the Polish American Congress.

On September 18, 1951, the House of Representatives appointed a select committee to investigate the Katyn massacre. Headed by Representative Ray J. Madden, of Indiana, the committee was composed of Representatives Daniel J. Flood, of Pennsylvania; Foster Furcolo, of Massachusetts; Thaddeus Machrowicz, of Michigan; Alvin O'Konski, of Wisconsin, and Timothy P. Sheehan, of Illinois.

After a scrupulous and detailed investigation of the pertinent documents and the hearing of testimony of hundreds of duly identified witnesses, the committee stated in its two reports, one of July 2, 1952, and the second of December 22, 1952, that beyond the slightest shadow of doubt, Russia stands accused of the Katyn massacre, and likewise that Russia planned other crimes of genocide against Poland as early as the year of 1939.

The committee asked the President and the State Department that this indictment with all of the documentary evidence be filed with the United Nations General Assembly, and that, eventually the case be brought before the International Tribunal in the Hague.

Poland's Millennium

Seven years ago Americans of Polish ancestry solemnly commemorated the 350th anniversary of the arrival of the first Poles to the shores of America. They landed in Jamestown, Va., in September 1608.

Poland at that time was one of the great powers of Europe and had been contributing to the growth and development of Western civilization and culture for 624 years, and existed as a state for at least eight centuries.

We are now approaching Poland's millennium of Christianity.

The year of 1966 will mark the 1,000th anniversary of the baptism of the Polish Nation. Through this act, Poland linked her destiny with that of the West and became an integral and creative force in its culture, keeping at the same time, watch on the eastern ramparts of Christendom.

One thousand yesteryears represent one-half of our Christian era, spanning the early Middle Ages through to our times.

In human equation, the millennium represents 40 generations.

These generations of Poland have built one of the most powerful and enlightened states in Europe. They basked in the glories of victories, knew the rich rewards of spiritual progress, the joy of intellectual attainments, the sorrow of defeats, the depth of suffering, the sustaining power of heroism and of faith in the face of mortal dangers.

In time of glory and in periods of adversity they learned how to put into practice the ideal of the brotherhood of man—"Za Wasza Wolnosc i Nasza"—for your freedom and ours.

This is our heritage.

Generally, only the highlights of Poland's history are known.

Generally, we are aware only of the spectacular attainments and of the deep tragedies that were the lot of the land of our ancestry.

This history is replete not only with military victories and political achievements attained in the formulation of the first commonwealth of nations in the European annals; this history does not end with the tragedy of partition and the transitory disintegration of the Republic, nor with the current Soviet occupation.

To a sincere student, Poland's history discloses unexpected depths of political and sociological philosophy, and surprising lights of genius that foretold the development of modern thought and concept.

The Polish-American Congress began preparation for nationwide observance of the thousandth anniversary of the baptism of Poland. Its millennial message to fellow Americans will be as follows: They should know and evaluate Poland, her past and her potentialities for the future, based on exploring the little known, the generally slightly appreciated aspects of her thousand-year-long history.

The Polish-American Jamestown observance called to the attention of Americans the contribution of the Poles in the founding and development of the United States.

The millennial commemorations should bring to full light and recognition Poland's contribution to the Western world not alone as the sentinel upon the eastern ramparts of Western culture, but as a truly creative and pioneering force in the development of Western thought—in political philosophy, in precepts of social justice, in concepts of the brotherhood of man, and in arts and sciences.

This in a proper perspective constitutes the purpose in organizing a nationwide observance of Poland's millennium.

The task is being undertaken by the Polish-American Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Dwyer (at the request of Mr. Gerald R. Ford), for today, on account of death in family.

Mr. Cahill (at the request of Mr. Gerald R. Ford), for the week of May 3, on account of official business as an adviser to the Intergovernmental Committee for European Migration.

Mr. Rodino (at the request of Mr. Sickles), for the balance of this week, on account of official business.

Mr. Krebs, for May 4, on account of attending and addressing three important meetings and conferences.

Mr. Schmidhauser (at the request of Mr. Albert), for May 3 and 4, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Evins, of Tennessee, for 35 minutes, on May 4.

Mr. Hechler, for 15 minutes, today; and to revise and extend his remarks.

Mr. Saylor, for 60 minutes; and to revise and extend his remarks.

Mr. McDowell (at the request of Mr. Howard) for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Kluczynski and to include extraneous matter.

Mr. Baldwin and to include extraneous matter.

Mr. Keith during general debate on H.R. 2986 and to include two pieces of correspondence.

(The following Members (at the request of Mr. Andrews of North Dakota) and to include extraneous matter:)

Mr. Pelly in two instances.

Mr. Morse in two instances.

Mr. Berry.

(The following Members (at the request of Mr. Howard) and to include extraneous matter:)

Mrs. Kelly.

Mr. Joelson.

Mr. Callan in two instances.

Mr. Race.

Mr. Flood.

Mr. O'Neal of Georgia.

Mr. Murphy of Illinois.

Mr. Sweeney.

Mr. Dorn.

Mr. Daniels.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 627. An act to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 1623. An act to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource; to the Committee on Merchant Marine and Fisheries.

S. 1856. An act to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps; to the Committee on Armed Services.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 30, 1965, present to the President, for his approval, a bill of the House of the following title:

H.R. 7091. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

ADJOURNMENT

Mr. HOWARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 4, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1026. A letter from the Acting Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions program—equipment and facilities, for the quarter ended March 31, 1965, pursuant to subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1027. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes; to the Committee on Foreign Affairs.

1028. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs incurred for modernization of combat tanks, Department of Defense; to the Committee on Government Operations.

1029. A letter from the Comptroller General of the United States, transmitting a report of potential savings through procurement of office furniture from General Services Administration sources by Lockheed Missiles & Space Co., Sunnyvale, Calif., Department of Defense; to the Committee on Government Operations.

1030. A letter from the Comptroller General of the United States, transmitting a report of inadequate maintenance and supply support of aviation units of 8th U.S. Army, Korea, Department of the Army; to the Committee on Government Operations.

1031. A letter from the Comptroller General of the United States, transmitting a report of excessive aircraft assigned to Fort Wolters as a result of overstated requirements, Department of the Army; to the Committee on Government Operations.

1032. A letter from the Comptroller General of the United States, transmitting a report of questionable aspects of budget-support loans made to the Government of Ecuador, Agency for International Development, Department of State; to the Committee on Government Operations.

1033. A letter from the Comptroller General of the United States, transmitting a report of followup examination on certain aspects of U.S. assistance to the Central Treaty Organization for a rail link between Turkey and Iran, Agency for International Development, Department of State; to the Committee on Government Operations.

1034. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs incurred as a result of preferential treatment of Federal retirees in connection with payments of unemployment compensation, Bureau of Employment Security, Department of Labor; to the Committee on Government Operations.

1035. A letter from the Comptroller General of the United States, transmitting a report of significant savings available by replacing sedan delivery vehicles with pickup trucks, Soil Conservation Service, Department of Agriculture; to the Committee on Government Operations.

1036. A letter from the Comptroller General of the United States, transmitting a report of Federal participation in unnecessary project costs resulting from failure to properly recognize effect of intercorporate ownership, Area Redevelopment Administration, Department of Commerce; to the Committee on Government Operations.

1037. A letter from the Comptroller General of the United States, transmitting a report of loss from sale of project land by the St. Louis Housing Authority, Public Housing Administration, Housing and Home Finance Agency; to the Committee on Government Operations.

1038. A letter from the Comptroller General of the United States, transmitting a report of excessive costs charged to the Government by Flexonics Division, Calumet & Hecla, Inc., Bartlett, Ill., George C. Marshall Space Flight Center, National Aeronautics and Space Administration; to the Committee on Government Operations.

1039. A letter from the Comptroller General of the United States, transmitting a report of improper cost allocation practice resulting in selling stamped envelopes at substantial loss, Post Office Department; to the Committee on Government Operations.

1040. A letter from the Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal pursuant to 63 Stat. 377; to the Committee on House Administration.

1041. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application for a loan by the Kays Creek Irrigation Co., Layton, Utah, under the Small Reclamation Projects Act, pursuant to section 4(c) of 71 Stat. 48; to the Committee on Interior and Insular Affairs.

1042. A letter from the Assistant Secretary of the Interior, transmitting a report on the application of the Hooper Irrigation Co. in Weber and Davis Counties, Utah, for a supplemental loan for the rehabilitation and betterment of its present irrigation system, pursuant to section 10 of the Small Reclamation Projects Act of 1965; to the Committee on Interior and Insular Affairs.

1043. A letter from the Secretary of State; Chairman, Civil Aeronautics Board; Administrator, Federal Aviation Agency, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958, as amended, to require air carriers to procure aviation accident insurance for the benefit of passengers on certain journeys subject to the Warsaw Convention, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1044. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of certain orders for the adjustment of status under section 13(b) of the act of September 11, 1957, pursuant to the provisions of section 13(c) of the act; to the Committee on the Judiciary.

1045. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a request for the withdrawal and returning to the Immigration and Naturalization Service of the letter dated September 1, 1964, in the case of Danilo P. Quiason, A-14220038, involving suspension of deportation, pursuant to Public Law 87-885; to the Committee on the Judiciary.

1046. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to authorize the Administrator of Veterans' Affairs to furnish assistance to certain disabled veterans of the induction period in the purchase of an automobile or other conveyance; to the Committee on Veterans' Affairs.

1047. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to equalize the rates of disability compensation payable to veterans of peacetime and wartime service; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER: Committee on Science and Astronautics. H.R. 7717. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; with amendment (Rept. No. 273). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 720. A bill to expand the authority of the Canal Zone government to settle claims not cognizable under the Tort Claims Act; without amendment (Rept. No. 274). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 724. A bill to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General; with amendment (Rept. No. 275). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 3596. A bill to provide for the disposition of judgment funds on deposit to the credit of the Skokomish Tribe of Indians; without amendment (Rept. No. 276). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 2983. A bill to provide for the disposition of judgment funds on deposit to the credit of the Quinault Tribe of Indians; with amendments (Rept. No. 277). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 4528. A bill to regulate archeological exploration in the Canal Zone; without amendment (Rept. No. 278). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 5990. A bill to grant increased benefits to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937, and to extend cash relief benefits to widows of recipients; without amendment (Rept. No. 279). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 7059. A bill to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79-79e), to authorize such appropriations to the Smithsonian Institution as are necessary in carrying out its functions under said act, and for other purposes; without amendment (Rept. No. 280). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HARRIS:

H.R. 7776. A bill to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7777. A bill to authorize the President to appoint Gen. William F. McKee (U.S. Air Force, retired) to the office of Administrator of the Federal Aviation Agency; to the Committee on Interstate and Foreign Commerce.

By Mr. BONNER:

H.R. 7778. A bill relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 7779. A bill to provide for the retirement of enlisted members of the Coast Guard Reserve; to the Committee on Merchant Marine and Fisheries.

By Mr. CELLER:

H.R. 7780. A bill to amend the Clayton Act, as amended, by requiring prior notification of corporate mergers and acquisitions, and for other purposes; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 7781. A bill to authorize the disposal, without regard to the 6-month waiting period, of approximately 50,000 tons of refractory-grade bauxite from the national stockpile; to the Committee on Armed Services.

By Mr. CUNNINGHAM:

H.R. 7782. A bill to repeal the manufacturers' excise tax on passenger automobiles and trucks; to the Committee on Ways and Means.

By Mr. ELLSWORTH:

H.R. 7783. A bill to repeal the manufacturers' excise tax on passenger automobiles and trucks; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 7784. A bill to provide that tires sold or shipped in interstate commerce for use on motor vehicles shall meet certain safety standards; to the Committee on Interstate and Foreign Commerce.

By Mr. HAGEN of California:

H.R. 7785. A bill to amend the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

H.R. 7786. A bill to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; to the Committee on Interior and Insular Affairs.

H.R. 7787. A bill to amend subchapter R of chapter 1 of the Internal Revenue Code of 1954 to permit partnerships and proprietorships which have elected thereunder to be taxed as domestic corporations to revoke such elections; to the Committee on Ways and Means.

By Mr. HARRIS:

H.R. 7788. A bill to amend section 202 of the Federal Power Act to encourage and facilitate the construction of extra-high-voltage electric transmission lines in the public interest; to the Committee on Interstate and Foreign Commerce.

H.R. 7789. A bill to amend the act of October 9, 1940 (54 Stat. 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7790. A bill to amend the Communications Act of 1934, as amended, with respect to Commissioners, employees, and executive reservists of the Federal Communications Commission; to the Committee on Interstate and Foreign Commerce.

H.R. 7791. A bill to amend the Federal Power Act so as to require Federal Power Commission authority for the construction, extension, or operation of certain facilities for the transmission of electric energy in interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 7792. A bill to permit the improvement, alteration, maintenance, and repair of Government buildings and property under any lease or concession contract entered into in connection with the operation and maintenance of Government-owned airports under the jurisdiction of the Administrator of the Federal Aviation Agency; to the Committee on Interstate and Foreign Commerce.

H.R. 7793. A bill to amend section 1003 of the Federal Aviation Act of 1958 to authorize common carriers under the jurisdiction of the Civil Aeronautics Board, Federal Maritime Commission, and Interstate Commerce Commission to enter into joint rates, provide for their regulation by a joint board, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA:

H.R. 7794: A bill to amend title 38, United States Code, to provide vocational rehabilitation, education and training, and loan guarantee benefits to persons who served in the Armed Forces on or after January 1, 1962, in combat zones, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HERLONG:

H.R. 7795. A bill relating to the unlimited deduction for income tax purposes of charitable contributions; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 7796. A bill to repeal the manufacturers' excise tax on passenger automobiles; to the Committee on Ways and Means.

By Mr. HULL:

H.R. 7797. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUOT:

H.R. 7798. A bill to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KING of Utah:

H.R. 7799. A bill to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN:

H.R. 7800. A bill to repeal the House Employees Position Classification Act; to the Committee on House Administration.

By Mr. MATSUNAGA:

H.R. 7801. A bill to provide for a Pacific Medical Center in Hawaii; to the Committee on Interstate and Foreign Commerce.

H.R. 7802. A bill to adjust the retirement benefits of certain retired district judges for the district of Hawaii; to the Committee on the Judiciary.

By Mr. O'KONSKI:

H.R. 7803. A bill to declare a policy as to the existence of public domain in Wisconsin in lands erroneously meandered and lying between the original meander line and the lakeshore, and to protect the rights of landowners whose title to waterfronting property has been brought into question by reason of errors in the original survey; to the Committee on Interior and Insular Affairs.

By Mr. OTTINGER:

H.R. 7804. A bill designating Columbus Day as a national legal holiday; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7805. A bill to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba; to the Committee on Foreign Affairs.

H.R. 7806. A bill to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, optometry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7807. A bill to amend the Civil Service Retirement Act as amended to provide for the recomputation of annuities of retired employees who are receiving reduced annuities because they had not attained the age of 60 years prior to retirement; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 7808. A bill to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 7809. A bill extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to certain former officers of the Army; to the Committee on Armed Services.

By Mr. RHODES of Arizona:

H.R. 7810. A bill to provide that chief judges of circuits and chief judges of district courts shall cease to serve as such upon reaching the age of 66; to the Committee on the Judiciary.

By Mr. RIVERS of South Carolina:

H.R. 7811. A bill to authorize the sale or loan of naval vessels to friendly Latin American countries, and for other purposes; to the Committee on Armed Services.

H.R. 7812. A bill to authorize the loan of naval vessels to friendly foreign countries, and for other purposes; to the Committee on Armed Services.

H.R. 7813. A bill to authorize the loan of naval vessels to friendly foreign countries; to the Committee on Armed Services.

By Mr. ROBISON:

H.R. 7814. A bill to amend the Federal Power Act, as amended, in respect to the jurisdiction of the Federal Power Commission over State canals, river-regulating reservoirs, and facilities or power projects incidental thereto; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 7815. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7816. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHMIDHAUSER:

H.R. 7817. A bill to prohibit nepotism in Government employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SIKES:

H.R. 7818. A bill to authorize a survey for improving the channel at Panama City Harbor, Fla., and for other purposes; to the Committee on Public Works.

By Mr. STRATTON:

H.R. 7819. A bill to establish the Chesapeake and Ohio Canal National Historical Park in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNGER:

H.R. 7820. A bill to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act to the Committee on Interstate and Foreign Commerce.

By Mr. FOUNTAIN:

H.R. 7821. A bill to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs; to the Committee on Public Works.

By Mr. CLARK:

H.J. Res. 438. Joint resolution proposing an amendment to the Constitution prohibiting a State from taxing certain income of a nonresident; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.J. Res. 439. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.J. Res. 440. Joint resolution proposing an amendment to the Constitution of the United States granting to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

By Mr. SLACK:

H.J. Res. 441. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress Building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes; to the Committee on Public Works.

By Mr. HORTON:

H.J. Res. 442. Joint resolution to authorize the President to proclaim the last Friday of April of each year as National Arbor Day; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.J. Res. 443. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DORN:

H. Con. Res. 405. Concurrent resolution expressing the approval of Congress relative to the President's decisions in Santo Domingo; to the Committee on Foreign Affairs.

By Mr. PHILBIN:

H. Con. Res. 406. Concurrent resolution to authorize the disposal of approximately 620,000 long tons of natural rubber from the national stockpile; to the Committee on Armed Services.

By Mr. OTTINGER:

H. Res. 361. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

232. By the SPEAKER: Memorial of the Legislature of the State of California, relative to egg prices; to the Committee on Agriculture.

233. Also, memorial of the legislature of the State of California, relative to the New Melones Dam; to the Committee on Public Works.

234. Also, memorial of the Legislature of the State of Delaware, relative to support of the agriculture conservation program and the Soil Conservation Service; to the Committee on Agriculture.

235. Also, memorial of the Legislature of the State of Hawaii, relative to supporting increased pay for personnel of the Armed Forces; to the Committee on Armed Services.

236. Also, memorial of the Legislature of the State of Hawaii, requesting the Congress to continue the operation of the Kilauea Military Camp on the island of Hawaii; to the Committee on Armed Services.

237. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the decision of the Civil Aeronautics Board relative to commercial flights between Boston and Florida; to the Committee on Interstate and Foreign Commerce.

238. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing and procuring office space for the commissioner of veterans' affairs of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

239. Also, memorial of the Legislature of the State of Nevada, requesting Congress to take appropriate action to insure the minting of silver dollars; to the Committee on Banking and Currency.

240. Also, memorial of the Legislature of the State of Nevada, relative to establishing a Great Basin National Park in Eastern Nevada; to the Committee on Interior and Insular Affairs.

241. Also, memorial of the Legislature of the State of Washington, relative to legislation to establish May 4 of each year as a "Day of Recognition" for firefighters in the United States of America; to the Committee on the Judiciary.

242. Also, memorial of the Legislature of the State of Wisconsin, relative to establishment of a national cemetery in the State of Wisconsin; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOLTON:

H.R. 7822. A bill for the relief of Marvin D. Nells; to the Committee on the Judiciary.

By Mr. BURKE:

H.R. 7823. A bill for the relief of Chu Kin Ping; to the Committee on the Judiciary.

By Mr. DAWSON:

H.R. 7824. A bill for the relief of Yvon Nazon; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 7825. A bill for the relief of Carlo Bianchi & Co., Inc.; to the Committee on the Judiciary.

By Mr. MACDONALD:

H.R. 7826. A bill for the relief of Maria Guida; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 7827. A bill for the relief of George K. Aikala, Lu Ella Marie Aikala, Vernis J. K. Fish, Vernon S. Fish, Vivian A. Ahmad, and Velma Solomon; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7828. A bill for the relief of Albert Maurice Fowler; to the Committee on the Judiciary.

H.R. 7829. A bill for the relief of Dorothy E. Lampkin and Lucille L. Lampkin, her daughter; to the Committee on the Judiciary.

H.R. 7830. A bill for the relief of Bruce Carlyde Watson and Mayfield E. Watson, his wife; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 7831. A bill for the relief of Sung Nam Han and his wife, Wha Ja Han; to the Committee on the Judiciary.

By Mr. SCHISLER:

H.R. 7832. A bill for the relief of Mr. and Mrs. James Chambers; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 7833. A bill to provide for the granting of patents with respect to certain desert land entries; to the Committee on Interior and Insular Affairs.

By Mr. WATKINS:

H.R. 7834. A bill for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Philadelphia Naval Shipyard, Philadelphia, Pa.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

195. By the **SPEAKER**: Petition of the Director of personnel, 30th A.C. & W. Wing, Osan, Korea, relative to a claim for damages resulting from an accident which has been previously disallowed by the Commissioners of the U.S. Armed Forces Claims Services; to the Committee on Foreign Affairs.

196. Also, petition of the Board of Trustees, Village of River Hills, Wis., relative to a plan for handling expenditures for health, education, and welfare, so as to reduce the costs of administrative expenses; to the Committee on Ways and Means.

SENATE

MONDAY, MAY 3, 1965

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Dr. James D. Ford, Acting Chaplain, U.S. Military Academy, West Point, N.Y., offered the following prayer:

O God, our Father, Thou searcher of men's hearts, help us to draw near to Thee in sincerity and truth.

We give Thee thanks for this new day, with its many concerns and difficult decisions to be made for the welfare of this Nation, and yet a day of opportunity and hope for the future. Save us, O Lord, from cynicism because of the disappointments of the past, and give us renewed confidence to believe in the potential of each day, placing our faith in the possibilities of a new and brighter life.

Teach us, O Lord, to be willing to give of ourselves and our very best, without counting the cost; to fight the good fight; to run the race; and to gain the victory. O Thou, who knowest all the peoples of the world, and art aware of the needs of each one, in all that we do, make us also conscious of the personal needs of the individual.

We pray for the men of the armed services of our country, both those in our land and those in distant places, that the duty and honor of serving Thee and their country may ever enable them to take pride in their calling, and make them faithful in Thy service.

All these things and whatsoever else Thou seest that we need, we pray in Thy most holy name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 30, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON THE FOREIGN ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 95)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit the annual report on the foreign assistance program of the United States for fiscal year 1964. It demonstrates that our program of international assistance is fulfilling its promise to the world and to America.

We are engaged in this great effort for many reasons. We seek to alleviate poverty, starvation, and disease. We seek also to resist aggression and to promote independence and self-determination for the people of other nations.

In these pursuits there is no conflict between "humanitarian" goals and "national" goals. Our own security rests on the security of others. Their good health is our good health. As they prosper we prosper. Our concern must—and does—transcend national borders.

Neither is there conflict between "economic" goals and "military" goals. Neither purpose is sufficient by itself. Military security without economic and political development brings no lasting benefits; economic help to people vulnerable to aggression would largely be wasted.

In promoting the growth of free nations, the United States must serve both as partner and leader. We travel a difficult road. On the basis of our experience in recent years, I am persuaded that we are on the right road.

The Agency for International Development is successfully applying a hard test of where and how our limited resources will yield the greatest rewards:

By enlisting America's private resources in what is increasingly a joint endeavor. AID specific risk guarantees of American private investment in the less-developed countries, for instance, reached a record of nearly $1.4 billion in fiscal 1964, an amount almost triple that of the previous year.

By centering AID's effort in those countries, relatively few in number, which are able to follow the disciplined and arduous path to progress.

By concentrating more on long-term development which fosters self-sustaining growth and an eventual end to the need for external aid.

In fiscal year 1964, more than 45 percent of the total AID program was in the form of development assistance. This compares to 25 percent 3 years ago.

At the same time AID was able to make savings of more than $9 million by introducing increasingly higher standards of operating efficiency into the administrative structure and by reducing direct-hire employment by more than 1,100.

Statistics cannot tell the whole story. Recipient countries increasingly understand that we are engaged in a common enterprise. The relatively small measure of resources that the United States can provide must largely serve only as a catalyst for their own efforts. Many nations, accustomed to tradition, are finding solutions to modern problems through new techniques: increased savings, effective land reform, efficient tax systems, and other steps toward progress.

Nothing gives me greater satisfaction than the progress of the Alliance for Progress, which with strong U.S. participation is bringing significant changes in Latin America:

In Ecuador, a 146-mile, all-weather highway has been completed connecting the capital city, Quito, and the coastal city of Quevedo. The road traverses some of the most difficult mountain terrain in the world. It has opened up rich coastal land to settlers.

In Chile, a $5 million loan to assist the Central Savings and Loan Bank has supported a nationwide system of new private savings and loan associations. Twenty-two such associations are now operating. These thrift institutions had financed the construction of more than 10,000 homes by the end of 1963, and 10,000 more were to be built in 1964.

In Brazil, an AID agreement is helping improve the living standards of 25 million people in the northeast, one of Latin America's major underdeveloped areas and politically one of the most vulnerable to Communist influence. A total of 270 health units has been constructed or renovated. Water supply units are under construction in 70 cities and towns. Electricity has come to 73 towns. Two thousand two hundred and ninety new homes and two thousand nine hundred classrooms have been built. Twenty-four teacher-training and supervisory centers have been established. An additional 14,000 classrooms are under construction. Agreements for the training of 28,000 teachers have been made; 4,700 have actually completed their courses.

AID's story extends to many other parts of the world:

In West Pakistan, a development loan to expand the capacity of the railway system helped the Pakistan Western Railway to handle the increasing transportation load for the first time in several years.

In India, an intensive effort to streamline the teaching of science and mathematics in order to develop higher skills among Indian youth was conducted with U.S. assistance. AID financed forty-four 6-week institutes at 34 locations in which 80 U.S. college and high school educators demonstrated modern teaching techniques to some 1,700 Indian teachers.

In Israel, work was completed on the modernization of Lod International Airport, near Tel Aviv, which is used by a dozen international airlines. A local currency loan made earlier by the United States financed the installation of American-made navigation, communications, and radar equipment to improve efficiency and safety at the airport.

In Afghanistan, a U.S. firm of industrial consultants under AID contract is investigating the development possibilities of a variety of local private industries which could produce goods for export or to replace imports, thus strengthening that country's balance-of-payments position.

In Iran, a project conducted by the Iranian Army with the assistance of the U.S. AID Mission and the U.S. Military Assistance Advisory Group, provides training for soldiers in nine vocational fields.

In Taiwan, the Shihmen multipurpose dam was completed in June 1964 with AID assistance. The project includes a 436-foot dam, a 256,000-acre-foot reservoir, two 45,000-kilowatt generators, a new irrigation canal system, and a public water supply system. Besides providing the new power source, the dam project will irrigate about 145,000 acres of double-crop paddy fields and reduce flood damage in the Taipei area.

In Korea, 30 new diesel electric locomotives financed by a U.S. loan are now in operation. Because of greater efficiency and load capacity, they are expected to save more than $1 million a year in foreign exchange expenditures for fuel.

In the Philippines, a new coconut processing system which could revolutionize this food industry was developed in a research project directed by the Armour Research Institute, working with the National Science Foundation under an AID contract.

In Nigeria, AID-sponsored projects at the University of Nigeria and at the Aijetoro and Port Harcourt comprehensive schools are revolutionizing secondary and higher education, adapting it more closely to that country's development needs.

Slowly, but I believe steadily, all these efforts are leading nations to greater economic prosperity and social stability. Countries such as Greece, Taiwan, and Israel, long recipients of our economic support and encouragement, are emerging to a stage of progress where they no longer need our economic assistance. Other nations, poised at the crossroads of political decisions, are watching. We must not—and we will not—falter in building this bridge to a more peaceful future.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 3, 1965*.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER DISPENSING WITH CALL OF THE LEGISLATIVE CALENDAR UNDER RULE VIII

On request by Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar under rule VIII was dispensed with.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which referred as indicated:

Report on Military Construction Contract Awarded Without Formal Advertising

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on one Air Force military construction contract awarded without formal advertising, for the 6-month period ended December 31, 1964 (with an accompanying report); to the Committee on Armed Services.

Report on Federal Contributions Program—"Equipment and Facilities"

A letter from the Acting Director of Civil Defense, Department of the Army, transmitting, pursuant law, a report on the Federal contributions program—"Equipment and facilities," for the quarter ended March 31, 1965 (with an accompanying report); to the Committee on Armed Services.

Amendment of International Claims Settlement Act of 1949

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting a draft of proposed legislation to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred for modernization of combat tanks, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on followup examination on certain aspects of U.S. assistance to the Central Treaty Organization for a rail link between Turkey and Iran, Agency for International Development, Department of State, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs charged to the Government by Flexonics Division, Calumet and Hecla, Inc., Bartlett, Ill., George C. Marshall Space Flight Center, National Aeronautics and Space Administration, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improper cost allocation practice resulting in selling stamped envelopes at substantial loss, Post Office Department, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Federal participation in unnecessary project costs resulting from failure to properly recognize effect of intercorporate ownership, Area Redevelopment Administration, Department of Commerce, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on significant savings available by replacing sedan delivery vehicles with pickup trucks, Soil Conservation Service, Department of Agriculture, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred as a result of preferential treatment of Federal retirees in connection with payments of unemployment compensation, Bureau of Employment Security, Department of Labor, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings through procurement of office furniture from General Services Administration sources by Lockheed Missiles & Space Co., Sunnyvale, Calif., Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on loss from sale of project land by the St. Louis Housing Authority, Public Housing Administration, Housing and Home Finance Agency, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on questionable aspects of budget-support loans made to the Government of Ecuador, Agency for International Development, Department of State, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

Receipt of Project Proposals Under Small Reclamation Projects Act of 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of a project proposal under the Small Reclamation Projects Act of 1956, from the Hooper Irrigation Co., in Weber and Davis Counties, Utah; to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of a project proposal under the Small Reclamation Projects Act of 1956, from the Kays Creek Irrigation Co., of Layton, Utah (with accompanying papers); to the Committee on Interior and Insular Affairs.

Adjustment of Immigration Status of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered in the case of certain aliens, relating to adjustment of their immigration status (with accompanying papers); to the Committee on the Judiciary.

Reports Relating to Visa Petitions According First Preference Classification to Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions according the beneficiaries of such petitions first preference classification (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Aliens—Withdrawal of Name

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Danilo P. Quiason from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on September 1, 1964 (with an accompanying paper); to the Committee on the Judiciary.

Disposition of Executive Papers

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. MONRONEY and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Nevada; to the Committee on Banking and Currency:

"ASSEMBLY JOINT RESOLUTION 24

"Joint resolution requesting the Director of the Mint to begin minting silver dollars and memorializing the Congress and the Nevada congressional delegation to take action to insure the minting of silver dollars

"Whereas Public Law 392 of the 88th Congress appropriating funds for the minting of coins for the fiscal year 1965 was approved August 1, 1964; and

"Whereas $600,000 of the amount appropriated was to be used for the minting of 45 million silver dollars; and

"Whereas the U.S. Senate Committee on Appropriations recommended the appropriation of the funds for the minting of silver dollars after lengthy and penetrating hearings; and

"Whereas the committee cited the facts, among others, that silver dollars had been in use for many years and had been the medium of exchange in several States, that the silver dollar supply of the treasury had been exhausted and the treasury is now using envelopes of silver crystals to redeem silver certificates, that silver dollars are in fact more economical than currency because they last longer, and that Treasury Department officials have assured the committee that the mints could produce all of the lesser coins and 45 million silver dollars during the fiscal year; and

"Whereas the end of the fiscal year is rapidly approaching and no new silver dollars have yet appeared in circulation; and

"Whereas the prompt minting and release into circulation of new silver dollars would restore the confidence of the people of the United States and the world in the money and credit of the United States and would encourage those people now hoarding coins of all denominations to release them into circulation; and

"Whereas the members of the 53d session of the Legislature of the State of Nevada realize that there is a shortage of smaller coins and that the mints are trying first of all to meet the demand for such smaller coins; and

"Whereas recent reports, showing that the Federal Reserve banks now have a supply of smaller coins which greatly exceeds that of 1 year ago, indicate that the supply of small coins is adequate and that the mint can now turn its efforts to the minting of silver dollars: Now, therefore, be it

"Resolved by the Assembly and the Senate of the State of Nevada (jointly) That the Director of the Mint is respectfully requested to initiate the minting and distribution of silver dollars; and be it further

"Resolved, That the Congress of the United States, and particularly the members of the Nevada congressional delegation, are respectfully memorialized to take appropriate action to insure that the minting of silver dollars, as was contemplated by the passage of Public Law 88-392, is promptly undertaken; and be it further

"Resolved, That certified copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States, the Speaker of the House of Representatives, each member of the Nevada congressional delegation and the Director of the U.S. Mint.

"Passed by the Senate March 9, 1965.

"LEOLA H. ARMSTRONG,
"President of the Senate.
"PAUL LASALT,
"Secretary of the Senate.

"Passed by the assembly March 3, 1965.

"WM. D. SMIDHAMER,
"Speaker of the Assembly.
"NATHAN T. HURST,
"Chief Clerk of the Assembly.
"GRANT SAWYER,
"Governor of the State of Nevada."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Labor and Public Welfare:

"RESOLUTION 170

"Concurrent resolution of the Senate and Assembly of the State of New York memorializing the Congress of the United States to enact into law H.R. 424 which grants the physically handicapped certain deductions and an additional exemption on their Federal income payments

"Whereas there is an ever-increasing need to alleviate the problems encountered by the physically handicapped individual in the United States; and

"Whereas there are large numbers of physically handicapped persons willing and able to contribute to the Nation's growing economy by engaging in useful occupations; and

"Whereas such physically handicapped persons must expend a substantial portion of their earnings for a multitude of everyday living expenses not encountered by the rest of this Nation's population and, in particular, extraordinary expenses for transportation to get to and from the locale of their employment; and

"Whereas there are a substantial portion of such physically handicapped persons who are kept from engaging in productive endeavors because of these extraordinary transportation, and other expenses; and

"Whereas there is presently pending before the Congress of the United States H.R. 424, which would grant to the physically handicapped person a deduction of up to $600 for transportation and/or an additional exemption on their Federal income tax payments: Now, therefore, be it

"Resolved (if the Senate concur), That the Congress of the United States be and it is respectfully memorialized to enact with all convenient speed H.R. 424 so that the physically handicapped persons of this Nation may be able to earn a livelihood and make their contributions to the economic growth of the United States; and be it further

"Resolved (if the Senate concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives, and one copy to each Member of the Congress from the State of New York.

"By order of the assembly,

"JOHN T. MCKENNAN,
"Clerk.

"Concurred in, without amendment, by order of the senate, April 14, 1965.

"GEORGE H. VAN LENGEN,
"Secretary."

A joint resolution of the Legislature of the State of Delaware; to the Committee on Appropriations:

"HOUSE JOINT RESOLUTION 5

"Joint resolution relating to support of the agricultural conservation program and the Soil Conservation Service

"Whereas the preservation of the soils, water, forests, and wildlife of this Nation, and in particular the topsoil, is necessary; and

"Whereas we believe the preservation of these resources is a responsibility of all people; and

"Whereas farmers and landowners through conservation practices have made Delaware a far more beautiful State for both rural and urban people to enjoy; and

"Whereas the agricultural conservation program and the technical assistance provided the landowners of Delaware by the Soil Conservation Service are a vital link in the overall natural resource conservation movement through the State; and

"Whereas for the past 30 years the U.S. Department of Agriculture, through the agricultural conservation program and the Soil Conservation Service, has done much to maintain and improve these resources, and make landowners and society in general more conscious of the need for such preservation; and

"Whereas during this period Delaware farmers and landowners have put to good use the many conservation practices of the agricultural conservation program; and

"Whereas through the medium of agricultural conservation program farmer-elected committeemen and soil conservation district supervisors throughout the State, farm leadership has been developed to a most helpful degree; and

"Whereas we believe that farmers, particularly through this defense period, should not be forced to exploit their soils in the production of the additional food and fiber needed; and

"Whereas we firmly believe that such would become a necessity should funds to operate the agricultural conservation program and the Soil Conservation Service be curtailed: Now, therefore, be it

"Resolved by the 123d General Assembly of the State of Delaware, That the Congress of the United States be respectfully urged to give the necessary and adequate support to the continuance of the agricultural conservation program and the Soil Conservation Service; and be it further

"*Resolved,* That Delaware Senators JOHN J. WILLIAMS and J. CALEB BOGGS, and the State Representative in Congress, HARRIS B. MCDOWELL, be asked to give their wholehearted support to the agricultural conservation program, and to vote to continue the annual national appropriation of $250 million for the agricultural conservation program, and to restore the recommended cut of $20 million in Soil Conservation Service funds; and be it further

"*Resolved,* That an adequate amount be set aside from such appropriation to make it possible to administer the program through the present system of farmer-elected committeemen; and be it further

"*Resolved,* That the Secretary of State be directed to transmit duly attested copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the chairmen of the Senate and House Committees on Agriculture, to the chairmen of the Senate and House Committees on Appropriations, to the Secretary of Agriculture, and to the Delware congressional delegation.

"Approved April 22, 1965."

Two concurrent resolutions of the Legislature of the State of Hawaii; to the Committee on Armed Services:

"CONCURRENT RESOLUTION —

"Whereas the Kilauea Military Camp is located on the island of Hawaii, State of Hawaii, and is operated jointly by the Army, Navy, and Air Force; and

"Whereas the Kilauea Military Camp fully utilizes the unique natural wonders of the campsite, being situated close to vast areas of historic lava flows, unique formations of cinder cones and ashes and an active but safe volcano; and

"Whereas, the fresh, cool climate and serene atmosphere are conducive to relaxation and rehabilitation for all military personnel together with their dependents; and

"Whereas increased military activity in the Pacific area mandates efficient rehabilitation and rest centers to provide combat weary troops with needed rest and leisure time activities to improve their physical well-being and their mental attitudes in these times of mounting tension; and

"Whereas the Kilauea Military Camp is the only recreational facility which is available outside the island of Oahu in the State of Hawaii and also serves the troops engaged in large-scale field training at Camp Pohakuloa on the island of Hawaii: Now, therefore, be it

"*Resolved by the House of Representatives of the Third Legislature of the State of Hawaii, General Session of 1965 (the Senate concurring),* That the Congress of the United States be and it is hereby respectfully requested to continue the operation of the Kilauea Military Camp on the island of Hawaii as a rest and recreation facility for all service personnel and their dependents; and be it further

"*Resolved,* That duly certified copies of this concurrent resolution be transmitted to the Honorable HUBERT H. HUMPHREY, President of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; and to Hawaii's delegation to Congress, the Honorable DANIEL K. INOUYE, HIRAM L. FONG, SPARK M. MATSUNAGA and PATSY T. MINK."

"SENATE CONCURRENT RESOLUTION 55

"Whereas President Johnson stated in a speech at the Industrial College of the Armed Forces on August 21, 1964 that, "I want our uniformed citizens to be first-class citizens in every respect * * * and I want their wives and their children to know only first-class lives;" and

"Whereas the advanced technology used in modern warfare requires the most highly trained professionals to operate and maintain our vital weapons system, and to provide and maintain a strong military posture for our country in the present critical world situation; and

"Whereas there has been a steady erosion of fringe benefits for the military in such areas as dental care, post exchanges, and commissaries; and

"Whereas inadequate compensation for members of the Armed Forces will have a tendency to discourage the more qualified and professionally competent officers and noncommissioned officers from continuing their military tenure in favor of more lucrative civilian pursuits; and

"Whereas the pay of the Armed Forces has fallen behind the pace of the pay of civilians in the Government service; and

"Whereas the House Armed Services Committee recently recommended favorable action on a pay bill for the Armed Forces which will bring about a measure of comparability with the pay of civilians in the Government service: Now, therefore, be it

"*Resolved by the Senate of the Third Legislature of the State of Hawaii, General Session of 1965 (the House of Representatives concurring),* That said third legislature urges and strongly supports increased pay for personnel of the Armed Forces as recommended by the Armed Services Committee of the House of Representatives of the United States of America; and be it further

"*Resolved,* That certified copies of this concurrent resolution be transmitted to the President of the United States; to the Honorable HUBERT H. HUMPHREY, President of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; the Honorable HIRAM L. FONG, U.S. Senator; the Honorable DANIEL K. INOUYE, U.S. Senator; the Honorable SPARK M. MATSUNAGA, U.S. Congressman, and the Honorable PATSY T. MINK, U.S. Congresswoman.

"The Senate of the State of Hawaii, Honolulu, Hawaii, April 6, 1965:

"We hereby certify that the foregoing concurrent resolution was adopted by the Senate of the Third Legislature of the State of Hawaii, general session of 1965.

"KAZUHISA ABE,
"*President of the Senate.*
"SEICHI HIRAI,
"*Clerk of the Senate.*

"The House of Representatives of the State of Hawaii, Honolulu, Hawaii, April 24, 1965:

"We hereby certify that the foregoing concurrent resolution was adopted by the House of Representatives of the Third Legislature of the State of Hawaii, general session of 1965.

"ELMER F. CRAVALHO,
"*Speaker, House of Representatives.*
"SHIGETA KANEMOTO,
"*Clerk, House of Representatives.*"

A resolution of the Senate of the State of California; to the Committee on Public Works:

"SENATE RESOLUTION RELATIVE TO THE NEW MELONES DAM

"Whereas it has long been apparent that there is an urgent need for the construction of a major dam on the Stanislaus River for the purpose of conserving water and providing much needed flood control protection to the landowners and residents of Stanislaus and San Joaquin Counties; and

"Whereas 35,000 acres of fine agricultural land is subject to flooding by the Stanislaus River; and

"Whereas, recognizing the need for such project, the U.S. Congress authorized the construction of New Melones Dam in 1944 as part of the Federal Flood Control Act of that year, and thereafter enlarged and reauthorized the construction of such project by Public Law 87–874 on October 23, 1962; and

"Whereas, following the reauthorization of the project and in recognition of its great importance, the Congress in 1963 and again in 1964 appropriated funds to finance the advance planning and preconstruction design of the New Melones project; and

"Whereas, once again, during the 1964 Christmas season, the Stanislaus River flooded and inflicted severe damage on portions of Stanislaus and San Joaquin Counties; and

"Whereas the completed New Melones project could have easily stored all of the flood waters of the Stanislaus River and avoided the extensive property damage which occurred as a result of that flood; and

"Whereas it appears to the legislature that the earliest possible completion of the New Melones project is of utmost importance: Now, therefore, be it

"*Resolved by the Senate of the State of California,* That the Senate respectfully memorializes the Congress of the United States to do all in its power to expedite the completion of the New Melones project; and be it further

"*Resolved,* That the Senate urges the U.S. Army Corps of Engineers to expedite the final design of this project so that actual construction can commence and be completed as soon as possible; and be it further

"*Resolved,* That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from the State of California in the Congress of the United States, and to the Chief of the Army Corps of Engineers.

"Above Senate Resolution 158 unanimously adopted on April 27, 1965.

"J. A. BEEK,
"*Secretary of the Senate.*"

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION 13 BY STATE OF NEVADA REQUESTING THE CONGRESS OF THE UNITED STATES TO ADOPT, AND MEMORIALIZING THE NEVADA CONGRESSIONAL DELEGATION TO SECURE PASSAGE OF, LEGISLATION TO ESTABLISH A GREAT BASIN NATIONAL PARK IN EASTERN NEVADA

"Whereas Nevada is the only one of the 13 Western States without a national park or portion of one within its boundaries; and

"Whereas the policy of the National Park Service of the U.S. Department of the Interior is to set aside and preserve for all time sites of unique natural and historical importance; and

"Whereas no area is presently established as a national park to protect or preserve a portion of the Great Basin of the United States; and

"Whereas the Great Basin of interior drainage is unique in the United States and is America's largest example of such a phenomenon; and

"Whereas the particular portion of the Great Basin envisioned as a national park contains groves of bristlecone pine trees (Pinus aristata), identified in 1957 as the oldest living things in the world, exceeding even the giant sequoia and redwood trees in age; and

"Whereas the associated types of flora and fauna found in the Great Basin area under consideration for a national park are not found anywhere else in the Nation; and

"Whereas the area also contains the Lehman Caves National Monument, an example of cave formation famed for its delicate and colorful natural decoration, all of which adds to the diversity of interest which would be available; and

"Whereas the need for additional outdoor recreational facilities and areas in which the people of this Nation may relax and enjoy natural scenery and surroundings has become more and more apparent; and

"Whereas the economy of eastern Nevada would be greatly stimulated by the volume of visitors to such an unusual national park: Now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of Nevada (jointly)*, That the Congress of the United States is respectfully requested to adopt suitable implementing legislation establishing a Great Basin National Park in eastern Nevada and that each member of Nevada's congressional delegation is hereby memorialized to use his best efforts to secure passage of such legislation; and be it further

"*Resolved*, That certified copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States, the Speaker of the House of Representatives, and each member of the Nevada congressional delegation.

"Passed by the assembly March 17, 1965.

"Passed by the senate March 11, 1965.

"WM. D. SMIDHAMER,
"*Speaker of the Assembly.*
"NATHAN T. HURST,
"*Chief Clerk of the Assembly.*
"PAUL LASALT,
"*President of the Senate.*
"LEOLA H. ARMSTRONG,
"*Secretary of the Senate.*
"GRANT SAWYER,
"*Governor of the State of Nevada.*"

A joint resolution of the Legislature of the State of Washington; to the Committee on the Judiciary:

"STATE OF WASHINGTON SENATE JOINT MEMORIAL NO. 4

"*To the Honorable Lyndon B. Johnson, President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to the Senate and the House of Representatives of the United States, in Congress assembled:*

"We, your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

"Whereas the fire service is a department of government that is called upon at any time of day or night to render emergency assistance to unfortunate citizens who may be faced with disaster from the ravages of fire; and

"Whereas too often the firefighters who risk their lives to save the life or property of another receive little or no public acknowledgment of the value for the service they render; and

"Whereas in 1964, the State of Washington did, by proclamation of the Governor, make an effort to provide such public acknowledgment and appreciation of the service rendered by its firefighters in setting aside May 4 as a day of recognition; and

"Whereas such day was looked upon with favor by both the public and the many fire departments in the State with the result that much attention was called to the dangers of fire and to the fire prevention aids that can reduce the incidence and severity of fires; and

"Whereas reduction in loss of life and property from fire is the goal toward which all good citizens and firefighters are continually working to accomplish; and any project which aids them to reach their goal is a worthwhile public service; and

"Whereas the State of Washington wishes to share with its sister States an idea which it believes can be for the benefit of all the people of the United States;

"Now, therefore your memorialists respectfully petition the Congress of the United States to enact the necessary legislation to establish May 4 of each year as a "Day of Recognition" for firefighters in the United States of America; and be it

"*Resolved*, That copies of this memorial be transmitted to the Honorable Lyndon B. Johnson, President of the United States, the President of the U.S. Senate, the Speaker of the House of Representatives, and to each Member of Congress from the State of Washington.

"Passed the senate April 21, 1965.

"JOHN A. CHERBERG,
"*President of the Senate.*

"Passed the house April 22, 1965.

"——— ———,
"*Speaker of the House.*
"A. LUDLOW KRAMER,
"*Secretary of State.*"

A resolution of the House of Representatives of the Commonwealth of Massachusetts, relating to the application of Northeast Airlines for a permanent certificate to run commercial flights between Boston and Florida; to the Committee on Commerce.

(See the above resolution printed in full when presented by Mr. SALTONSTALL (for himself and Mr. KENNEDY of Massachusetts) on Apr. 30, 1965, p. 9019, CONGRESSIONAL RECORD.)

A letter in the nature of a memorial from the Central Louisiana Electric Co., Inc., signed by F. H. Coughlin, president, the Gulf States Utilities Co., signed by J. J. Morrison, chairman of the board, and the Louisiana Power & Light Co., signed by G. C. Rawls, president, remonstrating against a loan by the Rural Electrification Administration to the Louisiana Electric Cooperative, Inc., of New Roads, La., for the financing of certain generation and transmission facilities; to the Committee on Appropriations.

A resolution adopted by the Legion of Estonian Liberation, Inc., New York, N.Y., expressing support for the President's action relating to Vietnam; to the Committee on Foreign Relations.

RESOLUTION OF WASHINGTON STATE SENATE

Mr. MAGNUSON. Mr. President, I present a resolution of the Senate of the State of Washington, which I ask unanimous consent to have printed in the RECORD and appropriately referred.

This resolution requests the Congress to devise and approve legislation for the extension of the Alaska Marine Highway as a part of the U.S. Interstate Highway System to a southern terminus connecting with U.S. Interstate Highway No. 5, in the State of Washington.

I believe that many benefits would be realized to the Western United States and Alaska if the Marine Highway System were linked with the present U.S. Interstate Highway System.

There being no objection, the resolution was referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 1965–EX 7

Whereas there exist broad, valid reasons for an extension of the Alaska Marine Highway as a part of the U.S. Interstate Highway System to a southern terminus connecting with U.S. Interstate Highway No. 5, in the State of Washington among which are the following:

An Alaska Marine Highway System gateway oriented toward the Western United States is required if Alaska is to realize maximum benefits from that system.

Such a gateway would create significant economic gains for the entire northern area of British Columbia, as well as the States of Alaska and Washington.

As the present Marine Highway System grows in popularity and usage, there will be created a demand for its services by travelers and shippers located farther away from Prince Rupert, resulting in an inevitable linking with the present U.S. Interstate Highway System.

The extension of the Marine Highway System to a southern terminus is economically sound from every standpoint.

The Alaska Marine Highway System is considered by the Alaska International Rail and Highway Commission and recognized by the Battelle Institute as a vital part of a coordinated highway system to encourage the development of tourism in the Northwest part of North America. The Commission recognizes the establishment of a marine highway as the most efficient and least expensive way to provide transportation for people and things to and from the coastal cities, whether or not the coordinated highway system is constructed; and

Whereas the State of Washington is actively engaged in a program of industrial development, and few industries offer greater opportunities for expansion and benefit to our economy than tourism; and

Whereas studies have revealed that many advantages would accompany an extension of the Marine Highway System, accruing not only to Alaska and Washington but also to the Province of British Columbia, Canada, and the other Western States through which Alaska-bound tourists and freight would flow: Now, therefore, be it

Resolved, By the senate, that the Congress of the United States is hereby respectfully requested to devise and approve legislation for the extension of the Alaska Marine Highway as a part of the U.S. Interstate Highway System to a southern terminus connecting with U.S. Interstate Highway No. 5, in the State of Washington; and be it further

Resolved, That copies of this resolution be transmitted by the secretary of the senate to the President of the United States, the Senators and Representatives of the State of Washington in the Congress of the United States, the Vice President, the Speaker of the House of Representatives, the chairman of the Public Works Committee of the House of Representatives and the U.S. Senate, the Secretary of the Department of Commerce, and the Chairman of the Alaska Rail and Highway Commission.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON:

S. 1870. A bill to amend title 17 of the United States Code, "Copyrights," to bar actions for infringement of copyright in certain instances, and for other purposes; and

S. 1871. A bill for the relief of Dr. Badie Ibraham Naddih; to the Committee on the Judiciary.

By Mr. MORSE:

S. 1872. A bill to amend the act entitled "An act for the retirement of public school teachers in the District of Columbia," approved August 7, 1946; to the Committee on the District of Columbia.

By Mr. TALMADGE:

S. 1873. A bill for the relief of Mrs. Clara W. Dollar; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 1874. A bill to amend the Internal Revenue Code of 1954 to make the interest equalization tax inapplicable to acquisitions before September 3, 1964, and to exclude from the application of such tax acquisitions of foreign stock acquired with funds held outside the United States on July 18, 1963; to the Committee on Finance.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 1875. A bill to repeal and amend certain statutes fixing or prohibiting the collection of fees for certain services under the navigation laws; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. BAYH:

S. 1876. A bill for the relief of the town of Bremen, Ind.; to the Committee on the Judiciary.

By Mr. CASE (for himself, Mrs. Neuberger, Mr. Clark, and Mr. Hart);

S. 1877. A bill to promote public confidence in the integrity of Congress and the executive branch; to the Committee on Rules and Administration.

(See the remarks of Mr. Case when he introduced the above bill, which appear under a separate heading.)

By Mr. BREWSTER:

S. 1878. A bill for the relief of Elias Lambrinos; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 1879. A bill to recodify, with certain amendments thereto, chapter 19 of title 5 of the United States Code, entitled "Administrative Procedure"; to the Committee on the Judiciary.

(See the remarks of Mr. Ervin when he introduced the above bill, which appear under a separate heading.)

By Mr. McGEE (for himself and Mr. Simpson):

S. 1880. A bill for the relief of Mule Creek Oil Co., Inc., a Delaware corporation; to the Committee on Interior and Insular Affairs.

RESOLUTIONS

ADDITIONAL FUNDS FOR COMMITTEE ON THE DISTRICT OF COLUMBIA FOR STUDY OF CRIME IN THE DISTRICT

Mr. MORSE, for himself and Mr. Kennedy of New York, submitted a resolution (S. Res. 104) to provide additional funds for the Committee on the District of Columbia for a study of crime in the District, which was referred to the Committee on the District of Columbia.

(See the above resolution printed in full when submitted by Mr. Morse, which appears under a separate heading.)

PRINTING OF ADDITIONAL COPIES OF PART 1 OF HEARINGS ON ATOMIC ENERGY COMMISSION AUTHORIZING LEGISLATION, FISCAL YEAR 1966

Mr. PASTORE submitted a resolution (S. Res. 105) authorizing the printing of additional copies of part 1 of the hearings on Atomic Energy Commission authorizing legislation, fiscal year 1966, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Pastore, which appears under a separate heading.)

INAPPLICABILITY OF CERTAIN STOCK ACQUISITIONS TO INTEREST EQUALIZATION TAX

Mr. MAGNUSON. Mr. President, on September 3, 1964, the Congress passed the interest equalization tax bill which was recommended by the late President Kennedy on July 13, 1963. When this proposal passed it was made retroactive to the date the President recommended the bill for the reason that it was believed necessary, in the interest of our critical balance-of-payments situation, to discourage the flow of American capital into foreign investments while the bill was being considered by the Congress.

Unfortunately, during this period between July 13, 1963, and September 1964, a constituent of mine in Washington State invested abroad. It is his belief that there should not have been any retroactive feature, and he believes that in all equity he should be relieved of the burden of paying a tax that was not in effect at the time the investment was made.

In addition, this constituent also had funds invested in a foreign country and transferred this investment from one foreign asset to another. The interest equalization tax was made to apply to this transaction. He is of the belief that these funds, having already left the country, would no longer have an impact on the balance of payments and should, therefore, not be taxable under the interest equalization tax proposal.

The bill I introduce today on his behalf would correct these two situations. I am hopeful that the Senate Finance Committee will be able to look into this in the near future.

The PRESIDING OFFICER (Mr. Russell of South Carolina in the chair). The bill will be received and appropriately referred.

The bill (S. 1874) to amend the Internal Revenue Code of 1954 to make the interest equalization tax inapplicable to acquisitions before September 3, 1964, and to exclude from the application of such tax acquisitions of foreign stock acquired with funds held outside the United States on July 18, 1963, introduced by Mr. Magnuson, was received, read twice by its title, and referred to the Committee on Finance.

REPEAL OF, AND AMENDMENTS TO, CERTAIN STATUTES RELATING TO THE COLLECTION OF FEES FOR CERTAIN SERVICES UNDER THE NAVIGATION LAWS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to repeal and amend certain statutes fixing or prohibiting the collection of fees for certain services under the navigation laws. I ask unanimous consent that the letter from the Secretary of the Treasury requesting the proposed legislation, and the enclosures therein, be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and enclosures will be printed in the Record.

The bill (S. 1875) to repeal and amend certain statutes fixing or prohibiting the collection of fees for certain services under the navigation laws, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and enclosures presented by Mr. Magnuson are as follows:

The Secretary of the Treasury,
Washington, March 26, 1965.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a proposed bill, to repeal and amend certain statutes fixing or prohibiting the collection of fees for certain services under the navigation laws.

The proposed legislation would repeal certain statutes prohibiting the charging or collection of fees for certain services rendered to vessel owners by the Bureau of Customs. It would further repeal fees presently fixed by statute for other services rendered by the Bureau of Customs to vessel interests and thus permit the Secretary of the Treasury, under general authority, to fix fees to be collected upon the rendering of any of these services.

The services for which a fee may or may not now be charged are more specifically set forth in a memorandum accompanying this letter.

Identical legislation was submitted by the Department to the 88th Congress and introduced as S. 2365.

It will be appreciated if you will lay the draft bill transmitted herewith before the Senate.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the draft bill.

The Department has been advised by the Bureau of the Budget that the enactment of the proposed bill would be consistent with the administration's objectives.

Sincerely yours,

Douglas Dillon.

Analysis

The proposed legislation would repeal the statutory provisions against the charging and collection of fees by collectors or other officers of customs for any of the following services:

"Measurement of tonnage and certifying same; issuance of a license or granting of a certificate of registry, record, or enrollment; endorsement of change of master; certifying and receiving manifest, including master's oath and permit; granting permit to vessels licensed for the fisheries to touch and trade; payment of entry and clearance fees for vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers; payment of clearance fees for vessels making daily trips between any port in the United States and any port in the Dominion of Canada wholly upon interior waters; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation, or conveyance, or the discharge of mortgage or hypothecation; furnishing certificate of title; furnishing a crew list; certificate of protection to seamen; bill of health."

In addition it would abolish certain fees which are prescribed by statute for entry and clearance of vessels, post entry, granting permits to proceed, receiving manifest, change of name of vessel, recording bills of sale, mortgages, hypothecations or other instruments, issuing certificates of ownership and issuing abstracts of title.

The repeal or amendment of these statutes is necessary in order that the Secretary of the Treasury may in his discretion set fees under the provisions of section 501 of the Act of August 31, 1951 (5 U.S.C. 140).

It is contemplated that, in those regulations, fees will be established for, but not necessarily limited to, admeasurement of vessels, registry of vessels, issuance of enrollments, and licenses, or licenses, renewals of licenses, issuance of special certificates to vessels, authorization for changes of names of vessels, furnishing and recording abstracts of title of vessels, recording of evidence of title to, and encumbrances upon, vessels and the discharge of the latter, entry and clearance of vessels, furnishing certificates of ownership of vessels, furnishing copies of documents, records, or other papers filed in offices of collectors of customs or in the Bureau of Customs, and certifying such copies. There is attached a schedule of proposed fees to be charged for each of the above services. The fees contained in the proposed schedule are based upon the amount of time the average service consumes plus an allowance for overhead cost, and are subject to change to meet changes in the cost of supplying the services.

It is also contemplated that, in addition to any fees which may be established in those regulations, there will also be prescribed therein charges for services performed by customs officers at places other than their official stations, as, for example, admeasuring or readmeasuring vessels at such places, entering or clearing vessels at points which are not ports of entry, furnishing customs supervision over vessels at such points, and the like. It is anticipated that any such charge will reimburse the Government for the compensation of the customs officer concerned while absent from his official station as well as any other expense incurred by the Government in connection with the service rendered.

Certain obsolete portions of section 4382 of the Revised Statutes, as amended (U.S.C., 1958 edition, title 46, section 330), section 4383 of the Revised Statutes (U.S.C., 1958 edition, title 46, section 333), and the act of June 19, 1886 (U.S.C., 1958 edition, title 46, sec. 331), have been included in the comparative type although it is probable that they have been repealed by implication or at least superseded. They are the 16th, 18th, 24th, and 25th items of Revised Statute 4382; the reference to naval officer in Revised Statute 4383; and the last sentence of the act of June 19, 1886.

Proposed fees and estimated revenues from documentation and marine fees

Service	Number of transactions, fiscal year 1964	Present fee	Estimated time, hours	Proposed fee	Estimated revenue
1. Documentation, redocumentation, etc	[1] 14,984	None	1¼	$8	$119,872
2. Change of trade, original document lost	[1] 4,000	do	¾	5	20,000
3. Renewal of license	[1] 32,324	do	½	3	96,972
4. Change of master	[1] 22,000	do	⅓	2	44,000
5. Recording	16,503				
(a) Bill of sale	[1] 13,000	20 cents a folio		3	39,000
(b) Mortgages	[1] 1,703	Estimated to be 50 cents a page.		4	6,812
(c) Preferred mortgages	[1] 1,800			6	10,800
6. Certificate of ownership, abstract of title	7,311	$1	1	6	43,866
7. Abstracts of title, additional pages	[1] 3,000	20 cents per folio	¾	5	15,000
8. Change of name of vessel	1,515	$10 to $100	(2)	10-100	20,000
9. (a) Entry of vessel	48,651			6	291,906
(b) Clearance of vessel	47,386			6	284,316
(c) Issuing permit to proceed	40,091			6	240,546
(d) Receiving permit to proceed	40,172	10 cents to $2.50	1	5	241,032
10. Preliminary entry of vessel	45,651	None	1	6	283,906
11. Cruising licenses	[1] 600	do	1	6	3,600
12. Certificate of record	1,000	do	1	6	6,000
13. Certificate of protection	500	do	½	3	1,500
14. Permit to touch and trade	(3)	do	½	3	
Total					1,969,128+

PROPOSED ADMEASUREMENT FEES AND ESTIMATED REVENUES

Service	Present fee	Estimated time, hours	Proposed fee	Estimated revenue
1. Admeasurement of vessels	Travel and per diem in certain instances.		[4] $6.25	$290,000

[1] Estimated.

[2] Present statutory fee.

[3] No figures available.

[4] Per hour plus cost of transportation and per diem where applicable. Travel and per diem, $44,000.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY PROPOSED BILL

Changes in existing law made by the proposed bill are shown as follows (existing law proposed to be omitted is enclosed in brackets; new matter in italics):

Section 2654 of the Revised Statutes, as amended (U.S.C., 1958 edition, title 19, section 58).

[There shall be allowed and paid for the use of the collectors the following fees:

[First. To each collector for every entrance of any vessel of one hundred tons burden and upward, two dollars and a half.

[Second. For every clearance of any vessel of one hundred tons burden and upward, two dollars and a half.

[Third. For every entrance of any vessel under the burden of one hundred tons, one dollar and a half.

[Fourth. For every clearance of any vessel under one hundred tons burden, one dollar and a half.

[Fifth. For every post entry, two dollars.

[Sixth. For every permit to land goods, twenty cents.

[Seventh. For every bond taken officially, forty cents.

[Eighth. For every permit to load goods for exportation, which are entitled to drawback, thirty cents.

[Ninth. For every debenture or other official certificate, twenty cents.

[Tenth. For every bill of health, twenty cents.

[Eleventh. For every official document, registers excepted, required by any merchant, owner, or master of any vessel not elsewhere enumerated, twenty cents.]

Section 2792 of the Revised Statutes, as amended (U.S.C., 1958 edition, title 19, section 289, title 46, sections 110, 112 and 124).

[Vessels used exclusively as ferryboats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present mainifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officers of the customs according to law.]

Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from [entrance and clearance fees and] tonnage tax while such service triweekly or oftener is maintained.

Section 2793 of the Revised Statutes, as amended (U.S.C., 1958 edition, title 19, section 288, title 46, sections 111 and 123).

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of [entry and clearance fees, or] tonnage tax [, as if from or to foreign ports]; but such vessels shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the [Secretary of Commerce] *Secretary of the Treasury* may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any business save that of taking on bunker fuel.

Section 4221 of the Revised Statutes (U.S.C., 1958 edition, title 46, sections 113 and 125).

In cases of vessels making regular daily trips betwen any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage [or clearance] fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

Section 4381 of the Revised Statutes, as amended (U.S.C., 1958 edition, title 46, section 329).

[The following fees shall be levied and collected from the owners and masters of all vessels except those navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea:

[First ---------- ----
[Second ---------- ----
[Third ---------- ----
[Fourth ---------- ----
[Fifth ---------- ----
[Sixth ---------- ----
[Seventh ---------- ----
[Eighth ---------- ----
[Ninth ---------- ----

[Tenth. For granting a permit for a vessel not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two dollars.

[Eleventh. For receiving a manifest, and granting a permit, to unload, for such last-mentioned vessel, on her arrival in one district from another district, two dollars.

[Twelfth ---------- ----]

Section 4382 of the Revised Statutes, as amended (U.S.C., 1958 edition, title 45, section 330).

[The following fees shall be levied and collected from the owners and masters of vessels navigating the waters of the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea:

[First ---------- ----
[Second ---------- ----
[Third ---------- ----
[Fourth ---------- ----
[Fifth ---------- ----

[Sixth. For certifying manifest, including master's oath and granting permit for vessel to go from district to district, ten cents.

[Seventh-------------------------- ----

[Eighth. For receiving manifest, including master's oath, on arrival of a vessel from one collection district to another, whether touching at foreign intermediate ports or not, ten cents.

[Ninth---------------------------- ----
[Tenth---------------------------- ----
[Eleventh------------------------- ----
[Twelfth-------------------------- ----
[Thirteenth----------------------- ----

[Fourteenth. Vessels departing to or arriving from a port in one district to or from a port in an adjoining district, and touching at intermediate foreign ports, are exempted from the payment of the entry fees.

[Fifteenth. For a port (sic., POST) entry of such vessel, two dollars.

[Sixteenth. For permit to land or deliver goods, twenty cents.

[Seventeenth---------------------- ----

[Eighteenth. For permit to load goods for exportation entitled to drawback, thirty cents.

[Nineteenth----------------------- ----
[Twentieth------------------------ ----
[Twenty-first--------------------- ----
[Twenty-second-------------------- ----
[Twenty-third--------------------- ----

[Twenty-fourth. For receiving manifest of each railroad car or other vehicle laden with goods, wares, or merchandise from a foreign contiguous territory, twenty-five cents.

[Twenty-fifth. For entry of goods, wares, or merchandise for consumption, warehouse, rewarehouse, transportation, or exportation, including oath and permit to land or deliver, fifty cents.

[Twenty-sixth--------------------- ----
[Twenty-seventh------------------- ----]

Section 4383 of the Revised Statutes (U.S.C., 1958 edition, title 46, section 333).

[Every collector and naval officer and every surveyor residing at a port where there is no collector shall cause to be affixed and constantly keep in some conspicuous place in his office a fair table of the rates of fees demandable by this Title.]

Act of June 19, 1886, c. 421, section 1, 24 Stat. 79, as amended (U.S.C., 1958 edition, title 46, section 331).

That on and after July first, eighteen hundred and eighty-six, no fees shall be charged or collected by [collectors or other officers of customs, or by] inspectors of steam-vessels or shipping commissioners, and clerks of steam boat inspectors, and such allowances for fees of the United States marshals and witnesses for services under the steam boat inspection laws, and for expenses of steam boat inspectors, for the following services to vessels of the United States, to wit: [Measurement of tonnage and certifying the same except that the compensation and necessary travel and subsistence expenses of the officers so measuring or certifying such vessels at the request of the owners thereof at a place other than a port of entry or a customs station shall be paid by such owners; issuing of license or granting of certificate or registry, record, or enrollment, including all indorsements on the same and bond and oath; indorsement of change of master; certifying and receiving manifest, including master's oath, and permit; granting permit to vessels licensed for the fisheries to touch and trade; granting certificate of payment of tonnage dues; recording bill of sale, mortgage hypothecation, or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title, furnishing the crew-list, including bond; certificate of protection to seamen; bill of health;] shipping or discharging of seamen, as provided by title fifty-three of the Revised Statutes and section two of this act; [apprenticing boys to the merchant service;] inspecting, examining, and licensing steam vessels, including inspection-certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel; and all provisions of laws authorizing or requiring the collection of fees for such services are repealed, such repeal to take effect July first, eighteen hundred and eighty-six. [Collectors or other officers of customs,] inspectors of steam-vessels, and shipping commissioners who are paid wholly or partly by fees shall make a detailed report of such services, and the fees provided by law, to the Secretary of the Treasury, under such regulations as that officer may prescribe; and the Secretary of the Treasury shall allow and pay, from any money in the Treasury not otherwise appropriated, said officers such compensation for said services as each would have received prior to the passage of this act; also such compensation to clerks of shipping commissioners as would have been paid them had this act not passed: *Provided*, That such services have, in the opinion of the Secretary of the Treasury, been necessarily rendered.

The Act of February 19, 1920, c. 83, section 3, 41 Stat. 437, (U.S.C., 1958 edition, title 46, section 53).

[That for the privilege of securing such changes of name the following fees shall be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury by such collectors as navigation fees: For vessels ninety-nine gross tons and under, $10; for vessels one hundred gross tons and up to and including four hundred and ninety-nine tons, $25; for vessels five hundred gross tons and up to and including nine hundred and ninety-nine gross tons, $50; for vessels one thousand gross tons and up to and including four thousand nine hundred and ninety-nine gross tons, $75; for vessels five thousand gross tons and over, $100.]

The Act of June 5, 1920, c. 250, section 30, subsection I, 41 Stat. 1002 (U.S.C., 1958 edition, title 46, section 927).

Each collector of customs shall permit records made under the provisions of this chapter to be inspected during office hours, under such reasonable regulations as the collector may establish. Upon the request of any person the collector of customs shall furnish him from the records of the collector's office (1) a certificate setting forth the names of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by subdivision (c), subsection H. [The collector of customs shall collect a fee for any bill of sale, conveyance, or mortgage recorded, or any certificate or certified copy furnished by him in the amount of 20 cents a folio with a minimum charge of $1. All such fees shall be covered into the Treasury of the United States as miscellaneous receipts.]

DISCLOSURE OF FINANCIAL INTERESTS BY MEMBERS OF CONGRESS AND CERTAIN TOP CONGRESSIONAL AND EXECUTIVE DEPARTMENT EMPLOYEES

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill to require annual disclosure of financial interests and sources of income by Members of the House and Senate as well as top congressional and executive department employees.

A new idea must often bide its time waiting for its moment in history.

Seven years ago, I introduced in the 85th Congress a public disclosure bill designed to restore public confidence in the integrity of Congress and the executive branch. This bill follows lines earlier suggested by Senators MORSE and DOUGLAS. Similar legislation was introduced in the three succeeding Congresses. Each time, the bills died, beaten down by a formidable foe—the inertia and apathy of Congress itself.

But while it did not achieve passage, each year support for it has grown. The late Senator Richard Neuberger joined me in introducing the bill in 1959. His wife and successor, MAURINE NEUBERGER, cosponsored it with me in 1961 and 1963, and in the 88th Congress we were joined by Senators CLARK and HART. In addition, each year has seen more and more Members of the House and Senate voluntarily disclose their own financial interests.

Public confidence in the integrity of Congress—particularly the Senate—has been shaken in the last 2 years. For example, a poll taken by Louis Harris just 1 year ago revealed that 50 percent of those polled believed that Members of Congress represent special interests, and only 30 percent felt that Members of Congress represent the public interest. The Senate has been the subject of scornful and embarrassing comments for the less-than-enthusiastic investigation of the Bobby Baker mess. Although the Senate Rules Committee suggested only the most hesitant and timid of remedies, it did recognize the value of the public disclosure principle in its recommendations.

So it is with a measure of optimism for its success that I will reintroduce, for myself and Senators NEUBERGER, CLARK, and HART, our public disclosure bill. The need for passing an extensive, workable public disclosure bill is more obvious today than at any time since I first introduced this bill in 1958. I believe the Members of this body are ready to respond positively to the public demand for assurance that positions of public trust in the legislative as well as the executive branch are not used for private gain.

My bill would require Members of the Senate and House, candidates for those offices, top congressional employees, and top executive branch employees to report annually their sources of income, including gifts worth $100 or more, and their financial assets and liabilities. The public reports would also include a statement of all dealings in securities or commodities and all purchases and sales of real property or any interest therein.

A second part of the bill would also apply the principle of disclosure to all ex parte oral and written communications to regulatory agencies, including those from Members of Congress or from members of the executive branch outside the agency involved.

We are human beings with human failings. We never can eliminate completely the possibility of conflicts of interest. But we can provide mechanisms to protect the public interest through disclosure and publicity. Passage of this bill will decrease the opportunity for misuse of public position. It certainly will go a long way toward restoring the confidence of the American people in those to whom they have given high positions of public trust.

Mr. President, I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1877) to promote public confidence in the integrity of Congress and the executive branch, introduced by Mr. CASE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each Member of the Senate and the House of Representatives (including the Resident Commissioner), each civil or military officer and each employee of the executive or legislative branch of the Government of the United States or any department or agency thereof who is compensated at a rate in excess of $17,500 per annum shall file annually, and each individual who is a candidate of a political party in a general election for the office of Senator or Representative, or Resident Commissioner in the House of Representatives but who, at the time he becomes a candidate does not occupy any such office, shall file within one month after he becomes a candidate for such office, with the Comptroller General a report containing a full and complete statement of—

(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(2) the value of each asset held by him, or by him and his spouse jointly, and the amount of each liability owned by him, or by him and his spouse jointly, as of the close of the preceding calendar year;

(3) all dealings in securities or commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year; and

(4) all purchases and sales of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year.

(b) Except as hereinbefore provided, reports required by this section (other than reports so required by candidates of political parties) shall be filed not later than April 30 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) Each report required by this section shall be made under penalty for perjury. Any person who willfully fails to file a report required by this section, or who knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

(f) For the purposes of any report required by this section, a individual shall be considered to have been a Member of the Senate or House of Representatives, a Resident Commissioner, or an officer or employee of the executive or legislative branch of the Government of the United States or any department or agency thereof, during any calendar year if he served in any such position for more than six months during such calendar year.

(g) As used in this section—

(1) The term "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(4) The term "dealings in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

SEC. 2. Section 5 of the Administrative Procedure Act (5 U.S.C. 1004) is amended by inserting at the end thereof the following new subsection:

"(e) Communications to agency: All written communications and memoranda stating the circumstances, source, and substance of all oral communications made to the agency, or any officer or employee thereof, with respect to such case by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

SEC. 3. (a)(1) There is hereby authorized to be established a Commission to be known as the "Commission on Legislative Standards" (hereinafter referred to as the "Commission") which shall be composed of four members to be appointed by the President pro tempore of the Senate and four members to be appointed by the Speaker of the House of Representatives.

(2) The members shall be citizens of the United States (A) who are interested in good government and who by reason of professional training and experience are peculiarly qualified to carry out the duties of the Commission, and (B) who hold no elective or party office or position.

(3) The Commission shall select a Chairman and a Vice Chairman from among its members and shall establish rules for its procedure.

(4) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The members of the Commission shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(b) Five members of the Commission shall constitute a quorum.

(c)(1) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(2) The Commission is authorized without regard to any other provision of law to reimburse employees, experts, and consultants for travel, subsistence, and other necessary expenses incurred by them in the performance of their official duties and to make reasonable advances to such persons for such purposes.

(d) The Commission shall conduct a thorough study of problems of conflicts of interest and of relations with executive and other agencies which confront Members of Congress with a view to devising and recommending measures and procedures to deal with such problems.

(e)(1) The Commission or any duly authorized subcommittee thereof may, for the purposes of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, or the chairman of any such subcommittee (with the approval of a majority of the members thereof), and may be served by any person designated by the Chairman of the Commission or the chairman of any such subcommittee. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (U.S.C., title 2, secs. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

(2) The Commission may authorize the Chairman to make the expenditures herein authorized and such other expenditures as the Commission may deem advisable. When the Commission ceases its activities it shall submit to the Appropriations Committees of the Senate and the House of Representatives a statement of its fiscal transactions properly audited by the Comptroller General of the United States.

(3) The Commission is authorized to secure from any department, agency, independent instrumentality of the Government or congressional committee any information it deems necessary to carry out its functions under this section; and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission, upon request made by the Chairman of the Commission.

(f) The Commission shall submit a final report of its activities and the results of its studies and investigations, together with such legislative recommendations as it may deem advisable, to the Congress not later than January 30, 1967, at which time the Commission shall cease to exist.

(g) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

PROPOSAL TO REVISE ADMINISTRATIVE PRACTICES AND PROCEDURE ACT

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to revise and codify the Administrative Procedure Act. I ask unanimous consent that the text of the bill be printed in the Record at the conclusion of these remarks.

This is substantially the same bill which I introduced in the 1st session of the 88th Congress as S. 2335. Since I first introduced it as S. 4094 in the 85th Congress, this proposal has been changed substantially and improved as a result of intensive study. The American Bar Association drafted the bill initially after long study following the 1955 report of the Commission on Organization of the Executive Branch of the Government, the Second Hoover Commission, and its task force on legal services and procedure. On the basis of continuing study, the text has been amended from time to time since then.

This bill would supersede the Administrative Procedure Act of 1946. That act was considered a major step forward in providing fair procedures for administrative rulemaking and adjudication and for judicial review of administrative action. It was recognized at the time of its passage that it was not a final solution, but rather a law which would require reappraisal and modification from time to time as the result of experience. It was to this end that the Second Hoover Commission began and completed its study.

In addition to the merits of this bill, its existence as a reappraisal of the Administrative Procedure Act has acted as a catalyst for other legislation which relates to or is a part of this comprehensive revision. Last year for instance, the Senate passed S. 1666 which was based in large part on the public information section of the bill which I am introducing today.

The Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary has announced that beginning May 12 it will hold hearings on S. 1336 of this Congress, introduced by the junior Senator from Missouri [Mr. Long] and the junior Senator from Illinois [Mr. Dirksen], which is also a comprehensive revision of the Administrative Procedure Act. There is no difference in principle between the two bills; my proposal merely embodies a different approach to the subject. It is my feeling that the subcommittee as it considers the subject should have both proposals before it. Under the chairmanship of Senator Long, the subcommittee has held hearings and its staff had conducted many studies of this problem. It has assembled a distinguished panel of eminent law teachers to help in its work. The subcommittee is doing a splendid job on this very large task. The hearings beginning May 12 will culminate several years of preparatory work which have been spent in preparation of both S. 1336 and the bill which I am introducing today.

Action by Congress is long overdue. The problems of administrative procedure reform have received much attention over the past quarter century, and the time is now ripe for the enactment of a new law to embody the necessary changes and reforms.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1879) to recodify, with certain amendments thereto, chapter 19 of title 5 of the United States Code, entitled "Administrative Procedure", introduced by Mr. Ervin, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1001 to 1011, inclusive, of this Act shall constitute the "Code of Federal Administrative Procedure" and may be cited as such.

DEFINITIONS

Sec. 1001. As used in this Act, except where the context clearly indicates otherwise—

(a) Agency.—"Agency" means each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts of the United States, the Tax Court of the United States, the Court of Military Appeals or the governments of the possessions, territories, Commonwealths, or the District of Columbia. Except as to the requirements of section 1002 of this Act, functions of courts-martial and military commissions, and military or naval authority exercised in the field in time of war or in occupied territory, shall be excluded from the operation of this Act. Except as to the requirements of sections 1002 and 1003 of this Act, arbitration and mediation functions shall be excluded from the operation of this Act. No agency or function shall be exempt from any provision of this Act, except by amendment to section 1012 of this Act.

(b) Person and Party.—"Person" includes individuals, partnerships, corporations, associations, and public or private organizations of any character other than agencies. "Party" includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any court or agency proceeding; but nothing herein shall prevent an agency from admitting any person or agency as a party to an agency proceeding for limited purposes.

(c) Agency Rule and Rulemaking.—"Rule" means the whole or any part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy, or setting forth the procedure or practice requirements of any agency. "Rulemaking" means agency process for the formulation, amendment, or repeal of a rule.

(d) Agency Order, Adjudication, and Opinion.—"Order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) by any agency in any matter other than rulemaking. "Adjudication" means agency process for the formulation, amendment, or repeal of an order, and includes licensing. "Opinion" means the statement of reasons, findings of fact, and conclusions of law in explanation or support of an order.

(e) Agency License and Licensing.—"License" includes the whole or any part of any agency permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission. "Licensing" includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, limitation, or modification of a license, and the prescription or requirement of terms, conditions, or standards of conduct thereunder.

(f) Agency Sanction and Relief.—"Sanction" includes the whole or any part of any agency (1) prohibition, requirement, limitation, or other condition affecting the freedom of any person, (2) withholding of relief, (3) imposition of any form of penalty or fine, (4) destruction, taking, seizure, barring access to, or withholding of property, (5) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees, (6) requirement, revocation, or suspension of a license, or the prescription or requirement of terms, conditions, or standards of conduct thereunder, or (7) other compulsory or restrictive action. "Relief" includes the whole or any part of any agency (1) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy, (2) recognition of any claim, right, immunity, privilege, exemption, exception, or remedy, or (3) any other action upon the application or petition of, and beneficial to, any person.

(g) Initial Decision and Intermediate Decision.—"Initial decision" means a decision made by a presiding officer which will become the action of the agency unless reviewed by the agency. "Intermediate decision" means a recommended decision in a rulemaking proceeding made by a presiding officer or any authorized official of the agency.

(h) Agency Proceeding and Action.—"Proceeding" means any agency process for any rule or rulemaking, order or adjudication, or license or licensing. "Action" includes the whole or any part of any agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

PUBLIC INFORMATION

Sec. 1002. In order to provide more adequate and effective information for the public—

(a) Organization, Rules, and Forms.—Every agency shall separately state and promptly file for publication in the Federal Register and for codification in the Code of Federal Regulations: (1) descriptions of its central and field organization, including statements of the general course and method by which its functions are channeled and determined, delegations by the agency of final authority, and the established places at which, and the methods whereby, the public may obtain information or make submittals or requests; (2) all procedural rules; (3) all other rules; (4) descriptions of all forms available for public use and instructions relating thereto, including a statement of where and how such forms and instructions may be obtained; and (5) every amendment, revision, and repeal of the foregoing.

(b) Alternative Methods.—An agency may, pursuant to a published rule, use an alternative method of publishing the information specified in subsection (a) or of communicating it to all interested persons, when to do so will achieve economy and expedite dissemination of information to the public. No information published by such alternative method shall be relied upon or cited against any person who had not received actual notice thereof.

(c) Orders and Opinions.—Every agency shall promptly publish its orders and opinions or make them available to the public in accordance with published rule stating where and how they may be obtained, copied, or examined.

(d) Public Records.—Every agency shall promptly make available to the public, in accordance with a published rule stating where and how such records may be obtained or examined and copied, all matters initiating or placed of record in agency proceedings, including but not limited to docket pleadings, evidence, exhibits, reports, and actions taken therein, and all other records, files, papers, communications, and documents, submitted to or received by an agency, connected with the operations of the agency, and all records of action by the agency thereon, except as the agency by published rule finds that the subject matter is exempted from disclosure by subsection (f) hereof: *Provided,* That records, files, papers, and documents submitted by another agency or received from another agency which are exempt in the hands of such other agency under subsection (f) hereof continue to be exempt in the hands of the receiving agency. Every individual vote of the members of the body comprising the agency shall be entered of record and made available to the public.

(e) Effect of Failure to Publish.—No rule, order, opinion, or public record shall be relied upon or cited against any persons unless it has been duly published or made available to the public in accordance with this section. No person shall in any manner be required to resort to organization or procedure not so published.

(f) Exemptions.—The provisions of this section shall not require disclosure of subject matter which is (1) specifically exempt from disclosure by statute, (2) required to be kept secret in the protection of the national security, (3) submitted in confidence pursuant to statute or published agency rule, (4) the disclosure of which would be a clearly unwarranted invasion of personal privacy, or (5) related solely to matters of internal management. Nothing contained in this section shall be deemed to authorize the withholding of information or limiting availability of records to the public except as specifically stated in this subsection.

RULEMAKING

Sec. 1003. In order to establish procedures for rulemaking by agencies and to accord interested persons an opportunity to participate therein—

(a) Notice.—Notice of proposed rulemaking shall be published in the Federal Register and shall state (1) the time, place, and nature of public rulemaking proceedings, which shall not be held less than twenty days after such publication, (2) the authority under which the rule is proposed, and (3) either the terms or the substance of the proposed rule, or a description of the subjects and issues involved. A notice of proposed rulemaking shall not be effective after one year from date of publication, unless extended by renewed publication.

(b) Proceedings.—Each agency shall adopt and separately state for publication in the Federal Register rules specifying the procedures whereby interested persons may participate in rulemaking. Whenever rulemaking is initiated, public announcement of the initiation may be given and opportunity afforded interested persons to submit views or otherwise participate informally in conferences on the proposals under consideration, for publication in the Federal Register. After notice of proposed rulemaking has been published in the Federal Register, the agency shall afford interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments, with opportunity to present the same orally, upon request therefor, unless the agency deems it unnecessary. The agency shall fully consider all submissions. Except with regard to rules of procedure, the agency shall, when requested by an interested person, issue a concise statement of the matters considered in adopting or rejecting the rule and the reasons therefor. Where rules are required under the Constitution or by statute to be made on a record after opportunity for hearing, the proceedings shall also be in conformity with sections 1006 and 1007 of this Act, except that the provision in section 1005(c) requiring separation of functions shall not be applicable and that, in lieu of an initial decision pursuant to section 1007, an intermediate decision may be issued which shall be subject to exceptions before promulgation of the rule. Each agency shall maintain a rulemaking docket showing the current status of published proposals for rulemaking.

(c) Effective Dates.—The required publication by any agency of any rule, other than one which solely grants or recognizes exemption or relieves restriction, shall be made not less than twenty days prior to the effective date thereof, except where the agency finds that timely execution of its functions imperatively requires the rule to become effective within a shorter period and publishes its finding together with a statement of the reasons therefor, with the rule.

(d) Emergency Rules.—Emergency rules may be adopted without compliance with the procedures prescribed in subsection (b) above, and with less than the twenty days' notice prescribed in subsection (a) above (or where circumstances imperatively require, without notice) where an agency finds that (1) immediate adoption of the rule is imperatively necessary for the preservation of public health, safety, or welfare, or (2) compliance with the requirements of this section would be contrary to the public interest. Such findings and a statement of the reasons for the action shall be published with the rule in the Federal Register. Emergency rules shall have effect for not more than six months from the adoption thereof unless extended in compliance with subsections (a) and (b) of this section.

(e) Petitions.—Every agency shall accord all interested persons the right to petition for the issuance, amendment, or repeal of a rule. Where the agency does not undertake rulemaking on the petition, it shall promptly state and transmit to the petitioner its reasons therefor. Whenever an agency undertakes rulemaking, all related petitions for the issuance, amendment, or repeal of the rule, which have been filed within a period fixed by the agency, shall be considered and acted upon in the same proceeding. The petition and the action taken by the agency, or its statement of the reasons for not doing so, shall be matters of public record.

(f) Exemption.—This section shall not require notice of or public participation in rulemaking (1) required to be kept secret in the protection of the national security, (2) relating to public property, loans, grants, benefits, or contracts to the extent that the agency finds and publishes, with a statement of supporting reasons, that such public participation would occasion delay or expense disproportionate to the public interest; or (3) relating solely to internal management or personnel of the agency.

ADJUDICATION

Sec. 1004. In order that there may be a fair determination in every case of adjudication—

(a) Formal Adjudication.—In all such proceedings in which an opportunity for agency hearing is required under the Constitution or by statute, the parties shall be entitled to a hearing and decision in conformity with sections 1006 and 1007 of this Act. Where time, the nature of the proceeding, and the public interest permit, the agency shall afford all interested persons an opportunity, in advance of the hearing, to submit offers for the adjustment or settlement of the controversy, or for limitation of the issues. Persons entitled to notice of the hearings shall be given timely notice of (1) the time, place, and nature thereof, (2) the legal authority and jurisdiction under which it is to be held, and (3) the matters of fact and law asserted. Pleadings, including the initial notice, shall conform with the practice and requirements of pleading in the United States district courts, except to the extent that the agency finds conformity impracticable and otherwise provides by published rule. In fixing the times and places for proceedings, due regard shall be had for the convenience of the parties and their representatives. The parties to a hearing shall be entitled to submit and to have considered proposals for the settlement or adjustment of the controversy.

(b) Informal Adjudication.—In all cases of adjudication not covered by subsection (a) and affecting private rights, claims, or privileges including but not limited to matters relating to public property, loans, grants, benefits or contracts, and determinations based upon inspections, tests, or examinations, decisions of subordinate officers may by rule be made subject to review within the agency by the agency or designated boards or superior officers. If requested, the reviewing authority shall furnish to a party a statement of the reasons for its decision. The decision of the reviewing authority or, if the agency fails to establish an intraagency review procedure, the decision of the subordinate officer shall, subject to section 1009(a), constitute agency action subject to judicial review, in which case the record on review shall be made in the reviewing court.

(c) Emergency Orders.—Nothing contained in this Act shall affect existing powers to issue emergency orders where the agency finds, and states of record the reasons for so finding, that (1) immediate issuance of the order is imperatively necessary for the preservation of public health, safety, or welfare, and (2) observance of the requirements of this section would be contrary to the public interest. Where an emergency order has been issued, any person who would otherwise be entitled to a hearing pursuant to subsection (a) hereof shall be entitled upon request to an immediate hearing in accordance with this Act, in which proceeding the proponent of the emergency order shall be deemed the moving party.

AUXILIARY PROCEDURAL MATTERS

Sec. 1005. (a) Investigations.—No process, requirement of a report, inspection, or other investigatory act or demand shall be initiated, issued, made, or enforced by any agency in any manner or for any purpose unless it is within the jurisdiction of the agency and the authority conferred by statute. Every person compelled to testify or to submit data or evidence to any agency shall be entitled to the benefit of counsel and to retain or, on payment of lawfully prescribed costs, to procure a copy of the transcript of such testimony, data, or evidence. Upon a showing of irreparable injury, any Federal court of competent jurisdiction may, in accordance with the provisions of section 1009 (g), restrain action clearly beyond the constitutional or statutory jurisdiction or authority of the agency.

(b) Subpenas.—Subpenas shall be issued upon request to any party to an adjudication subject to section 1004(a) and shall be enforced with discrimination between public and private parties. Any person subject to a subpena may, before compliance therewith and upon timely petition, obtain from any Federal court of competent jurisdiction a ruling as to the lawfulness thereof. Such suit may be brought in the judicial district in which the subpena is served or wherein the defendant resides. The court shall quash the subpena or similar process or demand to the extent that it is found to be unreasonable in terms, irrelevant in scope, beyond the jurisdiction of the agency, not competently issued, or otherwise not in accordance with law. Any person at whose instance a subpena was issued, or the agency which issued the subpena, may upon timely petition apply to any Federal court of competent jurisdiction for an order enforcing the subpena. In any proceeding for enforcement, the court shall sustain such subpena to the extent that it is found to be in accordance with law and shall issue an order requiring the appearance of witnesses or the production of data within a reasonable time, under penalty of punishment for contempt in case of contumacious failure to comply with the order of the court.

(c) Separation of Functions.—No presiding or deciding officer acting pursuant to section 1006 of this Act shall be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigatory or prosecuting functions for any agency. Except upon notice and opportunity for all parties to be present or to the extent required for the disposition of ex parte matters as authorized by law, no such presiding or deciding officer or agency or member of an agency acting pursuant to sections 1006 and 1007 of this Act shall consult with any person or party on any issue of fact or law in the proceeding, except that, in analyzing and appraising the record for decisions, any agency member may (1) consult with other members of the agency, (2) have the aid and advice of one or more personal assistants, (3) have the assistance of other employees of the agency who have not participated in the proceeding in any manner, who are not engaged for the agency in any investigative functions in the same or any current factually related case and who are not engaged for the agency in any prosecutory functions; any member of a board specifically authorized by statute to conduct designated classes of proceedings may consult with other members of such board; and any member of such a board, and any other presiding or deciding officer other than an agency member, may have the aid and advice as personal assistants of one or more employees of the agency who have not participated in the proceeding in any manner, who are not engaged for the agency in any investigative functions in the same or any current factually related case and who are not engaged for the agency in any prosecutory functions. "Agency member" as used herein means a cabinet officer, an agency head, or a member of a board or commission, and does not include any person exercising delegated functions.

(d) Expedition and Denials.—Every agency shall proceed with reasonable dispatch to conclude any matter presented to it with due regard for the convenience of the parties or their representatives, giving precedence to rehearing proceedings after remand by court order. Prompt notice shall be given of the refusal to accept for filing or the denial in whole or in part of any written application or other request made in connection with any agency proceeding or action, with a statement of the grounds therefor. Upon application made to any Federal court of competent jurisdiction by a party to any agency proceeding or by a person adversely affected by agency action, and a showing to the court that, notwithstanding due request to the agency, there has been undue delay in connection with such proceeding or action, the court may direct the agency to decide the matter promptly. In any such case the agency may show that the delay was necessary and unavoidable.

(e) Declaratory Order.—Every agency shall provide by rule for the entertaining, in its sound discretion, and prompt disposition of petitions for declaratory orders to terminate actual controversies, or to remove uncertainties in actual controversies as to the applicability to the petitioners of any statutory provisions or of any rules or orders of the agency. The order disposing of the petition shall constitute agency action subject to judicial review.

(f) National Security.—In the case of agency proceedings or actions which involve the national security of the United States and for that reason must be kept secret, the agency shall provide by rule for such procedures parallel to those provided in this Act as will effectively safeguard and prevent disclosure of classified information to unauthorized persons with minimum impairment of the procedural rights which would be available if classified information were not involved.

HEARINGS

Sec. 1006. In order to assure that all parties to agency hearings governed by section 1004(a) or rulemaking required under the Constitution or by statute to be made on a record after opportunity for hearing shall be accorded due process of law—

(a) Presiding Officers.—At the taking of evidence only one of the following may preside: (1) the agency, (2) one or more members of the body which comprises the agency, if authorized by law, (3) a hearing commissioner, or (4) an individual or a board specifically authorized by statute to conduct designated classes of proceedings. All evidence, whether written or oral, shall be submitted to and considered by the presiding officer. The functions of all presiding officers, as well as officers participating in decisions in conformity with this Act, shall be conducted in an impartial manner. Any such officer may at any time withdraw if he deems himself disqualified, and, upon the filing in good faith by a party of a timely and sufficient affidavit of personal bias or disqualification of any such officer, he shall forthwith determine the matter as part of the record in the case. In any case in which a presiding officer is disqualified or otherwise becomes unavailable because of extended illness or absence, another presiding officer may be assigned to continue with the case, unless substantial prejudice to any party is shown to result therefrom. In the event of substantial prejudice the agency may determine the manner in which and the extent to which the case shall be reheard.

(b) Powers of Presiding Officers.—Presiding officers shall have authority to (1) administer oaths and affirmations; (2) sign and issue subpenas; (3) rule upon offers of proof and receive evidence; (4) permit or require depositions or discovery upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the proceeding, and dispose of motions relating to the discovery and production of relevant documents and things for inspection, copying, or photographing; (5) regulate the course of the hearings, set the time and place for continued hearings, subject to agency calendar practice, and fix the time for the filing of briefs and other documents; (6) direct the parties to appear and confer to consider the simplification of the issues, admissions of fact or of documents to avoid unnecessary proof, and limitation of the number of expert witnesses, and issue appropriate orders which shall control the subsequent course of the proceeding; (7) dispose of motions to dismiss for lack of agency jurisdiction over the subject matter or parties or for any other ground; (8) dispose of motions to amend, or to dismiss without prejudice, applications, and other pleadings; (9) dispose of motions to intervene, procedural requests or similar matters; (10) make initial decisions; (11) reprimand or exclude from the hearing any person for any improper or indecorous conduct in their presence; and (12) take any other action authorized by agency rule consistent with this Act or, in the absence thereof, in accordance to the extent practicable with the procedure in the United States district courts.

(c) Interlocutory Appeals.—A presiding officer may certify to the agency, or allow the parties an interlocutory appeal on, any material question arising in the course of a proceeding, where he finds that to do so would prevent substantial prejudice to any party or would expedite the proceeding. The presiding officer or the agency may thereafter stay the proceeding if necessary to protect the substantial rights of any party. The agency, or such one or more of its members as it may designate, shall determine the question forthwith, and further proceedings shall be governed accordingly. No interlocutory appeal shall otherwise be allowed, except by order of the agency upon a showing of substantial prejudice and after a denial of such appeal by the presiding officer.

(d) Evidence.—Except as otherwise provided by statute, the proponent of an order shall have the burden of proof, and every party to the proceeding shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Subject to these rights and requirements, where a hearing will be expedited and the interests of the parties will not be substantially prejudiced thereby, a presiding officer may receive all or part of the evidence in written form. In rulemaking subject to this section and in cases of adjudication involving the approval of prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances thereof, or valuations, costs, or accounting, or practices bearing upon any of the foregoing, any reliable and probative evidence shall be received. In all other cases, the rules of evidence and requirements of proof shall conform, to the extent practicable, with those in civil nonjury cases in the United States district courts. The complete transcript of the record shall be made available to the parties upon payment of lawfully prescribed costs which shall be equitably divided among the parties and the agency.

(e) Official Notice.—Agencies or any presiding officer in an agency proceeding may take official notice of judicially cognizable facts and technical, scientific, and other facts within their specialized knowledge. When an agency takes official notice of a fact, other than a judicially cognizable fact, not appearing in the record and that fact is material to the decision of the case, the agency or presiding officer shall bring that fact to the attention of the parties and shall afford every party before decision an opportunity to controvert the fact or dispute its bearing upon the decision.

(f) Agency Participation.—Whenever an agency shall find upon its own motion or that of a party in a proceeding that the public interest may be substantially affected by the outcome of that proceeding, the agency shall act to protect that interest by appointing such members of its staff or such counsel or consultants as it may deem necessary to appear in the proceeding and develop whatever evidence and make whatever arguments may be required to clarify all the issues material and relevant to a determination of the proceeding in accord with that interest.

DECISIONS AND AGENCY REVIEW

Sec. 1007. In cases in which a hearing is required to be conducted in conformity with section 1006 of this Act—

(a) Submittals and Decisions.—Prior to each decision by an agency which presides, or the initial decision by a presiding officer in an agency proceeding, the parties to the proceeding shall be afforded an opportunity to submit (1) proposed findings of fact and conclusions of law, and (2) both written and oral argument. The record shall show the ruling upon each material finding or conclusion presented. Upon review of any initial decision, the agency shall, by rule, afford the parties an opportunity to submit (1) written exceptions to the decision, and (2) written briefs. Upon review of initial decisions, a party shall be granted opportunity for oral argument upon request, unless the agency deems it inappropriate or unwarranted. All decisions and initial decisions shall include a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) the appropriate rule, order, sanction, relief, or denial thereof; and such decisions and initial decisions shall become a part of the record. The grounds for any decision shall be within the scope of the issues presented on the record.

(b) Record for Decisions.—For the purpose of the decision by the agency which presides or the initial decision by a presiding officer, the record shall include (1) all pleadings, motions, and intermediate rulings, (2) evidence received or considered, including testimony, exhibits, and matters officially noticed, (3) offers of proof and ruling thereon, and (4) the findings of fact and conclusions of law proposed by the parties. No other material shall be considered by the agency or by the presiding officer. In cases in which the agency has presided at the reception of the evidence, the agency shall prepare, file, and serve upon the parties its decision. In all other cases the presiding officer shall prepare and file an initial decision which the agency shall serve upon the parties, except where the parties to the proceeding, with the consent of the agency, expressly waive their right to have an initial decision rendered by such officer. In the absence of an appeal to the agency or a review upon motion of the agency within the time provided by rule for such appeal or review, every such initial decision shall thereupon become the decision of the agency.

(c) Record for Review by Agency.—For the purpose of review by the agency of the initial decision of the presiding officer, the record shall include (1) all matters constituting the record upon which the decision of the presiding officer was based, (2) the rulings upon the proposed findings and conclusions, (3) the initial decision of the presiding officer, and (4) the exceptions and briefs filed. No other material shall be considered by the agency upon review. By consent of the parties, the records for review may be reduced or the issues therein limited. The grounds of the decision shall be within the scope of the issues presented on the record. The findings of evidentiary fact, as distinguished from ultimate conclusions of fact, made by the presiding officer shall not be set aside by the agency on review of the presiding officer's initial decisions unless such finds of evidentiary fact are contrary to the weight of the evidence. The agency either may remand the case to the presiding officer for such further proceedings as it may direct or it may affirm, set aside, or modify the order or any sanction or relief entered thereon, in conformity with the facts and the law.

LICENSING

Sec. 1008. (a) Proceeding.—In any case in which application is made for a license required by law, the agency, with due regard for the rights and privileges of all interested persons, shall set and conduct the proceedings in accordance with this Act unless otherwise required by law.

(b) Terms and Conditions.—Terms, conditions, or requirements limiting any license shall be valid only if reasonably necessary to effectuate the purposes, scope, or stated terms of the statute pursuant to which the license is issued or required.

(c) Revocation, Suspension, and Modification.—No revocation, suspension, annulment, limitation, or modification by any agency of a license shall be lawful unless, before institution of agency proceedings therefor, the agency shall have (1) given the licensee notice in writing of facts or conduct that may warrant such action, (2) afforded the licensee opportunity to submit written data, views, and arguments with respect to such facts or conduct, and (3) except in cases of willful violation, given the licensee a reasonable opportunity to comply with all lawful requirements. Where the agency finds that the licensee has been guilty of willful violation, or that the public health, safety, or welfare imperatively requires emergency action, and incorporates such findings in its order, it may institute revocation proceedings without compliance with the provisions of this subsection. Where the agency finds that the public health, safety, or welfare imperatively requires such action, and incorporates such finding in its order, it may summarily suspend the license pending proceedings for revocation which shall be promptly instituted and determined upon the request of any interested person.

(d) Renewal.—In any case in which the licensee has made timely and sufficient application for the renewal of a license or for a new license for the conduct of a previously licensed activity of a continuing nature, the existing license shall not expire until (1) such application has been finally acted upon by the agency and, (2) if the application has been denied or the terms of the new license limited, judicial review has been sought or the time for seeking judicial review has elapsed or, if no time for seeking judicial review is specified, then sixty days after the denial.

JUDICIAL REVIEW

Sec. 1009. In order to assure a plain, simple, and prompt judicial remedy to persons adversely affected or aggrieved by agency action, and notwithstanding any limitation by statute on the minimum jurisdictional amount in controversy—

(a) Reviewable Acts.—Every agency action made reviewable by statute and every final agency action which is not subject to judicial review in an action brought by a person adversely affected or aggrieved shall, except as expressly precluded by Act of Congress hereafter enacted, be subject to judicial review under this Act: *Provided,* That such judicial review shall not be exclusive of remedies otherwise available including actions for declaratory judgment or proceedings to restrain or compel agency action or for habeas corpus. Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressly required by the statute, agency action otherwise final shall be final for the purposes of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise required by rule and provides that the action meanwhile shall be inoperative) for an appeal to superior agency authority.

(b) Standing To Seek Review.—Any person adversely affected or aggrieved by any reviewable agency action shall have standing to seek judicial review thereof, except where expressly precluded by Act of Congress hereafter enacted.

(c) Form of Action.—A person may obtain judicial determination of the jurisdiction or statutory authority of the agency in a civil or criminal case brought by the agency, or in its behalf, for judicial enforcement of such agency action, regardless of the availability or pendency of administrative review proceedings with respect thereto, except where expressly precluded by Act of Congress hereafter enacted. All other cases for review of agency action shall be commenced by the filing of a petition for review in a United States district court of appropriate jurisdiction, except where a statute provides for judicial review in a specified court. Proceedings for review may be brought against the agency by its official title, in any judicial district where a petitioner resides, where all or a substantial part of the events or omissions giving rise to the claim occurred, or, if any property is involved in the proceeding, where all or a substantial part of the property is situated. The petition shall state (1) the grounds upon which jurisdiction and venue are based, (2) the facts upon which petitioner bases the claim that he has been adversely affected or aggrieved, (3) the reasons entitling him to relief, and (4) the relief which he seeks.

(d) Interim Relief.—Upon a finding that irreparable injury would otherwise result and that the balance of equities favors such action, (1) the agency, upon application therefor, shall postpone the effective date of the agency action pending judicial review, or (2) the reviewing court, upon application therefor and regardless of whether such an application previously shall have been made to or denied by any agency, shall issue all necessary and appropriate process to postpone the effective date of the agency action or to preserve the rights of the parties pending conclusion of the review proceedings.

(e) Record on Review.—In every case of agency action subject to sections 1006 and 1007 of this Act, the record on review shall, unless the parties concerned stipulate to something less, include (1) all matters constituting the record for action or review by the agency, including the original or certified copies of all papers presented to or considered by the agency, (2) rulings upon exceptions, (3) the decision, findings, and action of the agency, and (4) as to alleged procedural errors and irregularities not appearing in the agency record, evidence taken independently by the court. In all other cases, the record on review shall be made in the reviewing court.

(f) Decision on Review.—If the court finds no error, it shall affirm the agency action. If it finds that the agency action is (1) arbitrary or capricious, (2) a denial of statutory right, (3) contrary to constitutional right, power, privilege, or immunity, (4) in excess of statutory jurisdiction, authority, purposes, or limitations, (5) not in accord with the procedures or procedural limitations of this Act or otherwise required by law, (6) an abuse or clearly unwarranted exercise of discretion, (7) based upon findings of fact that are clearly erroneous on the whole record in proceedings subject to sections 1006 and 1007 of this Act, (8) unsupported by the evidence in cases in which the record is made before the court, or (9) otherwise contrary to law, then in any such event the court shall hold unlawful and set aside the agency action and shall (i) restrain the enforcement of the order or rule under review, (ii) compel any agency action to be taken which has been unlawfully withheld or unduly delayed, and (iii) afford such other relief as may be appropriate. In making the foregoing determinations, the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error. In all cases under review the court shall determine all relevant questions of law and interpret the statutory and constitutional provisions involved and shall apply the court's own interpretation to the facts duly found or established.

(g) Proceedings in Excess of Jurisdiction.—Upon a showing of irreparable injury, any Federal court of competent jurisdiction may enjoin at any time the conduct of any agency proceeding in which the proceeding itself or the action proposed to be taken therein is clearly beyond the constitutional or statutory jurisdiction or authority of the agency. If the court finds that any proceeding contesting the jurisdiction or authority of the agency is frivolous or brought for the purpose of delay, it shall assess against the petitioner in such proceeding costs, a reasonable sum for attorneys' fees (or any equivalent sum in lieu thereof), and damages (which may include damages to the public interest) incurred by other parties, including the United States.

When any such case is brought, the Attorney General may file with the clerk of court a certificate that the case, in his opinion, is of general public importance. Said certificate shall be immediately furnished by said clerk to the chief judge of said court who shall upon receipt thereof immediately designate a judge to hear and determine the case. The judge so designated shall set the case for hearing at the earliest practicable date and he shall cause the case to be in every way expedited. Said case shall have precedence on the calendar of the trial court and of the appropriate appellate courts and Supreme Court at every stage.

LIMITATIONS OF AUTHORITY

SEC. 1010. In the exercise of any power, authority, or discretion by any agency or by any officer or employee thereof—

(a) AUTHORITY.—No agency action shall be taken except within the jurisdiction delegated to the agency and as authorized by law. Agency action shall not be deemed to be within the statutory authority and jurisdiction of the agency merely because such action is not contrary to the specific provisions of a statute.

(b) PUBLICITY.—Agency publicity, which a reviewing court finds was issued to discredit or disparage a person under investigation or a party to an agency proceeding, may be held to be a prejudicial prejudging of the issues in controversy, and the court may set aside any action taken by the agency against such person or party or enter such other order as it deems appropriate.

GENERAL PROVISIONS

SEC. 1011. (a) CONSTRUCTION AND EFFECT.—All laws or portions thereof which are inconsistent, or conflict, with the provisions of this Act are hereby repealed: *Provided, however,* That nothing in this Act shall be interpreted to diminish the constitutional rights of any person or to limit or repeal any additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. Every agency shall have all the powers necessary to enable it to carry out the provisions of this Act, including the authority to make and enforce rules thereunder. The courts shall have all the powers necessary to enable them to carry out the provisions of this Act. No subsequent legislation shall be held to supersede or modify the provisions of this Act except to the extent that such legislation shall do so expressly. The affirmative requirements and specific prohibitions of this Act shall be broadly construed, and exemptions from, and exceptions to, this Act shall be narrowly construed.

(b) SEPARABILITY.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

(c) EFFECTIVE DATE.—This Act shall supersede the Administrative Procedure Act of 1946 and take effect on the one hundred and eightieth day after the date of its enactment, but (1) insofar as the amendments made by this Act to the Administrative Procedure Act of 1946 provide for changes, requirements imposed by such changes shall not be mandatory as to any agency proceeding with respect to which hearings under title 5, United States Code, section 1006, have been commenced prior to the effective date of this Act; (2) the amendments made by this Act to title 5, United States Code, section 1009 (relating to judicial review of orders and decisions), shall not apply with respect to any action or appeal which is pending before any court on the effective date of this Act.

REPEAL OF EXEMPTIONS FROM ADMINISTRATIVE PROCEDURE ACT

SEC. 1012. All laws or parts of laws in force on the one hundred and eightieth day after the date of enactment of this Act which, either expressly or impliedly, grant exemption from the provisions of the Administrative Procedure Act of 1946 are hereby repealed, including specifically such parts of laws as the following:

1. Section 483 of the Federal Coal Mine Safety Act, title 30, United States Code.
2. Section 2027 of the Export Control Act of 1949, title 50, United States Code, appendix.
3. Section 2231 of the Atomic Energy Act of 1954, title 42, United States Code.
4. Section 5 of the Second Decontrol Act of 1947 (61 Stat. 323).
5. Section 501(b) of Public Law 155, Eighty-second Congress, first session (65 Stat. 364).
6. Section 1221 of the Renegotiation Act of 1951, title 50, United States Code, appendix.
7. Section 1642(i) of the International Wheat Agreement Act of 1949, title 7, United States Code.
8. Section 2159 of the Defense Production Act of 1950, title 50, United States Code, appendix.
9. Section 3 of Public Law 564, Eighty-second Congress, second session (66 Stat. 732).
10. Section 463 of the Universal Military Training and Service Act, title 50, United States Code, appendix.
11. Sections 1881–1884 and 1891–1902 of the Housing and Rent Acts, title 50, United States Code Annotated, appendix.
12. Sections 1622 and 1641 of the Surplus Property Act of 1944, title 50, United States Code Annotated, appendix.
13. Sections 1822, 1830, and 1833 of the Veterans Emergency Housing Program, title 50, United States Code Annotated, appendix.
14. Sections 101, 103, and 105–125 of the Termination of War Contracts Act, title 41, United States Code Annotated.
15. Sections 1738, 1739, 1743, and 1744 of the War Housing Insurance Act, title 12, United States Code Annotated.
16. Sections 1226(a) and 1252(b) of the Immigration and Nationality Act of 1952, title 8, United States Code Annotated (to the extent that they authorize special procedures).
17. Section 401(b) of Public Law 534, Eighty-second Congress, second session (66 Stat. 624).

CRIME SURVEY FOR THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, on behalf of myself and the Senator from New York [Mr. KENNEDY], I send to the desk a resolution, the resolving clause of which reads:

> That the Committee on the District of Columbia or any duly authorized subcommittee thereof is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of any and all matters pertaining to crime in the District of Columbia.

I set forth the specific proposals for conducting such a survey. I ask unanimous consent that the resolution be appropriately referred, and that it be printed at this point in my remarks.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD as requested by the Senator from Oregon.

The resolution (S. Res. 104) was referred to the Committee on the District of Columbia, as follows:

Resolved, That the Committee on the District of Columbia, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of any and all matters pertaining to crime in the District of Columbia.

SEC. 2. For the purposes of this resolution the committee, from the date of the approval of this resolution to June 1, 1966, inclusive, is authorized (1) to make such expenditures; (2) to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate; (3) to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (4) to take such testimony; (5) to employ, upon a temporary basis, all such technical, clerical, and other assistants and consultants; and (6) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government as it deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate and may enter into contracts for this purpose.

SEC. 4. The expenses of the committee, under this resolution, which shall not exceed $200,000 for the period ending June 1, 1966, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CHANGE OF REFERENCE

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of Senate bill 1681, to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs, and that it be referred to the Committee on Government Operations.

This bill, cited as the "Uniform Relocation Act of 1965," deals with many of the relocation problems that are covered in Senate bill 1201, to provide for equitable acquisition practices, fair compensation, and effective relocation assistance in real property acquisitions for Federal and federally assisted programs. The latter was introduced by Senator SPARKMAN on February 18, 1965, and was referred to the Committee on Government Operations. Both measures, then, deal with the general problem of relocation. Wisdom would seem to indicate that they should be analyzed in conjunction with one another.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

VOTING RIGHTS ACT OF 1965—AMENDMENTS

AMENDMENT NO. 135

Mr. ERVIN proposed an amendment to the Mansfield-Dirksen amendment (No. 124), in the nature of a substitute, to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which is pending.

AMENDMENTS NOS. 136, 137, AND 138

Mr. ERVIN also submitted three amendments, intended to be proposed by him, to the Mansfield-Dirksen amendment (No. 124), in the nature of a substitute, to Senate bill 1564, supra, which were ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1965—AMENDMENTS

AMENDMENTS NOS. 139 THROUGH 141

Mr. MILLER submitted three amendments, intended to be proposed by him, to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the Old-Age, Survivors, and Disability Insurance System, to improve the Federal-State public assistance programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

ADDITIONAL COSPONSOR OF BILL

Mr. HART. Mr. President, on behalf of the junior Senator from South Dakota [Mr. McGovern], I ask unanimous consent that the name of Senator Karl Mundt be added to his bill, S. 1838, and that Senator Mundt's name appear on the bill at its next printing. The measure authorizes purchase of dairy products when necessary to meet the requirements of supply programs for schools, domestic relief, community action and foreign distribution programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of April 22, 1965:

S. 1807. A bill to provide for an objective, thorough, and nationwide analysis and reevaluation of the extent and means of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation: Mr. Church, Mr. Dodd, Mr. Gruening, Mr. McCarthy, Mr. Moss, Mr. Randolph, and Mr. Yarborough.

Authority of April 26, 1965:

S. 1824. A bill to provide for the appointment of three additional judges for the Court of Appeals for the Sixth Circuit: Mr. Cooper, Mr. Hart, Mr. McNamara, and Mr. Young of Ohio.

NOTICE OF HEARINGS ON 5-YEAR RECORD OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. MUSKIE. Mr. President, I would like to announce for the information of the Senate and other interested persons that the Senate Subcommittee on Intergovernmental Relations and the House Intergovernmental Relations Subcommittee have scheduled joint hearings to evaluate the record of the Advisory Commission on Intergovernmental Relations with respect to its assigned functions, to further define the direction in which we are moving in the intergovernmental relations field, and to analyze the future role of the Commission in our Federal system in light of changing conditions.

The hearings are scheduled for May 25, 26, and 27. Any Senator or other person wishing to testify at the hearings should notify the Senate Subcommittee on Intergovernmental Relations, room 357, Old Senate Office Building, and request that he be scheduled as a witness.

WATER DESALINATION HEARINGS

Mr. JACKSON. Mr. President, for the information of the Senate, I would like to announce that hearings have been rescheduled on the status of the water desalination program before the Irrigation and Reclamation Subcommittee of the Senate Committee on Interior and Insular Affairs.

The hearings will be held in room 3110 of the New Senate Office Building, beginning at 10 a.m. on May 18 and 19. It is the intention of the committee to explore and receive testimony on the status of progress of our desalination program, including S. 24, the bill now pending to extend and expand the program. Those Members of the Senate and interested persons from private industry or universities and elsewhere are most cordially invited to attend and participate in our hearings.

THE GREAT FALLS TRIBUNE CHANGES OWNERSHIP

Mr. MANSFIELD. Mr. President, recently it was announced that Montana's largest daily newspaper would be sold to out-of-State interests.

I greeted this announcement with mixed emotion. The sale of the Great Falls Tribune means the end of one of the pioneer families in Montana journalism. The Great Falls daily was purchased in 1895 by O. S. Warden and William M. Bole. The Warden family has had an active interest in the production and management of the Tribune since that time. O. S. Warden was one of the towers of strength in the development of the Treasure State. He was succeeded in 1951 by his sons, Alex Warden, who became publisher, and Robert I. Warden, executive editor. Both men are retiring on April 30.

I have had many years of fine association with Alex and Bob Warden. They are most deserving of their retirement but they will be missed. The Great Falls Tribune, both its morning and evening editions, has maintained a high standard of independence, fairness, and objective reporting.

While we are witnessing the passing of a great family in the world of publishing, we do not need to fear the passing of a good daily newspaper. The new owners, the Minneapolis Star & Tribune Co., is a newspaper chain in the finest traditions. In this modern and complex age chain ownership of newspapers has proven to be good economics. Montana has benefited in the past and I am sure we will again. I am looking forward to my contacts with the new publisher, William A. Cordingley, and the staff that will remain.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a news story from the April 11, 1965, edition of the Great Falls Tribune, and editorials published in the Hungry Horse News of April 16, 1965, the Lewistown Daily News, April 13, 1965, the Western News of Hamilton, April 15, 1965, and the Great Falls Tribune, April 30, 1965.

There being no objection, the article and editorials were ordered to be printed in the Record, as follows:

[From the Great Falls (Mont.) Tribune, Apr. 30, 1965]

Minneapolis Star-Tribune Agrees To Purchase Tribune Co. Assets

The Minneapolis Star & Tribune Co. has concluded an agreement to purchase the assets of the Tribune Co. of Great Falls.

Simultaneous announcement was made Saturday by Joyce A. Swan, executive vice president of the Minneapolis newspaper publishing company and by Alexander Warden, the Great Falls publisher.

The Great Falls firm publishes the Tribune, a morning and Sunday newspaper with circulation of 36,000 morning and 42,000 Sunday over the northern half of Montana, and the Leader with evening circulation of 9,000, primarily in Great Falls. The company also owns a printing firm and office supply store.

New publisher of the Great Falls newspapers will be William A. Cordingley, national advertising manager of the Minneapolis Star & Tribune, Swan announced. Cordingley and his family will move to Great Falls after April 30, when the purchase will be completed.

Principal owners of the Great Falls newspapers have been members of the Warden family. Publisher Alexander Warden and executive editor Robert D. Warden are both retiring from management of the newspapers as of April 30. Advertising director Scott A. Warden of the two newspapers and manager Jock F. Warden of the printing and office supply division will continue to be associated with the new ownership.

Purchase price of the Great Falls company was not disclosed.

Retiring publisher Alexander Warden made the following statement:

"After a lifetime of publishing in our native Great Falls, there are inevitable regrets by the retiring ownership. Our best consolation lies, however, in firm conviction that the new owners are seasoned and thoroughly competent newspaper people who will give our readers publications at least as good as have prevailed. In Minneapolis they have fine newspapers that rank high in the metropolitan field and there is every reason for confidence in their performance here."

"The Great Falls newspapers have a rich history of public service in Montana and we are proud and pleased to accept the responsibility for carrying on their heritage in western journalism," Swan said.

NEW OFFICERS

Swan will be president and Cordingley vice president of the Great Falls Tribune Co., a newly organized subsidiary of the Minneapolis Star & Tribune Co.

"Bill Cordingley, as publisher, will be in charge of all aspects of the Great Falls operations," Swan said.

Cordingley, 47, was born in Des Moines, Iowa, and was graduated from Harvard College in 1940.

He joined the national advertising department of the Minneapolis newspapers shortly after his graduation. He enlisted as a private in the Army in 1941 and while serving in the North African and European campaigns for 34 months he rose to the rank of lieutenant colonel.

Returning to the Star and Tribune in 1946, Cordingley worked in the retail and national advertising departments and was appointed national advertising manager in 1950.

Cordingley has been active in civic and educational affairs in Minneapolis, including service for the Sales Executives Association, chamber of commerce, and the Curative Workshop. He was a trustee of Breck School and is an officer and member of the board of governors of Hazeltine National Golf Club.

He captained the Harvard golf team his senior year and has continued a strong interest in competitive golf, ranking as a semifinalist in the Minnesota State amateur tournament four times.

Cordingley and his wife, Mary, have three children: William, Jr., 16; Thomas, 15; and Constance, 9.

START AS WEEKLIES

Both the Great Falls Tribune and the Great Falls Leader had humble origins as weeklies back in the eighties. The morning Tribune originated in Sun River, a pioneer town 20 miles west of Great Falls, in 1884. Several of the first copies were printed on silk and auctioned for as much as $75. Moved to fledgling Great Falls in 1885, the weekly became a daily in 1887. The evening Leader was founded in the spring of 1888, blossoming into a daily later in the same year.

After varying ownership and fortunes, the Tribune was bought in January 1895 by two young New Englanders, O. S. Warden and William M. Bole. With a freshly acquired sheepskin from Dartmouth College, Warden had come west in 1889 to work for the Leader, arriving in Helena just as the constitutional convention for the new State of Montana was adjourning. Vermonter Bole was a printer by trade, having learned his trade setting type by hand in the famous Riverside Press in Boston. One of Riverside's jobs at this time was setting the current King James version of the Holy Bible. Blessed with that rare gift of total recall for the rest of his life and through years as an editor, Bole could pull any Biblical allusion verbatim out of his head, identifying book, chapter, and verse without ever picking up a Testament. An itching foot drifted him to St. Paul to become a rural mail carrier and, on the side, a hip-pocket real estate broker, capitalizing on the human yearning of the city dweller for the joys of rural living and the farmer for urban residence. One day he was worth $60,000; the next day he was flat broke, as the panic of 1893 hit. He then headed west on a $5 rail excursion rate for homeseekers and landed in Great Falls, a printer again.

Drawn together because of their New England origins and because of Scottish forebears, Warden and Bole bided their time until the chance came to buy the Tribune for $6,000. This they didn't have, but were able to close the deal with $200 that Warden dug up and a like amount that Bole raised with a chattel mortgage on his library.

They were just getting their heads above water at the turn of the century, when the Clark-Daly Senate fight posed a threat of a new Clark paper in Great Falls. A fast look at their hole card, and they sold to Clark. Bole bought the Bozeman Chronicle, not finding out who really had owned it until a year and a half after his purchase. Warden stayed on as a business office manager for the Clark ownership.

BUY PAPER AGAIN

The shifting political scene gave Warden and Bole opportunity to buy the paper back again, which they did in 1905. They continued as owners and partners until Bole's retirement and death, at which time the controlling ownership passed to Warden. O. S. Warden died in 1951.

During these years the Leader had been stumbling through troublous times and was finally acquired by the Tribune, but except for joint mechanical facilities it was published by a separate staff and in its own location until recent years.

The present Tribune building was built in 1916, housing Tribune and allied operations which included a newly formed Tribune Printing & Supply Co., the bimonthly Montana Farmer-Stockman, sold in 1964 to the Cowles farm paper interests in Spokane; majority ownership in Great Falls radio station KMON from its inception in 1948 until disposal in 1958.

[From the Hungry Horse News, Apr. 16, 1965]

The Big Independent

Noted with regret is the sale of the Great Falls Tribune and Leader, announced by the Warden family to the Cowles interests that own the Minneapolis Star and Tribune.

Long the largest daily in Montana, the Tribune has been the State's most influential newspaper. In recent years, the flashy and enterprising Billings Gazette passed the Tribune in circulation, but the Tribune remained the daily with best capitol and Statewide coverage and in its responsible way gave editorial leadership to Montana journalism.

The Tribune, with 36,686 morning circulation and 9,312 for the evening Leader, was also a daily that endorsed some top Democratic candidates in 1960 as well as in 1964. This is unique. Newspapers in the Main Street pattern are more conservative politically than the majority of their readers.

Evolution of journalism in Montana follows a national pattern to chain ownership, and it is good economics.

Montana benefited when the Anaconda Co. sold its papers to the Lee chain—publishing is their business. This chain owns the Billings Gazette. The Montana Press Association directory is the source for these weekday circulation figures. The Gazette has 36,924 paid mornings and 11,202 evenings; next is the Montana Standard at Butte with 24,273, followed by the Daily Missoulian with 18,159 mornings and 2,500 for the evening Sentinel. The Lee chain also owns the Helena Independent-Record, 8,514, Anaconda Standard, 5,189, and the Livingston Enterprise, 2,901.

The Scripps League has three Montana papers, the Daily Inter Lake of Kalispell, 6,895; the Bozeman Daily Chronicle, 5,111, and the Havre Daily News, 4,066.

Largest Montana-owned daily newspaper now is the Miles City Star with 4,609. Ken Byerly, now a University of North Carolina teacher, is principal owner of the Lewistown Daily News, 3,749.

Evolution of Montana journalism has come to the point where the Hungry Horse News, published in Columbia Falls, has the largest audited paid circulation of any Montana-owned newspaper, weekly or daily. Last quarterly Audit Bureau of Circulation figure was 4,773.

At the same time, a weekly newspaper is never a substitute for a daily. The Hungry Horse News hopes that every subscriber also gets a daily, and Montana's have been getting better.

It is interesting to note that sale of the Tribune was to an organization new to Montana journalism; namely the Cowles interests of Minneapolis (associated with Des Moines but not Spokane). The sale could have been to one of the chains already in the State, and having a third chain ownership is some diversification.

There will be considerable interest in the Cowles operation of the Great Falls Tribune, and whether or not the paper will keep and develop its State image established by the late O. S. Warden and William M. Bole.

[From the Lewistown (Mont.) Daily News, Apr. 13, 1965]

The End of an Era

It is with profound regret that we see the Great Falls Tribune leave the most capable and honored leadership of the Warden family.

On May 1 the grand old Great Falls Tribune will pass into the hands of out-of-State ownership.

Perhaps because of sentimentality more than anything else, many Montana journalists see this transfer of ownership as the end of the great era of Montana newspapering.

The Tribune, first under the guiding hand of the late O. S. Warden, and for the past 15 years under the very capable leadership of Alex Warden, has trained many of Montana's present-day newspaper publishers and produced several outstanding authors.

There was Joseph Kinsey Howard, of "Montana, High, Wide, and Handsome" fame; Dan Cushman, who has gained immortality with "Stay Away Joe"; popular columnist Chick Guthrie; Jack Travis, former publisher of the Havre Daily News; Sam Gilluly, former editor of the Glasgow Courier and now publications editor of the Montana Chamber of Commerce; Fred Martin, publisher of the Park County News.

Paul Verdon, publisher of the Libby Western News; Bob Gilluly, editor of the Ravalli Republican; Earl Mizen, publisher of the Belt Valley Times; George Brammer, publisher of Townsend Star; and countless others who have moved on to the New York Times, Milwaukee Journal, Denver Post, and a host of other great metropolitan newspapers.

As for myself, the Tribune was my home for fully a fifth of my life and nearly half of my newspaper career.

So we say hail and farewell to the Warden family, which has done such an outstanding job in Montana newspapering for so many, many years.

And we offer good wishes to the Cowles syndicate, which will assume the reins of Montana's great newspaper on May 1.

[From the Western News and Libby Times, Apr. 15, 1965]

The End of an Era

Without discounting the achievements of the 39th legislature, probably the most significant development in Montana this year is the sale of the Great Falls Tribune properties.

The acquisition of Montana's largest and most influential newspaper by a Minneapolis company may have far-reaching effects upon Montana and upon the Tribune which has always aimed at deserving the title "Montana's best newsgatherer." Through the years it has earned the name.

Founded more than 80 years ago at Sun River, the controlling interest in the Tribune ownership for many years has been vested in the family of O. S. Warden, whose sons have guided the paper since their father's death. Younger members of the Warden family will continue to be associated with the paper, but ownership after April 30 will go to the Minneapolis Star-Tribune Co.

Most of us who grew up or lived long periods in northern or eastern Montana consider the Tribune as a member of the family. For this writer, the Great Falls paper has a special meaning. My first reading practice was on its comic pages, and for most of my life the morning Tribune came before breakfast. For 17 years, beginning as a student at MSU journalism school, I have been almost continuously a Tribune correspondent, staff member, or contributor.

The factor that always distinguished the Tribune from the other major daily newspapers of the State was its local ownership. Every other paper large enough to be considered a competitor with the Tribune for

Statewide prestige has been owned either by a large industrial corporation to whom publishing was an unprofitable sideline dictated by political purposes or by a large newspaper chain headquartered in the Midwest and with no true understanding of the Montana which we natives know and live.

The Tribune served the Treasure State well because it was of, by, and for Montanans.

This great service may continue if the new ownership recognizes the importance of preserving the Tribune image throughout the State.

We salute the Great Falls Tribune; we thank the Tribune for outstanding service to Montana for more than three-quarters of a century; and we look forward to continued leadership in the future.

[From the Great Falls (Mont.) Tribune]

L'Envoi

After more years than we care to count, the senior management of the Tribune companies steps down and out today as new ownership and direction take over the reins.

What will we do? Where will we go? How do we feel about retiring? Well, we'll do whatever we can find to do—here in Montana where our roots run deep and where our old friends live. We don't know how we feel. After years of punching the time clock, this is a new experience. We'll have to wait and see.

There's been one great reward for us. Many of our friends and associates here and all over Montana tell us now that it isn't true that we wear horns and that after all our newspapers haven't been so bad.

It's nice to listen to such encomiums, praises usually withheld until the recipients can't hear them because they have just shuffled off this mortal coil. In a box surrounded by lighted tapers and cloying posies, who can hear well?

We have no qualms—else we wouldn't have sold—about the papers deteriorating under the new regime, and we don't expect decisions to be delayed until Minneapolis speaks.

These newspapers were here before we came; they'll be here long after we've gone. We're just glad to have played a role on the stage of their history.

Alexander Warden,
Publisher.
Robert D. Warden,
Executive Editor.

ARMY EQUIPMENT AND MATERIEL

Mr. STENNIS. Mr. President, I have previously advised the Senate that the staff of the Preparedness Investigating Subcommittee has been making a comprehensive study of the equipment and materiel status of Army combat divisions and units. One of the more important aspects of this study is the impact which our operations in Vietnam, coupled with other unprogramed requirements, have had upon the Army's overall equipment and materiel situation.

The staff inquiry, which commenced in January, has now been developed to the point that hearings can be held on this very important matter. These will commence tomorrow, Tuesday, May 4, at 10 a.m. At the first session we will receive a report from members of the subcommittee staff on the results of their 3-months inquiry into this matter. At subsequent sessions we will hear from representatives of the General Accounting Office, which has assisted us in this study, and the Department of the Army.

This hearing deals directly with the combat readiness and preparedness of the Army. It is perhaps the most important hearing which the subcommittee will conduct in the field of preparedness this year. In these days of spiraling overseas involvement and mounting international tension, it is imperative that the Congress be fully informed of the quality and quantity of the Army's inventory of arms and equipment, and its ability to perform its assigned mission.

I have been concerned about this matter for several months. My concern has mounted with the constant increase in the tempo of the fighting in Vietnam and the resultant increase in the requirements for men, equipment, arms and ordnance in that theater. The recent dispatch of our fighting men to the Dominican Republic has levied yet another requirement upon the Army. The total impact of these widely separated operations is yet to be felt.

These and other requirements have not yet been separately programed for and funded. For the time being they are being met by the withdrawal of funds, equipment, personnel and other assets from the Regular Army inventory. The impact which this has had and will have on the Army as a whole must be inquired into very thoroughly. We must be certain that we have the men, equipment, and materiel to fulfill our commitments in Vietnam, the Dominican Republic and elsewhere. At the same time, we must be certain that the drain of these activities does not result in an unacceptable impairment of the readiness and combat effectiveness of other high priority combat units in the continental United States and elsewhere.

The subcommittee will inquire into this matter as exhaustively as is necessary. Because of the nature of the subject matter, it will be necessary that the testimony be taken in executive session. At the conclusion of the hearing an appropriate report will be made to the full Senate Committee on Armed Services and, through it, to the Senate. If the hearings show a need for additional funds for Army procurement, I am certain that they will be provided promptly by the Congress.

THE DOMINICAN REPUBLIC

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the Record an editorial that appeared in this morning's issue of the New York Times entitled "Dominican Troop Buildup," and also an article, under two headings, appearing in the Times for Sunday, May 3, "Bosch 'Surprised' by Johnson Charge of Red Leadership" and "Bosch Holds United States Responsible."

There being no objection, the editorial and articles were ordered to be printed in the Record, as follows:

[From the New York Times]

Dominican Troop Buildup

In ordering several thousand more marines and paratroopers into Santo Domingo Saturday night, President Johnson reiterated that their sole mission was to protect and evacuate endangered Americans and other foreign nationals. Last night the President went on television to confirm what Congressmen and correspondents in Washington had been told privately from the start of the Dominican rebellion—that the primary aim of the U.S. military involvement is to prevent another Cuba.

Thus, the official explanation has finally caught up with the one consistently given by authoritative administration briefings. The President now tells the Nation that the revolt began as an action dedicated to social justice but it took a sinister turn when Communists seized control.

What remains unexplained is why no slightest expression of sympathy for the revolt's aims came from Washington in the period when the massing of American troops was decided upon. The clear effect of their influx was to strengthen the ruling military junta in its efforts to block the restoration of Juan Bosch as President. In a television interview taped on Saturday Professor Bosch, who is no Communist, said that the revolt had been won until Washington intervened. He vehemently denied that the Communists exercised any position of control.

The President's unwillingness to see another Communist state established in this hemisphere will command national support. But the question that needs a much clearer answer is whether a rightwing dictatorship in Santo Domingo has not traded on U.S. fears of communism to preserve its power in a country still scarred by three decades of brutal repression under Generalissimo Trujillo.

Restoring political stability in the Dominican Republic is the rightful responsibility of the Organization of American States. This responsibility has been acknowledged by President Johnson; it is being exercised by the O.A.S. through its dispatch of a five-man mediation mission to Santo Domingo. If that delegation finds a need for an inter-American peace force to help maintain a cease-fire or to ward off subversion, the O.A.S. is the proper instrumentality for bringing the peace force into being.

The massing of American marines and paratroopers in ever-increasing numbers already has stirred bitter recollections throughout Latin America and the world of the excesses of "gunboat diplomacy." A unilateral decision to assign these troops an active role in helping the Dominican military junta put down the revolt would run counter to all the principles of "Progress, democracy and social justice," for which Mr. Johnson appealed in his televised remarks Friday evening.

Such an abuse of our strength would do more to spread communism in this hemisphere than the Castroite agents it was directed against. As the President repeatedly pointed out in the 1964 election campaign, the United States cannot bulldoze its way to security, nor should it try. The inter-American system, to which the President has pledged full support, is our best assurance—and the hemisphere's.

[From the New York Times, May 3, 1965]

Bosch "Surprised" by Johnson Charge of Red Leadership

San Juan, P.R., May 3.—Former President Juan Bosch, of the Dominican Republic, was surprised tonight by President Johnson's remarks on television that Communists had taken over the Dominican revolt.

"If the President says so, then maybe I have been mistaken all my life," Mr. Bosch said. "How is it possible for the Communists to make a revolution with democratic soldiers and democratic people?"

"Who is the leader who made this happen so quickly in a few days?" Mr. Bosch asked.

The exiled former President, in whose name the revolt began a week ago said: "I am so surprised, I shall inspect President Johnson's statement tomorrow and then maybe have more to say."

Mr. Bosch added that he had talked "three or four times today with the military headquarters in the Dominican Republic and as far as I know the cease-fire is being observed. Nobody mentioned Communist takeover to me."

BOSCH HOLDS UNITED STATES RESPONSIBLE

WASHINGTON, May 2.—Mr. Bosch said today that the Dominican revolt had been won until the United States intervened, so that it was now Washington's responsibility to bring democracy to his country.

Asked if he proposed that the United States carry on the revolution begun 8 days ago by forces backing his return, Mr. Bosch replied: "The duty is to do that. The United States must do in the Dominican Republic what the people in the Dominican Republic want and were fighting for."

He said he had abandoned hope of a military victory for his backers, saying that "this stage of the revolution is ended for now."

Mr. Bosch, interviewed on the Columbia Broadcasting System radio and television program, "Face the Nation," said the uprising was democratic, was not in any way under Communist control and had crushed the forces of Brig. Gen. Elias Wessin y Wessin until American marines were brought in.

The program was taped in San Juan, P.R., yesterday and broadcast today.

Mr. Bosch said he thought President Johnson's order sending in the first troops last Wednesday had been based on a desire to protect American lives and to return peace to the Dominican Republic, but in the end changed the course of the fighting.

"When they landed they found Wessin y Wessin was defeated * * * 24 hours more and the Dominicans would have solved their own problems," he said.

Mr. Bosch also said U.S. forces had broken the cease-fire that was arranged at one stage of the fighting.

Commenting on reports that Communists had become quite active in the continuing fighting in Santo Domingo, Mr. Bosch said: "The revolutionary forces are not Communists; they had no control."

Mr. MORSE. Last Friday, as chairman of the Subcommittee on Latin American Affairs, I said that, in response to a notification by the military government of the Dominican Republic that they could not protect Americans and nationals of other nations, the President had a right to send in marines for the limited purpose of evacuating those nationals.

At that time I also warned that if the evidence should disclose that the United States went beyond the protection of nations and became a party to the revolt in the Dominican Republic by supporting one side, it would be acting outside its treaty obligations under the Organization of American States Charter. It would be acting outside the Act of Bogotá, the Act of Punta del Este, and the Washington Act of a year ago. I stated that I would wait final information before making any further comment on the subject.

Today I have called for a meeting of the full Committee on Foreign Relations. In the absence of such a meeting, I shall call a meeting of the Subcommittee on Latin American Affairs. I have been assured by the acting chairman of the Foreign Relations Committee, the Senator from Alabama [Mr. SPARKMAN], that a briefing is being called for this afternoon.

I shall withhold further comment until that briefing is over, except to say now that I am greatly disturbed about allegations that have appeared in the press over the weekend that we have gone beyond the evacuation of Americans in the Dominican Republic, and that it may be that we are acting unilaterally by taking sides in this matter. If we are, we are once again clearly outside another treaty obligation of the United States, which I hope will not continue to be a foreign policy practice of the Johnson administration.

However, it is highly important that the Organization of American States and the members thereof live up to their obligations under the charter and under the various acts to which I referred on Friday and have briefly mentioned again today.

I regret that the Johnson administration recognized the military junta, for I appeared with other Members of the Senate at the White House with the lone voice dissenting from the proposed recognition recommended by the Department of State after it had played its cracked record again that the only way to achieve stability in the Dominican Republic would be to recognize the military junta. I warned then that to recognize the junta would create serious problems for the United States in Latin America and for the distinguished leaders of the free nations in Latin America.

I said to the President, "If you would call in those free leaders—if you would call in Muñoz-Marín, the Governor of Puerto Rico; the President of Costa Rica; the President of Colombia; the President of Venezuela; the President of Chile; and other friends in Latin America—they would give you advice directly opposite to the advice being given by the State Department. I do not think you can justify recognizing a military junta that has destroyed constitutionalism in the Dominican Republic."

I said, "I hold no brief for Bosch, because I do not know what led to his overthrow; but I do hold a brief for the Constitution of the Dominican Republic, and that Constitution calls for an order of succession in case there is a vacancy in the Presidency; it does not call for a military takeover."

There is no question that General Wessin y Wessin is the military dictator who has destroyed the Constitution of the Dominican Republic, and we should not recognize him and should not continue to recognize his new government. We should recognize the fact that now the Organization of American States, not the United States of America, has the primary responsibility of restoring constitutionalism in the Dominican Republic.

Mr. MANSFIELD. Mr. President, I well recall the meeting at the White House to which the distinguished senior Senator from Oregon has just referred again on the floor of the Senate. I am delighted to know that he is calling together the subcommittee of which he is the chairman and which has performed so outstandingly in the affairs of Latin America, with respect to which that subcommittee has a responsibility.

Mr. President, in view of the situation which has developed in the Dominican Republic, I feel it incumbent upon me to say a few words at this time. I support the humanitarian purposes of the President in dispatching marines to Santo Domingo to evacuate our nationals and those of other countries who desire to leave. It is my hope that once this is accomplished and a responsible Dominican Government assumes office that American forces can be withdrawn. I am sure that the President would like nothing better. However, we must keep in mind that there is a very confused situation in Santo Domingo and that at present and for some days past, there has been no government in control. In the meantime, confusion and chaos reign in certain parts of the city of Santo Domingo and many hundreds of lives have been lost and many hundreds of people have been wounded.

I think it wise that a protective zone has been set up for refugees within and on the outskirts of the city. I approve of what the papal nuncio has done to bring about a cease-fire and I am happy that the Secretary General of the OAS, Jose Mora, is in Santo Domingo and that subsequent to his arrival a five-man delegation representing the OAS has landed on the island, in order to assist in the process of making the cease-fire effective and in bringing some degree of order out of the chaos and disorder which exist.

I would hope that the OAS would take an even stronger stand and would consider the possibility of organizing an inter-American police force for the purpose of handling not only this situation but situations of this kind in the future.

I would suggest that the 20 states comprising the membership of the OAS could well consider the possibility of a contribution of 1 company of men numbering 300 under the direction of the OAS and to be under the command of an officer or officers from countries in the OAS other than the United States. This sort of unified OAS command could serve to inter-Americanize the present unilateral humanitarian role of the United States. The role of this unified command would be to protect noncombatants but not to engage on one side or the other in this struggle pending an OAS decision.

The President has indicated that we support no faction and no individual but that we are in Santo Domingo primarily for humanitarian purposes.

I realize, as well as does the President, that the landing of the marines awakened slumbering memories. That is understandable and is seen in some of the reactions which have followed the action. But I am glad to note that our Government is in contact with former President Juan Bosch in Puerto Rico as well as with Romulo Betancourt of Venezuela and Jose Figueres in Costa Rica. I also approve the action of the President in dispatching Ambassador Averill Harriman to Latin American for the purpose of explaining our position and former Ambassador Teodoro Moscoso for the same reason. It is well that these actions have been undertaken so that the governments and the people of Latin America can be as well informed of what we are doing as are our own people and aware of the reasons for the undertaking.

It is my belief that unless and until order is restored in Santo Domingo, the present difficulty may spread elsewhere and the situation in the Caribbean will take a turn for the worse.

It is my hope that the prompt action taken by President Johnson will help to hasten the day when order is restored, when free elections will be held which I would hope would be within the period of 30 to 90 days, and which will bring about, on the basis of a return to stability, a withdrawal of American forces and a return to the Dominicans of a government of their own choosing to chart their own future.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the President's address to the Nation.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

JOHNSON'S STATEMENT ON ISLAND CRISIS

(NOTE.—The following is a text of President Johnson's statement last night on the revolt in the Dominican Republic.)

Good evening, ladies and gentlemen. I have just come from a meeting with the leaders of both parties in the Congress, which was held in the Cabinet room of the White House. I briefed them on the facts of the situation in the Dominican Republic. I want to make those same facts known to all the American people and to all the world.

There are times in the affairs of nations when great principles are tested in an ordeal of conflict and danger. This is such a time for the American nations.

At stake are the lives of thousands, the liberty of a nation, and the principles and the values of all the American Republics.

That is why the hopes and the concern of this entire hemisphere are on this Sabbath of Sunday focused on the Dominican Republic.

In the dark mist of conflict and violence, revolution and confusion, it is not easy to find clear and unclouded truths.

But certain things are clear. And they require equally clear action. To understand, I think it is necessary to begin with the events of 8 or 9 days ago.

Last week our observers warned of an approaching political storm in the Dominican Republic. I immediately asked our Ambassador to return to Washington at once so that we might discuss the situation and might plan a course of conduct. But events soon outran our hopes for peace.

REVOLT ERUPTS

Saturday, April 24—8 days ago—while Ambassador Bennett was conferring with the highest officials of your Government, revolution erupted in the Dominican Republic. Elements of the military forces of that country overthrew their government. However, the rebels themselves were divided. Some wanted to restore former President Juan Bosch. Others opposed his restoration. President Bosch, elected after the fall of Trujillo and his assassination, had been driven from office by an earlier revolution in the Dominican Republic.

Those who opposed Mr. Bosch's return formed a military committee in an effort to control that country. The others took to the street and they began to lead a revolt on behalf of President Bosch. Control and effective government dissolved in conflict and confusion.

Meanwhile, the United States was making a constant effort to restore peace. From Saturday afternoon onward, our Embassy urged a cease-fire, and I and all the officials of the American Government worked with every weapon at our command to achieve it.

On Tuesday, the situation of turmoil was presented to the Peace Committee of the Organization of American States.

On Wednesday, the entire Council of the Organization of American States received a full report from the Dominican Ambassador.

Meanwhile, all this time, from Saturday to Wednesday, the danger was mounting. Even though we were deeply saddened by bloodshed and violence in a close and friendly neighbor, we had no desire to interfere in the affairs of a sister republic.

DANGER CITED

On Wednesday afternoon, there was no longer any choice for the man who is your President. I was sitting in my little office reviewing the world situation with Secretary Rusk, Secretary McNamara, and Mr. McGeorge Bundy. Shortly after 3 o'clock I received a cable from our Ambassador and he said that things were in danger, he had been informed the chief of police and governmental authorities could no longer protect us. We immediately started the necessary conference calls to be prepared.

At 5:14, almost 2 hours later, we received a cable that was labeled "critic," a word that is reserved for only the most urgent and immediate matters of national security.

The cable reported that Dominican law enforcement and military officials had informed our Embassy that the situation was completely out of control and that the police and the government could no longer give any guarantee concerning the safety of Americans or any foreign nationals.

Ambassador Bennett, who is one of our most experienced Foreign Service officers, went on in that cable to say that only an immediate landing of American forces could safeguard and protect the lives of thousands of Americans and thousands of other citizens of some 30 other countries. Ambassador Bennett urged your President to order an immediate landing.

In this situation, hesitation and vacillation could mean death for many of our people, as well as many of the citizens of other lands.

LANDINGS ORDERED

I thought that we could not and we did not hesitate. Our forces, American forces, were ordered in immediately to protect American lives. They have done that. They have attacked no one, and although some of our servicemen gave their lives, not a single American civilian and the civilian of any other nation, as a result of this protection, lost their lives.

There may be those in our own country who say that such action was good but we should have waited or we should have delayed, or we should have consulted further, or we should have called a meeting. But from the very beginning, the United States, at my instructions, had worked for a cease-fire beginning the Saturday the revolution took place. The matter was before the OAS Peace Committee on Tuesday, at our suggestion. It was before the full Council on Wednesday and when I made my announcement to the American people that evening, I announced then I was notifying the Council.

When that cable arrived, when our entire country's team in the Dominican Republic, made up of nine men—one from the Army, Navy, and Air Force, our Ambassador, our AID man, and others—said to your President unanimously: Mr. President, if you do not send forces immediately, men and women—Americans and those of other lands—will die in the streets. Well, I knew there was no time to talk, to consult, or to delay. For in this situation delay itself would be decision—the decision to risk and to lose the lives of thousands of Americans and thousands of innocent people from all lands.

I want you to know that it is not a light or an easy matter to send our American boys to another country, but I do not think that the American people expect their President to hesitate or to vacillate in the face of danger just because the decision is hard when life is in peril.

TRAGIC TURN

The revolutionary movement took a tragic turn. Communist leaders, many of them trained in Cuba, seeing a chance to increase disorder, to gain a foothold, joined the revolution. They took increasing control. And what began as a popular democratic revolution, committed to democracy and social justice, very shortly moved and was taken over and really seized and placed into the hands of a band of Communist conspirators.

Many of the original leaders of the rebellion, the followers of President Bosch, took refuge in foreign embassies because they has been superseded by other evil forces, and the secretary general of the rebel government, Martinez Francisco, appealed for a cease-fire. But he was ignored. The revolution was now in other and dangerous hands.

When these new and ominous developments emerged the OAS met again and it met at the request of the United States. I am glad to say they responded wisely and decisively. A five-nation OAS team is now in the Dominican Republic acting to achieve a cease-fire to insure the safety of innocent people, to restore normal conditions, and to open a path to democratic progress.

This is the situation now.

I plead, therefore, with every person and every country in this hemisphere that would choose to do so, to contact their ambassador and the Dominican Republic directly and to get firsthand evidence of the horrors and the hardship, the violence and the terror and the international conspiracy from which U.S. servicemen have rescued the people of more than 30 nations from that war-torn land.

Earlier today I ordered two additional battalions—2,000 extra men—to proceed immediately to the Dominican Republic. In the meeting that I have just concluded with the congressional leaders—following that meeting—I directed the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to issue instructions to land an additional 4,500 men at the earliest possible moment. The distribution of food to people who have not eaten for days, the need of medical supplies and attention for the sick and wounded, the health requirements to avoid an epidemic because there are hundreds that have been dead for days that are now in the streets, and other protection and security of each individual that is caught on that island require the attention of the additional forces which I have ordered to proceed to the Dominican Republic.

EVACUATED 3,000

In addition, our servicemen have already, since they landed on Wednesday night, evacuated 3,000 persons from 30 countries in the world from this little island. But more than 5,000 people, 1,500 of whom are Americans—the others are foreign nationals—are tonight awaiting evacuation as I speak. We just must get on with that job immediately.

The evidence that we have on the revolutionary movement indicates that it took a very tragic turn. Many of them trained in Cuba, seeing a chance to increase disorder and to gain a foothold, joined the revolution. They took increasing control. What began as a popular democratic revolution that was committed to democracy and social justice moved into the hands of a band of Communist conspirators. Many of the original leaders of the rebellion, the followers of President Bosch, took refuge in foreign embassies and they are there tonight.

The American nations cannot, must not, and will not permit the establishment of another Communist government in the Western Hemisphere. This was the unanimous view of all the American nations when, in January, 1962, they declared, and I quote: "The principles of communism are incompatible with the principles of the inter-American system."

This is what our beloved President John F. Kennedy meant when, less than a week before his death, he told us: "We in this hemisphere must also use every resource at our command to prevent the establishment of another Cuba in this hemisphere."

This is and this will be the common action and the common purpose of the democratic forces of the hemisphere. For the danger is also a common danger, and the principles are common principles.

AMBASSADORS SENT

So we have acted to summon the resources of this entire hemisphere to this task. We have sent, on my instructions the night before last, special emissaries such as Ambassador Moscoso of Puerto Rico, our very able Ambassador Averell Harriman and others to Latin America to explain the situation, to tell them the truth, and to warn them that joint action is necessary. We are in contact with such distinguished Latin American statesmen as Romulo Betancourt and Jose Figueres. We are seeking their wisdom and their counsel and their advice. We have also maintained communication with President Bosch, who has chosen to remain in Puerto Rico.

We have been consulting with the Organization of American States and our distinguished Ambassador, than whom there is no better; Ambassador Bunker has been reporting to them at great length all the actions of this Government and we have been acting in conformity with their decisions.

We know that many who are now in revolt do not seek a Communist tyranny. We think it is tragic indeed that their high motives have been misused by a small band of conspirators who receive their directions from abroad. To those who fight only for liberty and justice and progress I want to join with the Organization of American States in saying, in appealing to you tonight, to lay down your arms, and to assure you there is nothing to fear.

The road is open for you to share in building a Dominican democracy and we in America are ready and anxious and willing to help you. Your courage and your dedication are qualties which your country and all the hemisphere need for the future. You are needed to help shape that future. And neither we nor any other nation in this hemisphere can or should take it upon itself to ever interfere with the affairs of your country or any other country. We believe that change comes and we are glad it does, and it should come through peaceful process. But revolution in any country is a matter for that country to deal with. It becomes a matter calling for hemispheric action only—repeat only—when the object is the establishment of a Communist dictatorship.

SUPPORT NO FACTION

Let me also make clear tonight that we support no single man or any single group of men in the Dominican Republic. Our goal is a simple one. We are there to save the lives of our citizens and to save the lives of all people. Our goal in keeping with the great principles of the inter-American system, is to help prevent another Communist state in this hemisphere. And we would like to do this without bloodshed or without large-scale fighting.

The form and the nature of the free Dominican Government, I assure you, is solely a matter for the Dominican people, but we do know what kind of government we hope to see in the Dominican Republic. For that is carefully spelled out in the treaties and the agreements which make up the fabric of the inter-American system. It is expressed, time and time again, in the words of our statesmen and the values and hopes which bind us all together.

We hope to see a government freely chosen by the will of all the people.

We hope to see a government dedicated to social justice for every citizen.

We hope to see a government working, every hour of every day, to feeding the hungry, to educating the ignorant, to healing the sick—a government whose only concern is the progress and the elevation and the welfare of all the people.

For more than three decades the people of that tragic little island suffered under the weight of one of the most brutal and despotic dictatorships of the Americas. We enthusiastically supported condemnation of that government by the Organization of American States. We joined in applying sanctions, and when Trujillo was assassinated by his fellow citizens we immediately acted to protect freedom and to prevent a new tyranny; and since that time we have taken the resources from all of our people at some sacrifice to many, and we have helped them with food and with other resources, with the Peace Corps volunteers, with the AID technicians; we have helped them in the effort to build a new order of progress.

EXPRESSES SYMPATHY

How sad it is tonight that a people so long oppressed should once again be the targets of the forces of tyranny. Their long misery must weigh heavily on the heart of every citizen of this hemisphere. So I think it is our mutual responsibility to help the people of the Dominican Republic toward the day when they can freely choose the path of liberty and justice and progress. This is required of us by the agreements that we are party to and that we have signed. This is required of us by the values which bind us together.

Simon Bolivar once wrote from exile: "The veil has been torn asunder. We have already seen the light and it is not our desire to be thrust back into darkness."

Well, after decades of night the Dominican people have seen a more hopeful light and I know that the nations of this hemisphere will not let them be thrust back into the darkness.

And before I leave you, my fellow Americans, I want to say this personal word: I know that no American serviceman wants to kill anyone. I know that no American President wans to give an order which brings shooting and casualties and death. I want you to know and I want the world to know that as long as I am President of this country, we are going to defend ourselves. We will defend our soldiers against attackers. We will honor our treaties. We will keep our commitments. We will defend our Nation against all those who seek to destroy not only the United States but every free country of this hemisphere. We do not want to bury anyone as I have said so many times before. But we do not intend to be buried.

Thank you. God bless you. Good night.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. ELLENDER. The Senator from Montana says he is in full accord with what the President has done. Does the Senator believe that as many as 14,000 to 15,000 soldiers are required to remove the few Americans who are in Santo Domingo now?

Mr. MANSFIELD. I understand there are more than a few Americans remaining. It is my understanding that at the present time there are 5,000 nationals of other countries in the Dominican Republic, and that of these approximately 1,500 are Americans.

Mr. ELLENDER. Why should we protect the others?

Mr. MANSFIELD. Someone should protect them. We are the only power, evidently, that is capable of doing so. I think this is a good humanitarian purpose.

Mr. ELLENDER. I have no doubt of that so far as American personnel are concerned; but I do not know how we shall be able to explain this action to the world in view of what we are doing in South Vietnam.

Mr. MANSFIELD. The President has done his best to explain the situation.

Mr. ELLENDER. I heard him.

Mr. MANSFIELD. I think he had a right to undertake the action he took on his own responsibility to evacuate Americans who were in peril and who may well be in peril, because a certain part of the city of Santo Domingo is still very unsafe.

There is a question of taking care of not only nationals other than Dominicans but of Dominicans as well, because I understand that disease is rampant, and that there is a need for medical and Red Cross facilities, for food, and for other items which are very badly needed at the present time.

I think anyone would approve of the humanitarian aspects of what the President of the United States has done.

Mr. ELLENDER. Have we been given assurance that our forces in the Dominican Republic are not taking sides?

Mr. MANSFIELD. We have been given that assurance by the President. They have taken no sides so far as any group is concerned, nor have they taken any sides so far as any individual is concerned.

Mr. ELLENDER. The group that is in control there now, as the Senator from Oregon [Mr. MORSE] has just stated, is a junta that was installed 2 or 3 years ago. I understand it is consulting with Mr. Bosch, who was thrown out by the present junta.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The 3 minutes allotted to the Senator from Montana have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I wish the Senator from Montana would give his view on that aspect, since we are consulting with Mr. Bosch, and, doubtless with the junta that is there now, and since the present junta and Bosch are alined one against the other.

Mr. MANSFIELD. Mr. President, we shall probably be accused of taking sides. However, we can accept the word of the President of the United States that we will not take sides with any individual or group, and that includes General Wessin y Wessin, who is the man in charge of the Army tank corps, I believe, in Santo Domingo, and who participated in the revolt—in what way, I am not at all clear at the moment. However, so far as I am concerned and know, he is not the government in Santo Domingo because there is no government in existence at this time.

Mr. ELLENDER. Mr. President, I express the hope that our marines will be out of Santo Domingo at an early date. Anytime anything occurs in the world, we seem to be the only country that does the job of protecting the lives of people. Also, I presume, we shall be called upon to feed the people of that area.

It would seem to me that the quicker the OAS can get to work and send in their own resources instead of letting us carry the ball, the better off we shall be.

Mr. MANSFIELD. I agree with that statement. I wish that the OAS would take a greater responsibility. I wish we in this hemisphere could react in a cooperative manner when such incidents occur in the Latin American States. The primary responsibility is not ours. It is the responsibility of the Organization of American States. However, if they do not act, we do not have much choice.

Mr. ELLENDER. Mr. President, does not the Senator from Montana find it strange that one of the chief critics of the position we are now taking in Santo Domingo is the Government of Venezuela. If I am to judge from what is reported in the newspapers, the Government of Venezuela says that we should not have gone in there. Yet, as I understand, one of the reasons which caused the overthrow of Trujillo was the pressure brought to bear by the Government of Venezuela. There was never any love lost between Betancourt and Trujillo.

I do not say we aided in bringing it about, but Trujillo was thrown out and later assassinated. There was a promise, as I remember, that the Government of Venezuela would exert its efforts in trying to throw Castro out. We delivered on our promise, but they did not. Of all people, the Government of Venezuela should be the last to find fault with what we are now doing in Santo Domingo.

Mr. MANSFIELD. Mr. President, I have noted the reaction of Venezuela and other Latin American nations as well. I can well understand, at least in part, how they feel. What has been done in Santo Domingo, despite the fact that it was being done for humanitarian purposes, has revived memories of American intervention over the decades stretching back to 40 or 50 years ago.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. Mr. President, I commend the Senator from Montana for the statement he just made.

It is my understanding that the President has sent the Marines and other troops into Santo Domingo to protect American lives primarily. It is our responsibility to protect American lives. The Organization of American States, as I understand it, is set up under terms which make it difficult for it to act quickly. It is also my understanding that we certainly will share the responsibility with the Organization of American States as soon as the Organization of American States is capable or willing to take its share of the responsibility.

It is also my understanding that we are taking no part at the present time in Santo Dominican affairs because there is realy no government down there with which we can take part. However, the Senator from Louisiana has brought up the issue of the lives of other nationalities. These individuals are human beings, and if we have the resources to go down there and protect our American citizens and save their lives, which is our obligation, then if we can also save the lives of other human beings, I am in favor of doing so.

I commend the Senator from Montana for his statement. I believe his statement accurately reflects the policy of our Government at the present time, with which policy I am in full accord.

Mr. MORSE. Mr. President, I had not intended to make any further comments, but the colloquy which has taken place causes me to say to the Senator from Massachusetts [Mr. SALTONSTALL] that we had better keep in mind that two issues are involved. One is the right of the United States to protect the lives of Americans in the Dominican Republic.

When I spoke on Friday afternoon, I said that there was no question about the right of the President to take that action. I made it perfectly clear that the exercise of that right did not give the United States any right to take sides in the revolution that was taking place. However, I shall wait, before making a final commitment, for the briefing this afternoon. There seems to be a strong indication that we have, in effect, stopped the revolution, on the ground that some Communists may be involved in it. As former President Bosch said, it may be that some Communists are involved. Communists will be involved in every uprising in the world—let us face up to that. However, President Bosch also made clear that the Communists are not in control of the situation.

I am particularly worried that the facts may support the charge that we put down the revolt by aiding the tyrannical military junta which we should never have recognized in the first place. From the very beginning we have given our aid and assistance to that military junta. We have strengthened the military control over the people in Santo Domingo. To that extent, we have suppressed freedom in another Latin American country. Once again, we have played into their hands by proving that whenever the chips are down in Latin America, with a junta involved, the United States always ends up on the side of the junta.

That is the warning that I gave at the White House many months ago. That warning has proved to be true, as has been the case for too long a time in Latin America.

I say to my friend the Senator from Massachusetts [Mr. SALTONSTALL], that the Organization of American States is not as impotent as the remarks of the Senator would lead one to believe.

The Organization of American States can move quickly in regard to a political issue. It should try to move quickly in regard to humanitarian issues. I do not want at this time to be associated with the approval of announcements which have been coming from the White House over the weekend, to the effect that we are going to stand guard in cooperation with a revolt such as this on the ground that it is thought that some 58 Communists are associated with the revolt.

I would be surprised if there were not more than 58 individuals who have Communist leanings. However, the fact is that the revolt is being conducted by a segment of the army that was in revolt against the military junta in the Dominican Republic.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon be permitted to continue for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, there was a substantial amount of the Dominican Republic that was behind Bosch when he was President. They had no objection to the carrying out of the policy of Bosch that the military should be under the control of the civilian government. The tyrant General Wessin ran the show and finally got the support of the United States. It was a sad day when the Johnson administration recognized that military tyranny in the Dominican Republic.

I agree with the Senator from Montana. I completely support his recommendation that there ought to be an Organization of American States takeover so far as jurisdiction is concerned in respect to the political issue that is involved.

Mr. President, are we really going to announce to the world now that, in the Western Hemisphere, or elsewhere, whenever we think there is going to be a revolution, American military forces are going to be sent in? Have we lost our minds? Have we become militarily power drunk? Do we really think we can use our military might for regulating the world? If that is our policy, I say to the American people, "You had better take stock of the policy of the American Government." That is why I said on Friday, and I repeat today, that the Foreign Relations Committee had better get busy and start to exercise its responsibility to the people by exercising the responsibility of the checks which are placed in the Congress as contained in the Constitution. Last Friday, I said that it was an "iffy" question. It still is, so far as the facts are concerned. But if we seek to intervene in the Western Hemisphere, or elsewhere, whenever we think the issue of Communists has been raised, in connection with refugees, that is not the way to beat the Communists. The way to beat the Communists and to hold them in check is to take our case to the other nations likewise bound by their treaty obligations, and obtain joint action, instead of American unilateral action, because that is where we are headed. The signatories to the Organization of American States Charter have already signed three agreements to stand together to prevent the spread of communism. That is the way to get appropriate action.

So far as the remarks of the Senator from Montana and the broad outline he has stated are concerned, I associate myself with him in wanting to get the OAS into the picture, and quickly.

Mr. ELLENDER. Mr. President, it may be that we are talking ahead of time because the facts of the situation are not yet fully known. But I cannot help recalling that prior to this occurrence we have spent in excess of $103 million in order to assist the people of that area, since the fall of the Trujillo regime. This year we are in the process of spending more money. There must be something wrong with our intelligence that the Dominican danger could not be detected before it occurred so we could have obtained assistance from other nations or made recommendations to the OAS.

As the Senator from Oregon has stated, whenever there is trouble in South or Central America, it seems necessary for us to send marines to protect our own people; and here we have sent as many as 14,000 to take care of 1,500 Americans. There is something highly suspect about that. The situation did not arise in the past 7 or 8 days. It must have been going on for quite a time. The danger should have been foreseen by our intelligence.

We took it on ourselves to recognize a government which was not a democratic government by far. I would not even begin to compare it with the government of Trujillo. The government of Trujillo was far superior to that of Bosch or any of his predecessors.

Mr. LONG of Louisiana. Mr. President, prior to sending the Marines to Santo Domingo the President consulted with the leadership on both sides of the aisle, both the leaders and the whips of both Houses, Democratic as well as Republican Members. He explained the situation as he saw it. He asked us if there were any questions or what our suggestions would be.

As one Member of this body, I would say that if the President had sat idly by while the Communists took over another nation, the American people would have been slow to forgive him.

Any time this Nation must resort to force in its foreign policy, it does so with reluctance.

Had a previous President, several years ago, recognized the possibility of a takeover in Cuba by a Communist power and put 15,000 men there, including a high percentage of Marines, Castro would not now be holding Cuba in his control and we would not have a Communist dagger pointed against the heart of America.

The President has used the best judgment available to him. In the view of this Senator, he has made the right decision. In my opinion, the President has acted on the best advice available to him, and has acted to protect America's interest.

So far as this Senator is concerned, I could have advised no differently. If the President believed that American lives were in danger; that there was no real government in the country involved, and that the Communists were about to take over, it is my judgment that it became his duty to the American people to see that the interests of our hemisphere, and particularly of our own Nation, were protected. This Senator is one who advised the President to take the action he did; and I do not regret it.

POLAND: IN TRIBUTE TO A GREAT NATION

Mr. PROXMIRE. Mr. President, today we commemorate the anniversary of the May 3 Constitution. For Poland, this was a joyous occasion. It gave the Polish people an instrument through which constitutional government and national stability could be achieved. It held the promise of a great national destiny.

On the morning of May 3, 1791, the Polish Diet convened, and King Stanislas produced the draft of the new Constitution which he had been in the process of drafting since September 1789. The document was read aloud and submitted to the Diet. By an overwhelming vote the Constitution was accepted. Only a small number of reactionaries dissented. Immediately, Stanislas, rising on his throne, took an oath to the new Constitution. Then, with the assembled legislators, dignitaries, and people he marched in a procession to the nearby Church of St. John where a Te Deum was sung. That evening all Warsaw celebrated. This was a joyous occasion for all Poles, and for the next week celebrations were staged throughout the cities and towns of Poland. According to one historian, all Poland "seemed intoxicated with joy."

News of the May 3 Constitution was praised abroad as a solid achievement. Edmund Burke called it "a great work."

> Humanity must rejoice and glory—

He wrote—

> when it considers the change in Poland.

In America, President Washington hailed these "unexpected strides toward liberty" in Poland as reflecting "great honor" on the Polish King.

The great significance of the May 3 Constitution lies in the fact that Poland now had within its possession the essential instruments that could mean the flowering of constitutional democracy. The principle of ministerial responsibility, undoubtedly the most important key to democratic constitutionalism, was a prominent feature of this document. Political representation was extended, and the peasantry, long subjected to the arbitrary will of masters, was brought under the protection of the law. According to Burke, the Polish Constitution "contained seeds of continuous improvement, being built on the same principles which make our British Constitution so excellent."

The promise of this Constitution was not, however, fulfilled. The fault lay not in the Constitution; it lay not in the Polish people; it lay in the greed of Russia. For the Russians, eager for expansion westward, intervened militarily, destroyed the Constitution, and partitioned a defeated Poland. The Russians could not tolerate a strong and independent Poland. But, more important, was the fact that the Russians could not tolerate a Poland whose Government was founded on the principles of democracy.

Russia destroyed Poland's chance for freedom then, and it has ever since sought the reduction of Poland to the status of a vassal state. In the opening phase of World War II, the Russians joined Nazi Germany in an invasion of Poland which ended in the total destruction and partition of the Polish State. Not content to destroy the institutional structure of government, the Russians destroyed the flower of Polish leadership in the forests of Katyn. There, in the spring of 1940, 25 years ago, the Soviets murdered thousands of young Polish officers. Many thousands more have never been accounted for. By destroying these young men, the Russians were eliminating one substantial obstacle to their eventual conquest of Poland.

As World War II came to an end, Poland, along with the other nations of Eastern Europe, had been virtually consumed by the conquering Soviet armies. The United States, then carrying the brunt of the fighting in Western Europe, had never been able to extend its power beyond Central Europe. Unfortunately for all Eastern Europeans, the Russian armies got there before the Allies; and it is a significant fact that Soviet political conquests had never exceeded the boundaries of their military conquest. It was the Red Army that established the Iron Curtain. Moreover, the United States had also been burdened with the great task of defeating Japan in the Pacific, a war which by the best military judgment was expected to extend into 1947. Circumscribed by the harsh realities of this situation, the American people could do only what was in their power; namely, to formulate an international agreement insuring free and unfettered elections in the liberated areas of Europe. However, the Soviets were not prepared to permit freedom in Poland or anywhere else in Eastern Europe where their military power had been asserted and established. That the Soviets were prepared to resort to the most ruthless devices in order to achieve their goals was demonstrated by the massacre at Katyn, the Warsaw uprising of 1944 in which the Russians permitted the destruction of the Polish underground by Nazi forces, and finally the seizure of the Polish underground government.

Since those dismal and tragic days of 1945, Poland has been a nation imprisoned. Her people continue to suffer from an oppression that bears down upon the whole land. Will the Polish people survive this new ordeal that history has thrust upon them? Perhaps, our best answer to this question is to cite the historical reality that Poland this year is now celebrating its 1000th anniversary as a formally established nation-state. In those years the Polish people have known glory and tragedy, freedom and tyranny; but they have survived and lived to flourish again as a nation. And this they shall do again.

Mr. SALTONSTALL. Mr. President, on May 3, 1791, 174 years ago today, a new constitution was adopted by the Polish nation. It established, for the first time in that country, the principle of the responsibility of the ruler to the representatives of the people. That was a momentous occasion for the Polish people; and it is remembered today by all people of Polish extraction, many of whom reside in their native land without the freedoms which their countrymen had so valiantly worked to obtain in 1791.

The constitution of 1791 not only established a constitutional monarchy and a responsible cabinet, but also erased class distinctions and extended the protection of the laws and the guarantee of civil liberties to all the people. It embodied the basic philosophy of the inherent dignity of the individual and his inalienable right to enjoy the blessings of life, liberty, and the pursuit of happiness, which was the philosophic cornerstone of our own Constitution, adopted 2 years earlier. The constitution gave promise to the Poles of a new and better life.

But the freedom gained under the new constitution was of short duration. At the direction of Catherine the Great, Poland was invaded by Russian armies on April 8, 1792. The ensuing war ended in her defeat and subsequent partition.

The Poles have made many significant contributions to the enrichment of life here in the United States. It has been my privilege to know and to work with many of them who have settled in Massachusetts.

Today, we join with the more than 7 million Polish-Americans and people of Polish ancestry throughout the world in observing this 174th anniversary of Polish Constitution Day. We hope the time is not far off when freedom and independence will again be restored to that nation.

Mr. MUSKIE. Mr. President, today is Constitution Day for citizens of Polish origin throughout the world. Wherever Americans of Polish descent live, this Polish national holiday is observed with appropriate exercises, to pay tribute to the Polish nation. On this day, I remind my Senate colleagues that Poland was one of the first pioneers of liberalism in Europe.

As we look at a world in continuing revolutionary disorder today, it is amazing to note that on May 3, 1791, Poland succeeded in reforming her public life and in erasing her internal decline, without bloodshed.

But, as history tells us, this great rebirth and assertion of liberal view and social enhancement came to the Poles, only to be blighted in 1795 by the third partition of Poland by Russia, Prussia, and Austria. That partition set the stage of Poland's history to this day.

Nevertheless, the light of liberalism shed in 1791 has continued through the years, and remains today a threat to tyranny and despotism in Russia and Germany. The words of the Polish 3d of May constitution which lit the torch of European liberalism still echo, along with the words of our American Founding Fathers in the halls of liberty. They are worthy of repetition today in the Senate Chamber.

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Mr. KENNEDY of Massachusetts. Mr. President, within 2 years after the adoption of the American Constitution by its Constitutional Convention, Poland wrote its own charter of freedom affirming its commitment to "the preservation and integrity of the state, the civil liberty and the good order of society." Today is the anniversary of that historic May 3, 1791, when a liberal democracy was established in Poland without bloodshed or disorder. Born of the same recognition of individual uniqueness, the importance of personal freedom, and the necessity for united endeavors, the Constitutions of the young American nation and the historical Polish state have joined and sustained both our countries in the long fight to guarantee and preserve these liberties for our citizens.

The ideals which animated the Polish Constitution of 1791 have withstood and survived the numerous onslaughts upon her governments. It is fitting that today, we also commemorate three historical incidents which are milestones in the Polish effort to implement their ideals. Twenty-five years ago it was discovered that thousands of courageous scientists, professors, chaplains, and civilians had given their lives during the Katyn massacre in an effort to preserve the integrity of the state against the demoralizing forces of the Soviet Union. This year marks the 20th anniversary of the imprisonment of 16 members of free Poland's underground government who were willing to sacrifice personal freedom as a consequence of determined efforts to assure civil liberty to their countrymen. Poland is now approaching the anniversary of the date when, 1,000 years ago, it adopted Christianity and thereby joined its civilization to that of the West. During the ensuing millennium this nation has, through the creative force of its good and ordered society, contributed to the cultural development and defense of the European nations.

The commitment to individual freedom in a united democratic society is very much alive today. When I was in Poland in 1962, I was most impressed by the spiritual strength and progressive outlook of the people—especially evident in the churches and schools where a nation looks for guidance. When I spoke to the university students who will be leading their country to a dynamic future, I was encouraged by their strong belief in the Catholic faith and by their deep interest in achieving professional competence.

Here, in the United States, we should be proud and grateful not only for the great deeds of Polish heroes such as Casimir Pulaski who gave his life for us during the American Revolution, but also for the fine work being done by Americans of Polish ancestry in councils and as individuals throughout the country as they continue the effort to keep the world aware of the sacrifice a nation is willing to undergo for freedom. This is a sacrifice which we, as Americans, should understand and share because, as part of the brotherhood of man, it is "Za Wasza Wolnosc i Nasza," for your freedom and ours.

Mr. CASE. Mr. President, today we join millions of Americans of Polish heritage in honoring the creation of the Polish Constitution exactly 174 years ago. It is symbolic of our shared heritage that the Polish Constitution was signed only 2 years after the adoption of our own Constitution.

The tragic fact that Poland is now ruled by a Communist puppet government should not deter us from marking this day. Rather, let us use this occasion to renew our conviction that justice will win out, and the Polish people will again enjoy the independence envisioned in their 3d of May constitution.

DIRKSEN APPORTIONMENT AMENDMENT WOULD RESULT IN MORE POWER IN WASHINGTON

Mr. PROXMIRE. Mr. President, if there is one fixed constellation in the great galaxy of principle that guides the Republican Party, its liberal and conservative wings, it is the settled conviction that more power, more responsibility, and more action to solve the public problems of Americans should be at the State and local levels, not at the Washington level.

Many in the Democratic Party who call themselves Jeffersonian Democrats support the same principle.

The principle makes sense. Certainly, the government which is closer to the people is the more democratic government and the more responsive government—the government which should be more conscious of the realities and practicalities of life.

Under these circumstances, Mr. President, one would think that the leaders of the Republican Party in the Senate would be working hard to forward measures which would give the States the power and authority to act as swiftly and expeditiously as possible.

The 10th amendment to the Constitution which reserves to the States all powers not explicitly delegated by the States to the Federal Government is the constitutional cornerstone for such action.

The unquestioned constitutional primacy of the States in dealing with the great problems of education and welfare should form the basis for positive efforts to invigorate State government, and to streamline it.

Certainly in the myriad newly developing problems of rapid urban and suburban development, the great conservative party of this Nation, and all those who support the principle of local primacy, should be trying with all their ingenuity to help the States move ahead and overcome the slow, feeble pace which too many States have pursued for too long.

But, what do we find?

The Republican Party in the U.S. Senate has almost unanimously—that is, every Republican Senator with a single distinguished exception—sponsored the so-called Dirksen amendment to the Constitution that would embody the feet of the State government in solid concrete.

This amendment is calculated to assure the country that State government—which has been too timid, too backward, too reluctant, and as a result has seen its power and initiative go to Washington—will be slowed down to a molasses pace indefinitely.

It would do so by striking down the greatest opportunity in many years which the States have had for swift progress.

Mr. President, the U.S. Supreme Court, in Reynolds against Sims, decided that every American citizen shall have an equal vote in his State legislature henceforth.

The great significance of this historic decision for State government is that henceforth both branches of the State government would be elected on the same principle, and would represent the same fundamental interest; namely, the interest of the majority of the people of that State.

Now comes the Dirksen amendment to provide that one house of America's two-house State legislatures would not have to be organized on the one-man-one-vote principle.

This would mean, Mr. President, that the big opportunity for streamlining the State legislature which the Supreme Court has given to the States of America, so that they can move promptly ahead with their heavy responsibilities, would be stopped cold.

Mr. President, what will happen if the Dirksen amendment is adopted is that the posture of State governments to meet their growing responsibilities will be impaired. Especially, the perplexing urban and suburban problems will not be met at the State level. They will grow and fester until the Federal Government steps in and moves—often unwisely, often extravagantly—to meet problems which have worsened as they have festered.

Mr. President, Roscoe Drummond, a sympathetic friend of the Republican Party and the conservative principle of local and State responsibility, has written of this impact very persuasively, and I should like to quote from his article as follows:

> The Dirksen amendment, therefore, would arrest the most needed political reform in the United States—that of the egregiously malapportioned legislatures.

I ask unanimous consent to have this article, entitled "Backward Goes DIRKSEN, Senator's Apportionment Amendment Would Result in More Power in Washington," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BACKWARD GOES DIRKSEN—SENATOR'S APPORTIONMENT AMENDMENT WOULD RESULT IN MORE POWER IN WASHINGTON

(By Roscoe Drummond)

The Dirksen amendment to mute the Supreme Court decision that State legislatures be apportioned on a population basis seems to me an unwise and backward step.

Senator DIRKSEN's plan would permit a majority in a State to give some citizens enlarged and others reduced voting power in one House. This would be the effect of apportioning one House on the basis of "factors other than population."

Further—and worse—the Dirksen amendment would make it impossible for a majority of the voters of a State ever to change the situation.

Two questions go to the heart of the matter. What is the one political trend which all conservatives, most moderates, and many others want to see arrested and reversed? Answer: The massive and mounting trend to center more and more political power in Washington. Is there anything which will stop this trend? Answer: one thing—more representative, more responsive, more modern legislatures prepared to deal with the social, economic, and urban problems which have caused cities to turn to Washington.

Charles S. Rhyne, past president of the American Bar Association and a specialist in legislative reapportionment, puts the case accurately when he says:

"State legislatures have shirked their responsibilities in meeting the social, economic, and political needs of the people. For the past 30 years and more the people have bypassed State legislatures and have turned to Washington for solutions to one problem after another: housing, mass transportation, public works, health, airports, highways, crime prevention, education, poverty, and on ad infinitum. States today are largely administrative provinces of the Federal Government in carrying out Federal aid programs. The vacuum created by State legislative inaction has been filled by congressional action."

The central reason why State legislatures have been unresponsive to public needs is because they have been unrepresentative of the electorate—the fewest voters have elected the most legislators.

The Dirksen amendment, therefore, would arrest the most needed political refom in the United States—that of the egregiously malapportioned legislatures.

Dr. Robert G. Dixon, professor of law at George Washington University Law School and a distinguished scholar in this field, opposed that part of the Dirksen amendment which would "give a State carte blanche to put one House of the legislature on a mixed representation basis" and keep it that way until a majority of sitting legislators was willing to make a change.

"This," he says, "would open the way to a further political freeze, and I am afraid the slogan 'SOS'—translated as 'save our seats'—would carry the day."

Dr. Dixon favors what he calls the middle way which is to permit a State to use a mixed representation system in one House on two conditions: (1) approval by a majority of the voters and (2) an opportunity to change the system every 10 years by popular vote.

THE SPACE RACE

Mrs. SMITH. Mr. President, it is well to keep our thinking and reactions in calm and realistic perspective even in an atmosphere of urgency. This is particularly the case in our competition with Russia on achievements in space and when, at times, the American people are inclined to be jarred by the Russian spectaculars.

That is why it is gratifying to read such an excellent editorial as that of the Bangor, Maine, Daily News in its April 27, 1965, edition, entitled "Taking a Look at the Space Race."

I ask unanimous consent to place that editorial in the body of the RECORD at this point and I invite the reading of it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAKING A LOOK AT THE SPACE RACE

The Soviet Union continues to keep ahead of the United States in manned spacecraft achievements. It has been said that the United States is from 1 to 2 years behind its Soviet rivals in the so-called space race.

Yet, we are not so sure. This Nation has finally matched the Soviets in the firepower of its launching rockets after a poor start. The United States has outdone the Soviets in unmanned moon research flights.

Last week the Russians announced with considerable pride the successful launching of a communications satellite, Molynia. But it appears to be no more advanced than the American Telstar 1, which was launched 3 years ago. Today, the United States has a communications satellite swirling in space in synchronous orbit with the earth, thus serving as a constant relay for communication between the United States and Europe. Similar ones are to be launched, providing worldwide round-the-clock relay service.

Soviets are ahead of the United States in terms of "spectaculars," but from a strictly scientific viewpoint it appears the American program is moving ahead very well. In the long run, it may be the winner.

AIRFREIGHT'S ROLE IN "INCREDIBLE YEAR"

Mr. BARTLETT. Mr. President, this year marks the 25th anniversary of the establishment of the first direct scheduled air service between Alaska and continental United States. Pacific Alaska Airways, later merged with Pan American, inaugurated service between Seattle and Juneau on June 20, 1940.

In aviation, where the first half-century has been marked with so much dynamic progress, one can always look back on dramatic milestones or, better yet, look ahead to greater accomplishments. It is particularly appropriate that an Alaskan do this. To be sure, scheduled air service has an impact every day on the lives of all Americans but in an Alaskan's life, perhaps more than in the lives of residents of other States, this impact is more strikingly apparent.

Alaska, because of its size, its terrain, and its location, has used air freight as a regular, daily transport and economic tool for many years; but in no year have the work-a-day aspects of airfreight been more important than during the past year as Alaskans rebuilt after a devastating earthquake and destructive tidal waves.

Newspapers in Alaska use the telling phrase "the incredible year" to describe the massive efforts which have taken place since the giant quake of March 27, 1964.

Nothing short of "incredible" describes the extensive rebuilding of schools, homes, roads, bridges, factories, and terminal facilities for all forms of transport.

In the largest sense, credit for the past year's progress must go to a determined, hard-working, indomitable people; but there were many specific roles in this rebuilding which should be analyzed—for laudation, yes; but even more so for lessons learned and new applications which can be made in Alaska as it continues building for its future and throughout the country.

The role played by the airlines as movers of all kinds of freight presents a case in point.

Early last April I had occasion to examine this role in its emergency aspects. By then the airlines had flown hundreds of tons of emergency supplies, including drugs, food, water, electrical insulators, oxygen, blankets, flashlight batteries, heaters, and even sterile baby bottles to the disaster areas. They had also flown in engineers and architects to inspect and restore damaged buildings, and electricians and natural gas workers to restore utilities.

Airlines, with planes and flight crews ready to fly immediately, formed the backbone of the immediate relief effort. One carrier supplied a jetliner with a full crew to the Red Cross. It flew in 15 Red Cross workers and 5,000 pounds of disaster kits. Two Alaskan carriers made planes available to civil defense. They were used to fly doctors and thousands of pounds of medical supplies into the disaster areas.

Cattle were saved by the airlift of feed. Later, cement was flown to construction sites. And, during the months of rebuilding, the construction industry found a new use for airline freight capacity in helping speed the job of replacing destroyed homes.

New homes were airlifted. These were prefabricated homes whose component sections weigh a total of 30,000 pounds. Component sections needed for complete homes were airlifted to places like English Bay, for example.

Alaska is one vast laboratory for innovations in the movement of commodities by air. Some of these innovations have been of an emergency nature because of the earthquake and its aftermath. Others have a year-round application.

Airfreight, for example, is being used to develop a large area of Alaska near the Arctic Ocean.

Six of the Nation's largest oil companies, supported by a group of exploration, drilling, and construction companies, have made firm commitments with the government to drill in the region north of the Brooks Mountain Range. Until very recently, such development encountered the difficult problem of moving in equipment by barge and moving it only during those 5 or 6 weeks each year when the Arctic Ocean ice breaks enough to permit water transport. Now one of our scheduled airlines is using a new 25-ton capacity propjet freighter to airlift heavy machinery, oil drilling equipment, large tracked vehicles, construction materials, and outside cargoes from Anchorage and Fairbanks to remote sites on Alaska's arctic slope.

A few weeks ago, the heaviest vehicle ever airlifted commercially, a 45,000 pound bulldozer, was flown from Fairbanks 350 miles to a primative gravel airstrip at SAG 1, a remote base near the arctic shore. In less than 2 hours after being loaded aboard the aircraft, the huge D–8 "cat" was at work crunching through snow and ice.

Road graders, trucks, cranes, caterpillar vehicles, lumber, petroleum, and general freight are being flown to such points as Nome, Utopia Creek, Unalakleet, Anchorage, and Galena and Eielson Air Force Bases.

Airfreight is also moving bulk commodities. In a recent experiment aimed at finding new markets for Alaska coal, a U.S.-flag carrier transported enough coal from Alaska to Japan to operate a steel mill in Tokyo for an entire day.

Admittedly, this was unusual. The aim here was the one-shot long-distance transport of enough coal so that a reasonable test could be made. Usually airfreight serves our economy in ways that are more routine, although every bit as important.

For many years, piston-powered aircraft such as the reliable C–46, widely used in freight transport by our airlines, have been moving such everyday items as household furniture and new cars within Alaska. In the jet age, 45-ton-capacity long-range cargo jets and the cargo holds of passenger jets are being used for the 3-hour movement of produce, dairy products, and fresh meat from Seattle to Alaska cities.

It is not unusual for these and other items to leave warehouses in Seattle, make the 1,520-mile flight to Fairbanks and be on our supermarket shelves the next morning, hours before the same type commodities have been distributed by delivery truck to suburban markets within a 25-mile radius of Seattle.

One day last July, a single flight from Seattle to Fairbanks carried 25,527 pounds of cargo—nearly 25 tons of groceries—in addition to 2,860 pounds of passenger baggage, 373 pounds of mail, and 68 passengers.

Perishable groceries account for more than half of Alaska's incoming airfreight, an illustration of the use of air for more effective marketing. In the same vein, airfreight has broadened markets for Alaska's seafood industry.

As part of our transportation system within the State and to and from the State, the airline movement of freight during the past year demonstrates a threefold importance that can be applied elsewhere.

First. There is the emergency use of airfreight capacity during times of disaster. This capacity is now being applied all over the world. And each time it is applied, whether in the case of our own disaster, or the earthquakes in Chile or in flood-stricken areas of our own country, a storehouse of knowledge is accumulated, making airlift a more effective instrument of rescue and supply.

Second. There is the use of airfreight capacity to circumvent natural delays in getting heavy building materials and machinery to points in mountains and elsewhere which, because of their location, can be reached by surface transport only at great expense in manpower, money, and time. This was done daily during our incredible year. Here time was the important element; but what can be done by air on a regularly scheduled basis in our far North, can also be done to facilitate highway and bridge building, for example, in other parts of the United States or to make economic development more rapid and less costly in remote areas throughout the world.

Third. There is the regular use of air freight to move a lengthening list of commodities practically any place any night or any day. Here is where Alaska's role as a laboratory for new uses of air freight is most important.

The time is most appropriate for innovations in airfreight. They are being picked up and applied quickly. We live in an era when airfreight is growing spectacularly in both volume and variety of commodities moved.

In 1964, for example, the U.S. scheduled airlines accounted for 1.3 billion ton-miles of airfreight service—a gain of 25 percent over 1963.

Today's commodities moving by air range from machine parts to fresh vegetables. Alaska, of course, pioneered here. But the large-scale shipment of fresh fruits and vegetables from the west coast to the east coast of continental United States is now evolving into a pattern of transport which is actually changing eating habits of millions of Americans and often lengthening growing seasons in some regions to meet the new demand.

One airline alone carried nearly 6 million pounds of fresh berries during a 7-month period of 1964, compared with less than 100,000 pounds in 1963. One California co-op in 1964 shipped 5 million pounds of strawberries by air from the west coast to midwestern and eastern markets.

Earlier I mentioned the use of airfreight to move machinery to remote points in my own State. For the United States as a whole, machine parts now account for the largest single share of the air freight market. Automotive accessories are next, followed by electrical products and printed matter.

Every indication points to further growth in airfreight. New equipment is one indication. Airlines began buying jet freighters less than 2 years ago. Now they have 32 jet freighters, with 38 more on order for delivery in 1965 and beyond. This represents an investment of $475 million. Each of these aircraft can carry up to 92 million pounds of freight.

The airlines operate about 400 other jets in passenger service but each of these is really a combination passenger-cargo aircraft. To get a concrete idea of the new airfreight capacity this affords, let us go back a few years for purposes of comparison.

When the airlines began their first regularly scheduled all-cargo common carrier service 21 years ago, they used the DC–3. A few years later, the large

DC–4 was also used. Today, even with a full passenger load, a combination passenger-cargo jet has as much room in its cargo-hold as there was in an all-cargo DC–4.

Other freight moves on piston and propjet aircraft—from 6,000 to 19,000 pounds can move in the cargo hold of each of the 10,000 airline passenger flights scheduled daily.

Fundamentally, the effectiveness of any transport mode is determined by the degree to which it functions as an integrated national transport system. Airfreight now functions as an integrated system for commodity transport not only nationally, but internationally.

The short-range and intermediate-range jets which the airlines have now ordered and the short-range jets and propjets rapidly coming into use on the local service airlines means that an already integrated system of scheduled airfreight transport will become even more effective. The smallest of communities, the most remotely located communities will benefit from new dimensions of speed and accessibility in reaching new markets and as markets themselves.

Regularity of service also determines the effectiveness of an integrated system of freight transport. The growth in airfreight volume by the U.S. scheduled airlines attests to achievement in this area. New all-weather landing systems now coming into use will increase this important reliability element still further.

These new strides in airfreight speed, capacity, and all-weather dependability come at a most propitious time.

Significant new uses of airfreight were demonstrated during Alaska's incredible year. Now, in the spirit of turnabout being fair play, this successful freight transport experience can be applied for the benefit of communities throughout the country by an air transport system more adequate than it has ever been and a system giving every promise of making an ever-increasing contribution to our economy.

ESTABLISHMENT OF OCEANOGRAPHIC CHAIR AT THE UNIVERSITY OF HAWAII

Mr. FONG. Mr. President, I wish to call attention to a recent announcement in Honolulu concerning oceanography and its potential significance to Hawaii and the Pacific Ocean area. The Honolulu Advertiser, a daily newspaper with farsighted vision, has established a professional chair in oceanography at the University of Hawaii and provided $25,000 a year for the services of whatever distinguished scientist the university selects to fill it.

This will enable the University of Hawaii to augment its State-supported staff in oceanography—a field in which Hawaii as the only island State of the Union, is uniquely situated to exploit. This fact was underscored by Mr. Thurston Twigg-Smith, publisher of the Advertiser, in announcing the oceanography chair, when he said:

> It is increasingly evident that the sea around us offers a tremendous potential, both for the advancement of man's knowledge and for future economic development of the only American State surrounded by water.

The chair has been appropriately named for Capt. James Cook, the great explorer who discovered the Hawaiian Islands in 1778. Captain Cook's discovery signaled the start of a remarkable development of this island community. Today, Hawaii serves as a vital crossroads of the Pacific—a center for trade, communications, education, culture, and tourism. The 50th State is now expanding into new fields of endeavor, notably oceanography.

Hawaii's strategic location in the middle of the Pacific offers many opportunities for the study and use of our ocean resources, and the University of Hawaii is now embarking on this exciting scientific journey.

Impetus for the new thrust behind oceanics research in Hawaii and elsewhere can be provided effectively at the national level by legislation pending in Congress. As a cosponsor of S. 944, I am happy to associate myself with this bill to create a top-level National Oceanographic Council to coordinate the Nation's efforts in oceanographic and marine science activities.

Hearings on S. 944 have been conducted by the Senate Commerce Committee under the able chairmanship of the distinguished senior Senator from Washington State [Mr. MAGNUSON]. Numerous witnesses who are knowledgeable in oceanography and related fields have voiced strong support of the bill. The views of those in industry and the scientific world have been particularly forceful in endorsing the objectives of S. 944. They are concerned that the United States is lagging in this field, that we are not doing enough in cultivating the use of the sea, and that a coordinated governmental apparatus must be set up to develop and carry out a dynamic program.

It is vital that we do much more in oceanography for our national interest and S. 944 will go a long way toward helping our Nation achieve our vast potentialities in this field.

S. 944 provides for expanded oceanic research of the scope and stature hoped for by communities like Hawaii. The Honolulu Advertiser's establishment of an oceanographic chair at the University of Hawaii is a splendid example of a farsighted action on the State level. Enactment of S. 944 will greatly strengthen and encourage similar efforts by local and State agencies and groups.

A STRONG VOTING RIGHTS BILL FAVORED IN CAMBRIDGE, MD.

Mr. TYDINGS. Mr. President, two summers ago, many of my Maryland colleagues and I were disturbed to see the name of Cambridge, Md., spread across the front pages of our national press. The stories were ugly ones; and a long, hot summer of racial violence and National Guard occupation did not make for pleasant reading.

It was, therefore, with great pleasure that I read in the Cambridge Daily Banner of March 19 an editorial asking Congress to speedily enact a strong voting rights bill. I sincerely believe that the editorial reflects the feelings of the majority of the people in Cambridge, as well as of all the people of Maryland.

I ask unanimous consent that the editorial be printed at this point in the RECORD; and I recommend its reading to all Senators, who now are engaged in debating the voting rights bill.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cambridge (Md.) Daily Banner, Mar. 19, 1965]

THE RIGHT TO VOTE

If Congress acts speedily to give the President a strong voting rights bill, the cause of the Negro in the South will have taken a big step forward. For more than a century, the Chief Executive told this week's joint session of Congress, white officialdom below the Mason and Dixon line has used every strategem in the book to deny nonwhites the right to participate in elections.

Two sections of the voting bill are expected to exert strong pressure: The use of Federal registrars and the threat of impoundment of ballots. Where local voting registrars continue to resort to tests and other devices to keep the Negro off the election rolls, Federal registrars would have the authority to enter a community and do the job.

Even more effective in keeping the political power structure honest would be a threat of ballot box impoundment. Any voter who felt he was improperly disenfranchised could present his case to the courts which would have the power to impound ballots until a determination could be made. One of the keys to success is speedy court action.

The majority of Americans who enjoy the right to vote know that no privilege of citizenship is more important than that of selecting our officials and representatives at all levels. It is expected that the vote in the hands of the Negro in the South would be the means by which politicians will be forced to represent the interests of all their people. This is a goal which civil rights leaders have increasingly emphasized in recent months.

It is impossible to escape the conclusion enunciated by the President the other night that there is one overwhelming reason for enacting a voting law: Because it is right and just to do so. It is as true in Cambridge as it is in Washington or Selma that no citizen of a democracy can be completely free until all men enjoy the same rights pledged to them under the Constitution.

ENDORSEMENT BY THE COMMISSION ON HUMAN RIGHTS OF THE CITY OF NEW YORK OF THE HART-CELLER BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT

Mr. JAVITS. Mr. President, I call the attention of the Senate to a resolution of support for new Federal immigration law, in the form of S. 500 in the Senate and H.R. 2580 in the House, issued by the City Commission on Human Rights of the City of New York and transmitted by Mayor Wagner with a strong endorsement. As I serve on the Judiciary Committee, I think it is appropriate that I should ask unanimous consent that the resolution be printed in the RECORD, and that it be made a part of my remarks, together with a letter of transmittal from the mayor. I wish to express my appreciation for the support of both the commission and the mayor for this legislation—which implements urgently needed immigration reform policy.

There being no objection, the letter and resolution were ordered to be printed in the Record, as follows:

City of New York,
Office of the Mayor,
New York, N.Y., April 27, 1965.

Hon. Jacob K. Javits,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Javits: The Commission on Human Rights of the City of New York, a duly constituted governmental commission of New York City, has requested that I transmit to you a resolution endorsing the Celler-Hart bill to amend the Immigration and Nationality Act. I consider it a privilege to comply with this request. Accordingly, I am enclosing a copy of the resolution. I do so with my strong endorsement.

As mayor of New York City, I consider the passage of the Celler-Hart bill essential. This legislation is long overdue to rectify past injustices in our immigration policy.

Sincerely,

Robert F. Wagner,
Mayor.

City Commission on
Human Rights of New York,
New York, N.Y., March 30, 1965.

Resolution of Support for New Federal Immigration Law (Celler-Hart Bill)

The Commission on Human Rights, charged by New York City local law 55 to "encourage and bring about mutual understanding and respect among all groups in the city, eliminate prejudice, intolerance, bigotry, discrimination, and disorder occasioned thereby and give effect to the guarantee of equal rights for all assured by the constitution and the laws of this State and of the United States of America," has been convinced since its creation in 1955 that to find solutions to the serious problems of prejudice and discrimination confronting our city, the united effort of all citizens is required to bring all of us to an appreciation of the unique needs and aspirations of each group and the contributions each is making to our progress. For this reason the commission adopts the following resolution:

"Whereas the New York City Commission is charged by local law 55 to insure, protect, defend, and extend the human rights of all people of the city; and

"Whereas the commission recognizes that the denial and abrogation of the rights of any one person, or group, is the denial and abrogation of the rights of all citizens and groups; and

"Whereas the commission recognizes that the de facto exclusion of people from southern and eastern Europe and from Asia, in the present immigration laws, is based solely on place of origin, and therefore is unjust and discriminatory; and

"Whereas the New York City Commission on Human Rights believes that these immigration laws psychologically cripple Italian, Greek, Polish, Hungarian, Chinese, Japanese, Malaysian, and other children just as the 1954 Supreme Court decision declared segregated schooling cripples minority group children; and

"Whereas the commission believes that our present immigration laws create in southern and eastern European and Asiatic peoples the same frustrations which have produced demonstrations by Negroes in Birmingham, Selma, and Montgomery, Ala., as well as here in New York City; and finally

"Whereas the commission is further convinced that the present immigration law and the frustrations it creates are part and parcel of the entire struggle for civil rights in America and for the equal opportunity for all people to contribute their unique heritage to the progress and welfare of America: Therefore be it

Resolved, That the New York City Commission on Human Rights strongly supports liberalizing our present immigration laws through passage of the Celler-Hart bills, H.R. 2580 and S. 500, and urges the citizens of New York to marshal their efforts in support of it;

Further, That the New York City Commission on Human Rights, through the office of the mayor of the city of New York, asks the New York City congressional delegation and Senators Javits and Kennedy to assert responsibility to the people of New York, and the Nation, by obtaining swift passage of the Celler-Hart bill.

RESIGNATION OF ALEXANDER F. "CASEY" JONES AS EXECUTIVE EDITOR OF THE SYRACUSE HERALD-JOURNAL AND HERALD-AMERICAN

Mr. JAVITS. Mr. President, on Easter Sunday one of the most respected newspapermen in the country, Alexander F. "Casey" Jones, resigned as executive editor of the Herald-Journal and the Herald-American of Syracuse, N.Y.

Throughout his 53-year career as a newspaper reporter and editor, Casey had the reputation within his profession as a "low-boiling-point crusader with a tremendous capacity for doing something to cure the situations that made him indignant." I have known Casey Jones for many years and can personally testify to his courage, integrity, and talent as a newspaperman and his personal concern for the rights of people as individuals.

I know that I will miss his hard-hitting editorials that showed no partisan or social or economic bias. As anyone who had the privilege of knowing Casey personally can testify, he "called them the way he saw them" when he wrote these editorials. And he saw them very well indeed, to the lasting benefit of the city of Syracuse, the State of New York, and the country as well. I know I echo the sentiments of hundreds of his friends in Syracuse, Washington, and throughout the country when I wish him many more years of health, happiness, and good fortune.

Mr. President, I ask unanimous consent to place in the Record the retirement editorial of Alexander F. Jones which appeared in the Syracuse Herald-American of April 18 and an article by Philip A. Hofmann in Editor & Publisher of April 24, 1965.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Syracuse (N.Y.) Herald-American, Apr. 18, 1965]

"It Has Been Nice to Have Known You"

(By Alexander F. Jones)

Every story has an ending.

Every song has its last chord.

And to most men the time comes when the fellow with the stethoscope shakes his head and says "You have got to hang up your gloves, old chap, you have had it."

So it is with me.

I cannot challenge that decision, for, after all, I have had more than 50 years of magnificent fun—some people might call it work—editing and reporting for newspapers, which is the most fascinating job in the world.

This, then, is my swan song, my valedictory.

In it there will be no tears shed, no regrets expressed, no charges made, no maudlin viewing with alarm.

It has been my privilege to have had a ringside seat at many of the events that have made the 20th century the most eventful period in the history of man. Its statesmen, many of them, have been giants, its political ideas have been precedent-shattering, its wars have been colossal and its struggles to advance the freedoms and liberties of mankind inspiring. At no other time in all history have men penetrated so profoundly into the innermost secrets of nature. So far have we gone in this penetration that fears are expressed that the future of civilization itself hangs in the balance.

Books have been written, and are being written, on the wonders, and the horrors, of the 20th century and many more will follow.

It is not my purpose to pontificate on any single aspect of world trends.

All I want to say is that what I know for sure, after watching the parade go by for half a century, is that this old world is a better place to live in today than when I first came on the scene.

The struggle in the free world to make life more livable and to give all men the dignity they deserve never stops. Indeed, the pace is accelerating at an unbelievable rate.

What was decried yesterday as socialism and the end of our democratic form of government is accepted today as something that fills a longtime social need and we wonder why it was so long delayed.

In 4-year intervals, since 1912, I have seen ideas advanced in political platforms that, despite terrific tossing about, eventually became the law of the land.

Yesterday's dreams became today's reality.

And this is true the world over.

The black man is emerging as an individual after 5,000 years of servitude.

Whatever may be said of Communist motives, it is an undeniable fact that the socialistic principles of Karl Marx have had a gretter impact on people in this 20th century than any idea since the birth of Christianity. Without Marx there would be no communism and any argument that life in the Soviet Union for the individual is worse than under the czars is untenable. And the closer communism comes to capitalistic principle, the better it works.

Wherever you look in this world of ferment and struggle men are asking something better than what they have known.

This is true right here at home where a formerly somnolent and often myopic town has been shaken into alert aggressiveness by sharp leadership—and today is on the road to a real place in the sun.

It has been exhilarating to be a part of this burgeoning forward march, however small the role.

On a personal note, I am well aware that this announcement will be the signal for dancing in the streets in certain quarters—spontaneous and gleeful hornpipes and arthritic versions of the Watusi by geriatrics I could name.

Let these characters know then that I reserve the privilege of doing an occasional piece in the future.

Americans have a notorious weakness for falling in love with palpable phonies every so often. It will be nice to be in a position of bringing in a minority dissent now and then.

Besides there are rainy and windy days when a fisherman cannot get out on a stream or a lake.

Seriously, it has been a superb privilege to work on these newspapers of ours in central New York, where a sturdy citizenry knows what it wants and is going to get it come hell or high water. There are thousands of good sluggers among our readers—articulate men and women whose arguments keep an editor on his toes every minute.

This, I like to think, is why I have lasted until I am 73 years old.

But I also like to think that I have been counted out standing up.

Well, as Ding Darling, the famous cartoonist, said on his retirement, "It has been nice to have known you."

Au revoir—and happy Easter.

[From Editor & Publisher, Apr. 24, 1965]

CASEY JONES RETIRES FROM EDITOR'S CHAIR

(By Philip A. Hofmann)

SYRACUSE, N.Y.—After 53 years of newspaper work, Alexander F. (Casey) Jones has traded his typewriter for a fishing pole.

Mr. Jones saved his scoop about his retirement as executive editor of the Herald-Journal, Herald-American for himself. The announcement was contained in an editorial titled, "It Has Been Nice To Have Known You."

Thus ended a career which included reporting in the Midwest, a 15-year tenure as managing editor and assistant to the publisher of the Washington Post and 15 years as executive editor here in the Newhouse group.

Mr. Jones, a past president of the American Society of Newspaper Editors, said in his farewell editorial:

"Every story has an ending.

"Every song has its last chord.

"And to most men the time comes when the fellow with the stethoscope shakes his head and says, 'You have got to hang up your gloves, old chap, you have had it.'

"So it is with me."

LOW BOILING POINT

A Washington Post profile of Mr. Jones, written in 1943, presented this picture of its then managing editor: "Casey is a ripsnortin', fire eatin', low-boiling-point crusader with a tremendous capacity for doing something to cure situations that make him indignant."

In a parting shot at his critics, Mr. Jones said in his farewell:

"On a personal note, I am well aware that this announcement will be the signal for dancing in the streets in certain quarters—spontaneous and gleeful hornpipes and arthritic versions of the Watusi by geriatrics I could name.

"Let these characters know then that I reserve the privilege of doing an occasional piece in the future.

"Americans have a notorious weakness for falling in love with palpable phonies ever so often. It will be nice to be in a position of bringing in a minority dissent now and then."

Mr. Jones concluded his farewell with this observation:

"But I also like to think that I have been counted out standing up."

Mr. Jones, who is 73, said his plans include a long fishing trip, possibly to his favorite spot down at Bimini.

Mr. Jones got his first newspaper job on a Wisconsin daily in 1912. He was born in that State in 1891 and attended the University of Wisconsin from 1911 to 1914.

Early in his career he was assigned to travel with "Fighting Bob" La Follette, Wisconsin Governor and U.S. Senator.

Then came a stint as a reporter for the Minneapolis Journal from 1916 to 1917 before he joined the Allied Expeditionary Force in Europe.

After the war Mr. Jones served as a reporter for the old United News. He returned to the Journal in Minneapolis in 1923 and later became city editor and sales and promotion manager of the Tribune.

In 1932 he returned to the Journal as city editor, a position he held until 1935 when he went to the Washington Post.

When Casey left the Post in 1950, the newspaper said editorially:

"It is hard for us to lose the services of a man who has endured the heat and burden associated with the creation of an institution out of a bankrupt property. Most of his 15 years of service were uphill years.

"His devotion to his responsibilities was catching, his interest in his works unflagging. Yet he found time to spare for good works in the community. 'Casey' could be called with justification a newspaperman's newspaperman."

In retirement, Mr. Jones and his wife, Edna, probably will do some traveling, and he will keep going after "the big ones."

When asked about what he intended to do, he quoted a remark by a fishing buddy who retired a few years ago:

"Do? I didn't think I had to do anything."

COAST GUARD HAS DOUBLE MISSION

Mr. BARTLETT. Mr. President, once again the U.S. Coast Guard has been called upon to carry out a hazardous wartime mission. I am confident the crews of the 17 patrol cutters assigned to Vietnam will perform their duties in the highest tradition of their gallant service.

The need for these cutters once again points up the double mission of the Coast Guard. Because of its assignment to patrol the coast of this Nation in peacetime as well as war, the Coast Guard is uniquely qualified to combat the smuggling of men and arms into South Vietnam.

However, the lawmakers and the executive branch too long have ignored the double mission, the double responsibility of the Coast Guard.

Fortunately there has been a replacement program for cutters of the size we are sending to Vietnam. But, Mr. President, we only have 44 of these 82-foot cutters, all of which are on active duty. In other words, 27 cutters will be assigned the task of carrying out duties heretofore performed by 44 vessels.

The primary mission of these cutters is search and recovery operations, an increasingly important mission as recreational boating grows in the Nation.

I do not think I need point out that a new boating season is about to open.

My purpose today is not to debate the wisdom of sending these cutters to Vietnam. Rather, it is to again call attention to the missions of the Coast Guard and the need to treat it as a major arm of the military as well as an important peacetime service. If the Coast Guard is to be used in combat situations as it was in the Korean war, it should be kept in the same combat stage of readiness as the other branches.

The Coast Guard has come up with a 10-year program to build a modern fleet. The average yearly cost will be $105 million.

This year, the Committee on Commerce has approved an authorization of $71,316,000 for vessel construction and modernization.

This money would be used to replace three vessels constructed in 1944, two vessels built in the 1930's, and four which have been in service since the 1920's.

Let us not tarry any longer. Let us get on with the task of upgrading and modernizing the Coast Guard which serves this Nation so well in peace and in war.

ANTI-UNITED STATES INCIDENTS AND VIOLENCE

Mr. CURTIS. Mr. President, I have been very much concerned about the increasing frequency and violence of attacks made against U.S. properties and personnel abroad, and about the low ebb of American prestige which these attacks bring into sharp focus.

Many of the countries where these attacks have occurred, where mobs have torn down U.S. flags, and desecrated U.S. embassies, have been—and still are—receiving substantial aid from the United States.

On February 26 of this year, I wrote to Secretary of State Dean Rusk, detailing many of these incidents, which had been reported in the press, and asked him three questions:

First. What action had been taken by the United States in each instance; and what further action, if any, is contemplated in each instance?

Second. Which countries where the incidents have occurred have been receiving U.S. aid, and in what amounts?

Third. To which of the countries is aid being continued since the incidents?

Recently, I received a reply from the State Department; and I ask unanimous consent that both my letter and the Department's reply be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without obejection, it is so ordered.

(See exhibit 1.)

Mr. CURTIS. Mr. President, there does not seem to be any end to the kind of anti-American violence to which our properties and personnel are being subjected. Since my letter of February 26 to Secretary Rusk, a number of further incidents have been noted.

March came in with a bombing in Saigon which killed four children and wounded a dozen adults, including two U.S. servicemen. On March 4, a mob of about 3,000 stormed the U.S. Embassy in Moscow, hurling rocks and ink bottles against the building, and shouting insults against the President.

March ended with the terrorist bombing of our Embassy in Saigon, killing 20 persons, including 2 Americans, and wounding 175, 40 of whom were Americans. Our Embassy building was damaged extensively.

In between the Saigon bombings, and almost unnoticed, there was a series of marches in Belgium, involving some 15,000 persons, climaxed by a mob shouting anti-United States slogans in front of the U.S. Embassy in Brussels. Seven policemen were injured, in addition to an undetermined number of the demonstrators, when the mob tried to fight its way into the building.

As late as April 19, demonstrators in New Zealand stopped the automobile of the U.S. Ambassador, kicked it, and tore off the U.S. flag. Inside the car were Ambassador Herbert B. Powell and Henry Cabot Lodge, the President's special appointee, on the first stop of a six-nation tour to explain this country's position with respect to Vietnam.

Thus, Mr. President, two new countries—Belgium and New Zealand—have been added to the growing list of those where anti-United States incidents have occurred.

Just last week, President Johnson ordered the Marines to protect U.S. citizens in the Dominican Republic and to escort them safely out of that country, because of the internal struggle in progress and because an outbreak of anti-United States sentiment was feared.

Mr. President, what is happening to the United States? What is happening to our prestige in the world? An accounting is due the American people.

EXHIBIT 1

FEBRUARY 26, 1965.

Hon. DEAN RUSK,
Secretary of State,
Department of State,
Washington, D.C.

MY DEAR MR. SECRETARY: I am deeply concerned about the increasing incidents of disrespect shown for the United States around the world. I refer particularly to the mob action and rioting in the vicinity of our embassy buildings, libraries, and other properties. The press has carried accounts of the following incidents, among others:

In Caracas, Venezuela, on February 16, a rioting mob shouted insults against the United States and hurled rocks and bottles of ink at the United States embassy building before being driven off. An American press association office was wrecked.

In Uganda, the U.S. flag was hauled down from our embassy in the capital city of Kampale. A high official of Uganda accused the United States of a "campaign of genocide" against African people, according to press dispatches.

The new African nations of Zambia and Tanzania issued a statement condemning the United States because Congolese Premier Tshombe's government allegedly used some old U.S. made planes in attacking Communist-led rebels. The United States made it clear the planes were not under the control of this country.

President Sukarno's Indonesian Government seized the U.S. Information Service cultural center in Jakarta on February 15, after an estimated 20,000 anti-United States demonstrators marched on the nearby U.S. Embassy and then tried to storm the USIA library. The crowd burned effigies of President Johnson. The Indonesian flag was hoisted over American property.

This same cultural center and its library were sacked last December by Indonesian mobs under the guise of protesting U.S. rescue operations in the Congo. Another crowd all but destroyed the USIA library in the east Java city of Surabaja. Last August, a mob seized the USIA library in the central Java city of Jogjakarta, and this property of the United States still is in the hands of the local branch of the National Youth Front.

The U.S. legation in Sofia, Bulgaria, was damaged in an anti-U.S. demonstration on February 15; in Tokyo, an estimated 16,500 Communist-organized demonstrators on the same day paraded through the streets shouting insults at the United States for helping South Vietnam. Also on the same date, several hundred demonstrators picketed our consulate in Montreal in protest against U.S. military action in Vietnam.

In Manila, there have been six violent anti-U.S. demonstrations in the past month. Demonstrators have marched on the U.S. Embassy shouting for an end to all agreements between the United States and the Philippines, including the military bases treaty. They have brandished insulting signs and some mobs even have had sound trucks blaring insults against the United States.

During the past month, anti-U.S. riots have occurred in Saigon itself and in other South Vietnam cities. A mob sacked the USIA library in Hue, burning thousands of books. South Vietnam police reportedly did not interfere with the arsonists.

Last December, mobs attacked the U.S. Embassy in Cairo, Egypt, burning 24,000 books and causing damage estimated at $500,000. President Nasser has said the United States could go "jump in the lake." Several privately owned planes operated by U.S. companies were destroyed in another outburst.

Scores of other attacks have been made against U.S. Embassy buildings, consular offices, and USIA libraries in, among others, the following places: Hungary, Panama, Taiwan, Cyprus, Greece, Turkey, Brazil, Algeria, Sudan, Yugoslavia, Bolivia, Nigeria, and Moscow.

I would like to know if these reports are true. If they are not, which reports are inaccurate?

I would like to know also what action has been taken by the United States in each instance, and what further action, if any, is contemplated in each instance.

Which countries where these incidents have occurred have been receiving United States aid and in what amounts?

To which of these countries is aid being continued since these incidents?

Thanking you for your reply, I am
Sincerely yours,
CARL T. CURTIS,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, April 23, 1965.

Hon. CARL T. CURTIS,
U.S. Senate.

DEAR SENATOR CURTIS: This is in further reference to your letter of February 26 and this Department's interim reply concerning mob action and rioting in the vicinity of our embassy buildings, libraries, and other properties around the world. The reports as carried in the press are substantially correct.

I am enclosing a booklet giving the proposed mutual defense and development programs for fiscal year 1966 in which you will also find the figures on both economic and military assistance (loans and grants) to all countries (cumulative fiscal years 1948–64). The following is in response to your questions on the incidents mentioned in your letter.

Venezuela: On February 16, 1965, a group of about 100 demonstrators appeared before our Embassy building in Caracas. The ostensible motive for their protest demonstration was recent U.S. actions in Vietnam. Some rocks and ink bottles were thrown at the building. Venezuelan security forces dispersed the crowd, which consisted mostly of students, and there were no casualties.

A few minutes after the demonstration, President Leoni, through the Director General of the Foreign Office, expressed to our Embassy his extreme indignation and regret over what had occurred. The President said he had personally ordered increased police protection for the Embassy.

On the same day a small group of demonstrators broke into the United Press International office where they did some damage to communications equipment. In this connection the Government of Venezuela told our Embassy that it was taking increased security precautions at all American installations, both Government and private.

In view of the President's expression of regret, and the Venezuelan Government's assurances of increased protection, the Embassy did not believe that any protest was called for in relation to either incident. However, the Embassy has communicated with the Venezuelan Ministry of Foreign Affairs bringing to its attention the attacks on U.S. property. It has also requested that we be informed of the results of any investigation the Government of Venezuela is making to apprehend and punish those guilty of damaging U.S. property. The communication also expresses our confidence that the Government of Venezuela will take all necessary measures to avoid a recurrence of this type of incident.

The U.S. AID program in Venezuela for fiscal year 1965 is $1.5 million. No steps have been taken to eliminate this program because of the friendly and cooperative relations existing between our two Governments.

Panama: Damages to U.S. Government property during Panamanian riots of January 1964.

1. No formal demand has been made on the Panamanian Government by the U.S. Government for payment of damages to U.S. Government property which occured during the riots of January 1964. However, U.S. Government officials have stressed informally to Panamanian Government officials the need to establish agreed upon procedures for adjudicating all claims, both public and private. It is anticipated that the question of claims will be dealt with during the general treaty negotiation between the United States and Panama. At that time, the matter of payment by Panama for damages to U.S. Government property will be pressed.

2. Since 1946, Panama has received $148 million in economic aid from the United States.

3. United States aid is still being furnished to Panama. However, no new projects were initiated for an 8-month period following the January 1964 riots.

Brazil: 1. (a) Following the resignation of Brazilian President Janio Quadros, a mob of students attacked the U.S. Embassy at Rio de Janeiro on August 25, 1961, and smashed Embassy windows. Police forces guarding the Embassy entrance were reinforced and quickly drove off the student mob. Due to sufficient police protection for the duration of the crisis, there was no further damage to the Embassy.

(b) Although the Government of Brazil paid for the full repair of damages to the Embassy, the Embassy reported that there was no indication of negligence by the Government.

2. (a) In December 1962, a small group of vandals marred the entrance area of the USIS office located in Fortaleza, Ceara, prior to the opening of the office.

(b) This damage was very minor (estimated at $100) and no representation was made to the Brazilian Government.

3. (a) On February 8, 1963, a bomb exploded at the consular residence in Porto Alegre, Rio Grande do Sul, causing slight damage. There were no casualties and both the State and Federal authorities offered immediate and adequate protection.

(b) In view of the satisfactory action on the part of Porto Alegre police, the Embassy made no approach to the foreign office.

4. (a) In September 1963, students, protesting a hike in bus fares, caused minor damage to the USIS office at Fortaleza, Ceara. The USIS office was only one of numerous downtown office buildings which suffered from this student mob action.

(b) Total damage was estimated at $25 and no restitution was claimed.

5. U.S. foreign assistance to Brazil totaled $408.8 million in fiscal year 1964.

6. Of the total U.S. aid in fiscal year 1964, Public Law 480 programs under titles I, II, and III totaled $197.7 million, or about 48 percent of the total.

7. From July 1, 1964 to February 28, 1965, U.S. foreign assistance to Brazil has totaled

$192.8 million, of which Public Law 480 assistance amounted to $27.8 million.

8. As the largest country in Latin America and a valuable partner of the United States under the Alliance for Progress, Brazil is expected to continue to receive U.S. foreign assistance.

Bolivia: There have been a number of demonstrations in Bolivia. The demonstration causing the most damage to the U.S. Government occurred in March 1959. The Government of Bolivia indicated a willingness to pay for the damage and has recently been reminded of this. On minor damage occurring since 1959 for which the Embassy has not as yet requested repayment, the Department has recently asked for further information and the Post's judgment as to whether the damage arose from a breakdown of law and order and therefore that a request should be made for repayment.

Since Bolivia has already indicated a willingness to repay major damage which occurred in 1959, there has been no effect on Alliance for Progress assistance to Bolivia. However, the amount projected for fiscal year 1965 is about one-third of that extended in fiscal year 1964. Public Law 480 funds have accounted for about one-third of all AID funds expended in Bolivia.

United Arab Republic: Following the attack on our library in Cairo last November, our Embassy submitted a note to the United Arab Republic Government strongly protesting the failure of the United Arab Republic authorities to extend adequate protection during this incident. In a formal note of reply, the United Arab Republic Government regretted the incident and promised to pay compensation for the damages. Subsequently President Nasser expressed his personal regret to our Ambassador and in addition offered a gift of 1,000 books toward establishing a new library. This was neither offered nor accepted as a substitute for the full compensation which we are claiming. An itemized bill has been prepared and submitted to the United Arab Republic Government. Discussions are now being held with the United Arab Republic Government to determine the method by which, under U.S. Treasury regulations, payment may be made.

The United Arab Government has also provided rent-free, suitable interim quarters for a library, pending construction of a permanent new installation.

The downing of the John W. Mecom Co. aircraft by United Arab Republic interceptor aircraft was protested by our Embassy on December 24. Subsequently this incident was investigated informally by two U.S. air accident experts. Their report found that a number of procedural errors had been committed by the pilot. Most serious of these was the departure of the plane from normal commercial air corridors into a militarily sensitive area marked "prohibited" on all air charts.

While accepting that some procedural errors may have been committed, the U.S. Government does not consider these as constituting sufficient justification for the extreme United Arab Republic action of destroying an unarmed private aircraft.

Greece: In Greece, in 1964, there were a few demonstrations at our Embassy, consulate general, and USIS offices on the issue of the U.S. stand on the Cyprus dispute. These gatherings consisted mostly of students and, while noisy, were not violent. They could not be consider attacks on our facilities. The only case of property damage was during a small demonstration last year before the USIS office in Rhodes, during which some stones were thrown and one or two windows were broken. The mayor of Rhodes offered to pay the nominal cost of this damage.

Following vigorous representations by our Ambassador in the spring of 1964, the Greek Government made a strong public statement condemning unmannerly demonstrations before diplomatic and consular establishments, and has since maintained extra police protection for these buildings. A recent demonstration on Vietnam, organized by leftists, was not permitted by police to approach the Embassy.

Cyprus: The Embassy building in Nicosia was bombed by unknown extremists February 4, 1964. No one was injured and the damage was relatively slight.

The Ambassador made an immediate strong protest to the President of the Republic. The President personally visited the Embassy, inspected the damage, and expressed his deepest sympathy for the bombing. Expressions of sympathy and concern were sent by the Acting Foreign Minister and many other top-level officials. The Minister of Interior personally undertook responsibility to insure the safety of American lives and property.

The Government of Cyprus promptly repaired all damage at its own expense. No violence has been directed against any official American property on Cyprus since that date.

Turkey: In Turkey, there was a series of demonstrations before the American Embassy (and other embassies) in Ankara during the last days of August 1964. Damage was negligible. In fact, the crowds were generally well-behaved and the buildings before which they demonstrated were protected by Turkish police. These demonstrations were basically political, growing out of Turkish frustrations in the Cyprus crisis; they were not aimed at Americans personally. There were some similar, smaller demonstrations in Istanbul and Adana. Following these events, there was a more serious demonstration in Ismir, where crowds did considerable damage to the American exhibit (and others) at the international fair there. Turkish officials not only apologized for this action, but also paid for all damages. Senior Americans in both Washington and Ankara stated our deep concern about all of these events to the Turkish Government, which replied with its "profound regrets."

Algeria: On October 15, 1963, at the time of the Moroccan-Algerian hostilities, a gang of about 100 hoodlums inflicted about $100 damage on the American consulate at Constantine. Algerian police took prompt action against them. There have been no other incidents since Algeria became independent in 1962.

Nigeria: In a 1961 demonstration in Lagos over the death of ex-Congo Premier Patrice Lumumba, crowds demonstrated before the American and certain European embassies. Several windows of the American Embassy were broken. Apologies were received from the Nigerian Government. There have been no other attacks on our properties in Nigeria.

Sudan: On October 22, 1964, during mob demonstrations directed primarily against the regime then headed by General Abboud, the U.S. Embassy and USIA library were entered and approximately $660 damage inflicted. On November 10, 1964, during a Communist attempt to seize control in the Sudan, the U.S. Embassy was spattered with mud and a flag torn down. Damage in monetary terms was nominal.

The United States protested these incidents and demanded protection. This has been provided. The Sudanese Government was never involved in encouraging or condoning the demonstrations.

Uganda: During a demonstration in front of our Embassy in Kampala, an attempt was made to haul down the flag flying on the top floor. It did not succeed. The flag was recovered by a member of our Embassy. Later a crude copy of the flag was burned at another demonstration.

The Ugandan Government made strenuous efforts to break up the demonstrations. The ringleaders were thrown out of the political party which makes up the Prime Minister's government. Even during the worst of the anti-American feelings over the Congo-Uganda border incidents, telephone calls and letters from Ugandans of all walks of life were received expressing friendship for America and deploring these events.

The statement about a "campaign of genocide" was made by Director of Planning John Kakonge, well-known leading leftist member of the Ugandan Government, at the Nairobi meeting of the Economic Commission for Africa in February. Our delegation, headed by Deputy Assistant Secretary Samuel Z. Westerfield, walked out of the meeting and sharply protested the charges.

Zambia: We have no knowledge that a statement condemning the United States for the Congo plane incidents ever was made by the Government of Zambia. Foreign Minister Kapwepwe was quoted, however, by BBC as recommending that the United States withdraw its planes from the Congo.

Tanzania: The United States has repeatedly informed the Tanzanian Government that the planes used by the Congolese Government in the Congo were entirely under that Government's control and that the issue, therefore, should be taken up with the Congolese, not the United States.

Bulgaria: On February 16, 1965, the chancery of the American Legation in Sofia, Bulgaria, was attacked by a mob of about 150 students of which the majority were Afro-Asians. The demonstration was in connection with events in Vietnam. The Bulgarian militia broke up the demonstration after about 20 minutes but not before many of the legation windows were broken and some lighting fixtures torn out. One legation official vehicle was damaged. Following the attack on the chancery, the Minister's residence was assaulted by a small group of students. Windows on all floors were smashed, the front door was broken in, and the U.S. seal pulled down before the demonstrators were dispersed by the Bulgarian militia. The American Chargé d'Affaires in Sofia immediately lodged a strong protest with the Bulgarian Foreign Minister. In Washington, the Bulgarian Chargé d'Affaires was summoned to the Department of State when a report of the incident was received. The Assistant Secretary for European Affairs delivered a vigorous protest to the Chargé. In reply to these protests, the Bulgarian Government apologized for the incident, repaired most of the damage, agreed to pay for the remaining damage, and gave assurances that special measures would be taken to provide adequate protection for American diplomatic property in Sofia. No further U.S. action is contemplated in the circumstances. Bulgaria has not been a recipient of U.S. aid.

Czechoslovakia: On November 26, 1964, the chancery of the American Embassy in Prague was attacked by a mob of about 80 African students in connection with events in the Congo. The Czechoslovak militia broke up the demonstration after about 15 minutes but not before some 375 window panes in the chancery were broken and 12 Embassy vehicles, both official and private, were damaged by 20 of the demonstrators who invaded the chancery courtyards. The American Ambassador immediately lodged a strong protest with the Czechoslovak Foreign Ministry. The Czechoslovak Ambassador was summoned to the Department of State when a report of the incident was received. The Assistant Secretary for European Affairs delivered a vigorous protest to the Ambassador. The Czechoslovak Government apologized for the incident, assumed responsibility, replaced the 375 panes of glass and paid in excess of $10,000 to cover the costs of repairs to the damaged vehicles, Czechoslovakia also gave assurances that special measures would be taken to provide adequate protection for American diplomatic property in Prague. These measures were subsequently implemented on February 12, 1965, when police kept demonstrators protesting events in Vietnam more than 200 feet away from the Embassy chancery. No further U.S. action is contemplated in the circumstances. Czechoslovakia has not been a recipient of U.S. aid.

Hungary: On February 13, 1965, a mob of several hundred students, mostly Afro-Asians and Cubans, demonstrated against the American Legation in Budapest, Hungary, in connection with events in Vietnam. Many windows in the chancery were broken, one official and one private Legation car were extensively damaged, and some students broke into the Legation snackbar and movie projection room but were quickly ejected by the Hungarian police. The Legation immediately protested vigorously to the Hungarian Ministry for Foreign Affairs. In Washington, the Hungarian Chargé d'Affaires was summoned to the Department of State as soon as news of the demonstration was received. The Assistant Secretary for European Affairs delivered a strong protest to the Chargé. In reply to these protests, the Hungarian Government apologized for the incident and gave assurances that appropriate measures would be taken to prevent the recurrence of any such incidents in the future. It has made full restitution for the damages. No further U.S. action is contemplated in the circumstances. Hungary has not been a recipient of U.S. aid.

Yugoslavia: There have been no mob attacks upon U.S. diplomatic property in Yugoslavia during the last 12 years.

U.S.S.R.: The incidents in Moscow on February 9, 1965, and March 4, 1965, are covered in the attached statement.

Republic of China: Immediately after the sacking of the U.S. Embassy in Taipei on May 24, 1957, the Embassy lodged a protest and a demand for compensation with the Chinese Government. The Chinese Government expressed its profound regret and paid in full for all damage from its foreign exchange reserves.

Since the Chinese Government apologized for the incident, and reimbursed the United States in full for the damage to American property and personnel, no further action is contemplated.

Vietnam: The American consul in Hue made a formal protest after the demonstration on January 23, 1965. General Nguyen Chan Thi, the 1st Corps commander, made a formal apology to the USIS branch public affairs officer and to the consul. Apologies were also made by the 1st Division commander, the province chief and the rector of the university; Prime Minister Huong expressed his regrets.

Indonesia: The series of deplorable demonstrations against USIS libraries in Indonesia were strongly protested and full compensation for damages requested of the Indonesian Government. (These damages, I might add, were far less severe than reported in the press.) When it became clear that the Indonesian Government was unwilling to take adequate steps to protect our libraries, the U.S. Government terminated USIS activities in Indonesia in early March 1965.

Philippines: Recent anti-American demonstrations in the Philippines were stimulated primarily by the shooting of two Filipinos on U.S. bases by American guards. (In one instance, the guard, who was off duty when he shot and killed the victim, was convicted of unpremeditated murder by a U.S. military court.) The shootings gave rise to a considerable amount of public criticism among elements both friendly and unfriendly to the United States. The latter group, a tiny core of leftist political activists unrepresentative of the generally pro-U.S. public, largely organized and led the demonstrations.

Press accounts of the demonstrations were exaggerated; the rallies, although abusive in some respects, were nonviolent in nature and no damage was done to American property or Americans. As the demonstrations were neither officially condoned nor encouraged, no protest to the Philippine Government would be in order.

If I may be of any further assistance to you, please do not hesitate to call on me.

Sincerely yours,

Douglas MacArthur II,
Assistant Secretary for Congressional Relations.

Demonstrations at the U.S. Embassy in Moscow

On February 9, 1965, Vietnamese and Chinese Communist students led over 2,000 demonstrators in a 1-hour protest against U.S. policy in Vietnam in front of our Embassy in Moscow.

Immediately following the demonstration, Ambassador Kohler made a strong protest to the Soviet Foreign Ministry, stating that police protection had been inadequate and that the Soviet Government was responsible for the demonstration and for the damages.

On February 9, a State Department spokesman stated: "It is deplorable that demonstrators are permitted by the police to damage and deface our Embassy. Here in the United States we protect the Soviet missions and other missions from this kind of outrage in accordance with international law and custom."

On the following day the White House issued the following statement on the demonstration: "The President takes a most serious view of the fact that police protection furnished the American Embassy in Moscow yesterday was wholly inadequate despite prior notification to the Soviet Government of an impending demonstration. The U.S. Government must insist that its diplomatic establishments and personnel be given the protection which is required by international law and custom and which is necessary for the conduct of diplomatic relations between states. Expressions of regret and compensation are no substitute for adequate protection."

The Soviet Foreign Ministry proceeded immediately to make necessary repairs to the Embassy building and to reimburse the Embassy for materials provided by our Government for the repairs.

On March 4, 1965, the Embassy was informed that another demonstration was going to be held at the American Embassy. The Ambassador immediately requested an appointment at the Foreign Ministry and stated that the Embassy expected the Soviet Government to fulfill its responsibility to provide the Embassy and its personnel with protection required by international law and custom.

The demonstration occurred later that afternoon. Six hundred Soviet policemen were assembled at the Embassy, and a metal barrier and a line of 30 snowplow trucks had been placed in front of the building. The demonstrators broke through the police line and barriers. The Soviet Government first sent in mounted policemen and then Soviet Army troops to break up the demonstration. Several soldiers, policemen, and rioters were severely injured.

Ambassador Kohler met with Soviet Foreign Minister Gromyko that evening and stated that the extensive damage suffered by the Embassy showed that police protection was again inadequate. The Foreign Minister expressed regret for the damage, promised that the Embassy would be compensated for repairs, and indicated that supplementary measures for protection of the Embassy would be taken in the future. The Soviet Government began to repair the damage on the day following the demonstration.

The Department believes that the expression of our serious concern after the demonstration of February 9 was an important factor in the Soviet Government's decision to take unprecedented steps to attempt to control the demonstrators who caused damage to our Embassy on March 4. We believe that repeated and emphatic expressions of our concern over incidents of this kind are an effective way to show the Soviet Government that it will, in fact, be obliged to take the protective measures promised by Mr. Gromyko on March 4 if it wishes to avoid the damaging effects that such demonstrations have on Soviet-American relations.

The Soviet Government has also received protests from Communist China in connection with the demonstration of March 4. A small protest demonstration was even held at the Soviet Embassy in Peiping.

In a strongly worded note to the Communist Chinese Embassy in Moscow of March 12, the Soviet Foreign Ministry rejected Chinese charges of police brutality, accused the demonstrators of "premeditated provocation" against Soviet authorities and against a foreign embassy, and stated that any similar violation of public order would be "resolutely cut short" and that the offenders would be arrested and tried under Soviet law.

THE CONTINUING THREAT OF SOVIET BLOC ESPIONAGE

Mr. MUNDT. Mr. President, the headlines of today involving the international struggle which we refer to as the "cold war" deal mostly with the problems confronting the free world in such areas as South Vietnam and the Dominican Republic.

But it is well for us to not forget that the cold war struggle knows no boundaries as far as the Communists are concerned. The threat that confronts liberty is constituted of many facets—aggression in the form of infiltration and armed attack by the Vietcong, so-called revolutionary activities by the Communists in Santo Domingo, or espionage by those who wish to confiscate for their own use our military secrets.

It is to this latter concern that I call attention today to an article written by the Director of the Federal Bureau of Investigation, John Edgar Hoover.

Mr. Hoover discusses this problem in a forthright and most informative manner and what he has to say, I believe, is of interest to all Americans.

Mr. President, I ask unanimous consent to include in the Record this important article by Director Hoover, which I am privileged to carry in my newsletter report of May 4, for my constituents.

There being no objection, the article was ordered to be printed in the Record as follows:

The Continuing Threat of Soviet-Bloc Espionage

(By John Edgar Hoover, Director, Federal Bureau of Investigation, U.S. Department of Justice)

America's military secrets in the hands of the Soviets. A sobering thought. And we dare not make the mistake of dismissing this unhappy prospect as mere fantasy—the grim facts reveal that it could well happen.

Information regarding our military facilities and operations is a priority target of Soviet-bloc countries. Their spy networks strive ceaselessly to ferret out data vital to our security. No effort or tactic is spared by these conspirators as they seek to accomplish their mission.

Recent arrests bring into sharp focus the danger we as a nation face from the espionage threat. Just days ago, two men—one an Army sergeant and the other a former Army sergeant—were arrested by the FBI and indicted on charges of delivering U.S. defense secrets to the Soviet Union. The secrets related to military facilities and weapons, missiles and missile sites, codes and Army intelligence activities. This data was then allegedly transmitted to a number of Soviet agents who went under a variety of nicknames. Among the devices used to conceal the material were hollowed-out batteries, shoe heels, and cigarette lighters, along with codes, ciphers, and secret writings. The indictment further charged the two men with receiving large sums of money from the Soviet Union to carry on their activities.

In another case, just 3 months earlier, an Air Force veteran, Robert Thompson, was arrested by the FBI and charged with conspiring to furnish the Soviets data relating to military installations and equipment, missile sites, code books, and the like. Thompson has since pleaded guilty to spy charges.

In still another instance, a Federal court in December of 1964 found an American electronics engineer guilty of engaging in an espionage plot with the Russians. The American, whose work at an electric company pertained to a military communications system, has passed documents to the Soviets.

In many cases Americans involved in espionage activities have furnished data to Soviets stationed in this country on official business. Herein lies much of the potential of Communist spy efforts—the vast reservoir of their diplomatic personnel in the United States available for use on intelligence-gathering assignments. As of April 1, there were 780 Soviet-bloc officials in this Nation; they were accompanied by 1,185 dependents. A large percentage of these personnel, who in addition to their official duties are assigned to illegally obtain intelligence data, seek out contacts with Americans having military, scientific, or industrial connections. Through trickery, bribery or blackmail, these culprits hope to wheedle strategic data from these individuals.

The intensity of Soviet spy efforts cannot, of course, be gaged by arrests or prosecution of persons involved. Because of the nature of espionage and the possibility of revealing sources and investigative techniques, court action is not always feasible. The FBI's responsibility in this field is largely preventive in scope, with the purpose of disrupting spy activities and preventing the acquisition of strategic information by the Communists.

Anyone who receives an indication of spying or other subversive activities should immediately report the matter to the FBI. No investigation should be attempted by private individuals. Espionage is a deadly crime and dealing with it requires trained and experienced personnel.

The alertness of Americans is an important weapon in combating this menace. Never can we afford to relax our guard—our military secrets in Soviet hands could well play havoc with our national security.

THE 50TH ANNIVERSARY OF THE ARMENIAN MASSACRE

Mr. YARBOROUGH. Mr. President, April 26 marked the 50th anniversary of the atrocious and shocking Armenian massacre. Because of the unspeakable nature of this horrifying event, it is worthy of attention and commemoration by this body, in honor of the Armenians who lost their lives in that cruel tragedy.

The Armenian massacre will stand out as one of the starkest and most unfortunate instances of brutality and unrestrained inhumanity to man in modern history.

This Nation is fortunate to have many Armenians as its citizens, for they are unsurpassed in their citizenship and their loyalty to the basic principles and ideals of this Government and the rights and freedoms of America. The Armenians are admirable in their friendliness, warmth, and other fine qualities.

I commend the Armenian people and their leaders for their patience and forbearance, and for the wonderful virtues they have displayed in their personal and family lives and in so loyally contributing to the greatness of the United States by their patriotism and devotion to this country and to the cause of peace and freedom.

THE DEPARTMENT OF AGRICULTURE, THE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, AND CIVIL RIGHTS—STATEMENT BY SENATOR McGOVERN

Mr. HART. Mr. President, the junior Senator from South Dakota [Mr. McGovern] has asked me to insert in the Record, for him, a statement he has prepared, commending the Department of Agriculture for actions of the Agricultural and Stabilization and Conservation Service to employ Negro citizens and to include Negro farmers on its committees in areas where there is a substantial Negro population.

I ask that his statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The USDA, ASCS, and Civil Rights—Statement by Senator G. McGovern

I wish to pay tribute to the job being done by the Department of Agriculture, under the leadership of Secretary Orville L. Freeman, in the field of civil rights. Recent actions taken by the Agricultural Stabilization and Conservation Service of USDA are particularly noteworthy.

On April 2, Secretary Freeman announced that for the first time Negro farmers have been named to serve on ASC State committees. They are George W. Spears, Mound Bayou, Miss.; Caldwell McMillan, Annapolis, Md.; and John Gammon, Jr., Marion, Ark. It is now USDA policy that qualified Negro farmers will be considered for any vacancy that occurs on the committee for any State where Negroes constitute more than 10 percent of the total farmers in the State.

ASCS State and county offices are providing equal employment opportunities for all full-time and temporary jobs. In each State the goal will be to achieve a minority group employment percentage equal to the percentage of nonwhite farmers in the State. This summer ASCS expects to hire 2,806 temporary office employees and 12,828 temporary performance reporters in the 15 Southern States.

An advisory committee of Negroes will be established in the States of Texas, Louisiana, Alabama, Mississippi, Tennessee, Arkansas, Georgia, Florida, North Carolina, South Carolina, and Virginia to work with ASCS Administrator Horace D. Godfrey in carrying out the Civil Rights Act as it applies to activities of the Agricultural Stabilization and Conservation Service.

ASC county committees will place on the ballot for community committee elections each year the names of Negro candidates in at least the same proportion as there are Negro farmers in the county.

Segregation of employees or discrimination in the use of facilities is being eliminated. In some cases this requires arranging for and moving to office space where equal opportunities can be provided.

Mr. Godfrey also has stated that he expects every State committee to be prepared to take over the operation of any county ASCS office which does not operate in line with these goals and objectives.

These are excellent goals. I think Mr. Godfrey means what he says when he tells State and county ASCS committees and their staffs that full and equal opportunities will be extended to Negro and white alike—both for employment and for farm program participation.

THE AMERICAN INDIANS

Mr. HARRIS. Mr. President, the history and culture of the American Indians are an important part of our national heritage. I am sure all of us realize that the first Americans were the Indians.

Probably I am reminded of this fact more often than most Senators, since my wife and children are enrolled members of the Comanche Indian Tribe.

The different Indian tribes developed their own societies and customs, many of which were unique, and in striking contrast to those of the white man. It is fitting and proper that this early Indian culture should be preserved, and I am pleased that efforts in this regard have been increased during recent years. I am especially pleased that my home State of Oklahoma—which has a larger Indian population than that of any other State—has taken a lead in these efforts.

In Oklahoma, Indian artifacts and Indian paintings are displayed at many museums, including the Woolorac, near Bartlesville; Philbrook, at Tulsa; and the Great Plains Museum, at Lawton.

The town of Anadarko, in southwestern Oklahoma, is becoming a center for Indian culture. Authentic Indian villages have been recreated at Indian City, near Anadarko. Also at Anadarko are the Plains Indians Museum and the National Hall of Fame for Famous American Indians. A colorful, weeklong Indian exposition is held there each August, and it attracts thousands of visitors.

In the hall of fame are busts of many famous Indians. The latest entry—coming this year—is a bust of Pocahontas, who, more than 350 years ago, not too far from here, reportedly saved the life of Capt. John Smith. In 1614, Pocahontas married John Rolfe. In 1617, while on a visit to England, she died.

This bust was procured by the National Society of Colonial Dames, 17th Century. Mrs. Olen Delaney, of Oklahoma City, served as national chairman for the project.

The bust of Pocahontas was unveiled last month, in an impressive ceremony at Jamestown, Va. Dr. Muriel H. Wright, noted Oklahoma historian and author, and the granddaughter of a Choctaw chief who gave my home State its name, was the principal speaker at the unveiling ceremony; and other Oklahomans, including Mrs. Delaney, participated.

I commend the National Society of Colonial Dames, 17th Century, and the Oklahoma State Society for this accomplishment. Also, I ask unanimous consent that two newspaper articles—one, from the Virginia Gazette, on the unveiling ceremony; the other, from the Daily Oklahoman, relating background on the project—be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Virginia Gazette (Williamsburg, Va.), Apr. 30, 1965]

POCAHONTAS PRAISED IN CEREMONY HERE

Dr. Muriel H. Wright, speaking at the recent unveiling ceremony at Jamestown of a portrait bust of Pocahontas, described the Indian princess as a "great American woman."

The sculpture, commissioned by the National Society Colonial Dames XVII Century, will eventually be placed in the American Indian Hall of Fame in Anadarko, Okla.

Over 100 members of the society gathered at Jamestown for the ceremony, along with a dozen direct lineal descendants of the Indian princess credited with saving the life of Capt. John Smith and contributing to the survival of the beleagured settlement.

Dr. Wright commented: "Pocahontas is truly noted as a remarkable person who had an important place in the play for power between Powhatan's confederated tribes and the early English settlers."

Later baptized and married to John Rolfe, Pocahontas died in England in 1617, on the eve of a return voyage.

Delivering the invocation at the recent ceremony was Canon Selwyn Gummer, rector of St. Peter's in Gravesend, in whose graveyard Pocahontas is buried.

Dr. Wright's grandfather was a Choctaw chief who in 1869 applied the name Oklahoma (meaning red people) to the territory which later became the 47th State.

[From the Daily Oklahoman, Mar. 17, 1965]

INDIAN MAIDEN HAS DAY

(By Roy P. Stewart)

By long and diligent effort we have almost succeeded in avoiding an excessive swelling of the cranium—but after receiving this correspondence from Mrs. Olen Delaney, restraint is difficult.

Or, as the man said, we could have stayed on the wagon if we hadn't gotten up to give our seat to a lady.

What Mrs. Delaney sends is an invitation to attend the unveiling of a portrait in sculpture of Pocahontas at Jamestown, Va., on April 14. The invitation, she says, is indication that a column of ours dated April 23, 1958—also enclosed—had a far reaching effect.

In it we mentioned that there was some sentiment in the Old Dominion that Pocahontas be recognized in the National Hall of Fame for Famous American Indians, at Anadarko, but more Virginia support was needed.

We also recounted some history of that lovely daughter of Chief Powhatan who, after saving the life of adventurous Capt. John Smith, married John Rolfe, went to England and was belle of the ball at the British court.

The bust to be unveiled at historic old Jamestown, where much of our history began, later will be on display in Washington for a time, then brought to Anadarko for permanent emplacement. It will be presented by Mrs. Logan Billingsley of Katonah, N.Y., representing the shrine in Oklahoma.

"Since founding of the National Indian Hall of Fame in 1952," Mrs. Delaney writes, "it has been the desire of many Virginians that Pocahontas be given her rightful place in that assembly.

"Colonial Dames 17th Century concurred in this desire and set about to implement it. Who better could sponsor raising of funds to commission a sculptor than this national society, whose ancestors lived during colonial times and were protected through efforts of Pocahontas?

"The project was presented in Oklahoma City to William Rives Chapter by Muriel Wright, member of Colonial Dames XVII Century and first vice president of the Indian Hall of Fame. The national society approved. In 2 years sufficient funds were collected to commission Kenneth F. Campbell, formerly of Oklahoma, now in the art department of Wisconsin State University, to do the sculpture."

Mrs. Delaney modestly avoids claiming credit for this achievement as national chairman of the Pocahontas fund committee.

It would be nice to visit restored Jamestown. We have missed that, although seeing most other historic places in Virginia and adjacent areas.

Tough old John Smith, of Jamestown, himself was the best press agent for Pocahontas. He wrote to Queen Anne: "Two or three years, she, next to God, was still the instrument to preserve this colony from death, famine and utter confusion."

Historian Henry Adams said Pocahontas was the most romantic figure in our history, and that her visit to the British court highlighted the year 1616. The poor gal died there, probably from the lousy winter climate, the next year.

Not only are we complimented by Mrs. Delaney's words and the invitation; we are pleased as punch that anyone thought enough of a column clipping to keep it around this long and that Pocahontas joins our Oklahoma Indian pantheon.

BANK MERGERS

Mr. ROBERTSON. Mr. President, it is now almost a month since I introduced S. 1698, my bill to eliminate the confusion which has arisen in the bank-merger field by exempting bank mergers from the Sherman Act and the Clayton Act, and by making approval of such mergers under the Bank Merger Act of 1960 final and conclusive.

During that month, the American Bankers Association has strongly supported my bill; the Independent Bankers Association has adopted a resolution opposing it; and the Federal Reserve Board has transmitted its report recommending enactment of the bill. In addition, many letters expressing support of the bill have been received by Members of the Senate.

I ask unanimous consent to have printed in the RECORD a resolution adopted by the American Bankers Association, my letter to the president of the Independent Bankers Association commenting on the resolution adopted by that group, and a letter from the Federal Reserve Board in support of my bill.

There being no objection, the resolution and the letters were ordered to be printed in the RECORD, as follows:

RESOLUTION —

Whereas it was the expressed purpose and intent of Congress when it passed the Bank Merger Act of 1960 to make certain that control of bank mergers should be in the hands of the appropriate banking supervisory agencies—the agencies equipped with the special knowledge necessary to regulate intelligently the American banking system;

Whereas these uniform and clear standards have been repudiated by the Supreme Court of the United States in the Philadelphia National Bank and the Lexington Bank cases, which decisions have given the final word in bank mergers to the Justice Department and, in effect, relegated the regulatory authorities to advisory roles; be it

Resolved, That this association endorses and supports bill S. 1698 introduced in the U.S. Senate on April 5, 1965, restoring the original intent of Congress as contained in the Bank Merger Act of 1960 that regulation of bank mergers be in the jurisdiction of the appropriate banking supervisory agency, and providing that no proceeding shall be instituted or prosecuted by the Department of Justice under the general antitrust laws with respect to any bank mergers heretofore or hereafter approved by the appropriate Federal regulatory agency pursuant to the Bank Merger Act of 1960 or with respect to any mergers consummated before May 13, 1960, which were approved by the appropriate State or Federal bank supervisory agency.

THE AMERICAN BANKERS ASSOCIATION.

U.S. SENATE COMMITTEE
ON BANKING AND CURRENCY,
April 28, 1965.

Mr. RALPH L. ZAUN,
President, Independent Bankers Association, Grafton State Bank, Grafton, Wis.

DEAR MR. ZAUN: I have received a copy of the resolutions adopted at the 31st Annual Convention of the Independent Bankers Association earlier this month. One of these resolutions, which relates to my bill, S. 1698, to exempt bank mergers from the Sherman Act and the Clayton Act and to make approval of such mergers under the Bank Merger Act of 1960 final and conclusive, reads as follows:

"BANK MERGERS

"Whereas there has been newly introduced into the Congress legislation providing that the antitrust laws not apply to banking mergers; and

"Whereas this legislation would, in effect, give a blank check to banking merger negotiation and agreement without regard to lessening of the competitive factors; and

"Whereas the Department of Justice application of antitrust statutes has provided a most effective check against bank mergers that result in lessened competition in cities and communities served: Now, therefore, be it

"*Resolved,* That the Independent Banking Association opposes any legislation which would exempt banking mergers from the provisions of existing antitrust statutes."

The basic purpose of your resolution, I take it, is to promote competition and to prevent monopoly in the field of banking. I agree fully with this objective. I believe that this objective is in the best interests of banking and of the individuals and business firms served by banking, and that it will promote most effectively the growth and development of the United States. I am convinced, however, that a competitive, aggressive, and effective banking system will be best provided by regulating bank mergers under the Bank Merger Act of 1960, and not by superimposing on that act the inappropriate and unsuitable requirements of the Sherman Act and the Clayton Act.

You will recall that the Bank Merger Act was reported from the Banking and Currency Committee in 1959 and, after amendments in the House, was enacted in 1960, in order to end an undesirable situation.

Before the enactment of the Bank Merger Act, it was agreed that section 7 of the Clayton Act did not apply to bank mergers and that the Sherman Act was entirely ineffective. Accordingly, there was general agreement that Federal legislation to restrict bank mergers was necessary. Testimony to this effect was received from the three banking agencies, from the Department of Justice and the chairman of the House Judiciary Committee, from the American Bankers Association and the National Association of Supervisors of State Banks, from the American Bar Association and from Mr. Ben DuBois, secretary of your association. Several of the witnesses, including Mr. DuBois, recommended a number of amendments to the bill, some of which were later accepted, for example the requirement that the Justice Department must be consulted on all questions of monopoly and competition.

The purpose of the Bank Merger Act was to promote competition and prevent monopoly. In reporting the bill, the committee intended to leave no doubt as to their belief in the desirability of competition in the field of banking, as the following quotation from the report I filed makes clear:

"Vigorous competition between strong, aggressive, and sound banks is highly desirable; lack of competition, restraints on competition, and monopolistic practices are undesirable. Competition in banking takes many forms—competition for deposits by individuals and corporations and by personal and business depositors; competition for individual, business, and governmental loans; competition for services of various sorts. Competition for deposits increases the amounts available for loans for the development and growth of the Nation's industry and commerce. Competition for loans gives the borrowers better terms and better service and furthers the development of industry and commerce. Vigorous competition in banking stimulates competition in the entire economy, in industry, commerce, and trade. There is no question that competition is desirable in banking, and that competitive factors should be considered in all aspects of the supervision and regulation of banks."

At the same time the committee agreed fully that banking was vested with a public interest and that regulation of banking was essential and must be continued. Banks are an integral and essential part of our fiscal and monetary system. The interest of Government, business and industry, and private citizens requires a sound and dependable banking system. To this end the Federal and State Governments have regulated banks very strictly. Entry into the banking business is subject to approval. Bank mergers, bank branches, bank holding companies, bank loans, interest rates, and many other phases of banking are subject to regulation and control, and frequent bank examinations are held in order to insure compliance with these controls. In order to provide further assurance of a sound, dependable banking system, such major agencies as the Federal Reserve System and the Federal Deposit Insurance Corporation have been created, as well as the national bank system.

I am glad to see that your resolutions include one supporting the dual banking system. In my judgment, the dual banking system has been of major importance in promoting competition and in preventing monopoly in banking. The 50 different State banking systems and their national bank counterparts make it virtually impossible to have in the field of banking a great nationwide monopoly of the sort which threatened to take over the steel, tobacco, oil, aluminum, and other industries and made it necessary to enact the Sherman and Clayton Acts. The differences between a regulated industry like banking—or like the railroad industry, the pipeline industry, the aviation industry, the communications industry—was recognized in the original Clayton Act and in the 1950 Celler-Kefauver amendment to section 7 of the Clayton Act. When an industry is regulated and controlled, particularly when entry into it or expansion of it requires the approval of a public body, the competitive considerations are entirely different from those surrounding an industry where entry, expansion, and mergers are regulated only by the antitrust laws.

It was for these reasons that the Congress clearly and definitely decided, when we passed the Bank Merger Act of 1960, to reject the strict standards of section 7 of the Clayton Act, under which a merger must be rejected if there is a threat of a substantial loss of competition in any line of commerce in any section of the country. Instead, we chose the broader standards of the Bank Merger Act under which competition and the public convenience and necessity must be weighed together, and the final decision based on the public interest.

The decisions of the Supreme Court in the Philadelphia and Lexington cases imposed on bank mergers the strict standards of section 7 of the Clayton Act and what apparently have become the equally strict standards of the Sherman Act. Clearly, these decisions have changed the situation on which the Bank Merger Act was based. If these cases had been decided before 1959, the Bank Merger Act would have been considered unnecessary. Now, with the Bank Merger Act and also the Sherman and Clayton Acts applied to bank mergers, the situation has become extremely confusing, and threatens to do serious harm to the banking industry and to the industries and the individuals who depend on it. If all banks which have merged under the Bank Merger Act, and there being no statute of limitations, all banks which have merged in the past 10 or 20 years are subject to attack by the Justice Department, with the threat of being split up, the effect on these banks, on their correspondents, on their depositors, and on those borrowing from them can be disastrous.

The Bank Merger Act applies to banks the basic principles which underlie the antitrust laws—the principles of promoting competition and preventing monopoly which underlie our free enterprise system. The bill takes into consideration the views and recommendations of the Department of Justice in the field of competition and monopoly, and it provides for consideration of the special circumstances surrounding the important and sensitive field of banking. The Bank Merger Act was intended to call for the most careful consideration by the Federal banking agencies, on the basis of advice from the Justice Department, of the competitive factors and tendencies to monopoly which might be involved in any bank merger which might be proposed.

S. 1698 is not intended in any way to weaken the significance given to competitive factors in the deliberations of the banking agencies under the Bank Merger Act. On the contrary, all that S. 1698 seeks to do is to provide for specialized consideration of the special competitive situation in the field of banking.

In order to make clear my strong support for competition in banking, under the dual banking system, I should appreciate it if you would make the views I have expressed in this letter available to your members.

With kind regards, I am

Sincerely yours,

A. Willis Robertson,
Chairman.

Board of Governors,
of the Federal Reserve System,
Washington, April 27, 1965.

Hon. A. Willis Robertson,
Chairman, Committee on Banking and Currency, U. S. Senate, Washington, D.C.

Dear Mr. Chairman: This refers to your requests of April 6 and April 7, 1965, for a report on your bill, S. 1698, which would amend the Bank Merger Act (12 U.S.C. 1828 (c)) to exempt bank mergers from the Federal antitrust laws.

Under the bill, the authority of the Board, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation to approve mergers and other transactions covered by the Bank Merger Act would be "exclusive and plenary." Banks participating in transactions approved under the act would be relieved by the bill, as to such transactions, from the operation of the Sherman Antitrust Act and the Clayton Act. This would be true whether the particular transaction "has been or is hereafter consummated." The bill also would exempt from the antitrust laws any bank merger or similar transaction consummated pursuant to the approval of the appropriate State or Federal bank supervisory authority prior to the date of enactment of the Bank Merger Act (May 13, 1960). In introducing the bill on April 5, 1965, you indicated that it is intended "to be applicable not only to future mergers but to all mergers heretofore consummated pursuant to appropriate regulatory approval including mergers now under attack by the Department of Justice under the antitrust laws."

Because banking is a licensed, strictly regulated, and closely supervised industry that offers problems acutely different from other types of businesses, the Congress, in enacting the Bank Merger Act, deliberately chose to place the authority to pass on bank mergers in the Federal bank supervisory agencies. Of course, the competitive effects or possible antitrust implications of bank absorptions obviously were the major reason prompting adoption of the measure. It is abundantly clear from the legislative history of the act, however, that the Congress did not believe the public interest would be served best if the legality of bank mergers were to be tested by competitive factors alone, to the exclusion of banking factors, including offsetting benefits to the public.

The Bank Merger Act contains no specific exemption from the antitrust laws for bank mergers, and the legislative history of the act indicates that this was not an inadvertence. On the other hand—and as the legislative history emphasizes—at the time of enactment of the act it was generally understood that section 7 of the Clayton Act, as amended in 1950, was inapplicable to bank mergers, and there was little or no experience by which to judge the usefulness of the Sherman Act in dealing with such matters.

In any event, the Congress specifically rejected a proposal that antitrust standards be adopted as the criteria for approvals of bank mergers, as well as a proposal that the Attorney General be permitted to intervene and obtain court reviews in bank merger cases pending before the Federal bank supervisory agencies. Instead, the Congress, in deciding to rely on the requirement for advance approvals by the banking agencies, concluded that agency consideration in such cases of the antitrust implications would be aided sufficiently by the requirement in the Bank Merger Act for advisory reports from the Attorney General on the competitive factors involved. And, in the words of your committee in reporting the measure, "The advance approval feature is important in halting bank acquisitions before they are consummated and in preserving the depositors' confidence in an institution which might otherwise be destroyed by an attempt to unscramble assets after an acquisition has been completed." (S. Rept. No. 196 on S. 1062, Apr. 17, 1959, p. 22.)

Well known are the problems that have resulted from the recent antitrust court cases involving bank mergers. This litigation makes unmistakably clear that banks and their customers now face the uncertainty that, even though merger proposals receive the advance approval of the appropriate Federal banking agency, the transactions are subject to veto in the courts on the basis of competitive or antitrust considerations alone. Indeed, protracted antitrust litigation to unscramble a merger risks detrimental effects on the bank involved and the public.

The Board believes that the Congress should examine the situation with a view to prompt correction and urges enactment of legislation such as that proposed in your bill.

Should the Congress, however, be unable to agree on the approach to the problem proposed in S. 1698, it might wish to consider other, although less positive, measures. One such possibility would be to amend the Bank Merger Act to allow a specified time necessary for the filing of an antitrust action in court to prevent consummation of an approved transaction, after which, in the absence of such an action, the merger could be consummated and would be exempt from the antitrust laws. Because the Attorney General receives ample notice of pending mergers under the procedure in the act for the submission of competitive factors reports, the specified period should be relatively short.

Sincerely yours,

WM. McC. MARTIN, Jr.

GUADALUPE MOUNTAIN REGION PRAISED FOR NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the mountainous Guadalupe region offers one of the areas with the most scenic potential for a national park now available for acquisition in the United States. This wondrous area is conveniently located between Carlsbad Caverns, in New Mexico, and the Big Bend National Park, in Texas, and is a largely unvisited area, with maximum beauty and attraction to the citizens of this Nation as a national park.

In the April 25, 1965, San Angelo, Tex., Standard-Times, an article entitled "Guadalupe Park Top Texas Asset," and written by Ed Syers, points out another virtue of this region: It can be a year-round park, whereas many of our northern national parks have to close during the winter. Because of the importance which the Guadalupe Mountains hold for our country, and because of the excellence of this article, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Angelo (Tex.) Standard-Times, Apr. 25, 1965]

GUADALUPE PARK TOP TEXAS ASSET—IN THE MAKING NOW

(By Ed Syers)

Our projected Guadalupe Mountains National Park, magnificently wedging Texas northwest, holds but one disappointment. You cannot see it yet.

It is undiscovered Yosemite—if visually less mighty, then more wildly profuse and overtowering, because encountered at arm's length. Its rims gaze a hundred miles; but below, its hidden McKittrick Canyon is close quarter experience.

En route Carlsbad Caverns, your next trip west, stop awhile at U.S. 180's roadside park, up the foot of crouching El Capitan and Guadalupe Peak. You see the park's sheer outer ramparts, piercing 70,000 acres of Texas—a precipice-walled thrust, the very shape of our State's own south tip.

A giant edge view, this—a vertical mile above the salt flat deserts south. And though in itself awesome, it is still outer wall and will hide its forested summits, blue depths and canyon heights until Congress—likely this year—greenlights the Park Service. Add perhaps 2 more years, you'll begin to see the halls of these mountain kings behind.

For 3 days' hiking, muleback and contemplation, I've barely glimpsed them.

There are two distinct vistas. Trail, camp, and finally road will rim high. Far beneath, hiker and rider will peer up dizzyingly from twisting, timbered canyon.

First, then, let's look from below.

From the roadside, El Capitan dominates desert sea like Gibraltar, with Texas' highest, Guadalupe Peak, west, and Pine Top over the pass north. Ten miles beyond, McKittrick pierces the mountain wall, cuts forested behind it, then slashes narrowing, 20 miles across.

Eight miles inside (and presently through three locked gates), the mile-wide, well-timbered canyons will shade scores of campgrounds for year-round, sunshine use. McKittrick's wonders, afoot and horseback, lie beyond what will be canyon camp.

Even you and I will recognize an incredible botanic crossroads, the trails above, where ponderosa pine dwarfs the giant faxon yucca, bigtooth, maple flames over daggered maguey, sotol, and lecheguilla; and gold chinquapin looks on madrone's naked Indians—woman limbs.

Up those cliffhung trails, we'll top out, startled to shell-like formation, the very summits. Geology knows these Guadalupes for fossil barrier reefs, the exposed world's mightiest, from quarter-billion-year-ago Permian seas.

We'll marvel at forest-shadowed elk, fleeting bighorn, the crags away high, and, in the bubbling-down crystal pools, at rainbow trout, here only in Texas. Then finally, the visual avalanche of castellated crag, battlement, half-dome, of uphung precipice like gray-green titan drapes, cave-pocked, grottoed, scoop-sheltered, and natural bridged to pinnacles above, tiny-tufted with 100-foot Douglas fir, edging mountain meadows where the high campers look down on us, ants below.

More than one has called McKittrick America's perfect box canyon. It isn't boxed; its chasmed zigzags seem it so.

I hiked a leisurely 8 miles with J. C. Hunter, Jr., Abilene rancher-oilman. At 50, he has spent over half a lifetime holding this mountain beauty as virgin as Geronimo's Apache left it; holding it for ultimate park use. Hunter rides an easy saddle, hikes strongly, speaks softly; his mountains explain it.

Outside his lodge, where trail begins gradual, stream crisscrossing climb, the narrowing canyon walls rear to fluted, sleek, and jagged height, changing color and form with shadow and light. Here are Brice's minarets in giant scale; here, upper Zion's massive walls, to tinted filagree; high yonder, Sequoia's looming Moro Rock; beyond it, Yosemite's Half Dome—all relatively loftier than their 1,800-foot thrust, because you pass so close to them.

McKittrick turns and turns, changing each hundred yards, closing its riffing stream in stereophonic echo, stirring late morning breeze, drifting back the canyon wren's trill-down and narrowing the blue silk sky. You lunch in a stalactite-hung grotto and ponder if this could be a collapsed part of Carlsbad Caverns, 25 air miles north.

You wander building-sized boulders, under spires like 20-story galley prows, pinnacles like giant lighthouses, high windows opening on lesser peaks like castles. McKittrick unfolds finally to a block-long, vaulting overhang that could shelter a Mesa Verde cliff dwelling. Beyond are the narrows, closing to 30 feet and climbing to the deep, spring-fed pool that heads the canyon stream.

There, your trail—park graded to comfort—turns back for an easy day's hike, year round. In lower canyon's late afternoon grays and golds you still sense McKittrick's close moods—whether in winter's stark grandeur, spring's green veil, summer's scent and lazy sound, or autumn's blaze.

Back at the lodge, you consider the ultimate park. You sampled one hike; there will be several, as many saddle trails. For this, though most spectacular, is but one of a dozen canyons that lace and interlace virgin wilderness. You'll get an idea of the others with muleback rimride, a hundred switchbacks to top out, tomorrow.

You'll better sense the link park planners discuss—for hiker, rider, and ultimately motorist—down the lofty knife of Blue Ridge, over the mountain-meadow forests and along the cliffs from Carlsbad Caverns.

Ultimate park? It offers what northern parks cannot: year-round use—high-timbered as though rain-forested, yet delightfully crisp sunshine, even the cold months.

And for Southwest, a missing tourist link. McKittrick will send the traveler on: Big Bend, El Paso, and Mexico, and Padre's long gold beaches.

So stop awhile at U.S. 180's roadside park, look up at the great sheer wall and think what waits inside. We know that labyrinth hides Old Prospector Bill Sublett's treasure; and I promised to report on it. High up one north face are three caves that took his name. It's as far as I got, with Sublett's lost gold.

The real treasure—rarely duplicated in America—is chasmed and pinnacled beauty.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564), to enforce the 15th amendment of the Constitution of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The clerk will state the bill by its title.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The PRESIDING OFFICER. Without objection, the Senate will resume consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 62 Leg.]

Aiken
Allott
Anderson
Bartlett
Bass
Bennett
Bible
Boggs
Brewster
Byrd, W. Va.
Carlson
Case
Church
Curtis
Dirksen
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Gruening
Harris
Hart
Hartke
Hayden
Hickenlooper

Hill
Holland
Inouye
Javits
Jordan, Idaho
Kennedy, Mass.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Mondale
Montoya
Morse
Moss
Mundt
Muskie
Nelson
Pastore
Prouty
Proxmire
Randolph
Robertson
Russell, S.C.
Saltonstall
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. LONG of Louisiana. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from North Carolina [Mr. JORDAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Rhode Island [Mr. PELL], are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. JACKSON], the Senator from New York [Mr. KENNEDY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON], are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. HRUSKA], and the Senator from Wyoming [Mr. SIMPSON] are absent on official business.

The Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER (Mr. BASS in the chair). A quorum is present.

What is the will of the Senate?

Mr. ERVIN. Mr. President, last week, at the request of the majority leader, I withdrew my amendment No. 83 so that the majority leader and the minority leader might offer an amendment in the nature of a substitute. That amendment in the nature of a substitute has now been offered, and I wish to call up my amendment, which is at the desk, and to advise the Senate that the amendment is similar to my amendment No. 83, which has been adapted to the form of amendments to the Mansfield-Dirksen amendment in the nature of a substitute for the bill. My amendments would amend several portions of the bill. For that reason, I ask unanimous consent that they be considered and ultimately voted on en bloc.

The PRESIDING OFFICER. The amendments of the Senator from North Carolina will be stated.

The legislative clerk read the amendments, as follows:

AMENDMENT No. 135

Amendments to enforce the 15th amendment to the Constitution of the United States

On page 2, line 8, change the figure "6" to the figure "5".

On pages 4 to 8, both inclusive, strike out sections 4 and 5 in their entirety and insert the following in lieu thereof:

"SEC. 4. When he has reason to believe that any State or political subdivision of a State is engaged in denying or abridging the rights of citizens to vote on account of race or color, the Attorney General may institute an action in the name of the United States in the district court of the United States against such State or political subdivision in the district in which the capital of the State in question is located or in which the political subdivision in question is situated, against such State or political subdivision, alleging that it is engaging in denying or abridging the rights of citizens to vote on account of race or color. Upon demand of the Attorney General, such action shall be tried by a three-judge district court convened in the manner prescribed by 62 Stat. 968 (28 U.S.C. 2284). In case the court finds on the trial on such action that the State or political subdivision in question is denying or abridging the rights of citizens to vote on account of race or color, the court shall so adjudge and shall authorize the appointment of examiners by the Civil Service Commission in accordance with section 5 to serve for such period of time and in such political subdivisions of such State or such political subdivision as the court shall determine is appropriate to enforce the guaranties of the 15th amendment."

On pages 8 and 9, strike out everything from the semicolon on line 22 of page 8 through the word "amendment" on line 4 on page 9 and insert in lieu thereof the following "or section 4."

On page 19, lines 14 and 15, strike out the words "any declaratory judgment pursuant to section 4."

Renumber sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none; and it is so ordered.

Mr. THURMOND. Mr. President, initially, let me acknowledge that I am aware that for the most part, and by most of those to whose attention it comes, any opposition to the proposed Voting Rights Act of 1965 will be written off as just another manifestation of "racism." This is particularly true if the opposition originates from one who happens to be from a Southern State. Such is the emotional climate in the Nation today.

For what it is worth, however, let me say for the record, with complete sincerity, that I oppose the denial of the right to vote to any qualified person. Denials of the privilege of voting on account of race or color are unconstitutional, inconsistent with the basic principles on which our Nation was founded, and devoid of any legal or philosophic justification.

With absolute consistency, I oppose enactment of the "Voting Rights Act of 1965," for it is equally unconstitutional, equally inconsistent with the basic principles on which our Nation was founded, and equally devoid of any legal or philosophic justification. Two wrongs do not make a right; and legislative flouting of the Constitution under the pretense of upholding the Constitution will not advance civil rights.

Mr. President, rarely, if ever, has the genesis of a legislative proposal been of more pertinence to the consideration of a measure than is the case with S. 1564, the proposed Voting Rights Act of 1965. No realistic evaluation of this bill's breadth, its scope, its operation, or its consequences is possible in the absence of an understanding of its origin and the environment from which it sprang. It is my purpose, therefore, before commenting in any detail on the provisions of the bill itself, to review the circumstances which gave birth to this proposal.

Mr. President, the proposed Voting Rights Act of 1965 is before the Congress today as a consequence of what has been generally described as "mass demonstrations." It is somewhat difficult to pinpoint the precise point in time when the so-called civil rights movement took to the streets, but several years have passed since the so-called demonstrations attained enough momentum to draw the focus of public attention to such activities. Although we have all been witnesses through the media of television and the printed word to these mass activities, and although each of us has been influenced to some degree and in some direction by such activities, there remains little understanding of either the precise nature, pattern, or actual purpose and effect of such an activist movement.

The names of the participating organizations, many of which have sprung up seemingly overnight, have become household words—the Southern Leadership Conference, SNCC, CORE, just to name a few. We are also familiar with the names of the leaders—King, Rustin, Shuttlesworth, Abernathy, Farmer—again, just to name but a few. We have watched and read of their so-called demonstrations in Birmingham, New York, Montgomery, Chicago, Jackson, Philadelphia, Charleston, St. Augustine, and in countless other cities across the Nation.

For all the familiarity with the incidents, the places, the organizations, the people—there is obviously precious little comprehension of what is occurring. It is almost as though the Nation has viewed these occurrences through the mind's window of emotion, never daring to crack that shutter of the mind which might subject these activities to the perceptiveness of reason.

For the most part, the so-called demonstrations are well organized. The leaders have largely succeeded in exercising the slight degree of control which is possible over large masses of aroused people. They have been diligent in training those activists who participate regularly in techniques long since perfected for this type of activity. Only to the uninitiated, and only to the careless observer, do the so-called demonstrations appear either spontaneous or unmanipulated. They comprise one of the most successful, calculated propaganda operations ever undertaken.

The so-called demonstrations, themselves, constitute the professional application of the art of civil disobedience. Part and parcel of the operation is a massive verbal barrage, professing and acclaiming such activities to be the essence of nonviolence. Indeed, the term "nonviolence" has become almost an automatically accepted adjective for such activity, so successful has been the campaign of oral and written propaganda. The demonstrations have, in fact, actually been surprisingly nonviolent, particularly in view of the violent tendencies inherent in mob psychology.

It is a tribute to the professional capabilities of the leaders of the so-called civil rights movement that the massive civil disobedience which they have aroused, instigated, and inspired has been largely nonviolent. But nonviolence is only one of the two major elements which compose the successful civil disobedience operation. For civil disobedience success, nonviolent a demonstration should be, but provocative it must be; for provocative is the other adjective, rarely enunciated, never advertised, which is the key to the success of the civil disobedience operation which we are witnessing and have witnessed for several years.

A careful study of the so-called civil rights demonstrations proves clearly that nothing is more unsuccessful than a demonstration which provokes no resistance. Such is the nature of these nonviolent provocative operations, however, that those activities which have failed to elicit some type of resistance merely evidence poor planning by the leaders or poor execution by the trained participants.

If a demonstration in the streets does not elicit a response from city officials, the demonstration is moved into the official's office. If entry into the official's office does not evoke any substantial resistance, the demonstrators remain, refusing to leave until the absolute requirement of order necessitates the demonstrators' ejection. By the nature of the operation, it is almost invariably possible to mount an essentially nonviolent activity, which is at the same time so provocative that it will require even the most benevolent authority to respond with resistance, which resistance usually requires the use of force. For instance, no one could accuse either the Attorney General or the President of the United States of being other than benevolent toward the so-called civil rights campaign of civil disobedience. Yet, within recent weeks, both the Attorney General and the President have found it necessary to resist so-called nonviolent, but provocative, demonstrations in the form of sit-ins by having law enforcement officers physically eject the demonstrators from the Department of Justice and the White House, respectively. Mayors from Chicago to Selma have experienced the necessity to react similarly.

If massive demonstrations at noon in the city square are ignored and provoke no response, demonstrations are rescheduled from noon to 11 p.m., and to residential neighborhoods rather than the city square. Such was the case, for instance, in St. Augustine, Fla.

Thus, are nonviolence and provocation the two ingredients which constitute the essence of the civil disobedience operations commonly referred as to civil rights demonstrations. The careful cloak of nonviolence provides shelter from the potential disapproval of a fair-minded public which takes note of the operation from afar—not being directly affected by the particular demonstration. The element of provocation insures application of resisting force, which can be used to effectively gain the sympathy of that same public witnessing from afar. The more brutal and excessive the resisting force which can be provoked, the more successful becomes the particular civil disobedience operation.

This is the nature and the pattern of the organized civil disobedience which has engulfed our Nation over the past several years.

I have described the so-called mass demonstrations as operations of civil disobedience. This is no chance choice of terms. I use "civil disobedience" as a deliberate and accurate expression for the activities which have become so familiar. The term "civil" embraces the nonviolent appearance and ostensible character of the demonstrations, and distinguishes such activities from those of a similar nature and purpose which utilize military as contrasted to civil means. The term "disobedience" embraces the provocativeness of such activities, but it also includes and describes another aspect of the demonstrations. Disobedience embraces lawlessness, and the term is accurately applied to the so-called civil rights demonstrations, because they are inherently lawless. The disobedience is disobedience to duly enacted and prevailing law. Those laws to be disobeyed are selected at the discretion, usually, of the directors of the civil disobedience operation, but occasionally the participants expand the scope of the laws chosen by the leaders to be disobeyed. The majority of the laws disobeyed—or, more accurately, defied—have been for the most part those enacted in exercise of that portion of governmental authority known as the police power. Such laws range in purpose from the regulation of traffic, to the maintenance of public order, to the protection of the human right to the enjoyment and use of private property.

A distinction should be made at this point between the grievances to which the massive civil disobedience is ostensibly directed at correcting, and the laws which are disobeyed in the process of the activity, for rarely are the object of the ostensible grievance and the laws which are disobeyed either identical or related. For example, the grievance to which the demonstrations are often ostensibly directed is voting discrimination, while the laws disobeyed are often traffic regulations or trespass prohibition ordinances.

It becomes apparent, therefore, that the civil disobedience is defiant of legitimate rules of society which are unconnected, from a causal standpoint, with the ostensible object or grievance of the group engaged in the civil disobedience operation. It is the provocative disobedience of law, unrelated to the ostensible grievance, which distinguishes this as an insurrection rather than a reform movement. Because the campaign of civil disobedience seeks to undermine, through defiance, a whole spectrum of the rules of society, the movement denies and seeks to undermine the rule of law itself among the society. Necessarily, it also undermines the political order which the society has instituted for its own government.

The movement, therefore, is nothing more or less than a war against society and the existing political order—in short, an insurrection.

Mr. President, our Nation, our society, and our political structure have the admirable quality of being tolerant toward and susceptible to reforms. Never in the history of man has a political system been so well devised to permit successful political, social, and economic reforms to be accomplished than has ours. Successful reforms in this country have ranged the broad horizons from child labor to maltreatment of dumb animals; from the provision of social welfare for citizens to the provision of sanctuaries for birds.

Indeed, reforms under our political system have been so relatively easy to bring about that we are inclined to overlook the fact that only under a political system which provides order and stability are reforms possible at all. Such an obvious fact should not be hard for any contemporary American to perceive. We have vainly attempted to accomplish relatively meager social, political, and economic reforms, by our own standards, in areas of the world where there was and is no political structure which could provide order and stability. We have found that reforms in the Congo are not possible until stability is achieved. We have found it nearly impossible to achieve social and economic reforms in Vietnam—again, because of the lack of order and stability. Repeatedly, our well financed reforms in Latin American countries fell prey to disorder and instability—all too often taking the form of a revolution.

If, therefore, the objective of the so-called civil rights movement is reform for the purpose of alleviating legitimate grievances, our political structure provides a legitimate means for such reform within its prescribed process and through its constitutional institutions. Insurrection, on the contrary, institutes the very conditions of disorder and instability which preclude lasting reforms.

Insurrections are wars against society and undermine the entire political structure—the good elements as well as the bad. By its very nature, a revolution strikes at the whole political structure through which all the laws are instituted, those with which we agree as well as those with which we disagree. When one chooses individually to openly defy a law, he becomes a criminal. When one conspires or joins an organized effort to defy a whole spectrum of laws, he becomes an insurrectionist; and his participation constitutes a declaration of war on the society in which he lives.

Mr. President, it is indeed refreshing when evidence comes to light that there are those in our society who perceive the true nature and meaning of the current pattern of civil disobedience. Not surprisingly, one of those who evidences a clear and penetrating understanding of this subject is the Senate's own Chaplain, Dr. Frederick Brown Harris. In his weekly column which appeared in the April 11, 1965, edition of the Sunday Star, Dr. Harris discussed "Broken Law and Broken Freedom." He stated:

> In these days of tortured turbulence there is nothing that our social order needs more than to realize that to break the law means to break our freedom which makes laws. There is a frightening description in the April FBI Bulletin of a scene last Labor Day weekend in a New England State where 7,000 arrogant, profane, and insulting young people stormed from the beach area, drinking and destroying property as they shouted "kill the cops, let's have a riot." In addition to this attitude on the part of youth in various parts of the Nation, the amazing doctrine is now being broadcast in the bitter campaign for civil rights that to reach certain social goals lawbreaking is a virtue. The startling thing in the contemporary agitation for the removal of unjust discrimination is that this lawless conception is espoused by some leaders in the realm of morals and ethics as uncontrolled street demonstrators trampled roughshod over legally enacted regulations. Some riders on crusading white horses covet a martyr's halo, rather than obedience to laws of which they do not approve.
>
> In an address at Colby College, Adlai Stevenson observed: "Even a jail sentence is no longer a dishonor but a proud achievement. Perhaps we are destined to see in this law-loving land people running for office, not on their stainless records, but on their prison records." To break legal enactments by simply appealing to a higher law is to punch a hole in the legal dike which holds back the flood of anarchy.
>
> Justice William O. Douglas of the Supreme Court has pointedly said, "An individual or marauding group who defies the law to strike a blow for the particular kind of freedom they espouse is indeed destructive of the rule of law."
>
> The present-day gospel of "overcoming" by disregarding laws, even on the way to worthwhile objectives, endangers the very cause, as it thus prostitutes unworthy means as a route to desired ends. At the same time it puts in jeopardy other worthy causes waiting for their day in a lawfully constituted court. The Communists shout out in glee to high heaven at the reported attitudes of representative U.S. citizens that a law to which any person objects is like piecrust—made to be broken.
>
> A prominent leader in the civil rights movement has said: "There are just laws and there are unjust laws. I submit that an individual who breaks the law that conscience tells him is unjust and willingly accepts penalty is, in reality, expressing the highest respect for law." That is transparent sophistry.
>
> Let us state unequivocably that this lawbreaking doctrine is not, as some allege, a Christian view. A recognized modern theologian has commented on the contemporary attempt to make blatant breaking of law an allowable Christian practice. He declares, "The early Christians under the teaching of the apostles were enjoined to obey the laws of the state—a pagan state, mind you—whether they held the laws to be just or unjust, so long as the state did not claim for itself the worship and allegiance owing only to God." Whatever may be said for civil disobedience it is certainly not a Christian doctrine as St. Paul in Romans makes clear. Those who claim Abraham Lincoln as their patron saint ought to listen to him as he solemnly admonishes, "There is no grievance that is a fit object of redress by mob rule."
>
> There is no magic formula which guarantees to bring about in one day, or a thousand, the equality which is at the heart of democracy. Mad insistence on individual wills and whims crowds out sober obedience. Fiats, not fists, are the effective weapons for righting wrongs. A keen young thinker with splendid university training, gazing with anxious eyes at the present ominous scene, has written, "Once it is stated that law need not be obeyed unless it is good law, the beginning of an end to rule by law has been initiated. If each individual, or group of individuals, decides for himself which laws he will follow, and which laws he will disobey, the entire fabric of law is broken down. The fact is that Negro equality can exist only in the same proportion as respect for laws exists. What a tragedy it would be if Negroes succeeded in destroying our system of law and in the very same process destroyed the very thing which can make them free."
>
> But, alas, in the present orgy of lawlessness in America, there are many well-intentioned citizens who desperately need to be reminded that broken law is the direct path to broken freedom. The way to alter existing law is the legislative path and not the lawbreaking path. Civil disobedience is a long first step in the direction of an invasion of lawlessness in which order and freedom and liberty would be lost.
>
> Over the headquarters of every cause in this day of social ferment there might well be written the inscription which is lifted up in great letters over the courthouse in Worcester, Mass., "Obedience to law is liberty!"

Would that many more had the insight and vision of Dr. Harris.

Let us turn now to the effects of this civil disobedience insurrection.

One of the most frequent purposes of government, and most specifically an enunciated purpose of our Government, is to "insure domestic tranquillity." Domestic tranquillity is one of the most prized and precious of the blessings of a stable government. It is a blessing most dear to responsible citizens and one for which they have demonstrated their willingness to sacrifice; and it is on the affection and desire for the blessings of domestic tranquillity that the campaign of civil disobedience seeks to capitalize and make its destructive advances.

The immediate effects of civil disobedience operation is to negate domestic tranquillity in the community to which it is applied. Appalled and distressed at the loss of tranquillity, responsible citizens willingly make concessions, some of which even compromise the nature of the political structure itself.

These, however, are the immediate short-range effects—local in nature, and comparatively minor when considered in connection with the broader objectives. It is through the high official level of government that the chief effects are realized. The accomplishments of the current civil disobedience operations through responses at the highest official levels of government have been unbelievably significant.

In 1963, the President of the United States sent to Congress a so-called civil rights bill as a direct reaction to the campaign of civil disobedience. No amount of camouflage could conceal the fact that its extreme provisions were designed, not primarily for reform but essentially to attempt to satisfy, and thereby halt the rampage of civil disobedience outbreaks. Quite obviously, the bill failed in this purpose, for the civil disobedience campaigns have resumed after a brief moratorium during the political election. The Congress in 1964 passed this so-called civil rights bill. In so doing, it compromised not just the supreme law of the land as written in the Constitution, but also the very spirit of the rule of law on which our political structure is based. This, unfortunately, was only the beginning.

The judicial branch of government has also attempted to deal with the civil disobedience campaign, not through application of law, but through compromises of the rule of law. In December 1964, for instance, the Supreme Court overturned convictions for offenses committed prior to the passage of the 1964 civil rights act. The Court's decision, in effect, gave retroactive effect to that congressional enactment, and in so doing, they severely compromised the very rule of law from which whatever authority they exercise stems.

Now we find ourselves engaged in a repeat performance of congressional action in 1964—only the ante has been raised. We are asked this time—or was it a demand?—to violate the fundamental law of the land to an even greater degree than was done in 1964. Let us look at the specific series of activities which prompted this proposal.

In the early weeks of this year, a campaign of civil disobedience was launched in Selma, Ala., which lies in the county of Dallas, under the leadership of Martin Luther King, a resident of Atlanta, Ga. The campaign of civil disobedience took the form of mass demonstrations in the usual pattern—for the most part nonviolent, but provocative. Marches on the courthouse, where the registration board is located, became routine. As time went by, the crowds participating grew—made up not only of applicants for voting registration, but also of nonresidents of the State of Alabama and, to a major extent, of juveniles drawn from the schools of Selma.

Even when the campaign of civil disobedience began in Selma, a suit was pending in Federal court for relief of those denied the right to register and vote. The court action was brought under provisions of the Civil Rights Acts of 1960 and 1964. On February 4, 1965, almost at the beginning of the campaign of civil disobedience, the Federal court issued the following order:

> This court specifically finds that the defendants have deprived Negroes of the right to vote without distinction of race or color and such deprivations have been pursuant to a pattern and practice.
>
> It is the order of this court that the defendants, registrars of voters of Dallas County, Ala., are hereby restrained and enjoined:
>
> 1. From failing or refusing to receive and process expeditiously applications for registration to vote;
>
> 2. To expedite the registration of voters in Dallas County by receiving and processing at least 100 applications on each registration day, provided that number of persons present themselves for registration;
>
> 3. To provide adequate personnel and facilities for the registration of voters so that

> at least eight applicants can apply for registration simultaneously;
>
> 4. To observe the following procedures for the receipt of applications for registration to vote in Dallas County:
>
> (a) Applicants shall be permitted to apply for registration in the order in which they appear at the registrar's office for that purpose.
>
> (b) Applicants who appear to apply for registration shall be requested to immediately sign an appearance sheet and shall be issued successive numbers in the order in which they appear and shall be permitted to apply for registration in that order without having to wait in line.
>
> (c) An appearance sheet shall be maintained showing the name of each person who offers himself for registration and the priority number assigned to him.
>
> (d) At the end of each registration day the defendants shall post in a conspicuous place in the courthouse and on the door of their office the date of the next registration day, the first number which will be called on the next registration day, and the numbers if any which were called that day but were not answered.
>
> (e) Any prospective applicants who fail to appear when their numbers are called shall be called first on the next registration day in their proper sequence, but any prospective applicant who fails to appear on two successive days shall lose his priority and must obtain a new number if he still desires to apply for registration.
>
> 5. From administering to applicants for registration to vote the insert part III test now in use. The literacy of applicants shall be judged by their writing in filling out part II of the application form now in use;
>
> 6. From denying registration to Negro applicants on the grounds that they made formal, technical, or inconsequential errors or omissions in filling out their application forms;
>
> 7. To submit to this court on or before the fourth Monday of each month a photocopy of the appearance sheet showing each entry not previously submitted to the court with the symbol "A" indicating all applications accepted, the symbol "R" indicating all applications rejected, and the symbol "F" indicating all persons who failed to appear when their number was called. No applications shall be allowed to remain in a pending status.
>
> 8. In the event the defendants are unable, except for good cause shown, by the end of the special registration days in July 1965, to receive and process all of the applications from persons who have signed the priority sheet and have presented themselves at the provided time to be processed prior to July 1, 1965, this court will deem that all such persons, not processed, have been denied the opportunity to register within the meaning of 42 United States Code 1971(e) and will instruct the voter referee, already appointed by this court, to receive and process applications submitted by them.
>
> The court also wishes to make clear that any rejected Negro applicant from this date forward may apply to this court for registration in accordance with the provisions of 42 United States Code 1971(e).

From this order, it is apparent that the remedy to voting denials had been provided through the orderly prescribed process of law. The order insured that all eligible persons in Dallas County, Ala., would be registered to vote long before the next election, and even made provision for registration by the court-appointed voter referee should the registration board not comply with the court's order. The order even provided that a minimum of 100 applicants be registered on each registration day.

The only effect of this order, recognizing and remedying the ostensible grievance of the demonstrators, was to increase the tempo and provocativeness of the demonstrators. The responsible citizens of the city had little choice but to avoid the areas in which the larger and larger demonstrations were taking place, leaving only the demonstrators, harassed law-enforcement officials, and few others who were not seeking excitement or trouble. The provocation often took the form of law breaking, particularly of the laws for the regulation of traffic and for the maintenance of order. The resistance to the demonstrations began at a low level and slowly grew.

Persistently increasing provocation finally achieved the purpose of the civil disobedience. On March 8, the Alabama State troopers and the Dallas County sheriff's officers used force to break up and stop an attempted mass march from Selma to Montgomery. A number of the participants in the civil disobedience were injured. It should be noted that a number of the demonstrators abandoned the nonviolent rule, and fought the police with bricks and bottles.

Subsequently, a minister who had flown to Alabama from Boston to participate in the demonstrations, was killed in an affray with several white men from Selma.

These were the events which finally accomplished the goal of the civil disobedience campaign. Many of those who answered the renewed call for additional demonstrators discovered too late, if ever, the real purpose for which their presence was desired. One, however—a rabbi at the University of Pittsburgh—caught on, and publicly announced that people at his school were misled. What the leaders of the civil disobedience campaign wanted, according to the rabbi, were martyrs, people to shed their blood and die.

Matters became so tense that the Federal court temporarily enjoined the proposed grand finale of the Selma campaign—the mass march to Montgomery. The State of Alabama signified its intention to abide by whatever final decision the court made as to when and if the march should be permitted.

At this point the leader of the campaign of civil disobedience removed any doubts which may have lingered that the demonstrations were lawful: Martin Luther King announced that the mass march to Montgomery would take place, regardless of the decision of the court.

At this time, the proposed "Voting Rights Act of 1965" was born.

The President announced that he would send to the Congress a bill on voting, and the Nation resounded with reports of the comings, goings, and doings in preparation of the bill.

On March 15, 1965, the President addressed the people of the Nation in the context of an appearance before a joint session of Congress. It was an emotion-packed address, even more so than his usual.

The President told the Nation that the denial of voting rights to Negro citizens in Selma, Ala., had demonstrated the need for a new law.

The President did not tell the Nation that on February 4, 1965, a Federal court, acting under the Civil Rights Acts of 1960 and 1964, had made it possible for all Negroes who could read and write in Dallas County, in which Selma is located, to register and vote in the next election, and that the court order provided that the Federal voting referee, already appointed by the court, would register all who wanted to register and were not registered by July 1965.

The President told the Nation that present law could not secure the ballot for Negro citizens.

The President did not tell the Nation that in Selma, Ala., itself, the right to vote in the next election had already been insured under existing law for all Negroes who could read and write. He did not tell the Nation that there are already 16 Federal laws, 6 criminal and 10 civil, on the books to protect voting rights, including laws to protect voting rights of minorities enacted in 1957, in 1960, and in 1964. He did not tell the Nation that the Civil Rights Act of 1960 already provides for the appointment of Federal voting referees.

The President told the Nation that the only way for a person to qualify to register to vote in Alabama was to present a "white" face.

The President did not tell the Nation that there are already 115,000 Negroes registered to vote in Alabama, more than 20 percent of the vote cast in the 1960 presidential election.

The President told the Nation that his proposed law would strike down State literacy requirements for voters.

The President did not tell the Nation that as late as 1959 the Supreme Court, itself, upheld the constitutional power of the States to impose literacy requirements for voters.

The President told the Nation that the 15th amendment to the Constitution prohibited the denial or the right to vote because of race, color, or previous condition of servitude.

The President did not tell the Nation that the 15th amendment is self-executing—that is, that it can be enforced by the courts without any legislation being passed by the Congress. He did not tell the Nation that article I, section 2 of the Constitution provides that those who may vote to elect Members of the U.S. House of Representatives are those who "shall have the qualifications requisite for electors of the most numerous branch of the State legislature," or that this exact language is used again in the 17th amendment, which provides who shall be eligible to vote in elections of Senators.

The President told the Nation that Congress had the right to pass legislation enforcing the 15th amendment.

The President did not tell the Nation that the 15th amendment did not repeal the constitutional right of the people for each State to establish qualifications for voting, and that any law passed by Congress purporting to supersede those qualifications, as does the law proposed by the President, is patently unconstitutional.

The President told the Nation that people have a right to demonstrate and that he would use the full power of the National Government to protect that right.

The President did not tell the Nation that although all Negroes in Selma, Alabama, who could read and write were already insured of the right to vote, that thousands of people from all over the country, led by an outsider, had conducted mass public demonstrations for over 8 weeks, completely disrupting the affairs of peaceful and law-abiding citizens. He did not tell the Nation that the agitation was designed by its leader primarily to induce violence, which would in turn provide headlines and money-raising potential across the country, and not to secure the right to vote.

The President told the Nation that his legislation would override State eligibility requirements wherever 50 percent of eligible voters are not registered to vote or did not vote.

The President did not tell the Nation that his voting law formula is so drawn that it would apply to the entirety of six States, five of which just happen to have cast their electoral votes against him in the election last fall, and in some of which, such as South Carolina, there have been no restrictions and no complaints whatever against registration and voting of any qualified person.

I would be remiss, Mr. President, if I failed to note my belief that the President's speech and bill were not motivated solely as a response to the nonviolent, provocative campaigns of civil disobedience conducted in Alabama. There were undoubtedly numerous other influences which bore on the President's decision.

In this connection, there appeared an article in Life recently, which, if true, has significance. The article, entitled "Target: New Negro Votes," states:

> Scarcely off the drawing board, the President's voting rights bill has already opened a vast and beckoning political frontier. The Democratic National Committee has very quietly launched a mammoth project to register every qualified Negro in the South (hopefully, of course, as a Democrat). A secret Democratic get-together at the Mayflower Hotel last week included National Chairman John Bailey, Presidential Aide Cliff Carter, and faithful party leaders from the five Southern States which voted for Goldwater last November: Alabama, Mississippi, Georgia, South Carolina, and Louisiana. Any Democrats who had backed Barry were excluded. "We invited only the loyalists," said one top Democratic official.
>
> By working in secrecy and with as little fuss as possible, the Democrats hope (1) to beat the GOP to the punch in lining up voters and (2) to minimize a backlash of white resentment. They admit the drive is bound to embarrass—and hurt—some segregationist Democratic Congressmen. Privately, the top party men expect the voter enlistment to cost at least a half dozen southern Democrats their congressional seats.

As we all know, Congress reacted to the President's charge with the same tune. Congress heeded the words of the President and obeyed the Executive mandate for action forthwith. Priorities were rearranged, schedules and deadlines were established, and wheels churned as Congress proceeded to go through the form of the legislative process with little or no regard for substance.

Since the conception of the proposed Voting Rights Act of 1965, speed has been the watchword. Every effort, from drafting through hearings, has been bent to keeping ahead of the demonstrations. Congress seems to have adopted the motto of Mr. Satchel Paige, "Don't ever look back, something may be gaining on you." Underlying it all is obviously the fear that a slow or measured pace might permit the demands of the leaders of the civil disobedience campaign to overtake and surpass even this radical appeasement at the cost of the rule of law.

Down deep, we all know that the demands will continue to grow and will never be satisfied with less than the total destruction of any structure of society based on the rule of law.

Can we, in violation of the Constitution, destroy the equality of the several States and call it reform?

Can we categorically negate the constitutional power of the States—or some of them—to establish eligibility requirements for voting and call it reform?

Can we impose a requirement of prior court approval as a prerequisite for validity of State Legislative Acts and call it reform?

Is Congress above the Constitution?

Is it not at least as bad for Congress to violate the basic law of the land as for local officials to violate the Constitution?

Is a sham in the form of legislative process which ignores the substance of the rule of law less lawless because of solemn procedure?

Will we advance the cause of constitutional rights by joining and participating in the destruction of the rule of law itself?

Is it inevitable that Congress must now out-do the conflict of excesses with excesses of its own?

Let there be no mistake about it. To pass the proposed "Voting Rights Act of 1965" in anything like or approximating its present form would be to further the insurrection.

It is almost too much to hope that Congress at this late stage of the proceedings will recognize the campaigns of civil disobedience for the insurrection that they are. There is little time left to pierce the veil of emotion and reestablish a grasp on the reality of reason.

Yet if Congress is to halt, rather than further, the unswerving purpose of the campaign of civil disobedience to destroy the very fabric of our society and the basis of our political structure, it must return now to an adherence to the rule of law.

For the sake of all citizens of the Nation, I pray that perception, reason, and the rule of law shall yet prevail in this body on this issue.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senator from Mississippi is recognized.

Mr. EASTLAND. Mr. President, the point the Senator is making is that one of the driving forces behind the bill is the campaign for civil disobedience which has occurred and is occurring in the country.

Mr. THURMOND. The Senator is correct.

Mr. EASTLAND. Mr. President, where does the Constitution of the United States place the power to set voter qualifications?

Mr. THURMOND. Article I, section 2, is as plain as it can be. Any fifth grade child can read there that the Constitution has placed with the States the right to fix voter qualifications. It is as clear as crystal. I challenge any Senator to say that that is not the proper construction of the Constitution.

Mr. EASTLAND. Has that construction been challenged?

Mr. THURMOND. That construction has been adhered to even by the Supreme Court of today, liberal as it is. In 1959, the Supreme Court handed down a decision which upheld the construction that the States had the right to fix voter qualifications.

In March of this year, the Supreme Court handed down a decision which once again reaffirmed this construction of the Constitution.

Mr. EASTLAND. I am sure that the distinguished Senator from South Carolina has heard statements made with respect to suspending the Constitution. Does any power exist anywhere to suspend the Constitution of the United States?

Mr. THURMOND. I do not know of any power given in the Constitution for Congress, any Government agency, or any State to suspend the operation of the Constitution of the United States. To me, such a statement is ridiculous. It is absurd. I am amazed that any Member of Congress would even suggest the idea.

Mr. EASTLAND. Is there any power contained in the Constitution to suspend any provision of the Constitution?

Mr. THURMOND. There is no such power. There is no provision contained in the Constitution of the United States for suspending the operation of any provision of the Constitution for any period of time.

Mr. EASTLAND. Is the Constitution not a great declaration of rights to protect the people of this country only in the limited areas in which the United States Constitution takes effect?

Mr. THURMOND. The Senator is eminently correct. The Constitution was written as the basic law of the land, to be adhered to not only by the people, but also by all three branches of the Government and every Government agency.

That includes, of course, the Congress of the United States, which is now considering a measure that would tend to negate and to destroy a portion of the provisions contained in article I, section 2 of the Constitution.

Mr. EASTLAND. The distinguished Senator is making one of the ablest speeches I have ever heard made on this question.

Mr. THURMOND. I thank the Senator.

Mr. EASTLAND. But let me ask the Senator what we shall have left in this country if the bill is enacted. One branch of the Government is the Congress of the United States. The Constitution provides that the States shall have the power to fix the voting qualifications of its citizens. If this bill is passed what would become of this Union of sovereign States?

Mr. THURMOND. If Congress should pass the bill and it should be upheld by the Supreme Court, it would mean that the Congress could go into any field of activity which was never conceived of by those who wrote the Constitution. It would mean that a precedent had been established for abolishing, nullifying, and abrogating any provision of the Constitution in the future.

Mr. EASTLAND. The Senator agrees, does he not, that the Government of the United States, the Congress of the United States, the President of the United States, the Supreme Court and the lower courts of the United States are creatures of the States? That is correct, is it not?

Mr. THURMOND. The entire Federal Government is a creature of the States.

Mr. EASTLAND. And the only power the Federal Government has is that which is given to it by the sovereign States. Is that correct?

Mr. THURMOND. The Senator is correct.

Mr. EASTLAND. All other powers were reserved to the States and the people; is that not correct?

Mr. THURMOND. That is correct; and after the American Revolution, the war ending in about 1783, for 4 years there was no union. The Thirteen Colonies, or States, were really independent nations. During those 4 years my own State of South Carolina had two Presidents. John Rutledge, who was later appointed as the second Chief Justice of the Supreme Court of the United States, was the first President of South Carolina. During that period every one of the Thirteen Colonies, or States, or nations, ruled itself. Then it was determined that there should be a union, mainly for two purposes. One purpose was to do away with tariffs and duties on goods going from one State to another. The other purpose was to establish a national defense system which could protect all the States against external enemies. They were the two main purposes. Of course, there were numerous other purposes.

Mr. EASTLAND. The main purpose was to enable the Federal Government to conduct our foreign affairs, was it not?

Mr. THURMOND. Article I, section 8, lists the powers given by the States to the Congress under the Constitution. They are listed on one page. That is all the power the Congress has. It is all contained in that one article and in certain of the 24 amendments enacted since the adoption of the Constitution.

Mr. EASTLAND. I understand from my distinguished friend that this bill is one of the greatest grabs for power on behalf of the Federal Government in the history of this country.

Mr. THURMOND. There is no question about it. In a later speech I expect to discuss some of the unconstitutional aspects of the bill.

Mr. EASTLAND. Is it not true that there could be only one way to grab for power greater than that contained in the bill, and that would be the setting up of a dictatorship by the use of the military? This grab for power would not be as great as that, but it would come very close. It comes close to being an absolute power for destruction of powers inherent in the States and the people.

Mr. THURMOND. In reference to the question, if the bill passes, the precedent will have been set for establishing a totalitarian form of government which, of course, invariably results in a dictatorship. If the powers reserved to the States are destroyed and given to the National Government, instead of there being a division of powers as written in the Constitution, there will be laid the bedrock for a totalitarian form of government.

Mr. EASTLAND. If the bill passes, will we not be setting a precedent for an absolute form of government?

Mr. THURMOND. It will go a long way in that direction, because when Congress deprives the States of the right to fix the voter qualifications of their citizens, and when Congress has passed such legislation as was passed in the so-called 1964 civil rights bill, telling a man whom he can hire, whom he can fire, whom he can promote, whom he can demote, it is taking away individual liberties and destroying the freedom guaranteed by the Constitution.

Mr. EASTLAND. I agree with the distinguished Senator, but does it not appear to be a part of a pattern? One of the parts of that pattern was the school aid bill, which will give the Federal Government control of the school systems of this country.

Mr. THURMOND. That is correct. For many, many years the Federal Government has been trying to enter the field of education, in a general way. It was done this year under the theory of combating poverty and helping underprivileged children and compensating for the lack of school equipment, and so forth. Congress entered the field. It is the beginning of Federal control of education, because Federal control follows Federal aid. When the school districts receive the aid, the Federal Government can prescribe the curriculums. It can say what books shall be used and read; it can lay down the rules. I can see men sitting in ivory towers in Washington and New York writing the books, establishing social reforms, and directing the pattern of education for the children of this Nation to follow.

Mr. EASTLAND. But the Senator realizes, does he not, that, step by step, we are moving into a totalitarian form of government?

Mr. THURMOND. I agree with the Senator's statement that step by step we are doing that. If Congress tried to do all these things at one time, I can visualize the people of the Nation rising in horror and public opinion being crystalized against it, to the extent that it would be stopped almost immediately. But when the Federal Government goes into this program little by little, taking away the rights of the States, and destroying individual rights, people do not realize, or do not seem to realize, what is happening to them.

Mr. EASTLAND. This is the result of drives by pressure groups who desire a strong totalitarian form of government. They told the schoolteachers that this bill would mean an increase in salary, but they did not tell them anything else about it.

Mr. THURMOND. The Senator is correct.

Mr. EASTLAND. Does the Senator agree that the ultimate goal is a socialistic economy?

Mr. THURMOND. I agree that the ultimate end will be socialistic control of the Nation, if we continue down the path we are now on.

Mr. EASTLAND. Control of the minds of children is one step toward a socialized economy.

Mr. THURMOND. If control of the books and, thereby, control of thinking along economic and other lines is centralized in one authority, socialism will have made a gigantic stride forward.

Mr. EASTLAND. The Senator from South Carolina is making a very able speech.

Mr. THURMOND. On the subject of Martin Luther King going to Alabama to conduct demonstrations, he went there for a very obvious purpose. Although the demonstrations are called nonviolent, they are designed to be provocative. That is the purpose: provocation, designed to produce resistance, which almost invariably leads to violence in some degree. That is what occurred. He got exactly what he wished. There comes to mind at least two reasons for wishing this result: First, to raise money all over the Nation.

I was in front of the White House in Lafayette Park one Sunday recently, immediately after the demonstrations began, and I saw buckets into which money was being poured. All over the country, I understand, money is being raised to send to Martin Luther King. He wanted to raise money. That was one of the reasons for fomenting violence. The other reason was to create the kind of emotionalism which could demand that Congress take some action.

What action would Congress take? It would be action to bring about further centralization of power in Washington. It would be action to destroy the rights of the States as given to them by the Constitution and bring that power to Washington. He was successful in trying to do so, and in getting the bill now pending before the Senate.

Mr. EASTLAND. This bill is one of his products, is it not?

Mr. THURMOND. This bill is a part of what Martin Luther King wanted to do. He wanted to get Congress to enact a law to bring more power to Washington; and that is exactly what the pending bill would do.

There is only so much power. It is merely a question of whether we leave that power where the Constitution put it—that is, with the States and the people at that level of government. Those who wrote the Constitution decided the distribution of power in 1787—how much they wished to bring to Washington and how much they wished to leave with the States and the people.

Since then, of course, there has been an effort, year after year, to take away that power and bring more and more of it to Washington.

During the past 10 years, Congress has gone further than in any previous 10-year span. If we go much further, there will be no more powers left with the States. All the power will be in Washington, and in a few years, the States will be nothing more than territories.

Then will tyranny come to the people of this Nation.

The history of government shows that wherever too much power is lodged in one level of government, the people suffer. If there is a king, potentate, emperor, or kaiser who has life and death powers—unlimited powers—the people suffer under tyranny.

Down through the years history will show that people have suffered where there was strong centralized government. That is exactly what I have been trying to avoid since I became a Member of the Senate. I wish to see the division of powers maintained between the States and the National Government. I wish to see the system of checks and balances retained among the three branches of our tripartite system of government; namely, the Congress which makes the laws, the executive branch, headed by the President, which administers the laws, and the judicial branch headed by the Supreme Court which interprets them.

We have hardly any checks and balances any longer.

Today the executive branch of Government is wielding greater influence in this Government than I believe any Executive has in our history.

Today, the Supreme Court of the United States is handing down, on a greater scale and to a greater extent than ever before in the history of this country, decisions tending to nullify the Constitution.

The Senator is well aware of the reapportionment case, and many others which I could mention, if time permitted. All such decisions bring more power to Washington.

Last year, it was asserted that the civil rights bill contained every conceivable provision, and that if it passed no more laws on the subject would need to be enacted. The Senate is now being asked to pass another bill.

Mr. EASTLAND. Did the Senator believe that last year?

Mr. THURMOND. I did not believe it. Even if the pending bill were enacted today, they would be back again, this session of Congress, because Martin Luther King is not going to be satisfied. Martin Luther King wants the government to be centralized in Washington. He wants all power to emanate from Washington, along with his opportunity to raise money.

Mr. EASTLAND. The Senator is exactly correct. He is making a very fine speech. I see that the distinguished Senator from Michigan [Mr. HART] is in the Chamber. He needs enlightening, and I hope that he will listen carefully to what we are saying.

The Senator mentions the right to vote. Is there such a right as the right to vote?

Mr. THURMOND. The vote is a privilege.

Mr. EASTLAND. Is not the right to vote limited by the State, except that there can be no discrimination because of race, creed, color, or previous condition of servitude; is that not the only limitation?

Mr. THURMOND. The Constitution provides that the States shall fix the qualifications for voting. The Constitution is as clear as it can be on that point. That is provided for in article I, section 2, of the Constitution. Some have said that when the 15th amendment to the Constitution was adopted—providing that there shall be no denial or abridgement of the right to vote on account of race, color, or previous condition of servitude—it had the effect of overriding or nullifying this portion of article I, section 2, of the Constitution.

There is no evidence to sustain that opinion in the decisions of the court. There is no evidence anywhere to sustain that position. But, if it did sustain that position—which it does not—the 17th amendment used the identical verbiage of article I, section 2. The 17th amendment was adopted 40 years after the 15th amendment, and the inclusion of identical language has had the effect, then, of overcoming such assertions.

Mr. ELLENDER and Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. I have been listening, and until the recent reference made to the 15th amendment by the Senator from South Carolina, I thought I understood his position. I thought his position was that there was not a 15th amendment. I take it, then, that the Senator——

Mr. THURMOND. Has the Senator from Michigan ever heard the Senator from South Carolina advocate denying anyone the right to vote? Does the Senator from Michigan claim that anyone in South Carolina today is unconstitutionally denied the right to vote? If so, the Senator from South Carolina demands proof.

I make the statement that no one in South Carolina is unconstitutionally denied the right to vote. There have been no valid complaints by anyone.

The FBI investigated one county in South Carolina because a small number of Negroes were registered and were voting. This was McCormick County. They were down there for many weeks. They thought that they could drum up a case because only a small number of Negroes were voting in that county. Obviously, they could not find a single instance of anyone who had been denied the right to vote, unlawfully or unconstitutionally, because no cases have been brought.

Anyone in South Carolina can register and vote, regardless of race or color, if he qualifies under the simple test provided by law, simply that of being able to read and write.

Mr. HART. Then I believe that the Senator from South Carolina need not be concerned with the reaching of the pending bill, so far as South Carolina is concerned. He should put his mind at rest.

Mr. THURMOND. Then take South Carolina out from under the bill. Why is South Carolina under it? Why is my State included in this bill?

Mr. HART. For the same reason that my own State of Michigan is also included under the bill. If, in fact, we could establish that we do not meet the standards in the bill and could persuade the country that there is no discrimination in Michigan, we are subject to the bill, just as the State of South Carolina will be.

Mr. THURMOND. The way the original bill was drawn it applied to five States which voted Republican last fall. The Senator knows that.

Mr. HART. Under that definition, I believe Michigan would be clear; but the pending bill as it is now drawn applies to 50 States if they fail to satisfy the tests.

The point I rose to inquire about, so that we could all understand, is that the Senator from South Carolina does not argue that there is reserved to the States power to apply literacy tests or other tests or devices, in the fashion that denies one the right to register and to vote because of race. Is that true?

Mr. THURMOND. My position is that the United States have the right to fix voter qualifications.

Mr. HART. Consistent with the 15th amendment to the Constitution.

Mr. THURMOND. If anyone claims he is denied the right to vote there are in effect not only numerous State laws but also 16 Federal laws. There are 6 criminal laws under which a person can be fined or put in jail if he tries to deny someone the right to vote. There are also 10 civil laws in effect under which a person can be punished for contempt and put in jail.

Mr. HART. That does not answer the question. Does not Congress have the power, if tests and devices are being used in a fashion that abuses the 15th amendment, to suspend those powers?

Mr. THURMOND. If anyone claims he is denied the right to vote because of the administration of such tests or devices all he has to do now is go to court and obtain a court order.

In Alabama—and this is something people do not know generally—on February 4th, about the time the demonstrations began, a Federal judge issued an order which provided that anyone who had not been registered by July by local or State officials, would be registered by his own appointed Federal registrar. Those people had been guaranteed the right to register and had been guaranteed the right to vote. Therefore there was no need for the demonstrations.

Instead, Martin Luther King went ahead and held the demonstrations, even though the people had been guaranteed the right to register and vote. Why did he hold the demonstrations?

Mr. ERVIN. Mr. President, will the Senator yield for a question on the point raised by the Senator from Michigan?

Mr. THURMOND. I am pleased to yield to the Senator from North Carolina.

Mr. ERVIN. Did I correctly understand the Senator from Michigan to ask the Senator from South Carolina if the Senator from South Carolina did not concede that the 15th amendment gave Congress the power to suspend the provision of the Constitution giving the States the right to fix voter qualifications?

Mr. THURMOND. Is that the Senator's position?

Mr. HART. My purpose in asking the question of the Senator from South Carolina was to ask whether there was any authority in the rights reserved to the States which would protect a State from suspending a test or device.

Mr. ERVIN. I believe that was his question.

Mr. HART. Does the Senator deny that right?

Mr. ERVIN. Does the Senator from South Carolina agree with the Senator from North Carolina that the Supreme Court gave an answer to the question asked by the Senator from Michigan, in the celebrated case of *Ex parte Milligan*, reported in 4th Wallace, at page 121? I ask the Senator if this is not the law as he understands it to be on the subject:

> No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions—

Provisions of the Constitution, that is—

> can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

I ask the Senator from South Carolina if he does not agree with what the Supreme Court said in the Milligan case, and the view of the Senator from North Carolina, that no doctrine involving more pernicious consequences was ever invented by the wit of man than that Congress or anyone else can suspend any provisions of the Constitution.

Mr. THURMOND. The Senator from North Carolina has made a correct statement. I had already expressed such an opinion in my answer to the question of the senior Senator from Mississippi, that it was my judgment that Congress does not have the right to suspend any section of the Constitution.

Mr. ERVIN. I ask the Senator from South Carolina if the bill we are now considering does not prove the truth of the assertion of the Supreme Court in Ex parte Milligan that such a doctrine as this leads directly to anarchy or despotism?

Mr. THURMOND. There is no question about it. If we destroy the provisions of the Constitution of the United States, as is proposed to be done in this case, with regard to the fixing of voter qualifications, we approach a totalitarian state in which there will be despotism and tyranny.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that the provisions of this bill represent the lowest kind of despotism; and does not the bill select 7 States out of the 50 States of the Union and condemn them for violation of the 15th amendment upon an artificial formula, without judicial trial and without evidence?

Mr. THURMOND. That is the way the bill was originally introduced. I believe there have been nine versions of it since then. After tomorrow's meeting of liberal Senators, we shall see what they will agree upon. Perhaps they will arrive at a final version. As the bill was originally introduced, there is no question that it would carry out the purpose which the Senator has described.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that no more despotic power can be exercised by any government than to condemn even the commonest criminal, much less a State or political subdivision of a State, for violation of the Constitution of the United States without a trial?

Mr. THURMOND. The Senator from South Carolina agrees with the Senator from North Carolina and that is why I asked the Senator from Michigan why the bill was prepared so that it would apply to a State in which there has been no discrimination with regard to registering and no discrimination with regard to voting. I challenged him then and I challenge him now to point to one case in which anyone has unconstitutionally or unlawfully been denied the right to register or the right to vote in the State of South Carolina. Why should the State of South Carolina be included in the bill? I believe the bill is unreasonable to begin with, but why should the attempt be made to put South Carolina under the provisions of the bill when there is no proof or even allegation that anyone has been denied the right to register or the right to vote, unlawfully or unconstitutionally?

Mr. ERVIN. Does not the Senator from South Carolina know that when the Attorney General of the United States appeared before the Judiciary Committee he admitted, in response to a question posed by me, that there was no evidence that any of the North Carolina counties covered by the bill were engaged in any violation of the Constitution.

Mr. THURMOND. The testimony showed that to be the fact.

Mr. ERVIN. Can the Senator reconcile fairplay and a fair bill with the action of the Attorney General in demanding that 34 counties in North Carolina be included in this bill when he admitted he had no evidence of any of these counties being guilty of any violation of the 15th amendment.

Mr. THURMOND. I understand that the record showed he said that.

Mr. ERVIN. I asked the Senator from South Carolina if there is not such a constitutional doctrine as the doctrine of equality of States; and that under this doctrine every State is declared to be of equal dignity and power with every other State?

Mr. THURMOND. The Senator is eminently correct.

Mr. ERVIN. Does not the bill provide that of the 21 States—north, south, east, and west—which have literacy tests, 7 States would be denied the right to use literacy tests, whereas the other 14 States would be permitted to continue to use them?

Mr. THURMOND. That would be the effect of the bill. There is a literacy test in South Carolina. It is a very simple test. It provides that a man shall be able to read and write the Constitution. If he can do so, he is entitled to vote. If he cannot read and write, but owns $300 worth of appraised property, he is entitled to vote. If a man in my State cannot read and write and does not own $300 of appraised property, he is not entitled to vote, and he is not eligible to vote.

Under the bill as it was originally introduced, a citizen in my State would be allowed to vote even though he were illiterate. If that same illiterate person moved to the State of New York, which has an eighth grade education requirement for voting, he would not be allowed to vote there.

The effect of the bill would be that an illiterate would be permitted to vote in South Carolina, and yet the same illiterate would not be permitted to vote if he moved to New York. Does that sound like equality? Does that sound like justice? Does that sound like fairness?

Mr. HART. Mr. President, will the Senator yield to me so that I may make one comment?

Mr. THURMOND. Mr. President, I am pleased to yield to the distinguished Senator from Michigan.

Mr. HART. I apologize for interrupting the Senator in his presentation of his prepared remarks, to which I have listened and shall continue to listen with attention. I should like to make very clear the position of those who feel that the bill is desirable. We believe that the 15th amendment to the Constitution of the United States is a part of the same Constitution, and has the same standing, as the 1st amendment.

We believe that Congress is authorized—indeed, directed—to give life, meaning, and protection to the guarantees of the 15th amendment.

We feel that there is no sanctuary in the temple of States right to argue that there is reserved to any State the right to apply tests or devices which violate the 15th amendment.

I thank the Senator from South Carolina.

Mr. THURMOND. In response to the distinguished Senator from Michigan, I would say that I do not favor any State denying the right to vote to anyone who is qualified under the laws of that State to vote. But the Senator from South Carolina maintains that the bill is unconstitutional, unjust, unnecessary and unfair, if the bill would have the effect of striking down the literacy requirements in any State. The States have the right to fix those literacy requirements under article I of the Constitution and under the 17th amendment of the Constitution. Therefore, the measure is an unconstitutional piece of proposed legislation. I repeat that I favor allowing anyone to vote who is qualified under the laws of the State in which he lives.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield for one question?

Mr. THURMOND. I am pleased to yield.

Mr. ERVIN. Can the Senator from South Carolina find any portion of the Constitution which provides that in case one State or seven States violate the 15th amendment to the Constitution, that violation would nullify the second section of the 1st article of the original Constitution, would further nullify the 17th amendment, and would further nullify the 10th amendment to the Constitution?

Mr. THURMOND. I am in hearty accord with the position of the Senator from North Carolina.

Mr. ERVIN. Yet, is it not the position of the proponents of the bill that a violation of the 15th amendment would authorize the Congress to nullify at least three other provisions of the Constitution?

Mr. THURMOND. I am in hearty disaccord with any such interpretation as the Senator from North Carolina has stated, as I have stated earlier today to the Senator from Mississippi and to the Senator from North Carolina.

Mr. ERVIN. Is it not a familiar and sound principle of constitutional construction that the Constitution must be interpreted in such a manner as to give due effect to all of its provisions?

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. Has not the Supreme Court held in a number of cases, notably such cases as United States against Reese, that the only effect of the 15th amendment on the Constitution is to prohibit the denial or abridgement of the right to vote on account of race or color, and leaves in full force and effect all the provisions of the Constitution giving the States the power to prescribe the qualifications for voters?

Mr. THURMOND. The Senator is eminently correct.

Mr. ERVIN. Yet the bill would nullify the provisions of the Constitution conferring upon the States the power to fix the qualifications for voters, would it not?

Mr. THURMOND. That is exactly what the bill would do. I am sure that no proponent of the bill could state otherwise if he understood the Constitution.

Mr. ERVIN. I should like to ask the Senator from South Carolina if section 9 of the first article of the Constitution does not provide that Congress shall not pass any bill of attainder or ex post facto law.

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. I will ask the Senator from South Carolina if a bill of attainder is not a legislative act which condemns, without a judicial trial, either named persons or identifiable persons.

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. Would not the bill condemn States, in whole or in part, without a judicial trial and without evidence?

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. Does not the provision of the Constitution prohibiting Congress from passing an ex post facto law provide in effect that an ex post facto law is a law which makes one's guilt depend upon an act which occurred in the past before the enactment of the law making the act a crime?

Mr. THURMOND. The ex post facto law is a law which would make an innocent act in the past a crime in the present. That would be the practical effect of the proposed law.

Mr. ERVIN. Would not the bill make seven States guilty of a violation of the 15th amendment by an artificial formula based upon an act that had happened in the past, namely, the presidential election of November 1964?

Mr. THURMOND. The Senator is correct. The provision to which the Senator referred is article I, section 9, concerning a bill of attainder and an ex post facto law. I believe that is the provision to which the Senator referred.

Mr. ERVIN. Yes; section 9 of article I.

Mr. THURMOND. Yes.

Mr ERVIN. Does not the formula provided by the bill for establishing guilt contain the following elements: First, that the State has a literacy test; second, that less than 50 percent of its citizens of voting age voted in the presidential election of 1964; third, more than 20 percent of its people of voting age are nonwhites: Would not conformity to that formula make conforming States guilty, regardless of whether they were guilty or not?

Mr. THURMOND. Those were the provisions which were contained in the bill as originally introduced.

Mr. ERVIN. Would not the bill make guilt depend in large measure, though not entirely, on the question of whether a State is exercising one of its constitutional powers, namely, that of prescribing a literacy test?

Mr. THURMOND. The Senator is correct.

Even assuming that there is no present discrimination, but assume there was back in 1964; the proponents would still feel that under the terms of the bill those States should be punished for what happened perhaps last year or several years ago.

Mr. ERVIN. Those States would be punished, in a large part, because they had literacy tests. This means that they would be punished because they exercised a power which the Constitution vests in them. Is that not true?

Mr. THURMOND. That is correct.

Mr. ERVIN. Does the Senator know any way in which a State could compel people to vote?

Mr. THURMOND. The Senator from South Carolina knows of no way in which people can be compelled to vote.

I was asked that very question at Indiana University last weekend when I was there. The question was, "Why do so few people vote in certain counties in South Carolina?" They had the figures.

I said, "I do not deny your figures, but no one has been unlawfully denied the right to register; no one who is registered has been denied the right to vote. If the people do not vote, it is because of apathy or indifference on their part." If the people can meet the qualifications for voting in South Carolina, they can vote.

Mr. ERVIN. So the tests I enumerated a while ago, which automatically condemn Southern States in whole or in part, are based, first, upon the exercise of their constitutional right, namely, the right to prescribe a literacy test as a qualification for voting and, second, upon the basis of something which a State cannot control, namely, the failure of its people to vote.

Mr. THURMOND. Is it not an equal denial of freedom to try to force a man to vote as it is to force him not to vote?

Mr. ERVIN. Yes.

Mr. THURMOND. The main underlying purpose of our government, as I see it, and as visualized by those who wrote the Constitution, was to preserve the freedom of the people. The preamble to the Constitution uses the following words: "* * * secure the Blessings of Liberty".

Is it liberty, is it freedom to try to force a man to vote or force him not to vote? Does he not have a right to make that choice?

Mr. ERVIN. Certainly; yet under the formula to which I directed the Senate's attention a moment ago, a State would be penalized and condemned without a judicial trial and without any evidence being produced because of something the State could not control, namely, the number of its people who had voted.

Mr. THURMOND. The Senator is correct. The State will be condemned without a hearing. The State will be condemned without a right to present witnesses. The State will be held up to the ridicule of other States, the people of the Nation, and the states of the world as being a State that practices discrimination when actually there is no discrimination.

Mr. ERVIN. Is it not true that under the bill a State could register every person of voting age in the State without discrimination, but yet would stand condemned under the bill if those people did not see fit to vote to the extent of 50 percent of their number?

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. Has it not been the proud boast of America that we believe in the administration of justice everywhere, in all places, and at all times?

Mr. THURMOND. That is a common expression that is used all over the Nation.

Mr. ERVIN. Would not the bill close every courthouse in the United States to the States and the political subdivisions of the States being condemned by the artificial formula of the bill, except the U.S. District Court for the District of Columbia?

Mr. THURMOND. That would be the effect of the bill. It would close every Federal district court and every circuit court of appeals in the Nation, except the U.S. District Court for the District of Columbia, as if to say to the judges in those States, "You are not honorable, you are not just, you are not objective; you will not be allowed to hear a voting rights case arising in your State. We shall bring it to Washington and have an honorable judge here try the case."

Mr. ERVIN. Do not the State of the Senator from South Carolina and my State of North Carolina have competent Federal judges, who are available to the people, to entertain jurisdiction of matters relating to the Federal Government?

Mr. THURMOND. They certainly have. Even the Department of Justice knows that. The Department has recommended the appointment of several such judges during the time I have been a Member of the Senate. At least three out of four have been appointed since I first came to the Senate, and they have all been appointed under Democratic administrations—under Kennedy and Johnson. If they are not honorable men, why were they appointed?

Mr. ERVIN. Would not the voting rights bill prohibit Federal judges in North Carolina and South Carolina from having anything to do with the enforcement of its provisions?

Mr. THURMOND. That is correct. Those States would be put to expense, time, and trouble, and would be embarrassed by having to come to Washington to have their voting rights cases heard, when competent Federal judges are already stationed in those States.

Mr. ERVIN. Can the Senator from South Carolina imagine any reason why the proponents of the bill wish to deny all the Federal judges who sit in States south of the Potomac River any jurisdiction under the bill, unless they believe either that those judges do not have sufficient character to be judges or that they are not sufficiently subservient to the Department of Justice?

Mr. THURMOND. The Senator from South Carolina can imagine no reason in the world why the Department of Justice does not want those judges to hear voting rights cases, unless it is because it is felt that those judges are not subservient to the Department of Justice or do not have the character to be honorable and objective and are not able to hand down fair decisions. That is the only possible conclusion anyone could reach.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that the Department of Justice inflicts an unjustified insult upon every Federal judge serving the territories south of the Mason-Dixon line when it advocates the passage of a law that would deny to those judges jurisdiction of the provisions of the voting rights bill?

Mr. THURMOND. The Senator from South Carolina feels that it is an intentional, willful, and malicious insult to say to the judges of the States where voting rights cases arise, "You are to be disqualified; we shall take the cases to Washington, D.C., where honorable judges will try them."

Mr. ERVIN. If a man were charged in Federal court with treason against the United States, would he not be presumed to be innocent of the charge?

Mr. THURMOND. That is correct; that is a basic provision of our jurisprudence.

Mr. ERVIN. So would he not be placed on a higher plane than that on which seven States are placed by the bill, because the seven States are presumed to be guilty?

Mr. THURMOND. That is true.

Mr. ERVIN. If a man were charged with treason against the United States, would he not have a right to be tried in the Federal court of the district in which the case arose? He would have a constitutional right to be tried in the district in which his alleged treasonable act occurred, would he not?

Mr. THURMOND. The Senator is correct. Furthermore, throughout the history of English jurisprudence, and also American jurisprudence, it has always been considered that a person charged with a crime should be tried where it was alleged to have been committed. That is a well-known principle of law. A man is sued where he lives, but he is tried for a crime where the crime is alleged to have been committed.

Mr. ERVIN. Would not the bill degrade seven States below the position of a man charged with treason against the United States, in that it compels the seven States to journey by all the courthouses in those States and come to the District of Columbia to prove their innocence of charges which have not been proved against them?

Mr. THURMOND. That is correct. The bill virtually says to the courts in those States, to those who are supposed to administer justice, "We have no faith in the decisions you might make; therefore, we shall take the casess to Washington, D.C., and have them tried there."

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that it is a disgrace to justice to propose that every courthouse in the United States be closed except one; and, that persons be required to journey as far as a thousand miles in order to disprove their assumed guilt in that one courthouse?

Mr. THURMOND. That is correct. I hold in my hand a copy of the Constitution of the United States. Article III is the article that pertains to the judicial branch of the Government. Section 2, clause 3 of that article contains these words:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; * * *.

Mr. ERVIN. Does not the sixth amendment of the Constitution of the United States provide that every person charged with crime shall have available to him compulsory process to obtain witnesses to testify in his behalf?

Mr. THURMOND. That is correct. The fifth amendment contains a due process of law clause.

Mr. ERVIN. Does not the present statute applicable to the District of Columbia provide that its subpenas shall not be effective more than 100 miles from the District of Columbia?

Mr. THURMOND. That is correct.

Mr. ERVIN. As a consequence, the counties of North Carolina affected by the bill and the States of South Carolina, Georgia, Mississippi, Lousiana, and Alabama could not even get witnesses to come to the District of Columbia to testify in their behalf if the witnesses were not willing to come, could they?

Mr. THURMOND. I do not know of any way in which that could be done under the law, because those States and counties are out of the jurisdiction of the District of Columbia Court.

Mr. ERVIN. Mr. President, I thank the Senator from South Carolina for his answers to these questions. I commend the Senator on the very excellent speech he is making, pointing out that the bill is not only inconsistent with the constitutional provisions, but also with the fundamental principles of fair play.

Mr. THURMOND. Mr. President, I commend the able Senator from North Carolina for the great contribution he is making in helping to preserve the Constitution of the United States and also for the magnificent work he has done in opposing this particular piece of legislation.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. ELLENDER. Mr. President, the basis of the bill, as I understand—and it may have been changed since it was introduced—is that it is an effort on the part of Congress to enforce the 15th amendment to the Constitution.

I am sure that my good friend the Senator from South Carolina has read the history of the 15th amendment. The 15th amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Has the Senator from South Carolina found any decisions of the Supreme Court which would remotely hold that the 15th amendment gave Congress the right to fix qualifications of voters?

Mr. THURMOND. The Senator from South Carolina has found no such decisions. I have had this subject researched carefully. It is my opinion that there are no such decisions. The Senator refers to enforcing the 15th amendment to the Constitution. That is the very title of the bill.

Mr. ELLENDER. Mr. President, a moment ago when I mentioned the basis for the bill, I was reading from the title of the bill.

Mr. THURMOND. That is the way the title reads:

> A bill to enforce the 15th amendment to the Constitution of the United States.

Mr. ELLENDER. It is alleged by the distinguished majority and minority leaders that the provision in the committee bill concerning poll taxes should be stricken because it is unconstitutional.

Mr. THURMOND. It is clearly unconstitutional.

Mr. ELLENDER. Of course it is. As the Senator has pointed out on many occasions, the right to fix the qualifications of voters is reserved in the Constitution to the States. The fact that the bill would suspend the laws and the Constitution in certain Southern States and permit the Attorney General to fix the qualifications of voters means that Congress would be giving the Attorney General the right to fix qualifications.

Mr. THURMOND. It would mean that Congress is passing a law which would suspend the provisions of the Constitution of the United States which leave with the States the right to fix voter qualifications, and would transfer this power to the Attorney General of the United States. In my opinion, such action by Congress is clearly unconstitutional.

Mr. ELLENDER. As I understand the pending amendment, offered by the distinguished Senator from North Carolina, it would provide an opportunity for the affected States to show the conditions that exist in those States. The States would be able to show what the law is, and that they have tried to conform to the Constitution. If the pending amendment were agreed to, the bill would be a little more palatable.

I am surprised and disappointed no end to discover that the proponents of the bill are anxious to have the bill enacted so that it will apply only to six of our Southern States and parts of North Carolina. That is unconscionable. I am hopeful that when the real debate starts on the bill, more Senators will be in attendance. There are only four Senators present in the Chamber, three of whom are southerners. The Presiding Officer, the distinguished Senator from Wisconsin [Mr. NELSON], is, of course, also present.

No Senators are present to listen. What will happen when the time comes to vote? Senators who have not been present during the debate will ask the clerks, "How shall we vote?"

Representative government is almost coming to an end here when there is debate with no Senators listening or taking heed of what is happening. I believe that it is wrong.

Mr. THURMOND. Mr. President, if the television stations, the radio stations, and the press would carry more objective reporting of the views of those who oppose the bill, it would be most helpful.

Mr. ELLENDER. That would be sensational.

Mr. THURMOND. The public is not receiving a true view of the bill. I am convinced that if the people knew what the bill contains, they would not favor the bill. I do not believe that the people would favor the passing of an unconstitutional bill merely to appease Martin Luther King, James Farmer, and the other leaders. However, because of the emotionalism and violence which has been fomented the stage has been set for Congress to pass such a bill.

There is a law which was relied upon in Alabama to guarantee the right to vote to all who qualify. Why was there any need for demonstrations there? There will be continued demonstrations even if we pass the bill. I predict that we shall continue to have demonstrations. The demonstrations have a deeper root and cause than voting rights or other rights.

Mr. ELLENDER. Mr. President, I am in thorough sympathy with what the Senator stated earlier in this debate about the reason why men like Martin Luther King go south and provoke trouble. It is a sad thing that those who will suffer the most by bills such as are being fostered now are the people whom these leaders claim they are trying to help.

In my State quite a number of things have been done concerning civil rights since the laws have been passed in the past few years. When the 1964 act was passed by Congress, although I fought it with all my power, and lost—even before the President signed the bill—I suggested to the citizens of my State that the bill had become the law of the land and that they should obey it. Frankly, I thought that would be the end of it. However, as the Senator states, those laws have not satisfied anyone. I doubt that the pending measure would satisfy them if it were passed.

Does not the Senator agree that under the acts of 1957, 1960, and 1964, not only have we provided ways and means for court action in any part of the country, but also for people who claim they have not been permitted to register or vote, to be registered and vote in groups of 1,000 or 2,000 if they so choose? The Attorney General can carry the burden of litigating these suits and secure court action on large groups of people. Why he has not done this I do not know.

Mr. THURMOND. The Senator is absolutely correct. As I said a few moments ago, every State has laws to protect the right to vote. There are 16 Federal laws to protect the right to vote, 6 criminal and 10 civil. No one can truthfully say he has been denied the right to vote and has no remedy. If he says he has been denied the right to vote, he can obtain a court order from a Federal judge. They got it on February 4 in Alabama. It guaranteed the right to register and the right to vote. In spite of that, Martin Luther King held his demonstration there.

Mr. ELLENDER. The Senator will remember that the civil rights law of 1960 provided that if the Attorney General found a pattern of discrimination in any part of the country he could go to court and present the facts to the court. Judicial relief could then be swiftly granted if a case were made out.

Mr. THURMOND. The Senator is correct; and the 1960 law also provides for the appointment of Federal registrars.

Mr. ELLENDER. Yes.

Mr. THURMOND. Under that law the Federal judge in Alabama appointed a Federal registrar.

Mr. ELLENDER. That is correct. In the 1964 law it was provided that a three-judge court could give relief overnight, if it were necessary.

Mr. THURMOND. The Senator is correct.

Mr. HART. Mr. President, will the Senator from South Carolina yield to me without losing the right to the floor?

Mr. THURMOND. I yield with that understanding.

Mr. HART. I think in fairness to our colleagues who are not in the Chamber at the moment, and in view of the comment made by the distinguished Senator from Louisiana, it should be noted that the legislation we are considering was introduced in the middle of March. A number of days of hearings were held. For about 2 weeks there has been available to each of us a rather full report. The matter has been debated at length every day. Copies of the RECORD have been available to us.

As one of the proponents, I disagree with the Senator fram Louisiana when he says some Senators will vote on this measure based solely on the whispered consultation with some clerk when he comes in the door.

Mr. ELLENDER. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield.

Mr. ELLENDER. I have been sitting in the front row for quite some time. This whispering would not be peculiar to this bill. I have heard Senators come in the door, not knowing what was in a bill, and ask, "How shall I vote?"

Mr. THURMOND. The Senator is correct. I have heard Senators ask such questions.

Mr. ELLENDER. The bill was introduced by the Senator from Montana [Mr. MANSFIELD] for himself and 65 other Senators. I would wager that less than 2 percent of them knew what was in the bill when they permitted their names to be appended to it.

Mr. THURMOND. I doubt if 10 read the bill before they permitted their names to be added to the list of cosponsors.

Mr. ELLENDER. We have been debating this bill since the 21st of April, and I have been asking the proponents of the bill to take the floor and debate it and tell us what is in it. I can see why they have not done so. It is because the bill came from committee without recommendation. It was a bill different from the one orginally submitted without recommendation. Only today another new bill was presented to the Senate by way of a second substitute.

The Senator from South Carolina is the fourth southern Senator in the past 2 weeks who has spoken about the bill. There are many more to be heard from.

I should like to make a plea to the leadership, and to my good friend from Michigan, to have some Senator on their side explain the bill so that the contents of the bill will be made known to the American people.

Mr. THURMOND. Only last Friday a new bill, in the form of a substitute, was introduced in the Senate. I am informed that the so-called liberal Senators are to meet tomorrow, perhaps to write another bill. There have been various amendments and forms of amendments written until we are not sure what is or what is not in it. All they want is to get some action to appease Martin Luther King and the other leaders.

Mr. ELLENDER. The second substitute was dropped in the hopper last Friday with the understanding that it would be printed that day and sent to all Senators who would like to read it so that over the weekend they could spend their time studying the bill. Today is Monday. This is the first day of the meeting of the Senate after Friday, when the bill was made available to us. I thought there would be a thorough explanation of the bill made by its many sponsors, but there seems to be no Senator here to present it.

Mr. THURMOND. Mr. President, I have seen a number of editorial comments and newspaper articles which, by and large, agree with my comments. I should like to share some of them with my colleagues.

The Augusta Chronicle carried an editorial dated Friday, April 30, 1965, entitled "The Political Religion." I wish to read this editorial into the Record:

> Let every American, every lover of liberty, every wellwisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of 1776 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty * * * let it be taught in the schools, in seminaries and in colleges, let it be written in primers, in spelling books, and in almanacs, let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation.

That is the opening paragraph of the editorial. Those were not the original words of the editor who wrote the editorial, but are the words of Abraham Lincoln.

The editorial proceeds with the second paragraph:

> Tomorrow is May 1, an ancient festival of spring which the Communists in recent decades have tried to pervert into a holy day for an unholy doctrine.
>
> In Moscow the tanks will roll. In Peiping the jetplanes will scream overhead. In Havana, Fidel Castro will rant Hitler-style. And in South Vietnam, Americans will no doubt die, trying to stem the flood which would enslave the bodies and corrupt the minds of men.
>
> Here in America, we can give thanks that a counterforce is being exerted by the American Bar Association, to make the day meaningful in our campaign to preserve the laws which assure individual liberty.
>
> In Augusta, specifically, it will mark the start of a series of appearances in the schools sponsored by the Augusta Bar Association, to stress the need for observing law.
>
> Tonight, on the eve of annual Law Day, the local bar members and their wives will assemble for the presentation of one or more Liberty Bell awards to individuals who will be recognized for their leadership in inspiring the better understanding and observance of law.
>
> The great opportunities for service in the field by instilling the proper attitude toward the law are revealed in the activities which may be considered for these Liberty Bell awards:
>
> Activities which promote a better understanding of our form of government, and especially the Bill of Rights.
>
> Activities which encourage greater respect for law and the courts.
>
> Activities which educate people to the contrast between communism and freedom under law.
>
> Activities which stimulate a deeper sense of individual responsibility to the end that citizens recognize their duties as well as their rights.
>
> Activities which contribute to the effective functioning of our institutions of government.
>
> Activities which inculcate a better understanding and appreciation of the rule of law.
>
> These objectives are splendid, and the only misgiving one might have is that we may expect them to be accomplished by community leaders only. The truth is that they will be accomplished with greatest effectiveness in all the homes all over our communities. Preschool children and elementary school children will have their characters largely formed in their early years, and will be prepared to follow patterns which support law, or which scorn law.
>
> And let it not be thought that communism will restrict its promotion of totalitarian faith to overt ceremonies in Red capitals. Much more important to its cause is the creeping propaganda at work in democratic countries, which seeks—all too often successfully—to promote a spirit which puts selfish and emotional willfulness ahead of law.
>
> The Communists know that when they can cause freemen to obey the laws only if and when they wish, they have the battle for totalitarianism half won, without firing a shot.

Mr. President, that is an excellent editorial on observing the rule of law. I commend it to all Senators. I commend it to the American people. It is worthy of reading and rereading.

When Martin Luther King announced that a mass march on Montgomery, Ala., would take place regardless of the decision of the court, that man held himself up as being a man who does not favor the rule of law.

I wish the Record to show this. I wish it to go down in permanent print for future generations of this Nation to read, so that they will know that one of the leaders of the recent demonstrations was not a man who was willing to observe the law; and that he was a man willing to observe only laws of which he approved, but not the rule of law.

Mr. President, on March 22, 1965, Station WBT Television, Charlotte N.C., presented the following editorial to its listeners. It is entitled, "Government by Mob Rule."

> We have stated time after time that we believe every Negro in the United States should enjoy every right as a citizen that every white person has.
>
> But we have been equally emphatic in our opposition to government by pressure groups and organized lobbies. No crowds marching in the streets should be allowed to browbeat legislative assemblies into doing their will. Unauthorized visitors sitting on the White House floor should be expelled like any other violators of Presidential privacy.
>
> We were ready to applaud President Johnson when he said he would not allow himself to be "blackjacked" into taking hasty action in the organized disorders at Selma, Ala. Yet in his broadcast speech, he recited the refrain of the demonstrators' theme song. Then he sent to Congress a bill that met practically all the demands made by Martin Luther King in an article in the New York Times a week before.
>
> We do not quarrel with the necessity for Government action, although both the 14th amendment and the existing Civil Rights Act provide plenty of channels for enforcement of voting rights. We agree with the President that there is no constitutional issue insofar as national elections are concerned, although we seriously question the jurisdiction over State and local elections.
>
> But there is an issue which he did not even mention, which is vital to the stability of our American governmental system. This is the issue we stated at the beginning—government by intimidation and the same kind of double standard being applied by the Federal Government against certain States that it accuses the States of using against some of its citizens.
>
> Martin Luther King knows very well that voter registration is governed by State laws. He knew that Dallas County had no power to change the laws of Alabama. Yet he organized marches even after they had led to rioting, bloodshed, and even murder. He called on the National Council of Churches for nationwide demonstrations by the clergy to make his case a religious issue. We cannot honestly believe that the purpose was anything other than to bully the Congress into enacting a national law on registration.
>
> He defied a legitimate Federal court injunction not to proceed with the Montgomery march, while expecting others to obey such injunctions when they agree with his goals.
>
> Why did he not do as the Negro leaders did in Louisiana? They challenged the registration law in the courts and won their case without spilling a drop of blood.
>
> It is not enough to say that it was in a good cause that one small city was made the scapegoat of a national emotional binge. Government by street demonstration is divided by only a thin line from mob rule. If it keeps on, there won't be any civil rights left to argue over.

Mr. President, if there is a Member of this body who wishes to defend Martin Luther King for violating the Federal court order in Alabama, I wish him to take the floor during this debate and try to defend him in this action.

Those who oppose the pending bill have the right to hear from those who are proposing the bill in defense of Martin Luther King. It was Martin Luther King's action in Alabama in creating there a volatile situation, in causing the wheels to be set in motion which resulted in violence, which in turn resulted in emotionalism all over this Nation, and which brought the demand for the so-called voting rights law of 1965.

If they wish to defend Martin Luther King for violating that court order, we wish to hear them. The law they are trying to have enacted by Congress originated in violence, originated with a man who has intentionally and willfully and maliciously violated a Federal court order at Selma, Ala.

The U.S. News & World Report on March 29, 1965, presented an editorial entitled "Bowing to the New Extremists," written by David Lawrence. The editorial reads as follows:

Bowing to the New Extremists

(By David Lawrence)

> The Government of the United States appears to have bowed to a new set of extremists.
>
> The President, in an emotional address to a joint session of both Houses of Congress, described in general terms an unprecedented

> piece of legislation on voting rights and demanded that it be promptly passed. The text of the bill, however, wasn't even made public until later in the week. Members of the Supreme Court, attired in their judicial robes, sat in the front row in the House Chamber during the proceedings and joined in the applause for the President's speech.
>
> The sweeping proposals which the President virtually ordered Congress to pass were pressured by street demonstrations, violent and nonviolent, sit-ins and lie-ins in many parts of the country and even inside the White House, as well as the Capitol and other Federal buildings. All this was designed to stampede the Chief Executive and Congress to brush aside the Constitution and to accept the extremist doctrine that "the end justifies the means." The tactics of the demonstrators triumphed.
>
> The Constitution explicitly gives to each State the power to determine the qualifications of voters in National, State and local elections. The Constitution also declares that the right of citizens to vote shall not be denied or abridged on account of race or color.
>
> The new proposal arbitrarily singles out those States in the Union which, on November 1, 1964, happened to have registered less than 50 percent of the persons of voting age residing in the State or in any political subdivision, or in which less than 50 percent of such residents voted in the presidential election last November.
>
> This is a statistical yardstick which would automatically adjudge as guilty of discrimination a State which had used any literacy test if in such a State less than half of the population of voting age had been registered to vote or if "any person acting under color of law" had in the previous 10 years engaged in any act denying the right to vote because of race or color.
>
> An appeal to a three-judge court—only in Washington—would be allowed. Instead of the usual presumption of innocence for a defendant, the bill would establish a presumption of guilt for the suspected State or county. The governmental body not only would have to prove that it was not guilty of an act of discrimination on a specific date but also of any other such act on any other date in the preceding 10 years.
>
> The bill, moreover, would strike down in those States any "test or device" that may have been used in the past years, even though State laws may have sought to establish whether or not an applicant had the ability to read and write, or may have prescribed some other standard test of literacy such as the Supreme Court of the United States itself upheld as recently as 1959.
>
> To select certain States or areas and apply one kind of law to them while permitting other States and subdivisions to be immune from such interference is a conspicuous violation of the Constitution.
>
> The whole controversy has revealed a disregard of basic constitutionalism. It is motivated by the reasoning of those who have argued that two wrongs make a right. It grows out of the rationalization, which so many people are making today, that, because injustices have been committed and discrimination has once been practiced on a wide scale in certain areas of the country, it is permissible now to diminish the rights of the States themselves.
>
> Have we come to the point where the Congress of the United States may decide on whether a State will be permitted to remain in the Union? Have we reached a position where the national legislative body will do again what it did 100 years ago after the War Between the States had ended? The same State legislatures which had ratified the 13th amendment, abolishing slavery, were suddenly declared illegal by Congress when they rejected the 14th amendment. New legislatures were ordered to assemble and in some instances Federal troops were sent into the legislative chambers to compel "ratification" of the 14th and later the 15th amendment.
>
> This was what happened in the Reconstruction period in American history. Are we to go through another such tragic era because of the submissiveness of both a Congress and a President to the dictates of pressure groups whose emotional demonstrations cause friction and disorder?
>
> It is a sad story. Organized incitement to violence has swept many areas of the country. To yield to such demonstrations is to weaken the whole fabric of democracy and to encourage mobocracy.
>
> It is a time for the processes of reason to supersede the hysteria of impassioned groups of citizens. For, granting that they have been unjustly treated, are there no ways to accomplish effective reforms except by violent demonstrations and a distortion of the basic provisions of the Constitution? Or must we continue to bow to the new extremists?

These articles point out what is occurring in some of the demonstrations. Again I wish to tell my colleagues in the Senate that although they call these demonstrations nonviolent, nonviolent they should be, but provocative they must be. They must be provocative for the purpose of creating, originating, and generating resistance and thereby, violence. Violence for what purpose? Violence to attract attention for the purpose of raising money for Negro leaders throughout the Nation to carry on their nefarious work; and for the second purpose of creating emotionalism throughout the country, to arouse some people sufficiently to demand that Congress enact a law which will bring more power to Washington and take it away from the States and the people, where the Constitution put it.

Those are the purposes of the demonstrations. These tactics have, unfortunately, been highly successful and they will continue to be so until the American public realizes the true nature and purpose of the demonstrations and demands an end to them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Without objection, it is so ordered.

THE DOMINICAN REPUBLIC

Mr. MILLER. Mr. President, the United Nations Security Council meets today to patiently listen to the Soviet Union's denunciation of President Johnson's action in sending troops into the Dominican Republic.

Out of this meeting will come the charges of "aggression" by the United States. And there will be many, in this country and abroad, who will echo them.

There will be those who will choose to ignore the wisdom of President Johnson's action in moving promptly to prevent another Communist government in the Western Hemisphere—an action, incidentally, which I support.

There will be those who will choose to ignore President Johnson's words that some of the Communist conspirators in the Dominican Republic revolt were trained in Cuba.

In light of these expectations, I believe it is imperative that the American people, and others, be reminded of what has gone on before. And there is no better way than to put on the table again official findings.

A report of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee of May 9, 1963, asserted:

> The evidence is overwhelming that Castro is supporting, spurring, aiding and abetting Communist revolutionary and subversive movements throughout the Western Hemisphere and that such activities present a grave and ominous threat to the peace and security of the Americas.

On June 4, 1963, the Council of the Organization of American States pointed out that—

> Communism has found subversion to be the most effective means of winning peoples and territory, without the tremendous risks it might run in a world war.

It then remarked:

> This subversion, with techniques that extend from insidious infiltration to violent intervention, is conceived, developed, and perfected constantly in the world and regional centers of communism, in accordance with the particular circumstances. Its purpose, however, is one: to replace the political, economic, and social order existing in a country by a new order that presupposes the total physical and moral control of the people.
>
> Undoubtedly Cuba now constitutes the regional center for subversive action by international communism in America. This is true not only with regard to the spread of the Communist ideology, but also, and what is more dangerous, because it constitutes a nearby center for training agents of every kind whose function it is to carry on subversion in the countries of this hemisphere.
>
> It is an obvious fact that as the Communist regime became consolidated in Cuba, a number of schools and centers for training in the techniques of subversion were organized. A large number of Latin Americans attend these centers, where they receive instruction not only in Marxist-Leninist theory, but also in propaganda techniques, the use of arms and explosives, sabotage, guerrilla warfare, and so on, in order to apply them later on in their respective countries. The cadres of instructors in these schools are made up not only of Cubans and other Latin Americans, but also of Russians, Czechoslovakians, Chinese, and others.

Lest there be a tendency to disregard these statements, I wish to underscore what Premier Castro had to say of his designs and purposes as dictator of Cuba. Any student of history—and of communism—will know that the words Castro spoke on January 16, 1963, at the closing session of the Congress of Women of the Americas, amounted to a declaration of war against other nations in the Western Hemisphere. Here is what he said:

> We must think about how to change that situation—

That is, social and economic conditions in Latin America.

> There are persons who are experts on figures, but what is needed are experts on changing the situation, experts on leading

> peoples on revolutions. That is the art of the revolutionaries, the art that must be learned and developed. How to bring the masses to the struggle.
>
> It is the masses who make history, but for them to make history, the masses must be taken to the battle. That is the duty of leaders and the revolutionary organizations: to make the masses march, to launch the masses into battle. That is what they did in Algeria. And that is what the patriots are doing in South Vietnam. They have sent the masses into battle with correct methods, correct tactics, and they have brought the greatest amount of the masses into the battle.
>
> But if we tell the masses what the situation is, they must also be told what the road is. We must bring them to the struggle, because that road is much easier in many Latin American countries than it was in Cuba.

Finally, I should like to draw upon a resolution adopted by the foreign ministers of the Organization of American States in late July of 1964. They warned:

> The Government of Cuba that if it should persist in carrying out acts that possess characteristics of aggression and intervention against one or more of the member states of the organization, these states shall maintain their essential rights as sovereign nations by means of the use of individual or collective self-defense, which could go so far as resort to armed force, until such time as the organ of consultation takes measures to insure the peace and security of the continent.

To those who would say that Castro's regime holds no threat to the Western Hemisphere, I would say: Read the concern of the officials of other hemisphere nations.

To those who would say that Castro's regime is failing, I would say: You had better realize that we have never seen a Communist government overturned under the same situations that Cuba has today.

I, for one, am pleased that the Monroe Doctrine appears to have undergone a new rebirth as the result of President Johnson's affirmative action. This policy of firmness of action has long been overdue.

And I would hasten to add: My support for President Johnson will continue so long as this policy of firmness continues.

I think the time is appropriate to review the meaning of the Monroe Doctrine. It is an expression of the right of self-defense by the United States. It was enunciated by President James Monroe on December 2, 1823. He said that we would regard any attempt on the part of any foreign power to extend its system to any portion of the Western Hemisphere as dangerous to our peace and safety.

On December 17, 1895, President Cleveland said that the Monroe Doctrine upon which we stand is strong and sound, because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions.

There is little doubt that Castro's movements are being directed from the Soviet Union and other Communist headquarters.

There is little doubt that Cuba is a source of weapons, provocateurs, saboteurs, agents of revolution, and of chaos, as one report described that nation only 90 miles from our shores.

There is little doubt that international communism now has a firm foothold in this hemisphere and, if we permit it to remain this way, it is here to stay. For as the Preparedness Subcommittee pointed out, by a process of erosion our neighbors to the south may fall, nation by nation, until the entire hemisphere is lost and the Communist goal of isolating the United States has been attained.

Despite the objections it knew would be forthcoming, the administration had to face up to a course of action in the Dominican Republic: It could not ignore the plight of the Americans there, and it could not ignore the potential of another Cuba.

I know that the United States will be criticized for acting unilaterally. But under the circumstances and considering the need for promptness, there was not much else to do; and the United States did call the Organization of American States, and the United States did notify the United Nations. But had we failed to act promptly, the possibility existed that American lives would be lost and the Western Hemisphere would have a second Cuba.

I know there will be criticism for allegedly intervening in the affairs of a sovereign nation. But the facts here override the fiction of a sovereign government, for under the revolutionaries and the Communists, the Dominican Republic had none.

American policy must rest on certain premises and certain objectives:

First. A policy of firmness.

Second. A need to halt the inroads of communism, through subversion, sabotage, and guerrilla warfare.

Third. The necessity of preventing other Cubas in the Western Hemisphere.

The decisive action in the Dominican Republic is in line with this policy.

But I would warn that the American people must have the facts at all times. There must be no reluctance to provide these facts.

Also, there must be no abuse of our power because of imagined fears. The American people will rally behind our President when the use of this power is just. But if they are told one thing, when another is true, distaste will set in.

The New York Times, in an editorial published today, takes note of this question:

> In ordering several thousand more marines and paratroopers into Santo Domingo Saturday night, President Johnson reiterated that the sole mission was to protect and evacuate endangered Americans and other foreign nationals. Last night the President went on television to confirm what Congressmen and correspondents in Washington had been told privately from the start of the Dominican rebellion—that the primary aim of the U.S. military involvement is to prevent "another Cuba."
>
> Thus, the official explanation has finally caught up with the one consistently given by authoritative administration briefings. The President now tells the Nation that the revolt began as "An action dedicated to social justice" but it took a sinister turn when Communists seized control.
>
> What remains unexplained is why no slightest expression of sympathy for the revolt's aims came from Washington in the period when the massing of American troops was decided upon. The clear effect of their influx was to strengthen the ruling military junta in its efforts to block the restoration of Juan Bosch as President.
>
> The President's unwillingness to see another Communist state established in this hemisphere will command national support. But the question that needs a much clearer answer is whether a rightwing dictatorship in Santo Domingo has not traded on U.S. fears of communism to preserve its power in a country still scarred by three decades of brutal regression under Generalissimo Trujillo.

Mr. President, this is a question which should be answered. In view of what has occurred, I would suggest that the time is ripe for the President to take some action on Cuba.

I believe the first step should be the recognition of a government in exile. It should be representative of all the various elements now in exile from their homeland. I feel that this would serve notice on Premier Castro that, in fact, we no longer recognize his regime and that we are going to put a stop to what he has been doing to subvert Latin America.

I ask unanimous consent that the following articles and editorials be printed in the RECORD:

First. From the U.S. News & World Report of May 10,1965: Articles entitled, "War Steps Up—Where It's Headed"; "Full Story of Caribbean War: How Reds Plotted a Takeover"; and "Communist Strategy for Latin America."

Second. A list of Castro's top priorities in Latin America, as reported in the March 3, 1965, issue of "The Vision Letter," an authoritative newsletter analysis of Latin American affairs.

Third. An editorial entitled "Dominican Troop Buildup," published in the New York Times of May 3, 1965.

Fourth. An editorial entitled "From Saigon to Santo Domingo," published in the Wall Street Journal of May 3, 1965.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report]

WAR STEPS UP—WHERE IT'S HEADED

(NOTE.—A Red threat, and U.S. marines moved in fast in the Caribbean—as they had gone into action in South Vietnam. Meaning: United States is making it clear to the Communists that their days of easy conquest are at an end.)

The U.S. marines were back in action again on recent days in two widely separated parts of the world.

In Vietnam, marines began for the first time to operate as units against a Communist enemy, not merely as advisers to South Vietnamese armed forces.

Then, on April 28, President Johnson sent marines into the Dominican Republic. There the lives of 1,300 U.S. citizens were endangered. Civilians, including organized Communists, had been given arms and roamed the streets.

On April 29, several snipers opened fire on U.S. marines who were guarding Americans. They were driven off by marine return fire which killed at least two. By April 30, one marine had been killed and six wounded fighting beside Dominican troops against ragtag gangs of armed toughs.

Communists backed by Castro's Reds in Havana were out to take over the country in the confusion if they could. By week's end there were over 4,200 U.S. marines and

U.S. Army paratroopers in the Dominican Republic.

U.S. marines were making their first landing in the Caribbean area since 1926—nearly 40 years ago—when they landed in Nicaragua. U.S. occupation of the Dominican Republic, begun in 1916, had ended in 1924.

No U.S. troops had remained in any Latin-American country as combat troops since the Franklin D. Roosevelt Good Neighbor policy of 1934.

U.S. POLICY HARDENS

This time U.S. troops were moved into a position to block another Communist try for a take-over of a Latin-American government, as in Cuba.

The United States today is the possessor of immense military strength. That strength had been applied but rarely in recent years. There had been concern in the White House and in Congress over what might be said at home and abroad about the wider use of such power.

A Communist dictator, Fidel Castro, took over the island of Cuba, 90 miles from the United States, and remained there after defeating one U.S.-sponsored invasion effort. Powerful U.S. military forces were kept offshore on that occasion.

Mr. Johnson, his advisers indicate, now is determined to make it clear to the world that the withholding of U.S. power in key crises can no longer be counted upon by the enemies of the United States. This attitude in the White House has been brought about by growing concern over Communist aggression and Communist preparations for more subversion.

Of late, officials say, Communists have been growing bolder in Latin America. Assassination plots, apparently financed by Russian Communists using Italian Reds as their agents, were uncovered recently in Venezuela. Similar plots have been blocked in Colombia and Chile.

BIGGER RED ATTACKS AHEAD?

In Vietnam, as the month of May began, there was no real sign of a Communist willingness to talk peace on any terms other than a U.S. withdrawal—a virtual surrender of South Vietnam to the Communists. Communist forces in South Vietnam were reported gathering for large-scale attacks.

President Johnson already had met Communist attacks on American advisers in Vietnam by taking the tag of privileged santuary off Communist North Vietnam. Since February, U.S. bombers have been striking at carefully selected military objectives in the Communist-ruled country which is keeping the war in South Vietnam going.

As April ended, the highest officials in Washington set out to explain once again why Americans are fighting a war in far-off Vietnam. Dean Rusk, Secretary of State, on April 23 made a major address designed to clarify issues and explain American actions. On April 22 and 23 there had been background conferences, with officials not publicly identified, reporting on the war's progress.

It was in these conferences that officials made clear a readiness to use nuclear weapons if the Vietnamese war expanded to a point where such weapons were required. At present and in the immediate future, it was said, nuclear weapons were not needed nor was there any plan to use them. However, such weapons are near the battle areas.

M'NAMARA AND LBJ ON THE AIR

On April 26, Robert McNamara, Secretary of Defense, went on the air to give the American people an account of what has been happening in Vietnam. President Johnson, in a televised news conference on April 27, restated the U.S. position in Vietnam and reiterated the U.S. desire to talk peace. But the President also reported that he knew of no change in the Communist position. Mr. Johnson indicated he had drawn nothing but abuse from the Reds for his offer of negotiations and of a billion-dollar contribution to a peaceful development of southeast Asia.

All U.S. high officials made it plain that attacks may be carried deeper into Communist territory if North Vietnam and Red China throw more forces directly into this war.

It is in Vietnam, as the highest U.S. officials see it, that the U.S. now has determined to stand up to the first real test of a form of aggression which the Communists have given a new propaganda label: "wars of national liberation."

Wars so named by Communists are those conflicts or potential conflicts in countries where Communist elements are strong enough to dominate the groups standing in open opposition to a non-Communist government. This is a purely propaganda term—the revolt of Hungarians in 1956, for example, could not have been designated a "war of national liberation" by Communists because Communists were in control of the country which the rebels sought to liberate.

Fidel Castro's successful war to take over Cuba is called by Communists—in retrospect—a "war of national liberation" because, soon after his victory, Castro admitted he was a Marxist and placed Communists in positions of power.

PERFECT FOR LIBERATION

The conflict in Vietnam is regarded by the Communists as a perfect "war of liberation." The country is divided and guerrillas in the south are reinforced, supplied, and led by Communists from North Vietnam, backed by Red China. Since 1954, the U.S. has been advising and aiding the South Vietnamese while Communist North Vietnam and Red China have been mounting an attack on South Vietnam through support for the guerrillas there.

It is in Vietnam that the U.S. is taking a firm stand. It refused to halt bombing or withdraw U.S. troops so long as the Communists continued their aggression. Why is Vietnam chosen for such a stand?

Answer given by U.S. officials is that the U.S. has commitments to defend many countries of the world—commitments such as those the U.S. entered into in Vietnam 10 years ago. If Communists were allowed to win in Vietnam by a U.S. default, then Communist "wars of liberation" would be certain to follow in Thailand, the Philippines, in the Congo, in Venezuela—step by step, in many other countries of the world that look to the United States as an ally.

THE TIME IS NOW

Sooner or later, as Mr. Johnson sees it, such Communist tactics must be met and halted. Bigger war will certainly be a risk wherever this is done. For Mr. Johnson the time to put an end to such Communist wars is now, and the place is in Vietnam, in the Caribbean, or in any area where Communists try to take over new territory by military aggression or subversion.

[From U.S. News & World Report]

Full Story of Caribbean War: How Reds Plotted a Takeover

(When U.S. marines landed in Santo Domingo, Howard Handleman, of the staff of U.S. News & World Report, went in with them. But he'd been on the story long before that. Here, from the scene, is his inside report of events that led to crisis.)

SANTO DOMINGO.—This is the story of a Communist plot that turned into America's war in the Caribbean.

It started 6 months ago when mimeographed handbills began to appear, telling people how to make Molotov cocktails, how to build street barricades, plant bombs, how to seize arms. It advanced carefully, step by step.

And by April 28 the Dominican Republic was in chaos, Communist plotters were on the verge of seizing power. The first of thousands of American marines and paratroopers arrived to protect Americans and prevent this country from becoming a "second Cuba."

Two days later—on April 30—marines found themselves in a firefight with rebels in Santo Domingo. One marine was killed, at least six others wounded.

SUGAR PRICES A BIG FACTOR

The plotting began against a background of discontent on the part of the workers. Sugar prices have been low, and sugar is the base of the island economy.

This forced upon the President, Donald Reid Cabral, the need to impose a program of austerity. He acted to break a strike of sugarworkers. Businessmen were forced to deposit with the Government 40 percent of the cost of goods they imported.

At the same time, some high-ranking officers were fired from the army out of fear that there might be plotting against the regime.

The result is that businessmen, workers and key elements of the military all had become disgruntled.

Complicating the situation was the fact that the President was not a good speaker—he did not have the ability to go on television and radio and make a convincing argument in favor of the austerity he was trying to impose.

Communist leaders, aware of the discontent, speeded their plans.

Two weeks ago 52 trained Communist agents slipped into the country—32 of them from Castro's Cuba where they had been trained in guerrilla-warfare schools. The rest were from similar training schools in Russia, China, and other Communist countries.

Some came on forged passports. Others slipped in by boat at night.

IN TOUCH WITH BOSCH

Months before, the leaders of the plot had been working with Juan Bosch, former President who had been overthrown in September 1963, and had taken refuge in San Juan, P.R.

Bosch was not known as a Communist, but he knew that Communists were in on the plot to restore him to power, and he worked with them. All details for the revolt were being worked out in secrecy. Timing became the key element. Everything was in readiness.

On Saturday morning, April 24, action was taken to crack down on three colonels in the Army whom the Government suspected of disloyalty.

The colonels were ordered fired. Instead of accepting the order, the three officers seized and disarmed the Army Chief of Staff.

Communists found out about this half an hour after it happened. They managed to broadcast a report that the military was in revolt.

By some means, the plotters then got hold of the Government radio and television for 35 minutes and broadcast a false report that the regime of President Reid Cabral had fallen.

The broadcasters who appeared on the TV screen wore the beards and berets that are standard equipment of Castro Communists. They exhorted their listeners to take to the streets.

Every possible device was used to capitalize on the growing unpopularity of the Government. People started dancing in the streets. They were inspired, and led, by known Communists.

The President went on the air Saturday night to show that he still was in power. He told the people that loyal troops were surrounding the two camps in which there were disloyal colonels.

He announced that unless the disloyal elements surrendered by 5 o'clock Sunday morning, April 25, they would be attacked by Government forces.

It seems, however, that Brig. Gen. Elias Wessin y Wessin, a friend of the President's, had been convinced by the Communist-led mobs in the streets that this was a true uprising of the people. He failed to carry out the attack the President had ordered.

When the attack did not come, the Reds moved out in the open. Their months of careful plotting was triggered into action with split-second timing.

Arms began to be passed out to civilian toughs on Sunday. The three colonels, working with the Reds, had access to military equipment.

WHAT SOLDIERS DID

Lower echelons in the Army had been thoroughly infiltrated by the plotters, and they went over with the colonels to the Communist side.

Juan Bosch, in Puerto Rico, packed his bags on that Sunday and prepared to move back to Santo Domingo. Rebel forces, by then, had chased President Reid into the Israeli Embassy and were in control of parts of the city.

Before Mr. Bosch could make his move, dissension developed in the ranks of his supporters.

Mr. Bosch claimed the right to move back and serve out the unfilled portion of the term from which he had been ejected. Others in the group insisted that new elections be held.

WHEN REDS MOVED IN

While the squabbling went on, the Communists took over the uprising. Something close to panic spread through the ranks of the non-Communists among the plotters.

The Air Force, most of the Navy and some elements of the Army—as well as Santo Domingo's 10,000 armed police—remained loyal to the Government.

Gen. Wessin y Wessin had led the move that overthrew Bosch in 1963 and was not ready to accept his return.

Fighting between the loyal troops and the rebels became intense. Casualties were high on both sides.

By Monday, some followers of Juan Bosch were seeking asylum in foreign embassies. The open takeover of the rebel movement by Castro-type Communists proved more than they were willing to accept.

There were defections from the Communist cause, too, by some of the Army officers when they discovered that what they had thought to be a true uprising against an unpopular Government was, in fact, a Red move to take power.

By this time rebel leaders and Communists had fanned out through the city, distributing rifles, Molotov cocktails, other weapons to aroused civilians.

Many thus armed were known Communists.

As for the others, the armed, trigger-happy populace offered the sort of civilian unrest that Communists always hope to capitalize on.

Those in the rebellion ranged all the way from known Communist agents—carbon copies of Castro's revolutionaries—to bands of criminals intent on looting. Many wore the green fatigue uniforms popular with Castro Communists.

The violence that spread through Santo Domingo gave the appearance of utter chaos. Actually, it was cut to a standard Communist pattern.

Bands of young toughs—called "tigers"—roamed the streets, carrying burp guns and other weapons. Others sat on rooftops, sniping.

TO THE WALL

Victims were dragged from their homes and shot down while angry mobs shouted, "To the wall"—the same cry that marked the mass executions in Cuba in the early days of Fidel Castro. The assassinated Dominicans were dumped into crude graves right at the execution spots.

Anti-Communist pilots of the Dominican Air Force added to the toll with their strafing and bombing attacks on rebel strongholds in the capital. The rebels tried to stop the air attacks by putting the families of the pilots out in the streets where they became targets.

Much of the gunfire appeared to be for no other purpose than to terrorize the city. There were reports of bands of young rebels dashing through the streets spraying shots wildly from their machine guns and rifles.

The result was chaos.

On Tuesday, April 27, there seemed to be a turn against the rebels and a lull in the fighting. But it was misleading.

That day, the U.S. Ambassador, W. Tapley Bennett, visited the Presidential Palace. He found it largely deserted. The rooms were strewn with wreckage.

The island now was without any effective Government. Anarchy prevailed in Santo Domingo.

American citizens, in this period, began to be in real danger.

On Wednesday, April 28, civil order broke down completely.

Two to three hundred armed rebels stormed into the Ambassador Hotel, where 1,100 Americans and some other foreigners were awaiting evacuation.

The rebels seized many of the Americans, separated the men from the women and children, marched them off out of sight of their families, fired shots over their heads. The purpose was terror. Ambassador Bennett asked for marines to protect the lives of U.S. citizens, after Dominican military leaders had told him they could no longer guarantee the safety of Americans.

Among the Americans on the island at the time were many tourists, a University of Michigan jazz band, and delegates to a brewers' convention.

ADVANCE WARNING

Two weeks before the Ambassador called for protective troops, the U.S. had learned through intelligence sources that trouble was impending in the Dominican Republic. The United States had moved the aircraft carrier *Boxer*, with a contingent of 1,100 marines, to a point within easy reach of the island.

On Thursday, April 29, the marines—first of thousands of U.S. troops—came in by helicopter.

The announced purpose of the landing was to protect American lives and to help with the evacuation of foreigners.

Actually, the United States seemed to have made up its mind that it would not permit another Cuba on its doorstep.

On Thursday the fighting had become heavy. The U.S. Embassy was fired upon. Marine guards returned the fire. Several rebel snipers were killed.

The war, itself, became more intense in the city, but the countryside outside Santo Domingo seemed quiet.

In the capital, the well-armed rebels had concentrated their attack on the 10,000-man police force. One estimate was that hundreds of police were killed in the first 3 days of fighting.

The Communists captured Radio Patrola, the police network station. That made it almost impossible for officers to direct police reinforcements to areas where they were needed most.

The rebels fought in small, roving bands, but they were well armed.

At the time they attacked the American Embassy they also shot up five other embassies—those of Mexico, El Salvador, Guatemala, Peru, and Ecuador.

There was no mistaking the Communist pattern of the revolution. One worried diplomat told me:

"All types of Communists are in this thing—Peiping Communists, Moscow Communists, and Castro Communists."

By Thursday night most of downtown Santo Domingo was in the hands of the rebel forces. By then, they had seized the international telephone exchange. Estimates of the dead and wounded passed the 2,000 mark. United States flew in 15,000 pounds of medical supplies.

By Friday, April 30, the United States had built up to a total of 4,200 American fighting men—1,700 marines and 2,500 paratroopers of the Army's 82d Airborne Division.

There was no slowing in the fighting. At noon on Friday a marine armored column drove into the heart of the city to seal off a zone around the American Embassy, and drew rebel fire. The marines had their first casulties.

The State Department announced that "law and order has ceased to exist" and it was clear now that the United States was prepared to take any action necessary.

Said a high-ranking U.S. naval officer: "It is our intention to prevent a Communist takeover."

[From U.S. News & World Report]

COMMUNIST STRATEGY FOR LATIN AMERICA

SAN JUAN, P.R.—What follows is based on top intelligence reports:

The speed with which the Communists moved in on the Dominican revolt is added evidence of a new and major subversion campaign by the Reds in Latin America.

Chief Communist targets in the hemisphere are Venezuela, Colombia, and Guatemala.

Second priority, according to analysts, goes to such countries as Panama, Paraguay, Peru, and Haiti.

While the Reds are making less-concentrated efforts in other countries, they hope to capitalize on any opportunity presented by recurrent political upheavals.

The new campaign of subversion is pointed up by two recent events—a Communist-backed assassination plot in Venezuela, and increasing influence of Castro Communists among back-country bandits in Colombia.

MONEY FROM MOSCOW

Venezuelan police, on April 10, arrested an Italian man and two women and accused them of trying to smuggle $330,000 into the country to finance a revolt and of attempting to kill President Raúl Leoni.

Investigation showed the money traveled a circuitous route—reaching Caracas by way of Rome, Prague, and Moscow, where it had originated. The Italian Communist Party, acting as intermediary, supplied the couriers.

Inside Venezuela, the conspiracy involved local Reds, foreign Communists, some members of the armed forces and some conservative businessmen who opposed the social and economic changes being pushed by the Leoni government.

Though the plot involved both Rightists and Reds, investigators say the Communists clearly were the masterminds.

In Colombia, Castro Communists have joined up with bandits who have been plaguing the country for years.

Until recent months, the sporadic violence was annoying, but not a dangerous challenge to the Bogotá government. Now things have taken a new turn. Violence is on the increase, and is linked to a wave of kidnapings that appear to be an effort to raise funds for Communist subversion. There has been an average of one kidnaping every 3 days this year. The latest took place on April 27 with seizure of a prominent industrialist from his ranch 240 miles from Bogotá.

Colombia authorities say that, for the first time, the backlands guerrillas appear to be getting arms and money from outside the country. Also, the guerrillas have been organized into units by agents who claim to represent the liberation forces of Castro Communists.

A U.S. Central Intelligence Agency report to Congress in mid-April stressed the continuing danger of Communist efforts to overthrow Latin-American governments. The CIA report said Cuba spent more than a million dollars supporting subversion in Venezuela from 1960 to 1964. Other sizable sums were sent to Guatemala, Panama and El Salvador.

At the time of the Dominican upheaval, intelligence authorities say, special groups from at least 10 other Latin American nations were in Cuba for training in subversion and guerrilla tactics.

[From the Vision Letter, Mar. 3, 1965]

Here is the outlook as seen from Havana:

Venezuela: This is still considered target No. 1. Venezuela's guerrillas are the largest and best organized in the hemisphere, calling themselves Fuerzas Armadas de Liberación Nacional. The FALN has the two ingredients that carried Castro to power in Cuba—an enduring guerrilla force in the mountains and a territorist machine in the cities. Early this week, as an example, uniformed guerrillas toting machineguns took over the town of Turugual, in the state of Falcón, destroyed all government documents, held a revolutionary songfest in the streets, then faded away before federal troops could arrive.

Colombia: Next in order of possibilities is Colombia, which has a long history of guerrilla activity and backland chaos, rugged topography which makes pursuit and communications difficult, and proximity to Venezuela. Backland violence in the past was at first politically motivated, then later degenerated into simple banditry. Recently, however, a Castro-style band of more than 50 youths mounted an armed attack on the town of Simacota, in Santander (the Vision Letter, January 13), and promised more of the same. Colombian officials, who in recent years had made considerable headway in knocking out banditry, are nervously awaiting developments.

Guatemala: The next most likely prospect, Guatemala also has a long history of guerrilla activity. The rebels are led in the countryside by former army lieutenant Marco A. Yon Sosa, who operates in the woods and hills of the north, where population is poor and sparse. Last month the rebels threatened to carry the fight to the capital, and there were two incidents in a matter of days—an attempt to kill a U.S. military attaché and a grenade thrown under an army truck. A state of siege was declared and the lid clamped tightly on Guatemala City, but the game is not over. The night before the state of siege went into effect pamphlets were distributed in the capital warning that the "movement of reprisals" against the military was beginning.

Honduras, Haiti, and Paraguay are also thought ripe for "wars of liberation." These nations all have dictatorial regimes and fairly recent incidents of armed antigovernment activity. If local leftist firebrands can get something rolling, they will receive heavy propaganda support and leadership training from Havana, but few arms. According to the teachings of Che Guevara, guerrillas should not become accustomed to outside arms. Above all, Castro will only help those subversives who help themselves.

What chance do the Castro followers really have of taking over any of these countries? For the time being, it is felt, almost none. Colombia and Venezuela both have democratic governments and, despite difficulties, are attempting to cope with national problems. The guerrillas so far lack the one essential component for success—the support of the masses. What they can do is to stay alive and active, waiting for the time when democratic government may turn sour. Then, they assume, the popular support will swing their way.

[From the New York Times, May 3, 1965]

DOMINICAN TROOP BUILDUP

In ordering several thousand more marines and paratroopers into Santo Domingo Saturday night, President Johnson reiterated that their sole mission was to protect and evacuate endangered Americans and other foreign nationals. Last night the President went on television to confirm what Congressmen and correspondents in Washington had been told privately from the start of the Dominican rebellion—that the primary aim of the United States military involvement is to prevent "another Cuba."

Thus, the official explanation has finally caught up with the one consistently given by authoritative administration briefings. The President now tells the Nation that the revolt began as "an action dedicated to social justice" but it took a sinister turn when Communists seized control.

What remains unexplained is why no slightest expression of sympathy for the revolt's aims came from Washington in the period when the massing of American troops was decided upon. The clear effect of their influx was to strengthen the ruling military junta in its efforts to block the restoration of Juan Bosch as President. In a television interview taped on Saturday, Professor Bosch, who is no Communist, said that the revolt had been won until Washington intervened. He vehemently denied that the Communists exercised any position of control.

The President's unwillingness to see another Communist state established in this hemisphere will command national support. But the question that needs a much clearer answer is whether a rightwing dictatorship in Santo Domingo has not traded on United States fears of Communism to preserve its power in a country still scarred by three decades of brutal repression under Generalissimo Trujillo.

Restoring political stability in the Dominican Republic is the rightful responsibility of the Organization of American States. This responsibility has been acknowledged by President Johnson; it is being exercised by the OAS through its dispatch of a five-man mediation mission to Santo Domingo. If that delegation finds a need for an inter-American peace force to help maintain a cease-fire or to ward off subversion, the OAS is the proper instrumentality for bringing the peace force into being.

The massing of American marines and paratroopers in ever-increasing numbers already has stirred bitter recollections throughout Latin America and the world of the excesses of "gunboat diplomacy." A unilateral decision to assign these troops an active role in helping the Dominican military junta put down the revolt would run counter to all the principles of "progress, democracy, and social justice," for which Mr. Johnson appealed in his televised remarks Friday evening.

Such an abuse of our strength would do more to spread Communism in this hemisphere than the Castroite agents it was directed against. As the President repeatedly pointed out in the 1964 election campaign, the United States cannot bulldoze its way to security, nor should it try. The inter-American system, to which the President has pledged full support, is our best assurance—and the hemisphere's.

[From the Wall Street Journal, May 3, 1965]

FROM SAIGON TO SANTO DOMINGO

Naturally the United States is being excoriated in many parts of the world, including some quarters in the United States, for its intervention in the Dominican Republic, and in many ways the outcry is interestingly similar to that raised over present American policies in Vietnam.

It's true enough that it has been a long time since the United States actually landed troops in a Latin American nation in an apparent effort to help shape its governmental form as well as protect U.S. citizens. It's true that the Dominican situation is not, shall we say, exactly crystal-clear, even after a week of fighting and various kinds of diplomatic activity. For all anyone positively knows, the savage civil war may be merely one more episode in the long Latin tradition of gory grabs for personal power.

What nonetheless seems plain is that the supporters of former President Juan Bosch—those who started the revolution—include many Communists, perhaps mostly of the Cuban persuasion, and that Gen. Wessin y Wessin, who had been trying to put down the revolution, is strongly anti-Communist. In other words, the U.S. Government last week faced not only a threat to the safety of Americans in the Dominican Republic but also the evident threat of another Cuba in the hemisphere. This consideration, it seems to us, overrides the numerous and sometimes hysterical objections.

One objection is that, if the United States should have done anything at all, it should not have done it unilaterally. Washington of course, did turn immediately to the Organization of American States, which yesterday dispatched an investigating committee to the island. And the United States did inform the United Nations, where the Security Council is supposed to meet today. Unfortunately, events do not always permit waiting the outcome of diplomatic deliberations, even if it could have been realistically assumed that the upshot would be concerted action.

Another objection is that intervention in the affairs of a sovereign nation infringes treaties or understandings among the hemispheric nations. This complaint also squares but imperfectly with the realities.

The Dominican Republic has had an unhappy history, including decades of misrule by the dictator Trujillo. It is sad but true it has had scant acquaintance with self-government or the meaning of nationhood. In the post-Trujillo period the United States has tried hard to help the nation not only along the paths of democracy but toward true sovereignty; now the Dominican Republic is the victim of what certainly seems, at least in part, indirect aggression from without. We for one do not believe the United States should stand idly by in the face of such a threat.

But the case for intervention in such situations goes deeper, and it covers some points the querulous critics—those, that is, who are not outright Communists—never seem to get.

Though the Communist world is indeed in disarray these days, its components haven't lost interest in fomenting Communist revolutions. Neither the Sino-Soviet split nor resurgent nationalism in the European satellites prevented Khrushchev from planting missiles in Cuba. Neither the Sino-Soviet split nor any of Red China's other troubles prevents that belligerent regime from sponsoring aggression against South Vietnam.

Indeed, if there is one thing the world's Communists still are united on, it is on old Khrushchev's double-talk about supporting "just wars of liberation." That means that the Soviets, for their part, seemingly feel themselevs blocked by the United States from major conquests such as taking over Europe; consequently they turn considerable attention to warmaking wherever it seems profitable in Asia, Africa, and Latin America. Anyone who thinks the other Communist movements don't agree with the Soviets on that proposition is not seeing what is actually happening in the world.

That is the condition confronting the United States from Saigon to Santo Domingo, and probably for a long time to come—a host of more or less little wars aimed at conquest for the banner of communism and troublemaking for the West. To the extent feasible, and always reversing the freedom not to engage our forces in hopeless military circumstances, the United States should discourage this activity and endeavor thus eventually to tame the Communists. In ultimately restraining Communist belligerence, not in appeasement, lies by far the best hope of genuine peace.

The United States is pursuing that purpose in Vietnam, no matter how many mistakes it has made or yet may make. It most emphatically must be its purpose in its own neighborhood, the Western Hemisphere, even if its efforts in the Dominican Republic fail to bring good government there.

The United States should not have allowed a Communist Cuba to happen, and communism's victory in that nation remains unfinished business for the United States. It should not allow, insofar as it can act effectively, through diplomacy if possible but not excluding force if necessary, communism to be exported elsewhere, whether to Brazil, British Guiana, or the Dominican Republic.

What, we may ask the complainers, is the alternative? Whatever they or much of the world may think, we believe most Americans at any rate consider it right and proper to seek to keep the United States from Communist encirclement.

Mr. MILLER. Mr. President, I yield briefly to the Senator from Rhode Island.

PRINTING OF ADDITIONAL COPIES OF HEARINGS BEFORE JOINT COMMITTEE ON ATOMIC ENERGY

Mr. MANSFIELD. Mr. President, I send to the desk out of order a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 105) submitted by Mr. PASTORE, as follows:

Resolved, That there be printed for the use of the Joint Committee on Atomic Energy eight hundred additional copies of Part 1 of the hearings held by that Committee on Atomic Energy Commission authorizing legislation, fiscal year 1966.

Mr. PASTORE. Mr. President, I discussed this resolution with the distinguished majority leader and the assistant to the minority leader, and it has been cleared on both sides.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

THE VETERANS BENEFITS AND INCREASED SOCIAL SECURITY BENEFITS

AMENDMENT NO. 139

Mr. MILLER. Mr. President, I send to the desk an amendment to H.R. 6675, now pending before the Committee on Finance, and ask that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER. Without objection, the amendment will be received and appropriately referred; and, the amendment will be printed in the RECORD at this point.

The amendment was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

On page 266, after line 22, add a new section 328 to title III of said Act as follows:

"INTERRELATIONSHIP BETWEEN VETERANS' BENEFITS AND INCREASED SOCIAL SECURITY BENEFITS

"SEC. 328. (a) Section 503 of title 38, United States Code, is amended by inserting '(a)' after '503', and by adding at the end thereof the following:

"'(b) Notwithstanding the provisions of subsection (a), in the case of any individual—

"'(1) who, for the first month after the month in which the Social Security Amendments of 1965 is enacted, is entitled to a monthly insurance benefit payable under section 202 or 223 of the Social Security Act,

"'(2) who, for such month, is entitled to a monthly benefit payable under the provisions of this chapter, or under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, and

"'(3) whose insurance benefit referred to in clause (1) for any subsequent month is increased by reason of the enactment of the Social Security Amendments of 1965,

there shall not be counted, in determining the annual income of such individual, so much of the insurance benefit referred to in clause (1) for any subsequent month as is equal to the amount by which such insurance benefit is increased by reason of the enactment of the Social Security Amendments of 1965.'"

Mr. MILLER. Mr. President, the purpose of this amendment is to take care of a defect which is present in the bill The defect is that social security pension increases are being provided for, but the result is that that it will cause a diminution in some veterans pensions because of the present law.

We encountered a similar problem last year when similar legislation was pending before us.

My amendment is patterned after an amendment which the Senate saw fit to agree to last year to prevent this inequity from occurring.

AMENDMENT NO. 140

Mr. MILLER. Mr. President, I send to the desk another amendment to H.R. 6675, and ask that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER. The amendment will be received and appropriately referred; and, the amendment will be printed in the RECORD at this point.

The amendment was referred to the Committee, on Finance, and ordered to be printed in the RECORD, as follows:

Strike out lines 13–22 on page 218 of the act and insert in lieu thereof the following:

"INCREASE IN ANNUAL AMOUNT INDIVIDUALS ARE PERMITTED TO EARN WITHOUT SUFFERING DEDUCTIONS FROM BENEFITS

"SEC. 310. (a)(1) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out '$100' wherever it appears therein and inserting in lieu thereof '$150'.

"(2) The first sentence of paragraph (3) of subsection (f) of section 203 is amended by striking out '$500' each place it appears therein and inserting in lieu thereof '$600'.

"(b) Paragraph (1)(A) of subsection (h) of section 203 of said Act is amended by striking out '$100' and inserting in lieu thereof '$150'.

"(c) The amendments made by subsections (a) and (b) shall apply with respect to taxable years ending after December 31, 1965.

"(d) In addition to all sums which are authorized to be appropriated to the Federal old-age and survivors insurance trust fund under other provisions of law, there are hereby authorized to be appropriated to such fund, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1966, and for each fiscal year thereafter, such sums as may be necessary to place such fund in the same financial position as that which it would have occupied if the preceding subsections of this amendment had not been enacted."

Mr. MILLER. Mr. President, the amendment is designed to increase the amount of earnings which social security pensioners may have before they are penalized by a reduction or elimination of their social security pensions. I suggest that the provision now contained in H.R. 6675 is not as equitable as it should be.

My amendment, which is patterned after my bill, S. 1608, would provide that there would be no reduction in social security pensions until a pensioner earns in excess of $1,800 a year, and that the loss of pension money on a dollar-for-dollar basis not occur until the amount of earnings reaches $2,400 a year.

The present bill would provide for a penalty being levied before the earnings reach $1,800 a year. It seems to me that in light of the present inflationary status of wages and pensions, the least we could do would be to provide for no penalties being levied until after the earnings had reached a $1,800 a year.

AMENDMENT NO. 141

Mr. MILLER. Mr. President, I send to the desk another amendment to H.R. 6675 and ask that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER. The amendment will be received and appropriately referred, and the amendment will be printed at this point in the RECORD.

The amendment was referred to the Committee on Finance and was ordered to be printed in the RECORD, as follows:

On page 169, line 9, add a new subsection (g) as follows:

"That section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increase in Benefits

"(v)(1)(A) For purposes of this subsection—

"(i) the term 'price index' means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(ii) the term 'base period' means the calendar year 1964.

"(B) For purposes of determining under this subsection the per centum of increase (if any) of the price index for any year over the price index for the base period, the price index for the base period shall be regarded as 100 per centum.

"(2) As soon after January 1, 1966, and as soon after January 1 of each succeeding year as there becomes available necessary data from the Bureau of Labor Statistics of the

Department of Labor, the Secretary shall determine the per centum of increase (if any) in the price index for the calendar year ending with the close of the preceding December over the price index for the base period. For each full 3 per centum of increase occurring in the price index for the latest calendar year with respect to which a determination is made in accordance with this paragraph over the price index for the base period, there shall be made, in accordance with the succeeding provisions of this subsection, an increase of 3 per centum in the monthly insurance benefits payable under this title.

"(3) Increases in such insurance benefits shall be effective for benefits payable with respect to months in the one-year period commencing with April of the year in which the most recent determination pursuant to paragraph (2) is made and ending with the close of the following March.

"(4) In determining the amount of any individual's monthly insurance benefit for purposes of applying the provisions of section 203(a) (relating to reductions of benefits when necessary to prevent certain maximum benefits from being exceeded), amounts payable by reason of this subsection shall not be regarded as part of the monthly benefit of such individual.

"(5) Any increase to be made in the monthly benefits payable to or with respect to any individual shall be applied after all other provisions of this title relating to the amount of such benefit have been applied. If the amount of any increase payable by reason of the provisions of this subsection is not a multiple of $0.10, it shall be reduced to the next lower multiple of $0.10."

SEC. 2. In addition to all sums authorized under other provisions of law to be appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to each of the aforementioned funds, for the fiscal year ending June 30, 1966, and for each fiscal year thereafter, such sums as may be necessary to place each of such funds in the same financial position as that which it would have occupied if the preceding section of this Act had not been enacted.

Mr. MILLER. Mr. President, this amendment is designed to do for social security pensioners what Congress did for civil service retirees in 1962.

As we all know, there is a provision in the present House-passed bill for social security pension increases in the amount of 7 percent. That would take care of the social security pensioners insofar as the reduction in the purchasing power of their pensions is concerned over the past several years. But what about the future?

Actually, if we were to pass this part of the bill, the social security pensioner would not be in any better shape so far as his purchasing power is concerned than he was back in 1954. So it is quite apparent that, because of the inflation which has been occurring, it is necessary for Congress to do something about the situation so that the social security pensioners who rely, in whole or in part, upon their pensions can react to the increases in the cost of living.

What happens after this occurs? It is quite apparent that as long as Congress is to persist in multibillion-dollar deficit spending year after year, we shall have a continued increase in the cost of living, continued inflation, and continued reduction in the purchasing power of social security pensioners.

Congress faced up to this fact in 1962 in the case of civil service retirees. Congress provided at that time that when there was a 3-percent increase in the retail price index, the civil service retirees should receive an automatic 3-percent increase in their pensions.

My amendment, if it were agreed to, would do the same thing for social security pensioners, so that if the 7-percent increase were to become law with respect to future increases in the retail price index, or 3 percent, our social security pensioners would automatically receive an increase in their social security pensions in the amount of 3 percent.

There is another angle involved in my amendment, and that concerns the financing of these increases.

I am sure that my colleagues are aware of the fact that the Social Security System is in very bad shape. It is in bad shape to the extent of being approximately $320 billion unfunded. The only way in which that can be taken care of is by taxing future entrants into the system more than the benefits they can ever hope to receive. The way to prevent the situation from becoming worse is to provide for cost-of-living increases to come out of the general fund of the Treasury. My amendment would provide for this.

In this connection, there is an excellent article, entitled "Robbing Peter," in the April 26 issue of Barron's, written by Shirley Scheibla, a columnist for Barron's. It is a critical look at the pending social security bill. Not only is it replete with statistics, most of which were apparently obtained from social security officials, but it points out in graphic form what the passage of the pending H.R. 6675 would do to the younger generations of America.

It points out that the older generations, those retired, will, of course, be delighted with the increased benefits, but the poor young folks, many of whom have not yet had an opportunity to vote, will feel an additional blow, because not only will they have to pick up the tab of $320 billion of unfunded social security benefits Congress has placed upon their backs, but with the passage of H.R. 6675, there will be another $40 or $50 billion dollars added to that load.

It seems to me that anyone who is really interested in the future of our young people ought to read this article by Shirley Scheibla; and I ask unanimous consent that it be placed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROBBING PETER—A CRITICAL LOOK AT THE PENDING SOCIAL SECURITY BILL

(By Shirley Scheibla)

WASHINGTON.—"Because social security recipients have been getting benefits 10 times as great as what they have paid in, people seem to think we have a special machine here which turns out $10 bills for $1 bills," says a top official of the Social Security Administration.

Since the SSA possesses no such wondrous device, it is counting on future contributions in excess of benefits to make ends meet for its old-age, survivors, and disability insurance. The present benefits-contributions ratio will grow even more unfavorable if the Senate enacts the social security bill, H.R. 6675, recently passed by the House.

Th benefit-payment ratio for persons already retired obviously is responsible for much of the enthusiasm for the bill, which contains not only medicare but also a 7-percent increase in cash benefits. Retirement contributions, however, have been stepped up even more.

PUBLIC IGNORANCE

Says one official: "Continued general support for the social security system hinges on continued public ignorance of how the system works." He adds: "I believe that we have nothing to worry about because it is so enormously complex that nobody is going to figure it out."

Barron's hereby takes on the job.

The SSA worked up the following table, which purports to show that benefits in every age group exceed contributions.

	Retiree age 71	Worker now age 50	18-year-old future worker
Total contribution	$1,290	$5,832	$10,212
Retirement benefits	13,422	14,094	14,205
Wife's and widow's benefits	9,363	9,831	9,909
Total benefits	22,785	23,925	24,114

The table warrants close scrutiny. Based on maximum contributions and benefits, it includes only amounts paid by employees, even though employers pay matching amounts for their benefit. It also excludes interest which the money could have earned for the contributors if it had not been tied up in social security funds.

This approach, however, is far from realistic. To cover the true situation, the table would obviously have to include both interest and the employer's contribution. Starting with the 71-year-old retiree, and calculating interest at 3 percent (approximately the average national rate during the period of his contributions) would produce a figure of $3,373, against benefits of $22,785. Actuarially, he can expect to live to 79 to collect this amount. The 7-percent increase in cash benefits under H.R. 6675 would raise his benefits to $24,379. His contributions, of course, would not thereby increase, since he no longer makes any.

As for the 50-year-old worker, by including the employer contribution and interest at 3 percent during 1960 and 4¼ percent thereafter (again, the national average for the period) his total payments come to $22,856, against benefits of $23,925—if he lives long enough. The actuarial table used by the Internal Revenue Service for taxing annuities indicates he can expect to live to only 75½, whereas SSA has assumed he will live to 79.

The new bill would require this worker and his employer to contribute an extra $4,240 for retirement. At the same time, the bill's 7-percent increase in cash benefits would mean an extra $1,667 for him. Thus, if H.R. 6675 becomes law, the 50-year-old worker can expect to make contributions of $26,012, including interest, against benefits of $25,592.

As for the 18-year-old, including the employer's contribution and figuring interest at 4¼ percent for the latter's 46-year working life (assumed by SSA) gives a total of $61,596, against $24,114 in benefits. For this contribution the worker could purchase from a private company a monthly annuity of $463 for life, after retirement. His maximum benefit under social security would be $25 a month.

MONTHLY ANNUITY

Under the new bill, H.R. 6675, employer-employees retirement contributions for the 18-year-old, with 4¼ percent interest, would come to $84,300. The 7-percent increase in cash benefits would bring the latter to only $25,802. For this amount, the worker could purchase from a private company a monthly annuity of $634 for life. His maximum benefit under social security would be $312 a month.

The benefits figured may be high under both present law and the pension bill because SSA has assumed the youngster will retire at 67 and live to the ripe old age of 79. But the Internal Revenue Service actuarial table assumes that an 18-year-old today can expect to live to only 71.9, SSA in any case, has adopted a policy of robbing Peter to pay Paul.

Obviously, those who are urging Congress to be still more generous are thinking chiefly of people already retired or close to retirement. Few of these enthusiasts realize, however, that OASDI has been in operation for only 28 years and that therefore no one has paid social security taxes for his whole working life of 46 years. The system took in an additional 10 million people as recently as 1951, when new legislation covered farm and domestic workers. Another 7½ million members were added only 10 years ago, when coverage was extended to some self-employed. H.R. 6675 would take in still others, including waiters and additional professional workers.

A REAL BONANZA

For the 20 million retirees collecting today, social security is a real bonanza. For those who turned 65 a few years after entering the system, it represents a windfall. For new workers, however, today's largesse will be a crushing burden because, in order to pay Paul, SSA must rob Peter.

Neither SSA officials nor members of the Ways and Means Committee make any bones about the prospect that future contributions will pay the bill. This, they point out, is the great difference between social insurance and private pension plans. The latter should have enough in the till to fulfill all obligations without counting on any new entrants. But under a compulsory system, the experts explain, they can count on the taxes on new workers coming into the system. SSA officials insist that an employer's social security taxes are "for the social good," not for the individual good of the worker on whose earnings they are based.

Whether SSA will be able to sell this idea remains to be seen. Ray M. Peterson, vice president and associate actuary of the Equitable Life Assurance Society, has his doubts. Says he: "We may expect from sophisticated, market-oriented employers and from labor union experts increasing dissatisfaction with the disparity between what OASDI promises and what could be secured under a private plan."

Some dissatisfaction already is becoming apparent. Students at Northern Illinois University have formed a Young Citizens Council, to combat exploitation of young taxpayers under the social security program. Commented the Chicago Tribune, "They think it only fair that the young taxpayer who is getting set on a job and starting to raise a family should pay lower social security taxes than older persons who have to pay only a few years before they start receiving benefits."

Nobody knows the exact debt young workers will have to pay. Back in 1962, when the SSA last figured out its unfunded liability for OASDI, it totaled $321 billion. Now the experts think it may come to $330 billion or more. Just for present members, according to SSA officials, passage of H.R. 6675 would mean an additional liability of $40 to $50 billion for increased cash benefits and another $35 billion for medicare.

At the end of last year the old-age and survivors insurance trust fund totaled $19.1 billion, compared with a high of $22.5 billion 8 years ago.

The story is even worse for the disability insurance fund. When Congress created it in 1956 to finance disability payments, authorized then for the first time, much was made of the fact that the disability insurance fund was set up separately from the OASI fund. Congress developed a habit, however, of enlarging disability benefits more than it enlarged the fund. Last year disbursements exceeded receipts by $188 million, and the fund shrank to $2 billion at the end of the year. By 1969, under present law, it is expected to fall to $81 million.

The following table shows how the combined unfunded liability has increased since 1956:

[In billions]

	Taxes plus trust funds	Value of benefits	Unfunded liability
1956 act	$217	$486	$269
1958 act	254	543	289
1960 act	276	587	311
1961 act	304	625	321

INCREASED BENEFITS

The unfunded liability has risen even though both the tax rate and the taxable earnings base have grown over the years. One difficulty, of course, is that each time Congress raises contributions, it also increases benefits.

When the system started out in 1937, the maximum earnings base was a mere $3,000, and employer and employe each paid a tax of 1 percent. The rate was to go up to 1½ percent each in 1940, to 2 percent in 1943, 2½ percent in 1946 and 3 percent in 1949. To reduce the burden of social security during World War II, however, Congress temporarily suspended the scheduled increases. By 1950 the combined tax went to 3 percent, and the following year the base went up to $3,600. In 1954 the rate rose to 4 percent, and the following year the base rose to $4,200. In 1956 Congress provided for the first cash benefits for disability, and the following year the rate went up to 4½ percent. In 1959 the rate became 5 percent, and the base $4,800. The next year the rate increased to 6 percent. Another quarter percent was added in 1962. In 1963 it went up to 7¼ percent.

Congress has always felt that the tax rate must not exceed 10 percent. This ceiling, however, has been pierced in H.R. 6675. The following tables show what would happen to the combined tax rate and maximum contributions, under present law and under H.R. 6675.

Combined employer-employce contribution

[Percent]

Year	Present law	H.R. 6675	(1)
1965	7.25	7.25	
1966	8.25	8.70	0.70
1967	8.25	9.00	1.00
1968	9.25	9.00	1.00
1969–70	9.25	9.80	1.00
1971–72	9.25	9.80	1.00
1973–75	9.25	10.70	1.10
1976–79	9.25	10.80	1.20
1980–86	9.25	11.00	1.40
1987 and after	9.25	11.20	1.60

[1] Portion of H.R. 6675 tax required for basic health insurance program.

Combined maximum contributions

Year	Present law	H.R. 6675 without medicare	H.R. 6675 with medicare
1965	$348.00	$348.00	$348.00
1966	396.00	448.00	487.20
1967	396.00	448.00	504.00
1968	444.00	448.00	504.00
1969–70	444.00	492.80	548.80
1971–72	444.00	580.80	646.80
1973–75	444.00	633.60	706.20
1976–79	444.00	633.60	712.80
1980–86	444.00	633.60	726.00
1987 on	444.00	633.60	739.20

Even these contributions do not assure the actuarial soundness of social security. In its last annual report, the board of trustees figured things out on the basis of high, low and intermediate cost estimates, and on both a 75-year and perpetuity basis.

On a high-cost and perpetuity basis, benefits will come to 10.83 percent of payroll, and contributions will total 9.11 percent, producing an actuarial imbalance of 1.72 percent. On the intermediate cost estimate, however, contributions will total 9.11 percent and benefits 9.35 percent, leaving an imbalance of .24 percent, just within the limit of 0.25 percent which Congress has considered acceptable. Figured on a 75-year rather than a perpetuity basis and on intermediate costs, contributions will total 9.10 percent and benefits 9.09 percent, leaving the miniscule positive balance of .01 percent. With low costs and a 75-year basis, it is possible to show a positive balance of 1.13 percent. The figures, in short, can be juggled to show whatever one wants.

The Ways and Means Committee has chosen the figures which show a positive balance of .01 percent. It says H.R. 6675 would shift this "to a lack balance of 0.08 percent, which is below the established limit within which the system is considered substantially in actuarial balance."

However, if the past is any key to the future, contributions will have to rise and liberalizing of benefits will follow, in a dizzy spiral. As employers' social security payroll taxes go up, their operating costs will rise. With increasing amounts deducted for social security, employees are likely to ask for wage increases to maintain their take-home pay. Faced with these twin developments, employers probably will raise prices. With higher prices, however, social security checks won't go so far, and beneficiaries again presumably will pressure Congress to boost monthly benefits.

In H.R. 6675 Congress seems to feel that it can slow down this process by giving up financing solely through social security taxes for persons over 65 who are not eligible for medicare benefits from the general funds of the Treasury. The latter also would be used to match $3 monthly benefits; it would finance voluntary contributions from persons over 65 who want insurance to cover doctor bills.

Some observers feel that the introduction of general government contributions is the first crack in the dike of financial controls maintained by payroll taxes. They expect some future Congress to decide that if workers and employers object to more than a 10-percent levy, the Government could keep on liberalizing social security and make up the difference from the Treasury's general funds.

SSA officials maintain, however, that there is a limit to how much the social security system can obtain from the latter source without necessitating an increase in the income tax.

The Ways and Means Committee has made much of the fact that H.R. 6675 sets up a separate fund for medicare benefits. Rep.

Gerald R. Ford, Republican of Michigan, contended during the floor debate on H.R. 6675, however, that the trust funds will not be inviolate. "I need only point out to you that in this bill now before us is a provision increasing the allocation of funds to the disability trust fund to the detriment of the OASI fund," he declared.

Congress is as aware as anyone that there is no such thing as a free lunch—or free retirement or medical benefits. It is, however, much more concerned with the voters of today than with the youngsters who will pay their bills in the future.

This is an appropriate time, then, to recall what the Ways and Means Committee said 10 years ago: "We should take sober warning that, in our zeal to provide ever greater benefits and to provide against an ever wider area of need, we do not destroy the very system which we have created."

POPULATION CRISIS COMMITTEE

Mr. MILLER. Mr. President, former Senator Kenneth B. Keating, of New York, has undertaken a new and challenging job—he is the national chairman of the Population Crisis Committee.

This committee will seek to work with the Federal Government and other organizations in mobilizing public understanding of the population problem, what it is, how it affects us all, and how it should be dealt with in conformity with the convictions and consciences of men of good will throughout the world.

There is tremendous need for more knowledge and research in this area as well as a thorough and straightforward discussion of its implications. As Pope Paul VI declared:

> It is an extremely grave problem. It touches on the mainsprings of human life. * * * The question is being subjected to study, as wide and profound as possible, as grave and honest as it must be on a subject of such importance.

Few men are more widely known and respected than former Senator Keating. His interest and activities should stimulate new attention in this problem, which is of increasing concern to us here in the United States as well as in the developing nations of the world.

Mr. President, I ask unanimous consent to include following my remarks in the Record—the press accounts from the New York Herald-Tribune, the New York Times, and editorials from the New York Post and World-Telegram.

There being no objection, the newspaper articles and editorials were ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 21, 1965]

Keating To Head Birth-Curb Drive—Former Senator Will Direct Lobby in Washington for a New Action Group

(By Warren Weaver, Jr.)

Washington, April 20.—Former Senator Kenneth B. Keating announced today that he would head a new national campaign for deeper governmental involvement in promoting birth control.

Mr. Keating said he would be national chairman of the Population Crisis Committee, a group that will differ from other birth-control organizations by engaging in direct lobbying in Washington.

The former Republican Senator from New York will be paid for his work in the part-time job. He would not say how much. The committee will not enjoy tax-free status because it will be attempting to influence Congress and executive agencies in their policies.

"The current explosive growth of population threatens the success of the Alliance for Progress, the war on poverty, foreign aid, and innumerable domestic programs to which Congress has committed billions of dollars," Mr. Keating said at a news conference in his Washington law office.

"I have accepted the leadership of this committee with the belief that it is one of the most useful services that I can render my fellow citizens," he declared.

STILL INTERESTED IN POLITICS

Mr. Keating, who was defeated in his bid for a second term by Robert F. Kennedy last fall, joined the Washington and New York law firm of Royall Koegel & Rogers 2 weeks ago. He is also serving as Washington counsel for his old Rochester firm of Harris, Beach, Wilcox, Dale & Linowitz.

The former Senator said that his assumption of the committee chairmanship did not necessarily signal an end to his career in politics or government.

"I have no plans to run for public office again," the 64-year-old lawyer said, "but that doesn't mean I've eliminated that as a possibility. I don't know anything about any Presidential appointment; no one in public office has ever spoken to me about such a thing."

One goal of the new committee, its chairman indicated, will be an increase in Federal expenditure for birth-control research.

Among his associates on the committee, Mr. Keating listed High Moore, chairman of the board of the Dixie Cup Co.; Cass Canfield, chairman of the executive committee of Harper & Row, and William H. Draper, Jr., a former Army general now chairman of the board of Combustion Engineering, Inc.

[From the New York (N.Y.) Herald Tribune, Apr. 21, 1965]

Keating Heads Group on Population Control

(By Fred Farris)

Washington.—Former Senator Kenneth B. Keating announced yesterday he will head a private committee formed "to mobilize support" for population control.

"The world population explosion," the New York Republican said, "is fast becoming the most critical problem of our time. It will have a profound effect upon the welfare of mankind in the decades ahead, and will be a determining influence for war or peace."

The white-haired ex-legislator, defeated for reelection last November by Robert Kennedy, also told a news conference he had no plans now "to run for public office, but I do not discount that in the future."

NO OFFER

He said he had not been consulted or approached by anyone "directly or indirectly" about a Presidential appointment. Mr. Keating had expressed an interest in an ambassadorial assignment, but so far none has been offered.

Therefore, in addition to his work with a Washington-New York law firm Mr. Keating accepted the post of national chairman of the Population Crisis Committee. The committee, which will not be tax exempt, is supported by contributions from "philanthropists and other interested in this movement," he said.

Mr. Keating would not disclose the salary he will receive, saying this was a matter between him and the members of the committee. A staff aid, however, told a reporter the amount would be nominal and that Mr. Keating's law practice would be his primary source of income.

Pointing to graphs to illustrate the problem at a press conference in his Washington law office, Mr. Keating said the U.S. population would grow by 150 million people in "35 short years at the present rate of increase." This raised the unhappy prospect, he said, of "8 million unemployed, of 10 million on welfare, of 30 million elderly, and 100 million children to be taken care of."

ABROAD

Abroad, the problem is even more "staggering to contemplate," he said. "There will be 1 billion—1,000 million more people in the next 15 years—a number greater than all the people now living in the 55 countries of Europe and the entire Western Hemisphere taken together."

President Johnson said in his state of the Union message in January he would "seek new ways to use our knowledge to help deal with the explosion in world population." But, Mr. Keating said, the United States now is spending less than $10 million on birth-control research "out of an annual budget of $15 billion for research. * * * Less than 1 percent of the cost of putting a man on the moon by 1970."

The Alliance for Progress, the antipoverty campaign, foreign aid, and "innumerable domestic programs" costing billions are imperiled by runaway population growth, he said.

Therefore, he said, he undertook "the leadership of this committee with the belief that it is one of the most useful services that I can render my fellow citizens."

The main objective of the committee, which will be headquartered at 1730 K Street, NW., Washington, is "to work with and assist people interested in the population problem both in the executive branch and legislative branch of Government," Mr. Keating said.

"We must first find out what is now being done under existing legislation in this field," he said. "When we have all that, we will decide what to do next."

His committee will "be engaged in efforts to stimulate legislation," and therefore could not be tax exempt. Contributions will not be tax deductible.

Among committee backers and officers are: Hugh Moore, chairman of the board of the Dixie Cup Corp., and founder of the Moore Fund, who will serve as treasurer; Cass Canfield, chairman of the executive committee of Harper & Row Publishing Co.; Gen. William H. Draper, Jr., investment banker and chairman of the board of Combustion Engineering, Inc. Mr. Moore asked Mr. Keating to head the committee.

FAR TOO EARLY

Mr. Keating, who spoke at a Republican fund-raising dinner in Lansing, Mich., Monday night, said he was not backing any one for the GOP Presidential nomination at present. "It's far too early," he said, adding, "I have a very high regard for George Romney."

One reporter, with the effect on Catholic voters of the sensitive birth-control issue apparently in mind, asked Mr. Keating whether realistically he could return to New York politics after serving as head of the Population Crisis Committee.

He said he had "no plans to climb mountains" during his out-of-public-office period—an allusion to Senator Robert Kennedy's recent climb of Mount Kennedy, in Canada. But he added: "I did offer to demonstrate my athletic prowess in Lansing by swimming out into Lake Michigan."

[From the New York (N.Y) Post, Apr. 22, 1965]

Mr. Keating's New Mission

Kenneth B. Keating deserves to be in government. But if the administration is unprepared to offer him a post, there are few nongovernmental public positions of greater importance that the assignment he has now undertaken.

As head of the newly formed Population Crisis Committee, Mr. Keating will lead a national drive to persuade the Government to take a more active role in promoting family planning and curbing overpopulation.

The moment is auspicious for such a campaign. Liberalization of the Catholic attitude on birth control makes it practical politics for the first time to think of large public programs and appropriations.

Mr. Keating is a persuasive advocate. His long experience in public affairs will make him an effective lobbyist for the important cause he has agreed to represent.

[From the World Telegram, Apr. 24, 1965]

KEATING'S NEW ROLE

In the same spirit of conscientious service that characterized his years in Congress, former Senator Kenneth B. Keating has agreed to head a private committee formed to mobilize support for population control.

Expressing his concern over what is "fast becoming the most critical problem of our time," Keating stated the problem succinctly:

"The current explosive growth of population threatens the success of the Alliance for Progress, the war on poverty, foreign aid, and innumerable domestic programs to which Congress has committed billions of dollars."

Man's best efforts toward peace and decent living standards, in other words, are foredoomed if demand outraces supply and human misery burgeons beyond hope of containment and relief.

The projections of population growth during the rest of this century alone are nightmarish in their implications. Increasingly, even among the staunchest foes of birth control, the question is no longer so much whether—but how—corrective measures should be taken.

One goal of the Population Crisis Committee, Keating said, will be an increase in Federal expenditures for birth control research.

Research is, of course, the key. It is the means of developing solutions that will be both efficacious and generally acceptable—and developing those solutions in time.

No question about it, mankind is running a desperate race with famine and misery. And time is alarmingly short.

"ESCALATION" AS A STRATEGY

Mr. MILLER. Mr. President, in Fortune magazine for April appears a very interesting and timely article by the noted writer and scientist, Mr. Herman Kahn, entitled " 'Escalation' as a Strategy." I think it is particularly timely because there has been so much talk in recent weeks about escalation in connection with the war in South Vietnam. Some seem to think escalation is a simple matter; that merely because there may be a few more bombs dropped in Vietnam, this is escalation, and particularly an escalation of horrifying prospects. If these people think that dropping a few bombs on Vietnam is horrifying to behold, let them read the article by Dr. Kahn, who really goes into the subject of escalation in great depth.

I am afraid that those people, in and out of Congress, have not given this subject any of this in-depth study.

I may not agree with everything in Dr. Kahn's analysis of "escalation" but I think it worth reading, so that people who are talking about escalation will have a little better knowledge of what they are talking about and will realize that escalation can take many, many forms; that there are many rungs in the ladder of escalation.

I think Dr. Kahn has listed here about 44 different steps or rungs in the ladder of escalation.

To hear some people speak, one would think there are only one or two rungs in the escalation ladder. A reading of the article will be beneficial; and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"ESCALATION" AS A STRATEGY

(By Herman Kahn)

(NOTE.—Herman Kahn is the author of "On Thermonuclear War," a book that urged the United States to take civil-defense measures to insure civilization's survival in the event of nuclear war. A mathematician, physicist, and former member of the Rand Corp., Mr. Kahn is now director of the Hudson Institute, a research organization that analyzes international affairs for the Pentagon and other clients. This article has been excerpted from Mr. Kahn's forthcoming book, "On Escalation: Metaphors and Scenarios" to be published by Frederick A. Praeger in May.)

Escalation is a relatively new word in the English language. Though it is becoming more common in newspaper headlines, especially in connection with Vietnam, the dictionaries have yet to define it in a military sense. To many people, escalation connotes an automatic rise in the scale of warfare from the level of an incident to the level of catastrophic nuclear exchange. But to more and more students of military strategy and tactics, it has also come to describe the kind of calculated risk taking that is an established factor of limited conflict in the nuclear age.

Strategies that emphasize the possibility of escalation are associated with the term "brinkmanship." Under modern circumstances no nation wishes to play at brinkmanship recklessly. But to the extent that any nuclear nation is serious in any incipient conflict—or to the extent that it pretends to be serious—it will have to face the consequences of being on the escalation ladder. However, a strategy of escalation, carefully carried out, can actually reduce the dangers of insensate, spasmodic nuclear destruction.

Events in Vietnam provide a case in point. Our opponent in Vietnam can function with great success in one dimension of warfare: guerrilla combat and subversion. The United States, in turn, has an immense superiority in air and naval power and, beyond that, in nuclear power. Behind the North Vietnamese are the Russians, with their nuclear forces, and the Chinese, with their major but ponderous land armies. But how close the ties may be, and how willing North Vietnam and its allies might be to involve themselves against the United States, remains uncertain. In this complex situation the United States has been attempting to use its areas of advantage to counter the special strengths of the opponents, to "escalate" the war in a calculated way, all the time trying to make it clear that it intends to abide by certain limitations—unless further provoked. In Vietnam the United States is clearly a nation practicing the new dimensions of escalation, reflecting its new understanding of the reasoned and restrained, yet determined, use of limited force in a world of political challenge and nuclear danger.

To make this study concrete, I have devised a ladder—a metaphorical ladder—that provides a convenient list of some of the more important options facing the strategist. This ladder indicates that there are many continuous paths between a low-level crisis and an all-out war, none of which are necessarily or inexorably to be followed. My ladder provides a useful framework for the systematic study of a crisis. There is no attempt here to recommend any courses of action. What is attempted is to describe the way stations of ascending conflict so that the elements can be recognized, and the distance from all-out war estimated. There are, of course, those who think a study of escalation is dangerous and perhaps immoral; I believe that it is dangerous and perhaps immoral not to understand how nations might act under the pressures of successive crises. Hence this study of the rungs and thresholds is the best contribution I know how to make to the avoidance of recklessness or panic.

Rung 1. Ostensible crisis: In the ostensible crisis stage, one side asserts, more or less openly and explicitly, that unless a given dispute is resolved in the immediate future it will in effect begin to climb the rungs of the escalation ladder. These threats are made credible by various hints as to how important the government considers the issues. There may be officially inspired newspaper stories to the effect that the chief of state takes a serious view of the matter. There may be explicit announcements or speeches by other important officials—but none of them of the bridge-burning variety, none deliberately designed to make it really difficult for these same officials to back down later.

Rung 2. Political, economic, and diplomatic gestures: Legal but unfair, unfriendly, inequitable, or threatening acts are carried out against the opponent to punish or put pressure on him.

Rung 3. Solemn and formal declarations: Such declarations go further than rung 2 in demonstrating resolve and commitment, but they need not be deliberately hostile. There could be merely a solemn executive declaration to other states of a nation's policy in a certain area, perhaps deliberately avoiding a precise statement of the policy's applicability and limitations. An example of this ambiguity is the joint congressional resolution of August 1964, passed at the President's request after the escalation in the Gulf of Tonkin. Congress resolved that "the United States is, therefore, prepared, as the President determines, to take all necessary steps including the use of armed force, to assist any member or protocol state of the southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Such a proclamation is usually a warning to a potential opponent not to climb further up the escalation ladder, at least in the area covered by the announcement. The declaration may be thought of as preemptive or preventive escalation, which tries to forestall further escalation by the opponent. It also marks the limit to which either side can go without dangerously rocking the boat.

Rung 4. Hardening of positions: As soon as negotiations take on much more of a coercive than a contractual character, I would argue that we have passed the don't-rock-the-boat stage and reached rung 4. Certainly this is true if either or both of the antagonists attempt to increase the credibility of their resolve and committal by irretrievable acts. Such an act might be an announcement by the Soviet Union that it has signed a peace treaty wtih East Germany and no longer has any direct control over the access routes to Berlin.

In such confrontations both sides are likely to call attention to the totally destructive character of thermonuclear war, and state that there is thus no alternative to peace, it clearly being implied that, unless the madmen on the other side come to their senses, all will be lost. Alternatively, one can reassure one's own side by pointing out that the other side is not mad, and will therefore back down.

Rung 5. Show of force: As the crisis intensifies, one side or the other could draw attention to the fact that it does have the capability to use force if necessary. There are various ways of showing such force, direct or indirect, silent or noisy. In a direct show of force one or the other nation might move naval or air units, mobilize reserves, conduct provocative military exercises or maneuvers, particularly in sensitive areas, or even order "routine" deployment of naval and military units in such areas—all with widespread publicity. In an indirect show of force one could test missiles in a provocative way, conduct normal maneuvers but with possibly abnormal publicity, publicize the use of military equipment in "normal" but special maneuvers that simulate an element in the current crisis—e.g., the use of tanks to break roadblocks.

Rung 6. Significant mobilization: A show of force can be accompanied by a modest mobilization that not only increases one's strength but also indicates a readiness to call on more force or to accelerate the arms race. An example of this was President Kennedy's call up of reserves in the Berlin crisis of 1962. As always, private communication, either direct or indirect, through principals or intermediates, or through the use of more or less deliberately arranged leaks, can all play an important role.

Rung 7: "Legal" harassment: One can harass the opponent's prestige, property, or people legally. That is to say, one may act in a very hostile and provocative manner, but within the limits of international law.

Rung 8. Harrassing acts of violence: If the crisis is still not resolved, one side or the other may move on to illegal acts, such as acts of violence, or harassments intended to confuse, exhaust, frighten, and otherwise harm, weaken, or demoralize the opponent or his allies. Bombs may be exploded by unauthorized or anonymous means. Enemy nationals within one's borders can be badly mistreated or killed. An "aroused" citzenry may stone or raid the other nation's embassy. Frontier guards may be shot. There may be the limited covert use of guerrilla warfare, piracy, sabotage, or terrorization. Both sides could step up reconnaissance probing operations or other intelligence activities. One side or the other may launch overflights or other invasions of sovereignty.

If the acts are carried out clandestinely or covertly, under the guise of being individually motivated, the escalation is relatively low. If the size, scale, and degree of organization of these acts are increased, and their official character made plain, the escalation is increased, until finally we reach a level at which uniformed personnel, obviously under orders of their government, are carrying through the actions.

Rung 9. Dramatic military confrontations: The existing permanent alert of U.S. and Soviet strategic bomber and missile forces is an almost continual global confrontation. Under the circumstances of prolonged cold war this may be regarded as preescalation. However, the situation changes if there is a dramatic local confrontation of land and sea forces (as, for example, at the Brandenburg Gate). Such confrontations are direct tests of nerve, resolve, and recklessness. They are also dramatic enough to make everyone take note of what has happened. Because it seems obvious that these confrontations can blow up, and because in the past such incidents have often caused wars, many people think of them as being closer to the brink of all-out war than in fact they usually are. But despite contemporary conditions of a relatively firm balance of terror, they do indeed indicate that large acts of violence are possible, and that the unthinkable all-out war is becoming thinkable.

Thus we cross the "nuclear-war-is-unthinkable" threshold. It was to this threshold that we came during the Cuban missile crisis of October 1962, at the climax of a case of abrupt escalation. President Kennedy's dramatic television address to the Nation on October 22 explicitly told the Soviet Union where it had been unbearably provocative. Both the U.S.S.R. and the U.S., he said, had recognized the need for tacit rules in the postwar world and accordingly had "deployed strategic nuclear weapons with great care, never upsetting the precarious status quo which insured that these weapons would not be used in the absence of some vital challenges." He indicated that while the Americans had always been careful, the Russians had now broken the rules in "this secret, swift, extraordinary buildup of Communist missiles in an area well known to have a special and historical relation to the United States * * * this sudden clandestine decision to station strategic weapons for the first time outside of Soviet soil—is a deliberately provocative and unjustified change in the status quo, which cannot be accepted by this country if our courage and our commitments are ever to be trusted again by either friend or foe."

He went on to describe the detailed measures that the U.S. was taking (mobilization, blockade, air alerts) and issued the famous warning. "It shall be the policy of this Nation to regard any nuclear missile launched from Cuba against any nation in the Western Hemisphere as an attack by the Soviet Union on the United States, requiring a full retaliatory response upon the Soviet Union." (Of course, anyone familiar with current U.S. policy would note that the phrase "full retaliatory response" does not specify the form of the attack."

Then, and possibly most important of all, Mr. Kennedy issued the following warning: "Any hostile move anywhere in the world against the safety and freedom of peoples to whom we are committed, including in particular the brave people of West Berlin, will be met by whatever action is needed." Some students of the subject have questioned whether the President was wise to call the Russians' attention to the option of Berlin. In fact, it is quite important to show that one is willing to face the possibility of such counterescalations.

Rung 10. Provocative diplomatic break: This act would be intended to communicate to the opponent that one's reliance on the traditional peaceful measures of persuasion or coercion is at an end and that acts of force may now be resorted to.

Rung 11. Superready status: Strategic forces may be dispersed, leaves canceled, preventive, and routine maintenance halted, training deferred, every possible piece of equipment and unit put in a ready status and limited war forces deployed. Because of the relative invulnerability and alertness under normal peacetime conditions of the U.S. Minuteman and Polaris forces (and to some extent of the SAC bombers on alert), such actions may make a greater difference and thus mean more when practiced by the Soviet Union than by the United States.

Rung 12. Large conventional war: The stage has now been set for some kind of organized military violence. It may be undeclared war or border fighting such as occurred between the Japanese and the Russians in 1939 (involving thousands of soldiers), a Trieste-type occupation of disputed territory, or a major police action as in Korea. If such a war is fought with any intensity, both sides suffer casualties in large numbers but neither will use its most efficient or quality weapons—the nuclear, bacteriological, or chemical weapons. Paradoxically, the more useful these weapons are in the narrow military sense, the less likely they are to be used. In any case, there will be many casualties at this rung, and, at least in the initial stages of the action, an obvious deepening of the crisis.

Rung 13. Large compound escalation: One way to achieve a high overall level of escalation and still keep each separate act as an act relatively low on the ladder is to retaliate or escalate in a completely different theater from that in which the primary conflict is being waged. This may be especially escalatory if the second theater is sensitive or potentially vital—such a situation might have arisen, for example, if the Soviet Union had moved against Berlin during the Cuba crisis.

It is interesting to note that, except for rather small-scale exceptions, this obvious technique has not been used since World War II, even though there has been much concern about the possibility. Nearly everyone has instinctively recognized the danger of compound escalation. The sheer audacity of starting a new crisis when another is at full force is very provocative, yet in the paradoxical world of escalation this might be the very reason it would be judged in certain circumstances to be an effective measure.

Rung 14. Declaration of limited conventional war: This would be an attempt to achieve one or both of the following objectives: (1) It would be a clear-cut, unilateral announcement of "no nuclear first use." (2) It would try to limit the conventional war geographically or otherwise in a manner considered most favorable or stable by the side making the declaration. Such a declaration would have grave symbolic, political, and moral effects upon one's own country and the opponent.

Rung 15. Barely nuclear war: It may occur during a conventional warlike act (rung 12) or the superready status (rung 11) that a nuclear weapon is used unintentionally (accidentally or without authorization). Or one of the antagonists may make military or political use of a nuclear weapon and try to give the impression that its use was unintentional.

Rung 16. Nuclear ultimatums: One side or the other seriously considers the possibility of a central war and communicates this fact convincingly to its opponent. People begin leaving cities; in fact, one might define an intense crisis as that point when 10 percent of the population of New York City or Moscow has left out of fear of an attack.

Rung 17. Limited evacuation (about 20 percent): This would most likely be at least a quasi-official move ordered by a government either for bargaining or prudential reasons, or both. The difficulties, and possible public and political reactions, make such an evacuation a momentous decision.

Rung 18. Spectacular show of force: A spectacular show or demonstration of force would involve using major weapons in a way that does no obvious damage, but appears determined, menacing, or reckless. An example would be the explosion of a weapon at a high altitude over enemy territory. This would intensify the fear of war in the hope of frightening the enemy into backing down.

Rung 19. Justifiable counterforce attack: A justifiable attack would be sufficiently specialized and limited to seem a reasonable response to provocation, and yet it might significantly, or even decisively, degrade the military capability, prestige, or morale of the opponent. An example would be the destruction of a submarine on the claim that it had carried out threatening maneuvers: Here a high degree of escalation could easily be involved, particularly if the casualty were a strategic-weapon submarine. A nation could invent an excuse for such an act by manufacturing an incident—perhaps by fabricating a limited nuclear attack and blaming the submarine.

Rung 20. Peaceful worldwide embargo or blockade: Worldwide embargo would be an extreme measure of nonviolent coercion brought to bear against an opponent.

Once war has started, no other line of demarcation is at once so clear, so easily defined and understood, as the line between not using and using nuclear weapons. There are, of course, criticisms of this point of view.

Some of them take as their point of departure a fact of physics and engineering—that it is possible to have an extremely low-yield nuclear weapon that is no more powerful than a chemical explosive. True, the distinction between very small nuclear weapons and large chemical explosives does tend to narrow under analysis. But any argument designed to refute the nuclear prohibition on purely technical energy-release grounds misses the point: Even though the distinction between nuclear and nonnuclear war may have defects from some technical points of view, the distinction possesses a functional meaning, or utility that transcends any technical question.

We should support and encourage this distinction because, for a variety of reasons that cannot be detailed in this space, it works to the advantage of both the United States and the world as a whole. But it is equally important to understand that once the threshold has been crossed by an enemy, by accident, or by us, we do not stand automatically in the balance of the unthinkable war. The first use of nuclear weapons, even if against military targets, is likely to be less for the purpose of destroying the other side's military forces or to handicap its operations than for redress, bargaining, or deterrence purposes.

Rung 21. Local nuclear war, exemplary: One side can drop a nuclear bomb or two in order to show the other side that unless it backs down or accepts a reasonable compromise, more bombs are likely to follow. As this would be the first unmistakably deliberate use of these weapons since World War II, it would be a profoundly consequential act.

Rung 22. Declaration of limited war: At this point a formal declaration of limited nuclear war might occur. A nation could use that declaration to set relatively exact limits to the types of nuclear action that it intends to initiate, and to indicate the type of retaliation that it is prepared to countenance from the enemy without further escalation. In this way, eruption to all-out war might be made less likely, and the escalation itself made more explicit, which might increase the pressure to compromise. The declaration also could include a formal announcement of the conditions under which the declarer would be prepared to de-escalate.

Rung 23. Local nuclear war: Past NATO planning has envisaged the immediate use of hundreds of nuclear weapons in reply to a conventional attack in Europe by the U.S.S.R. As opposed to the exemplary purposes of rung 21, NATO planned to use nuclear weapons for traditional military purposes—for defense or destruction of the opponent's local capability—and the scale of the action and the targeting were to be dictated by these military considerations. The increasing actual or potential availability of a varied inventory of small, inexpensive, nuclear weapons (including such esoteric devices as the Davy Crockett missile and the neutron bomb) is likely to renew discussion of the possibility of local military nuclear war. It is, and will likely continue to be, an important objective of U.S. military forces to be able to wage such war, at least in Europe, even if a no-bomb-use policy is explicitly adopted by all nations.

Rung 24. Unusual, provocative, and significant countermeasures: One side might carry out redeployments or maneuvers that have the effect of increasing an opponent's vulnerability to attack or otherwise degrading its capability, morale, or will.

Rung 25. Evacuation of cities (about 70 percent): At this point the situation may be very close to large-scale war. It may now seem advisable to evacuate a large number of people from cities. The total would probably amount to between two-thirds and three-fourths of the population—women and children and those men who are not essential to the functioning of the cities. I would judge that all important industries, communications, transportation facilities, etc., could be operated by about a quarter of the population or less.

Attacks so far have avoided the enemy's zone of interior, and have thus observed a salient threshold. The line between the external world and the nation may even be stronger as a firebreak than the threshold between conventional and nuclear war, since it is an older distinction, invested with far more emotion and prestige. Under current conditions it is reasonably clear that in the next decade the likelihood that a nation (including the United States and the Soviet Union) would invite certain annihilation for the sake of its allies is going to tend to diminish to the vanishing point, however repugnant or dishonorable this development may now seem. But the likelihood of a nation risking the kind of restrained attacks discussed below may or may not diminish so sharply, depending in part on the decisionmakers' expectations of the rules being observed.

Rung 26. Demonstration attack on zone of interior: An attack could be made, perhaps on an isolated mountaintop or empty desert, which does dramatic and unmistakable physical damage, if only to the topography.

Rung 27. Attack on military targets: One side might begin destroying portions of the other side's weapon systems, but in a careful way so as not to cause much collateral damage. These attacks could be launched primarily to reduce the defender's military capability significantly by finding leverage targets.

Rung 28. Exemplary attacks against property: The next step would obviously be to increase the level of these limited, nuclear, strategic attacks. One possibility would be attacks on such installations as bridges, dams, or gaseous-diffusion plants. More damaging and dangerous would be limited attacks on cities, presumably after warning had been delivered and the cities evacuated. The purpose would be to destroy property, not people.

Rung 29. Attacks on population: In any crisis of the early sixties this attack would probably be much higher on the ladder than I put it here, but if the balance of terror becomes sufficiently stable, and governments are believed to be under intense and graduated mutual deterrents, even this attack could occur without an eruption to spasm or other central wars.

Rung 30. Complete evacuation (about 95 percent): At this point, large-scale warfare has begun. If at all possible, each side is likely to evacuate its cities almost completely, leaving 5 to 10 percent of the population behind for essential activities.

Rung 31. Reciprocal reprisals: This is a war with more or less continual exchanges. Many strategists believe that reciprocal-reprisal wars might be a standard tactic of the future when the balance of terror is judged—whether correctly or not—to be almost absolute.

Thermonuclear wars are likely to be short—lasting a few hours to a couple of months at most. In such a war it is unlikely that cities would in themselves be targets of any great military consequence. But it is perfectly possible that a nation might attack cities simply without thinking it through. In Defense Secretary McNamara's speech at Ann Arbor on June 16, 1962, the United States has more or less formally enunciated a "no cities except in reprisal" strategy, but the strategy is neither clearly understood nor firmly held even here. Soviet strategists and political leaders, for their part, have declared that Soviet forces would not recognize any such "artificial" distinctions in a nuclear war. This position could be an accurate reflection of current Soviet strategic doctrine, but it is most likely that it is a very unreliable indicator of actual Soviet behavior in a "moment of truth"—or of Soviet beliefs about U.S. conduct at such a time.

Let us assume, for the moment, that a threshold between central military targets and central civilian targets (i.e., cities) can be maintained in an actual war. Thus we can consider the possibility of waging a very large all-out, but very closely controlled, central war, in which there is deliberate attempt to avoid civilians and their property.

Rung 32. Formal declaration of general war: The formal declaration of war could indicate that the side issuing the declaration had no immediate intention of attacking, since if it had such an intention, there would be strong reasons to ignore prenuclear convention and simply attack. Such a declaration certainly would remove some inhibitions against the use of force and coercion, put pressures on allies and some neutrals to cooperate, and mobilize a nation's facilities for defense and tend to suppress internal opposition. It would force the other side to recognize explicitly that a formal peace treaty will have to be written before the issue is settled; delaying tactics will not settle the matter. But while tending to prevent de-escalation and to threaten future (eventual) escalation, it nonetheless might look temporising and provide an opening for bargaining.

Rung 33. Slow-motion counter property war: In this attack each side destroys the other's property, still attempting to force the other side to back down.

Rung 34. Slow-motion counterforce war: This is a campaign in which each side attempts attrition of the other side's weapon systems over a period of time. One can conceive of a slow-motion counterforce war lasting for weeks or months during which, for example, submarines are hunted down.

Rung 35. Constrained force reduction salvo: The attacker here attempts to destroy a significant but small portion of the defender's force in a single strike while avoiding undesired collateral damage. It is especially likely to be used against weak links or high-leverage targets at the outbreak of a war.

Rung 36. Constrained disarming attack: The attacker tries to destroy a significant portion of the defender's first-strike nuclear forces and even some of his second-strike weapons, such as missiles, in siloes. But the attacks would avoid, as much as possible civilian targets. This would make it disadvantageous for the defender to launch a counterstrike since the defender's damaged forces might be able to do only a limited amount of damage even with a counterstrike on cities. The defender is also under pressure to negotiate since it is now probable that the attacker could threaten another attack, this one an all-out strike.

Rung 37. Counterforce-with-avoidance attack: This attack differs from a constrained disarming attack by being less scrupulous about avoiding collateral damage to cities and by not deliberately sparing much if any of the enemy's secondstrike weaponry. In the case of a Soviet strike against the United States, such an attack might include hitting Tucson (a city of 265,000 population, which is completely ringed with Titans), but probably would avoid the Norfolk Navy Yard, and the Pentagon. If it did hit these targets, or the SAC bases near very large cities, Russia might use 20-kiloton weapons rather than 20 megatons in order to limit the collateral destruction. After such an attack, one must assume a counterattack, but one may still try to use threats of further escalation to limit the defender's response.

Rung 38. Unmodified counterforce attack: Although the targets are still enemy weapon systems, the military plans are formulated and the operation is carried out with general disregard as to whether enemy civilians are killed or nonmilitary property destroyed (though there may be disadvantages accepted to avoid fallout or other dangers to allies or neutrals). No attempt would be made either to lessen or to increase collateral damage to the enemy. This attack might be described as the classical form of all-out total war.

At this point the warring nations are at the threshold of civilian central wars. Under current U.S. controlled response doctrine, not only does the U.S. intend to observe the city threshold, but an enormous incentive is given to the U.S.S.R., in a war against the United States, to do so as well and to avoid attacking U.S. cities in the first wave—whether this wave is the first or second strike of the war. But even if population is not the target for the first wave, it could be the target of the second or later waves. In any case, it would always be threatened. The residual vulnerability of the civilian hostages and cities could then affect, to a great extent, the kind of peace treaty the U.S.S.R. could force on us, or that we could force on the U.S.S.R. For this reason, it makes sense to try to protect people from being threatened by second- and later-wave attacks, even though they may not have been adequately protected on the first wave.

It seems to me that the United States should, at the minimum, undertake a civil-defense program which is compatible with what the controlled-response doctrine foresees in a time of war. Part of such a program would be fallout protection for the entire population, and blast protection for the 5 million to 10 million people who live within about 10 miles of priority strategic targets. Such a program might require $5 billion to $10 billion spread over 5 years or so. In a very large range of types of wars these measures could save the lives of 30 million to 50 million people, and in addition make it more likely that a war, if it came, would in fact be a war of controlled response.

Rung 39. Slow-motion countercity war: This takes the ultimate form—city trading. This is, of course, the most bizarre of all the options that are discussed in modern strategic analysis. The possibility of city trading arises because of today's unprecedented situation in which both sides may have almost invulnerable forces while both sides' civilians may be completely and irrevocably vulnerable to these invulnerable forces. There has never before been such a situation in the history of mankind. This kind of war would be the extreme and ultimate form of deliberate, selective and controlled response—but one not necessarily or even likely to be beyond the psychological capabilities of decisionmakers if the only alternatives were total destruction or complete capitulation.

Rung 40. Countervalue salvo: It is, of course, always possible in fighting a slow-motion counterforce, or slow-motion countervalue war, that one side will fire a large number of missiles at civilian targets, either in inadvertent or deliberate eruption.

Rung 41. Augmented disarming attack: This would be an attack on military targets deliberately modified to obtain as much collateral countercity damage as a bonus as feasible.

Rung 42. Civilian devastation attack: This attack corresponds to the usual popular picture of nuclear war in which there is a deliberate effort to destroy or greatly damage the enemy's society. It is distinguished from spasm or insensate war only by having some element of calculation and by the fact there may be some withholding or control.

Rung 43. Some other kind of controlled general war: It is possible to have many kinds of all-out but controlled as well as all out but uncontrolled wars. In a national, all-out, but controlled war, military action would be accompanied by threats and promises, and military operations themselves would be restricted to those that contributed to attaining victory—an acceptable or desirable peace treaty.

Rung 44. Spasm or insensate war: The figurative word "spasm" is chosen because it describes the usual image of central war in which there is only a go-ahead order; all the buttons are pressed. A spasm war, of course, may occur, but to the extent that there is any art of war possible in the thermonuclear age, the attempt must be made to prevent it.

DOWN THE LADDER

In the same way, the study of de-escalation and its limits and of crisis termination—how to climb down and off the ladder—is vital to the management of crises and escalation. De-escalation is even more sensitive to accurate communication and shared understandings than escalation is. The opponent may have a different conception of escalation and still understand well enough the pressures being applied to him; but, typically, in order to coordinate de-escalation moves by easing pressure, both sides must have a shared understanding of what is happening. They may not have a sufficient shared understanding if one side's paradigm of the world differs in important ways from the other's.

Because of the need for shared understanding in deescalation, unilateral initiatives are often mentioned in connection with deescalation. Unilateral initiatives may be quite helpful. They may relax tension to a point where it is easier to settle a dispute, or to leave it unresolved but less dangerous. Even small concessions can be significant as turning points in the escalation process. Thus, even if a move is more symbolic than meaningful in itself, its deescalatory value may be large. A serious concern, however, may be to maintain the appearance of resolve while making conciliatory moves. For this reason, the side which is doing better may find that it should take the burden of the initial deescalatory step.

Typical deescalation gestures take many forms. They may include the reversal of a previous escalation move, the settling of an extraneous dispute, the freeing of prisoners, conciliatory statements, the replacement of a "hard" key official by a "softer" or more flexible individual, or simply wating for time to have its cooling effect. Concessions need not be made explicitly. Nor need the matter under dispute be settled, so long as tension is decreased to the point where the dispute is no longer as high on the escalation ladder as it once was.

Escalation is a competition in resolve, and resolve is often measured by a willingness to pay costs in pursuit of certain objectives. One side or the other may decide to deescalate simply because it feels it has suffered enough. It is sometimes difficult for dedicated and resolute military leaders to accept this notion. The World War I theory of the "last fifteen minutes" (in which it was asserted that that side which could hold out fifteen minutes longer would win) is still very widespread. But this theory of conflict is often completely inappropriate for a high-level escalation, and may not be the most relevant aspect of a low-level conflict. In low-level conflicts both sides typically have virtually unlimited resources that could be deployed into the local conflict. Both sides thus can, and usually will, insist on a compromise solution.

Escalation also is referred to as a competition in risk taking. One side or the other may decide that it no longer is willing to endure these risks. In the nuclear age this is likely to be the greatest factor in deescalation.

Most people will accept without argument that there will always be conflict. But conflicts need not inevitably lead to the kinds of crises and escalations that lie on the rungs of the ladder I have discussed. Any crisis that reaches the upper rungs of the escalation ladder is likely to be regarded by both participants as a potential—and mutual—disaster. As both sides learn that the gains of these conflicts are small compared to the dangers and other costs, they are likely to be cautious about either starting or intensifying such conflicts. Arms control has its place in this scheme of things: it should be a major objective of arms control to prevent the kinds of crises in which the options on the escalation ladder become important, and to lessen the damage and risk if these crises arise. But our first and most important need is to escape the inertia that tends to hold us captive to obsolete notions and the desire for simplistic solutions, which can only lead to disastrous capitulation or eruption—to paraphrase President Kennedy, we need wider choices than holocaust or surrender.

ANSWER TO NEW YORK TIMES CRITICISM OF ADMINISTRATION ON VIETNAM

Mr. PROXMIRE. Mr. President, last Friday—April 30, 1965—the New York Times in its main editorial criticized the administration's policy on Vietnam and raised a series of questions which indicated that the administration has released contradictory information on the war there.

So my remarks are not misunderstood, let me state clearly at the outset that my purpose in rising is not to decry criticism of the administration by the Times or any other newspaper or any citizen, public or private.

The New York Times, in the judgment of many Americans, is the best newspaper in the country. Many would say that the New York Times is probably the greatest newspaper in the world. Nothing in my remarks should be construed as critical of this superlative institution or of the integrity and ability of its remarkable editorial staff.

I certainly would affirm the right of any citizen to voice criticism of the administration and the duty of any newspaper to do so when it felt such criticism appropriate. I have exercised that right many times in the past myself.

The Times' editorial states that "distortion is inevitable when information is manipulated to serve the policy for the day."

It continues:

> For months, during the campaign against Senator Goldwater, the administration line was that the war in South Vietnam was substantially self-sustaining and had to be won there. Almost overnight, when the bombing of North Vietnam began, information was produced to prove that "aggression from the North," as the State Department's white paper called it, is the key to everything. No wonder many Americans were puzzled.

This would indeed have been puzzling if it were true. But the fact is, it was not true. And the New York Times' own files contain dozens of stories to discount it. Both President Kennedy and President Johnson pointed out on numerous occasions the very real danger we faced in Vietnam. The State Department issued a two volume report in December 1961, which set forth in great detail the participation of North Vietnam in the war raging in the South.

The very title of the report—"A Threat to the Peace: North Vietnam's Effort To Conquer South Vietnam"—speaks clearly in defense of the administration. Let me just read the table of contents of the report merely to point out that the State Department was well aware of North Vietnam's participation with the Vietcong. It was 1961 when the State Department wrote this:

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The Times then raised three questions which presumably further document its charge that the administration has been distorting and manipulating the information on Vietnam to suit its own purposes.

Question No. 1: "Why does Secretary McNamara say only 10 to 15 percent of the Vietcong's weapons have been captured—or bought—from Government troops when the State Department's interagency coordinator for Vietnam uses the figure 30 percent?"

Answer: The Times here is using a little sleight of hand to prove a point. The editorial is referring to a speech made April 19 at Detroit, Mich., by Ambassador Leonard Unger, the State Department's interagency coordinator for Vietnam. In his speech, Ambassador Unger said that the number of captured weapons in the Vietcong arsenal "have not exceeded 30 percent." Ambassador Unger was discussing the Vietcong "main force," regular troops.

Secretary McNamara, in his reference to South Vietnamese weapons captured by the Vietcong, was talking about the percentage in relation to the weapons in use by all Vietcong forces, including regular, "main force" troops and irregulars.

This distinction was clearly drawn by Deputy Director of Defense Cyrus R. Vance, in a speech at St. Louis, Mo., April 27. Referring to the role captured weapons played in the Vietcong operation, Vance said:

> The great bulk of the Vietcong weapons—certainly 60 to 70 percent, including nearly all of the heavier more modern ones—come from external Communist sources.
>
> It is true that the Vietcong use weapons cached in 1954. It is also true the South Vietnamese, from 1961 until today, have lost 39,000 weapons, but in the same period the Vietcong have lost 25,000, and so the Vietcong gains have netted them only some 14,000 arms. This is only 10 to 15 percent of their total requirements or, most favorably, only 30 of the requirements for the regular, "main force" units alone. The remainder—some 35,000 weapons for the regular, "main force" Vietcong troops, and between 50,000 and 100,000 for the Vietcong irregulars—must, and have, come from the outside.

Question No. 2: "Is it true that talk of 150,000 guerrillas conceals the intelligence that the Vietcong possesses only half that number of weapons?"

Answer: This question is more difficult to answer because it is so vague that the meaning is obscure. What it apparently means is that the U.S. Government has knowledge that there are 150,000 Vietcong guerrillas, that this country knows that only half of these guerrillas have arms and that the United States is concealing this fact from the American people.

If this is what that question means, then the answer to it is no, according to the State Department.

Question No. 3: "Why, within 48 hours of Mr. McNamara's televised assertions of bombing effectiveness, did South Vietnam's air force commander say, 'The raids against communications are not really effective. The Communists can always find ways of moving through the jungle'?"

Answer: This question implies that Mr. McNamara and the South Vietnamese air chief, Gen. Nyugen Cao Ky, are at odds. That McNamara favors the raids while the South Vietnamese do not. I am sure that the New York Times editorial writer would deny this implication since the South Vietnamese have publicly supported the air raids and General Ky himself has participated in a number of them.

The question also implies that Mr. McNamara naively believes that the raids will stop the flow of men and materials from North Vietnam into the south. This is obviously untrue. The administration has pointed out many times that the raids are designed to make this infiltration more costly and more difficult. The administration has never said that the raids will prevent all infiltration.

With these two implications disposed of, the question becomes almost innocuous. It boils down to a definition of "effectiveness." When the two statements are placed in the context in which they were uttered, it is entirely possible that they are not in conflict in any respect whatever.

It is clear that both men favor the air attacks and that both men feel that the air raids are having an effect. While it is true that the attacks will not completely stop the infiltration of men and equipment from the north, they have made such infiltration more costly, more tedious, and less certain. Both our administration and the South Vietnamese Government have noted that the attacks have inflicted great damage on North Vietnam. This has raised the morale of the South Vietnamese troops and, judging by the increase of Vietcong defectors, has had a depressing effect on morale in the North Vietnamese camp.

USERS ASK MORE AND BETTER ECONOMIC STATISTICS

Mr. PROXMIRE. Mr. President, on April 13 of this year, I took the floor to announce that the Subcommittee on Economic Statistics of the Joint Economic Committee, of which I am chairman, is undertaking a review of the statistical requirements of our Nation in the light of present and future needs of the growing economy. I pointed to the need for sharpening our economic vision by securing more accurate statistical information in the future about how the economy is operating. We have hardly begun to realize the potentials of the new technology of our time in assembling, analyzing, and reproducing statistical information useful to us all.

In the course of my remarks, I asked for and received permission to have inserted in the RECORD 4 of the many letters which we have been receiving in response to our survey of over 200 professional statisticians. We asked these experts to comment on improvements needed in the quantity and quality of Federal statistics programs, possible improvements in coordination of these programs, and deficiencies that needed to be cured. The response to the survey continues to be of outstanding quality and helpfulness.

Within the next month, we plan to prepare for publication a volume containing these numerous replies, so that the entire record of suggestions and criticisms can be made available for use by the Congress, the executive agencies, and the general public.

I ask unanimous consent that four additional letters from experts with business firms be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Armstrong Cork Co.,
Lancaster, Pa., March 31, 1965.
Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Thank you for your recent letters requesting my opinion and that of my associate, Dr. A. G. Matamoros, with regard to our Nation's present and future needs for economic statistics. As a member of the Advisory Committee on Statistical Policy to the U.S. Office of Statistical Standards, I share with you the view that, in recent years, improved and expanded statistical programs have contributed to economic growth and stability by constructively influencing public and private policies. Accordingly, we are pleased to share our thoughts with you for whatever value they may have.

Among the greatest statistical gaps which today plague policy formulators are (1) employment and unemployment; (2) the giant, but fragmented, construction industry; and (3) the U.S. balance of payments.

Carefully collected data are required to measure the demand side of the labor market equation. The evidence is overwhelming that, against the background of an unsatisfactory unemployment rate, American business is suffering severe shortages of certain skilled technical workers, and many others are seeking competent employees. The further development of job vacancy data would have the obvious merit of providing guidance for public and private training and retraining programs as well as wage levels.

Despite a lot of hard work on the part of a dedicated group of Government technicians, data on construction activity are still quantitatively and qualitatively highly inadequate for the needs of policymakers. Monthly housing starts statistics, for example, continue to show so much volatility as to make them substantially unusuable for decision-making. Moreover, the elimination from consideration of a mid-decade housing inventory indicates that critically important changes in the housing stock since the last census in 1960 will not be known until well after the 1970 census is taken. Meanwhile, public and private programs are being developed and pursued to meet vague housing needs with major hazards to the Nation and the building industry. To complicate the housing quality evaluation process still further, the vast repair and modernization market is virtually unmeasured, especially since the U.S. Bureau of the Census has suspended its survey of residential additions, alterations, maintenance and repairs, and replacements. With the rebuilding of the core of American cities the greatest single economic potential for improvement in national growth, employment, and public welfare for the next generation, it is tragic that better housing data are not being aggressively pursued.

Other building and related series where considerable improvement is needed include those which purport to measure total construction put in place, housing vacancies, and construction costs.

As a member of the White House Review Committee for Balance of Payments Statistics, I want to emphasize the important data deficiencies spelled out in our report which will be released in a few weeks. Public policy in this critical area cannot be pursued properly without much more attention to, and action to solve, underlying statistical problems.

None of the foregoing suggestions is new, but then the problem of improving the accuracy of currently available ecnomic statistics and broadening statistical coverage is not new either. There is a never-ending goal to strengthen the basis for sound policy decisions. You and your associates are to be commended for your interest and concern. Thank you very much.

Sincerely yours,
Walter E. Hoadley,
Vice President and Treasurer.

Thomas J. Lipton, Inc.,
Englewood Cliffs, N.J., April 12, 1965.
Mr. William Proxmire,
Chairman, Subcommittee on Economic Statistics, Congress of the United States, Washington, D.C.

Dear Sir: This letter is in reply to the one which you addressed to Mr. Joseph Bradley on March 2, 1965. We in the market research department at Lipton welcome the opportunity to express our thoughts regarding the economic statistics program of the Federal Government. Changes we would like to see in the program include the following:

1. The publication of monthly figures on gross national product and its components.
2. The presentation of gross national product on a regional as well as a total U.S. basis. Data on the four major census regions would be useful.
3. More detailed breakdowns of (1) the change in business inventories and (2) net exports of goods and services (as both are defined for gross national product).
4. A more frequent publication of the detailed breakdown of personal consumption expenditures found each year in the July issue of "Survey of Current Business."
5. A quicker release of the final figures on gross national product. At present this data is published about 2 months following the end of a quarter.
6. The calculation of quarterly averages for series now presented only on a monthly basis, such as retail sales and industrial production.
7. The inclusion of data for the year-ago quarter in each publication. At present, for example, one must refer to two separate issues of the "Survey of Current Business" in order to obtain employment figures for the year-ago quarter and the current period.
8. More frequent release of population forecasts by State. Forecasts of county populations and of incomes for States and counties would also be helpful.
9. The publication of more detailed data regarding the number of families with children of a specific age. Present age groups are too broad.

In addition, information is desired on a county basis regarding:

1. Number of grocery stores in counties with less than 500 establishments. The Census of Business already provides this data on counties with 500 establishments or more. The information requested below is also desired for all counties.
2. Number of grocery stores by type—chain vs. independent.
3. Number of grocery stores by annual retail dollar sales volume.
4. Annual retail dollar sales of just grocery items. The definition of grocery is the one employed by Progressive Grocer magazine, which divides grocery store products into groceries, fresh meats, produce, frozen foods, dairy products, bread and nonfoods.

In addition to recommending the above changes, we are also anxiously awaiting the introduction of certain improvements already endorsed by the Government. For example, at present there are two separate, noncomparable series on new construction included in "Economic Indicators." Steps are now being taken to make these two series comparable. Moreover, it is understood that some means is being sought to make seasonal adjustments in the data included in "Consumer Buying Indicators." I'm sure you realize that these refinements will make the data more meaningful and facilitate our analyses. Consequently, we are more than happy to cooperate with the Government in any way that will bring about such improvements. We hope that our suggestions have been helpful. Naturally, because our needs are constantly changing, it is quite possible that additional requests will be sent to you in the future.

Cordially,
Robert Wiuff,
Market Research Department.

E. I. du Pont de Nemours & Co., Inc.,
Wilmington, Del., March 26, 1965.
Hon. William Proxmire,
Chairman, Subcommittee on Economic Statistics, U.S. Senate, Washington, D.C.

Dear Senator: It is a pleasure to respond to your recent letter asking for suggestions and help in reviewing statistical requirements of business which may be supplied by agencies of the U.S. Government.

The Du Pont Co. has found that, except for a few broad economic studies, statistical data on foreign trade published by the Department of Commerce are, for the most part, far too general to provide helpful information. The basic problem in our view, is that present foreign trade statistics are classified according to a system which utilizes product categories which are very broad. Such categories include so many products that any information about a particular product, which is generally what would be of interest to a business such as ours, is usually buried and not available.

It is possible under some conditions to purchase from the Bureau of the Census statistical data on a specific product included in a category. However, in many cases this cannot be done. We would like to suggest that the Department of Commerce consider making foreign trade data available for individual products to the fullest possible extent. The Department of Commerce or some other Government agency could be a repository for individual product foreign trade data. There would be no need to publish or distribute such data widely on an individual product basis, however, it would be available to those who wanted it for a specific product. If this Government service were widely known, it could well result in elimination of many reports presently prepared and widely distributed which are of little value.

We realize that, in some cases, for the Department of Commerce to provide more detailed information about a specific product may be difficult or even impossible because of the practice of the Department of not revealing data which might be advantageous to competitive enterprises, domestic or foreign. However, in our opinion this inability to provide specific product detail would be confined to a limited number of situations and would not seriously impair the overall usefulness of such a service.

Finally, we are also concerned about the makeup of the U.S. chemical balance of trade, particularly insofar as the U.S. chemical balance is compared from time to time with the chemical balances of other nations. This becomes important when efforts are made to assess the world trade position of the U.S. chemical industry. Today, the result is a comparison of unlike product groupings with the inference being that the comparison is a proper one. This results, for practical purposes, in no comparison at all. To a lesser extent we believe the same situation exists when the foreign trade position of the U.S. chemical industry is placed alongside that of other U.S. industries. In this case, we believe that some items are included in the U.S. chemical balance which should not be included and which properly belong in another industry. We suggest that the makeup, i.e., the items going into the U.S. chemical balance, be reexamined and reassessed in light of these considerations.

Further suggestions for improving the Census of Manufactures are the following:

Improve the indexing of reports, specifically synthetic organic chemicals and the census of manufactures.

Publish a comprehensive catalog or index to the statistical data compiled by all U.S. governmental agencies.

Publish a list of personnel in various collecting agencies who can be contacted for answers to questions concerning data.

Expand the amount of data given for many products in the so-called basket categories, especially in synthetic organic chemicals and various tariff reports without, of course, revealing production of any individual companies.

In more general areas, we believe there should be improvement in construction statistics, including housing starts, additions and alterations to residential structures, etc. While, admittedly, it is difficult to get data in such broad areas that will be meaningful for the entire country, we believe the present data could be substantially improved.

Data on retail sales should be similarly improved. The early data released on retail sales are later revised substantially. Could not a sampling method be devised to arrive at a firm figure sooner than those now available?

The wholesale price index of the chemical and allied products industry should be expanded to cover a broader sample of commodities actually moving in the industry. The composition of this index has not been revised for several years and many new products have become important during this time.

Employment and unemployment data should be prepared in a form which would stress unemployment among adult male members of the labor force rather than combining them with teenagers, working wives, etc., when many of these latter groups are looking only for parttime work. In addition, could we not provide data on unfilled job opportunities, particularly for semiskilled and unskilled workers? The magnitude of normal seasonal unemployment should be available from the data; i.e., construction workers in northern areas during the winter months, schoolteachers in summer, etc. Finally, I believe the unemployment statistics should provide data on educational levels of the unemployed, since a low level of education is an important cause of insufficient employment. In short, should not the unemployment data point more clearly to desirable solutions to the unemployment problem, rather than merely providing facts?

The Federal budget should be presented in a more meaningful way, to show the magnitude and variety of activities being described. It is difficult now, for example, to determine the cost of various agricultural programs, or the extent of Federal lending agencies, or the extent of Federal participation in business-type activities, etc.

A similar statement could be made about the Nation's balance-of-payments problem. The experts should agree on what is to be included and how it is to be presented. For example, should Government giveaways under Public Law 480 be included as exports? Of course, the goods are shipped abroad, but their inclusion in exports gives a false picture of the number of dollars generated by our export trade.

We need faster data on corporate profits. It is now the end of the first calendar quarter of 1965, and very little corporate profit data are yet available for the fourth quarter of 1964. Could not a sampling plan be developed to provide useful estimates of corporate profits in a period in less than 3 months after the close of the period?

Finally, I believe it would be more desirable for Government agencies to attempt to provide more and better data desired by business and to be less concerned to develop data to show changes in the concentration ratios of industry.

Sincerely yours,

Ira T. Ellis, *Economist.*

Deere & Co.,
Moline, Ill., March 31, 1965.

Hon. William Proxmire,
U.S. Senate, Washington, D.C.

Dear Senator Proxmire: Please excuse my delay in responding to your invitation of March 2 to participate in your review of our country's statistical requirements.

The work of the staff of the joint committee in initiating the gaps study in 1948, and indirectly in its many reports, has, I am sure, greatly stimulated improvements in the range and quality of our statistics.

To the extent that gaps listed in the 1948 study have not been closed and recommendations of the Intensive Review Committee to the Secretary of Commerce in its appraisal of Census programs in February 1954 have not been carried out, there exists a current backlog of work to be considered. In connection with the latter, it is important that work in connection with restructuring the standard industrial classification and the related commodity classification be pushed ahead at full speed. The recently published input-output tables based on 1958 data are essentially meaningless for some industries because of the classification of information on the current inadequate SIC and, incidentally, on their delay. That I think this problem is important is indicated by the following quotation from a speech I made recently at the University of Illinois:

"Capital expenditures by productive agriculturists in the future will increasingly be made for equipment produced by manufacturers who have not heretofore and are not currently classified as manufacturers of farm machinery and equipment. Components of equipment used on farms will come from the electronics and computer industries, from materials-handling equipment-producing manufacturers, and from industrial suppliers of such conditioning equipment as humidifying, dehumidifying, cooling, etc. To the extent that these trends develop, it is clear that we will have more difficulty than ever in obtaining well-defined records of capital expenditures related to agricultural production. Agricultural product-producers' records may be helpful, but they will record such diversity as to be very difficult to consolidate."

For many years most of my work has been in the general area of prices and agricultural statistics.

Our country's price statistics are deficient in a number of ways and provide in too much detail in some cases. The Consumer Price Index, for instance, has recently been revised along lines as recommended by a special committee established to review Government price indexes. It is inadequate, however, as a retail price index, which would be helpful for policy purposes, and is probably not necessary for as many cities for which it is published. Ten to twenty years from now separate city indexes will probably not be necessary; some regional indexes may be helpful.

The index of prices paid by farmers for cost-of-living items has probably outlived its usefulness and could be supplanted by regional Consumer Price Indexes. Indexes of prices of imports and of exports not now available will be helpful in the years ahead.

A great many statistics, including those collected and disseminated by the Bureau of the Census and the Department of Agriculture should be examined and modified in the light of future needs rather than maintained so strongly in the context of the criteria of historical consistency. A parity index, for instance, based on 1910–14 is anachronistic. A definition of farms as "commercial" which sell as little as $50 worth of products is scarcely a useful definition in the modern world, especially when Census publications provide no breakdowns in the enonomic classification of farms selling products with a value of $40,000 or more.

Farm income, as measured by the Department of Agriculture and the Bureau of Internal Revenue, vary because of differences in the purposes of the data collection. A study of the differences might result in better guides to future policy or administrative decisions.

Many Government statistical reports that summarize activity in industry or product groups are published so late that the reports have little value, even though businesses bear the burdensome costs of reporting. These kinds of observations and suggestions can be extended almost endlessly. Your committee might get its greatest assistance, however, from extending the context of your current review by asking your staff to describe in broad-brush strokes what our economy will be like by 1985, and then asking representatives of various professions to present papers discussing such questions as: "What kind of policy problems and administrative needs will we then face for which foundation statistical data should be laid now? What kinds of data are we now collecting or presenting that can and should be greatly modified or even discontinued?"

I hope that the joint committee will continue its activities aimed at improving our statistics.

Sincerely yours,

Lester S. Kellogg,
Director of Economic Research.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. HART. Mr. President, on Friday last, the distinguished majority leader, together with the distinguished minority leader, offered an amendment in the nature of a substitute and suggested that we study the changes over the weekend. I believe that was a useful and helpful action on their part.

If the majority leader is now willing, it is my purpose to raise certain questions in an effort to clarify one of the changes which has been made in the substitute bill.

I wonder whether the Senator from Montana is in a position to accommodate us at this time?

Mr. MANSFIELD. I am glad to do my best.

Mr. HART. The first question relates to the substitute to section 4(a), under the leadership substitute amendment to section 4(a). Could a covered State lift the prohibition on tests and devices by deciding to conduct a complete reregistration? Would that constitute effective correction of the effects of discrimination? I believe that there are court decisions indicating that testing might be resumed if a reregistration is ordered.

Mr. MANSFIELD. A mere order for reregistration would not constitute an effective correction of anything. The fact that a State decides to have a reregistration would not be enough to persuade a court that a State had met the very heavy burden imposed on it under the amended escape clause. We do not mean merely to codify such decisions as United States against Louisiana and United States against Duke, which do not foreclose resumption of tests after a complete reregistration has been ordered. We mean to require much more than that.

Mr. HART. Let me ask the Senator where in his amendment that is made clear.

Mr. MANSFIELD. In two places. First, it requires that the effects of past discrimination must have been effectively—and I emphasize the word "effectively"—corrected. The creation of an abstract equality of opportunity to register without discrimination—which is all a decision to have a reregistration amounts to—would not be "effective" correction by itself. No correction would be considered effective until, at a minimum, persons of voting age desirous of voting were actually voting after having been registered without discrimination.

Second, the substitute amendment requires that there be "no reasonable cause to believe" that any test or device "will be used for the purpose or will have the effect of" violating the 15th amendment. A decision to reregister everybody obviously fails to meet this test, since in States with a long record of voting discrimination it is highly probable that discrimination will continue even under a reregistration. The court will, of course, look to see what officials will be responsible for carrying out the new registration. I would think that a State, in which a number of findings of discrimination have been made by the courts, would find it difficult to meet this test.

The only way a State could prove that a test or device would not be used for the purpose of discriminating would be actually to conduct registration or reregistration without tests over a period of time without any racial discrimination. A sufficient period of time is necessary so that the court may have before it statistics showing the fact of nondiscrimination in voting.

The so-called 60-percent provision provided that a State might bring itself out by proving that 60 percent of the voting age population became registered and there "is" no denial of the right to vote on account of race or color. This might have been read to mean that reregistration would satisfy the "is" test since no person would remain enrolled who had been favored in the past. The 60 percent provision did not look to the past or future. That is one reason we deleted it.

Mr. HART. Does the elimination of the 5-year suspension provision mean that a shorter suspension period is envisioned under the leadership substitute?

Mr. MANSFIELD. Not necessarily. In cases where there has been discrimination in the past in only one county of a State—if there are such cases—perhaps 5 years would be too long. But in the hard-core areas—where a number of cases have been brought and findings of discrimination made—nothing in the leadership substitute would prevent a longer suspension period, where necessary.

This is another reason we eliminated the 60-percent escape hatch—it might have been construed to permit the hard-core States to resume the use of tests and devices within a short time.

Mr. HART. Under the leadership substitute, would your answer be the same as to the meaning and intent of the words "effect" and "effectively" used in section 4(a) respecting denial or abridgment of the right to vote as it applied to the 25-percent provision of section 4(b)(3); that in 25-percent areas, notwithstanding the presence, absence or suspension of tests, "where Negroes have been intimidated and discouraged over the years from even trying to register, they must be given time to make that effort"?

Mr. MANSFIELD. That is correct.

Mr. HART. Can the Attorney General move within 5 years after judgment to reopen a case involving a 25-percent area even if a test or device has never been used, if he believes that the right to vote is being abridged because of race or color?

Mr. MANSFIELD. Yes. In such a case, he need not allege that a test or device was being used because that was never the criterion for including such an area. He can move to reopen at any time within 5 years if he believes that discrimination or its effects have not been effectively eliminated.

Mr. HART. May the courts look at the content of any test a State proposes to use, as well as its probable mode of administration?

Mr. MANSFIELD. Yes, definitely; the two cannot be separated. Arbitrary tests, tests vesting a good deal of discretion in the registrar, and otherwise unreasonable or too-difficult tests lend themselves too readily to manipulation and often have an inherent discriminatory effect. We would expect the courts to take that into account and to refuse to approve such concoctions as the "perfect form" requirement now used in three States, and the like.

Mr. HART. Should the courts consider the education gap that exists in some of these States?

Mr. MANSFIELD. I would say yes; that is a good example of a factor to be considered when reviewing the content of a proposed test or device.

Mr. ERVIN. Mr. President, will the Senator from Montana yield for a question on that point?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. HART. I yield.

Mr. ERVIN. I ask the majority leader if that would not create discrimination in favor of nonwhites against whites in the administration of the act?

Mr. MANSFIELD. No; that is not the intention of this provision.

Mr. ERVIN. I understood the Senator from Michigan to ask the Senator from Montana whether the courts should consider the education gap between the races in determining whether or not people should be allowed to register to vote.

Mr. MANSFIELD. The education gap that exists in some of those States.

Mr. ERVIN. That means, because of the education gap, that it would discriminate in favor of nonwhites and against whites. We ought not to create a new discrimination.

Mr. MANSFIELD. I would not say that it would be really a new discrimination, because it is based on the achievement of the tests. It is a matter which ought to be considered, because of its effect at the present time in some States.

Mr. HART. Why does the leadership substitute delete from section 7(a) the requirement adopted by the Judiciary Committee that an application must allege that an applicant for listing "has been deprived of the right to register or vote on account of race or color"?

Mr. MANSFIELD. Because the effect of that language was somewhat uncertain. We did not feel that any question of what motive State officials might have had for rejecting an applicant should be interjected into the examiner proceedings. An application to a referee under the 1960 Civil Rights Act does not require such an allegation, and we saw no reason to require it here.

Mr. HART. The leadership substitute added to section 7(b) an explicit requirement that State election officials must place on their official voting list the names listed by an examiner. Why was that requirement added?

Mr. MANSFIELD. For two reasons.

First. We sought to make clear that we expect State officials to treat persons listed by examiners in accordance with the same orderly procedures as they apply to other registered voters, and that would include placing their names on the official voting list.

Second. We added in section 10 authority for the Attorney General to file a suit if 20 days before an election federally listed persons have not been placed on the official State list. Naturally we had to impose a duty on local officials to so place those names. The purpose of this lawsuit is to provide some assurance in advance of an election that listed persons will be allowed to vote. I wish to point out, however, that it is a person's listing by an examiner that entitles him to vote; placing his name on the official voting list maintained by State or local officials is not a prerequisite to his entitlement to vote. Failure to place his name on the State list, however, is evidence of an intention not to allow persons listed by an examiner to vote; that is why we have imposed a mandatory duty on State and local officials to place those names on the State list. Action under section 10 is, of course, only one of the alternative remedies available under the bill.

Mr. HART. I thank the distinguished majority leader for making clear his purpose and intention, and that of the distinguished Senator from Illinois [Mr. DIRKSEN] in offering the substitute.

I suggest the absence of a quorum.

The PRESIDING OFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ERVIN. Mr. President, unless the Senator wishes to withdraw the order for the quorum call for the purpose of making a speech, I shall object.

Mr. JAVITS. I shall make a speech.

Mr. ERVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, if it will not interfere with the Senator from North Carolina, for he may desire the floor or have the floor——

Mr. ERVIN. No, I do not have the floor.

Mr. JAVITS. If it is agreeable with the Senator, I should like to make a few statements.

This is the first time that I shall have commented upon the substitute filed by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN] which is popularly known as the leadership substitute.

First, the substitute is further evidence of the seriousness with which the leadership in this body has taken the views of the so-called liberals who have taken the position that it is high time, in the interest of the Nation, that we have a really effective voting rights bill. We have had the acts of 1957, 1960, and 1964. The old line of leaving it entirely to the eventuations of court proceedings has not seemed to work; so we have had to do something else.

In my judgment, the substitute is a material improvement over the bill sent to Congress by the administration. Although in effect it "leapfrogged" the bill reported by the committee, the Senate has full power to seek to amend the substitute if it can be whipped into shape, and then to accept it, in lieu of the bill that came from committee, or, if the Senate cannot effectively amend the substitute so as to suit it, it has the right to reject it. Then we shall again revert to the committee bill, to which amendments will lie, and that bill can be put in shape.

I believe it is the duty of those of us who desire to bring about the result within a reasonable period of time, in view of the distinguished auspices under which the substitute is presented to us, to address ourselves to it, and to do so promptly and with what I hope will prove to be good effect.

The things that I think are noteworthy as well as the things that give us concern are the following: It is noteworthy that the so-called 60-percent escape clause has now been taken out of the substitute. This is most gratifying and represents, again, what we all feel about the Senator from Illinois [Mr. DIRKSEN]. He is not a slave even to his own ideas, but may be persuaded, either in the interest of harmony or of the basic substantive questions involved, that some other course is the right one. I believe that this has helped greatly in our consideration of the measure.

The second thing that I think is important is that there has now been an acceptance, obviously, of the triggering mechanisms which are contained in the bill as it came from committee. This, again, represents a basic question of principle, which has now been accepted upon reconsideration by the leadership, to the effect that in order to have an effective law, which will at long last bring the right to vote to so many people who have been denied it, it is necessary to have mechanisms which will take effect within the control of the Attorney General and the governmental machinery of the United States, subject to court review, but not subject to original authority on the part of the courts. That, I believe, is a distinct gain.

Now I should like to mention the disadvantages. The first and obvious one is the reversal of the provision which allowed the Attorney General to require that an applicant attempt to register before the local authority, first. As the bill now reads, such an attempt is required unless waived by the Attorney General. Much as I prefer the former, I would not necessarily, if everything else fell into place, niggle about the latter. Therefore, subject to the rest of the bill being put in reasonable condition, I should not think that that would represent a major problem.

However, I regard the poll tax question as a major problem; and I regard the poll watchers question as a major problem.

As to the poll tax, as it is now provided for in the substitute, we are deprived of a finding by Congress as to the facts. I am one of those who believe that the facts justify the finding that the poll tax has been used as an instrument for abridging the right to vote. If Congress is to leave it to the courts, either under pending or new cases, or even directing the Attorney General to institute cases, it still means that he would have the burden of proof and must demonstrate affirmatively, absent a basic finding of fact by Congress that it is of such nature that on its face it abridges the right to vote.

So I do not agree with the strong feeling of many that the poll tax should not be eliminated, when we consider that what Congress thought it was doing, it did not in fact accomplish when it passed the constitutional amendment with respect to the poll tax. I never say, and I shall not now say, "I told you so." We are just about where we began before we dealt with the constitutional amendment, passed it, and had it ratified by the necessary number of States. The poll tax still exists, and exists substantially in the States that want it.

I do not believe we ought to handicap ourselves, therefore, by avoiding an opportunity to remove the poll tax based upon a congressional finding of fact. I sincerely hope, as we move along in the effort to amend the substitute, that probably the primary question, the most controverted question with respect to the bill, may be resolved in an affirmative way by congressional finding and the elimination of the poll tax, and that the right of review by the courts may be included. I am the first to agree that that should be, so that the situation may be protected in the event decisions occur which go against our point of view, notwithstanding our finding of fact.

Mr. CASE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CASE. I wish to express my personal appreciation and the appreciation of all of us who believe in the bill for the lucid and unanswerable statement the Senator from New York has just made. I associate myself with it completely.

Mr. JAVITS. I am grateful to the Senator from New Jersey, who is one of the most distinguished lawyers in this body. I am much pleased that he should feel as I do about this highly controversial subject.

As to the poll-watchers proposal, it seems to me that this is an elementary aspect of American public life. The Republican and Democratic and other parties in New York, send watchers to the polls merely by having the party leader write a certificate and send it in. It seems to me that to hobble ourselves with the requirement of a court order before watchers could be sent in to see that what the United States has ordered is carried through, is an unnecessarily troublesome requirement. I hope very much that we shall not relinquish that opportunity, but will continue to fight it through in the endeavor to have the situation at least as it was in the committee bill.

Finally, there is the matter, which was the subject of a series of questions and replies between the Senator from Michigan [Mr. HART] and the Senator from Montana [Mr. MANSFIELD] of the real meaning of the detriggering mechanism of section 4(a) of the substitute, to which these particular questions referred. It will be noted that this material is contained on page 4, beginning at line 15 and ending at line 24. It deals with the showing that must be made by a State or political subdivision in order to take itself out, for all practical purposes, from the provisions of the act.

The operative words of course are especially the words: "that the effects of denial or abridgment, if any, of the right to vote on account of race or color." Then there are these tremendously important words—"have been effectively corrected by State or local action and that there is no reasonable cause to believe that any test or device," and so on, and the tying up of this operative triggering mechanism with the provisions of section 4(b), and especially the parts contained in 4(b)(1), (2), and (3).

The answers given to those questions by Senator MANSFIELD, have, as I see it, gone a very long way to pin down exactly what the operation of this statute would be and to give some reassurance to those who are deeply concerned by the loss of heritage which this statute is designed also to deal with—the denial or abridgment of the right to vote which denial or abridgment has discouraged voting to the extent that we have in some places this almost fantastic juxtaposition of registration and voting figures for those who are white and those who are Negro. I am very pleased that Senator MANSFIELD has seen fit to make replies to these questions.

I shall not in any way characterize or rephrase the questions or the replies.

I think it is essential for the legislative record that when the bill becomes law, those questions and answers stand exactly as the majority leader has dealt with them, along with the Senator from Michigan [Mr. HART].

I have, however, first, because of my great personal respect for, and, second, because of the cosponsorship of the substitute by the Senator from Illinois [Mr. DIRKSEN] given a copy of what transpired to the Senator from Illinois. I hope very much, without necessarily asking for anything from him, that he might find these answers to be satisfactory to him so that insofar as possible, those who were the authors of the substitute will themselves have given their understanding of precisely what it means.

Mr. DIRKSEN. Mr. President, I have just been handed a sheaf of papers containing questions and answers that purport to give explicity and clearly what the intention of certain words contained in the substitute might be. I think that it would take a little more time than is available presently to spell that out.

I would rather not be bound by any answers that have been made heretofore, or completely bound by any anewer I might make now unless I were to examine the phraseology a little more carefully.

I saw this document only 10 minutes ago. I want to be sure that we do not do violence to the cleansing section of the bill. That will take a little spelling out.

However, I shall be glad, somewhere along the line, to do it. Had these questions and answers come to my attention before, I probably could oblige the Senator at this time. I might concur in the exact interpretation given by the majority leader. On the other hand, there might be some shading with which I might not agree.

Mr. JAVITS. Mr. President, I hope very much that those of us who are deeply concerned with the bill might have the benefit of the replies of the Senator from Illinois as soon as it is convenient for him.

It would be most felicitous for the future of the legislation if the minority leader, like the majority leader, expressed the same views as are reflected by these questions and answers.

Mr. DIRKSEN. Yes. For purposes of court interpretation, we, as the lawmaking body, ought to be sure of the words that we employ here, and their precise meaning.

Mr. JAVITS. Mr. President, I thank my colleague. I would hope that we might have the benefit of his views, perhaps expressed in one word, but at least we shall have his views.

Mr. DIRKSEN. Yes.

Mr. JAVITS. Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, I understand that the able and distinguished Senator from Wyoming [Mr. MCGEE] has a bill which he would like to have considered at this time. I, therefore, ask unanimous consent that I may yield to the Senator from Wyoming for that purpose with the understanding that he may yield the floor to any Senator interested in the bill which he is to present, and with the further understanding that by so doing I will not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION FOR 1 YEAR OF DATE FOR FINAL REPORT BY NATIONAL COMMISSION ON FOOD MARKETING

Mr. McGEE. Mr. President, I thank the Senator from North Carolina, and I ask unanimous consent to call up H.R. 5702.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. Calendar No. 161, a bill (H.R. 5702) to extend for 1 year the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress and to provide necessary authorization of appropriations for such Commission.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, the pending bill is an authorization to extend for 1 year the date on which the National Commission on Food Marketing is to make a final report. The purpose of extending the time derives from two considerations. First of all, the Senate itself asked for a 2-year measure when the bill was enacted into law a year ago. The House limited it to 1 year. We knew then that the time was going to be too short but accepted the House amendments rather than delay the establishment of the Commission.

The second reason is that the Commission's appropriation was not approved until late in the session last year. It was difficult to assemble the staff, because of the election and other interruptions and digressions. Therefore, the law was not fully implemented until early in this session.

Students of the subject will agree that we cannot approach the marketing system as it exists today on the basis of a 6-month study.

It was for that reason that the Committee on Commerce last week unanimously approved the authorization of extension for 1 year.

I understand that the Senator from Louisiana [Mr. ELLENDER] has some questions to ask.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. ELLENDER. As I recall, the original request was for $2½ million.

Mr. McGEE. That was the request.

Mr. ELLENDER. It was cut to $1 million and a half.

Mr. McGEE. That is correct.

Mr. ELLENDER. Since the bill has been enacted how many permanent employees have been employed to do this job?

Mr. McGEE. The estimate I have been given by staff counsel is that the number is 42.

Mr. ELLENDER. Forty-two. Have those 42 employees been busy, and since when?

Mr. McGEE. Since January. I hasten to add that we had a staff director and one or two employees to assist the Chairman of the Commission, the justice from California, last fall; but the election prevented going to work on a full-time basis at the time.

Mr. ELLENDER. Are we to understand that these employees, 42 in number, have been at work since January 1st?

Mr. McGEE. Most of them have been at work since March 1st.

Mr. ELLENDER. How many were there at work——

Mr. McGEE. Would the Senator agree to my asking unanimous consent that the director of the staff may come to the floor so we may ask these questions of him?

Mr. ELLENDER. I have no objection.

Mr. McGEE. I ask unanimous consent that the staff director may come to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I wonder if the Senator can inform us how many of these employees were hired from the various departments of Government on a reimbursable basis?

Mr. McGEE. I am sure we can supply that information. Some were brought in on a reimbursable basis.

Mr. ELLENDER. Until the staff director comes to the floor, I wonder if the Senator from Wyoming can give us assurance that, if the bill is enacted into law, the Commission will complete its work in another year.

Mr. McGEE. The Senator from Wyoming would not dare to give any such assurance, for one reason: He does not have control of the magnitude and complexities and depth of the problems involved; but he can, from what understanding he has—and he has been "sweating" this matter out for 2 or 3 years—say that it is a reasonable target date. We are confident, after checking with experts in the field, that we can report the matter with a helpful, constructive body of information, within the course of the next year.

Mr. ELLENDER. Of course, if this information were extended over the years, it would be of no use to us.

Mr. McGEE. That is correct.

Mr. ELLENDER. I remember during the debate, when the matter was considered, it was stated it was essential to get the information now to find out what the trouble was, who was getting what in the price structure and in the handling of products off the farm.

Mr. McGEE. Not only has the staff been busy assembling all the available existing studies from that time until now, so it would not go back and repeat and expend unnecessary energy and public expenditures for these purposes, but the Commission has been deeply involved in placing a proper interpretation on what it is doing. Two hearings, held in Cheyenne and Fort Worth, were confined to marketing structure on the red meat industry question. We are to hold hearings in Washington with spokesmen for the food chains and explore some of the marketing problems in their field. A series of well over a dozen field hearings have been scheduled up to now. The Commission has not been wasting time up to this date.

Mr. ELLENDER. To what extent are Senators attending the hearings? As I understand, the Commission is composed of Senators and Representatives.

Mr. McGEE. There are five Senators and five House Members and five public members, that is, nongovernmental members, attached to the Commission. In the large public hearings more than half the Commission attended. Sometimes a Commissioner may not attend all 3 or 4 days because of conflicting engagements, but others have been able to be present part of the time.

Mr. ELLENDER. I wonder if we could get the information I asked for a while ago.

Mr. McGEE. Yes.

Mr. ELLENDER. I wonder if the executive secretary could place in the RECORD information on the number of people employed, their background, and salaries received. If it cannot be done at this instant, perhaps the information can be furnished for the RECORD.

Mr. McGEE. I am advised by the staff member that the staff membership is 42. An outline of their status, salary, and background will be made a part of the RECORD.

The information follows:

Staff member	Entrance-on-duty date	Position	Per annum salary	Background of professional staff
George E. Brandow	Nov. 16, 1964	Executive Director	$24, 500	Professor, Pennsylvania State University.
James E. Corkey	Jan. 18, 1965	General Counsel	22, 195	Staff counsel, Senate Antitrust and Monopoly Subcommittee.
Linley E. Juers	Mar. 1, 1965	Project leader	19, 590	Professor, Michigan State University.
Richard F. Ottman	Nov. 23, 1964	Assistant to the Executive Director	18, 935	Bureau of the Budget.
Ronald D. Raitt	Mar. 1, 1965	Assistant General Counsel	18, 935	Staff counsel, Senate Antitrust and Monopoly Subcommittee.
Thomas A. Sterner	do	do	18, 935	Legal adviser, Federal Trade Commission.
H. Wayne Bitting	Jan. 25, 1965	Project leader	18, 935	Department of Agriculture.
Paul L. Farris	Feb. 1, 1965	do	18, 935	Professor, Purdue University.
Marshall R. Godwin	Mar. 1, 1965	do	18, 935	Professor, University of Florida.
Warren L. Sharfman	Jan. 11, 1965	do	18, 935	Attorney, private practice.
Fred B. Burke	Mar. 8, 1965	Field investigator	17, 600	Staff counsel, Senate Antitrust and Monopoly Subcommittee.
Donald E. Farris	Feb. 1, 1965	Assistant project leader	16, 460	Professor, Texas A. & M. University.
Daniel I. Padberg	do	do	16, 460	Professor, Ohio State University.
George L. Bickel	Mar. 1, 1965	Field investigator	16, 460	Assistant to the president, Rocky Mountain Farmers Union.
John J. Mitchell	Mar. 29, 1965	do	16, 460	Attorney, private practice.
Louis W. Stern	Jan. 18, 1965	Economist	15, 150	Professor, Ohio State University.
Lindon U. Cockroft	Jan. 11, 1965	do	12, 495	Department of Agriculture.
Ruth K. Holstein	Feb. 15, 1965	Information officer	12, 495	Staff assistant, Representative Leonor K. Sullivan.
Thomas J. Hogan	Apr. 5, 1965	Economist	12, 075	Department of Commerce.
Jerome M. Stein	Jan. 11, 1965	do	11, 315	On detail from Department of Agriculture.
Ralph A. Freund, Jr	do	do	10, 250	Department of Agriculture.
Robert R. Miller	Feb. 15, 1965	do	10, 250	Economist for dairy co-op in New York.
Arthur J. Cordell	June 1965	do	10, 250	Professor, Cornell University.
Richard S. Magleby	do	do	10, 250	Professor, Pennsylvania State University.
Alexander J. Basso	Feb. 8, 1965	do	9, 535	Private business, real property management.
Lynn M. Daft	Jan. 28, 1965	do	9, 535	Graduate student, Michigan State University.
Joseph N. Uhl	do	do	9, 535	Do.
Allan S. Johnson	Feb. 1, 1965	do	8, 650	Graduate student, Pennsylvania State University.
Rhoda W. Gorman	Nov. 1, 1964	Administrative officer	8, 650	Secretary, Alaska Commission.
Pennie Paynich	Nov. 16, 1964	Secretary	8, 650	
Mardell D. Halgerson	Nov. 2, 1964	do	8, 650	
Helen L. Kelly	Jan. 18, 1965	do	8, 440	
Inez H. Jarvis	Jan. 4, 1965	do	8, 170	
Sally B. Johnson	Jan. 25, 1965	do	7, 050	
Alice W. Bartimus	Feb. 1, 1965	do	7, 050	
Kitty B. Celorier	Mar. 8, 1965	do	7, 050	
Lillian H. Cottmeyer	Feb. 8, 1965	do	6, 650	
Carolee Bush	Jan. 18, 1965	do	6, 450	
Judy C. Mighell	Feb. 1, 1965	do	6, 050	
Bernice M. Powell	Dec. 14, 1964	Typist/receptionist	5, 990	
Ernestine L. Gibson	Mar. 15, 1965	Stenographer/typist	5, 690	
Lee Stubbs	Nov. 17, 1964	Messenger/clerk	4, 800	

Mr. ELLENDER. Are they permanent employees?

Mr. McGEE. Permanent employees of the Commission, not of the Government itself.

Mr. ELLENDER. To what extent have persons been employed from other departments of Government on a reimbursable basis? Are all these persons new persons the Commission is hiring?

Mr. McGEE. At the present time, we have only one such person on a reimbursable basis. In terms of phases of the problem of food marketing which have been available to the Commission, existing studies will be maintained up to date by the Federal Trade Commission, by the Antitrust Division of the Department of Justice, and by the Department of Agriculture.

Mr. ELLENDER. If my memory serves me correctly, those who sponsored the resolution last year—perhaps it was the year before—indicated that most of the employees would be connected with some Department of Government, so that this matter could be looked into at once and interim reports presented, in an effort to find out why it is that the farmers are getting so little and why it is that the chain stores are getting so much. Such information, in my judgment, would be of benefit if obtained within a few months. But, if it drags on, I do not believe that such information will do any good. I am hopeful that the Senator can give us assurance that if the Commission is extended, it will complete its work on or before July 31, 1966, and that its final reports will be ready for presentation to the Congress.

Mr. McGEE. The Commission has had unanimous conviction about the urgency of moving, and moving quickly. There was great reaction on the part of the Commission that some of the manifestations of the election required some delay. They would like to have taken care of it a year ago last summer. Circumstances seemed to operate against it. The feeling was expressed that if we started going at it too vigorously in the middle of an election, there would be those who might suggest that it would become a political football. We did not wish that to happen to this particular Commission. We believe that these problems are more complex and larger than a political party or political partisanship. Let me give my assurance to the Senator—and I believe I sense the attitude of the other 14 members of the Commission—that they are not about to prolong this matter unnecessarily, because it has taken a great deal of time, a great deal of digging. Every member of the Commission knows what he is supposed to be doing. Their sense of dedication to the importance of this particular question has led the Commission to place priority on the problem, in terms of getting it moving, but getting it moving in a constructive way in the hope that we can reach conclusions which will be helpful to all segments of the marketing structure.

Mr. ELLENDER. I hope that the work of the Commission can be completed in the time stated in the bill of my good friend, the Senator from Wyoming, who has been giving a great deal of attention to the problem, and that he will be able to point with pride to the Commission that was organized. It said it would get its work done in 2 years, and here it is.

As the Senator from Wyoming knows, when we had debate on this subject it was my feeling that in order for the facts to be of benefit and get results, they would have to be presented very shortly.

Mr. McGEE. Yes. I assure the Senator from Louisiana that we intend to brook no unnecessary delays. If we can work double time, we shall make that endeavor. But I would mention as a qualifying observation that as one goes into the complexities of the situation the difficulty in terms of separating one phase of the problem from another, trying to isolate some aspects of the problem becomes more and more obvious to all. This is not news to the Senator from Louisiana, who has lived with such a problem for a long time. He is one of the great experts in the Senate on agricultural problems. He understands them with great grasp.

Mr. ELLENDER. I was not looking for any bouquets. The point is that I know the seriousness of the problem. The answers should be obtained tomorrow if possible. We must not wait until 3 or 4 years hence for them to be of any use.

Mr. McGEE. I agree with the Senator from Louisiana. We should have had the answers yesterday. If we could have made them available yesterday, we would have done so. I was not intending to give the Senator bouquets; I was merely trying to state the facts. The facts add up to a bouquet, nonetheless.

But that is not the point. I was merely trying to suggest that these questions are being injected at this point out of a great sense of perspective for the depth of the problem; and I believe that the RECORD should show it.

Mr. ELLENDER. If the Senator will look up the formation of some of these committees, particularly some that were appointed to investigate various needs, he will find that they have asserted they would get the jobs done in 12 months or some other specified time, and in so doing have been able to induce many Senators to go along with them. I do not wish to repeat it too often—the Senator was not in the Senate at the time—but I well remember the creation of the Juvenile Delinquency Committee, which was supposed to complete its work in not more than 2 years. That was 15 years ago. It is still a committee which seems to be important, is doing a great deal of work, and is spending a great deal of the Government's money. However, I express the hope that the committee will complete its work by June 30, 1966.

Mr. McGEE. Mr. President, I thank the Senator from Louisiana for his interest in this program as well as his remarks in regard to its present status, and to assure him that the Commission has no intention of dragging its feet.

I happen to be a member of another special and select committee which was created not long ago—since I became a Member of the Senate. I refer to the Committee on Water Resources, which was created for 2 years. Not only did the committee complete its job in 2 years, under the leadership of the late distinguished Senator from Oklahoma, Robert Kerr, but it also turned back some of the funds which Congress had made available.

I know of no mark of real, great care that would be more a matter of pride to members of the President's Food Marketing Commission than to be able to achieve a measure of good judgment and economy.

Mr. ELLENDER. As the Senator knows, although he is a member of the Commission on Water Resources, I also happen to be a member.

Mr. McGEE. It would be difficult to select a committee in this body on which the distinguished Senator from Louisiana does not serve.

Mr. ELLENDER. We worked alone to try to reach the goal and complete the task by the date fixed.

If the Commission composed of five Senators, five Representatives, and five persons from the outside continues with its good work, I have no doubt that it can complete all of its studies on or before June 30, 1966.

Mr. McGEE. Mr. President, as I conclude, I believe it worth noting that in the Senate we had no illusions about the work that might be required, and we have been forthright about it. We believed that it would take 2 years and x amount of dollars, and I am suggesting it has not been a bad guess up until now. We intend to live up to the estimate we made in the projection of that time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 174), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this bill is to extend for 1 year the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress and to provide necessary authorization of appropriation for the Commission. In extending the life of the Commission to July 1, 1966, with a total authorization of $2,500,000, the bill conforms to President Johnson's original proposal submitted to Congress April 1, 1964, and passed by the Senate May 18, 1964.

In order to get the Commission study underway, the Senate concurred in House amendments limiting the authorization to 1 year and $1.5 million, with the understanding that an additional 1-year extension would be sought during this session of Congress.

The Commission received no funds until October 7, 1964. Because of the inability of the original Chairman to serve, due to health reasons, the selection of an executive director for the Commission was delayed until November 16, 1964. This also delayed the organizational meeting of the Commission which took place on January 7, 1965. It was not until this date that the Commission approved staff appointments and considered the broad outlines of its program.

Mr. McGEE. Mr. President, I thank the distinguished Senator from North Carolina for his great courtesy in yielding to me to call up the bill.

PRESIDENT JOHNSON'S POLICIES IN SOUTHEAST ASIA

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD a column written by Kenneth Crawford and published in this week's Newsweek magazine, dated May 10, 1965.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KIDDING THE KIDS

(By Kenneth Crawford)

It would be unrealistic to expect youth to learn from the experience of age. Each new generation must learn for itself and from its own experience, not from example or preachment. Why, then, should anyone be surprised that a vocal segment of the student population is protesting President Johnson's policies in southeast Asia? Why should a bright college student, eager to start a civilian career, be attracted by the prospect of soldiering in Asia? Yet this is the prospect he will face if the limited war now going on in Vietnam becomes prelude to big war.

His reluctance is understandable. What is not so understandable is the guidance he is getting from many faculty members at teach-ins and from academicians marketing their advice on national policy to journals of opinion. Unless the learned are incapable of learning from events, professors should know from the world's experience during the last quarter century that wars are not prevented by running away from aggressors during the early stages of an aggression. They do the student no service by clothing his aversion to jungle war in the habiliments of idealism.

FACTS ARE FACTS

That is what they are doing when they equate denunciation of bombing raids against North Vietnam with the cause of civil rights in the United States. That is what they are doing when they suggest that an American plane dropping bombs on a North Vietnamese bridge or on a Vietcong concentration in South Vietnam is an evil comparable with systematic terrorization of South Vietnamese villagers, 9,750 of whom were murdered or abducted by the Vietcong in 1964.

What is even less understandable is the ignorance of facts or the determination not to be influenced by facts which characterizes much of the professorial comment on Vietnam. There is, for example, the repeated assertion that the South Vietnamese Army, which has sustained more casualties per man engaged than the United States suffered in Korea, won't fight. There is the reiterated statement that the war in the south is an indigenous revolution, in no way the product of aggression from the north, which is belied by irrefutable evidence that Hanoi directs, supplies, and increasingly mans the insurgency. A captured document disclosed that Hanoi itself concedes: "The revolution for liberation of the south would never succeed if the [Communist] Party were not directing it."

The major premise of the teach-inners seems to be that Red China's manifest destiny, given its population and resources, is to overrun southeast Asia and that to resist this movement is to defy an immutable law of nature. The same argument was made against interfering with Hitler's bid for elbow room, and against arming Turkey and helping Greece when Stalin menaced them—sometimes by the same scholars who are now saying that we are hopelessly overextended trying to police the world.

EAST IS EAST

Even though intervention stopped Hitler and slowed Stalin, the teachers now tell their students that intervention won't work in Asia because East is East and West is West and the Asians hate whites even more than Hindus hate Moslems of the same complexion, which is frightening if true. But if it is true, then we whites haven't much future in this world because we are a small and shrinking minority of the human race.

Within the framework of China's inevitable expansion, Dr. Hans Morgenthau of the University of Chicago offers us comfort. Ho Chi Minh, he says, will be a Tito, somehow remaining independent of the Chinese. Just how Ho is to accomplish this is not clear. It has something to do with his Vietnamese nationalism. True, Ho hasn't the resources that protected Tito from Stalin, but Vietnam's historic dislike of China will make him free, or so Morgenthau contends.

Dr. Kenneth Galbraith of Harvard also has an interesting, though less important, idea. He told his teach-in audience that President Johnson is a victim of the wrong advice from the wrong people. Is it possible he doesn't know who's in charge here?

Somebody should tell the taught-in college boys of 1965 that their feeling about Vietnam, while natural, isn't noble. Their fathers, perhaps.

VIETNAM

Mr. McGEE. Mr. President, on Thursday last I addressed the members of this body to set forth my conviction that we have seen increasing signs in recent weeks which indicate that the restrained yet forceful policies of the Johnson administration are beginning to have a positive effect upon the outcome of the conflict in Vietnam. In those remarks, I suggested that any national debate based on the situation as it was in February, rather than as it is today, ignores substantial changes without which any debate would be less than productive and informative.

As an example of some of the changes in the status of affairs in the Far East, I cite an article published in the April 30 edition of the St. Louis Post-Dispatch, a journal noted for thoughtful and liberal judgments on the world around it. This article pointed out that it is becoming apparent that many nations of the world, which in most circumstances are sympathetic to the aspirations of the Red Chinese, are greatly disturbed by the contrast between Peiping's intransigence on the subject of negotiations and President Lyndon Johnson's demonstrated willingness to enter into unconditional negotiations at the earliest opportunity. The article suggests that this attitude may lead to the isolation of Red China from many of the nations it once counted as friends.

In addition, this article presents a thoughtful analysis of the reasons behind Red Chinese militancy which is most useful in any analysis of the Vietnamese question.

Mr. President, I believe that this article is a further indication of the fact that we are following the right course in Vietnam and in Asia, and that this course should be maintained. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Apr. 30, 1965]

RED CHINA'S ADAMANT OPPOSITION TO NEGOTIATED VIETNAM ACCORD LEADING TO AN ISOLATED PEIPING—EVEN SYMPATHETIC ASIANS NOTE DIFFERENCE BETWEEN JOHNSON'S WILLINGNESS TO TALK AND CHOU'S INSISTENCE ON A FIGHT

HONG KONG, April 30.—Peiping newspapers have documented what analysts here describe as the drift of Communist China toward international isolation on the Vietnam issue.

The estrangement may even apply to North Vietnam, which is balking at Peiping's uncompromising opposition to a negotiated settlement of the Vietnamese war.

The Soviet Union was the principal target on Peiping's front pages this week. A statement accused Moscow of collaborating with the United States to frustrate the Vietcong insurgents.

This sweeping castigation took in all Communist countries and parties adhering to the Soviet ideological doctrine.

The news given greatest prominence was a statement last Saturday by Prince Norodom Sihanouk, Cambodian chief of state, in which he objected to using a proposed international conference on his country as a forum for discussions on Vietnam.

This is a propaganda technique that Peiping has employed in working against the Soviet proposal for a conference on Cambodia. The proposal has been accepted by Britain and the United States and approved in principle by North Vietnam.

Asians, including those who are friendly to the Chinese Communists, have been thrust into making a comparison between U.S. willingness to talk peace and Peiping's aloofness.

Many of these Asians saw in their newspapers or heard on their radios the statements by President Lyndon B. Johnson offering to talk about peace unconditionally with any government. They also saw or heard Peiping's denunciation of the President as a "hatchetman" and its attack on the Soviet leaders for suggesting that Mr. Johnson was a sensible man.

The Chinese Communists insisted in their statement that the Vietnamese insurgents must fight until the U.S. forces were completely defeated and compelled to withdraw. Only then, the statement said, should they embark on any peace talks.

The Soviet suggestion, which is implied in Moscow's more flexible attitude toward negotiations, that the Vietnamese Communists may be able to obtain at the conference table what has eluded them on the battlefield was dismissed by Peiping with the assertion that peaceful coexistence with the United States was impossible.

In its statement, Peiping spurned the Soviet appeal of last Thursday for "united action," which would have strengthened Communist military and diplomatic backing for North Vietnam. This would suggest that Communist China has higher priorities than those assigned to their comrades in Hanoi, the North Vietnam capital, and to the Vietcong in South Vietnam.

Analysts here cite two explanations of Peiping's demand for a protracted war, although the Vietnamese Communists might find a negotiated settlement more advantageous at this time.

Ideologically, a U.S. military debacle in South Vietnam is required to confirm the Chinese Communist thesis that armed revolutionaries in Asia, Africa, and Latin America can win regardless of U.S. military power.

As for Chinese Communist national interests, there would be less advantage obtainable from a negotiated U.S. withdrawal from Vietnam, because this would leave other American positions in Asia relatively unimpaired.

Frustrated by the lack of the military means of ejecting the United States from such adjacent areas as Taiwan, Okinawa, and Thailand, Peiping sees in Vietnam an opportunity to unhinge by psychological means the entire U.S. position in east Asia.

Peiping has not concealed its belief that disaster in Vietnam might swing U.S. opinion toward abandonment of the policy of containment to halt the spread of communism.

Diplomatic observers in London believe that Red China is marking time on a commitment for Vietnam peace talks, pending the Algiers conference of African-Asian nations in June.

Peiping has given mounting indications that it is out to gain maximum support from African-Asian leaders for its "Americans get out of Asia" campaign.

Premier Chou En-lai is pushing the issue and has been traveling to African and Asian capitals to make sure that the conference takes place and that Chinese counsel prevails.

At the same time he has been making every effort to keep the Russians out of the Algiers meeting, to isolate the Kremlin leadership from the Africans and Asians.

So far, conflicting interests among the Africans and Asians have delayed a final decision on the composition of the conference and its agenda.

Peiping will push for a strong declaration condemning the United States alleged imperialist aggression in Asia and in the Congo, and urging American unconditional withdrawal from Vietnam, Communist diplomats said.

Chou said yesterday that the Johnson administration wanted to use the proposed conference on Cambodia "to continue its efforts to induce the Vietnamese people to submit."

In a dispatch from Peiping, monitored in London, the New China News Agency quoted Chou as saying that the Chinese Government fully supported the stand taken by Prince Sihanouk and the royal Cambodian Government on such a conference.

"In any circumstances," Chou said, "it is absolutely impermissible for U.S. imperialism to legalize its puppet regime in Saigon by thrusting it into an international conference."

VOTINGS RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. ERVIN. Mr. President, we are dealing with one of the most peculiar pieces of proposed legislation that the Senate has ever had before it.

In 1957 I spoke against the broad civil rights bill which was under consideration by the Senate at the time. In the course of my remarks, I stated that the unceasing agitation about matters of race in the United States was impairing our national sanity. The pending bill, in my judgment, constitutes conclusive proof of the truth of the observation I made at that time. As a result of certain demonstrations, our Nation now finds itself in a period of national hysteria. I do not honestly believe that there is any other word that can be used to describe the situation.

Some weeks ago the President of the United States appeared one evening before a joint session of Congress and demanded the speedy passage of a voting rights bill. He assured us that the bill would contain a simple uniform test, which could be applied to all the 50 States of the Union, to determine whether or not nonwhites were having their right to vote denied or abridged on account of their race or color, in violation of the provisions of the 15th amendment to the Constitution.

I do not know when the original bill was written, but subsequent events satisfy me that it was not even in existence at the time the President made his speech.

I say that because I tried to obtain a copy of the bill to which the President referred and was unable to obtain a copy until several days after the President's speech. I then discovered that instead of creating a simple uniform test of discrimination, the bill was so drawn as to discriminate against seven States and in favor of 43.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to my able and distinguished friend from Georgia.

Mr. TALMADGE. Is it not a fact that five versions of the bill were written before the committee acted, that the committee submitted to the Senate the sixth version of the bill, and that now we have a substitute pending for the committee bill, which makes the seventh version of the bill?

Mr. ERVIN. According to the information which I have received, the facts implied by the question of the able and distinguished Senator from Georgia are correct.

I can testify of my own knowledge that we are now considering the fourth version of the bill, which I have had to deal with as a member of the Judiciary Committee and the Senate. When that bill was originally introduced, it bore all the earmarks of haste. Even the words in which the bill was couched showed lack of consideration for the plain meaning of words.

When the bill first came before the Judiciary Committee, I pointed out to the Attorney General that the bill applied to certain States and political subdivisions of States. I asked the Attorney General, in substance, if he wanted the Department of Justice, acting on behalf of the Federal Government, to become embroiled in every political subdivision of the States covered by the bill. I asked him if he realized that the bill was so broad that it would confer jurisdiction upon the Federal Government to intervene in every ward of every city and town covered by the bill.

I pointed out to him that it would not only cover every ward in every city and town in the area covered by the bill, but would also cover every school district, every sanitary district, and every special bond district.

The Attorney General informed me that the administration did not intend any such thing as that.

I pointed out to him that that was exactly what the bill would accomplish under the phraseology used.

I have never seen such loose language used in proposed legislation. If there were a race for justice of the peace or dogcatcher in any township in the area covered by the bill, and less than 50 percent of the people in the township of voting age had voted, the power of the Federal Government would be called into play under the terms of the bill. The Attorney General said that the administration did not intend to project the Federal power into the wards of the towns and cities, or in any race for justice of the peace or dogcatcher, that they did not intend to go below the grade of county or parish.

I said to him, "You had better amend your bill." I am glad to say that the bill has been amended in that respect.

One thing I have never understood about politics and public affairs is why public officials are so thirsty for power. If we give them a little power, they want more. That was the primary reason why the Founding Fathers gave us a written Constitution. They knew from their study of history that the insatiable thirst of government for power would destroy freedom unless government were restrained by law which it could neither repeal nor abrogate.

Unfortunately, however, a written constitution depends upon men for its efficacy. The Founding Fathers wrote a Constitution with a twofold purpose. The first purpose was to define the powers of the government which they were creating. The other was to protect the people of this Nation against an abuse of those powers. In addition, the Founding Fathers wrote into the Constitution a provision that every official had to be bound by a solemn oath or affirmation to support the Constitution. They inserted that provision because they realized that a constitution could not be self-executing. They knew it had to be left to men for its effectuation.

As I have said, the pending measure is one of the most peculiar bills I have ever seen. After the bill was introduced, the Senate took a course of action which is incompatible with good legislation. By an overwhelming vote, the Senate placed a time limitation upon the search for wise legislation in the voting rights field. The Senate said, "You must report this bill back by April 9." The Senate added, "It does not make any difference whether you have had adequate consideration of the bill; it does not make any difference whether you have given the States and the political subdivisions of the States to be affected by the bill an opportunity to present their side of the case by that day. So far as the Judiciary Committee is concerned, you will have reached the ultimate limit of the search for truth on April 9."

When the bill was brought before the committee, there appeared in the bill provisions which would have created new crimes and which would have subjected men to years of imprisonment and to exorbitant fines for such crimes without a single requirement in the bill that those men should have a criminal intent. For example, the bill contained a provision that no election official could alter or change any election record. Under that provision an official could not have changed an election record of any kind, even to make it speak the truth, if he found that a mistake had been made in tabulating the vote. In addition, there was a provision which would have made a State election official subject to imprisonment in a Federal penitentiary and to an exorbitant fine if he carried out the provision of the Constitution permitting the administration of the literacy test in an area to which the bill applied.

(At this point Mr. RUSSELL of South Carolina took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, also included in the bill was a provision under which, if an election record were destroyed by accident and without design the election official responsible for the accidental act could be sent to the penitentiary and subjected to an enormous fine.

As a result of those facts being pointed out during the course of the hearings, the bill was amended so as to require a criminal intent on the part of persons charged with crimes under the bill.

Another peculiar provision appeared in that bill. That provision was that if any person claimed that he had been denied the right to vote in an election, a suit could be brought to enjoin the certification of the results of that election; but the court could not decide the case in the first instance on the facts.

The court was bound to accept the allegation of the district attorney and issue an injunction against the certification of any of the election results.

The absurdity of that provision is evident from a consideration of the case of an election including candidates for the office of justice of the peace in a township as well as candidates for the governorship of a State. On the returns, a candidate for Governor may have had a 250,000 majority. Yet if one man made a protest that he had been denied the right to vote, even if his vote could not possibly have affected the result, the court would have had to issue an injunction at the request of the district attorney staying the certification of the results of the election in all respects.

Fortunately, that provision has been removed from the bill.

As I have said, the bill is a most peculiar piece of proposed legislation. We have reached a tragic state in this country. One hundred years after Appomattox, we have hysteria abroad in the land which, I regret to say, influences the action of public men. This perhaps would have been understandable 100 years ago; but is not understandable to me today.

In connection with the bill now before the Senate and other civil rights bills, we have suffered even a loss of our two-party system of government in the United States. Throughout the history of this Nation we have had the benefit of a two-party system of government. We have had one party in power in charge of administration; we have had another party out of power. Throughout its history, until the advent of modern so-called civil rights bills, this country enjoyed the blessings of a two-party system. Mr. President, that was a blessing of no mean proportions.

I make that statement because the party out of power rendered great service to our Nation by pointing out defects in the legislative proposals of the administration in power. That was a great service. We have a situation in respect to modern so-called civil rights bills in which we no longer have a two-party system. We have a situation in which both parties cosponsor bills of this nature. The majority leadership and the minority leadership in the Senate and in the House of Representatives are as alike as two peas in the same political pod. So we no longer have the benefit of two opposing parties fulfilling their respective roles. This is true because when the leaders of the opposition party cosponsor an administration bill, they put themselves in a position in which they are not free to study and to point out the defects in the administration proposal. When that condition exists, the value of an opposition party to this country in large measure ceases.

The bill has many defects, but to my mind the overriding defect is that it degrades certain States and subdivisions of States to the point where they are denied fundamental rights which everyone, by common consent, would afford even to those charged with the foulest crimes against our Nation.

The bill gives me much concern. Such concern does not arise merely out of the fact that I have the honor to represent, in part, one of the States which are unjustly brought within the legislative condemnation that the bill visits, either totally or in part, upon seven States that used to be considered sovereign. I also have concern about the bill because I am an American who believes in the system of government ordained by our Constitution. I am concerned on that score because the bill indicates, according to my opinion, that love for the Constitution is dying in the hearts of many people in high places in the United States.

Judge Learned Hand said that when liberty dies in the hearts of the people, no constitution, no law, no court can save it. I say that when love for constitutional principles dies in the hearts of men in high places, the Constitution becomes a dead letter.

I said a moment ago that the bill degrades States and political subdivisions of States to the point where they have fewer rights than those charged with the foulest crimes known to our law. Actually, the bill puts 34 counties of North Carolina in a more degraded legal status than would be enjoyed by a person charged with selling our atomic secrets to the Soviet Union.

I wish to read amendment V and amendment VI of the Constitution for the purpose of showing that I am on solid ground when I say that the bill manifests a greater contempt for States and political subdivisions of States than our law manifests for a person charged with treason against this country. Amendment V reads as follows:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI reads as follows:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Under those constitutional provisions and the principles of the common law which they embody, a person charged with treason against the United States is presumed to be innocent until proven guilty. In that respect, he is accorded a privilege far above that accorded by the bill to certain States and political subdivisions of States. I say this because the bill creates an artificial formula under which seven States of the Union, either in whole or in part, are presumed to be guilty of violating the 15th amendment, and are compelled to prove their innocence in order to enjoy their constitutional prerogatives.

Under the provisions of the Constitution which I have read to the Senate, a person charged with treason against the United States must be tried in the district in which he is alleged to have committed the crime. Under the bill, the States and political subdivisions of States are condemned without a judicial trial and without evidence and are then denied access to every court on the face of the earth except the U.S. District Court for the District of Columbia.

Under the bill, every U.S. district judge exercising jurisdiction in the areas condemned by the bill is prohibited from acting in his judicial office in respect to any matter arising under the terms of the bill. I asked the Attorney General the reason for this provision. He gave the excuse that it was desired to have interpretations of the bill uniform; therefore, the U.S. District Court for the District of Columbia was chosen for this purpose.

With all due respect to the Attorney General, I say that that excuse is intellectual rubbish. I say that for the reason that there are eleven separate circuits in the United States in which courts sit for the interpretation and enforcement of Federal law. If the excuse given by the Attorney General for denying jurisdiction to all of the Federal judges who live in areas south of the Potomac River were valid, we should abolish the courts in the nine circuits because they raise many more opportunities for differences of opinion in the interpretation of the law.

There are only two circuit courts which sit in the area affected by the bill. The opportunity for confusion of decisions in those two courts is negligible in comparison with the room for confusion in decisions in the eleven circuit courts of the United States.

I submit that there are only two possible alternative inferences as to the reason which prompted the Department of Justice to insert the provision in the bill closing the courthouses and denying jurisdiction to Federal judges in the areas covered by the bill. The first inference is that the Department of Justice thinks that the judges in those areas are so lacking in judicial character that they are unable to make just judgments. The other is that the judges in those areas are not sufficiently subservient to the Department of Justice.

I find difficulty in the first of these inferences because all of the judges were approved originally by the Department of Justice. I assume that the Department of Justice would not have approved them if the Department of Justice did not believe they had sufficient judicial character to discharge the functions of their office.

Therefore, I am necessarily compelled to infer that the Department of Justice believes that southern judges might not be sufficiently subservient to its desires and might not agree with the premise upon which the Department of Justice rests this bill, that is, that discrimination rather than apathy or the lack of a two party system keeps voters at home on election day in some Southern States or counties.

I return for a moment to the proposition that the bill places the States and the political subdivisions of States covered by it on a lower plane, or a more degraded plane, if you please, than the Constitution of the United States places those charged with the foulest crimes against our Nation.

I say this because, as the sixth amendment declares, a person charged with a crime against the Federal Government is not only presumed to be innocent, and not only has the right to be tried in the district in which his crime is alleged to have been committed, but he has a right to compulsory process for securing the presence of witnesses in his behalf.

This bill, however, places the States and political subdivisions of States covered by its artificial formula on a lower procedural plane, or, if you please, a more degraded plane than those charged with the foulest of crimes.

I make this charge because under the Federal statute which would apply to the U.S. District Court for the District of Columbia in proceedings under the bill, the States or political subdivisions of States condemned by the bill would not have the benefit of any compulsory means for procuring the attendance of their witnesses. This is true because subpenas from the District Court of the District of Columbia would only run 100 miles outside the district. So, we have an astounding provision in the bill to the effect that all courts of justice in the land are closed against these States and political subdivisions of States except the District Court of the District of Columbia, and they are required to come to this court, not to answer a charge made against them by the Government, but to prove their innocence, notwithstanding the fact that they are denied any compulsory process for securing the presence of witnesses to testify in their behalf.

In some instances, these States and political subdivisions of States are located a thousand miles from the courthouse in which the District Courts of the District of Columbia sit.

We had a poet in North Carolina who was not well known to the Nation, but who merited being known to the Nation for his poems.

I refer to John Charles McNeill. In one of his poems he said:

> How teasing truth a thousand faces shows, as in a broken mirror, and what the father died for in the flames, his own son scorns as error.

I am moved to quote that portion of the poem of John Charles McNeill because of the fact that when Thomas Jefferson wrote the Declaration of Independence, he gave as one of the reasons why the Thirteen Colonies were justified in severing their political connection with the mother country, England, the fact that the American colonists had been transported beyond the seas for trial in England.

It is only a question of degree between transporting people beyond the seas for the purpose of trial and compelling the States, and their political subdivisions, and their election officials to journey a thousand miles to prove their innocence in the District Court of the District of Columbia.

Mr. President, there are six very serious objections to this bill.

The objections are as follows:

First, the passage of this bill is totally unnecessary, because there are statutes now already on the Federal statute books sufficient to secure registration and the right to vote to any qualified citizen of any race in any precinct in the United States.

Second, the bill is repugnant to the constitutional principle that the United States is a union of States with equal power and dignity.

Third, the bill condemns and subjects to punitive measures the entire States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina, and many cities and counties in North Carolina and Virginia, without a judicial trial, and for this reason constitutes a bill of attainder, within the meaning of article I, section 9, clause 3 of the Constitution of the United States.

Fourth, the bill undertakes to nullify or suspend the constitutional power of seven States namely, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, to establish and use literacy tests as qualifications for voting, and to change their laws relating to election procedures and voting qualifications.

Fifth, the bill prostitutes the judicial process in these respects:

It denies to the States and political subdivisions of States to which it applies access to all courts sitting anywhere in the United States except the United States District Court sitting in the District of Columbia. At the same time, it grants their adversary, the Attorney General, full liberty to proceed against them and their officials and citizens in any court he desires. Moreover, even in the only court open to them, the United States District Court for the District of Columbia, the States and political subdivisions of States to which the bill applies are subjected to specially created rules of evidence and procedure which rob them of the essentials of due process and the fundamentals of simple justice.

Sixth, the bill confers arbitrary and tyrannical power upon the Attorney General of the United States, and thus offends the principle that we have a government of laws and not of men.

Mr. President, I ask unanimous consent that my remarks of today will not be counted as a speech on my pending amendment, and that I may have the opportunity to resume a further exposition of my position at a later time, and have it and my remarks on this occasion counted as a single speech.

The PRESIDING OFFICER. Is there objection?

Mr. HART. Mr. President, reserving the right to object, the Senator from North Carolina has been very patient. He has been prepared to make this address throughout the day, and he is very gracious to accommodate the Chamber as he now proposes. I would hope, in view of the fact that he has begun his discussion, that he continue it tomorrow.

Mr. ERVIN. I am not certain, but I shall try to make arrangements to do so, because personally I would rather proceed with it. I must consult another Senator who is scheduled to proceed tomorrow.

Mr. HART. I hope we may, without interruption, be able to hear the discussion of the Senator from North Carolina.

Mr. President, I have no objection to the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand adjourned until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 35 minutes p.m.), the Senate adjourned until tomorrow, Tuesday, May 4, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 3, 1965:

U.S. MARSHAL

Joseph N. Tierney, of Illinois, to be U.S. Marshal for the Northern District of Illinois for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

SECURITIES AND EXCHANGE COMMISSION

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1970; reappointment.

COMMERCE DEPARTMENT

Alan S. Boyd, of Florida, to be Under Secretary of Commerce for Transportation.

CIVIL AERONAUTICS BOARD

Charles S. Murphy, of Maryland, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1968, vice Alan S. Boyd.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Wilbur J. Cohen, of Michigan, to be Under Secretary of Health, Education, and Welfare.

PEACE CORPS

Warren W. Wiggins, of Colorado, to be Deputy Director of the Peace Corps.

DEPARTMENT OF AGRICULTURE

John A. Schnittker, of Kansas, to be Under Secretary of Agriculture, vice Charles S. Murphy.

FOREIGN CLAIMS SETTLEMENT COMMISSION

LaVern R. Dilweg, of Wisconsin, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1964.

EXTENSIONS OF REMARKS

Results of Questionnaire Mailed by Hon. John F. Baldwin, of California, to Residents of the California 14th District

EXTENSION OF REMARKS
OF
HON. JOHN F. BALDWIN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 3, 1965

Mr. BALDWIN. Mr. Speaker, 3 months ago I mailed a questionnaire to practically every family of registered voters in the California 14th Congressional District. We have received a very heavy response to this questionnaire, and my office has been deluged with returned completed questionnaires and accompanying correspondence. Many citizens not only answered the questionnaire, but also wrote detailed comments on the bottom or back of it, or on supplementary sheets. I have spent many hours personally reading all of these comments, and they have been most helpful. I feel very strongly that a Congressman can better represent his constituents if he knows the views of his constituents on important issues pending before Congress, than if he makes no effort to ascertain these views.

The tabulation of the questionnaire has been completed, and the results are summarized below. This involves 29,220 questionnaires which were returned. This is more than the number of people who are contacted by the Gallup Poll when it takes nationwide polls.

1. The President has proposed that Congress pass legislation authorizing a hospital care program for people over 65 to be financed through an increase in social security withholding taxes. Would you favor this proposal? Yes, 12,304 (42.1 percent); no, 13,910 (47.6 percent); undecided, 3,006 (10.3 percent).

2. In both Indonesia and Egypt, U.S.-built libraries have been destroyed by mobs, and the dictators heading these countries have made strong anti-American statements. Do you believe the United States should continue to provide foreign aid to these two countries? Yes, 1,942 (6.6 percent); no, 25,133 (86 percent); undecided 2,145 (7.4 percent).

3. Would you favor the creation of a Redwoods National Park in northern California? Yes, 24,364 (83.4 percent); no, 2,538 (8.7 percent); undecided, 2,318 (7.9 percent).

4. A constitutional amendment is pending in Congress designed to offset last year's Supreme Court decision which held that both houses of a State legislature had to be apportioned according to population. This amendment would provide that one house of a State legislature should be apportioned according to population, but that the other house can be apportioned on some other basis, as determined by the people of the State. Would you favor this constitutional amendment? Yes, 17,611 (60.3 percent); no, 6,864 (23.5 percent); undecided, 4,745 (16.2 percent).

5. Do you believe that U.S. price supports on tobacco should be terminated? Yes, 20,706 (70.9 percent); no, 3,375 (11.6 percent); undecided, 5,139 (17.5 percent).

6. A constitutional amendment has been proposed to give the President the power, when there is no Vice President such as during last year, to appoint a Vice President subject to ratification of both Houses of Congress. Would you favor this constitutional amendment? Yes, 21,891 (74.9 percent); no, 5,609 (19.2 percent); undecided, 1,720 (5.9 percent).

7. Under section 14B of the Taft-Hartley Act, the individual States have the right to pass right-to-work laws to ban the compulsory union shop in those States. Twenty States have passed such laws. A bill has been introduced in Congress to repeal section 14B, thereby making it illegal for a State to pass a right-to-work law. Would you favor repeal of section 14B? Yes, 7,935 (27.2 percent); no, 18,615 (63.7 percent); undecided, 2,670 (9.1 percent).

8. Do you believe that the Federal budget for the next fiscal year should be a balanced budget? Yes, 21,447 (73.4 percent); no, 2,754 (9.4 percent); undecided, 5,019 (17.2 percent).

9. Do you believe that United Nations members who are 2 years delinquent in dues or special assessments should be deprived of the right to vote in the U.N. General Assembly as provided by the U.N. Charter? Yes, 26,353 (90.2 percent); no, 1,251 (4.3 percent); undecided, 1,616 (5.5 percent).

10. Do you believe the United States should sell surplus farm commodities to Soviet Russia and other Communist countries at subsidized prices which are lower than the prices at which U.S. consumers can buy these commodities? Yes, 3,062 (10.5 percent); no, 24,481 (83.8 percent); undecided, 1,677 (5.7 percent).

11. The AFL–CIO has proposed the enactment of legislation to increase the Federal minimum wage from $1.25 per hour to $2 per hour. Would you favor this proposal? Yes, 9,511 (32.6 percent); no, 16,606 (56.8 percent; undecided, 3,103 (10.6 percent).

12. Do you believe that a greater effort should be made, at all levels of government, to maintain law and order in our Nation? Yes, 27,006 (92.4 percent); no, 894 (3.1 percent); undecided 1,320 (4.5 percent).

13. Do you believe that admitted members of the Communist Party should be invited to be speakers at publicly operated universities and colleges in this country? Yes, 6,363 (21.8 percent); no, 20,751 (71 percent); undecided, 2,106 (7.2 percent).

Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. KLUCZYNSKI. Mr. Speaker, for 174 years now all free people throughout the world, friends of Poland or those slightly connected with this great country, have been celebrating Poland's Constitution of May 3, 1791. Time and again we have discussed here on the floor of the House the merits of this great European charter as one of the most democratic constitutional documents ever drafted. Unfortunately, for well over a century, the people of Poland were unable to benefit from it, for as we all well know, the country was partitioned by three great powers: Russia, Prussia, and Austria. For barely 20 years of full independence, between the two Great Wars were the Polish people able to enjoy their freedom, their liberty, and their way of life, guaranteed them by this Constitution.

After 20 years of full liberty, the independent Polish nation was once again invaded. On the one hand bloodthirsty armies of Hitler's Third Reich crossed the Polish frontiers and within 1 month had the entire country in complete control, murdering or executing all opposition. On the other hand Hitler's allies, the Soviet Union, marched into Poland from the East and within 3 months of its occupation deported some 1½ million people, who were shipped to the farthest regions of the U.S.S.R. and put into the infamous slave labor camps. More than 14,000 Polish officers were massacred by the NKVD, and in the years that followed the Soviet occupation of Polish soil, some 2 million Poles disappeared, never to be accounted for, bringing the total of Poles slaughtered to some 7 million souls.

In July of this year the Polish puppet regime will loudly celebrate the 21st anniversary of Poland's "liberation," one of the most tragic events history has known. This Polish tragedy has no comparison, and some specific examples of how it came about and is maintained are worth keeping in mind.

On July 22, 1944, a handful of unknown people who called themselves the Committee of Liberation formed a new Polish Government in Lublin, backed up by Stalin's Red Army and the NKVD. The Polish Home Army was being liquidated, and a few unknown members of underground units who came into Poland with the Soviet army were made heroes overnight. Half of Poland was handed over to Stalin, and the deal was accepted by the three great powers. Alien to Poland, hordes of Communist Gauleiters took over the country, throwing into jail everyone who openly opposed the Soviet-inspired action.

Poland, which has only one party, the Communist Party, has its movements called PAX. Its leader, Stanislaw Piasecki, a prewar Fascist who headed the ultranationalist Falanga Party, leads today the pseudo-Catholic movement, the aim of which is to split the Polish Catholics and undermine them from within. Piasecki, who managed to split the Polish clergy by forming an anti-Vatican priesthood of the so-called patriotic priests, is the only Pole in Poland who manages to run his own free enterprise organization—profitmaking stores, small industry, and an export house known as "Inco," not to speak of a chain of the so-called Catholic press which fully supports the Red regime with all its criminal elements. None of the various PAX establishments pays any income tax. How this highly controversial character, who until 1939 advocated "a free-of-Jews Polish Nationalist Home," came back into a Communist-run country is no mystery to those who know a little about the workings of the Kremlin. After having been arrested by the NKVD, Piasecki, a highly intelligent individual, managed to convince Sverov, Beria's deputy, that his PAX movement would achieve the Soviet aim, to split the Poles. He was released and aided in getting back to Poland, where his power today is unlimited.

And now, the latest twist by the regime which calls itself a democracy: Last March the Wrocalaw Weekly, of the PAX group Catholics, published an interview with General Berling, chairman of the Polonia Committee, an organization aiming to bring closer ties with Poles abroad. Berling, asked by the correspondent about the tasks of the recently created Polonia Committee attached to the Union of Fighters for Freedom and Democracy, had this to say:

> The tasks are very important and very fundamental. We want to establish permanent contacts with the Polonia centers throughout the world. First of all, we would like to establish contacts with the Polish veterans organizations abroad. We would then enable our countrymen living abroad to become acquainted with the real life of Poland, with its great achievements and its great plans for the future.

The real scope of the Polonia Committee was shown by the following words:

> We would like to draw the Polonia into the all-national front of building up the prestige of our Fatherland and of maintaining vigilance against everything which threatens Poland with hostility. * * * We envisage the organization of common political activity aimed, for instance, at unmasking the revisionist drives of antipeace elements. * * * We shall organize celebrations of the national anniversaries of great historical events; care for the places where Polish blood was shed during the last war. We shall organize an exchange of periodicals and publications containing integral information, excursions, visits of emigre families to Poland, summer holidays in Poland for children from abroad, etc.

On the day of the 174th anniversary of the Polish Constitution of May 3, I would like to ask the chairman of the Polonia Committee whether his committee is going to celebrate this great day. I would like to ask him whether his committee will care for all the places where Polish blood was shed—will it include the Katyn Forest? I would like to ask why, in a recent visa application form issued by all Polish consulates, he has included the following question, which speaks for itself and understandably may give pause to emigree families hoping to visit Poland:

> In case of earlier permanent residency in Poland, give the last address, place of work, and position, when and on what grounds and by what documents the departure followed?

And finally, I would like to ask the chairman of the Polonia Committee whether he realizes that the hostility of

Poles abroad is directed, not against Poland, the Polish nation, and what the Poles stand for, but merely against a regime which has installed itself against the will of the people.

Until the chairman realizes that, his system is doomed to ultimate failure, for the day must and will come again when Poland will in truth be free.

Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. FLOOD. Mr. Speaker, the Polish Constitution of May 3, 1791, is a very important document. Its adoption and promulgation marked a turning point in Poland's Central Government, and the date has become a Polish holiday.

The Polish people had the misfortune of losing a good part of their country late in the 1770's to their greedy neighbors. Certain Polish leaders felt that if they had a strong central government, capable of uniting all elements in the country and strengthening its fighting capacity, future calamities could be avoided. They were thoroughly dissatisfied with their absolutist, monarchial form of government. The king had too much power, and was incapable of using it effectively because of certain crippling defects in the old Diet—legislative assembly. The discontent was widespread among liberal leaders and also among the mass of the people. These liberal, democratic and patriotic leaders took upon themselves the task of drawing up a constitution which would improve, if not revolutionize, the Government of Poland. The result was the Constitution of May 3, 1791.

The Constitution drastically reduced the arbitrary powers of the king, and made Poland a constitutional monarchy. Heretofore the king could exercise his authority only through a council. The powers of the upper chamber were curtailed, and those of the popularly elected lower chamber were strengthened. The peasantry was freed from its bondage and placed under the protection of the law. Religious toleration was assured to all citizens, and freedom of speech was guaranteed. These features made the Constitution a democratic instrument and represented a great forward advance in popularizing the Government. It was hailed as such throughout the country, and even many liberal leaders abroad praised the Polish leaders.

On the 174th anniversary celebration of the Polish Constitution Day one can hardly overlook the 25th anniversary of the Katyn Forest massacre of many thousand Polish officers by their heartless captors early in the last war. Incidentally, in this connection, it is also worth recalling that this is the 20th anniversary of the Yalta agreement. Lastly, I would also like to stress the fact that almost 1,000 years ago, in the year 966, Poles adopted Christianity as their faith and founded the most powerful Christian power in eastern Europe. In taking note of all these occasions, I gladly join all friends of Poland and of freedom.

The 1965 Voting Rights Bill

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. PELLY. Mr. Speaker, it is my pleasure to write a weekly news column for a number of newspapers in my congressional district. I always try to write on a subject which is of current interest and certainly a most appropriate subject at this time would be the voting rights bill. Therefore, believing that the Members of the House and others would be interested in my views on this subject, I include in the Record the text of my column on this legislation:

CONGRESSMAN TOM PELLY SAYS REPUBLICANS OFFER A BETTER VOTING RIGHTS BILL

The importance of the role of the minority in Congress is shown in the Republican alternative voting rights bill. This Republican bill would apply wherever discrimination exists whereas the administration's bill would apply only to a limited number of States which employ literacy and other tests. The absolute exclusion of Texas from the coverage of this bill has been widely noted.

The Republican substitute bill would not penalize the innocent—the States and localities where discrimination does not exist. In contrast, the administration's bill would impose undue burdens on areas such as Alaska and parts of Maine where discrimination is known not to exist.

The Republican proposal is not limited by the straitjacket of an arbitrary percentage formula. The administration bill, on the other hand, would reach only those States and their subdivisions having literacy tests where less than 50 percent of its people registered or voted in the 1964 election. States or local communities coming within this arbitrary formula might or might not be practicing discrimination.

Under the Republican alternative, a Federal examiner would be appointed by the Civil Service Commission. When the Attorney General received 25 or more complaints from residents of a county alleging denial of the right to vote on account of race or color, the examiner would immediately determine if these persons were qualified to vote. Challenges by the State could be made to a Federal hearing officer, appointed by the Civil Service Commission, within 10 days, and the hearing officer would be required to render his decision 7 days thereafter.

Determination by the hearing officer that 25 or more persons were denied suffrage because of race or color would establish a pattern of discrimination. Immediately, thereafter, the Civil Service Commission would appoint such additional Federal examiners and hearing officers as necessary to register all other persons within the country subject to discrimination.

This minority bill provides that examiners shall disregard literacy test requirements for persons who possess a sixth grade education. But, Federal examiners under this bill would apply to all other persons a State's literacy test, provided it was fair and nondiscriminatory. In contrast, the administration's bill would require the complete elimination of literacy tests in a few States or their subdivisions, caught in its net, no matter how reasonable the tests or how fairly applied.

Our Republican bill would not overturn the constitutional principles by requiring States to establish their innocence whereas the administration's bill does do this by presuming a State or political subdivision, covered by the bill, guilty of discrimination until it receives from a Federal court in the District of Columbia a declaratory judgment that it has not violated the 15th amendment in even one instance in the past 10 years.

Our bill would not invalidate laws or ordinances of State and local government in contravention of established constitutional principles. The administration's bill on the other hand would require States and their political subdivisions, covered by the bill, to come to a Federal court for validation of their future laws and ordinances relating to voting requirements. Such is required by this administration bill even though the laws and ordinances of the State and local community have never been found to be discriminatory.

The minority Republican alternative proposal offers a constitutional, comprehensive, effective, speedy remedy for the evil of disenfranchisement of any citizen because of race or color. It would eliminate voter discrimination quickly and wherever it might exist.

So, as I say, this legislation point up the value of a responsible, constructive minority under our two party system. Nothing I have said, however, should indicate any real hope on my part that our minority viewpoint will prevail.

The majority party is riding high and is not asking for our help. So I fear our Republican contribution, in this case, will be limited to a role of writing a legislative record containing our alternative suggestions to improve a voting rights law and thereby bringing both sides of the issue to the attention of the American people.

Press Release by Senator Nelson

EXTENSION OF REMARKS

OF

HON. JOHN A. RACE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. RACE. Mr. Speaker, Senator Gaylord Nelson, Wisconsin's junior Senator and the Nation's outstanding champion of conservation ideas and programs, made an announcement today which I feel should be brought to the attention of all my colleagues in this body.

He announced that the Senate Appropriations Committee has approved five key budget requests which offer bright new hope for Great Lakes area conservation and resource development.

None of these five projects, involving a total of $15,144,400, was included in the budget bill reported by this body.

I wish to make known my agreement with Senator Nelson that these budget requests are absolutely vital.

The ultimate approval of these projects probably will rest with a Senate-House conference committee.

So that all my colleagues will be familiar with these new budget requests, I include Senator NELSON's press release of today in the RECORD:

PRESS RELEASE BY SENATOR NELSON

Senator GAYLORD NELSON said Monday that the Senate Appropriations Committee had approved five key budget requests which offer "bright new hope for Great Lakes area conservation and resource development."

The committee voted for funds to expand the Forest Products Laboratory at Madison, bolster the Great Lakes fishing industry, finance Wisconsin water research, and buy a huge tract of lakes and recreational forest just over the State line.

"If these committee successes can be steered through the House of Representatives, we will have won a great victory for the Great Lakes region," NELSON said.

Senator NELSON, in letters to Senators and in appearances before subcommittees, had fought for the budget increases which he said were absolutely vital. Senator PROXMIRE and other Great Lakes Senators also backed the budget increases. The committee, of which Senator PROXMIRE is a member, granted every one of the requests.

They would:

1. Buy the Sylvania tract—18,000 acres of virgin forest and lakes in northern Michigan, bordering northeastern Wisconsin—for $6,099,400.

2. Clear the way for a big expansion of the Forest Products Laboratory several years hence by granting $190,000 for immediate planning.

3. Release $430,000 to help Great Lakes fishermen, hurt by the sea lamprey and last year's botulism disease scare.

4. Appropriate $5,600,000 to implement the Commercial Fisheries and Development Act of 1964, to finance research and disaster aid.

5. Appropriate $2,825,000 to finance the newly established "water resource research institute" at the University of Wisconsin and 36 other land-grant universities, as authorized but not financed last year.

These projects were not included in the budget bill as it came to the Senate from the House of Representatives.

NELSON said he was reasonably confident that the Senate as a whole would back up the Senate Appropriations Committee decision on all five. Then a fight must be made to win approval in a Senate-House conference committee, NELSON said.

Senator NELSON called the privately owned Sylvania tract "a midwestern Shangri-la." He said it would be a tragedy if the Federal Government did not seize the opportunity to buy it for long-range public enjoyment. The tract is in the estate of the late Larry Fisher, a multimillionaire, and is in danger of being subdivided and logged off.

The U.S. Forest Service proposes to make it a national recreation area. The area is dotted with crystal clear lakes and huge timber.

Senator NELSON had made a major fight on the Forest Products Laboratory item, noting that this $190,000 was the key to preserving carefully developed plans to double the Laboratory's staff of scientists.

In the last Congress, the Wisconsin Senators won final approval of a $4 million new wing on the Laboratory. Bids are now being taken and construction will start soon. Once that new wing is occupied, the present lab building must be extensively remodeled at a cost of $2,750,000. Then the development plan calls for construction of another $5.7 million wing.

This great expansion program, totaling almost $13 million, is to be completed by 1972, by which time the scientists' staff is to increase from 150 to 325.

NELSON felt it was crucial to win the $190,000 this year to keep Congress committed to the expansion timetable.

NELSON emphasized that the Forest Products Laboratory, the Nation's No. 1 research center for the industry, would play a major role in the development of Appalachia, the northern Great Lakes area, and other forested areas with economic problems. He also said it would help take up some of the slack caused by the phasing out of Truax Field Air Force Base at Madison.

When the Commercial Fisheries and Development Act was approved last year, $5.5 million was authorized. The 1966 budget, however, recommended only $2 million and the House added $2 million to this.

NELSON contended that a series of setbacks reduced the Great Lakes commercial fishing industry to the verge of bankruptcy.

Wisconsin would receive $24,500 to $4.9 million designated for research and development and States bordering on the Great Lakes would receive $468,700 under the revised appropriation. As recommended in the administration budget, Wisconsin would have received only $9,500 and the Great Lakes States $181,700.

The $430,000 approved for revitalizing Great Lakes fishing was less than the $1.43 million requested in a letter last week by NELSON, the Great Lakes Conference of Senators, and the Midwest Fisheries Council. The House, however, had refused to appropriate anything for this purpose.

The $2.8 million appropriation for water resource research institutes was approved by the committee early last week and then passed by the Senate.

The money would allow 37 centers to be established and thus fulfill the goal of a research center at a land-grant college or university in each of the 50 States and Puerto Rico.

The House had cut $855,000, which would have prohibited establishment of a center in each State. Centers have already been established in 14 States.

The University of Wisconsin Center will bring together and improve the existing programs for research, publication, and education in the field of water resources.

This Is What I Firmly Believe

EXTENSION OF REMARKS

OF

HON. ROBERT E. SWEENEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. SWEENEY. Mr. Speaker, Mr. George P. Smith, of the Cuyahoga River Reclamation Commission, Cuyahoga Falls, Ohio, is one of the most sincere and devoted conservationists of the Nation. John Smith has spent a lifetime of effort in attempting to arrest the pollution of our streams and waterways located in the Buckeye State.

Recently, Mr. Smith has authored the following lines entitled "This Is What I Firmly Believe." It is certainly indicative of the zeal of George P. Smith in the entire subject of water pollution, and sums up most appropriately America's needs to beautify and to conserve in a bit of thoughtful prose.

THIS IS WHAT I FIRMLY BELIEVE

Man in his thoughtlessness,
Man in his unfairness to God,
Man in his ungratefulness to God,
Man in his greediness, is killing what God has given him, and if not stopped, will kill himself.

The elimination of pollution of our waterways is so very, very vital, that it means the survival of man, animal, fish, bird, and vegetation.

"Top Typical Teen": Miss Mary Jo Smith, of Coolidge, Ga.

EXTENSION OF REMARKS

OF

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. O'NEAL of Georgia. Mr. Speaker, surely every Member of this House has wished at some time that our CONGRESSIONAL RECORD was equipped to reproduce photographs.

Were it possible I would offer to you today the smiling countenance of the "Top Typical Teen" of last week's National 4–H Conference.

She is Miss Mary Jo Smith, of Coolidge, Ga., in Thomas County. Pridefully I report that this is in the Second District of Georgia.

Seventeen magazine, assisted by cooperative extension service leaders, picked her to represent 2¼ million fine boys and girls. She was presented at the National 4–H Conference General Assembly here on Wednesday night.

This lovely young high school senior was selected for her exceptional 4–H leadership and citizenship achievements; her church, school, and community activities, and her personal charm and poise. She will be featured this fall in an illustrated article by Seventeen in its auxiliary publication, Seventeen at School.

Mary Jo was among 235 delegates in Washington from 50 States, Puerto Rico and Canada who participated in assemblies and group discussions at the 4–H center and also enjoyed the many wonders of our Nation's Capitol City.

In Georgia, Mary Jo lives with her parents, Mr. and Mrs. Franklin I. Smith on an 850-acre crop-beef-dairy farm and attends high school at nearby Thomasville. In this latter city, famous over many years for its annual Rose Show, Mary Jo reigned the previous week as queen of the festival. She also is now State 4–H council president, and Dr. Tommy Walton, the State leader, says she is an excellent one. "In 1963 she helped us lead a 4–H people-to-people goodwill tour of several European countries," he said.

Mary Jo and the other Georgia delegates to the General Assembly had a great time here in Washington last week. They are Linda Grace Smith of Fort Gaines, Kenneth Gordon of Hogansville, and John H. Newell, Jr., of Whitesburg.

Mr. Speaker, may I be pardoned for also pointing with pride that Linda Grace is also from my district?

These fine young people were also accompanied to Washington by district leaders Gene Grimes of Tifton and Roger Carr of Watkinsville.

They met Mrs. Lyndon B. Johnson at the White House. Later Mary Jo enjoyed sighting with Miss Connie Freeman, daughter of Secretary of Agriculture Orville Freeman. She also introduced a fellow Georgian, Secretary of State Dean Rusk to the General Assembly and appeared on several television shows.

It is a pleasure, Mr. Speaker, to recognize the wonderful accomplishments of these great young Americans. How refreshing to compare them with the kooks and beatniks.

Monsignor Cyril Anid

EXTENSION OF REMARKS
OF
HON. CHARLES S. JOELSON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, May 3, 1965

Mr. JOELSON. Mr. Speaker, on Sunday, May 9, 1965, the Right Reverend Archimandrite Cyril Anid, pastor of St. Ann's Melkite Rite Church, will be honored on his retirement at a testimonial dinner.

Monsignor Anid was born in Bierut, Lebanon, in 1885, and underwent seminary training at the Seminary of St. Ann in Jerusalem. He was ordained into the priesthood on September 14, 1911. He remained at St. Ann's Seminary, where he served as a professor of Greek and Arabic languages. At the outbreak of World War I, the seminary was forced to close its doors for political reasons. He returned to Bierut, where he assisted in school and parish work.

In December 1919, while visiting his family in New York City, he was urged by the Syrian Catholics of Paterson to render spiritual services to them. The following year, with the approval of the Sacred Congregation for the Oriental Church in Rome, Monsignor Anid was assigned to minister to the needs of this growing community. Masses were at first held in the chapel of the Church of St. John the Baptist and later in the basement of St. Michael's Church.

With the acquisition of property on Marshall Street, Monsignor Anid was instrumental in the construction of St. Ann's Church in 1922, a church constructed in the Byzantine architectural design. Under his tutorage, a parish hall was constructed adjacent to the church in 1947, for use as a social center. A rectory was constructed in 1963.

The Most Reverend James J. Navagh, DD., bishop of Paterson, heads the list of dignitaries from around the world who will be there to pay tribute to Monsignor Anid.

Honorary chairmen are Rev. Maxim Chalhoub, the new pastor, and his assistant, Rev. Albert Gorayeb. General chairmen are Charles Ablahani and George Dipsey.

I personally have come to respect and revere this kindly and warm man. His friendliness to all and his good cheer have been unfailing. Combining humanitarianism with wisdom, he has been a guiding light for many.

I am sure that I represent the entire community when I wish Msgr. Cyril Anid many years of good health and contentment in his retirement. We pray that his years will be golden ones.

Israel Independence Day

EXTENSION OF REMARKS
OF
HON. EDNA F. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 3, 1965

Mrs. KELLY. Mr. Speaker, it is a distinct pleasure for me to pay tribute to that little nation in the Middle East—Israel. Its struggle for existence will continue and its fight for recognition will continue with the help of the people of the United States. Israel is a firm ally of the free world in that region of the world, the Middle East. She can be depended upon and her independence must be assured. I know you do not need to be told of the marvelous progress which the hard work, dedication, and zeal of the Jews in Israel has accomplished in the relatively short period of time since independence. Let me, therefore, speak briefly on the relations which have existed between Israel and the United States in that same span of time.

We are all aware of the great interest which has been demonstrated by Americans for Israel and its growth and development. From the moment when then-President Harry S. Truman recognized the newly formed nation with the 2,000 years of history behind it, to the present day when the programs of technical cooperation between the two countries have progressed toward the frontiers of knowledge itself, the record has been a happy and beneficial one.

As Americans who have assisted the economy and development of this brave country in the hope that it would become a substantial and progressive member of the family of nations, let me say that the achievements of Israel in this sphere have been nothing short of miraculous. Our economic aid and technical assistance, totaling $1,024.4 million, has been small in comparison to the constructive uses to which it has been put, and Israel's noteworthy achievements are a shining example of what responsible leadership and intelligent planning can do with such help. If only other countries would follow Israel's lead.

I do not believe that it is an exaggeration to say that American-Israeli friendship and cooperation will continue to expand into new areas. And, that both nations will benefit from such cooperation. Take just one recent example: the agreement for mutual research into the problem of large-scale water desalinization. While it is evident to everyone that Israel sorely needs new water resources, and that the successful outcome of these programs will be of great benefit to Israel, consider also the benefits which will accrue to the United States and the world. Here in this country, for so long the land of unlimited resources, we are beginning to feel the pinch of limited fresh water supplies. We also have extensive areas of land which could be cultivated if there were abundant sweet water. So it is that both Israel and the United States can, and will, benefit from mutual programs for developing economical processes for desalinating sea water which we in the United States have only recently begun.

This is only one brief, although important, example of what I mean. But it is a concrete demonstration of the good relations which exist between Israel and the United States, and a marvelous omen for the future.

A Basic American Right: The Right To Work

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 3, 1965

Mr. BERRY. Mr. Speaker, I have asked unanimous consent to insert in the Record a parody on the President's speech when applied to the principle of the right to work and the repeal of section 14–B of the Taft-Hartley Act.

On that basis the President said, in part:

> I speak tonight for the dignity of man and the destiny of democracy. * * * There, long suffering men and women peacefully protested the denial of their rights as Americans. * * * There is no cause for self-satisfaction in the long denial of equal rights for millions of Americans. * * * For with a country as with a person, "What is a man profited, if he shall gain the whole world and lose his own soul." * * * Those words are a promise to every citizen that he shall share in the dignity of man.

The President went on to say:

> This dignity cannot be found in man's possessions or his power or his position. It rests on his right to be treated as a man equal in opportunity to all others. It says he shall share in freedom, choose his leaders, educate his children, provide for his family according to his ability and his merits as a human being.

Not according to his membership in a union.

> To apply any other test—to deny a man his hopes—

His job—

> because of his color or race, his religion, or the place of his birth—

Or because of nonmembership in a union—

> is not only to do injustice, it is to deny America and to dishonor the dead who gave their lives for freedom. * * * Yet the harsh fact is that in many places in this country men and women are kept from voting—

Working—

> because they are Negro—

Not union.

Yes; it seems that the principles expressed in President Johnson's eloquent plea for voting rights retain the same integrity and may be identically applied to another basic American right—the right to work.

Chaplain William H. Bucklew

EXTENSION OF REMARKS

OF

HON. W. J. BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. DORN. Mr. Speaker, Dr. William Henry Bucklew, national chaplain for the Veterans of Foreign Wars, is rendering our country outstanding service. As a member of the Committee on Veterans' Affairs for more than 14 years it has been my pleasure to know many of the great leaders of our veterans organizations. I have never known a more dedicated, devoted, and dynamic patriot than Chaplain Bucklew.

Mr. Speaker, one of the finest things about Dr. Bucklew is that he is a constituent of our beloved and esteemed vice chairman of the Rules Committee, Hon. WILLIAM M. COLMER. Our Committee on Veterans' Affairs has always received a warm welcome and attentive ear to veterans needs and problems from Mr. COLMER. The veteran, his family, the widow, and orphan of America have never had a better friend or one more sympathetic and understanding than "BILL" COLMER.

Mr. Speaker, Henry Bucklew, the son of an uneducated sawmill hand and tenant farmer, the fourth of eight children, was born April 10, 1925, in a campcar in the sawmill town of Maxie, Miss., in Forrest County. His family later moved to Sumrall in Lamar County and when he was 2 years old, again moved near Seminary in Covington County, where, in the sawbriars, and sandy new ground of Okotoma swamps and the red clay chinquapin hills, he grew up, knowing the extreme poverty of farm life.

The Bucklews have also lived in Hinds and Rankin Counties. He now lives in Laurel, Miss., Jones County.

Dr. Bucklew, age 40, is married to the former Euna Fern Varner of Laurel, Miss. They have two lovely daughters, Cheryl Darlene, age 13, and Twyla Renae, age 9.

He completed high school at Seminary High School; attended Jones County Junior College, Ellisville, Miss., Texas State Teachers College, Huntsville, Tex., and graduated from Mississippi College, Clinton and Jackson's School of Law, Jackson, Miss. He holds two honorary degrees: Doctor of divinity and doctor of literature.

He is a most active Mason and Shriner, having served in several offices in upper masonic bodies in Laurel, including illustrious master of the council and a past officer of Hamasa Shrine Temple.

He is an officer in the local, district and State organization of the Veterans of Foreign Wars and has been actively serving in this organization since his discharge from oversea duty in World War II. He has served 17 years as post chaplain, 10 years State chaplain, and 7 years chaplain of the 14 State Southern Conference.

Dr. Bucklew was elected without opposition, as chaplain for the 1,300,000 member Veterans of Foreign Wars organization in Cleveland, Ohio, last August. He is the first Mississippian to receive this high honor and is presently called on, all over the Nation, as speaker in his duties as chaplain.

He is a member and past officer in the Lions, American Legion, Moose, Woodmen of the World, member of the PTA, past Jaycee, Overseas Veteran of World War II, Odd Fellows, Sportsman Club, and Dixie Golf Association.

He is a Baptist and Sunday school teacher, farmer, and newspaper owner and editor.

He is a most active civic leader and during the past years has worked with the Boy Scouts, Red Cross, polio, heart, and cancer drives and has served on several committees of the Jaycees and other civic and fraternal organizations.

He raised $3,300 for the Retail Merchants Association of Laurel, to provide the first permanent Christmas lights for the city. This amount was raised in 10 days.

He helped build and served as one of the directors of Laurel's first youth center.

He served on the board of directors for the National Association for Boys' Homes for 2 years.

He planned, organized, led in construction and served as first president of the Dixie Golf Association, new 9-hole 80-acre development for golfers in the Laurel area. The course has been appraised for $125,000. It cost members less than $15,000.

He is a former first vice president of the National Evangelists Association.

The Southern Baptist News which he owns and serves as editor, has a national circulation.

He has authored three books, his latest being "Your Daily Dozen Spiritual Vitamins." One of his addresses has a printed circulation of more than 800,000 copies.

He served under the late Governor Fielding Wright as vice chairman of the State's Displaced Persons Commission.

Henry received over 50,000 votes for Lieutenant Governor of Mississippi in 1959 in his first offer for public service.

Dr. Bucklew received the Most Distinguished Citizen Award for 1960 by the State organization of the Veterans of Foreign Wars on behalf of his service above and beyond the call of duty as founder and director of Magnolia Boys' Town.

He was again honored by the Mississippi Veterans of Foreign Wars in 1962 and received the State's Humanitarian Award in recognition of his having conducted over 100 military funerals for veterans in south Mississippi.

He received the VFW Literary Achievement. He received this award for the best book published by a Mississippian in 1963.

He is a member of the Speaker's Bureau of the State Sovereignty Commission.

Mr. Paul Harvey quoted one of Dr. Bucklew's prayers during the year on his coast-to-coast news program.

In recognition of his dedicated service to the youth of our State, Henry was appointed by Gov. Ross Barnett to the Youth Committee of the Mississippi A. & I. Board.

The mayor of Laurel has appointed Henry the active chairman of the Jones County Civil War Centennial from 1961 to 1965.

Henry has gained nationwide attention and honors in founding Magnolia Boys' Town, Boys Home in Mississippi and the Deep South for boys who were rejected, neglected, and in some cases unwanted and unloved. His dream is now a living reality with assets of more than $225,000 but, more than fixed assets, 263 boys have been given a home, religious training of their choice, an education, recreation, and most of all, the feeling they are wanted and loved. Thanks to Dr. Bucklew and the many thousands who have shared his dream, these boys now have a fair chance to grow up as mature men, useful citizens, and happy, loyal Americans. Buck has not received any salary for his full-time services in this work. Service to God by helping others, is his creed. "A good name is rather to be chosen than great riches and loving favor rather than silver or gold"—Proverbs 22: 1—is his motto.

He is a young Christian statesman with an outstanding record of achievement, who has earned the right because of his proven ability and service to God and his fellow men, to be heard, respected, and remembered.

Greetings to a Statesman

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. MURPHY of Illinois. Mr. Speaker, on April 28, 83 years ago, a great American and statesman was born, our colleague and my very dear friend, the gentleman from Illinois, BARRATT O'HARA. BARRATT O'HARA was the youngest Lieutenant Governor of the State of Illinois, at the age of 30, in the administration of Gov. Edward F. Dunne.

BARRATT O'HARA has distinguished himself as an editor and radio commentator. He is not only a veteran of World War I but the only Spanish-American War veteran currently serving in the Congress of the United States.

Mr. O'HARA has given to the Nation invaluable service as a legislator. He is one of the most voluble men I have ever known. His eloquence, his nobility, humility, and idealism constitute an example and an inspiration to his colleagues. His alert mind and his heart are big, and his friendship is truly a thing that I shall always treasure.

It has been my privilege to be a member of the Subcommittee on Africa of the House Foreign Affairs Committee under the chairmanship of Congressman BARRATT O'HARA, and the impact of Chairman O'HARA's wisdom, judgment, and legislative talents in behalf of Africa will undoubtedly continue to grow from strength to greater strength.

Congratulations, BARRATT, and I pray and hope you will continue to serve this great body for many more years to come.

Address by Postmaster General Gronouski to Polish Constitution Day Rally in Jersey City, N.J.

EXTENSION OF REMARKS

OF

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. DANIELS. Mr. Speaker, today, May 3, 1965, is a great day for Jersey City and particularly for those of my fellow citizens of Polish extraction as we celebrate the 174th anniversary of the Polish Constitution of 1791.

The day, which is always one of the great events of the year in Jersey City, was highlighted by the presence of the Honorable John A. Gronouski, the Postmaster General of the United States.

It is a high privilege and great honor to include in the RECORD the remarks of Postmaster General Gronouski which were delivered at ceremonies held in Jersey City in front of the Hudson County Administration Building.

Mr. Gronouski's remarks follow:

ADDRESS BY JOHN A. GRONOUSKI, POSTMASTER GENERAL, AT THE POLISH CONSTITUTION DAY RALLY, ADMINISTRATION BUILDING, JERSEY CITY, N.J., MAY 3, 1965

I am honored to be here today on the anniversary of the great Polish Constitution of 1791.

I feel this is a kind of homecoming for me.

Besides the obvious importance of the occasion, I feel a sense of real kinship with the Polish-American citizens of Jersey City. It was my honor, last October, to act as guest of honor of the Pulaski Day parade in New York City, and I want to tell you that yours was one of the finest contingents of the day.

And so I am pleased to meet with you once again.

Thomas Jefferson, the author of the Declaration of Independence, once wrote: "The disease of liberty is catching. I think it is catching in our time, and I want it to spread the world over. Our function is to maintain its vitality here, maintain our example here, so that as it starts to spread throughout the world, we will be the nucleus of a great army of people the globe around who desire to follow the same road we follow."

Only a few years later, on May 3, 1791, the Polish people adopted a Constitution of their own, one of the early efforts by any European nation to establish the principles of justice and self-rule. The keystone of that Polish Constitution was a clause which read: "All power in civic society should be derived from the will of the people, its end and object being the preservation and integrity of the State, the civil liberty, and the good order of society on an equal scale and on a lasting foundation."

Under this Constitution, many class distinctions were eliminated. Personal privileges were extended to most of the people. Peasants were placed under the protection of the law. And the policies toward the serfs were liberalized to an extent greater than any that then prevailed on the European Continent.

But as revolutionary as these concepts were, they were consistent with the Polish tradition. Poland, for centuries, was the rampart of civilization. She had defended the Christian culture against the barbarians. And she had fought side by side with all the defenders of freedom.

As the eastern outpost of western civilization for hundreds of years, she has withstood the onslaught of the barbaric hordes, and as Europe emerged from the Dark Ages, led it to Christianity, culture and political development.

And then, on this date, 174 years ago, the patriots of Poland brought this tradition to a climax by adopting a constitution. They stirred the hopes of the entire European Continent with these heroic words: "Free from the disgraceful shackles of foreign influence; prizing more than life, and every personal consideration, the political existence, external independence and internal liberty of the nation whose care is entrusted to us * * * we do solemnly establish the present Constitution."

It is no accident that this great Polish document was written only 4 years after the American Constitution, or that they were so similar in content and spirit. The "disease of liberty" of which Thomas Jefferson spoke was indeed catching. The same spark of freedom that ignited into the American Revolution burned no less brightly in the hearts of the Polish people. Our Revolution was theirs, and to these shores came two of the greatest champions of liberty the world has ever known—Casimir Pulaski and Thaddeus Kosciuszko. Pulaski expressed the spirit of freemen in words that will ring forever in history: "Wherever on the globe men are fighting for liberty, it is as if it were our own affair." He gave his life in witness of that conviction.

The rest is history: a triumph for America—tragedy for Poland. Today, after nearly 2 centuries of struggle, of invasion, of foreign domination, of partition—and always of bravery—the Polish people still are striving for national independence. But the spark of freedom remains.

And the role of the United States remains the same as Jefferson conceived it—to maintain the vitality of freedom here at home and, by example, help spread it throughout the world. If anything, this responsibility is greater now than at any time in our history.

Today, we have an opportunity here in the United States to redress a wrong in the name of liberty—and in the spirit of the Polish Constitution. And that is to strike the disgraceful national quotas system from our immigration laws.

Throughout our history, this Nation has occupied a unique position in the minds of people the world over. For here was sanctuary for the oppressed. Here people could come and worship as they pleased. Here people could come to escape the chains of tyranny. Here people could come to opportunities undreamed of in their native lands. In short, here people could come and be free.

But the sad fact is that today, many cannot come and they do not understand why. And neither do I.

I do not understand why a person from England, regardless of his qualifications, is 12 times more acceptable to us than a person from Italy, and 9 times more acceptable than one from Poland. But that is indeed the case. Since 1924, our immigration law has been based on a system which allows 25,000 immigrants from Germany every year, but only 120 from Spain; 60,000 from England, but only 3,000 from Greece. And the stated purpose of that law is to preserve the racial and ethnic composition of the population of the United States.

This is a national disgrace: a humiliating and cruel policy that this administration intends to correct.

It is humiliating because it discriminates against the individual and treats him as part of a mass. It judges men and women not on the basis of their worth but on their place of birth—and even, in some cases the place of birth of their ancestors.

What kind of policy is this for a land which takes its name after Amerigo Vespucci? What kind of fairness does this reflect for generations of Americans who came here from Italy in the spirit expressed by Americans like Philip Mazzei, in words later adopted by his friend Thomas Jefferson, that "All men are by nature created free and equal to each other in natural rights"?

What kind of humanity does this demonstrate to our millions of citizens of Polish and Italian descent, whose continued contribution to our common country is evidenced simply by a rollcall of the Medal of Honor winners, or of political or economic or scientific leaders like Senator MUSKIE, Senator PASTORE, or Enrico Fermi or A. P. Giannini, or Jan Paderewski?

This is to say nothing of the heartbreak caused by such policies. The sad fact is that the current system separates families coldly and arbitrarily. It keeps parents from children and brothers from sisters for years—and even decades.

For too long we have perpetuated a discriminatory and senseless policy against immigrants of many nations, and what makes it even worse is the fact that we have been the losers as much as they. By placing the major emphasis on ethnic background, rather than skills, we have been depriving our society and our industrial complex of a fresh source of talent. We have, in effect, been discriminating against ourselves. As President Lyndon B. Johnson has said, "In establishing preferences, a nation built by the immigrants of all lands can ask those who now seek admission: 'What can you do for our country?' But we should not be asking: 'In what country were you born?' "

President Johnson now seeks to reestablish basic democratic principles in our Nation's immigration policies. In his message to Congress outlining the changes needed in our laws dealing with immigration, the President has made clear the administration's resolve to eliminate the national origins quota system which defies the basic ideals of the American tradition.

The President's bill has one objective: to insure that immigration to the United States is accomplished under a system that is just, humane, and in the best interests of all the American people.

This bill is just. It would admit immigrants on the basis of their special skills and knowledge which would make their citizenship advantageous to the Nation. It would bring to America new scientists, scholars, engineers, doctors, and technicians—all of whom would significantly contribute to our national advancement.

This bill is humane. It would give preference to immigrants who are close relatives of American citizens and permanent residents and establish a policy of reuniting families. Under this bill, parents of American citizens could obtain admission to our shores without waiting for a quota number.

This bill is in the best interests of the American people. It would not remove existing laws and safeguards against the admission of undesirables or permit excessive and unregulated immigration.

The main thrust of this bill is aimed at the discriminatory system of national origins quotas. We are, in the truest sense, a nation of immigrants. And we cannot uphold our basic objectives of freedom by denying citizenship to some on the basis of geography or ethnic origins.

President Johnson has asked the Congress to reform the inequities of our current system of immigration. By so doing, he has proposed a bill that will strengthen our national purpose and sense of justice.

Four Presidents have called attention to the serious defects in our immigration laws. President Johnson has presented a bill which will eliminate a blight on our national honor and restore dignity and fairness to our policies on immigration.

A nation which has taken upon itself the task of spreading freedom throughout the world, by example, can afford nothing less. Nor can we, as the spiritual heirs of the great Polish Constitution of 1791, accept anything less.

Thank you.

Report to Massachusetts: Optimism for New England and Its Future

EXTENSION OF REMARKS

OF

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. MORSE. Mr. Speaker, early in April, seven Republican Members of the House introduced legislation to provide a New England Regional Development Commission. The purpose of the Commission would be to conduct a complete study of the region's resources, needs, and institutions for future growth.

I was delighted to read that last week the distinguished Senator from Massachusetts, Senator SALTONSTALL, testified before the Senate Committee on Public Works on behalf of such a commission. Senator SALTONSTALL pointed out the tremendous potential for growth in New England, but the tendency of recent years for the region to lag behind in terms of new investment and new employment.

The Senator's declaration of the need for regional planning in New England is an important one. I ask unanimous consent to include in the CONGRESSIONAL RECORD the text of the Senator's report to Massachusetts in which he reported on his Public Works Committee testimony:

Report to Massachusetts: Optimism for New England and Its Future

(By U.S. Senator LEVERETT SALTONSTALL, of Massachusetts)

Last Tuesday, I testified before the U.S. Senate Committee on Public Works to point out the need for establishing a New England Regional Development Commission to help our economy in Massachusetts and New England.

I think that such a regional development commission should be composed of a representative from each of the New England States and one from the Federal Government. Its purpose would be to study the economy of our Commonwealth and region in order to come up with a program for New England economic growth and development.

The economy of Massachusetts and the rest of New England is at a crossroads. We can regard it as a benefit as well as a burden that our area is the oldest industrial section of the United States. As the oldest, New England possesses a fine base of industrial and business development. It has an abundance of skilled workers with the know-how to perform the highly technical work necessary in our complex economy. We have seen this ability applied in the development of our fine electronics industry. We have been helped economically by growth among the service industries, construction, trade and government, as well as the finance, insurance and real estate businesses. In 1964, these industries helped create record employment highs.

We in Massachusetts and throughout New England have the finest educational institutions in the country. They are the sources of new and imaginative ideas and provide the talent necessary for our future development. I hesitate to name these educational institutions for fear of hurting anyone's feelings. But, I am a Harvard rooter of long standing.

Yet, in spite of these advantages, our economy is also burdened by age. Many of our plants and equipment are old and outdated. Too often in the past we have failed to adapt as quickly as we might to the changing needs of our economy. Our failure to do this has resulted in a loss of markets for our products because of the difficulty in changing over machinery and equipment.

Statistics show that this condition has contributed to a generally lagging economic growth in Massachusetts and New England, compared to other sections of the country. Since 1940 we all know that there has been a substantial national redistribution of economic activity. Between 1940 and 1960, employment in the Far West more than doubled; in the Southwest and Rocky Mountain States, employment increased approximately two-thirds. Compared to these figures, there was only a one-third increase in New England.

In 1962, Massachusetts ranked ninth among the 14 leading industrial States, the same position held in 1959. However, Texas, No. 10, with a higher rate of growth, threatens to displace Massachusetts in the future. While Massachusetts growth in manufacturing was higher than the national average, it was lower than 7 of the other 13 leading industrial States. During this period, Massachusetts was second to Maine among the New England States in manufacturing growth.

From 1953 to 1962, Massachusetts ranked 10th in the Nation for manufacturers' expenditures for new plants and equipment. While Massachusetts ranked first in New England for such expenditures, New England ranked sixth out of nine national geographic regions. This comparison emphasizes the need for stimulating our growth.

Between 1960 and 1963 our State was the eighth largest in the Nation in terms of manufacturing employment; nevertheless, it had the greatest decrease in such employment among the 14 leading industrial States. During this time, only Connecticut among the New England States showed an increase, and this came largely from the airplane industry.

Now turning to business growth figures, we see that Massachusetts and New England have also lagged. Between 1958 and 1963, Massachusetts had a 19.8-percent increase in wholesale trade establishments. New England had a 22-percent increase, but along with two other regions, this was the lowest percentage increase among the nine regions of the United States.

Between 1958 and 1963, Massachusetts had a 19-percent increase in retail sales. This placed us first among the New England States. However, New England ranked seventh among the nine national geographic regions.

These figures show how important it is for us in Massachusetts and New England to make a study of our economy. We must first recognize the problem before we attempt its solution. This is a "must" if we are to develop an intelligent, workable plan for future economic growth and development of our whole area.

Legislation is pending in Congress to set up regional development commissions and establish a program of economic assistance. Let us work in a united way to get legislation that will help us the most.

The economic interests and many of the problems of Massachusetts and the other New England States are not the same. But, there are more similarities than differences. I am strongly of the opinion that our combined efforts are necessary to study, evaluate and solve these problems.

We New Englanders face different problems than those of the Appalachia region of the United States which was, as you remember, the subject of economic assistance legislation during the present session of Congress. A regional development commission will be aware of these differences. Attention can be given to our recreation, research and service industries to determine how these expanding industries can be more helpful in providing economic growth.

A thoughtful commission will be helpful in considering the problems which currently face our textile, rubber and shoe industries. Changing patterns of defense business, along with the entire problem of defense conversion present a challenge for careful examination. Ways must be developed if we are to improve our economy through selected urban development, education, and transportation programs.

I am, like you, optimistic about the future for Massachusetts and New England. Look at what has been done in Boston. The new Prudential Center, the West End redevelopment project and the Government center have already had a considerable impact upon business expansion.

The economic interests of Massachusetts and the other New England States are tied together. An improved economy in one can mean expanded markets for the others. Through joint planning efforts on the part of all our New England States, manufacturing and business enterprises can be improved and expanded. New enterprises will be attracted to Massachusetts and New England.

I believe that for the regional development commission to be most effective, it should make its reports available to the respective New England Governors, the appropriate committees of the Congress as well as to Federal officials. In this way, the findings, conclusions and recommendations of the commission will be available to national and State officials who are able to recommend legislation in the Congress or respective States. This will insure full use being made of the commission reports.

I hope that legislation will pass the Congress this year which will result in a realistic and beneficial program of economic assistance for all New England.

Agate Fossils Beds National Monument

EXTENSION OF REMARKS

OF

HON. CLAIR CALLAN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1965

Mr. CALLAN. Mr. Speaker, it gives me a great deal of pleasure today to know that the House has passed legislation which will result in the establishment of the Agate Fossils Beds National Monument.

This action will insure the preservation of some of the outstanding paleontological sites known to man. Examples of Miocene animal life will be preserved for future generations. Mr. Speaker, we must know much about ourselves from studying our past and I know that this area in my State of Nebraska will be available to add to our ever increasing store of knowledge of our history.

I want to congratulate those who have worked so hard and given so much of their time and energy to preserving this site for us including the two generations of the Cook family and Father Robert O'Neill.

I testified for this bill before the National Parks and Recreation Committee of this House and am happy that the House acted to preserve our history.

Vice President Honors Gov. Frank Morrison and Dr. Abe Greenberg at National Conference of Christians and Jews

EXTENSION OF REMARKS
OF

HON. CLAIR CALLAN

OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 3, 1965

Mr. CALLAN. Mr. Speaker, it was 20 years ago this week that we witnessed the end of World War II in Europe. This war bears testimony to man's inhumanity to man. The calculated and systematic destruction of countries, races, and nationalities passes all understanding of peaceloving people. We have resolved that never again shall such destruction be brought upon the face of this earth and to this end have created the United Nations.

The U.N. alone cannot prevent man's barbarous acts to each other. Each of us must in our own way fight hatred, injustice, and prejudice wherever possible. To do this people have joined together in organizations to foster brotherhood. The National Conference of Christians and Jews is one such organization.

Mr. Speaker, I am proud to set before this assembly remarks of the Vice President of the United States honoring two great citizens of Nebraska, Gov. Frank Morrison and Dr. Abe Greenberg, for their tireless efforts in fostering brotherhood among the citizens of Nebraska and this Nation. My hope is that the timely remarks of Vice President Hubert Humphrey will inspire us to labor for a better understanding among people of this Nation and the peoples of this world.

The remarks follow:

Remarks of Vice President Hubert H. Humphrey, National Conference of Christians and Jews, Omaha, Nebr., May 2, 1965

We gather tonight to honor two great citizens of Nebraska: Gov. Frank Morrison and Dr. Abe Greenberg.

Dr. Abe Greenberg, one of the founders of the local chapter of the National Conference of Christians and Jews, is known to all of you for his kindness, generosity, and strong character. His powers of healing have been devoted not only to the body, but also to the minds and hearts of his fellow citizens.

Gov. Frank Morrison, my close and personal friend, adds the National Brotherhood Award to a long list of awards and recognitions he has received for his distinguished service to his fellow man, his city, his State, and his Nation. You know him for his service, but also for his human warmth.

The common trait these honored men possess is their strong and active belief in the brotherhood of man.

For we are all brothers in this world. What each of us does affects someone else. No single action is isolated or unrelated to some other action.

On this day, in this week we are all reminded of man's interdependence.

It was just 20 years ago this week that we witnessed the end of World War II in Europe. That war, as no other in modern times, testified to man's potential for barbarism and inhumanity.

But it was also 20 years ago this week that men assembled in San Francisco at the United Nations Conference on International Organization to draw up the U.N. charter.

"We the peoples of the United Nations determined to save succeeding generations from the scourge of war," began their preamble.

The 20th century can be enrolled in history as the century of war. Or it can be enrolled as the century of peace.

This century has been the first in which wars have been fought on a world scale. But it is also the first century in which peace has been sought on a world scale.

We have perfected for the first time in history means by which man can finally destroy himself. But we have also, for the first time in history, argued that world peace can be achieved on a level of reality.

Some say that war is inescapable and inevitable. Some, such as Hegel, have said that war is a necessary purgative for the "corrosive influences of peace."

But we Americans, in this time, abhor such theory. We believe that corrosion stems not from peace, but from tyranny, hate and injustice.

Let us then be known in history as seekers of life and liberty and makers of peace. Let our Government be known as the government Hobbes, Locke, Rousseau, and the Federalists looked toward in their fundamental propositions: "As anarchy leads to war, government establishes peace, and just laws preserve it."

Yes, we Americans as people, and we Americans as a force in the world must pursue peace. But what sort of peace shall it be?

Is it to be the peace of domination? This peace is easy indeed to achieve, for it is based on control of the weak by the strong. It need not be based on any principle higher than that of "might makes right."

Is it to be the peace of permissiveness? This peace, too, can be bought most cheaply. For it leaves the outside world to its own devices. It justifies sacrifice of the small and weak. It justifies aggrandizement of the powerful and greedy. It justifies international irresponsibility—all on the premise that affairs not within our own borders are not our affairs.

Is it to be the peace of balance-of-power? This peace has existed before. It depends on pepetuation of a delicate power relationship. It depends on the "status quo." It has often also meant in the past "dividing up the world" at pleasure of those at each end of the balance.

All of these peaces can and have been achieved, at least temporarily, throughout history. But they have never lasted.

For they have not been based on justice or humanity. They have not responded to the needs of men and women seeking fulfillment for themselves and their children. They have not taken into account the spark that burns in all men and says: "Be free."

On this 20th anniversary of war and of peace, I reaffirm this Nation's determination to work toward true peace in the world—peace with justice, peace with opportunity, peace with liberty.

In the United Nations we have established institutional framework which works toward such peace. But the U.N. alone will never achieve it. Its achievement will depend on the determination and will of free nations, and of all men.

There are today opportunities to buy an easier peace—a peace of domination, or of permissiveness, or of balance of power. But we reject these.

We stand now, as generations of Americans stood before us. In the words of Jefferson:

"Honor, justice and humanity forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us."

We Americans at home must make America live up to its heritage.

We must, in the world, defend the right of others to perfect themselves free of coercion and tyranny.

With strength and patience, we will succeed. When that day comes, this century indeed can be known as the century of peace.

Rev. Arthur E. Hiley

EXTENSION OF REMARKS
OF

HON. F. BRADFORD MORSE

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 3, 1965

Mr. MORSE. Mr. Speaker, yesterday in Lowell, Mass., the Matthews Memorial Church paid tribute to its pastor, the Reverend Arthur E. Hiley, on the occasion of his voluntary retirement as pastor after 38 years of devoted service.

Reverend Hiley has a unique history with the Matthews Memorial Church. He attended the church as a boy growing up in Lowell, he was married in the church, his children were baptized and married in the church, and he was ordained there in 1927.

In addition to Reverend Hiley's ministry, he paid heed to community needs. He is a member of the Lowell Board of Health, and has participated actively in civic and religious affairs in the Greater Lowell area.

Prior to his pastorate in Lowell, Reverend Hiley held pastorates in Pascoag, R.I.; Methuen, Mass.; and Fall River, Mass. Both in Fall River and later in Lowell he served as president of local ministers' associations.

The esteem with which Reverend Hiley is held in Lowell was evident yesterday as he was tendered a warm reception attended by the mayor of Lowell, the chairman of the Lowell Ministers' Association, the president of the Greater Lowell Council of Churches, and many more community and religious leaders. All of Lowell is in his debt for his fine example and dedicated service.

Fishermen Threaten Boycott of Japanese Goods

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, May 3, 1965

Mr. PELLY. Mr. Speaker, Pacific Coast fishermen, whose livings and livelihoods have depended on Alaska's Bristol Bay red salmon runs, are up in arms at Japan's unwillingness to protect and conserve these Pacific Coast fish on the high seas. Now, as a result, an organization called the Congress of American Fishermen has been set up to initiate, in retaliation, a nationwide boycott of Japanese goods.

During the Easter recess, I was invited to make the principal speech at a meeting to launch this nationwide campaign.

For years, our fishermen have sacrificed to preserve American fishery resources, by limiting their catches, and by not using nets on the high seas. This whole program of conservation is now threatened by Japan's refusal to cooperate.

As a matter of background information on problems of our American fishing industry, under unanimous consent, I include at this point the text of my remarks delivered in Seattle on April 21, at a meeting of these fishermen:

FISHERIES PROBLEMS IN GENERAL AND IN THE NORTH PACIFIC IN PARTICULAR

I am proud to represent our Pacific Northwest fishing industry in Congress. I am proud to work with men—dedicated men—like George Johansen of the Alaska Fishermen's Union; John Wedin, editor of the Fishermen's News; and other leaders too numerous to mention. I am proud of the fishing industry and the men and women who have sacrificed to conserve our fishery resources. I am proud of Seattle's being a major home of the fishing fleet, and I am proud, too, of the University of Washington and its College of Fisheries here in Seattle, which has produced leaders in the field of fisheries, like Donald McKernan, Director of the Bureau of Commercial Fisheries. I am proud to have worked for more than 12 years with our senior Senator, WARREN G. MAGNUSON, on fishery problems. But I am ashamed that with these men, and all that talent, and with all our interest, the industry is so distressed and neglected.

Administration after administration, of both political parties, has had nothing but kind words for you—you are being killed with kindness.

My subject today is "Fisheries Problems in General and the North Pacific in Particular."

In 1964, for the second time in history, and the second year in a row, more than half of the total U.S. supply of seafood was imported. The imports accounted for approximately 60 percent of the supply.

Some 130,000 fishermen and 90,000 shore workers were employed in catching and processing fishery products in the United States.

More than 300,000 persons were employed in allied industries. About 11,500 vessels of 5 tons or more and 60,000 other boats were in use in 1964. More than 4,000 wholesale and manufacturing plants processed fish for market. All of which makes this industry important to the Nation's economy.

THE STATE OF OFFSHORE FISHING

A year ago last March, 13 West European countries agreed to a modified 12-mile offshore fishing limit.

On January 4, 1963, Canada declared a 12-mile fishing limit with historic rights to nations that had fished inside this limit.

In May, Congress enacted a law banning fishermen in vessels of foreign powers inside U.S. territorial waters. But that is about the only action the United States has taken.

For fishing legislation is like Mark Twain's remark about the weather—everybody talks about it, but nobody does anything about it. At least, our Government doesn't.

For example, the New England fishery has been ruined by cheap foreign imports, caught and processed by modern facilities financed by foreign aid. The Boston fleet today is only half the size it was in 1945. The only answer of our Government is like "throwing a bone to a dog"—a subsidy to construct a few half-million-dollar modern fishing vessels—all of which might help one or two companies, but very few fishermen. No administration supports a tariff to protect our American standard of living, even though the Tariff Commission found the New England industry to be damaged by low-priced imports and that tariff protection was justified.

Since 1951, the American fisheries industry has continued to decline. The total catch of edible fish species has dropped more than a half-billion pounds. So has the average price per pound received by fishermen.

Meanwhile, the number of these American fishermen has shrunk one-fourth. In San Diego, for example, the tuna fleet has dropped in the past 10 years from 800 to 200 vessels.

The number of documented fishing vessels is down one-fourth, while the number of new documentations has shrunk two-thirds.

In our country, there are many coastal communities dependent almost entirely on harvesting the sea for the livelihood of the people. Puget Sound has some of these areas, where the problem is often one of too much fish and too low a price.

Compare this to the 11-State Appalachia depressed area, where coal is the basic industry. There is a similarity in that both have suffered due to failure of the Government to protect these industries. Lately, in the case of coal, the Government has recognized the problem and has enacted programs to help the coal miners.

No such consideration, however, has been given the fishermen—although, of course, there are differences.

The demand for products of the sea has increased and there are no substitute competitive products.

While American fisheries are declining, the American people are eating more fish and shellfish. The reason is that 45 percent of the edible fish consumed in our country is imported.

Much of these imported products, both edible and inedible, are from fish harvested from water contiguous to our shores.

Waters over our Continental Shelves, because of their great production, attract the fishing fleets of Japan, the Soviet Union, and many other nations.

World fisheries production has doubled in the past 10 years and much of this production is from sea life in waters adjacent to America.

Every maritime nation in the world, except ourselves, has shared in this expansion of the fishing industry. This has raised the standard of living and the economy of the lesser-developed countries of the world, while fishing localities in America—such as Puget Sound—suffer increasing economic distress.

GOVERNMENT INDIFFERENT TO INDUSTRY NEEDS

This need not be if our Federal Government would act to protect our fishing industry. Our industry and American fishermen could prosper, and with some Government protection, could revive and contribute to our living standard and employment.

I know of no better example, to cite, of administration callousness to the interest of Americans, as against foreign nationals, than the attitude of the Department of State in connection with my bill to prohibit foreign freezing, packing, and other processing of fish in our territorial waters.

The State Department opposed enactment of this legislation, although its purpose was to protect American cannery workers from Japanese floating canneries, where wages are 30 cents an hour.

Another example is the opposition of the administration to legislation introduced by me to prohibit imports of foreign fish harvested on the high seas by methods that violate good conservation practices, to protect our fishery resource.

We have had opposition, also, to the Pelly-Magnuson bill to allow the crews of fishing vessels to bargain as to the dockside price of fish.

Altogether, every way we turn, legislatively, to try to help the fishermen, it seems that we get a cold shoulder from our own Government.

Very recently, Donald L. McKernan, Director of the Federal Bureau of Commercial Fisheries, said that Russia will take over much of America's offshore fishing waters by 1970 if the United States does not do something about it.

He said that Russian, as well as Japanese fishing fleets will be attracted to the West Coast's offshore waters, because our fishermen are letting a huge potential fishery go by default. He was referring to anchovies and hake, both for food and for industrial use.

Don McKernan is a highly-respected biologist, and is recognized as an expert; but what he failed to say, although, of course, he knows it full well, is that in order to compete with these foreign trawling and processing operations, Americans must accept 30 cents an hour—and they cannot live on that.

The only solution offered by the Federal Government so far is replacement and modernization of our fishing fleet, through a construction subsidy. Canada is subsidizing her fisheries operations and fishing boat construction, but I cannot see that she is solving her fisheries problems. What she is doing is helping her fish-boat builders. As for us, it seems to me we want less fish and a price that covers production cost.

At least, it seems to me we could keep our foreign competition from fishing within the 12-mile limit, along the lines of what Canada did recently.

New Zealand has just joined the list of nations that have expanded their jurisdiction over fisheries from 3 miles to 12 miles offshore. She became alarmed at the presence of Japanese fishermen off her coasts, and acted promptly.

The roadblock to protection of our international fisheries, of course, and any solution to the problems of the industry, lie in our State Department.

This is because competitive nations have now moved in on many of our traditional grounds with their modern, efficient fleets.

Wherever he looks, the U.S. fisherman sees growing threats to his security and many actions by his own Government add to his frustration.

One example is the giveaway of the East Bering Sea halibut fishery, in 1962, to the Japanese, when that fishery had been restricted, by treaty, to the United States and Canada. The lack of wisdom in this concession to a nonconservationist fishing nation became immediately apparent when the halibut resources became depleted in one season.

FOREIGN FISHING INDUSTRIES GET U.S. AID

Many of the imports which enter the U.S. market come from producers who have been aided, directly or indirectly, by the U.S. Government.

In 1962, the statement was made in the U.S. Senate that up to that date, $115 million in foreign aid, and another $182 million in U.S.-owned foreign funds, had been rendered by the United States to foreign fishing industries.

Let me cite some examples; under U.S. direction, shrimp were discovered in Korea, a processing plant was set up with U.S. funds, and as a result, shellfish exports from South Korea jumped from $3 million in 1956 to $10 million in 1962—and these exports were mostly to the United States.

The United States also developed a shrimping industry in Pakistan, spending at least $2 million; most of the output, of course, comes to America.

We loaned $5 million to the Chilean fishing industry, for construction of 18 fishing vessels.

The United States has aided the Philippine Republic, and Brazil; we have no available funds for sufficient research vessels for ourselves, but we furnished U.S. funds for one for West Africa.

In all, we have given fishery development assistance to nearly 30 countries, when our own research financing has been insufficient.

I referred to the opening of the halibut grounds in the 1964 fishing season, halibut fishermen from Canada, the United States, and Japan were able to catch only about one-third of the catch quota. Now the fishing season in that area, under the Halibut Commission recommendation, would be limited to only 7 days.

Many countries have unilaterally declared broad fishing limits up to 200 miles offshore. But our Government will not even declare a 12-mile limit, similar to that declared by Canada. Meanwhile, foreign fishing fleets are winning historic rights in this 12-mile coastal area.

Fishery product imports now enter this country with only nominal tariffs, but even these are presently under threat of being further cut or reduced

I voted against the Trade Extension Act, the purpose of which was to reduce tariffs. I did so in the interest of protecting our fishermen; and now I am the author of legislation to stop foreign dumping on this score.

Last January, addressing the National Canners Convention at San Francisco, William C. Herrington, Special Fisheries Assistant to the Secretary of State, said:

"I am not going to attempt to give you solutions to any of our numerous high seas fishery problems; I would like a little more time for that."

How much time does our State Department want? You know what their problem is—the big picture, and exports like cotton. Fishermen are expendable, but not the cotton industry.

Do you know what the fishermen and other taxpayers in America pay in the way of subsidy to the cotton interests?

To start with, the growers get a subsidy; during the 12-month period ended in August 1964, it amounted to $39.3 million.

Then, since that subsidy to growers increases cotton prices, we subsidize exports of cotton, at a rate of 8½ cents a pound. During the same period, this subsidy amounted to $2.3 million.

Then, since the subsidized cotton is converted into textiles and exported by Japan, for instance, back to this county, we give a third subsidy to domestic textile manufacturers, in theory, to allow them to compete with textiles made from our own subsidized raw cotton. These latter payments went to 300 textile manufacturers, and cost the taxpayers a total of $223,841,676.31 for the same 12 months.

The State Department would willingly sacrifice a comparatively small fishing industry in the interest of that so-called big picture along with other industries which want to sell their materials to Japan.

THE NORTH PACIFIC SALMON PROBLEM

Now, let me discuss the salmon problem, which involves, as far as the international situation goes, both conservation and jurisdiction.

Our principal quarrel here is with Japan, and involves the principle of abstention, where one nation supports a second nation in the latter's conservation effort. Chiefly affected is the Bristol Bay red salmon run, whose far-ranging migrations in the high seas has made them vulnerable to Japanese destruction.

Since the expiration of the 10-year minimum term of the North Pacific Salmon Convention, Japan has sought the elimination of the abstention for conservation provisions, to make more of this run of reds accessible to her high seas operation, which includes use of the 10-mile small mesh nets that kill the immature salmon, and relentlessly render useless the conservation sacrifices of American fishermen.

There have been negotiations; but recently, when leaders of our industry met in Washington, it was apparent that our State Department's policy was to defer and delay, while our fishery leaders urgently pleaded for firm and immediate attention, before this year's fishing season.

I say it is about time—no, it is time—for our Government to assert its firm intention to protect our salmon on the high seas. It is time we shocked the administration into action.

Very simply, I propose that the fishermen peacefully petition for redress of grievances. Instead of a boycott, I suggest that you and your brothers on the gulf coast, and on the Atlantic coast, and up and down the Pacific coast peacefully demonstrate, until, and if, future circumstances may call for extending such action to picketing imports, or to a boycott of Japanese goods.

In other words, I would delay the boycott that has been suggested to such time as the Japanese fishing fleet may actually commence taking our Bristol Bay red salmon. By June 1 it will be known whether or not the Japanese intend to harvest our Pacific coast fish as against Asiatic runs of salmon on the high seas. In fact, this is the intention of the Congress of American Fisheries.

Meanwhile, it seems to me that the voice of the Pacific Northwest fisherman should be heard, by petition to the President and to the Department of State. Your indignation should be registered strongly enough to be heard both in Washington, D.C., and in Tokyo.

There is no other way I know of to let the Japanese Government recognize the seriousness of our problem. There is no other way I know of to stir the President, the State Department, and the entire Congress, into taking action to protect your rights.

Let us get the support of organized labor from the Seafarers' International Union, the culinary unions, and all others affiliated with the great brotherhood of fishermen.

Let's demonstrate peaceably, and petition in English and in Japanese, if necessary.

The time to act is here.

SENATE

TUESDAY, MAY 4, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God: Bowing for a hallowed moment at this shrine of Thy grace, we acknowledge before Thee that too often our lives are restless pools, that we frequent so little with our spirits the green pastures and the still waters.

In the social turmoil of our times, forgive us that our minds, burdened by many anxieties, are tempted to cynicism, by human perversity and cruelty, and that we become disheartened and disillusioned by human folly which seems to profit so little by bitter reaping.

So we look upward in our morning prayer that in a continued sense of Thy presence we may be delivered from the fret and fever of today's demands and decisions and from the praise or blame of men. As in these stern days we mobilize our national strength, whether in our own hemisphere or half a world away, against the wrong that needs resistance, and for the right that needs assistance, may our America be true to its starry ideals and to those in the gallant yesterdays who, in every challenge to the rights of men, have dared and died to make men free. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 3, 1965, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

ADDITIONAL APPROPRIATIONS TO MEET MILITARY REQUIREMENTS IN VIETNAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 157)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations:

To the Congress of the United States:

I ask the Congress to appropriate at the earliest possible moment an additional $700 million to meet mounting military requirements in Vietnam.

This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and Communist attack will not succeed.

In fiscal year 1965 we will spend about $1.5 billion to fulfill our commitments in southeast Asia. However, the pace of our activity is steadily rising. In December 1961, we had 3,164 men in South Vietnam. By the end of last week the number of our Armed Forces there had increased to over 35,000. At the request of the government of South Vietnam in March, we sent marines to secure the key Danang/Phu Bai area; 2 days ago, we sent the 173d Airborne Brigade to the important Bien Hoa/Vung Tau area. More than 400 Americans have given their lives in Vietnam.

In the past 2 years, our helicopter activity in South Vietnam has tripled—from 30,000 flying hours in the first quarter of 1963 to 90,000 flying hours in the first quarter of this year.

In February we flew 160 strike sorties against military targets in North Vietnam. In April, we flew over 1,500 strike sorties against such targets.

Prior to mid-February we flew no strike sorties inside South Vietnam. In March and April, we flew more than 3,200 sorties against military targets in hostile areas inside the country.

Just 2 days ago, we dispatched Gen. C. L. Milburn, Jr., Deputy Surgeon General of the Army, to assist U.S. representatives in Vietnam in formulating an expanded program of medical assistance for the people of South Vietnam. We are contemplating the expansion of existing programs under which mobile medical teams travel throughout the countryside providing on-the-spot medical facilities, treatment, and training in rural areas.

The additional funds I am requesting are needed to continue to provide our forces with the best and most modern supplies and equipment. They are needed to keep an abundant inventory of ammunition and other expendables. They are needed to build facilities to house and protect our men and supplies.

The entire $700 million is for this fiscal year.

The Secretary of Defense will today support this request before the appropriate congressional committees.

Nor can I guarantee this will be the last request. If our need expands I will turn again to the Congress. For we will do whatever must be done to ensure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and Nation.

I have reviewed the situation in Vietnam many times with the Congress, the American people and the world. South Vietnam has been attacked by North Vietnam. It has asked our help. We are giving that help because our commitments, our principles and our national interest demand it.

This is not the same kind of aggression with which the world has been long familiar. Instead of the sweep of invading armies, there is the steady, deadly stream of men and supplies. Instead of open battle between major opposing forces, there is murder in the night, assassination and terror. Instead of dramatic confrontation and sharp division between nationals of different lands, some citizens of South Vietnam have been recruited in the effort to conquer their own country.

All of this shrouds battle in confusion. But this is the face of war in the 1960's. This is the "war of liberation." Kept from direct attack by American power, unable to win a free election in any country, those who seek to expand communism by force now use subversion and terror. In this effort they often enlist nationals of the countries they wish to conquer. But it is not civil war. It is sustained by power and resources from without. The very object of this tactic is to create the appearance of an internal revolt and to mask aggression. In this way, they hope to avoid confrontation with American resolution.

But we will not be fooled or deceived, in Vietnam or any place in the world where we have a commitment. This kind of war is war against the independence of nations. And we will meet it, as we have met other shifting dangers for more than a generation.

Our commitment to South Vietnam is nourished by a quarter century of history. It rests on solemn treaties, the demands of principle, and the necessities of American security.

A quarter century ago it became apparent that the United States stood between those who wished to dominate an entire continent and the peoples they sought to conquer.

It was our determined purpose to help protect the independence of the Asian peoples.

The consequence of our determination was a vast war which took the lives of hundreds of thousands of Americans. Surely this generation will not lightly yield to new aggressors what the last generation paid for in blood and towering sacrifice.

When the war was over, we supported the effort of Asian peoples to win their freedom from colonial rule. In the Philippines, Korea, Indonesia, and elsewhere we were on the side of national independence. For this was also consistent with our belief in the right of all people to shape their own destinies.

That principle soon received another test in the fire of war. And we fought in Korea, so that South Korea might remain free.

Now, in Vietnam, we pursue the same principle which has infused American action in the Far East for a quarter of a century.

There are those who ask why this responsibility should be ours. The answer is simple. There is no one else who can do the job. Our power is essential, in the final test, if the nations of Asia are to be secure from expanding communism. Thus, when India was attacked, it looked to us for help, and we gave it gladly. We believe that Asia should be directed by Asians. But that means each Asian people must have the right to find its own way, not that one group or nation should overrun all the others.

Make no mistake about it. The aim in Vietnam is not simply the conquest of the South, tragic as that would be. It is to show that American commitment is worthless. Once that is done, the gates are down and the road is open to expansion and endless conquest. That is why Communist China opposes discussions, even though such discussions are clearly in the interest of North Vietnam.

Moreover, we are directly committed to the defense of South Vietnam. In 1954 we signed the Southeast Asia Collective Defense Treaty. That treaty committed us to act to meet aggression against South Vietnam. The U.S. Senate ratified that treaty and that obligation by a vote of 82 to 1.

Less than a year ago the Congress, by an almost unanimous vote, said that the United States was ready to take all necessary steps to meet its obligations under that treaty.

That resolution of the Congress expressed support for the policies of the administration to help the people of South Vietnam against attack—a policy established by two previous Presidents.

Thus we cannot, and will not, withdraw or be defeated. The stakes are too high, the commitment too deep, the lessons of history too plain.

At every turning point in the last 30 years, there have been those who opposed a firm stand against aggression. They have always been wrong. And when we heeded their cries, when we gave in, the consequence has been more bloodshed and wider war.

We will not repeat that mistake. Nor will we heed those who urge us to use our great power in a reckless or casual manner. We have no desire to expand the conflict. We will do what must be done. And we will do only what must be done.

For, in the long run, there can be no military solution to the problems of Vietnam. We must find the path to peaceful settlement. Time and time again we have worked to open that path. We are still ready to talk, without conditions, to any government. We will go anywhere, discuss any subject, listen to any point of view in the interests of a peaceful solution.

I also deeply regret the necessity of bombing North Vietnam.

But we began those bombings only when patience had been transformed from a virtue into a blunder—the mistaken judgment of the attackers. Time and time again men, women, and children—Americans and Vietnamese—were bombed in their villages and homes while we did not reply.

There was the November 1 attack on the Bien Hoa Airfield. There was the Christmas eve bombing of the Brinks Hotel in Saigon. There was the February 7 attack on the Pleiku base. In these attacks 15 Americans were killed and 245 were injured. And they are only a few examples of a steady campaign of terror and attack.

We then decided we could no longer stand by and see men and women murdered and crippled while the bases of the aggressors were immune from reply.

But we have no desire to destroy human life. Our attacks have all been aimed at strictly military targets—not hotels and movie theaters, and embassy buildings.

We destroy bridges, so it is harder to convey the instruments of war from North to South. We destroy radar stations to keep our planes from being shot down. We destroy military depots for the infiltration of men and arms to the South. We patrol routes of communications to halt the invaders. We destroy ammunition dumps to prevent the use of explosives against our men and our allies.

Who among us can feel confident that we should allow our soldiers to be killed, while the aggressor sits smiling and secure in his sanctuary, protected by a border which he has violated a thousand times. I do not believe that is the view of the American people or of the Congress.

However, the bombing is not an end in itself. Its purpose is to bring us closer to the day of peace. And whenever it will serve the interests of peace to do so, we will end it.

And let us also remember, when we began the bombings there was little talk of negotiations. There were few worldwide cries for peace. Some who now speak most loudly were quietly content to permit Americans and Vietnamese to die and suffer at the hands of terror without protest. Our firmness may well have already brought us closer to peace.

Our conclusions are plain.

We will not surrender.

We do not wish to enlarge the conflict.

We desire peaceful settlement and talks.

And the aggression continues.

Therefore I see no choice but to continue the course we are on, filled as it is with peril and uncertainty.

I believe the American people support that course. They have learned the great lesson of this generation: Wherever we have stood firm aggression has been halted, peace restored, and liberty maintained.

This was true in Iran, in Greece, and Turkey, and in Korea.

It was true in the Formosa Straits and in Lebanon.

It was true at the Cuban missile crisis.

It will be true again in southeast Asia.

Our people do not flinch from sacrifice or risk when the cause of freedom demands it. And they have the deep, abiding, true instinct of the American people: When our Nation is challenged it must respond. When freedom is in danger we must stand up to that danger. When we are attacked we must fight.

I know the Congress shares these beliefs of the people they represent.

I do not ask complete approval for every phrase and action of your Government. I do ask for prompt support of our basic course: resistance to aggression, moderation in the use of power, and a constant search for peace. Nothing will do more to strengthen your country in the world than the proof of national unity which an overwhelming vote for this appropriation will clearly show. To deny and delay this means to deny and to delay the fullest support of the American people and the American Congress to those brave men who are risking their lives for freedom in Vietnam.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 4, 1965.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 339) to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the bill (S. 510) to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARRIS, Mr. O'BRIEN of New York, Mr. ROGERS of Florida, Mr. SATTERFIELD, Mr. SPRINGER, Mr. NELSEN, and Mr. CARTER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 3349. An act for the relief of certain retired officers of the Army, Navy, and Air Force;

H.R. 5167. An act to amend title 38 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes;

H.R. 5184. An act for the relief of the port of Portland, Oreg.;

H.R. 5283. An act to provide for the inclusion of years of service as judge of the District Court for the Territory of Alaska in the computation of years of Federal judicial service for judges of the U.S. District Court for the District of Alaska;

H.R. 6294. An act to authorize Secret Service agents to make arrests without warrant for offenses committed in their presence, and for other purposes;

H.R. 6507. An act to make section 1952 of title 18, United States Code, applicable to travel in aid of arson;

H.R. 6691. An act to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture;

H.R. 6848. An act to amend section 35 of title 18 of the United States Code relating to the imparting or conveying of false information;

H.R. 6926. An act to strengthen the financial condition of the employees' life insurance fund created by the Federal employees' Group Life Insurance Act of 1954, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such act, and for other purposes; and

H.J. Res. 324. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 305) expressing the sense of the Congress with respect to the designation of a grove of redwood trees as a memorial to the late Dag Hammarskjold, in which it requested the concurrence of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated:

H.R. 3349. An act for the relief of certain retired officers of the Army, Navy, and Air Force;

H.R. 5167. An act to amend title 38 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes;

H.R. 5184. An act for the relief of the port of Portland, Oreg.;

H.R. 5283. An act to provide for the inclusion of years of service as judge of the District Court for the Territory of Alaska in the computation of years of Federal judicial service for judges of the U.S. District Court for the District of Alaska;

H.R. 6294. An act to authorize Secret Service agents to make arrests without warrant for offenses committed in their presence, and for other purposes;

H.R. 6507. An act to make section 1952 of title 18, United States Code, applicable to travel in aid of arson; and

H.R. 6848. An act to amend section 35 of title 18 of the United States Code relating to the imparting or conveying of false information; to the Committee on the Judiciary.

H.R. 6691. An act to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture; to the Committee on Agriculture and Forestry.

H.R. 6926. An act to strengthen the financial condition of the employees' life insurance fund created by the Federal Employees' Group Life Insurance Act of 1954, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such act, and for other purposes; to the Committee on Post Office and Civil Service.

H.J. Res. 324. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

TRIBUTE TO BENNINGTON (VT.) BANNER

Mr. AIKEN. Mr. President, representing a small State in this body, I am sometimes criticized for going overboard in defense of small things, such as small communities, small internal revenue offices, small veterans facilities and even small people.

It has always been my opinion that size alone is no criteria of quality or greatness.

I am very happy to announce this morning that my confidence in the small community and its institutions has again been justified.

Each year, the N. W. Ayer & Son, Inc., of Philadelphia, makes an award for excellence in typography, makeup, and printing to the newspapers of this country which lead the field in their circulation class.

It also makes an award to the newspaper which excels in these respects over all other newspapers, regardless of circulation.

This has come to be regarded as the outstanding national prize in the field of newspaper publishing.

This year, the 35th year in which the N. W. Ayer & Son agency has conducted this contest, the sweepstakes prize, if I may call it that, has been awarded to the Bennington Banner of Bennington, Vt.

The town of Bennington has a population of approximately 12,000 people.

The Bennington Banner has a daily circulation of 5,163 and yet it won the Ayer cup in competition with other newspapers having circulation many, many times this number, even including the largest of our daily papers.

I want to take this opportunity to publicly compliment the publisher of the Bennington Banner, Donald D. Miller, and its editor, Lawrence K. Miller, and the staff and employees of the Bennington Banner, not only for the credit they have brought to themselves and the town of Bennington, but also for the convincing manner by which they have justified my lifelong confidence in the small community and those who find both opportunity and recognition there.

Mr. President, as I started to come to the floor of the Senate, I asked one of my staff members to hand me a copy of the Bennington Banner. She said, "What copy?" I replied, "Any copy at all. Pick one out at random. I desire to put the lead editorial in the Congressional Record."

So I came here with a copy of the Bennington Banner for Monday, April 26, 1965. The lead editorial is entitled "Our Twisted Logic." I wish that all the people in high official positions of our Government would think in such clear and logical terms as is expressed by this lead editorial in the Bennington Banner.

The VICE PRESIDENT. Does the Senator from Vermont wish to have the editorial printed in the Record?

Mr. AIKEN. I ask unanimous consent to have printed at this point in the Record the editorial, which was selected at random, but which I think is indicative of the type of thinking we are getting from this small town newspaper. It not only does credit to the town, but is far superior, as the N. W. Ayer & Son agency found, to many others.

The VICE PRESIDENT. The request is happily granted.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Bennington (Vt.) Banner, Apr. 26, 1965]

Our Twisted Logic

The logic of war, as war, is to win: This has been pointed out by those "hawks" who would push the logic of war to its full extreme. Similarly, the logic of appetite is to eat, but we nevertheless look askance on the man who eats without regard to manners or health or commonsense. We know that if he stuffs himself long enough with double martinis, fried potatoes, and apple pie, the results will be bad, not only for his appetite but for his general well-being.

If the logic of appetite has its limits, so does the logic of war. The logic of war speaks to us now in terms of escalation and brinkmanship. It says that we must win and that to do so we must take whatever steps are necessary. If doing so leads to war with China—well, so be it.

The trouble with this unrestricted logic is that it, too, can collide with our health and with commonsense. The use of gas in Vietnam fitted the logic of war, but it was a failure not because the gas was inhumane and not even because it was unhelpful but because it put us in an impossible position in international politics.

We have already paid a tremendous political price for our bombing of North Vietnam, and it is far from sure that in the long run it will be worth it. The logic of war, pressed too far and in the wrong way has defeated our own interest.

It would be to our interest, for instance, to have a settlement in which the various Asian powers do not form a solid anti-U.S. bloc. Our present policy tends to the opposite effect. D. T. Niles, general secretary of the East Asian Christian Conference, has correctly observed:

"By its present policies and actions, the United States has almost completely destroyed the chances of North Vietnam maintaining its independence from China. It has also destroyed, or almost destroyed, the possibilities of a flexible policy for Russia in Asia. All that has happened is that the hand of China has been tremendously strengthened."

The biggest fallacy of all is the idea that Vietnam is a good place to take a stand, to have it out with Red China once and for all.

Our strong weapons, and the only weapons with which we are equipped to fight a big war, are our navy and airpower and our hydrogen bombs. Their use would mean a war of extermination against 700 million people on a great land mass, and it seems unlikely that they would be finally effective.

What would really be needed would be millions of American soldiers for physically conquering China, and that is the kind of Asian land war against which our military leaders have warned again and again. This is not to mention the likelihood of a final and self-destructive nuclear confrontation with Russia. In our age, the logic of war can end up by turning 180° and destroying itself.

THE 189TH ANNIVERSARY OF INDEPENDENCE DAY IN RHODE ISLAND

Mr. PASTORE. Mr. President, this is May 4—the 189th anniversay of Independence Day in Rhode Island.

On May 4, 1776—2 months ahead of the rest of the Colonies—Rhode Island and the Providence Plantations separated from allegiance to Great Britain.

On that May 4, the General Assembly of Rhode Island closed its declaration of independence with these words:

> We are obliged by necessity and it becomes our highest duty to use every means with which God and nature has furnished us in support of our invaluable rights and privileges and to oppose that power which is exerted only for our destruction.

The Governor and company of the Colony replaced the authority of the King and by this act was severed the connection between the Colony and Great Britain.

This was no empty or idle act. Rhode Island was under arms—her men so well trained under Gen. Nathanael Greene that General Washington said of them, "they are the best disciplined and appointed in the whole American Army"—and the historians tell us that their fine equipment was the gift of the gentiles of Providence and the Jews of Newport.

General Greene went on to be Washington's great aide. Greene's money and resourcefulness carried the Army through the terrible winter of Valley Forge.

Later Greene freed the South from the domination of the British Army and grateful South Carolina and Georgia, each made him a gift of a plantation.

In a sense General Greene is our neighbor in the Senate—his statue stands close by—on guard at the disbursing office—and the name of the Revolutionary soldier is borne by our most modern nuclear submarine.

In Statuary Hall today at noon, the sons and daughters of Rhode Island, resident in Washington, gathered to recall that glorious day in their Colony's history. They paid tribute to Roger Williams and the virtues of equality and freedom which developed into the character of the United States-to-be. They saluted General Greene and the valor of the little army of farmers that defeated the British, the finest soldier of that day.

Back home in Rhode Island it is natural that the current observance of Independence Day should include a pilgrimage to the historic homestead of General Greene.

In these disturbing days of world conflict, our country should have a glimpse of the sincerity and simplicity of our national beginnings—American courage and character.

I feel that it is refreshing for all America to see how the local scene is reflected and reported, and I ask unanimous consent that the coverage in the Providence Journal of May 3, 1965, be included in my remarks at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Independence of Rhode Island Marked at Homestead

More than 200 persons attended ceremonies marking the 189th anniversary of Rhode Island Independence at the General Nathanael Greene Homestead in Coventry yesterday.

The sunny, warm spring afternoon lent itself to the colorful outdoor festivities.

Dr. Benjamin Franklin Tefft, president of the General Greene Homestead Association, welcomed the crowd. Behind him in full uniform with shining sabers and plumed helmets, stood members of the Kentish Guards, General Greene's company.

Also in full uniform, with a plumed helmet, but understandably seated, was 102-year-old Clarke Wells, a member of the Guards.

The principal speaker was Comdr. Thomas W. Hall, USN, retired. Mr. Hall spoke on General Greene's role in the Revolutionary War and called the Rhode Island native "the most underestimated man in American history." In outlining General Greene's participation in the war Mr. Hall called him "the strategist" of the American Revolution.

Commander Hall also commended Dr. Tefft for his part in having the Navy commission a nuclear submarine named "the *General Nathanael Greene*." Dr. Tefft's efforts, Mr. Hall said, were the main reason the submarine was so named.

The program included Indian lore, and Princess Red Wing reminded the audience of the contributions of American Indians who fought for the United States in all its wars.

The princess, in Indian dress, explained the peace pipe ceremony performed by another Indian, Owl's Head.

Three students from Coventry's Washington School, Carol Gendron, Michael Dean, and Patricia Di Franco, all in colonial dress, spoke on the life of General Greene.

Also in colonial dress were 10 West Warwick Junior High School students who performed the stately, formal minuet, with all its slow steps and bows and curtsies.

The dancers were directed by Mrs. E. Virginia O'Connor.

Music was provided by the West Warwick Junior High School Band under the direction of Vincent A. Bucci, Jr. A girls' choir from Christ the King Church, led by Sister Marie Caritas, sang.

The General Nathanael Greene Homestead Association held its annual meeting after ceremonies.

Reelected president was Dr. Tefft. Other officers elected were: first vice president, Col. Howard V. Allen; second vice president, Elmer Bentley; treasurer, Miss Bessie W. Allen; and assistant treasurer, Mrs. Germain Saute.

Reelected to the board of trustees for 3-year terms were Forrest Morgan and Lee V. Spencer.

Mr. Spencer was named chairman of the property committee by the president. Also named to the committee were Thomas Casey Greene, Jr., Colonel Allen, Miss Allen, Richard Meader, and Mrs. Saute.

Named to the house committee were Mrs. Luther Patterson, chairman, and Mrs. F. Richmond Allen, Mrs. Kenneth G. Hall, Mrs. Benjamin B. Meade, and Mrs. Lionel Cardin.

The group decided to join the League of Rhode Island Historical Societies.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON SPECIFICALLY EXEMPTED PROPERTY IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, reporting, pursuant to law, on specifically exempted property in the District of Columbia, for the calendar year 1964 (with accompanying papers); to the Committee on the District of Columbia.

EQUALIZATION OF RATES OF DISABILITY COMPENSATION PAYABLE TO CERTAIN VETERANS

A letter from the Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to equalize the rates of disability compensation payable to veterans of peacetime and wartime service (with an accompanying paper); to the Committee on Finance.

ASSISTANCE TO CERTAIN DISABLED VETERANS

A letter from the Administrator of Veterans' Affairs, Veterans Administration, Washington, D.C., transmitting a draft of proposed legislation to authorize the Administrator of Veterans' Affairs to furnish assistance to certain disabled veterans of the induction period in the purchase of an automobile or other conveyance (with an accompanying paper); to the Committee on Finance.

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. RUSSELL of South Carolina. Mr. President, I am deeply concerned over the prospects for cotton legislation this session of Congress. It is imperative that the Congress devise a fair and equitable plan which will continue one-price cotton purchases for the textile industry.

To emphasize the importance of this matter to our State, I ask unanimous consent to have printed in the RECORD a concurrent resolution adopted by the General Assembly of South Carolina. I commend it to Members of the Senate.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry, as follows:

CONCURRENT RESOLUTION —

Concurrent resolution memorializing the Congress of the United States to extend the one-price cotton program for the seasons of 1966 and 1967

Whereas the present one-price cotton program makes cotton competitive in price in the domestic market as well as the foreign; and

Whereas it ended the cost advantage to foreign mills which were rapidly taking over domestic markets; and

Whereas the two-price program would destroy many public opportunities and economic activities generated by the great cotton industry: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States is respectfully requested to extend the one-price cotton program for the seasons of 1966 and 1967; and be it further

Resolved, That copies of this resolution be forwarded to the Senators and Members of the House of Representatives in the Congress from South Carolina and to the Secretary of Agriculture.

INEZ WATSON,
Clerk of the House.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

William C. Foster, of the District of Columbia, to be a deputy representative on the United Nations Disarmament Commission;

Jack Hood Vaughn, of Virginia, to be the representative to the 11th session of the Economic Commission for Latin America of the Economic and Social Council of the United Nations;

Charles W. Adair, Jr., of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Panama;

William R. Tyler, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of the Netherlands;

Nathaniel Davis, of New Jersey, a Foreign Service officer of class 2, to be Envoy Extraordinary and Minister Plenipotentiary to Bulgaria;

Henry J. Tasca, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of Morocco; and

Henry A. Hoyt, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Uruguay.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FONG:

S. 1881. A bill for the relief of Dr. Sung Ling Yuan, his wife, Yin Chu Yuan, and their children, Lily Yuan, Hansen Yuan, and Shirley Yuan; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 1882. A bill to amend the Small Business Act and the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

(See the remarks of Mr. PROXMIRE when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 1883. A bill to amend sections 2275 and 2276 of the Revised Statutes, as amended, with respect to certain lands granted to the States; to the Committee on Interior and Insular Affairs.

By Mr. BURDICK:

S. 1884. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States on flights between the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees; to the Committee on Finance.

S. 1885. A bill to amend the postal laws so as to require payment of minimum wages to certain employees of contractors for the transportation of the mails on star routes, highway post office and other mail routes; to require bonds without sureties; to establish standards for the readjustment of compensation of such contractors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LONG of Missouri:

S. 1886. A bill to prohibit opening of mail by the Internal Revenue Service; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. LONG of Missouri when he introduced the above bill, which appear under a separate heading.)

By Mr. BARTLETT:

S. 1887. A bill for the relief of Stanislaw Borucki; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. PROXMIRE, and Mr. BARTLETT):

S. 1888. A bill to create a Small Business Capital Bank, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 1889. A bill to require the inspection of certain towing vessels; and

S. 1890. A bill to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills, which appear under separate headings.)

By Mr. JAVITS (for himself, Mr. PROUTY, and Mr. MURPHY):

S. 1891. A bill to provide for the establishment of a permanent Federal Public Assistance Advisory Council; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 1892. A bill to provide for the gradual reduction and eventual elimination of the tax on communications services over a 4-year period; to the Committee on Finance.

(See the remarks of Mr. FONG when he introduced the above bill, which appear under a separate heading.)

By Mr. INOUYE:

S. 1893. A bill for the relief of Mrs. Carolina M. Lacsamana; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 1894. A bill to amend title 28, United States Code, to provide means of redress for the unlawful seizure of American property by foreign governments; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 1895. A bill to amend the Consolidated Farmers Home Administration Act of 1961 so as to increase the purposes for which emergency loans may be made under subtitle III of such act; to the Committee on Agriculture and Forestry.

S. 1896. A bill to amend section 3 of the Export Control Act of 1949; to the Committee on Banking and Currency.

(See the remarks of Mr. Hartke when he introduced the above bills, which appear under separate headings.)

By Mr. DOUGLAS:

S. 1897. A bill for the relief of Michael Blagaich (also known as Marin Blagaic); to the Committee on the Judiciary.

By Mr. FONG:

S. 1898. A bill for the relief of certain aliens; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S. 1899. A bill to prescribe a national policy with respect to the acquisition, disposition, and use of proprietary rights in inventions made, and in scientific and technical information obtained, through the expenditure of public funds, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. Long of Louisiana when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 1900. A bill to authorize the President to appoint Gen. William F. McKee (USAF, retired) to the office of Administrator of the Federal Aviation Agency; and

S. 1901. A bill to authorize appropriations for procurement of small patrol cutters for the Coast Guard; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bills, which appear under separate headings.)

By Mr. RANDOLPH:

S.J. Res. 76. Joint resolution to provide for the formulation, adoption, administration, and periodic updating of a long-range land use plan for the U.S. Capitol Grounds and contiguous related and influencing areas; to the Committee on Public Works.

AMENDMENT OF SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. PROXMIRE. Mr. President, I introduce, for appropriate reference, the administration's bill to amend the Small Business Act and the Small Business Investment Act of 1958.

Section 1 of this bill would amend section 4(c) of the Small Business Act to increase the total of SBA's revolving fund to $1,836 million, an increase of $170 million. This increase includes an increase of $50 million for use of SBA's regular business loan program, the disaster loan program, the loan program authorized by title IV of the Economic Opportunity Act of 1964, and the program empowering SBA to enter into prime contracts. This latter authority has never been used. SBA estimates that this increase in authorization will be sufficient authorization to enable it to continue these programs through June 30, 1968—3 years from the end of the current fiscal year.

The bill would delete from the Small Business Act the Saltonstall amendment, which requires reports from SBA to the Appropriations Committees and Banking and Currency Committees of the House and Senate whenever the aggregate amount outstanding for business loans and disaster loans exceeds specified limitations.

The bill would also increase the amount of the authorization for SBA's revolving fund which may be outstanding at any one time for the programs under the Small Business Investment Act of 1958 by $120 million. It is estimated that this will enable SBA to continue these programs through June 1966—1 year from the end of the current fiscal year.

Section 2 of the bill would amend section 5(c) of the Small Business Act to eliminate the existing $50 per day limitation which SBA is authorized to pay for the temporary services of experts and consultants and to provide, in substance, that compensation for such services is to be governed by the compensation schedule established by the Classification Act of 1949, as amended.

This section would permit SBA to conform to travel and subsistence expenses allowable to such personnel to the general Government standards established under the Administrative Expenses Act of 1946.

Section 3 of the bill would amend section 7 of the Small Business Act to increase the maturity of disaster loans made for the purpose of replacing, reconstructing, or repairing dwellings under 7(b)(1) of the Small Business Act from 20 to 30 years. However, section 7(c) of the Small Business Act, which permits an additional 10-year renewal of the loan for orderly liquidation, would not apply to any disaster loan under subsection 7(b) of the act with a maturity of over 20 years.

Section 4(a) would amend section 201 of the Small Business Investment Act of 1958. The 1958 act provides that all authority conferred on SBA under the act shall be administered by the Small Business Investment Division. This amendment would exempt from this requirement title V of the 1958 Act, which authorizes SBA to make loans to State and local development companies. The power to administer title V of the 1958 act would revert to the Administrator of SBA.

Section 4 (b) and (c) of the bill would repeal section 501 of the Small Business Investment Act of 1958, which authorizes SBA to make loans to State development companies. SBA would continue to be able to make loans to State development companies under section 502 of the act.

Mr. President, this bill contains increases in authorizations to SBA's revolving fund needed for the continuing operations of its lending programs. SBA is coming dangerously close to exhausting its authorization for its programs under the Small Business Investment Act of 1958.

It also contains some needed housekeeping changes in both the Small Business Act and the Small Business Investment Act of 1958.

As chairman of the Small Business Subcommittee of the Senate Banking and Currency Committee, I plan to hold hearings on this bill in the near future. There are several provisions of the bill which will require careful examination. For example, I intend to thoroughly explore the justification behind the SBA's estimate that an additional authorization of $120 million for their Small Business Investment Act revolving fund will be sufficient for only one additional year of operations. I also believe the suggested deletion of the Saltonstall amendment should fully be justified in view of the fact that it has never been necessary to use this provision, which, consequently, would not seem to impose an unusually onerous requirement. Finally the proposed repeal of section 501 of the Small Business Investment Act, raises serious questions of policy which the Small Business subcommittee will go into during hearings.

Mr. President, I ask unanimous consent to have printed at this point in the Record, the text of the bill and a section-by-section analysis of the bill.

The PRESIDING OFFICER (Mr. Harris in the chair). The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the Record.

The bill (S. 1882) to amend the Small Business Act and the Small Business Investment Act of 1958, introduced by Mr. Proxmire, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 1882

A bill to amend the Small Business Act and the Small Business Investment Act of 1958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,666,000,000" and inserting in lieu thereof "$1,836,000,000";

(2) by striking out the fourth sentence and inserting in lieu thereof "Not to exceed an aggregate of $1,375,000,000 shall be outstanding at any one time for the purposes enumerated in the following sections of this Act: 7(a) (relating to regular business loans), 7(b) (relating to disaster loans), and 8(a) (relating to prime contract authority)."; and

(3) by striking out "$341,000,000" and inserting in lieu thereof "$461,000,000".

Sec. 2. Section 5(c) of the Small Business Act is amended to read as follows:

"The Administrator is authorized to procure services in accordance with section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55(a)). While any individual providing such services is away from his home or regular place of business, he may be allowed transportation expenses and per diem in lieu of subsistence and other expenses, as provided in section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73 b–2)."

Sec. 3. Section 7 of the Small Business Act is amended—

(1) by striking out the period at the end of the second sentence of subsection (b) and by adding to such sentence the following: "except that loans made for the purpose of replacing, reconstructing, or repairing dwellings may, in cases deemed necessary or appropriate by the Administration, have a maturity of up to thirty years."

(2) by adding to subsection (c) the following sentence:

"However, the provisions of this subsection shall not be applicable to any loan made, pursuant to subsection (b), for a term of more than twenty years."

SEC. 4. (a) Section 201 of the Small Business Investment Act of 1958 is amended by striking out the third sentence and inserting in lieu thereof the following: "The powers conferred by this Act upon the Administration and upon the Administrator, with the exception of those conferred by Title V hereof, shall be exercised through the Small Business Investment Division and through the Deputy Administrator appointed hereunder. The powers conferred by this Act upon the Administration and upon the Administrator by Title V hereof, shall be exercised through such division, section or other personnel as the Administrator in his discretion shall determine."

(b) Section 502 of such Act is amended by striking out of the first sentence the following: ", in addition to its authority under section 501,".

(c) Section 501 of such Act is repealed.

The section-by-section analysis presented by Mr. PROXMIRE is as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1 of the bill would effect four amendments to the provisions of section 4(c) of the Small Business Act governing the revolving fund authorization of the Small Business Administration. The first of these amendments would increase the total amount of the fund from $1,666 million to $1,836 million. The second would increase from $1,325 million to $1,375 million the amount of the total fund which may be outstanding at any one time for the purposes of the business loan program embodied in section 7(a) of the Small Business Act, the disaster loan programs embodied in section 7(b), the prime contract program embodied in section 8(a), and the program of loans to small business concerns as authorized by title IV of the Economic Opportunity Act of 1964 (Public Law 88–452). The third amendment would delete the proviso which calls for reports to the Appropriations and Banking and Currency Committees whenever the aggregate amount outstanding for business loans and prime contracts or for disaster loans exceeds specified limitations. The fourth amendment would increase from $341 million to $461 million the amount of the total fund which may be outstanding at any one time for the exercise of the functions of SBA under the Small Business Investment Act of 1958.

The reasons for the proposed increase in the $1,325 million figure are to be found in the legislative history of the statute (Public Law 87–550) which initially established this combined authorization for the three programs specified in sections 7(a), 7(b), and 8(a) of the Small Business Act (which authorization has been subsequently expanded as indicated above to include title IV loans under the Economic Opportunity Act of 1964). The conference report accompanying the bill (S. 2970) which became Public Law 87–550 contains the following declaration of intent:

"The combined increased authorization * * * is intended to meet estimated needs for a 2-year period (fiscal 1963 and 1964) * * * . The agreement of the conferees upon this increased authorization was predicated upon their belief that SBA's business loan program should be reviewed at least every 2 years. In order to assure adequate time for consideration, the estimated business loan program needs for SBA for an additional 2 years should be submitted to the new Congress when it convenes in January 1963, and this process then should be repeated as necessary every 2 years as each new Congress convenes in order to provide for an orderly and recurring review of this program by the Congress and to avoid emergency appeals by SBA for additional authorization." (H. Rept. No. 1974, 87th Cong., 2d sess.)

In accordance with this expression of intent a review has been conducted to determine the probable requirements of the section 7(a) business loan program through June 30, 1968. The resulting calculations based on a straight-line projection of the fiscal year 1966 budget estimates indicate that an authorization of about $1,041 million will be needed for this purpose. The probable requirements of the business loan program leave only $284 million of the existing combined authorization available for the other programs covered by it.

Thus, in order to determine whether $284 million is adequate, it is necessary also to project through June 30, 1968, the requirements for disaster loans and for Economic Opportunity Act loans to business firms.

In light of our recent experience and the trend in urban renewal and highway construction activities, it is estimated that new disaster loan commitments will approximate $50 million in each of fiscal years 1967 and 1968. After taking into consideration repayments and cancellations, a net impact of $32.2 million on the disaster loan authority is projected over the 2-year period. Added to the $196.1 million of outstanding disaster loans and commitments estimated as of June 30, 1966, this net increase of $32.2 million indicates a need for disaster loan authority of slightly over $228 million as of June 30, 1968.

The program of business loans under the Economic Opportunity Act is just getting underway and consequently very limited experience is available to support long-range projections. On the basis of the legislative history of this program and the rate of growth experienced by SBA with its revised small loan program, current projections are that the application volume for these loans will reach an average of 800 cases per month in 1968. At this level, it is estimated that total loans and commitments outstanding for this program would aggregate about $89 million by June 30, 1968.

The projected requirements for all three programs involved indicate a need for a combined authorization of $1,358 million. In order to provide a margin of safety (disaster loans cannot be estimated and the Economic Opportunity Act program is just getting underway), it is recommended that the total be increased to $1,375 million. Accordingly, the existing combined authorization should, as proposed by section 1 of the bill, be increased in the amount of $50 million.

In the interests of administrative simplicity, it is recommended that the reporting limitations added by Public Law 87–550 in 1962 be eliminated from section 4(c). This recommendation is made in full awareness of the reasoning which led to the addition of these limitations in conjunction with the approval of a combined authorization in lieu of the previous separate ones for business loans and prime contracts and for disaster loans. It is believed that these provisions are unnecessary, either to insure that SBA will meet the loan needs of disaster victims, for example, or to inform appropriate committees of the Congress of the relative amounts of loans and commitments outstanding.

Concerning the latter point, information as to the respective amounts charged against the combined authorization is furnished to the Congress and committees thereof through the medium of two official documents—the President's annual budget document and the annual report of the agency required by section 10 of the Small Business Act. The budget document reflects the amounts as of June 30 of the past year and projections for 2 years. The agency's annual report reflects actual figures as of December 31 of the year covered by the report. In addition, in the course of the hearings on the agency's budget, discussion is held on the status of the revolving fund and the charges against the statutory authorizations.

There is apparently a belief that the provision for a separate authorization or the establishment of a reporting limitation either provides funds for a particular program or reserves existing funds therefor.

This is not the case, however. SBA's policy has always considered disaster loans as being in the top priority category. Except for one or two instances in the early days of the agency, it has been the lack of funds and not the lack of authorization that has made it necessary to curtail lending operations on occasions. However, in no instance has there been a curtailment of disaster loans.

The fourth amendment proposed by section 1 of the bill, increasing from $341 million to $461 million the amount of the total fund which may be outstanding at any one time for the exercise of the functions of SBA under the Small Business Investment Act of 1958, is based upon a projection of requirements through June 30, 1966. It is estimated that, as of the latter date, loans and commitments chargeable against this separate statutory authority will aggregate the cited amount of $461 million.

Action to increase this authorization is needed in the near future since the present amount of $341 million is estimated to be adequate to meet requirements only until approximately May 15, 1965.

SECTION 2

Section 2 of the bill would amend section 5(c) of the Small Business Act to eliminate the existing $50 limitation on the per diem rate which SBA is authorized to pay for the temporary or intermittent services of experts and consultants and to provide, in substance, that compensation for such services is to be governed by the compensation schedule for the general schedule established in the Classification Act of 1949, as amended.

The immediate effect would be to permit a per diem rate of up to aproximately $84.03. As Classification Act salaries are increased in the future, a commensurate increase follow automatically for the permissible per diem. By bringing the maximum rate closer to the rate prevailing in private industry, this amendment would enhance the opportunities of SBA to obtain such assistance from the best sources.

Another effect of section 2 of the bill would be to conform the travel and subsistence expenses allowable to such personnel to the general Government standards established under the Administrative Expenses Act of 1946.

SECTION 3

Section 3 of the bill would authorize the administration, in cases deemed necessary or appropriate, to permit a maturity of up to 30 years on loans made, pursuant to section 7(b)(1) of the Small Business Act, for the purpose of replacing, reconstructing, or repairing dwellings. Under the existing provisions of section 7(b)(1), the maximum term on all loans made thereunder is 20 years.

In many cases a person whose home has been destroyed or extensively damaged is reduced to serious financial straits. Although his resources may be very limited, he must find some means of financing replacement or repair and, at the same time, continue meeting his existing mortgage obligations. Thus SBA is often compelled to refuse a loan because the applicant cannot demonstrate ability to repay on a 20-year amortization basis. The proposed amendment, authorizing repayments in smaller installments spread over a longer period, will permit the agency to meet the needs of these people and of others for whom the existing maximum would entail extreme hardship.

SECTION 4(a)

Section 4(a) of the bill proposes a change in the requirement of the Small Business

Investment Act of 1958 that all authority conferred under the act upon the Small Business Administration be administered through the Small Business Investment Division. The sole effect of the amendment would be to except from this requirement title V of the act, which authorizes SBA to make loans to State development companies and to local development companies.

When the Small Business Investment Act of 1958 was enacted, an Office of Deputy Administrator for Investment and a Small Business Investment Division were created within the Small Business Administration to handle the small business investment company program. Responsibility for title V loans to State and local development companies was also vested in them because it was contemplated that many of the State and local development companies would convert into small business investment companies. Title IV of the act permitted such conversion until July 1, 1961. No such conversions took place. This deadline has not been extended and title IV of the act is now obsolete.

The anticipated close connection between State and local development companies and small business investment companies has not eventuated and there is no longer any need for title V loans to be under the authority of the Deputy Administrator for Invesment and the Small Business Investment Division.

Furthermore, this needless restriction on its authority deprives SBA of a satisfactory means of utilizing for the purposes of the title V loan program the facilities and staff maintained by the agency to carry on its lending operations under the Small Business Act and related legislation. In order to meet the growing title V workload, it is essential that the services of all available and qualified personnel of the agency be brought into play.

Another factor to be considered in connection with section 4(a) of the bill is that title V financing, though extended for the benefit of individual small business concerns, is oriented in a special way toward a broader objective—the improvement of economic conditions in a particular community, primarily by the creation of new job opportunities. In this regard such financing bears a strong resemblance to the work performed by SBA in furtherance of the lending operations of the Area Redevelopment Administration and to the activities SBA is conducting under the President's program to eliminate poverty. Consolidation of these three related economic development activities is desirable. The existing requirement that title V be administered only through the instrumentality of the Investment Division impedes progress in this direction.

The transfer of authority proposed by section 4(a) of the bill would be in accordance with the general administrative principle, stressed in various Hoover Commission reports, that power should be given to agency heads with discretionary authority to delegate to subordinates.

SECTIONS 4(B) AND 4(C)

Sections 4(b) and 4(c) of the bill would repeal section 501 of the Small Business Investment Act of 1958. The latter section authorizes SBA to make loans to State development companies so that they may use the proceeds to provide small business with equity capital and with long-term loans.

Insofar as equity capital is concerned the purpose of section 501 has not been achieved. To date no such State development company has used 501 funds to provide this form of assistance to small firms. There appears to be little likelihood of a change in the situation. Indeed, as small business investment companies grow in both numbers and strength to provide an increasing source of equity capital for small business, State development companies will probably be even less inclined than they are at present to consider small business needs in this area.

In practical effect, therefore, section 501 has become merely a means of generating long-term loans for small business. Viewed in this light it overlaps the provisions of section 502 of the act authorizing SBA to extend loans up to 20 years to development companies, including State development companies, to assist small firms in the construction, conversion, or expansion of plants. This overlap serves to create needless confusion.

The repeal of section 501 would further the policy of the President to eliminate all Government programs which are not achieving the purposes for which they were established or which have outlived their usefulness.

PROHIBITION OF OPENING MAIL BY INTERNAL REVENUE SERVICE

Mr. LONG of Missouri. Mr. President, rarely before in my career, in local, State, or Federal Government, have I been so shocked, disgusted, and dismayed as during our current investigation of invasions of privacy of American citizens by Federal agencies.

Since the investigation started, we have learned more than a little about the snooping techniques employed by some of these agencies. Such snooping techniques include mail covers, peepholes, two-way mirrors, concealed tape recorders, and surreptitious transmitters and receivers.

These devices, along with other practices, have been used at times to invade not only the statutory rights of individuals, but also the rights guaranteed to the individual by the first, fourth, fifth, and sixth amendments of our Constitution.

Only recently it was discovered that the Internal Revenue Service has been seizing mail and opening it in an attempt to collect delinquent taxes. The seizures were not limited to mail that was second-, third-, or fourth-class mail or even business mail. First-class, personal mail was equally subject to seizure, many times having no relation to the individual's tax matters.

The Senate should know the authority IRS claims—and I repeat claims—to have for this practice. IRS claims their authority to seize first class mail and open it was given to them by none other than the Congress itself. According to IRS, we are responsible for this disgusting practice.

Yet, when asked to specify the explicit mandate of Congress, IRS renders an explanation so circuitous, so questionable, and so weighted down with irrelevances, half truths, that it reaches new heights in legal legerdemain. In truth, it is a perfect example of lifting oneself by a legal skyhook.

I cannot help but believe that the IRS knows as well as we know that we never intended for them to open first class mail.

How can it be otherwise? The purport of the IRS position on these mail levies—as they call them—is that Congress has authorized what would clearly seem to be unconstitutional activity, and for the sake of collecting taxes. Further, they must admit that in any event Congress has done so only implicitly, not explicitly.

That is, there is no expressed statutory mandate anywhere that requires, permits or intimates that Congress ordered IRS to levy upon and seize mail matter of any class. To say, as IRS does, that because Congress did not specifically exempt mail matter from the property subject to levy and seizure under title 26 U.S.C. 6334 that thereby Congress meant to include mail matter within the property subject to levy and seizure is, at best, highly questionable reasoning.

It would be less difficult to swallow such a position if it did not fly in the face of title 18 United States Code 1701, 1702, and 1703, and of the fourth amendment of the Constitution, and the decision of the Supreme Court in *Ex Parte Jackson*, 96 U.S. 727 (1877). In that case, the Supreme Court held that first-class mail is entitled to the same constitutional guarantees of the fourth amendment as is a man's other papers and possessions. As we all know, the fourth amendment requires a search warrant which is sworn to before a judge or Federal commissioner before any paper or property can be taken or even seen. I would like to quote briefly from that decision. At page 733—of 96 U.S.—Mr. Justice Field stated:

> Letters and sealed packages of this kind in the mail are as fully guarded from examination and inspection * * * as if they were retained by the parties forwarding them in their own domiciles. The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. Whilst in the mail, they can only be opened and examined under like warrant, issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household. No law of Congress can place in the hands of officials connected with the postal service any authority to invade the secrecy of letters and such sealed packages in the mail; and all regulations adopted as to mail matter of this kind must be in subordination to the great principle embodied in the fourth amendment of the Constitution.

It may also be of interest to the Senate, that there are no court decisions authorizing or recognizing the interpretation of 26 United States Code 6334 placed on it by the Internal Revenue Service. In other words, the only authority Internal Revenue Service has to levy upon and seize first-class mail and to open it, is the authority they themselves have constructed by a legal hammer and nail approach.

Indeed, if IRS's reasoning is to be followed to the letter, does the Senate realize that property such as crutches, Bibles, even human blood could be subject to levy and seizure to pay off delinquent taxes. These items are not specifically exempt from section 6334 either, and thus Congress must have meant to have them subject to the section, and thus able to be seized and sold to pay off taxes.

It may be that IRS has to use its ingenuity to collect all taxes due to the Government. But this does not mean that

IRS can arrogate to itself authority to practice unconstitutional methods to collect taxes or that it can practice such methods in face of possible violations of the criminal code of the United States.

Mr. President, today I introduce legislation, for reference to the proper committee, that will clarify beyond question the position of Congress in this matter. This bill would specifically exclude mail matter from the levy powers of the Internal Revenue Service.

It is of interest to note that both Postmaster General Gronouski and Secretary Fowler are giving their support to this legislation.

As I know that a number of my colleagues on both sides of the aisle have evinced an interest in cosponsoring this bill, I ask that it lie on the table for 2 calendar weeks so that Senators may study it and possibly join in sponsorship. I also ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and will lie on the table, as requested.

The bill (S. 1886) to prohibit opening of mail by the Internal Revenue Service, introduced by Mr. LONG of Missouri, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6334(a) of title 26, United States Code, is amended by adding the new subsection (5) as follows:

"(5) Mail of all classes, except mail which (i) has been delivered by the Postal Service to a business or firm which has been seized by the Internal Revenue Service under sections 6331 or 7403(d) of this title, and (ii) which is clearly business, and not personal, mail. In cases of opening of mail delivered to a business or firm, the former owner or proprietor or designee thereof shall be afforded an opportunity to be present at such opening."

Mr. ERVIN. Mr. President, I wish to commend my colleague, the junior Senator from Missouri, for his prompt action in developing and introducing this measure designed to eliminate threats to and to safeguard the right to privacy guaranteed every American under the Constitution. The Senator from Missouri, who is chairman of the Subcommittee on Administrative Practice and Procedure, has recently conducted a series of hearings on the invasion of privacy by Government agencies. These hearings have focused public attention on some very insidious and dubious practices engaged in by governmental agencies. In so doing, these hearings have helped make the American public aware of the many ways in which their rights to privacy can be and are being threatened by their own governmental agencies.

This measure which was just introduced is directed at two of the many dubious practices revealed by the subcommittee's hearings; namely, rerouting of letters by the Post Office Department and the opening of mail by the Internal Revenue Service. While I have not had an opportunity to examine as carefully as I would like every aspect of this bill at this time, I do want to register my approval of the thrust of this measure and my disapproval of the repugnant practices which it is designed to remedy.

Certainly, no agency of the Federal Government should arrogate to itself the power or authority to open an individual's letters without his consent, nor should the Post Office deliver such mail to anyone other than the person to whom the letter was addressed. And if such authority is implied by statute as has been argued, this statutory provision should be modified. It was against practices such as mail seizure, mail covers, lie detectors, electronic eavesdropping, and other forms of snooping that our forefathers erected the bulwark of the Bill of Rights.

Under our Constitution and in the history of its interpretation, it is manifestly clear that the Federal Government is limited in its powers over the individual citizen. The powers withheld from government, or, to put it another way, the liberties guaranteed each citizen, were set forth to guarantee to the individual that those things personal to him shall at all times be free from Government interference. Virtually all rights enumerated in the Constitution contribute to the right to privacy if this right means integrity and the freedom of an individual.

As Americans, we need to refresh our minds and our hearts with the principles underlying these guarantees.

Far too often we accept the invasions of our private lives and thoughts, the deprivations of our personal liberties, without so much as a backward glance. Accustomed to the demands of an orderly, efficient machine that is our Government, too often we succumb passively to bureaucratic shortcuts which result in invasions of the rights of individuals. And so inured are we that seldom is even one voice raised in protest until the evil is rampant.

A case in point is our Government's use of psychological personality tests in the hiring, firing, and promotion of employees. In many agencies, careers may hang on the answers to questions which leave no thought or dream or religious or moral belief unexamined, and which expose the personality of individuals to the curious eyes of all who have access to Government files.

The Subcommittee on Constitutional Rights has been studying this aspect of governmental invasion of privacy and the expertise of my colleague from Missouri, who is also a member of the subcommittee, will be invaluable to our study and hearings, which I shall schedule in the very near future.

SMALL BUSINESS CAPITAL BANK

Mr. SPARKMAN. Mr. President, on behalf of the senior Senator from Wisconsin and myself, I am today introducing a bill to establish a Small Business Capital Bank.

In simplest terms, this new institution would greatly increase the amount of equity capital and long-term financing available for qualified small business firms. It would do this by providing a secondary source of funds for small business investment companies.

The SBIC program is now almost 7 years old. When Congress passed the Small Business Investment Act of 1958, it acted in the hope that the privately organized and privately managed SBIC's, licensed by the Federal Government, would be effective instruments for carrying out the national goal of eliminating the "equity gap" facing small businesses.

Those of us who sponsored the original legislation have followed the progress of the program closely and believe that the SBIC's have made a significant contribution to the solution of the difficult and crucial small business financing problem. Naturally, there have been rough spots, some of which Congress has helped smooth by amendments to the basic 1958 act or by changes in the Internal Revenue Code.

It now appears the SBIC's are well-equipped to step up their efforts; they have acquired important management skills. Many SBIC's have shown themselves able to discern the potential for growth in men and in businesses. With the addition of SBIC funds, these qualified small businesses employ more people, provide better goods and services, and earn higher profits. When this happens, the independent businessman, the SBIC, and the Nation all gain.

Unfortunately, however, all the active SBIC's are now either out of funds to invest or are rapidly approaching that point. During the past 3 years, they—in common with almost every other small business—have been unable to raise capital through a public sale of stock. Bringing additional private capital into the program has also been a slow and difficult process during these formative years.

Compounding the problem has been the almost universal lack of success SBIC's have had in borrowing to augment their resources. Except for the limited funds directly available from the Small Business Administration, the SBIC's have not found any major institutional sources of borrowed dollars.

According to the latest data available from the Small Business Administration, SBIC's had outstanding borrowings of somewhat over $215 million on March 31, 1964. Of this amount, over $180 million came from SBA directly or from private lenders who received a 24-hour takeout guarantee from SBA. On the same date, the more than 650 reporting SBIC's had been able to borrow about $35 million from all private sources.

Therefore, it is apparent that Congress and the industry must find some way to channel additional funds to the active SBIC's if they are to continue to finance those small businesses which require equity capital and long-term credit.

The bill which Senator PROXMIRE and I are introducing today proposes an institutional source of funds, the Small Business Capital Bank, for SBIC's. Although the Small Business Capital Bank will receive its initial capital from the U.S. Government, the great bulk of its resources will come from sale of its obligations to private investors. We believe that this plan has sound precedents, based on our study of such agencies as the Banks for Cooperatives, Federal National Mortgage Association, and the Farm Credit Administration. As is the case with these other institutions, our bill also provides that the Government's stock will be repurchased as soon as possible from the profits of the Capital Bank. Simultaneously, the SBIC's making use of the Bank will utilize a portion of their borrowings to purchase common stock of the Bank.

It should be pointed out that the $50 million subscribed by the Secretary of the Treasury for the purchase of preferred stock will be simultaneously offset by a $50 million reduction in the SBA revolving fund. Thus, the Federal Government will avoid making any additional contribution of dollars to the SBIC program.

Our bill contains one other provision which lessens the total call of the SBIC program on the Federal Government. This calls for the end of SBA's authority to make direct loans to SBIC's under section 303(b) of the Small Business Investment Act 5 years after the passage of the Capital Bank bill.

I stress these features of the proposal, since both Senator PROXMIRE and I are concerned with the impact on Federal spending of all programs considered by Congress.

On the other hand, the studies of the Senate Small Business Committee and of the Small Business Subcommittee of the Senate Banking and Currency Committee have convinced me that the SBIC program has brought millions of extra dollars of revenue to the Federal Treasury through taxes on businesses which have been helped by SBIC financing. Increased profits and increased payrolls go hand-in-hand with every successful SBIC financing. A switch from red ink to black occurs when an SBIC is able to render effective assistance to a struggling or new business. No data are available to quantify this return to the Treasury, but we are certain it is substantial.

Incidentally, SBIC's already pay at least 5 percent for the money they borrow from SBA, and the agency's cost of administering the SBIC program is almost completely paid for by the difference between SBA's cost of money and the interest it charges, as well as by fees levied on SBIC's by the agency.

Since I shall ask that a section-by-section analysis of the bill be printed following my remarks, I shall not deal at length with the organization of the Small Business Capital Bank or with its operating authority. Several major points might be noted, however.

The Capital Bank will be made a separate Division of the Small Business Administration, just as the Investment Division itself was authorized by the Small Business Investment Act of 1958. The Executive Director of the Bank will be a Deputy Administrator of SBA, as well as a member of the Bank's Board of Governors. Other Governors will include the Administrator of SBA, the Deputy Administrator of SBA for Investment, and the Secretary of the Treasury. The other members of the Board of Governors will be appointed by the President, subject to confirmation by the Senate.

At the outset, there will be four Government officials on the Board and three other Governors appointed by the President. It is apparent, then, that the Federal Government will be in a position to direct the Bank's operations, since a majority of the Governors will be Federal officials and the Bank itself will be an executive agency under the Small Business Administration.

The bill further provides that, when all of the Bank's preferred stock is retired, the President shall appoint two additional members to the Board. This authority sets up a mechanism for the eventual transfer of control of the Bank from the Federal Government to private ownership, thus contributing to the accomplishment of our longstanding goal of making the SBIC program operate with a minimum of Government support.

The Bank's initial capital will be, as I have mentioned, raised by the sale of $50 million of preferred stock to the Secretary of the Treasury. Additional capital will be obtained by the sale of common stock to SBIC's which receive funds from the Bank. We provide that a maximum of $100 million in common stock be authorized.

The bill further gives the Bank the power to sell up to $1 billion of its obligations to the public, thus bringing the total maximum resources of the Bank to $1.15 billion. Since SBIC's have an estimated $750 million in resources today, this will more than double the dollars available to the program.

The obligations of the Capital Bank will be backed by authority vested in the Secretary of the Treasury to purchase any such paper. Here again, we have borrowed from the legislation under which Fannie Mae operates. We are convinced that this backup authority is imperative to the Bank's success.

The Board of Governors of the Small Business Capital Bank will establish appropriate criteria of eligibility which SBIC's will have to meet before they can borrow from the Bank. The Board will also set an interest rate on its loans which will cover its cost of money and its administrative expenses, as well as providing for a reserve to cover it against possible losses.

The Bank will usually make loans to SBIC's, but the bill gives it authority to purchase stock in SBIC's if it feels that such a step is in the best interests of the program and of the Bank.

Let me conclude by summarizing my reasons for sponsoring this legislative proposal:

First. I believe that the SBIC program has proven itself sound in concept and in operation. Throughout a generation prior to 1958, all students of the subject were convinced there was an "equity gap" for new and small businesses. The SBIC program was the first attempt to institutionalize an attack on the problem and the record of the past 7 years shows that a promising start has been made.

Second. Active and alert SBIC's have demonstrated that there is an effective demand for this type of financing and that there are far more legitimate claimants than can be accommodated with the present resources of the program. Therefore, these SBIC's must find a way to obtain more dollars if they are to meet the requirements of the independent businessman who wishes to compete and to grow.

Third. Private loans to individual SBIC's have not materialized to any significant extent. The Small Business Capital Bank will provide a means for institutional lenders to lend their dollars safely to SBIC's through the bank. Obviously the Capital Bank will also give each purchaser of its debentures the security which comes through diversification of risk. The bank will assume the administrative burden of managing its portfolio, a further benefit for the institutional lender, the trust manager, the insurance company, the pension fund, or the individual. For these reasons, as well as because of the Federal backup, we firmly believe that sources of funds will be available to the Small Business Capital Bank which could never be tapped by the individual SBIC.

Fourth. Experience has shown that SBIC's, in common with other financial institutions, must be able to leverage their dollars if they are to show a decent return on their capital. The Capital Bank provides a mechanism for channeling borrowed dollars to SBIC's with a minimum of Federal outlay.

Fifth. The Capital Bank is designed to permit an exit for the Federal Government as its stock is retired. It is my hope that this bank will ultimately become 100 percent privately financed, as other similar institutions have cast off their dependence on Federal backing.

On September 16, 1964, I introduced a Small Business Capital Bank bill. I said then that I was taking the action in order to provide a basis for discussion. Both Senator PROXMIRE and I have received a number of comments based on the earlier proposal, and the bill we are introducing today incorporates a number of changes from the earlier version. We believe it is a better bill and one which will do the job more effectively and more efficiently.

I hope that Congress will be able to consider and act favorably upon this legislation during the present session.

Mr. President, I ask unanimous consent that the section-by-section analysis of the bill and the bill itself be printed at the conclusion of my remarks. I ask that the bill be received and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 1888) to create a Small Business Capital Bank, and for other purposes, introduced by Mr. SPARKMAN (for himself and Mr. PROXMIRE), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1888

A bill to create a Small Business Capital Bank, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, STATEMENT OF PURPOSE, AND DEFINITIONS

Short title

SEC. 11. This Act, divided into titles and sections according to the following table of contents, may be cited as the "Small Business Capital Bank Act."

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Title I—Short title, statement of purpose and definitions

Sec. 11. Short title.
Sec. 12. Statement of purpose.
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Sec. 21. Establishment of the Bank.
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Sec. 34. Curtailment of Government Obligations.

Title IV—Provision of assistance to Small Business Investment Companies

Sec. 41. Use of Bank's Funds.
Sec. 42. Standards of Eligibility for Assistance.
Sec. 43. Provision of Equity Capital to Small Business Investment Companies.
Sec. 44. Provision of Loan Funds to Small Business Investment Companies.
Sec. 45. Purchase of Bank Stock by Small Business Investment Companies.

STATEMENT OF PURPOSE

SEC. 12. (a) The Congress hereby finds that there is an increasing need among small business investment companies for funds to increase their operations to the end of providing additional funds to the small business concerns of this Nation in order to promote and facilitate their growth, expansion, and modernization; that this need must be met in the interest of a sound national economy; and that the funds which are presently available to small business investment companies from the Federal Government and from other public and private sources are insufficient to meet this need.

(b) It is therefore declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the national economy in general and the small business segment thereof in particular by establishing a Small Business Capital Bank to serve as a secondary source of funds for small business investment companies in order to enable such companies to provide to the small business concerns of this Nation the equity capital and long-term loan funds which they need for the sound financing of their business operations and for their growth, expansion, and modernization.

DEFINITIONS

SEC. 13. As used in this Act—

(1) the term "Bank" means the Small Business Capital Bank established under section 21 or any branch thereof;

(2) the term "Board" means the Board of Governors of the Small Business Capital Bank;

(3) the term "small business investment company" means a company licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958, as amended;

(4) the term "small business concern" shall have the same meaning as in the Small Business Investment Act of 1958, as amended, and in the regulations promulgated thereunder by the Small Business Administration.

TITLE II—ESTABLISHMENT OF SMALL BUSINESS CAPITAL BANK

Establishment of the Bank

SEC. 21. There is hereby established in the Small Business Administration a division to be known as the Small Business Capital Bank Division. The Division shall be headed by a Deputy Administrator who shall be appointed by the Administrator, and shall receive compensation at the rate provided by law for other deputy administrators of the Small Business Administration.

Board of Governors

SEC. 22. (a) The management of the Bank shall be vested in a Board of Governors consisting of seven members. The Secretary of the Treasury, the Administrator of the Small Business Administration, the Deputy Administrator for Investment of the Small Business Administration, and the Deputy Administrator for the Small Business Capital Bank of the Small Business Administration shall serve as members of the Board. The remaining three members of the Board shall be appointed by the President by and with the advice and consent of the Senate. In making such appointments, the President shall have due regard to a fair representation of the public interest as well as of the particular interests and needs of small business investment companies and the special contributions which can be made by such companies to the sound development of the national economy.

(b) Each member of the Board appointed by the President shall be appointed for a term of six years; except that (1) of the three members first appointed by the President, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, as designated by the President at the time of appointment, and (2) any member appointed to fill a vacancy shall be appointed only for the unexpired portion of his predecessor's term.

(c) Each member of the Board shall be a citizen of the United States and shall receive the sum of $100 for each day or part thereof spent in the performance of his official duties: *Provided, however,* That such per diem compensation shall not be paid to the officials of the Federal Government. In addition to receiving such per diem compensation, each member of the Board, including the officials of the Federal Government, shall be reimbursed for necessary travel, subsistence, and other expenses actually incurred in the discharge of his duties as such member, without regard to any other laws relating to allowances for such expenses.

(d) As soon as practicable after the first members of the Board have been appointed as provided in subsection (a), the members shall meet, subscribe to the oath of office, and organize by electing from among the membership a Chairman, a Vice Chairman and a Secretary. The Chairman, Vice Chairman and Secretary shall be elected annually for terms of one year, and shall serve until their respective successors are elected and take office. The Chairman shall preside at all meetings and the Vice Chairman shall preside in the absence or disability of the Chairman. The Board may, in the absence or disability of both the Chairman and Vice-Chairman, elect any of its members to act as Chairman pro tempore. Four members shall constitute a quorum of the Board for the transaction of business, and the Board may function notwithstanding vacancies provided a quorum is present. The Board shall meet at such times and places as it may fix and determine, but shall hold at least six regularly scheduled meetings a year; and special meetings may be held on call of the Chairman or any three members.

(e) Immediately upon the complete redemption of the preferred stock of the Bank as provided in section 32(d), the President shall, with the advice and consent of the Senate, appoint two additional members to the Board of Governors of the Bank to serve for six-year terms, thereby increasing the membership of said Board to nine members. In making such additional appointments, the President shall take into consideration those factors recited in section 22 (a). One of the two additional members shall first be appointed for a term of three years, and the other additional member shall first be appointed for a term of five years. Following the appointment of said two additional members, a quorum of the Board shall thereafter consist of five members for the purposes of section 22(d).

(f) Notwithstanding subsection (b), any member of the Board may at any time be removed from office for cause by the President, or, if cause exists but the President does not act, by the Congress through impeachment proceedings.

Executive Director

SEC. 23. (a) The Deputy Administrator of the Small Business Administration for the Small Business Capital Bank shall serve as the Executive Director of the Bank and shall, subject to the general supervision and direction of the Board as to matters of a broad and general supervisory, advisory or policy nature, and, except as otherwise specifically provided in this Act, be responsible for the execution of the functions of the Board.

(b) The Executive Director shall comply with all orders and directions which he receives from the Board; but as to all third persons his acts shall be presumed to be in compliance with the orders and directions of the Board.

(c) The Executive Director shall employ such personnel (including attorneys, economists, accountants, experts, assistants, clerks, and laborers) as may be necessary to carry out the functions, powers and duties vested in the Board, and fix their compensation, without regard to the civil service laws or the Classification Act of 1949, as amended. All functions, powers, and duties of the Board, except those specifically reserved to the Board itself by this Act, shall be exercised and performed by the Executive Director and may be exercised and performed by him through such employees of the Bank as he may designate.

Regulations

SEC. 24. The Board shall prescribe and publish such regulations, and take such other actions, as may be necessary and appropriate in carrying out this Act and in effectively exercising the functions expressly and impliedly vested in it under this Act.

TITLE III—INCORPORATION AND FUNDING OF SMALL BUSINESS CAPITAL BANK

Incorporation

SEC. 31. (a) The members of the Board of Governors shall, under their hand, forthwith execute and file with the Secretary of the Senate and with the Secretary of the House of Representatives articles of incorporation which shall specifically state the amount of the Bank's authorized capital stock and the number of shares into which such stock is to be divided, and all other matters necessary or appropriate to the organization of the Bank and the accomplishment of the purposes of this Act.

(b) The Board is authorized to direct such changes in or additions to any such articles of incorporation not inconsistent with this

Act, as and when it may deem necessary or expedient.

(c) Upon the Board's duly making and filing the articles of incorporation, the Bank shall become, as of the date of the filing of such articles, a body corporate, and as such, it shall have power—

(1) to adopt and use a corporate seal;

(2) to have succession until it is dissolved by Act of Congress or under the provisions of this Act;

(3) to make contracts;

(4) to sue and be sued, complain, interplead, and defend in any court of law or equity, as fully as a natural person;

(5) to elect, by its Board of Governors, a Chairman, a Vice Chairman and a Secretary;

(6) to prescribe, by its Board of Governor, bylaws not inconsistent with law, regulating the manner in which its stock shall be issued, held and disposed of, its officers elected, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed; and

(7) to exercise, by its Board of Governors or its duly authorized officers or agents, subject to law; all such incidental powers as shall be necessary to carry out its functions under this Act.

Capitalization

SEC. 32. (a) The Bank shall be established with an authorized capital of $150,000,000, of which $50,000,000 shall be paid-in capital subscribed for by the Secretary of the Treasury on behalf of the United States, and the remainder shall be provided through purchases of capital stock of the Bank by small business investment companies pursuant to section 45. For the purpose of funding the paid-in capital subscribed for by the Secretary of the Treasury, the Secretary is hereby authorized on request of the Bank to pay to the Bank from the general funds of the Treasury the sum of $50,000,000.

(b) The capital stock of the Bank shall consist of two classes, common and preferred, the rights and preferences of the separate classes to be as specified in the articles of incorporation of the Bank: *Provided, however*, That the authorized capital to be subscribed through the issuance of common stock shall not exceed $100,000,000 and the authorized capital to be subscribed through the issuance of preferred stock shall not exceed $50,000,000.

(c) The common stock shall be available for purchase only by small business investment companies pursuant to section 45.

(d) The preferred stock shall be issued only to the Secretary of the Treasury in exchange for the contribution to the paid-in capital of the Bank pursuant to section 32 (a), and such preferred stock shall be redeemed and retired by the Bank from earnings available therefor as soon as possible after the Bank has received a minimum of $50,000,000 in exchange for its common stock.

Borrowing power

SEC. 33. (a) In addition to its authorized capital the Bank shall have authority to obtain funds through the sale to the public of its debenture bonds, which shall—

(1) bear interest at such rate, and contain such other terms, as the Board may fix; and

(2) be callable on any interest payment date, upon three months' notice, at par plus accrued interest.

(b) The aggregate amount of obligations which may be outstanding at any one time pursuant to subsection (a) of this section shall not exceed $1,000,000,000. The proceeds of the issues of such obligations shall be used only for the purchase of obligations of small business investment companies as provided in section 43 and section 44.

(c) The Secretary of the Treasury is authorized in his discretion to purchase any obligations issued pursuant to subsection (b) of this section, as now or hereafter in force, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of such purchase. The Secretary of the Treasury may, at any time, sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(d) All obligations issued by the Bank shall, to the same extent as securities issued by the United States or its instrumentalities, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission and of section 5136 of the Revised Statutes.

Curtailment of Government obligations

SEC. 34. For the purpose of curtailing Government obligations under the small business investment company program—

(1) Effective on the date of the enactment of this Act, funds authorized under any other law for the revolving fund of the Small Business Administration for purposes of the small business investment company program shall be reduced by $50,000,000; and

(2) Effective five years from the date of the enactment of this Act, Section 303(b) of the Small Business Investment Act of 1958, as amended, is hereby repealed.

TITLE IV—PROVISION OF ASSISTANCE TO SMALL BUSINESS INVESTMENT COMPANIES

Use of Bank's funds

SEC. 41. It shall be the primary function of the Bank to use any funds available to it from its capital account or from any of its other accounts—

(1) to provide capital to small business investment companies as provided in section 43; and

(2) to make loans to small business investment companies as provided in section 44.

Standards of eligibility for assistance

SEC. 42. The Board shall promulgate standards to determine the eligibility of small business investment companies for the assistance provided by this Act. In promulgating such standards, which may differ according to the type of assistance involved and any other relevant factors, the Board shall give consideration to—

(1) the need to promote the development and growth of small business investment companies so as to enable them to make their maximum contribution to productive investment and employment and to the economic stability and growth of the Nation;

(2) the need to make capital and loan funds for such concerns more readily available in adequate amounts and on reasonable terms;

(3) the need to facilitate maximum participation of private financial institutions and investors in financing small business investment companies and eligible small business concerns; and

(4) the need to supplement the existing facilities of the United States Government and of banks and other private financial institutions through the program of assistance provided under this Act.

Provision of equity capital to small business investment companies

SEC. 43. (a) It shall be a function of the Bank to provide a source of needed equity capital for small business investment companies which meet the standards of eligibility promulgated by the Board under section 42, by advancing funds to such concerns in the manner and subject to such terms and conditions as may be prescribed by the Board.

(b) The Bank is authorized to supply equity capital to any eligible small business investment company through the purchase of either the common stock or the preferred stock issued by such small business investment company.

(c) The aggregate amount of stock of any one small business investment company which may be acquired and held by the Bank at any one time shall not exceed the lesser of five per centum of the paid-in capital of the Bank or twenty-five per centum of the issued and outstanding voting stock of such small business investment company.

Provision of loan funds to small business investment companies

SEC. 44. (a) The Bank is authorized to make loans, in the manner and subject to such terms and conditions as may be prescribed by the Board, to small business investment companies which meet the standards of eligibility promulgated by the Board under section 42, in order to provide such concerns with funds needed for their financing activities.

(b) Loans made under this section may be made directly, or in cooperation with banks or other lending institutions, through agreements to participate on an immediate or deferred basis.

Purchase of bank stock by small business investment companies

SEC. 45. (a) Whenever the Bank advances funds to a small business investment company under section 43 or section 44, such small business investment company shall be required to become a stockholder of the Bank by investing in the common stock of the Bank.

(b) A small business investment company receiving equity capital from the Bank pursuant to section 43 shall be required to become a stockholder of the Bank by investing in the common stock of the Bank five per centum of the amount of the capital so provided by the Bank.

(c) A small business investment company receiving loan funds from the Bank pursuant to section 44 shall be required to become a stockholder of the Bank by investing in the common stock of the Bank an amount equal to one per centum per annum of the amount of the loan funds so provided by the Bank: *Provided, however*, That the maximum funds so invested by the small business investment company shall not exceed five per centum of the loan funds so provided by the Bank.

The section-by-section analysis presented by Mr. SPARKMAN is as follows:

SMALL BUSINESS CAPITAL BANK BILL SECTION-BY-SECTION ANALYSIS

TITLE I—SHORT TITLE, STATEMENT OF PURPOSE AND DEFINITIONS

Section 11 provides that the act may be cited as the "Small Business Capital Bank Act."

Section 12 declares the purpose of the act to be "to improve and stimulate the national economy in general and the small business segment thereof in particular by establishing a Small Business Capital Bank." The Bank is to serve as a secondary source of funds for small business investment companies "in order to enable such companies to provide to the small business concerns of this Nation the equity capital and long-term loan funds which they need for the sound financing of their business operations and for their growth, expansion, and modernization." The purpose of the act thereby conforms to and supplements the policy of the Congress as enunciated in section 102 of the Small Business Investment Act of 1958, as amended.

Section 13 defines terms used throughout the act and conforms certain common terms to those used in the Small Business Investment Act of 1958, as amended.

TITLE II—ESTABLISHMENT OF SMALL BUSINESS CAPITAL BANK

Section 21 establishes the Bank as a division of the Small Business Administration to be known as the Small Business Capital Bank Division. The Division will be headed by a Deputy Administrator who shall also serve as a member of the Board of Governors of the Bank and as its Executive Director.

Section 22 vests the original management of the bank in a Board of Governors consisting of seven members. Four of these shall be the Secretary of the Treasury, the Administrator of the Small Business Administration, the Deputy Administrator for Investment of the Small Business Administration and the Deputy Administrator for the Small Business Capital Bank of the Small Business Administration. The remaining three members are to be appointed by the President by and with the advice and consent of the Senate. The terms of office of these three members shall be 6 years, except that the initial three appointees shall be appointed for terms of 2 years, 4 years, and 6 years, respectively.

Members of the Board shall be U.S. citizens and, except for the Government representatives who will not be compensated separately for their duties under this act, shall receive $100 per diem for each day or part thereof spent in the performance of official duties. All members of the Board, including the Government representatives, shall be reimbursed for necessary travel, subsistence, and other expenses actually incurred in the discharge of their duties as members of the Board.

The members of the Board shall elect from among their number a Chairman, a Vice Chairman, and a Secretary. These officers shall be elected annually for terms of 1 year. The Board may elect any of its members to act as Chairman pro tempore in the absence or disability of the Chairman or Vice Chairman. The Board shall meet at least six times each year and special meetings of the Board may be held on the call of the Chairman or any three members.

Upon the complete redemption of the Bank's preferred stock, the President shall appoint two additional public members to the Board, thereby raising the membership of the Board to nine: four Federal officials and five public representatives. The two new public members shall be appointed, one to a 3-year term and one to a 5-year term, but their successors shall thereafter serve for terms of 6 years.

Any member of the Board may at any time be removed from office for cause by the President, or, if cause exists but the President does not act, by the Congress through impeachment proceedings.

Section 23 provides that the Deputy Administrator of the Small Business Administration for the Small Business Capital Bank shall serve as the Executive Director of the Bank. Subject to the general supervision and direction of the Board, he shall be responsible for the execution of the functions of the Board.

The Executive Director shall comply with all orders and directions which he receives from the Board, but as to all third persons, his acts shall be presumed to be in compliance with the orders and directions of the Board.

The Executive Director shall employ personnel necessary to carrying out the functions, powers, and duties vested in the Board, and fix their compensation without regard to the civil service laws or the Classification Act of 1949, as amended.

All functions, powers, and duties of the Board, except those specifically reserved to the Board itself by the act, shall be exercised and performed by the Executive Director and may be exercised and performed by him through such employees of the Bank as he may designate.

Section 24 authorizes the Board to prescribe and publish such regulations as may be necessary and appropriate in carrying out the act.

The purpose of this provision is to reserve to the Board maximum flexibility in establishing policies and procedures necessary to the accomplishment of the purposes of the act.

TITLE III—INCORPORATION AND FUNDING OF SMALL BUSINESS CAPITAL BANK

Section 31 provides that the Board will execute and file with the Senate and the House articles of incorporation relative to the organization of the Bank. Upon the filing of the articles of incorporation, the Bank shall become a body corporate with all powers necessary to the implementation of the act.

Section 32 provides for an authorized capital of $150 million, of which $50 million shall be paid-in capital subscribed for by the Secretary of the Treasury in exchange for the preferred stock of the Bank, the remaining $100 million of authorized capital to be provided through the purchase of common stock by small business investment companies pursuant to the provisions of section 45 of the act.

The preferred stock to be subscribed by the Secretary of the Treasury shall be redeemed and retired by the Bank from earnings available therefor as soon as possible after the Bank has received a minimum of $50 million in exchange for its common stock.

Section 33 authorizes the Bank to obtain funds through the sale to the public of its debenture bonds in an amount not exceeding $1 billion.

The debenture bonds of the Bank to be sold to the public will not be obligations of the United States, but the Secretary of the Treasury is authorized to purchase any such obligations up to the amount of $1 billion.

This provision conforms in substance to authority now vested in the Secretary of the Treasury under legislation relating to the Federal National Mortgage Association.

Section 34 provides for a curtailment of Government obligations under the small business investment company program in two ways: (1) by reducing the revolving fund of the Small Business Administration for purposes of the small business investment company program in the amount of $50 million, thus freeing a like amount to be subscribed by the Secretary of the Treasury for the preferred stock of the Bank; and (2) repeal of section 303(b) of the Small Business Investment Act of 1958, as amended, 5 years from the date of the enactment of the Small Business Capital Bank Act. Within such 5-year period, it is anticipated that the Bank will be able to assume in full the present lending functions of the Small Business Administration as now authorized under section 303(b) of the Small Business Investment Act of 1958, as amended.

TITLE IV—PROVISION OF ASSISTANCE TO SMALL BUSINESS INVESTMENT COMPANIES

Section 41 provides that it shall be the primary function of the Bank to provide capital and loan funds to small business investment companies.

Section 42 authorizes the Board to promulgate standards to determine the eligibility of small business investment companies for the assistance provided by the act. Recognizing that the successful operation of the small business investment company program must be geared to considerations other than those governing conventional commercial lending operations, this section expressly provides that in promulgating standards of eligibility, the Board shall take into consideration the need to promote the development and growth of small business investment companies so as to enable them to make their maximum contribution to productive investment and employment, the need to make capital and loan funds for such concerns more readily available in adequate amounts and on reasonable terms, the need to facilitate maximum participation of private financial institutions and investors in financing small business investment companies and eligible small business concerns, and the need to supplement the existing facilities of the Government and of banks and other private financial institutions for the program of assistance provided under the act.

Section 43 authorizes the Bank to supply equity capital to any eligible small business investment company through the purchase of either the common stock or the preferred stock of such a company.

In order to prevent the Bank from becoming a mere holding company and to insure diversification in its investment operations, this section provides that the Bank may not invest more than 5 percent of its own paid-in capital in any one small business investment company, nor may it purchase stock of such a company in an amount exceeding 25 percent of the issued and outstanding voting stock of the small business investment company.

Section 44 authorizes the Bank to make loans to small business investment companies under such terms and conditions as the Board of the Bank may prescribe. Such loans may be made directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or a deferred basis.

The section contains no limitations as to the amount of funds which the Bank may lend to any one small business investment company, this determination being left to the discretion of the Board.

Section 45 requires a small business investment company receiving either capital funds or loan funds from the Bank to become a stockholder of the Bank by investing in its common stock.

Where the Bank provides equity capital to a small business investment company, such company will be required to reinvest 5 percent of the amount of the capital so provided in the common stock of the Bank.

A small business investment company borrowing from the Bank will be required to purchase common stock of the Bank in an amount equal to 1 percent per annum of the amount of the loan funds so provided up to a maximum of 5 percent.

Mr. PROXMIRE. Will the Senator from Alabama yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. SPARKMAN. Let me state to the distinguished Senator from Wisconsin that I would prefer to yield the floor inasmuch as I have an engagement to which I must go.

I apologize to the Senator for not remaining in the Chamber to listen to his remarks on this subject, because he is chairman of the Subcommittee on Small Business of the Committee on Banking and Currency, and he does an excellent job in that capacity. I know of his great interest in this proposed legislation.

Mr. PROXMIRE. I thank the Senator from Alabama for his comments. Mr. President, I am delighted to join with the junior Senator from Alabama in cosponsoring this bill which would establish a Small Business Capital Bank.

The Bank which this bill would create would become the primary source of funds for small business investment companies. It is anticipated that ultimately the Bank will contain private funds, thus eliminating most of the need for Federal investments in small business investment companies.

The Small Business Administration would continue to purchase subordinated debentures up to $700,000 on a matching basis from newly licensed SBIC's under section 302(a) of the Small Business Investment Act of 1958. However, the bill provides that 5 years after its enactment section 303(b) of the act would be repealed.

The bill contains provisions which will completely remove any Federal money in the Capital Bank. The authorized capital of the Bank would be $150 million. Of this amount $50 million would be preferred stock and $100 million would be common stock. Under the bill, the Treasury would purchase $50 million of preferred stock of the Bank. Also, the SBA revolving fund for the use of the SBIC program would be reduced by $50 million. The preferred stock of the bank purchased by the Treasury would be retired by the Bank as soon as possible from the earnings of the Bank. The $100 million of common stock would be purchased by SBIC's who either seek long-term loans or equity capital from the Bank.

The SBIC program has matured and is on the threshold of rendering much greater service to small businesses all over the country. I believe that the Capital Bank established by this bill is soundly conceived and will be of enormous benefit to the SBIC program and to the country.

Mr. President, I yield the floor.

INSPECTION OF CERTAIN TOWING VESSELS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to require the inspection of certain towing vessels. I ask unanimous consent that a letter from the Secretary of the Treasury, requesting the proposed legislation, together with a comparative type showing changes in existing law made by the proposed bill, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and comparative type will be printed in the RECORD.

The bill (S. 1889) to require the inspection of certain towing vessels, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and comparative type presented by Mr. MAGNUSON are as follows:

THE SECRETARY OF THE TREASURY,
Washington, April 8, 1965.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is submitted herewith a draft a proposed bill "to require the inspection of certain towing vessels."

The purpose of the proposed legislation is to bring towing vessels propelled by means other than steam under inspection by the Coast Guard.

Section 4427 of the revised statutes (46 U.S.C. 405) presently requires the inspection of "every tugboat, towing boat, and freight boat." This section is part of an extensive statutory pattern to insure high standards of safety on merchant vessels through regulation and inspection by the Coast Guard. Although phrased in broad terms, section 4427 has been interpreted by the courts as applying only to vessels propelled by steam. As a result, motor propelled towing vessels are not presently subject to inspection unless they are seagoing vessels of over 300 gross tons.

The anomaly whereby steam towing vessels are subject to inspection and motor towing vessels performing practically identical services are not, has long been recognized. This anomaly has become increasingly apparent with the increasing dominance of the diesel towing vessel as compared to the steam towing vessel. At the present time, steam tugs have been almost completely superseded by diesel towboats. Figures show that in 1962 there were 5,016 diesel tugs in operation compared to 84 propelled by steam, while in 1964 there were 5,380 diesel tugs as compared to 50 propelled by steam.

The present interpretation of section 4427 of the revised statutes results in another inconsistency in that barges or self-propelled tank vessels carrying hazardous liquid cargoes on inland waters must be inspected and meet Coast Guard safety standards while motor propelled tugs towing such barges are not required to be inspected. Considering the ever-increasing traffic in dangerous liquid cargoes and the fact that collision is a major source of marine casualties, an obvious potential hazard is involved in permitting such cargoes to be towed by vessels which at present are neither subject to the requirement for safety inspection nor subject to the licensing and certificating of their personnel.

During 1962 the Coast Guard made a comprehensive study of towing vessel operations. The study showed that of 5,100 vessels documented for towing service only 103 were inspected and certificated by the Coast Guard. A subsequent survey in 1964 showed that of 5,430 vessels documented for towing service only 71 were inspected and certificated by the Coast Guard. The remaining vessels, in both instances, were not subject to inspection under existing law.

The data obtained during the 1962 study also showed that while the number of towing vessels increased 20 percent over a 10-year period, the number of casualties increased by 120 percent to an average of 559 casualties per year for the period from 1960 through 1962. During 1962 for example, 530 towing vessels were involved in casualties serious enough to be reported, which is an average of 1 out of every 10 towing vessels in service. Detailed casualty figures for that year reveal that while no lives were lost due to casualties on inspected towing vessels, 15 lives were lost in casualties involving uninspected towing vessels. The figures further reveal that less than 3 percent of the inspected vessels were involved in reportable casualties compared to 10 percent of the uninspected vessels. During fiscal year 1962 estimated monetary damages due to casualties involving towing vessels were over $9 million.

The 1964 survey showed an increase of 330 documented vessels or 6 percent for the 2-year period since 1962. The average number of casualties for those 2 years was 515. During 1963, 525 towing vessels were involved in reportable casualties; while in 1964, 599 vessels were involved in casualties serious enough to be reported. Detailed casualty figures for 1963 showed that, although no lives were lost on inspected towing vessels, 59 persons lost their lives as the result of marine casualties involving uninspected towing vessels. Similar figures for 1964 revealed that 43 lives were lost as the result of casualties involving uninspected towing vessels. Estimated monetary damages due to casualties involving towing vessels were $15,945,000 in 1963 and $12,335,000 in 1964.

Analysis of the casualty figures for towing vessels for the past several years leads to the conclusion that operation of diesel towing vessels involves as great a hazard as operation of those propelled by steam, and that this hazard could be reduced by requiring these vessels to comply with Coast Guard safety standards. In brief, the Department has concluded that motor propelled towing vessels should be brought under the statutory inspection scheme. The proposed bill would, therefore, amend section 4427 of the revised statutes to provide for the inspection of towing vessels regardless of the manner of propulsion.

The Department believes that the smaller towing vessels are not a sufficient safety hazard to warrant the increased administrative difficulties and costs which would result if they were subject to inspection. Therefore, the bill would exclude those towing vessels which are less than 15 gross tons and 26 feet in length. This would eliminate from inspection the smaller vessels which engage in limited operations.

The casualty statistics also show that a large percentage of the casualties which have occurred on uninspected towing vessels are of a type which could be avoided or minimized if well-qualified personnel were aboard. For example, during fiscal year 1962, almost 60 percent of the reported casualties involved collisions while another 12 percent involved groundings of the tug or tow. In 1963, 63 percent of the reported casualties involved collisions while another 15 percent involved groundings of the tug or tow. The 1964 survey showed that 64 percent of the reported casualties involved collisions and 16 percent involved groundings of the tug or tow. To minimize the hazard to life and property from operation of towing vessels by unqualified personnel, the proposed bill would contain authority to prescribe regulations regarding the manning of towing vessels and the licensing and certificating of their personnel.

The Department, of course, realizes that there are large numbers of vessels to which the strict application of the inspection and manning requirements would not be appropriate for one reason or another. In some cases it is not possible or practicable to bring the vessel into the strict compliance; in other cases to do so would result in severe economic hardship or loss of employment. Therefore, the proposed bill would require the Secretary to take into account the various factors which might appropriately require a lessening of the inspection or manning requirements as to certain vessels. It would also give him authority to exempt additional vessels from the inspection requirements if necessary in the public interest. These provisions are intended to provide sufficient flexibility in administration to enable the Secretary to tailor the inspection requirements more closely to the circumstances of individual vessels. With this authority it should be possible to achieve the maximum safety on towing vessels consistent with the least economic hardship and disruption to the industry. This authority would also permit the gradual application of the requirements to existing vessels to insure an orderly transition period with minimum interference to towing vessel operations.

The proposed legislation would require increased expenditures for inspection and clerical personnel since an additional 4,500 vessels would become subject to inspection. The Department estimates that an increase of 55 officers and 20 civilians would be required. This would result in additional costs of approximately $700,000 per year. The bill would authorize the Secretary to prescribe reasonable fees or charges for any inspection made or certificate, license, or permit issued.

There is attached a memorandum which contains in summary form the results of the study made by the Coast Guard of the operation of towing vessels. There is also enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed bill.

Identical legislation was submitted to the 88th Congress by this Department. It was introduced as S. 2316 and referred to the Senate Committee on Commerce, but no action was taken prior to adjournment.

It would be appreciated if you would lay the proposed bill before the Senate. A similar proposed bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

HENRY H. FOWLER.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

(Matter proposed to be omitted is enclosed in brackets; new matter in italics)

SECTION 4427 OF THE REVISED STATUTES
(46 U.S.C. 405)

[The hull and boiler of every tug-boat, towing-boat, and freight-boat shall be inspected, under the provisions of this title; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety-valves, gage-cocks, low-water alarm-indicators, steam-gages, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this title, and shall be subject to the same provisions of law as officers navigating passenger-steamers.]

(a) When used in this section—

(1) The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(2) The term "towing" means pulling, pushing, or hauling alongside, or any combination thereof.

(3) The term "towing vessel" means all tugboats, towboats, towing boats, and other vessels engaged or intended to engage in the service of towing, which are above fifteen gross tons or twenty-six feet or over in length.

(b) All towing vessels regardless of manner of propulsion, and whether documented or not, shall be inspected under the provisions of this title.

(c) The Secretary shall, before a towing vessel is put into service, and at least once every two years thereafter, cause it to be inspected, and shall satisfy himself that it (1) is of a structure suitable for the service in which it is to be employed; (2) is equipped with the proper appliances for lifesaving and fire protection; (3) has suitable accommodations for the crew; and (4) is in a condition to warrant the belief that it may be used, operated, and navigated with safety to life and property in the proposed service.

(d) The Secretary may, in order to secure effective provision against hazard to life and property created by vessels subject to this section, prescribe such regulations as may be necessary with respect to the following matters:

(1) The design, construction, alteration, or repair of towing vessels.

(2) Operation of towing vessels, including the waters in which they may be navigated.

(3) Manning of towing vessels and the duties of the licensed officers and members of the crews of such vessels.

(4) Licensing and certificating of crew of towing vessels.

(e) In prescribing regulations for towing vessels the Secretary shall give consideration to the age, size, service, route, and other factors affecting the operation of the vessel. If the Secretary determines that the application to any towing vessel of the regulations prescribed for towing vessels is not necessary in the public interest, he may exempt that vessel from the application of the regulations, or any part thereof, upon such terms and conditions and for such periods as he may specify.

(f) A certificate of inspection issued to a towing vessel may at any time be voluntarily surrendered.

(g) The Secretary may prescribe reasonable fees or charges for (1) any inspection made and (2) any certificate, license, or permit issued under this section or the regulations prescribed hereunder.

AMENDMENT OF NATURAL GAS ACT TO VEST JURISDICTION IN THE FEDERAL POWER COMMISSION OVER CERTAIN INTERSTATE SALES OF NATURAL GAS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use, and for other purposes. I ask unanimous consent that a letter from the Chairman of the Federal Power Commission, requesting the proposed legislation, together with a statement of Commissioner O'Connor, relating to the legislation, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and statement will be printed in the RECORD.

The bill (S.1890) to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and statement presented by Mr. MAGNUSON are as follows:

FEDERAL POWER COMMISSION,
Washington, D.C., April 12, 1965.

Re draft bill to amend subsection 1(b) of the Natural Gas Act—Direct sales for industrial use.

Hon. HUBERT H. HUMPHREY,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for consideration of the appropriate committee are 20 copies of a draft bill to amend the Natural Gas Act to give the Federal Power Commission jurisdiction over direct sales of natural gas in interstate commerce for industrial use and over sales of natural gas in interstate commerce to the United States for any use. The proposal would be accomplished by amending subsections 1(b), 1(c), and 2(6) of the act. Similar bills incorporating this recommendation were introduced in the 88th Congress (S. 1734 and H.R. 7117).

The Commission's current jurisdiction over sales of natural gas is limited to sales in interstate commerce for resale, and does not include a large volume of the total gas sold directly to industrial consumers by pipelines, and to a lesser extent by some of the independent producers. In the Commission's view, placing direct industrial sales by both pipelines and producers under its regulatory jurisdiction would help provide protection to industrial consumers from excessive or discriminatory rates, and would prevent the undesirable inflationary pressures on natural gas prices in the field which could be caused by large industrial customers who can purchase gas directly from the producers on an unregulated basis.

First we should observe that it is unrealistic to expect that this gap in interstate regulation will be closed by State action. Attempts by several State regulatory commissions to assert jurisdiction over direct pipeline sales have not been successful. For example, it has been held by the State courts in Colorado and Illinois that interstate pipelines selling to individual consumers on a contract basis are not public utilities, and in Mississippi that such sales are not interstate. The direct sales by pipelines in these States are therefore beyond the reach of the respective State regulatory statutes. Indeed any State which attempted to determine the proper rate for direct industrial sales from an interstate pipeline which extends across several States would encounter serious difficulty in obtaining enough information about the out-of-State operations of the pipeline to make such a determination. The States, of course, have no difficulty in regulating the sales of gas to industrial consumers by the local gas distributing companies as a part of their general jurisdiction over such companies and we do not suggest that any change in the present situation with respect to such sales is necessary or advisable.

The regulatory gap is a large one. In each of the past few years about 3.5 trillion cubic feet of natural gas have been sold annually by the interstate pipelines destined for ultimate consumption in industry. Out of that volume roughly 2 trillion cubic feet annually have been sold by the interstate pipelines to gas distributing companies and resold by them to industrial users. These transactions have been regulated both by the Federal Power Commission at wholesale and by the State commissions at retail. The remaining 1.5 trillion cubic feet of annual sales of gas have been sold directly by the interstate pipelines to industrial consumers, for all practical purposes completely unregulated. Thus, of the total sales of industrial gas supplied by the interstate pipelines, 40 percent was not regulated. The unregulated volume comprises roughly 20 percent of the total gas supplied by interstate pipelines for all uses, residential, commercial, or industrial.

The lack of jurisdiction over such a large proportion of the interstate gas sales has created several major problems.

First is the problem of excessive rates. In some areas of the country where coal and oil are abundant, competition has kept the price of industrial gas reasonably low. However, in many parts of the Nation other fuels are not readily available at competitive prices and industrial gas prices tend to be high in relation to the cost of service. Competitive energy prices, in fact, are not the sole consideration in any region because natural gas has achieved a preferential position in some industrial applications by virtue of innate qualities which make it superior to coal or oil for these applications. Thus, regulation is necessary to assure energy for industrial usese at prices which are reasonable related to costs.

Under the circumstances it is to be expected that the pipeline companies would charge high rates for many direct industrial sales. Complete data is lacking, but there have come to the Commission's attention numerous instances where the pipeline revenues from direct industrial sales yield far more than a reasonable return on investment. In one case staff studies indicate the rate was over 50 percent in excess of a reasonable return; in another, stating the differences in terms of price, a company's jurisdictional rate to a local distributor was 23.2 cents per M.c.f. as contrasted with the unregulated rate to industrial customers of 45 cents per M.c.f.; and, in still another case, an industrial rate was raised almost 50 percent in 1 year. These seem not to be isolated instances but rather part of a pattern of charging higher rates for nonjurisdictional than for jurisdictional sales where market factors permit.

A second problem is that of discrimination in rates. In a number of cases the interstate industrial gas rates of a given pipeline appear to vary widely even though the sales are within a single State or community. For example, in one community, a box company, a chemical company, a steel company, and a glass company, each paid the same pipeline a different rate ranging from 24.1 cents per M.c.f. to 41.2 cents per M.c.f., though there were only minor differences in service conditions. Discrimination in rates has extended to agencies of the Federal Government which purchase from the pipelines, and the Defense Department has cited at least one instance where among its own installations in the same locality widely different rates were charged by the pipeline, without any difference in cost to justify the disparity.

The third problem relates to the potential effect on gas prices generally of unregulated direct industrial sales by producers. The Commission has responsibility for assuring that wellhead prices for interstate sales of gas for resale are just and reasonable. For this purpose the Commission has been proceeding with the establishment of just and reasonable rates, and as an interim measure has established guideline ceiling prices for certificating new sales by the producers to the pipelines in interstate commerce. However, the present gap in Commission jurisdiction over direct industrial sales enables producers to make direct sales at prices above the guideline ceilings to large industrial consumers who are able to obtain pipeline transportation for the gas and who are willing to pay higher prices in order to control their own gas supply. Any such above-ceiling sales inevitably exert an inflationary pressure on jurisdictional sales and tend to divert large volumes away from jurisdictional markets. Thus, the unregulated direct industrial sales by producers could lead to higher prices and shorter supplies of gas for the consumers served by the jurisdictional pipeline systems and their distributors.

Lastly, the proposed amendment would greatly simplify ratemaking procedures. The present partial authority of the Commission over pipeline sales creates considerable complexity in the process for determining just and reasonable rates, because in fixing the costs attributable to a pipeline's jurisdictional sales, it is now necessary to undertake complex calculations for allocating the cost of service between the jurisdictional and nonjurisdictional services of the pipeline. A large share of the disputes centering about the allocations of various elements of cost could be eliminated or at least minimized if the Commission had jurisdiction over direct industrial sales in interstate commerce.

We urge adoption of the proposed amendment for the protection of industrial consumers, for the prevention of inflationary pressures on field prices generally as well as to simplify the ratemaking processes of the Commission.

Commissioner O'Connor has asked me to note his opposition to the proposal. A separate statement of his views is attached.

Respectfully,

JOSEPH C. SWIDLER,
Chairman.

SEPARATE STATEMENT OF COMMISSIONER O'CONNOR ON DRAFT BILL TO AMEND SUBSECTION 1(b) OF THE NATURAL GAS ACT—DIRECT SALES FOR INDUSTRIAL USE

Delicate issues emerge in appraising legislation designed to recast the orthodox context within which large and numerous industries have traditionally functioned. Fundamental issues emerge in appraising legislation which would interject permanent government control where none previously existed. Where both issues are raised simultaneously, the legislative proposal, to be supportable, must decisively establish that the traditional context had been effecting, and would continue to effect, a substantial adverse impact on the general public. Absent this showing, government's keystone tenet of securing maximum unfettered economic interplay compels its rejection. These considerations have imposed a heavy burden of justification upon the bill to amend sections 1(b), 1(c), and 2(6) of the Natural Gas Act which, once again, has not been met. The bill must again be rejected.

The bill's expressed thrust is to direct the Federal Government to dictate the price, the volumes and the periods of delivery for interstate natural gas sold to industrial customers. Its immediate result is to extinguish all bargaining flexibility now existing between buyer and seller; to posit the logical premise for future legislative requests for, or agency assertions of, the power to order compulsory interconnections with nondistributor applicants; and, to legitimize complete Federal end-use control of a multiuse commodity. Its near-immediate result will be to eliminate substantially natural gas from the industrial fuels market. The former result flows from the bill's specific language and the proclivities of most Federal regulators; the latter flows from the combined interaction of the expensive, time-consuming irritation characterizing Federal regulation, and its entrenched philosophy of compelling service on a cost—without recognition of value—basis. The former result is regrettable, but often justifiable; the latter result removes the justification.

To appreciate this, one can refer to the Federal Power Commission's steam-electric utility statistics for the 1954–1963 decade. By the beginning of this decade, gas had acquired an intrinsic market value. Consequently, there existed utility fuels competition either among or between gas, residual oil, or coal in 45 States of the continental Union. Rising to meet the evolving gas threat, the coal industry initiated extensive cost adjustments which decreased the utility per ton coal price 4.6 and 4.8 percent, respectively, on a national and coal-competitive area basis. The coal price reduction forced a 2.3-percent reduction in the price of residuals, and limited the gas price increase to 1.5 percent annually, which was remarkable considering its transition in marketability.

The introduction of gas into the utility fuels market, therefore, resulted in a 1963 consumer saving of $62 million in utility coal costs and a $6,500,000 paring of utility residual costs.

Simultaneous with the price reductions, the coal industry entered into a stage of technological innovation in mining techniques, long-distance transmission facilities and mine-mouth generating plants. These were long-due advances, but not until the presence of competitive gas were they initiated. Unfortunately, the enactment of the proposed legislation will substantially eliminate this presence, and will effect a grievious impact upon the American consumer that far surpasses any abuses now flowing from free negotiation.

It is said, however, that enactment would aid us in preventing inflationary pressures on uncommitted gas reserves. As a majority of the Commission unmistakably indicated in the recent Transcontinental Gas Pipe Line Corp., docket No. CP63–222 opinion, they already believe that power exists under the present section 7. It is also argued that enactment would eliminate excessive rates—that is, exceeding the approximately 6½ percent normally allowed—and discriminatory rates which may exist to some unknown extent. In appraising this, one must remember that over 50 percent of the total industrial gas consumption occurs in the States of Texas, Louisiana, and Kansas. These are exporting States, and thus a great portion of their consumption never enters an interstate line; it is supplied by intrastate lines or direct producer sales. Recent Federal Power Commission statistics for interstate natural gas pipeline companies and Bureau of Mines minerals yearbooks and an appraisal of the petroleum industry of the United States in 1965, reveal that interstate mainline sales volumes represent slightly under 16 percent of the total industrial gas consumption; slightly under 25 percent of the industrial gas consumption, excluding field, transmission and refinery fuel use; and slightly under 7 percent of the total United States industrial energy consumption. What this means is that a great portion of industrial gas will never be regulated by this bill.

Much industrial gas is, of course, sold outside the producing States, but here it must contend with coal and residuals. Illustratively, gas sales to steam-electric utilities constitute one-third of gas' total industrial sales. Success here is crucial; but, because of coal competition, gas supplies less than 12 percent of the total utility British thermal units in the coal competitive areas. Competition in this region will become more strenuous for, as revealed in the National Coal Association's "Steam Electric Plant Factors, 1963," electric utility coal British thermal units are now 5 percent cheaper than gas British thermal units. Also revealed is that by 1962, electric utility gas costs either leveled or declined in every coal-competitive region, and, by 1963, on a nationwide basis.

The Bureau of the Census divides the gas importing States' industrial market into 20 categories, excluding electric utilities and nonmanufacturing usage. Commission staff exhibits in the southern Louisiana area rate proceeding, AR61–2, treat 12 of these categories, and 4 other subcategories, as completely fuel flexible—that is, able to substitute fuels within 12 to 18 months. This constitutes 63 percent of the industrial market for 45 importing States. The Bureau of Mines minerals yearbook for 1963 reveals that these markets, wherein over 50 percent of the industrial gas sales are effected, experienced a 1.6-percent gas price decrease—from 40.9 cents to 40.25 cents—for the 1962–63 period. This decrease had been visible for some time. Thus, while the national industrial gas price increased 23 percent from 1954 to 1960, it increased but .8 cents, or 2.5 percent, from 1960 to 1963. Considering the stable, slightly downward trend in coal and residual fuel oil costs, there is every indication that the gas price leveling, or decline, will continue.

Several industrial markets, principally foods, primary metals, and glass are truly fuel inflexible. They are, however, also large markets which enable the buyer, particularly if another segment of his corporate structure engages in a fuel-flexible enterprise, to bargain from strength.

The progress experienced by the coal industry has infused a new competitive factor into the industrial fuels market which promises a continued leveling, and a possible decline, in industrial gas prices. Although Federal control would grant still lower prices for some manufacturers and processors, the issue now becomes: Is the National Government to interlope in every sales effected by gas pipelines, or does its legitimate function end where substantial buyers in considered classes possess sufficient economic leverage? Phrased differently, is universal gas sales control justified to protect the few when its absence has benefited the many? The answer is to be found in the 1965 economic report of the President: "Ceaseless change is the hallmark of a progressive and dynamic economy. No planned economy can have the flexibility and adaptability that flow from the voluntary response of workers, consumers, and managements to the shifting financial incentives provided by free enterprise."

The bill, including that portion which would give preferential regulatory treatment to purchasing agencies of the U.S. Government, must be rejected.

Lawrence J. O'Connor, Jr.,
Commissioner.

PROPOSAL TO GIVE STATES A GREATER VOICE IN WELFARE PLANNING

Mr. JAVITS. Mr. President, on behalf of myself, the Senator from Vermont [Mr. Prouty], and the Senator from California [Mr. Murphy], I introduce, for appropriate reference, a bill to create a permanent Federal Public Assistance Advisory Council to give State and local governments an effective voice in the formulation and administration of Federal public assistance programs.

The proposed Council would be composed of 12 members, appointed by the Secretary of Health, Education, and Welfare from among State and local public assistance directors and "other individuals who are outstanding in public welfare administration." The term would be 4 years, and the Council would be required to report to Congress annually. The formation of such a council was recommended in a report last year by the Advisory Commission on Intergovernmental Relations.

A permanent Public Assistance Advisory Council would give State and local governments a formally, legally constituted forum for presenting their thoughts and recommendations regarding public assistance programs to the Federal agency in an effective, orderly, and uniform manner. The temporary advisory councils which have existed in the past have not adequately considered the problems of State and local governments in the public assistance programs.

If Federal-State public assistance programs are to achieve maximum effectiveness, we should endeavor to maximize the areas of cooperation between Federal, State, and local officials in the planning and administration of the programs involved. If we mean what we say with respect to strengthening the role of Federal legislation as an instrument in strengthening welfare programs at the State and local level, then we must enhance the role of State and local officials at the Federal agency level. The rapid expansion of Federal public assistance programs in recent years emphasizes this need. Federal public assistance officials should not be considered as "them" nor should Federal-State-local public assistance programs become "their programs." The need for a permanent Public Assistance Advisory Council is clear.

There is ample precedent for the Advisory Council which would be created by the proposed bill. It is patterned after the Federal Hospital Council which was established by law for consultation and advice in connection with the administration of the Hospital Construction Act.

The Advisory Council on Intergovernmental Relations, which was established during the Eisenhower administration, is still actively functioning. Last year, in its report, "Statutory and Administrative Controls Associated With Federal Grants for Public Assistance," the Commission recommended the establishment of a permanent Public Assistance Advisory Council to enable State and local officials to have an effective voice in formulating Federal legislative proposals and in preparing Federal agency administrative requirements in the public assistance field. This recommendation also has the support of State public welfare officers.

Mr. President, I hope very much that the committee to which this proposed legislation may possibly be referred, the Committee on Labor and Public Welfare, will move promptly to deal with the subject.

I ask unanimous consent to have printed in the Record an excerpt from the report of the Advisory Commission on Intergovernmental Relations making the recommendations.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and, without objection, the excerpt will be printed in the Record.

The bill (S. 1891) to provide for the establishment of a permanent Federal Public Assistance Advisory Council, introduced by Mr. Javits (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The excerpt presented by Mr. Javits is as follows:

C. ESTABLISHMENT OF A PERMANENT PUBLIC ASSISTANCE ADVISORY COUNCIL

The need for State and local officials to have more voice in the formulation of Federal legislative proposals and in the preparation of administrative requirements issued by the Federal agency dictates that serious consideration should be given to the establishment of a device such as a permanent public assistance advisory council. In the past, advisory groups have been established from time to time by the Congress to study the public assistance programs and to make recommendations for improvement. Traditionally these have been appointed on a temporary basis and charged with responsibility for studying the programs and issuing a report of their findings. They were dissolved upon the issuance of the report. The Social Security Act amendments of 1962 provided for the appointment by the Secretary of an advisory council to review the administration of the public assistance and child welfare programs. This council is to be appointed in 1964 and is required to make a report of findings and recommendations by July 1, 1966. It will then cease to exist, although the act also directs the Secretary to appoint advisory councils from time to time thereafter as he deems necessary.

While past advisory groups undoubtedly have been helpful, they do not appear to have provided an adequate sounding board for State and local ideas regarding public assistance. The Commissioner of Welfare, as have predecessors who have been delegated responsibility for the public assistance programs, consults from time to time on public assistance matters with the Executive Committee of State Directors of the American Public Welfare Association. Nevertheless, it does not appear that these relatively informal advisory arrangements are as effective as a permanent and more formally constituted body would be in giving State and local government a voice in the formulation of legislative proposals and administrative regulations.

The Federal Hospital Council, which is provided by law in connection with administration of the Hospital Construction Act and is appointed by the Secretary of Health, Education, and Welfare, might be a satisfactory model as well as a precedent for the establishment of a permanent Public Assistance Advisory Council. The Federal Hospital Council is composed of 12 members who are appointed for 4-year overlapping terms. The Surgeon General of the Public Health Service serves as Chairman ex officio of the Council which is designed to advise him on the administration of the program. It is provided by law that the Council shall meet as frequently as the Surgeon General deems necessary, but not less than once each year. Upon the request of three or more members of the Council, the Surgeon General is required to convene the Council. A permanent Public Assistance Advisory Council to be truly effective should be required by law to report annually to the Congress on its deliberations and operations.

Important arguments supporting the establishment of such a council for public assistance are: (1) It would give States and local governments a formal, legally-constituted forum for presenting to the Federal agency their ideas and grievances regarding the public assistance programs; (2) it would permit these governments to present their recommendations and any disagreements with the Federal agency to the Congress in an effective, orderly, and uniform manner rather than on a "hit or miss" basis as they must do at present; and (3) advisory councils in the traditional pattern have not adequately considered the problems of State and local governments in the public assistance programs.

Important arguments against the establishment of a permanent Public Assistance Advisory Council are: (1) There really is no need for such a council with the existing provision in the law directing the Secretary to establish an advisory council from time to time; (2) representative views of the States are adequately presented to the Federal agency by those State directors whom the Welfare Commissioner consults frequently; and (3) a permanent council would require staff time and assistance of personnel in the Department of Health, Education, and Welfare, which would interfere with regular program activities.

REPEAL OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATION SERVICES

Mr. FONG. Mr. President, I introduce, for appropriate reference, a bill providing for the gradual reduction and eventual elimination of the 10-percent Federal excise tax on general—local—

and toll—long distance—telephone service and on other communications such as telegraph, teletypewriter exchange, wire mileage, and wire and equipment.

This would be accomplished by a 2-percent reduction each year until the tax is repealed 4 years from now.

Beginning July 1 this year, the tax would go down to 8 percent; July 1, 1966, down to 6 percent; July 1, 1967, to 4 percent; July 1, 1968, to 2 percent; and starting July 1, 1969, there would be no tax levied on these services.

In the case of wire and equipment, the tax is now 8 percent, so it would be eliminated entirely beginning July 1, 1968.

What I propose is a two-pronged means of aiding low- and middle-income people. First, of course, is the direct reduction of the tax on local and long distance telephone service and cables.

Today more than 80 percent of all households in America have a telephone. I understand that about 50 percent of households with less than $3,000 annual income, the poverty level according to this administration, have telephone service.

The Bureau of Census has reported—1960—that 86 percent of households with telephones had annual incomes of less than $10,000; 53 percent had incomes of less than $6,000; and 20 percent had incomes of less than $3,000.

Reduction and repeal of this 10-percent Federal excise tax would be of immediate benefit to these people, the ones who need it most.

Second, reduction and elimination of this tax would reduce costs for businesses. Nearly one-half of the revenue derived from this tax comes from business users. Tax savings could be passed on to consumers in the form of lower prices for products and services. Again, this would be of greatest benefit to those in the low- and middle-income groups.

As Hawaii is an island State, we are particularly dependent upon long-distance telephone service, wire service, cables, and telegrams. These are major communication links with families, friends, and businesses on the various islands of our State and in our sister States on the mainland.

Therefore, my bill proposes gradual elimination and repeal of the 10-percent Federal excise tax on these services as well as on local telephone service.

In fiscal year 1964, Federal excise taxes on communications collected in Hawaii were $2,052,000 for general—local—telephone service; $719,000 for toll telephones, telegraph, cable, and radio; and $27,000 for wire mileage equipment—a total of $2,798,000.

Repeal of this Federal excise tax would mean savings of almost $3 million every year to Hawaii taxpayers. This would substantially increase the purchasing power of island residents to the benefit of Hawaii's economy.

Nationwide, for fiscal year 1965, collections from the tax on communication services are estimated to be $1 billion to $1,040, million.

Under the bill I propose, the Federal Government would lose 2 percent of this revenue in fiscal year 1966 and by increments of 2 percent for the next 3 fiscal years until July 1, 1969, when the tax would be entirely eliminated. As I have explained in the case of wire and equipment, elimination would be accomplished in mid-1968.

The Federal loss is the consumers' gain. Each year under my bill, consumers would have an additional $200 million to spend. By the time this excise tax is completely eliminated, this would mean more than a billion dollars every year to stimulate the Nation's economy.

The original reasons for levying this tax in World War II no longer apply. Today, national policy is not to discourage use of telephone and telegraph services but to encourage them. Today, the telephone is not a luxury, but a necessity in homes as well as business.

It is time Congress repealed this unfair and discriminatory tax. My bill will do this with a minimum disruption to our Federal fiscal picture.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1892) to provide for the gradual reduction and eventual elimination of the tax on communication services over a 4-year period, introduced by Mr. Fong, was received, read twice by its title, and referred to the Committee on Finance.

MEANS OF REDRESS FOR UNLAWFUL SEIZURE OF AMERICAN PROPERTY BY FOREIGN GOVERNMENTS

Mr. ERVIN. Mr. President, I introduce for appropriate reference, a bill to amend title 28, United States Code, to provide means of redress for the unlawful seizure of American property by foreign governments. I ask unanimous consent that the text of the bill be printed in the Record following these remarks.

I introduced substantially this same bill in the 87th and 88th Congresses. However, at that time, the question of whether a private law remedy exists for the expropriation of the property of U.S. citizens was still pending in the courts, and for that reason, I did not press for action. That litigation is now complete with last spring's Supreme Court decision in Banco Nacional against Sabbatino.

The Court in an excellent opinion by Justice Harlan, writing for a majority which exercised rare and commendable self-restraint in these days of judicial innovation, held that, absent a Federal law or treaty, the judiciary will not examine the taking of property within its own territory by a foreign government "even if the complaint alleges that the taking violates customary international law."

The Court noted that its reaffirmation of the "act of state" doctrine, according to which the courts of one country will not sit in judgment on the acts of the government of another done within its own borders, is merely a principle of decision. Justice Harlan carefully noted that this doctrine is not required by either international law or the Constitution. Indeed, the case was decided in the face of clear international law to the contrary, and, it can be argued, principles of the Constitution to the contrary. As Justice White pointed out in his dissent:

> Article III, section 2 of the Constitution states that "the judicial power shall extend to all cases * * * affecting Ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; * * * to controversies * * * between a state, or the citizens thereof, and foreign states, citizens or subjects."

The majority, nevertheless, felt it was not for the judiciary to fill the jurisdictional vacuum left by the executive and legislative branches, and no legal remedy has been spelled out by Congress. The Court cited among the reasons for its holding that only the political branches of government properly should address themselves to solving problems which may affect the conduct of foreign policy.

Congress has in the past expressed itself on the foreign policy question involved. Its determination in this matter is expressed in the Hickenlooper amendment to halt expropriations of the property abroad of U.S. citizens by foreign governments receiving our foreign aid.

See the remarks of Senators Saltonstall, Morse, Hickenlooper, Lausche, and Allott, Congressional Record, volume 108, part 16, pages 21615–21621. But it is not enough to deny grace of foreign aid to prevent or deter such illegal activities. It seems to me that, apart from inducements of aid which may be only temporarily available, our local Federal law relating to private transactions can be strengthened to protect our citizens' interest in their property abroad. This more permanent protection of U.S. private law I am convinced could be used much more effectively than is possible today without force and without drawing down the energy of the State Department. Therefore, I am introducing herewith for discussion a bill representing one step in the process of improving our private law on this vital subject.

It is not my feeling that this proposed legislation in its present form is the final best answer, but expert testimony at early hearings should provide us with the answer. Of course, the protection of U.S. citizens abroad and the property of those citizens abroad remains the primary responsibility of the executive branch. However, Congress must not shirk its own responsibility in the matter. More than once sugar belonging to one of our nationals has been found within the territorial jurisdiction of the United States in the hands of the foreign government which seized it. It is indeed to our shame that presently the courts of the United States are powerless on the basis of our present U.S. law even to entertain an action to restore the property to its U.S. lawful owner. This intolerable jurisdictional impasse has been thought to be required by the doctrines of sovereign immunity and the acts of state. But these doctrines, originally designed to prevent friction between nations, under present conditions invite unlawful seizure and cause strained relations.

If a seizure of property of a U.S. citizen has been made in violation of international law or of a treaty to which we are signatory, no reason of logic, fairness, or international law or morality ought to prevent U.S. courts, having the property within the U.S. jurisdiction, from having jurisdiction to restore the property to its rightful owner, or compensating him for its seizure.

Legislation pursuant to the bill I am introducing would offend no recognized principles of international law. For it has always been conceded that States may take retaliatory measures to defend themselves against violations of international law. Surely, a state may provide means for restoring to its citizen-owners property within its own jurisdiction which has been illegally taken by another state, in violation of its express obligations and agreements.

Modern enlightened authority, including our own American Law Institute, favors the view that when it is alleged and proved that property was taken in violation of international law our courts should take jurisdiction, adjudicate the merits and decree the delivery of such property. Our Federal courts have frequently indicated an invitation to Congress to direct their action in such matters.

It may be urged—cf. American Law Institute Foreign Relations Restatement S. 44—that the courts should act only if the State Department interposes no objection. But the observations of Senators Hickenlooper, Morse, Lausche, and Saltonstall in the debate on the foreign aid appropriation bill above referred to clearly indicate that under present conditions of cold war turmoil it may be of little help to our courts to require or suggest that they look to the overworked State Department for diplomatic assistance in which is essentially, for a nation which lives by law, a legal problem. Let us have what affirmative assistance the State Department under international law, can give our expropriated citizens. But let us also by the law of our own own local courts give those citizens a maximum chance to protect themselves in their own country through our own law and our own lawyers.

The PRESIDING OFFICER. The bill will be received and appropriately referrred; and, without objection, the bill will be printed in the Record.

The bill (S. 1894) to amend title 28, United States Code, to provide means of redress for the unlawful seizure of American property by foreign governments, introduced by Mr. Ervin, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1332, title 28, United States Code, is amended by—

(1) redesignating subsections (c) and (d) thereof as subsections (d) and (e), respectively; and

(2) inserting therein, immediately after subsection (b) thereof, the following new subsection:

"(c) If the matter in controversy in any such action involves, or arises out of, an act of a foreign state in violation of general principles of international law, or of a treaty to which the United States and the foreign state are signatories, it shall be no bar to the maintenance of the action that it is brought against a sovereign state, without its consent, or that it involves the validity of official acts of such state."

(b) Section 1655, title 28, United States Code, is amended by adding at the end thereof the following new paragraph:

"In any such action by an American citizen or corporation, involving or arising out of an act of a foreign sovereign in violation of the general principles of international law, or of a treaty to which the United States and such foreign sovereign are signatories, it shall be no bar to the maintenance of the action that it is brought against a foreign state, without its consent, or that it involves the validity of official acts of such state."

Sec. 2. (a) Title 28, United States Code, is amended by inserting therein, immediately after section 1655 thereof, the following new section:

"§ 1655A. Lien enforcement; property of foreign states

"It shall be no objection to the issuance of mesne or final process with respect to property, as provided by rule 64 of the Rules of Civil Procedure promulgated under this title, that the property is owned by a foreign state, if it is used in or acquired from commercial activities by such foreign state, or has been acquired by it as a result of acts against an American citizen or corporation in violation of general principles of international law or of a treaty to which the United States and the foreign sovereign are signatories."

(b) The analysis of chapter 111, title 28, United States Code, is amended by adding thereto, immediately after the item relating to section 1655 thereof, the following new item:

"1655A. Lien enforcement; property of foreign states."

BROADENING FARMERS HOME ADMINISTRATION EMERGENCY LOANS

Mr. HARTKE. Mr. President, under the Consolidated Farmers Home Administration Act, subchapter I provides for real estate loans. These may be made, among other things, for improving farms and for refinancing existing indebtedness. These are 5-percent loans. Subchapter II provides for operating loans to farmers and ranchers. These may be, among other things, for purchase of livestock, farm equipment, feed, and seed. They are also 5-percent loans. In addition, FHA administers section 502 of the Housing Act of 1949, under which a farmer may be able to finance his home on a 4-percent basis. Or, under section 307 of the Consolidated Farmers Home Administration Act, it may be possible for the farmer to secure a loan on other property, again at 5 percent.

At the same time, Mr. President, under the emergency loans subchapter, on designation of the Secretary that the need for credit is the result of natural disaster, loans not in excess of 3 percent per annum may be made for any of the purposes authorized for loans under the previous two subchapters. It would seem that the intent is to provide disaster loans through FHA in these various categories at a uniform 3 percent.

However, this is not the interpretation apparently placed on the statutes by the Secretary. Last Sunday, at a meeting in Russiaville, Ind., which was all but totally destroyed by the Palm Sunday tornadoes, I listened to a representative of the Farmers Home Administration as he attempted to explain the 5-, 4-, and 3-percent loans which are available. It was an exercise in confusion.

Mr. President, a natural disaster is a natural disaster to all of a farmer's affected property, whether his loss is in buildings, livestock, tractors, or washed-out planted fields whose seed and fertilizer have gone down the river. I see no reason why one class of loan under emergency conditions should bear a 3-percent rate, a second 4 percent, and a third 5 percent. It is for that reason, in order to clarify the procedures and make the rate uniform, that I am introducing my bill today for amendment of the act. I ask that the text of this proposed amendment of the Consolidated Farmers Home Administration Act may appear at the close of these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1895) to amend the Consolidated Farmers Home Administration Act of 1961 so as to increase the purposes for which emergency loans may be made under subtitle III of such act, introduced by Mr. Hartke, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 322 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. § 1962) is amended by adding at the end thereof a new sentence as follows: "Loans may also be made under this subtitle for (1) the replacing of farm animals which have been lost, and the replacing of farm materials and equipment which have been lost, damaged, or destroyed, as the result of a natural disaster, (2) repairing, replacing, or reconstructing the farm dwelling house and any farm buildings damaged or destroyed as the result of a natural disaster, but no loan may be made under this subtitle to replace or reconstruct a farm dwelling house or any farm building with a structure larger than the one being replaced or reconstructed."

AMENDMENT TO EXPORT CONTROL ACT

Mr. HARTKE. Mr. President, I offer today a bill to amend the Export Control Act of 1949. The Committee on Banking and Currency presently has before it S. 1332, the administration bill introduced by Senator Robertson to extend the act, which otherwise would expire on June 30, 1965, for an indefinite period. I trust that the committee may consider this bill in connection with its hearings on S. 1332. I believe that, particularly in the light of events surrounding application of the act in the case of walnut log exports, the amendment which I propose would clarify it and make more certain its judicious use for the benefit of the American economy.

In presenting my bill, I wish to outline the circumstances which have made its adoption desirable and needed. I want to call it to the particular attention of my colleagues on the Commerce Committee, in the hope that in the light of facts brought out in our recent hearings on walnut log exports, they will join me in pressing for its adoption.

Many Members of Congress are by now well aware of the circumstances surrounding the most recent application of the Export Control Act, that govern walnut logs, bolts, and hewn timber. Secretary Hodges, after about 2½ years of study, issued an export control order for a 1-year period beginning February 14, 1964, as part of a program to protect the diminishing supply of domestic veneer quality black walnut. This action was in conformity with the provision of the act, which states:

> The Congress declares that it is the policy of the United States to use export controls to the extent necessary (a) to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand; (b) to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and (c) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security.

Secretary Hodges was clearly acting in accord with the act, since—as the hearings of March 16 and March 31, under my chairmanship, clearly brought out—there was indeed an "excessive drain of scarce materials" and an "inflationary impact of abnormal foreign demand." The act does not say the Secretary of Commerce "is authorized" to impose short supply controls in such a situation. Rather, it says that "the Congress declares that it is the policy of the United States to use export controls" under the circumstances given.

Secretary Hodges imposed the export controls for a 1-year period, and tied with it a condition that domestic use also be reduced. By reducing, in a voluntary action, the veneer thickness produced, the domestic users did make significant reductions. Nevertheless, on February 13 of this year Secretary Connor declined to renew the controls under the act. The reasons which he gave included the alleged need for compliance with a specific target of domestic conservation and alleged requirements of GATT. The Department release on the matter refers to walnut as a "nonstrategic item." However, a February 26 letter addressed by Secretary Connor to me on the subject says:

> Our export control laws are today maintained primarily to regulate trade in strategic materials.

I believe that such interpretations are not the intent of Congress. In 1962, when a bill was passed continuing the Export Control Act, the Senate Committee on Banking and Currency in its report on the bill said:

> The act is not limited to strategic materials or to critical material or to essential commodities. It will support a total embargo or the mildest of restrictions. The requirements of foreign policy, national security, and domestic shortages are the only test.

The amendment which I am offering makes even more clear the intent of Congress within the act itself, even though its language at present should be adequate. It makes clearer that short supply controls are to be imposed when the conditions set out in the act are met, without consideration of extraneous conditions not set forth there. It broadens the language, to cover not only "short supply" or danger of "extinction," to specify materials which are "in danger of becoming in short supply." It further specifies that the conditions of the act are met whenever exports on an annual basis are at least five times greater than they were in 1955, and when a substantial number of other nations impose controls or embargoes of the same materials or commodities.

Despite the Secretary's references to controls on walnut logs as possibly infringing on our GATT arrangements, a study of GATT's own procedures shows that there is room for our own export control actions of this sort within its framework. Twenty-three other nations have controls on export of native hardwoods, even complete embargoes, and remain within the GATT rules. The provisions I have noted—exports five times greater than in 1955, controls by other nations—fit with the other needed clarifications which will apply not alone to the walnut log situation, but to others which may arise in the future.

I ask unanimous consent, Mr. President, that the text of the short subsection which I propose as an addition may be printed following these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1896) to amend section 3 of the Export Control Act of 1949, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Export Control Act of 1949, as amended (50 App. U.S.C. 2023), is amended by adding at the end thereof a new subsection as follows:

"(d) The authority conferred by this section shall be exercised with respect to any materials or commodities which are in short supply or in danger of becoming in short supply (1) in all cases where it is determined by the President that there is excessive drain and inflationary impact due, to a substantial degree, to abnormal foreign demand, (2) without consideration of other policies or standards not set forth in this Act, and (3) without regard to whether such materials or commodities are essential or critical or have significance to the national security. In addition, the standards set forth in this Act shall in any case be deemed to be met and the authority conferred by this section shall be exercised whenever (i) exports of such materials or commodities by volume, as shown by the latest Government figures or reasonable estimates, are at least five times greater on an annual basis than they were in 1955, and (ii) a substantial number of other nations impose controls or embargoes on exports, either in processed or unprocessed form, of such materials or commodities, or of materials or commodities reasonably comparable thereto."

AUTHORIZATION FOR THE PRESIDENT TO APPOINT GEN. WILLIAM F. McKEE, U.S. AIR FORCE (RETIRED), TO THE OFFICE OF ADMINISTRATOR OF THE FEDERAL AVIATION AGENCY

Mr. MAGNUSON. Mr. President, I introduce, for appropriate referral, a bill requested by the President in connection with his announced appointment of Gen. William F. McKee to be Administrator of the Federal Aviation Agency.

The Federal Aviation Act in section 301(b) requires that the Administrator, at the time of his nomination, "shall be a civilian." A letter from the President, which I will insert in the RECORD after these remarks, indicates, however, that it is desired that General McKee should retain his retired status from the Air Force at the same time that he serves as Administrator.

The requested legislation, then, would make it possible for General McKee to achieve both the position at FAA and his retired status. This is a matter that the committee will want to look into with care in the process of considering the nominee. It is the Commerce Committee that has jurisdiction over the FAA and established the original policy of requiring a civilian Adminstrator.

I ask unanmous consent that the following be included in the RECORD: the letter from the President requesting the legislation, the body of the bill, and a copy of the act passed on the occasion of Gen. George C. Marshall's appointment to be Secretary of Defense.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter, bill, and act will be printed in the RECORD.

The bill (S. 1900) to authorize the President to appoint Gen. William F. McKee, U.S. Air Force (retired), to the office of Administrator of the Federal Aviation Agency, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, bill, and act presented by Mr. MAGNUSON, are as follows:

THE WHITE HOUSE,
Washington, April 29, 1965.

Hon. WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Upon learning of FAA Administrator Halaby's intention to resign, I have felt it very important to find a successor who not only knows the aeronautical industry and has the full confidence of its leaders, but one who also knows the problems of all who fly and how to work effectively toward their solution. This is especially essential in view of the great need to press forward in all areas of aviation, and particularly in implementing the decisions we will need to make on the development of the supersonic transport. I know you and the other members of the Commerce Committee appreciate the need for a thoroughly experienced executive with the ability to carry out the Agency's responsibilities. I believe it is important, too, that whoever occupies the position be qualified to serve as a member of the top team of my administration.

In Gen. W. F. McKee, we have all of these qualities and, in addition, the important experience he has had during the past year in examining, analyzing, and evaluating the program of the National Aeronautics and Space Administration in advanced science and technology. His assignment was to examine all facets of NASA's operation, including particularly those in aeronautical research and development, as to their adequacy and value. This experience, coupled with that acquired over the years in every facet of the operations of the Air Force, makes him particularly well qualified.

General McKee's appointment as FAA Administrator, does, however, present a situation requiring congressional assistance. The general's retired status and the policy developed at the time of the establishment of the Agency that the Administrator should be a civilian would impose upon him the burden of requiring him to make an unreasonable financial sacrifice and subject his family to the risk that they would be denied, in the event of his death, the benefits of his present retired status which they rely upon for their security.

The questions posed by former military officers serving in civilian capacities were thoroughly reviewed by the Congress last year in its consideration of amendments to the dual compensation statutes. General McKee has indicated his intention and willingness to abide by the provisions of that act, but as I indicated to you in our discussion of the other day, legislation similar to that enacted by Congress to authorize Gen. George Marshall to serve as Secretary of Defense is required to permit General McKee to serve as FAA Administrator and retain his retired status. Enclosed is the language used in the case of General Marshall and a proposed amendment to the FAA statute permitting the appointment of General McKee under the same conditions and restrictions.

I regard this as a matter that is both important and urgent, and hope it can be considered and acted upon promptly.

Sincerely,

LYNDON B. JOHNSON.

S. 1900

A bill to authorize the President to appoint General William F. McKee (United States Air Force, retired) to the office of Administrator of the Federal Aviation Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 301(b) of the Federal Aviation Act of 1958 (72 Stat. 744; 49 U.S.C. 1341(b)), or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint General William F. McKee (United States Air Force, retired), to the office of Administrator of the Federal Aviation Agency. General McKee's appointment to, acceptance of, and service in, that Office shall in no way affect any status, rank, or grade he may occupy or hold in the United States Air Force or any component thereof, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade: *Provided,* That so long as he holds the office of Administrator of the Federal Aviation Agency, he shall receive the compensation of that office at the rate specified in the Federal Executive Salary Act of 1964 (title III of the Act of August 14, 1964, Public Law 88-426), as it may be amended, and shall retain the rank and grade which he now holds as an officer on the retired list of the Regular Air Force, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of the Dual Compensation Act (the Act of August 19, 1964, Public Law 88-448), as it may be amended.

SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Agency, General McKee shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the Regular Air Force.

SEC. 3. It is hereby expressed as the intent of the Congress that the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military men to the office of Administrator of the Federal Aviation Agency in the future.

An act to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 1222 of the Revised Statutes (U.S.C., title 10, sec. 576), or the proviso contained in section 202 (a) of the National Security Act of 1947, as amended, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint General of the Army George C. Marshall to the office of Secretary of Defense and General Marshall's appointment to, acceptance of, and service in that office shall in no way affect any status, office, rank, or grade he may occupy or hold in the Army of the United States or any component thereof, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade: *Provided,* That so long as he holds the office of Secretary of Defense, General Marshall shall retain the rank and grade of General of the Army which he now holds in the Army of the United States and he shall continue to receive the pay and allowances (including personal money allowance) to which he is entitled by law, and in the event the salary prescribed by law for the office of Secretary of Defense exceeds such pay and allowances, General Marshall shall be authorized to receive the difference between such pay and allowances and such salary.

SEC. 2. In the performance of his duties as Secretary of Defense, General Marshall shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer of the Army.

SEC. 3. It is hereby expressed as the intent of the Congress that the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military men to the office of Secretary of Defense in the future. It is hereby expressed as the sense of the Congress that after General Marshall leaves the office of Secretary of Defense, no additional appointments of military men to that office shall be approved.

Approved September 18, 1950.

APPROPRIATIONS FOR PROCUREMENT OF SMALL PATROL CUTTERS FOR THE COAST GUARD

Mr. MAGNUSON. Mr. President, by request of the Secretary of the Treasury, I introduce, for appropriate reference, a bill to authorize appropriations for procurement of small patrol cutters for the Coast Guard.

I ask that there be printed at this point in the RECORD a memorandum submitted to me by the Secretary of the Treasury in reference to this proposal.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the memorandum will be printed in the RECORD.

The bill (S. 1901) to authorize appropriations for procurement of small patrol cutters for the Coast Guard, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The memorandum presented by Mr. MAGNUSON is as follows:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Fiscal year 1966.

Project title: "Construct 17 replacement small patrol boats."

Congressional district: ———.

Budget item No. —.

Mission or function of facility: To perform missions of search and rescue, and law enforcement.

Facility personnel allowance

Type:	*Planned*
Officers	0
Warrant	0
Enlisted	136
Civilian	0
Total	136

Description of project: Construct 17 steel-hulled small patrol boats. These vessels to have a length of 83 feet 10 inches overall, diesel propulsion, maximum speed of 22 knots, cruising range at economical speed of over 800 miles, and all necessary electronics equipment for navigation and communications.

Reason for request and relation to long-range plans of Coast Guard: These patrol boats are required to replace 17 similar boats deployed to Vietnam. To accomplish this deployment boats were taken from the following locations: Woods Hole, Mass.; Fire Island, N.Y.; Sandy Hook, N.J.; Cape May, N.J.; Norfolk, Va. (2); Fort Pierce, Fla.; Grand Isle, La.; Galveston, Tex.; Port Isabel, Tex.; Long Beach, Calif.; San Pedro, Calif.; Newport Beach, Calif.; Benicia, Calif.; San Francisco, Calif.; Everett, Wash.; Bellingham, Wash. This has resulted in a definite reduction of the Coast Guard search and rescue capability in these locations. With these replacements, the long-range plan for this type vessel operating off U.S. shores will be fulfilled.

Cost estimate of work

Project element:	
Hull	$4,505,000
Machinery	1,054,000
Electronics	425,000
Outfits	276,000
Total cost of project	6,260,000

APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES—AMENDMENTS

(AMENDMENT NO. 142)

Mr. LONG of Missouri (for himself and Mr. SYMINGTON) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 1666) to provide for the appointment of additional circuit and district judges, and for other purposes, which were referred to the Committee on the Judiciary, and ordered to be printed.

SENATOR RANDOLPH PROPOSES INCREASED PUBLIC WORKS FUNDS IN S. 1648 NOW PENDING—AMENDMENT (AMENDMENT NO. 143)

Mr. RANDOLPH. Mr. President, I introduce, for appropriate reference, an amendment to S. 1648, the Public Works and Economic Development Act of 1965. I ask that it remain on the desk until the conclusion of Senate business on May 11 to give other Senators an opportunity to cosponsor the measure.

At the time this body was acting on the Appalachian Regional Development Act the administration and the Senate leadership pledged to many Senators that other regions in economic distress would receive prompt attention from the 89th Congress. S. 1648 redeems that pledge, Mr. President, and the committees are working with dispatch to bring the legislation to the floor. The Public Works Committee has completed its hearings. It is my understanding that our committee hopes to go into executive session on the bill next week. The Banking and Currency Committee is currently holding hearings on those sections of the bill within its jurisdiction. We may reasonably hope for equally prompt action by that committee.

My amendment would increase the authorization for public works matching funds from $250 million annually to $500 million. This is a realistic and, indeed, necessary amendment if the Federal Government is to meet its responsibility in assisting the many communities of our country to meet the pressing backlog of needs in public facilities.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will lie on the desk, as requested by the Senator from West Virginia.

The amendment (No. 143) was referred to the Committee on Public Works.

VOTING RIGHTS ACT OF 1965—AMENDMENTS (AMENDMENTS NOS. 144 THROUGH 154)

Mr. ERVIN submitted 11 amendments, intended to be proposed by him, to the Mansfield-Dirksen amendment (No. 124), in the nature of a substitute, to Senate bill 1564, to enforce the 15th amendment to the Constitution of the United States, which were ordered to lie on the table and to be printed.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that yesterday the Senate received the nomination of Warren W. Wiggins, of Colorado, to be Deputy Director of the Peace Corps.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Newell A. George, of Kansas, to be U.S. attorney, district of Kansas, for a term of 4 years. Now serving under an appointment which expired March 28, 1965.

Covell H. Meek, of Iowa, to be U.S. marshal, northern district of Iowa, for a term of 4 years. Now serving under an appointment which expired April 13, 1965.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, May 11, 1965, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

MONTANA EDITOR WINS PULITZER PRIZE

Mr. MANSFIELD. Mr. President, I was delighted and pleased to learn this morning that one of Montana's weekly newspaper editors and publishers is to receive the 1965 Pulitzer Prize for achievement in news in the arts. Mel Ruder of the Hungry Horse News at Columbia Falls, Mont., receives the award for general local reporting. The award is being given for his coverage of the disastrous June 1964 flood which threatened his community and others along the Flathead.

Mel Ruder is an old friend, and one of the most able weekly newspaper editors in the Nation. He has been honored on a number of occasions for his achievements in reporting and photography. Mel is a small community's weekly editor in every sense. He publishes a handsome newspaper which is primarily concerned with local news, but has one of the largest weekly circulations in the State. The Hungry Horse News is an achievement in makeup and typography, due in large part to Mel Ruder's talents as a photographer. Mel is a civic leader and perhaps one of the best known personalities in western Montana. As editor of the Hungry Horse News he is content to live and work in a small but growing community near the western entrance to Glacier National Park.

An excerpt from today's New York Times story on the Pulitzer Prize awards gives some measure of the man:

> Mr. Ruder was in a barnyard yesterday when some one shouted to him that he had won a Pulitzer Prize. He had been taking some children on a conservation tour.
>
> "I lost money on the flood edition," he said in a telephone interview. "We just forgot all about advertising."

My colleague, Senator LEE METCALF, and I wish to extend to Mel Ruder our sincere and personal congratulations. We also wish to congratulate the other winners of the Pulitzer Prize, among which is one from the great State of Vermont for their notable achievements in journalism and the arts.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks in the CONGRESSIONAL RECORD sundry news stories.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, May 4, 1965]

HUNGRY HORSE EDITOR WINS PULITZER PRIZE

(By Martin G. Berck)

Journalism's most coveted award, a Pulitzer Prize, went yesterday to a reporter on the Hungry Horse News, a newspaper that appears each Friday in Columbia Falls, Mont. (population 2,132).

For his "daring and resourceful coverage * * * in the finest tradition of spot news reporting" when a disastrous flood threatened his area last June, Melvin H. Ruder won a Pulitzer Prize in the journalism category of general local reporting. Mr. Ruder, 50, was not only the reporter, but also the editor and photographer on the story. He is also the paper's publisher.

Another Pulitzer, for meritorious public service in bucking strong opposition to help bring about legislative reapportionment, went to the Hutchinson News of Hutchinson, Kans. (population 33,575).

Seven awards in journalism and six in categories of letters were made public yesterday in a list of prizes issued annually for 49 years. The prizes are awarded by the trustees of Columbia University and are administered by its Graduate School of Journalism. The awards are made on the recommendations of the advisory board on the Pulitzer Prizes, which met April 22 on the Columbia campus.

For the second straight year, no Pulitzer Prize was given for music. It is understood that the jury in music—there are jurors appointed in each category to advise the advisory board—recommended that no award be made. Once before last year, in 1953, there was no prize for music, which first was included as a category in 1943.

No award was given in another field, cartoons, for the third time since this category was started in 1922.

These are the awards:

LETTERS

Drama given for the first time in 3 years—Frank D. Gilroy, 38, for his first offering on Broadway, "The Subject Was Roses." A three-character play about a middle-class Bronx family, it won a Drama Critics Circle Award last week. Mr. Gilroy, who has written extensively for television, had to stuggle to have the play produced and then to keep it on a Broadway stage.

Fiction: Shirley Ann Grau, 35, for her third novel, "The Keepers of the House," which deals with the shocked response of a bigoted Southern community when it learns that one of its leading families is of "mixed blood." Miss Grau, native of a small Louisiana town, published her first book of short stories when she was 25. She lives with her husband and two small children in Metairie, La., a suburb of New Orleans.

Like drama and music, fiction also was omitted from the awards list last year.

History: Irwin Unger, 38, for "The Greenback Era," which is subtitled "A Social and Political History of American Finance, 1865-1879." It won critical praise for original research into the post-Civil War period. A

Brooklyn-born graduate of James Madison High School and City College, Dr. Unger is a faculty member of the University of California at Davis, Calif.

Biography: Prof. Ernest Samuels, 61, of Northwestern University, for his three-volume "Henry Adams," which took more than 20 years to complete. For "Henry Adams, the Middle Years," he won both the Bancroft Prize and the Parkman Prize in 1959. Professor Samuels lives in Evanston, Ill.

Poetry: John Berryman, 50, for his book, "77 Dream Songs." An Oklahoma-born teacher and poet, Mr. Berryman has served on the faculties of Wayne State University, in Detroit, and at Harvard, Princeton, and the Universities of Washington and Cincinnati. He lives with his wife and three children in Minneapolis.

General nonfiction: Dr. Howard Mumford Jones, 73, for his book, "O Strange New World," which is subtitled, American Culture: The Formative Years." Dr. Jones, who is Lowell Professor of the Humanities, Emeritus, at Harvard, deals with the conflicting ideas, emotions, and images of early America. A former dean of Harvard's Graduate School of Arts and Sciences, he has published many books, including plays, poems, biographies, and studies. He lives in Cambridge, Mass.

JOURNALISM

National reporting: Louis M. Kohlmeier, 39, a Washington correspondent for the Wall Street Journal, for his articles on the growth of the fortune of President Johnson and his family. The articles were followed, last August 19, by the President's own disclosure of a detailed audit of his finances. Mr. Kohlmeier joined the Wall Street Journal's St. Louis bureau in 1952, switched to its Chicago office and then shifted to the St. Louis Globe-Democrat before returning to the Journal in Washington in 1960. He lives in Sumner, Md.

International reporting: J. A. Livingston, 60, financial editor of the Philadelphia Bulletin, for his articles on the economic defection of Russia's Eastern European satellites. A native of New York City and a newspaperman for 40 years, he as worked for the New Daily Investment News, Financial World, Business Week, the Philadelphia Record, and the Washington Post. He joined the Bulletin in 1948 and lives in Philadelphia.

Local reporting, special: Gene Goltz, 35, of the Houston Post for an exposé of government corruption in Pasadena, Tex., that resulted in widespread reforms. Born in Iowa, Mr. Goltz spent 3 years in the Air Force as a musician and later studied at the University of Kansas and Missouri. At 27, he took his first newspaper job as a reporter for the weekly Tama (Iowa) News-Herald. Later he worked on other Iowa and Arizona papers, joining the Houston Post in 1962. He lives in La Marque, Tex.

Editorial writing: John R. Harrison, 31, publisher of the Gainesville (Fla.) Sun, for his successful campaign to improve housing conditions in his community of 30,000. His editorials are credited with bringing about municipal approval for a minimum housing code. An Iowa-born graduate of Harvard in 1955, Mr. Harrison became publisher in 1962, when his newspaper was purchased by Cowles Magazines & Broadcasting, Inc., which his father-in-law, Gardner Cowles, heads. Previously, he worked for the Fort Pierce (Fla.) News Tribune. He lives with his wife and four children in Gainesville.

Photographs: Horst Faas, 32, Associated Press photographer, for combat pictures from South Vietnam. For almost 3 years he has flown regularly on helicopter missions and made his way to isolated outposts to photograph the war. Often the AP made use as well of his reporting under fire. Berlin-born, he joined the AP in Bonn in 1956 and shifted to the Congo in 1960. A year later, he went to South Vietnam. It was the AP's 20th award.

Each journalism prize carries an award of $1,000, except for the one for public service, for which a gold medal is given. The letter prizes carry awards of $500. Except for the drama category, this year's awards—chosen by the 14-member advisory board—are for work completed or published in 1964.

The Hungry Horse News, with an average circulation of 4,271, is neither the smallest newspaper nor the only weekly to have received a Pulitzer Prize. In 1952, two dailies, the Whiteville News Reporter and the Tabor City Tribune, both of North Carolina, shared a prize for meritorious public service for exposés on the Ku Klux Klan.

But the Montana paper may be the only weekly to come out on a daily basis. When a flood crisis developed in the Flathead Valley area, Mr. Ruder, using rented planes and boats, did his news gathering, writing, picture taking, developing, editing, and publishing in a continuous stream, and put out two additional papers that week in June. He also serviced the AP and local radio stations with bulletins.

[From the Washington Post, May 4, 1965]

FIRST DRAMA AWARD IN 3 YEARS—13 PULITZER PRIZES GIVEN IN NEWS, ARTS

NEW YORK, May 3.—The Philadelphia Bulletin and the Wall Street Journal were awarded Pulitzer Prizes for international and national reporting today. It was the second Pulitzer award in 2 years for both newspapers.

The two prizes were among seven awards in journalism and six in letters announced by President Grayson Kirk of Columbia University. They were selected by the university trustees on recommendation of an advisory board. The prizes are named for the late Joseph W. Pulitzer, founder of the St. Louis Post-Dispatch.

The Hutchinson (Kans.) News was awarded the gold medal Pulitzer for meritorious public service in recognition of its fight against the enemies of legislative reapportionment.

Other journalism awards went to the Houston Post, the Gainesville (Fla.) Daily Sun, the Associated Press, and the Hungry Horse News, a weekly in Columbia Falls, Mont.

In the arts categories, playwright Frank D. Gilroy won the Pulitzer Prize in drama for his play, "The Subject Was Roses." It was the first drama award given since 1962.

Shirley Ann Grau's novel, "The Keepers of the House," received the fiction award, and the history prize went to Irwin Unger for "The Greenback Era." The poetry prize was given to John Berryman for "77 Dream Songs," and Ernest Samuels received the biography award for his three-volume study, "Henry Adams."

The general nonfiction award went to Howard Mumford Jones for "O Strange New World."

J. A. Livingston, financial editor of the Philadelphia Bulletin, won the international reporting award for his reports on the growing economic independence among the Soviet Union's Eastern European satellites and his analysis of their desire for a resumption of trade with Western nations. The series of articles was carried in the Washington Post.

The national reporting award went to Louis M. Kohlmeier of the Wall Street Journal "for his enterprise in reporting the growth of the fortune of President Lyndon B. Johnson and his family." Kohlmeier visited more than a dozen Texas cities to get his story.

Horst Faas of the Associated Press was awarded the prize for news photography for his combat photography in South Vietnam during 1964.

The Hutchinson News won its general gold medal award for disinterested and meritorious public service for its fight against the foes of legislative reapportionment in Kansas and attempts to force redistricting in that State.

Gene Goltz of the Houston Post won the special local reporting award for "his exposé of government corruption in Pasadena, Tex., which resulted in widespread reforms."

John R. Harrison of the Gainesville (Fla.) Daily Sun won the distinguished editorial award for his successful campaign to improve housing conditions in his community.

The award for general local reporting went to Melvin H. Ruder of the Hungry Horse News, for his coverage of a flood that threatened his community.

There was no award for a distinguished example of a cartoonist's work and, for the second straight year, no prize in the music category.

Each journalism prize, except the gold medal for public service, carried an award of $1,000. The letters awards carry $500 grants.

[From the New York Times, May 4, 1965]

"SUBJECT WAS ROSES" WINS PULITZER PRIZE FOR DRAMA

(By Philip Benjamin)

Fiction and drama came back into their own in the awarding of the 1965 Pulitzer Prizes yesterday. Shirley Ann Grau's novel, "The Keepers of the House," was awarded the fiction prize, and Frank D. Gilroy's "The Subject Was Roses" received the award for drama.

But for the second straight year music was ignored. Last year, fiction, drama, and music all were shut out—the first time since the inception of the prizes in 1917 that no awards were given in the three art categories.

Of the eight categories of journalism, only editorial cartoons received no award yesterday.

J. A. Livingston, financial editor of the Philadelphia Bulletin, won the prize for international reporting for his articles on the growth of economic independence in Soviet bloc satellite countries and for his analysis of their desire to resume trade with the West.

Louis M. Kohlmeier, of the Washington bureau of the Wall Street Journal, won the prize for national reporting for his articles on the growth of the fortune of President Johnson and his family.

Horst Faas, of the Associated Press, won the photography prize for his pictures of the war in South Vietnam.

It was the second year in a row that the Wall Street Journal and the Philadelphia Bulletin have won Pulitzer Prizes. Last year the Journal won the local general reporting award and the Bulletin won the local special reporting award. The Associated Press won an international reporting prize last year.

Melvin H. Ruder, publisher, editor, and reporter of the Hungry Horse News at Columbia Falls, Mont., received the award for local general reporting. He was cited for his coverage of the disastrous floods that hit northwestern Montana last year.

The Hungry Horse News is a weekly with an average circulation of 4,271. Mr. Ruder, who is 50 years old, founded it in 1946 on a GI loan. The paper was first put out on August 8, 1946, in a two-story log cabin. It is now housed in a new building and has a staff of two printers, an apprentice, three part-time office workers, and Mr. and Mrs. Ruder.

Mr. Ruder was in a barnyard yesterday when someone shouted to him that he had won a Pulitzer Prize. He had been taking some children on a conservation tour.

"I lost money on the flood edition," he said in a telephone interview. "We just forgot all about advertising."

The paper has only one linotype machine, Mr. Ruder said. "I work like hell," he went on. "I worked until 1 o'clock this morning and then got up at 7."

He said he would stay in Columbia Falls. "It's a beautiful area," he said. "I'm sitting right here at my desk and I look out the window and I see the mountains. And if I got up on top there'd be some elk and deer."

Gene Goltz of the Houston Post won the award for local special reporting with his exposé of government corruption in Pasadena, Tex. The exposé resulted in reforms.

The gold medal for public service was given to the Hutchinson (Kans.) News. This was for its successful effort to bring about reapportionment in Kansas, in the face of powerful local opposition. The newspaper won a suit in the State courts that forced the Kansas Senate to be apportioned on a population basis.

OPPOSITION CONSIDERED

The Pulitzer Prize Advisory Board recognized that other papers have been active in the reapportionment field, but gave the prize to the Hutchinson News because of its early efforts in the field and because of the strong opposition it faced.

John R. Harrison of the Gainesville (Fla.) Sun won the prize for editorial writing. He conducted a successful campaign to improve housing conditions in his community, and helped bring about municipal approval for a minimum housing code.

With the exception of the gold medal award for public service, each journalism prize carries a $1,000 award.

In the field of letters, the prize for history went to Irwin Unger for "The Greenback Era," a study of the United States in the post-Civil War period.

"HENRY ADAMS" HAILED

Ernest Samuels won the prize in biography for his three-volume work, "Henry Adams." The second volume, "Henry Adams—The Middle Years," had previously won the Bancroft Prize and the Parkman Prize in 1959.

John Berryman won the poetry prize with his volume of verse, "77 Dream Songs," and Howard Mumford Jones received the award for a general nonfiction book not eligible for consideration in any other category. The book was "O Strange New World," which portrayed America in its formative years.

The prizes in letters and music carry $500 awards.

An official of the advisory board said yesterday that no musical composition had been recommended by the board, which submits its recommendations for Pulitzer Prizes to the board of trustees of Columbia University. The university's Graduate School of Journalism administers the prizes.

More than 600 nominations in the field of journalism alone were received this year. The nominations are generally made by the newspapers themselves.

Juries in each of the prize categories can make two to five recommendations, which then go to the advisory board, which accepts or rejects the recommendations. The board of trustees has the final word.

In 1962 in what was believed to be the first such instance, the board of trustees rejected the advisory board's recommendation of a prize for a biography of William Randolph Hearst by W. A. Swanberg.

The prizes were established by the will of Joseph Pulitzer, publisher of the St. Louis Post-Dispatch and of the old New York World. Mr. Pulitzer—whose competitor was Mr. Hearst—gave $550,000 to endow the prizes when he died in 1911. The first awards were made in 1917.

[From the New York Times, May 4, 1965]

Biographical Sketches of Those Awarded 1965 Pulitzer Prizes

J. A. LIVINGSTON

International reporting

Took a 10-week trip behind the Iron Curtain last summer and came out with the story of the economic defection of Russia's Eastern European satellites. Series described by Walter W. Heller, former Chairman of President's Council of Economic Advisors, as politico-economic journalism at its best.

Initials stand for Joseph Arnold. Born in New York in 1905, graduated from University of Michigan in 1925. Newsman ever since, with tours of duty at New York Daily Investment News, Financial World, Business Week, wartime agencies, the Philadelphia Record, the Washington Post. Joined Philadelphia Bulletin in 1948.

LOUIS M. KOHLMEIER

National reporting

The story that won the prize, about President Johnson's personal fortune, took 3 months of research in Washington, New York, and Texas. It ran 6,600 words. He was born in 1926 in St. Louis, graduated from University of Missouri. Started newspaper career at St. Louis and Chicago offices of the Wall Street Journal. Then spent 3 years at the St. Louis Globe-Democrat. Back to the Journal, the daily newspaper of the financial world, in 1960. Mr. Kohlmeier works now in the Washington bureau. Married, father of 2 children. Lives with his family at Bethesda, Md.

GENE GOLTZ

Special and general

Born in 1930 in Marquette, Iowa. Worked on Iowa and Arizona newspapers before joining staff of the Houston Post in 1962. Became an investigative reporter. Won the prize for his exposé of government corruption in Pasadena, Tex., a city of 73,000 persons southeast of Houston. Lives in La Marque, Tex. A district attorney wrote about the exposé: "The courageous efforts of the Houston Post in ferreting out and making public the malfeasance in the municipal government of Pasadena are deserving of the thanks of this entire community and of all persons in favor of honesty in public affairs."

MELVIN H. RUDER

Local reporting

Fifty-year-old publisher, editor, reporter, and photographer for the Hungry Horse News, normally published each Friday for 4,642 readers in Columbia Falls, Mont. (population: 2,132). Disastrous flood last June found Mr. Ruder renting airplanes, driving an automobile on railroad tracks (the roads were washed out) to get his story. Says, "If you don't believe in this kind of thing you just don't belong in this business." Was a major source of news on the flood. Native of Manning, N. Dak., studied journalism and sociology. Started the Hungry Horse News on a GI loan and "a camera, a portable typewriter, a $2.50 desk and my Navy savings."

JOHN R. HARRISON

Editorial writing

Born in Des Moines, Iowa, in 1933, and went to Philips Exeter, Harvard College, and then Harvard Business School. Has been publisher of the Gainesville (Fla.) Sun (circulation: 16,304) since 1962, when it was purchased by Cowles Magazines and Broadcasting, Inc. The editorials that won the prize were part of 1-month campaign to obtain municipal action on minimum housing code for the city with a population of 36,000. The city's leaders had been seeking the reform for 10 years. Former staffer and then president of the Fort Pierce (Fla.) News Tribune. Married, father of four children, lives in Gainesville.

HORST FAAS

News photography

West German citizen, born in Berlin in 1933. Joined staff of the Associated Press in 1956, and has lived with war since then. Took pictures in cold-war Berlin, then hot-war Congo. Rebel troops forced him to eat his United Nations pass in 1961. In 1962, went to South Vietnam. Flies on helicopter missions in pursuit of guerrillas, has been trapped during Vietcong attacks. Provides his employers, and its news clients around the world, with pictures of spot action in the Vietnam war, portraits of the people caught in the war. Courts death in the tradition of fine combat photographers.

DR. HOWARD MUMFORD JONES

General nonfiction

Born on April 16, 1892, in Saginaw, Mich. Lifetime career in teaching and in writing plays, poems, biographies, and studies of culture and intellectual freedom. Graduated from University of Wisconsin, master of arts from the University of Chicago, doctor of letters from Harvard. He has degrees from the Universities of Texas, North Carolina, Michigan and Harvard, where he is now the Lowell Professor of the Humanities, emeritus. Believes way to understanding America is through examination of English and general European history and life.

DR. IRWIN UNGER

History

Born in Brooklyn on May 2, 1927. Is an associate professor at the University of California at Davis, Calif. Attended elementary school and James Madison High School in Brooklyn. Graduated from City College with honors in 1948. Master of arts degree in history from Columbia University. Was a corporal in the Army Quartermaster Corps. After returning to New York, he taught at several schools while working for a doctor of philosophy degree, which he received from Columbia in 1958. Since 1959, he has been teaching in California.

DR. ERNEST SAMUELS

Biography

Is a professor and chairman of the English department at Northwestern University. Born in Chicago on May 19, 1903. Has four degrees from the University of Chicago—bachelor of philosophy, doctor of jurisprudence, master of arts, doctor of philosophy. Was a Guggenheim Fellow and a Fulbright lecturer. Has received two earlier awards—the Bancroft Prize and Parkman Prize—for the second volume of his trilogy. Has worked on his Adams biography for more than 20 years, brought out the first volume, "The Young Henry Adams" in 1948. Lives in Evanston, Ill.

JOHN BERRYMAN

Verse

Combines writing poetry and literary criticism with teaching career. Born October 25, 1914, in McAlester, Okla. Bachelor of arts degree from Columbia College in 1936. Attended Clare College, Cambridge University. Has been Rockefeller Fellow, a Hodder Fellow, and a Guggenheim Fellow. Taught at Wayne State University, Detroit, Harvard, Princeton, the University of Washington, and the University of Cincinnati. Published first book of poems, "The Dispossessed," in 1948. Biography, "Stephen Crane," published in 1950. Is married and has three children and lives in Minneapolis.

SHIRLEY ANN GRAU

Fiction

Now 35 years old, began literary career 10 years ago with a collection of short stories called "The Black Prince," followed by first novel, "The Hard Blue Sky," which critics found to be not quite a novel but good reading. Next, "The House on Coliseum Street," considered a novel, but not so good, and, last year, "The Keepers of the House," acclaimed as a really good novel. Likes to wear large earrings. First job taking care of her husband, Prof. James Feibleman of Tulane University, and her two small children. Lives in Metairie, La., a suburb of New Orleans.

FRANK D. GILROY

Drama

Tall, handsome and softspoken. Made his theater debut in 1962 when his drama "Who'll Save the Plowboy?" was presented off Broadway. "The Subject Was Roses" is his first Broadway play, was turned down by five producers. Borrowed $10,000 to keep it running. Thirty-nine years old. He is married and lives with his wife and three sons in Monroe, N.Y. Born and educated in the Bronx; graduated from DeWitt Clinton High School. Served in the Army for 2½ years. Attended Dartmouth and studied at the Yale Drama School. Has written for Hollywood and for television.

[From the New York Times, May 4, 1965]

The Pulitzer Prizes

The Pulitzer Prizes awarded yesterday emphasize once again the role that small as well as large newspapers can play in American society—a role sometimes obscured in the daily tumble of yesterday's baseball scores and tomorrow's styles.

The awards to the Hutchinson (Kans.) News for its 4-year campaign for legislative apportionment, to John R. Harrison of the Gainesville (Fla.) Sun for his editorials to improve housing conditions in his community, and to Gene Goltz of the Houston Post for exposing governmental corruption in the Texas town of Pasadena will be applauded by every citizen who has felt alone and helpless in the face of civil powers greater than himself.

Melvin H. Ruder, who is virtually the entire staff of the Hungry Horse News, of Columbia Falls, Mont., personally covered the dangerous and disastrous flood that hit his area. In doing so, he showed that the intrepid spirit of the reporter can reveal itself at home as well as in more exotic places. The prizes to J. A. Livingston of the Philadelphia Bulletin and to Louis M. Kohlmeier of the Wall Street Journal for detective work in the field of economics reveals the increasing significance of a serious but less spectacular side of American reporting. Horst Faas' photographs of the Vietnam war and its suffering is in the realistic tradition of American war photography.

In the field of letters, there is likely to be an unaccustomed unanimity of opinion on Ernest Samuels' great three-volume biography, "Henry Adams," a work 15 years in the making, and on Howard Mumford Jones' "O Strange New World" for general nonfiction. The latter is a gracefully written and learned investigation of the interplay of the influences of the Old World and the New. The volume on history, Irwin Unger's "The Greenback Era," follows the pattern set last year with Sumner Powell's "Puritan Village," both books being highly scholarly though not of wide appeal.

Shirley Ann Grau's novel, "The Keepers of the House," is another installment in the probing of southern attitude and mores. Frank D. Gilroy's "The Subject Was Roses" will be relished by all those who enjoy a naturalistic, warm, and quick-moving domestic drama. Only John Berryman's book of poetry, "77 Dream Songs," reveals any interest by the Pulitzer people in more experimental writing; and it is a well-merited choice.

TRIBUTE TO CHARLES S. MURPHY, FORMER UNDER SECRETARY OF AGRICULTURE, AND NOW MEMBER OF THE CIVIL AERONAUTICS BOARD

Mr. ERVIN. Mr. President, the quiet man in American agriculture is moving on to another Federal post.

Charles S. Murphy, Under Secretary of Agriculture the past 4 years, leaves the tensions and conflicts of agriculture to become Chairman, after confirmation by the Senate, of the Civil Aeronautics Board.

I have known Under Secretary Murphy for many years. Many of my colleagues here today recall the fine services he performed when he served as assistant legislative counsel to the Senate some 25 years ago. In this capacity, as Special Assistant to President Harry S. Truman, and as agricultural Under Secretary, he has earned respect and admiration.

During these past 4 years, deemed by many to be seized with the most political give and take on the farm scene since the days of the New Deal, Under Secretary Murphy was the man who tended the store.

Under Secretary Murphy functioned as the valued administrator who recognized the stark fact that behind every success there is a mountain of tedious, difficult staff work. At this, he has no peer.

On a daily basis, and putting in 14-hour days, he oversaw the operations of 16 huge and powerful agencies, resolved administrative differences, kept a steady hand on legislation and, as President of the Commodity Credit Corporation, bossed one of the largest corporate institutions in the world.

To the case-hardened cadre of career personnel in the Department, many who have served agriculture since the days of the triple-A, Under Secretary Murphy's penetrating questions and firmly voiced decisions became the accepted and logical final plateau of administrative action.

I am assured, and know, that no other man in the past three hectic decades of American agriculture has earned more respect and admiration from the policy people than Mr. Murphy—even if at times they argued vainly for a lost cause.

Under Secretary Murphy was indeed the quiet man in agriculture, although the role he played was monumental. Only once in the past 4 years—and to many that would be enough for a lifetime—has Mr. Murphy been firmly placed in the public eye.

As Under Secretary, he assumed full responsibility for retaining Billie Sol Estes on the Department's cotton advisory committee. At the time, few noted his observation that Estes was put on the committee some 5 months before the Texan was indicted on charges of fleecing some of the Nation's largest private investment houses.

To his credit, the Under Secretary insisted, and so testified before an investigating committee of the Senate, that he considered the cotton transfer dispute to be strictly a legal matter, one that had to be settled by due process of law, and that the Department's position in canceling the allotments of Estes and numerous other farmers could well be set aside in review hearings.

This was exactly what happened. But by the time the whole issue was resolved, Estes had faded out of the headlines and little note was taken that Mr. Murphy's judgment and actions were correct and of high merit.

And it is to Under Secretary Murphy's credit, too, that at a time when anyone who even had a nodding acquaintance with Estes was running for the hills, the Under Secretary won the respect and admiration of some committee members by quietly insisting that even Estes was entitled to his day in court.

Under Secretary Murphy would not budge from his statement that he considered he had "an obligation to give private citizens—even Estes—a fair chance to have their rights considered. This is what I intend to keep on doing. And I hope if the time ever comes when I can't do that, I will leave Government service."

Mr. Murphy took the post of Under Secretary as a pragmatic administrator who knew and accepted the fact that government, and democracy, is a composite of people, personalities, legislative practicality, political maneuvering, economic necessity, social unrest, legal mandate, and necessary restraint.

Under Secretary Murphy never ceased to be fascinated and enamored by the multiple responsibilities and diverse functions of the Department. In a day when most of agriculture is suspect, he takes pride in pointing out the consumer services performed, the conservation practiced, the resources protected, the research carried out, and the impact of abundance in the Nation's domestic and foreign policy.

Even in a department that has had more than its share of brilliant men during its past century of service, Under Secretary Murphy will leave a lasting impression.

One member of the top echelon administrative staff summed it up for a group that has seen high level officials come and go for more than 30 years:

> Mr. Murphy has patience, understanding, and know-how. He is a fair, honest, and just man—and one that has the long view. You can't ask for more than that.

I, too, commend Under Secretary Murphy for his fine record and for his dedication as a public servant.

EDITORIAL COMMENT ON THE WILLIAMS AMENDMENT TO THE VOTING RIGHTS BILL

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that there be printed in the Record, two editorials, the first of which was published in the Richmond Times Dispatch entitled "A Better Voting Bill," the second editorial appearing in the Knoxville, (Tenn.) Journal of April 25 entitled "Williams Amendment Sound."

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Knoxville (Tenn.) Journal, Apr. 30, 1965]

Williams Amendment Sound

Senator John J. Williams, of Delaware, has been a thorn in the side of the Johnson administration. He has played the same role in previous administrations where instances of official misbehavior, graft, and use of high office for private gain have occurred. Senator

WILLIAMS was the individual who opened up the now famous Bobby Baker scandal which has been methodically suppressed and covered up by the Senate Rules Committee at the instance of the White House.

Now the Senator is at it again. He sponsored an amendment to the pending administration voting rights bill placing a ban on vote buying in Federal elections, and the Senate yesterday adopted it. The Knoxville Journal has special interest in this amendment, because the inclusion of a provision against vote buying, intimidation of voters, or use of Federal relief to influence voters has seemed to us to be a necessary part of any legislation purporting to safeguard voting rights.

In substance, this newspaper has advanced the same argument in support of the Williams amendment that was put forward by the Delaware Senator in behalf of his bill. A wire service report of the Senator's remarks includes the following:

"He said his 'clean elections' amendment is aimed at a situation which is well known to exist.

" 'If local officials do not or will not * * * it becomes necessary for Congress to act,' WILLIAMS said. He argued that the right to vote is meaningless if a man's vote is not counted, or if it is nullified by another vote illegally cast.

" 'If I feel that the Congress, in its efforts to see to it that the integrity of a man's right to vote is protected, it is obligated to see to it that the integrity of his vote itself is protected,' WILLIAMS said.

"WILLIAMS referred to what he called 'the famous incident in Chicago in the 1960 elections' when 82 votes were cast in a precinct although the lists showed only 22 qualified voters.

" 'Such incidents are every bit as much a blot on the American image and the democratic process as are instances of the denial of the right to vote based on race or color,' he said. Both must be stamped out, and the sooner the better."

The Williams amendment, as might have been expected, was bitterly opposed by the bosses of the big city machines who have traditionally herded thousands of voters into the polling places where their votes were cast in return for payment in cash, or under pressure or threat of suspended relief payments, or for some political favor.

One does not have to go to Chicago's South Side, where it is generally conceded that the 1960 presidential election was stolen from Richard M. Nixon, or to Texas where a now famous instance of ballot fraud involving 87 votes started President Johnson on his career toward the White House, to recognize the need for the Federal ban which Senator WILLIAMS advocates.

Right here in Knoxville, as every politician knows, there is a cluster of "bought wards" where the use of money, whisky, political favor and, in some cases, intimidation have been predictable in every city, State, county or Federal election as far back as man's memory runs. Furthermore, in this community's elections "bought wards" have frequently proved decisive to an extent that this segment of the electorate has received preferred attention from candidates for public office. It is certainly no secret among local working politicians that anywhere from $12,000 to $25,000 is laid out in every campaign for the purpose of enacting this bought vote.

In addition to the politicians who are spokesmen for the big city bosses and hence were against the Williams amendment, there are those who mistakenly, we believe, object to the amendment on the ground that if enacted, it could spell trouble for the legitimate efforts of public service organizations to encourage registration and voting. These opponents of the amendment, we assume, feel that were it on the books and included in a voters' rights statute, its provisions would in some way constitute an obstacle in the way of various Negro organizations which are expected to conduct registration and voting campaigns in the Southern States.

It will not be apparent to most of us how the Williams amendment could in any way be a threat to such efforts. Surely, the public service organizations to encourage registration and voting would not themselves be resorting to the purchase of votes or the payment of individuals for the first time exercising their franchise.

The point that deserves to be hammered home is that votes illegally or fraudulently cast in any election are fairly equated to a denial of any citizen's right to vote. In cases of both voter right denial and of illegal or fraudulent voting an injury is done to the rights of the total citizenship. One is as reprehensible as the other and neither is capable of being defended. It is difficult for us to see how any person, especially a member of Congress, devoted to guaranteeing the rights of all citizens to vote, could object to the Williams amendment.

[From the Richmond (Va.) Times-Dispatch, May 2, 1965]

A BETTER VOTING BILL

A greatly improved voting rights bill is now before the U.S. Senate, in place of the legislative monstrosity which was first introduced some weeks ago. The latest version is by no means perfect, but it is distinctly less objectionable than the measure it replaces.

The new bill is much wider in scope, and comprehends within its purview all bribery and attempted bribery, intimidation or attempted intimidation, and the giving of false information in Federal elections throughout the United States. Thus crooked elections in the North and West, and especially in the cities, are now covered. The White House and the Department of Justice finally had to abandon their untenable position in opposition to expansion of the measure so as to ban fraud, bribery and corruption everywhere, and not just in a few Southern States.

Senator JOHN J. WILLIAMS, of Delaware—to whom the Nation is indebted for many similar contributions—is chiefly responsible for this invaluable expansion of the bill. His amendment passed the Senate, 86 to 0.

Until the full text of the voting rights bill introduced on Friday is available, some of the details will necessarily remain obscure. Obviously, however, the outraged protests from constitutional lawyers, inside and outside the South, carried considerable weight. And the bill was patently unfair toward those States which were to be found guilty of law violations solely because the number of their citizens registered to vote, or actually voting, fell below an arbitrarily chosen percentage.

There is still some of this arithmetical hocus-pocus in the bill, and there appears to be an arbitrary banning of literacy tests in all political subdivisions with 20 percent or more Negro population. This last is about as absurd as you can get.

But at least a State, city, or county can now escape being held automatically guilty of fraud if a U.S. District Court in the District of Columbia determines that the political subdivision in question has taken action to "effectively correct" any discriminatory use of a literacy test. Since the U.S. Civil Rights Commission found no significant discrimination of this kind in Virginia, the original bill's assumption that any Southern State with a low percentage of registrants or voters is automatically guilty of unfairness, was thoroughly gratuitous.

Another improvement in the revised version is that poll taxes are not outlawed therein, whereas the original bill did outlaw them. This last despite the opinion of many constitutional authorities that the provision violated the right of the States to control their own voting requirements in State or local elections.

Under the new dispensation, the Attorney General will institute legal actions "forthwith," designed to get a final judgment from the U.S. Supreme Court as to whether poll taxes in State and local elections violate the 15th amendment. Test cases will be filed in Virginia and the other three States which still have the poll tax as a prerequisite to casting a ballot in such elections.

On the whole, then, the voting rights bill has been greatly improved. Perhaps it can be improved further as it passes through Congress. It should be.

NEED FOR REAPPRAISAL OF WELFARE PROGRAM

Mr. TALMADGE. Mr. President, in the April issue of the Reader's Digest there appeared an article by Judge Juanita Kidd Stout in Philadelphia concerning the need for a reappraisal of welfare programs in America, particularly in many of our large cities.

Judge Stout discusses the futility and foolishness of providing financial aid for families which do little if anything to help themselves, and in reality live in such a manner as to perpetuate their own poverty as well as that of their children, thereby creating generation after generation of relief recipients.

As Judge Stout pointed out, and I quote from her article:

> The tragedy of relief is that it takes away from people the drive to work. When a person is capable of earning only $45 a week, he may be all too willing to accept $45 from public assistance for doing nothing. I have the deepest sympathy for the good mother struggling to bring up her children on a welfare grant, and for the father who wants but cannot find work. But I deplore a system that regards the handing out of checks as its prime function, that subsidizes the lazy and immoral home with the taxpayer's dollar.

I share Judge Stout's view that the welfare dollar should be spent to help people help themselves, and to raise the standard of living for needy and deserving citizens. But I do not believe that the taxpayer's money should be doled out in such a manner that it encourages dependency rather than eliminating it.

I call this article to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest]

WHY MUST THE TAXPAYER SUBSIDIZE IMMORALITY?: PUBLIC WELFARE SHOULD BE A VEHICLE FOR RAISING THE STANDARDS OF THE RECIPIENT, NOT A REWARD FOR INDOLENCE AND DEPRAVITY

(By Juanita Kidd Stout)

During the years I have been a judge in the Philadelphia County Court, I have learned a great deal about people on relief and about the people who hand out their checks. Frequently I have been outraged by both.

Last year there appeared before our court a child of 13 years who shortly was to be delivered of a baby fathered by her uncle. For at least 10 years her family had been on relief—with a succession of men fathering a succession of children. The girl's 14-year-old sister had produced an illegitimate baby at 13; another older sister had borne an illegitimate child at 14.

But nothing had been done by welfare workers to take these girls, their brothers and sisters from their depraved home. In fact, one caseworker had filed a written report with the court stating that the mother was providing a "fairly adequate home" for her seven children.

On another occasion, a young man was brought before me on a charge of not supporting the child he had sired out of wedlock—nor was he contributing anything to the support of his own wife's five children. He had not held a steady job in 10 years and had been on an off the relief rolls. I asked his caseworker if anyone had insisted that this healthy man find work. The answer was, "It is not our job to insist."

I said, "This man has completed 11th grade. He is neither stupid nor incapacitated. In the last 10 years a great deal of grass has grown, a good many snows have fallen. Has no one directed him to a lawnmower, a snow shovel?"

The caseworker said no.

I then told the young man that if he failed to get a job in 2 weeks, or to prove that he had tried to get work by visiting 25 places of potential employment, he was going to jail. Four days later he reported back. He had a job.

In another case, a man brought before my court on the charge of failing to support three illegitimate children told me he had been permitted by a relief worker to set up a household with another woman. I didn't believe him, but investigation proved he was telling the truth.

The man was a part-time chauffeur and a partial relief recipient. Both women involved were receiving grants. When I called on the caseworkers of the man's two paramours for testimony, I learned that they indeed had knowledge of the situation. Not only that, but a supplementary grant had been approved for paramour No. 2, reimbursing her for $45 in household money she had used as bail to retrieve her lover from behind bars.

This shocks my conscience, moral as well as financial.

The tragedy of relief is that takes away from people the drive to work. When a person is capable of earning only $45 a week, he may be all too willing to accept $45 from public assistance for doing nothing. I have the deepest sympathy for the good mother struggling to bring up her children on a welfare grant, and for the father who wants but cannot find work. But I deplore a system that regards the handing out of checks as its prime function, that subsidizes the lazy and immoral home with the taxpayer's dollar.

Teenage boys have appeared before me on charges of delinquency, and I have asked them what their fathers did for a living. Their answer: "We get a check from the State."

I get a check from the Government, too. But there is one big difference; I work for mine. Too many youngsters in welfare-supported families never learn the value, the joy, the necessity of work—seeing, as they do, their fathers lying in bed until 10 in the morning, and hearing the family finances discussed only in terms of "waiting until the check comes in."

Many social workers contend that the purpose of welfare is to keep families together. In my opinion, a good institutional home would be far better for the growth and development of children than an unfit private home where a child sees promiscuity, crime, and vice, where the welfare check is used for everything but the child's support.

It is my suggestion that we provide dormitory facilities for these pitiful children, especially in the urban areas where the need is most acute, and that the public assistance law be amended to provide grants for the children's support during the period of dormitory living. There our deprived youngsters would get the benefit of the taxpayer's dollar. They could be supervised in their studies and recreation. From there they could attend local schools. Each would have a clean bed, a warm meal, and a light to read by—things many of them have never known. In the end, such a plan probably would be less expensive than our present system—or lack of system.

Social workers object to institutional care "because youngsters need mother love." They should sit in court with me and hear, day after day, the stories of some of that love: no genuine affection, no supervision, no conversation—nothing but a succession of "boarder" men.

There might be less need for special facilities if more of those involved in administering relief programs were concerned with seeing that a child has a decent upbringing. Certainly, welfare workers have heavy caseloads. But no achievement of substance comes easily, and the result of the extra effort can be inspiring, especially when you are dealing with human lives.

A few years ago five young girls involved in the slashing of another youngster in school were brought before me on a charge of delinquency. Some were from homes supported by welfare grants. None had had any previous contacts with the court. I decided on an experiment: I made each write an essay on the meaning of being a lady; each was told that she must volunteer 100 hours of work in a hospital, a library, or a home for the aged. And each must make a proper skirt, not tight and short like those they had worn in court.

These girls did not only everything the court assigned—but more. They learned the joy of work and of doing for others. They kept coming back even after I had released them from probation, and continually asked me: "What can we do next, Judge Stout?" None has been in trouble since. Two are now married, two are still in school, and one is working.

What these girls needed was helpful direction. Why didn't they receive such aid from a welfare worker before they came before our court?

No child, no adult, can remain on probation in my court unless he learns to read and write. (In Philadelphia we have third- and fourth-generation illiterates on relief.) Moreover, I will not hear the case of any boy, any man, who appears before me with his shirttail out, his hair unkept. Neatness makes an astounding difference, not only in appearance but in outlook.

Certainly, I have the great prod of a jail sentence to get men to look for work, women to care for their children, and youngsters to keep out of trouble. But those who administer the welfare programs have as great a prod—the check.

It seems to me that attendance at free adult schools, to learn to read and write, should be a prerequisite of getting welfare money. If I can demand that a man bring me a list of 25 places where he has applied for work—or proof that he has enrolled in a training program—before I pass sentence in nonsupport cases, I believe welfare departments also can and should insist that he actively seek employment. If I can make it a part of juvenile probation that every youngster in my court bring me a study record signed by his parents or guardians, and his school report cards, why cannot a caseworker check such things?

Much can be done by welfare workers to lift people from the welfare environment. For example, there is great need for women in service jobs today, not just in homes but also in hospitals, office buildings, and plants. A program could be developed whereby the best mother in a block—or perhaps the two best—would take on the day care of the small children while the other mothers took training and got jobs. The babysitting mothers would be paid by the working mothers, and all would be functioning as a part of our society.

I know as well as any social worker that the deplorable homes in our urban centers are breeding and multiplying indolence, illegitimacy, disrespect for law. I know, too, that the collection of relief checks is becoming one of the big occupations in this country. I believe strongly that a moral atmosphere in the home should be a factor in determining eligibility for welfare. An immoral home should not be subsidized.

I grew up in Oklahoma and earned my first money from prizes for my 4–H vegetable garden. Earning this money was enormously important to me. My mother and father always worked harder than they had to, and they taught me the value of work. To this day, my mother, who is 81, works in her garden. And when I go home to visit, she still repeats to me—although I am now 46—the same maxim she spoke over and over to me as a child.

"Juanita," she says, "make yourself useful."

I want no more and no less for every American than the fulfillment of my mother's advice to "make yourself useful." If we have lost certain parents in this generation because of the dependency bred of our welfare programs, let us not also rob so many of our youngsters of this heritage, this privilege—this right to usefulness.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the crder for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MRS. HARVEY FLETCHER, AMERICAN MOTHER OF THE YEAR

Mr. MOSS. Mr. President, it is a pleasure today to make a part of the CONGRESSIONAL RECORD a note of the fine achievements of a Utahan who has gained national recognition.

I speak of Mrs. Lorena Chipman Fletcher, the wife of Dr. Harvey Fletcher, a distinguished scientist and educator at Brigham Young University in Utah.

Mrs. Fletcher has just been selected as American Mother of the Year during ceremonies in New York City.

She is the second Utah mother to receive this honor.

Mrs. Fletcher has 6 children, and 26 grandchildren. All of her sons and daughters have distinguished themselves. One son, James, is currently president of the University of Utah. In a family distinguished by brilliance and diligence, Ph. D. degrees are the norm for the children of Mrs. Fletcher.

This wonderful lady is representative of the excellent qualities of motherhood which are part of our heritage in Utah, a heritage which stretches over 100 years when the Mormon pioneers made their trek across the plains and mountains to Utah.

The selection as American Mother of the Year brings deserved recognition of the many fine qualities Mrs. Fletcher has shown during her life.

To quote Mrs. Fletcher's comments on her children yesterday when she remarked about her selection for this honor:

> They are really the ones who brought this honor to me.

Mrs. Fletcher is modest. Without her training and diligence and love as a mother, her children might not have achieved the honors gained by each in his own right.

I congratulate Mrs. Fletcher on her achievement.

POLISH CONSTITUTION DAY

Mr. BAYH. Mr. President, it is appropriate that we pay attention to the observance of Polish Constitution Day.

On May 3, 1791, the people of Poland adopted a constitution which in some ways resembled our own. Unfortunately, there was no opportunity to put this 1791 Constitution to an adequate test. By 1795 Poland had been conquered and partitioned and her government had been destroyed.

The Polish people deserve great credit for pioneering efforts to establish responsible constitutional government. This experiment, although not long-lasting, helped show the way for other freedom-loving peoples.

A fundamental concept inherent in the Polish Constitution was the sovereignty of the people. This was stated as follows in a significant passage:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Although Poland has not yet achieved its full measure of freedom, it is well known that the Polish people remain firm in their aspirations for liberty and justice. Certainly one day these hopes will be realized.

THE WIRETAPPING PROBLEM TODAY

Mr. LONG of Missouri. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a remarkably good news article, entitled "The Wiretapping Problem Today," by an eminent law professor at Buffalo School of Law. The author is Herman Schwartz, formerly assistant counsel on Estes Kefauver's Antitrust and Monopoly Subcommittee. The article which is very current was written for the American Civil Liberties Union and contains a wealth of factual information. It should be of considerable interest to the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WIRETAPPING PROBLEM TODAY

(NOTE.—This report, originally approved by the board of directors of the American Civil Liberties Union on May 1, 1961, was prepared by Herman Schwartz, associate professor of law, State University of New York at Buffalo, School of Law. The 1965 revisions relate primarily to factual updating.)

Wiretapping and other forms of electronic eavesdropping are recognized by even their most zealous advocates as encroachments on the citizen's right of privacy, aptly characterized by Justice Louis D. Brandeis as "the most comprehensive of rights and the right most valued by civilized men."

Recently, pressure to authorize such encroachments has intensified.[1] This is partly in reaction to legislative and judicial efforts to curtail wiretapping and other forms of unlawful and unconstitutional police practices, partly because of a serious and apparently growing crime problem, and partly because modern technology has made these types of surveillance both more penetrating and less expensive. The problem is often posed as one of the perennial dilemmas facing our country today: how can one fight organized crime without unnecessarily invading the citizen's privacy? Put this way, the problem seems resolvable only by some type of "compromise" "balanced" solution, such as that currently being supported by a few articulate prosecutors: A limited amount of wiretapping restricted to the investigation of a few major crimes, and closely supervised and controlled by the courts in all but national security cases. Such a narrowly restricted invasion of privacy seems a small price to pay for smashing organized crime, especially since, as is often noted, we are dealing primarily with the privacy of criminals.

Unfortunately, this reasonable "compromise" is no compromise at all. Physical and other inherent factors virtually preclude any meaningful limitations; moreover, the invasion of privacy is far greater than first appears. These same factors preclude effective supervision by the courts; indeed, experience has shown that many courts don't even try to exercise any control.

Further, there are indications that the so-called dilemma is more apparent than real and that wiretapping may not be quite as indispensable as often claimed.

The American Civil Liberties Union therefore believes that the present ban on all wiretapping must not only remain in force but it must be strengthened. The enactment of legislation permitting wiretapping would be a staggering blow to the right of privacy, both symbolically and in practice. Symbolically, because our society will thereby have approved unlimited and unlimitable intrusions by the police into the citizen's personal life, contrary to basic constitutional principles. In practice, because innumerable innocent people will have their privacy invaded by officials, who, as Justice Brandeis said, at their best are "men of zeal, well-meaning but without understanding," and, at their worse, susceptible to graft, corruption, extortion and other improprieties.

I. SOME HISTORICAL BACKGROUND

Anglo-American history reflects a long and persistent conflict between the individual's right to be let alone and the impulse to encroach on that right in order to protect society against its lawbreakers.

In 16th century England, the Stationers' Co. was granted authority to search for and seize seditious libel and writings "contrary to the form of any statute, act or proclamation made or to be made." The Stationers, who were authorized to search anywhere, any time, for seditious matter, used these general warrants on behalf of the state to seek out and destroy Puritan and other dissenting literature. Subsequent regimes in 16th, 17th and 18th century England reaffirmed these powers for their own purposes until the 1760's, when such powers were held unlawful.

While these practices were being curbed in England, Parliament granted colonial revenue officers complete discretion to search in suspected places for smuggled goods by means of writs of assistance. The struggle against these writs was described by John Adams as "the first act of opposition to the arbitrary claims of Great Britain." Revulsion against general warrants and writs of assistance led the Founding Fathers to include in the fourth amendment to the Constitution this express ban on general warrants: "no warrants shall issue, but upon probable cause * * * and particularly describing the place to be searched and the person or things to be seized."

The Supreme Court has refined this and has developed the corollary doctrine that a search can be made only to obtain certain objects: tools of crime, fruits of crime, contraband or goods on which an excise duty should have been paid. In other words, the Court has refused to allow police officers to search a person's home merely to obtain evidence of crime. For example, in a murder case, a policeman may obtain a search warrant to search for and seize the murder weapon but not the victim's bloodstained shirt.[2]

Tapping of telephone communications appeared shortly after the telephone's invention. Police officers were reported to be wiretapping as early as 1895. The practice flourished during prohibition and in 1928 produced the most important Supreme Court decision in the area, *Olmstead* v. *United States*.[3] In that case, over the vigorous dissents of Justices Brandeis and Holmes, and by a 5-to-4 vote, the Supreme Court held that telephone conversations were not protected by the fourth amendment against wiretapping because a tap was neither a physical trespass into the home nor a seizure of tangible materials.

In 1934, Congress passed the Federal Communications Act, section 605 of which prohibited the interception of any communication, and the divulgence or use of such communication. This was construed by the Supreme Court in 1937 to prohibit wiretapping[4] and to exclude from Federal trials any evidence obtained through the use of a wiretap, either directly or indirectly.[5] A subsequent decision established that the prohibition applied to intrastate as well as to interstate telephone communications.[6]

In 1942, however, the Supreme Court began to show a more permissive attitude toward wiretapping and other forms of electronic eavesdropping. It first ruled that a defendant could not object to the use of wiretap evidence by the Government, unless he was a party to the conversation,[7] and then, that a detectaphone placed against a wall in an adjoining room to hear one side of a telephone conversation was not covered by section 605.[8] Justices Frankfurter, Stone and Murphy dissented in each case, stating a willingness to overrule the *Olmstead* decision. In 1952 the Supreme Court, in *Schwartz* v. *Texas*,[9] further held that State courts could consider wiretap evidence obtained by State officials even though such wiretapping was illegal. This decision was based upon an analogy with the then controlling decision of *Wolf* v. *Colorado* [10] which held that State courts could consider evidence seized by State officials even though such seizure was unconstitutional. And in *Rathbun* v. *United States* [11] the Supreme Court further declared that permission to eavesdrop by one party to a telephone conversation was sufficient to legalize a detective's listening in on an extension phone.

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[1] In the 1961 congressional session, four separate bills authorizing wiretapping and electronic eavesdropping were introduced in the Senate: S. 1495, S. 1086, S. 1822, S. 1221, 87th Cong., 1st sess. S. 1086 was reported out favorably by the Subcommittee on Constitutional Rights, with certain amendments, but died there. In the 1962 congressional session. an administration-backed bill, S. 2813, was introduced, and in 1963, was reintroduced as S. 1308, 88th Cong., 1st sess. In February 1965, the Senate Government Operations Committee called for legislation to authorize wiretapping, in its report on the "Valachi Hearings" and the Cosa Nostra.

[2] The reasoning underlying this distinction will be explained later in the report.

[3] 277 U.S. 438 (1928).

[4] *Nardone* v. *United States*, 302 U.S. 379 (1937).

[5] *Nardone* v. *United States*, 308 U.S. 338 (1939).

[6] *Weiss* v. *United States*, 308 U.S. 321 (1939).

[7] *Goldstein* v. *United States*, 316 U.S. 114 (1942).

Even before the Supreme Court's more permissive attitude the U.S. Department of Justice served notice that it would tap. Originally, in the late twenties and thirties, U.S. Attorneys General, FBI Director J. Edgar Hoover, and other Federal officers stated that they disapproved of wiretapping and did none.[12] However, in 1941, under wartime pressure the Department of Justice declared that wiretapping itself was not illegal under section 605 so long as there was no divulgence of the information so obtained. The Department then construed transmission of wiretap evidence by a Federal law enforcement officer to his superior as not a divulgence.[13] This interpretation ignored the express prohibition in section 605 of any "use" of the information so obtained.

The Department's position and the Supreme Court's rulings have resulted in a complete nullification of the prohibitions of section 605, at least insofar as wiretapping by law enforcement officials is concerned. Many State and local officials have continued to tap to this day, with complete impunity. Indeed, despite the clear prohibition of section 605, New York and other States have enacted statutes purporting to authorize law enforcement wiretapping and the use of the evidence so obtained.

In 1957, however, a Supreme Court decision struck a blow at State wiretapping. In *Benanti* v. *United States*,[14] the Court flatly stated that State legislation permitting wiretapping was in conflict with section 605.[15] New York City prosecutors such as Edward S. Silver, of Kings County, and Frank S. Hogan, of New York County, responded with vigorous complaints that their entire operations would be crippled if section 605 were enforced against them. These complaints grew louder after a concurring opinion in a decision of the U.S. Court of Appeals in New York called upon the U.S. attorney to indict and prosecute any use of wiretap evidence by State law enforcement officers.[16]

In June 1961, the Supreme Court overruled *Wolf* v. *Colorado*, [17] the decision relied upon in *Schwartz* v. *Texas*, and held that State courts could not admit evidence obtained by an illegal search and seizure. This decision has raised hopes that the Court will similarly prohibit State courts from admitting illegally obtained wiretap evidence.[18] So far, such hopes have not been realized.

During the last 25 years many Federal and State legislative hearings have been held in an attempt to resolve the problems. Although State legislative committees in California and New Jersey have concluded that there is no need for any wiretapping authority, steady pressures have been exerted by District Attorneys Hogan, Silver, and O'Connor, of New York, Chief of Police Parker, of Los Angeles, and others, for such authority. In hearings held in May 1961, before the U.S. Senate Subcommittee on Constitutional Rights [19] the Department of Justice also supported legislation authorizing both Federal and State wiretapping, and in January 1962, proposed a comprehensive bill authorizing both Federal and State wiretapping in certain circumstances.[20] Hearings on this bill were held in 1962,[21] and the bill was reintroduced in 1963. Three other bills have also been introduced. The pressures now are so great that despite many prior unsuccessful attempts to persuade Congress to adopt such legislation, the current drive may be successful.[22]

II. THE THREAT TO LIBERTY FROM WIRETAPPING AND OTHER ELECTRONIC EAVESDROPPING DEVICES

An essential difference between the totalitarian state and the free society is that the totalitarian state seeks to deprive the citizen of his privacy by trying to observe all his movements, words, and even thoughts. Fear and insecurity permeate every aspect of life and the pursuit of happiness is merely a phrase.

Recognizing this, as Mr. Justice Brandeis has said: "The makers of our Constitution sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred as against the Government, the right to be let alone—the most comprehensive of the rights of man and the right most valued by civilized men." [23]

And in 1894, the first Mr. Justice Harlan declared: "We said in *Boyd* v. *United States* (116 U.S. 616, 630)—and it cannot be too often repeated—that the principles that embody the essence of constitutional liberty and security forbid all invasions on the part of the government and its employees of the sanctity of a man's home, and the privacies of his life. As said by Mr. Justice Field in *Re Pacific R. Commission* (32 Fed. Rep. 241, 250), 'of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves, not merely protection of his person from assault, but exemption of his private affairs, books, and papers from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value.' " [24]

Privacy does not, however, mean solitude. Each man must communicate and exchange thoughts and ideas with others—his wife, his children, his doctor, his lawyer, his religious adviser, his business acquaintances and associates, his friends, his constituents. Often this must be confidential. The growth and complexity of modern society have made the telephone probably the major instrument for such intercourse, for it provides instantaneous, direct, spontaneous, and ostensibly private communication.

To permit law enforcement authorities to wiretap, even under limited circumstances, would seriously impair this privacy so necessary to a free society. Awareness by the public of the power to wiretap is alone sufficient to reduce drastically the sense of security and privacy so vital to a democratic society. The mere thought that someone may be eavesdropping on a conversation with one's wife or lawyer or business associate will discourage full and open discourse.[25] Indeed, government officials who are in office for a period of time can build up a substantial body of information on other public officials and representatives, which can seriously impair the working of representative democracy.[26]

The rapid and multiple development of other forms of electronic eavesdropping only aggravates the threat of this fundamental invasion of personal liberty. In a recent case, *Silverman* v. *United States*,[27] a spike was inserted into a wall and became a giant microphone picking up all conversations on two floors of a house. The Supreme Court held that this violated the fourth amendment. There are now other eavesdropping devices which can record conversations at great distances or behind closed doors easily and inexpensively. The Supreme Court expressed shock and dismay at the microphone in the bedroom installed by California police in *Irvine* v. *California*.[28] By these devices the most private and intimate utterances, often deliberately confined to one's home, are exposed to the ears of listening police. Inevitably, miniature television and image recording instruments will soon be developed and the omnipresent telescreen of George Orwell's "1984" will be with us.

The ACLU believes that all such types of such electronic eavesdropping violate the fundamental rights protected by the fourth amendment to the Constitution. The founders of our Nation established the protections of the fourth amendment because they had seen their homes subjected to unlimited invasions and searches by the authority of general warrants and writs of assistance; they sought to insure that such unlimited searches and general warrants would never be repeated. Government officials were to be allowed only specific warrants, particularly describing, in the words of the fourth amendment, the "place to be searched" and the "thing to be seized." [29]

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[8] *Goldman* v. *United States*, 316 U.S. 129 (1942).

[9] 344 U.S. 199 (1952).

[10] 338 U.S. 25 (1949).

[11] 355 U.S. 107 (1957).

[12] See Westin, "The Wiretapping Problem," 52 Columbia Law Review 165, 173–74 (1952).

[13] See Dash, Schwartz and Knowlton, "The Eavesdroppers," 394 (1959) (hereinafter cited as "The Eavesdroppers").

[14] 355 U.S. 96 (1957).

[15] 355 U.S. at 105.

[16] *Pugach* v. *Dollinger*, 277 F. 2d 739, 746 (1960), *aff'd*, 365 U.S. 458 (1961).

[17] See *Mapp* v. *Ohio*, 367 U.S. 643 (1961).

[18] See Note, 75 Harvard Law Review 80, 167 (1961).

[19] Subcommittee on Constitutional Rights of the Senate Judiciary Committee. This was the last set of hearings conducted by this committee which began its inquiry in May, 1958. The subcommittee hearings prior to 1961 are cited as "Hearings," the May 1961 hearings are cited as "1961 Hearings."

[20] S. 2813, 87th Cong., 2d sess. (1962).

[21] Hearings on Wiretapping—The Attorney General's program before the Senate Judiciary Committee, 87th Cong., 2d sess., cited as "1962 hearings."

[22] As part of this pressure, New York District Attorney Hogan recently found it necessary to dismiss an indictment against seven narcotics peddlers on the ground that the U.S. Court of Appeals in New York had held that it was a Federal crime to introduce wiretapping evidence, New York Times, Nov. 15, 1961, even though this has been common knowledge for many, many years. This tactic was timed to coincide with consideration of S. 1086 by the United States Senate Judiciary Committee, and "was designed to increase the pressure for congressional action." New York Times, December 18, 1961.

[23] *Olmsted* v. *United States*, 277 U.S. at 478.

[24] *I.C.C.* v. *Brimson*, 154 U.S. 447, 479.

[25] Simply being aware of the possibility of electronic eavesdropping destroys one's sense of security. This was ironically demonstrated by the U.S. attorney's office in Washington, D.C., in 1963, when a hidden microphone was found in a room in the Mayflower Hotel. Shortly thereafter it was reported in the Washington Post that "the U.S. attorney's office which is investigating the mysterious Mayflower 'bugging' case has had some quiet checks made of its own telephone lines against electronic eavesdropping. * * *. The security drive has spread to almost everyone connected with the Mayflower case. Lawyers and private detectives in the case have had their telephones checked or have checked them personally in search of tapping devices."

[26] For reports of such tapping, see Fairfield and Clift, "The Wiretappers," The Reporter, 19–22 (Dec. 23, 1952), and the recent hearings before the Senate Administrative Practices and Procedures Subcommittee, February 1965.

[27] 365 U.S. 505 (1961).

[28] 347 U.S. 128 (1954).

Electronic eavesdropping cannot be so limited. Any authorization for such practices would necessarily be general, rather than a specific warrant limited to specific objects and places, for it would necessarily permit a general exploratory search for evidence in aid of prosecution. This is because such devices inevitably pick up all the conversations on the wire tapped or room scrutinized, and nothing can be done about this. Thus, not only is the privacy of the telephone user invaded with respect to those calls relating to the offense for which the tap is installed, but (1) all his other calls are overheard, no matter how irrelevant, intimate, or otherwise privileged, and thus all persons who respond to his calls have their conversations overheard; (2) all other persons who use his telephone are overheard, whether they be family, business associates, or visitors; and (3) all persons who call him, his family, his business, and those temporarily at his home are overheard.[30]

Any assumption that wiretapping and eavesdropping affect only criminals is thus totally unwarranted. The recently proposed Federal bills and existing State statutes do not limit the eavesdropping even to persons suspected of crime. They permit installation of eavesdropping devices wherever "evidence of crime" in general, or of certain specific crimes, may be obtained, whether it be on the home or business telephone of a witness, or merely an acquaintance of the suspect, witness, or even victim. In testimony on February 5, 1965, before the Illinois Crime Commission, a high New York City police officer showed how widely taps may reach when he referred to "a telephone call to friends of a criminal [which] was intercepted." Such friends may be totally innocent of any wrongdoing, and yet an order may issue for a tap on their line.

And what about the suspect himself? We must always keep in mind that the fundamental principle of American justice is that everyone is presumed innocent until he is actually proven guilty beyond a reasonable doubt. A large proportion of people suspected of crime are not even arrested, much less found guilty, yet their privacy and the privacy of many others will have been flagrantly violated if their wires are tapped.

Wiretapping's broad sweep is most apparent where public telephones are tapped. Of 3,588 telephones tapped in 1953–54 by New York police, 1,617 were public telephones, or almost half.[31] It is inevitable that in these cases only an infinitesimal number of the intercepted calls are made by the suspect or by anyone even remotely connected with him; yet, the privacy of numerous other callers is invaded, many of whom may have resorted to a public telephone precisely in order to obtain a privacy not obtainable at their homes or businesses.

Because of this dragnet quality, wiretapping and other forms of electronic eavesdropping cannot be regulated by controls similar to search warrants; the object to be seized or the premises to be searched simply cannot be limited or even specified, because the very nature of a wiretap or spike microphone is to catch all calls and conversations. Indeed, the proponents of wiretapping themselves admit that the process is indiscriminate, because one of the alleged benefits of wiretapping is that evidence of one crime has occasionally been uncovered when policemen were looking for evidence of another crime.[32] Such claims would explain why the police frequently put a tap on the line of anyone whom they believe to be suspicious.[33] New York State Assemblyman Anthony P. Savarese, a vigorous proponent of authorized law-enforcement wiretapping, made this very clear, saying:

"All they (law-enforcement officers) want to do is to exercise surveillance over his (a known criminal's) phone. That is the whole purpose of law-enforcement tapping. If they know that a certain crime is going to be committed, there is no point in tapping his wire. It is to find out what this known criminal is going to do that you want the surveillance over his phone." [34]

Such surveillance searches and wiretaps are inherently and necessarily general searches, not specific, and they are thus clearly and flagrantly in violation of fourth amendment standards.

That wiretaps are general and not specific searches is also reflected in the very language of statutes to legalize the practice. Existing and proposed statutes permit wiretapping to "obtain evidence of the commission of a crime," [35] or of specific crimes,[36] without requiring, as does the fourth amendment, specification of "the things to be seized," the particular conversations. Indeed, the Attorney General's bill goes even further, for it permits a tap if "facts concerning (any specified) offense may be obtained through such interception," and the phone intercepted is "commonly used by" the suspect. A public telephone in a frequently visited bar or railroad station, or a private telephone of a friend, one's lawyer or a relative—all satisfy these criteria.

The language of these provisions is, of necessity, the language of a general warrant and no more specifically is possible, for it cannot be determined in advance what conversations will be intercepted. Nor can it be specified what "place (is) to be searched" by citing the specific telephone number, for also intercepted are calls emanating from the telephone numbers of all others who call the intercepted number, a totally indefinable class.

Indeed, most of these statutes do not begin to meet other constitutional standards for a valid search under the fourth amendment. Under a valid search warrant, the police can only search for articles involved in the commission of the crime, fruits of the crime, contraband, or items on which excise duties should have been paid. Such limitations are reflected in the Federal Rules of Criminal Procedure, rule 41(b). The proposed wiretapping statutes, on the other hand, permit a search for and seizure of mere evidentiary matter, pieces of evidence to assist in prosecution and conviction. The Supreme Court has recently held that "private papers desired by the Government merely for use as evidence may not be seized, no matter how lawful the search that discovers them." [37]

The underlying principle—one of the most fundamental to personal security in a free society—is clear: a person has an absolute right of privacy against any police invasions for all of his papers and effects except in a few special cases: (1) Those things he has no right to have in the first place, such as fruits of crime or contraband; (2) those where he has not given the community its lawful share of the value (dutiable goods); and (3) those which he has used to break the law and to which he has thereby forfeited his rights. Everything else, no matter how interesting or useful it may be as evidence, is immune to a search warrant.[38]

One of the major pressure points in the current drive for Federal wiretapping legislation is to give States the right to use wiretapping for the detection of crime, a practice which a few States already authorize.

Granting the States the right to use wiretapping for some or all crime is especially unwise. In the first place, telephone communication is frequently interstate; permitting each State to decide for itself whether to authorize its law enforcement officers to wiretap will inevitably result in wiretapping the telephone conversations of people who reside in States where law enforcement officers may not wiretap. Thus, if a Senator or Congressman in the District of Columbia, Illinois, Pennsylvania, California, or Michigan is called by someone or makes a call to someone in New York or Massachusetts, and the latter's telephone is being tapped, the privacy of the Senator or Congressman has been invaded even though he did nothing but answer or place a telephone call, and no matter how irrelevant the conversation to the purpose of the tap.

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[29] The ban on general warrants, particularly in cases touching upon the first amendment, was recently reaffirmed in *Stanford* v. *Texas*, — U.S. — (Jan. 18, 1965), where the Supreme Court unanimously struck down as too general a search warrant authorizing the seizure of "books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, and other written instruments concerning the Communist Party of Texas, and the operations of the Communist Party in Texas."

[30] "In the course of tapping a single telephone a police agent recorded conversations involving at the other end, the Julliard School of Music, Brooklyn Law School, Consolidated Radio Artists, Western Union, Mercantile National Bank, several restaurants, a drug store, a garage, the Prudential Insurance Co., a health club, the Medical Bureau to Aid Spanish Democracy, dentists, brokers, engineers, and a New York police station." Cited in Westin, "The Wiretapping Problem," 52 Columbia Law Review 165, 188, n. 112 (1952).

The Queens County District Attorney had called for wiretapping authority in criminal abortion cases. 1961 Hearings 327. If such authority were granted, confidential communication between a suspected physician and all of his patients—whether abortion patients or not—would be overheard. Such interceptions have already taken place in New York. See *People* v. *Cohen*, 248 N.Y.S. 2d 339 (Sup. Ct. Kings 1964).

[31] Note, "Wiretapping in New York," 31 New York University Law Review 197, 210, n. 96 (1956).

[32] "The Eavesdroppers," 211, 278.

[33] "The Eavesdroppers," 66.

[34] 1961 hearings 463.

[35] S. 1086, 87th Cong., 2d sess.; N.Y. Code Crim. Proc. sec. 813a.

[36] S. 1308, 88th Cong., 1st sess.

[37] *Abel* v. *United States*, 362 U.S. 217, 235 (1960); see also cases cited therein; and *United States* v. *Lefkowitz*, 285 U.S. 452, 465–66 (1932). Indeed, the Attorney General's bill would permit wiretapping merely to obtain "facts" of certain national security offenses which is apparently meant to include material which would not be admissible in evidence. See S. 1308, sec. 5(a). See also sec. 8(c)(2) which authorizes a judge to issue an order where he has reason to think "facts concerning [any offense for which wiretapping is permitted under the act] may be obtained through such interception."

[38] The Supreme Court has not yet dealt with the question whether this restriction will be imposed on State law enforcement officers under *Ker* v. *California*, 374 U.S. 23 (1963). Compare the 1962 amendments to the New York Code of Criminal Procedure sec. 792(4) which permits a search for and seizure of "property constituting evidence of crime or tending to show that a particular person committed a crime." A recent lower court decision in New York, however, held that a State cannot constitutionally authorize electronic eavesdropping because such eavesdropping inevitably intercepts merely evidentiary matter. *People* v. *Grossman*, N.Y. Law J. (Kings Co.) Mar. 2, 1965, pp. 17–18 (Sobel J.).

Moreover, the record is full of abuses of the right to wiretap by State and local officials. Most of the bills authorizing State wiretapping set either no limit or the broadest of limits on the crimes for which a tap may be imposed. Thus, one recent proposal permits State wiretapping for crimes "involving gambling, liquor, narcotics, or prostitution or any crime punishable by a maximum sentence of 5 years or longer."[39] If an unpopular group is suspected of violating one of the many technicalities of a State liquor law at a benefit party, even though such charges turn out to be baseless, a tap may be put on the telephones of that group. And recent experience in the South shows that there are many ancient penal statutes which carry severe penalties and which can be dusted off to obtain wiretapping authority.

It was also reported at the recent Illinois Crime Commission hearings that telephones were tapped during the racial disorders in New York City in the summer of 1964. Since some disorder is possible in every civil rights demonstration, this would seem to indicate that civil rights groups are now a legitimate target of police wiretapping.

The South offers an example of how wiretapping can be utilized to strengthen existing racial segregation. A Federal grand jury in New Orleans, La., has indicted three men, including a Louisiana State senator, for wiretapping the telephones of three religious leaders. These leaders, a Baptist, a Jew and a Quaker, were among some 53 Baton Rouge ministers who had earlier issued an "affirmation of religious principles" that "discrimination on the basis of race is a violation of the divine law of love." Another Baton Rouge minister declared in an anonymous interview that the purpose of the tapping was "to take these recordings to key members of our congregations and stir up trouble against us. The two chief targets were Mackie (Quaker) and Reznikoff (Jewish), in order to stir up all the latent hatred for anti-semitism which you can find in a small minority in any church congregation." The minister added that he had been told flatly that the ultimate purpose of the tappers was "to run out of town every clergyman who signed this document, within the space of the next 2 years."[40]

This alleged wiretapping occurred at about the same time as the formation of a Southern Association of Intelligence Agents, representing police officials of nine southern States. The purpose of this organization is to ferret out "subversion," i.e., integrationist efforts.[41] Legalized wiretapping could become a major weapon in the armory of such groups.

Moreover, the legitimation of wiretapping will inevitably produce an increase in the number of States where wiretapping is used. At present, most States prohibit law enforcement and other wiretapping. Testimony before the Senate Judiciary Committee in 1962 indicated, however, that if the bill passed, wiretapping authority would immediately be sought in other States, such as Pennsylvania, Florida and Connecticut.[42] The reductio ad absurdum was reached when a district attorney from Iowa testified that although there was no real problem of organized crime in his State, wiretapping "would be a valuable tool in Iowa to help us in solving some of the crimes that we have."[43] Nor is there any reason to think that the limitation to specified crimes will be meaningful. The bill introduced by the Attorney General in 1962 would permit the Federal Government to use wiretapping for offenses involving national security—including the Smith Act[44]—murder, kidnapping, extortion, narcotics, bribery, transmission of gambling information or racketeering. It would authorize the States to permit wiretapping for murder, kidnapping, extortion, bribery and narcotics. Whatever one may say about these choices this limitation will inevitably be eroded as pressure builds up to permit wiretapping for other offenses. Such pressure has already begun. At the hearings on the bill in 1962, attempts were made to include counterfeiting, robbery, gambling, abortion, and larceny by fraud. Although indicating a desire to maintain limitations, the Attorney General also showed a willingness to expand the list, saying "I would think that an argument could be made for counterfeiting * * * I think that a strong argument can be made for including robbery and perhaps we should have included it."[45]

Proponents of wiretapping say that abuses can be avoided by State courts applying a court order system. But some State judges cannot be depended on too heavily, especially in areas where the rights of either unpopular minorities or unpopular individuals are concerned. For example, a State officer enforcing a segregation statute would be entitled to a wiretap order for enforcing this law, at least until the law was held unconstitutional. There is also the hard reality that State courts often seem less solicitous of the rights of the individual. Thus, many of the most fundamental Supreme Court opinions in the area of individual liberty have been decisions reversing State courts. Also, some State judges seem less than immune to pressure from prosecutors and their staffs, especially with respect to law enforcement investigatory techniques. Consequently, judge shopping is resorted to and "it is practically unheard of for a judge to fail to grant a wiretap order for the district attorney."[46] New York prosecutory and judicial personnel support this statement. Thus former New York Judge Ferdinand Pecora has stated that although he sometimes refused to grant police department applications in situations where other means were available (which generally involved taps on the wires of individual prostitutes) he never refused an application where gambling was concerned. And, as the evidence below shows, there are many instances of fraud and misrepresentation.

Because of the unlimited and unlimitable invasion of the fundamental rights protected by the fourth amendment, wiretapping and other forms of electronic eavesdropping must be prohibited. Even though a bare majority of the Supreme Court did declare in the *Olmstead* case that the fourth amendment does not directly protect telephone conversations against wiretapping, this decision has been sharply criticized by almost all legal commentators and greatly weakened. Indeed, Senator Kenneth Keating, of New York, sponsor of a bill to exempt from section 605 State wiretapping pursuant to a court order, has declared that his bill reflects the Brandeis dissent in Olmstead.[47]

III. THE ARGUMENTS FOR WIRETAPPING [48]

Prosecutors and police authorities who favor permissive wiretapping assert that in fact they do very little tapping and that it is indispensable where used. Neither of these contentions is supported by the record.

The extent of wiretapping

The statistics published by the district attorneys of New York and Kings Counties show an average of about 110 orders per year for the period 1950–59, with 21 orders in 1964 in Kings County covering 29 phones. The New York City police obtained 124 orders in 1958, 225 in 1959, 451 in 1963 and 671 in 1964.[49] The enormous increase in police wiretapping is obvious and startling. Thus, at least 335 orders were obtained in New York City in 1959, covering more than 500 telephones, for an order frequently covers more than one telephone.[50] Since one tap catches many, many people per day, especially taps on business and public telephones, and perhaps 45 to 50 percent of the telephones tapped are public phones[51]—these orders produced an invasion of the privacy of thousands of people every day.

Moreover, there is ample evidence of much unauthorized police wiretapping throughout the country.[52] As New York Assemblyman Savarese's remarks indicate, much of this unauthorized eavesdropping is resorted to as surveillance and sampling tapping, on the basis of which an application for an order can be framed if the tap turns up useful information. Indeed, the very vigor of the claims for the indispensability of wiretapping by New York District Attorneys Hogan, Silver and O'Connor makes it difficult to understand their claims of infrequent use. At one point, District Attorney Hogan called wiretapping "the single most important weapon in the fight against organized crime" and declared that without it "law enforcement in New York is virtually crippled in the area of organized crime." He then submitted a table showing use in only 20 to 22 investigations a year for 10 years, even though his office handled some 34,000 matters a year during this period.[53] It is thus quite easy to understand Congressman EMANUEL CELLER's trenchant comment: "If you have a method which is so easy * * * I cannot conceive how in ordinary circumstances the police wouldn't avail themselves of that very facile method of detecting crime."[54]

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[39] S. 1086, 87th Cong., 1st sess. (1961), as reported by the Senate Subcommittee on Constitutional Rights.

[40] Baton Rouge State-Times, Oct. 23, 1961. See also Washington Post & Times Herald, Oct. 10, 1961.

[41] See New York Times, Nov. 27, 1961.

[42] 1961 hearings 211, 217, 258.

[43] Id. at 265.

[44] The dangers to freedom of speech have been pointed out frequently. See e.g., Donnelly, "Electronic Eavesdropping," 38 Notre Dame Lawyer 667, 686 (1963).

[45] 1962 hearings at 22, 23.

[46] "The Eavesdroppers," 45; of his experience as a New York assistant district attorney former U.S. Attorney General William P. Rogers said, "I don't recall any difficulty in getting the permission of the court. My own experience is that it's pretty easy." Hearings on H.R. 408 before Subcommittee No. 3 of the House Committee on the Judiciary, 83d Cong., 1st sess., ser. 7 at 37 (1953). See also Sobel, "Current Problems in the Law of Search and Seizure," 111 (1964).

[47] 1961 hearings 13.

[48] Few arguments have been seriously presented for the use of any other electronic eavesdropping devices. But see sec. IV infra.

[49] The figures for 1950 through 1959 appear in hearings on the current wiretapping dilemma in New York State created by Federal court decisions, 10–14, 62 (1960). (Hereafter cited as "N.Y. hearings.") The figures for 1963 and 1964 appear in testimony by New York City Assistant Chief Inspector John F. Shanley and Kings County Chief Assistant District Attorney Elliott Golden before the Illinois Crime Commission, on Feb. 5, 1965. The latter's testimony is reprinted in N.Y. Law J. (Mar. 1, 2, 1965).

[50] See statistics for Kings County, N.Y., which show 1.7 telephones per order. N.Y. hearings at 62.

[51] See p. 10, above.

[52] "The Eavesdroppers," 39–73, 122, 151, 168, 217, 247; Fairfield and Clift, "The Wiretappers," the Reporter, Dec. 23, 1952, Jan. 6, 1953; Westin, "Wiretapping: The Quiet Revolution," Commentary, May 1960, 333, 337; Westin, "The Wiretapping Problem," 52 Columbia Law Review, 195–196; cf. Attorney General Kennedy, Look magazine, Mar. 28, 1961, p. 25.

[53] 1961 hearings 437, 440.

Nor is it likely that the amount of wiretapping or electronic eavesdropping can be significantly reduced or even controlled by a court order system, either State or Federal. With the vast amount of unauthorized official wiretapping that goes on, is it at all likely that any court control which seriously attempts to limit and reduce the amount of wiretapping will be successful? If the police find the limitations chafing, they can ignore them as much as they ignore the present absolute prohibition. The only result would be to make the practice legal and respectable and to sanction the admission of wiretaps in evidence, thereby removing one of the few deterrents to such improper conduct.[55]

Indeed the possibility of getting an order rendering the wiretap evidence admissible will only encourage sample tapping to see whether it is worthwhile to apply for an order.

Finally, the protections contemplated by a preliminary showing that the wiretap will turn up evidence of a crime are futile. As the Attorney General of New Mexico recently stated "these procedures are of necessity ex parte and lend themselves to star chamber tactics. Any time a judge hears only one side of a controversial question he is at a distinct disadvantage in reaching a just decision."[56] Review of such proceedings is a meaningless formality, for it can only be of a cold printed record long after the fact, and few appellate courts will be inclined to overrule the discretion of the lower court judge who issued the order. Moreover, in most instances the tap will turn up nothing useful and no one but the judge and the investigator will know of it. Thus, not only will the application be ex parte, but unlike a search warrant, there will never be an opportunity to review the propriety of the order for in most cases, no adversary interest will know about the tap.

The opportunities for challenge are reduced even further by the fact that very few taps are directly introduced in evidence. In part, this is because in court, the tap can be challenged for veracity and accuracy and much wiretap evidence would prove inadmissible. Instead, taps are used primarily as leads to other evidence and the defendant must try to ferret out whether any of the evidence used against him is derived from wiretapping. According to a Yale Law Journal study some years ago, Federal judges have been very reluctant to permit such an inquiry, and the rule excluding wiretap evidence from the Federal courts has proven an illusory safeguard.[57] There is no reason to think defendants have been more successful in tracing wiretap evidence in State courts.[58] Indeed, conversations with defense attorneys in New York indicate that except where the police or prosecutor voluntarily discloses the existence of a wiretap, it is almost impossible to learn whether a wiretap has been used and to challenge its issuance.

The small probability of a challenge to the propriety of a wiretap order invariably makes for lax judicial scrutiny of the application, especially where judges are overworked or otherwise unable to make a close study of papers. Some judges are, of course, more prosecution-minded than others, and practicing lawyers know that careful judge-shopping is one of the most important and widely practiced skills of any successful law practice. This may be one reason why New York and Queens district attorneys assert that, although they have occasionally been required to modify their supporting papers, they have never been denied a wiretap order.

Nor does experience with a court system provide any basis for faith. Such systems have been in effect in New York and a few other States for several years. One experienced New York judge has observed that the papers in support of the applications frequently contain little more than the "formal matters presented by the Statute;"[59] and there have even been demonstrated instances of false affidavits.[60]

An extensive 2-year study concluded that:

"The experience of the statutes throughout the country providing for judicial supervision has been very bad. Law enforcement officers have had no difficulty obtaining a court order when they wanted it. Judges who are tough are just bypassed.

"In addition, police officers have shown complete impatience with the court order system and more often have engaged in wiretapping without a court order than with a court order."[61]

In sum, the court order system provides far too meager a protection for so great and dangerous an invasion of privacy.

Is there really a need for wiretapping?

Despite the clamor for wiretapping by certain prosecutors no clear case has yet been made for its necessity. In the first place, many prosecutory officials either deny or refuse to assert that wiretapping is so indispensable as to outweigh the danger to personal liberty. In response to inquiries from the Senate Subcommittee on Constitutional Rights only some 13 out of 45 attorneys general called for wiretapping authority. Most of the responses refused to express an opinion (approximately 26) and 6 came out flatly against wiretapping, including the attorney general of such a populous State as California.[62] At other hearings the attorney general of Pennsylvania condemned wiretapping and the State's attorney in Cook County, Ill., a State where wiretapping is totally outlawed, declared: "I do not think one can honestly say that wiretapping is a sine qua non of effective law enforcement."[63] Especially significant is the fact that so many State attorneys general did not consider it necessary to call for wiretapping authority, although in some cases at least, this was probably because wiretap evidence is admissible even if illegally obtained.

State legislative investigating committees in New Jersey[64] and California[65] have recently found that the need for wiretapping does not outweigh the damage to individual liberty and judges who have issued wiretap orders, such as New York Justices Samuel Hofstadter and Nathan Sobel and New York Special Sessions Judge Frank Oliver have disparaged its value.[66] Indeed, as shown by the 1961 study and compilation by the Senate Subcommittee on Constitutional Rights, 33 States, including Illinois, Michigan, Pennsylvania, California, Florida and other populous and industrialized jurisdictions have completely outlawed wiretapping and in some instances its fruits. This was done both by statute (Wisconsin, 1961, Pennsylvania and Illinois in 1957) and by judicial decision (California, Florida, and New Jersey, within the last 6 years, and Michigan earlier).

On the Federal level, until recently, there has also been less enthusiasm for wiretapping than might be expected. The Department of Justice has recently proposed legislation authorizing broad Federal and State wiretapping and endorsed a similar bill at the hearings in May 1961. However, in March 1961 Attorney General Robert F. Kennedy declared that he "would not be in favor of its use under any circumstances—even with the court's permission—except in certain capital offenses," which he listed as "murder, treason, and kidnaping."[67] Similarly, although FBI Director J. Edgar Hoover now appears converted to the cause of wiretapping, at various times in the last 30 years, he has called it "unethical,"[68] inefficient, and "a handicap to the development of sound investigational techniques."[69] In 1940, he said: "The discredit and suspicion of the law-enforcing branch which arises from the occasional use of wiretapping more than offsets the good which is likely to come of it."

Of late, however, the Department of Justice and recent Attorneys General have asserted that wiretapping is necessary in internal security cases. At first blush, this argument is indeed appealing, for internal security has become so paramount a value in America today that its mere invocation is often enough to silence defenders of all other values. But a free society does not give its police officers enormous powers without requiring a demonstration from them that such powers are necessary. No such showing has yet been made. No evidence has been submitted of a single case where the FBI's illegal wiretapping was indispensable, or where the lack of wiretapping authority significantly hampered operations. Indeed, will sensible espionage agents ever use the telephone? Of course, there have been many statements and representations that the lack of wiretapping authority is a serious hindrance in this area but no demonstration with examples and analysis has yet been made.

We cannot afford to emulate the police states in giving prosecution and police such penetrating and dangerous powers whenever they merely demand it. A free society guards its liberties jealously, and permits restrictions only upon a clear demonstration of urgent necessity.

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[54] Quoted in "The Eavesdroppers," 43.

[55] It is also debatable whether a Federal court can grant wiretap orders, because applications for such orders may not come within the definition of "case or controversy" under article III of the Constitution. Such orders are not merely ex parte, but most will never be tested, because they will not produce useful evidence. Thus as Justice Jackson observed, even the power of a Federal court to attempt to limit wiretapping "raises interesting and dubious" constitutional questions. "The Supreme Court and the American System of Government," 12 (1955).

[56] 1961 hearings 483.

[57] Comment, 61 Yale L. J. 1221 (1952).

[58] Cf. *People* v. *Scardaccione,* 245 N.Y.S. 2d 721 (Sup. Ct. Kgs. 1963); see Sobel, op. cit. supra n. 46 at 112–13.

[59] "Matter of Interception of Telephone Communications," 207 Misc. 69, 136 N.Y.S. 2d 612, 613 (Sup. Ct. N.Y. 1955).

[60] See report of the Kings County Grand Jury, summarized in Westin, 52 Columbia Law Review at 195–96; cf. testimony of Prof. Alan Westin, 1961 hearings 206.

[61] Dash testimony, 1961 hearings 104–05. A recent report by a Bronx County Bar Association committee concluded that search warrants were frequently granted on false affidavits. New York Times, Mar. 10, 1965, p. 51. This is even more likely with wiretap applications because of the low probability that they will be challenged.

[62] 1961 hearings 539–575.

[63] 1961 hearings 400.

[64] Report of New Jersey Joint Legislative Committee to Study Wiretapping and Other Unauthorized Recording of Speech, 27 (November 1958), reprinted in hearings 1783–1834.

[65] Hearings before the Senate Judiciary Committee of California (1956) summarized in "The Eavesdroppers," 192–98.

[66] For Judge Oliver's remarks in 1948, see Westin, 52 Columbia Law Review at 195. For Judge Sobel's views see Sobel, op. cit. supra n. 46 at 109–10.

[67] Look magazine, Mar. 28, 1961, p. 25.

[68] Quoted in Westin, 52 Columbia Law Review at 173n. 44.

[69] See Note, 31 New York University Law Review at 213n. 103.

The results of wiretapping where it has been used extensively, are not conclusive or even impressive. Thus, District Attorney Hogan claims that between 1950 and 1959, he obtained some 727 orders (including renewals) for 219 investigations, which probably covered some 1,250 telephones. These orders, according to Hogan, were involved in some 458 arrests and 335 convictions. Kings County statistics show 275 orders, 362 telephones and some 179 convictions during the period 1950 to 1955. New York City Police Department figures show that in 1954, 1,081 telephones were tapped with 395 arrests; in 1963 there were 451 orders with 221 arrests involving 969 people, and in 1964, 671 orders, and 297 arrests involving 1,022 persons. The police department supplied no figures for 1963 or 1964 relating to the number of telephones tapped or the number of convictions obtained.

It is difficult to assess these statistics without data as to (1) the type and quantity of each of the offenses involved; (2) the indispensability of the wiretap evidence to those convictions that were obtained; and (3) with respect to the police department figures, how many of those arrested were found guilty or even charged with a crime. As to the first, the evidence is rather clear that wiretapping is used most extensively in the "morals" area, vice, and bookmaking.[70] Are convictions in this area worth giving the police such dangerous powers, especially since these are the areas of greatest abuse?[71] In New York, for example, gambling and vice are only misdemeanors. And even in these areas, wiretapping does not seem overly effective, according to judges who have issued wiretap orders. Justice Samuel Hofstadter of New York declared that his record of the fruits of wiretapping orders "showed some arrests and fewer convictions and then rarely, if ever, for a heinous offense,"[72] and as noted, New York Special Sessions Judge Frank Oliver made similar observations.

Insofar as gambling and vice are generally operations of organized crime, the problem is not that the investigative techniques are inadequate but that the public is indifferent and law enforcement either inept or corrupt. There is no reason to think that the laws against gambling and vice are better enforced in New York, which permits wiretapping, than in Pennsylvania, which does not. Indeed, a recent study in New York, although calling for wiretapping authority, attributed the ineffectiveness of efforts to suppress organized gambling primarily to the "absence of integrated effort" among law enforcement agencies, as well as to lax police work and public indifference.[73] And the same causes can be seen elsewhere.[74]

Insofar as some of the leaders of organized crime have been brought to justice, this has been more through the efforts of Federal law enforcement agencies who claim they do not wiretap in such cases.

As Mr. Justice Frankfurter said, dissenting in *On Lee* v. *United States*:

"Suppose it be true that through 'dirty business' it is easier for prosecutors and police to bring an occasional criminal to heel. It is most uncritical to assume that unless the Government is allowed to practice 'dirty business' crime would become rampant or would go unpunished.

"In the first place, the social phenomena of crime are imbedded in the texture of our society. Equally deep seated are the causes of all that is sordid and ineffective in the administration of our criminal law. These are outcroppings, certainly in considerable part, of modern industrialism and of the prevalent standards of the community, related to the inadequacy in our day of early American methods and machinery for law enforcement and to the small pursuit of scientific inquiry into the causes and treatment of crime.

"Of course we cannot wait on the slow progress of the sociological sciences in illuminating so much that is still dark. Nor should we relax for a moment vigorous enforcement of the criminal law until society, by its advanced civilized nature, will beget an atmosphere and environment in which crime will shrink to relative insignificance. My deepest feeling against giving legal sanction to such 'dirty business' as the record in this case discloses is that it makes for lazy and not alert law enforcement. It puts a premium on force and fraud, not on imagination and enterprise and professional training."[75]

Moreover, one cannot overlook the abuses to which the power to wiretap may be subject. Doctoring of tape recordings is not difficult, as has been demonstrated many times. There have also been many instances of extortion and shakedown based on information obtained by wiretapping, especially in the gambling area where wiretapping is most used.[76] A grand jury investigation in Kings County in 1950 unearthed much corruption, including false supporting affidavits in support of the application for a court order, and vague, conclusory pro forma applications in other instances.[77] Other recent examples of police shakedown and corruption in New York City and elsewhere preclude optimism that city police officers will not abuse this weapon.

While any device or weapon can be abused, the secrecy and scope of the tap makes it especially prone to abuse. The tapper who is at all unscrupulous or weak is severely tempted. The problem is aggravated by the absence of any effective check on how the tapper obtains and uses his information. Thus, if he does pick up blackmail material, he can use it without even revealing how he obtained this material, and there is no way of checking. The person blackmailed will generally want to avoid the publicity attending a private suit or a complaint to the authorities.

IV. A NOTE ON ELECTRONIC EAVESDROPPING

Earlier in this study, it was said that legitimation of wiretapping would be a great symbolic blow to the right of privacy. A reason in addition to those set forth above is that it would set a precedent for electronic eavesdropping and thereby justify such devices as concealed or contact microphones which, placed next to a part of a house such as a room or the plumbing or a heating duct, can pick up every word spoken in the entire house. Parabolic microphones exist which can overhear conversations hundreds of feet away. Such devices have been used by police officers. A forthcoming survey by the Association of the Bar of the City of New York depicts even more startling devices, most of which are designed for and bought by Government agencies.

Recent history shows that the legitimation of wiretapping leads to the legitimation of these other devices, as well. Thus, the New York,[78] Nevada,[79] Massachusetts,[80] and Oregon[81] statutes, originally limited to wiretapping, now permit eavesdropping of all conversations. In 1961 Senator Kenneth Keating, of New York, introduced a bill to permit States to legalize not only wiretapping, but all other types of electronic eavesdropping.[82] Once such eavesdropping is legitimated, the narrowing enclave of privacy which we presently retain will shrink to the vanishing point.

V. RECOMMENDATIONS

In one respect, those who call for wiretapping legislation are right: the present situation is bad. But this is not because the statute is vague and the prosecutor does not know what he may and may not do. Section 605 flatly bans all wiretapping, and it is clearly unlawful for State judges and prosecutory officials to participate in the commission of a Federal crime by procuring wiretap information and admitting it into evidence. Section 605 should therefore be tightened as follows:

1. All evidence obtained directly or indirectly from a wiretap should be rendered inadmissible in any court, to eliminate the spectacle of a court sworn to uphold the laws of the United States participating in the commission of a Federal crime by aiding and abetting the divulgence of illegally obtained and illegally disclosed evidence.

2. The law should be changed to make it perfectly clear that an offense is committed by either interception or divulgence. The statute does in fact say as much now, but within the Department of Justice and other agencies, it has been interpreted to allow interception so long as the information is not divulged outside the agency.

3. A defendant should be permitted to object to the admission in evidence of wiretap evidence even though he is not a party to the conversation, for any persons adversely affected has the right to protest the commission of a Federal offense by a court.[83]

4. Grand juries should be convened periodically to inquire into the enforcement of the law against wiretapping. Because of the record of unauthorized use of wiretapping, the blackmail temptation and other corruption facilitated by this practice, and the ever-increasing growth of new eavesdropping devices, there must be constant review of the electronic eavesdropping problem.

5. A private remedy for unlawful wiretapping should be statutorily established with minimum punitive damages plus counsel fees. If the possibility of financial loss to the wiretapper exists, unlawful wiretapping can be deterred.

6. The various telephone companies should be required to lock all feeder and terminal boxes and to report all instances of wiretapping immediately to the Federal authorities.

In a free society, the end of law enforcement does not justify any and all means.

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[70] See Note, 31 New York University Law Review at 203 (1956); cf. testimony of Assemblyman Savarese, 1961 hearings 465. See Sobel, op. cit. supra n. 46 at 110.

[71] Prof. Alan F. Westin cited gambling, bookmaking and prostitution as areas "where I think wiretapping is least needed and is the greatest attraction to misuse of wiretapping authority." 1961 hearings 206. See also testimony of Bell Telephone System executive W. Coles Hudgins, 1961 hearings 251.

[72] "Matter of Interception of Telephone Communications," 207 Misc. 69, 136 N.Y.S. 2d 612, 613 (Sup. Ct. N.Y. 1955).

[73] Report on syndicated gambling in New York State, 100–110 (1961).

[74] "The Eavesdroppers," 128 (New Orleans), 280 (Nevada); New York Times, Nov. 29, 1961 (Boston, Mass.).

[75] 343 U.S. 747, 760–61 (1952).

[76] "The Eavesdroppers," 52–62, 219, 280; Westin, "Wiretapping: The Quiet Revolution," Commentary, May 1960, p. 337; Westin testimony, 1961 hearings 206.

[77] See Westin, 52 Columbia Law Review at 95–96; see also remarks of Justice Hofstader, 136 N.Y.S. 2d at 618.

[78] Code Criminal Procedure sec. 813-a, 813-b. As noted at n. 38 supra, these provisions were recently held unconstitutional by a lower court in New York City. The decision will undoubtedly be appealed.

[79] Nev. Rev. Stat. 200.660, 200.670 (1959).

[80] Mass. Gen. L. Ann. c. 272, sec. 9 (1959 Supp).

[81] Ore. Rev. Stat. 141, 720 (1959).

[82] S. 1221, 87th Cong., 1st sess. (1961).

[83] *Goldstein* v. *United States,* 316 U.S. 114, 222 (1952) (dissent).

Even if far more convictions could be obtained through the use of such "dirty business" we should not choose to use them. Since the case for wiretapping and other forms of electronic eavesdropping is so weak, and irreparable injury to freedom and security so serious and certain, there is no justification for any such authority.

ESTABLISHMENT OF A DAG HAMMARSKJOLD MEMORIAL REDWOOD GROVE IN CALIFORNIA

Mr. KUCHEL. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of House Concurrent Resolution 305.

The PRESIDING OFFICER. The clerk will read the concurrent resolution.

The legislative clerk read the concurrent resolution, as follows:

> Whereas the Dag Hammarskjold International Foundation, the American Association for the United Nations, the State of California Dag Hammarskjold Memorial Grove Committee and numerous cooperating groups including the Save-the-Redwoods League are carrying forward the proposal for a Dag Hammarskjold Memorial Redwood Grove; and
>
> Whereas the life of Dag Hammarskjold was in concordance with the deep and pervading majesty of the redwoods, among which we find spiritual refuge and gain a more profound realization of his own thought that "we each have within us a center of stillness surrounded by silence"; and
>
> Whereas Dag Hammarskjold, until his death on September 17, 1961, served eight years as Secretary-General of the United Nations, carrying on his widely significant and courageous search for world peace; and
>
> Whereas by their very grandeur the giant redwoods imbue us with a stronger realization of human dignity, tolerance, and stateliness so characteristic of Dag Hammarskjold's life: Now, therefore, be it
>
> *Resolved by the House of Representatives* (*the Senate concurring*), That it is the sense of the Congress that it is appropriate to designate a grove of redwood trees as selected by the State of California, as the Dag Hammarskjold Memorial Redwood Grove.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

There being no objection, the Senate proceeded to consider the concurrent resolution (H. Con. Res. 305).

Mr. KUCHEL. Mr. President, the name of Dag Hammarskjold is a most gallant, illustrious, and courageous name, which will live forever in history.

Dag Hammarskjold devoted his life to the pursuit of peace with justice for all mankind. Americans will join the peace-loving nations of the world in recalling the majesty and dignity with which Dag Hammarskjold conducted the business of the United Nations, undaunted by taunts, oblivious to threats, fearless of criticism, heaped upon him by those who sought to weaken and damage, if not indeed to destroy, the "town meeting of the world." He was not, nor could he be, intimidated by those who sought to scuttle peace. Quite literally, Dag Hammarskjold gave his life to the cause that he so devotedly pursued.

It was my great honor to be appointed by the late President of the United States, John Fitzgerald Kennedy, to represent the Republican Party, as a member of an American delegation which flew overseas from this city, and which was led by the then Vice President, now the President of our country, to represent America at the final rites held in Uppsala, Sweden, at which the free nations of the world gave their last, tearful salute to the memory of this gallant man, struck down in the prime of life.

That recollection to me is a poignant one, as I saw the delegations from dozens of free countries, all in their native garb and costume, gathered together in the magnificent Lutheran Cathedral for the state funeral of Dag Hammarskjold.

This resolution indicates it is the sense of Congress that it is appropriate to designate a grove of redwood trees, selected by the State of California, as the Dag Hammarskjold Memorial Redwood Grove.

I believe the resolution represents a fitting indication of the high and never-ending esteem in which the men and women in the legislative branch of our Government, representing the American people, continue to hold the memory of a profoundly dedicated human being who labored unceasingly for the great cause of honorable peace among all nations.

I know that every other Senator will join me in voting for the approval of this resolution.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. CARLSON. I appreciate very much the distinguished Senator from California's offering the resolution honoring a great patriot who served with distinction and honor and, as a matter of fact, gave his life in the interest of peace.

It happened that I was in Stockholm, Sweden, on the very day it was announced that he had been selected Secretary General of the United Nations. I shall never forget the enthusiasm that swept the people and the press stories, to the effect that one who had given so much service would give even greater service to the cause of peace. It was natural for me, having a Swedish background, to be proud of his services. During my service as a delegate, I viewed the plaque in the United Nations commemorating the services and memory of Dag Hammarskjold.

Mr. KUCHEL. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 305) was agreed to.

WHITE HOUSE BRIEFING ON DEVELOPMENTS IN SOUTHEAST ASIA AND THE DOMINICAN REPUBLIC

Mr. MORSE. Mr. President, I ask unanimous consent that I be given the necessary time to read a 2½-page statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MORSE. Mr. President, President Johnson called to the White House this morning for a briefing members of the House and Senate Appropriations Committees, Armed Services Committees, and Foreign Policy Committees. He briefed these Members of Congress with the press present on the most recent developments in southeast Asia and the Dominican Republic.

The President stated that under present law, he is authorized to transfer funds already appropriated in the defense budget to the unexpected financial defense needs of the war in southeast Asia and the U.S. military action in the Dominican Republic, involved in protecting and evacuating Americans and other nationals from that strife-torn country. Nevertheless, he stated that he has decided to ask Congress immediately for an extra $700 million defense budget appropriation for use during the rest of the present fiscal year in southeast Asia and the Dominican Republic.

It was interesting to note that the President made the point that the approval of his request for a supplemental $700 million defense budget appropriation would also entail further approval by Congress of his policies in southeast Asia, as well as approval of what the United States is doing in the Dominican Republic.

As several of my colleagues commented to me after the meeting, there will be those who will make the false assumption that if any Member of Congress votes against the President's request for a $700 million additional appropriation with which to conduct the U.S. war in southeast Asia, he will be accused of not voting to supply American fighting forces in southeast Asia with sufficient funds with which to protect themselves with the necessary weapons for battle. This, of course, is not true, because more than adequate funds now already exist in the defense budget and by the President's own admission can be transferred by him to supply our fighting forces with whatever equipment they need.

I shall vote against the President's request for $700 million to be officially added by the Congress in the defense budget in order to enable the President to continue sending American military personnel to fight in an undeclared war. The President now owes it to the American people, in view of his announced plans at the briefing this morning, to continue U.S. unilateral military action in southeast Asia, to precede his request for additional warmaking funds by sending to the Congress a recommendation that the Congress in keeping with its constitutional powers under article I, section 8 of the Constitution, declare war against North Vietnam.

Neither the President nor the Congress has the constitutional authority to send American Armed Forces to die in battle in an undeclared war. Under the Constitution, the President of the United States has the inherent power as Commander in Chief to take immediate steps to defend the security of the United States against sudden attack, but he does not have the constitutional authority to continue to conduct a war in the name of national self-defense in the absence of a declaration of war by the Congress.

Likewise, the Congress has no authority to delegate by resolution or appropriations its power to declare war to the President of the United States. Article I, section 8 of the Constitution is a vital check written into the Constitution to protect the American people under our system of checks and balances from arbitrary action on the part of both the President and the Congress. It draws a crystal-clear line in respect to warmaking power. It provides the American people with a clear and unambiguous answer in respect to any issue of war with regard to which they, in turn, can exercise upon their elected representatives an ultimate check under our system of representative government: namely, the ballot box.

If, as, and when our Government declares war against North Vietnam or any other power in Asia or elsewhere in the world, as a result of the international crisis that has arisen in Asia involving the growing threat to the peace of the world, I shall then, but not until then, urge a united public opinion support of American involvement in a war in Asia.

In the meantime, I shall continue to urge that the President, the Secretary of State, and our American Ambassador at the United Nations lay before all the nations of the world that signed the United Nations Charter the issues which involve the threat to world peace in Asia. Each signatory to the United Nations Charter, including the United States, is pledged to resort to the procedures of the United Nations in a good-faith attempt to settle on the basis of an honorable peaceful negotiation any conflict that threatens peace.

I strongly endorse President Johnson's repeated pleas for negotiations. However, the time has passed when bilateral negotiations between the United States and North Vietnam or any other combination of combatants in the Asian war can settle the war by bilateral negotiations. A third party force of noncombatants representing the United Nations must sit at the head of such a conference table. Not only our Government but all signatories to the United Nations Charter have an obligation to take the Asian war crisis to the procedures of the United Nations without further delay.

Until the President follows that course of action, in my judgment, he cannot sustain his professing that he is for peace and negotiation. As Commander in Chief and President, until he lives up to the U.S. signature on the United Nations Charter, we cannot show, or we are not showing up to now, that we really believe in carrying out our oft-professed ideal that we want to substitute the rule of law for the jungle law of American military might in southeast Asia, for it is still jungle war when practiced by the United States as well as any other country that resorts to war rather than peaceful procedures when there is a threat against the peace of the world.

THE LITTLE FELLOW—HIS VOTE SHOULD ALSO COUNT

Mr. MUNDT. Mr. President, Lyle C. Wilson, noted columnist and commentator, has recently come out with a most informative and challenging article which all should read and many should ponder. It points out how in this whole issue of voting rights, one of the most serious discriminations and injustices remains untouched by the current voting rights legislation.

Mr. President, Lyle Wilson puts his finger on the taproot cause of most of the bad economic and social legislation now being enacted and the costs of which will plague and handicap many generations of Americans yet unborn. He alludes, of course, to the winner-take-all, bloc system of voting presently employed in our electoral college; a device designed to give some individual voters in America as much as 14 or 15 times the vote authority and individual power in a presidential election as equally intelligent and patriotic citizens living in a different State. More than any literacy test, poll tax, or complicated registration system our electoral college system is rigged to elevate the stature of an individual voter in one State and to downgrade the influence of another voter—it could be his twin brother—in another State solely because of the accident of geographic residence.

THE STATE OF DELAWARE FIGHTS BACK

Delaware is a proud and important little State, Mr. President, and every American should applaud the action by Attorney General David P. Buckson, of Delaware, in the suit he is bringing into Federal court to outlaw this outrageous and iniquitous electoral college counting procedure and to replace it with the one-man, one-vote concept which the U.S. Supreme Court enunciated in the Alabama reapportionment case.

Equality of voting opportunity in the United States of America will remain an illusion and a myth until our electoral college procedures are rectified. I propose we adopt and approve Senate Joint Resolution 12 as the optimum answer to a problem which has for too long plagued and injured America. Until we do that, any voting rights legislation we pass this session will scratch only the surface—it will continue to ignore a major source of discrimination in our voting.

I ask unanimous consent that the Wilson column appear as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LITTLE FELLOW

(By Lyle C. Wilson)

There is one road only toward political salvation for the unaffiliated little fellow and his folks who live in a little town or on a family-size farm far removed from the complex centers of urban civilization.

This road leads to amendment of the U.S. Constitution to give the country folk an honest count in the election of a President of the United States or it lies in judicial remedy.

The present system is rigged like a crooked carnival wheel. The system is rigged against rural and smalltown citizens and in favor of the city slickers. These city citizens are organized and affiliated by race, color, religion, and occupation.

Some press for change merely for the sake of change. One result is that political conservatism is being squeezed out of the cities. Political conservatism is becoming concentrated in little rural dikes of opposition to the massive ground swells generated by the pulsating activity of big town pressure groups.

But these are feeble dikes, as demonstrated by national elections over the past 30 years. In terms of music and physical force, the present method of electing a President simply hamstrings the country folk, the conservatives. What to do?

Attorney General David P. Buckson, of Delaware, did it last autumn. Mr. Buckson filed suit in behalf of Delaware against the 45 States which have more than one Representative in the U.S. House of Representatives.

Delaware has but one seat. Mr. Buckson's purpose is to obtain a Supreme Court ruling applying the one-man one-vote principle to the electoral college. Mr. Buckson would outlaw the general ticket system of choosing presidential electors. Under that system all electors run at large. Here is how it worked in one State in 1960 as explained by the American Good Government Society:

"In New York (as in other States with more than one Representative) the citizens of one congressional district could vote for presidential electors corresponding to all other Representatives in the State. Thus, 7 million-odd New Yorkers who voted in the 1960 presidential election elected 43 Representatives in 43 districts with 7 million-odd votes, one apiece. Simultaneously, they elected 43 corresponding presidential electors by general ticket (at large), each of them voting for the whole number rather than for just 1.

"With 42 excess votes each, these New Yorkers cast some 300 million excess votes in that presidential election. If New York's congressional districts are representative of its population, the use of the general ticket for presidential electors is surely unrepresentative."

Mr. Buckson argued that the general ticket system was the sole source of extreme distortion between New Yorkers and Delawareans and added:

"It is extremely unfair and unjust to us."

It is proposed that each congressional district elect one presidential elector and that two in each State be elected at large. The one-man one-vote rule seems to be absolutely controlling.

THE RELATIONSHIP BETWEEN CRIME AND OBSCENE LITERATURE

Mr. MUNDT. Mr. President, the Nation is becoming more and more alert to the threat to our youth, our family life and to public morals which the distribution of pornographic materials presents.

All over the country, groups are organizing to carry on this fight in local communities. They are making headway, without the benefit of adequate laws to assist them in the fight.

The Massachusetts Citizens for Decent Literature Committee is one of the effective organizations which is trying to clean up the newsstands and drive the smut peddlers out of business. Mr. Henry E. Sheridan of that committee has written a very compelling article in which he shows that the traffic in obscene literature is directly tied to the rise in the crime rate among the youth of the country.

As I have done before, I wish to have this material placed in the RECORD for the information of other groups who wish to set up their own action programs and who seek details on just how they should be operated.

I believe Mr. Sheridan has written a very important disclosure on a very pernicious problem. I commend it to my colleagues and to those who read the Record, in the hope that the facts presented here will be useful in the community and civic drives against the purveyors of filth.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Relationship Between Crime and Obscene Literature

(By Henry E. Sheridan, Massachusetts Citizens for Decent Literature)

Five years ago, in 1960, J. Edgar Hoover in referring to statistics in crimes of sex violence pointed out the deplorable fact that sex crimes and obscene and vulgar literature often go hand in hand. He supplemented this observation with asking some very soul-searching questions: (1) Have local governing authorities investigated to insure that laws against smut salesmen in their communities are strong enough? (2) Is the public outcry of sufficient strength to impress local judges with the need of defending morality by sentencing filth purveyors to maximum terms? (3) Are community and civic groups cooperating with law-enforcement authorities in fighting this debasing blight? (4) Above all, are good citizens teaching their youngsters habits and beliefs which will be as armor against the tainted temptations of muck merchants? These are basic questions asked in 1960; they can well bear repetition today as we survey the onrushing tide of dirty literature which is engulfing every city, town, and hamlet in these United States. These questions cannot go unanswered—they concern the morality and lives of our citizens and most of all, they concern the lives of our most precious possessions, our own sons and daughters. If we fail to provide the answers to these questions, then we as citizens of this Commonwealth are recalcitrant to the obligations of our citizenship and the moral codes that we subscribe to as each in his own way communes with his God. The answers that we provide will have to do not only with this generation, but of generations to come—ours is the responsibility.

Recent figures show that crimes among our youth who have not reached the age of 18 is on the increase. Included in this acceleration is the upward trend of sex offenses and aggravated assaults perpetrated by teenagers.

In 1963 nearly one-fifth of the arrests for forcible rape in this country involved persons under 18 years old. This same age group accounted for over a fifth of the arrests for other sex offenses, such as statutory rape where force is not used. In this latter category arrests of males under 18 rose 4 percent over the previous year, while arrests of girls in the same age bracket increased 7 percent. Arrests of juveniles for aggravated assault jumped 10 percent in 1963 over 1962.

The assertion of recognized authorities should not go unnoticed as we survey this dismal picture, that there is a very definite link between many crimes of sex violence and smut literature. A court judge had this to say as he sentenced a criminal for placing obscene materials into interstate commerce: "The sexual field has a powerful appeal to the youth of our country and I can't help but believe that obscene movies have a great influence on this appeal. The number of criminal assault cases, rapes, and sex crimes has greatly multiplied in the last 15 years and there must be a cause. I believe one of the largest causes is such obscene films as we displayed in this courtroom during this trial. I have never seen anything more reprehensible."

Law enforcement officers can attest to the connection between pornography and youthful crimes of violence, especially rape. A police official in the Southwest has cited several cases including that of a 14-year-old boy who committed immoral acts on preschool aged children after having viewed obscene playing cards. This same officer told of teenagers who had raped young girls after reading dirty literature. Another youth, stimulated by reading an obscene packet, phoned scores of women harassing them with improper suggestions.

Cardinal Spellman, of New York, in 1964 addressing a fraternal group used these words to define indecent literature: "Pornography encourages brutality, violence, injustice, irreverence, disrespect for authority, illicit pleasure seeking, abnormality, degeneracy, and other signs of mental maladjustment."

The newspapers of the Nation in sickening regularity carry accounts of crimes involving youthful offenders, brutality is paramount in these cases. In an eastern city two teenage boys attacked a 10-year-old girl. When she resisted their advances, she was beaten with sadistic violence and then silenced by strangulation with a sash cord. Upon investigation it was found that one of these boys was a confirmed reader of a filthy publication which specialized in vivid, indecent camera illustrations.

In a Midwestern city police arrested a 17-year-old boy answering the description of a young man running away from the scene of a murder. Upon interrogation by investigating officers, he admitted raping three women. He blamed his condition on indecent magazines of which he was a steady reader, saying that after wallowing in their contents that his impulses would become so excited that he would then go out and commit crimes of rape.

Taken from police files on the west coast is the case of a young hitchhiker who was picked up by two men and made subject to horrifying indecencies in their apartment. The police acting upon information supplied by the victim located the two men and a virtual storehouse of obscene photographs, literature, and other pornographic material. In New England, our own area, a public warning was issued against depraved sex offenders who had plied local children with liquor and pornographic material and then plunged them into unspeakable sexual excesses.

The cases which I have cited are only a few instances of the debasing effects of polluted literature. Massachussets Citizens for Decent Literature is attempting to awaken decent citizens into taking constructive steps to control and eliminate this growing problem. We do not subscribe to the defeatist philosophy that because of legalistic complexities that there can be no remedy or solution. We are committed to facing this situation with courage and candor so that we can fully examine this Medusa which is ravaging our communities and poisoning our youth.

MCDL has been born of the experience gained by local groups in combating this problem. Only through organized units working in close conjunction with law agencies can any progress be made. Massachusetts Citizens for Decent Literature feels that the hour is not yet too late to let the billion-dollar overlords of commercialized smut know that Massachusetts citizens will not let their towns and cities become the cesspools of their illicit gains.

The Founding Fathers of our country never intended that any individual or group of individuals under the cloak of constitutional immunity could so pervert our rights so that commercialized immorality, indecency, and debauchery could become the order of the day.

We ask that you join with us in this fight for decency. We ask that you raise your voice in protest, we ask that you do this through concerted organization and most of all, we urge you to tell our lawmakers and enforcement authorities where you stand on this issue.

WEATHERMAN ENDORSES NEVADA'S CLIMATE

Mr. BIBLE. Mr. President, there are many jokes about the weatherman, mostly directed at his inability to provide the right kind of weather. But most will agree, I think, that a weatherman is especially qualified to recognize and appreciate good weather when he sees it. Thus the climate of Nevada received something akin to an authoritative endorsement recently when Mr. Eugene Shepherd announced his retirement after many years as chief meteorologist at the U.S. Weather Bureau in Reno. Mr. Shepard, a well-known and respected member of the Reno community, has observed global weather patterns for decades. He thinks there is no better climate anywhere than in the Reno area. Another veteran Federal employee, Mr. Ivan Sack, supervisor of the Toiyabe National Forest, apparently agrees with Mr. Shepherd. He, too, has elected to live in Reno upon his retirement.

Mr. President, I ask unanimous consent that a news story and editorial published in the Nevada State Journal concerning the retirement of these two outstanding public officials be printed in the Record.

There being no objection, the story and editorial were ordered to be printed in the Record, as follows:

[From the Nevada State Journal, Mar. 29, 1965]

Chief Meteorologist Plans Retirement

After 36 years of charting and reporting the vagaries of the weather, Eugene Shepherd, chief meteorologist of the U.S. Weather Bureau in Reno, is looking forward to fair weather in his retirement.

About 50 friends and associates gathered last night in the Villa Roma restaurant to salute Shepherd's long career of service.

Among weather bureau associates from throughout the region who came to pay their respect was Hugh Spangler, regional administrative officer, from Salt Lake City.

A native of Indiana, Shepherd spent his early boyhood in southern California and was graduated from San Diego State College.

He joined the Government weather forecasters in Phoenix, Ariz., and was later transferred to San Diego where he remained for 17 years.

Coming to Reno in 1946, Shepherd joined a staff of six other workers who are assigned to the office located at Reno Municipal Airport.

A man who maintains that "weather is not a dry subject," Shepherd has pursued his vocation with a great deal of philosophy. Shepherd has lectured during weather classes at the University of Nevada for a number of years.

Charged with more bad calls than a baseball umpire, weathermen apparently learn to be stoical about the whole thing. "We don't make the weather," Shepherd maintains, "we just report it."

He said that weather forecasting equipment is becoming more sophisticated all the time and, with modern techniques, more accurate.

Shepherd plans to spend his retirement right here in Reno where, in an apparently philosophical mood last night he commented, "I dont know anywhere in the world where there is a better climate."

Shepherd's retirement becomes effective March 31 when, like the proverbial March weather, he expects to "go out like a lamb." His successor as chief of the local office has not yet been appointed.

[From the Nevada State Journal, Apr. 4, 1965]

Retiring Federal Men Complimentary to Reno

Reno has received two fine compliments from two Federal men in the last month.

The compliments have been paid not with words, but by deed.

The two local Federal chiefs have recently retired from their posts here and, although they have been residents of Reno for less than 20 years, they have come to regard this area so highly they are remaining here.

That fact, surely, is complimentary to this community, especially since both men have resided, during their lifetime, in numerous areas of the United States.

They are Ivan Sack, until March 1 supervisor of the Toiyabe National Forest; and Eugene Shepherd, until March 31, chief meteorologist of the local U.S. Weather Bureau station.

Sack and Shepherd have an aggregate of 69 years service in the business of handling two of Uncle Sam's important agencies.

In their retirement Reno will gain two private citizens who will continue to contribute their time and talents to this community.

Those talents, incidentally, are considerable and have not been confined in the past merely to doing their jobs.

Shepherd, as a weatherman in Reno since 1946, has been a stalwart in assisting the city, and the Truckee Meadows area generally, at a time when skills such as he possessed were vital to the safety of the community. His assessment of weather conditions when floods were threatened have, in the past, been a major factor in preparing against high water.

Time has meant nothing to Gene Shepherd in any emergency situation that required he remain on the job to lend his valuable assistance to the community. The same, for that matter, may be said of his associates in the Reno weather station.

He has contributed further in imparting his knowledge as a meteorologist, as a lecturer at the University of Nevada.

His "fellow retiree," Ivan Sack, has also given freely of his vast store of knowledge of the great outdoors by lecturing in forestry at the university, and will continue to do so during his retirement.

Forest Service men, traditionally, are among the most highly regarded individuals in the areas in which they live. Perhaps it is their love of nature and their desire to see the plants and animals of the forest and range conserved and perpetuated that imbues in them a spirit that makes them such "right guys."

They are, at one and the same time, rough, tough outdoorsmen and college-trained intellectuals.

It's a tough combination to beat and Ivan Sack qualifies in every respect as a forester, first class.

The caliber of both these men has been obvious in their recognition that they were doing the public's work, and that any information they had that would assist or interest the public was available for the asking.

Shepherd and Sack have long been favorite "news sources" for the press, which is charged with passing on information about the weather daily and the forest lands almost as frequently. In times of flood, fire, big snow, or drought they have taken the time to explain patiently, in layman's language, just what it all meant. They did this, of course, not for the press, but to keep the public informed.

Now they have left the service of Uncle Sam, but have decided that this city will still be home to them. Reno accepts the compliment implied in their decisions—and will probably try to keep them as busy as they have ever been.

COUNTY PLANNING AND RESOURCE DEVELOPMENT

Mr. BIBLE. Mr. President, during the Public Land Management Congress of the National Association of Counties held in Reno, Nev., on March 30–31 and April 1, an outstanding paper entitled "County Planning and Resource Development" was delivered by Mr. Hugh A. Shamberger.

Mr. Shamberger, who in addition to being a close personal friend and longtime associate, is president of the National Reclamation Association and associate director of the Desert Research Institute of the University of Nevada. Until his resignation the first of this year, he served the State of Nevada for many years as State engineer and later as director of the department of conservation and natural resources. His knowledge and experience in the field of natural resources is recognized not only in the West but wherever authorities on land and water meet to discuss these problems.

In view of the importance of Mr. Shamberger's address to all levels of government, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

County Planning and Resource Development

(By Hugh A. Shamberger, president, National Reclamation Association; associate director, Desert Research Institute, University of Nevada, Reno, Nev.)

As a member of the university family, I, too, want to welcome you; and to express my appreciation for the opportunity to speak to you today on a subject that I think is of importance, and one about which the county officials should be concerned.

Having served as a county commissioner for two terms in Ormsby County some 20 years ago, I know something about your responsibilities, and the dedication you give to your work. In many ways I always felt that our counties should be the most important level of government.

NEVADA ASSOCIATION OF COUNTY COMMISSIONERS

During my term as county commissioner I helped organize the Nevada Association of County Commissioners. It was about this time that your association got well under way. I have followed your activities over the years, and I want to compliment you on what you have been doing to inform all of the county officials throughout the United States on matters of national interest and to enable them to do a better job in county government.

Perhaps my remarks here to you today will be a repetition of what has already been brought to your attention by this association, but nevertheless, I think it is of such importance that it warrants frequent repetition.

During 36 years in the State of Nevada, my work has been primarily in the field of water administration. However, for the past several years, in addition to our water resources, I have been directly concerned with other resources of our State, mainly our State parks, our State lands, and our State forests.

And now since January, when I joined the staff of the Desert Research Institute here at the University of Nevada, I am concerned with water research. Over these many years I have worked very closely with Federal agencies. It has been my experience that the Federal agencies welcome State participation in all activities pertaining to the utilization of our natural resources. I have also found that when the State holds back and doesn't make any effort to participate, the Federal agencies generally go ahead and do those things that are necessary, without the direct participation of the State agencies. Often then, though we condemn the Federal agencies for trying to run the State's business, in many cases, the States themselves are at fault and we have no one to blame but ourselves. In some instances, I have found that the Federal agencies were happy to play second fiddle, when the State agencies are willing to take the leadership in some of these projects that pertain to our natural resources.

BRIDGING THE GAP

Let me tell you a couple of things that we have done in Nevada that seem to have bridged this gap between Federal and State participation.

Some years ago, the State engineer formed what we termed the Nevada Water Conference. To these annual conferences, we invite all of the State and Federal agencies in any way concerned with the land, water, forests, and other of our natural resources. Each agency is given an opportunity to describe briefly its activities during the past year, and its plans for the coming year. In addition, we always have a number of papers by experts in the field of water, land, and so forth. This water conference has been going on for 18 years, and it has done a great deal to coordinate the activities within the State. We know the people in the Federal agencies much better than we would have otherwise, and they know us better. This has brought about a good relationship.

GOVERNOR'S NATURAL RESOURCES COUNCIL

A few years ago, we organized what we called the Governor's Natural Resources Council. This is made up of some 13 State agencies concerned with our natural resources, together with 5 Federal agencies. Meetings are held quarterly and we have found this to be a great help in developing programs, both Federal and State.

Now I have spoken about Federal-State relationship. I think a similar relationship should be encouraged between the counties and the State. Naturally, there is contact between the counties and the State, but not nearly enough. In most instances, the counties wait for the State to come in, whereas it is my opinion that in many cases, the impetus should be at the county level.

I think it is obvious that understanding and coordination are basic requirements for successful resource development programs. The many needs of the American people, as related to the resources we enjoy, must be carefully coordinated by the Federal Government, by the States and by the counties and cities, and by an informed public. Then sound decisions can be made on how we can make optimum use of our natural resources.

GREAT ERA OF PLANNING

We are in a great era of planning. Certainly one principle is of basic importance in achieving the best use of our natural resources. Wherever possible we must think in terms of multiple-purpose development of our land, water, and other resources. If multiple-use planning can be accomplished, our land and water resources can be used effectively for a variety of purposes. I think, too, that to be successful, comprehensive planning must be a continuous process, not simply a single effort, or an isolated concentrated study. Government, both Federal and State, doesn't escape its responsibilities by turning over the planning process to consultants and professional planners.

Planning entails knowledge of the natural, human, economic, and social resources; evaluation of needs and goals; selection of a method to meet these needs; and a continuing reassessment of the resources, needs, and methods to adjust the plan to the ever-changing community. This planning must be done by people who care about the area involved.

COUNTIES SHOULD HELP FORM RESOURCE DEVELOPMENT PLANS

This leads me to the conclusion that the counties should take an active part along with the State and Federal agencies in forming our resource development plans. This means planning not only for recreation, or water development, but everything that concerns our natural resources.

People should be the benefactors of resource management programs, and thus should receive the major consideration in the development of such programs. The economic requirements of our people should be the fundamental criterion in our resource management decisions. The conflicts that arise are usually manmade, and result from misunderstanding, mistrust, and poor cooperation, rather than from any inherent difference between economic requirements and good resource management programs.

Certainly the situation here in Nevada has been greatly improved during the last decade, by the means I have described. I have heard it said that "when people can talk together they seldom stay apart." I think this is very true. However, coordination will never be effective until it is carried out at the local level. To obtain this proper coordination between Government, State, and county agencies requires that each should be familiar with the resource programs of the others. Then, too, officials must know which facets of resource planning programs can and should be carried out locally.

The last Congress will probably be best remembered for the conservation measures that were enacted into law. I want to mention only a few:

WATER RESOURCES RESEARCH ACT OF 1964

This act (Public Law 88–379) will support water research centers in all of the land-grant colleges and universities in the United States. It provides for allotments in the sum of $75,000 for the first year, $87,500 for the second and third years, and $100,000 for each year thereafter to each of the land-grant colleges to assist each participating State in establishing and carrying on the work of a competent and qualified water resources research center. It further provides matching grants for each land-grant college and also matching grants and allotments to other universities, other than land-grant colleges.

This act is essentially a copy of the Hatch Act of 1887, as amended, which brought about the establishment of the agricultural research stations at land-grant colleges and State universities. It proposes to duplicate in the water resources field what has been so successful in agriculture—with the establishment of water research centers.

The introduction of this legislation in Congress was the result of a recommendation of the Senate Select Committee on National Resources that was set up during the 86th Congress (1959). The committee found that by 1980 the U.S. water withdrawals would double those of 1954, and by the year 2000 the withdrawals would triple. It found that in 5 of the 22 water resources regions of the United States, full development of all available water resources would be required by 1980, if projected increases in population and economic activities are to be achieved. These regions were the south Pacific, Colorado River, Great Basin, upper Rio Grande and Pecos Rivers, and upper Missouri River.

The committee pointed out that these findings should not be construed as placing a ceiling upon the growth of population and economic activity in water-short regions. The technical, legal, financial and political problems involved in meeting future water needs in these regions are considerable; but the public interest demands their solution.

The committee studies indicate that the means for solving these problems are certainly available: that if bold programs for construction of storage reservoirs, reclamation projects, flood control facilities, and other works now conceived by the agencies involved are carried out, and if new techniques for desalting, evaporation control and waste disposal, together with advances in the weather modification program, are applied, water adequate both in quality and quantity will be available.

The committee further stated that the first and most important step toward getting the job done is the development of increased public awareness and understanding of the Nation's water resource problems, their effect on the country's economy, and possible solutions.

One of the committee's recommendations was to improve water research programs where there are deficiencies in our knowledge, and to strengthen substantially the contribution that the universities can make to research and graduate education in water resources.

Here at the University of Nevada it is my job, as associate director of the Desert Research Institute, to head the Center for Water Resources Research. We will attempt to develop water research programs that will be beneficial to an arid State such as Nevada, and which will assist in bringing about a better use of our water resources.

It will be our aim to make sure that the county officials and other interested persons are well acquainted with these research studies as they are carried forward. In this way the people will be made more aware of the critical nature of some of our water resource problems, and thereby will better understand them.

LAND AND WATER CONSERVATION FUND ACT OF 1964

I am sure that you are well acquainted with this new act (Public Law 88–578) and its importance to one of our fastest growing industries—recreation. When I was director of the Nevada Department of Conservation and Natural Resources, Governor Sawyer designated me to be the liaison between the State and the Federal Bureau of Outdoor Recreation. I became well acquainted with this program.

Under this act, matching funds will be available to provide outdoor recreation areas and facilities at State, local, and Federal levels. Such funds may be used to acquire, plan, and develop such areas.

I think you are familiar with the fact that this program extends through the State to the counties and cities for the development of recreation areas. And that before Federal matching funds will be available, the State must develop a 5-year master plan which will include the programs of State, counties, and cities as well as the programs of the Federal agencies.

INTERAGENCY COMMITTEE

Here in Nevada, in order to bring about a coordinated program, two very important committees were established. One was an interagency committee on outdoor recreation, composed of representatives of all Federal and State agencies, as well as representatives of the counties and cities that were concerned with parks and recreation. This committee can do much to assist the State planners in preparing a sound State master plan.

CITIZENS COMMITTEE FOR OUTDOOR RECREATION

The other committee was called the Citizens Committee on Outdoor Recreation and has statewide representation from organizations interested in the development of our park and recreation program. This committee gives these interested citizens in such organizations an opportunity to participate and be heard, and at the same time to become acquainted with the overall program.

I will not dwell on the Public Land Law Review Commission (Public Law 88–606); the Multiple-Use Act (Public Law 88–607); nor the Public Sale Act (Public Law 88–608), as I know they will be discussed during other sessions of this conference.

As Secretary Udall has stated, these acts will "bring our horse and buggy land laws into line with the jet-age facts of life."

STATE COMMITTEE ON FEDERAL LAND LAWS

In order for the people of Nevada to become familiar with the operation under these acts, and be able to properly give intelligent advice to the Public Land Law Review Commission, our State legislature has just passed an act that will allow our Governor to appoint a State committee on Federal land laws. The committee will be composed of representatives of banks and saving and loan associations; city and county governments; industrial management; labor; State board of fish and game commission; mining; agriculture and livestock raising; education; recreation and conservation; railroads and the general public.

This act will be administered by the department of conservation and natural resources, and moneys will be appropriated for a staff.

In conclusion, let me say that when we talk about the development and management of our natural resources, we are in reality talking about land, water, and people.

ORDER OF BUSINESS

The **PRESIDING OFFICER**. Is there further morning business?

Mr. **HART**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. **MANSFIELD**. I ask unanimous consent that the Subcommittee on Internal Security of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCOME TAX RELIEF TO AMERICAN MILITARY PERSONNEL SERVING IN VIETNAM

Mr. McCLELLAN. Mr. President, it has been my privilege to represent the people of Arkansas in the Congress for more than 26 years. I still find that the most rewarding aspect of this high office is the opportunity to render meaningful service to my constituents as well as to Americans all across the Nation.

A recent instance, which to me was most gratifying, was the President's announcement that income tax relief would be granted to American military personnel serving in the Vietnam theater of operations.

In an article by Jim Lucas in the March 16 Washington Daily News, it was pointed out that this tax relief had not yet been extended to our men in Vietnam. The article noted that Capt. F. R. Kendrick, a helicopter pilot from El Dorado, Ark., who may become the most decorated man in Vietnam, was seeking to have this relief made available to our men in Vietnam.

After looking into the situation, I immediately concluded that Vietnam came well within the precedent established in Korea where this favorable tax treatment was accorded to our servicemen. The hardships endured by our men in Vietnam are indistinguishable from those endured in Korea. Military combat is war, and no matter what we may call it, the action is no less hazardous and the bullets no less deadly even when we are engaged in an undeclared war as is the one now in progress in Vietnam.

On March 29 I directed a letter to the President urging him to exercise the discretion which he is given under section 112 of the Internal Revenue Code to designate Vietnam as a combat zone. I also spoke on the floor of the Senate to urge that Vietnam be designated as a combat zone under the Internal Revenue Code.

The President responded within a few short weeks with an Executive order retroactive to January 1, 1964, exempting enlisted personnel from all Federal income tax on pay received during assignment in South Vietnam or during service on naval vessels within 100 miles of the Vietnamese coast.

Commissioned officers may exempt from taxation $200 per month of their service pay while on such assignments.

It is estimated that the exemptions will apply to approximately 32,000 Army, Air Force, and Marine Corps personnel in South Vietnam and several thousand Navy and Marine personnel aboard naval ships.

Mr. President, I was most pleased to have participated in this small expression of gratitude by a nation which owes much to the men who serve us so well in Vietnam today. It is one way by which all of us at home can recognize the good job our troops are performing—and the sacrifices they are making—in behalf of freemen everywhere.

Mr. President, I ask unanimous consent that a copy of my letter to the President, proposing this action, and a copy of the Executive order granting tax relief for military personnel in Vietnam be printed at this point in the RECORD.

There being no objection, the letter and Executive order were ordered to be printed in the RECORD, as follows:

MARCH 29, 1965.

Hon. LYNDON B. JOHNSON,
The President,
The White House, Washington, D.C.

MY DEAR MR. PRESIDENT: You will recall that Congress provided in the Internal Revenue Act of 1954 for excluding from gross income certain pay received by members of our military forces while serving in a combat zone (26 U.S.C. sec. 112). Congress further provided that this section would become operative only upon designation of an area as a combat zone by the President of the United States.

As you know, such treatment was accorded our men who served in Korea, and it would seem equally appropriate to have similar benefits extended to those serving in Vietnam. The situation in Vietnam appears to come well within the precedent established in Korea, and most certainly the hardships endured by our men are indistinguishable.

I am aware that sensitive foreign policy questions are raised when an area is designated as a combat zone. It would seem to me, however, that we have a fundamental obligation to treat our servicemen in Vietnam with as much fairness as that extended to the men who served this country in Korea.

My attention was drawn to this matter by an article by Jim Lucas in the March 16 Washington Daily News about Capt. F. R. Kendrick, of Arkansas, who is seeking to have this tax relief made available to our men in Vietnam. The article notes that Captain Kendrick, a helicopter pilot, has been decorated three times by the Vietnamese and once by the United States.

With highest personal regards, I am

Respectfully yours,
JOHN L. McCLELLAN.

PRESIDENTAL DOCUMENTS

TITLE 3—THE PRESIDENT

Executive Order No. 11216: Designation of Vietnam and waters adjacent thereto as a combat zone for the purposes of section 112 of the Internal Revenue Code of 1954

Pursuant to the authority vested in me by section 112 of the Internal Revenue Code of 1954, I hereby designate, for the purposes of that section, as an area in which Armed Forces of the United States are and have been engaged in combat:

Vietnam, including the waters adjacent thereto within the following-described limits: From a point on the East Coast of Vietnam at the juncture of Vietnam with China southeastward to 21° N. Lat., 108° 15′ E. Long.; thence southward to 18° N. Lat., 108° 15′ E. Long.; thence southeastward to 17° 30′ N. Lat., 111° E. Long.; thence southward to 11° N. Lat., 111° E. Long.; thece southwestward to 7° N. Lat., 105° E. Long.; thence westward to 7° N. Lat., 103° E. Long.; thence northward to 9° 30′ N. Lat., 103° E. Long.; thence northeastward to 10° 15′ N. Lat., 104° 27′ E. Long.; thence northward to a point on the West Coast of Vietnam at the juncture of Vietnam with Cambodia.

The date of the commencing of combatant activities in such area is hereby designated as January 1, 1964.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 24, 1965.*

[F.R. Doc. 65-4490; filed, Apr. 26, 1965; 3:11 p.m.]

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. LAUSCHE. Mr. President, we cannot suffer the existence of another Cuba at our shores in the Caribbean. The mistake that was made about Castro must not and should not be repeated. In 1956, the American public was mislead into believing that Castro was a Robin Hood taking from the rich and giving to the poor. We allowed Castro to be given the image of a friend of the United States of America. In 1944, the public was also deceived by being made to believe that the interference with Chiang Kai-shek's government in China was a revolt of the oppressed "peasant" wanting to be liberated from an oppressive and exploiting government.

Now it is argued that in Santo Domingo those seeking the overthrow of the existing government are friendly non-Communists desirous only of improving the welfare of the people. The overwhelming evidences are that the Communists have taken hold. Idly standing by while Castroism is being expanded would in the end require the paying of a costly, painful price.

The President, in my opinion, is right in what he is doing. He is acting in the long-range interest of the security of our country. To follow a different course in regard to the situation in the Dominican Republic would be equal to a collaboration by our Government in the expansion of communism in the Western Hemisphere. The Dominican Republic is practically at our southern shores. To suffer another Castro government at our very shores is unthinkable and cannot and should not become a reality.

A FAIR APPRAISAL OF THE STATE DEPARTMENT

Mr. CHURCH. Mr. President, in this country there is too much tendency to blame the State Department for most of our oversea trouble. This is most unfortunate, especially since our State Department is largely composed of highly competent and dedicated public servants. America would still have many foreign problems, even if the State Department were the best organized body in the world, and even if every American official were a foreign-policy genius.

John M. Hightower, of the Associated Press, is certainly one of the best newsmen covering the State Department. Recently, he wrote an excellent article describing the working of our State Department. As Mr. Hightower has correctly commented:

> However comforting the far perspective may be, the State Department wrestles daily with the other view—a world of troubles. One of the most surprising facts about it is,

not that it makes mistakes or agonizes over divided counsels, but that it works at all.

I ask unanimous consent that this article, as published in the April 25 issue of the Lewiston (Idaho) Morning Tribune, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Lewiston (Idaho) Morning Tribune, Apr. 25, 1965]

Wrestling With a World of Troubles Is State Department's Daily Routine

(By John M. Hightower, AP special correspondent)

Washington.—The State Department's long range planning master, Walter Rostow, published a hopeful book about international relations last year under the title "The View From the Seventh Floor."

The seventh floor is where Dean Rusk and other executives of the foreign policy factory have their offices.

The view, as reported by Policy Planning Director Rostow, is not too bad when focused on the distant goals of peace, international order and higher living standards over the world.

Another view from the seventh floor is more squint eyed, less optimistic. In the short range it focuses on burning libraries, ink splattered embassies, war in southeast Asia, crises in the Middle East, quarrels with and among the Communists and a stack of other unsolved and presently insoluble problems.

However comforting the far perspective may be, the State Department wrestles daily with the other view—a world of troubles. One of the most surprising facts about it is not that it makes mistakes or agonizes over divided counsels but that it works at all.

FOCUS ON QUARRELS

On the home front it is accountable to 193 million Americans, who constantly disagree about foreign policy. Abroad it deals with 113 foreign countries which frequently quarrel with each other and the United States. If the country scores a military victory the credit is likely to go to the Defense Department. If it scores a diplomatic victory, the credit is likely to go to the White House.

Since the end of World War II no one has ever figured out a broadly acceptable way even to organize the State Department. For instance, during the last 20 years control of the foreign aid program, the foreign information program and disarmament policy has been periodically put into and removed from the Department.

If this suggests a certain confusion over the best way to handle the Nation's foreign relations, it also suggests that the world with which the State Department must deal 24 hours a day is in a confusing state that constantly threatens to become worse rather than better.

It is no longer so simple as it was, for example, when all major power was divided between Moscow and Washington.

Today the Communist bloc is split into two big chunks and several fragments and the Atlantic Alliance is hardly less divided. France is pursuing independent policies that have all but destroyed the old trans-Atlantic dream of a united Europe and United States applying their energies for the same goals of trade, peace and growing world unity.

In the last 20 years also the State Department has had seven secretaries under four Presidents and each one has had quite different ideas about how to run the place.

BYRNES BLOCKED MOVE

In 1946 James F. Byrnes blocked a plan to move the Department from its ancient home inside the White House to a more modern and spacious building six blocks away in Washington's Foggy Bottom. In 1947, George Marshall ordered the move as one of his first acts after taking over the State Department.

Six years later John Foster Dulles, entering the Eisenhower Cabinet, wanted to move his own office back to Pennsylvania Avenue, next door to the President, not by transplanting the whole Department but by separating its head—himself—from its body. He was talked out of this with great difficulty.

Dean Rusk, coming into office with President John F. Kennedy, promised to break the pattern of almost constant travel set by Dulles and Dean Acheson. He said the chief U.S. foreign policymaker should stay home more and think. But in a few months he was flying faster and farther than any of his predecessors.

Rusk has delegated great authority to his assistant secretaries and has seen radical changes in the way the Department operates during his own 4 years there.

In his first year he found that President Kennedy often ran foreign policy from his White House office on specific issues as the Congo, perhaps, or Cuba or southeast Asia. President Johnson has reversed all that. He operates through Rusk or, in his absence, through Under Secretary of State George Ball.

PRESIDENT OFTEN STEPS IN

The vastly different Rusk relationship with Johnson and with Kennedy illustrate a point which even the careful analysts of the State Department's history and operation sometimes forget. This is that while the Secretary of State is the head of the State Department on the Government's organization charts the President is, or at any given moment may choose to be, the head of the State Department in fact—just as he may choose to be in direct control of any other agency in the Government. This means that when a President with intense interest in foreign affairs—such as John F. Kennedy—takes over the Government the operation of any of the great agencies changes radically from what it had been before.

In President Harry S. Truman's day, by contrast, the State Department was run by a succession of very strong Secretaries to whom Truman delegated great authority so that their recommendations amounted to decisions. That was also essentially the relationship between Dulles and President Dwight D. Eisenhower. President Johnson, while operating in ways quite different from those of President Kennedy, still has not delegated authority to Rusk to the extent that Truman and Eisenhower did, and Rusk, being a more retiring and less aggressive man than some of his predecessors, has not reached out for more power.

The most striking characteristic of the State Department in modern times is the enormous expansion it has undergone, paralleling the increasingly active role the United States has taken in world affairs since the end of World War II. In 1945, the last year of the war, the total of State Department employees stood at 9,830. In 1965 the total is 23,327. During that score of years the United States more than doubled the number of countries with which it has diplomatic relations. The withdrawal of the great European empires from Asia and Africa has brought more than 50 new countries into the world since World War II ended.

BUSY NERVE CENTER

The State Department is the nerve center for a communications system extending all over the world. Its own system, furthermore, is supplemented by the constant flow of news dispatches into Washington and also by information which comes through military channels, and that which is obtained from intelligence sources. By its own communications measure it is an extremely busy place, exchanging 10,000 cables, letters and other reports and messages every day with overseas posts. Its budget, which was once well below $100 million, is now approaching $400 million.

Three great organizational changes have been made and developed over the years since the Truman administration to provide a better projection and control of policy. One is the policy planning staff now headed by Rostow, who has an Ivy League academic background and is internationally recognized as an authority on all kinds of policy problems, both political and economic. The first policy planning chief was Ambassador George Kennan, who formulated the policy of containment of Soviet expansion back when the cold war was just beginning.

The second organization which has contributed greatly to the State Department's efficient operation is a secretarial staff, or secretariat, serving the Secretary of State and charged essentially with the task of keeping the flood of papers moving through the decision-making process at the fastest possible speed. This organization also goes back to the Truman administration, having been introduced by George Marshall as a result of his military experiences with staff organization.

At the top of the policy making structure, with the President himself as the Chairman, stands the National Security Council. This too, was set up in the Truman administration, with the purpose of coordinating the planning and decision making of the White House, State, and Defense Departments.

One of the popular concepts of the State Department operation is that foreign policy is made in orderly fashion, progressing from the idea stage by logical degrees to the point of decision. This does happen, but not very often, at least on the big questions.

IN PRAISE OF THE VICE PRESIDENT

Mr. CHURCH. Mr. President, Hubert H. Humphrey is one of the hardest-working and most talented Vice Presidents in the history of the United States. He has been a splendid teammate for Lyndon Johnson during the first 100 days of heroic legislative achievements which have marked this first full term. The Vice President's distinguished service has proved that President Johnson made a very wise choice in selecting his running mate last August.

Edward T. Folliard has written an excellent account of Hubert H. Humphrey's first 100 days as Vice President. I ask unanimous consent that this article, which was published in the May 2 issue of the Washington Post, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

As No. 2, He Has To Try Harder—100 Days After Taking Office Vice President Still Can't Pause To Smell Flowers

(By Edward T. Folliard, Washington Post staff writer)

After 100 days in office, Vice President Hubert H. Humphrey stands out as the hardest-working Vice President in American history. His whirlwind pace would astonish earlier Vice Presidents who said that the job was "insignificant" (John Adams), "honorable and easy" (Thomas Jefferson) and "a bore" (Theodore Roosevelt).

Some of Vice President HUMPHREY's admirers believe that he may be working too hard.

He gets up at his home in Chevy Chase at 7:30 a.m. and usually starts his official day with telephone calls. Then he climbs into his limousine and, accompanied by a Secret Service agent, rides from the Maryland suburb to his office in Washington.

"I read all the way downtown, work on my papers," he has said. "I've learned how to use every single minute of the day, every minute."

That gives some idea of the man's zeal, and it also raises a question.

Wouldn't it be better for the Vice President—and the Republic—if he slowed down his limousine, forgot his papers for a while and looked at the flowers that are blooming all over Greater Washington in this spring of 1965?

Undoubtedly it would be, and better still if he got out of his limousine and sniffed the violets.

"The trouble with me," says the Vice President, alluding to the rent-a-car advertisement, "is that I'm only No. 2. I have to try harder."

A SENATORIAL DOSSIER

HUMPHREY is one of those extraordinary men who can go full speed and yet come up with worthwhile ideas. It is sometimes forgotten, but it was the then Senator HUMPHREY who introduced bills to create the Arms Control and Disarmament Agency, a Youth Conservation Corps (now Job Corps), and the Peace Corps. And that was back in the Eisenhower administration.

To say that Vice President HUMPHREY is the hardest working man ever to hold the No. 2 office is not such a sweeping statement as it may sound. For 160 years of our national history, it was not expected that a Vice President would do much more than preside over the Senate, as required by the Constitution.

In the infancy of the Republic, John Adams' disdain for the Vice-Presidency and his love of fancy titles were so well known that a Senator quipped that Adams ought to be called "His Superfluous Excellency." And as recently as the 1940's, President Franklin D. Roosevelt kept Vice President Harry S. Truman in the dark about the atomic bomb.

President Truman himself was without a Vice President for 3 years and 10 months, but when he got one—Alben Barkley, of Kentucky, his running mate in the 1948 election—he made sure that the No. 2 man was more than a fifth wheel. He had Vice President Barkley sit in at Cabinet meetings and also at meetings of the National Security Council. No secrets were withheld from the Kentuckian.

A CUMULATIVE CHORE

President Eisenhower continued this practice with Vice President Richard M. Nixon, although the two men did not know each other very well at the outset; and President Kennedy went even further in the case of Vice President Johnson, giving him such added duties as the chairmanship of the National Aeronautics and Space Council.

Now President Johnson has carried the team idea still further with Vice President HUMPHREY, piling a large number of new chores on him. He has, for example, given him a leading role in the war on poverty, assigned him to the "See the U.S.A." program, made him chairman of the President's Council on Equal Opportunity, the civil rights coordinating body, and given him a liaison role with the mayors of the country.

HUMPHREY has offices in the old State, War, and Navy Building as well as in the Capitol and the Senate Office Building. He feels romantic about the suite across from the White House because it was used by Franklin D. Roosevelt when F.D.R. was Assistant Secretary of the Navy in the Wilson administration.

ENJOYS THE GAVEL

The Vice President likes to open the sessions of the Senate—a duty that most of his predecessors have slighted—and then go to his ornate office off the Senate chamber. There he talks to Senators and Congressmen, and sometime their constituents.

There are times, however, when his base of operations will be the old Roosevelt suite across from the White House. Thus he began his day there Wednesday at 9:30 a.m., conferring with Eric Wyndham-White, secretary of GAAT, the international organization for tariffs and trade. At 12:30 p.m., he went over to the White House for the swearing in of new officials of the Central Intelligence Agency.

Somehow he managed to get some lunch, and then was dashing out to dedicate the new Veterans' Administration Hospital near Soldiers' Home. At 4 p.m. he went to Decatur House to talk to 55 Negro businessmen, and then returned to the White House for a meeting of legislative liaison men from the various departments and agencies.

Then he was off to a party in honor of Representative BARRATT O'HARA of Illinois at the Congressional Hotel. Next he dropped in at a meeting of the National Education Association, and he ended the day speaking at a dinner of the Millers Federation at the Shoreham.

The Vice President flew to Florida for a vacation Easter week, but he cut it short to attend the funeral of Senator Olin Johnston, of South Carolina, at Spartanburg. Next day he flew to New York to open the New York World's Fair.

He travels in a Jet-Star assigned to him by the Air Force. So far his traveling has been limited to the United States, but it is expected that President Johnson will assign him to some good will trips overseas.

HUMPHREY's burden would overwhelm many men of 54, but this one revels in work. In a television interview with Tom Wicker, chief of the Washington bureau of the New York Times, HUMPHREY said:

"If you learn how to use your time, you can get an awful lot done—and besides that, I have fun. If you can't have a little fun at it, you ought to quit."

It remains only to be said that the office of Vice President was once so looked down upon that an argument broke out in the First Congress over how much the Vice President was to be paid. A salary of $5,000 a year was finally approved, but some House Members objected and said that he ought to be paid by the day—and then only for the days he worked.

Vice President HUMPHREY gets $43,000 a year, plus $10,000 for expenses, and he earns it.

CRITICAL NEED FOR GI BILL NOW

Mr. YARBOROUGH. Mr. President, the recent announcement, from the White House, that American troops are landing in strife torn Santo Domingo, provides us with one more startling example of the ever-present pressure and the constant demand placed upon the men and women of dedication and courage who serve in the U.S. Armed Forces in these times of cold war turmoil and political unrest. When we are told that more than 14,000 young Americans are risking their very lives, so that political order can be restored in one of our sister republics of this hemisphere, it becomes readily apparent that the life and times of the American fighting man of today constitute a personal burden and a patriotic sacrifice, just as was the valiant and heroic service of the American fighting man of World War II and of the Korean conflict.

If our young men and women of 1965 can offer their time, their energy, their futures, and their lives in the battle for the same freedom and the same ideals for which prior generations fought, why should they not, in the name of justice and fairplay, be offered the same opportunities for education and economic success by the people for whom they fight? The battle against the sinister encroachment of communism and the labors for the victory of freedom and self-determination of nations go on in every part of the globe this day. Skirmishes in Santo Domingo, pressure in Berlin, threats from Cuba, battle in Vietnam, and the rigor of preparation here at home each argue irrefutably that bravery, sacrifice, and dedicated service cannot be limited to activity in a single nation, a small geographical section, or even an entire continent. To the contrary, these instances of service and sacrifice serve to establish the patent fact that dedication and sacrifice in our American Armed Forces are general, not limited; that they are the rule, not the exception.

Enactment of the cold war GI bill during this session of Congress will offer to our heroic cold war veterans nothing more than what was offered to the brave men and women of prior conflicts—an opportunity to become intellectual and cultural assets in their communities. The cold war GI bill applies to all personnel who served for more than 6 months on active duty. It does not place a geographical limitation on bravery, dedicated service, and patriotism. Let us now resolve to grant a long overdue measure of justice and equity to America's cold war veterans—the men and women who remained ever alert and ready in the face of past crises, and who now man freedom's watch in Santo Domingo and throughout the free world.

Mr. President, let us grant these worthy Americans the unparalleled opportunity to gain useful education, and thus "make the hero and the man complete."

NEW BOOKS ON VIETNAM

Mr. CHURCH. Mr. President, two books which have been published recently cast much light on the situation in Vietnam. I refer to David Halberstam's "The Making of a Quagmire" and Malcolm W. Browne's "The New Face of War." Mr. Halberstam was a correspondent for the New York Times, and Mr. Browne is still a correspondent for the Associated Press in South Vietnam. Last year, both of them won the Pulitzer Prize for their fine work in reporting the news from that country.

Two reviews of these books have come to my attention. One review was written by Richard Dudman, the distinguished correspondent of the St. Louis Post-

Dispatch, who specializes in Vietnamese affairs. The other review, which was published in the May 2 issue of Book Week, was written by John Paton Davies, Jr., a former United States Foreign Service officer and author. I ask unanimous consent that these two reviews be printed at this point in the Record.

There being no objection, the reviews were ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 29, 1965]

Vietnam Veterans Assess U.S. in Wrong Kind of War

(Reviewed by Richard Dudman)

(Mr. Dudman has just returned from 7 weeks of covering the war in Vietnam for the St. Louis Post-Dispatch.)

("The New Face of War," by Malcolm W. Browne; Bobbs-Merrill, 284 pp. $5.)

("The Making of a Quagmire," by David Halberstam; Random House, 323 pp. $5.95.)

One day at a press briefing in Saigon, a high-ranking American officer contradicted Malcolm Browne on some point about the war. The officer said that American military experience in Vietnam proved that the Associated Press correspondent was wrong. Browne's retort was: "I have been here longer than any American military man."

He and David Halberstam of the New York Times, a handful of other resident correspondents, plus a larger group of reporters who arrived from time to time on temporary assignment, watched and reported the gradual loss of the war under the regime of President Ngo Dinh Diem, the phony strategic hamlet program that was supposed to pacify the country, the fake victories that left the Vietcong guerrillas free to expand their control of the countryside, the false reports to Washington that all would be well and that the war was being won.

Their accurate reporting helped puncture the official line of "cautious optimism" and won them a shared Pulitzer Prize last spring.

Browne is still in Vietnam, now in his fifth year of reporting the war. Halberstam, in Vietnam from mid-1962 through 1963, has been transferred to Warsaw.

These are journalistic books, light on historical and political background and heavy on anecdote and factual detail about the war and the men who are fighting it (or in some cases not fighting it). Both were completed before the United States began bombing North Vietnam in February. Halberstam, anticipating the raids, suggests that they, too, will fail.

Browne's book, the cooler and more analytical of the two, begins with much factual information contrasting the expensive gadgetry of the American effort with the make-shift effectiveness of the Vietcong with their expert use of ambush techniques and their close and constant efforts to win support of the peasants.

He tells of an American Negro on "civic action" assignment who visited a hamlet and asked sympathetic questions and arranged to kill the rats, dig some wells and get a young man out of a scrape with officials. He was making some progress, unlike other civic action teams that stole chickens and ducks as they distributed propaganda pamphlets. But as the American captain was finishing his day's work, two South Vietnamese fighter planes swept in with rockets and cannon and destroyed half the hamlet on the basis of a report that guerrillas had been seen nearby.

Browne risks a few generalities. Of thousands of Vietnamese officials he has known, he says he can think of none who does not more or less hold the Vietnamese people in contempt. The feeling is reciprocated. As a result, he says, "I think it is safe to say that the average Vietnamese views the only good official as a dead one."

"When Vietcong terrorists publicly behead some hamlet or province official and then disembowel the wife and children as well, Americans tend to assume that this will result in a powerful reaction by the people against the Vietcong. Nothing could be farther from the truth in most cases. The Vietcong often liquidates a government official precisely because it knows such an act will please the local people."

He casts doubt, also, on the good personal relations supposed to exist between Americans and Vietnamese, warning that they are only skin deep.

"Most Vietnamese regard Americans as extremely gullible, politically infantile, and hypocritically softhearted," he says. "For these things, they hold us in contempt, which in Vietnam is much worse than mere dislike."

Halberstam gives much space to the Diem regime and the slowness of American officials to recognize that it was losing the war while insisting it was winning. He portrays as leaders in an American policy of self-delusion the commanding general at the time, Paul D. Harkins; the American Ambassador, Frederick E. Nolting Jr.; the CIA Director in Vietnam, John Richardson; and Adm. Harry Felt, commander of U.S. Naval Forces in the Pacific, who once told Browne to "get on the team."

Halberstam also recounts in detail an attack against him and other correspondents in Vietnam by Time magazine and an effort by President Kennedy to persuade the New York Times to take him off the assignment.

Both men present masses of evidence showing that the United States still is losing in Vietnam because it is engaged in the wrong kind of war, against an enemy that has superior strategy and appeal, and on the side of a people who either can't or won't exert themselves effectively against the enemy.

Browne concludes that "there is a distinct possibility that this war may be lost." Halberstam considers Vietnam vital to U.S. interests but is no more optimistic. Neither recommends a pull-out.

Neither book will be read much in South Vietnam. The government there bans books about the current trouble.

[From Book Week, May 2, 1965]

The Bull in the Indochina Shop

(By John Paton Davies, Jr.)

("The Making of a Quagmire," by David Halberstam; Random House. 323 pp. $5.95.)

("The New Face of War," By Malcolm W. Browne, illustrated; Bobbs-Merrill, 284 pp. $5.")

"This is a political war and it calls for discrimination in killing. The best weapon for killing would be a knife. The worst is an airplane." These were the words of an American colonel, one of our military advisers in South Vietnam, quoted by David Halberstam in "The Making of a Quagmire."

"This is a rifleman's war," an American officer said to Malcolm W. Browne in "The New Face of War," "and I'd be happy if they took every plane and every cannon out of the country. They do more harm than good."

Since these opinions of a year or so ago, our emphasis has moved even further away from the knife and the rifle. The combined American-Saigon forces in 1964 lost steadily to the Vietcong-Hanoi guerrillas, and approached disintegration and defeat. Early this year we therefore changed the terms on which war was being fought. We openly increased our air activity inside South Vietnam and launched a phased air offensive against North Vietnam.

That the conflict in Indochina entered a new—and no less baffling—stage does not make the Halberstam and Browne books out of date. The fighting on the ground will go on. And should we step up and extend our use of indiscriminate weapons, the ultimate decision will still remain on the ground, in the villages, essentially political in nature. Especially will this be true if hostilities spread farther northward to include China. So, what Halberstam and Browne have to say is significant not only historically but also currently, and perhaps even prophetically.

Although Halberstam's is a rather personalized narrative and Browne's account is more schematically organized, what they have to say on the main issues in that country is remarkably similar. Last year they shared a Pulitzer Prize for their reporting on South Vietnam, and now their books appear at the same time. Browne continues to cover Vietnam for the Associated Press; Halberstam is now reporting for the New York Times out of Warsaw.

In their books, the authors have pretty well limited themselves to reporting on the conflicts within their immediate ken. These were: The Americans and the South Vietnamese military versus the Vietcong, the Americans versus the South Vietnamese military, the Ngos versus the Buddhists, the South Vietnamese generals versus the Ngos, the young generals and colonels versus the older ones, the mountain tribes versus the lowlanders, the students against everyone but the monks, and the press against all in top authority, excepting Henry Cabot Lodge. In short, they focused on an American involvement in an Asian war between the states, in the midst of a profound and chaotic social revolution, complicated by a variety of alien intrusions.

Wisely, the authors avoided probing into other conflicts bearing on South Vietnam: Washington versus Hanoi, Hanoi versus Peiping, Hanoi versus Moscow, Washington versus Peiping, Peiping versus Moscow, Washington versus Moscow, Washington versus Paris, Phnom Penh and U Thant. Unfortunately, they neglected the possibility of Vietcong versus Hanoi.

For the average reader trying to figure out what goes on in South Vietnam, I would suggest jumping into the middle of Browne's book, starting with his eighth and ninth chapters dealing with the basic elements of the Communist revolutionary formula in Asia—and Africa and Latin America. Chapter eight tells the simple story of a village and how a Vietcong agitation team strolled into it, ingratiated itself with the villagers, gradually incited them against their own officialdom and Americans, slowly organized and involved them in guerrilla activities, ending up with the community functioning as a Vietcong stronghold.

Now these villagers did not consider themselves to be what we call them—Communists. Most of them, with a world-view barely extending beyond the horizon visible from the highest point in the settlement, regarded themselves as the rightful inhabitants of their parcel of countryside and as always menaced by artillery, rockets, bombs, or napalm hurled indiscriminately at them by their own Government's forces and by Americans. This uneasiness produced a feeling of alienation toward Saigon and Americans. And if one or several members of the family had thus been killed, the feelings were likely to be distinctly unfriendly. Thus the Vietcong-indoctrinated peasant came to be politically motivated—a nationalist in the sense of being anti-American and anti-any native authority that collaborated with the imperialist invaders.

All Vietnamese were aware that the Vietcong practiced terrorism. But such violence ordinarily did not affect the average man, unless he were suspected of helping the Government and the Americans. For Vietcong terror usually was calculatingly selective, directed against officials, Americans and anyone who effectively advanced Saigon's authority. Since mass support is essential, the Vietcong tends to avoid indiscriminate terror as a primitive matter of strategy.

Both Halberstam and Browne view Saigon's and our battle for men's minds in South Vietnam as a dismal failure. Neither the South Vietnam government nor we, they conclude, have been able, with rare exceptions, to win the confidence of the villagers. Browne's account of two country boys, 8 and 9, being captured and gone over by Government troops, and their stoic refusal to talk, reveals a little about the intensity of feeling and indoctrination of those we are fighting. The depth of this war for the Vietnamese, Browne reminds us, lies in understanding that, in one form or another, it has been going on for about a generation: "Men and women revolutionary guerrillas have been meeting and marrying in the jungles of Vietnam for the last 30 years or more, fighting Government forces side by side, and raising children to do just the same thing. For such families, revolution is not merely a campaign. It is a way of life."

Neither Halberstam nor Browne seem to have had much use for the top American command in Saigon—diplomatic, military or CIA—until Lodge arrived as a Yankee Brahmin placating Buddhists. Nothing is to be gained by rehashing here the acrimonious personal feuds within the American community based in Saigon, including Halberstam's fairly spectacular clash with the American brass because his reporting contradicted the official line. What does seem important, however, is that events have confirmed Halberstam's and Browne's contention that our principal officials misjudged the situation in South Vietnam. It was not just three or four people—misjudgments during the past decade or two have tended to be impressively a matter of unanimity.

What happens is something like this: There is a crisis. So the facts, such as they are, are considered and a decision is made. This decision is then locked into policy—a process that at least minimizes, when it does not discourage, information contrary to or critical of that policy. In the case of Vietnam—everyone was on the team—we would sink or swim with Diem, and the war was going better every time the question was asked. To doubt this answer was poor judgment, "careerwise." This pressure extended beyond Government employees to include the press, culminating in President Kennedy's suave suggestion to the publisher of the Times that Halberstam be taken out of Vietnam—a request to which Mr. Sulzberger did not accede until his "young man in Saigon" had been awarded a Pulitzer Prize for the very reporting that the authorities had so objected to.

Both Halberstam and Browne argue that we misread the nature of the conflict, committing the classic blunder of trying to apply what worked in the Korean war to the new and quite different struggle in Indochina. We thought in predominantly military terms—and conventional ones, at that—when the war was basically a political one. Yet when the two authors try to come up with something constructive on this score, the best that they can do is to suggest, in essence, that we get into close rapport with the Vietnamese people. But what they persuasively have to say about the cultural, psychological and material gulf between us and the Vietnamese people makes their recommendations read like wishful thinking born of desperation. "Most Vietnamese," writes Browne, "regard Americans as extremely gullible, politically infantile, and hypocritically softhearted."

In his final chapter, Halberstam makes an anxious summation of three supposed ways out of the quagmire: neutralization, withdrawal or the commitment of American combat troops. He rejects them all. He does not advocate—as President Johnson did last month—unconditional discussions with Hanoi, promising open-handed aid, which in the past has been bestowed upon those enemies who had to pay for it by submitting to unconditional surrender.

This economy-minded proposal of the President, leap-frogging the bloody, costly and uncertain interim endeavor to beat the Communists, moving straight into aiding North Vietnam, marks the beginning of yet another phase of our extraordinary misadventures in Vietnam. It makes Halberstam and Browne no more out of date than the bombing of North Vietnam did. Rather, it makes it more important that we understand how we got into the quagmire—and what its consistency may be.

ON ACCELERATING THE LANGUAGE

Mr. CHURCH. Mr. President, the situation which confronts us in Vietnam threatens the peace of the entire world. In such a situation, the United States needs to discuss its policy and alternatives in the most rational possible manner, without recourse to "blockbuster" name calling calculated to silence dissent.

Russell Baker, a highly respected journalist for the New York Times, made this point with skill and humor, in an article entitled "Observer: The Paper Tiger Blues," published in the April 25 issue of the New York Times. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OBSERVER: THE PAPER TIGER BLUES

(By Russell Baker)

WASHINGTON, April 24.—There are fat, warm rain clouds over the Potomac and the smell of war on the air. It is harder to think calmly. Tulips are bursting open and in the streets the girls go ungirdled. Troops moving, marines engaged. With each fresh headline, you can feel the language being escalated.

They have begun to lob the big ones in. Words like honor, patriotism, appeasement. There is no defense against the big words. They are argument busters, debate enders. It is very risky venturing out with an un-Pentagon opinion once the language is escalated.

SMACK 'EM DOWN

Stand among the daffodils wondering if this war is absolutely necessary and the big-word boys zoom in and smack you with "appeaser," as Senator FULBRIGHT has just discovered. The latest pacifist demonstrators at the White House are no longer dismissed with the low-tonnage epithets, "innocent," "unrealistic," "unsophisticated," which hit the mark neatly without making a mess.

With the language escalation, they are now charged with promoting national dishonor, with weakening the President's hand or with giving comfort to Ho Chi Minh. Their patriotism is questioned. The aim at this stage is no longer to understand them, but to give them such a blasting that they will not dare to venture from under cover again.

VERBAL ESCALATION

This is still not total word war, however In that stage they will be given a dose of the 2,000-pounders—words like "Communist stooges," "draft dodgers," "cowards," "traitors." This stage usually occurs when the casualty lists start to swell. The purpose of the escalation in its present limited stage is to encourage people to think less and emote more.

The process by which war is escalated in controlled stages is well understood, but nobody knows how language escalation is managed. One day, everybody is discussing the war threat very sensibly and saying there must be calm thinking; the next, by some mysterious process, everybody is shouting "honor," "patriotism," "appeasement" and "Don't weaken the President's hand."

This is a dangerous situation. Philosophers like Herman Kahn and Henry Kissinger have given us a clear understanding of how to control war. Thus far, the President and his men seem to have learned it so well that they can control the pressure in Vietnam as cannily as a good chef controls his oven temperature.

The lack of any controls on the language, however, means that the country may easily escalate into a big-word state of mind and slip into a froth of emotionalism just when the President wants to deescalate the war for diplomatic advantage. In that situation, the President must face the risk of being bombed with "appeaser," "dishonor," "traitor" and all those other 2,000-pounders that make it so hard for Presidents to reverse escalators.

Right now, however, it is every man for himself in Washington, and the pacifists are not gentler than the hawks. Evenings out are evenings of peril. You can never be certain which side the big words will fall from.

SHRIMP WARFARE

Strangers bore in on you over the shrimp demanding to know if the war in Vietnam is not terrible. Say, "The President offered to negotiate," and they call you warmonger. Murmer a noncommittal, "Terrible, terrible," and hawks swoop across the room.

"You talk like a paper tiger," the hawks say. It is no good trying to wriggle out of it lightly. (Actually I'm a plastic tiger.) The hawks have a way of turning into fang, claw, hide, and hair tigers right under your nose and roaring, "Appeaser. Honor. Patriotism. Weakener of the President's hand. Ho Chi Minh lover."

Who gave these people permission to escalate the language? Nobody knows. At a moment when everybody ought to be thinking with absolute precision, they have been wantonly licensed to make life miserable for anybody who tries.

WHAT KIND OF WAR?

Here, for example, are the latest summaries of the Vietnam situation. They say that it is a civil war for independence but that it is a war of naked aggression by alien powers. They say that it cannot be won by either side but that neither side can lose. They say that it is deepening the division between Peiping and Moscow but bringing Peiping and Moscow closer together.

They say that American troops must not fight on land but that American troops must fight on land, and that while relations between Vietcong, Hanoi and Peiping are strained, relations between the Vietcong, Hanoi and Peiping are very close.

Could we tone down the language long enough to get the score?

BRAVO, BOURGUIBA

Mr. CHURCH. Mr. President, President Bourguiba, of Tunisia, deserves high commendation for statesmanship for making his recent statement about Arab-Israel relations. President Bourguiba told his fellow Arabs to quit stockpiling arms for war against Israel. The demonstrations against his statements staged in Egypt and in other Arab countries are deplorable.

In its April 28 edition, the Christian Science Monitor published a fine editorial entitled "Bravo, Bourguiba." I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Bravo, Bourguiba

"Long journeys begin with the first step." And there are many situations where it requires more courage and commonsense to take this first step than it does any of those which follow. This has long been true of the tragic and fruitless enmity between Arab and Jew in the Middle East. This impasse has now lasted so long that many observers have lost any hope of a settlement in the foreseeable future.

For this reason the initiative which President Bourguiba of Tunisia has shown on Palestine is all the more welcome. Although an Arab and thus subject to tremendous pressure on the issue, President Bourguiba has had the courage to tell some homely and much-needed truths about the situation.

First and foremost is his statement that the Arab-speaking nations of the Middle East are throwing their money away in accumulating weapons to be used against Israel. For, he warns, any Arab aggression against Israel is bound to fail because world public opinion will not put up with an Arab-Israel war in that area. These are not words which Arab public opinion (as perhaps distinguished from soberer government opinion) may be happy to hear. For too many years the Arabs have been deluded by their leaders and by self-appointed demagogs into believing that Israel would be driven into the sea.

Yet it is essential that all illusions about the Middle Eastern situation come to an end. It is possible that Israel may eventually find it necessary to make some accommodation regarding territory and compensation for Arab losses. The Arabs, in turn, must accept the fact that Israel is there to stay. We hope that President Bourguiba's wise and courageous words will be that first drop of water which eventually wears away the senseless adamancy of Arab-Israel animosity.

WILD RIVERS BILL

Mr. CHURCH. Mr. President, the Senate Interior and Insular Affairs Committee on Thursday and Friday of last week conducted hearings on S. 1446, the bill to create a National Wild Rivers System. This is, as you know, tremendously important conservation legislation, and was requested by the President.

I was happy to see that the Scripps-Howard newspapers published an editorial endorsing the bill; and I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Daily News, Apr. 15, 1965]

Keep Our Wild Rivers Flowing Free

The new administration bill to establish a National Wild Rivers System is a logical supplement to last year's historic wilderness bill which became law.

The new measure, introduced by Senators Frank Church, Democrat, of Idaho, and Henry Jackson, Democrat, of Washington, would preserve unspoiled, in a setting of sufficient reserved land, all or part of six rivers. These rivers are the Salmon in Idaho, the middle fork of the Clearwater in Idaho, the Rogue in Oregon, the Rio Grande in New Mexico, the Green in Wyoming, and the Suwanee in Georgia and Florida.

It also lists nine rivers for joint Federal-State consideration as additions to the system. These include the Buffalo in Tennessee and the Cacapon in West Virginia in their entirety; and segments of the Eleven Point in Missouri, the Hudson in New York, the Missouri in Montana, the Niobrara in Nebraska, the Skagit in Washington, the Susquehanna in New York and Pennsylvania, and the Wolf in Wisconsin.

The wild rivers bill "deserves the warm support of conservationists everywhere," said Senator Clinton P. Anderson, Democrat, of New Mexico, cosponsor of the wilderness law. Indeed it does.

In his message on natural beauty, President Johnson said:

"The time has come to identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory."

IS PEACE POSSIBLE IN THE CONGO?

Mr. CHURCH. Mr. President, while our attention is riveted on southeast Asia, "The word 'Congo' is taking its place in the world's lexicon as a synonym for tragedy," a senior editor for Look magazine has written recently.

In an article entitled "Is Peace Possible in the Congo?" Ernest Dunbar has summarized the seething situation in that unhappy land.

Not long ago, I wrote that our involvement with Tshombe "serves only to turn the tide of African opinion increasingly against us." Mr. Dunbar's fine article goes to prove that point.

Mr. President, this article is well worth the consideration of thoughtful Americans. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Is Peace Possible in the Congo?

(By Ernest Dunbar)

Slowly, the word "Congo" is taking its place in the world's lexicon as a synonym for tragedy. For much of its history, that huge land mass lying at the heart of Africa has seemed to call forth man's basest instincts. Like some sumptuous siren who provokes lust, greed and madness in all who gaze upon her, the Congo has shown what men—black and white—can be at their worst.

In 1482, when the Portuguese explorer Diogo Cão led the first Europeans into what was then the African kingdom of Kongo, his goal was to bring Christianity to pagans. But the priests who came were followed by those who dealt in humans, and millions of men, women, and children were shipped from the Congo to the New World as slaves. In the 1820's, Portuguese slavers were followed by Arab slavers, who had trekked across the neck of the continent from East Africa. With the help of avaricious African chiefs, they emptied villages and destroyed societies to fill out their slave caravans.

From 1885, when the huge African territory became the personal plantation of Belgium's King Léopold II, to Moïse Tshombe's independent republic of 1965, the Congo has frequently been a thing to be plundered, to be possessed. The atrocities under Léopold—ranging from cutting off the hands or feet of Congolese, to death after mutilation—inflicted upon those who failed to meet rubber-gathering quotas, took an estimated 8 million lives. When the story leaked out, it brought down the condemnation of the international community upon the King's head and resulted in the annexation of the Congo by the Belgian Government in 1908.

The Congo remains a country of incredible natural wealth—diamonds (it furnishes 48 percent of the world's industrial diamonds), copper (it is the world's fifth largest producer), cobalt, gold, tin, uranium, radium, rubber, and a variety of agricultural products.

But the Congo's riches have been both its curse and its blessing, attracting major powers and small-time adventurers alike. With its vast size, its relatively small (15 million) population, its mineral, agricultural, and hydroelectric potential, the Congo could be the most prosperous country in Africa. Instead, each day, its misfortunes seem to proliferate like cancer cells.

While the Belgian Government provided a number of superior social services to the Congolese in its 52 years of colonial rule, preparation for independence was not among them. Long denied the right to political activity, barred from supervisory jobs, or from becoming officers in the military, admitted to secondary schools in a relative trickle, the Congolese were manifestly unready when the Belgians, panicked by several days of rioting in Léopoldville in 1959, decided to grant them independence.

The dreary prolog is all too well known. When the Congo received its freedom in 1960, it was a nation without a single Congolese physician, engineer, lawyer, or civil servant with experience at responsible government levels. There were less than 20 college graduates in the entire population. The crisis-rent 4 years of Congolese "independence" have found that nation seldom out of the headlines. Its troubles have drawn men, minds and money in Congo-sized proportions: the 1960–64 United Nations operations (civilian and military) cost $433 million and the life of U.N. Secretary-General Dag Hammarskjold. The Belgians spent $280 million in various forms of aid in the period 1960 to 1963, and that aid continues to grow. The United States, already a major contributor to U.N. Congo funds, is increasingly involved in the day-to-day operation of the Congolese economy, to the tune of $55 million in aid during the past year. Today, despite the massive outpouring of francs and dollars, the Congo is in the midst of a savage, merciless civil war, with international overtones, that is making the Congo the very cockpit of East-West confrontation that the 4-year U.N. operation was designed to prevent.

In January of last year, a rebellion broke out in Kwilu Province, a heavily populated area southeast of Léopoldville that had known revolt during the Belgian colonial administration. Many factors influenced the uprising, among them tribal differences, but central to the unrest was a widespread feeling that the fruits of independence, so long hoped for, were not being enjoyed by the ordinary people. While the average Congolese saw his money become worth less and less, he noted that provincial officials lived in big houses, drove expensive cars and spent lavishly on a variety of pleasures.

The Kwilu residents also resented the increasing control of their lives by the ambitious provincial government. This simmering discontent was exploited by Pierre Mulele, a former Minister of Education under the late Premier Patrice Lumumba. (After Lumumba broke with President Joseph Kasavubu, the Congo chief of state, Mulele became part of a Lumumbist rump government in Stanleyville.) Pierre Mulele visited China in 1960 or 1961 and is regarded now as a prime agent of Chinese influence in the Congo. He and his followers traveled around Kwilu, railing against the exploitation of the peasants by "colonialists," European and

Congolese. The result was a revolt compounded of "Mulelism," tribal hostilities, ancient grievances, superstition and Marxist doctrine with a Congo twist.

From indoctrination camps set up in the bush, Mulele rebels went forth to spread revolt through persuasion and terror. The Kwilu rebellion was followed by similar uprisings in Kivu, Maniema and North Katanga provinces, and soon a fifth of the Congo was in rebel hands.

Other rebel leaders such as Christophe Gbenye (another ex-Lumumba cabinet officer) and Gaston Soumialot, who had also been to China, grouped to form the National Liberation Committee (NLC), the rebels' coordinating agency. Money and advice flowed to the NLC from Chinese embassies in the former French Congo (Brazzaville) on the west, and tiny Burundi, on the Congo's eastern border.

When the U.N. removed its troops last June, the United States and Belgium were alarmed at the success of the rebel movement and at the seeming inability of then Prime Minister Cyrille Adoula to check its spread. They also feared that if Tshombe revived his old Katanga secession, the Congo would collapse. They thus encouraged President Kasavubu and the influential "Binza" clique to bring back the man who some felt was the only Congolese with the finesse the deteriorating situation required: Moïse Tshombe.

Tshombe offered to go to Brazzaville to meet rebel representatives, and did actually journey to Burundi, but since the key features in the rebels' demands were, and are, the ouster of Kasavubu and Tshombe himself—both held responsible for Lumumba's death—his overtures got nowhere. (Tshombe persuaded one rebel representative to join his cabinet, but the NLC promptly denounced him as a traitor.) Tshombe has appealed to the Organization of African Unity (OAU) for troops to help put down the revolts, but most of its members see him as a stooge of white colonial and industrial interests.

With a demoralized Congolese Army that often threw down its arms and faded before rebel advances, Tshombe turned to the force he felt he could count on: the white mercenaries who had fought for him in Katanga. The decision, which had the approval and assistance of the U.S. State Department, the Central Intelligence Agency, and the Belgian Government, was to have far-reaching effects.

It was undoubtedly the worst move ever made by the United States in Africa. With funds supplied by the United States, Tshombe's chief recruiter, J. C. Puren, a South African, brought in more than 200 mercenaries, most of whom were South Africans and Rhodesians. Planeloads flew directly from Johannesburg to Kamina, the former Belgian military base in Kantanga that is now the central staging point for the mercenaries. The South African Government indicated its support by flying up food and other supplies for the adventurers. If the Chinese had planned it themselves, they could hardly have written a better script. Once the mercenaries went into action, Tshombe's fortunes took an illusory turn for the better. With U.S.-supplied B–26's bombing enemy strongholds and U.S.-furnished T–28's (flown by Central Intelligence Agency-recruited Cuban exiles) strafing rebel positions, Congolese Army troops, with mercenaries in the lead, retook town after town in the rebel-desolated eastern provinces. As they advanced, another Congo tale of horror unfolded: The rebels had systematically wiped out many Congolese deemed "intellectuals" (i.e., those with even a rudimentary education), opposition party members and hundreds of victims of old grudges. For many, death was preceded by torture.

When the mercenaries and their Congolese troops swept into a village, the slaughter began all over again. With no way of distinguishing rebels from nonrebels, the mercenaries frequently shot everyone in sight. Since youngsters, 10–14 years of age, in the rebels' Jeunesse wing had been among the most rabid killers, any youth was a goner if he came into the sights of the government forces. The Geneva Convention does not operate in the Congo, on either side. Although the figures are difficult to come by, probably more than 100,000 Congolese have lost their lives in the struggle.

The Tshombe government's military high point came with the retaking of the rebel stronghold of Stanleyville by Belgian paratroopers during November's rescue of white hostages, an operation that also handed over the city to the advancing mercenary and Government troops. Tshombe clearly believed that the fall of Stanleyville, symbolic center of Lumumbist sentiment, would mean the end of the rebellion. But rebels have seeped back into areas from which they were driven. Now, what seemed like a victory threatens to become the springboard for a massive defeat—or worse. African opinion abroad, already seething over Tshombe's continued use of the mercenaries, erupted. While the rescue had every justification, and the African reaction at the U.N. seemed irrational, the drop evoked memories of Belgian paras who had come to Tshombe's aid during the Katanga secession.

Algeria and the United Arab Republic, which, along with several other states, had been helping the rebels covertly, publicly acknowledged their aid and promised to send more. More significantly, the East African nations of Kenya, Uganda, and Tanzania, which had maintained a show of neutrality, have since vowed to support the rebels. The specter of "advisers" from other African states (with Sino-Soviet backing) joining the rebel forces, or of diplomatic recognition of rebel government-in-exile, looms threateningly.

One of the ironic aspects of the Congo crisis is that, apart from the war and the disruption in the areas afflicted by it, the country is in the midst of an economic revival. Because of fiscal reforms instituted by Former Prime Minister Cyrille Adoula on the advice of U.N. experts, and with generous injections of U.S. aid, the Congolese franc, once as shaky as a jungle lean-to, is now firming up. Stores have full shelves once more, in Léopoldville if not in the interior. According to Léopoldville's Institute of Economic and Social Research, prices have dropped 40 percent since January 1964. The precious revenue-earning minerals continue to flow from Katanga.

The Congo might be farther along the road to recovery if it were not for another, less publicized war between whites—between Flemish and Walloon Belgians, between metropolitan Belgians alined with Foreign Minister Paul-Henri Spaak, and those Katanga Belgians linked with Prof. René Clemens, Tshombe's chief adviser.

Belgium, smarting under 4 years of international criticism for its ignominious bolt from the Congo, has proposed a partial solution to the country's critical shortage of administrators: Teams of highly trained, multipurpose technical experts, who could move into newly liberated areas and be judge, mayor, traffic commissioner, or whatever else the situation required, until Congolese could be found to replace them. Though he originally asked for the plan, Tshombe has so far refused to embrace it, apparently under pressure from his Katangese Belgian advisers, who are worried about their jobs.

While the Government is beset by intricate rivalries, the Congo staggers on toward a dangerous chasm. Tshombe brings in more white mercenaries, knowing that, without them, he could not survive. The United States pays, feeds, arms, and transports them hoping for a quick Tshombe victory and the internal stability that can give the Congo a chance. But with every mercenary produced by the CIA, the fortunes of America in Africa have taken a plunge. The Chinese, without committing a man, are reaping a fine harvest. They are campaigning hard to convince Africans that the United States is basically a racist nation, more sophisticated than, but not different from, South Africa. The mercenaries are the proof they needed.

Because of the rebel slaughter of provincial officials and other educated Congolese, the prospects for putting capable Congolese administrators in the areas where they are needed are nil. Since maladministration itself was one of the sparks that set off the rebellion, this inability makes further revolts a certainty.

Hatred and fear of the plundering, brutal Congolese Army by residents in rebel areas make that force unsuitable as a peace-keeping agency, even where an administration can be mounted. (Moreover, despite their ravages, the rebels have wide support in the eastern Congo.) Nor can the army seal off the Congo's 905,000 square miles from anti-Government forces. The Congo is hemmed in on three sides by states aiding or sympathetic to the rebels.

Is there a solution? Yes, but it is as difficult as the nonsolution now being pursued by the State Department and the CIA. No answer can be found to the Congo's problems without the sanction of the rest of Africa, to which the Congo now presents a Cuba-like threat. If U.S. policymakers are as willing to work with and support a peace force drawn from African nations as they now are to support Tshombe's South Africans, there can be a reconciliation of the Congo rebels and the central government. Admittedly, the African states themselves have not shown the initiative they should have, and it is not likely they will ever be enthusiastic over any government with Moïse Tshombe in it. But there are other able Congolese who might better employ the U.S. backing Tshombe now enjoys. We should encourage their participation—with or without Tshombe.

American policymakers say the Congo is a sovereign nation and that we cannot interfere with its internal affairs. But the truth is that we have been and are continuing to "interfere" with Congolese affairs. Tshombe is dependent on the United States and Belgian support he gets, and that is the reality. If he continues to get it—and holds to his present course—U.S. policy in the Congo will be self-defeating. The racial fuse, already lit by the Chinese in Africa and fanned by Tshombe's white mercenaries, may set off an explosion more dangerous than the Johnson administration appears to appreciate.

THE U.S. BALANCE OF PAYMENTS AND PROSPECTIVE DEVELOPMENTS

Mr. MUSKIE. Mr. President, the International Finance Subcommittee of the Banking and Currency Committee during March conducted a series of hearings on the problem of the continuing deficits in our balance of payments and the resulting outflow of gold with reference to possible means of dealing with these problems. The record of these hearings is being printed and will be available within the next week. The subcommittee plans to conduct further hearings on the subject.

Last week, Mr. Kermit Gordon, Director of the Bureau of the Budget, announced receipts from Dr. Edward M.

Bernstein, Chairman of the Review Committee for Balance of Payments Statistics, of the formal report of the Committee—a 200-page document entitled "The Balance of Payments Statistics of the United States: A Review and Appraisal." In connection with this announcement and release of the report, Mr. Gordon issued a statement explaining the genesis of the study and also issued a brief summary of the Bernstein committee report.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks Mr. Gordon's statement and the summary of the Review Committee report. This report is being reviewed by an interagency committee before any steps are taken by the executive departments to accept or implement its recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUSKIE. Mr. President, as was announced by Senator PROXMIRE last week, Dr. Bernstein, accompanied by members of his committee, will appear before the Subcommittee on Economic Statistics of the Joint Economic Committee on May 11, to discuss their report and recommendations, which deal principally with technical aspects of statistical collection and presentation.

Dr. Bernstein, who is an outstanding expert on international finance, is scheduled to appear on May 17 before the International Finance Subcommittee of the Banking and Currency Committee to present his views regarding the broad aspects of the U.S. balance of payments and prospective development.

The analysis of the statistical problems and of concepts given in the report of the Bernstein Committee will doubtless contribute to a better understanding of the current problem, and its recommendations for improvements in data should be given most careful consideration by the executive departments and the Congress.

This report makes a number of recommendations as to improvements needed in our statistics to meet present and prospective requirements for detailed and accurate balance-of-payments data. The proposal receiving most attention relates to a basic revision in the method of measuring the payments surplus or deficit. The new measurement of the deficit or surplus, proposed by the committee, called the "balance settled by official transactions" has for many years been consistently smaller than the "balance on regular types of transactions," the concept most frequently used in the past.

Although the committee expresses the belief that the "official settlements" concept "best summarizes the payments position," the report points out that the difference in means of measurement does not change, in basic nature or magnitude, the significance of the balance-of-payments problem. It calls attention to the fact that the current deficit under either concept is considerable and that "the need for policies to eliminate the deficit is no less urgent than before." The report does not propose or discuss measures for reducing the deficit. These are the aspects of the problem that are being considered by the International Finance Subcommittee in its hearings.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., April 30, 1965.

Kermit Gordon, Director of the Bureau of the Budget, announced today that he has received from Dr. Edward M. Bernstein, chairman of the Review Committee for Balance of Payments Statistics, the formal report of the committee—a 200-page document entitled "The Balance of Payments Statistics of the United States: A Review and Appraisal."

The review committee was appointed in April 1963 by the Director of the Bureau of the Budget, after discussion with the Secretary of Commerce, the Secretary of the Treasury, and the Chairman of the Council of Economic Advisers. It was asked to study the adequacy of the U.S. balance-of-payments statistics, and to make recommendations for their improvement. The review encompassed basic conceptual problems, problems of presentation and analysis, and technical statistical problems of data collection and related matters.

The report, while agreeing with the consensus of U.S. and foreign experts "that the balance-of-payments statistics of the United States are considerably better than those of most other countries," nevertheless finds that improvements are needed to meet present and prospective requirements for detailed and accurate balance-of-payments data. The report proposes a basic revision of the method for measurement of the balance-of-payments "surplus" or "deficit," urges the strengthening of the various bodies of data, and recommends changes in the presentation and publication programs.

In receiving the report, Mr. Gordon said: "The committee's report is even more timely today than when the committee was appointed. With the growing awareness of the close relationship between the Nation's balance of payments and our domestic prosperity, it has become increasingly important that our balance-of-payments statistics be as reliable and informative as it is possible to make them. The recommendations of this expert committee, which grow out of 2 years of hard work and extensive consultation with users and compilers of these statistics, will be reviewed and evaluated with the greatest care."

The report is being distributed to the agencies of the Government concerned with balance-of-payments statistics, either as users or as compilers. An interagency committee under the chairmanship of William M. Capron, Assistant Director of the Bureau of the Budget, has been asked to review the recommendations made in the report. On the basis of this review, determinations will be made as to the extent to which the recommendations will be accepted and the manner of implementation.

The membership of the Review Committee for Balance of Payments Statistics consists of:

Edward M. Bernstein, chairman, president, EMB (Ltd.), Research Economists.

Richard E. Caves, professor of economics, Harvard University.

George Garvy, economic adviser, Federal Reserve Bank of New York.

Walter E. Hoadley, vice president and treasurer, Armstrong Cork Co.

Harry G. Johnson, professor of economics, University of Chicago.

Peter B. Kenen, professor of economics, Columbia University.

Roy L. Reierson, senior vice president, Bankers Trust Co.

Charles F. Schwartz, Assistant Director, Western Hemisphere Department, International Monetary Fund.

A brief summary of the committee's findings and recommendations supplied by the committee, is attached.

A BRIEF SUMMARY OF THE BALANCE-OF-PAYMENTS STATISTICS OF THE UNITED STATES: A REVIEW AND APPRAISAL

(Report of the Review Committee for balance-of-payments statistics to the Bureau of the Budget)

The Review Committee for Balance-of-Payments Statistics, as requested by the Director of the Bureau of the Budget, has reviewed in detail the purposes for which balance-of-payments statistics are needed; the scope and quality of the statistics; the ways in which they are collected, processed, and presented to the public; and the important conceptual problem of defining a balance-of-payments surplus or deficit.

IMPROVING THE STATISTICS

The committee has concluded that in spite of the high quality of the balance-of-payments statistics, which is widely recognized in this country and abroad, improvements are urgently needed if the data are adequately to meet present and prospective needs for their use in economic analysis and in government policymaking and business planning.

The international transactions of the United States have become more complex and also more important for both the domestic economy and the world economy. Policy decisions in a variety of fields have in recent years been determined to an important extent by balance-of-payments considerations. Despite great improvements in the statistics, they have not kept pace with the growing need for balance-of-payments information. This need, although dramatized by the large and persistent deficit in the U.S. balance of payments, is not a temporary one peculiarly associated with the deficit, but will remain and grow even after the present payments problem is solved.

A large statistical discrepancy—the "net errors and omissions" item—indicates an inability to identify or measure a large volume of international transactions, and to interpret developments. For instance, the deficit settled by official transactions diminished by about $1 billion from 1962 to 1963. Yet the available data on trade, services, and capital transactions identify only about $250 million of this improvement. Larger changes, favorable to the extent of about $750 million, remain unidentified in net errors and omissions. And the sum of gross errors and omissions in individual accounts is probably considerably larger than the net discrepancy.

The committee reviewed in some detail the derivation of the various bodies of data which enter into the balance-of-payments statistics. A large number of specific recommendations are offered, aimed at improving the accuracy and coverage of the data and securing a better knowledge of the sources of remaining errors and omissions.

An important group of recommendations is concerned with improving the quality of the data through better reporting by those who fill in the forms on which the basic data are reported. In the interest of better understanding and response by the reporters, consultation between Government technicians and individual reporters should be carried or much more extensively and systematically. Reporting instructions should be clarified and adapted from time to time to changing circumstances; compact and comprehensible reporting manuals should be provided; and the significance of accurate reporting must be made clear to senior executives of reporting companies.

The committee recommends better coverage by existing reporting programs in certain areas, and, in general, a systematic review of the coverage of required reports. Also, various special studies or extensions of the reporting program are suggested, including bench mark surveys in areas where more frequent reporting is impossible or must be limited to sample coverage. The report urges a new census of U.S. business investments in foreign countries, special surveys of other asset holdings; a special survey to check the quality of current data on merchandise trade, and improved sample surveys of certain kinds of personal expenditures.

The possibility of obtaining balance-of-payments data through established surveys presently conducted for other purposes should be explored, and new sources of data and ways of cross-checking them should be developed. The committee has offered various specific suggestions, including greater use of statistics collected in foreign countries.

Users of the statistics should be provided with an up-to-date manual of the methodology used in compiling them, and with ancillary information, such as measures of reliability of the data and indexes of import and export prices.

STAFF AND ORGANIZATION

The committee notes the need for increases in the personnel of agencies directly engaged in the statistical work, and particularly of the balance-of-payments division of the Office of Business Economics. Pointing to a serious overload of work on the present staff, the report urges staff increases at all levels and greater reliance on automatic data processing.

The recommended improvements will require the cooperation of a number of Government agencies which contribute to the statistics in various ways, and the committee emphasizes the importance of central leadership by the Office of Statistical Standards in the Bureau of the Budget, pursuant to its Government-wide responsibilities for the quality of Federal statistics. This office should make sure that the data are systematically evaluated on a continuing basis, lend support to the programs of the cooperating agencies, and seek professional consensus within the Government on questions involving the compilation and presentation of the data. To perform these functions, the Office requires strengthening.

PRESENTATION OF THE BALANCE OF PAYMENTS

The committee recommends an extensive revision in the method of presentation of the data. A quarterly summary table would show the main features of the balance of payments in what the committee regards as a shorter and clearer form than the several summary tables now published. Detailed tables dealing with important components of the balance of payments and keyed clearly to the summary table would also appear in each quarterly presentation. A yearbook on the balance of payments would provide a convenient source for more detailed information, including data now published in special articles in the "Survey of Current Business" and in occasional statistical supplements. The report contains tables illustrating the committee's proposals for both the quarterly and the yearbook presentations.

MEASURING THE DEFICIT

No single number can adequately describe the international payments position of the United States at any time. However, the committee recognizes the legitimate need for summary indicators of the position and recommends that the principal measure of the surplus or deficit be the balance settled by official transactions. This is shown by changes in the reserve assets of U.S. monetary authorities, changes in all U.S. liabilities to foreign monetary authorities, and certain special transactions consisting of large prepayments of official debts to the United States. The main difference between this concept of balance and that embodied in the liquidity approach of the currently published official statistics is in its treatment of certain flows of foreign capital. Thus inflows that increase U.S. liabilities to foreign creditors other than monetary authorities are regarded under the official settlements concept as capital inflow helping to reduce the U.S. deficit, rather than helping to finance it.

The committee believes that the official settlements concept of deficit or surplus in international payments, with its stress on the distinction between monetary authorities and all other transactors, best summarizes the payments position in a world of stable exchange rates in which the authorities typically have to fill any gap between normal supply of and demand for foreign exchange. This concept has the added advantage of being symmetrical when used by different countries, and it is less subject to errors and omissions than the currently published measure of surplus or deficit.

INTERPRETATION OF THE PAYMENTS POSITION

The interpretation of the balance-of-payments position of the United States requires careful analysis of the statistics. An important part of such analysis consists of identifying interrelationships among particular credit items (such as exports) and related debit items (such as imports, foreign investments, Government aid, etc.). But statistics alone can never identify these interrelationships, and standard statistical presentations should not attempt to do so. Gross flows should be shown wherever practical, and analysis of net impacts should be reserved for special tabulations and articles.

A primary responsibility for analysis rests on the able staff of the balance-of-payments division of the Office of Business Economics, which, however, should be strengthened to permit it to make a greater contribution than is possible with its present resources. Agencies concerned with balance-of-payments policy should also give greater attention to analysis, and agencies with important international transactions should expand and coordinate analytical studies of their own operations.

The balance on official settlements would show a deficit from 1958 through 1964 averaging $2.6 billion a year, lower by about $900 million a year than the so-called balance on regular transactions emphasized in the official figures. (See appended table.) Despite the fact that the deficit is smaller under the committee's definition than under the present definition, the payments deficit to be eliminated is still considerable. The need for policies to eliminate the deficit is no less urgent than before.

The table below presents a highly condensed version of the main summary table recommended by the committee for the regular quarterly presentation, and a reconciliation of the balance settled by official transactions, as recommended by the committee, with the balance on regular types of transactions, as currently presented in the official statistics.

Condensed summary of the U.S. balance of payments, 1958–64, with reconciliation items

[In billions of dollars]

	1958	1959	1960	1961	1962	1963	1964 [1]
Goods, services and remittances (net receipts (+))	1.5	−0.7	3.2	4.9	4.3	4.9	7.4
Merchandise exports	16.3	16.3	19.5	19.9	20.6	22.0	25.2
Merchandise imports	−13.0	−15.3	−14.7	−14.5	−16.1	−17.0	−18.6
Services, except military, and remittances (net)	1.4	1.2	1.1	2.0	2.2	2.1	2.8
Military payments and receipts	−3.1	−2.8	−2.7	−2.6	−2.3	−2.2	−2.0
U.S. Government grants and capital (net) (excluding debt prepayments)	−2.6	−2.4	−2.8	−3.5	−3.7	−3.9	−3.7
Foreign official capital, except claims of monetary institutions (net)	.3	.4	.6	.4	.4	.3	0
Long-term private capital (net)	−2.6	−1.4	−2.1	−2.2	−2.7	−3.3	−4.1
Short-term private capital, except claims of foreign commercial banks (net)	−.2	.1	−1.6	−1.3	−.5	−.3	−1.7
Short-term claims of foreign commercial banks (net)	0	1.1	.1	.6	−.1	.4	1.4
Net errors and omissions	.5	.4	−.8	−1.0	−1.1	−.3	−.9
Balance settled by official transactions	−3.0	−2.5	−3.5	−2.0	−3.3	−2.3	−1.5
Less selected inflows of foreign capital:							
Short-term claims of foreign commercial banks	0	1.1	.1	.6	−.1	.4	1.4
Other liquid foreign private claims	.2	0	−.2	.1	.1	.4	.3
Foreign official capital except claims of monetary institutions	.3	.4	.6	.4	.4	.3	0
Plus other adjustments (net) [2]	0	−.2	.1	0	.1	.1	.1
Balance on regular types of transactions	−3.5	−4.2	−3.9	−3.1	−3.6	−3.3	−3.1

[1] Preliminary.

[2] Includes cumulative effects of rounding.

WATER RIGHTS IN THE JORDAN RIVER SYSTEM

Mr. HARTKE. Mr. President, I have been perturbed recently by the persistent talk of Arab schemes to divert the headwaters of the Jordan and deprive Israel of her fair share of Jordan water in the system. Water is of vital interest anywhere in the world and that is particularly true in arid zones where rainfall is poor. It is therefore logical and reasonable that what sources are available should be shared out equitably among those affected and should be put to good and constructive use. That is no more than sound commonsense, fairplay, and international usage.

The United States has always sought to encourage and aid the legitimate economic development of countries in that region. In that economic development, the exploitation of water resources must necessarily play a major role. Accordingly, the United States, under the Eisenhower administration, made a sustained effort to evolve a plan for the fair and equitable distribution of the waters of the Jordan River system among the riparian states. Its allocations to the Arab States were largely based on figures submitted by the Arabs themselves, and, in fact, the plan won their approval on the technical level.

Jordan started her own water scheme, which we support so long as it remains within the allocation of the unified plan. Last year Israel, too, started pumping water from the Lake of Tiberias in strict conformity with the quantities assigned her. The U.S. Government has made it clear that it supports these schemes which are within the framework of the plan. It remained, then, for Lebanon and Syria to plan the use of the water allocated to them and the entire scheme would have come into being as planned.

The Arab countries, however, have now worked out plans, and some preparatory work seems to have been carried out, to divert all the waters of two headstreams of the Jordan, which rise near the Israel border. If implemented, these schemes would flout the principle of the equitable sharing of the available waters which is the basis of the unified plan. They would be a flagrant encroachment on the rights and vital interest of another riparian and would be a threat to the stability in the area. They would set a most dangerous precedent in international affairs, for there are few countries in the world who are not coriparian with others on some water source and for whom the precedent of callous disregard of the rights of another riparian would not be a cause for profound concern. I would hope that every effort is being made to persuade those concerned to stay within the legitimate and equitable uses which the plan has delineated after long and comprehensive study and negotiations. Such schemes, which are injurious to the vital interests of others, would be nothing but a form of indirect aggression, however cleverly masked, and would be so regarded by people of this country as, I am sure, by world public opinion as a whole.

MRS. LORENA CHIPMAN FLETCHER—NATIONAL MOTHER OF THE YEAR

Mr. BENNETT. Mr. President, for the second time in 10 years Utah has been honored when a wonderful woman from our State has been selected as the National Mother of the Year. This year the selection fell on Mrs. Lorena Chipman Fletcher, wife of Dr. Harvey C. Fletcher.

Dr. Fletcher himself has received many honors during a long and illustrious career as an early theoretical physicist who specialized in acoustics. I think it is particularly fitting and significant that his honors are now matched by this award which has come to his wife.

While I had known the Fletchers more or less casually for many years, my personal and more intimate acquaintance with the family began when their son, Dr. Robert Fletcher, became the first Bennett son-in-law, the husband of our oldest daughter, Rosemary. This happened 20 years ago and since then I have become acquainted with all of their five outstanding sons and their lovely daughter. Four of the five sons like their father are scientists. The fifth an eminent lawyer.

The achievements of all of them make an imposing list; for instance, the lawyer son is now vice president and general counsel of Western Electric. Another son is president of the University of Utah and my son-in-law is vice president of research and development of the Sandia Corp., an important unit in our nuclear weapons program. To the personal honors that have come to all of these men is now added the satisfaction that their mother's contribution to the great and multiple success that has followed this family has now been recognized. I am sure all of the people of Utah share this feeling and my desire that it be publicly expressed in the Senate.

PRESIDENT JOHNSON IS RIGHT

Mr. ROBERTSON. Mr. President, I was acting as chairman of our delegation to a meeting of our Interparliamentary Union, in Brasilia, when President Kennedy issued his famous warning to Russia to take both her long-range missiles and her military forces out of the nearby and previously friendly country of Cuba. With respect to President Kennedy's order, I told the cheering delegates at Brasilia:

> I had hoped to talk today about some of the responsibilities and opportunities we have as legislators to strengthen representative political institutions. But the attention of all of us has been diverted by the gravest threat of nuclear war since the Communist invasion of the free Republic of Korea more than a decade ago.
>
> Now—as then—it is international communism, founded in deceit and backed by ruthless power, which is responsible.
>
> Two elements have been added, so that in the present crisis we are dealing with a threat of a new magnitude and a new dimension. Technology has rapidly given the world more awful weapons. And these weapons have now been introduced into a part of the world which had hitherto been spared their presence.
>
> This lends a new urgency to that topic of our agenda which deals with disarmament. Yet at the same time, it casts something of an aura of unreality over the millions of words which have been said on the subject. A large number of those words unfortunately have been untruthful and deceptive. The representatives of international communism have been talking peace, but preparing for war.
>
> It is significant that there is no Cuban delegation among us today. There is no Cuban parliament. It will be recalled that when Mr. Castro was embattled in the Sierra Maestra, he promised his people free elections. But once he came to power, it was a different story. Elections, he said, were not necessary. The will of the Cuban people and the spirit of their revolution, he said at one of his mass meetings, could be amply expressed without elections, through public assemblies such as he was then addressing. In any event, he added, popular support of him and his revolution was such that there was really nothing to have an election about.
>
> Mr. Castro was well aware, of course, that a freely elected congress would no doubt hinder his already well-advanced plans to deliver his long-suffering country into the hands of the international Communist movement.
>
> That delivery has long since been completed, and Mr. Castro has publicly boasted of it.
>
> So long as that was all, it was a tragedy for the Cuban people and a cause of concern to all free nations, especially in the Western Hemisphere, but it was not a threat to world peace.
>
> But international communism was not content with enslaving the Cuban people. No. It wanted, also, to use their island as a base for furthering its aggressive intentions against the remaining free nations of the Western Hemisphere, including the United States.
>
> While the spokesmen for international communism repeatedly proclaimed their purely defensive intentions, they were, in fact, hurriedly installing a capacity to deliver nuclear warheads to the north as far as Canada and to the south as far as Brazil. There is no doubt about this. My Government has incontrovertible proof. This is why the President of my country, as he himself explained so eloquently and forthrightly Monday night, has taken the measures of which we are all aware.
>
> When referring to the buildup in Cuba, the President said: "But this secret, swift, and extraordinary buildup of Communist missiles in an area well known to have a special and historical relationship to the United States and the nations of the Western Hemisphere, in violation of Soviet assurances and in defiance of American and hemispheric policy, this sudden clandestine decision to station strategic weapons for the first time outside of Soviet soil, is a deliberately provocative and unjustified change in the status quo which cannot be accepted by this country, if our courage and our commitments are ever to be trusted again by either friend or foe.

Subsequently, when I learned that the Russians had reneged on their promise to take their military forces out of Cuba, I expressed regret that we appeared to be yielding in our determination to enforce our historic Monroe Doctrine, under which, of course, we promised to keep out of the foreign affairs of nations of the Eastern Hemisphere if they kept out of the foreign affairs of the nations of the Western Hemisphere.

Naturally, it gratified me when President Johnson recently told our Nation and the world:

> The American nations cannot, must not, and will not permit the establishment of another Communist government in the Western Hemisphere.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the leading editorial of the Richmond Times-Dispatch of May 4—which, incidentally, has the largest circulation of any morning paper in the State—commending the prompt decision of President Johnson not only to protect the interest of our nationals in Santo Domingo, but also to enforce the Monroe Doctrine in that or in any other country of the Western Hemisphere, the government of which might be threatened by some foreign power.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRESIDENT JOHNSON IS RIGHT

"Gunboat diplomacy" and the sort of intervention by U.S. marines which took place 40 or 50 years ago in the "banana republics" of Latin America, are inevitably brought to mind by recent events in the Dominican Republic.

But President Johnson's steady buildup of marines and Army paratroopers in that distraught Caribbean island has no real relationship to the interventions of half a century ago. Karl Marx and his revolutionary doctrine were hardly a gleam in the eye of Sandino, for example—the "bandit" pursued by our men through Nicaraguan jungles back in the 1920's. Soviet Russia, in that distant day, was barely able to avoid collapse, and the Chinese Communists were a mere handful of helpless agitators led by an obscure individual named Mao Tse-tung.

But today the picture in the Caribbean and the rest of Latin America is totally different. Communism has got a firm foothold in Cuba, although President Kennedy vowed that this would never be allowed to happen. As long as that situation exists, the United States is threatened with being almost blasted off the map by nuclear missiles based on that island.

President Johnson is absolutely correct, therefore, in saying:

"The American nations cannot, must not and will not permit the establishment of another Communist government in the Western Hemisphere."

The difficulty seems to be to get the other members of the Organization of American States to join us in stamping out this infection before it spreads. For let it be clearly understood that if the Reds are permitted to take over control of the Dominican Republic, these infiltrators, saboteurs and guerrillas will soon get control of other areas of Latin America. And all in the guise of "democracy," "freedom" and "national liberation."

President Johnson and his advisers have listed some 58 known Communist agents, many of them trained under Castro, who have been leading the bloody uprising in and around Santo Domingo. There is nothing surprising in this. On the contrary, it would be astounding if these professionally trained Red revolutionaries were not operating in that atmosphere of pillage and murder.

If the Organization of American States will heed the appeal of the United States for the creation of an inter-American peace force to help restore law and order in the Dominican Republic, that will be the ideal solution. All of us would greatly prefer to have this a cooperative effort, to the end that stability and order might be restored by the OAS, rather than by the United States.

Every effort to that end is being made. But if it turns out that too many of the Latin American governments have swallowed Red propaganda about the "imperialist United States" for any joint action to be possible, then we shall have to go it alone.

This will be an unpleasant and hazardous task. But it will be less unpleasant and less hazardous than the alternative of letting communism get another firm foothold in this hemisphere.

U.N. SERVANTS FOR PEACE

Mr. JAVITS. Mr. President, an article in the September 1964 issue of the monthly report of the United Nations High Commissioner for Refugees has recently come to my attention. This article recounts the circumstances surrounding the death of François Preziosi, who was the representative of the High Commissioner in Bukavu, the Congo, and Jean Plicque, who was chief of the International Labor Organization zonal development project in Kivu Province, both international public servants who gave their lives to the cause of international peace and an effective United Nations. These men were killed by a rebel officer while they were attempting to prevent Rwandese refugees from becoming involved in subversive political activities and to protect the refugees from harsh treatment by the provincial authorities. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Greater Love Hath No Man—Preziosi and Plicque Killed in Mamba

The death of Mr. François Preziosi, the High Commissioner's representative in Bukavu, and Mr. Jean Plicque, ILO chief of the zonal development project in Kivu, on August 17 while traveling to a refugee settlement in the Kivu Province of the Congo, has caused profound shock and grief in Geneva.

The circumstances under which they were killed can only be placed in perspective by taking into account the political situation in the Kivu Province.

With the approach of the rebels, provincial authorities became increasingly harsh in their treatment of Rwandese refugees whom they suspected of being a subversive element. This attitude in turn engendered a feeling of insecurity among the refugees and thus worked in the interests of those attempting to enlist them for the rebel cause. In this atmosphere of mutual suspicion and distrust, tension mounted between the refugees and officials in the Kivu, notwithstanding Mr. Preziosi's constant efforts on the one hand to discourage arbitrary action by the authorities and on the other to keep reminding the refugees that as guests in a foreign land they must refrain from all political activity directed against the established government. Mass arrests in the Bukavu area began on August 11. Mr. Preziosi immediately intervened with the Congolese officials to bring the prisoners, numbering some 300, food and water and to arrange for their release and transfer to the Kalonge district some 40 miles away. However, the local chief (Mwami) of Kalonge was loath to accept them because he claimed that among the 3,000 refugees already settled in his region, there were elements who were showing sympathy for the rebel cause. He named five persons living in the refugee center of Mamba as the main agitators.

In order to allay the Mwami's misgivings and to convince him to take the group imprisoned in Bukavu, Mr. Preziosi resolved to go to Mamba on Monday to seek out the five so that they could be questioned by the Mwami. At the same time he intended to remind all the refugees in the camp not to become involved in subversive political activity of any kind.

Just before leaving, he dispatched the following cable: "Yesterday met Mwami Kalonge who stated trouble developed in his area in which apparently refugees involved. This may again lead to harsh measures. Am going there investigate. Hope be back tonight."

As Mr. Preziosi was setting out, Mr. Plicque, who also knew the camp from the work that he was doing in connection with the zonal development plan in that area, volunteered to accompany him.

Press reports from Leopoldville on what transpired when their car was stopped on the road to Mamba were based exclusively on the account of the driver after he had escaped from the scene of the attack.

Further information has since been collected, partly as a result of a mission of Mr. Warren A. Pinegar, Deputy Director of Operations, who was sent from Geneva on August 18 to help bring to light all information bearing on this tragic event. In addition separate reports based on interrogations of a large number of other witnesses were submitted in the first week of September by the ILO Chief of Mission in the Congo and by UNHCR's regional office in Bujumbura, Burundi. Thus it is now possible to reconstruct what happened with more accuracy and with greater detail.

It is now clear that Mr. Plicque and Mr. Preziosi encountered an organized rebel detachment of 45 armed men led by a commandant and an officer. This unit had come to Mamba with the express purpose of persuading the refugees to join the rebel forces.

At the very moment when Messrs. Plicque and Preziosi reached the camp, the commandant was haranguing the refugees but with apparently little effect apart from a handful of agitators, presumably those that the Mwami had complained about. The mass of the refugees remained indifferent and some, fearing reprisals, were already moving away. The arrival of the two United Nations officials, whose mission was precisely to deter the refugees from being drawn into political activity of any kind, ran directly counter to the aims of the commandant. Moreover, the presence of Messrs. Plicque and Preziosi constituted a security risk, since upon their return to Bukavu they could report the unit's location.

When the car was stopped, Messrs. Plicque and Preziosi, the driver, and the representative of the Mwami, who was also in the party, got out of their own accord to show their peaceful intent. All four, however, were immediately taken into custody. The driver and the Mwami's representative were forced to kneel down and throw their identification papers on the ground.

When the driver spoke up to explain that his employers were on a strictly humanitarian mission, some of the refugees supported him and shouted out that they were friends who had done nothing but good. However, the commandant cut short these entreaties, and attention was turned again to the two officials. Mr. Plicque, despite his protests that he and Mr. Preziosi were only there to help the refugees, was machinegunned by the commandant, and a rebel soldier pierced his chest with a bayonet. Mr. Preziosi at that moment made a move to escape and was slain by a single blow of a machete wielded by the rebel officer. In the uproar, both the driver and the representative of the Mwami managed to flee.

The commandant drove the United Nations vehicle off the road and put the keys in his pocket. These were recovered subsequently when he was killed while Congolese troops were hunting down the rebels including some 50 refugee sympathizers in the Kalonge area.

When the driver reached the house of the Mwami after his escape, he was immediately taken to Bukavu and interrogated by Congolese authorities and by Mr. Johan Kunitzberger, the officer handling administrative matters in the Bukavu office of the United Nations Civil Operation in the Congo (UNOC). Efforts were made at once to determine the fate of Messrs. Plicque and Preziosi, but fighting in the area prevented government patrols from penetrating to Mamba. It was only on August 29 when conditions had become more calm that the Mwami said he had learned where the bodies of the two officials were buried. A search party headed by Dr. Faustino Doglio of the World Health Organization, then the ranking official in Bukavu, set out the same day and soon discovered the bodies, which had been buried with some care in Mamba camp.

Thus taking all known factors into account, it is clear that the overwhelming majority of the refugees who saw Messrs. Preziosi and Plicque being killed had nothing to do with their death and that, on the contrary, many tried to intercede in their favor. Entire responsibility devolves on the commandant, whose brutal action was obviously motivated by the wish to eliminate both a military risk and a threat to his aim of winning over the refugees.

It is assumed that the refugees took the initiative of burying the two victims since their valuables, including wedding rings, were intact when the bodies were recovered.

At the same time, the inquiry has brought out even more forcefully the high sense of duty of Mr. Prezoisi and of Mr. Plicque who accompanied him. Far from setting out imprudently they were fully aware of the grave risks involved but considered it their overriding obligation to proceed nonetheless with their efforts to assure the noninvolvement of the refugees.

The funeral was held in Bukavu Cathedral on Monday, August 31, in the presence of Mrs. Plicque and Mrs. Preziosi. They had been waiting in Bujumbura. Mr. Pinegar, the President of the central Kivu Province, the Governor of Bukavu, as well as local United Nations and diplomatic representatives, also attended the interment, which took place in a mission cemetery near Cyangogu just across the frontier in Rwanda.

Messages of sympathy have been received from U Thant, representatives of governments on the Executive Committee of the High Commissioner's program, colleagues in UNHCR, United Nations agencies, voluntary agencies, and many individuals.

Dr. Moïse Tshombé, Prime Minister of the Congo, sent a particularly warm cable of condolence on behalf of himself and the government.

Mr. Preziosi, who would have been 43 on August 19, had been the High Commissioner's chargé de mission in Bukavu since the beginning of 1963. His task was to protect some 60,000 Rwandese refugees in the Kivu Province of the Congo and to supervise measures being taken to settle those in need of international assistance. During this period, he acquired a reputation for the vigor with which he carried out his duties and for his tenacity in protecting the refugees against repressive action. At the same time he had won the confidence and respect of the provincial officials. Thus when increasing instability in the Kivu led authorities to impose further restrictions on refugees, including imprisonment, Mr. Preziosi felt that he could play a useful role by remaining at his post, and continuing to defend the interests of the refugees. Since Mr. Preziosi's death, reports from UNHCR's regional office indicate that refugees whose release Mr. Preziosi was trying to arrange remained in jail and that many did not survive.

In the first week of September when it was reported that 500 refugees were still in jail in the Kivu, Mr. Fritz Pijnacker-Hordijk, of the Bujumbura office, was assigned to Bukavu. Like other United Nations personnel, his living quarters are across the frontier in Rwanda some 7 miles away, and his movements in the Bukavu area are governed by considerations of personal safety. Apart from trying to assure that the refugees in prison are adequately fed, he has continued Mr. Preziosi's efforts to keep outside influences of any kind from threatening the wellbeing of the refugees and jeopardizing the efforts of the international community to settle them.

The PRESIDING OFFICER. Is there further morning business?

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. MANSFIELD. Mr. President, the situation in Santo Domingo continues to be dangerous and difficult. Innocent persons are still being killed by random bullets and sniper fire. There are reports of an epidemic of dysentery, and an outbreak of cholera is a strong possibility.

U.S. military forces, now numbering 14,000 are risking their lives daily; at least 7 have already died and scores have been wounded. A great many Americans and other foreign nationals have been evacuated, but thousands are still in danger of being caught in the crossfire of the conflict.

The cease-fire, sought initially through the good offices of the Papal Nuncio, Msgr. Emanuel Clarizio, has not yet been firmly established. But his efforts have now been supplemented by those of the OAS five-nation commission and Secretary General Mora. It is my understanding that this inter-American group is in touch with the leadership of the various sources of the Dominican conflict and has been making some progress toward a cease-fire, although an end to the fighting has not yet been brought about.

The Council of the Organization of American States has been meeting daily since last Tuesday, and while agreement was reached to send the Commission under Secretary Mora, the U.S. proposal to inter-Americanize foreign troops in the Dominican Republic has not yet been approved. This would seem to me to be an essential step if the inter-American system is to be effective and is to prevail in this situation. I do not think a great deal in the way of manpower would be required to carry out this resolution. A company of 300 men from each Latin American nation under its own officers and general OAS command may well suffice, and this Nation could offer to provide emergency logistical support, if necessary.

It would be my hope that the Organization will act rapidly on this U.S. proposal. Once there is an inter-American force on the scene, and a cease-fire has been achieved, I would hope that a temporary OAS trusteeship could be established which would concentrate on holding free and fair elections within 30 to 90 days.

I think we in this Nation and the Latin American nations should be clear on one point: The President of the United States has no desire to keep a unilateral U.S. force in the Dominican Republic one day longer than absolutely necessary. The prompt establishment of an inter-American military force would go a long way in permitting us to terminate this difficult responsibility.

I am pleased to note reports that both Brazil and Argentina have announced their willingness to send troops to the Dominican Republic as soon as the OAS approves such an action. I would hope that other Latin American nations will follow the lead of these two great nations in announcing their willingness to make forces available to help stabilize this critical inter-American situation.

I would hope, as well, that all the Latin American Ambassadors in Santo Domingo would join with the U.S. Ambassador or vice versa, and the OAS commission, in assisting in bringing about an effective cease-fire. I well understand the sentiments expressed by Mexican Foreign Minister Antonio Carillo Flores when he said:

> We cannot help but comment that, for whatever humanitarian reasons the Government of the United States has invoked, that it was considered necessary to resort to so sorrowful a thing in memory. As a consequence we hope that the presence of U.S. marines in the Dominican Republic will be the briefest possible.

I can assure him that his hope for the briefest possible presence of American forces is one which is shared by the President of the United States. The President's decision to send them in was taken with great reluctance and only when it became apparent that such an action was essential to safeguard the lives of U.S. citizens and other American nationals as well as foreigners from the rest of the world.

The President has made it clear that U.S. forces are not there to intervene in Dominican politics. The politics of the Republic are matters for the Dominican people alone to resolve, and I hope that it will be possible to do so at the earliest moment. All reports indicate that the U.S. forces have acted with caution and discretion and, in fact, have avoided taking sides in the revolution. They have performed an essential service in evacuating and safeguarding non-Dominicans, and they have been a significant factor in enabling the Red Cross to do its great humanitarian work among the injured and in attempting to prevent the spread of pestilence.

There are grounds for grave concern not only for us but also for all Americans of this hemisphere over the Dominican developments. If there was ever a time when precipitous judgments should be eschewed here and in the other American Republics, it is now. The need is for cool heads, for restraint and for the most measured and carefully designed inter-American action. At stake is not only the hope of the Dominican people for a responsible, stable, and decent system of free government, but also the efficacy of the inter-American system which has been a century in building. The situation in the Dominican Republic is in every sense a hemispheric responsibility. The OAS must have every opportunity to meet that responsibility. It must not fail to meet that responsibility.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield to the distinguished senior Senator from Vermont.

Mr. AIKEN. Mr. President, as usual, the statement of our majority leader is very timely and important. It appears that the situation in the Dominican Republic came to the attention of most of the country, at least, unexpectedly. One thing I would like to point out, however, is that the situation in the Dominican Republic cannot be considered in the same light as the situation in southeast Asia. In the case of the Dominican Republic the President had to act quickly. I do not know to what extent he advised other Western Hemispheric nations that he was taking this action. Certainly they found it out soon afterward. I believe there was no time for the convening of the Organization of American States and getting that Organization into action if the people not only from the United States but from many other countries were to be protected in the Dominican Republic.

I think, however, that we may have been a little callous with regard to this small Republic, which has only 3 or 4 million people. The economy of that country has apparently been deteriorating. The fall of the world sugar market dealt them a tremendous blow.

Several weeks ago I read that the biggest sugar plant, at Campinas, had been closed and the largest sugar plantation in the world had been closed. I have also heard that other employers had laid off their employees.

Any rebellion must have something to feed on. Unemployment is what it feeds on best. It seems to me that that is a situation that precipitated or hastened the rebellion in the Dominican Republic.

I am glad to hear that other countries in the Western Hemisphere are indicating a willingness to participate in restoring a workable government in that country. The OAS should contribute to the best of its ability in establishing such a restoration. I realize that it would be impossible to get the member nations of the OAS to unanimously agree to make a contribution of men or equipment or anything else, because some of them have, I believe, a very sincere policy against becoming involved in the affairs of any other country.

I hope, now that we are undertaking not only to restore order but also to reduce hostilities to a minimum in that area, that we will do it as soon as possible. When that is done I suggest that we pay more attention to the economy of that country. I suspect that we could have headed off this rebellion had we been fully aware of the effects of the depression which was affecting this country. Those people have to live, they have to eat, and they have to work. I know that we have criticized Trujillo, but while he was the dictator, the country was quite prosperous. No corporation was permitted to lay off its help without having an excellent reason for doing it. They had to get permission to lay off their help. Conditions are changed now. The situation was ripe for rebellion.

I do not undertake to say just what should be done, because the situation is in a state of flux.

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. I ask unanimous consent that we may proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Before I yield to the distinguished Senator from New York, I should like to say, as always, that the distinguished Senator from Vermont, the senior Republican in the Senate, has made a significant contribution. The Senator from Vermont [Mr. AIKEN] has a special interest in Latin American affairs. He issues reports from time to time which in my opinion are "must" reading for anyone who wants to have a better understanding and a deeper understanding of the areas which he has visited.

What he has said about unemployment in the Dominican Republic is absolutely correct. One of the reasons why the late chief of state, Donald Reid Cabral was overthrown, I believe, was due to the fact that he tried to institute an austerity program. When that is done, on an economy which is drastically hurt, a situation is created which is very difficult to overcome.

I think it should be said in all honesty that beginning a week ago Saturday, I believe, when the revolution broke out, our Government established contact with the OAS and on its own initiative and through the OAS urged with others that this affair be brought up for consideration, and in that manner performed its function as a member state.

I believe that what the Senator from Vermont has said is true; namely, that when the President took this action in dispatching American marines to Santo Domingo, the OAS was not informed, and that the President acted as he did only because of the urgency of the information sent him by our Ambassador, Mr. Bennett and various other chiefs within the American missions there.

The President felt that the need was imperative to bring about the evacuation of Americans and other nationals. It is my understanding as of this morning, based on what the President said to the membership of 6 congressional committees, that there were approximately 5,000 nationals, other than Dominicans, still in the Republic, and that of the 5,000, 1,500 were Americans.

It is my hope that, as the Senator from Vermont has indicated so ably, the OAS would assume its responsibility and recognize that this is not a U.S. problem but an inter-American problem, and in doing so I would hope they would consider the possibility of setting up a trusteeship down there under OAS auspices and creating an inter-American police force, to which each nation, including the United States, would contribute 300 men; and that the officer in command of such a force would be other than an officer from this country.

I would also like to see a greater degree of collaboration between the ambassadors of the American States, so that, instead of one country, like our own, acting unilaterally in Santo Domingo, all the American ambassadors there would get together and consider matters cooperatively.

These are factors which I am sure are being given every consideration.

With that premise, and in response to the observations made by the distinguished Senator from Vermont, I am ready to yield to the distinguished Senator from New York.

Mr. AIKEN. Mr. President, may I have 1 more minute?

Mr. MANSFIELD. Please.

Mr. AIKEN. Mr. President, the President of the United States had to act quickly in sending the Marines into the Dominican Republic to prevent the loss of life. I am sure of that. Now that the situation is as it is there, and we have 14,000 members of our Defense Establishment in the Dominican Republic, I earnestly hope that the President will not try to tie the South Vietnam situation and the Dominican Republic situation together, because they are very distinct from one another.

VOTING RIGHTS ACT OF 1965

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the present discussion of the Dominican Republic situation may continue for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, while the action of the Dominican Republic is quite generally supported by the public of the United States, I believe that the operations in southeast Asia enjoy considerably less approval. Therefore, I hope that the President does not try to tie those two situations together, because they are distinct.

Mr. MANSFIELD. They are two separate entities.

Mr. AIKEN. That is correct.

Mr. MANSFIELD. I yield to the distinguished Senator from New York.

Mr. JAVITS. I thank the Senator. I have a rather important question I should like to ask the majority leader. First, I should like to qualify myself by saying that I was one of those who went to President Bosch's inauguration with our now Vice President HUBERT H. HUMPHREY. I also tried to help the Bosch regime by arranging for 1,500,000 doses of antipolio vaccine to be sent to his country. The vaccine was sent free, including the transport by Pan American Airways, and the doses were actually administered through the efforts of the U.S. Public Health Service to the children of the Dominican Republic, in the hope of buttressing that regime.

The point that is troubling me and, I believe, many others, concerns the question of not taking sides, which the Senator mentioned specifically in his very fine and typically thoughtful statement.

The President has announced that we are in the Dominican Republic in order to save Americans, to save other nationals, and to prevent a Communist takeover. I thoroughly agree with the President about preventing a Communist takeover—which assumes that there is danger of one. I also agree with the Senator with respect to the OAS and all the procedures which he has outlined.

But I should like to ask the Senator a question. The Senator said—and I think I heard him correctly—that we must eschew immediate judgment in this situation. Does the Senator, who as majority leader is of great importance in these discussions, feel that the door is open for the United States to withdraw from the situation, considering the attitude that may be adopted by the OAS and knowing what so many of us do know about what evidence there is—at least so far as it has been reported to us—of the likelihood of a Communist takeover? In other words, if we eschew immediate judgment, may not our judgment be to stay in? I must say to the Senator right now that I am all with the President, as I have always been, when we were in a tight spot. I am with him now, and I pledge that. But I ask the Senator whether, in his judgment, we really have freedom of action in this situation, notwithstanding what has been said and done already. If the Senator feels that we do, I believe it would make a very great difference in how the whole situation is regarded.

Mr. MANSFIELD. Mr. President, because of circumstances, our freedom of action is very limited. That is why I have emphasized several times my hope that the OAS would assume its responsibilities and step in and take over some of the responsibility, thereby relieving us of the unilateral responsibility which is ours, and transferring the burden of finding a settlement to the situation in Santo Domingo onto the shoulders of the Organization which ostensibly is charged with concern for the welfare of all the States of the Americas. Whether or not that can be done I do not know. There are several resolutions in the OAS which will be considered today and tomorrow. Perhaps out of those three or four resolutions will come a composite resolution combining the best in each to the end that a settlement may be arrived at.

The Senator has mentioned President Bosch, who was deposed by the coup d'etat which was led by a triumvirate, which included Wessin y Wessin, the deposed chief of state Donald Reid Cabral, and one other individual whose name I cannot recall at the present moment. It is my understanding—and this is subject to a good deal of verification because I cannot vouch for it—there was a report this morning to the effect that the Dominican Congress had assembled and had indicated that it would like to see Col. Francisco Caamano Deno, who seems to be the leader of the pro-Bosch forces in the older part of the city of Santo Domingo, become the President on an interim basis. Whether there is anything to that or not, I have no verification. It is a rumor which I have picked up. But there again I hope that it will be possible, if any action of the kind proposed is undertaken, for the OAS to participate in it as fully as possible.

Mr. JAVITS. Mr. President, will the Senator yield to me so that I may ask another question?

Mr. MANSFIELD. I am delighted to yield.

Mr. JAVITS. Would the Senator say—and I am not trying to put words in the Senator's mouth, but attempting to see if I understand the Senator correctly—that the policy of the United States today is in the following three parts:

First, to guarantee the security, so far as we can, of our own nationals and other foreign nationals there?

Mr. MANSFIELD. Yes.

Mr. JAVITS. Second, to prevent another Communist takeover in the Western Hemisphere?

Mr. MANSFIELD. That question has been raised.

Mr. JAVITS. Third, to turn over this responsibility at the earliest feasible moment to the Organization of American States with full relinquishment on our part and no strings?

Mr. MANSFIELD. Yes.

Mr. JAVITS. I thank the Senator. I think that is very important.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. I commend the distinguished majority leader and other Senators who have spoken on this subject. Their speeches have been most timely. I am not on the Foreign Relations Committee, but I happen to live in a State that is closer than any other State to the trouble in the Dominican Republic and to Latin America generally. We are very close to our Latin American neighbors and there are many ties between our State of Florida and Latin America.

I wish to accentuate two points. First, the distinguished majority leader spoke of the need of action by the Organization of American States. I believe that the existing crisis is the acid test of the usefulness of the Organization of American States. If other member nations can find it in their hearts and consciences to respond fully and to furnish armed troops to set up an inter-American command to make it clear that they will stand with our country in repelling either invasion or this newfangled sort of intervention, which is by infiltration, and then by guerrilla warfare, I think it will not only be a fine thing in ending this particular troublesome situation, but also it will be a very fine and promising development for the future. It will give stature to the Organization of American States which it has never had and which is very badly needed. It will probably result in Canada asking for membership. Senators will remember that Canada has been willing to send her troops with peacekeeping forces in various parts of the world when she has been called upon by other bodies.

Mr. MANSFIELD. By the United Nations.

Mr. HOLLAND. Yes. My own feeling is that the Organization of American States is presented with an acid test. I was glad to hear that Secretary General Mora, for whom I have a great deal of respect, responded immediately and went down there.

I was glad to see that, in spite of a little reluctance, a committee of five members was organized without too great delay representing five of the Latin American countries, to go to Santo Domingo and be there on the ground as a stabilizing factor. I hope that the result of that Organization's presence will be the activation of the Organization of American States in a way that has not existed heretofore, but that is very badly needed.

Before I end that point, I wish to say that considering the room for suspicion that our good friend, the Republic of Mexico, has in looking at us, remembering all the things that have happened in the past, I thought the remarks of the distinguished Foreign Minister, Mr. Flores, who was Ambassador to the United States not so long ago, were decidedly temperate and that we should highly appreciate them.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield.

Mr. MANSFIELD. I would agree with what the distinguished senior Senator from Florida has just said. The remarks made by the Foreign Minister of Mexico, Antonio Carrillo Flores, certainly were, in my opinion, temperate and understanding in relation to what has happened to his country and to other countries rimming the Caribbean over past decades.

Mr. HOLLAND. I thank the distinguished majority leader.

My second point is this: We would be very wise if we brought Puerto Rico and the Puerto Rican people into this matter as speedily and as actively as possible. If there is to be participation in a permanent inter-American force, it would be my suggestion, made out of an abundance of ignorance as to many of the details, that the Puerto Rico National Guard be used. I have seen units of the Puerto Rico National Guard. They are well trained. I believe they would acquit themselves well. They are neighbors of the Dominican Republic. They speak the same language. Not only would they acquit themselves well; they would receive from the beginning a great amount of good will from the people who must be somewhat suspicious—the people of the Dominican Republic.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. MANSFIELD. Without giving the matter careful thought, the proposal to have Puerto Rico join the 19 American States to comprise an Inter-American Peace Force seems to have substantial foundation. They are Spanish-speaking people who would fit in very well with the nations of the hemisphere and could well help to represent the United States in such an organization.

Mr. HOLLAND. I thank the distinguished Senator from Montana. I offer the suggestion merely for consideration by those who will have a chance to consider the intimate facts better than I can here.

Second, former Governor Muñoz-Marín is a person who has established himself as a real statesman, who has shown his independence in many ways concerning our way of thinking in this country, and yet has insisted upon his country becoming a permanent part of the United States, having commonwealth status. If a consultative body or an advisory group, or something of that sort, is to be established in the Dominican Republic, I suggest that we not overlook the fact that we have in Puerto Rico, headed by former Governor Muñoz Marín, several well-trained statesmen who can represent this country with ability and who, at the same time, will be recognized as having the ability to talk the same language. I am speaking not only in terms of the words they use; but they would have the same Latin American viewpoint. Many of them are Spanish-Americans. Some, of course, in Santo Domingo are French-Americans.

Some, from Brazil—and I am glad to observe that Brazil has already responded helpfully—are Portuguese-Americans. But they would be recognized as a part of the great Latin-American group who number more in their total population than we have in the United States.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MANSFIELD. Again, the Senator from Florida has made a noteworthy contribution. I fully approve of the idea that such contacts should be established—and I feel certain they would be—with such men as former governor, now Senator Muñoz-Marín; with Romulo Betancourt, former President of Venezuela; and with Jose Figueres, former President of Costa Rica; and I would hope also with a man who served with distinction in the Department of State as Deputy Assistant Secretary of State for Inter-American Affairs, Dr. Arturo Morales-Carrion. Dr. Morales-Carrion is one of the outstanding scholars of hemispheric affairs with a distinguished record and reputation not only in Puerto Rico and the United States but throughout the Americas. All of these men could serve as a bridge in our understanding of the rest of the hemisphere. All of them are men of great distinction, who have made contributions to the betterment of their countries and the hemisphere as a whole.

Mr. HOLLAND. I thank the distinguished majority leader.

I close by saying again that I believe this is a magnificent opportunity, as well as an acid test, for the Organization of American States. I hope that that Organization will rise to the opportunity and fulfill its high potentialities. It can become a most useful, strongly effective, and highly respected body, which it has not always been in the past. I want it to become such a body.

Mr. MANSFIELD. Yes; I agree with the distinguished Senator from Florida. We want mutual respect with them; we want a mutual assumption of responsibility; we want them to take their proper role in the affairs of the hemisphere as a whole.

Mr. ELLENDER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ELLENDER. I am in thorough accord with what my good friend from Florida [Mr. HOLLAND] has just said about the OAS. Now is the time for it to exhibit its capabilities as a peacemaker. It must not fail us. It should be in the forefront in an effort to bring about peace in Santo Domingo. I do not intend at this time to restate my views in respect to both Cuba and the Dominican Republic. I have said on many occasions that Castro should never have been recognized by us and that I thought it was tragic for the late General Trujillo to have been ousted from the Dominican Republic by way of assassination. But all of that now is water under the bridge.

I heard the President this morning; I heard him last night over the radio. From what he said, that area of the world is in grave danger at the moment. He stated that a large number of Americans and foreigners are there and must be protected. As the distinguished Senator from Florida has said, the acid test for the continued existence, and support by us, of the OAS, is near at hand. Unless the member nations are able to work together and help to ward off communism in the Southern Hemisphere, its usefulness will be questionable. We should not be compelled to carry the burden alone.

So far as I am concerned, although I have criticized what was done in Vietnam and in the Dominican Republic, the fact is, our forces are now engaged in both areas, and the time has not arrived for us to retreat. Based on the knowledge at hand I believe Congress ought to respond to the request of the President for additional funds. So far as I am concerned, that is the course I shall pursue.

Mr. MANSFIELD. I thank the Senator from Louisiana.

Mr. PELL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the distinguished Senator from Rhode Island.

Mr. PELL. I congratulate the Senator from Montana on his comments and analysis of the situation. I agree with him completely and stress particularly the desirability of following through on the positive suggestions he has made for seeking equal numbers of troops from many different nations, and for the substitution, as quickly as possible, of the OAS in handling the problem.

The Senator from New York [Mr. JAVITS] brought out the fact that there is a certain lack of flexibility in the situation in which we are and that, therefore, it is doubly important to persuade the OAS to assume responsibility.

There is another point, to underline the words of the Senator from Vermont [Mr. AIKEN], and that is that the Dominican Republic is on our very doorstep. While it may not be in accordance with international law, it is generally accepted among the nations of the world that we have a particular relationship to our neighboring nations in this hemisphere. It was in recognition of this fact that the Monroe Doctrine was enunciated and accepted by the rest of the world. In addition, little nations, close to great nations are generally part of their sphere of influence. On these bases, we have taken drastic action in the past in this hemisphere. As the Senator from Vermont pointed out, it is not the same as the situation that exists in southeast Asia and the two situations are different.

Mr. MANSFIELD. I agree with the Senator.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The pending business is the Voting Rights Act of 1965, S. 1564.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARLSON in the chair). Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. STENNIS. Mr. President, I shall address myself primarily to S. 1564, which is the original bill before the Senate, with reference to the so-called voting rights question, and refer to various parts or all of the pending matters of the original bill, and then the proposed substitute, as well as the Ervin amendment.

First I wish to address myself quite briefly to the proposition of the rights of the States, and the governing bodies of the States, to impose such reasonable tests as they may see fit as qualifications of the right to vote. This has always been the rule and there is no room in our Constitution for any other rule.

I refer, too, to the statement made once by Thomas Jefferson, who said that a nation cannot be both ignorant and free.

To try to outlaw and abolish completely a literacy test with reference to voting is not only directly contrary to the Constitution of the United States, but is contrary to commonsense itself. It is a matter far beyond the purview of the Congress to impose such limitations. I hope this debate will fully show it, and that the final votes will fully prove, as they have in years heretofore, the wisdom of that principle.

This bill, S. 1564, as we know, was drafted in the atmosphere of massive public demonstrations, introduced in the Senate on March 18, and referred to the Committee on the Judiciary with instructions to report back by April 9. Under such limitations, it was necessary that the committee hold only a few days of hearings and then frantically meet in executive session to report a bill. On several occasions, reports reached the public that a revised or substitute version had been agreed upon by a majority of the committee; then before that substitute could hardly be printed, numerous amendments would be offered thereto. Finally, upon the last day in which the committee had to consider this measure, what may well be called a "conglomerate" bill was put together and reported to the Senate.

Of course, now a substitute to the one reported by the committee has been offered to the Senate.

The result of this process is that we now have before the Senate as the pending business an almost new bill on which, in effect, there have been no committee hearings. New provisions are included in the bill on which no testimony was received during the short hearings on the original bill, and other provisions have been modified to the extent that the testimony which was received really is not applicable. Even the proponents of this bill on the committee have been reported in strong disagreement on some of its new provisions. Although the purpose of committee consideration is to clear up these disagreements and remove any constitutional questions, I believe it fair to conclude that the reported bill is more objectionable than the original proposal.

Why has the Senate resorted to this kind of procedure? Why is it now willing to legislate in this atmosphere? The answer is found in the great wave of emotionalism that has been sweeping the Senate, and the country, too, to a degree, until a few days ago when the situation in the Far East and South America became so acute with reference to the actual hostilities in which we are now engaged.

Out of the public demonstrations has arisen a demand that Congress act and act now, because we are told that a great need exists—that the privilege of voting in this country cannot be secured and administered fairly without the passage of this additional proposed legislation. But the existence of a need or problem, whether real or supposed, is not sufficient basis for legislation, Mr. President. Before Congress can enact a law to meet any need, there must be a grant of authority for such action, and that authority can be found only within the four corners of our basic law, the Constitution of the United States.

The Supreme Court has expressed this principle on many occasions and has never upheld the validity of any act of Congress simply because it sought to accomplish a desired result. In the famous case of *Carter* v. *Carter Coal Co., et al.*, 298 U.S. 238, 56 S. Ct. 855, 80 L. Ed. 1160 (1936), for example, the Court spoke of its duty to determine the constitutionality of legislation and stated:

> In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great weight, but their opinion, or the court's opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry. (298 U.S. 238, 297.)

In *Linder* v. *United States*, 268 U.S. 5 (1924), the Court clearly stated that:

> Federal power is delegated, and its prescribed limits must not be transcended even though the end seems desirable. (268 U.S. 5, 22.)

It is true, of course, that within constitutional bounds, Congress is free to enact any legislation which is reasonably adapted to meeting a problem. Attorney General Katzenbach, in his testimony before the House and Senate Judiciary Committees on S. 1564, gave great weight to the fact that the means chosen by Congress to accomplish a desired result are solely a matter of legislative discretion. This is certainly true, but it is valid only to the point that Congress does not exceed the grant of its constitutional authority. In declaring unconstitutional the Railroad Retirement Act of 1964, the Supreme Court very concisely stated:

> The fact that the compulsory scheme is novel is, of course, no evidence of unconstitutionality. Even should we consider the act unwise and prejudicial to both public and private interest, if it be fairly within delegated power our obligation is to sustain it. On the other hand, though we should think the measure embodies a valuable social plan and be in entire sympathy with its purpose and intended results, if the provisions go beyond the boundaries of constitutional power we must so declare. (*Railroad Retirement Board, et al.*, v. *Alton Railroad Co., et al.*, 295 U.S. 330, 360 (1935).)

It is very clear, Mr. President, that the purpose of legislation, no matter how desirable or necessary, does not alone justify congressional action. Concurrent with that purpose there must be constitutional authority. In my opinion, S. 1564 does not meet this test. I believe it can be clearly demonstrated that this bill not only exceeds the authority of Congress but also is directly contrary to many principles of our system of government. In order to substantiate this conclusion, I will first discuss the constitutional provisions dealing with voting qualifications and elections; consideration will then be given to the specific provisions of S. 1564.

It is axiomatic that the Federal Government has only those powers delegated to it by the Constitution. Absent an express or implied grant of authority, there is no Federal power. On the contrary, the respective States are the repositories of residual power; that is, authority not given to the Federal Government, nor denied to the States, remains in the States or in the people without enumeration in the Constitution. The 10th amendment forever sets this proposition at rest. Further, the doctrine was given clear enunciation in Carter against Carter Coal Co., et al., supra, wherein the Court said:

> The general rule with regard to the respective powers of the Constitution is not in doubt. The States were before the Constitution; and, consequently, their legislative powers antedated the Constitution. Those who framed and those who adopted that instrument meant to carve from the general mass of legislative powers, then possessed by the States, only such portions as it was thought wise to confer upon the Federal Government; and in order that there should be no uncertainty in respect of what was taken and what was left, the national powers of legislation were not aggregated but enumerated with the result that what was not embraced by the enumeration remained vested in the States without change or impairment (298 U.S. 238, 294).

Applying this principle—and there is no dissent from that principle—to the question of voting, it is clear beyond doubt that only the respective States have the authority to establish the qualifications of voters. The following specific provisions deal explicitly with this question:

I refer to article I, section 2, of the Constitution.

Mr. President, before I read from that section of the Constitution, let me point out with all the emphasis I can—and I do not believe the position will be contradicted—that the proponents of the proposed legislation are trying to make an exception to the extent of suspending the application of the general rule. Legislation has come before the Senate which contradicted the general rule, but this is a new approach. The proponents say, "We will suspend" the constitutional powers of certain States to establish voter qualifications. I submit that that is a more dangerous doctrine than the one which seeks to contradict outright and thereby repeal a provision of the Constitution of the United States, because the mischief to be performed will be greater. Unless we are on guard, the effort to accomplish that end by enactment of the proposed legislation might be made easier and the legislation more possible.

Therefore, I believe that we should be on double guard. There is no such thing as suspending the operations of the Constitution of the United States. That is for a dictator to seek to do. He would always plead that, of necessity, in order not to contradict the Constitution, it would have to be suspended to meet various conditions.

He always wants to be the interpreter of what those conditions are. Therefore, we are now discussing plain, elemental, constitutional law, most of which has always been heretofore accepted and followed. The plain import of the bill and the chief burden of the bill is not to contradict and set aside the provisions of the Constitution of the United States, but merely to suspend the operation of it for some time.

I quote from article I, section 2, of the Constitution of the United States:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The 17th amendment likewise states:

> The Senate of the United States shall be composed of two Senators from each State, selected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The 17th amendment followed that identical language of the original part of the Constitution, in article I, section 2, which clearly and specifically and unequivocally states, in unmistakable language—simple and easily understood—that the qualifications requisite for electors in selecting Members of the House of Representatives and the Senate in the Federal Government shall be the same as the qualifications of electors of the most numerous branch of the State legislature. That means the State legislatures in the 50 respective States. These two provisions of the Constitution expressly provide that those who vote for Members of the House and Senate shall have the same qualifications as are required of electors of the most numerous branch of the State legislature. That is ordinarily known now as the House of Representatives.

The Constitution is silent as to the qualifications of voters in State elections, and, as the States had this exclusive power prior to the adoption of the Constitution, that power remains in the States today. This has been modified somewhat since the adoption of the original Constitution by other constitutional amendments, but this in no way infringed on the principle I am discussing.

Without question, the provisions just cited leave this power undisturbed in the States and provide that the qualifications thus set by the States for members of the most numerous branch of the State legislatures shall automatically be the qualifications possessed by electors within each State who chose the Members of the U.S. Congress. See *Ex parte Yarbrough,* 110 U.S. 651 (1883).

Until now, that has been what we call hornbook law, and has been generally accepted.

In addition, with reference to the election of the President and Vice President, article II, section 1, clause 2, provides:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

There can be no argument that these three sections of the Constitution expressly and specifically grant to the States the authority to determine the qualifications of electors in all Federal elections. The only other provision dealing with Federal elections is article I, section 4, which provides that the Congress may regulate the "times, places, and manner of holding elections for Senators and Representatives." It has never been seriously contended, however, that this section gives Congress the power to establish qualifications.

Going back to the Constitutional Convention, Alexander Hamilton, in speaking of Congress' authority under this provision, stated in No. 60 of the Federalist Papers:

> Its authority would be expressly restricted to the times, the places, and the manner of elections. The qualifications of the persons who may choose, or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the (national) legislature.

The Supreme Court has also supported this interpretation of the power of Congress to regulate the times, places, and manner of conducting congressional elections. For example, in *Newberry* v. *United States,* 256 U.S. 232 (1920), the Court stated:

> Many things are prerequisites to elections or may affect their outcome—voters, education, means of transportation, health, public discussion, immigration, private animosities, even the face and figure of the candidate; but authority to regulate the manner of holding them gives no right to control any of these (256 U.S. 232, 257).

These sections are the only provisions of the Constitution dealing with the authority to determine the qualifications of voters, subject only to the 15th and 19th amendments. The 19th amendment, of course, prohibits discrimination on the basis of sex and is not relevant to this discussion. It is therefore clear that under these provisions and the Supreme Court's interpretation thereof the several States have the exclusive power, subject only to the prohibition of the 15th amendment, to decide who shall vote in both Federal and State elections and to set the qualifications which must be met. The Supreme Court has affirmed and reaffirmed this principle in many decisions. In *Pope* v. *Williams,* 193 U.S. 621 (1904), for example, the Court stated:

> The Federal Constitution does not confer the right of suffrage upon anyone, and the conditions under which that right is to be exercised are matters for the States alone to prescribe (193 U.S. 621, 633).

The Court has likewise specifically ruled that requiring all voter applicants to pass a literacy test is a legitimate and permitted exercise of the States' authority to set voting qualifications. In *Guinn* v. *United States,* 238 U.S. 347 (1915), the Court dismissed any question on this subject by stating:

> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision and, indeed, its validity is admitted (238 U.S. 347, 366).

Mr. President, that was the Supreme Court of the United States speaking with reference to the validity of literacy tests. A literacy test is a test of a person's ability to read and write. The Court said that its establishment was but the exercise by the State of a lawful power vested in it, not subject to the Court's supervision.

This doctrine was specifically upheld by the Supreme Court as recently as 1959 in *Lassiter* v. *Northampton Election Board,* 360 U.S. 45 (1959).

Mr. President, I emphasize those cases. The voice of the highest Court in our land has put those questions to rest.

Still the bill, in an ingenious way, would seek not to change, reverse, or repeal the law, but to suspend it for an uncertain number of years. The doctrine was specifically upheld by the Supreme Court as recently as 1959 in *Lassiter* v. *Northampton Election Board,* 360 U.S. 45, which was a case involving a literacy test in the State of North Carolina.

In a unanimous decision by the Court in 1959 the Court held—

> The present requirement, applicable to members of all races, is that the prospective voters "be able to read and write any section of the Constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot. (360 U.S. 45, 53).

Further, the then Attorney General of the United States, who is now a Member of the Senate, the Senator from New York [Mr. KENNEDY], while testifying to the Senate Judiciary Committee on July 24, 1963, during consideration of the then pending civil rights bill, stated:

> I think there is no question that it is in the power of the States to establish the qualifications of its voters and the State does have the authority to establish a literacy test.

That was his opinion, and I know that it was an honest opinion. Still, today, the proposal which we are discussing would tend to suspend the application of that authority. That is a new approach. That is a new door that the proponents are seeking to enter. It is a more insidious approach and a more dangerous approach than a frontal assault, because time after time, in a direct assault to try to attack he qualifications of electors in the various States of our country, they have been turned back by this body. So the proponents have apparently given up—some of them have, anyway—on that approach, and they are now trying to have that provision suspended temporarily.

The then Attorney General of the United States, Hon. ROBERT KENNEDY, was speaking for the administration before the Senate Committee on the Judiciary. I should like to repeat, for emphasis, what he said.

He said:

> I think there is no question that it in the power of the States to establish the qualifications of its voters and the State does have the authority to establish a literacy test.

The bill denies that authority. It does not change the situation one bit when it states that that authority would be suspended for some uncertain time.

At another point in his testimony the then Attorney General, who is now an honorable Member of this body—and what I have to say is no attack on our fellow Senator—under his oath as Attorney General said:

> I don't believe that the Federal Government can establish the qualifications for voting.

And, indeed, the present Attorney General, Mr. Katzenbach, affirmed these principles in testifying before the Senate Judiciary Committee on the bill now under consideration.

Mr. President, based on these constitutional provisions, decisions of the Supreme Court, and the opinions of the present Attorney General and his immediate predecessor, who now graces this Chamber as a Member, I believe all Members of the Senate will agree that the several States have the exclusive jurisdiction to determine voter qualifications, specifically including the right to establish literacy tests. This being true, let me now turn to a consideration of the only possible restriction on that authority, the 15th amendment to the Constitution.

Before proceeding immediately to that subject, I should like to add a thought with reference to literacy tests. None other than the great Thomas Jefferson, who many have said was the patron saint and real spirit of our great Government, stated that a nation cannot be both ignorant and free. That is no reflection upon someone we might call ignorant, because every person who might be ignorant has an opportunity to improve his situation, and most continue to do so. Jeffersons' philosophy, however, applies. A nation cannot be both ignorant and free.

To abolish literacy tests, which are so well embedded and which were established with good reason, is really to argue nonsense.

Constitutionally, it is more important that we do not let powers that do not exist be exercised with the idea that we are merely suspending a requirement or a test than it would be to simply abolish them. It would be more insidious and more iniquitous if a scheme should be devised whereby certain recognized principles of government could be suspended.

I want to have remedied or corrected any fault in our laws or in the administration of the laws. I know that that can be done, and it has always been done, within the Constitution of the United States. But if it cannot be done within the Constitution as it is written, we in our wisdom and consideration—the States and the people—have amended the Constitution and have adopted a course that the majority thought was sound as to any given subject.

But now it is proposed to suspend a part of the Constitution. While I might seek to suspend the Constitution today as to one provision, someone else might wish to suspend it as to another section tomorrow. That is the most dangerous sea upon which we could possibly embark. Whatever may be the background of the proposed legislation as a whole, I hope that we shall not adopt any kind of theory that could be used in this bill or any other bill hereafter by means of which the operation of the Constitution, or any part of it, could be suspended; or so that in order to carry out one part of the Constitution, it would be necessary to suspend the operation of another part. That is the most deadly and dangerous doctrine of constitutional government that I believe could be devised.

Soon after the passage of the 13th, 14th, and 15th amendments, Congress enacted a number of enforcing statutes. Likewise, the Supreme Court was quickly called upon to interpret these new constitutional protections, and from the date of its first decision in the Slaughter-House cases in 1873—the *Butchers' Benevolent Association of New Orleans* v. *the Crescent City Livestock Landing and Slaughter-House Company,* 83 U.S. 36—to the present time, the Court has without exception held that: First, the 14th and 15th amendments prohibit action of the States, but not of individuals, which deny the rights secured thereby; and second, the legislative power of Congress thereunder is limited to "appropriate legislation" designed only to prohibit violations thereof based on race or color. Any act of Congress which exceeds these specific limitations is invalid.

The 15th amendment, of course, provides that the right of citizens to vote shall not be denied "on account of race, color or previous condition of servitude." This guarantee does not enlarge the power of the Federal Government nor does it diminish the power of the States except to the extent that it prohibits voting discrimination because of race. As the Court so clearly stated in Pope against Williams, supra:

> Since the 15th amendment the whole control over suffrage and the power to regulate its exercise is still left with and retained by the several States, with the single restriction that they must not deny or abridge it on account of race, color or previous conditions of servitude (193 U.S. 621, 632).

Similarly, the 15th amendment does not create any new right on the part of anyone to vote, except that a person can no longer be denied the right to vote because of his race or color. All persons are still subject to such nondiscriminatory requirements as the several States may desire to establish. See, for example, *United States* v. *Reese,* 92 U.S. 214 (1875), which held that "The 15th amendment does not confer the right of suffrage upon anyone."—92 U.S. 214, 217. Only the States, and not the Federal Government, have the authority to determine what those requirements will be. And, indeed, this discretion on the part of the States is not subject to Federal review; the Court so held in Pope against Williams, supra, wherein it was stated:

> The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one. (193 U.S. 621, 633.)

The only limitation on this power of the States is that no one may be denied the privilege of voting simply because of race or color. That is properly so.

Section 2 of the 15th amendment gives to the Congress power to enforce the prohibition of that amendment by "appropriate legislation." In United States against Reese, supra, the Supreme Court clearly spelled out in unmistakable language that such legislation must be restricted to limiting denials based on race or color. That case arose as the result of the act of Congress of May 31, 1870—16 Stat. 140—which was designed to enforce the 15th amendment guarantee. The first and second sections of that act, respectively, provided that all persons shall have the right to vote without distinction as to race, color or previous condition of servitude, and established punishment for any officer who failed to give all persons the opportunity to vote without regard to race or color. Section 3, however, provided that the offer of any person to perform any act necessary to qualifying to register, and the subsequent act of an officer in refusing to receive or permit such performances, shall be considered performance of the act. Section 4 provided punishment for any person who wrongfully attempted to prevent any person from doing an act necessary to be done to qualify to vote. Neither section 3 nor section 4 was in any way limited to prohibiting denials of the right to vote because of race or color.

The Court prefaced its consideration of whether these two sections constituted "appropriate legislation" by stating:

> It is not to be contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized. (92 U.S. 214, 218.)

The Court then examined the act of 1870 and found that sections 3 and 4 were not expressly limited to prohibiting discrimination based on race or color, and it further found that those sections were not limited by the first and second sections. The Court therefore declared the act of 1870 unconstitutional. In *United States* v. *Harris,* 106 U.S. 629 (1882) the Court states, with reference to the Reese case, that:

> The ground of the decision was that the sections referred to (secs. 3 and 4) were broad enough not only to punish those who hindered and delayed the enfranchised colored citizens from voting on account of his race, color, or previous condition of servitude, but also those who hindered or delayed the free white citizen. (106 U.S. 629, 642.)

As will be shown, S. 1564 is subject to this same determination.

These constitutional principles which I have discussed may be summarized as follows, Mr. President:

First. Prior to the adoption of the Constitution, the several States were vested with exclusive jurisdiction to regulate all elections and to determine the qualifications of all electors.

Second. The Constitution reserves this authority to the States and specifically provides that the qualifications of electors in all Federal elections shall also be vested in the several States.

Third. The power of Congress to regulate the "times, places and manner of holding Elections for Senators and Representatives" does not invest the Congress with any power to determine the qualifications of electors in such elections.

Fourth. The power of Congress to enforce the 15th amendment is limited to enacting "appropriate legislation" which cannot go beyond prohibiting State action which denies or abridges the right to vote because of race, color, or previous condition of servitude.

Now, Mr. President, let me turn to a consideration of the provisions of S. 1564 and see if they can be reconciled with these constitutional principles. First of all, it should be noted that the authors of this proposal, as originally introduced, did not pretend to base it on any provision of the Constitution except the 15th amendment. It was entitled a bill "To enforce the 15th amendment to the Constitution of the United States." In addition, the Attorney General stated in his testimony before the House Judiciary Committee, as shown on page 31 of the preliminary transcript, that "as drafted this is based entirely on the legislative provisions of the 15th amendment." As reported, however, it is now described as a bill to enforce the 15th amendment "and for other purposes." I do not know what the significance of the latter phrase is, unless it is an admission that the Congress does not have authority under the 15th amendment to abolish poll tax requirements, as was originally proposed by section 9 of the bill as reported by the Judiciary Committee. At any rate, the mere addition of this phrase in the title does not add to nor detract from the power of Congress to enact this bill.

Section 2 of S. 1564 simply declares that no voting qualification or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right to vote on account of race or color. This neither adds to nor detracts from the validity of the bill. Section 4 (b) provides, however, that no citizen—and I repeat for emphasis, no citizen—shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State or political subdivision, in use on November 1, 1964, if first, less than 50 percent of the persons of voting age in that State or political subdivision were registered to vote on November 1, 1964, or if less than 50 percent of such persons actually voted in the presidential election of November 1964, and second, than 20 percent of the persons of voting age are nonwhite according to the 1960 census.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I am delighted to yield to my colleague and my friend from Georgia.

Mr. TALMADGE. The Senator is making a most able speech. I congratulate him heartily for pointing out some of the evils of the bill.

Has not the Senator been reading the carefully contrived formula which would suspend the constitutional right to have literacy tests or educational tests in some 6 States while they would be retained in the other 44 States of the Union?

Mr. STENNIS. The Senator is correct. That is a legal and statutory monstrosity.

Mr. TALMADGE. Will the Senator from Mississippi yield further?

The PRESIDING OFFICER (Mr. FANNIN in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. STENNIS. I am glad to yield.

Mr. TALMADGE. I will ask the Senator if Congress itself, in debating the 15th amendment, did not reject an effort made both in the House and in the Senate, to prohibit the inclusion of educational qualifications in the 15th amendment?

Mr. STENNIS. The Senator is correct. The Senator from Georgia pointed out such a case on the floor of the Senate the other day, in a fine historical and factual presentation of that great fact in our constitutional history, that those who proposed the amendment dared not and would not—for good reasons, too—put such a provision in the amendment itself.

Mr. TALMADGE. Is it not true that Boutwell offered an amendment to prohibit educational qualifications, and that it was rejected by the House of Representatives by a vote of 45 to 95?

Mr. STENNIS. The Senator is correct. That is the record as taken from the official recordings of the vote at that time. It was an overwhelming vote against that kind of proposal.

Mr. TALMADGE. Is it not true that a similar proposal by the Senator from Massachusetts, Senator Wilson, was defeated in the Senate by a vote of 19 to 24?

Mr. STENNIS. The Senator is correct. I am familiar with that proceeding.

Mr. TALMADGE. The Senator from Massachusetts, Senator Wilson, also offered a modified version which was agreed to by the Senate, but is it not also true that it was rejected by the House of Representatives by a vote of 37 to 133?

Mr. STENNIS. It was overwhelmingly rejected and was lost in the legislation at that point.

Mr. TALMADGE. The Senator from Mississippi has been an able judge in his own State. Is it not true that when we consider the meaning and intent of any provision, whether it be a provision of the Constitution or a statute, that we go back to see what was the intent of the framers of a particular law, if there was any doubt as to its meaning?

Mr. STENNIS. That is the only logical and safe guide we have. It is the one which we have always followed. When we deviate from that principle, or attempt to do so, we get into trouble and we have to go back to it. We have to go back to the only correct interpretation that free men can have and still have a Constitution.

Mr. TALMADGE. Is it not as clear as daylight, as demonstrated by the votes in House and Senate, that in submitting the 15th amendment to the States of the Union in 1870, Congress had no intention and no desire to suspend the right of any State to have a literacy provision?

Mr. STENNIS. Nothing could possibly be clearer and more certain in all our constitutional history than that very point. The right of the States to establish such voter qualifications was a pivotal fact upon which the Constitutional Convention turned, as the Senator well knows, when the original Constitution was being written. If it had not been decided as it was, we would not have obtained a Constitution at that time.

Mr. TALMADGE. If Congress rejected an effort to broaden the 15th amendment in 1870, does not the Senator from Mississippi believe that it is utterly inconceivable and incomprehensible that today's Congress could accomplish by statute, 95 years later, what Congress in 1870 refused to do by constitutional amendment?

Mr. STENNIS. The Senator is correct. It is unthinkable that we should abandon constitutional principles. As I pointed out, while the Senator from Georgia was looking into another matter in the Chamber, it is incomprehensible in our system of government that this be done under the guise of suspending the operations of the Constitution for *x* number of years, and that we are going to suspend the Constitution in certain sections of the country but not in others, in order to meet the situation.

Mr. TALMADGE. Is this not a part and parcel of a pattern that the end justifies the means, that might makes right?

Mr. STENNIS. It certainly is. In great deference to our friends, the proponents of the proposed legislation, it is, in essence, the same thing that Adolf Hitler was successful in bringing about in Germany at the beginning of his search for power. I make no comparison between the proponents of the proposed legislation and Hitler, only a comparison of the end result. Hitler stated that he believed in the German Constitution, but in order to attain certain goals which he had in mind, which would have to be accomplished quickly, the German Constitution would have to be temporarily suspended.

Mr. TALMADGE. Can Congress suspend any provision of the Constitution of the United States in any area at any time?

Mr. STENNIS. I believe not. I believe that is clear. It is crossroads logic and commonsense. The Supreme Court affirmed that logic when it decided the great case of Ex parte Milligan—which grew out of the unfortunate Civil War 100 years ago—from which case I expect to quote later in my remarks.

Mr. TALMADGE. The Milligan case held that neither Congress nor anyone else could suspend any part of the Constitution at any time, even in wartime, in any area of the Nation.

Mr. STENNIS. The Senator is correct. During the stresses and strains of that unfortunate Civil War, a man was tried, as the Senator will recall, under a military court which claimed that, in view of the rebellion—as it was called—the civil court could not function, and was therefore suspended.

The Supreme Court, however, said, "No; a thousand times no." That case has become a milestone, a great light in our constitutional history down through the years until this day. I do not believe that Congress will go back on it.

Mr. TALMADGE. I thank the Senator from Mississippi and compliment him on his able speech. I entirely agree with him.

Mr. STENNIS. I thank the Senator from Georgia very much for his very fine questions and observations. No one is better qualified to speak on the subject than he. He always lives up to the principles in which he believes, in spite of temporary hurt. I have seen that happen to him. I commend him highly for his position and for his consistency.

Mr. President, the Senator from Georgia referred to the Ex parte Milligan case. I shall cite another part of it later in my presentation, but I wish to refer to it at this time. It grew out of the Civil War, and was decided by the Supreme Court of the United States in its December term, 1866. It concerned the case of a man named Milligan, who had been convicted in the State of Indiana by a military court and sentenced to be hanged. The court having jurisdiction contended that the area was in a state of rebellion and that therefore the civil courts were suspended and could not properly function. On appeal to the Supreme Court of the United States, the plea was made that the law of necessity applied in war as well as in peace, and the Constitution could not be carried out.

This is what the Supreme Court said in volume 71 on pages 120 and 121 of the U.S. Report:

> The Constitution is a law for rulers and people equally in war and in peace, and cov-

> ers with the shield of its protection all classes of men at all times and under all circumstances.
>
> No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

The principles in that case have been followed over and over again without exception. It has been the law from that time until this very minute.

I respectfully submit that it cannot be overthrown in any way by a legislative body. I submit that the only way that law can be overthrown is by an amendment to the Constitution of the United States. I do not believe that the people of this country would adopt such an amendment.

Under no guise, to meet no condition, the Supreme Court said, can the Constitution be suspended. That is where our freedom lies. Of course there are some abuses of election laws, not only in the South, but everywhere. There may be a different reason for such an abuse in various places, but to get at the problem in the way it is proposed to get at here is wholly beyond the power of Congress. It is a direct violation of the Constitution of the United States. To come in under this guise, in an attempt to suspend the Constitution in order to get at a remedy, is more iniquitous and more damnable and more dangerous than would be a direct assault on the Constitution itself, in an effort to get its interpretation reversed, because if we can suspend the Constitution for one purpose, we can suspend it for another. If we can do it for 6 months for one reason, we can do it for 6 years or 60 years or 160 years for another reason. There is no power in Congress to suspend for even 1 minute the plain provisions of the Constitution of the United States. The people have that power. Congress does not have it.

Congress has already enacted a law, the so-called Civil Rights Act of 1964, which, with other laws already on the books, will meet fully and amply every problem that arises out of the racial question and voting rights. Only a little time is needed.

I have no doubt that that was the policy and the intent of the President of the United States and the Attorney General on January 1st of this year, and that it was the general thought of the membership of the Senate, both Democratic and Republican, and that it was the general thought of everyone in position of power and responsibility that that law would be used gradually and firmly and positively; that in that way the problems in different areas of the country would be gradually solved, and that any injustices and imperfections which exist would gradually and certainly and fairly and firmly and rapidly be wiped out.

Everyone knew that, including the majority leader and the minority leader. That was the plan of Congress until the marches started down in Alabama. That was the situation here. Then the marches started. Emotions became aroused. People flocked in. After the registration books in Selma, Ala., had already been opened fully and the registration had been operating every day under a court order, certain people marched from Selma to Montgomery in an effort to arouse sentiment and stir up the people.

I speak with great respect for the President of the United States and the political parties and the leaders of those parties. However, when that started, no one wanted to get out and switch quickly, and there was a contest between the political parties, and everyone wanted to get into the act, so to speak. As a result, the Attorney General hurriedly tried to write a bill, and everyone started to put in his word, in spite of the fact that it was clearly understood that there would not be any bill on this subject passed on this year, because one had been passed last year.

Mr. President, this subject is charged with emotionalism. It is charged with competition between the parties, with competition among the groups that lead our colored citizens, and competition among various persons in public life. The only thing left that had not already been done was to try to run over the Constitution of the United States. There was nothing else to do. Some said, "We will not meet the problem head on; we will have the Constitution suspended. We will take one section of the Constitution of the United States, the 15th amendment, and try to suspend other sections of the Constitution.

Fine, honorable men have stood on the floor of the Senate and have said that they would not yield, even to the threat of political death, to any bill designed to outlaw a literacy test for voting, but that they would vote to suspend the Constitution.

Mr. President, I ask, which is the more iniquitous—to vote to suspend a provision of the Constitution in order to meet a situation, actual or not, or to vote to reverse it?

I believe there is more danger to this great Nation in this flanking attack, in trying to suspend the operation of the Constitution of the United States, than there would be in an assault from the front, or even trying to knock down one of its provisions. Certainly not as bad a precedent would be set in trying to get a total reversal, as in trying to bring in the doctrine, which is charged with iniquity, of suspending the Constitution of the United States.

I notice, in the language in the 18th amendment to the Constitution, language almost identical with that proposed here, to the effect, that Congress shall have authority to enforce the provision by appropriate legislation. The 18th amendment was adopted in 1920, as I recall. That provision was contained in it.

On second thought, in later years, because of what had occurred in the meantime, the principle contained in that amendment was reversed and the amendment was taken out of the Constitution. But the difference between the approach contained in the 18th amendment "by appropriate legislation," under the Volstead Act, and what is proposed here is that Congress in the former case did not try to suspend the right of trial by jury.

Certainly Congress did not mean by "appropriate legislation" the right to suspend a fundamental principle like trial by jury. By the operation of the same logic it cannot be argued with any reason that the 15th amendment, which gives Congress the right to enforce it by appropriate legislation, gives Congress the power to suspend the operation of a literacy test in connection with the constitutional provision dealing with qualified electors.

Mr. President, I have illustrated the danger and the pitfalls in which we find ourselves so quickly when we talk about suspending the Constitution of the United States.

There is no Senator whom I respect more than the Senator from New Hampshire [Mr. COTTON]. I wish he could be present in the Chamber. Perhaps he will come into the Chamber later today. I am sure he will. I understand that he said yesterday, he would never support any proposed legislation that carried with it the idea that Congress has the authority to abolish a literacy test as a qualification for voting, but that he could vote to suspend that necessary requirement. With all deference to him—and he is a wonderful character and a fine mind—how can he make that distinction? So far as congressional power, right, and authority are concerned, how can he say that we do not have the authority, the power, and the right to abolish a literacy test, but that we can suspend it? Someone else might come along and say, "We will not abolish the right of trial by jury, but we shall suspend it in order to meet a condition."

He might say, "I do not want to abolish so and so, but I will suspend it."

Finally, a majority could be brought together, and, bit by bit, the whole Constitution of the United States could be suspended. That point has been emphasized and underscored many times over when the suggestion has been made that a little more time be given, that there are Federal laws already on the books under which the Attorney General of the United States has full and ample authority to enforce the provisions of the 15th amendment.

They have the power; they have the money, and it will not take very much time. But the proponents of the measure are not satisfied with a reasonable approach with a reasonable time to make adjustments which could rapidly be made. They wish a shotgun approach. They say, "Do it all now. The Constitution be damned. If the Constitution does not allow it, we shall suspend the Constitution." They say, "We will condemn the poll tax. We will outlaw it. We will defy it. We will change it."

I submit that whether such an outcry comes from the part of the country in which I live or whether it comes from white, colored, or anyone else, it is a dangerous doctrine. A constitutional government cannot live under the idea that the Constitution can be suspended in order to reach an end result, especially when there are adequate, full and ample remedies on the books that are already getting results.

Mr. THURMOND. Mr. President, will the able Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. I commend the Senator for making such an outstanding and able address. He has made the point, which I believe is very significant, that some of those who are proposing the bill would be willing to suspend the Constitution of the United States. Prior to coming to the Senate, the Senator from Mississippi was an able circuit judge in his State. He has been a student of constitutional law. He bears a reputation for being a fine lawyer. I am wondering if he knows of any precedent under which the Constitution has ever been suspended. I wonder if the Senator knows of any authority in the Constitution or any authority anywhere that has ever held that the Constitution of the United States can be suspended.

Mr. STENNIS. I thank the Senator for his reference to me. I can quickly answer that question by saying that I have carefully searched the lawbooks and other sources, and I have not found one authority in which it has been indicated that the Constitution of the United States can be suspended. The idea is ridiculous. Even in wartime, when civil government had broken down, as revealed in the Milligan case, with which the Senator from South Carolina is so familiar, the Supreme Court said, "It cannot be done. It is beyond the purview of our concept of government." That opinion has been followed without exception to this day.

Mr. THURMOND. If the bill which is now before the Senate for consideration were passed, would not the effect of the bill be to suspend the Constitution of the United States and particularly to suspend article I, section 2, which provides that the States have a right to fix voting qualifications?

Mr. STENNIS. That is exactly what it would do. It is a frontal assault. The Constitution does not provide that the Federal Government shall prescribe the qualifications. It does not state that the rights of States to have literacy tests can be repealed. But the bill states that in certain areas of the country the Constitution will be suspended in that respect. As I have said, the idea is unthinkable that we would do such a thing, because we are totally without power.

Mr. THURMOND. If the Congress should pass such a law that would suspend the Constitution in the matter of fixing voter qualifications, would not that set a precedent for the Congress to pass other laws which would suspend other provisions of the Constitution if an expediency should arise that might appear to demand it?

Mr. STENNIS. The Senator is correct. The right of trial by jury could be suspended under the same machinery and the same reasoning. Almost 99 years ago the court decided that it would try to suspend the right of habeas corpus and, as the Senator recalls, convict under the power of military court. The idea could be applied to taxation. The power of Congress to suspend the Constitution of the United States could be applied to anything. If the issue related to any other subject than the controversial one with reference to racial problems, the subject would not be considered 5 minutes.

Mr. THURMOND. Is it not peculiar that anything that is brought up in the Congress pertaining to racial questions seems to throw the Congress in a conniption, and the Members of Congress are willing to pursue a course that they would not think of pursuing otherwise?

Mr. STENNIS. I think that is undoubtedly true. As the Senator from Mississippi pointed out a moment ago, there is already a law on the books that would take care of every conceivable consideration that could arise on account of voting—alleged discrimination in jobs, employment, schools, and everything else, because of race and color. The wheels are already turning, and all the objectives of that law will be carried out. This bill is a demand from those in the streets who clamor.

Mr. THURMOND. The great State of Mississippi has laws to protect the right to vote. South Carolina has laws to protect the right to vote. Every other State of our Nation has laws to protect the right to vote. In spite of that, there are 6 criminal laws and 10 civil laws—16 Federal laws—to protect the right to vote. Yet people who have other purposes in mind are eager to hold demonstrations and claim that people cannot vote.

Is it not true that in Alabama, on February 4, a Federal judge issued a court order providing that all who had not been registered by July of the present year would be registered by his court-appointed registrar, that he guaranteed those people that they would be registered and that they would have the right to vote, and in the order, he had ordered that at least 100 be registered each week to vote and that facilities be maintained to register 8 applicants simultaneously? Is it not true that all of that has been done, but in spite of that action, demonstrations were subsequently held anyway?

Mr. STENNIS. That is the history of the question. People were told that it could not be left to the States. It was totally in the hands of the Federal Government. A Federal judge had opened the doors of his court and they were proceeding in an orderly way and as fast as the court could act. Everything was favorable. But the march had to go on anyway. Everything was thrown overboard, and they wrote their own law, more or less.

Mr. THURMOND. Does the Senator believe that if the law that is now proposed be passed, it will bring an end to demonstrations in the future?

Mr. STENNIS. Not at all. It will pave the way for a new order of demonstrations. Those demonstrations will be with respect to housing and will be only the beginning. I have great compassion for other areas of the country because I believe that when the next step is taken, they will be in worse trouble than we in our area are. There will be demands for housing and other demands of every kind along these lines. If the bill passes, it will pave the way for suffering in other areas that will be more intense than in our areas.

Mr. THURMOND. Does the Senator from Mississippi feel that the voting rights question is merely a pretext, or that the housing problem would be a pretext, and that the main purpose of the demonstrations is really to generate incidents to bring about violence, which, in turn, will result in emotionalism throughout the country and cause the contribution of large amounts of money to the leaders of Negro demonstrations? Will not this create a demand that Congress pass a law to take power away from the States and bring it to Washington because the people in the States can no longer be trusted, and that Congress, therefore, must enter into certain fields of activity to protect the rights of the people? Does not the Senator feel that the bill is tied in with those activities in such a way that that could be the result?

Mr. STENNIS. It is inescapable. There are already laws on the books that could be carried out for such purposes. Both political parties are pledged to carrying out the law as it is now written, and Congress has provided funds lavishly for the Department of Justice to enforce it. The people know that. The voting rights bill is merely a prelude to programs for housing, school bussing, and other demands of all kinds.

Mr. THURMOND. Would not the voting rights law be used as a pretext to obtain other programs that it will be said the people really want, in particular, programs to take power from the States and bring it to Washington?

Mr. STENNIS. Undoubtedly, that is the intent.

Mr. THURMOND. Were we not told last year that the passage of the civil rights bill, which is the most comprehensive bill of its kind ever passed by Congress, would bring to an end the need for civil rights bills, and that no more such bills would be needed? Were we not told that the racial question would be settled, and that there would be no more questions to be settled between the North and South? Were we not led to believe that if that bill were passed, it would bring an end to civil rights legislation?

Mr. STENNIS. The Senator is correct. I believe that our friends from other areas of the country thought that that was correct. I believe they were truthful when they told us that. But now the situation has moved into an additional arena, and an attempt is now being made to force new patterns by political intimidation. I believe that is very clear, and that many people who did not realize it before, realize it now.

The important thing is that we must always remember to stay within constitutional powers and guidelines.

Mr. THURMOND. Does the Senator from Mississippi feel that the demonstrations are really attempts to coerce Congress into enacting more laws on the subject, in the hope that as a result, the power guaranteed by the Constitution will automatically be taken from the States and the people?

Mr. STENNIS. Undoubtedly the Senator is correct. When Congress assembled in January, facing many problems of our Government, both at home and abroad, these matters were not in that category. They were not in the field of operations, because enough law is on the books already, if a little time were allowed for it to operate.

The voting rights bill has been cooked up and scared up. We shall have to make a stand somewhere, sometime; otherwise this very problem will take over the country and abrogate the provisions of the Constitution.

Mr. THURMOND. The bill is entitled "A bill to enforce the 15th amendment to the Constitution of the United States."

The 15th amendment provides:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Does the Senator from Mississippi believe that the voting rights bill has any connection with the 15th amendment? Could not the 15th amendment be enforced now, and is it not being enforced? Is it not a self-executing amendment that can be enforced without further legislation, although we already have on the books a law to enforce the 15th amendment? No one is trying to deny the right of people to vote. Has not the bill other designs and purposes, as the Senator from Mississippi has brought out? Does not the Senator agree with me?

Mr. STENNIS. The Senator from South Carolina is correct. There is no need for the proposed legislation. There has not been time to appraise and put in motion the legislation that was recently enacted. The voting rights bill is merely a scared-up bill, one that has been proposed suddenly. It is a prelude to further efforts with respect to housing and similar programs.

The law is plain and simple. There are remedies. There has not been an opportunity for the civil rights law to operate.

Not only are we going entirely beyond the Constitution; we are going beyond reason.

Mr. THURMOND. Some persons have taken the position that the 15th amendment has the effect of nullifying, overriding, or abrogating article I, section 2, of the Constitution. I should like to hear the Senator's opinion on that.

Mr. STENNIS. Article I, section 2?

Mr. THURMOND. That is the section that gives to the States the right to fix voter qualifications. I know of no decision or precedent of any kind which holds that the 15th amendment overrides article I, section 2. Is my understanding correct?

Mr. STENNIS. It is correct. That is really not a serious consideration, unless it be one of temporary political expediency. The rule is clear; the cases are clear. I am fully satisfied that the operation of present law will bring about, in a short time, the result that was planned by the proponents of the previously passed civil rights legislation.

Mr. THURMOND. If the 15th amendment had had the effect of overriding or nullifying article I, section 2, of the Constitution, which reserves to the States the right to fix voter qualifications, would not the 17th amendment, which was adopted 40 years after the 15th amendment, and which contains verbatim article II, section 2, have the effect of revising the 15th amendment?

Mr. STENNIS. Yes; the historical facts are clear, plain, and consecutive that there was no intent whatsoever to override the power residing in the States originally with reference to voter qualifications; and there is machinery now in the Federal law, a law that has been upheld by the Supreme Court and is now in operation.

Mr. THURMOND. The courts have construed this point; and in 1959 the Supreme Court handed down the decision in the famous Lassiter case, a decision that substantiated the position that the States still have the right to fix voter qualifications. Is that not correct?

Mr. STENNIS. The Senator is undoubtedly correct. The law is clear on that. This is a bill that has been cooked up as a matter of expediency, in an effort to obtain quick results and to meet the condition which exists in the streets.

Mr. THURMOND. Mr. President, does the Senator feel that there is any conflict between article I, section 2, and the 15th and 17th amendments to the Constitution? Are they not all parts of the Constitution?

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. Is there any conflict between them?

Mr. STENNIS. They blend together perfectly. The consecutive development of the parts of the Constitution, the history, and the legal procedures blend together as part of one package—and particularly in view of the passage of the last major Civil Rights Act. It really establishes a pattern, and will produce results.

Mr. THURMOND. Has the Supreme Court, or any State or Federal court, held in any interpretation that has ever been made that there is any conflict among the three?

Mr. STENNIS. I believe not. There has been a consistent line of decisions, even down to the very last decision, which sets forth a magnificent pattern of suffrage rights, the application of those rights, and now with the present law, the application of those rights is regulated under Federal law with infinite detail.

Mr. THURMOND. Does not the Senator feel that with all of the laws we have on the subject of preserving and protecting the right to vote, State laws and Federal laws, no purpose can be served by this bill at all, other than political expediency?

Mr. STENNIS. I believe that there is considerable political pressure behind the bill, rather than logic or need.

I believe that we cannot afford to take some formula as a substitute for discipline and self-improvement for all of us. We want to instill personal responsibility in citizens of all colors. I cannot express it any better than that. I believe, from the statutes which are already on the books and clearly in the Constitution, that this is a matter of haste and a device to meet the marchers and paraders. These laws are already functioning in a fine way.

Mr. THURMOND. Mr. President, I commend the distinguished Senator from Mississippi for the great contribution he is making toward preserving constitutional government in the United States.

Mr. STENNIS. I thank the Senator very much for his courteous remarks, consideration, and his great assistance.

I shall now continue with my prepared remarks.

Section 4(b) of the bill now under consideration contains no express limitation which restricts its operation to enforcement of the 15th amendment prohibition against denials of the right to vote because of race or color. The simple recital that it applies only in States where more than 20 percent of the voting age population is nonwhite does not limit its coverage to prohibiting discrimination because of race or color. Given the existence of the statistical combinations set forth in section 4(b), the State or political subdivision involved would be prohibited from administering a literacy test to any citizen. The prohibition would apply to whites or nonwhites automatically, and clearly is not restricted or limited to preventing denials based on race or color. It cannot be contended that it is so limited. In this respect, it is similar to section 3 of the act of 1870 which the Supreme Court interpreted in the Reese case.

We must look further, therefore, to determine if section 4 is limited by any other provision in the bill. Certainly it is not limited by section 2, which merely states a truism that no person shall be denied the right to vote on account of race or color. I submit that there is no other possible restriction on this provision; if this is true, S. 1564 cannot be considered appropriate legislation under the 15th amendment.

It has been contended by the Attorney General and others that the effect of section 4 is limited by the provisions of subsection (a) thereof which provides that a State or political subdivision which is subject to section 4 may file a petition for a declaratory judgment in a three-judge district court in the District of Columbia. Such a State or political subdivision may be removed from coverage if that court finds that:

> The effects of denial or abridgment, if any, of the right to vote on account of race or color have been effectively corrected by State or local action and that there is no reasonable cause to believe that any test or device sought to be used by such State or subdivision will be used for the purpose or will have the effect of denying or abridging the right to vote on account of race or color.

At first glance, Mr. President, it may appear that this provision effectively limits the coverage of section 4(b), only to preventing denials based on race or

color. It is true, of course, that section 4(b) will not apply to any State as to which determinations have been corrected. But what if the court does not find that such corrective action has been taken? In such case, the State or political subdivision could not require anyone to pass a literacy test. No action of the State would have to allege and prove that he had been denied the right to vote because of race or color; he could simply refuse to take a literacy test or comply with any valid State requirement which falls within the definition of "test or device" as set forth in section 4(c). It is, therefore, very clear that section 4(b) would not only prevent a State from discriminating against Negroes, but it would also prevent a State from applying any constitutionally valid test or device to anyone who attempted to register or vote, whether Negro or white.

There can be no question, Mr. President, that the effect of this provision is to apply to cases other than that of denying voting privileges on account of race or color. This provision of the bill would not prevent the nondiscriminatory use of literacy tests; it would simply prevent their use at all. The power to do this is not given to Congress by the 15th amendment or any other provision of the Constitution.

Mr. President, I have not concluded my remarks on this bill, but will do so at a later date.

I yield the floor.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a proposed unanimous-consent agreement and ask that it be read by the clerk.

The PRESIDING OFFICER. The clerk will read the proposal.

The legislative clerk read as follows:

> *Ordered*, that at the conclusion of routine morning business on Thursday, May 6, 1965, during the further consideration of S. 1564, debate on the amendment of the senior Senator from North Carolina [Mr. ERVIN] shall be limited to 4 hours, to be equally divided and controlled by Senator ERVIN and the junior Senator from Michigan [Mr. HART]; that debate on the amendment to be offered by the junior Senator from Massachusetts [Mr. KENNEDY] and others dealing with the poll tax shall be limited to 4 hours, to be equally divided and controlled by the mover of said amendment and the majority leader, and that debate on any other amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 2 hours, to be equally divided and controlled by the mover of any such amendment or motion and the junior Senator from Michigan [Mr. HART]: *Provided*, That in the event the junior Senator from Michigan [Mr. HART] is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the majority leader or some Senator designated by him;
>
> *Ordered further*, that on the question of the final passage of the said bill, debate shall be limited to 6 hours, to be equally divided and controlled, respectively, by the junior Senator from Michigan [Mr. HART] and the senior Senator from Louisiana [Mr. ELLENDER]: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

The PRESIDING OFFICER. Is there objection?

Mr. ELLENDER. I object.

Mr. DIRKSEN. Mr. President, will the Senator withhold that objection for a moment?

Mr. ELLENDER. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Obviously the Senate cannot be stalemated. There is work to be done, there are crises that confront the country. The business of the Congress must go on. The domestic program must continue. We cannot remain in a stalemated condition. Since the majority leader and I have discussed this matter rather fully, I thought we were bending over backward in being generous with respect to the amendments, particularly those that were most important, as to the time being allowed. I had hoped, under the circumstances, that there would be no peremptory objection, and that if any Senator was dissatisfied with the allowance of time on such an amendment as the poll tax amendment or the Ervin amendment, which, of course, is vital, and which strikes sections 4 and 5 out of the bill, and with respect to the so-called observer-watcher amendment, a little time could be added, or time could be added on the bill when we finally reach the third reading.

I hope my distinguished friend from Louisiana might have a counterproposal to make. We certainly are not hidebound about it, and thought we were being quite generous, after the discussions we had.

Mr. ELLENDER. Mr. President, four or five southern Senators have so far spoken on the bill as originally reported from the committee. The second substitute that we are now considering has been before us since just yesterday, and there has been no debate on it by the proponents, and very little by the opponents. I have not spoken yet, and the same applies to many other southern Senators who also desire to be heard on it. I think it comes in bad grace at this time for the leadership on both sides of the aisle to even suggest a limitation of debate. I therefore object to the unanimous-consent agreement.

Mr. MANSFIELD. Mr. President, will the Senator withhold his objection a little longer?

Mr. ELLENDER. Yes.

Mr. MANSFIELD. Is there any way in which we could arrive at a more liberal time which would satisfy the Senator from Louisiana?

Mr. ELLENDER. Not at this time.

UNANIMOUS-CONSENT AGREEMENT—SPECIAL APPROPRIATION BILL ON VIETNAM

Mr. MANSFIELD. Mr. President, I send a proposed unanimous-consent agreement to the desk and ask to have it stated.

The PRESIDING OFFICER. The clerk will read the proposed unanimous consent agreement.

The legislative clerk read as follows:

> *Ordered*, that when the special appropriation bill on Vietnam requested in the President's message to Congress on May 4, 1965, is reported to the Senate, it shall immediately be made the pending business until disposed of; that there be five hours allocated to the debate thereon, including any amendments, and the time shall be equally divided between the senior Senator from Oregon [Mr. MORSE] and the chairman of the Appropriations Committee or his designee; and that immediately upon the completion of the consideration of said bill, the Senate shall return to the consideration of the unfinished business, S. 1564.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

NOTICE OF POSSIBILITY OF CLOTURE MOTION

Mr. MANSFIELD. Mr. President, in view of the fact that it seems impossible to arrive at a unanimous-consent agreement on the amendments and the bill, I think it is only fair that the leadership should announce at this time, so that all Senators may be informed, that because of the objection raised, we shall have to give very serious consideration to filing a motion for cloture at an appropriate time.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, in view of the fact that I have raised the question of a cloture motion, I believe that I should be a little more explicit. I have discussed the possibility with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and it is our tentative conclusion that we may well file a motion for cloture on Monday next.

I would hope, therefore, that Senators who have amendments to offer would keep this possibility in mind. I hope that it will be possible to comply with the request of the distinguished Senator from North Carolina [Mr. ERVIN], that a vote be had on his most important amendment on Thursday.

If I have been informed correctly by the distinguished Senator from New York [Mr. JAVITS]—and I am sure that I have—the distinguished Senator from Massachusetts [Mr. KENNEDY] intends to offer his amendment on the poll tax immediately following, and that would be taken care of this week as well.

I hope also that other amendments would be brought up from time to time, and that the Senate would be aware of the situation as it has developed this afternoon.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 5702) to extend for 1 year the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress and to provide necessary authorization of appropriations for such Commission, and it was signed by the Vice President.

EXPENDITURES BY THE GOVERNMENT FOR RESEARCH AND DEVELOPMENT

Mr. LONG of Louisiana. Mr. President, expenditures by the Government for research and development are designed to promote science and technology in the United States, not for the profit of any individual but for the benefit of all the people. There is no reason why the taxpayers of this country, who furnish the funds for this purpose, should then have to pay through the nose to use the results of the research they have already paid for.

I. SITUATION OF EMPLOYED INVENTOR

It is said that we must encourage the inventive genius of the United States, and that if we do not allow Government contractors to charge monopoly prices on the results of publicly financed research, inventors will be muffled and the scientific and technological level of our country will fall. That statement has been made by many hypocrites who themselves contract with scientists and engineers day after day and prohibit them from having the benefit of their discoveries, and yet they expect those scientists to produce good work for them.

I have here a letter I received from a scientist working for one of the largest corporations in this country. This corporation, which is one of the largest Government contractors, requires that its employees sign the following confidential agreement:

> I hereby assign to the corporation my entire right, title, and interest in any invention or idea, patentable or not, hereafter made or conceived solely or jointly by me:
>
> (a) While working in the corporation in an executive, managerial, planning, technical, research, or engineering capacity (including development, manufacturing, systems, applied science, sales and customer engineering); and
>
> (b) Which relates in any manner to the actual or anticipated business of the corporation or its subsidiaries, or relates to its actual or anticipated research and development, or is suggested by or results from any task assigned to me or work performed by me for or on behalf of the corporation.

I ask unanimous consent that the letter and the confidential agreement form be inserted in the RECORD at the conclusion of my remarks. It was necessary to delete the name of the scientist and the firm for which he works, otherwise his job with the company would be placed in serious jeopardy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG of Louisiana. Mr. President, it is no wonder that this is a confidential agreement, for it shows that corporate scientists are tied hand and foot. Even their souls are shackled to corporate interests. Their very thoughts become part of the corporation's property. This, of course, is far different from anything I have ever conceived, anything we have a right to ask for. The only thing we have in mind is that when anyone is paid to do research for the Government, the results are made available to everyone, including the corporation that did the research. No one is excluded, no one is deprived of anything.

But the private corporations that require their scientists to sign an agreement like this exceed the bounds of a democratic society. It uses its economic power to extract privileges that the U.S. Government would not dream of doing. Even the salesman's or the janitor's thoughts, if the corporations find them valuable, become the property of the corporations. Yet, these companies who deprive their employees of every conceivable right, who make of their scientists and engineers mere corporate machines, have the audacity to complain that their scientists would lose incentive, if the results of Government-financed research were made available to the American people who paid for it. Even when a university scientist is working with private funds, the results of his work become corporate property. There is no problem of loss of incentive in that case. When public funds are used, and then the public asserts its rights to the results, why then do we hear about the possible loss of incentive? Because it is merely a red herring. Because those who stand to gain by getting a hammer-hold on Government-financed research have to give at least some semblance of respectability to their arguments. After all, it just does not sound good for a corporation to say that they do not like competition because they can make more money if they had a monopoly.

In the 14th annual report of the Senate Small Business Committee the report of the minority emphasizes that one of the factors to be considered in disposing the Government's property rights should be the background experience and knowledge of the contractor. But we do not hear a single word about the background and experience of the people who do the research and development. I have never seen a Government contract which requires the contractor to do what he himself forces his employees to do.

Some firms are so generous that they give a special consideration to their employees who come up with important inventions. According to a publication of the United Aircraft Corp.—"The Data Capsule," February 1965, pages 1 and 2—when an idea is accepted by a special corporation patent committee and a patent application is filed, the inventor receives the munificent sum of $250. He will receive an additional $50 when the patent is issued. Needless to say, if the company is dong research and development for the Government, even this small pittance will be paid by the Government.

II. CERTAIN EMPLOYEES OF EXECUTIVE DEPARTMENT WORKING AGAINST PUBLIC INTEREST

One of the chief arguments used to justify the giveaway to private firms of the results of research paid for by the public is that a new discovery or invention will not be produced unless a private firm has a monopoly for at least 17 years. What these people have in mind is that the public should pay for the research, then the Government on behalf of the public should give monopoly rights to the contractor, in order to enable him to charge the public a higher price than would be possible under competitive conditions. What this amounts to is that the Federal Government taxes the citizens of this country to secure funds for scientific research, on the grounds that such research promotes the general welfare, and then turns the results of such research over to some private corporation on a monopoly basis. This amounts to public taxation for private privilege, a policy that is clearly in violation of the basic tenets of a democracy. New discoveries derived from research supported by public funds belong to the people and constitute a part of the public domain to which all citizens should have access on terms of equality.

Whenever Congress has studied this problem, it has always come to the conclusion that the information and results of Government-financed research should be freely available to the public, and the language has been expressed in words similar to the Long amendment. I refer the Senate to the Helium Gas Act, the Saline Water Act, the Water Resources Act, the Coal Research and Development Act, the Housing Act, the Arms Control and Development Act, the Veterans' Administration Prosthetic and Sensory Device Research Act, and the Appalachia Regional Development Act. The intent of the Atomic Energy and the National Aeronautics and Space, the Tennessee Valley Authority, and Solar Energy Acts are similar. If there is any consistency in Government patent policy, it is in those areas which are covered by statutes. If consistency is desirable, then the widespread adoption of the Long amendment is the logical way.

Certain employees in the Commerce Department, however, are lobbying to insure that the Long amendment is not adopted.

These representatives of industry on the public payroll are even putting pressure on the Department of Health, Education, and Welfare to oppose the Long amendment publicly. They want to insure that the results of Government-financed research in the field of health, specifically cancer, be given away as private monopolies.

In my judgment, Mr. President, this is a betrayal of a public trust.

Today, the public, through its Government, underwrites the training covered by colleges, medical schools, internships, careers, and research projects for individuals involved in medical research. The public underwrites equipment, construction, and facilities. The public provides grants for research programs and health demonstration projects. Yet, these public officials urge that the public should also pay through the nose for the use of the results of the research for which it pays.

The U.S. Chamber of Commerce, the National Association of Manufacturers, and other trade and industry groups are expected to represent their business constituents—and they do so very ably and legitimately. Government officials, who are paid by the public, however, are not expected to act as lobbyists on behalf of special interest groups. If public officials feel that their predispositions or their philosophies do not permit them to protect and advance the interests of the public as a whole, then they should join the special interest groups openly.

III. COMMINGLING OF FUNDS

The question is sometimes asked: Why should the public reap the benefits of research and development when the Government puts in, say, 10 or 20 percent, and the private company puts in the rest? The question can be reversed also. Why should the public contribute any amount, even 5 percent, to help a private corporation attain a monopoly position in order to be able to force the public to pay monopoly prices?

There is no reason why the Government should share in the costs with any private firm. This is the surest road to socialism. If the Government shares in the cost, inevitably and justifiably the Government will share in the profits, and perhaps share in the responsibilities of management. If ever a practice was devised to undermine the free, private competitive enterprise system, it is the practice of cost sharing.

If private industry wants to retain patents, trade secrets, and other property rights, then it should pay for the research and then try to sell its results without any strings attached. Private industry should be given every opportunity to fulfill the public's needs. If the Government wants to provide special services that the public needs, then the Government should pay the whole cost. In that way there can be maintained the sharp distinction between the private and public sectors of our society. Once the distinction becomes blurred, then woe to the private sector.

Mr. President, I should like to say something about the public contribution. I could, in good conscience, support appropriations of $12 billion or $15 billion—and the gross figure this year will be about $15 billion—for Government research, if we are doing that research to obtain information that we need, and the information developed is to be made available to the 190 million people in this country for their benefit. But if all we are doing is spending the $15 billion to pay some private concern to do something it would have done anyhow, and if we let that concern have private monopoly rights on its developments, then in my judgment we shall have given away $15 billion. If they would have done the research on their own account anyway, it would be a giveaway. So why not keep it clear? Either private concerns will carry on the research with their own money, with all the advantages of a private monopoly bestowed upon them, and with the Government protecting their private monopoly for them, or we should do it with Government money, the way we have done it during the first 150 years of the history of our Republic. In that case, when we do develop something, we should do what a private concern would do if it had paid for it.

Contracts usually provide that the rights under the contract belong to whoever has paid for the research. That is about the way any businessman would advise that it be done if he were operating the Government the way he operates his own business.

How often do we hear businessmen say, "What is wrong with the Government is that the Government does not conduct its affairs the way private business would do it."

If a private concern had a lawyer who signed a contract on behalf of the firm and the company expended a large amount of money for research and, having done so, the benefit went not to the stockholders but to the individual who either had the contract to do it for the company or to the scientist or engineer who actually did the research, the company would fire the lawyer and probably see if it could not institute criminal proceedings against him for betraying the interest of the stockholders and the management in drafting such a contract as that. And it would be right. It would certainly collect a large amount of money if it could find anything other than a complete error which had caused him to draft such a contract as that.

Another reason is that many firms have used Government research and development with ensuing patent rights as a substitute for their own research and development. Dr. Richard Nelson, of the Rand Corp., stated before my Monopoly Subcommittee of the Senate Small Business Committee that this practice is quite prevalent. Many firms determine what research is of interest to them and fits into their long-range program. They then try to sell the project to a Government agency for either all or partial financing. If they can get funding for it, fine. If not, there is a very good chance that they will get company financing for it. Dr. Nelson concluded that if the Government is not willing to waive title to patents, it might encourage the private firms to do their own research and in that way, enlarge the total of research and development in the economy.

What is wrong about that? They ought to be encouraged to do so.

A good illustration was given to me by Dr. Hornig, the Director of the Office of Science and Technology.

> Research personnel at Ohio State University conceived and tested an improved method for detecting the presence of surface fissures in metal objects involving the use of a liquid penetrant and a developer. This was not done under Government sponsorship, but the university was doing another study for the Government in the general area. Since a substantial amount of the development work would be required on the new process, the Government was asked if it was interested in supporting the work under contract. The Government declined. The university itself is undertaking to complete the work and will assume the task of patenting and licensing so as to make it available to the public.

IV. GOVERNMENT RESEARCH AND DEVELOPMENT RAISES TECHNOLOGICAL LEVEL OF OUR SOCIETY

By making the results of Government-financed research freely available to all, the technological level of our whole society is raised. Private industry itself benefits from this. A good illustration is the development of the fermentation process for the production of penicillin at the Peoria, Ill., laboratories of the Department of Agriculture. This process is still the basic process used in the production of penicillin and is also used for the production of practically all antibiotics made by private drug companies. The process which was available to all manufacturers thus enabled them to use it for other products. In addition, improvements were made in penicillin, and other changes, on which patents have been secured by private companies.

Another interesting example is that of dialdehyde starch which was developed at public expense by the Department of Agriculture and then made available to all of industry. The result is that private firms in many different industries are using the higher technological level as a new takeoff point, are making improvements, are making new adaptations to fit their own industries, and are securing patents on the work they themselves did. Dialdehyde starch is now being used for making high wet-strength paper and other special kinds of paper. It is used in the tanning of leather. Eastman Kodak is using it as a hardening of gelatin for film, and it is also being used for surgical sponge.

Another illustration is epoxidized oils which are used as substitutes for conventional type plasticizer for synthetic resins. It prevents resins from turning yellow as they age. Plasticizers are used to make plastics pliable and tough so they can be molded and worked without cracking and remain flexible throughout their life. The new plasticizer makes plastics last longer.

The fact that a plasticizer makes up as much as 30 to 40 percent of many plastic products indicates the importance of this research. Here, again, the Department of Agriculture made the results of its research available to the public, and General Mills, Rohm & Haas, and other companies built on the public's research, upon which they secured their own patents.

These are only a few of innumerable examples available which show that private firms take to new developments as ducks take to water. There is no quicker way to stimulate production, provide employment, and raise the standard of living than to have the Federal Government unlock the treasures of modern science and make them available to all on equal terms.

Private industry has used the work, the knowledge, and the research of the Department of Agriculture to solve its problems. For example, Dr. V. T. Patton, director of urethane chemicals research and development, Wyandotte Chemical Corp., of Michigan, invited two Department of Agriculture research people for a visit to the company. The Department's people were able to advise the men of the Wyandotte research and development laboratories on several problems they had encountered in laboratory trials of the Department's starch-derived glycol glucoside polyether preparation. Representatives of three starch companies also had discussions with Department of Agriculture people because they had run into a problem identical to Wyandotte's experience—notes from the Director of the Northern Division, issue No. 757, April 16, 1965.

The knowledge and experience developed in the laboratories of the Department of Agriculture are available to all of mankind. One of the great developments of this great area of Government is dextran. Because of the vital need of the Armed Forces and civilian defense for a satisfactory blood plasma extender that could be used for the treatment of casualties in the event of atomic bombing or other national emergency, a comprehensive program for the development of a plasma substitute was initiated by the Department of Agriculture in 1950.

As a result of this work and cooperation with other governmental agencies and industrial groups, production of clinical-grade dextran on a commercial scale and its use in hospitals and on battlefields of Korea as a substitute for human blood plasma became a recognized accomplishment in approximately 1 year's time. Dextran is important in cases of immediate need for restoration of blood volume in accidents in civilian life where time and facilities do not permit blood typing. It is difficult, if not impossible, to place a dollar value on the importance of the development of clinical dextran, since human life is involved.

Because the knowledge of this product is available to anyone, people from all over the world come to see how they can benefit. Recently, representatives from Pharmacia, of Sweden, visited the Northern Agricultural Laboratories in Peoria, Ill. Increased dextran consumption and inability of its suppliers to step up capacity to meet Pharmacia demands brought these men from overseas to discuss production and to obtain information about equipment. In fact, Pharmacia, one of the largest privately owned drug producing firms in Sweden, which has two subsidiary plants in the United States, because this development is available to all of industry, is contemplating the possible construction of facilities for producing dextran in the United States. This will be helpful in increasing investment, employment, and income in this country.

V. GOVERNMENT RESEARCH BENEFITS ALL OF INDUSTRY

The principal argument that is used to justify the giveaway of the public's property rights in patents is that a monopoly is needed to insure the commercial utilization of new inventions and discoveries. It follows from this argument, of course, that new discoveries would remain unutilized if patent rights were held by the Federal Government and made freely available to all.

This argument is just plain nonsense. There is no evidence in support of this contention. The experiences of the Department of Agriculture, the Tennessee Valley Authority, the Atomic Energy Commission, the Interior Department, and other departments and agencies of Government show just the opposite. I have already given specific examples to show how private firms have taken new inventions and discoveries which were available to everyone and, basing their own work on them, have made improvements on which they secured their own patents. The new technological base was available to anyone who wished to take advantage of it.

A few weeks ago, the distinguished junior Senator of Alabama [Mr. SPARKMAN], who is chairman of the Select Committee on Small Business, called the attention of the Senate to some of the results of research carried on by the New Orleans laboratories of the Department of Agriculture in improving and expanding the uses of cotton. Because the results of this research have been made freely available to all, the new processes and products are being used to the fullest extent. No one is deprived of anything except the legal authority to exclude others.

Mississippi, Alabama, Georgia, South Carolina, and other cotton-producing States have benefited because the demand for cotton has increased. The cotton-textile manufacturing areas have been benefited, and the consumers throughout the United States have benefited through an increase in real income brought about by lower prices due to competition. I cannot for the life of me determine who has been injured as a result of making the results of Government-financed research freely available to all. I can see only benefits, not injuries.

Now, what are some of these developments?

One is a class of finishing agents which impart wrinkle-resistance and wash-and-wear qualities to cotton fabrics. At least a dozen companies are producing these agents, and many textile firms are using them. In 1962, alone, it is estimated that more than 2 billion yards of cotton fabric were treated with these new finishing agents.

Another development has been stretch-cotton fabrics which are opening new markets for cotton. All-cotton stretch fabrics have been used in giving garments greater comfort, better fit, and better shape retention. Estimated production for 1964 was 57 million yards. By 1975, it is expected that more than 2¼ million bales of all textile fibers will be devoted to stretch cotton.

Those in the executive branch in the Government, who are trying to justify the granting of monopoly rights on Government-financed research, would say that since everyone has access to this new technology, no one will use it. But, Mr. President, something must be wrong with this claim. We find, instead, that 30 companies—large and small—are using this new technology.

Other important developments for the cotton industry have been the development of durable, flame-resistant cotton fabrics, and weather-resistant cotton fabrics, which are being produced by processes invented and developed in the laboratories of the Department of Agriculture and which are freely available to anyone who wishes to use them. Dozens of firms in the chemical, fabric, and laundry industries are benefiting from these new developments.

The Tennessee Valley Authority, as everyone knows, does considerable research and makes the results freely available to the public. New processes developed by TVA in its fertilizer research, for example, are patented by TVA and then are made available to the fertilizer industry on a royalty-free, nonexclusive basis. As a result of this policy, farmers are getting more and better chemical fertilizers and at lower prices than they did 15 years ago. Two hundred and seven companies have been licensed to use TVA fertilizer patents, and about 170 of them are small businesses. Many of the small businesses would not have been able to be in business without the benefits of TVA's research and the use of its patents. This is illustrated in specific and concrete terms by letters from Mr. Aubrey Wagner, Chairman of the Tennessee Valley Authority, and from the Ouachita Fertilizer & Grain Co. of Monroe, La. I ask unanimous consent that these letters be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

(See exhibit 2.)

Mr. LONG of Louisiana. Mr. President, research conducted by the Department of Defense in its own laboratories has also been made freely available to the public and there has been no hesitation in using these new developments. Let me cite a few examples.

The Chemical Corps packaging and materials development program has led to the development of a number of items of great value to both the military and civilian economies. The Chemical Corps, for example, used polyester resin to develop bleach containers that would withstand the corrosive action of bleaches, a polythylene plastic carboy to reduce expensive losses due to the breakage of glass carboys, and also a multiwall paper sack to ship bulk chemicals. These developments were needed in the civilian economy also because metal drums used to transport chemicals were subject to deterioration from corrosion and glass carboys were subject to breakage. There was also a need for inexpensive and strong shipping containers for bulk chemicals. Manufacturers of bags and sacks—as have manufacturers of various plastic suitcases, and many other manufacturers—are using the results of this research.

An improved method of producing technical grade DDT developed by the Army's Chemical Corps is being used in the manufacture of DDT by many small manufacturers.

In connection with studies of Tabun, a nerve gas containing the cyanide radical, an existing spot test for cyanide ion and cyanogen chloride was converted by Chemical Corps personnel into a sensitive method for quantitatively estimating minute concentrations of cyanide ion or cyanogen chloride. This quick and simple test has been used to detect minute quantities of cyanide by public health agencies, silver plating companies, coke plants, companies producing fertilizer by the nitrogen fixation process, the petroleum refining industry, the manufacturers of certain kinds of paper, and other industries. Manufacturers of vitamin products use it to measure the exact amount of cyanide in vitamin B_{12}. Cyanide is used in the manufacture of this vitamin.

The U.S. Army Engineer Research and Development Laboratories have developed cartographic drafting methods and equipment which has reduced by about 50 percent the cost of map compilation drafting used by private firms in this industry. The same organization has made available to the whole lithographic printing industry the results of its research in a new method of resurfacing lithographic press plates, which could reduce the cost of this operation by about one-third. Other cost-reducing methods and processes in printing, engraving, and lithography have been made available to all private firms that want to use them. The consequence has been a reduction in cost to consumers and greater and more profitable business for private firms.

The Army Engineering Laboratories has developed all kinds of paints—such as odorless and fire-resistant paints—protective coatings, snow and ice removal equipment, cranes, equipment for handling liquid fuels, fire-extinguishing agents, firehose, water purifiers, and a host of other things which are being produced by hundreds of companies, large and small.

The Quatermaster Corps has developed tents, sleeping bags, toilet soaps, heating and lighting equipment, precooked and dehydrated food products, fuels, and materials-handling equipment. New methods of tanning leather to make it more durable and long wearing have been developed by the Quartermaster Corps, put into the public domain, and are being used by the shoe and leather industry.

The Research and Development Division of the Office of the Surgeon General, Department of the Army, has developed new drugs, vaccines, and new medical procedures which are widely used in the civilian economy. The Walter Reed Army Medical Center has developed dental equipment which is used by all civilian dental practitioners.

The U.S. Army Electronics Laboratories have developed printed or etched circuits which eliminate laborious, skilled hand wiring, a process which opens the door to automated electronic production. The entire electronic industry has taken advantage of this development, which has brought about tremendous savings in the production and maintenance of all types of electronic consumer goods and capital equipment, from tiny hearing aids to giant computers. Not only can this process of manufacture save the Government as much as $30 million annually, but it can also save the consumers millions of dollars in electronic electrical goods production and maintenance.

The Army's Electronics Laboratories have made important contributions in the development of the transistor and in increasing the understanding of semiconductor properties. The advancement of the state of the art and free availability of new developments have opened the door in a practical and economic sense to the creation of a new industry with a tremendous potential growth. All of industry has benefited by the basic work done in this area by the Army's laboratories: the semiconductor industry and the electronic equipment industry, as well as all industrial users of electronic equipment. Some of the civilian products incorporating these new developments are radar in commercial aircraft, hearing aids, computers, radio and television, electronic home appliances, industrial equipment, medical research and equipment, and other products too numerous to mention.

I can go on indefinitely citing specific examples which certainly corroborate my point that new knowledge, new discoveries, new inventions, when made freely available to all our people, raise our standard of living, increase employment and consumer welfare, increase total profits, and enrich our lives in general.

VI. SOME GOVERNMENT OFFICIALS LACK FAITH IN COMPETITION

Dr. Hornig, the President's science adviser, has told me, my assistant, and others through letters that, in his judgment, monopoly is necessary for economic progress, that the American people will not have the advantage of the new developments, including the latest drugs, unless the Government bestows on private companies monopoly rights to the results of publicly financed research. Why? So these companies can force the public to pay through the nose for those things which the public has already paid to bring into being.

Mr. James Webb, the Administrator of the National Aeronautics and Space Administration, has expressed the same sentiments. When Mr. Webb appeared in March 1963 before the Monopoly Subcommittee of the Senate Small Business Committee, he was asked if he could give the subcommittee any figures, studies, or facts of any kind which might reasonably support his position.

What do you think was his answer, Mr. President?

His answer was:

> It is a very difficult statement to prove but anyway I will do my best for you.

It is more than 2 years later, Mr. President, and no supporting evidence has been received yet.

My guess is that he does not have any evidence. There just is not any.

We ask for proof, and instead we get ridiculous statements as to how wonderful monopoly is.

Let us not fool ourselves. What these people are really saying is that they have no faith in capitalism, that they have no faith in the free, competitive enterprise system. What these people are really saying is that some kind of a public subsidy—and that is what it really is—is needed for economic growth and the maintenance of employment, income, and the standard of living; the free play of the marketplace cannot be trusted.

Mr. President, I think we ought to settle this problem once and for all. If what these gentlemen say is true, then perhaps we ought to consider repealing the Sherman Act, the Clayton Act, the Federal Trade Commission Act and other legislation which was designed to preserve our system of economic freedom, and to prevent the closing off of large segments of our economy to those people who wish to risk their resources and add to the wealth—both material and spiritual—of our society.

Mr. President, this is not merely an economic problem. This is a problem which concerns our liberty and freedom. To the extent that, through the granting of monopolies, areas of our economic life are barred to many of our citizens, to that extent is our freedom abridged.

Scientific and technological research conducted or financed by the U.S. Government represents a vast national resource, which could equal or surpass in actual and potential value the public domain opened to settlement in the last century. Because the control of patent rights in inventions resulting from such activities means the control of the fruits of this resource, it is the function of the Government to make the results of research available for use by the entire American public which has made this research possible.

Mr. President, if one would only picture what is involved, and project this matter over 8 years of a President's term, assuming he is reelected by the people, we are talking about a gross amount of $120 billion to be invested over an 8-year period either in establishing, strengthening, or maintaining monopolies which are burdensome and expensive to the public. We are talking about a vast public investment by the people amounting to $120 billion. This is knowledge which should be made available not merely to a few Government favorites.

For that reason, I am introducing the bill, which I now send to the desk, for appropriate reference, and I ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1899) to prescribe a national policy with respect to the acquisition, disposition, and use of proprietary rights in inventions made, and in scientific and technical information obtained, through the expenditure of public funds, and for other purposes, introduced by Mr. Long of Louisiana, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Inventions Act".

DEFINITIONS

Sec. 2. As used in this Act—

(a) The term "Administration" means the Federal Inventions Administration.

(b) The term "Administrator" means the Administrator of Federal Inventions.

(c) The term "executive agency" includes any executive or military department of the United States, any independent establishment (other than the Administration) in the executive branch of the Government, the Government Printing Office, the Library of Congress, and any wholly owned Government corporation.

(d) The term "agency head" means the head of any executive agency, except that (1) the Secretary of Defense shall be the agency head of the Department of Defense and of each military department thereof, and (2) in the case of any authority, commission, or other agency control over which is exercised by more than one individual such term means the body exercising such control.

(e) The term "contract" means any actual or proposed contract, agreement, commitment, understanding, or other arrangement entered into by any executive agency with any other person for the acquisition of any property by or on behalf of any executive agency or for the rendition of any service for or on behalf of any executive agency, and includes any assignment, substitution of parties, or subcontract of any tier executed or entered into for or in connection with the performance of that contract.

(f) The term "person" includes any individual and any corporation, partnership, firm, association, institution, or other entity.

(g) The term "invention" means any invention, discovery, improvement, or innovation, without regard to the patentability thereof.

(h) The term "class", when used with regard to inventions, means any class or subclass of inventions under the classification system of the Patent Office.

(i) The term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

PROPRIETARY INTEREST OF THE UNITED STATES IN INVENTIONS

Sec. 3. (a) The United States shall have exclusive right and title to any invention made by any officer or employee of the United States or any executive agency if—

(1) the invention was made in the performance by such officer or employee of duties which he was employed or assigned to perform, and was made during working hours or with a contribution by the Government of (A) the use of Government facilities, equipment, materials, or funds, (B) information in which the Government had a proprietary interest, or (C) the services of any other officer or employee of the Government during working hours; or

(2) the officer or employee who made such invention was employed or assigned to perform research, development, or exploration work and the invention is directly related to the work he was employed or assigned to perform or was made within the scope of the duties of his employment.

(b) The United States shall have exclusive right and title to any invention made by any person if the invention was made in the course of or in consequence of any scientific or technological research, development, or exploration activity undertaken by that person or any other person for the performance of any obligation arising directly or indirectly from any contract or lease entered into, or any grant made, by or on behalf of any executive agency.

(c) Notwithstanding any other provision of law, any patent issued by the Commissioner of Patents for any such invention shall be issued or assigned by the Commissioner to the United States upon application made by the Administrator and without payment by him of any fee or compensation.

(d) Nothing contained in this Act shall deprive any person of any right or interest duly acquired in or with respect to any patent issued for any invention not made in the course of or in consequence of any scientific or technological research, development, or exploration activity undertaken by any person for the performance of any obligation arising directly or indirectly from any contract or lease entered into, or any grant made, by or on behalf of any executive agency.

FEDERAL INVENTIONS ADMINISTRATION ESTABLISHED

Sec. 4. (a) There is hereby established in the executive branch of the Government the Federal Inventions Administration. It is the duty of the Administration, in the performance of its functions, to—

(1) stimulate invention within the United States and encourage the disclosure of inventions;

(2) protect, promote, and administer the proprietary interests of the United States with respect to inventions made and scientific and technological information obtained through activities conducted by executive agencies and through contracts and leases entered into and grants made by or on behalf of such agencies; and

(3) promote to the greatest practicable extent widespread use in industry and agriculture of inventions made through the expenditure of public funds.

(b) The Administration shall be headed by an Administrator of Federal Inventions, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed for Level III of the Federal Executive Salary Schedule.

(c) There shall be in the Administration a Deputy Administrator of Federal Inventions who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed for Level IV of the Federal Executive Salary Schedule. The Deputy Administrator shall perform such duties and exercise such powers as the Administrator shall prescribe. During the absence or disability of the Administrator, or in the event of a vacancy in the office of the Administrator, the Deputy Administrator shall act as Administrator.

(d) There shall be in the Administration a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for Level V of the Federal Executive Salary Schedule. The General Counsel shall be the chief legal officer of the Administration, and shall perform such duties as the Administrator may direct. During the absence or disability, or in the event of vacancies in the offices, of the Administrator and the Deputy Administrator, the General Counsel shall act as Administrator.

(e) The Administrator, Deputy Administrator, and the General Counsel may not engage in any other business, vocation, or employment while serving as such. No individual shall be appointed or serve as an officer or employee of the Administration—

(1) while he holds legal title to, or beneficial equitable interest in, share capital (A) exceeding in market value $1,000 in any corporation engaged in the performance of any scientific or technological research, development, or exploration activity pursuant to any obligation arising directly or indirectly from any contract or lease entered into by or on behalf of any executive agency, or (B) exceeding in market value $5,000 in more than one such corporation; or

(2) if within five years he has served as an officer or director of any such corporation; or

(3) if within five years he has been affiliated in any capacity with any partnership, association, institution, or other legal entity which is engaged or at any time during such affiliation was engaged in the performance of any scientific or technological research, development, or exploration activity pursuant to any obligation arising directly or indirectly from any contract or lease entered into or grant made by or on behalf of any executive agency.

POWERS AND DUTIES OF THE ADMINISTRATOR

Sec. 5. (a) The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration and shall have authority to direct and supervise all personnel and activities thereof.

(b) The Administrator is authorized, subject to the civil-service laws and the Classification Act of 1949, as amended, to appoint and fix the compensation of such personnel as may be required for the performance of the functions of the Administration. The Administrator may procure, without regard to the provisions of the civil-service laws or the Classification Act of 1949, as amended, the temporary and intermittent services of individuals and organizations to the same extent as authorized for executive departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $75 per diem for the personal services of individuals. With the prior consent of the agency head of any executive agency, the Administrator may (1) utilize the services, information, and facilities of any such agency, and (2) employ on a reimbursable basis the services of such personnel of any such agency as the Administrator deems advisable.

(c) The Administrator may establish such advisory committees as he may determine to be appropriate to provide to the Administration necessary consultation, advice, and information relating to its functions and the performance thereof.

(d) The Administrator may promulgate such rules and regulations as may be necessary to carry out the functions vested in him or in the Administration, and he may delegate authority for the performance of any such function to any officer or employee under his direction and supervision.

(e) Upon request made by the agency head of any executive agency (other than the Administration), the Administrator may delegate to such agency head authority for the administration of any proprietary interest of the United States in any invention or class of inventions if the Administrator determines that such other executive agency possesses special qualification to carry into effect the purposes of this Act with respect to such proprietary interest of the United States. Any such delegation of authority shall be conditioned upon—

(1) compliance by such other executive agency with such general policies for the administration of that proprietary interest as the Administrator shall establish from time to time in conformity with the provisions of this Act; and

(2) the furnishing by such other executive agency to the Administrator of such periodical and special reports concerning the administration of that proprietary interest as the Administrator shall prescribe from time to time.

(f) The Administrator shall—

(1) prescribe such rules and regulations as he determines to be required for the fulfillment by executive agencies of their obligations under any provision of law relating to the proprietary interests of the United States in inventions and in scientific and technological information; and

(2) conduct from time to time such studies and investigations of the policies and practices of executive agencies relating to the proprietary interests of the United States with regard to inventions and scientific and technological information as he determines to be required for the performance of the duties of the Administration.

(g) Upon request made by the Administrator, the Commissioner of Patents and each executive agency shall furnish to the Administration such information and documents (including pending patent applications) as the Administrator may determine to be required for the performance of the duties of the Administration under this Act. Upon request made by the Administrator, the Attorney General shall initiate and conduct such legal proceedings as may be required for the protection and preservation of the proprietary interest of the United States in any invention or with respect to any scientific or technological information.

(h) The Administrator shall cause a seal of office to be made for the Administration of such design as the President shall approve, and judicial notice shall be taken thereof.

(i) The Administrator shall transmit to the Congress in January of each year a report which shall include—

(1) a comprehensive description of the activities and accomplishments of the Administration during the preceding calendar year;

(2) a detailed statement of the nature and effect of any disposal made during the preceding calendar year of any proprietary rights of the United States in inventions or scientific or technological information; and

(3) such recommendations for additional legislation as he may determine to be necessary or desirable to protect the proprietary interests of the United States with respect to inventions and scientific and technological information.

(j) Upon request made by the chairman of any committee of the Congress having jurisdiction over the subject matter, or the chairman of any duly authorized subcommittee thereof, the Administrator shall conduct such special studies, make such special reports, and furnish such information to such committee or subcommittee as such committee or subcommittee may determine to be required for the discharge of its responsibilities concerning the proprietary interests of the United States with respect to inventions and scientific and technological information obtained through the performance of services under contracts and leases entered into and grants made by executive agencies.

ADMINISTRATION OF PATENT RIGHTS OF THE UNITED STATES

SEC. 6. (a) The Administrator shall—

(1) make application to the Commissioner of Patents, and when determined by the Administrator to be in the interest of the United States to the appropriate officers of foreign governments, for the issuance to the United States of patents upon patentable inventions as to which the United States has proprietary rights;

(2) take such action as may be required for the prosecution of those applications in the interest of the United States;

(3) take title in the name of the United States to all patents issued or assigned to, and all interests in patents, proprietary rights to inventions, and technical information with respect to inventions acquired by, the United States or any executive agency; and

(4) maintain custody of and control over all documents evidencing the title or interest possessed by the United States with respect to any patent.

(b) The Administrator shall take such action as he determines to be required to—

(1) protect and preserve the proprietary rights of the United States with respect to patents, inventions, and scientific of technological information; and

(2) effectuate the dedication for public use of the proprietary rights of the United States with respect to any patent if he determines that such action will best promote the public policy declared by this Act.

COLLECTION AND DISSEMINATION OF SCIENTIFIC AND TECHNOLOGICAL INFORMATION

SEC. 7. (a) The Administration shall—

(1) prepare and maintain such indexes and other compilations of information as may be required to determine the nature and scope of the proprietary interests of the United States in inventions and in scientific and technical information;

(2) provide suitable repositories for, and schedules and compilations reflecting the nature and scope of, technical information obtained by the United States through the scientific and technological activities conducted by executive agencies and by other organizations incident to the performance of services under contracts and leases entered into and grants made by or on behalf of executive agencies; and

(3) make available to each executive agency (including the military departments) all scientific and technical information available to the Administrator which may have value to such executive agency in the performance of its functions.

(b) In order to provide for the prompt public dissemination, to the maximum extent consistent with the requirements of military security, of scientific and technological information, and to promote the widest and fullest possible use thereof in the public interest, the Administration shall—

(1) obtain, assemble, and classify available publications and other information concerning inventions and discoveries which may provide assistance for inventors, small business organizations, and the general public;

(2) evaluate all scientific and technological information available to the Administration to determine its probable application to commercial uses in the development of new and better products and advanced technological methods of production;

(3) compile, publish, and provide for the greatest practicable distribution to libraries, trade associations, and organizations engaged in trade and industry of publications disclosing the results of such evaluation to the end that inventors and industrial and trade organizations may receive promptly information concerning new inventions and discoveries relating to their fields of special interest; and

(4) conduct such economic research as may be required to evaluate the contributions made by the Administration through its activities to the growth of the trade and commerce of the United States and to the stimulation of competition among private enterprises engaged in such trade and commerce.

DISPOSAL OF PROPRIETARY INTERESTS OF THE UNITED STATES IN INVENTIONS

SEC. 8. (a) Whenever the Administrator determines that the objectives specified in section 4(a) of this Act can be accomplished best by the disposition in whole or in part of the proprietary interest of the United States in any invention, he may with the approval of the Attorney General and subject to the requirements of military security as determined by the Secretary of Defense—

(1) dedicate that invention to the public for public use without payment of any royalty or other charge;

(2) grant to any person who is a national of the United States, for purposes of commercial exploitation, a license to practice that invention; or

(3) grant to any such person (or, with the approval of the Secretary of State, to any foreign government or foreign national) a license for the practice of that invention, in exchange for the receipt of the right to practice a patented invention the title to which is held by such person or government, if the Administrator determines that such exchange is necessary to permit the development and use of any invention in which the United States possesses a proprietary interest.

(b) Each grant of any license made under paragraph (2) of subsection (a) shall be made for such period of time and upon such terms and conditions (including the payment of such royalties and other charges) as the Administrator shall determine to be required to fulfill to the greatest practicable extent the objectives specified in section 4(a). Each such grant shall be conditioned upon the payment to the Administrator of such royalties and other charges as he shall determine to be just and reasonable, except that the Administrator may grant to any person a royalty-free nonexclusive license for the practice of any invention if the Administrator determines that such invention was made in the fulfillment by such person of an obligation arising from a contract, lease, or grant entered into by or on behalf of an executive agency, or that the making of such grant will facilitate—

(1) the performance of the obligations of such person under any contract or lease entered into or grant made by or on behalf of any executive agency;

(2) the fulfillment of the obligations of the United States or any executive agency to or with respect to any friendly foreign government under any treaty or intergovernmental agreement; or

(3) the attainment of the objectives of any program lawfully undertaken under any statute of the United States.

(c) Each grant of any license made under paragraph (2) or paragraph (3) of subsection (a) shall be conditioned upon the submission by the grantee to the Administrator of an annual report which shall contain a full and complete disclosure of the nature and extent of the uses made of the invention to which such grant relates during the preceding year. No such grant may be made unless the Administrator has prepared a written report which shall contain a full and complete (1) description of the nature and terms of the grant made, (2) statement of the objectives sought to be attained through the making of such grant, and (3) recital of the basis for his determination that such grant is not in derogation of the public interest and that the terms thereof adequately protect the interests of the United States. A copy of the report so made with respect to each such grant shall be retained by the Administration as a public record for a period of five years or for the period during which the grant so made continues in effect, whichever period is the longer.

(d) The Administrator shall deposit in the Treasury as miscellaneous receipts all royalties and other fees received under the provisions of grants made pursuant to this section, except that (to the extent auhorized by statutes enacted after the date of enactment of this Act) such receipts may be expended by the Administrator for the determination of the technical and commercial feasibility, and for the development, of inventions in which the United States has proprietary interests.

PROTECTION OF PROPRIETARY INTERESTS OF THE UNITED STATES IN INVENTIONS

SEC. 9. (a) Whenever an application is made to the Commissioner of Patents for a patent upon an invention made by an individual who at the time of the making of such invention was an officer or employee of the United States or any executive agency, such application shall be accompanied by a full and complete statement, executed under oath and prepared in such manner and form as the Commissioner shall prescribe, disclosing the relationship (if any) of the making of that invention to the performance by that individual of his duties as such officer or employee.

(b) Whenever an application is made to the Commissioner of Patents for a patent upon any invention made by any individual who at the time of the making of such invention was a party, or an officer, employee, partner, or other member of any organization which was a party, to any contract or lease executed or any grant made by or on behalf of any executive agency, such application shall be accompanied by a full and complete statement, executed under oath and prepared in such manner and form as the Commissioner shall prescribe, disclosing the relationship (if any) of the making of such invention to the performance of any obligation arising from any such contract, lease, or grant.

(c) A copy of each statement made under subsection (a) or subsection (b), and a copy of the application to which it relates, shall be transmitted promptly by the Commissioner to the Administrator. Upon any application as to which any such statement has been so transmitted, the Commissioner may, if he determines that the invention is patentable, issue a patent to the applicant unless the Administrator, within ninety days, after receipt of such application and statement and after consultation with the executive agency concerned, requests that any patent issued upon such invention be assigned without consideration to the Administrator on behalf of the United States. If, within such time, the Adminisrator files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall so assign to the Administrator any patent which may be issued upon that invention unless the applicant within a period of thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Administrator is entitled under the provisions of this Act to receive such assignment on behalf of the United States. If, within that period, the applicant requests such a hearing, the Board shall hear and determine, in accordance with rules and procedures established for interference cases, the question so presented. Its determination thereof shall be subject to appeal by the applicant or by the Administrator in accordance with procedures governing appeals from decisions of a Board of Patent Interferences in other proceedings.

(d) Whenever any patent has been issued to any applicant, and the Administrator thereafter has reason to believe that such applicant was obligated to file with his application the statement required by subsection (a) or subsection (b) but failed to file such statement, or that the statement which was filed by the applicant in connection therewith contained any false or misleading representation of any material fact, the Administrator within five years after the date of issuance of such patent may file with the Commissioner a request for the assignment to the Administrator of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so assigned to the Administrator unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences on the question whether that invention was made under circumstances which entitle the Administrator to receive an assignment of title thereto under the provisions of subsection (a) or subsection (b). Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (c) for questions arising thereunder. No request made by the Administrator under this subsection for the assignment of any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Administrator to make a request under subsection (c) for the assignment of such patent to him, or by any notice previously given by the Administrator stating that he had no objection to the issuance of such patent to the applicant therefor.

WAIVER OF PROPRIETARY INTERESTS OF THE UNITED STATES IN INVENTIONS

SEC. 10. (a) Under such regulations in conformity with the provisions of this section as the Administrator shall prescribe, he may waive all or any part of the proprietary rights of the United States under this Act with respect to any invention which has been made by any person or class of persons in the performance of any obligation arising under any contract or lease entered into, or any grant made, by or on behalf of any executive agency if—

(1) the Administrator has determined that—

(A) the contribution of funds, facilities, and proprietary information made or to be made by the recipient or recipients of such waiver to the making of that invention or class of inventions so far exceeds the contribution made thereto by the United States Government that equitable considerations favor the granting of such waiver; and

(B) the granting of such waiver would affirmatively advance the interests of the United States and would be consistent with the public policy declared by this Act; and

(2) the Administrator has received a written determination made by the Attorney General to the effect that the granting of such waiver would not facilitate—

(A) the growth or maintenance of monopolistic control by any person of any product or service, or any class of products or services, offered or to be offered for sale in the trade or commerce of the United States; or

(B) the concentration of economic power with respect to any part of the trade or commerce of the United States.

(b) Each such waiver must contain such terms and conditions as the Administrator shall determine to be effective—

(1) to insure that the recipient thereof will at his own expense—

(A) promptly apply for such domestic and foreign patents as the Administrator shall designate upon any patentable invention made in consequence of activities undertaken pursuant to such contract, lease, or grant;

(B) prosecute each such application diligently; and

(C) take such action as the Administrator shall determine to be required for the protection of each patent issued upon any such application and the interest retained by the United States therein;

(2) to permit the Administrator, in the event of the failure of the recipient thereof to fulfill any obligation undertaken in compliance with the requirements of paragraph (2), to take such action, at the expense of the recipient of such waiver, as the Administrator shall determine to be required for the fulfillment of such obligation;

(3) to reserve to the United States an irrevocable license for the practice of such invention, and the use of technical information relating thereto, throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States;

(4) in the case of any invention having present or potential commercial utility, to insure that—

(A) the recipient of such waiver within three years after the granting thereof will effectively develop any embodiment or process of such invention to the point of commercial utility and offer the benefits of the developed invention to the public in accordance with normal business practice; and

(B) the Administrator may revoke such waiver upon his determination that the recipient has failed to fulfill in all substantial respects the conditions imposed upon the recipient of the waiver pursuant to this paragraph; and

(5) to insure that the recipient thereof will take such other action as the Administrator may determine to be required for the protection of the interests of the United States and to be consistent with the public policy declared by this Act.

PROVISIONS OF GOVERNMENT CONTRACTS, LEASES, AND GRANTS

SEC. 11. (a) Except as provided by subsection (b), each contract, lease, and grant entered into or made by or on behalf of any executive agency which requires or contemplates the performance of any scientific or technological research, development, or exploration activity shall contain provisions determined by the Administrator with the written approval of the Attorney General to be adequate for the protection of the proprietary interests of the United States in inventions and scientific and technical information.

(b) The Administrator by regulations may except from the requirement of subsection (a) those contracts, leases, and grants, and those classes of contracts, leases, and grants which he has determined with the written approval of the Attorney General to involve no present or prospective proprietary interest of the United States in inventions or in scientific or technical information. No such exemption may be made unless the Administrator has prepared a written report containing a description of the nature and extent of such exemption, and a full and complete statement of the basis for his determination that the contracts, leases, or grants, or the classes of contracts, leases, or grants, described therein involve no present or prospective proprietary interest of the United States in inventions or in scientific or technical information. A copy of each such report shall be retained by the Administration as a public record thereof during the effective period of every contract, lease, or grant of any class described therein and for not less than one year thereafter.

(c) Each contract or lease entered into by or on behalf of any executive agency with any person, and each grant made by or on behalf of any executive agency to any person, which is required by this section to contain provisions for the protection of the proprietary interests of the United States in inventions also shall contain provisions determined by the Administrator with the written approval of the Attorney General to be sufficient to require such person to furnish promptly to the Administrator, at such time or times as shall be prescribed in such provisions, full and complete technical information concerning any invention made in the performance of any obligation of such person under the terms of that contract, lease, or grant.

(d) Any person who, with knowledge of the existence of any obligation imposed pursuant to subsection (c) upon such person or any other person to furnish any technical information to the Administrator, (1) willfully withholds, attempts to withhold, or conspires with any other person to withhold such information from the Administrator, or (2) willfully fails to discharge any duty imposed upon him by law or otherwise to disclose, assemble, compile, prepare or transmit such information in compliance with the terms of such obligation, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(e) As used in this section, the term "person" includes any individual and any corporation, partnership, association, institution, or other legal entity.

AWARDS FOR CERTAIN INVENTIVE CONTRIBUTIONS

SEC. 12. (a) Upon application made by any person or upon the recommendation of the agency head of any executive agency, the Administrator is authorized to make a monetary award, in such amount and upon such terms as he shall determine to be warranted, to any person for any scientific, technical, or medical contribution to the United States which is determined by the Administrator to have significant value to national defense, public health, or any program administered by any executive agency pursuant to authorization conferred by any statute enacted by the Congress.

(b) Each application and recommendation made for any such award shall be referred to a board which shall be established within the Administration to evaluate the significance of such contribution, and which shall be composed of members determined by the Administrator to be qualified by training and experience to make such evaluation. Such board shall accord to each person who has made such application or has been recommended for such award an opportunity for hearing, and shall transmit to the Administrator a written report containing its findings of fact, its conclusions, and its recommendation as to the terms of the award, if any, which should be made to such person for such contribution.

(c) In determining the terms and conditions of any award to be made under this section, the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the extent to which the person concerned has devoted his private funds, facilities, proprietary information, and personal effort to the development of such contribution;

(3) the amount of any other compensation (other than salary received for services rendered as an officer or employee of the United States or any executive agency) received or to be received by such person for or on account of the use of such contribution by the United States; and

(4) such other factors consistent with the public policy declared by this Act as the Administrator shall determine to be material.

(d) If more than one person claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of such persons, and shall apportion any award to be made with respect to such contribution among such persons in such proportions as he shall determine to be equitable. No award may be made under this section to any person with respect to any contribution—

(1) unless such person surrenders, by such means as the Administrator with the written approval of the Attorney General shall determine to be effective, all claims which such person may have to receive any compensation (other than the award made under this section) for the use of such contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any treaty or agreement with the United States, within the United States or at any other place; or

(2) in any amount exceeding $100,000, unless the Administrator has transmitted to the appropriate committees of the Congress a full and complete report concerning the amount and terms of, and the basis for, such proposed award, and thirty calendar days of regular session of the Congress have expired after receipt of such report by such committees.

TRANSFER OF FUNCTIONS

SEC. 13. (a) All functions, powers, duties, and obligations; all officers, employees, property, and records; and all unexpended balances of appropriations; allocations, and other funds (available or to be made available), of the following agencies or parts of agencies, are hereby transferred to the Administration:

(1) the Government Patents Board established by Executive Order Numbered 10096 promulgated January 23, 1950 (15 F.R. 389); and

(2) those elements of the Department of Commerce or any other executive agency which the Director of the Bureau of the Budget shall determine to be engaged primarily in the performance of functions which by this Act are made functions of the Administration.

(b) This section shall take effect on the effective date prescribed by section 15 of this Act, or on such earlier date on which the Administrator determines, and announces by proclamation published in the Federal Register, that the Administration has been organized and is prepared to exercise the powers conferred and discharge the duties imposed upon it by this Act.

TECHNICAL AMENDMENTS

SEC. 14. (a) The Federal Property and Administrative Services Act of 1949, as amended, is amended by—

(1) striking out in section 3(d) thereof (40 U.S.C. 472(d)) the words "and (3) records of the Federal Government", and inserting in lieu thereof the words "(3) proprietary interests of the United States in inventions under the Federal Inventions Act; and (4) records of the Federal Government"; and

(2) inserting at the end of section 302 thereof (41 U.S.C. 252) the following new subsection:

"(f) All purchases and contracts for property and services shall be made in compliance with the requirements of the Federal Inventions Act."

(b) Title 10 of the United States Code is amended by adding at the end of section 2306 thereof the following new subsection:

"(g) All purchases and contracts subject to the provisions of this chapter shall be made in compliance with the requirements of the Federal Inventions Act."

(c) The National Aeronautics and Space Act of 1958 is amended by—

(1) striking out sections 305 and 306 thereof (42 U.S.C. 2457–2458); and

(2) inserting at the end of section 203 thereof (42 U.S.C. 2473) the following new subsections:

"(c) For the purposes of chapter 17 of title 35 of the United States Code the Administration shall be considered a defense agency of the United States.

"(d) All contracts, agreements, arrangements, conveyances, and grants entered into or made by the Administration shall be subject to the requirements of the Federal Inventions Act."

(d) The Atomic Energy Act of 1954 is amended by striking out section 152 thereof (42 U.S.C. 2182), but nothing contained in this Act shall affect or impair the provisions of sections 151, 153, 154, 155, 156, 157, 158, 159, or 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2181 and 2183–2190, inclusively), or any authority conferred upon the Atomic Energy Commission by such sections.

(e) The Act of May 28, 1933 (48 Stat. 58) as amended (establishing the Tennessee Valley Authority) is amended by—

(1) striking out the colon which appears first in subsection 5(i) thereof (16 U.S.C. 831d(i)) and all thereafter down to the period at the end of such subsection; and

(2) adding at the end of the first paragraph of subsection 9(b) thereof (16 U.S.C. 831h(b)) the following new sentence: "All purchases and contracts for supplies or services shall be made in compliance with the requirements of the Federal Inventions Act."

(f) The National Science Foundation Act of 1950 is amended by—

(1) striking out section 12 thereof (42 U.S.C. 1871); and

(2) adding at the end of section 15 thereof (42 U.S.C. 1873) the following new subsection:

"(j) Every contract, lease, grant, agreement, understanding, or other arrangement made or entered into by or on behalf of the Foundation shall be subject to the requirements of the Federal Inventions Act."

(g) The seventh sentence of section 10(a) of the Act of June 29, 1935, as added by section 101 of the Act of August 14, 1946 (60 Stat. 1085, as amended; 7 U.S.C. 427i(a)), relating to agricultural research, is amended to read as follows: "Any contract, lease, grant, agreement, understanding, or other arrangement made or entered into pursuant to this authority shall be subject to the requirements of the Federal Inventions Act."

(h) Section 32 of the Arms Control and Disarmament Act (75 Stat. 634; 22 U.S.C. 2572) is amended to read as follows:

"SEC. 32. All purchases, contracts, and grants made or entered into pursuant to any authorization conferred by this Act shall be made or entered into in compliance with the requirements of the Federal Inventions Act."

(i) Section 4(b) of the Act of July 3, 1952 (66 Stat. 329, as amended; 42 U.S.C. 1954 (b)), is amended to read as follows:

"(b) All research within the United States contracted for, sponsored, cosponsored, or authorized pursuant to this Act shall be subject to the provisions of the Federal Inventions Act."

(j) The first sentence of section 6 of the Act of July 7, 1960 (74 Stat. 337), relating to coal research and development, is amended to read as follows: "Any contract, lease, grant, agreement, understanding or other arrangement made or entered into pursuant to this Act shall be subject to the provisions of the Federal Inventions Act."

(k) Section 4 of the Helium Act, as amended by the Helium Act Amendments of 1960 (74 Stat. 920), is amended by striking out all matter following the words "under authority of this Act", and inserting in lieu thereof the words "shall be subject to the provisions of the Federal Inventions Act."

(l) Section 4(b) of the Act of July 3, 1952 (66 Stat. 328, as amended; 42 U.S.C. 1954 (b)), relating to the conversion of saline water, is amended by striking out all matter following the words "under authority of this Act", and inserting in lieu thereof the words "shall be subject to the provisions of the Federal Inventions Act."

(m) Section 303 of the Water Resource Research Act of 1964 (78 Stat. 332) is amended by striking out all matter following the words "unless such expenditure is", and inserting in lieu thereof the words "made in compliance with the provisions of the Federal Inventions Act."

(n) Section 301 of the Communications Satellite Act of 1962 (72 Stat. 419; 47 U.S.C. 731) is amended by inserting therein, immediately after the second sentence thereof, the following new sentence: "All purchases and contracts of the corporation for or upon which any payment is made or to be made from any funds appropriated by the Congress or furnished directly or indirectly by any department, agency, or instrumentality of the United States shall be subject to the provisions of the Federal Inventions Act."

EFFECTIVE DATE

SEC. 15. (a) This Act shall take effect on the first day of the fourth month beginning after the date of enactment of this Act except that sections 2, 4, and 5 thereof shall take effect on the date of enactment of this Act.

(b) The provisions of this Act shall not apply to any invention related to the performance of obligations arising under any contract or lease entered into or grant made by or on behalf of any executive agency other than the Atomic Energy Commission or the National Aeronautics and Space Administration at any time before the effective date of section 3 of this Act, or to any amendment, modification, or extension of any such contract, lease, or grant if that amendment, modification, or extension is entered into within one year after the date of enactment of this Act. Each such contract, grant, modification, or extension shall be governed by applicable law in effect on the day preceding the date of enactment of this Act.

APPROPRIATIONS

SEC. 16. There are hereby authorized to be appropriated to each department and agency of the Government charged with any responsibility under this Act such sums as may be required to carry into effect the provisions of this Act which are applicable to that department or agency.

Mr. LONG of Louisiana. Mr. President, discussing the general philosophy and possible results of improper government patent policies is a fine article which appeared recently in the Federal Bar Journal for the winter, 1965, written by Benjamin Gordon, staff economist for the Committee on Small Business, entitled "Government Patent Policy and the New Mercantilism." I believe it well points out how erroneous is the policy and how completely outdated is the philosophy that the Government should help establish private monopolies with public funds.

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNMENT PATENT POLICY AND THE NEW MERCANTILISM

(By Benjamin Gordon[*])

The practice of some Government agencies in giving patents of monopoly to private contractors on the results of publicly financed research and development suggests a similarity to the type of economic system; namely, mercantilism, which existed in England before the establishment of what we call the free, competitive enterprise system. The aim of this article is to show the close similarity of the present system to certain features of the mercantile system. It would not be improper to call our present system the new mercantilism or neomercantilism.

Research and development, the production of new scientific and technological knowledge, is the fastest growing industry in the United States. It could be the largest single contributor to the increase in our national output. The introduction of new technology can mean construction of modern plants, the installation of more efficient equipment, and the employment of more workers. And yet, never has so much money been spent by the Government with so little consideration for its ultimate social and economic consequences.

GOVERNMENT CONTRIBUTION TO THE NATION'S R. & D.

Of all the production of new scientific and technological knowledge in our society, the people of the United States through their Government pay for 70 percent, according to the latest figures available. The Federal Government now spends more for research and development each year than it did for a total of all years from the American Revolution through the end of World War II. In fact, we now spend an average of about $35 million a day in fiscal 1963 and about $41 million a day in fiscal 1964, which is more than was spent in any one year before the military effort during World War II.

There is good reason to believe that the public's stake in total R. & D. is even greater than 70 percent. The reason for this is that industry in many cases is merely reclassifying traditional outlays in terms of the now fashionable "research and development" effort. A good illustration is the development of nylon, the cost of which is claimed to be about $1,960,000.[1] Included in this figure is $782,000[2] for sales development. There is no reason to doubt that included in industry's 30 percent of R. & D. are large sums for such purposes as sales development and promotion and market research. This means that the private sector is paying a smaller share than the published figures indicate, and the public is paying a much greater share of actual research and development than the 70 percent mentioned before—perhaps even as much as 80 percent.

Since the Government is the major contributor to the development of new scientific and technological knowledge, the policies regarding the disposition of rights arising out of work done under Government contracts will inevitably have a serious effect on the growth and the competitive structure of the American economy in the years to come.

GOVERNMENT PATENT POLICY

The U.S. Government's research and development efforts are massive. In fiscal 1963 about $15 billion was spent in this field with considerable scientific and technical knowledge being generated. The results of this great public effort are largely being handed over to the giant corporations that receive the bulk of the funds. Other companies—the smaller ones—and other industries which might put this new knowledge to good use, perhaps in unforeseeable as well as entirely expected ways, are effectively denied use of the new scientific and technical information being developed. What is even worse is that many of the discoveries that are being made each day—both major and minor ones—are not being exploited by anyone at all, not even those corporations which have received them as gifts from the Government.

Although Government patent policies vary in accordance with the contracting agency or department, the largest amount of funds comes from the Department of Defense. The policy of the Department of Defense consists of giving to the contractor patent monopolies on inventions or developments resulting from publicly financed research. This policy is also being adopted in large measure by the National Aeronautics and Space Administration by administrative regulations even though the apparent intent of the National Aeronautics and Space Act of 1958 was to give title to the contractor only in exceptional cases.

A contractor's retention of title to inventions resulting from the performance of a contract has never been normal business practice. Ordinarily, a contractor hired to perform research for another firm does not receive title to such inventions as he might develop in performing the contract. The party that hires him determines which, if any, of these inventions should be patented, and titles to any patents issued are assigned to that party. The idea that a resarch contractor should acquire for himself the right to exclude others from the use of such an invention is itself a rather interesting invention.

MERCANTILISM

Mercantilism is the name given to the economic policies of Europe between the Middle Ages and the development of free, private enterprise or the system of economic freedom. Although ideas on the balance of trade and the significance of money occupy a central position in mercantilism, the establishment of monopolies was a very important part of the system. Of these monopolies the external ones attracted the most attention, although the internal monopolies included a greater variety of objectives and greater complication of motives.

There were many reasons for establishing monopolies under royal sanction, but the principal one probably was that it was hoped that it would be the means of encouraging new or weak domestic industries. In addition, the fewer the productive units the easier it was to control the economic activities of the nation, for the dominant interest of the national state was to assert the right of the state to regulate economic affairs.

Before the middle of the 16th century the industrial patents granted in England were merely promises of protection to foreign workmen as an incentive to introduce new arts, especially those connected with the clothing trades. The practice of early Tudor monarchs, in encouraging the introduction of new arts, was to attract skilled artisans into their own service. In this way German armorers, Italian shipwrights and glassmakers, and French iron founders were induced to establish new industries in England with the hope of royal patronage.

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[*] Staff Economist of the Senate Select Committee on Small Business; A.B., Harvard, 1938, M.A., University of Chicago, 1951.

[1] "The Rate and Direction of Inventive Activity," Report of the National Bureau of Economic Research 336–337 (1962).

[2] Ibid.

Queen Elizabeth tried to foster a system of national regulation and to stimulate new industries by increasing the extent and effectiveness of the monopolies. The period covered by the reigns of Elizabeth, James I, and Charles I was actually not the beginning of industrial monopoly: whereas heretofore monopolies had been granted on a local basis, in this period the system of royal monopolies was an attempt to reconstitute them along national lines.

PURPOSES OF MONOPOLY GRANTS

The numerous and varied monopoly grants by the Crown cannot be explained by any single motive. The desire to encourage invention, financial considerations, and the desire to reward her servants and favorites must all be considered as influencing the monopoly policy of Queen Elizabeth. Originally, the encouragement of invention was regarded as one of the chief public concerns. As the years passed, however, this consideration had diminishing weight in patent policy. The patents of monopoly or privilege were usually granted as a result of a petition on the part of someone who had a selfish interest in the grant. In addition, a petitioner was more certain of success in getting a grant if he could show that central control of industry would result from his privilege.

An interesting fact about the monopoly grants is that it was the monarchy that created them—contrary to the common law—but the justification given was that these monopolies existed for the preservation of "good order and government." The justification these days is exactly the same, although the words "in the public interest" are different. In addition, it was the Parliament that fought against monopoly. Monopolies were considered contrary to the traditional rights of every Englishman. In our own day it is the Congress which plays this role. Whenever Congress has legislated on this subject, title generally went to the public, the private corporation getting exclusive rights only in exceptional cases. This is illustrated by specific legislative provisions relating to the Tennessee Valley Authority, Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration. Recent legislation includes the Coal Research and Development Act,[3] the Saline Water Act,[4] the Arms Control Act,[5] the Helium Gas Act,[6] and others. It was only when the law was silent that the executive branch of the Government granted monopoly rights to private persons. Both the Department of Defense and the Department of Commerce are good examples of this. Furthermore, the National Aeronautics and Space Administration, taking advantage of a provision in the law allowing it to grant monopolies when it believed that it was in the public interest to do so, found it in the public interest to waive title on a wholesale basis. A recent example of NASA's enthusiasm in granting monopoly privileges is the granting of its first exclusive patent license for a 7-year period. What is especially significant about this example is that the invention was a product of a Government employee working in a Government installation.[7]

During the 17th century, when the state issued patents of monopoly or privilege, the state shared in the profits. The monopoly was employed by its owner to demand higher prices than he would have been able to get otherwise. The system thus involved an indirect taxation of goods—both consumers' and producers'—in the financial interests of the state. It was an indirect taxation of consumption by means of a monopoly, not in the hands of the State, but wielded by private individuals.

Similarly, under a large part of U.S. Government patent policies the public is first taxed to pay for the research and development on the grounds that such research promotes the general welfare, and then the public is taxed again through monopoly profits when it purchases or uses the commodities embodying the research and development it originally paid for, which amounts to public taxation for private privilege. Contrary to the practice of the 17th century, however, the state in our day does not share in the profits. The private corporation pockets the whole thing.

SOME RESULTS OF GOVERNMENT-CREATED MONOPOLIES

By the end of the 1650's there was an extreme antimonopolist tendency. Monopoly was regarded as "a cause of all dearth and scarcity in the Commonwealth" and as being opposed to the nature of society and the development of cities the aim of which was "to live in plenty and cheapness."

An illustration of the results of a Government-created monopoly is the complaint against the Newcastle Coal monopoly in April 1650 by the Lord Mayor of London. He stated that as a result of the monopoly the price went up from 4 shillings to 9 shillings, but even worse was that the buyers had to take both the good and bad "cole" together. The monopoly created a "scarscitie as mae best serue for theire advantage, Albeit the said mynes will afforde great plentie without feare of future want of the commodite."[8]

A good example of cloaking the private interest with the interest of the public is to be found in a 1591 petition of John Thornborough, Dean of York, for a patent grant to control the export of coal and to levy a duty. The justification given was that the best coal was being transported from London, a practice which should be discontinued for the benefit of all. It was seen, however, that this amounted to a "generall restrainte of transportinge of all manner of coles" and that what was really wanted was that "none shalbe transported but by my lycense."[9] In other words, good coal can also be transported if a fee is paid.

The mercantilists, nevertheless, talked about freedom of trade and a harmony of interests, but these sentiments were not always taken literally by them. It was generally a question of beautiful phrases ready at hand to serve some particular interest or other. Their outlook was not free from contradiction or confusion. For example, the mercantilists were interested in increasing trade in general and foreign trade in particular, and yet they were continually striving to obstruct imports.

This confusion of ends is not absent in the present-day patent policies of agencies of our Government. For example, on the one hand, it is the stated purpose of the National Aeronautics and Space Administration to make more widespread the use of developments financed by the public. This is done, however, through the granting of patents of monopoly to private corporations which would enable them to restrict the use in order to control prices and profits. Besides, there is no assurance that the development will be used at all. All this is done supposedly in the interests of the public.

The coal monopoly in the 17th century was also granted in the public interest, but it didn't turn out that way: "By which means the said Act of parliament that first was deuised for the reasonable helpe and maintenaunce of the said Towne, but directed in deede to the publique good of this whole Realme, is now peruerted and abused by them to the immoderatt gaine of the said Towne with the hurt and preiudice of this whole Realme."[10]

The evil features and abuses of the monopolies owed their origin to the importunities of influential people close to the Crown. Although Queen Elizabeth was not very anxious to part with her treasure, she was willing to bestow valuable patents on her pensioners, favorites, personal servants, petty officers, and clerks. Grants to the servants of the Queen's household and to clerks were conferred in lieu of salaries. This aspect has been brought over to the 1960's in Government patent policies. One of the arguments advanced by those who favor liberal grants by the Government of patents of monopoly or privilege is that the profits as percentage of the contract price are not as high as they would like them, and hence the monopoly grants serve to make Government-financed research and development more attractive.

The patent for the manufacture of white salt, which was assigned to Thomas Wilkes on February 20, 1556, was typical; it was a reward for his service and was the principal part of his maintenance. "The system of monopolies, designed originally to foster new arts, became degraded into a system of plunder."[11]

A great hue and cry was raised against the monopoly on salt as an infringement on liberty not to be able to buy and sell salt wherever anyone wished. It was regarded as contrary to the rights of a freeman to prevent anyone from converting his salt pit to its best use. A typical complaint was that: "The Price of salte is raysed by the Lycence. And the assignes have taken excessyve gaines."[12]

DEBATE ON MONOPOLIES IN 1601

In the debate on monopolies in the House of Commons in 1601, Sir Edward Stanhop informed the House of the great abuse by the patentee for salt in his country, "that betwixt Michaelmas and Saint Andrews tide, where salt was wont, before the patent, to be sold for 16 pence a bushel, it is now sold for 14 and 15 shillings a bushel. * * *"[13]

It was also revealed that the issuance of patents of monopoly resulted in a large increase in the prices of commodities and in large decreases in their quality. Steel, which had sold at "Two pence half penny the pound before the patent, it is now 5 pence the pound. And where 2,000 poor people were maintained, by working of steel and edgetooles and might well live by working thereof at 2 pence half-penny the pound, they are now not able, by reason of the price thereof, to work; but now many go a begging, because the faggot hath also less weight, to the utter undoing of all edge-toole makers."[14] In the case of steel, apparently, the consequences of granting the patent of monopoly was to raise the price considerably, thus reducing the amount of the commodity demanded and increasing the unemployment of many laborers.

What was true for steel was also true for starch, playing cards, stone bottles, pots, brushes, glasses, beer, vinegar, and many other commodities.

PROCLAMATION AGAINST MONOPOLIES

Queen Elizabeth had granted many patent privileges and licenses hoping they would tend to the common good, or, as we say it now, advance the public interest. The monopolies did not have this effect, however. Instead, the grants were abused "to the great loss and grievance of the people." On November 28, 1601, therefore, the Queen issued "A proclamation for the reformation of many abuses and misdemeanours committed by patentees of certaine priuiledges and licences, to the generall good of all her maiesties louing subjects." The effect was to "further expresly charge and command all the said Patentees and all and every person and persons, claiming by, from or vnder them doe not at any time hereafter presume or attempt to put in use or execution any thing therein contained vpon paine of her highnesse indignation, and to bee punished as contemners and breakers of her royall and princely commandement."[15]

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[3] 74 Stat. 336 (1960), 30 U.S.C. 661.

[4] 75 Stat. 628 (1961), 42 U.S.C. 1951.

[5] 75 Stat. 631 (1961), 22 U.S.C. 2551.

[6] 74 Stat. 918 (1960), 50 U.S.C. 167.

[7] NASA News Release No. 64-30, Feb. 6, 1964.

[8] Complaint of the Lord Mayor of London against the Newcastle Coal Monopoly, c. April 1590; Tawney, "Tudor Economic Documents," 268 (1924).

[9] Petition of John Thornborough, Dean of York, for a patent to control the export of coal and to levy a duty, 1591; id. at 271–275.

[10] Complaint of the Lord Mayor of London against the Newcastle Coal Monopoly, c. April 1590; id. at 267–271.

[11] Price, "The English Patents of Monopoly," 17 (1913).

[12] 2 Tawney, supra note 8, at 257–262.

[13] Id. at 278.

[14] Id. at 280–281.

The above proclamation was issued against the more obnoxious of the patent monopolies. Those that remained were left to the common law free from any clause of restraint thus entrusting to the courts of the law the responsibility of deciding what grants should be allowed to stand.

THE FREE PRIVATE ENTERPRISE SYSTEM: A REACTION TO MERCANTILISM

The great contribution of the classical economists was their vigorous attacks on the mercantile system and their advocacy of what has been called the system of economic freedom. Adam Smith called monopoly the sole engine of the mercantile system which had a pernicious effect on society. The regulator of the marketplace was to be competition, which would prevail if supply positions were not licensed or made the subject of exceptional privilege. The free private enterprise system was based on the doctrine of self-interest within a competitive environment. The classical economists did not think that government interference was necessarily justified by superior knowledge on the part of the government.

Government restrictions, according to Smith, were injurious, doing harm where they sought to do good. They prevented the free flow of capital and labor from less advantageous to more advantageous employments. The solution was to be found in economic freedom: "It is thus that every system which endeavors, either by extraordinary encouragements to draw toward a particular species of industry a greater share of the capital of the society than what would naturally go to it; or by extraordinary restraints, to force from a particular species of industry some share of the capital which would otherwise be employed in it; is in reality subversive of the great purpose which it means to promote. It retards, instead of accelerating, the progress of the society toward real wealth and greatness; and diminishes, instead of increasing, the real value of the annual product of its land and labor.

"All systems either of preference or of restraint, therefore, being thus completely taken away, the obvious and simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man, or order of men. The sovereign is completely discharged from a duty, in the attempting to perform which he must always be exposed to innumerable delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient; the duty of superintending the industry of private people, and of directing it toward the employments most suitable to interest of the society."[16]

A series of writers developed Smith's ideas. John Stuart Mill, although admitting the possible validity of the formal argument for giving incentives and protecting new industries, stated that the older he got the more shocked he became at the uses to which this argument was put. He confessed that: "I am now much shaken in the opinion, which has so often been quoted for purposes which it did not warrant, and I am disposed to think that when it is advisable, as it may sometimes be, to subsidize a new industry in its commencement, this had better be done by a direct annual grant, which is far less likely to be continued after the conditions which alone justified it have ceased to exist.[17]

CONCLUSIONS

A study of many documents from the mercantile period in England (and in France) reveals innumerable close similarities to present-day governmental policies concerning the establishment of monopolies.

The practice of many agencies of Government of handing over to private corporations patents of monopoly or privilege on the results of publicly financed research parallels in many ways governmental policies in England (and other European countries, too) during the mercantile period. The system of economic freedom was a protest against this system.

The essential achievement of the system of economic freedom or the free competitive enterprise system was that it had an eye on the human, an outlook poles apart from mercantilism. Toward the end of the 18th century, there was a growing humanitarian spirit, although it took almost a whole century for this spirit to be embodied in legislation. Nevertheless, it was one of the powerful forces which undermined the mercantilist system.

At present our system has two aspects: one pointing to economic freedom and the other to its precise opposite. An indication of our devotion to the system of economic freedom is the interest in the consumer, weak though it may be, and the tendency to make private interests serve the interests of the community.

This tendency fades into the background behind the policies of establishing and extending monopolies through grants by the Government. The recent establishment of a private monopoly for space communications is another example of this tendency. The talk about economic liberty and competition appears to be music lingering from the past.

One of the areas where our present-day system and mercantilism resemble each other is that, in practice, both to a large extent deny that consumption is the ultimate end of economic activities and that production is only a means to that end. Mercantilism was characterized by the view of production as an end in itself. It was dominated by a regard for different groups of producers, forcing consumers to make the most of whatever consequences follow from these considerations.

If this comparison elicits the reply that the national interest requires monopoly grants as a necessary stimulation of enterprise, the question arises whether the price we are paying is far too heavy even if the means could secure the end, for involved is the sacrifice of the citizens' economic freedom.

Exhibit 1

April 4, 1965.

Hon. Russell B. Long,
Senate Office Building,
Washington, D.C.:

A recent article in Science has called my attention to your work on a comprehensive patent policy for federally financed research. I would like to point out a situation which has a bearing on this policy.

There is deep irony when a large corporation screams foul about incentive being killed as a result of the Government's claiming partial patent rights on the basis of Federal support of the research work. The large corporations have been using this same argument for years to claim entire right to all ideas an individual engineer may have as an employee. You now have the picture of two giants fighting over a piece of property while the creator of that property is standing meekly on the sidelines. I am trying to speak for him.

Our Founding Fathers had deep wisdom and penetrating insight when they inserted the following paragraph into the Constitution: The U.S. Constitution, article I, section 8, paragraph 8—

"To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries."

They could see that protecting an inventor's rights does more than define what belongs to him. It stimulates innovation. It provides an incentive for him to invest his heart, mind, sweat, and soul in developing his ideas. It permits him to reap the just reward of his labors by giving him the right to profit from his inventions. Without patent protection, innovation of new, more effective ways of doing things is discouraged; for why should a man try to invent when his ideas will be exploited by others?

Innovation creates wealth because it increases productivity. Take, for example, a nailmaking machine. Before this machine, nails were made by blacksmiths at the forge. It takes little imagination to see the manifold increase in productivity that such a machine can give. This machine was conceived and built by an inventor, an individual, at no small cost in mental and physical labor. Why is our economy sluggish? It is because such men are no longer encouraged; they are discouraged by the policies of corporations.

An engineer has practically no alternative but to work at some time for a corporation and there are virtually no corporations which do not require the signing of a Faustian patent agreement. The following is a sample of such an agreement required by a large corporation. (See enclosure.)

I hereby assign to the corporation my entire right, title, and interest in any invention or idea, patentable or not, hereafter made or conceived solely or jointly by me:

(a) While working in the corporation in an executive, managerial, planning, technical, research or engineering capacity (including development, manufacturing, systems, applied science, sales and customer engineering); and

(b) Which relates in any manner to the actual or anticipated business of the corporation or its subsidiaries, or relates to its actual or anticipated research and development, or is suggested by or results from any task assigned to me or work performed by me for or on behalf of the corporation.

I am a physicist for this corporation and have a personal interest in patent policy, but I also believe that it goes far beyond me. There are thousands of scientifically and technically trained people who would bring their ideas to fruition if only they could be assured of reaping the fruits of the labor.

I cannot conceive of any man with a sense of justice not finding this patent agreement at variance with Article I of the Constitution of the United States.

———— ————.

Employee Confidential Information and Invention Agreement

(To be signed by all employees on the first day of employment)

In consideration of my employment by ———.

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[15] Id. at 292–295.

[16] Adam Smith, "Wealth of Nations," 650–651 (Modern Library ed. 1937).

[17] 2 "Letters of John Stuart Mill," 155 (Hugh Elliot ed. 1910).

1. I will not disclose to anyone outside of ——— or use in other than ——— business, any confidential information or material relating to the business of ——— or its subsidiaries, either during or after my ——— employment, except with ——— written permission.

2. I will not disclose to ———, or induce ——— to use, any confidential information or material belonging to others.

3. I will comply, and do all things necessary for ——— to comply, with U.S. Government regulations, and with provisions of contracts between the agencies of the U.S. Government or their contractors and ———, which relate either to patent rights or to the safeguarding of information pertaining to the defense of the United States.

4. I hereby assign to ——— my entire right, title and interest in any invention or idea, patentable or not, hereafter made or conceived solely or jointly by me:

(a) while working in ——— in an executive, managerial, planning, technical, research or engineering capacity (including development, manufacturing, systems, applied science, sales and customer engineering); and

(b) which relates in any manner to the actual or anticipated business of ——— or its subsidiaries, or relates to its actual or anticipated research and development, or is suggested by or results from any task assigned to me or work performed by me for or on behalf of ———;

except any invention or idea which I cannot assign to ——— because of a prior invention agreement with ——— which is effective until ——— (Give name and date or write "none").

5. I agree that in connection with any invention or idea covered by paragraph 4:

(a) I will disclose it promptly to the local ——— patent operations manager; and

(b) I will, on his request, promptly execute a specific assignment of title to ———, and do anything else reasonably necessary to enable ——— to secure a patent therefor in the United States and in foreign countries.

6. I represent that I have indicated on the back of this form whether or not I have any inventions or ideas, not covered by paragraph 4, in which I have any right, title, or interest, and which were previously conceived either wholly or in part by me, but neither published nor filed in the U.S. Patent Office, and identified all of these.

(It is in your interest to establish that any such inventions or ideas were made before employment by ———. You should not disclose such inventions or ideas in detail, but only identify them by the titles and dates of documents describing them. If you wish to interest ——— in such inventions and ideas, you may submit them to ——— in accordance with the provisions outlined in ———.)

7. I acknowledge receipt of a copy of this agreement, and agree that with respect to the subject matter hereof, it is my entire agreement with ———, superseding any previous oral or written communications, representations, understandings, or agreements with ——— or any official or representative thereof.

Witness ....

(Employee's manager or other appropriate ——— representative)

Signed ....

(Employee's full name)

Date ....

The following are inventions or ideas, not covered by paragraph 4, in which I have any right, title, or interest, and which were previously conceived either wholly or in part by me, but neither published nor filed in the U.S. Patent Office: (Indicate below or write "None"). ....

Description of documents (if applicable):

Title on document.

Date on document.

Name of witness on document.

Signed ....

(Employee's full name)

Date ....

Exhibit 2

Tennessee Valley Authority,
Knoxville, Tenn., February 4, 1965.

Hon. Russell B. Long,
U. S. Senate,
Washington, D.C.

Dear Senator Long: When the enclosed letter came to me a few days ago, my thoughts went back to the day, nearly 2 years ago, when I appeared before your committee in the hearings on Government patent policy.

You will recall we discussed the fact that new processes developed by TVA in its fertilizer research are patented by TVA; that these patents are made available to the fertilizer industry on a royalty free, nonexclusive basis; and that, as a result of this policy, farmers are getting more and better chemical fertilizers and at lower prices than they did 10 or 12 years ago.

We also discussed the special importance of TVA's research and its patent policy to the smaller concerns manufacturing fertilizer. At the time of the hearing 170 of the 207 companies licensed to use TVA patents were in the category of small businesses, and I pointed out our belief that many of those small manufacturers would not have been able to stay in business without the benefits of TVA's research and the use of our patents.

The enclosed letter from the Ouachita Fertilizer & Grain Co. is such an illuminating testimonial to many of the points we discussed in your hearing that I feel sure you will be interested to see it. Incidentally, the polyphosphates referred to represent a promising family of fertilizers, new since our discussion, so I can assure you that our work in this field is continuing to show results.

Sincerely yours,

Aubrey J. Wagner,
Chairman.

Ouachita Fertilizer & Grain Co., Inc.,
Monroe, La., January 25, 1965.

Mr. A. J. Wagner,
Chairman, Board of Directors, Tennessee Valley Authority, Knoxville, Tenn.

Dear Mr. Wagner: The recent trend in the fertilizer industry continues, and it appears that small independent manufacturers such as our own firm will be at an even greater disadvantage in the future. We are calling this to your attention in order to emphasize the importance of TVA's continuing its cooperation with these small independents and the farmers we serve.

In the present situation, a number of major companies will approach an independent to see if he wants to sell his business. If the independent prefers to remain as he is, the major companies seem less interested than before in supplying him, with fringe benefits included. Privately, they confirm that they are working toward captive distribution, and once they attain their objective, the unpredictable requirements of the independent will not be important to them. Those major companies who preferred to supply independents have been forced to abandon this position. So one of our concerns is supply. Phosphate is the material we worry about, polyphosphates in particular.

Perhaps you are aware that when we first thought of using wet-process acid for our liquid mixtures, the only encouraging reports we saw were printed in various trade journals describing TVA's work with superphosphoric acid. We came to your plant and laboratories at Wilson Dam, and observed the research and development work. Actually, your staff made trials of a number of formulations we were interested in, and they gave us samples for observation. Today our company, under free license from TVA, uses that information and some TVA polyphosphate with commercial wet-process acid in making low-cost liquid fertilizer—lower than any other method available to small businesses such as ours. TVA has been the only source of a satisfactory sequestrant which provides the only means for use of wet acid. We take very little credit for achievements in the field of production. We owe most of our success to TVA, and we believe that the industry should recognize TVA for making major contributions to liquid fertilizer technology—the use of which is considerably enhanced by your supplying new materials. Those of us too small to afford technical staffs are particularly grateful recipients of your development information.

Formerly, when majors were in the business of selling independents raw materials, they supplied technical information and did product development work for their customers, the independents. Now, this activity is largely proprietary. So another concern is our inability to keep up in new product development. We, and most of the other small independent fertilizer manufacturers, are almost entirely dependent upon TVA for this important function.

Will we be able to depend on TVA in the future to supply materials not available from industry, and to carry out research and do product development work for the small companies who have no facilities for this type activity? The answer to the above will have considerable bearing on our future planning. We will appreciate your carefully considered opinion.

Sincerely yours,

Nelson O. Abell,
President.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATIONS IN VIETNAM AND THE DOMINICAN REPUBLIC

Mr. LONG of Louisiana. Mr. President, this morning the President of the United States called to the White House members of three important committees of the Senate and the House of Representatives. He pointed out to them the reasons why he felt it necessary for this Nation to stand firm in Vietnam and to evacuate civilians of this Nation and others who were caught in the unfortunate situation that developed in the Dominican Republic.

The President went into considerable detail to explain the problems in both those instances and indicated how much he felt the support of the Congress and of the American people was needed in the effort of the Chief Executive to maintain peace in the world and in defending those who have common interests with us against Communist subversion and Communist overthrow.

This Senator was pleased to see the standing ovation from the large number of Representatives and Senators who were members of those important committees when the President explained this Nation's position and the steps that had been taken to seek peace and to preserve the liberty of this Nation and that of friendly nations.

The President asked that we appropriate an additional $700 million to pay the expense of the defense of freedom in Vietnam and in the Dominican Republic.

I am pleased to see that congressional leaders—both in the Senate and in the House—have given assurances that the President's request will be considered in short order. I would hope no Member of Congress would vote to deny our men the necessary weapons and support to carry out their orders to protect this Nation's vital interests. Therefore, I hope that Congress will vote for the appropriation by an overwhelming majority.

The show of unity behind the President's position in providing funds for these basic needs and for our fighting forces will make an impression on those who think that through terrorist tactics, by the murder of innocent civilians, by attack on our installations, they can keep pressure on this Nation, and that by so doing they will cause this Nation to capitulate in its efforts to preserve freedom and to preserve the position of all free nations on the earth.

There are some who differ with the President's policies. Perhaps some can find some reason for disagreement in one detail or another. But there is no doubt in my mind that the overwhelming majority of the American people and the overwhelming majority of Members of the Congress stand solidly behind the President in his efforts to see that no more nations are taken over by the Communist conspiracy in this hemisphere, and that the commitment this Nation has made to preserve freedom around the world will be honored.

Some people understand Americans better than others. There have been a number of showdowns with the Communists who control the Soviet Union. As a result of the firmness which we have evidenced and which their embassies and agents reported back to those in charge in the Soviet Union, I believe they understand the courage, the determination, and conviction of the American people, as well as our commitment to our freedom.

I believe we have persuaded them by our firm position in Berlin, and by the firm position this Nation took in Turkey, Greece, and Cuba, that this Nation will fight. It will fight any sort of war that may be necessary to preserve freedom in this world.

As much as we love peace, we love freedom and liberty even more. Therefore, we have reason to hope and believe that it will not be necessary to engage in a general war with the only power on earth really capable of waging general war against the United States. We do not wish to engage in such a war, and we believe that they do not. As long as they know that America will stand up with courage, under any circumstances, to protect its vital interests and its liberties, we have every reason to believe that such a war can be avoided.

Sometimes the United States gains the impression that the Chinese Communists still remain to be convinced. We do not wish to use any more force than necessary to convince that huge nation that we seek no war with anyone, but that we will defend the areas we are committed to defend and will defend them with whatever force may be necessary.

I believe that the Chinese Communists are coming to the conviction that that is, indeed, the position of the United States. They are coming to understand us a little better as a result of the strong position which the President has taken in regard to South Vietnam.

Sometimes, unfortunately, the press makes it appear—and perhaps some Senators and Representatives also make it appear—that America does not have the determination to stand fast, and that if the pressure is kept up against us, we might relent in our determination to defend freedom.

In my judgment, anyone who believes that is greatly mistaken. A minority which might differ with the President's views can sometimes be made to look much larger and more influential than it is, but Congress has voted on this issue time and again, and by huge majorities has voted the funds to continue the operation of our armed services to carry on the defense of freedom and prevent enslavement by aggressors from any source whatsoever.

Consequently, I applaud the President's statement this morning. I was pleased to notice that he received overwhelming standing applause from the more than 100 Senators and Representatives who listened to the explanation of his position.

There is no doubt in my mind that the appropriation recommended by the President will receive overwhelming support, that while some Senators may differ in small degree, all Senators share the same desire as to what the United States ultimately wishes; namely, peace. I believe that the great majority of Senators are completely satisfied that even though some may have minor differences as to the precise measure that should be used to defend freedom, few, if any, would have the United States renege on its commitments. Few, if any, Members of the Senate and House of Representatives would have America stand idly by at the prospect of a friendly nation being overwhelmed and driven into some form of Communist slavery, and do nothing to help that friendly nation defend its liberties.

Mr. DODD. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I am glad to yield to the Senator from Connecticut.

Mr. DODD. Let me compliment my friend the assistant majority leader for his great foresight and understanding of the situation which confronts us in Vietnam. I am happy to know that he has uttered words of support for the President and the President's request for $700 million additional for the Armed Forces of our Nation.

As the Senate knows, I have just returned from Vietnam. I have talked with the Senator from Louisiana and the Senator from Mississippi [Mr. STENNIS] on this subject. It was an uplifting experience to witness the reaction of Members of Congress to the President's explanation of his position, one of the most heartening and encouraging events I have ever witnessed.

Mr. LONG of Louisiana. The President made a statement this morning which has been made by many others. I do not claim that the President is the first one to have said it, but I know he fully believes that whenever this Nation has stood firm, particularly when we have armed ourselves adequate to the task and let it be known that we would do whatever was necessary to defend freedom, we have prevailed. We have had difficulty when we left our antagonists in doubt as to our intentions. Our adversaries are beginning to have some understanding that American thought in this field has crystallized to the extent that Americans know the President has a great burden upon his shoulders, and the country will support him.

Mr. DODD. I quite agree with the able and distinguished Senator from Louisiana. He and the Senator from Mississippi [Mr. STENNIS] also know that I have recently completed an extensive tour of the Far East, which has given me the opportunity to obtain a first-hand look at the war in Vietnam, what I call the auxiliary war in Laos, and the Indonesian confrontation with Malaysia.

At a later date, I will report to the Senate in more detail on that trip.

In anticipation of the more complete statement which I intend to present, I want to say at this juncture that the war in Vietnam is now going much better for our side.

There are many evidences of this.

The Vietnamese Armed Forces have in recent months inflicted very heavy losses on the Vietcong. The Government forces are taking more prisoners, capturing more weapons, receiving more defectors, unearthing more Communist caches of arms and ammunition and rice.

There are certain parts of the country where the situation is still precarious. But there are important regions which have witnessed dramatic improvement.

I spent the better part of a week in Vietnam and in Laos, moving from point to point by helicopter and plane. I had lengthy discussions with many of the people in that area, with our great Ambassador, Maxwell Taylor—who, I believe is one of the truly great Americans of our time—and with his brilliant assistant, Alexis Johnson, and members of the Embassy staff; with General Westmoreland and his senior officers. As the Senator from Mississippi knows, he is one of our really outstanding great soldiers, a man of great character and ability. I also had a lengthy discussion with Prime Minister Quat and his Cabinet.

I was impressed and, indeed, deeply moved, by the dedication of our Embassy personnel, our AID officials, and the American officers and GI's serving in Vietnam.

There are no faint hearts among the Americans in Vietnam, no voices crying for withdrawal because the war is too difficult or the burden too great.

On the contrary, everyone I met in Vietnam, from Ambassador Taylor and

General Westmoreland down to the rank of private, was convinced that the war could be won and determined that it must be won.

I met many soldiers from Connecticut at the Danang airbase. I talked with them alone. Their officers were not present. Our soldiers know why they are in Vietnam. They wish to stay there. This made such a deep impression upon me that I shall never forget it.

Volunteers man the helicopters—helicopters with open doors, machineguns at hand, leaning out and guarding against the Communist Vietcong. They are all volunteer American soldiers, every single one of them. Not one of them ever said that he wished to go home. I heard that some had asked to have their tour of duty extended so that they could stay on the job.

I also wish to tell the Senator from Louisiana and the Senator from Mississippi and all my colleagues in the Senate that wherever I went in Asia I met with the most enthusiastic approval of President Johnson's twin commitment to freedom and peace in southeast Asia. Indeed, I am convinced that American prestige among the countries of the Far East has never been higher than it is today. I talked with heads of state in every country. I talked with our people there. I talked with many other people. I tried to see and hear as much as I could.

I asked those people, "What do you think? Do you think what we are doing is on the right track?" Without exception the answer was, "Yes." It was unanimously in the affirmative.

They are all outstanding people, and they are doing an outstanding job for the free world.

I earnestly hope that Congress will move expeditiously to appropriate the supplementary funds requested by the President.

Mr. President, I would like to say a few words, too, about the situation in the Dominican Republic because I am convinced that it represents a Communist maneuver to divert some of our attention and some of our forces from Vietnam.

I believe that the overwhelming majority of the American people heartily applaud President Johnson's prompt and courageous action in dealing with the Dominican crisis.

So long as there appeared to be a possibility that the revolution was simply directed against the military junta, President Johnson adhered to a hands-off policy. But when it became clear beyond the possibility of doubt that hard-core Communist elements were in effective control of both the political and military aspects of the revolution, the President was confronted with an invidious choice—a choice which no President of the United States could have resolved in another manner.

The free nations of the Americas cannot afford a second Cuba in the Caribbean Sea. A Castro regime in the Dominican Republic would constitute a grave long-term threat to the security of all our nations, and an immediate threat to the political stability of the Latin nations of the hemisphere.

The great majority of those who participated in the Dominican revolution are certainly not Communists. But the hard experience of Cuba teaches us that a handful of Communists occupying the command positions can impose their will in defiance of a disorganized, undisciplined, democratic majority.

I wish to present for the consideration of my colleagues a few essential facts which I received from an authoritative source concerning the Communist role in the Dominican crisis.

Among the rebel forces, and playing an important role in organizing the rebels as well as carrying on much of the paramilitary action are 58 identified, prominent Communist and Castroist leaders.

They include 18 persons known or reliably reported to have been trained in subversive and paramilitary tactics by the Cuban Intelligence Service or other similar Cuban organizations; and 40 who have been reliably and clearly identified over the past few years as Communist and Castroist subversives.

Playing a key role in the tactical direction of the rebel forces is Manuel Gonzalez Gonzalez, an experienced Spanish Communist Party activist who has been working with the Dominican Communist Party for at least the past 2 years.

There are three Communist political organizations involved. They are the Partido Socialista Popular Dominicano—PSPD, Dominican Popular Socialist Party—which follows Moscow's direction; the Movimiento Popular Dominicano—MPD, Dominican Popular Movement—a small but aggressive Marxist-Leninist revolutionary party which follows the Chinese Communist ideological line; and the Agrupacion Politica Catorce de Junion—APCJ, 14th of June political group—the largest of the three which is known to have connections with the Soviet, Cuban, and Communist Chinese regimes.

Following the coup against former President Bosch in 1963, the APCJ and the MPD launched an open guerrilla warfare movement in the hinterland of the Dominican Republic.

Some Dominicans known to have received training in Cuba took part in that abortive effort.

The bulk of the captured rebels were deported in May 1964, and most of them became political exiles in France. From there, many have since traveled in the Soviet bloc countries, including Cuba, and Communist China, returning to the Dominican Republic recently.

Since they were generally leaders of ability and standing, and moreover had the benefit of recent training and orientation, they have been able to reorganize their parties in preparation for an opportunity such as the present crisis presents.

At the outset of the coup d'etat attempt, within 1 or 2 hours of the first rebel moves, members of the Castroist June 14 movement were already busy in the streets of Santo Domingo calling on the populace to come out and demonstrate in favor of the call for restoration of constitutional government by ex-President Bosch.

Communist and Castroist leaders shortly thereafter got quantities of arms and ammunition from the magazines of the "27 February" camp outside Santo Domingo, where rebelling Army officers had seized control as the opening act of the coup.

A sizable quantity of arms and ammunition fell into the hands of leaders of the PSPD—orthodox Communists—and the members of this party were quickly formed into armed paramilitary teams which fanned out in the downtown and "barrio"—slum—areas, taking control of secondary targets and organizing the inhabitants.

Such PSPD leaders as Buenaventura Johnson and Fidelio Despradel were particularly active in organizing these teams.

At the same time a party military headquarters was established and arms collected from loyalist police and military were stored there. Other strongpoints were organized.

Also leading the organization of extreme leftist-paramilitary units were Jaime Duran, who received paramilitary training in Cuba in 1962, and Juan Ducoudray, who has been a liaison link between Cuba and the Dominican Republic for the supply of weapons.

All of these actions are believed to have been directed under the generalship of Manuel Gonzalez Gonzalez.

With their relatively tight discipline and effective organization, the extreme leftist groups, particularly the PSPD, but also, prominently, the MPD and the June 14 movement, were soon providing a significant portion of the rebel forces and were decisively influencing the political leadership of the rebellion which, in the beginning, had been in the hands of the Bosch party leaders.

Extreme leftists took control of Radio Santo Domingo and operated in typical Castro style, parading captured loyalists before television cameras and haranguing viewers with slogans and denunciations of "the bourgeois reactionaries, imperialists," and so forth.

By April 27 the provisional government formed by Rafael Molina Urena contained members and officials who were either established Communist or Castroist personages or had histories of association with the extreme left. Among these were Luis H. Lajara Gonzalez, a Trujilloist who subsequently switched to the Castroist camp, and Alfredo Gonde Pausa, a well-known sympathizer with the PSPD, whose two sons are PSPD members.

This was the complexion of the rebellion when the original PRD leaders, who had organized the revolt to restore Bosch, realizing that their movement had been captured by the Castroist and Communist left, took asylum and by this action renounced their by now largely nominal leadership.

There is little room for doubt that the PRD civilian leaders of the revolt, with the exception of Bosch—who is not in the scene and lacks firsthand knowledge—have all at least privately recognized the capture of their revolt by the extreme left. No civilian PRD leaders of any significance remain with the rebels. Most if not all have taken sanctuary in various embassies and private houses in Santo Domingo.

Rafael Molina Urena is in asylum in the Colombian Embassy.

Jose Francisco Pena Gomez is in hiding in the home of a friend.

Martinez Francisco, PRD secretary general, publicly exhorted the rebels to lay down their arms.

After he had withdrawn from the revolt and taken refuge, Pena Gomez, who had been one of the chief architects of the revolt, informed an American Embassy officer that he considered his movement to have been defeated. He said that the Communists who joined the rebel force infiltrated into positions of importance and that it was very difficult to stop them. In his withdrawal, Pena recognized that the only other alternative would have been to support a barefaced Castroist grab for power.

This recognition was summed up implicity by the PRD secretary general, Martinez Francisco, in his radio address to the nation from San Isidro on April 28:

> I beg all to lay down their arms, turning them in to the nearest military post, because this is no longer a fight between political parties.

It is only against this background that President Johnson decided that he had no alternative but to intervene.

It is my earnest hope that the Organization of American States will heed the President's request and will at an early date dispatch an inter-American force to the Dominican Republic for the purpose of restoring order in that unhappy country and of creating the conditions essential for stable and democratic government.

Meanwhile, I hope the Senate will move rapidly to demonstrate that in the cause of freedom we are prepared to pay any price.

I have said, because I believe it to be true, that the outbreak in the Dominican Republic is directly tied to our struggle in southeast Asia to defend the freedom and independence of the people of Vietnam.

I predict that we can expect more of this in one place after another and that we must be prepared for it, and that we must do everything in our power to strengthen the President's hand.

If we do not now stand strong, we shall stand weak at a later and more terrible hour.

Some friends have said to me, "Laos and Vietnam do not seem to be the right place."

In reply I have said, "They will have to do. There is no better place, and it is best that we make our stand now."

As the Senator from Louisiana has so well pointed out, every time we have stood firm, we have come out all right. And I am confident that we shall come out all right this time if we stand firm—in Vietnam, in Laos, in the Dominican Republic, all around the world, with our free friends and allies.

The President is not only committed to standing firm, as he has amply demonstrated, but he is committed just as strongly to this quest for peace.

I recall that I was in Korea and, later in the same day, in Taiwan, when the President made his speech in Baltimore about unconditional discussions.

The headlines had to do with that part of his speech in which he spoke of unconditional discussions. They ignored the President's total commitment to the freedom of Vietnam and southeast Asia. I said to those who expressed misgivings, "Read the whole speech." Of course, we are for unconditional discussions because we are ready at any time to sit down and talk with those who are in a position to stop this fighting and to end this war with justice for all.

That is our hope and our only purpose; and it should never be understood as a weakness.

I could not be more pleased that he is. No man wants war. No man wants to see people killed. But no man wants to see the whole world committed to Communist slavery. That, I believe, is the issue.

So I join with the Senator from Louisiana in his support of the President. I shall do all I can to help bring about the quick enactment of the proposed legislation which he has requested.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President, the Senator from Connecticut has made a fine contribution to this Nation's foreign policy. It is an honor to serve with him on the Foreign Relations Committee. His recommendations down through the years have been wise. He has advocated that we stand firm in the face of aggression. His philosophy generally has meant that when those who would destroy and deny freedom strike us, we should strike back harder. If they should strike again, we should strike back even harder. That is the policy that our Nation is pursuing. We do not wish to use any more force than is necessary, but we shall use whatever force is necessary to defend freedom in this world. Our enemies should be well aware that when they decide to resort to additional methods to destroy freedom and strike at additional nations, we expect to use other measures available to us. I hope that we can have more help and support from friendly nations which realize this problem.

At the present time our Nation is doing its job and is doing it well. We shall succeed because we have a leader who has the vision, the courage, and the wisdom to realize what our problem is, and because the people have the good judgment to follow that leader.

Mr DODD. I should like to add one thing, if the Senator will yield further——

Mr. LONG of Louisiana. I yield.

Mr. DODD. I think it would be of great interest to the Senator from Louisiana and to the Senator from Mississippi.

I have heard in the Senate Chamber, I have read in our newspapers, I have heard on the radio, and I have heard people on television say, "Those people in Vietnam do not have any interest in freedom. They are not willing to fight for themselves."

I was astonished, amazed, and proud to learn that 80 percent of the armed forces of South Vietnam are volunteers. That is something to think about in any country. They have suffered terrible losses but they inflicted much greater losses on the enemy.

I was amazed, also, to hear from our Air Force people. I asked them, "Do they have any pilots?"

They said, "Do they have any pilots? They have about 800 crack pilots and they will soon have more than 1,000. And they are wonderful pilots."

More importantly, perhaps, they told me that their record on the maintenance and serviceability of aircraft is at least as good as ours. That is something to think about—these people of whom it is said that they do not wish to fight for their freedom.

I went into some little hamlets and villages where I met the mayors and the village chiefs, and I found that in most instances the third or fourth or even the sixth or seventh in the line of succession. Their predecessors have had their throats cut by the Communists in Vietcong attacks, most of the time at night.

So I said to one of them, "You are a pretty brave fellow. Where I come from it would be hard to find a community in which you could get a man to run for mayor when five of his predecessors had had their throats cut." And I think it is true.

But they do not have trouble finding replacements in Vietnam.

This is the kind of people with whom we are fighting, and I think that the American people ought to know it.

Mr. LONG of Louisiana. It is also important to realize that for every casualty we have suffered, for every American who has lost his life in Vietnam, many Vietnamese have sacrificed their lives in attempting to defend freedom. I believe their loss of lives have run about 10,000 killed. This would indicate that 20 lives of Vietnamese have been sacrificed on the altar of freedom for every one that our Nation has given in defending freedom against Communist enslavement in that area.

Mr. DODD. That does not take into account the thousands who have been kidnaped. The kidnaping that is going on in this war is a terrible thing. The Communists move in at night. They grab the children and the wives of these brave people and take them off, God knows where, probably never to be heard from again.

Most men would rather die than suffer that disaster. But those men continue the fight.

Our people have no idea of what is going on in this distant place from us or of the courage of those who are continuing to fight on with our support.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator. I commend the Senator from Connecticut for his decision to go to Vietnam and the other areas he visited. I feel that he has rendered his country, the Congress, and, more particularly, the Senate, a great service. I am one of those who look forward to his formal speech, in which he will give us a report and a comprehensive review of his impressions as well as his recommendations. He is peculiarly fitted to go, and I think he has served his country well. I hope that the Senator can deliver his speech some time soon, with some prior advance notice.

Mr. DODD. I assure the Senator I shall do so.

I am deeply grateful for the Senator's compliment. I do not deserve it, but I am vain enough to enjoy it.

Mr. STENNIS. It is quite a chore which the Senator performed, from a physical standpoint. His services are valuable.

If the Senator from Louisiana will yield to me further, I should like to commend him for his remarks with reference to Vietnam and the bill which we shall shortly consider with reference to a proposed special authorization and appropriation, and the firmness of the stand of the President, not only with reference to Vietnam, but also in reference to the Dominican Republic. Such firm stands put us on the way to a better position, not only for us, but also the world. I look forward to his presentation in the Senate when those questions arise. The Senator's remarks were very good indeed. I do not believe that we have anything to fear so long as we follow a policy of decision, firmness, and action, although, of course, we certainly do not wish any more war or bloodshed than is absolutely necessary.

But we are certainly living in troublous times, and we must meet the situations as they arise, like them or not. I believe that this time we will.

I thank the Senator from Louisiana for yielding to me.

Mr. LONG of Louisiana. Mr. President, I wish to join in the well-deserved compliment that the Senator from Mississippi has paid to the Senator from Connecticut. I agree with him 100 percent that the Senator from Connecticut has rendered the Nation a great service.

Likewise, the Senator from Mississippi has rendered the country valiant service during the illness of our great and revered chairman of the Committee on Armed Services, the distinguished senior Senator from Georgia [Mr. Russell]. During the recovery of Senator Richard Russell from his illness, the Senator from Mississippi [Mr. Stennis] has been serving as the acting chairman of the Committee on Armed Services and has done so in an outstanding manner. I have had the opportunity to hear him manage bills that have come from the Committee on Armed Services. He is carrying on in a style of which the Nation can be proud. I know that our distinguished chairman [Mr. Russell] will join me in expressing gratitude to the Senator from Mississippi for the excellent work he has done as acting chairman of the Committee on Armed Services during this period.

Mr. STENNIS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. I thank the Senator for his kind remarks. We are delighted to know that Senator Russell's health is improving, and we look forward to his early return. The Senator from Georgia started me on my service on the Committee on Armed Services.

The Senator from Louisiana was himself a valued member of that committee.

Mr. LONG of Louisiana. It was a great honor for me to serve on the Committee on Armed Services. I was a desk mate of the Senator from Mississippi [Mr. Stennis], whose sound judgment transcended party lines with respect to our military and foreign relations problems throughout the years. I appreciate what he has said.

I believe it should also be noted for the Record that the President of the United States, before sending American troops to the Dominican Republic, day after day called upon the contending sides for a ceasefire. He did not want to send American troops to the Dominican Republic. But neither did he want to see innocent men, women, and children—civilians—who were not parties to the contending sides of that struggle, needlessly sacrificed.

Also, the President did not want to see a Communist takeover of that island. He sought to avoid that by sending American troops and by repeatedly calling for a ceasefire prior to the sending of those troops. It was only when a ceasefire could not be arranged that the President decided it was necessary to use American troops.

As one Member of this body—and I think I speak generally on behalf of the Senate—I believe it would have been preferable that forces of the Organization of American States should have been available to accomplish the task which this Nation has found it necessary to undertake. We hope, even at this point, that the Organization of American States, through the governments acting individually, will be able to participate in restoring democratic government to the Dominican people.

PRESIDENT JOHNSON AND VIETNAM

Mr. DODD. Mr. President, I ask unanimous consent to have printed in the Record two significant items which appeared in the press last Wednesday, April 28. The first is an article captioned "Field Commander Johnson," written by the veteran columnist, Joseph Alsop. The second is an editorial bearing the caption "Bridges Versus People." It was published on the same date in the Washington Daily News.

Mr. Alsop, in his article, describes the intense personal interest which the President, as commander in chief, is devoting to the conduct of the Vietnamese war. He points out that all targets are personally approved by the President, in consultation with the Secretary of State and the Secretary of Defense. He says that when planes have gone on a mission, the President will frequently stay awake or will have himself called, so that he can hear the results of the mission as soon as it is completed.

When pilots are missing—

Mr. Alsop wrote—

> he has been known to stay awake through the small hours, to sweat out the final recovery of the missing men by the air-sea rescue service.

From my recent travels around Asia, I concur wholeheartedly in Mr. Alsop's estimate that the President "looms much larger in the world today than on the day of his triumphant reelection."

Everywhere I traveled in the Far East, I was met with the conviction that the free world has found a leader with a mettle to match that of the men of Moscow and Peiping.

The Washington Daily News editorial referred to President Johnson's expressed wonderment over people who are more disturbed by our bombing of bridges in North Vietnam than they are over the Vietcong murders of women and children. I share fully the President's wonderment; and this is a subject to which I intend to address myself at an early date on the floor of the Senate.

There being no objection, the article and the editorial were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Apr. 28, 1965]

Field Commander Johnson

(By Joseph Alsop)

For members of the White House staff, a fairly common morning greeting nowadays is a hint that they are slug-a-beds compared to their master, who is perfectly likely to announce: "I was up at 5, waiting to make sure that all my boys got back from that mission."

It is hard to believe, but it is a fact that the President follows the bombing missions attacking targets in North Vietnam almost in the manner of a field commander.

He is customarily notified when the planes have gone out. He often stays up, or has himself called, or is awakened by his own internal alarm clock, to hear the mission's results. And when pilots are missing, he has been known to stay awake through the small hours to sweat out the final recovery of the missing men by the air-sea rescue service.

All this is decidedly sympathetic, although someone ought to persuade the President that it is quite unnecessary. He has been looking a bit tired recently, and no wonder. For his new role as a field commander of operations halfway around the world must clearly cut substantially into his always minimal daily allowance of rest.

But persuading Lyndon B. Johnson to mend his ways, for his own good or for any other reason, has always been an uphill task. The significant point to note is that the President, in some sense, really is the field commander of these remote, delicate, and crucial military operations.

All targets are, in the first place, personally approved by him, in committee with the Secretaries of State and Defense. The operational plans for each attack, the choice between approved targets dictated by weather and other considerations, the estimates of forces needed for each mission—all these matters, very naturally and properly, are left to the air officers and naval officers on the spot, who have direct operational responsibility.

But even the decisions about these matters, when reached, are also reported to the President promptly and in detail. He and Secretary of Defense McNamara keep a minutely close watch on the whole process, particularly including contingent orders to the pilots participating in the missions, about what to do if, for example, they encounter

Chinese fighter aircraft—as they have done once already over the Gulf of Tonkin.

It is a striking proof of the increased political maturity of the American armed services, that there has been no grumbling or sneering about this "black seat driving," as it would surely have been called in the old days. The military leaders have seen that these operations are as much political as military. Hence there has been nothing even remotely resembling the tantrums of the higher naval command in the second Cuban crisis.

The military leaders are not the only persons who have changed markedly, however. The phenomenon is hard to define, but these last months have clearly somewhat changed the President himself.

Perhaps the best clue is the familiar experience of the man who has never been in combat; who goes into combat with the self-doubts that any normal man feels in these circumstances; and who then finds he can do what needs doing in a quite satisfactory manner. This is a truly liberating experience, as all know who have had it.

Like the man who has never been in combat, President Johnson before Pleiku had never taken quite the sort of decision that he took when the attacks on North Vietnam were ordered at last. He now tells all and sundry that this decision involved no change of policy, that all had been foreseen, and so on and on. Maybe he believes this himself. But, in fact, a very major Rubicon was crossed.

Crossing it gave the President none of the exhilaration that another sort of national leader might have felt. Being field commander now does not excite him as it would have excited Franklin Delano Roosevelt and John F. Kennedy. As someone or other remarked, "Johnson is not the sort of man who will collect ship models after he is out of office."

But one suspects, nonetheless, that he has somehow been liberated, and even enlarged, by making a cruelly hard decision that was foreign to his previous experience, and by taking a task in hand that is not really to his taste. Certainly he looms much larger in the world today than on the day of his triumphant reelection.

In Moscow and Peiping, in Paris, and in other quarters where it is desirable to have the President of the United States regarded as pretty formidable and not to be lightly tampered with, the upward revision of the going estimates of Lyndon Johnson has been almost an audible process. And rightly so, too; for he has removed that last doubt that with any luck at all, his time in office may prove to be one of the major Presidencies.

[From the Washington (D.C.) Daily News, Apr. 28, 1965]

Bridges Versus People

President Johnson at his Tuesday press conference expressed wonderment that people who are disturbed by our bombing of bridges in North Vietnam never seem to be upset by such events as the Communist bombing of our Embassy in Saigon nor by Vietcong murders of women and children.

That puzzles us, too.

There can be many arguments against war as an institution. But to condemn the use of force on one side, while condoning it on the other, must be either ridiculous or coldly cynical.

Nevertheless, a good many Americans—not a majority, to be sure—seem to have been caught up in this frenzy.

The fact is that the Communists are counting on just such a reaction in this country to help them achieve their goal. They believe our natural disinclination toward the use of force eventually will cause us to give in rather than fight to the finish in Vietnam.

As the President made clear, however, the Vietnam war is not going to conclude that way. We did not make the war, but we are there to stay. We are, in Mr. Johnson's words, not about to "tuck our tails and run home."

Meanwhile, it will be good for the American people to remember that, as the President indicated, it is more useful in war to blow up a cold steel bridge than to murder a child.

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 14 minutes p.m.) the Senate adjourned, in accordance with the previous order, until tomorrow, Wednesday, May 5, 1965, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture:

Luke 12: 32: *Fear not, little flock; for it is your Father's good pleasure to give you the kingdom.*

Eternal God, when we deal honestly and sincerely with ourselves, we see how much of faith and fortitude, of patience and perseverance we daily need if we would follow Thy principles and spirit in our individual and social life.

May we be numbered among those whose inner life is redeemed from selfishness to a life of sympathy and service for the common good of mankind and the higher life of humanity.

Inspire us to give ourselves, with wholehearted dedication to the dawning of that better and brighter day when we shall cultivate a nobler skill in discovering and developing those capacities not only for a more splendid human personality but a finer social order.

Help us to give our plans and programs for the Great Society a more personal touch and may we be partners with all who would give vitality and validity to that lofty mission which is fruitful not only in an individual but in a social sense.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5702. An act to extend for 1 year the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress and to provide necessary authorization of appropriations for such Commission.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. Monroney and Mr. Carlson members of the joint select committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 65–11.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CHILDREN OF MRS. ELIZABETH A. DOMBROWSKI

The Clerk called the bill (H.R. 1291) for the relief of the children of Mrs. Elizabeth A. Dombrowski.

There being no objection, the Clerk read the bill, as follows:

H.R. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each child of Mrs. Elizabeth A. Dombrowski, of Parma, Ohio, widow of Victor E. Dombrowski, of Parma, Ohio, the amount which the Administrator of Veterans' Affairs certifies to him would have been payable to each such child under section 542 of title 38 of the United States Code for the period from July 1, 1960, to the date which each such child actually began receiving a pension under such section: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CWO ELDEN R. COMER

The Clerk called the bill (H.R. 1374) for the relief of CWO Elden R. Comer.

There being no objection, the Clerk read the bill, as follows:

H.R. 1374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elden R. Comer, Route 3, Box 22, Orland, California, the sum of $1,680.62 in full settlement of the claim of the said Elden R. Comer against the United States. A claim was timely executed by the claimant under date of March 28, 1955, as prepared by the Navy Finance Center, Cleveland, Ohio, but there is no record of any Government action thereon. A subsequent claim was filed October 18, 1962, and payment was made for all amounts not barred by the statute of limitations. The above referred principal amount is for the balance of retired pay owing for the barred period August 1946 to October 1952. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. NATHALIE ILINE

The Clerk called the bill (H.R. 1380) for the relief of Mrs. Nathalie Iline.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. HELEN VESELENAK

The Clerk called the bill (H.R. 1475) for the relief of Mrs. Helen Veselenak.

There being no objection, the Clerk read the bill, as follows:

H.R. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements in section 202(h)(1)(B) and 202(p) of the Social Security Act that proof of support be filed by the dependent parent of an insured individual within a specified period after the date of such individual's death in order to qualify for parent's insurance benefits on the basis of such individual's wages and self-employment income shall not apply with respect to the application of Mrs. Helen Veselenak, Byesville, Ohio, for parent's insurance benefits under section 202(h) of such Act on the basis of the wages and self-employment income of her son Joseph Veselenak, Junior (social security account numbered 275-16-7991), if she files such application, together with such proof of support, within the six-month period beginning on the date of the enactment of this Act.

With the following committee amendment:

Page 1, line 3, after "requirements" insert "relating to time".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. GERTRUDE RESKIN

The Clerk called the bill (H.R. 2155) for the relief of Mrs. Gertrude Reskin.

There being no objection, the Clerk read the bill, as follows:

H.R. 2155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements in section 202(h)(1)(B) and 202(p) of the Social Security Act that proof of support be filed by the dependent parent of an insured individual within a specified period after the date of such individual's death in order to qualify for parent's insurance benefits on the basis of such individual's wages and self-employment income shall not apply with respect to the application of Mrs. Gertrude Reskin, Wallingford, Connecticut, for parent's insurance benefits under section 202(h) of such Act on the basis of the wages and self-employment income of her daughter Jennie Reskin (social security account numbered 044-10-1625), if she files such application, together with such proof of support, within the six-month period beginning on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHIRLEY SHAPIRO

The Clerk called the bill (H.R. 2681) for the relief of Shirley Shapiro.

There being no objection, the Clerk read the bill, as follows:

H.R. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $300,000 to Shirley Shapiro, of New York, New York, in full settlement of all claims against the United States based upon the injuries, expenses, disabilities, or other losses, or damages suffered as the result of an accident which occurred in Naples, Italy, on or about July 6, 1962, when a United States Navy mail truck driven by an intoxicated member of the Navy at an excessive speed went out of control and struck a parked car in which the said Shirley Shapiro was sitting. The operator of the Navy vehicle in that accident has been determined not to have been acting within the scope of his employment, and the claims based on the accident are not cognizable under the Federal Tort Claims Act provisions now set out in title 28 of the United States Code.

SEC. 2. No part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claims covered by this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$300,000" and insert "$150,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OUTLET STORES, INC.

The Clerk called the bill (H.R. 2924) for the relief of the Outlet Stores, Inc.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BRYCE A. SMITH

The Clerk called the bill (H.R. 3075) for the relief of Bryce A. Smith.

There being no objection, the Clerk read the bill, as follows:

H.R. 3075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Act entitled "An Act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal", approved May 29, 1944, as amended (58 Stat. 258; 60 Stat. 873), Bryce A. Smith, Saint Petersburg, Florida, shall be held and considered, as of the effective date of such Act, to have performed three years of service in the employ of the Isthmian Canal Commission during the construction period of the Panama Canal.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF BART BRISCOE EDGAR, DECEASED

The Clerk called the bill (H.R. 3076) for the relief of the estate of Bart Briscoe Edgar, deceased.

There being no objection, the Clerk read the bill, as follows:

H.R. 3076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 to the estate of Bart Briscoe Edgar, deceased, in full settlement of the claims of that estate against the United States for the death of the said Bart Briscoe Edgar, which resulted from injuries sustained on June 2, 1945, at Saint Petersburg, Florida, when he was struck by a United States Army truck proceeding as a part of an Army convoy over Gandy Bridge in Saint Petersburg, Florida: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5: Strike "$25,000" and insert "$5,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES MAROWITZ

The Clerk called the bill (H.R. 1445) for the relief of Charles Marowitz.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

McKOY-HELGERSON CO.

The Clerk called the bill (H.R. 3137) for the relief of McKoy-Helgerson Co.

There being no objection, the Clerk read the bill, as follows:

H.R. 3137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of section 2501 of title 28 of the United States Code or of any other applicable statute of limitations, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claims of the McKoy-Helgerson Company against the United States based upon contract numbered DA-08-123-ENG-503, dated April 23, 1954, between the United States and the said McKoy-Helgerson Company for the construction of certain launching facilities at Patrick Air Force Base, Florida.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT J. BEAS

The Clerk called the bill (H.R. 4443) for the relief of Robert J. Beas.

There being no objection, the Clerk read the bill, as follows:

H.R. 4443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert J. Beas, of 6441 Grosse Drive, Cleveland, Ohio, hereby is relieved of all liability to repay to the United States the sum of $800. Such sum represents the amount which he was required to pay for the loss of a package of registered mail while he was employed at the United States post office at Cleveland, Ohio.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay to the said Robert J. Beas, out of any money in the Treasury not otherwise appropriated, any amounts paid by him in reduction of the indebtedness referred to in section 1 of this Act or withheld from amounts otherwise due him because of that indebtedness: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Ashbrook
Ashley
Blatnik
Brademas
Broyhill, Va.
Cahill
Clark
Clevenger
Curtis
Dickinson
Ford,
  Gerald R.
Giaimo
Goodell
Halleck
Hays
Holifield
Holland
Ichord
Jones, Mo.
Krebs
MacGregor
Mathias
Miller
Mills
Morrison
O'Hara, Mich.
Powell
Resnick
Scheuer
Schmidhauser
Senner
Smith, Iowa
Stephens
Thomson, Wis.
Toll
Whitener
Whitten
Wilson, Bob
Young

The SPEAKER. On this rollcall 394 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LABOR-HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1966

Mr. FOGARTY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7765) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 3 hours, one-half of the time to be controlled by the gentleman from Wisconsin [Mr. LAIRD] and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Rhode Island.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7765, with Mr. THOMPSON of New Jersey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Rhode Island [Mr. FOGARTY] will be recognized for 1½ hours and the gentleman from Wisconsin [Mr. LAIRD] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to you this afternoon the annual appropriation bill for the Departments of Labor, and Health, Education, and Welfare, and related agencies. This is the 18th year that I have served on this committee. I am also pleased to announce that we have a unanimous report from our committee.

Mr. Chairman, this year we have had substantial changes in the makeup of the membership of the subcommittee. In fact, we have five new members. We have some of the older members, the gentleman from Indiana [Mr. DENTON], who has served with great distinction on this committee for several years and has been a great supporter of all these programs. Also this year we have the gentleman from Pennsylvania [Mr. FLOOD], one of the outstanding members of the Committee on Appropriations, and the gentleman from Florida [Mr. MATTHEWS], who has been a Member of the House for a long time and has served with distinction. Then we have on the committee the gentleman from Oregon [Mr. DUNCAN], who has been invaluable as a member of this committee. We also have the gentleman from Michigan [Mr. FARNUM], who has been a really hardworking new Member.

On the Republican side we have the gentleman from Kansas [Mr. SHRIVER], who is the new committee member on the minority side who serves with the old members; the gentleman from Illinois [Mr. MICHEL] and the gentleman from Wisconsin [Mr. LAIRD]. They have all been very helpful in the work of the committee. And we have the best clerk, Robert Moyer, on the committee.

Mr. Chairman, extensive hearings have been held. We held hearings since the first week in February and we bring to you today a unanimous report. I will place in the RECORD a summary of the action on the bill.

Department or agency	Appropriation, 1965	Budget estimates, 1966	Recommended in the bill	Bill compared with—	
				Appropriations, 1965	Budget estimates, 1966
Department of Labor	$668, 316, 500	$588, 144, 000	$537, 460, 000	−$130, 856, 500	−$50, 684, 000
Department of Health, Education, and Welfare	6, 985, 726, 000	7, 652, 074, 000	7, 373, 020, 000	+387, 294, 000	−279, 054, 000
Related agencies	48, 352, 500	53, 596, 000	53, 554, 000	+5, 201, 500	−42, 000
Total	7, 702, 395, 000	8, 293, 814, 000	7, 964, 034, 000	+261, 639, 000	−329, 780, 000

Mr. Chairman, just about 90 percent of the bill we bring you today is for grants—grants to State and local governments, school and health facilities construction grants, research grants, and training grants. With the growing public acceptance of grants-in-aid as a means of achieving national goals, there has been more and more of this type of legislation passed in recent years with the result that the Labor, and Health, Education, and Welfare appropriation bill has increased each year. This year is no exception. The bill we bring you today totals $7,964,034,000 which is roughly $1 billion more than the bill we brought to this House 1 year ago. The bill is $261,639,000 over the total appropriations for fiscal year 1965, which include rather substantial sums appropriated in supplemental appropriation acts. However, the bill is $329,780,000 less than requested in the President's budget.

As is always the case, this bill is the result of compromise. My position is well known to the Chairman and the older Members of this House. There are several places in this bill where I think that much more could be efficiently utilized and that the benefits to the Nation would be more than the cost. However, taken as a whole, I think this is a good bill and I am prepared to support it fully as it stands. While it will do little more than hold the line with some programs, the committee has greatly improved the budget in other areas to provide for some real progress.

Our hearings were quite detailed. The committee heard 230 Government witnesses and 118 public witnesses and Members of Congress for a total of 348 witnesses. The hearing record totals 4,697 pages. These hearings have all been in print for some time and available to Members, and our bill and report have been available for 5 days. In view of this and the fact that there are over 100 appropriation items in the bill, I shall not take the time of the Committee to discuss each one in detail.

The 1966 budget for the Department of Labor had several proposals for reorganization of activities. It appeared to the committee that some of these were good and would result in more efficient program management. These have been approved in the bill. However, one of the proposals was to consolidate three major parts of the Department—the Bureau of Employment Security, the Bureau of Apprenticeship and Training, and the Manpower Agency—into one huge Office of Manpower Administrator. This proposal resulted in many violent protests from various quarters. The committee could see many serious disadvantages to this proposal and very little in the way of advantages, and has not approved the consolidation. As in the past, appropriations for these three activities are carried separately in the bill.

The committee has approved the full amount of the request for manpower development and training activities—$273,500,000. This was based on the law as it stood in January when the budget was submitted to Congress. Since that time a liberalized program has been enacted and it is my understanding that a rather sizable supplemental request is being drawn up in the executive branch.

A request of $39,280,000 for "Advances for employment services" was included in the budget. The purpose of this proposed appropriation from general funds of the Treasury was to supplement the appropriation: "Limitation on grants to States for unemployment compensation and employment service administration," for which funds are transferred from the unemployment trust fund. The latter appropriation has a legislative limitation that is included in the Social Security Act, as amended. The $39 million proposed appropriation would be in addition to the funds that could be used from the trust fund, which were budgeted at the maximum authorization. It appeared to the committee that this was perhaps technically legal, but for practical purposes was simply a way of getting around the legal limitation for these activities. The request has therefore been denied. The bill does include the full legal limitation for transfer from the unemployment trust fund. This amount is $492,100,000.

For unemployment compensation for Federal employees and ex-servicemen the bill includes $131 million which is a reduction of $10 million from the request, but simply reflects a downward trend in payments from this fund that has occurred since the budget was prepared.

The bill includes $20,905,000 for the Wage and Hour Division, an increase of $500,000 over the request to restore most of the reduction proposed in the budget for enforcement activities. All of labor, organized and unorganized, and all honest businessmen want to see the wage and hour laws properly enforced. I cannot understand the action in reducing enforcement when there is indisputable evidence of considerable violation of these laws.

The bill includes $19,601,000 for the Bureau of Labor Statistics. This is approximately $1 million more than the 1965 appropriation and $1 million less than the 1966 request. The committee feels certain that this important agency can continue to do a good job—in fact, an even better job—with the funds allowed.

There are several salary and expense items in the Department of Labor that I have not mentioned specifically, but they are all at approximately the current level of operation. In fact, in total there are slightly fewer position provided for in the bill than are provided for by the current appropriations.

In the Department of Health, Education, and Welfare, the first item is the Food and Drug Administration. The budget request was for $50,352,000 and this amount is carried in the bill. While this is almost $10 million above the current year's appropriation, it provides very little for anything but mandatory cost increases and the extremely large load of drug applications that must be evaluated and acted upon. This is workload that is not controllable by the agency, but has been brought about by recently enacted legislation. No increase was included in the budget for basic enforcement activities even though the workload in that area is also increasing somewhat. The committee reduced the request for buildings and facilities by $604,000 accounted for by deferral of action on planning funds for additional laboratory facilities in the Washington, D.C., area pending a more detailed study of the possibility of decentralizing such activities.

In the Office of Education the committee approved the budget request for the expanded vocational education program with the exception of the residential schools. The budget request included $5 million for one residential school to be located in the Washington, D.C., metropolitan area. The committee has added $5 million to provide for two such schools but has left the location of each open.

The bill includes $641,750,000 for higher education facilities construction, which is the amount requested in the budget. This will provide for the full amount of construction grants authorized by the basic legislation.

The committee approved the budget request of $55 million for grants for public libraries. Personally, I cannot understand the action of the Bureau of the Budget in disallowing $20 million of the $75 million requested by the Department for this program. The great need for both additional facilities and for additional funds for operation and maintenance of public libraries is obvious to all who will look. State and local matching funds are available to much more than match the $55 million appropriated for the current fiscal year and most certainly would be available to match an additional $20 million in 1966.

For both payments to school districts and assistance for school construction in federally impacted areas, the bill includes the full amount estimated by the Office of Education to be necessary to meet 100 percent of entitlements under existing law.

The bill includes $412,608,000 for defense educational activities. This is the amount requested and in most instances is the full amount authorized for the various programs that fall under this appropriation. The largest part of the increase over the current fiscal year is for the student loan program and for graduate fellowships which were increased $34,300,000 and $25 million, respectively, over the amount available for fiscal year 1965. This increase brings both of these programs to the maximum authorized by law.

For educational improvement for the handicapped, the bill also includes the amount of the budget request, $21,500,000. This is a small amount compared to the need when one considers that it is estimated that over 300,000 teachers are needed for teaching the handicapped whereas there are currently only 60,000 in classrooms.

Another extremely popular program is cooperative research in education. The full amount of the budget, $25 million, is carried in the bill. While there were many that felt this should be at least $35 million, the majority of the committee felt that the increase of $9,160,000, provided in the bill, above the amount appropriated for the current fiscal year should be adequate. For educational research using foreign currencies surplus to the normal needs of the United States, the committee has approved the budget request of $1 million. In connection with all the special foreign currency programs of the Department, it appears that considerable progress has been made in improving procedures so that the programs can move forward and accomplish worthwhile results. The committee feels that where worthwhile results are demonstrated, even though the project might be of somewhat lower priority than would be financed with regular appropriations, that it is desirable to proceed with them using foreign currency that would otherwise not be needed for normal requirements of the U.S. Government.

The request for salaries and expenses of the Office of Education included funds to add 151 positions. It is quite obvious that legislation passed by the last Congress requires considerable additional work in 1966 as these programs go into full effect. However, the majority of the committee felt that an adequate job could be done with 100 additional employees. This accounts for the reduction of $510,000 from the amount of the request.

The vocational rehabilitation program continues to be one of the most popular, one of the most worthwhile, and one of the most profitable of the programs carried out by the Federal Government. In addition to the great and obvious human benefits, it can be mathematically proven that this program returns to the taxpayers several times the number of tax dollars spent on it. The bill includes the full amount of the request for grants to States, research and training—special foreign currency program—and salaries and expenses. The committee has included, in connection with the regular research and training program, $300,000, not included in the budget, for two special centers, one for the mentally retarded and one for the deaf. The committee also has included $100,000 for a thorough study of the national needs for vocational rehabilitation and recommendations as to how these needs can best be met. The bill includes $200,000 more than the $45,845,000 requested and will expect that the additional $200,000 be transferred from other activities financed by this appropriation.

The main change that the committee made in the budget for buildings and facilities of the Public Health Service was to add $1,670,000 for the Laboratory of Perinatal Physiology of the National Institutes of Health in Puerto Rico. Under the budget this total facility would have been built in two stages. Under the provisions of the bill, it can be built in one stage which will be cheaper and will provide the facility at an earlier date.

For injury control, the bill includes $4,500,000, an increase of $301,000 over the budget to restore a small portion of the $1,900,000 by which the Bureau of the Budget reduced the Department's request.

The bill includes $66,453,000 for chronic diseases and health of the aged. This is an increase of $5,250,000 over the budget, of which $3,250,000 is for work in the field of mental retardation. In 1964 the Public Health Service established an advisory group of experts in this field from outside the Federal Government. This group recommended a total of $5,250,000 more than is contained in the budget. The committee was surprised that the budget allowed so little in view of the recommendations of this distinguished group of experts. The remaining $2 million of the increase over the budget is earmarked for work on kidney disease. It has been called to the committee's attention that the report appears to limit the use of these funds to hemodialysis. It was the intention of the committee that dialysis activities be emphasized in connection with this increase, but it is leaving it to the Public Health Service to determine the precise activities to be carried out with these funds which will do the most in meeting the very serious problems of kidney diseases.

The $8 million reduction recommended below the budget for communicable disease activities represents funds requested for an expanded vaccination program which has not yet been authorized.

Likewise, the reduction of $3 million in the budget for community health practice and research is for the program of grants for migrant worker health activities for which the legislation has not been extended past 1965.

The bill includes $259,089,000 for hospital construction activities, which is a reduction of $44,215,000 from the request. This reduction is brought about primarily as a result of the committee's disallowance of legislative language which would permit the allocation of a much larger amount for modernization than is permitted under the existing law. The budget included $60 million for modernization, whereas, if the formula in existing law were applied to the total request, only $14,285,000 could be expended for this purpose. The committee made the adjustment in funds that corresponded with the disallowance of a change in the legislation.

The increase of $1,634,000 over the budget for air pollution includes $659,000 to provide sufficient funds to finance as many new research projects in 1966 as are being financed in 1965; and $975,000 for demonstration projects in control of mine waste fires. The later amount was denied in connection with the Appalachian regional development program since the act authorizing that program did not specifically authorize this activity, whereas it is clearly authorized under the Clean Air Act.

The relatively small increases for environmental engineering and sanitation, occupational health, and radiological health are all to provide sufficient funds to finance as many new research projects in 1966 as are being financed in 1965. The committee cannot understand why the budget sought to cut these relatively new and very important research programs back in the 1966 budget.

The increase recommended by the committee for water supply and water pollution control is $3,913,000 over the budget. The largest item of increase is $1,800,000 which was requested in connection with the Appalachian development program but denied since the legislation authorizing that program did not specifically authorize demonstration in acid mine drainage for which these funds were requested. In addition to this, the committee has added $1 million to the bill for demonstration grants; $300,000 to permit 75 percent staffing, instead of 55 percent staffing provided in the budget, for the new regional water pollution control laboratories at Corvallis, Oreg., Ada, Okla., and Athens, Ga.; and $813,000 to enable the division to finance as many new research projects in 1966 as are being financed in 1965.

The bill includes $57,710,000, an increase of $864,000, the amount necessary to keep the Chicago and Memphis hospitals open. The committee would be opposed to closing these hospitals on principle, even if the costs were slightly more than the costs of caring for merchant seamen and other legal beneficiaries on a contract basis. Any possible doubts were resolved when the committee found that it actually would cost the Federal Government $212,000 less in 1966 to keep these hospitals in operation than it would to close them.

Except for a small reduction of $80,000 in the request for national health statistics all of the other items in the Public Health Service, except the National Institutes of Health, are carried in the bill in the same amounts as requested in the budget. So unless there are questions regarding them, I will not take the time to discuss each individually.

I was not very happy about the budget for the National Institutes of Health, in fact, I recommended an increase of $100 million in committee. I have a lot to say about this so I think I will comment on the other items in the bill and then discuss the NIH budget in some detail.

But before I leave the subject of public health, I would like to bring to the attention of the Members of the House something not directly related to this bill. My good friend, the gentleman from New York [Mr. ROONEY] recently sent me a new book by Peter Wyden, "The Overweight Society." I was a little amused by it at first, and most people, I think would react the same way. But the time I had finished it, however, I was convinced that this is one of the real public health problems of this Nation today. This is a really good book, in my opinion, and I highly recommend it as "must reading" to anyone with an interest in public health—or, for that matter, interested in their own health.

To get back to the bill—there is a relatively small increase for St. Elizabeths Hospital which simply will allow them to keep their positions filled at the normal rate. No additional positions are provided.

There is a decrease of $3 million or approximately 1 percent in the request for the Social Security Administration. We believe that they can do an adequate job with the funds allowed.

The largest reduction in the bill is for grants to States for public assistance. The budget request was $3,242,100,000 and the bill includes an even $3 billion. This is less than 6 percent below the appropriation for 1965 and as stated in the report, it would seem that this should be a very modest reduction to expect in view of the expansion of programs under the Social Security Amendments of 1962, that were aimed at reducing dependency, and in view of all of the other programs that are also aimed at doing this, such as the vocational rehabilitation program, the antipoverty program, the Appalachian program, and so forth.

The committee also made a reduction in salaries and expenses of the Bureau of Family Services but has allowed 20 of the 45 new positions requested.

The reduction for juvenile delinquency and youth offenses represents the disallowance of all of the activities for which there is no authorization in 1966, and limiting funds for the activities that are authorized to just the amount required in 1966.

Of the remaining programs under the Welfare Administration, the committee is recommending a reduction of $203,000 for the Office of Aging; is recommending $1,882,000, a reduction of $118,000 from the request for cooperative research or demonstration projects; and has disallowed $116,000 requested by the Office of the Commissioner for the establishment of regional coordinator for welfare programs and a secretary in each of seven regional offices. There is no change from the budget for the other items.

The bill includes $1 million for the American Printing House for the Blind which is sufficient to allow $50 per blind pupil. This is $91,000 more than the request but is based on testimony by the vice president and general manager of the American Printing House for the Blind that $50 is the minimum amount necessary to provide the available educational materials that these pupils should have. The budget request was approved in each instance for the other items appearing under "special institutions."

For all items appearing under the heading, "Office of the Secretary," the bill includes $19,969,000 which is a reduction of $3,222,000 below the request. Most of this reduction is accounted for by a reduction of $3 million for educational television facilities. The hearings and material submitted to the committee indicates that the $8,826,000 included for these activities in the bill will be all that will be required during the year.

The only change from the budget request for the related agencies was a small reduction of $42,000 for the Federal Mediation and Conciliation Service. This leaves that agency $6,610,000 or $276,000 more than the 1965 appropriation.

NATIONAL INSTITUTES OF HEALTH

As I mentioned earlier, I was most unhappy with the NIH budget. The estimates submitted on behalf of the National Institutes of Health were again totally inadequate this year. There was no allowance whatever for any new advances on major disease problems. There was no allowance for the intensification of any of the existing research programs—even in areas where both urgent need and challenging opportunity are clearly evident. There was not even adequate provision for maintaining the momentum of present efforts to solve the fully identified problems whose solution could save thousands of lives and prevent uncountable days of pain and misery.

The administration's request for the National Institutes of Health was not even a good hold-the-line budget—and a hold-the-line budget is simply not good enough for an agency whose activities so vitally affect the future health and welfare of all the American people.

I can wholeheartedly support the President's goals for a Great Society but I cannot understand a program for achieving a Great Society which does not have as one of its primary aims the elimination of the scourge of disease, the tragedy of mental retardation and all other forms of congenital disabilities, and the ever-present threat of untimely death. What can possibly be of more importance to a Great Society than the health of its citizens? What is going on when the President speaks of a healthy citizenry as one of this country's foremost goals and the Bureau of the Budget restricts and reduces the budget estimates of the agency which is at the forefront of the toughest battle we face—the battle to conquer man's most ancient, most relentless and most personal enemy—disease?

The attitude of the Bureau of the Budget seems doubly capricious because it flies in the face of its own assessment of the level of Federal support needed merely to keep pace with the rising cost of doing research. It has recently been well publicized that the Bureau of the Budget regards an annual increase of 15 percent as the minimum necessary to keep existing programs going. This figure is also contained in the report of the Panel on Basic Research and National Goals set up by the National Academy of Sciences at the request of the Congress.

About 5 percent of this increase is due to the normal rise in the cost of doing business experienced by almost every flourishing enterprise. It represents increases in salaries, wages, and the price of supplies. Most of the increased cost of ongoing research, however, is due to the greater complexity of the work being done—to the higher cost of more effective and more accurate instruments and of meeting the more exacting demands of modern research methods.

As the committee's report on the bill points out, an electron microscope is 100 times as expensive as an ordinary microscope; electronic devices become more costly as greater accuracy is demanded from them; the application of computers to research problems introduces a new and significant cost factor; germ-free animals are a necessary, expensive replacement for ordinary mice, rats, and guinea pigs. The 15-percent figure adopted by the Bureau of the Budget is not adequate to take care of all the real needs of medical research—it is a minimum figure which does not pretend to do more than just keep the present level of research from slowing down for lack of funds.

Yet what does the Bureau of the Budget do when it comes to the estimates for the National Institutes of Health? Does it allow the increase of 15 percent that it has set as the necessary minimum? It does not. For medical research—which is of vital concern to every man, woman, and child and which has the full support of the American people—the budget allows only half of this minimum increase.

There is no justification for the arbitrary limitation imposed on the NIH budget estimates. The effectiveness of the NIH programs are universally recognized. Its contributions to the advancement of medicine have been outstanding—not merely through the work supported by the grant-in-aid programs, but through the work done by its own scientists. The dedicated men who work in Bethesda and in the field stations of NIH in various parts of the world have run up an impressive score of research accomplishments ranging from such specific achievements as finding a cure for Rocky Mountain spotted fever, which used to be a fast-striking and fatal disease, to such dramatic breakthroughs as the cracking of the genetic code which opens the way to the unraveling of the causes of a whole host of genetic diseases.

The record of the scientists whose work NIH has supported is no less impressive. There is hardly a major advance in medical research—or in the scientific disciplines which contribute to the understanding of medical problems—that is not directly or indirectly indebted to the grant programs of the NIH.

A thorough review of the NIH programs has just been conducted, at the request of the President, by a distinguished committee, under the chairmanship of Dr. Dean Wooldridge. This committee and its advisory panels—involving 77 prominent scientists and administrators—appraised the extramural projects supported by NIH in 37 universities, medical schools, hospitals, and research institutions. The group made detailed investigations and evaluations of some 400 separate activities supported by NIH covering each of its major program areas. As a result of this exhaustive review, the Wooldridge committee stated in its report to the President that:

> The first and probably most important general conclusion of the study is that the activities of the National Institutes of Health are essentially sound and that its budget of approximately $1 billion a year is, on the whole, being spent wisely and well in the public interest.

Not only did the Wooldridge committee find that the vast majority of research supported by NIH is of high quality but it emphasizes that the NIH activities "have greatly improved the quality and quantity of both research and teaching in our biomedical institutions." I have been much concerned over this question of quality for a number of years but have not found one shred of evidence to suggest that there has been any decline at all in the quality of the research supported by NIH as its appropriations grew larger. I am therefore not at all surprised but I am very much heartened by the statement of the Wooldridge committee not only that it had found no evidence of a lowering of quality but that it found "good evidence that the average quality is steadily improving." In fact, the committee's report puts it more strongly than that; it says that usually "NIH-supported work was found to set the national or international standard of excellence in its field."

In other words, instead of asking how the NIH programs stack up against other research programs we might better ask how other programs stack up against the high standards set by NIH.

The Wooldridge committee clearly states its conclusion that the NIH appropriations "constitute a sound investment for the American people." I think my constituents—and taxpayers everywhere—will be glad to hear the final sentence of the report's section on the quality of the NIH activities. The Wooldridge committee says:

> We suspect that there are few, if any, $1 billion segments of the Federal budget that are buying more valuable services for the American people than that administered by the National Institutes of Health.

It would be helpful if the Bureau of the Budget would take note of the observation by this group of distinguished citizens that "greater expenditures for health research are yielding greater progress in the alleviation of disease" and its recommendation that new opportunities for health research "should be exploited with the enthusiasm and vigor which has distinguished the NIH program during the past decade." If these words could be posted on the desks of the people who have to approve the NIH estimates before they are put into the President's budget, the Congress might get a more realistic and more forward-looking appropriation request for these important programs.

For nearly 10 years the executive branch has been shirking its responsibility for developing a vigorous and forward-moving national health-research effort. Instead of encouraging and supporting those directly responsible for the NIH programs, it has tried to put these officials under wraps and to prevent them from giving the Appropriations Committee straight, unbiased answers to questions involving their professional judgment on the proper course for the development of these programs. As a result, the Congress has had to take the initiative in expanding these programs. This is recognized by the Wooldridge committee which says in its report:

> The Congress in particular deserves considerable credit for its past and continuing support of this kind of farsighted program.

The Congress can—and should—continue to push and to prod, but it cannot undertake to make professional scientific assessments of new research opportunities; it cannot determine the most desirable balance of effort among the many fields that need further development; it cannot do the detailed planning of program needs that should be reflected in the budget estimates.

The committee has probed deeply into the opportunities for carrying forward the fight against the major crippling diseases and the leading causes of premature death in the United States. It has inquired into the unmet program needs of the National Institutes of Health not only as viewed by the capable officials responsible for these programs but as seen by many of this country's leading medical scientists. The conclusion is inescapable that with the budget estimates submitted by the executive branch the NIH could not march forward but would be forced to spend a year simply marching in place.

In the absence of the forward-looking budget justifications which it has a right to expect—and which it will certainly insist upon next year—the committee has included no general increases for any of the National Institutes of Health in the bill. It has, however, provided specific increases, totaling $11,700,000, for six special programs that are so important to the future health of the American people that it would be intolerable to wait another year in the hope that the Bureau of the Budget might see fit to include them.

These six programs are described in some detail in the committee's report on the bill but they may be briefly summarized.

The bill includes an increase of $2.5 million for work on the development of an artificial heart. Such a device will make possible treatments not possible with the present heart-lung machine which is only effective for the relatively short time required by a single operation. It is hoped that this program will ultimately lead to the development of a compact and reliable mechanism that can be used as a permanent replacement for an incurably damaged heart.

The bill includes an increase of $2 million for perfecting the artificial kidney and bringing it within reach of a larger number of people who suffer from kidney failure. Much additional research is also needed on the nature of kidney failure if the machine is to be successfully applied to a broader range of patients than is now possible. Practically nothing was included in the budget for this important work.

The bill includes an increase of $1,650,000 for a task force on breast cancer which is still the most common form of cancer in women and for which the mortality figures have not improved over the last several years. The committee is convinced that something can, and must, be done about this unsatisfactory situation for which the budget made no adequate provision.

The bill includes an increase of $2,300,000 for the second year of the study on the effect of drugs on coronary thrombosis. Although the Congress appropriated funds last year especially for this program, the Bureau of the Budget took it upon itself to withhold these funds from the Heart Institute until about 6 weeks ago and struck the request for funds for the second year of this program from the budget for fiscal 1966. This is a flagrant example not only of the irresponsibility of the Bureau of the Budget but of its complete failure to respond to the determination of the Congress and of the American people to press the war on disease with all the vigor possible.

The bill also restores $2 million for the cancer training program which was gratuitously deleted by the Bureau of the Budget as an economy measure. Some major modifications in this program have been proposed by the Cancer Institute to improve its effectiveness in providing special training in the diagnosis and the treatment of cancer. These plans were seized on by the Bureau of the Budget as justification for an economy cut in the estimates. The committee has heard no evidence—and can hardly imagine any—that this is the sort of program on which the American people want to economize.

The bill provides an increase of $1,250,000 for the Division of Computer Research and Technology which is being set up at NIH. The application of advanced computer techniques to clinical medicine and to laboratory research opens up important new avenues for progress not only in the understanding of biological processes but in the treatment of patients. The computer is destined to become as important an adjunct to the operating room as the X-ray machine. The facilities at NIH and the broad competence of its staff furnishes an excellent setting for developmental work in this very promising new field.

I think it is important to note that certain of these new programs, for which the bill makes special provision, reflect two important trends in the further scientific and technical aspects of NIH programs.

First, it is now possible to undertake, with a high degree of confidence, the pursuit of very specific objectives relating to diagnostic and therapeutic approaches to disease problems and to organize for the development of such devices as artificial kidneys and external support mechanisms for the heart. This capability results from the ever-increasing body of knowledge concerning life and disease processes which is flowing from the broad base of research activities supported over the past 15 years in the biomedical sciences. Thus we can now undertake with the hope of very practical results the application of this broad base of knowledge to the solution of particular disease problems and the development of specific devices and systems to support or replace physiological processes and organs.

Second, we are now witnessing the growing transfer of the advances in the physical sciences, and relating engineering and technical capability, to the field of medical research and the provision of health services. The current scene in the biomedical sciences is characterized by an exhilarating interplay between the technology and concepts of the physical sciences and the problems of biology and medicine. New fields of activity are emerging in such areas as biomedical engineering, medical electronics, bioinstrumentation and so forth.

These trends are now being reflected in the program and budgetary needs of the National Institutes of Health. These activities bring with them two new requirements. Conduct of programs of this character require greater control over the course of technical activity and access to new kinds of scientific and technical talent. As a consequence of these requirements the National Institutes of Health will have to make more extensive use of the contract as the instrument of choice in the support of research and will be engaged on an increasing scale with private industry as a source of new kinds of scientific engineering and technological skills.

These are important developments into which the committee inquired at some depth during the course of the hearings. Pages 822 through 830 of the hearing volume provides detailed description of what is taking place in this area. The Public Health Service, in testifying before the committee in connection with these developments, noted that the administration had submitted to the Congress legislation to broaden the authority of the Surgeon General to enter into contracts for research and development activities. This legislation encompassed in H.R. 2984 has recently been reported by the House Interstate and Foreign Commerce Committee.

It is a matter of considerable concern to the Appropriations Committee that the House Interstate and Foreign Commerce Committee has recommended substantial modifications in the request of the Public Health Service for contract authority. The modifications recommended include limiting the use of this contract authority for a 3-year period and establishing an appropriation ceiling of $43 million. While I understand the interest of the House Interstate and Foreign Commerce Committee to establish clear limits on the use of authority in this area, I am concerned that the particular actions in this respect may intervene to prevent the accomplishment of many of these important objectives in the field of medical research. The appropriation limit of $43 million recommended by the committee happens to be the actual level of obligations for contracts incurred by the National Institutes of Health in fiscal year 1964. The limitation on the other hand applies to the entire Public Health Service and seems to take no account of the fact that the planned expenditures in this area under the President's budget for fiscal year 1966 would exceed some $90 million. Thus the effect of this amendment to H.R. 2984 would be to cut back the Public Health Service research contract activities to well below last year's level and effectively stop further development of this program.

It also has a further most serious consequence. It is DHEW policy to restrict support for research in non-profit-making organizations to the use of the contract. Thus the kind of limitation that is encompassed within the present amendments to H.R. 2984 has the effect of barring the field of medical research to private industry just at the moment when the development of medical sciences is such that effective use can be made of great technological capability and skill now present in the aerospace industry and other areas of private industry. This restriction will prevent access to this great resource. I hope it is possible in the coming debate on this bill to explore this matter in order that the action of the House will indeed reflect our concern with the proper use of legislative authority but will not arbitrarily forestall a course of research development in biomedicine of great significance or deny private industry its appropriate role in this evolution.

The general provisions of the bill include a modification of section 203 providing for the payment of the indirect costs of research projects.

The committee believes that the costs of research legitimately include not only those costs which are solely attributable to the research project but also those general operating and administrative costs that do not arise from any single activity but are essential to all the activities of the institution. The committee believes that the distinction between direct cost and indirect cost is necessarily somewhat arbitrary and rather meaningless. It is the committee's view that the so-called indirect costs are part of the proper and inescapable costs of all of the institution's activities, including research.

The committee believes that Federal research-support funds should be available for any legitimate expense of eligible research projects and that arbitrary distinctions between one kind of cost and another should not enter into the calculation of the support which the Federal Government is willing to provide.

However, we should not lose sight of the fact that the grant-in-aid concept assumes that the grantor is assisting the grantee in the accomplishment of some piece of work of mutual interest. The principal justification for the grant mechanism—and its principal distinction from research contracts—is that it deals with research projects which arise from the professional or institutional interests of members of the scientific community. Federal support is made available to them because—and only to the extent that—these projects also serve important national interests which the Federal Government is anxious to promote.

In these circumstances, it is not only fair but proper that the grantee institution be expected to bear some proportion of the cost. This principle is, in fact, included in the enabling legislation for several grant programs in the Department of Health, Education, and Welfare such as the cooperative research or demonstration projects of the Welfare Administration, the cooperative research in education of the Office of Education, and the grants for special projects of the Educational Rehabilitation Administration. It is also observed in practice in the extensive NIH grant programs. With few exceptions, the NIH grants do not pay the salary of the principal investigator on the project supported nor do they normally provide payment for the cost of all the equipment used in carrying out the project.

The provision in the bill that the funds appropriated shall not be used to pay the full cost of grant-supported projects therefore does not mark a radical departure from present practice. On the contrary, the committee hopes that the abolition of the artificial distinction between direct and indirect costs will lead to a simpler and more equitable determination of the amount which the Federal Government will contribute to grant-supported projects.

The committee has not sought to establish any detailed guidelines for the calculation of the full cost of research and it has left the door open for determining the extent of Federal participation on either a project-by-project or an institutional basis. The committee is only concerned, on the one hand, that the principle of financial participation by the grantee in the work supported should be maintained, and, on the other hand, that the Federal Government should minimize the burden on the already strained resources of most universities and other research institutions by providing the maximum proportion of the total cost of grant-supported research that is justifiable in the particular circumstances, so long as it involves at least some participation by the grantee institution.

Mr. Chairman, those are the highlights of the bill and the changes that have been made in the budget after 3 months' work of the committee to determine what is in the best interest of all the people of the country.

Mr. Chairman, everything considered, this is a good bill. If I were writing it myself there are a great many changes I would make. But I know compromise is necessary in practically all legislation. That this bill represents a good compromise is illustrated by the fact that this bill is unanimously reported. I hope and trust that the House will adopt it overwhelmingly.

Now, Mr. Chairman, I shall be glad to yield to my friend, the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I thank the gentleman for yielding.

This bill is almost $8 billion, $7.9-some-odd billion.

How much does the gentleman think his committee can hold this to when they come around to the supplemental appropriations stage later on, some months from now?

Mr. FOGARTY. In the first place, I do not know what the supplementals are going to be. It is the plan of the committee, as I understand it at the present time, to hold hearings about the third week in May on an overall supplemental bill confined to the Departments of Labor, and Health, Education, and Welfare. This is going to be a sizable supplemental bill.

We hope to have it on the floor about the middle of June. It is going to be sizable because of the medical care bill, the Manpower Development and Training Act that was passed, the education bill which was passed, and four or five others including the antipoverty program. Hearings are going to be held on all of them during the third of fourth week of May.

What the administration is going to send up in some of these areas we do not know.

Mr. GROSS. They are going to get up some sizable figures. The gentleman talked earlier in his presentation, which was an excellent presentation, about the fact we are going to get more of these items in the supplemental. This bill would be a good deal more than $8 billion, would it not?

Mr. FOGARTY. This bill is going to grow and grow and grow and grow, and I think it should.

Mr. GROSS. That leads me to ask this question: What progress has been made in heart and cancer research and its affliction for the enormous amount of money that has been spent for research in this field?

Mr. FOGARTY. I am not a physician, as the gentleman knows. We do have physicians in the House. In addition we have listened to hundreds of them in the past 10 or 15 years, some of the best in the world, because we think we have some of the best doctors in the world, many who are specialists in heart and cancer. They tell us that because of the advances in heart surgery, over the last 4 or 5 years, untold thousands of people are walking around today who otherwise could not have survived their heart ailments.

In the area of cancer, even though the numbers dying seem to be increasing, I think it is estimated that 290,000 will die this year because of some form of cancer, the reason for this increase given to us on the committee, is that the Nation's population is increasing by leaps and bounds every year. One of the reasons for this increase is that people live longer now. As a result, the longer people live the greater the chance that they will get some form of heart trouble or some form of cancer. However, in cancer substantial progress has been made. As we understand it, if people would go to their doctor in time, much could be done to help save lives from cancer today because of the new knowledge we have. Whereas 20 years ago one out of four was being saved, or one of five, it is now up to one out of three. If they went to their own doctor in time perhaps one in two could be saved. That is, if they went to their doctor in time, if they heeded the danger signals that are put out by the American Cancer Society, and by the medical profession, in this way additional lives could be saved.

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Indiana.

Mr. DENTON. I want to commend the gentleman for bringing forth a very good bill. I believe every Member of the House knows the interest and the work that the chairman has engaged in, in connection with public health, medical research, care for the aged, retarded children, and education and welfare generally. The bill does not appropriate as much money as the chairman thinks it should, or as much as I think it should, but it is a good bill and we are supporting it. I want to thank him again for this fine bill.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. I read the discussion on the general provisions involving the indirect cost of research projects appearing on page 54. I would like to ask the gentleman a question concerning section 203 of the general provisions of the Appropriations Act. As I understand it, the committee is removing the 20-percent limitation on indirect costs with the condition that grantee institutions must share in the full costs, both direct and indirect, of supported research. Is that correct?

Mr. FOGARTY. That is correct up to maybe an average of 5 percent.

Mr. FOUNTAIN. It is also the committee's expectation that the Bureau of the Budget, in promulgating regulations for appropriate levels of financial participation for guarantees, will be guided by the principle that an institution should share in supported research costs in proportion to the degree to which the institution is benefited locally in its teaching, research, and other institutional responsibilities.

Mr. FOGARTY. We are going to leave that up to the Bureau of the Budget. We are lumping, as the gentleman so well knows, the indirect costs and training costs, and we expect the Bureau of the Budget to come up with a formula so that all of these grantees would be participating to the extent of perhaps an average of 5 percent.

And I understand the national groups are supporting this provision in the bill. The Daddario committee, for one, has looked into it, and I think the committee of the gentleman from North Carolina [Mr. FOUNTAIN] has looked into it, too, and the Elliott committee—and they have made similar recommendations.

I cannot mention the Daddario committee without a comment about its great chairman. He is one of the most able Members of this House and did a magnificent job as chairman of that committee.

We have come up with this proposal with the understanding that it is also going to be in the independent offices bill and in the Department of Defense appropriation bill. These are the three large bills where most of the research grant funds are carried.

But it is my understanding that these institutions are happy and satisfied with this proposal as it is now written.

Mr. FOUNTAIN. But it is the committee's feeling that these institutions should share in the support of research costs in proportion to the degree to which the institutions are benefited locally in these various areas?

Mr. FOGARTY. Yes, if it is feasible.

Mr. FOUNTAIN. I want to commend the gentleman and his subcommittee as well as the full committee for what I believe is a sound approach to this problem.

The impression has been created in some quarters that university research costs automatically become a responsibility of the Federal Government when the Government contributes to their support. Fortunately, this misleading notion has been challenged by eminent bodies in the educational field, such as the Carnegie Foundation for the Advancement of Teaching, which recognize that scholarly work of a professor's own choosing is as much a part of his institutional duties as his teaching.

I think it should recognize, at the same time, that there are some federally supported research projects administered by certain universities and other institutions which are truly national in character. I believe provision should be made in these special cases for full Federal funding, particularly when the research projects are very costly undertakings.

Mr. FOGARTY. I thank the gentleman for his contribution.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from California.

Mr. SISK. I want to congratulate and compliment the gentleman and his committee on the great job they have done. I, too, agree with the gentleman that some of these figures, in my opinion, should be higher because I think we need to be spending more money particularly in the health field.

I want to ask briefly a question with reference to his comments regarding the educational TV facilities program. It is my understanding, and I am not taking this time to be critical, that the $3 million that was cut from the request was because the indications were that the States would not be in a position to use the money; is that correct?

Mr. FOGARTY. That is correct.

Mr. SISK. I bring this up because I have been very much interested in this education TV program.

Mr. FOGARTY. We think it is a good program but the funds are not being used this year and my own State, I might say, has not taken advantage of this.

Mr. SISK. That was the point I wanted to briefly touch upon. My own State has a number of applications pending. In fact, my own hometown has one ready to go and there is a shortage of funds. It is my understanding that under the law there was a limit beyond which any State could go. I assume that is the gentleman's interpretation?

Mr. FOGARTY. That is right.

Mr. SISK. Mr. Chairman, while I hope and expect that this House will approve the committee's recommendation for an appropriation of $8,826,000 to continue financing our national education television program, I consider it deplorable and an evidence of a technical defect in the authorizing legislation that we are not considering instead the full $11,826,000 recommended by the President for this vital educational service.

It is evident that the only reason the committee cannot justify the larger amount lies in the State allocation provisions of the authorizing legislation. This means that many qualified applicants will be denied matching grants, not on the merits of their applications or the need for their educational services, but only because they are in States which already have utilized the amounts allocated to that State.

For example, in my State of California, there are at least five qualified educational television groups prepared to serve major segments of our school population, but California's share of Federal funds is nearing exhaustion and cannot possibly provide matching grants for these enterprises, into which local citizens are prepared to put substantial sums.

I do not want to deprive any State of a full opportunity to participate in this program. They should be encouraged to do so. But if any State cannot usefully spend its entire allocation within a reasonable period of time, I firmly believe the remaining sum should revert for reallocation to those States having qualified applicants whose needs cannot be funded under the original allocation. If this were now the law, the entire $11,826,000 would be urgently needed and could be fully justified.

I have talked with the chairman of the Interstate and Foreign Commerce Committee about the possibility of hearings to explore how this educational television program is progressing. I am hopeful the committee will get into this important subject, and if it does so, I shall certainly strongly urge a revision of the authorization along the lines I have discussed.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I think it is the general consensus in this body that the gentleman from Rhode Island is one of the great legislators of the House of Representatives and certainly one of the best informed men in the United States on health and education. It is always a pleasure to hear him bring this bill to the floor of the House.

Mr. Chairman, I want particularly to compliment him and all who share responsibility for the decision, as reflected by the terms of this bill, to provide the funds to begin implementation of section 14 in Public Law 88–210—the section wisely enacted by the 88th Congress to provide Federal assistance in the establishment of residential vocational training schools to meet a very urgent need for such facilities across the Nation.

Chairman FOGARTY and the members of his subcommittee, backed by the full committee, have recommended that funds be provided to assure at least two pilot institutions in this field—a field in which the Congress has already authorized five pilot institutions.

I believe the committee's recommendation should have the full support of this body, and there should be no further delay in the program.

I also hope and trust that the committee's recommendations will be heard on the subject of where and how this great program can best be initiated.

No witness appearing before the committee was more effective in presenting the case for residential vocational education than the able director of the Oklahoma State Technical School at Okmulgee, Okla., Wayne W. Miller.

Mr. Miller has been associated with the Okmulgee school for 12 years, and his experience ranges from department head to director.

His testimony appears in the hearings on this legislation, and I commend its reading to you.

The unvarnished, undeniable truth is that residential vocational training is the proven road to reduction of unemployment and welfare burdens for the Nation, and every dollar invested in it will return many dollars in the future. The dollars returned will not only be in tax payments from persons who have been tax loads for the community—but also in many other ways which appear in Mr. Miller's experience and are covered in his testimony. Residential vocational education is the proven road to enrichment of the family, the community, and the Nation.

Oklahoma State University's School of Technical Training, popularly known as Oklahoma State Tech, was established at Okmulgee following World War II, utilizing the facilities of a surplus army hospital to meet a great postwar need for vocational education.

It has steadily grown through the years, and has more than 1,200 students residing in school housing at this time. More than 20,000 former students are today in productive employment at good wages as a result of this school's work, and its dedicated faculty of 105, teaching 33 vocations, provide perhaps this Nation's finest corps of vocational instructors.

The city of Okmulgee, once the capitol of the Creek Nation in Indian territory days, today provides an ideal site for the school, the people of the community have given it their enthusiastic, wholehearted support through the years.

Okmulgee is centrally located to serve the major population concentration of Indians in our country, and Indians from virtually every State have come to Okmulgee to benefit from the program of Oklahoma State Tech.

The remarkable achievements of the adult vocational training program for Indians, as reported by Area Director Virgil Harrington of the Bureau of Indian Affairs, have been realized in large part through utilization of the Oklahoma State Tech facilities.

Director Harrington's figures indicate that 92 percent of the Indians receiving training at Oklahoma State Tech—regardless of whether they completed their training course or not—have been given job opportunities through their training. Every graduate of the training program was placed in his field of training or a related field. This is a remarkable record, in a group of our people with an unusually high dropout rate in school and unusually high incidence of unemployment and economic distress.

In one demonstration of what could be done, seven Indian mothers who were heads of families and receiving aid for dependent children were enrolled as vocational students at Oklahoma State Tech.

On completion of training, all but two were able to be self-sufficient. Within 5 years, the savings in aid for dependent children payments will more than pay the cost of training for all seven of these Indian mothers.

The Bureau of Indian Affairs at Muskogee has indicated it could refer "a minimum of 1,000 Indians" to receive vocational training at Okmulgee, from the several States which make up the Muskogee area alone, if funds and facilities were available.

Additional thousands of Indians could be expected to take advantage of the program, from other areas of the southwest, midwest and north, if a pilot school were established at Okmulgee in accordance with this legislation.

In no sense of the word, however, is the Oklahoma school a school for Indians alone.

On the contrary, Indian students have always been in the minority, and students of all races are included in the present enrollment. There are 28 States represented by students at Okmulgee today, and 8 foreign countries have sent students to take advantage of the institution's program.

In the Nation today, no other location has more to offer as a site for a pilot residential vocational education program than Okmulgee, Okla.

I believe this fact is recognized by the professional leaders of vocational education, both in the Department and across the country. I am highly pleased that members of the subcommittee which heard testimony on this matter have frankly expressed their conviction that Okmulgee is an ideal location for this program. I hope and trust the funds will be approved and a pilot program will soon be underway at Oklahoma State Tech.

Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Chairman, it is a pleasure to join with the gentleman from Oklahoma, Congressman EDMONDSON, and other members of the Oklahoma delegation in supporting the establishment of a pilot residential vocational school under Public Law 88–210 at Oklahoma State Tech in Okmulgee.

With more than 100 experienced instructors on its campus, the Okmulgee school is in a splendid position to utilize an additional Federal investment wisely. Figures supplied to me indicate that more than 1,200 students are already living in campus housing at Okmulgee.

The student body at Okmulgee State Tech already represents a cross section of the American people with students from 28 of the States in the Union and 8 foreign countries. They are enrolled in 40 vocational-technical courses ranging from the skilled crafts to highly complex courses in modern electronics.

Within our State, as well as in the Nation, this school has been meeting a widespread need for residential vocational training.

Seventy-six of Oklahoma's seventy-seven counties are represented by students at Oklahoma State Tech, and the school is highly respected by employers throughout the State for the quality of its student product.

I hope the funds provided in this bill will be approved and the Oklahoma State Tech facilities and faculty can be a part of our growing effort to prepare our high school dropouts and unskilled young people for the difficult task of making a living in today's complex society.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Missouri.

Mr. HALL. I wish to join the compliments on this 18th presentation of this budget by the gentleman from Rhode Island on the various agencies, particularly of the Department of Health, Education, and Welfare, and the National Institutes of Health.

I rise to associate myself with the remarks of the chairman, as well as those made by the gentleman from North Carolina [Mr. FOUNTAIN].

In that connection I note with particular interest—because this is a field in which I used to work—the addition to the budget, along with other judicious paring, for the National Institutes of Health, especially the Heart Institute, for breakthroughs in the work on the artificial heart, kidney, and such areas as recycling of foods and water in space; by private industry.

As a result of being on the research and development subcommittee of the Armed Services Committee, and of being one of the three physicians in the Congress, I have had unusual knowledge of the heart boosters, as well as the artificial heart, to say nothing about the heart-lung bypass systems, in private life, because of work in a foundation which we established before I came to the Congress.

With the research and development features—new sensors and pulsors and devices now available to the engineers as well as to those who do basic and allied research—there has been a distinct breakthrough. This has happened in private business and industry, as the gentleman so well said in his opening statement.

As to manned space flight, bioastronautics, and other activities, this is an area to which the Government should give support. We should not limit ourselves to what I think of as the vertical research, which refers back to the remarks of the gentleman from North Carolina [Mr. FOUNTAIN] in which we necessarily duplicate and must build on the building blocks: basic, then applied research, then developmental engineering, design, prototype, et cetera. We should work simultaneously on these in the area of horizontal research and development since the applied researcher must have the engineer design the gadget for him, anyway. We should develop all this simultaneously, and then make the horizontal breakthrough needed, whether it be on cancer research, heart research, or whatnot. That will come, because the breakthrough cannot be found alone with money and additional personnel. We are more liable to find the answer to cancer in clinical and/or bedside research than in the ivory towers of the vertical approach.

I thank the gentleman for yielding.

Mr. FOGARTY. I thank the gentleman for his remarks.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I should like to join my distinguished colleague from Oklahoma [Mr. EDMONDSON] in commending the chairman of the subcommittee and the Appropriations Committee.

Ask any vocational educator where Okmulgee, Okla., is, and he will tell you. He will also tell you of the outstanding vocational school there, Oklahoma State Tech, which is the vocational-technical branch of Oklahoma State University.

The success of this school is a tribute to its founders and its leadership. Since it was established 18 years ago, it has never lost sight of its principal purpose for being—to turn out skilled craftsmen and technicians. Because it has held to this purpose, the school has compiled an outstanding record. It has taken young Indians from reservations and taught them skills, and it has taught them to live and work in society. Its record in vocational rehabilitation of the handicapped is one of the best anywhere. It has done equally well with high school dropouts, and with ordinary young people seeking training to enable them to work for a good living.

For these and many other reasons, I urge that section 14 of Public Law 88–210 be funded, and that Oklahoma State Tech be designated as a pilot residential vocational school under provisions of the act.

Mr. STEED. Mr. Chairman, Oklahoma State Tech, at Okmulgee, Okla., is the vocational-technical branch of Oklahoma State University.

The outstanding job already being done by this technical school has been recognized by the State board for vocational education, the Oklahoma Vocational Association, and the American Vocational Association.

The work already being done at Okmulgee is one of the best arguments I know for funding section 14 of Public Law 88–210. Thousands of successful graduates of this school can testify to the job which its able faculty is capable of doing, and we know that the school has helped to reduce the welfare load in every county of our State, by making taxpaying citizens out of welfare cases who had no vocational skills.

We believe this school can do an even greater job for the Nation if the money provided by this bill is wisely invested in additional facilities, equipment and faculty at Oklahoma State Tech. We urge this course of action.

Mr. BELCHER. Mr. Chairman, on a small campus in Okmulgee, Okla., in buildings which once housed a World War II military hospital, one of the finest vocational education schools in the Nation has been turning out skilled craftsmen and technicians for 18 years.

The school, Oklahoma State Tech, is a branch of Oklahoma State University at Stillwater. Tech was created to serve the needs of veterans returning from World War II, and it served them well. Now it trains other Oklahomans—and, indeed, many from other States and foreign countries—and its reputation for turning out skilled and willing workers spreads wherever these young people go.

Oklahoma State Tech is a residential school, where students from all walks of life come to live together and work together and learn together. The school is doing an outstanding job, and a look at its record is a convincing argument for funding section 14 of Public Law 88–210 which provides for establishment of pilot residential vocational training schools. And Oklahoma State Tech would be an ideal location for such a pilot school. It is in operation, it is successful, and the return on investment in this school would be high and satisfying. It is a pleasure to join with my colleagues in urging establishment of a pilot school under Public Law 88–210 in Okmulgee.

Mr. JARMAN. Mr. Chairman, every Oklahoman is proud of the job which has been done during the past 18 years by Oklahoma State Tech at Okmulgee. This fine school is a branch of Oklahoma State University at Stillwater, and was established initially to serve the needs of World War II veterans. The outstanding job which it has done as a regional training center for vocational rehabilitation students, and its effective trade and vocational educational programs for both men and women, have already won for it nationwide recognition.

Vocational educators from all over the country and indeed from foreign countries come to Okmulgee to study the operation of this great institution.

At no other location in the country could the Government invest funds for a pilot residential vocational program with greater economy of initial investment, and with a higher assurance of return on the investment than at Oklahoma State Tech. I am pleased to join other members of the Oklahoma delegation in urging that funds be approved for the establishment of a pilot training institution under the Vocational Education Act at Okmulgee.

Mr. DADDARIO. Mr. Chairman, it is my privilege to support this bill which is being so ably handled by our colleague from Rhode Island.

I am particularly interested in the fact that the committee this year has eliminated the percentage ceiling on reimbursable overhead costs relative to Federal research grants which has been carried in prior appropriations bills.

In my judgment this makes a good deal of sense.

The committee has, on the other hand, inserted a requirement in section 203 that at least some of the costs of the research projects involved in Federal grants be borne by the grantee institutions. While I do not feel competent at this point to say whether the method adopted by the committee is the best one, it does appear to me to be a move in the logical direction.

In fact, both actions taken by the Appropriations Committee in this bill are similar to the conclusions reached by the Committee on Science and Astronautics and its Subcommittee on Science, Research, and Development, which I have the honor to chair. In House Report No. 144, issued by our committee earlier this year, and following extensive hearings by the subcommittee last summer, recommendations were made that first, percentage limitations on indirect costs be removed, and second, that beginning efforts be made to establish criteria for cost sharing based on the mutual interests of institutional grantees and Federal grantor agencies.

I am pleased and impressed to find the approach in the bill before us today indicating that the Appropriations Committee, quite independently, has reached conclusions not greatly different.

We are all, I think, striving toward the same goals. In essence, they are as quoted by the report on this bill—worthwhile research, adequately supervised and economically conducted. One could hardly find a more succinct summarization of that which we seek in making Federal grants for scientific research.

Mr. Chairman, the net effect of this language in the bill will be to make the Budget Bureau's directive—Circular A–21—on the assessment of reimbursable overhead apply to HEW research grants. This directive has been carefully worked out over a number of years and seeks to safeguard the fiscal interests of both the Government and the grantee institutions. Simultaneously, it will mean that some thought will be given to the equities involved in cost sharing—but as a separate issue and not as a complicating offshoot of the overhead problem.

In my opinion this is as it should be.

I should like to thank the committee and its chairman for giving their thoughtful attention to a complex and important problem.

Mr. YATES. Mr. Chairman, I am gratified that the report on the appropriations bill for the Department of Health, Education, and Welfare recognizes two matters of importance to both Chicago and the Nation. The first pertains to water pollution control studies. The second insures the continued accessibility of Public Health Service hospital facilities.

In discussing the Federal Water Quality Act of 1965, I noted that there is nothing more local than a drop of water and nothing more national than what we do with it. Slowly but surely we are learning what to do with water, our most important natural resource. We are learning to conserve it, to purify it, to reuse it, to control it. The demonstration grants provided under the water supply and water pollution control appropriation give us an opportunity to learn more in the vital areas of water reuse, drainage, pollution, and flood control.

The Bureau of the Budget asked that only $1,165,000 be spent for such projects in 1966. That would be only enough to finance 25 projects already underway, and would not allow funds for any new projects. Fortunately, the subcommittee recognized the benefits to be realized in such programs and added $1 million to the bill for demonstration grants. This means that many more projects, some of them already approved, can get underway this year, and the country will be better for it.

One of these new projects represents an imaginative new approach to water pollution, flood control, and sanitation. It is proposed for a 25-square-mile area on the South Side of Chicago. If it is found workable, it could provide a good answer to water pollution caused by storms in urban areas throughout the United States. Specifically, this project calls for a $125,000 feasibility study of a storm drainage system incorporating a network of huge underground tunnels. Engineers suggest that such an approach could eliminate storm water overflows into Lake Michigan, keep polluted storm flows from the Chicago River and drainage canals, eliminate basement flooding and provide flood control benefits to the Des Plaines, Kankakee, and Illinois Rivers. It is estimated that such an underground system could provide 20 times the amount of protection offered by an improved conventional sewer system in Chicago.

This approach is dramatic and revolutionary. It calls for intercepting the existing network of sewers with vertical shafts, extending 600 or more feet underground. The shafts would lead to excavated galleries, which would flow into a tunnel leading away from the city. A pump-turbine plant at the tunnel outlet would use the stored water to generate electric power. Allowing for revenues from the sale of this power, the estimated cost of the new system would be about the same as the cost of expanding the present conventional drainage system, and the protection from pollution and floods would be far greater.

Mr. Chairman, we have for too many years paid inadequate attention to our priceless water. We are now paying the penalty for our neglect, reaping a whirlpool of pollution. To correct the corruption of our water supplies, we require research, experimentation, and demonstration. These few projects represent a worthy step in that direction.

I am hopeful that the treatment of the pollution problem contemplated by the Chicago feasibility study will provide great benefits to every metropolitan area plagued with inadequate drainage and sewage systems. I am gratified that our distinguished colleague from Rhode Island [Mr. FOGARTY] and the members of this committee have had the foresight to include extra funds for these demonstration grants.

I would also like to address myself briefly to another matter contained in this bill—the retention of operating funds during the next year for Public Health Service hospitals.

The Department of Health, Education, and Welfare proposed to close seven such hospitals over the next 4 years. One of the reasons given for this decision was a claim that it would save the Federal Government $1 million. I did not analyze the cost-saving ratio for all seven institutions, but I did carefully study the alleged savings that would have been made by closing the U.S. Merchant Marine Hospital in Chicago. The figures showed that a shutdown would cost the Government more money than it would save.

The first two hospitals scheduled to be closed were in Chicago and Memphis. The committee discovered that the cost of caring for patients from these hospitals, in cross-servicing and contracting, would exceed the savings realized from closing them. The committee found that in 1966 alone the costs of caring for patients from the two hospitals would exceed the savings by $212,000. Thus these closings would have produced a false and shortsighted economy.

Indeed, Mr. Chairman, the closing of the Marine Hospital would have multiplied those costs greatly. About 10 percent of the patients there would no longer be treated in a Federal hospital, and the costs of their treatment would probably have to be charged to the social security medical insurance fund, in the amount of $164,000 a year. It would have taken another $7,000 a year to care for the remaining 90 percent of the patients sent to other Federal hospitals. Thus the total annual operating cost would have been $171,000.

The Public Health Service estimated it would save $515,000 by investing in new Veterans' Administration construction instead of spending the $1,200,000 it said was required to modernize the Marine Hospital. It would take but 3 years for the annual operating expense of $171,000 to exceed the one-time savings in capital investment of $515,000. Thereafter, the Government would have lost $171,000 a year.

It is clear that the closing could not be justified on economic grounds. Nor could it be justified on the grounds of better service. This 138-bed hospital has served Great Lakes seamen, as well as active and retired service personnel and their dependents, for 92 years. Remove that hospital, Mr. Chairman, and you are left with only one other Merchant Marine hospital on the Great Lakes—at Detroit—and that hospital was scheduled to close, too. Take away the Memphis hospital, and merchant seamen would have no facilities on the entire Mississippi River north of New Orleans.

Early in our history President John Adams took special interest in the health care of merchant seamen and inaugurated this hospital system. Only 2 years ago President Kennedy said he wanted the Public Health Service to present a plan to provide more accessible care for seamen. What happened? The Public Health Service decided to close the few hospitals it had in this area, reducing accessibility to treatment instead of increasing it.

I am grateful that the committee closely scrutinized these operations, Mr. Chairman. It was important that unfounded claims of this economy be exposed. It is more important that satisfactory and accessible care remain available to seamen.

Mr. ICHORD. Mr. Chairman, I rise in support of H.R. 7765 with special attention directed toward title II. It is felt there is little need to go into great detail justifying your support of the bill now before us as the committee and subcommittees have done a tremendous job in scrutinizing every detail.

I do, however, feel a need to express my deep and profound regret that a $200,000 planning fund for a field laboratory for water pollution control was not included in the final bill submitted to this body. I am confident these funds were omitted in the interest of budgetary considerations and not due to a failure to recognize the pressing need for continued advancement in programs of this nature. The importance of water and the increasing dangers of its pollution, to public health and safety, is a matter of which we are all aware. The need for action has been established.

Obviously the seriousness of water pollution varies depending on the region in question. I believe there is a pressing need for an additional laboratory in the Missouri River Basin. This basin covers approximately 20 percent of the land mass of the country and serves the vastness of the midwestern agricultural areas and several tremendous metropolitan areas such as St. Louis, Kansas City, and Omaha. At present the closest field laboratory is located at Ann Arbor, Mich. Even the most bright-eyed optimists would not dare hope that the Midwest could be served by this laboratory alone due to the complexity of the Great Lakes pollution problems.

Therefore, how do we best serve the millions of people affected by Missouri River Basin pollution? It is imperative that we locate a laboratory in the basin and that we do it soon, while a solution is still within our grasp. Pollution in this basin should be the concern of every citizen who uses the products supplied by this area. And it concerns each person in the land, for you all know of midwestern agricultural and industrial production. I again express my regret on this matter and vow that I will continue to press for the needed planning funds until the laboratory is built and we are on our way to the consumption and use of clean and safe water.

I ask that all of you consider the gravity of the problem and join me in the attainment of necessary appropriations when we next take this problem under consideration.

Mr. VIVIAN. Mr. Chairman, I also wish to commend the chairman and the members of the Committee on Appropriations for wisely revising section 203 of this bill. As has already been stated, in the past an inflexible statutory limitation has been imposed on the amount of indirect costs which were permitted to be reimbursed by the Department of Health, Education, and Welfare, to institutions receiving research grants; in the future, however, assuming this revised section is adopted, the Bureau of the Budget instead will establish flexible administrative regulations authorizing amounts more closely approaching the true costs incurred by the institutions receiving grants. In so doing, the committee will relieve many universities and research institutes throughout the Nation from a troublesome financial burden.

In my own district alone, for example, the University of Michigan in recent years has suffered a deficit in recovery of indirect costs which has amounted to over $2 million each year. This amount, a significant element in the yearly overall budget of the university, has had to be withdrawn in part from funds otherwise available for student instruction.

If section 503 as proposed here is adopted, the deficit incurred should be far less, permitting more productive use of the funds available to the university.

I am further pleased to hear the chairman state that a similar provision will be included in the appropriations bills for all other pertinent agencies, so that the policy established here will prevail uniformly.

Mr. FARNUM. Mr. Chairman, I rise in support of House bill 7765. As a new Member of Congress it was my good fortune to be accorded the privilege of serving on the Committee on Appropriations and also my good fortune to be selected to serve on the Subcommittee on Labor and Health, Education, and Welfare.

During the course of the hearings on this bill I was granted all the courtesies extended to senior members of the committee by that great gentleman from Rhode Island, the chairman of our committee, the Honorable JOHN FOGARTY.

Having had considerable experience in the administrative branch of Government, I concerned myself during the committee hearings and also outside of the committee chiefly with investigations of the administrative practices used by the various agencies represented before our committee.

This does not mean that I did not also concern myself with other details of the programs of the agencies included in this bill, for like all committee members I spent many hours weighing whether or not justifications warranted the appropriation requests that were being made. I would at this time, however, like to concern myself only with agency management practices.

In the expenditure of public funds, the first thing that each of us should be concerned with is that every dollar appropriated be used for the purposes indicated.

Our second concern should be that agency administrative procedures and internal procedures be conducted with the kind of efficiency that guarantees the best possible use of the dollar.

Prior to my coming to the Congress, and since I have been here, President Johnson has issued executive directives asking that agencies take cold, hard looks at their administrative procedures and that they eliminate those procedures and practices that contribute unnecessary effort to the administrative operation while devising new methods and systems that will guarantee maximum economical use of public funds.

The question then is: Has there been demonstrated an intent on the part of the administrative agencies to comply?

In the limited amount of time that has been available to me to talk to the heads of agencies, to ask questions at hearings, and to make on-the-job visits with employees performing all kinds of work, my general impression is that the attitude of the employees, of the heads of departments, and of the Bureau of the Budget personnel is to see to it that we do attain maximum efficiency in the performance of governmental functions.

Followup procedures have been established that, in my opinion, stimulate any who might be reluctant to embrace positive action.

Mr. Chairman, there are two kinds of economy—false economy, and the real kind.

False economy more often than not is the product of executives who feel that the prestige of their positions depends on the number of file cabinets they can proudly display.

The enemies of false economy are methods and systems that, requiring a minimum expenditure of effort, result in maximum control in managing public funds.

True economy results when responsible people provide good management practices. Or, as I have said on another occasion, when they adopt the "work smarter, not harder" concept of fulfilling administrative function.

In the light of the great burdens presently placed upon Government administrators, true economy in 1965 necessitates the use of automatic data-processing equipment. But equipment alone is not enough. Good procedures demand that before we can use profitably this kind of equipment, it is necessary to devise efficient administrative procedure for its operation.

In a word, we must "systemate" before we can automate.

The application of such equipment to governmental processes has long concerned me. I am convinced that the contribution this mechanized equipment can make to the handling of many of the clerical governmental procedures can result in a great saving of public funds.

An example of this may be seen in the social security department. Had not such equipment been used in the last several years, the status quo cost of operations of this department alone would have been some $80 million more than it is today.

The fact is that without the use of computers it would have been almost physically impossible to process the claims of those senior citizens who have already retired.

Consider, then, the condition when the extra burden results that will be placed on this department as a result of the passage of medicare. We could go on and on citing more and more examples.

The opportunity that has been accorded me as a result of the privilege of serving on this committee has made me increasingly aware of the powerful contribution which computers have made to the progress of medical research.

Today they are becoming an integral part of the research laboratory. Beyond the laboratory, in the operating rooms of our leading research hospitals, surgeons are planning to use computers to measure and record continuous changes in the body before, during, and after surgery.

Vast amounts of data have been captured by automatic instruments, and the analysis of the data should provide an unusually rich opportunity for physicians, mathematicians, and engineers, working together, to identify some of the basic patterns of disturbance in normal function in heart disease, cancer, and other serious illnesses.

A large portion of the financial support necessary to establish computers in medical research laboratories and hospitals has come from the Federal Government, through the National Institutes of Health. Moreover, the NIH has pioneered the use of computers in its own laboratories and in the operating rooms of the Clinical Center.

There, for example, patients in critical need of heart surgery receive the most advanced medical care while, at the same time, they provide through the computer and other automatic instruments vital data which can help to save countless other hearts in the years ahead.

The modern-day computer in medical research is much more than a set of boxes with complicated wiring such as we are accustomed to see in business offices today. The human or animal heart in action does not produce a set of numbers. Its movement must first be sensed as a change in blood pressure within the heart or along the blood vessels. These pressure changes must be converted to continuous electrical signals which can be captured by tape-recording equipment. The information must then be displayed visually on a television screen to provide immediate vital intelligence to the surgeon on the condition of his patient, or to the researcher on the progress of his experiment.

An impressive array of equipment is required to perform these tasks, particularly if many variables are to be studied at the same time. To carry out mathematical analysis of the data requires still more electronic equipment to select those portions of the continuous record which require further study, and to convert the electrical signals to numbers. Only then can one begin to use the vast power of the digital computer with which most of us have become familiar.

To bring the full power of this computer complex to the service of medical research and patient care requires two essential commodities: first, large amounts of money for expensive equipment; second, and much more difficult to come by, topnotch mathematical and engineering talent. Imaginative mathematicians with a strong interest in biology are needed to translate medical and biological problems into mathematical models, without which comprehensive analysis and interpretation of large amounts of data cannot proceed. Highly creative computer and instrument engineers are fully as necessary in the biomedical research laboratory and in the modern research hospital as they are in the design and control of our space rockets.

Recognizing the need to provide these resources for its research scientists and administrators, the National Institutes of Health have established a new Division of Computer Research and Technology, whose mathematicians and computer experts will work side by side with NIH's medical scientists in laboratory and hospital.

The Division will undertake professional research in the relevant aspects of advanced mathematics and computer theory. In addition, it will operate a large-scale central computer to which scientists throughout the NIH campus could even be connected by data transmission stations in their own laboratories and offices, if such should prove to be desirable.

These computer resources will be available not only to the research scientist and hospital clinicians at NIH, but to the administrative and management staff as well. The new Division will assist grants administrators in the development of an integrated computer system for processing grants information. This will permit a more continuous evaluation of the progress of grant supported research. It will provide immediate information on the geographic distribution of grants, on the relative concentration by area of study, by size of university or college, and by other factors important to scientists and administrators participating in the allocation of grant funds.

Equally important will be the savings in time and money to the overall management of NIH activities. The resources of the new division will enable NIH central management to set up a computer-oriented system of regular information reports needed for decision.

Even more vital to effective and economical management, these resources will permit the immediate retrieval of detailed data by direct hookup to files stored in the central computer. For the first time, NIH management will be able to assemble rapidly, with a minimum of clerical personnel, the information needed to answer special requests and to carry out special studies on which management decisions may be based.

I am frankly excited over the stimulating opportunities which this new division of Computer Research and Technology offers to the NIH scientific research community, to the medical care capabilities of the Clinical Center, and to the management of programs entrusted to NIH administrators.

This is a dynamic new activity whose benefits to medical research—and to all of us whose lives are enriched by the results of such research—can far exceed the money spent to support it. More funds are needed to implement the work of this new division than are provided in the current budget request for fiscal year 1966. Even more important, no arbitrary grade restrictions should be permitted to undermine the ability of this Division to attract the first-rate mathematicians and computer experts needed to do the job.

I suppose there are some who might say this device offers just another method to get more funds. Those who think so forget that often it is necessary to spend in order to provide the method or procedure best fitted to guarantee maximum economy and efficiency.

To illustrate, let me give you an example. In a National Institute of Health project, a researcher in carrying on an experiment for many years has been burdened with the laborious task of having to spend the large share of his time recording data gained from his experiment.

It has been necessary that he compute it, analyze it, compare it with previous data and perform many other similar functions, thereby limiting himself to a very few hours to be spent in pure research alone.

At NIH many scientists now can look forward to spending the big share of their valuable time in basic research experiments because they have been able to collaborate with mathematicians and engineers in an application of the physical sciences to the biomedical sciences. Mechanized equipment that has been made available—and that will be made available in the future as a result of these appropriations—has the job of recording permanently, of analyzing, of computing, of comparing, and of giving the result to persons engaged in pure research on a full-time basis.

Yes, today's research scientist and tomorrow's can look forward to many, many extra hours made available through such means. I am as sure as are all of the rest of my colleagues here that the result of this extra time made available to these humanitarians will be to cause the progress in the future in the medical and life sciences to be fantastic by any standards we now know.

This, then, is an expenditure that will provide better procedural practices while saving many man-hours of research talent.

But, above and beyond that, it is logical to predict that it will provide a day, a month, or maybe many years of extra life to human beings. I am sure none of my colleagues would value this in terms of dollars.

I wish at this time, Mr. Chairman, to commend the National Institutes of Health for the leadership they have shown in this field. I trust the Congress will continue its generous support of these efforts.

And once again I wish to thank the chairman of our committee, and the individual members, for the patience they have shown me as a new Member of this Congress and for the opportunities for service they have afforded me in my few months here.

Mr. FOGARTY. Mr. Chairman, on April 27, 1965, I spent a few hours at St. Elizabeths Hospital, the only mental hospital operated by the Federal Government that admits all types of mental patients. Among the 7,500 patients to whom the hospital affords service are children as young as 10 years of age and oldsters up to 100. They are Negro and white, with a sprinkling of other races. They suffer from all known forms of mental illness, and not a few have other handicaps, as well. Some are blind, deaf, or physically crippled. They are veterans, residents of the District of Columbia, the Virgin Islands, and American citizens who became ill while out of the country. Some are well off financially, and pay for their treatment, but most are afflicted by poverty. They have come as voluntary patients, by civil commitment, and some 750 as a result of criminal proceedings. Some have been in the hospital only a few days, while others have been there for 20 years or more. Some are treated only on their wards, but the majority are able to move about the 360-acre campus to various activities throughout the hospital. Many work a major part of the day in such places as the wards, laundry, warehouse, kitchens, and on the grounds. Some work in the city and sleep at the hospital, participating in treatment programs in the evening. Others live at home and return for treatment during the day. Some return every day, others only once every month or two. Treatment ranges from the administration of medications to individual and group psychotherapy, occupational and recreational therapy, and vocational training.

My visit was at once one of the most hopeful and rewarding, yet disheartening and annoying experiences I have had in recent years. The hopeful and rewarding aspects had to do with seeing some of the newer buildings and equipment provided in the last few years, and meeting with the able and dedicated staff members who treat patients in these and the older facilities. St. Elizabeths has, as far as I can tell as a layman, some of the finest resources available for the treatment of multiple-handicapped, mentally ill persons.

It has an extensive training program in psychiatry and some other medical specialties, psychology, undergraduate and graduate nursing, occupational therapy, ministry to the mentally ill, social work, and psychodrama. This training program could be expanded, with proper financial support, to increase its contribution to the critically short national pool of mental health personnel. Its efforts to develop new teaching methods for the training of these needed personnel could be further developed.

The hospital is also carrying out critically needed research, much of it in collaboration with the National Institute of Mental Health. With the research resources of the Institute and the patient resources of St. Elizabeths, both located in the Washington metropolitan area, we have the opportunity to strengthen greatly the training and research endeavors of the national mental health program. We also have an opportunity and an obligation to demonstrate, through joint endeavors of the hospital, the Institute, and the city of Washington, how services to the mentally ill can be provided in the most effective way possible, and how the size of large public mental hospitals can be materially reduced.

This brings me to the disheartening and annoying aspects of my visit. St. Elizabeths was established in 1855, and is still forced to use many buildings from 60 to 110 years old, that have long since been outmoded.

Many of these older buildings are frightfully overcrowded. Despite the best efforts of the staff, these buildings scream out of society's callous disregard for the dignity of our fellow human beings who are housed and treated in them. Those buildings must go. They must be replaced. To make matters worse, the Congress has already appropriated funds for the construction of one badly needed replacement building, and the working drawings and specifications were completed last June, almost a year ago. But the contract for construction has been delayed, apparently at the request of the District Government. Why this has occurred, I do not fully know, but I mean to find out.

This most affluent of all nations in the world, deeply engrossed as it is in the rights of its own citizens and the freedom of all men, simply cannot and must not continue to treat the mentally ill as second-class citizens. The Congress has launched a broad program to assist the States, local communities, universities, and other teaching and research institutions to improve the mental health of our people. Yet, the only federally operated general mental hospital, St. Elizabeths—located, here, in the Nation's Capital—does not have the physical and staff resources necessary to carry out the assignment we have given it.

In a sense, St. Elizabeths now epitomizes the problem faced by most public mental hospitals in this country. It has some fine buildings and equipment, and a knowledgeable and dedicated staff. It is doing an excellent job within the resources available to it. Well over half of all patients now admitted are returned to the community within a few months of their admission. But it also has some obsolete, rundown, and wholly unacceptable facilities. Its staff is too small to give each patient his best possible chance for improvement.

I address the conscience of every Member of this Congress. We can ill afford to continue to neglect the patients in our own Federal mental hospital, while urging the States and localities to improve their services to the mentally ill. Let us demonstrate that the patients at St. Elizabeths are not second-class citizens, and develop our own resources as a model for the Nation.

Mr. DANIELS. Mr. Chairman, for a number of years now there has been much tongue-clucking and quite a few thousand words written about the young people of this Nation who because of their lack of education, or their environment, or their attitude, have been lumped into the disadvantaged category.

In the past year a number of programs have been launched by the Federal Government whose laudable aim has been to bring help, and aid and counsel to these young people who, thorugh no fault of their own, are considered to be economic and social pariahs.

I believe that most of these programs are succeeding. But one of them, with which I am well acquainted because it operates within my own district, is threatened with extinction almost before it has drawn its first breath.

I refer to the youth opportunity center program which was launched early this year by the Department of Labor's Bureau of Employment Security. These centers are not just job referral agencies. Nor are they of the mission variety which offer a bowl of soup, a bed for the night, and a heartfelt prayer.

These youth opportunity centers are proving to be economic and social havens for the nearly one million young people between 16 and 21 who nobody will hire because they have no education, no skills, and not much hope. The Department of Labor planned to have 105 of these centers in operation by June 30, and 139 early in fiscal 1966. But those plans may have gone aglimmering because the House Committee on Appropriations recently turned down a request by the Department of Labor that general funds from the Treasury be used to supplement certain trust funds. The committee explained its reasons for rejecting the Department's request, and it also noted that it was aware that its action "is going to mean severe curtailment of some activities of that Department."

However, I do not believe that the members of that committee were aware that its action could curtail the hopes of thousands of young Americans who might find the counsel and encouragement they need through the system of youth opportunity centers that are now in operation throughout our country. These centers are making a valuable contribution to solving the problems of disadvantaged youth. To close them now, to halt their development, seemingly would indicate that we are content to pay only lip service to the needs of our youth, but not to offer them the skilled counsel they must have if the are to achieve a productive role in our society.

It is my sincere hope that this mistake can be corrected and that the youth opportunity centers will continue to perform their important function.

Mr. KREBS. Mr. Chairman, although total employment and national output rose to a recordbreaking high in 1964, the number of unemployed teenagers actually increased. Youth unemployment is a serious and growing problem. One out of every nine young people between the ages of 16 and 22 who are out of school and in the labor force today is jobless. The problem is serious and can be expected to become even more so, for growing numbers of untrained and inexperienced youth will be competing for jobs in the face of a steadily shrinking demand for unskilled workers both in industry and on the farm.

Among young members of disadvantaged minority group some of our most serious problems of chronic unemployment are to be found. The rate of unemployment among nonwhite is about twice as high as that of white youth. Even nonwhite youths who have high school diplomas find difficulty in getting jobs. Their unemployment rate is double that of their white counterparts.

Seeing little to inspire hope and ambition, some children of the slums may turn to unlawful acts. Delinquency rates are about three times higher in urban than in rural areas, and within the cities delinquency tends to be concentrated in slum sections.

Because many of the unemployed youth have deep-seated problems, because many may be alienated, hard to reach, and disillusioned because they have in the past been too frequently promised help and too frequently failed by those who purport to help them, the services of the youth opportunity centers have been planned to provide services to meet the needs of individuals. The procedures of the centers will emphasize continuity of service to youth. To the maximum extent possible, each youth will be assigned to a counselor who will work with him from the time he first has contact with the center, through training and remedial services, according to his needs, to satisfactory employment. Counseling will be focused on the goal of ultimate employment through a vocational plan. Each youth will be helped according to his needs and the help will not be terminated until it is no longer needed. Emphasis will be on development of the employability of each youth to the maximum of his potential, to furnish employers with useful, trained, capable employees.

A youth opportunity center has been approved for Newark, N.J., and is scheduled to open shortly. However, the future of these centers may be in doubt because of a recent action by the House Appropriations Committee. I am sure that the members of this committee did not intend that their vote to reject additional appropriations to the Department of Labor might seriously cripple the youth opportunity program. It is my deep conviction that this House and the Senate should act quickly to assure the continuation of these centers which are serving so well the disadvantaged youth of our Nation.

Mr. HOWARD. Mr. Chairman, the new youth opportunity centers now being opened all over the country are quickly capturing public support, thus providing the need for this expanded service to youth. Emphasis is placed on youth employability at the centers, for many of today's youth are virtually unemployable. This is caused by a combination of circumstances. Employers must demand more highly qualified employees, automation and technological advances have made immense changes in the structure of the labor force, all but eliminating the need for unskilled workers, and added to this situation is the vastly increased youth population. Thus, when youth are undereducated or disadvantaged in other ways, as many are in this country today, their employment problems are usually acute.

The centers' community relations coordinators work actively with all agencies in the community, whether governmental, private, or voluntary, and enlists their cooperation. This support is essential, because it has become apparent that many youths are in need of extra services which obviously could not be offered in the centers, but which can be made available to them through effective local liaison arrangements. These needs may arise from educational deficiency, health, legal, psychiatric, rehabilitative, and other problems.

At the national level, the USES staff works with national officers of various organizations, and they in turn endorse the YOC program and recommend cooperation of State and local affiliates. In addition to assistance in providing needed youth services, these organizations have proved effective in working with the hard-to-reach youth. Most of our severely disadvantaged youth are frustrated and discouraged. They need motivation and encouragement to even seek help for themselves. A number of voluntary organizations have been actively concerned with youth employment programs in the last few years, and many local programs have tackled related areas, such as school dropouts. Now the youth opportunity centers are providing the focal point for these efforts.

Another YOC medium that is actively involving the community is the YOC advisory committee, whose members work individually and as a group in furthering the mission of the center. These committees include representatives of all elements in the community, including the disadvantaged themselves.

It is my firm conviction that these youth opportunity centers, providing they receive full congressional support, have the opportunity to become the prime coordinating factor in this Nation's efforts to end the economic frustrations of its young citizens. They should, in my opinion, receive our wholehearted endorsement and support.

Mr. McGRATH. Mr. Chairman, last week, the House Committee on Appropriations dealt what could be a serious blow to an important program that has been designed to render real and effective help to the more than a million young people of this Nation who find themselves at the very bottom of our economic totem pole.

The committee acted, I believe, reluctantly and took considerable pains to give its reasons for rejecting a request for an additional appropriation by the Department of Labor. I do not rise to dispute the committee's decision, nor its recommendation. I do rise to protest its effect.

By refusing the Department's request for an appropriation of $39,280,000 from general funds of the Treasury, the committee in its own words stated that "it is going to mean severe curtailment of activities that the department feels quite important."

One of these activities is the operation of the youth opportunity centers, the first of which was established earlier this year. These centers' financial base rests on the funds which the Department requested and which the committee refused.

None of these youth opportunity centers has been established in my district, so perhaps I can speak of their value with a certain objectivity. One hundred and five of them were scheduled to be in operation by June 30 of this year. Their primary purpose is to provide counsel for the disadvantaged young people who are between 16 and 21.

The problems that young people of this age and of this economic and social classification encounter are without number. They need the advice and counsel from persons who understand them emotionally and intellectually. They need to find such persons in an environment which holds its institutional atmosphere to a minimum. This has been, and is, the purpose of the youth opportunity centers which operate under the guidance of the Department of Labor's Bureau of Economic Security.

These youth opportunity centers have just begun their vital work of bringing help and hope to our young economic cripples. These centers have been launched with a minimum of fanfare. Indeed, their reputation has been spread by word of mouth among the young whom they have already served. I hate to think what will happen if our youth opportunity centers are forced to hang up an "out of business" sign on their doors.

I believe that these centers are a vital segment of our efforts to relieve the poverty among our young citizens. They should not be abandoned. We must find the means to preserve them.

Mr. PATTEN. Mr. Chairman, the U.S. Employment Service has been actively concerned with youth since its inception in 1918. In the past few years, however, the Employment Service has attempted to reappraise its services to youth in an effort to see what changes could perhaps be innovated to best meet the employment needs of youth today. In the process of this examination, it was decided that although much was being done for youth in the existing 1,900 local employment offices across the Nation, it was not enough. The outcome was the recommendation for establishing a network of youth opportunity centers with at least one center in every State.

These centers are to be an integral part of the USES system, but will be housed in separate facilities and only provide services to youth ages 16 to 22. They will serve as a focal point for all Government and community efforts to aid youth. The Job Corps and the Neighborhood Youth Corps will rely heavily on these centers to do the initial recruiting and screening of applicants for their respective programs as well as to provide supportive services for their projects once they are operational. In those communities having a community action program, the YOC will serve as an important resource for youth referral in their communitywide program.

As of May 1, 1965, some 29 separate centers opened their doors and became operational. Hopefully before the end of the 1965 fiscal year, there will be approximately 139 centers open in some 105 different major metropolitan areas of our country. From those reports which have been received, the general response to the few operating centers thus far has been more than just enthusiastic.

Unfortunately, these centers will not be enough. There are many other urban areas not provided with these highly specialized services to youth. Rural areas are also neglected by this present distribution of centers. In one case in a New England State, a youth traveled 50 miles on foot from a rural area to the nearest center for help. In the Appalachian area, a number of rural youth have traveled 30 miles or more to reach a center. Those centers which are proposed for this first year of operation are all in the more heavily populated sections of the States which gives little hope for the rural youth to benefit from the services of a designated place where he may receive personalized service relating to employment.

These centers are a vital, important segment of our attempt to relieve the economic frustration of our jobless youth. It is my earnest hope and firm belief that they should be encouraged and expanded.

The solution to the dilemma was offered by the Appropriations Committee itself, of which I am a member. When it stated its refusal to approve the Department's request for the additional appropriation, it noted that this "is going to mean a severe curtailment of some activities that the Department of Labor feels are quite important, if legislation is not enacted to increase the limitation."

It is my conviction, Mr. Chairman, that legislation to raise the limitation on trust funds that are available for grants to States for unemployment compensation and employment service administration should be speedily introduced and quickly voted into law. Otherwise, a most worthwhile program of needed help for our disadvantaged young people is bound to suffer.

GENERAL LEAVE TO EXTEND

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent that all Members may have permission to extend their own remarks at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LAIRD. Mr. Chairman, I yield myself such time as I may consume.

CALL OF THE HOUSE

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-four Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 89]

Ashley
Ayres
Bandstra
Blatnik
Brademas
Broyhill, Va.
Cahill
Clevenger
Conyers
Curtis
Dickinson
Diggs
Ford, Gerald R.
Giaimo
Goodell
Hagen, Calif.
Halleck
Hanna
Hansen, Wash.
Hardy
Hays
Holifield
Holland
Hosmer
Huot
Irwin
Jones, Mo.
Krebs
Latta
Leggett
McDowell
MacGregor
Mackie
Mailliard
Mathias
Mills
Morrison
Powell
Redlin
Resnick
Senner
Smith, Iowa
Stephens
Taylor
Teague, Tex.
Thomson, Wis.
Toll
Whitten
Wilson, Bob
Young

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7765, and finding itself without a quorum, he had directed the roll to be called, when 383 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Committee will rise informally to receive a message.

The SPEAKER. The Chair will receive a message from the President of the United States.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

LABOR-HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1966

The SPEAKER. The Committee will resume its sitting.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LAIRD] is recognized.

Mr. LAIRD. Mr. Chairman, the HEW and Labor appropriations bill for fiscal 1966 is a bill which I support. I am not going to brag about the bill because I am not particularly proud of all of it. But I defend and support this bill because I am a realist, and under the circumstances, it is not a bad bill. As the gentleman from Rhode Island has indicated in his remarks earlier today, our committee worked long and hard on this bill and conducted hearings over a period of several months. In marking up this bill, being a member of the minority party, understanding fully the organization of this House with its two to one Democratic majority, I worked with the members of this committee to arrive at the best bill that could be presented on the floor of the House today.

We have heard some talk about the cost of the Department of Health, Education, and Welfare, and how costs have been on the rise each of the past few years. I have served on this committee for some 13 years. I remember when we considered the first bill from this Department. It was a little more than a billion dollars.

The bill before the House today covers about $8 billion in general revenues and some $24 billion in trust funds. It is the second largest appropriation bill which will be considered by this Congress.

I should like to remind my friends in the House today that within the next 6 weeks we will add to this bill, in supplemental appropriations, more than $3 billion. We will add that $3 billion because of action which has been taken on the floor of the House in new authorizations, for new programs. I refer to the medicare bill. There are vast amounts authorized from general funds, as well as trust funds. The total trust fund and general fund amount authorized in that bill will be $7 billion in the first full fiscal year of operation.

In addition to that extra burden, so far as the trust funds and the general fund of the Department of Health, Education, and Welfare appropriation in fiscal year 1966 are concerned, we have also added, by a vote of this House, a new authorization in the area of education, of more than a billion dollars.

Today, after this bill is acted upon, we will pass two bills which will add to the expenditures in fiscal year 1966 many millions more. There will not be a single vote against those bills, which have been reported unanimously from the Committee on Interstate and Foreign Commerce, when the roll is called a little later this afternoon.

This bill will be bigger than the Department of Defense appropriation bill, if this trend continues, by the year 1970.

This bill as it stands today carries $7,964 million in appropriations, over $1 billion more than the bill we brought to you a year ago, but it is $329 million less than the President requested in his budget. Furthermore, the party of the Great—and very expensive—Society has a majority of 2 to 1 on our subcommittee and on the full Committee on Appropriations. There are some features and some dollar amounts, that had we had the votes, we would have altered. But realism dictates that when you are weak, you negotiate. So, under the circumstances, this is a good bill.

As the gentleman from Rhode Island, the chairman of our subcommittee, has pointed out, this bill is a result of compromise. Under the circumstances I have just outlined I feel that we on the minority side should be reasonably satisfied with the results.

Another factor that one must consider in making a realistic appraisal of this bill is the fact that the last Congress passed a very considerable amount of new legislation that is requiring increasingly large sums of money to carry out. In most cases this new legislation passed the Congress by very large majorities. I am sure if it were coming up new in this Congress this legislation would pass by even larger majorities. The majority of Congress has expressed its will in no uncertain terms so it would be completely unrealistic to attempt to withhold the funds.

I will give you a few specific examples. Last year's bill included $183 million for the vocational education program; this year's bill, under the expanded authorization, carries $262 million. Last year's bill carried $463 million for higher education facilities construction; this year it is $641 million. Last year's bill for defense educational activities carried $287 million; under the expanded authorization it is $412 million in this year's bill. There are several others.

If it were not for the increases in the bill to carry out the further expansion of these programs that was authorized by the last Congress, this bill would actually be just about the same size as the bill we brought you last year.

Now no one should be misled into thinking that this is the full bill for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year 1966. This is just part 1. Part 2 of the Labor HEW bill is going to be coming before this House likely during the last half of June. Part 2 will include some more extremely expensive Great Society programs under legislation being enacted by the current Congress.

Programs that will likely be carried in part 2 of the Labor-HEW bill will be the poverty program for which the administration is requesting authorization for

$1½ billion. It will undoubtedly include funds for the recently enacted Elementary and Secondary Education Act of 1965—we already have a budget request of $1,345 million for that program. Of course no one knows at this point how much may be requested to carry out the recommendations of the President's Commission on Heart Disease, Cancer, and Stroke, but we already have a request for $44 million and the administration has requested additional legislation, the cost of which not even the administration knows. It will undoubtedly include funds for the expanded Manpower Development and Training Act that passed last month. It will undoubtedly include funds for the medicare program, if the Senate passes this before part 2 is considered. And there are many others that are well within the realm of probability for inclusion. There is the arts and humanities bill, water pollution control amendments, the health research facilities bill, the new air pollution bill, the Community Health Services Extension Amendments of 1965, a new Community Mental Health Centers Act, a new juvenile delinquency program, and there are several more.

Mr. Chairman, it looks like the budget requests for part 2 will total about $5 billion. So, just in funds appropriated out of the general funds of the Treasury, the Labor-HEW bill—including both part 1 and part 2—may well be over $13 billion for the next fiscal year. The amazing growth of these programs, as measured by their cost is illustrated by comparing this figure with the total of the Department of Labor and Health, Education and Welfare, and Related Agencies Appropriation Act for fiscal year 1956. That act totaled exactly $2,373,516,500. In just 10 years the cost of these activities has increased over 5 times.

Mr. Chairman, even this does not tell the whole story. In addition to the funds that we are appropriating out of general funds of the Treasury for these two departments and related agencies, the American public is called upon to finance several trust funds to carry out such programs as old-age and survivors insurance, unemployment compensation, railroad retirement, and so forth. The taxes paid to support these activities are just as real as the taxes paid into general funds of the Treasury. It is estimated that these trust funds will cost the taxpayers $24,385 million in fiscal year 1966. If we accept the logical conclusion that funds out of the Treasury will total $13 billion for 1966, we arrive at a total of over $37 billion for the Departments of Labor, and Health, Education, and Welfare, and related agencies.

Mr. Chairman, this is already the largest appropriation bill that comes before this House with the single exception of the defense appropriation bill, and I predict that within the next 10 years it will be the largest "period."

Mr. Chairman, the gentleman from Rhode Island has done his usual good job of explaining the important details concerning appropriations recommended in the bill and I shall not take the time of the Committee to cover the same ground again, but I would like to take 2 or 3 minutes to speak about one of the general provisions of the bill.

For several years this bill has carried a general provision that restricted to a certain percentage the amount of money that could be paid to a research grantee for indirect costs of his research project. This built up from the early years of the National Institutes of Health. At first they allowed nothing for indirect costs. Then this policy was changed and for some years they allowed 8 percent of the direct costs as an allowance for part of the indirect costs. Then the NIH increased this allowance to 15 percent. When they proposed to further liberalize the allowance for indirect costs, Congress placed a limitation of 15 percent in the appropriation bill. In the 1963 bill, this was increased to 20 percent, which has been the percentage since.

There is no doubt that these research grants are of benefit to the schools and other institutions receiving them. For this reason, and to further assure that these funds will be efficiently and economically used, the committee is including in this bill a requirement for financial participation on the part of grantees. It has become increasingly evident to the committee, however, that tying financial participation to indirect costs results in considerable inequity. For some projects, especially those involving a considerable amount of equipment purchases, indirect costs may actually be below 20 percent of the direct costs and thus, under the old provision, the grantee would receive 100 percent of all costs. Other projects have indirect costs running as high as 50 percent and, thus, the grantee is bearing a substantial percentage of total costs.

Another factor was brought out in the recent study of the National Institutes of Health conducted by the Wooldridge committee. Its report stated:

> We believe that steps should be taken to make it easier for all involved—scientists, administrators, and Government representatives—to obtain a clear picture of all the costs legitimately associated with each NIH-supported project. Reliance upon an arbitrary indirect cost percentage should be abandoned. Instead, each institution should be encouraged to present a complete accounting of all the costs of "doing business" that it can support as chargeable or allocable to the project in question, with a minimum of emphasis on formal direct/indirect distinctions.

Section 203 of the bill follows this principle. It simply will require that each grantee must bear a portion of the total cost of the project. In order that this provision may be administered in the most equitable way, the committee has not laid down any arbitrary formula, but will expect that the Bureau of the Budget make a very detailed and thorough study to determine how best to calculate this division of costs. It may well be that this will have to be a variable formula in order to be equitable for different types of projects and different types of institutions.

Mr. Chairman, the gentleman from Rhode Island in his remarks said he would have liked to have added $100 million for the National Institutes of Health in fiscal year 1966. He proposed that in our subcommittee. I proposed that we support President Johnson on his figure for this particular item in the budget. As a great supporter of the President, I add that this figure was not agreed to in our particular committee. But we compromised between President Johnson's figure and the figure advocated by the gentleman from Rhode Island, and there is $11.7 million in this bill for the National Institutes of Health. That is almost entirely in the area of heart, kidney, and drug research, and the undergraduate program so far as the National Cancer Institute is concerned. These are very strategic areas. I support the action of the committee in encouraging these programs; particularly in the area of the artificial heart, in the area of the new drug research, and also in the area of the new kidney dialysis program.

Mr. Chairman, the appropriations for the National Institutes of Health include no general, across-the-board increases.

Ample evidence was presented to the committee that every one of the Institutes is faced with important problems demanding research for which funds are not available. The catalog of diseases and human afflictions is long. The national resources devoted to medical research have been dramatically expanded during the past 10 years but the trained men, the laboratories, the clinical research facilities, and the funds available are still far from enough to cover the entire frontier along which man is waging his age-old battle against disease.

For example, I have just obtained a tabulation from the National Institutes of Health which shows that their current appropriations fall more than $40 million short of the sum that would be needed to make awards to all the grant applicants whose projects have been reviewed and found worthy of support—not only for their scientific merit but for their direct relevance to the health research mission of the National Institutes of Health.

The 1966 budget estimates make no allowance for these unfunded projects nor do they make any allowance for a similar number of highly worthwhile projects for which support will almost certainly have to be refused next year.

Despite these demonstrated general needs of the NIH programs, the committee has taken a very conservative approach in its action on the NIH budget. The appropriations contained in the bill will make a very substantial contribution to but will not fully meet the total legitimate needs of medical research and research training in this country.

The committee has, in fact, confined itself to providing for the NIH a few selected increases for programs which are so important and which hold out so great a promise of benefit for the people of this country that any delay in getting them underway would be indefensible.

An example of one such area is the work that needs to be done to develop an artificial heart. Heart failure of one kind or another is now the leading killer in this country. Many of its victims could be saved and restored to useful life if some longer term assistance than is now available could be given to the heart while it recuperates. The present heart-lung machines have made possible the modern miracles of heart surgery but they can only take the place of a normal heart for a matter of hours—long enough to give time for an operation but not nearly long enough to sustain life for more protracted periods of therapy or to give nature time to repair heart damage.

Thousands of lives will be saved when a device is developed which can take over the duties of the heart not for a matter of hours but for days or for weeks. Scientists are agreed that such a device is well within the realm of possibility but many unresolved problems stand in the way and a major developmental program is needed to bring it into being.

This country has not hesitated to pour hundreds of millions of dollars into the developmental research needed to put a man into orbit. I see no reason why so important a project as the development of an artificial heart should not be approached with the same vigor and determination. Despite the great complexities of the problem, the amount of money needed will be considerably less and the benefits to the individual citizen—and, I suspect, to the Nation—will be very much greater.

The development of an artificial heart which can be implanted in the body to take the place of a natural heart whose function can not be restored is the ultimate goal but presents much greater difficulties. The achievement of this goal will necessarily lie much further in the future. But its achievement can be speeded up by decades if we make it possible for scientists to tackle that problem with the same determination with which they have so successfully tackled equally difficult problems in nuclear and space research.

The possibility of developing a replacement for the heart has been regarded as a feasible research objective for more than 7 years. Little support has been available during this period for research in this field but individual investigators have worked on it as best they could and have at least demonstrated the project's feasibility. About 20 experimental blood pumps have already been tested on animals with varying degrees of success.

Mr. Chairman, success in so complex a venture requires a sustained and coordinated attack. Plans for such an attack have been drawn up by the National Heart Institute with the advice of a distinguished group of specialists. These plans include the establishment of multidisciplinary research groups which will devote themselves to an intensive study of the problems in this area. These groups will draw heavily on our national engineering capability and will need to make contractual arrangements with industrial firms having competence and experience in such fields as miniaturization, plastics, and electronics to develop or produce experimental devices to explore new approaches to the problem.

The increase of $2.5 million in the appropriation for the National Heart Institute will make it possible to get this work underway.

The development of an artificial kidney presents a similar opportunity for a lifesaving advance against a group of diseases that each year claim thousands of lives.

The artificial kidney device now available is a complex laboratory model. Very few exist and their duplication is limited by the scarcity of the highly trained technical personnel needed to operate them. The process is very expensive—it costs about $10,000 a year for a single patient—and the patient must go to the hospital at frequent intervals to have his blood purified by this artificial kidney.

The feasibility of an external device that will do the work of the kidneys has, however, been clearly demonstrated. What is needed now is a major effort to solve the problems standing in the way of the development of a machine that will be easier to operate and that can be made available to the victims of kidney failure at a more reasonable cost.

Not all illness involving kidney failure can be successfully treated by the use of an artificial kidney. It has, however, been estimated that, if artificial kidneys were generally available today, several thousand new cases could be treated each year. In a few years the number of people whose lives will be sustained by these devices, would number in the tens of thousands.

The increase of $2 million included in the bill for the National Institute of Arthritis and Metabolic Diseases for this project is a very small investment when measured in terms of the number of lives it may save.

I shall single out only one more example of the special purposes served by the increases recommended by the committee.

This is the increase of $1,250,000 for the Division of Computer Research and Technology at NIH. This is a new Division which is being set up to exploit the tremendous capabilities of computers both for biomedical research and for the treatment of patients.

Computers are already being used for a variety of purposes in the treatment of patients—such as, for example, in the more accurate determination and control of exposure to radiation for cancer patients. Computers are also extensively used in drug-screening programs and some progress has been made in using computers to select the most effective drug for a given patient.

The full range of the application of computers to medical problems, however, remains to be explored. The division will work on such projects as the application of computers to the rapid interpretation of X-ray photographs and electrocardiograms, the automatic analysis of laboratory specimens, the testing of blood samples, the retrieval and correlation of laboratory data, and the building of mathematical models of biological processes which will make possible closely controlled studies that cannot be carried out by ordinary laboratory or clinical procedures.

The application of computer technology to biomedical problems is in its infancy. Many of the basic problems of transplanting biological information into computer language remain to be solved—one of the most difficult communication problems in the life sciences is the communication between man and machine. The new Division will undertake intensive work in this area. It will also provide training not only for young scientists who want to make a career in the promising new field of biomathematics but for other scientists in order to help them to take advantage of computers as a powerful tool for their on-going research.

The committee is particularly impressed by the opportunities for new approaches to health research problems that will result from the harnessing of computer capabilities to the more traditional biomedical research procedures. It should like to see this field developed as rapidly as possible so that its potential benefits to the improvement of the diagnosis and treatment of disease will not be unnecessarily delayed.

I am convinced that the increases for the National Institutes of Health recommended by the committee are a sound and wise expenditure of public funds. I cannot think of a more worthwhile contribution that the Federal Government can make to the national welfare than the continuing and energetic support of work that so directly affects the well-being of every citizen.

In the area of hospital construction last year we increased the authorizations under the Hill-Burton Act. The bill we bring before you today is $100 million below the authorizations. It is below the President's figure by about $40 million because of the formula which was involved in marking up this particular bill.

I do not believe for a minute that the other body will not add some authorizations, but to me authorizations are not sacred cows. It is my hope that we can keep this spending level somewhere in line, because there are many other hospital construction programs which are in being at the present time, such as under the Appalachia program. In January we will have the Great Lakes program. We will now go forward with a new accelerated public works program and a depressed areas aid program, all in the area of hospital construction.

So I think the recommendation of this committee is just and fair in this area.

Mr. Chairman, there is one other area that I would like to discuss. It concerns an amendment enacted in the 2d session of the 88th Congress and deals with the vocational rehabilitation portion of the HEW appropriation bill.

During the course of the 88th Congress, certain facts had come to my attention which, on examination, compelled me to offer an amendment to Public Law 565 to make possible the use of funds of private nonprofit agencies to serve as the State's share in the matching of Federal money for construction of rehabilitation facilities and workshops. This amendment was accepted by the committee and by the Congress and came to be known as the Laird amendment.

For a few brief moments, Mr. Chairman, I would like to discuss, for the record, the background of the Laird amendment.

In 1954 Public Law 565 was hailed in Wisconsin and other States as a historic milestone in rehabilitation history. Little was it dreamed at the time that within a few years this monumental legislation would pose a threat to the very functioning of the State of Wisconsin Rehabilitation Division because of a legal technicality. In 1961 the State agency was faced with potential audit exceptions in excess of $500,000, when Federal auditors determined that the law's fund matching procedures had not been followed properly in the case of the Racine Curative Workshop and a similar Madison project.

Wisconsin had amended its State plan in 1956 as a means of improving rehabilitation facilities in the State. The amendment reads in part:

> The State funds required for the establishment of rehabilitation facilities will be obtained from contributions made by private organizations and/or individuals which will be deposited in the State revolving fund.

The regional office of the Office of Vocational Rehabilitation—now Vocational Rehabilitation Administration—indicated OVR approval of the amendment, and the Wisconsin agency proceeded under the extension and improvement sections of Public Law 565 in the belief that its operations were fully within the law. Arrangements were made in 1958 for construction of badly needed sheltered workshop facilities in the Racine area, and expansion of a Madison rehabilitation center was undertaken. Private organizations had donated money to the State agency for expansion of rehabilitation facilities in Wisconsin, and these funds served as the State's share of the State-Federal matching agreement.

This seemed natural enough. Under Hill-Burton Hospital Construction Act, this procedure was followed in hospital construction, communities providing matching funds. It was not until 1961 that Wisconsin learned the Department of Health, Education, and Welfare treated matching funds in two distinct ways. For hospitals under Hill-Burton, community participation was fine. For workshops and rehabilitation centers under Public Law 565, community participation was illegal. And just why the difference? Certain wording in Public Law 565 did lend itself to that rigid interpretation, and the first State to feel the bite was Wisconsin.

If the Racine project had been developed under Hill-Burton principles, the financial participation of the community would have been encouraged and accepted without question. This meant that two policies in basic opposition to each other existed in one Federal agency, and the resulting confusion was bound to result in a slowing down of the rehabilitation expansion intended by Public Law 565. For Wisconsin, a law that was designed to aid the disabled almost resulted in drastic curtailment of services to the disabled. The $500,000 audit exceptions would have seriously impaired the Rehabilitation Division's functioning for many years.

In addition to sharply reducing case service, this interpretation of Public Law 565 would have dealt a damaging blow to the further development of sheltered workshops and rehabilitation centers in Wisconsin. The State legislature, pressed at every turn for departmental budget increases, has been unable to allocate the money necessary to match all available Federal funds. The State funds appropriated must be used primarily in regular agency operation. This leaves the State in the ironic position of rejecting Federal funds as unmatchable, while at the same time rejecting requests for aid in establishing the sheltered workshops for which the Federal funds were earmarked. Communities requesting these facilities indicated substantial amounts were available to the State for matching Federal money. The local groups were amazed and confused to learn that though they built a general hospital on that basis, they could not establish or expand a sheltered workshop. This went against the grain of Wisconsin's philosophy of government which has always stressed the importance of cooperation at all levels between the statutory bodies and taxpaying public.

One of the pioneers in vocational rehabilitation, Wisconsin was a leader in expanding services into the more difficult disability areas prior to Public Law 565. And even greater expansion was planned under the 1954 law, particularly in the development of sheltered workshops and rehabilitation centers which are at the heart of modern rehabilitation programs.

Such development threatened to come to a halt as the result of the 1961 interpretations of Public Law 565. This would have been a tragedy of the first order for the disabled and was averted only by the Laird amendment of Public Law 565. Now it is not only possible to match the funds of the private nonprofit agencies but the validity of the practice has been made retroactive to 1958, thus giving congressional endorsement to the procedures used in Wisconsin since that time.

Mr. Chairman, it should be realized that vocational rehabilitation service in any State is not complete with adequate sheltered workshops and medically oriented rehabilitation facilities. Certain categories of handicapped people can never be expected to enter and succeed in competitive employment. For this group, work opportunities must be provided that are compatible with the skills, aptitudes, and capacities of the individual.

Sheltered workshops provide a satisfactory solution to this problem, as they enable the worker to be profitably employed in a less demanding situation than would ordinarily be found in private industry. Another large group of handicapped people are unemployable because they have been hospitalized for varying lengths of time in mental hospitals and colonies for the mentally retarded. In many instances a short period of personal adjustment is all that is necessary to develop suitable attitudes and behavior patterns leading to competitive employment. These basic truths of rehabilitation were put forth in Public Law 565.

If workshop services are not available, over half of the handicapped population cannot enter proper rehabilitation programs. This problem has long been recognized by professional rehabilitation workers, but in the absence of a State and Federal subsidy to lend impetus, the establishment of workshops has come slowly since it is entirely a local community responsibility. Unless an aggressive, energetic local group took the initiative, they were not developed.

Only 16 workshops are in operation in Wisconsin at present, together serving an average of about 1,000 persons daily, or just a small portion of the total in need of sheltered workshop services. With the exception of Racine, all of these enterprises have been established without the aid of Federal or State funds. They are doing an excellent job, to be sure, but they are really only touching the surface. At least triple the present number should be enrolled in workshop activity and would be if the service was available.

The following Wisconsin groups have indicated immediate interest in taking advantage of the matching provisions made possible by the Laird amendment: Curative Workshop of Milwaukee, Curative Workshop of Racine, and Curative Workshop of Green Bay, and Brown County Sheltered Workshop, all combination workshops and rehabilitation facilities; Fox River Valley Sheltered Workshop, Appleton; Holiday House, Manitowoc; Work Adjustment Services, Neenah; Opportunity Center, Sheboygan; Goodwill Industries, Milwaukee; Opportunity Center, Madison; Rock County Sheltered Workshop, Janesville; Christian League for the Handicapped, Walworth; Jewish Vocational Service, Milwaukee; DePaul Rehabilitation Center, Milwaukee, combination workshop and rehabilitation facility; Waukesha Training Center; Shelter for Handicapped, Eau Claire; St. John's School for the Deaf, Milwaukee; St. Mary's Hospital of Wausau, St. Camillus of Milwaukee, St. Luke's of Milwaukee, Mount Sinai of Milwaukee, and University Hospitals, Madison, all medically oriented rehabilitation facilities.

In response to a recent questionnaire, the above facilities indicated that approximately $500,000 in local funds would be available during the fiscal year beginning July 1, 1965, if they could utilize Federal matching in an approximate ratio of 40 percent local to 60 percent Federal. This would mean a total expansion program of $1,250,000, a tremendous boost to Wisconsin rehabilitation.

Indications are that the need for medically oriented rehabilitation facilities is not as acute in Wisconsin as in some areas. Many hospitals have developed adequate departments of physical medicine and rehabilitation which are doing an excellent job of meeting the medical rehabilitation needs of Wisconsin's handicapped. Rehabilitation authorities stress that what is needed the most is a comprehensive center which could offer both complete medical and vocational services.

Mr. Chairman, as I said earlier, the Laird amendment now makes possible the matching, under the vocational rehabilitation grants to States program, of contributed funds earmarked by the donor for the establishment of rehabilitation facilities and workshops. It opens up an important avenue for the support and development of rehabilitation facilities and workshops under private auspices.

Traditionally, most rehabilitation facilities and workshops have been started and operated under private auspices. We expect this practice to continue in the future. Consequently, this new resource for assisting in expanding rehabilitation facilities and workshops under private auspices will make a very real contribution toward increasing the resources needed for the rehabilitation of the disabled.

For a number of years, we have recognized joint public and private financing of the establishment of facilities as being one of the great untapped resources for developing better rehabilitation services for the disabled. This was recognized when authority to include rehabilitation facilities was added to the Hill-Burton Act in 1954. The proposed legislative program of the Vocational Rehabilitation Administration took this into account last year, but no final action on these proposals was taken in the last session of the Congress. Consequently, this amendment to the Health, Education, and Welfare Appropriation Act passed last summer, makes it possible to use both public and private resources far more speedily and effectively than would otherwise be the case.

A number of States, particularly those with insufficient public State funds to match all of the Federal funds allotted to them, will find the Laird amendment a good way to increase rehabilitation facilities and workshops in the State, at the same time appropriations are being raised by State legislatures, and thereby have the services available when money to purchase them is at hand.

Projects that could use somewhere around $20 million in Federal funds next year have been identified by State rehabilitation agencies. These projects range from small additions to community workshops to extensive remodeling and expansion of comprehensive rehabilitation centers. The estimates range from no additional funds in eight States to $1,140,000 in Ohio and $1,340,000 in Washington.

Various kinds of projects are included in State estimates. For example, about 20 percent of the funds would come from Goodwill Industries for the expansion and improvement of sheltered workshops, including rehabilitation facility programs located in such workshops. About 6 percent of the funds would be for facilities focusing on the needs of the mentally retarded and about 10 percent would be located in schools and universities.

Care must be taken to insure orderly development of the expansion of resources through the establishment of rehabilitation facilities and workshops made possible by this new source of financing. It is also important that the continuance of good standards be assured.

What can be done effectively next year should be in keeping with the total investment for establishing rehabilitation facilities and workshops in the total State program, and assurance of community and State support for the people served should be forthcoming.

It is expected that under the Laird amendment new rehabilitation facilities will help fill the wide gaps now existing in services for the handicapped, not just in Wisconsin but throughout the Nation. New hope for the disabled grew out of Public Law 565. Now, as amended, the law provides still greater hope.

Mr. Chairman, the gentleman from Rhode Island, with whom I have worked long and hard and for whom I have great respect, has stated that this bill was worked out in a spirit of compromise within our committee. Realizing full well the makeup of this Congress, I certainly believe that we have come out with the best kind of a compromise possible. I am proud of my support of the President of the United States in the committee on these appropriation items. I feel that this support can be evidenced in many other ways. At the present time down in the Department of Defense there is a new request being set up for some $700 million of spending, on which request we are now holding hearings downstairs in the committee room. I had hoped that we could delay action on this Labor-HEW bill until we could be down there and listen to the testimony of the Secretary of Defense on this very important appropriation request.

During the quorum call period I went down to the subcommittee room and was disappointed to learn that there are no justifications for this particular request and that they will probably not be ready for a week or 10 days. After I found that out I realized that the place for me to be was here on the floor of this House, because I do not like to be any part of an appropriation hearing when there are no justifications available to consider.

Mr. Chairman, let me say that this particular bill is a bill which I believe every Member of this House of Representatives can support and, Mr. Chairman, I am sure they will support it when the roll is called later on this afternoon.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. Michel].

Mr. MICHEL. Mr. Chairman, you have heard a very able presentation, pretty much on a line item basis, by our good chairman, the gentleman from Rhode Island [Mr. Fogarty]. Some of the concern that we have on the minority side has been very ably expressed in the remarks of the gentleman from Wisconsin [Mr. Laird]. I think it should be pointed out, as many of you are aware, that this is really the fastest growing Department of the Government today, namely, the Department of Health, Education, and Welfare. The biggest increases in appropriations over the past few years, with the possible exception of our space activities, have been in this area of health, education, and welfare. The bill here is for all practical purposes, an $8 billion bill, or $1 billion over the bill that we had before us last year. Our good chairman, Congressman Fogarty, made mention of fact that it is $329 million under the budget request, and he did make the point that $242 million of it is involved in grants to the States for public assistance. Personally I think this is a phony cut, because you recall several weeks ago, when we had the supplemental appropriation bill before the House we anted up $407 million for additions in grants to the States in this public assistance area. So I suspect that notwithstanding all we have been doing in this general area through this legislation that we will still be coming back for supplementals, because many States have not taken appropriate action to clean up their programs, as was discussed by our good chairman, the gentleman from Rhode Island [Mr. Fogarty].

The gentleman from Iowa [Mr. Gross] raised the question as to what would be involved in supplemental requests, and as the gentleman from Wisconsin [Mr. Laird] so well phrased it, it is somewhere in the neighborhood of $3 billion. I suspect that by the time we end up this fiscal year, 1966, we will have appropriations aggregating $11 billion for HEW.

This does raise some concern, particularly to those of us who heard the President this morning in his personal appeal for the urgency of a $700 million request to take care—and mind you, that is supposedly only for this current fiscal year—to take care of what is going on in South Vietnam. I could not help thinking this morning that maybe if the urgency is what the President declared it to be, we ought to be giving a lot more consideration and attention to these new programs we are enacting into law here, authorizing additional expenditures in this area of health, education, and welfare.

I think some of these programs are very fine, indeed. The chairman of our committee, I am sure, would support them to the ultimate, with the exception, possibly, of a time of openly declared war. But I am really concerned about it, because if it is $700 million for South Vietnam for 2 months, May and June, it is quite conceivable that it will be $5 billion for the next fiscal year if things do not get any better, and they look to be getting worse rather than better.

This is going to bring about a larger deficit; then we are going to have inflation, and several of us on the way back from the White House this morning felt that possibly we ought to mortgage everything and buy something in real property, so that we can hedge against the inflation that surely is in store for us.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am delighted to yield to the gentleman from Wisconsin.

Mr. LAIRD. Mr. Chairman, I would like to state this to the gentleman. I believe the $700 million special defense figure which was referred to and that the President spoke of this morning, when he said that this amount would be expended by June 30, I believe that is not the case. I just developed this point at some length with the Secretary of Defense. I think that there was an error in the President's remarks. This error has now been corrected in the hearing before the House Defense Appropriations Committee.

Mr. MICHEL. I am glad to have that correction for the record. There is no question, as you read our report and read the line items, you will find research—research—research. It seems to be the sacrosanct area, ever since the launching of sputnik. We have been devoting more and more time to education and research and I think to justify these increased amounts many of these agencies are coming up each year with requests simply for research and more research.

I want to point out for the Food and Drug Administration, for example, we have $56 million in the bill. Do you know that that is an increase from $14 million just 5 years ago, in 1960? Another subcommittee on which I serve, the Subcommittee for Agriculture, we deal with pesticides and research in that area. On the other side of the coin we find Food and Drug Administration. There is an amount of $5.8 million for research, evaluation, and enforcement of pesticide control. So on one hand we appropriate for research on more and better pesticides in agriculture and through HEW we appropriate for research to control pesticides.

In the vocational education item we have $262 million, an increase of $104 million over last year. Some of us are of the opinion that maybe we are moving a little bit too fast in this area. Frankly, with all the attention that has been given to education and rehabilitation, the Job Corps and one thing and another, we hope this money will be spent wisely in this area.

In the area of higher education, facilities construction, we have no alternative. We have authorized the legislation, and now we have to ante up the money. This will show as an increase of $178 million over last year and will provide full funding or a total of $641,750,000.

In vocational rehabilitation we have an item of $124 million which represents practically a $24 million increase over last year.

Research and training in this item totals $46 million.

Mr. Chairman, I am reminded of a call which I received on yesterday, a frantic call, from a mother of a 14-year-old girl who suffers from bulbar polio. She has been down at the Warm Springs Foundation for several months in each of the last 3 years and has been advised that they are strapped for money and this 14-year-girl may be foreclosed from further help and assistance this year.

Mr. Chairman, this young lady is at that age, however, where she can apply for assistance through our vocational rehabilitation program. In Peoria, for example, we have one of the finest rehabilitation centers for the physically handicapped. Of course, here is one of those areas where we have Federal grants again to the States for a very important and vital program.

Mr. Chairman, our distinguished chairman of the subcommittee pointed out so well that most of this bill embodies simply grants-in-aid to the States and we are bound by certain formulas which, of course, we prescribe by legislative action here in the House of Representatives.

Personally, Mr. Chairman, I wish we could have cut some items and held others to a more reasonable figure, but as the gentleman from Wisconsin [Mr. LAIRD] pointed out so well, we had to compromise and it is in this spirit of compromise, that we come to you today with this bill and I stand by commitment to support it when it comes to a vote.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, I do not believe there is any Member of this House who owes more to scientific research and research in medicine and the development of modern medicine than I do.

Mr. Chairman, some of my colleagues will remember not many years ago I was paralyzed and came onto this floor for many months in a wheelchair, and then on crutches. A few years after that, I had a coronary from which I have recovered and I feel I could challenge most anyone in this House in an athletic contest today.

But, Mr. Chairman, I owe much of this to the development of our health standards.

The gentleman from Rhode Island [Mr. FOGARTY] has made great contributions to these developments, as has the gentleman from Wisconsin [Mr. LAIRD] and their subcommittee. Those of us who have been beneficiaries of these developments owe much to them.

So, Mr. Chairman, it is a little difficult for me to stand here today in somewhat of a critical way of this bill. However, this has gotten to be something like the defense appropriation bill used to be, you just do not talk against it any more. But it seems to me, Mr. Chairman, that it is necessary for us to begin to look where we are going and what we are doing.

Mr. Chairman, the advocates of economy have been very quiet both in the public and the private sectors. People do not seem to care much any more about where we are going on this road of spending.

But, Mr. Chairman, this is an $8 billion bill, $8 billion, and as the gentleman from Wisconsin has said within a few weeks it will be much more. Before too long we are going to have a bill here almost as high as the bill for the Department of Defense.

Mr. Chairman, this bill was reported by the House Appropriations Committee and it has been publicized as cutting the budget by $329 million, $274 million in the Department of Health, Education, and Welfare and $50.7 million in the Department of Labor.

Of the $275 million cut in the Department of Health, Education, and Welfare, $242.1 million is in the appropriation for grants to States for public assistance.

We are again in an annual situation. The budget request for public assistance comes to the Congress from the administration too low. Then Congress cuts it further to make its own record of cuts look good, then a supplemental budget estimate comes up from the Department of Health, Education, and Welfare the following year to provide the money that should have been appropriated in the first place.

Last week we approved the conference report on the second supplemental appropriation bill, 1965, that provides $407.9 million for public assistance. It was not in the regular annual appropriation bill last year for two reasons. The administration did not ask for enough money. Their estimate was short by just over $200 million. The balance—the other $200 million—was needed because of the congressional cut in the bill. So, when you look at this $242 million reduction in this bill, I can say to you you are going to get it back in a supplemental, so this $242 million, in my estimation, is not a true cut.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I would like to join with the gentleman in his sentiment that this public welfare assistance program be reviewed. Personally, I believe this could be substantiated fully if the program was administered in all of the 50 States in accordance with many of the practices that are presently being followed. A very good staff of experts looked over this program some time ago. There was also a review here in the District of Columbia. They found in each case that the percentage of illegal payments or payments made to people who were not eligible in some jurisdictions was running as high as 30 percent. It would seem to me if the legislative committee does not go into this thoroughly and follow through with an investigation on the use of these welfare funds, and if they come back for more funds next year, I would hope that the Appropriations Committee would insist upon a full investigation of the use of these particular funds.

Mr. BOW. I agree with the gentleman, and I thank him for his contribution. We have been making investigations upon investigations on how these funds are being used, and we still have the practice of not appropriating enough, then they have to come back in a supplemental if it is a grant-in-aid, or matching funds, and what can we do about it? It seems to be the committees should get down and take a real hard look at it, or we are going to run into a difficult situation.

I have before me a report on why this was made, and if they follow through in this it will be fine. If we had an investigation to find out how this grant-in-aid money is used, it seems to me, for public assistance, we could get some place, but bear in mind this appropriation now calls for $3 billion in grants-in-aid and public assistance compared with $2,037 million in 1966. Think where we are going.

I recognize this committee has very little to do with it. The authorizing committees bring it in, and the gentleman says we will have more. The Public Health Service total in 1960 was $841,263,000 grants for indirect health activities, yet this bill leaves $796,018,000, which compares with $2.047 billion in this bill for 1966. The increase since 1960 has been $1.251 billion.

I can remember, Mr. Chairman, and I am sure many of you remember, Bob

Rich, who used to stand on this floor every day and ask "Where are you going to get the money? Where is the money coming from?" But nobody seems to care any more. There are a few, I admit.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. A member of the Subcommittee on Appropriations on the floor only a few moments ago, I believe, said that in 1954 the House spent a couple or 3 days in the consideration of this bill at that time holding it to slightly under approximately $2 billion. Today it is $8 billion. That represents the growth of the Health, Education, and Welfare Department bill. I join with the gentleman in saying, "Where is the money going to come from to pay the bills that are accruing against the taxpayers of this country today"—all of them? I am glad the gentleman mentioned the $242 million. I tried to get an answer to that a while ago. Is this coming back to us in a few weeks or in a month or two? Will it come back to us again in a deficiency appropriation bill?

Mr. BOW. This has become an annual practice and I expect to see it again next year. I think we ought to be raising this question and talk about it and try to find out how we can find some way to cut down on the expenses of the grants-in-aid to the States. But instead of that we are authorizing more money all the time.

Mr. GROSS. One further question, if the gentleman will yield.

Is there any recognition in this bill in any way as to the money that was contained in the second supplemental appropriation bill? Does this bill give any recognition to the money that was appropriated in the second supplemental appropriation bill?

Mr. BOW. I do not recall that there was.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Yes, it does, may I say in answer to the gentleman from Iowa. But that is all for the fiscal year 1965. I would like to point out one further thing though as part of the colloquy between the gentleman from Iowa and the distinguished ranking minority member of the Committee on Appropriations, the gentleman from Ohio [Mr. Bow], and that is this. The medicare bill which passed this House the other day adds $800 million to this very item that the gentleman is talking about. That medicare bill which was passed here adds in the area of child welfare and it adds in the area of maternal benefits—maternal and child welfare benefits. It changes the matching program under the Kerr-Mills bill through the incorporation of elder care provisions raising that matching amount so that there will be a supplemental request as soon as the other body acts, and instead of adding $3 billion in this area as soon as the medicare bill passes the other body in general revenue, this figure will be immediately increased in the fiscal year 1967.

Mr. BOW. The gentleman is absolutely correct. There is no question about it.

Mr. LAIRD. But the important thing is that those are the votes that count. That is where the increases are made.

Mr. BOW. It is the authorization that counts. I know exactly what the gentleman is suggesting with his questions and answers.

Now let us go back to this bill again. This bill takes credit for a cut of $44 million in hospital construction activity from the $303.4 million requested to $259 million—$13.2 million more than was appropriated for 1965.

Now the authorizing legislation for 1965 had a formula in it as to how much could be used for new construction and what could be used for remodeling. If the budget figure had been used, it would have been subject to a point of order. Therefore, it was cut down. But your actual cost of construction on this has not been reduced at all.

Now there has been some language on other Federal funds, but I shall not go into that, but we are getting to the point where we are losing control of matching funds. New formulas are being adopted.

This is exactly opposite to the views of the HEW budget officer on the requirement for matching of Federal funds by the States. During the hearings this year he said:

> It seems to me that we depend upon a great number of things for protection and matching is one of them. If people put up a substantial part of their own funds, it gives the Federal Government some degree of protection that they are going to use their funds wisely. Therefore, if you are not putting up total funds, if half of the funds belong in the sponsoring agency, he is likely to have used a judgment that will keep it from being an extravagance.

That is in the record. I agree with the budget officer of the Department of Health, Education, and Welfare. In the House we are beginning to get away from matching funds, to get away from control. It seems to me we must take a closer look at this.

Since time is going on, I shall have to turn to some other matters.

Let me point out that in this bill there are increases over the budget estimates.

For the Bureau of Labor Standards, salaries and expenses, the amount is $48,000.

For the Wage and Hour Division it is $500,000.

For the Bureau of Employees Compensation, salaries and expenses, it is $184,000.

These are all figures higher than the budget estimates.

For the Office of Education it is $5 million.

For the Vocational Rehabilitation Administration it is $200,000.

For the Public Health Service, buildings and facilities, it is $1,650,000 higher than the budget estimates.

For injury control it is $301,000 more than the budget estimates.

For chronic diseases and health of the aged the figure is $5,250,000 more than the budget estimates.

For hospital construction activities it is $1.5 million more than the budget estimates.

For air pollution it is $1,634,000 more than the budget estimates.

For environmental engineering and sanitation it is $549,000 more than the budget estimates.

For occupational health it is $140,000 more than the budget estimates.

For radiological health the figure is $226,000 more than the budget estimates.

For water supply and water pollution control it is $3,913,000 more than the budget estimates.

The figure, for that particular one, is $40,601,000, yet this is $3,913,000 more than the budget estimates.

For hospitals and medical care it is $864,000 over the budget estimates, and that is a figure of $56,846,000.

For the National Institutes of Health, general services and research, it is $1,250,000 over the budget estimates. That particular one involves $58,719,000.

For the National Cancer Institute the figure is $3,650,000 higher than the budget estimates, and that is $149,968,000.

For the National Institute of Arthritis and Metabolic Diseases it is $2 million over the budget estimates of $119,203,000.

For St. Elizabeths Hospital, salaries and expenses, indefinite, it is $133,000 over the budget estimates, and that figure is $29,753,000.

For the American Printing House for the Blind it is $91,000, and the budget estimate was $909,000.

These are all items which have great appeal. They are good items. But when we look at the items in the budget and see the millions and millions of dollars, there is a question, "Why go over the budget estimates?"

Study of these items has been made by the Bureau of the Budget. Requests have been made by these divisions.

This gives me great concern.

Let us take a look at the last monthly statement of receipts and expenditures of the U.S. Government for the period from July 1, 1964, to March 31, 1965.

This reveals that the Department of Health, Education, and Welfare is spending at a rate of $36,591,000 faster than in the same period in fiscal year 1964. This applies only to the administrative budget. So far this year the Department of Health, Education, and Welfare has spent $4,117,655,000 compared with $4,081,064,000 in last year. This item is going up. It is constantly increasing.

They are doing great things in this division, but all of it cannot be done with money. It requires brains. It requires manpower. People must be hired. One cannot move too fast.

It seems to me this could have been cut down.

I am not going to offer amendments today to make reductions, but I would hope that in the future we could keep closer to the budget estimates, because this will get completely out of hand if we keep giving them money of this kind.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Illinois.

Mr. MICHEL. I believe it would be appropriate at this point to say that though I do not have all the figures for increased personnel for the entire bill, in one office, the Office of Education, this bill calls for more than 1,600 employees for the coming fiscal year, as compared to 1,165 in 1964. That is for the Office of Education.

Mr. BOW. I thank the gentleman for his contribution.

Mr. HARVEY of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Indiana.

Mr. HARVEY of Indiana. Mr. Chairman, I want to congratulate the gentleman on his very thoughtful presentation. I know he has long given earnest and very fair and unbiased consideration to this problem. One of the problems we are facing throughout the country is the inability to keep our medical graduates from our various schools of medicine in the local areas. I am sure that the gentleman is finding in Ohio the same problem that we are finding in my own State of Indiana.

Mr. BOW. That is right.

Mr. HARVEY of Indiana. And in the course of a discussion of this subject not very long ago with some of the authorities from the State of Indiana, the statement was made that the Federal Government in its various activities is preempting so many of our medical graduates for one type of effort or another that they are not leaving enough of these qualified men who would otherwise become local practitioners in Indiana or in the gentleman's State of Ohio. I wonder if the gentleman would care to comment on that.

Mr. BOW. I think the gentleman is absolutely right. The Government is moving into this field and, it is true, in all areas of education. There are so many Government contracts being made with colleges and universities for everything that we are doing, that you have the professors from the universities working on theses and under contract for making reports to the Government and have students teaching now in the colleges and universities. The professors are doing this Government work on contract and are leaving the teaching to students. When the time comes I believe that we have to have a discussion about this at some time, because instead of having these employees of the Government do the job for us, all of this work is going out to the colleges. I have been utterly amazed at the increase in this sort of thing over the last 5 years, as shown by the studies being made now. In commerce alone it has gone up about fivefold. They are doing more and more of it, and they have gotten so busy now in the colleges and universities of this country, being paid by taxpayers' dollars to make reports to the U.S. Government, that the professors just do not have time to teach our children any more.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LAIRD. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HARVEY of Indiana. Will the gentleman yield to me further?

Mr. BOW. I yield to the gentleman.

Mr. HARVEY of Indiana. In connection with his observations, I want to mention a fact that came to my attention recently with regard to the diversion of talents and efforts in our educational institutions in areas that are not considered normally to be their proper function as educational institutions. The figure was quoted to me that Massachusetts Institute of Technology, which I think is usually regarded as one of the outstanding engineering institutions in the country, today counts more than 80 percent of its total budget in terms of receipts from the Federal Government.

Mr. BOW. I agree with the gentleman. One thing I was going to say about some of these things going on at NIH is that I was particularly impressed by the one of the scientists going down now to South America and getting frogs and whistling to them and chucking them under the chin in order to get some serum or something from them by that process. I do not know whether it is necessary to teach our scientists to whistle to frogs and chuck them under the chin in order to attain some results.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. COLMER. The gentleman made some reference to an appropriation in excess of the budget request here.

Mr. BOW. Yes, I did.

Mr. COLMER. Can the gentleman tell us what the net result is in the entire bill?

Mr. BOW. My recollection is, on the items which I called to your attention, about $34 million.

Mr. COLMER. I was wondering what the net difference is between the budget recommendations in the overall bill and the amount appropriated here.

Mr. BOW. Of course, the bill shows a reduction of about $242 million, but I may say to the gentleman that I do not think it is a real reduction, because that comprises the contribution to the States and, as has happened every year, they will be back up here with a supplemental to pick that up. So I think it is actually $34 million.

Mr. HARVEY of Indiana. I thank the gentleman.

Mr. LAIRD. Mr. Chairman, I yield 7 minutes to the gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Chairman, as a member of the subcommittee I rise in support of H.R. 7765 which provides appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the 1966 fiscal year.

In this bill we are providing nearly $8 billion for the operations of these departments with over $7.3 billion budgeted for the Department of Health, Education, and Welfare. The Committee on Appropriations has reduced the spending requests of the various departments by nearly $330 million; but this bill provides $261 million more than was appropriated for the 1965 fiscal year.

The departmental requests were thoroughly considered and reviewed by the committee. Our subcommittee conducted hearings from early February until the latter part of March. More than 4,000 pages of testimony are included in the printed hearings. I commend the chairman for his thoroughness, his energy and his dedication.

There is a candid discussion in the committee report on a number of the weaknesses and shortcomings relating to the budget activities of certain bureaus and agencies.

The bill includes $3 billion for public assistance grants to States by the Welfare Administration. This is a reduction of 6 percent below the appropriation for 1965 and as has been said before, over $242 million less than requested in the administration's budget.

This represents a modest decrease when we consider the expansion of programs under the social security program in 1962 which were aimed at reducing dependency; expansion of vocational rehabilitation programs designed to take people off welfare rolls; and in view of the massive spending advocated in the antipoverty programs.

The committee has made several significant restorations and additions in this appropriations measure. In the light of what appears to be a deemphasis of certain veterans programs by the administration, the committee has recommended restoration of a proposed $427,500 cut in the funds of the Veterans Employment Service in the Labor Department budget. No new funds, however, are required. The Department will absorb this restoration.

The committee, and many of us in the Congress, are committed to those health programs that will lead us to new advances in the attack on major disease problems. Following testimony of medical and research authorities and by interested citizens and organizations across the Nation, the committee added funds over the budget request for the National Heart Institute to launch an artificial heart development program; an increase for the Institute of Arthritis and Metabolic Diseases to accelerate its research on various aspects of kidney disease; an increase for an intensified program of research on breast cancer by the National Cancer Institute; and restored $2 million in the appropriation to continue the important undergraduate training program in medical and dental schools to advance the treatment of cancer.

Mr. REINECKE. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. REINECKE. I am interested in some of these health research grants. From the testimony before the committee, is the committee basing these additional appropriations on results of past work or is this just a continuation of programs in the past? Do we have an effective evaluation method to know that we are getting something for these hundreds of millions of dollars that we are spending?

Mr. SHRIVER. Mr. Chairman, I think if the gentleman has carefully read the hearings he will find that we have both.

Mr. REINECKE. Of course, I did not have a chance to read 4,700 pages of testimony, as the gentleman can well understand.

Mr. SHRIVER. I understand.

Mr. REINECKE. It is the gentleman's opinion that we are getting full value for the money that is being expended?

Mr. SHRIVER. Yes. Many of the advances that have been made in the area of health have been fully substantiated by appropriations made by the Congress in past years. The subcommittee felt definitely that we were getting value for the research that was being done.

One of the problems that I thought needed consideration was the dissemination of research information out over the country of research gains that have been made through the Department and the National Institutes of Health.

Mr. REINECKE. Do we have any agency that evaluates the effects of this research?

Mr. SHRIVER. Perhaps the chairman will answer that.

Mr. FOGARTY. Well, the Institutes of Health, they have the General Accounting Office, they have two congressional committees looking over their shoulders out there all the time, and their activities are reported to the Congress.

They had a blue-ribbon committee appointed which has just made a report.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FOGARTY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SHRIVER. I thank the gentleman from Rhode Island.

Mr. FOGARTY. If the gentleman will yield further, they have a special committee that just reported to the Congress 4 or 5 weeks ago. They have the President's Committee on Science and Technology. They have about six or seven groups looking over their shoulders all the time and everyone has given the Institutes a clean bill of health.

Mr. REINECKE. Are these administrative committees or technical committees?

Mr. FOGARTY. They are both administrative committees and technical committees as well as task force committees set up by the President of the United States.

Mr. REINECKE. I thank the gentleman from Kansas for yielding.

Mr. MORTON. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Maryland.

Mr. MORTON. Could the gentleman tell me out of $100,000 of research grant money that is to be appropriated within this bill for these specific research programs, what portion of that money is overhead and what portion of it actually is used by technical people engaged in the research projects involved?

Mr. SHRIVER. I do not recall that we had it broken down in proportions, unless the chairman recalls the specific testimony.

Mr. FOGARTY. If the gentleman will yield further, all of the medical schools in the country have reached an agreement that they spend an average of 30 percent for overhead. The Defense Department's expense for overhead runs up to something like 40 percent or 45 percent. This is a very small amount.

Mr. MORTON. I thank the gentleman for yielding.

Mr. SHRIVER. Throughout the committee hearings it was particularly gratifying to me to hear various witnesses point up the leadership of my own State, the State of Kansas, particularly in the fields of mental health and education. It is always good to hear good reports concerning our own areas.

Mr. Chairman, we are asked to appropriate substantial moneys here today. And there is heavy emphasis upon existing health and education programs. However, there are many new programs which have been authorized.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOGARTY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SHRIVER. I thank the gentleman from Rhode Island. As I stated, Mr. Chairman, there are many new programs which have been authorized and others awaiting action which will have even a greater impact upòn the Federal Treasury.

The administration has requested a substantial increase of $1.3 billion in spending next year for the poverty program. While the much-heralded economic development program for Appalachia is not yet off the ground, plans are under way to initiate similar regional programs in other areas throughout the Nation.

The impact of new social security legislation, including the medicare program, is not yet reflected in the trust fund appropriation of the Social Security Administration. However, the expenditures from the Federal old-age and survivors insurance trust fund will increase by nearly $1.4 billion next year.

It has been stated many times before, but as we consider this appropriation measure it bears repeating: it is difficult to hold the line on spending after a program has been authorized by the Congress. We have a responsibility to the taxpayers of the Nation to effect meaningful economies at the time authorization legislation is considered in the House.

Mr. Chairman, the Appropriations Committee has done its best to seek full justification for the budget requests which are subject to House action today.

Mr. MICHEL. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman and members of the Committee, at the outset I want to take this opportunity to congratulate the chairman and the subcommittee for the fine work they have done in bringing forth this bill to the House.

I would like to ask the chairman, however, about the item with regard to the public library grant program for fiscal year 1966.

It was my feeling that Mr. Keppel of the Department of Health, Education, and Welfare had asked for $75 million in order to carry out this program.

Mr. FOGARTY. If the gentleman will yield, the Department of Education asked for $75 million and the Budget Bureau cut this request by $20 million. We gave the full amount that was authorized by the Bureau of the Budget.

Mr. CONTE. One other question. As I understand it from reading the hearings, the chairman felt that the library programs ought to reach $155 million. The committee report indicates an estimated need of $400 million just to build the needed public library space.

Mr. FOGARTY. There are some very high figures involved, but I do not remember that one. I might have said twice as much. I had in mind they had $140 million worth of applications for construction of libraries that could be used out of the appropriated funds.

Mr. CONTE. I agree with the chairman, and I realize that $155 million would be a barebone figure to carry out this program. I think it is a lot more important to build our libraries and teach our children, rather than spending money in other ways around the country.

Mr. Chairman, I would like to express a word of regret and dismay over the decision of the administration to shortchange the vital public library program contained in this appropriation bill. I think we have here another classic example of the fundamental inconsistency between the thrilling rhetoric we get from the White House and the true mood and attitude of the President toward the honest needs of the Nation.

I feel strongly enough about this library matter that I would like to at least spell out the facts for the taxpayers—the same taxpayers, I might add, who are being asked to pay for such activities as a colossal gardening program in Washington and the most stupendous sectional pork barrel windfall of all time, the Appalachia program, which, I must confess, I am still at something of a loss to explain to my constituents.

I will not burden this body or waste its time with a harangue on the virtues of education and the merits of the broadest possible free library facility. I will rely on the good judgment and sincere concern for the Nation's welfare, which I am certain each of us feels in full measure. But I would like to call attention to some of the facts and figures in regard to the library appropriation.

The Office of Education framed a request for $75 million for its public library grant program in fiscal 1966. The request was the distillation of, first, the fact that State and local funds available under the matching provisions of this program, at present far exceed the Federal Government's available funds. Further, the indications are that even more matching funds at the State and local level will be available in fiscal 1966. Thirdly, we have the estimate that some

$400 million is presently needed for construction alone, which does not include books, staff, maintenance, and upkeep merely to meet our present requirements.

These facts notwithstanding, the Bureau of the Budget chopped the amount requested for public library grants to $55 million.

I am disappointed to note that the Appropriations Committee upheld this cut and has reported out an appropriation of only $55 million for this important program. I am disappointed, because I have read the testimony and the statements, and I have noted the sympathy for this program on the part of the members of the subcommittee and its fine chairman, the distinguished gentleman from Rhode Island [Mr. FOGARTY].

During the hearings, the gentleman expressed amazement over the fact that $20 million had been scrubbed out of the library program by the administration. I echo his amazement.

I might also point out that the gentleman expressed the feeling during his hearing on this matter that the appropriation ought to be $155 million instead of $55 million. I can echo his sentiments on this point too, and I am delighted to note his enthusiasm for this vital activity.

Mr. Chairman, it is a matter of legislative record that this library grant program has been among the most popular programs of its kind in each of the States. It has been popular because it is an honest, effective, worthwhile program which has yielded tangible benefits. I agree with the distinguished gentleman from Rhode Island that it is wrong to cut this program.

What is the use of creating such programs if they are not to be supported? The library program was extended last year by act of this Congress in response to a request from the administration. The administration was happy enough to take credit for it, as was right and proper. But I wonder how happy the administration is to assume the blame for betraying the promise it makes on the one hand by sapping the strength to fulfill it on the other.

I think what we have here is another example of this administration's manipulation of the books in an effort to work miracles for us while still keeping the budget under that mystical $100 billion ceiling.

The administration is juggling the books and the victims are the taxpayers. Let us not kid ourselves and let us not kid the taxpayers. Let us not be deluded by the promise that the Great Society is going to cleanse us of ignorance and poverty completely free of charge. It cannot be done. We get only what we pay for. What we are unwilling to pay for, we are going to have to do without. I submit that this public library program is something we can ill afford to sacrifice on the altar of false economy.

I think it is high time we applied a little practical commonsense to some of these proposals. I am all in favor of green grass and pretty flowers—I have spent enough time in my own backyard trying to get these things to grow—but I wonder, on the balance, whether these are important enough to warrant the administration's austerity posture on such vital issues as support for the Nation's free public libraries.

Mr. MICHEL. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Chairman, I am very anxious to ask a question or two, and am glad of this opportunity to do so.

In the matter of mental health: I wonder if this committee has made any study at all of the rather extraordinary work that is being done in Princeton in psychiatry in the building of the hospitals for the mentally ill, and in the treatment of the mentally ill?

Mr. FOGARTY. We do not have all specific projects brought to our attention, because we do not pass on specific projects. These are funded after applications from the universities are submitted and approved and unless funds are earmarked in this appropriation bill we do not always hear about the work that is being carried on in the many different institutions under thousands of different grants.

Mrs. BOLTON. I have been living under a delusion. I thought your committee was one having oversight over these various studies and various methods of going forward with them.

Mr. FOGARTY. No. They have the best people in the country operating the National Institutes of Health.

Mrs. BOLTON. Who does the gentleman mean by "they"?

Mr. FOGARTY. The Government. The Science Foundation, the Defense Department, and almost every other agency in Government with a large research grant program has followed the formula established by the National Institutes of Health because that has been determined by people in this area to be the best form up to this point.

Mrs. BOLTON. Then the National Institutes of Health is responsible?

Mr. LAIRD. Mr. Chairman, will the gentlewoman yield?

Mrs. BOLTON. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I would like to add to the comments made by the chairman of the subcommittee. This program at Princeton is financed through grants from the National Institute of Mental Health. Princeton is taking part in this program and I expect they will continue in 1966. I have not reviewed the Princeton project thoroughly. It is my understanding they will be funded further in the fiscal year 1966.

Mrs. BOLTON. Only through 1966? If one wants to find out, one should go to the NIH, or where?

Mr. LAIRD. I can say to the gentlewoman this approval would be by the Council.

Mrs. BOLTON. What council?

Mr. LAIRD. The National Advisory Council on Mental Health is the council that reviews these applications, and the continuation of this program is decided by the Council. I can assure the gentlewoman from Ohio this is in the approved category, as I understand it. I will check on this so that we have the correct information, but I can assure the gentlewoman there are funds in the bill for this program if the Council approves it.

Mrs. BOLTON. I was wondering who passes on them?

Mr. LAIRD. The Council which is appointed by the Surgeon General of the Public Health Service, Dr. Luther Terry. These councils are recommended by the Director of the National Institute of Mental Health and submitted to the Director of the National Institutes of Health, Dr. Shannon, and finally appointments are made by the Surgeon General of the United States with the approval of the Secretary of HEW. These are all eminent, well-qualified people in the various areas. The Council on Mental Health passes on all of these particular applications and I shall place in the RECORD at this point the names of members of the Council.

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Dr. Jack R. Ewalt (65), professor of psychiatry, Harvard Medical School, Boston, Mass.

Dr. Louis S. Goodman (66), professor and head, Department of Pharmacology, University College of Medicine, Salt Lake City, Utah.

Mr. Mike Gorman (65), executive director, National Committee Against Mental Illness, 1028 Connecticut Avenue NW., Washington, D.C.

Dr. George C. Ham (65), professor of psychiatry, University of North Carolina, Chapel Hill, N.C.

Mrs. Geraldine Joseph (67), 5 Red Cedar Lane, Minneapolis, Minn.

Dr. Paul V. Lemkau (68), professor of mental hygiene, School of Hygiene and Public Health, Johns Hopkins University, Baltimore, Md.

Mr. J. Quigg Newton, Jr., (68), president, Commonwealth Fund, 1 East 75th Street, New York, N.Y.

Dr. Charles R. Strother (67), professor of psychology and director, Pilot School, University of Washington, Seattle, Wash.

Senator Robert D. Williams (66), the senate, California Legislature, State Capitol, Sacramento, Calif.

Dr. Robin M. Williams, Jr. (67), professor of sociology, Department of Sociology, Cornell University, Ithaca, N.Y.

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Capt. Ralph L. Christy, Medical Corps, U.S. Navy, Head, Neuropsychiatry Branch, Bureau of Medicine and Surgery, Navy Department, Washington, D.C.

Mrs. BOLTON. I thank the distinguished gentleman very much as well as the chairman of the committee, the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Chairman, I yield 5 minutes to the very distinguished member of our subcommittee, Mr. MATTHEWS, from the great State of Florida.

Mr. MATTHEWS. Mr. Chairman, I want to congratulate the distinguished chairman of our subcommittee for the magnificent work he has done and to say how much I have enjoyed working with the Members on both sides of the aisle on this particular appropriation bill.

Mr. Chairman, when I first assumed my duties on this subcommittee dealing with the medical sciences after having served 10 years with the Committee on Agriculture, I told the distinguished doctors who were visiting us one day that I felt like the gentleman of whom my colleague from Florida [Mr. ROGERS] told about one day some years ago.

This gentleman was a porter in a drugstore and all in the world he had to do was to sweep the floor. He never asked any questions. He never answered any questions. All he did was sweep the floor. But on this particular occasion, the owner of the drugstore had to leave a little bit earlier so he called the porter and he said, "Now, John, all you have to do is close the door when you get through sweeping. Do you understand?" The porter said, "Yes, sir." The owner closed the door and left. The telephone rang. The porter went to the telephone and he said, "Hello." A voice on the other end of the wire said, "Do you have Aureomycin, streptomycin—penicillin?" The porter said, "Hello." and the voice at the other end of the wire repeated, "Do you have Aureomycin, streptomycin—penicillin?" The porter said, "Boss, when I told you 'hello,' I told you everything I know."

So I had somewhat that feeling about these medical terms when I first began to discuss this important bill. But it was not long before it made sense to me. I have thoroughly enjoyed my association with this great committee.

Mr. Chairman, I want to call particular attention to page 11 of the committee report to a statement concerning compliance with the Civil Rights Act. I quote from the report of the committee:

> The committee recommends that there be developed, at the Washington level, a more expeditious way of processing applications which have been forwarded by local, State, and district school boards signifying compliance with the Civil Rights Act. The committee has received information indicating that there have been undue delays in processing these applications.

I have had extensive conversations with our State superintendent of public instruction in Florida, Hon. Thomas D. Bailey, about this problem.

Superintendent Bailey has reported to me that our county school boards and superintendents have faced the matter of complying with the Civil Rights Act with a high degree of responsibility. They have endeavored to follow the law and the directives of the U.S. Office of Education to the best of their ability. In spite of some disagreement with the Civil Rights Act, their morale has been high and their approach to solving the problems promises to be effective. However, the patience of our people has its limits, and the morale in complying with the Civil Rights Act is likely to be completely destroyed, owing to the fact that it seems to be impossible to get action, decisions, and information from the U.S. Office of Education.

After many, many days and weeks of effort, the statement of compliance by the Florida State Board of Education was finally approved by the Commissioner of Education on Wednesday, April 14, thus enabling Florida to channel certain Federal funds to eligible county school systems and to secure approval of State plans for vocational education and other programs. We, of course, are grateful to Commissioner Keppel and his assistants for this favorable action, but it is just one little step forward. While we take this one little step forward, we take, I am afraid, two steps back, because we have not solved the problem of getting approvals for channeling Federal funds and federally subsidized services to our county school systems and our other educational institutions.

We in Florida have three principal problems.

First, our public junior colleges and two of our county school systems, Dade and Charlotte, signed HEW form No. 441, assurance of compliance with the Civil Rights Act of 1964. Under advice from the U.S. Office of Education personnel that there was no alternative for them to sign form No. 441 and also on the assurance that it was proper for them to do so, our junior colleges executed this form. Dade and Charlotte County school boards executed the form on the basis that they were in good faith desegregated. According to regulations and instructions sent out by the U.S. Office of Education, county school systems and institutions which have properly executed form No. 441 are eligible to participate in federally subsidized educational programs without restriction or question. However, it is my understanding that Superintendent Bailey has been advised by telephone from the U.S. Office of Education that Florida should not channel funds and services to these institutions and counties until further notice from the U.S. Office of Education. Now, these counties and colleges apparently have complied with all requirements of law and regulations, and I think they should be advised that they are in order, or notified specifically that they are not and why they are not, so they can plan accordingly.

Let me point out another problem facing us in Florida. School districts which are not fully desegregated or under court order for desegregation are permitted under U.S. Office of Education regulations to submit plans of compliance leading to desegregation. Such plans have been submitted by 52 of the 67 counties, the earliest under date of February 5 and the latest on March 12. Approval of these plans by the U.S. Office of Education is necessary if these counties are to continue to participate in Federal funds. As of the last time I talked with Superintendent Bailey—I emphasize, this was on April 19, and there may have been some changes since, but I doubt it—Florida had received no official notice whatsoever concerning the acceptability or nonacceptability of any of these 52 plans of compliance. Our people have been told informally by telephone that two plans have been found acceptable, and two have been found unacceptable, but no official word has been received about any plan. Thus, our county school boards are left in the position of not knowing which way to turn. They cannot work on revising their plans, if they are not in good order, because they have not been notified that they are unacceptable. Most of these plans provide for notices to parents and pupils before the end of the present school year. With the approach of the closing of schools, time is running out to implement these plans this year, even if they are found to be acceptable. This is developing into an impossible situation for our county school boards in Florida. An early decision on these 52 plans, one way or the other, is imperative.

Let me emphasize now, the third problem. We in Florida are asking the U.S. Commission of Education for a favorable ruling that expenditures will be valid for National Defense Education Act audit and matching purposes, provided they are made subsequent to the submission of plans for compliance to the State Department of Education for transmission to the U.S. Office of Education, even though this date may precede the date when final approval of the plan for compliance is given by the U.S. Office of Education. If a favorable ruling on this is not received, our county school systems and other institutions will lose very large amounts of Federal money for education, and their educational programs will be damaged. Let me emphasize that students of all races, colors and creeds will suffer. Our people in Florida have been advised by personnel in the Office of Education who are responsible for administering the Civil Rights Act that this proposal does not affect the civil rights aspect of their program, but relates only to the accountability for the funds.

I think, then, Mr. Chairman, that the statement of the committee is certainly an understatement of fact. Surely we need at the Washington level a more expeditious way of processing applications which have been forwarded by local, State and district school boards signifying compliance with the Civil Rights Act. I hope the appropriate authorities will take this suggestion of the committee to heart and will give people all over America much prompter action in this important matter.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. I do not understand the use of the word "applications" in this connection, because libraries in my district have been served with notice that they must sign not applications but an "assurance of compliance." They are not called applications. The title of the form, as issued by the Department of Health, Education, and Welfare, is "Assurance of Compliance." I do not understand where the committee in its report on page 11 gets the word "applications."

Mr. MATTHEWS. Let me point out the action of the committee was directed toward the Office of Education. What the gentleman is talking about is connected with the Department of Health, Education, and Welfare.

Mr. GROSS. That is correct.

Mr. MATTHEWS. And that problem was not called to our attention.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I have noted with approval the statement contained in the committee report, on page 25, which points up that the Congress has a right to expect the executive branch to present a forward-looking budget. This report points up further that such a budget should provide for the growing capability of science, as well as the increasing cost and sophistication of our scientific effort. This report goes on to state that in the absence of adequate budget estimates, it is necessary for the committee to examine the real needs of the programs.

I do not think, Mr. Chairman, that anyone familiar with my voting record will accuse me of being overliberal when it comes to appropriations; but I want to state here and now that I fully support the committee statement with regard to adequate budget estimates, and feel that, while Congress should cut out waste, it has an equal responsibility to add funds for necessary programs.

In this connection, I want to say that I note with approval that the committee has added funds not requested in the budget for several new programs having to do with the health needs of our time and our country. I refer, for example, to the fact that the committee has included $2½ million over the budget request for the National Heart Institute, to launch an artificial heart development program. In other words, Mr. Chairman, I believe there is an immediate need for an artificial heart device which can be safely used, and that in spite of the fact that the budget request failed to ask for funds for developing some new equipment along this line, funds should be provided, and I am glad they are provided in this legislation for this purpose.

Likewise, Mr. Chairman, I fully support the inclusion of $2 million in this bill, over the budget request, for the Institute of Arthritis and Metabolic Diseases, to accelerate research on hemodialysis and related methods of blood and lymph purification, and for studies on the uremic syndrome. The testimony fully supports the need and desirability of funds for developing new methods in connection with kidney failure.

Mr. Chairman, I have observed firsthand these methods developed in recent years which permit the saving of lives of patients who have suffered the loss of kidney function, through the repeated use of the kidney machine. This technique, while expensive and limited in its capacity, is available at the University of Washington Medical Center, and likewise, at the Swedish Hospital in my congressional district in Seattle. The equipment and artificial kidney facilities are constructed in my district; in fact, originally pioneered in Seattle and I know firsthand that people are being kept alive and leading normal lives who otherwise, because they have lost the use of their kidneys, could not survive.

So, as I say, in spite of the fact that these new programs are not in the budget, I commend the committee for providing additional funds for these specific new programs.

It is as simple as this, Mr. Chairman, these increases will enable many of our citizens to live useful and purposeful lives; failure to provide these increases will, in effect, condemn a number of afflicted people to death. So, as I say, I express my appreciation to the committee for providing these funds, even though the President had not requested them.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Page 1, line 22:

BUREAU OF EMPLOYMENT SECURITY, SALARIES AND EXPENSES

For expenses necessary for the general administration of the employment service and unemployment compensation programs; performing functions under the Manpower Development and Training Act of 1962, as amended; and administration of the Farm Labor Contractor Registration Act of 1963; $2,160,000, together with not to exceed $15,434,000 which may be expended from the employment security administration account in the unemployment trust fund, of which $1,708,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise to ask a question of the chairman of the committee. I see that on page 5 the committee put in a statement in its report concerning the domestic farm labor program. We in Florida have had great difficulty, particularly now and in the preceding days, during the current harvest. I have found that the Bureau of Employment Security is a very difficult agency to deal with. They have been most unrealistic and most unhelpful in trying to handle adequate farm labor for Florida. Everyone agrees domestic labor ought to be hired first if available, but after that there is a law which the Congress passed and which is now on the books, Public Law 414, which says that if domestic labor is not available, then the Secretary may administer this with the Attorney General. I want to ask the chairman if this was the understanding of the committee as to the intent of Congress.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the chairman.

Mr. FOGARTY. That is the understanding of the committee, I might say, and that is why we put this language in the report that if domestic labor is not available for perishable fruits to be picked, which have to be picked in a 2- or 3-week period, let us say, then we expect to make some exceptions along this line and I understand that this situation has been in effect in three or four States during the past 3 or 4 weeks.

Mr. ROGERS of Florida. I thank the gentleman. I would like to bring to the attention of the Secretary of Labor who, I hope, will read this RECORD, that we do need some help in the celery crop and the sweet corn crop in Florida. For the Secretary's benefit I want to quote the committee:

> The committee agrees that foreign labor should not be imported if there is capable domestic labor available to do the job. However, the timely availability of labor for the harvesting of perishable agricultural products is essential. Lack of it can mean bankruptcy for individual farmers and shortages and higher prices for consumers. Timely availability of labor under current circumstances cannot be assured with the domestic farm labor programs we have had in the past.

I agree completely with the statement the committee has made in its report. I hope the Secretary of Labor will act now before it is too late to do something about getting the proper kind of labor to these farmers who have the crops ready to harvest. I hope this will spur the Secretary to some action.

Mr. MATTHEWS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I want to apologize to the Committee for rising so soon after I have already spoken just a few minutes ago. But I want to take this opportunity to thank the chairman of our subcommittee, the gentleman from Rhode Island [Mr. FOGARTY], for the amount of time that he gave us to discuss this particular problem in our subcommittee.

I want to say to my colleague from Florida [Mr. ROGERS]—and I notice here the gentleman from Florida [Mr. HALEY] and others of us from Florida who are particularly interested in this problem of adequate farm labor that we interrogated Secretary Wirtz at great length. Of course, this is a very serious problem. We all know that. There are good men on both sides of this issue, but I said to Mr. Wirtz that we in Florida feel that we simply cannot get enough domestic labor to harvest our crops. I pleaded with him to help us in every way he possibly could to see that we got enough domestic labor and if we could not get enough domestic labor, not to close the door to offshore labor.

The committee included all of the funds that we felt Secretary Wirtz needed to try to recruit ample domestic labor. I am very grateful for that fact. But I want to say very frankly, and just as forcefully as I can, Mr. Chairman, that I just do not believe that this problem is going to be solved by domestic labor alone. That is my own personal opinion. And I think that is the opinion of the majority of our farm producers in the State of Florida.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to my colleague from Florida.

Mr. HALEY. Mr. Chairman, may I say to my good friend from Florida that this is a serious problem not only in the State of Florida but in many other parts of the Nation. Many States are having the same problem. We must have a practical understanding of what is involved here. At certain times of the year in the gathering of perishable crops it is necessary to have a tremendous amount of labor, and unless you have it at the particular time you can lose a whole season's work. I, too, hope that the Secretary will be practical about this matter and not only give some relief to Florida but to our great sister State of California and to many other parts of our great Nation.

Mr. MATTHEWS. I thank the gentleman.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I am glad to yield to the gentleman from California.

Mr. TEAGUE of California. I thank the gentleman from Florida and all of the gentlemen from Florida for having brought this problem once more to the attention of the membership of the House of Representatives.

I have spoken often here and made this same point many, many times.

I have just returned from California and I would like to relate this situation to the Members of the House. As I predicted and said so often, the press and people who say that imported labor is brought here as slave labor and labor only for the use and the interest and profit of large corporate farmers, are entirely wrong. The large corporate farmers in California at least are doing pretty well. They are outbidding the little farmers in piece rates and they can afford to mechanize. They are and have been for some time providing adequate housing and they are fairly well.

However, it is the little farmer, the family farmer, and the people we have been bleeding for for so long in this House, at least in California, who are going to suffer and suffer very, very heavily this year and for several years to come.

Mr. Chairman, I repeat, it is not the big farmers that are hurting. It is the little farmers.

Mr. MATTHEWS. I thank the gentleman for his observation.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I am delighted to yield to the gentleman from California.

Mr. DON H. CLAUSEN. After the appearance of the Secretary, Mr. Wirtz, before your committee, did you arrive at any conclusions or did he give you anything in the way of encouragement with reference to this problem? I would like to have a response from the gentleman as to how Secretary Wirtz responded to the gentleman's inquiry.

Mr. MATTHEWS. I must say that he felt that in the near future we could do without any labor other than domestic labor. But I will say that he assured us that he would approach this matter with fairness. Since that time, of course, he has been to our own State of Florida, but it is Secretary Wirtz' belief I believe that in the very near future we are not going to need any labor other than domestic labor, and it is on that issue that I disagree with him.

Mr. DUNCAN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to say on this issue that there are a number of Members who are concerned with this problem. However, I believe we can assure the membership that this subcommittee has fulfilled its responsibilities fully in this field of farm labor. I believe we have given each dollar that was requested by the Secretary in order to carry out his domestic recruitment program.

The gentleman from Florida and myself and other Members, as well as the chairman of the full committee, the gentleman from Texas [Mr. MAHON], are vitally interested in this and we expressed our opinion to the Secretary that while we were not confident that he would be able to fully meet the needs of agricultural labor from domestic sources, if he were unable to do so, we did not want it to be because this subcommittee had denied to him $1 of the funds which he said were necessary.

We urged him, and I think the Secretary is well aware of the extreme importance of agricultural labor in gathering the crops off the trees, as in the case of my State, or gathering the crops off the plants as is the case in the other States at the time they are at their maximum peak for harvesting.

Mr. Chairman, there are many more jobs involved in this problem than just the jobs of people who harvest the crops. There are transportation jobs and jobs in the canneries and there are distribution jobs and indeed the whole field of consumer relations is involved.

I believe we can assure this House that this committee has fully fulfilled its responsibilities.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I agree with the gentleman and share the gentleman's concern about what is happening in this particular area. We in the State of Michigan are concerned particularly with the pickle growers. It is not a big commodity but it is one of concern in our area. The pickle farmers are unable to get the people necessary to handle this crop, and unless something is done there is going to be a tremendous loss. As the gentleman pointed out, there are people who work in canneries that are involved. So, unless the Secretary of Labor makes some change in his present attitude, I feel we are going to have a real economic loss to many farmers in the State of Michigan and the stoop labor just is not available to do the job.

As far as we are concerned, if the Secretary of Labor can find them, we would be glad to have them to do the job.

Mr. DUNCAN of Oregon. I think everyone in this room will agree that the jobs ought to be performed by American labor if American labor can be found to do the job. It is the purpose of these appropriations under discussion at the present time to assist the Secretary in locating and bringing to the field the necessary domestic labor. If it is available I am certain the Secretary will fulfill his responsibility to see that the crops are harvested.

Mr. BYRNES of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make inquiry about the funds and the distribution of funds for manpower development and training activities. It seems to me this is one of the programs that we have that has great potential for good in operating and increasing the training of our people. Yet, I understand there are some complaints about the question of whether these funds are being distributed to the States on the basis of the formula that was contemplated by the original substantive legislation. I see where we are appropriating in this bill $273,500,000 for this purpose. I am wondering how this is to be allocated between the States, and whether it is being allocated in accordance with the fundamental formula that was anticipated in the substantive legislation.

Mr. FOGARTY. I may say briefly that these funds are distributed on a formula basis, mainly on population. If some of the States do not take advantage of these funds then the Secretary can distribute them to other States that have applications pending. As I understand it, this redistribution is made almost automatically. The gentleman from Wisconsin [Mr. LAIRD] has made a thorough study of this and knows more about it than I do. Maybe he can give you a better answer.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I appreciate the compliment of the gentleman, but I assure the House that the gentleman from Rhode Island does know more. No one knows as much about this as he does.

As far as the distribution formula is concerned, there have been amendments made to this distribution formula. It provides no allocation can be made until after the first two quarters of the fiscal year. The Department of Labor has not followed through on its commitment to the Committee on Education and Labor in this area. This year they went ahead and made distributions by which at least one State received 500 percent of its allocation under the law, while there were applications pending in other States that had not received even 50 percent. In the testimony before the Committee on Education and Labor a record was made last year that this would not happen. We have admonished the Department of Labor not to follow this practice again, and I would hope no allocation or redistribution is made until after the third quarter of the fiscal year 1966. The gentleman from Wisconsin is entirely right, this allocation formula has not been followed properly by the Labor Department. I am sure, in view of the interest we have expressed in this whole program, that they will not follow this procedure again.

I would like to include at this point the allocation that will be made for the fiscal year 1966 on the basis of the appropriations in this bill. Of course, these figures are pretty much illustrative since they are based on the old law. We will get revised figures when we have hearings on the supplemental in a few weeks.

Estimated distribution of funds for training and allowances under title II of the Manpower Development and Training Act for fiscal year 1966 (based upon one-third State matching of institutional training costs and trainee allowances)

[In thousands of dollars]

State	Total estimated funds [1]	Estimated Federal funds	Estimated State funds
U.S. total	340, 195	245, 861	94, 334
Alabama	4, 729	3, 417	1, 311
Alaska	680	492	189
Arizona	1, 905	1, 377	528
Arkansas	2, 585	1, 869	717
California	41, 640	30, 093	11, 546
Colorado	3, 538	2, 557	981
Connecticut	4, 967	3, 590	1, 377
Delaware	782	565	217
District of Columbia	1, 361	983	377
Florida	6, 736	4, 868	1, 868
Georgia	5, 545	4, 008	1, 538
Guam	68	49	19
Hawaii	1, 089	787	302
Idaho	1, 395	1, 008	387
Illinois	19, 187	13, 867	5, 320
Indiana	6, 668	4, 819	1, 849
Iowa	4, 354	3, 147	1, 207
Kansas	3, 742	2, 704	1, 038
Kentucky	5, 545	4, 008	1, 538
Louisiana	5, 069	3, 663	1, 406
Maine	1, 327	959	368
Maryland	4, 286	3, 098	1, 189
Massachusetts	12, 213	8, 826	3, 387
Michigan	13, 370	9, 662	3, 707
Minnesota	6, 226	4, 499	1, 726
Mississippi	3, 368	2, 434	934
Missouri	7, 926	5, 729	2, 198
Montana	1, 089	787	302
Nebraska	2, 279	1, 647	632
Nevada	714	516	198
New Hampshire	987	713	274
New Jersey	14, 696	10, 621	4, 075
New Mexico	1, 225	885	340
New York	38, 918	28, 127	10, 792
North Carolina	6, 226	4, 499	1, 726
North Dakota	1, 259	910	349
Ohio	19, 085	13, 793	5, 292
Oklahoma	3, 334	2, 409	924
Oregon	3, 470	2, 508	962
Pennsylvania	23, 848	17, 235	6, 613
Puerto Rico	3, 096	2, 237	858
Rhode Island	1, 633	1, 180	453
South Carolina	3, 470	2, 508	962
South Dakota	1, 191	861	330
Tennessee	5, 443	3, 934	1, 509
Texas	13, 642	9, 859	3, 783
Utah	1, 667	1, 205	462
Vermont	782	565	217
Virginia	4, 525	3, 270	1, 255
Virgin Islands	68	49	19
Washington	5, 851	4, 229	1, 623
West Virginia	2, 722	1, 967	755
Wisconsin	7, 858	5, 679	2, 179
Wyoming	816	590	226

[1] Based upon fiscal year 1965 apportionment factors. Public Law 84-415, sec. 310, requires annual redetermination of State apportionment factors.

Mr. BYRNES of Wisconsin. The gentleman does feel that the committee has assurances that at least in the coming fiscal year the allocation of this $273 million appropriated here will be in accord with the formula, and that there will not be this distribution to States that already have had their fair share until all of the applications have been processed.

Mr. LAIRD. I believe the Department of Labor will follow that procedure, and we urge them to do that.

Mr. BYRNES of Wisconsin. I thank the gentleman.

The Clerk read as follows:

BUREAU OF INTERNATIONAL LABOR AFFAIRS

Salaries and expenses

For expenses necessary for the conduct of international labor affairs, $1,204,000.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to ask a question or two concerning the subject of the Bureau of International Labor Affairs. How is this money expended? Is this in connection with the International Labor Organization?

Mr. FOGARTY. It is. I might say to the gentleman, this appropriation carries fewer positions in 1966 than they had in 1965. This is one area where we have a reduction in the number of positions.

Mr. GROSS. This then is the money that is used to finance U.S. participation in the International Labor Organization?

Mr. FOGARTY. It does not finance the participation; no. But it backs up the international labor movement.

Mr. GROSS. Then there is money in another bill for that purpose?

Mr. FOGARTY. Yes, in the State Department.

Mr. GROSS. I see. A subcommittee of which I am a member held some hearings early this year or late last year in connection with the International Labor Organization and it appeared then that the U.S. representation was quite dissatisfied with what is happening in recent international conferences.

Mr. FOGARTY. That is in the State Department appropriation bill.

Mr. GROSS. I suppose the gentleman is acquainted with the dissatisfaction on the part of the American representatives in that they are having trouble with delegates of the Communist-dominated countries and with sympathizers of communism from other countries? I would hope that this committee would keep a close check with a view toward cutting this appropriation further if this situation continues to get worse.

While I have the floor, I would like to ask the gentleman a question concerning, I believe it is, the Office of Equal Opportunity and the medical examinations of the individuals applying for training under this new setup. Is there any money in this bill for these physical examinations or is that to be found in some other bill?

Mr. FOGARTY. No; you are talking about the Office of Economic Opportunity—the anti-poverty program?

Mr. GROSS. Yes.

Mr. FOGARTY. There is no money here for those purposes and we expect them to ask for any funds they need for personnel and any other services when they come before our committee in May—if the program is extended.

Mr. GROSS. I will say to the gentleman that I asked the question because I was amazed to learn the other day that where there is no veterans' facility or no USPHS facility to provide for Federal examination of applicants that local officials are authorized to pay as much as $80 per person for examinations by private physicians.

Mr. FOGARTY. If they do that, it comes out of their appropriations and not out of this appropriation.

Mr. GROSS. But there is no money in this bill for that?

Mr. FOGARTY. No, there is no money in this bill for that purpose.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FOGARTY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7765) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. FOGARTY. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that I have permission to extend my own remarks and to include extraneous matter and tables.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

INTERNATIONAL COFFEE AGREEMENT

Mr. BOLLING, from the Committee on Rules (on behalf of Mr. O'NEILL of Massachusetts) reported the following privileged resolution (H. Res. 364, Rept. No. 283), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 701) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

PROCUREMENT OF AIRCRAFT MISSILES AND NAVAL VESSELS

Mr. BOLLING, from the Committee on Rules (on behalf of Mr. COLMER) reported the following resolution (H. Res. 365, Rept. No. 284), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7657) to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

That after the passage of H.R. 7657, the Committee on Armed Services shall be discharged from the further consideration of the bill S. 800; that it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 7657 as passed.

ADDITIONAL APPROPRIATIONS FOR MILITARY REQUIREMENTS IN VIETNAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 157)

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Congress of the United States:

I ask the Congress to appropriate at the earliest possible moment an additional $700 million to meet mounting military requirements in Vietnam.

This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and Communist attack will not succeed.

In fiscal year 1965 we will spend about $1.5 billion to fulfill our commitments in southeast Asia. However, the pace of our activity is steadily rising. In December 1961, we had 3,164 men in South Vietnam. By the end of last week the number of our Armed Forces there had increased to over 35,000. At the request of the Government of South Vietnam in March, we sent marines to secure the key Danang-Phu Bai area; 2 days ago, we sent the 173d Airborne Brigade to the important Bien Hoa-Vung Tau area. More than 400 Americans have given their lives in Vietnam.

In the past 2 years, our helicopter activity in South Vietnam has tripled—from 30,000 flying hours in the first quarter of 1963 to 90,000 flying hours in the first quarter of this year.

In February we flew 160 strike sorties against military targets in North Vietnam. In April, we flew over 1,500 strike sorties against such targets.

Prior to mid-February we flew no strike sorties inside South Vietnam. In March and April, we flew more than 3,200 sorties against military targets in hostile areas inside the country.

Just 2 days ago, we dispatched Gen. C. L. Milburn, Jr., Deputy Surgeon General of the Army, to assist U.S. representatives in Vietnam in formulating an expanded program of medical assistance for the people of South Vietnam. We are contemplating the expansion of existing programs under which mobile medical teams travel throughout the countryside providing on-the-spot medical facilities, treatment, and training in rural areas.

The additional funds I am requesting are needed to continue to provide our forces with the best and most modern supplies and equipment. They are needed to keep an abundant inventory of ammunition and other expendables. They are needed to build facilities to house and protect our men and supplies.

The entire $700 million is for this fiscal year.

The Secretary of Defense will today support this request before the appropriate congressional committees.

Nor can I guarantee this will be the last request. If our need expands I will turn again to the Congress. For we will do whatever must be done to insure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and Nation.

I have reviewed the situation in Vietnam many times with the Congress, the American people, and the world. South Vietnam has been attacked by North Vietnam. It has asked our help. We are giving that help because our commitments, our principles, and our national interest demand it.

This is not the same kind of aggression with which the world has been long familiar. Instead of the sweep of invading armies, there is the steady, deadly stream of men and supplies. Instead of open battle between major opposing forces, there is murder in the night, assassination, and terror. Instead of dramatic confrontation and sharp division between nationals of different lands, some citizens of South Vietnam have been recruited in the effort to conquer their own country.

All of this shrouds battle in confusion. But this is the face of war in the 1960's. This is the "war of liberation." Kept from direct attack by American power, unable to win a free election in any country, those who seek to expand communism by force now use subversion and terror. In this effort they often enlist nationals of the countries they wish to conquer. But it is not civil war. It is sustained by power and resources from without. The very object of this tactic is to create the appearance of an internal revolt and to mask aggression. In this way, they hope to avoid confrontation with American resolution.

But we will not be fooled or deceived, in Vietnam or any place in the world where we have a commitment. This kind of war is war against the independence of nations. And we will meet it, as we have met other shifting dangers for more than a generation.

Our commitment to South Vietnam is nourished by a quarter century of history. It rests on solemn treaties, the demands of principle, and the necessities of American security.

A quarter century ago it became apparent that the United States stood between those who wished to dominate an entire continent and the peoples they sought to conquer.

It was our determined purpose to help protect the independence of the Asian peoples.

The consequence of our determination was a vast war which took the lives of hundreds of thousands of Americans. Surely this generation will not lightly yield to new aggressors what the last generation paid for in blood and towering sacrifice.

When the war was over, we supported the effort of Asian peoples to win their freedom from colonial rule. In the Philippines, Korea, Indonesia, and elsewhere we were on the side of national independence. For this was also consistent with our belief in the right of all people to shape their own destinies.

That principle soon received another test in the fire of war. And we fought in Korea, so that South Korea might remain free.

Now, in Vietnam, we pursue the same principle which has infused American action in the Far East for a quarter of a century.

There are those who ask why this responsibility should be ours. The answer is simple. There is no one else who can do the job. Our power is essential, in the final test, if the nations of Asia are to be secure from expanding communism. Thus, when India was attacked, it looked to us for help, and we gave it gladly. We believe that Asia should be directed by Asians. But that means each Asian people must have the right to find its own way, not that one group or nation should overrun all the others.

Make no mistake about it. The aim in Vietnam is not simply the conquest of the south, tragic as that would be. It is to show that American commitment is worthless. Once that is done, the gates are down and the road is open to expansion and endless conquest. That is why Communist China opposes discussions, even though such discussions are clearly in the interest of North Vietnam.

Moreover, we are directly committed to the defense of South Vietnam. In 1954 we signed the Southeast Asia Collective Defense Treaty. That treaty committed us to act to meet aggression against South Vietnam. The U.S. Senate ratified that treaty and that obligation by a vote of 82 to 1.

Less than a year ago the Congress, by an almost unanimous vote, said that the United States was ready to take all necessary steps to meet its obligations under that treaty.

That resolution of the Congress expressed support for the policies of the administration to help the people of South Vietnam against attack—a policy established by two previous Presidents.

Thus we cannot, and will not, withdraw or be defeated. The stakes are too high, the commitment too deep, the lessons of history too plain.

At every turning point in the last 30 years, there have been those who opposed a firm stand against aggression. They have always been wrong. And when we heeded their cries, when we gave in, the consequence has been more bloodshed and wider war.

We will not repeat that mistake. Nor will we heed those who urge us to use our great power in a reckless or casual manner. We have no desire to expand the conflict. We will do what must be done. And we will do only what must be done.

For, in the long run, there can be no military solution to the problems of Vietnam. We must find the path to peaceful settlement. Time and time again we have worked to open that path. We are still ready to talk, without conditions, to any government. We will go anywhere, discuss any subject, listen to any point of view in the interests of a peaceful solution.

I also deeply regret the necessity of bombing North Vietnam.

But we began those bombings only when patience had been transformed from a virtue into a blunder—the mistaken judgment of the attackers. Time and time again men, women, and children—Americans and Vietnamese—were bombed in their villages and homes while we did not reply.

There was the November 1 attack on the Bien Hoa airfield. There was the Christmas eve bombing of the Brinks Hotel in Saigon. There was the February 7 attack on the Pleiku base. In these attacks 15 Americans were killed and 245 were injured. And they are only a few examples of a steady campaign of terror and attack.

We then decided we could no longer stand by and see men and women murdered and crippled while the bases of the aggressors were immune from reply.

But we have no desire to destroy human life. Our attacks have all been aimed at strictly military targets—not hotels, and movie theaters and embassy buildings.

We destroy bridges, so it is harder to convey the instruments of war from north to south. We destroy radar stations to keep our planes from being shot down. We destroy military depots for the infiltration of men and arms to the south. We patrol routes of communications to halt the invaders. We destroy ammunition dumps to prevent the use of explosives against our men and our allies.

Who among us can feel confident that we should allow our soldiers to be killed, while the aggressor sits smiling and secure in his sanctuary, protected by a border which he has violated a thousand times. I do not believe that is the view of the American people or of the Congress.

However, the bombing is not an end in itself. Its purpose is to bring us closer to the day of peace. And whenever it will serve the interests of peace to do so, we will end it.

And let us also remember, when we began the bombings there was little talk of negotiations. There were few worldwide cries for peace. Some who now speak most loudly were quietly content to permit Americans and Vietnamese to die and suffer at the hands of terror without protest. Our firmness may well have already brought us closer to peace.

Our conclusions are plain.

We will not surrender.

We do not wish to enlarge the conflict.

We desire peaceful settlement and talks.

And the aggression continues.

Therefore I see no choice but to continue the course we are on, filled as it is with peril and uncertainty.

I believe the American people support that course. They have learned the great lesson of this generation: Wherever we have stood firm aggression has been halted, peace restored, and liberty maintained.

This was true in Iran, in Greece and Turkey, and in Korea.

It was true in the Formosa Straits and in Lebanon.

It was true at the Cuban missile crisis.

It will be true again in southeast Asia.

Our people do not flinch from sacrifice or risk when the cause of freedom demands it. And they have the deep, abiding, true instinct of the American people. When our Nation is challenged it must respond. When freedom is in danger we must stand up to that danger. When we are attacked we must fight.

I know the Congress shares these beliefs of the people they represent.

I do not ask complete approval for every phrase and action of your Government. I do ask for prompt support of our basic course: Resistance to aggression, moderation in the use of power, and a constant search for peace. Nothing will do more to strengthen your country in the world than the proof of national unity which an overwhelming vote for this appropriation will clearly show. To deny and delay this means to deny and to delay the fullest support of the American people and the American Congress to those brave men who are risking their lives for freedom in Vietnam.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 4, 1965*.

COMMITTEE ON APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow, or on a subsequent day this week, to consider a House joint resolution making a supplemental appropriation for the Department of Defense.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. LAIRD. Mr. Speaker, reserving the right to object, it is my understanding that the message from the President of the United States which has been just submitted will satisfy the Budget and Accounting Act as far as a budget estimate is concerned.

Mr. MAHON. Mr. Speaker, if the gentleman will yield, that is certainly my opinion, and I am sure the gentleman is correct. This is a request for $700 million by the President. It follows one of the procedures used by the Executive in submitting budget estimates and I consider this, and I am sure the gentleman does, a budget request from the President.

Mr. LAIRD. I would like to state to the gentleman from Texas [Mr. MAHON] that it was my understanding yesterday that before we considered this we would have a budget estimate. I wholeheartedly support the principle of following the regular procedure in seeing that these funds are appropriated, and if this satisfies the Budget and Accounting Act, I certainly would have no objection to its being considered either tomorrow or the next day.

Mr. Speaker, I withdraw my reservation of objection.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROPOSED LEGISLATION TO CONSTRUCT 17, 82-FOOT PATROL SHIPS

Mr. BONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, I am today introducing a bill in the amount of $6,260,000 to authorize the construction of 17, 82-foot patrol ships that have been withdrawn from duty on the Atlantic coast, the Pacific coast, and the gulf coast to be sent to Vietnam.

Mr. Speaker, the Committee on Merchant Marine and Fisheries will hold hearings on this bill Thursday of this week and we hope to report the bill out of the committee and ask for immediate consideration this week, if possible.

This is an urgent matter for it leaves assigned duty of the Coast Guard on the gulf, Atlantic, and Pacific coasts without sufficient patrol ships—these coasts that will be faced with the withdrawal of these ships and the sending of them to patrol duty in joint utilization with the Navy.

Mr. Speaker, I could read the stations from which these ships are taken, but I shall insert in the RECORD so the Members of the House will know how serious this matter is at the present time, and it has been a serious matter for several years. On the New England coast, the Florida coast, the mid-Atlantic coast and the north Pacific coast the situation of the shortage of working materials for the Coast Guard has existed for the past many years where there are supposed to be or are said to be Russian trawlers off these coasts. The Navy has issued a statement recently and it has been in the paper to the effect that these ships are not fishing trawlers but are observation vessels watching the activity of the U.S. Navy in various areas around our continental waters.

Mr. Speaker, I include herein the stations to which I earlier referred:

DESCRIPTION OF PROJECT

Construct 17 steel-hulled small patrol boats. These vessels to have a length of 83 feet 10 inches overall, diesel propulsion, maximum speed of 22 knots, crusing range at economical speed of over 800 miles, and all necessary electronics equipment for navigation and communications.

REASON FOR REQUEST AND RELATION TO LONG-RANGE PLANS OF COAST GUARD

These patrol boats are required to replace 17 similar boats deployed to Vietnam. To accomplish this deployment boats were taken from the following locations: Woods Hole, Mass.; Fire Island, N.Y.; Sandy Hook, N.J.; Cape May, N.J.; Norfolk, Va. (2); Fort Pierce, Fla.; Grand Isle, La.; Galveston, Tex.; Port Isabel, Tex.; Long Beach, Calif.; San Pedro, Calif.; Newport Beach, Calif.; Benicia, Calif.; San Francisco, Calif.; Everett, Wash.; Bellingham, Wash. This has resulted in a definite reduction of the Coast Guard search and rescue capability in these locations. With these replacements, the long-range plan for this type vessel operating off U.S. shores will be fulfilled.

NEED FOR ADDITIONAL PATROL VESSELS FOR THE U.S. COAST GUARD

Mr. MAILLIARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MAILLIARD. Mr. Speaker, I merely want to say that I join the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. BONNER], in this matter and I too have introduced this authorization bill.

In addition to what our distinguished chairman, the gentleman from North Carolina, has said, I would like to point out we are now entering in the United States the peak of our recreational boating and the withdrawal of these seventeen 80- to 85-foot Coast Guard vessels is going to be a great blow to the preservation and the safety of the public. Certainly they ought to be replaced at the first possible moment.

COMMUNITY MENTAL HEALTH CENTERS ACT AMENDMENTS OF 1965

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 356 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 356

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2985) to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. BROWN], and pending that I yield myself such time as I may use.

Mr. Speaker, House Resolution 356 provides for consideration of H.R. 2985, a bill to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers. The resolution provides an open rule with 3 hours of general debate, making it in order to consider the committee substitute as an original bill for the purpose of amendment.

H.R. 2985 would amend the Community Mental Health Centers Act to authorize financial assistance toward meeting the cost of technical and professional personnel serving in such centers during the first 51 months in which such centers, or new services in existing centers, are in operation. Such assistance is necessary to enable communities to establish or improve centers while completing arrangements for permanent sources of financial support.

The Secretary of Health, Education, and Welfare would be authorized to make grants not exceeding 75 percent of eligible staff costs in the first 15 months of operation, 60 percent in the first subsequent year, 45 percent in the second, and 30 percent in the third and final subsequent year. The bill only authorizes appropriations for 4 fiscal years.

Mr. Speaker, I urge the adoption of House Resolution 356.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Indiana [Mr. MADDEN], explained this resolution or rule which makes in order the consideration of H.R. 2985 under an open rule with 2 hours of general debate and under the 5-minute amendment rule.

The bill itself is an amendment to the Mental Health Center Act passed by the Congress last year. This measure provides that the authority be placed with the Secretary of Health, Education, and Welfare to make grants or gifts of some $73,500,000 in total amount to the various local or regional health centers that are established throughout the country under the original act.

The funds would really be divided as far as the expenditure is concerned; $19,500,000 for the fiscal year ending June 30, 1966; $24 million for the fiscal year ending June 30, 1967; and $30 million for the fiscal year ending June 30, 1968.

The funds involved would be used to start local or regional health centers—to staff them and obtain the expert and authoritative assistance needed to bring them into operation and help them on the way. Rather ingeniously, and I think very properly, the committee has provided that the percentage amounts of the grants to these health centers shall be reduced year by year, so that there will be every incentive to complete the staffing and establishment of operational facilities at the earliest possible date, while the Federal grants are available. This helps to insure that the facilities will be available for use as quickly as possible.

Now the bill itself has the unanimous support of all members of the great Committee on Interstate and Foreign Commerce and was reported by a unanimous vote of the Committee on Rules.

Mr. Speaker, I know of no opposition to the rule on this side and have no further requests for time.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2985) to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 2985 with Mr. VANIK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. HARRIS] will be recognized for 1½ hours and the gentleman from Illinois [Mr. SPRINGER] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before the House today will provide for the use of Federal funds to finance a portion of the costs of professional and technical personnel utilized to staff community mental health centers during the first 51 months in which such centers or new services in existing centers are in operation. The Federal share of the cost of these personnel is provided on a declining basis throughout this 51-month period and at the conclusion of the 51 months, no Federal funds will be available for the services at the centers covered. Grants under the legislation for the financing of these services thereafter will be the responsibility of the State or local community concerned.

Our committee held hearings on this legislation extending over 4 days, and considered it in executive session for 3 days, made a substantial number of amendments in the bill which strengthened and improved it, and ordered the bill reported to the House by a unanimous vote. The costs of the bill as authorized by the committee are set out in a table on page 3 of the committee report, and over the life of the bill will total $173,025,000.

These amendments, however, will not be the total cost of the program, since it will be necessary for the administration to come back in 3 years and request an extension of the program, at which time we will review its operation and determine whether further changes are necessary in the program as a part of our reauthorization.

Members will recall that during the 88th Congress our committee considered the bill which became Public Law 88–164—the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. This bill, considered in the 88th Congress, consisted of four titles. Title I dealt with problems in the field of mental retardation; title III dealt with the training of personnel for the teaching of mentally retarded and other handicapped children; and title IV contained general provisions.

Title II of that bill, as initially proposed, was in two parts. The first part provided Federal matching grants allotted among the States according to a Hill-Burton type of formula to assist in meeting a portion of the costs of community mental health centers. The second part of that title which proved extremely controversial and ultimately was deleted from the legislation provided Federal assistance in the staffing of community mental health centers constructed with assistance under the legislation.

At the time we held our hearings during the 88th Congress, it was not completely clear that Federal assistance in meeting the initial costs of staffing community mental health centers was necessary in order to provide for the construction and operation of these centers. Public Law 88–164 was signed by the President in August 1963. Under that legislation the States are required to submit State plans for the construction of community mental health centers and are required to establish programs very similar in overall structure and effect to the Hill-Burton hospital construction programs currently administered within the States.

The development and presentation of these plans and the approval thereof has necessarily taken some time. In fact, all the State plans have not as yet been filed with the Department of Health, Education, and Welfare. As of the date of our hearings, only two States had actually submitted a plan but 36 others have indicated that they intend to submit a State plan before June 30 of this year.

The response of many States and communities to the establishment of the construction program has indicated that there is a clear need for temporary Federal assistance to community mental health centers when they are initially established in order to provide for an orderly transition for the community toward meeting the costs of these centers. It has been estimated that the costs of staffing and operating a community mental health center serving an area of 100,000 population and providing comprehensive services will be approximately $1,200,000 a year; of which $960,000 will be the costs of staff with the other $240,000 going to pay for utilities, custodial services, and the like. This is a substantial burden for a local community to meet all at once and, therefore, the purpose of this legislation is to provide temporary Federal financial assistance to ease the immediate burden. The Federal assistance is to be provided on a steadily declining basis with State and local funds being required to take up the slack. At the end of 51 months the Federal assistance will terminate and the responsibility for staffing will thereafter be borne by the State or community concerned.

The States currently show strong evidence of increasing their financial participation in community mental health centers. Twenty-one States now have community mental health service programs. The amount of money appropriated for community service by 19 of these States for fiscal 1965 was approximately $57 million and the amounts that communities are expected to expend are approximately $38 million. Thus, the total 1965 appropriations for community mental health service programs in 19 States are approximately $100 million. The following States have adopted Community Mental Health Service Acts:

California, Colorado, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, New Jersey, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Utah, Vermont, Wisconsin, Wyoming.

Community interest in the establishment of programs of community mental health centers has increased greatly in recent years.

In fiscal years 1963 and 1964, a total of $8.4 million in Federal matching funds was appropriated to assist States in the development of comprehensive plans for the provision of mental health services. While the final reports of those planning efforts will not be ready before the end of this summer, we already know a great many of the planning results which those reports will document. More than 25,000 citizens have been actively participating in this planning program, and that fact alone tells us a great deal. The planning has been as much local and regional in nature as it has been a State function. Individual citizens in local communities have had the interest to work at this planning business. The enthusiasm for the sound establishment of community mental health services has never been higher, and it shows no signs of diminishing. Although the Federal funds which have been supporting this planning program will expire in June, many States have already indicated that they will continue the program entirely on their own resources.

As a result of these studies, and the increasing awareness in local communities for community mental health center programs, there are already 200 communities that have begun project planning applications for community mental health centers. In addition, there are today a number of community mental health centers in operation in the United States.

Our committee received testimony from three Governors, and testimony presented by a representative of a fourth, and by numerous other persons in support of this legislation. The only opposition expressed to the legislation by witnesses at the hearing was expressed by witnesses from the American Medical Association. However, the witnesses from the American Medical Association agreed that where needs cannot be met on the local or the county or State level, then the needs must be met on the Federal level—pages 227 and 228 of the hearings.

Mr. Chairman, I turn now to a more detailed explanation of the provisions of the bill. The bill adds five new sections to the Mental Retardation Facilities and Community Mental Health Centers Construction Act—sections 220 through 224.

Section 220 provides that the Secretary of Health, Education, and Welfare may make grants to meet a portion of the costs of compensation of professional and technical personnel for the initial operation of new community mental health centers or of new services in existing community mental health centers. The grants would cover 75 percent of costs for the first 15 months; 60 percent of eligible costs for the next 12 months; 45 percent of the eligible costs for the next 12 months; 30 percent of the costs for the succeeding 12 months; and thereafter no Federal funds would be available for these costs.

This means that Federal assistance will be furnished on a declining basis for 51 months in the case of every center which receives a grant under the terms of the bill.

Subsection (c) of this section was added by the committee. It provides that in making these grants, the Secretary of Health, Education, and Welfare shall take into account the relative needs of the several States for community mental health centers and programs, the relative financial needs of the several States, and their populations.

Under the legislation as initially proposed by the administration, the determination of whether to make grants to a particular center was left to the discretion of the Secretary. Of course, if there is more money available than there are needs for it, then we can be sure that each center which applies and is otherwise eligible will receive assistance; however, it is possible that the needs may be greater than the authorized appropriations. In such a circumstance, it becomes necessary for some system to be devised for allocation of the funds. The committee therefore has adopted a modification of the usual formula grant approach and has provided that the Secretary shall take these factors into account in making grants to projects within the States. By this means we will be able to insure a fair distribution of the available funds, without tieing the Secretary's hands unnecessarily when situations arise under which the needs in one State are great while at the same time another State may not have any projects in a position to be ready to utilize available funds.

Section 221 contained in the bill sets out the conditions under which grants may be made. Grants may be made only to public or nonprofit private agencies or organizations and may only be made to centers which provide services consisting of at least those essential elements of comprehensive services precribed by the Secretary. The third condition is that either a grant must have been made to the center for construction under the legislation approved during the last Congress, or the type of service to be provided was not previously being provided by the center.

The committee added two additional requirements which must be met in order for grants to be made to a center. The first of these additional requirements is that the Secretary must determine that there is satisfactory assurance that grants will be so used as to supplement and to the extent practicable increase the level of non-Federal funds that would in the absence of Federal grants be made available for the program, and that Federal funds will in no event supplant State or local funds. This is the usual maintenance-of-effort type of amendment frequently added to Federal assistance programs.

The other requirement added by the committee is that the services to be provided by the center must be described in the State mental health plan submitted to the Public Health Service by the State mental health authority in accordance with title III of the Public Health Service Act. We anticipate that appropriate regulations will be adopted under this provision to assure that recommendations of the State Mental Health authority will be given due weight by both the local community and by the Federal Government in reviewing each project application.

Sections 222 and 223 of the bill authorize regulations and housekeeping matters, and section 224 authorizes appropriations for the 4 fiscal years 1966–69. The committee expects to review the program again prior to its expiration. We have written this provision in such a fashion that the administration will be required to come back to obtain further authorizations to continue payments made on account of centers with respect to which grants have already been made for staffing under the bill.

Section 3 of the bill was also added by the committee upon the recommendations of the General Accounting Office, providing that recipients of grant assistance under the Mental Retardation Facilities and Community Mental Health Centers Construction Act will be required to keep records covering assistance furnished under the bill, and make those records available for audit by the General Accounting Office. Similar provisions have been added to a number of other laws in recent years. Members will note that this recordkeeping and audit authority is not limited to the new programs contained in this bill but cover all programs under the basic act.

Mr. Chairman, this is one of the more important pieces of legislation that will come before the House during this Congress. It is not as expensive as many and except for those who are familiar with the promise of the program, it does not have quite as much emotional appeal as some programs; however, I am convinced that it is one of the more important steps this Congress will take.

In recent years, we have all been troubled by the tremendous increase in crime; by the tremendous increase in juvenile delinquency; by problems involving the misuse and abuse of dangerous drugs and narcotics; by problems involving increased alcoholism; by our rising divorce rate; and by the increase in admissions to mental institutions. These problems are far-reaching and fundamental in our society, and reflect in large measure the inability of increasing number of our citizens to cope with the stresses of a society which, as it becomes more urbanized, becomes more complex. These problems which I have just discussed can appropriately be considered as the external signs of some increase in mental and emotional illness in America and of an increasing inability on the part of many of our citizens to deal with the problems which they face in their day-to-day lives.

The community mental health center programs will not, of course, make these problems go away overnight; however, if the program works out as we imagine it, a start will be made in assisting many of our citizens to deal with these problems that many of them, unfortunately, today find too much for them to handle. We envision the day when there will be throughout the United States community mental health centers whose services will be available to all citizens who require help with mental illness or emotional problems.

I do not think it can be denied that increased mental health will help solve in some degree current problems such as alcoholism and the like. For example, a recent study indicates that persons who are juvenile delinquents themselves tend to have children who also will be juvenile delinquents; and therefore the problem of juvenile delinquency tends to be cumulative. Similarly, with other problems. Therefore, the enactment of this legislation both in the last Congress and in this Congress, providing for the establishment of community mental health centers, could well have the profoundest beneficial effects upon our society in the long run, of all legislation which will be considered during this Congress.

Mr. Chairman, our committee unanimously ordered this bill reported, and we recommend to the House that it be adopted.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, not too long ago, during the 88th Congress, I stood here to explain and support the bill which would provide funds for the construction of community mental health centers across the Nation. Our committee had given the matter long and careful consideration, listening to the foremost experts in the field of mental health. One thing, above all else, impressed us as we studied this vital matter. Mental health care must be brought back to the community and away from the warehouse kind of care which now, of necessity, prevails in most of our States.

We learned that by making available diagnostic services and early in and outpatient care for mental disorders at the community level the likelihood of successful recovery rises dramatically. Sending a patient to a large, remote hospital can be equivalent to throwing him over a cliff. Keeping him in the community, with familiar faces and places can and very likely will transform his illness into a minor and readily curable ailment.

The purpose of Public Law 88–164 was to carry out this philosophy and make it possible for most communities to create the facilities for mental care. It was a Hill-Burton bill for mental health.

At that time we considered the possibility of providing financial assistance for staffing these centers, but decided that it might not be necessary, and if not really necessary it was downright undesirable.

In the months that have passed since consideration of Public Law 88–164 the State and local governments have been carrying out the long-range and comparative planning function which has been ground into all programs of this type. They have been assessing the needs for mental health facilities on a detailed basis within their jurisdictions and even establishing priorities for projects. Along with this job of planning they have been counting their pennies—assessing the resources available at both State and local levels to do the complete job. They know that there is need for action in this field and that plans should include alternatives which depend upon varying factors. An addition to the local hospital is no good if it cannot be supported once it is in place. No amount of money can make it go if personnel to man it are totally unavailable. This planning and assessment function was contemplated by the previous legislation, and based upon past experience with programs of this kind the various governmental units went at it with a will.

When we looked at H.R. 2985 the pattern of results from this planning effort seemed to indicate that something further was required. The States with excellent records of accomplishment in the mental health field, my own State of Illinois being one of those, came forward to report that staffing assistance would be necessary if the purposes of Public Law 88–164 were to be carried out. There was no reason to look upon this conclusion as a grab for Federal funds. These States had committed their resources to this effort long before the Federal Government gave any indication of assistance. They had, at least in part, furnished the experience upon which the soundness of the whole concept of treatment could stand.

I have been satisfied by the record presented by these progressive and responsible State governments that we should now proceed to make funds available for staffing assistance with some caveats and adequate safeguards.

Now that the planning has gone forward we know that the construction money is in great demand. Apparently every State can use its initial allocation. Now there is a sound basis for costing out the program as it applies to the individual community. Now we also know that the combined requirement for construction, staffing, and operating funds makes a big bite for many cities. I am sure that many ambitious plans for mental health centers have been reassessed and cut back to realistic levels consistent with the resources available now and in the future. Not every community is going to find it possible to pick up the tab for over $1 million per year in operating expense for each 100,000 population. But with the boost supplied by this and the previous legislation they can and apparently are ready and willing to commit themselves to reasonable and meaningful programs to meet the mental health problem on their own frontiers.

Recognizing the sincerity, eagerness, and dedication of all echelons we must, however, also recognize potential problems.

The legislation, as originally proposed, would have made the allocation of the funds by the Secretary of Health, Education, and Welfare a matter of considering and accepting projects as they came to him. This would put a premium on speed, rather than thoroughness and deliberate planning. It could well result in all of the staffing money going to a few States or even to a few cities which happen to be ready and funded. This would frustrate the overall intent of the program. The alternative of formula grants across the board was considered but not adopted by the committee. Rather, the committee provided that the Secretary shall take into account the relative need of the States for mental health centers, the financial need, and population. This is much in the manner of Hill-Burton, but it avoids the complication of having all the money spread out in places it might not be used soon, if at all. It should expedite the opening of mental health centers in more places within the next 3 years.

Another problem recognized by the committee had to do with planning. Any community which has carefully thought out its program and is ready to create and maintain a community mental health center should be allowed to proceed. But pure town-to-town competition for funds could be disastrous to long-range health goals on a statewide basis. The State government should take an overall look at the needs for such facilities and the part it will play in meeting them. Therefore, the bill provides that the State mental health plan shall describe the services to be supported by the funds provided hereunder. This gives necessary guidance to the community in making its project and to the Federal Government in considering it for approval.

The Federal Government has had some experience in the administration of programs which provide funds for personnel and administrative costs. The earlier projects disclosed a great tendency on the part of State and local administrators to use this windfall of Federal funds to pay the people already aboard and to finance the services then being offered. Obviously, this frustrated the purposes of the Federal program. Unless we create new services and raise the entire level of effort by the State and by the community, we are wasting the resources provided by Congress. Certainly it is the intention of this legislation to assist in the creation of new community mental health centers and in the provision of new mental health services. As in other Federal programs such as the highway program, this principle undoubtedly works some injustice on local governments which have taken early action to attack the problem. We have already learned that it is impractical to create a Federal program which looks backward and tries to bail out ongoing programs. If the funds are used to support new projects and new services certainly every community will in the long run benefit. Certainly at the State level any support offered will relieve funds for other uses in the same area of activity. For these reasons the bill provides staffing assistance for community mental health centers constructed under Public Law 88–164 or for new services to be added to facilities in being. It is recognized that there is room for some interpretation as to what constitutes a community mental health center and also as to what constitutes new services. The report on this bill discusses and describes in some detail the services making up a program of comprehensive mental health care. Within these guidelines I feel that we have the basis for judicious use of the staffing funds.

Last year in the consideration and the debates on Public Law 88–164 it was pointed out that any staffing assistance was likely to become a permanent program. No doubt there have been already pressures for construction funds with no requirement for local participation. We have managed to stay well within the original philosophy of the Hill-Burton Act in the matter of hospital construction. We must do the same with staffing. The record of hearings discloses the sincere belief of the Governors who appeared before us that the diminishing scale of assistance set forth in this bill will make it possible for the State governments to pick up the burden and thereafter successfully operate the institutions created hereunder. I cannot emphasize enough the necessity for impressing upon the States the need to look ahead to the day when the entire responsibility for the operation of the community mental health centers will be transferred to the local communities.

The cost of providing initial staffing assistance is not small. Exactly what it will cost cannot be accurately forecast at this time. Enough planning and preparation has taken place, however, to indicate that the projects ready for assistance over the next 3 years will require $19½ million in 1966, $24 million in 1967, and $30 million in 1968. These, of course, are only the initial grants and once an institution qualifies for assistance it will continue to receive funds for a total of 4 years and 3 months. Each year then it will be necessary to fund the new starts and also the previously approved projects. This bill contemplates only the starts for the next 3 years. Assuming that the entire community mental health program works out as anticipated, there will be new projects after that time. The committee has authorized only the sums to finance the new starts for the next 3 fiscal years and the sustaining funds for those years and 1 additional year. The reason for following this procedure lies in the history of other health legislation favorably considered by this body. It was the feeling of the committee that the next Congress should have an opportunity to review this program. This can be done before the expiration of the authority of initial grants and in any event before expiration of the fourth year.

With the limitations and the safeguards which the committee has carefully considered and incorporated in this bill, I feel that we can safely proceed to provide the initial staffing assistance for community mental health centers. I am happy to have introduced this legislation and to have been one of its authors. I consider this to be one of the most important and far-reaching pieces of legislation to come before the Congress in 1965.

Mr. HARRIS. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I rise in support of H.R. 2985 and want to take this opportunity to commend the distinguished chairman of the Committee on Interstate and Foreign Commerce and the other members of the committee for bringing this important bill to the floor. When the Community Mental Health Centers Act was before Congress in 1963, I urged that provision be made for staffing the centers. Unfortunately, staffing grants were deleted.

In the 88th Congress, I sponsored H.R. 9639 and in this Congress I have introduced H.R. 4545, to amend the Community Mental Health Centers Act to authorize appropriations for initial staffing of community mental health centers. I am delighted that legislation is now before us to accomplish this purpose. It will also assist in the staffing of new services in existing community mental health centers.

The need for funds for staffing is critical. Two years of experience present compelling evidence of the need for Federal assistance for staffing, demonstrating that the deletion in 1963 was unwise.

According to Secretary Celebrezze of the Department of Health, Education, and Welfare in his testimony before the committee on this bill, there has been tremendous enthusiasm throughout the Nation for the establishment of community mental health services. The Secretary pointed out, however, that all of the States are heavily burdened by the cost of maintaining public institutions for the mentally ill and mentally retarded and that, while the States are also accepting the commitment to help support community mental health centers, many of them will not be able to take the first big step without this help. Applications for construction grants have been fewer than expected, a situation the Department attributes to the fact that staffing grants were not included in the original legislation. It now seems obvious that, if we are really to enter that "new era in the treatment of the mentally ill" which was envisioned in 1963, we must provide funds to staff the new mental health centers.

There is a great deal of convincing evidence that employing adequate numbers of trained professional personnel will result in a marked improvement in the rate of successful cures among the mentally ill. Statistics show a reduction in the number of resident patients in our State mental hospitals in recent years. We might ask what caused this decline. The answer may be found in increased State spending for drugs and personnel. The National Committee Against Mental Illness reports that in 1945 there was only one full-time employee for every 6.8 patients in State mental hospitals but that in 1963 the ratio had improved to one full-time employee for every 2.6 patients. In other words, the ratio of employees to patients has more than doubled despite a staggering increase in the total number of patients treated. According to the National Committee Against Mental Illness, this increase in personnel is unquestionably the most important factor in the very welcome increase in the net release rate of our public mental institutions.

Mr. Chairman, we will not realize the full value of the community centers we build if we fail to provide funds to staff them. As one expert in the field of mental health, Dr. George Preston, has said:

> No building ever cured a patient. Patients can be cured only by trained people. They can be cured at home or in tents, or on farms, or crowded wards, if there are enough trained people to spend enough time with each patient.

Although we have heard a great deal in recent years about the shortage of doctors, nurses, and other professional manpower, testimony before the committee indicates that there is adequate trained personnel to staff the community mental health centers. This is due in large part to the mental health traineeship program established by Congress in 1948. Under this program which is administered by the National Institute of Mental Health more than 30,000 stipends have been granted to physicians, nurses, psychologists, and social workers who wished to specialize in treating the mentally ill. Moreover, we expect the Health Profession Educational Assistance Act adopted by Congress in 1963 and the Nurse Training Act of 1964 to further increase the number of trained personnel ultimately available to the community mental health centers. The problem, then, is not insufficient manpower but insufficient funds to attract them to the community centers. The adoption of the bill before us today would go a long way toward solving this situation.

A number of witnesses before the Committee on Interstate and Foreign Commerce, including Secretary Celebreeze and Dr. Robert H. Felix, the former Director of the National Institute of Mental Health, emphasized the urgency of the need for mental health centers with adequate staffs. According to their figures, the number of children with mental illnesses is increasing at a frightening rate. They cited a recent study which shows that there may be as many as 500,000 children with psychoses or borderline conditions. Another million suffer with various mental disorders, and at least 500 children commit suicide each year. As we know, there are very few clinics and residential schools which accept these children, and many of those are far beyond the financial reach of most families. If these children are to be saved from lifetimes in mental institutions, we must provide them with care now. The need is imperative.

Mr. Chairman, I wish to make one other point. It is this: If our community mental health centers are to achieve maximum effectiveness, they will have to offer truly comprehensive programs from emergency care to aftercare. And they will have to make full use of the special training and ability of various specialists. We must not fall into the habit of thinking that psychiatrists alone can treat the mentally ill. Other professional personnel, especially phychologists, have an important role to play. There is no question that the bill before us covers all appropriate "professional and technical" personnel needed to diagnose, treat, and rehabilitate the mentally ill. And the regulations of the National Institute of Mental Health should be drafted accordingly.

The Nation's mental health is vitally important. This bill, which is similar to my bill, H.R. 4545, is a significant step forward in this field. I urge its adoption.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may desire to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I am proud to be a member of the Committee on Interstate and Foreign Commerce. I think this is a most important piece of legislation, I support it, and I hope it will pass overwhelmingly, because I know what a tremendous help this will be to the various States of the Union.

Mr. HARRIS. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I know of no opposition to this proposal. The Committee on Interstate and Foreign Commerce has meticulously and carefully worked out what we believe to be a most acceptable, desirable, and necessary program.

I want to compliment the members of the committee for the thorough work and understanding they have displayed in considering this legislation. I commend every Member on both sides of the aisle for the attention that has been given to this program, which I think is one of the most important I have ever seen in my service in the Congress. This program affects people who, too long, have been without the attention that they should receive. I refer to the mentally affected people in our country.

Some questions have been raised, and in many instances misunderstandings, in connection with this legislation. As an example, there have been some who raised the question that the psychologists were not treated as they should be in this program. That arises out of a misunderstanding.

Dr. Brayfield testified on behalf of the American Psychological Association, and I would like to read one sentence just in case someone may again raise the question that this particular profession was being discriminated against in this legislation. There has not been any discrimination against them.

He comments and I quote:

> In this respect, we are pleased to see that the proposed amendment places no restrictions as to administration of these centers and it is not assumed that an M.D., must be placed in charge.

I think that this statement, which is a correct interpretation of the bill, should clarify any misunderstanding.

I think also it would probably be advisable for the information of the Members of the House and other interested persons to include in the RECORD at this point information as to staffing patterns of an average community mental health center. I will request when we get back in the House permission for this information to be placed at this point in the RECORD.

Staffing pattern of an average community mental health center

	Total number	Total cost
Psychiatrists	6	$135,000
Psychologists	4	60,000
Social workers	6	60,000
Nurses	14	112,000
Psychiatric aids	24	120,000
Health educators	2	20,000
Occupational therapists	2	16,000
Total	58	523,000

NOTE.—In addition, approximately 14 supporting personnel including EEG technicians, laboratory technicians, X-ray technicians, dieticians, practical nurses, orderlies, at total cost of $80,000.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Do I understand it is the purpose of this bill, after a 3-year period to turn these centers over to the States for their operation and that the Federal financing will end at that time and that they will be returned to local and State administration?

Mr. HARRIS. I will say to the gentleman that in general he is correct. For clarification I should point out that the localities and communities and States have charge of these programs. It is under their complete control and supervision. The Federal Government provides some assistance for 51 months. For 15 months, as I previously explained, 75 percent of the cost of personnel. The year following that, 60 percent. The year following that, 45 percent. And the final year, 30 percent.

Then the Federal Government phases out of it altogether. So the gentleman is correct to that extent.

Mr. GROSS. After 3 years and 15 months the Federal Government gets out of this?

Mr. HARRIS. After 4 years and 3 months.

Mr. GROSS. Then the Federal Government steps out of this program?

Mr. HARRIS. Yes, so far as the cost is concerned—yes.

Mr. GROSS. I thank the gentleman.

Mr. FARBSTEIN. Mr. Chairman, in 1963 Congress passed the Community Mental Health Centers Act. This was a constructive and imaginative approach to the problem of mental health in our Nation. Based on the growing evidence that many of our mentally ill could be treated with greatly improved prospects of early recovery in relatively small and flexible mental health centers near their homes, this bill authorized grants to the States for the construction of facilities for such centers.

Subsequent experience has shown that although this provided a good start, the problem is not solely one of bricks and mortar. A critical factor that has hampered most of the facilities initiated under this act has been the lack of initial funds for staffing of the centers. While it seems that permanent sources of funds to meet the cost of technical and professional personnel may be developed in the future, the lack of these funds at the crucial beginning period can spell the difference between providing the care needed at the earliest practicable date and the tragic consequences of delay.

The bill we have before us today, as reported by the Committee on Interstate and Foreign Commerce, would amend the Community Mental Health Centers Act to authorize financial assistance toward meeting the cost of trained personnel in such centers during the first 51 months in which such centers, or new services in existing centers, are in operation.

While this bill works on the assumption that local funds will be available in the future, I think that such an assumption is experimental in nature. I do not think that in passing the bill we should consider that we are foreclosing the possibility of extending the assistance if this proves necessary.

I myself am very deeply convinced of the importance of this bill. Not only does the testimony given before the committee argue very strongly to this point but I have been in close contact recently with the National Institutes of Health regarding legislation I plan to introduce this week on narcotics addiction, and the authorities at these Institutes have stated repeatedly that one of the major problems with any program of this nature is that of staffing the facilities. I believe there is urgent need for this legislation and I urge your support of it.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of this legislation. As a member of the Interstate and Foreign Commerce Committee during deliberations of the 1963 Community Mental Health Centers Act, I too have become increasingly concerned with the growing problems of mental health in the Nation.

This legislation fills a very critical need—that of staffing for community mental health centers. During 1963 the Congress recognized the merits of a new method of treatment for the mentally ill. Instead of removing patients from their environment, placing them in unfamiliar surroundings away from their relatives and friends, and compounding their maladies, noted psychiatric and social experts, and psychologists as well, urged the program of community treatment centers which was enacted.

The implementation of this program depends on the staffing of these facilities. It has become apparent that communities and local governmental units cannot immediately assume the total financial responsibilities of such centers during this transitional period. The temporary assistance to be furnished will make it possible to stem what has been estimated as an increase of over 100 percent in the number of mental cases in children between the ages of 10 and 14 during the period from 1960 to 1970. This fact becomes even more shocking when viewed within the context of an overall increase of 20 percent in the 10 to 14 age bracket during the same period.

Because 36 States have already indicated they would use the first year's construction funds for these centers, and because 200 communities in 48 States have started planning for community health centers, I ask the House to act with favor on this legislation which will make it possible to provide these centers with the trained professional and technical personnel so vitally needed.

Mr. CLEVELAND. Mr. Chairman, in the writing of this legislation, H.R. 2985, experience has proven to be a wise teacher. When the Community Health Centers Act was passed 2 years ago, it was limited to funds for construction. Funds were not provided for staff salaries. It was felt at that time that the Federal Government should get into the field of providing money for salaries of personnel in community-operated mental health centers, at least until experience with this new program had established a need so compelling as to override other objections.

Now, 2 years later, that need has been shown clearly. From the evidence presented to the Committee on Interstate and Foreign Commerce, it is apparent that this legislation must be adopted if the program is to succeed.

One is particularly struck by the alarming increase in the rate of admission of children and young persons to State mental institutions. In fact, the committee reports that if present trends continue, there will be an increase, between 1960 and 1970, of more than 100 percent in the number of hospitalized young people from 10 to 14 years of age, although the increase of this age group in the general population will be only 20 percent.

Response to this frightening statistic is reflected in the actions now being taken throughout the country in nearly all the States to establish mental health centers. There are already 200 communities in 48 States that have begun planning project applications for community mental health centers. Many, however, report that it will be extremely difficult to start and develop these programs unless the Federal Government provides funds for initial staffing and operational expenses.

The States and communities simply are not able to develop financial resources swiftly enough to put this program into action in time to combat the tragically rising need.

This bill provides a good solution that has been endorsed in committee by members of both parties without dissent. It does not propose that the Federal Government take over the State's traditional functions but recognizes the necessity of helping them to get started and to operate during the crucial transitional period. Assistance, under this bill is to be provided on a declining basis for a period of 4 years and 3 months. Thereafter, the financing of the costs of staffing and operations will be the responsibility of the States and communities.

This is a sound approach, which is responsive to pressing needs. I endorse it enthusiastically and urge its passage by the House.

Mr. FOGARTY. Mr. Chairman, I rise today to speak in support of H.R. 2985. I do so with a deep conviction, based on events that have occurred since the day when the 88th Congress rejected a similar proposal.

The bill before us today is a proposed amendment to the Community Mental Health Centers Act of 1963. That statute, as we all know, authorized the appropriation of Federal funds to be granted the States in support of financing up to two-thirds of the cost of construction of community mental health centers.

In the months since the Community Mental Health Centers Act was adopted, we have heard from people in all parts of the country who are working to establish these centers.

It has become obvious that, helpful as Federal construction grants will be to many communities, that there are others—quite a large number, Mr. Chairman—that need new mental health services in the community more than they need new buildings.

The proposed amendment would make it possible for communities to secure these services, since the amendment provides for Federal aid to finance part of the cost of the initial staffing of new centers, or to finance additional staff for centers already in existence when they provide additional and augmented treatment services to the mentally ill.

As you know, I am the chairman of the subcommittee of the Committee on Appropriations of this House. We recently completed hearings on the proposed budget of the Department of Health, Education, and Welfare for fiscal year 1966. At that time, I asked the Director of the National Institute of Mental Health how much the community mental health centers program is going to be held up because of the lack of Federal assistance for staffing.

He told me that the smaller communities that will have worked for the next year or two to collect enough funds to match the Federal construction funds will be the ones to be hurt the most, since they will not have sufficient operating funds. And the regulations of the Community Mental Health Centers Act call for assurance of available operating funds before construction funds are awarded.

I should like to repeat here today my comments in the Appropriations Subcommittee. My mail shows that Congress made a mistake last year in not allowing funds for the staffing of these centers. I know we are at fault on that. All my mail shows that we should have provided these staffing funds. One of the main reasons why we have not had more progress in this field is because of the lack of staffing funds for these centers.

Since the time that I made that statement, Mr. Chairman, the House Committee on Interstate and Foreign Commerce has conducted hearings on the amendment before us today, and the measure was reported out of committee with a unanimous "do-pass." I ask that the House follow the recommendation of the Interstate Committee and give the staffing proposal its approval.

Witness after witness has testified that the amendment will not bring about the need for permanent Federal financing in providing funds to hire staff personnel. As written, the amendment provides matching funds for this purpose on a declining scale each year for 4 years and 3 months.

With this aid, States, counties, municipalities and private agencies that sponsor a community mental health center will be given the breathing space they need to complete their own local financial arrangements on a permanent operative basis.

We must remember, Mr. Chairman, that States continue to appropriate tax funds to pay the load for patients in mental hospitals. And even though the number of patients in these hospitals has again decreased for the 9th consecutive year, it will be some time before enough community centers are in operation to cause a significant, further reduction in the hospital population.

During this period, the financial drain on States and counties to provide mental hospital services will continue, and many States just do not see a new source of funds to add to community services and pay for the mental hospitals at the same time.

This amendment would allow the States to bring the new community-based system of treatment into operation, at which time the costs of hospitalization for mental patients will decrease more rapidly. And at the same time, local sources of financing can be assembled for the longterm operation of these centers.

I submit, Mr. Chairman, that the Congress now has an opportunity to rectify the mistake it made last year, and I ask that the House vote its approval.

Mr. **HARRIS**. Mr. Chairman, I have no further requests for time, and suggest that the Clerk read.

The **CHAIRMAN**. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Mental Health Centers Act Amendments of 1965".

SEC. 2. (a) The Mental Retardation Facilities and Community Mental Health Centers Construction Act is amended (1) by amending the heading of title II thereof to read "TITLE II—COMMUNITY MENTAL HEALTH CENTERS", (2) by inserting immediately below section 200 of such Act "PART A—GRANTS FOR CONSTRUCTION", (3) by striking out "this title" each place where it appears in sections 201 through 207 of such Act and inserting in lieu thereof "this part", and (4) by striking out "title II" each place where it appears in titles I and IV of such Act and inserting in lieu thereof "part A of title II".

(b) Such Act is further amended by adding at the end of title II the following new part:

"PART B—GRANTS FOR INITIAL COST OF PROFESSIONAL AND TECHNICAL PERSONNEL OF CENTERS

"AUTHORIZATION, DURATION, AND AMOUNTS OF GRANTS

"SEC. 220. (a) For the purpose of assisting in the establishment and initial operation of community mental health centers providing all or part of a comprehensive community mental health program, the Secretary may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this section, a portion of the costs (determined pursuant to regulations under section 223) of compensation of professional and technical personnel for the initial operation of new community mental health centers or of new services in community mental health centers.

"(b) Grants for such costs for any center under this part may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of four years and three months after such first day; and such grants with respect to any center may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following such first day, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community mental health center programs, their relative financial needs, and their populations.

"APPLICATIONS AND CONDITIONS FOR APPROVAL

"SEC. 221. (a) Grants under this part with respect to any community mental health center may be made only upon application, and only if—

"(1) the applicant is a public or nonprofit private agency or organization which owns or operates the center;

"(2) the services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is situated, at least those essential elements of comprehensive mental health services which are prescribed by the Secretary;

"(3) (A) a grant was made under part A of this title to assist in financing the construction of the center or (B) the type of service to be provided as part of such program with the aid of a grant under this part was not previously being provided by the center with respect to which such application is made;

"(4) the Secretary determines that there is satisfactory assurance that Federal funds made available under this part for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in paragraph (2) of this subsection, and will in no event supplant such State, local, and other non-Federal funds; and

"(5) the services to be provided by the center are described in the State mental health plan submitted to the Public Health Service by the State mental health authority in accordance with title III of the Public Health Service Act.

"(b) No grant may be made under this part after June 30, 1968, with respect to any community mental health center or with respect to any type of service provided by such a center unless a grant with respect thereto was made under this part prior to July 1, 1968.

"PAYMENTS

"SEC. 222. Payment of grants under this part may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.

"REGULATIONS

"SEC. 223. The Secretary shall, after consultation with the National Advisory Mental Health Council (appointed pursuant to the Public Health Service Act), prescribe general regulations concerning eligibility of centers under this part, determination of eligible costs with respect to which grants may be made, and the terms and conditions (including those specified in section 221) for approving applications under this part.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 224. There are hereby authorized to be appropriated $19,500,000 for the fiscal year ending June 30, 1966, $24,000,000 for the fiscal year ending June 30, 1967, and $30,000,000 for the fiscal year ending June 30, 1968, to enable the Secretary to make initial grants to community mental health centers under the provisions of this part. For the fiscal year ending June 30, 1967, and each of the two succeeding years, there are hereby authorized to be appropriated such sums as may be necessary to make grants to such centers which have previously received a grant under this part and are eligible for such a grant for the year for which sums are being appropriated under this sentence."

SEC. 3. Title IV of the Mental Retardation Facilities and Community Mental Health

Centers Construction Act is amended by inserting at the end thereof the following new section:

> "RECORDS AND AUDIT
>
> "SEC. 408. (a) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.
>
> "(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination of any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this Act."

Mr. HARRIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and be open for amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, during the past few years new ideas of psychiatric treatment have been developed. No part of the medical profession has shown more rapid increase of and application of knowledge concerning mental illnesses and their treatment.

Under the Community Mental Health Centers Act, many centers have been built throughout various States, but many remain without adequate staffing. Patients who in many areas were sent away to overcrowded, unsanitary, prison-like institutions are being treated quickly and at nearby centers and are being returned to their homes cured or improved in a matter of days. The total cost per patient will be less, for the treatment then will be greatly shortened.

Mental illness is no respecter of bloodlines, age, or status. If it has not struck someone close to you, it may well do so at any time. Nothing is more heartrending than to see a child, a friend, or a relative out of contact with reality groping with problems of the fantastic and unreal. Nothing is more satisfying than to see a mind regain itself under modern, effective treatment given by well-trained psychiatrists in a wholesome environment. It is expensive, but it is more expensive to allow those patients to be improperly treated or to be housed in a "snake pit." It is our duty, regardless of the cost, to care for our less fortunate brothers.

In our highly organized society with such an increased pace at which we live, we can expect more mental illness rather than less. Let us then not hesitate to vote for this bill which will provide adequately trained personnel to care for our mentally ill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. VANIK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2985) to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers, pursuant to House Resolution 356, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 389, nays 0, not voting 44, as follows:

[Roll No. 90]

YEAS—389

Abbitt
Abernethy
Adair
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Carey
Carter
Casey
Cederberg
Celler
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Fogarty
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Nebr.
Matsunaga
Matthews
May
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schneebeli
Schweiker
Scott
Secrest
Selden
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Va.
Springer
Stafford
Stalbaum
Stanton
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Younger
Zablocki

NAYS—0

NOT VOTING—44

Adams
Blatnik
Broyhill, Va.
Cahill
Chamberlain
Curtis
Daniels
Dickinson
Foley
Giaimo
Goodell
Griffiths
Halleck
Hays
Holifield
Holland
Jones, Mo.
Landrum
MacGregor
Martin, Mass.
Mathias
Meeds
Morris
Morrison
Murray
Passman
Powell
Resnick
Rivers, Alaska
Rodino
Roncalio
Schmidhauser
Senner

Smith, Iowa
Smith, N.Y.
Staggers
Steed
Stephens
Taylor
Thomson, Wis.
Toll
Whitten
Willis
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Toll with Mr. Martin of Massachusetts.
Mr. Giaimo with Mr. Halleck.
Mr. Rodino with Mr. Goodell.
Mr. Hays with Mr. Broyhill of Virginia.
Mr. Holifield with Mr. Cahill.
Mr. Morrison with Mr. Chamberlain.
Mr. Powell with Mr. Thomson of Wisconsin.
Mr. Rivers of Alaska with Mr. Smith of New York.
Mr. Willis with Mr. MacGregor.
Mr. Young with Mr. Mathias.
Mr. Whitten with Mr. Curtis.
Mr. Landrum with Mr. Dickinson.
Mr. Blatnik with Mr. Foley.
Mr. Daniels with Mr. Morris.
Mr. Schmidhauser with Mr. Stephens.
Mr. Staggers with Mr. Roncalio.
Mr. Smith of Iowa with Mr. Holland.
Mrs. Griffiths with Mr. Resnick.
Mr. Passman with Mr. Senner.
Mr. Steed with Mr. Murray.
Mr. Taylor with Mr. Adams.
Mr. Jones of Missouri with Mr. Meeds.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the bill, H.R. 2985.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM—SUPPLEMENTAL APPROPRIATION BILL FOR DEPARTMENT OF DEFENSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to announce a change in the legislative program. Pursuant to the unanimous consent request obtained by the gentleman from Texas [Mr. MAHON], the supplemental appropriation bill for the Department of Defense will be the first order of legislative business tomorrow.

PLANS FOR DESEGREGATION BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I have seen the plans for desegregation which the Department of Health, Education, and Welfare is attempting to force on southern school administrators. Compliance with it would represent a surrender by local and State authorities to Washington dictatorship in the operation of the schools. This, I fear, is a preview of what is to be expected henceforth under the Federal aid to education program just passed by Congress. Most of our school officials feel they have no choice but to comply in order to obtain Federal funds necessary for the operation of their schools.

I wonder if money is everything. I wonder if our people back home are really prepared to surrender the control of their schools to Washington bureaucracy just to keep from raising the money at county and State level to provide for the schools. To yield now to the ultimatum from Washington will simply mean that henceforth Washington will control the schools of the Nation. That is just one step from curriculum control and thought control.

My recommendation to all schools would be to refuse to sign the abdication of their own responsibilities now demanded from them. Notably, only 1 Florida county in 53 has accepted the plan; 13 of 647 have been accepted nationwide. Assurances of compliance with the law have been made by most counties but they are reluctant to go the whole route and commit themselves in advance to any whim or fantasy on desegregation which may be generated by the U.S. Office of Education.

AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an address by Mr. Justice Goldberg.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, last night I had the pleasure of attending the sixth annual policy conference of the American Israel Public Affairs Committee. The Honorable Arthur J. Goldberg, Associate Justice of the Supreme Court of the United States, was the main speaker. Mr. Justice Goldberg's speech concerned Israel and the relationship of Americans to Israel. I believe that it was a most significant address which should be studied by all who are interested in the preservation and the progress of the democracy of Israel. Mr. Justice Goldberg's remarks follow:

ADDRESS BY ARTHUR J. GOLDBERG, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES

I am glad to join in the 17th anniversary celebration of Israel's independence. Americans of whatever national origin, race, or religion have a deep and abiding interest in this young and vigorous democratic state.

The United States was the first country in the world to recognize Israel as an independent nation in 1948 and was its principal sponsor for admission to the United Nations. Presidents dating back to John Adams have shared the messianic expectation for the restoration of the people of Israel to the land of Israel. The Balfour Declaration was in considerable degree the joint product of Lord Balfour for the British Government and President Wilson for the American Government. Congress in a series of bipartisan resolutions has repeatedly expressed sympathy and support for Israel; it has also generously aided and assisted Israel in its program of rebuilding and reconstruction.

Israel is a democratic nation sharing American ideals of freedom, liberty, equality, and social justice. Both America and Israel have a pioneering beginning and pursue common ideals with traditions of individual liberty that are in themselves the highest product of man's existence.

One of Israel's foremost leaders, the Honorable Abba Eban, has described Israel's Declaration of Independence in words descriptive of our own Declaration and Constitution: "Our Declaration of Independence," Mr. Eban said, "has its honored place amidst the documents of democratic history, for it inaugurated the life of a free, parliamentary society inspired by Hebrew prophetic tradition as well as by English common law and the robust egalitarian ideals of the American and French Revolutions."

In my service on the Supreme Court, I often have occasion to reflect upon the origins of the human rights which are proclaimed in the Constitution of the United States. It would forget the past to assume that they derive solely from British constitutional history—from Magna Carta or the English Bill of Rights or from John Locke's philosophy, although much is owed to English barons and philosophers alike. The roots of our contemporary conception of human rights reach much deeper in time and thought.

Many commentators have noted the historical connection between our modern views of the rights of man and older natural thinking which Western civilization derives from Graeco-Roman culture. But the sources of our Bill of Rights are more ancient even than the Greeks—they reach back to biblical times and to Judaic-Christian teachings and tradition. The Old and New Testament teach that all men have rights—because man is created in the image of God and is endowed with human dignity.

America and Israel share contemporary as well as traditional ideals. Both countries in the eloquent words of Franklin D. Roosevelt: "look forward to a world founded upon four essential human freedoms * * * freedom of speech and expression * * * freedom of every person to worship God in his own way * * * freedom from want * * * (and) * * * freedom from fear." Both America and Israel in their foreign and domestic policies recognize that the four freedoms are more than challenging goals; they are essentials if civilization as we know it is to survive. Both countries, in the words of President Kennedy, stand willing to: "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty."

Israel and the United States both profoundly believe and act on the principle that their true national interest is the attainment of individual freedom everywhere in the world—not only intellectually, so that any man may look any other man in the face and speak his piece, but economically, so that want and fear do not become the landlords of any man's private station in life. Both countries are committed to the view that a way of life that offers intellectual freedom through political guarantees, and also offers economic freedom through wise social and economic legislation is the highest creation of civilized man; that both bread and equality, both freedom and security are attainable and inseparable. The community of interest that binds these two free nations rests upon an identity of purpose—they share the vision of a better world and a better life upon it—a world of universal freedom.

Israel seeks, as we do, peace in freedom. The leaders of Israel on every occasion have proclaimed their earnest desire to negotiate a just and lasting peace with their Arab neighbors and a willingness to cooperate with them in the development of the resources of the area for the benefit of all its inhabitants. The direct negotiation of an Arab-Israel permanent peace treaty to replace the present unsatisfactory armistice is a goal of American foreign policy just as it is the Israel goal. It is for this reason that no American need be restrained from reaffirming the traditional policy of the United States of support for the integrity of Israel and for its peaceful development—support which America, in equal measure, offers to every other country in the Middle East. It is also American policy to assist free nations resisting aggression. We have learned by bitter experience that the United States cannot stand idly by while the Soviet Union or Red China supplies modern and sophisticated weapons to countries practicing or threatening aggression against nations bound to us by ties of friendship and common purpose.

Neither America nor Israel welcomes an arms race in the Middle East. Both seek peace but the cause of peace, as Congress has recognized, will not be served by encouraging those preparing for aggression or by permitting those whose security is imperiled to be the victim of an imbalance of arms. All objective observers agree that Israel seeks in the words of Isaiah to dwell "in a peaceful habitation" and "in secure dwellings." Israel deplores, as we do, the wastefulness of armaments in a country and in an area which loudly calls for social and economic development.

President Johnson speaking of the tensions of the area simply but eloquently said: "Peace is first on our agenda" for the Middle East. Our country has the obligation and the commitment to keep it there and to pursue unceasingly the goal of peace in freedom for Israel and all other countries in the Middle East. And until this goal is achieved, we must reaffirm, give fresh vitality and practical implementation to the declaration of President Kennedy, renewed by the present administration, to intervene against aggression on the part of any nation in the area. Our firm resolution to keep the peace is in the best interests of the United States and the rest of the free world as well as the countries directly involved.

Without impugning the motives or good will of anyone, I must frankly state that I do not understand the reasoning of those who question the support which Americans and other free people, both Jewish and non-Jewish, extent to Israel and its people.

Sir Winston Churchill was a self-proclaimed Zionist because as a Christian he profoundly believed in the Messianic expectation. I am a Zionist because I share Sir Winston's belief in the truth of the Old Testament prophecy that God selected Eretz Israel to be His Holy Land and set it aside for the people of Israel.

And I am a Zionist also because I am loyal to the spiritual heritage of the Jewish people. This is a loyalty which in no way is incompatible with the undivided allegiance which I together with all Americans of Jewish origin and belief owe and freely extend to our beloved America—a nation blessed with liberty for all its inhabitants. One of the greatest Americans of all times, Mr. Justice Brandeis, said all that need and should be said on this subject in an address delivered just 50 years ago:

"Let no American imagine that Zionism is inconsistent with patriotism. Multiple loyalties are objectionable only if they are inconsistent. A man is a better citizen of the United States for being also a loyal citizen of his State, and of his city; for being loyal to his family, and to his profession or trade; for being loyal to his college or his lodge. Every Irish American who contributed toward advancing home rule was a better man and a better American for the sacrifice he made. Every American Jew who aids in advancing the Jewish settlement in Palestine will likewise be a better man and a better American for doing so.

"There is no inconsistency between loyalty to America and loyalty to Jewry. The Jewish spirit, the product of our religion and experiences, is essentially modern and essentially American. Not since the destruction of the Temple have the Jews in spirit and in ideals been so fully in harmony with the noblest aspirations of the country in which they have lived."

I reaffirm now what Justice Brandeis said then, just as my distinguished predecessor, Mr. Justice Frankfurter, did during his lifetime. I am glad to take my stand along with them as a firm and committed friend and supporter of Israel and its people who are carrying forward the spiritual and ethical teachings of the prophets and the sages.

The interest that American Jews take in the welfare of Israel is legitimate and deep rooted. It reflects a brotherhood based upon a common past of triumph and tribulation and a common future of hope and aspiration for Jews in Israel and Jews in America. As loyal citizens of this great Republic, American Jews feel a common and uniting bond with their fellow Jews who have settled in the ancestral home. Accustomed as we are to breathe the free air of American life, we take pride that the air of Israel is also free. American Jews properly recognize that the continuity of their Jewish life which is important to our American pluralistic society is intertwined with the democratic and spiritual redevelopment of Israel. Because American Jews view Israel in the words of a distinguished Rabbi as "religion in action" they are proud to lend and urge support to this democratic State of Israel.

To me, like Justice Brandeis, the true test of an American is this: that he is one who does not conceal but affirms his origin, who is proud of whatever it may be, and who recognizes that in the plurality of American life is our strength and the source of the freedom that we so proudly profess in the world.

The genius of American life is that in this free and tolerant land there is room here for men of any race, religion and ancestry. Our strength is in this diversity of cultures and traditions freely honored and cherished—not in an enforced uniformity. The only uniformity or merger of identity which America has the right to and should expect of its citizens is that politically they are solely American citizens. There is no room at the polls for Protestant-Americans, Catholic-Americans or Jewish-Americans. But there is every need in our national life for the spiritual ideals of both the Old and New Testaments and every room for both the wearing of the shamrock on St. Patrick's Day and the celebration of Columbus Day; for both President Kennedy's and Senator Javits' sentimental journeys to their ancestral homes.

I conclude by asserting that there is every reason for Americans—Jewish and non-Jewish—to support that great adventure in human freedom, Israel, an adventure which parallels that great adventure in liberty, the United States of America.

SEA LIFT AND SENATOR MAGNUSON

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, at the recent christening of a new type of Navy ship, appropriately named the U.S.S. *Sea Lift*, the President of the United States made two most significant points: First, the importance of the Navy as a crucial part of the defense effort, and second, the continuing interest of both the President and the distinguished senior Senator from the State of Washington, the Honorable Warren G. Magnuson, in maintaining a strong Navy as part of a strong defense system.

This vessel, of the "roll on—roll off" type, was built by Puget Sound Bridge & Drydock Co., of Seattle, Wash., and was christened by the Senator's lovely wife, Jermaine. In a telegram to Mr. James McCurdy, president of the shipbuilding firm, President Lyndon B. Johnson said:

> I want to congratulate the company and the men who with their skills will have made this ship possible. She will join the fleet with the blessings of the most gracious of sponsors, my friend, Jermaine Magnuson. Senator Magnuson and I served together in the Navy, and on the Naval Affairs Committee in the House of Representatives during World War II. We are both aware of the importance more than ever today of new modern additions to the fleet to keep the Navy a strong arm of our national defense. This is why I, the President, have recommended a substantial naval shipbuilding program in the last and this year's defense budget. Sea lift is just as important as air lift in these times. This is one of the greatest ships of its kind ever built. My best wishes to you all.
>
> Lyndon B. Johnson.

LINCOLN AND LEE

Mr. MACKAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MACKAY. Mr. Speaker, we American people are indebted to the scholars who have recorded and evaluated the events which we call the Civil War period of American history.

Prof. Bell Irvin Wiley, professor of history at Emory University and member of the Civil War Centennial Commission, is a native southerner and a resident of the Fourth Congressional District of Georgia. No scholar has contributed more to the literature of Civil War history than this distinguished man.

On the occasion of the 100th anniversary of Lee's surrender at Appomattox Professor Wiley delivered an address at Emory University in which he assessed Lincoln and Lee. It merits reading by all Members of Congress and indeed all Americans who cherish our rich heritage and the legacy of these two remarkable Americans.

I include the speech, "Lincoln and Lee":

Lincoln and Lee

(Speech given by Prof. Bell Irvin Wiley at Emory University, Apr. 9, 1965)

One hundred years ago today Robert E. Lee surrendered the ragged remnants of one of the grandest military organizations of all time, the Army of Northern Virginia, and by that act to all practical purposes brought an end to 4 years of bloody, terrible conflict. The American Civil War as many people have observed was the greatest tragedy in the history of our Nation.

Sometimes in the careers of nations, as in the lives of individuals, tragedy is a prolog to progress. This was true of the great tragedy of the Civil War. That conflict ended slavery. It decided that this land of ours would be one great nation rather than a loose aggregation of separate and competing entities each claiming to be sovereign. The "one nation, under God, indivisible" to which you and I pledge allegiance was forged on the battlefields of the great American conflict of a hundred years ago.

The Civil War also gave us our most cherished heroes, and the most outstanding of these were Lincoln and Lee. As far as I know, they never saw each other. How unfortunate. They would have gotten along well. There would have been mutual respect and esteem. I think it is not an exaggeration to state that Lincoln and Lee were the finest products of the Civil War. Each, during the tragic years that we are now commemorating, achieved outstanding and enduring fame.

Lee, the soldier, is recognized throughout the world as one of the greatest military strategists of all time. Lincoln, the statesman, enjoys even greater renown. On October 25, 1961, Carl Sandburg made a speech in the Library of Congress in which he stated, "One world figure came out of the Civil War. The name of Lincoln went around the world and is now a familiar and beloved name nearly everywhere * * *. More books have been written about Lincoln than about any other character in history except Jesus Christ. Biographies of him are available in more foreign translations than any other character in American history."

Let us take a look at these two remarkable men. First, let us look at their contrasts. In background and early associations they were dissimilar. Lee was an aristocrat. His father was Henry Lee, "Light Horse Harry Lee," of Revolutionary fame, and Governor of Virginia, 1792–95. Henry Lee died when Lee was only 11 years of age. Indeed, Robert E. Lee did not see his father after he was 6 years old because Henry Lee went on a Government mission to Barbados and died on the return trip. Interestingly, he was buried on Cumberland Island in Georgia. Lee's mother was Mary Ann Carter, the daughter of Charles Carter, of Shirley Plantation on the James River. The oldtime Virginians referred to the "Cyatah" family on the "James" River. One could have no greater claim to social preeminence among early Virginians than to be a Carter. Robert grew up to be more of a Carter than a Lee. He spent a good deal of time with his cousins at Shirley. Outstanding traits of the Carter family were geniality, devotion to family, and loyalty to community. The Carters were traditionally religious, but none was fanatical. They mixed revealed religion and noblesse oblige in a delightful manner. Their code stressed economy, moderation, courtesy, gentility, honor, and devotion to duty.

Lincoln's parentage, on the other hand, was humble. It is a noteworthy fact that both his father, Thomas Lincoln, and his mother, Nancy Hanks, were Virginians; but like many of their contemporaries they had crossed the Appalachians in the great westward flow of humanity that came in the wake of the Revolution. Thomas Lincoln was not nearly as shiftless and no account as some of the biographers have represented him. He was a respected, honest, amiable man. He got along well with his neighbors, but he had difficulty staying put. He was a chronic mover. Nancy Hanks was probably illegitimate, but she was an honorable, admirable woman. Thomas Lincoln, Abe's father, could not read, and it was with the greatest difficulty that he was able to write his name. Nancy Hanks could neither read nor write. When Lincoln was 7 years old, the family moved from Kentucky to Spencer County, Ind., then a vast wilderness, where they lived first in a partially open shelter and then in a crude log cabin. In the second year in Indiana, Nancy Hanks died of what was known as "milk fever," and about a year later Thomas Lincoln stirred himself to go back to Kentucky and persuade a widow, Sarah Bush Johnston, to come to Indiana with him as his wife. This was a very fortunate thing for Abraham Lincoln because Sarah was a dynamic and resourceful woman and a strong bond of affection developed between her and her lanky stepson. In his later years he often referred to Sarah as "my angel mother."

In schooling these men were markedly different. Lee was educated by private tutors and in Alexandria Academy near Washington. He excelled in Latin and in mathematics. When he was 18, he went to West Point. He graduated from the Military Academy in 1829, second in his class and with no demerits. (Charles Mason, later a distinguished lawyer in Iowa and Washington, D.C., was the top man in the class of 1829.) Lincoln's schooling was sparse and disjointed. He went to one-teacher country schools in Kentucky and Indiana, but in all his life he had less than a year of formal schooling. Yet his letters and his speeches reveal him to be a well-educated man. He educated himself by reading, studying, observing, and reflecting. Among the books that he read as a boy were "Robinson Crusoe," "Pilgrim's Progress," "Aesops Fables," Weems' "Life of Washington," and Grimshaw's "History of the United States." He also pored over the "Revised Laws of Indiana," which shows how hard up he was for reading matter. But this ponderous volume contained such important documents as the Constitution of the United States, the Declaration of Independence, and the American Bill of Rights, all of which Lincoln virtually committed to memory. Another book that he read was the Bible.

In culture and demeanor these two men also stand in notable contrast. Lee was a model of propriety, as evidenced by the fact that he went through 4 years at West Point without getting a demerit, and demerits were very easy to acquire at that time because the rules of the Academy prohibited the possession in the cadets rooms of any cooking utensils, games, novels, romances, or plays. He was remarkably clean in his language and his habits. When Douglas Southall Freeman had completed the research for the monumental, four-volume biography, R. E. Lee, he made a speech before The Southern Society in New York City. In the course of his remarks he stated that in all of the research that he had done for the biography—an investigation extending to literally thousands of books, pamphlets, and manuscripts—he had never found indication of the use by Lee at any time in his life of a single profane or obscene word or phrase. There are not many high ranking military men in all of history about whom such a statement could be made. Indeed, why pick on the army? There have not been many men in any vocation or profession about whom such a statement could be made. Lee was a devout Episcopalian, and he attended church services whenever circumstances would permit.

Lee liked women, especially if they were pretty. He preferred the companionship of attractive women to that of men—which I think reflects favorably on his judgment. On December 7, 1862, he wrote his wife, Mary, "Thank Miss Norvell for her nice cake, but tell her I prefer kisses to cake." He was teasing, of course, because he was absolutely and completely faithful to his wife, Mary. The historical debunkers in their heyday were never able to dig up even a faint suggestion of a scandal involving this truly remarkable man.

But Lee was no prig. Joseph E. Johnston, a classmate of Lee's at West Point, wrote in later years, "He was full of sympathy and kindness, genial, fond of gay conversation and even of fun * * *. No other youth or man so united the qualities that win warm friendship and command high respect." Lee drank only moderately, and then strictly for his health. Some biographers claim that Lee never drank at all, but several years ago in reading the Lee family letters, then in the Library of Congress, I came across a note of General Lee to his wife, Mary, dated May 29, 1864, in which he stated: "I have not been very sick. * * * Do not send any of the whisky. Some kind gentleman has sent me some brandy which I am using." Now it is inconceivable that if Lee never drank whisky he would tell Mrs. Lee not to send him any of that beverage. And in the Richmond City directory for 1869 I found this advertisement: "Steven Mason's—Gen. Robert E. Lee's brand of pure malted rye whisky put up expressly for family use." Now since Lee was still alive at this time, it seems unlikely that the advertiser would have dared represent the brand thus without Lee's consent.

Lincoln was a product of the frontier. Apparently he never drank; but his language was sometimes unpolished, and he developed a fondness for off-color stories. After he got to the Presidency, he sometimes shocked people like Gideon Welles, who wore a funny little cap, had a beard, looked like a patriach, and to whom Lincoln humorously referred as "Father Welles," with his frontier anecdotes. Sometimes he also annoyed Edwin Stanton and the Puritanic Salmon Chase with his raw humor. In his schoolboy copybooks appeared these verses:

> "Abraham Lincoln, his hand and pen.
> He will be good, but God knows when.
>
> "Hail Columbia, happy land.
> If she ain't broke, well I'll be damned.

Lincoln never joined the church, but he was deeply religious. His wartime letters and speeches indicate that in the toils, burdens, and the anxieties that he bore as President of a divided nation he experienced a genuine spiritual deepening. His wife, Mary Lincoln, said of him, "He never joined the church, but still he was a religious man. But it was a kind of poetry in his nature, and he never was a technical Christian."

In their relations with their associates there were also marked differences between these two men. Few men outside of Lee's family and close circle of friends ever were intimate with him. Dignity and abstemiousness tended to preclude intimate associations; but his was a benevolent nature and his generosity, his courteousness, and his graciousness commanded the respect and the admiration of all those who knew him. Lincoln was thoroughly approachable, easy, informal, genial, sympathetic. One of his greatest attributes as President was his ability to identify himself and the cause that he led with the interests and the aspirations of the great masses of the people, both at home and abroad. He instilled in the common folk a feeling of closeness to him. He never forgot that his own origins were lowly, and in his manner and outlook he always remained one with the people from whom he sprang. The common soldiers on the Union side in their letters frequently referred to him as "Uncle Abe," "Father Abraham," and "Old Abe." These were not terms of disparagement but rather of genuine affection born of a kinship of interests and ideals.

In their administrative methods the Virginian and the frontiersman were also very different. Lee was a model of orderliness and precision. Lincoln on the other hand was informal, easygoing, and unsystematic in his administrative procedures. His law office in Springfield was a shambles; books were piled all around on the floor. His desk was stacked high with papers, a fact in which I find much personal comfort. In his office was one large bundle of papers, tied with a string, containing this notation: "If you can't find it anywhere else, look in here." I think Prof. David Donald goes a little too far when he characterizes Lincoln as "an amiable bungler," but there can be no doubt that the President's conduct of his office had a certain loose-jointed quality which violated the best principles of administration.

It is perhaps in their loyalties that these two men stand in greatest contrast. Lincoln, a product of the frontier, appreciated the benefits and blessings of the Union. He realized the need of national authority and national means for building roads, canals, railroads, opening up the West, and providing schools, homesteads, and protection from the Indians. Growing up in this atmosphere he developed a deep attachment and loyalty to the Nation.

Lee on the other hand was the product of a locality and an authority that was two and a half centuries older than the Union. His first loyalty was to Virginia. As the intersectional crisis approached in 1860–61, he condemned the extremists who were threatening the permanency of the Union. But when the break came and he had to choose between Virginia and the Nation, he chose Virginia. Douglas S. Freeman says that this was the choice he was born to make. There can be no doubt of Lee's sincerity. As we ponder during the Civil War Centennial the events that led to secession and war, cognizance should be taken of the fact that a man as sincere, as admirable, as unselfish and as honorable as Lee could prefer the State—his State—over the Nation. It is not fair to judge Lee on the basis of our own 20th century ideas concerning the Union, for his ideas about the relative position of the Nation and the States—ideas deriving largely from his background, experiences, and associations—were quite different from those of present-day Americans, reared in an intellectual atmosphere vastly different from that of a hundred years ago.

Now, let us turn to the similarities of Lincoln and Lee, and these far outweigh the differences. They were very similar in goodness and in character. Lee had seven children—three sons and four daughters. The sons were Custis; William Henry Fitzhugh, known as "Rooney" to distinguish him from his cousin, Fitzhugh Lee; and Bob, the youngest. The four daughters were Mary, Agnes, Annie, and Mildred. Interestingly, none of these daughters married. Interesting, too, is the fact that Custis and Rooney both became major generals in the Confederate Army, as did their cousin, Fitzhugh. Lee's relations with his children were marked by much tenderness and affection. Before the war when the girls were little, Lee liked to come home in the afternoon, remove his military boots, take a comfortable position in a soft chair, put his feet on an ottoman, and have his young daughters tickle his feet while he told them stories. He was a gifted raconteur, and sometimes the little girls would become so absorbed in the story that they would forget to tickle. Then the father would look up and with a smile on his face say, "no tickle—no story"; whereupon, they would resume the tickling, and he would resume the story.

Lincoln had four children, all boys. Eddie, the eldest, born in 1844, died in 1850. When the war came, Robert was 18; Willie, 11; and Tad, 8. Lincoln was devoted to his boys. Once during the war when Tad and Willie were playing soldiers with a doll whom they named Jack, they decided that Jack had been guilty of the terrible offense of going to sleep on picket. They held a quick court-martial and sentenced him to be shot. They were about to carry out the execution in their play when the White House gardner suggested that the President might pardon the offender. Lincoln fell in readily with the scheme and sent a note on White House stationery, stating: "The doll Jack is pardoned by order of the President, A. Lincoln."

Both Lincoln and Lee lost a child during the war. Agnes Lee died in 1862 at 23. Lee's letters reveal what a great tragedy this was in his life. Willie Lincoln died the same year. He was Lincoln's favorite son, the light of his life. Relationships between the two were very close. Just after the boy died, Lincoln came down the stairs in the White House to his secretary's office and chokingly said, "Well, Nicolay, my boy is gone—he is actually gone." Then the President burst into tears, went into his own office, shut the door, and remained for a while in seclusion.

Both men loved animals. During Linclon's Presidency the White House was a menagerie of kittens, goats, and rabbits; and in the yard there were ponies. The family dog sometimes sat in the President's lap at mealtimes, and Lincoln fondled the animal while he ate. Lee loved cats. On June 29, 1861, after the Federals had driven the Lees from the family home at Arlington, Lee wrote his wife, "I saw a beautiful cat the other evening that reminded me of Tom. The latter no doubt lords it in a high manner over the British at Arlington. He will have some strange things to tell when you next see him." (An interesting characteristic of Lee was that he rarely referred to his opponents as the Federals or the Yankees. He called them "those people," but in this letter to Mary he characterizes them as "the British," which I suppose he meant to be a compliment.)

Both were good husbands. Lee was the soul of tenderness in dealing with his wife, Mary, who during the war and afterwards was severely afflicted with arthritis. He consulted her on all important decisions. He wrote her frequently even during the most strenuous campaigns of the war, and his letters fairly glowed with affection. On a dark November day in 1864 he wrote from camp near Petersburg to his youngest daughter, Mildred (he sometimes addressed her as "My dearest Life"), "Give a great deal of love to dear, dear Mother and kiss your sisters for me. Tell them they must keep well, not talk too much and go to bed early." Recall the circumstances: Mrs. Lee was ill; Lee himself was already showing indications of the heart malady that 5 years after the war was to take his life; his soldiers were ragged and hungry, deserting by the scores because of the troubled letters that they were receiving from their families telling them that they were suffering greatly at home. The mantle of defeat was settling over the beleaguered Confederacy. Yet in this dark situation Lee could write his daughters, "Keep well, don't talk too much, and go to bed early."

Lincoln's relations with his Mary were not always smooth. Mrs. Lincoln was nervous, high-strung, and she sometimes lashed out at him. The war was a difficult period in her life. But these outbursts were not always without provocation. Lincoln was absent-minded and careless about little things around the house. A product of the frontier he never became completely housebroken. One Sunday he was pulling his two little boys along in a wagon. His mind was absorbed in matters far, far removed. A neighbor came up to him and nudged him. Lincoln looked around, and one of the children had fallen out of the wagon. If Mrs. Lincoln happened to be looking out the window and observed this, we can understand that she might become a little upset. Despite the differences between Mary Todd and Abraham Lincoln, she made him an excellent wife. She came from a cultured background—she was of the Todd family of Lexington, Ky. Lincoln and his Mary complemented each other in a very splendid way. She was able to polish some of the rough edges that remained from his frontier upbringing and prepare him for polite society. In dealing with this tense and anxious spouse, Lincoln was the soul of understanding, consideration, and respect. There can be no doubt that they had a very deep affection for each other and that theirs was a good marriage.

Lincoln and Lee were both generous and tolerant. They did not utterly condemn people who failed to come up to their own high standards and attainments. During the war a report came to General Lee that his good friend, a former Governor of Virginia, Gen. Henry A. Wise, had cursed an intruder out of camp. Lee called Wise to his tent and began to reprove him for this unseemly conduct and violation of army regulations. Wise, who was one of the very few men who dared speak his full mind to General Lee, interrupted and said, "General Lee * * * your whole life is a constant reproach to me. Now I am perfectly willing that Jackson and yourself shall do the praying for the whole army * * * but in heaven's name let me do the cussin' for one small brigade." Lee smiled and said, "General Wise, you are incorrigible," and let the matter drop.

Neither Lincoln nor Lee was the sort of person to harbor enmities. During the war one of Lincoln's young friends, J. Madison Cutts, became involved in a serious controversy. Lincoln wrote him: "Quarrel not at all. No man resolved to make the most of himself can spare time for personal contention." What better advice could be given a young man! In my younger days I was sometimes involved in quarrels. I can't think of anything that I ever gained by quarreling, and I do know that I lost much, of equanimity, of self-respect, and of the objectives for which I was contending. Lincoln himself followed the rule that he prescribed for J. Madison Cutts, and in not harboring enmities and in not fighting back at his critics is to be found one of his best claims to greatness. After the war a faculty member at Washington College (later Washington and Lee) spoke disparagingly of General Grant in the presence of Robert E. Lee, then president of the institution. Lee immediately said, "Sir, if you presume ever again to speak disrespectfully of General Grant in my presence, either you or I will sever his relations with this institution." And he meant it. Both were abundantly blessed with tact. Lee was able always to get along with the most rampant individuals nurtured by the plantation system, the hypersensitive prima donnas who held high place in the Confederacy, among them Jefferson Davis, Joseph E. Johnston, and Pierre Gustave Toutant Beauregard. Lee got along with the Confederate Cabinet. He got along with Congress. Lee "quarreled not at all."

Lincoln was able to get along with and use for the cause of the Union the talents of people who were personally distasteful to him—people who were opinionated and who thought that they were better qualified to head the Nation than he. One of these was William Seward, the Secretary of State, who on April 1, 1861, wrote Lincoln a letter which the late Prof. James G. Randall called "Seward's Fools' Day Aberration." In this letter Seward said in effect: "I know you are not very well qualified to run the country, Mr. President. I am a man of much experience. I am able and willing to bear this responsibility." Seward went on to suggest for himself something approximating the position of prime minister. But Lincoln overlooked Seward's incredible presumptiveness and kept him on in the Cabinet because he felt that he was the man best fitted for the position of Secretary of State. Lincoln got along with Chase. Chase was an opinionated, self-righteous man. He was exceedingly ambitious, and he worked behind Lincoln's back in a cunning, deceitful, unadmirable way to try to obtain the Presidency. Lincoln thought Chase was the man best qualified to be Secretary of Treasury, and he put up with him, though watching him, until the summer of 1864 when he finally had to let him go. But instead of being vengeful or spiteful, he appointed Chase Chief Justice of the Supreme Court. Lincoln got along with Stanton who also was very difficult; but when Lincoln was forced to get rid of Simon Cameron, the Secretary of War, he felt that he should appoint as successor the person best qualified for the position; and on that basis he chose Stanton even though this man had once snubbed him in a law suit. Neither Lincoln nor Lee personalized opposition, a fatal mistake for anyone in high administrative position, because genius and ability sometimes come wrapped in strange packages.

Another similarity between these two men was their devotion to duty. Duty, particularly to the Union, was an obsession with Lincoln during his critical days in the White House. Many times late at night he walked the floor in his carpet slippers pondering the problems of the imperiled Nation. And he walked alone, bearing on his stooped shoulders the enormous burdens of the world's most difficult position.

Duty was the guiding rule of Lee's life. On one occasion he stated, "There is a true glory and a true honor, the glory of duty done and the honor of integrity of principle."

Both demonstrated exceptional capacity for growth, and this is one of the most critical factors in greatness. At the beginning of the war Lee had the reputation of being a model officer, but he had never led troops in combat. As a staff officer in the Mexican War he had acquitted himself gallantly, but he did not command troops. In peacetime, the largest unit that he had led was a regiment. In his first campaign of the Civil War, in western Virginia, he made a poor showing; and his direction of the Seven Days Battle, when he was first in command of the Army of Northern Virginia, left much to be desired. But Lee grew rapidly as an army commander, and he profited enormously by his mistakes. By the end of 1862 he had established a solid reputation, and before the end came at Appomattox he had made a record that places him among first ranks of great military leaders of all time.

Lincoln was hardly more than an ordinary politician at the beginning of the war, but under the trials and responsibilities of the Presidency he grew tremendously. And in the face of enormous obstacles he achieved a stature that is so awesome that many people regard him as the greatest of all Americans.

Finally they were both leaders of enduring influence. Lincoln's reputation increases with the passing of time. Throughout the world today he stands as the personification of American democratic idealism and a symbol of hope for the oppressed, even behind the Iron Curtain. Lee's finest hour came after Appomattox. To General Beauregard he wrote late in 1865: "I am glad to see no indication in your letter of an intention to leave the country. I think the South requires the aid of her sons now more than at any period of her history. I have no thought of abandoning her unless compelled to do so." To Gen. Jubal Early and other comrades who fled the country to escape Yankee rule he wrote in effect: "Come back to the South. Here is where you are needed. Use your labor and your influence to make of your native region a happy and a prosperous land." Lee set an example for those to whom he gave this advice. With considerable hesitation, deriving from his modesty, he accepted the presidency of a struggling little college at Lexington, Va., at a salary of $1,500 a year; and he devoted his remaining 5 years to the task of preparing young Virginians to get a new start. Lee, the champion of the Old South, became the first citizen of the New South; and Lee, the Virginian, became Lee, the American.

I am often asked the question, especially when I point out the shortcomings of Jefferson Davis as Confederate President, who would have made a better President? Invariably, and without any equivocation, I state "Robert E. Lee," because there was no man in high position, either in the military or in civilian life, who demonstrated as much of true greatness or statesmanship as did Robert E. Lee. It was a good thing for the future of this Nation that Lee was not the chief executive of the Confederate States of America, and it was fortunate for the Union that it had as its chief a man with the personality, the vision, and the greatness of Abraham Lincoln—a peoples' President in a peoples' war. Lincoln and the people, bound to each other by mutual ties of affection and respect, were an unbeatable combination. Now, 100 years after America's greatest crisis, as we observe the centennial of Appomattox, it is fitting that northerners and southerners should unite, as we do here at Emory University tonight, in paying tribute to these great men, and that we honor them as Americans each richly endowed with the qualities that have brought enduring greatness to the land of the free and the home of the brave.

SEIZURE OF FIRST-CLASS MAIL

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, today, I have introduced a bill, the objective of which is to end the invidious practice of seizing first-class mail under an "arrangement" that has existed between the Post Office and Treasury Departments since 1962.

My colleagues will recall that I first disclosed this violation of the privacy of first-class mail on the floor of the House on April 5, 1965, and at that time offered an amendment to the pending appropriation bill, which would have limited use of funds for such seizures, for a 1-year period. Unfortunately only a few Members were on the floor at that time and the amendment was rejected because many of those present were unwilling to believe that such seizures were taking place and lack of due process. Subsequently, the charges I made on the floor were fully confirmed when the other body's Subcommittee on Administrative Practice and Procedure, reopened its hearings as a result of these disclosures.

Replying to my charge, the Chief Postal Inspector admitted that there were improprieties, but officials, nevertheless, maintained that they had authority to seize undelivered mail, under the Internal Revenue Code.

I do not agree that any such authority exists, especially when it is specifically prohibited by the Postal Code, and by the protection of the 4th amendment. However, since two Cabinet officers continue to insist that they have the authority to do so, and since this alleged authority has never been tested in the courts, I am submitting a bill to specifically add mail to those items listed in title 26, United States Code, section 6334(a), as excluded from tax levies.

I hope other members of the House will join in this effort, and that the House will soon have an opportunity to insure the true and sanctified privacy of first-class mail.

PREMIER ALDO MORO—COURAGEOUS STATESMAN

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on Tuesday, April 20, I had the pleasure of meeting at the White House with Premier Aldo Moro of Italy. On this occasion, President Johnson paid tribute to the head of the Italian Government in recognition of his support of American foreign policy in Vietnam.

Aldo Moro is 48 years old, a relatively young man to be holding such a responsible position in his country. He is a humble man, yet he possesses the rare qualities that are found in all great statesmen. In Italy, Premier Moro faces, day in and day out, the ruthless pressures exerted by the most powerful Communist minority in Europe. His political career hangs always in the balance. It would be the easier course to give into these pressures. Yet, again and again, he has stood his ground courageously and remained true to his ideals. He has demonstrated to the world how a man in public office, entrusted with grave responsibilities, should discharge his duties, with strength, bravery, manliness and self-respect. Indeed, he has set an example for all to emulate.

It is my pleasure to insert into the RECORD an article about Premier Moro that appeared in the Chicago Daily News written by the columnist William S. White. The article follows:

ITALY'S PREMIER—A MAN OF STAMINA

(By William S. White)

WASHINGTON.—Premier Aldo Moro of Italy leaves three things behind in the afterlight of his mutually warm—and mutually adult—conversations with President Johnson.

He has given to the timorous in this and other countries—men who would respond with elegant wordy words to the steel of a Communist invading force which has open contempt for any kind of "negotiation" until it has finished swallowing up South Vietnam—an exhibition of strength and courage.

He has given to many Americans and to others abroad—to men who gamble with the very security of the free world, sometimes out of mere petty piques at a strong American Government—a lesson in how grown men in high responsibility should behave in a world of danger and duty.

He has given to all an example of simple manliness and of a perfectly self-respecting but decent gratitude toward an ally—the United States of America—which for so little thanks generally has done so much for his country and so many others.

When one wearies of seeing the United States kicked by some of its allies for carrying a free-world load it never sought but which elementary honor and obligation compel it to carry, it will be heartening to look back upon the visit here of Aldo Moro of Italy.

For he came not to carp at the leadership—this leadership which no other nation is able or willing to assume—but only to ask for more of it.

He came—this Aldo Moro, who in his own country faces day and night the most powerful Communist minority in all Europe—not to hedge before the demands of Communists, in Asia or elsewhere. He came to stand up against them abroad, as so bravely he has stood up against them in Italy, for the values of Western society and for the ultimate safety of world order.

If any politician on earth could find an easy excuse to trim toward the Communists, it would surely be this tired, dauntless Italian. But far from doing this, in Washington he stood like a Gibraltar with our Government in Vietnam.

He is a curious man, this Moro. For in his old-fashioned way he does not understand why some politicians here, to whom "communism" is only a word, are too frightened to deal realistically in Asia with a naked Communist aggression which they are so tirelessly excusing. To excuse it, they appeal to the last refuge of the appeaser—the claim that he alone values peace. But Moro appeals to the terrible realities of history in rejecting soft surrender; under some other name it is still not a rose but only a thorn of blood.

The word "negotiation" he never mentioned without qualifying it with the profound and powerful word "honorable." In his simplicity, he believes only in honorable negotiations. He believes also that no cease-fire should be left for its enforcement solely to the promises of aggressors who broke every previous promise in southeast Asia, not 10 but a hundred times.

So he gave no comfort to those here and abroad who argue the singular theory that the United States is at fault for an "escalation" of a war it never started, because it will not stop bombing aggressors who say flatly and in advance that they will not stop aggressing in South Vietnam. He cannot see how a halt to American defensive action, in the absence of even any interruption of Communist attacks, could serve any cause except the cause of more aggression.

Even at the risk of being called a "warmonger" in a leftist-plagued Italian coalition where his own political life hangs endlessly in the balance, he does not believe that to dishonor the solemn defensive commitments of three successive American Presidents would be either an act of statesmanship or an act becoming to men who have the hard duty to be men.

An odd fellow altogether, this Signor Moro, is he not?

ISRAEL INDEPENDENCE DAY

Mr. MULTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter on Israel's Independence Day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, May 7 marks the 17th anniversary of the independence of that little but great bastion of democracy in the Middle East, the State of Israel.

Proper observance of the anniversary is being taken all this week throughout our country and the free world.

Last night it was my privilege to attend the dinner which concluded the conference in Washington of the American-Israel Public Affairs Committee. We heard a splendid address by Associate Justice of the Supreme Court of the United States, the Honorable Arthur J. Goldberg. I know of no better way of taking note of Israel's independence anniversary than to share with our colleagues Justice Goldberg's very fine remarks which follow:

ADDRESS BY ARTHUR J. GOLDBERG, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES AT A DINNER SPONSORED BY THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, INTERNATIONAL INN, WASHINGTON, D.C.

I am glad to join in the 17th anniversary celebration of Israel's independence. Americans of whatever national origin, race or religion have a deep and abiding interest in this young and vigorous democratic state.

The United States was the first country in the world to recognize Israel as an independent nation in 1948 and was its principal sponsor for admission to the United Nations. Presidents dating back to John Adams have shared the messianic expectation for the restoration of the people of Israel to the land of Israel. The Balfour Declaration was in considerable degree the joint product of Lord Balfour for the British Government and President Wilson for the American Government. Congress in a series of bipartisan resolutions has repeatedly expressed sympathy and support for Israel; it has also generously aided and assisted Israel in its program of rebuilding and reconstruction.

Israel is a democratic nation sharing American ideals of freedom, liberty, equality and social justice. Both America and Israel have a pioneering beginning and pursue common ideals with traditions of individual liberty that are in themselves the highest product of man's existence.

One of Israel's foremost leaders, the Honorable Abba Eban, has described Israel's Declaration of Independence in words descriptive of our own Declaration and Constitution: "Our Declaration of Independence" Mr. Eban said, "has its honored place amidst the documents of democratic history, for it inaugurated the life of a free, parliamentary society inspired by Hebrew prophetic tradition as well as by English common law and the robust egalitarian ideals of the American and French revolution."

In my service on the Supreme Court, I often have occasion to reflect upon the origins of the human rights which are proclaimed in the Constitution of the United States. It would forget the past to assume that they derive solely from British constitutional history—from Magna Carta or the English Bill of Rights or from John Locke's philosophy, although much is owed to English barons and philosophers alike. The roots of our contemporary conception of human rights reach much deeper in time and thought.

Many commentators have noted the historical connection between our modern views of the rights of man and older natural thinking which Western civilization derives from Graeco-Roman culture. But the sources of our Bill of Rights are more ancient even than the Greeks—they reach back to Biblical times and to Judaic-Christian teachings and tradition. The Old and New Testament teach that all men have rights—because man is created in the image of God and is endowed with human dignity.

America and Israel share contemporary as well as traditional ideals. Both countries in the eloquent words of Franklin D. Roosevelt: "look forward to a world founded upon four essential human freedoms, freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want [and] freedom from fear." Both America and Israel in their foreign and domestic policies recognize that the four freedoms are more than challenging goals; they are essentials if civilization as we know it is to survive. Both countries, in the words of President Kennedy, stand willing to: "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty."

Israel and the United States both profoundly believe and act on the principle that their true national interest is the attainment of individual freedom everywhere in the world—not only intellectually, so that any man may look any other man in the face and speak his piece, but economically, so that want and fear do not become the landlords of any man's private station in life. Both countries are committed to the view that a way of life that offers intellectual freedom through political guarantees, and also offers economic freedom through wise social and economic legislation is the highest creation of civilized man; that both bread and equality, both freedom and security are attainable and inseparable. The community of interest that binds these two free nations rests upon an identity of purpose—they share the vision of a better world and a better life upon it—a world of universal freedom.

Israel seeks, as we do, peace in freedom. The leaders of Israel on every occasion have proclaimed their earnest desire to negotiate a just and lasting peace with their Arab neighbors and a willingness to cooperate with them in the development of the resources of the area for the benefit of all its inhabitants. The direct negotiation of an Arab-Israel permanent peace treaty to replace the present unsatisfactory armistice is a goal of American foreign policy just as it is the Israeli goal. It is for this reason that no American need be restrained from reaffirming the traditional policy of the United States of support for the integrity of Israel and for its peaceful development—support which America, in equal measure, offers to every other country in the middle east. It is also American policy to assist free nations resisting aggression. We have learned by bitter experience that the United States cannot stand idly by while the Soviet Union or Red China supplies modern and sophisticated weapons to countries practicing or threatening aggression against nations bound to us by ties of friendship and common purpose.

Neither America nor Israel welcomes an arms race in the Middle East. Both seek peace but the cause of peace, as Congress has recognized, will not be served by encouraging those preparing for aggression or by permitting those whose security is imperiled to be the victim of an imbalance of arms. All objective observers agree that Israel seeks in the words of Isaiah to dwell "in a peaceful habitation" and "in secure dwellings." Israel deplores, as we do, the wastefulness of armaments in a country and in an area which loudly calls for social and economic development.

President Johnson speaking of the tensions of the area simply but eloquently said: "peace is first on our agenda" for the Middle East. Our country has the obligation and the commitment to keep it there and to pursue unceasingly the goal of peace in freedom for Israel and all other countries in the Middle East. And until this goal is achieved, we must reaffirm, give fresh vitality and practical implementation to the declaration of President Kennedy, renewed by the present administration, to intervene against aggression on the part of any nation in the area. Our firm resolution to keep the peace is in the best interests of the United States and the rest of the free world as well as the countries directly involved.

Without impugning the motives or good will of anyone, I must frankly state that I do not understand the reasoning of those who question the support which Americans and other free people, both Jewish and non-Jewish, extend to Israel and its people.

Sir Winston Churchill was a self-proclaimed Zionist because as a Christian he profoundly believed in the Messianic expectation. I am a Zionist because I share Sir Winston's belief in the truth of the Old Testament prophecy that God selected Eretz Israel to be His Holy Land and set it aside for the people of Israel.

And I am a Zionist also because I am loyal to the spiritual heritage of the Jewish people. This is a loyalty which in no way is incompatible with the undivided allegiance which I together with all Americans of Jewish origin and belief owe and freely extend to our beloved America—a nation blessed with liberty for all its inhabitants. One of the greatest Americans of all times, Mr. Justice Brandeis, said all that need and should be said on this subject in an address delivered just 50 years ago:

"Let no American imagine that Zionism is inconsistent with Patriotism. Multiple loyalties are objectionable only if they are inconsistent. A man is a better citizen of the United States for being also a loyal citizen of his State, and of his city; for being loyal to his family, and to his profession or trade; for being loyal to his college or his lodge. Every Irish American who contributed toward advancing home rule was a better man and a better American for the sacrifice he made. Every American Jew who aids in advancing the Jewish settlement in Palestine will likewise be a better man and a better American for doing so.

"There is no inconsistency between loyalty to America and loyalty to Jewry. The Jewish spirit, the product of our religion and experiences, is essentially modern and essentially American. Not since the destruction of the Temple have the Jews in spirit and in ideals been so fully in harmony with the noblest aspirations of the country in which they have lived."

I reaffirm now what Justice Brandeis said then, just as my distinguished predecessor, Mr. Justice Frankfurter, did during his lifetime. I am glad to take my stand along with them as a firm and committed friend and supporter of Israel and its people who are carrying forward the spiritual and ethical teachings of the prophets and the sages.

The interest that American Jews take in the welfare of Israel is legitimate and deep rooted. It reflects a brotherhood based upon a common past of triumph and tribulation and a common future of hope and aspiration for Jews in Israel and Jews in America. As loyal citizens of this great Republic, American Jews feel a common and uniting bond with their fellow Jews who have settled in the ancestral home. Accustomed as we are to breathe the free air of American life, we take pride that the air of Israel is also free. American Jews properly recognize that the continuity of their Jewish life which is important to our American pluralistic society is intertwined with the democratic and spiritual redevelopment of Israel. Because American Jews view Israel in the words of a distinguished rabbi as "religion in action" they are proud to lend and urge support to this democratic State of Israel.

To me, like Justice Brandeis, the true test of an American is this: that he is one who does not conceal but affirms his origin, who is proud of whatever it may be, and who recognizes that in the plurality of American life is our strength and the source of the freedom that we so proudly profess in the world.

The genius of American life is that in this free and tolerant land there is room here for men of any race, religion, and ancestry. Our strength is in this diversity of cultures and traditions freely honored and cherished—not in an enforced uniformity. The only uniformity or merger of identity which America has the right to and should expect of its citizens is that politically they are solely American citizens. There is no room at the polls for Protestant-Americans, Catholic-Americans or Jewish-Americans. But there is every need in our national life for the spiritual ideals of both the Old and New Testaments and every room for both the wearing of the shamrock on St. Patrick's Day and the celebration of Columbus Day; for both President Kennedy's and Senator JAVITS' sentimental journeys to their ancestral homes.

I conclude by asserting that there is every reason for Americans—Jewish and non-Jewish—to support that great adventure in human freedom, Israel, an adventure which parallels that great adventure in liberty, the United States of America.

THE COMMUNITY HEALTH SERVICES EXTENSION AMENDMENTS OF 1965

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker I wish to express my great pleasure at the unanimous approval by the House yesterday of the Community Health Services Extension Amendments of 1965. I was on the floor of the House earlier in the afternoon and was in my office for the remainder of the day. I heard the first bells for a record vote on H.R. 2986, but the second bells did not ring in my part of the Old House Office Building and hence I missed the rollcall vote. I have reported this fact to those in charge of the bell signals, but I also want to record my strong approval and support for this legislation.

I was one of those who introduced legislation to create these community health centers, and it is this legislation enacted in 1963 which H.R. 2986 will extend and amend. Coming as I do from a district and a State with a substantial number of senior citizens and a burgeoning population, I am keenly aware of the need for Federal assistance to the total community in establishing facilities for meeting the health needs and especially the mental health needs of our people.

I voted for the extension of this program in the Rules Committee and strongly support it, and had I not by inadvertence been prevented from being on the floor I would have voted for H.R. 2986 with pride and personal satisfaction.

INTER-AMERICAN DEVELOPMENT BANK CONFERENCE IN PARAGUAY

Mr. HALPERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALPERN. Mr. Speaker, I was given leave of absence last week, having been assigned to serve as an official delegate to the Inter-American Development Bank Conference, in Paraguay.

During this period, certain issues were acted upon by the House, and I would like at this time to state the positions I would have taken, had I been present to vote on them.

I would have voted "yea" on rollcall No. 86, in favor of authorizing appropriations for the National Council on the Arts on an annual basis. I have long advocated such a Council and feel this legislation is most helpful to implement its admirable objectives.

I would have voted "yea" on rollcall No. 85, in support of Mr. KEOGH's motion that the House recede from its disagreement with the Senate's addition of $942,000 for subsidies for helicopter services in New York City, Los Angeles, and Chicago.

I would have voted "yea" on rollcall vote No. 82, for passage of the Water Quality Act of 1965. This, too, is extremely desirable legislation and is a long step forward in the fight on water pollution.

Finally, Mr. Speaker, I would have voted "nay" on rollcall No. 78, and "yea" on rollcall No. 79, against recommittal, and for passage of H.R. 6497, the bill to increase the U.S. contribution to the International Monetary Fund. As a member of the International Finance Subcommittee of the Banking and Currency Committee, I attended the hearings on this bill, and strongly supported its enactment. The bill increases our quota to the International Monetary Fund by 25 percent, to a total of $5,160 million. This increase will give the United States additional funds upon which to draw to alleviate our current short-run balance-of-payments deficit. This bill strengthens the International Monetary Fund, and thereby enhances the stability of exchange markets, and promotes international trade.

PRESIDENT'S REQUEST FOR ADDITIONAL FUNDS

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, the Congress, I am sure, will give immediate approval to the President's request for additional funds to cover Defense Department needs, despite the fact that President Johnson was inconsistent and disappointing in his public address to the assembled Members of Congress this morning.

It was most disappointing for me to hear the President discuss the crises in Vietnam and the Dominican Republic without stating that our policy is to completely remove the Communist menace to both of these countries. The President was laboriously carrying water on both shoulders in that he was asking

Congress for additional military funds while literally begging the Communists to enter into negotiations.

It is inconsistent for us to have made the necessary and dramatic move in the Dominican Republic without logically developing a policy of completely eliminating Communist subversive activities in that country and reinstituting a program which would produce a legitimate government in Cuba, since the Castro government is directly involved in the Dominican revolt and in Red guerrilla activities in other Latin American lands.

Negotiations in Vietnam will be fruitless if they permit continued Communist subversion in Laos and Cambodia and leave North Vietnam as an unmolested Red bastion. If we are to follow our obligation to preserve peace with freedom for our allies in southeast Asia, enforcement of a policy which would prevent North Vietnam from supporting aggression is necessary.

The President is obviously weakening in the face of growing Communist pressure and the shrill cries of appeasement coming from many of his party's leading congressional figures. Therefore, it is necessary for the public and the Republican Members of Congress to reinvigorate the President's determination to maintain a strong stand in defense of our present commitments and to logically carry out a policy of thwarting all Communist activities in the Western Hemisphere. Furthermore, we must stop the Reds cold in southeast Asia and we cannot equivocate on that point.

STATEMENT OF PRESIDENT JAMES M. NABRIT, JR., OF HOWARD UNIVERSITY CONCERNING ORGANIZATION KNOWN AS STUDENTS FOR ACADEMIC FREEDOM

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MATTHEWS. Mr. Speaker, I enclose for the record very interesting articles which appeared in the Washington Post on April 28, and in the U.S. News & World Report of May 10, and which quoted President James M. Nabrit, Jr., of Howard University, concerning an organization known as Students for Academic Freedom.

I want to congratulate President Nabrit for his forthright statement, and say that activities of this group have been called to my attention by other officials in other universities. I hope more university officials will express their opinions concerning this organization, because, as President Nabrit stated:

> They must be unmasked for the frauds they are. They must be fought in every arena, and they must not be permitted to prevail.

The articles follow:

[From the Washington Post, Apr. 28, 1965]

HOWARD UNIVERSITY UNREST BLAMED ON OUTSIDE FORCES

(By Stephen C. Rogers)

President James M. Nabrit, Jr., of Howard University yesterday blamed recent unrest at Howard on a few students he believes may be influenced by "external disruptive forces."

"They are people who cloak themselves in the mantle of civil righters and plot and plan in secret to disrupt our fight for justice and full citizenship," Nabrit said in a statement approved by the university's board of trustees.

"They must be unmasked for the frauds they are. They must be fought in every arena, and they must not be permitted to prevail."

At a press conference yesterday, Nabrit said he was referring to the Students for Academic Freedom.

The group sponsored a demonstration at Howard last Friday to protest compulsory ROTC, class attendance rules and the University's action in changing the status of a philosophy professor. About 350 students gathered for the demonstration.

Nabrit said the demonstration violated no university rule, and the school has taken no steps to discipline its leaders.

"But," he warned, "I will not sit idly by and see the university become a place of lawlessness and disorder."

He added that on one occasion he saw two known Communists on a Student for Academic Freedom picket line.

Nabrit also expressed concern over "increasing evidence of a lack of respect for duly constituted authority" both at Howard and outside it.

Of protest demonstrations generally, he said "they are not the only answer. They are reaching a point of diminishing returns. We must adhere to a rule of law."

He also defended the Howard student body against apathy charges and said the university places "no restriction" on the right of students to demonstrate as individuals. Howard has not disciplined students arrested in demonstrations, he said.

[From the U.S. News & World Report, May 10, 1965]

MORE CAMPUS UNREST—ARE REDS TO BLAME?

WASHINGTON.—Campus unrest has now broken out at Howard University, the Nation's biggest predominantly Negro college.

As on other troubled campuses, outside agitation and Communist influence are being cited.

Said Dr. James M. Nabrit, Jr., president of Howard: Outsiders may be infiltrating rights groups "to disrupt our fight for justice and full citizenship."

"OPEN DEFIANCE"

Howard has more than 9,000 students. Many leaders in national civil-rights organizations have come from its student body and faculty. Now, says Dr. Nabrit, there are "growing signs of open defiance of law and order" on the campus.

A group called Students for Academic Freedom, which includes some faculty members, has demonstrated against alleged repressive rules and regulations, and had demanded abolition of compulsory military training at the school.

In a statement read to a freshman assembly, Dr. Nabrit said a campaign seemed to be afoot "to bring the university into general disrepute."

"I will not sit idly by and see the university become a place of lawlessness and disorder," he said.

"We must beware of some people who come to us like the Greeks bearing gifts. They do not believe in civil rights for anyone. * * *

"They are children of lawlessness and disciples of destruction.

"They are people who cloak themselves in the roles of civil-righters and plot and plan in secret to disrupt our fight for justice and full citizenship.

"They must be unmasked for the frauds they are. They must be fought in every arena, and they must not be permitted to prevail."

REDS IN A PICKET LINE

Dr. Nabrit's statement was approved by the university's board of trustees. Discussing it in a later news conference, he said he had seen at least two Communists in a picket line outside the school. Excerpts of his remarks, as recorded by NBC-TV:

"I saw some Communists passing out throwaways. I saw some Communists helping deliver placards. * * * These are grown people, they're not students * * *.

"They have never denied that they were Communists, and they have been the leaders in the Communist group in Washington all the years I've been here. We had to put them out of the NAACP."

Dr. Nabrit said that Howard may have been designated as the target for the kind of outside agitation that stirred outbreaks at the University of California's Berkeley campus.

"I don't see any relationship whatsoever to the civil rights movement at Berkeley or here," he said. "I don't see that it's got anything to do with the civil rights movement. At Howard, everybody from the president on down has been participating in civil rights."

COMMUNISM AND MARTIN LUTHER KING

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, the association of men and organizations with Communist leanings with the leaders of the civil rights movement is well known to those in authority, but these connections are very seldom made known to the people.

In an effort to circumvent the news blackout on this vital subject, I plan, from time to time, to make these associations known by publishing them in the CONGRESSIONAL RECORD, where censorship cannot erase the facts from public view.

The first of these insertions concerns the Communist Party and Martin Luther King and appeared in the current issue of the National Review Bulletin, volume 17, No. 19.

Today's award for throwing the baby out with the bathwater goes to the U.S. Supreme Court for its 5–2 decision overturning Louisiana's Subversive Activities and Communist Control Act. The Court heard, and apparently agreed with, arguments that the Act had been used to "harass" civil rights activities. The case concerned the Southern Conference Education Fund, which assists civil rights groups, especially the Student Nonviolent Coordinating Committee

("Snick"). According to the Senate Internal Security Subcommittee, SCEF is the successor to the Southern Conference for Human Welfare, which was "conceived, financed, and set up by the Communist Party in 1938 as a mass organization to promote communism throughout the Southern States." When the SCHW became the SCEF in 1948, it retained its offices, telephone, publication (the Southern Patriot—also cited as subversive) and officers, all but one of whom have been identified under oath as Communists. Rev. Fred Shuttlesworth, a militant leftist and close colleague of Martin Luther King, is now president of SCEF, but it is for the most part operated by Carl and Anne Braden, both of whom have been identified in sworn testimony as Communists. Mrs. Braden is editor of the Southern Patriot. On October 5, 1963, after an 11-month investigation, SCEF's offices in New Orleans were raided by local and State police who seized a truckload of its records and arrested three of its officers, acting on the authority of the Communist Control Act. The action before the Supreme Court evolved from SCEF's efforts to recover these records. In the meantime, the Louisiana State Committee on Un-American Activities, also authorized by the act, prepared an excellent two-volume report on SCEF's activities, extensively documenting Communist involvement in the civil rights movement.

HORTON BILL TO COMBAT ARAB BOYCOTT OF ISRAEL

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I take pleasure in informing my colleagues that I have introduced a bill today making it the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to our Nation. The purpose of this legislation is to assist American exporters to defy the intimidation of the Arabs and their demands in connection with Israel trade.

For over 13 years there has existed an agreement among the various Arab States to boycott Israel, Israeli goods, and all companies engaged in business arrangements—direct or indirect—with Israel. To coordinate this malicious activity, the Arab countries created the Central Arab Boycott of Israel Office, located in Damascus, Syria.

This office wages a continual war of pressure on the great number of foreign companies that do business in the Arab world in order to prevent their undertaking similar activities in Israel. The boycott office ferrets out the names of companies engaged in commerce with Israel to compile its blacklist, a roster of those forbidden to market products or services in the Arab countries.

The boycott office operates in such a way as to make it necessary that our American Government condemn it in the strongest possible fashion. It has demanded from independent American businessmen answers to a detailed questionnaire relating to their commercial practices. This information then is used to determine whether the company goes on the blacklist.

Many of our companies have refused to yield to this blackmail. As a result, they have been denied a market in the entire Arab world. While their refusal redounds to their everlasting credit, I think we can agree that they should not be made to suffer the kind of economic discrimination which results from the fact that others may have given in to the threats of the Arabs.

There is no reason why we should not establish in the clearest and most convincing terms that the United States opposes this kind of harassment of its business firms. We also must write a positive national policy of our opposition to any and all such trade practices which are designed to intimidate countries whose feelings are friendly to the United States.

Mr. Speaker, that is the purpose of the bill I have offered. I urge Congress to move its enactment as promptly as possible.

AID'S OPERATION AS REPORTED BY COMPTROLLER GENERAL

The SPEAKER pro tempore (Mr. BOLAND). Under previous order of the House, the gentleman from Illinois [Mr. ERLENBORN] is recognized for 30 minutes.

Mr. ERLENBORN. Mr. Speaker, on three other occasions I have discussed the Agency for International Development's operation as reported to the Congress in studies issued by the Comptroller General.

Today I will mention a final report and, at the same time, earnestly request that the Congress direct the House Government Operations Committee to initiate an immediate investigation into all activities of AID and AID reports to the Congress.

I find this final report concerning AID most disturbing.

The Comptroller General charges the Agency for International Development with presenting misinformation and distorted reports to the Congress, and in turn to the public.

The Comptroller General's report entitled "Ineffective Utilization of Excess Personal Property Program in the Foreign Assistance Program" was issued on April 12, 1965.

The title alone should prompt careful attention on the part of the Congress because, in its 1965 budget presentation to Congress, AID reported savings of more than $43 million in the area of excess personal property.

Here is what AID claimed in its fiscal year 1965 budget presentation:

> Excess Property Offices: AID will need $400,000 to maintain the offices handling its program of using excess property wherever possible in place of costlier new equipment in carrying out development projects. Section 608 of the Foreign Assistance Act authorized AID, in anticipation of oversea needs, to acquire and process equipment declared excess for Government requirements and provide this to AID missions at prices far below those of new property. By using U.S. Government-owned excess property wherever possible in fiscal year 1963, AID saved more than $43 million in its oversea assistance projects.

The Comptroller General reports:

> In the first place, the total amount of excess property transferred to foreign countries by AID in fiscal year 1963 was about $34.4 million, and not $43 million as stated in the presentation. Furthermore, as shown on pages 12 to 14 of this report, we concluded from our review that the use of excess property by AID in fiscal year 1963 resulted in little, if any, direct dollar savings so that the statement that AID saved more than $43 million is erroneous.
>
> The presentation also indicates that the $400,000 was being requested for all the offices handling its program of using excess property. This is incorrect. The $400,000 was intended to cover only the administrative costs of the AID excess property regional offices in Frankfurt and in Tokyo. The AID administrative costs associated with the three excess property regional offices and the marshaling sites in the United States, as well as those of AID/Washington and AID's oversea missions that are attributable to excess property utilization, are not funded from the $400,000 but from other AID funds. Accordingly, the total cost to AID for administering the excess program, exclusive of any accessional costs for the property itself, is far greater than the $400,000 shown in the presentation.
>
> Our review disclosed that the erroneous statements were due to extremely loose budgetary preparation practices by AID in preparation of the material quoted above. Seemingly inappropriate AID offices were involved in preparation of the budget presentation, incorrect source information was used, and a transposition error apparently occurred. Most significant was the fact that the individuals who had responsibility for AID's excess property program did not directly participate in preparation of the material to be included in the budget presentation or review the material after it was prepared.

The Comptroller General goes on to note that:

> We have in the past strongly urged AID and predecessor agencies to disclose clearly and fully all significant aspects of aid activities. In commenting on our findings on December 18, 1964, AID implied general satisfaction with the budget presentation and did not indicate that it would attempt to improve further presentations. We are repeating our recommendations * * * that the Agency make more informative, clear, and accurate disclosure of significant data in annual program presentations.

The Comptroller General, in this report, mentions two previous studies that I earlier called to your attention and notes that in the case of assistance to CENTO—B-146849, dated March 5, 1964—and in the case of Children's Hospital in Poland—B-146787 dated June 17, 1964—his office reported inaccurate and misleading reports were being sent to the Congress by the Agency for International Development.

The Comptroller General could not be more concise in his charges.

The Agency for International Development has been lying to the Congress. In addition, AID is guilty of inefficiency, waste, ineptness, and unsatisfactory conduct.

I wish to briefly review the matters I have discussed during the last 4 days.

We have found AID guilty of ineffective administration of aid to other nations.

We have found AID guilty of disregarding public law and policies adopted by the Congress and the Executive branch.

We have found AID guilty of losses of millions and millions of dollars.

And finally, we have found AID guilty of misrepresentation to the Congress, of including false statements in reports to the Congress, and thus deliberately misleading the Congress and the public.

I stress that these reports from the Comptroller General but scratch the surface of the multiplicity of AID activities in 85 nations.

Can the Congress remain inactive and allow the Agency for International Development to flout public law, to waste millions of dollars, to file erroneous statements and reports?

Can Congress allow the reports and recommendations of the Comptroller General to go unheeded?

Can the Congress fail its duties?

Once again, Mr. Speaker, I request that this Congress ask the House Government Operations Committee to start an immediate investigation into the activities, practices, claims, records, and statements of the Agency for International Development.

Not only has AID been found inefficient, but AID has been caught preparing and filing misrepresentations with the Congress.

This type of conduct on the part of a bureaucratic agency cannot go unattended.

This record on the part of an agency, in whose trust we have placed much of the administration of our foreign aid program, cannot continue.

Let us do more than scratch the surface.

Let us deliberately and carefully and painstakingly find out exactly what is the record of the Agency for International Development.

I urge immediate action.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore (Mr. BOLAND). Under previous order of the House, the gentleman from Tennessee [Mr. EVINS] is recognized for 35 minutes.

Mr. EVINS of Tennessee. Mr. Speaker, as we approach National Small Business Week, declared by President Johnson to begin May 24, next, it is fitting and appropriate that we help lay the groundwork for this national observance.

As chairman of the House Small Business Committee, I want to emphasize first that it is the continuing obligation of my committee to study the problems of the Nation's small businessmen and to make recommendations from time to time to the Congress that will assist in the solution of those problems.

Today there are more than 4.7 million small businesses in the Nation.

Their contributions to our economy are great. Their value to our country continues to be immense.

Today our economy is prosperous and growing. This is not just happenstance. This is not just an accident. It is basically because of the enlightened economic policies of President Johnson and his administration—policies that made it possible for our free enterprise system to function more efficiently and for the small businessman to overcome problems of capital and management deficiency that have been his traditional Achilles heel.

President Johnson, and before him, President Kennedy, advanced and applied a policy of economic expansion—a policy that meant the creation of new opportunities rather than a divisive, corrosive policy of taking from the "haves" and giving to the "have nots."

This policy of economic expansion has created a new era of opportunity for American small businessmen.

This policy of promoting growth and opportunity for advancement is consistent with the distinguished record of President Johnson relative to small business when he was a Member of the House and of the Senate.

I shall document his record in support of small business in detail later in my remarks, but I want to make it clear at this point that Lyndon Baines Johnson, as a Member of Congress, was not only a supporter of legislation enacted to assist the small businessman, but that in many instances he was the prime mover in this advancement.

The Small Business Act, the Small Business Investment Act and the SBA community development programs, are examples of his leadership in this field.

As far back as 1938 he voted for legislation that laid the groundwork and set the pattern for most of our contemporary small business assistance programs.

And so Lyndon Johnson was not only in on the ground floor of small business assistance programs. He was the foreman who supervised construction of much of the ground floor. He has been a longtime champion of the small businessman.

BENEFITED ALL SECTORS

This policy of economic expansion has benefited all sectors of our economy, the small businessman, the big businessman, the wage earner, the teacher, the farmer, the great, broad mainstream of our economy.

And one of his greatest accomplishments—one that history surely will record—has been the success of President Johnson in uniting the business and economic interests of this Nation; in unifying elements that traditionally have been antagonistic. He has led them to see that when a nation expands its economy, it expands opportunities for all segments of our economy and our society—and all segments therefore benefit.

In Detroit, Mich., on September 7, he said:

> We labor to increase the total abundance of us all. Responsible business knows that fair wages are essential to prosperity. Responsible labor knows that fair profits are essential to rising employment. Farmers and city dwellers, bankers, and laborers know that by strengthening each group we strengthen the Nation; by pursuing the growth of all, we advance the welfare of each.

And so this consensus he has achieved has meant an America united in a common purpose, the building of a better society for all Americans, the building of a Great Society where all men will have the opportunity to achieve fulfillment.

Because of the very nature of small business—the fact that it consists of millions of small independent enterprises—its importance is sometimes shaded in the news by the reports of activities of the giants in our economy. Small business is sometimes lost in the shadow of the golden glow cast by the publicity mills of these corporations.

And so it is for that reason that I want to discuss today the importance of small business to this Nation and its status today; the role played by Lyndon Baines Johnson in the progress of small business.

We frequently hear this question posed in this time of economic giantism: Just how important is small business? Is it significant? Is it important? Or should it be relegated to the economic "twilight zone" to muddle along with no real significant role to play in our economy?

I say to you today that small business is important. It is significant. It is more important, more significant, and more necessary than ever before.

As the President pointed out in his proclamation of March 24, announcing Small Business Week, 9 out of 10 American businesses are small and they provide more than a third of the Nation's goods and services. Small business provides the livelihood for 75 million Americans. Small business accounts for more than 70 percent of the Nation's dollar volume in construction, in retail, in wholesale, in services, and more than 30 percent of the value added in manufacturing.

So, let no one tell you that small business is unimportant. Let no one tell you that Lyndon Johnson did not champion the cause of small business while he served in Congress. Let no one tell you that just because in the Presidency Lyndon Johnson has united all segments of our economy in a consensus of purpose, he is any less concerned with the growth of small business.

BIG IN HIS VISION

Lyndon Johnson said on the Senate floor on June 30, 1960:

> In the changing times in which we find ourselves today, the small businessman is small only in the size of his operation. He is big in his vision, big in his courage, big in the role he is playing to make the American economic machine work with maximum efficiency and minimum waste.

Lyndon Johnson, since becoming President, has done everything possible to strengthen the position of the individual small businessman, to make his role larger and more important.

The $11 billion tax reduction, for example, has been a prime instrument in helping the small businessman to new profits.

When he signed the tax reduction legislation at the White House a year ago last February 26, the President said:

> Business, as well as individuals, benefit by this tax cut. And small business benefits the most. For example—

He continued—

> if you own a small unincorporated business, your tax will drop by 27 percent.

The tax rate on larger corporations dropped 4 percent.

The revision of the depreciation schedule on new equipment and the investment tax credit have provided additional inducement for business expansion.

The Department of Commerce reports that this Nation has entered its 51st month of economic expansion—a peacetime record that has driven our gross national product up 23 percent since the first quarter of 1961 when this administration took office.

Industrial expansion is up 35 percent; retail sales are up 30 percent; plant and equipment expenditures are up 45 percent; civilian employment is up 4.7 million—or 7 percent—our unemployment rate has dropped from 7.1 percent in May of 1961 to 4.7 percent in March of this year; personal income is up 27 percent.

The average weekly wage is up 21 percent, corporate profits, after taxes, are up 65 percent from the first quarter of 1961. And yet with all these economic barometers moving up, the wholesale price index has remained stable.

We are thus experiencing an expanding economy, a stable expansion based on solid growth with an expanding population and increased purchasing power.

SMALL BUSINESS GROWTH

Statistics also tell the story of the growth, expansion, and higher profits of small business.

The small business sector has swelled to 4.7 million units—95 percent of all business. New business incorporations increased last year to a record 198,000 while business failures dropped to an 8-year low—21 percent below the postwar peak in 1961.

Sales of small manufacturing corporations and small retailers exceeded 1963 totals and established new peaks for the period of expansion. After-tax earnings by small manufacturing corporations were 40 percent higher during the first three quarters of last year. The income of unincorporated enterprises gained an estimated 4 percent in this same period.

I am not saying there are no clouds on the horizon; there are many.

I am concerned about the increasing trend toward mergers. There were another 1,800 last year.

I am concerned about the effects of dual distribution and vertical integration on small business. We hope to take legislative steps during this term of Congress to further protect the interests of small business and thus assure the continuance of our free competitive economy and our free enterprise system.

I am concerned about the constant battering of small business by the dimensions of change affecting virtually every phase of their activity.

I am concerned—as my committee is concerned—about the effect of urban blight on small business. We are concerned about the effect of displacement by urban renewal and highway projects.

We are cognizant of all of these problems. President Johnson knows about them. The Small Business Administration knows about them. We are working together in an effort to help the small businessman to adjust to these changes.

To help meet this challenge, the Small Business Administration has built the most effective program of assistance in our history.

And this has been made possible because of the support given SBA by the President, the House Small Business Committee, and by the Congress.

SPECIFIC DEVELOPMENTS

Here are some of the specific developments in this area:

On May 26, 1964, President Johnson announced a liberalized lending program which broke through barriers that had blocked efforts to reach the very small businessman. This new program authorized loans of $15,000 for as long as 6 years and it put the emphasis on the integrity and the character of the individual rather than on hard collateral. Under this program, by last January 31, SBA had approved 4,694 loans averaging $9,500 each. Today the very small businessman is being reached effectively for the first time.

In 1964, SBA shattered all previous records with approval of 10,707 loans for $425.8 million, and a chief factor in this upsurge in volume was the breakthrough to the very small businessman. This liberalized small loan program announced by the President accounted for 40 percent of all loans approved.

President Johnson has given his personal endorsement to SCORE—the Service Corps of Retired Executives—one of the most creative concepts of government and community cooperation to come out of Washington in this decade. This program has wedded the brainpower of the retired business executive to the problems of the struggling small businessman. These volunteers thus far have helped more than 2,000 small businessmen and the program is just getting off the ground.

The President's war on poverty program is concentrating one of its attacks on the needs of the small business sector because, as President Johnson has eloquently pointed out, the stability and the continuity and the drive for progress of any community comes from the small businessman who has a personal stake in that community. To combat poverty, the small business sector must be strengthened. And so, title IV of the Economic Opportunity Act authorizes loans of $25,000 for 15 years and provides assistance in developing a network of small business development centers across the Nation. These centers will provide management assistance and counseling to small businessmen in deprived areas where these services are most urgently needed.

Perhaps more than any other President since Thomas Jefferson, President Johnson has grasped the significance of the role of small business in this Nation.

In a statement which I am including with my remarks, the President pointed out to small businessmen last August 29, at a meeting at the White House, just how important is their role in community leadership. To these small businessmen he said:

> Your leadership at the local level will decide the quality of our cities, our classrooms, our countryside; the quality of life in our country for a century to come.

In response to a special message from the President on January 27, 1964, Congress enacted legislation to provide further assistance to the small businessman displaced by urban renewal and Federal highway construction.

More recently President Johnson has dramatized the role of the small businessman by inaugurating National Small Business Week, which begins May 24, and by continuing the annual award to the Small Businessman of the Year.

But his record as President is only a part of the story. When the small business investment company program developed problems, it was President Johnson who reaffirmed his faith in the SBIC, which he was instrumental in creating. Today there are more than 10,000 small businesses operating with $500 million in financial help from SBIC's. This program has been strengthened and improved with greater latitude given for investments and funding. SBIC's disbursed $200 million to small businessmen in the fiscal year ending March 31, 1964, and ended the fiscal year with assets of $750 million.

The community development program—another SBA program which the President was instrumental in helping bring into being—created 7,800 new jobs in 1964. A new high of 200 development loans totaling $30.7 million was made to help communities diversify and strengthen their economies. Since its inception in 1958, this program has created almost 30,000 jobs and resulted in 572 loans totaling $84.6 million. The potential and possibilities of this program are almost unlimited in both urban and smalltown areas throughout the Nation.

IN THE HOUSE

As a Member of the House, Lyndon Johnson had a consistent record and a productive concern for small business. This is reflected in his votes, proposals, and statements made as a Member of this body.

On March 4, 1938, less than a year after he had been elected to the House of Representatives, he voted for a bill that set a pattern for the development of a permanent Small Business Administration and its framework of financial assistance programs for small business.

This bill gave the Reconstruction Finance Corporation sweeping authority and latitude in making loans to small business, loans from $200 up with no limit on terms.

He voted to strengthen the small business programs as they developed.

In 1946, he advanced an amendment to the Surplus Property Act of 1944 to require the Federal Government to give small businessmen returning from the war priority in purchasing war surplus materials with which to set up shop.

In 1947, he voted for similar legislation giving RFC the power to buy such surplus properties for resale to small businessmen.

He advocated an overall economic policy designed to strengthen our free enterprise system and, specifically, to stimulate growth of small business.

One major vote in this area, cast by him as a Member of the House, was for the Employment-Production Act of 1946, which set a national policy of full employment and provided machinery to keep tabs on our national economy.

IN THE SENATE

As a Member of the U.S. Senate, he criticized monopoly control of prices in 1948 when he proposed formation of a bipartisan Breadbasket Committee to combat inflation.

He voted to set up a permanent Select Committee on Small Business in the Senate in 1950 to make a continuing study, survey, and investigation of small business problems.

He advocated legislation to assist small businessmen in drought areas with liberal loans and sought to protect the small businessman from monopoly and price fixing.

He consistently supported SBA and the additional lending authority it required. He threaded his way through a parliamentary logjam in 1957 to obtain passage of legislation assuring continuance of SBA, then on a temporary basis, after its authorizing legislation had expired.

One of his greatest contributions has been in the area of making equity and long-term capital available to small business to close a basic financing gap needed by small business.

He introduced legislation creating the Small Business Investment Division and the Small Business Investment Company programs along with the community development loan program. He was one of the sponsors and guiding forces in securing passage of this legislation.

On August 8, 1958, he told the Senate that in that year its legislation on behalf of small business was of particular importance.

In 1959, as majority leader, he supported legislation to extend the SBIC program as well as appropriations to strengthen the SBA in all its operations.

In a speech on the Senate floor on June 30, 1960, he reviewed the impact of the SBIC and the community development program on the Nation's small business. He said:

> It has strengthened their role in the national economy, a role which has always seemed to me to be vital to the well-being of Americans, whether they are small businessmen, big businessmen, farmers, working men, or housewives.

In industrial and natural resource areas beset by technological change, he said:

> It is small business that is the key to the task of providing new opportunity. I believe the small businessman has rendered a service to all parts of our economy by showing the way to a full realization of our potential.

To document my statements, Mr. Speaker, I add herewith a detailed summary of the Johnson record on small business as a Representative, Senator, and as President.

SUMMARY

In 1938, as a Member of the House, Lyndon B. Johnson voted for a landmark bill that laid the foundation for subsequent acts that led to creation of Small Business Administration as a temporary, and then a permanent, agency with a comprehensive small business assistance program. This bill gave the Reconstruction Finance Corporation power to make loans to small business, extended the length of loans to a point of no limitation, liberalized credit requirements, extended the funding limit from $500 million to $1.5 billion, and removed a requirement that had blocked assistance to any business that had begun operation after January 1, 1934.

In this 1938 bill, the determining factor for evaluating the RFC loan applications that loans shall be of such sound value or so secured as reasonably to assure repayment was incorporated in the SBA Act in 1963 and in 1958.

RFC's authority to lend money to small business had been suspended when this legislation was proposed.

The bill passed the House by 339 to 6.

WAR SURPLUS—1945

Introduced amendment to Surplus Property Act of 1944 to give veterans' preference, after U.S. Government, in purchase of war surplus. This was of significance to small businessmen who could, under this proposal, buy materials and equipment with which to set up business at much less than market price.

He explained that this bill would:

> Help them (veterans) a little in beginning life anew by removing some of the handicaps and barriers encountered in finding a place in our economic order.

In 1947, he voted yes on a bill authorizing Reconstruction Finance Corporation to buy war surplus for resale to small businessmen.

EMPLOYMENT-PRODUCTION ACT—1946

Voted for Employment-Production Act setting national policy of full employment and to aid in development and maintenance of conditions favorable to stimulating new business, and especially small business. This legislation required the President to submit periodic economic reports to Congress, set up the Council of Economic Advisers in the Executive Office of the President, and created the Joint Economic Committee of Congress.

This legislation assured a closer analysis of the economy to point the way to legislation designed to strengthen the economy and the position of small business.

Passed 322 to 84.

EXTENDS RFC—1947

Voted yes on bill extending life of Reconstruction Finance Corporation with its small business lending power for 2 years. A report showed that 90 percent of RFC loans had been for less than $100,000, indicating its volume of loans to small business.

This bill also authorized RFC to purchase surplus property for resale to small business when such disposition is required to strengthen the competitive position of small business.

Bill passed 335 to 4.

BREADBASKET COMMITTEE—1948

Asked Congress to authorize appointment of Breadbasket Committee, to combat inflation by President to launch a bipartisan war on inflation.

The Congressional Record records this statement:

> It is no answer to say that men must eat less. Nor do we answer the problem of inflation when we allow the profits of some companies to swell from 50 to 85 percent above the 1946 limits.
>
> We are not answering the problem of inflation when we sanction by inaction, the growing trend toward monopoly control of prices—a trend pointed up this week by the FTC, which showed that since 1940 big business had gobbled up little businesses by mergers to the tune of $5.2 billion in assets.

COMMITTEE PLAN—1950

Voted yes on substitute amendment to provide for five additional Senators—three from majority party and two from minority party—appointed by President of Senate—one from Senate Finance Committee, one from Senate Interstate, one from Senate Judiciary and other two from other standing committees—to be ex officio members of Senate Banking and Currency Committee on matters relating to small business. Motion rejected 49 to 33.

TEMPORARY SPECIAL COMMITTEE

Voted yes on amendment to create a Special Committee on Small Business to continue during the 81st and 82d Congresses.

PERMANENT COMMITTEE

Voted yes on substitute amendment to create a permanent Select Committee on Small Business, consisting of 13 Members appointed by President of Senate at the beginning of each Congress. Committee to study, survey, and investigate problems of small business, but with no legislative authority. Amendment approved 56 to 26.

SMALL DEFENSE PLANTS—1953

Called for passage of $300,000 appropriation for the Small Defense Plants Administration. Passed.

The Congressional Record reports this comment by the then Senator Johnson:

> I think the joint resolution is essential and necessary. I hope it will be approved by the Senate without delay.

AID TO DROUGHT AREAS—1954

Introduced bill to make small businessmen in drought-stricken areas eligible for SBA disaster loans. Such legislation was enacted in 1955.

The Congressional Record reports these statements:

> It (the effect of the drought) is a chain reaction which hits everybody. It (the bill) is designed to help small business in the drought areas of Texas and the Southwest.

ANTITRUST—1955

Called up for action a bill to increase from $5,000 to $50,000 the maximum criminal penalties imposed for violation of the first three sections of the Sherman Act. Action: Passed.

AUTO DEALER—1956

Voted yes on bill protecting the rights of franchised auto dealers. The bill made it possible for franchised auto dealers to bring suit in district Federal courts to recover compensatory damages sustained because of the failure of automobile manufacturers to act in good faith in complying with the terms of the franchises, or in terminating or not renewing franchises with the dealers. Bill passed 75 to 1.

SMALL BUSINESS STUDY—1957

Asked unanimous consent to take up Senate Resolution 42 authorizing Senate Small Business Committee to investigate problems of small and independent business. Resolution passed.

AIDS PRINTED

Asked Senate to approve printing of 10,700 additional copies of a tax aid for small business being distributed by the Senate Select Committee on Small Business. Approved.

INCREASED LENDING AUTHORITY

Supported, moved for passage, and spoke for bill authorizing $65 million in additional lending authority for SBA. Bill approved by voice vote.

The CONGRESSIONAL RECORD records this Johnson statement:

It is a source of deep satisfaction that one of the earliest actions of this Congress should be on a measure affecting small business.

This, of course, is not a bill which purports to solve the problems of small business. It simply adds to the lending authority of the Small Business Administration so that small businesses may acquire some of the capital they need in order to survive.

I think there was never a time in the history of the Nation when the problems of small business needed our attention more than it is needed now.

It is my belief that before this session has ended we will have to act in more basic fields of the problems, unless we are willing to see small business become smaller until it reaches the vanishing point. The facts and figures that are available indicate that the situation is becoming desperate.

Between 240 and 250 business firms will go bankrupt every week of this year.

The tight money policy hits the small businessman much harder than it hits the big fellow.

The continual trend toward mergers of big companies leaves a smaller share of the market for the average businessman.

Rising costs all along the line add to the difficulties of a small firm in meeting expenses.

And, of these increasing costs, one of the most important is the increasing cost of money. This is something that is felt all along the line—by business, by government, and by the average citizen.

This is a situation that can change our whole economy. The rising cost of money and other necessities represents a constant squeeze on small business, and the squeeze will eliminate many as time goes on.

I have never been opposed to big business as such, as it plays a vital role in our whole economy. But we face the problem of maintaining the free enterprise system, and that is something we cannot do unless we help small business remain vital and flourishing.

This is a problem which must be tackled from many standpoints.

Again, Mr. President, let me express my deep satisfaction that one of the first acts of this Congress is designed to meet one of the immediate needs of small business.

RESEARCH AND DEVELOPMENT

Called to Senate's attention need to increase role of small business in research and development:

The Federal Government pays for almost two-thirds of all research and development in the United States, and 95 percent of these subsidies are paid to companies employing more than 500 workers.

This is another example of the squeeze being put on small business in the country today.

EXTENSION OF SBA

Led the parliamentary effort to get life of Small Business Administration extended after it expired July 31, 1957. He succeeded in getting it on the calendar for a vote. Because of parliamentary blockage he had been unable to call up bill before.

Extension approved and lending authority increased by $75 million.

The CONGRESSIONAL RECORD includes this statement by Johnson:

It is imperative that the Senate act on the measure extending the Small Business Administration.

INVESTMENT COMPANIES

Introduced revised bill to create the SBIC program, a substitute for the Capital Banks Bill, because of data released by a Federal reserve system study. Bill approved by voice vote.

The CONGRESSIONAL RECORD records this statement:

In March of this year, the Board of Governors of the Federal Reserve System released the first two parts of a very comprehensive study of the financing needs of small businesses.

An evaluation of the first two parts of this study would indicate that other proposals (other than the bill he introduced on January 30, 1958, and other proposed legislation in this area) for financing small business are worthy of consideration.

I now introduce for appropriate reference on behalf of myself and other Senators a bill which contains some of the features embodied in S. 3191 (the bill introduced Jan. 30, 1958) but which approaches the problem in ways which seem to be indicated by some of conclusions of the Federal Reserve study.

BASIC PROGRAMS APPROVED

Sponsored legislation to set up two basic SBA programs: the Small Business Investment Company and community development programs.

The CONGRESSIONAL RECORD records this Johnson statement:

With the reporting of S. 3651 (the bill under discussion) to the Senate, we have an opportunity to approve a significant program of aid to small business. And it is a program, Mr. President, that does no violence to free enterprise, that does not raise the specter of Federal control of, and competition with, private business.

S. 3651 is a progressive and necessary bill. Its purpose is to provide assistance in an area where today neither Government nor private institutions can offer that assistance. As every Senator knows from his study of small business needs, commercial banks are not in the business of providing equity capital to small businesses. Neither are they prepared in most instances to offer long-term credit to such businesses.

And while the Small Business Administration is authorized to make loans of maximum 10-year duration, with a possible further 10-year extension, it cannot under law go further toward meeting the real long-term requirements of small businesses, and it cannot provide equity capital in any case.

The idea of the investment companies is an old one, and it has many parallels on the statute books today * * *.

Eventual private ownership is what is proposed here for the small business investment companies. It has worked before * * * and may I say that it has resulted in neither the socialization of our farms, of our homes, nor in any disastrous raids on the Treasury * * *.

Mr. President, there is no doubt about the need for the kind of assistance proposed by this bill. The Government cannot today answer to this need, Mr. President; neither can private lending institutions. Given the authority we propose in the bill, the need can, in part, be met.

SBIC'S STRENGTHENED—1959

Called up for action and supported S. 2611, a bill strengthening the small business investment company program. The bill passed on voice vote.

The CONGRESSIONAL RECORD lists this statement by the then Senator Johnson:

As one who originally was very much interested in this proposed legislation, I must say that at this point I am somewhat disappointed when I find that only 27 small business investment companies have been formed.

I hope the action * * * the Senate is taking today will encourage the formation of more of these small business investment companies.

FUNDS INCREASED

Called up for action and supported bill to provide SBA with sufficient funds, $75 million to operate regular business loan program into 1950. Amendment agreed to by voice vote.

SBIC BILL

Called up for action a bill exempting small business investment companies from the holding company tax. Amendment agreed to by voice vote.

IMPORTANCE OF SMALL BUSINESS—1960

Emphasized importance of small business in Senate speech, June 30, 1960.

The CONGRESSIONAL RECORD reports this Johnson statement:

It was my great pleasure in 1958 to be a sponsor of the Small Business Act of that year. The measure has proven helpful to the Nation's independent businessmen. It has strengthened their role in the national economy, a role which has always seemed to me to be vital to the well-being of Americans, whether they are small businessmen, big businessmen, farmers, workingmen or housewives.

In this challenging new decade I am of the opinion that the small businessman has an even more vital role to play. In an era of changing technology in agriculture and business, the place of the small businessmen becomes a rallying point for all segments of the economy.

I think it is clear that the place of the small, independent businessmen in our changing economic picture deserves attention from other segments of the economic household. It deserves this attention, I think because there lie in this important sector of our economy the answers to some of the problems in other segments of our economy.

In areas where changing agricultural technology has caused difficulties for the farmer, small business often has the answer to a reordering of the economy.

Throughout the traditional agricultural sections of the Nation, the small manufacturer and the independent operator of processing and servicing firms are the foundation for a new economic vitality. In the industrial and natural resource areas where changing productive technology is causing problems of unemployment and population migration, small business again is a key to the task of providing new opportunity.

These developments, it seems to me, point up once again the basic strength of the individual who really believes in the American dream of opportunity for all. Through the years, the small independent businessman has been on the firing line of the economy, sowing the way of opportunity and service.

In the changing times in which we find ourselves today, the small businessman is small only in the size of his operation. He is big in his vision, big in his courage, and big in the role he is playing to make the American economic machine work with maximum efficiency and minimum waste.

Nothing is more important to our Nation in these times than full use of our potential. I believe the small businessman has rendered a service to all parts of our economy by showing the way to a full realization of our potential, by pointing up how the American dream of opportunity for those who will grasp it can be made reality.

For these reasons I wish to say that small business deserves continued and sympathetic attention by all. Small business has proven it can shoulder the task which faces it.

We here should ever be ready to turn an understanding ear when the small businessman speaks of his problems, or when he offers constructive advice on how Congress can help in the big job of making the economy run at full efficiency.

I, for one, will ever be ready to do this, and I am of the opinion that by doing so I will be serving the best interests of the Nation, of its small businessmen, its big corporations, its consumers and workers.

PROCUREMENT BILL

Called-up bill to increase SBA revolving fund by $75 million, to assure small business a greater share of Federal procurement, and including a program requiring prime contractors to allocate work to small business subcontractors. Bill approved.

As President, Lyndon Johnson, on February 28, 1964, signed into law an amendment to the Small Business Investment Act which enabled the small business investment companies to obtain additional financial help from the Government in strengthening their capital structure.

As President, Lyndon Johnson urged Congress to appropriate an additional $100 million to the revolving fund for the small business loan program, and this appropriation has been recently provided by the Congress.

As President, Lyndon Johnson has proclaimed National Small Business Week and has been aggressive and consistent in advancing programs for the benefit of small business and our economy.

I join with the President and others in giving due recognition to the American small businessman in his importance to our Nation and his contribution to our country.

STATUTES, REGULATIONS, POLICIES, AND PRACTICES OF SELECTED FOREIGN COUNTRIES PROVIDING FOR PREFERENCES FOR DOMESTIC MATERIALS AND FIRMS IN THE AWARDING OF PUBLIC SUPPLY AND PUBLIC WORKS CONTRACTS

The SPEAKER pro tempore (Mr. BOLAND). Under previous order of the House the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, before inserting in the RECORD the fifth of a series of documents demonstrating how foreign governments give preference to their own industry and labor in negotiating contracts for public works projects, I include the following news story from the May 1 issue of the Toronto, Ontario, Financial Post:

L.B.J. HITS "BUY AMERICAN" CLAUSE IN MASS TRANSIT BILL

WASHINGTON.—President Johnson is making a significant "freer trade" move in Congress.

He is seeking repeal of a "Buy American" section in a bill passed last year which, in effect, was the most protectionist move ever made by Congress. The section put a complete ban on any foreign firm having any part of an estimated $400 million procurement program in a mass transit scheme.

Canada would be only affected marginally by the ultraprotectionist action because not too many Canadian companies would bid on the procurement program. Nevertheless, Ottawa voiced its unhappiness because of the principle involved. Other nations complained, too, particularly Britain, Germany, and Japan.

So far, the administration has not picked up much domestic support for its move. The only strong backing has come from the free trade group, the Committee for a National Trade Policy. The committee says not only is the "Buy American" section bad in itself, but it encourages State, county, and city governments to follow suit with their own restrictions against buying from foreign companies.

The "Buy American" provisions in the present law have led civilian agencies of the U.S. Government to order that a foreign bid must be 6 to 12 percent below a U.S. firm in order to get the business. The Pentagon applies a 50-percent rule. Canada, however, is exempted from this Pentagon regulation under the Canada-United States defense production-sharing program.

As author of the "Buy American" section of the Mass Transit Act to which the article refers, I should like to point out that my amendment merely specifies that our Government is now required under provisions of this legislation to do exactly what other governments—including Canada—have long practiced under standard administrative procedures. I have thus provided a modicum of protection for American firms and workers who pay the taxes that Government spends for materials used in the mass transit program. As you will note in the report on foreign trade policies which follows, Canadian departments accomplish the same purpose in behalf of Dominion businesses and workers by including, as a matter of "administrative discretion," a clause in contracts requiring the use of Canadian labor and materials.

The Canadian Federal Department of Public Works requires that the Provincial authorities accept tenders only from contractors who reside in the particular Province or in another Province of Canada on contracts for the construction of highways, bridges, tunnels, and other similar projects which are financed jointly by the Federal Government and the Canadian Provinces. Moreover, all material for such projects must be purchased in Canada if possible. Further, each Province gives preference in its purchasing to manufacturers, wholesalers, or agents located in the Province.

In stating that the "Buy American" section of the Mass Transit Act was "the most protectionist move ever made by Congress," the Financial Post is essentially factual and serves to call attention to our delinquencies, past and present, in these matters. Now perhaps Congress will at long last come to recognize that American industry and labor need considerably more assurances that the Federal Government will favor domestic over foreign supplies and materials when negotiating public works contracts.

The mass transit program represents only a fraction of the vast expenditures made by Government in letting contracts for roads, dams, hydroelectric plants, and various other public works projects. Congress made a step in the right direction when it adopted the "Buy American" amendment in 1964, but there is still a long way to go toward getting American workers the same treatment extended to their counterparts elsewhere in the world by more enlightened official policies. Close perusal of Canada's policies will disclose that the U.S. Government is guilty by comparison of neglect and disrespect of our workers when we fail to give them first call on providing materials and supplies which their own taxes are helping to buy.

The Financial Post quotes a free trade committee as stating that the "Buy American" section is not only "bad in itself, but it encourages State, county, and city governments to follow suit with their own restrictions against buying from foreign companies."

Mr. Speaker, evidently the policy of buying at home also appeals to elected officials in the political subdivisions of Canada, as evidenced in my study of the individual Provinces. Those listed below comprise more than 80 percent of the Dominion's population and of course account for a predominance of tax revenue and expenditures. Note particularly that preference for Canadian products is specifically stipulated in various acts covering purchasing policies of British Columbia, Manitoba, Nova Scotia, and Saskatchewan. In Quebec, the Hydroelectric Commission is on record that it will pay up to 15 percent more for a Quebec product than for a foreign product. In contrast, the "Buy American" amendment to the Mass Transit Act limits total advantage for U.S. products and supplies.

The study of buying policies for public works projects in Canada—No. 5 in my series on foreign governments—follows:

CANADA

(Member of GATT and OECD)

FEDERAL GOVERNMENT

In the case of Government departments other than the Department of Defense Production and Defence Production (1951) Limited, the procedures governing the awarding contracts are prescribed in the Government Contracts Regulations (P.C. 1964–1467 of September 23, 1964; S.O.R. 164–390, Canada Gazette, Part II, Vol. 98, No. 19, October 14, 1964), which were issued under the provisions of the Financial Administration Act (Rev. Stat. Canada, 1952, c. 116), as amended. A copy of the Regulations is attached hereto as Schedule A.

Contracts are divided into three categories with different tendering requirements established for each category as follows:

(1) Construction contracts (including repairs and alterations to works)—Tenders must be invited by public advertisement (which includes advertising in the public press) except where:

(a) the work is one of pressing emergency in which delay would be injurious to the public interest;

(b) the work can be more expeditiously and economically executed by the employees of the appropriate contracting authority; or

(c) the estimated cost of the work is less than Can. $15,000 and, in view of the nature of the work, it is not advisable to invite tenders.

(2) Purchase contracts (contracts for the supply of articles, commodities, equipment, goods, materials or supplies)—Tenders must be invited by public advertisement or from a representative list or lists of suppliers, except where

(a) the need is one of pressing emergency in which delay would be injurious to the public interest;

(b) there is only one available source of supply;

(c) the estimated cost is less than Can. $15,000 and, in view of the nature of the purchase, it is not advisable to invite tenders; or

(d) the contract is one of a class of contracts designated by the Treasury Board as a class in respect of which the invitation of tenders is not required.

(3) Service contracts—Tenders must be invited by public advertisement or from a representative list or lists of suppliers, except for those cases or classes of cases as to which it is not considered in the public interest to do so.

Under the provisions of the Defense Production Act, 1951 (Rev. Stat., 1952, c. 62), as amended, the Department of Defense Production procures material, equipment and supplies (including services) on behalf of the Department of National Defense. Defence Construction (1951) Limited, a government corporation organized under the provisions of Section 6 of the 1951 Act, undertakes construction on behalf of the Department of National Defense.

The Government Contract Regulations are not applicable to the Department of National Defense (except for provisions relating to bonds and security deposits), but its procurement practice is substantially the same as that followed by other Government departments. The Department does not, however, rely to the same extent as other departments on public advertisement for tenders and places more reliance on invitations for offers against specifications from lists of suppliers deemed to be in position to compete for the particular contract. The 1951 Act also gives the Department more flexibility and somewhat greater authority in purchasing, particularly to meet urgent defense requirements. The Act allows the Department to enter into contracts of greater value without prior approval by the Treasury Board than is the case for civil departments. Moreover, under certain circumstances, for example, during an emergency when delay would not be in the public interest or where there is only one source of supply or where there is need for defense secrecy, the Department is permitted by law to negotiate a contract directly with one firm or a few firms rather than use one of the other two methods.

The tendering procedures of Defence Construction (1951) Limited are the same as those for Government departments except for classified works as to which tenders are invited from a representative list of companies deemed qualified to perform the work satisfactorily.

In early 1965 the supply procurement responsibilities of the Department of National Defense were being expanded to include procurement for most civil departments. The development is described in the following excerpt from a speech made by Hon. C. M. Drury, Minister of Defense Production (and Industry), to the Purchasing Agents Association of Toronto on February 10, 1965:

"The [Canadian Government] Supply Service is a direct result of the recommendations of the Royal Commission on Government Organization, better known as the Glassco Commission. Following their detailed analysis of the activities of the Federal Government, the Commission recommended that a new Department of Supply be formed around the existing Department of Defence Production. The essence of their many recommendations on purchasing and supply was to form not only a consolidated purchasing agency, but also to group the supply activities relating to the civil departments and agencies in the same organization. This would then enable the Government to take advantage of all the opportunities for savings and improvements that would result from consolidation. The Government decided to proceed with these proposals.

"During the past eighteen months, Defence Production has been busily engaged in planning for its transformation into a new Department of Supply. Two important components of the new Department will be the Canadian Government Supply Service and the Canadian Government Purchasing Service. The latter consists of ten central purchasing branches, each of which specializes in the bulk buying of certain commodities or the procurement of major equipment."

There are no Canadian acts or regulations which discriminate in favor of Canadian firms and Canadian products. In practice, however, if the cost of Canadian goods is not higher than the laid-down duty-paid cost of imported goods, preference is given to the Canadian goods. A considerable element of discretion permitting discrimination derives from the fact that the larger contracts require approval of the Treasury Board, which is, in effect, a committee of the Cabinet. Accordingly, in deciding whether or not a preference should be given in a particular case for goods of Canadian origin, the Government is in position to take into account all relevant factors.

The Treasury Board also controls purchasing by the majority of Government corporations and agencies. There are, however, a number of Crown companies, corporations and boards (all of which are corporate bodies) established by special acts of the Canadian Parliament whose purchasing is to a large extent outside the jurisdiction of the Treasury Board and not subject to the Government Contract Regulations. Most of them are of a commercial nature with functions relating to transportation, marketing, trading or manufacturing.

The Canadian customs tariff also affords some opportunity for discrimination in favor of Commonwealth firms and suppliers. The tariff is protective and three-column. Goods from the United States are accorded most-favored-nation or middle rates, but the lowest or preferential rates are reserved for the United Kingdom and other Commonwealth countries. The highest or general rates apply to imports from countries with which Canada has no treaty or trade agreement.

In recent years, Canadian Government departments have been endeavoring to give preference to Canadian firms and Canadian materials by including, as a matter of administrative discretion, a clause in contracts requiring the use of Canadian labor and materials. Although the clauses vary in wording, most of them embody the phrase "consistent with proper economy".

Trade associations, and in particular the Canadian Manufacturers' Association, have conducted active "Buy Canadian" campaigns in recent years. In the brief of the Association to the Royal Commission on Canada's Economic Prospects in 1955, the Association urged the inclusion of a standard clause in all Government contracts which would provide as follows:

"To the full extent to which the same are procurable, consistent with proper economy and the expeditious carrying out of this contract, Canadian labour, parts and materials shall be used in the work."

The Federal Department of Public Works requires that, in contracts for the construction of highways, bridges, tunnels, etc., which are financed jointly by the Federal Government and the Provinces, the Provincial authorities accept tenders only from contractors resident in the particular Province or in another Province of Canada. Moreover, all material must be purchased in Canada in so far as possible.

By virtue of the joint defense procurement policy originating in the "Statement of Principles for Economic Cooperation" approved by the Letter Agreement dated October 26, 1950, between the United States and Canada (I UST 716), Canada and the United States do not discriminate against each other's materials and products in the field of procurement of defense supplies. The policy is not, however, applicable to defense construction. A copy of Section 6–103.5 of the Armed Services Procurement Regulation issued by the United States Department of Defense, which describes the policy as applied by the United States, is attached hereto as Schedule B.

Similar principles are applied by the Canadian Department of Defense Production.

PROVINCIAL GOVERNMENTS

Each Province tends to give preference in its purchasing to manufacturers, wholesalers or agents located in the Province. Active "Buy Provincial" campaigns have been conducted in recent years, particularly in the Provinces of Ontario and Quebec.

British Columbia: The British Columbia Purchasing Commission is charged with the purchase of all supplies required for the public service of the Province, including public institutions under the administration of the Provincial Government. Section 9 of the Purchasing Commission Act (Statutes of British Columbia, 1943, c. 54), provides as follows:

"Notwithstanding any of the provisions of this Act, the Commission shall have power to give a preference in favour of goods produced, manufactured, or sold within the Province; and in the case of goods required within a local area of the Province, in favour of goods produced, manufactured, or sold within that area."

The preference policies of the Commission are described in the following excerpt from a letter dated January 27, 1965, from the Chairman of the Commission:

"Since the Government of the day must find the money to pay for all purchases we do work under the publicly stated policy rules of the Government such as calling for quotes on all purchases, lowest quote to be accepted, other things being equal. Preference is given first to goods manufactured in B.C., then those made in Canada and lastly those made outside of Canada."

The policy of the British Columbia Hydro and Power Authority, a Crown agency which is responsible for the instruction, maintenance and operation of provincially owned public utilities facilities, is indicated by the following excerpt from a letter dated January 25, 1965, from the Manager, Purchasing & Stores Division, of the Authority:

"* * * I enclose, for your information, two copies of a brief summary of our purchasing policies. You will note that this policy contains the statement that: 'All things being equal, suppliers located in British Columbia will be given preference.' This clause does not prevent us, from time to time, giving a slight price preference to a British Columbia supplier if we considered it in the interest of the Authority to so do. It is our practice, if practical, to invite public tenders for all material, supplies and service over an estimated $10,000. On large contracts, where we deem it advisable, we seek tenders on a world-wide basis and place advertisements in leading trade publications in various countries, including the United States. In the U.S. we often advertise in the 'International Construction Reporter.' "

Manitoba: The Purchasing Bureau is responsible for the purchase of nearly all equipment and supplies required for provincial operations. Section 7(d) of the Government Purchases Act (Revised Statutes of Manitoba, 1954, c. 104) provides that "wherever possible, qualities and prices being equal, products or manufactures of the Province of Manitoba shall be purchased."

Nova Scotia: Under the provisions of the Purchases Act (Statutes of Nova Scotia, 1964, c. 4) the Government Purchasing Agency is responsible for the purchase of all supplies that are required by the Provincial departments and most Provincial boards, commissions and agencies. Section 8(b) of the Act provides that the Agency:

"(b) Insofar as it may be consistent with good business practices and in the public interest, shall purchase Nova Scotia products and purchase from persons who maintain and operate places of business in the Province of Nova Scotia;"

Ontario: The policy of the Department of Highways is indicated by the following excerpt from a letter dated February 3, 1965, from the Director, Legal Branch, of the Department:

"The Department follows the policy of buying supplies on a competitive basis with no limitation on the nationality of the bidder. If, however, two identical bids are submitted, one by a Canadian supplier and one by a non-Canadian supplier, the contract would be awarded to the Canadian supplier."

Quebec: Both the Provincial Purchasing Service of Quebec and the Quebec Hydro-Electric Commission are reported to discriminate in favor of Quebec firms. According to statements made to the press in 1963 by Commissioner Gignac, the Commission will pay to 10 percent more for a Quebec product than for the equivalent item manufactured elsewhere in Canada and up to 15 percent more for a Quebec product than for a foreign product. The Commission operates a public utility system which supplies electric light and power requirements to municipalities (including Greater Montreal and surrounding districts), industrial and commercial undertakings and private citizens. It is said to be the largest single buyer in Quebec with projected capital expenditures for 1964 exceeding Can$250,000,000.

The Provincial Purchasing Service is reported to have adopted guide lines essentially the same as those of the Hydro-Electric Commission. The policy is carried out by the Provincial Treasury Board, which must approve all purchases over Can$25,000.

Saskatchewan: Under the provisions of The Purchasing Agency Act (Revised Statutes of Saskatchewan, 1953, c. 42), the Saskatchewan Government Purchasing Agency is responsible for the purchase of most supplies required by provincial departments. Section 7 of the act provides as follows:

"In acquiring supplies the agency shall acquire, to the extent that it is practicable, supplies produced or manufactured in the province or sold by persons carrying on business in the province."

According to a booklet entitled "Selling to the Saskatchewan Government," published by the Ministry of Industry and Information, the basic provincial purchasing policy is to "purchase 'Made in Saskatchewan' goods, providing quality and price are satisfactory."

PRINCIPAL SOURCES

General

British Board of Trade "Canada: Selling to Federal and Provincial Public Departments" (London, 1963).

Federal

(1) Report dated March 17, 1960, to the United States Department of Commerce by the Commercial Attaché of the United States Embassy in Ottawa, entitled "Canadian Government Procurement Policies and Practices".

(2) Foreign Service Despatch No. 248 dated September 22, 1960, from the United States Embassy in Ottawa, entitled "Canadian Government Procurement Policies and Practices".

(3) Canadian Department of Trade and Commerce, "Selling to the Canadian Government" (Ottawa, 1960).

(4) United States Department of Commerce, "Import Tariff System of Canada," Overseas Business Reports, No. OBR 63-10 (January 1963).

Provincial

(1) Airgram No. A-35 dated March 4, 1964, from the United States Consulate in Quebec, P.Q., entitled "The 'Buy Quebec' Policy".

(2) Letter dated January 27, 1965, from the Chairman, British Columbia Purchasing Commission, Victoria, British Columbia to Cravath, Swaine & Moore, New York.

(3) Letter dated January 25, 1965, from the Manager, Purchasing & Stores Division, British Columbia Hydro and Power Authority, Vancouver, British Columbia, to Cravath, Swaine & Moore, New York.

(4) Letter dated February 17, 1965, from the General Purchasing Agent, Purchasing Bureau, Province of Manitoba, Winnipeg, Manitoba, to Cravath, Swaine & Moore, New York.

(5) Letter dated February 19, 1965, from the Director of Purchases, Government Purchasing Agent, Province of Nova Scotia, Halifax, Nova Scotia, to Cravath, Swaine & Moore, New York.

(6) Letter dated February 3, 1965, from the Director, Legal Branch, Department of Highways, Province of Ontario, Downsview, Ontario, to Cravath, Swaine & Moore, New York.

(7) Letter dated February 19, 1965, from the Director of Purchases, Purchasing Agency, Province of Saskatchewan, to Cravath, Swaine & Moore, New York.

SCHEDULE A. FINANCIAL ADMINISTRATION ACT

GOVERNMENT CONTRACTS REGULATIONS

(P.C. 1964-1467)

At the GOVERNMENT HOUSE
AT OTTAWA,
Wednesday,
the 23rd day of September, 1964.

Present: His Excellency the Governor General in Council.

His Excellency the Governor General in Council, on the recommendation of the Treasury Board, pursuant to the Financial Administration Act, is pleased hereby to revoke the Government Contracts Regulations made by Order in Council P.C. 1954-1971 of 16th December, 1954[1], as amended[2], and to make the annexed Government Contracts Regulations in substitution therefor.

REGULATIONS RELATING TO GOVERNMENT CONTRACTS

Short Title

1. These Regulations may be cited as the Government Contracts Regulations.

Interpretation

2. (1) In these Regulations:

(a) "Advance payment" means a payment made by or on behalf of Her Majesty under the terms of a contract prior to any work or specified part thereof being done under the contract;

(b) "Amount", where used in respect of a contract, means the cost or price of the contract whether such cost or price is fixed or estimated;

(c) "Contract" means

(i) A contract for the construction or repair of a work (in these Regulations called a "construction contract"),

(ii) A contract for the supply of articles, commodities, equipment, goods, materials or supplies including a contract for printing or reproduction (in these Regulations called a "purchase contract"),

(iii) A contract for the furnishing or performance of a service of any kind (in these Regulations called a "service contract"), and

(iv) A lease or an agreement whereby Her Majesty acquires a leasehold interest in, or a license to occupy, real property situated in or outside Canada (in these Regulations called a "lease"),

entered into by or on behalf of Her Majesty in right of Canada;

(d) "Contracting authority" with respect to any contract, means

(i) The appropriate Minister as defined in subparagraphs (i) and (ii) of paragraph (a) of section 2 of the Financial Administration Act, and

(ii) The corporations named in Schedule B to the Financial Administration Act, the National Capital Commission, the National Battlefields Commission and the Northern Canada Power Commission;

(e) "Progress payment" means a payment made by or on behalf of Her Majesty under the terms of a contract in respect of a portion of the work done under the contract prior to the completion of the whole work to be done under the contract;

(f) "Public advertisement" means advertising in the public press; and

(g) "Tender" means,

(i) With respect to a construction contract, a tender invited by public advertisement, and

(ii) With respect to a purchase or service contract, a tender invited by public advertisement or from a representative list or representative lists of suppliers.

(2) For the purposes of these Regulations and for greater certainty each one of the following shall be deemed to be a construction contract:

(a) A contract for the supply of a structure prefabricated in accordance with plans and specifications supplied by the contracting authority;

(b) A contract for the construction or repair of a vessel;

(c) A contract relating to dredging;

(d) A contract relating to demolition, and

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[1] SOR/54-691, Canada Gazette, part II, vol. 89, No. 1, Jan. 12, 1955, p. 175 and Statutory Orders and Regulations Consolidation 1955, vol. 2, p. 1350.

[2] SOR/61-361, Canada Gazette, part II, vol. 95, No. 17, Sept. 13, 1961.

(e) A contract for the hire of equipment to be used in or incidental to the execution of a work.

Application

3. (1) Except as provided in this section, these Regulations apply to all contracts.

(2) These Regulations do not apply to

(a) Contracts entered into by a corporation named in Schedule C to the Financial Administration Act other than the National Capital Commission, the National Battlefields Commission and the Northern Canada Power Commission;

(b) Contracts entered into by a corporation named in Schedule D to the Financial Administration Act;

(c) Contracts for the conveyance of mail entered into under the Post Office Act;

(d) Contracts entered into by the Canadian Wheat Board;

(e) Contracts entered into by the National Film Board;

(f) Contracts for the purchase of metal entered into under the Currency, Mint and Exchange Fund Act;

(g) Contracts for construction of buildings entered into under the Veterans Land Act; and

(h) Contracts entered into under the Indian Act relating to Indian moneys as defined in that Act.

(3) Parts I to IV of these Regulations do not apply to contracts entered into under the Defence Production Act.

(4) Where by the Defence Production Act the approval of the Governor in Council is necessary or a report is required to be made to the Governor in Council

(a) In respect of a contract, or

(b) In respect of any of the matters mentioned in paragraph (f) of section 15 of the Defence Production Act,

such approval may be granted by and such report shall be made to the Treasury Board.

4. Nothing in these Regulations authorizes the appointment or employment of any person as an officer, clerk or employee of Her Majesty.

5. Where there is no authority under these Regulations for a contracting authority, without the approval of the Treasury Board.

(a) To enter into a contract; or

(b) To increase the amount payable under a contract,

the Treasury Board may approve the entry into the contract by the contracting authority or the increase in the amount payable under the contract, as the case may be.

6. Except as provided in these Regulations, no contract shall be entered into without the approval of the Treasury Board.

Part I. Construction contracts

Tenders

7. (1) Before any construction contract is entered into, the contracting authority shall invite tenders therefor, except where

(a) The work is one of pressing emergency in which delay would be injurious to the public interest;

(b) The work can be more expeditiously and economically executed by the employees of the appropriate contracting authority; or

(c) The estimated cost of the work is less than fifteen thousand dollars and it appears to the contracting authority, in view of the nature of the work, that it is not advisable to invite tenders.

(2) Where tenders have been obtained pursuant to subsection (1) and it appears to the contracting authority not to be expedient to let the contract to the lowest tender, the contracting authority shall obtain the approval of the Treasury Board to pass by the lowest tenderer.

Entry Into Construction Contracts

8. A contracting authority, without the approval of the Treasury Board, may enter into a construction contract if

(a) The amount payable under the contract does not exceed fifteen thousand dollars, or

(b) The amount payable under the contract exceeds fifteen thousand dollars but does not exceed one hundred thousand dollars and not less than two tenders have been obtained and the lowest tender accepted,

but the contracting authority shall make a report monthly to the Treasury Board in respect of every construction contract, the amount payable under which exceeds ten thousand dollars, that was entered into without the approval of the Treasury Board during the preceding month.

9. (1) The amount payable under a construction contract shall not be increased without the approval of the Treasury Board except

(a) Where the contract was entered into pursuant to paragraph (a) of section 8,

(i) In the event that before the construction contract was entered into not less than two tenders were obtained and the lowest tender accepted, the amount may be increased

(A) By not more than five thousand dollars, or

(B) To fifteen thousand dollars,

whichever results in the greater amount, and

(ii) In any other event, the amount may be increased to fifteen thousand dollars;

(b) Where the contract was entered into pursuant to paragraph (b) of section 8, the amount may be increased by not more than ten thousand dollars; or

(c) Where the contract was entered into with the approval of the Treasury Board, the amount may be increased

(i) By not more than ten per cent, or

(ii) By fifteen thousand dollars,

whichever results in the lesser amount.

(2) Notwithstanding subsection (1) where the amount payable under a construction contract has been increased with the approval of the Treasury Board, the aggregate increased amount payable under the contract, being the aggregate of the amount payable under the contract before such increase and the amount by which the contract was so increased, may be further increased, without the approval of the Treasury Board,

(a) By not more than ten per cent, or

(b) By fifteen thousand dollars,

whichever results in the lesser amount.

Part II. Purchase contracts

Tenders

10. Before any purchase contract is entered into, the contracting authority shall invite tenders therefor except where

(a) The need is one of pressing emergency in which delay would be injurious to the public interest;

(b) There is only one available source of supply;

(c) The estimated expenditure involved does not exceed fifteen thousand dollars and it appears to the contracting authority, in view of the nature of the purchase, that it is not advisable to invite tenders; or

(d) The contract is one of a class of contracts designated by the Treasury Board as a class in respect of which the invitation of tenders is not required.

Entry into Purchase Contracts

11. A contracting authority, without the approval of the Treasury Board, may enter into a purchase contract if

(a) The amount payable under the contract does not exceed fifteen thousand dollars, or

(b) The amount payable under the contract exceeds fifteen thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest tender accepted,

but the contracting authority shall make a report monthly to the Treasury Board in respect of every purchase contract, the amount payable under which exceeds ten thousand dollars, that was entered into without the approval of the Treasury Board during the preceding month.

12. A purchase contract may provide for the making of progress payments or advance payments in such amounts and at such times as may be agreed to,

(a) In the case of a purchase contract entered into pursuant to section 11, by the contracting authority, or

(b) In any other case, by the Treasury Board.

13. (1) The amount payable under a purchase contract shall not be increased without the approval of the Treasury Board except:

(a) Where the contract was entered into pursuant to paragraph (*a*) of section 11

(i) In the event that before the purchase contract was entered into not less than two tenders were obtained and the lowest tender accepted, the amount may be increased

(A) By not more than five thousand dollars, or

(B) To fifteen thousand dollars,

whichever results in the greater amount, and

(ii) In any other event, the amount may be increased to fifteen thousand dollars;

(b) Where the contract was entered into pursuant to paragraph (b) of section 11, the amount may be increased by not more than five thousand dollars; or

(c) Where the contract was entered into with the approval of the Treasury Board, the amount may be increased

(i) By not more than ten percent, or

(ii) By fifteen thousand dollars, whichever results in the lesser amount.

(2) Notwithstanding subsection (1) where the amount payable under a purchase contract has been increased with the approval of the Treasury Board, the aggregate increased amount payable under the contract, being the aggregate of the amount payable under the contract before such increase and the amount by which the contract was so increased, may be further increased without the approval of the Treasury Board

(a) By not more than ten percent, or

(b) By fifteen thousand dollars,

whichever results in the lesser amount.

Part III. Service contracts

Tenders

14. Before a service contract is entered into the contracting authority shall invite tenders except in such cases or classes of cases as the contracting authority considers the invitation of tenders not to be in the public interest.

Entry into Service Contracts

15. (1) A contracting authority may, without the approval of the Treasury Board, enter into a service contract (other than a contract that results in the appointment or employment of a person as an officer, clerk or employee of Her Majesty) for any of the following purposes:

(a) For engineering, architectural and other services required in respect of the planning, preparation for or supervision of the construction or repair of a work

(i) If the amount payable under the contract does not exceed twenty-five thousand dollars, or

(ii) If the amount payable under the contract exceeds twenty-five thousand dollars but does not exceed fifty thousand dollars and the specific work project has been approved in writing by the Treasury Board;

(b) For the hire of equipment, with or without the operator thereof, if

(i) The amount payable under the contract does not exceed fifteen thousand dollars, or

(ii) The amount payable under the contract exceeds fifteen thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest accepted

except in the event such equipment is to be used in or incidental to the execution of a work;

(c) For advertising services, if the amount payable under the contract does not exceed ten thousand dollars;

(d) For transportation services, regardless of the amount payable under the contract, if the service is to be furnished or performed by common carriers at rates not in excess of standard rates;

(e) For transportation services other than those described in paragraph (d) and for the hire or charter of vehicles, vessels or aircraft if

(i) The amount payable under the contract does not exceed twenty-five thousand dollars, or

(ii) The amount payable under the contract exceeds twenty-five thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest accepted;

(f) For the supply of electricity, gas, water (including sewage disposal services) or heat, regardless of the amount payable under the contract if the rates do not exceed the established rates charged to other comparable consumers in the same rate structure area in which the service is supplied, except that no contract shall be entered into without the approval of the Treasury Board where

(i) The rates charged are based on the value or assessed value of the property serviced, or

(ii) The contract involves payment by Her Majesty of negotiated installation or capital charges

(A) In the case of electricity, gas or heat in an amount exceeding five thousand dollars, or

(B) In the case of water, in any amount;

(g) For stenographic recording, reporting, transcription or similar services if the amount payable under the contract does not exceed five thousand dollars and the rates charged are no greater than the rates prescribed from time to time by the Treasury Board for those services;

(h) For maintenance services (including cleaning, laundry, drycleaning and towel services) and road clearing or snow, garbage and waste removal or disposal services if

(i) The amount payable under the contract does not exceed fifteen thousand dollars, or

(ii) The amount payable under the contract exceeds fifteen thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest accepted;

(i) For maintenance and inspection of elevators and escalators, regardless of the amount payable under the contract, if the rates charged are not greater than the rates prescribed from time to time by the Treasury Board for those services;

(j) For maintenance and inspection of boilers, fire alarm and sprinkler systems and other classes of equipment if

(i) The amount payable under the contract does not exceed fifteen thousand dollars, or

(ii) The amount payable under the contract exceeds fifteen thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest accepted;

(k) For the maintenance, repair, overhaul and refitting of vehicles, aircraft and other equipment if

(i) The amount payable under the contract does not exceed fifteen thousand dollars, or

(ii) The amount payable under the contract exceeds fifteen thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest accepted;

(l) For telecommunication services as follows:

(i) For telephone services, regardless of the amount payable under the contract, if the rates charged do not exceed the established rates charged to other comparable consumers in the same rate structure area in which the service is supplied and if the contract does not involve payment of capital or negotiated installation charges exceeding five thousand dollars,

(ii) In respect of all telecommunication services except as otherwise specified in this paragraph, if the amount payable under the contract for such service does not exceed fifteen thousand dollars and the contract does not involve payment of capital or negotiated installation charges exceeding ten thousand dollars,

(iii) In respect of rental of telecommunication equipment, if the amount payable under the contract for the rental of such equipment does not exceed fifteen thousand dollars and the contract does not involve payment of capital or negotiated installation charges exceeding ten thousand dollars,

(iv) For the rental of short or local lines, if the amount payable under the contract in respect of the rental of such lines does not exceed one thousand dollars, and

(v) In respect of rental of long lines, if the amount payable under the contract for the rental of such lines does not exceed fifteen thousand dollars;

(m) for air surveys and mapping services if

(i) The amount payable under the contract does not exceed twenty-five thousand dollars, or

(ii) The amount payable under the contract exceeds twenty-five thousand dollars, but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest accepted;

(n) For the relocation of powerlines, telephone lines, pipelines and similar installations that are not owned by Her Majesty, if the amount payable under the contract does not exceed one thousand dollars;

(o) For the processing of materials owned by Her Majesty if

(i) The amount payable under the contract does not exceed fifteen thousand dollars, or

(ii) The amount payable under the contract exceeds fifteen thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest accepted; and

(p) For catering services, if

(i) The amount payable under the contract does not exceed fifteen thousand dollars, or

(ii) The amount payable under the contract exceeds fifteen thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest accepted.

(2) A contracting authority, without the approval of the Treasury Board, may enter into a contract for the furnishing of performance of any service not specified in subsection (1), if the amount payable under the contract does not exceed five thousand dollars.

16. A service contract may provide for the making of progress payments or advance payments in such amounts and at such times as may be agreed to

(a) In the case of a service contract entered into pursuant to section 15, by the contracting authority, or

(b) In any other case, by the Treasury Board.

17. (1) No service contract the term of which exceeds five years shall be entered into without the approval of the Treasury Board.

(2) Subsection (1) does not apply to a service contract described in paragraph (f), (i) or (l) of subsection (1) of section 15.

18. (1) The amount payable under a service contract shall not be increased without the approval of the Treasury Board except,

(a) Where the contract was entered into, in accordance with these Regulations, without the approval of the Treasury Board, the amount may be increased to the maximum amount specified in section 15 for a contract of that kind; or

(b) Where the contract was entered into with the approval of the Treasury Board, the amount may be increased by not more than ten per cent.

(2) Where a service contract entered into with the approval of the Treasury Board has, set out in the Treasury Board approval thereof, the term or period during which the service is to be furnished or performed, the said term or period may, subject to paragraph (b) of subsection (1), be increased without the approval of the Treasury Board by not more than ten per cent.

19. Contracts for the performance of legal services may be entered into only by or under the authority of the Minister of Justice and these Regulations do not apply to such contracts.

Part IV. Leases

Entry into leases

20. (1) A contracting authority, without the approval of the Treasury Board, may enter into a lease,

(a) In the case of a lease required in connection with the administration of the Department of Public Works, where

(i) The annual rate calculated on the basis of the amount to be paid under the lease does not exceed fifteen thousand dollars and the term thereof does not exceed five years, or

(ii) The annual rate calculated on the basis of the amount to be paid under the lease exceeds fifteen thousand dollars but the total amount to be paid under the lease does not exceed fifteen thousand dollars; or

(b) In any other case, where

(i) The annual rate calculated on the basis of the amount to be paid under the lease does not exceed five thousand dollars and the term thereof does not exceed five years, or

(ii) The annual rate calculated on the basis of the amount to be paid under the lease exceeds five thousand dollars but the total amount to be paid under the lease does not exceed fifteen thousand dollars and the term thereof does not exceed one year.

(2) A contracting authority may, upon the termination of the term of a lease described in subparagraph (i) of paragraph (a) of subsection (1) or subparagraph (i) of paragraph (b) of subsection (1) of any premises, renew the lease or enter into a new lease of those premises, subject to the provisions set out in subsection (1) respecting the amount to be paid under the lease, but in no event, without the approval of the Treasury Board, may the contracting authority remain in continuous possession of the premises for longer than ten years except if each lease of the premises or each renewal of the lease is required in connection with the administration of the Department of Public Works and the amount to be paid under each such lease does not exceed five thousand dollars per annum.

(3) In no event, without the approval of the Treasury Board, may the contracting authority, upon the termination of the term of a lease, described in subparagraph (ii) of paragraph (a) of subsection (1) or subparagraph (ii) of paragraph (b) of subsection (1) of any premises, renew the lease or enter into a new lease of those premises except if the aggregate of amounts payable for possession of the premises under each lease of the premises and each renewal thereof does not exceed fifteen thousand dollars.

21. No contracting authority shall, without the approval of the Treasury Board, enter

into a lease of premises intended to be used as living quarters for officers or servants of Her Majesty.

General

22. Notwithstanding anything in these Regulations, the Treasury Board may, in respect of a particular contracting authority, upon notification to the contracting authority, increase or decrease any one or more of the amounts specified in Parts I, II, III, and IV.

23. Nothing in these regulations authorizes the making of an ex gratia payment.

24. Notwithstanding anything in these Regulations, a contracting authority may execute on behalf of Her Majesty

(a) Any form of agreement in use by a railway company for permission to construct or maintain a private crossing for any department or agency of the Government of Canada, or a pipe or cable crossing over, across or under property of the company; or

(b) Any agreement with a railway, telegraph, telephone or power company for permission to attach wires to poles of the company at rates not in excess of those normally charged for such permission.

Part V. Bonds and security deposits

25. In this Part,

(a) "Bid bond" means a bond given to guarantee entry into a contract that is

(i) In a form approved by the Treasury Board, and

(ii) In the amount of at least 10 percent of the amount that would become payable under the contract if it were entered into;

(b) "Comptroller" means the Comptroller of the Treasury appointed under the Financial Administration Act;

(c) "Contract" means

(i) A construction contract, and

(ii) Any other contract in respect of which, in the opinion of the contracting authority, it is in the public interest to obtain security to ensure the due performance thereof;

(d) "Holdback" means the amount withheld under a contract pursuant to section 40 of the Financial Administration Act and includes a holdback within the meaning of section 32 of these Regulations;

(e) "Labour and material payment bond" means a bond given to guarantee the payment of certain persons performing labour or supplying materials that is

(i) In a form approved by the Treasury Board, and

(ii) In the amount of at least 50 percent of the amount payable under the contract in respect of which the bond is given;

(f) "Performance bond" means a bond given to guarantee performance of a contract that is

(i) In a form approved by the Treasury Board, and

(ii) In the amount of at least fifty percent of the amount payable under the contract in respect of which the bond is given; and

(g) "Security deposit" means

(i) A certified cheque drawn on a bank to which the Bank Act or the Quebec Savings Banks Act applies, or

(ii) Bonds of the Government of Canada or of a company included in "National Railways" (as that expression is defined in the Canadian National Railways Capital Revision Act) unconditionally guaranteed as to principal and interest by the Government of Canada, if such bonds are

(A) Payable to bearer,

(B) Hypothecated to the Minister of Finance and Receiver General of Canada in accordance with the Domestic Bonds of Canada Regulations, or

(C) Registered in the name of the Minister of Finance and Receiver General of Canada.

26. Where tenders are called in respect of a construction contract or where the contracting authority deems it appropriate, the contracting authority shall require every person wishing to enter into a contract to give to Her Majesty, to ensure the entry into the contract,

(a) A bid bond; or

(b) A security deposit in an amount, or having a par value, of not less than

(i) Ten per cent of the amount that would become payable under the contract, if it were entered into, where the amount payable does not exceed two hundred and fifty thousand dollars, or

(ii) Twenty-five thousand dollars plus five per cent of the amount by which the amount that would become payable under the contract, if it were entered into, exceeds two hundred and fifty thousand dollars, where the amount exceeds two hundred and fifty thousand dollars.

27. (1) Where a contract is entered into, a contracting authority shall require the contractor to give to Her Majesty

(a) A performance bond and a labour and material payment bond, or

(b) A security deposit in an amount calculated in accordance with paragraph (b) of section 26 and a labour and material payment bond.

(2) Where a contractor has not been able to obtain a labour and material payment bond as required by paragraph (a) or (b) of subsection (1) on making application therefor to at least two bonding companies, the contracting authority shall require the contractor to give to Her Majesty a security deposit in an amount calculated in accordance with paragraph (b) of section 26 together with an additional security deposit of at least ten per cent of the amount payable under the contract.

(3) Where a security deposit, other than an additional security deposit required pursuant to subsection (2), is required to be given by a contractor under this section, the amount of such deposit shall be reduced by the amount of any security deposit given pursuant to section 26.

28. (1) Notwithstanding section 26 or 27, in the case of a construction contract, the contracting authority may

(a) Accept security of less value or dispense with any security where

(i) The contract provides that the amount payable by or on behalf of Her Majesty is to be computed in relation to the cost incurred by the contractor, and

(ii) By the terms of the contract, the materials upon being incorporated in the work or otherwise appropriated to the contract become the property of Her Majesty;

(b) Accept security in such form and such amount as the contracting authority deems appropriate in the case of a contract for the construction or repair of a vessel;

(c) Limit the security deposit in respect of any one contract to one hundred thousand dollars, except that the amount of the additional security deposit required under subsection (2) of section 27 shall not be included therein; and

(d) Where the amount payable under the contract is less than twenty-five thousand dollars,

(i) Accept security in such form and such amount as the contracting authority deems appropriate, or

(ii) Dispense with any security.

(2) Where in the opinion of a contracting authority it is in the public interest to obtain security to ensure the due performance of a service contract or a purchase contract, the contracting authority may, notwithstanding section 26 or 27 in the case of the service or purchase contract, accept security in such form and such amount as the contracting authority deems appropriate.

29. Coupon bonds delivered as a security deposit under these Regulations shall have attached thereto all coupons that are unmatured at the time of such delivery.

30. Where a security deposit has been given under these Regulations in the form of a certified cheque and the amount of the cheque has been paid into the Consolidated Revenue Fund, interest shall be allowed on the said amount from the day on which it is paid into the Consolidated Revenue Fund until it is repaid or otherwise disposed of, at the rates that from time to time are applicable to deposits in the post office savings bank.

31. Whenever the amount payable under a contract is increased by reason of extras, additions or extensions, the contracting authority may require such additional security as he or it considers necessary to ensure the due performance of the contract.

32. (1) Subject to subsection (2), where the contracting authority deems it necessary, a construction contract may provide that progress payments shall be made thereunder in such amounts and at such times as may be agreed to by the contracting authority.

(2) Progress payments in respect of a construction contract shall not exceed such amounts as will ensure that the holdback is at least

(a) Five per cent of the value of the work done and the materials supplied under the terms of the contract, as determined by the contracting authority, where a labour and material payment bond has been provided, or

(b) Ten per cent of the value of the work done and the materials supplied under the terms of the contract, as determined by the contracting authority, where a labour and material payment bond has not been provided.

(3) Subsection (2) does not apply to a shipbuilding contract or to any contract under which the amount payable is to be computed in relation to the cost incurred by the contractor.

33. (1) The security deposit shall be paid

(a) to any person

(i) Who gives such security deposit pursuant to paragraph (b) of section 26, and

(ii) With whom Her Majesty is not prepared to enter into the contract in respect of which the security deposit is given; or

(b) to the contractor where, having given a security deposit pursuant to paragraph (b) of section 26, the contractor furnishes a performance bond and a labour and material payment bond pursuant to paragraph (a) of subsection (1) of section 27.

(2) Where a contract has been satisfactorily performed or has been terminated for a reason that is not attributable to any fault of the contractor and Her Majesty has no claim against the contractor arising out of or relating in any manner whatsoever to the contract in respect of which the security deposit or holdback may be required, the security deposit and the holdback shall be paid to the contractor.

(3) Where, in respect of any contract, the security deposit or the holdback is in excess of the amount required by the contract and these Regulations, the amount by which such security deposit or holdback exceeds the amount required shall be paid to the contractor.

(4) Where the work, or any part thereof, performed in respect of any contract is handed over to Her Majesty and the contractor is not in default under the contract, the contracting authority may pay to the contractor the amount by which

(a) the aggregate of the security deposit and the holdback exceeds

(b) an amount equal to

(i) the amount obtained by multiplying by two the value of the work that, in the opinion of the contracting authority, is still to be performed under the contract,

minus

(ii) the amount, if any, still payable by Her Majesty in respect of the work still to be performed under the contract.

(5) A contracting authority may direct that payments under this section be made to any person entitled thereto notwithstanding that such person is not a contractor or a person giving a security deposit pursuant to paragraph (b) of section 26.

34. Notwithstanding anything in these Regulations, a security deposit or holdback may be paid in such manner and at such time as the Treasury Board may direct.

35. Notwithstanding anything in these Regulations, the Treasury Board may authorize in any particular case or classes of cases the acceptance of security in a form and having a value other than prescribed in these Regulations.

36. (1) Where a security deposit, in the form of a certified cheque, is received from any person as a deposit incidental to a tender for a contract, the contracting authority shall hold the cheque

(a) until the tender is rejected, in which case the cheque shall be returned to the tenderer; or

(b) until the tender is accepted, in which case the cheque shall be forwarded to the Comptroller

(i) to be deposited to the credit of the Receiver General, or

(ii) in the event the contractor so directs, to be held uncashed, and thereafter the security deposit shall be dealt with in accordance with these Regulations.

(2) Where a security deposit, in the form of bonds, is received from any person as a deposit incidental to a tender for a contract, the contracting authority shall forward the bonds immediately to the Comptroller to be held by him or where the contracting authority considers its safe-keeping arrangements satisfactory, hold the bonds

(a) Until the tender is rejected, in which case the bonds shall be returned by the Comptroller or by the contracting authority, as the case may be, to the tenderer; or

(b) Until the tender is accepted, in which case the contracting authority shall

(i) In the event the bonds are being held by the contracting authority, forward the bonds immediately to the Comptroller to be held by him, and

(ii) In any event, notify the Comptroller that the bonds are to be dealt with in accordance with these Regulations.

(3) Where a bid bond, a labour and material payment bond or a performance bond is received by a contracting authority under these Regulations, the bond shall be held in the custody of the contracting authority.

37. Interest on security deposits deposited in the Consolidated Revenue Fund accrued up to the end of each fiscal year, or the matured coupons belonging to bonds deposited as security, may be paid or forwarded by the Comptroller to the contractor at the request of the appropriate contracting authority.

38. (1) Where money is received from any person as a deposit to ensure the return to the appropriate contracting authority in good condition of plans and specifications, the contracting authority shall hold the money

(a) In the case of the contractor, until the contract has been awarded whereupon the money shall be returned to the contractor, or

(b) In the case of any person other than the contractor, until the plans and specifications have been returned in a condition and within a time limit satisfactory to the contracting authority, whereupon the money shall be returned to such person.

(2) Where any person described in paragraph (b) of subsection (1) fails to return the plans and specifications in a condition and within a time limit satisfactory to the contracting authority, the contracting authority shall deposit the money, referred to in subsection (1), that was received from such person, to the credit of the Receiver General.

39. Where a payment under a contract has been withheld as a holdback under these Regulations to ensure the due performance of the contract and, pursuant to section 40 of the Financial Administration Act, the payment has been charged to the appropriation for that contract, the amount so charged shall be credited to a special account in the Consolidated Revenue Fund and shall only be paid out from such account in accordance with the contract and these Regulations.

APPENDIX

Subparagraphs (i) and (ii) of paragraph (a) of Section 2 of the Financial Administration Act, to which reference is made in subparagraph (i) of paragraph (d) of Section 2 of the Regulations, provide as follows:

"(i) with respect to a department mentioned in subparagraph (i) of paragraph (f) [that is, any of the departments named in Schedule A], the Minister presiding over the department,

"(ii) with respect to any other department, the Minister designated by the Governor in Council as the appropriate Minister,"

Schedules A, B, C and D of the Financial Administration Act, as amended, to which reference is made in Section 2 of the Regulations, are as follows:

SCHEDULE A.

Department of Agriculture.
Department of Citizenship and Immigration.
Department of Defence Production.
Department of External Affairs.
Department of Finance.
Department of Fisheries.
Department of Insurance.
Department of Justice.
Department of Labour.
Department of Mines and Technical Surveys.
Department of National Defence.
Department of National Health and Welfare.
Department of National Revenue.
Post Office Department.
Department of Public Works.
Department of Public Printing and Stationery.
Department of Resources and Development.
Department of the Secretary of State of Canada.
Department of Trade and Commerce.
Department of Transport.
Department of Veterans Affairs.
Department of Forestry.[3]

SCHEDULE B.

Agricultural Prices Support Board.
Atomic Energy Control Board.
Canadian Maritime Commission.
Director of Soldier Settlement.
The Director, The Veterans' Land Act.
Dominion Coal Board.
Fisheries Prices Support Board.
National Gallery of Canada.
National Research Council.
Unemployment Insurance Commission.

SCHEDULE C.

Canadian Arsenals Limited.
Canadian Commercial Corporation.
Canadian Patents and Development Limited.
Canadian Sugar Stabilization Corporation Ltd.
Commodity Prices Stabilization Corporation Ltd.
Crown Assets Disposal Corporation.
Defense Construction (1951) Limited.
Federal District Commission.
National Battlefields Commission.
National Harbours Board.
Park Steamship Company Limited.
Atomic Energy of Canada Limited.[4]

SCHEDULE D.

Canadian Broadcasting Corporation.
Canadian Farm Loan Board.
Canadian National (West Indies) Steamships, Limited.
Canadian Overseas Telecommunication Corporation.
Central Mortgage and Housing Corporation.
Eldorado Mining and Refining (1944) Limited.
Export Credits Insurance Corporation.
National Railways as defined in the Canadian National-Canadian Pacific Act.
Northern Transportation Company (1947) Limited.
Northwest Territories Power Commission.
Polymer Corporation Limited.
Trans-Canada Air Lines.
Eldorado Aviation Limited.[5]

SCHEDULE B. CANADA

United States Armed Services Procurement Regulation (March 1, 1963)

6-103.5 Canadian Supplies.

(a) Listed: The Secretaries of the Departments have determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act with respect to certain supplies, which have been determined to be of a military character or involved in programs of mutual interest to the United States and Canada, where such supplies are mined, produced, or manufactured in Canada and either (i) are Canadian end products offered by the lowest acceptable bid or proposal or (ii) are incorporated in end products manufactured in the United States. Each Department maintains a list of these supplies, which is approved by the Secretary concerned. (The Departmental lists provide that parts and equipment for listed supplies are considered to be included in the lists, even though not separately listed, when they are procured under a contract that also calls for listed supplies.)

(b) Not Listed: The Secretaries of the Departments have also determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act (i) to the acquisition of any unlisted Canadian end product that is offered by a bid or proposal which is the lowest acceptable bid or proposal after any applicable duty (whether or not a duty-free entry certificate may be issued) is included for evaluation purposes, and (ii) with respect to any supplies mined, produced, or manufactured in Canada that are incorporated in end products manufactured in the United States.

(c) Application of Canadian Exception: The effect of (a) and (b) above may be summarized as follows.

(1) As to any end product that is manufactured in the United States, all Canadian components are treated as components mined, produced, or manufactured in the United States for the purpose of determining whether the end product is a domestic source end product.

(2) Listed Canadian end products are treated as domestic source end products and neither duty nor the evaluation factors prescribed by 6-104.4 shall be used for evaluation.

(3) Unlisted Canadian end products are evaluated by including any applicable duty, whether or not a duty-free entry certificate may be issued.

(4) Award will not be made for a Canadian end product if there is a lower bid or

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[3] Added by the Department of Forestry Act, 1960 (8-9 Eliz. II, c. 41).

[4] Added by Order in Council dated September 15, 1953 (P.C. 1953-1401; SOR/53-382).

[5] Added by Order in Council dated September 15, 1953 (P.C. 1953-1402; SOR/53-383).

proposal which would be acceptable in the absence of the Buy American Act.

(d) Limitations: The above exceptions from the provisions of the Buy American Act which are applicable solely with respect to Canadian supplies, and the special procedures relating thereto which are set forth in this Part, do not apply to, or affect determinations made with respect to, (i) items contained in the list set forth in 6–105, (ii) the purchase of supplies for civil works acquired with funds appropriated for Civil Functions, Department of the Army, or (iii) food items.

EFFORT TO BUILD A STRONGER AGRICULTURAL ECONOMY FOR NORTH DAKOTA

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, this morning a group of North Dakotans from both sides of the political aisle began a day of contacts on Capitol Hill to build a stronger agricultural economy for North Dakota. They started this day with a breakfast meeting set up by Senator MILTON R. YOUNG, on the Senate side of our Capitol. MILT YOUNG has worked long, hard, and effectively for not only North Dakota but for our entire Nation, and this was certainly shown clearly when key Members of the Senate—both Republicans and Democrats—gathered at his invitation to be with us and to visit with North Dakotans concerning our problems.

Just last night, in reading the Minot Daily News, I ran across an editorial pointing up a specific example of just one result of his effective service on behalf of all of us. MILT YOUNG indeed serves in the best tradition of America—showing so well our heritage of representative government at its best, and I felt our colleagues would enjoy, as I did, this editorial example of the results he secures:

AFTER 19 YEARS—SUCCESS

All North Dakotans share with Senator MILTON R. YOUNG the personal satisfaction he must feel in seeing his efforts materialize for the restoration of Ford's Theater in Washington.

The show house where Abraham Lincoln was shot and fatally wounded by an assassin a hundred years ago is being put back into condition. Great pains are being taken to make its interior look just like it did in 1865. The National Park Service is making it a place that visitors to Washington will want to see.

Senator YOUNG is being given credit for bringing this project to realization through long and patient working, waiting and watching. The senior Senator from North Dakota has considerable influence in Washington today as a ranking Republican.

Probably patience and perseverance are traits that any Senator from North Dakota acquires if he stays long in Washington, and with them Senator YOUNG has mastered the techniques of working with other Senators of both parties for the accomplishment of tasks essentially bipartisan in nature. Most of the problems and interests of North Dakota today are of that character.

For example, the State and both parties have long given support and persistent effort to bring the Garrison diversion project to reality, and that project now stands on its merits at the threshold of authorization. The mills of the Congress grind slowly for many a worthy project, whether it is the creation of a national shrine or a program to make sensible use of the Nation's water resources. And before the Congress can approve construction, a large amount of preparatory investigation, planning, and figuring has to be done. The State of North Dakota and its congressional delegation have been working constantly on Garrison diversion since the Flood Control Act of 1944 was passed.

North Dakotans perhaps more than many other Americans are conscious of the richness of their historical heritage, and want to see sites of national historic importance developed for public appreciation. If Ford's Theater can be restored in complete and accurate detail, the time will come when the Nation will be ready to restore Fort Union Trading Post on the Missouri with equal care. For, as in the case of Ford's Theater, plenty of information exists on what the details of the Fort Union structures were. But first must come the pending step to set aside the Fort Union National Historic Site, an effort on which Senator QUENTIN BURDICK is now working, with unanimous support of the entire congressional delegations of this and other surrounding States.

The day for personal and public satisfaction on these projects, with everyone sharing in the gratification, also will come.

THE MYTH OF NO STRINGS ON FEDERAL DOLLARS

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the Washington Evening Star has not exactly been in the forefront of those opposing new Federal-aid programs.

It was therefore gratifying to see an editorial last week in the Star which exploded the myth that Federal-aid dollars to schools have no strings attached. Here is the text:

THE FEDERAL DOLLAR

When the drive for Federal aid to public education was getting underway there were many assurances that no strings would be attached. Federal aid would not mean Federal interference or control of public schools. That is one myth which has very quickly gone up in smoke.

The Office of Education, headed by Commissioner Francis Keppel, has just announced detailed programs to which all school districts must subscribe if they want to share in the $1.3 billion which Congress is providing for education. These programs require satisfactory proof of desegregation, which was not required by the Supreme Court's school decision. They also apply to integration of teaching staffs and school transportation. They do not touch curriculums, but there is no reason why this area might not be brought under the Federal arm in future years.

The regulations, drafted by HEW, are said to be based on court decisions, and allegedly are necessary to implement the requirements of title VI of the Civil Rights Act. This would appear to be correct, although there is some dispute on the point.

What is important now, however, is the illustration that those who want the Federal dollar must be willing to submit to the Federal authority. These rules and regulations, going beyond any court requirement that we know of, will hit hard in the Deep South. Whether officials of school districts in the pinewoods of Alabama or in the Mississippi Delta will comply remains to be seen. It is in these areas that the monetary help is needed most. But the local officials may elect to forgo the dollars rather than yield voluntarily to the Federal demand for integration. But theirs will not be an easy decision. For they must know that if they resist the dollar lure, the Federal courts, in the end, will by one means or another compel them to desegregate their schools.

WHERE DO WE GO FROM HERE?

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. FINDLEY. Mr. Speaker, a fine statement of fundamental American principles was recently presented by Mr. Ward L. Quaal, general manager of WGN, Chicago. It has remarks especially perceptive in regard to American agriculture.

Here is the text of Mr. Quaal's statement, as presented to the Illinois Agricultural Association:

WHERE DO WE GO FROM HERE?

(By Ward L. Quaal, executive vice president and general manager, WGN, Inc.)

I want to congratulate your president, Henry W. Miller, Jr., your executive vice president, Fred W. Burrows, your other officers and directors and all of the fine members of this organization as the IAA stands on the threshold of its 70th anniversary.

Your association, the oldest association in the United States in the fruit and vegetable field, exemplifies the finest kind of private initiative and enterprise in action—an independently formed group of men and women which through the years has stanchly maintained a policy in opposition to Government subsidy.

If in the course of events, as an organization of Americans, you had done nothing but this, you would have proved your worth to this Nation and deserved the everlasting praise of its people.

But you have done more. You have improved the methods of cultivating the king of fruits, fashioned new and more efficient ways of packaging and merchandising, established standards, developed skilled programs for distribution, and all of this to the benefit of generations of Americans.

In these times of parities and subsidies and supports and other soporifics, it is sometimes difficult to recall the verities of our free enterprise system. You have never forgotten them.

The poignant irony in this is revealed in an item which appeared in the Wall Street Journal less than a month ago.

Here it is in full:

"Apple paradox: Prices edge above last year despite a bumper crop. This year's harvest estimated at 146 million bushels, 20 million above 1963 and the biggest in 27 years. But better storage facilities keep supplies from flooding the market, other fresh fruit is relatively expensive, and this year's apple crop is exceptionally high in color and quality."

Contrast that story about an industry that does not seek Government subsidy with that reported in Business Week last July which stated, in part:

"'We cede our role to the Secretary of Agriculture, the cooperatives and to history.' On that bitter note, C. Layton Merrit, president of the New Orleans Cotton Exchange, last week rapped a gavel twice to mark the demise of the historic futures trading market."

A big surplus, as Business Week reported, held prices down and a support program propped them up, virtually eliminating the need for a futures market—a historic phenomenon of our economic system.

There's a lesson here—the lesson of the apple and cotton. Both are staples of our economy; both are identified with the American scheme, and even glorified in the legends of Johnny Appleseed and King Cotton; both are products of the land, diversified in their use and application, reliant upon ingenious methods of manufacture, merchandising, promotion, and distribution.

And yet these reports from two highly respected business periodicals in a 6-month period show one, with surpluses, finding an essential element of its prosperous condition vitiated, and the other with surpluses, prospering.

One virtually untouched by the hand of Government; the other heavily involved.

This pertinent comparison leads one to a contemplation of the whole pattern of politico-economic development which has taken place in this land and in other lands throughout the world during the last three or four decades.

SAFETY OF SECURITY IN CONTROLS AT THE TOP?

Have we Americans lost the self-reliance, the self-perception, the self-determination which were our strength and our virtue in the developing world of nations two centuries ago?

Have we turned our hand from the plow to accept the alms of Government?

Have the farmers of this Nation truly secured their future by permitting Government to tell them when they shall sow and when as well as what they shall reap?

Even, now, throughout the Nation, we have uncontrollable stockpiles of wheat, corn, cotton, peanuts, tobacco, and other farm products. They have resulted from a plethora of controls governing price and production.

As soon as government attempts to give to each according to his need, we find the beneficiaries in rebellion.

Why, as Paul L. Poirot asked in the Freeman, do people risk their lives at the Berlin wall, seek refuge in Hong Kong from Red China and flee Castro's Cuba to Miami?

Or why did many doctors flee from Britain's National Health Service, or why did businessmen and skilled personnel escape from nationalized industry in droves, or why are there housing shortages in Paris and other places throughout the world where rent control has been imposed by government?

Why does a shortage of food almost inevitably follow agrarian reform?

Is there truly any safety or security in ever-more-stringent controls at the top—or does this indeed smother initiative, thwart ambition and breed indolence?

These are questions, my friends, that all of us must be asking ourselves these days if we are to hand over to coming generations that which was surrendered to us and our fathers—freedom to act, responsibility for our actions, independence of thought and adequate checks against central authority.

What was it that President Eisenhower said to the National Security Council in a moment of understandable frustration:

"Damn it, when are you going to learn that national security and a sound economy are the same thing?"

Our Government by various means is issuing endless promissory notes to the people—unemployment compensation, Treasury bonds, social security, to name a few. But our Government is unable to balance its own budget. We are spending still at a deficit rate, critically expanding the supply of money and credit, risking a perilous devaluation of the dollar.

As that dollar devaluates, your property's value also diminishes.

The warnings for the future are clear and unmistakable despite the prosperous level at which we now are living.

Let me read something to you:

"All communities are apt to look to government for too much. Even in our own country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassment and distress. But this ought not to be. The framers of our excellent Constitution and the people who approved it with calm and sagacious deliberation acted at the time on a sounder principle. They wisely judged that the less government interferes with private pursuits the better for the general prosperity."

President Martin Van Buren said that in a special message to Congress on September 4, 1837.

President Van Buren was enunciating a philosophy of government deliberately set forth by some of the most thoughtful Americans who ever lived—Americans who had known and thrown off the yoke of monarchial government.

WE ARE ENJOYING ONE OF THE MOST PROSPEROUS PERIODS IN OUR NATION'S HISTORY

Here is a nation that has grown from a population of 4 million at the date of its birth 175 years ago to a population of 193 million today; a nation whose people have been self-sustaining; a nation whose people, drawn from all the places of the earth, have survived war, pestilence and all manner of public calamity; a nation of people whose inheritance is not alone the wealth a unique economy has produced, but more importantly the sturdiness of character handed down by the Founding Fathers.

Can we, in all good conscience, turn our backs on that heritage?

Of course we can't.

And yet we find ourselves today international apologists before the world for the system which has enabled us to create an envied standard of living.

The Communists, for example, have managed to put us on the defensive. None has delineated this circumstance more clearly than Dr. Charles Malik, one-time president of the United Nations General Assembly, now teaching at American University in Washington. Dr. Malik observes:

"[The Communists] make us feel guilty; they talk in terms of capitalism, imperialism, colonialism, monopolies, profits, exploitation, means of production. We usually answer that the exploiting capitalism of the 19th century no longer exists, that imperialism has been liquidated, that monopolies are now owned by the people and that, as to profits, everybody now shares them. There is about this response a pathetic air of apology, a sickly note of timidity and those who make it suffer from a guilty conscience."

It is as if we were bewitched by the sallies of the collectivists, a condition which presents as much logic as Samuel Butler noted when he said: "The hen is an egg's way of producing another egg."

Today we are enjoying one of the most prosperous periods in the history of the Nation. Practically every index by which our economists take the pulse of business conditions indicates continued high employment, increasing production in almost all lines, a relatively stable labor-management relationship in most areas, and a fairly firm price structure. Of course, it's true that the cost of living is pretty high. I don't suppose you can buy an apple for a nickle anymore; can you? But in this respect, I, like Kin Hubbard, haven't heard of anybody who wants to stop living on account of the cost.

There is one disturbing sign that does bear watching. The more generous package settlements in recent labor-management disputes, notably those in the auto industry, reveal increases of 4 to 5 percent in total hourly compensation. This exceeds in some essential industries average annual production gains which have been slightly over 3 percent for the economy. There are long-run inflationary implications here that bear watching, as does the general price level as it affects the consumer.

OURS IS MORE THAN A PROFIT SYSTEM

For the last 7 years, there have existed margins of unused manpower and productive facilities which have acted as a natural barrier against a dangerous increase in commodity prices. We are told now that these margins are narrowing—that indeed in some lines of production there are manpower shortages, particularly where skilled labor is required; and it is true that in some areas plant capacities are being fully utilized.

It is in the nature of our kind of economy that prosperity must be nurtured by private enterprisers with as much determination as we employ in fighting recession. It is not sufficient to call ours a profit system. It's a profit and loss system and was always intended to preserve competition, not necessarily to preserve competitors. There's risk in the marketplace. There always has been and I trust there always will be. This is what gives zest to our way of enterprise. If that condition ever is supplanted by paternalism whatever its form, then the noble American experiment in living will have ended.

Lord Keynes, analyzing the unsatisfactory condition of his own country in 1931, expressed well this theorem of the interplay of profit, prices and, production in a free enterprise economy. He said:

"We live in a society organized in such a way that the activity of production depends on the individual businessman hoping for a reasonable profit, or at least to avoid an actual loss. The margin which he requires as his necessary incentive to produce may be a very small proportion of the total value of the product. But take this away from him and the whole process stops. This, unluckily, is just what has happened. The fall of prices relative to costs, together with the psychological effect of high taxation, has destroyed the necessary incentive to production. This is at the root of our disorganization. It may be unwise, therefore, to frighten the businessman or torment him further."

That was Lord Keynes—foreshadowing the move of his country toward socialism.

WHAT CAN WE DO ABOUT IT?

The deterioration in England was caused by neglect. The roots of neglect feed on the soil of complacency. As businessmen, we are fundamentally obligated and should be unrelentingly dedicated to preserving a healthy economy through the profit system. Corporations pay some three-quarters of all nongovernmental wages and salaries. Ergo, if Government is to survive without business—without the taxes paid directly and indirectly by business—then it must leech upon the people themselves, as it does in the totalitarian state.

Government, as was noted in a recent United States Steel annual report, spends money in three major ways: hiring people, buying things privately produced, and paying interest. In recent years, it has increased alarmingly its rate of hiring people and paying interest. This requires Government to seek more funds through taxation and those taxed thus must find, under inflationary conditions, funding sources to keep production rolling. And profits are squeezed.

This is the clarion note of warning all of us here and all businessmen everywhere must heed. What can we do about it?

In the great drama of civilization which has been going on since time out of hand, there are no innocent bystanders. We are all guilty to a certain degree—guilty of missing opportunities, small and large, because we are afraid of ideas; because, if we extend our thoughts beyond the pale of the provincial, we run the risk of offending society.

Collectivism is not a new idea; democracy as we know it, is. Collectivism is feudalism in masquerade. Democracy is an expression of the vitality of people themselves.

Herein we find the secret of what we can do, as business people, to insure forever the strength of the grand plan which all of us esteem.

We can think. We can act. We can have faith. We can stubbornly oppose. And, as important as anything else, we can contrive and invent.

WE ARE IN THE MIDST OF A TECHNOLOGICAL REVOLUTION

Einstein's theoretical prediction was made in 1905. It was 38 years before that equation became a reality to the people of the world—all over the world.

Now the time lapse, it has been said by such observers as S. C. Giffillan, between first serious work on an invention and consummation, or the production of a useful article or service, has been reduced from about 50 to about 5 years—and all of this speedup in invention has taken place within the last century.

We are indeed in the midst of a technological revolution.

Now through miniaturization resulting from the development of transistors and printed circuits, compact data processing computers are performing the mathematical calculations in seconds that formerly would have taken 50 people working for weeks. The knowledge of man is being stored in chambers, to be called upon in any of an unpredictable number of combinations at the press of a button.

We and the Soviets, and perhaps soon there will be others, are "punching holes in the heavens," as General Medaris once said, hurling men and machinery into cosmic orbit.

One of the phenomena of our times is the extraordinary launching of Comsat (Communications Satellite Corp.), in a financial sense. The people of this Nation who buy stock—the small investors and the large—apparently believe that anything is possible. And that's the most encouraging omen the world has, whatever the political disposition of her homogenous people. Anything is possible.

All of us have heard the statistics about commodities—that 75 percent of those on the market now were not on the market 50 years ago.

We have witnessed the effects of frozen food on other methods of preserving; we have beheld the vast influence on living induced by the discovery of all manner of plastics and the industrial revolutions caused by the metallurgists employing such substances as beryllium, titanium, and magnesium.

Out in St. Louis, a firm has been successful in demonstrating an automatic bill rejector, as now we have automatic coin rejectors. This machine can identify and reject counterfeit bills. The next step, of course, will be changemaking.

It is conceivable that such change-making devices, attached to modern electronic thinking machines, will enable the housewife to do her shopping with a punchcard—merely having it punched by a device with the code number of the item she selects, inserting the card when completed in an automatic check-out calculator.

We are living in an economy of interdependence where the delicate balances of distribution, production, merchandising, advertising and selling, and the administrative functions imposed upon all of these activities, can mean the difference between prosperity and depression.

As a result, we are called upon to know more about the specialties of others. We exist in a veritable network of such interdependence: togetherness, you might say, with technological overtones.

We cannot be, therefore, islands unto ourselves, at least not in the contemporary world of business.

We cannot be like Procrustes of Greek mythology. He was a bandit who did not content himself with thievery alone. He would strap victims to his iron bed and if they were too short, he would stretch them on the rack to the desired dimensions. If they were too long, he would lop off their extremities until they fit. For to Procrustes, the standard of perfection was Procrustes himself.

It is quite obvious that those of you gathered here are not Procrusteans, or you would not be associated together in an organization which seeks to distill the knowledge of each of you for the benefit of all.

STRUGGLE UNCEASINGLY TOWARD THAT PERSONAL GOAL

Twenty-five centuries ago, Sparta—the totalitarian state of that time—was waging war against Athens, which stood for a freer way of life.

The Athenian statesman Pericles, in a funeral oration over the first victims of the war, said:

"The freedom which we enjoy in our government extends to our ordinary way of life. There, far from exercising a jealous surveillance over each other, we do not feel called upon to be angry with our neighbor for doing what he likes * * *.

"If we turn to our military policy, there also we differ from our antagonists. We throw open our city to the world, and never by alien acts exclude foreigners from any opportunity of learning or observing, although the eyes of any enemy may occasionally profit from our liberality. We trust less in system and policy than in the native spirit of our citizens."

How apt are the words of Pericles today in the relationship between the United States and the Soviet States.

If we are to give ultimate lie to the boast of the Soviets that they will outproduce us—if we are to sustain the integrity and the truth of a free enterprise system—then we must know what we're after and get on with it.

One is reminded of the schoolroom experience in which the teacher asked his class of youngsters to draw pictures showing what they wanted to be when they grew up. He received, as you might expect, various renditions of cowboys, space cadets, ballet dancers, singers, policemen, and the like. But one little girl merely gave him a sheet of blank white paper. He asked this girl if she knew what she wanted to be when she grew up.

Yes, she said, she knew. She wanted to be married—but she didn't know how to draw it.

Even if we don't know how to draw it, we should want to be something and to struggle unceasingly toward that personal goal.

That's the essence, friends, of individual action which brings into consonance all of the points and counterpoints of democracy in action.

A BROAD CANOPY OF FREEDOM IS NEEDED

What a wonderful opportunity was given to us by our forefathers—by that young Capt. John Parker at Lexington who ordered his little band of recruits, "Stand your ground"; by Paul Revere as he watched the Old North Church tower and prepared to ride from Boston to Lexington; by the Adams and Washingtons and Jeffersons and Franklins and all of their brave company of draftsmen who wrote the Document; by all the others—the young men gone where the crosses mark their passing all over the world, by such as Abraham Lincoln and the grand old man who returned to Iowa just a few days ago and by that sparkling young man who taught us all to look ahead and who was lost to us so tragically just a year ago.

What a wonderful gift, the gift of freedom in a land anointed by the toil of faithful millions.

Baltasar Gracian said, "Freedom is more precious than any gifts for which you may be tempted to give it up."

In all of the fascinating developments of the era—the grander automobiles, the more convenient shelters, the extraordinary growth in communications and transportation—in this time when highways are wider, trains are superstreamlined, pictures flash through the air, and astronauts drift above us—one entity remains constant. Man himself. No new model has been announced for this year.

With his busy mind and his busy hands, man is creating miracles daily, but none that matches the miracle of himself. But man cannot sustain his present state, nor indeed soar to new heights, without the broad canopy of freedom that gives him movement and opportunity and inspiration.

I say to you again that your determination to operate under that canopy in the traditional fashion of our free economy is itself a matter of the highest public interest.

I believe firmly that in a climate of such freedom—not such freedom as the law will allow, but such freedom as the law has the right to take away—our opportunities for happiness and peace in the world of tomorrow will multiply.

The promise to our children will be fulfilled just as the one made to us has been fulfilled by all of the proud people who preceded us to this green and lovely land.

MICHIGAN FARM LABOR CRISIS

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Cederberg] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, while the strawberry crop in California rots on the ground for want of pickers, Michigan cucumber growers are faced with a decision of abandoning plans for this year's crop for the same reason.

In many areas of the country farmers are confronted with a crisis due to lack of adequate labor supply because of the policy of the Department of Labor. It is the position of the Department of Labor that an adequate supply of domestic labor can be recruited from the unemployment rolls. The facts are that the average unemployed person, unaccustomed to stoop labor, will just not hold out on the job in the picklefields.

I have twice appealed to the Secretary of Labor for some assurance that labor will be available for Michigan pickle growers. This is another instance where the wheels of Government grind too slowly where Mother Nature is involved. I should here point out that the State of Michigan produces more cucumbers for pickling than any other State in the country. Last year, Michigan produced 115,140 tons of cucumbers which was twice the amount produced by any other State.

If Michigan pickle farmers cannot get some assurance of a labor supply within a matter of days, they tell me they will abandon pickles as a crop and turn to some other commodity. This will not only add to existing surpluses but will create unemployment in the pickle processing plants.

As an indication of the deep concern in my district, I have received the following resolution from the Montcalm County Board of Supervisors:

Whereas the economy of Montcalm County, Mich., is based predominantly on agricultural production, and

Whereas the harvesting of many of its crops, especially potatoes and pickles, is dependent in large part on manual labor supplied by migrant workers from Mexico, and

Whereas recent changes in treaties with Mexico have caused much uncertainty making contracting for labor during the coming harvest season difficult, if not impossible, and

Whereas this uncertainty and lack of labor contracts are causing a great hardship on local and State farmers and the farm economy: Now, therefore, be it

Resolved, That the Montcalm County Board of Supervisors expresses its deep concern regarding the present farm labor situation to W. Willard Wirtz, PATRICK V. MCNAMARA, PHILIP HART, President Johnson, Governor Romney, and ELFORD CEDERBERG; and be it further

Resolved, That these gentlemen be requested to do all within their power to correct this problem by making available an adequate supply of suitable farm labor which is necessary for the farm economy of Montcalm County and rural Michigan.

NYLE B. ERSKIN,
County Clerk.

In the city of Carson City, Mich., businessmen and officials of local governing agencies have been encouraged over expansion plans for a local pickle processing plant. This company employs over 150 people and, in addition, bolsters the economy of the farming community by contracting with area farmers for the purchase of their cucumbers. Now the plant may be compelled to abandon its expansion plans if an inadequate supply of cucumbers is available. It is estimated that 2,500 workers are needed for work in the cucumber farms in this area.

Mayor Herschel Haradine, of Carson City, has telephoned me about this crisis. He has also sent me a letter revealing how important it is to his community to have laborers available for this crop year. His letter follows:

CITY OF CARSON CITY, MICH.,
April 28, 1965.

Hon. AL CEDERBERG,
Congressman, 10th District of Michigan, House Office Building, Washington, D.C.

DEAR CONGRESSMAN CEDERBERG: Am writing to confirm our conversation with your secretary Tuesday afternoon regarding an emergency situation in our local pickle industry.

With the planting season fast approaching, our cucumber-producing farmers are refusing to sign contracts because of the fear of a shortage of harvest labor. Acreage planned for cucumber production will be reverted to beans and corn, very productive crops in our area. A situation that I am sure the farm administration and bean-growing areas fear. The cucumber processing plant of Vlasic Food Products has been making big plans for expansion for their Carson City plant. They now indicate they cannot go through with these plans if the Labor Department insists on depriving this area of the Mexican nationals who have been harvesting the crop. There simply are not enough domestic laborers who will accept this work.

We in Carson City and surrounding farming area are very much disturbed. The economic effect of the loss of this plant aside from the year-around investment has been estimated at $18,140 per week for each of the approximately 7 weeks of harvest, or total of $126,980. This is for labor only. The amount paid to growers is slightly under $200,000. The plant payroll with 164 employees for the season last year was about $68,400 with an additional $36,000 to regular year-around employees. This $104,400 payroll in itself represents a large contribution to our community for the year.

The location of the plant in our community already contributes greatly to the assessed valuation of our school district, and planned further expansion will give the other local taxpayers and homeowners even greater assistance in providing for our educational needs.

Mr. Leo Jokel, vice president and manager of the Vlasic's Carson City plant tells us they will need at least 2,500 workers if they are to obtain the 25-percent increase in acreage they had planned. Right now it appears that there will be no increased acreage but rather a 50-percent cut in last year's acreage.

We would welcome a call from you if there is any further information you might need in petitioning Mr. Wirtz for relief in this emergency. And we stress the emergency because farmers must be assured now within the next few days that sufficient harvest help will be available or they will simply plant some other crop.

Yours very truly,
HERSCHEL HARADINE,
Mayor, City of Carson City.

I sincerely hope that the Department will not further delay reaching a decision on the Michigan situation. Planting time has arrived and Michigan farmers are impatient over the delays. If assurance of an adequate labor supply is not forthcoming they will plant their fields in other crops.

ADDRESS BY CONGRESSMAN GERALD R. FORD TO THE YALE LAW SCHOOL ALUMNI ASSOCIATION

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BROOMFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, on April 30, the distinguished minority leader, the gentleman from Michigan [Mr. GERALD R. FORD] addressed the Yale University Law School alumni association.

In his words to his fellow alumni, our colleague outlined ably and understandably the role not only of the minority party in Congress, but also the place and perspective of each branch of our Government and its relationship to the others.

His theme was responsibility—the responsibility of the individual toward his Government, the responsibility of each of us in Government toward our fellow citizens and the responsibility of each separate branch of the Government toward the whole fabric of our Government and our constitutional objectives.

Because I believe these words deserve the close consideration of my colleagues, regardless of political affiliation, the address by the gentleman from Michigan [Mr. GERALD R. FORD] follows:

ADDRESS BY REPRESENTATIVE GERALD R. FORD, YALE LAW SCHOOL ALUMNI DINNER, APRIL 30, 1965

When Governor Scranton was here last year he said he would talk on a "safe subject"—politics. Being a peaceful man myself, and wishing to avoid controversy whenever possible, I, too, will stick to that safe subject.

But as House minority leader in the so-called age of consensus, I do have some ready views in the matter of differences of opinion and dissent in 1965 America.

Difference of opinion does make for horseraces—but for a republic to survive, something greater is required of its citizens. Our need is for responsible dissent.

In the Nation's Capital, we of the Republican Party recognize the necessity of informed and responsible opposition to Johnson administration programs. And we mean to fulfill our function as the party of opposition in a constructive and responsible manner.

But briefly let me address my remarks beyond the Capitol Hill scene. For we must all recognize a growing threat posed to our society and the country by irresponsible expressions of dissent in this time of national crisis.

I refer to the crisis in southeast Asia. It should be sufficient that our Nation's enemies know that the overwhelming majority of Republicans in Congress, though opposed to many of the President's domestic programs, support him in the matter of standing firm against aggression in Vietnam. In fact, it is worth commenting that President Johnson might wish for an equal amount of support for his Vietnam stand from members of his own Democratic Party.

I consider it incredible that a source of such irresponsible modern-day knownothing dissent based on emotional disregard for the morality and facts of the case should spring from a few of our university campuses.

And I consider it appalling that much of the leadership for picketing with anti-American slogans in what at times amounts to irresponsible mob action comes from a small minority of university professors purporting to carry forward the banner of free academic inquiry.

Indeed, a central purpose of universities of free inquiry in our society is to prepare succeeding generations for the assumption of responsibility as citizens. Whenever our educational institutions fail to inculcate this sense of responsibility toward community and Nation in their students, serious trouble for the Republic lies ahead.

This has been the case throughout history. This century offers tragic proof of the penalties which societies and nations pay for not meeting this fundamental requirement for existence.

During the recent Easter weekend demonstrations in Washington, some placards read: "Why Die for Vietnam?"

How many of us remember the similar question raised by irresponsible voices in Chamberlain's Britain, little over a quarter century ago: "Why Die for the Sudetenland?" and "Why Die for Danzig?"

We know now—and many of us did then—that these pacifist voices were serving the purposes of Nazi aggression. The placard-bearers cried for peace—while the seeds for Buchenwald and Belsen were taking root.

Today, our so-called teach-ins and peace demonstrations cry for peace-at-any-price—while the seeds of Communist atrocity take root. And yet the appeasers speak of morality.

Others are concerned with the physical uncleanliness of these irresponsible protesters. I am not so much concerned with their personal hygiene as with their moral sterility. For if we condemn public apathy toward victims of street crimes, what can we say of apathy and disinterest regarding victims of Communist aggression?

It is, of course, an apathy and disinterest shown only by a small, small minority of American professors and students. The so-called teach-ins—which I regret to say may have begun at my own University of Michigan—are not truly representative of the Nation's unversity campuses. However, it remains for responsible leaders of American higher education to make this fact unmistakably clear to our people.

The well intentioned but unrealistic placard-carrying marchers who bear no public responsibilities cannot alter this country's policy in Vietnam. But a danger exists that they will bring about a damaging loss of public confidence in the aims and operation of the country's educational system. In addition their words and actions may lead to a dangerous miscalculation by the enemy of our Nation's course of present and future action. Such miscalculation by the Communists in Peiping or elsewhere could have dire consequences for all mankind.

Certainly there must always be a place for responsible dissent and free inquiry on our university campuses. But, as President Nabrit, of Howard University, pointed out this past week, there is no place for irresponsible disruption of academic pursuits on behalf of forces opposed to our system.

Dr. Wilson H. Elkins, president of the University of Maryland, expressed a similar idea saying that respect of students for authority and law is essential to the development of good citizenship and the "insidious erosion and sometimes outright definance of authority is a dangerous trend in our society."

Dr. Elkins added: "It seems clear that if any student or group * * * is allowed to seize power in the name of freedom of speech, then the universities should close their doors before rigor mortis sets in."

It is not too much to expect university students to understand that along with free academic inquiry goes responsibility to country and society. And it is certainly not too much to expect their professors to know and teach that the prime master of free inquiry in Western society did not walk the streets of Athens carrying a placard asking "Why Die for Marathon?" when his community was threatened.

Indeed, Socrates knew the answer. He was prepared to do battle and if necessary die to preserve the freedom of others * * * yet my main thesis tonight is the need for responsible dissent in the age of consensus.

In the years ahead, as never before, we must beware of men with ready answers.

For we will still have to live—and find answers—under moral ground rules that were set down 20 centuries ago and under political ground rules that were set down 2 centuries ago.

Leaving the former to the theologians, I would like to make some comments on the latter.

The American Constitution was not divinely created. The Founding Fathers, after all, were merely mortals—why four of them were even Yale men. (Harvard had only three. Though we must admit that nine came from Princeton.)

The important point to stress when discussing the Constitution, I believe, is not that it has been sanctified by time and tradition. Nor need we dwell on its immutability—it can and has been changed from time to time. What is important is that it works. We have lived successfully and amicably under it. In a society that has always prided itself on pragmatism this is the ultimate test.

The keystone of our Constitution has been its system of balances—balances between levels of government and balances between branches of government.

Anyone who has ever worked with balances in a scientific laboratory knows that they are finely attuned instruments. One must be constantly alert to keep them in kilter; one must make immediate adjustments when there is a malfunction. Our governmental balances are no different in principle.

The legislative-executive-judicial balance, as established by our Constitution is a simple, yet ingenious, system of insuring our freedom.

Yet today there are disturbing signs of slow erosion in the power of the legislative, build-up of awesome power in the executive, and regrettable change in the intended direction of the judiciary. Each is a threat to freedom.

I think that much of today's criticism of Congress, the legislative branch, is a manifestation of our frustrations—the tensions of a prolonged cold war, the anomaly of poverty in the midst of plenty, the complexity of highly urbanized living, the gap between the American ideal of equality and its realization.

"Let's stop talking and get things done," we would all like to shout at one time or another.

But Congress, by design, is a deliberative body—435 Representatives in the House and 100 in the Senate who must reach majority decisions.

This criticism—that Congress is too cumbersome, too old fashioned—is basically unwarranted for two reasons.

First, because Congress has repeatedly proved that it can act with dispatch to meet crisis. You will recall, for example, that in the famous hundred days of 1933 some bills were voted into law even before they were printed.

Second, because the advantages of precipitous action are often outweighed by the safeguards of deliberate slowness.

In the race to the brink of decision one can easily fall over into the chasm of irresponsibility. It is to prevent this dangerous plunge that the Constitution provided checks and balances. It is only proper, when one stops to consider, that Congress should reach its major decisions after adequate research, thought, and full discussion.

After all, if the ultimate goal of government were merely speed, we could institute a dictatorship. What could be faster than one man giving an uncontestable order?

When the balance in Congress is steeply tilted by an overwhelming majority in one political party—as it is today with 294 Democrats and 140 Republicans in the House—our system of checks and balances is further endangered.

This is because our two-party system, although not written into the Constitution, builds into government an additional set of checks and balances. Early in our history a wise decision was made to follow the pattern of a two-party system. We avoided the loss of freedom of a one-party government; we avoided the chaos and confusion of a multiparty government.

Not only does a strong second party provide the electorate with legislative alternatives but also with a remarkably high level of honesty and frankness.

Without indulging in partisanship, I am sure we can all agree that a strong two-party system is democracy's life insurance—protection for our children against any drift toward authoritarianism. Conversely, a crushing overbalance of strength in either party for too long will make a mockery of our traditions in government and weaken the voice of the people.

This threat to the American system becomes even more serious when both legislative and executive branches are dominated by the same party.

The temptation for the President's majority in Congress to simply rubberstamp his proposals can become irresistible. Especially when the President is a master at the art of arm twisting—or, as the present incumbent calls it, "reasoning together." The recently passed Education Act is a case in point. We had such quick passage of a bill without Congress really working its will that many conscientious citizens feel raised more questions than answers. So we now hear talk of correcting the flaws with additional legislation. But this is hardly an adequate substitute for well-thought-out action.

We must also remember that the burgeoning growth of big government has given the President virtually unlimited resources for working his will. Besides the increased patronage and the increased leverage of administering massive spending programs, he now controls a veritable army of experts, researchers and propagandists whose job it is to present his administration in the best possible light to the American people.

Great power in a democracy should require great self-restraint. Yet only 2 weeks ago we were dramatically reminded that this is not always the case. I am referring to April 15—the day of reckoning for the American taxpayer. An incalculable number of citizens were then obliged to go into debt as a delayed result of Federal tax legislation with political overtones. What happened was that after the 1964 tax reduction was passed the administration wished to bask in the sun of voter gratitude, while muting the politically disagreeable fact that cutting the withholding tax would leave the taxpayer with a larger cash obligation to the Treasury on April 15, 1965, than in previous years. The administration's action—in allowing a false impression to exist—reminded Columnist Arthur Krock of a television commercial that used fake sandpaper in a shaving cream demonstration. But in the case of the commercial fakery, the Federal Trade Commission ordered the company to cease and desist. Nobody, however, required the administration to do likewise.

Today the President is kingpin of the branch of Government that employs over 5 million civilian and military personnel, with a yearly payroll cost of $28 billion, and a total expenditure of over 127 billion tax dollars in fiscal 1966.

This is awesome power, indeed. And if consistently used improperly could mean the withering away of our tripartite system of government and the eventual death of the two-party system.

It is also necessary to remember that while the President is Chief Executive of all of us, he basically represents the views of only those who voted for him. (Many times this has meant less than a majority of the people.)

On the other hand, Members of Congress, and particularly those in the House of Representatives, are closer to the Nation's citizens. They are chosen by smaller segments of the Nation. In the House they are elected every 2 years. They represent every section of the country, rural and city, suburbs, blue-collar and white-collar, every major profession, doctors and lawyers, nearly every national origin, Protestant, Catholic, Jew, Negro, even American Indian.

This is your strength. It should not be diluted by an overbalance in the executive and judicial branches of Government.

While it is the duty of the legislative branch to enact laws, and the duty of the executive branch to administer laws, it is the duty of the third branch of Government, the judiciary, to interpret the laws.

Unfortunately there is evidence that the judicial branch is now arbitrarily elbowing its way into new positions of authority, and disregarding the wise suggestion of judicial restraint made by the late Justice Frankfurter and others.

When the Supreme Court ordered the States to reapportion on the "one-man, one-vote" concept, Justice Frankfurter, in a dissenting opinion, was critical of an assumption by the Court of "destructively novel judicial power."

"In this situation, as in others of like nature," Justice Frankfurter said, "appeal for relief does not belong here. Appeal must be made to an informed, civically militant electorate. In a democratic society like ours," he continued, "relief must come through an aroused public conscience that sears the conscience of the people's representatives."

Justice Frankfurter emphasized that the "Supreme Court's authority—possessed neither of the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction."

It seems to me that the major goals to be sought in the area of government are twofold. First: a sensitive balance between executive, legislative and judicial branches; second: a strong two-party system.

As the goals are simple and straightforward, so, too, are the means of reaching them: a renewed sense of citizen participation at all levels of government; alert, enlightened and unfettered news media; self-restraint by those in positions of public trust; a general understanding of the workings of the American governmental system, so as to be able to detect deviations from it; and, above all, constant vigilance.

GEN. MILAN STEFANIK

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, today we pause in memory of the tragic death of Gen. Milan Stefanik, who certainly would have been a major figure in any nation. It is one of the tragedies of history that he was only able to claim a nation as his own for just a few years prior to his death.

General Stefanik was born in Slovakia, which was under foreign domination then as it is now. He was raised in a scholarly atmosphere and received his degree as doctor of philosophy from Charles University in Prague. Stefanik went to France in 1902 to live in freedom and after years of struggle he achieved great distinction as an astronomer and did valuable research in Africa, the Americas, Europe, and the South Seas.

General Stefanik became a naturalized French citizen and joined the French Air Force in 1914 when war came to Europe. His distinguished record resulted in him receiving new honors, and he attained the rank of major general. He joined in the Czechoslovakia National Council with Edouard Benes and Thomas G. Masaryk. The independent State of Czechoslovakia grew out of this Council, and Stefanik became Minister of War. He was killed when his plane crashed on landing at Bratislava on May 4, 1919, where he was returning from a conference in Italy. In his tragic and untimely death, the Czechoslovak Republic suffered an irreparable loss of its most gallant and gifted soldier.

On the occasion of the 46th anniversary of his death, I am honored to join my Czechoslovak friends in paying tribute to the memory of this distinguished leader of his people and gallant fighter for freedom and democracy.

NEW HAMPSHIRE SENATE CONDEMNS ADMINISTRATION FIREARMS BILL

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the subject of gun legislation is of deep concern to citizens of New Hampshire. Hundreds of my constituents, sportsmen, collectors, dealers, and other citizens, have written and spoken to me about it. They are opposed to the stringent provisions of the administration's bill, S. 1592, introduced March 22 by the senior Senator from Connecticut [Mr. Dodd]. So am I. While it is generally agreed that some new controls over mail-order weapons may be in order, the administration's bill goes too far. It does not merely restrict the commercial traffic in hand guns and concealed weapons, it would outlaw all mail-order traffic to individuals.

The feeling that this is far too drastic a measure is reflected in the recent action of the Senate of New Hampshire in adopting resolutions of opposition to S. 1592. For 12 years I was privileged to be a member of the State senate and I submit these resolutions for the Record with approbation. I congratulate the senate for this forthright stand and hope this expression of sentiment will help to alert the House to the feelings of the country on this legislation:

Resolution relative to control of firearms

Whereas there is an increasing agitation in Washington to pass bills to control the ownership and use of firearms, which are cardinal rights of citizens of the United States; and

Whereas a new bill has been introduced into the U.S. Senate by Senator Thomas J. Dodd, of Connecticut (S. 1592) which would prohibit all mail order sales of firearms to individuals, and permits such sales only between licensed importers, manufacturers and dealers, and places such severe and unreasonable restrictions upon reputable citizens who wish to order recreational firearms by mail; and

Whereas this bill, if passed and written into law, would give the Secretary of the Treasury, or his agent, virtually unlimited authority to regulate the sale of firearms by dealers which could result in the institution of stringent controls and prohibitions over such sales; and

Whereas the Founders of the United States in the very first amendment to the Constitution provided assurances for freedom of religion, of speech, of the press, and of peaceable assembly and in the second amendment they made it possible to defend these freedoms by providing that the rights of people to keep and bear arms shall not be infringed; and

Whereas any firearms legislation at the Federal level restricting the purchase of firearms by responsible citizens would be a dangerous infringement of these articles of the Bill of Rights and which could lead to administrative decisions imposing such a burden on the sale, possession, and use of firearms for legitimate purposes as to completely discourage and eventually exclude the private ownership of all guns; and

Whereas such restrictive regulations as contained in the Dodd bill against firearms sales could have a crippling effect on the economy of the multimillion-dollar-a-year sales and services business associated with recreational use of firearms in the State of New Hampshire, and would only result in further loss of American liberty, add to the workload of our law enforcement and police forces, and inconvenience and penalize law abiding citizens; and

Whereas Federal excise taxes on sales of firearms and other forms of revenue from special licenses and stamps for recreational hunting provide many millions of dollars annually for the conservation and preservation of wildlife of all kinds; and

Whereas caution and prudence must be observed to protect the constitutional rights of the law abiding citizen from the possibility that legislating against the delinquent and the criminal does not result in legislating against the citizen of good repute: Now, therefore, be it

Resolved, That the ownership of firearms must not be denied reputable American citizens so long as they continue to use them for lawful purposes; and be it further

Resolved, That easy accessibility of firearms does not contribute significantly to the crime problem of the United States, and that the target for preventive legislation should be the crime, not the tool used by perpetrators of crimes, and that the members of the New Hampshire Senate go on record as opposing passage of the Dodd bill, which appears to be aimed at outlawing firearms rather than punishing the criminal who uses them for illegal purposes and, this Dodd bill could seriously impair the recreational economy of the State and Nation, infringe on the Constitutional rights of U.S. citizens, damage essential wildlife conservation programs, and intrude further Federal authority on powers reserved to the States; and be it further

Resolved, That any proposed new regulations should be studied carefully to see if they can accomplish a worthwhile purpose and not just result in further regimentation and inconvenience to responsible citizens; and be it further

Resolved, That the clerk of the senate be instructed to forward copies of these resolutions to the members of the New Hampshire congressional delegation.

A RECORD VOTE FOR H.R. 7765

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rumsfeld] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, H.R. 7765, which has just passed the House, provides for 1966 fiscal year appropriations of $7,964,034,000 for the Departments of Labor, and Health, Education, and Welfare, and related agencies. Because this important measure passed the House by a voice vote, I wish to record my support for H.R. 7765.

Further, I must state, as I have on a number of previous occasions, my strong disapproval of the technique of passing major bills—this one costing close to $8 billion—without a record vote. The public's business should be conducted in public and the House does itself disservice when it fails to require record votes on major bills, thereby denying the people of this Nation information on how their Representatives voted.

NEW YORK CITY IN CRISIS—PART LVIII

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article from the March 15, 1965, edition of the New York Herald Tribune.

The article concerns the program to assist high school dropouts in New York City and is part of the series on "New York City in Crisis."

The article follows:

[From the New York Herald Tribune, Mar. 15, 1965]

New York City in Crisis—For JOIN: A Slowly Growing Acceptance

(By Sue Reinert, of the Herald Tribune staff)

In July 1963, Mayor Wagner and Secretary of Labor W. Willard Wirtz held a joint press conference to announce a new program for unemployed, untrained high school dropouts—job orientation in neighborhoods.

The crux of the JOIN program was that instead of forcing the needy to come to the city for help, the city was going to go to the needy, right in their neighborhoods. Ten neighborhood centers would be opened to provide counseling, training, and placement for the jobless youths. Twenty thousand youths would be served in 15 months. The Federal Government would give $2 million to the program and the city $1 million.

"The program," said Secretary Wirtz, "tells them [jobless youths] things are going to be different. And I believe that they are."

As of January 31, 1965—18 months after the program was announced—10,145 youths had been accepted for the JOIN program. The number of placements was 2,830—a total that does not accurately reflect the number of persons placed in jobs because some JOIN youths have been placed several times. A JOIN study showed that only 40 to 45 percent of its youngsters remained on the jobs where they were placed.

The goal of 20,000 youths—so widely announced—was reduced to 8,000 in mid-1964 without the benefit of a press release. Federal money did not come in at the promised rate. When the Federal grant for JOIN ran out at the end of last month, Washington had paid only about $780,000 to the program, although a spokesman in the Department of Labor said there were unpaid vouchers waiting for processing.

It was the city that bore the heaviest financial burden. The first $1 million in 1963 was supplemented by another $1 million for the fiscal year 1964–65; and the mayor just approved another supplement of $280,000 for JOIN this year.

OPERATION SUCCESSFUL

Eight instead of ten centers were opened. The first opened in January 1964, instead of October 1963, as had been promised. The last, in Staten Island, opened last month.

David Jones, former deputy commissioner of correction and now the director of the JOIN program, says that JOIN has been "reasonably successful."

"It's not been a grand success," Mr. Jones said, "But of all the OMAT (Office of Manpower and Training of the Department of Labor) programs, it's been the only one attempting to work with large numbers of youngsters. We accepted all. We had to be innovative because the counselor staff is not sizable. (The professional staff totals 66—55 counselors, six testers, and five psychologists). We learned how to deal with these youngsters on a mass basis."

Mr. Jones said the reluctance of Federal officials to support the JOIN program stemmed from a difference of opinion between Washington and New York over what kind of people should direct JOIN centers. The Federal people wanted professionals; the city insisted on nonprofessionals who were "indigenous to the community."

The idea of having nonprofessionals run the JOIN centers was the work of Julius C. C. Edelstein, Mayor Wagner's executive assistant and the city official responsible for the JOIN program. Mr. Edelstein interviewed each applicant for the position of center director, which pays $10,000 to $11,000 a year.

To some observers this looked like an effort to put politics into the JOIN program, but Mr. Edelstein and Mr. Jones say it was done in order to provide community support for the program and thus to draw more youngsters to the JOIN centers. "The biggest intake was where we had the best community support," says Mr. Edelstein, "in East Harlem." (The East Harlem center was also the first to open.)

And whatever might have been suspected, the six directors who are now in office have no direct connection with politics. Some have worked for the city, almost all have been leaders in community or civil rights groups. One, Celia Vice, director of a Brooklyn JOIN Center, once was reportedly considering running for district leadership, but she was never elected.

What about the original JOIN goal of helping 20,000 youths? "There was no experience to go on," said Mr. Jones. "The other thing that wasn't anticipated was that it's a hard thing to set up a program in a city of the complexity of New York City. It soon became apparent to us that 20,000 was impossible."

Didn't reducing the goal bolster the cynicism of many slum youths who look upon city programs as empty gestures? "There was no effect on the youngsters," said Mr. Jones. "We didn't make any public announcement."

Mr. Edelstein considers the JOIN program so far a "learning experience." The city he says, has learned that such programs must include "employment at the end of the line" as an "incentive," and must be neighborhood-based.

Also, he says, "We've learned that you can't take these kids off the street and put them to work. Even after we've given them counseling and motivation, they still have to have the experience of sheltered work." Sheltered work? "The kind where they are not called upon to perform at the same level of output as they would be if they had to justify their employment economically to the employer," said Mr. Edelstein.

"Some people said these are political appointments," said Mr. Jones. "But the center directors are just people who have exerted some leadership in the community.

"This doesn't harm the program at all. City hall sees things that I couldn't possibly see—that's why Mr. Edelstein interviews applicants."

"Besides," said Mr. Jones, "Mr. Edelstein would be just as anxious as he to make good appointments, because city hall has got to have a successful program to rebound to the credit of city hall."

At the level of the individual center, the problems of policy and Federal support are not a matter of concern. Frank Di Bernardo, a counselor at the Corona JOIN Center in Queens, worries about the kids.

"These kids feel a kind of helpless passivity in the face of very rapid change," he says. "A lot of kids come in here and just sit there at first. This is due to weeks, months of inaction. The counselor tries to give the kid action—to make him change from being passive and just waiting for things to happen to him."

The 55 counselors in JOIN centers are required to hold master's degrees in vocational counseling or a related field and to have at least 1 year of experience. Twenty-four of them have at least 3 years of experience, and 13 are senior counselors with at least 5 years. The testers must have a master's degree in clinical psychology and experience in working with tests, and the psychologists—some of whom double as testers—must have a doctorate in psychology.

The director of the Corona center is Leroy Carter, a 56-year-old Negro who was an officer of the local NAACP and a senior staff member of the city commission on human rights. Mr. Carter also is acting director of another JOIN center in South Jamaica.

At the Jamaica center one recent morning, a dozen young men and women were waiting to be processed. Most looked distrustful of the whole business. In a small cubicle office, Miss Mona Shub, the center's placement officer, said she had seen "real change" in the youth who came to the center.

"When I first came here," she said, "I would make 37 referrals—maybe 10 would show. Now I send 37 and 37 show. The youngsters are growing up a little."

Miss Shub said one of the persistent difficulties in helping the neighborhood youths was that many of them had police records and were hard to place. "In this particular neighborhood," she said, "a policeman picks up a kid for disorderly conduct, he fingerprints him and, bang, he's got a record. In a middle-class neighborhood, I don't believe a policeman would do that. * * * But if these kids can prove themselves in on-the-job training programs, I have been able to break down some employers who wouldn't accept kids with records previously."

The JOIN staff at both centers is extremely pleased with the new Neighborhood Youth Corps program, under which 5,400 youths will be employed part-time at city agencies and nonprofit institutions. The corps will take younger teenagers—from 16 to 18—who are difficult to place with private employers, and will also take the youngsters with records. "It's a Godsend," said Wistor Smith, head counselor at Jamaica. "These kids will have some experience to point to after 5 months in a youth corps job."

Some of the Jamaica JOIN center applicants who have already been placed in the youth corps program are working in the Jamaica YMCA. Five young men are working as maintenance men, cafeteria busboys, messengers, information clerks, and game room attendants. Three women are typists and clerks.

Mrs. Grace Madden, the YMCA office manager, said the JOIN youths were doing a "splendid job." Sandra Jones, 18, one of the typists, had never held a job before. Mrs. Eileen Johnson, 20, had worked briefly for a friend, and Sharelle Davenport, 20, had gone through a training program in the city, department of personnel.

One of the criticisms of programs like JOIN and the youth corps is that the jobs that youths are placed in are often menial and offer no opportunity for advancement. Mrs. Johnson, Miss Davenport and Miss Jones do not bear out that criticism. Each was asked what she would like to work at after the 5-month youth corps job was finished.

"Clerical, that's what I like," said Miss Davenport, a clerk.

"I'd like the same type of job I have now," said Mrs. Johnson, also a clerk.

In addition to providing jobs for JOIN youths, the Neighborhood Youth Corps program will also provide Federal money for the JOIN program—despite the fact that Federal officials in OMAT appeared reluctant to support the program. The money will be provided through a formula that allots one counselor to every 60 youths in the youth corps program.

This works out to considerable support. According to Henry Rosner, assistant to the Commissioner of Welfare and head of the Neighborhood Youth Corps program, JOIN has been alloted 64 percent of the youth corps placements—3,456 out of 5,400.

NEW YORK CITY IN CRISIS—PART LIX

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article discusses the opinion of one of the country's leading human renewal experts about the responsibility for New York City's economic and social problems.

The article appeared in the March 16, 1965, edition of the New York Herald Tribune and is part of the series on "New York City in Crisis."

The article follows:

New York City in Crisis—Business Leaders Blamed for City's Crises

(By Barry Gottehrer, of the Herald Tribune staff)

One of the Nation's top urban experts yesterday blamed the business leadership of New York for the city's growing crises.

"The business community of New York knows how to manage the most productive economy in the world, but they can't keep their own streets clean," said Edward J. Logue, development administrator of Boston and one of the pioneers in human renewal as opposed to slum clearance.

"They complain about New York's problems but they don't do anything about it," he went on. "New York doesn't need any more committees or special commissions. New York City needs a commitment by its business leaders. Businessmen have to become involved. They have to become partners.

"I know of no major city in the world—except possibly Calcutta—where the business leadership is less involved—is more needed—and local government than they are in New York."

Mr. Logue, who helped pioneer the concept of human renewal in New Haven under Mayor Richard C. Lee before moving to Boston in 1961, delivered his indictment of New York's business community as guest speaker at the annual Pard Award luncheon in New York yesterday.

He did not, however, limit his criticism to the businessmen at the luncheon or during an interview immediately following it.

"It is time New York City stopped blaming public officials and started looking at the system itself," he said. "It is a mistake if we think that New York City is governed today under a charter. It is governed by Parkinson's law * * *.

The best government is one you can reach and touch and feel. New York City's urban-renewal program and everything else won't work if the officials can't reach and touch the citizens and the citizens can't reach out and touch you."

FASHIONABLE TO BLAME MAYOR

Conceding that "it has become very fashionable today to blame Mayor Wagner for all of the city's prolems," Mr. Logue, 44, a Democrat, felt that the mayor of New York was a man handicapped both by the system and by the city's size.

"It's possible to do a good job as mayor of Binghamton," he said. "I'm not sure it's possible to do a good job in New York. One of the best things for New York City to do is to boost Binghamton. Maybe some of the people will move then."

Unlike a great many public officials, who prefer to ignore the city's problems while discussing the difficulties of governing a city of 8 million, Mr. Logue tackled the problems of the city head-on.

"New York is dirtier, it's less attractive, it's a lot less safe, the air is more polluted and the traffic is no worse—only because it couldn't get any worse than it used to be," he said. "It's a sad feeling coming in here by plane and seeing all that pollution hanging up there over the city. Sure the problems are great, but New York is supposed to be a leader, not a follower."

As a start, Mr. Logue offered several possible suggestions—beginning with a firm commitment by business leaders and a realization that "they are at least in part responsible for the nightmare the city is becoming.

"The President asked for $750 million in construction for the entire country," he said. "To get New York housing going again, it would probably require all of the $750 million."

Short of this immediate financial commitment, Mr. Logue recommended a consolidation of New York's housing and planning arms in an attempt to cut through a maze of bureaucracy that is strangling the city and preventing progress.

In Boston—as in Philadelphia and a few other cities the planning and urban-renewal departments are consolidated—cutting redtape, eliminating bureaucracy and speeding up construction.

In New York, the planning commission is still responsible for designating a site for urban renewal while the housing and redevelopment board is still in charge of carrying the program on from there.

In New York, this system has led to overoptimistic predictions, interdepartmental sniping, expanding payrolls and limited construction.

In Boston, the consolidation has not solved all the problems, according to Mr. Logue, but coupled with genuine human renewal program it has gone a long way to spurring the city's redevelopment.

As an example of the bureaucracy of New York's housing program and the almost insurmountable problems it creates he pointed to the massive urban-renewal area on Manhattan's West Side from 87th to 97th Streets between Amsterdam Avenue and Central Park West.

"Just look at everybody involved," he said. "You have the buildings department, you have the housing department, you have the real estate department, you have public works, you have the planning commission, the relocation people, the board of education people, the health people, and a half a dozen others.

"Each one has to agree and there is only one guy who can make them agree—and that's the mayor. If you were mayor of New Haven, you could get everybody to agree. When you're mayor of New York, it's not that easy."

What then should New York do?

According to Mr. Logue, the city should create a new authority—or give further powers to an existing one—under which one man would be able to handle all the planning, development, construction, and relocation for a single area—say the West Side. He would be responsible and make the decisions for all the departments and authorities that are now involved from deciding where a school or a hospital was needed to the relocation of the people—in the one designated area. Then, when the redevelopment was completed, the school would be turned over to the board of education for administering, the hospitals to the department of hospitals and the houses to the appropriate departments.

"It would be up to him to get things done," said Mr. Logue. "Responsibility is now so scattered that almost nothing gets done. Someone has to be given the authority to make decisions—and make them fast."

Asked if the mayor did not have the authority to make those decisions himself at present, Mr. Logue said, "The mayor has many other things to do. As it is, New York now has a "pretty plans department" and a "let's get something done department" and when they get together something sometimes gets done—maybe."

Asked if Milton Mollen, particularly in his new position as housing and development coordinator, did not fill the position of authority, Mr. Logue shook his head.

"New York doesn't need any more coordinators," he said. "It needs one central authority where decisions could be made. Mollen doesn't have that authority.

"I'm not saying this authority would work miracles immediately," he said. "I'm just saying something must be done. I'm not one who can sit back and think that a new broom will necessarily sweep clean. What can—and must—be done is that the leaders must find a way of giving the city back to the people who live here.

COMMUNITY MENTAL HEALTH CENTERS ACT AMENDMENTS OF 1965

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GRABOWSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, the Community Mental Health Centers Act of 1963 blazed the trail for effective modern care of the mentally ill. The centers, built by communities under the act, will provide the patient with the kind of care he needs whether it is intensive around-the-clock care or a matter of a few hours a day. This kind of care, tapered to the individual in his own community, has proved itself much more effective than the mass-produced impersonal care of large custodial institutions. Chances for recovery are demonstrably higher and the treatment time is almost always shorter for patients at community centers.

I do not think that any person familiar with the mental health field doubts the need for many, many more community mental health centers offering comprehensive care. The problem facing us today is how to get these centers started. Although such centers will provide better care at less cost in the long run, the initial expense of setting them up is high; higher than most communities can afford.

The Community Mental Health Centers Act of 1963 did half the job. H.R. 2985 will do the other half. Grants to cover construction costs are not enough. We must assist in the initial staffing costs too if we really want to help communities to develop mental health centers.

The 1963 act required each participating State to draw up comprehensive plans for mental health services. Twenty-six States have already reported to the Department of Health, Education, and Welfare that their programs cannot be carried out or would be severely impeded unless some provision for initial staffing grants is made. H.R. 2985 responds to this need. It is carefully drawn up so as to enable States and communities to get a program going without allowing them to become dependent upon Federal funds for continuing operation. Staffing grants will be phased out over a 4-year period. For the first 15-month period up to 75 percent of allowable staffing costs could be covered by Federal grants. The next year the Federal share would be reduced to 60 percent, the year after that to 45 percent and in the final year the Federal share would be only 30 percent.

This legislation brings up the question of whether the States and communities will be in a better position to pay operational costs after a few years than they are at the outset. The answer is "Yes." It takes time to develop sources of funds but there is no question that the sources exist. The communities themselves will be able to provide much of the support through tax and voluntary funds. This has been the case in communities that already have mental health centers. Secondly, the States are taking an increasingly active role in assisting localities to provide community services. Twenty-four States have already established programs specifically designed for this purpose, including some matching grant programs for community outpatient, consultation, and rehabilitation services. The third source of funds will be from the patients themselves. There is a marked trend toward greater insurance coverage of the costs of mental illness. For example, mental illness insurance programs are beginning to be included by industry in wage agreements.

The amendments to the Community Mental Health Centers Act include an important provision that was not contained in the original staffing proposals 2 years ago. Under H.R. 2985, community mental health centers that are already in operation will be able to get staffing grants to assist them to add new services. In this way we shall avoid penalizing communities that have already set up their own centers.

There are two other provisions of the bill which I think it is also important to mention. First, the bill provides for a fair distribution of funds among the States by requiring the Secretary to take into account the relative needs of the States for community mental health center programs, their relative financial needs, and their populations. Second, the bill contains a "maintenance of effort" clause to prevent the States from simply substituting Federal funds for funds they are now putting into mental health.

Mr. Speaker, H.R. 2985 is a carefully drafted bill that will enable communities to fully meet their mental health needs. When this bill is passed we will be on the road to a new era in mental health care.

THE ARMENIAN TRAGEDY IN TURKEY IN 1915

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GRABOWSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, the Aremenian tragedy of 1915 was the saddest heritage of the First World War for the Armenian people. Even in their long and turbulent history, full of trials and tribulations and massacres, the tragedy of 1915 was quite unprecedented in its immensity and extent. It is difficult if not impossible to comprehend the nature of this tragedy, which, in less than 1 year, uprooted nearly all of the 2 million Armenians in Turkey. Some 1.5 million Armenians died while many hundreds of thousands were condemned to involuntary servitude in Turkish households and others sold to Arabs and Kurds as slaves. As if by some unaccountable stroke of fate, the Armenians in Turkey were singled out and carried off from an area three times the size of the New England States, with most of them doomed to certain death. The monstrous machinery which the rulers of Turkey had devised for bringing on this wholesale deportation and massacre worked so effectively and ceaselessly, that even before the end of that year they were congratulating themselves for ridding Turkey of its Armenian population.

There are so many causes for this tragedy, so many alleged and actual reasons for Turkish cruelty towards the Armenians that it is not easy even now to list and catalog them in full. While I will try to enumerate and elaborate on some of these causes, it would be well to begin with some background information on Armenia and the Armenian people.

Armenia is the name of the country in the high, mountainous plateau in the eastern and northeastern part of Asia Minor, with an area of about 100,000 square miles. This area has been the homeland of the Armenian people for at least 2,500 years, and perhaps for a much longer period. Today more than four-fifths of this area form part of Turkey. Only a small portion in the northeasternmost part, about 11,000 square miles, constitutes the Soviet Socialist Republic of Armenia—an integral part of the Soviet Union. The most characteristic feature of the land is its high elevation, most of it ranging well over 3,000 feet above sea level, and some reaching up to and above 6,000 feet. Armenia is a rugged and rough country, with a rather temperate climate, quite cold in winter and severely hot in dry summers. Only part of the country is productive agricultural land, but its fertile valleys and plains have produced abundant food under normal peaceful conditions for its hardy inhabitants. From most ancient days the country has been known as being rich in mineral and metallic natural resources, though to this day it has not been properly and adequately explored or surveyed.

The Armenian people have given their name to this land and have lived there. During the 9th–6th centuries before our era, part of the country was known by another name, Urartu. Centuries earlier the country was inhabited—in part, at least—by a people called Hurrians, who ruled over it during the 15th–13th centuries before our era. The coming of the Armenian people into the area and their origin is not quite clear. The generally accepted view has been that they came from Thrace sometime during the Greek migration to Asia Minor in the 11th century B.C., and then gradually moved to the Armenian tableland. More recently the prevalent view is that not all of the ancestors came from Thrace, but that many were of native stock, and the intermixture of these two groups gave rise to the Armenian people. Be that as it may, the Armenians lived in this land known by their name for more than 2,500 years, until their almost total elimination from that part of Armenian territory which is part of today's Turkey.

The long and turbulent history of the Armenian people has been sad and tragic. Throughout their history the Armenians have enjoyed peace and tranquillity in their homeland for only brief periods. Their homeland has been the bridge as well as the battleground of invading and conquering hordes from the east. Because of their geographic location, the Armenians have suffered in the course of wars between Rome and Persia, between the Greeks and the Arabs, between the Greeks and the Turks, and finally between the Persians and the Turks. Innumerable times their homeland has been partitioned between Rome and Persia, and between the Turks and Persians.

From the 7th to the 10th century Armenia was under the suzerainty of the Arabs. But by the mid-11th century Seljuk Turks overran the country. For several centuries the Armenian people were subjected to the oppressive rule of these Seljuk overlords. When early in the 16th century nearly all Armenia was conquered by the Ottoman Turks, and from that time on, for four centuries, most of the Armenians lived under Ottoman sultans.

During their subjection to Ottoman Turks the Armenians struggled to maintain their national consciousness by keeping alive their national church and their language. Whenever they were oppressed by the Turks and whenever they felt the weight of the Ottoman yoke unbearable, they inevitably dreamed of the day when they could be free in their homeland, free from alien rulers. These aspirations were supported by their friends and sympathizers in the West. Late in the 19th century many Armenians felt that with the aid of European governments, they could obtain a measure of the autonomy to which they felt they were entitled. At the same time the Turkish Government, never admitting the validity of Armenian claims to equality and justice under the Turks, persecuted them for alleged conspiracy. Thus a very tense situation had developed by the turn of the century. The more the Armenian people pressed for some equality, the more the Turks resisted these Armenian claims. Numerous times the Turks resorted to mass murders and massacres, thereby hoping to discourage the Armenians from putting forth any claim for justice and equality. But such inhuman measures did not discourage the Armenians.

Massacres convinced the Armenian people that unless they could find a way of improving their unbearable lot, they were doomed to extinction as a distinct national community. And since they themselves could not bring about a change for the better, and since the Turkish Government was unwilling to do anything for them, they felt that the only way was to enlist the aid and assistance of European governments. As they made this move in desperation, they were overly optimistic. They felt that since these European governments had helped other Christian subjects of the Turks to attain autonomy and independence, these same governments would also aid them in their struggle. Of course, we know today that this was a grave miscalculation on their part. For a number of reasons, these governments, though sympathetic with the Armenian cause, could not and would not aid the Armenians. And during World War I, when none of them could come to their aid, they were at the mercy of angry Turks.

During the decades preceding that war, when Armenian leaders were quite active in enlisting European sympathy for their cause, the Turks became suspicious of these moves. They felt that if European governments became too involved in Armenian affairs, they would use that as an excuse to interfere in Turkey's internal affairs. And the more these European governments showed some concern over the lot of the Armenian people, the more suspicious became the Turks. It seems that then the Turkish Government had its own plan for getting rid of its Armenian population at the first opportune moment, when none of the European friends of the Armenian people could come to their aid.

The war of 1914–18 offered them the opportunity. At the time, Britain, France, and Russia were staunch supporters of the Armenian cause; but, as all these governments were involved in the war against the Turks, they could not restrain the Turks in their inhuman excesses. In less than a year these callous and clumsy, but shrewd and wily Turks, succeeded in carrying out their design of ridding Turkey of its Armenian population through deportation, massacres and slow death by famine and misery.

Today, 50 years after that tragic event, there are hardly any Armenians left in the historic Armenia that is part of the Turkish Republic, and only about 75,000 Armenians in certain Turkish cities remain of the once wealthy and prosperous Armenian community of about 2 million souls. Some fortunate ones who had survived this tragedy have since joined hands with their compatriots in the Russian-held portion of Armenia and have constituted their own Soviet Socialist Republic. On the 50th anniversary observance of this wanton genocide we do homage to the memory of its victims and wish peace and tranquillity to those living in a corner of their historic Armenia.

FARM PROGRAM

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DENT. Mr. Speaker, in the near future we will be discussing farm legislation, and in this regard I have just read a very interesting article by Lloyd Burlingham which I believe the House membership will be interested in.

It deals with the farm philosophy of that eminent agriculturalist, Dr. Gene Poirot, of Missouri. I have had the pleasure of spending a little time with Dr. Poirot on his prairie farm and frankly, I am much impressed by his reactionary approach to the chief problems of farm products and farm people.

At a later date I expect to have more to say on this significant article in the International Harvester farm magazine. For the present, I would like to submit it for the consideration of the other Members of the House.

A FARM PROGRAM THAT OBEYS NATURE'S LAW

(By Lloyd Burlingham)

Gene Poirot farms in southwest Missouri, near Carthage. His university training is backed by many years of intimate association with research specialists in soils, crops, and livestock. On his own 800 acres he rebuilds wornout fields while running a successful farming operation, including a profitable cow herd. There are not too many such men. Gene Poirot may know more about American agriculture than any other man I have met.

Gene Poirot doesn't entirely agree with the present farm program. "National agriculture," he says, "is guided by leaders not wise enough to agree among themselves; by politicians whose success is measured in number of votes, and by economists who have never been hungry. It should be guided by scientists and mathematicians of the caliber of those directing space capsules to Venus and the Moon; interesting activities, but less important than protecting our food-producing capacities for coming generations."

The Missourian charges that we have more seriously abused the rules of Mother Nature than any other people in all history. And, man, he charges, is the only living creature taking certain vital qualities from the soil and failing to return them to the earth at death.

Keep in place: Poirot calls this Mother Nature's basic law: "Keep the soil in place and return that which has been taken." He warns that, unless we begin obeying this law or find an acceptable means by which to hold down the earth's population, that there just will not be enough food to go around. Other thoughtful men share this opinion.

So far, Poirot observes, no national policy has meted out penalties for soil robbing, nor have rewards been set up for obeying the law of Nature, requiring putting back in the soil the equivalent of what is taken away.

Poirot believes rebuilding fertility is possible only when farmers undertake the task. They can do the job only when they are paid for putting in the soil a new backlog of food nutrients. Many do not have the capital which must be expended in soil restoration. It is Poirot's thesis that, since the general public has benefited from low food prices over the years, the public should now be called on to pay at least part of the cost of rebuilding our soils.

Restore soil: The Missouri conservationist suggests that the farmer plant as he pleases, so long as he is given an alternative option to make an equal or, possibly, greater profit by restoring his soil—and being paid for demonstrated success.

Says Poirot, "Provide a market to which a farmer can turn when other prices are too low for him, one which will buy, at a predetermined price, tons per acre of a suitable crop for soil restoration. Support this market at a fair price per ton for a suitable crop."

For example, in an area where sweet clover is a suitable crop for soil building, suppose a dry-weight ton is determined to be worth $25 as a restorer when plowed under. The land would be improved, the farmer would make a profit.

The price at which soil restoration is bought becomes the farmer's minimum wage. Balance this cost against the present expense of surplus control and storage, and Poirot's soil improvement proposal looks like a good buy.

Gene Poirot, Missouri conservationist, believes a national farm policy should be based on Nature's law.

YOUTH OPPORTUNITIES ACT

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DENT. Mr. Speaker, we will soon be called upon to make a decision on the Youth Opportunities Act and to what extent the Congress will enlarge the scope of its activities and the amount of funds to be made available for the administration of the act.

Any new endeavor in any field of Government activities is bound to earn its share of criticism. The antipoverty program is no exception.

While constructive criticism is helpful to Congress as well as to the administration, the false and destructive type of criticism can endanger the whole program.

One of the most dangerous rumors spread against the poverty program is the charge of exorbitance and extravagance in the handling of the salary schedules paid to employees of the Office of Youth Opportunity. While there may be isolated cases of questionable salary arrangements in a given area I do believe the record ought to be made on the overall picture.

With this in mind, I submit a letter from Director Shriver to the Honorable ADAM CLAYTON POWELL, chairman of the Education and Labor Committee. The statement follows:

HON. ADAM CLAYTON POWELL,
Chairman, Ad Hoc Subcommittee on Poverty, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: During my appearance on April 12 before the ad hoc Subcommittee on Poverty a number of questions were raised concerning salary levels for local community action officials, single purpose community action grants, and the representation or involvement of the poor in the planning, conduct, and administration of community action programs. In view of the importance of these questions, and the amount of attention they have received in the course of the hearings, I believe that it may be helpful for the Subcommittee to have some additional information on each of these points.

I am also taking the liberty of enclosing a justification of the amendments to the Economic Opportunity Act of 1964 which we are proposing (as contained in H.R. 7048), and a summory statement in support of our authorization request. These are taken from or based upon the written presentation which I furnished at the time of my appearance. I believe it might be of some help to the Subcommittee in its deliberation if both of these items were separately available, and I am requesting accordingly that they be inserted in this manner in the RECORD.

The enclosed satements on salaries, single purpose community action grants, and involvement of the poor show what we have done and why. They demonstrate, in my view, that we have succeeded in establishing local salary levels that are fair, appropriate, and comparable with salaries already established for those holding other responsible positions in communities where our programs have been undertaken. They demonstrate that we have succeeded in giving effect to the basic purpose of the provision for broadly based community action programs while retaining and exercising the kind of flexibility for funding single-purpose programs which, we believe, the Congress intended. They demonstrate that we have succeeded in community after community, and typically without fanfare or strife, in the historically revolutionary step of securing participation by the poor themselves in program roles that will enable them to play an active, affirmative, creative and expanding part in the formulation, continuing development and implementation of those programs.

I do not suggest that initial success in dealing with either these problems or the many others which necessarily confront us in prosecuting the war on poverty provides any excuse for the slightest relaxation on our efforts. We have nevertheless begun, and we believe that our beginning, fairly evaluated, is a good one.

We do not propose, however, to accept as a program what is only the beginning of a program. A program implies a goal and requires progress—progress measured not in terms of money expended or isolated accomplishments but results achieved—week by week, month by month, and year by year—in every significant particular that contributes to attainment of the goal at the earliest possible time. We expect to evaluate local programs on this overall basis. We would hope that our own efforts would be judged, and judged critically, in a similar fashion. We have sought, and will continue, to cooperate with the Congress in every possible way to facilitate its exercise of this judgment. We are confident that it will be exercised fairly in light of the size of the job, its difficulty, and our sincerity of purpose.

Sincerely,

SARGENT SHRIVER,
Director.

DEDICATION OF VETERANS' ADMINISTRATION HOSPITAL, WASHINGTON, D.C.

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. TEAGUE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks, I include the remarks of the distinguished Vice President of the United States, the Honorable HUBERT H. HUMPHREY, on the occasion of the dedication of the new Veterans' Administration hospital for Washington, D.C.

This splendid new structure, so beautifully equipped, is a project which many of us have worked on for years, and which it is a distinct pleasure to now see brought to completion and full operation. It was a pleasure to be present at the formal dedication of this institution for the care of our sick and disabled veterans, and I am glad that it was possible for the Vice President of the United States to formally dedicate this, the newest of the Veterans' Administration hospitals, the only one located in the Nation's Capital.

His remarks follow:

TEXT OF REMARKS BY THE HONORABLE HUBERT H. HUMPHREY, VICE PRESIDENT OF THE UNITED STATES, ON THE OCCASION OF THE WASHINGTON, D.C., VETERANS' ADMINISTRATION HOSPITAL DEDICATION

Thank you very much, Mr. Driver, the distinguished and able Administrator of this great program relating to our veterans; and the reverend clergy; my colleagues in Congress, and I surely want to pay particular tribute to a gentleman whose nickname I think describes the character of the man when he's on your side, or if he isn't, TIGER TEAGUE, as we call him, the chairman of the Veterans' Affairs Committee, and JOE EVINS, of Independent Offices Appropriations Committee, other Members of Congress; and to all of the gallant and faithful servants, public servants, of the Veterans' Administration, my special greeting to you, and may I take a moment to say a special thanks to you—all too often we indulge ourselves in the criticism of our civil servants and all too seldom in a word of commendation and praise, which is richly deserved by the thousands and thousands of people that faithfully serve the Government of the United States and the people of this great Republic, day in and day out.

I want to commend the medical administration of our Veterans' Administration. I regret, of course, that the Director, Dr. McNinch, isn't with us today, but his assistant, his aid, is here, Dr. Musser, and Dr. Ready, and Dr. Robinson—these men we honor for their work beyond the call of duty. How fortunate it is that we have had such distinguished medical men, administrators in charge of this program.

It is my distinct honor and a very high privilege to share in this dedication of this new hospital with you.

This is the newest and the most modern of our VA hospitals; and I venture to say to the hospital director, Dr. Ready, and to the area medical director, Dr. Robinson, that this hospital is one of the newest and most modern hospital facilities of its kind anywhere, whether it's in veterans medicine or any other kind of medicine or hospital care. More than 8,000 of our veterans will come here each year to receive the care this hospital will so well provide, and they will receive good care because the fact is that medical and hospital care in our veterans hospitals today is the best that this country or that the medical arts and the healing arts can provide; and, as we are here today to dedicate this hospital, might I also add as has been indicated in our prayer that we dedicate ourselves to the continuance of these high standards of service and of care and of medicine which this structure that we see here today epitomizes.

What will it take to maintain these standards, high standards? Well, first, it has been agreed that it will take modern and functional efficiency—and may I digress to say that your Government wants to make sure that our hospitals are modern. You don't help anybody maintaining and sustaining an institution or a facility that is obsolete, and we want to make sure that they're efficient.

Today, the VA is engaged in the largest hospital building program in history. Of course, we hear about a few facilities that may be closed up, but I might add that we're engaged in an expansion program, not a retracting program. At this moment, at some stage in the construction pipeline, there are 355 VA projects underway; and these projects are not undertaken just for their own sake. They are designed for one purpose; to provide the best care possible to those who so richly and justly deserve it.

Now, second, if we are going to maintain the high standards that we want, it will take effectiveness of administration and of operation. This means locating VA hospitals and hospital beds where they can treat the greatest number of veterans. The VA system has each year increased the number of veterans treated. This year, for example, I've been informed that the Veterans' Administration hospitals will treat 100,000 more veterans than they did in 1960. Efficient placement of facilities makes this possible and, indeed, efficient placement of facilities makes it mandatory if we are going to treat that number, that increased number of patients.

Third, it will take comprehensiveness of care to maintain high standards. A veteran who enters the doors of this hospital will benefit from the availability of a full spectrum of modern medical techniques, ranging from open-heart surgery and radioactive cobalt therapy to a special kidney treatment unit which will literally save dozens of lives each year. I think it can be said that whatever modern medicine can provide will be available in this hospital.

The President's budget request for fiscal year 1966—I address myself now to our beloved friends in Congress who, by the way, are mighty generous and considerate in these matters—and they are. This budget request for 1966 includes, as these men well know, more funds for medical care than at any time in VA history. It clearly reflects this administration's response to the need for continued high standards of VA medicine. I am happy to say that I had an opportunity to review that budget and feel that it is, without a doubt, the best budget in terms of medical and hospital care that we will be privileged to have, and I know that it will receive the most generous and favorable assistance of the Congress of the United States—Tiger, I want you to clap there on this. Well, we have no problem here, I'll tell you.

Now, let me just cite for you what we think these funds requested will do.

They'll support activation of three new hospitals, including this one, modern hospitals that every American can be proud of. You'll just be proud to point to them and say, this is what the people of America think of their veterans.

These funds will support the new nursing care program in VA operated facilities with an estimated average of 1,500 patients daily—expanded nursing care.

These funds will support establishment of 13 special centers for heart surgery, of 26 emphysema treatment units, of 2-day treatment centers, and of two mental hygiene clinics, and a new blind rehabilitation center. Now, these are all specialties—this is over and beyond what we ordinarily have in a hospital unit, and these funds are in the new budget and are directed toward the expansion of these specialized facilities. We now know how to treat many of these serious illnesses and abnormalities and, if we know how to do it, it's the determination of your Government to see that it's done for the people that need it.

These funds will support expansion of medical and surgical bed sections in the neuropsychiatric hospitals, and they will support the expansion of capability of the 11 centers for treatment of chronic kidney disease.

The budget of this year will support an increase in staff to provide corrective treatment for speech problems at 20 or more hospitals, rehabilitation which we have found it is not only possible but profitable making people once again whole so that they can be self-sustaining and be happy people.

The funds will support strengthening of VA's clinical laboratory services, and will support the expansion of the veterans' medical and hospital research program. You see, we view the VA hospital system, not as a burden, not as a charge on the public, but as a national resource. Veterans medicine is today an essential part, a very significant part of the national health program, and we are determined to bring the benefits and the miracles of modern medicine, as we know it, to be within the reach of every section of America and all the people of America, veteran or nonveteran; but, surely, the first claim to that medical care is upon those who have been willing to give all that they had for their country, and that's why veterans medicine must be the best.

Now, the VA hospital program has been shaped so that it may render to veterans the best care in the power of modern science and in doing so, help all Americans through medical research, and then help all Americans through the training of much-needed doctors and other professional people in the healing arts.

A word about research, because in research the VA has one of the finest medical and clinical research programs in the world, and on this platform today are men that made this possible. I know they have been mentioned before, but in the 16 years that I served in the Congress of the United States, I had the privilege of working with these men, and I want to pay much overdue credit and thanks to them—when we think of those postwar years, and when we think of how the veterans medicine has improved and how it has surged forward to be recognized for its high standards, we can't help but remember, as was indicated here, General Hawley, Dr. Paul Magnuson, Dr., or Adm., Joel Boone, and Dr. Middleton and now, of course, Dr. McNinch. I have had the privilege of working with these men and I know the hard work that went into their program efforts, and I know of the sacrifice that they made, and if there are any heroes for the sick, if there are any heroes for the Veterans' Administration, they're right there on this platform today and should so be recognized by the American people.

Now, let me just cite that in the last 10 years—well, I should say really in the last about 20 years, our research program has grown from almost nothing to where it stands today. In the last 10 years it has increased by some 700 percent. Some of the finest medical research in the world is carried on right now in the veterans hospitals without any sacrifice of care, might I add, in fact, with benefit to care; and this hospital right here will play a major role in that research record.

But the contribution being made by the Veterans' Administration to the health of the entire Nation is not confined to the products of its laboratories. For the VA, through its program of affiliation, is now involved in a creative, mutually beneficial partnership, which Mr. Driver has mentioned, with the Nation's leading medical schools.

American medicine is better because of this program, and these hospitals are better because of our great universities and teaching schools, and our great medical schools. The medical profession and the Veterans' Administration have worked as partners, and the universities and the Veterans' Administration medical division have worked as partners. The whole world is the better, and through this partnership with the medical schools—right here for many years, Georgetown University, Howard University, and George Washington University have a partnership arrangement for the training of resident doctors with this hospital.

Through this partnership with medical schools, approximately one-half of the junior medical students in the United States will receive part of their clinical experience in veterans hospitals. A total of 3,200 out of 7,400 registered senior medical students have a part of their fourth-year clinical training in VA hospitals.

Approximately 10 percent of all the medical residencies in America are in VA hospitals. Many of America's best specialty training programs have developed through combined university and affiliated VA hospital programs. Thousands of lives are saved every year because of this partnership. It is estimated that 15 percent of all certified physicians today have received part or all of their specialty training in Veterans' Administration hospitals. So, when somebody tells you about the cost of this medical program, and I've heard about it when I was in Congress, you just remind them and say, you're alive today because of it, and I don't think that's a cost.

Now it's my—I just choked on that last one—I may need a little of that speech therapy they're going to give here—it's my pleasant duty to join with the Administrator of Veterans Affairs, Mr. William J. Driver, in presenting this official dedication certificate to the Director of this hospital, Dr. Thomas J. Ready, and to repose in him the heavy responsibility for carrying forward the work that he loves so much and the work that he will do so well, the work of healing the sick and the distressed who enter these doors over which he will have administrative direction, and, Dr. Ready, I surely want to wish you the very, very best, Doctor.

CITIZENS' COMMITTEE TO FIGHT REPEAL OF SECTION 14(b) OF TAFT-HARTLEY ACT

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Thompson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, in my newsletter of April 29 I called attention to formation of a 35-member citizens' committee to fight repeal of section 14b of the Taft-Hartley Act, and the fact that it had selected as its honorary chairman the coauthor of that act. We now have before us the first fruits of that association in the form of full-page advertisements which appeared in the May 3 Washington Evening Star and the May 4 Washington Post. In these advertisements, the citizens' committee expressed concern for the fundamental American rights of employees. There are two aspects of this expression which should be noted.

First, one fundamental American right that was not mentioned was the right of employees to determine by majority vote their legitimate goals as to wages and working conditions. This committee evidently does not believe that the American worker is capable or entitled to determine whether or not he wants the protection of a union security clause in the contract under which he works. In the 31 States which do not restrict the employee's right to vote on contract terms, the worker is free to negotiate for a union shop and thus obtain the protection afforded by requiring all employees in his bargaining unit to contribute equally toward the cost of the services rendered by his union. In a State that restricts this right to vote, the worker cannot have the protection of a union security agreement if he wants it. In which States does the worker have the greater freedom?

Second, this committee which is concerned with the right of an employee not to join a union is composed of 17 company presidents, 6 board chairmen, 3 professors, 2 pastors, 3 politicians, 2 presidents of farm bureaus—agricultural employees are not covered by the act—1 farmer, and 1 author. Among these guarantors of employee rights there is not one representative of a workingman's organization affected by the Taft-Hartley Act.

Mr. Speaker, I suggest that the working men and women of America are better able to decide for themselves their best interests than are the groups represented in this committee. The repeal of section 14b will enable them to decide by insuring their fundamental American right to vote in the plants where they work.

OCEANOGRAPHY

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Huot] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HUOT. Mr. Speaker, I rise today to express my thoughts on what is the last area of unexplored territory on the face of the earth. I refer to the vast unknown areas that lie beneath the surface of our oceans. Webster defines oceanography as "a science dealing with the ocean and its phenomena." For many years, man has used the oceans of earth for traveling and as a source for food. We, in 1965, still know very little about the vast area deep below the ocean surface.

I submitted a bill yesterday which, if passed, would establish a National Oceanographic Council for the purpose of setting up a program of research, exploration, and factfinding of the oceans and the lands beneath them.

If we could project our sights into the future, this particular bill could very well be one of the most important pieces of legislation to come before the Congress in its history. We are well aware of the food shortage problem in the world. We are also aware of the population explosion that threatens the very existence of mankind. We have, and rightfully so, centered our energies in recent years to the exploration of the universe. The United States has made tremendous gains in the race for space. But we must not be singular in our purpose and now must lay the groundwork for other avenues and the only unexplored avenue which has been literally ignored since the beginning of time is located here on earth and encompasses nearly two-thirds of the earth's surface.

The United States has a great potential in this field. As the years go by, this may be a costly venture, but I can think of no one project which may prove to be more useful in the future.

Presently, the Navy Department has taken the initiative in elevating the science of oceanography to a level commensurate with its long range of importance in this country. I believe a larger and more specified department is necessary to coordinate and fund the necessary operations for further research.

The National Oceanographic Council would also be responsible for the construction and maintaining of deep submergence vehicles and the developing of materials needed for this construction, and it would center the leadership in this field which presently is in the hands of 22 Federal agencies.

The Navy cannot continue to do the job alone. The problems of oceanographic exploration are mounting and requires a massive effort from one direction. I believe the establishment of a National Oceanographic Council is the answer.

More will be said about the proposed legislation at a later date. It is my hope, because of the importance of this bill, that every Member will take it upon himself to read and study this bill and possibly make recommendations to further the cause of oceanography.

JOINT RESOLUTION TO SET UP A DISTRICT OF COLUMBIA CRIME INVESTIGATION

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PEPPER. Mr. Speaker, I wish to join the able senior Senator from Oregon, Senator Morse, in advocating a thorough study of crime in the District of Columbia. My resolution, which I am introducing today, is a House joint resolution proposing that the investigation of crime in the District should be made jointly by the District Committees of the Senate and the House in the same way that Senator Morse proposes in his Senate resolution.

While I think it is not fair to say that crime in the District of Columbia is worse than in cities of comparable population in other parts of the country, nevertheless when women are afraid to walk on many of the streets of the city at night, including the Capitol Grounds, when repeated instances of attacks occur, and when the police feel it is necessary to police the Capitol Grounds and many of the best areas of the city with police dogs, we all agree that the situation is intolerable.

If the District of Columbia, with all the wealth and power of the United States behind it, cannot reduce to a tolerable minimum crime, what other city can hope to do so in our country. With the resources of the Government of the United States available, I feel that a thorough study can reveal what needs to be done to reduce crime to a tolerable minimum. If it is lack of education, the Government of the United States can provide the educational opportunity. If the cause is slums, the United States of America can surely remove the slums in its Capital City. If it is a lack of playgrounds and adequate recreation, the U.S. Government surely can provide whatever is needed. If the present situation is due to lack of sufficient number of police personnel in the Capital of our country, that personnel can be provided. If an entirely new or, at least, more efficient approach to the problem of juvenile delinquency is needed, the Government of the United States can do that. As President Johnson indicated a bit ago, the Capital of our country should be a model for procedures to prevent and to arrest crime for the other cities of the country.

I believe Senator Morse is right therefore and that a thorough, adequately financed study should be made in which the best minds of the country are brought to bear upon the problem so that a program may be devised which would show the country and the world that crime can be reduced to a tolerable minimum in the cities of America.

LOSS OF FISH RESOURCES IN HUDSON RIVER

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Bingham] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Speaker, yesterday my distinguished colleague, the gentleman from New York [Mr. Ottinger], brought to the attention of this House and the American people one of the serious problems of the Hudson River, the loss of its valuable anadromous fish resources.

This sad story has been repeated time and time again. The salmon no longer run where the Grand Coulee Dam has been built, the fish of the Mississippi are decimated by industrial wastes. The once-rich resources of our rivers and streams have been wasted recklessly.

This is a tragedy all the more remarkable in that it has no villains. The resources of rivers are being destroyed as a result of ignorance and indifference, not deliberate plunder.

Mr. Speaker, the people of the Hudson River and, in fact, concerned citizens all over the United States are aroused. They will no longer tolerate this apathy and the great loss that results from it. It behooves the officials responsible for natural resources to listen to this rising protest and to act.

The destruction of the anadromous fish of the Hudson is just one of the many problems that challenge the growth and development of this great American river. We are faced here with a problem which is of grave concern to the residents along the river's banks. But in a larger sense, the Hudson is a national problem because it typifies the challenges that must be met by other great American rivers which, like the

Hudson, run through settled areas and support industry and commerce. This is the challenge of the new conservation: to find a formula which will allow these rivers to continue to play their vital, growing role in the economic lives of the residents along their shores and yet preserve the unique scenic, recreation, and conservation values that can never be replaced once they are lost.

Mr. Speaker, I was pleased to join Mr. OTTINGER in introducing a bill to establish a Hudson national scenic riverway. This measure will provide the formula and start the long and difficult process of rehabilitation and restoration for the Hudson.

Now, it may be that there are interests that would attempt to turn this into a political issue. I would warn them against such folly. A total of nine other Congressmen from both parties have introduced legislation similar to the measure that Mr. OTTINGER and I introduced. The two distinguished Senators from New York have cosponsored a similar bill before the other body. All are dedicated to keeping the important issue of conservation above politics. Even more, I would warn that the people will not tolerate anything but bipartisan cooperation and a spirit of high and common purpose.

In this regard, I think the following letter by a distinguished conservationist of the Hudson River replying to an editorial in the Tarrytown News is worthy of wide attention. In this letter, which appeared in the Tarrytown News on April 22, 1965, Mr. Dominick J. Pirone, a biologist and a consultant for the League of Saltwater Sportsmen, makes what I believe are valid points about the mistakes of the past. But more important, he typifies the thrust of the future—a broad public call for action.

APRIL 16, 1965.

The DAILY NEWS:

Your editorial of March 17 concerning the Ottinger scenic riverway bill recently came to my attention.

New York State is not delegating any authority that it currently makes use of to Washington. The reason that the whole question has reached the Federal level is that New York State officialdom has either remained inactive in this affair or stood by lethargically or even lent support to factions invading the public domain for private profit.

Just who has what jurisdiction over the Hudson and its wildlife? I have been trying to get a straight answer on this question for many months; the only replies forthcoming were buckpassing and "I don't really know." The said part is, those in State government, one would assume, would be vitally concerned.

With no recourse in this State, to whom were the sportsmen, conservationists, and those dedicated citizens interested in the scenic, cultural, and historical values of the Hudson to turn?

Luckily for Americans, present and future Representative OTTINGER was immediately responsive to an emergency situation. He, and only he, had the courage and foresight to take action at once.

His bill, and all others on any issue whatsoever, do, I trust, receive careful and appropriate consideration before being passed by the Congress.

That Con Edison will "add to the beauties surrounding Storm King" is an unfounded supposition opposed by all factual considerations. You seem to have read one of their advertisements. How many of the hundreds of opposing articles are you ignoring?

What will this plant, handling 12 billion gallons of water a day do to the ecology of the river? Will we have a repeat of the disastrous 1963 fish kills at Indian Point, perhaps in a less obvious form? These are the questions that should be fully answered before a spadeful of earth is turned by imported labor, or an out-of-State engineer is allowed to create a Niagara-on-the-Hudson by pushing a button in Manhattan.

If tax assets in terms of human construction are to be the only factors motivating planning for the future of the river, why not poison it outright to let future generations know that we were not sluggards in our destruction of their natural heritage?

Do you truly deny the right of thousands of citizens to protest when "investments" by private individuals or corporations threaten what is theirs and their children's to enjoy?

Representative OTTINGER, in presenting his riverway bill, cannot logically be accused of making political hay. He faced up to an issue laid before him by average honest concerned citizens, knowing that giant legal staffs and corporate business minds, which seem to be motivated only by monetary gains, would try their unremitting best to whip him into the ground by any and all means available to them.

How you can conclude that the Storm King issue has turned out to be a dud is beyond comprehension. The basic issues are as alive today as ever, and Representative OTTINGER has the fullest respect and most grateful thanks of his constituents for all that he has done and will do to see that the interests of the citizenry are protected.

State officials at all levels have abandoned the sportsmen and conservationists on this vital question. Investigation by responsible parties outside of our ineffective State bureaucracies is clearly called for and is coming.

We are not asking for Washington to become master in New York State, and certainly we are not begging financial aid. We are stating that what is good for one company is not necessarily good for the people of this State just because that company and those individuals being remunerated tell us that theirs is the great good. We are asking for somebody to do something to save all of the irreplaceable wildlife and other values now slipping from our grasp. For a goodly period of time, Representative OTTINGER was the sole official listener, and you condemn him. I believe that a retraction is due him.

Our Founding Fathers certainly would have abhorred what Washington and informed citizenry see as the "rape of the Hudson." The possibilities of damaging the major spawning grounds of this State's striped bass, the stringing of ugly powerlines to mar forever inspiring natural vistas, and many other possible destructive consequences of present and forthcoming projects on the Hudson, indicate to me that you should reexamine these issues that concern us all.

DOMINICK J. PIRONE,
Consulting Biologist to the Long Island League of Saltwater Sportsmen.

DEDICATION OF RESEARCH VESSEL "EASTWARD"

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. HENDERSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HENDERSON. Mr. Speaker, on Saturday, May 1, I attended the dedication ceremonies of the research vessel *Eastward* at Beaufort, N.C. This vessel has been provided by the National Science Foundation to Duke University and will be operated from the university's Marine Biological Laboratory located on Pivers Island in the Beaufort-Morehead City Harbor.

As a part of the dedication ceremonies, John M. Drewry, chief counsel of the House Committee on Merchant Marine and Fisheries, spoke briefly but most informatively and under unanimous consent I include his remarks in today's CONGRESSIONAL RECORD:

REMARKS OF JOHN M. DREWRY, CHIEF COUNSEL, HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, DEDICATION CEREMONIES, RESEARCH VESSEL "EASTWARD," BEAUFORT, N.C., MAY 1, 1965

Dr. Cole, Dr. Knight, Dr. Menzies, Congressman HENDERSON, Congressman KORNEGAY, distinguished guests, ladies and gentlemen, instead of hearing me today, you were scheduled to hear the chairman of our full Committee on Merchant Marine and Fisheries, Congressman HERBERT C. BONNER of Washington, N.C. Congressman ALTON LENNON, of Wilmington, chairman of our Subcommittee on Oceanography also had hoped to be here. Both—with extreme regret—have had to decline because of other pressing commitments in Washington. Both have asked me to tell you how sorry they are that they cannot be here on this very significant occasion. Both of them are deeply interested in development and progress of our oceanographic program.

It is a pleasure and a great privilege for me to be here to represent our committee and to join with all of you in the dedication of the new biological research vessel, *Eastward*. She is fully modern, specially designed and equipped, and an invaluable adjunct to the Marine Laboratory of Duke University and its comprehensive program in the marine sciences.

It is most appropriate that this ceremony should serve to bring together leaders of science, education, and government. Each group here represented is looking toward this ship and what she symbolizes for the strengthening of our national posture in its economic, scientific, and military aspects. The Congress is a vitally concerned participant in this program.

Truly the dedication of the *Eastward* represents arrival at a significant stage in our national oceanographic program—at a broad understanding of the vital need to learn and use all we can of the 75 percent of the earth's surface that is covered by the world oceans.

There have been, of course, men of imagination and vision who, during the course of our history, have seen the need to probe the secrets of the seas. Benjamin Franklin did pioneer work on the Gulf Stream. Matthew Fontaine Maury, our first real oceanographer, well over 100 years ago, established a ship of opportunity program under which merchant ships reported oceanic phenomena from all over the world to the Navy Hydrographic Office which he created. Information such as data on winds and currents and the sighting of whales and other cetaceans were charted for the benefit of seafarers. With this knowledge, our clipper ships were able to take advantage of the hitherto unpredictable sea and to pile up speed and safety records which were the envy and awe of other maritime nations.

But, for the most part, until very recently, man's awareness of the seas around him has varied from disdain to superstition. His use of them has been clumsy and superficial. The turn of this decade brought a drastic change to our view of the seas.

As the mineral resources of the lands began to become depleted—as population has grown at unprecedented rates—as potential enemies of great strength have threatened to bury us on and under the sea—we have realized we can no longer be complacent about the vast, untapped resources of the oceans. No longer can we be shy about moving forcefully and urgently into what President Melville Grosvenor of the National Geographic Society has so aptly called—"a realm where man is still an intruder."

The call for action and the magnitude of the challenge came with a report of the National Academy of Sciences in early 1959. That report turned a glaring light on a problem of national survival. As a member of the Academy committee put it, "we know less about the bottom of the ocean than we do about the backside of the moon."

We were not only deficient in knowledge, but in the manpower and facilities—the ships and the laboratories and the instruments—to increase our knowledge.

When the report of the Academy was brought to the attention of Congressman BONNER, he immediately appointed a Subcommittee on Oceanography to study the problem and recommend legislative action. Implementation of the Academy report was impossible without congressional support.

Though the temptation is strong (because our committee has been so deeply involved in it for the past 6 years), I will refrain from recounting the exciting developments that have brought us to where we are today.

We have only begun—but it is a good beginning.

Suffice it to say that the Congress, the executive branch of the Federal Government, the States, educational institutions, and industry have moved forward in concert toward a common goal. Government action has added to our fleet over 40 new oceanographic vessels, including the *Eastward*. Industry has added still more as it participates in Government programs or moves forward with plans to exploit the ocean resources. Maury's ship of opportunity concept is being revived as the wide-ranging ships of our merchant marine, coupled with new high-speed instrumentation, show the way to a real breakthrough in the Herculean task of acquiring systematic and synoptic survey data covering vast areas of the oceans.

The manpower gap is being closed as great educational institutions such as Duke University establish new courses in the marine sciences, build laboratories and acquire new vessels—the essential tools for the study of the oceans. Duke's cooperative research and training program in biological oceanography is one of the most impressive developments of recent years. Illustrative of the fact that, though we are only now formally dedicating *Eastward*, she has dedicated herself to full employment ever since her delivery last year. Her time has been used for research and training by scientists and students from several other institutions. Dr. Knight told me some time ago that she was committed for 2 years ahead for use by scientists and institutions throughout the East—the South—and as far west as Kansas. I might note, too, that Beaufort is a happy choice for her home port and the location of the Duke Laboratory, for here we have a complex of State and Federal laboratories situated at a most vital spot on the seacoast where the north and south Atlantic waters mix to form a rich marine environment for study and exploitation.

Let me close by telling you on behalf of Congressman BONNER, Congressman LENNON, and, indeed, our whole committee, that we are pleased and proud to have been able to participate in the oceanographic program of which Duke University and the *Eastward* are such important parts. Our enthusiastic interest will continue.

SIX-MONTH REPORT OF MANPOWER SUBCOMMITTEE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. HENDERSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HENDERSON. Mr. Speaker, the Manpower Subcommittee of the House Committee on Post Office and Civil Service is today releasing its regular 6-month report on improved manpower management in the Federal Government.

The report covers examples of management achievements in the departments and agencies for the period July through December 1964. It shows that in December 1964, employment was 7,400 below December a year ago. In addition, the subcommittee report contains examples of improved management showing savings in excess of $25 million and for the quarter ending December 1964, the abolishment of 3,613 positions under the provisions of section 125(b) of the Government Employees Salary Reform Act of 1964.

We wish to congratulate the executive branch on these accomplishments. This indeed is evidence of progress toward a more efficient and economic form of Government.

Copies of this report are available for each Member and we will be happy to see that each of you receives a copy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RESNICK (at the request of Mr. ALBERT), for an indefinite period, on account of illness.

Mr. STEPHENS (at the request of Mr. DAVIS of Georgia), for May 4, 1965, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SAYLOR, for 60 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. CONTE (at the request of Mr. ANDREWS of North Dakota), for 60 minutes, on May 6.

To the following Members (at the request of Mr. SCHEUER) to revise and extend their remarks and to include extraneous matter:

Mr. COOLEY, for 60 minutes, on May 5.

Mr. KASTENMEIER, for 30 minutes, on May 5.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. WOLFF and to include extraneous matter.

Mr. DANIELS and to include extraneous matter.

Mr. ZABLOCKI and to include extraneous matter.

Mr. LAIRD during general debate on H.R. 7765 and to include tables and charts and other extraneous matter.

Mr. HARRIS to revise and extend his remarks made in Committee of the Whole and include a table.

(The following Members (at the request of Mr. ANDREWS of North Dakota) and to include extraneous matter:)

Mr. SPRINGER.

Mrs. BOLTON.

(The following Members (at the request of Mr. SCHEUER) and to include extraneous matter:)

Mr. MINISH.

Mr. ALBERT.

Mr. CALLAN.

Mr. PUCINSKI.

Mr. EVINS of Tennessee.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5702. An act to extend for 1 year the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress and to provide necessary authorization of appropriations for such Commission.

ADJOURNMENT

Mr. SCHEUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 5, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1048. A letter from the President, Board of Commissioners, District of Columbia, transmitting copies of reports of every institution, organization, corporation, or association other than U.S. Government, government of the District of Columbia, and foreign governments, owning property exempt from taxation, and the use thereof, during calendar year 1964, pursuant to section 3 of Public Law 77-846; to the Committee on the District of Columbia.

1049. A letter from the President, Board of Commissioners, District of Columbia, transmitting a list of properties specifically exempted from taxation, and their use, during calendar year 1964, pursuant to subsection E of section 1 of Public Law 77-846; to the Committee on the District of Columbia.

1050. A letter from the Comptroller General of the United States, transmitting a report of overstatement of job opportunities estimated to be created in economically depressed areas, Area Redevelopment Administration, Department of Commerce; to the Committee on Government Operations.

1051. A letter from the Comptroller General of the United States transmitting a report of possible need for clarification of statutory provision limiting the amount of Federal financial assistance to industrial or commercial projects, Area Redevelopment Administration, Department of Commerce; to the Committee on Government Operations.

1052. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation of certain aliens, pursuant to Public Law 87–885; to the Committee on the Judiciary.

1053. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation on the case of Leon Morris Estes, A–4 419 302, pursuant to Public Law 87–885; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASHMORE: Committee on the Judiciary. H.R. 3997. A bill to amend section 753(b) of title 28, United States Code, to provide for the recording of proceedings in the U.S. district courts by means of electronic sound recording as well as by shorthand or mechanical means; with amendments (Rept. No. 281). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 237. A bill to make certain provisions in connection with the construction of the Garrison diversion unit, Missouri River Basin project, by the Secretary of the Interior; with amendments (Rept. No. 282). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 364. Resolution providing for the consideration of S. 701, an act to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes; without amendment (Rept. No. 283). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 365. Resolution providing for the consideration of H.R. 7657, a bill to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes; without amendment (Rept. No. 284). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 7835. A bill to free farmers from Government control; to the Committee on Agriculture.

By Mr. BATTIN:

H.R. 7836. A bill to amend the Communications Act of 1934 to abolish the renewal requirement for licenses in the safety and special radio services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEVELAND:

H.R. 7837. A bill to encourage physicians and dentists who have received student loans under programs established pursuant to title VII of the Public Health Service Act to practice their professions in areas having a shortage of physicians or dentists; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 7838. A bill to amend the Tariff Act of 1930 to provide that certain coprecipitates of major milk proteins shall be admitted free of duty; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 7839. A bill to amend section 2 of the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. FALLON:

H.R. 7840. A bill to authorize the Secretary of the Army to conduct a complete investigation and study of water utilization and control of the Chesapeake Bay Basin; to the Committee on Public Works.

By Mr. GILLIGAN:

H.R. 7841. A bill to amend the Federal Trade Commission Act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution and to confirm, define, and equalize the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIDER:

H.R. 7842. A bill to amend title 39, United States Code, to provide a new system of overtime compensation for postal field service employees, to eliminate compensatory time in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUBSER:

H.R. 7843. A bill to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave; to the Committee on Armed Services.

By Mr. HALL:

H.R. 7844. A bill to amend the Internal Revenue Code of 1954 to prohibit opening of mail by the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 7845. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 7846. A bill to amend the Public Health Service Act to permit the Surgeon General to treat persons for addiction to barbiturates, amphetamines, and other habit-forming drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 7847. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. STANTON:

H.R. 7848. A bill authorizing the Secretary of the Army to establish a national cemetery in Ohio; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas:

H.R. 7849. A bill to provide for the development of ocean resources, to provide for economic development of the Continental Shelf, to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas (by request):

H.R. 7850. A bill to amend section 1822(a) of title 38, United States Code, to extend the provisions for treble-damage actions to direct loan and insured loan cases; to the Committee on Veterans' Affairs.

H.R. 7851. A bill to equalize the rates of disability compensation payable to veterans of peacetime and wartime service; to the Committee on Veterans' Affairs.

H.R. 7852. A bill to authorize the Administrator of Veterans' Affairs to furnish assistance to certain disabled veterans of the induction period in the purchase of an automobile or other conveyance; to the Committee on Veterans' Affairs.

By Mr. VAN DEERLIN:

H.R. 7853. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 7854. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 7855. A bill to authorize appropriations for procurement of small patrol cutters for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. MAILLIARD:

H.R. 7856. A bill to authorize appropriations for procurement of small patrol cutters for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. BRADEMAS:

H.R. 7857. A bill to extend the Juvenile Delinquency and Youth Offenses Control Act of 1961; to the Committee on Education and Labor.

By Mr. CLANCY:

H.R. 7858. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 7859. A bill to amend the Immigration and Nationality Act to provide for the loss of U.S. citizenship by a person who applies for naturalization in a foreign state, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 7860. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of soil and water conservation expenditures; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 7861. A bill to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

By Mr. HENDERSON:

H.R. 7862. A bill to amend the Dual Compensation Act with respect to the compensation for public school teachers of the District of Columbia for employment in civilian offices during the summer vacation period; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 7863. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. KEE:

H.R. 7864. A bill relating to the construction, modification, alteration, repair, painting, or decoration of buildings leased for public purposes; to the Committee on Public Works.

By Mr. LENNON:

H.R. 7865. A bill to amend Public Law 89–13 by increasing authorization for construction of patrol vessels and helicopters; to the Committee on Merchant Marine and Fisheries.

By Mr. LIPSCOMB:

H.R. 7866. A bill to extend the Export Control Act of 1949 for 2 additional years; to the Committee on Banking and Currency.

By Mr. MACDONALD:

H.R. 7867. A bill to establish uniform dates throughout the United States for the commencing and ending of daylight saving time in those States and local jurisdictions where it is observed, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7868. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

By Mr. MULTER (by request):

H.R. 7869. A bill to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

H.R. 7870. A bill to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

H.R. 7871. A bill to amend the District of Columbia Alcoholic Beverage Control Act for the purpose of prohibiting certain sales below cost; to the Committee on the District of Columbia.

H.R. 7872. A bill to amend the District of Columbia Alcoholic Beverage Control Act for the purpose of prohibiting certain sales below cost; to the Committee on the District of Columbia.

By Mr. ST GERMAIN:

H.R. 7873. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. SKUBITZ:

H.R. 7874. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 7875. A bill to authorize the Secretary of Agriculture to make certain feed grains available for laying chickens in emergency areas, in order to provide family farm egg producers the same kind of assistance now provided dairy farmers; to the Committee on Agriculture.

By Mr. GATHINGS:

H.J. Res. 444. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BARRETT:

H.J. Res. 445. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BURLESON:

H.J. Res. 446. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress Building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes; to the Committee on Public Works.

By Mr. PEPPER:

H. Con. Res. 407. Concurrent resolution establishing a joint committee composed of Members of the House of Representatives and the Senate to conduct a full and complete investigation of any and all matters pertaining to crime in the District of Columbia; to the Committee on Rules.

By Mr. HANLEY:

H. Res. 362. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

By Mr. McGRATH:

H. Res. 363. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

243. By Mr. CONTE: Memorial of the House of Representatives of the Commonwealth of Massachusetts, resolutions relative to the decision of the Civil Aeronautics Board in Washington to reject the application of Northeast Airlines for a permanent certificate to run commercial flights between Boston and Florida; to the Committee on Interstate and Foreign Commerce.

244. By the SPEAKER: Memorial of the Legislature of the State of New York, relative to the enactment of H.R. 424 which grants the physically handicapped certain deductions and an additional exemption of their Federal income payments; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 7876. A bill for the relief of Mrs. Norma Y. Teixeira, her husband, and their minor unmarried children, and Mrs. Greta Teixeira, her husband, and their minor unmarried children; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 7877. A bill for the relief of Nenita Toring Ortega; to the Committee on the Judiciary.

By Mr. BETTS:

H.R. 7878. A bill for the relief of Maj. Duren L. Spivey; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 7879. A bill for the relief of Luigi Starita; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 7880. A bill for the relief of Joan Jackson; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 7881. A bill for the relief of Adamantios (Adam) Catsaros; to the Committee on the Judiciary.

H.R. 7882. A bill for the relief of Dr. Francisco Pascual; to the Committeee on the Judiciary.

By Mr. COLLIER:

H.R. 7883. A bill for the relief of Anica Samardzia Vavan; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 7884. A bill for the relief of Cesare Tambellini; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 7885. A bill for the relief of Miss Sylvia Kronfeld; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 7886. A bill for the relief of Margaret Elizabeth Westby; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 7887. A bill for the relief of Madelini Fotiades; to the Committee on the Judiciary.

By Mr. MACDONALD:

H.R. 7888. A bill providing for the extension of patent No. D-119,187; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 7889. A bill for the relief of Ben M. Bagon, Jr.; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 7890. A bill for the relief of Petros Kogiones; to the Committee on the Judiciary.

H.R. 7891. A bill for the relief of Anastasia Haralambopovlov; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 7892. A bill for the relief of Claudette Maureen Callender; to the Committee on the Judiciary.

H.R. 7893. A bill for the relief of Albert Maurice Fowler; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 7894. A bill for the relief of Joseph B. Blankenship; to the Committee on the Judiciary.

By Mr. WAGGONNER:

H.R. 7895. A bill for the relief of Hiromi Tezuka Harper; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Conservation

EXTENSION OF REMARKS

OF

HON. CLAIR CALLAN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

Mr. CALLAN. Mr. Speaker, the efforts of farmers and others in the field of conservation has meant a more beautiful as well as a more bountiful America. Conservation, together with other programs to provide increased parks and open space, promises to give us still greater beauty as we built upon past accomplishments in making wise use of the land.

We have seen it everywhere in Nebraska—green grass to replace eroded gullies, well managed farm and ranch lands to replace water-scarred and wind-seared fields, conservation ponds and lakes for water management, water supply and recreation facilities on farms and in small watershed projects. All these things have meant a more beautiful Nebraska while saving the land from mutilation and destruction and improving the rural economy.

A beautiful landscape has universal appeal and is becoming all too scarce. The rural countryside beckons the town-weary Americans seeking restful surroundings. What the countryside provides is the responsibility of all of the people. The ugly signs of rural poverty still are around us. Impoverished farm and ranch lands still deprive the Nation of a greater beauty and a greater prosperity which can be had.

Nebraskans, through their efforts to conserve and develop the soil and water resources of the State, have restored much natural beauty to the landscape and have assured the lasting beauty of many acres. But we must continue our efforts and make our State and Nation still more beautiful and more prosperous. And only the determination of the people can make it so.

Firmness in Vietnam Is the Only Right Course

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

Mr. EVINS of Tennessee. Mr. Speaker, firmness with flexibility to negotiate, if the opportunity presents itself, as proposed by President Johnson, appears to be the proper and sound policy to pursue in the Vietnam crisis.

In amplification on this policy and position, under unanimous consent, I place my remarks contained in my recent newsletter—Capitol Comments—in the CONGRESSIONAL RECORD.

This newsletter, dated May 3, entitled "Firmness in Vietnam Is the Only Right Course" follows:

[From Capitol Comments]

FIRMNESS IN VIETNAM IS THE ONLY RIGHT COURSE

(By JOE L. EVINS, Member of Congress, Fourth District, Tennessee)

Our country's stand in Vietnam is uppermost in the thoughts of Congress, as it is in every American home.

Nine months have elapsed since Congress, by concurrent resolution, voiced virtually unanimous bipartisan support of our Government's firm policy against Communist aggression in southeast Asia. Not a single Member of the House and only two Members of the Senate voted against this resolution.

Declaring that the peace and security of southeast Asia are vital to our country's national security interests, the resolution called for "all necessary measures to repel an attack against the forces of the United States and prevent further aggression."

Congressional support of President Johnson remains overwhelmingly strong because he is carrying out this policy with notable fidelity and resolution, and also because it grows increasingly clear that this is the right policy for the United States.

Our Government has demonstrated in every possible way that the United States is ready to go to the conference table the minute the Communists cease their aggression. At the same time, our country is making it crystal clear that there will be no negotiations as long as aggression continues.

Meanwhile, both military and diplomatic pressures are being vigorously applied to convince the Communists that continued aggression is neither wise nor profitable. These pressures are being used with great skill, and with carefully measured restraint to prevent escalation of the conflict if possible.

This policy of measured response—of "firmness with moderation, readiness for peace with refusal to retreat"—will continue to be pressed with unflagging zeal, President Johnson this week emphasized at his news conference.

There are certainly risks in this course, but the dangers in an alternative policy—the course of appeasement and retreat—are enormously greater.

President Johnson summed up the matter in these words:

"This is the clearest lesson of our time. From Munich until today, we have learned that to yield to aggression brings only greater threats and brings even more destructive war. To stand firm is the only guarantee of lasting peace. * * * Wherever we have stood firm, aggression has been halted, peace has been restored, and liberty has been maintained. This was true under President Truman, under President Eisenhower, under President Kennedy, and it will be true again in southeast Asia."

Oklahoma To Remember Fort Towson and Fort Washita in Ceremonies on June 22 and 23

EXTENSION OF REMARKS

OF

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

Mr. ALBERT. Mr. Speaker, the final act of surrender of the Civil War will be the subject of a memorial and pageant to be conducted by the Oklahoma Civil War Centennial Commission at Fort Towson, Okla., on June 23, 1965.

The war in Indian Territory was bitter and hard-fought. Indian against Indian, the Confederate forces under Brig. Gen. Stand Waite, the first American Indian to attain the rank of regularly commissioned general officer, held out to the last. For several weeks, as June came to the Indian country, he refused to believe the rumors coming up from New Orleans that his beloved Confederacy had surrendered and General Lee had laid down his arms.

On June 23, after seeing the Choctaw forces under Chief Pitchlynn surrender the day preceding, General Waite signed a formal surrender and parole at his Fort Towson headquarters with Lt. Col. Asa Matthews, who had been dispatched to the Indian country for the purpose of attempting to secure the surrender of the Confederate Indians.

Elaborate ceremonies are planned for the morning of June 23 at Fort Towson. The ruins of this once important frontier military post, then in the Choctaw Nation and located only several miles northeast of the modern town of the same name, are gaunt and impressive. Occupied throughout the war by Confederate Forces, the post was never again occupied by Federal troops. With its day of glory as the scene of the last Confederate general officer to surrender, it soon passed into forgotten limbo.

On June 22, the Oklahoma Historical Society will dedicate the completely rehabilitated Fort Washita, a once important military post established in 1842 by Gen. Zachary Taylor. The afternoon of June 22 will see the actual firing at Fort Washita of Confederate field artillery, conducted under the direction of modern artillerymen from Fort Sill, Okla.

For both events, the commission has prepared special cachets, and covers will be dispatched from Fort Washita and from Fort Towson. Those wishing to have covers cacheted may send the same to the Oklahoma Civil War Centennial Commission, 1108 Colcord Building, Oklahoma City. Covers should be clearly marked for either "Fort Washita" or for "Fort Towson."

Mr. Speaker, I extend to all Members an invitation to come to Oklahoma and take part in these festivities marking the end of the Civil War.

Groundbreaking Ceremonies for $15 Million Expansion Program for the Long Island Jewish Hospital, New Hyde Park, N.Y.

EXTENSION OF REMARKS

OF

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

Mr. WOLFF. Mr. Speaker, on Sunday, April 11, it was my pleasure to attend the groundbreaking ceremonies which inaugurated the $15 million expansion program of the Long Island Jewish Hospital, New Hyde Park, N.Y.

The mayor of New York City, the Honorable Robert F. Wagner, was also present and read an official proclamation announcing April 11 as "The Long Island Jewish Hospital Day." He referred to this hospital as the guardian of community health both for its wide range of services and the excellent quality of those services. More than 750 guests heard the mayor extend congratulations to Mr. Jack S. Liebowitz, president of the hospital, to Dr. Peter Rogatz, executive director of the hospital, to the sincere, devoted, and hard-working trustees and to the excellent medical staff. He acknowledged the success of the hospital's three-way program of patient care, medical training, and research during the 11 years since its inception. The mayor publicly acclaimed the Long Island Jewish Hospital for having been deemed worthy of accepting the responsibility for the management of over 1,300 beds at the Queens General Hospital Center.

Mr. Liebowitz outlined the new health facilities which will be available to the 3 million Long Island residents. An open-heart surgical suite, expanded service for premature babies, a psychiatric inpatient service and an enlarged intensive care program for treatment of the critically ill were but a few of those mentioned.

Nassau County Executive Eugene H. Nickerson commented that, while the hospital spans the Queens and Nassau County line and most of the 22-acre tract is in Queens, he has always proudly claimed the Long Island Jewish Hospital as a Nassau hospital. He also stated that almost half of all those who come to the various clinics for out-patient treatment are Nassau County residents.

Mr. Irving Mitchel Felt, president of the Federation of Jewish Philanthropies of New York, told the assembled guests that the Long Island Jewish Hospital's building program is part of the federation's $180 million City of Life Building Fund program.

Dr. Peter Rogatz, executive director of the Long Island Jewish Hospital, cited the hospital's achievements during the past decade: a comprehensive program which includes 48 different clinics, a division of nuclear medicine, the only adolescent clinic and the only premature nursery center on Long Island. Dr. Rogatz concluded his message with the promise to incorporate the best ideals of medicine and the best goals of our democratic society into every aspect and every program of the Long Island Jewish Hospital.

All those attending this memorable groundbreaking ceremony were privileged to hear Mr. Richard Tucker of the Metropolitan Opera Company sing an inspiring rendition of our National Anthem, accompanied by the U.S. Merchant Marine Academy Band.

The need and demand for more and better health services are at an all-time high in this country. Our population is growing and our lifespan increasing. We in government must do all we can to encourage those in the medical profession to continue their research, ever mindful that each new advance will benefit us all, regardless of where we live. Incorporated in the expansion plans of the Long Island Jewish Hospital are the Samuel and Lena Schwartz Research Center and the Evelyn and Saul L. Epstein Teaching Center, vital cores from which we can anticipate improvement in the health standards of our Nation.

LIJH has come a long way since a group of farsighted community leaders met to discuss the creation of a hospital that would answer the health needs of the rapidly growing suburban area. The need: An institution with a superior blending of comprehensive patient care, high quality teaching, and imaginative research. The Long Island Jewish Hospital has met this need.

On reaching its present eminence, unique for a voluntary hospital of its size, LIJH stops a moment—not to rest—but to reflect upon the accomplishments of the past and to lay even broader plans for the future.

More than most institutions, the Long Island Jewish Hospital, from the beginning, has believed in its own future and has followed its own course. It was a courageous beginning, made possible through the help of the trustees and staff members who dedicated their effort, skill, and vision to founding a hospital with emphasis on excellence. Only the best would do.

So the Long Island Jewish Hospital charts its course today. The excellent patient care, the range of research investigation, and the teaching of young doctors and doctors-to-be all serve to carry out the broad concepts of the founding fathers. Patients represent all races, creeds, and colors—no one is turned away.

Above all, the Long Island Jewish Hospital looks to the future; it moves ahead, wants to accomplish greater things in its service to mankind. The LIJH, with the support of an enlightened and generous community, looks forward with confidence to the next decade, and the decades that follow.

Lincoln College in Lincoln, Ill., Celebrates Its 100th Anniversary

EXTENSION OF REMARKS

OF

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

Mr. SPRINGER. Mr. Speaker, the year 1965 marks the 100th anniversary of the founding of Lincoln College, Lincoln, Ill. Originally known as Lincoln University, this institution is the first and only one to be named for Abraham Lincoln while he still lived, and was chartered by the Legislature of the State of Illinois on February 6, 1865. On March 4 of that year letters were addressed to President Lincoln advising him that the college was being founded and named in his honor. A copy of the letter of Col. Robert Latham, vice president of the board of trustees, reads as follows:

LINCOLN, ILL.,
March 4, 1865.

His Excellency A. LINCOLN,
President of the United States.

DEAR SIR: By request of the president of the board of trustees of Lincoln University, whose address this will accompany, I write to inform you more fully of the university and of the prosperity of our town, believing you feel a lively interest in it, on account of its being named for you before Presidential honors had any influence. Lincoln contains about 2,800 inhabitants. Houses are going up almost daily and it is expected that there will be from 100 to 200 dwelling houses go up this season, mostly of a good quality, business has increased fully in proportion to the inhabitants. Our people although not very wealthy, are very enterprising, and are very anxious, in fact determined to make the university a success. Messrs. Wyatt Gillett and I donated 10 acres of land, that we were offered $6,000 for, and $3,000 in cash to it, several other persons $1,000 each, and nearly all the citizens something. The friends of the town propose to build one wing of the building. And the church propose to endow it with $200.000 as soon as $100,000 endowment fund is raised, they to go on and finish the buildings. The school to commence as soon as this wing of the building is completed and $50,000 endowment fund is raised.

Our greatest difficulty will be to get sufficient funds to build a house that will do justice to the name and place.

Hoping that we will have the pleasure of seeing you in our own beloved Illinois ere the summer passes,

I am very respectfully,
Your obedient servant,
R. B. LATHAM.

Twelve years earlier when the city of Lincoln was founded, the proprietors named the town for Mr. Lincoln before he became famous.

The founding of Lincoln College was a direct result of the Civil War. The Cumberland Presbyterian Church whose memberships were principally located in the Cumberland area of the south, had nevertheless strong memberships in certain northern areas that had been settled by southerners. The town of Lincoln was one of these. Therefore, when the synods of Illinois, Indiana, and Iowa of the Cumberland Presbyterian Church decided to locate a college in the then great northwest, the town of Lincoln made a strong bid and the church commissioners decided to accept the city's offer.

The ground for the first building, University Hall was broken on February 12, 1865, according to legend. The construction of this building proceeded rapidly and in September of 1865 the late President's great friend and political supporter, Gov. Richard Oglesby, of Illinois, delivered the dedicatory address for the laying of the cornerstone. By 1866 the building was completed and classes began in November of that year. Classes have been held in this historic building each year since that time, making it one of central Illinois' oldest collegiate structures in continuous use.

The college began its instruction with a 4-year liberal arts program. Strong church connections were maintained through the decades until 1929 when, because of reduced financial circumstances and because of increasing interest in the 2-year junior college program, Lincoln College became a 2-year institution.

Since 1929 Lincoln College has continued to function as a leading 2-year, coeducational institution specializing in a liberal arts program designed to serve the special interests of college freshmen and sophomores. Most graduates transfer to a wide variety of 4-year institutions after 2 years at Lincoln College. Since 1950 the college has grown from less than 100 students to an enrollment of 500 in 1965.

In addition to the transfer program of the regular academic year, the college has pioneered in a summer program of review courses for students who need additional preparation to their high school training for successful college achievement. This has proved to be highly successful for a large number of students.

As part of the observance of the centennial year, the college held the dedication of Harts Memorial Science Hall on September 27, 1964. This new facility contains the most modern laboratories and equipment for physics, chemistry, and biology, as well as offices for staff members and the academic dean. A new general college library is on the ground floor.

On February 6, 1965, the exact 100th anniversary of Lincoln College's charter, a centennial convocation was held on the campus in which a symposium of distinguished persons gave addresses. Sister Mary Ann Ida, president of Mundelein College, spoke on the future of education for women; Prof. John Hope Franklin of the University of Chicago spoke concerning the future of education for underprivileged citizens; Prof. Robert J. Havighurst of the University of Chicago spoke concerning the future of liberal arts colleges, and Prof. Norman

J. DeWitt of the University of Minnesota spoke concerning liberal arts colleges and the future of the traditional academic disciplines. Over 100 delegates from the leading colleges and universities were present. Ten leading educators and citizens were awarded honorary degrees at this time, and in addition to the four symposium speakers this included: Milburn P. Akers, editor, Chicago Sun-Times; President Robert G. Bone, Illinois State University; Richard G. Browne, executive director, Illinois Board of Higher Education; President Nelson Glueck, Hebrew Union College-Jewish Institute of Religion; Richard Paul Graebel, minister, First Presbyterian Church, Springfield, and President Sharvy Umbeck, Knox College.

The final event of the centennial year will be the 100th anniversary commencement to be held June 13 at which time Senator RALPH YARBOROUGH will be the speaker. A special committee is preparing a centennial history of Lincoln College which will be published in September as the final commemorative act of the centennial year.

President Raymond N. Dooley, when asked about the future of the college, said that it appears to be very bright, indeed, always providing that we continue to follow the ideals and examples of simplicity, sincerity, and service exemplified by our great mentor, Abraham Lincoln.

As the Representative of the 22d Congressional District of Illinois, I know that I express the views of the people in my district in wishing Lincoln College the very best in the second 100 years of its existence. It is serving a great need to the children emerging from the high schools in the Middle West. I know it will have the good wishes of my colleagues in this body as it goes about its job of educating young men and women in preparation for their responsibilities in the greatest country on earth.

The 22d Anniversary of the Destruction of the Warsaw Ghetto

EXTENSION OF REMARKS
OF
HON. DOMINICK V. DANIELS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 4, 1965

Mr. DANIELS. Mr. Speaker, 22 years ago the world witnessed one of the greatest displays of raw courage ever seen anywhere.

For 42 days the heroic Jewish residents of the Warsaw ghetto held off the massed might of Nazi Germany. In many cases fighting with their bare hands the Jews withstood every attack the Nazis could make until finally the last gallant outposts were overwhelmed by flamethrowers and saturation bombardment.

Probably never in history has the world been given a better opportunity to witness the indomitable spirit of the Jewish people that has enabled them to survive every kind of persecution.

It is to be remembered that a handful of Jews managed to escape from the sealed-off ghetto through the Warsaw sewer system and ultimately joined the underground who were then fighting to throw off the Nazi yoke. Of these, a few lived to become part of the movement which established the long awaited national Jewish state in Israel.

On Thursday, April 29, 1965, the American Zionist Organization and 30 other national and metropolitan Jewish organizations held commemorative exercises in New York City. It is fitting that they held these services to remind us of the heroism of the gallant Jews who for 42 days held off the greatest military machine ever assembled in the history of mankind by one nation.

We must always keep this event fresh in our memory, lest we forget.

Remarks of Peter W. Rodino, Jr., for the Italian-Tribune Awards Dinner

EXTENSION OF REMARKS
OF
HON. JOSEPH G. MINISH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 4, 1965

Mr. MINISH. Mr. Speaker, on April 24, my good friend and colleague, PETER RODINO, was the principal speaker at a dinner in New Jersey sponsored by the AMICIS—Active Member Italian-American Community Interest, at which awards were presented to five outstanding Italian-Americans by the Italian-Tribune, a fine weekly newspaper. His moving speech, which was climaxed by a letter of commendation from our great President Johnson, is one I would herewith like to bring to the attention of my fellow Members:

REMARKS OF PETER W. RODINO, JR., FOR THE ITALIAN-TRIBUNE AWARDS DINNER

Mayor Conte, Mr. Caputo, Mr. Tuzzolo, reverend clergy, distinguished honorees, ladies and gentlemen, Marc Anthony's famous oration—when he came to bury Caesar, not to praise him—is one of the great speeches of literature.

At the very beginning of the speech, the friend of the slain Caesar seeks to gain the sympathy of a hostile crowd in the Forum. He does so by pointing out:

> "The evil that men do lives after them. The good is oft interred with their bones * * *"

That apparently was the common fate of man, whether high or low in rank, in those ancient days before the decline and fall of the empire. Fortunately, civilization has marched forward. And we have learned to appreciate and to remember the good men do. And this wonderful banquet tonight offers fresh proof of our progress.

We are gathered here this evening for the second annual Tribune awards dinner. We are here to pay tribute, with the AMICIS, to the good deeds, to the contributions and achievements of five outstanding members of the Italian-American community.

They richly and abundantly deserve the recognition and honor we are bestowing upon them. And the impact of their good works will live on, even after them.

Father Ruggiero, our outstanding citizen, for his significant and monumental accomplishments through 30 fruitful years of ministering to his flock at St. Lucy's, Mrs. Immacolata Gill, our woman of the year, for her unselfish efforts in the cause of charity, Vic Di Filippo, who has earned a coveted place in our hall of sports, Tom Longo, a football star at Notre Dame, and Jim Le Pore, a gridiron standout at Essex Catholic, who have been selected for scholastic awards. Yes, they deserve the recognition and honor we accord them. And even more. For by their accomplishments, by their high standards of excellence, they have imparted quality and bright luster to the entire Italo-American community. For this, each of us owes them continuing thanks.

And in speaking of the Italo-American community, let us not forget that we are a nation of immigrants. The seeds of America's greatness were planted by immigrant hands and watered with immigrant sweat.

With hope in their hearts, they came in search of liberty and freedom, our fathers and our fathers' fathers. They left the tiny villages and hamlets of their birth to undertake the long, and arduous journey through lonely mountain passes and across a strange sea—to a new start, in a new world.

Whether we are 1st, 2d, 5th, or 10th generation Americans, I believe it is good for all of us to remember this humble and hazardous arrival. And history has shown that we are no less patriotic because we still cherish the traditions of our forebears and find enjoyment and delight in the festivals and foods which they enjoyed.

And whether we are 1st, 2d, 5th, or 10th generation Americans, we have not lacked the courage in facing unknown and untold dangers, because we carry with us the power to dream bold Columbian dreams.

We do not forget that the tired and the poor, the downtrodden and the oppressed, the lovers of liberty and the seekers of freedom came from the old world to the new in quest of dignity, equality and opportunity. They brought with them their religion and their culture, their arts and their crafts, their skills and their ambitions. And with bare and bleeding hands they pushed the frontiers of freedom forward, and they helped to make America great. And they became part of its epic of greatness.

They became God's priests and missionaries, lawyers and doctors, businessmen and bankers, artists and musicians, teachers and professors, workers and executives. In time of war, they proved their patriotism, fighting and dying for the adopted nation they loved.

Yes, they came, from the old world to the new. With warmth in their souls, the Columbian dream in their hearts and a determination to succeed in their minds. With straining muscles and oozing sweat, they built the roads and highways, the railways and skyscrapers, and cities, large and small, and for good measure they threw in all their love and loyalty and devotion. And they became intertwined in the fabric of their adopted land, and they enriched the tapestry of American heritage.

They labored unselfishly that we who followed them could inherit the priceless gifts and treasured traditions of a free and prosperous nation—and as inheritors of this rich legacy—be its guardians and trustees, to protect and preserve for those who come after us.

In the spirit of this dramatic history, it is only right that we take modest pride in the achievements of the award winners we are honoring here tonight, just as we share pardonable pride in the landmark accomplishments of the Fermis of atomic science, the LaGuardias, the Celebrezzes and the Pastores of politics, the DiMaggios of baseball, and the Comos and Carusos of song.

It is one thing for members of the Italian-American community to honor their own. It is another thing for those outside the community to acclaim our fathers and mothers, our sons and daughters and kinsmen for their meaningful contributions to a better America and a greater America.

And so I am particularly pleased and highly honored to bring this message from the White House, Washington, April 22, 1965:

"*To the Members and Friends of the AMICIS:*

"It is a pleasure to once again join your fine Congressmen PETE RODINO and JOE MINISH in extending to you my warm greetings and good wishes.

"I highly commend your enthusiasm to keep alive the cherished traditions brought to our shores by the men and women of Italian origin. Through your many contributions toward this end, you have both preserved and enriched a bright and enduring part of our American heritage.

"You have my cordial regards for your continued success in the years ahead.

LYNDON B. JOHNSON."

The Dangers of Negotiating With the Communists

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

Mr. PUCINSKI. Mr. Speaker, Mr. Zbigniew Stypulkowski, 1 of 16 members of Poland's wartime underground government who were taken from Warsaw to Moscow just before the end of World War II, supposedly for the purpose of negotiating a postwar peace agreement and then jailed by the Soviets on trumped up charges, is visiting Washington this spring. We are particularly fortunate to have him here in America at a time which marks the 20th anniversary of Soviet treachery committed against the Polish underground leaders, who were taken to Moscow, where upon their arrival they were immediately arrested and interned in the infamous Lubianka prison.

Mr. Stypulkowski refused to plead guilty or crack under the Soviet system of psychological brainwashing.

I should like to include at the conclusion of my own remarks a statement issued by Mr. Stypulkowski in observance of his 20th anniversary. I believe his statement is particularly significant and should be called to the attention of all of our Armed Forces since Mr. Stypulkowski is today undoubtedly one of the greatest living authorities on Communist brainwashing techniques. He personally was the victim of these techniques, and the fact that he survived this Communist ordeal is a tribute to his strength and his firm belief in the principles of human dignity.

Mr. Stypulkowski, author of the book, "Invitation to Moscow," presently is representative to the United States of the Polish Consul of Unity, which is stationed in London and continues its resistance to Communist domination of Poland.

On March 28, 1945, when it appeared the Soviet Army would occupy the whole of Poland, the 16 Polish underground leaders were invited by Marshal Zhukov, Supreme Commander of Soviet forces in Poland, to begin negotiations with the Soviets about future relations between the U.S.S.R. and Poland.

Mr. Stypulkowski was a member of the Polish underground movement in Warsaw at that time, and helped organize reisistance through sabotage of Nazi occupation forces.

Marshal Zhukov sent word that his efforts to negotiate with the 16 Polish leaders were authorized by Stalin.

Mr. Stypulkowski and his colleagues contacted by radio the Polish Government in Exile in London for instructions. The Polish Government in Exile in London in turn contacted the United States and British Governments and were told not to reject this "generous gesture by Stalin because it might be the last chance for survival of the Polish nation."

Under this pressure, the Polish underground government in Warsaw accepted Zhukov's invitation but not without their own suspicions. They agreed that to reject the Soviet's overtures would have given Stalin an excellent excuse for erasing Poland from the map and saying that the Poles did not want to negotiate after the war.

Part of the arrangement for negotiations with the Soviet Union was that Zhukov would provide the Polish underground government a Liberator airplane in which the Poles would be flown to London for more thorough consultation with the Polish Government in Exile. However, the agreement was that first the 16 members must come to dinner with Zhukov to demonstrate to the tense Polish population that there was cooperation between the Soviets and the Polish. In the closing days of the war, the Polish population was tremendously uneasy about the presence of Soviet troops within the Polish nation, and the Communists were most anxious to establish an image of friendly relations.

The 16 Polish leaders were advised on March 29 that Zhukov had to visit his headquarters at the advanced Soviet positions, and were requested to fly to his headquarters.

It was only after boarding the Soviet plane and taking off that the Polish leaders realized that they were heading for Moscow. They were told not to be concerned because Zhukov's plans were changed at the last moment and he was in Moscow. Even upon arrival at Moscow the delegation of 16 Polish underground leaders, including Stypulkowski, were received very warmly and with top honors at an airport ceremony. It was not until they arrived at the gates of Lubianka prison that they were told that they were under arrest, imprisoned, and charged with three crimes; First, obstructing Soviet efforts during the war; second, that they were German spies; third, that they were agents for the British and American intelligence.

They were then all exposed to unending cross-examination in Lubianka prison which Stypulkowski describes as Russia's "laboratory of psychological brainwashing."

In the book, "Invitation to Moscow," Stypulkowski has exposed this technique which continues to be used to this day as witnessed by the reports of U-2 pilot Francis Powers, and Prof. Frederick Barghoorn.

Stypulkowski is in the United States in an effort to call attention to the meaning of these same techniques in relation to developments in the international arena.

Stypulkowski was released by the Soviets in August 1945, after surviving an ordeal of 141 intensive interrogations. His release came after parliaments throughout the world demanded to know what had happened to the 16 Polish underground leaders. The organizing session of the United Nations being held in San Francisco in 1945 was suddenly disrupted when representatives of the Polish Government in Exile demanded to know what had happened to Stypulkowski and his compatriots.

President Roosevelt personally intervened in behalf of the Polish leaders. It was only after this type of world indignation that the Soviets released Stypulkowski and some of his compatriots.

Stypulkowski believes that the free world must understand Soviet psychological warfare techniques in order to properly evaluate the attitudes of the Soviets and China in relationship to Vietnam and the entire Far East.

Mr. Speaker, Mr. Stypulkowski's statement follows:

STATEMENT ISSUED BY ZBIGNIEW STYPULKOWSKI

(Polish lawyer and one of the 16 members of Polish Underground Government who were kidnaped in March 1945, by Soviet authorities and taken to Lubianka prison)

This observance of the 20th anniversary of my illegal arrest by Soviet authorities is not an observance of an anniversary of my personal experience.

It is an observance of a much greater and deeper disclosure to the Western World of the depth of international and political immorality to which the Soviets may reach to accomplish their purposes. Sixteen underground leaders of the Polish State, after having successfully led the nation on behalf of the Allies during World War II, were taken by force and the duplicity of a dishonored assurance of safe conduct by the Soviets, and sent to Moscow to stand trial.

Trial for what? Trial for crimes against the Soviet Union. What crimes? The crime of not surrendering their nation to Russia. This monstrous violation of the integrity of a nation's right to survive is what we witnessed 20 years ago. This knowledge has been ours now for this period of time. Let us not forget this lesson—so that the lesson may not be repeated at your expense next time.

We are observing also the pitiful fate of many of my colleagues who were taken with me to Moscow.

The Western World stood aghast at this obvious attempt to liquidate these 16 leaders by means of legal procedure.

In deference to world opinion, the Soviets magnanimously meted out sentences ranging from a few months to 10 years. The result? Some died in prison while others, when they returned to Poland, were inprisoned again—quietly this time—and the world hears of them no more.

Soviet mission accomplished? Yes. Western World conscience satisfied? Yes.

Is there something to be learned here by nations who still preserve their national integrity? I say yes.

At this time I wish to note that Lubianka prison, where I was incarcerated and subjected to 141 interrogations day and night without breaking down and confessing is the supreme laboratory of Soviet brainwashing techniques. Being the only one who did not confess makes me, I suppose, somewhat of an expert in this field. At least a kind of victim expert.

As a matter of fact, I have written a book upon these experiences hoping to make a small contribution to the world—deeper and broader awareness of Communist brainwashing techniques—techniques transferred from application to the individual to application to whole nations and people. While Lubianka is the laboratory, the world is the field of application for this ghastly science.

Whether it is Russian communism or Chinese communism is irrevelant. The technique is the same and its purpose is but one: "Weaken and destroy the will to resist."

We see this today in Vietnam. All moves have been learned in Lubianka. Exert pressure; make demands that are excessive; intimidate; cajole; extend the hand of friendship and cooperation; make the subject weary of this continual resistance; show him how he can end this struggle, reexert demands; induce in him a belief that continued resistance is impractical, too costly, and senseless. Give him to understand that there is no foreseeable end to the struggle; the future brings nothing but effort, and effort, and ceaseless effort; one has done all that one can; one now deserves that rest one has been promised if only one gives in. Does this sound familiar?

This is what I have personally experienced in Lubianka, and this is precisely what you are experiencing as a nation in Vietnam.

My standing here before you—alive and not broken down—is living proof that it is possible to resist Communist psychological brainwashing, and win. To successfully resist, an individual, like a nation, must have something within him which he loves very much and will not surrender. It may be his sense of personal honor and integrity. It may be his love of country. It may be his religious beliefs. But whatever it is, it must be a positive value without which to him life is nothing.

It must be stronger than the fanaticism and hatred possessed by the enemy. Once the enemy realizes this fact, he is the one who becomes weaker in his determination. Moral courage has shifted the balance in favor of the resister. Now the enemy, feeling this relative weakness of his own, begins to concentrate on ways to develop compromises with his intended victim.

It is good for our Western World to remind itself from time to time of these basic lessons learned from the experiences of these Polish leaders. This, I conceive, is the real and worthwhile purpose of this 20th anniversary observance.

Theta Sigma Phi

EXTENSION OF REMARKS

OF

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

Mrs. BOLTON. Mr. Speaker, last Saturday I had the privilege of introducing as the main speaker for the matrix table of the Theta Sigma Phi luncheon in Cleveland, the distinguished senior Senator from Maine, MARGARET CHASE SMITH.

Theta Sigma Phi, the professional organization for women in journalism and communication, works to maintain a free and responsible press with high professional standards, to unite women engaged in the communication fields, to recognize distinguished achievement of women in all media and to encourage young women to take up careers in journalism. The organization includes professional journalists, honorary members who have achieved national distinction in letters and communication, and students and alumnae of journalism schools.

That you may know something of this exceedingly constructive group, I am including with these few words my introduction of Senator SMITH and her very excellent address to the Theta Sigma Phi:

INTRODUCTION OF SENATOR MARGARET CHASE SMITH BY CONGRESSWOMAN FRANCES P. BOLTON AT THE THETA SIGMA PHI CONFERENCE LUNCHEON

Madam Chairman, delegates to the Theta Sigma Phi Press Conference, and friends, with great joy I am here to introduce a most unusual woman, who exemplifies what the women of America really stand for. She has won the admiration of all who know her, for with radiant courage she has borne heavy burdens and responsibilities all her life.

Before her marriage, she was a teacher, an executive in telephone, newspaper, and woolen companies, and was a nationally syndicated columnist for more than 5 years.

In 1940 she took her husband's place in the House of Representatives. For 9 years we worked closely together, learning to respect each other deep down in the inner reaches of friendship. Then she became Senator and is now in her third term—the only woman to have served in both Houses of the Congress. She has won every election and built an outstanding reputation for her State of Maine.

Both on the House Committee on Naval Affairs and on the House Armed Services Committee she drew Presidential commendation for the contribution she made. In the Senate she has served with distinction on the Committees on Appropriations, Armed Services, Space, Government Operations, Rules, District of Columbia, and the Republican policy committee.

A lieutenant colonel in the Air Force Reserve, she is the acknowledged champion of Reserve legislation in Congress, having been cited for her service by the Air Reserve Association, the National Guard Association, and the Reserve Officers Association.

Nine extensive trips throughout the world have given her firsthand knowledge of the problems of many countries and an understanding of the personalities with whom we must deal. Few politically trained people in history have conferred with as many leaders. Her calm objectivity makes her singularly prepared to deal with important issues and make great decisions.

Last summer it was my privilege to second the nomination of this remarkable woman as Republican presidential candidate, the first woman in the history of our Nation to achieve this high position.

With very great pleasure I present to you, Senator MARGARET CHASE SMITH.

REMARKS OF SENATOR MARGARET CHASE SMITH

It is always a great pleasure to join in tributes and recognition to FRANCES BOLTON. She so richly deserves them. She is a credit to her Nation—a credit to her State—a credit to Cleveland—a credit to her family—and a credit to womanhood.

I not only have the deepest admiration for her but I tremendously envy her. I wish so much that I had her ability and her talents. This envy of mine is not tinged in any manner with a green tone for I have very deep affection for her.

To me FRANCES BOLTON is a symbol of the finest things in a human being. Recently someone quipped that "man is the link between the apes and human beings" making the inference that attainment of the status of human being would not be reached until sometime in the distant future of many centuries. If there is any validity to this quip, then I am sure that FRANCES BOLTON is one of the rare exceptions of those who have attained the status of being a human being.

If I can serve any worthwhile purpose in life, it would be to emulate FRANCES BOLTON—her warm concern for her fellow man, her wisdom, and her courage and dedication to moral and spiritual principles. Today I am going to attempt some emulation of her moral and spiritual dedication by discussing a matter that is of growing concern to me and many others.

I hope that it is of such concern to you, and that my words will so impress you, that in the very key roles and positions that you individually fill you will yourself repeat the message wherever you appropriately can. If when I have finished I have exposed myself as being a "square," then I will at least have partially accomplished my attempt to emulate FRANCES BOLTON for the magnificent "square" that she is.

A Washington radio-discussion commentator, who prides himself on being called "controversial," on his nightly 2-hour program not long ago called our current era the "goof-off age." I don't know that I completely agree with him, but I do know that there is much truth in his allegation, and even if his colorful characterization is a bit extreme, it is more accurate than extreme.

My way of putting it would be that we live in a time when there is a disturbing and distressing "glorification of the pragmatist" in the extreme. We see it in all walks of life—in all ages—in private life—in public life—in business—among workers—in Government.

But before saying any more, let us first take a look at pragmatism, an "ism" that is far more prevalent and widespread than communism and is among us daily more than almost any other "ism" you can mention. What is pragmatism, this doctrine of the glorified pragmatists? Its philosophy is the doctrine that practical results are the sole test of truth and that the end justifies the means.

In today's growing, but tragic, emphasis on materialism, we find a perversion of the values of things in life as we once knew them. For example, the creed once taught children as they grew up was that the most important thing was not in whether you won or lost the game but rather in how you played the game.

That high level attitude that stresses the moral side no longer dominates in this age of pragmatic materialism that increasingly worships the opposite creed that the end justifies the means or the attitude of get what you can in any way, manner or means that you can.

But let's get a little more earthy on what this means. You will remember the days when we were told by our parents that more important than winning or losing was how you played the game. It was the means rather than the end that was important and stressed.

With the pragmatist, it is just the opposite—for the stress is on winning or grabbing the ultimate objective no matter how you do it and no matter what means and tactics you resort to in order to get that objective.

Gone too much is the reverence and honor of playing the game fair and square regardless of the final outcome. Too prevalent now is the derisive attitude toward the square, who is foolish enough to conduct himself by the concept of the Golden Rule and that of earning his way instead of cutting corners the easy and cheap way.

For too many Americans are constantly looking for the easy way to do things—for the short cut—for the quick way out of a problem.

Too many Americans are trying to reduce with quick, easy shortcut methods such as the various goopy diet drinks, instead of the natural way by eating less and by working harder.

There is too much of a tendency of shrinking from the development of self-reliance—of not learning how to do things ourselves. Instead of the once normal and natural pride of do-it-yourself projects, there is too much of the attitude that by not knowing how to do something, someone else will do it for you.

Too often, if a conscientious worker concentrates on his work instead of watching the clock and thus has a greater work output, he or she gets in dutch with fellow workers who don't concentrate and put forth their best effort.

The conscientious, productive worker becomes unpopular and incurs the wrath of the other workers because they feel that they are being shown up in their less conscientious and productive work. There is too much of the slowdown attitude on the part of too many workers.

Do you remember when the motto of "service with a smile" had a real meaning? Do you remember when the customer was treated with courtesy and good service instead of merely tolerated with disdain and annoyance with being around?

Do you remember when there was pride in how the job was done, in how the service was rendered—instead of the pragmatic attitude of not caring about the way the job is done or the service rendered, but rather in just getting rid of the customer.

But this alarming attitude is not just among workers and in business. It exists also in public life—in our Government. For the trend is away from urging the development of self-reliance of our individual citizens. It is toward the Federal Government making the citizens more reliant upon the Federal Government—toward a policy and attitude of "let George do it" and "George" being the Federal Government.

It is a trend away from freedom and liberty toward a selfish and materialistic individual security—a weakening or loss of spiritual values for a blind grab for materialism.

The emphasis is more on how many press releases a mimeograph machine can turn out to create the image of a Senator getting things done for his State and constituents on what has become constant and routine Federal Government grants—on the thinly disguised battle of the press releases by which Senators and Representatives try to outscoop each other on getting credit for so many things for which they deserve no credit.

Yes, this philosophy of pragmatism that worships form and subverts substance—by which the important standard is creating the impression of what things seem to be rather than what they really are—has even permeated our homes and our private lives. We are living at such a rapid pace that we try to do too many things.

Too many of our young men and women are in college to attain a college degree not for the knowledge and learning that such a degree is supposed to symbolize—but rather the social status and background and the society value that it provides.

Again it is the emphasis of form over substance. Again it is the glorified philosophy of pragmatism, which is unconcerned with the means and totally intent upon the end—in which knowledge is of relative unimportance in the attainment of the degree.

There are two sides to this glorified modern pragmatism. The side of the pragmatism coin I have thus discussed is the selfish side with the attitude of "I'll get mine in whatever way I can and by any means I can." The other side of the pragmatism coin is the creed of "not getting involved."

The way that this not getting involved creed is expressed in the modern lingo of the pragmatists is to play it cool and cozy and not to stick one's neck out by taking a stand or openly espousing a principle. Playing it cool and cozy, you don't make anyone mad because by not taking a stand you never disagree with anyone.

Playing it cool and cozy means doing no more than you have to do and doing no more than your boss tells you to do—instead of making the mistake that the "square" does when he puts forth a little extra effort and takes some initiative to do a better job than the minimum requirements.

Most everyone has seen how too often these minimum doers strangely work their way to high positions—how by the system of mediocrity that rewards such minimum doers as they merely gravitate to the higher positions created by vacuums. They gravitate to those positions because they are not a threat to others like the "squares," who make the special effort, take the initiative and actually excel. "So play it cool and cozy, man—relax."

Unfortunately, this pragmatist creed of "not getting involved" has permeated far too many of our adults who know better. Do you remember the case of the 37 GI prisoners of the Chinese Reds in Korea who let another GI throw two diarrhea stricken fellow GI prisoners out in the snow to freeze to death—who didn't lift their finger to stop this certain death?

Why? Because they didn't want to get involved. This is a forceful illustration of the statement many of you will recall of the only thing necessary to insure the triumph of evil is for enough good men to do nothing.

We must reject the pragmatist cynicism that the sin is not the crime but rather getting caught is the crime. We must reject the pragmatic condoning of wrongdoing merely because everybody's doing it. We must develop self-discipline instead of surrendering to self-indulgence. We must do things because in our heart we know they are right—rather than not doing them because the mob might condemn us.

We must not be mental mutes with our voices stilled because of fear of criticism of what we say.

In this "age of the twist" or the "twisted age," we constantly complain about the decline in the value of the dollar—but rarely do we mention the more important decline—the decline in our moral and spiritual values as contrasted to our materialistic values.

Of course, today's dollar is only a fraction of the worth of the dollar 25 years ago. But that is not really important for, despite the inflation, most of us have a much higher materialistic standard of living than we did a quarter of a century ago even if today's dollar is only a fraction of the worth of the dollar 25 years ago.

But we certainly don't have a higher moral standard of living—or a higher sense of nonmaterialistic values. Take the schoolboy who worked at the neighborhood grocery store back in the early thirties from 6 in the morning until midnight sacking potatoes and sugar, lifting and carrying heavy boxes and sacks, on the constant go for 18 hours. He was proud of that check for 75 cents that he got.

It was not the amount of the check—the mere pittance of 75 cents for an 18-hour day—but it was the sense of achievement that that check symbolized. That schoolboy was proud that he had earned that check—and that pride gave him the incentive and the motivation for self-discipline and self-reliance that is so lacking today.

Too many schoolchildren—too many teenagers—today don't have that same sense of achievement value, that same sense of pride of earning. They don't have it because they are given no chance in the present-day system of high allowances and luxuries that spoil their sense of values.

In short, if our Nation is to regain the moral fiber that it once had, and it must have if our way of life is to survive, then we must dethrone the glorified pragmatists who advocate cutting corners, who preach the propaganda of expecting something for nothing, who espouse the doctrine that the end justifies the means, and who caution against getting involved on matters of principle.

We have got to untwist this twisted age and get back to respect and practice of fundamental truths and basic moral and spiritual values. And we have to start not with the next fellow, but with each of ourselves individually in a frank, even if agonizing, self-reappraisal aimed at self-discipline and self-reliance. We must start with ourselves—and the place we must start is right in our own homes.

Representative Race Urges Labor Support of President on Vietnam

EXTENSION OF REMARKS

OF

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1965

Mr. ZABLOCKI. Mr. Speaker, last weekend my distinguished colleague from the State of Wisconsin, the Honorable JOHN A. RACE, spoke to a convention of the Wisconsin State Council of Machinists at Port Washington, Wis.

In his remarks he urged strong support by the members of organized labor for the policies of the Johnson administration in Vietnam. He pointed out that labor's record of opposition to aggression and appeasement of aggressors is a long and honorable one.

Representative RACE made an eloquent and moving plea to his audience to recognize the Communist aggression in Vietnam as a calculated threat to their personal freedoms and the liberties of their children.

Because of the pertinency of this address to the events of the recent days, I am pleased to insert it into the RECORD at this point and urge the attention of my colleagues to it:

AN ADDRESS BY CONGRESSMAN JOHN A. RACE, TO THE WISCONSIN STATE COUNCIL OF MACHINISTS, PORT WASHINGTON, WIS., APRIL 30, 1965

I have been a delegate to these State council sessions for many years as a representative of my home lodge 1402 of Fond du Lac. Participation in these conferences, I am sure, sharpened my interest and broadened my horizons in the human affairs of my brothers—not only members of this great machinists union—but my countrymen, and brothers of the world.

I urge you to take advantage of these conferences. Learn from the experts here all you can about our union, the labor movement, and the best methods of achieving our goals.

Most of your work at this conference will be related to collective bargaining—your lodge's relationship to management—and legislation at the State and national levels that support our position.

I think I know what you expect me to talk about tonight. I think you anticipate, and you have every right to anticipate, that I will talk to you about labor legislation and the condition of the American working man.

Legislation like repeal of 14-B of the Taft-Hartley Act, revisions in unemployment compensation, increase and extension of the minimum wage law.

These issues are vital to you—and rightly so.

Other legislation even more important to you is the aid-to-education bill and the social security amendments contained in the so-called medicare bill.

I am sure I surprise none of you when I report that I voted in favor of the education bill which the President signed into law April 11. I also voted in favor of the social security, or medicare bill, which passed the House 313 to 115.

But I want to talk to you tonight about something even more important than labor legislation, than the education bill, than the social security amendments. You know where I stand on these issues anyway.

I am going to talk about the policies of this Government in the most serious crisis before the world today. This is more important to labor than labor law, because the working man, like the farmer, or the banker, or the bureaucrat, or the used car salesman is first an American. And the immediate interests of his country, and the cause for which it stands, come foremost in his mind and his heart.

I plan to talk to you tonight about the overriding issue of our time—and that is, which concept is going to prevail for our children and our grandchildren and future generations?

Revolutionary communism which denies the freedom of the individual?

Or our own free democratic society where the individual—and yes, the majority of individuals—is going to be master of his own destiny?

We, as members of the International Association of Machinists, have a proud history of being in the forefront battlelines opposed to communism.

We do not have to take a back seat to the Johnny-Come-Lately-Birchers—the Minutemen—or anyone else in love and loyalty to our country.

As pointed out in the recent editorial of our newspaper, the Machinist, * * * "Labor's record of opposition to appeasement of aggressors is long and honorable. Organized labor fought Mussolini, Hitler, Stalin, Mao Tse-tung, and Khrushchev. We now oppose Communist aggression against South Vietnam."

As a member of organized labor, as a Member of Congress, as an American, I support the policies of President Johnson on Vietnam.

I don't support them merely because he is President and I am a Democratic Member of Congress, though I think there is much to be said for the principle that all Americans ought to support the President in foreign policy matters unless he is clearly wrong.

I do not support him on the grounds that we don't know enough to have an opinion on the subject, because I feel the essential facts are available to the American people.

Moreover, I do not support the President because I feel superior to those who oppose him.

We in organized labor agree with President Johnson that the central lesson of our time is that the appetite of aggression is never satisfied.

"We fight," as the President said, "because we must fight if we are to live in a world where every country can shape its own destiny. And only in such a world will our own freedom be finally secure."

I have been studying our position and policy in Vietnam.

And I have been thinking about it—as, I am sure, you have.

Maybe some of you are confused over the rightness or wrongness of our actions in Vietnam. Maybe some of you—God forbid—are indifferent. Maybe some of you don't think we should be there. Maybe some of you have not thought about Vietnam in terms of a threat to your own peace and freedom in this country.

To you I address my remarks tonight. And I do so with the greatest sense of urgency.

A review of our newspapers reveals a deep division among our editorial writers and columnists. Some say we should not even be in Vietnam, while others urge an escalation of the war there.

A deep division of opinion also can be noted among our educators, religious leaders, and yes, even among Members of Congress.

And over Holy Week and Easter, thousands and thousands of young people from all over this country congregated in Washington to demonstrate against our Vietnam policy.

Let me try to put Vietnam in clearer perspective.

Let me try to help you understand a little more clearly that Vietnam is important to you—and why.

First of all, let me try to bring Vietnam a little closer to home.

I wonder how many of you could tell me the approximate population of Vietnam. You have been reading about Vietnam in your newspapers for years.

Why don't all of you, right now, make a mental guess of Vietnam's population.

Latest, reliable census figures for Vietnam place the population at 31,517,000 persons.

Roughly, that is the combined population of Wisconsin, Iowa, Minnesota, Michigan, Illinois, and Indiana.

The Vietnamese population is divided with about 16 million persons in North Vietnam, and 15 million in South Vietnam.

These 31 million persons live in a country, smaller in size than the combined land area of Wisconsin and Minnesota.

I mention these facts only to dispel a common belief that Vietnam is some little spot of jungle in southeast Asia, populated by a few thousand—or even a couple million—people living in huts.

North Vietnam shares its border with Communist China.

South Vietnam is like a finger stretching into the great, free area of southeast Asia with some 200 million persons not under Communist domination.

Communist success in South Vietnam would gravely threaten the freedom and independence of the rest of southeast Asia—including Laos, Cambodia, Thailand, Burma, Malaysia, Indonesia, India, and the Philippines.

There are more people living in those independent nations than in the entire United States.

We are in Vietnam for a very simple reason.

In 1954 and in 1962 the countries involved sought to negotiate the problems of that harassed and unhappy part of the globe. Negotiations were held and solemn agreements were entered into. Those agreements have been systematically and continually violated by the Communist regime in North Vietnam virtually since the day they were signed.

The North Vietnamese have been engaged in aggression against the territory and people of South Vietnam for several years. The evidence of this is overwhelming, and it has been made available for the American people to judge.

The heart of the problem in Vietnam is the infiltration of trained military personnel and war material from North Vietnam into South Vietnam.

The infiltration over the years has added tens of thousands of trained troops and saboteurs which are the hard core of the so-called Vietcong.

It is true that many people in South Vietnam are terrorized into cooperation, or at least passiveness. But there is no case at all to back up the assertion that this is essentially a civil war, or that there is mass support for the Vietcong in South Vietnam except where and when the Vietcong terror activities force the local people to cooperate.

In this connection, it is significant that the major type of Vietcong activity has been—not armed attacks against the troops of the South Vietnamese Government—but terror attacks against South Vietnamese civilians.

In December 1964, for example, there were 96 Vietcong armed attacks as compared to 1,719 acts of terrorism and 318 acts of sabotage.

If the Vietcong effort is, as they claim it is—"a Vietnamese people's struggle against imperialism"—murders and kidnapings of civilian men, women and children is a hell of a way to carry it out.

With friends like the Vietcong, the Vietnamese people hardly need enemies.

We are told that this is a civil war—that infiltration is not aggression—that this is a situation of Vietnamese fighting Vietnamese, or at least Asians fighting Asians, and we should not get involved.

Is infiltration aggression?

In June 1950, thousands of North Koreans marched together over the border into South Korea. The world knew this was an invasion, and the free world, acting through the United Nations, reacted against it.

The only difference in Vietnam is that instead of thousands of northerners marching south all at once, they have come in smaller groups over a longer period of time.

Korea proved that Communist aggression cannot succeed by blatant, large-scale military action. Profiting from that mistake, they now seek to make aggression succeed in the form of covert infiltration.

But aggression remains aggression, and our own self-interest as well as our obligation to the people of South Vietnam demand that we aid those who are defending themselves and who have asked for our assistance.

Let's examine some of these other arguments I mentioned.

This is a civil war, we are told, because Vietnamese are fighting Vietnamese. Yes, and Koreans were fighting Koreans in 1950, and there are, here and there on the globe, other countries split into Communist and non-Communist halves.

In 1776 our forefathers, who were British subjects, were fighting British subjects in the cause of liberty. And our ancestors welcomed foreign intervention to preserve our freedom against assaults on it by people who spoke our language and shared our heritage.

But, we are told, here we have Asians fighting Asians and white men shouldn't get involved.

If there is one principle for which the labor movement has stood in this country and around the world it is that human freedom is no less important to one group of men than to another because of color.

Are we really to believe that it is the authentic voice of progressive, liberal America that tells us that an Asian's independence and freedom and well-being are not worth a white's man's time to defend? I can't believe that.

The events within this country in the past few years and especially the past few months have reawakened in most American hearts a deep awareness that skin color doesn't establish the value of a man's liberty, and that any man's enslavement chains us all.

I cannot believe these things and then come to the conclusion that the Asian's right to be left alone is totally unrelated to the

American's right to be left alone. Of all arguments I have heard against our policies in Vietnam, I find this disguised racism the most obnoxious.

But it is so far away, we are told. Why bother?

Secretary of State Dean Rusk replied to this argument the other night in Washington and I want to quote him:

"Once again we hear expressed the views which cost the men of my generation a terrible price in World War II. We are told that southeast Asia is far away—but so were Manchuria and Ethiopia."

These, of course, were the faraway starting points of aggression which led this country into the Second World War.

Some of you here tonight may know the jungles of the Philippines, Burma, Okinawa, Iwo Jima, and Saipan from your own experiences during World War II. Some of you may have left buddies buried there.

History indicates that if initial aggression had been met firmly at Ethiopia and Manchuria, World War II never would have occurred.

From those failures and from history we have learned a lesson that we can now ignore only at our peril, only at the price of our own destruction.

Remember what President Johnson said in his address to the Nation from Johns Hopkins University?

"The central lesson of our time is that the appetite of aggression is never satisfied. To withdraw from one battlefield means only to prepare for the next."

I am not trying to scare you.

I am not here tonight as a prophet of doom and gloom.

I am taking this opportunity you gave me tonight to try to aid in the understanding of why I do—and why you should—support President Johnson in his firm, brave stand in South Vietnam.

My brother machinists, I have been one of you for more than 20 years.

I love my State of Wisconsin, as you do.

I love my country, as you do.

I love my freedom, as you do.

I want peace, and hate war, as you do.

The people of the Sixth District of Wisconsin have elected me to the highest council of our country. With this trust must go the responsibility of doing my very best to promote, protect, and preserve their interests—which are your interests.

All the legislation accomplishments in the field of labor, social welfare, and human values, are not going to be worth the paper they are written on, if we do not preserve our fundamental rights of freedom and liberty.

We are in Vietnam, then, because aggression is taking place. It is part of a perfectly conscious, perfectly open test by Hanoi and Peiping of America's will to resist this kind of aggression.

In a recent statement, a North Vietnamese Communist army general said, "South Vietnam is the model of the national liberation movement of our time * * *. If the special warfare that the U.S. imperialists are testing in South Vietnam is overcome, then it can be defeated everywhere in the world."

I repeat the phrase—"Everywhere in the world."

Not just Vietnam, not just southeast Asia, not just Asia. But the world.

The last time dedicated young men sang about today owning their homeland, tomorrow the entire world, they wore swastikas and followed an insane housepainter perilously close to world domination.

It took history's most brutal war to stop them.

The harsh reality of Vietnam is that our own country's security is threatened by those who have embarked upon a course of aggression whose announced purpose is our own destruction.

And yet, we hear some Senators and Congressmen calling for what amounts to our surrender to aggression in southeast Asia. Similar calls for cease-fire have been heard from editorial writers, educational and religious leaders—and thousands of young people picketing in front of the White House.

There surely is room for differences of opinion in this country.

I respect the rights of all those persons to disagree and to disagree loudly with President Johnson's firm stand in Vietnam.

But I think they are wrong. And I hope you do, too.

In the face of history and logic, President Johnson could do no less than to make the price of aggression as painful and costly as possible.

And that is the most vital and first reality of Vietnam—that North Vietnam has attacked the independent nation of South Vietnam, with total conquest its objective.

Whether we like it or not, history has led this great Nation of ours, at this time, to a point of unchallenged leadership among the free peoples of the world.

It was not always so.

But we as a nation, and as alert freedom loving machinists and Americans, must accept that role of leadership.

And what does that role mean for us?

In my judgment, it means standing up to be counted—in whatever form it may take in your home lodge, your shop, and your community—not only to support, but to promote the firmest, strongest check to aggression.

As a matter of enlightened reality, we should demand it.

If Vietnam is allowed to fall to aggression by inches, Laos will not be far behind. And then Cambodia, Thailand, Burma, Malaysia, India, and the Philippines. Two hundred million people.

This is the price—if we fail in South Vietnam.

And this is especially so, if it is our nerve that fails. A purely military defeat would be a bad thing. It would encourage our enemies and discourage others.

Its bad effects would reverberate among the nations and echo off the continents. Such a failure would be disastrous.

But, in my judgment, a failure of nerve, a loss of will to make the fight, would be even more disastrous.

If we try and fail in Vietnam, we will know that we have not yet developed the capability to resist this kind of aggression. And develop this capability we can and must do, given the time—which we may not be given.

But if we lose the will to resist, we can never again ask anyone, anywhere, to depend on our word.

Organized labor, and especially the members of the Machinists Union, have never been wilting violets when it comes to meeting threats to our most precious rights to freedom and liberty.

I appeal to you tonight to recognize the Communist aggression in Vietnam as a calculated threat to your own personal freedom, and the freedom of your children and grandchildren.

Failure to achieve this recognition by the citizens of this Nation encourages the Communist aggressors in Vietnam and on other freedom fronts of the world.

Success in achieving this recognition, as the necessary basis for determined efforts in repelling aggression, can and will halt aggression. At least here and now on the test chosen by the Communists in Vietnam.

An end to the fighting, of course, is our immediate goal. The President of the United States has made an offer of unconditional discussions.

In his words:

"There may be many ways to this kind of peace—in discussion or negotiation with the governments concerned—in large groups or in small ones—in the reaffirmation of old agreements or their strengthening with new ones."

There are no strings attached to this offer. I fail to see why the opponents of the President's policies must continue to demand that we continue to retreat from the position embodied in that eminently reasonable offer.

These opponents of what we are trying to do in that part of the world demand negotiations. We have tried negotiations twice before, and we are willing to try them again.

Now they demand that we withdraw, that we stop our military actions, that we disinvolve ourselves, and at the same time that we exercise rigid control over the way in which the South Vietnamese Army conducts itself.

American labor, I am proud to say, has supported the President's hand in this crucial struggle. Just 2 months ago, the executive council of the AFL–CIO adopted a firm resolution pledging our full support to the President, and calling upon organized labor everywhere to show understanding and support of that policy.

We must understand—and never fortget—that the greatest prize and greatest goal of the Communists, is conquest of the United States of America.

Whether it be Vietnam, Berlin, Korea, or Cuba—they are just the first step toward the Capitol of the United States. At the moment, it is Vietnam.

The sooner and clearer this is understood by the people of this blessed land, the less chance communism will have of ever taking the second step.

SENATE

Wednesday, May 5, 1965

The Senate met at 12 o'clock meridian, and was called to order by Hon. Hugh Scott, a Senator from Pennsylvania.

Dr. James E. Kirkland, minister, Union Baptist Church, Philadelphia, Pa., offered the following prayer:

Eternal God, our Heavenly Father, into Thy presence we come with grateful hearts, to thank Thee for the blessings which Thou hast given us, for in Thy presence is fullness of joy, and at Thy right hand there are pleasures forevermore. We thank Thee for Thy guiding hand, Thy protecting care, and Thy sustaining grace. We thank Thee for the message which has come down to us over the centuries.

שמע ישראל אלהים אלהינו אלהים אחד

"Hear, O Israel; the Lord is our God, the Lord is one." Grant that this fair land of ours may ever hear Thee, the God of Abraham, Isaac, and Jacob, the God of our Founding Fathers; for in Thee we find the great center around which all worlds must ultimately revolve, the great equation without which the mighty world problems which now baffle the keenest perceptions of our wisest statesmen and profoundest philosophers cannot be permanently solved, the great rock that the weathering agents of communism and secularism cannot erode.

Bless our Nation, every segment of our fair land, all derivatives, of whatever nature or name, north, east, south, and west. May we never forget that we have been brought to this large place in world history, not for favor, but for service—to be a blessing to all mankind. Fire the moral and spiritual fiber of the Nation, that we, as a nation, may never forget that things in themselves are too poor to make us rich, too low to raise us to happiness, too limited and narrow and circumscribed to fill the capacities of our nobler and holier nature. Heighten our moral and spiritual horizon, that we may dedicate all that we have and are to Thee. Make us for Thyself, make us like Thyself, for our souls are restless until they rest in Thee. In Thy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 5, 1965.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HUGH SCOTT, a Senator from the State of Pennsylvania, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. SCOTT thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 60) to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1291. An act for the relief of the children of Mrs. Elizabeth A. Dombrowski;

H.R. 1374. An act for the relief of CWO Elden R. Comer;

H.R. 1475. An act for the relief of Mrs. Helen Veselenak;

H.R. 2155. An act for the relief of Mrs. Gertrude Reskin;

H.R. 2681. An act for the relief of Shirley Shapiro;

H.R. 2985. An act to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers;

H.R. 3075. An act for the relief of Bryce A. Smith;

H.R. 3076. An act for the relief of the estate of Bart Briscoe Edgar, deceased;

H.R. 3137. An act for the relief of McKoy-Helgerson Co.;

H.R. 4443. An act for the relief of Robert J. Beas;

H.R. 5640. An act to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes; and

H.R. 7765. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1291. An act for the relief of the children of Mrs. Elizabeth A. Dombrowski;

H.R. 1374. An act for the relief of CWO Elden R. Comer;

H.R. 1475. An act for the relief of Mrs. Helen Veselenak;

H.R. 2155. An act for the relief of Mrs. Gertrude Reskin;

H.R. 2681. An act for the relief of Shirley Shapiro;

H.R. 3075. An act for the relief of Bryce A. Smith;

H.R. 3076. An act for the relief of the estate of Bart Briscoe Edgar, deceased;

H.R. 3137. An act for the relief of McKoy-Helgerson Co.;

H.R. 4443. An act for the relief of Robert J. Beas; and

H.R. 5640. An act to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes; to the Committee on the Judiciary.

H.R. 2985. An act to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers; to the Committee on Labor and Public Welfare.

H.R. 7765. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes; to the Committee on Appropriations.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 4, 1965, was dispensed with.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Permanent Investigations of the Committee on Government Operations and the District of Columbia Committee were authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports were submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

John A. Schnittker, of Kansas, to be Under Secretary of Agriculture.

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Executive A, 89th Congress, 1st session. Amendments to the Charter of the United Nations, to enlarge the membership of the Security Council and the Economic and Social Council, and for other purposes (Ex. Rept. No. 1).

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

UNITED NATIONS

The Chief Clerk proceeded to read sundry nominations in the United Nations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF STATE

The Chief Clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS ON ORGANIZATIONS OWNING EXEMPTED PROPERTY IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, reports of every institution, organization, corporation, or association other than the U.S. Government, government of the District of Columbia, and foreign governments, owning property exempt under provisions of the act, for the calendar year 1964 (with accompanying papers); to the Committee on the District of Columbia.

MODIFICATION OF CERTAIN REPORTING REQUIREMENTS OF LAW

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to discontinue or modify certain reporting requirements of law (with an accompanying paper); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overstatement of job opportunities estimated to be created in economically depressed areas, Area Redevelopment Administration, Department of Commerce, dated May 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive aircraft assigned to Fort Wolters as a result of overstated requirements, Department of the Army, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inadequate maintenance and supply support of aviation units of 8th U.S. Army, Korea, Department of the Army, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on possible need for clarification of statutory provision limiting the amount of Federal financial assistance to industrial or commercial projects, Area Redevelopment Administration, Department of Commerce, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

"SENATE JOINT RESOLUTION 17

"Joint resolution relating to egg prices

"Whereas the recent unprecedented decline in egg prices has resulted in prices often below the cost of production, and unless consumption of eggs is increased such prices may further decline; and

"Whereas the poultry and egg industry is vital to the well-being of the economy of not only California but the entire Nation; and

"Whereas literally hundreds of poultry producers will be forced to close down their businesses unless they can receive at least the cost of their producing poultry and eggs, which could result in a serious loss of this vital food to the consuming public: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California (jointly)*, That the Congress of the United States and the U.S. Department of Agriculture are requested to promptly take all appropriate action to increase the consumption of eggs by requesting retailers to promote eggs heavily at this time of low prices and by urging schools to increase their purchase of eggs for use in their feeding programs; and be it further

"*Resolved*, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the U.S. Secretary of Agriculture."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION 24

"Joint resolution relative to closing of Veterans' Administration facilities

"Whereas the closing of certain regional offices, hospitals, and domiciliaries of the U.S. Veterans' Administration is now being considered as an economy move; and

"Whereas the closing of the hospitals will necessitate the removal of the patients to other distant hospitals at great inconvenience and hardship to themselves and their families or will result in their discharge and consequent dependence on local welfare facilities, thus decreasing or eliminating the expected savings; and

"Whereas there is, at the present time, a list of several thousand awaiting admittance to such hospitals; and

"Whereas there will be a continuing and increasing demand for such facilities as the average age of the veterans of World War II and subsequent campaigns advances; and

"Whereas the closing of the regional offices would place an undue burden on the veterans in those regions in that they will be deprived of the personal contacts and services provided by these offices: Now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to conduct a full-scale study and review of the effect that will result from the proposed closing upon the veterans and their families and upon the welfare facilities of the States and communities affected, before authorizing the closing of these Veterans' Administration facilities; and be it further

"*Resolved*, That the secretary of the senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

H.R. 7064. A bill to amend the Foreign Service Buildings Act of 1926, as amended (Rept. No. 175).

By Mr. STENNIS, from the Committee on Appropriations, without amendment:

H.J. Res. 447. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes (Rept. No. 176).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EASTLAND:

S. 1902. A bill for the relief of Isa Yousef Baba; to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 1903. A bill to amend the United Nations Participation Act, as amended (63 Stat. 734–736); to the Committee on Foreign Relations.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 1904. A bill to authorize the Secretary of the Interior to give to the Indians of the Pueblos of Acoma, Sandia, Santa Ana, and Zia the beneficial interest in certain federally owned lands heretofore set aside for school or administrative purposes; to the Committee on Interior and Insular Affairs.

TO AMEND THE UNITED NATIONS PARTICIPATION ACT, AS AMENDED (63 STAT. 734–736)

Mr. SPARKMAN. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the United Nations Participation Act, as amended—63 Stat. 734–736—and for other purposes.

The proposed legislation has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Secretary of State, dated April 24, 1965, as well as a memorandum to accompany proposed amendment to the United Nations Participation Act.

The PRESIDING OFFICER (Mr. BASS in the chair). The bill will be received and appropriately referred; and, without objection, the bill, letter, and memorandum will be printed in the RECORD.

The bill (S.1903) to amend the United Nations Participation Act, as amended (63 Stat. 734–736), introduced by Mr. SPARKMAN, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a), (b) and (d) of the United Nations Participation Act of 1945, as amended by Public Law 341, 81st Congress, October 10, 1949, are hereby further amended to read as follows:

"(a) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the United Nations who shall have the rank and status of Ambassador Extraordinary and Plenipotentiary and shall hold office at the pleasure of the President. Such Representative shall represent the United States in the Security Council of the United Nations and may serve ex officio as representative of the United States in any organ, commission, or other body of the United Nations other than specialized agencies of the United Nations, and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct.

"(b) The President, by and with the advice and consent of the Senate, shall appoint additional persons with appropriate titles, rank, and status to represent the United States in the principal organs of the United Nations and in such organs, commissions, or other bodies as may be created by the United Nations with respect to nuclear energy or disarmament (control and limitation of armament). Such persons shall serve at the pleasure of the President and subject to the direction of the Representative of the United States to the United Nations. They shall, at the direction of the Representative of the United States to the United Nations, represent the United States in any organ, commission, or other body of the United Nations, including the Security Council, the Economic and Social Council, and the Trusteeship Council, and perform such other functions as the Representative of the United States is authorized to perform in connection with the participation of the United States in the United Nations. Any Deputy Representative or any other officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended.

"(d) The President may also appoint from time to time such other persons as he may deem necessary to represent the United States in organs and agencies of the United Nations. The President may, without the advice and consent of the Senate, designate any officer of the United States to act without additional compensation as the representative of the United States in either the Economic and Social Council or the Trusteeship Council (1) at any specified session thereof where the position is vacant or in the absence or disability of the regular representative or (2) in connection with a specified subject matter at any specified session of either such Council in lieu of the regular representative. The President may designate any officer of the Department of State, whose appointment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States in the Security Council of the United Nations in the absence or disability of the representatives provided for under section 2 (a) and (b) or in lieu of such representatives in connection with a specified subject matter."

SEC. 2. Section 2 of such Act is hereby further amended by redesignating subsections (e) and (f) to be subsections (f) and (g) respectively; and by adding after subsection (d) the following new subsection:

"(e) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the European office of the United Nations with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such person shall, at the direction of the Secretary of State, represent the United States at the European office of the United Nations, and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State may, from time to time, direct."

The letter and memorandum presented by Mr. SPARKMAN are as follows:

THE SECRETARY OF STATE,
Washington, D.C., April 24, 1965.

Hon. HUBERT H. HUMPHREY,
President of the Senate.

DEAR MR. VICE PRESIDENT: I submit herewith a proposed draft amendment to the United Nations Participation Act of 1945, as amended by Public Law 341, 81st Congress. The proposed amendment would grant the President wider discretion in the assignment of top level personnel of the U.S. mission to the United Nations, give the U.S. representative to the United Nations more flexibility in assigning these officials to the various organs of the United Nations in accordance with workload, and authorize the President to appoint a U.S. representative to the European office of the United Nations.

During the 88th Congress, similar legislation was introduced in the Senate and the House. Both the Committee on Foreign Relations and the Committee on Foreign Affairs reported favorably, S. 949 with amendments, and H.R. 6283 with minor amendments. S. 949, as amended, was passed by the Senate. However, the Congress adjourned before the House could take action on H.R. 6283. Except for a few technical changes, the bill now proposed is identical with that passed by the Senate.

A memorandum of explanation of the draft bill to amend the United Nations Participation Act is enclosed.

The submission of this proposed legislation has been approved by the Bureau of the Budget as being consistent with the administration's objectives.

Sincerely yours,

DEAN RUSK.

MEMORANDUM TO ACCOMPANY PROPOSED AMENDMENT TO THE UNITED NATIONS PARTICIPATION ACT

The United Nations Participation Act now authorizes a Representative and a Deputy Representative of the United States at the United Nations, both of whom shall have the rank and status of Envoy Extraordinary and Ambassador Plenipotentiary. In addition, another deputy representative to the Security Council is authorized and the President also may appoint, from time to time, such other persons as he may deem necessary to represent the United States in the agencies of the United Nations including the Economic and Social Council and the Trusteeship Council.

Ambassador Stevenson has found this to be unnecessarily rigid and it is proposed that the provisions specifying the number and the role of the deputies and their diplomatic titles be deleted. In lieu thereof, the proposed amendment would authorize the President to appoint such additional persons with appropriate title, rank, and status as he deems necessary to represent the United States in the principal organs of the United Nations. In addition, these officers would, at the direction of the U.S. Representative to the United Nations, represent the United States in any organ, commission, or other body of the United Nations including the Security Council, the Economic and Social Council and the Trusteeship Council and perform such other functions as the U.S. Representative is authorized to perform.

These changes will permit the U.S. Representative to organize his staff and assign their duties as he deems necessary to accomplish his mission effectively. In the case of the two deputy representatives, Ambassador Stevenson has in mind that they should be alter egos of the U.S. Representative and available to represent the United States in any way in which he himself is able to do so. Although the proposed amendment gives the U.S. Representative greater flexibility in determining assignments, it remains appropriate for an individual who was to be appointed, for example, to spend most of his time on the Economic and Social Council, to be appointed as representative to that Council, and that the Senate in advising and consenting on his appointment would consider primarily his ability and qualifications to fulfill those duties. This, however, would be on the understanding that if the U.S. Representative to the United Nations found it desirable to utilize him temporarily as representative to one of the other organs, he would be in a position to do so.

The amendment also provides that persons who would represent the United States in the principal organs of the United Nations, including bodies that may be created by the United Nations with respect to nuclear energy or disarmament, would be appointed subject to the advice and consent of the Senate. Persons appointed to represent the United States in other organs, commissions, and bodies of the United Nations would not require the advice and consent of the Senate.

It is not intended that enactment of this amendment would necessitate the reappointment of any person holding office at the time of its enactment.

Since 1960 the United States has maintained in Geneva a U.S. representative to the European Office of the United Nations and other international organizations with the personal rank of ambassador. The amendment would provide a statutory basis for this position.

Over the years Geneva has become increasingly important as the site of many international conferences and organizations. At the present time Geneva houses 20 international intergovernmental organizations, including four specialized agencies (the International Labor Organization, the World Health Organization, the International Telecommunication Union, and the World Meteorological Organization); a regional economic commission (the Economic Commission for Europe); a multilateral institution for the negotiation and discussion of trade problems (the General Agreement on Tariffs and Trade); a regional trade arrangement in which the United States has an important interest (the European Free Trade Association); and two institutions concerned with refugees and migration (the United Nations High Commissioner for Refugees and the International Committee for European Migration).

As the second conference center of the United Nations, some 3,000 conference sessions a year are held including not only conferences of the resident agencies but regular meetings of such United Nations bodies as the Economic and Social Council, the Human Rights Commission, and the International Law Commission.

There are now in Geneva some 56 resident missions (as distinguished from consulates), 31 of them headed by Ambassadors. All in all, there are permanently located in Geneva several thousand international civil servants and foreign government representatives, plus several thousand more representatives of private organizations and business firms with a direct and continuing interest in this diplomatic activity.

It is proposed in this amendment that the President by and with the advice and consent of the Senate, shall be authorized to appoint a representative of the United States to the European Office of the United Nations with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. In addition to representing the United States at the European Office of the United Nations, such person shall perform such other functions in connection with the participation of the United States in international organizations as the Secretary of State may direct.

SOCIAL SECURITY AMENDMENTS OF 1965—AMENDMENT (AMENDMENT NO. 155)

Mr. CARLSON submitted an amendment, intended to be proposed by him, to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

COVERAGE OF THE SERVICES OF MEDICAL SPECIALISTS UNDER THE BASIC HOSPITALIZATION PLAN OF H.R. 6675—SUBSTITUTE LANGUAGE FOR AMENDMENT NO. 79 (AMENDMENT NO. 156)

Mr. DOUGLAS. Mr. President, on April 13, page 7824 of the Record, I submitted for myself and other Senators, an amendment to restore coverage of the costs of the services of hospital specialists under the basic hospitalization plan of H.R. 6675. This would have the effect of restoring the intent of the Anderson bill, S. 1, in this matter. Under the amendment, where the hospital provides the services of these specialists—identified as medical specialists in the field of pathology, radiology, physiatry, or anesthesiology—the cost of their services would be reimbursable to the hospital under the basic hospitalization plan to be established by part A of title I of H.R. 6675. Where the specialist bills the patient directly for his services, that charge can be covered under the voluntary insurance section of the bill—although such coverage is limited by the $50 deductible and the provision that requires the patient to pay 20 percent of covered charges above this deductible.

This amendment should be adopted to avoid an unnecessary and confusing burden on the patient-beneficiaries. It is encouraging to know that the Secretary of Health, Education, and Welfare testified in support of this amendment before the Finance Committee last week.

Mr. President, the legal eagles in the legislative drafting offices of the Senate and the Department have now revised their thinking with respect to the appropriate language to accomplish the purpose of our amendment. I emphasize that there is no change in our intent, merely a revision of the appropriate placement of the amendment. In order that the record be clear, I therefore submit this revised amendment, for myself and Senators Moss, Neuberger, Hartke, Javits, Kennedy of New York, and Young of Ohio. I ask that it be printed in the Record at this point, and that it also be printed as an amendment and referred to the Committee on Finance.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 156) was referred to the Committee on Finance, as follows:

> On page 64, line 12, strike out "intern" and insert in lieu thereof "intern (other than services provided in the field of pathology, radiology, physiatry, or anesthesiology)".

Mr. DOUGLAS. Mr. President, when I submitted this amendment previously, I also put in the Record a number of letters on this matter which I have received from administrators of Illinois hospitals. I have now received an additional number of these comments on my amendment. Without exception, apparently, the hospital administrators in Illinois endorse the amendment. These letters are very helpful in spelling out the serious consequences of this exclusion of these services under the House bill.

I ask unanimous consent that 23 additional letters and telegrams be printed in the Record.

There being no objection, the letters and telegrams were ordered to be printed in the Record, as follows:

Chicago, Ill.,
April 13, 1965.

Hon. Paul H. Douglas,
U.S. Senate,
Washington, D.C.

Bill (H.R. 6675) must be modified to include cost incurred for pathology, radiology, anesthesiology, and physiatry. We encourage your strongest action to protect hospitals and the patients they serve. Neither one can afford to assume these burdens. Call on us for any support we can give you.

Best wishes,

St. Annes Hospital.

Presbyterian-St. Luke's Hospital,
Chicago, Ill., April 23, 1965.

Hon. Paul H. Douglas,
U.S. Senate,
Washington, D.C.

Dear Senator Douglas: I had the great good fortune to read a copy of your remarks made in the Senate on March 29, 1965, with regard to the exclusion of various hospital based specialist costs from H.R. 6675. Please know that many of us support you in your stand—from the point of view of the patient, the institutions purveying the care, and also from the spirit of intent implicit in medicare, as Dr. Gruening and the Times editorial point out.

Respectfully,

James A. Campbell, M.D.
President.

Burnham City Hospital,
Champaign, Ill., April 21, 1965.

Hon. Paul H. Douglas,
Senate Office Building,
Washington, D.C.

Dear Senator Douglas: Thank you very kindly for your letter of earlier this month and the copy of your address on "Costs of Hospital Services of Radiologists, Pathologists, Physiatrists, and Anesthesiologists Under Medicare."

We are in full agreement with you that the costs of services of the above specialists should be included in medicare. Hospitals have historically included the costs of these services in their charges, and as you have indicated in your address they have been paid for by Blue Cross, private hospital insurance programs, Kerr-Mills public assistance and most significantly, the medicare program for dependents of members of the Armed Forces.

Since the public is accustomed to this coverage it is our belief that to disallow such payment would be to mislead those over 65 into believing that medicare provided certain usual benefits which would actually become their responsibility to pay. Since the public will rely heavily on medicare and not make provision for this exclusion the burden will most surely fall on the hospital and on the patient who can pay. This will tend to inflate hospital costs even more, which in turn could most understandably produce more pressure on the Congress for expanded benefits and for broader coverage of our people.

Surely it should take no foresight to see with any degree of certainty the burgeoning effects of this exclusion and in fact the entire medicare bill itself.

We presently have in Illinois the following devices for medical and/or hospital assistance:

IDPA (department of public aid and Kerr-Mills public assistance).

OAA—old age assistance.

BA—blind assistance.

DA—disability assistance.

ADC—aid to dependent children.

ADCU—aid to dependent children, unemployed.

AMIA—assistance to medically indigent aged.

Division of vocational rehabilitation.

Division of services for crippled children.

Township supervisors.

Veterans' administrator (if service connected and an emergency).

In the name of reason, why add an additional progressive taxpayer burden to a system which already has built-in provisions to perform the same job?

Though the system in England is different in some respects from that which is proposed here, surely you are aware of the staggering problems and cost inherent in the administration of the program there. Doctors from India and Pakistan and other countries with sublevel medical training are taking the place of many well-trained native-born doctors who, having become frustrated and disappointed with the program, have either retired or left the country. Compounding the problem of inferior education is the barrier of language.

Our country of all countries is notable for its high level of medicine; its penetrating and costly research; the quality of patient care in hospitals which results from competitive endeavor; the voluntary subjection to accreditation; and the compliance with regulatory bodies established under our free system of government. These established qualities cannot help but deteriorate under the effects of a medicare program.

We do hope your efforts to bring about in the Senate the changes you request and support will meet with success.

Sincerely yours,

Charles Becker, Jr.,
Administrator.

MONMOUTH HOSPITAL,
MONMOUTH, ILL., *April 21, 1965.*

Hon. PAUL H. DOUGLAS,
U.S. Congress,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your letter of April 2 concerning the bill, H.R. 6675, amending the Social Security Act.

I heartily agree with you that the exclusion of the costs of medical specialists as a reimbursable hospital expense would hurt the hospitals a great deal financially. I would certainly stress that you make every effort possible to see that such costs are included before the bill is passed on by the Senate.

I certainly appreciate your interest and concern in this matter.

Very truly yours,
ROGER E. GURHOLT,
Administrator.

ROCKFORD, ILL.,
April 19, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR DOUGLAS: With reference to your recent letter to hospital administrators throughout the State, I would like to express my opinion that a Federal hospital insurance program which failed to cover the costs of such hospital services as laboratory and X-ray work would be a very serious mistake and it would have the effect of seriously damaging the entire program, creating new problems in the hospital-physician relationships and substantially increasing the complexity of administration of a program which will undoubtedly be almost impossibly complex to begin with.

I do not endorse the idea of a Federal health care program under social security. It is my opinion that the changes which were made in the House of Representatives to H.R. 1 served only to make a bad bill worse.

Sincerely,
STANLEY F. MASSON.

MEMORIAL HOSPITAL OF DUPAGE COUNTY,
Elmhurst, Ill., April 14, 1965.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: I thank you for your letter of April 2, 1965, regarding H.R. 6675 amending the Social Security Act to make provision for health insurance for the elderly.

I would certainly agree that it would be a mistake for this bill to be signed by the President without including hospital reimbursement for the services of medical specialists. These people are on the hospital payroll in this institution and the cost of their services in many instances could represent as much as 25 percent of a patient's hospital bill. To exclude reimbursement for medical specialists would be contrary to the customary hospital procedure for reimbursement as it exists with other third parties such as Blue Cross-Blue Shield, commercial health insurance, and various other agencies who purchase hospital care.

We would strongly support the Senate Finance Committee's serious consideration of amending the present bill to include these services as a part of the basic hospital and nursing care program.

Thank you for calling this matter to our attention and requesting our views on this subject.

Sincerely yours,
MARTIN F. HEIDGEN, M.D.,
Administrator.

CHARLESTON COMMUNITY MEMORIAL HOSPITAL,
Charleston, Ill., April 14, 1965.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: While I disagree with you on your support of King-Anderson legislation, I wish to commend you for your stand against removal of radiology, anesthesiology, pathology, and physiatry from social security benefits.

Your speech of March 29 indicated a good understanding of one of our major problems with King-Anderson.

Yours truly,
WAYNE P. ANNIS,
Administrator.

ROSELAND COMMUNITY
HOSPITAL ASSOCIATION,
Chicago, Ill., April 14, 1965.

Hon. PAUL H. DOUGLAS,
Senator, State of Illinois, Senate Office Building, Washington, D.C.

DEAR SENATOR DOUGLAS: You are well informed to recognize the possible inequity which would result if the in-hospital services of pathologists, radiologists, and physiatrists are excluded from consideration as reimbursable hospital costs, as provided in the medicare type program.

Some of these specialists are paid on a fee-for-service basis by the hospital and others on a percentage basis by the hospital. The charges for their services are an integral part of the total charge for laboratory, X-ray, or physical therapy.

While technically these specialists are not employees of the hospital, their relationship is similar to that of employer-employee. Certainly, as their compensation is a part of hospital expense, the hospital should be reimbursed under a medicare type program.

Sincerely yours,
ARTHUR ISHERWOOD,
Administrator.

ST. JOSEPH'S HOSPITAL,
Bloomington, Ill., April 14, 1966.

Re your letter of April 2, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate, Washington, D.C.

DEAR SENATOR DOUGLAS: This is to confirm your belief that the existing relationship between a hospital, a hospital centered specialty physician, and the patient would be disturbed to no advantage to the patient if it is required that the satisfactorily established method of payment be changed without consideration to local need.

Yours respectfully,
Sister M. BONAVENTURA, O.S.F.,
Administrator.
GERARD F. ODENWELLER,
Associate Administrator.

DECATUR AND MACON COUNTY HOSPITAL,
Decatur, Ill., April 16, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate, Washington, D.C.

DEAR SENATOR DOUGLAS: I have received your letter of April 2, 1965, on the bill H.R. 6675 amending the Social Security Act. In addition, I have read a reprint of your remarks before the Senate on March 29 regarding the costs of hospital services of radiologists, pathologists, psychiatrists, and anesthesiologists under medicare.

I firmly endorse your analysis of the situation and would strongly urge you to continue your efforts to amend the bill to include these hospital-based specialists as part of the hospital's services.

In addition to the points that you made before the Senate on March 29, there is the additional cost related to the administration of such charges. Unless the bill is amended, each time a patient comes to the hospital, the administering agency could receive as many as five bills for processing if the patient used the services of all the medical specialists involved. In many cases, the hospital would still have to process the charge on behalf of the specialists since most hospital-based specialists are not equipped to bill patients directly. This would undoubtedly lead to a greater cost of the services of these specialists.

We are more concerned over some of the points mentioned in your comments before the Senate; however, since this point was not covered in your comments, you may feel it significant enough to use at a later date.

Sincerely yours,
ANTHONY J. PERRY,
Administrator.

LAKE FOREST HOSPITAL,
Lake Forest, Ill., April 14, 1965.

Hon. PAUL H. DOUGLAS,
Congress of the United States,
Washington, D.C.

DEAR MR. DOUGLAS: I am writing in reply to your letter of April 2, 1965, and to advise you that I support your position regarding the inclusion of laboratory, X-ray and anesthesiology services as part of hospital reimbursable costs.

While I personally take exception to the social security method of providing care for the elderly, I do feel that any program should be workable and consistent with present hospital practices. Certainly reimbursement for laboratory and X-ray services should remain a part of the total hospital picture.

Very truly yours,
GEORGE B. CALDWELL,
Administrator.

PROCTOR COMMUNITY HOSPITAL,
Peoria, Ill., April 14, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: As an Illinois hospital administrator, and a past president of our Illinois Hospital Association, I wish to commend you for your interest in making proposed provisions for health care for the elderly a meaningful program.

I am greatly concerned about the proposal to exclude hospital costs for the services of medical specialists from our reimbursable cost formula, and might add that, locally, the specialists themselves are just as concerned.

In this respect it does not appear that representatives of the American Medical Association and the speciality boards are expressing the opinion of the individual specialists, at least those with whom I have discussed the proposals.

I agree with the concerns you have expressed in your presentation to the Senate, and, especially in regard to the inflationary effect on costs of health care that such action would inevitably have. However, I am further concerned about the possibility of general practitioners failing to continue the use of the specialists when a separate fee is involved which might be available to them.

This could only have the effect of lowering the quality of care to the elderly.

There is every reason to believe that if the present methods of providing services of the specialists is maintained, that we in hospital administration are capable of resolving any differences that might arise with specialists employed in our institutions, and I strongly urge that we be given the opportunity to do so.

Yours sincerely,
LEONARD P. GOUDY,
Administrator.

SCHWAB REHABILITATION HOSPITAL,
Chicago, Ill., April 15, 1965.
Senator PAUL H. DOUGLAS,
Congress of the United States, Senate Office Building, Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your letter and the accompanying reprint of your address in the Senate regarding your position on the exclusion of medical specialists in House bill H.R. 6675. After having read the reprint, I find myself in complete agreement with your position.

As the administrator of a rehabilitation hospital whose patient population consists of a large number of disabled, aged, and keenly aware of their many financial problems, I should like to encourage your vigorous pursuit of an appropriate solution.

Sincerely,
IRA H. GOLDBERG.

BETHANY BRETHREN HOSPITAL,
Downers Grove, Ill., April 13, 1965.
Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: It is a great comfort to know that you and other leaders in the Senate are aware of the provision in the medicare bill which excludes the payment for the in-hospital services of medical specialists.

This battle has been raging for many years and so far the majority of hospitals have effectively held down the cost of medical care by having these payments included in the medical bills.

May I urge you to continue your efforts to have this provision removed from the bill.

Respectfully yours,
JOHN C. ELLER,
Executive Director.

PRESBYTERIAN-ST. LUKE'S HOSPITAL,
Chicago, April 13, 1965.
Hon. PAUL H. DOUGLAS,
U.S. Senator, Vice Chairman, Joint Economic Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR DOUGLAS: I reviewed with considerable interest your remarks regarding in-hospital services of medical specialists—anesthesiologists, pathologists, radiologists, and physiatrists—which under H.R. 6675 are excluded from consideration as reimbursable hospital costs.

As a hospital administrator I am greatly concerned that the bill, when enacted into law, provide the best health benefits to the patient public in the most appropriate form.

I was pleased to note in the March 29, 1965, issue of the CONGRESSIONAL RECORD that you had addressed yourself to this serious matter. Your views as to the inconsistency of excluding these services from computation of hospital costs is sound, recognizing that such services have always been included in reimbursable cost formulas including Federal Government plans.

In the operation of hospitals today the employment of medical specialists in ancillary services is an essential part of the quality of service that hospitals render and is indivisible from the service itself. Indeed the variety of specialists so employed quite frequently includes other specialists in addition to the four to which you have referred.

We see no reason to change what has been established as proper elements of hospital service costs and would urge you to do everything possible to insure that the cost of hospital medical specialists' services are included in the consideration of reimbursable hospital costs.

Sincerely yours,
NORMAN A. BRADY,
Executive Vice President.

LUTHERAN HOSPITAL,
Moline, Ill., April 12, 1965.
Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you very much for your letter of April 2, 1965, discussing with us the present provisions of H.R. 6675.

I definitely agree with your position on this matter, and would certainly appreciate all that you can do to include payments to the medical specialists as an item of the hospital cost. The exclusion of these costs as a reimbursable hospital expense would most certainly create a very serious problem for all hospitals, as well as an additional cost for the patient.

Again, I wish to thank you for bringing this matter to my attention, and would greatly appreciate your efforts to amend this bill when it comes to the Senate for hearing.

Yours very truly,
KENNETH D. MOBURG,
Administrator.

MORRIS HOSPITAL,
Morris, Ill., April 13, 1965.
Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

SIR: I concur with your speech made March 29 on the Senate floor, pointing out the deficiencies of H.R. 6675.

The exclusion of in-hospital services of medical specialists will be an interference with customary hospital practice, and greatly increase standard hospital costs. I am sure every hospital administrator in the State of Illinois concurs with your views and sincerely hope the exclusion can be remedied.

Very truly yours,
ARTHUR B. ALLABEN,
Administrator.

ALEXIAN BROS. HOSPITAL,
Elk Grove Village, Ill., April 13, 1965.
Hon. PAUL H. DOUGLAS,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your recent letter relative to the exclusion of certain hospital services in H.R. 6675.

As the administrator of a new hospital being built in Illinois, I can only agree fully with your stand on the matter. The exclusion of the in-hospital services of medical specialists, anesthesiologists, pathologists, radiologists, and physiatrists, would create a serious problem for the voluntary hospital. The patients would certainly be "Caught in the middle" were such a provision to become part of the law.

I sincerely hope that your efforts to amend this section will be successful.

Sincerely yours,
BROTHER GREGORY, C.F.A.

ST. JOSEPH'S HOSPITAL,
Breeze, Ill., April 12, 1695.
Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your interest and support of hospitals shown in your remarks concerning bill H.R. 6675 to the Senate.

This is a matter we also feel strongly about. The potential for additional financial problems for hospitals is readily apparent. It would be a burden to the low-income recipient if other elements were included and these were not.

In some hospitals the fee for specialist services (radiologist, pathologist) are included in the price of the particular procedure. To separate these items in each case would be an additional bookkeeping problem. However, the problem would be the additional amount of accounts written off as bad debts. It is not proper to withhold reimbursement for services rendered, including the services of specialist if this is the existing financial arrangement between the hospital and specialist. Otherwise it is proper that the specialist make an application for him to be reimbursed separately for his charges to the patient.

Thank you again for your actions in this vital area of health care.

Yours truly,
SISTER FRIEDEGARD,
Administrator.

CHRISTIAN WELFARE HOSPITAL,
East St. Louis, Ill., April 13, 1965.
Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: Assuming the probability of passage of the medicare bill which you remarked upon on March 29; I feel your insight into the effect of exclusion of medical specialists from payment under the bill and your effort to amend this exclusion is in the interest of the Nation's hospitals and the public which uses them.

I cannot see the logic of excluding these services from enjoying payment under the public phase of the bill providing for care of the elderly when, as you have pointed out, the payment of such costs has been accepted under preexisting programs for care to public indigents and Armed Forces dependents, as well as Blue Cross and private insurance plans.

Your action to remedy this obvious error will be appreciated. I enclose a copy of a recent communication from the American Protestant Hospital Association pertaining to the subject.

Very truly yours,
DANIEL A. HICKS,
Administrator.

MERCY HOSPITAL,
Chicago, Ill., April 13, 1965.
Hon. PAUL H. DOUGLAS,
Washington, D.C.

SIR: After carefully reviewing the comments as appear in the CONGRESSIONAL RECORD of March 29, 1965, we are heartily in agreement with your conclusions and feel very strongly as you do that if the services are taken out of the hospital reimbursement cost contracts, this will have an inflationary effect on the total cost of medical care. It will tend to create an almost unsurmountable technical difficulty in handling billings by the hospital to the patients.

If we may be of any assistance please contact us.

Sincerely yours,
ROBERT F. SCHINDERLE,
Assistant Administrator.

AMERICAN PROTESTANT
HOSPITAL ASSOCIATION,
Chicago, Ill., March 25, 1965.
EDWIN L. CROSBY, M.D.,
Director, American Hospital Association,
Chicago, Ill.

DEAR DR. CROSBY: The board of trustees of the American Protestant Hospital Association meeting in Chicago on March 24 reviewed the memorandum titled "The King-Anderson Bill" released by the AHA on March 10, 1965.

The board of trustees reaffirmed the position taken by the house of delegates on January 18, 1965, supporting the effort of the AHA toward adequate legislation to provide adequate care for the aging.

The board of trustees also lends its support to the position taken by the AHA relative to (1) acceptance of AHA acting in behalf of hospitals, (2) the designation of the

National Blue Cross Association as the hospitals' administrative intermediary, and (3) that pathology, radiology, physiatry and anesthesiology services continue to be included in determining hospital costs.

This action by the board of trustees will be transmitted to all APHA institutional member hospitals and you are herewith authorized to use this statement in any manner best suited to strengthen this important legislation.

Very truly yours,

LEO M. LYONS,
Executive Director.

THE COMMUNITY HOSPITAL OF EVANSTON,
Evanston, Ill., April 12, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

SIR: The trustees and administration of Community Hospital of Evanston endorses your position with reference to the removal of costs of radiologists, pathologists, physiatrists, and anesthesiologists as benefits in the basic hospitalization plan of the current medicare bill.

We feel that the bill in its present form would have a precedent-setting effect on hospitals and cause a drastic inflation in hospital economics as an estimated 25 percent of hospital billings in the State of Illinois reflect the services of these staff specialists.

We urge your continued action to remove this unwarranted amendment.

Sincerely yours,

STEPHEN E. DORN,
Administrator.

ST. MARY'S HOSPITAL,
Kankakee, Ill., April 12, 1965.

Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: Failure to include customary billings in pathology, radiology, anesthesiology, and physiatry in the amended medicare package will have a drastic effect on hospital economics.

Please push your efforts to get these services back into the bill as hospital benefits.

An estimated 25 percent of hospital billings in Illinois comes from staff specialist departments.

Sincerely,

Sister MARY ANSELM,
Administrator.

JACKSON PARK HOSPITAL,
Chicago, Ill., April 12, 1965.

Senator PAUL H. DOUGLAS,
Congress of the United States,
Washington, D.C.

DEAR SENATOR DOUGLAS: With regard to your letter of April 2, I wish to state that I agree wholeheartedly with the points brought out in your speech in the Senate. If the House bill is not changed, I am afraid that most patients will receive bills from the hospital, surgeon, referring physician, radiologist, pathologist, anesthesiologist, perhaps a cardiologist, and physiatrist. There is no question but that receiving seven or eight bills instead of two or three will create chaos, and will have an inflationary effect on the cost of hospital care.

Very truly yours,

MOSE ELLIS,
Administrator.

ADDITIONAL COSPONSORS OF RESOLUTION

Mr. BARTLETT. Mr. President, I ask unanimous consent that the names of the junior Senator from Maine [Mr. MUSKIE] and the junior Senator from California [Mr. MURPHY] may be added as cosponsors of Senate Resolution 83, to create a select committee to study gold production in the United States, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills and joint resolution:

Authority of April 22, 1965:

S. 1797. A bill to amend the Davis-Bacon Act to extend its application to contracts for the maintenance of Federal installations: Mr. CASE, Mr. JAVITS, Mr. PROUTY, and Mr. SCOTT.

Authority of April 29, 1965:

S. 1851. A bill to provide fellowships for research leading to a doctoral degree: Mr. CANNON, and Mr. LONG of Missouri.

Authority of April 30, 1965:

S. 1861. A bill to provide additional assistance for areas suffering a major disaster: Mr. CLARK, Mr. JACKSON, Mr. KUCHEL, Mr. MCGEE, Mrs. NEUBERGER, and Mr. YARBOROUGH.

S. 1864. A bill to amend the Fair Labor Standards Act, 1938, as amended, to provide for minimum wages for certain persons employed in agriculture, and for other purposes: Mr. GRUENING, and Mrs. NEUBERGER.

S. 1865. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes: Mr. GRUENING, and Mr. HART.

S. 1866. A bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture: Mr. GRUENING, and Mrs. NEUBERGER.

S. 1867. A bill to amend the Act of June 6, 1933, as amended, to authorize the Secretary of Labor to develop and maintain improved, voluntary methods of recruiting, training, transporting, and distributing agricultural workers, and for other purposes: Mr. GRUENING, Mr. HART, and Mrs. NEUBERGER.

S. 1868. A bill to provide for the establishment of a Council to be known as the "National Advisory Council on Migratory Labor": Mr. GRUENING, Mr. HART, and Mrs. NEUBERGER.

S. 1869. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of housing facilities for agricultural workers by permitting the amortization over a 60-month period of the cost, or a portion of the cost, of constructing such housing facilities: Mr. GRUENING, Mr. HART, and Mrs. NEUBERGER.

S.J. Res. 75. Joint resolution proposing an amendment to the Constitution of the United States relating to residence and physical presence requirements for voting in presidential and vice-presidential elections and for voting in elections for U.S. Senator and Members of the House of Representatives: Mr. GRUENING, and Mrs. NEUBERGER.

NOTICE OF HEARINGS ON THE PLANNING FOR PEACE RESOLUTION

Mr. SPARKMAN. Mr. President, on behalf of the Committee on Foreign Relations, I wish to announce that the committee will hold an open hearing on Tuesday, May 11, 1965, at 10 a.m. in Room 4221, New Senate Office Building, on Senate Concurrent Resolution 32, the "Planning for Peace Resolution," introduced by Senator CLARK for himself and other Senators.

All those wishing to present testimony are requested to make arrangements with the chief clerk of the committee.

NOTICE OF HEARINGS ON S. 1817, TO AMEND THE DISTRICT OF COLUMBIA PUBLIC ASSISTANCE LAW TO CLARIFY THE CATEGORIES OF FEDERALLY AIDED ASSISTANCE RECIPIENTS

Mr. MORSE. Mr. President, as chairman of the Public Health, Education, Welfare, and Safety Subcommittee of the Senate Committee on the District of Columbia, I announce that my subcommittee will conduct public hearings on S. 1817, Monday, May 10, 1965, at 10 a.m. in room 6226, New Senate Office Building.

The bill to which I just referred was introduced by our distinguished colleague, Senator RIBICOFF. It would amend the District of Columbia public assistance law to clarify the categories of federally aided assistance recipients. I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1817

A bill to amend the District of Columbia public assistance law to clarify the categories of federally aided assistance recipients

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective July 1, 1965, section 3(a) of the District of Columbia Pulic Assistance Act of 1962 (section 3-202(a), District of Columbia Code) is amended by adding at the end thereof the following new sentence: "The categories listed in clauses (1), (2), (3), and (4) hereof shall include aid or assistance for at least all individuals with respect to whom Federal payments are authorized by titles I (other than so much thereof as relates to medical assistance for the aged), IV, X, and XIV of the Social Security Act."

DOMINICAN LANDING NECESSARY

The PRESIDING OFFICER. Morning business is in order.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may be permitted to proceed for the next 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, the action which President Johnson has taken in dispatching American troops to the Dominican Republic is, in my judgment, a laudable move to safeguard the vital interests of the United States in the Caribbean.

Little more than 2 years ago, the government of Fidel Castro invited the Soviet Union to convert the island of Cuba into a Russian missile base. The crisis thus created, and the mailed-fist response of President Kennedy, brought the world to the verge of nuclear war, in a showdown no one would want to experience again. The elemental right to self-preservation would, in itself, justify an American intervention in the Dominican Republic for the purpose of preventing the forcible establishment of another Castro-type regime. The waters of the Caribbean wash our southern shores. We have urgent and immediate interests at stake there.

I do not know whether the revolt against the junta government in Santo Domingo, which broke out a week ago, was in fact taken over by the Communists. The evidence is not yet sufficiently complete for anyone to know this with certainty. But the evidence does reveal, indisputably, that Communist elements were actively involved in the uprising, and that there was a clear and present danger of a Communist seizure of power. The swift action of the President has foreclosed such a calamity. For this, he is to be strongly commended.

The intervention of American troops was made necessary, in the first instance, to protect the lives of American citizens, and to provide for their evacuation. A total breakdown of law and order had occurred in Santo Domingo, which made a rescue mission mandatory, for humanitarian reasons alone. Other foreign nationals have also received the cloak of American protection.

As a Senator, representing the sovereign people of Idaho, I do not conceive it to be my duty to "rubberstamp" every action the President may take in the field of foreign policy, even though, as a Democrat, he heads up the administration to which I give my general support. I have criticized certain aspects of our policy in Vietnam, and I will continue to speak up whenever I think our course may be wrong. This is an obligation of my office which transcends party allegiance or any consideration of political risk.

By the same token, I will commend the President whenever he takes action abroad which seems to me to be well suited to advance the interests of our country. His initiative in the Dominican Republic is a venture well begun, for which he deserves the strongest praise.

I say this, deeply conscious of the fact that the Dominican Republic is neither our possession nor our protectorate. The people of that unhappy island are the citizens of an independent country. As such, they have the right to form a government of their own choice. We insist upon the right of self-determination for ourselves, so we cannot deny it to others.

Having interposed our own troops, the revolution in the Dominican Republic has been quelled. We have thus assumed a responsibility toward the Dominican people which we must now faithfully discharge. Part of that responsibility is to see to it that a cease-fire is achieved, a provisional government agreed to, and order restored. But more than this, the essential need will be to insure the holding of free elections, as quickly as possible, so that the citizens of the Dominican Republic may properly form their own government.

Let those who raise the cry "gunboat diplomacy" remember that there is nothing yet to lament. The rights of the Dominican people have not been usurped. Our intervention found them caught between the horns of two tyrannies. Neither their previous government, a military junta imposed by force, nor a Communist government, seizing power at the hands of a small band of hardcore revolutionaries, could possibly represent the choice, freely given, of the majority of the Dominicans. We must remember that Castro's government has not yet permitted free elections in Cuba, and never will.

So it is that Lyndon Johnson, through prompt and timely intervention, has grasped an opportunity to restore to the people of the Dominican Republic their fundamental right to self-determination. The President has said that his purpose will be the bringing about of free elections. He has no intention of keeping American marines on the island for any extended length of time.

If the end result of our occupation of Santo Domingc is the imposition of another military junta, then will be the time to protest the revival of gunboat diplomacy. As of now, we have every reason to applaud the President, and to hope his decisive leadership may lead to a new birth of freedom for the oppressed people of the Dominican Republic.

Mr. President, on May 4, the Washington Post published an excellent editorial concerning the situation in the Dominican Republic. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post,
May 4, 1965]

Intervention Policy

There is a great deal of merit in the assertion of Juan Bosch that the United States, by its intervention in the Dominican Republic, has assumed responsibility for bringing democracy to the country. Certainly, we cannot now calmly withdraw our military forces and leave the powers of government to be picked up by any candidate for authority who happens to be in possession of essential military force.

History, as Lord Acton pointed out, does not disclose its alternatives, and no one ever can know whether the democratic forces acting in Bosch's name would have succeeded in controlling the uprising against the military regime. It is this unknown and unascertainable fact on which the wisdom or unwisdom of the President's determination to intervene depends. If the Dominican intervention is to be a precedent for further intervention of the kind, we are embarked upon a policy that will involve us in repeated operations of this sort. If the suspicion of Communist participation in a popular uprising against a military dictatorship is sufficient to trigger the use of American Armed Forces we are going to be busy in Latin America.

Every country in which there exists a government that did not arrive at power by democratic means is a logical target for overthrow by popular forces. And every popular force is the logical object for an effort by Communists to dominate its leadership. It does not take much prescience to forecast, sooner or later, an effort to overthrow the arbitrary government in Haiti. And it does not take a gift of prophecy to foresee that the Communists will be in the thick of that revolutionary effort. And if the new Johnson doctrine persists, the U.S. Armed Forces will be on hand within hours after the initial uprising. It is an ominous outlook. This may bear little resemblance in purpose to the interventionist policies of the twenties, but the methods of carrying out the policy are too much alike totally to escape the same sort of criticism and reproach.

It is perfectly evident, at the same time, that the traditional devices for collective action are totally inadequate to protect the hemisphere against the new sort of Communist conquest. The OAS Charter sets up a solid wall against the use of military force of a conventional kind across national boundaries. Respect for this barrier only guarantees the unconventional Communist invaders, who penetrate clandestinely and covertly, immunity against any outside check on their subversion. The old-fashioned effort to guarantee national territorial inegrity is thus transformed into a device to allow the Communist overthrow of South American governments. As long as the rest of the region is committed to stand aside, in the presence of Communist aggression, the hemisphere faces the melancholy prospect of successful Communist operations of three sorts: Communist aggression by action against or infiltration of a popularly elected constitutional regime, by revolt against a military dictatorship, or by penetration of a popular revolutionary movement.

The President has stated flatly that "the American nations cannot, must not, and will not permit the establishment of another Communist government in the Western Hemisphere." If this is indeed the collective purpose of "the American nations" they have not perfected the political or military means of achieving that purpose. Until they do so, the United States stands committed to more extensive national obligations than it has hitherto assumed in this hemisphere. The emergency in the Dominican Republic has led us to improvise to fit our practice a policy that has not had the benefit of psychological, legal, political, or military preparation.

The PRESIDING OFFICER. Is there further morning business?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF NEZ PERCE NATIONAL HISTORICAL PARK, IDAHO

Mr. CHURCH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 60.

The PRESIDING OFFICER (Mr. BASS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 60) to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, which was, to strike out all after the enacting clause and insert:

That it is the purpose of this Act to facilitate protection and provide interpretation of sites in the Nez Perce country of Idaho that have exceptional value in commemorating the history of the Nation.

SEC. 2. To implement this purpose the Secretary of the Interior may designate as the Nez Perce National Historical Park various component sites in Federal and non-Federal ownership relating to the early Nez Perce culture, the Lewis and Clark Expedition through the area, the fur trade, missionaries, gold mining and logging, the Nez Perce war of 1877, and such other sites as he finds will depict the role of the Nez Perce country in the westward expansion of the Nation.

Sec. 3. The Secretary of the Interior may acquire by donation or with donated funds such lands, or interests therein, and other property which in his judgment will further the purpose of this Act and he may purchase with appropriated funds land, or interests therein, required for the administration of the Nez Perce National Historical Park: *Provided,* That he may purchase no more than one thousand five hundred acres in fee, and no more than one thousand five hundred acres in scenic easements. The Nez Perce Tribe's governing body, if it so desires, with the approval of the Secretary of the Interior, is authorized tc sell, donate, or exchange tribal-owned lands held in trust needed to further the purpose of this Act.

Sec. 4. (a) Indian trust land may be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the beneficial owner. Sites in Federal ownership under the administrative jurisdiction of other Government agencies may likewise be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the agency having administrative responsibility therefor, but such designation shall effect no transfer of administrative control unless the administering agency consents thereto. Not more than one thousand and five hundred acres overall shall be designated pursuant to the foregoing provisions of this subsection. The Secretary of the Interior may cooperate with the Nez Perce Tribe or the administering agency, as the case may be, in research into and interpretation of the significance of any site so designated and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site and in conservation of the scenic and other resources thereof.

(b) The Secretary of the Interior may enter into cooperative agreements with the owners of property which, under the provisions of this Act, may be designated for inclusion in Nez Perce National Historical Park as sites in non-Federal ownership, and he may assist in the preservation, renewal, and interpretation of the properties, provided the cooperative agreements shall contain, but not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alterations shall be made in the properties, including buildings and grounds, without the written consent of the Secretary.

Sec. 5. When the Secretary of the Interior determines that he has acquired title to, or interest in, sufficient properties or determines that he has entered into appropriate cooperative agreements with owners of non-Federal properties, or any combination thereof including the designation of sites already in Federal ownership, he shall by publication in the Federal Register establish the Nez Perce National Historical Park and thereafter administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

Sec. 6. (a) In order to carry out the purpose of this Act the Secretary of the Interior may contract and make cooperative agreements with the State of Idaho, its political subdivisions or agencies, corporations, associations, the Nez Perce Tribe, or individuals, to protect, preserve, maintain, or operate any site, object, or property included within the Nez Perce National Historical Park, regardless of whether title thereto is in the United States: *Provided,* That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(b) To facilitate the interpretation of the Nez Perce country the Secretary is authorized to erect and maintain tablets or markers in accordance with the provisions contained in the Act approved August 21, 1935, entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (49 Stat. 666).

Sec. 7. There are hereby authorized to be appropriated the sums of not more than $630,000 for the acquisition of lands and interests in land and not more than $1,337,000 for construction, restoration work, and other improvements at the Nez Perce National Historical Park under this Act.

Mr. CHURCH. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without obection, it is so ordered.

BANKRUPTCIES INVOLVED IN FEDERAL HOUSING ADMINISTRATION INSURED MORTGAGES

Mr. WILLIAMS of Delaware. Mr. President, on previous occasions I have urged the Senate to give attention to the manner in which the Federal Housing Administration is insuring mortgages on what should have been recognized as unsound multifamily housing projects.

The wholesale manner in which these multimillion-dollar projects have been approved in the past few years and the wholesale manner in which they are going broke, oftimes before they are completed, represents an enormous and unnecessary cost to the taxpayers.

Today I list seven more multifamily projects in the Florida area upon which the Federal Housing Administration has guaranteed mortgages aggregating $21,742,700. Total payments of only $125,664.35 were ever made on these seven mortgages. Then with over $21½ million still due the projects went into default, and the Government is now being forced to take them over under foreclosure proceedings.

As this program is presently being administered the sponsors are allowed to incorporate each of these projects as a separate corporate entity, and when one projects fails the sponsors individually are not held responsible for the payment of the mortgage nor does the Government have any claim on any other project which the same sponsor may be operating successfully either with or without a Government loan.

This means that the Government takes 100 percent of all the risk and the sponsors can sit back with 100 percent of all the profits, resulting in everyone having a field day at the taxpayers' expense.

One major weakness in this program is the failure of the Federal Housing Administration to check the actual cost of the land and construction before insuring the mortgage. Likewise, the manner in which the sponsors contract with their own construction firms opens the possibility of abuse unless carefully checked.

The Federal Housing Administration heretofore has not been making any special effort to determine the actual cost of the land upon which these projects were being built but rather has been using an appraised valuation as a formula upon which to base the mortgage, with the result that, as I pointed out in my remarks of April 22, in many instances the sponsors started out with a substantial cash profit.

Recently the Commissioner has advised that this procedure is being changed and that consideration will be given to the actual cost factor, but this procedure should be an ironclad rule.

The seven projects to which I refer today are as follows:

Mandalay Shores, Inc., Clearwater, Fla.: On November 23, 1960, the Federal Housing Administration made a commitment to insure a mortgage of $7,170,900 on this project. After payments of only $8,964 had been made toward the reduction in the principal, this mortgage in April 1964 was in default and assigned to the Federal Housing Administration for foreclosure. Foreclosure sale is scheduled for May 12, 1965.

Coral Crest Apartments, Inc., Tampa, Fla.: On July 1, 1960, the Federal Housing Administration insured a mortgage of $1,382,000 on this project. After payments of only $8,650.35 on the principal, this mortgage on January 2, 1964, went into default, and the Federal Housing Administration foreclosed on March 2, 1965.

Pasadena Apartments, Inc., South Pasadena, Fla.: On December 30, 1960, the Federal Housing Administration insured a mortgage of $3,377,700 on this project. After payments of only $4,513 on the principal, this mortgage on November 22, 1963, defaulted, and the Federal Housing Administration foreclosed on December 22, 1964.

Horizon House, Clearwater, Fla.: On March 16, 1961, the Federal Housing Administration insured a mortgage of $2,828,500 on this project. With no payments having been made toward a reduction in the principal, this mortgage on November 22, 1963, was assigned to the Federal Housing Administration.

Indian Pass Apartments, Inc., Indian Rocks, Fla.: On April 11, 1960, the Federal Housing Administration insured a mortgage of $1,806,700 on this project. After payments of only $5,593 had been made toward a reduction in the principal, this mortgage on December 2, 1962, was in default, and the Federal Housing Administration foreclosed on November 4, 1964.

Paradise Island Towers, St. Petersburg, Fla.: On November 15, 1961, the Federal Housing Administration insured a mortgage of $3,090,700 on this project. After payments of only $24,144 had been made toward a reduction in the principal, on March 11, 1965, the Federal Housing Administration accepted a deed in lieu of foreclosure.

Southgate Towers, Inc., St. Petersburg, Fla.: On September 29, 1960, the Federal Housing Administration agreed to insure a mortgage of $2,086,200 on this project. After payments of $73,800 had been made toward a reduction in the principal, this mortgage on December 19, 1962, was in default, and the Federal Housing Administration on December 2, 1964, foreclosed.

I ask unanimous consent that the more detailed reports on each of these projects, including names and addresses of the sponsors, and so forth, as furnished by the Federal Housing Administration, be printed at this point in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

I

Mandalay Shores, Inc., project No. 067-00016 (rental housing), Clearwater, Fla.:

1. Feasibility date: September 4, 1959; commitment date: November 23, 1960; cost certification: April 3, 1963, $8,037,222.

2(a). See covering letter.

2(b). Sponsor: Dworman Associates, 65 West 55th Street, New York, N.Y.

Mortgagor: Dworman Associates. Officers: Alvin Dworman, president, 155 East 76th Street, New York, N.Y.; Lester D. Dworman, vice president, 11 East 81st Street, New York, N.Y.; Darryl Dworman, secretary-treasurer, 170 East 83d Street, New York, N.Y. Stockholders: Alvin Dworman, Lester D. Dworman, Darryl Dworman, Abraham A. Rosen (care of Dworman Associates), Abraham Kamber (care of Dworman Associates).

3. Final endorsement: April 3, 1963; mortgage amount: $7,170,900; payments in reduction to principal: $8,964; status: Mortgage assigned to FHA April 1964. Referred to Department of Justice for foreclosure May 1964. Foreclosure sale scheduled for May 12, 1965.

II

Coral Crest Apartments, Inc.; project No. 067-30073 [1]; Tampa, Fla.:

1. Feasibility date: June 23, 1959; commitment date: July 1, 1960: cost certification: February 23, 1962, $1,596,698.

2(a). See covering letter.

2(b). Sponsor: O. W. Foster, 4251 Henderson Boulevard, Tampa, Fla.

Mortgagor: Coral Crest Apartments, Inc., 214 West Gaston Street, Greensboro, N.C. Officers: W. H. Weaver, president, 602 Healey Building, Atlanta, Ga.; Abe M. Nail, Jr., vice president, Post Office Box 3054, Greensboro, N.C.; Lee P. Fore, vice president (no address shown); H. M. Weaver, treasurer (no address shown); Irene Karas, secretary (no address shown). Stockholders: W. H. Weaver (see above), Sonja R. Weaver (no address shown), Edith H. Weaver (no address shown), Lee P. Fore (no address shown).

3. Final endorsement: February 23, 1962; mortgage amount: $1,382,000; payments in reduction to principal: $8,650.35; status: Mortgage assigned to FHA January 2, 1964. Foreclosed March 2, 1965.

4. Project has not been resold.

III

Pasadena Apartments, Inc.; project No. 067-30071 (cooperative housing); South Pasadena, Fla.:

1. Feasibility date: July 8, 1960; commitment date: December 30, 1960; cost certification: February 27, 1963, $3,913,765.89.

2(a). See covering letter.

2(b). Sponsor: R. E. Clarson, 1930 13th Avenue North, St. Petersburg, Fla.; R. E. Clarson, Jr., 1930 13th Avenue North, St. Petersburg, Fla.; W. B. Wood, 1930 13th Avenue North, St. Petersburg, Fla.; Robert C. Pelham, 3409 Wilder Lane, Orlando, Fla.; Hugo R. Broleman, 1212 East Colonian Drive, Orlando, Fla.

Mortgagor: Pasadena Apartments, Inc. Officers and directors: Robert C. Pelham, president; R. E. Clarson, vice president; W. B. Wood, treasurer; J. C. Dew, secretary, Florida Bank Building, St. Petersburg, Fla.; Lawrence R. Warrick, assistant secretary, 670 Fairbanks Avenue, Winter Park, Fla.; Hugo R. Broleman.

3. Final endorsement: February 27, 1963; mortgage amount: $3,377,700; payments in reduction to principal: $4,513; status: mortgage assigned to FHA November 22, 1963. Foreclosed December 22, 1964.

4. Project has not been resold.

IV

Horizon House, project No. 067-30078-INV; Clearwater, Fla.

1. Feasibility date: July 29, 1960; commitment date: March 16, 1961; cost certification: July 23, 1963, $3,257,737.10.

2(a). See covering letter.

2(b). Sponsor: Robert Chuckrow, 60 East 42d Street, New York, N.Y.; Murray Smith, 150 Draper Lane, Dobbs Ferry, N.Y.; Milton Hecht, 87 Lefferts Road, Yonkers, N.Y.; Henry Schneider, 235 75th Street, North Bergen, N.J.; Alvin Parker, 2 Cooper Road, New York, N.Y.

Mortgagor: Horizon House, Inc. Officers: Robert Chuckrow, president; Murray Smith, vice president; Louis S. Weiner, secretary; Milton Hecht, treasurer.

3. Finally endorsed: July 30, 1963; mortgage amount: $2,828,500; payments in reduction to principal: None. Status: Mortgage assigned to FHA November 22, 1963. One hundred of the one hundred and twenty-five units are occupied by cooperative subscribers and the sponsors are attempting to arrange sale of the project to the cooperative.

V

Indian Pass Apartments, Inc., project No. 067-30070 (cooperative housing), Indian Rocks, Fla.:

1. Feasibility date: February 12, 1960; commitment date: April 11, 1960; cost certification: August 14, 1961, $2,137,677.21.

2(a). See covering letter.

2(b). Sponsor: J. Hilbert Sapp, 801 Seville Place, Orlando, Fla.; Robert C. Pelham, 3409 Wilder Lane, Orlando, Fla.; Lawrence R. Warrick, Post Office Box 176, Winter Park, Fla.

Mortgagor: Indian Pass Apartments, Inc. Officers: Robert C. Pelham, president; Lawrence R. Warrick, secretary; Robert E. Clarson, Jr., vice president; W. B. Wood, treasurer.

All officers also show as directors of the corporation.

Other directors: J. C. Dew, R. H. Clarson, O. R. Stageberg.

Stockholders: R. E. Clarson, R. E. Clarson, Jr., W. B. Wood, J. C. Dew, L. R. Warrick, O. R. Stageberg, R. C. Pelham.

3. Final endorsement: September 8, 1961; mortgage amount: $1,806,700; payments in reduction to principal: $5,593. Status: Assigned to the FHA December 2, 1962. Foreclosed November 4, 1964.

4. Project has not been resold.

VI

Paradise Island Towers, project No. 067-30081 (cooperative housing), St. Petersburg, Fla.:

1. Feasibility date: September 12, 1960, commitment date: November 15, 1961, cost certification: September 18, 1964, $3,434,195.43.

2(a). See covering letter.

2(b). Sponsor: Meadowlark Enterprises, Inc., Carl L. and Nancy K. Shipley, 1366 National Press Building, Washington, D.C.

Mortgagor: Meadowlark Enterprises, Inc., 1130 Hampton Avenue, St. Louis, Mo.

Officers: The amended commitment shows the following: Louis J. Orabka, president; Charles F. Ehrle, vice president; LeRoy H. Guinger, secretary and treasurer.

Stockholders: Bank Building & Equipment Corp., St. Louis, Mo. (298 shares). There are approximately 2,900 shareholders in this corporation, each holding less than 5 percent of the total stock. Charles F. Ehrle (1 share), LeRoy H. Guinger (1 share).

3. Final endorsement: September 24, 1964; mortgage amount: $3,090,700; payments in reduction to principal: $24,144. Status: FHA accepted a deed-in-lieu of foreclosure on March 11, 1965.

4. Project has not been resold.

VII

Southgate Towers, Inc.; project No. 067-30074 (cooperative housing); St. Petersburg, Fla.:

1. Feasibility date: March 18, 1960; commitment date: September 29, 1960; cost certification: August 23, 1962, $2,363,829.16.

2(a). See covering letter.

2(b). Sponsor: Southgate Towers, Inc., 110 First Avenue NE., St. Petersburg, Fla; Joe Putnam, president; Richard Callahan, vice president; Abe Goldman, treasurer.

Mortgagor: Southgate Towers, Inc. Officers: Joe Putnam, president; Richard Callahan, vice president; Abe Goldman, treasurer; J. Robie Eliott, secretary.

3. Final endorsement: October 29, 1962; mortgage amount: $2,086,200; payments in reduction to principal: $73,800. Status: Mortgage assigned to FHA December 19, 1962. Foreclosed December 2, 1964.

4. Project has not been resold.

PRESIDENT'S FUND REQUEST FOR EXPANDED U.S. MILITARY OPERATIONS

Mr. JAVITS. Mr. President, we are faced with two crises at the moment, not merely one.

I address myself first to the funds request of the President of the United States for $700 million to pay for expanded U.S. military operations, primarily in South Vietnam.

It was I who urged the President to come to us for another support resolution and not to rely on the one we passed on August 7, 1964, with respect to the use of armed forces in southeast Asia, if it was his intention to send ground combat troops of a division or more strength to South Vietnam to engage in the ground struggle. Therefore, I feel that it is my duty to speak with respect to his request for the additional $700 million.

I do not feel that the debate on, or the granting of, this request is any substitute for a congressional support resolution. If the Commander in Chief and President proposes to escalate the South Vietnamese ground struggle, I see clear differences between the participation of U.S. ground troops in combat and the dispatching of our Air Force planes to bomb supply lines, the guarding by U.S. marines of air bases from which we operate, or even the stationing of combat paratroopers, in order to fan out from the marine outpost lines and more surely guarantee American security in South Vietnam. All of these activities do not add up to a participation of combat troops in the ground struggle against the Vietcong. In my judgment, the line of demarcation is quite clear. The President should, if he wishes to take that step, come to Congress and ask for another support resolution, and not merely assume that the words used in the resolution of August 10, 1964, cover this situation.

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[1] The application for this project was originally filed under section 207 rental housing. The sponsor then applied for and received a superseding commitment to insure under section 213 cooperative housing, the mortgage to be insured upon completion of the project. Following completion and insurance of the mortgage the sponsors were unsuccessful in the formation of the cooperative and were given permission to convert the project to a rental status.

Mr. President, I supported the resolution of August 10, and I have relatively little doubt that I and others would support the President in an escalation of the struggle to involve ground forces, if the matter is of such a character and the reasons for this action are so substantial that they can be submitted to Congress and to the country. After some debate by Congress, which need not be protracted, the people of the United States and the President would have the feeling of confidence which is derived from exploring a great national decision and arriving at a proper decision. This is our strength as a free society. We do not have the maneuverability and freedom of action to make secret decisions and suddenly launch them on the world. That procedure is the kind of operation used by Communists. In some cases, it is pretty useful, but, on the whole, the strength which we achieve from a maturely considered decision in which the people and Congress participate has always been found to be much greater than any strength possessed by the Communist bloc.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be permitted to continue for 4 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, it seems to me that this is the moment when we should utilize this procedure of acting on a support resolution, rather than reject it. We should not sneak in with the use of American troops for ground combat in South Vietnam.

The President should say to the country, "This is what I want to do." That is what President Eisenhower did with respect to Lebanon, which is a comparable situation. If President Johnson contemplates this new escalation of the struggle in Vietnam, he should ask Congress for a support resolution, of the same character as the resolution of August 10, 1964, to deal directly with that new escalation.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. Mr. President, I noticed in the second paragraph of the President's message, his statement that:

> This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam.

Is the President stating the thinking of the Senator from New York?

Mr. JAVITS. He is not.

Mr. AIKEN. I suppose that there may be different reasons for voting to approve the request of the President. Does the Senator from New York accept the statement that he would be voting to endorse the mistakes of the past and the plans for the future if he were to vote for this appropriation?

Mr. JAVITS. I do not accept such a statement. I believe that there is all the difference in the world, as I tell my most respected colleague, between backing up what we have involved, or even the making of sufficient preparation should we wish to go further, and a command decision which would set forces in action in a totally new way from the way in which they had been used before.

I do not regard a vote for the appropriation—which I propose to support—as being of the same character or quality as a command decision to send U.S. combat troops to participate in the ground struggle against the Vietcong.

I believe that the President should, as did President Eisenhower, seek a new support mandate from Congress and, through Congress, from the people of the country.

Mr. AIKEN. Mr. President, does the Senator from New York also feel that in voting to approve the appropriation which is requested by the President he is voting for approval of the acts of our ambassadors whom we have had in Vietnam for the last 3 years?

Mr. JAVITS. I would not——

Mr. AIKEN. Mr. President, I think that is an unfair question. I withdraw it. Our country has not paid much attention to the appointment of some of its ambassadors. I believe that we should.

It is my opinion that an ambassador who is to work with people and for people should like people. We have in some instances been strangely wanting in this characterization.

Mr. JAVITS. Mr. President, I thank my colleague very much.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. Mr. President, the Senator has indicated his intention of voting for support of the requested appropriation of $700 million. I am having some difficulty in making up my mind as to whether to support the request or not.

I have no doubt that the Senator from New York did not spring to the immediate conviction that he should support the request.

I should like to feel that I could support it. However, what is the difference between voting for a $700 million appropriation and voting for a declaration of war? Would it not be better to be candid and ask for a declaration of war?

Mr. JAVITS. That is the substance of what I am saying. If the $700 million requested is a means of backing up the judgment of the President, or even backing up a preparation to do more, if the national judgment should be that we should do more—and I would never wish to be hampered by the fact that we were not forehanded in preparation—I think that is very different from a command decision actually to involve ground combat troops.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be permitted to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I respectfully suggest to the Senator that if we could have that assurance from the President—that there would be such a request, if there were any design to make that command decision—then I believe that we should vote for this much.

Mr. CLARK. Mr. President, does the Senator not feel that we are actually engaged in a war against North Vietnam right now and that if we became engaged in war, we would send our airplanes up there?

Mr. JAVITS. I would say not. I think the doctrine of hot pursuit in international law, and the presence of American forces there which gives rise to a primary obligation to provide them security, make our North Vietnamese operation such, in my judgment, as not to warrant being characterized as a state of war.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. CLARK. Will the Senator be willing to tell me whether the engagement with the North Vietnamese and Chinese airplanes was a part of the hot pursuit doctrine to which the Senator referred?

Mr. JAVITS. We were hotly pursuing the suppliers of the Vietcong personnel along ground routes which could best be reached without ground action. If we brought the action into North Vietnamese territory, then I think we might have, for practical purposes, a different situation. I would not regard the North Vietnamese action as creating a condition of war.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, if the majority leader does not object, may I ask unanimous consent to have 10 additional minutes? It will not take that long.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CLARK. Mr. President, I close the colloquy by expressing intense admiration, as I have for many years, for the astute ability of the Senator from New York as a constitutional lawyer with respect to the war powers of Congress and the President.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRUENING. Does the Senator recall that the bombing of North Vietnam followed the Pleiku incident? Does he indicate that was a hot pursuit course of action?

Mr. JAVITS. In the Pleiku incident we actually bombarded sources of supply of torpedo boats that had attacked our vessels in international waters. The precedent for that goes back to the days of Tripoli. I think we were on sounder ground there. We were on most traditional grounds there.

Mr. GRUENING. I think the Senator confuses Tonkin Bay with Pleiku.

Mr. JAVITS. Yes; I meant Tonkin Bay.

Mr. GRUENING. Pleiku is back about 200 miles from the northern border. Pleiku is on the 14th parallel. The northern boundary is on the 17th parallel. The material used by the South Vietnamese at Pleiku was not derived from the North Vietnamese, but was American material—a mortar—manufactured in the United States. Is that hot pursuit?

Mr. JAVITS. I agree with the Senator in the identification of the two incidents. I was thinking about Tonkin Bay. What I said applied only to Tonkin Bay.

As to the Pleiku incident, that involved the jeopardy of American personnel and involved supplies—whether food, munitions, or volunteers—to forces engaged in jeopardizing the security of our own personnel.

I do not believe the identification of materiel as North Vietnamese or our own represents a vital difference between the Pleiku incident and the general situations to which the doctrine of hot pursuit applies.

Mr. GRUENING. The only point I wish to make and wish to impress on the Senate, following the remarks of the distinguished Senator from New York that the bombing of North Vietnam was not hot pursuit and that the Pleiku incident in no way involved hot pursuit; that the Tonkin incident took place in August, whereas the North Vietnam bombing began the following February. It seems to me that the Senator used the Pleiku incident as a justification for the hot pursuit and there was not direct connection between it and North Vietnam.

Mr. JAVITS. I thank my colleague for his clarification. The Tonkin Bay incident took place in August, and the Pleiku incident was at another time.

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. JAVITS. Mr. President, addressing myself now to the situation in the Dominican Republic, it seems to me that we are on extremely clear ground with respect to the U.S. position in the Dominican Republic so long as we are engaged in protecting our own and foreign nationals. That is a very different situation from the matter of holding off or preventing a Communist takeover.

It seems to me that, in the latter respect, our troops should act only in an interim custodial capacity, as trustees for the Inter-American system. Now that the Organization of American States is seized of this matter and is giving it consideration, it seems to me the answer is for the OAS to assume juridical authority over our troops and any other troops that may be sent in by member countries of the Organization of American States. The relationship of the OAS to United States and other foreign forces in the Dominican Republic should be analogous to the relationship between the United Nations and the forces we had in Korea.

It seems to me that even if necessity requires that our own Armed Forces be by far the most numerous, jurisdiction by the Organization of American States is extremely important. Although American forces may remain under American command, the OAS should have juridical authority over them, and whether they stayed or withdrew would depend on the OAS.

It is on behalf of the Inter-American system that the U.S. action was taken, and it is in accordance with the legal organs of that system, which are indispensible for the future of the Americas, that we should continue to act. If we take the attitude I have described, namely, that the reason why we were forced to assume unilateral responsibility by sending in our troops was creditable because the OAS was unable to act promptly and we wished to prevent a Communist takeover, our good faith will be demonstrated. If the OAS does not take on this responsibility, we shall be faced with a historic choice which could materially affect our relations with the other American States. If we should exercise our choice and say that we will do it without the OAS to prevent a Communist takeover in the Dominican Republic, it will be the first time we have asserted the right to unilateral military intervention based on a clear and present danger of a Communist takeover in this hemisphere.

Such an important shift in this country's "Good Neighbor" policy would require clear justification, more justification than we have at present; and the evidence to justify it is not fully in yet. Only as the situation develops over the next few days or weeks can we come to a clear conclusion as to whether the situation presents a clear and present danger of a Communist takeover, and that we have no alternative but to stay in.

I hope that the President will make it clear that our troops are there, until the OAS acts, in a custodial character, to prevent a taking over that would be irremediable and could not be repelled by the Organization of American States, which is the recognized authority for such a situation, and that the United States has not yet made a decision to proceed unilaterally.

I do not believe we should face that decision until the Organization of American States has first had the opportunity to declare that it will step into the situation and, second, had the opportunity to take juridical authority over the troops, just as the United Nations did in the Korean conflict, notwithstanding the fact that the preponderance of the troops there were those of the United States.

TRIBUTE TO DR. JAMES E. KIRKLAND, MINISTER, UNION BAPTIST CHURCH, PHILADELPHIA, PA.

Mr. SCOTT. Mr. President, first of all, I wish to express my pride in the fact that the Acting Chaplain who delivered the prayer in the Senate today was Rev. James E. Kirkland, from the Union Baptist Church of Philadelphia, Pa. Dr. Kirkland is a prominent minister in Pennsylvania. His presence here and the moving and beautiful prayer which he offered are to my mind an event worthy of remembrance for a long time to come.

I am proud of the fact that Dr. Kirkland was here and offered his prayer.

SITUATION IN THE DOMINICAN REPUBLIC

Mr. SCOTT. Mr. President, on the subject which has been discussed earlier, I rise to express my view concerning Santo Domingo: First and parenthetically, however, I want to say that I am glad the President has asked Congress to authorize $700 million in appropriations to meet our mounting military requirements in Vietnam. I am glad to have an opportunity to reaffirm my confidence in the policies which the President is pursuing in Vietnam and to express my support of his requests.

As regards Santo Domingo, I agree that it would be fine if the members of the OAS could have acted in concert last week, but they did not so act immediately and could not have acted in time to prevent a disaster. The House of Santo Domingo caught fire. The United States unilaterally went in as a fireman to put out the blaze. Had we waited a matter of hours, in my judgment, the house would have burned down.

In my opinion, we acted as we did, first, to evacuate American personnel and personnel from 30 countries altogether and, second, to prevent a Communist takeover. There is nothing to be ashamed of, or to apologize for, in my opinion, in the fact that we have enlarged the Monroe Doctrine by the addition of a new phase or extension of that policy.

I do not know of any more worthwhile step which the United States can take in the present world situation than to say that we will not permit the establishment of another Communist dictatorship in the Western Hemisphere.

I would be glad to see the OAS take over the responsibility for restoring peace and order to the Dominican Republic but the important thing last week was to move when we did move, with force, with strength, and with determination.

Some columnists assert that the President should support the restoration of President Juan Bosch to power. This has no warrant so far as I can ascertain. It is true that Juan Bosch was legally elected in 1962. It is true that he is in exile. But it is not true that this is his revolution.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SCOTT. If the Dominican rebels were really working to restore Juan Bosch to power, why are we now informed that Juan Bosch is resigning and a new man, Francisco Caamano, is acting as alleged President of the Republic or is the actual leader of the rebel forces?

My conclusion is that we moved into the Dominican Republic just in time to prevent a Communist takeover. The rebels are predominantly Communist and Castroite, and their purpose was to create another Cuba. Had we moved as rapidly and effectively in Cuba as we have done in Santo Domingo, Cuba today would not be a Communist country. However, that goes a long way back.

We have served notice on the Western Hemisphere countries that we will cooperate with them, that we prefer to work with them through the common agency of the OAS, but that where there is not enough time for the OAS to act in a rapidly deteriorating situation such as that found in Santo Domingo last week, the United States will move in on behalf of all the free peoples of the Western Hemisphere, and will gladly turn over the peacekeeping responsibility to the OAS as soon as its members are willing to assume that responsibility.

Mr. JAVITS. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I am glad to yield.

Mr. JAVITS. I believe that our views are not at all dissimilar, and I wish to be sure that the Senator from Pennsylvania understands me. I supported the President in going into the Dominican Republic.

Mr. SCOTT. I am sure that the Senator did.

Mr. JAVITS. I back the President now in seeking to have the OAS take over. The only slight area of difference which I should like to submit to the Senator from Pennsylvania is that in view of the situation, we do not have to be committed absolutely, now, to saying what we will do if the OAS does not act. That could well be another stage of decision on our part.

Mr. SCOTT. I understand the views of the Senator from New York.

Mr. CLARK addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, the situation in the Dominican Republic as of now is certainly confused. I, for one, am not prepared—at least at this moment—to dispute any action of the President in sending massive forces of the Army and Marine Corps to restore order in that troubled country, and to make sure that there is no danger of a Communist takeover.

However, I must express grave reservations as to the wisdom of our present posture. In view of the comments which have been made by my two colleagues on the other side of the aisle, I ask unanimous consent to have printed in the RECORD a column written by Walter Lippmann which was published in the Washington Post within the last few days on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR DOMINICAN INTERVENTION

(By Walter Lippmann)

The crucial point in the Dominican affair is that the decision to rescue Americans and other foreigners became almost immediately a decision also to stop the rebellion. The disorders began, said the President on Sunday evening "as a popular democratic revolution committed to democracy and social justice." The purpose of the revolution was to restore the duly elected President, Juan Bosch, who had been deposed in 1963 by reactionary military forces 7 months after taking office. "But, the revolutionary movement took a tragic turn."

A number of Communists trained in Cuba "took increasing control * * * many of the original leaders of the rebellion, the followers of President Bosch, took refuge in foreign embassies because they had been superseded by other evil forces, and the secretary general of the rebel government, Martinez Francisco, appealed for a cease-fire. But he was ignored. The revolution was now in other and dangerous hands."

In the state of the emergency, there was no time for a thorough investigation of all the facts. President Johnson took his decision to halt the rebellion on what, it seems to me, was the right ground.

It was that, if the Communists in the revolutionary forces took over the government, the result would be for all practical purposes irreversible. There would never be another election while they were in power in Santo Domingo. On the other hand, while the Bosch restoration has been halted, the way is still open to the return of the party which won the 1965 elections. By acting promptly and decisively the President has kept the way open as otherwise it might well have been closed forever.

It is quite plain from the President's speech that the United States does not want to see a restoration of the old reactionary regime and that it does want the kind of popular democratic revolution, committed to "democracy and social justice" which President Bosch represents.

It is a question whether a country like the Dominican Republic can find stability somewhere in the center between the extreme left and the extreme right. Cuba did not find this stability. There was nothing, it turned out, between Batista and Castro. Is there in the Dominican Republic something between the corrupt and cruel dictatorship of Trujillo and a Communist dictatorship, like Castro's, which would be far to the left of President Bosch?

If President Johnson, working with the OAS, can help the Dominicans find that something in between, can restore President Bosch and shore him up while he carries through the drastic reforms which are necessary in order to extirpate the evils of Trujillo, evils that breed communism, it will be a bright day for the American Republics.

We must not think it is impossible to do this. Mexico has found the middle way. There are new currents flowing in this hemisphere, most notably in Chile and Brazil. They flow toward the center, from the left in Chile and from the right in Brazil.

Our intervention in the Caribbean island will, of course, be looked upon all over the world in the context of our intervention in southeast Asia. We need to consider it ourselves in this context.

We must start from the basic fact that what we have done is literally forbidden by article 15 of the Charter of the OAS—"No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State."

How then can we defend and justify ourselves? Shall we do it on the ground that the United States is the global policeman, or the global fire department, appointed to stop communism everywhere? After such a plea the best we could hope for even from our best friends is that they will smile indulgently at our innocent self-righteousness. The addicts of the global and crusading theory should ask themselves how many more Vietnams and Dominican Republics they are prepared and able to police.

The other ground, which is the one I take, is the old-fashioned and classical diplomatic ground that the Dominican Republic lies squarely within the sphere of influence of the United States, and that it is normal, not abnormal, for a great power to insist that within its sphere of influence, no other great power shall exercise hostile military and political force.

Since we emerged from isolation in the beginning of this century, American foreign policy has been bedeviled by the utopian fallacy that because this is one world, special spheres of influence are an inherent evil and obsolete. Wilson proclaimed this globalism. Franklin Roosevelt, under the prodding of Cordell Hull, adhered to it against Churchill's better judgment. And Johnson continues to invoke it without, I think, a sufficient study of it.

As a matter of fact, experience must soon verify the truth that spheres of influence are fundamental in the very nature of international society. They are as much a fact of life as are birth and death. Great powers will resist the invasion of their spheres of influence. The Soviet Union did that in Hungary, France did it recently in Gabon, the British have always done it when the Low Countries were attacked, the United States has done it in the Dominican Republic. And, if and when we want to know and face the truth, how much of what China is doing is something very similar?

Recognition of spheres of influence is a true alternative to globalism. It is the alternative to Communist globalism which proclaims a universal revolution. It is the alternative to anti-Communist globalism which promises to fight anti-Communist wars everywhere. The acceptance of spheres of influence has been the diplomatic foundation of the detente in Europe between the Soviet Union and the West. Eventually, it will provide the formula of coexistence between Red China and the United States.

Mr. CLARK. I should like to ask my friends on the other side of the aisle—and some on this side of the aisle—whether we have abandoned permanently or only temporarily our support for the rule of law and our determination to respect solemn treaty commitments entered into with the advice and consent of the Senate.

Let me quote from Mr. Lippmann's article:

> We must start from the basic fact that what we have done is literally forbidden by article 15 of the charter of the OAS: "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State."

Mr. President, as one who believes deeply in the rule of law, I should like to listen to some of the fine constitutional lawyers in the Senate give some justification for our taking unilateral action in moving into the Dominican Republic without prior consultation with our partners in the OAS.

Perhaps the protection of American lives justified our action, but I wonder how "hard" is the intelligence on which we are relying in our basic assumption that a Communist takeover in the Dominican Republic was imminent and could not have been prevented had we waited as long as 48 or 72 hours to comply with the procedures which we were honorbound under the treaty to follow.

Mr. President, I also ask unanimous consent to have printed in the RECORD two extremely closely reasoned, calm, and intelligent columns which were published in the New York Times this morning, one entitled "Washington: The Johnson Doctrine," written by James Reston, and the other "Foreign Affairs: Back to Broad Principles," written by C. L. Sulzberger.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 5, 1965]

WASHINGTON: THE JOHNSON DOCTRINE

(By James Reston)

WASHINGTON, May 4.—The change in the fortunes of the Johnson administration is startling. At the beginning of the new term, less than 4 months ago, it was concentrating on the home front, and now it is back in the ruck of the cold war.

From the war on poverty to the war in Vietnam, from the Alliance for Progress to the Marines in the Dominican Republic, from common action and collective security to unilateral military force—this has been the melancholy direction of events in the last 120 days.

So swift has been this transformation that it is necessary to pause and review the scene. At the beginning of the year, the President was determined not to go north in Vietnam but went. His principal hope was to concentrate on the development of the Great Society, but he was diverted. His formula for unifying the alliance was common consultation and, if possible, common action on common problems, but now he is carrying greater burdens with less help from the allies than ever before.

GO IT ALONE

The Johnson way is changing the use of American power to a significant degree. He is using military power faster now. He is still limiting his retaliatory military moves, but he now seems more ready to go it alone than in the first year of his Presidency.

Last year, he talked a lot about being in Vietnam to help the Vietnamese help themselves; now he is treating Vietnam as a vital national interest to be defended at any cost.

It is not clear whether this represents a carefully calculated change of emphasis, or merely a series of personal Johnsonian responses to increased Communist pressures, but there is at least a change of emphasis.

He has gone back to the Monroe Doctrine in dealing with the uprising in the Dominican Republic. The basic principle of the Organization of American States is that "no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. * * *"

After a year of disappointing efforts to get effective cooperation from the allies, however, the President acted first on reports that he faced another Communist conquest in the Caribbean and consulted later.

Moreover, Mr. Johnson's long comments on the Vietnamese crisis today indicates that the Johnson doctrine is to apply the Monroe Doctrine not only in this hemisphere but in other parts of the world threatened by Communist power.

The Communist aim in Vietnam, he said, is to show that the "American commitment is worthless. Once that is done, the gates are down and the road is open to expansion and endless conquest. * * * There are those who ask why this responsibility should be ours. The answer is simple. There is no one else who can do the job. * * *"

This goes a step or two beyond the Truman Doctrine. Mr. Truman agreed that the United States could not allow changes in the status quo by coercion or subterfuge, but emphasized that the aid should be in concert with others and should be primarily financial and economic. Mr. Johnson seems to be saying that the United States must take on the burden alone if necessary.

THE DEEPENING COMMITMENT

This is a bold and may be a realistic appraisal of the problem, but it is a somber prospect and the Nation should be clear about what it implies. The administration's emphasis has now shifted from a revolutionary situation to a military situation, and from collective action by the allies to unilateral military action, if necessary, by the United States.

The trend in Vietnam, moreover, is shifting toward larger commitments of American ground troops, and while the offer of a negotiated settlement remains, the political commitment to fight the battle out to an honorable settlement, if necessary, is stronger than ever.

This impression may be misleading, because the President is now talking out off the cuff on these delicate matters, but the more he talks the more he is obliged to make his actions fit his words, and to respond even more to whatever tactics and strategy the Communists use against him.

STEPPED-UP ACTIVITY

As he says, the pace of Communist activity is increasing. They have the power to create disorder, not only in Vietnam and in Santo Domingo, but in many other places. In fact, Mr. Johnson told the congressional leaders that his intelligence reports indicated the likelihood of another uprising in another place this week but he didn't say where.

If this is what we are facing the need is not going to be for less emphasis on common action by the allies to meet the common danger but for more, for the Johnson doctrine, if carried out, could require more marines than the President has under his command.

FOREIGN AFFAIRS: BACK TO BROAD PRINCIPLES

(By C. L. Sulzberger)

WASHINGTON.—During the 20 years since World War II the United States has elaborated several foreign policy doctrines and the nub of his latest speech may yet be known as the Johnson doctrine. The Johnson doctrine is simply that any country can have any kind of revolution it wants, but if such occurs in the Americas and has communistic dictatorship as its aim, hemispheric action is called for. For "hemispheric" read "United States."

PHILOSOPHICALLY LINKED

Such a flat commitment resembles other regional commitments made under the highly successful Truman doctrine, which protected Greece and Turkey, and the highly unsuccessful Eisenhower doctrine, which failed to line up the Arabs with us against the Soviet Union. There is no fundamental difference between the policies regionally expressed in the Truman, Eisenhower, and Johnson doctrines. All relate to a philosophical pledge made by President Truman on March 12, 1949, when he told Congress:

"It must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures."

The trouble comes when broad concepts are abandoned. Mr. Truman didn't endorse ideological holy wars. His promise, indeed, would be equally valid against aggressive fascism as against aggressive communism. Today it would apply as well to threatened Malaysia as to threatened South Vietnam.

The Johnson doctrine rephrases with unnecessary ideological exactitude previous U.S. policy for Latin America. It errs by limiting its application to communistic dictatorship and by specifying hemispheric action. Current events in the Dominican Republic indicate how hard it is to ascertain that a revolution is indeed Communist led, and also how hard it is to muster swift hemispheric action.

Presidential doctrines beg trouble if they are too narrowly precise. The United States essentially wants to protect its own vital interests and to safeguard global peace, when possible, by limiting or preventing any kind of aggression. The U.N. Charter gives sufficient justification for such an approach; there is no reason to embarrass our future actions by being needlessly specific.

When General Eisenhower composed his final report as NATO commander he asked me to read it and suggest changes. I proposed he amend references to Communist threats in favor of Soviet imperialist or "outside" aggression. Eisenhower agreed. Later, however, the original phraseology was restored. The General's advisers thought his report would thereby have more political appeal in a year when he was running for President.

Our business is neither ideological warfare nor the rigid maintenance of any status quo. Our business is to protect our own national interests from any threat, regardless of its philosophical label, and to try and see that changes in an everchanging world are sufficiently controlled to avoid excessively dangerous explosions. We must get this fact straight.

MATURING CREED

Communism, as a creed, is maturing rapidly. Today there are many kinds of communism, some of which, such as Marshal Tito's certainly do not seem to threaten us. Russia, China, Albania, Yugoslavia, Rumania are all at odds in one or another respect. In Vietnam it is not at all clear just what the relations are between Peiping, Hanoi, Moscow, and the Vietcong partisans.

During his first years as Secretary of State, Foster Dulles made the mistake of condemning all communism, some socialism, and even neutralism. Obviously it is not in our national interest to publish blanket condemnations and to advertise blanket ideological commitments.

A FLEXIBLE POLICY

If we keep insisting that any variety of communism is automatically our enemy, we risk two consequences. Support for our policies will diminish among our allies who have less interest than ourselves in "holy wars." And, still more important, such an inflexible outlook will push centrifugal communism back upon itself. It is not sensible policy to encourage quarreling opponents to reunite.

Instead we should stick to fundamentals—defend our vital interests; help those of our friends who feel themselves threatened, attacked, or undermined, and work to preserve a peace that is always at best tenuous. Under the U.N. Charter, under our alliance commitments registered in the U.N., and under widely understood principles of our global policy, this is enough. No limiting precisions are required.

Mr. CLARK. Mr. President, let me say again, as I began, that I am not prepared certainly at this time either to desert the President or to fail to support him.

The **PRESIDING OFFICER.** The time of the Senator from Pennsylvania has expired.

Mr. **CLARK.** Mr. President, I ask unanimous consent that I may proceed for not in excess of 3 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **CLARK.** Mr. President, I hope very much that we can get the OAS in on a multilateral basis, just as we went into Korea, and that that Organization, with our help, will be able to reestablish law and order; and that there may be, in due course, a government installed in the Dominican Republic which represents the desires of the people of that country and not another military junta which would merely restore a dictatorship which, in due course, might not be so very much different from that of Dictator Trujillo.

Mr. **SCOTT.** Mr. President, will the Senator from Pennsylvania yield?

Mr. **CLARK.** I wish to move to another subject at this time, if my friend and colleague will permit me. We are now in the morning hour, and if any Senator desires time to ask me a question, I shall be happy to yield to him at that time.

UNITED NATIONS PROCEDURES AND POWER REALITIES

Mr. **CLARK.** Mr. President, I ask unanimous consent that an excellent speech delivered by Richard N. Gardner, Deputy Assistant Secretary of State for International Organization Affairs, at the banquet of the American Society of International Law on April 23, 1965, may be printed in the Record at this point in my remarks. It is entitled "United Nations Procedures and Power Realities: The International Apportionment Problem."

There being no objection, the address was ordered to be printed in the Record, as follows:

United Nations Procedures and Power Realities: The International Apportionment Problem

(Address by Richard N. Gardner, Deputy Assistant Secretary of State for International Organization Affairs, at the annual banquet of the American Society of International Law, at the Mayflower Hotel, Washington, D.C., Friday, Apr. 23, 1965)

I have always looked forward to annual meetings of this society with anticipation—but never more so than this year. One reason, of course, is the very great honor of participating in this evening's program together with the Secretary of State. The other reason is the particularly timely and important theme to which you are devoting these annual meetings, "The Development of International Law by International Organizations."

Some people, to be sure, may have reservations about the decision to devote all of your meetings this year to this particular subject.

On one side, there are those who may feel that the problems of international organizations are not sufficiently legal to sustain the interest of practicing lawyers and law teachers.

On the other side, there are those who may feel that law and lawyers already have too much to do with foreign policy, in the field of international organizations and elsewhere, and that this program of yours is hardly designed to keep them in their place.

Those who hold this latter view would probably agree with the judgment of Sir Harold Nicholson, the famous British writer on diplomacy, that "the worst kind of diplomatists are missionaries, fanatics, and lawyers."

Fortunately, Sir Harold Nicolson's view on this subject has not prevailed in the United States. Since 1789, 45 out of 52 of our Secretaries of State have been members of the bar. One member of that small band of seven who have not been lawyers—the Secretary of State we honor here tonight—does not conceal the fact that he was studying law when the war intervened. It cut off what undoubtedly would have been a brilliant career at the bar—and it no doubt made him Secretary of State several years sooner.

My views on this subject are undoubtedly self-serving. I am a great believer in the deep involvement of lawyers in foreign policy, particularly in the field of international organization. Those laymen who complain about the lawyer's role in this area tend to think of law as the mechanical application of principles found in cases and textbooks. Few lawyers today would accept so restrictive a definition of their function. Most of us like to think of ourselves as practicing what a colleague on the Harvard law faculty has described as "Eunomics—the science of good arrangements."

It is not surprising that in the Department of State today there are many more lawyers outside than inside the Legal Adviser's Office. Several, like myself, are in the Bureau of International Organization Affairs, trying to apply "the science of good arrangements" to the major tasks of peacekeeping and nation-building which our country is undertaking on a multilateral basis.

Together with our colleagues in the Office of the Legal Adviser, we have been applying the lawyer's skills in problem solving to some of the exciting enterprises undertaken during the Kennedy and Johnson administrations—to developing the institutional components for partial and general disarmament; to negotiating ground rules for U.N. peacekeeping forces; to drafting principles for the peaceful uses of outer space; to establishing interim arrangements for global satellite communications; to inaugurating a UN/FAO world food program; to creating a world weather watch under the World Meteorological Organization; to launching new United Nations trade machinery; and to analysis of the possible functions of a United Nations High Commissioner for Human Rights.

I

Of all our preoccupations these last 4 years in the field of international organization the one which best illustrates the relevance of law and legal skills has been our effort to adapt the decisionmaking procedures of the United Nations and its family of agencies to take adequate account of world power realities.

The Secretary of State himself called special attention to this problem in his Hammarskjold lecture at Columbia University on January 10, 1964. He pointed out that a two-thirds vote could now be put together in the General Assembly, at least in theory, by members representing only 10 percent of the population of U.N. members and 5 percent of contributions to the regular budget. He noted that the rapid and radical expansion of the Organization may require some adaptation of procedures if the U.N. is to remain relevant to the real world and therefore effective in that world.

The reason for our preoccuption with this subject is obvious. The United Nations has grown from 51 to 114 members in the last 20 years. A parallel increase has taken place in the membership of the specialized and affiliated agencies. U.N. membership may reach a total of 125 to 130 before it finally levels off.

What makes this extraordinary increase in membership particularly significant from a constitutional point of view is the simultaneous increase in the U.N.'s capacity to act. The United States has played a leading role in the strengthening of the action responsibilities of the United Nations system in both peacekeeping and development. We want to continue to play this role in the years ahead.

It is obvious that, as the U.N. develops an increasing capacity to act, there will be increasing concern with the procedures by which this capacity is exercised. The manifest disproportion between voting power and real power is now a central preoccupation of persons concerned with the future of the world organization. Unless we can find ways to allay the anxieties felt on this subject in the United States and in other countries, it will be increasingly difficult to use the U.N. in the years ahead for important tasks of peacekeeping and development.

To be sure, it is important not to overstate the problem which is inherent in the present constitutional situation. As Dag Hammarskjold reminded us some years ago in an annual report to the General Assembly, the members of the United Nations may have equal votes, but they are far from having equal influence: "The criticism of 'one nation, one vote,' irrespective of size or strength, as constituting an obstacle to arriving at just and representative solutions, tends to exaggerate the problem. The General Assembly is not a parliament of elected individual members; it is a diplomatic meeting in which the delegates of member states represent governmental policies, and these policies are subject to all the influences that would prevail in international life in any case."

Anyone who believes that U.S. influence in the United Nations is measured by the fact that it has less than one-hundredth of the votes in the General Assembly fails completely to understand the realities of power as they are reflected in the world organization. These realities include the fact that the United States is the principal contributor to the U.N.'s regular budget, is by far the largest supporter of the U.N.'s peacekeeping and development programs, and is making by far the largest individual contribution to the defense and development of the non-Communist world. On U.N. decisions of vital importance to the United States, the voting of other countries has been considerably influenced by U.S. views.

Nevertheless, after these and other qualifications are made, it remains true that the present procedures do need to be improved in the light both of the growth of U.N. membership and the growth of U.N. responsibilities. The last UNESCO Conference, for example, voted a budget by a large majority of votes which represented less than 30 percent of the funds that had to be raised to make the budget a reality. And at the United Nations Conference on Trade and Development in Geneva last spring there was a disturbing tendency of the 75 (now 77) less developed countries to use their automatic two-thirds majority to vote recommendations for action in trade and development over the opposition of the very minority of developed countries to whom the recommendations were addressed.

On the whole, the majority of small countries have not behaved as irresponsibly as the pessimists have predicted. We hope in the years ahead that the "revolution of rising expectations" will be matched by an "evolution of rising responsibility." But we cannot base our participation in the U.N. on hope alone. Sound procedural adaptations can help make this hope a reality.

The constitutional problem here involved is not unique to the U.N. We have sometimes referred to these difficulties in the U.N. as the "international apportionment problem"—because the word apportionment has a very poignant meaning in our domestic political life through the recent actions of our Supreme Court and State legislatures.

Indeed, we are dealing here with problems in the management of power reminiscent of those which confronted our own Constitutional Convention in Philadelphia nearly 200 years ago. In Philadelphia then, as in the United Nations system today, the problem was how to reconcile the sovereign equality of States with the fact that some States are very small and other States are very large.

The sovereign equality of states is one of the fundamental principles of international law. In the words of a famous case decided many years ago by the U.S. Supreme Court: "Russia and Geneva have equal rights." Article 2, paragraph 1 of the United Nations Charter declares that the United Nations is based on the principle of sovereign equality.

The sovereign equality of states, however, has never meant the equal right to participate in the decisionmaking process of international organizations. The composition of the Security Council and other councils, the veto provision, the amendment process—these and other provisions of the charter all accord special privileges to certain members. So the structure of the United Nations from the very beginning recognized the need to reconcile the principle of sovereign equality with the uneven disposition of real power and real responsibility for implementing U.N. decisions. Appropriate means of balancing these considerations were also incorporated in the constitutions of the specialized agencies.

Quite apart from charter provisions, procedures have been developed over the years to adapt decisionmaking procedures to power realities. In the last several years this central problem has occasioned a vast amount of staff work in our own and other governments—and a considerable amount of discussion and negotiation in the U.N. system.

We have explored with other nations many different procedures for rationalizing the decisionmaking process. We recognize that no one procedure is appropriate for all cases:

Certain procedures may be appropriate for the voting of General Assembly resolutions which merely manifest the views of members and have no binding legal effect.

Other procedures may be appropriate when the General Assembly is exercising its mandatory power to assess.

Still other procedures may be appropriate in specialized agencies lending substantial sums of money for exchange stabilization or economic development.

So our search for adequate procedures has been undertaken on a case-by-case basis with special regard for the peculiarities of each case.

Before turning to a discussion of possible procedures, it may be useful to identify one solution to the problem which we have not considered. We have rejected the notion that most or all important U.N. operations should be subject to the "principle of unanimity."

Specifically, we have rejected the 20-year-old Soviet demand that all peacekeeping operations of the U.N. should be under the exclusive jurisdiction of the Security Council and thus subject to great power veto. While recognizing that the Security Council has the exclusive right to initiate mandatory peacekeeping actions that impose binding obligations on states, we have consistently recognized the residual authority of the General Assembly to launch voluntary peacekeeping operations. We have defended the charter power of the Assembly to assess the membership for such operations—while recognizing that in practice many peacekeeping operations can be more appropriately financed by methods other than by every-member assessment.

Some Americans, I know, feel strongly that we must not expose the vital interests of the United States to the possibility that the Assembly would lay mandatory obligations on us against our will. Fears have been expressed that the United Nations would send a force into some area against our political opposition—and make us pay for such ventures besides. It has been suggested that in the arrears issue we are trying to enforce on the U.S.S.R. and France a principle that we would never allow to be enforced against ourselves.

There are several important points to be considered in connection with this assertion. The Congo and Middle East operations were launched with the acquiescence of the Soviet Union and France. The General Assembly has never recommended any peacekeeping operation against the negative vote of a big power. Indeed, the Assembly has only recommended a peacekeeping operation once, the United Nations Emergency Force, and this was with the consent of the territorial sovereign.

The Assembly cannot, in any case, initiate binding enforcement action requiring members to contribute men and logistical support to military operations. It has never attempted to do this—and there is no reason to suppose it ever will. Moreover, the Assembly, indeed the U.N., is estopped by article 2, paragraph 7 of the charter from unlawful intervention in matters within a member's domestic jurisdiction.

Finally, in the light of the article 19 experience, it is clear that the Assembly will be very cautious in the future in exercising its right to initiate and assess for voluntary peacekeeping operations. These considerations are usually overlooked by those who claim that the principle for which the United States has been contending in the article 19 crisis is incompatible with our national interests.

The argument that, if we were like the Soviet Union, we would not want to pay for peacekeeping operations we oppose, is unpersuasive for another reason: The policies we pursue do not lead the United Nations to undertake peacekeeping actions directed against what we see as our vital interests. If the United States were engaged in promoting the overthrow of foreign governments and institutions, it would have reason to fear the effective implementation of United Nations principles.

But, in view of what in fact American principles and purposes are, we have every reason to uphold the authority of the United Nations. We have every reason to uphold the law, as the International Court of Justice has found it to be. We have every reason to favor impartially applying the law of the charter, for we have no reason to fear impartial application of that law. If we seek a world ruled by law rather than force, we naturally must seek to apply and defend the law we now have.

In short, the United States has been prepared to take whatever risks are inherent in the principle that voluntary peacekeeping operations may be initiated and financed by the General Assembly free from great-power veto because we recognize a long-term interest in developing this means of containing violence in the nuclear age. We want to minimize these risks, of course, but not at the cost of crippling the capacity of the United Nations to act for peace and security.

To put it another way, we are persuaded of the need to protect the interests of ourselves and other large and middle powers in the United Nations vehicle. But we do not want to do this by draining all the gasoline out of the motor. We prefer to keep the gasoline in—and to keep the vehicle on the road through the introduction of power steering.

II

How can power steering be built into the United Nations vehicle? Diplomats and scholars have explored six main approaches to this problem:

1. Weighted voting

Most public discussion of the international apportionment question has focused on proposals to introduce weighted voting in the General Assembly and in the conferences of the major U.N. agencies.

Weighted voting exists, of course, in the four financial agencies of the United Nations system—the International Monetary Fund, the International Bank for Reconstruction and Development, the International Finance Corporation and the International Development Association. In each of these, voting power is roughly proportionate to financial contribution. Weighted voting is also employed in the main international commodity arrangements, where it is related to the size of participating countries' trade in the particular commodity. Except for these financial and trade arrangements, it is not otherwise employed in the United Nations system.

But most U.N. members, while willing to employ weighted voting for decisions on the disbursement of loans or the administration of commodity agreements, are not prepared to introduce this system across the board to cover recommendations of the General Assembly and other bodies.

The obvious practical impediment to the introduction of weighted voting in the General Assembly is that it would require amendment of the U.N. Charter—and therefore the approval not only of the Soviet Union, France, and other members of the Security Council, but also of two-thirds of the membership of the General Assembly. In the present state of international relations, it is hard to imagine the permanent members of the Council and two-thirds of the Assembly agreeing on any formula which would assign different weights to their share in the decisionmaking process.

The most likely consequence of pressing for a charter review conference to consider weighted voting, as some have urged, would be to provide a golden opportunity for the Communist countries and others to press for amendments diminishing the powers that the U.N. has developed under the charter during the last 20 years and that have generally promoted the objectives of U.S. foreign policy.

Even if it were possible to amend the charter to provide for weighted voting, it is not at all certain that our national interest would be served by the result. No system of weighted voting could conceivably be negotiated which did not weigh population as a major factor. It is questionable whether such an arrangement would suit a country like ours, which has only 6 percent of the world's population and which, together with its NATO allies, has only 16 percent. If population were a primary criterion, India with its 450 million people and China with its 700 million people might well end up with more votes than the United States.

Of course, it is always possible to construct hypothetical systems of weighted voting congenial to our interests based mainly on such factors as literacy, per capita income, and military power. But such systems are simply not negotiable—at least, not in the foreseeable future.

The Department of State in 1962 conducted a study of various weighted voting formulas based on population and contributions to the U.N. budget. When these formulas were applied to 178 key votes that took place in the General Assembly between 1954 and 1962, it was found that, while they would have somewhat reduced the number of resolutions passed over U.S. opposition, they would have reduced much more the number of resolutions supported by the United States and passed over Communist opposition. The same conclusion was reached in projecting these formulas to 1970, having regard to further increases in membership.

The results of this study reflect the fact that the desire for political independence and economic progress has put most U.N. members on the same side as the United States on most important matters—particularly where action is involved as well as talk.

We have therefore concluded that any system of weighted voting taking population substantially into account—and, I repeat, no weighted voting system would be negotiable that failed to do this—would help Communist countries more than ourselves, by making it easier for them to achieve a blocking one-third vote on U.N. actions for peace and welfare that are in the interest of the United States and other nations of the non-Communist world.

2. *Dual voting*

Dual voting—or a system of double majorities—has recently been advanced by by some commentators as a possible answer. Benjamin Cohen, for example, has proposed that General Assembly decisions on substantive matters should be made in the future by a two-thirds majority of members present and voting, provided that the majority includes two-thirds of the members of the Security Council.

Dual voting has two great advantages as compared with weighted voting: it does not offend directly the one-nation, one-vote principle; it does not require a complicated negotiation involving national prestige in which different weights have to be assigned to different members.

But most members of the United Nations would probably feel that the introduction of dual voting on all substantive matters would require charter amendment. It is doubtful that a sufficient consensus on the desirability of dual voting presently exists for such an amendment to be approved.

It is always possible, of course, that dual voting might be introduced in selected areas of U.N. decisionmaking. At the U.N. Conference on Trade and Development in Geneva last year the non-Communist industrial countries, in the closing weeks of the conference, proposed a system of dual voting for the new U.N. trade machinery. Under this proposal, decisions on certain important matters in the periodic Trade and Development Conference were to be taken by a two-thirds majority, including a majority of developed countries and a majority of less developed countries; in the Trade and Development Board such decisions would be taken by a plain majority, including a majority of developed countries and a majority of less developed countries.

This proposal found some support not only among developed countries but also among less developed countries, some of whom recognized the futility of voting self-serving resolutions without the concurrence of at least a majority of those countries to whom the recommendations were addressed.

But the idea involved too great a change in existing procedures to gain approval at Geneva. And some of the Western industrial countries even developed second thoughts on the proposal—on the grounds that special voting procedures of this kind might cause greater significance to be attached to U.N. recommendations than they were prepared to accept.

3. *Bicameralism*

Bicameralism in one form or other is an approach to the international apportionment problem offering greater possibilities in the short run than either weighted or dual voting.

In its extreme form, bicameralism would mean treating the Security Council and the General Assembly as an "upper house" and a "lower house" and requiring that decisions on some or all matters would have to be passed by both of them. For example, the veto could continue to apply to enforcement action; but voluntary peacekeeping operations and perhaps recommendations in other areas could be adopted by two-thirds of the General Assembly and by 7 of the 11 members of the Security Council (9 members of the enlarged Council of 15).

Here again, this kind of proposal would probably require charter amendment. It is therefore not a practical possibility in the foreseeable future. But more tentative and informal steps in the direction of bicameralism may be possible.

In September 1964, the United States submitted to the working group of 21 a proposal covering arrangements for initiating and financing U.N. peacekeeping operations involving the use of military forces. We proposed that all proposals to initiate such peacekeeping operations should be considered first in the Security Council. The General Assembly would not authorize or assume control of such operations unless the Council had demonstrated that it was unable to take action.

This proposal would work a change in present procedures. While under the charter, the Security Council would normally be expected to consider a threat to peace and security in the first instance, there is no requirement that the Security Council should first consider a particular peacekeeping operation. In the Suez crisis, for example, the Security Council met before the General Assembly convened in emergency special session, but it did not consider the proposal for the establishment of the United Nations Emergency Force. This proposal was initiated in the Assembly itself.

A new arrangement by which proposals for the establishment of peacekeeping forces would first be submitted to the Council would be a step in the direction of strengthening the primary responsibility of the Council in the peacekeeping field. It should commend itself not only to those members who are seeking to strengthen the Council's role but to all members who want to work out a rational distribution of powers between the Council and the Assembly.

The UNEF, Congo, and Cyprus operations illustrated the importance of getting U.N. troops to world trouble spots without undue delay. Therefore any proposal requiring prior resort to the Council should contain safeguards—perhaps a fixed time limit—to avoid jeopardizing the ability of the Assembly to take timely action under its residual powers.

Enlargement of the Security Council could also aid our efforts to deal with the international apportionment problem through measures of modified bicameralism. If the Security Council is to discharge more effectively its primary responsibility in the field of peace and security, it must be sufficiently representative of the U.N. membership as a whole to have the confidence of the membership. This is not possible without enlargement.

The General Assembly has approved the first charter amendments in the history of the United Nations—amendments enlarging the Security Council from 11 to 15 members and the Economic and Social Council from 18 to 27 members. The President of the United States recently sent a message to the Senate asking for advice and consent to the ratification of these amendments. Hearings will shortly commence upon them in the Senate Foreign Relations Committee.

Affirmative action upon these amendments is clearly desirable.

The enlargement of the Security Council is designed to eliminate the contentious problem of sharing an inadequate number of seats. The new understanding for the distribution of the elective seats embodied in the Assembly resolution proposing the amendment is realistic and equitable. It allocates two seats to Western European countries and others, two to Latin America, one to Eastern Europe, and five to Africa and Asia. Enlargement should reduce the tendency to split terms in Security Council elections and should relieve mounting pressures against seats now held by Western European and Latin American countries.

4. *Committees with selective representation*

Probably the most promising method yet devised for building greater responsibility into United Nations decisionmaking is that of committees with selective representation.

The basic concept was provided in the charter provision for a Security Council with 11 members, including the 5 permanent members which bear the principal responsibility for the maintenance of peace and security. The same concept is embodied in the charter of a number of the specialized agencies—for example, in the governing body of the International Labor Organization, the 10 members of chief industrial importance have permanent seats.

Even where no specific provision is made for permanent seats for a certain category of members, elections to the executive boards of U.N. agencies have normally taken account of the special responsibilities of members in the particular functional area of cooperation—whether it be telecommunications, weather forecasting, or medical research. Presumably this will continue to be true in the future as well.

In the case of the Security Council, the charter itself declares that due regard should be especially paid, in the first instance to the contribution of members of the United Nations to the maintenance of international peace and security and to the other purposes of the organization as well as to equitable geographic distribution. This provision has not received the attention it deserves. It would enhance the effectiveness of an enlarged Council if this consideration could be adequately reflected in Council elections in the years ahead.

The members of the United Nations have found committees with selective representation particularly useful in the financial field. The General Assembly's Advisory Committee on Administration and Budgetary Questions bears responsibility for examining and reporting on the Secretary General's U.N. budget estimates. The United States has supported the effective operation of this small 12-man body, which is not merely representative of the major geographic groups in the United Nations, but also reflects comparative contributions to the U.N. budget. We have sought to strengthen the authority of similar groups in the specialized agencies—and we believe members might usefully consider the possibility of creating such groups in agencies which do not have them.

We also favor use of a committee with selective representation in the peacekeeping field. Our working paper to the Committee of 21 last September proposed that the General Assembly establish a standing Special Finance Committee. The composition of this Committee would be similar to that of the present Working Group of 21—it would include the permanent members of the Security Council and a relatively high percentage of those member states in each geographic area that are large financial contributors to the United Nations. The General Assembly, in apportioning expenses for peacekeeping operations, would act only on a recommendation from the Committee passed by a two-thirds majority of the Committee's membership.

One great advantage of the committee approach is that it does not require amendment of the U.N. Charter or the constitutions of the various specialized agencies. The proposed Special Finance Committee for peacekeeping operations, for example, could be constituted under and governed by firm rules of procedure by the General Assembly. In effect, the Assembly would be adopting a self-denying ordinance to act only upon proposals first adopted in this new suborgan.

5. Informal relations with international secretariats

Informal relations with the international secretariats may also provide a useful approach. Obviously, the Secretary-General of the United Nations and the heads of the specialized and affiliated agencies engage in a continuous process of consultation with the membership. In these consultations they naturally take account of the differing responsibilities which the members have for supporting the work of their organizations.

During the United Nations operation in the Congo, for example, the secretariat systematically consulted an advisory committee of countries that contributed military personnel. More informally, consultation was carried on with key contributors of services and money. For example, the United States and other major contributors were in frequent touch with the Secretary-General and his staff in New York and with the chief of the U.N. Congo operation in Leopoldville. This was a truly international undertaking. At the same time, its conduct reflected the views of the major supporters of the operation.

So far the heads of U.N. agencies have generally paid close attention to the views of the countries with special financial and other responsibilities. The problem has mainly been the inability of these countries to organize themselves effectively for the timely transmission of their viewpoints to the agency heads.

In recent months, the U.S. Government has made special efforts to deal with this problem. We have sought to take a longer range view of international organization activities and to develop our own position on programs and budgets far enough in advance so that the executive heads of the agencies can take these views into account at the time the program and budget is being formulated.

Our objective here is to put the executive heads of the agencies in a position to take into account the views of their major contributors early in the budget cycle before their proposals to the executive boards and conferences are frozen. This is immeasurably better than having them formulate their programs and budgets in the dark—only to be met suddenly at the general conference with the opposition of major contributors.

During the past year, the United States has begun a systematic series of consultations with some of the other major contributors in an effort to develop common positions on the programs and budgets of the international agencies. We have found this process of consultation very useful. As governmental positions emerge on various issues facing the specialized agencies, they are presented informally to the Directors General.

We believe that, in the long run, this exchange of views among governments and with secretariats will make for more effective participation by the larger contributors in the international organizations—and consequently for more realistic program proposals in the agencies.

6. Conciliation

The most recent—and perhaps the most original—procedural innovation in U.N. decision making is the conciliation procedure established by the last General Assembly for the new U.N. machinery in the field of trade and development.

The need for the conciliation procedure became apparent during the United Nations Conference on Trade and Development at Geneva. In the closing days of UNCTAD, at which I served as vice chairman of the U.S. delegation, there was an encouraging disposition to reach a consensus on some subjects. But there were also instances when the voting bloc of less developed countries passed resolutions over the opposition of the minority of industrial countries on matters involving important economic interests.

Some delegates argued that this was no cause for concern, since the resolutions were recommendations only—and any resolutions of the new trade machinery would be recommendations only. But the United States and other countries pointed out that the currency of such recommendations would be hopelessly debased if they failed to reflect a substantial consensus among all countries—including particularly the countries bearing the principal responsibility for implementing them.

Trade questions have traditionally been dealt with among nations by negotiation—not legislation. Undoubtedly, there is a constructive role for institutions whose primary purpose is to articulate through recommendations the measures which should be undertaken by both developed and less developed countries to deal with the trade problems of the latter. But such institutions can only operate through a process of persuasion.

Persuasion is assisted when delegates seek a consensus through conciliation and express that consensus in resolutions. If it is not assisted—it may even be set back—by the passage of self-serving resolutions by automatic majorities. Public opinion in the industrial countries is likely to react adversely to recommendations that are passed over the opposition of the industrial countries but call for concessions by them.

What is wanted, in the last analysis, is not voting, but results. Because this was recognized by most delegations, a last minute agreement was reached at Geneva that the the new UNCTAD machinery should contain procedures "designed to establish a process of conciliation to take place before voting and to provide an adequate basis for the adoption of recommendations with regard to proposals of a specific nature for action substantially affecting economic or financial interests of particular countries."

The task of working out these procedures was left to a special committee appointed by the Secretary-General of the United Nations. I had the privilege of serving as the U.S. expert on this committee. The conciliation procedure which the committee devised will operate in the periodic Conference, in the Trade and Development Board, and its committees.

Under this procedure, conciliation can be initiated and voting suspended on any resolution, upon the motion of a very small number of countries (10 in the Conference, 5 in the Board, and 3 in committees), or upon the motion of the President of the Conference or Chairman of the Board.

The initiation of conciliation is automatic. However, guidelines are provided defining the kind of resolutions which are appropriate for the conciliation procedure.

Following a motion for conciliation, a conciliation group is appointed with adequate representation of countries interested in the subject matter. If the conciliation group cannot reach agreement at the same session of the Conference or Board, it reports to the next session of the Conference or Board whichever comes first.

If the conciliation group has reached agreement, the agreed resolution can be voted. If it has not, a decision can be taken continuing conciliation for a further period, or the original proposal, or some variant thereof, can be voted in the normal way.

In the event that a vote is taken after unsuccessful conciliation, the resolution will cite the report of the conciliation group (which may contain minority as well as majority views), and the records of the United Nations will show how the members voted on the resolution.

These procedures offer important benefits to all U.N. members:

For the minority of developed countries, they provide some safeguard against the voting of unacceptable resolutions by automatic majorities, and a "cooling off" period of 6 months or more during which efforts at compromise can be sought through quiet diplomacy.

For the majority of less developed countries, they afford a means of engaging the developed countries in a sustained debate during which the developed countries explain the reasons for their opposition to proposals of the majority.

It is too early to see just how the conciliation procedure will work in practice, but we may hazard one prediction: The main value of the new procedures may be less in their actual use than in the subtle way in which their mere existence influences member governments in the direction of compromise rather than voting on disagreed proposals.

III

This catalog of procedures for coping with the "international apportionment problem" should serve to indicate four things:

First, that the United States and other countries are very much aware of the need to adapt U.N. procedures to take account of power realities.

Second, that a wide variety of alternative procedures can be developed to come to grips with the problem.

Third, that the most practical of these procedures can be put into effect without amendment of the U.N. Charter or of the constitutions of other U.N. agencies.

Fourth, that a great process of procedural adaptation and innovation is already underway throughout the U.N. system.

Of course, procedures in and of themselves are only part of the problem. What is really required is widespread recognition of the common interest in basing U.N. decisions on an adequate consensus—a consensus which includes the support of most of the countries bearing the principal responsibilities for action.

Will such a recognition be forthcoming? The cynic may ask why the majority of small countries should accept any restraint on the use of their voting power. The answer is clear enough.

If United Nations procedures cannot be adapted to take account of power realities, the large and middle powers will increasingly pursue their national interests outside the U.N. system.

If, on the other hand, the necessary procedural adjustments can be carried out, the United Nations and its agencies will be able to assume increasing responsibilities for action in both peacekeeping and development.

This is the fundamental reason why the important procedural adjustments now underway in the United Nations serve the enlightened long-term interests of all its members.

Mr. CLARK. I believe Mr. Gardner has made a significant contribution to the problem which confronts us as we see the United Nations failing to measure up to the hopes which we all had for it back in 1945. This contribution is particularly pertinent in view of the public hearings which will shortly be held on Senate Concurrent Resolution 32, cosponsored by 26 Senators. The hearings will begin on May 11 before the Committee on Foreign Relations.

THE SITUATION IN VIETNAM

Mr. CLARK. Mr. President, I ask unanimous consent that there may be printed in the RECORD at this point a column entitled "The Hidden Issue" written by Walter Lippmann and published recently in the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Hidden Issue

(By Walter Lippmann)

In his press conference on Tuesday, the President said that "as long as aggression continues, and as long as they bomb in South Vietnam, and as long as they bomb our sports arenas, and our theaters, and our embassies, and kill our women and children, and the Vietnamese soldiers * * * we think that we are justified in trying to slow down that operation and make them realize that it is very costly, and that their aggression should cease. * * * The moment that this aggression ceases, the destruction of their bridges and their radar stations and the ammunition that they use on our bodies will cease."

If this were a full definition of our policy, the obvious proposal to make would be an unconditional cease-fire. Under a cease-fire, all the fighting would stop, including the bombing in the south and in the north, and could be resumed only if the other side violated the truce.

There must then be a compelling reason why the President has not proposed a cease-fire, even though it fits exactly the purpose he declared at the press conference on Tuesday. There is a compelling reason why the administration has rejected the proposal of a cease-fire and has substituted for it a proposal for "unconditional discussions." The compelling reason is that a cease-fire today would leave the Vietcong with the upper hand in the eventual negotiations with Saigon and Washington. It might even precipitate a deal in South Vietnam between the Vietcong and the peace party.

The truth is that the President's advisers have a bigger purpose than the one defined in his press conference. Their aim is to reverse the existing balance of power in South Vietnam before the negotiations for the eventual settlement begin.

This is the crux of the situation today, and it has to be understood in order to understand why there is no present prospect of bringing the war to an end or even of preventing it from becoming a wider war.

The Vietcong and Hanoi, who have the upper hand in South Vietnam, will not negotiate unless their superiority is acknowledged—perhaps by a willingness on our part to deal with the National Liberation Front, which is the political arm of the Vietcong. And our real aim is to fight on until our military position, is as good or a little better than that of our adversaries.

So we must ask ourselves this question:

If the objective of our military effort is the limited one described by the President in his press conference, that we will cease bombing if they will cease bombing, then the thing to do is to propose a cease-fire. Not only would this fit exactly the specifications stated by the President, but it would dispose of the whole controversy at home and abroad about stopping or interrupting unilaterally the American bombing raids.

Before we make up our minds about proposing a cease-fire now, we have to weigh the consequences. The fundamental choice is whether or not we must and can redress the balance of power in South Vietnam before we cease fighting. If we do not redress the balance of power in South Vietnam, the Hanoi government is likely to have a dominant influence on the settlement.

The division of responsible opinion in this country today is between those, on the one hand, who think that with more bombing and with more American troops the predominance of the Vietcong and of Hanoi can be overturned—and those, on the other hand, who think that if this can be done at all, it can be done only at a price which, measured by the American interests at stake, is exorbitant.

There are those who resent, almost apoplectically, the idea that we are not omnipotent everywhere on the globe. But the sober majority of our people, the President first among them, have no appetite for unending and unlimited war in the pursuit of the mirage of victory. They want a decent and honorable end to the war, decent in that the killing and burning stop, honorable in that we do not abandon our clients and friends to the vengeance of their enemies.

Since we cannot win the war and keep it won, there are, I believe, two great forces which we must and can rely on when eventually we bargain out the terms of our leaving Saigon. They will help us preserve the independence of Vietnam against Chinese conquest. One of these forces is our own unchallenged supremacy at sea and in the air in the Pacific and in the Indian Oceans. The other force is Vietnamese nationalism which, whether Communist or not, is deeply, and it would appear permanently, resistant to Chinese imperialism.

Mr. Lippmann points out:

> But the sober majority of our people, the President first among them, have no appetite for unending and unlimited war in the pursuit of the mirage of victory. They want a decent and honorable end to the war, decent in that the killing and burning stop, honorable in that we do not abandon our clients and friends to the vengeance of their enemies.

These comments of Mr. Lippmann quite accurately state my own views in this regard.

A DECENT HOME FOR EVERY AMERICAN

Mr. CLARK. Mr. President, on April 9, 1965, the Senator from New York [Mr. KENNEDY], and I testified on the Housing and Urban Development Act of 1965 before the Housing Subcommittee of the Senate Committee on Banking and Currency on behalf of Senators BAYH, HART, KENNEDY of Massachusetts, MCNAMARA, MORSE, PELL, and TYDINGS, as well as ourselves.

The combined urban populations of the States represented by these nine Senators total nearly one-fifth of the American people. In our statement we endorsed the recommendations of the Johnson administration and carried them still further in proposals of our own.

I ask unanimous consent that there be printed at this point in the RECORD our joint statement entitled "A Decent Home for Every American."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A Decent Home for Every American

(Joint statement before the Housing Subcommittee of the Senate Banking and Currency Committee by U.S. Senators BIRCH BAYH, JOSEPH S. CLARK, PHILIP A. HART, ROBERT F. KENNEDY, PAT MCNAMARA, WAYNE MORSE, CLAIBORNE PELL, EDWARD M. KENNEDY, and JOSEPH TYDINGS, Apr. 9, 1965)

We are here to support S. 1354, the Housing and Urban Development Act of 1965.

In 1949, the Congress declared "that the general welfare and security of the Nation and the health and living standards of its people require * * * the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family."

Today, 16 years later, we are still a long way from our goal. The construction industry, assisted by a variety of Federal, State and local government actions, has built new and better housing on an unprecedented scale. But our population has increased; millions of families have changed their place of residence; and much of our housing stock has deteriorated.

As a result, one out of every four American families lives in substandard housing. Of the 58.3 million housing units in the United States in 1959, 8.4 million were deteriorating; 3.0 million were thoroughly dilapidated; and 4.3 million otherwise sound units lacked basic plumbing. By now, the figures are almost certainly worse.

Nowhere has this raised greater problems than in the core areas of our great cities. In part, this is because they are old: 57 percent of all housing units in the central cities were built before 1929, as compared with 41 percent of all housing units outside the center cities; and while 22 percent of housing outside the cities has been built in the last 10 years, only 9 percent of city housing units have been built in that same decade.

THE PLIGHT OF THE CITY POOR

In larger part, it is because poor people have been moving to the cities. City after city has received waves of migrants from marginal and depressed areas. These newcomers—too often without the education or the skills to earn a living adequate to the high cost of city living—have crowded into slums every bit as crowded, unsanitary, and dangerous as those in which earlier generations of immigrants lived. For those earlier immigrants, conditions improved as they found their place in American society.

But the present generation of poor people faces barriers to advancement which are higher and more difficult than those faced by their predecessors. An advancing technology requires nearly every worker to be as skilled, educated, and trained as were only a small and fortunate elite in past generations. And many of the present poor are elderly; or are without one or more parents; or are the victims of discrimination. We are committed to removing these handicaps—and to securing decent and dignified lives to those who labor under them.

That is why we passed the Civil Rights Act.

It is why we passed the Economic Opportunity Act.

It is why we will pass medicare and the elementary and secondary education bill.

And it is also the reason why the Federal Government should now act to fulfill the pledge of the Housing Act of 1949.

Families—whatever their income—should have access to housing which is sound and sanitary, has basic necessary facilities, and which they can afford. We think it is also clear that this housing should offer its occupants—particularly the children who live in it—an environment which, so far as possible, embodies the ideals and ways of living which those of us who are more fortunate would want and expect for our own children.

These are general aims; they require specific programs.

In our judgment, the administration's housing bill, S. 1354, is a good bill. Its emphasis is upon housing for the poor. We support its passage. But there are additions in the bill which should be made, if we are to realize our goal of a decent, safe, and sanitary home for every American family.

STRENGTHENED LOW-INCOME HOUSING PROGRAM

Our most pressing need is more housing for low-income families. The Housing and Home Finance Agency has testified that local housing authorities applied for over 94,000 public housing units last year. And were more units available, applications would surely increase; New York City alone, for example, presently has on file over 100,000 applications from people desiring admission to public housing projects.

Philadelphia has 100,000 families eligible for public housing, yet only a fraction of the public housing needed to accomodate them.

We are all disappointed that the local public housing authorities have been unable to build the number of public housing units Congress has allocated. In face of this fact, it is difficult to argue for an increase in the annual contributions for public housing, provided in this bill, desirable as that might seem.

We should take a look at why the construction of public housing is going so slowly, when the need is so great. We believe that this country can and should do better.

We should eliminate the artificial distinction between clearing a site for public housing and clearing a site for urban renewal. The act should be amended to provide the same writedown for the clearance of public housing sites as is available for urban renewal.

We should also facilitate local communitywide planning for low-income housing by making the local public housing authorities eligible for assistance under the urban planning assistance program.

We further propose:

First, that local public housing authorities should be able to make use of every federally supported program to provide low-income housing. One reason for such program variety is simply to make more housing available to low-income families; obviously, a housing authority able to assist tenants to acquire housing outside of public housing projects has wider possibilities for effective action than one which must build every unit it wishes to offer.

But a more important reason is that low-income housing should be distributed throughout the society. Tenants receiving housing assistance should not be collected in ghettos, separated from Americans of other income levels. Democratic principles are not fostered by marking off those who accept assistance from the Government. We do not segregate farmers from townspeople because the farmers receive soil bank payments. We do not put scholarship students in separate colleges. We do not list airlines which receive subsidies on a separate stock exchange, or sell the goods which are protected by high tariffs in separate stores. Neither should we mark off those who receive housing assistance to live in separate neighborhoods or, necessarily, separate buildings.

This is often thought of as a problem of race. But as was made clear in the consideration of the Economic Opportunity Act, poverty knows no color line. Seventy-eight percent of all poor people in the United States are white. And even within the great urban centers, the great majority of low-income persons are white. In the very core of New York City, for example, the island of Manhattan, there are 91,800 families with incomes under $3,000, only 30,800 are nonwhite.

We, therefore, applaud the amendment proposed by S. 1354 to section 402 of the Housing Act. This amendment, which would allow the local housing authority to purchase, or rehabilitate, or lease existing housing for low-income use, is a firm step in the right direction. This excellent provision can be further improved by giving local housing authorities a clear mandate to acquire an appropriate participating share of any type of housing project in which such participation would be financially feasible. It should be possible, for example, for a housing authority to share in the development of a 221(d)(3) project, by arrangement with the sponsor. It should likewise be possible for a housing authority to buy participating shares in a cooperative, or enter into advance lease agreements with a private builder for some of the rental units in a projected building or development. As long as the cost does not exceed the cost of annual contributions for a new public housing unit in the community, the Federal Government, the local housing authority, and the housing industry can only gain from such voluntary cooperation.

Further, the local housing authorities should be able to develop their own 221(d)(3) projects or use the direct low-interest rehabilitation loans of section 312 of the 1964 Housing Act. We are aware of the fights for exclusive control of these and other programs that have taken place between different groups. But we cannot now afford—if we ever could—to allow jurisdictional disputes to divert us from our main concern, which is the building of more housing. We are, therefore, in favor of making every program available to every organization—public or private—that evidences a will and ability to build such housing.

Secondly, those local housing authorities which have not performed adequately should no longer be allowed to handicap the performance of others. In not 1 year in the past 10 have all authorized public housing units been built; over this 10-year period, well over 100,000 units have been reserved and placed under contract, but not built. We are informed by the Housing and Home Finance Agency that some of these unbuilt units were reserved in the early 1950's.

Such performance denies decent housing for the poor; frustrates the intent of Congress; and leads to an underestimation of the true need for public housing. We, therefore, urge that the bill be amended to provide that units on which construction has not begun 3 years after the initial reservation be returned to a general pool for allocation to localities willing and able to make use of them, which in the judgment of the Administrator are most in need of additional units. The waste of authorized units is particularly burdensome to those States which have the greatest need for public housing and are only restricted from building more by the 15-percent limitation on authorized units which may be allocated to any single State.

Third, every Federal housing program should be carefully examined—and amended where necessary—to make more direct its relevance to low-income housing. Sections 220 and 220(h), for example, have been little used because the cost limits per unit are too low for major rehabilitation of low-income units in center cities. These limits will also restrict use of the direct low-interest loans authorized under section 312 of the 1964 Housing Act when that program is funded. Every other program makes allowance for the higher cost of building in cities; so should rehabilitation. We, therefore, suggest that the Administrator be authorized, where justified by comparative cost, to increase the per unit limitations of 220 by 45 percent.

Fourth, we further propose that private bodies—nonprofit and limited profit corporations—be encouraged to house low-income people through the use of the proposed rent supplement program.

Title I of the bill establishes a program of rent supplements for persons who are elderly, physically handicapped, displaced by Government programs, or who are occupants of substandard housing. The Administrator of the Housing and Home Finance Agency would enter into contracts with the builder of a rental unit under section 221(d)(3) of the National Housing Act. Under this contract, the Administrator would pay to the builder or sponsor the difference between the economic rent for the property and 20 percent of the tenant's income. As the tenant's income increased, the subsidy would decline; at the point where 20 percent of income would pay the economic rent, the tenant would be like any other tenant in a nonprofit or limited profit rental unit—paying his own way, able to choose his own residence within the limits set by his income.

But as presently drawn, rent supplements would be available only to those whose incomes are too high for them to qualify for admission to public housing. Thus it would help not the families with the greatest need, but people who, whatever their housing problems, are better able to deal with them unaided. Granting that rent supplements should be available to those whose incomes are above public housing limits, we believe that our failure to provide enough housing for very low income families makes it imperative that families with incomes below $4,000 should also be eligible for rent subsidies.

Making rent supplements available to low-income families will require other changes in the bill. These supplements, as the bill is now drafted, would be paid only in cases where the housing units are built under section 221(d)(3), which do not receive the full subsidy afforded public housing. Housing built under this section should, therefore, be afforded the benefits of the below-market interest rate loans of 221(d)(3). Moreover, this interest rate should be fixed at a flat 3 percent to carry out the original intent of the 221(d)(3) program.

Taken together, the use of rent supplements, full use of public housing authorizations, and direction of other Federal housing programs toward the needs of low-income families would do much to alleviate the current shortage of low-income housing. The level of authorization of S. 1354 as proposed could result in making available an average of about 200,000 low-income units in each of the next 4 years. This would mark the first concerted effort by the Congress to eradicate slum housing. This combination of programs would provide us with the weapons to begin to realize the basic goal of the 1949 Housing Act.

Moreover, our suggestions would also go far toward reducing the unhealthy tendency, now prevalent, toward the separation of Americans into rigid income classes. As drafted, the bill contemplates that tenants receiving rent supplements will not occupy all of these new housing units; rather the new buildings will be expected to attract tenants paying the full economic rent from the outset.

REHABILITATION

We believe that the committee should make amply clear, perhaps by clarifying amendment, that rent supplements are to be used for families moving into newly rehabilitated dwellings as well as newly constructed ones. Philadelphia, for example, has a vacancy ratio of 6 percent among low- and moderate-income housing. Much of this is located in the so-called gray areas which surround the heart of nearly every city. Use of rent subsidies to encourage the rehabilitation of such housing can help us upgrade the deteriorating sections of many cities while providing safe and sanitary housing at the same time.

One of the major factors holding back construction of more public housing in the larger cities has been the lack of sites. Through rehabilitation of existing housing we can substantially increase the volume of lower income housing. Lowering the income limitations for rent subsidies will help. But we also need to increase the volume of rehabilitation through other techniques. The rehabilitation grants recommended in this bill for those with incomes below $2,000 are unrealistic. The upper limit for these grants ought at least to correspond to the income limits qualifying families for public housing. With public housing in short supply we should do all we can to encourage the upgrading of existing housing for families in public housing income levels. Therefore, we recommend raising the level of income which qualifies a family for a rehabilitation grant from the $2,000 in the administration bill to $4,000 and the maximum grant from $1,000 to $2,000.

Just the other day, the House Appropriations Committee approved funding of the section 312 direct Federal loan program for rehabilitation which was included in last year's Housing Act. This is a start in the right direction, but that program carries an authorization of only $50 million—a sum far too small to accomplish the massive rehabilitation of existing housing needed if we are to slow down the generation of new slums in the cities. There are at least 15 million substandard dwelling units in the urban areas of the country. Estimates by the National Planning Association indicate that it is going to take roughly three times our present rate of public and private investment in urban rehabilitation to curb the growth of slums over the next 20 years. Rehabilitation of existing housing is one of the best and most efficient ways to curb that expansion of blight.

In order to make a major rehabilitation program for the cities effective we also suggest that we permit rehabilitation outside of urban renewal areas.

THE CITIES AND POVERTY

We believe that one of the best ways to attack both the employment and the environmental aspects of poverty is through self-help. Those out of work and living in substandard housing could be taught a skill while rehabilitating their housing if we were to make provision for integrating community action programs under the war on poverty with the housing program. A community action program could be prepared under which participants could be supervised by experts in upgrading their own dwellings using Federal assistance doing those tasks which do not displace employed labor. In the process they could acquire useful and employable skills. Such a program was initiated in 1952 in Philadelphia by the Society of Friends. It was a success.

We suggest a directive be incorporated in the present bill to that end.

NEW TOWNS

We congratulate the administration on the broad-ranging concept of new communities that is included in title II of the bill. Clearly, as our urban population doubles within the next 40 years, we cannot allow our present cities to just sprawl into the surrounding countryside. It now takes from 40 minutes to an hour to reach green space from the center of any major city; should present growth patterns continue, it will soon take 2 hours or more.

But as we create new towns, largely self-contained—with their own industry, their own commerce, their own schools and recreation facilities—we must assure that they house families of all income classes. Too many cities are already experiencing the problems that inevitably arise when low-income families are restricted to the center city and higher income families are encouraged to move to the suburbs. City after city has seen the downtown tax base decline as welfare costs rise; educational problems grow more difficult while the concerned and educated citizens who alone can improve an educational system move elsewhere; and transportation becomes almost an insoluble problem as upper income workers commute from the suburbs to the central cities, while many lower income workers commute from residences in the city to factory jobs on the outskirts of town.

If the new towns are to help solve our housing problems within a democratic tradition—and we believe that they can—then they must house a representative sample of the American population. If the rent-supplement provisions of the legislation are amended to apply to low-income housing, builders of new towns will have no added financial burden in providing it; singly or in combination, they can form a limited-profit corporation and receive building money under 221(d)(3). The bill should, therefore, be amended to require the builders of a new town, as a precondition of receiving assistance under title II, to provide low-income housing for 15 percent of the families who will live in the new town.

This part of the bill should be further strengthened by discouraging builders from spreading housing all over the landscape without regard for such rudimentary utilities as water and sewer lines—a tendency which is the source of many a heartbreak for a new suburban homeowner. FHA insurance should be denied for any mortgage on housing built in areas unserved by sewer or water lines where the Administrator determines that these services are economically feasible.

REGIONAL COOPERATION IN METROPOLITAN AREAS

Section 701, in our opinion, is one of the most useful sections of the Housing Act. It has led many communities, through urban planning assistance, to think for the first time about what the future holds.

We have fallen down, however, in encouraging more areawide cooperation in metropolitan areas. Few indeed are the urban areas of the country where any official form of metropolitan government exists—or even an areawide planning commission, for that matter.

To encourage greater metropolitan cooperation we must extend assistance to the level where it counts—the councils of elected officials representing all the local jurisdictions in metropolitan areas. There are many such organizations throughout the country—around Seattle, Baltimore, Detroit, New York, Washington, and Philadelphia, to name but a few. Section 701 planning assistance must be made available to such groups to help them develop the forms of metropolitan cooperation needed to cope with increasingly complex regional problems. With Federal seed money, many of these councils of elected officials will move their metropolitan areas toward more cooperative and productive intergovernmental arrangements to cope with areawide problems.

OPEN SPACE

One of the major concerns of a metropolitan region is preserving open space and conservation areas before they are all irretrievably lost to metropolitan sprawl.

There are currently two programs to help acquire such areas: the open-space program in the Housing and Home Finance Agency providing 20- to 30-percent grants to local communities and the land and water conservation fund administered by the Department of the Interior, which offers 50-percent grants—a sum expected to exceed $30 million this year.

From the point of view of most metropolitan areas the land and water conservation fund is a more desirable source of assistance because of the larger grant ratio. This the administration bill attempts to meet halfway by asking for 40-percent grants for the open-space program. It should ask for at least 50 percent to make the two comparable.

But we have discovered that the Bureau of the Budget has drafted an executive memorandum which effectively denies use of the land and water conservation fund in metropolitan areas unless less than 50 percent of a conservation area is within the metropolitan area. We supported that vital bill because it seemed to be the best vehicle for getting the open areas we need close to the population. This proposal of the Bureau of the Budget would completely frustrate that intent. The fund should be fully available to the metropolitan areas—not excluded from them. We hope this committee will not only increase the level of grants available under the open-space program to 50 percent, but also express itself strongly on the question of the availability of land and water conservation fund money to metropolitan areas.

ADEQUATE FUNDS FOR URBAN RENEWAL AND COMMUNITY FACILITIES

We are well aware of the criticism that has been aimed at urban renewal in recent years. Some of that criticism is justified, particularly with regard to our failure adequately to rehouse the poor. But many of the arguments have been based on inadequate statistics and faulty arguments. Certainly we should acknowledge the failings of our urban renewal programs. But we cannot afford to slacken our efforts to rebuild the physical and economic base of our cities through commercial and industrial renewal.

Cities all over the United States have prepared long-range workable programs to rehabilitate their commercial, industrial, and residential areas. Those plans extend 15 or 20 years into the future. Through Federal assistance we encouraged the preparation of those plans.

The present bill, however, would cut back the Federal commitment to urban renewal. The bill calls for expanding programs without providing an expanding authorization. Every year more communities come into the urban renewal program. It costs more—not less—to renew and preserve historic buildings, architectural treasures, and the charm of old neighborhoods. It costs more—not less—to preserve rather than destroy beauty. Federal authorizations for urban renewal should be expanding with the need for it in the cities. We believe that the capital grant authorization in the administration bill should be raised to at least $1 billion per year.

We also believe that the $100 million requested for community public works is too small a sum to meet the chronic need in most cities to eliminate obsolescence of community facilities. There are now on file applications from local communities for at least $750 million in community public works. We believe that Congress should provide an authorization more in line with this need.

In his state of the Union message, President Johnson said: "We do not intend to live—in the midst of abundance—isolated from neighbors and nature, confined by blighted cities and bleak suburbs, stunted by a poverty of learning and an emptiness of leisure."

We believe that the programs recommended to Congress this year by the President will go a long way toward eliminating the poverty of learning and the blight of idleness which afflicts millions in our cities.

We believe this housing bill can do much to rid us of the physical blight which afflicts city and suburb, too.

That is why we support its passage.

But it is also why we believe it must be amended as we have suggested. For more than 50 years, the great cities of America have willingly shared their wealth with the rest of the Nation. They will continue to do so.

But if they are to continue as viable centers of industry and commerce, enlightenment and entertainment—for the entire Nation—they need our help. Their contributions to all America have earned that help.

And we shall all be the richer for their prosperity.

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. CLARK. Mr. President, if my colleague from Pennsylvania will obtain some time, I shall be glad to yield to him if he wishes to ask me some questions.

Mr. SCOTT. Mr. President, my colleague made some comments earlier in connection with which I should like to ask him a question or two. He has quoted from his favorite columnist, which quotation appeared to express the feeling of all Americans, namely, that we should not invade each other. I am not sure whether the Senator is arguing that we have no right to go into the Dominican Republic to protect our citizens and to save them from being killed.

What would the Senator's answer be if we were convinced that the withdrawal of American forces from the Dominican Republic would mean the establishment of a Communist dictatorship in that country? Would the Senator, under those circumstances, favor a withdrawal or would he not?

Mr. CLARK. Of course not. But I think my friend is indulging in some of his well-known wishful thinking. He is very apt at seeing a Communist under every bed.

Mr. SCOTT. My feeling is that the Dominican Republic should remain free. The Senator has given the impression that we have no right to go in there to protect our citizens. He asked, What right have we to go in there? He has given the impression that we have no right at all to go in there. Do we have a right to go in there to save American lives, or do we not? Am I right or is Walter Lippmann right?

Mr. CLARK. Generally speaking, or 99 times out of 100, Walter Lippmann is right, and my colleague is wrong.

Mr. SCOTT. In that case, all I can say is, God save the Union.

Mr. CLARK. I am prepared to stand on the statement I made on the floor a short time ago. I commend my distinguished colleague for his great ability, evidenced here not for the first time, to wrap the American flag around himself.

Mr. SCOTT. The flag is a good deal safer covering than a series of columns written by Mr. Lippmann, whose record for being wrong is unsurpassed in the American press.

The PRESIDING OFFICER. Is there further morning business?

THE SAD STATE OF THE DISTRICT OF COLUMBIA'S WELFARE PROGRAM

Mr. PROXMIRE. Mr. President, an article from the Washington Post of Sunday, April 18, on the terrible poverty facing many District residents and the way in which school services are used to meet the problem. The article tells the tragic story of a little first grade child, Freddy Joyner, who ran home at lunchtime every day to share his free school lunch with the two youngest children in the family. One day he did not return to school. A truck smashed into the little boy on his errand of help to his little brother and sister. It killed him.

The article goes on to indicate the many services that the Harrison elementary school staff is performing for students and parents who just cannot make ends meet. Washington, as this Nation's Capital, should be a showplace of the latest and best in Federal welfare programs. It is uniquely a responsibility of the Federal Government. Those who object to Federal control of States through Federal aid programs should be more than willing to see such programs applied in the District of Columbia. It is an ideal spot for pilot projects—the very Federal agencies conducting these projects are, in 99 cases out of 100, located in the District.

Yet what is the reality? The principal of an elementary school must provide shoes and fuel oil to parents and children. She must dispatch the school's janitor to help a family in need and call the Salvation Army for blankets. The school secretary must keep a close watch for needy children and give out socks, underwear, and pajamas to those too proud to ask for a handout. Education suffers, but after all as Marguerite Selden, principal of the Harrison school, says "We have got to satisfy physical needs before we can feed their brains."

I hope that all Members of the Senate, but especially the members of the District of Columbia Subcommittee of the Senate Appropriations Committee will read the article, which I am inserting at the end of my remarks. We can do something about the sad state of the District's welfare program. We must do more than we have. A first step is to provide aid to dependent children of unemployed parents and eliminate the "man in the house" rule. How many Freddy Joyners will there have to be before we take this elementary step?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE VANISHING LUNCH: IN THE HARRISON SCHOOL AREA A MIDDAY BITE SOMETIMES HAS TO GO A LONG WAY

(By Gerald Grant)

First grade is a rather early date to begin fending for younger brothers and sisters, but Freddy Joyner did.

The 6-year-old boy was given a free lunch every day as part of the program for needy children at the Harrison Elementary School. But instead of eating it at school as he was supposed to, he sneaked home to share it with the two youngest children in his family.

The teacher in charge of the lunchroom thought he was eating it in his classroom. The first grade teacher thought he was in the lunchroom.

Last month, Freddy was killed, crushed beneath the rear wheels of a truck that hit him at 14th and U Streets NW. He was running home with the lunch.

Freddy's story was told last week by Marguerite Selden, principal of the Harrison School at 13th and V Streets NW., who investigated after Freddy's death. She said that the day after Freddy was killed, teachers saw his two older brothers, Arthur and Anthony, putting on their coats and getting ready to take their lunches home, too. The teachers stopped them.

CRISIS UPON CRISIS

The school tried to help the Joyner family by providing food and clothing, and the family now is on public assistance. Mrs. Selden regards Freddy's tragic death as a bitter defeat in the school's struggle to cope with the oppressive poverty in which so many of her pupils live.

Mrs. Selden estimates that at least 150 children in the school are part of families whose existence is "one crisis after another." Some children who stay home from school because of illness come in at midday for the free school lunch. Sometimes, Mrs. Selden said, preschool children come seeking extra lunches, and if there are any, they get them.

To give children a fighting chance to learn, Mrs. Selden has found it necessary to spend as much time in social work as in educational administration.

The closet in her office is stocked with bags of clothing, soup crackers, and other food. While nearly a fifth of the school participates in the needy lunch program, many do without breakfast.

A mother who was evicted has her furniture stored in the school basement. A secondhand washing machine donated by the Junior League gets heavy use from Harrison mothers who all are free to use it.

Mrs. Selden's station wagon was used by the school janitor to pick up free bedding for a mother whose children were coming home from Junior Village.

STOMACHS COME FIRST

Thus Harrison is viewed as half social agency and half school by many parents.

"We've got to satisfy physical needs before we can feed their brains," Mrs. Selden said. "I've told Miss Lyons (Edith A. Lyons, head of District of Columbia elementary schools) that I might have a parent or family staying here some night. It hasn't come to that yet, but it may."

The unusual commitment Mrs. Selden has made to welfare services in her school contrasts sharply with the view of traditional educators who go by the book. They feel that schools should assume few, if any, nonteaching functions.

But Mrs. Selden is on the side of those who argue that the responsibility of educators toward children does not end at the schoolhouse door. She believes that schools must reach out into the community and work closely with other social agencies in meeting children's needs.

SOCIAL WELFARE CENTER

I visited Harrison one day last week seeking a routine story on the reading program. But as I sat in Mrs. Selden's office trying to interview her, we were constantly interrupted. She received a phone call from a parent about to be evicted, helped a mother who wanted to reclaim her family at Junior Village, arranged with the family rehabilitation storage center to provide bedding for three families and asked a child if the landlord had provided hot water and rid her mother's apartment of rats (yes on the water, no on the rats).

I found myself in the midst of a social welfare agency and put aside the reading program story for another day.

Mrs. Selden also talked to a mother who was working on a parental self-help clothing project, dispatched the janitor to help a family in need and called the Salvation Army for blankets.

The night before, she had been at the school until 6:30 p.m. while the mother whose children were returning from Junior Village washed clothing for them in the school washing machine.

On her desk was a manila envelope containing the names of 17 families for which in recent months the school had provided everything from shoes to fuel oil out of its emergency fund. The fund is financed by contributions from Urban Service Corps volunteers, the Junior League of Washington, and the Philip Stern Foundation.

The emergency program has been underway with food and clothing for 3 years and last December supporters began donating money—about $500 so far. Some other schools in Washington have similar emergency programs.

In the past year, Mrs. Selden estimates that more than 150 children have been furnished with clothing and other necessities out of the fund.

Eloise Newman, the school secretary, keeps a close watch for needy children who are too proud to ask for a handout. Mrs. Selden drew a pair of socks from her drawer that were nothing but threads beyond the heel. Yet Miss Newman had seen a boy wearing them rather than ask for new ones.

Miss Newman said that clothing was given out almost every day during the winter. "When it gets cold, we never have enough shoes and socks. Underwear and pajamas are hard to get; you almost have to buy those new."

Mrs. Selden feels that the school's efforts are far from adequate. "There are 402 agencies listed in the Health and Welfare Council's handbook, and I've called most of them," she said.

She complained that few groups are ready to provide emergency aid and spend too much time in telling you "what other agency should do it."

There is no place a hungry child can be sent for a meal, nor even a barrackslike facility to house evicted families for the night.

She said she called 14 agencies in an unsuccessful effort to help one desperate family. A teacher who went to visit the home of a troubled child found the mother living in a single room with seven children. The parents were separated.

"It was terrible," reported the teacher, Mrs. James Walker. "There was only one bed and the children slept in rags on the floor. All the food they had was a 5-pound bag of cornmeal and a tin of lard."

The school's emergency fund and contributions of the teachers kept the family going for the 6 weeks it took the Welfare Department to determine the mother's eligibility for aid, Mrs. Selden said.

Asked about such a delay, Albert P. Russo, deputy director of the Department's family and children's services, said that the processing should not inordinately delay applications.

Russo agreed, however, that emergency financial assistance was a "serious communitywide problem" and noted that the Health and Welfare Council had recently set up a committee to work on it.

Mrs. Selden is pushing a proposal that she has submitted to the United Planning Organization, the local antipoverty coordinating agency. The proposal, called the multiproblem family project, would provide coordinated services to families in the neighborhood.

Harrison is part of the city's Cardozo area model school system, an experimental effort to raise the levels of achievement in 18 inner city schools.

But Mrs. Selden questions how an academic breakthrough can be achieved when social problems continue to cripple children's learning potential.

She lauded some of the educational innovations that were underway at Harrison. But she asserted that the marriage of educational and social services in the Cardozo area school system just hadn't taken place.

The United Planning Organization's long-range approach of giving poor people the education and job training they need to climb out of poverty is sound, she said.

But she argued that at the same time, greatly increased attention needs to be paid to physical and social needs of the children. "Education is the answer. But we have to feed kids while we're educating them," she said.

CRISIS IN THE DOMINICAN REPUBLIC

Mrs. SMITH. Mr. President, uppermost in the minds of Americans has been the crisis in the Dominican Republic. I am proud of the firmness in which President Johnson has acted in this matter. I am proud of the very prompt manner in which he has acted. The firmness and the promptness—the lack of vacillation—is something that has too long and too often been missing in our handling of international crises.

We have been too concerned about being criticized by some if we acted firmly and promptly and so we have had a tendency to wait and see which way the international wind was blowing before finally making a decision. Even then we seem to have made difficult decisions only when they were thrust upon us—and by the time we did make the decisions, if it was not too late then it was almost too late and much damage had been done.

As a result increasingly our world image became that of a timid giant grown soft with the highest standard of luxury in the world—that of a paper tiger. This literally invited trouble for us throughout the world. If the United States was afraid to act firmly lest it be accused of improper motives, then our enemies had greater courage to cause more and more trouble for us.

There are two very important things to remember in this present crisis. Both of them pertain to Communist strategy and tactics. It is Communist strategy to continually nibble away—to grab little by little or as much each time as the Communists could without provoking the American giant into a decision to stand and a decision of firmness. With that Communist strategy has been the Communist tactic to take over a country by supposedly supporting and joining, without clearcut identification, a popular movement or rebellion in a country—and wait until after the rebellion had successfully overthrown the government and then step in and, through agents placed in key positions of the rebels, take over.

We have seen that happen time and again. We saw it happen just 90 miles from our shores—in Cuba. By the time we acted on Cuba it was too late as the Communists took over the rebellion leader Castro.

We vacillated on the Bay of Pigs and the result was a shambles and probably the lowest point of the United States in its entire history. By that vacillation Khrushchev was encouraged enough to make his boldest move against us and under our very nose in our own backyard set up a Communist missile base to zero in on us—to make Cuba an island of missile launches against the United States.

And at long last we stood up to a decision of firmness—but it was almost too late—for Khrushchev almost got away with it. There were two grave dangers in our vacillation that invited this boldness on the part of Khrushchev.

The first danger was to our national security and our being at the mercy of Russian missiles in Cuba. The second danger was that we so acted as to let the enemy miscalculate our will and our courage—and to cause a miscalculation by the enemy that could have caused a nuclear war.

It did cause a nuclear confrontation and if Khrushchev had not backed down and had made a second miscalculation it would have resulted in nuclear war. But we stood firm at long last and he backed down. The tragedy is that once having forced Khrushchev to back down in the face of our firmness, we again resorted to a policy of vacillation and relaxed that firmness—and we did not insist upon what we originally demanded in the showdown—an on-site inspection in Cuba.

Because we did not, the Communists have now the courage to try to take over the Dominican Republic under the same old Communist strategy of nibbling away—and under the same old Communist tactic of supporting, joining—and then taking over the rebellion.

But this time we did not vacillate—and that is why I am so proud of President Johnson. For as he told the American people—and the world—this past Sunday night, the United States stepped in not only to protect its citizens, whose lives were threatened by the Communists in the Dominican Republic, but also because the Communists had taken over the rebellion and we would not permit a second Communist country in the Western Hemisphere and so near our shores to threaten our national security as well as peace in the Western Hemisphere.

Promptly and firmly, President Johnson put his foot down against a second Cuba in the Western Hemisphere. He did not vacillate—he did not walk away from a difficult decision—and he did not wait until too late with too little.

My assistant, Bill Lewis, in his Reserve activity with the Air War College, has written two remarkable pieces that bear on this crisis and bear repeating excerpts from, to you. I found both of these pieces to be sufficiently meritorious to place in the CONGRESSIONAL RECORD. And with the events of the past 2 weeks, I am all the more gratified that I placed these pieces in the RECORD. On September 7, 1962, I placed his piece entitled "The United States Versus the Sino-Soviet Bloc in Latin America" in the RECORD—and on May 1, 1963, I put his piece entitled "Anatomy of Decision" in the RECORD. The latter has proved to be quite prophetic 2 years later for it envisaged a Communist takeover of the Dominican Republic. I would like now to read excerpts to you from these pieces.

I read first from his piece on the "United States Versus the Sino-Soviet Bloc in Latin America" and I quote:

> We seek to keep Latin America from falling into the Sino-Soviet camp. The Communists hope to fan the emotional hunger of the masses for independence and nationalism into revolution ultimately prostituted into a Communist takeover. They seek to expand their Cuban beachhead through exportation of Castroism.
>
> We recognize that social and economic reform—land, tax, and political reform—are inevitable in Latin America. But our objective is to achieve these inevitable changes through orderly revolution. And that orderly revolution has its price.
>
> The price is compromise between the clashing factions of Latin America. Therein exist the greatest complexities and difficulties for us. They make a balanced program of action mandatory. They rule out an "all-eggs-in-one basket" approach.
>
> They require that, while we must give encouragement and support to the non-Communist reforms, we must also reason with the

ruling landed aristocracy on the inevitable changes and adjustments that face them. They require that, while we must give full support to the Alliance for Progress program with its economic and social aims, we cannot abandon our military assistance program to Latin America.

They require that, while we must discourage military incursions into government control and withhold support from military dictatorships, we must maintain our military friendships and understanding at the highest effectiveness for the military is the most stabilizing force in Latin America. It gives the greatest hope for our maintenance of the desperately needed stability in the longer evolutionary process—and our greatest bulwark against Communist revolution.

They require that, while, in the Good Neighbor policy and the Organization of American States, we wisely discarded unilateral intervention by one country in the affairs of another in this hemisphere, we must not permit our membership in the Organization of American States to so "straitjacket" our security policy that we cannot face and act on the fact that situations do arise in some nations, which are adverse to the security of others.

They require that, while we should avoid "rattling the saber" at Castro, and thus impairing our relations with other Latin American nations, we must stand up to him and avoid repetition of the timid, halfhearted attempted straddles like the disastrous invasion failure, if we are to retain the respect and confidence of the "Latinos."

For the easing, if not curing, of our Latin American ills, I recommend a rebuilding of a U.S. image of will and determination with the hemispheric leadership that the "Latinos" expect and demand of us to recoup the respect and confidence so gravely lost in the past decade.

The United States has put most of its Latin American eggs in one basket of the Alliance for Progress. Yet, in all realism, we cannot expect the Alliance for Progress by itself to win Latin America to our side. As a structure of good will, friendship, and greater ties between the United States and Latin America, it is no stronger than the foundation upon which it is built.

In this instance, the current foundation is extremely weak and has been dangerously undermined by our tragic record on Castro—climaxed by the unsuccessful invasion that dangerously eroded what remaining respect the "Latinos" have for us. That foundation must be rebuilt with solid, concrete footings of a sturdy and rich mixture of the cement of respect and the sand of courage and confidence.

Before quoting from the other piece, I want to say that I think that in the past week President Johnson has started erecting such a solid foundation.

The other piece that I put in the Record, "Anatomy of Decision" was a fictionized study of the executive decision process in an international security crisis. It envisaged a Communist takeover of the Dominican Republic and Haiti and related a hypothetical case of the President's process with his National Security Council of deciding what to do about the crisis.

What would be of greatest interest today about that piece is that the strong man in those discussions was the hypothetical Vice President Jim Landon. This is what he said in the fictionized "Anatomy of Decision" and I now quote:

It is about time that we shed our seeming timidity and took on a posture of courage—our image in Latin America and the world has been weakened far too much by our past caution.

I think the worse decision that we could make now would be the decision to do nothing—to take a cautious wait-and-see decision and to hope for the better.

Such were the words of the hypothetical character that Bill Lewis created in his "Anatomy of Decision" more than 2 years ago. What a marked resemblance between the then fictitious Jim Landon and President Johnson.

If the great Edward R. Murrow were alive today, I am sure he would smile with satisfaction with his 1963 appraisal of Bill Lewis' piece of "Anatomy of Decision," when he stated that Bill "should have a medal" for it.

THE NEW McCARTHYISM

Mr. GRUENING. Mr. President, in the Washington Star of May 4, 1965, Doris Fleeson commented cogently on the new sickness sweeping the Nation. She calls it "New McCarthyism." It is a more sophisticated McCarthyism, which brands as appeasement any point of view—any deviation, however slight, from the "official line" concerning our involvement in Vietnam in an undeclared war, even though the "line" attempts to change facts.

As Doris Fleeson wrote:

Before the wellsprings of public discussion are further damaged or dried up, the Johnson administration urgently needs to recognize that there is no point in trying to win the world while doing irreparable injury here at home.

To paraphrase Doris Fleeson: What shall it profit a man if he gain the whole world, but loses his own soul?

I ask unanimous consent that Doris Fleeson's article in the Washington Star of May 4, 1965, be printed in full in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

New McCarthyism Held Arising

(By Doris Fleeson)

A sickness like McCarthyism is stirring again in this country. Each new period of tension in the cold war seems to arouse a latent paranoia in our national makeup.

The quagmire of Vietnam has once more unleashed all the insecurities, frustrations and overreaction to which this Puritan Nation is heir. The Dominican civil war which again finds U.S. marines in Latin America under the slogan "no more Cubas" aggravates the problem.

The domestic reverberations of foreign policy are too little noted. A common fallacy exists that our course in the world must be decided solely on the basis of external events, as though the consequences at home are irrelevant.

That may have been plausible in a simpler, earlier era. But the lessons of the cold war are to the contrary, as are the warnings of nuclear warfare and ICBM's.

On the domestic front the new McCarthyism is clearest in the ugly accusations of appeasement being hurled with gathering intensity by self-styled hard-liners against those who urge alternative policies. A flagrant example was Senator Russell Long's appeaser-and-beatnik demagoguery last week before the U.S. Chamber of Commerce. Senator Long is second in command of the Democratic Senate majority.

Also coming back in vogue are the conspiratorial theory of history and the illusion of American omnipotence and omniscience. Pavlovian reflexes to the word "Communist" are being played on with increasing frequency by Government sources and columnists who know better.

The State and Defense Departments have become so preoccupied with their domestic propaganda campaigns that they now play down the historic splintering of the Communist bloc during this decade. It is tragic that they are doing so little to exploit that disarray.

Secretaries Rusk and McNamara have personally led the drive to stifle public discussion of their policies. Both have recurrently intimated that their critics are somehow less sensible and dedicated to the Nation.

The most marked difference between the old McCarthyism and the explosive new climate overtaking the country is that this time important parts of the executive branch have joined, if not started, the chorus of abuse and the effort to smother debate.

Among Washington officialdom only President Johnson has said of late that he welcomes honest, forthright discussion of U.S. policy abroad.

Unfortunately, instead of bringing about the national unity that the President seeks, the loaded semantics and propaganda distortions of some of his chief advisers and supporters in the press are only inflaming the divisiveness he wants to avoid.

The country is now further from a consensus on foreign policy than it was just a few months ago. The ones who talk loudest about America's global responsibilities are the first to indulge in the homefront irresponsibilities of name calling, misstatements of fact, and attempts to swamp debate.

News management in the Nation's Capital is currently more deliberate and sweeping than it ever was during World War II or the Korean period.

Before the wellsprings of public discussion are further damaged or dried up, the Johnson administration urgently needs to recognize that there is no point in trying to win the world while doing irreparable injury here at home.

COLLEGE EAVESDROPPING

Mr. LONG of Missouri. Mr. President, our investigation of wiretapping and eavesdropping has turned up some pretty unusual material. We have discovered a variety of Federal agencies that use the most elaborate electronic gear to bug such vicious criminals as Kansas City schoolteachers and Long Island vitamin manufacturers.

We are learning more and more about the techniques and extent of industrial spying, labor spying, and private eye spying.

We have recently run across a new one: college spying.

I have here an article from the Coalinga, Calif., Record, of April 15, 1965, outlining a two-way communication system built into a college dormitory.

There is confusing testimony in the article as to the actual amount of eavesdropping, but it is clear that the potential exists.

This raises in my own mind a new aspect to the problem of possible invasions of privacy, as these two-way communication systems are being installed in hundreds of thousands, if not millions, of new buildings of all types.

We also know that the various operating telephone companies lease equipment to their subscribers which permits widespread, yet today legal, eavesdropping.

We have not had an opportunity to investigate these new threats to our privacy, but we shall do so in the future. Meanwhile, I ask unanimous consent to have the article with respect to college eavesdropping printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAVENPORT CHARGES, DEANS DENY, COLLEGE DORMITORIES "BUGGED"

The Reverend Charles Davenport startled an otherwise tepid Candidates' Night meeting Tuesday by charging that the men's and women's dormitories at Coalinga College are "bugged."

He accused the administration and faculty of using the school's intercom system for spying on students.

Attacking what he called "an invasion of privacy" the Baptist minister said he had learned a male student had been expelled for playing poker in his room "and the way the administration learned about this was by listening in on the intercom."

Two college deans categorically denied all charges.

While admitting that not one but two students had been expelled for gambling in separate incidents last November, they denied that the intercom had been used in either case.

Deans Robert Reilley and Robert Annand asserted it is "definitely not our policy" to listen to conversations on the intercom.

Dr. Reilley, who is dean of students, said even when possibly incriminating conversation is inadvertently overheard by intercom, "we take no action."

"The only time action is taken is when I or the dormitory supervisors personally see something wrong," he declared.

College President Robert Baker, who was out of town for part of the Easter vacation, was unavailable for comment before press time.

Reverend Davenport, a candidate for college trustee in next Tuesday's election (April 20), brought a dull campaign abruptly to life with his allegations before a slim audience at the district library.

All of the other candidates were present except incumbent Glenn Hamilton. Hamilton sent word through Reverend Davenport that he had been called out of town.

Two other incumbent board members, Ralph Neate and M. E. Dollahite, said they knew nothing of the gambling incident.

Annand, who is dean of instruction, was in the audience. Asked by Reverend Davenport to reply to his charges, Annand said:

"I know nothing about it. I certainly wouldn't condone any 'snoopervision' system. This is the first I've heard of it and I'm sure Dr. Baker and I would have appreciated being told of this before."

Reverend Davenport said he had learned about the alleged abuse of the intercom system about 3 hours earlier while campaigning in the Dos Palos area.

"Only today a father in a community to the north of us told me how disturbing it was to learn that the intercom systems in the dorms have been used for the purpose of spying on students," Reverend Davenport said. "It is possible for administration, faculty and other students to listen in on private conversations taking place in the student bedrooms."

"I have early this evening checked and discovered this has been done," he continued tinued. "It is a fact. I believe this is an invasion of privacy."

"I pledge myself to do all I can to bring about a situation where there can positively be no repetition of this fact."

Upon questioning, Reverend Davenport then related his version of the gambling incident.

The intercom—or intercommunications—system links the dormitory supervisor's desks in the main lobby with a two-way speaker (which can also be used as a microphone) in each room. It is used to summon students.

Rev. Mr. Davenport protested that students can't turn the gadgets off in their rooms. The only on-off switches are on the master control panel.

Dr. Reilley, who did not know of Rev. Mr. Davenport's charges until Wednesday, told the Record that there had been some suspicion of students using the control board when it was not supervised to listen in on rooms as a prank.

You won't believe this, he said, but yesterday we had a cover and lock put on the control box in the men's dorm. This was before Rev. Mr. Davenport spoke.

In a statement to this newspaper, which was backed by Dean Annand, Dr. Reilley gave this explanation of college policy:

"It is definitely not our policy to listen on the intercom to conversations. However, it is a two-way system and occasionally, in calling a boy, you can overhear a conversation. But it is also our policy not to take action on any information thus gained."

He explained this was not merely a theoretical idea.

"Occasionally we have heard things that were suspicious, but we took no action," he said. "The only action we take is when I or the supervisors see something wrong."

Both deans said they were willing to state categorically that as far as they knew, neither the faculty nor the administration had ever used the intercom for snooping on students.

They also asserted that as far as they knew, information inadvertently picked up over the intercom had never been used against any student, either in the November gambling cases or at any other time.

Here was Dr. Reilley's version of the two gambling incidents. He said he presumed it was one of these that Rev. Mr. Davenport was referring to. Dr. Reilley said he has checked the records and talked to both dorm supervisors—Mrs. Margaret Cramer and Mrs. Margaret Wilson—to refresh his memory.

The first incident occurred around 10 in the morning last November 24. Reilley said he had gone to the dorm to talk to one of the boys. When he got to the room, the door was open.

Inside, Dr. Reilley said, he saw the boy playing cards with two other companions. He said he saw "quite a bit of change." State law makes it illegal to gamble on State property.

This same student, who was 18 and lived "somewhere from Mendota and Los Banos," Dr. Reilley said, "had been warned several times before about past infractions of school rules, including card playing." He was asked to leave school.

"There was definitely no use of the intercom," Reilley said. "I personally saw the gambling."

Three hours later, Dr. Reilley asked Mrs. Cramer and Mrs. Wilson to have another student to come to his office. Both women said that instead of using the intercom, they went to the student's room.

They told Dean Reilley they heard card playing talk through the closed door. They knocked, opened it and saw several boys sitting around a table gambling.

One of the youths involved, also an 18-year-old from a town north of Coalinga, had previously been warned by Reilley that "the next time he was in trouble I would have to let him go."

Dr. Reilley said this youth also admitted to the gambling.

Both agreed to leave school the same day. One owned a car and the other, according to the dean, had a ride.

By that evening, however, both boys were still in the dorm, despite the fact that Dr. Reilley said he had telephoned their parents and they said they wanted their sons home immediately.

Finally, Dr. Reilley recalled, "I had to threaten to get the police before they would leave the campus."

"I want to stress," Dr. Reilley told this newspaper, "in neither case was this a one-shot affair. They had both been guilty of a long chain of infractions of college rules, some rather serious, before they were asked to leave."

WIRETAPPING

Mr. LONG of Missouri. Mr. President, I ask unanimous consent to have printed in the RECORD a recent article by Mr. William F. Buckley, Jr., on wiretapping, et al. The article conclusively proves again the old adage about strange bedfellows.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 29, 1965]

(By William F. Buckley, Jr.)

The current issue of a mass magazine offers, for a mere $18, to send you a little (weighs only 4 pounds) device that looks like a miniature radar antenna and guarantees to bring to your ear private conversations being held a full 500 yards (five times the length of a football field) away.

And there is a jack behind the instrument into which you can plug your tape machine so as to be able to record said conversations and play them back (be the life of the party) to your friends. Not bad, is it? For a mere $18 you can violate the privacy of anybody within five football fields distance of you, and arrange to preserve that violation forever on magnetic tape.

And this, of course, is only one of a number of gadgets being assembled for the wars against privacy. We have known for years about the telephone bugging devices. Slightly technical, these: it takes at least a half hour's instruction to learn to install them, an intellectual labor most snoopers would not desire to subject themselves to. But there are those who do know how to handle them, and we are told it is easy to rig the little bugs up and stow them away some place where they can sit day after day and record everything you have to say, to your wife, to your neighbor, to your partner, to your doctor, to your priest. What fun.

Conservatives are presumptively opposed to the passage of new laws telling people they can't do things. But here is a classic situation where the affirmation of an individual's right overpowers the presumption against the passage of new laws and indeed dictates their passage.

More and more it becomes plain that privacy is the key to liberty. Privacy considered in the larger sense, as the right not only to insulate yourself against the importunities of a bustling, hustling order, but to preserve to yourself the ground within which to maneuver.

How shrewd the man who observed that Sigmund Freud did more to deprive people of their privacy than any man who ever lived. How? By popularizing a set of categories of disturbed behavior into which we tend to slot people whose syndromes we vaguely recognize, inviting ourselves to ignore the infinitely various character of individual human beings.

The fact that we cannot ever really know other people is merely one of several ways by which we reason to the necessity of their privacy: Their right to inviolability against any effort by others to intrude, uninvited, into their private world. So far have we come from privacy that we consider as perfectly routine instruments of amusement the paraphernalia for assaulting even the innermost thoughts of other people.

Let us, then, have yet another Federal law. Or better still, let's have 50 State laws forbidding the sale or purchase or ownership of antiprivacy devices, with a penalty attached that will guarantee to any miscreant user thereof the privacy of a jail cell for a couple of months. Meanwhile, if you desire private conversations, you will apparently have to walk out into the woods six football fields away from your fellow man.

In a recent column on "The Leighton Law" I made reference to the Harvard Law Review as a place "where people go to defend the indefensible."

I committed an anachronism, and also an injustice, for which I herewith apologize. It is true that for a considerable period of time such was the reputation of the Harvard Law Review. It is no longer true, I am informed by lawyers who read it diligently; and has not been true over a number of years, during which it has made constructive contributions to sane legal thought.

BANK MERGERS

Mr. ROBERTSON. Mr. President, the bank merger situation is in a state of confusion and controversy. It is now hurting the banking system of the country and the individuals and business firms dependent on the banking system. The future harm which may be done to the present banking system is truly incalculable.

In order to eliminate this confusion and controversy, I have introduced a bill, S. 1698, to make approval of bank mergers under the Bank Merger Act—which can only be granted after consultation with the Justice Department and consideration of competitive factors—final and conclusive. It would exempt from the Sherman Act and the Clayton Act all bank mergers approved under the Bank Merger Act, however the merger is accomplished and whether it has been or is hereafter consummated. It would also exempt all bank mergers consummated before May 13, 1960, pursuant to approval of the appropriate State or Federal bank supervisory authority.

The Wall Street Journal this morning carries an article illustrating the problems which face a bank which was permitted to merge and is later required to separate itself into two institutions. I believe it would be helpful to Members of the Senate and to the public to have this vivid illustration of the evils which my bill seeks to avoid.

Accordingly, I ask unanimous consent to have printed in the Record at this point the article from today's edition of the Wall Street Journal entitled "Breaking Up a Bank."

There being no objection, the article was ordered to be printed in the Record, as follows:

Breaking Up a Bank: Attempt by Kentuckians To Unscramble Merger Arouses Wide Interest—Shareholder, Depositor Woes Vex Lexington Bank as It Complies in Antitrust Case—No Sign Over the Front Door

(By James P. Gannon)

Lexington, Ky.—The biggest bank in town here is suffering a sort of financial schizophrenia. It's trying to split itself in two.

The split-up stems from a year-old U.S. Supreme Court ruling that the 1961 merger of Lexington's First National Bank & Trust Co. and Security Trust Co. violated the Sherman Antitrust Act by unreasonably restraining banking competition here. The merged bank, First Security National Bank & Trust Co., now is struggling with a Pandora's box of problems never before opened, but threatening to vex much bigger banks from coast to coast.

Among the problems: How to fairly compensate stockholders who bought shares in the merged bank, and how to divide deposits and loans which represent new business since the merger.

First Security Bank's attempt to unmerge could be the first of many. A Federal court recently ruled that Manufacturers Hanover Trust Co. of New York, the Nation's fourth largest bank, resulted from an illegal merger. Similar suits are pending against Continental Illinois National Bank & Trust Co. of Chicago, the seventh largest U.S. bank, and Crocker-Citizens National Bank of San Francisco.

BANKS COUNTED ON IMMUNITY

In the past 3 years there have been 465 U.S. bank mergers. Bank mergers long were thought to be immune from antitrust suits once they were approved by Federal banking authorities—either the Comptroller of the Currency, the Federal Reserve Board or the Federal Deposit Insurance Corp. But since 1961 the Justice Department has attacked seven "approved" mergers.

The Justice Department won a major victory in 1963 when the Supreme Court, in a landmark decision, held that the Clayton Antitrust Act did indeed apply to bank mergers, even those blessed by Federal regulators. The decision scuttled a proposed merger of Philadelphia National Bank and Girard Trust Corn Exchange Bank.

The resulting confusion among bankers over whether approved mergers are safe to complete has led to introduction of a bill by Senator A. Willis Robertson, Democrat, of Virginia, chairman of the Senate Banking and Currency Committee. It would exempt bank mergers from antitrust prosecution and give Federal banking regulators sole authority to approve mergers. The immunity from prosecution would extend to at least some past mergers. But administration backing for the bill is still uncertain and passage isn't likely without White House support.

Another bill introduced in the House would combine the three bank regulatory agencies into one and require consultation with the Justice Department before approval of a bank merger is given. It would not preclude later Justice Department antitrust action, however.

BIG CASES ARE PENDING

Meanwhile, the big bank merger antitrust cases are reaching crucial stages in courts in New York, Chicago, and San Francisco. Manufacturers Hanover and the Justice Department now have until May 20 to present to a Federal district court a plan to settle their antitrust case. In March the court ruled illegal the 1961 merger of Manufacturers Trust Co. and the Hanover Bank, but left it to the parties to try to agree what relief is appropriate. The court has granted three extensions of its original deadline for the filing of a settlement plan. The Government wants a complete breakup of the bank, which has assets of more than $7 billion.

On June 1, Government attorneys will begin trying their case aimed at breaking up the Crocker-Citizens National Bank in San Francisco. The $3.7 billion bank was formed in a 1963 merger of Crocker-Anglo National Bank, San Francisco, and Citizens National Bank of Los Angeles. Later this year or early in 1966, Continental Illinois of Chicago will go on trial. Its assets total $4.8 billion.

Lexington's First Security Bank is finding that the problems of unmerging "have never been solved before—there are no guidelines or precedents," according to LeRoy M. Miles, the moon-faced, bespectacled president whose gentle Kentucky drawl conveys a sense of resigned willingness to comply with the law.

The Justice Department doesn't belittle the magnitude of the problems of breaking up merged banks. It notes that this is precisely why the Government sought injunctions to prevent each of the mergers now before the courts. The injunction pleas failed, so now the agency insists on undoing the mergers despite the difficulties.

BANK IS INCOGNITO

Mr. Miles presides over the dissolution of his bank from a compact, wood-paneled office on the ground floor of the 15-story yellow brick bank building that dominates Main Street here. A stranger in town has to try a side entrance to make sure this is First Security Bank; all signs have been removed from the Main Street entrance and the side door proclaims the institution to be "First National Bank & Trust Co."

The sign confusion is one visible indication that the splitup is underway. It stems from an order last March by Federal District Judge Mac Swinford, who is overseeing the unmerging of the bank. He ordered First Security to take "all necessary steps to create a separate, competitive, and independent commercial bank which shall be the equivalent of the former Security Trust Co." He told First Security to change its name back to First National, destroy First Security checks, forms and stationery, and stop advertising under the name as soon as the new Security Trust opens its doors for business.

In ordering the splitup "without delay" on March 18, Judge Swinford said the new Security Trust bank should have its former name, "its directors, its officers and personnel, its offices, furniture and equipment, its capital surplus and undivided profits and loans, savings, checking and trust accounts plus its proportionate share of any increments and improvements" since the merger. He ordered "all capital stock to be issued in the name of a corporate trustee to be held by it until directed by order of this court to be distributed to the proper shareholders."

In a clarifying order last week, Judge Swinford, in effect, directed that present shareholders of First Security become shareholders in both First National and Security Trust in proportion to their current holdings in the merged bank. This would create a common ownership of both banks when the court decides to release the new Security Trust capital shares.

Meanwhile, since February, First Security has faced a $100-a-day contempt of court fine levied by Judge Swinford for what he called unnecessary delays in accomplishing the splitup. However, the Supreme Court stayed the fine on appeal from the bank; the Justice Department sided with the bank in arguing the judge erred in the contempt citation. The High Court will decide if the fine is justified.

Mr. Miles declines to discuss publicly the exact steps the bank now may take to unmerge. But he outlined some of the problems First Security must overcome in an affidavit filed with the Supreme Court. For example, he noted the merged bank held 4,183 checking accounts and 4,051 savings accounts that neither bank held before the merger.

A RUN ON THE BANK?

"If a court should order these deposits placed in one or the other of the two recreated banks," Mr. Miles warned, "it would take the customer only a matter of minutes to move it elsewhere." He added: "It is a reasonable assumption that an appreciable number of all deposit customers, old and new, would leave both banks." There might even be "a run on the bank," he asserted.

Rival bankers in Lexington confide there has been nothing like a massive depositor withdrawal from First Security, so far at least. One competitor says the number of accounts switched to his bank is "trifling." First Security has four competitors in Lexington but it is by far the largest with assets of $135 million; at the time of the merger, First National had 40 percent of bank assets in the city and Security Trust had 13 percent. Managements of the two banks argued then that the merged institution, with greater resources, would better meet the borrowing needs of Fayette County's 132,000 citizens and would offer savers maximum security.

A greater withdrawal rate is more likely after the accounts actually are divided. A local official of Liggett & Myers Tobacco Co., a big depositor which operates a plant in Lexington, says if the company checking account is assigned to the new Security Trust Co., "We would close that account and deposit funds in the First National. We've always banked at the First National."

Loans also must be divided. Because a certain ratio of loans-to deposits is necessary to keep a bank sound financially, the possible loss of depositors is real reason for concern. "If a substantial number of depositors choose to leave the bank assigned to them, that bank could easily end up with more loans than deposits," Mr. Miles said. "It is very likely that regulatory authorities would close the bank immediately if such occurred."

BIG LOANS POSE PROBLEM

Some present loans might be illegal when transferred to either one of the reestablished banks. "The merged bank now holds 15 loans where the amount of each loan exceeds $250,000," Mr. Miles said. "The total of these loans is slightly less than $6 million. None of these loans could be assigned to First National because its legal lending limit was $250,000. The deposit structure that presumably would be set aside for Security Trust would not support such a volume of loans of that size."

The bank divorce also raises a legal question. First Security has been designated trustee for 83 trust accounts with assets of more than $4 million. Some of these trusts are irrevocable. The question is whether a Federal court can take irrevocable trusts away from the designated trustee—First Security—and place them in the hands of a newly created bank. Jurisdiction over trusts rests with State and county probate courts in Kentucky. Bank lawyers admit they are baffled and the State's attorney general says there is no precedent to follow.

Satisfying stockholders is another of the bank's big headaches. More than 190 holders of more than 24,000 of the bank's 200,000 capital shares bought their stock after the merger. They invested in First Security, not First National or Security Trust. It is at least questionable whether the stockholders will be satisfied with shares in two smaller banks competing against each other. A rival banker predicts a rash of lawsuits by disgruntled stockholders against First Security management.

Some stockholders believe their investment already has been injured by the protracted antitrust case. James C. Boyd, a Lexington industrial engineering consultant and a First Security stockholder, says, "The bank stock hasn't fluctuated $2 since the merger, which isn't desirable in a growth period like this." He figures that, in the absence of antitrust action, stockholders "could have anticipated a 25 percent growth in value."

EXECUTIVES HAVE LEFT

There are other worries, such as personnel to man the two recreated banks. Two of Security Trust's four former vice presidents are no longer with the merged bank and other key officials also have left. There's also the problem of public confidence lost because of charges of illegality in the merger. Mr. Miles predicted that Security Trust would suffer most from the publicity because, after several years of merged operation, "the smaller bank has lost its separate identity."

It's well to remember, of course, that Mr. Miles was arguing his case against unmerging before the court and thus likely was tempted to paint his troubles in the darkest possible hue. But, exaggerated or not, Mr. Miles' apprehensions cause other bankers to watch Lexington closely. Says one attorney for another bank now under antitrust attack: "If they ever order us to split up, they better tell us exactly how it's supposed to be done, because it beats me."

None of the mergers under attack now is more than 4 years old. But there is nothing to prevent the Justice Department from challenging older combinations. Assets so long commingled might prove even more difficult to unscramble. Among mergers of the 1950's: One which created the present Chase Manhattan Bank and another forming First National City Bank, both giant New York banks.

PROJECT HOPE MEDICAL AID TO WEST AFRICA

Mr. RIBICOFF. Mr. President, as a former Secretary of Health, Education, and Welfare, I am always interested in the good works of American individuals in the field of medicine. One such individual's activities are described in a recent article published in the Bridgeport, Conn., Post. He is Dr. Charles Pelham Curtis, Jr., a volunteer with project Hope.

Dr. Curtis, who—like hundreds of other American doctors—left his family and medical practice, to serve Hope for 2 months, points out the need for medical training abroad. In Conakry, Guinea, where the SS *Hope* currently is stationed, Dr. Curtis explains how important it is to the survival of the west African nation's citizens to learn how to eat properly.

The death toll of this newly independent country is sure to decline now that Hope teams with men like Dr. Curtis have spread throughout Guinea and have begun to teach the Guineans rudimentary ways to keep alive. These lifesaving instructions include ways to avoid parasitic diseases and proper methods which parents should employ in the care of their newborn, in a country where half of the children die before they are 5.

Mr. President, I request that the Bridgeport Post article be printed in the Congressional Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Bridgeport (Conn.) Post,
Mar. 18, 1965]

Medic Back From Duty on "Hope" Ship After 2-Month Tour in West Africa

(By Ruth Husar)

Everyone knows you don't give a child a lollipop and then tell him he can't have it anymore, while he's enjoying the tasty treat.

That's the way a Fairfield doctor views the task of the medical staff of the SS *Hope*. Dr. Charles Pelham, Jr., of 71 Beach Road, recently returned from a 2-month tour of duty as a pediatrician at Conakry, Guinea, West Africa.

The "lollipop" in this instance is free medical treatment of natives in underdeveloped nations; "It's like telling them they can't have anymore, unless medical personnel educate the citizens before leaving," the doctor said.

BIGGEST PROBLEM

"Educating the people was our biggest problem," Dr. Curtis said, adding that "before we could do that, we had to be accepted." He said the natives were suspicious of western ways until they realized help was the only motive.

Project Hope (Health Opportunity for People Everywhere) is a voluntary medical mission ship financed by public contributions and directed by Dr. William B. Walsh of Washington. The vessel has called at Indonesia, Vietnam, Peru, and Ecuador, and its stay in West Africa will run until August.

The project left medical teams in Saigon, South Vietnam, at Trujillo, Peru, and Guayaquil, Ecuador. The program includes not only free treatment of patients but also trains native medical and nursing teams to carry on after the ship leaves port.

"Conditions were appalling," Dr. Curtis said and cited outmoded equipment, unsanitary conditions in operating and delivery rooms and in the wards.

"THEY WANT TO LEARN"

In speaking of the local medical staff available Dr. Curtis said, "They watch you, watch you eat, watch you walk, watch the way you use a stethescope * * * they want to learn but do not want to admit it."

Much of this training consisted of basic things: the use of soap and water, boiling instruments, hygienic operating conditions. He recalled operating, feeling something biting his hand turning to find a clump of red ants on his arm.

He said it was important to get used to the fact that "there is only so much we can do" and not to be discouraged when "medical facilities and drugs we are used to are not available."

SHIP WELL SUPPLIED

Dr. Curtis explained that the *Hope* ship is well supplied but that when medical teams go into the upcountry, the situation is a lot different.

"Then," he said, "we make the best of what we have." There is a scarcity of native doctors and those available face an overwhelming burden of work "and must treat as many as they can as fast as they can."

In the face of time, energy, and shortages, many of these local doctors, the pediatrician said, consider it futile to use totally hygienic measures since the native will return to his village and resume his old unsanitary way of life.

As an example the pediatrician recalled witnessing a delivery of a woman in labor on a dirty iron table. When the baby was born it was placed in a dirty blanket.

BABY'S CHANCES POOR

The doctor viewed dismally the chances that baby had. Babies are all right until they are 18 months or 2 years old since they are breast fed until then.

"But after that, only 50 percent of the children live to be 5 years old," Dr. Curtis said.

The reasons for this high mortality rate are what he called the "Big Three M's"—malnutrition, malaria, and measles.

"We had to combat superstition and taboos in regard to malnutrition by educating the parents to give protein to children," the pediatrician said. He told of demonstrating how to use rice and nuts, high in protein, since there is a local taboo in children eating fish until they are 3 years old.

TRAINED NATIVE TEAMS

Along with the frustration of examining a baby "and having him die in my hands because he hadn't been fed properly," and working in a clinic with 200 to 300 children needing medical help, the Hope team trained native medical and nursing teams as well as educating the natives in fundamentals of hygiene and nutrition.

To Dr. Curtis' way of thinking, the answer to the problems in areas such as Guinea lies in more well-trained paramedical people (nurses, technicians and laboratory workers) going out in teams upcountry, teaching the natives to eat properly, instruction in how to avoid parasitic diseases and teaching parents how to care for the newborn.

"The answer really," he said, "lies in one word—education." He praised the efforts of the Peace Corps in Guinea in teaching the youngsters how to read and write.

When Dr. Curtis returned recently to Bridgeport Hospital, where he is an attending pediatrician, and St. Vincent's, where he is a member of the courtesy staff, he found it was like stepping into a new world. But in this new world, Dr. Curtis says, he finds himself constantly spreading the word of Hope, located at 2233 Wisconsin Avenue NW., Washington.

REUNIFICATION OF WEST GERMANY—THE 20TH ANNIVERSARY OF THE ENSLAVEMENT OF 17 MILLION GERMANS IN THE SOVIET ZONE

Mr. MUNDT. Mr. President, I should like to remind my colleagues that May 8 marks the 20th anniversary of a divided Germany—half free and half slave. Seventeen million Germans now live behind the Berlin wall in fear, under the Communist dictator, Walter Ulbricht. The right of free elections and self-determination guaranteed by the Atlantic Charter has been denied to these 17 million people; and, together with our allies, we should work to redeem the pledge made to these enslaved people. Every President—beginning with President Truman, then President Eisenhower, President Kennedy, and, now, President Johnson—has reaffirmed this country's strong support for reunification of Germany.

Reunification again became a matter of special concern to the Western Powers when a campaign of harassment was directed by the Soviets against Berlin early last month, on the occasion of Germany's first parliamentary meeting in 7 years in the former German capital. Members on both sides of the aisle have addressed themselves to the No. 1 priority in West Germany—reunification.

On this subject, I recently read with great interest the remarks of the distinguished minority leader, the Senator from Illinois, Senator DIRKSEN, in the CONGRESSIONAL RECORD of March 25, pages 5863–5868. The senior Senator from New York [Mr. JAVITS] also discussed the subject in his remarks of March 15, page 4921, and April 1, page 6699, and the Senator from Missouri, Senator LONG, talked about the matter in his speech on the floor of the Senate on April 5, pages 6957–6960. Also, Representative MULTER showed his concern about reunification in remarks he made in the House of Representatives on March 25, pages 6025–6026.

From Bonn, Germany, on this big issue of German reunification, Associated Press Reporter Carl Hartman wrote, on April 10:

> The official standpoint of the Western allies is that a Germany divided is a greater danger to the peace of the world than a Germany united.

I am sure that is the consensus of my colleagues. As long as there is a divided Germany and a divided Berlin separated by the infamous Berlin wall, we should continue to call attention to this immoral and inhumane situation, and should do everything in our power, in concert with our allies, to attempt to resolve this problem.

Chancellor Erhard, the head of the German Federal Republic, has proven to be a stanch and courageous friend of the United States ever since the beginning of the new democratic Germany. He is leading in the tradition of former Chancellor Adenauer; and he has the backing of new and young capable leaders in the Parliament, such as Dr. Rainer Barzel, who recently was a guest in Washington, and also Dr. Kurt Birrenbach. In Washington, Dr. Barzel met with our Government leaders, to discuss German-American relations.

Dr. Barzel, at 41, has been a member of the German Bundestag since 1957. In December 1964, upon the death of former Foreign Minister von Brentano, Dr. Barzel assumed the chairmanship of the CDU–CSU group. He is regarded as an authority on foreign policy; and, as the government party's leader in Parliament, Dr. Barzel is a close adviser to Chancellor Erhard.

Dr. Birrenbach was Chancellor Erhard's trusted envoy in the negotiations which resulted in the Bonn-Israel diplomatic exchange agreement. His skill in carrying out this delicate mission speaks well for the leadership in the German Bundestag, and for our loyal ally.

President Johnson has repeatedly enunciated his support for a reunited Germany. Last February, after receiving from Chancellor Erhard a message covering Dr. Erhard's meeting with President de Gaulle, President Johnson issued a statement that he told Ambassador Knappstein of "the full and continuing support of the United States for serious progress toward the reunification of Germany."

The President added:

> I expressed my clear agreement with Chancellor Erhard that the struggle for the reunification of Germany requires the interest and active participation of all the responsible powers.

If any reaffirmation of our support for this struggle is needed, may I remind Senators of the late President Kennedy's ringing declaration made at the Berlin Wall, "Ich bin ein Berliner."

In recent talks in Paris between Prime Minister Wilson and President de Gaulle, reports coming out of the meeting stated there was emphasis on improving relations with the Soviet Union and on developing new initiatives on German unity. Here we have indications that Great Britain and France favor new steps toward German unity.

Last month's campaign of harassment by the Soviets in West Berlin only served to emphasize the need for action in settling the reunification problem. An editorial published in the Chicago Daily News of April 6 reminds us of the serious responsibility we have in taking measures and in making proposals to bring about reunification. The editorial states:

> That Berlin remains divided and occupied nearly 20 years after the end of World War II is a continuing tragedy deserving the sympathy of the free world.

That this is a tragedy, I am sure none of us will deny.

It is a tribute to the will of West German Chancellor Ludwig Erhard and to the Western Powers that none bowed before the terror of the Soviets, and that the meeting proceeded as planned. Mr. President, I ask that the entire editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUNDT. Mr. President, the German problem of reunification is the problem of the entire free world. Until there are free elections in Walter Ulbricht's East German state, and the people in the German occupied zone are free to speak and to have a political voice in their government, as provided by the Atlantic Charter, Bonn must be recognized as the only legitimate political instrument with a right to speak for the whole German nation.

On May 8—the 20th anniversary of a divided Germany—let us renew our pledge and reaffirm our support for Germany's reunification through free elections.

EXHIBIT 1

[From the Chicago Daily News, Apr. 6, 1965]

TEST OF WILLS IN BERLIN

West Germany's decision to hold a full-dress meeting of Parliament in West Berlin has produced the predictable response. East Germany, which controls the civilian highway traffic to West Berlin, barred members of Parliament from the roads and harassed other traffic in ways untried since the Berlin blockade.

Russia contributed its share to the obstructive tactics by scheduling maneuvers in the air corridors to discourage transport flights into West Berlin. These measures are not likely to prevent the meeting of Parliament in West Berlin—for the first time since 1958—but they are sufficient warning that neither East Germany nor Russia has had a change of heart during the months Berlin has been relatively quiet.

It is important for West Germany—particularly in an election year—to reemphasize the goal of German unification. Berlin is more than a symbol, it is the proper home of a united German Government. That Berlin remains divided and occupied nearly 20 years after the end of World War II is a continuing tragedy deserving the sympathy of the free world.

Perhaps for these reasons, the occupying powers—the United States, Britain, and France—posed no objection to the parliamentary meeting in West Berlin. But the result can only be a heightening of tensions in central Europe, where they had been slowly receding.

East Germany and Russia still hold the geographical aces in controlling access to West Berlin. The harassing tactics on the highways and in the air corridors are a blunt reminder that the Communists can cook up a Berlin crisis any time they choose.

The Berlin meeting may have its uses, both as a symbolic gesture on the part of West Germany and a test of East German and Russian reaction. But it should be clear by now that the Berlin problem, which is a part of the larger German problem, will not be brought nearer solution by dramatic gestures.

The solution can come only as part of a still larger settlement, which is still a long way off, and made more difficult and more distant by the crisis on the other side of the world, in Vietnam.

WORLD POPULATION AND BIRTH CONTROL

Mr. TYDINGS. Mr. President, last month the distinguished Senator from Alaska [Mr. GRUENING] introduced a bill designed to seek new ways to deal with the world population crisis. I was pleased to cosponsor that bill and to join the Senator from Alaska in urging prompt consideration of this most urgent problem.

Shortly before the Baltimore Sun ceased publication because of a most unfortunate labor dispute, it published a thoughtful article, written by Joseph R. L. Sterne, which explains the excellent work Senator GRUENING has done in the area of population control. In the article, Mr. Sterne explained that Senator GRUENING's interest in this problem dates back to 1922, when he wrote that if human beings are superior to beasts, it is "in their ability not to breed like rabbits or spawn like jellyfish." I am proud to be associated with Senator GRUENING in this fight for effective measures to control our population explosion.

I ask unanimous consent that the article from the Baltimore Sun be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS PRODDED ON BIRTH CUT

(By Joseph R. L. Sterne)

WASHINGTON, April 16.—Congress is being prodded to hold public hearings at this session on Government policy regarding world population and birth control.

The chief impetus for this legislative excursion into what long has been regarded as a political minefield is being supplied by Senator GRUENING, Democrat, of Alaska, a Harvard Medical School graduate who has been warning of overpopulation for decades.

WANTS POSITIVE POLICIES

As far back as 1922, GRUENING wrote in Margaret Sanger's Birth Control Review that if human beings are superior to beasts it is "in their ability not to breed like rabbits or to spawn like jellyfish and turn their offspring into the ruthless jungle existence of tooth and claw."

Having blamed overpopulation for World War I, GRUENING said, "Birth control properly established would go further to eliminate poverty, sickness, insanity, crime, with all that these scourges imply, than any other remedy proposed."

Forty-three years later, on the first day of this month, the Alaska Democrat took the floor of the Senate with a demand that Federal, State, and local government policies toward population control "must be positive, not permissive."

He then introduced a bill that would create high-level posts in the State Department and the Department of Health, Education, and Welfare to coordinate population control efforts and information.

REFERRED TO COMMITTEE

Also proposed was a White House Conference on Population in 1967 as a followup to Federally financed State conferences on the subject.

The GRUENING bill was referred to the Government Operations Committee, of which he is a member, and it is the Senator's hope that hearings will be held before Congress adjourns this summer.

If the hearings come about, it would be the first time in history that a legislative committee has dared to look into the sensitive question of just what Government at various levels is doing about disseminating money, advice, assistance, and materials for birth control activities.

It also would be one of the most significant results of President Johnson's state of the Union vow he would "seek new ways to use our knowledge to help deal with the explosion in world population and the growing scarcity in world resources."

GRUENING's aids report there has been a steady acceleration in the amount of local and State activity since the President's historic pronouncement, but they say that Federal officials are still skittish and defensive about the work they are doing.

The Agency for International Development, which quietly started supplying birth control information 2 years ago to countries that requested it, has advised each of its missions to assign a man to keep up with population trends.

AID has been anxious, however, to stress that is not supplying contraceptive devices, which are cheaply produced anyway, and is ready to supply information on all birth control methods—including the rhythm system accepted by the Catholic church—that a recipient nation requests.

David E. Bell, AID Administrator, struck a defensive note on February 4, when he told the House Foreign Affairs Committee:

"Our basic policy has been that we are not going to urge on any government any particular policy in the population field.

"The population field, as distinct from the food field, is not a field in which AID has any major activities. While I expect our activities will gradually grow, I foresee no big change in the immediate future."

His statement contrasted with Senator GRUENING's assertion that the world population of 3,300,000,000 may double by the end of the century, that "immediate help" is needed particularly in Asia and Latin America where population net growth ranges as high as 5 percent a year.

On the domestic side, two Federal agencies—the Office of Economic Opportunity and the Department of Health, Education, and Welfare—are moving as unobtrusively as they can into the population control field.

The OEO, which is in charge of the war on poverty, set a policy precedent late last year when it approved funds for a community action program in Corpus Christi that has as one of its components a birth control program operated by a volunteer agency.

APPLICATIONS PENDING

The volunteer agency, in its work, is distributing contraceptive devices and offering information on the rhythm method.

Recent approval was given a similar program in Oakland, Calif., for example, but a grant for Milwaukee was held up due to a rise in protests against Government-supported birth control clinics.

A host of other applications are pending, and the expectation is that community action programs with birth control components will become a regular thing.

Like the AID agency, however, the OEO emphasizes it is not initiating but only receiving birth control requests, its officials are reluctant to equate high birth rates with poverty.

CELEBREZZE VAGUE

The Department of Health, Education, and Welfare is quietly working on a number of fronts, including research through the National Institutes of Health and grants to local clinics through the children's bureau.

Anthony J. Celebrezze, Health, Education, and Welfare Secretary, has been notably vague in his communications with GRUENING and the Senator has complained of his inability to obtain precise information about what the Government is and is not doing.

This explains the Senator's proposal that Assistant Secretaries be appointed in HEW and the State Department to coordinate domestic and foreign information, respectively.

His bill has received the indorsement of Senator TYDINGS, Democrat, of Maryland, who told the Senate that the field of population control "has far too long been declared to be politically taboo."

CLARK DECLINES

"I question what will happen to our way of life if we do not face realistically the program of the population explosion," TYDINGS added.

Senator CLARK, Democrat, of Pennsylvania, who joined with GRUENING 2 years ago in sponsoring a pioneering birth control resolution, has declined to do so again this year because he considers it good tactics for the Government to move into the field in a gradual, diffused way.

CLARK is said to fear that formal offices, such as GRUENING has suggested, would become convenient targets for those who oppose any Government activity related to population control.

THE PERSECUTED HUNGARIAN MINORITY IN RUMANIA

Mr. CASE. Mr. President, none of us can forget the gallant heroism and devotion to freedom shown by the Hungarian people in the ill-fated 1956 revolution against the Communists. So it is with special sadness that I speak today of over 1 million Hungarians who endure a particularly severe oppression.

I refer to the persecuted Hungarian minority in Rumania. In addition to suffering under a Communist government, this minority is gradually being merged out of existence as a cultural entity.

In defiance of Rumania's own Communist constitution, these Hungarians are being forced to loosen their ties with their schools and universities, traditions, and language; their close-knit communities are being dispersed. The former autonomous Hungarian region within Rumania has been broken up—in fact, gerrymandered—so that intellectual and political leaders of the Hungarian community could be replaced by Rumanians. Hungarian professionals have been scattered into overwhelmingly Rumanian inhabited territories. Thousands of Hungarians living in Rumania have been imprisoned since 1956.

Mr. President, this is a tragic situation. We can only urge our State Department to use all its influence with the Rumanian Government to end this harsh treatment of a minority which has played an important role in Balkan culture and intellectual life for over a thousand years.

NEEDED: MORE COAST GUARD PATROL CUTTERS

Mr. BARTLETT. Mr. President, yesterday the distinguished chairman of the Senate Commerce Committee, the senior Senator from Washington [Mr. MAGNUSON], introduced S. 1901 which would authorize approximately $6 million for the procurement of seventeen 82-foot small patrol cutters for the Coast Guard. This legislation was requested by the Secretary of the Treasury and was introduced in the House by the chairman of the House Merchant Marine and Fisheries Committee, Mr. BONNER, and Mr. MAILLIARD following the recent deployment of 17 cutters to patrol the coast of Vietnam to combat smuggling arms and supplies to the Vietcong. Because of their size and speed these craft are particularly well suited for this wartime assignment.

However, Mr. President, the removal of these vessels from our domestic shores leaves an inadequate force to perform the primary mission of the Coast Guard—that of search, assistance, and recovery.

With the arrival of summer, a new boating season is about to open. We are informed that pleasure boat sales have increased in almost unprecedented numbers in recent years and we can count on seeing even more of them in our waters this season than ever before. These increased numbers will naturally, even if understandably, cause stepped-up Coast Guard safekeeping activities.

Additionally, the various programs designed to improve our fishing fleets have resulted in the construction and documentation of 450 new vessels in the past year. More than 1,500 fishermen will be engaged in fishing operations on these new vessels which range in size from 5 net tons to 800 gross tons and are capable of traveling many miles offshore.

The patrol cutters removed from domestic use have a cruising range of 800 miles and in the past have done an outstanding job of providing much needed assistance to our fishermen engaged in their hazardous occupation. There have been many instances where fishing craft have encountered severe weather conditions, lost a rudder, or simply run out of gas; the Coast Guard has been able to offer assistance with speed and efficiency.

Mr. President, the 17 vessels sent to Vietnam are among the newest from a total fleet of 44, all of which had been on active duty off our coasts. With the withdrawal of 17 to Vietnam the remaining 27 vessels will not be able to adequately carry out this mission. If the Magnuson bill fails of enactment, we could have a situation develop where we would find a regrettable loss of life and property.

It is for this reason that I urge Congress to act favorably and with dispatch on this measure.

ADDRESS BY HON. HUBERT H. HUMPHREY, VICE PRESIDENT OF THE UNITED STATES, AT DEDICATION OF VETERANS' ADMINISTRATION HOSPITAL, WASHINGTON, D.C., TOGETHER WITH INTRODUCTION BY WILLIAM DRIVER, ADMINISTRATOR, VETERANS' ADMINISTRATION

Mr. INOUYE. Mr. President, on April 28, 1965, an important milestone in fulfilling the medical needs of America's veterans was reached here in our Nation's Capital. An outstanding new 710-bed Veterans' Administration hospital was dedicated. This hospital, including the most modern medical equipment and facilities in the world, will treat more than 8,000 veteran patients in this area annually.

The dedicatory address was delivered by the Honorable HUBERT H. HUMPHREY, Vice President of the United States.

The Vice President was introduced by Mr. William J. Driver, Administrator of Veterans' Affairs. In the introduction, Mr. Driver paid a well-deserved tribute to the impressive contributions which had been made to veterans' medicine by Senator HUMPHREY during his 16 years of service in the Senate. Mr. Driver pointed out that in the audience at the dedication observance, there were present many champions of excellence in medical care for veterans. But none, he noted, had contributed "more than the man who it is my great honor to introduce to you."

Of our Vice President, he continued:

> There are in this land today many enduring monuments to the vigor, enlightenment, and courage of HUBERT HUMPHREY'S Senate career. In my view, none is more important, none is more enduring, none is more expressive of the compassion that is central to his character than his constant struggle to assure that there be no compromise with the quality of medicine for America's veterans.

I ask unanimous consent that the text of Mr. Driver's introductory remarks be printed at this point in the RECORD, followed by the Vice President's address.

There being no objection, the introductory remarks and address were ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE WILLIAM J. DRIVER, ADMINISTRATOR OF VETERANS AFFAIRS

Mr. Vice President, distinguished guests, ladies and gentlemen, today we join together in a ceremony that has become characteristic of the Veterans' Administration—the dedication of a new hospital, incorporating all the latest fruits of medicine, engineering, and architecture. It is characteristic of the Veterans' Administration because we have continually built new hospitals since the end of World War II.

Seen from the Washington community, this is a dedication too long awaited. Seen from the national point of view, this is the 66th VA hospital dedicated since 1947. Nineteen additional hospitals are now actually under construction or planned. These hospitals and expansions of others will bring over 18,000 new beds into the VA as older and outmoded hospitals such as the Mount Alto Hospital are gradually retired. Each of these new structures will be as modern and efficient as the one we see here today.

Thus, we are now in the very midst of a great and exciting age of hospital building. This progress, as with all progress, did not come about automatically; rather, it is the result of the unceasing effort and dedication of those who have made excellence in veterans' medicine their personal concern. Many of these men are with us here today. All have contributed much, but none more so than the man who it is my great honor to introduce to you.

There are in this land today many enduring monuments to the vigor, enlightenment, and courage of HUBERT HUMPHREY'S Senate career.

In my view, none is more important, none is more enduring, none is more expressive of the compassion that is central to his character, than his constant struggle to assure that there be no compromise with the quality of medicine for America's veterans.

In defending the integrity of the VA medical program, he said: "One of the most important obligations of the Nation is providing the finest possible medical care for our wounded and ill ex-servicemen."

In alerting the Senate to the growing number of aging veterans, he said: "No single agency of the U.S. Government will be or is meeting the medical needs of a larger group of senior citizens than the Veterans' Administration. It is not simply the responsibility to meet the problem of diseases of the aged, but, rather more positively, to help our veterans enjoy the fullest of health."

In stressing the contribution made by VA research to the health of veterans and all our citizens, he said: "I feel that the research increases which the Congress has granted to VA in recent years are a fitting tribute to the important results achieved to date and are appropriate recognition of the significance of constantly seeking new answers to the medical needs of America's ex-servicemen, as well as the needs of our entire population."

He summed up his views on our national obligation to veterans and their dependents when he said that, "The veterans of our Nation have made tremendous contributions to the welfare of our people, in time of peace as well as in time of war. Their patriotic devotion and loyal service merit the attention and gratitude of all Americans." And he assured his fellow countrymen that he would continue "efforts for adequate recognition by Congress of the needs and welfare of our veterans and their families."

He has more than fulfilled the promise of that assurance. He has more than kept faith with America's veterans, for he has been their advocate, their spokesman, and their champion against the forces of indifference.

Ladies and gentlemen, the Vice President of the United States.

ADDRESS BY HON. HUBERT H. HUMPHREY

It is my honor to share this dedication with you.

This is the newest and most modern of VA hospitals. More than 8,000 veterans will come here each year to receive the care this hospital will provide. They will receive good care because VA medicine is good medicine.

As we are here today to dedicate this hospital, let us also dedicate ourselves to continuance of these high standards of medicine.

What will it take to maintain such standards? First, it will take modern and functional efficiency.

Today, VA is engaged in the largest hospital building program in history. At this moment, at some stage in the construction pipeline, there are 355 VA projects underway. These projects are not undertaken for their own sake. They are designed to provide the best care possible to those who deserve it.

Second, it will take effectiveness. This means locating VA hospital beds where they can treat the greatest number of veterans. The VA system has each year increased the number of veterans treated. This year, for example, VA hospitals will treat 100,000 more veterans than they did in 1960. Efficient placement of facilities makes this possible.

Third, it will take comprehensiveness of care. A veteran who enters the doors of this hospital will benefit from the availability of a full spectrum of modern medical techniques—ranging from open-heart surgery and radioactive cobalt therapy to a special kidney treatment unit which will literally save dozens of lives each year.

The President's budget request for fiscal year 1966 includes more funds for medical care than at any time in VA history. It clearly reflects this administration's response to the need for continued high standards of VA medicine.

Funds requested for 1966—

Will support activation of three new hospitals, including this one;

Will support the new nursing care program in VA operated facilities with an estimated average of 1,500 patients daily;

Will support establishment of 13 special centers for heart surgery, of 26 emphysema treatment units, of two day treatment centers, of two mental hygiene clinics, of a new blind rehabilitation center;

Will support expansion of medical and surgical bed sections in neuropsychiatric hospitals, and expansion of capability of the 11 centers for treatment of chronic kidney disease;

Will support an increase in staff to provide corrective treatment for speech problems at 20 more hospitals; and

Will support strengthening of VA's clinical laboratory services.

We view the VA hospital system as a national resource that is an essential part of a national health program.

The VA hospital program has been shaped so that it may render the best care in the power of medical science and also so that it may help all Americans through medical research and the training of much-needed doctors and other medical professionals.

In research, the VA has moved from about absolute zero to one of the finest medical and clinical research programs in the world. In the first 10 years alone this research program has expanded by some 700 percent.

This hospital will play a significant role in that research effort.

But the contribution being made by the Veterans' Administration to the health of the entire Nation is not confined to the products of its laboratories. For the VA, through its program of affiliation, is now involved in a creative, mutually beneficial partnership with the Nation's leading medical schools.

Through this partnership with medical schools, approximately one-half of the junior medical students in the United States receive part of their clinical experience in veterans hospitals. A total of 3,200 out of 7,400 registered senior medical students have a part of their 4th-year clinical training in VA hospitals.

Approximately 10 percent of all medical residencies are in VA hospitals. Many of America's best specialty training programs have developed through combined university and affiliated VA hospital programs. And it is estimated that 15 percent of all certified physicians today have received part or all of their specialty training in Veterans' Administration hospitals.

By viewing the VA hospital programs as part of a national health effort, we also see that it is directly related to other creative measures being taken to improve the health of all our citizens—measures at the heart of the Great Society we are all striving to build.

And now it is my pleasant duty to join with Administrator of Veterans' Affairs William J. Driver in presenting this official dedication certificate to the director of this hospital, Dr. Thomas J. Ready, and to repose in him the heavy responsibility for carrying forward the work of healing the sick and distressed who enter these doors.

ERVIN PRAISES TOBACCO GROWERS

Mr. ERVIN. Mr. President, the tobacco referendum which was held yesterday indicated once again the good judgment of the tobacco farmers. In an overwhelming vote of more than 73.7 percent, the Flue-cured tobacco farmers indicated their approval of the acreage-poundage proposal recommended by the Congress and the President early last month. In North Carolina 82.9 percent of the Flue-cured growers voted to approve the program.

The tobacco program has been one of the least expensive to the Government. Indeed, as I pointed out in a statement before the Senate Agriculture Committee, the Federal Government has received in taxes from tobacco more than twice the amount spent on all farm support programs. Since 1933 the Federal Government has received $39.5 billion in taxes from tobacco collections, whereas, we have only spent $38 million to support the tobacco grower during that time.

In voting to accept the acreage-poundage proposal the tobacco farmers of the Nation have shown an acute awareness that the quality of their product must be maintained and enhanced if the American market is to obtain a favorable price abroad.

The acreage-poundage program provides for a formula which is not readily ascertainable, and, indeed, requires a considerable amount of time to work it out properly. Notwithstanding the complications of the formula, the growers have campaigned assiduously to explain to their fellow tobacco farmers the benefits to be derived from the program. The vote reflects the awareness of the farmers of the unique situation in which the tobacco farmer finds himself today and the desire to do something themselves to bring the supply-demand situation for tobacco into a more reasonable relationship. It is the type of farsightedness which has made our country great, and I am sure that it is an indication that other tobacco farmers will join with the Flue-cured growers in meeting the various agricultural problems which confront us.

The Flue-cured tobacco farmers are to be congratulated upon the example they have set for the whole Nation. If a similar spirit of cooperativeness were found within all the problem areas of the country, many of the problems which confront us could much more rapidly be met and overcome.

For many years the price-support system for tobacco was the model farm program of the Nation, and it brought stability and prosperity to the tobacco farmer. However, when it became apparent within the past year that this program was no longer adequate to meet the problem facing the tobacco farmers they moved rapidly to find a solution and action taken on May 4 clearly indicates that the Flue-cured growers want their tobacco program to remain the best in the Nation.

REGULATION OF MISUSE OF FIREARMS

Mrs. NEUBERGER. Mr. President, many newspapers across the country have devoted editorial space to alert the public to the necessity for legislation restricting the misuse of firearms. Reporting of the 5,000 homicides and 8,000 suicides that occur in the United States every year through the use of weapons suggests that newspapers are in a position to speak with authority on the subject.

An editorial appearing in the Eugene Register-Guard of Eugene, Oreg., gave an articulate appraisal of Senator DODD's bill, S. 14, which is designed to keep mail-order guns from criminals, narcotic addicts, mental defectives, and juveniles.

During the past few months, the Washington Post has carried a series of editorials concerning the misuse of weapons. It has done so because of its belief that the "almost uncontrolled distribution and availability of firearms in the United States presents a senseless peril to public safety and because of a strong desire to bring this peril to public notice."

Mr. President, I would like to commend to the attention of my colleagues these excellent editorials urging congressional action in an area that for too long has been neglected, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Eugene (Oreg.) Register-Guard Apr. 19, 1965]

ANYBODY CAN GET A GUN IN THE MAIL

Even as Lee Harvey Oswald was poking his rifle, which he got under an alias from a mail order house, out the window of a building in Dallas, Senator THOMAS DODD, of Connecticut, was having trouble with one of his pet bills. He couldn't get his fellow Senators sufficiently interested in doing something about the free and easy traffic in firearms. Against him were powerful lobby groups and many civil-liberties-conscious citizens who see any firearms legislation as a first exercise against individual liberty. The assassination of the President stirred some interest, for a little while, but Senator DODD's bill still lies in Congress. It ought to be passed.

It is not a severe bill. It does not outlaw the interstate shipment of firearms. But it does regulate such shipment. It provides that a person ordering a firearm from a mail order dealer pick up that firearm from a local dealer. The local dealer would have to comply with whatever local laws are in effect. This would make it more difficult for a felon, a fugitive, a psychopath, an anarchist, a Communist, a boy in the fifth grade or a mental patient to get his hands on something society agrees he shouldn't have.

It's so easy now. All one does is fill out a coupon, perhaps fill out an unnotarized statement attesting to his own good citizenship, send money and wait. Pretty soon a gun comes in his name or the name he chose to write on the coupon. He pays the freight. From there on, who knows?

Local authority is bypassed. Pennsylvania, for example, requires a person who buys a weapon that can be concealed to wait 48 hours before he picks it up. That gives local authorities time to check up on him. Yet in a 3-year period, one firm alone shipped 100 such weapons into Pittsburgh and 150 into Philadelphia.

Opponents of Senator DODD's bill fall back on the second amendment to the Constitution. That says, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." It's a poor defense.

The second amendment has never been really interpreted. Because of its wording some legal authorities say it has to do only with the establishment of duly constituted militia, not with the individual ownership of weapons. Others take a broader view. Even those who take the broader view, though, note that New York City's Sullivan law prohibiting even the ownership of a concealable weapon, remains on the books after years of attack.

Moreover, the Dodd bill would not infringe upon any right of possession or ownership, but only upon the manner of sale. This Congress can do under its power to regulate interstate commerce. Many units of Government regulate the conditions of sale, requiring, for example, a waiting period before the weapon is picked up. Others apply State and local sales taxes to the price. Most units of government prohibit ownership by ex-convicts, mental patients and small children, all of whom can now buy the guns by mail.

Each man is free to swing his fist. But that freedom stops at the end of the other man's nose. Our rights must be qualified. We have, for example, freedom of speech, but don't test it by calling in a false fire alarm. We have freedom of religion, but don't think that extends to a sect that believes in, and practices, cannibalism.

America, by long and honorable tradition, is a nation where firearms are highly regarded. But so many of the firearms advertised in these gun magazines are cheap, foreign junk, unsuitable for either hunting or serious target work. They can, however, serve another purpose. And few are really bargains, not after the freight has been paid.

Instead of trying to block Senator Dodd in his efforts to curb the gunrunners, the sporting interests of the country ought to be behind him—for the good name of their own number and the higher standards of their honorable hobby.

[From the Washington Post, Apr. 28, 1965]

A Parting Shot

For 77 consecutive days—11 full weeks—this page has carried an editorial about guns. It has done so because of a belief that the almost uncontrolled distribution and availability of firearms in the United States presents a senseless peril to public safety and because of a strong desire to bring this peril to public notice. This kind of effort to arouse public opinion constitutes, we think, one of the first functions of a free press.

The stream of editorials has produced, in unprecedented volume, a responding stream of letters to the editor—most of them critical of the editorials, many of them insensately angry. Some of the editorials were meant to be informative—to document the danger and to describe what seemed to us appropriate legislative remedies. Some were frankly meant to be provocative—to arouse a sense of outrage by recounting tragedies reported as commonplace in the news pages every day. Some were meant to rebut the standard arguments of the National Rifle Association and other opponents of the President's recommendations for firearms control. Some were meant to be sardonic or shocking—and seemed, perhaps, no more than smart aleck.

Since we propose now to declare a moratorium, or temporary cease-fire, on the subject, it seems opportune to recapitulate our reasons for wanting effective firearms control and to restate the kinds of control we deem effective. Guns are indubitably dangerous. About 5,000 homicides and more than 8,000 suicides are committed through the use of guns every year in the United States. May of these killings could have, and perhaps would have been accomplished by other means; but guns made them easy.

To begin with, guns contribute to crime. Possession of them emboldens many to undertake assaults or robberies; and it leads to many fatalities which might not have resulted if these crimes had been undertaken with less lethal weapons. In a 3-year period, according to FBI Director J. Edgar Hoover, 168 law-enforcement officers were murdered in the performance of their official duties. Firearms were used in 162 of these killings, with revolvers and automatic pistols accounting for 131 of the deaths and rifles and shotguns for 31; knives, clubs, and other weapons were responsible for the remaining 6.

Even more tragic, in a way, is the death toll from guns used by those not intending to commit crime—the killing of children by demented parents, the killing of wives and husbands and lovers and relatives and neighbors in pointless quarrels, the killing of youngsters by other youngsters who did not know the gun was loaded, or by sheer accident or carelessness, the killing, altogether at random, of innocents who happened to be at hand when some drunk or fool was skylarking with a gun. Not a day passes in any major American city without some such tragedy.

For these reasons, we want to prevent, or at least diminish, the possession and easy acquisition of guns by criminals, drunkards, juveniles, drug addicts, and the mentally ill. We are convinced that this can be done—to the vast betterment of the general welfare—without preventing the legitimate enjoyment of firearms for hunting, collecting, target shooting and, where necessary, self-defense by responsible, law-abiding, qualified adults.

Nationally, we urge adoption of the bills introduced by Senator Thomas Dodd to implement President Johnson's gun control proposals. In brief, these would rigidly limit the importation of guns—mainly cast-off military weapons—from abroad; prohibit mail-order sales of firearms to individuals by limiting firearms shipments in interstate commerce to shipments between licensed importers, manufacturers, and dealers; and help States to control the firearms traffic within their borders by requiring that any gun purchaser be a bona fide resident of the State in which the gun is purchased.

Locally, we urge the registration of all firearms; the limitation of ownership to persons over 21 years of age who have not been convicted of a crime, who have not been adjudged mentally incompetent and who have demonstrated by test a knowledge of the rules of safety for handling firearms. In addition, because pistols are peculiarly dangerous and peculiarly susceptible to employment in the commission of crime, we urge that the possession of a pistol be narrowly limited to bona fide collectors, to target shooters whose use of them will be carefully controlled by regulation, and to persons who, in isolated places and special situations, are adjudged in accordance with fixed standards, to have a genuine need of them for self-protection.

There is nothing in these proposals, we think, which infringes on the constitutional right to keep and bear arms as that right is related to the maintenance of a well-regulated militia. There is nothing in these proposals which interferes with participation by responsible adults in the great and popular sports of hunting and target shooting, or in the hobby of gun collection. The frontier is gone in the United States. Americans today live increasingly in crowded urban centers where the indiscriminate possession of guns has become a deadly danger.

In a country where four Presidents have been assassinated by gunfire and where guns exact a terrible toll in death and tragedy every year, sportsmen can fairly be asked to incur minor inconvenience for the sake of the general welfare. It is time for America to come of age. Disarmament needs to begin at home.

SUMMARY OF MEDICARE TESTIMONY

Mr. HARTKE. Mr. President, there is a great interest both in and out of the Congress, centered on the hearings now being conducted by the Finance Committee. As a member of that committee, I believe it will be a service to my colleagues and others to provide a concise, objective summary of the testimony as it is received day by day from the more than 80 witnesses who are scheduled to appear before us. Today I should like to present such a summary of the viewpoint of witnesses heard yesterday and today. What follows is not in any sense an official statement, and it has not been prepared by the committee staff but by my own office.

I ask unanimous consent that summaries for each of the witnesses appearing today and yesterday may appear in the Record.

There being no objection, the summaries were ordered to be printed in the Record, as follows:

Summary of Medicare Testimony

TESTIMONY OF MAY 4, 1965

I. Senior Citizens Golden Ring Council (Zalmen J. Lichtenstein, executive director):

The council supports the bill, including the supplementary medical insurance plan. They would like to see the following changes:

1. An added provision covering drug expenses out of hospital;

2. Inclusion in hospital service of payments for radiologists, anesthesiologists, etc.; and

3. Inclusion of equivalent railroad retirement benefits.

4. Noted that where the wife is younger than 65, the need for maintaining other health insurance for her will cause a double burden.

II. American Nurses' Association (Julia C. Thompson, director, Washington office):

1. Private duty nursing care should be included (now excluded specifically by sec. 1861 (b)(5)). There are safeguards to prevent excessive use of these services, including the utilization review committee and the necessity of physician certification for service.

2. Supports home health services, including nursing care, in both basic and supplementary plans. Approves part-time or intermittent services of a home health aid.

3. Recommends that the State department of health be the agency authorized by the Secretary of Health, Education, and Welfare to certify a home health agency.

4. Recommends amendment to provide registered professional nurses (rather than allowing licensed practical nurses as equivalent) should be on duty at all times in hospitals providing covered services (sec. 1861(e)(5)).

5. Supports transfer agreement with the hospitals for extended care facilities (sec. 1861(j)).

6. Recommends inclusion of professional nurses on utilization review committee.

7. Supports amendment to include services of radiologists, anesthesiologists, etc. in basic hospital coverage.

8. Recommends inclusion of registered professional nurses on all National and State advisory councils and review committees.

9. Supports compulsory social security coverage of nonprofit organizations, and removal of nonprofit exemption.

III. Senator Leverett Saltonstall:

1. Believes S. 395 (Saltonstall, Aiken, Cotton, Morton, Prouty, Scott) provides

better approach: voluntary, State-administered; offers options of (1) short-term program, (2) deductible major illness program, (3) private insurance policy program.

2. Provision requiring that nursing home care must be preceded by hospital stay should be eliminated.

3. Provision should be made for prescribed drugs outside the hospital.

4. Basically, health care should not be placed under social security or payroll taxes. A future Congress may be unable to provide increased cash benefits under social security because medical care will absorb so much from the payroll tax, which is regressive.

5. Aid should go to those who need help, rather than to all. The plan should be voluntary, not compulsory.

IV. American Society of Anesthesiologists (Perry P. Volpitto, M.D., president):

1. Supports retaining House-passed provisions for services of specialists rather than proposed amendment to include in basic hospital service.

Testified that a 1963 AMA survey showed only 8.8 percent of hospitals pay salaries to anesthesiologists, 22.5 percent to radiologists, 40.5 percent to pathologists. Thus anesthesiologists' fee coverage in health insurance programs is normally found in provisions for physicians' services rather than hospital services, as in the bill.

2. The case of anesthesiology is different from that of the other specialties lumped with it in the bill.

3. It is vital to the future of the specialty that anesthesiologists practice "as other independent physicians and not as a hospital service."

V. National Medical Association (W. Montague Cobb, M.D., president):

1. Strongly endorses the bill, H.R. 6675.

2. This is historic position of the 5,000-member organization "formed in Atlanta in 1895 because of exclusion practices against Negro physicians." Supported Wagner-Murray-Dingell bill (1946) and subsequent proposals.

3. Precedent for inclusion of radiologists, etc., "is far more established in practice than excluding them."

4. Antidiscrimination provisions should be clearly written into the bill.

VI. American Hospital Association (Joseph V. Terenzio, member, council on administration, and executive director, the Brooklyn Hospital):

1. Favor inclusion of radiologists, etc. Over 60 percent of pathologists, 25 percent of radiologists are salaried by hospitals, while a great majority of the remainder work on a contractual basis.

2. Opposed to deductibles.

3. Full reimbursement to hospitals should be made instead of "reasonable" costs of services.

4. The administrative intermediary should be designated by the providers of services. Blue Cross would be the preferable choice of most.

5. The Secretary of Health, Education, and Welfare should consult with the American Hospital Association in developing regulations pertaining to reimbursement of services. (Now reads that he may consult.)

6. Private organizations should be given a primary role in making payments for care and in establishing information as to fiscal records. We specifically hope that State agencies will not be involved in such a role. (Sec. 1864(a).)

7. Change section 1867, page 97, on line 21, to read: "The members shall include persons who are outstanding in the field of hospital administration, medical care, and other health activities, and at least one person who is representative of the general public."

A national medical review committee is not needed because it would duplicate responsibilities of the Health Insurance Benefits Advisory Council.

8. Under section 1813(3) whole blood is generally supplied by uncompensated donors and therefore should not be covered.

9. The definition of medical and other health services which appears on page 82 of the bill seems to raise questions of conflict with the definition of physicians' services. In a number of instances, the services which are listed under "medical and other health services" are likely to be physicians' services. This separation may provide problems in the administration of the program.

10. American Hospital Association supports the remaining portions of the bill.

TESTIMONY OF MAY 5, 1965

Mr. WALTER J. MCNERNEY,
President, Blue Cross Association:

1. Their testimony pointed out the many complexities in administering the program. The work requires personnel who understand not only the techniques of prepayment, but also the health system, and who are on the local scene to work within it.

The various tasks involved need to be well coordinated, especially when the benefits cut across the basic program (hospital care), the supplementary program (physicians' services), and the expanded program for assistance to the needy. The sick person would need detailed instructions in order to understand his responsibilities (i.e., amount of deductible expenses, etc.) and periods of coverage.

Keeping track of all the records requires that it be kept by the carrier intermediary. This requires fast timing because the hospital must know while the patient is in the house what benefits apply. Under Blue Cross, for example, hospitals know this in a matter of hours or a day or two at most. In addition to keeping track of records and paying the bills, the intermediary must have quick ability to advise the elderly person and his physician on such questions as to what the elderly's future needs will be, should the patient use more nursing home days instead of in-patient hospital days, etc.

Blue Cross believes that it has the capacity to accomplish the major job required in administering the program.

2. The specialist services of radiologists, pathologists, anesthesiologists, and physiatrists, should be reinstated under the basic plan.

3. Blue Cross opposes the use of deductibles in the hospitalization, as well as paying a percentage of the physicians' services rendered. A better approach would be to reduce the days per spell of illness to 30 (instead of 60 as the bill now reads) and add more days to the voluntary benefits.

4. It is insufficient to define rehabilitation centers as hospitals or extended care facilities rather than as diagnostic and therapeutic services. The bill should include carefully drawn standards which fit the special characteristics of rehabilitation centers, not simply define them as hospitals which do rehabilitation.

5. There is no provision for coverage of emergency accident services provided by the hospital unless they be diagnostic, and coverage under the supplementary plan is incomplete. With the accidents to which the elderly are prone, omission from the bill of full hospital outpatient department services for accidental injury is an undesirable oversight.

6. There is concern whether the specifics of the bill are so precise as to require a proper determination of costs, providing reimbursement under some formula such as the relationship of charges to cost. Reimbursement on the basis of cost-to-charges ratio, which attempts to isolate expense by various classifications of the patient, is largely untried and its implications are not clear. Furthermore, who is to determine whether a particular institution's costs are out of line.

7. Blue Cross applauds the granting of an income tax deduction for the cost of health benefits. This will enable aged persons to purchase drugs and also encourage purchase of further protection.

Mr. Blue Carstenson, director, senior member council, National Farmers Union:

1. They would like to see the number of days of hospital and nursing home care extended.

2. It would be more beneficial to the people if the radiologists' and other doctors' fees were put back in the hospital plan.

3. Home health services are one of the most essential features of the entire bill. Most rural communities cannot afford such services and this will remedy the problem.

4. They feel that the diagnostic service provided in the bill will save the program money and urge that the deductible for outpatient diagnostic services not be fixed except as a maximum. More easily obtained checkups may actually save the overall program money.

5. Urge HEW to work with smaller health insurance companies to assist them now to develop a pool so as to be able to participate in the out-of-hospital insurance plan.

6. They can support the inclusion of the out-of-hospital prescription drugs in the medicare program if there are provisions to assure a reasonable cost for the drugs. If there is no way to prohibit exorbitant profits in drugs, we reject inclusion of out-of-hospital drugs and the drug stamp plan.

7. They endorse all the amendments relating to social security benefits.

8. Social security should provide a minimum standard of living above which people can add to their pension programs and savings in order to reach a decent standard of living. It is urged that a national welfare floor be established for public welfare of about $1,400 for the older single person and $1,600 for retired couples.

Mr. Mahlon Z. Eubank, director of the social insurance department, Commerce & Industry Association of New York:

1. The medical care program under the hospital portion of the bill should be amended to cover all individuals 65 and over and not just social security beneficiaries. The payroll tax should provide the funds to pay all such individuals.

2. Setting up a voluntary but Government subsidized private insurance program to cover medical and other similar costs for the aged side by side with a compulsory government medicare program to finance hospital and nursing home care under the Social Security Administration would create complications when both get involved with every patient who has hospital and medical bills.

3. If the supplementary plan is adopted, there will be little, if any, room left for private health insurance for all those over 65. If such plans are eliminated, beneficiaries could be hurt because private nursing, etc., are provided.

4. Adoption of the voluntary program could have serious implications for the future of the private insurance business because the Government for the first time would be offering coverage along lines characteristic of the private insurance program to be additionally subsidized from general revenues. It is an invasion of private enterprise.

5. Section 303 of the bill would broaden the disability insurance protection by providing disability insurance benefits for an insured worker who has been totally disabled for at least 6 calendar months. This provision has several undesirable effects:

(*a*) It would cause employers difficulty in getting employees back to work because in many cases the money collected under this plan and the workmen's compensation benefits would be greater than the employee makes in salary.

(*b*) It would seriously interfere with labor-management agreement when employers insist on an offset for social security benefits provided by section 303.

(*c*) State workmen's compensation programs could be destroyed.

(*d*) The additional cost of this liberalization feature was never considered.

6. Various suggestions were made to amend the Kerr-Mills Act, which are generally covered by the bill.

Dr. John J. McGraw, Jr., Bucks County Medical Society, Bucks County, Pa.:

1. They urge the use of the social security tax or a similar payroll tax to finance medical care.

2. Benefits should be disbursed by providing the aged with approved private insurance policies such as Blue Cross and Blue Shield. The proposed bill permits the use of insurance companies as disbursing agents. They request that Congress directs the issuance of approved private insurance policies to the aged.

3. The services of all physicians, including pathologists, radiologists, and anesthesiologists should be covered.

4. The policies should have a larger deductible or a copay of a larger percent of the bill, which would enable more coverage for long term or exceptionally costly illnesses.

5. The fund should be empowered to regain the cost of premiums from the estates of those who received coverage but who did not pay into the fund for at least 10 years. This would offer an additional source of income for at least 10 years, which is needed because present cost estimates of the program are not much more than educated guesses.

Mr. Don B. Goodloe, legislative representative, Washington, D.C., Teachers Union, Local No. 6 of the American Federation of Teachers:

He formerly supported the position of testimony presented by Mr. Nelson Cruikshank, of the AFL–CIO, on Monday, May 2, who strongly supported the passage of the bill.

Dr. Edward L. Young, chairman, the Physicians Forum:

1. Radiologists, anesthesiologists, and physiatrists who would be included under the basic hospital services, that are covered.

2. The bill should be amended to limit eligible nursing homes to those operated by or affiliated with a hospital. This would prevent the use of any substandard nursing homes that are permitted to dominate the field because of the shortage of decent facilities.

3. Coverage of radiologists, etc. should be included in the hospital coverage as a hospital service.

4. The $50 deductible for hospital coverage and the 20 percent payment under the voluntary program will place a heavy burden upon the aged.

5. Experience with the proposed reasonable charges for physicians services has made it clear that the program will be subject to rising costs.

6. The bill turns over the administration of physicians service benefits entirely to the insurance carriers, thereby effectively abdicating the principle of Government responsibility for the expenditure of Government funds.

REVITALIZATION OF THE UNITED NATIONS

Mr. TYDINGS. Mr. President, last Friday, over 1,000 Maryland residents sent to President Johnson a petition urging that he "help revitalize the United Nations." This petition, endorsing the planning-for-peace resolution, introduced by the distinguished senior Senator from Pennsylvania [Mr. CLARK], carried the signatures of Gov. J. Millard Tawes, Mayor Theodore R. McKeldin, of Baltimore, Bishop Doll, Bishop Lovie, Bishop Powell, Rabbi Liberman, Rabbi Shaw, and many other religious, business, and political leaders of my State.

I am proud to be one of the bipartisan group of 26 Senators to cosponsor this resolution.

Senator CLARK's resolution recognizes that one of the most critical problems facing American foreign policy today is the establishment of a standby world peacekeeping force.

There can be little doubt that such peacekeeping machinery is sorely needed. Last year, when the United Nations forces went to the island of Cyprus, the United Nations was for the 13th time answering the need for peacekeeping forces. However, it took 2 weeks for the first troops to arrive, after the Security Council had decided to establish the Cyprus force. Another week passed before the United Nations force was inaugurated. Had not British troops been present, the delay might have had serious consequences.

Afterward, the U.S. Ambassador to the United Nations, Adlai Stevenson, observed:

> Cyprus has vividly exposed the frailties of the existing machinery.

His prescription: a standby United Nations peace force composed of national military units.

Such a peace force is certainly practical. To date, Denmark, Sweden, Norway, Finland, New Zealand, Iran, Canada, and the Netherlands have offered to select military units which they might make available, upon request, to the United Nations. In late February of this year, Great Britain joined in supporting this concept, by offering to commit itself to provide logistical support to six infantry batallions of a United Nations peace force. Until called into service by the United Nations, these units would be financed and controlled by their own governments.

In view of this evidence of considerable world support for some kind of permanent United Nations peace force, what stands in the way of the creation of such a force? I believe the United Nations has failed to create such a force primarily because enough attention has not been given the rules within which it would operate.

One group which could profitably study this problem is the Special Committee on Peacekeeping Operations, meeting in New York under the distinguished leadership of the President of the General Assembly, Sir Alex Quaison-Sackey. The Committee of 33, as it is generally known, was established to consider "peacekeeping in all its aspects."

Up to now, the committee appears to have emphasized the question of payment of past peacekeeping forces which plagued the last General Assembly. It is hoped, however, that the committee will seriously consider the future possibilities of peacekeeping, as well as past problems.

The present international situation clearly indicates that the establishment of a standby United Nations peacekeeping force deserves close study within the administration and Congress. Ideally, we should be taking the lead and preparing plans for a United Nations peacekeeping force, to be considered by the international community. At the very least, the United States must be prepared to evaluate quickly and intelligently viable peacekeeping plans proposed by any source. It would be a great tragedy, indeed, if such plans were to fail because we were not prepared to make an adequate response.

Careful studies of this problem have been made. Recently, I had the pleasure of receiving a copy of a document entitled "Wanted: Rules To Guide U.N. Peacekeeping Operations of the Future." It was written by Marion McVitty, the United World Federalist official United Nations observer. It seems to me that this document is based on ideas and concepts which all of us should consider.

I ask unanimous consent that the text of Mrs. McVitty's paper be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, the United Nations will be 20 years old in June of this year. Although much has been made of its recent problems, there is no question that the United Nations has been of major service to humanity in those 20 years.

The problems of the United Nations are a test of our will to work for a world where world peace and world law can become a reality. This is a great challenge to this administration and to this Congress.

Only a few years ago, many people scoffed at Vice President HUMPHREY when he became the Senate's one-man subcommittee on disarmament. Yet from his studies and his thinking came the tools which enabled us to deal intelligently with the opportunities provided by the test ban treaty.

As Ambassador Stevenson has so aptly put it, we have "No mission but peace, no enemy but war." Let us not delay in providing our future peacekeeping forces. If the task is impossible, then let us know why. If it is possible, as I believe it is, then let us begin.

EXHIBIT 1

WANTED: RULES TO GUIDE U.N. PEACEKEEPING OPERATIONS OF THE FUTURE

(By Marion H. McVitty)

INTRODUCTION

The course of international events since the United Nations was founded has caused the international organization to evolve new methods, based on new concepts, in order to fulfill its primary purpose of maintaining world peace.

As envisioned in the U.N. Charter, collective security was generally supposed to require collective military action to prevent or repel aggression. In the case of Korea the United Nations implemented its charter powers in these terms and used collective armed forces on the side of the victim of an armed attack.

At that time the United Nations could hardly have justified its further existence had it not thus demonstrated that aggression would not be tolerated. The use of war as an instrument of national policy was successfully halted on that occasion—by the use of war as an instrument of international policy.

Since Korea, this approach to collective security has been refined by dint of circumstances, ingenuity, and liberal charter interpretation. In the Middle East, in Congo, Cyprus, and elsewhere the United Nations has undertaken peacekeeping operations directed toward the more impartial service of law and order. The collective military contingents deployed have been used to serve a police function. They have been authorized to use only a minimum of force, and only as a last resort, in self-defense in carrying out the particular U.N. mandate. Pacification of a crisis has been attempted with a minimum of prejudice to the rights and claims of the parties in a settlement of the dispute.

Although new concepts and new practices relating to international collective security are as yet scarcely emerging from controversy and confusion, there is a discernible consolidation of favorable opinion regarding them. In the course of the evolutionary process described—whether as cause or effect—the world community seems to have developed a more enlightened attitude toward collective security, and an expectation that it will be pursued henceforth by more morally acceptable means than those envisioned by chapter VII of the U.N. Charter.

MAJOR POLITICOLEGAL AND OPERATIONAL PROBLEMS ENCOUNTERED

Misunderstandings appear to have arisen out of a confusion of the new impartial pacification method with coercive enforcement action associated with articles 42 and 43 of the U.N. Charter. In Congo, for instance, the Lumumba government and certain African states which contributed U.N. contingents were disappointed that the U.N. peace force requested to assist the central Congo Government did not fight on its side against secessionist factions. Similarly, the Turkish Government seems now to expect the U.N. force in Cyprus to enforce the treaties of guarantee, although the treaties are one of the major issues in dispute. Finally, the Soviet Union has contended that military measures not carried out in strict conformity with the provisions of chapter VII of the charter are illegal, regardless of the fact that U.N. peace forces in the Middle East, Congo, and Cyprus have been deployed by voluntary consent to maintain international security by more peaceful means.

Political opposition to the new concept of collective security, however, has not been confined to the overt expressions noted above. In varying degrees most U.N. members have indicated political doubts and constitutional reservations about U.N. peacekeeping operations of a kind not specified, or even foreseen, by the United Nations Charter. The general politicolegal malaise is reflected in the ambivalence of U.N. member governments between their occasional acutely felt need for interposing a U.N. peace force and their more constant unwillingness to face the international obligations involved. It is expressed in the general inclination of most U.N. members to keep U.N. peacekeeping machinery ad hoc in order to be able to give, or withhold, support for U.N. peacekeeping operations on the merits of each case as it arises.

Nevertheless, it seems unlikely in most future international emergencies that the development of international peacekeeping theory and practice which has taken place in recent years will be reversed by a return to the coercive collective security measures expressly provided by the U.N. Charter as it stands. It is no more realistic to suppose that United Nations Charter amendments, capable of spelling out the new peacekeeping method, could be agreed upon in the near future. Yet between the constitutional provisions which are unlikely to be operable and constitutional revisions not yet attainable there is a legal vacuum which cannot be ignored. The new type of peacekeeping operation is certainly consistent with the principles and purposes of the U.N. Charter, and if the charter is otherwise silent on the matter, it may be taken to be permissive. The misunderstandings, disaffection and financial irresponsibility evidenced may well be due, however, to a constitutional permissiveness which, not being delimited, allows far too much uncertainty with respect to implementation.

In that legal "limbo," legal uncertainties have prompted U.N. members to let political expediency determine to a dangerous degree national positions on momentous international issues.

The absence of precise U.N. legal rights and functions have also impeded U.N. operations in the field. Experience with United Nations Emergency Force (UNEF), United Nations Force in the Congo (ONUC), and United Nations Peacekeeping Force in Cyprus (UNFICYP) reveals that the following operational difficulties have been encountered, because of politico-legal inadequacies:

First, the U.N. has encountered operational difficulties in the Middle East, Congo, and Cyprus because it was either not agreed, or not clear, that U.N. police were not deployed to take the side of one party against another by combining U.N. military force with the military force of the victim in order to decide the issue by combat;

Second, because UNEF, ONUC, and UNFICYP were not established under articles 42 and 43 of chapter VII of the charter, the U.N. contingents in these areas could be withdrawn at will by the nations contributing them, and the host country (theoretically at least) could expel them at its pleasure, thus leaving the Secretary General in doubt as to the means to fulfill his mandate;

Third, member governments have used with impunity the withdrawal of forces and the withholding of funds as political tools with which to influence the particular incident, or the international situation as a whole, so that efficacy and economy were threatened by political variants;

Fourth, under present circumstances the U.N. cannot have preponderant force vis-a-vis major powers or the combined military strength of several well-armed states, but in the Middle East, Congo, and Cyprus the United Nations has not had preponderant power even over the purely local forces in those areas, so that U.N. operations were often at the mercy of local authorities;

Fifth, in Congo, the U.N. Charter injunction against U.N. intervention in matters "which are essentially within the domestic jurisdiction of a state" complicated fulfillment of the U.N. mandate and may have prolonged the Congo crisis, and the same difficulty seems to pertain in Cyprus, so that it is pertinent to question whether complete internal sovereignty is always compatible with the preservation of world peace during an international emergency;

Sixth, controversy arose in connection with the Katanga secession as to what constitutes a legitimate degree of force to be exerted by U.N. police in fulfilling a peacekeeping mandate;

Seventh, in UNEF, ONUC, and UNFICYP each national contingent is subject to its own military discipline, and to its own national authorities in the case of civilian crimes in the host country, so that U.N. forces do not receive uniform treatment for similar misbehavior, or criminal acts;

Eighth, in Cyprus, and to a lesser degree in Congo, the U.N. was not in a position to prevent escalation of the emergency by preventing the importation of additional armaments and the increase of contending forces in the crisis area;

Ninth, a U.N. force, which is not fighting a war to stop a war as in Korea, may be opposed or impeded by recalcitrant individuals (mercenaries, leaders of irregulars) not under the immediate control of any national government, but the U.N. does not have direct competence over such individuals.

In the light of all of the foregoing, it is concluded that prompt consideration should be given to the formulation of legal guidelines which could be generally applied to future U.N. peacekeeping operations of the type under discussion without revision, or violation, of the present U.N. Charter. Furthermore, to meet adequately the problems described, an agreed instrument of rules would seem to be required which would be somewhat more than a status-of-forces agreement.

CONDITIONS INVOLVED

Past attempts to improvise politico-legal guidelines after a crisis has arisen in which U.N. is involved have given rise to difficulties that might be obviated by advance planning in an atmosphere of objectivity and calm. At the same time, situations requiring U.N. peacekeeping machinery vary widely in nature and extent, so that future needs cannot be definitely foreseen. Therefore, the general rules that may be prepared and agreed in advance of future emergencies must allow for flexibility in their application.

It is, perhaps, natural that U.N. member governments are more willing to act under the stimulus of a crisis than they are to make plans and accept obligations to meet future emergencies in the abstract. Fear and immediate self-interest are strong goads to action when actual danger threatens, while preparations for greater efficiency in meeting hypothetical crises tend to magnify the onus of obligations without carrying sufficient conviction that such virtues "will have their own reward."

It would appear, therefore, that to be successful, efforts to prepare legal guidelines in advance must closely approximate the ability to "have one's cake and eat it" in two important respects. The benefits of planning must be provided without impairing flexibility of performance. The dynamic motivation to act in an emergency must not be inhibited by too onerous preconditions produced by forethought.

It is believed that these conditions can be kept in balance to the general satisfaction if the proposals for guidelines combine legal "teeth" for the international organization while preserving to the greatest extent possible the voluntary character of commitments to be made by member nations. The "teeth" must be available when needed. National governments should be able to review their voluntary commitments in the light of actual events.

It is believed that the conditions thus outlined can be met by the formulation of temporary powers for the United Nations in emergencies, and of safeguards against misuse of U.N. peace forces.

TEMPORARY U.N. POWERS IN AN EMERGENCY

In a local community when a disaster, or other emergency, has made unusual protective measures necessary, martial law is instituted. In such local crises, although military forces are used, their function is primarily a large-scale police action. The military rule is known to be temporary and without prejudice to the rights and claims of those involved, or to the restoration of full local civilian authority.

It is not possible, of course, to draw a perfect analogy between martial law in the event of local emergencies and U.N. peacekeeping capabilities in an international crisis. There is, however, enough similarity in the two situations to illuminate a potential application of the general principle to United Nations collective security actions.

When a crisis arises in which the United Nations is requested to take emergency policing action, the U.N. could be given emergency powers, defined to meet the particular situation, applicable to the geographical area and to the parties concerned, for an agreed period of time specified at the outset and renewable if necessary.

The heart of this suggestion is the possibility that in an emergency there may be some willing suspension of national sovereignty to the extent immediately required for the limited time specified.

United Nations experience to date, particularly with UNEF, ONUC, and UNFICYP, indicates the nature of the powers which the U.N. might need to expedite emergency policing actions in future. These powers in turn suggest certain safeguards which might be required to insure against abuses. However, it must be understood that the powers and safeguards outlined hereafter cannot be considered definitive, but should be taken as illustrative of what should, and could, be done.

TEMPORARY POWERS INDICATED

The United Nations should have control of the forces placed at its disposal. During the agreed emergency period, contingents should not be permitted to be withdrawn by contributing states or to be expelled by the host territory without United Nations permission. The United Nations should be permitted to institute common disciplinary standards for all national contingents in an emergency force, and the U.N. should be responsible for the consistency of their application.

The United Nations should have the right to internationalize, disarm, or otherwise neutralize local armed forces in the host territory. U.N. contingents are usually insufficient to give the U.N. preponderant force in the area of a peacekeeping operation. Under certain circumstances, local forces as a whole, or in part, may oppose, or obstruct, a U.N. mandate. By "internationalizing," or incorporating, local forces to augment its own, or by "neutralizing" or disarming local forces, particularly "irregulars" (uniformed or unidentified armed bands not under the full control of local authorities), the United Nations might accomplish its objectives without unduly enlarging the number of contributed contingents, and maintain control with a minimum use of force.

The United Nations should be able to control unauthorized assistance from outside the area of U.N. operations. When it is advisable for the U.N. to decide that outside assistance shall not be given to any of the parties involved in an emergency situation except through the United Nations, itself, the United Nations should be able to enforce that stipulation. It should, therefore, have the right to halt the importation of unauthorized materials and personnel, or to take them into custody. Effective measures to this end would presumably include the right of search, the control of roads, railways, airports, etc. to the extent necessary. The power suggested in the next paragraph would also be an adjunct to this end.

The United Nations should have competence over individuals opposing, or impeding, a U.N. mandate. Recalcitrant individuals involved in a particular emergency situation should be liable to U.N. apprehension, detention and disposition. A U.N. legal unit would, no doubt, need to be available to undertake the proper disposal of such cases. Individuals likely to come under U.N. competence in this sense would know in advance what actions would make them liable to U.N. apprehension and within what geographical area this could occur.

U.N. forces should be authorized to use the minimum degree of force necessary to fulfill their mandate. U.N. forces should have the right of self-defense when physically attacked. They should have the right to use force as a last resort in maintaining their essential positions, their lines of communication and supply, to gain access to the whole area covered by their mandate, and to exercise the powers suggested in these rules. By the judicious application of one or another of these legitimate uses of minimum force after negotiation and persuasion have failed, the U.N. police should be able to fulfill the functions of U.N. peacekeeping mandates.

The U.N. must have dependable sources of revenue to cover the cost of emergency operations undertaken. Although financial responsibility for U.N. peacekeeping operations may be dealt with as a separate problem, an agreed special formula for emergency assessments is a proper adjunct to other legal rules governing U.N. peacekeeping operations. Should such a formula and other financing methods be adopted in isolation from the other temporary powers suggested here, the formula and methods might thereafter be added to them.

INDICATED SAFEGUARDS

Strict adherence to the voluntary nature of U.N. peacekeeping actions undertaken without reference to chapter VII of the charter should be maintained. The host territory should not be subjected to temporary U.N. powers without its consent. A nation requesting U.N. assistance, or permitting a U.N. operation in its territory, would know in advance that this entailed assent to the possible temporary suspension of certain internal prerogatives identified with domestic jurisdiction as enumerated above. Similarly, U.N. members would offer to contribute contingents only if they were willing to leave them at the disposal of the United Nations for an agreed and specified period in a particular crisis situation.

United Nations peacekeeping forces should not be deployed to decide an issue by force of combat. It should be understood that U.N. peacekeeping operations are undertaken to pacify a threat to, or breach of the peace, rather than to determine the outcome of the cause. Settlement of the issues in dispute should be sought by other agencies. U.N. police should, therefore, be deployed in the interest of law and order, and not on the side of any of the parties, no matter how just the case of any one of them may seem.

None of the temporary powers of the U.N. should be permitted to prejudice the internal political and constitutional situation within host territories, or the status quo ante of the parties. U.N. police action should to the greatest extent possible be undertaken without prejudice to the rights, claims, or positions of the parties. This safeguarding principle has been recognized as valid in the past and has been pursued in practice. However, it may be well to formalize it in relation to the exercise of temporary U.N. authority. "Internationalization" or "neutralization" of local forces, for instance, should not be undertaken in such a way as to restrain the troops of one faction while leaving the troops of another faction free to gain advantage. Nor should one faction be free to import arms while the other is not.

Limiting factors should restrain undue use of force by U.N. police. Two of the proposed U.N. temporary powers should by their nature tend to limit the need to use force in carrying out a U.N. mandate. No military force and little police coercion should be required to exercise competence over recalcitrant individuals, and this competence should reduce the likelihood of concerted opposition by depriving it of leadership. The power to "internationalize" or "neutralize" local forces in whole or in part should give the U.N. preponderant power in the area, and recognition of the fact of that preponderance should deter armed opposition to the fulfillment of a U.N. mandate. A further safeguard against undue recourse to force might be appended in the form of peaceful procedures to be followed prior to the use of force by U.N. police in exercising their authority, or in maintaining their positions, contact with each other, or access to their facilities and to all of the area covered by the mandate.

Extension of the emergency period should require the consent of governments actively involved. Host territories would in fact have a veto power over the extension of an emergency period which they were unwilling to continue. Nations contributing contingents would not be bound to leave them at the disposition of the U.N. for an extension of the emergency period without their further consent. However, other nations might be willing to replace the contingents which might be withdrawn at the end of the initial period. Such newly volunteered forces would then become bound to U.N. disposition for the duration of the extended period.

Recourse to legal appeal should be provided for individuals who might come under temporary U.N. competence. While such individuals might be able in due course to obtain redress of grievances through their own national governments, statelessness or other impediments, might prevent them from doing so. An appropriate international tribunal might be set up ad hoc in a place removed from the emergency area in order to insure that all individuals affected by U.N. jurisdiction would have access to prompt and equitable appeal.

Executive responsibility for the exercise of temporary powers may require a broader U.N. base. The Secretary General should be the chief executive and administrative official responsible for carrying out a U.N. peacekeeping operation. In the execution of temporary emergency powers, the personal responsibility of the Secretary General might be expected to be increased by the extension of actual U.N. authority, and to be reduced by the greater precision and clarity of his mandate. It is possible, therefore, that the area in which he, himself, would render decisions might be considerably narrowed, but within that narrowed area his personal decisions might be more momentous. To insure the maximum degree of confidence in the U.N. executive, it might be wise to formalize the device of "advisory committees" with which the Secretary General consulted in carrying out the UNEF and ONUC operations. An appropriate committeee, similarly composed for each future emergency action might have certain limited powers pro tem as an executive arm of the Assembly or Security Council. These powers should probably be no more than the right to determine the final directive if a decision of real moment had to be made which was not clearly covered by Assembly or Security Council resolutions, and over which the U.N. membership might be too evenly divided, or be otherwise incapable of prompt clarifying action.

In addition to the powers and safeguards of the type suggested, the agreed instrument of rules should at the outset define the new concept of collective security as separate and distinct from coercive enforcement action under chapter VII of the U.N. Charter. Chapter VII would remain valid for the purposes for which it was intended, should the need arise to implement its provisions.

ACCEPTABILITY

It is important to note that the "willing suspension" of national sovereignty required to implement this proposal is limited in degree, occasional in time, not fully applicable to all members in every event, and susceptible of review by governments in the light of known circumstances. The voluntary commitment of U.N. member governments would pass through several stages, and a number of conditioning factors would intervene, before that commitment had any binding legal force.

At first, governments would be asked to agree to legal guidelines for possible use in future international emergencies. Thereafter when a crisis arose the Security Council, or the General Assembly, would determine if the instrument of general rules should be invoked to meet the event. Should it be invoked, a further determination would have to be made as to the duration of its application. This might be for a short period of a few months or even weeks, or longer according to the apparent need. An extension of the initial period would require still another formal decision after some experience had been gained.

Although these decisions would be taken by the usual method of the appropriate U.N. body acting on the issue, individual member governments would not thereby be bound against their will, except in respect of their financial obligation to contribute to the costs. Otherwise the emergency powers would be applicable primarily to the host territory and to the nations contributing contingents. The powers could not be applied by any U.N. body to these two categories of nations without their own freely determined action—either in requesting U.N. assistance, or in volunteering to contribute forces. Unauthorized intervention in an emergency area would be prevented by national governments unless they had lost control of nongovernmental agencies or individuals, in which case the U.N. would exercise a competence which those governments did not in fact possess. Deliberate unauthorized intervention by a government must naturally be taken to make that nation a party to the threat to peace, in which case U.N. restraints upon it of the limited character described would be a minimum form of control knowingly incurred by the government in question.

The general application of collective financial responsibility has already been accepted in principle by a very substantial number of U.N. members. Explicit definition of that principle in a special scale of assessments, and clarification of the implications and implementations of the new concept of collective security might serve to remove some of the political and constitutional reservations which have impeded unanimous agreement on the financial obligation thus far.

FLEXIBILITY

A further examination of the procedures involved in implementing an agreeed general instrument of rules will show that there would be a pervading and continuous interplay between the available norms of the legal guidelines and ad hoc decisions as to their application.

The instrument of rules would make the practical powers available, but an ad hoc decision would determine when they were to be applied. The instrument might specify permissible outside limits for the duration of emergency powers, while an ad hoc decision would be made as to the actual length of the period in a given case. The instrument might specify that a committee should be established with limited executive authority to augment that of the Secretary General, but the composition of such a committee would be chosen ad hoc to insure that its membership was appropriate to the operation being undertaken. The instrument would give the U.N. control over forces contributed, but the Secretary General would decide ad hoc which contingents volunteered could be suitably used.

IMPLEMENTATION

The necessary legal guidelines for future U.N. peacekeeping operations could be set out in a general instrument to be adopted by any seven members of the Security Council and by a two-thirds majority of the General Assembly. Such an instrument should define the new concept of collective security, the emergency powers which could be invoked by the U.N., and the essential safeguards to avoid abuses.

The degree of legal planning proposed is likely to improve the orderly and effective exercise of collective security by the international organization without unduly curtailing the soverign independence of member states.

Nothing suggested violates the present U.N. Charter. The proposal is based on accepted principles contained therein, and on precedents already set. At most it interjects where the charter is silent some clarifying definition of proper and effective means for preserving international security without recourse to armed combat.

The instrument required and its implementation conduce to the conviction that it is less formal, and less formidable, than a supplementary treaty. It is more nearly a formulation of model rules to guide rather tentative new experiments in the more efficient exercise of executive operations undertaken to preserve world peace. Hence, the present Committee of 21, or a similar ad hoc body, might be charged with preparing the instrument.

If a general instrument of rules of the kind proposed could be considered in the absence of a crisis in being, it is believed that it would be acceptable to a substantial majority of U.N. members, and there is no apparent need for its unanimous adoption, although that would be desirable. Clearly unless it were universally approved, it could not be universally applied. However, it might be applicable in a given case to an extent sufficient to warrant its use, even if some few States declined to be bound by its provisions. As the U.N. had more opportunity to demonstrate both its impartiality and its efficacy under these rules, the instrument might acquire universal acceptance in due course.

It may be argued that the instrument of rules might make the parties involved in a crisis situation unwilling to request a U.N. Peace Force when the interposition of such a force seemed essential to the Security Council or General Assembly. Application of the rules might seem to the parties too big a price to pay for pacification of an emergency situation out of which each side hoped for some change in the status quo, or some advantage. Experience to date, however, suggests that a U.N. Peace Force is not now requested unless those concerned cannot gain their ends or control the situation by any means available to them. Should such rules as are suggested here actually inhibit recourse to U.N. peacekeeping operations, it may be pertinent to question whether without such rules the U.N. should in future become involved in peacekeeping operations in which it may be overwhelmed or discredited. Perhaps, it would now be wiser to set the minimum terms likely to insure successful U.N. action before the U.N. is thrust into precarious efforts to save wellnigh hopeless situations. In the anxiety attendant upon serious crises, it is likely that proper rules will be acceptable as reasonable terms by both the parties and the world community as a whole.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I believe that this request has been cleared all the way around, especially with the distinguished Senator from Louisiana [Mr. ELLENDER] and the distinguished Senator from North Carolina [Mr. ERVIN], the author of the amendment now pending, and the minority leadership as well. I ask unanimous consent that there be a vote on the pending Ervin amendment at 2 o'clock tomorrow afternoon, with the proviso that if the request of the President for additional funds, embodied in House Joint Resolution 447, is reported to the floor of the Senate this afternoon, the Senate, under the unanimous-consent agreement of yesterday, will start debate thereon immediately; that if House Joint Resolution 447 is not disposed of this afternoon, debate will resume thereon immediately after the prayer tomorrow; and, that, if necessary, action on the Ervin amendment may be delayed for an hour, or an hour and a half, or something of that order, because of that contingency.

There would be no morning hour in such situation; and, before a vote would be taken, at least 15 minutes would be allocated between the distinguished Senator from North Carolina [Mr. ERVIN] and the majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, reserving the right to object, and I do not expect to object, I should like to have at least an hour in which to explain my amendment. However, we could adjust the time tomorrow.

Mr. MANSFIELD. The Senator can be assured of an hour's time.

Mr. ERVIN. I should also like to have the yeas and nays.

Mr. MANSFIELD. The Senator can be assured of that, too.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, reserving the right to object, and I shall not object, because the two leaders are agreed on this arrangement, as I have stated, I shall continue to object to unanimous-consent requests on most legislation pending in the Senate, but I shall never object to such a request when it concerns a measure which I consider to be of an emergency nature, although I disagree with the President that his request involves any emergency. He has the authority to transfer funds, anyway. Nevertheless, the President considers it to be an emergency, and I shall cooperate so that the Senate can reach a vote.

I have one parliamentary suggestion to make to the distinguished majority and minority leaders. As the majority leader knows, I agreed with him yesterday to go along with the 5-hour limitation. Some of my colleagues were not happy about it. They did not know about it. I was not present when the request was actually put. I have not had a chance to check the Record. I do not know whether a quorum call was called in advance.

I wonder if the majority and minority leaders think that anything would particularly be lost if we offered this agreement this afternoon after there had been a quorum call, so that no one can say that we entered into the agreement without a quorum call, although I recognize that there is no right to a quorum call. However, I am very anxious to avoid any possible basis for criticism of any action which we may pursue.

Mr. MANSFIELD. Mr. President, that would be perfectly agreeable. I point out that there was a quorum call which was withdrawn just before the request.

Mr. MORSE. But the agreement had not been suggested.

Mr. MANSFIELD. No.

Mr. LONG of Louisiana. Mr. President, reserving the right to object, I should hope that we do not set the precedent that if some Senator offers an amendment and is ready to have his amendment voted on, and the leadership is opposed to the amendment but is willing to agree to a limitation, we would be unable to have a time limitation without clearing it with every Senator. The author of an amendment has complete power over his amendment until the yeas and nays are ordered. He may withdraw the amendment.

Mr. MORSE. Mr. President, I am merely suggesting what I think is a peaceful approach to the parliamentary problem.

Mr. MANSFIELD. Mr. President, in the interest of comity, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent request of the majority leader? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

Unanimous-Consent Agreement

Ordered, That the Senate proceed to vote at 2 p.m. on Thursday, May 6, 1965, on the Ervin amendment, No. 135, to the substitute amendment by Senators Mansfield and Dirksen, No. 124, as amended, for the bill (S. 1564), to enforce the 15th amendment to the Constitution of the United States: *Provided,* That the Senate, operating under the unanimous-consent agreement of May 4, 1965, passes House Joint Resolution 447, making a supplemental appropriation for the fiscal year ending June 30, 1965 for military functions of the Department of Defense, and for other purposes, on Wednesday, May 5, 1965. Should passage of House Joint Resolution 447 not be concluded on Wednesday, May 5, then on Thursday, May 6, after its passage, the consideration of which will be continued immediately following the prayer on that day, debate of the so-called Ervin amendment will be continued for not more than 2 hours following the passage of the said bill (H.J. Res. 447) with the time to be equally divided between the majority and minority leaders: *Provided further,* That the last 15 minutes of the above-allotted time be equally divided and controlled by the Senator from North Carolina [Mr. Ervin] and the majority leader [Mr. Mansfield].

Mr. MANSFIELD. Mr. President, in order to clarify the record still further—I have sent word to both the distinguished Senator from Massachusetts [Mr. Kennedy], who is on his way to the Chamber, and to the distinguished senior Senator from New York [Mr. Javits], who is in the Chamber—I would like to ask the following question: When is it anticipated that the so-called poll tax amendment will be before the Senate, and when is it anticipated that there will be a vote?

Before the Senator from New York answers, let me say that we have now an agreement to vote on the Ervin amendment tomorrow afternoon.

Mr. JAVITS. I assume, therefore, Mr. President, that tomorrow will see the conclusion of action on the Ervin amendment and the conclusion of the appropriation problem sometime tomorrow afternoon?

Mr. MANSFIELD. That is our anticipation.

Mr. JAVITS. The Senator from Massachusetts [Mr. Kennedy] is not present at the moment, but I believe he is probably prepared to submit his amendment today, giving Members of the Senate a chance to consider it, and I believe if Friday is devoted to that amendment, which we consider of great importance, we ought to be ready, if the majority leader feels so disposed, to vote on it on Monday. As soon as the Senator from Massachusetts arrives, I do not think there will be much trouble about arranging that, perhaps by unanimous consent, if the majority leader so desires.

Mr. MANSFIELD. I believe that is agreeable. As I understand it, the assumption of the distinguished Senator from New York is that the Kennedy amendment will be introduced and laid down at the desk today; that there will be debate on it on Friday, provided House Joint Resolution 447 and the Ervin amendment both are disposed of on tomorrow; and that a vote is very likely on the poll tax amendment on Monday, that the Senator is not unwilling to consider the possibility of a time certain for a vote, provided the author of the amendment, the Senator from Massachusetts [Mr. Kennedy] agrees.

Mr. JAVITS. I assume when the distinguished Senator says "laid down," he means will be presented. It cannot be laid down until it is made the pending business.

Mr. MANSFIELD. Yes; it will be introduced today; in view of these developments there will not be a Saturday session this week.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. As the Senator knows, I have been waiting for some days to speak on the poll tax amendment, not at great length, but I have a great interest in that question. I wish to make sure, whatever arrangement is made, that I shall have a chance to give my views on that question, which I think is an important one.

What is the present plan with reference to the poll tax question?

Mr. MANSFIELD. The poll tax amendment will be debated all day Friday and perhaps a unanimous-consent request can be agreed upon for a vote thereon for Monday, but we must wait for the distinguished Senator from Massachusetts [Mr. Kennedy] to come into the Chamber before we can propound the request.

Mr. CLARK. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I am happy to yield.

Mr. CLARK. I have heard conflicting stories as to whether the leadership intends today to bring up for discussion and possibly for a vote, under the 5-hour unanimous-consent agreement, the appropriation for $700 million for Vietnam. I would hope very much that that would not be done. I should like to speak at reasonable length in that regard and should like to have my views reasonably well matured.

Justice Holmes once said, when he came in with a very long opinion, that he apologized to his colleagues but he did not have time to write a short one. It seems to me that this is a matter of very great moment because the Senate and the world are interested. I hope that the Senate will not rush the measure through without giving Senators at least an opportunity overnight to prepare their statements.

Mr. MANSFIELD. That was my original intention, but if the Senator will recall by the terms of the unanimous-consent agreement, it was agreed to that the President's proposal would become the pending business immediately upon being reported to the Senate; that the present pending business, S. 1564, would be laid aside temporarily; and that 5 hours would be allotted to House Joint Resolution 447.

However, a number of factors have come up which seem to indicate that if the bill is passed by the House and brought to the Senate this afternoon, it might be advisable to spend 2 or 3 hours on it and complete consideration tomorrow, prior to a vote on the Ervin amendment; it was for these reasons that I presented the request with such elasticity.

I realize that this is not too satisfactory to many Senators, and they have made their position known to me in no uncertain terms. I sympathize with them. But, it is the best way I can think of to arrive at a solution which may be acceptable in some degree to most Senators.

Mr. CLARK. Mr. President, will the Senator from Montana yield further?

Mr. MANSFIELD. I yield.

Mr. CLARK. I should like to support my leadership. Of course, I will do so in this instance. There is no doubt that the majority leader can do this, because he has the highest authority to do so.

Mr. MANSFIELD. The Senate has the power.

Mr. CLARK. With procedures that a majority or a minority leader agree to follow I find myself in accord with many, and some I do not because they do not express the will of the Senate. Why the unseemly haste? I believe that a matter of such grave importance might go over at least 24 hours after the House has acted, particularly since it is my understanding that the Appropriations Committee of the Senate—and I am not criticizing it, other than to say it is an unusual procedure—has already approved the bill subject to approval by the House, which is certainly not the way appropriation measures are handled in the Senate. As I have said, I yield to my colleague in this matter, but this is a very important issue and I should like to have overnight to prepare my remarks.

Mr. MANSFIELD. Let me assure the Senator that I certainly do not by any means disagree with his thesis about the time situation. It so happens that in this respect, a set of circumstances has arisen which places the leadership in a delicate position. The Senator from Pennsylvania, as usual, is most gracious and understanding of the position in which the leadership finds itself. I assure him that it is not my personal doing. Fundamentally I agree on the question of time and continuity with the Senator from Pennsylvania, but in the role of majority leader I have to do many things to bring about a compromise.

Mr. CLARK. Mr. President, will the Senator yield once more?

Mr. MANSFIELD. I yield.

Mr. CLARK. I should like to have the attention of the Senator from Oregon [Mr. MORSE]. It is my understanding that it is not intended to rush the proposal to a vote today; is that not correct?

Mr. MANSFIELD. That is my understanding, because of the fact that we do not know for certain that a bill will be sent over from the House.

Mr. CLARK. The Senator from Montana has a rather good idea, though.

Mr. MANSFIELD. Yes; but there are ministerial duties that can cause a delay in the receipt by this body. I believe that those who legitimately anticipate—as I do—that we might not complete it until Thursday, and thus will prepare their remarks with that timetable in mind, should be given at least some consideration.

Mr. CLARK. Could I then ask whether the Senator would be in a position to assure me, with the help of the Senator from Oregon, that I may have not in excess of half an hour tomorrow, perhaps divided equally, to make my remarks, before the Senate comes to a vote?

Mr. MANSFIELD. If I had the authority to make such a promise, I would do so, but the time will be divided between the Senator from Oregon [Mr. MORSE], and the Senator from Arizona [Mr. HAYDEN], or whom ever he may designate. However, I shall do my best to see that the Senator from Pennsylvania gets that much time.

Mr. CLARK. I am more concerned that I get it tomorrow and not be forced to make my speech tonight.

Mr. MANSFIELD. I shall do my best. The Senator from Oregon [Mr. MORSE] is in the Chamber, and he has control of 2½ hours of the 5-hour limitation.

Mr. MORSE. Let me make two comments concerning the current colloquy, on the first and last points. I have received so many requests for time in the 2½ hours allotted to me, from the 5 hours on the bill which seeks to impose the proposal of the President upon the country, that unless the Senator from Pennsylvania can assure me that he is opposed to it, I could not give him any of my time, not because I would not always like to extend him that courtesy, but I have my own time obligations to Senators who wish to speak out against the President's shocking proposal while there is still time.

Mr. CLARK. The Senator from Oregon is persuasive, but let me suggest to him that it might be worthwhile to consider splitting his 2½ hours in more than two ways.

Mr. MORSE. The Senator from Pennsylvania knows that I am not interested in mere words, I am interested in votes.

If I may have the attention of the majority leader, the intervention of the Senator from Pennsylvania shows what the problem is in regard to the situation in the Senate, which is important, after all, for future reference.

I shall go along with the majority leader's proposal if that becomes necessary, but I believe that the leadership should give some consideration to the possibility of continuity of debate on the President's proposal, either Friday or Saturday, or for that matter, on Monday, because this matter is receiving great attention across this land. We need to be careful that we follow a course of action which will maintain the high regard of the Senate for American public opinion in the way it handles this problem. It needs great deliberation. The Senate should not proceed with unseemly haste. However, I yield to the judgment of the Senator from Montana, and the Senator from Illinois [Mr. DIRKSEN] as to the procedure. Apparently, one of the reasons why we cannot have continuity of debate tomorrow is that some Senators may have other commitments tomorrow afternoon.

The Senator from Ohio [Mr. YOUNG] and I have canceled our commitments for the remainder of the week. We had joint enterprises in Oregon, but we have canceled them because we did not believe that we should interfere in any way with the orderly procedure of the Senate. Our place is in the Senate at a time like this, not in Oregon.

At the present moment, we are seeking to arrange another series of dates for those commitments I have just mentioned. We should debate this matter on Friday, or on Saturday. That is one of the reasons why the Senator from Ohio and I—at my recommendation, and with his complete cooperation—canceled the Oregon meeting. I do not know why we cannot start Friday morning to debate this problem rather than to have a split presentation, because I realize that is against the views of all concerned.

In my judgment this will be one of the most historic votes that any Member of the Senate, no matter how long he remains in the Senate, will ever cast. I believe that as a result of the vote we shall be on our way to a major war and the sacrifice of hundreds of thousands of American lives in the immediate future.

I would prefer and would hope that we could arrange the debate for Friday morning.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. The Senator from Montana has the floor.

Mr. MANSFIELD. I yield.

Mr. CLARK. I should like to support the Senator from Oregon in what he has said. This is an extremely important subject. It requires the best thinking of each of 100 Senators. If we were dealing with a matter of peace, we could be sure that the debate would be long and extended.

If we were dealing with a matter of foreign aid, it would be similarly extended. We are dealing with a subject which is as a matter of fact, if not in law, a declaration of war. We are asked to make that declaration without having sufficient time even to properly prepare our remarks overnight.

Mr. MANSFIELD. Mr. President, if I may make an observation on that point, I, too, would like to go through with the debate in 1 day. However, I believe, on the other hand, in view of arrangements which have been made, that a great deal of information will be available in the RECORD, which will be read with great interest tomorrow by Members of the Senate who otherwise might not be here or have it available to them. So, perhaps, through a split session, considering these 5 hours, it might redound to the benefit of all concerned and be favorable to the thesis which the Senator from Pennsylvania has stated.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. MANSFIELD. I yield.

Mr. CLARK. As I understand, we shall not even have the benefit of the printed hearings of the Committee on Appropriations when we deal with 3 of the 5 hours of debate. How can Senators intelligently debate a recommendation of the Appropriations Committee without having the printed hearings before them, much less a written report of the committee?

Mr. MANSFIELD. I believe that most of the information would be contained in the message sent by the President yesterday. It is my understanding that that formed the foundation for the hearings before the Appropriations Committee this morning.

I hope, furthermore, that the measure, which I understand has been reported by the Committee on Appropriations, will, if at all possible, be put in the form of a report of some kind. Therefore, in addition to the measure itself, the Members of the Senate will have the report to study.

Mr. CLARK. But that cannot be done this afternoon.

Mr. MANSFIELD. It could be done this afternoon, depending on when the measure comes from the House, how large the report is, and what speed is requested from the Government Printing Office. It is surprising how quickly the Printing Office can turn out material if the appropriate request is made.

Mr. CLARK. I shall make one further comment, and then I shall desist. I shall support the majority leader. Frankly, I am a little upset about this unseeming haste, which the country will not understand. It occurs to me that even though the Government Printing Office works overtime or double time and can have a piece of paper up here within a short time, it will not make it possible for us to read it and study it. I understand that the Chairman of the Joint Chiefs of Staff was the principal witness before the Committee on Appropriations. This does not seem to me, I say to my friend the majority leader, whose request I shall accede to, to be an appropriate and orderly procedure of the Senate.

Mr. MANSFIELD. I agree with the Senator from Pennsylvania that it is not the ordinary procedure.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MUNDT. I should like to say, for the assurance of the Senator from Pennsylvania, that the hearing before the Committee on Appropriations this morning did not disclose any revolutionary facts. I assure my friend from Pennsylvania that Senators who are convinced will remain convinced, and those who are not convinced will not be convinced by anything that was heard in committee this morning. This is not a case in which the hearings have the usual importance that Appropriations Committee hearings have.

Mr. CLARK. May we have an indication as to when the majority leader will bring up the measure?

Mr. MANSFIELD. It depends on the House. I understand the House will vote on it between 2:30 and 3 o'clock this afternoon.

Mr. CLARK. Can the Senator assure us, because of the importance of the matter, that we shall have a live quorum call before he brings up the measure?

Mr. MANSFIELD. Yes.

VOTING RIGHTS ACT OF 1965

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 135 of the Senator from North Carolina [Mr. ERVIN] to the amendment of the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute, No. 124, as amended.

Mr. HILL. Mr. President, there is a time-honored maxim of law which reads, "caveat emptor." Literally translated, it means "buyer beware."

An emotional hysteria—the unthinking mood which has destroyed many a free system in the history of this world—is about to sweep aside in the name of civil rights some of the most vital provisions of the Constitution of the United States, and I say to the people of America—North, South, East, and West—"Caveat emptor:" "Buyer beware." For the American people may discover some day that, if S. 1564, the so-called voting rights bill, becomes law and is upheld by the courts, it can create a precedent for the most far-reaching changes that could affect not merely voting rights in a few Southern States, but the rights of citizens of all States in almost every other field of law and endeavor. For, indeed, S. 1564 constitutes a revolution in American law and in our system of government.

Thus, by applying the formulas and by using the schemes of the proposed voter legislation, Congress could decide that a State may be punished if it had maintained a given percentage of segregation or integration in its schools at some arbitrarily selected point of time, or if it had had segregated schools going back for a period of time, say 5 years as recited in this bill. But, once the principle is established, it could go back for any period of time.

By the same token, States which for an abitrarily selected period of time, or for the 5-year period set out in this bill, did not have laws denying the right of a citizen to discriminate in the sale or rental of his property could for a considerable period of time be deprived of all rights to legislate anew in the field of housing.

In short, Mr. President, all States which have had practices that are now disapproved could be put on probation for 5 years in the same way that certain States would be placed under such a ban by the new voting rights legislation now before us.

As the Wall Street Journal so aptly put it in an editorial of March 22, 1965:

> To play with complicated formulas, to measure justice by percentages, and to aim punitive laws at some States, not only violates both the letter and the spirit of the Constitution but buries the real moral question in sophistry.

Until now we have had a government and a society based upon respect for law and adherence to the Constitution. Now we are being asked to pass a bill to conform to those who say they will obey only those laws which their conscience tells them to obey.

Until now the processes provided for amendment to the Constitution have been respected and followed by this Congress. Now we are being asked to pass a bill that would disregard the provisions for amendment of the Constitution as set out in article V thereof, and substitute for a two-thirds vote of both Houses of Congress and ratification by three-fourths of the States a bill passed by a simple majority of Congress and ratified by five men, a majority of the Supreme Court of the United States.

Until now we have not permitted our legislative halls to become mere echo chambers for howling masses of demonstrators. Now we are being asked to pass this bill, in complete disregard of all consequences, to appease the demonstrators and to satisfy the emotional hysteria of the day.

Mr. President, I say again to my colleagues in this Chamber and to the American people in all sections of the country "buyer beware"—beware of a bill of goods that originated in the streets and nurtured in emotional hysteria and expediency.

Beware of this bill of goods or of any other bill of goods that would give a politically appointed Attorney General the power to control the election machinery of a State in local and State elections, as well as in Federal elections.

Beware of this bill of goods or of any other bill of goods that would disregard the competency and impugn the integrity of the Federal judiciary system and of Federal judges in the individual States, in favor of a three-man judiciary in the District of Columbia.

Beware of this bill of goods or of any other bill of goods which would require the legislature of an individual State to submit to a three-man court outside its jurisdiction any proposal or legislation duly enacted by it for approval before it could be put into effect as the law of that State.

Beware of this bill of goods or of any other bill of goods that would adjudicate by its enactment a particular State or number of States guilty by a slide rule formula and simultaneously impose a 5-year sentence on them.

Beware of this bill of goods or of any other bill of goods that can determine in ex post facto fashion that a person, a State, or a subdivision thereof is guilty if, at a certain period of time, a particular situation existed although it no longer exists today.

Beware of this bill of goods or of any other bill of goods that would reverse the concept that one is presumed innocent until proven guilty, and would substitute therefor, as this bill does, the presumption that one is considered guilty until he proves himself innocent.

The Wall Street Journal, not a southern paper, not written or published in the South, recently referred to the bill as an immoral law.

The New Republic, not a southern publication, in an April 3, 1965, editorial, referred to the bill as a tough measure, as the toughest since Reconstruction, and then finally it called the bill outrightly a Reconstruction measure.

The National Observer, again not a southern publication, referred to it as "plainly punitive legislation."

I say again, Mr. President, to those in this Chamber who may be blinded to the full import and consequence of this legislation because of the banner under which it has been presented and the expediency with which it has been rushed, and to the American people in all sections of this Nation: "beware, buyer beware"; for the evil this bill does in the name of good to the constitutional way of government and life we have known from our beginning may well find its arbitrary, discriminating, and punitive ways tomorrow into every home, into every life, into every endeavor. I say this as one who has always believed and advocated the position that all qualified Americans should have the right to vote. I continue to believe this as I stand here today. I believe, however, that this basic guarantee without discrimination because of race or color, can be accomplished without violating and destroying the very foundations on which this Nation was founded and has grown to greatness.

As a matter of fact, Mr. President, there are presently seven different laws, which, if used, would guarantee the right to vote. Three of them were passed in the last 8 years—one of them last year.

First. Any citizen may sue any election official for damages who denies him the right to vote—42 U.S.C. 1983.

Second. Any citizen who alleges he is wrongfully denied the right to vote may sue in Federal court without a jury to prevent the denial of that right—42 U.S.C. 1971.

Third. Any election official, anywhere in the United States, who denies any qualified voter his right to register and vote under color of law is punishable by fine and imprisonment—18 U.S.C. 242.

Fourth. Any election official who conspires with another to deny any citizen the right to vote is subject to a fine of $5,000, or imprisonment for 10 years, or both—18 U.S.C. 241.

Fifth. The Attorney General may sue in the Federal courts for an injunction at any time any person is engaged or there are reasonable grounds to believe he is about to engage in any act designed to deprive a person of his right to vote—42 U.S.C. 1993.

Sixth. If a Federal judge finds a pattern of discrimination pursuant to the 1960 Civil Rights Act, he may appoint Federal voting referees to replace local officials.

Seventh. The 1964 Civil Rights Act provides that all voting cases be expedited; that if less than 15 percent of a race is registered, Federal referees be appointed; and that everyone with a sixth-grade education is presumed literate—42 U.S.C. 1971.

And so, as we see, Mr. President, there are ample means available to those concerned with guaranteeing the right to vote to all qualified Americans, many of which this Congress has made available in the last few years. Again, let me say that I include myself in that number who are concerned with guaranteeing the right to vote to all qualified Americans.

When the civil rights bill was before the Congress last year—the most far-reaching bill in the field of civil rights ever to pass an American Congress—we were told by the proponents of the bill that, if it passed, the street demonstrations would stop, the lie-ins and sit-ins would cease, and that section by section the bill would provide all the people with all of their rights free of any discrimination, and that there would be no need for further legislation on the subject. I have cited the statutes available for relief—civil and criminal—from any alleged discrimination and in the absence of this bill the Federal courts are open in all the States to enforce them. Now, however, less than a year after the passage of the omnibus civil rights bill of 1964, which included a provision guaranteeing the right to vote to every citizen of the United States regardless of race, color, or creed, who possesses a sixth-grade education, and which the proponents of the bill very strenuously insisted and firmly asserted would guarantee any rights any citizen of the United States had to vote, and we are presented with another so-called voting rights bill and are asked to rush it through to enactment after a couple weeks of hearings. I say again to my colleagues in the Senate and to the people of the Nation "buyer beware."

Mr. President, S. 1564 is entitled "A bill to enforce the 15th amendment to the Constitution of the United States and for other purposes." In view of the statutes already on the books to enforce the 15th amendment, I really think, Mr. President, that the authors of the bill have the title in reverse. As I study and analyze the proposed legislation, I become more and more convinced that it is for "other purposes." The bill pretends, however, to be "appropriate legislation"—to prevent the voting right of citizens of the United States from being denied or abridged by States on account of race or color. In fact, the bill is not that at all. "Buyer beware." The bill's real purpose is to establish voting qualifications to displace those now established by State laws. Its real purpose is to abolish State voting qualification laws whether they are valid or invalid, fair or unfair, and whether they are administered by States in violation or not in violation of the Constitution of the United States. It is clothed in the garments of the 15th amendment for the purpose of concealing its unconstitutional design.

The 15th amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The amendment gives Congress the power to enact appropriate legislation to carry out the amendment, but this grant of power does not authorize Congress to amend the Constitution by legislation by nullifying article I, section 2, which, by express language, gives to the States the power to set voter qualifications; or does it give to the Congress the power to prescribe those qualifications. Those who drafted and debated the Constitution at the time of its origin made this very clear; that is, that the right to prescribe voting qualifications should and would remain with the individual States.

When the question of voting qualifications came up in the Convention of 1787, Gouverneur Morris, of Pennsylvania, proposed "to leave it to the State legislatures to establish the qualifications of the electors and elected, or to add a clause giving to the National Legislature power to alter the qualifications." To this, Oliver Ellsworth, of Connecticut, objected that "if the National Legislature can alter the qualifications, they can disqualify three-fourths or a greater proportion of the electors—this would go far to create aristocracy. The clause is safe as it is—the States have staked their liberties on the qualifications which we have proposed to confirm"; and said Ellsworth, "the States are the best judges of the circumstances and temper of their people." James Wilson, of Pennsylvania, said that "it would be difficult to form any uniform rule of qualification for all the States." It was then suggested by Mr. Morris that the electors be confined to freeholders; that is, to persons owning land. John Dickinson, of Delaware, also favored this proposal, considering such a provision to be "a necessary defense against the dangerous influence of those multitudes without property with which our country like all others will in time abound." Mr. Morris was afraid that if the vote were given to people with no property they would sell their vote to the rich, and, said he, "the ignorant and the dependent can be as little trusted with the public interest." On the other hand, Wilson, Ellsworth, George Mason, of Virginia, Pierce Butler, of South Carolina, and Nathaniel Gorham, of Massachusetts, were opposed to confining the electors to freeholders. Gorham pointed out that a requirement of freehold would operate against mechanics and merchants. Mason said that "everyone who is of full age and can give evidence of his common interest in the community should be an elector"; and Ellsworth said that "the rule should be that he who pays and is governed should be an elector; virtue and talents are not confined to the freeholders." Madison was inclined to favor different qualifications for voting for the two branches of the legislature, so as to provide reasonable security for both persons and property, each being an essential object of government. Finally, Dr. Benjamin Franklin, of Pennsylvania, always liberal in spirit, said:

> It is of consequence that we should not depress the virtue and public spirit of our common people. * * * This class possess hardy virtues and great integrity.

When we read the debates, we see how clear, how definite, and how certain it was made that the fixing of the qualifications of voters was left to the States, without any right given to the Federal Government in any way to interfere with the fixing of the qualifications.

When the vote was taken in the Constitutional Convention of 1787, Mr. Morris' proposal to confine electors to freeholders was defeated; and the Committee of Details proposal that the qualifications of electors for the House of Representatives "shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures" was then adopted without dissent, on August 8, 1787, and thus the Convention declined to establish any special form of property as a necessary qualification of those who were to elect the Congress. It is fair to point out, however, that this rejection of possession of freehold as a qualification was not entirely the result of an opposition to property qualifications per se; for it was perceived by many that such action would exclude owners of other kinds of property—merchants and security holders—from voting and would subject their interests to attacks from the small farmers who were freeholders but who at the same time were the advocates of paper money and similar destructive forms of legislation.

The result of the Convention's action, however, was to avoid discriminating for or against any particular class of property owner and to leave the whole matter of qualification of voters to regulation by each State for itself. If the States in whose legislatures the small farmowners had a large representation were content to exclude other classes of men from suffrage, the Convention was content to abide by their decision.

The Convention, those who forged our blueprint for democracy, a written Constitution, and brought this Nation into being, was content to abide by their decision—that is, the decision of the individual States with regard to the setting of qualifications for voting. Thus, in the written document, the authors of the Constitution, our Founding Fathers, included the express provision in article I, section 2. The language, which everyone here has heard and read so many times that there should be no question as to its clarity or meaning, reads that:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

As we know, when Congress submitted and the people adopted the 17th amendment providing for the direct election of U.S. Senators, exactly the same, specific language was adopted, leaving the fixing of qualifications wholly, solely, and entirely in the several States.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished colleague from Alabama.

Mr. SPARKMAN. The 15th amendment, to which the Senator has referred, provides:

> The Congress shall have power to enforce this article by appropriate legislation.

Does not that mean, and has it not been held by the Supreme Court to mean, within the powers that are granted by the Constitution?

Mr. HILL. Exactly.

Mr. SPARKMAN. And is not in any way to conflict with other provisions of the Constitution?

Mr. HILL. That is exactly true. As the Senator knows, the courts have so held time and time again.

The Senator knows that before the Constitution was ratified, there was a definite and specific agreement that there would be 10 amendments to the Constitution—the Bill of Rights. The 10th amendment provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The 10th amendment confirms the very principle that is proposed in section 2, article I of the Constitution, and the very thing that was ratified, confirmed, and reiterated by the people in the adoption of the 17th amendment, which provides for the direct election of the U.S. Senators.

Mr. SPARKMAN. Mr. President, will the Senator further yield?

Mr. HILL. I yield.

Mr. SPARKMAN. Can the Senator confirm my understanding concerning something that happened at the time the 15th amendment was being debated, prior to its submission to the people? Did not the amendment as it was proposed by the Senate actually include the words "education, race, color, or previous condition of servitude"; and did not the House, in its debates and its consideration of the amendment, delete the word "education," so that it was not in the amendment as it was submitted to the people? In other words, did not Congress itself eliminate that restriction?

Mr. HILL. The debates in the House of Representatives on the proposed 15th amendment show clearly that the word "education," was willfully stricken from the language of the 15th amendment.

Mr. SPARKMAN. I thank the Senator.

Mr. HILL. The language of section 2 of article I of the Constitution is clear, Mr. President, but if anyone still doubts the thought and intention behind it, I would read to them the following discussion and explanation of article I, section 2, from the Federalist, the notes and essays written about the Constitution and how it came into being and written at the time that it came into being by those who were intimately involved in bringing it into being. The Federalist says this about suffrage:

> The first view to be taken of this part of the Government relates to the qualifications of the electors and the elected.
>
> Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established, by the State itself.
>
> Who are to be the electors of the Federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.
>
> Who are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification of wealth, of birth, of religious faith, or of civil profession is permitted to fetter the judgment or disappoint the inclination of the people.
>
> Suppose an article had been introduced in the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle, in this case, would have required no comment; and, to an unbiased observer, it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction, that each, as far as possible, ought to depend on itself for its own preservation.

Here then, Mr. President, is a firsthand account of what the authors of the Constitution had in mind in connection with article I, section 2. Certainly, no one can charge ambiguity regarding the language of article I or the discussion and explanation of it in the Federalist, but even if the language of article I, section 2, had not been expressly stipulated in the Constitution, the 10th amendment with respect to the reserved powers of the Bill of Rights would protect the rights of the individual States to determine the qualifications of voters. For the 10th amendment reads that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Certainly, nowhere in the Constitution has there been given any power to the United States to set qualifications for voters. Nor was this power given to the United States when the 14th or 15th amendments were enacted and became part of the Constitution. On the contrary, however, section 2 of article I very clearly defines where the power of fixing the qualifications for voters shall be, and that is, with the States.

Mr. President, there has been a tendency to put the 10th amendment into cold storage, so to speak. Especially is this true when we get into certain areas of legislation such as that now before us.

The 10th amendment to the Constitution was the bulwark of the Bill of Rights and without it the original Constitution would never have been ratified. As I have said, by its own terms it protects the rights of the States to prescribe the qualifications of voters. With the trend we witness toward centralization, there are those who would like to get rid of the 10th amendment. Nevertheless, it is still in the Constitution, and I contend, Mr. President, that it deserves as much attention in connection with S. 1564 as does the 15th amendment. Actually it deserves more. It has been disregarded and pummeled by the courts and by the Executive and kicked occasionally by Congress, but it is still in the Constitution and under it there can be no question that the right to set voter qualifications is reserved to the States.

And so, we see that at the very beginning the power to set voter qualifications was vested in the States. The 10th amendment makes it abundantly clear that this power is reserved to the States, but the proponents of S. 1564 now ask us to disregard all of this, to render null and void, by an act of Congress, article I, section 2, of the Constitution of the United States, article V of the Constitution, and the 10th amendment to the Constitution. They say that the 15th amendment gives us the authority and the power to destroy these and other provisions of the Constitution by a simple majority vote—to amend the Constitution thrice in this instance without ratification by the people—in the name of guaranteeing that no one shall be denied the right to vote because of race, color, or creed, and preserving the 15th amendment. They say that at the time of the enactment of the 15th amendment the Congress intended to give us this power to destroy. They say that the 15th amendment assumes "the right of citizens of the United States to vote" to be a vested right; that it gives Congress the power to enforce this assumption; and, consequently, that it takes from the States its prerogative of fixing the qualifications of electors.

This is the crux of the argument on which the proponents of S. 1564 rest their case. This is the provision of the Constitution, they say, which gives the Congress the authority to strike down State qualification tests and replace them with civil service examiners appointed by an Attorney General. Thus, they say that under the 15th amendment Congress does have the power to fix and regulate voting qualifications in the individual States.

In fact, Mr. President, the 15th amendment does nothing of the kind. It declares, simply, that "the right of citizens of the United States to vote shall not be denied or abridged," by either State or Nation, "on account of race, color, or previous condition of servitude"; and it gives Congress the power to enforce this provision for impartial suffrage by "appropriate legislation." There is an assumption only of the potential right to vote. There is no assumption of a vested right to vote. The potential right to vote can become actual only by a law of the State, or in a territory by a law of Congress. There is no mandate that the actual right shall be conferred in either case. The only mandate is that, in conferring it, the grant must be impartial among all citizens. The plain import of the amendment, therefore, is that when the right to vote is granted, it must be impartially granted; but it is always competent to the State to declare that "when."

The debates and the proceedings in Congress at the time the 15th amendment was adopted makes this abundantly clear. They make clear beyond the shadow of a doubt that the proponents of the amendment had no intention of giving Congress any authority to fix and regulate voting qualifications in the individual States; and they repudiate the theory on which the proponents of this bill travel.

My colleague called attention to the fact that one of the proposed amendments carried a provision which referred to education. As the Senator and I have commented, when that question was thrashed out and it was exposed to the light of day, so to speak, the word "education" was thrown out. It became no part of the 15th amendment to the Constitution in any way, shape, fashion, or form.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. SPARKMAN. I wonder if the Senator would say that the history with reference to that matter and the language having been taken from the four corners of the amendment itself might have had a great influence on the Supreme Court in the several decisions that it has made to the effect that States have a right to prescribe literacy tests provided they are not used purposely to discriminate.

Mr. HILL. The Senator is entirely correct. Undoubtedly, in these cases—and there are many of them, as the Senator suggests—the Court had the arguments and briefs of various counsel, and the arguments and debates that took place with reference to the amendment presented to it. This material made it definite, positive, and clear that the fixing of the qualifications of the voters was to be left to the States.

There is no doubt about it. Anyone who will go back and read those debates can arrive at only one conclusion. There is but one answer, and that is that it was clearly the intent and purpose of Congress that these qualifications should continue to be fixed by the States, as was provided in section 2 of article I.

There were three separate measures introduced in the Congress which eventually culminated in the 15th amendment. Two of these were joint resolutions, H.R. 402 and S. 8, which proposed a constitutional amendment with respect to suffrage. One proposal, H.R. 1667, was an attempt to secure virtually the same provisions as the 15th amendment in the form of a mere statute.

This proposed statute, H.R. 1667, read as follows:

> No State shall abridge or deny the right to any citizen of the United States to vote for electors of President and Vice President of the United States or for Representatives in Congress, or for members of the Legislature of the State in which he may reside by reason of race, color, or previous condition of slavery; and any provisions in the laws of Constitution of any State inconsistent with this section are hereby declared to be null and void.

H.R. 1667 was an attempt to have the Congress regulate the State qualifications for voters by forbidding the States to disqualify voters by reason of race, color, or previous condition of slavery. This attempt in the Congress to enact H.R. 1667 and thereby invade the province of the States with respect to suffrage was bitterly fought in Congress and went down in defeat.

Congressman Eldridge, of Wisconsin, who was a member of the House Judiciary Committee, expressed the sentiments of the Congress regarding the proposal when he said in a speech delivered on the floor of the House on January 23, 1869, in opposition to the bill:

> I shall not attempt to analyze this bill or to examine its provisions in detail. The main feature and purpose of the bill are to take from the States the right to determine the qualifications of voters.
>
> * * * It is proposed by this bill to invade the jurisdiction of State authority and subject all the States of the Union to Federal control. This long-conceded right of the States to determine for themselves who of their citizens shall exercise the right of suffrage within their respective jurisdictions is now for the first time to be taken away by act of Congress from all the States of this Union.

Congressman Eldridge continued:

> Their [the proponents of the bill] views and opinions are confused, and they seem uncertain upon what provision of the Constitution to rest them. They based them more upon what they consider the necessity of the times, the wants of the Nation, and the will of the people, as expressed through the party to which they adhere, than upon any express or implied grant of power to the Federal Government in and by the Constitution itself.

How appropriate Congressman Eldridge's concluding remarks, how fitting they are to the situation today. In fact, in the absence of identity, one might think that these words had been spoken about S. 1564, and may I say again that this attempt in 1869 to amend the Constitution in the form of a mere statute—the very attempt being made today—was on that occasion soundly defeated—as it should be today.

The joint resolution proposing an amendment to the Constitution with respect to suffrage was passed by the House as an amendment forbidding any denial of the right to vote by reason of race, color, or previous condition of slavery. The Senate amended the resolution to include a provision that no discrimination shall be made in the exercise of the elective franchise on account of nativity, property, education, or creed. The Senate passed the amended resolution, and if it had been concurred in by the House and ratified by the States, the States would have lost their rights to prescribe literacy tests or other educational qualifications for their voters. The House, however, adamantly refused to do so.

A New York Times editorial on February 15, 1869, expressed the sentiments and reaction to the Senate amended resolution of the overwhelming majority of people throughout the country which it said:

> The amendment as reported by the Reconstruction Committee and passed by the House is simple and moderate.
>
> The Senate amendment is sweeping enough to justify the charge of being revolutionary preferred by Mr. Conkling and others.

Remember, the Senate amendments to which the editorial refers would have prohibited any State literary tests.

Following a great storm of protest throughout the country, the Senate backed away from its effort to restrict the rights of the States to prescribe educational and property qualifications for their voters. On February 17, 1869, the Senate passed the joint resolution which became the 15th amendment to the Constitution. The debates in Congress at that time—the fact that it considered and rejected a proposal restricting the rights of States to prescribe educational qualifications—make it clear beyond any doubt that the 15th amendment was not intended in any way to restrict or take away from the States their rights to prescribe educational or property qualifications of voters.

And, if we need any further clarification—any further proof of what was intended by the 15th amendment—we may look to the language of the 17th amendment. When the 17th amendment was passed, it contained the very same language as section 2 of article I, insofar as qualifications for voting for U.S. Senators, that is that:

> The electors in each State shall have the qualifications requisite for electors for the most numerous branch of the State legislature.

So we see, Mr. President, the language of the 17th amendment again leaves the setting of qualifications of voters to the States, and remember at the time the 17th amendment was being debated, the 15th amendment had already been adopted, and it is fair to assume that those debating the 17th amendment were aware of the debates regarding the 15th. If there had been any thought that the 15th amendment took away from the States the right to set voter qualifications, would not the language of the 17th amendment been other than that as contained in section 2 of article I? Would not the language of the 15th amendment have been included?

It is abundantly clear, Mr. President, that the 15th amendment was not intended to give Congress the power to strike down State literacy tests, and a long line of Supreme Court decisions have upheld this. Many of these cases have been cited and discussed during this debate.

As I have said, there is a long line of Supreme Court decisions upholding the constitutionality of State literacy tests, the most recent being the 1963 North Carolina case of Lassiter against Northampton County Board of Elections. In that case, Justice Douglas, speaking for the Court, said:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States, supra,* 238 U.S. 366, 35 S. Ct. 931, disposed of the question in a few words, "No time need be spent on the question of the validity of the literacy test, considered alone, since, as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."

Justice Douglas continued:

> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason,* 133 U.S. 333, 345–347, 10 S. Ct. 299, 301–302, 33 L. Ed. 637) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

Mr. SPARKMAN. Mr. President, before the Senator leaves that case, will he yield to me without losing his right to the floor?

Mr. HILL. I yield to my distinguished colleague from Alabama.

Mr. SPARKMAN. Is it not true that as recently as March 1, 1965, only 2 months ago, a decision was handed down by the Supreme Court in the case of Carrington against Rash and others, in which Justice Stewart, writing the decision, had this to say——

Mr. HILL. Mr. President, without losing my right to the floor, I ask unanimous consent that I may yield to my colleague in order to read that quotation.

Mr. SPARKMAN. The Senator had yielded for a question. I could not finish the question without this quotation:

> Texas has unquestioned power to impose reasonable residence restrictions on the availability of the ballot. There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise—

Now listen to this quotation:

> Indeed "the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised."

The Senator recognizes that language, does he not, as being the language of the Lassiter case?

Mr. HILL. That is correct. The Court in that recent decision took that language from the Lassiter case.

Mr. SPARKMAN. It did.

Mr. HILL. The case the Senator has cited is the most recent case.

Mr. SPARKMAN. It was decided 2 months ago.

Mr. HILL. The Lassiter case was decided in 1963. This recent case ratifies, confirms, and reiterates the Lassiter decision.

Mr. SPARKMAN. The decision said the States had broad powers to determine the qualifications of its voters.

Mr. HILL. That is correct.

To continue with the quotation:

> *Franklin* v. *Harper,* 205 Ga. 779, 55 S. Ed. 2d. 221, appeal dismissed 339 U.S. 946, 70 S. Ct. 804, 94 L. Ed. 1361. It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith,* 159 Mass. 413–414, 34 N.E. 521. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.
>
> "The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot," the Court said. Is this sentence difficult to understand? It says plainly and clearly that literacy tests have a relation to standards designed for intelligent use of the ballot.

The Lassiter case was decided on March 13, 1963. At that time all of the present members of the Supreme Court were members. Note, if you will, that the case of Lassiter against Northampton is cited in the opinion with approval not just once but again so that this Court again ratified and approved that decision that says a State may regulate voting so long as it does not discriminate by reason of race or color.

It may be well here to state the names of some of the members of the Court who have in the past affirmed the constitutionality of the State passing on voter qualifications. It is a "Who's Who" in great and learned men—Justices Hughes, McReynolds, Sutherland, Stone—at whose feet I was privileged to sit when he was Dean of the School of Law at Columbia University—Justices McKenna, John Marshall Harlan, Oliver Wendell Holmes, Cardozo, Roberts, Brandeis, Butler, White, and many others.

Could there be a greater or more brilliant roll of great judges than those on the list I have read, confirming the right of the States to fix the qualifications of voters? Two months ago the Court again confirmed that right, in the case cited by the Senator from Alabama.

Were they all wrong? Did none of these Justices have a feeling for the Constitution—for the rights of American citizens? Did they all feel that an individual had rights protected but not granted under the Constitution? Apparently they did for I find no dissents.

Do the present members of the Court now feel otherwise? They did not 2 years ago when they reaffirmed Lassiter against Northampton. Would the Attorney General have us believe that the Court has had a change of heart in 2 years, when 2 years ago civil rights acts dealing with voting were law and within their judicial knowledge? When voting cases had been before that Court? When the Court had had ample opportunity to decide, declare, and legislate in this field and failed to do so, but instead reaffirmed its past decisions that qualifications of voters—a literacy test—is a State function? If the Attorney General is so positive, as he was in all of his testimony, that this present bill is constitutional, where does he go for his crystal ball gazing? Does he go to the floor of the House of Representatives and witness the ovations and enthusiastic applause the members of the Supreme Court give the President in response to his voter legislation proposals?

Who told the Attorney General? On what basis can he declare this legislation in the teeth of an opinion 2 years old? What has changed since then? One thing; we have had demonstrations in the streets, in the Capital of this country, in the White House, and along a 50-mile stretch of highway but nothing has changed in the law.

Mr. President, throughout the hearings on this voting rights legislation the Attorney General repeatedly justified his position on behalf of the bill by referring to a "living Constitution"—one which defines equal justice under the law as singling out a few States for arbitrary and punitive treatment, a Constitution that declares all who come under it guilty until they prove themselves innocent.

I find it difficult to adopt this new "living Constitution," as the Attorney General calls it, and the weird concepts of law and justice therein. I would rather stay with what the Attorney General must consider the "dead" Constitution, the one that the founders of this Nation pledged their lives, their fortunes, and their sacred honor to. Our Constitution was not written in a day, and I do not think we should try to rewrite it in a day. There are those who want revolutionary changes in all phases of life, but such changes cannot and will not last unless they are evolutionary, that is, unless they come about by orderly processes. The task is hard and the way may be long, but the promise of freedom is the great gift of this Nation, and our freedoms have not been won overnight. Freedoms come and are protected by good order—vigorous debate—people of good will working together for the common good of all, not for a few.

Mr. President, in this speech I have not endeavored to dwell in detail on every line and section of S. 1564, the bill before us, and to expose each and every drastic, arbitrary, discriminatory, and punitive provision of it. I shall continue my arguments at another time. Suffice it to say now, however, that I oppose S. 1564 and any other legislation as drastic, as arbitrary and as punitive as it.

Two hundred years ago, Mr. President, before our Nation ever came into being, Rousseau wrote "The Social Contract." He wrote of the dissolution of the state and how it could come about. He wrote this:

> The same thing happens when the members of the government severally usurp the power they should exercise only as a body; this is as great an infraction of the law, and results in even greater disorders. There are then, so to speak, as many princes as there are magistrates, and the state, no less divided than the government, either perishes or changes its form.
>
> When the state is dissolved, the abuse of government, whatever it is, bears the common name of anarchy. To distinguish, democracy degenerates into ochlocracy, and aristocracy into oligarchy; and I would add that royalty degenerates into tyranny; but this last word is ambiguous and needs explanation.
>
> The body politic, as well as the human body, begins to die as soon as it is born, and carries in itself the causes of its destruction. But both may have a constitution that is more or less robust and suited to preserve them a longer or a shorter time. The constitution of man is the work of nature; that of the state, the work of art. It is not in men's power to prolong their own lives; but it is for them to prolong as much as possible the life of the state, by giving it the best possible constitution. The best constituted state will have an end; but it will end later than any other, unless some unforeseen accident brings about its untimely destruction.

Let not the passage of this bill, this S. 1564, be that "unforeseen accident."

Let us not be parties to bringing about "its untimely destruction."

Let us not avoid the Constitution nor destroy it.

Let us not be sold a bill of goods mislabeled and misconceived.

I say again to my colleagues in the Senate and to all the people in all sections of this great Nation: "Caveat emptor"—"buyer beware."

I implore the Members of this body and the people in all sections of this great Nation, regardless of sectional differences and philosophical viewpoints, to put above all things the need for adherence to law and order and the integrity of our constitutional system.

For, if we lose these, we have lost our soul as a nation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 447) making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 447) making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ORDER OF BUSINESS—ADDITIONAL APPROPRIATIONS TO MEET MILITARY REQUIREMENTS

Mr. SPARKMAN obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield to me, without losing his right to the floor?

Mr. SPARKMAN. I yield under those conditions.

Mr. MANSFIELD. Mr. President, the special appropriation measure has passed the House, has been received in the Senate, has been referred to the appropriate committee, and will be on the floor for consideration, under the unanimous-consent agreement agreed to yesterday, at 3:30.

I ask unanimous consent that at 3:15, at the conclusion of the speech of the distinguished Senator from Alabama [Mr. SPARKMAN], there be a live quorum call, so that at 3:30 the Senate may begin consideration of the special appropriation measure under the specified time limitation.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator from Alabama will yield further——

Mr. SPARKMAN. I am glad to yield to the Senator from Montana, under the same conditions as before.

Mr. MANSFIELD. This matter has been discussed with the distinguished minority leader, with the distinguished Senator from Oregon [Mr. MORSE], who will have charge of half the time, and the Senator from Mississippi [Mr. STENNIS], who has been delegated by the chairman of the committee to handle the rest of the time.

It is anticipated that approximately 3 hours will be spent on the joint resolution this afternoon and evening.

Tomorrow, immediately after the morning prayer, the Senate will return to the special appropriation resolution until it is completed.

Mr. President, to emphasize what I have said, immediately after the morning prayer tomorrow the Senate will resume consideration of the special appropriation measure. There will be no morning business.

Following disposition of the appropriation measure, under the unanimous-consent agreement of today, the Senate will then revert to the Ervin amendment.

Mr. President, while this procedure is a little extraordinary, it is made mandatory because of the fact that a number of Senators were of the opinion that the joint resolution would not come up until tomorrow. Therefore, in the interests of comity, I believe that nothing will be lost by it because Senators will have an opportunity to study the RECORD overnight.

I repeat the announcement that the 5 hours under the unanimous-consent agreement will be used today and tomorrow, and there will be no morning hour tomorrow.

I thank the Senator from Alabama [Mr. SPARKMAN] for yielding to me to make these comments.

ORDER FOR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. SPARKMAN. Mr. President, I shall analyze the voting rights proposal before this body on a section-by-section basis. While I intend to fight its adoption at every turn, I wish it clearly understood that I firmly believe in the right of every qualified person to vote. However, I believe that this right should be exercised under State, not Federal laws. In this belief I am strongly supported by the very source of Federal law, the U.S. Constitution.

In the course of my speech, I expect to show how our Founding Fathers sought to prevent passage of laws under the pressure of emotional demonstrations. I wish to caution my colleagues about the kind of legislation before us and the atmosphere in which it is engendered. I wish also to touch upon the grave responsibilities now resting on the shoulders of all Members of Congress to avoid heated passion and to act for the good of the preservation of our form of government, as well as the Constitution itself, as a guiding instrument in our national life.

We have heard on various occasions, in this great Chamber throughout our history, that we are at the crossroads of either preserving our traditions of government or plunging out into uncharted seas. Members of this body have heard the eloquent voices of many men, including Daniel Webster, warn in most scholarly and impassioned terms against casting aside the structure as well as the spirit of the Constitution.

I do not speak as an alarmist, but I say in all candor that never in my 28 years of active service in both the House of Representatives and the Senate, have I seen a proposal so bent upon changing the spirit as well as the letter of our form of government, all under the guise and in the name of providing the right to vote to all qualified citizens, a basic premise with which I agree.

Let me add that during all the time I have been a Member of this body I have never seen a bill which I considered more in opposition to the Constitution of the United States than this one. It violates the principle, the letter, and the law of the Constitution in so many different respects that I cannot see how it can possibly ever be held to be constitutional.

This bill, however, would grasp upon a purposely designed intense sequence of public demonstrations in my own State of Alabama, and would bypass the normal method of letting the courts determine where and how discrimination in voting exists. It would expand an emotional so-called march as though it were a balloon, and would use it as a justification for the most harsh punitive measure on State governments that I have seen in this Nation, short of actual military occupation.

This measure is fraught with iniquitous consequences. Let us not ignore this merely to accommodate mass demonstration demands. Let us look at this measure in terms of whether the little good that may be accomplished can, in all fairness to justice and democracy, justify the terrible consequences on our form of government and the Constitution. If we do not do this—if we do not look at every word and sentence of this bill to see just what it really means, we are not fulfilling our oaths and we certainly are out of step with the history of Congress on the point of not wishing to pass legislation because the pressures and anxieties of the moment are aroused by mass demonstrations demanding more and more legislative action when the demonstrators themselves do not respect existing law and, in fact, seem to wish not to use the full powers of existing law unless they agree exactly with what they want.

I should like to emphasize that Congress moved out of Philadelphia in June 1783 to avoid further mass demonstrations like the one it faced on June 21, 1783, when a large number of troops who had mutinied and were demonstrating in the streets with guns, surrounded the statehouse in which Congress was sitting and demanded that they be paid by Pennsylvania State authorities. Congress, in fear of bodily harm, petitioned George Washington to send in regular troops to protect them. Then the demonstrators repented and asked for forgiveness, promising to help protect Congress rather than to demonstrate and mutiny.

Congress—then called the Continental Congress—did not like the atmosphere nor the exigencies of the moment and passed a resolution on June 24 to move to Princeton, N.J. The language of this resolution is important to us here today; it is filled with timely meaning. I will quote it: "In order that further and more effectual measures may be taken for suppressing the present revolt and maintaining the dignity and authority of the United States."

In other words, Congress moved to Princeton and away from the pressure of mass demonstrations to maintain the dignity and authority of the United States. If we now respond to the highly planned and purposely called demonstrations in Alabama and elsewhere by enacting the proposed voting rights bill just because Martin Luther King says that we must, we will be doing the exact opposite of maintaining the dignity and authority of the United States. We will be doing what the Continental Congress of 1783 told us that we should not do.

As a matter of fact, Mr. President, we are in the District of Columbia at this very moment simply because those early Congresses and our Founding Fathers of the Constitution wanted Congress to be removed from the pressures of mass demonstrations and independent of the police powers of a sovereign State. The strong feeling of the resolution of 1783, which I just quoted a moment ago, held over to the Constitutional Convention and resulted in the 17th clause of section 8 of article I of the Constitution, which I will read:

> The Congress shall have Power * * * to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the erection of Forts, Magazines, and Arsenals, dock-Yards, and other needful Buildings;

The language of this part of the Constitution is clear and it was the result of strong feelings that Congress shall and must be free from mass demonstrations, radical emotionalism, and all of the factors of intimidation and pressure that make for bad and hasty laws and for bad government as a result. Our Founding Fathers wanted Congress to have full and exclusive jurisdiction and exclusive legislation over the area that would become the seat of government so that Congress would not be intimidated or unduly influenced by mob violence, mass hysteria, or the collateral force of State governments.

When Maryland and Virginia made their offers of cession for the seat of Government, Congress in 1800 accepted and moved to Washington, D.C.

A long series of resolutions and laws have been passed by Congress to make sure that the Capitol grounds within the District of Columbia are free from public demonstrations. This is the Nation's Capitol, but it is no place to come to put on mass political demonstrations or to try to compel Congress to act by the demands of a mob. These laws provide criminal penalties. They also empower the Sergeants at Arms of the Senate and the House of Representatives to deputize, if necessary, the entire Metropolitan Police force to assist them in carrying them out.

With a background such as this, is it not just and proper that we consider the very unhealthy way that the pending legislation was presented to Congress? It came to us on the emotionalism and the heated passion of the hour. It was started by a mass march on Montgomery, Ala., which capitalized on religious feelings, which places the church as such in a peculiar position in a government wherein church and state are supposed to be entirely separate. It capitalized on the medium of television and publicity, which was its main purpose. It capitalized on the extreme acts and crimes of people on the other side, which I do not condone, and which usually arise when extremism and disregard for accepted standards of law and order seem themselves to be the order of the day. It was born out of a feeling of not wishing to use existing laws, which last year we were told were quite strong enough—a feeling that law, even court orders, should not be obeyed willingly unless they agreed in all respects to the demands of the demonstrators. The actual facts as to the effectiveness and to the implementation of existing laws became unimportant. It was the public impression that a denial existed which was important. This was skyrocketed into gigantic proportions until we here in Congress received a hastily drawn and savagely destructive bill and the public was given the impression that we were supposed to act on it with the same sort of haste that had engendered it and with which it was prepared.

I, for one, Mr. President, take my oath of office more seriously than this. I have studied the bill and I find it entirely insufficient as a national bill. It is punitive, sectional legislation. I deplore the whole atmosphere in which it is being considered, and at the same time, I implore all Members of Congress to let their unbiased commonsense control their actions on a drastic measure that could disrupt our form of government and establish such precedents that we might be compelled to do likewise in the future.

This type of legislation usually carries with it more fundamental harm to our form of government than the little good that might be accomplished in the long run by its enforcement.

The original bill would punish the States that first, maintain a literacy test; second, in the November 1964 presidential election failed to have 50 percent or more of the adult population go to the polls; and, third, do not have at least 50 percent of the adult population registered. The Judiciary Committee added a few percentage provisions. All of the so-called triggering provisions restrict the bill mainly to Southern States, thereby making it regional legislation rather than national, general legislation which it should be if it is necessary at all.

The maintenance of literacy tests by States has been upheld by the Supreme Court time after time.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. ERVIN. I ask the Senator from Alabama if the so-called triggering formula in the bill does not carefully select 7 States or parts of States to be included in the purview of the bill and automatically excludes the other 43 States from coverage by the bill?

Mr. SPARKMAN. The Senator is correct. The Senator has plainly pointed that out in the speeches he has made on the floor.

Mr. ERVIN. I ask the Senator from Alabama if the bill does not provide, in effect, that 7 States shall have their constitutional power and right to resort to literacy tests to determine the qualifications of their voters suspended, whereas the other 14 States which maintain literacy tests will be permitted to use the literacy tests?

Mr. SPARKMAN. The Senator is correct.

Mr. ERVIN. Can the Senator from Alabama find any possible basis for justifying a bill which selects 7 States to be included and 43 States to be excluded, and which selects 7 States to be deprived of their constitutional power to prescribe a literacy test while permitting such literacy tests to be used in 14 other States? Can the Senator find any rational basis on which he can reconcile those provisions with the constitutional truism, as expressed by Professor Corwin, of Princeton University, that all States have equal dignity and power?

Mr. SPARKMAN. I cannot reconcile the provisions of the bill to which the Senator has referred with that philosophy, which is the correct philosophy of our Nation.

Mr. ERVIN. I ask the Senator from Alabama if the bill, by the triggering process, does not select 7 States or parts of States out of the 50 States and condemns those States to some kind of secondary status for violating the 15th amendment on the basis of a fact which happened in the past, namely, in November 1964.

Mr. SPARKMAN. The Senator is correct; it does condemn them. While they are condemned for that, other States which have discriminatory practices go scot free and are not covered by the bill at all.

Mr. ERVIN. I ask the Senator from Alabama if the bill does not also provide for the condemnation of those seven States or parts of States by legislative act rather than by judicial trial.

Mr. SPARKMAN. The Senator is correct. It takes the matter out of the courts and turns it over to one man, and in that way the process becomes government by the actions of men rather than of law.

Mr. ERVIN. I ask the Senator from Alabama how anyone, operating on a rational basis, can reconcile this provision of the bill, making a condemnation without judicial trial, and the provision of the bill making that condemnation depending upon a past event, with the provision of the 9th section of article I of the Constitution, which provides that Congress cannot pass any bill of attainder or ex post facto law.

Mr. SPARKMAN. I cannot reconcile it with that constitutional provision. While the Senator was temporarily absent from the Chamber, I said that during the entire time that I have been in Congress I have never seen a bill which so flagrantly violated the Constitution as does this bill.

Mr. ERVIN. Does not the Senator recall that during the War Between the States, or immediately after the War Between the States, Congress enacted a law which provided in substance that no attorney at law should be permitted to practice in the Federal courts unless he took an oath that he had not occupied any office under the Confederate States?

Mr. SPARKMAN. Yes; that was one of the laws in the so-called Reconstruction days.

Mr. ERVIN. Does not the Senator from Alabama recall that a very distinguished Arkansas lawyer whose surname was Garland, who was unable to take that oath because he had held office under the Confederacy, contested the validity of that act of Congress before the Supreme Court of the United States?

Mr. SPARKMAN. The Senator is correct.

Mr. ERVIN. Did not the Supreme Court of the United States hold that that act of Congress, depriving Garland of the right to practice law in the Federal courts on the basis of a past event in the life of Garland, was a bill of attainder, and also was an ex post facto law, thus depriving Garland of a constitutional right?

Mr. SPARKMAN. The Senator is correct.

Mr. ERVIN. Does not the Senator from Alabama recall that at about the end of the War Between the States, the State of Missouri, under some hysteria like that which prevails now, inserted a provision in the Missouri constitution which even denied to ministers of the Gospel the right to preach the Gospel in the State of Missouri if they had lent any encouragement to the Confederate States?

Mr. SPARKMAN. Yes.

Mr. ERVIN. Did not that constitutional provision of Missouri require a minister of the Gospel, as a condition precedent to preaching the Gospel and calling sinners to repentance in the State of Missouri, to take an oath that he had not encouraged the Confederacy in any way?

Mr. SPARKMAN. The Senator is correct.

Mr. ERVIN. Does not the Senator from Alabama recall that a Roman Catholic priest named Cummings was actually indicted in the State of Missouri, sentenced to imprisonment, and fined for attempting to preach the Gospel without first taking that oath?

Mr. SPARKMAN. That is correct.

Mr. ERVIN. Does not the Senator from Alabama recall that that case was appealed by Cummings from the Supreme Court of Missouri to the Supreme Court of the United States, and the Supreme Court of the United States held that that portion of the constitution of the State of Missouri was a bill of attainder as applied to Cummings, in that it condemned him without judicial trial, and also it was an ex post facto law as applied to Cummings, in that it made his guilt depend upon a past event?

Mr. SPARKMAN. The Senator is correct.

Mr. ERVIN. I ask the Senator from Alabama if he agrees with the Senator from North Carolina that from a constitutional standpoint the Garland case and the Cummings case are on all fours with the triggering provisions of the bill?

Mr. SPARKMAN. I believe they are, and I believe there are other provisions in the bill which would render it grossly in violation of the Constitution.

A while ago my colleague read off the names of distinguished jurists in this country who had sustained the provisions of section 2 of article I of the Constitution, giving the States the right to prescribe the qualification of voters even long after the 15th amendment was adopted. I cannot see how anyone looking at that list of distinguished jurists and reading their opinions down until the case to which I have called attention, which was decided March 1, 1965, in which Justice Stewart delivered the majority opinion——

Mr. ERVIN. That was the Carrington case.

Mr. SPARKMAN. That was the Carrington case. I cannot see how anyone reading those decisions and looking at the distinguished lawyer-judges who authored those decisions could have any feeling whatsoever that the bill could possibly be constitutional.

Mr. ERVIN. I ask the Senator from Alabama if he does not recall that a few years ago the Supreme Court had before it a celebrated case in which the United States was the party on one side and a man named Lovett, an employee of the Federal Government, was a party on the other side. In that case the Supreme Court of the United States held that an act of Congress which attempted to punish a man by loss of his job or by denying him compensation for his job on account of supposedly subversive acts or affiliations entertained by him in the past was a bill of attainder within the meaning of section 9 of article I of the Constitution.

Mr. SPARKMAN. The Senator is correct.

Mr. ERVIN. Does not the Senator from Alabama recall that in the Lovett case the Supreme Court of the United States took occasion to say in its majority opinion that the Cummings case and the Garland case were good law, good constitutional interpretation, and still stood?

Mr. SPARKMAN. The Senator is correct.

By the way, speaking of bills of attainder—and the Senator states that the decision that would be made by the Attorney General would constitute that kind of bill—I think of another point, and that is that if the Attorney General should make a ruling, the courts would be closed to the one against whom he would make the ruling, as I understand. The ruling would not be subject to appeal. I wonder if the Senator can tell me if I am correct in that statement.

Mr. ERVIN. The Senator from Alabama is eminently correct. The bill is the most peculiar proposed piece of legislation of that kind that could be imagined. It would leave all the Federal courts in the country open to the Attorney General, and it would close all the Federal courts, except one in the District of Columbia, to the States, the subdivisions of States, and other officials.

Mr. SPARKMAN. If I understand correctly, even that court would be closed so far as the decision of the Attorney General in such a case would be concerned.

Mr. ERVIN. Oh, yes.

Mr. SPARKMAN. The door would be closed completely. To my way of thinking, that would be absolutely unheard of in time of peace. It might be necessary in case of war or at a time of great national emergency. Sometimes the right of habeas corpus is taken away under such circumstances. But even in those cases it has been rare that the court has been willing to do that.

Mr. ERVIN. The Attorney General of the United States would be put above any other human being on the face of the earth so far as Congress could put him there.

Mr. SPARKMAN. Yes; even the courts.

Mr. ERVIN. His mistakes could not be reviewed anywhere.

Mr. SPARKMAN. Yes. Furthermore, even if a State should later measure up to those standards, the decision as to whether grace would be extended would depend upon the attitude of the Attorney General. I cannot understand that provision.

Mr. ERVIN. That is another decision which would not be subject to review.

Mr. SPARKMAN. It would not be subject to review and, as I understand, under the terms of the original bill, the Attorney General could hold it over their heads for 10 years, I believe, and 5 years in the substitute, with no forgiveness, even if a State should desire to correct some condition.

Recently—within the last few weeks, since those terrible demonstrations down in Alabama that had a great deal to do with pushing the bill before us—the State Legislature of Alabama adopted a resolution which would completely repeal the registration laws of Alabama and write a new law which would, as I understand, be completely in line with the law in New York State, which has been upheld by the courts. What good would that action do Alabama? There is no balm in Gilead.

Mr. ERVIN. No; there is no place for repentance, even though they should seek it as Esau did, with tears.

Mr. SPARKMAN. That is correct.

Mr. ERVIN. Does the Senator from Alabama recall any other statute which has given anyone the legal omnipotence that the bill would give the Attorney General?

Mr. SPARKMAN. Never in all American history. I hope there will never be a law that gives that much power to anyone.

Mr. ERVIN. I thank the Senator from Alabama.

Mr. SPARKMAN. I thank the able Senator from North Carolina for bringing out some of those points. I wonder, in keeping with our colloquy, if I may read a portion of the amendment in the nature of a substitute that is now before the Senate.

Mr. ERVIN. In some respects, it is not unlike the original bill, because under the original bill the States of Louisiana, Mississippi, Alabama, and Georgia could not get into court for 10 years.

Mr. SPARKMAN. No. The bill provides a 10-year forgiveness period, and the Attorney General could keep every courthouse door in the land slammed in our faces for 10 years; under the substitute, the courthouse doors could be slammed in our faces for 5 years.

Mr. ERVIN. Yes.

Mr. SPARKMAN. Not slightly ajar; they would be slammed in our faces completely; they would be closed; they would be shut.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. TALMADGE. Is it not true that the new procedure would let them come in after 5 years, but only to beg for pardon, not for the determination of a justiciable issue?

Mr. SPARKMAN. That is correct. Again, if I understand the proposal correctly, when the Attorney General, who would be all powerful under the bill, made his determination, it could not be appealed.

Mr. TALMADGE. Those States could not be extricated from his decision except in the U.S. District Court for the District of Columbia, and after a lapse of 5 years.

Mr. SPARKMAN. That is correct.

Mr. TALMADGE. The amendment in the nature of a substitute would substitute for judicial procedure—the right to trial, the right to petition, the right to a hearing, the right to have evidence produced, and all of the other normal proceedings—the opinion of the Attorney General. It would substitute his opinion for due process of law, would it not?

Mr. SPARKMAN. Yes. That reminds me of something that once happened in court when I was practicing. The judge was a good judge. But I remember that one day he was trying a case in which the defendant, who was a woman, rather stirred his sympathies. The defendant was guilty; I do not think anyone would have questioned that.

The judge called her around and said, "You have stirred my sympathies. I am very sorry for you. But the evidence shows clearly that you are guilty. Under the statute, I could sentence you to from 5 to 20 years. But I shall not do that; I shall make the sentence from 5 to 10 years."

Of course, it is the lower penalty that counts, not the upper one.

That is what has happened in this instance. The proponents have reduced the time from 10 years to 5 years; but they say, "You cannot escape from this."

By the way, Alabama is now in the process of enacting a law which, as I understand, is on an exact parallel with that of New York State. Yet we are told that we cannot use a literacy test in Alabama to keep persons from voting, even if we used it nondiscriminately. Yet New York State can use its literacy test, and does so, to keep from voting, according to everything I have heard, several hundred thousand Puerto Ricans, some of whom have lived in New York all their lives—50 years or more. Still, because they cannot read or write the English language, they are barred from voting under New York's literacy test.

Mr. ERVIN. I dislike to be discouraging to the Senator from Alabama, but I do not know whether that law will do Alabama any good. It is a strange thing. North Carolina voted a larger percentage of its adult population than New York County did in the last election; yet North Carolina would come under the bill, but New York would not.

North Carolina voted 5 or 6 percent more of its adult population than did two congressional districts in New York.

Mr. SPARKMAN. Yet New York is not touched.

Mr. ERVIN. North Carolina is covered by the bill, but not the two congressional districts in New York.

North Carolina voted 51.8 percent of its total adult population, while Texas voted only 44.4 percent of its adult population. Yet North Carolina is under the bill, but Texas is not.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Under the unanimous-consent agreement, the clerk will call the roll for a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 63 Leg.]

Aiken
Allott
Anderson
Bartlett
Bass
Bayh
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Gruening
Harris
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McIntyre
McNamara
Miller
Mondale
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. LONG, of Louisiana. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas, [Mr. FULBRIGHT], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from New Jersey [Mr.

WILLIAMS], are absent on official business.

I also announce that the Senator from Montana [Mr. METCALF], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON], are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

SUPPLEMENTAL APPROPRIATION, FISCAL YEAR 1965, FOR MILITARY FUNCTIONS OF DEPARTMENT OF DEFENSE—REPORT OF A COMMITTEE (S. REPT. NO. 176)

The PRESIDING OFFICER. The hour of 3:30 having arrived, under the unanimous-consent agreement, the Senate will proceed to the consideration of House Joint Resolution 447.

The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, from the Committee on Appropriations, I report favorably, without amendment, a joint resolution (H.J. Res. 447) making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes, and I submit a report thereon.

The PRESIDING OFFICER. The report will be received.

The Clerk will state the joint resolution by title.

The LEGISLATIVE CLERK. A resolution (H.J. Res. 447), making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the resolution now becomes the pending business before the Senate.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. How much time does the Senator allot to himself?

Mr. STENNIS. I allot myself 30 minutes.

As was announced, this is a joint resolution reported from the Committee on Appropriations. It was passed today by the House of Representatives. It provides for a defense appropriation of $700 million. These are funds to be used directly for the purpose of paying the costs that have already accrued and will continue to accrue in the future regarding military activities in Vietnam.

A meeting was held this morning. I have been designated by the Senator from Arizona [Mr. HAYDEN] under the unanimous-consent agreement, to control the time. The meeting was well attended. Most of the committee members were there. Also, a majority of the members of the Committee on Armed Services were present. Secretary of Defense McNamara and Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, were present. At the 2½-hour meeting, all major parts of the joint resolution were gone into.

We received a breakdown on the amounts of money that are proposed to be expended on the various major categories of appropriations. These figures obviously cannot be exact. They are approximations and estimates.

At the end of my remarks, which will not be extended, I hope the Senator from Massachusetts [Mr. SALTONSTALL], who is present on the floor, as usual, will make some explanation of the items, and any other particulars that he may wish to cover.

I shall list them briefly now. Out of the $700 million as proposed by the President and recommended by the Appropriations Committee, $100 million is expected to be used for military construction.

I shall not go too much into detail on that, unless pressed to do so, but we have had and will continue to have large scale expenses in regard to installation construction. We have need for storage of equipment and supplies and additional amounts of storage in strategic areas.

The Department of Defense will be able to salvage a like amount, in round numbers, $100 million, of what we call old money from savings and deferred projects out of past military construction appropriations.

Also included in the $700 million, $135 million is being requested for maintenance and operation funds, which are briefly described as day-to-day operations of the Army, the Marine Corps, and others. They are mostly for supplies, housekeeping needs, and items of that kind.

Approximately $275 million of the $700 million is expected to be used for the procurement of additional ammunition. A good deal of this money will be used to replace various military funds that have been available during the current year and have been spent directly in Vietnam, thus leaving in a depleted condition our funding sources.

Also, some of the money will be used for modernizing various kinds of ammunition and rockets, as well as aircraft and related developments.

The members of the committees also have before them a request for an additional $94 million in reprograming of old money for expenditure for ammunition for use in Vietnam. It is expected that the committee will approve transfer of these funds. A great deal will go into rockets of various kinds.

In addition thereto, $180 million of the $700 million will be used for the procurement of aircraft and helicopters and for the procurement of additional spare parts and items of that kind.

An additional $10 million could be classified as for miscellaneous items. Most of this money will go for the Army, but some of it is for the Navy and the Air Force.

It might be well at this time if there were included in the RECORD at this point the message of the President of the United States to the Congress on this appropriation. I ask unanimous consent that the message be included in the RECORD at this point.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

I ask the Congress to appropriate at the earliest possible moment an additional $700 million to meet mounting military requirements in Vietnam.

This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and Communist attack will not succeed.

In fiscal year 1965 we will spend about $1.5 billion to fulfill our commitments in southeast Asia. However, the pace of our activity is steadily rising. In December 1961, we had 3,164 men in South Vietnam. By the end of last week the number of our Armed Forces there had increased to over 35,000. At the request of the government of South Vietnam in March, we sent marines to secure the key Da Nang-Phu Bai area; 2 days ago, we sent the 173d Airborne Brigade to the important Bien Hoa-Vung Tau area. More than 400 Americans have given their lives in Vietnam.

In the past 2 years, our helicopter activity in South Vietnam has tripled—from 30,000 flying hours in the first quarter of 1963 to 90,000 flying hours in the first quarter of this year.

In February we flew 160 strike sorties against military targets in North Vietnam. In April, we flew over 1,500 strike sorties against such targets.

Prior to mid-February we flew no strike sorties inside South Vietnam. In March and April, we flew more than 3,200 sorties against military targets in hostile areas inside the country.

Just 2 days ago, we dispatched Gen. C. L. Milburn, Jr., Deputy Surgeon General of the Army, to assist U.S. representatives in Vietnam in formulating an expanded program of medical assistance for the people of South Vietnam. We are contemplating the expansion of existing programs under which mobile medical teams travel throughout the countryside providing on-the-spot medical facilities, treatment, and training in rural areas.

The additional funds I am requesting are needed to continue to provide our forces with the best and most modern supplies and equipment. They are needed to keep an abundant inventory of ammunition and other expendable. They are needed to build facilities to house and protect our men and supplies.

The entire $700 million is for this fiscal year.

The Secretary of Defense will today support this request before the appropriate congressional committees.

Nor can I guarantee this will be the last request. If our need expands I will turn again to the Congress. For we will do whatever must be done to insure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and Nation.

I have reviewed the situation in Vietnam many times with the Congress, the American people and the world. South Vietnam has been attacked by North Vietnam. It has asked our help. We are giving that help because our commitments, our principles, and our national interest demand it.

This is not the same kind of aggression with which the world has been long familiar. Instead of the sweep of invading armies, there is the steady deadly stream of men and supplies. Instead of open battle between major opposing forces, there is murder in the night, assassination and terror. Instead of dramatic confrontation and sharp division between nationals of different lands, some citizens of South Vietnam have been recruited in the effort to conquer their own country.

All of this shrouds battle in confusion. But this is the face of war in the 1960's. This is the "war of liberation." Kept from direct attack by American power, unable to win a free election in any country, those who seek to expand communism by force now use subversion and terror. In this effort they often enlist nationals of the countries they wish to conquer. But it is not civil war. It is sustained by power and resources from without. The very object of this tactic is to create the appearance of an internal revolt and to mask aggression. In this way, they hope to avoid confrontation with American resolution.

But we will not be fooled or deceived, in Vietnam or any place in the world where we have a commitment. This kind of war is war against the independence of nations. And we will meet it, as we have met other shifting dangers for more than a generation.

Our commitment to South Vietnam is nourished by a quarter century of history. It rests on solemn treaties, the demands of principle, and the necessities of American security.

A quarter century ago it became apparent that the United States stood between those who wished to dominate an entire continent and the peoples they sought to conquer.

It was our determined purpose to help protect the independence of the Asian peoples.

The consequence of our determination was a vast war which took the lives of hundreds of thousands of Americans. Surely this generation will not lightly yield to new aggressors what the last generation paid for in blood and towering sacrifice.

When the war was over, we supported the effort of Asian peoples to win their freedom from colonial rule. In the Philippines, Korea, Indonesia, and elsewhere we were on the side of national independence. For this was also consistent with our belief in the right of all people to shape their own destinies.

That principle soon received another test in the fire of war. And we fought in Korea, so that South Korea might remain free.

Now, in Vietnam, we pursue the same principle which has infused American action in the Far East for a quarter of a century.

There are those who ask why this responsibility should be ours. The answer is simple. There is no one else who can do the job. Our power is essential, in the final test, if the nations of Asia are to be secure from expanding communism. Thus, when India was attacked, it looked to us for help, and we gave it gladly. We believe that Asia should be directed by Asians. But that means each Asian people must have the right to find its own way, not that one group or nation should overrun all the others.

Make no mistake about it. The aim in Vietnam is not simply the conquest of the South, tragic as that would be. It is to show that American commitment is worthless. Once that is done, the gates are down and the road is open to expansion and endless conquest. That is why Communist China opposes discussions, even though such discussions are clearly in the interest of North Vietnam.

Moreover, we are directly committed to the defense of South Vietnam. In 1954 we signed the Southeast Asia Collective Defense Treaty. That treaty committed us to act to meet aggression against South Vietnam. The U.S. Senate ratified that treaty and that obligation by a vote of 82 to 1.

Less than a year ago, the Congress, by an almost unanimous vote, said that the United States was ready to take all necessary steps to meet its obligations under that treaty.

That resolution of the Congress expressed support for the policies of the administration to help the people of South Vietnam against attack—a policy established by two previous Presidents.

Thus we cannot, and will not, withdraw or be defeated. The stakes are too high, the commitment too deep, the lessons of history too plain.

At every turning point in the last 30 years, there have been those who opposed a firm stand against aggression. They have always been wrong. And when we heeded their cries, when we gave in, the consequences has been more bloodshed and wider war.

We will not repeat that mistake. Nor will we heed those who urge us to use our great power in a reckless or casual manner. We have no desire to expand the conflict. We will do what must be done. And we will do only what must be done.

For, in the long run, there can be no military solution to the problems of Vietnam. We must find the path to peaceful settlement. Time and time again we have worked to open that path. We are still ready to talk, without conditions, to any government. We will go anywhere, discuss any subject, listen to any point of view in the interests of a peaceful solution.

I also deeply regret the necessity of bombing North Vietnam.

But we began those bombings only when patience had been transformed from a virtue into a blunder—the mistaken judgment of the attackers. Time and time again men, women, and children—Americans and Vietnamese—were bombed in their villages and homes while we did not reply.

There was the November 1 attack on the Bien Hoa Airfield. There was the Christmas eve bombing of the Brinks Hotel in Saigon. There was the February 7 attack on the Pleiku base. In these attacks 15 Americans were killed and 245 were injured. And they are only a few examples of a steady campaign of terror and attack.

We then decided we could no longer stand by and see men and women murdered and crippled while the bases of the aggressors were immune from reply.

But we have no desire to destroy human life. Our attacks have all been aimed at strictly military targets—not hotels and movie theaters, and embassy buildings.

We destroy bridges, so it is harder to convey the instruments of war from North to South. We destroy radar stations to keep our planes from being shot down. We destroy military depots for the infiltration of men and arms to the South. We patrol routes of communications to halt the invaders. We destroy ammunition dumps to prevent the use of explosives against our men and our allies.

Who among us can feel confident that we should allow our soldiers to be killed, while the aggressor sits smiling and secure in his sanctuary, protected by a border which he has violated a thousand times. I do not believe that is the view of the American people or of the Congress.

However, the bombing is not an end in itself. Its purpose is to bring us closer to the day of peace. And whenever it will serve the interests of peace to do so, we will end it.

And let us also remember, when we began the bombings there was little talk of negotiations. There were few worldwide cries for peace. Some who now speak most loudly were quietly content to permit Americans and Vietnamese to die and suffer at the hands of terror without protest. Our firmness may well have already brought us closer to peace.

Our conclusions are plain.

We will not surrender.

We do not wish to enlarge the conflict.

We desire peaceful settlement and talks.

And the aggression continues.

Therefore I see no choice but to continue the course we are on, filled as it is with peril and uncertainty.

I believe the American people support that course. They have learned the great lesson of this generation: Wherever we have stood firm aggression has been halted, peace restored, and liberty maintained.

This was true in Iran, in Greece, and Turkey, and in Korea.

It was true in the Formosa Straits and in Lebanon.

It was true at the Cuban missile crisis.

It will be true again in southeast Asia.

Our people do not flinch from sacrifice or risk when the cause of freedom demands it. And they have the deep, abiding, true instinct of the American people: When our Nation is challenged it must respond. When freedom is in danger we must stand up to that danger. When we are attacked we must fight.

I know the Congress shares these beliefs of the people they represent.

I do not ask complete approval for every phrase and action of your Government. I do ask for prompt support of our basic course: resistance to aggression, moderation in the use of power, and a constant search for peace. Nothing will do more to strengthen your country in the world than the proof of national unity which an overwhelming vote for this appropriation will clearly show. To deny and delay this means to deny and to delay the fullest support of the American people and the American Congress to those brave men who are risking their lives for freedom in Vietnam.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 4, 1965*.

Mr. STENNIS. Mr. President, the need for these additional sums is very clear. Those of us who have been working on the military budget and military construction and other such matters during the entire year have known that the figures with which we were dealing were not firm, but were subject to the drain of the military activities into which the military funds fall.

Those of us on the Preparedness Investigating Subcommittee as well as members of the Armed Services Committee, who have been closest to the problem, have repeatedly urged that there be a special budget of some kind set up to take care of the operation of the war and thereby prevent the drain on military funds which we knew was going on under present conditions. We have pointed this out on the floor of the Senate several times. The Preparedness Investigating Subcommittee indicated to the Department of Defense what the facts were. In checking the record, I find that it was brought up on March 25, April 6, and April 27. Hearings were scheduled to begin Tuesday morning of this week with reference to this matter. The hearings were canceled to enable the White House meeting to be held. The supplemental appropriations came in at a time to fill the void, to replenish the funds which have been used for fiscal year 1965. One of the major functions of this special appropriation is to replenish the funds which have been taken out of those for fiscal year 1965, and leave them available to be carried over, to a great extent into 1966 fiscal year to prevent the anticipated drain over fiscal year 1966.

This fits like a hand in a glove to meet that very situation, not only for the required expenditures, but also to augment a firm, definite policy and a sound budget for the operation of the rest of our military forces throughout the world for fiscal year 1966.

For that reason alone, as well as other reasons, I believe that it is timely and proper for the President to request this extra money of Congress.

One question which came to the minds of members of the committee was: Can any of the $700 million be used for what we call the military assistance program? That is ordinarily taken up in the economic aid and military aid bill. The answer to that question is "No." None of this money can be used for a special program of that kind. All of the money is confined to what we might call the regular military activities of the United States, the operations of our military forces.

The funds will be appropriated and made available until expended. It is expected that a portion of the money will be programed—that is, obligated—within the next 60 days of the current fiscal year, but by no means all of it. It can be obligated at any time after the end of the fiscal year, and the money will be available until actually expended.

We have filed a report which is brief and to the point. It covers a broad statement on the joint resolution which is to provide for our military operations in southeast Asia.

We raised that point with Mr. McNamara, as to what he meant by "southeast Asia." His answer was that geographically it meant exactly what it said, that it would not be used, for example, in the Dominican Republic. But the passage of the joint resolution in that form is not intended at all to neglect the question of the problem in the Dominican Republic. The cost of that operation is relatively small, and out of the funds which are subject to transfer in the military budget can be well taken care of for some time. Of course, we hope the situation will become better and not worse.

Therefore, "southeast Asia" means what it says in the joint resolution, but it is not contemplated to provide funds to start operations somewhere else. The money will be spent for supplies generally for the Navy, Army, and Air Force—in the United States, Vietnam, and other areas.

I believe that generally covers the high points. They are well understood. We listened to healthy questioning by members of the Appropriations and Armed Services Committees. Many points were made, and I am glad to report that the inquiries were satisfied, at least in part, to the extent that every member present supported the appropriation as being necessary, and for the additional reason that unless something like this is done, it will impair the rest of our preparedness program.

The Senator from California [Mr. KUCHEL] has an observation on the situation which he wishes to make, and I am now glad to yield to him.

Mr. KUCHEL. Mr. President, the Senator from Mississippi performs a high service to his country today in bringing immediately to the Senate, proposed legislation authorizing $700 million in additional funds to our Commander in Chief and to the Department of Defense for the responsibilities they have undertaken in the defense of freedom.

Mr. STENNIS. I accept the compliment only for the whole of the committee and all those who worked on the bill. I thank the Senator for his fine sentiments.

Mr. KUCHEL. My vote, I wish the Senate to know, was cast this morning in committee in favor of the appropriation.

Sometime tomorrow the Senate will overwhelmingly approve this proposed legislation and will then send it on to the White House.

I rise merely to express the fact that my support for this proposed legislation is unstinted. I know that the Senate will overwhelmingly approve it tomorrow.

I am compelled to be absent tomorrow. Thus, I regret that I shall be unable to be here and cast my vote in favor of it.

Mr. President, the world is in trouble. A year ago Congress laid down by resolution a policy and the President of the United States enunciated and reiterated that policy.

The proposed legislation will indicate not merely to the American people—who approve of it—but also to the world, that an American commitment is a commitment which will be honored.

I thank the Senator from Mississippi for yielding to me to make these comments.

Mr. STENNIS. Mr. President, I thank the Senator from California for his very fine remarks and for his interest in the proposed legislation.

Let me cover one more point and I shall then yield to the Senator from Massachusetts [Mr. SALTONSTALL] if he wishes.

The joint resolution waives the ordinary checks and procedures requiring authorization and then appropriation for military construction, for missiles, planes, and similar hardware, but time was of the essence to a degree that we did what was considered best. We scrutinized the items and then required—in the report, at least, and had it understood with the Secretary of Defense—that the appropriate committees of Congress shall be advised of the transfer of funds in the joint resolution under the reporting provisions of the established reprograming procedures.

At intervals, the Department of Defense will give to the committees an accounting, which will become a public document—open to Congress at least—of where and how the moneys are being expended. That procedure will provide an accounting to Congress and the public for this money.

Mr. SALTONSTALL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am delighted to yield to the Senator from Massachusetts for such time as he may wish.

Mr. President, I allot 30 more minutes to the proponents of the bill.

The PRESIDING OFFICER. Without objection, the proponents of the joint resolution may proceed for 30 additional minutes.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. I have yielded to the Senator from Massachusetts.

Mr. SALTONSTALL. I shall be very glad to yield to the Senator from Florida. My remarks will be few.

Mr. HOLLAND. I will wait until the Senator from Massachusetts has finished his remarks. Then I wish to ask a question.

Mr. SALTONSTALL. I thank the Senator from Florida.

Mr. President, I rise to suport the administration in carrying out its recommendations for an additional appropriation of $700 million.

I support the acting chairman of the Committee on Armed Services and on Appropriations with defense matters in this joint resolution.

The $700 million, as the Senator from Mississippi has pointed out, is necessary to meet additional expenses in southeast Asia. The Senator from Mississippi has gone into a breakdown of the $700 million. I merely wish to reiterate that $100 million is for construction; $135 million is for operation and maintenance; $275 million is for additional ammunition; $180 million is for building up our aircraft; and $10 million is for miscellaneous expenses.

In addition to that, there is a reprograming request of $94½ million for additional ammunition, reprogramed from funds that would ordinarily be expected to be available in the 1966 budget. The Secretary of Defense emphasized that at the present time there was no immediate indication that the $94½ million would be replaced by additional requests in the 1966 budget. He hoped that the $700 million that we are now appropriating would be sufficient to cover the needs.

My feelings on this matter are very strong. The President has described to us our present actions in southeast Asia. Last summer, on August 7, Congress supported the President in a practically unanimous vote on a joint resolution dealing with the maintenance of international peace and security in southeast Asia.

The House report on the $700 million appropriation states clearly what is involved. I read the third paragraph:

> As the President stated in his message of May 4, "This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam."

That language is in the House report on the joint resolution and is a direct quotation from the President of the United States.

The President told us, when 150 of us gathered in the White House yesterday, the purpose for which he wanted the appropriation. He indicated that he needed the appropriation not only, as we all know, to carry out our efforts in southeast Asia, but also to show that Congress feels the same way today as it did last year when it passed the joint resolution urging the President of the United States to take whatever action he believes necessary in the interest of international peace in southeast Asia.

Therefore we have before us an additional appropriation request which is required to carry out our efforts in southeast Asia, to maintain a country and a people who wish to be free and who wish to go forward in their own manner, in which they believe and we believe to be for their best interest. We could go into greater detail in this appropriation, but the fundamentals that I have expressed clearly show that the money will be needed. Perhaps more will be needed. However, the principle behind the appropriation is the principle that we believe our actions in southeast Asia are for the best interest of international peace, for our own security, and for a greater opportunity for peace in the world.

I support the appropriation in that spirit and in the spirit that the President of our country, the Commander in Chief of our Armed Forces, will use his best efforts in a very difficult situation to build up greater security for us and greater opportunity for a freedom loving people, and that we will exercise our abilities as the leader of the free nations of the world to accomplish these results.

We could talk at length and we could go into a breakdown of the appropriation, as we ordinarily do in a budget message. I do not believe it is necessary. I believe the report of the House of Representatives on the bill expresses entirely the spirit in which we are making the appropriation. I hope that we shall pass the joint resolution by a substantially unanimous vote when we vote on it tomorrow.

Mr. STENNIS. I thank the Senator very much for the very fine contributions he has made.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. MUNDT. In view of the statement the Senator has made—and he has correctly and with meticulous accuracy interpreted both what the President said to us at the White House meeting yesterday and what he said in his message to Congress—how would a defeat of the $700 million request be interpreted?

Mr. SALTONSTALL. I thank the Senator for asking that question, because it goes to the heart of the matter. If we do not pass the appropriation by a very substantial vote—and I hope it will be by a practically unanimous vote, because I know it is difficult for us to act unanimously—it will be reflected not only in southeast Asia and in the Communist countries, but in every one of the countries that are our friends today and who are counting on us to carry on the leadership of the free world.

The defeat of the appropriation bill would be tantamount to a repudiation of the earlier joint resolution adopted by Congress.

Mr. MUNDT. Not only would it be a repudiation of that joint resolution but it would also be a repudiation of the leadership of our country in a very important international question which we all believe is fundamental to the peace of the world.

Mr. SALTONSTALL. I thank the Senator for his contribution. I agree with his conclusions.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. I thank the Senator for yielding and also for the very fine service he has rendered in this matter, as in many others. I find myself, of course, in accord with everything that has been said by the distinguished Senator from Mississippi, the distinguished Senator from Massachusetts, and the distinguished Senator from South Dakota.

However, I believe it is easy to state in a very simple way why I think it is my duty to support wholeheartedly the making of this appropriation. I attended the hearing this morning and I listened to the able testimony given by the Secretary of Defense. I listened to the testimony given by the chairman of the Joint Chiefs of Staff.

I have read the message of the President, the Commander in Chief. It seems to me that the essence of this whole situation is stated in two short passages contained in the message from the President of the United States. I read those passages as follows:

The first reads:

> In December 1961, we had 3,164 men in South Vietnam. By the end of last week the number of our Armed Forces there had increased to over 35,000.

The second reads:

> The additional funds I am requesting are needed to continue to provide our forces with the best and most modern supplies and equipment. They are needed to keep an abundant inventory of ammunition and other expendables. They are needed to build facilities to house and protect our men and supplies.

It seems to me that the simple issue before the Senate, before Congress, and before the Nation is this: Having sent more than 35,000 of our best men in uniform to South Vietnam, where they are confronted with very difficult and dangerous situations, as we all know, having sent there many others in civilian positions, including a great many women, and being told now by the Commander in Chief and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that this added sum is needed to give them what they should have to best equip themselves and this country to meet this danger that confronts them, I deem it to be my duty to vote for the appropriation. I believe that Members of Congress generally regard it in that light. There is no Member of the Senate and no Member of Congress who does not have some of his acquaintances and neighbors, and some even kinfolk, who are involved in this tragedy—and it is a tragedy—in this terrible danger that overhangs those whom we have sent to Vietnam; and no doubt we shall send a great many more.

I think that it is our clear duty to support them by passing this appropriation.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The 30 minutes allotted the Senator from Mississippi have expired.

Mr. STENNIS. Mr. President, I yield myself 30 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 30 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Florida for his contribution to the debate. In addition to the reasons stated by the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from South Dakota [Mr. MUNDT], which are very valid indeed, I should like to point out that the money and military situation is such that if the funds are not appropriated, our other military programs will suffer. One fund after another in the various services, and particularly in the Army, will be bled to the extent that the hurt will be great. In fact, we were so impressed with that point in the Preparedness Subcommittee that, in spite of the action on the measure now before the Senate, the subcommittee will conduct hearings, which will be in executive session, to determine further to what extent we are depleting items of equipment and hardware, such as tanks and other military weapons in our current regiments, battalions, and divisions which are stationed in the United States and in other parts of the world.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield.

Mr. SALTONSTALL. Does the Senator recall that during the Korean war the Committee on Armed Services appointed a subcommittee to go into the subject of ammunition because our ammunition supplies were running low, as General Van Fleet said, and it takes time to build up our ammunition supplies? That is one of the fundamental purposes behind the Senator's statement in relation to hearings.

Mr. STENNIS. Yes. I do not believe that in Vietnam there has been any lack of bullets, rifles, machineguns, and other weapons on the line.

Mr. SALTONSTALL. There is not yet.

Mr. STENNIS. There might have been an isolated instance or two. But we investigated reports to that effect and found them without basis, unless a man had become isolated. But all our military program will be adversely affected unless we appropriate the money requested.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Colorado.

Mr. ALLOTT. I appreciate very much the courtesy of the chairman in yielding. First, I should like to pay my own respects to him, not only for the able way in which this subject was handled this morning, but also the able way in which we handled the posture hearings which we had earlier in the year, in February and March, at which the full Armed Services Committee, as well as the Defense Appropriations Subcommittee, sat together.

The chairman's genial attitude, plus a very strong and firm hand in permitting Senators to take turns in questioning, I believe were very great contributions to the acquisition of a large number of facts and the great exploration of the entire subject, both in that hearing and the present one, which were of great help to all of us.

Mr. STENNIS. I thank the Senator.

Mr. ALLOTT. As the Senator knows, I was present at the hearing this morning. I know that this afternoon or later there will be those who will attack the proposed appropriation. I should like to say a word about that subject, with the Senator's permission. No matter how we may assess the legality or anything else in relation to the Vietnam war, we are there. We are there at the request of the Government, and we are there to keep any more land on this earth from falling into the hands of the Communists. Whether we regard the Vietcong as a separate entity from the North Vietnamese or whether we regard them as an entity of guerrillas financed by North Vietnam, nevertheless they are Communists. The basic and ultimate fact that we face, without question, if we permit South Vietnam to collapse, is that all of southeast Asia will collapse. Therefore, we have no choice except to do what we are doing. I believe that in the past few weeks particularly—perhaps in the past few months—the President has added an additional facet to the war—the escalation. I had thought for a long time, and I think now that such escalation was necessary if we were to win. I do not propose, if I can ever help it, to see a single American boy on foreign soil dying unless we intend to win, because in a war that is the only way action pays off.

I realize also that there are many arguments that other people use to the effect that we should get out of there. We should leave that area. The question is asked, "Why are we over there?"

The fact is that we are there and that we must win.

This is the first, I think, of perhaps several considerations of like subjects that we shall have during this year and next, and following the reasoning of the Senator from Massachusetts, the distinguished chairman, the distinguished Senator from Florida [Mr. HOLLAND] and the distinguished Senator from South Dakota [Mr. MUNDT], it seems to me that there would be a repudiation if we did not vote for the joint resolution and pass it overwhelmingly. I do not say that no Senator has a right to vote against it. He does, of course. But unless we pass the joint resolution overwhelmingly, in effect we shall be repudiating the policy which we enunciated last August. We shall repudiate the leadership of the President. Worse than that, we would repudiate the leadership of the United States for the freedom of people, wherever they may be. So I again congratulate the distinguished chairman. I am appreciative of his letting me have these few words at this time.

Mr. STENNIS. I am delighted that the Senator from Colorado has expressed his views. His points are excellent and well made, indeed.

Mr. President, I wish to take 2 or 3 minutes on a point or two, and then perhaps it would be well for me to yield the floor.

A question was raised as to why the funds are being requested now, since there are only 2 months remaining in the current fiscal year. The simple answer to that question is that the funds are needed now to meet obligations that have already accrued and those that will have accrued and are supposed to be paid before June 30, 1965, and in order also that contracts may be made for procurement of needed military equipment, and also plans and negotiations started for contracts. Those plans must start now, and construction and delivery must start as soon as possible.

Mr. SALTONSTALL. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. Carrying further a thought which the Senator has mentioned, I should like to point out that the funds will be available until expended.

Mr. STENNIS. That is true. They will be available for obligation and expenditure indefinitely.

Another point I wish to make clear is that the $700 million is not an estimate of what will be required to conduct the war for another year. If it lasts another year at the present level, it will probably require more than $700 million. The present request is an estimate now of what would be required to replenish funds and also of what will be needed for some time in the future.

Mr. MILLER rose.

Mr. STENNIS. Does the Senator from Iowa wish me to yield for a question?

Mr. MILLER. Mr. President, I would appreciate it if the Senator from Mississippi would yield briefly to me.

Mr. STENNIS. I yield to the Senator from Iowa.

Mr. MILLER. I thank the Senator.

Mr. President, I commend the distinguished Senator from Mississippi, who is acting chairman of the Senate Committee on Armed Services. He knows very well what the requirements are, and I wish to let him know that I am fully in support of the pending appropriation measure. It seems to me that the joint resolution would merely be an implementation of a commitment which the Congress overwhelmingly made last fall. As I recall, a commitment was made, with only 2 dissenting voices out of the 535 Members of the House and the Senate, to support the President in his actions, including the use of armed force, to resist aggression in southeast Asia. I hope that there will be a yea-and-nay vote on the measure, and that the yea-and-nay vote will show not less than the vote that passed the joint resolution last fall.

Mr. STENNIS. The acting chairman of the committee expects to ask for a yea-and-nay vote.

Mr. MILLER. I appreciate that. However, I wish to make one observation.

I will support the joint resolution fully, because I completely support the President in his present policies with respect to the conduct of the war in southeast Asia. But I read in yesterday's Washington Evening Star an article which causes me some concern. The article is entitled "Great Society To Be Pushed Despite Crises, Johnson Says." I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, May 4, 1965]

GREAT SOCIETY TO BE PUSHED DESPITE CRISES, JOHNSON SAYS

President Johnson says first-quarter figures for 1966 show the economy is booming along at a great rate and that international crises are not going to slow down his plans for creating the Great Society.

Corporate profits at the end of the first quarter were 13 percent above last year and amount to $36 billion after taxes, Johnson told representatives of the national legislative council of the AFL–CIO building and construction trades department.

He said figures "just out of the typewriter" show there are 7,300,000 people working today, 1,500,000 more than a year ago.

Wages and salaries for the first quarter amount to $347 billion, an increase of 8 percent over the same period last year, he said.

"You don't know until you talk to the leaders of 314 other nations how much you've got to be grateful for, to be proud of," he told several thousand labor convention delegates.

He said some have said that parts of his domestic program should be put off because of the world problems.

"We're not going to put anything off," he said. "I promise you that no one, no group here or in any land, is going to stand in our way as we march forward. We're going to build a Great Society where no man or woman will be the victim of fear, poverty or hatred, where everyone will have the chance for prosperity, fulfillment and hope. No world problem must be allowed to divert us from building the Great Society at home."

TO PUSH PROGRAM

He said he would continue to push Congress to enact his legislative program. He said that before the Congress ends its work this year he wants it to be known as the "most productive, enlightened, progressive Congress that ever sat in Washington."

Johnson said that the three branches of Government—legislative, executive, and judicial—have never gotten along better and that "never in the history of the Republic has there been more cooperation with the President" from business, labor and other segments of the Nation.

In giving the statistics on the growth of the economy, Johnson said he did not begrudge the corporations a dime of their $36 billion profit after taxes because it meant that they had $72 billion "and I took half of it."

He said he is happy about the increase in wages because the Government man is there "with his scissors" cutting out withholding taxes. He said the better the workers do the better everyone does.

Mr. MILLER. Mr. President, it seems to me that this is an unexpected expenditure by our Government. It is necessary and should be supported. But at the same time, we should face the fact that we cannot conduct a war and have everything we wish to have on the domestic scene, as well.

I would hope that after the appropriation has been passed by Congress, the President would see fit to submit to Congress some recommendations as to how $700 million can be reduced in the various appropriations relating to some of his legislative programs. Anyone who thinks we can achieve the task of winning a war and at the same time go "all out" on the domestic scene is not facing up to the facts of fiscal life. We shall not be able to provide our men in South Vietnam and our allies with all the military equipment that is necessary to complete our program successfully there, at the same time spend hundreds of millions of dollars on various types of programs on the domestic scene, and hope that we shall be able to accomplish all of the programs well.

Something will have to give. Something will have to be delayed. The war effort cannot be delayed.

I would hope that in the very near future, if the President does not see fit to do so, the Committee on Appropriations itself would see fit to assign priorities and determine what programs on the domestic scene can be delayed, so that the Nation can get on with the war effort in the way in which we want the President to act and in a way which will make possible its successful prosecution.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. The Senator from Tennessee [Mr. GORE] has asked me to yield to him.

Mr. JAVITS. I shall take 5 minutes.

Mr. STENNIS. I shall first yield 10 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, U.S. soldiers are in South Vietnam under orders. They are there at the command of the Commander in Chief of the U.S. Armed Forces. They have no choice. I expect to support the appropriation. I find it untenable for American servicemen to be sent into an area of danger without having supplied to them the equipment and the materials by which they can execute their orders with maximum safety to themselves and the interests of the United States.

However, lest my vote be interpreted as a 100-percent endorsement of the policy by which American combat troops are in South Vietnam, I wish to say emphatically that it is not. I have heard on the floor of the Senate this afternoon repeated references to the passage of an earlier joint resolution as an endorsement of the policy which is now being executed and which the pending joint resolution would implement. I did not so intend. I did not intend by voting for that joint resolution to approve an escalation of the war or to approve the sending of combat units into South Vietnam. So I feel that with respect to the present issue I should make my position plain.

I support the pending appropriation, because wherever American soldiers are sent, they must be supplied with the necessary equipment and support.

I did not agree to—indeed, I counseled against—the assumption of the burden in South Vietnam in 1954, after the fall of Dienbienphu. I did not then believe that the United States should intervene in South Vietnam; I do not now believe that we should have done so. I counseled repeatedly during the administration of the late great President Kennedy against a widening of the commitment.

Members of the Committee on Foreign Relations know that in executive sessions of that committee, for 4 years, I have expressed grave concern, doubt, and reservation about the wisdom, advisability, and effectiveness of the policy being pursued in South Vietnam. It seemed to me that that was in pursuance of my duty as a Senator.

It was only after I had come to realize that an escalation of the war in dangerous proportions was in the offing that I spoke out publicly. I do not criticize anyone who spoke out publicly earlier, nor do I pin any roses on myself for having done so early in January. I did so because I felt the responsibility of doing so. It seems to me that our country is tempting fate and is practicing brinkmanship with the greatest tragedy that might face this country. Quite aside from the strategic value of this immediate piece of real estate, quite aside from the prestige of our country that is there involved, it seems to me that if we look at the situation on a broader scale, either one of two consequences might flow from a further escalation of the war in southeast Asia, neither of which would be favorable to our country.

First, we run the risk of becoming bogged down in an endless war on the land mass of Asia, leaving the Soviets free to work their machinations in Latin America, evidence of which we have recently seen; free to work their machinations in Africa and in the Mediterranean basin. We are bogged down in a commitment to a major war, the tragedy and consequence of which no one can foresee. Second, we tread a course which may have closed the breach and healed the schism between Russia and Red China.

One big factor that has made international communism so dangerous to freedom has been its monolithic unity. We have followed policies intended to drive wedges within that monolithic power.

I have supported, in debate on this floor, aid to Poland and to Yugoslavia in order to encourage revisionism, to chip off those countries from the monolithic body of the Communist world.

We did not earlier hope—at least, I did not—for the deep and wide schism that has developed between Russia and Red China. It has occurred without our making.

I warn the country and the President against the hazard and the danger of following a policy which may have the ultimate consequence of closing that breach and reunifying the Communist world. How could this be to our interest?

The Constitution places upon Senators not the power to command in this field, but to advise and consent. Because I feel this responsibility, I have spoken today. Having thus spoken, let me reiterate that I should like to see my country undertake a peace offensive.

I commended the President for his speech at Johns Hopkins University. I do so again.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. STENNIS. Mr. President, I ask that the Senator from Tennesseee be permitted to speak for an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for an additional 3 minutes.

Mr. GORE. Mr. President, it seemed to me that before then, the United States was in an untenable position. Though this was not the real position of my country and President, we were being portrayed to the world as refusing to negotiate for peace.

The President recovered from that position. He has offered to negotiate for peace without conditions. I commend him for it. However, as Congress makes ready to approve this measure to accelerate the firepower, I should like to see the President take advantage of the situation and simultaneously launch a peace offensive.

I suggest that after the firepower has been increased, the President propose a cease-fire, provided it is met in good faith by the Vietcong with a cessation of their violence. This would be a manifestation of the good faith of the country in desiring to negotiate for peace.

The citizens of our country accord to President Johnson 100 percent sincerity and good faith. There may be people in the world who do not. Perhaps a manifestation of good faith such as I have suggested, as Congress by an overwhelming vote would provide the guns, ammunition, planes, and materiel with which to fight a war, would be in the cause of peace.

I close by saying that I am unwilling to deny support to servicemen who are in Vietnam not of their own choice, but at the command of their country.

Therefore, I support the joint resolution. However, I urge President Johnson to undertake along with this, not an escalation of the war, but a peace offensive, which, I hope, will bring about a cessation of the killing and pillage that are now underway.

Mr. STENNIS. Mr. President, I yield 1 minute to the senior Senator from Massachusetts, and then I shall yield 10 minutes to the senior Senator from New York.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

Mr. SALTONSTALL. Mr. President, while I do not agree with the Senator from Tennessee, I appreciate the spirit in which he speaks as a responsible legislator. As I interpret his remarks, the Senator does not agree with all decisions made by the Commander in Chief, the

President of the United States. However, he supports the actions needed to carry out those decisions in order that his countrymen who are doing their duty in far parts of the world may have the means with which to do it.

That is the spirit in which I understand that the Senator from Tennessee is supporting the joint resolution.

Mr. GORE. The Senator is correct. I thank him sincerely.

The PRESIDING OFFICER. The senior Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, I have heard with great interest the views of the distinguished senior Senator from Tennessee. I associate myself with them. However, what I have to say is in addition to what the Senator has already said with respect to an offensive for peace, the design of the United States, and the reason for voting for this appropriation. I shall not repeat those words. They were excellently stated. I consider it a privilege to join in them.

What I say is a direct corollary to what has been said by the Senator from Tennessee. I cannot accept the statements of the President as to the meaning of my vote in support of this appropriation.

I wish to make it crystal clear that I reserve the right to vote differently than as the President in his message said I would be voting if I were to vote in favor of the appropriation.

The President has said:

> This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam.

If that were all he said, that would not be so bad. However, the President went on and said:

> For we will do whatever must be done to ensure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and Nation.

The President then stated:

> South Vietnam has been attacked by North Vietnam. It has asked our help.

Mr. President, I want to be consulted again, I say to the President of the United States, before we send divisions, rather than some of our Air Force and troops to protect our people who fight a war in Asia. I want to be consulted again. I expect to be consulted again.

I do not want my vote in favor of the appropriation to stand as my vote for the continuation of that policy. Suppose we were to have differences with the South Vietnamese and they were to say to us: "We do not want you here, Mr. American. Go home." I want to be consulted again if we decide that we are not going to go home, but intend to stay, which we might very well do, and might have to do. I do not take my vote as a blank-check commitment. It may be of interest to have a person who describes himself as a liberal speak about blank-check commitments. However, this is a very important point.

I believe that the President wrote a very good and interesting message to seek support for this appropriation. However, I believe that he is reading into the votes which will be cast here in support of the appropriation exactly the opinions of which the senior Senator from Tennessee spoke—our intention to support our troops and the policy so far as it has gone—but with a blank check for the future.

The Senate of the United States must advise and consent. When we encounter an incident which may involve a massive struggle with a tremendous number of casualties for years to come, I may very well vote in favor of it, and so may the Senator, and the rest of the country. However, I want to be consulted again. I am not voting for it at this time—not yet.

Now I think it is absolutely true that this is a novel situation. Wars of liberation, which the President is really dealing with now, open a new historic chapter in American policy.

I join my colleagues who have said that we would rather be doing this ourselves, knowing the dangers to our young men and women, than to be voting as we shall be doing. However, let us vote to take this responsibility step by step. Let the President and the Congress act as a team. Let it not be assumed by anyone that voting for this $700 million, which we do advisedly, and which is pursuant to a resolution of August 10, 1964, gives a blank check to the President, and that it is the last request he will have to make of Congress except requests for more money.

If the President is to send divisions to Asia to engage in ground struggles with the Vietcong, I expect the President to ask Congress for approval, in order to make sure that what they are doing there is being done with the consent of the local people.

Having said that, let me pledge myself, as I am sure all Senators will, to full responsibility for what we are doing. As everyone will be able to see, we are certifying the fact that we will not let communism be fixed on people without their consent. We consider it our duty to go ahead, as honorably as we can, and we will do it. This means the sacrifice of our treasure and, what is more important, the lives and shattered bodies of our young men. We understand it too well. But casualties in this hard world are not measured in an absolute way; they are measured relatively. The question is: What do we expend now in terms of what we may spend later? That is the spirit in which I shall cast my vote.

I hope the President will not let this vote go to his head. We are voting to uphold the President in this particular action, but we are not voting for the President to do everything in violation of our consciences and full consent. I expect to be consulted on future steps. If there is to be a ground war in Vietnam, or if South Vietnam has changed its mind about whether it wants our help, I expect to be consulted.

I thank the Senator for yielding to me.

Mr. STENNIS. Mr. President, the next request for time came from the Senator from Kentucky [Mr. COOPER.]. How much time does the Senator from Kentucky desire?

Mr. COOPER. Five minutes.

Mr. STENNIS. I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall vote for the joint resolution, to support the President, and our forces in Vietnam, but I vote for it with open eyes. When we voted in this body in 1964 for the joint resolution supporting the President, I said on the floor of the Senate at the time that we were granting to the President, prospectively, authority to take whatever action he thought necessary to repel aggression in Vietnam. I believe we provided to him then any authority that he needed for the action that he has taken in Vietnam.

I rise today to say that I consider this a solemn day and a solemn vote that we take. We have been conscious of the acceleration of military action in South Vietnam. But today, in our consideration and vote on this bill, we recognize that war in Vietnam has expanded and that no one can foresee the end.

We must recognize all the possibilities of an expanded war, even though it is one we do not cause. It is only fair to say that the open and direct intervention of South Vietnam may precipitate war with that country, and with Communist China. There is the possibility, horrendous though it may be to consider, of nuclear warfare, if Soviet Russia should intervene.

I wish to say again, as I have in the past on several occasions, that unrewarding as it may seem at present, the President should continue his efforts to find some avenue for negotiations, to find a just and honorable settlement. We have nothing to lose by so doing. If the Communists will not negotiate, so be it. We shall stand by our commitments. If they will negotiate, the United States is not required to accept any settlement that we do not think just and in accord with our basic policy.

In 1964, when I voted for the resolution, I said in the debate that as we were providing the President great authority I thought it imposed on him a very heavy responsibility to seek in every way possible a just settlement. The situation in Vietnam was not of his making, for we have been involved in Vietnam for 10 years. But as we pass this bill, recognizing the expansion of our involvement and the possibility of an expanding war, I express the concern, and one that I believe is held in the country, that the President will continue his efforts to secure a solution honorable to our commitments.

While the avenues for negotiation may seem closed, I remind the Senate that in 1954 when the Communists might have overrun all of Vietnam, negotiations did occur. Likewise, in Laos, in 1962, in a similar situation, negotiations were undertaken. While the results were not wholly satisfactory, the Communists did not take over Laos and South Vietnam.

I offer some suggestions, modest as they may seem. Although U Thant, Secretary General of the United Nations, has been rebuffed in his peacemaking efforts, I hope that our country will encourage his good offices. The United Nations has weakened, but still the position of U Thant carries weight and influence throughout the world.

Several friendly countries have offered their good offices and services—Great Britain, cochairman of the Geneva Conference, Canada, among others, and other nations who call themselves concerned nations. It is possible that the initiative of these and other countries, not immediately concerned, may be fruitful.

In South Vietnam we should make the greatest efforts to encourage stability in government, one that would give hope to the political and economic advancement of its people.

On March 28, speaking in the Senate, I urged that the President make clear that the United States was prepared to enter negotiations without "preconditions."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. May I have an additional minute?

Mr. STENNIS. I yield 1 additional minute to the Senator from Kentucky.

Mr. COOPER. Later, in his speech at Johns Hopkins, the President stated clearly that the United States would negotiate without preconditions.

I will vote for this measure to support the President, to support our forces—the men who are engaged in action in Vietnam. We stand together in times of crisis and danger. But I urge today, as I have in the past, and shall continue to do, that our Government continue to seek a solution, consistent with our honor, and with freedom. If it is not possible, we shall have done our duty.

Mr. STENNIS. Mr. President, I am delighted to yield 6 minutes to the Senator from Vermont [Mr. AIKEN].

The PRESIDING OFFICER. The Senator from Vermont is recognized for 6 minutes.

Mr. AIKEN. Mr. President, I quote from the President's message yesterday:

> This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam.

Mr. President, I wish to make it plain that my vote is not intended as an endorsement of the costly mistakes of the past, nor as authority to wage war in the future unless such war has been declared by Congress. I realize quite clearly the position in which the President has found himself. I have wanted Lyndon Johnson to be a good President. I have wanted him to be a great President. I have wished with all my heart that I could help him with his problems.

But I cannot let the impression go out from this Chamber that in voting for this appropriation I am giving blanket approval to waging undeclared war anywhere or delegating the right to express my thoughts to anyone.

Once we are officially at war, all our resources, all our finances, all our manpower, should be and will be dedicated to the winning of such war.

As a matter of fact, I doubt if the President needs the authority which would be granted in this joint resolution. I doubt if he has an urgent need for the funds which the Congress will vote him today. However, if we do not vote this money now, we will be asked to do so at a later date. Therefore, there is no reason, now that the request has been made, and refusal would be misunderstood and misinterpreted around the world, for delaying approval of the joint resolution for a matter of a few weeks at most.

I realize that the President is under great pressure. I realize that he has undergone great pressure from those whose only solution to international problems is war, to kill, and who wish to try out weapons which perhaps have not been tried on human targets before, those who take the position that we are powerful enough to lick the whole world, so why do we not do it now. I fear, however, that they do not give much consideration to what we would do with the world once it has been devastated and pounded into submission.

We who are in Congress are also beseeched by those who take the position that the United States is never right about anything, that Cuba and Castro are always right or that China is always right and the United States is always wrong. They used to say that Russia was always right, but they seem to have had some doubts about that recently.

Therefore we have to put up with those extreme opinions. U.S. policy is not always wrong, it is usually sound and good. I disapproved of the wholesale bombing of North Vietnam. I protested to the administration months ago. I do not believe that has helped settle the affairs of the world or even of southeast Asia. I believe that the reports of infiltration of men and supplies into South Vietnam from North Vietnam were greatly exaggerated. I resent the letters I receive from persons who believe that the United States is always wrong, because there is no country which has done so much to improve the lot of so many human beings in this world as has the United States of America.

Mr. President, I am glad that the President, in his recent statements, has left the door open and invited negotiation. I commend him for this action. I wish it had been done months ago, the offer probably would more likely have been accepted then.

So we offer to negotiate. Negotiate with whom? Negotiate with China? With Russia? With North Vietnam? With the Geneva conference parties?

The United Nations?—which has been disintegrating until it is now unable to perform its rightful duties at a time when they are needed most.

What about SEATO? That organization is apparently tottering on the rocks at the present time.

However, the President has offered to negotiate with anyone. If none of these countries accepts the President's offer and indicates a willingness to at least sit down at the conference table and talk the situation over, then they, too, are greatly at fault; and if the war continues, they will have to take the responsibility. I am talking about China and Russia—and all the other countries which could help bring the present conflict to an end if they so desire.

Mr. President, the United States now has an opportunity to prove its sincerity when it asserts that it has no ulterior motives, no territorial ambitions, no desire to tell people how to run their country, because now we have the situation in the Dominican Republic and if that situation can be handled properly—and the news reports this afternoon say that the OAS reports both sides have agreed to sit down and negotiate—then——

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. AIKEN. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senator from Vermont may proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 1 additional minute.

Mr. AIKEN. If we handle the situation properly and withdraw promptly after the OAS has established a stable government in the Dominican Republic, then we will have proved to the world what we are saying about our position in southeast Asia, that it has been said in all sincerity, and our prestige among the nations will be materially advanced.

I am sure that South Vietnam does not wish to be a territory occupied by the United States, any more than North Vietnam wishes to be a territory occupied by China.

There is an opportunity here, and I do hope that the President will concentrate on settling the Dominican Republic matter without delay. Then we can go before the rest of the world with our controversies in other areas and say, "Look, we have proved our case."

Mr. STENNIS. Mr. President, I yield 2 minutes to the distinguished Senator from Kansas [Mr. CARLSON].

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2 minutes.

Mr. CARLSON. Mr. President, it is my good fortune to sit next to the Senator from Vermont [Mr. AIKEN] on the Committee on Foreign Relations, and I therefore have a great opportunity to benefit from his sound judgment and excellent advice day in and day out.

Today, I wish to commend him for the statement he has just made regarding the situation confronting the Senate and, more personally, for his reasons for voting for the proposed legislation.

I, too, shall support the joint resolution.

Again, I find myself in the same position which the Senator from Vermont has just mentioned. I sincerely hope that every effort will be made, somehow, some way, to solve the problem by negotiation. We should overlook no effort to proceed as rapidly as we can in this endeavor.

One of the problems confronting the nations of the world, as I see it, is that they have not learned to live together except through force and military strength. It is not a satisfactory way. A solution should be sought in some other way.

I sincerely regret the inability and ineffectiveness of the United Nations, which I had hoped could be of some help. So far, the United Nations has been unable to demonstrate its usefulness.

Again, I wish to say that my position will be to support the joint resolution. I feel that the Senate must support the joint resolution. I wish the Record to show that I hope we will not be confronted with an escalation of the war with ground troops used in division strength, without certainly coming back to the Congress for advice and consent.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. How much time does the Senator from Oregon yield himself?

Mr. MORSE. Mr. President, I am not yielding myself any time, I am suggesting that the time not be charged to either side in order that I may suggest the absence of a quorum so that we may be in conference.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, if the Senator from Oregon will kindly withhold his request for a quorum call, the Senator from Idaho [Mr. Church] had some questions he wished to ask at this time.

Mr. MORSE. Of course I am glad to withdraw my request.

The PRESIDING OFFICER. The request of the Senator from Oregon is withdrawn.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. I am glad to answer any questions the Senator from Idaho [Mr. Church] may have.

Mr. CHURCH. I thank the Senator very much.

Mr. President, I ask these questions for purpose of developing a legislative record, in view of the experience we had last year with the resolution we passed, following attacks upon the American destroyers in the Gulf of Tonkin. During discussion of that resolution, the floor leader—then the distinguished Senator from Arkansas [Mr. Fulbright]—in response to many questions which were asked, kept emphasizing that he interpreted the resolution within the context of the attacks which had occurred in international waters in the Gulf of Tonkin. However, after the vote had been taken in both Houses of Congress, and after the character of the war had changed considerably, the resolution was often referred to as having, somehow, conferred congressional approval, in advance, on any step the President might take, even those decisions which greatly broadened the war, substantially increased the number of American troops, and extended the bombing into North Vietnam.

All of these things happened after Congress had acted and certainly were not foreseen at the time the vote was taken.

In the light of that experience, I should like to ask the distinguished Senator from Mississippi whether he construes the joint resolution as conferring congressional approval upon future acts in Vietnam about which we can know nothing at this time.

For example, would he construe the joint resolution as giving congressional approval to a future decision, let us say, to bomb Hanoi?

Mr. STENNIS. Well, I wish to answer the Senator's question as fully as I possibly can, but the Senator will have to remember that this is an appropriation bill, and it does not set policy language to any appreciable degree. The language speaks for itself as far as it goes. As acting chairman of the committee this morning, at the request of the Senator from Arizona [Mr. Hayden], I did direct questions to Secretary McNamara which precluded Indonesia, for instance, and other areas in southeast Asia as being within the contemplation of this joint resolution. However, I did not attempt to limit him to anything in South Vietnam. I do not see how we could.

No, I do not think this puts any limitation on bombing of other areas that are tied in with the conflict that is presently going on over there, which would include Hanoi.

As an individual Senator, I do not feel that a vote for the joint resolution is a vote for a declaration of war. If it were, I would feel compelled to examine this more closely and from other angles. I do not think it carries any limitation on the President's judgment with reference to carrying out his present activities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

The joint resolution states:

> For transfer by the Secretary of Defense, upon determination by the President that such action is necessary in connection with military activities in southeast Asia to any appropriation available to the Department of Defense—

And so forth.

Mr. CHURCH. I understand that there is no limiting language that would reduce the powers the President now holds. But what concerns the senior Senator from Idaho, is that his vote, which he would like to give in support of the money requested, because American lives are involved out there, and American troops must be furnished with all the equipment, supplies, ammunition, and protection that we can give them, may be construed as giving advance approval for decisions in the future that I have no possible way of knowing, such as the bombing of Hanoi, or, let us say, the enlargement of American combat forces in South Vietnam by some striking degree.

I do not know what might happen. I would not want my vote to be construed as an endorsement of moves which might entirely change the character or dimension of our involvement in southeast Asia.

As I understand it, the joint resolution is for the purpose of paying bills that are accumulating by virtue of our present policy and commitment in Vietnam. Is that not correct?

Mr. STENNIS. Bills are accumulating. Construction must take place for instance, to continue this same activity, and there is no limitation against going to Hanoi. I am frank to say that the Senator has brought up a very serious point. All of us must decide whether it will be black or white, yes or no. The Senator has brought up a very important point.

Mr. CHURCH. Mr. President, I should like to ask the Senator, once again, whether by voting for the joint resolution the Senator believes that each one of us endorses whatever action may take place in the future?

Mr. STENNIS. Well, I do not think so. No, I do not think so. But that is a decision that every Senator must make for himself. It is not a blank check. I do not believe we are signing a blank check. We are backing up our men and also backing up the present policy of the President. If he substantially enlarges or changes it, I would assume he would come back to us in one way or another.

Mr. CHURCH. I agree. The Senator knows that I have expressed misgivings about some aspects of our policy in Vietnam. At the same time, I have supported the action the President has thus far taken in stepping up our military initiative. My views are on record. They have not changed.

At the same time, I realize that our fighting forces in the field must be supported. But I would not want it to be said later—and it is for this reason that I have asked these questions of the Senator—that by my vote I have given carte blanche approval to future actions, which I cannot possibly forecast, that might greatly change the character of the war out there.

I believe that a full-scale American involvement in a land war in Asia would be the greatest possible calamity. I have endorsed the recent statements of the President that a political settlement must be reached in Vietnam and that he stands ready to enter into unconditional negotiations looking toward a peaceful solution. That is the policy as I understand it today. I have it from the President himself.

I believe during the last 2 months the policy has come a long way in the right direction.

I shall vote for the joint resolution, but I shall do so with the understanding, supported by this colloquy, that no blank-check endorsement of decisions to be made in the future is involved, which would drastically alter the dimensions of the American commitment in this part of the world.

Mr. SALTONSTALL. If I may add to what the Senator from Mississippi has said, I should like to quote from the House report:

> As the President stated in his message of May 4, "This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam."

I believe each one of us must interpret those words in accordance with our best judgment.

I certainly would interpret those words to mean what they say. As far as I am concerned, I am sure the President would come before us at a later time if what those words meant were to be greatly changed.

Mr. CHURCH. I thank the Senator. I have one more question.

Mr. STENNIS. I yield myself 1 more minute.

Mr. CHURCH. Is there anything in the pending joint resolution which would give the President greater powers than he now has in conducting American policy in southeast Asia, anything that would enlarge or extend his powers beyond their present scope?

Mr. STENNIS. I think not. There is a general outline of the operations now. I do not believe it excludes him from bombing Hanoi or related matters.

Mr. President, I yield myself a half minute more. The Senator from Mississippi is not trying to keep the floor; he is trying to serve the Senate.

We must save some time for debate. We have used an hour and a half of our 2½ hours. I do not know what the opposition may have in mind.

May I ask the senior Senator from Oregon if he expects to use any time this afternoon?

Mr. MORSE. On the time of the Senator from Mississippi, I will state that I should like to use 20 or 30 minutes.

Mr. STENNIS. Mr. President, I yield to the Senator from Texas for a question.

Mr. YARBOROUGH. Mr. President, I should like to ask the distinguished Senator from Mississippi a question. The President's message requesting the appropriation appears in the CONGRESSIONAL RECORD of May 4 at pages 9282–9284. The joint resolution which would appropriate the $700 million is limited to southeast Asia and does not include any funds for the action in Santo Domingo; is that correct?

Mr. STENNIS. It does not include any funds for the Dominican Republic.

Mr. YARBOROUGH. Only Asia.

Mr. STENNIS. It does not include any funds for action in the Dominican Republic. As of now, expenses for that activity can be readily covered by certain emergency funds in the appropriation bills for 1965 and 1966.

Mr. YARBOROUGH. There is an entirely different situation in Asia, where the combat has continued for 11 years under three different Presidents, from what I hope is temporarily the occupation of a portion of the city of Santo Domingo.

Mr. STENNIS. The Senator is correct.

I now yield 2 minutes to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I wish to state my support of the joint resolution making a supplemental appropriation of $700 million for military functions of the Department of Defense in connection with military activities in southeast Asia. I voted for this resolution earlier today, during its consideration by the Senate Appropriations Committee. I was present at the briefing at the White House yesterday, at which time the President stated the need for such an appropriation. Defense Secretary McNamara and Gen. Earle Wheeler appeared before a joint meeting of the Senate Appropriations and Armed Services Committees to justify the appropriation request, and, in the light of their testimony, I believe the appropriation to be justified and I hope that the Senate will approve the resolution unanimously. All of us regret the necessity, of course, of expending this Nation's men, money, and materiel in the struggle now being conducted in South Vietnam. Nevertheless, the necessity is clear, and I feel that a favorable vote on the resolution before us will constitute congressional endorsement of the actions of our Commander in Chief, our Defense Department, and our State Department in their efforts to thwart the Communist design to take over South Vietnam, and, following that, other countries in southeast Asia. A unanimous vote or a vote of near unanimity would be an indication to Hanoi and its Red Chinese and Soviet supporters that there is no real division within the Congress or among the American people when it comes to the question of standing firm in our commitments to free nations and our resolve to back up our commitments with whatever resources are required.

Too often in the past, as a result of statements, and speeches, and as a result of the recent pacifistic demonstrations which took place here in the Nation's Capital, our signals to Hanoi may appear to have been confused. On the one hand the President has made clear his determination to stand firm, while on the other hand there may have been some indication that he did not have the full support of the American people in this regard. An overwhelming or unanimous vote on this resolution will serve to eliminate the confused signals to Hanoi and should indicate to the Communists as well as to peoples in the free countries that there is no equivocation on our part and that we mean business. So, Mr. President, the resolution before us really constitutes more than a "nuts and bolts" appropriation. It constitutes a psychological action which can be all the more effective if speedily taken and if adopted overwhelmingly, and I hope unanimously.

Mr. MORSE. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 20 minutes.

Mr. MORSE. In 1955 I stood on this floor as deeply disturbed and moved as I am now. If I were to name the two times in my 20 years in the Senate when I have been the most greatly concerned, I would name, first, the time in 1955 when I pleaded with the Senate not to pass a preventive war resolution in connection with Formosa. The second time is today.

In 1955, I stood with the Senator from New York, Mr. Lehman, and the great Senator Langer from North Dakota. We were the only three who refused to vote for the resolution before the Senate then. Time has proved us completely right, for in that course of action the Congress of the United States then, as now, abdicated its constitutional responsibility.

The first point I wish to make is that no matter what semantics Senators use and no matter how much they protest—and they doth protest too much—the fact is that they are abdicating their clear constitutional duties under the Constitution of the United States, for, when they vote for this appropriation, they will again vote to give the President power to make an undeclared war. No Senator and no Representative under the Constitution of the United States has that constitutional authority. Senators can violate their constitutional trust all they desire to. But the senior Senator from Oregon will not be with them. In my judgment, what Senators will do in supporting the request of the President of the United States will be, in effect, action to support the President to continue his own violation of the Constitution of the United States. The President of the United States is acting outside the Constitution in conducting this undeclared war in Asia. Senators seek to give him additional authority, but it is not within their senatorial power, for they cannot delegate the power to make war.

Mr. President, in the interest of saving time, I ask unanimous consent that there be printed at this point in the RECORD article I, section 8, of the Constitution.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEC. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post offices and post roads:

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing

> such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:
>
> To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and
>
> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Mr. MORSE. Mr. President, that section vests the power to declare war in the Congress; and that is a power that cannot be delegated by a resolution.

PRESIDENT SAYS NEW MONEY NOT NEEDED, ONLY A NEW ENDORSEMENT BY CONGRESS

The next point I wish to make is that the Senate need not pass this appropriation measure, for the President, from his own lips in the East Room of the White House yesterday, told the members of the committees that he had assembled there that he did not need to ask for an appropriation. From his own lips yesterday the President told Members of Congress assembled that he has the legal authority to transfer the necessary funds. The President then proceeded to tell those assembled why he was doing it in this way.

The President wants to commit Senators again. He told those assembled in the East Room yesterday, in effect, that he wanted them to know that, when they voted for this joint resolution, they would again be committing themselves to support the President's policy in southeast Asia.

That policy has been one of international outlawry, besides having been a failure. It has been a case of the United States walking out on its clear international treaty obligations ever since we first started violating the Geneva accords of 1954. We started violating them in 1954, and we have violated them 24 hours of the day and night ever since.

Of course, others have, too. The Communists have, too. My colleagues have heard me say ad infinitum for the past year and a half here on the floor of the Senate that we and the Communists are the outlaws of the world in Asia, to the everlasting shameful discredit to the history of our Republic.

Mr. President, it is a pretty sad thing. In my judgment, we have a President who is worried about being on top of very thin ice so far as American public opinion is concerned. So the President now wishes Senators to come to his rescue again, as they did last August. He wants Senators again to support him so that he can say, "The Congress by a vote of 500 to 2 endorsed my policy." He is using Senators; and that is unfortunate because Senators have some vital questions to which they should have answers from the President of the United States before they fall into this Presidential trap.

I shall answer some of those questions before I finish this part of my speech tonight. But I wish to turn to my third point now.

FOREIGN RELATIONS COMMITTEE OPPOSITION RISING

Last Friday the Foreign Relations Committee met with Secretary Rusk on the situation in Vietnam. It gave the Secretary of State a bad time. The Secretary of State discovered that there was great concern within the Foreign Relations Committee about the overextension of U.S. policies in Vietnam. There were those on that committee protesting the interpretation of the resolution of last August 1964, to the effect that if the interpretation was the interpretation that this administration gave to it, they would not have voted for it.

I say most respectfully that I believe the interpretation of the administration as to what the Congress voted last August is absolutely correct. If Senators wish to extricate themselves from that trap, I say to them, "You ought to insist on certain questions being answered by the President of the United States before you move to support him again with such reservations as you wish semantically to make here on the floor of the Senate."

Listen to what the President in his message has told us:

> This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and Communist attack will not succeed.

If Senators want to know how far the House has gone in making legislative history on the joint resolution, let them read the report that was issued today. The House even goes the President one better in respect to the invitation of the President to have unity on the part of Congress behind him in what I think is a most unfortunate historic mistake my President is making. This is what the House report says:

> As the President stated in his message of May 4, "This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam."

The House does not intend any verbal reservations to be considered as limiting.

Are we really going to take the position that we take it upon ourselves to police the world in regard to Communist revolutions around the world? We have neither the resources nor the manpower for that police job. If we are to act unilaterally on the basis of this statement by the President and this pledge by the House, I warn the American people from my desk in the Senate today that we shall be drained both in blood and in economic power in the decades immediately ahead.

In my judgment, the vote the Senate will cast tomorrow can be described as a vote of destiny for the United States; but it will be a vote of destiny that will start the decline of this Republic, as great powers before us in the history of mankind declined after they, too, became drunk with military power. I say sadly and solemnly, but out of deep conviction, that today my Government stands before the world drunk with military power. My Government, apparently, has come to the conclusion that because of military power its dictates around the world will have to be obeyed.

That power will be challenged, and I believe we are now headed into decades of turmoil and strife. We shall win one military victory after another; we shall destroy cities, industrial installations, and nuclear installations; we shall kill by the millions. But in my judgment, that course of action will lay a foundation of hatred on the part of the colored races of the world against the American people. In due course of time, those installations will be rebuilt, not only on material foundations, but on the foundation of intense hatred by Asians for the people of the United States.

That hatred will even be inherited by generations of American boys and girls 50, 75, 100—yes, 200 years from now. It will be a foundation of intense Asiatic hatred that will eventually vent its vengeance upon future generations of American boys and girls. I shall never be a party to casting a vote in support of what I am satisfied will be such a program, irrespective of what may be said about my vote cast against the joint resolution.

Now I wish to speak a little about the flag-waving argument that has crept into the debate and has crept into the message the President sent to Congress. Waving the flag into tatters is no way to pay respect to the flag.

My answer to all the talk to the effect that our boys are fighting and dying in Vietnam, and that therefore it is necessary to enact the proposed legislation, is that it is not necessary to pass the joint resolution now in order to provide the necessary military equipment and support for those boys in Vietnam. My witness? The President himself, for he admits that he can transfer funds for the present to give those boys the protection they need. The joint resolution is but the vehicle which he seeks to have us climb aboard in order to give a semblance of unity for a bad policy.

UNITED STATES STILL SEEKS TALKS ON ITS OWN CONDITIONS

Even the support of Congress for the joint resolution asked for by the President would not give either the President or Congress the unity across the Nation that we may think will be achieved. I am satisfied that there is a growing tide of deep concern on the part of increasing millions of fellow Americans about the mistaken policy that the President and Congress are following by acting outside the framework of international law, making war on a unilateral basis, and killing, killing, and killing human beings who, even though they are enemies, are also children of God Almighty.

I am at a loss to understand the position taken by the administration in seeking to rationalize a unilateral military course of action by the United States in southeast Asia. It has been said in debate this afternoon: "High praise for the President of the United States for his Johns Hopkins speech." I do not praise his Johns Hopkins speech, other than to say that I am glad that, at long last, he at least talked about negotiation. But what kind of negotiation? Unconditional discussion. Did the President propose unconditional negotiation? He did not. Did the President propose to carry on a discussion with the Vietcong? He did not. It is generally recognized and granted that the negotiations would be with the North Vietnamese, with the assumption—and it is a false assumption on the part of the President—that the North Vietnamese represent the Vietcong.

The Premier of Japan sent a special emissary to South Vietnam to make a report to him because of the rising tide of public opposition in Japan to U.S. action in South Vietnam. The report to the Premier of Japan was that the overwhelming majority of the Vietcong are South Vietnamese, not North Vietnamese. North Vietnam does not represent the Vietcong; yet all the talk by the President of the United States about unconditional discussion and negotiation excludes the Vietcong.

Furthermore, there cannot be unconditional discussion when the discussion is supposed to be bilateral. The war in southeast Asia cannot be settled in a bilateral discussion between the combatants. It will be necessary to put at the head of the international negotiating table noncombatants having procedural authority vested in them by the Charter of the United Nations, article after article of which the United States has violated year after year ever since we went into South Vietnam.

When will the President propose that we lay the whole dispute before the United Nations, as we are obligated to do by our signature on that charter, and have the United Nations proceed at least to attempt to settle the war under the procedure of the one major charter that we have signed and which we and every signatory thereto committed ourselves to use when there was a threat to the peace of the world? I am sorry that our alleged allies, signatories to that charter, have not been willing thus far to bring the dispute within the procedure prescribed by that charter.

I say to my President, "Do not talk to the American people about unconditional discussion when you have a sorry record of never at any time being willing to let the United Nations come in and take jurisdiction, and you have not only the right, but also, in my judgment, the responsibility, of bringing this threat to the peace of the world before the United Nations to see what it can do." Perhaps it will fail. But, certainly we ought to clear our record. Certainly we ought to show our good faith. Certainly we ought to make the try.

It is rather interesting that the President of the United States in recent days has been talking so much about using the peaceful procedures of OAS, but not a whisper out of him about using international procedures in Vietnam.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MORSE. How much time have I used?

The PRESIDING OFFICER. The Senator from Oregon had 20 minutes.

Mr. MORSE. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for an additional 10 minutes.

Mr. MORSE. Mr. President, there has not been a whisper out of the President about using another charter which we have signed. Of course, we are dealing with different people. When we deal with Latin American allies, we are dealing with people who are more inclined to stand up against us. Mexico, Chile, Venezuela, Argentina were greatly concerned about the possible violation of the Organization of American States Charter by the United States in the Dominican Republic.

I said last Friday, and repeat today, that the President of the United States had the right as Commander in Chief, after he had been invited by the Government of the Dominican Republic, to move in to protect American lives. That is not intervention. However, may I say, as chairman of the Subcommittee on Latin American Affairs, that the President did intervene in violation of the Charter of the Organization of American States when he went beyond the evacuation of American nationals from the Dominican Republic. When the Organization of American States finishes writing the history of this intervention, we shall find that, to that degree, and in those particulars, the United States, under the Johnson administration, retreated 30 years or more into gunboat diplomacy. No, Mr. President; we are dealing with a different group, but the principle is the same.

If it was right for the President to plead, as he has—and I support him in the plea—for the application of the Charter of the OAS to the Dominican Republic crisis, he had an equal responsibility to make a plea for the application of the Charter of the United Nations to the South Vietnam crisis.

I believe it is obvious that the President has made up his mind that he is going to do everything he can to force a vote of confidence on his policy. I believe that he has serious doubts about the overextension of his policies in South Vietnam among American public opinion.

The President is determined to compel approval of what he is doing no matter what the cost to the Nation. When the Saigon Embassy was bombed, he demanded instant action—even though he had no need for the money. He demanded that Congress show its support of his policies. In his message he said:

> This bill will show them that the United States has no intention of abandoning them.

Yesterday in his message the President demanded that we prove by our vote here "that the Congress and the President stand united."

UNITED STATES LOSING BATTLE FOR MEN'S MINDS

For 15 years we have said that the struggle in the world is for the hearts and minds of men. We have had a decent respect for the opinions of mankind.

Today we are barging ahead, caring not for the opinions of mankind. We are offering world opinion to the Soviet Union on a silver platter. It is theirs for the taking.

This is what is happening to world opinion of the policies of the United States:

A Gallup poll in Great Britain shows that in February, 40 percent approved American armed action in Vietnam. In April, only 30 percent approved American action. In February, 31 percent disapproved of our action in Vietnam; by April 8, 47 percent disapproved.

In March the British were asked by the Gallup poll:

> Should a war come, do you think it is more likely to arise through the United States, Russia, or some other way?

The answers:

	Percent
Both United States and Russia	19
United States	13
Russia	15
China (volunteered)	15
Other way	14
Don't know	27

What fine company to be in. To think that even such a substantial block of British opinion is fearful that the United States would be the cause of another major war.

Mr. President, I ask unanimous consent that the entire poll be printed at this point in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

GREAT BRITAIN

TABLE 1.—*"If the U.S. Government asks Britain to help in the war in South Vietnam what should we do?"*

	Percent
Dec. 10–15, 1964:	
Send troops	10
Send war materials only	17
Take no part at all	46
Don't know	29
Feb. 18–29, 1965:	
Send troops	14
Send war materials only	22
Take no part at all	50
Don't know	15
Mar. 25–30, 1965:	
Send troops	10
Send war materials only	19
Take no part at all	56
Don't know	15

TABLE 2.—*"Do you approve or disapprove of the recent American armed action in Vietnam?"*

	Percent
Feb. 18–29, 1965:	
Approve	40
Disapprove	31
Don't know	29
Mar. 18–23, 1965:	
Approve	31
Disapprove	37
Don't know	32
Mar. 25–30, 1965:	
Approve	30
Disapprove	45
Don't know	25
Apr. 8–13, 1965:	
Approve	30
Disapprove	47
Don't know	23

TABLE 3.—*"A group of Labor and Liberal Members of Parliament have protested against the use of gas by Americans in Vietnam. Do you agree or disagree with this protest?"*

Mar. 25–30, 1965:	*Percent*
Agree	55
Disagree	30
Don't know	15

TABLE 4.—*"Should a war come, do you think it is more likely to arise through United States, Russia, or some other way?"*

Mar. 18–23, 1965:	*Percent*
Both United States and Russia	19
United States	13
Russia	15
China (volunteered)	15
Other way	14
Don't know	27

TABLE 5.—*"What do you think is most important for Britain?"*

Mar. 18–23, 1965:	*Percent*
To support the Americans in Vietnam	9
Try to get peace talks going in Vietnam	71
Don't know	20

TABLE 6.—*"It is sometimes said that the foreign policy of Britain depends too much on the United States. Do you think that this is true or not true?"*

Feb. 18–29, 1965:	*Percent*
True	47
True partly (volunteered)	18
Untrue	18
Don't know	17

TABLE 7.—*"Do you think the United States should continue its present efforts in South Vietnam, or should it pull out its forces?"*

Mar. 5–9, 1965:	*Percent*
Continue present efforts	40
Pull out	32
Don't know	28

TABLE 7(a).—*"If 'continue present efforts:' Should the United States continue its present efforts in South Vietnam, at the risk of a war spreading?"*

Mar. 5–9, 1965:	*Percent*
Continue present efforts	20
Should not	17
Don't know	3
All saying continue present efforts in table 7	40

TABLE 7(al).—*"If 'continue present efforts:' Should the United States continue its present efforts in South Vietnam, even at the risk of a nuclear war?"*

Mar. 5–9, 1965:	*Percent*
Continue present efforts	9
Should not	8
Don't know	3
All saying continue present efforts in table 7(a)	20

TABLE 8.—*"It has been suggested that a United Nations army deal with the problems in southeast Asia and Vietnam. Do you approve or disapprove of this proposal?"*

Mar. 5–9, 1965:	*Percent*
Approve	53
Disapprove	17
Don't know	30

FRANCE

TABLE 9.—*"Do you approve or disapprove of U.S. policy toward Vietnam?"*

Mar. 3–15, 1965:	*Percent*
Approve	10
Disapprove	41
Don't know	49

Source: French Institute of Public Opinion.

FRANCE AND WEST GERMANY

TABLE 10.—*"The French Government advocates the neutralization of Indochina (Vietnam, Cambodia, and Laos). Do you believe that under present circumstances this is desirable or not?"*

France, Oct. 10–19, 1964:	*Percent*
Yes	46
No	14
No opinion	40
West Germany, Nov. 1–23, 1964:	
Yes	27
No	32
No opinion	41

Sources: Germany—EMNID (Gallup affiliate); France—French Institute of Public Opinion.

WEST GERMANY

TABLE 11.—*"Recently the Americans bombed targets in North Vietnam heavily. Who is to blame for this escalation: The Americans or the Communists?"*

Mar. 1–15, 1965:	*Percent*
Communists	49
Americans	9
Mar. 1–15, 1965:	
Both equally	20
Undecided	13
Not queried because unaware of U.S. involvement in Vietnam	9

Source: Institute for Demoscopy.

Mr. MORSE. Mr. President, I say sadly that, in my judgment, Senators who vote "yea" tomorrow for the joint resolution will have voted for an undeclared war and for the continuation of an undeclared war. They will be voting, in my judgment, for an increased draft. They will be voting for the use of nuclear weapons if the President so desires. They will be voting for thousands and thousands of American casualties in the war that I am satisfied will result on a massive basis if we continue our policy in Asia. They will be voting for all that Goldwater stood for in the recent presidential election.

I am shocked by the difference between the New Hampshire speech of the President of the United States in that election and the policies of the President of the United States since the election. In his New Hampshire speech, the President clearly repudiated the Goldwater program. However, since the election, in my judgment, he has carried out in full measure the Goldwater program.

Senators who vote for this joint resolution will also be voting to carry out the Goldwater program. In my judgment, they will be voting to make Americans the most hated group of people on the face of the earth at the present time. Senators who vote for the resolution will be voting to make the President a dictator, or attempted dictator, over the conscience of this Nation. They will be voting to turn the conduct of foreign policy over to the Pentagon and the Joint Chiefs of Staff. They will be voting to amend the Constitution by taking away from Congress the power to declare war. However, they cannot do that constitutionally.

The check will still be vested in the American people at the ballot box. I am satisfied that many Members of Congress will understand that check in 1966 and 1968. By that time, I believe that the American people will be sufficiently aroused in regard to the uncalled for mistake that is being made that they will exercise their present right to vote their check.

Mr. President, we have stood firm, it is said by some, because of the domino theory. But, let it be understood again that the State Department itself repudiated the domino theory. But it ought to tell the American people so. It should not confine its statement to the executive sessions of Senate committees.

That is why the senior Senator from Oregon has warned the Senate time and time again that this administration has not been telling us the facts about the situation in southeast Asia. Let the Secretary of State deny my statement that the State Department is on record in repudiation of the domino theory.

However, Mr. President, if we want to stay with the domino theory for a while, the dominoes are falling. But they are falling under the present policies of this administration—Pakistan, Indonesia, India, the Philippines, Japan, and France—all former friends or allies—now question or oppose American leadership in southeast Asia.

What about the free world that is following the U.S. leadership? Where are they? They are not in Vietnam. Where are these allies in Vietnam? Australia announced that it would have 800 men over there. But, it ought to get its contingents over there to keep the peace, not to make war. They ought to be pleading with the United States and other nations involved in this dirty war to join forces in sending in whatever number of divisions are necessary to maintain peace, not to kill—to carry out the procedures of the United Nations, not kill; to substitute the rule of law, which we claim is our ideal, for the rule of American jungle law in Asia, not to kill. That is where the allies ought to be standing.

WAR IN VIETNAM NO LONGER BEING HANDLED AS A FOREIGN POLICY MATTER, ONLY MILITARY

I also ask—and this is the first time this has been mentioned in the debate—What has happened to the Foreign Relations Committee of the U.S. Senate? The Foreign Relations Committee of the U.S. Senate has been bypassed. Since when, may I ask the Senator from Mississippi and others, should a question of authorization in regard to American foreign policy be transferred to the Armed Services Committee and the Appropriations Committee of the Senate so far as this body is concerned? This measure proposes a position on foreign policy; and the Senate Foreign Relations Committee ought to have been called into joint session with the Armed Services Committee, at least, to decide whether or not this authority should be authorized.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself another 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for another 5 minutes.

Mr. MORSE. Mr. President, the supporters of this resolution apparently want war cheap. We have even heard them "let it out of the bag" that we ought to cut domestic expenditures while this trouble is going on. Unfortunately, on both sides of the aisle there are Senators who would like to join in defeating the Great Society domestic program of the President which is in keeping with our obligations under the general welfare clause.

I find myself in the unhappy position of agreeing with the President 99 percent of the time on his domestic program and with much of his foreign policy program. Only on his warmaking program do I disagree. I think the warmaking program is going to be the President's Achille's heel. I believe that in due course of time the American people will repudiate the program and those who support it.

It is proposed that we use aircraft instead of men. Mr. President, let the administration tell the American people the facts about any such argument. Let anyone in the administration deny what I now say. This administration knows, and states, but not publicly, that we cannot defeat Red China with airpower. We cannot defeat Red China with bombings, conventional or nuclear.

PLANS FOR WAR WITH CHINA ARE WELL ALONG

It is the pronounced position of this administration that with bombing, conventional and nuclear—if the dirty war is not stopped, there will be nuclear as well as conventional bombing—we can bomb all the cities and bomb Red China's nuclear installations, but they will be rebuilt, in terms of history, for to the Chinese time has little meaning. We can kill millions of people by bombing, and still we cannot defeat Red China by bombing. That is an admission of the administration. Let them deny it tomorrow or tonight.

Therefore, they are preparing to meet Red China on the ground, with American troops. How many? To begin with, a minimum of 300,000. As Professor Morgenthau, of Chicago University, said when I lectured at that institution not long ago, we shall have to start with 3 million. Hundreds of thousands will come back to the United States in coffins in the first 18 months.

Let me say to my colleagues and, from my desk, to the American people today: Continue this escalation, and if Red China moves on the ground and we move in with 300,000 men, plus hundreds of thousands more as that war bogs down, in my judgment, we shall have performed a criminal act against the history of mankind, when it is so unnecessary.

We have the clear moral obligation to exhaust every possible step to avoid such an unnecessary war, and that, I say to my President most respectfully, up to this moment he has not done. Mr. President, you have not done it, and you owe a duty not only to the American people but to the people of the world to make use of existing international procedures, through the Charter of the United Nations, to try to get United Nations support.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself 5 minutes more.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 more minutes.

Mr. MORSE. Let us face it. The President is pressuring this Congress because he does not intend to change his policy. Many Members of Congress seem to think he is doing the best he can, but what he is doing is building up massive world resentment among the very people we have been saying for many years we want to win over to the cause of freedom.

The policies of the President of the United States are driving millions of people into the arms of communism, because Asians will stand up against white men, and even American white men. Asians are no longer going to let any western power dominate Asia or establish a dominating foothold in Asia.

I close this part of my opposition to this joint resolution with these questions to the President of the United States:

Mr. President, are you ready to tell the American people whether or not you are ready to fight a ground war with China?

Mr. President, are you ready to tell the American people how many hundreds of thousands of men you will have to use to start with?

Mr. President, are you willing to intervene in every Communist revolution that may arise, in Asia or elsewhere in the world?

Mr. President, you owe it to the American people to clarify some of the statements you have made in recent days in regard to what we are going to do in regard to the Communist threat. Are we going to take a unilateral position in regard to Communist uprisings in other parts of the world?

As I said in the beginning, Mr. President, if that is your position, you are going to take a position that is going to bleed the United States, both economically and in actual blood.

Are we willing to substitute our military power for settlements of threats to the peace when, under our treaty obligations, we should get other nations to join with us in peacekeeping, rather than in warmaking, as we did in the Gaza strip, in the Congo, and in Cyprus?

Mr. President, what great precedents of international law we helped to mold in respect to those three great threats to the peace of the world. Yet we walk out on our dedication to international law as a substitute for international jungle law in southeast Asia. When are we going to return to our treaty obligations?

Mr. President, are you ready to tell the American people that, if this course of action brings this country into conflict with China, and even possibly Red Russia, you are ready for a nuclear war? Are you ready to fight a nuclear war over the issues that have arisen in Vietnam?

Tell it to the American people. They will give you their answer, if that is your position, Mr. President.

I am satisfied that the overwhelming majority of the American people will repudiate you if that is what you are willing to do.

Mr. President, I have already covered the point about having offered to negotiate for peace without conditions, but we did not offer to negotiate for peace without conditions because the Johns Hopkins speech is not subject to that interpretation. The President continues to say that he is willing to go anywhere, anytime, to negotiate, but he is talking about bilateral negotiations. I am talking about multilateral negotiations, with a third party force at the head of the table.

I have been heard to discuss many times in the Senate our violation of the Geneva accords.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Oregon is recognized for 5 additional minutes.

VIOLATIONS OF GENEVA ACCORDS TO BE FINANCED WITH THIS MONEY

Mr. MORSE. Let me quickly point out that the Geneva accords did not set up a government in South Vietnam. The President keeps telling the American people that we went into South Vietnam in answer to an invitation from a government of South Vietnam. But no sovereign government for either north or south was provided for in the 1954 agreement. It was a puppet government of the United States, set up by the United States that became the Government of South Vietnam. We took a South Vietnamese named Diem out of New York, sent him to South Vietnam, militarized him, financed him, and supported him, and then used him as our stooge for the abili that we are in South Vietnam on the basis of an invitation from the Government of South Vietnam.

Mr. President, that is as much a Government of South Vietnam free of the United States as the Government of East Germany is free of Russia. Both are puppet governments. All we have done in South Vietnam is to pattern ourselves after Russia in East Germany. That is shocking. However, history will record its truth.

Mr. President, we talk about democracy in South Vietnam, but the United States has been the major force in preventing democracy in South Vietnam.

The Geneva accords created two zones, with an artificial line drawn at the 17th parallel. It was provided in the accords that in 1956 free supervised elections be held in both zones, which would provide for reunification of North and South Vietnam, and for the election by self-determination of officials of the government. That is what the Geneva accords provide. The United States, of course, refused to sign them and persuaded its puppet, Diem, not to sign them either. Yet the President keeps saying that we are in South Vietnam because the Geneva accords are being violated.

Being violated by whom? By the Communists? Yes, by the Communists—and also by the United States and South Vietnam.

We are all tarred with the same brush in regard to violations of the Geneva accords. However, one of the saddest chapters in the sordid history of the United States in South Vietnam is that it prevented the election in 1956.

How well I remember, as a member of the Committee on Foreign Relations, sitting through the briefings of our intelligence reports in regard to that situation. Thank God, I protested at that time. I also protested in 1954 the attempts of Mr. Dulles and Mr. Nixon to get the United States to join in sending American boys into South Vietnam. I protested then, as the record will show, what I considered to be the shocking secret diplomacy of John Foster Dulles, when he went to London and tried to get Winston Churchill and Anthony Eden to enter into a secret deal with him, whereby he would pledge American boys, and the British would pledge British boys, and then they would go across the channel and promise the French Government that if France would continue the war, they would support France with American and British troops.

Winston Churchill refused to accept the deal, as Eden points out in his memoirs. Churchill told the Secretary of State of the United States, "Do you not think that would be deceiving the Congress of the United States?"

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Oregon is recognized for 5 additional minutes.

Mr. MORSE. Mr. President, in 1954, the American people were not protected by John Foster Dulles. They were protected by the then Prime Minister of England—Winston Churchill—against Dulles' stock in trade, his secret diplomacy, whereby he always came before the Committee on Foreign Relations with an accomplished fact, an agreement into which the United States had entered in secret, and then his plea was, "You cannot let us down. The Government has negotiated it. You cannot let us down."

The Senate must understand why, during the 20 years I have been a Member of the Senate, I have pleaded against government by secrecy in the United States.

Let me say to the American people tonight: "You are already a long way down the road toward control by a government of secrecy."

I wish to return this Government to the checks and balances of the Constitution of the United States. I wish to give some assurance that the secret diplomacy of a Dulles can never rear its ugly head again to endanger the destiny of America.

The United States prevented the elections in South Vietnam. Had those elections been held, what did the intelligence reports show? They showed that the previous American hero, Ho Chi Minh, would have been elected president of both South and North Vietnam in a unified country.

Most Americans do not know the story of Ho Chi Minh. During World War II, he was an American hero. However, he is a Moscow-trained Communist. I hold no respect and no support for this despicable Communist ideology. I do not have to offer any explanation of my position on communism to the Senate. I shall always point with pride to the fact that I am one of the three authors—along with Jack Kennedy, of Massachusetts, and HUBERT HUMPHREY, of Minnesota, in 1954—of the amendment which was passed and became law, outlawing the Communist Party in the United States.

Because I opposed our policies in Asia I must expect—and I am "getting it" from reactionary columnists—to be criticized because I am aiding and abetting communism because I do not believe we can justify, either in theory or in policy, following a unilateral policeman's course of action in seeking to contain communism everywhere in the world.

Ho Chi Minh, the North Vietnamese Moscow-trained Communist, languished for a year in a Chinese prison. He hates Chinese Communists, although we are driving him into their arms. There is not a single country in southeast Asia which is pro-Chinese. The interesting thing is that all the countries in southeast Asia—including South Vietnam which opposed China for 1,000 years—happen to be anti-Chinese. Yet, if we follow President Johnson's foreign policy in Asia, we are going to end by unifying them. They will hate us more than they will dislike each other. That is the great challenge which confronts us.

In this resolution are provided the funds for another series of violations of the 1954 Geneva agreement. The President states the money will be used to construct military installations and warehouses, which are illegal under the accords, to maintain U.S. troops whose presence is illegal under the accord, and to buy more aircraft, nearly all of which are illegal if they are anything more modern than what was in use then in 1954.

How can Senators, or the President, talk any more about Communist violations of the agreement, when with this resolution we are formally repudiating it?

Mr. President, there has been great wrong done on both sides, but our hands are not clean. Our hands are not clean, as we lawyers say, in a court of equity. Our hands are not clean in another respect. Our hands are bloody, because we have been conducting a war of outlawry.

Mr. President, I wish to see my country cleanse itself. I wish to see my country change its course of action. It has stood by as an accessory to the violation of the Geneva Treaty for the handling and treatment of war prisoners.

UNITED STATES VIOLATING RULES OF WARFARE

Did Americans ever believe that they would live to look upon pictures of American soldiers in South Vietnam standing by witnessing shocking and heinous personal crimes committed upon the bodies of captured prisoners?

Have any Senators read anywhere or heard anywhere of any protest of the United States to the United Nations in respect to the violation of the Geneva Treaty on the handling of war prisoners? Were not Senators shocked at least a little bit the other day when they read in the United Press dispatch that South Vietnamese soldiers put a length of cloth around the throat of a Vietcong soldier and conducted a tug of war over his throat because he would not squeal and talk?

I thought it was interesting that the United Press dispatch made reference to the fact that U.S. military forces were standing by in silence.

I say, tell the American people the truth. Tell them the truth about our participation in this dirty war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself 2 more minutes.

Tell the American people the truth about our violation of the Geneva accords. Tell the American people the truth about our acts as provocateur in southeast Asia for many years. Tell the American people the truth about what we plan to do in southeast Asia unless the Vietcong and the North Vietnamese and the Red Chinese put their diplomatic tails between their legs and come to a conference of the type referred to by President Johnson in his Johns Hopkins speech, which means, when we analyze his statement, that they must come and surrender.

They have no intention of surrendering, any more than we have.

That is why we must bring in third-party efforts under the existing procedures of international law to conduct the negotiations, with the United States and South Vietnam on one side and the Red Chinese and the North Vietnamese on the other side, although as of now only the North Vietnamese would be included. However, Red China should be there, too, because, although she has not shown her hand above the board, I am satisfied she is already there working under the table.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself 1 more minute.

Mr. President, that is my plea. It is unpopular at the present time in the Senate. I suspect that tomorrow two votes will be cast against the joint resolution, namely my vote and the vote of that great Senator from Alaska [Mr. GRUENING]. I shall always be proud to walk in his footsteps on this issue. I believe we can be sure of those two votes. In my prayers tonight, however, I shall pray that other Senators may recognize the facts about our sordid record in southeast Asia before they vote tomorrow, so that there may be more votes against the joint resolution. Whatever the outcome of the vote, I say to the President and to my colleagues in the Senate: "Your vote tomorrow will not settle this issue so far as American public opinion is concerned, for I am satisfied that American public opinion will eventually hold you to an accounting, and that accounting will be by way of repudiating support of the President's request that you now give him by way of a vote of confidence to conduct and carry on a war of outlawry and an undeclared war in southeast Asia."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself 1 more minute. This is a war that cannot be reconciled with article I, section 8 of the Constitution, and cannot be justified on the ground of the inherent power of the Commander in Chief. That inherent power lasts only so long as it is necessary for him to respond in the interest of meeting an emergency, and he has the clear duty of proceeding as quickly as he can to Congress to ask for a declaration of war.

That the President has not done. I ask him, as I close: "Mr. President, when are you going to do it? When are you going to keep faith with what I consider to be your trust to abide by the Constitution of the United States?"

Mr. STENNIS. Mr. President, I am sure the debate will resume tomorrow. I wish to yield 2 minutes to the Senator from Massachusetts.

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. SALTONSTALL. Mr. President, it is my understanding that the senior Senator from Oregon made certain comments earlier about the Dominican Republic, particularly about the President taking action without consulting the Organization of American States. It is my understanding that on Tuesday, the 27th of April——

Mr. MORSE. I did not say that. Quite to the contrary. I pointed out that the President is using the OAS. I wanted to know why he was not using the United Nations in Vietnam. He is working through the Organization of American States.

Mr. SALTONSTALL. He tried to work through the Organization of American States prior to sending in the marines. That is my comment.

Mr. MORSE. There is doubt about the time. It was within a few hours, one way or another. I made the point that the Organization of American States has been very much divided and are divided with regard to the course of action that we followed. I pointed out that this will rise to plague us.

Mr. SALTONSTALL. I shall not argue with the Senator from Oregon as to what he did or did not say.

It is my understanding that on Tuesday, the 27th of April, our Government notified the Peace Committee and had a discussion with the Peace Committee. No action was taken.

On Wednesday, the 28th, a Council of Ministers meeting was held in the morning. I believe some discussion was had with the Dominican Ambassador.

Our marines were sent in there in the evening of the 28th, I believe about 9:15 p.m.

The OAS was not notified at that time that they were going to be sent in, because the time was so short.

American civilians, including women and children, were lying on their faces. The Embassy was being shot at.

The Department of State did call the OAS after the marines had been ordered sent in.

I point out that an effort was made to get action through the OAS prior to sending the marines into the Dominican Republic, on the evening of April 28.

SUPPLEMENTAL APPROPRIATION FOR MILITARY FUNCTIONS OF THE DEPARTMENT OF DEFENSE

The Senate resumed the consideration of the joint resolution (H.J. Res. 447) making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

Mr. STENNIS. Mr. President, I yield myself 1 minute. The debate will resume tomorrow, I am sure. I must reserve some time for other Senators. By way of a quick summary, I say to the Senator from Oregon that he was brilliant, as always, in his argument. He raised some serious points.

No one can guarantee the future. Certainly the Senator from Mississippi cannot guarantee it.

I feel that unless we appropriate the money requested we shall be giving notice that we are backing out from what we started. To whom would we give that notice? We would be giving it not only to the American people, but also to those who are arrayed against us, the North Vietnamese, the Communist Chinese, and the Communist Russians. This we cannot afford to do. If we are to change our course, we must do it in one way or another, but not by refusing to pass a military appropriation measure to pay for the steel and iron and ammunition and food and all the other things that are needed.

Mr. MORSE. Mr. President, I yield myself 1 minute. We would not be backing out if the President, instead of asking us to make the appropriation, were to make it clear that he will lay the issue of southeast Asia before the United Nations.

That would not only be a backing out, but it would be acclaimed around the world. But if the President wishes to follow a warmaking course of action, then rather than ask Congress to support his undeclared war, let him come forth with a recommendation for a declaration of war against North Vietnam, and let Members of Congress then stand up and vote on a clear issue as to whether or not they want to bind this Republic in war. That is the duty of the President. He has two alternatives, and they do not constitute a backing out, no matter which alternative the President takes. But the action would give clear notice as to what the position of the United States really is.

Mr. STENNIS. Mr. President, the debate will be resumed tomorrow, at which time I shall have some further remarks to make.

Mr. PELL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 1 minute to the Senator from Rhode Island.

Mr. PELL. Mr. President, I shall vote for this authorization of $700 million because our President says support of it is necessary to halt Communist aggression in South Vietnam, a condition that is necessary for the achievement of peace and stability in southeast Asia.

I vote for this appropriation, though, with a heavy heart just as I am sure our President does in asking for it, because what we are voting is not simply the expenditure of dollars, but the expenditure of American and Vietnamese lives. For this reason, I fervently urge our President and our administration to make every effort to avoid escalation of this war.

Our President has had more than a normal President's share of responsibilities, problems, and critical decisions. And he has always handled these problems with decision, with resolution and with compassion. Accordingly, I support him in this request.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair, on behalf of the Vice President announces the appointment of Senators MORSE and HICKENLOOPER as members of the Second Special Inter-American Conference, to be held at Rio de Janeiro, from May 20 to June 4, 1965.

The Chair on behalf of the Vice President, pursuant to 49 Stat. 425, also announces the appointment of Senators GORE, MONTOYA, DOMINICK, and FANNIN as members of the Fourth American Inter-Parliamentary Conference to be held at Buenos Aires from May 25 to May 31, 1965.

VOTING RIGHTS ACT OF 1965—AMENDMENTS

AMENDMENTS NOS. 157 THROUGH 161

Mr. ERVIN submitted five amendments, intended to be proposed by him, to the Mansfield-Dirksen amendment (No. 124), in the nature of a substitute, to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 162

Mr. KENNEDY of Massachusetts (for himself and Senators BARTLETT, BASS, BAYH, BREWSTER, BURDICK, CASE, CLARK, DODD, DOUGLAS, FONG, GRUENING, HARRIS, HART, INOUYE, JACKSON, JAVITS, LONG of

Missouri, MAGNUSON, McGOVERN, McINTYRE, McNAMARA, MONDALE, MORSE, MOSS, MUSKIE, NELSON, NEUBERGER, PASTORE, PELL, PROXMIRE, RANDOLPH, RIBICOFF, SCOTT, SMITH, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio) submitted an amendment, intended to be proposed by them, jointly, to the Mansfield-Dirksen amendment (No. 124), in the nature of a substitute, to Senate bill 1564, supra, which was ordered to lie on the table and to be printed.

RECESS

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 12 o'clock noon tomorrow. Before the Chair puts the motion, it is the understanding of the Senate that after the prayer, there will be no morning hour, but the Senate will proceed with the pending question.

The motion was agreed to; and (at 6 o'clock and 2 minutes p.m.) the Senate, pursuant to the order previously entered, took a recess until tomorrow, Thursday, May 6, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 5, 1965:

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

James L. Abbot III
Hugh R. Adair
David J. Adams, Jr.
Frederick A. Adams
Roy C. E. Ahlgren
Edward C. Alexander
Carl H. Allen, Jr.
John C. Allen
Wayne R. Allen
Stephen B. Allman
Harold F. Amerau, Jr.
James F. Amerault
Daven A. Anderson
David W. Anderson
Robert A. Andretta
Kenneth J. Andrzejewski
Rodger A. Asbury
Robert B. Avery
David L. Bailey
Frederick E. Baker
Ronnie B. Baker
Ronald M. Bancroft
Donald G. Barger, Jr.
Herbert E. Barnett, Jr.
Philip C. Barr
Raymond T. Barrett
Thomas A. Barry
Jonney L. Barto
William C. Bartusek
Merrick Bayer, Jr.
Richard D. Bayer
Walter B Bayless, Jr.
Robert L. Beauchamp
Alan R. Becker
David R. Bell
Brookes M. Bendetsen
James L. Benson
Alan C. Bernard
Frederick M. Berthrong
Conrad C. Best
William M. Biggs
Clyde L. Bingham
Barry S. Birch
John F. Birmingham, Jr.
Douglas L. Bishop
Ronald F. Bishop
Charles G. Blaize
Leonard F. Blankner III
Norman G. Bliss
William M. Bliss, Jr.
Paul S. Bloch
John G. Bloomer
Warren W. Boles
Doyle J. Borchers II
Michael W. Bordy
Thomas J. Bove
Ammon W. Bower III
Larry D. Brady
Frederick N. Broberg
Samuel L. Brogli, Jr.
Jonathan P. Bromberg
Edward J. Broms, Jr.
George H. Brown III
Michael T. Brown
Robert D. Brown, Jr.
Robbins E. Brown
Stephen R. Brown
Wendell E. Brown
Joseph M. Browne
Frederick J. Brush, Jr.
Robert B. Bryant
Terry L. Bubnash
William G. Burd, Jr.
Richard E. Burdette, Jr.
Paul D. Burgess
Anson H. Burlingame, Jr.
Francis M. Burns III
Walter F. Burns III
Dee W. Burrows
John A. Burt
Robert P. Bush III
Robert L. Bushong
Charles M. Butterfield
Stewart W. Caldwell
Franklin W. Calkins, Jr.
Jeffrey E. Callahan
Garry W. Campbell
John L. Camphouse
Thomas P. Carson, Jr.
James J. Carter
Stanley J. Carter, Jr.
Randall M. Case
Kenneth M. Castelano
Robert L. Champoux
Douglas C. Chisholm
John E. Chubb, Jr.
Stephen D. Chubb
Gordon R. Chubbuck
Joseph F. Clare
Gordon Clarke, Jr.
Raymond H. Clary, Jr.
Marlin D. Clausner, Jr.
Ronald L. Claussen
Fred J. Clift
John B. Clodig
Lewis L. Coburn
William J. Cochran
John B. Coleman, Jr.
James E. Coleman
John P. Collins, Jr.
Thomas J. Colyer
Michael J. Concannon
David D. Conniff
Robert F. Cook
William P. Cooper
John R. Cope
Frank L. Corah
Michael T. Coyle
William J. Criss
Joseph L. Croteau
Gilbert C. Crouse, Jr.
Thomas B. Crowder
Loyd A. Crowe, Jr.
Theodore T. Czech
Arthur H. Czerwonky
William R. Dailey
John E. Daly III
Matteo J. D'Amico
Paul A. Damrow
Paul P. Daulerio, Jr.
Bruce E. Davidson
Fleet G. Davis II
Mark S. Davis
Norman A. Dean
Joseph A. Deitch
Vincent J. DeNicola, Jr.
Elliott-Kenneth K. M. DeMatta
John V. DeThomas
John C. DeVine, Jr.
Thomas W. DiFransico
William A. Diproflo
Ralph P. Dobson
Hugh M. Doherty
Peter J. Dolan
David W. Driver
Cornelius R. Duarte
John R. Duck, Jr.
Fabrizio M. Dudine
William A. Duncan
Brian J. Doherty
Wayne C. Durham
Samuel R. Dutrow, Jr.
David M. Eaton
George A. Eaton, Jr.
Rufus O. Eddins, Jr.
James N. Edwards, Jr.
George L. Eggert
Philip R. Elder
Richard C. Emerson
Edward R. Enterline
Michael J. Epprecht
William J. Erickson
Eric R. Ernst
Craig L. Etka
Gordon J. Evans
Thomas Y. Eversole
Andrew W. Fahy
Joseph E. Faltisco
William A. Farnsworth, Jr.
Richard S. Farrell
Roger F. Fasting
Joseph D. Favaro
Charles H. Fehrs
Joseph P. Ferrara, Jr.
Edward R. Fickenscher III
Robert A. Finley
Stephen J. Fischer
Patrick E. Fitch
Preston H. Fitzgerald
William E. Fitzpatrick, Jr.
Daniel V. Flanagan, Jr.
Norman P. Fluhrer
Ernest A. Flynn
John P. Flynn
John S. Foard, Jr.
Reau E. Folk II
George T. Forbes
Robert E. Fornal
Clarence A. Foy, Jr.
John J. Foy, Jr.
William D. Fraher III
Gerald F. Franzen, Jr.
Joe N. Frazar III
William A. Fries
William J. Frigge
Bruce L. Fuller
Harry P. Fulton, Jr.
Peter M. Galbraith
Thomas S. Galbraith III
Edwin J. Gale
Richard W. Gardner, Jr.
Lynn F. Garst
Joseph A. Garuba
Vincent F. Garvy, Jr.
Ira Gaston III
Thomas R. Gatliffe
Edwin P. Geiger, Jr.
John A. General
Richard P. Genet
Hugh J. Gillogly
George M. Giltinan
Paul E. Girard
Frederick J. Glaeser
John K. Glenn, Jr.
Peter D. Gness
Rene E. Gonzalez, Jr.
Howard W. Goodroe
Michael R. Goodwin
John L. Grady
Gary C. Granai
Oscar E. Gray III
Floyd F. Grayson, Jr.
Robert A. Green
Dana T. Griffen
Michael A. Griffin
Robert S. Grimm, Jr.
Robert N. Groce
Geoffrey J. Groves
William L. Gsand III
Francis L. Gunther
Fred P. Gustavson
Judd G. Halenza, Jr.
Donald A. Hallwachs
Robert H. Halsey III
Charles D. Hamilton
Martin R. Hamilton II
Richard M. Hamilton
William J. Hancock
Keith G. Hansford
Wayne L. Hanson
Thomas E. Harding, Jr.
Jere L. Harper
Joseph C. Harper
John P. Harris III
Richard N. Harris
Scott B. Harris
Lloyd Harrison, Jr.
William S. Hart II
Leonard A. Hartshorn
Donald R. Haverkamp
Jack H. Hawver, Jr.
Charles M. Henderson, Jr.
Neil M. Henderson
Robert D. Hennessy
Terry L. Herrick
Leslie R. Heselton III
Ralph C. Hesse III
Jerry T. Hickman
Daniel D. Hill
Edward J. Hlopak
Timothy H. Hodgens
Harry P. Hoffman, Jr.
Robert M. Hogenmiller
John H. Hoggard
Jonathan T. Hooks, Jr.
James R. Hopkins
Forrest A. Horton
Donald C. Houghton
William H. House II
Hugh W. Howard, Jr.
Thomas J. Howell
James D. Hudson
James D. Huff
Roger W. Huml
Charles E. Humphrey
Thomas B. Humphreys
Byron R. Humphries II
John P. Hunt III
William B. Hunt
George E. Hurley, Jr.
Cul Pepper F. Ingram II
Michael D. Jaccard
Carl M. Jackson
Leslie M. Jacobi
James S. Jenkins III
Neal C. Jenkins
Donald R. Jennings
Dennis J. Johnson
Donald W. Johnson
John H. S. Johnson, Jr.
Leland W. Johnson, Jr.
Thomas O. Johnson III
Jasper B. Johnston, Jr.
Albert O. Jones
Charles W. Jones
Dennis A. Jones
Richard T. Jones
Gerald P. Joyce II
John C. Judd
Michael T. Juenemann
Kurt T. Juroff
Bruce D. Kallsen
Joseph E. Kane II
S. Steven Karalekas
Allen R. Kasper
Douglas J. Katz
Stephen E. Katz
Henry B. Keese
Paul J. Kellogg
Joseph J. Kelly, Jr.
Brian J. Kennedy
George A. Kent
Bruce H. Kenton
Robert A. Killion
Henry Y. H. Kim
Thomas H. Kinder
Leon F. King, Jr.
Lawrence P. King
Brian V. Kinney
William B. Kirkland III
Howard D. Kirkpatrick
Andrew R. Kish
Mark L. Kittredge
Henry M. Kleemann
William D. Klopfer
Frederick L. Koberlein
Thomas O. Koch
Lawrence M. Kocisko
Jack E. Kohl, Jr.
John E. Kohler, Jr.
George D. Koren
Howard E. Koss
Theodore A. Krauss
Gary L. Krebs
John E. Krechting
Edward K. Kristensen
Richard W. Krom
Dennis K. Kruse
David H. Laizure
Brian F. Lantier
Robert C. Lasseter
Gary R. Laughlin
James A. Lawin
William C. Lawless
Carl D. Lawley, Jr.
William J. Lazarus
Jon A. Lazzaretti
John C. Lehman
Frederick C. J. Lentz, Jr.
Lawrence J. Leovic
Henry M. Lewandowski
Jeffrey L. Lewis
Vincent J. Lieggi
John C. Lindahl
William P. Link
Edwin R. Linz
Robert B. Liska
Ralph S. Lobdell
Ernest R. Lockwood
Ronald E. Lodzieski
Dennis E. Lough
Joseph J. Luckard, Jr.
John M. Luecke
Peter J. Lumianski
Claude C. Lumpkin 3d
Donald E. Luther
Elroy A. McAlexander
Edward F. McCann II
Douglas J. McCarty
Dennis N. McComb
Bernd McConnell
Seaborn M. McCrory III
Michael J. McGaraghan
Arnold W. McKechnie, Jr.
William F. McKenna, Jr.
John W. McKinney
John W. McKlveen
George T. McLaughlin
Edward J. McLyman III
Larry J. McMurry
James B. McPike
Lawrence J. Mack
John L. MacMichael
John D. Maddox
George L. Mager, Jr.
Charles C. Manger III
John C. Markowicz
Paul E. Marshall
Robert J. Martin
John A. Marymont
William G. Matton III
Regis A. Matzie
Edward A. Mayer, Jr.
Gary M. Mayetani
Kenneth W. Meeks
Douglas P. Metzger
Thomas B. Meyer
John R. Mickelson
Paul F. Mickelson
Clarence K. Miles
Kenneth K. Miles
David L. Miller
Patrick J. Milligan
James L. Minderlein
John B. Mitchell, Jr.
Frank L. Mixner
Stephen V. Mladineo
Joseph Molishus, Jr.
Wayne J. Moni
Edward G. Moninger, Jr.
Van S. Monroe
Kenneth A. Moore, Jr.
Patrick N. Moore
Raymond E. Moore III
Thomas S. Moore
James R. Morford III
Thomas A. Morgenfeld
Dennis M. Moritz
Thomas E. Morris
Eric P. Morrissette

Michael J. Moscovis
John B. Mouw
Clyde T. Moyer III
John D. Moynehan, Jr.
Mark M. Muhsam
Thomas P. Murphy
John R. Musitano
Kenneth R. Myers
Ernest V. Nahr, Jr.
Theodore G. Nanz
Edward T. Napp
David L. Neal
Jon L. Neary
John A. Nelson
Paul L. Nelson
Dennis J. Nemura
Arthur W. Newlon, Jr.
Merrit H. Nicewander
Gordon M. Nichols, Jr.
Ronald N. Nichols
Timothy B. Nichols
Michael J. Nicholson
Paul F. Noe, Jr.
Patrick H. Nolan
Robert J. Norman, Jr.
Douglas M. Norton
Anthony F. Notari
Edward F. O'Connor
Peter E. O'Connor
John S. Odom, Jr.
John J. O'Dwyer
Walter L. Ogle
James P. O'Hanlon
Richard N. Olds
Jack L. Olson
Edward A. Orr, Jr.
John C. Owens
John E. Padgett
Norman R. Padgett
Nicholas A. Paldino
Robert B. Parker III
Gaylord S. Parrett, Jr.
Franklyn K. Paskewich
Ronald A. Pasqua
Michael E. Paul
Richard J. Petersen
Gordon L. Peterson
Allan A. Petinos
George H. R. Petitjean
James R. Petrovic
Patrick Philbin
Richard L. Pierson
Eric C. Pilger
Donald L. Pilling
Elden L. Ploof, Jr.
Jerry E. Plum
Willard O. Pool, Jr.
Robert K. Porter, Jr.
Douglas R. Powell
Legh R. Powell IV
Edmund L. Pratt, Jr.
William H. Previty
Frederick G. Prickett, Jr.
Andrew S. Prince
Andrew M. Prydybasz, Jr.
William H. Purdy
Timothy D. Pyecha
John N. Quisenberry
Donald C. Railsback
William R. Ramsey
Craig M. Rasmussen
John M. Reade IV
Joseph P. Reason
Lawrence E. Reece
Michael P. Reed
Phillip L. Reed
Frederick D. Rees, Jr.
Carter B. Refo
Thomas J. Regan, Jr.
Mark A. Rein
Peter D. Reiniger
Norvald J. Reppen, Jr.
George B. Reynolds
Gary L. Rezeau
Donald R. Rhodes
John L. Riccio
Terence E. Richardson
Willard D. Richardson
Ralph E. Rickard
Charles T. Riedel
Michael F. Riley
Michael J. Riley
Ronald L. Rinker
Charles A. Roach
William N. L. Robertson
David W. Robinson
Gerard F. Robinson
Gary N. Robinson
Paul M. Robinson
Peter S. Robinson
Kevin G. Rogers
Paul F. Rogers
George J. Roletter, Jr.
James A. Roorbach II
James R. Rouse
Frederick S. Rowe III
Richard C. Ruben
Edmund T. Rumble III
Daniel L. Rumbley
John E. Rutkowski
Lester H. Sadler
Burton M. Saft
Raymond A. Sanders
Charles N. Sapp, Jr.
James F. Savard, Jr.
James R. Scales, Jr.
Oscar D. Scarborough III
Peter F. Scardigno
Kurt Schildknecht
Frederick J. Schineller III
Frederick C. Schlemmer II
John P. Scott III
Michael R. Scott
Richard J. Scuba
David E. H. Secrest
Dean D. Sedar
Peter K. Seibert
Thomas R. Seigle
Richard J. Selman, Jr.
Robert F. Sermier
Raymond H. Setser, Jr.
James R. Sexton
Harry A. Seymour, Jr.
Harry L. Shackelford, Jr.
Richard J. Sharpe
Robert J. Shaw
William P. Shealy
Gerald E. Sheldon
Roger Sherman III
David H. Shipley
Paul D. Shuman
Alan E. Siebe
William M. Siegel
Gary B. Simkins
Richard S. Sirota
Charles E. Sloan, Jr.
Ronald M. Slusser
Bernard J. Smith
Laughton D. Smith
Richard K. Smith
Roger J. Smith
Terry D. Smith
Robert J. Snelling III
Darrell P. Synder, Jr.
Arne P. Soderman
Francis E. Soley
Carl R. Spangler, Jr.
Jay W. Sprague
Joseph W. Springman
Dennis R. Spurgeon
Aaron R. Spurway
Robert A. Stanfield
Norman G. Stanley
James R. Stark
Robert L. Starkey
John H. Stein, Jr.
Charles R. Stephan
George M. Stephan
Robert E. Stevens
Wynne A. Stevens III
Robert D. Stevenson
Finlay J. Stewart III
George C. Stewart
Lawrence L. Stewart
Hallett R. Stiles
Robert W. B. Stoddert
John F. Strahm
John L. Stringer
David W. Strong
George H. Sudikatus, Jr.
Jerry M. Sullivan
Frederic C. Swan, Jr.
Larry G. Swenson
John M. Szubski
Peter D. Tamny
Ivan M. Tanner, Jr.
Craig M. Taylor
James L. Taylor
Ernest F. Tedeschi, Jr.
Timothy W. Tedford
Walter M. Teichgraber
Anthony R. Tesoriero
Furman E. Thomas
David R. Thompson, Jr.
Hugh L. Thompson, Jr.
John A. Thompson
Paul A. Thorsen
Philip W. Tower
Lynn M. Travis
James E. Tucker
Donald B. Tulodieski
Harry L. Turner II
Brian D. Uber
Jack Urban
Wallace R. Utley
Gerald J. VanHorn
Kim G. VarnaGaris
Patrick G. Varriano
Robert C. Vaughan
Richard L. Vesey
Anthony D. Vinsavich
Ronald E. Voelkel
James A. Wagner
Robert A. Wahlfeld
Alan J. Waiss
Wayne L. Warnken
Edison L. Watkins III
George J. Webb, Jr.
John A. Webber, Jr.
David W. Webster
Dennis L. Wedekind
Glen A. Weeks
Lynn A. Wegner
George W. Weller
Thomas R. Weinel
Glenn E. Welch, Jr.
Raymond V. Welch, Jr.
Kendrick W. Wentzel
Hall B. Wessinger, Jr.
Gordon R. White, Jr.
Steven J. White
Robert M. Whitehead
William J. Widhelm, Jr.
Billie W. Wieland
Marshall J. Wilkes
John Wilkinson
Raymond O. Wilkinson II
Herbert B. Williams
Lyndon D. Williams
Richard C. Williams III
William F. Williams Jr.
Henry T. Willis II
Francis E. Wilson
George E. Wilson, Jr.
James H. Wilson
Doyle E. Winters
Donald C. Witham
William W. Witherspoon, Jr.
Arthur W. Wittig
Charles M. Wood III
Robin C. Wood
Douglas S. Wright
Joseph C. Yachanin
Thomas R. Young
Gilbert M. Zemansky
Richard P. Zimmermann
Stanley M. Zimny, Jr.
Gerard J. Zopf
Charles W. Zschock
William F. Zuna

The following-named midshipmen (Naval Academy) to be permanent ensigns in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law:

Michael L. Artherholt
Gary M. Burris
James M. Carroll
James C. Cheney
Craig W. Clark
Steven E. Fabry
James W. Foley
James K. Freeman
John K. Fyfe, Jr.
Charles S. Garber, Jr.
Joseph A. Giardina
Nicholas W. Glover
James E. Golden
Robert A. Gosnell
Robert H. Hartman
James E. Hatfield
Ronald R. Henderson
Jan M. Jobanek
Anthony W. Johns
Boyd K. Knowles
Larry T. Lund
Roy G. Lycett
Frederick R. Marlin, Jr.
Patrick E. Martin
Edward B. McCaffrey, Jr.
Stephen S. McDonald
Clement T. Meehan, Jr.
Brian E. Muir
Dennis R. Neutze
Leon P. Okurowski, Jr.
Gordon M. Riddick, Jr.
Stephen J. Seufer
Roger T. Staubach
William E. Stawitz
Wilbert J. Tovrea
Eugene C. Trimpert
Cary G. VanHaaren
David H. Vigrass
Andrew J. Waldron, Jr.
Charles H. Wolf, Jr.
Robert F. Zitzewitz

The following-named midshipmen (Naval Academy) to be permanent ensigns in the Civil Engineer Corps of the Navy, subject to the qualifications therefor as provided by law:

John G. Ariko, Jr.
William L. Covington
Thomas A. Dames
William P. Donnelly
Theodore I. Harada
Mark A. Hopper
Timothy C. Kelley
John T. MacDermott
Francis D. Schlesinger
William K. Vizza
James E. Weston
Roger B. Woodhull, Jr.

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or Staff Corps of the Navy, subject to the qualifications therefor as provided by law:

Noah H. Long, Jr.
Ira F. Patt

The following-named graduates from Navy enlisted scientific education program to be permanent ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

James R. Adamek
James M. Aquino
Richard P. Avers
James H. Banvard
Russell A. Bell
Jon H. Bortis
Carl M. Brenden
Leroy W. Brown
Harvey E. Bull
Gary A. Bush
John L. Byron
Roger J. Colkitt
Ronald E. Colsen
Ronald L. Crepeau
Charles A. Davison
Billy S. Douglas
John J. Fahsl
Monty G. Fickel
Donald L. Finch
William D. Francis
Maurice G. Fulton
Barney F. Garrick, Jr.
Daniel E. Gilchrist
Philip E. Hoover
James R. Hough
Bradley W. Hull
Keith G. Hunsaker
Charles W. Jaget
Roland W. Joslin
Moritz E. Kirkland
Lawrence M. Kost
Lawrence W. Kozoyed
John D. Meloy
Jerry E. Menikheim
David L. Molnar
Thomas W. Moomey
Sanford A. Mullet
James W. Patterson
William S. Phillips
George J. Pitely
William W. Posenecker
Eugene J. Rairdan
James O. Rector
James J. Richards
Gerald J. Riley
Robert W. Roose
Ferdinand A. Scholz
David H. Schultz
Kurt Schwarting
Alvah E. Setzer
Jon A. Shinabarger
John A. Sinkovec
Glen D. Snyder
Andrew Sorbie
Frederick M. Stubbs
James A. Sutcliffe
John F. Swanson
Lewis C. Thomas
Walter K. Williams
Michael J. Wojdyla
John J. Zerr

John C. Ralston, Jr. (Naval Reserve officer), to be a permanent lieutenant commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

Karl J. Reckenthaler (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

Daniel P. Hoback (Naval Reserve officer) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

Robert J. Mollerus (Naval Reserve officer) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

David C. Buckis (Naval Reserve officer) to be a permanent lieutenant in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Walter C. Bell
Paul C. Charbonneau
Glen C. Hornbuckle
Bobby M. Sharp

Barney O. Green, U.S. Navy retired officer to be a permanent lieutenant commander in the Medical Service Corps of the Navy, subject to the qualifications therefor as provided by law.

CWO, W–2 Paul Shafner, U.S. Navy, to be appointed a chief warrant officer, W–3, for temporary service, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) (dental intern program) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

David T. Beverly
James J. Brennan
Robert S. Burke
John W. Chandler

Vincent P. Corbett, Jr.
Max "Z" Crigger
John W. Crowell
Herbert H. Eighmy, Jr.
Newell R. Frei
Henry T. Gonsoulin
James M. Hasik
Ronald C. King
Robert M. Landman
Jon K. Magendanz
Donald L. Mittlehauser
Richard S. Moll
Don R. Morris
Clyde B. Myers, Jr.
Stephen W. Oshinsky
Richard A. Pena
Ronald G. Presswood
George W. Raborn
Charles J. Romero
Edward J. Ryan
Michael Schemick, Jr.
Charles E. Schutt
Paul T. Shore
Hugh P. Skidmore, Jr.
William H. Snell
John R. Smith
Theodore A. Souliotis
Dennis P. Vaillant

The following-named (Naval Reserve officers) (dental intern program) selected as alternates, to be premanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Richard E. Derrick
Whitson L. Daily
James R. Allen
Enice T. Boon, Jr.
James J. Blado

The following-named line officers of the Navy for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of lieutenant (junior grade) and in the temporary grade of lieutenant:

Jay E. Hinkel
Paul F. Jackson
Donald W. Mac Neill
Charles R. Von Radesky II

The following-named line officers of the Navy for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of ensign:

Martin J. Block
Neal C. Hansen
James F. Hinchman
John J. Oehler
Forrest N. Siburt
Thomas E. Sollars
Grace Day

The following-named line officers of the Navy for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade) and in the temporary grade of lieutenant:

Raymond G. Hepburn
Milton D. Jantzen

The following-named line officers of the Navy for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade):

Eugene S. Henry
John L. Mountjoy

The following-named line officers of the Navy for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of ensign:

Eugene S. Henry
John L. Mountjoy
Casimir S. Skrzypczak
Warren O. Wheeler

In the Marine Corps

The following-named (U.S. Military Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Robert R. Butterfield
Reginald W. Dryzga
Steven R. Leach
James W. Murphy
Gregory C. Steele
Charles W. Zadel

The following-named (U.S. Air Force Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Edward C. Hein
Albert R. Pfeltz III

The following-named (meritorius noncommissioned officers) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

James P. Asher
Kenneth P. Clarendon
Calix L. Reneau

The following-named (U.S. Naval Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Ernest G. Ambort
Lee H. Anderson
Terrence E. Anderson
David D. Auld
Frederick S. Avery III
John W. Bailey
Bradley R. Baird
John E. Bishop
Donald E. Bonsper
Donald P. Brown
Robert M. Brown
Edward B. Burrow, Jr.
James H. Butler
Lawrence D. Clark
Thomas P. Craig, Jr.
William C. De Fries
John B. Doherty
Stephen J. Erickson
Earl W. Ferguson
Robert S. Friedrick
Jeffrey A. Gaugush
David D. Gillespie
David P. Graham
William M. Grammar
Courtland P. Gray III
Frederick A. Grimshaw, Jr.
Harry A. Hadd, Jr.
Harold D. Hansen, Jr.
James G. Hart
Leslie B. Herman
Milton J. Hester
Allen W. Hoof
John C. Hudock, Jr.
David R. Hunter
Bradford "N" Jealous, Jr.
William G. Kemple
Lynn J. Kimball
Timothy R. Kirkman
Roy C. Kline
Joseph J. Klocek
Malcolm V. Lane, Jr.
Gary W. MacLeod
Michael G. Malone
John R. McDermott
Thomas J. McKay
Ronald W. Meyer
Frank D. Mitchell, Jr.
Jack M. Moore
Charles H. Morrison III
Simone J. Pace
Frank K. Peterson
Richard W. Piatt
Dean "J" Richman
Jerry N. Roach
James A. Rumbley, Jr.
Charles A. Saldarini
Robert C. Shepherd
Michael S. Shirley
John J. Smith
Edward W. Stillman
Stanford I. Storey
Robert J. Sullivan
John A. Summa
Steven F. Szabo
Harold W. Teasdale
Raymond A. Thomas
Frederick J. Vogel
Richard J. Vogt
John W. Wroten, Jr.
Ronald H. Wecht

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Paul R. Aadnesen
Larry W. Allen
Roland S. Bannister
Bruce L. Canaga
David C. Corbett
James G. Custar
James R. Davis
Dennis M. Dicke
Martin T. Farmer
Harold F. Gabelman
Ronald L. Gatewood
James A. Graham
Donald E. Green
Karl J. Kabza
Michael A. Kehoe
Lawrence C. Kutchma, Jr.
Douglas C. MacCaskill
Robert M. Mallard
John J. McCoy
Timothy E. McWilliams
James C. Panther
Jack F. Perry
Samuel J. Pitts
Jon D. Quinn
Dennis W. Robbins
Kenneth G. Stark
John O. Trott
Stanley A. Weld
Gerald P. White
William S. Whorton
William E. Zelm
Robert C. Allison
Donald L. Bartlett
Donald R. Birmingham
Edward W. Blackwood
John J. Cassidy, Jr.
Charles R. Chiles
John A. Cirie
James P. Cooney
Carson L. Culler
Scott C. Detrick, Jr.
James R. Dirmann
Joseph G. Flynn
Paul A. Fratarcangelo
David A. Frederick
Orville E. Hay
Kyle G. Hayes
Dewey L. Herring
Philip B. Hines
Jack N. Hudson
James D. Keown
Thomas W. Kelly
William D. King
Clifford R. Kirby, Jr.
Manuel E. Menezes
Michael R. Miller
Robert A. Mondillo
Douglas W. O'Donnell
William T. Old, III
George S. Olivas
Leonard E. Oliver, Jr.
Robert W. Poolaw
Ronald D. Ray
Richard M. Reilly
David J. Richsteig
Victor M. Russillo
Robert S. Saunders, Jr.
Denis L. Shortal
Larry M. Smith
Daniel J. Sullivan, Jr.
Alexander G. Sundberg
Ky L. Thompson
Raymond H. Williams
Frederick C. Williamson, Jr.
Lawrence A. Young

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Franklin O. Bryant
William H. Climo, Jr.
James E. Egloff
William D. Jones

The following named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Robert K. Brooks

The following named (Army Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

John H. Grant
Robert L. Harding
Richard M. Zell

In the Navy

William E. Brush (cadet, West Point) to be a permanent ensign in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law.

Timothy J. Vogel (cadet, West Point), to be a permanent ensign in the line of the Navy, subject to the qualifications therefor as provided by law.

In the Air Force

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Major to lieutenant colonel

Line of the Air Force

Abbott, Walter L., 51975A.
Abraham, Jake L., 48769A.
Abrams, Seymour, 48776A.
Adams, Howard R., 16065A.
Adams, Samuel B., Jr., 16867A.
Adkins, George M., 35112A.
Aguilar, Adolph, 35225A.
Ahern, Timothy I., 17198A.
Albright, Carl H., 20762A.
Allen, J. F., Jr., 16865A.
Allison, John H., 35733A.
Ambrosen, Edwin C., 35289A.
Amos, Carl H., 51968A.
Anderson, Charles T., 52094A.
Anderson, Daniel, Jr., 52158A.
Anderson, Harold L., 35195A.
Anderson, James E., 35775A.
Anderson, James M., 16515A.
Andonian, Harry, 52039A.
Andre, Daniel, 35425A.
Angus, Robert, 35355A.
Anthony, Henry S., Jr., 35739A.
Apgar, Charles F., 35550A.
Arbogast, William C., 35396A.
Armstrong, Clyde W., 35714A.
Arnold, Carl G., 35804A.
Ash, Ralph K., 16113A.
Ashmore, Benjamin H., 35332A.
Atkins, Walter J., 35786A.
Atom, Terry, 35847A.
Attinger, Frank S., Jr., 16859A.
Audick, Albert E., 24345A.
Augustine, Art W., Jr., 16549A.
Auman, Robert M., 35349A.
Aune, Edward H., 35379A.
Avery, Charles J., 16877A.
Bach, Lawrence V., Jr., 16589A.
Backman, Van N., 35127A.
Bagley, James M., Jr., 35708A.
Bailey, Clarence E., 35116A.
Bailey, Frank, 78280A.
Bailey, Iris W., 35173A.
Bailey, Jack L., 35421A.
Bailey, Robert L., Jr., 35188A.
Baird, Ralph B., Jr., 35250A.
Baker, Paul Jr., 16795A.
Baldwin, Richard A., 18262A.
Ball, Clarence C., Jr., 35165A.
Ballard, Dempsey E., 16508A.
Ballard, Ralph T., Jr., 22718A.

Banner, Alvin W., 16676A.
Barber, William E., 35164A.
Barker, James L., 52243A.
Barlow, Harley T., 35507A.
Barnes, James T., 16527A.
Barnes, Robert W., 35825A.
Barnett, Charles E., 16853A.
Barr, Ellis L., 35682A.
Barry, Ray L., 16539A.
Barton, Marshall M., 35886A.
Barton, Ray, 16716A.
Bartron, Robert S., 16958A.
Basham, Ray S., 16846A.
Bass, Calvin G., 16631A.
Bass, Pat H., 35667A.
Beals, Albert L., 35676A.
Bean, James R., 25818A.
Beardsley, Charles E., 16593A.
Beasley, Carlos O., 52080A.
Beaton, Clifford M., 35324A.
Beaty, Herman S., 35380A.
Beaudoin, Robert B., 48762A.
Beavers, Luther M., Jr., 52091A.
Bedient, Harold A., 35544A.
Beegle, Philip H., 35121A.
Beezley, Jacques G., 16991A.
Beinhorn, Leo I., 52000A.
Bell, John R., Jr., 51991A.
Bell, Waller D., 35740A.
Bellamy, Jack, 17089A.
Belongia, Reuben R., 35198A.
Belser, Ritchie H., Jr., 35184A.
Bennett, Hugh C., 52204A.
Berger, George C., 18105A.
Bergeson, Charles M., 52213A.
Berkman, Allen W., 35584A.
Bertanzetti, Arthur P., 35287A.
Berthelsen, Alvin L., 20046A.
Bettinger, Stephen L., 35411A.
Biely, William G., 35221A.
Bifford, William E., 35496A.
Binkley, John J., 35406A.
Bishop, Louis W., 35202A.
Bissell, Donald R., 16925A.
Black, Elmer E., Jr., 17152A.
Blair, George N., Jr., 35181A.
Blake, Harry K., 35440A.
Blanchard, Virginia M., 21276W.
Blanding, Charles B., 21468A.
Blesse, Frederick C., 17010A.
Bliss, Gerald B., 35516A.
Blodgett, Warren S., 52029A.
Blood, Kenneth T., Jr., 17037A.
Blos, Richard G., 52224A.
Blue, Alfred D., 17021A.
Bogie, Woodrow W., 35807A.
Bolton, Wayne F., 52171A.
Bomar, William M., Jr., 16566A.
Bond, George F., Jr., 16794A.
Bone, George W., Jr., 34933A.
Bonner, John S., Jr., 51998A.
Boosembark, Frank K., 16276A.
Booth, Clarence F., 49252A.
Bordner, William H., 35851A.
Bork, Ervin F., 17219A.
Botte, David A., 21799A.
Boucher, Ernest W., 48767A.
Bourcy, Robert A., 35339A.
Bourg, Edward J., 35592A.
Boutwell, William A., 35766A.
Bowers, Hurst G., 17159A.
Bowman, Patrick, 35652A.
Boyd, Lawrence A., 52129A.
Boyd, William, Jr., 16690A.
Boyes, Peter E., 17210A.
Boyle, Daniel J., 16481A.
Bozeman, Earl L., 21505A.
Bradley, Ernest E., Jr., 17177A.
Brandt, Edward R., 16552A.
Brandt, George W. A., Jr., 14689A.
Brauneis, Ernest F., 17180A.
Brennan, Jospeh X., 17728A.
Brett, Devol, 17000A.
Brewer, Martin H., 16827A.
Brewer, Orse, Jr., 35591A.
Brice, Kenneth B., 52142A.
Bridges, Hollon H., 16548A.
Briggs, Herbert F., 35793A.
Brim, Raymond E., 35675A.
Brittian, William D., 35183A.
Britton, Charles G., 35222A.
Brockly, Louis M., 35434A.
Brockwell, Leslie W., 35128A.
Brodell, Daniel J., 48778A.
Broughton, Jacksel M., 17035A.
Browder, Bennett P., Jr., 34633A.
Brown, Chester, 35769A.
Brown, Edwin E., 35457A.
Brown, J. Richard, 35651A.
Brown, Jay B., 48770A.
Brown, Richard K., 16614A.
Brown, Robert H., 35602A.
Brown, Robert W., 35828A.
Brown, Van E., 35294A.
Brumm, Robert E., 17717A.
Brunelle, Albert F., 52168A.
Bruton, Earl D., Jr., 16982A.
Bryant, James A., 52176A.
Bryant, Melvin H., 17125A.
Buchanan, Frank A., Jr., 52180A.
Buel, Marvin G., 35662A.
Buinicky, Stanley J., 16584A.
Bullard, James T., 22996A.
Bullard, Paul K., 17017A.
Bullard Wilmer E., 35207A.
Bullock, William G., 52121A.
Bumgarner, James M., 28162A.
Burch, William M., II, 21449A.
Burger, Joseph M., 34931A.
Burgess, John R., 22698A.
Burgmeier, John J., 16745A.
Burke, Dennis W., 26462A.
Burket, Wallace A., 51996A.
Burleigh, Albert H., 20714A.
Burns, Charles V., 35568A.
Burns, Robert B., 17727A.
Burton, Edward C., 52241A.
Buseman, Raymond J., 35414A.
Bush, Jesse C., Jr., 16701A.
Buss, David H., 35493A.
Buss, Leo A., 35399A.
Butts, Jack N., 35611A.
Byerley, Robert T., 34922A.
Cahill, Joseph E., 23713A.
Callahan, John A., 16977A.
Callahan John G., 22700A.
Callahan, Paul M., 52013A.
Camblin, Roy W., Jr., 15686A.
Cameron, Louis J., Jr., 17075A.
Camp, Kenneth B., 35695A.
Campbell, Glenn V., 15070A.
Campbell, John R., 35647A.
Campbell, John W., Jr., 16905A.
Campbell, William R., 48781A.
Canning, William B., 35417A.
Cannon, Frank F., 16656A.
Cap, George W., 52048A.
Capps, Lloyd L., 52036A.
Carmell, Edwin E., 35843A.
Carmichael, Gordon F., 35492A.
Carpenter, Thomas B., Jr., 35393A.
Carr, Bruce W., 16522A.
Carrington, Louis H., Jr., 15662A.
Carruthers, Warren L., 16348A.
Carter, Frederic L., 27676A.
Carter, Olin B., 35261A.
Carter, Walter A., Jr., 17007A.
Carver, Allen W., Sr., 35159A.
Carver, Marvin E., 35358A.
Casey, James F., 23729A.
Cassidy, Joseph W., 35816A.
Castanza, Angelo N., 17129A.
Casteel, Carleton N., 52065A.
Castle, Arnold C., 26681A.
Castro, Manuel C., 35470A.
Caudle, David W., Jr., 35717A.
Cavalli, George A., 24340A.
Cavanaugh, John R., 35669A.
Cavanaugh, Thomas J., 52149A.
Ceman, Paul R., 35161A.
Chaffin, Willie L., 35659A.
Chandler, Richard E., 35743A.
Chapman, Andrew J., 16679A.
Chapman, Harry M., 17164A.
Chapman, William E., 35268A.
Cheek, John D., 35780A.
Chrisman, Everett L., 35303A.
Christensen, Swen A., 17188A.
Christensen, William G., 35704A.
Christie, Robert L., 23710A.
Christopher, Fred L., 24315A.
Chrysler, Richard J., 35338A.
Clark, Charles V., 35623A.
Clark, Charles W., 16822A.
Clark, Edward P., 35736A.
Clark, James B., 34587A.
Clarke, William A., 35621A.
Clayton, Gerald H., 52089A.
Clemmons, Billy, 35627A.
Clifton, David S., 52151A.
Clifton, Leecroy, 20650A.
Clinkscale, Robert M., 35625A.
Clodfelter, Thomas C., Jr., 35546A.
Clubb, Fred J., 64387A.
Coates, Robert E., 17140A.
Cobb, William A., 17126A.
Coffee, Richard J., 35839A.
Coffey, John W., Jr., 16830A.
Coffin, Robert A., 35753A.
Cofield, William P., 52225A.
Coldwater, Elliott, 35718A.
Coleman, William R., 52049A.
Collins, David C., 17193A.
Collins, Harold E., 17200A.
Collins, James P., 35827A.
Collins, John D., Jr., 35720A.
Collins, Preston B., 14099A.
Cone, Norris C., 35701A.
Confer, Harold E., 35771A.
Conners, Ralph W., 52130A.
Connor, John H., 35837A.
Conway, Edward J., 16673A.
Cook, David A., 35762A.
Cook, William Jr., 18257A.
Cooley, Mack D., 48779A.
Coolidge, Benjamin W., 16766A.
Cooper, Bob E., 52037A.
Cooper, Dewey G., 18260A.
Cooper, Joseph D., 25499A.
Copeland, Guy W., 35890A.
Copley, Melvin C., 35716A.
Corbell, Ralph P., 35868A.
Costello, Benny L., 35234A.
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Washburn, Benjamin M., 51689A.
Watkins, Ray M., 35413A.
Watson, Robert F., 16503A.
Watson, Wallace R., 16561A.
Watt, James G., 52069A.
Wayne, James C., 16922A.
Weaver, Earl G., 52152A.
Webb, James E., 17141A.
Weber, Joseph H., 35534A.
Webster, Kenneth D., 35539A.
Webster, Robert M., Jr., 19670A.
Wedlan, Paul A., 52174A.
Wegman, George W., 37018A.
Wehlander, Erling O., 16545A.
Weiford, Dewey N., Jr., 35772A.
Weiss, Reuben K., 25812A.
Welbes, Alvin M., 17047A.
Welch, Bushnell N., 16721A.
Welch, Fred S., Jr., 35485A.
Weldon, Andrew J., Jr., 52105A.
Weldon, William C., Jr., 16731A.
Welles, Robert W., 35142A.
Wells, Cecil M., 35212A.
Wells, Eugene O., 35342A.
Wells, Howard W., 35427A.
Werb, William R., Jr., 16706A.
Werner, Milton H., 52095A.
West, Donald V., 35313A.
Westberg, Leslie J., 35854A.
Westerfield, Marvin J., 35196A.
Weston, George G., 50958A.
Whalen, Edward C., 16722A.
Wheeler, Joseph C., 16606A.
White, Allen S., 51999A.
White, Thomas L., 25607A.
Whitley, George A., 35618A.
Wiederhold, Kenneth R., 35774A.
Wilcox, George O., 52240A.
Wilcox, Max A., 52117A.
Wildman, Winthrop W., 16966A.
Wiles, Arthur, Jr., 35400A.
Wiley, Miles C., Jr., 17155A.
Wilkes, Hollie A., 16526A.
Wilkie, Francis E., 16511A.
Wilkinson, Earl V., Jr., 16994A.
Willcox, Lyman S., 17030A.
Williams, Charles E., Jr., 35214A.
Williams, Donald A., 26674A.
Williams, George A., Jr., 16843A.
Williams, Harry E., 35129A.
Williams, Henry B., 28196A.
Williams, James C., 18261A.
Williams, Lewis E., 17056A.
Williams, Robert F., 25606A.
Williams, Scott L., 64395A.
Williamson, Cliff B., 35593A.
Williamson, Darrell G., 16332A.
Williamson, Henry W., 52222A.
Willingham, Arthur P., 35513A.
Willson, Dean W., 35197A.
Wilson, Charles R., 35745A.
Wilson, Claude J., 52101A.
Wilson, Clyde R., 26468A.
Wilson, Lowell D., 35123A.
Wilson, Nelton R., 16677A.
Wilson, Richard C., 22588A.
Wilt, Mark E., 16556A.
Windes, William S., 24265A.
Winemiller, Perry P., 35616A.
Winner, Donald C., 17973A.
Winter, Frank, 35846A.
Winters, Robert E., 51946A.
Wittel, Edward F., 51061A.
Witwer, Bruce D., 35600A.
Wofford Kenneth O., 16772A.
Wojnar, Casimir A., 35141A.
Wolf Robert E., 35395A.
Wolfersperger, Richard B., 35432A.
Wood, Horace E., 35326A.
Wood, R. L., 23732A.
Wood, William S., 16885A.
Woodward, John C., II, 35746A.
Woolfolk, William F., 17168A.
Wooten, Albert F., 35689A.
Wootten Edward, 26779A.
Wright, Harold B., 35622A.
Wright, William E., 35666A.
Wright, William R., 16623A.
Wyatt, J. R., 35619A.
Yates, Charles C., 16563A.
Yeaton, Carl G., 17099A.
Young, Charles W., 14111A.
Young, Elton C., 35469A.
Young, Elton F., Jr., 35823A.
Young, Harry C., Jr., 52182A.
Young, Leroy A., 35755A.
Young, Rush L., 25621A.
Young, Samuel R., 35685A.
Zigrang, Adrian K., 35316A.

Medical Corps

Anderson, George R., 22950A.
Baird, Glenn D., 20845A.
Banning, George S., Jr., 20547A.
Brown, Benjamin H., 76420A.
Cheeseman, Sumner A., 20544A.
Clark, Randall, L., 29611A.
Cook, Ferris E., Jr., 20532A.
Currie, Edward H., 24132A.
Curtis, James L., 21688A.
Dahl, Elmer V., 25654A.
Dettinger Garth B., 25478A.
Deuel, James T., 23588A.
Dooling, John A., 25662A.
Eastwood, Herb K., Jr., 23065A.
Eggertsen, Paul F., 20533A.
Fraysse, Louis A., III, 22961A.
Gant, Billye G., 26740A.
Gillespie, Elmer F., 24190A.
Good, Hugh D., 25557A.
Graf, John E., 22967A.
Harmon, John B., 24214A.
Hensler, Nestor M., 20840A.
Hertz, Harvey W., 55904A.
Holmstrom, Fritz M. G., 26694A.
Hood, Richard H., Jr., 23035A.
Hood, Robert F., 29470A.
Johnson, Louis F., Jr., 27591A.
McChesney, John A., 24127A.

McGeary, Joseph D., 23062A.
Melvin, Walter W., Jr., 24126A.
Orth, John S., 24668A.
Peterson, John A., 25694A.
Remmar, Michael I., 29618A.
Richard, Eli F., 25471A.
Robards, Robert E., 23061A.
Russell, Carl M., 20536A.
Screws, Carl, Jr., 27488A.
Scripter, Lyman J., 25461A.
Shea, Edward J., 24188A.
Smith, Robert B. W., 26352A.
Stavig, Paul H., 20538A.
Steele, Jack E., 55210A.
Stumpe, Alfred R., Jr., 29474A.
Thiele, Arthur J., Jr., 23105A.
Tracey, John F., 20527A.
Upp, Charles W., 23174A.
White, Stanley C., 23173A.
Wuesthoff, Hubert E., 24665A.

Dental Corps

Askinas, Samuel W., 28127A.
Hagen, Sidney A., 23178A.
Jones, Edward, 26734A.
Lee, Donald S., 20015A.
Lindberg, Robert L., 25464A.
Lord, Hunting J., Jr., 55772A.
Peer, Wayne A., 25484A.
Roth, Louis H., 29414A.
Segreto, Vincent A., 22405A.
Sture, Vernon J., 20554A.

Veterinary Corps

Halstead, James R., 25333A.
Harris, Milford D., Jr., 25670A.

Medical Service Corps

Bethurum, James L., 48933A.
Black, Wilbert A., 21629A.
English, Robert L., 48934A.
Flavion, Raymond A., 21637A.
Heitlinger, Robert V., 48932A.
Jones, Harold M., 55329A.
Kobylk, Nickolas F., 48936A.
Leahy, Joseph H., 55326A.
McLellan, Walter J., Jr., 55327A.
Moss, Robert J., 55328A.
Munroe, Duncan J., 48935A.
Nicely, Harry B., Jr., 21622A.
Spiers, Don J., 21636A.
Sturtevant, Robert M., 48939A.
Sullivan, Robert E., 21631A.
Zinnemann, George, 21644A.

Nurse Corps

Anderson, Carol L., 56171W.
Ditchfield, Flora J., 21065W.
Falkenhagen, Irene C., 22063W.
Fannin, Juanita E., 21176W.
Grazin, Ann E., 21035W.
Haynes, Genevieve E., 22077W.
Henry, Arland R., 25746W.
Moreland, Catherine B., 21119W.
Stephens, Ruth E., 21006W.
Vereen, Bertha E., 21081W.
Whitehead, Zada Z., 22076W.
Wilson, Betty J., 21182W.

Biomedical Science Corps

Ballentine, Frances G., 22084W.
Ellis, Thomas G., 48937A.
Woods, Dorothy G., 22082W.

Chaplains

Behnken, John W., Jr., 48592A.
Carlock, Freddie W., 23203A.
Durkin, John R., 48599A.
Edmonds, Leonard S., 48591A.
Finke, Frederick K., 48593A.
Graf, John F., 55111A.
Groome, Thomas M., Jr., 24689A.
Henry, Leroy, 55110A.
Hobgood, Clarence E., 48589A.
Jorgensen, Daniel B., 48597A.
Kullowatz, Vernon F., 24686A.
New, John W., 76629A.
Rutan, Robert M., 55112A.
Schade, Paul G., 48595A.
Stowers, Willis L., 48594A.
Tinsley, Raymond E., 25736A.
Tomme, Wade K., 23205A.
Wolk, Henry C., Jr., 24688A.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 5, 1965:

UNITED NATIONS

William C. Foster, of the District of Columbia, to be deputy representative of the United States of America on the United Nations Disarmament Commission.

Jack Hood Vaughn, of Virginia, to be representative of the United States of America in the 11th session of the Economic Commission for Latin America of the Economic and Social Council of the United Nations.

DIPLOMATIC AND FOREIGN SERVICE

Charles W. Adair, Jr., of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

William R. Tyler, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nathaniel Davis, of New Jersey, a Foreign Service officer of class 2, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria.

Henry J. Tasca, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Henry A. Hoyt, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

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HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 5, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., quoted these words of Scripture: I John 4: 11: *Beloved, if God so loved us, we ought also to love one another.*

Almighty God, help us to feel that this exhortation to love one another has meanings and prophecies of which we have never dreamed or explored.

May we feel that we are being inspired and moved by this divine compulsion and that the crying need of our democracy to love our fellow men is an idea whose time has come.

Grant that the emphasis which our President is giving to the Great Society may enlist the dedication of strong and heroic spirits everywhere.

May we truly believe in the oneness of humanity and that as members of the human family we are bound together and inseparably related.

Give us a clearer vision of the higher unity of mankind and help us to understand that it is something more wonderful than we have ever imagined.

Hear us in the name of our Blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 305. Concurrent resolution expressing the sense of the Congress with respect to the designation of a grove of redwood trees as a memorial to the late Dag Hammarskjold.

FILING OF REPORT ON INDEPENDENT OFFICES APPROPRIATION BILL, 1966

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Thursday to file a report on the independent offices appropriation bill for 1966.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONAS reserved all points of order on the bill.

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Ohio makes the point of order that a quorum is not present; evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 91]

Blatnik
Cahill
Curtis
Giaimo
Gilligan
Griffiths
Halleck
Hamilton
Hays
Holland
Jones, Mo.
McDowell
MacGregor
Mathias
May
O'Hara, Mich.
Powell
Resnick
Rodino
Schmidhauser
Senner
Shipley
Sullivan
Toll
Williams

The SPEAKER. On this rollcall 409 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

VETERANS REOPENED INSURANCE FUND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7597) to establish the Veterans Reopened Insurance Fund in the Treasury and to authorize initial capital to operate insurance programs under title 38, United States Code, section 725.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the bill, as follows:

H.R. 7597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective May 1, 1965, section 725 of title 36, United States Code, is amended as follows:

(1) By placing a period after the word "basis" in clause (8) of subsection (b) and striking all of the remainder of such clause.

(2) By substituting a period for the semicolon at the end of clause (7) of subsection (c) and striking all of the remainder of the subsection.

(3) By amending subsection (d) (1) to read as follows:

"(d) (1) All premiums and collections on insurance issued pursuant to this section and any total disability income provision attached thereto shall be credited to the Veterans Reopened Insurance Fund, a revolving fund established in the Treasury of the United States, and all payments on such insurance and any total disability provision attached thereto shall be made from the fund. For actuarial and accounting purposes, the assets and liabilities (including liabilities for repayment of advances hereinafter authorized and adjustment of premiums) attributable to the insured groups established under this section shall be separately determined. Such amounts in the Veterans Special Term Insurance Fund in the Treasury, as may hereafter be determined by the Administrator to be in excess of the actuarial liabilities of that fund, including contingency reserves, shall be available for transfer to the Veterans Reopened Insurance Fund as needed to provide initial capital. Any amounts so transferred shall be repaid to the Treasury over a reasonable period of time with interest as determined by the Secretary of the Treasury taking into consideration the average yield on all marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt."

(4) By striking the words "subsection (b) of" wherever they appear in subsection (d) (2).

(5) By striking the following words from subsection (d) (3): "or the National Service Life Insurance appropriation, as appropriate,".

With the following committee amendments:

On page 1, line 3, strike "36" and insert "38",

On page 2, line 17, after the comma, insert "not exceeding $1,650,000 in the aggregate,".

Mr. SAYLOR. Mr. Speaker, I move to strike out the last word and explain the action taken by the Committee on Veterans' Affairs on this legislation.

I just want to remind the Speaker and the Members of the House that the chairman and members of the Veterans' Affairs Committee have kept faith with the House of Representatives in accordance with the action taken last week. When the House sustained the position of the Veterans' Affairs Committee on the supplemental appropriation bill, we met, introduced a bill, and took appropriate action. The committee placed a limitation of $1,650,000 which is to be turned over to the Veterans' Administration for the proper handling of this insurance fund.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to establish the Veterans Reopened Insurance Fund in the Treasury and to authorize initial capital to operate insurance programs under title 38, United State Code, section 725."

SUPPLEMENTAL APPROPRIATION FOR MILITARY FUNCTIONS OF DEPARTMENT OF DEFENSE, FISCAL YEAR 1965

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 447) making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes; and pending that motion, I ask unanimous consent that general debate thereon be limited to 1 hour, the time to be divided equally between the gentleman from Ohio [Mr. Bow] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 447), with Mr. LANDRUM in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas [Mr. MAHON] will be recognized for one-half hour and the gentleman from Ohio [Mr. Bow] will be recognized for one-half hour.

The Chair recognizes the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am proud of the fact that when the occasion demands it, the House can act and does act. There is a requirement for action today with respect to the international situation.

The President called certain Members of Congress to the White House on Sunday evening for the purpose of discussing problems in southeast Asia and the Dominican Republic. On yesterday, the President called the members of the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations to the White House for the purpose of discussing the situation with them.

I believe this is evidence of teamwork of the highest quality. I am glad we have a President who takes the Congress into his confidence in regard to important international matters.

Shortly after the meeting yesterday, the President called upon the Congress to appropriate $700 million to meet certain military requirements of an urgent nature in the current fiscal year. I must point out that, by the transfer of funds and within the framework of existing law, the President could have met this emergency without the action we will take today. He could have transferred the $274 million for ammunition procurement from other appropriation items in the Defense Department bill, and he could have taken certain other funding actions without the enactment of legislation. Certainly he could have coped with the situation for a considerable time, but the President asked us to counsel with him and work with him, as members of the team, in dealing with this matter. In spite of existing authorities, for the President to disregard the Congress, while the Congress is in session, in this kind of special circumstance, in my opinion, would have been ill advised. I am glad he did call upon us for legislation in connection with this matter.

We have had teamwork not only with the White House but within the House. The Armed Services Committee, by reason of legislation on the books, must authorize military construction and certain defense procurement. This requirement has been waived in this instance under the able leadership of the chairman of that committee, the gentleman from South Carolina [Mr. RIVERS], and with the unanimous approval of that committee. There has been nonpartisan action by the Appropriations Committee. This morning our members unanimously approved this appropriation.

I do not believe this action to be necessary to show that Congress is behind the President in his determination to follow a firm policy in dealing with Communist aggression. The President and the country already know it. This will simply reaffirm our position established on August 10, 1964, when the last Congress passed a resolution placing itself squarely on record in favor of a firm policy in southeast Asia.

By providing these funds and participating in this action we shall set a good example of democracy at work. I urge the approval of the resolution now before the House to provide these additional funds for the security of the United States.

Mr. Chairman, as I noted earlier, the pending resolution was reported unanimously by the 50-member Committee on Appropriations. In view of the importance of the matter I think it would be well to include the text of the committee's report at this point:

The resolution provides a supplemental appropriation of $700 million for the fiscal year 1965, to remain available until expended, as requested by the President in a special message to the Congress on May 4, 1965 (H. Doc. 157). The funds provided may be transferred as required to any appropriation account available to the Department of Defense for military functions. Testimony indicates that these funds will be transferred as needed from the "Emergency fund, southeast Asia" account to "Operation and maintenance," "Procurement," and "Military construction" accounts. The Committee on Armed Services, as well as the Committee on Appropriations, is to be notified immediately upon determination by the Secretary of Defense of any requirements to be funded under this authority.

As the President stated in his message of May 4, "This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam."

The unsettled condition of the world has not been unanticipated. Consequently, the committee has consistently invited the Secretary of Defense to submit requests for whatever additional appropriations may be needed from time to time to provide for the security of the country. Circumstances have arisen which have required an acceleration of our effort in southeast Asia. The President has requested and the Secretary of Defense has testified in support of the recommended supplemental appropriation.

Congress has provided the funds which have enabled the United States to acquire the most powerful military forces in the world. Congress has also provided the means of increasing the strength of these forces over and above requirements foreseen at the time of the enactment of defense appropriations. Sections 512 and 536 of the Defense Appropriation Act, 1965, contain language which has been carried in the bill for several years making certain additional funding immediately available without further action by the Congress.

Our expenditures in southeast Asia, while large, represent only a small part of our total military resources. The authorities in existing law could have been utilized in lieu of the proposed appropriation. Supplies and equipment could have been diverted from other, less active areas and replaced at a later date.

Prudence dictates the enactment of the proposed supplemental appropriation. Although we probably would not adversely affect our overall military strength by delaying in a minor way the continuing increase in military inventories, the committee believes a position of plenty—militarily—is to be desired in the light of world conditions.

The enactment of the accompanying resolution will provide the means for continuing the build-up of modern supplies, equipment, and facilities for our forces. It will also provide Congress an opportunity to again make known to our friends and foes alike that the people of the United States have every intention of standing firm in their opposition to Communist aggression.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of House Joint Resolution 447.

Mr. Chairman, let no man, whether he be in Moscow, Peiping, Hanoi, or Havana, have any illusions that the Congress of the United States, speaking for all the people, does not support the President's action in Vietnam and the Dominican Republic. We do.

Let no man now planning a Communist coup among free people have any illusions that this Nation is weak in its intention to defend the God-given rights of freedom and liberty when our aid is sought.

The ruthless onslaught of Communist infiltration, which perpetrates murder of the civilian population of South Vietnam—murder of men, women, and children in their homes, their fields, and their villages—men, women, and children whose only offense against the Communists is that they wish to be free and independent—this ruthless murder cannot and will not be tolerated.

In this hemisphere, the overthrow of governments and law enforcement by firing squad, the intrusion of an alien philosophy which holds the state to be all powerful and disregards the dignity of the individual man, a philosophy that violates all the precepts upon which Western civilization has been founded, cannot and should not be tolerated.

The President of the United States, the President of all of the people of this Nation, has acted with courage and firmness to bring an end to the spread of this malignant growth, recognizing that it has but one purpose—our destruction.

The President should not stand alone in this awesome task. He should and must have the support of the Congress and, through the Congress, of the people. I would urge unanimous support of this joint resolution.

Again, let me say there should be no illusion—in Moscow, Peiping, Hanoi, or Havana. Freedom and liberty may be costly in lives and treasure. But we recognize that the freedom and liberty of our people will not long endure while freedom and liberty is destroyed among our neighbors.

Let us speak loud and clear here today, that we shall preserve our heritage and defend against ensalvement of ourselves and those who desire to be free.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the majority leader, the gentleman from Oklahoma [Mr. Albert].

Mr. ALBERT. Mr. Chairman, we commend the great Committee on Appropriations upon the legislation that it has reported to the House today. I am sure that we all agree with the statements which have been made by the distinguished chairman of that committee and its distinguished ranking minority member. We also agree with and commend the distinguished gentleman from South Carolina [Mr. Rivers], and his great committee for the action which they have taken to expedite the consideration of this measure. Certainly the distinguished minority leader and all of the Members of the leadership on the Republican side have fully cooperated in this matter, not only in bringing this supplemental appropriation bill to the floor but in supporting down the line President Johnson's strong action in connection with the crisis in Vietnam and the crisis in the Dominican Republic. To my knowledge, it was the gentleman from Michigan, [Mr. Gerald R. Ford], who first suggested—and I concur wholeheartedly—that a direct approach through a supplemental appropriation by the Congress itself, is not only in order but more appropriate than reprograming appropriated funds.

This is important action which we take today. This resolution will demonstrate that the American people are united in their support of the strong action taken by the President of the United States. We will demonstrate here today before the entire world that our people have resolved that this Nation shall keep its commitments.

Mr. Chairman, world peace and human freedom are no stronger than the determination of the United States to keep its word. We are in southeast Asia under an obligation made in 1954 when we entered into the Southeast Asia Collective Defense Treaty. We pledged at that time to meet aggression against South Vietnam. Today South Vietnam suffers aggression from North Vietnam. This aggression may not always be in orthodox military style, but it is designed to conquer South Vietnam. We can recognize aggression whatever its disguise, and we will act to meet it with whatever is required.

The invasion is being carried out not by marching armies but by a guerrilla infiltration effort supported by North Vietnam with both arms and men to a degree which avoids any possibility of lessening the conflict or restoring the peace without American involvement. Outrages are being committed against civilians as well as against military personnel; against our own people and our own installations, against our own embassy as well as the towns, the civilian population, and the military personnel of South Vietnam.

If we withdraw, we give realization to the Communist aim to show, in the President's words, that the "American commitment is worthless." Mr. Chairman, the road of appeasement is the road to war. History teaches no plainer lesson than this. This was true in the Saar Basin, when Hitler first moved. It was true in Poland, in Czechoslovakia, and in Ethiopia. The only road to possible peace is the road of determination backed up by resolution and action.

This was proved in Greece and Turkey. It was proved in the Berlin crisis. It was proved in Korea.

The risks of inaction are more dangerous than the risks of action. We cannot, we must not fail to act now.

Mr. Chairman, I urge my colleagues to support this act of confidence in our President, this resolution of determination to keep our word, this resolution to tell the entire world that we are not going to bow to Communist aggression. Let us pass this resolution by an overwhelming and resounding vote.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. Mr. Chairman, the action which we will take here today and which I hope will be followed by prompt action in the other body should answer the critics of the Congress who from time to time have said that in the 1960's the Congress was outdated, it could not respond to crises at home or abroad. The action taken by the leadership on the majority side with the cooperation of those of us on the minority side is the best illustration that the Congress is competent to meet these challenges and to do what is right for our country.

Secondly, what we will do here today and what the other body will do, I hope promptly, should convince our enemies that we, Democrats or Republicans, can stand together to do that which is right, legislatively speaking, in conjunction with the requests of the executive branch of the Government. This is an excellent illustration of teamwork between those at one end of Pennsylvania Avenue and those at this end of Pennsylvania Avenue. And I am proud to be a participant in any way I can with this demonstration of national unity.

Mr. Chairman, from what I have said you know I support what we are doing here today. We do it for two reasons. Last fall when the military budget was put together in the executive branch we were not engaged in any military operations comparable to that which we are undertaking today in South Vietnam. We had no sizable military operation going on in the Caribbean. At that time, we did not have 35,000 or 40,000 military personnel in South Vietnam. We did not have 14,000 or 15,000 U.S. military personnel in the Dominican Republic.

Mr. Chairman, circumstances have changed. If we as a legislative body are to err in providing military hardware for those who are serving on the frontlines for the defense of freedom and our own country, we should err on the side of generosity.

Mr. Chairman, I have no doubt that with the $700 million we make available long leadtime items can be put into the pipeline. I am convinced that there are requests, legitimate and bona fide, that our Defense Department should grant. I am told that the Army, Navy, and Air Force last fall, in submitting their budget requests to Secretary of Defense McNamara, asked for between $8 and $9 billion more than what was submitted by Mr. McNamara to the Congress in January at the time the President submitted his budget.

So, Mr. Chairman, we know there is a shopping list in the Pentagon of needed equipment for which these funds can be used to procure these needed items of equipment.

I would not want the Department of Defense to think that we are giving them a blank check and that they can have this kind of hurried consideration every time something happens around the world. They will be held accountable as I understand it by the Defense Subcommittee on Appropriations. They will be held accountable by the Armed Services Committee for the proper expenditure of these funds.

Now, Mr. Chairman, the second reason why this resolution is before us is psychological. Some people thought that we ought to have another resolution on Vietnam and that we ought to have a resolution on the Caribbean. Such resolutions have been passed previously.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GERALD R. FORD. Those resolutions we have passed heretofore and they are still in effect. If the enemy wants to see what we said he can read them. There has been no change in congressional attitude. I do not believe a reiteration by us, a repeat of the words which we said before, would have near the impact as what we are doing here this afternoon.

Mr. Chairman, we are saying to the President, "You need this; we are willing to give you the money with which to buy the hardware so that the troops in the frontlines in southeast Asia or the Caribbean will have all they need."

Mr. Chairman, the Congress has never treated the Defense Department on the basis of austerity and economy when the need was shown. We do not believe in economy as far as the troops in the trenches are concerned. This action which we shall take today will reassure our soldiers, sailors, and airmen that we mean what we said. But more importantly it means to the enemy that those of us on both sides of the aisle are standing unanimously, I hope, in supporting a policy of firmness in South Vietnam and in the Caribbean. Certainly, Republicans in the House stand unanimously behind the President on this matter.

One final comment. I hope we can resolve the problem in the Dominican Republic honorably, forthrightly, and firmly. I do not believe, however, that the real solution of the Caribbean will come about by what we do in the Dominican Republic. We have a "starter of fires" in the Caribbean. We have an arsonist 90 miles from the shores of the United States. His name is Castro. We will not prevent this arsonist, this fire starter, from creating one problem after another, until we prevent his exporting communism to other nations in the Caribbean.

In October of 1962 the late President, John F. Kennedy, in a very tense moment in the history of the United States, and perhaps the world, said that among other things he would never permit the export of communism from Cuba to any other place in the Caribbean.

I believe this policy is a necessary policy for the United States today. We cannot permit the exportation of communism to the Dominican Republic from Castro's regime. We cannot permit the exportation of Castroism to any other place in the Caribbean. I hope and trust by this action today we are letting him know, among others, that this is the firm, unanimous policy of our country.

Mr. MAHON. Mr. Chairman I yield 5 minutes to the distinguished chairman of the Committee on Armed Services of the House, the gentleman from South Carolina [Mr. Rivers].

Mr. RIVERS of South Carolina. Mr. Chairman, I rise in wholehearted support of the President's request for the $700 million emergency and contingency appropriation.

The Armed Services Committee met on yesterday afternoon with the Secretary of Defense and I am happy to say that our participation in this action was agreed to by a committee vote of 37 to 0.

This appropriation is a simple reaffirmation of the action taken on August 10, 1964, when 504 Members of this Congress—both bodies—went on record as supporting the struggle for freedom in South Vietnam. It is as simple as that.

There are other ways in which we could have done this same thing. The Armed Services Committee could have assumed jurisdiction over its portion of the $700 million relating to weapons procurement and military construction and presented a bill to this House. The Armed Services Committee could have acted just as expeditiously as we are acting here today. Of this there can be no doubt.

However, I think the way that we are proceeding provides the opportunity for more unified, concentrated, and pointed support for the President.

It is clear to both the Armed Services Committee and the Appropriations Committee that this is a one-time thing. The jurisdiction which the Armed Services Committee is temporarily surrendering is not a precedent for any future activity of this kind. It is a single, isolated, and wholly voluntary relinquishment of its rights for the sole purpose of dramatically illustrating the unanimity of this Congress in its support of the President in his actions in South Vietnam and in the Dominican Republic. You see the maps here. I will refer to them later on.

There are voices of dissent in the country and in the Congress. These voices must be shown as unrepresentative of the great weight of public and congressional opinion. And this is the way to do it.

I am certain that the overwhelming vote of 37 to 0 of the Armed Services Committee on yesterday will be matched and reflected on the floor of the House today.

We cannot vacillate—we cannot withdraw—we cannot adopt multiple positions on South Vietnam or the Dominican Republic.

We must raise one clear, unified, and unmistakable voice against those who would sow dissension within our country, and at the same time present to the Communist world an absolute and intractable and eternal opposition to all that it stands for—whether it be in South Vietnam, the Dominican Republic, or anywhere else.

I think it is the responsibility of this House today to vote unanimously for this appropriation. We do not have the right to do any less.

Lowell has said:

> New occasions teach new duties,
>   Time makes ancient good uncouth;
> They must upward still and onward,
>   Who would keep abreast of truth.

This is the time to do it.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. Bates].

Mr. BATES. Mr. Chairman, as ranking Republican member of the House Committee on Armed Services, I want to say I am in full accord, as are all the Members on the Republican side of the aisle, in regard to this appropriation. The question might properly arise here today that in view of the fact that we will have a similar bill totaling $15.3 billion before us before this day is gone, why was it that we did not provide for those items which the President has indicated in his message? The fact of the matter is that we have, except that we had intended to handle emergency situations in a different way.

First. There is $150 million that the Secretary of Defense can use for emergency purposes. So that money was available.

In addition to that, there is a reprograming process which have already speeded up which the Secretary of Defense could also use. But I think in coming here today, this is the right way to do it—not through the back door by reprograming, and not by using emergency funds when the Congress is in a position to act. So I am in agreement with the purposes of this appropriation.

I do want to say one thing, however. This is a most unusual procedure. The House Committee on Armed Services has the responsibility to authorize many of the items which are in this $700 million bill. We had a hearing yesterday and even before our meeting was completed this Congress had already given unanimous consent for this procedure to be adopted. I take no issue with that. Time was of essence and the chairman of the committee came to our committee before our meeting had been completed and told us of the problem which he faced. I find no disagreement on that score. But let it be clearly understood that this is not a precedent. Our committee does not intend in the future to give up its jurisdiction. And if this is not a precedent in that regard, let me say perhaps in another regard it is a precedent. It is a precedent that here and now we say that the Monroe Doctrine still lives and this Congress and the American people do not intend to stand idly by while communism gobbles up one nation after another either in this hemisphere or anywhere else.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. Sikes], the chairman of the Subcommittee on Military Construction.

Mr. SIKES. Mr. Chairman, in this resolution there is $100 million for military construction, all of it to be expended in southeast Asia. There is more of an emergency situation possibly on construction than in any other facet of the program.

The commitment of American forces to the southeast Asia area and to South Vietnam has substantially doubled since the first of the year. Living quarters and operational facilities must be provided for them. Stocks of planes, equipment, and supplies have increased manifold. They must be stored and maintained.

This is not the total estimated requirement for military construction. Actually, it approximates $280 million, but the remainder will be met with funds from other sources. The work will be done as far as practicable with Seabees and Engineer battalions. It is essential that the program move forward immediately if our forces are to operate effectively in the area.

Now, let me discuss the resolution as a whole. It would be easy to call it a blank check. It would be easy to say that the services do not really need the money now. It would be easy to say we do not actually know in detail what is going to be done with it. It is always easy to criticize, and it must be admitted that criticism can be constructive.

Actually, there would be some truth in all of those statements. But more literally this is an action on faith; faith in the destiny of the United States. This is a declaration of America's determination to honor its responsibilities. It is no less an investment in peace for tomorrow. Without actions such as this, we shall not have an honorable peace in our time, but continuing harassment until our downfall.

Whether this money is needed on today or even before the end of the fiscal year, 2 months hence, is immaterial. It is certain that all of it will be required very soon. War is a costly business. At the present rate of activity by our Armed Forces, this money could literally be burned up within a few days.

America's peacetime military missions cost this Nation nearly a billion dollars a week. It takes little escalation to consume an additional $700 million, and already we have seen the escalation of war in southeast Asia multiply many times since the beginning of the year. We now have a peacekeeping operation requiring 15,000 men in the Dominican Republic. There may be much more on tomorrow.

But a vote for this resolution is a vote for victory with the least possible delay. It will show there is no serious division among the American people on the question of standing together against the enemies of our way of life. This is the real value of the action which we undertake. The North Vietnamese have been hurt and hurt badly. The kind of help which they anticipated from Red China and Russia has not been forthcoming. A show of solidarity and determination by the United States at this time could be the decisive blow. It could be the action which would demonstrate the folly of continued aggression by the North Vietnamese. We could bring a realistic bid for peace by the Communists.

If it has that effect, this will be the finest investment in modern history. An end to aggression by the North Vietnamese could for years to come free southeast Asia of harassment, provide an opportunity for its peaceful development, and give world tensions an opportunity to subside. More importantly, it could free the United States from an increasing drain of men and money, lost lives, torn and crippled bodies, and the frustrations and tensions of separation for families. It could save us also a greater part of the billion and a half dollars a year that we are spending there. This is a small investment indeed for such an attractive prospect. Regardless of that outcome. This now is a necessary action. The world must know clearly where the people of America and their leaders stand.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Lipscomb], the ranking minority member on the Subcommittee on the Defense Department.

Mr. LIPSCOMB. Mr. Chairman, I rise to support this resolution. This measure is more than just a supplemental appropriation resolution. It is a forceful expression of the Congress and the people of the United States to the world that we are prepared to take whatever steps necessary to halt Communist aggression.

This supplemental appropriation will make available for transfer by the Secretary of Defense, upon determination by the President, an additional $700 million for fiscal year 1965 to any appropriation available to the Department of Defense for military functions. We are acting on this at the specific request of the President to meet the mounting military requirements in Vietnam.

This is a sizable amount, and obviously the American people are being asked to make an additional sacrifice. I believe, however, that it is the sense of Congress and the will of the American people that such sacrifices as may be required are willingly accepted.

These additional funds will continue to provide our forces with the best and most modern supplies and equipment. They will increase our inventory of ammunition and other expendables. They will be used to build facilities to house and protect our men and supplies.

We have committed American men to the struggle. Lives are being lost. Our allies are also suffering losses. If it takes additional funds for these purposes to help save lives and insure a victory for freedom, then there cannot be any hesitancy on our part.

Communists have repeatedly made clear that they will undertake whatever forms of aggression they believe suitable in which they believe they can be successful. It, therefore, requires us to maintain a superior posture at all levels of conflict primarily to deter such aggression; but if that is not successful, to be able to undertake the conflict with complete assurance of winning.

Though I strongly support this supplemental budget request, the apparent need for this $700 million to deal with the southeast Asia situation logically appears to raise far-reaching questions.

Within a very short time this House will be considering the 1966 fiscal year budget for the Department of Defense. The 1966 fiscal year budget requests for the Department of Defense were made by the President some time ago. I respectfully suggest that the Secretary of Defense and the President review the requirements for fiscal year 1966 in the light of the present world situation and specifically in southeast Asia to determine whether an addition to the 1966 budget request should be made to adequately meet our military needs.

Since the conditions necessitating this supplemental request are expected to extend into the next fiscal year, an up-to-date evaluation of the President's 1966 fiscal year budget appears to be called for before the Congress acts on the regular defense appropriation bill for fiscal year 1966. It is vital to our security that we have adequate planning.

Mr. Chairman, the $700 million recommended in this resolution will reflect the determination of the American people to remain free and assist those who are striving to be free.

I join with my colleagues and respectfully recommend this resolution be given unanimous approval by this body.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CEDERBERG], ranking minority member of the Military Construction Subcommittee.

Mr. CEDERBERG. Mr. Chairman, I rise to join my colleagues in support of the President's request for $700 million to effectively continue our efforts to assist South Vietnam in its determination to remain free from Communist domination. The President, the Secretary of State, and leaders of both political parties have forcefully and effectively set forth to our people and to the world the reasons why this action is necessary.

Our Appropriations Military Construction Subcommittee attended, with other committees charged with responsibility in this area, the White House meeting with the President yesterday. The Secretary of Defense Mr. McNamara, briefed us in secret session later in the day. It is not possible to go into the usual detailed explanation of the need for these funds. We can only assure you that the Secretary has assured us that we will be kept completely informed as these funds are used. If we, as Representatives of our great Nation, fail to heed the lessons of history at this hour we will not be worthy of our trust. We must be more dedicated to freedom than the Communists are to world domination. How can anyone reasonably believe that the situation in South Vietnam is not a part of the Communist plan for the eventual control of all of southeast Asia. I am grieved when I read of supposedly learned men questioning the need for positive action which will indicate to the world our determination that communism will not be allowed to force its ideology on helpless nations.

There is nothing so dangerous as a little knowledge. I submit that the vast majority of the professors and others who question our Nation's policy have little or no knowledge of the real fundamental problem confronting the free world. They prefer to close their eyes to the lessons of history and the tragic results of appeasing a godless ideology. These apostles of appeasement should be grateful that they live under a government that allows the right of dissent. That is what this fight is all about. I respect their right to disagree but when I receive wires that read, "The President should not be given the $700 million to carry on his wars," or "Urge you vote against Vietnam and Dominican military appropriation. Our intervention undemocratic and un-American." I confess I fail to understand how educated Americans can be so blind as to not understand that the real policy of our Government is to strive for peace, not war.

I support this request of the President as a father and I hope someday a grandfather concerned about the heritage we will leave our children. If freedom is worth anything it is worth everything and its protection cannot be bought by dollars, but by our determination to make whatever sacrifices as are necessary that it be preserved. May God grant us wisdom to see clearly our responsibilities.

Mr. BOW. Mr. Chairman, I yield the remainder of the time on this side to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I rise in support of this resolution. As a member of the Defense Appropriations Subcommittee I have felt since the start of our hearings this year that the request of the Department of Defense to cover the funding of the Army, the Navy, and the Air Force, and the Defense Department activities was not a realistic budget submission in view of the international and world conditions which existed. I believe a budget ceiling was established on the Department of Defense early in November of this past year and in order for the Department of Defense to live within this budget ceiling certain reductions were made in the requests of the Joint Chiefs of Staff by the Secretary of Defense in the review that was made of this budget prior to its submission to the Congress in January.

The real danger we face in the world today is that the potential enemy will miscalculate the intentions of the United States of America to defend freedom and to live up to its treaty obligations, whether they be in southeast Asia or whether they be in Central or Latin America. Miscalculation as to the will and the intent of the United States of America can cause a major war in our time. It is because of the possibility of this miscalculation that the psychological impact of the action of the Congress today can do a great deal to set aside any possible miscalculation which could occur.

I do feel, however, Mr. Chairman, that there are actions taken by our Government which could cause the Soviet Union and the Red Chinese to doubt the intentions of the United States of America, and it is for that reason that I have called to the attention of the President several actions which have been taken by our Government in the last few months which I believe are not in keeping with the national security and the national purpose of the United States.

We have all heard a great deal about the teach-ins that are being conducted at some of our universities and colleges in the United States. These teach-ins are a protest against the national policy of our country. It seems to me that when we have individuals conducting these teach-ins and acting as leaders in these groups, that it is not in the best interests of the national security of our country for our Government to subsidize this kind of operation by financing projects in which these same people play a prominent role.

Mr. Chairman, I have here a newspaper clipping telling about a teach-in at one of our campuses under the direction of a certain professor.

I also have another newspaper clipping which announces the award of a $545,000 grant to the University of Pennsylvania to finance a project which will be under the direction of this same professor who figured so prominently in the teach-in.

Under this grant, Mr. Chairman, the study is to be directed at Communist decisionmaking in the United States and foreign countries.

During the first year, the study will reportedly concentrate on the United States, India, Communist Poland, and Communist Yugoslavia.

Under unanimous consent I include the two articles referred to, one from the Daily Pennsylvanian, dated April 8, 1965, and the other from the Philadelphia Inquirer, dated December 9, 1964, in the RECORD at this point:

ALMOST 1,200 PEOPLE PARTICIPATE IN SOUTH VIETNAM TEACH-IN

(By Robert A. Gross)

Almost 1,200 people heard Representative GEORGE BROWN, Democrat of California, call for American acceptance of self-determination by the people of South Vietnam at last night's teach-in.

Sponsored by over 30 faculty members, the teach-in heard talks on South Vietnam by Congressman BROWN, President Lyndon B. Johnson, A. J. Muste, Helen Lamb, and several teachers and students at the university, in Irvine Auditorium.

The teach-in was held in coordination with simultaneous programs last night at Temple University and Swarthmore College as "a dramatization of concern with U.S. policy in South Vietnam."

ASKS FOR CARROT

Representative BROWN asked for "the additional offer of the carrot of self-determination" in response to what he termed "the package of carrots" set forth by President Johnson in his nationwide talk last night.

President Johnson called for negotiations in Vietnam at the earliest possible date and said that he would request from Congress "a billion-dollar effort" to aid the nations of southeast Asia. His talk was broadcast into Irvine Auditorium as part of the teach-in program.

"I call on U Thant, Secretary General of the United Nations, to use the power and prestige of his office to set up a plan for the cooperative development of southeast Asia," Mr. Johnson said in his address to the Nation. "I will ask Congress for a $1 billion effort to aid southeast Asia and to speed up the distribution of our farm surplus to those countries."

At the same time the President reaffirmed American commitment to the defense of South Vietnam, to the preservation of a world "where each people may choose its own path for change." "We have made a national pledge to help South Vietnam defend its independence. I intend to keep that promise."

"The deepening shadow of Communist China" is threatening "the independence of South Vietnam," Johnson continued, "it is the new face of an old enemy." North Vietnam "has attacked the independence of the people of South Vietnam," and it "has been urged on by Communist China in the attack."

"There are some things the President of the United States cannot do," Representative BROWN stated following President Johnson's address. "He cannot come before the American people and admit he is wrong, that the position of the U.S. Government is wrong. But that position is in fact wrong."

The Congressman denied the President's assertion that North Vietnam has attacked the independence of South Vietnam.

Congressman BROWN also rejected the President's statement that the "deepening shadow" of Communist China is behind the war in South Vietnam. "There is no proof that the Red Chinese were behind Ho Chih Minh (the premier of North Vietnam) in his original rebellion against the French. The rebellion was an indigenous nationalist revolt at that time and it remains so now," the California Democrat stated.

In response to the President's contention that an American withdrawal from South Vietnam "would leave that country to its fate," shaking world faith in the value of American commitment. Representative BROWN commented that "in our defense of South Vietnam we may be forcing closer together Communist China and the anti-Chinese Communists. The small nations all over the world are not waiting to ask the United States to come in to defend their freedom."

SITUATION "POSSIBLY HOPEFUL"

Rev. A. J. Muste, executive secretary of the Fellowship of Reconciliation, declared that the "situation in South Vietnam is possibly hopeful because it may serve to reveal the fact that we have to make some unrepeatable decisions if we are to survive."

"We are in a world situation in which everything is in flux, old alliances are in flux, and a state of confusion prevails in the world, the radical pacifist. We are in an absurd position in South Vietnam; we are in a position of trying to accomplish what the French failed to do. We are in a situation in which we are unable to find a clear statement of why we're there and what constitutes victory."

The peoples of the Asian world are "not going to submit to Western domination," said the Reverend Muste, "We are acting insensitively and incredibly stupid if we do not accept the fact that the Asian nations are identifying with the successes of Communist China. While these nations do not wish to be under the control of Communist China." Muste continued, "they resent the attempts of the West to regulate their political system."

Helen Lamb, former Smith College professor who has spent the past several years in an intensive study of South Vietnam, declared that President Johnson's proposal for "a Marshall plan for southeast Asia" is "no substitute for a political settlement of the situation."

The "teach-in" also featured speeches by Dr. F. Hilary Conroy, associate professor of history. Dr. Philip Jacob, professor of political science, Martin Margolis, news editor of the Daily Pennsylvanian, Robin Maisel, of the Young Socialist Alliance, and Joel Aber, of the Student Peace Union.

About 350 students participated in a series of discussion groups in Houston Hall until 2 a.m. after the lectures in Irvine. The seminars were moderated by 40 faculty members.

[From the Philadelphia Inquirer, Dec. 9, 1964]

PENN IS GIVEN $545,000 FOR DECISION STUDY

The University of Pennsylvania has received $545,000 in grants for a study of community decisionmaking in the United States and foreign countries.

The 5-year international study will be directed by Dr. Philip L. Jacob, professor of political science at Penn and head of its Program of International Cooperative Research on Social Values and Political Behavior.

Main focus will be on the identification, comparison, and measurement of values held by community leaders which influence policy decisions.

During the first year, the study will concentrate on the United States, India, Yugoslavia, and Poland. It will then be extended.

A $400.000 grant from the U.S. Agency for International Development will finance the exploratory phase in India over a 3-year period.

The cultural affairs division of the State Department has made available $85,000 in rupees for support of the first year of study in India, $25,000 in dinars for the first year in Yugoslavia and $20,000 in zlotys for the first year in Poland.

Other grants include $10,000 from the McNeil Trusts of Philadelphia to explore political behavior in the United States and $5,000 from the National Science Foundation for an inventory of relevant materials.

COUNTERPART FUNDS

Mrs. Jacob explained that the rupees, dinars, and zlotys being more available by the State Department for the study in India, Yugoslavia, and Poland consist of so-called "counterpart funds."

These are moneys of foreign countries paid to the United States for goods and services supplied under various foreign economic and technical aid programs. The funds must be spent in the countries themselves.

She said that AID (the Agency for International Development) is barred by U.S. law from operating in Eastern Europe, and it was for this reason that the counterpart funds were obtained.

INTERNATIONAL TEAMS

An unusual feature of the program, said Mrs. Jacob, will be the use of international teams of scholars. Thus, Indian, Polish, and American scholars will be studying decisionmaking in Yugoslav villages, for example, she said.

She said the international teams will be working primarily in villages, trying to isolate and evaluate the divisive and cohesive forces at work when schools are planned or industrial plants are constructed.

Eventually, she said, the study expects to expand into the United Arab Republic, which has already invited the Jacobs to come in, as well as into other countries of Africa, the Middle East, and Latin America.

The Jacobs expect to return here February 15.

Mr. Chairman, we on our side of the aisle wish to lead and give true support to the President of the United States in matters of foreign policy, particularly when our national security is involved. I believe that we have given more responsible support in this Congress than has been given in many cases by members of the President's own party. It seems to me when we, in the spirit of true bipartisanship, call these matters to the attention of our leaders and to the President of the United States in the form of personal letters, that some attention should be given them and that some attempt should be made by the executive branch at least to explain the rationale behind such seemingly inconsistent actions.

Instead, the letter in which I called this matter to the President's attention—a personal letter to him on April 20—that letter was answered by Mr. O'Brien to the effect that this matter would be brought up with the President at some future time, and this, Mr. Chairman, is the only acknowledgment I have received to date.

Under unanimous consent, I include my letter to the President and the reply from Mr. O'Brien at this point in the RECORD:

APRIL 20, 1965.

Hon. LYNDON B. JOHNSON,
The President,
Washington, D.C.

DEAR MR. PRESIDENT: I enclose clippings of two newspaper articles which are self-explanatory. One, from the Philadelphia Inquirer of December 9, 1964, announces the award of a grant by the State Department and the Agency for International Development to Dr. Philip E. Jacob, professor of political science at the University of Pennsylvania. This grant is to finance a study of community decisionmaking in Yugoslavia and Poland and certain other countries. The other article, from the Daily Pennsylvanian of April 8, 1965, deals with the participation of Dr. Philip Jacob in a recent "teach-in" at the University of Pennsylvania, held to urge the abandonment of southeast Asia to the Communists.

I should be grateful for any comment you care to make on what appears to me to amount to shocking inconsistency.

Those of us in Congress who attempt to give loyal support to a firm foreign policy in southeast Asia are puzzled by the apparent ambivalence of our Government exemplified in these two newspaper clippings.

With best wishes and kindest personal regards, I am,

Respectfully yours,
MELVIN R. LAIRD.

THE WHITE HOUSE,
Washington, D.C., April 21, 1965.

Hon. MELVIN R. LAIRD,
House of Representatives.
Washington, D.C.

DEAR CONGRESSMAN: Thank you for your letter of April 20 to the President enclosing clippings of two newspaper articles.

Your letter will be brought to the President's attention at the first possible opportunity.

Sincerely yours,
LAWRENCE F. O'BRIEN,
Special Assistant to the President.

Mr. Chairman, it seems to me, as chairman of the Republicans in this House, that if we are truly going to support and develop bipartisanship in these very important areas we must have better communications and we must be in a position where we can truly be in on the takeoff, not only on the landing because today, as much as any time in our history, there is an urgent need for a broad-gaged revival of genuine bipartisanship in foreign policy in the spirit of the late Senator Arthur Vandenberg.

Senator Vandenberg once said that "every foreign policy must be totally debated, and the loyal opposition is under special obligation to see that this occurs."

This is my view and the view of all members of the Republican Party who occupy leadership positions and act as spokesmen for the party in the House. Some confusion has developed over my exchange with Defense Secretary McNamara over attending future leadership meetings with the President and members of his Cabinet.

To clear up this confusion, let me state unequivocally that it has been and will continue to be my position to attend any and all briefing sessions set up by the executive branch. As a matter of fact, I attend briefing sessions on a regular basis and will continue to do so.

My objection was to the format of the leadership meetings called by the President. These should be, not briefings, but frank and full discussions which take place before policy decisions are made. The leadership meetings, attended by both Republican and Democrat leaders, have been in the nature of briefings rather than consultations. At the end of the first meeting, for example, the President called in the photographers, pictures were taken, and the country was given the impression that true consultation had occurred and a real bipartisan policy had been developed.

Even without true consultations having occurred, Republicans, for national security purposes, have given solid support to the President on his Vietnam policy, a statement that cannot be made by the President's own party. But even though Republicans have supported the President by putting country first and party second, this does not solve the problem of returning to a genuine bipartisanship in developing foreign policy in the Vandenberg tradition.

In an attempt to return to this tradition, it has been my position that as the chairman of the House Republicans, I will attend further leadership meetings on foreign policy when an agenda is provided for those meetings. Such an agenda would insure that the minority party will also have an opportunity to present its views before policies are established.

In my view, this is the only realistic way true bipartisanship in the Vandenberg tradition can be revived and sustained. This is vital to the national security of our country.

Mr. Chairman, I support this resolution. I support this resolution because it is vital that the Soviet Union and the Red Chinese understand the firm intentions of this country and in order to prevent the miscalculation of these Communist nations and Communist leaders as to the will of the American people to resist their efforts to dominate the world.

Mr. MAHON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Chairman, I rise to give support to the President's request for an additional $700 million to continue the fight against communism in Vietnam.

The President has issued a challenge to us all in asking for an additional appropriation at this time. He has given us the chance to give him a vote of confidence for his vigorous pursuits in southeast Asia.

There can be but one answer to his request—unanimous approval by a resounding vote of this body.

Such an answer will be consistent with the course of action thus far followed by the legislative and administrative leaders of this great country.

We are directly committed to the defense of South Vietnam by the 1954 Southeast Asia Collective Defense Treaty.

Less than a year ago the Congress reiterated its support of the policies of the administration to help the people of South Vietnam ward off attack.

Furthermore our Committee on Appropriations has consistently invited the Secretary of Defense to submit requests for whatever additional appropriations may be needed from time to time to provide for the security of the country.

By lending our collective voice to the mighty military effort being made in Vietnam we are doing more than merely appropriating a sum of money to keep the military effort moving.

We are letting the world know that the legislative branch of a great world power, here and now, stands overwhelmingly behind the President in the fight for freedom.

Indeed, the aggression by the North Vietnamese and the Red Chinese involves more than the country of Vietnam itself. The President has said, and rightly so, that the aim of the north is not simply the conquest of the south. It is to try to show that American commitments are worthless. This is all the more reason why we must act today.

There are those who would suggest there is division among the leaders of this Nation as to the wisdom of our policy in southeast Asia. Thus we must use this opportunity to dispel any doubt that this Congress stands behind the President in the noble effort to protect the independence of the South Vietnamese and the world.

I would like especially to commend the Committee on Appropriations for the dispatch with which they have handled this request. It is something I feel gives a fitting answer to those who make the assertion from time to time that Congress does not act with dispatch, that we are not capable of meeting the problems of defense and of the economies of this society of ours.

Mr. Chairman, I feel that this committee has demonstrated not only the support of the President in this effort that we are making to preserve the freedom of mankind, but it has also demonstrated the great efficiency of the Congress of the United States.

Mr. Chairman, I congratulate every member of the Committee on Appropriations, particularly the distinguished chairman, the gentleman from Texas [Mr. MAHON], and the distinguished ranking minority member, the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, as a member of the House Committee on Foreign Affairs, I was invited to the White House yesterday and heard the President request these funds. I am wholeheartedly in support of this resolution. I believe strongly that a policy of firmness and decisive action is essential to maintain our own security.

However, I am deeply troubled at the way in which this request for funds is being handled? Perhaps this is so because I have not had the opportunity of an off-the-record briefing by someone who knows the details about how this money is to be spent. Very few of us here today have had such a briefing. The President gave us no details, though press accounts indicate he later discussed the matter with reporters.

The size of the amount requested, the way in which this resolution is being rushed through the House, and the failure of anyone who has thus far spoken today to give any details regarding the way in which this money will be used, make it difficult to make an honest evaluation of a resolution of such tremendous significance.

Mr. Chairman, very few of us have any idea as to what the specific programs are that are to be funded with this money. We have not even an idea whether it is to be used within the next 2 months, as President Johnson indicated yesterday, or whether, since it will remain available until expended, that this implies that there is no special urgency to spend this huge sum so quickly.

For these reasons, Mr. Chairman, I feel we have established an unfortunate precedent in the speed with which we have considered this resolution. Whether or not we assert that this is not to be a precedent for future actions will not be decisive; the fact is that this resolution may well stand as a way of bypassing normal legislative procedures.

Mr. MAHON. Mr. Chairman, we have seen here today—in the remarks thus far made—a fine example of nonpartisanship and cooperation in international affairs involving the security of the United States.

I want to particularly commend the President of the United States for calling committees of the Congress to the White House, so that the Congress was able to participate in the initiation of the proposal before us today.

It is well to bear in mind that our policy in southeast Asia did not originate yesterday, but in 1954 when we declared our resolution with respect to containing Communist aggression in southeast Asia. I interpret the pending resolution to be even broader in the sense that it applies throughout the world in the program of nonappeasement.

Mr. Chairman, the breakdown of the amount requested as presented yesterday would be roughly, construction: $100 million; operation and maintenance: $137 million; ammunition: $274 million; additional aircraft and helicopters: $180 million; and miscellaneous smaller items totaling $12 million. Those are the approximate amounts and purposes that would be involved.

The Congress has provided the funds which have enabled the United States to attain unparalleled military strength. This strength has increased substantially in recent years.

Appropriations for military functions have, over the past 4 years, averaged more than $8 billion a year above the average of the preceding 4 years. During the last 4 years our military strength has increased tremendously in both the nuclear strategic retaliatory areas and the conventional, or limited war areas. These increases, in numbers of aircraft, helicopters, vehicles, bombs, and so forth, are continuing. The diversion, however small in relation to the total force, of military assets to southeast Asia reduces the rate of increase of our assets at least to the extent of losses, and somewhat further in terms of loss of military flexibility because equipment is tied down.

Of the funds previously made available to the Defense Department, an unexpended amount of $29.9 billion was carried into the current fiscal year. Appropriations for this fiscal year, 1965, total $48.6 billion. Thus $78.6 billion—the figures are rounded—was available for expenditure in fiscal year 1965. On March 31 of this calendar year, $44.5 billion remained unexpended. Of course, much of this sum obligated. But the point I make is that we should not delay the constant planned increases in our military supplies, vehicles, ammunition, and equipment of all kinds. We will not deny our forces, wherever engaged, the best and most modern in equipment, facilities, and so forth, for lack of sufficient statutory authority, funding provisions, or otherwise.

The President, faced with the necessity for increasing our support in South Vietnam, has asked us to cooperate with him by approving this special request, thus making it unnecessary for him to rob Peter to pay Paul, so to speak, even in a minor way.

Mr. Chairman, I yield to the distinguished Speaker of the House, the gentleman from Massachusetts [Mr. McCORMACK] to close the debate on this resolution.

Mr. McCORMACK. Mr. Chairman, as a Member of the House of Representatives and as Speaker of this great body I am proud of the cooperation, the understanding, the thought and actions that have taken place between the message that was sent yesterday by President Johnson and the action of the House today in taking up and considering this resolution .

I am proud of the leadership—and I exclude myself, so that what I may say in praise will not include myself—but the leadership in both sides of the aisle, who have risen to the greatest heights of Americanism and idealism humanly possible.

I am proud of the action of the two committees and the members of the two Committees on Armed Services and Appropriations. I am proud of the mempership of the House because this resolution is more than an appropriation of $700 million.

The action of the House today is a clear indication to the entire world that our people are united behind the President of the United States, and not whether a Democrat or Republican presently occupies the White House, but our President, united behind the announcement of the President of the United States of his determination to continue the fight against aggression against him, you, and all. We know, or ought to know, that history has shown that appeasement means weakness, and weakness and appeasement lead to war.

In a time of crisis, I prefer the leadership of action, with the calculated risk involved therein, rather than the leadership of inaction.

Might I say to some of my friends, if I might without appearing to be presumptuous, before this debate is over and the vote is taken, ask yourself the question: If I were the President of the United States charged with the grave responsibility that rests upon the occupant of the office of President, what would I have done? What decision would I make? Would I make the decision of inaction—inaction to be construed as fear—such as Chamberlain did before World War II? Would I have seen that history was in the making? Would the impact of history—the impact of the history of the past and of history in the making be lost upon me? Would I, in my mind, be thinking in the words of the gentleman from Michigan [Mr. CEDERBERG], so effectively expressed, when he said that he is thinking not only of himself, but of his children and of the grandchildren that he and Mrs. Cederberg hope to have some day?

Because what we are doing today is not only determining the present and future lives of ourselves—we are laying the groundwork of basic conditions and considerations for the future that are going to confront our children and our children's children.

The law of natural and probable consequences that we are so well acquainted with operates whether we like it or not. And the law of natural and probable consequences from inaction is the other side of the coin.

What is likely to be the natural and probable consequences of inaction? If South Vietnam goes, then all of southeast Asia goes. That means Australia. That means the Philippines will be threatened. Formosa—South Korea—even Okinawa—all of the Far East defenses will be threatened.

Do not let yourselves be deceived. When the aggressor gets away with one act of aggression, they will continue. The aggressor is never satisfied.

Let us not fail to remember what happened a little over 20 years ago.

We have got firm leadership. We have got strong leadership. We have courageous leadership not only in the White House but in the Congress of the United States and particularly in this great body, the House of Representatives of which we are all Members.

You are not going to stop war by inaction.

You are not going to stop the natural and probable consequences that will flow from weakness through fear.

The only way that we can rightly determine what course of action we will take is to understand that history is in the making and to realize that fact so that we may be able, so far as it is humanly possible to do so, to lay the groundwork for a course of action and to commit ourselves to taking such action that in all probability will be for the best interests of our country and in the best interests of a world of the future—a world at peace.

So this resolution now before us involves more than merely an appropriation of $700 million. It is a manifestation to the whole world—to the free world—to the Communist world—a manifestation of unity of the American people through their elected officials in the legislative branch of the Government and in the executive branch of the Government that we are not going to be driven underground through fear—that we are going to meet the problems that confront us—that we realize the lessons of a little over 20 years ago—that we realize what fear means and what it means to live in a dream world of hope—that such inaction led to war.

But, our action today means that we are going to take the right course under strong and courageous leadership, not only for ourselves but for our children and our children's children.

Mr. JOELSON. Mr. Chairman, I shall vote for the supplemental appropriation to support our efforts in Vietnam.

I do not think, however, that the United States should submit itself to a course of dispatching armed forces throughout the world whenever there is turmoil. I am convinced that our actions in Vietnam is well justified by reason of the evidence that we are faced there with outright Communist invasion and subversion from the north.

Turning to the Dominican situation, I hope we are not now adopting a national course obligating ourselves by implication to intervene in the future in the case of every Latin American unrest. We have no right to interfere in internal matters of other nations. Only in cases where there is clear evidence of outside Communist activity should we become involved.

We must remember that our Nation itself was born out of revolution and that we must not discourage legitimate attempts by downtrodden people to work out their own destiny.

We will forfeit the loyalty and respect of the people throughout the world if we go back to gunboat diplomacy. I am for fighting Communist aggression. I am opposed to American involvement in any other situation except that involving such aggression or subversion.

Mr. CALLAWAY. Mr. Chairman, I rise in support of this appropriation to pursue the war in Vietnam. Every schoolboy learns Charles C. Pinckney's famous quote "millions for defense, but not one cent for tribute," a time-worn statement, yet as true today as it was when spoken. I, like so many others, have deplored the use of American dollars to aid the economies of unfriendly nations, feeling, as Pinckney said, that these are dollars for "tribute."

Yet today we are asked to give millions for defense, and I feel that we can put no price tag on the defense of freedom.

If this world is ever to live in peace, we must halt aggression wherever we can, and we must halt it before it is too late. Certainly the price is high, both in dollars and cents, and in American lives; and certainly we all wish that America did not have to pay it. Yet we know, and the President knows, that what we pay now is far less than what we shall pay if we do not act.

Let us therefore unite ourselves in a firm stand against Communist aggression. Let us show the enemy that we do not fight halfhearted wars. Let us show the American people that this Congress will do its part to fulfill America's committment to freedom. And let us show the President that we all seek a firm stand in Vietnam.

If we can do all this for $700 million, Mr. Chairman, I, for one, say it is a bargain.

Mr. FINDLEY. Mr. Chairman, U.S. involvement to halt so-called wars of liberation by the Communists has solid support on this side of the aisle.

Many of us are deeply concerned, however, over the go-it-alone position in which we find ourselves in Vietnam and the Dominican Republic.

Our free-world allies obviously did not share in the basic decisionmaking Obviously, neither SEATO nor NATO was used to develop policy in Vietnam. The current SEATO meeting is but the regular annual customary April meeting.

Teamwork is sadly lacking. Consultation with our allies has been grossly inadequate.

We are trying to sell our Dominican policy after the fact.

We are trying to sell our Vietnam policy after the fact.

Every indication is the basic decisions were made by the United States alone, and continue to be. No real teamwork sharing is visible.

Military action is being undertaken by the United States practically alone, except of course for local forces. Little real free-world teamwork sharing is visible.

The cost is being met, for all practical purposes by the United States alone. No real teamwork sharing is evident.

We have not even achieved free world cooperation in economic sanctions against Communist North Vietnam or Communist Cuba.

So far as I can determine we have not even tried to stop free-world shipping to North Vietnam, and of course economic sanctions against Cuba fell apart when our administration insisted upon selling wheat to Russia. From January 31, 1964, through May 3, 1965, 474 free world flags entered Cuban ports.

Free-world shipping to Communist North Vietnma has risen each of the last 3 years, with British and French flags most prominent.

In 1962 it was over $13 million.

In 1963 it was over $24 million.

In 1964 it was over $31 million.

The primary threat to free world security arises not from the Communists but from division and discord within the free-world community itself.

A free world torn apart by misunderstanding gives communism its greatest hope for advancement, its best chance to acquire vast resources untouched by nuclear destruction.

Our most urgent need is to get the free nations to act together.

We need imaginative leadership to rebuild our principal and most promising free world alliance, NATO. NATO should be used automatically to develop unified policy in problem areas like Vietnam and Dominican Republic. Instead we have neglected this alliance and let it fall apart.

We need not take on the Communists alone. The United States, France, Britain, and other free nations actually have identical long-range goals in foreign policy, and they should stand together.

We have failed to bring them together to share in decisionmaking, military action, and cost sharing.

This failure is the most dangerous aspect of the danger-filled situation in Vietnam.

Mr. EDMONDSON. Mr. Chairman, I have no doubt this resolution will be approved by an overwhelming vote.

Nothing less will express to the world the strong support which President Johnson commands in this Congress and throughout the Nation, as he acts to safeguard the cause of freedom against the Communist conspiracy.

The President has left no doubt that the funds requested are urgently needed to assure maximum effectiveness of our effort, both in southeast Asia and in this hemisphere. Surely there can be no thought of delay in making the necessary funds available.

I support the resolution and support with equal conviction the strong policy of our President in meeting the Communist danger with determination and decisive action.

Mr. WOLFF. Mr. Chairman, I support the President's call for additional funds for the preservation of freedom in Vietnam. The prompt action of the Appropriations and Armed Services Committees in supporting this appropriation reflects the deep feelings of unity and purpose the American people feel in the face of Communist aggression against peaceful nations. It is further evidence that in times of crisis and adversity the American people stand firmly united behind their President.

I do feel, however, that we must steadfastly press, as the President repeatedly has pressed, for any move to achieve an honorable and secure peace in southeast Asia. I wholeheartedly support the President in his untiring efforts to bring about a peaceful conclusion to the struggle.

Mr. PELLY. Mr. Chairman, at the outset, I wish to make it very clear that I fully support the request of President Johnson for $700 million to firm up our military posture against communism, yet in so doing, I am not rising to question the motives of any persons who may disagree with me. However, I think the American people should realize the position of the Communist Party, U.S.A., in this issue.

Today, the Communist Party, U.S.A., asks us—no, it demands—that we abandon our great heritage as protectors of freedom and allow the forces of communism to engulf the world. Communist Party, U.S.A., urges us to follow a course that has been carefully mapped by these practitioners of deceit and treachery.

As pointed out on the floor of Congress recently, during the last several months, the international event which has most occupied the attention of the Communist Party, U.S.A., and the Communist-inspired youth group, the Du Bois Clubs of America, has been the war in Vietnam. Following long-established practice, of supporting Communist causes wherever they exist, the Communist Party, U.S.A., justifies and supports with propaganda the Vietcong. At the same time, the party criticizes with vehemence and protests against U.S. foreign policy in Vietnam.

Deliberately ignoring the real issues of Communist invasion, Communist terror, and Communist insurgency in Vietnam, the Communist Party, U.S.A., accuses the United States of engaging in a "dirty war of imperialist aggression." To implement its steady and mounting propaganda attack against the American policy in Vietnam, the Communist Party, U.S.A., in this regard gives its full support to all mass protests.

It is recognized, of course, that other individuals who are not members of the Communist Party or its front groups have participated in these protest demonstrations against U.S. policy in Vietnam. Many individuals who have taken part in demonstrations of this type may not have been directly influenced by the Communist Party, but the fact remains that Communist have endorsed and supported any group which organizes such a demonstration. What these individuals surely do not realize is that such protests play into the hands of the Communist Party, U.S.A.

Let us take a look at the development of this Communist campaign against U.S. policy in Vietnam.

During March 1964 a directive, entitled "The United States and South Vietnam Developments," was sent out from the Communist Party's national headquarters to all of its districts. The situation in southeast Asia was described in this directive as an even greater threat to peace than Cuba or Berlin. Party members were urged to send telegrams to President Johnson, protesting American "military aggression" in South Vietnam, to place advertisements in newspapers throughout the country, organize protest meetings and picket lines, and to enlist the support of non-Communist groups in these activities.

Vietnam was the principal topic of discussion at a meeting of the top Communist Party leaders in June 1964. At this meeting, Jack Stachel, a member of the party's national committee, stressed that Communits China must be a participant in any negotiations. Stachel also proposed that the Communist Party, U.S.A., take the position that at issue in Vietnam is not U.S. prevention of Communist domination, but the right of all nations in southeast Asia to manage their own internal affairs. As a further suggestion of the party's campaign against U.S. policy in Vietnam, Stachel relied on a typically Communist tactic when he urged adoption of the slogan, "Bring the boys home."

Mr. Chairman, if the American people follow this line of thinking—and succeed in the effort to bring the boys home—soon we will have no home to bring them to. I totally agree with Secretary Rusk's statement, when he said he wondered at the gullibility of some people who disregard the plain facts in the case of Vietnam. They not only disregard the facts, but history also. If history has shown us anything, it has shown us that when there is a vacuum, the Communists will fill it. What these critics of our foreign policy fail to explain is just where will the Communists be stopped—will it be in southeast Asia, the Philippines, Hawaii, or Seattle?

So, as I say, I am voting in favor of the $700 million emergency appropriation requested by the administration for use in Vietnam and the Dominican Republic.

Mr. O'HARA of Illinois. Mr. Chairman, on at least five or six occasions since I have been a Member of the House, resolutions similar in intent and purpose to that now before us have been introduced and have been adopted by near unanimous votes. The resolution following the Lebanon landing was one. This was during the Eisenhower administration.

I have made it a fixed practice to vote for such resolutions on the theory that when an international crisis exists, and our President has taken a position that conceivably could have frightful repercussions for us and for mankind, our position is immeasurably strengthened and the chance of unwanted sequences greatly reduced by a show of national unity. To my way of thinking this is just commonsense.

A nation divided against itself is as impotent and unhappy as a family divided by disagreeing members hanging the family differences on the clothesline for the entertainment of the neighbors. How much better it would be if they maintained a show of family unity while quietly reaching amiable settlement of their differences within the family circle.

The President has the grave responsibility in the conduct of foreign affairs that he cannot always share, and of which certainly he cannot divest himself. It, at times, is a frightful responsibility. Such it was with President Johnson when informed that unless he acted at once hundreds of American lives, and the lives of other innocent nationals, in the Dominican Republic would be forfeited. The report may or may not have been grounded on conclusions reached in the most logical and convincing manner. That the President, and only the President could decide, and we may be sure he made the decision only after deep consideration and doubtless silent prayer.

In Vietnam we have commitments, and as the guardian of a world of freedom against the threats of communism, we have obligations. In a government such as ours it is proper that there should be full and free discussions of all the angles and facets in the situation in the Caribbean, and in Asia, and in our foreign policy in those areas. It is proper too, and highly desirable, that in all of this the American people should participate and their voice be heard.

All that will come—full and free discussion—as always it has when the American mind is in the process of being made up.

But this is not the time. This is the time when every legitimate interest of our country is served, and the chance reduced of that happening which we wish not to happen, by a strong show of national unity.

I shall vote for the resolution in the same spirit with which I voted for the Lebanon resolution, and similarly intended resolutions in past administrations—the spirit of upholding the President of the United States in time of crisis, and of reliance upon a show of national unity, indeed, of real actual national unity, as the greatest barrier we have to the ills and the curses that would invade our peace and security.

Mr. Chairman, I stand with the President of the United States now, as I have in the past, and shall continue to as in the future, when the security of our country, the welfare of her people, and her place in the society of nations, all call for national unity—in spirit and in fact.

Mr. CLEVELAND. Mr. Chairman, the resolution before us today, making supplemental appropriations to finance our commitments in southeast Asia and in the Dominican Republic, represents the first opportunity this Congress has had to express formal sentiments on the Government's policies in those areas.

Less than a year ago, on August 7, 1964, the 88th Congress adopted House Joint Resolution 1145, the so-called Gulf of Tonkin resolution. The vote in the House was 414 to 0. In view of the dramatic developments since then, the escalation of the conflict in South Vietnam, and the addition of new aggravations in the Caribbean, it is well that the President returns for new expressions of congressional support.

Along with most Members of Congress, I support the President and shall vote for this resolution as I voted for the Gulf of Tonkin resolution. It is obvious that heavy new commitments by our Armed Forces have placed on them burdens not foreseen when their current operating budgets were drawn up and approved by Congress. The new commitments require new appropriations. Through this appropriation of $700 million, the Congress not only will assure the President of its confidence in the Government but will notify the world that the United States is going to honor its commitments and defend the interests of freedom as we always have done, regardless of the cost.

In the special message requesting these additional funds, the President wisely pointed out that he was not asking for a complete endorsement of every detail of the Government's actions but rather support for what he described as "our basic course: resistance to aggression, moderation in the use of power, and a constant search for peace." This is support we can give solemnly and wholeheartedly.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the resolution now before the House, and commend the gentleman from Texas, the able chairman of the Appropriations Committee [Mr. Mahon], and the committee members, for having acted so expeditiously to bring this measure to the floor. The Speaker, Mr. McCormack, the majority and minority leadership also deserve acclaim for their part in programing this resolution for action today.

It is my belief that this measure, appropriating an additional $700 million for national defense, deserves the unanimous approval of this body. These funds requested by President Johnson will insure that our American boys fighting Communist aggression in southeast Asia and elsewhere in the world are provided the most modern weapons and other equipment.

As a member of the House Foreign Affairs Committee, I was privileged to be among the group of Representatives and Senators which met with the President yesterday in the White House. At that time, President Johnson forcefully, eloquently, and persuasively explained the need for the additional money.

Some of my colleagues on the Foreign Affairs Committee and I had the pleasure of commending the President on his talk and of assuring him that the committee stands soldily behind his policies and efforts in combating Communist aggression in Vietnam and elsewhere.

The President deserves the full support of the American people for his determination that Communist aggression must be checked if the free world is to survive. His unequivocal attitude is particularly commendable when one considers that there are those who would advise him—directly or indirectly, formally or informally—to soften his approach as an answer to current world problems.

By this time it should be clear to all that the way to cope with the Vietcong menace is not through withdrawal, not by reckless escalation, not by referring the matter to the United Nations, but by the prudent use of force to meet Communist aggression.

Our action on the resolution before us will assist the President in implementing his firm, realistic policies to cope with communism in Vietnam and elsewhere.

Many other nations in emerging areas of Latin America, Asia, and Africa also are threatened with the specter of guerrilla insurgency. The fate of those countries is linked with the outcome in South Vietnam.

If the United States can eventually bring stability to South Vietnam, the chances for stability will be increased elsewhere in the world. With stability—and freedom from internal or external Communist harassment—can come the kind of economic and social progress we wish for all mankind.

Mr. KASTENMEIER. Mr. Chairman, in abruptly calling for $700 million, the President appears to be asking for an endorsement by Congress for the administration policies in Vietnam and the Dominican Republic. Since he has asked for these funds and assuming he has need for them—although there is serious doubt about the urgency for $700 million to be spent in the remaining 2 months of this fiscal year—I am sure Congress will support this measure, in some cases because of agreement with its implicit policy—in others because of an unwillingness to be placed on record as denying funds for elements of the Armed Forces abroad including "equipment, aircraft, and ammunition."

In this situation, however, it must be clear that this vote cannot be construed as an unqualified endorsement of our policies in either southeast Asia or in this hemisphere. A vote for these funds does not expunge the grave reservations many in this country have over these policies. The President's request for funds, coming at a time when he could use other existing appropriations, must be seen for what it is—the engineering of consent. While he will receive the votes of consent, the debate over our policies will not end today. While the President has a duty in foreign policy, Congress has an equal responsibility to give national expression to the strong opposition to our policies throughout the country. Congress ought not to acquiesce and rubberstamp policies which are, in some cases, radically different from those recently pursued.

Recent polls on the President's popularity and the approval of his policies in Vietnam show there is strong opposition to current policies.

For example, in a poll just completed in my district, 3,764 people answered the question on the war in Vietnam. Of these 2,345, or 62 percent of those responding, favored an end to the war by either U.N. supervision of a neutralized Vietnam or complete American withdrawal, 1,021 or 27 percent favored the President's current program of increased use of U.S. military force, 296 or 8 percent favored continuing the Kennedy program of limiting our aid to assistance to the South Vietnamese Army, and 102 or 3 percent favored more drastic measures than those now being pursued.

Accordingly, it could be argued that a vote reflecting the views of my district would be in opposition to increased funds for the military, particularly in the light of our military occupation of the Dominican Republic.

In fact, Mr. Chairman, the record will show that I have long been critical of heavy reliance on military force in Vietnam and elsewhere whether such policies are advocated by Mr. Goldwater, as they were last year, or by someone else and in this respect I find it increasingly difficult to answer critics who argue that this administration is now pursuing Mr. Goldwater's policies implicitly rejected by the voters last November.

Our present policies have left our relations with other countries in shambles. The NATO alliance has never been in a greater state of disarray. While we may be receiving token lipservice support for our policies in Vietnam, we have little or no direct assistance in this effort as we had in Korea. The abrogation of the Kennedy policy of limiting our support to the South Vietnamese Army has changed the entire character of the war. We are now carrying a large part of the actual fighting of this war. The war is no longer limited geographically to South Vietnam and may be extended further at any time.

In this hemisphere, our actions in the Dominican Republic have cost us friends, as the votes in the Organization of American States reflect.

In this context, Mr. Chairman, I must in good conscience make it clear to the President and the country, that while I feel constrained to support the instant request for funds, my vote does not carry an unqualified endorsement of the underlying policies. The search for an alternative to the present policy must go on. Congress must continue to speak out against policies where they are weak and to offer alternatives.

While the President's tactics are designed to force acquiescence to his views, in Vietnam, the Dominican Republic, as well as here in Congress, I am hopeful this effort to engineer consent will result in a more vigorous and continuing congressional debate of the basic policy questions involved.

I also am compelled to respond to and vigorously differ with those who insist that Congress must complacently endorse all hard-line foreign policies regardless how controversial, who would stifle public debate of these policies and who ridicule and threaten those within our society who oppose and question current policies. The argument that policies requiring the use of force must be unanimously supported and that proposals for peaceful initiatives or even the slightest reduction in our reliance on force are fair game for opposition and attack represent the attitude which inevitably presages general war.

Such blind and violent attacks on opponents of current policies, particularly on opponents within the academic community, as we have heard on the floor today reflect an incredible misunderstanding and lack of faith in the basic tenets of our democracy. It is in times of crisis such as the present when free discussion is the most valuable to the life of our country.

I can understand and am inspired by the sentiment of the man who said, "I may disagree with what you say, but I will defend to the death your right to say it." I am confounded by those who have suggested on the floor today that dissenters in this country should be silenced in the interest of the country's welfare. Nothing could be less in keeping with this Nation's great democratic traditions. Nothing could more weaken our country's ability to meet today's challenges.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this historic proposal, which will not only help finance our defense of freedom in Vietnam, but more important, will serve notice on both friend and foe that the United States can be counted on to stand by its commitments.

Our American forces are now in Vietnam because this Nation has been committed by three of our Presidents—President Eisenhower, President Kennedy, and President Johnson—to the defense of freedom in South Vietnam.

I am well aware of the arguments used by those who have tried to persuade us to abandon our present policy of bombing North Vietnamese military installations. These are the doves who, well meaning as they may be, fail to realize that their counsel is the surest way to war.

Had President Roosevelt been able to marshal the same kind of support for his pleas to stop the aggressors of the late thirties, as President Johnson is able to do today, World War II might have been avoided.

We can never forget that the appetite for victory is never satisfied among the Communists. One victory in aggression merely leads to another act of subversion and aggression.

I am very proud that we have this measure before us today. It is the first opportunity we in the legislative branch have had to indicate our complete support of President Johnson and his bold and determined policy in Vietnam.

It is also our first opportunity as a legislative body to assure the people of South Vietnam that the United States stands firmly behind them in their determination to withstand Communist aggression and subversion.

By voting for this appropriation today, we are in effect saying to the brave people of South Vietnam that we stand in awe of the great sacrifices that they have endured in the defense of freedom and we are telling them in a most effective manner that we owe them a large debt of gratitude for maintaining, against overwhelming odds, their effective bulwark against Communist aggression.

The entire free world owes the people of South Vietnam its admiration. Mr. Chairman, I deem it a great privilege to join my colleagues and the President today in approving this resolution.

Mr. BINGHAM. Mr. Chairman, on April 7, President Johnson made a brilliant and moving statement of his policy with regard to Vietnam at Johns Hopkins University in an address entitled "Peace Without Conquest."

While I do not agree with every detail of that statement or of the policy it outlines, in general I support it. Additional funds are needed to carry out the military operations which are an integral part of that policy, and accordingly I shall vote for the resolution before us providing supplemental appropriations in the amount of $700 million.

While the emphasis contained in the President's message to the Congress requesting this supplemental appropriation, dated May 4, 1965, is somewhat different from the emphasis in the Johns Hopkins address, there is no indication that the President's approach to the problem of Vietnam has been in any way changed. In that connection, I should like to call attention to the following sentences from the President's message of May 4:

> In the long run, there can be no military solution to the problems of Vietnam. We must find the path to peaceful settlement. Time and time again we have worked to open that path. We are still ready to talk, without conditions, to any government. We will go anywhere, discuss any subject, listen to any point of view in the interests of a peaceful solution.

The President also stated, in the final paragraph of his message:

> I do not ask complete approval for every phrase and action of your Government. I do ask for prompt support of our basic course: Resistance to aggression, moderation in the use of power, and a constant search for peace.

In his Johns Hopkins address, the President in effect accepted the proposal by 17 nonalined nations that negotiations without preconditions should be undertaken, looking toward a peaceful settlement of the Vietnam problem. The Communist government of North Vietnam, supported by Peiping, has rejected the same proposal.

There are some who maintain that the Communists would be willing to enter into negotiations if the bombings of North Vietnam were suspended, but there has been no evidence to that effect. If this were their attitude, the Communists could convey it through various channels to us without difficulty and I am confident that in that event the President would be willing to suspend such bombings, at least temporarily, to test the good faith of the Communists. In the meantime, I am persuaded that the President is seeking to keep the scope and nature of the force used in Vietnam to the minimum consistent with the objective of preventing the Communists from taking over South Vietnam by force, directed and supported from the north.

At the present time, there seem to be two main alternatives to the President's policy: First, the withdrawal of all U.S. forces from Vietnam, leaving the way clear for a Communist takeover; and, second, an escalation of the war, with the intention of winning a military victory over communism in the Far East. I believe both these alternatives are wholly unacceptable.

Under present circumstances, I do not see any way in which our immediate objectives can be secured by reliance on the United Nations. The United Nations, however, might well have an important role to play in the arrangement for and conduct of negotiations, if such appear to be possible, and in effectively policing any settlement that is arrived at. This is the type of U.N. involvement which Secretary General U Thant has from time to time suggested.

The United Nations would also presumably be deeply involved in the kind of regional development program which the President outlined in his Johns Hopkins address.

I do not understand the vote today on the resolution before us has any bearing on the situation with regard to the Dominican Republic. Both the President's message and the resolution refer solely to Vietnam, and make no mention of the situation in the Dominican Republic.

Mr. CAMERON. Mr. Chairman, for many weeks now I have referred to irresponsible voices of dissent emanating from Washington. I have referred to a few Members of the House and a few Members of the Senate who have, in my view, by their constant and vocal criticism of the President in his conduct of foreign affairs, particularly with respect to Vietnam, begun to undermine the faith of the American people in their President and in his unrelenting search for peace.

I know that these dissenters are sincere, for many of them are my friends. I know them to be dedicated to the American ideals of freedom and self-determination. It is, in fact, their long and proven dedication to these ideals which gives their voices such weight—weight which, in this situation, is totally unjustified by the facts.

Today, by what I know will be an overwhelming vote, this body will reject unfounded criticism of President Johnson. We will announce for all the world to hear—and hear it will within minutes of the vote—that the Representatives of the American people in Congress assembled, rededicate themselves to preserving the integrity of free people everywhere, and that these same Representatives reaffirm their support of President Johnson's policy of exercising moderation in the use of power in his unrelenting search for peace.

Mr. Chairman, as you and my colleagues will remember, on August 7, last, this body voted on a resolution supporting the action of President Johnson in response to the unprovoked attack on the U.S.S. *Turner Joy* in the Gulf of Tonkin. At that time the vote was 417 to 0 in support of the President. I would hope that we could reflect that same unanimity today.

At the time of the Tonkin attack I said:

> The President acted with the dignity and determination appropriate to the leader of the free world's strongest nation, and he necessary in the critical period ahead. Presizens in any further action which becomes necessary in the crtical period ahead. President Johnson proved himself to be a Commander in Chief who is calm under pressure, courageous when challenged, and clear thinking when faced with a complex international crisis.

Today I reaffirm what I said then—the President deserves the unwavering support of all citizens in any further action which becomes necessary in the critical period ahead.

The dissenters, Mr. Chairman, speak of the anachronism of using force in the quest for peace. They accuse our President of waging war against a civilian population, and they review the history of the last 10 years in a light favorable only to their view. After developing this position they then turn to a resolution of the conflict and invariably offer as their only recourse—the United Nations.

Let me briefly answer the illogic of this rationale point by point.

The United States, as the undisputed leader and power in the free world, has a multiplicity of defense treaty commitments—treaties both multilateral and bilateral—treaties entered into since 1945, each of which was ratified by the Senate with little or no dissent—multilateral treaties such as NATO and SEATO and ANZIA—individual treaties with most of the countries of Western Europe, Latin America, and Asia.

At the consumation of these treaties no one questioned that their intent was to protect the sovereignty of each of the signators. These are treaties of defense and they were entered into with the anticipation that at some future date it might be necessary to fight to protect the integrity of the signators.

The United States for more than a decade has spent nearly half of its national income on defense. It has been hoped by all that this great expenditure, this great arsenal, would become such a deterrent that no one would question the intent of the American people to live up to their treaty obligations.

But this is not the case.

Red China, since the death of Stalin, has challenged repeatedly and continually the resolve of the American commitment. For nearly a decade it has referred to America as a paper tiger, and during most of this time our answer has merely been to turn the other cheek.

Has not our lack of action in the past encouraged Red China to greater and greater aggressive adventure?

Has not our action of the last few years been similar to the handwringing in this country when Japan in 1931 marched on Manchuria, when Italy in 1934 marched on Ethiopia, and when Germany in 1938 marched on Czechoslovakia?

Has not this record of U.S. inaction encouraged piecemeal adventure by would-be aggressors?

In my view, the answer to these questions is "Yes."

It is obviously not an anachronism to use force in the quest for peace when that force is used in moderation, and for the purpose of demonstrating the dedicated resolve of the American people to abide by their mutual defense treaties—to protect the sovereignty of nations from external aggression.

And what of war against civilian populations? In the recent past South Vietnam has seen nearly 1,400 of its civilian village officials executed in the night. It has seen its motion-picture theaters and swimming pools and night clubs and soccer stadiums blown up, killing thousands of civilians. We have seen the American bachelor officers quarters and the American Embassy shattered by bombings with the resultant death of many civilians. These are all acts of terror and aggression against the civilian population of South Vietnam.

The entire strategy from the north is not to engage in warfare with the South Vietnamese Army. The strategy from the north is to terrorize and murder the civilian population and through this technique so intimidate the people as to guarantee their submission as the price for survival.

It is clearly China and North Vietnam who are fighting and killing civilians. U.S. bombings have all been directed against truly military targets—inanimate objects—bridges, ammunition depots, supply trains, dams, and radar installations.

We are conducting sorties against brick and steel. The Communists are conducting sorties against women and children.

Who is waging war against civilians? Surely, those who say it is the United States are not speaking the truth.

The sincerity with which many persons advocate a U.N. resolution of the Vietnam crisis is encouraging only in the sense that it reflects great confidence in the organization. It is discouraging in that it reveals how little real understanding of the U.N.'s strengths and weaknesses there is.

In 1945, just as in 1919, all free peoples were looking for a way to guarantee that there would never again be a world conflagration and at both times an international organization was established with this thought in mind. As we all know, because of the opposition of Senator Cabot Lodge, the United States did not become an official member of the League of Nations, though over the years we did lend the organization lipservice.

In retrospect it can be seen that the die was cast for its doom by the failure of the United States to join. However, at the time of the Manchurian and Ethiopian wars which I have mentioned, it attempted to serve as an arbitrator, a keeper of the peace. When it was not successful all faith by all peoples in the concept of the League of Nations was destroyed.

To saddle the United Nations with the problems of southeast Asia would guarantee the same fate for this embryo organization—the organization which

President Kennedy called man's last best hope for peace.

It should be obvious to all that the U.N. has never really been successful in a major peacekeeping role because one nation—which has a veto power under the charter—does not want peace. In fact that nation, the Union of Soviet Socialist Republics, is a silent combatant in Asia against both the interests of the free world and of Red China.

To give Russia veto power over the sovereignty of South Vietnam would be to place a hangman's noose on that valiant country—and to place an identical noose on the U.N. Children's Relief Fund, the World Health Organization, and several dozen other worthwhile multilateral functions which the U.N. conducts. These functions have and will continue to bring persons and nations of differing cultures and views closer together.

And hopefully, in time, they may possibly provide to the U.N. the strength that the American people willed to it in 1945.

We cannot, we must not, let the U.N. and that will expire in the strife-torn jungles of South Vietnam.

Mr. VIVIAN. Mr. Chairman, the Member from Wisconsin [Mr. REUSS], who has just spoken, has expressed ably and succinctly the views which I had planned to present on the appropriation before us today.

I compliment him and endorse his statement and suggestions.

Mr. LINDSAY. Mr. Chairman, I intend to vote for this resolution because the President has requested us to present a united front to the world on our involvement in Vietnam. An overwhelmingly favorable vote is requested also, and is important as an expression of our support to the American servicemen who are engaged in the Vietnam conflict.

My vote, however, is not to be construed as an approval of the administration's whole policy in Vietnam; nor does it imply the endorsement of a blank check for the unexamined spending of more and more millions, the unilateral commitment of more and more of our Armed Forces and the expansion of the ground and air conflict into a major war, without allies and without the exercise of great diplomacy.

I hope the President will recognize that many of us who vote in favor of this resolution do so in the hope that it will contribute, not to the widening of an unwanted war, but to the pursuit of an honorable peace.

Finally, I think it unfortunate that this resolution comes to us in the absence of any consideration by the House Foreign Affairs and Armed Services Committees. We have been involved in Vietnam for more than a decade, and it seems not unreasonable to suggest that the Congress should devote a few days to deliberations upon a matter of such critical international importance as our commitment in Vietnam.

Mr. SKUBITZ. Mr. Chairman, I rise in support of this resolution providing additional funds to the Department of Defense for funds for military activities in southeast Asia.

I am not an expert in world affairs. I am not a member of the Foreign Affairs or Armed Services Committee, and therefore am not privileged to review classified reports relating to our national security and international relations. About all I know is what I read in the papers and through conversations I have had with friends who are in the military and whose judgment I respect.

We are in this one to the end—like it or not. Appeasement on our part will leave us no choice. It may delay, but eventually we must either fight or surrender.

Make no mistake, the goals of international communism have not changed. The Communists may speak of coexistence, but their objective of world domination remains the same.

I support the President's position. Certainly there is a risk in the course we follow, but the greater risk in my judgment lies in appeasement and accommodation.

All of us want peace—but peace with honor. We all want to live and let live, but are we willing to purchase life and peace at any price? If nothing in life is worth fighting for, then perhaps the farmers who stood at Concord Bridge should have laid down their guns and refused to fire the shot heard around the world.

I do want to say that I think the time has come when we should level with the American people. The real issue is not whether the Vietnamese should be free, but who will control southeast Asia. The real struggle is not between North and South Vietnam but between the United States—the free world—and Red China. For if Vietnam falls then what happens to all of southeast Asia, Japan, Australia, and the Philippines?

Make no mistake—there will be more Vietnams, more Cubas, more Dominican Republics, and more Panamas down the rocky road we travel. If we are to maintain our position of world leadership, if we are to protect ourselves from threats from without, then we must maintain a defense position second to none. We can only do this if we remain economically sound at home. If we continue this wild spending binge we have embarked upon at home—money being spent on every conceivable boondoggle that the mind of man can conceive, we may well destroy the economic fabric upon which our national security depends.

Mr. RANDALL. Mr. Chairman, I was one of those who, because of my membership on the House Armed Services Committee, had the privilege to be invited to the White House yesterday morning, May 4, on a matter of national urgency. There in the East Room we listened to the request of President Johnson for an appropriation of $700 million to be made forthwith to support the increased activities of our armed services in South Vietnam.

In his remarks, President Johnson emphasized that this was not a routine appropriation but that it was needed to persist in our efforts to halt Communist aggression in South Vietnam. Our President made it plain that we had an irrevocable commitment in Vietnam and that our friends in the South had been attacked by those in the North. He pointed out we were giving aid because of our commitments to the Vietnamese people, because of our principles, and because of the demands of national interest. He also made it plain that the appropriation was necessary to meet present military requirements.

As I sat with fellow members of the six committees representing both Houses of Congress, I noticed that the President enjoyed the rapt attention of every member present. We were all highly aware of the serious international situation which made his request necessary.

President Johnson was careful to state that he did not expect Congress to approve every proposal or action of the executive branch, but in his concluding remarks he did call for an overwhelming vote of approval for this appropriation. Such a vote of approval, he said, would strengthen our country in the eyes of the world and would amount to a showing of national unity.

The unity for which the President asked was shown by the immediate and almost electric response of those present. The minute the President had concluded his remarks the distinguished chairman of the House Armed Services Committee proposed to call a meeting of his committee forthwith. This was followed just a few seconds later by a similar announcement from the chairman of the House Appropriations Committee. Then as Members filed out of the East Room into the main hall of the White House, every one of them enthusiastically pledged support as he shook the hand of the President.

Yesterday afternoon there was a meeting of the House Armed Services Committee to hear an additional briefing by Secretary of Defense Robert S. McNamara. All parliamentary redtape was quickly cut by unanimous agreement of the committee after we had listened to his presentation of the need for these funds. Even the matter of passing a preliminary authorization bill was dispensed with through adoption of the unusual procedure of waiving all rules so that the appropriation could be enacted in only 1 day's time. The House Committee on Armed Services knew it had the power to hold up this appropriation, awaiting an authorization. But in compliance with the request of the President of the United States, the committee waived such procedural steps, at the same time hastening to emphasize that such action does not constitute a precedent for future deliberations.

This prompt response to the request of our Commander in Chief should make it clear to all of our enemies, in the only kind of language they understand, that we mean business. It should serve to pass the word along to Ho Chi Minh that there is no dissension in the United States on matters of national security, and that nothing will stand in the way of our determination to continue on in southeast Asia.

Mr. Chairman, as a Member of the House Armed Services Committee, I was proud of the action we took yesterday. Even if I were not a Member of the Congress, I would be grateful to that committee as a citizen of this country. Our action was tangible evidence that we stood united with our President before the world in joint determination that the independence of South Vietnam must be preserved, and that we would not, even for a matter of hours, delay our full support of those brave men in the armed services who are risking their lives in Vietnam.

Mr. CONYERS. Mr. Chairman, I very regretfully must vote against this appropriation. My colleagues can well appreciate the difficulty of this decision since one does not casually oppose a request of the President.

However, I must oppose this appropriation, regardless of how few will join me, not only because I have grave doubts about our present policy in Vietnam, but because of the way this resolution has been brought before us.

My colleagues, let us make it very clear what is involved here. This is not an appropriation to cover a sudden emergency requirement for funds. The President has stated he already has the funds available since he can reallocate current Defense Department funds to support the war in Vietnam. In fact, only $200 million of the total request of $700 million will even be spent during the remainder of this fiscal year. This resolution is not an emergency request for funds, but rather a way of securing a vote of confidence for our policy in Vietnam. The President has stated that he did not want to just reallocate current funds, because he wanted to have the Congress demonstrate to the world that it is in complete support of his Vietnam policy.

Mr. Chairman, as the President has stated, a "yes" vote means support of the Vietnam policy. I cannot vote "yes" because I do not support the present policy in Vietnam.

INCORRECT BASIS OF OUR POLICY

I question the very basis of our new policy in Vietnam which states that we are dealing not with a civil war, but with aggression by one country against another. Let me emphasize that we are dealing with a new policy in Vietnam, since the extension of the war to North Vietnam was a very critical change in our policy. All the evidence that has been made available to me indicates that the only realistic appraisal of the situation is that we are participating on one side of a civil war in a particular country. Our participation has also failed to win the support of a majority of the citizens of South Vietnam. There is very definitely involvement from outside that country, though we seem to be much more heavily committed there than are the North Vietnamese.

AGREE WITH KENNEDY ADMINISTRATION VIEW: CIVIL WAR, NOT AGGRESSION

Throughout the Kennedy administration our policy was to confine our activities to South Vietnam because that was where the problem was located. President Kennedy repeatedly stated that though there was a significant supply of men and supplies to the Vietcong from the North Vietnamese, the essence of the problem was the situation in South Vietnam. Our involvement in South Vietnam was based on the fact that we were asked for assistance by the Government there for help in dealing with a revolution. We agreed to support that Government with funds, equipment, and military advisers because we felt that it was consistent with our national self-interest to assist in the defeat of the Vietcong rebels. Our entire policy was based on the famous report made by Gen. Maxwell Taylor, now our Ambassador in South Vietnam, after his inspection trip to South Vietnam during 1961. I must point out that a very crucial part of the Taylor report was the statement that the civil war could only be won if the proper social and political reforms were quickly implemented in South Vietnam. We felt that without those reforms that the South Vietnam Government would never gain the support and confidence of its own population and that without that support no amount of military aid would ever be successful in defeating the Vietcong. Our recent policy seems to completely ignore the obvious fact that social and political reforms are a necessary part of any Vietnam policy.

Recent pronouncements of our Government have not convinced me that the basic analysis and policy of the Kennedy administration is incorrect. The recent white paper on Vietnam which attempted to prove that the conflict was an example of aggression and not civil war was, for the most part, not based on recent events. The white paper was primarily based on the same events and facts on which the Kennedy administration based its view that Vietnam was essentially a civil war.

BOMBINGS: UNSUCCESSFUL MEANS OF ACHIEVING NEGOTIATIONS

I would like to comment on not only the analytical basis of our new policy, but also on the new policy itself of escalating the war by expanding it to North Vietnam. In February we began to bomb North Vietnam in specific acts of retaliations for incidents in South Vietnam. The Secretary of Defense explicitly stated that "we seek no wider war." Then we shifted to saying that we were bombing North Vietnam because they were the real enemy and that our bombings would not be restricted to retaliation. Now we seem to be saying that we are bombing North Vietnam in order to convince the North Vietnamese that they should negotiate. Let me quote from the President's message of yesterday:

> The bombing is not an end in itself. Its purpose is to bring us closer to the day of peace. And whenever it will serve the interest of peace to do so, we will end it.

The President also made the point that bombing is not a military tactic, but instead a political and diplomatic tactic:

> For in the long run, there can be no military solution to the problems of Vietnam. We must find the path to peaceful settlement.

But also according to the President, bombing does not seem to have been at all successful in convincing our opponent to come to the negotiation table:

> All our intelligence is unanimous in this one point, that they see no need for negotiations. They think they are winning and they have won and why should they sit down and give us something and settle with us.

Based on the President's own statements, a very good case can be made for the view that our current policy is unsuccessful. We need a different approach in Vietnam.

SUGGESTIONS

Mr. Chairman, our current Vietnam policy is based on an incorrect analysis of the situation and for that reason, it is not working. We need to explore other methods of achieving our goals in southeast Asia.

Let me frankly say that I do not have any easy or quick solutions to the Vietnam problem. Foreign policy is outside my normal area of involvement. I am taking this position because I feel so deeply that we are quite wrong in Vietnam. So let me emphasize that the following are only suggestions or possible alternatives.

First, the Vietnamese problem is surely one in which the United Nations could play a constructive role. The neutral and respected offices of the United Nations might be helpful in arranging negotiations. Further, the U.N. could serve a useful role at the time when a neutral police force may be needed to police any given agreement that might result from negotiations.

Since our policy of bombing has not been successful in moving us closer to negotiations, we should consider carefully Canadian Prime Minister Pearson's suggestions that we cease the bombings so as to provide an atmosphere in which the other side would be more likely to agree to negotiations. There are few historical precedents of nations involved in military conflict commencing negotiations without some kind of limited ceasefire arrangement.

FULL PUBLIC DEBATE

I fully agree with the President that his policy can only be successful if the world believes it is supported by American public opinion. This is the real reason for this $700 million request. There is no emergency need of funds, but there does seem to be some emergency to demonstrate to the world that the American people actually support the President's policies in Vietnam. In fact, the procedures we are following today in considering this resolution tend to subvert that very purpose. Instead of following normal procedures, where the issues involved in any congressional action are first discussed by the appropriate committees of the Congress and then fully debated on the floor, this resolution is being forced through the Congress in an unprecedented manner. The resolution is scheduled to be voted on after only 1 hour of debate. Let me stress again that there is no emergency need for these funds, so why is this resolution being forced through without full consideration? Only when there is full consideration of an issue, does a vote indicate true support of a particular position. This resolution does not even serve the elementary purpose of airing the issues involved so that the American people may reach their own conclusions. Only after full discussion can public opinion be developed which can serve as a reliable support and basis for any given policy in such difficult times. A "forced consensus" can be easily disrupted by even a relatively slight turn of events. All current public opinion polls seem to indicate that, though the American people are following their normal instincts by following their President, there nevertheless exist grave doubts among a large number of concerned Americans about our policy in Vietnam. If the President is to have durable support for his policy, there must be full and unhampered discussion of the issues.

I therefore call upon the House Foreign Affairs Committee to schedule extensive public hearings on our policy in Vietnam so that the entire country, in the finest American tradition, may have an opportunity to explore these issues. Let us have open hearings where the best informed people on all sides of the issue may testify and have their views closely questioned by our expert colleagues on the committee. After such a full and fair examination of the facts both the Congress and the people might, then have a basis for supporting our Government's policy. We have a great need for such full public discussion. Our news media representatives in Vietnam have been protesting for weeks that they have not been allowed to report the full story to the American people, even when questions of security are not involved. Surely this is a severe accusation which must be fully investigated.

THE APPROPRIATIONS RESOLUTION ITSELF

Finally, Mr. Chairman, I would like to make some comments about the specifics of the resolution. We are being asked for $700 million that the President admits he does not need. As my colleagues know, I feel that there is a drastic need in our country for the expenditure of public funds: millions of Americans live in ghettos and slums; children are not receiving the education they so vitally need; millions of Americans are without jobs; the water we drink and the air we breathe is polluted; our rural areas are suffering with severe economic problems; and whole regions of our country, such as Appalachia and the Upper Great Lakes, are suffering chronic economic deprivation; and chronic unemployment has become a way of life for millions of Americans. The list of our unmet needs is a very long one and I could go on much longer. I really do not need to itemize this list of unmet needs or comment on it since President Johnson has spoken so eloquently of America's needs in his call for the building of the Great Society which would fulfill the American dream.

I greatly fear that if we continue to expand our role and if we intervene in every place on earth where activities occur that we disapprove, we may soon have to commit our entire economy to accomplishing this one end. Our vital interests and our national security, of course, must be protected. But I fear that in our strenuous efforts to secure the promise of political stability for other nations, we will leave our own great Nation in a desperate plight.

CONCLUSION

Mr. Chairman, though it disturbs me greatly to have to vote against my own Administration, I am compelled to do so. This request of funds is not "a routine appropriation" as the President so correctly stated. It is a vote on our policy in Vietnam. I do not approve of that policy because I feel it is based on an incorrect analysis of the situation and because it is patently unsuccessful.

Mr. YATES. Mr. Chairman, I shall vote for this appropriations bill. Our Armed Forces are engaged in battle in Vietnam and these funds are necessary to support that commitment. But, Mr. Chairman, I must say in all candor that I have serious reservations about that policy, and I do not intend that my vote be taken as approval to escalate our intervention.

I do not agree with those who insist that an affirmative vote for this bill represents an all-out endorsement of the President's policy in Vietnam. As the President's majority leader in another body said about the vote on this bill, according to this morning's press:

> Language by one person does not make that language binding on the other person to whom it is addressed.

An appropriations bill is not the proper instrument for testing an important and complex foreign policy question such as Vietnam, particularly when only a minimum time of 1 hour was assigned for debate. If the policy is to be tested in the Congress, provision should be made for adequate consideration and debate.

Mr. Chairman, I have not taken open issue with our Vietnam policy because I believe it deserves an opportunity for hoped-for-results and negotiations for a peaceful settlement. I think Mr. Johnson is trying sincerely to extricate this Nation from a confused and difficult situation in which we found ourselves when he took office. It was an existing fact and he is trying to discover the best way out.

The President has said that he favors negotiations looking to a settlement of the controversy—"unconditional negotiations." He would talk any time, anywhere. Unfortunately, there has been no disposition on the part of the other side to negotiate. It is hoped that a way will be found shortly to bring the parties to the conference table to negotiate a fair settlement. And, Mr. Chairman, may I say that I do not believe that escalation of the conflict will serve to stimulate negotiations.

Mr. Chairman, I thought the debate took an unfortunate turn with the assertion of several gentlemen in the minority that dissent and disagreement should be curtailed. Free expression and debate are the glory of a democracy and a demand for conformity is the essence of a totalitarian regime rather than a government such as ours. That is why I disagree with the gentlemen who took issue with the so-called "teach-ins." Americans, and this includes professors, have a right to express their views.

I would remind the gentlemen of the minority of the statements of two illustrious former members of their party in the other body. In a letter to a constituent dated January 5, 1950, the late Senator Arthur Vandenberg said:

> Every foreign policy must be totally debated and the "loyal opposition" is under special obligation to see that this occurs.

On January 5, 1951, in a speech in the Senate, the late Senator Robert A. Taft of Ohio said this:

> During recent years a theory has developed that there shall be no criticism of the foreign policy of the administration, that any such criticism is an attack on the unity of the Nation, that it gives aid and comfort to the enemy, and that it sabotages any idea of a bipartisan foreign policy for the national benefit. I venture to state that this proposition is a fallacy and a very dangerous fallacy threatening the very existence of the Nation. As I see it, Members of Congress, and particularly Members of the Senate, have a constitutional obligation to reexamine constantly and discuss the foreign policy of the United States. If we permit appeals to unity to bring an end to that criticism, we endanger not only the constitutional liberties of the country, but even its future existence.

Mr. Chairman, the best safeguard against error in our foreign policy lies in continuous discussions to find the truth and to develop the best policy. So let us have an end to the criticism that those who take an opposite view from the majority are undermining the security of our Nation.

Mr. ROYBAL. Mr. Chairman, as a member of the House Committee on Foreign Affairs, I had the opportunity of attending the White House meeting at which time the President made his request for the appropriation of $700 million now before us.

While I believe that a policy of firmness and decisive action is essential to our form of government, I also feel that all the ramifications of the legislative action before us cannot be adequately discussed in the short time of 1 hour given this body.

I realize that, even with the latest information made available to Members of Congress, it is hardly possible to reach complete agreement on an approach to a highly complex situation. I have always been reluctant to take hasty action on any measure of such far-reaching import, but have been convinced by the President's appeal that the urgency of this expenditure involves a show of national unity to shorten the war by making early negotiations possible.

I, therefore, find it most difficult to make an honest and personal evaluation of the tremendous significance of the resolution before us, and must rely on the President's statements of his desire for a peaceful solution of the Vietnamese conflict.

I am sure that Congress will fully support this measure. In some cases, because Members are in agreement with its implicit policy; in others, because of the possibility of being placed in the position of denying the funds necessary to supply our fighting men with the essential implements to lighten their burden and shorten the time before they can return to their loved ones at home.

The President stated in his message to Congress and the American people:

> I do not ask complete approval for every phase and action of your Government. I do

> ask for prompt support of our basic course: resistance to aggression, moderation in the use of power, and a constant search for peace.

In light of this it must be made clear that my vote should not be construed as an unqualified endorsement of our policy in Vietnam, nor as a blank approval of present and future action in this hemisphere or any place else in the world.

It is, however, in the interest of our constant search for peace that I cast my vote with the majority in the hope that a show of unity and determination on the part of the American people may open the way for a quick settlement of the conflict in southeast Asia, giving the Vietnamese people the right of self-determination without external interference, and the freedom of living in peace.

Mr. LOVE. Mr. Chairman, I join my colleagues in support of the President's request.

It is an historical fact that the American people, when called upon to defend the principles of democracy and freedom, have always stood united in their determination to preserve these principles. Now, once again, the American people are being called upon by the President to prove to the world that we will not tolerate any situation that poses a threat to these very principles and to world peace.

The President is asking for a supplemental appropriation of $700 million to meet increasing military requirements in South Vietnam. These additional funds are necessary to continue our assistance to this unhappy land that has been fighting so desperately to keep from falling victim to Communist control.

I stand behind the President in his request, for the maintenance of world peace is a matter of universal concern. I know all Americans, too, will once again unite to defend the cause of freedom. Congress acts today to unite the Nation.

Mrs. MINK. Mr. Chairman, the 5th of May 1965, undoubtedly will be a day that I shall long remember for the mental and emotional experience I just endured. The President, concerned that the people of the United States did not support his policies in Vietnam, called upon the Congress in an extraordinary move to gain approval of his program by asking for $700 million to the end of June 30, 1965. The President by this request asked for a vote of confidence in his leadership. It was readily acknowledged that these funds were not needed for the furtherance of his policies in Vietnam, for he has the authority to use general funds of the Defense Department, but that he chose this means of asking for a vote of confidence in his leadership to carry this to his avowed ends of peace through negotiations without conditions.

I do not need to state my commitment to peace, and my belief that peace can come to Vietnam only through the conference table. And herein lies the conflict that I faced in this vote. While I do not agree with any policy of escalation of the war in Vietnam, it has consistently been denied by the President and all concerned that this is in fact the policy of the Government of the United States. Rather, the President has repeated several times in recent weeks that the policy of the United States is to seek an unconditional negotiation for the peace and stability of Vietnam, and further that the strategy now being pursued by this Government is to seek this just end to hostilities. With this statement I cannot but heartily agree. Our disagreement then, comes in not knowing what the peace is which we want to secure, nor how the conflict can be stabilized to the end that the right of self-determination can be assured, and finally in the matter of the strategy to accomplish these ends in the fastest, most expeditious manner. And it is here at this point that I find myself in utter confusion. Without the facts and the full explanation of the strategy involved, which for obvious reasons cannot be revealed if the strategy is to work, I cannot disagree with the President purely on the assumption that my analysis is superior to his judgment. Facing this dilemma, I am asked by the President to express my confidence that the ways in which he seeks to end this conflict by negotiation can best be achieved by the methods and plans that he has laid.

Had the President never stated that he was pursuing a course which he personally believed would permit the earliest possible convening of negotiations, I would have no choice but to vote against his actions thus far. But in the context of his avowed purposes, I believed that he was entitled to pursue his course with the support of the people of the State of Hawaii, as cast by my vote as one of its Representatives.

Further the President has stated to the Congress that without its overwhelming vote of confidence, his actions are subject to the interpretation by the Government of North Vietnam as not having the full support of the American people. He has explained that his hand would be weakened in his efforts to bring the parties to the conference table. His case is irrefutable. Any leader without the support of his people cannot display the resolution and conviction that this kind of crisis demands.

And so, though I am first and foremost committed to the cause of peace, I cast my vote in support of the President; that I do in fact believe his intent to seek a negotiated peace in Vietnam. As an elected representative of the people of Hawaii I could not let my feelings as an individual outweigh my responsibilities at this point, and so I had to say to the President that we of Hawaii do have confidence in his integrity and sincerity to achieve the ends of peace by means of negotiations.

The President said to the Congress in his May 4 message:

> For, in the long run, there can be no military solution to the problems of Vietnam. We must find the path to peaceful settlement. Time and time again we have worked to open that path. We are still ready to talk, without conditions, to any government. We will go anywhere, discuss any subject, listen to any point of view in the interests of a peaceful solution.

This was the basis of my vote of confidence.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

H.J. RES. 447

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1965, namely:

DEPARTMENT OF DEFENSE

Emergency Fund, Southeast Asia

For transfer by the Secretary of Defense, upon determination by the President that such action is necessary in connection with military activities in southeast Asia, to any appropriation available to the Department of Defense for military functions, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred, $700,000,000, to remain available until expended: *Provided,* That transfers under this authority may be made, and funds utilized, without regard to the provisions of subsection (b) of section 412 of Public Law 86-149, as amended, 10 U.S.C. 4774(d), 10 U.S.C. 9774 (d), and 41 U.S.C. 12.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my grave doubts about the rightness of what we propose to do here today. I do not say this lightly and without having weighed it long in my heart. But I know, as all of you know, and as the President knows, that what we are approving here is not merely a routine request for $700 million to meet the temporary needs of the Defense Department. What we are being asked to do is to approve the policy and the actions of the administration in waging war in Vietnam, in the name of the American people.

This I cannot do.

I understand the problem which faces the President of the United States. I know that he seeks peace in Vietnam and in all the world as sincerely as any man in our Nation. I know that he did not create the problem which he faces there—but that he must create the solution for it. And I pray for his success in finding that solution, as every American should pray for it.

But in all good conscience, I must say to him: Mr. President, you are on the wrong path. You are gambling the welfare—yes, even the existence—of the United States on an illusion—the illusion that liberty, democracy, and the peace of mankind can be won by the slaughter of peasants in Vietnam—the illusion that communism can be defeated by the power of military force alone, regardless of the conditions and circumstances under which that force operates.

Because the conscience of the American people demands that we fight only just wars, the facts with regard to the situation in Vietnam, and our role in that situation, have been systematically twisted to show only that which justifies our actions. It is clear that in 1954 neither the Government nor the people of what is now South Vietnam wanted a divided country. It is clear that the Geneva Conference of 1954 provided for the establishment of a reunited country by means of free elections to be held in

1956, elections to be held under international supervision, to insure that they would be devoid of terror and coercion. It is clear that the United States, Britain, and France recommended the carrying out of such elections to South Vietnam a year after the Geneva Conference, in July of 1955, and that this recommendation was rejected by Premier Ngo Dinh Diem. And it was Diem's rubberstamp Assembly, in March of 1956, which notified the SEATO Council that it did not consider the Geneva Indochina armistice terms binding on South Vietnam.

This unilateral abrogation of the Geneva agreements by South Vietnam, an abrogation not supported by the United States or by any Western Power, yet an abrogation which was allowed to stand almost without comment, and certainly without effort to correct, is at the root of the problem which faces the President today. There was no Vietcong terrorism at that time—there was no threat of invasion. The fact is that North Vietnam had just announced the demobilization of another 30,000 men, bringing its forces to 80,000 less than were under arms in 1954. The North was as anxious as South Vietnam to rebuild from the ravages wrought by 15 years of war.

There can be little doubt the United States and President Eisenhower accepted the Geneva agreements in good faith, despite vocal critics from both political parties. There is no doubt that it was the view of the President then that the 2-year waiting period, prior to the reunification election, and the provision for international supervision, provided at least a fighting chance to reunite Vietnam as a democratic country. And the President defended his action in supporting that fighting chance as the best arrangement that could be made under the circumstances.

The policy of the United States was clear then, as it is now. It was expressed in a declaration made in Washington on June 29, 1954, as follows:

> In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the United Nations to insure that they are conducted fairly.

And a year later Eisenhower said, with regard to Germany,

> The division of Germany cannot be supported by any argument based on boundaries or language or racial origin. The domination of captive countries cannot longer be justified by any claim that this is needed for purposes of security.

And yet today the President is forced to defend a policy of maintaining a separate South Vietnamese state on exactly that claim—the claim that it is needed for our security.

There is no information available to me to indicate that the people of South Vietnam regard themselves as a separate nation, or desire to be a separate nation. There is no information available to me which would indicate that the small clique which claims to be the Government of South Vietnam is in fact the choice of the people of South Vietnam. It is abundantly clear that this small group, from Ngo Dinh Diem down to Dr. Phan Huy Quat and the collection of generals who currently run the country, have been hand-picked favorites of a foreign power, from Japan, to France, to the United States and that for the past dozen years or more they have been constituted an elite class from the largesse of the American taxpayer and his AID dollars.

And so the President says that we are there "because we have a promise to keep." And I say that we are there because of a promise that was not kept—a promise of peace from the enforcement of the Geneva agreements.

I will not dwell on the many other phases of this problem where our course has been painted all white—with no black or gray—where our policies have been uniformly presented as placing the United States on the side of the angels.

I am not convinced that this is the case.

I am not convinced that we are in truth strengthening democracy in the world, or weakening the spread of communism by our action in Vietnam. I am, in fact, afraid that just the opposite may be happening. I am afraid that the small countries of Asia, and of the world, whose will to resist we are supposed to be strengthening by our resolve in Vietnam, may not well feel that they would be better off without the United States. This has happened already in more than one country.

But I can say to the President that he has my wholehearted support in his search for "the path of peaceful settlement." It is, as he says, "the only path for reasonable men." So I would like to say a few words about the nature of such a settlement.

The President has already stated:

> Peace in southeast Asia demands an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others—free from outside interference—tied to no alliance—a military base for no other country. These are the essentials of any final settlement.

And in truth they are. So, Mr. President, I say, let us explore what we mean by such a settlement, explore it for all the people of this country to discuss, build support for this peace in the same way, and with the same superlative skill, that you have built support for this request for $700 million to carry on the war.

Let us begin by pledging ourselves unequivocally to support the basic propositions of democracy in a Vietnam at last free from war. Let us spell it out in simple terms.

First. The people of South Vietnam shall control their own government.

Second. Every qualified citizen shall be allowed to participate freely in elections, and in government office.

Third. The Government shall not permit any individual or collective reprisals against persons who have collaborated in any way with one of the parties during the war, or against members of such persons' families.

Fourth. A basic constitutional form of government shall be adopted within a reasonable time, subject to approval of the people.

Fifth. Elections shall be held, in accordance with the Constitution, at the earliest possible date.

Since none of these basic ingredients of democracy are likely to exist in the near future without secure guarantees, as the President has said, let us unequivocally spell out the guarantees also. Let us pledge ourselves to support a major international peacekeeping force, under U.N. auspices, mandated to uphold order and the constitutional rights of the Vietnamese people. And let us make clear our complete willingness to withdraw all U.S. forces as the international peacekeeping force takes its place.

Let us stir the hope and the imagination of the world by our willingness to consider new and promising methods of peacekeeping, as we have tried new and promising methods of warmaking. Certainly let us suggest a peacekeeping force largely of Asiatics, and including both Communist and non-Communist nations. At this period of crisis in the peacekeeping role of the U.N., it is vitally important to create and use every opportunity to expand and strengthen this essential function. And the circumstances in Vietnam hold promise that the U.S.S.R. might see her participation in a broad peacekeeping operation as a way out of a very difficult situation that she now finds herself in with regard to China and North Vietnam. If such is the case, her participation might provide the necessary assurances to the Vietcong and North Vietnam that their interests would be protected, and allow them, as well as us, some face saving in a difficult situation.

Let us suggest that this peacekeeping force police the boundaries of North Vietnam, Laos, and Cambodia, and use this mechanism as a means of providing for Cambodia's often sought guarantees of neutralization, and for the effective implementation of the 1962 Convention on the Neutralization of Laos. Both of these propositions have had the support of the U.S.S.R. in the past, as a means of counteracting the spreading influence of Communist China. If we are truly successful in such peacekeeping we will have opened the door to the demilitarization of all of Indochina, to the creation of a true "zone of peace" in the world, one in which the work of reconstruction and economic development can move forward without the psychological burden of fear, and without the economic burden of large standing armies and military expenditures.

The success of such an experiment would bring to the world a ray of hope never before visible, the hope that gradually out of this world burdened by the threats and pressures of war some small islands of peace could be created, and as this hope proved justified, other troubled areas of the world, in Africa, the Middle East, and South America, would look with favor on a similar pattern.

The personnel of a peacekeeping force could do much to win acceptance of their presence by engaging in large-scale reconstruction and the repair of the damage wrought by war—they could, in truth, constitute an international peace corps. The peacekeeping force could help supply trained personnel to expedite the more rapid development of the Mekong River project, a project already widely accepted by the various nations of the area as their most important development project, and one which the President has already pledged himself to support.

I say to the President that all these things and more are possible, if only we devote ourselves to the true implementation of the secure guarantees that he has called for, with the same energy we devote to the bombing of North Vietnam.

Mr. President, you have said that you want a South Vietnam "able to shape its own relationships to all others." Let us likewise spell that out. Let us make clear that South Vietnam may reunite with North Vietnam if its citizens freely choose to do so. Let us not say one thing at one time and for one country, and another thing at another time and for another country. We weaken America in the eyes of the world when we do this.

And certainly, during such time as there are two Vietnams, let us make clear the right of the two to engage in such trade and commerce as are in their own economic self-interest.

And if you truly mean that South Vietnam should be "free from outside interference; tied to no allowance; a military base for no other country," let us make that clear also. Let us pledge ourselves that our economic assistance program will be administered on a multinational basis, or through the World Bank, not on a bilateral basis. We only delude ourselves if we think that our almost complete support of the budget of South Vietnam on a bilateral basis does not constitute "outside interference." Let us recognize that the protocol status of South Vietnam under the SEATO Treaty ties her to an alliance, and that those ties should be cut. Let us pledge the removal of those military bases we have maintained over the years, possibly offering to convert them to hospitals or universities at the same time as we depart.

The President has dropped the hint that perhaps the situation is changing for the better in Vietnam—that perhaps he will be able to find a spirit of negotiation in those whom we now fight.

I say to the President, cultivate that spirit with all your great power; spell out the type of program I have been discussing, for all the world to hear; order a halt to the bombing of Vietnam for a limited period of time; indicate your willingness to accept a "cease-fire" arrangement; provide some honorable basis on which the Vietcong may participate in the discussions leading to peace in that war-torn land.

Mr. President, you have said that you "will never be second in the search for such a peaceful settlement in Vietnam." I beg you to consider what I am saying here, for I know that with your vision and desire for peace you can do far more than what I am supporting. And when you come to the Congress with a request for $700 million for such a program, a program that points toward the goal of a world free from war, you will find me fighting for it.

If you are not successful, Mr. President, in your search for a peaceful settlement on Vietnam, then our future is indeed bleak. The Vietnamese people, oppressed by 25 years of bloodshed, will suffer even more for the foreseeable future.

Even worse, if the attitudes of the great nations—the attitudes which have produced this war—are not radically altered, then we face no peace in the lifetime of anyone now living. Small wars around the fringes of the Asian Continent, and in other places, will continue. Massive land wars on the Asian Continent will be an increasing possibility. Nuclear exchanges in a world of nuclear proliferation will be inevitable under these circumstances. Stability will be enforced by totalitarian methods in a world of the "garrison state." Years of hopeless frustration by the peoples on both sides will lead to increased pressure for a "final victory" over the other. And this "final victory" may be the end of civilized life on earth.

This must not happen, Mr. President.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. RYAN. Mr. Chairman, I object.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. ROSENTHAL] is recognized for approximately 2 minutes.

Mr. ROSENTHAL. Mr. Chairman, I would like to offer just a few thoughts as to where I think this debate has gone and should go. I think it is regrettable that in the past months we have had very little opportunity for full-fledged debate on foreign affairs and the world interests of the United States. I think it is unfortunate that today's debate included no members of the Committee on Foreign Affairs other than the gentleman from New Jersey [Mr. FRELINGHUYSEN]. I think we all, both in the Congress and the American public, have been guilty of a conspiracy of silence on this subject. On the other hand, I think the fact that the President has sought this resolution because he feels that there had to be notice given to the world that the American people supported his conduct in the Executive Office, warrants our support and, therefore, I shall vote for this resolution. However, I would like it to be understood that I think the time has come for full-fledged debate on this subject. I think that the President deserves the support of the American people and that the American people themselves deserve an opportunity to hear their representatives, not in an hour's debate, but a debate of many hours, many days, and many nights, so that all of these issues can be decided.

In lieu of that there seems to me to be no alternative other than to support the President's position.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, I rise as a member of the Committee on Foreign Affairs, and as one who has recently returned from Vietnam, to respond to the gentleman from California. His indictment of the U.S. policy in Vietnam was, if not wholly irresponsible, then certainly inaccurate.

He mentioned that the United States is conducting a slaughter of civilians in Vietnam. Our committee has full access as to what is going on in Vietnam. Let me unequivocally state that the gentleman is incorrect.

Any war is a dreadful business, but I think never in our Nation's history, has the President of the United States and his Government ever been more concerned about targets and casualties. It is the expressed policy of this Government that the targets selected for our strikes are not inhabited by civilians, and we go to great length to insure against unnecessary casualties. I might add that I heard no mention of the atrocities inflicted on helpless civilians by the Communists.

The factual conclusion that must be drawn is that in Vietnam today we are not trying to slaughter civilians as the gentleman from California would have us believe. What we are trying to prevent is the slaughter of freedom not only in Vietnam but also in the Caribbean area. And that is the very basis of this resolution and appropriation request.

And so the best way to prevent the slaughter of freedom is to support this resolution. I strongly hope that this is what the House will do and do so unanimously.

I regret that I do not have enough allowed time to give a more detailed reply, but it seems to me that this is a time to have confidence in our President and faith in our Nation.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I yield to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, cloaked in the disguise of a military appropriation bill, this House was asked to approve, and did approve, this Government's policy of escalating the war in southeast Asia. Six of my colleagues and I dissented.

Since it is conceded by everyone, including the President, that the $700 million was not the issue at hand, then at a minimum, surely, in this body which the Speaker refers to as the greatest deliberative body in the world, there should be full discussion of what this resolution does mean while there is still time, hopefully, to resolve these tragic affairs before we bring down upon our heads the wrath of the world and shatter the frail edifice of world peace.

To my colleagues and my constituents I want to say that for many, many months now I have searched for every possible excuse to support my Government in the policies it is pursuing in Vietnam—and I have supported it. In spite of the shaky logic of the "domino" theory, I have done my very best to believe in it; in spite of the fact that the people of South Vietnam have been subjected to one unpopular and unstable dictatorship after another, I have done my best to believe we are defending their freedom; in spite of the fact that we have violated the Geneva accords, I have done my best to believe this was justified because the North Vietnamese did also, even though I know that two wrongs do not make a right; in spite of one humiliating military defeat after another, I have done by best to believe all the optimistic reports about our really winning the war over there; in spite of all the evidence of internal discord and revolt against the governments we maintain in power, I have done my best to believe this is what the Vietnamese people really want us to do—but, my fellow Americans, there is a point beyond which credibility simply will not stretch—and it is that somehow by waging a wider war we pursue a policy of peace.

This vote represented, in my opinion, a vote for that delusion. It could not have been a vote for $700 million, for the President himself said this was available in any case. It could not have been a vote to show our united determination to halt Communist aggression, for if more than a decade of effort, more than 400 American lives, more than $3 billion expended does not show this, then how can $700 million demonstrate it?

One of the things the vote could mean, though, is what in fact everyone knows it will be interpreted to mean, and that is congressional approval for the continued bombings of North Vietnam and commitment of thousands and thousands of American troops to a war the justice and wisdom of which has been questioned inside and outside this Nation by citizens and friends of unimpeachable loyalty. I think it also clearly means the relinquishment by Congress of its constitutional authority to declare war, for if the President can direct bombing raids on North Vietnam by simple Executive fiat, why can he not direct similar action against any other nation at any other time? Why bother to ask? Once the bomb is dropped, it can always be pointed out that rightly or wrongly—legally or illegally—we are in a war and that American lives are at stake and that it would be disloyal to not approve funds for the war.

I cannot in good conscience lend myself to that kind of usurpation of congressional power, and for the purpose of continuing a course of action which I believe will only reap at best, decades of hostility, enemity, and distrust of my countrymen by the peoples of Asia or, at worst, utter catastrophe for my Nation and the world.

Yet but an hour and a half debate was allotted for discussion of a measure which profoundly affects the future of our country and the world, and less than 15 minutes of that time was given to those who might have reservations, who might have questions, who might disagree. I find it impossible to understand why an admittedly unnecessary appropriation request need be mantled in a cloak of urgency and secret meaning, with full, free, and frank discussion of its merits denied.

The high point of these whole implausible proceedings was the speech of one of my colleagues who, in one breath, demanded withdrawal of Government funds to an educational project, because some of the participants criticized administration policy in Vietnam and then, in the next breath, he admiringly quotes Senator Vandenberg's statement that:

> Every foreign policy must be totally debated, and the loyal opposition is under special obligation to see that this occurs,

And this in the context of demanding for himself and others of the minority party a voice in foreign policy decisions. His exact quote is:

> These teach-ins are a protest against the national policy of our country. It seems to me that when we have individuals conducting these teach-ins and acting as leaders in these groups, that it is not in the best interests of the national security of our country for our Government to subsidize this kind of operation by financing projects in which these same people play a prominent role.

I can see we are all going to have an absorbing year if we follow the advice of the gentleman from Wisconsin, making certain we do not subsidize free inquiry, but only subsidize thought control.

And yet, I wonder if any policy, domestic or foreign, which its supporters here in this House are unwilling to risk to the judgment of free and inquiring minds can prove anything except on the part of its advocates, an abysmal lack of confidence in its strength. Surely a policy in which one believes deeply can stand examination and discussion.

Mr. RYAN. Mr. Chairman, the resolution before the House makes a supplemental appropriation of $700 million to the Department of Defense for military activities in southeast Asia.

It is clear from the committee report and from the debate that this appropriation is not necessary for the support of our Armed Forces.

The report states:

> Sections 512 and 536 of the Defense Appropriation Act, 1965, contain language which has been carried in the bill for several years making certain additional funding immediately available without further action by the Congress.
>
> The authorities in existing law could have been utilized in lieu of the proposed appropriation.

The distinguished chairman of the Committee on Appropriations, the gentleman from Texas [Mr. MAHON], said earlier that within the framework of present authorities "it wasn't absolutely necessary for this action" and that the President "could have transferred funds and taken other actions necessary."

The New York Times also reported today that the administration could have obtained the money by transferring funds within the Defense Department. Although the request is for $700 million for the 2 remaining months in this fiscal year, the administration contemplates using but $200 million. Why then should the request be for $700 million?

This resolution is not a typical appropriation. Clearly the money is not the question.

The basic issue is U.S. policy in Vietnam. The resolution in effect seeks congressional approval of the new policy which is a departure from the previous policy of aiding the South Vietnamese to fight their own war. The United States is now fighting the war for the South Vietnamese. We are not only fighting in South Vietnam but have carried the war to North Vietnam. Let us make no mistake about the fact that today we are in a war in southeast Asia. We are in a war without a declaration of war. Under the Constitution Congress has the power to declare war. If war were declared by Congress, the situation might be different.

The resolution of last August did not contemplate the new policy in South Vietnam. Before that resolution was adopted in the House and the Senate, the Senate debate made it clear that the resolution was an affirmation of the then existing policy.

Senator FULBRIGHT, in making the legislative history of that resolution, had the following exchange with Senator MCGOVERN:

> Senator MCGOVERN. Does the Senator think there is any danger in this resolution that we may be surrendering to General Khanh's position as to where the war should be fought? (General Khanh had advocated attacking North Vietnam.)
>
> Senator FULBRIGHT. I do not think there is any danger of that. * * * I do not think the policy that the war be confined to South Vietnam has changed. I think it is still the policy. I think it is the correct one.

Later in the debate, Senator BREWSTER asked:

> So my question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China.

Senator FULBRIGHT replied:

> There is nothing in the resolution, as I read it, that contemplates it.

Senator FULBRIGHT during the debate also said:

> I personally feel it would be very unwise under any circumstances to put a large land Army on the Asian Continent.

Mr. Chairman, in my view the new policy pursued in Vietnam was not contemplated by the resolution of last August. Congress is now being asked to approve of the new policy. Continued escalation of the war may well lead to a Korea-type involvement.

The situation in South Vietnam is not simply a case of aggression from North Vietnam. There is no doubt that North Vietnam is aiding the guerrillas in the south. This fight, however, is also an internal struggle which has been created in part because of the social and political conditions within South Vietnam. In short, it is a political as well as a military effort. The response to the threat in Vietnam has been overwhelmingly military as was the response of the French in Indochina and Algeria. The population in the countryside does not support the Government of South Vietnam; and it is not a stable government. We cannot bomb people into democracy, nor can we bomb people into negotiations.

The situation in Vietnam must be brought to the conference table. Plans should be formulated for the entire southeast Asia region in order to achieve for that underdeveloped area a decent standard of living. I spelled out possible approaches in my speeches on the floor of the House on February 24, 1965, and June 10, 1964. We must confront the real issues—poverty, hunger, disease—in southeast Asia.

The United States is the most powerful nation in the world. Our power should be exercised for the benefit of underdeveloped peoples. It is naive and inhumane to suggest that the United States withdraw from the world. Neoisolationism is not the answer. But neither is military might.

Mr. Chairman, the way in which the United States relates to the underdeveloped world and the social, political, and military revolutions in that world is the real question. Escalation of the war in Vietnam increases our reliance on military might instead of international cooperation and economic development. It is time to reassess our policy and to start a real effort to negotiate an honorable, diplomatic resolution of the problem in southeast Asia.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. GERALD R. FORD. Mr. Chairman, as I indicated earlier, I hope very much that this resolution is unanimously supported. I might add that it disturbs me to see in some areas of our country, on some occasions, some well intentioned people, I assume, carrying placards, "Why Die for Vietnam?" This, I think, could lead to a miscalculation by the enemy of the firmness of our policy and the unanimity of our people. It brings back, perhaps, the memories of those placard carriers in the 1930's who carried placards reading, "Why Die for Danzig?" "Why Die for the Sudetenland?"

The people who carried those placards 30 years ago planted the seeds of Buchenwald and Belsen. And so I say to you that we should caution those who dissent from the policy of the President: "Do not do in 1965 what some did in the late 1930's to encourage the enemy and mislead him to miscalculate where we stand in this crisis."

I would hope that we can be unanimous. I hope our citizens throughout the country will join with us. If not we should caution those who dissent, to be responsible in their dissent from whatever the policy of the Commander in Chief might be. Any irresponsible dissent could be serious.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, the House is faced today with a grave responsibility for we have been requested by the President of the United States to appropriate $700 million when it is perfectly clear that no crisis exists which requires emergency action. The only reason advanced by anyone for this precipitous action is that the administration wants approval for its policies in Vietnam and the Dominican Republic. No one has suggested that there is any need to vote these funds or that slower and more deliberate action would not serve the ostensible purpose.

Indeed this effort to force this appropriation through Congress without adequate committee or floor consideration acts to prevent any real dialog on the pressing foreign policy questions before this Nation.

Serious questions have been raised. Are we doing all that can be done to end the war in Vietnam?

Did we act properly in the Dominican Republic?

Have we used to the fullest extent the Organization of American States and the United Nations?

These are the questions that face this Nation and which must be resolved. I suggest that until there has been full debate we should not approve this appropriation bill. What is needed is a full, complete committee study of our Vietnam and Dominican Republic problems. Then if a need for an appropriation exists we can vote it. No need now appears that requires emergency action. Let us not take any course that commits this Nation to blind acceptance of the present course.

I urge that this be referred back to committee for a full study. This is the reasonable and democratic course.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Chairman, I strongly support this legislation. Much has been said and written of late about the nature of the struggle now taking place in Vietnam. Few of the commentators, however, have pointed out what I believe to be the heart of the matter: The Communist aggression now taking place against the Republic of South Vietnam is nothing more nor less than the latest version of a centuries' old effort to subvert the freedom of a brave and independent people.

The recorded political history of Vietnam—by which I mean the territory encompassing both the Communist-held area in the north, and the Republic of Vietnam in the south—goes back to 213 B.C. In that year, the forces of the Chinese Empire invaded the area and began its subjugation. It took China until A.D. 186 to complete that conquest. They called the country Annam, which means the "pacified south."

The Chinese were able to maintain their conquest for several centuries, but they discovered that the south was far from pacified. It took the Vietnamese until A.D. 950 to develop enough strength to rid themselves of the Chinese occupation, but they did so. Kubla Khan tried to reoccupy the country in the 15th century but was thrown out. From then until well after our own Civil War, the Vietnamese people enjoyed virtual freedom and independence. The French first attacked the Vietnamese in 1856, and the final blow took place in 1884, which was the year when the French took complete control of the whole of Indochina. This occupation was never peaceful. The French had to suppress many revolts, the most important of which occurred in 1885–88, 1893–95, 1899–1913, and again in 1930. The Vietnamese were and are, as I have said, a people mightily jealous of their independence.

Following the fall of France in 1940, the Vichy French regime acceded to the occupation of French Indochina by the Japanese, an occupation which continued until 1945. During those 5 years of Japanese occupation, the so-called Vietminh evolved as a major opposition group and developed a popular following as the champion of Vietnamese nationalist aspirations.

Immediately after the Japanese occupation, the Vietminh, headed by Ho Chi Minh, took power in the country. The people, unwise to the ways of the Communists, accepted the Vietminh as defenders of Vietnamese independence and supported the seizure of power by Ho Chi Minh in Hanoi on August 19, 1945. Subsequently, the Emperor Bao Dai, basking in the warmth of the French Riviera, abdicated, and the Vietminh government proclaimed the establishment of the democratic Republic of Vietnam. All-out war with the French broke out in Vietnam on December 19, 1946.

The war against the French lasted for 6 years, until the fall of Dienbienphu in May 1954. This brought about the total collapse of the French Expeditionary Force in Vietnam and the war was finally terminated by the Geneva cease fire agreement on July 21, 1954.

At the conference in Geneva which followed, were representatives of Cambodia, the Vietminh, France, Laos, Communist China, non-Communist Vietnam, the Soviet Union, the United Kingdom, and the United States. Dissension between the Vietnamese and a power struggle among some of the participants to the conference resulted in a compromise under which Vietnam was partitioned, with all the territory north of the 17th parallel to be occupied by a pro-Communist Vietminh government and until such time as the restoration of peace and order would permit the Vietnamese people to decide their own future.

The delegation from the non-Communist occupied South Vietnam refused to sign the agreement. They proposed, instead, that the whole territory and population be placed under the control of the United Nations until free general elections were held. The delegation from the United States supported this action; stating, however, that it would honor the truce and that it would view with grave concern any violent breach of it. It is too often forgotten that during the first 5 years following the Geneva agreement, South Vietnam made considerable progress. By the end of that period, 140,000 landless peasant families had been given land under an agrarian reform program; the transportation system had been almost entirely rebuilt; rice production had reached the prewar annual average of 3½ million metric tons—and leaped to over 5 million in 1960; rubber production had exceeded prewar totals; and construction was underway on several medium sized manufacturing plants, thus beginning the development for a base of industrial growth.

All this was in marked contrast to development in North Vietnam. Despite the vastly larger industrial plant inherited by Hanoi when Vietnam was partitioned, the gross national product in the north was only about $70 compared with $110 per person in the south, and where per capita food production was going up in the south, in the north, it continued to fall.

The contrast between what was happening in the south and what was happening in the Communist north was as intolerable to the Communists as the contrast between West Berlin and East Berlin in Europe. In Vietnam they responded far more violently. Beginning in 1959, the leaders in Hanoi launched a deliberate and flagrant aggression against the people in the south, infiltrating thousands of trained guerrilla terrorists to first create anarchy and confusion, and then to exploit that turmoil and impose a Communist regime on South Vietnam. In 1960 Communist terrorists assassinated or kidnapped over 3,000 South Vietnamese. In 1962 there were more than 3,500 separate acts of terrorism and sabotage. In 1964, 436 local officials were murdered and over 1,100 others taken by kidnapping. More than 13,000 other civilians were murdered and another 8,400 kidnapped by the Vietcong; over 11,000 innocent human beings murdered or dragged away from their families to captivity, forced labor, or worse.

This bleeding and intimidation of the people and the local government in South Vietnam has gone on for 8 years increasing in its horror and ferocity with every passing month. The irony and the tragedy of it is that the main inspiration and source of support comes from that very power against which the Vietnamese people have struggled for so many centuries.

In the name of anti-imperialism, and in the name of freedom, the Communists in Hanoi have turned brother against brother, and family against family in a campaign of terror which can have as its only goal satisfying the ambitions and gorging the appetite of their traditional enemies. The Vietnamese are not deluded about this.

More than 50,000 soldiers of South Vietnam have been killed or wounded in battle for their country since 1960. Last year alone the South Vietnamese Army suffered 25 percent more battle casualties proportionately than we incurred in the entire 3 years of the Korean war. And still they fight on.

Last month, President Johnson said:

> Over this war—and all Asia—is another reality: the deepening shadow of Communist China. The rulers in Hanoi are urged on by Peiping. This is a regime which has destroyed freedom in Tibet, which has attacked India and has been condemned by the United Nations for aggression in Korea. It is a nation which is helping the forces of violence in almost every continent. The contest in Vietnam is part of a wider pattern of aggressive purposes.

If that pattern of aggression is to be broken, we must stand beside our national pledge to help South Vietnam defend its independence. Around the world are people whose will to resist and whose hope for the future depends on their faith in our commitments. To leave Vietnam to its fate would be an act both dishonorable and senseless. For the result could only be still larger aggression and even wider war. To withdraw from this battlefield today would only mean preparing to fight on some other battlefield tomorrow. The central lesson of our time is that the appetite of aggression is never satisfied. The only way to stop aggression and achieve lasting peace is to prove to the aggressor that he cannot profit from his actions. We are proving it now, to Peiping and Hanoi alike, in Vietnam.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I intend to vote for this resolution only because I believe the international situation as it exists today demands a demonstration of unity.

I have serious misgivings about the necessity for appropriating $700 million and I regret the President would use a critical psychological situation for the purpose of obtaining this huge fund.

Nor is it any credit to the President or those who rammed this resolution through the House of Representatives that it was accomplished in a matter of a few hours from the time it was proposed at the White House, and with only 1 hour of general debate on the House floor.

Those in charge of the resolution gave no justification for the full amount of $700 million. Certain expenditures of lesser amounts were alluded to but without any detail. The impression given was that the figure was picked out of thin air.

It has been interesting to listen to the speeches of those who today insist the situation calls for resolution and determination. Aggression in Vietnam did not start today, yesterday, last month, or last year.

What did some of those speaking today in behalf of this action have to say last fall when a candidate for the presidency was calling for resolution and determination to halt aggression in Vietnam? That candidate was denounced as a "war-monger" and "trigger happy" for insisting that the necessary forces be employed to carry the war to the aggressor in his own territory. If this resolution has any meaning it is in support of an escalated war—an effort to win—an action for which another advocate was crucified last fall.

And it would have been heartening to have heard in April 1961, some of the speeches that have been made today. After training and equipping a Cuban invasion force at a cost of millions of dollars it was a sad and sorry day in the history of this Nation when for lack of resolution and determination the Bay of Pigs fiasco was permitted to take place.

We are still paying a heavy price, as demonstrated in the Dominican Republic, for the lack of resolution and determination in that tragic failure of 1961.

Enactment of this joint resolution by Congress means that it is now up to the executive branch of government to put an end to the bungling that has marked foreign policy. As far as Congress is concerned the position of this Government is clear. It is now the duty and the responsibility of President Johnson and his subordinates to forthwith obtain the support of our so-called allies in fighting to a successful conclusion the war in Vietnam.

In this hemisphere, it is President Johnson's duty and responsibility to immediately obtain the help of the Organization of American States in bringing order out of chaos in the Dominican Republic.

No longer should Congress or the citizens of this country, having made the tools available, tolerate further bungling in the conduct of foreign affairs.

Mr. BOW. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Chairman, I shall vote for the resolution and the appropriation today because I believe that the troops we have committed in southeast Asia deserve the support—the supplies, the equipment, and the facilities—which the President has told us they need. That is what my vote today covers. It is not a vote for enlarging the present conflict in South Vietnam, or a vote of satisfaction with things as they are.

I hope that we will work vigorously to rehabilitate the United Nations, and then try to obtain a United Nations presence in Vietnam to protect and pacify the area.

I hope that we will make clear our determination that the people of South Vietnam will then have an opportunity for democratic elections to determine their own future.

Mr. SELDEN. Mr. Chairman, will the distinguished gentleman from Texas, the chairman of the Committee on Appropriations, yield to me at this point?

Mr. MAHON. I am delighted to yield to my friend from Alabama.

Mr. SELDEN. Mr. Chairman, I rise in support of House Joint Resolution 447.

I believe it is imperative that the Congress reflect the determination of the American people to resist Communist aggression in southeast Asia. Those of us who stand behind actions by the President aimed at strengthening our position in South Vietnam are convinced that only by firmness can the Communists be persuaded of our true intentions. And these intentions are nothing less than to maintain and preserve the cause of freedom and Western civilization. But if we falter—if we begin looking for excuses to run out on commitments made to the people of South Vietnam, or West Berlin, or Latin America—then the Communists will certainly interpret our action as a green light for their own aggressive plans.

True, South Vietnam is a distant land and Saigon is a distant capital. And we hear many voices today asking the question: Why should American lives and resources be committed to the defense of a distant land and foreign culture?

Yet, can we sell out our commitment in Saigon with any greater national honor or moral rectitude than the Chamberlain government and the French sold out Austria and Czechoslovakia in the 1930's? And if we did pursue this callow course, does not history teach that though we avoid the struggle for the easy course today, the aggressor will be back tomorrow with even greater demands—and that, ultimately, the final battle will be fought not in distant territories, but in our own country?

Do not misunderstand; the course of resistance in South Vietnam is risky, but the current debate regarding our policy in South Vietnam is not between warmongers and peacemakers. No one wants a war and the great debate concerns best how to prevent it.

However, in South Vietnam, as in West Berlin, as in Latin America, the risks of our inaction are far greater than the risks of taking firm action to make our intentions known. No aggressor would knowingly launch a major war today, because of our country's ability to retaliate with overpowering force. But an aggressor who misunderstood or came to underestimate our will to fight might overstep his bounds—and thereby bring about the war nobody wants.

Therefore, our continued firmness in South Vietnam—and our willingness to take the necessary risks to maintain our commitment there—is in the long-range interests not only of southeast Asia but of our own national security and the cause of peace and freedom everywhere. We must assume the risk made necessary by the aggressive actions of our enemies—always remembering Gen. Douglas MacArthur's counsel that there is no security on this earth, only opportunity.

Mr. MAHON. Mr. Chairman, I yield back the balance of my time.

Mr. DOW. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The **CHAIRMAN.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOW. Mr. Chairman, it is with profound regret that I question a proposal of our respected President whom we have quite regularly supported in this Congress.

The time available for reading this momentous message of the President for increased spending for the combat in Vietnam has been very short. This proposal has been known to us for less than a day. We must vote only an hour after the bill's presentation. This is not a trivial measure. This appropriation, Mr. Speaker, may prove to be among the most fatal decisions in American history.

This bill is equivalent to a declaration of war with little warning to show it does mean that.

This bill commits us to endless violence—the very thing our people in 1952 voted to stop in Korea.

This bill will be passed, not after adequate debate, but it will be passed on a demand for faith in our President. We have faith in our President in many respects. But this Congress, this major arm of Government, should not be asked to carry faith so far as to abandon nearly all consideration by the people. We owe it to our people in our districts to subject this fateful measure to the fullest debate, in public and before the congressional committees.

Why call this measure fateful?

I submit that this warfare that our Nation carries on in Vietnam has little support in the opinion of the world. None of our historic allies, the great nations like England, France, Italy, or Canada, have sent troops to aid us, as they did in three wars of this century. Certainly nobody can show where our actions are popular in Asia, among the millions of people there.

The United Nations, which was set up to solve these conflicts, has been left out and it plays no role. Everyone once thought it was the place where differences among nations would be settled. But we will by this appropriation carry our course of action into an area of danger where no United Nations can help to resolve the conflict. And we will be doing this by the single action of one heavily armed nation that has little or no meaningful support from any other nation.

Our action is fateful because it reveals our one Nation attempting to say, "I am the law"—attempting to be the judge and executioner of another nation.

There are two sides to every question, and there are two sides in the Vietnam conflict. While we hold that the Vietcong uprising is a Communist plot, others hold that it is a rebellion of the people against the rulers. Now there may be places in this world where we should oppose communism—perhaps in Russia or in China. But let us not attempt to do it in those areas where we may be interfering with a revolt of people against oppression. For, if we do this too often, it will be known all over the globe that the common people cannot right their wrongs without U.S. opposition. And the people will say that the United States does not go to the courts; she does not sit down and parley; she does not go to the United Nations. Men will say that the United States imposes its own justice by force. They will say we do this, not always close to our own shores, but also on the opposite side of the globe, in distant lands, punishing faraway people whom we are not equipped to understand.

Now the argument is offered that terrible atrocities are being committed in Vietnam by the Communists there. Undoubtedly this is so. But they are the same race and breed as our Vietnam allies. Frankly, do you not wonder if the level of humanity is very different on one side from another? Do you not know, too, that the United States has dropped burning oil upon Vietnam in this sad conflict.

The argument is offered in our defense that North Vietnam has committed aggression upon South Vietnam. Now as you know these were two parts of the same country not long ago. They were divided at a conference in 1954 that was made up mainly of foreigners who chose to say: These are two countries.

It should not surprise us if many hundreds of the men in North Vietnam have come down into South Vietnam to reunite their country. You can call it aggression if you want to, but it is not something you can blame them much for—attempting to reunite the land.

When Germany invaded Belgium in 1914, all the world knew and could see it was aggression against a foreign people. And the nations joined to repel it.

When Germany invaded Poland in 1939, all the world knew and could see it was aggression against a foreign people. And the nations joined to repel it.

But when men in North Vietnam came down the jungle trails to South Vietnam, the world was not so sure it was aggression. Only one major nation came to repel it; that was the United States. We came in to bomb North Vietnam with no sanction from the community of nations, and no mandate from any court or alliance.

Others will say: "You are talking appeasement." The answer is this: "That the tag 'appeasement' is used now for every situation." One should never change his course or shift his field of action I suppose. I suppose there are some who would smash their heads against a stone wall so that they do not appease it.

If, now, this Nation is in the Vietnam conflict to right some wrongs done by one group of people to another group of people, the purpose is commendable. But the wrongs of Vietnam are not all the wrongs of this world. There are wrongs and cruelties in South Africa, in west Africa, in Burma, in Bolivia, in Brazil, in Russia and in China, even in the United States. Why shall we swoop down with all our might on this one particular place that we hardly know, so far away, asking for no judge except our own strength?

Should you of the opposite opinion ask me for a solution to our problem in Vietnam, I could answer you this way: Whatever you do, do not choose the worst solution of all—represented by this ill-advised bill. It contains too much of hostility and belligerence to be the glowing charter of our cause. I recommend any other course you care to select, and I will help you work it out.

Still the final argument remains: It is said we must stop communism. I hope we can. But can we stop it by fighting the people we want to win for our side? Can we stop it amongst the billions of Asiatics when they think we are bringing colonialism back by means of atomic weapons, which they hate with a bitter hate.

Are we fighting in Vietnam out of fear that it will fall to China? Is fear a good basis for going to war?

Does Communist China have the power to occupy and dominate any number of southeast Asia nations that are fighting now so desperately for their independence? This is the age of little nations. They have grown from 50 to 100 in a few years. Let us not have fear, but faith that they will all come out independent.

And so in this swift and tragic moment, the United States is to veer from democratic deliberation into a swift decision—when there is no crisis calling for swiftness.

In this tragic moment we are to relinquish a decent respect for the opinions of mankind, and use our great might to do violence against a small people as it suits our choice.

In this tragic moment we are to brush aside the countless questions and anxieties of our own people, telling them they do not know the facts. It is true nobody knows all the facts, and most of us know only a few. So let us read the signs. Let us take note that our traditional allies are not joining us in Vietnam. Let us take note that our side in Vietnam has been losing battles and territory in the country in spite of the heavier arms we give them.

Let us take note that all through the years of Vietnam fighting, it has never been clear whether the Vietnam people wanted to be saved more from communism than they did from war. Let us take note that Vietnam recently ejected one nation of white men from its shores. Why should they like us any better?

Let us take note that the government of Vietnam has been changed five times in a major way in the past 2 years. That is the measure of stability and resolution in the side we espouse. All these are signs that cast a doubt upon the rightness of our cause. Let us take note that hundreds of American clergymen and thinkers have counseled against our course.

In this tragic moment we will proceed to delude ourselves that unanimity on the floor of this body means unanimity the world over—for its does not. In this tragic moment we surrender our individuality as legislators, capitulate to a mechanism, and close our eyes to the possibility that we may be committing a crime upon other men.

Please believe that I am not saying these words in any way as personal criticism of the individual actions of others. I do not believe I am an agitator. I represent no group. I have no desire to stir up factions or foster uprisings in these legislative halls or anywhere else. I am noting this to the best of my conviction.

When this sad choice, not of my choosing, is placed here before this Congressman, he has to follow what is inside of him. My vote will go against the appropriation, and it will go with a heavy heart though still with an expression of respect for our President. For while I believe he is gravely wrong, I also believe that he has struggled mightily with this problem.

Mr. DORN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Chairman, this resolution and this $700 million is an opportunity for Congress to help prevent another disastrous world war. This resolution is an opportunity for Congress to take positive action to solve the No. 1 issue facing the American people and the free peoples of the world—the constant threat of Communist domination of the world. At the moment, this Communist threat is manifested through infiltration and sabotage of free peoples by Communist agents. In recent years, we have seen the Communists gobble up nation after nation in Europe, in Asia, and even in this hemisphere. South Vietnam and Santo Domingo are only another step in the Communist plan to subvert and conquer the entire free world.

The President's decision to stand firm in South Vietnam and to forestall a Communist takeover in Santo Domingo is in the interest of freedom and the security of free peoples. The forthright action of the President is calculated to avert a general war and, therefore, is definitely in the interest of peace.

This resolution will eliminate the possibility of Communist miscalculation, which contributed to their open attack on the South Korean Republic in 1950, thus precipitating a general war. This resolution will prevent any dictator from misjudging the American will to resist.

Mr. Chairman, our own country could possibly have averted World War I and World War II had the dictators been put on notice by a resolution such as this one before the House today. The Communist world has been lead to believe, as Hitler was led to believe, that we do not have the will to resist aggression. The Communist propaganda mill has frequently referred to the United States as a paper tiger, lacking the will or ability to defend our allies.

This resolution today is the greatest single step this Congress can take for peace and to prevent a world conflict—a world war which would bring destruction to the cities of the world and to countless millions of innocent civilians.

The President has been the target of abuse, tirades, and ridicule from Moscow, Peiping, Hanoi, and Havana. I am shocked and distressed to see some in our own country lend comfort to those who have called the President an imperialist gangster and who seek to discredit our Commander in Chief before the peoples of the world. I believe the American people now realize and the Members here realize that speeches and articles attacking the President and his foreign policy are reproduced by the Communists and distributed as Communist propaganda in an effort to prove we are not a united nation.

This resolution is designed to let the Communists know in no uncertain terms that we will stand firm in South Vietnam and in Santo Domingo, in Berlin, and throughout the world. It will notify the Communists that we will fight in the defense of our friends and allies. This resolution will make it crystal clear to the aggressors that we will fight open aggression, we will oppose infiltration of free nations by foreign agents and that we will fight Communist subversion and sabotage.

This resolution is for peace and it will encourage the free peoples of the world to stand firm. I urge that this resolution be adopted by an overwhelming vote in order that the enemies of freedom will know now where we stand.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the joint resolution back to the House with the recommendation that the joint resolution do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Joint Resolution 447 making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes, had directed him to report the joint resolution back to the House with the recommendation that the joint resolution do pass.

Mr. MAHON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 408, nays 7, not voting 18, as follows:

[Roll No. 92]

YEAS—408

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Colmer
Conable
Conte
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole

Donohue
Dorn
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—7

Brown, Calif.
Burton, Calif.
Conyers
Dow
Edwards, Calif.
Green, Oreg.
Ryan

NOT VOTING—18

Blatnik
Cahill
Curtis
Giaimo
Griffiths
Halleck
Hays
Helstoski
Jones, Mo.
MacGregor
Mathias
Powell
Redlin
Resnick
Rodino
Senner
Toll
Williams

So the House joint resolution was agreed to.

The Clerk announced the following pairs:

Mr. Griffiths with Mr. MacGregor.
Mr. Giaimo with Mr. Cahill.
Mr. Jones of Missouri with Mr. Halleck.
Mr. Williams with Mr. Curtis.
Mr. Toll with Mr. Mathias.
Mr. Rodino with Mr. Powell.
Mr. Helstoski with Mr. Redlin.
Mr. Hays with Mr. Resnick.
Mr. Blatnik with Mr. Senner.

Mr. BROCK changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZATION FOR APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 366, Rept. No. 292), which was referred to the House Calendar and ordered to be printed:

H. Res. 366

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7717) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AUTHORIZING DEFENSE PROCUREMENT AND RESEARCH AND DEVELOPMENT

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 365 and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 365

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7657) to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation for the Armed Forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Serivces, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

That after the passage of H.R. 7657, the Committee on Armed Services shall be discharged from the further consideration of the bill S. 800; that it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 7657 as passed.

CALL OF THE HOUSE

Mr. BRAY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). Evidently a quorum is not present.

Mr. COLMER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 93]

Blatnik
Cahill
Cleveland
Curtis
Diggs
Dow
Flynt
Fraser
Fuqua
Giaimo
Griffiths
Grover
Halleck
Hawkins
Hays
Jones, Mo.
Kirwan
MacGregor
Mathias
Moorhead
Powell
Reid, N.Y.
Resnick
Rodino
Senner
Smith, Calif.
Springer
Steed
Talcott
Teague, Tex.
Toll
Williams

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 397 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING DEFENSE PROCUREMENT AND RESEARCH AND DEVELOPMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. COLMER].

PERSONAL ANNOUNCEMENT

Mr. HELSTOSKI. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from New Jersey.

Mr. HELSTOSKI. Mr. Speaker, on rollcall No. 92, I was in the Capitol but unavoidably detained. Had I been present, I would have voted "yea."

AUTHORIZING DEFENSE PROCUREMENT AND RESEARCH AND DEVELOPMENT

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Ohio [Mr. BROWN] and pending that I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for an open rule with not to exceed 4 hours of debate and makes in order the consideration of H.R. 7657, the military procurement bill from the Armed Services Committee of the House.

Mr. Speaker, this is the first major piece of legislation that has been brought to this House since the departure of the distinguished gentleman from Georgia, the long-time chairman of this distinguished committee, by the gentleman from South Carolina [Mr. RIVERS]. Mr. RIVERS has served on this committee for many years. He has demonstrated in those years, during this valuable service on the Committee on Armed Services, his ability to take over and run this committee. As a matter of fact, he has had very fine training under his predecessor, the very affable and effective gentleman from Georgia, Mr. Vinson.

He has demonstrated in the brief time he has been chairman of this committee that he has the qualities of leadership that will permit him to do a good job. Moreover, Mr. Speaker, one of the things that I have been impressed with by this new chairman of the Committee on Armed Services is the fact that the gentleman from South Carolina has a mind of his own, that he is a man of conviction and he will not blindly follow demands made by others regardless of position and rank.

I admire this quality in any Member of Congress who is willing to stand up and fight for what he thinks is right and is for the best interests of his country. And I predict for this able, effective, and courageous gentleman from South Carolina, the new Chairman, a very brilliant and effective career in this very important committee.

Mr. Speaker, this bill provides for the expenditure of some $15 billion-plus for the procurement of the necessary hardware for the management and conduct of our military affairs. I endorse this bill, as I am sure most Members will.

Specifically, under H.R. 7657 the Army would procure 1,118 aircraft this year, which is 164 less than that authorized for fiscal year 1965.

The Navy and Marine Corps would procure 659 aircraft, which is 75 more than authorized for fiscal year 1965.

The Air Force would procure 517 aircraft, which is 372 less than authorized for fiscal year 1965.

This is 461 aircraft less than was authorized for fiscal 1965 for all three services.

The Army would procure 32,318 missiles this year as against 13,998 authorized last year.

The Navy and Marine Corps would procure 4,463 as against 11,605 authorized last year.

The Air Force would procure 1,509 as against 9,795 authorized last year.

The bill would authorize 62 new ships and 12 conversions. Of the 62 new ships, 46 are combatant ships and 10 of the conversions are combatant types.

The bill authorizes a total of $15,303,400,000—$2,004,600,000 for the Army; $5,383,600,000 for the Navy and Marine Corps; $7,420,200,000 for the Air Force, and $495 million for Defense agencies.

Mr. Speaker, I think we all find ourselves very much in the position when we consider these astronomical figures of authorization for national defense that since we are not ourselves experts in this field we must rely largely upon the Committee on Armed Services, who spend many hours, as do their able staff, in working these things out. And we have to take it more or less on faith, just as we did a few moments ago here on an appropriation for some $700 million for the Vietnam crisis.

However, we as individual Members, when we have a conviction and some thought of what is to the best interest of our common country, have a duty to speak our piece. And in that connection, Mr. Speaker, there is one section of this bill that I do not approve, and that is section 303 of the bill which would delete from the law the present provision for allocation of repair work for our naval vessels which has heretofore been authorized. I think that the present arrangement we have is a very good one. I say that as one who believes in the free enterprise system, although I recognize the necessity for having Navy shipyards where emergency repairs can be made and made effectively.

I believe, however, in the long run and generally speaking it has been demonstrated that under the private enterprise system it could be done just as effectively and certainly more economically.

Mr. Speaker, I do not like to be in the position of having to decide between two committees of this House. The Committee on Appropriations of the House of Representatives, which also studies these problems, has repeatedly provided for the present formula of 65–35 in the operation and the repair of these ships.

I have a very high regard for the distinguished members of the Committee on Armed Services. Likewise, I have a very high regard for the distinguished members of the Committee on Appropriations.

But it seems to me that we are now being asked to choose between the judgments of the two. I refer to section 303 in the pending defense authorization bill, H.R. 7657.

For 3 consecutive years—in connection with the Defense Appropriations Acts for fiscal years 1963, 1964, and 1965—the Committee on Appropriations has asked us to approve, and we have approved, the distribution of naval ship conversion, alteration and repair—CAR—work on the basis of 65 percent for the Navy shipyards and 35 percent for the private shipyards. Of course, this action was not unanimous, and the supporters of the naval yards have never hesitated to register their objections.

It has seemed to me that the actions of the Committee on Appropriations were prompted by five fundamental objectives: to strengthen the competitive enterprise system; to reduce the costs of national defense where practicable; to save money for the Public Treasury because of lower costs in the private yards; to take advantage of the demonstrated savings which result from competitive bidding; and to strengthen the total shipyard complex—both private and naval facilities—that supports the U.S. Navy Fleet. No matter what else might be argued by those who do not now support the 35–65 principle, it cannot be said that these objectives were not achieved.

Now, the Committee on Armed Services would, to quote from House Report No. 271, page 13, "preclude by specific language—that, section 303, H.R. 7657—the insertion of such limiting language—that is, such as 35–65—in any future legislation." The net effect of that single move on the part of the Committee on Armed Services is to question the judgment of the Committee on Appropriations—three times rendered.

I do not endorse section 303 in H.R. 7657. I cannot accept it without voicing my protest. No doubt, there are many of my colleagues who share the same reaction. I, for one, believe that the Congress and the executive agencies should work toward measures which will reinforce the competitive enterprise system and place greater emphasis on Government procurements from commercial sources. Removal of 35–65 does the exact opposite by moving the Government deeper and deeper into activities which duplicate those available in private industry.

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my distinguished friend and chairman of the Committee on Armed Services.

Mr. RIVERS of South Carolina. Mr. Speaker, let me read to the distinguished gentleman from Mississippi how private enterprise is faring today in the shipbuilding business.

There are 148 ships authorized and funded but which are not yet completed. This represents $7.1 billion. One hundred and twenty-six of these ships are in private yards and only 22 in the naval yards. This is new construction and there is no law requiring this to be done. We are giving them 126 out of 148 ships and no law requires it.

Conversions authorized and funded but not yet completed represents 34 ships. This represents $538 million. Eighteen of these conversions will be converted in private shipyards and 16 in naval shipyards.

Mr. Speaker, it looks like to me, if anyone has a real advantage, it is the private yards. I do not know what else they could want.

I just wanted to call this to the gentleman's attention because private enterprise is getting just about everything we have.

Now, there are 81 ships being built today, representing $4.8 billion. Sixty-six go to private shipyards and only 15 to the naval shipyards. There is a law requiring this, a law requiring one for one. Yet we have agreed not to follow the Vinson-Trammell Act. There are 18 conversions, and 10 of these are in private yards. Only eight are in the naval shipyards.

Mr. Speaker, I do not know what else one could want.

I know the gentleman from Mississippi would like to have those figures and I thank the gentleman for yielding.

Mr. COLMER. I, of course, am not surprised at the fact that the gentleman from South Carolina, the distinguished chairman of the Committee on Armed Services, differs with me on this matter. I am sure that he will probably address himself further to the subject later on. I just wanted to say my little piece.

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield further?

Mr. COLMER. I yield further to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Let me hasten to say this, Mr. Speaker: We are going to continue to insist upon the retention of these great private yards. We need them, and by all means we plan to do it. There is not any intention to get rid of these great private yards. We have got to have them and we are going to keep them. However, we cannot abolish our naval shipyards in the process.

Mr. COLMER. I am sure that the gentleman from South Carolina is sincere, as usual, in his statement and I am sure that he recognizes the necessity for keeping these yards, just as I recognized a moment ago the necessity for maintaining the Navy yards. But we are talking about two different things. I was speaking about the allocation formula for repairs.

The gentleman is speaking about new construction. Why do the gentleman from South Carolina and I agree upon the necessity for the majority of this work, and the great majority of this work, being done by private enterprise? Because someone down the line has got to furnish the taxes, the money, to pay for these ships, and if we build them all in Navy yards we would not have the revenue to keep the wheels grinding. That is the principal point I am interested in.

Mr. Speaker, I repeat, with the world situation as it is, we are forced to spend more money than some of us would like to see spent. But wherever possible the money should be expended via the private enterprise system.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Mississippi explained, this rule makes in order the consideration of H.R. 7657. It provides 4 hours of general debate, after which the bill will be read under the 5-minute rule.

It is a measure that will authorize the expenditure of some $15,303,400,000 for the procurement of planes, ships, aircraft, naval vessels, and various equipment that our Armed Forces need, in addition to research and development funds.

The measure is divided into two main parts; first, the authorization and appropriation for the procurement of aircraft, missiles, and naval vessels, in the total amount of $8,858 million; second, that portion of the bill which deals with appropriations for research, development, tests, and evaluation, totaling some $6,444,500,000.

As the gentleman from Mississippi has explained, the bill has been reported by the Committee on Armed Services of the House under the leadership of its new chairman, a man well trained under the tutelage of our former colleague, Chairman Vinson of that great committee, who served longer in the House than any other Member.

Following the precept of his predecessor, the gentleman from South Carolina brings in a bill that has the unanimous support of every member of the committee. He has explained it fully, and I am sure can explain to the House, the various contents of the bill, and it is a complicated measure, covering many expenditures in the field of military procurement. There is no opposition to the rule or to the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia, [Mr. JENNINGS].

Mr. JENNINGS. For the three administrations that I have been here we have been called upon to make certain commitments and appropriations for the country regarding trouble spots in the world.

I recall one of the first votes I was asked to cast was during the Eisenhower administration when the Formosan Strait situation was facing the Congress and facing the United States. The President, then President Eisenhower, called on the Congress to pass a resolution endorsing his actions.

Again in the Kennedy administration we had the occasion to act quickly and responsibly in the Cuban crisis.

Then again today we were called upon by the Johnson administration to act responsibly in the Vietnam and the Dominican Republic situations.

We were called upon today to appropriate $700 million. Now we are being called upon to appropriate a large, vast sum of money for the defense posture of our country. I subscribe to the reasons and the theories of those who supported the resolution that we just passed for the $700 million and certainly I support the resolution. But on the other side of this which involves our fully and responsibly meeting this situation, I happen to serve on the committee that has the responsibility of levying taxes for the purpose of getting the moneys that we spend for these necessary expenditures, and I want to point out to my colleagues that we must act just as firmly and responsibly here.

The President of the United States in his budget message to the Congress stated that he was going to call on the Congress to make a reduction in the excise taxes of $1,750 million. Since that time, practically every industry and every individual who might possibly be affected by such action has written to or called upon the various Members of the Congress—such industries as automobile, telephone, women's apparel, handbags, cosmetics, and practically every other one that you can think of—pointing out the justification from their point of view for reducing or repealing the excise taxes on their particular product or commodity.

I am satisfied if we should follow completely the urgings of all of the advocates of reducing or repealing these excise taxes we would be facing a revenue loss of upward to $15 billion.

Like any citizen in this country, the Government has only two sources of income on which to exist. First is income revenues from our various taxes, and second is credit—borrowed money—which becomes a part of our public debt. This is exactly how most of us as individuals meet our financial obligations.

In my opinion, our action today calls for a realistic appraisal of fiscal responsibility. In any case, anyone can conclude that in January none of us—including the President—anticipated having to appropriate the $700 million which the President yesterday requested. As the old experienced Congressman advised the young Congressman, the popular thing to do is to vote against all taxes and vote for all appropriations. This obviously would be a happy situation for all of us if it were at the same time a fiscally responsible position for us to take. But unfortunately, all too often the facts of life are such that realism and responsibility call upon us to do what in the short run may appear to be the unpopular thing.

The situation facing us today is simply a repeat of the situation facing the Congress in 1950, although it does differ in the matter of degree. In 1950, the Committee on Ways and Means reported a bill, the Revenue Act of 1950, which would have reduced excise taxes just over a billion dollars. After that bill passed the House and before it was considered in the Senate, the Korean war developed and the House-passed bill was changed from a tax reduction bill to a tax increase bill. The opening statement in the report of the Senate Finance Committee read as follows:

> Military action in Korea coupled with substantial increases in defense and related expenditures has made it necessary to convert the excise tax reduction bill passed by the House in June of this year into a bill to raise revenues.

The Congress then, just as I am sure it will now, took a responsible and realistic position. I think we are only fooling ourselves and certainly we are fooling the American people if we unqualifiedly, in the situation as it exists at the present time, indicate to them that we can reduce excise taxes but appropriate additional moneys for our military effort at one and the same time. Certainly I would be as happy as anyone if such were the situation. But we cannot have it both ways. I do not at the moment know just what the President's attitude now may be as to his budget recommendation on excise tax cuts.

We all would hope that the situation in the world was such that we could considerably reduce our military expenditures overall. But none of us, I am certain, would agree that in the foreseeable future this will be possible. As a matter of fact we might soon be called upon to appropriate more.

Mr. Speaker, I voted for the income tax reduction bill in the last Congress because I believed as firmly as anyone that it was the responsible thing to do. I believe that the facts since that time have borne out the wisdom of the Congress in providing that tax reduction. We did it, in my opinion, in a fiscally responsible manner. Today all I am saying is that we must approach the President's recommendations and our action on excise tax reductions and repeals in the same fiscally responsible manner.

Mr. Speaker, as every Member knows and as has been reported in the press, the pressures on the Congress and particularly on members of our committee have been about as strong for excise tax repeals in all categories as anyone could imagine. As a matter of fact, the pressures have got so strong that Secretary of the Treasury Fowler has seen fit to publicly urge that the cuts in excise taxes be kept to a reasonable and acceptable size.

None of us, certainly, are critical of the interested industries making every effort to get their tax repealed. This is understandable. It is the right of petition to the Congress, and it is no more than we expect. But here again I think that the industry representatives themselves must realize that we cannot repeal all excise taxes. It is interesting to note that certain groups collectively over the years have complained that we get too low a percentage of total revenues from excise taxes, but individually these very same industries are in here urging us, as you would expect, that whoever else's excise tax we may repeal, we at least should repeal their own.

This really puts it up to our committee, in particular, and to the Congress to keep in mind our overall situation. If the Congress is not fiscally responsible, certainly the affairs of our Government are going to suffer. We must have the revenues for responsible financing of reasonable Government expenditures, including our military efforts. We cannot take the easy way out without suffering the consequences. We all know this.

We do not know how much more we are going to be called upon to do in order to repel communism and of course I certainly agree that we should repel communism wherever we are confronted with it. My point is that I think the President of the United States and the Members of the Congress could well take another look at the excise tax reduction proposals and to see if again, as we did in 1950, we now face an entirely different fiscal situation than we did a few months ago. We might determine that instead of reducing certain excise taxes we should extend them. Certainly we should act responsibly and in a manner that will not jeopardize the present budget and will not jeopardize the present and future defense of our country.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. HOSMER. I wonder, relative to the extending of these excise taxes, if the gentleman might consider favorably the restriction, or at least not the addition, of some of the proposed spending programs on items that might not seem quite as urgent as defending ourselves against encroachments of communism around the world?

Mr. JENNINGS. Yes, I certainly think we should take into consideration both of those things and perhaps in this conflict that we are confronted with in communism we will have to do something about both.

Mr. HOSMER. I thank the gentleman.

Mr. JENNINGS. I thank the gentleman.

Mr. COLMER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING DEFENSE PROCUREMENT AND RESEARCH AND DEVELOPMENT

Mr. RIVERS of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7657) to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation for the Armed Forces and for other purposes.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole on the State of the Union for the consideration of the bill H.R. 7657, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from South Carolina [Mr. RIVERS] will be recognized for 2 hours and the gentleman from Massachusetts [Mr. BATES] will be recognized for 2 hours. The Chair recognizes the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield myself such time as I may consume.

The House has before it today the largest single authorization bill which is presented to the House each year. I refer to the bill authorizing the procurement of aircraft, missiles, and naval vessels and research and development for the Department of Defense.

In order that the House may have a full understanding of this bill, it is necessary that I recite some facts and figures which are somewhat dry and prosaic. This is one of the necessary duties of a chairman. These facts must be made known to the House in order that the Members can have an understanding of the magnitude and importance of the bill and also in order to make proper judgments with respect to it.

In my remarks I will refer frequently to the committee report which is rather voluminous but which is clearly indexed on its last page. The report describes every weapons system which is proposed for procurement by the Army, Navy, and Air Force. Research and development is gone into in considerable detail and all in all, I feel that a reading of the report will be a rewarding experience.

In the first place, the bill totals $15,303,400,000 which is $6,200,000 more than as submitted to the committee.

The $15.3 billion total is divided into $8,858,900,000 for procurement and $6,444,500,000 for research and development.

The procurement portion of the bill is $120,500,000 more than as submitted to the committee and the research and development portion of the bill is $114,300,000 less than as submitted to the committee.

Of considerable importance, I think, is the fact that the bill which you have before you is $1.67 billion less than last year.

To explain this dramatic drop in the size of the bill in the period of only 1 year, and to place last year's program and this year's program in some perspective, I will draw the Committee's attention to these facts:

The Army request this year was almost $100 million less in aircraft;

The Navy's missile request was almost $300 million less than last year;

The request for naval vessels this year was about $465 million less;

The Air Force contributes the largest part of the difference from last year in that the request for aircraft was $100 million less and the missile request was almost a billion less.

I think this very large—almost $1 billion—decrease in the Air Force's missile request should be explained in some detail.

For one thing, the planned Minuteman force was reduced from a total of 1,200 to 1,000 operational missiles. Second, the Bullpup-A missiles used for training are this year being bought in a very much less expensive version with what are called inert center sections. Also, the Air Force is buying no Sparrow III-B missiles this year and using excess Navy missiles instead. Last, certain modifications for the Minuteman II program were reduced considerably because of a rescheduling of certain modifications that are planned for these ICBM's.

So, this bill is, then, $1.67 billion less than that of last year.

I would now like to describe generally what this bill will do. But before doing that I will point out that the bill is essentially the same as it has been in previous years. There is really little that is new or startling about it. The particular designation of an aircraft to be procured, for example, will be perhaps different but it is stilll an aircraft. So, as I say, you will hear, at least to a very great extent, much the same information as you have heard before, at least so far as procurement and research and development are concerned.

PROCUREMENT—ARMY

First, I will speak of the Army. The Army program is the smallest of the three military programs; it totals $2,004,600,000. Of this, $344,500,000 is for aircraft; $253,700,000 is for missiles; and $1,406,400,000 for research and development.

The bill will permit the Army to procure 1,118 aircraft and 32,218 missiles. In the whole Army procurement program, there is only one item which could be considered new and that is the Chaparral missile.

This Chaparral missile will be a new term to most Members of the House. Actually the Chaparral is nothing more than a cluster of Sidewinder missiles. Today the Sidewinder is, of course, used by one airplane against another. The Army will use it as a ground-to-air missile to knock down airplanes in the battlefield area.

Although not new, I think I should mention that the first quantity buy of the light observation helicopter and the Shillelagh antitank missile are requested in the bill this year. Both of these items were procured in relatively small numbers last year for the first time.

All of the other aircraft and missiles for the Army have been procured before and are familiar to the House. A list of them appears on page 17 of the report and descriptive material relating to each of them follows that listing.

PROCUREMENT—NAVY AND MARINE CORPS

The Navy and Marine Corps program is the second largest of the three military services and totals $5,383,600,000. Of this amount, $1,915,800,000 is for aircraft; $377 million is for missiles; $1,651,600,000 for naval vessels; and $1,439,200,000 for research and development.

The bill will permit the procurement of 659 aircraft and 4,463 missiles.

There are 62 new ships and 12 conversions in the bill. Of the 62 new ships, 46 are combatant ships and 10 of the conversions are combatant types.

The Navy program, like that of the Army, is substantally the same as in previous years. But it, too, has a few new items of procurement and I will describe these to the House.

First, there is the F-111B aircraft. This year's program will initiate the procurement of the Navy version of this new long-range, high-performance, supersonic fighter aircraft which has been developed to counter the potential enemy threat in the 1970's. You will recall that this aircraft was once called the TFX and has wings which extend and retract—or what the technicians call "variable geometry wings." The Air Force, of course, has its version of this same airplane.

In the missile area, there is also one new item and that is what is called the Standard missile. This missile is the follow-on to the Tartar and Terrier missiles which are aboard our ships today. It comes in two versions—the MR, or medium range, and the ER, or extended range.

As to ships, you will see in the program this year for the first time two ships which have not appeared in the Navy program before.

The first of these is the FDL or the fast deployment logistic ship. There are four of them in this year's program. These ships will operate as deployed units in a forward area. Loaded aboard them will be military vehicles and cargo ready to be moved from the particular oversea area to another area at a moment's notice. The wisdom of having a capability of this kind is obvious, but is made even more obvious by today's situation in southeast Asia.

Also for the first time the program contains a ship designated as the PGH. This is a gunboat, but a gunboat with a difference. It operates on hydrofoils. This means that these gunboats can operate at high speed in special warfare operations. All previous Navy hydrofoil craft have been experimental in nature. These can travel faster than a PT boat and are particularly valuable in rough seas.

I now come to the one procurement addition made by the committee in the bill; this is a DLGN, or nuclear-powered guided missile frigate.

This ship was added by the committee and is the only item added in procurement. The ship will cost approximately $150 million. It would be the third of its class. As you know, the *Bainbridge* is deployed with the fleet today; and the *Truxtun* is under construction now at the New York Shipbuilding Corp. in Camden, N.J. It will be completed by January 1966.

There is a very extended discussion of this ship on pages 7 through 10 of the committee report.

I will say with respect to it that the Navy requested this ship but the request was turned down by the Secretary of Defense. The ship would constitute an extremely important addition to our capabilities and its justification could very well rest on that single fact alone. However, as the committee report indicates—on pages 7 to 10—it is important from an entirely different standpoint, also.

The committee feels that the Department of Defense has been extremely dilatory in pushing nuclear power for surface ships. It is true that we do have three nuclear-powered surface ships today but this is quite literally a drop in the bucket when viewed in the light of the ships which are still conventionally powered.

The addition by the committee of this guided missile frigate will at the one time express the will of Congress that greater and more rapid progress be made in the field of nuclear-powered surface ships and help to break the logjam of disinterest—if that is what it can be called—in the Pentagon with respect to nuclear power.

This is just one manifestation of the intention of the Armed Services Committee to place itself in the forefront of military determinations in direct accordance with the constitutional responsibilities of the Congress.

The ranking minority member of the committee, the gentleman from Massachusetts [Mr. Bates], will deal in greater detail with respect to nuclear power for surface ships and I believe also the gentleman from Michigan [Mr. Chamberlain] will also deal with this subject. Again, referring to the report you will see an extended discussion of this very important matter beginning on page 40.

And I draw your attention to the subheading of this statement on nuclear power which is a remark made by John Paul Jones to Robert Morris in 1776. John Paul Jones said, and I quote:

> Without a respectable Navy—Alas, America.

How true, how very true this is.

To my mind, and I am sure that you, Mr. Chairman, and all Members of the House, will agree with me, Congress has been shunted aside by the Pentagon over the past several years in determining our defensive and offensive military structure.

We have been invited to sit at the table but we have not been invited to join in the meal, so to speak. This time is over. We are going to carve the roast ourselves from now on.

The rest of the ships in the Navy are much the same as in previous years.

I will point out that a listing and description of all of the naval aircraft, missiles, and ships begins on page 20 of the report.

PROCUREMENT—AIR FORCE

The Air Force program is the largest of the three services and totals $7,420,200,000. Of this amount, $3,545,200,000 is for aircraft; $771,100,000 is for missiles; and $3,103,900,000 is for research and development.

The bill will permit the procurement of 517 aircraft and 1,509 missiles.

The Air Force has only one really new item in its program and that is the SR–71. There has been considerable confusion with respect to the designation of this airplane but much of this can be removed if one keeps in mind that this is a version of the A–11 which the President unveiled February 29, 1964.

It flies three times the speed of sound, or over 2,000 miles an hour, and represents a major advance in reconnaissance aircraft. It had its first flight in December 1964 and met all objectives during that flight.

Again, the remainder of the Air Force program is more of the same as in previous years and a listing and description of each of the Air Force missiles and aircraft will be found beginning on page 28 of the report.

Incidentally, I want to draw your attention, Mr. Chairman, and Members of the House, to the latter part of the report under the heading "Areas and Items of Special Interest" which begins on page 40. There is a wealth of important background information on a variety of subjects such as nuclear power for surface warships—an interesting discussion of the very large C–5A aircraft which will be the largest aircraft in the world when built—the SR–71 which I just mentioned—the new Poseidon missile for the Polaris—and a number of other matters. I recommend this part of the report to you as a help toward a broader understanding of our military situation today.

Now, I would like to discuss a problem which is not directly related to the bill you have before you but which is of such collateral importance as to make this bill pointless unless it is solved in the near future.

Mr. Chairman, it is my deeply felt belief that the procurement of sophisticated weapons systems is in a very real sense an exercise in futility if we cannot at the same time insure the retention in the services of men of sufficient skill to use the systems. Dedication is not enough.

We all know that the military world is no longer symbolized by the saber or the Gatling gun. I sat in committee and listened to testimony this year—and as I have for many years now—that described in detail weapons of the greatest sophistication and complexity that man could imagine. And I am not talking about some exotic weapons of the future. I am talking about items which are in the hands of our military people today. I am speaking of radars, all kinds of electronic devices, airplanes that travel three times the speed of sound, missiles with intricate guidance systems which can hit a target 6,000 miles away.

If we cannot retain the highly intelligent and carefully and expensively trained people to operate these weapons systems, we might as well give up any thought of buying or developing advanced weapons systems.

Mr. Chairman, I feel very strongly about this. Our military people today are second-class citizens so far as pay is concerned. I do not for 1 minute blame these young men for leaving the service to take fine jobs in private industry. And I do not blame young men for not coming into the service when they can do so much better on the outside. This is a problem that we have got to solve. It is the most important single problem in our military structure today.

Let me quote what the Secretary of the Navy said during our hearings in response to a question as to whether he would accept a reduction in hardware in order to get an increase in pay. Mr. Nitze responded as follows, and I quote:

> If that increase in pay would be the difference between meeting our retention rate, or our retention objectives, and if this were the key and the correctly designed key, certainly I would be prepared to accept a reduction in hardware in order to meet that problem which I consider to be the outstanding problem.

I will not say any more about the personnel problem at this time. But I have a strong feeling that you may well have me before your committee on another occasion during this session with just that very problem on my mind.

That is the procurement picture.

Now, I would like to go to research and development and tell you what this bill contains in that area.

RESEARCH AND DEVELOPMENT

For research, development, test, and evaluation the bill includes $6,444,500,000. This is a reduction of $114.3 million from the amount requested by the Department of Defense. However, the sum is $81 million more than was authorized by the Congress last year and is $121 million more than was appropriated last year.

ARMY

The Army's portion is $1,406,400,000, which is $31.6 million less than the amount requested but is $61 million above the amount authorized last year.

Almost 30 percent of the Army's R.D.T. & E. budget will be spent on the development of the ballistic missile defense system known as Nike X. This system includes the Nike-Zeus missile and a newer high acceleration missile known as Sprint, which recently had a very successful test flight at White Sands.

Other missiles still in the development stage are the Lance, a division support missile to replace the Honest John and possibly Little John and an extended range Pershing, which will fill the gap between our short-range missiles and the ICBM's.

A new program in this year's Army budget is the advanced aerial fire support system—AAFSS—which is a completely integrated armed helicoperlike system to replace the present improvised armed helicopters, such as the HU–1B—Iroquois—now being used in Vietnam. This new vehicle would have advanced fire control and avionics systems and would be designed to use such weapons as a new high-rate-of-fire machinegun and the Tow and Shillelagh antitank missiles.

Another major program is the joint development effort with the Federal Republic of Germany for a new improved main battle tank for introduction into the forces in the early 1970's. This tank will be lighter and more maneuverable in cross-country operations than the current M–60 and will also have a lower profile, greater firepower and a much higher first-round "kill" capability. The development cost for this tank will be divided equally between the United States and the Federal Republic of Germany.

NAVY

The bill includes $1,439,200,000 for the Navy's research and development programs. This is $33.4 milion less than the amount requested and is $61 million greater than the amount authorized last year.

The largest Navy program is in antisubmarine warfare, which claims over 26 percent of the Navy R.D.T. & E. budget and reflects an increase of $73 million over last year. The bulk of this increase will go toward improving the sonar capability to detect submarines.

Another major increase in funds is for the Mark 48 torpedo, which is being developed on a high priority basis to provide a torpedo capable of destroying very deep and fast enemy submarines. This weapon may be launched either by submarines or surface ships.

Another major development program is the new reactor propulsion system for nuclear ships. Two of these reactors would provide the propulsion system for a new aircraft carrier that will be in the bill for fiscal year 1967.

Another program of great interest is the deep-submergence program to locate and rescue submerged submarines in distress. The need for such a system was highlighted by the loss of the *Thresher* off the coast of New England.

In the missile area are two new ones, the Condor, an air-to-surface missile, and the Poseidon, a surface-to-surface missile. I am sure that you are familiar with this latter missile which has received a great deal of publicity. Its total payload, weight and volume will be twice that of the Polaris A–3 at the same range. In addition, the new missile will incorporate improved accuracy.

AIR FORCE

The bill includes $3,103,900,000 for Air Force research and development programs. This is $43.9 million less than the amount requested and is $8 million below the amount appropriated last year.

Two new projects are included in this year's budget, the C–5A, a heavy logistics airplane, and the short-range attack missile—SRAM.

The Sram will complement the Hound Dog missile presently carried on the B–52 and will also become a weapons system for the F–111 tactical fighter and the advanced manned strategic aircraft—AMSA—when it is developed.

The currently planned C–5A will be the largest airplane in the world. Its size and capability is dramatically illustrated by the fact that if it had been in use in the Berlin airlift, only five C–5A's would have been needed to do the job that was provided by 142 C–54's. The C–5A concept is backed up by more studies and engineering verification work than any past Air Force aircraft. Even though it will be the largest aircraft ever built, technology is well in hand.

As you recall, Mr. Chairman, last year the Congress added $47 million above the amount requested for the follow-on bomber to the B–52, now known as AMSA. The Department of Defense chose to use only about half of the add-on; however, since the funds were earmarked for that program only, the remaining $24 million is available and will be applied to the program during the coming year. The Department requested an additional $15 million in this bill. Testimony before the committee revealed that the Air Force had requested a substantial amount greater than that, but was denied the funds by the Department of Defense. The commanding general of the Air Force Systems Command told the committee that in his opinion the Air Force "would be prepared to go into a program definition phase this summer" with a go-ahead on a weapons system next year which would lead to an aircraft capability sometime in 1972 or 1973. On the basis of his testimony and our knowledge that the B–52 fleet is accumulating fatigue damage at a greater rate than was previously calculated, it creates a grave major risk to continue reliance upon the B–52 through the early 1970's as the major aeronautical weapons system of a strategic deterrent force. The committee added $7 million to the bill, which would allow the Air Force to initiate the program definition phase during the next fiscal year rather than wait until the following year.

You will recall that Secretary McNamara announced in December 1963 the initiation of a military space program known as the manned orbiting laboratory—MOL. It had the primary objective of determining man's capability to perform useful operations in space. This program has been very slow in getting off the ground during the last calendar year. However, it now appears to be making some progress and the bill includes the requested $150 million for the coming year. The committee strongly supports this program and its objectives and has urged the Department to proceed more vigorously. To make sure the funds authorized are not transferred out of this high priority program, the bill has specifically earmarked the funds for that program.

DEFENSE AGENCIES

The bill includes $495 million for the Defense agencies, which is $5.4 million below the amount requested by the Department.

Included under Defense agencies is the work of the Advanced Research Projects Agency, in ballistic missile defense—Defender—nuclear test detection—Vela—and remote area conflict—Agile. Also included is the funding of research for the Defense Communications Agency, the Defense Supply Agency, and the Defense Intelligence Agency.

The committee reduced this portion of the bill because of the transfer of several projects to the Army which are now funded by the Army.

TITLE III

Now, Mr. Chairman, I would like to speak briefly about the nonmonetary part of this bill.

This is the first time that you, Mr. Chairman, and Members of the House, have seen any change in the basic 412 procurement and research and development law other than internal changes as 412 was modified to add Research and Development, for example.

This year, we are using this bill—and in my opinion, quite appropriately—as a vehicle to take some actions which have been sorely needed for many years. I am now referring to title III of the bill which begins on page 3. You will note that six new sections are contained under this title. I might say at the outset that each of these sections is dealt with in detail in the committee report beginning on page 11, but I do think that I should describe them to you and tell you what they will do.

First, section 301 repeals outstanding Navy ship tonnage balances. Ever since 1934 when the Vinson-Trammell Act was enacted, the Navy has been accumulating tonnage—originally through the Vinson-Trammell Act itself—and in succeeding years by other shipbuilding Acts which granted ship tonnage that was never used. In addition to these sources, every time a ship is stricken from the Naval Register, the tonnage equivalent of that ship went into the tonnage "pot."

For years, now, the Navy has been maintaining a tonnage exceeding 3 million tons. It is almost exactly 3,300,000 tons at this time, I believe. This tonnage is meaningless—partly because it is so large and particularly because since the enactment of section 412, no ships can be built in any event without the authorization of the Congress. And tonnages today are authorized only in the exact amounts needed as, for example, in the bill you have before you today.

You might say, "Well, what harm is it doing to just let them stay as they are?" The answer is a very simple one. To maintain the records of this tonnage is, surprisingly enough, quite expensive according to the Navy and it certainly is a completely useless expense. So, the committee felt that since the tonnage is meaningless, and the maintenance of bookkeeping on it involves some expense, it was an opportunity to achieve at least a minor economy.

In section 302, you see the reenactment of one of the important portions of the original Vinson-Trammell Act.

It provides that warship construction be alternated, ship by ship, between private shipyards and naval shipyards. You will note that the proviso at the end permits this practice to be avoided if "inconsistent with the public interests in any year."

The reason for the reenactment of this old law is that the repeal of the outstanding tonnages by section 301 had the effect of repealing this law. So its reenactment was necessary.

The committee made one minor change in the old law when reenacting it in that it changed "warships" to "warships and escort vessels." The reason for this is simply that the Vinson-Trammell Act did not have a category called "escort vessels" and these vessels now have become a very important and expensive part of our program each year.

Section 303 is perhaps the most important of the new sections under this title. It deals with what has become known as the 65–35 distribution of naval ship conversion, alteration, and repair. As you, Mr. Chairman and other Members of the House know, this has been a matter of controversy for the last few years. I will return to this section in just a moment.

Section 304 does only one thing. It adds "tracked combat vehicles" to the 412 authorization requirement. Today authorization is required for aircraft, missiles, and naval vessels, and for research and development. Combat tracked vehicles—and here I am talking about tanks, armored reconnaissance vehicles, self-propelled howitzers, mortar carriers and many other such vehicles—will, in the same fashion, require authorization for appropriations before they can be procured.

Section 305 relates to an emergency fund generally for research and development.

Each year the Appropriations Committee grants the Secretary of Defense an emergency fund which normally approximates $150 million. This appropriation is based on no specific authorization. The Armed Services Committee thinks there should be authorization for this emergency fund and that is all that section 305 does: require authorization prior to appropriation.

Section 306. Everyone on this committee knows that the Military Air Transport Service is one of the more important arms of our offensive and defensive capability. Of this there can be no doubt. Strategic Air Command depends on MATS—and every other element of the military service in one way or another depends on MATS from time to time.

To call this important military force a service is not only misleading as to its function but a kind of disparagement of the force itself. The committee wants it called the Military Airlift Command, a name with true descriptive quality and a name with dignity.

Mr. Chairman, I would now like to return to section 303 of the bill.

As you all know, commencing with the Department of Defense Appropriation Act of 1963, provisions have been included which require that at least 35 percent of the funds made available for ship repair, alteration, and conversion work be spent in private shipyards. The principal basis for inclusion of these restrictive provisions in appropriation bills has been cost savings. It is true that until now the administration has not objected to the provisions. However, and this must be clearly understood, the former chairman of the House Armed Services Committee, the honorable and beloved Carl Vinson, recognized the detrimental effects of these provisions, for he clearly understood that the allocation of repair work is only a part of a larger problem and a larger responsibility; specifically, the proper support of our Navy ships and men, in times of peace and war.

Until now, the administration has not formally objected to these provisions. Although acquiescent, Secretary McNamara, in a letter to Congressman **Mahon**, stated, and I quote:

> The private and public shipyard capacity in this country today is far in excess of the Nation's needs for national defense. We are in the process of determining the amount and location of this excess capacity, and the actions which should be taken to eliminate it.
>
> When this determination is made, I then believe that economy and fleet-readiness considerations should be the basic guidelines for distribution of ship construction, repair, alteration, and conversion rather than a statutory assignment ratio.

As you know, the Secretary of Defense has now taken action to eliminate excess Navy yard capacity.

Section 303 of the fiscal year 1966 authorization bill was drafted to reflect the facts that have been constantly apparent to the Armed Services Committee and which the Department of Defense now acknowledges.

With your forbearance, I intend to recount the most pertinent facts bearing on this many-faceted problem in order to show why the assignment of work should be made on the basis of economic and military consideration, not restrictive and deleterious ratios. In doing this, it should become apparent that actions such as the 65–35 proviso do not solve the problem of proper utilization of this country's naval and private shipyard facilities.

I will start with some basic facts on the distribution of Navy work to the naval and private shipyards.

First, it was the Navy's policy to assign alteration and repair work to the private yards, even before enactment of the 65–35 proviso. In fact, from 1953 to 1962 nearly 20 percent of the Navy's alteration and repair work was accomplished by private yards. Of course, from 1963 the proviso has been followed with respect to work assigned to private yards.

While the Vinson-Trammell Act calls for the assignment of about 50 percent of the Navy's warship construction to naval shipyards, the Navy has regularly exercised the act's exception clause in order to help maintain the private yards—and we in the Congress—the Armed Services Committee—have permitted this, again in recognition of the needs of the private yards. The result is that from 1963 and 1964 over 80 percent of this work has been placed with private yards.

It is true that in recent years new ship construction cost differentials have been a factor in shipbuilding assignments. Still, who is to say what the cost differentials would be if the naval yards were more fully utilized—possibly in the 120,000- to 130,000-employment range of the mid-1950's as compared to today's level of roughly 80,000.

In summary, the facts are that:

First. The Navy, of its own volition, allocated neary 20 percent of its repair and alteration work to private yards for many years prior to enactment of the 65–35 proviso.

Second. The Navy has allocated increasing amounts of its construction work to private yards, exercising the exception provision of the Vinson-Trammell Act.

Third. The net effect of the 65–35 proviso and the migration of new construction work has resulted in the private yards acquiring more than 68 percent of the total shipbuilding, conversion, repair, and alteration dollars for the 3 years, 1963–65, as compared to about 54 percent for the period 1953–62. In the period June 1962 to July–September 1964, while naval shipyard employment dropped from 98,600 to 83,500, average private shipyard employment increased from 115,600 to 123,800.

In view of these facts, we can honestly state that the Navy shipyards have not been supported at the expense of the private yards. Rather, in my view as chairman of the Armed Services Committee, the opposite has been true. This becomes even more apparent on looking at the state of the private shipbuilding and repair industry.

The shipbuilding and ship repair industries in this country have, since 1940, become heavily dependent on Government business. The pressures for Navy work are a direct reflection of the impossible world competitive situation. Merchant ships which are not eligible for building or operating subsidies, such as bulk carriers and tankers, are being bought and repaired out of country and operated under flags of convenience. The hard facts are that there is no relief in sight, for the volume is so low that there is no opportunity to apply the American genius for mass production. Of course, plant improvements made in U.S. shipyards improve the domestic competitive position, but are insignificant in the world market. The foreign shipyards are not standing still and wage differentials make it evident that no change for the better can be anticipated. The rising subsidy rate—from 45 to 55 percent—confirms this conclusion.

Yes, the private yards, which have served this country so valiantly, pose a problem of which we are all aware, and which we must resolve. But does the solution rest in hobbling a military capability in being? I submit that there must be a better answer.

A great deal has been said about the relative cost of naval and private shipyard work and, I am afraid, much of what has been said has been inaccurate or unfounded. There has been confusion between new construction cost differentials as opposed to conversion, alteration and repair differentials; there has been confusion between the studies prepared by two reputable accounting firms, the Ernst & Ernst findings for the Shipbuilders' Council of America and the Arthur Andersen findings developed for the Navy; and there has been some confusion as to the applicability of incremental costs. I will review the Ernst & Ernst and the Arthur Andersen findings first.

It must be recognized that Ernst & Ernst was not called upon to develop painstakingly the relative cost of comparable items of work. Arthur Andersen was paid to make this effort and this explains the substantial difference in the fees paid the two firms. Actually, the Ernst & Ernst starting point was testimony given to the Congress by a former Chief of the Bureau of Ships, which, after the statements were clarified, was to the effect that private yard costs to the Navy for new construction work ranged from 8 to 15 percent below naval shipyard costs.

On the other hand, Arthur Andersen studied the work performed on a job-by-job basis and developed separate cost differentials for new construction, conversion, alteration, and repair work. I emphasize they did not start with a preconceived differential, but actually examined each job in detail. The new construction differentials thus developed, in terms of cost to the Department of Defense, ranged from 10 to 22.7 percent in favor of private yards; the conversion differential was 1.2 percent in favor of private yards; repairs—3.4 percent in favor of private yards and alterations—1.2 percent in favor of naval shipyards. Even these differentials, although painstakingly developed, have their limitations arising from the limited amount of comparable work that could be found for comparison, the differences in the several shipyards accounting systems, and perhaps most importantly the fact that only past history—water over the dam—could be measured. There is no assurance that the cost differentials found will apply in future years.

While the Arthur Andersen and the Ernst & Ernst starting points were different, it is to be noted that the two firms were in general agreement with regard to the handling of costs for items such as contract administration, military pay, depreciation, and taxes. Also, it is very important to note that Ernst & Ernst, as well as Arthur Andersen, referred to the incremental costing principle, a principle recognized by the General Accounting Office.

What are incremental costs? In our context, incremental costs are the net costs of the additional work that can be assigned to a naval shipyard that must remain in operation as a military requirement. Simply stated, we must have both private and naval shipyards. But let there be no doubt as the absolute essentiality of our naval shipyards. They have, of course, fixed operating costs. And these costs must be paid whether we give the yards a small or a reasonable amount of work. But, these fixed costs do not have to be paid more than once and this is why the Department of Defense was able to calculate that a savings of from $10 to $15 million annually would be realized if the amount of conversion, alteration and repair work performed in the naval shipyards were to be increased.

To summarize with regard to costs, there is no question but that the Arthur Andersen cost differential data are the best that are available to us in our deliberations as to the relative cost of work. Also, however, there is no question but that the principle of incremental costs has its place in these deliberations, particularly as we give consideration to the burden the taxpayer is asked to bear.

While economic considerations are certainly important, I believe we can agree that military considerations are paramount. Here, I am talking about the kind of responsive shipyard support a warship needs and the varied kinds of support her men both require and richly deserve.

Private repair yard deficiencies fall in two categories: lack of skilled personnel, equipment, and facilities for accomplishing repairs to complex ships in an efficient and timely manner; and inability to provide the facilities for support of ship's force normally needed while ships are in naval shipyards.

I am sure that you know the operation of the typical private repair yard with its small nucleus work force and its limited facilities. More importantly, do you know of the results obtained? The recent experiences of 113 Pacific fleet auxiliary and amphibious ships demonstrate this lack of industrial capability more clearly than plant statistics. Forty-five percent of the ships repaired in private yards missed their completion dates as compared to 18 percent for the naval shipyards. Similarly, 31 percent of the private yard ships required an additional availability to correct defects as compared to 18 percent for the naval shipyards—and I emphasize—these were relatively simple ships. Certainly, the naval shipyards would have shown up even better if the comparison had included the more complicated warships in which they specialize. Now let me turn to the men who man these ships—and to their requirements.

When in a private repair yard, how do they get the work space they require; and how do they get the facilities for training, the supply and communications support they need to use their time efficiently; and what about the personal services, medical, dental, berthing and messing? I could go on at length but the answer is the same. In a private yard they get these necessities "the hard way" by enduring myriad inconveniences. We could turn our back to this fact, and the 65-35 proviso has had this effect, but I do not think that we had better. We want to increase—not decrease—the number of reenlistments; decrease—not increase—the costs of training replacements; and increase the proficiency of the men at sea.

In concluding, I must set the record straight for I have strongly emphasized the role of the naval shipyard. It goes without saying that the private yards have a vital role as well, and they should be utilized for some of the work for which they are best suited.

I stress again that it is necessary to weigh all of the facets of the work assignment problem before reaching a decision—and this we have done as a prerequisite to including section 303 in the authorization bill. I am glad to see that the official position of the Department of Defense as stated by the Deputy Secretary of Defense is in agreement with that of the Armed Services Committee.

Adoption of section 303 will insure an efficient operation within the Navy with due recognition to both economic and military considerations. If the Navy is to do its best it must have the authority to manage its work. In this, the Navy must recognize, as it has in the past, that it is in the national interest to direct a portion of its work to private yards in order to help maintain a competitive industrial base. And paramount to all other considerations must be a recognition of the requirements of the ships at sea.

Mr. Chairman and Members of the House, that is the bill. As I said at the beginning, it varies in no essential respect from any of the previous bills which you have passed upon over the years—at least so far as the procurement and research and developments portions of it are concerned.

It is smaller than last year by $1.6 billion. It has received the closest possible scrutiny during hearings which extended from February 2 through March 22 with other individual hearings to consider elements of the program. Everyone on the committee had his say, including the 13 new members whom we welcome this year.

We examined and reexamined many of the items in the bill. We studied and restudied every element of it and as chairman of the Armed Services Committee, I bring this bill to the floor today with what I hope is a pardonable sense of pride.

We have gone over it with a fine tooth comb. It contains no element which at this late date I would change, excepting perhaps to add some items which I think were not given sufficient weight by the Department of Defense.

But I, and the other Members of the committee, have taken a conservative view toward modification of the bill and after numerous conferences with Mr. McNamara, Mr. Vance, Dr. Brown—the head of R. & D.—each of the members of the Joint Chiefs of Staff and General Wheeler, the Chairman of the Joint Chiefs of Staff, I think we have arrived at a bill which is sound, well balanced, and wholly deserving of the support of the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Is that ship going to be built in a private yard or in a Navy shipyard?

Mr. RIVERS of South Carolina. If we follow the practice of the past I would estimate that it will be built in a private yard, and we have got a lot of good ones and we are going to keep them.

As the gentleman from Iowa knows—and I am sure the gentleman knows this—the private yards receive over 80 percent of all new construction and they are doing a magnificent job, simply magnificent.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. RIVERS of South Carolina. I am delighted to yield further to my friend from Iowa.

Mr. GROSS. How is this bill with respect to the budget requests? Aside from the missile frigate, how is this bill with respect to the budget estimate?

Mr. RIVERS of South Carolina. We exceed the budget estimate by a net of $6.2 million because of the addition of this ship.

Mr. GROSS. But this follows the budget estimate, with the exception of this $150 million?

Mr. RIVERS of South Carolina. Very closely, very closely.

Mr. GROSS. Above or below?

Mr. RIVERS of South Carolina. We came below the budget estimate by some $114.3 million in R. & D. We exceeded the budget in procurement by $120.5 million, a net increase, as I said, of $6.2 million.

Mr. GROSS. Will the gentleman yield further?

Mr. RIVERS of South Carolina. I am delighted to yield further to the gentleman from Iowa.

Mr. GROSS. The gentleman from North Carolina [Mr. Bonner], the chairman of the Committee on Merchant Marine and Fisheries, announces that he will bring a bill to the House very shortly, perhaps under unanimous consent, to replace seventeen 82-foot Coast Guard cutters.

Am I to understand that the Navy had to draw on the Coast Guard and deplete this type of Navy craft—Coast Guard craft but still a Navy-type craft—and deplete the number of those available for use for other purposes along our coasts, including the watching of Russian fishing trawlers, or alleged fishing trawlers, off the coast of Florida in order to take care of this sampan warfare off the coast of Vietnam?

Mr. RIVERS of South Carolina. I am not familiar with that, but if that is a fact, I think we should do something about it.

Mr. GROSS. If the gentleman will yield further, the question is—and perhaps the gentleman cannot answer it—the question occurs to me that apparently the Navy was not prepared to fight the kind of a war being waged close to the coast of Vietnam, and throughout southeast Asian countries.

There is no money in this bill for the purpose of replacing those ships, is there?

Mr. RIVERS of South Carolina. There is no money in here to replace anything of any other service.

Mr. GROSS. I am surprised that the Navy does not have enough of this type of vessel, in view of the fact that we have been engaged in this conflict in South Vietnam—some say since 1954. I am a little bit surprised that the Navy did not make provision for this type of vessel.

Mr. RIVERS of South Carolina. Well, you can be sure the Navy is now taking care of this situation.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from South Carolina yield?

Mr. RIVERS of South Carolina. I am delighted to yield to the gentleman from New York.

Mr. ROONEY of New York. I should like to ask the distinguished gentleman from South Carolina a question or two, since the distinguished gentleman from Iowa [Mr. Gross] brought up the subject of naval shipyards.

I note at page 14 of the gentleman's committee Report No. 271 the following:

> The recommendations of the Shipyards Policy Board resulted in a decision to phase down and close two naval shipyards.

I should like to ask the distinguished gentleman from South Carolina, the chairman of the Committee on Armed Services, if any inference can be drawn from this sentence that the Committee on Armed Services has approved the closing of these two naval shipyards, to wit, the Brooklyn Navy Yard and the Portsmouth, N.H., Navy Yard?

Mr. RIVERS of South Carolina. The answer is "No."

Mr. ROONEY of New York. I thank the gentleman and have one further question. Is there any money included in this pending authorization bill for the dismantling of the New York Naval Shipyard?

Mr. RIVERS of South Carolina. The answer is "No." I would also like to say that the Department of Defense has been extremely dilatory in pushing nuclear-powered surface ships. I am talking about this DLGN which we added. It is true that we have three nuclear-powered surface ships today, but can you imagine only having three nuclear-powered surface ships in a navy of our size, and with nuclear technology what it is today?

Mr. GROSS. Mr. Chairman, if the gentleman will yield, of course if a young man can get as much as $1.40 an hour to learn a job on a job training program, you are going to have quite a time meeting the competition to get young men to learn electronics in the Navy.

Mr. RIVERS of South Carolina. The gentleman is absolutely right.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. When we come to July or August of this year when our distinguished Speaker brings this session to a close and we have some time to either go home or take a junket to some foreign country, if this name prevails in the other body—this new designation of MATS—it will be called "Military Airlift Command?" In other words, the people who travel abroad will be calling on MAC for transportation, is that correct?

Mr. RIVERS of South Carolina. I see your point. We will call on MAC.

Mr. GROSS. If the chairman of the House Armed Services Committee decides to send a delegation to "Ugadugudu" to look over the operations, whatever they may be there, and he asked MATS, or under the new name MAC, to transport the delegation, MAC will transport the delegation?

Mr. RIVERS of South Carolina. They had better transport the delegation.

Mr. GROSS. You can be dead sure of that.

Mr. RIVERS of South Carolina. Yes, you can be dead sure of that.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from California.

Mr. MILLER. I think the record will show that there is less private work on the west coast than there has ever been on the east coast, that could be done there.

Mr. RIVERS of South Carolina. I think the move you refer to was ridiculous. I do think the Navy should be given the discretion to move ships on an economic and military basis rather than on the basis of a mandatory law which says they have to move ships to meet some imposed ratio. It is not realistic, it is expensive, and I hope the gentleman will join us in getting section 303 enacted into law.

Mr. MILLER. May I say for the record the gentleman is not going to join you.

Mr. RIVERS of South Carolina. I am not surprised. It is the first time the gentleman has been wrong. But I am for him just the same. We are going to get along as we always have. We all make mistakes, and I do not mean to be facetious with the gentleman. But, really, this restriction is not needed, and we are going to insist that these important Navy Yards be used and kept open. And we are going to insist that the private yards get their share of work, but on a sound basis.

Mr. MILLER. How can the gentleman give us any assurance? We have heard this, you and I have heard this for years, they are going to take care of them, but they do not take care of them. The work goes back to the Navy Yards, and the others get the crumbs until you need the others.

Mr. RIVERS of South Carolina. I have figures to substantiate my position.

Mr. MILLER. Unfortunately I have not any figures right here with me on the floor.

Mr. RIVERS of South Carolina. I have figures from the Navy, and I will be glad to give them to the gentleman. I will put them in the record. I will be glad to give them to the gentleman under the 5-minute rule.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield.

Mr. DOWNING. I would compliment the gentleman from South Carolina, chairman of this great committee, and the membership of the committee on their excellent report and on the very thorough analysis given by the chairman. I note that the report referred to the committee's views on nuclear power, which I was pleased to read; and also on the need for attack aircraft carriers. I have two questions. The first is: Did the committee consider the construction of a new aircraft carrier for this fiscal year?

Mr. RIVERS of South Carolina. Very, very fully. The gentleman from Massachusetts [Mr. BATES] and the gentleman from Illinois [Mr. PRICE] will go into that more fully. But we considered and found it would not be wise to change what has already been done with regard to the *Kennedy*. But next year we have every confidence a new attack carrier will be forthcoming, and we have the propulsion plant—the nuclear power capable for it—and we feel confident that it will be coming next year.

Mr. DOWNING. Referring to section 302 with reference to the reestablishment of the Vinson-Trammell Act, does that still contain the proviso permitting avoidance of the alternate ship requirement if the President deems it in the best interests of the United States?

Mr. RIVERS of South Carolina. Yes, it does. And it should. The President should have the authority to vary the alternate ship provision.

Mr. DOWNING. I thank the gentleman and congratulate him in that connection.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I am delighted to yield to the distinguished gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 7657. I wish to commend the distinguished chairman and members of the Armed Services Committee for the excellent work they have done in reporting out this bill. I am especially pleased at the bold and most sensible action the committee has taken in section 303 to eliminate the so-called 65-35 formula applied in the assignment of naval ship conversion, alteration, and repair projects to naval or private shipyards.

The 65-35 formula has constituted an unreasonable restriction upon the freedom of action of the Navy in executing its ship conversion, alteration, and repair program, and both the Navy and the Department of Defense have indicated their opposition to the restrictive formula.

It is an accepted fact that the repair and maintenance, as well as the building, of naval ships and crafts demand the work of specialists to a greater extent than the repair, maintenance, or building of commercial ships. Weaponry, for example, poses a problem for the real specialist. Obsolescence also is a constant problem with the Navy. Furthermore, much of the plans and specifications for such work are classified and security can be better maintained in a naval shipyard of security-cleared workers than in a private shipyard.

It cannot be disputed that the Navy is an emergency arm which exists principally to meet exigencies which arise out of armed conflicts, limited or otherwise, and to deter other nations from hostile acts. To serve its purpose the Navy's ships must be maintained in such operable condition that they may be dispatched to any part of the world without delay. This has been done in the past by work forces in naval shipyards throughout the country. Pearl Harbor, in my own State of Hawaii, is one such shipyard.

Pearl Harbor is the westernmost shipyard maintained by our Navy for the repair and maintenance of its ships which sail the Pacific and help to deter hostilities in and around Asia. Pearl Harbor's strategic location has served to great advantage and will continue to do so. There is no other shipyard, private or Government owned, within 2,000 miles of it.

It is highly essential, therefore, that we continue to maintain Pearl Harbor at a high level of operation to enable the Navy to meet any emergency.

The existence of the 65-35 formula constitutes a continuous threat to our Nation's Government-operated shipyards, including Pearl Harbor. It has been estimated that its application has already resulted directly or indirectly in the reduction of about 14,000 employees in Government-operated shipyards. The application of the 65-35 formula to Pearl Harbor will prove especially disastrous, for it will surely mean the reduction of its work force. Because there are no large shipyards other than that at Pearl Harbor in Hawaii, skilled workers when discharged leave Hawaii for the mainland United States or go into other fields of employment and become unavailable for rehiring at Pearl Harbor. This could certainly develop into a costly situation in an emergency, as it did on December 7, 1941, and the months that followed.

Speed is of the greatest essence in naval repair work. It is only by keeping a skilled work force readily available that we can be assured of this required speed in an emergency. Furthermore, it has been demonstrated that by increasing speed in our repair work we have been able to increase our operational strength without increasing our total number of ships. The Army and Air Force too have found this to be true and are engaged in a program of increasing the number of equipment in actual use, without any additional purchases, by merely reducing the time during which such equipment is tied up in repairs.

Highly trained and experienced work crews at Pearl Harbor have repeatedly demonstrated that they can repair naval vessels at greater speed and more efficiently than any private shipyard. The same has been true at other naval shipyards. This greater speed in repairs has resulted in reduced costs to the Government by reduction in the need for total equipment purchases.

Furthermore, the Bureau of Ships has shown by an analysis of the Andersen report that ships repaired and overhauled by naval shipyards can operate for a period of 21.3 months before having to be repaired and overhauled again, as compared to 20.1 months for ships repaired and overhauled in private shipyards. On an overall basis, this would mean that the cost factor would be about 5 percent less when the work is done in naval shipyards, for their services extend over a longer period. This is a point which needs to be borne in mind, for the biggest argument of the proponents of the 65–35 formula is that it costs less to have the work done in private shipyards.

In this connection, it is worthy of note that the Bureau of Ships by its analysis of the Andersen report has cast some doubt on whether the Federal Government actually saves money by giving work to private shipyards. Specifications given for private yard work differ from those given to naval shipyards. For one thing, while the former are merely required to produce a minimum acceptable level of work, the latter is required to "restore to new condition." This perhaps accounts for better quality of work done in the naval shipyards and the longer period of operability mentioned earlier.

A Shipyards Policy Board established last year to study naval requirements for shipyard capacity, found that:

First. Cost studies show that there is no economy in contracting out conversion, alteration, and repair work to private yards. In fact, annual savings can be achieved under present cost differentials by increasing the amount of conversion, alteration, and repair work assigned to naval shipyards. If all factors involved in these assignments were to permit an increase from the current statutory level of 65 percent to a somewhat higher level, it is estimated that an annual saving of several million dollars could be achieved. This results from the fact that the naval shipyards, which must be maintained for strategic and operational reasons, have a high, fixed overhead cost which continues regardless of workload assigned.

Second. The naval shipyard complex has been developed and equipped to provide complete facilities and services for the overhaul and repair of all naval vessels, and has capabilities for maintaining complex ordnance and electronic equipment. These capabilities are found in very few of the private shipyards and these yards concentrate on new construction rather than overhaul and repair.

Third. Private shipyards are generally less acceptable to fleet customers and place an additional burden upon ships' crews of duties not required of them in naval shipyards, thus reducing time available for training and ship maintenance.

The Soviet Union is placing more and more emphasis on the development of its naval strength and upon the importance of a maritime strategy. Under such circumstances, it is folly for us to take any action which would lessen the effectiveness of our naval forces. The continuation of the 65–35 formula is definitely of questionable value in its strongest factor of economy and it ought to be discontinued on the basis of the overriding consideration of defense. The termination of the 65–35 formula will return to the Navy a flexibility tending toward improving its operational condition in maintaining our national defense. The rigid 65–35 formula should be terminated, and the proposal of the committee certainly deserves the support of the House.

Mr. Chairman, I urge a favorable vote on H.R. 7657.

Mr. RIVERS of South Carolina. I thank the gentleman very much.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield.

Mr. HOLIFIELD. If the Chairman will allow me, I would like to express my deep commendation and appreciation for the work you have done on this bill, not only in its entirety but particularly in the field of interest which is so dear to my own heart, the field of atomic propulsion for nuclear weapons. I have read the report very carefully and I subscribe to every principle involved in this report.

I know I do not need to add my words to those of the gentleman from Massachusetts [Mr. Bates] and the gentleman from Illinois [Mr. Price], who are also members of the Joint Committee on Atomic Energy, but I do wish to say I am glad the chairman is enunciating this policy in the report.

I feel it is a real loss to the Nation that this great aircraft carrier, the *Kennedy*, was too far along for us to change the plan and put in nuclear propulsion.

The gentleman is aware, of course, of the report which we put out after an intensive study in which we completely refuted the dollar figures of the Defense Department in their analysis of the extra cost of the equipment on the *Kennedy* carrier, as between nuclear propulsion and conventional propulsion.

Mr. RIVERS of South Carolina. I am quite aware of that.

Mr. HOLIFIELD. And the strong stand which the Joint Committee on Atomic Energy took unanimously that the *Kennedy* should have been a nuclear carrier.

We know now that that probably cannot be changed at this time, but the hope which you extend for the next aircraft carrier is certainly pleasing to me. I believe it is a wise choice. I do not say that from the standpoint of my own personal interest in the matter; I make the observation from the standpoint of many hours and days of studying this problem. I appreciate the action which the committee has taken.

Mr. RIVERS of South Carolina. I thank the gentleman. I know of the gentleman's dedication and I know what he has done in this area. Of course, we all realize nothing can be done now.

I understand from a reliable source, with which the gentleman is much more familiar than I, that we can look forward to smaller and more compact nuclear units.

Mr. HOLIFIELD. We have that assurance on the word of no other than Admiral Rickover, who knows more about this subject than any other man in the world.

Mr. RIVERS of South Carolina. I agree with the gentleman.

Mr. HOLIFIELD. I might say that he has the backing of the Joint Committee on his responsibility for making the nuclear submarine fleet today the most invulnerable launching base in the world.

Mr. RIVERS of South Carolina. There is no question about that.

The CHAIRMAN. The gentleman from South Carolina has consumed 60 minutes.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield myself an additional 3 minutes.

The CHAIRMAN. The gentleman from South Carolina is recognized for an additional 3 minutes.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the distinguished Speaker.

Mr. McCORMACK. This is the first major bill to come from the Committee on Armed Services since our distinguished colleague and my dear and valued friend has been its chairman. It is a real tribute to the Committee on Armed Services, under the able and courageous leadership of the gentleman from South Carolina, chairman of that great committee. It augurs well for the people of our country and for the people of all other nations of the world to know that we have a continuation in the chairmanship of the Committee on Armed Services of the House of outstanding and courageous leadership. We know that the committee approaches these important questions of our defense from a bipartisan and unified standpoint.

I wish to extend my congratulations to the gentleman from South Carolina [Mr. Rivers] for the outstanding job which he and his committee has done on this bill.

Mr. RIVERS of South Carolina. I thank my Speaker very much. I should like to say that we have had the advantage of the training of the greatest teacher on earth, the Honorable Carl Vinson, but, more than that, we have had the sympathy and understanding and help of the greatest Speaker ever to preside over this House; added to this there has been the dedication of the finest group of men with whom I have ever been associated or with whom I have ever worked.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from California.

Mr. LEGGETT. As 1 of the 13 new members of the Committee on Armed Services, I should like to congratulate the chairman on his splendid leadership both on the floor and in the committee on this particular bill and on many other matters.

There has been one statement made to the effect that perhaps the Navy Department did not exercise its discretion in favor of private yards as often as it should have. I would like to ask the chairman of the committee, is it not a fact that under the Vinson-Trammell Act, since World War II the Department of the Navy has asked for 58 exceptions to this act to build in private yards vis-a-vis public yards? Also, is it not a fact that we have built a total of 148 warships in private yards as opposed to 48 warships in naval shipyards and have spent $11.1 billion in private yards as opposed to $3.7 billion in public yards?

Mr. RIVERS of South Carolina. It is not only a fact, but I called it to the attention of the House a while ago. I think we should have the alternate ship authority. We must retain our private yards, but it does not follow that we should destroy our public yards. I thank the gentleman.

Mr. BATES. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, in response to the colloquy just engaged in by the chairman of the committee and the distinguished gentleman from California [Mr. HOLIFIELD], I would like to say that I, too, regret that the new aircraft carrier *John F. Kennedy* is not nuclear propelled. The gentleman from California [Mr. HOLIFIELD], has done great work in the field of atomic energy and to a large degree the progress which has been made in the field of atomic energy in this Congress has been through the efforts of the gentleman from California. I know of no man who has devoted more time or effort or who is a more prodigious worker than the gentleman from California [Mr. HOLIFIELD].

Mr. Chairman, it is with great pride and pleasure that I rise to support the remarks of the distinguished and able Chairman of our Committee on Armed Services in presenting the authorization bill for the fiscal year 1966 appropriations for the procurement of aircraft, missiles, naval vessels, and research, development, test and evaluation.

In his first year as the chairman of the committee, the knowledgeable gentleman from South Carolina demonstrated the leadership, in providing for the military security of the Nation, which all of us who have known him, admired him, and worked with him over the years, have come to expect.

In this bill, the first major legislation of the Armed Services Committee in this session, the chairman has left his mark for not only thorough and responsible committee consideration but for independent judgment and dedication to the needs of the country.

The committee has a long and proud tradition of conducting itself as a working arm of this great body in legislating for and overseeing the armed services of the United States without injecting any political partisanship which could jeopardize the defense of the Nation. The hearings, the investigations, the briefings, the markups, the reports—and all the other business of this committee—are done with one objective test in mind, what will best satisfy the military needs of our country.

We are not so much members of a political party in the Armed Services Committee, as we are the collective legislative representatives of the people and of this body in providing for the national defense.

As the ranking minority member of your Armed Services Committee, therefore, I have attempted to continue the devotion to duty that my predecessors have exhibited and, of course, without any regard for the fact that I—and we—sit at the left hand of our distinguished chairman. You can expect, as you came to rely upon in the past, that the legislation recommended by this committee will bear the imprint of the two great political parties acting in concert, and not the dominance of either. The 1966 defense procurement and research and development bill before you is no exception. It has my support and the support of all of my distinguished colleagues who sit to my own left in committee.

The bill, H.R. 7657, is the product of one of the most careful legislative examinations that any bill has ever had. The full Armed Services Committee heard an eminent panel of witnesses for 26 days of actual hearings, beginning on February 2 of this year. Our own individual inquiries and the staff work underlying many of the issues started even earlier.

Many of us received supplementary briefings and detailed studies and reports outside of the regular committee hearings in order to familiarize ourselves better with the facts on which the various military programs are based. Thirty-seven principal witnesses testified before your committee on this bill. Their competence to inform the committee of the recommended roles of the armed services in the world security situation can be illustrated by their titles—the Secretary of Defense, the Deputy Secretary of Defense, and the Secretaries of the three military departments; the Chairman of the Joint Chiefs of Staff and the Chiefs of each of the four military services; and the various chiefs of procurement and of research, development, test, and evaluation of the individual military services and the Department of Defense.

Each of these gentlemen, capable in his own right, was backed up by a host of civilian and military experts who were prepared to testify in explanation of any facet of their vast range of programs.

I am personally satisfied that the committee has been thoroughly painstaking in its scrutiny of the proposals which have been incorporated in this bill.

In addition to taking the testimony of these well qualified witnesses, which amounted to 1,556 pages in the printed public volume of the hearings on your desks, the committee met several additional times to carefully develop its own action. The problem of receiving information of the highest secrecy was met by meeting in executive session which also encouraged the candid disclosure of responsible views by both the members of the committee as well as by the witnesses.

The capable chairman of your Armed Services Committee has explained the purpose and provisions of the bill with clarity and persuasion so that it is needless for me to describe the bill again. It has been as fully considered in committee as time and the legislative process will permit. Certainly it reflects our dedicated effort and honest judgment. The amounts of the funds which the bill would authorize are not mere arbitrary dollar figures, but are the sums which represent the totality of many hundreds of subtotals for program, projects, and actions.

Let me make one point perfectly clear. This is not an economic proposal or simply a fiscal budget, it is an authorization for the development and procurement for all the major hardware—aircraft, missiles, and naval vessels—on which we believe the Defense Department must act in the forthcoming fiscal year. The nature and magnitude of these development and procurement actions are conveniently presented in the committee's report on the bill which I hope that each of you will read in detail.

This is a complicated business and those exposed to our committee for the first time might well wonder if the dialogs there are emanating from a course in mythology, a Berlitz language course, or whether it attests to obvious incoherence. For instance, the topics might well cover the following weapons: AADS–70, Asms, Alfa, antisatellite weapon, ARM–1, Asroc, Astor, Atlas, Able-Star, Agena D, Asset, Amsa or Samos, Satar, Secor, Start, Sergeant, Shillelagh, Shrike, Sidewinder, Sparrow, Sprint, Sram, Subroc, SS–10, SS–11, SS, SS(N), SSB(N), and SR–71—and this represents only two letters out of our 26-letter alphabet. Even those who follow these designations closely have a difficult time maintaining current knowledge of them.

When he appeared before our committee, Secretary of Defense McNamara stated that he was guided by two basic principles: First, development of the military force structure necessary to support our foreign policy without regard to arbitrary budget ceilings, and second, procure and operate this force at the lowest possible cost.

The 2,294 aircraft which are authorized at $5,805,500,000, the over 38,000 missiles which are authorized at $1,401,800,000, and the 62 new ships and the 12 ships to be converted which are authorized at $1,651,600,000 will, in the judgment of your committee, adequately permit the Army, Navy, Marine Corps, and the Air Force to meet their needs within the criteria enunciated by the Secretary of Defense.

The authorization of $6,444,500,000 for research, development, test, and evaluation for the Army, the Navy including the Marine Corps, the Air Force, and the Defense agencies is a precise figure which was arrived at after consideration of the many hundreds of R. & D. projects presented to the committee for approval.

In making our decisions, we not only took into account the expressed necessity for the research and development in order to obtain the weapons systems of tomorrow, but the state of the art of the various technologies encompassed. In other words, we demanded assurances that the goals had a reasonable feasibility of being attained.

I have, over the years, expressed deep concern over our research and development program and particularly with respect to the vast sums which have been invested in projects which were later abandoned. I realize that some of this is unavoidable. Research and development by its very nature does not lend itself to precision. Many a project is undertaken without a really clear idea of what the result will ultimately be. Notwithstanding this fact, I feel that in the past many projects—many weapons systems—have been permitted to continue well beyond the point where good judgment would have dictated their abandonment. I will say no more about this at this time. However, I can assure the House and I can caution the Department of Defense that it is my firm intention to do my utmost to insure that this does not continue in the future.

Since the chairman has fully touched on all aspects of the bill in breadth, I would like to dwell in somewhat greater depth on a few programs which I have selected for their significance. This is not to imply that other parts of the bill which I will not touch upon are of any lesser importance. It is simply that I know that several other members of the committee, in addition to the chairman, will talk about other programs. Among us, you will have received a thorough exposition of what is contained in H.R. 7657.

As you will note, the bill authorizes $253.7 million for the procurement of missiles for the Army. The Army must possess a fighting force in this modern age which can defeat any military threat with which it may be confronted. This is merely axiomatic.

Our Army of today is a quite different force from what it was only a few years ago, and it is so vastly different from the Army of World War II as to be almost unrecognizable. Almost all of the change in our Army has come within the past few years through a vigorous, aggressive program to make it a modern fighting force. If our mind's-eye picture of today's Army is GI Joes of World War II, we could not be more wrong. The Army is a sophisticated, highly trained, mobile force as different from the old Army as the Pershing missile is from the Gatling gun. It is swift, sure of itself, sure of its weapons, and certain in its capability of meeting force with force. Our Army has kept pace with the changing world. However, it is essential to maintain a working use of proven historical methods for situations like Vietnam.

The availability of reliable missile systems in quantities essential for the proper support of both our offensive and defense combat troops, serves a major contribution in providing the firepower required for the successful accomplishment of the Army's mission. As with the other authorizations in this bill, it is the continuing purpose of the committee to see that appropriations authorized for missile procurement will satisfy firepower requirements at the lowest possible cost for our new Army.

Continuing procurement of the Pershing provides the long-range nuclear fire support for the field army. The Redeye, which, incidentally, is also being used by the Marine Corps, furnishes a forward area air defense for our frontline combat troops against low flying aircraft.

We are now ready to introduce the antitank missile Shillelagh. Its employment as an antitank missile on the armored-reconnaissance airborne assault vehicle and on the main battle tank enhances the Army's capability to defeat enemy tanks.

And in this connection, I would like to concur in my chairman's remark in his press release of April 29 in which he referred to Shillelagh as having "a simply fantastic kill capability." He went on to say that, "It is undoubtedly the best antitank weapon in the world today." To the very best of my knowledge, this is so and the Army is to be congratulated for this fine system.

It is interesting to note that this weapon utilizes a single-gun tube which can fire either the Shillelagh or 152-millimeter conventional ammunition. To the best of my knowledge this is the first time that there has been an accomplishment of this kind. Obviously it provides a significant advance in flexibility because gunners can engage various kinds of targets with only one mobile weapon system.

The missile program developed by the Army has considered the production implications which are associated with the introduction of all new items. Procurements are scheduled in such a way that industry can produce at orderly and economical rates. New items have likewise been planned for delivery to permit refinement of production techniques before procurement in major quantities is instituted. It can be said in this instance that the Army and its contractors have used the best business practices in both the development and manufacture of the Shillelagh.

I consider the authorization we are recommending for the procurement of missiles for the Army to be proper in quality and in quantity. Committee support of this item of authorization is in keeping with our steadfast objective of producing a totally modernized military fighting force that is superior to that of any other nation.

And now, let me turn to the Navy.

The expanding perimeter of worldwide naval operations in support of U.S. international interest for peace requires us to maintain, on a long continued basis, oversea deployment of naval strike forces, as a visible military presence in deterrence of limited war. Nuclear-powered forces deployed to trouble spots can supply the military presence without local bases, can be varied at will, and can be maintained for extended periods on a rotational basis. The goals of the Navy should therefore be designed to permit these long continued deployments in remote areas of the world in order to respond to demands for stabilizing military influences wherever needed.

I have had a long and deep interest in nuclear power. I have had the honor of serving on the Joint Committee on Atomic Energy as well as the Armed Services Committee. I think I bring to both positions an interest—and I hope a knowledge—which permits a broader view of the potentials of nuclear power because of this.

The Navy has steadfastly recommended a policy of installing nuclear propulsion in all warships for which this technology is feasible. I fear, however, that it has not found wholehearted agreement with its beliefs and recommendations and it is for this reason that the Committee on Armed Services has taken upon itself the task of assisting the Department in furthering its aims.

This goal is important to our Nation, committed as we are to a worldwide strategy which requires a worldwide logistic support network. The increased range and staying power, coupled with the reduced vulnerability provided by nuclear power in our surface warships, adds a new dimension to their versatility and effectiveness in war, and deterrence of war, and contributes to the strength and usefulness of naval forces as instruments of national policy and power.

I think that the advantages of nuclear propulsion in surface warships is not understood by the public and I fear even by many of those who are quite directly responsible for determinations as to the kind of propulsion which our surface ships will have.

I am, therefore, going to list—if you will bear with me—some of the advantages which so substantially increase military effectiveness both offensively and defensively. Forgive me if it sounds like a page from a training manual. These points are important enough to warrant specific recitation in the hope that the very great advantages of nuclear power can become more widely known.

Some of these advantages are:

First. Increased tactical flexibility and freedom for independent action.

Second. Ability to extend attack along a greater perimeter.

Third. Virtually unlimited endurance at high sustained speed.

Fourth. Reduced dependence upon mobile logistic support.

Fifth. Reduced vulnerability to submarine and guided missile attack through freedom from dependence upon replenishment of ship's fuel.

Sixth. Enhanced opportunity to use evasive routes.

Seventh. Improved capability to operate in bad weather or to avoid storms.

Eight. Feasibility of sealing the ship against atomic, biological, and chemical attack by elimination of the air intakes required for boilers. Certainly this, now, is not a consideration which would come to the mind of any but those most intimately connected with both nuclear and military matters. But the wars—if we have them—of the future could make this of almost unimaginable importance, that is, the ability to seal a ship against fallout and against biological and chemical attack.

Ninth. Reduced concern for loss of fuel oil facilities.

Tenth. Ability, under severe threat to operate from distant bases, completely free of logistic dependence.

Eleventh. Shipboard electric power requirements, new higher power radars, sonars, and missile systems can be accommodated by nuclear reactors without reducing the range of the ship during operations.

Twelfth. Elimination of corrosive effect of stack gases on ship structures, radar antennas, and aircraft. This sounds like the drabbest kind of consideration but the number of dollars saved by the elimination of corrosion on ships, equipment, and aircraft is far from drab, I can assure you.

The difficulty of providing logistic support during war is due in part to the logistic support forces being more vulnerable to attack than our striking forces. One of the greatest threats to any ship in wartime is the fact that it may have to slow down. Conventional ships must slow down frequently to conserve fuel or to refuel. While the task force must eventually replenish, the nuclear powered ship does not have to slow down at any time because of fuel. Therefore the utilization of nuclear power in making our striking forces as inherently self-sufficient as possible can lead to more true military capability and a net saving of money.

The greatest advantages of nuclear propulsion are achieved when nuclear powered escorts accompany the nuclear powered carrier. The all-nuclear task group can steam any distance at high speed, sustain a maximum level of air operations for many days prior to committing forces to combat, and still have enough aviation fuel to employ its load of ammunition without replenishment in the combat area. This is a very simple concept. A nuclear powered ship simply does not have to carry oil for its propulsion; and for every gallon of oil not required to be carried, there is room for a gallon of aviation fuel. It is that simple.

While the greatest increase in effectiveness resulting from nuclear power can be demonstrated for the aircraft carrier, the nuclear powered escort also has impressive advantages. The nuclear screen is never broken by the requirement to fuel. The nuclear escort provides the force commander with greatly enhanced task force flexibility since he can dispatch units for independent action, trade forces, or take full advantage of the unlimited endurance to employ deceptive tactics. Finally, he can make use of the nuclear unit to trail an enemy submarine or surface ship long and far, and as fast as necessary without need to meet a refueling schedule or location.

The nuclear ship passage through the seas, unlike that of a conventionally powered warship, is not a "go-stop" proposition. It is "go" all the way.

Even with conventional escort, the nuclear carrier provides substantial increases in onboard aviation fuel and ammunition with consequent improvements in the ability of a mixed force to conduct sustained strikes without replenishment.

An aircraft carrier can stay in combat until its ordnance, aviation fuel and ship propulsion fuel are expended. The reduction in the requirement for propulsion fuel made possible by nuclear propulsion significantly increases the time a force can stay in combat without logistic support.

The nuclear powerplant being developed for use in an attack carrier will utilize a very high-power ship reactor together with a very long-life nuclear core. Two of these reactors can power an attack carrier, as compared with eight reactors in the aircraft carrier *Enterprise*. It is important to note that the new two-reactor plant will be less expensive than the others, particularly with respect to operating costs. Furthermore, a carrier powered with the new cores would require refueling only once in the life of the ship.

There is no alternative to victory in war, regardless of cost; therefore weapons systems investment must be weighed against ever-increasing enemy capabilities. The Navy is convinced of the need for nuclear power in surface combat ships, yet it is not necessary to convert the entire fleet to nuclear powered ships in order to realize significant advantages from nuclear propulsion. In 25 years of operating life the two-reactor carrier plant would cost about $50 million less than a four-reactor plant. Whereas the initial costs, excluding aircraft, for a two-reactor carrier are somewhat higher than for a conventional carrier, the differential reduces to 20 percent after 25 years of operation.

However, the latest cost effectiveness study indicates that if the additional oilers and protection for the oilers are figured into the cost effectiveness analysis, the conventional carrier task force we are building today is more expensive over its lifetime than the task group with a nuclear carrier. This is borne out in a detailed classified analysis submitted to the Joint Committee on Atomic Energy on January 13, 1965, by the Assistant Secretary of Defense, Mr. Charles J. Hitch.

Now, these facts deserve the greatest consideration both from the standpoint of military capability and cost. And keep in mind that they are not extensions of a theoretical situation but hard, provable facts.

The nuclear carrier will have propulsion endurance measured in years of normal operation, as well as the inherent combat advantages in the increased account of aviation fuel and ordnance carried which further reduce logistic support requirements at sea. This is a most desirable enhancement of military power and worth, especially to assaulting naval forces striking for initial gains and a foothold in a new and critical effort. The unparalleled mobility and flexibility of nuclear powered forces were graphically demonstrated in the 30,000 miles "Sea Orbit" cruise around the world of the first nuclear powered task force. The cruise proved conclusively the feasibility of operating nuclear surface ships in all oceans of the world on a self-sustaining basis.

There is, of course, no doubt that today the Navy is preeminent in the field of nuclear propulsion. This, however, by no means establishes that such will continue to be true if we maintain the somewhat casual attitude which I am afraid has been shown toward nuclear power for surface ships on an overall basis. It was with this thought in mind—that is, that we should continue to press forward vigorously in the field of nuclear propulsion—that caused the committee to add to the bill a nuclear powered guided missile frigate. Undoubtedly this ship would have appeared in some future program. But I, for one, am unwilling to wait. I do not believe that we have the time or at least we can not say with certainty that we do have the time. The whole committee, it turned out, felt exactly as I do and there was not a dissenting vote or even, as I recall, a dissenting argument, to the addition of this ship.

And now I would like to turn to section 303 of this bill. The chairman has already mentioned that this bill is a little bit different this year than in the past. It does more than authorize procurement and research and development. It has several additional sections which in one way or another modify existing law.

The most important of these, to my mind, is section 303. The chairman has explained the basis for this section 303 but let me very briefly review it again for those few who may not be familiar with the background of this matter.

Very simply and briefly, the law today says that at least 35 percent of all ship conversion, alteration, and repair must be performed in private shipyards. The Armed Services Committee thinks this is unsound. I will attempt to establish why it is unsound. Others who speak today will deal with other aspects of this law and will try in their own way to explain why we should change the law.

First, what is the total distribution of Navy shipwork and employment between Navy and private yards?

The facts show that in the period from 1954 through 1964, 75.4 percent of the Navy's new construction program, with a total program value of $12.180 billion has been awarded to U.S. private industry. In the past 2 years—1963 and 1964—the private share has averaged over 80 percent. If conversions, alterations, and repairs are added to this 11-year total, the private share of the program during this period exceeds $13.7 billion, or 58.1 percent of the total funds appropriated for this purpose. Even considering only the period before the restriction in assignment of the latter type of work, the private fraction averaged 55.1 percent, over one-half of the total.

Private shipyard employment, with minor exceptions, remained essentially stable during the interval from 1954 through 1962, when the 65–35 proviso was enacted. At the end of this period, it stood at a level of 116,000. Since the 65–35 proviso has been in effect, the level has increased to 126,000 at the end of December 1964.

In comparison, Navy yard employment showed a steady decline from 130,000 in 1954 to 99,000 at the end of 1962. Since enactment of the 65-35 restriction, Navy yard employment has further dropped. The level on March 1 of this year is 81,000, the lowest point since before World War II, except for 1 pre-Korean year.

Many factors are involved in employment levels. One fact stands out, however; the private yard employment had remained fairly steady before adoption of the 65-35 proviso, while the Navy yard level was declining. The 65-35 clause has accentuated this decline, and placed the Navy support capability in virtually a pre-Korean position at a time when our worldwide Navy commitments are the most pressing since World War II.

Now, the key point is this. Immediately after the cessation in Korean hostilities in 1954, the employment of both segments dropped to about 120,000. Gentlemen, in spite of decreasing merchant marine business since then, private yard employment has remained about the same. The Navy has taken good care of the private industry while its own level has been steadily dropping.

It has done this largely by giving the private yards the type of work they do best—new ship construction and repair of less complex ships. It has given them ship construction because it has been less costly to do so. There is no real cost advantage in conversion, alteration, and repair work.

I can find no valid basis in fact that the private yards are cheaper in the performance of the type of work which has been the subject of an arbitrary restriction for the purpose of aiding the private industry. The Secretary of Defense has reported that, as a result of its shipyard study, it concludes that assignment of more of this type of shipwork to Navy yards is economical. These Navy yards must be maintained for strategic and operational requirements, and with more productive work, their fixed operating costs can be spread over a larger base, resulting in decreased unit costs. This makes good economic sense to me.

So, as to costs, the policy which the Navy has followed in assigning new construction work has resulted in savings to the taxpayer. In fact, the Navy in order to achieve greater savings has deviated—in accord with the law, of course—to the advantage of private yards from the alternate warship provision of the Vinson-Trammell Act, which requires alternate assignment of new construction warships to naval shipyards.

In the past, the Navy has met this problem by the assignment of many less complex types of ship repairs to private yards; and by the assignment of the bulk of its new construction program to private shipbuilders. It has tried to retain in its own yards enough of the type of work needed to insure the maintenance of highly specialized trades, and the improvement of their skills to cope with the maintenance of increasingly complex ships and ship systems. It has endeavored to make economic use of its facilities which must be kept ready for a national emergency. The 65-35 proviso has only made this problem more difficult, and, I submit, has contributed substantially to the lack of shipyard readiness today. It is today very nearly at the lowest point since before World War II.

I am convinced that the Navy yards remaining after the closure actions of the Secretary of Defense last year are vital to our national military posture and must be assigned the necessary work to insure their effective utilization. I am confident that under the surveillance of interested Members of the Congress, the Navy officials will continue to use these yards economically and wisely, with full awareness of the importance of the private portion of the industry to our national interests.

In examining our national defense posture today, one of the most important and immediate questions we face is: "What part should manned military space systems play?" This is not a new question. It has been studied exhaustively since 1958, particularly by the Air Force. These studies indicate that man can live and operate effectively in space. Further, the Air Force believes that his intelligence, judgment, and dexterity will be indispensable in the performance of certain military tasks.

In December 1963, the Air Force began to prepare a plan for the development of just such a vehicle—the manned orbiting laboratory. The objective of the program was defined as the assessment and demonstration of the utility of man in performing military functions in space.

The Air Force, working with some 16 contractors, defined subsystems and experiments to meet the program objectives. From these studies and from inhouse efforts, a list of primary experiments to assess man's capabilities was obtained. A number of secondary experiments of a scientific and engineering nature applicable to military tasks were defined, and an examination of the Nation's space programs was conducted to insure that much of MOL could be built using existing components.

In addition to these studies, a considerable amount of simulation of potential manned space missions was accomplished, on the ground and in aircraft. This has resulted in a much greater understanding of man's contribution to military space operations. Because of this, and the need to demonstrate how well man can perform these military functions, the objectives of the MOL program were redefined as:

First. Development of technology to improve capabilities for manned or unmanned operations of military significance. This may include intermediate steps toward operational systems.

Second. Development and demonstration of manned assembly and service of large structures in orbit with potential military applications.

Third. Experiments direct to the quantitative determination of man's military usefulness in space.

It is apparent that achievement of these primary objectives will yield information and experience of incalculable value to those planning the Nation's defense for the decades to come. For, not only will we have an understanding of our own manned military potential in space but, equally important, we will be able to assess far more accurately the threat that enemy space operations may pose to our Nation.

The Department of Defense also directed that those planning the MOL program consider, with NASA, broader objectives of scientific and general technological significance. Experiments to fulfill these objectives are to be defined. The data to be obtained from such experiments will add measurably to the base of knowledge upon which our technology, and our national power, rest.

The redirection in the MOL program necessitated further studies, which are presently being conducted by contractors. Their findings will be presented to the Air Force about the 15th of May. The Air Force will then make its recommendations concerning choice of contractors, vehicle configurations, and experiment packages.

The $150 million authorized for the Air Force for the manned orbiting laboratory is consistent with the program as directed by the Secretary of Defense and will provide for the timely and orderly execution which is essential to the future defense of this Nation.

These explanations of particular programs will serve to highlight the need for such programs. But again, let me emphasize, all of the provisions of the bill have been carefully constructed to present a balanced and judicious whole. Without reservation, and with my full personal support, I commend to you, Mr. Chairman, this bill to authorize procurement and research and development appropriations during fiscal year 1966 and I strongly recommend its adoption by this House.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. BATES. I am glad to yield to the gentleman from Massachusetts.

Mr. KEITH. On this question of research and development, I notice on page 2, under the Air Force, there is $150 million authorized for the manned orbiting laboratory.

It was my understanding that was to be $300 million.

Would the gentleman comment on that?

Mr. BATES. The gentleman is correct that the Department itself originally in its formative stage asked for $300 million. Later it was cut down to approximately $194 million, and in this particular bill we have authorized $150 million.

Mr. KEITH. Would the gentleman yield further?

Mr. BATES. I would be pleased to yield further to the gentleman.

Mr. KEITH. Do security regulations permit you to tell me and the other members of the committee something about this booster and capsule?

Mr. BATES. Well, it is simply a Titan 3-C booster with a Gemini B capsule that is going to be used on this vehicle.

Mr. KEITH. Can the gentleman tell me when we can expect its first test flight?

Mr. BATES. As I understand it, the first manned test flight will be in 1968.

Mr. KEITH. Mr. Chairman, will the gentleman yield further?

Mr. BATES. I yield to the gentleman from Massachusetts.

Mr. KEITH. I notice on page 7 of the report to date only four surface ships with nuclear propulsion have been built. It goes on to list the ships. In the succeeding paragraph it says:

> There are 68 ships in the Navy today of types which would lend themselves to nuclear propulsion. Of these, only 25 ships have, or will have, nuclear power.

I do not quite understand the inconsistency of these two figures.

Mr. BATES. May I say to the gentleman he has a very discerning eye. It is true the only surface ships which we presently have are the *Enterprise*, the *Bainbridge*, the *Longbeach*, and *Truxtun*. We have many more submarines than the figure indicates here. When the figure of 25 was used, it was to indicate of the 68 ships presently in the Navy 25 could have been nuclear propelled. So the statement is actually in error in the report.

Mr. KEITH. I thank the gentleman.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from New York.

Mr. PIRNIE. Mr. Chairman, I first want to congratulate both my distinguished chairman and the ranking minority member for the excellent presentations which they have made. From my experience with both of them I would expect nothing less. Their great background of knowledge and experience is invaluable to the work of the committee.

This year, as in the past, the Armed Services Committee has held long and detailed hearings on our military posture and as the gentleman from Massachusetts has pointed out, we have made our own separate investigations and studies of specific aspects of the program.

We are not a partisan committee in any sense of the word. We have only one aim and one purpose; namely, to adequately provide for the defense of our Nation. The complete recognition of this objective by all members of the committee has created an atmosphere condusive to responsible legislation action. It causes us to be proud to be a member of the Armed Services Committee and to join with our fellow Members in the development of programs of overriding importance to this country and indeed to the whole of the Western World.

Always we seek to achieve a proper balance within the respective military services, keeping in mind the varying requirements of each. The result this year conforms substantially to the requests made by each service and represents a firm answer to the threats we face.

No one is more anxious than I to keep military expenditures within proper bounds. However, I have even greater concern that we do all that is necessary to counter the threat of the enemy whenever and wherever it may appear. It would be folly to do less than the present danger requires. Defense not dollars must come first.

I have followed closely the strength and capability of our Army for many years. I have served in the Army and maintain a strong interest in the Army, but I am confident that I have not permitted any partisanship to cloud my thinking respecting the needs of the Navy and the Air Force. It is basic to acknowledge that our defense is a combination of all of the sèrvices operating as a team.

One of the major elements in this bill is the emphasis on the SR–71. The chairman has touched on this aircraft and the report contains further detail with respect to it. However, I would like to emphasize the importance of this plane—this weapons system—to our Air Force and therefore, to our defensive and offensive capabilities.

It was rather baffling in committee to try to follow the various versions of this airplane. You all will recall that the first version displayed of this airplane was the A–11, which the President announced, as I recall it, last November. In the bill we have the SR–71; there is also the YF–12A, and I believe at least two other versions of this airplane. They are essentially the A–11 configured for various purposes. In the case of the SR–71, it is a long-range advanced strategic reconnaissance aircraft capable of worldwide reconnaissance military operations.

It will fly more than three times the speed of sound at altitudes in excess of 80,000 feet, or something on the order of 16 miles.

It is such an important airplane that I think it worthwhile to relate a little bit of its history. It was only last December that the first flight of the SR–71 was successfully accomplished. Additional testing is now underway at the Air Force Flight Test Center at Edwards Air Force Base in California. Ultimately this airplane will be assigned to the Strategic Air Command at Beale Air Force in California.

Perhaps a layman can better comprehend the speed of this airplane if he considers that if one of these airplanes had left New York City at 12 noon today, it would have arrived in San Francisco at 10:30 a.m., San Francisco time, or an hour and a half before it left. Pick more distant destinations around the world and you would have even more dramatic computations. Without a doubt it is one of the great advances in military science.

Only last week Col. Robert Stephens and Lt. Col. Daniel Andre flew the YF–12A version of this aircraft, proposed as an interceptor, at 2,062 miles an hour over Edwards Air Force Base, Calif. In this flight they bettered four records held by the Soviet Union and also set three other world marks.

And now I would like to turn a moment to the Navy and to one of the Navy's programs which to my mind may well become of as much importance as any program in our whole Military Establishment.

At the beginning of World War II Germany had 48—only 48—submarines while as of this date the Soviet Union is reported to have approximately 500 submarines. In light of this startling fact what could be more important to our defense than to be able to cope with this vast submarine fleet?

It is axiomatic in our free world strategy that we must control the seas, for it is over water that 95 percent of the world's commerce and goods are moved. Our Navy recognizes the tremendous threat which the Soviet submarine fleet poses to our shipping. Our Navy is well aware that these submarines have the capability of launching nuclear missiles against the heartland of our Nation. Your House Armed Services Committee has acted in support of this awareness and our bill gives all requested support to the Navy to develop its antisubmarine capabilities. The Navy's program, while still pressing for a further significant breakthrough in the underwater detection and destruction of submarines, is geared to provide steady progress in this difficult but all-important area of combat. I have paid particular attention to the sums included for antisubmarine warfare and the program encompasses a varied and intriguing response. It is more than ships, torpedoes, fixed-wing, and helicopter airplanes. The reason for this is found in the extensive and growing intensification of effort in the research and development field. The hearings disclosed that many items which on the surface appear to be quite remote from antisubmarine warfare itself, actually will, if successful, tie quite directly into this important capability. I feel that the overall commitment for this vital task is adequate.

Recent events have underscored the importance of our land forces, so let us take a look at the Army. In the words of General Johnson, Chief of Staff, U.S. Army, the Army must have the capabilities, not only to fight by the most modern and effective means, but also to control land areas and people, during and after the fight.

An effective army in the troubled world of today must be trained and equipped to engage in combat under a very great variety of conditions. In Europe, armored mechanized army forces with sophisticated missile systems are vital. In Vietnam, we are faced with guerrilla warfare and the requirement for armored vehicles and sophisticated missiles is much less. However, this area has an equally important requirement for mobility, and this means helicopters and transport aircraft. The fighting in Vietnam is in close quarters; it is mean and dirty. In the final analysis we must depend upon the individual soldier with his hand-carried weapons so he must have the most modern equipment—for firepower and for mobility. The House Armed Services Committee, under the leadership of Chairman RIVERS, desires to meet this need promptly and completely.

The Army will continue to rely heavily on the use of aircraft to insure increased capabilities in the areas of mobility, reconnaissance, command control, and firepower. Speed of action requires that combat troops and critical supplies be moved out by air. As demonstrated in Vietnam, the helicopter today provides the most effective means of conducting military operations against the Communist insurgents in this difficult environment. The Iroquois helicopter, for example, has proved invaluable in moving Vietnamese forces to the areas of action. In fiscal year 1966, 720 Iroquois helicopters are to be authorized.

A fighting force in this modern age which can defeat any military threat with which it may be confronted must be equipped with reliable missile systems in proper support of both our offensive and defensive combat troops. It is our continuing aim to see that the proposed missile procurement will satisfy these firepower requirements at the lowest cost possible.

As has been mentioned, continuing procurement of the Pershing will provide the field Army with long-range nuclear fire support. Sergeant missile procurement has been essentially completed, thus providing closer-in nuclear fire support for our tactical Army Corps.

Quantity procurement of the Redeye missile for the Army's inventory represents the first major step taken in several years to improve our forward area air defense posture. The Redeye can be carried anywhere a soldier can walk and will fill a large part of the low-altitude air defense void which now exists over our frontline troops.

Potential enemies of the free world enjoy a superiority in numbers of tanks and personnel. To counter this threat, the Army had developed a new weapon for tanks and armor-defeating vehicles. This system, the Shillelagh, will enable our forces to defeat any known enemy armor at extended ranges with a very high reliability.

Likewise, other areas important to the Army are not being neglected. For example, Nike X, our antimissile missile, will receive about one-third of the total research and development budget for the Army this year, indicating the great importance which both the Army and the Secretary of Defense attach to this program.

The Lance missile, forward area air defense, and the ground environment part of the military communications satellite program are also receiving appropriate attention.

May I again emphasize our hearings on this bill. We realize the difficulty of keeping abreast the rapid technological developments and the danger of neglecting any significant phase of our defense. Therefore we have proceeded with great care, weighing each item. As a result, only lesser deletions were made in the research and development portion of the bill and only two in the procurement portion of the bill. Two items were added, as you already are aware—a nuclear-powered, guided-missile frigate and $7 million additional for the advanced manned strategic aircraft.

The seriousness of the times gives special significance to our task today. It is important that we do what is right—that we do enough. I think this bill is a sensible and forceful answer and I am confident the House will agree.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from Vermont.

Mr. STAFFORD. Mr. Chairman, I am pleased to address that portion of this bill which deals with Navy research and development.

This bill requests authority for $1,439,200,000 for Navy R. & D. Of this amount $386.4 million or about 27 percent, are for exclusively ASW projects and the remaining 73 percent is for other warfare area developments for the Navy and for the Marine Corps. The basic function of Navy R. & D. is to provide the world's greatest Navy and Marine Corps with the weapons and other equipment which are vital for peformance of the numerous and varied tasks which our Navy and Marines are called upon to undertake in many widely separated areas of the world.

The broad scope of this research and development program ranges from basic research in natural sciences to the final development of major systems engineered for use in the fleet. I shall not attempt to describe all of the many projects which are involved, but will highlight important areas.

The committee has recommended approval of $180.1 million for the Navy's military sciences budget activity. This activity covers the functional areas of basic and applied research at Navy-owned laboratories and at civilian institutions under Navy contract, and is designed to fulfill the demands of advancing technology. The products of Navy research provide fundamental knowledge relevant not only to the Navy, but to the scientific community at large.

Portions of the Navy's exploratory development projects are contained in the various budget activities. Exploratory development is primarily directed toward devices which will become components of weapons systems or other equipment for the fleet. A wide scope of such effort is a necessary prelude to more advanced stages of development when major systems are undertaken.

The committee recommends authorization for $191.1 million for Navy research and development in aircraft and related equipment. This activity finances development of airframes, powerplants, avionics, and other related equipment. A major program is the F–111B which is planned for use as an air superiority fighter plane. Other programs include the OV–10A light armed reconnaissance aircraft—LARA—for counterinsurgency warfare, a tactical electronic warfare suit for a follow-on version of the A–6 Intruder attack aircraft, and the X–22A vertical take-off and landing research vehicle. Funds requested in this activity are about $49 million less than fiscal 1965 due primarily to near completion of development work in the A–7A light attack aircraft.

The next budget activity, missiles and related equipment has an authorization request for $371.3 million. This activity includes air-launched and surface-launched missiles, and in the Navy budget contains the development costs for ballistic missiles launched from submarines. A major portion of this effort in fiscal year 1966 will be in further refinement of capabilities of operational Polaris missiles, and initial development of the Poseidon missile as logical follow-on to the Polaris family.

The Phoenix missile and control system is included as the primary air-to-air armament for the F–111B aircraft and will provide an important improvement in the air warfare capability of the fleet. Other air-launched missiles in this program are Shrike and Condor for attack on surface targets. All of these air-launched missiles can be fired from a stand-off distance and should improve the safety of our carrier-based and Marine strike forces.

Funds are also included in this activity for updating the characteristics of the ship-launched Terrier, Tartar, and Talos missiles, and for development of a standard missile compatible with either the Terrier or Tartar installations.

The Navy's share of funding the Pacific Missile Range is in this activity.

The committee supports the Navy's budget of $24.5 million in military astronautics. Navy research and development in this area is related to the performance of naval missions and is focused on such functions as sea surveillance, communications, and navigation using earth-orbiting satellites.

Budget activity five finances developments in ships, small craft, and related equipment, and the total Navy request for $330.5 million is supported by the committee. A large portion of this request is antisubmarine warfare systems for ships and submarines. Other major areas are in communications, intelligence, radar and electronic warfare systems, and ship and submarine propulsion plants including advanced nuclear plants for surface ships and submarines.

The Navy has requested $180.3 million for research and development in ordnance, combat vehicles, and related equipment. Included are rockets, projectiles, and lightweight gun mounts in order to increase the fleet's surface fire support capability in support of land operations. In addition to shipboard ordnance there are a number of advanced air-launched weapons, such as the Walleye guided bomb, to increase the accuracy and effectiveness of air attack while providing a higher degree of safety for the attack aircraft.

The Navy's request for $84.8 million in other equipment is about $18 million higher than last year due to emphasis in the deep submergence program. This project is directed toward providing capabilities to do useful things in the ocean depths, submarine rescue, salvage, and greatly extending man's capabilities to live and work in the deep ocean environment. Progress in this area should result in many future benefits to the security and economy of the United States. Also included in this budget activity are several Marine Corps projects.

Mr. Chairman, the amount which the committee recommends for Navy R. & D. in fiscal 1966 is essential to conduct the developments which modern seapower require.

In the 5 years I have had the privilege of being a Member of this House I have developed a deep interest in antisubmarine warfare, and considerable concern that past efforts to improve our posture in this vital aspect of our national defense were not advancing as rapidly as needed. I am pleased to report that the concern of the Congress, expressed during the recent years, has contributed to a significant change. Under Secretary Nitze, there is a new unity of purpose and a new sense of urgency in the Department of the Navy, which is reflected in the antisubmarine warfare portion of the R.D.T. & E. budget for fiscal year 1966.

The ASW R. & D. program, totaling $386 million, is of wide scope. Careful review of all aspects of antisubmarine warfare leads to the conclusion that a major breakthrough that would revolutionize ASW is unlikely. Therefore, this budget provides for a disciplined evolutionary integration of many aspects of technical progress. A program on a broad front is provided to insure that our antisubmarine ships, aircraft, and submarines will be provided in the future with those improved equipments necessary to keep them the best in the world.

Vice Admiral Martell has been given responsibility for all phases of antisubmarine warfare, and reports directly to the Chief of Naval Operations and the Secretary of the Navy. Under his direction, a series of comprehensive reviews have been conducted of the requirements and of the on-going projects. These reviews have resulted in the establishment of priorities and the focusing of effort. Management has been strengthened to insure that the equipments most urgently required reach the fleet in the shortest possible time, and with the quality essential to counter the growing capabilities of the submarine as a weapon of attack.

In order to concentrate effort on the most vital undertakings, the elements in the antisubmarine program have been carefully screened. Those not of direct or potential value in improving our antisubmarine posture have been eliminated or reclassified into other warfare areas.

This budget puts first things first. It provides full support for those things most urgently needed. It provides a balanced support for those projects upon which we must build in the future. It eliminates wasteful duplication and peripheral items. I am happy to report that emphasis over the past few years has culminated in a sound program representing 22 percent increase in effort over the present fiscal year. Most of the effort is concentrated under three major areas:

First. Airborne ASW projects.

Second. Surface ships and submarine projects.

Third. ASW weapons.

In particular, this emphasis has been placed on airborne sensors, sonars, and on torpedoes capable of combating submarines of the highest known performance.

We cannot be sure, of course, when our antisubmarine capability may be put to the test, and the capabilities of opposing submarines must be expected to improve as further technological advances are achieved. Therefore, the budget provides for continuing efforts to advance our antisubmarine technology at a rate which insures against surprise. I am happy to commend all aspects of this budget for your approval.

Mr. BATES. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, recent statements from the Department of Defense reflect, in my opinion, an underestimate of the Soviet bomber threat against the United States. Not only do they tend to minimize the number of bombers that the Soviets would send to attack our cities and defense installations, but they conclude that the present manned interceptor force is larger than needed. Apparently these estimates have been the basis of earlier Department of Defense decisions to phase out SAGE air defense radars, and more recent decisions to phase out certain interceptor airplanes operated by our highly proficient National Guard forces.

No reasonable man will argue for spending money for defenses we do not require. I would be among the first to hail the day when we might safely divert funds, which we now find essential to the defense of our country, to peaceful endeavors. And the fact that such aspirations are natural to all human beings increases the likelihood that statements from highly placed Government officials could lull us into a false sense of security.

It is significant that the Secretary of Defense does not claim infallibility in his estimates of the world situation and the resulting decisions regarding our defense. While discussing the damage limiting problem recently, he admitted, in passing, that he was troubled by the strategic uncertainty which stems from the impossibility of predicting what our opponent or opponents will actually do, what sort of force they will actually build, what kind of attack they will actually launch, and how effective their weapons will actually be. He concludes that the efficiency of our defense planning depends upon the correctness of the assumptions we make about the size and probable character of enemy attacks.

Being forewarned that crucial questions, bearing on the future safety of our Nation, remain unanswered, should not we as prudent men, should not this Congress, have grave misgivings over adopting a policy that could lead to the degradation of that posture of great strength that has sustained us for two decades? I, for one, hold misgivings about claims of ever-increasing strength bought with an ever-decreasing budget.

When the Secretary of Defense claims the present manned interceptor force is larger than needed, I am inclined to agree. But I must point out the obvious—the effectiveness of a force is not necessarily in direct proportion to quantity. We have heard the Secretary of Defense, himself, on many occasions, justify curtailment of a program because of an increase in the capability or quality in that program.

Let us consider the status of our interceptor force. I fear we have a serious deficiency in our present, and more important, our future capability to counter the threat posed by Soviet manned aircraft. This threat has undergone a major change during the past few years. Essentially, the change was brought about by the introduction of ballistic missiles into the Soviet arsenal. The original threat changed from a surprise bomber attack, for which the Air Defense system was designed, to an ICBM attack followed closely by a bomber attack. This ballistic missile attack could, very possibly, deny the current interceptor fleet the close control required for effective employment against invading bombers. Furthermore, the addition of air-to-surface missiles to Soviet bombers enables them to attack our perimeter cities from a stand-off position, in comparative safety from attack by our short-range, out-dated interceptors. This deficiency exists because the No. 1 interceptor, the F-106, was designed more than 10 years ago and has been in service more than 7 years. During this time the aircraft industry has made great technological strides which we have failed to take advantage of in our defense forces.

During congressional hearings in 1962 and 1963 on the status of our air defense forces, one consistent recommendation was heard from military experts: a long-range, high-speed, improved manned interceptor is required to overcome grave deficiencies in our air defense system.

I do not think there is any question that we will soon see the day when our own supersonic transport airplanes and those of our NATO partners will be crossing continents, the oceans, and the solar ice caps on routine commercial flights. And there should be no doubt in anyone's mind that the Soviet Union will be in the forefront in this activity.

What, then, will the United States do to defend the sovereignty of our airspace and our borders when an unidentified aircraft moving at supersonic speed appears on Air Defense radar scopes heading for Washington or New York? At present, the approach of unidentified potential targets at 500 or 600 miles per hour is not an uncommon occcurrence. When a target of this nature approaches our shores today, it is only a matter of a few minutes before the alarm is sounded for the alert crews of our armed interceptors. They take off, fly out, and intercept the unknown aircraft. These interceptors are prepared to shoot down the intruder if he turns out to be hostile. Today our interceptors can accomplish this necessary task because, to our knowledge, no nation yet has a high-performance supersonic bomber or transport in operation.

But what will be the situation with the advent of truly supersonic aircraft—bombers or transports? On our radar scopes bombers and transports look alike. We cannot determine whether an intruding aircraft is a threat to us until we have launched a fighter, climbed to high altitudes, and intercepted or inspected the intruder. If the speed of the intruder increases then it follows that the interceptor speed must be increased by an even greater rate.

The airplanes we now have in our operational forces will not be able to perform this feat. They are obsolete or obsolescent.

There is one airplane in our inventory that can do the job! It is not just an aircraft of great promise. It is a fulfillment. It is flying.

The administration showed great wisdom and foresight several years ago in the decision to build the YF-12A and the SR-71, airplanes which clearly meet all the requirements specified by air defense commanders. The YF-12A embodies a complete weapon system including fire-control radars and long-range missiles.

As the President has announced, the F-12 will cruise at a speed of more than 2,000 miles per hour and can be launched swiftly to intercept invading targets anywhere on the North American Continent. For example, the flight from Los Angeles to New York will take but slightly more than an hour. The F-12's radar has a detection range three times greater than our best interceptor today. It will carry a multiple load of nuclear missiles which have a range 10 times that of our current air-to-air missiles.

It was most disturbing to me, therefore, when the Secretary of Defense was recently discussing the possibility of production and deployment of a new manned interceptor he did not express an appreciation of the vast superiority of the F-12. Instead he stated that it is not clear at this time that the F-12 would be preferable to an interceptor version of the F-111. To refresh your memories—the F-111 is the official designation for the still controversial TFX. The Secretary of Defense makes this amazing statement based on Department of Defense analyses which he says indicate the F-111 would have some substantial advantage over the F-12, which he cites as greater airborne endurance, ability to recycle on a greater number of airfields, and that greater numbers could be procured for any given investment. In making such a statement the Secretary of Defense would have us overlook the fact that the F-12 airplane is already flying—breaking records—while the contractors for the F-111 are still experiencing many serious problems in its development.

It is surprising that the Secretary would seize on two or three relatively insignificant and questionable factors in evaluating the relative merits of the two aircraft and inflate them out of all proportion to justify a decision.

Let us examine what the Secretary of Defense calls a substantial advantage of the F-111: greater endurance.

The F-111 may have greater endurance if flown at subsonic speeds. This may be an asset to a tactical fighter used against ground targets, but cannot be an advantage when the mission is interception of supersonic aircraft.

The Secretary of Defense is overlooking the obvious requirement for a truly high-performance interceptor—one that will have a substantial margin of superiority over Soviet fighters such as the MIG-21 and even faster planes which could come off Soviet production lines anytime in the near future.

Let us take a close look at this airplane that, for some reason, the Secretary of Defense considers the answer to all our air warfare requirements. The distinguished chairman of one of the most effective committees in the other body, the Subcommittee on Investigations, provides an interesting perspective on the aircraft in question. I quote from a recent report of that subcommittee:

> TFX CONTRACT INVESTIGATION
>
> The Subcommittee received information shortly before the beginning of the 88th Congress to the effect that the Department of Defense had awarded the largest single aviation procurement contract in history to the higher of two bidders. The contract was for the research and the ultimate production of a new type plane commonly known as TFX (tactical fighter experimental). It was alleged that the low bidder with the superior plane was the Boeing Co.; however, the contract was given to the General Dynamics Corp., at a higher price for a plane design which the military experts regarded as inferior to the lower cost Boeing design.
>
> The hearings which followed indicated that the allegations were substantially accurate. It was the unanimous opinion of the top military commanders that the Boeing design offered an aircraft which was operationally superior to the General Dynamics design.
>
> The requirements of the Air Force and the Navy in aircraft differ. The Air Force requires an attack airplane that can fly at low altitudes and at extreme speeds to its target in order to avoid enemy radar and to be able to return to its base at high altitude and high speeds. The Navy, on the other hand, requires a plane that can fly a certain distance from a carrier and remain there so that it can detect incoming enemy planes by its radar and destroy them with air-to-air missiles before they can reach the fleet. Weight is a serious factor in any aircraft design but with the necessity of landing and taking off from the deck of a carrier, much shorter and less stable than a land field, the weight problem is multiplied. The Secretary of Defense ordered a TFX design that would combine the dissimilar requirements of the Air Force and the Navy in one plane. The decision to build one plane to perform these dissimilar operations was criticized by military experts and testimony before our Subcommittee indicated that not only was it doubtful that any economy would be accomplished by having a common plane but that, in addition, it appeared most certain to sacrifice performance for both services.

It is common knowledge that the much-hailed F-111 will not be able to overtake and intercept intruding supersonic bombers or transports. It was not designed to do so. The F-111 will not be in the same league as the supersonic bomber or transport which will confront us, since the F-111 will be several hundred miles per hour slower. For example, it would not be a satisfactory interceptor even against the old and much disparaged B-70, which I see has recently set new world records for its size airplane. That huge aircraft has achieved a speed of mach 2.45 and has flown at supersonic speeds greater than mach 2 for long periods of time. That remarkable aircraft is expected to reach 2,000 miles an hour. I described the B-70 as "old" because the plans were laid down for this airplane about 8 years ago. The aircraft industry is now capable of building much more advanced aircraft. This is borne out by the successful development of the F-12.

Should it be possible to overcome serious problems of inadequate engine performance and other technical obstacles that currently seem to be plaguing the development of the TFX and it becomes operational, it will still be just what its original designation connotes—a tactical fighter—not the long-range supersonic interceptor that this country must have in the late 1960-early 1970 time period.

Whatever his reasons when he decided to develop the TFX as a tactical fighter, and to reject the advice of highly qualified military and civilian aeronautical engineers and aviation experts, it is to be hoped that the Secretary of Defense will not attempt to adapt that tactical airplane to the role which can be so ably filled by the F-12 type aircraft. That is the interceptor that this Nation needs to defend the sovereignty of our borders and to protect against supersonic manned aircraft in the next few years.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, the Armed Services Committee brings to the House today in this $15 billion bill and in the $700 million bill also considered today, measures of fundamental national defense significance. These are pieces of legislation to give our country the needed hardware and demonstrate the firm will requisite for freedom. I sincerely hope they pass with overwhelming affirmative votes.

Since the general features of this measure will be widely discussed here by others, I would like to address myself to the so-called 35-65 provision of previous legislation included in the last three Defense Appropriations Acts, allowing for 35 percent of the funds made available for repair, alteration, and conversion of naval vessels to be spent in privately owned shipyards.

There are several important reasons for keeping this provision, which during the past 3 years has had the full support of the Secretary of Defense and the Secretary of the Navy, and of which the Chief of the Navy's Bureau of Ships has said, in substance, "we can live with it."

First, in these days of great emphasis on cost analysis and economy in Government, studies have demonstrated that costs are generally higher in the naval shipyards as compared with private shipyards. It is a fact that private shipyards can build and repair ships at prices considerably lower than the naval yards.

Second, there is a huge investment in the private shipyards in this country. Not only in equipment, land, and other material assets, but also in men. These shipyards provide jobs for thousands of workers throughout the United States, helping the whole economy. The shipyards themselves pay into the Federal Treasury many millions of dollars in taxes. And they also represent an investment in the future—they are available for the present and future defense of our country, and are geared to stepped-up production in time of national emergency.

I urge the House to continue this provision which means so much to the national security of our country. It would be false economy to abandon this 35–65 provision, when in the future we might have great need for our existing shipyards and shipworkers—just as we vitally need them today.

It would be well to include in the legislative history surrounding H.R. 7657, a postscript to the previous comments pertaining to sections 302 and 303.

The issue with respect to the utilization of naval shipyards versus private shipyards has never been clearly defined. The proponents of Government operations and the proponents of commercial operations each have more than a scintilla of merit to their respective interests. Within the broad and essential requirement of properly serving the national security and the public's interest, the Congress has consistently taken an enlightened position. Cost analyses have demonstrated the extent to which costs are generally higher in the naval shipyards, and it is recognized that in the maintenance of our defense capability there may be instances in which higher costs cannot be avoided. But, these of course, should be the exception rather than the rule, if our total economic system is to remain sound and productive.

With regard to new naval ship construction, the Federal Treasury has benefited from the lower costs available in privately-owned commercial shipyards, and many millions of dollars have been saved.

With regard to cost differentials on naval ship conversions, alterations, and repairs, the record is far from conclusive. This is understandable for the reason that work in these categories is rarely identical.

However, it should be noted that in the past several years, the Navy's description of public and private shipyard costs for repair has progressed from "generally comparable" to "comparable" to "stack up" to "approximately the same" to "a little cheaper." The present vogue is to use the phrase "a little cheaper," and I am not convinced that this phrasing represents the actual situation.

The Navy has yet to furnish any substantive data to support the improving or improved situation which its adjectives connote, and there has been no change in the basic distribution of work between naval and private shipyards in the last 3 years, nor general improvement in shipyard economics, to support its contentions. In point of fact, if private yards, under their operational techniques, production efficiencies, and costing procedures, can build ships at prices considerably lower than the naval yards, it is difficult to escape the conclusion that they can convert, alter, or repair vessels cheaper than can the naval yards. Any other conclusion would require the invocation of an economic doctrine yet to be devised.

ON NEW CONSTRUCTION

Section 302 of H.R. 7657 provides:

> The distribution of the assignments and contracts for construction of warships and escort vessels for which appropriations are authorized by this Act and hereafter shall be in accordance with the requirement of the Act of March 27, 1934 (48 Stat. 503), that the first and each succeeding alternate vessel shall be constructed in the Government Navy yards: *Provided*, That, if inconsistent with the public interests in any year to have a vessel or vessels constructed as required above, the President may have such vessel or vessels built in a Government or private yard as he may direct.

As suggested in House Report No. 271, this language is a restatement of the Vinson-Trammell Act requirement of long standing to govern the distribution of new naval ship construction between Government and private shipyards. The proviso reading "that, if inconsistent with the public interests in any year to have a vessel or vessels constructed as required above, the President may have such vessel or vessels built in a Government or private yard as he may direct" is particularly pertinent and significant.

Under this proviso, the President, on the recommendation of the Secretary of Defense and the Secretary of the Navy, has in recent years seen fit to depart from the implied 50-to-50 ratio. He has determined that it would be "inconsistent with the public interests" not to take advantage of the lower shipbuilding costs which are available from privately owned commercial yards.

As a consequence, private yards, according to figures and statements supplied by the Navy, have been receiving from 65 to 80 percent of the new construction work. It is important to note that this work is awarded competitively, and that the Secretary of Defense has frequently pointed to the dollar savings which have been accomplished through competitive bidding on all defense procurements. He has used, on a number of occasions, a figure of 25 percent to indicate the average savings resulting from competitive bidding.

The Defense and Navy Departments have consistently conceded that lower costs for new construction are available from the private sector of the industry, and the tabulation at the conclusion of my remarks on "Naval Ship Construction" reflects the extent to which commercial shipyards have been used for this reason "in the public interest"—to accomplish impressive dollar savings. The figures in this tabulation were furnished by the Navy's Bureau of Ships.

It is also important to note that this reliance on private enterprise is fully consistent with President Johnson's programs for greater economy in all Government operations, and fully consistent with his announced desires to strengthen competitive enterprise.

Any revision in this trend toward greater reliance on private shipyards for new naval ship construction would severely undermine the administration's very commendable efforts to make certain that every dollar for defense is spent wisely and with the view of saving money wherever and whenever possible. Obviously, as a result of increased use of private yards for these purposes, the national security and the competitive enterprise system have indeed been strengthened. The taxpayers would indeed be shortchanged by any change in this distribution practice.

As to "Conversions, alterations, and repairs," section 303 of H.R. 7657 provides:

> The assignment of naval ship conversion, alteration, and repair projects shall be made on the basis of economic and military considerations and shall not be restricted by requirements that certain portions of such naval shipwork be assigned to particular types of shipyards or to particular geographical areas or by similar requirements.

The purpose of the above language is to ratify the elimination of the following provision which has appeared in the fiscal year 1963, fiscal year 1964, and fiscal year 1965 Defense Appropriations Acts:

> Of the funds made available in this Act for repair, alteration, and conversion of naval vessels, at least 35 per centum shall be available for such repair, alteration, and conversion in privately owned shipyards: *Provided*, That if determined by the Secretary of Defense to be inconsistent with the public interest based on urgency of requirement to have such vessels repaired, altered, or converted as required above, such work may be done in Navy or private shipyards as he may direct.

This so-called 35–65 provision was originally instituted by the Appropriations Committees of the Senate and the House. As I have said, for 3 consecutive years, it was supported by the Secretary of Defense and the Secretary of the Navy and the Chief of the Navy's Bureau of Ships said of it in substance, "we can live with it." The White House recommended its adoption in connection with fiscal year 1964 and fiscal year 1965 defense appropriations, but it is not contained in the budget proposed for fiscal year 1966.

Unlike the logic, rationale, and dollar savings which have governed the distribution of new construction work between Government-owned naval shipyards and privately owned commercial shipyards, the division of conversion, alteration, and repair—CAR—work is arbitrarily assigned an entirely different scale of values.

In spite of the findings of independent accountants and the opinions of shipyard experts that costs for all types of naval shipwork are less in private yards; in spite of the 25-percent savings which the Secretary of Defense says have resulted from competitive bidding; and in spite of the longstanding national policy which has established a presumption in favor of Government procurements from commercial sources, the majority of this CAR work has consistently gone to the naval shipyards—as is illustrated by the tabulations at the conclusion of my remarks entitled "Naval Ship Conversion" and "Naval Ship Repair."

It is often stated that if private yards receive the larger share of new construction work, Navy yards should be permitted to have the larger share of CAR work. The fallacy of this statement rests in the fact that new construction contracts are awarded on the basis of lowest prices, and CAR work is assigned, without reference to ultimate costs, to keep the naval shipyards in operation. Someone has said that work is "spoon fed" to the Navy yards.

Moreover, it cannot be successfully argued that repair, alteration, and conversion capabilities will be preserved because private yards are receiving new construction work. Shipbuilding and ship repair are quite different arts, and while there is similarity between the skills and crafts employed, they usually are not done in the same facility.

History has effectively demonstrated that in times of emergency, reliance on private yards for all types of naval shipwork—to support fleet readiness—far exceeds that which is placed on naval shipyards. World War II was a classic example.

During the 1941–45 period, the private shipyard industry built a total of 3,921,000 displacement tons of naval vessels—plus 37,709,697 gross tons of merchant ships—while the naval shipyards produced only 996,000 displacement tons. In those years, the aggregate value of naval ship repair work in the Nation's principal private yards totaled $1,099,372,000, not including substantial support for the merchant marine. In 1944 and 1945, naval ship repairs represented approximately 50 percent of the volume of work completed by those same yards. Peak employment in the private yards during World War II was approximately 1,459,000 workers; in the Navy yards, 330,000.

The private shipyard industry thus has a historic role in supporting the fleet's readiness and its effectiveness. In the foreseeable future, that role could be equally as significant. Preservation of a "hard core" of geographically dispersed private shipyards should therefore be as important, on the basis of past performance, proven capability, and anticipated potential, as the preservation of the "hard core" of naval shipyards which the Shipyards Policy Board has recommended.

But, a hard core of private yards for CAR purposes can only be sustained and maintained through the assurance of a substantial volume of CAR work. To provide that assurance, the 35–65 provision was instituted after careful deliberations of all factors and was reaffirmed by the executive agencies and the Congress on two consecutive occasions. Under section 303 of H.R. 7657, this modest assurance of "at least" 35 percent of the available CAR work for the private yards on a competitive basis would be abandoned.

Despite all that has gone before, the potential savings to the Government through utilization of private yards are to be cast aside. In a curious juxtaposition of accepted cost finding practices, the Navy suggests that:

> If the volume of CAR work performed in the naval shipyards were increased from the present level of 65 percent to the former level of about 80 percent, it is believed that overall savings to DOD, at least in the short-run, would be $10 to $15 million annually.

The above position infers that certain elements of fixed overhead costs should not be considered when comparing the cost of accomplishing conversion, alteration, and repair work in naval shipyards versus private shipyards.

This form of financial analysis is extremely prejudicial in favor of the naval shipyards since the private shipyards must necessarily include fixed overhead in their cost formula as a matter of economic survival. Additionally, this technique of overlooking certain costs when comparing public enterprise with private enterprise is contrary to the policy of the Federal Government as expressed in Bureau of the Budget Bulletin No. 60–2 and the Department of Defense instruction elaborating on that bulletin. These documents require that not only all costs of the public activity must be considered, but also certain other costs borne by the Government, not included in the budgets of the public activity, must be taken into account.

Most important among the other elements to be considered are the cost of capital—equipment to profit, interest and depreciation of private enterprise—and a provision to equate for the tax contribution received from private but not public enterprise.

Ordinarily, fixed overhead costs would range between 15 percent and 20 percent of total revenue for either a private or public enterprise. A 1962 "Survey of Cost Differentials and Other Factors Relating to Private and Naval Shipyards" conducted by the Ernst & Ernst accounting firm quantified the cost of capital, taxes, and other costs included by private shipyards, but excluded from naval shipyard costs, at 10 percent. Adding these two elements together, the Navy has, in effect, suggested that 25 to 30 percent of the true cost of performing shipwork in their yards should be deducted before comparing costs with private yards. This would, in turn, have the effect of allowing naval shipyards 33 to 40 percent higher cost levels than private shipyards, and then concluding that they are equal.

Private industry must earn a profit to pay shareholders for use of their money, to gather capital for new buildings and machinery as well, and to finance the cost of work being done by them until they are paid for the work. Similarly, financial institutions necessarily require interest payments for money loaned to private corporations, just as the Federal Government must pay interest to attract buyers for bonds with which to fund the national debt.

Corporations must also consider depreciation as a cost so that funds will be available to replace facilities and equipment as they wear out or become obsolete. Part of the price of earning a profit is also the payment of taxes on income; part of the responsibility of a private corporation is the payment of other taxes, such as property taxes, to contribute to the maintenance of State and local governments.

Further with regard to overhead costs, activities, and provisions absolutely essential to any industrial activity are a staff of engineers, accountants, supervisors, craftsmen, and other skilled technical and managerial personnel; tools, supplies, buildings, machinery, and furniture; accounts receivable, inventories, and cash reserves; insurance, plant security, safety programs, and medical facilities; and a host of other items which contribute to overhead, much of which is referred to as fixed cost because the expenditures are, in the short term, unrelated to changes in workload.

Would the Federal Government be willing to allow the private shipyards to list capital costs, taxes and fixed overhead, separately and not include these expenses when comparing costs with public shipyards? Private concerns have no alternative but to include these items in the cost of their services. Public enterprise, indemnified as it is against losses, relieved of the responsibility of accumulating capital and paying for it, not required to pay taxes, can perhaps set these factors aside. But to do so, would creat a system of financial comparison that would categorically prevent any private concern from ever demonstrating lower cost levels than a public counterpart unless the public activity were grossly inefficient.

The previously mentioned study, and the 1962 "Report on Survey and Analysis of Differences Between U.S. Navy Shipbuilding Costs at Naval and Private Shipyards" by another accounting firm, Arthur Andersen & Co., have adequately demonstrated that if the true cost of performing shipwork in naval shipyards is compared with private shipyards the costs in private yards are significantly lower.

The above quoted paragraph from the "Study of Naval Requirements for Shipyard Capacity" is contrived to disguise this fact by subtracting substantial sums, which really exist, from the public side of the cost equation, while not adjusting the private side of the equation accordingly, and then claiming as savings, the amount by which the private yards exceed these artifically low public yard costs.

The above quoted paragraph also attempts to justify the exclusion of fixed overhead as appropriate by viewing the cost problem from a short-term standpoint. While it is true that with an individual decision the additional incremental cost to the Government of accomplishing work at the naval shipyard does not include fixed overhead, it is equally true that the sum of many individual decisions over a period of several years constitutes the explanation of the existence of these costs.

The allocation of shipwork between private and naval shipyards is, however, not a short-term issue. The specific purpose and intent of the various pronouncements of the executive branch of the Federal Government, such as Bureau of the Budget Bulletin No. 60–2, are to discard as unrealistic this type of rationale for setting aside substantial sums from public enterprise costs when examining the facts pertaining to a long-term decision.

Moreover it should be pointed out that the Arthur Andersen & Co. report established that the cost to the Department of Defense and the cost to the Government as a result of naval shipwork activities are not the same. On the basis of total costs—as Arthur Andersen & Co. stated: "giving consideration to additional costs incurred—interest on invested capital—or covered—taxes—by the local, State, and Federal Government"—the savings to the Government could well be very much greater than the $10 to $15 million mentioned above if the same work were awarded to private yards.

Finally, taking into account all factors which led to the adoption of the 35-to-65 ratio on CAR work in the first place, there has been no change whatsoever in the situation. The Congress and the Department of Defense must continue to recognize the necessity for maintaining a hard core of privately owned facilities and skills to perform CAR assignments in time of emergency. This can only be done by assurances of a reasonable volume of CAR work—clearly stated legislatively or by an unequivocating statement of administration policy. At least 35 percent could hardly be classified as unreasonable.

CONCLUSION

I note from the testimony of Navy witnesses in February 1965 before the Defense Subcommittee of the Committee on Appropriations that approximately 26 percent of the available conversion, alteration, and repair work in fiscal 1966 will be awarded competitively to the private yards and that about 74 percent will be assigned arbitrarily to the naval shipyards. By any yardstick, it is obvious that the private shipyard industry will receive less CAR work next year. A reduction of 9 percent may be inconsequential to some, but to me it is a matter of major portends.

If the national interest, as I have previously suggested, dictates a reduction of this magnitude—and we have no evidence that it does—then one might expect that language to that effect would be desirable with, of course, the usual escape clause which has been available and enforced in several instances during the last 3 years. For my part, in the absence of such specific language, I will consider the statements of the Navy spokesmen as a pledge; and as before, I will consider the 26-percent figure to be a "floor" not a "ceiling."

The intent of my remarks should not be misconstrued. My purpose is to insure that the record of consideration of H.R. 7657 will be balanced to the fullest extent.

Naval ship construction excluding Government-furnished material, outfitting, and post delivery

[In thousands of dollars]

Fiscal year	Naval yards	Private yards	Total
1953	194,614	201,074	395,688
1954	------	328,846	328,846
1955	254,004	306,908	560,912
1956	178,765	563,101	741,866
1957	353,956	483,387	837,343
1958	173,795	610,794	784,589
1959	283,428	636,662	920,090
1960	71,956	231,093	303,049
1961	281,551	702,667	984,218
1962	418,728	770,025	1,188,753
1963	139,537	1,105,056	1,244,593
1964	123,185	558,994	682,179
Total	2,473,519	6,498,607	8,972,126

Naval ship conversion excluding Government-furnished material, outfitting, and post delivery

[In thousands of dollars]

Fiscal year	Naval yards[1][2]	Private yards	Total
1953	96,960	------	96,960
1954	70,321	------	70,321
1955	114,942	------	114,942
1956	139,037	7,818	146,855
1957	269,260	78,430	347,690
1958	100,151	------	100,151
1959	114,406	26,122	140,528
1960	63,751	7,328	71,079
1961	96,729	------	96,729
1962	135,133	21,084	156,217
1963	174,959	124,682	299,641
1964	117,385	53,227	170,612
Total	1,493,034	318,691	1,811,725

[1] This represents work performed in the continental naval shipyards, i.e., excludes Pearl Harbor Naval Shipyard.

[2] Value of conversion work performed at Pearl Harbor Naval Shipyard in fiscal year 1964, $4,148,000.

Naval ship repair[1]

Fiscal year	Naval yards[2][3]	Private yards	Total
1953	$256,946,954	$80,749,952	$337,696,906
1954	252,208,880	90,726,234	342,935,114
1955	233,334,116	109,305,346	342,639,462
1956	269,062,779	109,288,417	378,351,196
1957	267,443,512	96,304,405	363,747,917
1958	268,973,548	95,048,379	364,021,927
1959	260,207,850	84,681,017	344,888,867
1960	278,264,978	77,253,368	355,518,346
1961	295,132,541	96,397,076	391,529,617
1962	369,882,984	159,831,522	529,714,506
1963	295,635,031	140,487,013	436,122,044
1964	275,465,307	151,828,277	427,293,584
Total	3,322,558,480	1,291,901,006	4,614,459,486

[1] This includes active fleet overhauls, MSTS work, Naval Reserve and District craftwork, inactivations, FRAM (MK-II) work, interim availabilities and Reserve Fleet work.

[2] This represents work performed in the continental naval shipyards; i.e., excludes Pearl Harbor Naval Shipyard.

[3] Value of repair work performed at Pearl Harbor Naval Shipyard in fiscal year 1964, $39,371,000.

Mr. BATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Chairman, I rise in support of H.R. 7657. This is a complete bill which has been carefully and thoroughly considered by our committee. The committee has unanimously adopted this proposal and we trust the House will do likewise. It merits the support of every Member.

I simply wish to say, as has been made clear this afternoon, that under the leadership of the gentleman from South Carolina, the chairman of our committee [Mr. RIVERS], and under the leadership on our side of the gentleman from Massachusetts [Mr. BATES], the affairs of our committee are in good hands. We have a splendid, extraordinarily fine committee. The addition of the new Members has been the addition of an asset to the committee. We work as a unit. We work as a team. We work constructively and objectively for the best interests of our country. There are no politics on our committee. We have a job to do. We do it.

I repeat that the events this afternoon have shown the job is being done under this type of leadership. We are hopeful we can continue this record as time goes on. We shall exert every effort to that end.

I congratulate the chairman and the ranking Republican on the committee for the job they are doing.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield to the distinguished gentleman from Massachusetts, the ranking member of the committee, so much time as he may consume.

Mr. PHILBIN. Mr. Chairman, the chairman of the committee, my dear and respected friend, the gentleman from South Carolina [Mr. RIVERS], has given a lucid and persuasive description of what this bill will do.

There is little to add to what he has had to say and I rise to give my full and unequivocal support for this bill.

The chairman has indicated, and others, I am sure, will state that we held long and detailed and even sometimes arduous hearings on this bill. We examined every element of it—and there are literally hundreds of these elements.

We shaved a bit here; we added something there, as is our prerogative and our obligation. The bill is in a large measure a reflection of the request made by the executive branch. This is by no means surprising since, as presented, it was a well-considered, well-distributed, and finely balanced program.

Our disagreements with it were small in total amount. I think our addition of the nuclear guided missile frigate was a most significant improvement to the bill. Our addition of $7 million for the advanced manned strategic aircraft was similarly significant. The Armed Services Committee has a long and well-documented history of insisting that manned aircraft be part of our inventory. It has a similar record in support of nuclear power for surface ships. Our great chairman is particularly knowledgeable in these and in all other fields.

Now, these were the only additions we made to the bill and both of them were unanimously agreed to by the committee.

I want to congratulate the chairman of the committee for the outstanding leadership which he showed throughout our hearings. It was nothing less than we on the committee and you in the House would expect. His deft hand guided us throughout the hearings and his attitude was at all times one of full disclosure to the committee of such information as might have come to him personally as chairman of the commiteee.

We welcomed 13 new members of the committee this year and it was a most gratifying experience to witness the vigor, ability, and interest which all of them showed during the hearings on this bill. They readily conceded that they were in a learning process, but I will say this for them—and for all of them—they learned quickly and contributed very markedly to the well-balanced bill which you have before you today.

There is no need of stressing the importance of this bill. The $15 billion which it will authorize in appropriations is part of the price we must pay to maintain ourselves in a difficult and dangerous world. It is small enough a price. For if we fail, all is lost. We are the leader of the free world. We must maintain that position of leadership and this bill is nothing more and nothing less than one of the manifestations of our intention to maintain our position of leadership in the world.

To reiterate: I want to laud and thank the great able chairman of the House Armed Services Committee, our dear, distinguished, and esteemed friend, Congressman L. MENDEL RIVERS, for his outstanding leadership in bringing this bill to the floor of the House, and I want to commend and praise my dear friend and able, distinguished colleague, Mr. BATES, and all the members of the committee, without regard to party or rank, who have worked so earnestly and tirelessly to bring this bill to the floor. The bill is indeed a tribute to them, as it is in such large measure to the great new leader of the House Armed Services Committee and our very diligent, capable staff. Particularly impressive to me, and I am sure to Members of the House, is the united front shown at this time by all the members of the committee behind the leadership of our distinguished chairman.

I will not discuss the details of this bill. As I see it, the bill presents no major controversial features and no special legislative problems, and I hope and urge that the House, when it works its will on the bill, as it will, and should, will take overwhelming favorable action, and thus by that action, and other action we have been called upon to take today, indicate our unswerving, nonpartisan, patriotic support of current national policy as enunciated by our great leader, the President of the United States.

These are days of upset and deadly peril. Make no mistake about that. And these are truly hours of decision, crucial decision, not only for the President, but for every Member of this body and the Congress.

We will indicate here today where we stand—whether we are determined to make our effective contribution to the cause of national security, and freedom in the world, or whether we propose to temporize, delay, and bog down in indecision, timidity, and lack of resolution.

Knowing the Members of this body as I do, I do not have the slightest doubt as to what their answer will be. This House will reaffirm, reinforce, and give new, forceful expression to its oft-expressed determination to keep this Nation in a state of readiness to confront every danger to the national safety and our free way of life.

The bill is of incredible complexity and rests principally upon highest expert and scientific knowledge. It authorizes defense procurement and research and development test and evaluation. In round terms, it authorizes the huge sum of about $15 billion for defense programs for the fiscal year 1966. These authorizations for appropriation are in three categories: first, for the procurement of aircraft, missiles, and naval vessels; secondly, for research, development, test, and evaluation; thirdly, for all other research, development, test, and evaluation within the Department of Defense.

The bill was unanimously reported by the committee and is brought to the floor pursuant to the constitutional mandate to the Congress of providing for the defense of the United States.

In a different time, the committee would have been able to make some substantial cuts in these requests, but in view of present and developing world conditions, it can be well understood that that course was not practicable, sound, or wise, and that fact is fortified by the fresh request from the President for an additional $700 million to take care of the present crisis in Vietnam and in this hemisphere, forced upon this freedom-loving Nation by the gigantic world Communist conspiracy.

The bill authorizes large numbers of aircraft and missiles for all military services and an abundant number of new ships for the Navy as well as certain conversions of Navy ships.

It provides large numbers of vessels for all the services. It provides for a nuclear-powered guided missile frigate for the Navy which this committee believes is in the interest of a modernized naval program.

Without going into detail, I may state that the modern armament provided for the services is most impressive, both with respect to conventional weapons and the application of nuclear power, in broad categories of our defense setup. In every field covered by the bill, we have made authorizations and provisions that we believe are consonant with and necessary to the national defense. I believe that we have taken appropriate, essential action to fortify and strengthen the underlying research, development and test, and evaluation programs that are so vital to the building of new weapons, ships, aircraft, missiles, and everything that we need in these crucial times to maintain the impressive strength and superiority of our Armed Forces.

I am sure that every Member of this House is not only interested, but determined, to keep our defenses at the high levels needed to provide for every contingency that may develop in this dangerous, troubled world.

All of us want peace. The world yearns for peace. As Americans, we have no territorial ambitions, no desire to interfere in the affairs of other nations, no dictatorial aims, no imperialistic purposes. We are prepared at all times to negotiate with all those who are willing to negotiate in an honest, truthful, reasonable manner to settle the perilous questions of peace or war.

We will continue to seek, and we will welcome, every opportunity to make and to establish enduring peace in this world.

The weak will not be tyrannized, overrun, or exploited by ruthless, dictatorial forces seeking to destroy freedom and impress a bestial Communist serfdom upon mankind.

Today we have another opportunity to record our intention and our determination to stand up and be counted, not only in the defense of our country, but in defense of human freedom, human decency and human well-being and, above all, for the security and the safety of this great country which means so much to all of us and which we propose to defend and protect.

I have no doubt where this House will stand, and I want to thank and compliment my esteemed colleagues for their keen awareness of our national defense problems and their strong determination to protect the Nation and the cause of freedom. Let no one misinterpret this determination.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. BATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. CLANCY].

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 7657 and urge the adoption of this legislation as reported by the committee.

The number and type of weapons authorized in this annual bill are naturally governed chiefly by the level of military preparedness the current world situation demands. The adversaries of freedom have made tremendous progress in the technology of mass destruction. We must, therefore, more than ever before in our history, have in our military inventory sufficient weapons and force to survive a massive nuclear attack and to deliver a decisive counterblow.

The unswerving determination of those who direct the Communist conspiracy to attain their announced goals convincingly proves that we cannot risk letting down our guard. We must remain sufficiently strong to insure that no other nation would ever consider challenging our full military potential.

Further, our national defense effort, to be truly effective, must be based on a balanced and flexible military force—a force that can be employed at any time and at any place, either wholly or in part, to effectively counter any type of aggression, be it guerrilla warfare or nuclear attack.

The need for a strong and flexible military force is illustrated by the turbulence in which we are now involved on two far-reaching fronts—the new and unexpected rebellion in the Dominican Republic, 600 miles off U.S. shores, and the ever-increasing involvement and danger we face in the Vietnamese struggle, 6,500 miles away.

I commend the President for his decisive action in dispatching troops early and swiftly to Santo Domingo. The action he took to protect the lives and property of American citizens was justified, and we fully support him. There are signs that people trained outside the Dominican Republic are seeking to gain control there. It is entirely likely that our prompt military action will prevent a new Communist presence in this hemisphere, and we have seen in Cuba the ominous implications of such a presence.

Cuba remains an outpost of Soviet penetration into Latin America, fomenting trouble, acting as a source of supply and inspiration to bands of rebels, saboteurs, and subversives throughout Latin America. The threat to the United States and Latin America is clear and present.

Control of a Latin American government by a Communist regime tied to the Soviet bloc is contrary to the interests of the nations of this hemisphere. The

Monroe Doctrine has expressed for more than a century and a quarter the well-established American principle of self-defense against intervention by extra-hemispheric powers. Today, both history and need justify retention and enforcement of that principle. The action taken by the President in the Dominican Republic renews our faith in the Monroe Doctrine.

I also support the policy of retaliatory strikes and stepped-up military activity to halt Communist aggression in South Vietnam. I was pleased to join with my colleagues in supporting the request of the President for an additional $700 million for the current fiscal year to meet mounting military requirements in Vietnam. South Vietnam's struggle against communism is inseparably linked with the other Communist-caused conflicts in the area, and we must not back down from our commitment there.

Our increasing worldwide commitments point up more than ever the need for a follow-on manned bomber. Under the plans of the Department of Defense, work on a new manned bomber will be limited to developmental effort on a new design, advanced avionics, and an advanced propulsion system, expenditures for which will total $39 million in fiscal year 1966. In addition, development work on a new short-range attack missile that could be used on such an aircraft will be begun.

The committee has provided an additional $7 million in an attempt to encourage entrance upon the project definition phase of this development in fiscal year 1966, as unanimously recommended by the Joint Chiefs of Staff. I have frequently expressed the opinion that it is important to expedite work on a new manned bomber to replace the aging B-52 fleet, and I still believe it is a matter of urgency to hasten the development of a new manned aircraft that can meet the optimum performance characteristics that the Air Force requires today.

We must be able to rapidly deploy general purpose forces to trouble spots around the world. In this connection, the decision to develop and procure the C-5A cargo transport aircraft will strengthen our capabilities to transport combat forces by air. Developmental work has started on this new, very large capacity airlift aircraft, and this bill provides $157 million for fiscal year 1966 to continue this effort.

Among the significant characteristics of the C-5A are the low operating costs as compared to present transport aircraft; the ability to transport bulky items of military equipment such as Army M-60 tanks, helicopters, missiles and other items too large for existing aircraft. An estimated 600 troops per aircraft could be carried. In addition, the C-5A will be capable of operating from relatively small, unimproved airfields.

By way of comparison, our largest current military transport, the C-141, has a gross takeoff weight of about 330,000 pounds. The C-5A will have a gross takeoff weight of approximately 725,000 pounds, or more than twice that of the C-141. This will greatly increase our mobility, reduce our reaction time and thereby strengthen our capability to meet crises wherever and whenever they may occur. We must be able to move our men and materiel quickly and expeditiously to the points in the world at which they will be used. This new aircraft will be able to carry all of the equipment of a combat division.

The C-5A represents many firsts in concept, design, and procurement. The sheer size of this aircraft almost defies the imagination. This will be the largest aircraft ever built in the world. The largest aircraft now operating is the XB-70 at about 500,000 pounds.

I believe it is very noteworthy that the C-5A will have for the first time an engine designed specifically for a cargo aircraft. The General Electric Co., Flight Propulsion Division in Evendale, Cincinnati, Ohio, and Pratt & Whitney of Hartford, Conn., received study contracts as well as demonstrator engine and design verification advanced development contracts.

The C-5A will be powered by four new high-bypass ratio turbofan engines of approximately 40,000 pound thrust. The General Electric design—GE1-6—represents major advances in propulsion technology and will provide significant reductions in specific fuel consumption. I would like to take this opportunity to commend GE for the impressive progress they have made in their demonstrator engine program for this aircraft.

General Electric's contender in the engine competition for the C-5A is a large turbofan engine based on the proven technology of a family of high performance aircraft gas turbines dating all the way back to the famous General Electric J-47 engine that powers both the B-47 and the F-86. Design principles that have been proved in nearly 45 million flight hours experience of GE turbine engines have been incorporated in the GE1-6 for the C-5A.

Because of the U.S. Air Force requirements for C-5A operational reliability, the Evendale designed GE1-6 is a workhorse of an engine that advances the state of the art without taking revolutionary risk steps. All of the design, production, and operational philosophies incorporated in the GE1-6 have been demonstrated by General Electric Flight Propulsion Division in engines such as the J-47, J-79, J-93, as well as a GE1-6 demonstrator engine that has been run in Evendale test cells. The GE1-6 engine will be produced in the same Evendale facilities and use the same highly skilled personnel that are currently producing the J-79 engine that powers such famous aircraft as the B-58, F-104, F-4, and A-5.

Since the engine selection will take place concurrently with the airframe selection, each of the three airframe contractors will propose designs utilizing both the General Electric and the Pratt & Whitney engine. After selection the engines will be provided to the airframe contractors as Government furnished equipment.

Although a decision on the question of producing and deploying the Nike X ballistic missile defense system has been deferred until 1967, I am gratified that approximately $400 million is included in the bill for continued development of the components of this system. This reflects an increase over last year of approximately $83 million.

The primary components of the Nike X system consist of a multifunction array radar, missile site radars, long-range Zeus missiles, short-range Sprint missiles and sophisticated data processing equipment. The Sprint will provide the predominant firepower of the Nike X system. This quick-reaction, high-acceleration missile will permit the defense to delay interceptor launch until the target reenters the atmosphere, making full use of the effects of the Earth's atmosphere in identifying objects accompanying the warhead.

Deputy Secretary of Defense Vance has assured our committee that the Army is proceeding as rapidly as possible on the research and development on the Nike X. I strongly hope the Army will continue to concentrate on this program so that an effective antiballistic missile system can be deployed at the earliest date.

The authorization for the expenditure of the funds provided in this bill and the purposes for which they will be spent will enable us to remain the strongest Nation in the world militarily.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I take this time to speak, first of all, in support of this legislation, which I do support wholeheartedly. I believe this bill is adequate to meet our needs in a dangerous world. And I want to join in the expressions of support and commendation that have been directed toward the chairman of our committee for the excellent job he has done in steering this legislation through our committee and for his brilliant presentation here today before the Committee of the Whole House on the State of the Union with regard to what our beloved Speaker has already pointed out is the first major bill to come from this committee under his able leadership.

I also rise, somewhat reluctantly, Mr. Chairman, because of the lateness of the hour, to clarify what I think might otherwise be a matter of some confusion on the part of Members of the House because of a communication on this bill which I sent out to them back in March. Without some such clarification on my part I am afraid this issue might remain up in the air. My letter dealt, as Members will recall, with my views on an originally projected reduction of some $504.6 million in the very vital research and development funds for the Department of Defense in this authorization legislation for fiscal 1966. At that time I circulated my views on this projected cut to all the Members of the House and asked for their support in the effort I intended to make to restore them on the floor of the House when this authorization bill came up. Since I now support the bill, perhaps in fairness to those Members who had indicated their support for those original views, and there were many of them, I ought to indicate what has transpired in the meantime. To do that let me run very briefly over the chronology connected with this bill.

On March 23, the committee first voted to report this legislation out as H.R. 6650. That bill did include a number of changes from the original budget request made by the Department of Defense to the House, and embodied in H.R. 4016. One of those changes was the drastic reduction of $504.6 million in research and development funds to which I have referred. I was the only member of the committee to oppose that cut. I felt it was dangerous. I felt it would be unwise in view of our current commitment in Vietnam. Therefore, I announced my intention to file additional views with the committee. The report had already been ordered written and filed, and I was asked to file those additional views with the committee staff by the 26th of March, which I did. Those views are as follows:

Additional Views of Mr. Stratton on H.R. 6650

While I support this legislation I am deeply concerned over the likely results of the committee's action in substantially reducing the original Defense Department request, particularly its reduction of over one-half billion dollars in long-range defense research and development funds. In my judgment this action represents an unwarranted and unnecessary risk with our national safety, not merely for the next fiscal year but for many years to come as we strive to maintain our present edge of military superiority over the forces of communism. It is, moreover, a risk which in my judgment has been taken without any rational basis.

The budget submitted by the Department this year was one of the tightest in recent memory, a whopping $1 billion below the figures for last year. Testimony before the committee disclosed time and time again that individual services had requested funds for additional weapons or research projects which the Department denied in bringing in its final budget at this austere, reduced figure. Individual members of the committee frequently questioned the soundness of these cutbacks. Under the circumstances the wisdom of making still further reductions in such a budget escapes me.

Why the overwhelming bulk of these reductions should come at the expense of research and development is even more puzzling. To be sure, R. & D. funds do not represent specific hardware presently in hand. Budget cuts in R. & D. funds do not show up immediately in reduced service inventories or in seriously limited capabilities on the battlefield. On this basis attractive savings are possible without any readily apparent reduction in combat readiness.

Yet the implications for the future are devastating. After all, R. & D. is the seedbed of future military superiority. It is not enough for us to be ahead of the Russians and the Chinese today or even tomorrow. We must, at our peril, also make certain that we are still ahead of them 5, 10, or 20 years from now. And the time to insure that future superiority is now, not 5, 10, or 20 years from now. That of course is the precise purpose of defense research and development. We can be profoundly grateful that our efforts in this field thus far have yielded us an impressive superiority of just this variety. But we can hardly be optimistic about the future if we reduce the austere submissions of the Defense Department this year by a half a billion dollars—in fact by 8 percent of the full R. & D. request—simply because the damage done by such action may not be readily visible today or even tomorrow.

Over and over again in the past few years, on the floor of Congress, on the platform, and in the public prints, distinguished Members of the House and Senate have charged that the Defense Department has actually been neglecting research and development, and has failed to come up with an adequate number of new weapons and new military inventions.

I do not of course admit the validity of these charges. But I cannot think of a surer way to make them come true in the years ahead than by permitting such massive cuts in R. & D. funds as those proposed here to go unchallenged.

Moreover, these R. & D. cuts have been made without any real rationale. The committee's action appears to be a classic example of what has been called the meat-axe approach to budgeting. Reductions in research and development, in contrast to reductions in procurement, have not been directed towards specific projects of which the committee disapproves. They have not in fact been directed at specific projects at all. They were simply made on the basis of an arbitrary determination that the Department's R. & D. effort for fiscal 1966 in monetary terms ought not to exceed the 1965 effort.

Why not? Have conditions bearing on our national security altered between fiscal 1965 and fiscal 1966 or have they not? Has the power balance shifted one way or the other? Are some proposed R. & D. projects less urgent than they were 12 months ago? The committee does not answer these questions. In fact it does not even ask them. Its action turns out to be pure bookkeeping, intended to achieve a certain level of budget reduction by matching one set of figures against another largely unrelated set. To my mind this is a totally unacceptable risk for us to take.

The fact is that the increases proposed in the R. & D. budget submission for fiscal 1966 were not arbitrary. They represented a series of specific defense projects, all presented to us as urgently needed. To reject these requests would seem to require, at the very least, a positive judgment from the committee that these projects are in fact unnecessary and should be abandoned.

Yet even a cursory review of some of the projects which represent the monetary increases in R. & D. over fiscal 1965 fails to show that they should be abandoned. One of them, for example, is the Nike X, our latest anti-ballistic-missile missile system. With increasing reports that the Soviets are moving to develop a system of this kind of their own, can we reasonably say that an increased effort here is improper and should be curtailed? I think not.

Another increase involves improvements in the Navy's spectacularly successful Fleet Ballistic Missile system, including development of the new FBM missile referred to the other day by the President, the Poseidon. Can we safely scuttle development of this new weapon? I think not.

Increases have been proposed for new developments in the field of anti-submarine warfare (ASW), long regarded by the Navy as one of its most urgent tasks, particularly in view of the vast numbers of Soviet submarines currently roaming the sea lanes of the world. Can we safely do away with these new ASW developments—new sonars, new torpedoes, and so forth? I think not.

President Johnson recently announced at a White House press conference that steps are soon to be undertaken to develop a huge new transport aircraft, capable of ferrying 700 troops to combat hotspots around the world at a rate of deployment far in excess of that presently available. This is the C–5A aircraft, and it too accounts for an increase in budgeted R. & D. funds for 1966. Do we tell the President that we refuse to authorize funds for this new plane, and believe its development should be scuttled? I think not.

Perhaps the most curious aspect of the committee's action involves the development of a new follow-on bomber, the so-called advanced manned strategic aircraft (AMSA). Last year the committee overrode the objections of the Department to include $52 million of additional funds in the budget for stepped-up development of this new bomber. This year the Department has itself requested an increase in funds to continue development of this plane in which the committee was so deeply interested last year. Is the committee now to repudiate its decision of last year and deny the Department funds for development of a bomber which it forced on the Department only a year ago? I think not. Yet unless the committee's decision to eliminate all R. & D. increases over the 1965 figure is reversed, this will certainly be the effect of the committee's action.

For all these reasons, therefore, I oppose the reductions made in defense research and development and urge that the $504.6 million cut by the committee be restored.

I might also point out that on the 23d of March the committee staff issued a press release detailing the committee's action taken that morning, including its decision with respect to the cut in research and development funds, and quoting the chairman as saying action by the committee "had been completed" on the bill. That release is included at this point:

Press Release, March 23, 1965

Hon. L. Mendel Rivers, Democrat, of South Carolina, chairman of the House Armed Services Committee, announced today that his committee had completed action on H.R. 4016, an annual bill which authorizes the procurement of aircraft, missiles, and naval vessels and all research and development for the Department of Defense.

The bill as it was submitted to the Congress totaled $15,297,200,000.

Only one money addition was made in the procurement portion of the bill and that reflected the action of the committee in adding a guided missile nuclear frigate at a cost of $150.5 million.

Numerous money deletions were made totaling $654,179,260. Of this amount $504.6 million was in the research and development portion of the bill and a little less than $150 million in procurement.

The cuts in procurement reflected decreases in the Iroquois helicopter, the Shillelagh missile, and in the area of aircraft spares and repair parts and in support facilities for some Air Force missiles.

In research and development, the cut, in essence, held the amount of money for the items decreased to the same amount of money as approved last year.

Chairman Rivers, stated that the overall decrease prior to the addition of the $150.5 million nuclear guided missile frigate was only about 4 percent.

He was firm in his statement that the Department of Defense would be in no way adversely affected by the carefully considered cuts which were made. He stated that, "We have merely accepted the responsibility to examine this proposal submitted by the Department of Defense in the closest possible detail. I can stand behind and justify with no trouble whatsoever each one of our actions, whether up or down."

He went on to say, "Indeed, I feel that we have a substantially better bill today than we had at the time it was presented to the Congress."

Mr. Rivers also indicated that certain nonmonetary amendments were made to the bill which would repeal the outstanding old ship tonnage authorizations of the Navy which total over 3.3 million tons. He said that this tonnage is no longer useful to the Navy in view of the enactment of laws during the past few years, and that the expensive bookkeeping efforts of the Navy would be eliminated by the amendment.

Also in the area of naval vessels, he said that an amendment preserved the requirement that combatant ships be constructed alternately in Navy and private shipyards and that the restriction which has appeared in appropriations acts over the past few years which limited the amount of ship repair, alteration and conversion that could be done in naval shipyards was eliminated for the future by amendment. This, he said, was a step in the right direction since it permits the Navy to weigh only economic and military considerations in the distribution of this kind of work.

Other amendments require that tanks and other similar combat vehicles must be authorized specifically before appropriations can be made, ana an emergency fund which usually approximates $150 million for research and development must now be authorized prior to appropriation.

He indicated that he was gratified by the acceptance by the committee of an amendment which changed the name of the Military Air Transport Service to the Military Airlift Command.

Mr. Rivers said, "I think we have a very good bill. I am pleased with the action that the committee has taken. We all worked very hard over a period of many weeks. And there is no shortcut to good legislation."

The net reduction in the bill was $503,679,260. The new total of the bill is $14,793,520,740.

The following morning in the New York Times, as well as in other newspapers, there appeared an account to this effect by the Associated Press. I include the New York Times report here:

[From the New York Times, Mar. 24, 1965]

House Panel Cuts Defense Request—$14.8 Billion Is Authorized After $654 Million Slash

Washington, March 23.—The House Armed Services Committee voted today to authorize $14,793 million for new aircraft, missiles, and ships after slashing $654 million from Defense Department requests.

The measure also includes a major addition—$150.5 million for a second nuclear-powered guided-missile frigate.

Research and development bore the brunt of the economy drive. A total of $504.6 million was cut from Pentagon proposals in this category.

Reductions of a little less than $150 million were made in the amount for procurement of weapons and equipment.

The committee chairman, L. Mendel Rivers, Democrat, of South Carolina, said in a statement that the committee had, in effect, decided that research and development costs for the fiscal year 1966, which starts July 1, should be held at current levels.

The procurement decreases reflected cutbacks in Iroquois helicopters, the Army's Shillelagh missile, and Air Force spare and repairs parts and support facilities.

The committee approved an amendment to eliminate the current 35–65 percent split between private and Government yards in getting ship repair, alteration, and conversion jobs. The House rejected such a move last year, and another round of controversy is likely in the Senate and House Appropriations Committee.

PUTS LIMIT ON NAVY

Mr. Rivers said the amendment—which rejects the position taken by the Appropriations Committees—would permit the Navy "to weigh only economic and military considerations in the distribution of this kind of work."

However, the Armed Services Committee, taking into account Secretary of Defense Robert S. McNamara's announced decision to curtail Government shipyard operations, approved continuation of the policy that alternates new ship construction between private and Federal yards.

Other amendments would require specific authorizations before appropriations can be made for tanks and similar combat vehicles and for the Pentagon's $150 million emergency fund for research and development.

The committee also approved a change in name for the Military Air Transport Service, making it the Military Airlift Command.

Mr. Rivers said the Defense Department "would be in no way adversely affected by the carefully considered cuts which were made."

He announced his readiness to "stand behind and justify with no trouble whatsoever each one of our actions, whether up or down."

Authorizing action by both the House and the Senate sets money and policy ceilings for later appropriations of actual funds.

Mr. Chairman, because I felt so strongly that the committee had acted unwisely and in haste on this research and development matter, I not only filed these additional views with the staff for the report, but in an effort to enlist the strongest possible support from my colleagues in the House, I circulated a mimeographed copy of these views to every Member and asked for their support, as I have already mentioned. My covering letter, dated March 29, is included at this point:

Congress of the United States,
House of Representatives,
Washington, D.C., March 29, 1965.

Dear Colleague: Within the next week or so the House will be considering H.R. 6650, the Defense Department authorization bill for fiscal 1966.

Because of the tremendous importance of a strong research and development effort in defense I thought you might be interested in looking at the attached additional views of mine which I am appending to the committee report.

If, after reading them, you should agree with me, I would greatly appreciate your support in the effort to restore these needed funds to the bill.

Cordially,

Sam.

I also made a copy of those views available to the press. As one member of the committee, I fully recognized that I would need a good deal of help from my colleagues if we were to forestall what I felt would have been a mistaken action on the part of the committee and of the House. Many Members wrote to tell me they supported my position.

Mr. Chairman, what happened thereafter I cannot entirely say with authority, but one thing was clear: The issue of the wisdom of these cuts had been clearly raised, not only with Members of the House, but also with the general public. I include here three press reports on the issue, one from the New York Herald Tribune for March 28, one from the New York Times for March 29, and one from the Navy Times for April 7:

[From the New York Times, Mar. 28, 1965]

Pentagon Resists Arms Slashes by House

(By Laurence Barrett)

Washington.—Defense Department officials said yesterday that cuts in the new defense budget recommended Tuesday by the House Armed Services Committee would seriously hamper the development of several new military projects.

These officials, who declined to be identified, said they would appeal to the Senate to restore most of the reductions. The House committee, under the new chairmanship of Representative L. Mendel Rivers, Democrat, of South Carolina, trimmed $654 million from an authorization measure of more than $15 billion covering procurement of aircraft, missiles, and ships plus research and development programs. Of the $654 million, $504.6 million came from the R. & D. category.

One committee member, Representative Samuel S. Stratton, Democrat, of New York, sided with the Pentagon yesterday. He denounced the committee's meat-ax approach to the R. & D. program.

"Over and over again in the past few years," Representative Stratton said, "* * * distinguished Members of the House and Senate have charged that the Defense Department has actually been neglecting research and development * * * I do not, of course, admit the validity of these charges. But I cannot think of a surer way to make them come true in the years ahead than by permitting such massive cuts in R. & D. funds."

The authorization bill that came out of the Rivers committee did not dictate precisely which projects should be cut back. Instead, it reduced R. & D. funds by 8 percent and recommended that there be no increases in specific projects above the current year's spending level. The new budget takes effect July 1.

Pentagon sources said this approach would impede the development of projects that would soon be moving from very preliminary to more advanced stages. Among these are the C–5A super transport, the Poseidon submarine missile (scheduled to replace the Polaris eventually), a number of antisubmarine devices and antiballistic missile systems.

Disclosure of the Pentagon's attitude and the Stratton statement pointed up the growing hostility between the majority of the House committee, led by Mr. Rivers, and the Pentagon leadership and its House partisans.

Representative Rivers succeeded from Representative Carl Vinson, Democrat, of Georgia, to the powerful committee chairmanship in January. Since then, Representative Rivers has shown much more aggressiveness than his predecessor, and has challenged Defense Secretary Robert S. McNamara on a number of key issues. Representative Rivers feels the committee should take a more active part in forming defense policies. Mr. McNamara, a man of equally strong will, has his own ideas on this score.

[From the New York Times, Mar. 29, 1965]

Pentagon Fights To Restore Funds for Research

(By Jack Raymond)

Washington, March 28.—The growing dispute over whether enough money goes for military research to produce new weapons has taken an ironic turn: The administration is fighting to stave off a congressional slash of more than a half-billion dollars in the Pentagon's research budget.

In recent years there have been widespread complaints that the administration has been too conservative in its outlays for weapons development. The election campaign last fall produced charges that, because of this, no significant new weapons had been produced since Secretary of Defense Robert S. McNamara took over at the Pentagon.

Gen. Curtis E. LeMay, former Chief of Staff of the Air Force, emphasized the charges of "research conservatism" in a speech last Thursday, when he received the Forrestal Award of the National Security Industrial Association.

General LeMay, who fought unsuccessfully for years for increased investments in bombers, missiles and space weapons, cited what he called the "current conservatism in the Department of Defense growing out of economic consideration."

He said the roster of military and civilian conservatives included:

Those who believe it would be "more economical to invest a little more in improving existing weapons, rather than in developing new ones."

Scientists who see little chance of important weapons achievements in the near future and suggest that "the scientific community needs a short breathing spell."

Politicians who argue that new weapons would "automatically trigger the U.S.S.R. to undertake still more costly programs for countering our weapons, and so on up the never-ending spiral."

The general called for a reappraisal of military research and development policies in the light of Soviet space and Communist Chinese nuclear advances.

Dr. Klaus Knorr, director of the Center of International Studies at Princeton University, and Dr. Oskar Morgenstern, an economist and writer on defense affairs, also criticized these policies in a wide-ranging "policy memorandum" just issued by the center.

COST POLICIES SCORED

Among their criticisms, they charged that:

Secretary McNamara's renowned cost-effectiveness policies "may be excessive and constitute an overreaction to the previous lack" of such policies with the result that they "may act as too sharp a brake on the innovating process."

An overzealous Department of Defense has in recent years permitted less and less opportunity for healthy rivalry in research and through "something close to a stranglehold on the military services" has shackled rather than fostered the spirit of innovation.

The Defense Department's "fiscal overanxiousness" and rigid insistence upon clear-cut military requirements for proposed research "may kill off too many new ideas before their value can be sufficiently established."

A $500 MILLION CUT VOTED

In contrast, with these complaints, the House Armed Services Committee voted last Thursday to cut the Pentagon's research and development request by more than $500 million.

The Pentagon had asked for an authorization of $6.5 billion, $115 million more than last year. The committee approved an authorization of $5.9 billion, $400 million less than last year, with the explanation that it wanted to keep military spending down.

Pentagon officials believe the cut is very serious. Mr. McNamara will undoubtedly appeal to the Senate Armed Services Committee to restore it, but the consensus is that even if some restorations are eventually made in the Senate the usual compromise of a Senate-House conflict over budget items will keep the total below the original request.

Representative Samuel S. Stratton, Democrat, of upstate New York, noted an irony in the action of the House panel, which he, as a member, had opposed. He said that the reductions would inevitably affect some projects that are highly favored in Congress.

Among these are research for an antiballistic-missile defense system, an improved Polaris missile known as the Poseidon, improved antisubmarine warfare weapons, the highly touted MOL (manned orbital laboratory), and the planned 700-man C–5A jet cargo plane that President Johnson announced with a flourish last summer.

One of the research projects affected by the committee move, Mr. Stratton emphasized, is the manned bomber for which the House panel last year had voted more funds than the Pentagon wanted.

[From the New York Times, Apr. 7, 1965]

Research Cut Could Be Half of Pay Raise

(By Robert S. Horowitz)

Washington.—Half the money needed for a billion-dollar military pay raise was "found" this week by the House Armed Services Committee.

The committee chopped $654 million out of the Pentagon request for procurement money, most of the cut coming out of requests for more research and development money. The committee added $150.5 million for construction of the Navy's third nuclear guided missile frigate, making a net cut of $503.7 million—about half the cost of the pay raise called for in a bill sponsored by all but three members of the committee.

About $300 million already is budgeted for a pay raise.

While the procurement authorization bill technically has nothing to do with a pay raise, committee sources made it clear that the forthcoming pay raise was in the minds of committee members when the half billion dollar cut was made. Hearings on a new pay scale will start in about a month, after the committee has had time to study the recommendations of the President's pay panel.

This week's action was on a bill to "authorize" procurement of aircraft, missiles, ships and research for the coming year. Congress still has to provide the money but the appropriations committees cannot go above the figures in the authorization bill.

The measure authorizes the spending of $14.7 billion next fiscal year on military procurement. Aside from research and development, the services suffered very few cuts.

The committee cut $30 million out of the Air Force's requests for airplane spare and repair parts. Air Force also lost $5 million in industrial facilities and $25 million in missile support money.

The Navy lost $49 million from its request for airplane spare and repair parts, but gained the $150.5 million for the nuclear ship, which means a net gain of about $100 million (except for R. & D.).

The Army lost $35.5 million worth of Iroquois helicopters and $5 million in Shillelagh missile funds.

While the committee cut $504.6 million from the three services' R. & D. money, no service was cut below this year's R. & D. budget on specific projects. In cases where the Pentagon requested less money for an R. & D. project than is being spent this year, the committee granted the Pentagon's request. In most cases where the Pentagon asked for more than is being spent this year, the request was trimmed back to this year's spending level.

There were immediate reports that the Pentagon would seek to restore some of the research money when the bill is considered in the Senate.

This puts a twist on the annual struggle—in recent years Congress has complained that the Pentagon failed to put enough effort into developing new weapons. The lawmakers this week trimmed some projects that Congress has supported for years—including antimissile defense, antisubmarine warfare projects, an improved Polaris, and the 700-passenger troop-cargo plane.

One controversial feature of the authorization bill (H.R. 6650) involves shipyards. The committee scrapped a requirement that the Navy give at least 35 percent of its ship repair work to private yards. This was rejected by the House last year, and the subject is certain to get thrashed out again in the House Appropriations Committee.

Another section of the bill adds tracked combat vehicles to the list of military hardware which will not be bought without Armed Services Committee approval, even if the Appropriations Committee comes up with the money. It thus clamps controls on the purchase of Army and Marine tanks, armored personnel carriers, tracked howitzers, Ontos rocket vehicles, and similar equipment. It does not apply to bulldozers and construction vehicles.

The Committee on Armed Services of the Senate, for example, approved the Department's request for research funds on March 30 with a reduction of only $13 million as the attached news report from the New York Times for April 1 indicates:

[From the New York Times, Apr. 1, 1965]

Senators Revive New-Bomber Bid—Panel Approves $82 Million Not Asked by Pentagon

(By Jack Raymond)

Washington, March 31.—The Senate Armed Services Committee resumed today a campaign in Congress for a new manned bomber, which the administration has opposed.

The committee approved a $15,284 million military authorization bill. It provided all but $13 million the administration requested for military procurement and research and development.

But the committee bill varied in many particulars from the administration request. The most outstanding difference was the addition of an unrequested $82 million to speed the development of the new bomber.

Congress for several years has voted millions of dollars for a program to develop and build successor planes to the B–52 and B–58, whose production lines were shut down in 1962.

But Secretary of Defense Robert S. McNamara, in both the Kennedy and Johnson administrations, had refused to spend the money. Instead he has allocated relatively small amounts to carry on a bomber building research program.

HAD ASKED $15 MILLION

In this year's request for the Pentagon, the administration sought only $15 million in new funds and $24 million in unused past spending authority to carry on a modest bomber research program.

The Senate committee also added an unrequested $133.6 million to build two more nuclear-powered attack submarines than had been included in the administration proposal.

The Pentagon called for authorization of 4 new attack submarines, in addition to the 57 that have been authorized previously. The committee increased the new construction total to six.

These nuclear-powered attack submarines, similar to the *Thresher,* which accidentally sank 2 years ago, are intended to counter the growing Soviet submarine force. They are not to be confused with Polaris missile submarines.

Senator John Stennis, Democrat, of Mississippi, who is chairman of the committee, announced the committee action. He said:

"We think we have a very strong bill that meets the recommendations of the Joint Chiefs of Staff."

In its authorization, appropriations for which must be provided in a separate bill, the Senate committee differed on several important points with the military authorizations vote by the House Armed Services Committee last week.

Thus it appeared that even after the full Senate votes on the bill, probably next week, and the House acts on its version, also probably next week, a compromise conference will be required.

The House committee had cut $654 million, compared with the Senate panel's reduction of $13 million, in the administration request of $15,297,000,000.

The House committee also had slashed $654 million from the research request, compared with a Senate committee cut of $43.8 million.

But the Senate group's action on the manned bomber appeared to reduce the administration's flexibility in this respect.

HOUSE SHUNNED BOMBER

Ironically, the House panel, which 3 years ago led the fight for a manned bomber, this year did not, as in the past, include unwanted bomber authorization funds in its bill.

Another difference between the House and Senate committee versions developed when the Senate group did not propose a change in existing laws dealing with the allocations of ship construction work.

The House committee's bill directs that one of every two new naval ships must be built in Government's yards. In recent years, in support of private shipyards, the law requires that 35 percent of modernization and repair work be done in private yards.

Whatever was happening, it was apparent that forces were already underway to bring about a reconsideration of the committee's action before the bill could reach the House floor.

Originally H.R. 6650 had been scheduled to be considered on the floor of the House, as you may recall, during the Easter recess. However, we were later told on the floor that the committee was having some difficulty with the bill, and consideration during the Easter recess was therefore not undertaken.

I commented on these developments in my weekly report to my district scheduled for release on April 13 and predicted in it that most of these funds would somehow be restored before the bill was finally allowed to reach the floor. My report is as follows:

"SECOND THOUGHTS ON A MEAT AX": CONGRESSMAN STRATTON'S WEEKLY REPORT FROM WASHINGTON—NO. 14

Much of the important work of Congress is not done on the floor, with the galleries looking on, but in the individual committee rooms behind closed doors. Often some of the best stories take place there too. It was that way last week with our own House Armed Services Committee.

One important part of our committee's job is to pass on the President's defense budget, especially the sums he requests for buying new planes, ships, and missiles, and for research and development on new military inventions. It's our job to approve the authorization figure for these items, the top spending ceiling. The Appropriations Committee can go below that ceiling, but they can't go above it.

President Johnson came in with an especially tight defense budget this year, a whooping $2 billion under last year's figure. To help the President hold this budget line was one reason, you may recall, why I balked last month at cosponsoring a new billion dollar pay bill.

Two weeks ago our committee voted on the authorization bill. I was amazed when the committee leadership proposed we cut it by still another half billion, and make that cut mostly in research funds. After all, R. & D. is what keeps us ahead of the Russians. Cutting research funds now could hurt us badly 10 or 20 years from now. Was this the time to cut, I wondered, when the President has already pared the budget to the bone? Was this the time to cut, when the fighting is just heating up in Vietnam? No, I decided, and so I voted against the cuts, the only Member to do so, 36 to 1. Not only that, I filed a written report outlining what I felt were the grave military risks such a cut would involve. I sent out copies to my colleagues in the House, and to the press.

Then things began happening. The Defense Department was shocked by the committee's action, and said so. The White House found out about it, and they weren't happy either. The Senate, working on the same bill, decided not to wait for the House to act; they promptly passed their own version, making just a token cut of $13 million.

It's been more than 2 weeks now since our committee voted, yet our bill still isn't out. Last week the majority leader announced publicly that the committee was having "difficulties" with the bill and would be further delayed. What's up? I'm not sure because we haven't had a meeting since the meat-ax cut was voted. But I'd guess some effective pressures are being applied behind closed doors. And I'd be willing to bet that, somehow or other, before the bill ever gets to the floor, a good share of that missing half billion dollars will be back in it.

Swimming against the tide never makes you too popular in the congressional club, but I won't feel too bad if in this case one individual Member did have something to do with staving off a disastrous drop in our military superiority 10 years from now.

Two other articles appeared in the service press on this subject, reflecting what seemed to be a change in view. I include these here. One of them is an editorial from the April 10, 1965, issue of the Journal of the Armed Forces:

[From the Journal of the Armed Forces]

R. & D. CUTS ARE NO WAY TO FUND A PAY RAISE

There has been some disturbing talk during recent days which has linked a $654 million slash by the House Armed Services Committee in Defense procurement authorization requests—mostly in the research, development, test, and evaluation category—with military pay legislation. Actually, the committee made a net reduction of about $503 million, since it added $150 million for construction of a nuclear-powered frigate, sought by Navy leaders, but not supported by Secretary McNamara.

The case for a major adjustment in military pay is strong enough to stand squarely on its own merits. There is no need whatever to cripple weapons programs in order to eliminate inequities in service compensation.

The future strength of our Nation is tied closely to both a strong R. & D. program and to fair treatment for service people.

The other is a story by the Journal's congressional editor, Louis R. Stockstill, which appeared in the Journal for April 17, 1965, as follows:

REPRESENTATIVE STRATTON MAY LOOK LIKE PROPHET

Representative SAMUEL S. STRATTON, Democrat, of New York, is a courageous man.

In the 6 years since he first came to the Congress, the 38-year-old former mayor of Schenectady repeatedly has demonstrated that he is not afraid to walk alone.

Recently, when the House Armed Services Committee, of which he is the ninth-ranking majority member, voted to cut Pentagon R.D.T. & E. authority for fiscal 1966 by more than a half-billion dollars, Congressman STRATTON was the lone dissenter. The vote was 36 to 1.

Subsequent events may make him look like a prophet.

Each year, the Armed Services Committees must authorize the expenditure of DOD funds for procurement of major weapons—aircraft, ships, and missiles—and for research, developments, test, and engineering activities.

After the authorization bill is approved, the Appropriations Committees then provide actual funds. But the purse-string groups cannot OK money for anything the Armed Services Committees have not authorized, nor can they approve an amount greater than these committees have OK'd.

Generally, the procedure is fairly standard. This year, it developed complications.

When the House Armed Services Committee met several weeks ago to vote on the authorization bill, a cut of $504.6 million in R.D.T. & E. was proposed and approved. Congressman STRATTON voted in opposition to the slash, terming it a "meat-ax" approach made arbitrarily on the basis "that the Department's R. & D. effort for fiscal 1966 in monetary terms ought not to exceed the 1965 effort."

Congressman STRATTON filed a minority statement in which he said the damage created by the cut might not be "readily visible today or even tomorrow," but the "implications for the future are devastating.'

Committee arguments in favor of the cut were not known. No report was filed. As the weeks passed and the committee continued to remain silent, it seemed that others in high places may have had misgivings similar to those expressed by Congressman STRATTON and that behind-the-scenes pressures were being exerted to get the committee to change its mind.

This, as Congressman STRATTON himself has now revealed, is apparently what happened.

After he had filed his own report outlining "the grave military risks such a cut would involve" and had sent copies to his House colleagues and the press, "things began happening," he reports:

"The Defense Department was shocked by the committee's action, and said so. The White House found out about it, and they weren't happy either. The Senate, working on the same bill, decided not to wait for the House to act; they promptly passed their own version, making just a token cut of $13 million.

"It's been more than 2 weeks now since our committee voted, yet our bill still isn't out. Last week the majority leader announced publicly that the committee was having 'difficulties' with the bill and would be further delayed.

"What's up? I'm not sure because we haven't had a meeting since the meat-ax cut was voted. But I'd guess some effective pressures are being applied behind closed doors. And I'd be willing to bet that, somehow or other, before the bill ever gets to the floor, a good share of that missing half billion dollars will be back in it."

The Senate bill, which has been messaged to the House, contains, as Congressman STRATTON noted, an overall cut of $13.4 million, but this does not accurately reflect the full range of the Senate action. The Senators not only made some sizable reductions, they also made some sizable additions.

In the R.D.T. & A. area, the Senate reduced the Army program $8.5 million, the Navy program $10 million, and the Defense agency program $17 million. But, the Air Force program was substantially increased. The Senate added $82 million for "accelerated development of an advanced manned strategic aircraft."

For the Navy, the Senate chopped out $99.8 million for the procurement of 10 E–2A Hawkeye, carrier based, early warning aircraft, and added $48.4 million to the ship construction program by authorizing 6 nuclear-powered attack submarines instead of 4 requested by DOD, by eliminating 7 other ships.

The differences in the House and Senate bills probably will be easily resolved except for the R.D.T. & E. issue.

The latter problem has assumed staggering proportions for the House committee. If it insists on retaining the cut, it faces the possibility of being overruled by the House. If it restores a substantial portion of the

> R.D.T. & E. authority before filing its report, the action will carry an implication of backing down under pressure.
>
> How the dilemma will be solved is not known, but chances are that when the measure eventually reaches the White House most of the R.D.T. & E. program will be intact and Congressman STRATTON will have won his bet.

In any event, Mr. Chairman, the committee did meet again, on April 27, and did decide to reconsider its action taken on this bill on March 23. We ended up with the bill we now have before us, H.R. 7657, restoring all but $114 million of the $500 million originally cut out of R. & D. funds. I need hardly say that I was delighted with that reconsidered action. I fully supported the revised bill in the committee and I am happy, as I have already said, to support it fully here today.

Mr. Chairman, it takes a very big man indeed to be willing to change his mind. It takes a big man to be willing to listen to facts and to adjust his thinking when he is convinced that the facts do indeed justify it. Such a man is the distinguished gentleman from South Carolina, the chairman of our committee. It took a big man to do what he did with this bill. By restoring these funds to the bill he has done a massive job, in my opinion, toward assuring our continued military superiority over the Soviets. This Nation is in his debt today and as a member of the committee I salute him for his progressive, broad-gaged, and fairminded leadership of our committee.

It is certainly in the great, historic tradition of his predecessor, Carl Vinson, of the State of Georgia, and in keeping with the highest traditions of the House of Representatives.

For these reasons, Mr. Chairman, I not only support this bill, but also urge all those Members of the House who indicated to me earlier that they shared my concern for the protection of adequate funds for military research and development to join with me today in voting for this greatly revised and vastly strengthened bill.

Mr. CORMAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CORMAN. Mr. Chairman, I wish to express my support for H.R. 7657, as reported by the Committee on Armed Services.

However, I would like to urge my colleagues to restore the funds requested by the Department of Defense for military research and development.

Any cut in research and development funds at this time would seriously impair our future military superiority. We cannot take comfort in the fact that we are ahead of the Russians and the Chinese today. Rather, we must make certain that we are ahead of them tomorrow and in years to follow.

By authorizing the full $6,558,800,000 requested by the Department of Defense for military research and development in fiscal year 1966, we can insure our national safety and safeguard our military superiority. The budget submitted by the Department this year is one of the soundest yet. I fear that any reduction in R. & D. funds would put us in the position of being "penny wise and pound foolish." We might not immediately feel the effects of this unwise action, but we cannot afford to make any budget reductions that would jeopardize the security of this Nation and the free world.

Therefore, I urge the full $6,558,800,000 authorization requested by the Department of Defense for research and development.

Mr. BATES. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, by now I have been a participant in hearings of the Armed Services Committee for a great many years and I have been a member of the committee from the time of the enactment of the basic law which requires this bill to be before the House today.

One would think that as the years went on it would become difficult to maintain a real interest in the proceedings on this bill for the reason that the variance from year to year appears, on the surface, to be very little, indeed.

Actually, this is not so. Our weapons systems represent dynamic advances in technology and instead of becoming less interesting, it becomes more interesting as the years go on; and the reason for this is simply because as knowledge grows, so does comprehension and understanding of what the Department is attempting to do.

I do not by any means intend to convey the idea that I find myself always in wholehearted agreement with the Department of Defense—far from it.

But where the procurement of the wherewithal for our forces is concerned, I do not find it at all difficult to find myself voting "aye" when the time for the rollcall comes in committee.

The chairman and other members of the committee have described the bill in some detail, but I would like to deal with two particular areas of the Army portion of the program: that relating to aircraft and missiles. First, I would like to say a few words with respect to the Army aircraft program and the importance of the aircraft in our modern Army.

The combat and support forces of the Army continue to rely heavily on the use of aircraft to provide increased capabilities in the areas of mobility, reconnaissance, command control, and firepower. The program we are presently addressing should be a major step forward in permitting the Army to satisfy within a reasonable period of time their inventory objectives for modern types of aircraft.

In the conduct of military operations numerous situations arise whereby troop movements and the movement of critical supplies must be carried out by air. This is particularly true in Vietnam where the helicopter has proven to be the most effective means of conducting military operations in a tropical environment against insurgents.

Army aviation, specifically the Iroquois helicopter, has made it possible for Vietnamese forces to be rapidly moved to the area of action. A squad of troops can be in position A in one instant and 10 minutes later can be in position B, 5 miles away, fresh and ready to fight. Air mobile forces can operate with fewer reserves than ground mobile forces and this has allowed more to be done with available manpower.

The Iroquois is our assault helicopter and is assigned to Army divisions as an organic part of the fighting forces. Moving our troops on the ground or in the air during tactical operations is a major problem. The supply of these personnel and evacuation of the injured are additional problems.

Our authorization of the Iroquois and the medium Chinook transport helicopters provides a means of solving such problems. The Chinook, a heavier aircraft, is engaged in the delivery of troops and supplies to the forward battle areas. Its large cargo capability serves to enhance the Army's ability to conduct successful combat maneuvers without fear of terrain limitations.

A major contribution to the Army's air mobility objectives will result from our authorization of additional procurements of light observation helicopters. These aircraft have the capability of extended operations in the forward battle area, which is an important factor in the conduct of prompt and sustained combat tactics. The importance the Army places on its missions of visual observation, target acquisition, reconnaissance, and command control cannot be overemphasized. Procurement of this new type aircraft will provide a vehicle more reliable and easier to maintain than its predecessors.

In terms of Army aviation, this bill is austere to say the least. With this in mind, and ever cognizant of the realization that an emergency will require immediate expansion of Army aircraft authorizations, I urge this House to support, as a bare minimum, the authorization sought for Army aircraft in this bill. Such action will be consistent with our ever-continuing goal of maintaining a combat ready military force second to none. It will insure that the tactical advantages to be gained from air mobility will be made available to our ground forces.

Now, I would like to discuss the Army missile program with particular reference to the Shillelagh and Redeye missile systems.

The potential enemies of the United States have placed increased emphasis on armor and mechanized formations in order to move swiftly in the early stages of conflict to overwhelm and destroy opposing forces.

In order to counter this major threat, the Army for many years has been working on a new primary armament system for tanks and armor defeating vehicles. This system is known as the Shillelagh missile system. The single gun tube is designed to fire either the Shillelagh missile or a conventional round of ammunition. This will enable our forces to engage a wide range of targets under varying tactical situations. The missile has increased range, better hit or kill probabilities, decreased weight and overall user simplicity.

The highly successful firings and test results achieved to date bear out the reliability of the system and further substantiate its potential advantages to the Army Ground Combat Team.

The potential enemies of the free nations of the world currently enjoy a substantial superiority in numbers of tanks and personnel. With the introduction of the Shillelagh system, the Army will have taken a positive step toward providing our combat forces with a lethal weapons system capable of providing a qualitative offset to a known enemy quantitative superiority. I have heard that the Soviet Union and its satellites have some 80,000 to 90,000 tanks.

The other new Army missile which is now ready for use by our ground forces is the Redeye.

The introduction of the Redeye missile into the Army's inventory represents the first major step taken in several years to improve our forward area air defense posture. The fielding of this man-transportable, shoulder-fired air defense guided missile will give small combat units a significant air defense capability against low-flying aircraft.

The Army does have other low altitude air defense guided missile systems that are mobile, but these systems are complex, crew-served, and possess characteristics which prevent them from being deployed along the forward edge of the battle area.

The Redeye can be carried anywhere a soldier can carry a rifle. The effectiveness of Redeye against a variety of aircraft will fill a large part of the low altitude air defense void which now exists over our frontline troops.

By employing this system throughout the forward battle area, we gain coverage which will bring each target within range of two or more Redeyes. In addition to its direct tactical value, Redeye will provide a strong psychological deterrent which will degrade the morale and effectiveness of enemy pilots flying aircraft within the Redeye's range.

Let me conclude that I sat through all the long hearings on this bill and I voted for it in committee.

It is a good bill, a well-thought-out bill, and I would say that the authority in it represents a minimum for our defense needs this year.

Mr. BATES. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Chairman, I intend to support passage of H.R. 7657 which authorizes over $15 billion for military procurement. However, I am not in complete agreement with the decisions of the committee or the policies of the Department of Defense pertaining to the development of the advanced manned strategic aircraft.

The program proposed for fiscal year 1966 calls for continuation of the avionics and propulsion development programs at a cost of $39 million, with no plans or funds to enter the program definition phase before fiscal year 1967.

Frankly, it seems we are literally dragging our feet in the development of a new manned bomber. If we wait until next year to fund the program definition phase, it will be another 7 or 8 years before an aircraft would be available. Can we afford to wait until 1972 or 1973 for such a new weapons system?

The war in Vietnam clearly demonstrates the importance of airpower. We can vividly recall the vital role which airpower played in the Cuban crisis in 1963.

Time after time the Congress has voted additional funds to accelerate development of a new manned aircraft. Finally it appears the Department of Defense was willing to spend $28 million of the $52 million authorized and appropriated in this year's budget. But now we are told to wait till next year to start the program definition phase.

Fortunately we still have the B-52 strategic bombers among our operational weapons system; and more than $300 million has been requested to extend the life and improve the capabilities of the B-52 fleet. It is to be hoped that the B-52 strategic bombers will be kept operational until a follow-on manned aircraft is available.

Mr. Chairman, it seems appropriate at this time to recall the counsel of one of our great Air Force generals, Curtis E. LeMay who retired earlier this year as Air Force Chief of Staff. General LeMay last year told the Subcommittee on Defense Appropriations:

> I firmly believe that the best defense lies in a mixture of weapons, what we call a mix of manned and unmanned systems. All our war gaming and all our experience indicates that you get a more efficient campaign if you fight with a mixture of unmanned systems and manned systems. You then can use the unmanned systems to do the things they can do better and you use the manned systems to do the things they do better. Therefore, your overall results are much more efficient than if you only had one system that would do one thing well.
>
> Now, that is after the fighting starts. I think the biggest advantage, however, occurs before the fighting starts. This is our primary purpose for being, to prevent a war. With the flexibility you have in the manned system, the things you can do with them, you have a greater opportunity for preventing a war than you have with a missile system where you only have two operations, you either fire it or you do not fire it.

I heartily commend the Committee on Armed Services for clearly restating in its report on this bill the constitutional responsibilities of the legislative and executive branches of our Government regarding military affairs. We must not abdicate the responsibility of Congress to provide for the common defense and general welfare of the United States.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may require to the distiguished gentleman from Virginia [Mr. HARDY].

Mr. HARDY. Mr. Chairman, for purposes of this discussion I sought the views of two fleet commanders in chief on shipyard requirements. I would like to summarize briefly their expressed statements on this important subject. These views are pertinent, since they bear heavily on the question of allocation of shipwork, and since some people have alleged that the Navy has interposed no objection to the 65-35 proviso contained in recent appropriations bills.

Adm. Ulysses S. G. Sharp, former commander in chief, U.S. Pacific Fleet, stressed the wide range of complex shipwork required by operating ships in the modern Navy, and found that the Pacific Navy yards met all requirements while private yards generally had substantial deficiencies in dealing with such areas as fire control systems, boilers, and turbines. He indicated that only the Navy yards had facilities adequate to expand substantially and rapidly to accommodate a Korea-type contingency or any situation involving severe ship casualties. He found that many private yards are deficient in engineering talent, in services and facilities vital to the well-being of crews of ships in overhaul, and in their ability to deliver quality work in a timely fashion. Admiral Sharp presented data which indicated that among recent overhauls of ship types for which private yards are best suited—auxiliaries and amphibious ships—many overhauls in private yards had to be extended beyond their scheduled completion dates and some needed subsequent industrial work to correct defects found immediately after the overhaul.

Admiral Sharp expressed doubt that any total cost advantage accrued from private yard work, and concluded that the best interests of the fleet would be served by shifting substantial amounts of work from private yards to Navy yards.

Adm. Harold Page Smith, recently commander in chief, U.S. Atlantic Fleet, headquartered in my district, similarly stressed the superiority of responsiveness of Navy yards to fleet needs, including emergency work, and the readiness to dispatch skilled mechanics to the Mediterranean, the Middle East, or any point of need. He emphasized the overriding importance of technical competence to fleet material readiness, and pointed to problems caused when additional ship time was required after an overhaul to correct for deficiencies. Admiral Smith notes that occasionally a private yard, in business to make money, has difficulty in overcoming selfish motivations while Navy yards are managed by specially qualified engineering duty officers whose primary interest is the fleet. He did not discern a cost advantage in private yards, but stated that any cost differential was more than offset by the additional functions and services Navy yards perform.

He concluded that for a ship, entering a Navy yard, where the atmosphere is Navy and the yard is run by competent engineering duty naval officers, is like coming home. The Navy yard exists solely to serve the fleet.

Mr. Chairman, our principal concern is the readiness of our fleet. Our fleet commanders in chief speak with unequaled authority on how to reach it.

Now I do not want to minimize the importance of our private shipyards. They too are essential to our national defense, and I know the Navy can be relied upon to safeguard these yards when making allocations of ships for repair and conversion. But it is essential that the erroneous policy embodied in

65–35 be discontinued. The Navy recognizes this necessity, even the Secretary of Defense recognizes it. The committee has recognized it all along, and in this bill we have taken steps to eliminate it.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Chairman, this bill came out of the House Armed Services Committee by unanimous vote. I want to take this occasion to join those who have already commended the Chairman of our committee for the masterful job he did in the direction of this, the first major bill from the committee. I wholeheartedly support it and hope it will have a unanimous vote in the House today.

Mr. Chairman, a very thorough explanation as to what is provided in this $15 billion authorization bill has been given by my illustrious and able Chairman, the gentleman from South Carolina. He has also indicated that the bill has the unanimous support of the members of the Committee on Armed Services. In my remarks I will concentrate on the research and development portion of the bill and will attempt not to repeat what has been said unless it is for further emphasis.

The R. & D. portion of the bill reflects an increase of $121 million over the amount appropriated by the Congress last year. It has been said that Defense expenditures for research and development have increased about threefold during the last 10 years. During this same time period, total Federal expenditures for this purpose have increased fivefold. The estimates for fiscal year 1966 are about $15½ billion, or 15 percent of the total administrative budget. This is indeed a large sum. It exceeds by several billion dollars our total military expenditures as late as fiscal year 1950. In fact, it is larger than the gross national product of most of the sovereign nations of the world. In addition, it has been said that a funding level for military research and development of the order provided in this bill, $6.4 billion, would, if continued at this level for the next 10 years, total more than the aggregate spent on military technology since the founding of this country.

As I indicated in my statement on the authorization bill last year, the high rate of increase experienced during the 1958 to 1964 time period is now leveling off as was to be expected. This is occurring because of the completion of many of the huge and unprecedently costly defense development projects undertaken during the last 10 years. Also, the ballistic missile, space, and nuclear research programs have required very expensive, essentially one-time investments in test complexes and other special facilities. For the moment, the bulk of these expenditures are behind us and our effort can be directed in a more balanced fashion to a variety of problems.

During the last decade, we have spent well over $10 billion on the development of ballistic missiles, including $2.3 billion on Atlas, $2.6 million on Titan, $2.5 billion on Polaris, and $2.1 billion on Minuteman I. To appreciate the magnitude of these expenditures, one has only to recall that the cost of developing the atomic bomb during World War II was less than $2 billion.

These numerous successful developments have been or are now listed as assets to our defense inventory. However, much of the expenditures and accomplishments have been offset by the programs that ended in failure and were terminated because of lack of progress or were overtaken by new technologies and eventually terminated before completion. These liabilities over the past 10 or 12 years have cost the taxpayers well over $6 billion. Hopefully we as a nation have profited from the mistakes made and I am sure technology has advanced as a result of these vast expenditures. But, the history of expensive programs started and then canceled is not all past history. During the consideration of this bill the committee was advised of the cancellation of the "regenerative turboprop aircraft engine" after the expenditure of approximately $37½ million on its development. For the past few years the committee has been told that—

> This engine is required to replace reciprocating engines and existing types of turboprop engines in the future antisubmarines warfare aircraft.

This engine was to be the powerplant for a follow-on, carrier-based, antisubmarine-warfare airplane to replace the S–2E Tracker, which has been in production since the early 1950's. In this instance the cancellation was not caused by lack of development progress or advancement of technology, but because the Department of Defense says that "the Navy has not designated a specific aircraft in which it will be applied."

In the area of ASW, which is described as second in priority only to the fleet ballistic missile system—Polaris—the Navy is told to continue to rely on an airplane which is rapidly becoming obsolescent, even though the engine for a more modern replacement is practically in hand.

Mr. Chairman, I think that it was a mistake to downgrade the requirement for a new antisubmarine-warfare airplane in view of the importance of this portion of the overall threat. I strongly urge the initiation of development of a follow-on, carrier-based ASW airplane to replace the aging S–2E Tracker as soon as possible.

Now, Mr. Chairman, I would like to turn your attention to one of the programs that has long been of great interest to the Congress, a follow-on airplane to the B–52.

Our national policies dictate the continuing need for manned strategic aircraft well into the future—and well past the time that we can reasonably expect to depend upon the aging B–52 and B–58 aircraft. In addition to what has come to be known as the classical strategic bomber mission of deterring large-scale conflicts or retaliating if required, the large payload and accurate delivery capability of manned bombers can also be applicable to any lesser encounters requiring these capabilities. I can see no lessening of this requirement in the future.

Today we have an overwhelming strategic capability in the 630-aircraft B–52 force and the two wings of B–58's. These aircraft have performed an outstanding service for their country and, I trust, will continue to do so as long as they are able. But certainly they cannot last forever, like any other piece of equipment, their days are numbered. Forecasting their use well into the 1970's may be desirable; and possibly such forecasting can be done with some degree of certainty. But putting complete reliance for manned bombers on what will have to be weary aircraft in the 1970's—called upon to operate in the advanced defenses of the 1970's—is neither reasonable nor desirable.

You will recall that last year the Congress approved an additional $47 million above the amount requested in the President's budget to initiate the program Definition Phase of development for the AMSA. About half of the amount added was spent but not to initiate the program Definition Phase. Again this year the Air Force requested approval of the Department of Defense to include that phase of development in fiscal year 1966 but the proposal was rejected. In a reclama the Air Force made a strong plea for $7 million which would allow them the option of initiating that development phase during the coming year if the prerequisite phase is completely successful.

This too was denied by the Department of Defense. Mr. Chairman, $7 million is a small price to pay for an option that could save 1 year in the development of an aircraft that all agree is desirable and will be required in the early 1970's. That is why the committee added the $7 million to the Air Force budget and included the restrictive language which earmarked the new obligational authority for funds to be used only for the advanced manned strategic aircraft—AMSA.

Another program of highest priority for which funds were specifically earmarked, is the manned orbiting laboratory. The requested amount of $150 million was authorized by the committee with the restrictive language that the funds were available "only for the development of the manned orbiting laboratory."

I have been asked—Why should this country undertake the effort of developing a manned orbiting laboratory? Also, for what reason should we endeavor to employ our national resources toward the objective of realizing a manned orbiting laboratory? One of the most obvious reasons for a manned orbiting laboratory is to provide an orbiting laboratory in which experimental analysis can be conducted under controlled conditions. This seems at first blush to be rather an expensive way to test your theories and prove out system concepts. And in a way it is, but it must be remembered that a space laboratory does provide one basic condition which cannot be simulated on the ground: zero gravity. But the absence of gravity has a very important effect on the performance of most systems and knowledge of the specific influence of zero gravity is vital to the accurate final design of space systems. Thus, man will be called upon to carry out these zero gravity experiments of our space systems in the manned orbiting laboratory.

But what else can a manned orbiting laboratory do? What other features can it provide which will make it attractive as a manned military system?

Traditionally, the military have been responsible in this country for the operation of military systems and the repair and maintenance of these systems. It must be assumed that the experiments conducted in the MOL will lead to operational systems, capable of adding significant improvements to our defense arsenal. These operational systems may be manned or unmanned. They may require man as a vital part of the system operation, without his presence to operate the system it will not work. They may require man as a redundant part of the system, to monitor the system's operation and increase its reliability. Or it may even require man as a cost effective element of an automatic system, to reduce the necessity for redundant electronic components and to provide judgment not capable of being designed into circuit elements. Then again, man may be necessary for final assembly of components fabricated on earth, disassembled and packaged for efficient boost into orbit, and reassembled into operating condition upon arrival at the earth orbital altitude desired.

One thing is certain, however. In all of the above conditions man is essential for maintenance of space systems designed for long life. We have never yet been able to design military systems which are failure-free for any extended period of time. It would seem, then, that if we go to the expense of putting sophisticated systems into orbit about the earth, we should have available techniques for servicing this equipment and extending its operational lifetime.

Reliability may be improved by designing redundant components or component parts into a system to achieve the effect of built-in parts. Two disadvantages of this are: First, the increased cost of incorporating such spares; and second, the resultant decreased capabilities of the system which are due to weight and volume limitations. Redundancy in design cannot be used beyond an upper limit of system complexity.

Beyond this upper limit, weight and volume considerations prevent use of additional redundancy without degrading system performance below the desired level. At this redundancy limit, the entire system must be replaced when it fails, or a maintenance capability must be provided to replace malfunctioning system components.

With a skilled satellite technician in the MOL vehicle, maintenance could be provided on malfunctioning satellites. With the maintenance vehicle orbiting close to the satellite, rendezvous could be effected. After the MOL vehicle docks at the satellite, the technician could step into space and make the required checkout of the satellite, switching or replacing parts and components as necessary to accomplish a "fix" before returning to the MOL vehicle. Before separating from the satellite, the MOL could render side benefits by returning the satellite to its programed velocity if there had been any slowdown in its orbital velocity and by correcting any attitude changes relative to the earth, thus eliminating the cost of launching an eventual replacement satellite. MOL could then go on to perform additional maintenance functions on other satellites in the system or continue with the analysis of the laboratory experiments or space system operations.

Thus with MOL, the nation would have the capability to extend its military strength to space—to perform research of new military systems or maintain and operate existing ones.

Mr. Chairman, I will discuss briefly one more program only, the Poseidon Missile System, under development by the Navy. This missile will follow the Polaris A-3 and will further enhance our ability to counter possible antimissile defense systems in the 1970 era.

This new missile will incorporate improved accuracy and larger payload as compared with the Polaris A-3. Its larger payload will permit it to carry a much greater weight of penetration aids, and thereby to penetrate heavily defended targets. Alternatively, it could be used to attack a hardened point target with greater accuracy and a heavier warhead. With the retrofit of a portion of the Polaris fleet with the Poseidon missile, the "kill" capability of the submarine force will be greatly increased.

Despite the increase in size, 1½ feet in diameter and 3 feet in length, the Poseidon missiles will fit into the same missile tubes that carry Polaris. Only a minor and relatively inexpensive modification to the missile tubes will be required.

The increased capabilities of the Poseidon plus the inserent survivability of the nuclear-powered submarine give every reason to believe that the fleet ballistic missile system will continue to be a reliable and credible deterrent force for this country in the years ahead.

Poseidon then, is aptly named. Poseidon was the god of the sea in Greek mythology. He was known as the earth shaker because of his ability to cause earthquakes far inland—but he was also the "preserver," since he could send calm seas.

In conclusion, Mr. Chairman, let me assure you that the funds authorized in this bill will, in my opinion, continue the necessary efforts to provide advance technology which will lead to the required weapons systems of tommorrow.

I ask the Committee to support the bill as reported by the Committee on Armed Services.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Missouri [Mr. Ichord].

Mr. ICHORD. Mr. Chairman, I wholeheartedly support this bill, the first major bill to come out under the capable and distinguished leadership of the chairman of our committee, the gentleman from South Carolina [Mr. Rivers].

Mr. Chairman, I rise in support of H.R. 7657 and strongly urge its immediate passage. As a member of the Committee on Armed Services I can assure you that each title and section of this bill was seriously investigated and studied. The needs of the Nation were carefully researched and contemplated by the committee under the able direction of its distinguished chairman, Mendell Rivers, of South Carolina, and this bill comes before the House by unanimous vote of the Armed Services Committee.

The responsibility given this body by article I, section 8 of the Constitution of the United States of America is indeed a grave one. The duty of maintaining the strongest military system ever known in the history of man is undoubtedly the most vital of the thousands of problems on which we act each year. With each passing day we come to realize that the very survival of freemen throughout the world depends greatly on what we do here in this Chamber on the issue of national defense. Considering the current Dominican situation, the rising pressure in Vietnam, the constant tension of Cuba and Berlin, and the scores of brush fire wars happening all over the globe, our national security depends on our would-be opponent's conviction that it would be suicide to threaten America with armed aggression. This appropriation will enable our Army, Navy, Marine Corps, and Air Force to be even better prepared for massive retaliation in the event of nuclear attack as well as being on guard for smaller wars of a more conventional nature.

The question before this body phrased simply is, Are we maintaining the force structure necessary to support our foreign policy and to deter war and are we doing it at the lowest possible cost to the American people?

Now that the power of the United States is without peer and our retaliatory capabilities render it sheer insanity for any nation to challenge us with nuclear attack we can turn and have turned to stabilization and reduction in defense spending. H.R. 7657 evidences this stabilization and reduction. In fiscal 1964, the defense budget of $51.2 billion hit an all time high. The proposal for next fiscal year represents a $2.2 billion reduction in spending from that high. The savings represent a high degree of success in the administration's policy of cost reduction and economy wherever possible.

There are basically two areas of discussion in this bill, nuclear war prevention and readiness and conventional war capabilities. In the area of nuclear war prevention and readiness for massive retaliation there are two things to contemplate, strategic offensive and defensive forces. On the matter of strategic offensive force I quote our very able and effective Secretary of Defense:

> I believe it is clear that only a portion of our total programed ICBM and Polaris force and none of the strategic bombers would be required to inflict on an aggressor unacceptably high levels of destruction. The remaining elements of the strategic offensive forces are being procured because it is believed they,

along with air defense forces, will limit damage in the event deterrence fails.

This of course is not meant to imply that manned aircraft is obsolete as an effective deterrent. In fact, H.R. 7657 authorizes procurement of over 2,250 new aircraft along with over 38,000 new missiles. Although funds are authorized for assured destruction missiles such as ICBM and Polaris, the great majority of the missile appropriation will be used for the damage limiting type such as Terrier, Sidewinder, Hawk, and Shrike. In the area of missile development we are making further strides. The Poseidon project, an improved undersea-to-surface ballistic missile program, will be eight times as effective as the latest Polaris. It will be twice as accurate and deliver double the payload. A general integration of Poseidon and Polaris will take place on board our nuclear-powered submarines within the next few years.

Among the authorized aircraft are the Intruder, a versatile craft effective for either nuclear or conventional use. It could also be used for close troop support; the SR-71 reconnaissance; the new F-4E which increases both our air-to-ground and air-to-air capabilities; and several varieties of helicopters which can be effected for troop movement and missile site support among other uses. With our present aircraft and missile systems, and the new systems authorized by this act, America will continue to have the mightiest war deterrent in history.

This bill authorizes further progress in the fields of antiaircraft defenses, antiballistic-missile defenses, and antisatellite defenses. Various warning and control systems will be improved, manned interceptor aircraft supply will be increased, and interceptor missiles will be further stockpiled. This phase of the program is designed to make the assured destructibility weapons of the enemy less effective, thereby making attack more and more undesirable.

In the area of civil defense the recommendations of the Department of Defense were a bit disappointing. Fallout shelter construction was said to be a top-priority item yet no funds were specifically requested for this purpose. Being a strong supporter of shelter increase myself, I hope the Department sees fit to begin an intensive construction program at the earliest possible date.

The constant danger and present reality of limited conventional war makes it necessary to make further advancements in troop movement capabilities and ground weapon production. The bill authorizes procurement of such weaponry as the M-60, Shillelagh, a surface-to-surface lightweight guided missile used in close-in troop support; the Redeye a portable bazooka-type weapon used against low flying aircraft; the M-60A1 combat tank; the M-109 howitzer and many other ground weapons. Increased production in this area may serve as a deterrent to limited war. We must remember that no one ever starts a fight they are positive they will lose.

Naval advancements are vital to both nuclear and conventional capabilities. This bill will authorize the construction of 62 new ships and the conversion of 12 others. The addition of a nuclear-powered frigate to the fleet will put us a step closer to the dream of an all-nuclear-powered task force. Many ships utilized in troop movement will also be authorized. An amphibious force flagship, an attack cargo ship, an amphibious transport dock are but a few of the proposed ships that will give the Navy a more powerful and effective means of troop landing and support.

There are many more technical aspects of the bill that I would like to discuss with you but in the interests of time and to effect a more hasty passage of this vital legislation I will now conclude my remarks. As we have seen in the foregoing, this procurement legislation does in fact increase our nuclear and conventional capabilities. It accomplishes this feat at the lowest possible cost. That is all we can possibly ask. I am sure that the House will approve this bill by an overwhelming vote.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from North Carolina [Mr. LENNON].

Mr. LENNON. Mr. Chairman, although I am serving my fifth term in the House, I am serving my first term on the Armed Services Committee. As many of you know, former colleagues, Carl Durham and Paul Kitchin, represented North Carolina on this committee. The press often refers to it as the powerful Armed Services Committee and after the hearings which resulted in the bill we have before us today, I can understand their meaning.

But, I will say that it is powerful in what it does rather than what it is. It is most impressive for a new member of the committee to sit through weeks of hearings covering matters which are the very heart and lifeblood of our country's military posture.

One cannot escape feeling a strong sense of responsibility as his realization grows of what is involved in the consideration of a bill of this kind. It is no time for partisanship, it is no time for irresponsibility. I speak for myself when I say this, and I feel that I speak for the other members of the committee, too.

I am privileged to have within my district both Fort Bragg and Pope Air Force Base—installations with which I have maintained a close association for many years. A number of the commanding officers and the staffs of these installations have been my friends in both a personal and a professional way. Many enlisted men at these installations have shared their problems with me.

I do not have anything approximating a total comprehension of every matter in this $15 billion bill before us today. There are few who could so contend. I believe it is safe to say, however, that the combined experience of the committee, particularly the senior members who have been doing this same thing year after year, does provide a solid basis for bringing this bill to the floor.

The bill is divided into two major sections—procurement and research and development. The procurement total is, in rounded figures, $8.8 billion and the research and development portion is $6.4 billion.

I would like to talk briefly on the subject of procurement, and I would like to direct your attention to a single procurement item—the C-141 aircraft.

The C-141 is such a tremendous advance in our aircraft capability that I think it imperative that those interested in military matters have a real understanding of its capabilities. I say this because it is possible and even probable that the carrying capacity and the speed of these planes can, sometime in the future—perhaps the very near future—make the difference between the outbreak of hostilities or the kind of action which will prevent such an outbreak. If we are there in time and with enough, we may well tip the balance in our interest. It has happened before and it can happened again.

Let me describe the C-141 to you.

The C-141 is built by the Lockheed-Georgia Co. and is the Air Force's newest all-jet cargo aircraft. The current contract calls for 132 of these airplanes. It is capable of transporting 154 troops or a combination of men and supplies across the ocean, nonstop, at more than 500 miles per hour.

Its 145-foot fuselage will accommodate a 70,000-pound payload. The clamshell rear doors can be opened in flight for dropping paratroopers and equipment and can be opened on the ground for rapid mechanized loading and unloading. It takes off at a gross weight of 316,000 pounds with the shortest takeoff and landing distances of any jet transport. It can utilize 1,850 airports around the world.

We will get 64 C-141's in the Military Air Transport Service during this current year.

And while talking about the Military Air Transport Service, I would like to draw the attention of the House to section 306 which—we hope—will change the name of this great organization to the Military Airlift "Command." Its importance warrants the new name of Military Airlift Command—a designation of dignity and truly descriptive of this great military arm.

The C-141 is a matter of personal, as well as overall defense interest. When the airborne division at Fort Bragg moves, it may well move in the future in some of the very planes for which we are asking authorization today.

I would now like to go to another matter which is of special interest to me, and I know of interest to many of you. And that is the John F. Kennedy Center for Special Warfare located at Fort Bragg, N.C. I will readily concede that this does not have a direct relationship to the bill we have before us but ultimately why do we procure weapons and other material but for the men to use them. And it is men—very unusual men—that are the product of the John F. Kennedy Center for Special Warfare at Fort Bragg.

The center did not start at Bragg, it started at Fort Riley, Kans., many years ago; but its predecessor schools and organizations have been at Fort Bragg since 1952 and about 4 years ago, its name was changed in order to describe it in a functional fashion. At that time it was named the Special Warfare Center.

Very briefly its function is to train in the three basic fields of special warfare: counterinsurgency, unconventional warfare, and psychological operations. This is the school that has as the symbol of graduation, the beret, a piece of headgear that is worn with pride.

I have been privileged to observe the Special Warfare Center personnel during their training exercises and demonstrations of special skills. These men perform some of the most important services of any part of our military forces. They speak at least two languages and some of them three or four. They can take apart and put together weapons which were captured or otherwise obtained from other countries. They can take household materials and make an explosive charge in a matter of a few minutes. Each unit has one or two people trained in medicine.

So here we have perhaps the most highly trained, most versatile group of military people in the world—the men with the berets.

Now, I would like to raise a question with respect to these highly skilled and especially selected volunteers. Are they being used today in the manner in which they should be? I will say first that I do not know. But I will also say that I have some serious doubts that they are. I have a real fear that if we look closely we may find a foreign weapons specialist as a jeep driver—a multilingual explosive man on static guard duty. Special Forces personnel should not perform duties unrelated to their mission—as some of them are reportedly now being used in South Vietnam.

We have heard from time to time about waste in the Department of Defense—waste in research and development. It is a shameful thing, indeed, if the same accusation can be made with respect to the men in the berets.

With the $8.8 billion procurement measure we recommend today, I trust there will be a guarantee by the Defense Department that our Special Forces and all personnel units will be as properly utilized as they are equipped.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Chairman, I am one of the 13 new members of the House Armed Services Committee the chairman spoke about. Service on this committee over the past 4 months has been most interesting. I am grateful my colleagues on the Ways and Means Committee nominated me for this assignment.

I did not have the privilege of serving on this committee under the chairmanship of the former dean of the House, but I do know from personal experience of the last 4 months that the man who chairs the Armed Services Committee today has learned well the best traditions which embody the wisdom of the former Member from Georgia. Indeed, if I may make reference to the naval background of our former chairman, I would be hard pressed to think of ways in which the gentleman from South Carolina could run a tighter ship than he does each day the committee meets. Under his leadership, the committee not only has conducted its business with dispatch, but it has also taken definite steps to strengthen and reinforce its proper authority over the military affairs of this country.

I want to congratulate and compliment the beloved chairman of our committee, the distinguished gentleman from South Carolina, for the manner in which he has taken the reins of leadership and imparted a new sense of direction to the committee's activities.

In the few minutes allotted me, I would like to discuss some of the ways in which the chairman has sought to assert and exercise congressional prerogatives in military affairs under article I of the Constitution, for it is my firm belief that these efforts will set the tone for all of the military authorization bills which this House will have occasion to vote on in the coming months and years.

When the administration originally transmitted its requests to Congress for authorizations related to research and development and to hardware procurement, there seemed to be an expectation among those who direct work on the other side of the river that the Congress ought to approve the authorization with a minimum of discussion and with a minimum of change. For some reason the civilian officials downtown and the military officials in Virginia assumed that the committee would be satisfied to conduct a series of meetings behind closed doors, to learn a few broad details of current planning, and then to report dutifully without delay or modification the authorization drafted for us.

I am pleased to report that from the very start the committee has done its best to shatter such false expectations. Our chairman takes quite seriously the provisions of the U.S. Constitution which grant to the Congress powers over the Armed Forces which are coordinate with those of the Commander in Chief. He recognizes that under the Constitution the President possesses certain authority with which the Congress properly should not interfere. But by the same token, he considers it of primary importance that the executive branch recognize anew the integrity and significance of explicit powers and authority given Congress under the Constitution, first, "to raise and support armies"; second, "to provide and maintain a navy"; and third, "to make rules for the government and regulation of the land and naval forces." Proper exercise by the Congress of these constitutional prerogatives is central and, may I add, vital to the maintenance of a correct military posture, for these powers are an integral part of the structure of democratic constitutional government.

I know the full committee and the House of Representatives as a whole share our chairman's insistent belief that the President cannot and should not evade any legislative regulations which the Congress might promulgate pursuant to its constitutional authority.

Let no one interpret those sections in the committee report relating to these constitutional questions as an exercise in historical exegesis. They are something far more than that. They constitute a statement of fact about the proper authority granted Congress by the Constitution and an affirmation of our resolve to maintain both the spirit and the letter of those provisions. They are a statement of the operational philosophy that will guide the committee in its actions over the coming months and years.

Because this constitutional issue is of such fundamental importance, it is appropriate to read into the RECORD today excerpts from several statements by senior members of the Armed Services Committee, previously quoted by our chairman in his report on this bill. I now quote from a statement which appears in the committee report at page 3:

> [The committee] will reaffirm, not in a perfunctory way but in a very militant way, those principles and provisions of our great Constitution which place upon the Congress of the United States the responsibility of providing for the common defense and the armed services of this Nation.

And here is another statement in the report that it seems to me is noteworthy:

> I hope in the months to come this committee will have the opportunity to prove to this Nation that we will discharge our responsibility as written in the Constitution and that this committee and the Congress is not the creature of an agency or a department, but that department is our creature and it is ours to direct and guide.

Mr. Chairman, these are exemplary statements of our position with which virtually every member of the committee is in full and unqualified agreement. Anyone who would understand the activities of the Armed Services Committee would be well advised to keep statements such as these firmly in mind at all times. I think it can be accurately asserted that they are not just empty gestures. They have already been used—and they will be used again—as guides to committee action.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from California [Mr. CHARLES H. WILSON].

Mr. CHARLES H. WILSON. Mr. Chairman, I, too, join those who have commended our great chairman for the outstanding job he has done. Also I would like to commend the gentleman from Massachusetts [Mr. BATES], the ranking minority member of the committee as well as the outstanding and able staff who helped develop this fine legislation.

Mr. Chairman, as a new member of the Armed Services Committee, I can say that I have never before had a more rewarding experience than the hearings which have just been concluded on H.R. 7657.

Of course, in a very true sense I entered into a world which had heretofore been quite foreign to me. My knowledge of modern weapons systems was restricted to that gained from newspapers and magazines.

Although I am sure that my interest will spread as my information increases, I will say that I did pay particular attention and was unusually interested in the ballistic missile program of the Department of the Air Force.

And I not only paid close attention to the discussion of this matter in the committee, but also have extended my reading in order that I might familiarize myself somewhat more in this important field. The one big conclusion I have come to is that tremendously rapid progress has been made during the past few years in missile capability and reliability. During fiscal year 1965, the remaining first generation missiles, namely the Atlas and Titan I, are being phased out of the program. The Air Force's Titan II, utilizing a storable noncryogenic propellant and containing an all-inertial guidance system as compared to a radio guidance system in Titan I, continues to be procured. The Titan II will carry the largest payload of all our ICBM's. The launch control complex of the Titan II has a greatly increased hardness over the Titan I and reacts much more rapidly. The Titan II operational force is deployed at three locations, covering the Southwest area of the United States. These are Davis-Monthan Air Force Base, Ariz.; McConnell Air Force Base, Kans.; and Little Rock Air Force Base, Ark.

The procurement of Minuteman II peaks in dollar requirements in fiscal year 1965, but the quantity of missiles produced is relatively level from fiscal year 1965 through fiscal year 1970. The Minuteman II missile system will eventually replace Minuteman I missiles as launching sites are modified to accept the improved version. The newer model will carry a greatly improved warhead, will employ multiple target capability, and will have increased range and survivability, as well as many other improvements which will make it a far more effective weapon than Minuteman I. The Minuteman II force, when completely operational, will be deployed, as I understand it, at five locations covering the north central area of the United States. These are Malmstrom Air Force Base, Mont.; Ellsworth Air Force Base, S. Dak.; Minot and Grand Forks Air Force Bases, N. Dak.; Whiteman Air Force Base, Mo.; and F. E. Warren Air Force Base, Wyo. Continued research and development effort is currently in process to further improve the accuracy, survivability, and penetration capability of the Minuteman II.

The other missile programs—guided air rockets, guided air missiles and drones—while obviously not as powerful or as well known as ballistic missiles, nevertheless play a surprisingly vital—surprising at least to me—role in the effectiveness of the Air Force. In past years, the Congress has authorized the procurement of air-to-ground guided missiles, radar-seeking air-to-ground missiles, air-to-air missiles of various types, and drones which have been utilized to test, train, and improve the operational forces of the Air Force, primarily in fighter category.

The inventory levels of these systems, for the most part, appear from my study to be adequate to support operational plans of the Air Force. This position is reflected in the fiscal year 1966 budget, which provides for the continued production of the Shrike air-to-ground missile; procurement of inert center sections to convert available Bullpup air-to-ground guided missiles into an economical training vehicle; and production of the Firebee drone which simulates infrared and radar characteristics of real targets.

It can be anticipated that Congress will review requirements through the next few years that will continue to enhance the striking power of our strategic and tactical forces. A continuing developmental process is in being in the Air Force to replace aging weapons and to insure the availability of the most modern weapons which can be devised.

Mr. Chairman, let me again state how gratifying my experience on the Armed Services Committee has been so far. Although it might be said that I am not yet wholly qualified to make a judgment in depth on military matters, I can say this without any hesitation whatsoever: The bill was gone over in the greatest detail, the witnesses questioned closely and although I sometimes felt a little lost in the technical details, my overall conviction is that the bill as it is before the House today is a sound one and commends itself to the approval of every Member.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may consume to the very distinguished gentleman from Louisiana [Mr. HÉBERT].

Mr. HÉBERT. Mr. Chairman, I thank the distinguished gentleman from South Carolina.

Mr. Chairman, the chairman of the committee is my old and dear friend. We came to the Congress together.

What more could I say than to echo the glowing tribute paid to my old friend by our beloved Speaker. I find myself, happily, in the position to agree with both the Speaker and with my chairman's highly complimentary response. Two finer men—two finer friends I have never known.

Mr. Chairman, the bill H.R. 7657, now before the Committee of the Whole House, is the annual authorization for the procurement of aircraft, missiles, and naval vessels, and for research, development, test and evaluation for the Armed Forces in fiscal year 1966. The bill is based upon the programs presented to the House Armed Services Committee beginning in early February. Since that time, the participation of U.S. military forces in the defense of the freedom and independence of South Vietnam has risen to a new and higher level of activity. And just within the last week, the United States was forced to send troops to the Dominican Republic to help evacuate our citizens and help reestablish law and order in that tormented country.

Although the inventories of weapons and equipment and stocks of war consumables now on hand, funded in prior years, and requested in the fiscal year 1966 budget are generally ample to meet presently forseeable needs, we should keep in mind that if these inventories and stocks are to be maintained at the desired levels of readiness, they must be replaced when actually consumed in military operations. Combat consumables such as ammunition have been procured in recent years at much higher rates than previously in order to build up stocks on hand sufficient to enable our forces to engage in combat for sustained periods of time or until production is able to catch up with wartime consumption. But if we are to maintain this capability, stocks actually consumed in combat must eventually be replaced so that at all times we will have sufficient supplies and ammunition on hand to permit the planned forces to engage in sustained operations anywhere in the world.

While the consumption rate of combat supplies and the attrition of weapons and equipment in Vietnam is still quite small in relation to our inventories on hand and deliveries from new production, the future course of the war in Vietnam is marked by great uncertainty. It, therefore, behooves this Nation to hedge against that uncertainty by providing in advance for future attrition and combat consumption, even though we do not know at this time how long the conflict in Vietnam and the civil disturbance in the Dominican Republic will last or whether they will increase or diminish in scope and intensity. As President Johnson stated in his request for an emergency fiscal year 1965 supplemental appropriation of $700 million for U.S. military operations in Vietnam, which was transmitted to the Congress yesterday:

> The additional funds * * * are needed to continue to provide our forces with the best and most modern supplies and equipment. They are needed to keep an abundant inventory of ammunition and other expendables. They are needed to build facilities to house and protect our men and supplies.

The House Armed Services Committee and the Defense Appropriations Subcommittee held hearings on the emergency request. A separate bill will be reported to the House by the Appropriations Committee later this week and discussion of its contents might best be postponed to that time. I would simply like to point out now that that bill will provide for the additional needs of the Defense Department in the fiscal year 1965 funding period. Whether additional funds will be required for fiscal year 1966 cannot presently be determined; that will depend upon future events in Vietnam. The bill now before the committee provides for the fiscal year 1966 programs presented to the House Armed Services Committee by Defense Department witnesses earlier this year. But before I discuss the details of that bill, there are a few remarks I wish to make about the character of the struggle in Vietnam.

Mr. Chairman, southeast Asia is at this moment the area in which the free world's struggle against Communist expansion is most acute. It is hardly surprising, therefore, that the various capitals of the Communist world should be mounting a propaganda barrage which attempts to conceal the true nature of the war now raging in Vietnam. What is surprising is that such propaganda has actually succeeded in convincing some, both abroad and at home, that what we see in South Vietnam is merely a local rebellion by a discontented populace.

Nothing could be further from the truth. There is no doubt whatever that the fighting in Vietnam represents, not an indigenous rebellion, but a war directed, controlled, and supported by the Communist leaders in Hanoi. The very organization which the Communists claim to be the true leader of the "rebellion"—the National Front for the Liberation of South Vietnam—is itself a creature of the Hanoi Communists who organized it in 1960. As long ago as August 1961, there was found on the body of a Vietcong soldier in the central part of South Vietnam a document which said in part:

> In implementation of the Third Congress of the Lao Dong Party (the North Vietnam's Communist Party), the National Front for the Liberation of South Vietnam was set up to unify the revolutionary struggle * * *. The revolution for the liberation of the South would never succeed if the party were not directing it.

There is further evidence in the unanimous opposition to the Vietcong on the part of every South Vietnamese leader since partition—Buddhist, Catholic, military, civilian. No matter their differences; none has shown sympathy for the Vietcong. None has called this a civil war. All have agreed that the Vietcong movement in South Vietnam is the aggressive creation of Hanoi, and subject to its direct control.

Finally, as the most tangible evidence of direct Hanoi support, there are the men, weapons, and supplies infiltrated from the north to the south. Our intelligence agencies calculate the number of infiltrators with great care, keeping their estimates deliberately conservative. Yet their figures reveal a conscious, mounting effort to destroy South Vietnam with a flow of trained, indoctrinated, hardcore guerrilla fighters and terrorists—40,000 since 1959—and that total is unquestionably low.

The great bulk of the weapons used by these guerrilla terrorists—at least 60 or 70 percent—comes from outside Communist sources. For example, in February a ship sunk along the South Vietnamese coast contained 500,000 rounds of 7.62-millimeter ammunition, along with 60 weapons of the same caliber. Another 750,000 rounds of this ammunition were captured in April. This particular type of ammunition is never used by the United States or the forces of South Vietnam. It can only have come from some other source and was, in fact, manufactured in Communist-bloc nations.

Thousands of Communist-bloc weapons already have been captured this year, in every corps area in South Vietnam. As an example, in a recent major action in Chuong Thien Province, Government forces fought two units of Vietcong—the 96th Battalion, and a guard battalion of military region 9. In this encounter, 90 percent of the small arms and 100 percent of the larger weapons captured by Government forces were of Communist-bloc manufacture. These included: 20 Soviet 7.62-millimeter rifles; 52 Chinese Communist 7.62-millimeter carbines; 4 Chinese Communist RPD 7.62-millimeter machineguns; and a quantity of Czech arms.

As if all this were not enough to disclose the true nature of the conflict, proof now exists that a combat unit of the regular North Vietnamese Army—the 2d Battalion, 101st Regiment, of the 325th Division—has secretly entered South Vietnam and is located in northwest Kontum Province. There may also be other elements of this division in this area. There had been previous indications of this infiltration from various intelligence sources. Also, in an encounter on March 29 and 30 between the Government's 21st Ranger Battalion and this force, it was clear that the South Vietnamese forces had met a professional enemy unit—disciplined, skilled, aggressive, and more heavily armed than other Vietcong units. This identification has now been confirmed by extensive interrogation of a prisoner taken from this regular, North Vietnamese battalion.

No amount of Communist propaganda can conceal the fact that what South Vietnam now suffers is not armed rebellion but armed invasion. If some 40,000 armed South Koreans were to infiltrate North Korea and wage a war directed by Seoul, would the Communists call it a popular rebellion? They certainly would not.

The war of subversion against the people and Government of South Vietnam represents nothing less than a clear demonstration of the current Communist strategy for overthrowing free governments anywhere in the world. In South Vietnam they are testing their theory that, despite the free world's overwhelming military superiority, they can nevertheless, by covert means, impose Communist control by armed might.

It would be a terrible delusion to believe that, because this aggression comes in the form of faceless guerrillas and midnight terrorism, it is somehow not a deliberate act of armed aggression aimed at conquest. We must prove the futility of this new strategy in Vietnam once and for all—just as we proved in Korea that overt armed aggression could not succeed. If we do not, then as sure as night follows day, we will have to prove it somewhere else. For aggression feeds on success, and its appetite is boundless. The alternative is clear. As the President has eloquently said:

> This is the same battle we have fought for a generation. Wherever we have stood firm, aggression has been halted, peace has been restored, and liberty has been maintained.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California, a member of the committee [Mr. LEGGETT].

Mr. LEGGETT. Mr. Chairman, we are authorizing in the pending legislation $2,512,173,000 for the repair, alteration, conversion, and construction of our naval fleet for 1966, one of the five largest authorizations we have ever considered.

The private yard share of this budget—62 percent—was exceeded only twice since World War II.

Some people talk about giving the private yards who are struggling for their lives 35 percent of the conversion, alteration, and repair budget. What they do not say is that the private yards have had at least $1½ billion every single year since the Kennedy-Johnson administration took office—as high as $2.2 billion in 1963 and that the Navy yards have barely exceeded $1 billion only twice during this administration.

These private yard spokesmen do not say that they enjoyed 62 percent of the total budget only 1 year before 1961, but since 1961 they only dropped below the 62-percent figure on one occasion.

If you consider only repairs, alterations, and conversions the private yards again will prosper even if the discretion of the Navy Department gives them only 26 percent of this class of work. They would receive $221 million as opposed to $218 million received under the current mandatory 35-percent program.

Under the current program proposed by the Department of Defense the private yards would receive a total of $1,557,065,000 as opposed to $955 million by the Navy.

I would like at this time to refer you to a new chart prepared by the Department of Defense comparing the health of private yards and Navy yards in the post-Korean period. It is readily apparent that the parity between the two entities that existed for 10 years before 1960 was altered to a two-thirds to one-third relationship favoring private yards in the post-1960 period. There is no reason for this relationship to further deteriorate.

There is no doubt but that this shift in emphasis by the Department of Defense has resulted in the operational merger between Mare Island and San Francisco and the closing of Brooklyn and Portsmouth. This action was contained in the order of the Secretary of Defense last November 19.

In that order, referred to as the Magna Carta of private yards, there was the following ameliorating appendage:

> Our studies show that on the basis of "incremental costs" (as contrasted with "total costs") there is little or no advantage in contracting certain ship repair work to private yards. We believe that, at least in the short run, annual savings of $10 to $15 million would be possible if the proportion of conversion, alteration and repair work in public yards was raised from 65 percent to about 80 percent, thereby spreading fixed overhead costs over a larger workload. It will continue to be in the national interest to direct a portion of such work to the private yards in order to help maintain a competitive industrial base. Thus, in the future, the scheduling of any specific year's ship construction and repair program should be directed principally to achieving the most effective utilization of both Naval and private shipyard capacity. To this end, we are requesting the elimination of the statutory "35–65" ratio for the allocation of ship repair, alteration, and conversion work between privately owned and public shipyards contained in section 539 of the Defense Appropriation Act for 1965.

The health of the private yards was attested to last month in the shipyard council's annual report.

Statements are made as follows:

> Naval ship orders: During the year 1964 contracts for 39 new naval ships, aggregating 194,960 displacement tons, were placed with private shipyards. In terms of both numbers of ships and tonnage, these orders represent a new postwar high. As a point of reference, during 1963 the private yards received contracts for 29 new naval ships totaling 149,000 tons.
>
> Naval ship deliveries: A total of 21 naval ships, aggregating 107,970 displacement tons, were delivered last year. During 1963, the output was 17 ships of 81,000 tons.
>
> Naval ship backlog: The volume of naval ship construction in private shipyards showed a sharp increase during 1964. Whereas on January 1, 1964, a total of 83 ships totaling 450,300 displacement tons were under construction or on order, this backlog had grown to 101 naval vessels totaling 537,250 displacement tons on January 1, 1965. * * *
>
> Merchant ship orderbook: The signing of a contract on December 31, 1964, covering the construction of four freighters for American President Lines, prevented a further contraction of the commercial ship orderbook. This year-end contract enabled the private yards to begin 1965 with 47 ships totaling 537,800 gross tons remaining to be completed. Consequently, the work backlog topped—by a narrow margin—the 45 ships of 517,000 tons building or on order on January 1, 1964.
>
> Employment, hours, and earnings: Data compiled by the Bureau of Labor Statistics reveal that total employment in the private shipyard industry averaged 118,000 during 1964. The comparable figures for 1963 and 1962 were 115,700 and 114,600, respectively. The foregoing figures cover "all employees."

The following statistics show the 10-year upward trend in both the repair and new construction areas—naval and commercial.

Dollar volume of repair and conversion work performed during year by private yards

[Dollar amounts in thousands]

Year	Commercial ships [1]		Naval ships		Total
	Amount	Percent	Amount	Percent	
1954	$196,140	78.0	$55,180	22.0	$251,320
1955	218,810	76.1	68,900	23.9	287,710
1956	328,390	84.1	62,000	15.9	390,390
1957	398,590	91.5	36,880	8.5	435,470
1958	275,510	87.0	41,300	13.0	316,810
1959	202,690	84.2	37,960	15.8	240,650
1960	221,790	82.9	45,810	17.1	267,600
1961	213,200	70.1	90,840	29.9	304,040
1962	233,650	74.6	79,680	25.4	313,330
1963	[2] 228,000	66.8	[2] 113,000	33.2	[2] 341,000
1964	[3] 239,000	65.5	[3] 126,000	34.5	[3] 365,000

[1] Includes MSTS work.
[2] Revised.
[3] Preliminary.

Approximate value of unfinished shipbuilding work in private shipyards as of Jan. 1

[In thousands of dollars]

Year	Commercial	Naval vessels	Total
1954	256,000	371,000	627,000
1955	122,000	601,000	723,000
1956	231,000	668,000	899,000
1957	949,000	704,000	1,653,000
1958	874,000	952,000	1,826,000
1959	659,000	1,060,000	1,719,000
1960	492,000	974,000	1,466,000
1961	490,000	965,000	1,456,000
1962	525,000	1,124,000	1,649,000
1963	369,000	1,249,000	1,618,000
1964	387,000	1,176,000	1,564,000
1965	[1] 519,000	1,728,000	[1] 2,247,000

[1] Preliminary.

Statistics and pictures speak louder than 435 Members of Congress trying to shade the facts in the direction that best suits his side of the argument.

It is fair to say that the private yards have never been healthier and the public yards since last November 19 have never been so contracted.

In fiscal 1966 the private yards will receive $1.335 billion in new construction and the real clamor over the 65–35 issue is whether they will receive $221 million additionally in CAR or $294 million. The real fight, therefore, is over $74 million in work, but more than that it is an issue of whether the Navy Department and the Department of Defense can have the discretion to operate their facilities in the manner that they think best. Stated another way, the dollar argument resolves itself over whether we will mandatorily expend 2.9 percent of the procurement authorization in Navy or private yards. It would seem reasonable that if you give the Navy Department the discretion to handle 97 percent of the budget that you would feel safe in trusting them for the balance.

Mr. Chairman, I would next like to discuss the matter of comparative costs.

In the past, several misleading statements have been made to this body regarding shipwork in naval and private yards. The facts which have been given today by my fellow Members have covered most of these areas, but I would like to address a few specific statements which have been made from time to time.

Various figures have been quoted, showing lower costs by private shipyards ranging from 8 to 32 percent. The fact is that savings do occur in new construction work in private yards and that these savings have been, on the average, about 16 percent. A major factor in lower private yard costs is the ability of private yards to decide on what they are going to bid. Generally, the private yards concentrate on a given type of work and are so staffed. The Navy has consistently given a large majority of this type work to the private shipbuilders. In the past 2 years, over 80 percent of this type has been awarded to them. This has been the most significant portion of shipwork, because in every year since 1953, except one, the funds appropriated for new construction have exceeded considerably the funds appropriated for conversion, alteration, and repair.

On the other hand, the price differential in conversion, alteration, and repairs is much less, if it exists at all. The same accounting firm which measured the new construction differential, has stated that no significant conclusions could be reached with respect to cost of conversions, alterations, and repairs. The study showed that, on an hourly productive cost basis, 7 of 24 private yards studied had higher costs than Navy yards. Three yards had roughly comparable costs. The remaining 14 yards had slightly lower costs. The total average was only slightly lower for the 24 private yards than the 11 naval shipyards. When the much more extensive facilities of Navy yards are considered, it appears to me that it is perfectly logical that costs for this type of work are comparable, or may even be less under proper workload conditions in Navy yards.

Turning to another mistaken impression, after the inclusion of the 65–35 restrictive proviso in the fiscal year 1963 act, its supporters claimed Department of Defense support because it was not directly attacked by military witnesses in the 1964 and 1965 hearings. This circumstance actually stemmed from the desire of the Department of Defense to gather facts and experience under the proviso to permit a full and complete assessment of its impact. The Secretary of Defense advised the chairman of the House Appropriations Committee during the consideration of the fiscal year 1965 bill that a determination would be made of the amount of excess capacity in the industry, and actions taken to eliminate the Navy portion of it. After this, he went on to say that economy and fleet readiness considerations should be the basic guidelines for distribution of ship construction, repair, alteration, and conversion, rather than a statutory assignment ratio.

With the completion of the shipyard study, the Department of Defense has reached a firm position on this issue. The proviso was omitted in the recommendations in the President's budget submission. All principal DOD witnesses concerned with this limitation have supported its omission.

Secretary McNamara's testimony before the House and Senate committees contained the following statement:

> Our studies show that, on the basis of costs, there is little or no advantage in contracting certain ship repair work to private yards. It will continue to be in the national interest to direct a portion of such work to the private yards in order to maintain a competitive industrial base. Thus, in the future, the scheduling of any specific year's ship construction and repair program should be directed principally to achieving the most effective utilization of both naval and private shipyard capacity. To this end, we are requesting the elimination of the statutory 35–65 ratio for the allocation of ship repair, alteration and conversion work between privately owned and public shipyards, contained in section 539 of the Defense Appropriation Act of 1965.

To sum up my two points: There is no basis for concluding that private shipyards are cheaper in the area of conversions, alterations, and repair, and the position of the Department of Defense is clear that no restrictions, the 65–35 proviso or otherwise, should be placed on the scheduling of this type of work.

Therefore, I stand in favor of section 303, which prevents any restrictions in such assignment.

As an additional consideration, the Secretary of Defense stated in the order of November 19 referred to as follows:

> (b) In respect to conversion, alteration and repair (CAR) work, the studies show that in many cases it is cheaper for DOD to perform such work inhouse. This results from the fact that the naval shipyards which must be maintained for strategic and operational reasons have a high fixed overhead cost which continues regardless of workload assigned. Hence, if the volume of CAR work performed in the naval shipyards were increased from the present level of 65

> percent to the former level of about 80 percent, it is believed the overall savings to DOD, as least in the short run, would be $10 to $15 million annually.

Another factor that affect costs was testified to a few weeks ago by Secretary Nitze before the Armed Services Committee. He stated that the prime problem facing the service today was the $200 million lost every year by the failure of qualified personnel to reenlist.

He attributed the loss to first, unsatisfactory homeporting and leave with families; second, unsatisfactory pay; third, unsatisfactory recognition; and, fourth, unsatisfactory housing.

By failure to recognize the need for sailors to be with their families—the human element—and by repairing ships helter skelter throughout the country, we are compounding catastrophically our costs of production without knowing it. In the order of the Secretary of Defense above referred to, he stated the following on homeporting:

> (e) Homeporting: Proximity of overhaul yards to homeports was another important factor considered by the Board. Statistics drawn from questionnaires circulated to shipboard personnel confirmed that overhauls at substantial distances from homeports adversely affect morale and reenlistment rates. Not only was it felt that homeporting of Navy ships should be given consideration in determining which naval shipyards should remain in operation, but that consideration should be given to this factor in selecting private yards to perform conversion, alteration, and repair contracts.

In this respect the Navy has recently stated:

> Overhaul location: Fleet commanders have stressed the importance of increasing the number of overhauls which can be conducted in homeports. This is a problem involving both private and naval shipyards. In fiscal year 1963, for example, 129 of 379 ships were overhauled more than 50 miles from homeport. Also, when a ship is assigned to a private shipyard the ship's company usually doesn't know where the ship is to be overhauled until 14 days before start of overhaul. The ship may even be assigned to a different naval district, and with split bids for drydock work, it is not uncommon to have drydock and topside work done in separate ports and sometimes different districts. The Navy needs the flexibility denied it by the 65–35 proviso in order to minimize the effects of these problems.

There are, in addition, other factors to be considered if we are going to straitjacket the Navy in the administration of its missions.

Workload balance: Before the 65–35 requirement was imposed, there was considerable flexibility to balance work and capability in the short range and adjust employment levels as required by long-range trends. The 65–35 requirement has eliminated this much-needed flexibility. This is particularly troublesome when there are certain ships which involve large dollar amounts and which should logically be assigned to one particular shipyard. Overhaul of *Enterprise* is an example of a ship which should go private—to Newport News. Conversion of *Midway* in fiscal year 1966 should logically be assigned to a naval shipyard on the west coast. Similarly, certain of the SSN's and the SSBN's must be assigned to a particular private shipyard for the initial overhaul. Flexibility is needed to handle these special problems.

Competition: As long as the commercial workload in an area is relatively low, competition for work is reflected in reasonably low repair bids. The ship repair market is, however, subject to the normal laws of supply and demand. Thus, when shipyards in an area generally have a heavy workload, they raise their bid prices. With freedom to allocate work to naval shipyards, the Navy has a lever to keep bids reasonable by potential of total rejection without resorting to moving its ships many miles away.

Of the approximately 250 holders of master ship repair contracts, the vast majority are repair yards only. Many have no drydocking capabilities under their own control and they normally depend on work obtained through split bidding. These yards typically have marginal industrial facilities, a small nucleus force, and they hire and fire most of their workmen as workload demands. In many cases the repair yard operates fundamentally as a general contractor, subcontracting substantial portions of each overhaul.

Deficiencies fall into two categories: lack of skilled personnel, equipment, and facilities for accomplishing repairs in an effective and timely manner; and inability to provide special services to fleet units normally provided by the naval shipyard or the base complex of which it is a part.

Private repair shipyards do not have the skilled personnel necessary to complete overhauls of many of today's modern ship systems. Lack of in-house capability leads to split bid and farm out of work with the attendant difficulties of planning, scheduling, and inspection. Lack of adequate design and engineering personnel leads to delays in analysis of engineering problems. The result is that naval ships at private repair shipyards are frequently completed late and with less than satisfactory quality. The following tabulation is indicative of recent experience of Pacific Fleet auxiliary and amphibious-type ships in this regard.

	Number of overhauls	Late completions		Requiring additional availability for correction of defects	
		Number	Percent	Number	Percent
Naval shipyards	33	6	18	6	18
Private shipyards	80	36	45	25	31

This poor performance is a nuisance, to say the least, even though corrective work is done at the contractor's expense. Strong efforts are being made to eliminate the marginal producers in this field.

The private repair shipyards lack many of the facilities for support to the ship's force normally provided while ships are in naval shipyards. Typical of these are:

First. Work space, tools, technical publications, transportation, and facilities for training.

Second. Fire protection, fresh water, steam, electrical service, safety, security, and cleanliness measures do not meet the high standards of naval shipyards.

Third. Supply and communications support.

Fourth. Morale services such as dental, medical, laundry, navy exchange, dry cleaning, berthing, messing, mail, and recreation.

Naval shipyard capabilities: Naval shipyards have extensive facilities and a large, stable work force of experienced, specially trained men backed up by a large force of design, engineering, and planning personnel. The economical operation of this complex requires workload in balance with the work forces, both in total numbers and with respect to trades and skills.

In conclusion, Mr. Chairman, I would like to urge the passage of H.R. 7657, the 1966 armed services procurement bill. The measure, including section 303, was fully debated in committee, and it is before the House today with unanimous support of the committee, the Navy, and the Department of Defense.

The Department of Defense has not exactly enamored itself with Navy yard interests by its order of November 19 referred to. I think it right and just now that the Navy Department now be given full discretion to manage the complex that remains in the most economic fashion.

Mr. BATES. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Washington [Mr. HICKS].

Mr. HICKS. Mr. Chairman, as a new Member of Congress and my first opportunity to serve on the Committee on Armed Services, I do want to join in all of this praise which has been heaped upon the distinguished gentleman from South Carolina, the chairman of our committee [Mr. RIVERS]. Based upon the knowledge of some of the folklore that I have heard around here as to the lack of opportunity of a new Member to participate in the activities of the Armed Services Committee in the past, I would like to state that that has not been the case this year. The new Members have been permitted all of the participation that they desired on this bill and certainly I want to add my support to all of the others who have stated their praise of the work of the committee.

Mr. Chairman, I believe we need to come to a clear understanding of the meaning for private industry of the cutbacks in the Navy yard complex. Some groups seem to feel that the aim of the cutbacks is to benefit private shipyards. This is totally inaccurate.

The closure of the New York and Portsmouth Naval Shipyards was not directed toward, and will not result in, making additional shipwork available to private yards. The decision was made to close these yards because the Navy's overall peacetime and wartime mobilization needs can be fully met without them and closing them will achieve substantial savings. The conversion, alteration, and repair—CAR—work that would have been assigned to these two yards will be distributed among the remaining Navy yards in order to increase operational efficiency; that is, to reduce unit costs of work.

Inasmuch as the recent Department of Defense study concluded that the remaining Navy yards must be retained because of strategic and operational reasons, the distribution of available work must be made in a manner to assure efficient operating levels. The study indicated that the volume—table A—of conversion, alteration, and repair work performed in Navy yards should be increased and that overall annual savings of $10 to $15 million would result from such an increase.

Because fixed operating costs at Navy yards continue regardless of the workload assigned, additional work assignments will not require additional fixed overhead, thus lessening the total cost per unit. This is an economy any businessman can understand.

Closing the New York and Portsmouth Naval Shipyards will increase the utilization of the remaining Navy yards. In June 1964, operation of the 11 naval shipyards was about 63 percent of optimum capacity. By 1967, utilization would have dropped to about 53 percent if all yards were retained. Redistributing the New York and Portsmouth workloads will materially increase the level of operation of remaining yards. Utilization of private shipyards has recently been estimated as 40 to 55 percent of optimum.

These private shipyards which are capable of constructing naval vessels and the more capable private repair yards are the principal private portion of our private shipyard mobilization potential. Of the 230 private yards with which the Navy has master ship repair contracts, only 78, which together employ about 80 percent of the private shipyard labor, have this potential. Of—table B—this 78, only 18 employ more than 1,000 workers, 31 having less than 300 employees. Even the largest have some repair limitations when compared to Navy yards, and the smaller have quite severe limitations for complex work. Nevertheless, the Navy has consistently assigned more than one-half of its—table C—total work to this complex, including the major portion of its new construction work and a substantial portion of conversion, alteration, and repair work.

This work has sustained and even increased private shipyard employment, in spite of declining commercial work. The inability of private shipyards to expand further is primarily attributable to economic forces at work in the shipbuilding industry: America's private yards are unable to compete successfully in the world market for shipwork. The Navy cannot and should not attempt to compensate in full for declining commercial work, since such action would not be compatible with its basic responsibilities for this Nation's defense.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. GARMATZ].

Mr. GARMATZ. Mr. Chairman, as I listened to that portion of the remarks by the distinguished chairman of the Committee on Armed Services concerning section 303 in the pending bill, I was reminded of a statement made several years ago by the Honorable Kenneth E. BeLieu, now Under Secretary of the Navy, which made clear the truism that both naval and private shipyards are needed to service the naval fleet. This fact frequently becomes obscure in the emotions of debate surrounding the naval/private shipyard issue and for some years I have endeavored to place the entire issue in proper balance or clear perspective.

To that end, I introduced H.R. 3593 on January 26, 1965. But section 303 in H.R. 7657 is intended to do exactly the opposite of what my bill has for its purpose—to insure that the private yards of this country on the basis of proven "economic and military considerations" receive at least 35 percent of the available naval ship conversion, alteration, and repair work, leaving 65 percent—I repeat 65 percent—for the Navy yards. The logic of my bill is confirmed by the fact that the Department of Defense and the Department of the Navy in three instances, and the White House in two instances, have supported the inclusion of language identical to H.R. 3593 in the Defense appropriation bills for fiscal 1963, 1964, and 1965.

Nothing has really changed to alter the reasoning for setting aside 35 percent—a small share indeed—of conversion, alteration, and repair work for the private yards. The announcement that two naval shipyards are to be closed—one in the middle of 1966 and the other in 10 years has yet to be translated into reality. The naval shipyards continue to receive the lion's share of naval ship conversion, alteration, and repair work with little or no regard for the ultimate costs to the taxpayers.

Two separate studies made in recent years, one by Arthur Andersen & Co., engaged by the U.S. Navy itself, and another by Ernst & Ernst, sponsored by private industry, both proved that privately owned shipyard costs are from 8 to 32 percent cheaper than costs in Government-owned yards for this type of work. Any assertions to the contrary are merely "window dressing" to justify the assignment of work to the higher cost naval shipyards.

As to military requirements, in World War II private shipyards employed a maximum of 1,397,700 workers while the Navy yards employed only 333,100. Again, during the Korean affair when the need for merchant vessels far exceeded our available fleet, the private shipyards activated many World War II reserve ships and put them on the line promptly to service our military requirements during the conflict. This elasticity and capability, peculiar to the privately owned segment of the U.S. shipyard industry, so necessary in time of either limited or total emergency, cannot be maintained without the basic facilities on hand to begin with, and will not be available for future emergencies if not sustained by a reasonable share of conversion, alteration, and repair work—and certainly "at least 35 percent" is not unreasonable.

Further, as to military considerations, there are approximately 950 large and small private companies performing ship and boat work in the country today, 50 of which may be classified as major shipyards capable of constructing, converting, altering, or repairing large oceangoing vessels. These major shipyards are strategically located throughout the country—in every major port of the United States, including the Great Lakes, Atlantic coast, gulf coast, and west coast. It can reasonably be said that the private yards are more strategically dispersed than the naval yards.

At a time when President Johnson is striving to achieve greater economies in Government—at a time when President Johnson is endeavoring to place greater reliance on private enterprise for defense procurements—at a time when President Johnson is building a Great Society to strengthen our private competitive enterprise system, I find it difficult in the extreme, to comprehend the reasoning which prompted my distinguished colleagues on the Committee on Armed Services to act in a manner which will take away from the private enterprise system—and eventually cost the taxpayers more money.

Rather than adopting section 303, the Congress might well consider the feasibility of stimulating the appointment of a "watchdog" bipartisan committee composed of members of the Appropriations and Armed Services Committees, representatives of the Defense Department and the Budget Bureau, and spokesmen from private industry. This committee would review the whole subject of distribution of naval ship conversions, alterations, and repairs between naval and private shipyards to make sure that the national interests are properly protected—to make sure that the naval fleet is being served efficiently and economically—to make sure that the taxpayers receive the most mileage for every defense dollar spent. The longstanding controversy must be ended—and the taxpayers reassured.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. VAN DEERLIN].

Mr. VAN DEERLIN. Mr. Chairman, as a Representative of the great military area of San Diego I, of course, appreciate the great leadership of Chairman RIVERS. As different men see things in different lights, there is some concern felt in my community over the possible effects of section 303 of the bill.

Mr. Chairman, for many years Government-owned and operated naval shipyards have performed most of the naval ship conversion, alteration, and repair work coming under the jurisdiction of the Navy's Bureau of Ships. Less than one-third—more accurately about 25 percent—has been awarded competitively to commercially owned shipyards.

The Bureau of Ships thus has a split personality. On one hand, it operates shipyards which compete with commercial yards. On the other hand, it supervises the award of work to the private yards with which it competes. Similar conditions in private industry would doubtless be considered violations of the antitrust and restraint of trade statutes. But the military—quite properly, I think—is immune from these proscriptions.

It has frequently been asserted that the naval shipyards are indispensable. Agreed—but should the naval yards be permitted to overshadow commercial shipyards in every department? Are we to forfeit the benefits of competition? In terms of both size and assets, the Navy complex is many times larger than the entire private shipyard industry combined.

This seeming contradiction in our private competitive enterprise system has prompted past Congresses to impose a restraint, by setting the so-called 35-to-65 ratio to govern the distribution of naval ship conversions, alterations, and repairs. This formula, obviously, was the result of painstaking and methodical consideration in both House and Senate.

Spokesmen for labor and management in my district have therefore expressed to me their concern with regard to section 303 in H.R. 7657, which would revoke and eliminate the 35-65 formula now and for an unspecified time into the future. They contend, with good reason, that there has been no change whatever in the justification which prompted the adoption of this formula 4 years ago. They fear, with good reason, that the cards are stacked against private shipyards, and thus against private enterprise, in the future.

The comments pertaining to section 303 in House Report No. 271 provide no basis for dispelling these fears. There is no statement to the effect that the existing national policy establishes a presumption favoring procurements from private sources. On the contrary, the Committee on Armed Services, through section 303, would establish a presumption favoring the arbitrary assignment of naval ship conversion, alteration, and repair work to naval shipyards with little or no consideration to final costs.

Let us fully realize what we are doing, Mr. Chairman, when we approve section 303. We are endorsing the concept that nationalization is good for naval shipwork, but wrong for all other military materiel. We are undermining the private enterprise system. We are failing to recognize the cost advantages—proved in two independent audit-studies—which may be achieved through the use of commercial shipyards. And we are asking the American people to believe that our often stated faith in the private enterprise system is a collection of words unsupported by resolute actions.

Mr. RIVERS of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. Friedel] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. FRIEDEL. Mr. Chairman, there came to my office recently a copy of the April 1965 annual report of the Shipbuilders Council of America containing a most interesting section entitled "Government and Commercial Shipyards."

This account of developments affecting the naval-private shipyard issue in recent years bears so significantly in our considerations of section 303 that with unanimous consent I place it in its entirety at this point in the Record.

Government and Commercial Shipyards

To understand the present situation with respect to the utilization of Government-owned versus privately owned commercial shipyards for the accomplishment of naval shipwork, recent and past developments must be placed in perspective.

The Government-owned and operated naval shipyard complex, composed of 11 facilities—one of which is scheduled for closing in mid-1966—employs approximately 83,000 production workers in the construction, conversion, and repair of naval ships. It is many times larger than the entire private shipyard industry combined. Only 48,000 of the total private yards' 120,00 employees are engaged on contracts for the U.S. Navy.

Total assets of the naval yards, according to the Navy's own estimate, are in excess of $3 billion. According to the Census of Manufactures, total assets of the private yards, including the smallest boatbuilders, are approximately $750 million. Two recent studies by leading public accounting firms have concluded that shipwork costs in the naval yards range from 8 to 32 percent higher than in private yards—depending on the type of work involved.

Thus, in this country—the citadel of private enterprise—we have the oddity of an immense, high-cost, nationalized activity competing with a much smaller, lower cost private industry. This oddity has existed for many years—the first naval shipyard was authorized in 1800, and from that beginning the Government shipyard complex has grown, and grown, and grown, until now the Navy points to it with pride as an "industrial giant."

Through the years, the naval shipyards have been a contradiction to the longstanding national policy favoring Government procurement from private sources. Through the years, these federally owned and operated shipyards have enjoyed a special immunity from Presidential and Bureau of the Budget directives intended to enforce that policy. Through the years, this nationalized industrial complex has overshadowed the entire U.S. commercial shipyard industry in direct negation of the widely accepted axiom that Government must do only those things which private enterprise cannot do. Until only recently, this ambiguity in our way of life remained unchallenged.

The Secretary of Defense, in November of last year, in an unprecedented action, ordered the closing of the Brooklyn (N.Y.) Naval Shipyard by June 30, 1966, and the Portsmouth (N.H.) Naval Shipyard by 1975. This latter directive, since it covers an event 10 years hence, can hardly be considered as having any immediate effect. There are, however, threats of congressional investigations and legislative counteractions to nullify these closings.

In any event, it appears that all of these moves will not increase the volume of work to be awarded to private yards on a competitive basis. Secretary McNamara has said: "* * * I don't believe these actions will influence the distribution (of work) between public and private yards."

With two naval shipyards presumably to be closed, the Congress—and thus the taxpayers—will soon be asked to spend upward of $200 million to modernize the remaining Government yards even though their costs are higher than those in private yards—even though there is an excess of capacity in both at this moment.

Though the naval shipyard system has perpetuated itself for more than 160 years, a penetrating focus of public and congressional attention on the scope of operations and the magnitude of the costs of the Government facilities did not begin until 10 years ago. Supported by the findings of the Hoover Commissions, private yards, through the shipbuilders council, claimed that costs in the public yards were excessively high and that their functions had been unrealistically expanded while many private yards were going out of business.

But, there seemed to be no comprehensive data on which to make a persuasive case. For example, on January 17, 1958, the Legislative Reference Service of the Library of Congress informed a Member of the U.S. Senate: "An extensive search of material in the Library of Congress, Government documents, periodicals and other literature, including the files of the Department of the Navy, has failed to show any evidence that there has ever been rendered a unified and systematic account of naval shipyards with respect to their general activities in maintenance and repair" of naval vessels. Congressional reports on appropriations, from time to time, commented on the needs and problems of the Bureau of Ships, which administers the naval shipyards, but they never touched on the basic questions of "where does legitimate Government activity in the field of shipyard operations begin?" and "where does illegitimate or undesirable government competition with the private sector end?"

To provide the answer to these questions, certain Members of the Congress, in succeeding years, pleaded for congressional hearings on the subject and urged greater reliance on privately owned commercial shipyards—all in vain. The specific bills they introduced to accomplish these objectives were pigeonholed. Efforts to have the General Accounting Office—an arm of the Congress—conduct a study of comparative costs between naval and private shipyards failed. Discussions with the executive agencies similarly led to naught. The Business and Defense Services Administration of the Department of Commerce, as the voice of business within Government, abstained from intervening on the grounds that jurisdiction rested solely with the Department of Defense.

However, in July of 1961, a subcommittee of the House Armed Services Committee, composed exclusively of Congressmen having naval shipyards in their own or neighboring districts, conducted hearings to review "the present and future mobilization potential of every existing naval shipyard." The mobilization potential and demonstrated wartime ingenuity of the private shipyards were virtually ignored, and the subcommittee's conclusion read in part: "The subcommittee, on the basis of its inquiry, was of the unanimous opinion that a continuation of the existing naval shipyard support complex is essential to our national defense." The subcommittee also urged a 10-year modernization program to "accomplish the incremental replacement of obsolete and obsolescent production equipment at naval shipyards."

Immediately thereafter, the Shipbuilders Council of America undertook to prove authoritatively that costs were higher in the Navy yards and that more defense could be obtained from each dollar spent by greater reliance on commercial yards, for all types of naval shipwork. This effort had the overwhelming support of the entire private shipyard industry. The accounting firm of Ernst & Ernst was retained to make a "Survey of Cost Differentials and Other Factors Relating to Private and Naval Shipyards."

The Navy's Bureau of Ships, under date of March 9, 1962, "declined" to furnish certain cost information requested by the accounting firm, which necessitated a number of assumptions favoring the naval shipyards. Even so, the April 1962 report by Ernst & Ernst found that, after taking into account all relevant cost elements, "shipwork accomplished in naval shipyards is estimated to be 20 to 28 percent more costly than at private shipyards." The report also demonstrated that "higher wages and more liberal vacation, holiday, and sick leave benefits result in higher naval shipyard costs of approximately 15 percent per hour worked."

Armed with this definitive report, the case for the private shipyards was taken to the Defense Appropriations Subcommittees of the House and Senate Appropriations Committees. Over the protests of naval shipyard employees associations, a provision was included in the Defense appropriations bill for fiscal 1963 requiring that at least 35 percent of the funds for naval ship repairs, alterations, and conversions must be spent in private shipyards. In earlier years, the private yards had received only 20 percent.

Not satisfied with the Ernst & Ernst conclusions, the Department of the Navy commissioned another leading accounting firm, Arthur Andersen & Co., to make a "Report on Survey and Analysis of Differences Between U.S. Navy Shipbuilding Costs at Naval and Private Shipyards." With full access to the Navy's books and records, and with full cooperation from the private shipyard industry, the Arthur Andersen report, dated November 30, 1962, essentially confirmed the Ernst & Ernst conclusions. There were some variations of degree, but their results indicated that costs in the naval yards are 8 to 32 percent higher than in private yards—depending on the type of work.

For nearly 6 months, the Arthur Andersen & Co. report was withheld from the public—probably because it did not help the cause of the naval yards. An enterprising newspaper reporter finally forced the findings out into the open.

These developments—plus the support of the White House, the Secretary of Defense, and the Secretary of the Navy led to a continuation of the 35–65 provision in connection with Defense appropriations for fiscal 1964 and 1965. It was argued that 35 percent of the repair, alteration, and conversion work was a modest and reasonable share for private industry. Though the naval yards received the larger share of 65 percent, their supporters continued to complain, and are doing so even today.

Statistics released by the Bureau of Ships have never conclusively shown that the "at least 35 percent" requirement was met. Nevertheless, as a result of this single provision, it is estimated that the private shipyard industry received an additional volume of repair, alteration, and conversion work amounting to $300 million over the last 3 fiscal years. The entire effort also served to put the spotlight on the available lower private yard costs for new ship construction, and that volume also increased.

The proposed budget for 1966, as presented to the Congress on January 25, 1965, however, eliminates the 35–65 provision. Despite 3 previous mandates by the Congress, the White House, the Defense Department, and the Navy Department have withdrawn their support with the statement that: "We think we are fully capable of deciding where we can most economically place our business without having a ratio preestablished for us by the Congress."

It is believed that this departure from an administration position, expressed with little or no hesitation for 3 years consecutively, is based on a November 17, 1964, report by the Shipyards Policy Board. In addition to recommending the closure of two naval shipyards over the next decade, this Board also urged the assignment of more work to the remaining Government yards to reduce fixed overhead costs, regardless of the lower costs which might be available from commercial yards. This same Board also recommended the modernization of the naval yards mentioned earlier.

Theoretically, the Shipyards Policy Board was chartered by the Secretary of Defense to review both private and naval shipyard capabilities. An offer of cooperation from the industry, through the Shipbuilders Council, at the outset of the Board's considerations, was summarily rejected, and the antipathy toward the private shipyard industry is only faintly disguised in its report.

The net effect of all of this, unless the Congress intercedes, will mean less work for the private yards in all departments and more work in the nationalized sector of the industry. Since the end of World War II, a total of 34 major shipbuilding or ship repair yards have gone out of business—of that number 18 have closed their gates since 1955, and if conditions do not improve, more can be expected to terminate their operations. No decrease of these proportions is contemplated in the naval shipyard complex—even with two planned closings already mentioned.

The private shipyard industry of the United States stands ready at all times to cooperate with and to serve the U.S. Government. It is perhaps paradoxical that the Government is at once the industry's best customer and its principal competitor. The industry does not enjoy the continuing dialog and controversy with respect to naval and private shipyards. In supporting the Navy fleet, there should be a proper role for both within the framework of our national economy and strategic requirements.

Mr. RIVERS of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from New Mexico [Mr. WALKER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WALKER of New Mexico. Mr. Chairman, I rise in support of H.R. 7657.

I consider my appointment to the Armed Services Committee as conferring a real honor upon me. There is no more important committee in the Congress or one which must assume—and does assume—a greater responsibility.

I also wish to express my sincere thanks to the chairman and the senior members of the committee for the wide opportunity which was given to me to pursue those matters of particular interest to me during the hearings on this bill. A junior Member, as I understand it, is not always granted the prerogative of free and open discussion. But not so on the Armed Services Committee. I was given my opportunity along with all of the other Members and for this I am grateful.

It has been a most gratifying experience for me and it is my intention to give my very best to my service on the committee.

I found the Polaris submarine to be of particular personal interest notwithstanding the fact that my home is far from the sea. It is, of course, one of our most important weapons systems and I engaged in some independent study, inquiry, and conversations with Navy people in order that I might become better informed on this important subject. I learned this:

The fleet ballistic missile weapon system, better known by the name of its missile, Polaris, has been operational since November 15, 1960, when the U.S.S. *George Washington* (SSBN 598) deployed with a full load of 16 tactical missiles.

Besides the missile itself, the FBM system includes nuclear-powered missile launching submarines, sea and shore support facilities, and personnel.

Operational ballistic missile submarines in the Atlantic are under the control of the commander in chief, U.S. Atlantic Command who exercises his authority through the commander in chief, U.S. Atlantic Fleet and commander, Submarine Force, U.S. Atlantic Fleet. FBM submarines, in the Pacific are under the control of the commander in chief, U.S. Pacific Command who exercises his authority through the commander in chief, U.S. Pacific Fleet and commander, Submarine Force, U.S. Pacific Fleet.

Target selection and assignments for operational FBM submarines are made under the control of the Joint Chiefs of Staff along with the assignments to other parts of the Nation's strategic retaliatory force.

System development and production is being managed for the Navy by the Director of the Special Projects Office, Rear Adm. Levering Smith. Assisting him is an imposing team of Navy missile experts, scientific leaders, universities and more than 30,000 industrial contractors and Government agencies.

With almost unlimited cruising range and with endurance limited by only the crew, the FBM nuclear submarine is capable of extended submerged operation in the international waters of the world which comprise about 70 percent of the earth's surface. Free of the need to surface or extend a snorkel above the surface for continuous operation, FBM nuclear submarines remain hidden by an oceanic curtain, their locations unknown to any potential enemy. The Polaris missile, powered by solid propellant, is ready for launch within minutes of receiving the command without the need for long countdown. Mobile, hidden, ready for instant action (or carefully considered delayed action), the FBM system provides the United States a powerful deterrent to those who might start a global war.

FBM submarines of the *George Washington* class are about 389 feet long with a beam of about 33 feet and displacement of about 6,700 tons. There are two larger classes of FBM submarines. *Ethan Allen* class submarines are about 410 feet long and displace about 7,900 tons. *Lafayette* class submarines are about 425 feet long and displace some 8,250 tons. *Ethan Allen* and *Lafayette* FBM submarines can accommodate all three generations of Polaris missiles. *George Washington* class SSBN's will be given this capability as they return to the United States for overhaul. The *George Washington* is now in overhaul at General Dynamics Electric Boat Division Shipyard in Groton, Conn. She returned to Charleston, S.C., on June 2, 1964, to end her initial deployment which started in 1960.

All three classes are driven by steam turbines powered by water-cooled nuclear reactors. Each class carries 16 Polaris missiles stowed in 8 pairs of vertical launching tubes in the space immediately behind the sail. Each submarine has a 300-ton capacity or greater air-conditioning plant. FBM submarines are also equipped with air scrubbers and precipitators to remove irritants from the air and maintain the proper balance of oxygen, nitrogen, and other atmsopheric elements. Electrolytic oxygen generators permit the submarine to manufacture its own oxygen from sea water.

Twenty-seven submarines, carrying a total of 432 Polaris A–1, A–2, or A–3 missiles have

> deployed on operational patrols since 1960. There have been more than 160 2-month operational patrols to date, none of which has been aborted for any reason. During these operational patrols each submarine maintained an average of 16 Polaris missiles ready to fire 98.1 percent of the time and 15 99.9 percent of the time. The Polaris A–3 missile has recently scored its 21st consecutive successful firing. The launching of this 2,880-mile range missile also marked the 26th successful firing in 27 attempts bringing the average of successful A–3 launches to 96.4 percent.
>
> Thirty-four fleet ballistic missile submarines have been launched to date. Of these, 29 are in commission.
>
> When the authorized 41 fleet ballistic missile submarines are all operational in mid-1967, 28 will carry the 2,880-mile range A–3 missile and 13 will have the 1,725-mile range A–2 Polaris.

Mr. FISHER. Mr. Chairman, the prompt enactment of this bill is, of course, imperative. It would authorize the expenditure of $15 billion, in round figures, for those items which are essential to continue our military preparedness at its maximum capacity.

With commitments in South Vietnam and in the Dominican Republic, and elsewhere, it becomes increasingly important that we in Congress leave no stone unturned, engage in no unnecessary delay, in fully and adequately providing for the weapons of war that are required not only for the engagements to which I have referred but also for our overall defense structure.

Earlier today the House authorized the additional expenditure of $700 million because of the developments in South Vietnam and the Dominican Republic. Only seven votes were registered against the measure. That demonstrates the solidarity of our position in the Congress and our determination to give full support to the President in meeting the pending crisis. The prompt enactment of this bill will add to that expression and determination. Let us hope the action on this measure will be unanimous, as it should be.

Our Committee on Armed Services has given weeks of careful study to every item in this bill. It has been thoroughly considered. The fat has been removed. The bill is sound and it is justified. The hearings and the committee report confirm this fact. Under the able direction of our distinguished chairman, the gentleman from South Carolina [Mr. RIVERS], the measure has received extraordinary attention, and it was reported without a dissenting vote. It has my enthusiastic support.

Mr. CHAMBERLAIN. Mr. Chairman, as you have already been made aware, the committee made only two additions to this bill. One was $7 million for the advanced manned strategic aircraft known as AMSA, and the nuclear-powered guided missile frigate which is estimated to cost $150.5 million. It is to this latter addition that I wish to direct my remarks.

Anyone who has read the hearings of the Armed Services Committee over the past few years or, indeed, who has been present on the floor of the House when we have presented our annual procurement and research and development bill, knows well that the Armed Services Committee—to a man, so far as I know—feels that the Department of Defense has failed to realize the tremendous gains in our capability which can be achieved through the use of nuclear power for surface warships.

I will say this: The Navy Department seems to be fully aware of the great advantages of nuclear propulsion, but its feelings and desires have been frustrated by the lack of support of the Secretary of Defense.

Some of you may have read in the press that the Secretary of Defense told the Armed Services Committee this year that he had virtually made up his mind to request a nuclear-powered aircraft carrier next year. Perhaps Mr. McNamara made up his mind quite independently with respect to this decision, but I cannot help but believe that he was aided to some extent by the realization that whether he requested a nuclear-powered aircraft carrier next year or not, he was going to get one. So whether this was pure objective and isolated decision or gracious resignation, we will never know.

All of this brings me to the second addition to our bill that I mentioned, the nuclear-powered guided missile frigate.

To my mind, this may well be the most important single action which we took with respect to this bill. I consider it unfortunate that it was necessary for it to appear on the floor today as an addition. I would be much happier if it had come up to the Committee as part of the original request. The reason I say this is that if it had come up to us in what I will call normal fashion, it would have given me reassurance that the Department of Defense—and I am referring to the Office of the Secretary of Defense—had come to the realization that we must proceed more expeditiously toward a nuclear fleet. By this, I do not mean that every ship in the Navy should be nuclear powered; this certainly is not warranted but I do say that in my opinion, every ship which is of size and function which would lend itself to nuclear propulsion should have nuclear propulsion.

The old days of cost differential between conventionally powered and nuclear-powered ships, are gone.

It has been a fact in the past, it is true, that cost conditions have been the principal impediment to what I would consider a more appropriate exploitation of nuclear propulsion. To me, the whole picture is something like buying a very good suit or a cheap suit. We all know through experience that, in the long run, the good suit is cheaper.

But, today, even the original investment is not so much greater as to preclude the widespread use of nuclear power for propulsion of surface ships.

It is perfectly obvious that the mobility of our Navy ships is utterly dependent on the availability of fuel supplies. This dependence requires fuel distribution systems all over the world. Cut off our black oil and cut off our Navy.

I read recently that in the early days of World War II, a carrier force was compelled to transit the submarine-infested North Atlantic without escort. Sea conditions were such that fuel transfer from the oiler to the other ships was impossible. As a result, the destroyers, because of lack of fuel, simply had to turn back to their home ports; they could no longer proceed with the carrier. There is no reason why that same thing could not happen today.

As a matter of fact, an enemy with the submarine potential of the Soviet Union—and I have heard figures from 400 to 500 submarines—could utterly disregard the warships of our fleet and concentrate their efforts on the fuel suppliers. The fleet would be as ineffective under these circumstances as if they had been sunk. They simply could not move.

As a matter of fact, in World War I, the Russians did this exact thing with respect to Turkey. Because of lack of coal during the blockade of Istanbul, the whole Turkish fleet was immobilized.

Another consideration of great importance is the fact that the advantages of nuclear power are severely limited when one single ship in a task force is nuclear and the rest are conventially powered. At page 7 of the committee report, it is stated that:

> It is appropriate to note at this point that carriers are accompanied in their missions by many other surface ships. At the present time the *Enterprise* must be accompanied almost entirely by conventionally powered ships with all of the inherent disabilities of these ships from the standpoint of sustained steaming. There is a proverb "A man on foot is a poor companion for a man on horseback." No truer application of this proverb could be made than in the context of a carrier task force where the carrier is nuclear powered and its protective ships are conventionally powered.

It would be interesting to discover how much thought has been given to the tremendous savings that could be effected through the use of nuclear power by reason of the fact that advance bases could be greatly diminished in size and cost. One of the principal functions of these bases is to supply black oil to the fleet. It is obvious that these bases would still have to exist, but they certainly would be less costly, much smaller, and much less important to the effective operation of the fleet.

There is no one who could say that today we do not have a global responsibility. Concomitant to a global responsibility is a global capability, and where can there be found a greater source of global capability than in the use of nuclear propulsion.

The gentleman from Massachusetts has mentioned that the newly developed reactors will be so advanced that a ship need to be refueled—that is, given a new core—only once during its entire life. This is a most impressive fact. The *Enterprise* is truly a global ship. It can proceed virtually indefinitely and with virtually no dependence on any other kind of fuel. If we have the responsibility, we must achieve the power and capability.

Reaction time is another element which is of very great importance. The ability to react—and nuclear power provides this ability—can mean the difference, as someone has said, between a "Lebanon" and a "Korea." That critical margin can be provided by nuclear propulsion.

We used to hear about battleship admirals. This necessarily meant that there were some nonbattleship admirals. There was at that time, therefore, a division of thought with respect to these great old ships.

Today, to the very best of my knowledge, there is no divergence of opinion with the Navy as to the need for widespread nuclear power throughout our fleet. There are no nonnuclear admirals, so far as I know.

Let me draw the attention of the committee to pages 7, 8, 9, and 10 of the committee report which deal with our addition of the nuclear-powered guided missile frigate. I rather doubt that there is any other single item in the bill which has been treated either in such detail or at such length. This nuclear-powered guided missile frigate, as I said at the beginning, may well be the most important single item in this bill.

Although I have limited my remarks solely to the nuclear frigate which was added by the committee, I support this bill wholeheartedly. It is because of my strong interest in this particular ship and the expansion of our nuclear surface fleet that I have devoted my remarks exclusively to it.

I commend this bill to the House without reservation.

Mr. LOVE. Mr. Chairman, as a new member of the Armed Services Committee I, too, want to compliment and commend the able chairman for his exemplary work on H.R. 7657. I also want to express my appreciation to the senior Members on both sides of the aisle for the courtesy and understanding afforded to all the new members of the committee. To become at all knowledgeable in this extremely technical field would be most difficult without their patience, help, and consideration.

There is little to add to the remarks already made by the distinguished chairman and so it is with a great deal of pride that I join him and all other members of the Armed Services Committee in full support of this legislation which is so necessary to our national defense.

Mr. MACHEN. Mr. Chairman, as one of the newest members of the House Committee on the Armed Services, I would like to take this opportunity to express my sentiments about the excellent manner in which my chairman presented the $15 billion military procurement bill in the House.

It was another demonstration of the effective leadership he has exhibited since assuming the chair of the committee upon the retirement of the Honorable Carl Vinson, who served as chairman so long and well. We who are freshmen on the Armed Services Committee will look to L. Mendell Rivers for continued leadership of the same high caliber.

Mr. RIVERS of South Carolina. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 7657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

Sec. 101. Funds are hereby authorized to be appropriated during fiscal year 1966 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and naval vessels, as authorized by law, in amounts as follows:

Aircraft

For aircraft: For the Army, $344,500,000; for the Navy and the Marine Corps, $1,915,800,000; for the Air Force, $3,545,200,000.

Missiles

For missiles: For the Army, $253,700,000; for the Navy, $364,000,000; for the Marine Corps, $13,000,000; for the Air Force, $771,100,000.

Naval vessels

For naval vessels: For the Navy, $1,651,600,000, of which amount $150,500,000 is authorized only for the construction of a nuclear-powered guided missile frigate.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during fiscal year 1966 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,406,400,000;

For the Navy (including the Marine Corps), $1,439,200,000;

For the Air Force, $3,103,900,000, of which amount $150,000,000 is authorized only for the Manned Orbiting Laboratory and $7,000,000 is authorized only for the development of an advanced manned strategic aircraft;

For Defense agencies, $495,000,000.

TITLE III—GENERAL PROVISIONS

Sec. 301. Outstanding tonnage balances remaining in law for construction of Navy ships are hereby repealed.

Sec. 302. The distribution of the assignments and contracts for construction of warships and escort vessels for which appropriations are authorized by this Act and hereafter shall be in accordance with the requirement of the Act of March 27, 1934 (48 Stat. 503), that the first and each succeeding alternate vessel shall be constructed in the Government Navy yards: *Provided*, That, if inconsistent with the public interests in any year to have a vessel or vessels constructed as required above, the President may have such vessel or vessels built in a Government or private yard as he may direct.

Sec. 303. The assignment of naval ship conversion, alteration, and repair projects shall be made on the basis of economic and military considerations and shall not be restricted by requirements that certain portions of such naval shipwork be assigned to particular types of shipyards or to particular geographical areas or by similar requirements.

Sec. 304. Section 412(b) of Public Law 86-149, as amended, is amended to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, unless the appropriation of such funds has been authorized by legislation enacted after such dates."

Sec. 305. No funds may be appropriated after June 30, 1966, to or for the use of any armed force of the United States for use as an emergency fund for research, development, test, and evaluation, or procurement or production related thereto unless the appropriation of such funds has been authorized by legislation enacted after that date.

Sec. 306. Section 8074 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(c) The Military Air Transport Service is redesignated as the Military Airlift Command."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7657) to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes, pursuant to House Resolution 365, he reported the bill back to the House.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. RIVERS of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 396, nays 0, not voting 37, as follows:

[Roll No. 94]

YEAS—396

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Boland
Bolling
Bolton
Bonner
Bow
Brademas
Bray
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Carey
Carter
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Colmer
Conable
Conte
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gettys

Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—0

NOT VOTING—37

Andrews, Glenn
Blatnik
Boggs
Brock
Brooks
Cahill
Casey
Chelf
Conyers
Curtis
Dickinson
Dow
Flynt
Gallagher
Giaimo
Green, Oreg.
Griffiths
Hall
Halleck
Hays
Holland
Jacobs
Jones, Mo.
Kirwan
MacGregor
Mathias
Morrison
Powell
Resnick
Rodino
Roncalio
Senner
Smith, N.Y.
Talcott
Toll
Williams
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Halleck.
Mr. Kirwan with Mr. Curtis.
Mr. Hays with Mr. Mathias.
Mr. Brooks with Mr. Talcott.
Mr. Rodino with Mr. Cahill.
Mr. Morrison with Mr. Hall.
Mr. Giaimo with Mr. Brock.
Mr. Toll with Mr. MacGregor.
Mr. Senner with Mr. Smith of New York.
Mr. Roncalio with Mr. Dickinson.
Mr. Chelf with Mr. Glenn Andrews.
Mr. Casey with Mr. Dow.
Mr. Flynt with Mr. Gallagher.
Mr. Jacobs with Mr. Powell.
Mr. Resnick with Mr. Conyers.
Mr. Williams with Mr. Holland.
Mrs. Griffiths with Mr. Wright.
Mrs. Green of Oregon with Mr. Jones of Missouri.

The result of the vote was announced as above recorded.

The SPEAKER. Pursuant to the provisions of House Resolution 365, the Committee on Armed Services is discharged from the further consideration of the bill S. 800.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during fiscal year 1966 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and naval vessels, as authorized by law, in amounts as follows:

Aircraft

For aircraft: For the Army, $344,500,000; for the Navy and the Marine Corps, $1,816,000,000; for the Air Force, $3,550,200,000.

Missiles

For missiles: For the Army, $253,700,000; for the Navy, $364,000,000; for the Marine Corps, $13,000,000; for the Air Force $796,100,000.

Naval Vessels

For naval vessels: For the Navy, $1,549,500,000, of which amount $133,600,000 is authorized only for construction of two nuclear-powered submarines.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during fiscal year 1966 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,429,500,000;

For the Navy (including the Marine Corps), $1,462,600,000;

For the Air Force, $3,221,300,000, of which amount $82,000,000 is authorized only for the development of an advanced manned strategic aircraft;

For Defense agencies, $483,400,000.

AMENDMENT OFFERED BY MR. RIVERS OF SOUTH CAROLINA

Mr. RIVERS of South Carolina. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIVERS of South Carolina: Strike out all after the enacting clause of S. 800 and insert in lieu thereof the provisions of H.R. 7657, as passed:

"TITLE I—PROCUREMENT

"SEC. 101. Funds are hereby authorized to be appropriated during fiscal year 1966 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and naval vessels, as authorized by law, in amounts as follows:

"Aircraft

"For aircraft: For the Army, $344,500,000; for the Navy and the Marine Corps, $1,915,800,000; for the Air Force, $3,545,200,000.

"Missiles

"For missiles: For the Army, $253,700,000; for the Navy, $364,000,000; for the Marine Corps, $13,000,000; for the Air Force, $771,100,000.

"Naval vessels

"For naval vessels: For the Navy, $1,651,600,000, of which amount $150,500,000 is authorized only for the construction of a nuclear powered guided missile frigate.

"TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"SEC. 201. Funds are hereby authorized to be appropriated during fiscal year 1966 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

"For the Army, $1,406,400,000;

"For the Navy (including the Marine Corps), $1,439,200,000;

"For the Air Force, $3,103,900,000, of which amount $150,000,000 is authorized only for the Manned Orbiting Laboratory and $7,000,000 is authorized only for the development of an advanced manned strategic aircraft;

"For Defense agencies, $495,000,000.

"TITLE III—GENERAL PROVISIONS

"SEC. 301. Outstanding tonnage balances remaining in law for construction of Navy ships are hereby repealed.

"SEC. 302. The distribution of the assignments and contracts for construction of warships and escort vessels for which appropriations are authorized by this Act and hereafter shall be in accordance with the requirement of the Act of March 27, 1934 (48 Stat. 503), that the first and each succeeding alternate vessel shall be constructed in the Government Navy yards: *Provided*, That, if inconsistent with the public interests in any year to have a vessel or vessels constructed as required above, the President may have such vessel or vessels built in a Government or private yard as he may direct.

"SEC. 303. The assignment of naval ship conversion, alteration, and repair projects shall be made on the basis of economic and military considerations and shall not be restricted by requirements that certain portions of such naval shipwork be assigned to particular types of shipyards or to particular geographical areas or by similar requirements.

"SEC. 304. Section 412(b) of Public Law 86-149, as amended, is amended to read as follows:

"'(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, unless the appropriation of such funds has been authorized by legislation enacted after such dates.'

"SEC. 305. No funds may be appropriated after June 30, 1966, to or for the use of any armed force of the United States for use as an emergency fund for research, development, test, and evaluation, or procurement or production related thereto unless the appropriation of such funds has been authorized by legislation enacted after that date.

"SEC. 306. Section 8074 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"'(c) The Military Air Transport Service is redesignated as the Military Airlift Command.'"

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7657) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of yielding to the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am taking this time, after conversing with the distinguished minority leader, to announce first of all an addition to the program.

The gentleman from North Carolina [Mr. BONNER], chairman of the Committee on Merchant Marine and Fisheries, advises that he will undertake to call up under unanimous consent the bill H.R. 7855 to authorize additional funds for the construction of 17 small Coast Guard vessels.

And, Mr. Speaker, if the gentleman from Michigan will yield further, I would like to advise that we have made such good progress today, thanks to two committees which have expeditiously handled two very important bills, if we can finish the NASA authorization bill and the transportation bill which have already been scheduled for tomorrow, it will be my purpose to ask that we adjourn over until Monday next.

HOUR OF MEETING ON TOMORROW

In order to attempt to do this, Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. MEEDS. Mr. Speaker, at the time of the taking of rollcall No. 90 on yesterday on H.R. 2985, I was unavoidably detained. Had I been present and voting I would have voted "aye."

PERSONAL EXPLANATION

Mr. ADAMS. Mr. Speaker, on rollcall No. 90 on yesterday which was taken on H.R. 2985, I was unavoidably detained. Had I been present and voting I would have voted "aye."

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall No. 90 on H.R. 2985, I was unavoidably detained. Had I been present and voting I would have voted "aye."

CITIZEN'S WHITE PAPER ON VIETNAM

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, the situation in Vietnam is one of the most complex issues ever to be before this Congress and this Government. In order to aid the Members of the Congress in their deliberations concerning this vital issue, I wish to bring to their attention a recent paper. This paper, entitled "A Citizen's White Paper on American Policy in Vietnam and Southeast Asia," was written by Marcus Raskin, codirector of the Institute for Policy Studies. I believe that it is a keen analysis of our policy in southeast Asia and its historical background, and I include it herewith:

A CITIZEN'S WHITE PAPER ON AMERICAN POLICY IN VIETNAM AND SOUTHEAST ASIA

(By Marcus G. Raskin)

I

In 1943 at the Cairo Conference and then again at the Teheran Conference, President Roosevelt stated that American and Indochinese interests were best served by Indochina losing its status as a French colony and becoming a U.N. trusteeship area. It was to become what some now call a "neutralized area." Roosevelt said that the area had been milked dry for 100 years by the French, and that that was quite enough. However, by March 1945, the French wanted Indochina back in a quasi-colonial status.

Originally, this proposal did not meet with American approval, but by 1946 the United States acquiesced. It was not the time to alienate the French when it appeared that the American-Soviet split was irreparable, and American planners wanted to forge the Western Alliance.

In Vietnam other forces were at work. Immediately after the surrender of Japan, Ho Chi Minh, the nationalist Communist leader, established a government and declared Vietnam's independence. The French Communists advised Ho Chi Minh to go slow and not to act in haste to the detriment of the French Communist Party.

The French Government, with the support of the French Communist Party, fought Ho Chi Minh. Stalin at first adhered to the French Communist line and refused to recognize Ho Chi Minh's Republic of Vietnam. In December 1946, Maurice Thorez, the Communist Vice President of France, countersigned the order for "military action" against the Republic of Vietnam. Even after the French Communist Party tempered its opposition to Ho the Russians still refused to recognize or give support to Ho.

In May 1950, the United States and France worked out the contours of the Schuman plan, an attempt to fashion a coal and steel cartel for Europe which was thought to be one more concrete step in the dream of a united West Europe tied to the United States. Coincident with this plan, Dean Acheson and Robert Schuman, the French Foreign Minister, joined in announcing the new American involvement in Vietnam. After all, if a Western community was to come into being, and the United States intended to be its leader, then, it was said, we had to "share responsibilities" in non-European states that the West Europeans once controlled. In Indochina that meant:

1. Primary responsibility would continue to rest with France and the people of Indochina;
2. U.S. aid would be given to promote and restore "security" and the "genuine development of nationalism"; and
3. U.S. aid would go to France and the associated states of Indochina "in order to assist them in restoring stability and permitting these states to pursue their peaceful and democratic development.

Of course this meant that the United States could deal directly and openly in the Indochinese area. Although estimates vary, American aid to France for Vietnam totaled about $1 billion between the summer of 1950 and the spring of 1954. But the French, who until 1954 had primary responsibility there, were unable to organize indigenous political groups that would rally around either the French puppets or the American cause of anticommunism.

In January 1953, President Eisenhower held a review of Indochinese policy. The Eisenhower administration thought that the ingredient which the French needed to win the Indochinese war was a comprehensive military plan. He made increased American aid contingent on effecting such a plan. Named after Gen. Henri-Eugene Navarre, the plan called for the creation of indigenous forces to undertake garrison duties so that French forces could be released for an all-out military effort. It was no more successful than any of the other plans, and by May of 1954 the French had lost their military position in Vietnam at Dienbienphu.

Between January and May of 1954, the French, British, and Russians undertook exploratory talks to bring the war in Vietnam to a close. This drew strong opposition from Secretary of State Dulles, Senate Majority Leader Knowland, Assistant Secretary of State for Far Eastern Affairs Walter Robertson, Admiral Radford, and Vice President Nixon, who pushed hard for "united action" against the forces of Ho Chi Minh. Mr. Dulles used Life magazine as his instrument to say that the allies should be prepared to risk a war with China. He was undismayed by the possibility of Chinese forces entering Indochina to engage the white Western Powers. Yet, this did not reflect Eisenhower's view. He was much more reticent about a land war in Asia, as was General Ridgway, the Chief of Staff of the Army. After the United States sent 200 Air Force technicians to Indochina, Eisenhower said that he could conceive of no greater tragedy than the United States becoming involved in a war in

Indochina. The Western Powers and President Eisenhower, over Dulles' objections, dropped the idea of united action, for the British were uninterested, the American people were just recovering from the Korean trauma, and the French desperately needed peace. Indeed, Pierre Mendes-France had come to power on the promise that he could make peace in Indochina.

In 1954 the great issue for the West European states was the creation of a European Defense Community (EDC). The United States bent all its efforts to EDC's creation, for it meant a substantial step in the unification of West Europe. The French, however, had grave doubts about the EDC. They feared the rearming of West Germany, either independently or as the major element in a united West European Army, because it might have meant a possible German hegemony over West Europe. The Russians felt the same way. Seeing the possibility of a diplomatic success, they offered to intercede with Ho Chi Minh in exchange for a French vote against the European Defense Community. Pierre Mendes-France delivered the French Assembly. And, in exchange, Russia pressured the Vietminh into a peace conference at Geneva, when Ho believed he could have won control of all of Vietnam without having to arrive at a negotiated settlement.

The Geneva conference turned out to be typical in the history of diplomacy in the 20th century. No nation wanted to be there, but all knew that something had to be done. In attendance were Cambodia, the Democratic Republic of Vietnam, France, Laos, Communist China, the state of Vietnam, the U.S.S.R., Great Britain, and the United States. The conference dealt with all three states of Indochina. It stated that no military base could be established by foreign powers in Vietnam and that the purpose of the Vietnamese part of the agreement was to settle a military question. The military demarcation line (the 17th parallel) was not to be "interpreted as constituting a political or territorial boundary." Furthermore, article 7 of the declaration permitted the Vietnamese people "to enjoy the fundamental freedoms guaranteed by democratic institutions established as a result of free general elections by secret ballot." An election was to have been held in July 1956 "under the supervision of an international commission composed of representatives of the member states of the International Supervisory Commission."

Article 8 provided that "The provisions of the agreements on the cessation of hostilities intended to insure the protection of individuals and of property must be most strictly applied, and must, in particular, allow everyone in Vietnam to decide freely in which zone he wishes to live."

The United States took note but did not sign the final declaration of the Conference. Instead, Undersecretary of State Walter Bedell Smith read a statement saying that the United States would "(i) refrain from the threat of the use of force to disturb them, in accordance with Article 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force; and (ii) it would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security."

South Vietnam was not a signatory and stated at the Conference that it was not bound by the Geneva accords.

The French, on the other hand, were not dissatisfied with the agreement since their primary purpose was to get out. They hoped that once the dust settled a bit, political parties would form in Vietnam and a democratic nation would emerge from the projected elections of 1956. But this hope was not regarded as a vital French interest. French foreign policy in Vietnam was now dictated by the need to end French domestic instability, since many politicians believed that the demoralization of the French people and the precarious state of the economy were caused by colonial policies in Indochina and Algeria.

II

In 1954 the United States was dominated in its foreign policy thinking by those who view Communist nations rhetorically as implacable enemies to be liberated and contained. In reality, however, the Eisenhower administration pursued an accommodation bargain by negotiating a stand-off in Korea with the Chinese and North Koreans a scant year before. The State Department in July 1954, looked for a line of resistance in Southeast Asia against "communism," much in the manner that was developed in Europe. Dulles thought that through the formation of a separate state—South Vietnam had finally found that line in Indochina.

The United States found a man, Ngo Dinh Diem, who could help in establishing that line. Diem, who lived in the Maryknoll Seminaries in the United States from 1950 to 1953, was sponsored by Cardinal Spellman and various liberal American Catholic politicians (e.g., Senator John F. Kennedy and Senator Mike Mansfield were strong supporters of Diem). In a complicated maneuver aimed at aligning South Vietnam to its side, the United States pressured Bao Dai, the playboy puppet of France, into backing Diem against General Le Van Vien, a warlord who operated gambling, narcotics, and prostitution in South Vietnam through the powerful Binh Xuyen, a crime syndicate; and General Hinh, who had been the first choice of Bao Dai and the French for Vietnamese political leadership. To show its seriousness of purpose in establishing the line of resistance, the United States had formed the Southeast Asia Treaty Organization (SEATO) alliance.

The pact was a guarantee by Western powers to "consult immediately in order to agree on the measures which should be taken for the common defense" where political integrity or independence was under attack. Dulles hoped to use the alliance to protect the newly created state of South Vietnam. However, the SEATO treaty had virtually no operational meaning or utility since the last thing that the European signatories of the treaty wanted was to get involved militarily in Vietnam.

During the early part of his regime, Diem seemed to be securing his own power and creating a national identity for South Vietnam. He was able to isolate General Hinh by deflating any support he had, while controlling the political and economic operations of the Binh Xuyen, which strangled the city of Saigon and the countryside. On the other hand, in North Vietnam the Communists, copying Chinese methods, instituted a harsh tax system and committed atrocities and wholesale murder against the landlords, bourgeois, and peasants in their attempts to enforce collectivization and political conformity in the North. The Geneva accords provided for free movement of Vietnamese from one part of Vietnam to the other. Hundreds of thousands of people fled North Vietnam, and in that process it was emptied of a potential resistance to Ho. The experiences of these refugees seemed to serve as the basis for a unifying bond against communism in the South Vietnamese nation. Many thousands of Catholics left the North for the South because of their hope in Diem and material aid from the Catholic church. And Diem, the Central Vietnamese Catholic, needed active support of Vietnamese Catholics from the North to survive in South Vietnam, among the Buddhist majority.

In October 1955 Diem held an election in which the people were to choose between Bao Dai, the absentee playboy, and himself. Upon winning that election by a fraudulent 97-percent majority, Diem formally proclaimed a new state—the Republic of Vietnam. This move ended any possibility of an election for all of Vietnam: an election that both Diem and the United States feared would have resulted in a victory for the North Vietnamese.

Ho Chi Minh's government resigned itself to the existence and stability of South Vietnam. In the early years of the Diem regime the North Vietnamese emphasis was on consolidation in their zone. Indeed, such consolidation was necessary. In November of 1956 the North Vietnamese peasants staged a revolt similar in intent to the Hungarian revolution. Ho admitted excesses, but continued many of them.

What turned the wheel of fortune against South Vietnam and the West were the internal policies of Diem's government. In 1956 he staged a crackdown on the Chinese living in South Vietnam: those Chinese not born in South Vietnam were disallowed from owning businesses in 11 major categories deemed vital to the economic life of South Vietnam. Diem estimated that the Chinese comprised 10 percent of the nation, and yet they owned two-thirds of its businesses. Rice exports came to a virtual halt as a result of Chinese reprisal to Diem's move. To further secure his power base in the South Vietnamese Government, Buddhists were systematically excluded and replaced by Catholics, while Catholicism became the officially favored religion. The Buddhist majority became the object of petty annoyance and persecution.

In 1957 Diem reorganized the police and placed on the Government payroll a huge net of informers. Diem's brother, Nhu, proceeded to rid the Diem oligarchy of any person who did not favor the Diem government. Diem also took the advice of American experts who said that the Viet Minh controlled between 40 and 70 percent of the villages which were not run by the religious sects, the Cao Daists, Buddhists, or Catholics. The Americans argued that the Viet Minh was a threat to the internal security of the state and would ultimately undermine Diem's rule. "The de facto integration of South Vietnam within the American military defense structure implied that the region ought to be secure; and hence, ought to be purged of anything which might, however remotely, serve the Red cause." (Phillippe Devillers.)

By 1958, Diem's police actions were transformed into military operations. The Government, now with the active military support of the United States, began pacifying outlying areas. The methods which they used were not dissimilar to those used by the North Vietnamese a few years earlier in their treacherous pacification operation. Arrests, torture, plundering, and "regroupment" came to be the order of the day. These tactics greatly alienated the peasants and farmers, since Diem seemed to be offering only torture without reform, or even ideology. In December of 1958, after the death of a score of prisoners in one of Diem's concentration camps, armed bands of rebels sprung up in South Vietnam. Their support by the peasants and the villagers was assured by Diem's behavior.

III

The foreign policy of Communist nations is traditionally conservative when it comes to foreign military involvements. The Communists and rebels in South Vietnam forced the hand of the North Vietnamese government to become active militarily. Until 1960, the North Vietnamese restricted their efforts to plaintive diplomatic notes to Diem. These notes invariably included demands for the restoration of communication (rail, post, sea, and trade) between the South and the North, and talks for elections, but little more. However, in March 1960, North Vietnamese leaders reexamined the situation in South Vietnam—in part because the Chinese had contact through Laos with the South Vietnamese rebels. The North Vietnamese feared that they would be "mousetrapped" by the Chinese if they did not actively support the South Vietnamese rebels. The wheel of fortune was given another turn. The manifesto of the 18th, signed by leaders in the spring of 1960 who opposed Diem, appeared to make clear that he could no longer hold the support of the moderates. The stage was set for civil war. The Nam-bo Declaration, drawn by South Vietnamese rebels with the aid of North Vietnamese leaders, also in the spring of 1960, detailed the list of grievances against the Diem government. It stated that the Veterans of the Resistance Association would fight to end the Diem regime and "to set up a democratic government of National Union in South Vietnam—in order to realize national independence and democratic liberties and to guarantee a decent life to the people."

They contended that only then could the Geneva accords be implemented.

By December 1960, the National Liberation Front of South Vietnam began officially, under its own flag, to make successful attacks on South Vietnamese military forces. By 1961 the situation had deteriorated at a faster pace than had been expected by the United States. The South Vietnamese Government expanded its repressive and punitive activities without being able to implement any effective economic or social plans for the country. The Vietcong and the National Liberation Front killed minor officials in the towns by the thousands, and stepped up their campaign to win over the peasants in South Vietnam with a "carrot and stick" policy of reform and repression. As they became more successful, their need for repression dropped off considerably.

It was in this atmosphere that the U.S. commitment to South Vietnam was greatly increased at the beginning of the Kennedy administration. President Kennedy's advisers wanted to settle Laos as a neutralist country since it was thought that the United States could not, and should not, fight in both South Vietnam and Laos. They believed that with a neutralist government in Laos under Souvanna Phouma, Diem's government could be secured. In the spring of 1961, the mission of Maxwell Taylor and Walt Rostow, then White House advisers, recommended that guerrilla tactics be used by the United States and the South Vietnamese against the rebels. Influenced by their experience in the OSS, Rostow and Roger Hilsman, soon to become Assistant Secretary of State for Far Eastern Affairs, thought that the way to beat the tactics of Gen. Vo Nguyen Giap, the Vietminh military commander, and Ho was to emulate them. However, to fight that kind of war one needed the support of the peasants, and by this time the South Vietnamese peasants were totally alienated from the central administration. Commandos were not guerrillas. On the whole, the peasants were not interested in giving support to American military advisers or to Diem's army, which had swollen to 400,000 under the insistence of the Americans who believed that a ratio of at least 10 to 1 was necessary to beat a guerrilla force. (They never got beyond 5 to 1.) Yet the economy of the country could not support a larger force. By the end of 1962, the United States was flying bombing and strafing missions against villages where there was any suspicion of Communist support. Indiscriminate bombing with napalm, and atrocities against peasants who may or may not have helped the Vietcong were commonplace. All of the Vietnamese suspicions about U.S. imperialism were now confirmed.

Although publicly the Kennedy administration supported Diem, privately many American officials expressed great dissatisfaction with Diem, who viewed himself as the savior of South Vietnam. Americans saw him as an aloof man, controlled by his family. Indeed, the liberal American interventionists thought that if he were removed from the scene, the military, students, peasants, and Buddhists would be pacified, and the war would go better. By the fall of 1963, South Vietnam was in an uproar. The army was plotting against Diem, with American knowledge and assistance from some groups in the octopus-like American mission to South Vietnam, each of which had its own clients that it supported with material aid and advice. Buddhists were burning themselves alive in protest against Diem. (And in the American Government, high policymakers who had viewed the Buddhists as an insignificant political force went scurrying around looking for American Buddhists who could explain to them what was going on.) With the next turn of the wheel of fortune, Diem and his brother were murdered.

The military emerged with a weak strongman in January 1964, General Khanh. He alleged that some approaches had been made by Diem's brother during the last weeks of his life to North Vietnam and the Liberation Front. General Khanh, on the other hand, promised to prosecute the war to its end. That was what American policymakers in Washington and Saigon wanted to hear, since American policy was structured around the premise of a military victory against the Communits and rebels. Reformist economic and social activity was useful, but the Vietnamese operation was viewed by the American mission and General Harkins as primarily a military effort. In Washington the Vietnamese situation was looked at in more sophisticated terms. But no one knew how to express that sophistication except militarily, or in some pathetic organizational response such as fashioning a counterinsurgency group at the White House which would deal with the organization, training, and activities of guerrilla forces.

Almost no attention was paid to the consequences of military operations where whole villages were destroyed in search of one sniper. Although the United States had established its military presence with 20,000 military personnel, by the beginning of 1964 it had accomplished little else. The vast majority of engagements with the rebels, the peasants, or whoever they were, invariably ended in some measure of failure for the South Vietnamese army and its American advisers. The changeover in the top command structure of the American missions in South Vietnam changed nothing. General Taylor, the American Ambassador, and General Westmoreland, the American military commander, were as frustrated as any of their predecessors.

By the summer of 1964 events took on a slightly more ignominious quality. The American reprisal in the Gulf of Tonkin in violation of international law led to the military disaster of Bien Hoa, where at least 28 American planes were damaged or destroyed by a few guerrillas with mortars. Helicopters were destroyed by the score; thousands of people were killed monthly. By December 1964, Lt. Gen. Nguyen Khanh, who was deposed after several months in power, found himself making a bid for his return with the statement that the Vietnamese military would not fight "to carry out the policy of any foreign country." Against official American wishes, he wanted all power to the military. Formally, he lost that battle. But for interesting reasons. On February 7, the Vietcong attacked Pleiku and Camp Holloway killing and wounding 75 Americans.

The attack came while McGeorge Bundy, the President's special assistant for national security affairs, was surveying the deteriorating military situation and attempting to compromise the differences between the competing South Vietnamese military and civil groups. He also used his stay in Vietnam to warn the North Vietnamese to stop their military involvement in the South. The Pleiku raid served as a "handle" (as it is called in government) to air attack installations in North Vietnam. This new turn of the wheel was predicated on several political and military theories. Politically it was thought that the United States had nothing to negotiate about at a diplomatic bargaining table with Ho; since it had for all practical purposes "lost" the war. Military and psychologically, the bombings were ordered and allowed in order to pacify the South Vietnamese and American military in Vietnam. The South Vietnamese military officers chafed at the American insistance that a civilian form of government be continued even if it was a facade, and feared that the United States would not expand the war thus undercutting their military and political raison d'etre. On the American military side the decision to bomb North Vietnam was an attempt to show the North Vietnamese and the Chinese that they were not "paper tigers." The American military, goaded by Chinese propaganda and psychological feelings of impotence, feared that they looked like paper tigers because of their poor military showing in South Vietnam. In reviewing the comments and evidence on the matter I find that virtually no one believed that the bombing had any military value, or that the supply routes would dry up. After all, those supplies came from us. After 4½ years, the guerrillas, with the use of American weapons—and their own abilities—ended up controlling far more territory than they did at the time of the massive American military intervention in 1961. The wags of Washington were saying that if only the United States would withdraw the South Vietnamese Government's strategic position would improve since the guerrillas would not be as well supplied. Ninety percent or more of the rebel's weapons came from captured United States or South Vietnamese store depots or the black market, not from Vietnam. U Thant made this point in a more diplomatic, yet didactic way. He noted that communism could be controlled in southeast Asia if there was no American military present.

In February and March of 1965 the Buddhists, who found among their monks a penchant for politics sought ways to end the war. They initiated a peace movement under Thich Quang Lien, who held a master's degree from Yale University. His aim was that of forcing all foreign military units out of North and South Vietnam. Once the bombings in North Vietnam were increased, various nations of the world feared an escalation into a far reaching war. They did not believe the aesopian language of those who said that our responses were "measured and controlled." Indeed, the image of super rationality was exposed rather quickly when one studied the events of the war with anything more than casual interest.

For example, the use of nonlethal gas was unknown to those concerned with a controlled response, or the order to let pilots choose their own targets in North Vietnam gave many pause to wonder what control meant in that context.

The Department of State white paper had succeeded in arousing anger in many quarters because of its pedestrian quality, its failure to show how the war was controlled from the north, and hence, why it was necessary to bomb the north on a regular basis. No arguments in that flimsy document were adduced from international law, very few from the facts of the situation and none from history except that ersatz kind which men who have control of vast bureaucracies use to justify their personal (although because of their power they are translated into institutional) actions.

In Vietnam the course of events was effected in new ways by the bombings. The

United States increased its forces in South Vietnam by mid-April to over 35,000. The North Vietnamese responded rather mildly to American bombings of their country perhaps for several reasons. They did not have the air power to engage or fend off American and South Vietnamese air attacks in anything but haphazard ways. Also, North Vietnamese policy was aimed at attempting to isolate the United States on a moral level from its allies in the Western alliance and in Asia since the bombings reflected little more than military inadequacy and our seeming willingness to apply any self selected means (with little care for cost) to obtain a self-defined end.

On the political level the North Vietnamese leadership which historically favored the Soviets over the Chinese Communists wanted Soviet aid, but not Chinese intervention. The Soviet Union as in 1946, and even after the American bombings of North Vietnam while Premier Kosygin was present in North Vietnam, did not want to endanger its own relations with the United States.

In South Vietnam there was little change in the course of the war. The rebel noose around Saigon grew tighter, American quarters were bombed regularly, the American Embassy was destroyed, and 75 percent or better (who really knew?) of the towns, villages and countryside were in the hands of the Vietcong. The United States sent reinforcements of Marines to places in which the whole countryside was controlled by the Vietcong. In the Da Nang area, for example, the American military garrisons were present at the sufferance of the Vietcong. American military officials openly admitted that the South Vietnamese army was unreliable: that many soldiers were Vietcong or members of the Liberation Front. The Vietcong bragged that it was now not only supplied by the American forces but trained by them as well.

In France those generals who studied American military tactics at the beginning of the monsoon and rainy season of 1965 thought they witnessed a déja vu to their own military campaigns which ended at Dienbienphu in May 1954.

Diplomatically, the wheel of fortune also turned. And in a way it was the final irony. By the late fall of 1964, De Gaulle and the French wanted a conference whose objective could only result in a settlement along the lines proposed by President Roosevelt in 1943 and 1944. In January 1965, it was said in Washington that the Central Intelligence Agency (CIA) or others had made approaches through intermediaries to Ho Chi Minh for negotiations, but were greeted unreceptively. Yet De Gaulle said that the Chinese and the North Vietnamese wanted to negotiate and we had better not stipulate preconditions to a conference that we needed at least as badly as the North Vietnamese. And the British, who in 1954 wanted the United States to support the Geneva Agreements, including the provision for elections, now seemed to favor continued American military involvement in southeast Asia because of the precarious situation between its creation, Malaysia, and Indonesia.

The diplomatic policy of the American Government by the end of December 1964 was almost totally militarized. Those who interested themselves in negotiation without expanding the war into North Vietnam were eclipsed by those who merely wanted to expand the war per se or who wanted to bomb and negotiate. The latter policy became the policy of the doves. The previous deterrent to a substantial military involvement in southeast Asia, war with China, seemed to become the spur or objective. "No more sanctuaries," the Chinese were warned by American leaders, thus leaving the direct implication that the source (China) would be struck if the war continued.

The growing American involvement in Vietnam was little understood in the United States. Although Congress was silent on the course of the war, privately there was anger and disbelief at the policies of the Johnson administration. Some blamed the policies on carryovers from the Kennedy administration. They believed that the President was a neophyte in foreign affairs and had counted too heavily on the advice of the military, the CIA, State, the NSC machinery: those who had a vested interest in the militarized foreign policy. By April of 1965, newspapers, liberal and conservative, called for a definition of American aims. University professors and students held marches and "teach-ins" in favor of negotiation. The President spoke on April 8 to the American people in reply to the critics of the policy and the March 15 declaration of the nonalined nations calling for negotiation. President Johnson's speech on April 8 was predicated on the official American position that North Vietnam controls the Vietcong in South Vietnam and the course of the guerrilla war there. This view, enunciated in the Department of State's white paper was open to serious question. A special Japanese envoy to study the situation in Vietnam for the Government of Japan, Mr. Matsumoto, pointed out that the Vietcong is much like the French underground during World War II representing different groups in the country. "It can be said that the Vietcong is not directly connected to Communist China or the Soviet Union.

Consequently, it is not certain that the Vietcong will give up fighting because of the bombing of North Vietnam. In Vietnam I often heard it said that the Vietcong is a nationalist movement. This means the Vietcong will not give up resistance until they have achieved their objectives. Mr. Matsumoto said that no one could really define the character of the Vietcong and that even our own administration in Saigon estimates that the Communists only include 30 percent of the Vietcong. The Japanese position would seem to comport with the dynamics of revolutionary or resistance movements. Those who in fact do the fighting, live through hardship and misery, are not very quick to hand over their power to another, be it Ho Chi Minh or Mao Tse-tung. Ironically, the interests of the North Vietnamese and the Vietcong further diverged once the United States undertook to bomb North Vietnam. Although the North Vietnamese were suffering in their own country the Vietcong continued to flourish. If this is true it would mean that Ho Chi Minh may find it very difficult to stop the war. There are four ways of looking at this "reality" in terms of American policy:

1. That the official U.S. position is correct; that Ho controls the Vietcong enough to stop the war;

2. That the United States has been foiled by its own ideology which insists on continuing Communist conspiracy as the way of explaining revolution or civil war movements;

3. That the United States wishes to stabilize the southeast Asia area and in due time will offer Ho Chi Minh and his group leadership in an attempt to countercheck the power of Communist China; or

4. That U.S. planners really accept the interpretation of the Japanese, knows that there is little connection between the southern rebels and North Vietnamese controlled conspiracy mask its unwillingness to settle the war.

The American rationale may be predicated on the third point; viz, that the United States wishes to counterbalance the power of Communist China by using Ho Chi Minh and the anti-Chinese feelings of the North Vietnamese to counterbalance the Chinese. The insistence on negotiating with Ho Chi Minh to the virtual exclusion of the Vietcong appears to fly directly in the face of the stated policy of an independent South Vietnam. It would appear that it was to American advantage to negotiate or agree to negotiate with the Vietcong and Liberation Front since they would, likely (and given the emphasis on the regional character of the country) build their own political power relatively independent of North Vietnamese domination.

The President's speech which outlined the possibilities of the Mekong River Delta project while not something which could immediately yield results would have the positive effect of diverting war energies to more constructive ends. What is important in this case is not that the Mekong project would take a decade before it "bore fruit," but that it reflects a new process toward cooperation and activity in the name of man. In that sense (and although both parts of the President's speech reflected the terrible hubris of the United States) the second half of that speech should be taken as a direction in which the United States is prepared to participate not as boss but as good neighbor. That view is quite far from the views set forth in the first part of the speech which left the impression that we could only be satisfied in international affairs according to our values and principles since we did not fight for such mundane things as territory or colonies. No price it seemed was too great to pay for what we believed "right."

Not surprisingly the speech was read by the Chinese in the context of the military buildup by the United States in Vietnam, its increased raids and military titillation of the Chinese border. The North Vietnamese, while rejecting the offer of "unconditional discussions" seemed more disposed, according to East European sources, to take the President's offer seriously even to the extent of neutralizing both North and South Vietnam. Most diplomats in the East and West agreed that no negotiations or unlimited discussions could be entered into until the United States stopped bombing North Vietnam. Since the military purpose in such bombings were admittedly infinitesimal and since, as the President said in his speech, "We have no desire to devastate that which the people of North Vietnam have built with toil and sacrifice," cessation of bombings in North Vietnam would hardly be costly to the United States.

IV

Since the Second World War, American policymakers have developed America's foreign policy role as that of world's policeman. We assumed this role in Vietnam, a place where we did not begin to comprehend the complex cross-currents of politics, nationalism, personality, tradition, history, and other people's interests. To support our role as policeman our military and CIA programs in southeast Asia grew to mammoth proportions without rhyme or reason. These programs often reflected little more than the power struggles of the agencies of American bureaucracy, rather than anything which went on in Asia. A report on Vietnam and southeast Asia prepared by four Senators on the request of President Kennedy in 1963 stated:

"It should also be noted, in all frankness, that our own bureaucratic tendencies to act in uniform and enlarging patterns have resulted in an expansion of the U.S. commitment in some places to an extent which would appear to bear only the remotest relationship to what is essential, or even desirable, in terms of U.S. interests."

The United States, by the military and covert way it operated in Vietnam in the past 10 years, has nurtured strong anti-white and anti-Western feelings in southeast Asia. Whether we called it "responsibility" or empire, the facts were that the United States succeeded to the Japanese and French hegemony in Asia without really knowing why or with what purpose. Empires are very seldom built by design. They start almost accidently; their dynamics and actions define what they are. Each empire has its own characteristics, although historically they all seem to involve defense of some allies, suppressing certain regimes in favor of others, and a powerful ideology. Ultimately, there are common characteristics in the lack of judgment on the part of their leaders who no longer are able to distinguish between real and chimeric interests because of the empire's octopuslike tentacles. Those tentacles, especially if they include extensive military involvement strangle the judgment of its leaders.

Relating to Vietnam militarily has camouflaged America's real interests and distorted the type of diplomacy and politics which should be employed there. The methods we have followed in Vietnam may not be without their costs in terms of our own Nation's stability and freedom of choice. Thus, when we ask the military to undertake projects which are inherently unmilitary, we are courting great danger. It is overdramatic to say that the United States will be faced with a French Organization de L'Armee Secrete (OAS) situation with our military if we substantially expand the war, and then attempt an accommodation, but such seeds are easily sown. For example, the official American policy in South Vietnam is to support a civilian government in Vietnam, whereas the rank and file military, including high-ranking American military officers in Vietnam, support the South Vietnamese military. Bad habits are learned in such wars and they may too easily be applied at home.

It is hard for American civilian leadership to learn that the military is not a machine which can be started and stopped by pressing a button. By definition of their mission, the military want to follow through to a military victory. We will find that each day that American policymakers procrastinate on a political settlement, the war will escalate upward militarily just by its own momentum. In this regard the military bureaucratic course of the war is quite instructive. The special forces and the Army were the military forces under President Kennedy who were given responsibility for the war. After the apparent failure of these forces to pacify the country, the Air Force lobbied for involvement.

Using the Gulf of Tonkin as the pretext, the Air Force sent planes to South Vietnam as a deterrent. But deterrents are vulnerable and can be easily destroyed by guerrillas as these were at Bien Hoa. Here the psychology of the paper tiger played its part. The Air Force's pride was wounded and it decided to involve itself more fully so that it could prove itself. Once this occurred, the Marines and the Navy (but less so) lobbied for an expanded role which was granted. Not wanting to be left out, the Army also wanted greater involvement. This was also granted by the White House. Finally, SAC in a nonnuclear way also wanted involvement. Paradoxically, the military may have wished for that involvement because they feared that the war would end, because the politicians would negotiate military withdrawal before they had a chance to test themselves in battle. Although that might have been their fear, objectively, because of such a massive military involvement in the war in a political sense it becomes very hard to impress our opponents of peaceful intentions, or to counter those groups in the American Government and the public who want a win in the military sense of the term.

The Vietnamese operation as a military venture is not one in which very many can take any particular pride. The bad habits of that war have included torture, napalming, defoliation, and inability to understand what means could yield suitable ends. Although governments are, by their nature, notoriously uncritical of themselves, democracies, by their nature, have a better chance of holding their governments and the actions of the individuals in that government to account (even though personal responsibility for actions is not a very fashionable virtue in government). Too often governments, that, is men in government, are expected to operate by inverted meanings of responsibility and morality or forget about them while in government. (Indeed, one of our former Secretaries of State, Dean Acheson, gave such behavior ideological gloss in his Amherst College address in December 1964.) This sort of responsibility and morality can be seen in Vietnam. Where, as in the case of Vietnam, three out of four Americans until the middle of 1964 were not even aware that the United States was involved militarily, officials seem to have felt themselves free to allow sadistic and totalitarian methods in the name of fuzzy objectives. Such methods spread easily, and unthinkingly, in governments. It is best that they be exposed and terminated.

V

With the realization that neither the United States alone nor the Western Powers together can dictate a result in southeast Asia, does there remain any role which these countries can play in that area? Most certainly it is not that of policeman or white man's burden for Asia. That lesson was learned, or should have been, 10 years ago. Perhaps the moderately clever even learned it at the end of the Second World War. Nor is it likely that pacts such as SEATO, which do not comprise the great nations having real or geographical interests in southeast Asia, Japan, Indian, and Burma can ever mean anything. If the great powers are to exercise a role, and if there is to be a long-term settlement, it will have to be in concert with other nations; that is, through the U.N. Although the present line of the Chinese Communists and the North Vietnamese is to oppose U.N. involvement, because they fear that the Geneva and Laotian agreements would be scrapped, any new settlement would necessarily be predicated on the 1954 and 1962 agreements. The purpose of U.N. involvement would be to guarantee that the terms are kept.

While the U.N. machinery appears to the West to be unwieldy and leaves much room for improvement, the facts are that the U.N. in the southeast Asian area has done more to stabilize that region than either the SEATO arrangement or the American military intervention. For example, the U.N. was instrumental in ending the 1961 Laotian crisis whereas SEATO was unable even to agree on what the crisis was. The probability is that America's allies in SEATO would be more likely to act under U.N. direction than under SEATO auspices in southeast Asia, since SEATO, as an international or regional institution, has absolutely no moral or political force behind it. Furthermore, the nations of southeast Asia are more favorably disposed to the U.N. because of the voting power of the Afro-Asian and Latin American nations in the General Assembly than they are to pact alliances which are comprised principally of white Western powers. The prescription of action is not an easy one, for it will mean that we shall have to reconsider how the United States is to relate to the world, and to itself. No doubt there are other courses that parallel the one I outline. The policy I've drawn is illustrative as any policy must be until it is put to the hard test of negotiation and practice.

1. Recently more and more evidence has been reported in the United States about the torture and napalming of the Vietcong and peasants by the South Vietnamese Army, with either American participation or acquiescence. This brutality and torture can only revolt those who are concerned with politics rather than sadism. We cannot control the torture of the North Vietnamese. We are responsible for what we do and for what our agents do. That is, we are responsible for our torture of prisoners and napalming of villages. In the spirit of shouldering our responsibility we must immediately put a stop to the bombings and torture now either allowed or sanctioned by the United States. That policy is shortsighted politically and foolish militarily. It has not resulted in any advantage to the United States. If a political settlement is the objective aimed at and elections are held, those South Vietnamese who supported the torture and napalming will be defeated. The only way that the South Vietnamese, whom we support and prop up, will change, is for us to change. When that happens, they may be able to retrain some favor in South Vietnam.

Although there is evidence which makes clear the historic roots of torture in Indochina as a method of politics, there is sufficient evidence to show how Western methods have updated the more "primitive" Vietnamese ways. At the very least, we should adopt and enforce the Prisoners of War (POW) and Red Cross Conventions as they apply to that war. There is another point to the sadism and torture. Bureaucracy and organization may involve itself in such things almost antiseptically. That is a dangerous trend in government and should be stopped. An independent investigation (along the lines of the Warren Commission) of the activities and directives of American personnel and policymaking in regard to the conduct of the war would do much to restore responsibility in statecraft. Such an investigation would help set standards by which the various agencies of the American Government operate internationally. (The new CIA Director could benefit greatly from such a review.)

2. Under the 1954 Geneva accords an election was to have been held in July 1956 in South and North Vietnam to determine the type of government it would have as a unified nation. A conference of the 14 powers, similar to the Laos negotiation, but now with U.N. sponsorship, should be convened (provided for in article 4, Geneva accords of 1962) to negotiate a permanent cessation of all military activities. As evidence of its good intentions, prior to the convening of the conference, the United States should stop the bombings of North Vietnam. The United States, with the other great powers, should now join in guaranteeing the borders of the area as a member of the 14 nations conference. That conference would set the outlines for a confederated state of Vietnam which would come into existence after certain agreed upon conditions were met. The International Control Commission (ICC) or another agreed-upon body would act as the investigator-enforcer. (It should be recalled that this method was adopted in the Palestine-Israeli situation and has worked well.) A political amnesty in both North and South Vietnam would be declared and all elements of the population in North and South Vietnam would be free to seek political representation by democratic means. This would be enforced by the ICC under U.N. sponsorship. North and South Vietnam would be admitted to the U.N. as separate states. Once confederation was achieved the Vietnamese would have single representation.

3. The ICC could be greatly strengthened if it received its authority from the U.N., and became a responsibility of the U.N. Its task would be to investigate complaints, act as a police force, conduct the initial elections in Vietnam and make continuous reports to the U.N. about any border difficulties. Responsibility for serving on the ICC would rotate among members of the U.N. Payment for this activity should come from the great powers to the U.N. earmarked for

the ICC. Further, with U.S. support, the ICC should act to negotiate out the differences between Thailand, Cambodia, Laos, and North and South Vietnam that have mounted over the past 10 years.

4. The situation in Laos will continue to deteriorate unless the United States undertakes diplomatic means to stop the war in Vietnam. To insure Laotian stability, the United States should lead in efforts which will give the ICC greater power and authority to act in the whole southeast Asian sector. The ICC should request, through U.N. good offices, troops from Burma, the Philippines, Nepal, New Zealand, Yugoslavia, and Algeria. They would police borders and serve as an inspection unit for arms control in the area. National responsibility for troops detachments would be on a rotational basis.

5. The United States, through the U.N. should offer aid to Laos, South Vietnam, North Vietnam, Cambodia, and Thailand in fashioning a common market between themselves, with a customs and payments union, emergency funds to finance special quick payoff projects (United States and U.N. files are bulging with such projects) and a long-term economic development project such as the Tennessee Valley Authority (TVA) for southeast Asia. Indeed, it could use the Special Fund as its primary instrument for some of these projects. The Mekong River project, which is a striking plan for land and water development, has united Cambodia, Laos, Thailand, and South Vietnam in this development activity. It is even said by those involved in the project that the Pathet Lao support the Mekong Delta project and that the North Vietnamese also would if it were extended into their area.

Correctively, a "planning bank" whose directors would be Cambodia, North Vietnam, Laos, Thailand, South Vietnam, the United States, France, Great Britain, and the Soviet Union, could direct the expenditure and planning of short-term projects in South and North Vietnam, and the Mekong project in southeast Asia. The planning bank could be funded by these powers under authority of the United Nations using the Economic Commission for Asia in the Far East (ECAFE) as its parent. The organizational structure of the planning bank would allow for inclusion of both donors and recipients as board directors. The People's Republic of China would be invited to join in one of these capacities.

6. The United States should now compensate for the bombings of Cambodian territory, the destruction of their villages, of total innocents, and of their land.

VI

The North Vietnamese are anxious for trade with the South. Except for food which they received from the Russians in 1955, the North Vietnamese would have continued the war in 1955 to obtain rice. They will do so in the future unless they are able to obtain rice from some source. The resumption of trade and the normalization of relations with North Vietnam is a small price to pay for stabilizing the situation in the Indochinese area. Like South Vietnam, North Vietnam has been under a crushing military and economic burden. Its leadership has been fighting for 25 years and is concerned that North Vietnam will lose everything in a war that could spread to their territory. Again, the North Vietnamese are concerned to keep control of their country from the Chinese and the Soviet Union. This can only be accomplished in the context of peace. In a widened military action the Chinese would move a large military force into North Vietnam.

The North Vietnamese position as supported by the Chinese and the Russians has been reasonably consistent since the Geneva Conference of 1954. Their demands flow from the Geneva accords themselves. As I have stated, on February 4, 1955, they proposed restoring normal road, rail, sea, air, and postal relations between the two zones, as was promulgated in the Geneva accords and general elections. The problem with the Geneva accords was that no nation which felt any responsibility for stability in southeast Asia cared to guarantee the agreements of that Conference. France was in no position to carry out for the whole of Vietnam a guarantee as enunciated in the accords, especially in the face of American objections. If a Geneva conference were held along the lines of the 1954 Conference with the difference being that the United States would join and guarantee the results, the probability is that Vietnam would maintain—or attain—an existence which would be independent of Communist China.

Barring the inability of the United States to control its appetite for military involvement, there is a reason for some cautious optimism. There are two strong political currents in southeast Asia. One is nationalism and the other is fear of Chinese domination. The direction of North Vietnamese and any future South Vietnamese leadership, assuming it is to have any sort of indigenous mass support, will be to achieve national political identity for their nations. This means that the local political and military leadership will work to lessen the influence of the great powers (United States, France, China, and the Soviet Union) in southeast Asia. They are aware that they cannot get very far by having outside troops prop up their regime or by being wholly dependent upon outside forces politically, diplomatically, or economically.

No doubt this attitude will cause the great powers some consternation, since historically they have used the region of southeast Asia as a pawn in their game. However, that age of international politics is over. Will Communist China abide by that view? There is no question that U.S. relations with China will soon enter a new stage. To no little extent what the United States does will drastically affect Chinese activity. If the United States helps in fashioning the political concerns of southeast Asia on real issues: water, food, and electric power, we will be in a better position of blunting Chinese power because the southeast Asian nations will have a reason for being independent. If we make it possible for China to participate in such projects peacefully we will have accomplished much in recognizing the legitimate interests of 650 million Chinese, and will have discouraged both their—and our—unreal interests. Settling the Vietnamese war can be used as an opening wedge for improving relations with the Communist Chinese in this next period of international affairs. The risks of that policy for the United States are incomparably less than a holy war with China; a war which can only result either in its nuclear demolition or a prolonged land war which the United States would probably lose on China's mainland.

The political outlines of action become clear:

(a) Investigate the conduct of the war as formulated and carried out by the United States and adopt the POW and Red Cross Conventions as it applies to the war;

(b) Convene a 14-nation conference under the aegis of the U.N. to arrange a cease-fire;

(c) Arrange for the guarantee of the borders of southeast Asia countries through the 14-nation conference;

(d) Allow the Vietnamese to work for a confederated North and South Vietnam, but admit them separately to the U.N. Whether the people of North and South Vietnam should have one government and one political system is their affair, not ours.

(e) Strengthen the ICC politically by making it responsible to the United States and militarily by fashioning a police force comprised of rotating detachments from nations in the U.N.—Burma, the Philippines, and New Zealand;

(f) Reinstitute the customs and payments union between the nations of the area and allow trade between North and South Vietnam;

(g) Compensate Cambodia for incursions on its people and property;

(h) Develop a planning bank drawn in such a manner as to provide for the inclusion of Communist China, involve the U.N. Special Fund and ECAFE as the instruments for short- and long-term economic aid to Vietnam and neighboring states.

St. Augustine lived his life in a debauched way before his conversion. If debauchery is a necessary prerequisite to redemption, then the situation in Vietnam is ready for the next step. We may be sure that no policy a government follows is holy. However, at least this policy would be in the American national interest.

MR. FOLEY OF THE LOS ANGELES TIMES DOES A SUPERIOR JOB OF REPORTING ON A SUBJECT THAT SHOULD BE OF INTEREST TO EVERY AMERICAN: TWO PROFESSIONAL ASSISTANTS FOR EACH MEMBER OF THE HOUSE OF REPRESENTATIVES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, Thomas J. Foley, of the Washington Bureau of the Los Angeles Times, has written a piece about the need for more adequate staffing by the Congress of the United States. I advocate each House Member being provided with two professional assistants.

Recently I made a speech on the subject and suggested that every Representative have two additional specialized employees: First, a lawyer qualified to evaluate proposed legislation; and second, an economist equipped to weigh the manifold problems of the American economy with all of their social ramifications.

I have read every word of Mr. Foley's piece and can take issue with none of it. In the speech I delivered on the subject, I stated that it would be necessary to have a fourth office building in order to accommodate all the Representatives with their new employees. Howls went up from one end of the country to the other about another House Office Building. The reasons I gave for needing such an office building, to keep pace with the growth of each Congressman's workload and the growth of the Nation, were lost in the catcalls. It took a good newsman like Mr. Foley, with a sense of journalistic responsibility, to come through with the excellent article I now offer for the RECORD:

CONGRESSIONAL BURDEN SHOULD BE RELIEVED

(By Thomas J. Foley)

WASHINGTON.—If one should hear someone say "Congress doesn't know what it's doing," it might be dismissed as a flip remark by a citizen either shallow minded or disgruntled or both.

This would not necessarily be the correct judgment, however. In fact, to some who watch Congress work, it seems rather sound.

For the fact is that the legislative problems an individual Congressman faces from day to day are so complex, so far-reaching in implication and usually so expensive that he does not know enough of what he's doing. In many cases, far from it.

He is doing well these days if he knows the details of legislation before his own committee. Many don't.

All of this is meant not as a criticism of the Congressmen, most of whom are intelligent, industrious, and conscientious, but as a commentary on the times, how they've changed and what might be done about it in relation to improving the legislative process.

Sixty years ago or so, when the world was far away and the Federal budget was half a billion dollars, a Congressman's office was his desk in the Capitol Building.

Washington was remote and voters seldom bothered their man in Washington. Furthermore, the legislative problems the Congressman was called on to cope with were uncomplicated and only occasionally momentous.

Not so now. The momentous is commonplace. Last week alone, the House passed a $6 billion social security bill making many changes in existing provisions and adding a complicated health insurance program, while the Senate was passing an equally comprehensive school aid bill.

The Congress must also decide whether President Johnson is justified in spending $100 billion and if not, why not?

Far from being remote from the rest of the world, Washington now leads and finances most of it and actively opposes the rest of it in one form or another.

The sheer volume is killing. Some 13,000 bills were introduced in the last Congress, many of them duplications and most of them ignored, of course. But the House did pass almost 1,000, and two-thirds of them became law. Most Congressmen knew little more about them than what the proposals did in a general way.

Public hearings on the 1964 tax bill alone covered 4,000 printed pages in 7 volumes. The printed form of Appropriation Committee hearings each year take up an entire shelf.

Sometimes, the small, unpublicized bill is the one that most needs the careful legislator's attention.

As Representative WRIGHT PATMAN, Democrat, of Texas, said recently in discussing the problem, specifically the tax bill, in the House, "Who really knows what that legislation was all about unless they read it? How many sleepers are there in it? How many cases of petty and grand larceny are involved? Who really knows the answers to these questions?" The answer, of course, is, very few.

Besides the legislative problems, the Congressman must perform innumerable tasks for his ever-growing number of constituents. Washington is now involved in everyone's life to some extent or other, and a Representative must represent or go home.

At least one possible answer to the problem is an adequate staff. At present, it is inadequate, particularly in the House where, despite a recent increase, Congressmen are limited to 10 persons at a total cost of about $55,000 a year in salaries.

As Senator MIKE MONRONEY, Democrat, of Oklahoma, has said, the number of persons on congressional staffs "totals fewer than the number of persons presently required to operate the Bureau of Indian Affairs."

Too often, a Congressman is unable to turn to anyone to get an objective point of view on a particular bill or issue. Too often, he is forced to rely on the word of private parties lobbying for or against the issue whose views have a place in his consideration but certainly not the only place.

He is allowed to pay one person up to $19,300 a year. But if he does this, he usually does not have enough left to hire enough other competent persons for his offices in Washington and in his home district.

But if a Congressman had more persons on his own staff to help him screen information and evaluate legislation—PATMAN suggests a trained economist and a lawyer—he would be better able to legislate intelligently.

Some Congressmen don't use all of the staff allowance that is allotted to them now. But they should.

There are drawbacks, of course. There is no assurance a Congressman will use the money to hire professionals.

Some feel that congressional staffs spend too much time now serving as campaign headquarters and that adding to them would only serve to increase the daily propaganda ground out and sent to voters at home under the franking privilege.

Some say Congressmen can rely on committee reports on legislation. But these often are too long or incomplete or too technical. Others suggest beefing up the Library of Congress functions for helping legislators.

Congress has always been skittish about building up its own staffs because of voter reaction that the Members are feathering their own nests. Nepotism scandals in recent years haven't helped in this regard.

But in its current effort to reorganize itself to deal with the world around us, Congress could well consider a modest increase in staffs as a start.

JOINT LABOR-MANAGEMENT PROGRAMS

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, the Committee on Education and Labor today filed its report on H.R. 1153, which was reported from the committee on April 29.

H.R. 1153 permits employer contributions to joint labor-management programs for the promotion of product and product application or programs for the establishment of joint labor-management committees to resolve issues arising from disputes regarding the interpretation of collective bargaining agreements where such determinations are binding upon all parties concerned.

This bill was made necessary by several court decisions regarding section 302 of the Labor Management Relations Act. Section 302 places restrictions upon certain payments by employers to employee representatives. Section 302 was drafted in the form of a general prohibition upon employer payments to employee representatives, including certain jointly administered trust funds. Certain jointly administered funds are specifically excepted from this general prohibition. Because of the nature of the drafting of this section, that is, a general prohibition and specific exceptions, some programs have been declared unlawful though the legislative history sets forth no public policy opposed to their continuance.

The law was amended in 1959 to allow the establishment of jointly administered trust funds for pooled vacations, holiday, severance, or similar benefits, or apprenticeship or other training programs. There was no public policy in opposition to these programs. In fact, public policy favored their development, but the drafting of the law required that the courts declare them unlawful until the law was amended.

The same situation exists today. No public policy militates against the establishment of joint labor-management product promotion programs or joint labor-management committees to settle disputes regarding the interpretation of collective bargaining agreements. These programs have existed in the construction industry for many years. They have been mutually beneficial to labor, management, and the public. The U.S. Government should not inject itself into free, voluntary negotiations between labor and management to prevent the establishment of these beneficial programs. It should be left to private negotiations to determine whether these programs should be included in collective bargaining agreements. The only interest that the Government should seek to regulate relative to these jointly administered programs, is the public interest opposing collusive or dishonest arrangements.

The purpose of section 302 was to prevent the recurrence of some irregular practices brought to light during the late 1950's in congressional hearings. To implement this purpose section 302 prohibits certain payments to employee representatives by employers and establishes certain safeguards for those employer contributions that are not prohibited. The payments that we seek to legitimize will be protected by the specific safeguards now contained in section 302, plus four additional precautions.

First. Payments must go to separate trusts.

Second. Funds cannot be commingled with other funds.

Third. Funds cannot be used to defray costs of programs that are employer functions or labor organization functions solely.

Fourth. Applicable provisions of the Welfare and Pension Plans Disclosure Act will apply to these funds.

In addition, the opinion of the National Labor Relations Board stating that these programs are not mandatory subjects of collective bargaining is reaffirmed in the bill. No one will be required to bargain on the establishment of the programs that this bill legitimates.

Mr. Speaker, I am hopeful that we will soon have the opportunity to consider this proposal on the floor of the House.

INDUSTRYWIDE APPROACH TO GASOLINE MARKETING PROBLEMS APPLIED BY THE FEDERAL TRADE COMMISSION

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, this week marks a historic turning point in the approach of the Federal Trade Commission to gasoline marketing problems. In the past, the work of the Commission has been confined to the investigation and processing of individual cases. The size and the complexity of the petroleum industry has, of course, made this most difficult. The fact that the Commission has recently dismissed almost all of its gasoline cases is strongly suggestive of what I have personally long considered the fact of the matter—that the case-by-case method of enforcement is not entirely adequate to the problems presented in this industry.

Chairman Dixon and the members of the Commission are to be commended for taking this important step. Their willingness to use the broad investigative powers of the Commission in the public interest is most heartening. The list of witnesses who will appear encompasses those engaged in production, refining, and marketing of gasoline at all levels. Under unanimous consent I place in the RECORD at this point a list of the witnesses who will appear during the 7 days of hearings:

Proposed Schedule of Appearances for Hearing on Marketing of Gasoline

MAY 3

A.M.: National Oil Jobbers Council, Inc.; Michigan Petroleum Association; Tidewater Oil Co.

P.M.: Texas Independent Producers & Royalty Owners Association; Rock Island Refining Corp.; Mr. Tracy Odell; Sunland Refining Corp; Mr. Gil Meyer.

MAY 4

A.M.: Mid-Continent Independent Refiners Association.

P.M.: Standard Oil Co. of Indiana; Shell Oil Co.

MAY 5

National Congress of Petroleum Retailers.

MAY 6

A.M.: Texas Association of Petroleum Retailers; United Refining Co.

P.M.: Humble Oil & Refining Co.; Frontier Refining Co.; Independent Refiners Association; Champlin Oil & Refining Co.; Mr. Robert F. Forbes.

MAY 10

A.M.: Mid-America Gasoline Dealers Association, Inc.; Mr. Walter S. Strange; Central Illinois Retail Gasoline Dealers Association; Richfield Oil Co.

P.M.: Sinclair Refining Co.; Standard Oil Co. of Ohio; Socony-Mobil Oil Co.; Sun Oil Co.; Charles O. Porter, attorney.

MAY 11

A.M.: Continental Oil Co.; Gulf Oil Co.; Ryan Oil Co.; American Petroleum Refiners Association.

P.M.: Automotive Service Industry Association; Texas Oil Jobbers Association; Clinton Oil Co.; Attorney General of Minnesota; Tenneco Oil Co.

MAY 12

A.M.: North Dakota Retail Gasoline Dealers Association; National Oil Marketers Association; Cantelou Oil Co., Inc.; Dr. Charles M. Hewitt, professor, business law, and oil consultant, Indiana University; Florida Petroleum Marketers Association.

P.M.: Phillips Petroleum Co.; Union Oil Co.; Service Station Operators Association of Greater Hartford; Harry Waller.

I take particular satisfaction in this act by the Commission since it was a little over a year ago, March 12, 1964, when, at a press conference called for that purpose, I first called for the holding of such an industrywide investigation. At that time I stated: "An industrywide approach is imperative if this deplorable situation is to be righted." At the same time I also called for the promulgation of trade regulation rules for petroleum marketing. The Commission has been most scrupulous in not prejudging what the proper response to the evidence received at the current hearing should be. My subcommittee together with the entire petroleum industry will be watching with great interest to see what steps are taken subsequent to this public hearing. It is obvious that further steps of some nature will be required, particularly so since virtually all of the gasoline marketing cases before the Commission have been dismissed or otherwise disposed of in a period when marketing problems continued and, indeed, are intensified in many respects. It is unthinkable that further action would not be taken.

Under unanimous consent I insert at the conclusion of these remarks, the opening statement of Commission Chairman Paul Rand Dixon, together with the release issued by the Commission concerning the inquiry and the statement also issued by the Commission describing the procedure and purpose of the inquiry:

Statement of Paul Rand Dixon, Chairman, Federal Trade Commission at the Public Hearing Relating to the Marketing of Gasoline, May 3, 1965

On behalf of the Federal Trade Commission, I welcome you to this hearing which has been called for the purpose of affording all interested parties an opportunity to present their views regarding problems in the marketing of gasoline. In the notice announcing this inquiry, which appeared in the Federal Register on December 30, 1964, and which is a part of the official record in this proceeding, the Commission invited both oral and written comments in specified areas, which include (1) the general market structure of the industry, (2) pricing of gasoline at all levels of distribution, (3) the whys and wherefors of price wars, (4) competition between branded and unbranded gasoline and between integrated and non-integrated refiners, and (5) grades and qualities of gasoline. The notice also requested information on other matters relating to the marketing of gasoline.

The petroleum industry is undoubtedly one of the largest and most important segments of our national economy, which may be described as an economy on wheels. To illustrate the enormity of the industry I need only remind you that there are approximately 150 company refiners, some 30,000 terminal and bulk plant operators who make up the greatest portion of the wholesale segment, and over 200,000 retailers. The annual dollar volume of sales of gasoline at the retail level is estimated at $17.8 million. The automobile has long since become far more than a luxury item for the average American. He needs it to go to work, his doctor needs it to pay a home visit and truckers need it to deliver the food he eats. I could name any number of other areas in which gasoline is a required commodity. Thus it is evident that the public interest in the subject of this hearing is substantial.

We are here today in the spirit of cooperation. The information received during the hearing will undoubtedly increase our understanding in this field, and the mutual exchange of information in turn should benefit all segments of the industry and the consuming public.

We are not here today in the role of prosecutors. We are not interested in the course of this hearing in discussing private or Government litigated cases either past or present. By the same token we are not here to discuss pending litigation either before the Commission or the courts.

You can appreciate of course that in a hearing of this type certain ground rules must be established to assure an orderly proceeding. We have tried to make these rules as informal and flexible as possible. Persons desiring to express their views will not be placed under oath. You are requested when making oral presentations to confine your remarks to the time absolutely necessary to convey your point of view. When you rise to speak and are recognized by the chair please give your name and identify the organization or group you represent. This will be of assistance not only to the Commission but to the reporter. A stenographic record of this hearing will be made and arrangements for the purchase of copies of the transcript may be made with the contract reporter which is Ward & Paul, 917 G Street NW., Washington, D.C., or if you wish you may place your order with the reporter's representative who sits in front of me. The public record attending the hearing which includes all written data, views and arguments submitted pursuant to notice in the Federal Register, is available for review by interested parties in our Office of Legal and Public Records on the first floor of this building.

FTC Institutes Board Inquiry Into the Problems of Competition in the Marketing of Gasoline

The Federal Trade Commission will conduct an industry-wide inquiry into the competitive problems of marketing gasoline.

Subjects to be probed by the Commission are: (1) the market structure and competitive behavior of the various segments and levels of the gasoline industry; (2) the pricing of gasoline at all levels of distribution; (3) the causes and effects of so-called price wars; (4) competition between branded and unbranded gasoline and between integrated and nonintegrated refiners; (5) gasoline grades and qualities, with specific reference to the bearing of gasoline exchange agreements, additives, and octane ratings; and (6) other matters pertinent to competition in the marketing of automotive gasoline.

The Commission's objective is to acquire a thorough understanding of the highly complex competitive problems in the industry in order to determine the most effective and appropriate remedies.

In its statement announcing the inquiry, the Commission said it "intends to employ its flexible administrative powers of investigation and factfinding as may be found necessary to assure a complete, fair, and realistic understanding of the structure and dynamics of competition in the industry."

The initial step in this inquiry will be public hearings before the full Commission in room 532 of the FTC Building, Washington, D.C., commencing at 10 a.m., on May 3, 1965.

All interested persons, including but not limited to members of the public and of the gasoline industry, are invited to present their views orally on the above subjects at the hearings.

Written views may be filed with the Secretary of the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., 20580, not later than

April 5, 1965. If practicable, 20 copies of all written submissions should be filed.

Any person desiring to give an oral presentation at the hearings should so inform the Secretary by April 26, 1965, and state the estimated time required. The Commission may impose reasonable limitations upon the time allotted to any person or organization. Both the oral and written views will be available for examination by interested persons at the FTC Building.

The Commission's statement said, "The marketing of automotive gasoline to the public is a matter of direct and immediate concern to every American who owns a car, to the more than 100,000 independent retail gasoline dealers, to the producers, refiners, jobbers, and wholesale distributors of gasoline and other petroleum products, and to the Nation's economy generally. The Federal Trade Commission has a broad range of responsibilities with respect to the preservation of fair and free competition in such marketing. The Commission is responsible for the prevention of deceptive and misleading advertising of gasoline to the consuming public. It is responsible for preventing discriminatory and other monopolistic and anticompetitive methods and practices in the distribution of gasoline. Most comprehensively, the Commission, in the role of watchdog of the free competitive system, has a responsibility to scrutinize the competitive functioning of the gasoline industry and, if necessary, to take appropriate administrative action within its powers, and recommend legislative or other remedies to such competitive problems as may not be susceptible of effective solution under existing laws and procedures.

"The Commission has received a large number of inquiries, complaints, and petitions from various groups in the gasoline industry, from Members of Congress, and from members of the consuming public, with respect to competitive problems in the marketing of gasoline. It is evident both from these submissions and from the Commission's experience in this industry in enforcing the laws which it administers that a broad, comprehensive, and industrywide approach to the competitive problems of the industry is necessary, and that specific remedial measures required in the public interest should not be attempted before obtaining a solid factual foundation in regard to the competitive conditions of gasoline distribution. As the Supreme Court stated in a recent decision, proper and effective remedial action in this industry requires that the Commission make realistic appraisals of relevant competitive facts, and these facts are highly complex. The Commission has accordingly determined forthwith to institute an industrywide inquiry into the competitive problems of marketing gasoline."

A copy of the statement is attached.

Statement of the Federal Trade Commission Announcing Broad Inquiry Into the Problems of Competition in the Marketing of Gasoline

The marketing of automotive gasoline to the public is a matter of direct and immediate concern to every American who owns a car, to the more than 100,000 independent retail gasoline dealers, to the producers, refiners, jobbers, and wholesale distributors of gasoline and other petroleum products, and to the Nation's economy generally. The Federal Trade Commission has a broad range of responsibilities with respect to the preservation of fair and free competition in such marketing. The Commission is responsible for the prevention of deceptive and misleading advertising of gasoline to the consuming public. It is responsible for preventing discriminatory and other monopolistic and anticompetitive methods and practices in the distribution of gasoline. Most comprehensively, the Commission, in the role of watchdog of the free competitive system, has a responsibility to scrutinize the competitive functioning of the gasoline industry and, if necessary, to take appropriate administrative action within its powers, and recommend legislative or other remedies to such competitive problems as may not be susceptible of effective solution under existing laws and procedures.

The Commission has received a large number of inquiries, complaints, and petitions from various groups in the gasoline industry, from Members of Congress, and from members of the consuming public, with respect to competitive problems in the marketing of gasoline. It is evident both from these submissions and from the Commission's experience in this industry in enforcing the laws which it administers that a broad, comprehensive, and industrywide approach to competitive problems of the industry is necessary, and that specific remedial measures required in the public interest should not be attempted before obtaining a solid factual foundation in regard to the competitive conditions of gasoline distribution. As the Supreme Court stated in a recent decision, proper and effective remedial action in this industry requires that the Commission make realistic appraisals of relevant competitive facts, and these facts are highly complex. The Commission has accordingly determined forthwith to institute an industrywide inquiry into the competitive problems of marketing gasoline. The Commission intends to employ its flexible administrative powers of investigation and factfinding as may be found necessary to assure a complete, fair, and realistic understanding of the structure and dynamics of competition in the industry.

As the initial step in this inquiry, the Commission will conduct public hearings, to be held before the members of the Commission in room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street, commencing at 10 a.m., on May 3, 1965. All interested persons, including but not limited to members of the public and of the gasoline industry, are invited to participate in these hearings. Participants are invited to submit data, views, and argument on the following topics: (1) the market structure and competitive behavior of the various segments and levels of the gasoline industry; (2) the pricing of gasoline at all levels of distribution; (3) the causes and effects of so-called price wars; (4) competition between branded and unbranded gasoline and between integrated and nonintegrated refiners; (5) gasoline grades and qualities, with specific reference to the bearing of gasoline exchange agreements, additives, and octane ratings; (6) other matters pertinent to competition in the marketing of automotive gasoline.

All interested persons are invited to file written data, views, or argument concerning the subject matter of these hearings with the Secretary of the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., 20580, not later than April 5, 1965. If practicable, 20 copies of all written submissions should be filed. Any person desiring to present his views orally at the hearings commencing May 3, 1965, should so inform the Secretary of the Commission by April 26, 1965, and also inform the Secretary of the estimated time required for oral presentation. The Commission may impose reasonable limitations upon the time allotted to any person or organization. The data, views, and argument presented orally or in writing will be available for examination by interested persons at the Federal Trade Commission, Washington, D.C.

THE LATE THOMAS H. FLAHERTY

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I was greatly saddened to learn of the recent passing of my dear friend and former very distinguished Member of this House, the Honorable Thomas A. Flaherty, of Charlestown, Mass.

I have known Tom Flaherty for many years. He has been a warm friend of mine and I have been privileged to watch his magnificent, outstanding career in the Congress, in the State government of Massachusetts and in the government of the great city of Boston.

He was a man of exceptional ability and a true spirit of dedication, who devoted a large part of his life to laudable public service.

He was very well trained for his important tasks and served in the Massachusetts House of Representatives for 4 years prior to coming to the Congress from the 11th Massachusetts District to fill the unexpired term of the late very distinguished jurist, Chief Justice John P. Higgins, who had preceded him in the Congress.

As a member and chairman of the State department of public utilities he made many substantial and valuable contributions in this very difficult, regulatory field, which will long endure.

He also served as an assessor of taxes of the city of Boston under appointment of his friend, the able and distinguished mayor, Hon. John B. Hynes, and in addition he served with special distinction as Representative of the city of Boston here in the Capital of the Nation.

His entire life comprised a brilliant record of worthy, active civic interest and magnificent public service to community, State, and Nation, in peace and in war, and Tom Flaherty was highly esteemed everywhere he was known, and beloved, respected and admired by all who knew him for his endearing personal qualities, and the high character of his devoted public service.

I am deeply sorry to learn of his untimely passing, and extend to his beloved family, his gracious wife, his six distinguished brothers, one of whom is business manager of the Boston Globe, his sister-in-law and all his dear ones, most heartfelt sympathy for their sorrowful bereavement.

Congressman Flaherty made an impressive record in this House and his august presence and constructive, patriotic contributions will long be remembered here with great respect, warm admiration and deep affection. His blessed memory will always remain green in this great deliberative body.

May he find rest and peace in his heavenly home, and may he, like the once poor Lazarus, dwell in the House of the Lord forever.

THE LATE ELMER B. CLARK, AN OFFICIAL REPORTER OF DEBATES OF THE HOUSE OF REPRESENTATIVES

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. **PHILBIN**. Mr. Speaker, in common with all Members of the House and many other friends and admirers, I was shocked and deeply grieved to learn of the recent passing of our beloved friend, Mr. Elmer B. Clark, who was one of our very able official reporters of the House debates.

Mr. Clark was deeply interested in and devoted to his work. He was extremely capable, painstaking, and dedicated in every sense of the word, and had the high honor of serving continuously since his initial appointment in 1938 under four distinguished Speakers of the House, Speakers Bankhead, Rayburn, MARTIN and McCORMACK.

Elmer Clark was very well trained and educated, and was endowed with a brilliant mind and a wonderful personality. Born in Portland, Oreg., in 1903, he attended grade and high school in that beautiful city and graduated from the University of Oregon with an A.B. degree and was later admitted to the Oregon bar.

He also took up the study of shorthand and reported in the Circuit Courts in Multnomah County.

In the late 1920's he moved to New York City where he attended New York University receiving additional academic honors in the form of his masters degree from that great school.

He also had the distinction of being official reporter for the U.S. Customs Court and for various Government agencies and House committees.

His career has been one of faithful, outstanding service and complete dedication to his work. He was popular with and esteemed and respected by his associates, and by all in the House who knew him. He enjoyed the affection of all of us in the House, as well that of a wide circle of associates and friends.

He is survived by his devoted wife, Dorothy, and two sons, Donald and William, and a sister, Mrs. Virginia Robison.

This House will greatly miss Elmer Clark. He served us faithfully and well and he has left us an indelible memory of a gracious, considerate friend and a devoted, capable public servant.

I join his family in mourning his untimely passing, which came with such a shocking suddenness to those of us in the House and his other friends as well as his family.

I extend to his wife, and all his dear ones, most heartfelt sympathy for their irreparable loss.

I hope the good Lord will strengthen and encourage them to bear their deep sorrow with resignation and fortitude.

May Elmer Clark find rest and peace in his heavenly reward.

God love him.

GUARANTEEING THE RIGHT TO VOTE UNDER THE 15TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. **GERALD R. FORD**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include the copy of a bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **GERALD R. FORD**. Mr. Speaker, I would like to announce that earlier today the gentleman from Ohio [Mr. McCULLOCH], the ranking Republican member of the Committee on the Judiciary, introduced H.R. 7896, and I, as the minority leader, introduced the bill H.R. 7897, which are clean bills with certain modifications of the original bills we introduced on the voting rights measure.

The bill H.R. 7897 follows:

H.R. 7897

A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".

SEC. 2. DEFINITIONS.—(a) The phrase "literacy test" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, or (2) demonstrate an educational achievement or knowledge of any particular subject.

(b) A person is "denied or deprived of the right to register or to vote" if he is (1) not provided by persons acting under color of law with an opportunity to register to vote or to qualify to vote within two weekdays after making a good faith attempt to do so, (2) found not qualified to vote by any person acting under color of law, or (3) not notified by any person acting under color of law of the results of his application within seven days after making application therefor.

(c) The term "election" shall mean any general, special, or primary election held in any voting district solely or in part for the purpose of electing or selecting any candidate to public office or of deciding a proposition or issue of public law.

(d) The term "voting district" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(e) The term "vote" shall have the same meaning as in section 2004 of the Revised Statutes (42 U.S.C. 1971 (e)).

SEC. 3. FINDINGS.—(a) Congress hereby finds that large numbers of United States citizens have been and are being denied the right to register or to vote in various States on account of race or color in violation of the fifteenth amendment.

(b) Congress further finds that literacy tests have been and are being used in various States and political subdivisions as a means of discrimination on account of race or color. Congress further finds that persons with a sixth-grade education possess reasonable literacy, comprehension, and intelligence and that, in fact, persons possessing such educational achievement have been and are being denied or deprived of the right to register or to vote for failure to satisfy literacy test requirements solely or primarily because of discrimination on account of race or color.

(c) Congress further finds that the prerequisites for voting or registration for voting (1) that a person possess good moral character unrelated to the commission of a felony, or (2) that a person prove qualifications by the voucher of registered voters or members of any other class, have been and are being used as a means of discrimination on account of race or color.

(d) Congress further finds that in any voting district where twenty-five or more persons have been denied or deprived of the right to register or to vote on account of race or color and who are qualified to register and vote, there exists in such district a pattern or practice of denial of the right to register or to vote on account of race or color in violation of the fifteenth amendment.

SEC. 4. APPOINTMENT OF EXAMINERS; PRESUMPTION OF PATTERN OR PRACTICE.—(a) Whenever the Attorney General certifies to the Civil Service Commission (1) that he has received complaints in writing from twenty-five or more residents of a voting district each alleging that (i) the complainant can satisfy the voting qualifications of the voting district, and (ii) the complainant has been denied or deprived of the right to register or to vote on account of race or color within ninety days prior to the filing of his complaint, and (2) that the Attorney General believes such complaints to be meritorious, the Civil Service Commission shall promptly appoint an examiner for such voting district who shall be responsible to the Commission.

(b) A certification by the Attorney General shall be final and effective upon publication in the Federal Register.

(c) The examiner shall examine each person who has filed a complaint certified by the Attorney General to determine whether he was denied or deprived of the right to register or to vote within ninety days prior to the filing of such complaint, and whether he is qualified to vote under State law. A person's statement under oath shall be prima facie evidence as to his age, residence and prior efforts to register or otherwise qualify to vote. In determining whether a person is qualified to vote under State law, the examiner shall disregard (1) any literacy test if such person has not been adjudged an incompetent and has completed the sixth grade of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico, or (2) any requirement that such person, as a prerequisite for voting or registration for voting (i) possess good moral character unrelated to the commission of a felony, or (ii) prove his qualifications by the voucher of registered voters or members of any other class. If applicable State law requires a literacy test, those persons possessing less than a sixth grade education shall be administered such test only in writing and the answers to such test shall be included in the examiner's report.

(d) If the examiner finds that twenty-five or more of those persons within the voting district, who have filed complaints certified by the Attorney General have been denied the right to register or to vote and are qualified to vote under State law, he shall promptly place them on a list of eligible voters, and shall certify and serve such list upon the offices of the appropriate election officials, the Attorney General, and the attorney general of the State, together with a report of his findings as to those persons whom he has found qualified to vote. Service shall be as prescribed by rule 5(b) of the Federal Rules of Civil Procedure. The provisions of section 8 (d) and (e) shall then apply to persons placed on a list of eligible voters.

(e) A finding by the examiner under subsection (d) shall create a presumption of a pattern or practice of denial of the right to register or to vote on account of race or color.

SEC. 5. CHALLENGES.—(a) A challenge to the factual findings of the examiner, contained in the examiner's report, may be made by the attorney general of the State or by any other person upon whom has been served a certified list and report of persons found qualified to vote, as provided in section 4(d). Such challenge shall be made by service upon the Civil Service Commission as prescribed by rule 5(b) of the Federal Rules of Civil Procedure. Such challenge shall be entertained only (1) if made within ten days after service of the list of eligible voters as provided in section 4(d), and (2) if supported by the affidavit of at least two persons having personal knowledge of the facts constituting grounds for the challenge.

(b) Upon service of a challenge the Civil Service Commission shall promptly appoint a hearing officer who shall be responsible to the Commission, or promptly designate a hearing officer already appointed, to hear and determine such challenge. A challenge shall be determined within seven days after it has been made. A person's fulfillment of literacy test requirements, if not disregarded by the examiner as provided for in section 4(c), shall be reviewed solely on the basis of the written answers included in the examiner's report required by sections 4(c) and 4(d).

SEC. 6. ESTABLISHMENT OF A PATTERN OR PRACTICE.—A pattern or practice of denial of the right to register or to vote on account of race or color is established (a) if a challenge to a finding under section 4(d) has not been made within ten days after service of the list of eligible voters on the appropriate State election officials and the attorney general of the State, or (b) upon a determination by a hearing officer that twenty-five or more of those persons within the voting district, who have been placed on the list of eligible voters by the examiners, have been denied or deprived of the right to register or to vote and are qualified to register and to vote. The listing of additional persons prescribed in section 8 shall not be stayed pending judicial review of the decision of a hearing officer.

SEC. 7. JUDICIAL REVIEW.—A petition for review of the decision of a hearing officer may be filed in the United States Court of Appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review, but no decision of a hearing officer shall be overturned unless clearly erroneous.

SEC. 8. LISTING OF PERSONS FOUND ELIGIBLE.—(a) Upon establishment of a pattern or practice, as provided in section 6, the Civil Service Commission shall appoint such additional examiners for the voting district as may be necessary who shall determine whether persons within the voting district are qualified to register and to vote. In determining whether such persons are so qualified the examiners shall apply the same procedures and be subject to the same conditions imposed upon the initial examiner under section 4(c), except that a person appearing before such examiner need not have first attempted to apply to a State or local registration official if he states, under oath, that in his belief to have done so would have been futile or would have jeopardized the personal safety, employment, or economic standing of himself, his family, or his property. Such examiner shall in the same manner as provided in section 4(c), certify and serve lists of eligible voters and any supplements as appropriate at the end of each month, upon the appropriate election officials, the Attorney General, and the attorney general of the State, together with reports of his findings as to those persons listed.

(b) Challenges to the findings of the examiners shall be made in the manner and under the same conditions as are provided in section 5.

(c) The Civil Service Commission shall appoint and make available additional hearing officers within the voting district as may be necessary to hear and determine the challenges under this section.

(d) Any person who has been placed on a list of eligible voters shall be entitled and allowed to vote in any election held within the voting district unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with section 10. If challenged, such person shall be entitled and allowed to vote provisionally with appropriate provision being made for the impounding of their ballots, pending final determination of their status by the hearing officer and by the court.

(e) Examiners shall issue to each person placed on a list of eligible voters a certificate evidencing his eligibility to vote.

(f) No person shall be entitled to vote in any election by virtue of the provisions of this Act unless his name shall have been certified and transmitted on such list to the offices of the appropriate election officials at least forty-five days prior to such election.

SEC. 9. APPLICATION AND PROCEDURE.—(a) Consistent with State law and the provisions of this Act, persons appearing before an examiner shall make application in such form as the Civil Service Commission may require. Also, consistent with State law and the provisions of this Act, the times, places and procedures for application and listing pursuant to this Act and removals from eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission. The Commission shall, after consultation with the Attorney General, instruct examiners concerning the qualifications required for listing.

(b) Notwithstanding time limitations as may be established under State or local law, examiners shall make themselves available every weekday in order to determine whether persons are qualified to vote.

(c) Times, places and procedures for hearing and determination of challenges under sections 5 and 8(b) shall be prescribed by regulation promulgated by the Civil Service Commission, provided that hearing officers shall hear challenges in the voting district of the listed persons challenged.

SEC. 10. REMOVAL FROM VOTER LISTS.—Any person whose name appears on a list, as provided in this Act, shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list. A person whose name appears on such a list shall be removed therefrom by an examiner if (1) he has been successfully challenged in accordance with the procedure prescribed in sections 5 and 7, or (2) he has been determined by an examiner (a) not to have voted or attempted to vote at least once during four consecutive years while listed or during such longer period as is allowed by State law without requiring reregistration, or (b) to have otherwise lost his eligibility to vote, provided, however, that in a State which requires reregistration within a period of time shorter than four years, the person shall be required to reregister with an examiner who shall apply reregistration methods and procedures of State law not inconsistent with the provisions of this Act.

SEC. 11. QUALIFICATIONS OF EXAMINERS AND HEARING OFFICERS.—Examiners and hearing officers appointed by the Civil Service Commission, shall be existing Federal officers and employees who are residents of the State in which the Attorney General has issued his certification. Examiners and hearing officers shall subscribe to the oath of office required by section 16 of title 5, United States Code. Examiners and hearing officers shall serve without compensation in addition to that received for such other service, but while engaged in the work as examiners and hearing officers shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from their usual place of residence, in accordance with the provisions of sections 835 to 842, title 5, United States Code. Examiners and hearing officers shall have the power to administer oaths.

SEC. 12. TERMINATION OF LISTING.—The listing provisions of this Act shall be applied in a voting district until, within any twelve-month period, less than twenty-five persons within the voting district have been placed on lists of eligible voters by examiners.

SEC. 13. ENFORCEMENT.—(a) Whenever a person alleges to an examiner within twenty-four hours after the closing of the polls that notwithstanding his listing under the provisions of this Act he has not been permitted to vote or that his vote was not properly counted or not counted subject to the impounding provision, as provided in section 8(d), the examiner shall notify the United States attorney for the judicial district if such allegation, in his opinion, appears to be well founded. Upon receipt of such notification, the United States attorney may forthwith apply to the district court for a temporary or permanent injunction, restraining order, or other order, and including orders directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote, (2) to count such votes, or (3) for such other orders as the court may deem necessary and appropriate.

(b) No person, acting under color of law, shall—

(1) fail or refuse to permit to vote any person who is entitled to vote under any provision of this Act; or

(2) willfully fail or refuse to count, tabulate, and report accurately such person's vote; or

(3) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any such person entitled to vote under any provision of this Act for voting or attempting to vote, or

(4) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for urging or aiding voting or attemped voting by persons entitled to vote under any provision of this Act.

(c) No person, acting under color of law or otherwise shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for exercising any powers or duties under section 4, 5, 6, 7, 8, 9, or 10 of this Act.

(d) No person shall in any matter within the jurisdiction of an examiner or a hearing officer, knowingly and willfully falsify or conceal a material fact, or make any false, fictitious or fraudulent statement or representation, or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry.

(e) Any person violating any of the provisions of subsections (b), (c), or (d) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(f) All cases of civil and criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(g) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether an applicant for listing under this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 14. INTERFERENCE WITH ELECTIONS.—(a) No person shall, for any reason—

(1) fail or refuse to permit to vote in any State any person who is qualified to vote under the provisions of the law of such State which are not inconsistent with the provisions of Federal law; or

(2) willfully fail or refuse to count, tabulate, and report accurately such person's vote; or

(3) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any such person for the purpose of preventing such person from voting or attempting to vote; or

(4) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for the purpose of preventing such person from urging or aiding voting or attempted voting.

(b) No person shall, within a year following an election, (1) destroy, deface, mutilate, or otherwise alter the marking of a paper ballot cast in such election, or (2) alter any record of voting in such election made by a voting machine or otherwise.

(c) No person shall knowingly or willfully give false information as to his name, address, or period of residence in a voting district for the purpose of establishing his eligibility to register or vote, or conspire with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pay or offer to pay or accept payment either for registration to vote or for voting.

(d) Any person violating any of the provisions of subsections (a), (b), or (c) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(e) The foregoing provisions of this section shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing presidential electors, Members of the United States Senate, Members of the United States House of Representatives, or Delegates or Commissioners from the Territories or possessions.

SEC. 15. RELIEF FROM ENFORCEMENT OF POLL TAX.—(a) Congress hereby finds that the constitutional right to vote of large numbers of citizens of the United States is denied or abridged on account of race or color in some States by the requirement of the payment of a poll tax as a prerequisite to voting in State or local elections. To assure that the right to vote is not thus denied or abridged, the Attorney General shall forthwith institute in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax or payment, which, as a condition precedent to voting in State or local elections, has the purpose or effect of denying or abridging the right to vote on account of race or color.

(b) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(c) Appeal from judgments rendered under this section shall be to the Supreme Court in accordance with 28 U.S.C. 1253.

SEC. 16. APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 16. SEPARABILITY.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

C. LEO DeORSEY

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, I was shocked and deeply grieved by the untimely death of C. Leo DeOrsey.

As did all his countless friends, I knew him as a man with an astounding range of interests—business, politics, sports. He was eminently successful in them all.

But it was as a former neighbor of Leo's on Kerry Lane in Chevy Chase that I came to know him best, as a family man in the truest sense of the word. He was devoted heart and soul to his lovely wife Helen and to their children, Dorothy and Bob. I know that on his last vacation trip to Florida he took no telephone calls so that he could spend every moment in their company.

One of the finest and most accurate tributes to Leo was paid to him by another friend, Jim Gibbons, sportscaster, on WRC-TV, Monday night. Because it says what is in the hearts of so many of us who knew, admired and loved Leo, I am inserting it in the RECORD today:

Representatives of all the National Football League clubs, led by Commissioner Pete Rozell, are in town for the funeral of C. Leo DeOrsey tomorrow at 10 at the Shrine of the Most Blessed Sacrament. Many others from the sports field, the entertainment and the business world, are here to pay their respects to the memory of one of the bright lights of the Washington sports and business scene, extinguished by death last Friday night.

Leo DeOrsey was very much in evidence, whether in his capacity as executive vice president and director of the Washington Redskins, for his longtime friend, the ailing president, George Preston Marshall, or as adviser and consultant for many years to Arthur Godfrey, or to the seven astronauts, who will be pallbearers tomorrow, or for the hotel he owned, or the tax business he ran, or the many charitable contributions he gave.

He has been described as a two-fisted standup fighter. This I believe to be true, he was certainly never reluctant to state his position, or base his opinion, nor to lack courage to defend them vigorously.

He'll be missed for those colorful and firm opinions and those determined stands on baseball, or football, or almost any given subject. He'll be missed for his sharp wit and brilliant mind, but most of all to those who knew him well, he'll be missed as a warm friend.

LEGISLATION TO ASSIST COMMUNITIES SOLVE THE PROBLEMS ARISING OUT OF BASE CLOSINGS

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 30 minutes.

Mr. KASTENMEIER. Mr. Speaker, I am today introducing a package of four bills dealing directly with the day-to-day problems faced by individuals, businesses, school districts, and communities as a result of the closing of various military bases. The June 30, 1968, closing of Truax Air Force Base at Madison, Wis., has thrust many problems onto the people of my district. These problems and the problems of other areas are not insoluble, but they will take the concerted efforts of individuals and governments, local, State, and Federal. What success we have in finding and working out solutions to these problems will be of value to other people and communities in solving their problems of converting military bases to peacetime uses.

Ironically, in Wisconsin the most immediate and troublesome problems arise out of the advance notice provided the communities of the 1968 closing.

For example, in 1962 a $4.6 million, 280-unit Capehart development was located and constructed adjacent to the city of Sun Prairie, Wis., a community of 4,008 located about 10 miles from Madison and Truax Air Force Base. The community, while divided over the wisdom of locating a facility there, recognized the need for the housing and wholeheartedly supported the development and the Air Force personnel who came to live in the houses.

The influx of federally connected students increased drastically as the units were filled, as the following table shows:

Students enrolled in Sun Prairie, Wis., schools

Year	Federal students enrolled residing on Capehart housing project	Federal students enrolled not residing on Capehart housing project	Total Federal students enrolled	Total non-Federal students	Grand total of all students
June 1962	0	203	203	1,251	1,454
June 1963	374	174	584	1,470	2,018
June 1964	445	214	659	1,692	2,351
February 1965	500	253	753	1,958	2,711

It was clear a new school was needed and Sun Prairie agreed to locate it adjacent to the Capehart development even though across a main highway from Sun Prairie itself in return for the purchase of the $20,000 site by the Air Force. It subsequently has spent approximately $30,000 on architectural and engineering costs. As a result, it is committed to constructing the new school on this site even though the Air Force reversed itself at the time the closing was announced and now refuses to pay the $20,000 for the site. Exhaustive efforts through the Office of Economic Adjustment in the Department of Defense and my office have not convinced the Air Force to live up to its commitment. It has refused even though it will save $42,000 on the cost of busing its children during the next 3 years by virtue of this location of the school.

Unfortunately, there may be no way to obtain these funds even though the Air Force will benefit by the school's location by more than twice the cost of the site. Certainly, there are two separate funds involved, but to the taxpayers who will be asked to make this up in a bond issue, it is a case of the Federal Government failing to live up to its agreements. I am still working with the Air Force to determine whether some solution can be worked out.

This is one way in which the community may lose by virtue of the early announcement of the closing. Another results from the provisions of Public Law 815.

PUBLIC LAW 815

Under this law, Federal assistance is provided school districts for the construction of school facilities on the basis of increases in the number of students of parents who live or work on Federal establishments. When the students are permanent, the Federal assistance is designated to be equal to the cost of permanent facilities required for them.

On the basis of increases in the number of permanent students, Sun Prairie was determined during the summer of 1964 to be eligible for a $68,575 grant for school equipment and a $130,686 grant for school construction.

The November 19, 1964, announcement that Truax would be closed in June 1968 suddenly rendered these federally connected students temporary. By the terms of Public Law 815, assistance to school districts can only be in the form of temporary facilities or the cost of their equivalent. The law defines a temporary student as one expected to be in the community for 6 years or less.

Since it was less than 4 years from November 1964 to June 1968, the Office of Education determined all Truax-connected children to be temporary and reduced the two grants from $130,686 to $99,000 and from $68,575 to $8,000. My efforts were later successful in persuading the Office of Education to raise this $8,000 to $14,525, but the school district had lost a total of $85,736 in a matter of days.

The equities clearly require that Congress correct this situation.

Let us look for a moment at these equities. The Sun Prairie School District made timely application, was notified of the amounts reserved for its school and on that basis made necessary and legitimate commitments to provide a school adjacent to the Capehart site and a high quality education for each Truax connected student. What further disturbs me, however, is that the peak load of Truax-connected students will not be felt in the Sun Prairie schools until the 1965–66 school year which begins this fall. More facilities are needed now to handle these additional students. Yet the grants have been reduced and the taxpayers are now expected to make up in taxes for this loss.

In my view, the arguments over the relative amount of benefit the Federal Government will receive from the education provided federally connected students as compared with the long term benefit Sun Prairie will receive from the buildings to be built are immaterial.

It is a matter of good faith. Here the Federal Government has made assurances to Sun Prairie. In turn, Sun Prairie has relied in good faith on these assurances. It made a decision over the location of the school. It is to be located next to the Capehart development and away from the city itself. It has made assurances to its taxpayers about the cost of this school as against a smaller school to meet the educational needs of a growing but moderate-sized city. It further made irrevocable planning decisions.

Sun Prairie by virtue of the closing announcement not only is committed to a school plan in large measure designed to support a Truax-connected population, but it also has lost the promised funds to bring even that plan into existence. In short, it has the equivalent of a legal claim for reliance damages.

I believe the full amount of the grants should be restored. The cost of $85,736 is a small price to pay to assure other communities now being asked to support other bases that they will be treated fairly in the event their case is closed.

I am offering today a bill to do just that. In simple terms it says that any school district which was determined to be eligible for assistance under Public Law 815 prior to the base closing announcement of November 19, 1964, shall be paid such assistance, as if that announcement had never been made.

This is not a private bill, however. There are three other school districts in this country which have experienced the same problems. They are located in Waco, Tex., and Amarillo, Tex.

The Potter Consolidated School District in Amarillo had its grant reduced by $14,226 from $35,226 to $21,000. Two grants to two separate school districts in Waco, Tex., were reduced by $21,275 and $20,125. Accordingly, if these three grants were restored, the total cost of this bill, including the $85,736 lost by Sun Prairie, would be $141,362. In all cases, commitments have been made to which the local communities are bound. Significantly the schools built and equipped with these funds will be filled with students. I am not asking funds to build empty classrooms. Regardless of the base closings, the classrooms will be filled. I believe the Federal Government is responsible for many of these children being in and remaining in these respective communities and that it should live up to its promises made when it came to the local school districts with a request that the children be educated in the local schools.

PUBLIC LAW 874

Another area where the impact of the closings will be felt is the loss of eligibility of Federal payments in aid to school maintenance and operating costs under Public Law 874.

As the law now stands, a district is eligible for maintenance and operation assistance if it has in its school during any school year a specified percentage of its total attendance made up of federally connected children.

Nine school districts in my district have been receiving aid under Public Law 874 by virtue of the number of Truax-connected children in their respective schools. If the situation remains about the same as it was during this year, when the phaseout is completed in 1968, each of these districts will fail to meet eligibility requirements. As a result the amounts paid under Public Law 874 will be reduced or terminated. Several districts are already receiving reduced payments because of decreases in Truax-connected schools.

Despite this fact, it is probable that many of the same children will be enrolled in the public schools in these districts. Many families will chose to continue to live in the area and their children will continue to go to the same schools.

Other factors require consideration of legislation in this area as well. The Sun Prairie School District has an average daily attendance of 667 federally connected students, of which 652 are connected with Truax Air Force Base. That district's Federal assistance for providing education to these students is $182,495, of which $180,020 is for Truax-connected students. These figures show that 27½ percent of the average daily attendance is federally connected. A similarly large portion of the school district's budget is provided through Public Law 874 funds. Even though the withdrawal of many military dependents from the school system will have some effect on need for teachers, good management would require that a good staff should be kept intact. If the Public Law 874 funds are cut off too abruptly the school districts will have no choice but to fire teachers, which increased numbers of students in the future will require to be rehired in the following years.

The purpose of the bill I am introducing to amend Public Law 874 is to provide for gradual reduction rather than abrupt termination of Federal payments made to a local educational agency on account of a child who has left the area or whose parents have ceased to be employed on Federal property due to a termination of activities of the Department of Defense, such as a base closing.

Under my bill, a local public school district would continue to receive credit for each child in either of these categories for 3 fiscal years after the event which, absent my proposed amendment would have caused the loss of all credit for that child. However, the amount payable in the first fiscal year after the child's departure or change of status would be reduced to 75 percent of the full entitlement amount, to 50 percent the second year, and to 25 percent the third year. Thereafter all payments for a child in this status would cease.

Another part of my bill would liberalize the existing provisions for gradual reduction of payments when a school district falls below the 3 percent, or in some districts, 6-percent level of federally connected children in average daily attendance. At present, when a school district falls below the minimum percentage of federally connected enrollment for participation in the aid program, it receives, for each federally connected child in average daily attendance during the first year after that event the full formula amount, 50 percent of the full formula entitlement per child the second year and nothing thereafter.

My bill would revise this pattern to permit full formula payment for each federally connected child remaining in the schools the first year after failure to meet the percentage enrollment test, 75 percent the second year, 50 percent the third year, 25 percent the fourth year, and nothing thereafter. Hence, under my bill, a school district would benefit in two ways:

First, it could count for payments, children that had been, but no longer were, federally connected for a period of 3 years on a gradually reducing basis, even if not actually in attendance.

Second, it could, for a longer period than at present, continue to receive payments for remaining federally connected children, after it had ceased to meet the 3- or 6-percent average daily attendance test.

School districts affected by the closing of Truax Air Force Base, include Madison where 1,029 of 1,450 students will lose their federal connection, Sun Prairie where 652 of 667 students will lose their federal connection, Stoughton, Monona Village, and Cottage Grove, DeForest, McFarland, Springfield Elementary, and Lodi.

CIVIL SERVICE RETIREMENT

A third bill deals with civil service retirement.

Under present law, a civil service employee, including a civilian employee of the Department of Defense, may retire voluntarily on full earned annuity at age 62 with 30 years of service. If retirement is involuntary and not for misconduct or delinquency, present law provides an immediate but reduced annuity if the employee has:

First. Twenty-five years of service regardless of age, or second, 20 years of service and has attained age 50.

If neither of these conditions is met, the employee is entitled to a deferred annuity commencing at age 62, provided he does not elect a refund of his retirement deductions.

Under ordinary circumstances these provisions are reasonable, even generous when compared with retirement programs of some private industries.

Civil service employees in military bases now being closed, however, face unusual circumstances. Most, if not all, of the civilian employees at a military base, such as Truax Air Force Base, are local people. Many have served the Government for many years. With the closing of the base, they are now faced with the choice of moving to another military or Government installation, which may be at some distance from what they have always considered home, or seeking other employment at home. Some are too old to build up much of a retirement program in a new job and existing civil service retirement laws make immediate retirement costly.

I am introducing legislation today which would, quite simply, eliminate the age qualification for full retirement benefits and would retain the length-of-service qualification. That is, a civil servant voluntarily or involuntarily separated would be eligible for full earned retirement annuity, regardless of his age, after 30 years service. He would be eligible for full annuity, regardless of age, after 20 years of service if his separation were involuntary—occasioned, for example, by the closing of a base and not for cause, misconduct, or delinquency.

It should be noted that existing civil service regulations provide that when an office or unit is changed or its functions transferred to another unit and an employee resigns or is separated solely because he is unable for family or personal reasons to accompany the office to its new location the action is considered involuntary.

It should also be noted that there is substantial difference between the "earned" annuity of an employee with 30 years service and that of an employee with 20 years service. The retirement formula, thus would encourage Federal employees to stay on the payroll to earn the higher retirement benefits even though they might be eligible for early retirement.

SMALL BUSINESS DISASTER LOANS

Small business disaster loans should be available for businesses which are displaced by a base closing.

Congress has recognized that the construction of a highway or other public project can displace a small business and be as much of a "disaster" as a flood or other natural cause. In 1961, Congress made businesses which were physically displaced by Federal projects eligible for disaster loans from the Small Business Administration.

Under this section of the law, an eligible business could obtain a loan, without collateral, for up to 20-year loans, at interest rates limited to average annual rate on all U.S. interest bearing obligations plus one-fourth of 1 percent—currently 3¾ percent—and with an amount of working capital included in the loan.

This program was set up to assist small business concerns physically displaced—forced to move—by Federal and federally assisted projects utilizing land condemnation.

The purpose of my bill is to make these loans available to businesses in areas where an actual or imminent loss in business opportunities is caused by the closing of a Federal installation, such as Truax Field.

The total saving to the Federal Government involved in the closing of Truax Air Force Base is set at $13,412,000. It will effect the withdrawal of 2,658 military personnel and 378 civilians.

Clearly, many small businesses will sustain a loss of business, and some closely tied in with the Air Force Base may even have to close up shop and consider moving to a new location.

Under my bill, these businesses would become eligible for small business disaster loans just as if they had been displaced by a Federal highway or suffered extensive damage in a natural disaster. They also would be eligible for planning information and assistance from the Small Business Administration.

In this regard, we are extremely fortunate to have a Regional Office of the Small Business Administration immediately available in Madison which can provide day-to-day advice and assistance.

In another respect, the long lead time the communities have been provided by the advance notice of the closing of Truax Air Force Base and others will provide us sufficient time to enact this legislation and provide individuals, businesses, school districts, and communities with needed assistance.

With these laws on the books any future base closings will not pose as great a problem for the communities involved.

Mr. **POAGE**. Mr. Speaker, will the gentleman yield?

Mr. **KASTENMEIER**. I am happy to yield to my colleague, the gentleman from Texas.

Mr. **POAGE**. I am delighted that the gentleman is explaining this situation which I think is so unfair throughout the Nation. I could cite an illustration in my own district which naturally I would feel is even more aggravated, where we tore down a school building with the understanding that we would have this help. The building was completely torn down except for the gymnasium. And now we have to rebuild that building. The election was ordered long before we knew anything about the closing, and we issued the bonds. We feel there is an obligation on the part of the Federal Government to go ahead and make the payment that they promised to make at the time we tore the building down. We are now rebuilding it and if the Federal Government does not make the payments of course those people will be saddled with a very substantial burden for a great many years to come. We think that is grossly unfair. The situation is very comparable to the one which the gentleman from Wisconsin is describing. I would like to point out that what the gentleman is describing does not relate simply to one isolated instance in Wisconsin but is repeated in at least four other instances over the United States, I believe, and in each one of them there is the same tragic situation of people having spent money relying on the promises of the U.S. Government and then one day, because we decide it is a saving of money to the Government—and I am not questioning that fact—but we say that we are going to close these bases at some date in the future. Now let us pay our obligations even though we close those bases. Let us pay our obligations to the communities involved.

Mr. **KASTENMEIER**. I am in full agreement with the gentleman. I appreciate his comments because the moral commitment involved here on the part of the Government of these communities and school districts it seems to me should be clear to all. And if it is not, I should think that through legislation we might be able to remedy the situation. The gentleman is correct. There are other school districts in the county—small in number of course—but in the gentleman's district which is in Waco, Tex., and Amarillo, Tex., as well, I understand the situation in those two places is somewhat similar to the one I have attempted to describe.

Mr. ROGERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I am pleased to yield to my colleague, the gentleman from Texas.

Mr. ROGERS of Texas. Amarillo is located in the congressional district in Texas that I have the honor to represent. I want to say at this time I think the efforts put forth by the gentleman from Wisconsin in this area are most commendable. I want to commend him at this time for what he is trying to do. I notice the gentleman takes the position that this is not a private bill. I think that too is commendable. But I do want to say this: even though it were a private bill and involved only the area that the gentleman represents, I think his bill would be a just bill and ought to be supported by the entire House of Representatives. The loss in the particular school district in Amarillo, the Potter County Consolidated School District, was not a great loss but it was a lot of money to those people out there—though, of course, on the basis of the Federal yardstick it was not a million dollars or a billion dollars, but as I say it was a lot of money to those people. Those people had committed themselves and have committed themselves to meet the requirements that had been created by this base.

They did so in good faith. I believe the Federal Government certainly ought to live up to its moral obligations. If it will not do that then we should create legal obligations on the part of the Government and do what the gentleman from Wisconsin is trying to do. I want the gentleman to know I will support his bill wholeheartedly.

Mr. KASTENMEIER. I thank the gentleman from Texas [Mr. Rogers] for his statement and his support. This is not only a matter of Public Law 815 but also Public Law 874, which in part provides for the lack of equity in terms of the school districts affected. I have been assured that there will be reasonably prompt hearings on the subject. I hope that the committee and the House will give this matter its very serious consideration.

Mr. Speaker, I yield back the remainder of my time.

STRAWBERRY GROWING INDUSTRY

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Talcott] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. TALCOTT. Mr. Speaker, I regret to report that the Federal Government has failed the strawberry growing industry. Crops are spoiling in the fields this very day. Strawberries are rotting on the vines as I speak these words.

The losses are enormous—as much as $1 million a week in my district alone. Every segment of our economy will be affected. A general business recession pervades the growing areas. It may spread far beyond the immediate growing areas.

Crops are spoiling because adequate harvest labor is not available. Congress, the administration, and the Labor Department are directly responsible because they have denied farmers the opportunity to import temporary supplemental farm labor where domestic labor is in short supply.

Only a few uninformed persons still claim it is possible to obtain domestic labor. The Labor Department, California Department of Employment, organized labor, and the churches all have failed in their recruiting efforts. It was clear to most observers, close to the scene, months, even a year ago that it is impossible to obtain competent domestic farmworkers in sufficient numbers to meet the need. Now that harvest time has arrived, we are confronted with an emergency situation.

We had firm and measured assurances from the Labor Department and the Governor of California that crops would not be permitted to spoil for lack of labor. The promises have not been kept. This is a breach of faith unworthy of any public official.

Facts on the problem have been in the possession of responsible authorities for months.

California growers pay the highest minimum wages and ambitious workers can earn $3 an hour at piece work. No farm laborer can earn any more for such work any other place in the world.

On an overall basis, the housing and living conditions provided by California growers are not equaled by the farmers in any other State or Nation, although there is room for improvement in some cases.

Experience has demonstrated that the unemployed from large cities in California and elsewhere will not work on the farms at any wage. Further, the few who have been recruited have been entirely incompetent in performing "stoop" labor.

California growers have complied with every regulation, tried every proposal, experimented with every suggestion, hired every able applicant, increased wages, improved housing and recruited as far as 2,000 miles away.

They have permitted workers in their fields who never before had seen vegetables and fruit growing and did not know the rudiments of tending specialty crops. Such labor often did extensive damage to the plants and vines, and their productivity was extremely low.

No other industry in any area at any time in our history has ever been treated so shabbily by its own Federal and State Governments. The Labor Department appears to have devised a plan to punish, bankrupt and ruin the California vegetable and fruit industry unless it agrees to help solve some of the social, economic, unemployment, and racial problems of the eastern big cities.

In response to overwhelming evidence that disaster is imminent, the Labor Department recently authorized the importation of 1,500 Mexican nationals and the employment of 1,000 Japanese and Philippine nationals already in this country. The latter, incidentally, have been idle for over 3 months because the Labor Department forbade them to perform the great amount of work to be done pending the ill-fated attempts to recruit domestic help.

Every shred of evidence indicates that at least twice the number of workers authorized are needed immediately. The usual red tape will prevent the Mexican nationals from working for a month or more—during which time it is estimated grom $5 to $10 million in crops will be lost.

Everyone in the industry importuned the Labor Department months ago to set up the necessary machinery for expediting the entry of farm labor from Mexico—in the event a subsequent decision were made to proceed. Regrettably, the Labor Department made no such arrangements and losses will be the greater due to delays now that it has decided belatedly to admit the 1,500 Mexican farmworkers, after all.

Strawberries are perennials and cost more than $1,500 per acre to bring to maturity. Spoilage of fruit can damage strawberry plants irreparably. Obviously, such losses will bankrupt many small family farms, and even some of the larger operations may be wiped out. The processing and distributing firms—employing hundreds of local domestic workers—also will be hard hit.

If Congress, the administration, and the Labor Department had listened to the people who presented facts instead of those who dealt in fiction and inflamatory statements, this catastrophe would have been averted. Administration and Labor Department officials should stand in a field where valuable crops are turning into garbage.

The fact that many workers in allied industries will soon be out of work is a particularly disturbing result. These people are facing hardships and poverty which have been inflicted by an administration which claims to be waging a war against poverty and unemployment.

Our Federal Government is directly responsible for an enormous waste of food.

Our Federal Government is directly responsible for increased prices of foods which are important to the nourishment of all our citizens—a heavy burden, especially for our less fortunate families.

MONROE DOCTRINE: TIME FOR AN UPDATING

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Grover] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. GROVER. Mr. Speaker, many voices, at home and abroad, have been raised in criticism of our involvement in the Dominican Republic.

Before the Gulf of Tonkin incident, I was openly critical of the administration's "timidity" and apparent disposition to appease and placate the liberal internationalists in our country and its fear of offending friends—and enemies—abroad.

Our commitment to more intense activity in Vietnam should have been made sooner, but I applaud the President for courage in difficult policy decisions which southeast Asia has required.

Since the Bay of Pigs, I have been critical of our pitiful brush off of Castroism and our abandonment of the Monroe Doctrine.

I commend the President for his reconstitution of the Monroe Doctrine in the Caribbean and I present to my colleagues an eloquent Newsday editorial with which I am sure most Americans will agree and subscribe:

THE MONROE DOCTRINE: TIME FOR AN UPDATING

"With the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other matter their destiny, by any European power, in any other light, as the manifestation of an unfriendly disposition toward the United States * * * It is equally impossible that we should behold such interposition, in any form, with indifference."—From the Monroe Doctrine.

When President Monroe proclaimed his doctrine he was thinking, first, of Russian efforts to bar fishing and navigating off the coast of Alaska, then a colony of the czar; second, of the former Spanish colonies in South America that had revolted and had set up governments of their own, however shaky. It was a resounding notice to foreign powers not to meddle in hemispheric affairs.

Now, some 14,000 American troops are either in the Dominican Republic or on their way there, and President Johnson frankly says his purpose is to avoid a second Cuba—a second Communist-oriented government such as the one in Cuba that is a thorn in our side. In a sense, he is relying upon the broad principles of the Monroe Doctrine, but that statement of American policy was based upon the world as it existed 133 years ago, not as it is now. Foreign intervention, in terms of fighting men and ships, has ceased to exist. The new mode is foreign subversion—first a local uprising, sparked by outside subversion; next, foreign "advisers," and finally foreign missiles, as was the case in Cuba. For these contingencies, the Monroe Doctrine is inadequate.

But what was promulgated by one President can be revised by another President, and that seems to be the great need if our Latin American policy is to match current events. The Monroe Doctrine needs updating. We still support the right of any nation in this hemisphere to choose the type of government its people want—bearing realistically in mind that with largely illiterate populations the choice cannot be made upon the same reasoned basis as in the United States. We also have the clear right, as shield and buckler of the hemisphere, to insure that no government uses its sovereignty as a cover for Soviet or Chinese communism, our deadly enemy.

In the Dominican Republic our first role is to save lives and restore peace; our second to make it clear, whoever takes power, that the constituted government must eschew foreign domination and the creation of a base of operation against the United States or its hemispheric allies. We shall have to stay, however unhappy the prospect, until that result is achieved.

TO ELIMINATE WEAKNESSES IN WAR CLAIMS ACT OF 1948

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. MORSE. Mr. Speaker, I am today introducing legislation to eliminate two weaknesses in the War Claims Act of 1948. Under existing law only U.S. nationals as of 1943 are eligible to receive compensation. Clearly this eliminates many deserving U.S. nationals who came here in 1944, or right after the war in 1945.

This legislation would extend this eligibility for compensation to U.S. nationals as of the date of enactment. In addition it would provide eligibility for servicemen of the United States and allied nations who were held as prisoners of war during World War II and imprisoned contrary to the standards of international law.

Mr. Speaker, I know of a great many deserving individuals who suffered great loss during the horrible years of World War II who are ineligible to receive compensation merely because of the establishment of an arbitrary date. They are individuals who have made outstanding contributions to our country.

I hope that the Judiciary Committee will act promptly to make these important changes in the War Claims Act. Similar legislation has been introduced in the other body and its sponsors are doing their best to secure action in that Chamber as well.

FIRM FOREIGN POLICY APPLAUDED

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. DEVINE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DEVINE. Mr. Speaker, as one who does not often find himself in agreement with the policies espoused by President Johnson, I am most happy to offer him my wholehearted support in pursuing a firm stand as it relates to Vietnam as well as in the Dominican Republic.

The President's request for $700 million as standby funds in this crisis should, in my opinion, be unanimously adopted by the Congress. This not only is necessary but also will show the world that finally the U.S. Government stands behind its commitments; that finally the policies of weakness and vacillation have been abandoned; that the Monroe Doctrine has again, and properly, been reinvigorated; that Americans recognize the continuing dangers of communism and have learned a hard lesson from the Cuban failure at the Bay of Pigs.

Many of us, over the years, have advocated a firm stand in foreign policy, and we welcome the attitude now adopted by the administration.

We are not impressed by the bleating voice of the "peace at any price" segment of our society, whether they be professors, beatniks, malcontents, "comsympths," or merely misguided or misinformed.

Let this serve as notice to the world that the U.S. Government is sick and tired of appeasement for appeasement's sake and that she honors her commitments to the free world.

TO PROVIDE TIME OFF FOR RELIGIOUS OBSERVANCES

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I wish to explain the objective of H.R. 7716, a bill I introduced last week, and to urge its support.

The bill is a simple and, I believe, worthwhile measure. It will cost nothing. Its sole aim is to provide Federal employees time off for religious observances on days not recognized as legal holidays.

As matters now stand, the Government requires its employees to be available for work any day of the week or year. The requirement is waived, of course, for such legal holidays as Christmas. The recognized religious holidays, however, are not always the same as those observed by, for example, Orthodox Jews. They are obliged to refrain from work on Friday evenings or Saturday. The result is that members normally charge off to annual leave or to leave without pay the time taken off for their religious observances. In some instances, members of the Orthodox faith decide against Government service because of this difficulty.

The bill I am sponsoring provides that a Government employee who takes time off to comply with the religious obligations imposed by his denomination be allowed to make up such time by arrangement with the department or agency concerned. In practice, this would mean that an Orthodox Jew would be able to arrange with his department head to have Yom Kippur off in exchange for working on Christmas Day or on other days after hours. I should point out, however, that the bill gives the department considerable authority in making such arrangements. It provides for this exchange only "to the extent compatible with the exigencies of the public business and the performance of essential services."

I am happy to join in bipartisan sponsorship of this measure with the gentleman from New York [Mr. BINGHAM]. I think this bill is deserving of passage because it will enable the Federal Government to give its support to the concept that devoutly religious groups should be not only allowed, but encouraged to pursue their beliefs.

GRAND CANYON "CASH REGISTERS" SHOULD RING UP "NO SALE"

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SAYLOR. Mr. Speaker, there has been a lot of talk in recent days both in and out of Congress about the Department of the Interior's scheme to construct the Bridge Canyon and Marble Gorge Dams as "cash registers" for the so-called lower Colorado River project. The current issue of Life magazine—May 7—contains a thoughtful editorial on this proposal. I think that after reading this editorial many of our colleagues will want to ring up a "no sale" on these so-called "cash registers."

As Life magazine points out:

> So two big new power dams would be built at a cost of $750 million on the already thoroughly bedammed Colorado. Low interest rates on the capital investment, with no taxes to pay, would insure (or are supposed to insure) that the electricity they generate would be salable. These dams—unabashedly called "cash-register dams"—are the ones which would bracket the Grand Canyon, drowning long stretches of some of the finest canyon wilderness left to the United States.

The editorial concludes with a recognition that the Southwest wants and deserves more water by stating:

> Admittedly Arizona wants and deserves more water, but the time has come to ask whether it ought not pay its own way instead of being subsidized by hydropower. So long as we continue to treat water as something outside normal controls of price and demand, there won't be much pressure to develop the new technologies of water procurement and conservation needed for the future. Besides, we haven't any Grand Canyons to spare.

Mr. Speaker, so that everyone in this House may have the benefit of reading this important editorial I am including the full text at this point in my remarks:

GRAND CANYON "CASH REGISTERS"

> "Leave it as it is," said Teddy Roosevelt, peering into the Grand Canyon of the Colorado River. "You cannot improve upon it." That was in 1903. Since then, just about every possible "improvement" short of filling up the Grand Canyon has been visited upon the river: it is blocked by eight dams, a tunnel carries its water to Denver, an aqueduct carries its water to San Diego. Now a part of the Grand Canyon itself will be affected, if a scheme called the central Arizona project gets congressional approval.
>
> This project is dramatically marked by the kind of economic myopia that afflicts most American thinking on the subject of water. Economist Kenneth Boulding describes this fault, which increasingly confuses practical efforts to deal with water shortages, as "the extraordinary extent to which water is not treated as a commodity." The economics of the central Arizona project show what this means.
>
> Costing half a billion dollars, it is the politically potent part of a large regional water program involving all the Southwestern States. Its aim is to deliver, by means of long aqueducts leading into the arid farmlands of central and south Arizona, the share of Colorado River water granted to the State by the Supreme Court in 1963. The project would be partly paid for in the traditional Bureau of Reclamation way, by peddling hydropower, so that farmers can get the water below cost. But in this case no new storage dams are needed and hydropower is ordinarily a byproduct of storage dam installation.
>
> So two big new power dams would be built at a cost of $750 million on the already thoroughly bedammed Colorado. Low interest rates on the capital investment, with no taxes to pay, would insure (or are supposed to insure) that the electricity they generate would be salable. These dams—unabashedly called cash-register dams—are the ones which would bracket the Grand Canyon, drowning long stretches of some of the finest canyon wilderness left to the United States.
>
> By classic reclamation criteria, the plan is a good one. At canalside, in Pinal County, a farmer will be able to get an acre-foot of water (326,000 gallons, the amount needed to cover 1 acre to the depth of a foot) for only about $10, far less than the cost of getting it there. Of course, industrial users would have to pay more—$45 an acre-foot, but, after all, reclamation policy is designed to benefit farmers, not industries or swimming pool owners.
>
> The catch here is that classic reclamation policy is wildly, even dangerously, out of date. It made good sense in the days when supplying cheap water was the only way to open up dry Western lands to settlement. But now the problem is not land reclamation but agricultural surpluses, which are encouraged, not controlled, by subsidizing irrigation water. Some Arizona water, for example, would go to irrigate cotton, a price-supported crop. Meanwhile, demand for industrial and municipal water—usually paid for at full value—grows and must be satisfied.
>
> Water should be considered a commodity. "We rely too little on [the price system] in considering the water problems of the Nation," says Budget Director Kermit Gordon. Free or artificially low-cost water is bound to be wasted. In New York City, where most city water flows unmetered, wastage goes on despite annual conservation campaigns. Why then should there be any incentive for a farmer in parched southern California to conserve his Colorado River irrigation water, when he pays only $2.25 per acre-foot for it? The city of Los Angeles will be paying the unsubsidized price of $63 an acre-foot when it gets water from nothern California.
>
> For half a century, Senator CARL HAYDEN, of Arizona, has been fighting to get Colorado River water into his State on terms at least as favorable as those given to other States. With this plan he may succeed. He has a champion in Secretary of the Interior Stewart Udall, who, faced with a personal conflict between widely proclaimed conservationist principles and loyalty to his home State and political base, resolved it in favor of Arizona.
>
> Admittedly Arizona wants and deserves more water, but the time has come to ask whether it ought not pay its own way instead of being subsidized by hydropower. So long as we continue to treat water as something outside normal controls of price and demand, there won't be much pressure to develop the new technologies of water procurement and conservation needed for the future. Besides, we haven't any Grand Canyons to spare.

KANSAS STATE UNIVERSITY, MANHATTAN, KANS., IS PERFECT LOCATION FOR FEDERAL GRAIN MARKETING RESEARCH LABORATORY

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. MIZE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. MIZE. Mr. Speaker, for several years now, we have been trying to secure Federal funds for the construction of a Federal Grain Marketing Research Laboratory at Kansas State University, Manhattan, Kans.

A feasibility report from the Department of Agriculture clearly established the need for such a laboratory. Since Kansas is the Nation's leading wheat-producing State, and since Kansas State University offers unmatched facilities, equipment, and a grain research program, it is the logical location for an installation of this kind.

The National Association of Wheat Growers has supported the establishment of such a laboratory and has recommended that it be located at Kansas State University. A resolution to that effect was adopted at the annual convention of this association in January of this year. I quote that resolution:

MARKETING RESEARCH LABORATORY

> Whereas the National Association of Wheat Growers believes that wheat marketing research is lagging behind production and utilization research, and that more information is needed regarding national and international marketing patterns: Therefore, be it
>
> *Resolved*, That the national association action urge the establishment of a Federal Grain Marketing Research Laboratory, and that consideration be given to Manhattan, Kans., as a site for this Laboratory.

More recently, Mr. Ken Kendrick, executive vice president of the National Association of Wheat Growers, made a strong statement before the House Subcommittee on Agricultural Appropriations and has pointed out the need for an appropriation in the amount of $212,000 in the next fiscal year to be used for developing plans and specifications for this Grain Marketing Research Laboratory.

I wish to associate myself with these remarks and under leave to extend my remarks, place this excellent statement in the RECORD. The statement follows:

STATEMENT BY NATIONAL ASSOCIATION OF WHEAT GROWERS BEFORE HOUSE SUBCOMMITTEE ON AGRICULTURAL APPROPRIATIONS

> Mr. Chairman, next to livestock and livestock products, the food and feed grains constitute the greatest farm value and are the greatest source of farm cash receipts in agriculture. One-third of cash receipts from the farm marketings of all crops in 1961 was

derived from food grains and feed crops. In calendar years 1962–63 almost 39 percent of U.S. agricultural exports was accounted for by grains and grain products exclusive of feeds and fodders. The continued well-being of our grain, in both domestic and foreign markets, is heavily dependent upon solutions to a range of quality problems and upon our ability to market our products more efficiently.

The desirability of establishing a grain marketing research laboratory originated due to the accumulation of stocks of grain in the United States, high storage costs to the Government, and severe criticisms of quality of U.S. grain being delivered in foreign markets. It was considered that the progress made through research in crop production was not matched by similar efforts to improve our ability to identify and measure quality in grain, improve grading methods and equipment, improve our ability to protect quality in grain during marketing, and to improve the efficiency of transporting, storing, and handling grain as it moves from farm to market. These shortcomings are considered detrimental to our competing successfully, particularly in the export market.

Several years ago a study group of the Congress made firsthand observations of U.S. agricultural exports to Western Europe. Based on these observations the group stated that the primary reason for our failure to compete more effectively in the European market was a lack of quality, condition, and dependability of U.S. grain exports.

It is evident that research is needed to protect and maintain quality in grain during drying, conditioning, storing, milling, and transportation, whether from insect, pathological, or physiological causes, or of a physical nature; development of improved equipment, facilities, and work methods for efficient handling of grain during marketing operations; and adaptation of improved, statistically sound sampling methods and other equipment for identifying and measuring quality in grain as a basis for improving grade standards, grading methods, and sampling and grading equipment. The development of methods and procedures for controlling insects and pathological disorders should avoid the creation of harmful residues.

The time is opportune for emphasizing research of this type as a part of our goal to market high-quality grains, and with maximum efficiency. However, research facilities are not available to facilitate this diversified program of research. The establishment of a modern grain marketing research laboratory, having specialized laboratories and equipment, is essential where quality and handling research can be conducted in cooperation with the grain industry and other research agencies. Research results would provide a basis for improving official grade standards and grading methods, and provide the industry with reliable methods and procedures for protecting the quality of grain during drying, storage and transport, and in improving the efficiency of its handling and marketing operations.

The logical location for this Laboratory is Manhattan, Kans., where considerable milling, baking, and feed processing facilities have been established at Kansas State University through the cooperation of the grain industry. The logic of this location has been recognized by industry groups which have previously appeared before this committee and by representatives of experiment station directors of the North-Central States. Furthermore, the university has offered sufficient land for the Laboratory at no cost to the Government.

As indicated in the feasibility study, the total estimated cost for planning, constructing, and equipping the Laboratory is $3,385,000. This includes $212,000 for developing plans and specifications $2,438,000 for construction, and $735,000 for completely equipping the facility.

The National Association of Wheat Growers urgently and respectfully recommends that the 1966 appropriation for the Agricultural Research Service include $212,000 in order that the development of plans for this Laboratory may proceed.

The association appreciates this opportunity to appear before this committee.

NATIONAL MILK SANITATION ACT NEEDED

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. NELSEN. Mr. Speaker, today I have reintroduced the national milk sanitation bill. This bill is identical to the bills I introduced in the 87th and 88th Congresses. If passed, this bill would amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce without unduly burdening such commerce.

The primary responsibility for the protection of public health through sanitary controls should and does rest with State and local authorities. However, no such authority has the right to obstruct the free movement in interstate commerce of milk and milk products through the use of unnecessary sanitary requirements or other health regulations.

At present, local communities have set up their own health regulations in regard to the shipment of milk. These local health standards, which originally were vitally necessary to protect the public from disease transmitted through milk, are now being used as trade barriers by local interest groups to block the free flow of milk without regard to quality and cleanliness. While at one time regulations which limited procurement of milk supplies to local areas made sense, today—with modern technological developments in refrigeration, transportation, and processing—it is possible to establish a uniform system of public health milk control providing for the free flow of safe milk nationwide.

The purpose of my bill is simply to fix one clear and uniform standard of purity for milk in interstate commerce. Milk which would attain uniformly recognized national standards of the highest quality—standards set up by the Public Health Service's tried and proven milk code—could not be discriminated against in local areas. This uniform standard would reduce some of the marketing expenses due to costly duplication of inspections, thus benefitting the consumers' pocketbooks while still protecting their health.

My bill would not necessitate the establishment of costly Federal inspection facilities. Dairy plant inspections would continue to be carried on by State and local health officers, using the uniform code, with the results then being certified by the U.S. Public Health Service. Milk from certified plants could move freely from State to State. This bill does not dictate the code to which municipalities must conform; indeed, they may set their standards lower than the Public Health Service Code. This bill merely prohibits municipalities from excluding milk which does meet the U.S. standard of purity and wholesomeness.

Mr. Speaker, the main benefit to the Nation and the dairy industry under my bill will be the future development of new markets. While the present pattern of marketing areas pretty well satisfies the milk needs of our present population as presently distributed, the rapid population increases, especially in the West, are creating whole new metropolitan centers. It would be ridiculous to set up expensive dairy operations around these centers on lands better suited for other purposes, while the section of our country which has a comparative advantage in dairying is not allowed to service the areas because of antiquated local protective restrictions.

Our farmers in the heart of America's dairyland produce milk of the highest quality and of sanitary standards acceptable under the standards set by the U.S. Public Health Service. These standards have been established by the health agency of our National Government and any standards more stringent than these are superfluous and must be construed as being in fact economic barriers in the free flow of milk from one State to another.

PATENT INFRINGEMENTS BY THE FEDERAL GOVERNMENT—THE EROSION OF AMERICAN PATENT RIGHTS

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. NELSEN. Mr. Speaker, I am introducing today a proposal to amend our patent laws so as to further protect American patent rights from infringement by unlicensed foreign sources.

Purchasing agencies of the Federal Government until very recent years bought patented products only from the patent holders or their licensees. Now, certain procurement agencies of the Federal Government have begun to engage in the intentional violation of American patents, a practice which has now been applied to the products of many areas of American industry.

In the last half dozen years, several purchasing agencies of the Federal Government have bought tetracycline and other drug products covered by United States product patents, from unlicensed sources for use in the United States in direct and deliberate violation of these patents. Frequently, these sources have been located in Italy or have prepared dosage forms from bulk drugs imported from Italy.

These Federal agencies have attempted to justify their actions by giving a new twist to an old statute—28 U.S.C. 1498. The owner of a U.S. patent, as the law is now interpreted, cannot put a stop to the Federal Government's deliberate violation of his patent rights—he cannot obtain an injunction from the court against the Federal Government, even at the end of successful litigation, and his right to claim damages in the Court of Claims is a very inadequate remedy. There is no similar legal loophole for local governments which violate patent rights.

When the statute was originally enacted, its sole purpose was to give an injured patent holder a right of action where none had heretofore existed. As the statute was amended in 1918, it contemplated at most the Government's having access to inventions during wartime emergency situations.

It was never intended to give blanket authorization for Government agencies to violate U.S. patents. The net result has been a serious erosion of the rights of U.S. patent owners.

The attempted justification for the violation of U.S. drug patents by Government agencies has been made principally on the ground that the prices quoted by suppliers of infringing dosage forms are often lower than those quoted by the U.S. patent owners and their licensees. Foreign and domestic patent infringers, however, have had to bear no research costs for discovering or developing the drugs covered by the patents they are infringing; and they are attempting to exploit readymade markets which they have spent nothing to maintain. In addition foreign producers of such products as tetracycline pay wages that are about one-fourth of the rates prevailing in the United States and, generally speaking, it may be assumed that they have lower production costs.

The Federal Government's purchases of unlicensed foreign-made drug products or unlicensed dosage forms made from foreign bulk drugs have been facilitated by the fact that some foreign countries provide no patent protection for either drug products or processes. As a result, foreign concerns have developed quite a business out of copying the developments, products, and inventions of the American drug industry.

The American system is strengthened by its patent structure, provided for by the U.S. Constitution to advance science by protecting inventors. More drugs have been discovered in the United States under the protection of a strong patent system than in any other country. Foreign countries with no product or process patent protection in the drug field have produced no important drug discoveries.

With respect to tetracycline products, it is important to note that the prices quoted by the manuacturer to Federal and local government agencies are less than 50 percent of the prices quoted when the product was first introduced and that prices to the trade generally have declined by about 43 percent.

Purchases of unlicensed drug products by the Federal Government are not in the public interest and may well be characterized as "penny wise and pound foolish." American drug research will be discouraged by such purchases, and this will eventually be detrimental to American health. Purchases of unlicensed foreign-made tetracycline or other drug products, or unlicensed dosage forms prepared from foreign-made bulk drugs, can cause loss of jobs by American workers as a result of displacement by low-paid foreign workers; encourage "dumping" of foreign-made products in the United States at prices lower than those charged in the regular foreign market; hurt the unfavorable American balance of international payments; and reduce tax revenues for Federal, State, and municipal governments.

There is an important issue at stake in the matter of governmental purchases of drug products for use in violation of U.S. patents. The laws of the United States have provided a strong patent system for the precise purpose of encouraging long and expensive research work of the very type which led to the discovery of tetracycline. We cannot stand aside while erosion occurs to patent rights which help to provide the funds necessary for the continuance of important medical research the kind of research that has made the United States the world leader in the discovery and development of lifesaving products.

Purchases of patented products by the Federal Government from unlicensed sources have extended to the products of many industries. The violation by various agencies of the Federal Government of patents issued by one of its own branches is a growing threat to research-oriented American industry. Its effect may well be to discourage research in many other industries, as well as in the drug industry.

The deliberate and indiscriminate infringement by the Federal Government of its own patents may not be illegal, but it is morally wrong. It hardly seems fair to have one agency of the Federal Government, namely the U.S. Patent Office, issue a patent to an inventor or a discoverer of a new product, and have another agency of that same Government, the Military Medical Supply Agency in the Defense Department, violate that patent. This, however, is exactly what is happening. Unfortunately, Federal legislation appears to be the only way to stop indiscriminate infringement and to keep deliberate infringement by the Federal Government within reasonable bounds.

THE PRESIDENT'S PROPOSALS FOR HIGHER EDUCATION IN THE DISTRICT OF COLUMBIA

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. WIDNALL. Mr. Speaker, I am pleased to see the effort on the part of so many people to provide public higher education in the District of Columbia, particularly since I introduced legislation several years ago to use Howard University's faculty and facilities, with whatever expansion would be found necessary after appropriate study, for this purpose.

The President's proposals in this direction, with the goal of providing a public community college or a public college of arts and sciences, are commendable but they do not go far enough. Realistically, it must be recognized that the Congress at times has a certain unfortunate reluctance to appropriate freely for the District of Columbia. And piecemeal approaches to a problem, which will eventually involve millions of dollars, are no better than no approach at all.

In this case, the President has failed to present to the Congress any cost estimate for the construction of either proposed college. I personally believe it would be much better for the President to present to the Congress a full evaluation of these proposals, together with cost estimates, so that a concerted effort can be made at the earliest possible date to achieve these goals. Otherwise the proposals will be faced with the prospect of traveling the same road at least twice, or lack support because of vagueness in costs and plans, or even if authorized in principle, end up as paper programs and boards.

There should also be a realization on the part of the administration that no college is going to spring up overnight. We should concern ourselves with the present situation facing many college eligible District students, and we should make the best use of present institutions and programs that are educational assets to the community.

The distinguished Committee on Public Education in the District of Columbia, appointed by President Kennedy, suggested as a temporary approach that a noncompetitive scholarship program be provided. It is significant that the President made no reference to this important recommendation in his March 18 legislative proposal.

I am deeply impressed by the fact that the Committee recommended that "such a scholarship program should be put into effect immediately, rather than being deferred until after the college and arts and sciences has been organized." Just why this recommendation should have been passed over by the President is a mystery.

While I am not committed to this noncompetitive scholarship program myself, I do feel that thorough study should be made of some type of financial aid, and the sooner the better.

In an effort to be helpful to the President in this matter I make the following suggestions:

First, the President should submit to Congress a detailed estimate of costs and the means of financing his proposals for higher education in the District of Columbia.

Secondly, the President should have a study made of the costs involved in giving financial assistance to those District students who are of college caliber but who would be unable to attend college without such help.

Thirdly, the universities forming the Joint Graduate Consortium should be invited by the President to develop, in conjunction with the appropriate public officials, a program and a plan for establishing a National Center of Graduate Studies in the Nation's Capital.

By making use of present efforts on the part of the universities in the Joint Graduate Consortium great savings could be made in time and money in meeting the need for public education in the Federal City.

These same universities could be involved by the President in exploring ways of developing additional undergraduate facilities in the District of Columbia, including the pregnant possibilities of sharing faculties and curriculum during the period of establishment of the proposed new public colleges and their growth into major educational institutions. I do not believe it is sound public policy to ignore these five universities in the development of such an important public education program, and I am convinced that the public welfare will only suffer if they continue to be ignored in this matter.

Included as part of my remarks are the following items for the information of my colleagues: first, the letter from President Johnson transmitting his legislative proposals to the Congress; second, a list of the members of the Committee on Public Education in the District of Columbia; and third, excerpts from the Committee's report:

THE WHITE HOUSE,
Washington, March 18, 1965.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I am transmitting to the Congress herewith a proposed bill to authorize the establishment of two public colleges in the District of Columbia.

A distinguished Committee on Public Higher Education in the District of Columbia, appointed by President Kennedy, has unanimously recommended to me the establishment of a public community college and a public college of arts and sciences in the District. As the Committee's report makes clear, both colleges are urgently needed.

The Committee's report stressed some of the benefits of establishing two such colleges in the District:

"Higher education for those to whom it was previously inaccessible produces consequences far beyond their own use of it. Availability makes a crucial difference in the motivation for learning at all levels and for all ages, generating hope and self-esteem among individuals and groups previously relegated to inferior status. Presenting models of successful escape from degrading conditions and providing trained leadership for those still struggling to emerge from an unfavorable background, higher education offers the best hope for community progress in our cities' battles against poverty, sickness, unemployment, and crime."

The bill would create immediately a Board of Higher Education to which would be assigned the responsibility and the authority to plan, organize, and operate these colleges. The community college would provide programs, generally extending not more than 2 years beyond the high school level, in both academic and vocational fields, with particular emphasis on the latter. The college of liberal arts and sciences would provide courses leading to bachelor's and master's degrees, with initial emphasis on teacher training. It would replace and absorb the present 4-year District of Columbia Teachers College.

The children of the Nation's Capital have been largely denied opportunities, available to high school graduates in the States, to continue their education beyond high school in publicly supported, low-cost educational institutions. Higher education should be made a universal opportunity for all young people—the Nation's Capital should set the pace, not lag behind. The Congress has abundantly demonstrated its concern with education, and I hope that the proposed bill will receive its prompt and favorable consideration.

Sincerely,

LYNDON B. JOHNSON.

In this letter the President calls attention to the distinguished Committee on Public Education in the District of Columbia, appointed by President Kennedy.

This Committee consisted of the following civic and educational leaders:

PRESIDENT'S COMMITTEE ON PUBLIC HIGHER EDUCATION IN THE DISTRICT OF COLUMBIA

Dr. Francis S. Chase, Chairman, dean, Graduate School of Education, University of Chicago.

Dr. James R. Killian, Jr., chairman of the corporation, Massachusetts Institute of Technology.

Dr. Thomas R. McConnell, chairman, Center for Study of Higher Education, University of California (Berkeley).

Mrs. Agnes Meyer, civil leader and author, Washington, D.C.

Dr. Samuel M. Nabrit, president, Texas Southern University.

Dr. George N. Shuster, former president, Hunter College, assistant to the president, University of Notre Dame.

Dr. Jerome B. Wiesner, former director, Office of Science and Technology; dean of science, Massachusetts Institute of Technology.

Dr. James H. Case, Jr., Executive Director.

The Committee recommended first, that a noncompetitive scholarship program be provided for students. The Committee's report states—page 33:

A student who has been accepted for admission to the junior class of an accredited college or university equipped to provide the course of study he seeks should receive a grant in such an amount as is required to enable him to attend that institution. He should have unlimited choice among local and other institutions, subject to a demonstration that his choice is appropriate to his objectives. Moreover, in the judgment of the Committee, such a scholarship program should be put into effect immediately, rather than being deferred until after the college or arts and sciences has been organized. There should be no reluctance, therefore, to make the scholarship adequate in size and number. The principle that higher educational opportunities should be within economic reach of all should not be compromised by an inadequate scholarship program.

The Committee is aware that in most colleges and universities tuition charges do not cover the costs of education. In the absence of special provisions, the District might thus be imposing a financial loss upon existing institutions by utilizing a scholarship program to supply its own unmet needs. The Committee suggests, therefore, that a supplementary "cost of education" grant, remitted directly to the institution attended by the student, should also be considered. Consideration should also be given to the occasional use of noncompetitive scholarships for District students working for their first professional degree or their doctorate. Some subsidies are available from various sources for work at this level, but funds to supplement present provisions for graduate fellowships when necessary would insure full opportunity for all qualified candidates.

* * * * *

The Committee has held to the conviction that residents of the District need, and should no longer be denied, the opportunity enjoyed by all other residents of the United States: that of obtaining post-high-school education provided with public support.

Secondly, the Committee stated in its report—page 39—that the early development of a new institution or a new program to provide for high-level graduate and postdoctoral studies in the District is of the utmost importance both for the District and for the Nation. This recommendation, like the first one I have quoted, was not touched on by the President. The Committee's report states:

With the announcement of the five-university consortium in graduate study, the local institutions have taken a first step toward strengthening this vital phase of their work. Their plans and future development are properly the responsibility of the leadership and governing boards of the institutions themselves. In the spirit of lending encouragement to these institutions, we do, however, express the hope that a major effort can be undertaken to achieve within the District the resources of faculty, facilities and endowment that will be needed to provide ultimately for graduate study and research of high distinction. Substantial progress toward this objective may be achieved through cooperative action among the universities, but it will also most certainly require major efforts on the part of the individual institutions as well. We suggest that the goal we envisage represents an opportunity of great significance for those major agencies that provide funds for the advancement of education in the United States, including individuals, corporations, foundations and the Federal Government itself.

I include at this point in my remarks the following passages from the Committee's report—pages 35 to 39:

The Committee has been conscious, throughout all its deliberations, that its recommendations for meeting the needs of the Nation's Capital should be broadly applicable to other American cities as they seek to solve their own educational problems. If the Nation were now facing an era of contracting college demand, a case might conceivably be made for avoiding the creation of new institutions. Instead, we are entering an era of demand that will require unparalleled expansion of college facilities. Under these circumstances, no great city can evade its responsibility to its young people by demanding that existing private institutions absorb a great and growing number of students who perforce must look to them for educational opportunity. The appropriate response must be in terms of bricks and mortar for new basic educational facilities publicly financed at appropriate local levels. The Committee's recommendation that existing facilities and resources of specialized courses of study be utilized, at least temporarily, through a supplementary system of publicly financed, noncompetitive scholarships does no violence to this principle; complete reliance on such a scholarship system would.

Second, the Committee considered, in accordance with the terms of its assignment quoted at the beginning of this report, the possibility that Howard University might itself provide the services to be performed by the comprehensive community college or the college of arts and sciences, or both. The Committee, however, rejected this possibility. It does not believe that Howard can or should be obliged to focus its attention primarily on District needs. Unless it were to move in a direction quite different from that defined both by its long tradition and its current aspirations, it could not expect to absorb a greatly increased number of students from the District. The Committee respects and approves the current efforts of Howard to contribute to the education of foreign students, particularly from the countries of southeast Asia and Africa. The attempt to impose on Howard a quite different mission—that of a university for the District of Columbia—would seriously impair Howard's capacity to discharge effectively the vital responsibilities it now carries with distinction.

It is particularly important, in the Committee's judgment, that Howard should not assume the role outlined for the community college. That college, for reasons discussed below, should be independent of any 4-year college or university. Here it need only be noted that the differences in purpose and function of the two institutions make them, as experience has shown, unsuitable for combining into a single organization.

D. HIGH-LEVEL GRADUATE STUDY AND RESEARCH

1. The need

It has often been pointed out that Washington has the unhappy distinction of being one of the very few major capitals in the Western World without a truly outstanding university. Many persons who have examined the educational resources of the District have emphasized the importance of developing in the National Capital a major new program of advanced study and research. Thus, for example, a paper prepared for the U.S. Employment Service for the District of Columbia under the auspices of the Bureau of Social Science Research, Inc., on "Training for Occupational Skills in the Washington Metropolitan Area," reaches the conclusion that "obvious gaps in the existing educational facilities are most conspicuous at two levels: the graduate or professional school programs and the junior college." The document continues:

"Limiting the discussion to the topic under consideration here—skill needs of the Washington metropolitan area—leaves out what is perhaps the strongest argument for expansion of higher education in the Nation's Capital: the desirability of having close to the councils of Government a major center of higher learning with the intellectual and technical resources, the prestige and the stimulation it would provide."

Strong areas of graduate study and strong professional schools may be found among the five universities located in the District, but we believe that the leaders of these five institutions would readily agree that the sum total of these areas of excellence does not yet add up to a distinguished and comprehensive program for graduate, professional and postdoctoral studies. For example, graduate work and research in engineering, the physical sciences and the life sciences must be further strengthened. In addition, graduate work in education is far below the national level at a time when demands for specialized educational personnel are increasing in the District as well as nationally.

The Committee is aware that the five local universities, in January 1964, announced a consortium in graduate education. This encouraging action can certainly contribute to the strengthening of the total resources of the District, but we believe that it is only one of several necessary steps. If an adequately comprehensive and truly distinguished program of graduate studies is to become available in the National Capital, large additional funds will be required.

The Committee envisages an array of resources for graduate and advanced studies that would involve further strength and capacity in such professional graduate schools as engineering and in the arts and sciences. It would require the basic research that must always be intimately associated with graduate study. It would also provide opportunities for postdoctoral studies—studies that are rapidly growing in the leading universities of the country. It would provide opportunities for inservice graduate study on the part of those who work in the District and wish to augment their professional training. And finally, it would certainly provide for opportunities in continuing education for mature professional people in order to counter the intellectual obsolescence which occurs in this period of rapid advance in so many fields.

Certainly it is anomalous that a paucity of graduate and professional schools should exist at the same time that the resources of the Federal Government in the Washington area remain relatively untapped by the educational community. Major Federal centers for research in the physical and life sciences are located either in the District itself or a short distance away. These include such installations as the National Institutes of Health, the National Bureau of Standards, the Naval Research Laboratory, the Smithsonian Institution, the Agricultural Research Center, and the Goddard Space Flight Center. In addition, there are included on the staffs of Federal agencies many of the Nation's foremost experts—often with years of experience at institutions of higher learning—in economics, law, statistics, accounting, social science and other fields. As plans progress for consideration of public support for additional graduate and professional education programs, maximum effort should be made to foster a close working relationship with Government laboratories and personnel. The Committee has no doubt that such an arrangement would be of mutual benefit both to the programs and to the Federal Government.

Not only does the District itself have need for vigorous programs of graduate study and research; so, too, does the Nation. There is widespread agreement that by 1970, the Nation should seek at least to double its output of doctorates in the sciences, engineering, and mathematics, and there are many other disciplines in which comparable expansion is indicated if national requirements are to be met. To increase the overall output of doctoral degrees to any such extent requires not only an expansion of existing centers of strength but the creation of new ones. It would be of great advantage to the Nation as a whole if one of these new centers of strength could be in the Nation's Capital.

To this national need and the argument in favor of having "close to the councils of Government a major center of higher learning with the intellectual and technical resources, the prestige and the stimulation it would provide" should be added the argument that the Nation's Capital itself greatly needs the industrial and research development that has been occurring in the United States wherever genuinely impressive resources in graduate study and research exist. Washington is still far from achieving its rightful place in this respect. In terms of the enrichment of employment opportunities for District and area residents, a new and significant element would be added to the intellectual, cultural, and economic life of this community.

President Kennedy said last year in his message to Congress on education:

"We need many more graduate centers, and they should be better distributed geographically.

"The distressed area of the future may well be one which lacks centers of graduate education and research."

The Nation's Capital should not be permitted to become such a distressed area through lack of adequate resources for graduate study and research.

NUCLEAR POWER COMES OF AGE

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FASCELL. Mr. Speaker, in these days of crisis, it is heartening to hear a promise of hope and a tale of encouragement in the long history of man on this planet. For many years the word atom has cast a shadow of darkness across the globe, but today, thanks to the splendid work of the Atomic Energy Commission, atom is beginning to mean something new. Within the forseeable future people around the world will be able to light and warm their homes with the power of the atom. Areas now parched by a lack of water may find new life in the combination of desalination techniques with the power of the atom.

Electricity is the very life blood of our modern technological civilization. The Atomic Energy Commission is today playing a vital role in making that miracle of light and warmth available in ever increasing amounts to ever greater numbers of people in America and throughout the world.

It is because the AEC has done its job so well that today the word "atom" means something new. This Nation has been fortunate to have men of such high caliber as Dr. Glenn T. Seaborg to lead the development of atomic energy. Through his leadership, and that of his distinguished predecessors and associates on the Atomic Energy Commission, man has been able to turn a master of death into a servant of life.

Mr. Speaker, I call the attention of my colleagues to an address delivered in Miami yesterday by Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission:

NUCLEAR POWER COMES OF AGE

(Remarks by Dr. Glenn T. Seaborg, Chairman, U.S. Atomic Energy Commission, 33d annual convention of the Edison Electric Institute, Miami Beach, Fla., May 4, 1965)

In considering the title of my remarks for today—"Nuclear Power Comes of Age"—I reflected somewhat on the meaning of that expression. To "come of age" is usually thought of in human terms and suggests that a person has reached that time in his life when he is capable of taking his rightful place in society, of doing his share of the world's work, of being accepted as an equal among his people, and of assuming those responsibilities to society which go along with the new privileges granted to him. In those terms, and in terms of a new source of power introduced to society, I believe that nuclear power has come of age. Today I would like to discuss with you my reasons for this belief and try to predict something of the career that this new member of the energy society will pursue.

Now let me first make clear that the coming of age of nuclear power is not related solely to the position of its economic strength or its total power—no more so than a young man who first ventures out into society comes of age as a result of the change in his pocket or the muscles under his shirt sleeves. His worth is to be proved by the job he does.

So it is with nuclear power. We at the Atomic Energy Commission feel—and I know that many of you in the electric utilities will agree—that during the past few years nuclear power has earned the right to become part of the power community and grow with its partners in that field in the important job of providing the American people with abundant and economical power.

I do not imagine I need to remind you of the tremendous job that lies before us in meeting our ever-growing needs for electricity. We, and the rapidly developing world around us, are entering an era when electrical power will be almost as essential to our existence as the basic necessities of life—food, water, shelter. Most of us take the convenience of our electric power too much for granted these days. The miracle of modern electricity (and I call it a miracle not as a scientist but as a consumer, in appreciation and awe of the incredible job that is being done by the utilities in supplying it)—the miracle of electricity is so woven into the pattern of our everyday life, its use such a habit, that we hardly realize what life would be like without it. In fact, most Americans alive today cannot recall living without it, and I daresay that a great many have never spent more than a few hours in their entire lives when they have been more than a few feet from some convenient source of electricity.

As most of you probably know, the National Power Survey report, recently issued by the Federal Power Commission, forecasts our need of 2.8 trillion kilowatt-hours of electricity annually in 1980. I am sure that this statistic means very little to the man on the street. But I know it means a great deal to you. Some of the talks you have already heard at this convention have indicated the enormous undertakings ahead in fulfilling this and other demands of our growing society and economy. (I was particularly intrigued with Mr. Rockefeller's use of the word "implosion"—a good nuclear expression—in describing the rapid population flow to urban areas in the United States and its resulting challenges. Surely consideration of this implosive urbanization, the development of the supercity or megalopolis, will be a major factor in planning for the fulfillment of America's power needs.)

In its plans for the future—which seems to have a way of arriving sooner in this day and age—the electric utility industry clearly is becoming more and more interested in nuclear power. This is apparent from discussions with representatives of the industry, from orders placed for nuclear powerplants, and from evidence of concern in some quarters over competition among energy sources. Undoubtedly many of you have heard about, or read about, or participated in some of the exciting history of the development of nuclear power. You may recall accounts of the first demonstration of the fission chain reaction for practical applications on December 2, 1942 in Chicago. I wonder if some of you may have thought about certain similarities between the development of nuclear power and that of a man. For example, nuclear power was given new freedom of development with the passage of the Atomic Energy Act of 1954—just as it was about to enter its teens—and the decision for the construction of a large-scale nuclear powerplant in a reasonably typical utility situation on a strictly economic basis was announced in December 1963—at age 21.

Clearly there is more to learn before we can know if this newcomer to the power production industry can live up to current expectations. Most indications tell us it will, but favorable experience with plants now operating and other plants now committed for construction will do much to increase our level of confidence.

Nuclear power has come of age in a much broader sense than merely aging—it appears ready to make important positive contributions to man's future well-being. At this point in time it is perhaps worthwhile to contemplate the future. What can we expect as nuclear power matures? Projections into the future usually are helped by an understanding of the heritage and of the basic characteristics of the subject of those projections.

I doubt if it is necessary to dwell much on the origins or the heritage of nuclear power before this audience. The arrival of basic nuclear power technology in man's fund of knowledge was accelerated considerably by the pressures of war; by efforts carried out under a cloak of secrecy. The first public exposures to the massive release of nuclear power were strictly in terms of its awesome destructive forces. This history naturally has left lasting impressions—impressions unfortunately detrimental to many of the peaceful applications of nuclear energy, but impressions which education and time will erode.

While the assets in the development and production capability of the wartime Manhattan Engineer District were transferred to the civilian Atomic Energy Commission in 1946, the principal occupation of the Commission for a number of years continued to be related to military defense purposes. It has only been during the past 2 years that it has been possible to approve significant reductions in the military production operations of the Commission.

Of course the dream of peaceful uses of nuclear energy flourished with the first realization of the technical feasibility of nuclear fission chain reactions back in 1942. While some civilian nuclear energy development projects, such as the experimental breeder reactor and aqueous homogeneous reactor experiment, were initiated prior to the passage of the Atomic Energy Act of 1954, it was not until that legislation permitted broader declassification and broader participation by industry that serious efforts really began major expansion. Since that time the transition from Government monopoly to industrial cooperation and completely privately owned plants has proceeded quickly and, in my opinion, very successfully.

Within recent years a broad range of technologies with apparent promise for civilian nuclear power production has been developed. These efforts have included the design, construction, and operation of experimental and prototype reactors. The operating experience of some of these reactors on utility systems has been an important part of our overall nuclear power development. Likewise the maximum assumption of financial responsibility and risk by industry has been and continues to be a valid element of providing incentives for the efficiencies and cost reductions essential to the achievement of economically competitive nuclear power. Through this process the industry has now reached a point at which certain reactor types in large capacity nuclear powerplants are being offered commercially under arrangements which make them economically attractive, in many sections of the country, in comparison with fossil fueled plants.

The course of nuclear power development naturally has been influenced by its military heritage—by our large capacity to enrich the fissile isotope of uranium in our gaseous diffusion plants—by the very extensive development of water moderated reactors for the Navy—and by the experience many companies gained in connection with these efforts. We now find ourselves, for the first time, with our military production being reduced and the demands of civilian nuclear power expected to assume the primary role in support of mining, isotope enrichment, and auxiliary service industries. Thus, as civilian nuclear power matures, it, quite naturally, is expected to assume greater responsibilities. The Commission has been proceeding for a number of years on a course intended to permit the nuclear power industry to flourish with minimum Government involvement. In fact, as I have often pointed out, the AEC is one Government agency which is in the unique position of slowly working itself out of a job. I should add, however, that new applications of nuclear energy demand that the AEC take on new jobs in other areas.

The most recent step we have taken in minimizing our involvement with private industry was our action relating to implementation of the legislation passed by Congress last year regarding private ownership of special nuclear materials. This legislation now permits, and by the early 1970's will require, private companies to own the nuclear fuel in their power stations. Previously it was required that this material be owned by the Government and leased for commercial use. As things stand now the sole remaining function for which private nuclear power is dependent upon the Government is the enrichment of uranium conducted in our Government-owned gaseous diffusion plants.

Nuclear power appears to be ready to pay some returns for the investment of approximately $1½ billion of tax money which has been spent on its development. Based on projected nuclear power growth rates and reductions in cost of power production estimates in our report to the President a little over 2 years ago, the returns will show the investment well justified. However, just as every young man's further training and experience must not be neglected, nuclear power also has certain developments which must be pursued if it is to play a major role in supplying our country's and the world's future expanding power requirements.

What are some of the current developments in nuclear power? In what direction is the AEC moving to try to assure that nuclear power fulfills its promises of abundant and economic power?

In answering these questions it might be appropriate to look back for a moment to the Statement of Objectives in the AEC's 1962 report to the President. Although we have advanced technically since that time, those objectives remain valid and are still serving as a guide for our civilian nuclear power program. The report stated that our overall objective was "to foster and support the growing use of nuclear energy" and to guide it in such directions "as to make possible the exploitation of the vast energy resources latent in the fertile materials uranium 238 and thorium." Specifically it called for the following:

1. The demonstration of economic nuclear power by assuring the construction of plants incorporating the presently most competitive reactor types;

2. The early establishment of a self-sufficient and growing nuclear power industry that will assume an increasing share of the development costs;

3. The development of improved converter and, later, breeder reactors to convert the fertile isotopes to fissionable ones, thus making available the full potential of the nuclear fuels; and

4. The maintenance of U.S. technological leadership in the world by means of a vigorous domestic nuclear power program and appropriate cooperation with, and assistance to, our friends abroad.

We believe that, with the excellent cooperation we have been getting from the country's nuclear industries and electric utilities, we are successfully carrying out our commitments to the first two objectives—to demonstrate economically competitive nuclear power and help establish a self-sufficient nuclear power industry capable of sharing development costs. In this regard we have come a long way. It is particularly gratifying to me to compare the difference in attitude toward nuclear power between the time I first came to Washington and now. In those earlier days—only some 4 years ago—I recall the many conversations I had in which I tried to encourage an interest in the potential of nuclear power. Most people reacted pessimistically—or at least doubtfully—to my appeals. Today the situation seems quite reversed, as I now sometimes find it necessary to keep people from being overenthusiastic about the future of nuclear power.

We now have in operation and committed several of the light water reactors which should help demonstrate that nuclear power can safely and—to a fair degree at this point—efficiently and economically generate civilian electric power. A great deal of credit must be given to you and the others in the utility field who have helped pioneer this new energy source. I might add that I have personally come to know many of you and your plans for nuclear power through an extended series of meetings which my fellow Commissioners and I have had with representatives from utilities over the past few years. As you know our door continues to be open to all of you for the discussion of any matters of mutual interest. I feel that such discussion can be most helpful in the consideration of nuclear power. Certainly it is to our mutual interest, as well as to that of the public we serve, that any decisions made regarding nuclear power are based on the fullest information and understanding—particularly in matters involving safety and siting.

But while the position of nuclear generated electricity continues to improve, thanks to your help and that of the nuclear power industry, it is appropriate that we in the Government concentrate on our next objective. Consequently, we are shifting our interest and our efforts now toward developing those reactors which will be best suited to "stretch out" the low cost reserves of nuclear fuel, by making even more efficient utilization of the fuel they consume. Moreover, we realize that no new system—no matter what its importance to the overall fuel economy—will be widely adopted if in itself it is not economic. Therefore, cost remains an important factor in our reactor development thinking.

With all this in mind our major efforts now are being directed toward the third specific objective stated in our 1962 report—the development of reactor types known as "advanced converters" and "breeders." This is being done in two phases, with the development of the converters coming first, although there will be some overlapping of programs.

At this point I might explain briefly something of the technology of these reactors so that it will be clearer as to how they will fit into our pursuit of the most efficient and economic use of nuclear power.

As you probably know, when most of today's light water reactors, using uranium, are operated at their economic optimum, only a very small fraction of the latent fission energy contained in the uranium is used. Should we continue to develop and encourage the use of only these types of reactors, it would not be long (in view of projected power demands) before we would exhaust even the large supply of economic nuclear fuel resources known in the world today. However, it is possible to convert uranium 233 and our other abundant nuclear fuel source, thorium 232 (both of which we refer to as "fertile" materials), to fissionable fuels. This important conversion can be accomplished by transmuting, within reactors, uranimum 238 to plutonium 239, and thorium 232 to uranium 23. Plutonium 239 and uranium 233 are fissionable and can be used as rector fuel. The net effect is to "burn" indirectly the nonfissionable, very abundant, fertile uranium 238 and thorium 232. Most reactors accomplish this extremely productive transmutation to varying degrees and do so during the course of producing power. (Incidentally, of the new fuel produced some is "burned" in place and some is later extracted and reprocessed for future use.) Those improved converted reactor systems which produce almost as much new fuel as they consume we refer to as "advanced converters" or "near breeders."

It is also possible to develop—and we have already begun to do so—reactors that through the conversion process produce more fissionable material than they consume. Here again the net effect is to "burn" indirectly, but in this case almost completely, the nonfissionable uranium 238 and thorium 232. These reactors are called "breeders." If, at this point, you are not already thoroughly confused, I might mention that we have a variety of terms for reactors of different conversion efficiency in this general class, such as "low-gain or self-sustaining breeders," and "high-gain breeders," all of which are clear to us in the nuclear power field, but which sometimes make our reports appear like documents from the American Kennel Club. In fact I would not be surprised if someday we refer to a breeder reactor of which we are particularly proud as "best of breed." (Actually the classification of breeders is helped if one remembers that "high-gain breeders" produce appreciably more fissionable material than they consume; "low-gain breeders" produce slightly more than they consume; and "near breeders" produce almost as much as they consume.)

But getting back to the principles of the advanced converters and breeders, I think it is clear how significant their technology can be to the future of nuclear power and to the future of the electric utilities. In essence it holds the key to unlocking the tremendous energy stores in the nonfissionable but extremely abundant isotopes uranium 238 and thorium 232. By allowing us to make the most efficient use of our nuclear resources this new technology gives us promise of a vast supply of economic power until such time, probably still far in the future, when we will be able to harness the thermonuclear energy of controlled fusion and have in addition as an almost limitless fuel source the heavy hydrogen atom found in common sea water.

In line with our long-range program to develop economic converters and breeders (and consistent with the third specific objective in our report to the President) we are concentrating first on the development of what we consider the best types of advanced converters. This is the next logical step because we are closer to understanding and perfecting the technology of these thermal reactors—that is, reactors in which the neutrons are slowed down by a moderator before they produce fission in other atoms or are "captured" by the fertile atoms to make them fissionable. Also we will have to rely on the simpler and more exploitable technology of these near-breeders and low-gain breeders in order to buy the time we will need to develop the more difficult, large, economic, high-gain systems of the future.

Three types of advanced converters in which we are currently most interested are: the high temperature gas cooled reactor; the heavy water organic cooled reactor; and the large seed and blanket variation of the well-developed pressurized water reactor. The development of these reactor systems should offer us both technological and economic advantages.

Because both the high temperature gas cooled and the heavy water moderated, organic cooled reactors have high neutron efficiency they also have great potential for becoming economically competitive, near-breeder systems using the thorium-uranium 233 fuel cycle. As their technology is developed, and more is learned about their operation, both these systems may offer the further potential of low-gain breeding.

These two reactor systems offer the potential of low-cost power, not only at present uranium prices but at ore prices severalfold higher. It appears that the gas technology will have special significance in the development of gas cooled fast breeders. The heavy water moderated technology seems especially well suited for the larger reactors needed for dual purpose electricity and desalting plants. We might note also that the heavy water systems have the important advantage of fuel flexibility, since they can be fueled with natural uranium, slightly enriched uranium, or thorium.

Using the well-known light water technology, the large seed-blanket reactor, the third advanced converter in which we are interested, appears to have the almost immediate capability of breeding in the thorium-uranium 233 fuel system. This reactor prototype will also pioneer in the development, testing, and establishment of standards for many important new engineering concepts, such as a large spherical pressure vessel erected in the field—so important to the future of large water-cooled systems.

These are some of the advantages of the advanced converter prototypes we plan to develop.

While I cannot go into great detail on our breeder program at this time, I would like to say a few words about it. One important effort in this program will be toward the development of fast reactors. A fast reactor is one which does not employ a moderator to slow down the neutrons, and is of interest because it has an even more favorable neutron economy than that of thermal reactors which slow down the neutrons with moderators. Both fast and thermal reactors can be so designed and built as to be breeder reactors. But a thermal reactor is limited by nature to low-gain breeding, while a fast reactor is capable of being a high-gain breeder. High-gain and low-gain breeders can also be distinguished by their fuel cycle. The thorium 232/uranium 233 fuel cycle is the only one which offers promise of breeding in thermal—that is, low-gain—breeders. The fast reactor—high-gain breeder—is most efficient with the uranium 238/plutonium 239 fuel cycle. Uranium 235, the only fissionable isotope found in nature, is, of course, necessary to initiate any of these fuel cycles, although once begun, a breeder reactor is self-sustaining. Thus in the early breeder reactors uranium 235 may be used in the first core in place of the uranium 233 or plutonium 239. Such initial operation of the reactor in a sense converts the uranium 235 to uranium 233 or plutonium 239 through the fertile material thorium 232 or uranium 238.

An important question is how fast a breeder reactor can become independent of uranium 235 and can supply enough excess fissionable uranium 233 or plutonium 239 to refuel itself or to fuel subsequent, additional reactors. At present, the fast reactors, since they are capable of being high-gain breeders, are the only ones which show promise of reasonable short doubling time—that is, the time it takes the breeder to produce enough new fissionable material in excess of its own needs to fuel a second reactor of equal size and power output.

In considering the different types of advanced converter and breeder reactors, it is difficult to predict which types will eventually find the widest use. Most likely many types will play important roles in the evolution of nuclear power. In the more distant future a combination of types will probably fit into the overall economy. There are many possible "systems" combinations of reactors and fuels and fuel cycles, including various possible combinations of uranium 235, uranium 233, thorium 232, plutonium 239, and uranium-238, and therefore it is difficult to predict now which will be most efficient from a combined economical and fuel utilization point of view.

As I have pointed out earlier, in carrying out all phases of our civilian nuclear power program we always have economics foremost in mind. Since utilities, whether publicly or privately owned, have a primary mission of producing electric power for their customers as cheaply as possible, the rapidity of growth and the level of use of nuclear energy to produce electricity will depend primarily upon its ability to compete economically with other sources of energy. In many cases, strictly local situations will exert the greatest influence upon a utility's decision as to what kind of powerplant it should add next to its system. But there are also certain special economic factors pertinent to the evaluation of a nuclear plant. As you know, size is important, with increased size favoring nuclear power. As recently as 1959 the AEC was projecting nuclear power costs on the basis of reference designs of 300 megawatts electrical. We now often use a capacity as large as 1,000 megawatts electrical for reference designs and economic analysis. This trend to larger plant size is of course consistent with the overall trend in the power industry. The advent of large interconnected power pools, which accelerated the increase in acceptable powerplant capacities, has proved to be a trend favorable to the economic promise of nuclear power. However, in discussing the trend toward larger reactors let me point out that we have not overlooked the importance of continuing the development of efficient smaller reactors. There are many areas in the world where such reactors will serve an important function for years to come.

Quite naturally, nuclear power has achieved its initial commercial interest in this country in areas of relatively high fossil fuel costs. As the economics of nuclear power improve to become commercially attractive in broader areas of the country, the regional differential energy cost will be essentially removed as a handicap to economic progress. This factor alone can have very important effects on the distribution of economic development in various regions of our Nation and in various nations of the world.

The rather drastic decreases in nuclear power costs which have been related to increasing plant capacity have provided a basis for interest in still larger plants which might become justifiable by multiple applications—that is, generation of electricity coupled with use of process heat for desalinization of water or other applications.

In September of last year Secretary Udall and I submitted a report to the President—"Program for Advancing Desalting Technology." As you know, this is an area in which President Johnson takes particular interest. This report was released by the President on October 26, 1964, as a program planning guide. The power reactor development activities contemplated by this program represent logical extensions of activities underway as part of our program for the development of civilian nuclear powerplants for generation of electricity. The emphasis in this program will be in the areas of coupling of power and desalting installations, the scaling up in plant capacities, and in cooperative studies of power and water needs in specific situations. The program plan provides for the operation of a 1,000-megawatt thermal (350-megawatt electrical) power-only reactor prototype by about 1970, and for the operation of a second dual-purpose prototype of approximately 3,500 megawatt thermal capacity by about 1975. Both prototypes would be constructed and operated in cooperation with industry and the utilities. It is expected that there might be substantial participation by a utility in the first prototype and even greater participation in the second.

Thus, the technology and the economics would be developed sufficiently to permit the initiation of even larger power-desalting reactors in the mid-1970's for operation by about 1980 if such needs materialize.

Studies which we have already done indicate that within the next few decades nuclear installations will be able to produce fresh water and electric power at costs which may be attractive in many parts of the world. Certainly, as nations develop and increase in population, the natural water resources will become inadequate in more and more geographical areas of the world. The availability of reasonably low cost power and water could open up new frontiers for industrialization throughout the world. These developments could contribute to increased flexibility in man's exploitation of earth's resources for his greater comfort and dignity.

In pursuing these undertakings and in our other programs of international cooperation in nuclear power, I believe we are successfully fulfilling our commitment to the fourth and final objective stated in our 1962 report to the President—that of maintaining "technological leadership in the world by means of a vigorous domestic nuclear power program and appropriate cooperation with, and assistance to, our friends abroad."

Surely the development and distribution of nuclear power for generating electricity will have a significant effect on the lives of many people around the world. Industrialization abroad, particularly in the emerging, developing nations, will call for substantial blocks of power in areas where power has been previously very limited. American industry will be called upon to export much equipment and technological skill and training to this end. This is a whole area of endeavor in itself which I cannot discuss in the time available to me here—but needless to say this area should prove to be a most worthwhile undertaking.

The atom has come of age—and fortunately in an age when it can be of greatest service to man. But it needs your guidance and your support if it is to fulfill its greatest promise in maturity.

I urge that, as individuals, and as an industry, you continue to keep yourselves informed of technology advances, continue to exercise fair judgments in the choice of energy alternatives to fulfill your management responsibilities, continue to be alert in ways to apply new technologies or new modes of operation to improve user service, and continue to recognize the importance of sharing your knowledge and skills for the benefit of man in all corners of the world.

I can assure you that the policies of the Atomic Energy Commission will continue to embrace close cooperation with you in the utilities field in the development of the civilian uses of nuclear power. And I strongly believe that the results of that development will be of great value to a growing America, and lead to significant improvements in the well-being of all men seeking to create a better life and a better world.

FOREIGN AID DISCUSSION

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FRASER. Mr. Speaker, on behalf of the bipartisan group that has been sponsoring the weekly foreign aid discussions, I am very pleased to announce that Vice President HUMPHREY will join us this week in a discussion of the current questions on foreign aid. William Gaud, Deputy Administrator, AID, will also be with us.

The discussion will be Thursday, May 6, at 3 p.m. in the Speakers dining room.

I hope my colleagues will be able to join us at that time.

CINCO DE MAYO

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BROWN of California. Mr. Speaker, throughout Mexico each year, the 5th of May celebrates a great Mexican victory over the French in 1862. The holiday is not to be confused, however, with Mexican Independence Day, the 16th of September, which commemorates the day in 1810 when Martin Hidalgo, a parish priest, issued a ringing declaration of Mexico's freedom from Spanish rule.

Mexico's revolt against Spain was complete by 1822, but internal dissension and European efforts to reacquire Mexico plunged the vast nation into almost continuous chaos. Thus it was that Mexico's first liberal regime, under Benito Juarez in the early 1860's, encountered serious difficulties both at home and abroad.

A great number of self-exiled Mexican conservatives informally assembled at the French Court and appealed successfully to the imperialistic intentions of Napoleon III. Napoleon acceded to their wishes, occupying the Mexican port of Vera Cruz with the aid of the British and Spanish. Their pretext was the collection of debts and the restoration of order to insure the safety of their numerous citizens plying commercial and mining trades throughout Mexico.

A large force of French, Spanish, and British arrived in Vera Cruz in December 1861. The United States was deep in the throes of the Civil War at the time, which made support of the Mexican government impossible, even against such a clear transgression of the spirit and letter of the Monroe Doctrine.

By April 1862, the Spanish and British withdrew their forces, now fully aware of France's greater intentions. Six thousand French soldiers, under General Laurencez, marched toward Mexico City to the victory they were sure would be theirs against a motley, volunteer force of Mexicans equipped merely with muskets which had been captured from the French at Waterloo.

The French confidence was unwarranted. On the 5th of May, the Mexican forces hurled them back at Puebla—a strategic city almost equidistant from Vera Cruz and Mexico City, often the scene of important battles in Mexican history.

Although the French lost nearly a thousand soldiers and much pride, they were able in succeeding years to capture the Mexican capital. Their stay was brief, however, for by 1867 Maximillian, whom they had placed upon a contrived Mexican throne, was executed.

The significance of the Cinco de Mayo celebration is the fact that the spirit and indominitable independence of the hearts of the Mexicans who turned the French away on that day lives on.

They eventually liberated their great nation from foreign domination and achieved a justifiably strong sense of national consciousness and pride. The United States has a neighbor of which we can be extremely proud and we join them, today, in honoring the courageous band of defenders who fought and won on this day in 1862, as well as those who died in this defense.

Also, we are proud of those Mexicans who have chosen to come to the United States, and their dependents, for the great contributions so many have made to our society, displaying the same strength of character as their forbears did on the 5th of May.

ADDITIONAL ASSISTANCE FOR FLOOD VICTIMS

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Culver] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CULVER. Mr. Speaker, I have introduced today a bill which would provide additional assistance for areas suffering a major disaster, and I ask that it be referred appropriately.

The Second District of Iowa as well as many others throughout the Midwest and the Nation have been ravaged this spring by severe natural disasters, floods, tornadoes, and earthquakes. In recent weeks I have had occasion to work very closely with residents of numerous cities and towns along the Mississippi River which have experienced incredible losses from floods of recordbreaking proportions.

I have been privileged to witness an amazing spirit of determination and unselfishness on the part of community leaders and volunteer workers in these areas. Without the unmatched generosity and tireless efforts of these people, as well as the splendid cooperation received from the agencies of the Federal and State Governments the losses would have been nearly irreparable.

In spite of these efforts and the substantial governmental assistance, great difficulties remain from the people in these affected areas. While the terms of Public Law 81–875 have generally proven satisfactory to meet the needs of States and communities afflicted by the loss of public property, there is in many instances insufficient protection for individual citizens suffering heavy property losses. As a result there are serious problems of unemployment, low morale, personal financial failures and uncompensated business losses.

It has been my observation that our existing modes of relief are inadequately tailored to meet the substantive and administrative needs of a major disaster such as the one we have recently experienced. I have, therefore, introduced this bill which I feel establishes certain necessary guidelines for a complete study of the sufficiency of our disaster legislation. It is geared to provide additional assistance to the farmer, businessman, and property owner whose holdings have been suddenly torn from them by a severe natural disaster.

In general terms this bill would give Federal officials the authority to loan money used for restoration of property for longer periods of time, up to 40 years, at interest rates as low as 3 percent in major disaster areas. Additionally, discretion would be given to postpone initial repayments of principal and interest for a period up to 5 years where the possibility of severe financial hardship exists. These provisions would apply to loans insured by the Farmers Home Administration, the Small Business Administration, the Housing and Home Finance Agency, and the Veterans' Administration.

The bill would also provide a fund to refinance loans secured by one- to four-family homes which are not insured or guaranteed by any Federal agency. The financing of this disaster fund would be on a 75–25-percent matching basis for Federal and State Governments, with liberalized credit terms similar to those established for loans insured by the Federal Government.

In addition, the bill includes further assistance in the areas of: Providing shelter for disaster victims; extending the time for compliance with farm programs where necessary; expanding the use of civil defense communications systems to expedite disaster warnings; providing assistance in school construction, and meeting school expenditures in disaster areas; liberalizing Federal participation in highway reconstruction; and reimbursing expenses incurred in providing flood protection.

As a member of the Committee on Foreign Affairs I have in recent months given careful study to our program of foreign aid. I support this program as being both just and in our national interest to provide the encouragement and financial assistance of a great nation to those developing nations who are also prepared to undertake measures to help themselves. I do feel, however, that first and foremost we must be willing to provide sufficient encouragement and assistance to those areas where it is vitally needed in our Nation to help them recover from major unexpected disasters. This is particularly true where, as during the recent floods, these people have demonstrated such courage and willingness to help themselves to the maximum extent possible. Certainly the maintenance of a sound, dynamic economy at home is fundamental to our efforts to assist others abroad.

COMMUNITY HEALTH SERVICES EXTENSION AMENDMENTS OF 1965

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Grabowski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, the Community Health Services Extension Amendments of 1965 are essential to maintain the public health in three important areas: vaccination programs, migrant worker health, and community health services.

H.R. 2986 would extend the Vaccination Assistance Act of 1962 for an additional 3 years. Immunization programs are vital to our Nation's health because they enable us to prevent a number of diseases that we cannot cure. Our success in wiping out dread diseases such as polio, diphtheria, and whooping cough depends upon reaching the largest number of people possible. Under the Federal program substantial progress has been made in achieving a higher level of immunization against poliomyelitis, diphtheria, tetanus, and whooping cough and community programs have been developed which will maintain this level.

The amendments also contain a provision for Federal assistance to the States for a measles vaccination program. Most people think of measles as just another childhood disease but it can be highly dangerous. There are over 400 deaths a year from measles and many others suffer permanent mental or hearing damage. A Federal program along the lines of existing vaccination programs is needed because of the high cost of measles vaccine and the lack of public awareness of the dangers of measles.

The Community Health Services Amendments will also extend for 3 more years the current program of grants for health services for migratory workers. Migratory workers are the lost children of this country. Because they move with the seasons they are often ineligible for health services that communities provide to their resident medically indigent population. At the same time they are one of the population groups most in need of health care because of their low income, ignorance of good health practices, and poor living conditions. Under the Public Health Service program 60 projects have been set up to provide medical treatment for illness or injury, immunizations, casefinding and treatment of communicable diseases, prenatal and postnatal care, and other preventive and curative services. This program is extremely important to the well-being of about 1 million migrant agricultural workers and the country as a whole benefits from any reduction in the number of people carrying communicable diseases.

H.R. 2986 also provides for an extension of the program of grants to the States for general health services, mental health services, radiological health services, dental health services, and health services for the chronically ill and aged. The extension is limited to 1 year because a study of these services is now underway in the Public Health Service and a review of legislative needs is being undertaken in cooperation with the association of State and territorial health officers, and the State and territorial mental health authorities. Their recommendations will be reviewed by Congress next year.

The recent passage of this legislation by the House of Representatives is just one more step in the direction of a healthier and happier society in this Nation. It marks once again the determination of the United States to act against the enemies of mankind, whether they are natural or manmade, and eradicate them from the face of the earth.

NEW YORK CITY IN CRISIS—PART LX

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article from the March 17, 1965, edition of the New York Herald Tribune concerning the proposal for a New York State sales tax.

The article is part of the series on "New York City in Crisis," as follows:

NEW YORK CITY IN CRISIS: TAX UNIT MEMBER PLUGS A WAGNER LEAK

(By Alfonso Narvaez and Barry Gottehrer; of the Herald Tribune staff)

One of the 15 members of the temporary commission on city finances charged yesterday that Mayor Wagner was trying to use the special commission as a rubberstamp in his call for passage of a State sales tax.

The member, who opposes the sales tax, reportedly made his charges before the monthly meeting of the commission yesterday. According to him, a report by three members on the controversial tax has brought about a split among commission members.

At issue is the five-page report sent to the mayor last month—in which the three came out in favor of the tax. The report, later leaked to the press, created the impression, according to at least three members of the commission, that the commission itself favored the tax.

ERRONEOUS

Charging that the report gave an "erroneous impression," one member of the commission, who wished to remain anonymous, said yesterday: "It is a question of whether the commission is duty bound to call the shots the way it sees it or to play patsy for Mayor Wagner and provide him with a backdrop of leading names in the community who go along with what he wants."

At least two other members of the commission, which reportedly have met two times previously without reaching agreement on the sales tax plan, maintained yesterday that the earlier report was solely the personal opinion of Earl B. Schwulst, chairman of the commission and of Bowery Savings Bank; Wallace S. Sayre, vice chairman; and Dr. Joseph D. McGoldrick, secretary.

The report, issued at the request of city hall and delivered in time for the mayor to take with him on his trip to Albany March 1 to appear before the State legislature's finance committees, added fuel to rumors of an alleged "deal" between Mayor Wagner and Governor Rockefeller.

It has been reported that the mayor had agreed to lend his support to the Governor's proposed 2 percent statewide sales tax in exchange for the Governor's support of the mayor's choices for leaders of the State senate and assembly last month.

Mayor Wagner and Governor Rockefeller, however, have repeatedly denied reports that any deal took place.

Despite the fact that a letter accompanying the report when it was sent to the mayor was written on Bowery Savings Bank stationery and stated that the report "was not a report of the commission as a whole, although it reflects the views of a number of the members," the general impression "leaked" to the newspapers was that it was a report by the commission.

"I don't think the mayor would deliberately try to mislead the public," Mr. McGoldrick, commission secretary, said yesterday. "We made the fact quite clear in our letter that it was our personal view."

Though the mayor made it clear to Albany newsmen that the report presented the point of view of only three members of the commission, the earlier press leak, out of the mayor's office, did not make this clear at all.

A spokesman for the commission conceded yesterday that the report, signed under the names and commission titles of the commission's 3 top members, would give the impression that the 3 were speaking for all 15.

NOT MY VIEWS

Mr. Schwulst said that only seven members, one short of a quorum, showed up at the meeting in his office yesterday, and that the report and "the differences of opinion" were discussed only briefly. He said that "it was probably a mistake" issuing the report under their commission titles.

"There are differences of opinion among the members, but there is no split," he said. "The commission, as such, is reluctant to take a position before they study the matter thoroughly."

Mr. Schwulst added that he "would not be willing to serve on a commission if I thought I would have to give the mayor an opinion he wanted."

Jacob S. Potofsky, a commission member and the general president of the Amalgamated Clothing Workers of America, has publicly criticized the three-man report. "The views in the report are the views of the three officials who signed it and in no way do they reflect my views," he said.

The only official statement by the entire commission on the sales tax appeared in its interim report issued November 30. In it, the commission called for exploration of a statewide sales tax, but made it clear that the sales tax would have to be one "with rebates to the city (and other local jurisdictions) at rates now collected."

In this way, the city presumably would continue to collect the equivalent of the 4-percent sales tax it now collects.

Under Governor Rockefeller's tax plan, a 2-percent sales tax would be created statewide, which would allow New York City to levy an additional 3 percent on top of that. According to critics, the city, under the Governor's plan, would lose the equivalent of 1 percent in sales tax revenue and the consumer would be hit with a full 5-percent tax on personal services and beer in addition to retail sales. (In 1963–64, the 4-percent sales tax brought $417 million to the city.)

As partial compensation to the city, the Governor has recommended that revenues from the State stock transfer tax be rebated to the city. He also said he would increase the city's share of State highway revenues.

The statewide sales tax proposal has been under fire from business and consumer groups since it was first outlined.

The Citizens Budget Commission has said that "the 5-percent tax would create some of the very poverty which the city, the State and the Federal Government are now determined to combat.

The CBS said that the city was still suffering from the effects of a sales tax boost from 3 to 4 percent in 1963, and suggested that the city reduce its expected expenditures instead of increasing its sales tax.

Lawrence Lachman, president of Bloomingdale's, said, in representing the Metropolitan New York Merchants Association, that a 5-percent sales tax would only accelerate the decline of retail industry in the city.

The temporary commission on city finances was created in 1963 with the purpose of figuring out what the city must do to head off an expected expense budget deficit of $350 million in 1966.

A GAME

Late last fall, one of the mayor's aid gave his own experienced view of the power and potential of this—and any other—special commission set up by the mayor.

"It's all a game," he said. "We know we have fiscal problems and we know what we have to do—raise existing taxes or put in some new ones. But, most of all, we know that we must get more Federal and State help.

"But by setting up these commissions, the mayor gets the bankers and the business leaders, many of them Republicans, involved. If they should ever come up with something new, then all the better. If they don't—and they rarely do—it's their failure—not the mayor's. And then, who says that he has to do anything with their proposals?"

NEW YORK CITY IN CRISIS—PART LXI

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article from the New York Herald Tribune of March 18, 1965, concerns an attempt by New York City's business community to solve some of the problems faced by the city.

It is part of the series appearing in the Tribune on "New York City in Crisis."

The article follows:

TWELVE AT THE TOP HOLD A CRISIS MEETING

(By Barrett McGurn)

A businessmen's drive to cope with the many mounting problems of New York City got underway yesterday with an organizational meeting attended by a dozen of this city's foremost banking, utility, insurance, department store, and chamber of commerce presidents and board chairmen.

They met in the name of 70 heads of New York's and America's largest firms which had agreed that business had to take a hand in solving long-range problems affecting factory jobs and other phases of the city's life.

The businessmen, leaders of companies with many billions of dollars of assets, outlined strategy to stop the flight of factories which has cost New York City between 81,000 and 100,000 jobs in 6 years. The latter is an estimate of the Commerce and Industry Association of New York, the main force behind the reform drive. The former is the figure which the New York City Department of Commerce and Industrial Development concedes.

The representatives of New York's commercial life met at an undisclosed place after a preliminary conference at 3:30 p.m., in the office of the Turner Construction Co., 150

East 42d Street. Henry Chandlee Turner, Jr., president of Turner's, skyscraper builders, is president of the Commerce and Industry Association.

Also at the meeting was Walter F. Pease, a member of the law firm of Shearman & Sterling, president of the 197-year-old New York Chamber of Commerce, a cosponsor of the drive.

Those at the meeting are members of a committee of 14 which the city's business leadership has established. The committee includes the presidents or board chairmen of R. H. Macy's, the Chase Manhattan Bank (New York's largest), the Irving Trust Co., the New York Life Insurance Co., the Ford Foundation, the Consolidated Edison Co. of New York, the New York Telephone Co., the Seamen's Bank for Savings, the Downtown Lower Manhattan Association, Helmsley & Spear, Inc., who manage the Empire State Building and other properties, the Brooklyn Union Gas Co., and Abraham & Straus.

The businessmen pooled a knowledge of finances, of New York City real estate including property available for development as industrial parks, an awareness of cultural trends reflected in the activities of the Ford Foundation and a vested interest in the well-being of a city whose prosperity or decline intimately affects department stores, utilities, business firms, and other New York investments.

The business representatives faced a crowded agenda during the course of a 90-minute meeting. Some of the problems were these:

Whether to "take over" the city's year-old industrial development corporation, of which Commissioner of Commerce and Industrial Development Louis Broido is head, and whether Mr. Broido would allow such a "take-over." Mr. Broido would like to stay as president of the job-seeking corporation. It is the bulk of his city department's work. Mr. Broido also would like to limit business to a 50-50 control after the example of Philadelphia's successful bootstrap operation.

Whether to hire one of the executive directors of another of America's 1,600 community industrial development corporations, several of which have helped reverse downtrends in New Haven, Hartford, Boston, Chicago, Kansas City, Atlanta, Seattle, and other cities.

How to go about analyzing the reasons why factories have drained out of New York ever since World War II, withdrawing work opportunities from high school dropouts, Negroes, Puerto Ricans, and others who tend to become jobless relief seekers and, sometimes, police problems.

Whom to tap as directors and officers of an industrial-revival drive, a campaign designed to expand the number of city taxpayers and consumers, and, eventually, to cut back on rising municipal tax rates.

The businessmen said nothing at the end of the meeting, beyond expressing satisfaction. They will have a statement today.

Commissioner Broido, a $1-a-year man and former executive vice president of Gimbels, meanwhile reported one more tentative success in his own effort to combat the blue-collar job drain. He said that a weekend raid on an unnamed southern State made it almost sure that a furniture factory with 600 employees will move to the industrial park which the board of estimate provisionally has approved for a 96-acre area in Flatlands, Brooklyn.

Mr. Broido told the southern operator that his high-quality furniture has the 16 million residents of the New York metropolitan area as the likeliest market. He insisted that New Yorkers are more productive workers and that New York State's $100 million fund for factory development may provide a 30-year 3-percent second mortgage at half the usual 6-percent interest charge. The loan, coupled with a normal banker's first mortgage for the first 50 percent, should make Flatlands' real estate costs competitive with the cheap but far away Southern site, Mr. Broido reasoned. The southerner, Mr. Broido said, seemed convinced.

At the same time, however, a two-way factory traffic continued. Manuel Hochberg, of the Regal Metal Products Corp., 848 Stanley Avenue, Brooklyn, told the Herald Tribune that he was very much interested in the stories about factory flights and wanted to know where they were going so that he could follow.

He said high taxes and lackadaisical laborers lured only temporarily from city relief rolls had convinced him to leave. Mr. Broido's staff will be in touch with him to urge him to stay.

But Peter J. Woods, president of the Mohawk Mocs Shoe Co., of Mohawk, N.Y., said he has a 20-man operation and is willing to come to New York City if he can get help with sales. He has a manufacturing system requiring no particular skills on the part of labor. Mr. Broido's aids will try to assist him too.

C. LEO DeORSEY

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. TEAGUE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, to know him was to love him. C. Leo DeOrsey was the kind of man that everyone needed as a friend. I know that my life has been richer, by knowing him, and I know that there are many who will miss him.

I did not know Leo DeOrsey in a business way; I knew him only as a friend and the kind of man who endeavored to befriend everyone he met. His gratuitous work with the seven original astronauts of this country was indicative of the very nature of this man.

I wish that I could have known him a lot better and associated with him more as he brought joy to those who did. He will be greatly missed, Mr. Speaker, in sport circles and legal circles, but his memory will live for a long time in the hearts of many.

A CONGRESSMAN'S WORKLOAD

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DENT. Mr. Speaker, years ago Abraham Lincoln, in an effort to still the conflicting voices of those among his constituents who wanted both his appearance at every local function as well as his attendance to the duties of his office, made the following observation:

> If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, 10 angels swearing I was right would make no difference.

It has ever been thus and will continue to be so, especially so during these days when our Federal Government has laws affecting the daily lives of our people, our every aspect of national life: labor, management, industry, marketing, education, relief, retirement, job training, antipoverty, Appalachia, and clean streams, flood control, and almost every phase of every minute of our daily existence.

There seems to be some confusion on the part of some of our people as to the amount of work a Congressman does.

For the record I would like to give this week's schedule insofar as I personally have my calendar marked. Following is this week's House Calendar of legislative proposals before the membership:

Monday: Consent Calendar, suspensions, seven bills:

H.R. 908, Nez Perce National Historical Park, Idaho.

H.R. 500, providing for the establishment of the Agate Fossil Beds National Monument, Nebr.

H.R. 6926, improvement and modernization of Government employees' life insurance program.

H.R. 5640, jury commissions for U.S. district courts.

H.R. 5167, amending title 38 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes.

H.R. 5184, for the relief of the port of Portland, Oreg.

H.R. 5283, inclusion of years of service as judge of the District Court of the Territory of Alaska in the computation of years of Federal judicial service for judges of the U.S. District Court for the District of Alaska.

H.R. 2986, Community Health Services Extension Amendments of 1965. Open rule—2 hours debate.

Tuesday: Private Calendar:

H.R. ——, 1966 appropriations, Labor and Health, Education, and Welfare.

H.R. 2985, Community Mental Health Centers Act Amendments of 1965. Open rule—3 hours' debate, making the committee substitute in order to be considered.

H.R. 5401, Interstate Commerce Act amendments. Open rule—3 hours' debate, making the committee substitute in order to be considered.

Wednesday: H.R. 7657, authorizing defense procurement and research and development.

Thursday: H.R. 7717, authorizing appropriations to the National Aeronautics and Space Administration.

Friday and balance of week: H.R. 2984, Health Research Facilities Amendments of 1965. Open rule—3 hours' debate, making the committee substitute in order to be considered.

Conference reports may be brought up at any time. Any further program will be announced later.

Aside from and added to the above schedule, I have a committee meeting of my Select Subcommittee on Education Tuesday and Wednesday, a meeting with my committee staff and Congressman

ROOSEVELT's committee on pensions and welfare benefits for employees of unions and management associations.

On Thursday, we have a subcommittee meeting on the poverty bill and on Friday an executive meeting of the full committee to write up the poverty bill.

Wednesday morning at 11 I appear before the Rules Committee in behalf of my small mine safety bill which I hope to pass after years of trying.

Also on Wednesday, my labor subcommitteee goes before Rules in behalf of the joint promotion bill for building trades and contractors.

In between bills on the floor and hearings, I have to squeeze in visits and interviews with constituents, representatives of the many organizations interested in special or specific bills before our committee or the House.

This is about the same, week in and week out, with a rare occasion when we can get away from Washington on special problems that have to be investigated before legislation is offered for a House vote.

Probably the greatest drain on time and the health of the Members are the "special events" schedules that cause the Members to spend so much of their time attending the many and conflicting dinners, luncheons, breakfasts, forums, conferences, and so forth.

Most of us have to take our mail home to read and answer at night, in the morning before going to the office, and on weekends.

For the RECORD, I would like to give the list of special events for this week, many of which are at the same time many blocks apart and absolutely impossible to attend.

SIGNIFICANT NEWS EVENTS SCHEDULED FOR THE WEEK MAY 3 THROUGH MAY 10, 1965

MONDAY

Top administration leaders speak at 2-day meeting of Civil Service Commission field managers, Civil Service Commission offices, 19th and E Streets NW., 8:30 a.m. Monday speakers include Vice President HUMPHREY, Budget Director Gordon, Poverty Director Shriver, Education Commissioner Keppel and Civil Service Chairman Macy.

First patients move into the new veterans hospital.

Members of the American Trial Lawyers Association admitted to practice at Supreme Court session, 9 a.m.

Supreme Court meets for decisions, 10 a.m.

National Conference of State Executives on Aging continues, Shoreham, 9 a.m. Morning speakers include HEW Secretary Celebrezze, Assistant Secretary Wilbur Cohen, and Donald Kent, Director of the Office of Aging. Charles I. Schottland of Brandeis University speaks at 1:30 p.m. followed by afternoon and evening clinics.

Four-day conference of the AFL–CIO Building and Construction Trades Department opens at the Washington Hilton:

At 10: Addresses by AFL–CIO President Meany, Speaker MCCORMACK, Labor Secretary Wirtz, House GOP Leader FORD and Senator KUCHEL.

At 2:15: Addresses by Vice President HUMPHREY, Senator MCNAMARA, Representative ADAM CLAYTON POWELL, Senator JAVITS and Representative FRANK THOMPSON.

Federal Trade Commission opens hearings on gasoline marketing practices, 532 FTC Building, Seventh and Pennsylvania Avenue NW., 10 a.m.

Three-day meeting of the National Lumber Manufacturers Association opens at the Shoreham, 10 a.m.

Monday schedule includes noon luncheon address by Agriculture Secretary Freeman and 2 p.m. panel on dealing with Congress and Federal administration agencies by Members of Congress.

Air Force chiefs arrived for Inter-American Air Force Chiefs Conference, Andrews AFB, 3:40 p.m. Headquarters are at the Shoreham and State Department.

President Robert Gerholz of the U.S. Chamber of Commerce guest on Westinghouse "Washington Viewpoint" broadcast.

Artists from the Metropolitan Opera National Company presented to the President's Cabinet in informal program, State Department Auditorium, 8:30 p.m.

Pennsylvania's Democratic State Committee sponsors the first Democratic victory gala ever to be held in their State in the Hershey Sports Arena, at Hershey, Pa., at 8 p.m., e.d.t. Guests include Pennsylvania's delegation of Democratic Congressmen and their wives, State senate and house members, and two new fiscal officers—Auditor General Grace M. Sloan and State Treasurer Thomas Z. Minehart.

The 113-member Pennsylvania Democratic State Committee meets to review a heavy party program, including plans for the 1966 campaigns, in Harrisburg at 10 a.m., e.d.t.

Woman's National Democratic Club annual meeting schedule:

11:30: Memorial service and laying of wreath honoring President Woodrow Wilson in Bethlehem Chapel of Washington National Chapel. Memorial tribute by club president, Mrs. Irvin A. Hoff.

12:30: Luncheon at clubhouse.

1:30: Meeting and installation of incoming officers.

Attorney General Katzenbach addresses the opening session of the 3-day meeting of wardens of all Federal penal and correctional institutions at the Skyline Inn, South Capitol and I Streets, at 9 a.m.

House Ways and Means Committee opens 2 days of hearings on proposed cut in duty-free imports of tourists.

Senate Finance Committee continues on health care legislation.

House Government Operations Subcommittee meets on Public Health Service.

TUESDAY

President Johnson may meet with Democratic congressional leaders.

Vice President HUMPHREY addresses dinner session of the National Conference of State Executives on Aging, sponsored by Health, Education, and Welfare's Office of Aging, at the Shoreham, 7 p.m.

Four-day meeting of the League of Women Voters opens at the State Department; Sargent Shriver speaks at opening session.

Senators RUSSELL LONG and EVERETT DIRKSEN speak at Shoreham convention of the National Lumber Manufacturers Association.

Members of Congress guests at National Press Club special cocktail buffet.

House Judiciary Committee resumes on voting rights bill.

Senate Banking Subcommittee continues on public works and economic development act.

Senate Republican policy committee meets.

House Foreign Affairs Committee expected to report foreign aid bill.

House Government Operations Subcommittee resumes on drug safety.

House Commerce Committee meets on cigarette labeling.

House Rules Committee considers armed services procurement, and coffee bills.

Commerce Deputy Secretary Eugene Braderman addresses University of Arizona Foreign Trade Seminar; Tempe, Ariz.

Commerce Assistant Secretary J. Herbert Hollomon speaks before Boston Patent Law Association; Boston, Mass.

Dr. Dale Jenkins of the National Aeronautics and Space Administration addresses the biological sciences group of the Special Libraries Association; National Academy of Sciences, 6 p.m.

WEDNESDAY

President and Mrs. Johnson entertain the diplomatic corps at White House reception.

Administration officials brief meeting of approximately 200 mayors from medium-sized cities.

Gen. Paul McConnell, Air Force Chief of Staff, speaks at National Press Club lunch.

Four-day meeting of college-age Republicans (National Student Leadership Seminar) opens at the Sheraton Park.

Members of the District of Columbia League of Republican Women hold election-luncheon at the Mayflower.

Special showing of the late Chester Dale's collection of paintings held at the National Art Gallery.

Three-day electronic components conference opens at the Marriott Twin Bridges Hotel.

Senate Judiciary Subcommittee considers nomination of Fred Vinson, Jr., to be Assistant Attorney General, and Don Young to be Ohio judge.

House Rules Committee considers NASA authorization and coal mine safety bills.

HHFA Commissioner William Slayton addresses American Public Power convention; Los Angeles, Calif.

Interior Secretary Stewart Udall speaks at North American Fisheries conference; Washington, D.C.

Commerce Coordinator Daniel Goldy addresses council on trade; Durham, N.C.

HHFA Commissioner Philip N. Brownstein addresses Texas Mortgage Bankers Association convention; Corpus Christi, Tex.

Senator EDWARD M. KENNEDY, Democrat, of Massachusetts, member of the Senate Special Committee on Aging, addresses luncheon meeting of the National Conference of State Executives on Aging, at the Shoreham.

THURSDAY

Two-day meeting of the Business Council opens at the Mayflower.

Labor Department issues preliminary figures on April employment.

Ceremonies for presentation of AAA School Safety Patrol decorations to 13 youngsters.

Delegates attending meeting of the National League of Women Voters meet with Members of Congress.

Senators MORTON, SCOTT, CARLSON, and DOMINICK among speakers at the GOP Student Leadership Seminar.

Two-day briefing session of the Federal Bar Association on U.S. taxation of foreign income opens at the Shoreham.

National Planning Association holds 12:30 p.m. luncheon news conference on the dollar cost of our national goals at the Madison.

Commerce Administrator Nick Johnson addresses American Society of Mechanical Engineers banquet; New London, Conn.

Agriculture Administrator Norman Clapp speaks before North Arkansas Electric Co-op; Chicago, Ill.

HEW Under Secretary Ivan Nestingen is guest speaker at Buffalo Eye Bank & Research Society anniversary ceremonies; Buffalo, N.Y.

Commerce Under Secretary Franklin D. Roosevelt, Jr., addresses American Women in radio–TV; New York City.

Assistant Postmaster General Richard Murphy addresses Jefferson-Jackson Day dinner; York, Pa.

Majority Whip RUSSELL B. LONG, Democrat, of Louisiana, discusses the tax program of the 89th Congress at the Woman's National Democratic Club luncheon, 1526 New Hampshire Avenue NW., Washington, D.C., 12:15 p.m.

FRIDAY

More than 200 survivors of Nazi concentration camps open 2-day meeting on the 20th anniversary of V-E Day.

Two-day Middle East Institute Conference on "The United Nations and the Middle East" opens at Georgetown University.

Mrs. Johnson flies to New York to participate in a "Salute of Spring Planting" ceremony at the New York Public Library.

Governor Romney and Senator Javits among speakers at GOP Student Leadership Seminar.

Assistant Postmaster Richard Murphy addresses convention of National Association of Letter Carriers, Trinidad, Colo.

Commerce Assistant Secretary J. Herbert Holomon speaks at Cornell University; Ithaca, N.Y.

HHFA Commissioner William Slayton speaks at seminar on urban renewal; New York City.

SATURDAY

District of Columbia area military installations hold open house in observance of Armed Forces Week.

Twenty-five thousand safety patrol boys and girls march down Constitution Avenue.

Representative Gerald Ford speaks at closing session of GOP Student Leadership Seminar.

Commerce Secretary Joann Connor addresses Business Council dinner; Hot Springs, Va.

HEW Under Secretary Ivan Nestingen addresses Democratic fund raising dinner; Hillsville, Va.

Senator Walter F. Mondale, Democrat, of Minnesota, is keynote speaker at annual Jefferson-Jackson Day dinner; Presidential Arms, 1320 G Street NW.

Senator Lister Hill, Democrat, of Alabama, receives the 1965 citation of the advisory board of the Patridge School and Rehabilitation Center at its annual open house at Gainesville, Va., between 2-4 p.m., for his legislative leadership in medicine, health, and education.

SUNDAY, MAY 9

Mother's Day.

Frankly, many of us who have full schedules simply can't attend and therefore leave it to the organizations, etc., to understand.

Even this list doesn't include small gatherings of smaller groups at the homes of Members, Government officials, and foreign embassies.

Frankly, Washington could easily qualify for occupational hazard insurance for overeating, overdrinking, heart attacks, nervous breakdowns, and above all, frustration, short tempers, doubletalk, and alibis.

While this is going on, don't forget the thousands of letters from folks from everywhere in and outside of a Member's district who believe in "writing the Congressman" on everything from medicare to Vietnam, streets and sewers, bank loans, Government contracts, school loans, and on and on.

One thinks of Lincoln and finds that as long as he tries, his friends understand without explanation, and his opponents never pay attention to facts because their minds are already made up.

One thing you can be sure of—there's never a dull moment for a Congressman who has to campaign every second year.

DANTE ALIGHIERI—POET OF VISION

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, the middle of May—the exact date is not known—is the birthday of Dante Alighieri. In order to commemorate the contributions he has made to the arts and to literature, the Postmaster General of the United States has designated a stamp in his honor. The stamp will go on sale in post offices throughout America on July 17. It was designed by Douglas Gorsline, New York City artist who also designed last year's Shakespeare commemorative stamp. Gorsline's design simulates the style of early Florentine allegorical paintings. For his likeness of Dante, the artist turned to the painting of an unknown 16th century artist which hangs in the National Gallery of Art, Washington, D.C. Dante is shown wearing the laurel wreath symbolic of poetry. Above him an angel unfurls a banner on which is inscribed "700th Anniversary." Lower left are flames, an allegorical reference to hell, which the poet visited in his poem, "The Divine Comedy."

It is my pleasure to place in the Record an editorial which appeared in the Washington Post on Sunday, April 25, 1965. The editorial follows:

POET OF VISION

About the middle of May 1265, in the city of Florence, Dante Alighieri was born, and now, 700 years later, all the world is celebrating the anniversary of his birth. Recently the Catholic University of Washington held a series of lectures and a symposium as "Homage to Dante." On May 1, the Library of Congress will hold another symposium. Before the year is out, colleges and universities throughout the world will pay their tribute to a poet who wrote with vision and wisdom for all men and for all time. Dante is as universal a poet as Shakespeare.

Literate people everywhere know Dante's great poem the "Commedia," which by the 16th century had already attained such fame that men rechristened it "Commedia Divina." It has been called a summation of the learning of the Middle Ages, but it is more than that, for Dante's poem is not a fossil from the past but a vital work with beauty and wisdom for us today.

The author was no cloistered recluse believing in art for art's sake, no long-haired escapee from contemporary problems, no poseur who wrapped the profession of poet around him like a cloak. Dante was a participant in the political affairs of his time, and he suffered for his beliefs and actions. In a turn of fortune's wheel, Dante's political faction lost power in Florence and the city exiled him on pain of death. Henceforth Dante was obliged to wander from city to city in Italy, but he continued to combine his literary labors with political debate and action.

Dante dreamed of a united Italy without warring factions, of a whole world of peace and harmony ruled by law. His vision of united nations contemplated a rule of justice under the Emperor of the Holy Roman Empire. But Dante's dream vanished with the death of the Emperor Henry VII, and peace has remained an illusory hope that poets and others must continue to cherish.

"The Divine Comedy" is not an easy poem to read, for it is filled with learned allusions, historical facts, and theological and philosophical commentary, besides depths of allegorical meaning. Yet Dante is never obscure for obscurity's sake. Unlike third-rate poetasters, he does not have to hide a poverty of ideas under a mulch of verbiage.

Dante reserves his greatest scorn for fugitives from responsibility, the "lukewarm" who decline to participate in anything. For them he made a dreary place in the vestibule of hell, for hell itself would not have them. There—

"United in a tumult, whirling on
Forever through the air of timeless gloom,
Like sand and borne onward by the circling wind"

those too cowardly to commit themselves even to evil must spend eternity. They are those "Who lived with neither infamy nor praise." In our world, when so many fearful or cynical souls spend their time in negativism, we might turn back to Dante for robust wisdom—and for a vision of the condign punishment designed for do-nothings.

THE DOMINICAN CRISIS: OUR CONTINUING COMMITMENT

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, while nearly all of us, as American citizens, live in hope that all peoples in all nations will one day be free, even at the cost of revolution against tyranny, we all to often find ourselves rooting for an underdog who has already been corrupted by the greatest tyranny in the world today—communism.

The headlines of this past weekend have told a tragic story of a bloody, confused, and entangled revolt in the Dominican Republic. At first, before the facts had been gathered, it might have seemed almost like a replay of a dozen other coups which have clouded the history of the Caribbean and Latin America in general.

The facts have shown otherwise.

The young army generals, loyal to Juan Bosch, were swept from control of the rebelling elements. Today, it seems clear, the continued harassment and the sporadic outbreaks that have sabotaged all our early efforts to achieve a peaceful settlement are the work of skilled, Communist-trained insurgents.

Much has been written and said about this Nation's decision to intervene in the Dominican fighting. It has been condemned by those who say we have no business on the island at all. It has been praised by those who would have us carry our own role even further, becoming not only a protector and a persuader but an active combatant for the soul of the island and its people.

There is a middle ground in this debate, a ground upon which true patriotism and true reason can commune.

That ground is the foundation of America's role in all conflicts where the liberty and free will of a people are threatened—not just in those conflicts in which American property or citizens are threatened.

The commitment we have here is allied to our commitment in Europe and the Pacific in World War II, in Korea in the 1950's, in Vietnam this year and for nearly a decade past.

Our only alternative is to close up shop as an international power, to seal ourselves off from the world and its unfortunate problems, to cast aside the mantle of leadership handed down to us by those generations who, without total understanding of the greatness of their own role, were willing to fight to preserve this Nation and its strength.

What we have done in the Dominican Republic is a renewal of a pledge—a pledge to ourselves, our children and to those who live, as we do, in the prayerful faith that peace can, indeed, be made a reality.

No one, it seems to me, has summed up the case for our Dominican intervention better than the brilliant columnist and reporter, Charles Bartlett, whose comments on this issue appeared in last night's Washington Evening Star.

I consider it a privilege to call the attention of my colleagues to Mr. Bartlett's column and insert it as part of these proceedings:

[From the Washington (D.C.) Evening Star, May 4, 1965]

THE CASE FOR DOMINICAN ACTION

(By Charles Bartlett)

Much of the liberal instinct to protest the American intervention in the Dominican Republic is being stifled by an awareness that President Johnson had no sound alternatives to the course he has followed.

The authentic leading South American liberals are largely silent in the chorus of protest. Johnson has taken great pains to make them understand that on the evening of April 27, the Dominican Republic was a power vacuum in which many lives were imperiled and many efficient, purposeful, and guerrilla-trained Communists were at work.

One proof of this vacuum will be found in the efforts of the coming days to piece together new leadership for the country. Even after the dust settles, this necessary leadership will be hard to find. An almost total lack of the caliber of men who make leaders is one tragic consequence of 31 years of brutal dictatorship.

Charges that the United States has resisted the return of Juan Bosch, the poet liberal whose incompetence as an administrator permitted his deposition in 1962, are unfounded. Bosch himself, through timidity or indecision, chose to stay in Puerto Rico instead of asserting himself in the chaos that his followers had created. His failure to take command will not strengthen his cause in the new era.

The Dominican generals, including Elias Wessin y Wessin, proved in the testing moments to have the clay feet of men who matured in a corrupt society. Since none of them rose to the occasion, some suspect the Dominicans may turn toward Joaquin Balaguer, the old man who remained as President immediately after the Trujillo assassination in 1961. He represents a compromise between the new taste for democracy and the old reliance on authority.

If there was no leader in Santa Domingo to whom Johnson could look confidently on the evening of April 27, there were several on whom he could look with concern. The postmortem debate on whether the Communists could have captured the Government if the Marines had not landed has already begun. Fortunately the intelligence readings were excellent and they indicated in advance that the potential was there.

The ominous Communist asset was the training in guerrilla tactics that had been imparted in Cuba to at least 18 of the insurgents. In the fluid situation which prevailed in Santo Domingo, these paramilitary experts, led by a resourceful Spanish Communist named Manuel Gonzalez Gonzalez, had a splendid chance to prevail.

Criticisms of Johnson for resorting to gunboat diplomacy in these circumstances must be weighed against the private laments of many South American liberals in 1961 that President Kennedy did not snatch triumph from disaster at the Bay of Pigs by dispatching American soldiers to finish off Fidel Castro. Critics also must ponder the presumption of responsible Venezuelans and Bolivians that American troops will arrive, if all other hope is lost in chaos, to save their governments from the Communists.

The criticisms must be further weighted against the gratitude of Juan Bosch in mid-November of 1961 after American naval forces frustrated the return to the Dominican Republic of the wicked Trujillo uncles. Bosch hailed this fleet intervention, which stopped just short of Marine landings, as an act "that could save many lives and many troubles in the near future."

The little-known record of this country's dogged efforts since 1961 to implant democracy in the barren Dominican soil is one pledge of Washington's virtuous intentions. From the moment that Trujillo was killed, leading Dominicans have leaned heavily upon American guidance in the tricky transition from dictatorship. All the leverage of Washington's good offices has been applied to encourage constitutional government.

The break with the habits and attitudes of 31 years does not come easily. Henry Wells, a political scientist who helped to construct the machinery for the 1962 election, observed after the voting of a Dominican official that everything had gone smoothly. "These people are very well disciplined," the man responded.

The future will be no easier than the past in the Dominican Republic. One American policymaker said the decision to send Marines into Santo Domingo was "like arresting your mother." As the Communists try to make the most of the tender days ahead, this country's composure will rest upon its case that the decision was unavoidable.

BARING BILL TO REPEAL RETAILERS AND COMMUNICATIONS EXCISE TAXES

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BARING. Mr. Speaker, I am today introducing two bills for the repeal of the Federal retailers excise taxes and the excise tax on amounts paid for communication service.

The President, in his state of the Union message made reference to a cut in excise taxes. In this regard I am in complete agreement with the President.

The retailers excise taxes were adopted in 1941 as an emergency tax during World War II. To continue this tax I feel inflicts irreparable damage to many small retailers and manufacturers.

Furthermore, the present retail excise tax structure is incongruous with our national tax philosophy. These levies are regressive, working the greatest hardship on those least able to pay, namely, those in the low income brackets.

In the case of the excise taxes on communications, we levied our first national excise tax on long distance telephone calls in 1932. The tax was extended and increased during World War II when such taxation served a dual purpose of producing revenue and reducing the load on our heavily burdened communications network.

Thirty-five years ago the telephone was perhaps a luxury. In most areas of our Nation, those were the days of the party line. Quite obviously, this is no longer true. Consumer savings on phone bills would pour new money into our economy.

No other utility service in the American home is taxed in this manner by the Federal Government. It is time we recognized a simple truth the American businessman and the consumer he serves have known for a long time, namely, that the telephone is not a luxury and should no longer be treated that way.

FIESTA SAN ANTONIO, 1965

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the most unique annual festival of any in America, in my opinion, is the Fiesta San Antonio, held each year in my hometown of San Antonio. The weeklong series of parades, galas, and festivities is widely celebrated as the most beautiful, joyous, and spectacular of its kind. It includes the "Battle of Flowers," a parade of floats decorated by flowers which is indescribably magnificent and which is a worthy herald of the new spring season. The Fiesta Flambeau is a spectacular night parade and is undoubtedly the greatest illuminated parade in the world.

Fiesta San Antonio is a wonderful example of the blended Latin and Anglo cultures which has been accomplished in the Alamo City. The city itself is situated on the ancient Camino Real, the Kings Highway, which existed before Texas was a sovereign Republic or a State.

The fiesta begins each year with the traditional and historic pilgrimage to the Alamo where ceremonies are conducted formally opening the week of festivities. This year, Lt. Gen. Robert W. Colglazier, commanding general, 4th U.S. Army, delivered the pilgrimage address. With unanimous consent I am inserting this patriotic and inspiring speech in the CONGRESSIONAL RECORD.

PILGRIMAGE ADDRESS AT THE ALAMO, APRIL 19, 1965, LT. GEN. ROBERT W. COLGLAZIER, JR., U.S. ARMY, COMMANDING GENERAL, 4TH U.S. ARMY

It has been many years since my initial participation in San Antonio's fiesta. Even before that I became imbued with the sincerest respect and deep reverence which all Texans have for this, their most historic shrine.

The details of the great drama which unfolded at the Alamo, and the worldwide significance of absolute heroism displayed here in 1836, have remained ingrained in my memory. Who, having been here once, could ever forget?

Thus, it is a great personal honor to have been selected to make this traditional address, and to join with you again in paying tribute to those heroes who fell here and to the equally heroic Texans at San Jacinto who vindicated the sacrifices made at the Alamo.

Those assembled at the Alamo on that fateful day nearly 130 years ago came from many widely scattered areas of the world. Most of them were from States of the Union, but many came from foreign lands. They joined with the Texans in one of the world's greatest recorded efforts to win and preserve freedom. All—all of them—native and adopted Texan alike—showed the world they preferred a valiant death to the ignominy of oppression and tyranny.

Col. William B. Travis addressed to the people of Texas, and to all Americans, what has been called "the most heroic document in American history."

He wrote, in part: "I have sustained a continual bombardment and cannonade for 24 hours, and have not lost a man. The enemy has demanded a surrender at discretion, otherwise the garrison are to be put to the sword, if the fort is taken.

"I have answered the demand with a cannon shot and our flag still waves proudly from the walls. I shall never surrender or retreat. I am determined to sustain myself as long as possible, and die like a soldier, who never forgets what is due to his own honor and that of his country. Victory or death."

Today, this struggle against oppression and tyranny is still being waged by men who are willing to make the supreme sacrifice to insure that freedom will live and progress through future years.

In keeping with that gathering, over a century ago, of heroic fighting men, valiant Texans of today are joined with other guardians of freedom throughout the world—on the alert, with weapons at the ready. They are prepared to continue the struggle against despotism whenever and wherever called upon to do so.

Indeed, these Texans are laying their lives on the line in one remote, but very important area of the world—the Republic of Vietnam. Some have made the ultimate sacrifice in the battle against oppression there. It has been my sad but proud responsibility, in less than 1 year since assuming command of the 4th U.S. Army, to present a number of medals to families whose heroic husbands and sons have died in the steaming jungles or the marshy rice fields of that faraway Asian country. These sons of Texas echo, by deeds, Colonel Travis' determination never to surrender or retreat.

This determination to resist, to die for our country, for our ideals, and for our honor is the "spirit of the Alamo." And this spirit of dedication and determination never has faltered. Your husbands, sons and brothers displayed it in the fighting of World War II at Salerno, Guadalcanal, the Rapido River and in Normandy—and on Pork Chop Hill and the Pusan Perimeter in Korea as well as countless other battles since the siege of the Alamo.

The "spirit of the Alamo" cannot be attained by decree; it cannot be ordained. It is not easy to achieve. It requires love of country, love of freedom, love of honor and courage; the willingness to suffer, the willingness to sacrifice, the willingness to die so that others may live in a society which has the freedom to determine its own destiny.

Without the "spirit of Alamo" our country could have perished long ago. And today this spirit is undergoing one of its greatest challenges.

So I say we can take pride in being Texans and in honoring our fellow Texans today—those who shed their life's blood within these hallowed walls in 1836—and who are now shedding their blood thousands of miles from home. Typical of Texas, they also are typical of America. They are willing to suffer hardship, danger, even death itself—that freedom shall be won, protected, and advanced. They believe in making those sacrifices, to the end that the world will be led into an era in which no man need fear, or suffer, tyranny—either from his own or a foreign government.

They "remember the Alamo."

ISRAEL'S DAY OF INDEPENDENCE

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HELSTOSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HELSTOSKI. Mr. Speaker, it is a distinct pleasure for me to pay tribute to a small but courageous nation of the Middle East—Israel—a young nation which is celebrating its 17th year of existence.

The new Zionist State, the Republic of Israel, was proclaimed May 14, 1948, as the British evacuated Palestine. Immediately after this proclamation was made, the first de facto recognition of this new nation was made by the United States through the then President, Harry S. Truman.

Historic Palestine was the home of the Jewish people from 1200 B.C. until conquered by the Romans in A.D. 70 and expelled after A.D. 137. The modern Zionist movement for a homeland in Palestine, led by Dr. Chaim Weizmann caused the cabinet of Great Britain to give its support in the Balfour Declaration, November 2, 1917. Under the Palestine Mandate, about four-fifths of historic Palestine was detached in 1922 to form Trans-Jordan, now the kingdom of Jordan. When the Nazi persecutions began in Germany, great numbers of Jews set out for Palestine. The U.N. General Assembly voted November 29, 1947, to partition Palestine into two independent states by October 1948, the Jewish and Arab nations.

A separate enclave of Jerusalem was to be administered by a governor appointed by the U.N. British troops were to be withdrawn and the separate governments elected. On May 15, 1948, the British departed from Jerusalem, and the Republic of Israel was born with Israel taking charge of the new city in Jerusalem and the Jordanians holding the old city.

Israel, a parliamentary democracy, is a flourishing country thanks to the hard work of the Israelis and to the generous public and private assistance from the United States.

Where once there were barren deserts, there is now prospering farmland. Since 1955 the total cultivated area has been increased from 412,000 to more than 1 million acres, of which 350,000 are under irrigation. Citrus fruit is the most valuable agricultural product, and the other principal crops include wheat, barley, olives, figs, tomatoes, bananas, cotton, melons, grapes.

Israel possesses a vast amount of mineral resources among which are limestone, sandstone, gypsum, copper, iron, phosphate deposits, natural gas, and potash. These are being exploited to the fullest extent in order to maintain the economy of this young country.

Israel's overall economy has grown rapidly since 1954 and industrialization is proceeding at a rapid rate.

A great part of the development of Israel can be attributed to the nation's educational system. The country has compulsory education from the ages 5 to 14, with 1 year of kindergarten and 8 years of elementary schooling. After elementary school, vocational training is provided in such subjects as carpentry, tool and die making, electronics, home economics, dressmaking, and secretarial work.

To maintain proper defense forces, Israel requires that men serve for a period of 2½ years and women 2 years in the armed forces. Its military equipment is of the most modern design, and its air force uses modern aircraft, mainly of French types.

Israel today, just like our own land of America, heralds the coming of a greater tomorrow. Her flag, two horizontal blue bands on a white field, with the Star of David composed of narrow blue bands in the center of this field, flies proudly among the banners of free and independent nations.

At this time, when outside influences wish to impose their rule upon many small nations, we should pay tribute to Israel as an enduring light among nations, a living symbol of the triumph of freedom that declares its belief in freedom and the brotherhood of man.

Our ties to this democracy have been close and we, here in America, can share in a little bit of glory of the Israelis who were given the opportunity to turn a bleak land into a fruitful garden.

There is no question as these 17 past years have shown us, that this small nation has made remarkable strides forward. This 17th anniversary seems an appropriate time for the people of the United States to extend their heartiest congratulations to the people of Israel for the achievements they have attained in their short years of existence as an independent nation. I wish this young nation will continue to enjoy peace and find success in all its endeavors, and to grow and prosper as a democratic nation.

I join with my colleagues in saluting and congratulating this brave State of Israel and hope that the United States and other freedom-loving nations will give Israel every possible assistance in maintaining her rights as a sovereign nation. To this Israel is entitled. On this there can be no hesitancy or compromise.

INTERSTATE HIGHWAY SYSTEM EXTENSION IS NECESSARY

Mr. BANDSTRA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FUQUA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FUQUA. Mr. Speaker, I am today introducing a bill which provides for the extension of the National System of Interstate and Defense Highways from Montgomery, Ala., to Panama City, Fla.

This proposal would correct an oversight in the planning of this magnificent transportation thoroughfare. It takes only a glance at the overall plan for the interstate system to see that the entire fast growing area of northwest Florida has been neglected insofar as a north-south interestate highway. The area in the vicinity of Panama City, Fla., is experiencing tremendous growth and I feel that the highway traffic in this area more than justifies this move.

Traditionally the tourist from the west enters Florida in a few distinct areas, and the route we are speaking of is one of those. The interstate that I propose in this bill would follow generally the existing U.S. Highway 231.

It would lead the traveling public into one of the most storied and historic areas of Florida. It makes sense when you look at the map, for this one section is somewhat of a missing link in the overall picture. As now constituted, the interstate system eliminates this growing area with access north and south and this relatively short stretch would tie in compactly with the overall program.

It is my hope that this proposal will be given due consideration by the Congress. It is vital to the people of northwest Florida for their sound economic growth and an adequate avenue north and south between the Montgomery, Ala., and Panama City, Fla., areas.

THE NEW MEDICARE TAX

The SPEAKER pro tempore (Mr. Pucinski). Under previous order of the House, the gentleman from California [Mr. King] is recognized for 5 minutes.

Mr. KING of Calilfornia. Mr. Speaker, on April 26 Representative Younger, of California, inserted in the Congressional Record an article from the Washington Post entitled "Payroll Tax Up—Medicare Could Slow Economy." The article itself refers to Treasury Secretary Fowler's first speech in office in which he urged that the excise tax bill be held within prudent limits. In his prefatory remarks, Mr. Younger refers to Secretary Fowler's statement on medicare in his appearance on "Meet the Press" on March 25. The implication is that the Secretary's position on excises indicates fear of a possible depressive effect on the economy next year as a result of the medicare tax provisions.

Moreover, Mr. Younger seems to have misinterpreted the Secretary's comments on medicare on "Meet the Press." To correct the Record, I would like to quote the colloquy that occurred on "Meet the Press" between Mr. Rowen and Secretary Fowler regarding the medicare tax:

> Mr. Rowen. Then beginning the first of next year, the economy is faced with a big increase in social security taxes which will take about $5 billion out of the economy at an annual rate. Do you think that there is any offsetting factor in the way of a tax or spending stimulus that we will need to counteract that?
>
> Secretary Fowler. Well, first I should like to say that I think the great gains that will be achieved for those who need the help in the medicare and related programs far outweigh any of the risks that might be entailed in the impact that you mention in the first part of next year. However, I do think that it behooves us all to watch closely this impact. I would hope that the passage of the excise tax measure that I have referred to would help meet that particular situation and that the on-going programs of increases in capital expenditures that have shown steadily that they are going beyond the targets forecast a year ago, would also be helpful.

AMERICANS MUST KEEP THE LINE ON PRICES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. Vanik] is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, during these critical days—while our Nation is involved with maintaining and executing its commitments to the world, American business, labor, and industry must also keep their commitment with the American people to keep the lines on prices. The fight against international aggressors must not distract attention from the mounting tide of pressures for indefensible price rises unrelated to need.

In the Wall Street Journal of yesterday—Tuesday, May 4—it was reported that major U.S. producers of copper increased their price by 2 cents a pound. The domestic price rise means an almost certain increase in the price of fabricated copper products. Every citizen of America will feel the impact of this price increase which results from tight supply and mounting demand—rather than increased production costs.

The same issue of the Wall Street Journal reported that the Goodyear Tire & Rubber Co. is increasing the cost of tires by 1 percent to 2½ percent. Although the price advances were ascribed to higher labor and material costs according to Mr. O. E. Miles, Goodyear executive vice president, it is extremely difficult to reconcile these price increases with the first quarter report of the company made public today. This report stated that sales and earnings in the first quarter of 1965 were the highest for any quarter in the company's history. Sales of $497 million were up 8 percent over the similar 1964 quarter. Net income was $22,173,000 or 62 cents a common share, compared with $19,974,000 or 56 cents per share. How then can Goodyear lead the tire producing industry into a round of price increases in the face of unprecedented earnings which increased by over 10 percent per share in the first 3 months of this year.

Yesterday the truck industry including General Motors, White, and the Mack Truck Co. also joined the scramble toward higher truck prices, up to 3 percent higher. The higher prices came at the same time that industry representatives were telling Congress that there would be no price increases if the excise taxes were reduced or eliminated on motor vehicles including trucks.

It thus appears that the business sector is taking advantage of the international crisis to push prices upward. These procedures are a disservice to the Nation—particularly in these critical times.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Flynt, for the balance of the week, on account of official business.

Mr. Rogers of Colorado, for May 6 and 7, 1965, on account of official business to attend the Board of Visitors, Air Force Academy.

Mr. Aspinall, for Friday, May 7, 1965, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Cooley, for 60 minutes, on tomorrow, May 6, 1965, vacating his special order of today.

Mr. King of California (at the request of Mr. Bandstra), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Vanik (at the request of Mr. Bandstra), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Rogers of Florida (at the request of Mr. Bandstra), for 60 minutes, on Thursday, May 6, 1965; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Bennett his remarks in Committee of the Whole today and to include extraneous matter and tables.

Mr. Stratton his remarks today in Committee of the Whole and to include extraneous matter.

Mr. Jennings and to include a speech made by Henry Fowler.

Mr. Brown of California (at the request of Mr. Bandstra) to revise and extend his remarks made today in the Committee of the Whole on House Joint Resolution 447.

Mr. Laird (at the request of Mr. Andrews of North Dakota) to revise and extend his remarks made today in the Committee of the Whole on House Joint Resolution 447 and to include extraneous matter.

(The following Members (at the request of Mr. Andrews of North Dakota) and to include extraneous matter:)

Mr. Bob Wilson.

Mr. Erlenborn.

(The following Members (at the request of Mr. Bandstra) and to include extraneous matter:)

Mr. Tenzer.

Mr. Wright.

Mr. Sweeney.

Mr. Jacobs.

Mr. Baring.

Mr. St. Onge.

ADJOURNMENT

Mr. BANDSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 6, 1965, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1054. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to discontinue or modify certain reporting requirements of law; to the Committee on Government Operations.

1055. A letter from the Acting Secretary of the Interior, transmitting correspondence relative to arrangements of procedure in connection with the requirements for an audit and submission of the annual financial report for fiscal year 1964 of the Bonneville Power Administration; to the Committee on Government Operations.

1056. A letter from the Comptroller General of the United States, transmitting a report of overpayments of rentals for automatic data processing machines, George C. Marshall Space Flight Center, Huntsville, Ala., National Aeronautics and Space Administration; to the Committee on Government Operations.

1057. A letter from the Administrator, Federal Aviation Agency, transmitting a draft of proposed legislation to create the National Capital Airports Corporation, to provide for the operation of the federally owned civil airports in the District of Columbia or its vicinity by the Corporation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1058. A letter from the executive vice president, the American Society of International Law, transmitting a report of the annual audit of the American Society of International Law for the period April 1, 1964, to March 31, 1965, pursuant to section 9 of the act of September 20, 1950 (64 Stat. 869); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 7597. A bill to establish the veterans reopened insurance fund in the Treasury and to authorize initial capital to operate insurance programs under title 38, United States Code, section 725; with amendment (Rept. No. 285). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriation. House Joint Resolution 447. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes; without amendment (Rept. No. 286). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 225. A bill to amend chapter 1 of title 38, United States Code, and incorporate therein specific statutory authority for the Presidential memorial certificate program; without amendment (Rept. No. 287). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 2414. A bill to authorize the Administrator of Veterans' Affairs to convey certain lands situated in the State of Oregon to the city of Roseburg, Oreg.; without amendment (Rept. No. 288). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 4421. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to the city of Cheyenne, Wyo.; without amendment (Rept. No. 289). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 3976. A bill to amend the act of July 26, 1956, to authorize the Muscatine Bridge Commission to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.; without amendment (Rept. No. 290). Referred to the House Calendar.

Mr. POWELL: Committee on Education and Labor. H.R. 1153. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances or a joint committee or joint board empowered to interpret provisions of collective bargaining agreements; with amendment (Rept. No. 291). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 366. Resolution for consideration of H.R. 7717. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; without amendment (Rept. No. 292). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCULLOCH:

H.R. 7896. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.R. 7897. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.R. 7898. A bill to provide additional assistance for areas suffering a major disaster; to the Committee on Public Works.

By Mr. BARING:

H.R. 7899. A bill to repeal the retailers excise taxes on toilet preparations, jewelry and related items, ladies' handbags, luggage, and the like, and furs and fur-trimmed coats; to the Committee on Ways and Means.

H.R. 7900. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. BRAY:

H.R. 7901. A bill to amend the Federal Coal Mine Safety Act so as to provide further for the prevention of accidents in coal mines; to the Committee on Education and Labor.

By Mr. CULVER:

H.R. 7902. A bill to provide additional assistance for areas suffering a major disaster; to the Committee on Public Works.

By Mr. DOLE:

H.R. 7903. A bill to provide that where the entitlement of a veteran, widow, or child to a pension from the Veterans' Administration is based upon the veteran's having served in World War I, the beneficiary shall if otherwise eligible have the right to elect payment of pension under either the provisions of title 38 as in effect of June 30, 1960, or as amended by the Veterans' Pension Act of 1959, whichever provides the greater benefit; to the Committee on Veterans' Affairs.

By Mr. DUNCAN of Tennessee:

H.R. 7904. A bill to provide that amounts paid for music program service shall be exempt from the Federal excise tax on communications; to the Committee on Ways and Means.

By Mr. ELLSWORTH:

H.R. 7905. A bill to provide that commemorative stamps shall bear an inscription showing the year of issue; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 7906. A bill to prohibit the use of mail covers; to the Committee on the Judiciary.

By Mr. FOGARTY:

H.R. 7907. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 7908. A bill to provide for the designation of a highway between Montgomery, Ala., and Panama City, Fla., as a part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. GALLAGHER:

H.R. 7909. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 7910. A bill to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA:

H.R. 7911. A bill to amend the Immigration and Nationality Act to make the deportation provisions thereof inapplicable to any alien admitted for permanent residence prior to his 14th birthday or to any alien who has continuously resided in the United States for 10 years immediately following his admission; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 7912. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 7913. A bill to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 7914. A bill to amend section 1498 of title 28, United States Code, to authorize the use or manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 7915. A bill to make certain expenditures made by the city of New Brunswick, N.J., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949, as amended; to the Committee on Banking and Currency.

H.R. 7916. A bill to suspend for a temporary period the import duty on polyethylene imine; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 7917. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and undue burden upon interstate commerce, certain property tax assessments of common carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REDLIN:

H.R. 7918. A bill to provide for a highway bridge across the Missouri River between Bismarck, N. Dak. and Mobridge, S. Dak.; to the Committee on Public Works.

By Mr. ST GERMAIN:

H.R. 7919. A bill to provide for the establishment of the Roger Williams National

Memorial in the city of Providence, R.I., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHMIDHAUSER:

H.R. 7920. A bill to amend the Tariff Act of 1930, as amended, to limit button blanks to crude forms suitable for manufacture into buttons; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 7921. A bill to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.

By Mr. TENZER:

H.R. 7922. A bill to amend section 1498 of title 28, United States Code, to authorize the use or manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to the Committee on the Judiciary.

By Mr. VIVIAN:

H.R. 7923. A bill to amend the Internal Revenue Code of 1954 to reduce the manufacturers excise tax on self-contained air-conditioning units; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 7924. A bill to repeal the manufacturers excise tax on passenger automobiles; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 7925. A bill to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER:

H.R. 7926. A bill to provide for the transfer of the Division of Predator and Rodent Control from the Department of Interior to the Department of Agriculture; to the Committee on Merchant Marine and Fisheries.

By Mr. HARSHA:

H.R. 7927. A bill to amend the Internal Revenue Code of 1954 to allow income tax deductions for certain payments to assist in providing higher education; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.R. 7928. A bill to eliminate certain restrictions on the assignment of Government field personnel to duty in the District of Columbia, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7929. A bill to permit variation of the 40-hour workweek of Federal employees for educational purposes; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:

H.R. 7930. A bill relating to payments for school construction in federally affected areas affected by proposed base closings; to the Committee on Education and Labor.

H.R. 7931. A bill to provide for a more gradual reduction in payments to local educational agencies pursuant to Public Law 874, 81st Congress, as a result of the termination of Federal activities; to the Committee on Education and Labor.

H.R. 7932. A bill to amend the Civil Service Retirement Act so as to provide for retirement on full annuity upon voluntary separation after 30 years of service or upon involuntary separation after 20 years of service; to the Committee on Post Office and Civil Service.

H.R. 7933. A bill to amend the Small Business Act to provide for increased eligibility for and greater utilization of the displaced business disaster loan program established under section 7(b)(3) of that act; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 7934. A bill to provide for the designation of a highway between Montgomery, Ala., and Panama City, Fla., as a part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. MAHON:

H.J. Res. 447. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

By Mr. DENT:

H.J. Res. 448. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 449. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes; to the Committee on Public Works.

By Mr. ADDABBO:

H. Res. 367. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

By Mr. DOW:

H. Res. 368. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. By the SPEAKER: Memorial of the Legislature of the State of California, relative to legislation to insure the right to vote; to the Committee on the Judiciary.

246. Also, memorial of the Legislature of the State of Hawaii, relative to the construction of a service road to Kalaupapa on Molokai Island; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 7935. A bill for the relief of Evangeline Keramidas; to the Committee on the Judiciary.

H.R. 7936. A bill for the relief of Tsin-Shai Chow; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.R. 7937. A bill for the relief of the O'Brien Dieselelectric Corp.; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 7938. A bill for the relief of Maria D'Ascola Ferrara; to the Committee on the Judiciary.

By Mr. DYAL:

H.R. 7939. A bill for the relief of George M. Jackson; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 7940. A bill for the relief of Mrs. Emma Grosz and her son Laszlo; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 7941. A bill for the relief of Peter K. Newman; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 7942. A bill for the relief of Mrs. Vasiliki Zaharias; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 7943. A bill for the relief of Faustino G. Dumaplin, Jr.; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 7944. A bill for the relief of Iskandar Habib Sleiman; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 7945. A bill for the relief of Higinio Jose del Campo; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7946. A bill for the relief of Dr. Ruben Zabaleta; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 7947. A bill for the relief of Spyllos Zervogiannis; to the Committee on the Judiciary.

By Mr. WHITE of Texas:

H.R. 7948. A bill for the relief of Mrs. Tse Lee Mai Oy; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

"Buy It, Fly It"

EXTENSION OF REMARKS

OF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. BOB WILSON. Mr. Speaker, last Saturday, May 1, the Fleet Reserve Association commenced their successful and commendable Operation Red, White, and Blue for the fifth year. The idea was first conceived by Parker J. Stahnke, FTC, U.S. Naval Fleet Reserve, a member of the La Mesa Branch 139, Fleet Reserve Association, in my congressional district. I believe that the significance of May 1 as their starting date is greater this year than ever before. May 1 is known as May Day. The international distress call for oceangoing vessels is also May Day. The celebration of the Communist world occurs May 1.

The flag I have had flown to present them was flown over the U.S. Capitol as a symbol of our determination to thwart the aims of aggression everywhere. I am hopeful that the Communists will find our May Day, devoted to creating greater respect for our flag, a "May Day" signal of distress for aggressors who futilely hope to divide and conquer the free world.

It is fitting and appropriate that we regularly observe Loyalty Day on May 1, as it gives us an opportunity to recall just what the history of our glorious flag has been and why it is important that we fly the flag, not only from public buildings but from private flagstaffs as well.

To me it is a source of pride that the people of San Diego County have purchased 250,000 flags. The Fleet Reserve's nonprofit program, I know, was largely responsible for stirring up interest in owning and displaying the flag, and I want to add my appreciation and thanks for their fine program.

I am hopeful that this year their idea will spread further and faster than ever before, so that by Flag Day on June 14, millions of Americans will own and display their Nation's banner. "Buy It; Fly It;" that should be the credo for all of us who realize that the courageous men in Vietnam are fighting today, just as the heroes of Iwo Jima, Normandy, Belleau Wood, and San Juan Hill fought, to preserve the right to fly this flag in freedom. We have the right. Let us do it and show the world that Americans know what freedom means.

Registration of the Abraham Lincoln Home and the Lincoln Tomb as National Historic Landmarks

EXTENSION OF REMARKS

OF

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. ERLENBORN. Mr. Speaker, on May 1, 1965, in a ceremony marking the registration of the Abraham Lincoln Home and the Lincoln Tomb as national historic landmarks, my distinguished colleague, the gentleman from the State of Illinois, the Honorable PAUL FINDLEY, delivered an address at the Lincoln Home in Springfield, Ill. I am pleased to insert this stirring and significant tribute to Mr. Lincoln into the RECORD and urge the attention of my colleagues to it:

ADDRESS OF HON. PAUL FINDLEY, CONGRESSMAN FROM THE STATE OF ILLINOIS

Distinguished guests, my fellow citizens, I am grateful to have this opportunity to take part in the marking of the Abraham Lincoln Home and the Lincoln Tomb as registered national historic landmarks.

I am here because the divine providence whichever attended Lincoln gives me the privilege of representing the Lincoln district in the U.S. House of Representatives.

Lincoln said: "Here I have lived for a quarter of a century and have passed from a young to an old man. Here my children were born."

Lincoln was speaking, of course, of Springfield, the broader home, but this structure was where he and his family lived most of that quarter century.

He entered this home a little known struggling lawyer. He emerged the President-elect of the United States.

Before he entered he had widened the frontiers of the United States with his own ax. After he emerged he saved this widened Nation from internal destruction and in this chore the sword replaced the ax.

A roughhewn product of prairie timber, Lincoln possessed intelligence, perception, and wisdom exceeding Solomon.

A man of limited means—this was the only home he ever owned—Lincoln enriched our national storehouse beyond calculation.

A man of great physical proportions and strength, he resorted to the pen in order to accomplish the greatest feat of his life, striking the irons of bondage from his fellow man.

Although he was not identified by membership with any church, he displayed Christ-like attributes in his own lifetime, and in memory he has become a towering secular saint.

Long ago he surpassed Washington as first in the hearts of his countrymen.

His travels were limited to the area between the Mississippi River and the Atlantic coast, but his fame has spread far beyond. He is today the best known and most revered world figure in all history except Christ himself.

He is the preeminent hero of mankind.

And this was his home.

We stand on hallowed ground. This is the rare and rich homestead in which Lincoln the man, the husband, and the father accumulated and refined the resources which enabled him to climb to that highest of all pinnacles in service and achievement.

Nevada: Scenic Wonderland

EXTENSION OF REMARKS

OF

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. BARING. Mr. Speaker, the State of Nevada is known far and wide as the State which draws millions of tourists each year who come to try their luck on the gambling tables. It is also known as the Silver State, out of whose mineral-rich land came the gold and silver which helped finance the Civil War and build the city of San Francisco. But there are other attractions in the State which offer a myriad of activities to whet the taste of any palate.

This address is timely because we are all concerned about the great outflow of American dollars abroad. Americans take trips to Europe, Mexico, and Canada each year, leaving behind the treasures of historic value in these United States. President Johnson and many of you have expressed interest in a "See America First" campaign, so in this respect, I would like to point out some of the attractions of Nevada which would delight the tourist.

Nevada has a culture rich in the heritage of the West. It is a land of contrasts where lush evergreens and mountain lakes and streams bend to meet the low desert valleys. From its hills, gold and silver were drawn and great cities arose, literally, overnight. Today, remnants of these cities stand as ghost towns. Among them are Virginia City, home of the Comstock lode, and Goldfield, Tonopah, and Manhattan.

Recreation areas abound—the many lakes and streams provide good fishing and boating as well as other water sports. Lake Meade, a short drive from Las Vegas, offers great bass fishing. It is one of the largest manmade lakes in the world. One of the world's highest lakes is a short distance from Reno. Lake Tahoe's beautiful setting was compared to Italy's Lake Como by Mark Twain. He said Tahoe was far more spectacular. Pyramid Lake, also close to Reno, is a mysterious body of water, which is said to have a secret outlet to the Pacific. In its center is a perfect pyramid formation and the lake's situation in the center of the barren desert gives it the austere appearance of Egyptian terrain. The Walker, Mohave, and Topaz Lakes also provide good water sports.

Nevada is a hunter's dream. Antelope hunting is permitted on a limited scale. Deer hunting is also in great abundance through most of the State. Duck hunting is great sport, especially near the wildlife refuges of Fallon, Overton, and Yerington. Other game and waterfowl are also abundant.

For the camper, either the cool Sierra Nevada Mountains or the warm desert provide for rugged outdoor living.

To the skier, the mountain areas near Reno and Las Vegas offer some of the best skiing in the country. Large, modern lifts sweep the skier as high as 11,000 feet.

For general sightseeing, all of the State has a wide diversity of offerings, depending on the tourist. In eastern Nevada, Lehman Caves provide one of the world's largest collections of stalactites and interesting fossil remains. This part of the State also includes the oldest living thing in the world—the bristlecone pines—which date to the time before Christ. Near here is Mount Wheeler Peak, one of the tallest peaks on the continent. Scenic Mount Wilson Canyon, near Yerington, is a camper's paradise.

In the Black Rock Desert, geysers spout warm water. Old pioneer trails are still in evidence in the Red Rock Canyon. Hoover Dam offers one of the most spectacular sights in the country. It is cut into a red rock gorge and for many years stood as the highest dam in the world. Death Valley, one of the continent's lowest points is a marvel, a beautiful desert scene beyond comparison. Other breathtaking sights are Cathedral Gorge, Beaver Dam, and the Valley of Fire. The Beowawe Geyser is the largest active geyser outside Yellowstone Park. Also of wide interest are the active copper pits and iron ore mines in eastern Nevada.

The Indians and their heritage are well preserved in the State. Many of the tribes live on well-kept reservations and still practice their native artistic skills of basket weaving and blanket making. Near Las Vegas, petroglyphics have been found in their original form.

And, of course, the cities of the State are vacationlands in themselves. Reno, proudly boasting itself as "The Biggest Little City in the World," is set in a beautiful valley in the magnificient Sierra Nevada's. Las Vegas, the State's largest city is in a hot, dry climate—perfect as a health resort. Carson City, the State's capitol is rich in history. Boulder City is a green oasis in the desert. Gardnerville and Minden are the "Garden Spots" of the State with their green bountiful lands. Fallon and Yerington are seats of productive and beautiful farmlands. Both are sheltered by high mountains in the midst of valleys and winding rivers. Ely and Elko call the hunters and campers to the rugged outdoors.

This is only a small part of the great scenic wonder of the State of Nevada and only one of the many States which has its splendor to share with the people of this land and of other countries. Nevada is only one of 50 reasons why Americans should make a special effort to see America first. Thus, our money would stay at home and our citizens would find greater appreciation for these United States.

Stop Commercial Piracy Involving Patent Holders

EXTENSION OF REMARKS

OF

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. TENZER. Mr. Speaker, I have today introduced legislation addressed to the problem of the encouragement of patent infringements by the Federal Government, causing the erosion of American patent rights and presenting a situation which calls for legislative action by the Congress. The commercial piracy which is being engaged in by certain foreign producers of drugs must be stopped, otherwise it would deter the expenditure of funds for research and development of new drug products so vital for the maintenance of the health of the people of our Nation.

Purchasing agencies of the Federal Government until very recent years bought patented products only from the patent holders or their licensees. Now, certain procurement agencies of the Federal Government have begun to engage in a practice which has now been applied to the products of many areas of American industry, which results in a violation of the rights of American patent holders or their licensees.

In recent years, several purchasing agencies of the Federal Government have bought tetracycline and other drug products covered by U.S. product patents, from unlicensed sources for use in the United States in direct and deliberate violation of these patents. These sources have been located in Europe or have prepared forms from bulk drugs imported from abroad.

These Federal agencies have attempted to justify their actions by giving a new twist to an old statute—title 28, United States Code, section 1498. The owner of a U.S. patent, as the law is now interpreted, cannot put a stop to the Federal Government's violation of his patent rights—he cannot obtain an injunction from the court against the Federal Government, even at the end of successful litigation, and his right to claim damages in the Court of Claims is an inadequate remedy. There is no similar legal loophole for local governments which violate patent rights.

When the statute was originally enacted, its sole purpose was to give an injured patent holder a right of action where none had heretofore existed. As the statute was amended in 1918, it contemplated at most access by the Government to inventions during wartime emergency situations.

It was never intended to give blanket authorization for Government agencies to violate U.S. patents. The net result has been a serious erosion of the rights of U.S. patent owners.

Those who attempt to justify the violation of U.S. drug patents by Government agencies, on the ground that the prices quoted by infringers are lower than those quoted by the U.S. patent owners, fail to consider other factors. Their reasoning fails to take into consideration, the fact that foreign and domestic patent infringers, have had to bear no research costs for discovering or developing the drugs covered by the patents they are infringing; and they are attempting to exploit established markets established by extensive advertising and promotion and for which they have spent nothing to maintain. In addition, foreign producers of drug products, pay wages that are about one-fourth of the rates prevailing in the United States, and generally speaking, it may be assumed that they have lower production costs.

Our Government's purchases of unlicensed foreign-made drug products or unlicensed dosage forms made from foreign bulk drugs have been facilitated by the fact that some foreign countries provide no patent protection for either drug products or processes. As a result, foreign concerns have developed quite a business out of copying the developments, products, and inventions of the American drug industry. It does not seem plausible that we should encourage this brand of commercial piracy.

The American free enterprise system is strengthened by our patent structure, a right protected by the U.S. Constitution to advance science by protecting inventors. More drugs have been discovered in the United States under the protection of a strong patent system than in any other country. Foreign countries with no product or process patent protection in the drug field have produced no important drug discoveries.

With respect to drug products, it is important to note that as the costs of research and development are amortized, prices of drugs are lowered, prices quoted by manufacturers to Federal and local government agencies are less than 50 percent of the prices quoted when the product was first introduced and that prices to the trade generally have declined by about 43 percent.

Purchases of unlicensed drug products by the Federal Government are not in the public interest and may well be characterized as "penny wise and pound foolish." American drug research will be discouraged by such purchases, and this may eventually be deterimental to American health. Purchases of unlicensed foreign-made drug products, or unlicensed dosage forms prepared from foreign-made bulk drugs, will cause loss of jobs by American workers as a result of the manufacture of such products by low paid foreign workers in foreign countries; encourage dumping of foreign-made products in the United States at prices lower than those charged in the regular foreign market; unfavorably affect our balance of international payments; and reduce tax revenues for our Federal, State, and municipal governments.

There is an important issue at stake in the matter of governmental purchases of drug products in violation of the protection afforded by U.S. patents. The laws of the United States have provided a strong patent system for the precise purpose of encouraging long and expensive research work of the very type which led to the discovery of drugs such as tetracycline. We cannot stand aside while erosion occurs to patent rights which help to provide the funds necessary for the continuance of important medical research, the kind of research that has made the United States the world leader in the discovery and development of lifesaving products.

Purchases of patented products by the Federal Government from unlicensed sources have been extended to the products of many industries and herein lies the danger to American patent holders. Research-oriented American industry should be protected. Otherwise the effect may well be to discourage research in many industries, including the drug industry.

It is unfair to have the U.S. Patent Office issue a patent to an inventor or discoverer of a new product, and have another agency of the Government, violate that patent. This, however, is exactly what is happening. Federal legislation appears to be the only way to stop this moral wrong.

Continued violation of U.S. patents by the Federal Government can have the following effects:

First. Discourage research by American companies.

Second. Loss of jobs for American workers.

Third. Encourage dumping of foreign-made products in the U.S. market.

Fourth. Reduce American tax revenues.

Fifth. Adversely affect U.S. balance of payments.

Sixth. Encourage local governments to violate U.S. patents.

Legislative action appears to be the only means by which the existing situation can be corrected.

The proposed legislation provides authority for the Secretary of Defense to purchase products in violation of U.S. patents when the national security of the United States requires it.

Sweeney Calls for an End of U.S. Policy of Appeasing Nasser

EXTENSION OF REMARKS

OF

HON. ROBERT E. SWEENEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. SWEENEY. Mr. Speaker, as Congressman at Large from the State of Ohio, I today call upon the U.S. Department of State to end a policy of appeasing Nasser and the Arab States in their continuing efforts to rob the Republic of Israel by diverting the headwaters of the Jordan River.

The world has stood in admiration of the Republic of Israel and her creative achievements since her conception. Centuries of neglect and waste resulted in the vast creation of desert lands; and, when Israel came into being, she made these lands begin to bloom again by the wise use of her water resources.

The Arabs, now, are attempting to dry out Israel and turn the land back to desert. No American foreign policy expert should support this Nasser-conceived plot to destroy this thriving civilization, from which humanity derives so much benefit.

I predict violence will flair up at any time concerning the Nasser move to deprive Israel of water.

As an American legislator, I cannot remain silent in the face of Arab provocation endangering peace. Now is the time for the U.S. Department of State to engage in a pact with Israel to conclude a mutual security pact declaring Israel as our sole, true friend and responsible and reliable ally in the Middle East. We should supply Israel with defense weapons she needs to meet the aggression of Saudi Arabia and Nasser's anti-Israel allies.

Let's Remove the Auto Excise Tax

EXTENSION OF REMARKS

OF

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. WRIGHT. Mr. Speaker, one of the gravest responsibilities of our Government today is to insure the continued growth and vitality of our economy.

In his state of the Union message, President Johnson wisely called for a substantial cut in excise taxes, so as to boost the economic growth rate by leaving more actual spending power in the hands of the American consumer.

It seems to me that a very good place to begin would be to remove the burdening impediment imposed by the 10 percent excise tax on automobiles. I have today introduced a bill for this purpose.

Few people realize just how truly vital a part of our economy the automotive industry is or how significant a drag on our total economy these taxes constitute.

Let us consider a few elemental facts:

One dollar out of every five spent in retail establishments in the United States is spent for automotive products.

Of every six American businesses, one deals in automotive goods or services.

Of every seven workers in this country, one is employed in the highway transport industries.

Of every five U.S. families, four own automobiles.

To most of these families, the automobile is not a luxury. It is not merely a useless bauble or status symbol. It is a necessity. It takes one of the largest single shares of the family's income, and a Bureau of Public Roads study shows that of all automobile trips taken by the average family, nearly half are for the specific purpose of earning a living.

Except in the case of pure luxuries or commodities in short supply, the excise levy long has been recognized as the most regressive form of taxation.

In considering the move to eliminate this tax, we should examine its origin. Excise taxes were imposed during World War II and the Korean war in an effort to discourage consumer demand for certain consumer goods and services.

It then was the official national policy to discourage unnecessary travel. Remember the patriotic slogan which asked: "Is This Trip Really Necessary?" But now contrast this with the situation today when the President is deliberately trying to encourage domestic travel through his "See America" program.

In an effort to ease the wartime burden on our transportation facilities, taxes were imposed not only on automobiles but on rail, bus and airline fares.

Yet in 1962 the 10-percent tax on rail and bus fares was eliminated, and the 10-percent rate on air travel was cut in half.

Thus automobile transportation alone still must bear the peak excise tax levies imposed as a result of wartime emergencies. This seems neither reasonable nor fair.

It is not fair to the 7.5 million persons who buy new cars each year. Each will have to pay, on the average, $225 in excise taxes.

Nor is it fair to the 14 million people who annually buy used cars, because experience has demonstrated that when taxes are eliminated on new autos, the price of used cars also drops. In England in 1962, a reduction of 12½ percent in the price of new automobiles promptly brought about a 10-percent reduction in the prices of 2-year-old cars.

Clearly it is not fair to the automotive industry, which presently accounts for approximately 15 percent of our gross national product and gives employment to 10 million Americans. Certainly we should not, as a matter of competitive equity, continue to handicap such an important segment of our economy by making it the only industry in the transportation field which still must bear the full weight of wartime excise levies.

Lastly, it is not fair to our Nation as a whole, for by keeping these and similar taxes in effect, we are simply stifling our own national economic growth.

As we all remember, the Congress last year enacted an $11 billion reduction in personal and corporate income taxes. At the time, economic experts told us that we could expect a stimulus to the economy of about three times the amount of the annual reduction. And experience is proving them right.

Elimination of the 10-percent excise tax on new cars could be expected to amount to a reduction in taxes of about $1.7 billion a year. Using the same multiplier formula as was applied to the income tax cut, this $1.7 could be expected ultimately to add about $5 billion to our gross national product.

At present the Congress is considering what sort of health warning, if any, should be applied to packages of cigarettes. I do not know how this particular question finally will be resolved. But if such a warning is required, it might be appropriate to impose on all excise tax documents a similar precautionary statement: "Warning: Continued use may be injurious to our country's economic health."

Let us eliminate this tax and unleash the pent-up buying power it represents.

Israel's 17th Anniversary

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. ST. ONGE. Mr. Speaker, the State of Israel is celebrating this week the 17th anniversary of its existence. The people of the United States take great pride in the fact that our country helped Israel attain its independence back in 1948. Since then the relations between our two countries have been most cordial and we are well aware that in Israel we have a stanch ally in that part of the world.

We also note with a great deal of pleasure that Israel has utilized our economic assistance to the best advantage of its people and the development of its resources, so that today it is one of the few countries which no longer needs our economic aid in the form of outright grants or even technical assistance. We still sell to Israel limited quantities of our surplus agricultural commodities and we also extend some loans to her for developmental purposes which are subsequently repaid with interest. All of this merely proves that Israel has made remarkable economic growth and has many notable achievements to its credit over these past years.

To be sure, Israel has its problems which are mainly of a political nature. To this day its Arab neighbors refuse to recognize her and to make peace with her. They refuse to recognize reality and are still dreaming of Israel's destruction and scheming against her. They fail to understand that a new conflagration in the Middle East would not only involve them too and bring home to their people the full tragedy and misery of modern warfare, but that it would also engulf many other nations throughout the world.

The adamant stand taken by some of the Arab leaders, especially that of President Nasser of Egypt, is most regrettable because in the long run it is a disservice to their own people. Some of the Arab leaders, I am glad to say, are beginning to regard this situation in more realistic terms and are calling for conciliation. President Habib Bourguiba of Tunisia has recently taken the initiative in bringing the truth of the Arab-Israel situation in the Middle East to the attention of the Arab world and in warning that any aggression against Israel is bound to fail. He has shown himself to be a statesman of the first order and his efforts toward an Arab-Israel peace should be encouraged.

As the years go on, the cooperation between the United States and Israel is growing in many ways. The international trade between our two countries is constantly increasing. Cultural exchange is becoming an important factor. Politically, Israel has been a firm supporter of the United States and other free world nations in their efforts in the United Nations to maintain world peace and to uphold the cause of the free world. One of the most recent examples of United States-Israel cooperation is their agreement for joint research into the problem of water desalination. Should this research lead to the discovery of more economic methods for large-scale water desalination, as I am sure it will, this will constitute a great blessing for both the United States and Israel since both are in dire need of fresh water supplies.

It is clear then that both countries and the world at large have much to gain from peaceful relations. It is no wonder that the United States is extremely interested in maintaining peace in the Middle East and is ready at all times to help bring about true peace between Israel and her Arab neighbors.

On this occasion of Israel's 17th anniversary of its establishment as an independent state, we pay a well-deserved tribute to this little nation and to its leaders and people on their achievements. We send our greetings and our best wishes to them and to all of Israel's friends in the United States. It is my sincere hope that during this coming year we shall all witness another great achievement—peace, prosperity, and political stability in the Middle East.

Successful Economic Policy: A Three-Way Partnership Between Business, Labor, and Government

EXTENSION OF REMARKS

OF

HON. W. PAT JENNINGS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. JENNINGS. Mr. Speaker, Secretary of the Treasury Henry H. Fowler, in his first major speech as Secretary, recently addressed the annual convention of the American Society of Newspaper Editors. Secretary Fowler cited the unparalleled economic growth and prosperity experienced by this country during the past 4 years. He points out realistic fiscal policies. And he cites the spirit of cooperation between business, labor, and government, which has prevailed during the Kennedy administration and the administration of President Johnson as being responsible for our success.

I deem the remarks of Secretary Fowler, a native Virginian and a highly experienced Government administrator, to be of great importance to all Americans and of special interest to the Congress. I, therefore, include the full text of Secretary Fowler's speech:

Remarks by the Honorable Henry H. Fowler, Secretary of the Treasury, Before the Annual Convention of the American Society of Newspaper Editors

I am particularly happy to make this, my first full-fledged speech as Secretary of the Treasury before a group that plays so vital a role in informing the American public about the complex and critical issues that confront our Nation.

As I do so I am conscious that I observe a precedent set 4 years ago when my distinguished predecessor and good friend, Douglas Dillon, made his maiden economic address as Secretary of the Treasury before this very same group.

In that address, he set forth a twofold program to bring us closer to our economic goals: First, a complete overhaul of our tax system to augment incentives, initiative, and effort in the private sector of our economy, and second, an overall monetary approach to assure the ample availability of long-term credit so essential to domestic growth while maintaining short-term rates at levels high enough to prevent any excessive outflow of dollars abroad. These policies, he declared, would lead us—and I quote, "to a period of growth and prosperity during the sixties' such as this Nation has never known."

Next month, the economic expansion that began in February of 1961 will become the longest in the entire history of our Nation—except for the expansion that included World War II. There could be no better testimony to the success of our economic policies over the past 4 years.

As Under Secretary of the Treasury I was privileged to participate in the first formation of those policies, and to assist at every major stage of their development, adoption, and execution. I am convinced we must continue to build upon those policies, improving them as we can and adapting them to meet new problems and new needs. But policies cannot be static in a world as rapidly changing as ours. The problems and prospects we face today could scarcely be more different from those we faced 4 years ago.

According to the Gallup poll published yesterday, the American people consider economic problems the least important facing the Nation—in contrast to the people in many countries abroad who cite economic problems as their most important. And the latest quarterly report on consumer attitudes by the University of Michigan finds consumer confidence in the Nation's economic outlook at its highest level since 1956. The business community continues to demonstrate through its investment plans and behavior that it shares this same solid confidence in our economic prospects. But while our grounds for confidence are indeed firm, we must never make the cardinal mistake of taking continued progress as a foregone conclusion. For continued progress rests on the continued success of proper Government policies and private effort. And to judge what those policies and that effort must be if we are to sustain the current upsurge, we must understand what they have been in the past, how the best features can be conserved and built upon for the future. It will be our purpose to appraise the past as a basis for the future.

Certainly, the expansion we now enjoy was far from a foregone conclusion 4 years ago.

Then we were just emerging from our fourth postwar recession, acutely aware that each of the three prior recessions had been followed by shorter and weaker recoveries, and that the previous recession had produced the largest peacetime budget deficit in our history. Unemployment was intolerably high. Business investment was far less than we needed to generate more vigorous and viable economic growth and maintain a strongly competition position in world markets—including our own home market which was becoming increasingly open to import competition. At the same time, a series of balance-of-payments deficits—averaging, on the basis of regular transactions, almost $4 billion a year from 1958 through 1960—had made us vulnerable on the international front.

We were firmly convinced that the only final answer to our problems on both the domestic and international fronts lay in reinvigorating the private sector as the prime mover in the achievement of our economic goals. The private economy simply could not do its job as long as incentives were dulled and it continued to labor under excessively high wartime tax rates—rates originally applied to restrain strong inflationary pressures that accompanied wars and emergencies.

Our first step was to redouble the incentives for greater private domestic investment in new plant and equipment—investment that had been lagging for far too long and whose strength was essential if we were to have a firm foundation for sustaining uninterrupted economic growth for any long period of time. The Revenue Act of 1962 granted a tax credit of 7 percent on new investment in machinery and equipment, and in that same year the Treasury reformed and liberalized the tax treatment of depreciation. Together with the cut in the corporate tax rate contained in the Revenue Act of 1964—amounting to some $2.7 billion at current income levels—these measures have raised the profitability of a typical investment in new equipment by more than one-third.

We complemented our initial move to accelerate private investment by reducing substantially personal income tax rates across the board, thereby cutting more than $11 billion—at current income levels—from the tax load borne by individual taxpayers, thus providing a massive increase in private demand.

To these tax measures for expanding the role of our private sector, we joined a rigorous program of control over Government expenditures—a program that has reached new heights of intensity and effectiveness under the leadership of President Johnson. In his administrative budgets thus far—those covering fiscal years 1965 and 1966—President Johnson has held total expenditure increases down to an average of $1 billion a year, $2 billion or two-thirds, less than the average annual increase of $3 billion over the previous 10 years.

The response of the private economy to these policies has been magnificent. From the first quarter of 1961 to the quarter just ended, our gross national product has grown by an average of more than 5 percent a year, in constant prices. The unemployment rate has fallen from 6.9 percent in February of 1961 to 4.7 percent last month—a 7-year low. At the same time, we have gained some 5 million jobs, including 1.7 million in the last 12 months. Particularly significant is the 600,000-job gain in manufacturing over the last 12 months, bringing total manufacturing employment back around the peak level of 17½ million for 1953, despite the tremendous technological advances in laborsaving devices in this period. Profits have reached new highs each year, for a total gain of over 60 percent in profits after taxes. Business investment in new plant and equipment has recovered sharply from its tendency during the 1950's to lag or decline. This year's planned expenditures for plant and equipment stand, according to the latest official survey, at $50.2 billion, or more than double the level of a decade ago. And the $14.5-billion growth in those expenditures for the 5 years 1961–65 exceeds by $4.1 billion the increase for the entire decade of the 1950's. And, after taxes and in constant dollars, average per capita income has grown by an average of 3⅓ percent a year. And these have been real gains—preserved by a record of price stability unmatched by that of any other major industrial country.

Our resurgent economic performance since early 1961 has added more than $100 billion in real terms to our national output—a total that far exceeds the entire added output during the same period by all of Western Europe. As a yardstick, one might remember that this added slice on our national cake in the last 4 years exceeds the entire gross national product of France and Belgium. In fact, the increase alone in our national output over the past 4 years surpasses the total national output of any other nation of the free world—and continues to widen the already enormous distance that separates our ability to produce from that of the Soviet Union.

These are the gains, and the policies, upon which we must build—for they offer us solid ground from which we can move confidently into the future. These, however, are not the only gains the past 4 years have brought us. For underlying all these is an achievement whose importance is impossible to measure and equally impossible to overemphasize.

I speak of the remarkable degree of cooperation, understanding, and mutual confidence that has gradually emerged over the past 4 years between business and labor and Government. As we have pursued policies to fashion a better balance between the public and private sectors, business and labor and Government have moved together in a growing partnership for progress. They have discovered that by pulling together they can achieve much more than by pulling apart. They have become more concerned about working together toward greater abundance for all and less concerned about who receives the greater marginal advantage—and the result has been greater wage income for the workingman, greater profits for the businessman and the investor, and greater revenues for meeting the demands on Government at lower tax rates for the taxpayer. And these results merely suggest what accomplishments the future may hold as, more and more, we bring to bear the full resources of this Nation in a concerted attack upon the problems that confront it.

An essential ingredient in this better understanding between business, labor, and Government is national leadership. No man in our long national history has done more or labored with greater intensity to bring about this understanding than the man in the White House. He works at it night and day. And his example is one for all of us to follow if we are to sustain our recent advances and cope with the emergent problems of our time.

We are fortunate that the problems before us today are vastly different from those that loomed ahead 4 years ago. For those early problems—domestically, at least—were largely the product of our failure, while our problems today issue, in large part, from the very success of our labors over the last 4 years.

Despite the sure progress we have made in creating more jobs we have yet to reach our interim goal of 4 percent unemployment. To reach that goal, we must sustain a steady growth in demand—a growth to which Government fiscal policies have made, and will continue to make, a vital contribution.

The prudent amount of excise tax reduction we have scheduled for the last half of this year, while improving our tax structure, will also help sustain our economic momentum by expanding private purchasing power. At the same time, it will offer new incentives for price reductions. But the excise tax reduction must be a prudent amount—not an excessive one that will interrupt the movement of the last 2 years from large budget deficits toward balance as the economy moves forward to the objective of full employment with balanced budgets or surpluses.

While our economy is still not operating at full potential, we may approach the point where growing demand alone cannot make the inroads upon unemployment we want without undermining the gains in efficiency we need or exerting a strain upon our prices. This means growth in demand must be accompanied by a broad and growing attack on so-called hard core, or structural, unemployment. Through such programs as manpower retraining and the Job Corps we are just beginning to mount such an attack.

In addition to the compassion we share with all for those who lack opportunity, there are hard-bitten financial and economic reasons why the Treasury was and will continue to be in the forefront of those supporting the efforts of the Department of Labor and the Office of Economic Opportunity in this area.

The need to reduce structural unemployment and the need to preserve price stability are two of the paramount challenges we face in the domestic economic field. And any effective answer to these challenges cannot come from Government programs alone—it must come, on the contrary, from the joint effort of Government and the private sector. In this country we have long been familiar with private programs to train or retrain the unskilled and to place them in productive jobs. But surely there is enormous room, and need, for more programs of this kind. And most critical of all is the need for private industry to seek ways of synchronizing its recruitment policies with these retraining programs, whether public or private. The time has come for America to take the same private initiative and ingenuity that have fashioned the most powerful economic machine in history and apply them, more and more, to the task of helping the many poor or disadvantaged in our society who do not fully share in its abundant life.

At the same time, nothing could be so foolish or so wasteful as to expend our talents and our resources in trying to sustain our economic upsurge and extend its benefits to more and more of our citizens, if we fail to protect our hard-won gains against inflation. The policies of this administration will continue to support strong and sound, but not excessive, growth in our economy and in the availability of credit essential to that kind of growth. For its part, the Treasury will continue to manage the public debt prudently—seeking to place any increase in that debt in the hands of private savers rather than in commercial banks, where it might contribute to inflation.

But continued wage and price stability must depend in the future, as it has in the past, upon the determination of American business and American labor to avoid wage rises that outdistance our gains in productivity and price rises not justified by actual cost increases. Wage and price stability is vital to both our balance of payments and our domestic economic progress—and it is to American business and American labor that we must look to maintain it.

On the international financial front, as in our home economy, we can meet the challenges before us with the full confidence that we deal from a position of growing strength. As President Johnson pointed out in his balance-of-payments message earlier this year, we have the world's most productive and efficient economy, the world's largest supply of gold, the world's strongest creditor position, and—by virtue of our fine record of price stability—the world's most favorable trade position.

Therefore, let there be no confusion: our balance-of-payments problem bears no kinship to the classic pattern in which, because it cannot compete successfully, one country cannot sell as much goods and services as it buys. Our commercial trade surplus last year stood at $3.7 billion—over $1 billion larger than it was 4 years ago, and more than twice the size of West Germany's, the next largest in the world. And our private investments abroad exceed the total of foreign investment in the United States, plus all other liabilities to foreigners, by some $18 billion, a figure that grows larger every year.

Moreover, the hard-won improvement in our competitive position, the balance-of-payments measures that we have employed over the past 4 years, and our rising returns from private foreign investment, have brought us some $3.5 billion worth of balance-of-payments improvement—enough, all else aside, to have given us virtual balance in our payments last year.

In a climate of wage-price stability, our tax measures to heighten incentives and encourage greater productivity at home, along with numerous direct aids to exports, have helped make American business a formidable competitor indeed in markets abroad—as our huge trade surplus demonstrates.

We have also reduced by almost $500 million the annual balance-of-payments cost of a foreign aid program of far larger dollar dimensions. Today, 85 percent of our foreign aid commitments are spent for American goods and services. In spite of rising costs abroad, we have cut $700 million from our net military expenditures abroad.

Despite these improvements we had, as you know, a balance-of-payments deficit last year of $3 billion—largely the result of swelling private capital outflows that last year amounted to $6.4 billion, $2.5 billion more than in 1960 and $2.1 billion more than in 1963.

The President's new program calls for redoubling all our prior balance-of-payments efforts. But most important, it asks our businesses and banks to cut down on the flow of our capital abroad—until new arrangements in the international monetary system and improved capital markets abroad offer assurance that uninhibited capital flows will not endanger the dollar. Over the next few weeks we will have some fast hard figures to show exactly how successful that voluntary effort has been thus far. But we have only to look abroad and see how much dearer and scarcer dollars have become to recognize what good results that effort has already yielded.

I have no doubt that this voluntary program will succeed. And surely there can now be no doubt in anyone's mind—here or abroad—that American Government and American business are determined to bring our balance-of-payments deficits to a swift and sure end. End them we must, and end them we shall.

We do not, however, conceive of the voluntary program as a final or fundamental solution to our balance-of-payments problem. Nor do we join with those who would have us hide within a tight protective shell of direct controls or rashly risk harm to our domestic economy by applying a hard brake to credit expansion. On the contrary, the more lasting solution to our balance-of-payments problem must continue to come from our unflagging efforts to make our economy continually more competitive in world markets and continually more attractive and more accessible to foreign capital. It must come, as well, from European efforts to improve their own capital markets—markets whose deficiencies become more apparent as our interim measures to halt excessive capital outflows take firmer and firmer hold.

Our very success in moving toward lasting balance in our payments has begun to throw into sharper relief a potential problem in our international payments system—a problem that will require concerted attention in the months ahead. For the United States can no longer afford to furnish steady increases in international liquidity through deficits in our international payments. As those deficits dwindle, it will become more and more urgent that we progress toward some agreement with our foreign friends on ways to strengthen the international monetary system and assure ample liquidity for expanding world trade.

Thus, on both the international and domestic economic fronts, we do not suffer from any lack of challenge, or any lack of opportunity. But there is no challenge and no opportunity before us which we are not far more able to meet than we were 4 years ago. If we continue to build upon the progress and the policies of those years, we can look forward in all sober confidence to sustained economic progress on all fronts far into the foreseeable future.

Our failures during the fifties taught us that we cannot fashion successful economic policies by remaining in thrall to some abstract theory, or by adhering to some doctrinaire dictum of the past. They taught us the folly of exclusive or excessive reliance upon one policy instrument for a single solution to all our problems.

The success of the past 4 years has demonstrated how our various instruments of economic policy—tax policy, expenditure policy, monetary policy and many privately woven policies, as for example, the avoidance of unstabilizing action in the field of wages, prices and inventories—can work together, in proper proportions and with sound balance, to move us simultaneously toward multiple economic goals. Each policy instrument has its strengths and its limitations under given conditions. The task is to coordinate these instruments in ways that respond to the needs of a complex and rapidly changing economic scene.

To succeed in that task requires that our approach be pragmatic rather than dogmatic, balanced rather than extreme, resilient rather than rigid. It requires that the public and the private sector of our economy work as partners in the pursuit of our national economic goals. We have seen what surpassing accomplishments can come from following this path. If we but continue to follow it, I see no end to those accomplishments.

Address by Hon. John V. Tunney at Jefferson-Jackson Day Dinner in Indianapolis, May 1, 1965

EXTENSION OF REMARKS

OF

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1965

Mr. JACOBS. Mr. Speaker, because of my deep admiration for Congressman JOHN V. TUNNEY, of California, his idealism and his dedication, I place in the CONGRESSIONAL RECORD the remarks he made at the May 1, 1965, Jefferson-Jackson Day dinner in Indianapolis. The nearly 4,000 people in attendance at the dinner were delighted with Congressman TUNNEY's charm and dignity and all Hoosiers look forward to his next visit to Indiana:

TUNNEY SPEECH, INDIANA JEFFERSON-JACKSON DAY

We are assembled tonight to honor the proud history of our party and also to reaffirm our pledge to make Indiana, California, and America a better place in which to live, work, study, and create. Woodrow Wilson once said "What use is a political party unless it is being served and used by the Nation for some great purpose?" The Democratic Party has existed longer than any other party in the world. The reason for this is that it has identified itself with the problems of the future from the time of its creation in 1824. It has developed programs and policies to serve the best interests and welfare of the American people. It has not been satisfied with finding excuses as to why government should not act to destroy poverty, ignorance, disease, and frustration. It has followed the admonition of Thomas Jefferson when he said:

"Enlighten the people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of day."

Our party will not accept slogans in place of deeds. It knows that the spinner of apologies for inaction is a faint-hearted rationalizer who merely tries to explain away his own inadequacies.

Looking back in history, we find that the leaders of the Democratic Party were doers—men of compassion who were interested in improving the human condition.

Thomas Jefferson proclaimed the dignity of man and his inalienable right to life, liberty, and the pursuit of happiness. He was the statesman-philosopher who provided the moral and ethical justification for the American Revolution.

Andrew Jackson came from the frontier lands of Tennessee. He fought Indians and spent much of his life in the wilderness. He possessed a toughness of spirit and resiliancy of character which was best demonstrated by his championing of the cause of the common man. He gave men from all walks of life a chance to participate in politics and in government. His credo was equal opportunity for all.

The heritage of Jefferson and Jackson has extended down to the present, and the result has been that what was considered new and controversial and dangerous in the administrations of Wilson, Roosevelt, and Truman, is today almost taken for granted.

The history of progress in our country is a revolutionary history—not just a revolution of arms and an overthrow of oppressive British rule, but a revolution of ideas, discoveries, and laws. As our Nation has progressed and the dignity of man has been constantly reaffirmed, the Democratic Party has served a great purpose. I think that we might ask ourselves what are we doing now to meet the problems of today and tomorrow.

Our country is undergoing dynamic and rapid changes. Changes wrought by a developing technology, rapid communications, vast population migrations, and spiritual unrest.

We accept man's freedom of will and corporeal independence and yet are confronted by his singular inability to secure his job and his family income against downward trends in the national economy over which he has no control.

We have as a Nation created a fiscal paradox whereby we spend only $450 a year per child in our public schools, but spend $1,800 a year to keep a wayward child in a detention home; $2,500 a year for a family on relief and $3,500 a year for a criminal in a State penitentiary.

In the past 4 years, under the leadership of two great Democratic Presidents, a Democratic controlled Congress has come to grips with the realities of life for modern man living in an era of social, economic, and political transition. Hard-hitting programs have been enacted to meet the national needs of education, unemployment, civil rights, and air and water pollution.

Just this past month, Congress passed an education bill which is a major step forward in guaranteeing equality of educational opportunity for all children in our land. It authorizes $1.3 billion in the first year for grants to States for allocation to school districts with large numbers of children from low-income families. Its purpose is to strengthen primary and secondary school education. It is a bill that is needed because over 1 million children drop out of school every year without a high school diploma and because in most poor communities, children are destined to receive a poorer education resulting from a lack of textbooks, school facilities, and insufficiently trained teachers.

This bill was passed by a Congress and signed by a President who knew that unemployment of young people with an eighth-grade education is four times that of the national average; that the lifetime income of a person who graduates from high school is $60,000 higher than one who does not go to high school, and that the lifetime income of a college graduate is $135,000 more than for one who has only a high school diploma.

This spring was a busy spring for the House of Representatives. We not only passed an education bill of historic scope, but we also voted overwhelmingly in favor of medicare. It seems strange that there are still so many people in our country who argue with self-righteous fervor that every man ought to be totally responsible for his own old age medical needs. The great majority of people, old or young, do not want to be charity cases. They want to be independent, yet secure in their needs. In our Nation today, we have 18 million people over 65 with the average couple over 65 having an annual income of approximately $1,700. The cost of 1 day of hospitalization is over $40 a day. Over 50 percent of our senior citizens do not have medical insurance because they cannot afford it. Many do not go to doctors as the symptoms of disease appear because they are afraid of having their meager savings wiped out. By the time they do see a doctor and are hospitalized, many have passed the point where medical science can benefit them.

The only answer to this dilemma of inadequate medical treatment of our aged is to enable each person during his productive years to put aside a small amount of money so that when he gets to be 65 he will be able to have hospital care without impoverishment or charity. It is important in addition, that an option be given our elderly citizens to allow them to make small monthly premium payments with matching Federal payments so that private insurance may be acquired to pay doctors' fees. This is what the medicare bill provides. This is why it is good legislation and this is why it will become the law of the land.

We are currently engaged in a bitter and acrimonious war in Vietnam. There are some who are fainthearted and say the United States should pull out. There are others who are overly bold and claim that the United States should begin bombing civilian population centers. In my opinion, the slow and studied escalation of our military activities as directed by President Johnson is the only course of action open to us.

What is the real issue in Vietnam? We certainly are not fighting for the small piece of real estate with wet and fetid jungles. We are fighting for a principle. That principle is that the United States lives up to its international agreements, that we will not give up our military commitments in far-flung areas around the world where the Communists practice naked aggression—that our treaty commitments to fight to defend Western Europe and Berlin are credible. I am reminded of the words of Abraham Lincoln in his second inaugural address: "With malice for none; with charity for all; with firmness in the right as God gives us to know the right." President Johnson and the American people are not interested in a war of aggression in Vietnam. The President has offered to meet the Communist leaders to discuss methods and means of peacefully settling the hostilities. The Vietcong Communists are not interested. They believe they can win the war by force of arms. We have no malice toward the Communists but we are firm in our commitments to South Vietnam because we are right. Our President symbolizes the spirit in America to resist armed conquest by those who have an insatiable thirst for power and that is why all of us in this room tonight along with 180 million other Americans support his courageous stand.

The Congress and President Johnson have not just been concerned with education, medicare, and Vietnam. They have recognized that the only way we can maintain the vitality and strength of our economy is to have jobs available for all who must work to live. We have to develop and continue programs to train young men for employment in this age of complex technology and to retrain those whose skills have become antiquated. Under Presidents Kennedy and Johnson, we have seen new approaches applied to solving old manpower problems. Vocational training programs have been initiated to help those who want to help themselves. Regional recovery programs such as the Area Redevelopment Act and more recently the Appalachia Act, have been inacted to invigorate areas of great poverty and joblessness. An antipoverty program has been created to give employment, training, and hope to thousands of youth out of school, out of work, and disillusioned by an apparent gray destiny of economic dependency.

Much has been done but much more is required. This year the number of 18- and 19-year-old workers is expected to increase by 500,000—twice the increase of last year. The labor force is expected to grow by 7½ million workers in the next 5 years—50 percent greater than the last 5 years.

Certain groups face greater challenges than others. Negroes presently constitute 10 percent of our population, yet will account for 18 percent of the coming manpower increase. The level of Negro unemployment is twice that of whites in our society. We can never be satisfied until all races, colors, and creeds, have equal opportunity in all spheres of life.

The prospective and vast increase in our labor force over the next 20 years comes at a time that machines are replacing men at an increasingly faster pace. Automation is desirable in that it relieves man of the drudgery of having to spend all his time scratching out a living from the soil, the mine, or the factory. It gives him time for recreation, leisure, and cultural pursuits. It provides opportunities for man to notice himself and his relationship to his Creator.

Automation does, however, present thorny obstacles and grave dangers to our people. Year after year, throughout our land, productivity per man-hour of work has risen. Fifty years ago, it was considered good if a man could mine one-half a ton of coal in a 10-hour day. In 1965, a miner using the latest equipment can produce 60 tons in an 8-hour day. Over 500,000 jobs a year are lost out of our economy as a result of machines replacing men and the era of a strong willing back being a passport to success has passed forever. It is true that automation fashions new jobs for our people, but the new jobs require new skills and all too often the number of new jobs fashioned does not equal old jobs lost.

What is needed is a strengthening and broadening of college education and vocational education so that the skills of our work force will always match the jobs available in our economy. Counseling and job replacement services must be expanded so that the right man will be able to find the right job. Job development activities must be increased in order to create new service employment opportunities in fields where they have not existed in the past because of an inadequately trained work force. The people of our country want improved home and equipment maintenance, they want greater recreational opportunities for their children and stricter supervision in playgrounds. There is no reason why these services cannot be provided as automation steadily frees more men from work on the farm and in the factory.

What is needed in addition is a reaffirmation of our cultural and spiritual heritage. It is written in the Bible: "Man shall not live by bread alone, but by every work that proceeds out of the mouth of God."

These words have great meaning to a society such as ours. We are a rich nation and our people on the average work but 5 days a week. We have time to reflect on our beginnings and on our destiny. We have time to read, to play, to watch television, to listen to music. Yet with all the free time we have to relax and understand ourselves, we are a country with 10 percent of the people suffering from mental disease requiring treatment and countless more from jangled nerves requiring tranquilization. In a sense, mere life itself within the community of man has become one of our greatest challenges. In future years of automated free time, our churches, colleges, and cultural centers will have a heavy burden to lift from many men the yoke of uninspired existence and restore to them the joy of living.

No nation offers its citizens more of an opportunity to advance on economic, political, social, and cultural levels than does ours. Every American within and without this Chamber has a duty to strengthen and improve our institutions and to protect the freedom of body and mind that gave birth to them.

One hundred years ago Walt Whitman wrote: "The United States themselves are essentially the greatest poem. Here at last is something in the doings of man that corresponds to the broadest doings of the day and night."

Let us look forward to tomorrow with hope, clarity of purpose and new dedication. The years ahead are fraught with danger. We not only have the menace of Communist arms and subversion but domestic unemployment, poverty, disease, and inequality of opportunity. But I, like you, believe that the United States themselves are essentially the greatest poem. I believe we can overcome the obstacles in our path. I believe our Government is consecrated to serve the will of the people. We must act with courage—not sit transfixed by fear. We must regard the past without regret; we must contemplate the future without alarm. America is on the move, and all of us as citizens, as Democrats, are obliged to serve her well.

HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

The House met at 11 o'clock a.m.

Dr. Gilbert Klaperman, Rabbi, Congregation Beth Sholom, Lawrence, Long Island, N.Y., offered the following prayer:

Almighty God, fountainhead of law and source of government, we pray Thee Thy blessing upon this hallowed Chamber and upon the dedicated servants of our Nation assembled here.

May these leaders of our people continue united in purpose and inspired by the ideal of America as the beacon light of liberty, equality, and justice—the land of the free and the home of the brave.

We pray Thee, O Lord, make our Nation an instrument of compassion and a force for righteousness among the nations of the world.

Move our hearts and direct our minds to the fulfillment of Thy glorious purpose so that the sound of battle and the terror of war may never resound in our land. Bless us that our country may pioneer the way in the pursuit of peace and the fulfillment of the vision of the prophet: *Men shall do no evil and work no destruction on all God's holy mountain for the earth shall be filled with the knowledge of the Lord, as the waters cover the sea.*

May this be Thy will. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 60. An act to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

The message also announced that the Vice President, pursuant to 49 Stat. 425, had appointed Mr. Gore, Mr. Montoya, Mr. Dominick, and Mr. Fannin to be members of the Fourth American Interparliamentary Conference to be held at Buenos Aires from May 25 to May 31, 1965.

COMMITTEE ON PUBLIC WORKS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file reports on H.R. 7303 and H.R. 6755.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROCUREMENT OF COAST GUARD CUTTERS

Mr. BONNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7855) to authorize appropriations for procurement of small patrol cutters for the Coast Guard.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, I think we should have the understanding that there is going to be an explanation of this bill before it is approved by the House as I assume it will be.

Mr. BONNER. Mr. Speaker, the chairman of the committee will endeavor to answer the gentleman's question. These 17 small boats were taken from the Coast Guard and transferred to the Navy by direction of the present administration. For their peacetime employment these boats were designed for and assigned to active, U.S. coastal areas. These boats were on patrol duty. They were for search and rescue. They are to watch and to protect our coasts and enforce our maritime laws on our waters. Their replacement is absolutely necessary because there are no boats of this type in reserve either in the Navy or the Coast Guard.

Mr. GROSS. May I ask the gentleman from North Carolina [Mr. BONNER] what the cost of replacement will be?

Mr. BONNER. I believe the replacement cost is $6 million-plus, $6,230,000.

Mr. GROSS. And will this replacement be built on a competitive bid basis?

Mr. BONNER. Without a doubt it will be, for the reason that these boats are generally built at the Coast Guard yard in Baltimore. In that yard at the present time, so the committee was informed, is all the work it can do. So the Coast Guard this morning advised the committee that these boats would be built on a competitive basis.

Mr. GROSS. I will say to the gentleman from North Carolina that I learned to my dismay yesterday during the course of the consideration of the military construction bill for the Defense Department that a number of boats have been built, I believe in Norwegian yards, for the U.S. Navy.

May we have the assurance of the gentleman from North Carolina that these boats will be built in American yards, either private or Navy yards?

Mr. BONNER. The gentleman from Iowa has my assurance. I agree with what the gentleman says, if we are going to have any construction of vessels those vessels should be constructed in American yards.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. HOSMER. I would like to ask the distinguished chairman of the committee, relative to the construction of these boats, how long is it going to take?

Mr. BONNER. It would be 14 to 18 months.

Mr. HOSMER. As the gentleman knows, we have a boating season coming up in the ports from which the 17 cutters have been withdrawn, the so-called amateur yachting season. Many of these amateurs have been under the protection of the Coast Guard because they have not learned enough to get back without killing themselves.

What kind of arrangements are contemplated for taking on this responsibility for them, by the Coast Guard or someone else, notwithstanding the absence of these 17 cutters?

Mr. BONNER. That was discussed in the committee this morning and the Chair instructed the staff of the committee to direct a letter to the Coast Guard bringing their attention to just what you are discussing here now and to use every possible source in an effort to find adequate boats temporarily to serve the present fishing and boating season that is about to take place.

Mr. HOSMER. As I understand it, not only the cutters are going but the Coast Guard crews are going to the Far East.

Mr. BONNER. Yes.

Mr. HOSMER. That will leave a hole in trained personnel, I suppose, but a communication has been directed to the Coast Guard to cover that part of the question?

Mr. BONNER. That was discussed also.

Representatives of the Coast Guard advised us that they could arrange their personnel so as to take care of the transfer of the men who would naturally have to go with these small boats.

Mr. HOSMER. I understood the chairman to say that the Coast Guard was getting a letter from his committee about the boats. What about the personnel? Did they say anything about the boats themselves which they would use as substitutes for those which have been withdrawn? Did the Coast Guard representatives give any indication of what they would do during this season and next relative to the substitution of some kind of craft for this purpose?

Mr. BONNER. As I said, we are directing a letter to them to use every possible source to find replacements for these vessels, temporarily.

Mr. HOSMER. Will the Coast Guard Reserves and Auxiliary be called into this operation?

Mr. BONNER. I cannot answer that question. It is possible that those who can be used probably will be called into service on a voluntary basis.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. MAILLIARD. If I might reply to the gentleman from California, we did discuss this in committee this morning. This has all come about very rapidly. It has only been a matter of days that the Coast Guard has known these ships were to go to Vietnam. We discussed this morning with Assistant Secretary Reed and the Commandant of the Coast Guard in committee. A letter will be directed, as the chairman has said. We have already suggested to them that they explore the possibility of using ships that might be in reserve, or in mothballs, belonging to the Navy, that they could borrow to cover this period between when the ships depart from the United States and the new construction is finished. We cannot answer definitely as to what will be done in reference to the question of the Coast Guard Reserve and the Coast Guard Auxiliary, and taking over private vessels to continue the vital safety at sea program which concerns the gentleman from California, as it does all of us who are from areas from which these 17 vessels are withdrawn.

Mr. HOSMER. It is an amazing thing to me to look over the cost of defense and to find the magnum of cost and the modicum of effectiveness that exists when we get into a situation that can or at least should be anticipated to some extent ahead of time.

Mr. GROSS. I agree with the gentleman. In view of the billions we are spending on the Department of Defense and the Department of the Navy, that they have no vessels of this description. We have been in this conflict in southeast Asia for a long time, dealing with the situation of long coastlines and the use of junks and sampans for supply vessels by the Communists. The Navy should have moved long ago to meet this situation rather than now raid the Coast Guard of vessels that are badly needed to patrol our shores. I am surprised at this omission on the part of the Navy Department.

Mr. CONTE. Mr. Speaker, reserving the right to object, this comes as a big surprise to me, as the ranking minority member of the Committee on Appropriations that handles the appropriations for the Coast Guard. May I ask the chairman how this fits in with the roles and missions study made by the Coast Guard. We have a long range shipbuilding program. We passed an authorization bill and an appropriation bill for the Coast Guard, here a few weeks ago which is pending over in the Senate at the present time for the construction of new cutters. How do these additional 17 new cutters the gentleman mentioned here today fit into the roles and missions study made by the Coast Guard?

Mr. BONNER. As the gentleman will recall, we have in two authorization bills endeavored to increase the number of vessels for assigned duties in the Coast Guard, and they have not been appropriated for.

Mr. CONTE. A good percentage has.

Mr. BONNER. I was going to get to that. The Coast Guard has no vessels in reserve. What they have have been retired because they are worn out. These 17 are the cream of this type of vessel. They simply have to be replaced. They are shallow draft craft to enable them to operate in the shallower near shore waters where the greatest concentration of small boat, recreational boating activity is.

Mr. CONTE. The gentleman is telling us there is no hope of getting these 17 cutters back from South Vietnam?

Mr. BONNER. I cannot answer that question.

Mr. CONTE. We have a roles and missions study of the Coast Guard. They have a long-range program on cutters they will need. Now they are asking for a crash program. What will happen when the 17 cutters come back from South Vietnam, if they do come back?

Mr. BONNER. That is the point—whether they will all return. And if they do return.

Mr. CONTE. That is the point.

Mr. BONNER. If they do return, there is a need for these 17 to replace vessels today of this type that are really overage.

Mr. CONTE. In other words, what you are telling me is this. If the 17 do return, the Coast Guard does not intend to cut down on this program but it will continue on with the old roles and missions program with the 17 additional cutters.

Mr. BONNER. Let me say that we will explore that at the time. Certainly, we would not try to offer the Coast Guard something that the Coast Guard does not need.

Mr. CONTE. I also express the same concern as the gentleman from California expressed in debating the authorization bill and the appropriation bill for the additional cutters for the Coast Guard. The case was made that these were needed right now to protect ships and pleasure vessels and people who go down in the sea and airplanes—to help them and for search and rescue purposes. Now you are taking out 17 cutters with no provision to replace them. Who is going to take care of the search and rescue work when those cutters are taken off for South Vietnam?

Mr. BONNER. As I have said in the short time that we have been discussing this thing here, there is a letter being prepared by the Committee on Merchant Marine and Fisheries directed to the Commandant of the Coast Guard. That will be signed by the gentleman from California [Mr. MAILLIARD] and myself. It will request the Coast Guard to explore with the Army—and the Army has more small vessels than the Navy and there may be other Coast Guard boats that are capable of this work that can be called in temporarily.

Mr. CONTE. Well, in a sense, you can cut that argument right down very quickly, to say that the need for the Coast Guard boats in South Vietnam is because these boats can get into shallow water and at the same time you are saying you are going to meet with the Navy to try to get the Navy to give boats to the Coast Guard to replace cutters that are going to South Vietnam. This does not make sense. Why cannot the Navy send some boats over there? We just passed a $700 million appropriation bill here yesterday which could well provide the money to build hundreds of these boats for South Vietnam.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to my colleague, the gentleman from California.

Mr. MAILLIARD. I think it is worth noting here that we have a problem for the first time and a situation where the Coast Guard is in sort of a twilight zone. It has a peacetime mission and it has a wartime mission. Always before this when it has been called upon to perform these military functions, they have been withdrawn from the Department of the Treasury and put over into the Department of the Navy and have served as an auxiliary of the Navy. Now we are in the very odd position where the Coast Guard is being asked to perform both a peacetime role and in part this wartime role without any expansion of its facilities. Therefore, we feel since this is a matter of an emergency, we should replace these vessels so that the Coast Guard can fully perform its peacetime role. We are going to have a hiatus of perhaps 14 to 15 months. The chairman of the committee and I are going to do everything we can to see that some emergency measures are taken to give full protection to life at sea which the Coast Guard has as an operational mission in peacetime.

Mr. CONTE. I can understand that position and having served on this committee for 7 years, I am quite familiar with the function of the Coast Guard. It seems to me it is inconsistent that we appropriate about $50 billion a year for the defense of this Nation and we do not have the proper kind of boats out there in southeast Asia to do this type of patrolling. This seems to be inconsistent to me.

The only thing I would like to know is this. You mentioned that these boats were to be built in Baltimore by the Coast Guard?

Mr. BONNER. No. I was asked the question as to whether these boats would be built under contract.

Mr. CONTE. Where are they going to be built?

Mr. BONNER. I replied that this type of vessel is usually built in a Coast Guard yard at Baltimore, but that that yard is now filled with work and in the hearings this morning we were advised that these boats would be built under contract with competitive bidding.

Mr. CONTE. Would they be built in private yards or in Navy yards?

Mr. BONNER. In private yards.

Mr. HOSMER. Mr. Speaker, will the gentlemen yield?

Mr. CONTE. I am glad to yield to the gentleman from California.

Mr. HOSMER. Will those ships be built in private yards in the United States, or will some of them be built overseas? I have heard a rumor about that.

Mr. BONNER. The gentleman can rest assured I do not take any part in foreign building. They will be built in the United States.

Mr. HOSMER. I have heard a rumor that some will be built in England. Is that not correct?

Mr. BONNER. These will not be built in foreign yards.

Mr. HOSMER. As I understand the situation, these vessels are to be assigned to the Navy for Vietnam service but they are going under the Treasury Department, with Coast Guard crews. What will be done to give those Coast Guard crews the same benefits which people in the armed services serving in that area get, such as the elimination of the income tax and so on down the line?

Mr. BONNER. They will have the same benefits. They will be under the jurisdiction of the Navy and will receive the same benefits.

Mr. HOSMER. I thank the gentleman.

Mr. CONTE. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. MONAGAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 95]

Blatnik
Brademas
Broyhill, N.C.
Cahill
Chelf
Conyers
Corman
Curtis
Daniels
Duncan, Oreg.
Flynt
Fogarty
Ford,
  William D.
Giaimo
Griffin
Gubser
Halleck
Hays
Hutchinson
Irwin
Jones, Mo.
Long, La.
Machen
Mathias
Morrison
O'Hara, Mich.
Powell
Randall
Resnick
Rhodes, Pa.
Rodino
Rogers, Colo.
Scheuer
Senner
Shriver
Sickles
Smith, Va.
Talcott
Thomson, Wis.
Toll
Williams
Young

The SPEAKER. On this rollcall, 393 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUBCOMMITTEE ON HOUSING OF COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit while the House is in session today and engaged in general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 366) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7717) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California [Mr. Sisk] is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown]; and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 366 provides for consideration of H.R. 7717, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes. The resolution provides an open rule with 3 hours of general debate.

H.R. 7717 would authorize to be appropriated to the National Aeronautics and Space Administration the sum of $5,183,844,850, as follows: $4,537,121,000 for research and development; $60,675,000 for construction of facilities; and $586,048,850 for administrative operations.

Appropriations for research and development would be authorized for use for items of a capital nature required for the performance of research and development contracts; and grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities.

No funds may be used for the construction of a facility the estimated cost of which, including collateral equipment, exceeds $250,000 unless the Administrator notifies specified committees of the Congress of the nature, location, and estimated cost of such facility.

The bill would provide that, when so specified in an appropriation act, any amount appropriated for research and development or for construction of facilities may remain available without fiscal year limitation, and contracts may be entered into under the administrative operations appropriation for maintenance and operation of facilities, and for other services, to be provided during the fiscal year following that for which the appropriation is made.

The use of not to exceed $35,000 of administrative operations appropriation would be authorized for scientific consultations or extraordinary expenses, including representation and official entertainment expenses.

It would provide that no funds appropriated for administrative operations for maintenance, repair, alteration, and minor construction may be used to construct any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

Further provision is made that, when so specified in an appropriation act, any appropriation authorized under this act to the National Aeronautics and Space Administration may initially be used, during the fiscal year 1966, to finance work or activities for which funds have been provided in any other appropriation available to the Administration and appropriate adjustments between such appropriations shall subsequently be made in accordance with general accepted accounting principles.

Section 2 would authorize a 5-percent upward variation of any of the sums authorized for the construction of facilities line items when, in the discretion of the Administrator, this is needed to meet unusual cost variations. However, the total cost of all work authorized under these line items may not exceed $53,459,300.

Section 3 would provide that not more than one-half of 1 percent of the funds appropriated for research and development may be transferred to the construction of facilities appropriation and, when so transferred, together with $10 million of the funds appropriated for construction of facilities, shall be available for the construction of facilities and land acquisition at any location if the Administrator determines that such action is necessary because of changes in the space program or new scientific or engineering developments, and that deferral of such action until the next authorization act is enacted would be inconsistent with the interest of the Nation. However, no such funds may be obligated until 30 days after the Administrator has transmitted a report to Congress regarding cost, necessity, et cetera.

No amount appropriated under this act may be used for any program deleted by the Congress from requests as originally made to either the House or Senate Committee on Aeronautical and Space Sciences;

No amount appropriated pursuant to this act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c);

No amount appropriated pursuant to this act may be used for any program which has not been presented to or requested of either the House or Senate committee, unless a period of 30 days has passed after the receipt of notice by the Administrator containing a full and complete statement of the action proposed and the facts and circumstances relied upon in support thereof, or either committee before the expiration of such period has transmitted to the Administrator written notice to the effect that the committee has no objection to the proposed action.

Section 5 of the bill expresses the sense of Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds and research and development funds whenever feasible.

Mr. Speaker, this represents, I believe, the fourth largest authorization bill which will be before the Congress this year. There is authorized to be appropriated $5,183,844,850. This represents a substantial percentage of this year's budget.

Questions have been raised by many people, and I am sure that all of us, as Representatives of our particular districts, have received mail from time to time indicating the concern of many people about the advisability of spending the vast sums searching the unknown, looking into an area of space, or questioning our judgment as to the appropriation of this type of fund for a proposed trip to the moon.

It was my privilege to serve on a select committee early in 1958 when, under the urgency of Russia's launching of the sputnik, the leadership of Congress at that time felt it necessary to move and to expedite our action in that field. Under the distinguished chairmanship of the now Speaker of the House, the distinguished gentleman from Massachusetts [Mr. McCormack], it was my privilege to serve on a 13-man committee which numbered among its members the distinguished gentleman from Massachusetts [Mr. Martin], the former Speaker of the House, and the present minority leader of the House, the gentleman from Michigan [Mr. Gerald R. Ford] and other distinguished Members, who wrote the Space Act.

As a part of that experience I have been very much impressed with the great progress which has since been made in overcoming what at that time was an acknowledged lead by Russia. There is no question that the Russians demonstrated at that time and have demonstrated on a number of occasions since that they had substantial advantage over us on the program as to the size of boosters. The facts were that before that time we had not felt a need for and had not set up as an objective the construction of those very large boosters which were so necessary.

After it became clear to the leadership of our country that we had to project ourselves into the space age and meet the challenges of any country of the world in this area, we started on what amounted to a "crash program" in certain areas. That initial effort has, of course, long since given way to a planned, programed approach.

Today I wish to pay a special tribute to the distinguished gentleman from California Mr. George Miller, the present chairman, for the great job he and the other members of the Committee on Science and Astronautics have done in planning very carefully our program in this space field.

It seems to me that in spite of the fact that we have a place for every dollar which is available by way of revenue to our Government, both in the fields of domestic and social legislation as well as the challenges which face us on every front in the world, it is essential that we continue to put a substantial amount of money into this program.

There is no question today but what our scientists have proven beyond a question of a doubt that the time will come, and it will be very shortly, when the nation which dominates, or which is ever permitted to usurp, outer space, can serve an ultimatum on any country in the world and then you either comply with that ultimatum or your country will cease to exist. Therefore, faced with that type of a situation, America must be out there making certain that we never permit a possible enemy country to be in a position where it can serve that type of an ultimatum on us.

In addition to that, there are tremendous advantages to be gained which have already been proven when within the past few weeks we have observed worldwide television and when today we have advances in progress in the field of communications satellites, and we have already seen demonstrated the tremendous savings which can accrue to us and to all of the people of the world through advanced weather forecasting. There are untold things in the future which can accrue to our benefit in the way of bringing about billions and billions of dollars worth of economic benefits which we can receive and which yet remain unknown. We must go about the business of seeking out all of the knowledge we possibly can.

Mr. Speaker, therefore I feel very strongly that the amount of money set forth in this bill is none too much. It might even be possible that there are some programs we could be proceeding faster on. However, I do wish to say that I think based on the statements made by Mr. Miller, of California, and the other members of his committee before our Committee on Rules, I feel they have carefully outlined the programed spending which will meet our needs and put us first in the space race and will make certain that no nation or no enemy nation can ever usurp outer space to our detriment.

Mr. Speaker, I urge the adoption of House Resolution 366 and I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from California [Mr. Sisk] has explained this rule, I shall not devote any time to it but instead shall discuss very quickly, in a few words, the legislation that comes before us under the rule; that is, H.R. 7717. This is the annual bill which comes from the Committee on Science and Astronautics to authorize certain expenditures during the coming fiscal year 1966. The bill carries an authorization of $5,183,844,850, of which $4,537,121,000 will actually be spent for research and development. The balance of the money, about a half a billion dollars, will be used in the actual operation of some of these space programs which are already underway.

I want to be very frank, very sincere, and very honest with the House and admit that I do not know anything about this legislation and know very little about NASA and what it is doing. I do not think anybody else in the House knows too much about it either. We have some Members here who have spent a great deal of time on this committee. I am going to call on one of them from the minority side in a few moments and yield to him in order to have him explain some of the detail of it.

I had the honor and the responsibility of serving on the Select Committee of the House that was appointed during the last Congress to make a study and a check on the expenditures and the programs for research and development—mostly research—in the United States. We found that we were spending about $16 billion on research. This period has become one in which almost any scientist that has any sort of an idea can find Federal money with which to try out his plan or his idea, to see whether it will work or not. Very frankly, too many of them do not work; some of them may work, and perhaps from those that do work we may obtain the benefits that we seek.

I do know from my own experience, having listened to some 80 or 90 of the top scientists of America who testified before our select committee that too often you cannot get two scientists to agree on any one subject. They will say to you, "Scientist So-and-So is a great scientist; he is a remarkable man; he is a very learned individual, but he is wrong about this," or "He is wrong about that."

So the lay mind being just an ordinary mind, such as mine, often finds it difficult to know who is right or who is wrong. As a result we have legislation like this that even the committee itself I think will admit we have to take a great deal of that which is submitted on faith. Perhaps we are gambling, perhaps we are wasting, to be honest about it, a great deal of money, but yet the hope is that out of the waste and out of all of it there will come some benefits for us nationally both in a military way and in other ways, and also to our economy and to the individual citizen of the country.

I do want to mention, if I may, because I referred to the Committee on Rules, that one of the things we do in the Rules Committee quite often is to look over the legislation that is brought to us to see if there are any typographical errors. I notice on page 3 there is one item out of the $4,537,121,000 to be spent on research and development, $865,000 going to Ohio. Now, that must be a typographical error, because Ohio never gets anything out of the Federal Treasury. All we do is pay taxes for other States to use in their projects. Of course, as most of you know who are here, most of the NASA operations are actually, with some minor differences—of course, I know there are a lot of these little research grants—are confined to a relatively few States; very beneficially, I might say, to their economy.

I might also add, and I am stating it publicly here on the floor of the House, that the Middle West feels it has been ignored and left out to a great extent in this work. However, we are appreciative even for a crumb from the rich man's table, that we are getting $867,000 for an operation under research and development in the Cleveland and Sandusky area in the northern part of the State.

In my opinion most of us do not know very much about what is in this bill. We are going to have to take it on faith, so there is no particular opposition to taking up the measure. It is like the military procurement bill we had on yesterday. We cannot pass judgment on the many items contained in it. In fact, this is not detailed. I think there are some members of the committee who can explain the details and perhaps answer any questions that some of the Members may have.

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. DAVIS of Georgia. I should like to call the attention of the gentleman from Ohio to the fact that the $860,000 he mentions is purely for new construction money.

Mr. BROWN of Ohio. I understand that. That was explained very thoroughly and very ably both by the gentleman from California [Mr. Miller] and by the gentleman from Pennsylvania [Mr. Fulton].

Mr. DAVIS of Georgia. Mr. Speaker, I would like also to point out that one of our fine research centers, the Lewis Research Center, is located in Ohio; in addition to that reactor work is going on in Plumbrooke, Ohio. The State of Georgia would be most happy to swap places with Ohio——

Mr. BROWN of Ohio. I am sure that the State of Georgia, knowing something about military appropriations, does not have room for any NASA projects.

Mr. DAVIS of Georgia. Well, I just thought if the State of Ohio was not happy with what it has, we would have a home for it in Georgia.

Mr. BROWN of Ohio. You naturally would be very happy, because you are very, very fortunate when it comes to the allocation of these funds.

Mr. ROUSH. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. ROUSH. I would like for the gentleman from Ohio to know that the committee did share his concern on this matter of geographical distribution of research and development funds. As a result of that concern we have included in the bill itself section 5 which states:

> It is the sense of Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds on a geographical basis whenever feasible and use such other measures as may be practicable toward this end.

I shall have more to say on this question later.

Mr. BROWN of Ohio. I thank the gentleman from Indiana for his contribution, but I would like to say to the gentleman that I am old enough that my school days were back in the time when we had old-fashioned education instead of modern education and taught arithmetic in the public schools of the country. I simply took enough arithmetic so that I am still able to add up the amount of money that is spent under this program in certain States and compare it with the amount of money spent in other certain States of the Union.

The gentleman can gloss it over all he wants to, but there are some rather favored areas in this country, which may or may not be all right, and there can be pretty good reasons for it. But I would like to call attention to the fact that we do have an area in the Middle West which furnishes a lot of intelligent people to the services of this country and which furnishes a lot of taxes with which to support this program. Therefore, I hope we will not be ignored too much.

Mr. ROUSH. I would like to say to the gentleman that coming from the Midwest I am certainly sympathetic with the position of the gentleman from Ohio. The gentleman may recall that I made a series of short speeches on the subject and have compiled a table which certainly confirm what the gentleman is telling this House today and which I will insert at this point in the Record:

The following table lists the ranking of each State in the geographical distribution of Federal research and development funds in eight different categories of comparison.

The column at the extreme right lists the rank of each State on a population basis using 1960 census figures.

The figures at the bottom of each column designate the lowest rank in each of the eight categories of comparison.

	R. & D. per industrial employee	Per scientist in universities	Per advanced degree conferred	Per scientist	Per $1,000 Federal tax contribution	Per capita	R. & D. dollar distribution	Per student enrolled in universities	State ranking by 1960 population
Alabama	15	15	30	5	8	14	17	26	19
Alaska	42	4	2	26	19	19	41	2	50
Arizona	3	37	39	4	5	8	16	37	35
Arkansas	30	40	43	23	22	28	32	41	31
California	4	3	4	2	4	3	1	6	2
Colorado	6	13	26	9	11	5	12	11	33
Connecticut	21	14	23	19	20	12	21	12	25
Delaware	16	43	35	32	32	11	28	27	46
Florida	10	27	17	10	11	13	9	31	10
Georgia	41	26	21	33	42	32	33	24	16
Hawaii	39	22	19	34	39	29	45	29	43
Idaho	12	8	5	15	31	15	27	8	42
Illinois	36	7	8	27	35	22	13	7	4
Indiana	37	38	47	31	36	27	26	34	11
Iowa	45	23	16	33	34	29	31	15	24
Kansas	31	42	45	32	30	28	30	38	28
Kentucky	49	39	37	37	45	34	40	40	22
Louisiana	7	28	25	12	7	10	15	33	20
Maine	50	50	42	37	42	33	48	46	36
Maryland	9	6	7	8	9	6	4	5	21
Massachusetts	20	5	6	13	12	9	3	4	9
Michigan	33	16	34	26	38	25	19	21	7
Minnesota	26	19	14	25	27	20	25	17	18
Mississippi	48	29	38	37	41	34	46	43	29
Missouri	14	25	33	11	15	10	10	28	13
Montana	28	36	40	35	31	29	44	42	41
Nebraska	47	44	41	37	44	33	47	45	34
Nevada	1	2	1	1	2	1	20	3	49
New Hampshire	29	35	10	22	20	20	35	14	45
New Jersey	19	10	11	24	16	13	8	13	8
New Mexico	2	1	3	3	1	2	11	1	37
New York	18	9	20	16	24	11	2	10	1
North Carolina	46	32	31	34	43	31	29	25	12
North Dakota	25	48	48	36	37	32	50	50	44
Ohio	32	30	27	21	29	23	14	35	5
Oklahoma	35	36	44	37	40	31	36	39	27
Oregon	44	34	28	35	37	29	37	22	32
Pennsylvania	24	18	18	20	22	18	5	19	3
Rhode Island	40	11	3	30	34	27	39	9	39
South Carolina	38	45	32	29	28	30	34	49	26
South Dakota	11	47	49	17	17	24	38	48	40
Tennessee	17	20	36	14	14	16	18	32	17
Texas	13	24	29	18	17	17	6	36	6
Utah	5	12	13	7	3	4	22	20	38
Vermont	34	21	22	28	26	26	43	18	47
Virginia	23	31	15	21	25	24	24	30	14
Washington	8	17	12	6	6	7	7	16	23
West Virginia	43	41	46	38	39	33	42	47	30
Wisconsin	27	33	24	21	23	20	23	23	15
Wyoming	22	49	50	38	35	29	49	45	48
Lowest rank	50	50	50	38	46	34	50	50	50

Mr. BROWN of Ohio. That is fine and I appreciate it. I certainly shall be happy to advise the people of the States of Ohio, Indiana, and other Midwestern States that they can depend upon the gentleman from Indiana [Mr. Roush] to get their fair share of the money spent under programs of this type.

Mr. Speaker, I now yield 5 minutes to the gentleman from Pennsylvania [Mr. Fulton].

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to compliment the gentleman from Ohio and also the gentleman from Indiana [Mr. Roush]. They do make a good point. We need better geographical distribution of NASA funds so that every part of the country has an opportunity to participate in the NASA programs of research and development in manned space flight, space sciences, and advanced research and technology programs. The gentleman has a good point.

Every person here pays taxes. We come from all parts of the country. We should make sure that not too much scientific and research talent is concentrated in a very few places, and thereby draining talent from smaller areas that have not yet had the opportunity nor the funds to build research institutions.

In the beginning NASA was right. They did use the installations, the institutions, and the talent that was available because it had to move quickly in the race with Russia in space.

We have moved quickly. But we are not in a crash program. We are now conducting a reasonable program. As the gentleman from California has said, it is a well-planned program this time.

It is impossible to believe that in the fiscal year 1959 only $48,354,000 was authorized for space. In fiscal year 1960 it went up 10 times to $485,550,000. It doubled again in fiscal year 1961 to $915 million.

In fiscal year 1962 it went to $1,361,900,000.

In fiscal year 1963 it went to $3,742,162,000, and in fiscal year 1964 to $5,238,119,400.

In fiscal year 1965 it went to $5,193,810,500.

For this fiscal year, the committee has recommended $5,183,844,850, which is down from last year's level.

I want the House to know we have gone over these programs thoroughly. We have made cuts in the committee, and the cuts were worth while. They are responsible, and they are substantial. They are not small.

With respect to the overall fiscal year 1966 NASA request, the committee reduced the request by 1.4 percent, or $76,155,150, for a recommended total of $5,183,844,850. The fiscal year 1966 request of $5,260 million was a slight increase over the $5,193,810,500 authorized last year.

The committee recommendation for research and development was $4,537,121,000 or $38,779,000—0.9 percent—less than the $4,575,900,000 requested by NASA for fiscal year 1966. The amount requested was about $250 million more than the $4,327,950,000 authorized last year.

The NASA fiscal year 1966 request for construction of facilities of $74,700,000 was $173,635,000 less than last year's authorization of $248,335,000. Nevertheless, the committee recommended an authorization of $60,675,000 for a reduction of $14,025,000 or 18.8 percent.

The fiscal year 1966 NASA request for administrative operations of $609,400,000 was reduced by 3.8 percent or $23,351,150. The amount requested by NASA was slightly lower than last year's authorization of $617,525,000.

Last year's authorization for manned space flight was $3,499,760,500. This year's request from NASA was $3,567,052,000 or an increase of $67,291,500. The committee reduced this by 1.2 percent or $42,825,000. The proposed authorization amounts to a total increase of only $24,466,500 or about three-fourths of 1 percent over the fiscal year 1965 authorization. It is anticipated that less than $500 million in prior year funds will be unobligated by the end of fiscal year 1965. This amount is expected to be obligated by the end of August of this year.

The components of the manned space flight portion of the fiscal year 1966 authorization consist of Gemini, Apollo, advanced missions, construction of facilities, and administrative operations.

The fiscal year 1966 request for the Gemini program was $242,100,000, a decrease of $66,300,000 from last years' authorization. The committee made no reduction in this item but I note that there will be an overrun of about $55 million from what was estimated last year to fund the Gemini program. NASA has justified this overrun on technical grounds.

NASA requested $2,997,385,000 for fiscal year 1966 for the Apollo program. This represents an increase of $319,885,000 from last year's authorization. The committee reduced the fiscal year 1966 request by $30 million or about 1 percent.

The NASA request for advanced missions dropped for the $22,100,000 authorized in fiscal year 1965 to a fiscal year 1966 request of only $10 million. No change was expected in this item.

For construction of facilities for manned space flight, NASA requested $27,825,000, a substantial decrease from last year's authorization of $202,419,000. Notwithstanding this substantial year-to-year decrease, the committee reduced the fiscal year 1966 request by 10.15 percent or $2,825,000.

The fiscal year 1966 request for administrative operations for manned space flight was $289,742,000, an increase of only $401,500 from last years authorization. This increase was almost minute in view of the substantial pay increase implemented last year. However, the committee reduced the fiscal year 1966 request by $10 million or 3.5 percent.

I would like now to comment briefly on total estimated program costs for the major programs of manned space flight.

The very successful Mercury program involved a total cost of $279,500,000.

The Gemini program which is well on its way will, when completed, cost about $1,413 million. Three of the 12 scheduled flights have already been successfully completed with the remaining 9 flights to be completed by the end of 1967. The estimated cost per Gemini flight is $118 million.

The lunar landing program actually involves the Gemini and Apollo programs, construction of facilities, and administrative operations. Last year, I reported that by the end of fiscal year 1965, NASA will have obligated about one-half of the $20 billion estimated cost for the proposed lunar landing. Through fiscal year 1965, NASA will have committed or obligated a total of $10,521,700,000 for the lunar landing program. During fiscal year 1966, we are recommending an authorization for this program of $3,514,200,000. This includes $242,100,000 for Gemini, $2,967,400,000 for Apollo, $25 million for construction of facilities, and $279,700,000 for administrative operations. This will result in an estimated total commitment or obligation through fiscal year 1966 for the lunar landing program of $14,035,900,000.

The three primary launch vehicles involved in the Apollo program are the Saturn I-B and Saturn V.

Eight of ten scheduled Saturn I flights have been completed. The two remaining flights will launch Pegasus micrometeroid experiments and provide engineering test data on boiler plate command and service modules to be used in the Apollo program. The cost per flight of Saturn I is $80,460,000. Total costs for Saturn I through fiscal year 1965 will be $800,200,000. The Saturn I program will be completed in fiscal year 1966 with an additional $4,400,000 required in fiscal year 1966 to complete the program.

The estimated cost per launch of the 12-flight program of Saturn I-B is estimated at $100 million per flight. The first flight of Saturn I-B is scheduled for 1966 with completion in 1968.

The 15-flight program of Saturn V is estimated to cost $122 million per flight. The first flight will be in 1967 with the final two flights in 1970.

Recently, the Soviets released a photo of their Vostok space capsule which appeared in some of our Nation's newspapers. The capsule appears spherical in shape and is reported to be the same type as the one which orbited Yuri Gagarin on April 12, 1961. Previous unofficial reports in this country's technical journals indicate that this capsule weighs about 10,400 pounds. The latest Soviet spacecraft, Voskhod II, reportedly weighed about 11,700 pounds.

This is far greater than anything we have flown at this time. The Mercury spacecraft which the United States first launched into orbit on February 20, 1962, weighed only about 3,000 pounds. The Gemini spacecraft in which Astronauts Grissom and Young orbited the earth on March 23, 1965, weighed about 7,000 pounds.

At first glance then, it would appear that we are losing this race to the Soviets. However, this is not so.

The lunar excursion module—LEM—in which the first U.S. astronaut will land on the moon will weigh 30,000 pounds when fully loaded.

The Soviets, since 1961, apparently have been launching the same basic booster, which has been uprated, undoubtedly, to handle the increased weight of the Voskhod spacecraft.

Next year, the United States will launch the first Saturn I-B capable of placing 35,000 pounds in earth orbit, and the following year will launch the first Saturn V. The Saturn V is capable of placing about 280,000 pounds in earth orbit, and when it reaches escape velocity toward the moon, it will be carrying a payload of about 90,000 pounds. This is far greater than anything the Soviets have demonstrated thus far.

For support of programs falling under the Office of Space Science and Applications, the NASA fiscal year 1966 request totaled $855.2 million.

Broken down as follows: R. & D., $797.5 million; construction of facilities, $7.5 million; administrative operations, $80.2 million.

This part of the space program basically involves the scientific study of the earth, moon, sun, planets, stars, and interplanetary space. Added to this is the development of technology for applied uses, such as meteorological and communications satellites. The space science and applications is divided into nine major subprograms:

For physics and astronomy, NASA requested $172.1 million. This subprogram includes supporting research and technology, solar observatories, astronomical observatories, geophysical observatories, explorers, sounding rockets, and data analysis. The committee reduced this portion of the request to $160.2 million, deferring the fifth orbiting astronomical observatory, and the seventh orbiting geophysical observatory until future years.

Continued support of the lunar and planetary exploration segment of the program was requested at a level of $215.6 million. This includes such projects as the Ranger, Mariner (now being phased out) Surveyor, Lunar Orbiter, Voyager, and Pioneer. The committee reduced this part of the request by $2.5 million, deferring the Block II series of the Lunar Orbiter, and requiring NASA to restudy the Surveyor Lander.

For launch vehicle development and procurement, NASA requested a total of $258.1 million. The committee reduced this request by $8 million. In addition the sustaining engineering and maintenance request for the Centaur launch vehicle was reduced by $10 million.

Other subprograms such as bioscience, meteorological satellites, communications satellites, applications technology satellites, and the sustaining university program were reviewed in detail and approved as requested in amounts totaling $151.7 million.

The overall reduction in the Research and Development request for space sciences and applications was $32.1 million. The amount recommended to be authorized is $765.4 million.

The construction of facilities request to support space sciences was $7.5 million for six projects at Ames, Goddard, Wallops, and Kennedy. All projects were considered valid requirements.

Administrative operations in support of space sciences and applications was reduced $4.6 million, from $80.2 million to $75.6 million. A very careful analysis of housekeeping costs at Goddard, Wallops, and the Pacific launch area revealed areas which were not considered justified.

There are three specific successful areas that I would like to emphasize in the space science and applications programs. The Nimbus, the Tiros, the Mariner, and the Beacon Explorer:

Nimbus is a three-axis stabilized spacecraft designed to provide a test bed for advanced meteorological sensing equipment. One Nimbus was launched in August 1964. It performed well for 1 month. The next flight is scheduled during 1966. Three spacecraft remain in the project.

Failure in the solar array drive mechanism terminated useful operation of Nimbus I after 1 month in operation. In addition, to television pictures of cloud cover, Nimbus sensors will also measure pressure, temperature, wind velocity and water vapor at several altitudes over the entire globe.

Nine Tiros satellites have been launched since April 1960; all have been successful. Television pictures of cloud cover are being received from Tiros VIII and IX. Tiros IX is in the spin stabilized "wheel" configuration, the configuration to be utilized by the Weather Bureau in its operational system. A good example of the benefits to be derived from satellites of this nature can be drawn from history.

In 1963 at Galveston there was a terrific hurricane. They had not had one in 60 years. In 1903 there was a loss of a thousand lives in the hurricane of that year. In the recent one only two or three lives were lost. This was made possible by the warning received from these satellites.

Mariner II was launched on a Venus trajectory on August 27, 1962. After a 109-day journey to Venus, the spacecraft flew by the planet on December 14. Radiometers aboard the spacecraft sampled the surface temperature of Venus. Other instruments measured the strength of the magnetic field and the nature of its radiation belts. Mariner II passed within 21,648 miles of Venus on December 14, 1962.

Launched November 28, 1964, on a Mars trajectory; in 156 days it has traveled approximately 238 million miles. It has established a new record for communications—almost 70 million miles—in a straight line from the spacecraft to Earth. Mariner IV will make its closest approach—within 5,600 miles—to Mars on July 14, 1965. It is designed to take up to 21 television pictures of the Martian surface during a 24-minute period as the spacecraft flys by the planet.

I feel that this Nation can be justly proud of the Mariner successes to date, particularly when compared to similar efforts of the Soviet Union. The Russian counterpart to our Mariner is the ZOND–2. I received word on May 5 that the Russians now officially admit that the ZOND–2 has stopped transmitting data.

Compare the Russian effort with Mariner IV, whose status as of this minute—3 p.m. eastern daylight time, May 6, 1965—is as follows:

Altitude from Earth, 72,385,257 statute miles.

Altitude from Mars, 18,153,494 statute miles.

Velocity relative to Earth, 44,075 miles per hour.

Velocity relative to Sun, 52,078 miles per hour.

Mariner IV has traveled 242,997,250 miles.

On April 29, the National Aeronautics and Space Administration launched from Wallops Station, Va., its first satellite with geodesy as its primary mission. Geodesy is the measurement of the earth's size, shape, mass and variations in gravity.

A Scout rocket performed perfectly to put the Beacon Explorer–C satellite into an orbit with a perigee of 583 miles and an apogee of 818 miles. It takes about 107½ minutes to orbit the earth.

Project officials say the orbit is an excellent one for geodetic purposes.

The satellite, named Explorer XXVII after it achieved orbit, also will provide further information on characteristics of the ionosphere. It will radio signals to earth which can be measured by 86 ground stations scattered around the world. All of the ionosphere radio beacons, broadcasting to earth on a variety of frequencies are operating.

Explorer XXVII also carries an array of reflectors to further evaluate the use of laser—light amplification by stimulated emission of radiation—detection in deriving orbital and geodetic information. A ground-based laser flashes an intense light beam at the area which reflects it back to earth.

Project officials have not yet attempted a laser experiment with this new satellite, but they report a very successful experiment with a predecessor satellite—Explorer XXII which was launched last October.

On the night of March 31, 1965, the optical research facility of the Goddard Space Flight Center at Greenbelt, Md., conducted a convincing demonstration of laser satellite tracking techniques. The laser was flashed 200 times at the satellite's reflector array during one pass of Explorer XXII. Ninety photographs of the satellite showed laser signals reflected from the satellite.

In no previous experiment of this kind have sufficient number of returns been achieved to be able to define so clearly the shape of a satellite's orbit as it moved from horizon to horizon.

As a part of its contribution to the National Geodetic satellite program, NASA is developing an active geodetic satellite—GEOS—to be launched later this year. GEOS will be instrumented with flashing lights and electrical equipment for gravemetric geodetic studies.

Beginning in 1959, accurate and continuous tracking of satellites was found to be a powerful new tool for the geophysicist.

In the case of geodesy, the measurement of the size, shape and mass of the earth, the influence of the earth upon the orbits of artificial satellites has been measured by careful radio, radar, and optical tracking and used to obtain worldwide geometric and gravimetric characteristics of the earth.

Lengthy analysis of the orbit of the grapefruit-sized Vanguard I in 1959 showed that the earth is very slightly pear shaped. It was found that the Northern Hemisphere is slightly indented by about 25 feet while the Southern Hemisphere bulges by about 25 feet.

Measurements of other satellite orbits—such as Vanguard II and III, the Echo I rocket casing, and others—have shown that the earth's bulge at the Equator is some 70 meters greater than could be expected for a perfectly plastic earth rotating at the present rate. This bulge is what could be expected for a plastic earth spinning at the rate it was about 50 million years ago when the earth was spinning faster with a day of about 23½ hours.

Other studies from satellite observations show that there is a hump in the earth's surface in the Western Pacific Ocean near Indonesia and the Philippines and a depression in the Indian Ocean. Both are very slight—amounting to about 60 meters—but scientifically significant when combined with other information.

The heat flow through the earth's crust is less than the average for the rest of the earth in the Western Pacific elevation and higher than the average in the vicinity of the Indian Ocean depression. This leads to the speculation that there is a very slow convection in the earth's mantle.

Another very important aspect of the space science program is the field of geodesy.

NASA asked the committee to authorize $740,601,000 for the Office of Advanced Research and Technology for use in the following areas: research and development, $528,900,000—which was broken down into $277.7 million for advanced research and technology, $246.2 million for tracking and data utilization, and a million dollars for technology utilization; construction of facilities, $34,678,000; and administrative operations, $177,023,000.

There were only four major areas of activity that were modified by the committee. They were the M–1 liquid hydrogen-liquid oxygen 1.5 million pound thrust engine program, the 260-inch 7.5 million pound solid fueled engine program, the SNAP–8 nuclear-electric auxiliary power generator program, and the construction of the Electronics Research Center to be located in Kendall Square, Cambridge, Mass.

The M–1 engine development, the 260-inch engine development, and the SNAP–8 development were ongoing programs of research that were approved by the committee and authorized by the House over the past several years. However, for reasons of economy, the Administrator cut these three programs entirely from the NASA budget. The committee on the other hand, believed that such actions in the long run would be extremely wasteful and later result in very high costs when it would become necessary to reactivate these programs.

Consequently, the committee restored $15 million to the M–1 program to continue it on a technological development level, $6.2 million to the 260-inch solid rocket program to carry it through the test firing of two full length rockets, and $6 million to the SNAP–8 to continue it at the scheduled level of effort.

Expenditures to date for the M–1 engine development are as follows: Research and development, $63 million; special test equipment, $19 million; construction of facilities, $29 million; and contractor expenditures, $6 million; total, $117 million.

Significant progress has been made in the development and testing of engine components. A gas generator, delivering twice the thrust of the Centaur engine, for driving the turbopumps has been successfully tested. The liquid oxygen turbopump, developing 27,000 shaft horsepower, has been successfully tested and is currently being disassembled and inspected.

The liquid hydrogen turbopump, which will develop 75,000 horsepower, is being installed on the test stand for testing this month. An uncooled thrust chamber has been tested.

Testing of valves, bearings, and seals continues in a cryogenic laboratory where similar work is performed for the Nerva program.

Construction of facilities in the E area, used for testing the liquid oxygen and liquid hydrogen turbopumps, have been completed and represent an investment of $18 million. It can be used for testing turbopumps for large nuclear engines such as Phoebus.

The H–8 test facility has been used for the successful gas generator testing and is being prepared for the continuation of uncooled thrust chamber testing. It provides for 20 seconds duration for thrust chamber testing.

The K area is a NASA complex for engine system testing. The K–1 test stand provides for altitude starting and 30-second duration tests. The K–1 test stand and control room were scheduled for completion of construction with the $3 million of construction of facilities funds remaining from fiscal year 1965. The planned K–2 test stand using the same control room has two positions; one, for altitude firing of the engine, and two, for sea-level testing both for durations of 300 seconds.

The authorization by the committee of the M–1 engine will continue the development program at a component technology level leading to eventual complete ground system tests. It will provide the country with a second stage or upper stage delivering a 1.5 million pound thrust at a specific impulse of about 350. The program is being continued because we have nothing else under development that will provide this capability and since the program is about 50 percent complete. Termination and other costs would be excessive if we had to restart the program.

The SNAP–8 provides electrical power for a spacecraft. NASA is developing the power generating portion of the system. The AEC fiscal year 1966 request, which is $9 million, is their portion of the development which includes the nuclear heat source for the system. Each agency has spent about $50 million and the program is about 50 percent complete. Both agencies must continue their work to fruition. The SNAP–8 provides the only method by which we can get a large maintenance free source of power for a spacecraft. The estimated lifetime is about 1½ years at full power.

The committee has fostered the development of solid boosters and the 260-inch engine is the result of their effort. The program is about 50 percent complete with firings scheduled to be completed by December 1965. So far, $51 million has been spent in the development. The simplicity, the relatively cheap development and proven reliability of solid rockets convinces the committee that for an estimated total of about $30 million additional dollars a complete ground system test of a 6- to 7-million pound booster could be made. The committee felt that this program should be continued to complete ground tests.

The Electronics Research Center has been the focus of considerable discussion and debate. The basic fact is that NASA has not as yet acquired title to the land it expects to use for its construction. Further, NASA does not expect to acquire title until approximately April 1966. It already has a total of $13.9 million authorized in fiscal years 1964 and 1965 for this construction. Hence the committee deleted the entire $10 million requested for construction during this fiscal year, and it expects NASA to utilize its available funds to initiate whatever work needs to be done in the last 3 months of this fiscal year. Meanwhile, the whole problem will be examined and evaluated again during next year's fiscal year authorization.

In tracking and data acquisition the committee deleted $1.2 million for the construction of a tracking installation on Antigua Island because of the lack of sufficient information regarding the specific site and the costs.

The only other reduction was a 5-percent cut in administrative operations of $8,351,150 dictated by reasons of economy.

The net result of the committee's action with regard to the Office of Advanced Research and Technology was an increase of $3,369,850 from $740,601,000 to $743,970,850.

Project FIRE, part of the reentry technology program of NASA's Office of Advanced Research and Technology has the primary objective of measuring the severity of the heat environment encountered by a body reentering the earth's atmosphere at 25,000 miles per hour, a speed slightly in excess of lunar rate velocity.

The measurements are accomplished by a complex and highly instrumented reentry package which is launched from Cape Kennedy by an Atlas launch vehicle into a long coasting ballistic trajectory.

After coasting over the top, a velocity package consisting of an Antares II solid fuel rocket motor and a guidance system accelerates the reentry package to its final velocity of 25,834 miles an hour.

As the reentry package enters the atmosphere in the vicinity of Ascension Island, measurements are made of the heating rates in a series of three beryllium calorimeters covering the front face of the blunt spacecraft.

The energy radiated by the air heated to incandescence by the compression ahead of the spacecraft is also measured and recorded on board. After each calorimeter has done its job, it is melted by the heat of reentry, then the next layer is protected for a short interval by an asbestos heat shield which is then jettisoned to expose a new calorimeter layer.

So much energy is imparted to the air surrounding the spacecraft that it becomes ionized, or electrically conducting, and radio signals from the spacecraft cannot be sent from the spacecraft until it has been greatly decelerated by air drag. At this point the data which have been stored on board are played back by a tape recorder and received by ships stationed in the reentry area and by instrument stations on Ascension Island.

In the first launch of Project FIRE in April 1964, the Atlas and terminal velocity vehicle did a near-perfect job of delivering the reentry vehicle to the desired reentry conditions and significant information on the severity of reentry heating was obtained under conditions which it is not yet possible to simulate in ground facilities.

The second and last experiment in this project is on the pad at Cape Kennedy at this moment. If weather conditions at Ascension Island are sufficiently clear to assure ground observation of the reentry, it will be fired tonight.

The total cost of Project FIRE will be $30,971,000, of which $500,000 is needed in fiscal year 1966 to complete the operations and to analyze and publish the results.

Might I comment to the gentleman from Ohio and the gentleman from Indiana that Ohio has done fairly well. In some respects it has done better than other places. The Lewis Research Center in Cleveland, and at Sandusky, Ohio, $867,000, was recommended by the committee, on page 3 of the bill. This is an authorization for fiscal 1966 out of a total of $60,675,000 requested for construction of facilities, including land and acquisition.

I may say to the gentleman from Ohio there is no land acquisition included in the Lewis request. It is solely for building an addition to the 10- by 10-foot wind tunnel costing $407,000, and for a space power research laboratory costing $460,000. As a matter of fact, I would point out to the gentleman, that with this $800,000 we now have an installation in Ohio, at Cleveland and at Sandusky, worth $240 million. In addition, over $60 million is programed for administrative operations for fiscal year 1966 at this Center. In fiscal year 1964, over $60 million in research and development contracts went to the State of Ohio.

I have stated in additional views to the committee report, my continued urging of sufficient funding for high-energy fuels and advanced propulsion.

This Nation must never again be caught short of rocket power, and the research to assure the benefits of propellants such as diborane and oxygen difluoride must go forward vigorously.

Last year the committee added $4 million for high-energy propulsion. This year NASA asked for an increase of $5 million in this category and we have approved the request. The money will go for testing and development of diborane and other advanced rocket engine fuels. It will enable us to increase the onboard propulsive power of our space vehicles. It will enable us to carry out missions to deep space and in toward the sun where the rapid boil off of liquid hydrogen precludes its use as a fuel. It will give us a choice of propellants which are optimum for each space mission of the future.

The money which we have added in the past has been well spent. It made possible the test firing of the diborane-oxygen difluoride engine at Tullahoma, Tenn., last month. It contributed to the improvement of the Centaur engine to power the Surveyor lunar landing vehicle.

It made possible the upgrading of the Atlas engines by using a fluorine-oxygen combination called flox. Many other projects were pushed forward by the Chemical Propulsion group in the Office of Advanced Research and Technology because of the continuing congressional insistence on the best rocket engines we can get.

Much more remains to be done and the investment each year in propulsion development is just one step along the road of constant engineering achievement. NASA must allocate sufficient funding from our authorization to keep this effort at a high level. NASA must not dilute the intent of Congress by shifting work from Manned Space Flight and

Space Sciences into the Office of Advanced Research and Development. The emphasis on current missions must not interfere with the development of better engines for the future.

While I am in complete accord with the program, I do believe that there are certain areas in which improvements can be effected.

Several significant projects in the field of propulsion research and development have been carried on in past years by the Office of Manned Space Flight and the Office of Space Science and Applications. These latter offices are highly mission-oriented. To them, if research does not have an obvious and immediate application, it cannot long be justified.

I have established that a number of worthwhile and promising propulsion projects previously supported by the Office of Manned Space Flight and the Office of Space Science and Applications are being terminated with the option of transfer to the Office of Advanced Research and Technology for continued support. The total funding necessary to continue both these projects and the normal Office of Advanced Research and Technology work would far exceed the chemical propulsion budget request of $30 million.

In other words, the practice of dumping half-finished, but still potentially useful projects, on the Office of Advanced Research and Technology by the other National Aeronautics and Space Administration offices places the Office of Advanced Research and Technology in the predicament of reorienting its whole program. Without sufficient funds for the transferred projects, new priorities have to be established and some valuable work ends up being dropped or deferred. This is an inefficient way to do advance research and technology.

Therefore, I believe that NASA should take steps to place all propulsion research under the coordinating authority of the Office of Advanced Research and Technology. Sufficient funding should be allocated to this office to support a broad, vigorous, and continuing development of this vital field. Propulsion research should not be subject to the changing whims and budgetary constraints of the Office of Manned Space Flight and the Office of Space Science and Applications. A sustained effort from the original idea to the demonstration of an operating prototype, under the continued guidance and judgment of the Office of Advanced Research and Technology can lead most rapidly to those benefits, to all of our space programs, which we know better fuels and engines will bring.

An Inspector General, with necessary staff and facilities, should be established in the National Aeronautics and Space Administration. The current NASA program is replete with a myriad of complex and sophisticated projects designed to meet a wide variety of objectives of importance to the Nation.

Management problems are bound to arise as a result of the various programs and objectives, involving an annual Federal expenditure of over $5 billion and the future of the national space program. I believe it is necessary that the Administrator of NASA be provided with the capability of obtaining independent evaluations and examinations of management actions by personnel other that those involved in formulating or implementing management policies.

While I have been assured by the chairman of the committee that my proposal for the establishment of an Inspector General in NASA will be the subject of hearings before the NASA Oversight Subcommittee, I wish to emphasize the critical importance of such an office to the efficiency of NASA operations and programs.

It is significant to note that numerous other agencies of the Federal Government have recognized the importance of utilizing Inspector General offices to effectuate internal and periodic examinations, evaluations, and corrective measures. Among these agencies are the Departments of the Army, Navy, and Air Force, the Department of State, and, more recently, the Department of Agriculture.

I believe it of urgent and vital importance that NASA establish and maintain an Inspector General to insure that the space program and objectives of this Nation are carried out and met with both economy and efficiency.

Although there is a continuing effort within the National Aeronautics and Space Administration and with the cooperation of the Atomic Energy Commission on nuclear propulsion research, we are concerned that the Nation may not be taking full advantage of the potential inherent in nuclear propulsion devices. We are all aware that nuclear applications are technically difficult and as a result usually take a considerable length of time to perfect. For this very reason we should begin programs now, to increase research and development in various nuclear propulsion projects covering a broader range, and thus reduce this leadtime as much as possible. Although this would improve our capability for additional industrial applications, more importantly it would assure the Nation that we are not behind in the military applications so vital to our survival.

For these reasons I hope that the Administration will review its planned work in this field and initiate and increase efforts where needed to insure our preeminence and security in the space field.

Minority members of this committee have repeatedly expressed concern over the total number of staff personnel available to the Committee on Science and Astronautics. In our opinion it is impossible for the 12 professional and technical staff members to adequately handle the workload associated with the committee's broad responsibilities in the field of science. This committee has one of the largest budgets in Government to authorize and to oversee and one of the smallest committee staffs in Congress to assist in this process.

It is the responsibility of this committee to study thoroughly the many space projects and programs. The committee staff must be composed of individuals trained in engineering, electronics, and other space-related disciplines to assist in this important work. With the present staff, despite their individual competence, we believe the committee cannot fully perform its prime functions—to review the National Aeronautics and Space Administration's budget and to assist in evaluating, on a continuing basis, these programs. This situation constitutes a weakness in the system of checks and balances. Here is an instance where the legislative branch of Government, because of inadequate staff, is unable to keep watch on a huge executive agency. This is being "penny wise and pound foolish" and can certainly cause considerable waste and make inefficient our system of government.

In addition to the responsibility for the conduct of scientific research in the Government, the committee has authorization and oversight responsibility over one of the largest Government agencies—the National Aeronautics and Space Administration, with an annual budget totaling over $5 billion. Without additional staffing the committee cannot carry out these oversight responsibilities throughout the year and in addition involve itself in the many other responsibilities in the fields of science.

The Congress should not continue to fail to exercise its constitutional prerogatives and responsibilities, and run the risk of wasting taxpayers' dollars by failing to insist that a competent staff be selected to assure reasonable supervision of this budget and efficient handling of the many other responsibilities of the committee.

Also, we continue to believe that there is an urgent need for staff members responsible to the minority members of the committee, including both professional and clerical help. It is absolutely vital that staff members be available to all the minority members of the committee if the House is to be benefited by well-balanced views, conclusions, and recommendations. It is obvious that the most efficient way to provide a minority staff is to do so on a full-time basis so the staff members will not be overburdened by responding to both majority and minority efforts in carrying out the committee's work. Currently, the present staff is overburdened to the extent that it is difficult for them to be of assistance to minority members. It is our recommendation that at least one minority staff member be assigned full time for each subcommittee.

The Congress, the committees of Congress, and the majority and minority members have an obligation to the people of this country, and they fail in that obligation when, because of inadequate committee staff, they are unable to properly discharge their duties.

The Republican policy committee of the House agrees with this view in its statement as follows:

> The Committee on Science and Astronautics is responsible for the conduct of scientific research in the Government and has authorization and oversight responsibility over one of the largest Government agencies—the National Aeronautics and Space Administration, with an annual budget totaling over $5 billion.
>
> In order to discharge effectively their responsibilities, the minority members of the committee must have the staff to study thoroughly and carefully follow the many space projects and programs.

> Certainly, with an adequate staff the minority members of the Science and Astronautics Committee could more effectively scrutinize the National Aeronautics and Space Administration's budget and thereby contribute toward greater efficiency and economy within that agency. At the present time, the minority members do not have one staff member assigned and responsible to them.
>
> The Republican policy committee reaffirms its position of previous years in favor of an adequate staff for the minority members of this and other committees of the Congress.
>
> We urge that both professional and clerical help be made available to the minority members as outlined in the additional views on H.R. 7717 in House Report No. 273.

It should be noted that the policy committee did not take any position with regard to the total amount recommended for NASA in H.R. 7717, nor did it take any position with regard to the amount of the cut made by the Committee on Science and Astronautics.

We on the committee will be available to answer questions. We hope you will vote the full amount contained in this bill that we have requested. It is about $10 million less than was presented last year to the House.

The SPEAKER. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FULTON. Mr. Speaker, I make the point of order that a quorum is not present, and object to the vote on the ground that a quorum is not present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that a quorum is not present, and objects to the vote on the ground that a quorum is not present. Evidently, a quorum is not present.

The Doorkeeper will close the doors.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 389, nays 0, not voting 44, as follows:

[Roll No. 96]

YEAS—389

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Brademas
Bray
Brock
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callaway
Cameron
Carey
Carter
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Colmer
Conable
Conte
Cooley
Corbett
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Love
McCarthy
McClory
McCulloch
McDade
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Roberts
Robison
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Shipley
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tupper
Tuten
Ullman
Utt
Van Deerlin
Vanik
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—0

NOT VOTING—44

Blatnik
Brooks
Broyhill, N.C.
Cahill
Callan
Celler
Chelf
Conyers
Corman
Curtis
Daniels
Evins, Tenn.
Fallon
Findley
Flynt
Fogarty
Friedel
Giaimo
Gray
Grider
Griffin
Halleck
Hays
Jones, Mo.
Long, Md.
McDowell
Mathias
O'Hara, Mich.
Powell
Resnick
Rivers, Alaska
Rivers, S.C.
Rodino
Rogers, Colo.
Senner
Shriver
Smith, Va.
Talcott
Taylor
Toll
Tunney
Udall
Vigorito
Williams

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Findley.
Mr. Rogers of Colorado with Mr. Curtis.
Mr. Rodino with Mr. Cahill.
Mr. Brooks with Mr. Broyhill of North Carolina.
Mr. Smith of Virginia with Mr. Halleck.
Mr. Fallon with Mr. Griffin.
Mr. Friedel with Mr. Shriver.
Mr. Fogarty with Mr. Talcott.
Mr. Evins of Tennessee with Mr. Mathias.
Mr. Rivers of Alaska with Mr. Vigorito.
Mr. Corman with Mr. Celler.
Mr. Blatnik with Mr. Powell.
Mr. Gray with Mr. Resnick.
Mr. Rivers of South Carolina with Mr. Senner.
Mr. Chelf with Mr. O'Hara of Michigan.
Mr. Flynt with Mr. Long of Maryland.
Mr. Udall with Mr. Daniels.
Mr. Williams with Mr. Callan.
Mr. Grider with Mr. Conyers.
Mr. Taylor with Mr. McDowell.
Mr. Giaimo with Mr. Tunney.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

IN THE COMMITTEE OF THE WHOLE

Mr. MILLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7717) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7717, with Mr. ROONEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MILLER. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, H.R. 7717, the bill before the House, is the annual NASA authorization bill.

This bill authorizes a total of $5,183,844,850. This is a reduction of $76,155,150 of the amount requested by NASA. In the total figure, there is authorized for research and development $4,537,121,000; for construction of facilities $60,675,000; and for administrative operations $586,048,850.

Actually, we reduced the bill a total of $103,355,000, but we restored three programs which had been cut out by the

Bureau of the Budget, in the amount of $27,200,000.

At the outset, let me say that the NASA budget is one of the tightest it has brought before the committee to this date. As usual, we divided the committee into three subcommittees, and these subcommittees and the full committee have been working on this bill since last February.

The Members will recall that last year the Congress appropriated $5.250 billion for NASA, so it can readily be seen that the request this year is very close to that figure.

We now have a well-tailored, ongoing space program. We believe we are on schedule to land men on the moon and return them safely to earth by 1970. And, we must also remember the other space programs which do not require men in flight, such as communications and weather satellites. In addition, there are a host of other satellites—navigation, geodetic, and scientific payloads being launched and scheduled for the next fiscal year.

You all know of the success of our first manned Gemini flight. It was what they call a "textbook" flight; and I may say that, while the Soviets' feat of having a cosmonaut leave the capsule and "walk" in space was spectacular, it cannot compare with our demonstrated ability to maneuver the spacecraft and change orbits—something the Russians have not yet demonstrated a capability to do. This maneuvering capability is indispensable in the docking and rendezvous procedures which are necessary for our lunar mission.

The budget request for fiscal 1966 represents a continuation of the programs approved by the Congress for the past several years, and this bill contains only one new major program. I have reference to the Voyager program. The Voyager spacecrafts will have the primary objective of obtaining detailed information on the nature of the planet Mars. Such missions require a spacecraft capable of carrying large scientific payloads to the planet, telemetering considerable amounts of data back to earth and having long life about the planet and on the planetary surface. This will be in the 7,000- to 10,000-pound class and will use Saturn IB–Centaur as a launch vehicle. We will expect the first Voyager flight in the 1971 time period and others to follow in subsequent years. We are starting the funding for the research and development with $43 million.

Now, I should say a few words about the programs which were not in the bill, but were written in by the committee.

First, let me say that these three programs are all ongoing programs—not new ones—and NASA was reluctant to terminate them; but the decision was made at a higher level for budgetary reasons.

These programs fall under advanced research and technology and deal with the future of space flights. I hardly need to remind you that the main reason we originally fell behind the Soviets in the exploration of space was because of our failure to proceed with research and development in large boosters, and we are suffering from this lack of foresight to this day. The committee is convinced that we have no alternative but to proceed with these programs if we intend to be in the forefront of space exploration in the future.

Now, the three programs are: First, the SNAP–8; second, the large 260-inch solid propellant program; and third, the M–1 engine research and development program.

SNAP–8 is the nuclear-electric generator system. NASA wanted to fund this for $10 million, but the decision was made to drop it. Testimony taken by the committee revealed that there is no comparable power source under development, nor are there any other systems either existing or under development that offer the potential, the long life, and the maintenance-free operation inherent in this type of nuclear device. The committee, therefore, continued this program by authorizing $6 million for fiscal year 1966.

The next is the 260-inch solid booster development program. We authorized $6,200,000 for a continuation of this program, and the testimony presented to the committee revealed that this program could be continued in fiscal year 1966 for this sum. This amount of money will provide a firing of a full-length 6-million-pound thrust solid booster.

Finally, the committee authorized $15 million to be used to continue the component development program of the M–1 engine, a liquid-hydrogen, liquid-oxygen engine. Each of the M–1 engines will develop 1,500,000 pounds of thrust. Testimony revealed that there is no other development program underway at this time that can possibly provide an upper stage having the same capability as this engine.

Now, Mr. Chairman, there are many details in the program; and these will be covered by the subcommittee chairmen who will follow me. But before closing, I should advise the Members that this bill was reported by the committee by a unanimous vote.

I want to pay my compliments to the three subcommittees that worked on this bill. They were headed by the gentleman from Texas [Mr. TEAGUE], the gentleman from Minnesota [Mr. KARTH], and the gentleman from West Virginia [Mr. HECHLER]. These men, with their committees, devoted long hours of intelligent work and if it were not for the cooperation we have had from them and the sincerity and dedication of the members of the committee, this committee would not be able to make the type of report it has made today.

The CHAIRMAN. The gentleman from California has consumed 8 minutes.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, today I join with my colleagues on the House Committee on Science and Astronautics in endorsement and support of H.R. 7717.

This bill, as it has been explained, provides the authorization of funds for the National Aeronautics and Space Administration.

At the outset, I would like to say it is a pleasure to serve with these Members from both sides of the aisle, who make up this committee, and the Subcommittee on Manned Space Flight.

It is a rich and rewarding experience. But it is a real challenge, since so much of our efforts concern the unknown and feats never before performed by man.

My State of Indiana has small participation in the field of space, and I am not unmindful of the criticism prompted by the expenditures of huge sums in this field by our Government.

Quite often, the efforts I have made in behalf of our space endeavor, are the subject of correspondence from those who feel that any such expenditure is purely a waste of manpower and money.

Just recently I read an article concerning "the ever-growing costs of our space program."

But what are the facts? Let us look at the figures on funding over the past 3 fiscal years in our space program.

In fiscal year 1964, NASA requested $5.7 billion. The Congress authorized $5.3 billion, and later Congress appropriated $5.1 billion.

In fiscal year 1965, NASA requested $5.3 billion, and Congress authorized $5.2 billion, and the total appropriation including one supplemental was $5.2 billion.

This year, for fiscal year 1966 NASA has requested $5.2 billion, and today we ask that this House authorize $5.1 billion.

The point I make is this: The money authorization in this act represents a reduction over what we authorized last year. And is even less than the amount we appropriated last year.

I think one must agree, in this great and growing program, and bigger and bigger costs of Government, that it is unusual to find a reduction in expenditures.

Again, and I repeat this authorization is something like $67 million less than actually spent last year.

Today we have heard enumerated many feats carried out by our space agency. You have read others in the newspapers, and shared with us by television the exploits of our Mercury and Gemini programs.

You have been aboard a space vehicle, via your television receiver, as it crashed on the surface of the moon. You have witnessed radio and television programs carried across the seas by our communication satellites.

I know of the national pride in these endeavors, and I will not be redundant by discussing them here today.

This program is not perfect, but no one on the committee has claimed it to be perfection.

We have made mistakes in this field of unknown feats, but they are honest mistakes. So much of scientific research is trial and error—and so must be our space effort.

There are items and matters within this bill with which I do not agree. You will find my name listed on five different additional viewpoints contained in the report accompanying this bill. I invite your attention to these viewpoints, and I know the Members will give them their attention.

I did not join with others on the committee in these viewpoints, due to any political partisanship. Politics have been kept at a minimum on this committee.

Two of these viewpoints refer to staffing on the committee. Although the staff has been improved and expanded, I feel especially strongly about the lack of minority staff. These two viewpoints could be considered an addendum since actually the money in the bill does not provide for staffing. In fairness, however, staffing does affect the quality of legislation.

Another additional view of which I am a part is the site selection of the NASA Electronics Research Center.

Here the specter of politics does not enter into my thinking. Nowhere in these views is it suggested or implied that this Center should be built in some other State or geographical area than that selected by NASA. I feel the Kendall Square site selection represents poor judgment, and provides great and unnecessary costs and the demolition of many privately owned, established businesses.

The hybrid method of using urban renewal to acquire this site in the city of Cambridge is questionable.

The original costs of land acquirement have soared to many times the preliminary estimate, and original land procurement schedules are now buried in the redtape of negotiation. I hope you will read these views on page 134 of the report.

In committee, an amendment was considered to require a different site, but it lost by a narrow margin on rollcall vote. I supported such amendment.

Just briefly, I wish to discuss another additional view submitted by the gentleman from New York [Mr. Wydler] and me. This concerns the development of the M-1 engine.

This is one of three programs where the committee saw fit to override the recommendations of NASA, and to provide funds not recommended by that agency. The other two such programs are the SNAP-8 nuclear-electric generator system and the 260-inch solid fuel booster program.

I do not question the wisdom of funding SNAP-8 in the amount of $8 million, and the 260-inch solid booster in the amount of $6.2 million. I believe these programs were very adequately justified by witnesses as essential to our space effort. They neither duplicate any other existing program nor are they designed for a nonexistent task.

I do most sincerely question the wisdom of continuing to pour money into the M-1 engine. The committee has funded this program of engine development in the amount of $15 million. The M-1 is an oxygen-hydrogen-burning engine for which we have no mission or even a vehicle to use it.

We first committed ourselves to develop this engine in 1964, at an estimated cost of $238 million, and by the end of fiscal 1965 we will have spent $100 million.

I am aware of the long time needed for engine development. Actually, it is usually about 10 years from the drawing board until a rocket engine is ready for mission use.

But this engine will not be used in our presently projected programs. It will not be used in our Gemini or Apollo programs. It is quite possible it will not be used at all.

The magic elixir of bigger and bigger chemical-propelled engines to boost bigger and bigger vehicles is fast losing its magic.

The possibility of more refined vehicles burning other, more efficient, fuels must be realized.

I hope these additional views which I have discussed will not imply a lack of support of this bill or our space effort. I hope the bill has the overwhelming support of this House. I intend to join in that support.

Thank you.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield to me?

Mr. ROUDEBUSH. I am glad to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, may I compliment the gentleman from Indiana [Mr. Roudebush] on his excellent work on the Space Committee. Congressman Roudebush has been dedicated to progress with economy, and he has been reasonable in his approaches to these difficult scientific and aerospace programs. There is one thing that is certain. Congressman Roudebush certainly has the taxpayers and economy in mind always. The people of Indiana and the Midwest of America are to be congratulated on the fine committee work of Congressman Roudebush to change the policy of the National Aeronautics and Space Agency to provide adequate space facilities, and research and development programs for the good State of Indiana and the Midwest.

Mr. ROUDEBUSH. I thank the gentleman for his kind remarks.

Mr. MILLER of California. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. Teague], the chairman of the Manned Space Flight Subcommittee.

Mr. TEAGUE of Texas. Mr. Chairman, the Subcommittee on Manned Space Flight conducted hearings on the fiscal year 1966 NASA authorization during March of 1965. It received a complete review of the manned space flight program from NASA headquarters and field center witnesses as well as industrial and NASA witnesses in the field. Where necessary, supplemental supporting data was obtained from NASA field centers and industrial contractors participating in the manned space flight program.

The subcommittee traveled to McDonnell Aircraft Corp., St. Louis, Mo.; Grumman Aircraft & Engineering Corp., Bethpage, Long Island, N.Y.; and the Manned Spacecraft Center, Houston, Tex. The chairman and other members of the committee also traveled to Michoud Operations, New Orleans, La.; Kennedy Space Center, Cape Kennedy, Fla.; and Marshall Space Flight Center, Huntsville, Ala.; and received program briefings and tours of these facilities.

Mr. Chairman, a record of program accomplishment has been compiled for every NASA manned space flight center and major contractor, and these are a part of our printed record.

The Manned Space Flight Subcommittee has approved the 1966 budget request with only a few changes. This is based on the fact that no new major programs were required in manned space flight this year. Major programs, Gemini and Apollo, are continuations of those programs authorized by the committee and Congress last year. In general, the 1966 authorization requests are for continued funding of existing programs.

However, the subcommittee did make the following changes:

TOTAL REDUCTION

The total request by NASA for manned space flight for fiscal year 1966 is $3,567,052,000 as follows: for research and development, $3,249,485,000; for construction of facilities, $27,825,000; for administrative operations, $289,742,000. The subcommittee is recommending a total reduction of $42,825,000.

RESEARCH AND DEVELOPMENT

NASA requested $3,249,485,000 for research and development in manned space flights. Total reduction in research and development amounts to $30 million. All of this reduction comes from the Apollo program. It is the view of the subcommittee that in the areas of Apollo mission support and engine development that program improvements could be made. However, the reduction was made in the total request to allow NASA to make program alterations with a broad management latitude of choice without adversely effecting the total program. It was recognized by the subcommittee that NASA, prior to coming before the committee, had made substantial reductions in their total research and development program. A further reduction was also made by the Bureau of the Budget. Based on this, the $30 million reduction is considered a maximum amount that could be taken without jeopardizing the pace and progress of the Apollo program.

CONSTRUCTION OF FACILITIES

In its fiscal year 1966 request for construction of facilities funds in connection with the area of manned space flight, NASA has asked for a total of $27,825,000. NASA proposes to use these funds for 4 projects at the Kennedy Space Center, 2 at the Manned Spacecraft Center, 5 at the Marshall Space Flight Center, 1 at the Michoud plant, 2 at the Mississippi test facility, and 3 in connection with the F-1, H-2, and S-II stage programs, a total of 17 projects.

The subcommittee has reviewed these projects in detail and has determined that a number of these projects do not appear to be justified on the basis of the details submitted by NASA. Among the projects considered questionable are the additions to the medical facilities at Kennedy for about $1 million; the $800,000 extension to warehousing facilities at the Manned Spacecraft Center; the $1,946,000 for two laboratories at Marshall Space Flight Center; the more than $70,000 for locomotive repair and associated rail spur facilities for the one locomotive at the Mississippi test facility; and the several millions of dollars requested for still more construction facilities at various engine facilities for engines which are far down the road in development and production.

It is not my intent or desire to specifically delete or cancel projects by name but rather to reduce the overall level of funding in fiscal year 1966 to a $25 million level and permit NASA the flexibility to choose those projects considered most necessary. This represents a reduction of $2,825,000. In the final committee report, I recommend that the committee comment in some detail on those projects considered of questionable value and on which I have already commented.

ADMINISTRATIVE OPERATIONS

NASA requested for fiscal year 1966 $289,742,000 for administrative operations for the Kennedy Space Center, the Manned Spacecraft Center, the Marshall Space Flight Center, and their subsidiaries. In line with previous years the subcommittee believes that more austere management practices will lead to improved efficiency within NASA. With this view, a reduction of $10 million was made in the total administrative operations budget for manned space flight.

Action by Subcommittee on Manned Space Flight, fiscal year 1966 NASA authorization

Program	Request	Reduction	Approved
Gemini	$242, 100, 000	None	$242, 100, 000
Apollo	2, 997, 385, 000	$30, 000, 000	2, 967, 385, 000
Advanced missions	10, 000, 000	None	10, 000, 000
Total R. & D	(3, 249, 485, 000)	(30, 000, 000)	(3, 219, 485, 000)
Construction of facilities	27, 825, 000	2, 825, 000	25, 000, 000
Administrative operations	289, 742, 000	10, 000, 000	279, 742, 000
Total	3, 567, 052, 000	42, 825, 000	3, 524, 227, 000

Mr. Chairman, it is not necessary for me to again recount the recent success of our National Aeronautics and Space Administration. Virgil Grissom and John Young's Gemini flight and a rapid succession of Ranger flights yielding high quality lunar photographs speak for themselves. But equally important happenings are occurring day by day in our national space program that receive little of the wide acclaim accorded these spectacular events. Yet these happenings determine the vitality, growth, and success of our space effort. It is this broad base of technological effort that the Subcommittee on Manned Space Flight has diligently studied and evaluated over these past weeks to assess the progress of our space program.

We are pleased to report that progress has been outstanding. Eight out of eight launchings of Saturn I, the world's largest booster, have been successful. With the Mercury program completed, the first manned Gemini flight has been accomplished, heralding the operation of our first truly maneuverable manned spacecraft. Saturn I-B and Saturn V manned spacecraft and booster systems are on schedule.

These accomplishments have not been without difficulty. Problems have occurred in this complex undertaking and we anticipate future problems. However, NASA management has shown adaptability and ingenuity in meeting these difficulties, and I am confident that they will continue to do so.

These conclusions are based on an intensive series of hearings of the Subcommittee on Manned Space Flight initiated in early March. A review of the manned space flight program was made with NASA headquarters and field center witnesses. NASA and industrial contractors were visited in the field. Where necessary, supplemental supporting information was developed with NASA and their industrial contractors.

The subcommittee traveled to McDonnell Aircraft Corp., St. Louis, Mo.; Grumman Aircraft & Engineering Corp., Bethpage, Long Island, N.Y., and the Manned Spacecraft Center, Houston, Tex. Members of the subcommittee also traveled to the Michaud operations, New Orleans, La.; Kennedy Space Center, Cape Kennedy, Fla.; and Marshall Space Flight Center, Huntsville, Ala., receiving program briefings and tours of these facilities.

Mr. Chairman, a record of program accomplishments has been compiled for every NASA manned space flight center and major contractor. Over 1,358 pages of testimony were taken in compiling this record.

Our Gemini program has successfully completed its first manned flight. Nine manned flights remain in the current series. Launch vehicles and crews are ready to go with most hardware now on assembly lines throughout the country. With this in view it is important to maintain the level of effort and momentum of Gemini at its current level to assure operational success. Gemini will accomplish long duration missions, rendezvous and docking, extravehicular activity by the astronauts and many more experiments taking a firm step toward accomplishing a lunar landing in this decade with the Apollo system.

Apollo, with Gemini program support, is now completing Saturn I flights. Eight out of eight flights have been successful adding confidence that its successors, Saturn I-B and ultimately Saturn V, will accomplish the lunar objective in this decade. Of equal importance is the development and exercise of Apollo hardware for near earth and other missions needed for a viable national space program, and important to our national security.

In considering the manned space flight program, the subcommittee carefully reviewed budget requests for research and development, including Gemini, Apollo and advanced mission programs as well as administrative operations and construction of facilities. Mr. Chairman, NASA presented a budget that had been pared both by themselves and the Bureau of the Budget. It was a minimum budget in all respects. After probing and thorough examination, which I have already pointed out, the subcommittee recommended a reduction of $42,825,000. In the total program this is not a large amount. However, it is the considered view of the subcommittee that this is a maximum reduction that can be made without jeopardizing the manned space flight program. We believe this to be a rockbottom program to allow NASA to fulfill its commitments to the Nation and maintain a balanced and aggressive program. As the distinguished NASA Administrator, Mr. James Webb, so aptly put it: "This is a fighting chance budget level."

As Saturn I-B and Saturn V progress to operational status our industrial capability multiplies, our research and development establishment, both governmental and industrial, increases in capability. Our Nation benefits mightily from this growing effort in education, industrial development as well as in space. Yet this is only a beginning. Like an iceberg, the greater part of our space effort is still below the surface. Apollo, as it immerges in the late sixties, portends achievements beyond our most optimistic hopes of less than a decade ago.

This is a relatively optimistic picture, Mr. Chairman, which has unfolded before the Subcommittee on Manned Space Flight. But it is within grasp of the Nation. Continued support of the Congress can make this a reality. Congressional support at this time will assure return on the investment we have already made in making space another environment in which man may function and allow us to develop space as a resource for our Nation.

Mr. Chairman, the bill before the House today will authorize a breakthrough in the direction of U.S. supremacy in space.

In the 7 years since we debated the National Aeronautics and Space Act of 1958, our national posture in space has moved through successive phases. At first we had little but hope and faith. Then we entered an era of trial and error. Next came limited achievements and the promise of more to come. The most recent time has been one of rising expectations.

This year, it is my pleasure to report to the House that we are entering a period of performance, and the assurance of even more significant performance in the years that will follow.

With the funds in the bill to authorize appropriations to the National Aeronautics and Space Administration for fiscal year 1966, the United States plans to accomplish the following things in space:

At least four missions with the Gimini two-man space vehicle, including the first attempt at rendezvous with an unmanned target vehicle in space, and missions of up to 2 weeks in duration.

The beginning of unmanned flights of the three-man Apollo-Saturn I-B space vehicle, to be used for testing in earth orbit the techniques and systems for the manned lunar flights.

A crescendo of ground tests of the Apollo-Saturn V space vehicle for the manned lunar flights, in preparation for the beginning of unmanned flights of that vehicle, scheduled for 1967.

It is a pleasure to report also that milestones are being met to an increasing degree on or ahead of schedule. The Gemini program is slipping forward in a very evident manner. The most recent schedule called for conducting the first manned flight in the second quarter of this calendar year. Actually, the flight took place on March 23, before the end of the first quarter. The next mission is scheduled for the third quarter but I am advised that prospects are improving for a launch before the end of the current quarter.

In the Apollo program, events are also beginning to take place ahead of schedule. An example was a major milestone in this program, the first firing of all five engines of the first stage of the Saturn V. In this test, at the Marshall Space Flight Center, Huntsville, Ala., on April 16, 1965, 3 months ahead of schedule, 7½ million pounds of thrust were generated for a period of 6½ seconds. Each of the five engines produced thrust equivalent to all eight engines of the Saturn I, the most powerful operational United States launch vehicle and the most powerful known to exist in the world today. The prospects for meeting major program milestones on schedule are continuing to improve.

Today I would like to review the points I made in the House on March 25, 1964, at the time of our consideration of the NASA authorization for fiscal year 1965. Then I plan to examine how the events of the past year have borne out statements made at that time. Next I propose to review where we stand today in space accomplishment in comparison with the Soviets. And finally, I would like to comment on the opportunities available for employing present capabilities for other missions at a fraction of the cost of the present space program.

In my statement to the House last March 25, I made four major points:

First. We were approaching the completion of a long period of buildup of the U.S. effort to achieve supremacy in space.

Second. The decision of the Department of Defense to make use of Gemini hardware and experience in its Manned Orbiting Laboratory program was the best demonstration of the importance to the national security of this civilian-directed space program.

Third. Similar capabilities were being developed in the Apollo program, whose primary mission objective is the manned exploration of the moon.

Fourth. The Apollo schedule, calling for the first lunar landing in this decade, is compatible with economy and our knowledge of such space hazards as radiation.

Now let us see how developments of the last year have borne out these statements.

First, the buildup of effort is essentially complete. The structure of national competence stands on a firm foundation of manned space flight technology laid in the Mercury program, in which the United States took its first steps in manned space flight and accumulated essential information on how well a trained man can live and work under the conditions of space flight for periods up to a day and a half.

Mercury technology forms the basis of the Gemini program. Many of the Mercury subsystems are retained, and much of the Mercury industrial team is participating in Gemini, in which we are learning to maneuver in space and in the atmosphere on reentry, to rendezvous and dock with an unmanned target vehicle, to conduct manned operations outside the spacecraft, and the ability of men to live and work in space for longer periods.

In similar manner, a considerable portion of the Gemini developmental effort is directed toward common use of technology in Gemini and the much more advanced Apollo spacecraft, which will provide the ability to carry out extensive maneuvers and course changes in space, fly to the neighborhood of the moon, into orbit about the moon, to make landings on and takeoffs from the moon, and to return safely to earth.

For this effort, the national space team—government, industry, universities, and other nonprofit organizations—consists of about 400,000 persons. Of these, about 300,000 are engaged in manned space flight—Gemini, Apollo, and the studies of advanced manned missions. However, the reduction of $117 million from the total appropriation request for manned space flight last year—the regular appropriation for fiscal year 1965 combined with a requested supplemental for fiscal year 1964—has slowed the final buildup to some extent. Consequently, the total of Gemini-Apollo activity will reach its peak early in fiscal year 1966.

Creation of the necessary facilities is well advanced. The Manned Spacecraft Center at Houston is operational. The Michoud plant at New Orleans is operational. The White Sands, N. Mex., launch site is operational. Other facilities throughout the country are operational. Two major facilities remain to be completed, the Mississippi test facility and the Merrit Island launch area north of Cape Kennedy. As the construction activity at these two locations phases out over the next year or two, there will be a corresponding increase in the numbers of persons engaged in test activity and using these facilities. Thus the overall total of people engaged in existing programs will remain relatively constant.

Furthermore, the budget of the National Aeronautics and Space Administration has leveled off. We have before us a measure which, for the third successive year, would provide funding at a level between $5 and $5¼ billion.

My second major point last year related to the employment of the capabilities inherent in the Gemini program. On March 23, of this year, the first manned Gemini mission verified the basic design, development, test, and operational procedures being followed to develop manned spacecraft, man-rated launch vehicles and a worldwide operational network. The exceptional performance of all elements of the system—spacecraft, launch vehicles, and operational equipment and crews, gave strong evidence that full space simulation testing before flight is a sound approach to success in flight.

Having witnessed this successful operation at firsthand, I am more convinced than last year of the wisdom of the Department of Defense plan to employ this capability in its system in its manned orbiting laboratory program.

In point of fact, there is no real reason for the DOD to wait until its orbiting laboratory is ready to make use of Gemini capabilities. This space vehicle is admirably suited for learning about space flight operational conditions. I would suggest, therefore, that the Department give serious consideration to its use as a training vehicle in the period following completion of the NASA program and prior to the availability of the orbiting laboratory.

Last year, my third point related to the capabilities inherent in the Apollo program—people, industrial base, flight hardware and ground equipment, operational experience, and the ability to manage a research and development effort of this magnitude.

In the year that has ensued, we have seen these capabilities coming into being. The team is essentially fully assembled. Such a system as the Saturn I, with its associated ground equipment, is fully operational, providing this country with the capability to place in earth orbit a payload of more than 10 tons. This vehicle is the most powerful known to exist in the world today. Operational experience is being gained in the Gemini program. And in the Gemini and Apollo management, the ability to hold to cost estimates and to maintain schedules is being perfected.

Finally, I stated last year that the Apollo schedule is consistent with economy and that if the program were stretched out the total cost would increase. This is exactly what has happened. As the result of congressional action on the NASA appropriation for fiscal year 1965 and the request for a supplemental appropriation for fiscal year 1964, the amount allocated to the Apollo program was $117 million less than had been proposed.

Under the current schedule, based on this funding level, the Apollo-Saturn V launch schedule has been necessarily stretched out. Previously, all 15 of those flights were scheduled to be completed in calendar year 1969. At present, the last 2 of the 15 flights are scheduled for calendar year 1970. This stretchout of the program has added $600 million to the anticipated total cost.

Fortunately, the schedule for accomplishing major milestones in the Apollo program has not been affected. These milestones are as follows: First unmanned Apollo-Saturn I-B flight, 1966; first manned Apollo-Saturn I-B flight, 1967; first unmanned Apollo-Saturn V flight, 1967; first manned Apollo-Saturn V flight, 1968; first manned lunar landing and return, before the decade is out.

The reason the stretchout does not affect these milestones is that the progress of the last year has given grounds for increased confidence that the first manned lunar landing and return will be accomplished on an earlier flight than was anticipated a year ago. All of the 15 are required, however, to provide assurance that the lunar landing and return will be accomplished.

Now I would like to turn to a matter of particular interest to the House and indeed to all Americans. How does our standing compare with the Soviets, particularly in the light of their manned flight in March, just a few days ahead of our Gemini III and Ranger IX missions?

We have every reason to believe that the United States maintains its lead in space science. We know we lead in space applications—weather observation, communications, navigation, and the utilization of space technology. The Early Bird television demonstrations this week have provided an especially convincing proof of this fact. We know that this Nation is the leader in world cooperation in space. We have engaged in cooperative programs with almost 70 other nations.

But what about manned space flight? The first point that should be made is the amount of payload available to the Soviets. The weight of *Voskhod I*, which carried three cosmonauts on a 24-hour mission last fall, was announced as 11,731 pounds. It would be logical to assume that the weight of *Voskhod II* was about the same. The weight of the Gemini spacecraft is a little over 7,000 pounds. Thus the Soviets have available to them at present a spacecraft weighing at least half again as much as the Gemini.

On the other hand, our most powerful operational launch vehicle, the Saturn I, is capable of placing a payload of more than 20,000 pounds in Earth orbit, about double the weight of *Voskhod I*.

Therefore, on the basis of information divulged by the Soviets, the load-carrying capability of our large launch vehicles appears to be greater but the Soviets seem to be ahead in the possession of manned spacecraft able to exploit the available launch capability.

The Soviets' advantage in manned spacecraft, together with the fact that they have had the necessary vehicle power for several years, has enabled them to move forward considerably in flight operational experience. One Soviet cosmonaut has carried out a 5-day flight, another has flown for 4 days and two others have been in flight for 3 days each. These compare with a day and a half, the longest duration of a U.S. manned space flight mission to date. The Soviet woman cosmonaut, who carried out a 3-day flight in 1963, has more orbital flight time than all U.S. astronauts combined.

Now let us turn to the specifics of the *Voskhod II* and Gemini III missions. The House will recall that the most noteworthy event of the Voskhod mission was the extravehicular activity of Cosmonaut Alexei Leonov, who was reported to have climbed out of the spacecraft and spent about 20 minutes floating free in his spacesuit. This has not yet been accomplished by the United States, although it is planned in an early phase of the Gemini program.

On the Gemini III mission, a noteworthy accomplishment was the first orbit-changing maneuvers by a manned spacecraft. On four separate occasions during their three-orbit mission, Gus Grissom and John Young made measurable changes in their orbit. In addition, they carried out four other maneuvers of smaller magnitude. According to the statements made by the Soviets, this has not yet been done in their manned flights, but is planned for the future.

It is important to recognize that both of these accomplishments—extravehicular activity and orbit-changing maneuvers—are essential to future progress in space exploration. Both are objectives of the Gemini program and both are techniques that must be learned in order to accomplish the Apollo program. It has long been assumed that both were objectives of the Soviet program.

Given these assumptions, the difference between the scheduling of these experiments in the Soviet and American programs is a detail of relatively minor importance. It has been the judgment of our experts that maneuvering and changing orbits are more important than extravehicular activity for the progress of our program. For this reason, such maneuvers were scheduled for the first manned flight in the Gemini program. We must assume that the Soviets had their good reasons for scheduling extravehicular activity on an earlier flight in their program.

We must also assume that the Soviets have not fully exploited the capabilities of their 11,700-pound spacecraft. Thus we should not be surprised by further Soviet accomplishments in the months to come.

But we are moving along, too. The schedule calls for four manned flights a year in Gemini—one every 3 months. However, the period of time between Gemini II, the final unmanned test, and Gemini III, was only 63 days. Thus it is possible to compress this schedule to some extent if all continues to go as well as in recent months. In my judgment, the Soviets will be hard put to keep up with this launch rate.

However, we must face the fact that the Soviets will continue to be capable of significant demonstrations of space capability for some time to come. Furthermore, even when the time arrives that we are fully superior in all important aspects of space capability, the world may not fully believe that we are first. We may have to wait until the completion of the Apollo program to wipe out the last of those doubts.

No one, of course, can promise that American astronauts will be first on the moon. The Apollo program was selected in 1961 as one that gave the greatest promise of providing a focus for the development of the capabilities required for U.S. preeminence in space in this decade. Despite the fact that Congress has not always provided all of the required funding, we have reached the midpoint of this effort and the rate of progress is continuing to accelerate.

The Soviets have continued to indicate their interest in manned lunar flight. They have not announced a schedule. They have not flown a booster of the size required. But it must be remembered that neither have we. The first flight of the Saturn V is scheduled for 1967. Until we see who flies that booster first, we will not have any really reliable means of estimating who is likely to be first on the moon.

In this discussion, however, I would like to emphasize that our primary purpose is U.S. preeminence in space, not merely the accomplishment of one mission ahead of the Soviets, however important that mission may be to the demonstration of preeminence.

This preeminence requires the capability to conduct not one flight but a series of flights, in any direction that the national interest might require, on a schedule that is truly operational.

For this reason, we are bringing into being a Government-industry organization, including the necessary production, test, launch, and operational facilities that will support the launching of six Saturn I-B launch vehicles, six Saturn V launch vehicles, and eight Apollo spacecraft annually.

By applying the wide range of capabilities and the broad flexibility of the Apollo-Saturn system to a number of other potential missions, it will be possible to produce and fly space hardware for future missions at a small fraction of the initial development cost.

In order to establish the most desirable first uses to be made of this capability, this budget includes the sum of $48 million to be employed in fiscal year 1966 for the complete definition of a program, called the Apollo extension systems, which will extend production beyond the presently approved total of 12 Saturn I-B and 15 Saturn V launch vehicles, for flights both in earth orbit and to the moon. Our committee has been advised that a proposal to begin the development and production of hardware for the Apollo extension system is contemplated for fiscal year 1967.

However, one project to employ Apollo capabilities is included in the bill before the House and is planned to begin in fiscal year 1966. The sum of $5 million is included in this budget to adapt the Centaur stage, now under development for use with an Atlas booster, to be combined with the two-stage Saturn I-B as a three-stage vehicle for deep space exploration. The first assignment of this vehicle will be as the booster for the Voyager unmanned spacecraft for the exploration of Mars.

It is evident, therefore, that this bill incorporates provisions for planning and moving on an orderly basis into the activities that will come as the effort in present programs reduces in volume and moves toward its conclusion.

As in previous years, the Subcommittee on Manned Space Flight has reviewed very carefully the President's proposals in this bill. In the Gemini program, we have concluded that the funding proposed should not be reduced. In the Apollo program, we recommend a reduction of $30 million. In the planning of advanced manned missions, we recommend no change. We recommend a reduction of $10 million in administrative operations and a reduction of $2.8 million in construction of facilities, a relatively small item this year.

In conclusion, I would like to repeat the remarks I made on March 25, 1964, which are equally applicable to this year's budget:

> This bill has been soundly conceived and carefully thought out. It has been reduced where the committee felt this could be done. It is not a partisan bill. The space program was begun in a Republican administration and continued in a Democratic administration. Republicans and Democrats alike have supported it through the years. It is an American program, designed to place our country in its rightful position before the nations of the world. It is a program on which our national security may well depend.
>
> In this bill, the House has an opportunity to give a vote of confidence in America's future in space. It is a bill that every Member can support in good conscience. I ask that support.

Mr. WAGGONNER. Mr. Chairman, I wish to add my support to the NASA authorization resolution. The Southeast is an active member of the NASA-industry team in support of the national space effort. I particularly refer to the tremendous activities in Louisiana and Mississippi.

The Michoud plant, near New Orleans, La., was originally selected by the U.S. Maritime Commission during World War II to be the site of a large shipyard for the purpose of manufacturing Liberty ships.

The plant closed again in 1954 and remained closed until September 1961 when NASA announced the selection of this plant for the production of large space booster vehicle stages. The Michoud complex consists of approximately 850 acres and is located about 15 miles east of the center of New Orleans on U.S. Route 90. A number of factors influenced the selection of the Michoud facility. It had several existing buildings, one of which was the largest one-floor structure in the country with 43 acres under the roof. It is accessible by water and ideally located close to Huntsville and MTO. It is also situated close to large expanses of sparsely inhabited land which helped to influence the selection of Mississippi test facility as a static test site. MTF is about 35 miles to the northeast of Michoud. Capital investment as of June 30, 1965, will be over $103 million. Facilities at the main plant comprise a total of over 3 million gross square feet. During 1965 a new engineering building was completed and a high bay vertical assembly area and hydrostatic test building were added. The stage checkout facility and improvements in the road systems have been initiated. The plant is currently occupied by the Chrysler Corp. in the fabrication, assembly, and checkout of the Saturn I and Saturn I-B first stages and the Boeing Co. for the fabrication, assembly, and checkout of the S-I-C stage for the Saturn V vehicle. Certain common support services are provided by the Mason-Rust Co. Telecomputing Services, Inc., supports Michoud and MTO out of Slidell and provides computation and data transmission services for the operation of computers and data transmission equipment in support of the stage and support contractors at Michoud. The Michoud plant is on the Gulf Coastal Waterway and has deepwater access via the Mississippi River. Fiscal year 1966 program will be limited to improvements to the storm drain system, to control erosion and prevent flooding. There are approximately 10,000 contractor personnel employed and 290 civil servants.

SLIDELL COMPUTER FACILITY

An electronic computer center was established at Slidell, La., to service Michoud and MTO. The installation was originally designated as an air route traffic control center for the FAA but was declared excess by that agency and never used. It is situated on a 14-acre tract of land. The existing building has 59,497 square feet which houses the computer installation. An additional approximate 30,000 square feet is being added to this building. Slidell is located approximately 20 miles northeast of the Michoud plant and the capital investment as of June 30, 1965, will be approximately $4½ million. As previously stated, Telecomputing Services, Inc., operates the computers and data transmission equipment in support of the stage contractors at Michoud and will provide services for test operations and computation at MTO once that facility becomes operational.

I am enclosing a clipping from the New York Times, Sunday, May 2, 1965, entitled "U.S. Business: NASA Expansion Is a Stimulant to the Southeast Region," which will furnish some interesting information on the Michoud-MTO-Slidell complex and the information on Mississippi test operation is a recent press release issued by the PIO office at MTO:

[From the New York Times, May 2, 1965]

U.S. BUSINESS: NASA EXPANSION IS A STIMULANT TO THE SOUTHEAST REGION

ATLANTA, May 1.—The Southeast's newest crop is being planted in space, and it is an increasingly profitable crop.

Within the last 4 years the region has benefited greatly from expansion of the National Aeronautics and Space Administration (NASA).

Four major NASA facilities that employed 9,000 persons in 1961 now employ 35,000. And the Southeast's share of NASA's prime contracts has increased from 12 percent in 1961 to almost 17 percent now.

All of this is within the Sixth Federal Reserve District, composed of Florida, Georgia, Alabama, and parts of Tennessee, Mississippi, and Louisiana.

A study by the reserve district's analysts shows that NASA activities have become a major factor in the economies of some of these States. In Alabama, for instance, NASA employment at Huntsville accounts for 2 percent of the State's total nonfarm employment.

Procurement spending in the area has risen from $46 million in 1961 to $584 million in 1964. This has resulted in a strong stimulus not only for companies that can handle prime contracts but also for the many small concerns that receive the subcontracts.

Whole new industries have resulted. And some States still are more capable than others of handling the subcontracts.

Prime contractors in Florida, for instance, in the fiscal year ended June 30, 1964, sent only $2,640,000 worth of subcontracts outside their State while prime contractors elsewhere were spending $48,088,000 in Florida subcontracts. Florida thus had a net of $45,448,000 in NASA subcontracts flowing across State lines.

By contrast, Louisiana contractors sent $45,244,000 in subcontracts outside the State while $13,336,000 worth of subcontracts were coming in.

The four major NASA facilities in the region are George C. Marshall Space Flight Center, near Huntsville, Ala.; the Mississippi test operation, on the Mississippi coast; the Michoud plant at New Orleans; and the Kennedy Space Flight Center, at Cocoa Beach, Fla.

The Marshall Center, established in 1960 at Redstone Arsenal, has the primary job of designing, developing, and providing basic launch vehicles to overcome the earth's gravitational pull. It employs more than 7,000 persons in facilities valued at more than $250 million.

The Michoud (pronounced Miss-you) plant assembles Saturn boosters such as will be used for lunar exploration capsules. It occupies one of the country's largest manufacturing buildings, almost 43 acres under one roof. The Michoud complex is staffed by more than 10,000 workers for 4 private corporations under contract to NASA and about 300 NASA civil service employees.

On the Pearl River, in sparsely populated Hancock County, Miss., which is on the Gulf of Mexico, construction is underway for the Mississippi test operation. Operated under the Marshall Center's auspices, it is the facility where launch vehicles will be test fired before being sent to their launching destination.

The test facilities will employ about 2,500 contract workers and civil service people after it is completed in 1967. Some testing is to begin there in 1966.

At the Kennedy Center, space components are assembled, checked, and ultimately launched into space. So far NASA has used the Department of Defense's launch facilities at Cape Kennedy. It now is creating a new launch area on nearby Merritt Island. Among the new facilities will be a vertical assembly building 52 stories high and larger than the Pentagon.

NASA employment at the cape in fiscal 1964 was 7,283, about two-thirds of whom were contract workers. This figure is expected to grow substantially.

The Sixth Federal Reserve District notes Michoud's impact upon New Orleans as an example of NASA's favorable economic impact:

In 1964 Michoud gave New Orleans an additional 10,300 jobs and a payroll of more than $70 million. The New Orleans Chamber of Commerce estimated that the work at Michoud increased employment in other industries by about 6,500 and increased retail sales by more than $33 million a year.

NASA procurement spending, fiscal years 1961–64

[In thousands]

	1961	1962	1963	1964
Alabama	$37,130	$81,264	$97,068	$146,400
Florida	5,063	50,925	92,393	141,568
Georgia	2,921	3,352	6,025	6,416
Louisiana	79	18,534	185,263	286,257
Mississippi	---------	93	86	609
Tennessee	949	2,163	2,301	2,490
6th District	46,142	156,331	383,136	583,740
United States	380,176	939,143	2,181,405	3,490,238

MTO STATUS

The transformation of a pine and cypress woodland into a modern test facility is rapidly taking shape in Hancock County. Less than 2 years ago—May 17, 1963—the first tree was felled to begin a 3-year program in the construction of NASA's Mississippi test operations. Since that beginning, much progress has been made in site clearing, excavation, dredging, pile driving, foundation work, and building.

FUNDING

To review construction of facilities funding—MTO was appropriated $22.457 million in fiscal year 1962; $78.198 million in fiscal year 1963; and $96.163 million in fiscal year 1964. For fiscal year 1965, $58.892 million has been appropriated, a total of almost $256 million.

LAND ACQUISITION

Our land acquisition program, for all practical purposes, has been completed. An area of almost 13,500 acres has been purchased by the Corps of Engineers for development of test and support facilities, plus room for future projects. Options have been obtained or actions processed on all of the tracts involved in 128,000 acres on which easements are being sought for an acoustic buffer zone.

COMPLETED PROJECTS

Twenty-nine projects have been completed as of the first of the month for a total cost of $15,451,106. In addition to the modification of some existing buildings, these projects include harbor dredging, construction dock, and road "E," cleaning of the Saturn V complex, bascule bridge, the cryogenic docks, emergency service building, telephone building, site mainetnance building, and the central heating plant. The Southern Railway System, at its own expense, brought in a 10.5-mile track from Nicholson to the site. Since the track was completed, more than 12,000 cars of equipment and freight have been shipped to MTO.

ACTIVE CONSTRUCTION

We have 30 active construction contracts in effect now for a total cost of $101,521,547. In addition, we have active and completed procurement contracts worth $13,212,054. These do not include the technical systems contracts with Aetron and General Electric, which will total about $35 million. We also have awarded five relocation contracts for more than $3 million.

PERSONNEL

The number of permanent personnel on the site continues to build up as construction projects are completed and facilities become available. As of April 12 we had 3,326 workers on the site, including 2,399 construction workers, installation contractors, and Corps of Engineers personnel. There are 927 personnel on the site connected with NASA, General Electric, North American, Boeing, and the U.S. Weather Bureau.

Mr. SCHISLER. Mr. Chairman, I think that it is appropriate to note that it was just 4 years ago yesterday—May 5, 1961—that a new name was added to the honor roll of America's heroes, for on that date Alan Shepard became the first American to fly in the new environment of space. I think that on that day, and on the occasions of subsequent U.S. space achievements, all of us stood a little taller with justifiable pride in our Nation and her might.

In the 4 years since Shepard's historic flight, the Nation has made great strides toward fulfilling our national goals in space. The Mercury program dramatically demonstrated that man not only can survive in the space environment, but can also function as an integral part of a space system and can materially contribute to the exploration of space by his observations and actions.

The current Gemini program is the vital second step in enlarging this Nation's skills and knowledge in space. It is the task of the Gemini program to build upon the foundation of the Mercury program and to enlarge our manned space flight capabilities for the programs that will follow.

The past few months have seen the evolution of the Gemini program from one of test and qualification to one of flight operations. The booster and spacecraft were qualified to withstand the launch environment last year. The second unmanned qualification flight, to complete the spacecraft qualification for reentry and to verify the readiness of the recovery system, took place in January and was a complete success. This paved the way for manned flights.

On March 23, Astronauts Gus Grissom and John Young piloted the first manned Gemini spacecraft around the earth three times. This flight, in addition to validating the complete mission capability, provided the first successful maneuvering of a spacecraft to change its orbital path. On four separate occasions during the flight the astronauts steered their spacecraft into a measurably different orbit. They also conducted four other maneuvers involving small, precise changes in speed. This maneuvering capability will be necessary in subsequent Gemini flights for rendezvous and docking with an unmanned target. This rendezvous and docking capability is essential to the conduct of the Apollo program, as well as the Department of Defense effort such as the manned orbiting laboratory.

Preparations are now being finalized for the GT–4 flight, which is scheduled for early in the third quarter of this year, although effort is being exerted to move the launch date forward. Astronauts James McDivitt and Edward White are the primary flight crew for this mission, which will last up to 4 days. If the equipment is qualified in time, the astronauts will wear the improved spacesuits necessary for extravehicular operations. Astronauts Gordon Cooper and Charles Conrad are scheduled to perform our first extravehicular experimentation in the GT–5 flight later this year, and Wally Schirra and Tom Stafford will attempt our first rendezvous in the GT–6 flight.

Paralleling the spacecraft and launch vehicle development, the Agena target vehicle is rapidly achieving a readiness state. The initial test vehicle has been completed, while the actual vehicle to be used in the GT–6 mission is nearing readiness and will be available when required. The Atlas vehicle which will launch the Agena is completed now, as is pad 14 at Cape Kennedy from which it will be launched.

Experience in Gemini planning, operations, communications, tracking, and recovery will provide the capability of bringing Apollo to a state of operational readiness. Supplementing this activity, a number of experiments will be conducted by the astronauts on each Gemini mission. These encompass a wide range of fields including earth observations, medicine, spacecraft technology, microbiology, and astronomy. Specifically, design techniques will be evaluated on Gemini that will be used in Apollo. Apollo rendezvous missions will be simulated and evaluated using Gemini spacecraft and Agena target vehicles. The capability of man to perform in space and to develop proficiency in space operation will be performed in these future flights. Thus, the Gemini program constitutes a logical step in the growth of proficiency toward the level required for Apollo, the manned orbiting laboratory, and any subsequent programs that the Nation's interests may dictate.

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent that all members of the Manned Space Flight Subcommittee be permitted to extend their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, may I compliment the gentleman from Texas [Mr. TEAGUE] on his fine leadership as chairman of the Subcommittee on Manned Space Flight. I have served with him and he has given excellent leadership of the Subcommittee on Manned Space Flight. Mr. TEAGUE has performed a service not only to NASA and the space flight program but also to the taxpayers of the United States.

Mr. TEAGUE of Texas. I thank the gentleman.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. FUQUA. Mr. Chairman, I rise in support of this legislation and I want to commend the chairman of the Subcommittee on Manned Space Flight.

Mr. Chairman, today I would like to outline the steps that your committee took to arrive at a sound authorization for manned space flight in fiscal year 1966. I will start with NASA's budget request in this area, describe the way we analyzed this request and summarize what we will accomplish in manned space flight during the next fiscal year.

I. NASA'S FISCAL YEAR 1966 BUDGET REQUEST

NASA's budget request to Congress includes $3,524,227,000 to provide the fiscal year 1966 increment of funding for manned space flight research and development, construction of facilities, and administrative operations.

A total of $3,219,485,000 is requested for manned space flight research and development, consisting of the three currently approved programs—Gemini, Apollo, and advanced manned missions.

NASA's fiscal year 1966 request for the Gemini program is $242,100,000, covering the spacecraft, launch vehicles, and overall mission support. The Gemini request is decreasing for the second year. Development and qualification tests are essentially complete and the program is now moving into a period of intensive hardware deliveries and manned flights, as the operational phase following the first three successful flights progresses.

The Apollo program, as presented in NASA's budget request this year is $2,997,385,000. The request provides funding for the Apollo spacecraft, Saturn launch vehicles, engine development, and mission support. Hardware production and deliveries are increasing to support the ground and flight test effort in Apollo. The successful Saturn I project will be completed; the first flight test of the next Saturn-class vehicle—the Saturn I-B—will be conducted; and an active ground test program is planned for Saturn V, leading to the first Saturn V flight in 1967.

The third item under manned space flight research and development is advanced manned missions. This year NASA is requesting $10 million to fund studies on future manned space flight programs. This request represents a significant decrease from the fiscal year 1965 funding level of $26 million since preliminary studies of Apollo extension systems will be completed. The next step—project definition and preliminary design—is carried under the Apollo request for fiscal year 1966.

The manned space flight construction of facilities request for the next fiscal year is also below this year's level. In contrast to the $213,481,500 available for fiscal year 1965, the fiscal year 1966 request is down to $27,825,000, including $25,025,000 for construction projects in support of the current manned space flight program, and $2,800,000 for advance facility planning and design. The decrease results from the fact that the major manned space flight construction projects have either been completed or are nearing completion in preparation for the heavy test schedule.

In administrative operations, NASA's request includes $289,742,000 to cover fiscal year 1966 civil service salaries and benefits and operating costs for the Manned Spacecraft Center, Houston, Tex.; the George C. Marshall Space Flight Center, Huntsville, Ala.; and the John F. Kennedy Space Center, Cocoa Beach, Fla. The request is $3,533,000 below the fiscal year 1965 level. It does not provide for any increase in civil service personnel at any of the three manned space flight centers.

Before I get into the committee analysis of the budget, let me note that the Bureau of the Budget conducted a thorough review of the fiscal year 1966 request, both at the three manned space flight centers and at NASA headquarters. After a detailed review, the Bureau cut only $19 million from manned space flight research and development, and this relatively small adjustment did not involve any hardware procurement.

II. SUBCOMMITTEE ANALYSIS OF BUDGET REQUEST

I would like to spend a few minutes on the thorough review conducted by the Subcommittee on Manned Space Flight. We recognized our responsibility to support the Nation's objectives in space, which the President, the Congress, and the American people have consistently endorsed. We were fully aware of our responsibility to the Nation to economize and at the same time maintain the necessary balance between program requirements and the allocation of resources. During the hearings, we probed the justification for each line item. We were guided by this question: "Is each budget item absolutely justified on its own merits to meet minimum program needs for fiscal year 1966?" We questioned each witness extensively in an attempt to uncover soft areas or unjustified expenses. As in other years, we committed ourselves to developing a proposed authorization which was stripped down to those items that are essential for carrying forward the manned space flight programs in an orderly and efficient manner.

The Manned Space Flight Subcommittee conducted hearings during March 1965. NASA's Associate Administrator for Manned Space Flight, Dr. George Mueller, testified on the overall program requirements for fiscal year 1966. In addition, the Director of the Apollo program was heard on the budget detail for his area of responsibility; the Deputy Director of the Gemini program was heard on the detailed requirements for Gemini; and the director of program control was heard on the manned space flight construction of facilities and administrative operations requests.

In addition to hearing the testimony of Dr. Mueller and his program directors, the subcommittee continued its practice of going to the places where the actual work is being carried out. Each year we make it a point to see exactly what is going on at the manned space flight centers and at major contractor plants across the Nation and to dig deeply into current and future needs with officials at these places. This year, the subcommittee toured and conducted hearings with officials at the Manned Spacecraft Center in Houston, Tex., which is responsible for spacecraft development, astronaut training, and flight mission control. Three years ago this center was nothing but pastureland. Today it represents a long-term national investment and boasts a complex of well-planned, well-managed facilities in support of Gemini and Apollo spacecraft development, astronaut training, and mission control. It is always a gratifying experience to have a firsthand view of what we are getting for our national investment in the manned space flight programs.

The subcommittee also went to the Grumman Aircraft Engineering Corp. in Bethpage, N.Y., to assess the status of the lunar excursion module—LEM—which will carry two U.S. astronauts to the first manned landing on the moon. It was encouraging to see the extent of progress that is being made and to examine an actual LEM mockup at Grumman. It is a fine example of how we are accomplishing the well-planned steps to the ultimate Apollo goal.

The subcommittee also went to Cape Kennedy for the first Gemini manned launch. We had a firsthand view of the tremendous effort that goes into a manned flight mission. We saw the precision of the ground crews before launch and the efficiency of the Gemini Control Center during launch and flight. With the rest of the world, we listened as Gus Grissom and John Young demonstrated the reliability of the spacecraft systems, became the first to actually pilot a spacecraft, and brought it down to a safe landing. We watched as the well-coordinated Department of Defense team recovered the two astronauts. We witnessed proof that we are continuing to realize concrete returns from our manned space flight programs and paving the way for increasing skill in operational flight.

The subcommittee also studied a number of specialized reports, including one on advanced manned missions and one on space medicine. To broaden its perspective even further, the subcommittee reviewed data on funding, procurement, and management methods provided by the three manned space flight center Directors: Dr. Wernher von Braun, Director of the Marshall Space Flight Center; Dr. Robert Gilruth, Director of the Manned Spacecraft Center; and Dr. Kurt Debus, Director of the Kennedy Space Center. The members also received detailed data from the major manned space flight research and development contractors across the Nation. This list includes Boeing, Chrysler, Douglas, Grumman Aircraft, McDonnell Aircraft, and North American Aviation.

The subcommittee found that NASA had presented a tight budget to continue the orderly pace of manned space flight programs during fiscal year 1966.

It is worthwhile to point out that the subcommittee carefully audited the fund allocation within last year's authorization act, as well as planned versus actual accomplishments within the various programs. These indicators of future performance and needs were studied not only during the formal hearings but also during periodic reviews with manned space flight officials during the past year. The subcommittee is satisfied that the manned space flight funds made available last year have been effectively allocated and efficiently managed during this fiscal year. There is sound evidence that the program objectives are being met at a minimum cost.

After a thorough, businesslike audit, we could not point to a specific line item that needed to be adjusted. As you know, in the past we have not hesitated to cut unnecessary items from the manned space flight budget or to recommend deferral of procurement or construction. We believe that the continued vigilance of this committee has resulted in firm budget requests from NASA. In auditing this year's request, we again found that our policy of demanding trim, lean budgets was paying off. It was clearly evident that the request had been thoroughly screened within NASA, by the Bureau of the Budget, and by the President personally before it reached the Congress.

IV. ANALYSIS OF APPROVED BUDGET

The full Committee on Science and Astronautics reported out, and now recommends for your approval, a fiscal year 1966 authorization bill which contains $3,524,227,000 for manned space flight research and development, construction of facilities, and administrative operations. Committee action reduced the budget request by $42,825,000 divided as follows: $30 million from Apollo research and development; $2,825,000 from construction of facilities; and $10 million from administrative operations.

Before I summarize the proposed fiscal year 1966 authorization for manned space flight, I would like to say that the committee did not apply these reductions against specific budget line items. No specific project was denied authorization. In this way, it is our opinion that economies can be effected without hurting NASA's flexibility to respond to development problems or to capitalize on opportunities as they arise.

I would like to summarize the committee's recommendations and state what we will be getting for these funds during fiscal year 1966.

Under research and development, we are asking your approval of $3,219,485,000 to continue the authorized manned space flight programs at an orderly rate.

GEMINI

We recommend approval of $242,100,000 to fund Gemini requirements during the next fiscal year. This amount is the same as NASA's budget request, but $66,300,000 below the fiscal year 1965 funding level. The request was not reduced because the committee found that these funds were required in full to support the hardware delivery rate and the manned Gemini flights scheduled for fiscal year 1966.

The Gemini program is designed to develop an operational capability for long-duration flights, rendezvous, docking, and postdocking maneuvers, controlled reentry, and manned control of the spacecraft's orbital path. The flight of Astronauts Gus Grissom and John Young demonstrated two of the Gemini objectives: controlled reentry and changing the spacecraft's orbit, which is, of course, a prerequisite to rendezvous and docking. The first Gemini long-duration flight and the first rendezvous and docking mission are scheduled for fiscal year 1966.

The Gemini request covers hardware deliveries and operational support for at least one Gemini manned flight during each quarter of fiscal year 1966. The McDonnell Corp., in St. Louis, Mo., is scheduled to deliver five flight spacecraft. The Air Force, acting as NASA's agent, will procure five Gemini launch vehicles, which are Titan II's modified for manned flight. The Martin-Marietta Corp., Baltimore, Md., is producing the Gemini launch vehicles, which are used to boost the two-man spacecraft into orbit. The Atlas will be used to launch the Gemini target vehicle, a modified Agena. The General Dynamics Corp., in California, is scheduled to deliver three Atlas vehicles during fiscal year 1966. Three Agena target vehicles will be delivered by the Lockheed Missiles & Space Corp., in California during fiscal year 1966.

In addition, funds proposed in this authorization will provide for crew training, flight operations, and spacecraft and launch vehicle support for the Gemini manned missions. The Gemini support area includes requirements for various in-flight experiments, which will supply engineering data for NASA's own use and information for the scientific community, medical groups, and the Department of Defense, as well as reimbursements to the Department of Defense for recovery work.

APOLLO

We recommend approval of $2,967,385,000 for Apollo research and development in the proposed fiscal year 1966 authorization bill. This amount reduces NASA's budget request for Apollo by $30 million. As indicated earlier, the committee did not apply this reduction to any specific Apollo project since no unsupported requirements were found. However, the committee feels that economies can be effected by strict management of the fiscal year 1966 funds and recommends a small reduction in the authorization for Apollo research and development. It is our intention to encourage economy and yet to provide NASA with the flexibility to adjust to program needs.

I might add at this point that the committee reduction makes a tight budget even tighter and represents what we consider a rockbottom requirement. In determining research and development requirements, we are all certainly aware that there are no exact scientific standards to apply. We are not dealing with a common, mass-production commodity; the research and development effort is complex and the projects themselves are dynamic. However, I can promise you that the committee has given you a sound recommendation that will move the United States 1 year closer to the Apollo objective of preeminence in space. The schedule calls for the first unmanned Apollo-Saturn I-B launch in 1966; the first Apollo-Saturn I-B manned flight and the first Apollo-Saturn V unmanned launch in 1967; the first Apollo-Saturn V manned flight in 1968; and manned lunar landing and return before the end of the decade.

As you may remember, the Congress considered a combined fiscal year 1964 supplemental and 1965 appropriation for NASA last year. Congressional action resulted in a $117 million reduction from the Apollo research and development funds authorized in those 2 years. Every possible management action has been taken to rebalance the program within the reduced funding level without sacrificing the manned lunar landing target schedule. As it is, two Apollo-Saturn V flights had to be moved into 1970. Based on its analysis, the committee is convinced that there is no leeway in the program and that any significant reduction in funds cannot be absorbed without slipping the planned target dates.

Let me outline what we can expect from Apollo during the next fiscal year. The accomplishments may not appear as spectacular as the Gemini manned flights; however, a most critical and active ground and flight test program is planned during the next fiscal year. The outstandingly successful Saturn I project will be completed in 1966 and will be succeeded by the first flight test of the next generation of Saturn vehicles—the Saturn I-B. In addition, an intensive ground test program is planned, leading to the start of the Saturn V flights in 1967.

APOLLO

During fiscal year 1966, North American Aviation will deliver five additional block I production spacecraft for ground tests, including abort tests at White Sands, acoustical and vibration tests, integration of the spacecraft and launch vehicle systems, and thermal vacuum chamber tests at the manned spacecraft center. Propulsion system testing will also continue at White Sands. By the end of fiscal year 1966, the remaining block I spacecraft will be in various stages of manufacturing and production of the block II type, capable of docking with the lunar excursion module, will be started.

Fiscal year 1966 requirements for the lunar excursion module—LEM—under contract to the Grumman Aircraft Engineering Corp., in Bethpage, N.Y., provide for an intensive ground test program, including the initiation of qualification testing with prototype flight hardware. Two LEM test articles will be delivered; one for electronic systems integration and the other for vehicle static and dynamic structural testing. Manufacturing of the three remaining LEM test articles will also be completed in fiscal year 1966. In addition, fabrication of the first LEM flight vehicle, started in fiscal year 1965, will continue and production of LEM's for subsequent flights will begin.

Guidance and navigation systems for 15 command and service modules and 8 lunar excursion modules will also be delivered during fiscal year 1966 for testing and integration into the spacecraft.

SATURN I

With its eight successful flights to date, the Saturn I has provided us with the sound technological base needed to develop and to build large boosters. The fiscal year 1966 funds cover the completion of this project.

SATURN I-B

The two-stage Saturn I-B will step up our payload capability to approximately 35,000 pounds in low Earth orbit and will serve as a test bed for Apollo-Saturn V missions. The Chrysler Corp. is producing the first stage and the Douglas Aircraft Co. is fabricating the second stage. The first Apollo-Saturn I-B flight will be conducted in fiscal year 1966. Two additional Saturn I-B launch vehicles will be brought to flight-readiness and systems for two more vehicles will be delivered to Cape Kennedy. Hardware for subsequent flights will be in various stages of manufacture, assembly, and checkout.

The Saturn I-B project also includes design studies on incorporating a Centaur third stage into the two-stage Saturn I-B to add to the Nation's inventory a large launch vehicle with Earth-Moon payload capability of 12,000-14,000 pounds and Earth-Mars or Venus payload capability of 9,500 pounds.

SATURN V

The largest of the three vehicles we are developing is the three-stage Saturn V, which will launch the Apollo spacecraft on its way to the Moon. It will be capable of placing approximately 280,000 pounds into low earth orbit and approximately 95,000 pounds into a translunar trajectory. The Boeing Co. is manufacturing the first stage of the Saturn V at the Government-owned Michoud Plant, near New Orleans, La.;

North American Aviation is manufacturing the second stage at Seal Beach, Calif.; and Douglas Aircraft is manufacturing the third stage at Huntington Beach, Calif. Fiscal year 1966 activity will be marked by an intensive ground test program and increasing hardware production. Dynamic testing of the Saturn V will be conducted at the Marshall Space Flight Center; testing will be initiated at the Mississippi test facility; and facilities checkout will begin at Kennedy Space Center's launch complex 39.

MISSION SUPPORT

A key supporting development activity during fiscal year 1966 will be the Apollo extension system studies, which are aimed at utilizing the broad technological and operational capabilities inherent in the present Apollo program. In fiscal year 1966, effort will be devoted to design studies and identification of the long-lead components and systems required to make full use of Apollo's hardware capabilities.

From this summary of the Apollo development test effort planned for fiscal year 1966, you can see that any significant reduction would disrupt the pace, logic, and tempo of the program and essentially eliminate NASA's ability to cope with the problems that inevitably arise during a period of intensive testing in research and development programs.

For the third manned space flight research and development program, which is advanced manned missions, we are recommending a fiscal year 1966 authorization of $10 million. This amount is the same as NASA's request, but $16 million below the fiscal year 1965 funding level. The committee found no reason to alter the advanced manned missions program, which provides studies on future objectives, requirements, and costs, and forms the basis for efficient and logical planning of the future course of manned space flight.

CONSTRUCTION OF FACILITIES

The committee recommends approval of $22,185,000 for construction of facilities in support of current manned space flight programs. This amount reflects a reduction of $2,825,000 from NASA's request and is $191,296,500 below the fiscal year 1965 funding level. As you may recall, the manned space flight construction of facilities program reached a peak in fiscal years 1963 and 1964. As these facilities became operational—on time and within the allocated funds, the requirements decreased in fiscal year 1965 and the downward trend continues this year. The facilities projects for which authorization is requested in fiscal year 1966 were found to be valid requirements. Therefore, the reduction was applied to the manned space flight construction of facilities request as a whole, with the understanding that no specific project was denied authorization. In this way, the committee believes that reasonable economies can be achieved without limiting NASA's flexibility to adjust between projects.

ADMINISTRATIVE OPERATIONS

The committee recommends approval of $279,742,000 to support salaries and benefits for civil service personnel and operating costs for the three manned space flights centers. This amount reduces the manner space flight administrative operations request by $10 million, with the understanding that NASA retains the flexibility to determine the distribution of this cut. The committee appreciated the fact that manned space flight will enter a period of intensive operational activity in Gemini and heavy ground and flight testing in Apollo during the next fiscal year.

However, it is our judgment that austere control of administrative operations funds will permit manned space flight to absorb the $10 million reduction and still handle its work burden during fiscal year 1966.

I might mention that the amount recommended by the committee for manned space flight administrative operations is $13,533,000 lower than the fiscal year 1965 funding level. In addition to the committee adjustment, the main reason for this decrease is that NASA is this year implementing the General Accounting Office's policy of one-time purchase of automatic data processing equipment in lieu of continued rental. No increase in civil service personnel is planned at the three Manned Space Flight Centers.

V. CONCLUSION

I have reviewed for you how the committee analyzed the fiscal year 1966 budget request, what our recommendations are, and how the proposed authorization will sustain the orderly pace of the on-going manned space flight programs.

Mr. Chairman, the Manned Space Flight Subcommittee of the Committee on Science and Astronautics is recommending a sound, realistic authorization for fiscal year 1966. We present the proposed manned space flight authorization in good conscience after a careful, businesslike audit of the request. We are confident that the committee recommendations will satisfy the need to economize and will at the same time allow NASA to balance its requirements and continue the orderly progress of the manned space flight programs. The recommended manned space flight authorization merits the same support that you have given in the past.

In a very real sense, we are all stockholders in this national investment and we all share in its many returns. We are creating a broad base of operational skills in manned space flight, a valuable complex of development, manufacturing, test, and operational facilities, and an experienced team of Government and industrial people. The proposed bill will not only bring us closer to the specific objective of manned lunar landing and return but will also advance the fundamental goal of making the United States preeminent in manned space exploration.

Now, Mr. Chairman, I would like at this time to commend the Subcommittee on Advanced Research and Technology for including a very important item in the budget in the amount of $6,200,000 for fiscal year 1966 to continue the development leading to the ground system test of the 260-inch solid booster.

I appeared before this subcommittee and urged that these funds be included so that we could follow through on this very important program.

I believe that this Nation should devote more efforts toward the full development of the solid propellants so that we can gain even greater superiority in lifting capabilities.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. Bell].

Mr. BELL. Mr. Chairman, I would like to compliment the chairman of the full committee, the gentleman from California [Mr. Miller], for the outstanding leadership he has given in the progress of the space program, his farsightedness and his organization of the subcommittees to do the job that has been done.

Also I would like to compliment the chairman of our subcommittee, the gentleman from Texas [Mr. Teague], for the outstanding work he has done and the time he has devoted in working on this committee and getting out the bill on manned space flight.

Also, I would like to compliment the gentleman from Pennsylvania [Mr. Fulton] for his leadership and his ability in directing our efforts on the minority side.

Mr. Chairman, this is the fifth year I appear before you to advocate the passage of the annual National Aeronautics and Space Administration budget.

My purpose today in supporting H.R. 7717 is specific discussion of that aspect of the appropriation dealing with the Apollo manned space flight program.

Of the $5.1 billion recommended by your Committee on Science and Astronautics for NASA for fiscal 1966, $2.9 billion will be applied to the Apollo effort.

It was in the summer of 1961 that your Science and Astronautics Committee first recommended, and Congress approved, a budget for manned space flight.

That first allocation covering fiscal 1962–63 amounted to $487 million.

During the following 3 years approximately $1.1 billion, $2.4 billion, and $2.6 billion, respectively, were earmarked for Apollo by Congress.

Each year the budget has increased because each year we come closer to vitally important breakthroughs in our assault on the mysteries and challenges posed by the Apollo project.

We understood this would be the case when we initiated the program.

Two barriers, however, continue to impede the performance of the United States in space.

They apply equally to military and to scientific progress.

They limit hope for advanced American exploration in the farthermost reaches of the universe.

They restrict us in the 100 to 500 miles of so-called inner space where national security must be considered.

Barrier No. 1 is booster capability.

Barrier No. 2 is rendezvous capability.

Mr. Chairman, impossible to ignore in our budgeting to overcome these barriers is an assessment of the relative success of the Soviet Union with the same problems.

Booster capability of the United States in manned flight as demonstrated in Project Gemini is 500,000 pounds of thrust.

Russia is presently presumed to be capable of 850,000 pounds of thrust, demonstrated in the three-man Voskhod flight last October.

Available evidence indicates that the Russians are developing a bigger booster, though it is yet to be revealed.

Some American scientists believe that a new basic engine will be produced in Russia soon and may double the thrust of their present engine.

The response of our space technicians to this challenge is represented in engines designated Saturn I, Saturn I–B, and Saturn V.

Each is part of the Apollo program.

Booster potential of these Saturn vehicles ranges from 1.5 to 8.7 million pounds of thrust.

Rendezvous capability must, of course, be coordinated with thrust.

This represents technical sophistication quite apart from thrust power.

No American achievement in these two areas matches the Vostok flights of 1962 and 1963 and the Voskhod flights of October 12, 1964, and March 18, 1965.

Project Apollo for which rendezvous and precision-timing capacity are absolutely essential, is currently the best hope of our Nation in overcoming clearly demonstrated Russian superiority.

To the Aeronautics and Astronautics Coordinating Board of NASA and the Department of Defense, established in 1960 and actively functioning today, will be assigned many considerations involving application and development of Apollo research.

Manned and unmanned space stations, of interest to both science and the military, are examples of areas in which Apollo will be the trailblazer.

Even in the absence of international competition and political tension, however, Apollo would be needed to break down the two barriers which place intolerable limitations on every aspect of our potential in space.

It may be a disadvantage rather than an advantage that Apollo is best known as the project by which the United States seeks to accomplish the 768,810-mile lunar expedition within this decade.

In point of fact, it can accurately be stated that almost the entire Apollo budget constitutes basic research and development on space flight.

This means that most of what is done in the name of Apollo can be applied to any space activity in which our Government might become engaged, now and later.

In the field of meteorology, manned earth orbiting Apollo spacecraft can advance atmospheric science in a number of important ways.

For example, an experimenter aboard an earth-orbiting spacecraft can make unique contributions in devising instrumentation to measure night time cloud distribution, winds, temperatures, precipitation, water vapor and ozone content, cloud properties, aerosols, and the state of the sea, of snow, ice, and terrain.

Economic estimates of improved weather forecasting have been made many time and these estimates predict savings of the order of billions of dollars to our economy arising from improved forecasting of only a few days.

Advanced weather satellites, developed as a function of manned earth laboratory experimentation, can improve our weather forecasts as well as to help solve many scientific meteorological questions such as questions about the changes in climate.

Earth orbiting laboratories developed as a result of the capabilities exercised in manned earth orbiting laboratories, will investigate potential applications in agriculture and forestry.

All the capabilities we are developing in Apollo are thus only a beginning.

One has only to let his imagination out a notch or two to see the ultimate possibilities of humanity's push into space.

The greatest benefits of space exploration will be such that we cannot begin to grasp nor even comprehend today.

Mr. Chairman, valuable previous discussions concerning the feasibility and desirability of the Apollo program can be reviewed in the CONGRESSIONAL RECORD of April 28 and May 24, 1961; May 23 and July 10 and 11, 1962; August 1, 1963; and March 25, 1964.

Hearings of the Committee on Science and Astronautics especially useful in assessing the program can be found in reports dated May 12, 1961; May 15, 1962; July 25, 1963; March 18, 1964; and May 3, 1965.

No new technical information has been acquired since the Apollo budget authorizations for fiscal 1965, which now casts doubt on the feasibility of the program.

All development has proceeded as planned.

Arguments which originally justified Apollo appropriations and programing, and were considered acceptable by the Congress for the past 5 years, still apply.

To continue the Apollo program on its present schedule to July 1, 1966, we will commit ourselves to the expenditure of $2,967,385,000.

This total can be broken down in the following way:

First. For spacecraft: Described on page 7 of your report, **$1,118,840,000.**

Second. Saturn I. Described on page 11 of your report, $4,400,000.

Third. Saturn I–B: Described on page 12 of your report, $274,700,000.

Fourth. Saturn V: Described on page 15 of your report, $1,236,500,000.

Fifth. Engine development: Described on page 18 of your report, $140,700,000.

Sixth. Apollo mission support: Described on page 21 of your report, $222,245,000.

Viewed solely from the standpoint of technology and methodology, these items have not, to my knowledge, come under question.

It is in the ever-changing area of public policy that Project Apollo and, indeed, the entire NASA budget, rightfully deserve close scrutiny by the Congress.

In this regard I call your attention to the additional views of various distinguished members of the science and astronautics committee starting on page 129 of your report.

Particularly in the views on page 131 it is pointed out that there is a need for taking further advantage of the potential inherent in nuclear propulsion.

It is my opinion, and that of the distinguished Member, the gentleman from Pennsylvania [Mr. FULTON], that programs should be started now to increase the research and development in various nuclear propulsion projects.

Such concern is, however, not incompatible with support of the NASA budget today.

Mr. Chairman, the Committee on Science and Astronautics is not afflicted by either moon madness or space obsession.

It has been for many months involved with a businesslike consideration of the financial requirements of the National Aeronautics and Space Administration for fiscal year 1966.

From the NASA budget proposal first submitted to us, $30 million was cut from Apollo research and development alone.

Beyond this, reductions totaling $8,779,000 were imposed by your committee on the original request of the National Aeronautics and Space Administration.

We give you a sound budget and, Mr. Chairman, on this basis I speak in behalf of the proposed allocations of both Apollo and NASA, and urge passage of H.R. 7717 now before you.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I want to compliment the gentleman on his good statement, likewise compliment him on his fine, intelligent work on the Manned Space Flight Subcommittee. It has been a pleasure to serve with the gentleman on that committee, as I know personally, as the ranking minority member of the Manned Space Flight Subcommittee, of his good work and dedication to his duties.

Likewise might I compliment the gentleman on his insistence that we do adequate research in the future on nuclear propulsion as well as chemical propulsion, both liquid and solid. These are vital fields and will be vital in space in the future.

Mr. MILLER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KARTH], the chairman of the Space Sciences and Applications Committee.

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 7717, the NASA authorization bill for fiscal year 1966. I had the privilege of being chairman of the subcommittee which considered the budget requests of the Office of Space Science and Applications, one of NASA's major program offices. This office has two main elements—the space science effort, and the applications satellite projects. I will begin by saying a few words about the space science program.

The importance of the work undertaken in the space science program can hardly be overestimated. Man's progress is directly linked to his ability to understand nature. This is the goal of science; and science performed in space has already contributed greatly to our understanding of natural phenomena.

Most of the information we have about the universe comes to us in the form of waves radiated from the surfaces of stars that are observed by our telescopes and other instruments here on earth. This star radiation, however, is largely absorbed in the atmosphere, and only a small fraction reaches our instruments on the ground.

Now, for the first time in the history of science, we have the capability to put instruments above this atmospheric curtain, and these instruments are able to observe the entire breadth of radiation. With this new technique, the science of astronomy has taken a giant step forward.

The tools of the space science effort are unmanned, instrumented spacecraft launched into orbits around the earth, or sent out into interplanetary space. These instruments provide our scientists with the eyes, ears, and other senses needed for exploring space.

The scientists engaged in this program are conducting experiments in space to extend our knowledge and understanding of the stars, the planets, interplanetary space, and the fundamental physical nature of the universe. The objective is the acquisition of new basic knowledge necessary for American preeminence in space.

Unmanned instrumented spacecraft have been sent to the vicinity of the moon and the nearby planets. Project Ranger produced over 17,000 closeup television pictures of the lunar surface of much higher resolution than had been achieved from earth based telescopes.

Mariner II is the only successful planetary probe by any nation to date. I might add that the Soviet Union has made many more attempts at lunar and planetary exploration, but virtually without success.

Mariner IV is now on its way to Mars; it has broken all records for long distance communication—well over 70 million miles; and at last report, it is operating satisfactorily. Next July 14, it will pass within 5,600 miles of Mars and is expected to send back the first closeup television pictures of the Martian surface.

Now I would like to say a few words about the work of the second part of the unmanned spacecraft effort, the Office of Applications. These are the programs which provide the greatest expectation for generous returns on our investment in the immediate or foreseeable future. Regarding meteorological satellites, the Members of the House have read enough in the press to know that this program is well underway. To date, NASA has launched nine Tiros satellites and one Nimbus spacecraft. This program has enjoyed a perfect record; every launch has been successful.

The data received from these experiments have opened up new horizons of research into the earth's atmosphere. Pictures of cloud cover received from Tiros satellites are valuable, but new advanced sensors to measure temperature, wind velocity, and moisture content at various altitudes are now under development.

An operational weather satellite system based on the Tiros technology has already been undertaken by NASA and the Weather Bureau. We can look to the day, not far distant, when weather satellites, together with other more conventional equipment and techniques, will assist man in predicting significant changes in weather well in advance, with the result that untold savings can be made by farmers, industry, and the transportation services. We can only speculate on the amounts of money that will be saved by more accurate and more timely weather prediction; but we know that for lack of adequate preparation for changes in the weather, staggering amounts have been lost each year. Because of NASA's accomplishments, the future looks much brighter. I might point out that the Soviet Union has not yet launched its first meteorological satellite.

The second area of special interest to the Office of Applications is communications satellites. I hardly need to go into detail on what has been accomplished to date. Telstar, Relay, and Syncom were outstandingly successful, and have provided the technical base for a commercial system now being developed. Here is another effort where the United States is far ahead of the Soviet Union. A great deal of research remains to be done, and will be undertaken as part of the applications technology satellite program.

It is in the development of applications satellites—spacecraft which perform meteorological, communications, and navigation services—where the United States has its greatest opportunity for continuing leadership in space technology. I believe Congress should fully support this effort.

In closing, I want to make a few comments about the sustaining university program. This important program is being pursued at the same level of effort as was approved by Congress last year.

Nothing is more important, in my view, than to improve the universities' role in support of the national space effort, and to increase the future supply of scientists and engineers on which the space program depends.

At the present time, about 185 universities are working on NASA-sponsored research. And 142 universities in all 50 States and the District of Columbia, are now participating in the predoctoral training program. Nearly 2,000 graduate students are now engaged in research and advanced training under this program, and the number will increase to more than 3,000 this fall.

In my judgment, this is a well-organized, essential program which deserves our continued support.

Mr. Chairman, our committee took a very close look at NASA's proposed budget for the forthcoming fiscal year. The total request of the Office of Space Science and Applications this year is roughly comparable to the fiscal year 1965 level. The recommendations of our committee are made to the House after careful study, and with a sincere belief in the importance of the work of the Office of Space Science and Applications to the national space effort. Accordingly, the committee recommends authorization of a total of $848.5 million for research and development, construction and administrative operations in support of these programs. I submit that the House of Representatives should endorse our committee's recommendations, and pass this bill.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I would like to compliment the gentleman, who is the chairman of the subcommittee, for the excellent work of the subcommittee under his leadership. I agree with the gentleman that the subcommittee has gone into these matters and programs in detail and has been very careful in saving the taxpayers' money as well as in leaving room for adequate progress. I compliment the gentleman also on his adequate and excellent statement.

Mr. KARTH. I thank the gentleman for his remark.

Mr. Speaker, under permission granted I include the following "Space Science and Applications Recapitulation":

Space science and applications

RECAPITULATION

Program	Request	Approved	Reduction
Research and development:			
Physics and astronomy	$172, 100, 000	$160, 500, 000	$11, 600, 000
Affected projects:			
OAO	(32, 500, 000)	(26, 300, 000)	(6, 200, 000)
OGO	(31, 700, 000)	(26, 300, 000)	(5, 400, 000)
Lunar and planetary	215, 615, 000	213, 115, 000	2, 500, 000
Affected projects:			
Lunar orbiter	(37, 000, 000)	(36, 000, 000)	(1, 000, 000)
Surveyor	(85, 600, 000)	(84, 100, 000)	(1, 500, 000)
Sustaining university	46, 000, 000	46, 000, 000	None
Launch vehicle development	63, 600, 000	60, 600, 000	3, 000, 000
Affected project: S.R. & T.	(4, 000, 000)	(1, 000, 000)	(3, 000, 000)
Launch vehicle procurement	194, 500, 000	179, 500, 000	15, 000, 000
Affected projects:			
Procurement, generally	(194, 500, 000)	(189, 500, 000)	(5, 000, 000)
Centaur, S.E. & M.	(19, 400, 000)	(9, 400, 000)	(10, 000, 000)
Bioscience	31, 500, 000	31, 500, 000	None
Meteorological satellites	42, 700, 000	42, 700, 000	None
Communications satellites	2, 800, 000	2, 800, 000	None
Applications technology satellites	28, 700, 000	28, 700, 000	None
Total R. & D.	797, 515, 000	765, 415, 000	32, 100, 000
Construction of facilities	7, 497, 000	7, 497, 000	None
Administrative operations	80, 195, 000	75, 595, 000	4, 600, 000
Grand total	885, 207, 000	848, 507, 000	36, 700, 000

Mr. MOELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MOELLER. Mr. Chairman, I rise in support of H.R. 7717, the NASA authorization bill for fiscal year 1966. During the committee's deliberations on this bill I was privileged to serve on the Subcommittee for Space Science and Applications under the chairmanship of my colleague, the gentleman from Minnesota, JOE KARTH. I would like to take this opportunity to commend Mr. KARTH for his excellent chairmanship during 4 weeks of intensive probing into the requirement for funds to support the space science and applications programs of the National Aeronautics and Space Administration.

That part of the NASA request within the primary jurisdiction of our subcommittee totaled $885.2 million for research and development, construction of facilities, and administrative operations. The projects and programs under this phase of the national space effort are far too complex to explain in detail in the brief time allotted to me. However, I think I can safely state that this phase of the NASA request is designed to maintain the world leadership in space exploration and exploitation which this country has labored so hard to achieve. The program is premised on a continuation of a formula for success based on the following principles: broad objectives of this country's own choosing; imaginative and soundly based projects to achieve these objectives; in government, industry, university, a team of outstanding competence and depth; the highest possible standards of science, engineering, and management; and a steady course with firm objectives.

From testimony presented before the subcommittee most of the program elements in the fiscal year 1966 request are a continuation of work already underway. Some projects such as Ranger, Mariner, Echo, Relay, and Syncom will have served their useful purpose and will be phased out during fiscal year 1966. From these projects we have obtained rewards from the bold and imaginative decisions which were made in past years. It is my opinion that we must continue to make such decisions so that the future may be even more rich than the present.

A review of the past accomplishments of space science and applications shows it has produced a total of over 50 successful space missions; 30 of these were scientific satellites, 17 were applications satellites, and 5 were deep space probes.

It is interesting to note that nearly 30 percent of the successful missions since 1958 were launched last year. At the same time, major advances have been made in the technology of space exploration. Testimony received indicated that spacecraft reliability stands at about 90 percent despite the fact that the advanced second- and third-generation spacecraft have been introduced into the program. Launch vehicle reliability has been vastly improved over the early days. One recent addition to the very reliable class is the Scout which has been successful in 11 of its last 12 flights. Also the Atlas space booster has now been successful on 26 consecutive flights. The useful life of satellites has grown to about 1 year with several cases exceeding the 2-year mark. Second- and third-generation spacecraft have not quite reached this level but have provided a remarkable degree of stabilization, maneuverability, and versatility required for the more advanced missions.

The foregoing achievements attest to a very excellent and reliable system of management within the NASA organization, headed by outstanding scientists and engineers. In our deliberations we could find no indications of inefficiency.

Detailed analysis of the NASA fiscal year 1966 request has resulted in a reduction from the requested amount of $885.2 million to $748.5 million. Most of the reductions in the research and development program totaling $32.1 million were in the nature of deferral of elements within the program until future years. A reduction of $4.6 million in administrative operations was made since, in our judgment, some of the funds requested were not fully justified. The C of F segment of this program, in the amount of $7.5 million, was not reduced since all of the projects appeared to be valid, well-justified requirements.

I consider that H.R. 7717 represents a well-balanced annual increment of our space effort. I recommend its passage of the House.

Mr. KARTH. Mr. Chairman, I ask unanimous consent that all members of the Space Sciences and Applications Subcommittee may be allowed to revise and extend their remarks immediately following my remarks in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. MOSHER].

Mr. MOSHER. Mr. Chairman, I support H.R. 7717, the NASA authorization bill for fiscal year 1966. I had the privilege of serving again this year as the ranking minority member on the Subcommittee for Space Science and Applications under the able chairmanship of our distinguished colleague, the gentleman from Minnesota, JOE KARTH. As has been my experience in the past, our deliberations on the NASA request were carried on in an atmosphere of friendly cooperation and bipartisanship.

That part of the NASA request falling under the primary cognizance of our subcommittee totaled $885.2 million for research and development, construction of facilities and administrative operations to support programs falling within the jurisdiction of the Office of Space Science and Applications in NASA, headed by Dr. Homer E. Newell, who in my opinion is a very competent scientist and administrator. The projects and programs under his supervision are far too complex to explain in detail in the brief time allotted to me. However, in broad perspective, this part of the space program could be defined as one of scientific study of the earth, moon, sun, planets, stars and interplanetary space, coupled with the development of technology pertinent to applied uses such as meteorological and communications satellites. This program encompasses a wide variety of projects and uses many well known space vehicles: the Ranger, Mariner, Voyager, Surveyor, Nimbus, and Tiros, to name a few.

The committee worked long and hard in their detailed review of the nine major subprograms within the jurisdiction of the Office of Space Science and Applications. During 4 weeks of hearings we probed diligently into every aspect of these subprograms to assure ourselves that the request was adequately justified and needed to support the national space program objectives. As mentioned by Mr. KARTH, after careful consideration of each item in the request, the committee reduced the research and development segment of the program by $32.1 million, and the administrative operations request by $4.6 million, or a total reduction of $36.7 million.

Mr. Chairman, I emphasize that our reductions in the research and development request were primarily in the nature of deferrals, rather than deletion of major program elements.

In the case of administrative operations, the request for funds to conduct normal day-to-day housekeeping of installations was considered to be excessive.

No reduction to the construction of facilities request of $7.5 million was made, since the six projects were all considered to be firm, valid requirements.

In retrospect, I can unequivocally state that the authorization request for space science and applications was subjected to a most deliberate and careful analysis, and that I have no qualms as to the validity of the requirements nor the necessity for these funds to support the Nation's space effort—assuming that we accept the general goals for these projects as being valid and necessary in the national interest.

Mr. Chairman, I suggest there are two areas where constructive criticism might be offered:

First, regarding the witnesses appearing before the committee in defense of the annual authorization request. Each year the Administrator, National Aeronautics and Space Administration, sends before our subcommittees a very excellent team of engineers and scientists associated with the various programs. These men are undoubtedly outstanding experts in their respective fields, and I have every confidence in their integrity and competence. The only fault that I find in this procedure, is that they are all from NASA. I feel that the complexity and importance of the national space program dictates that voices from other sources, expressing different points of view, should be heard. Testimony of witnesses from industry, and the academic and scientific communities should be taken, lest our deliberations be biased by the voice from only the agency most concerned with the annual fund requirement. Our committee should more actively seek and solicit honest criticism, and positive suggestions for improvement in the NASA programs from competent people outside of NASA. Lack of time alone makes that difficult to do.

Secondly, regarding the matter of committee staffing. I have supported the additional views on H.R. 7717 in this matter, which may be found on page 132 of the committee report before you. The Committee on Science and Astronautics currently employs 12 professional and technical staff members to provide analytical data, advice, and counsel to a committee of 31 Members of Congress, in whom has been entrusted the responsibility to maintain surveillance over a program aggregating over $5 billion annually. I have great confidence in the individual competence of the staff members presently employed by the committee. Their ability and standard of performance in the past has been above reproach. However, because of their limited numbers, there is serious question in my mind as to whether we are maintaining the degree and breadth of surveillance over the national space effort and other scientific activities that is our responsibility under the charter which established this committee. In my judgment, more staff personnel trained in engineering, electronics, and other space-oriented disciplines are needed if we, as Members of Congress, are to adequately perform our assigned tasks.

Despite the foregoing constructive criticism, I consider that H.R. 7717 represents a well balanced annual increment of our space effort. I recommend its passage by the House.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. Pelly].

Mr. PELLY. Mr. Chairman, previous speakers have explained this National Aeronautics and Space Administration legislation and I have no intention of extending unnecessarily the legislative history of the bill by repeating what others have said.

I do want, however, to have the record show that I voted in committee in favor of reporting H.R. 7717, and by and large, I support this program, especially now that the budget request is leveling off rather then climbing. In previous years I had been led to believe that, as planned, in excess of $7 billion a year would be needed to continue the program, whereas, as I have publicly stated, I felt it desirable to view space exploration as not being a crash program. As such I thought hundreds of millions of dollars a year could be saved without sacrifice to the public interest.

Anyway, the spiraling annual expenditure seems to have been slowed, and as far as I know, any slippage in schedules was due to other causes than lack of funds.

Critics of this program have said it was a waste of money, and likewise a waste of brainpower. The $20 billion to land a man on the moon has been especially subject to criticism.

As for me, I have taken the position that the Apollo program had too high a priority, perhaps, or at least, that scientific data from instruments rather than landing men on the moon would have given us the same information, even though with less glamour, at less cost.

In no way does this reservation as to the value of a multibillion-dollar moon voyage imply that I oppose exploration of space.

Let me in this regard point up what I believe to be a fine example of studying by instrument with far less cost. Take the Lunar Orbiter which is the successor to the Ranger series of moon photographic probes. The Orbiter will be equipped with ultrasensitive photographic and communication apparatus to provide new and more accurate scientific data. The moon will be photographed about 29 miles above its surface.

In the past, I have expressed concern that the goal of a 1970 manned moon landing was resulting in unnecessarily high cost. In fact, I tried to convince James Webb, Administrator of NASA, that 1975 might be a more realistic deadline for the first lunar landing.

In any event, let me make it clear that I support the overall program of NASA and, as I said, am grateful that the annual cost seems to be leveling off at lower then previously projected figures.

In conclusion, I want to point up that minority members of the House Science and Astronautics Committee, as set forth in additional views in the committee report could more effectively contribute to greater efficiency and economy if we had our own minority staff to scrutinize the agency's budget of expenditures. I hope the day will come when minority members of the committee will have both professional and clerical help, to assist us in doing a responsible job of investigating the expenditures of this huge agency. I have in mind investigating such extravagance as promises to be the case in acquiring a site for the electronic center in the Boston area.

Finally, Mr. Chairman, I want to say that members of the committee, of both parties, have most diligently carried out their duties and it has been a real privilege for me to work with them. Both the members and the staff are dedicated to the program.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the ranking Republican member of the committee.

Mr. FULTON of Pennsylvania. Mr. Chairman, I must say that on the committee the gentleman from Washington [Mr. Pelly] has served a real purpose. We need people who stand up and give their views, especially for efficiency and economy in the programs instead of accepting these programs that are given in a form that has just been predigested. The gentleman has insisted that these jobs be done, that they be balanced and that they be economical and I congratulate him.

Mr. PELLY. Mr. Chairman, I thank the gentleman from Pennsylvania. I hope I will always have an independent judgment and integrity.

Mr. MILLER. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. Hechler], the chairman of the Subcommittee on Advanced Research and Technology.

SUBCOMMITTEE ON ADVANCED RESEARCH AND TECHNOLOGY

Mr. HECHLER. Mr. Chairman, I ask unanimous consent that all members of the Subcommittee on Advanced Research and Technology have the opportunity to extend their remarks in the Record.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HECHLER. Mr. Chairman, the Committee on Science and Astronautics has been a wonderful committee on which to serve. I believe that any review of the thousands of pages of hearings and the 140-page report should convince all Members of the House that we have reviewed very thoroughly the operations of the National Aeronautics and Space Administration. And thanks to the leadership of the Chairman of our full committee, the gentleman from California [Mr. Miller] we have kept on top of a highly technical subject.

We have some wonderful talent on our committee—the majority leader, the gentleman from Oklahoma [Mr. Albert]; our beloved former Speaker of the House, the gentleman from Massachusetts [Mr. Martin]; and our esteemed Speaker, the Honorable John W. McCormack—a pioneer, charter member of our committee, drops in frequently to aid in our deliberations.

Each item in budget requests presented by NASA has been reviewed independently. Many field trips have been made. I would like to extend my commendation and compliments to all members of the Subcommitte on Advanced Research and Technology on both sides of the aisle who have approached this subject without any partisanship and with great diligence. I am proud of their work.

CUTS BEFORE BUDGET REACHED CONGRESS

Mr. Chairman, it is more evident than ever this year that very extensive paring down of the space budget was made before it was presented to Congress. Some of these reductions were made by NASA Headquarters after submission of requests from the research centers and the field installations. Other reductions were made by the Bureau of the Budget and the President, when NASA was told to "go back and sharpen your pencils, and cut some more."

Finally, came the process which involved trips to the ranch, and which some publicists termed "the turn of the ratchet," when the President succeeded in keeping the national budget under the $100 billion level.

This process deeply affected the programs reviewed by the Subcommittee on Advanced Research and Technology. Time after time during our hearings, we discovered that requirements had been cut to the bone. Why is this true to a greater degree in our subcommittee than in other subcommittees?

The answer is simple: The largest items in the Subcommittee on Advanced Research and Technology deal with developments which affect the future—the long future—rather than being linked with specifically scheduled or planned flights and programs like Apollo or the weather satellites. That is why, Mr. Chairman, when the President and the Bureau of the Budget were faced with the decision of whether to cut on the moon program and other scheduled flights, as against basic and advanced research and technology, it was natural to look with greater favor on immediate goals we had to meet. This is why the funds requested in the 1966 budget for advanced research and technology were squeezed down until they were about $35 million less than last year.

At the same time, we all recognize the vital role which advanced research and technology has always played in determining the future strength of this Nation. What we spend on advanced research and technology in the fiscal year 1966 will determine the strength of our space program not only a decade hence, but to a great extent in the 1980's and the 1990's. What are we doing in this vast and somewhat esoteric area of advanced research and technology?

NASA is creating new technology. And at the same time, NASA is building a great reservoir of technical competence. You cannot just reach up and take items off that shelf—this takes lots of time and advance planning. It also takes vision and an imaginative grasp of the future potential of the Nation.

Time is an irreplaceable resource. Turn back the pages to October 1957, when sputnik was launched and the Nation was rudely awakened to the fact that we simply did not have the big booster capability possessed in space by the Russians. If any lesson can be learned from the experience it is this: It is a mistake not to follow through with promising technology, especially in the field of large boosters.

IMPERATIVE NEED TO SUPPORT ADVANCED RESEARCH

During the hearings of our committee, I expressed to Dr. Raymond L. Bisplinghoff, the able NASA Associate Administrator for Advanced Research and Technology, my personal concern for the progressive reduction in funds for advanced research and technology. I pointed out that NASA spent $536 million in 1964, this went down to $519 million in 1965, and now they were dipping below half a billion for fiscal 1966 by asking for only $476 million. I made this statement to Dr. Bisplinghoff in the hearings:

> I don't believe we can afford to be complacent in this field if we are going to maintain our strength in the 1970's and 1980's. How can you possibly continue to cut down on research and technology and hope to maintain strength in the fields of aeronautics and astronautics in the future?

Dr. Bisplinghoff responded in this fashion to my question:

> I think the answer, Congressman HECHLER, is that we cannot maintain that strength if we continue to cut down. I am hopeful that in future years we can return to a higher budget level in advanced research and technology, although I recognize that because of stringent budget limitations and costs of the other part of the program it is going to be necessary for us in 1966 to accept a somewhat lower budget figure.

Mr. Chairman, I like to cut budgets as much as any of my colleagues. When we detect waste or unwise expenditures, it is our obligation to serve the taxpayers and prune away accordingly. But this phase of the NASA budget has already been pruned down until further cutting would seriously endanger the future of our space program.

This is the basic reason why, for I believe the first time in the history of our committee, we followed the Fogarty rule and decided to recommend the authorization of a greater amount than requested in the President's budget. We added three programs which had been taken out by the Bureau of the Budget—the M-1 liquid hydrogen, liquid-oxygen engine; the 260-inch solid rocket motor; and the SNAP-8 nuclear electric generating system. We added $27.2 million to carry forward these three programs, and cut in other portions of the budget requests, so we came out with a net increase of $3,369,050 over and above the $740,601,000 requested for NASA in the 1966 budget. This made the total recommended authorization $743,970,850.

Before I discuss these three and other programs on which there may be some questions and differences of opinion, I would like to point out that our subcommittee also had under its responsibility the great area of tracking and data acquisition. In this area, NASA requested $246.2 this year, which is a decrease of $21.7 from last year's request. Our committee cut the request by $3,879,000—a very modest decrease which represents the committee's faith in the wise expenditure of funds in this category. The gentleman from Indiana [Mr. ROUSH], who presided over that portion of the hearings, will present additional information on the various tracking networks.

The comparatively modest amount of $5 million is being authorized for the highly important program of dissemination to private industry of the possible application of new NASA techniques and inventions. This is not a large program, but I believe it has proven to be a good investment in keeping American industry abreast of some of the space breakthroughs which can be applied to the advantage of private industry.

Mr. Chairman, we have heard some comment today, and we have read comment in the press about whether certain things recommended by our committee have a mission. Does the 260-inch solid propellant motor have a mission? Perhaps not now. Does the M-1 engine have a mission? Perhaps not now.

The conclusion was reached in the 1950's that we had no mission militarily or spacewise for a big booster. We had miniaturized the atomic bomb, so it was said we had no need for a big booster. We got caught short. Let us learn a lesson from history and not repeat that mistake.

I say, Mr. Chairman, it is more important to have these items and not need them than in the future to need them and not have them. I say it is highly important that we move ahead with our work on such programs as the M-1 engine and the 260-inch solid propellant booster. That is why our committee authorized funds cut out for budgetary reasons by the executive branch, and we believe these two programs, plus the SNAP-8 nuclear electric generator program must be carried forward.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. HECHLER. I gladly yield to the gentleman from Florida.

THE 260-INCH SOLID PROPELLANT BOOSTER

Mr. FASCELL. I thank the gentleman from West Virginia for yielding.

Mr. Chairman, I take this time to specifically ask questions concerning the 260-inch solid fuel program.

Am I correct that in the testimony before the subcommittee on this program there was no evidence at all which would in any way call for a discontinuance of the program, no scientific evidence?

Mr. HECHLER. The gentleman is correct.

This program was cut out at the Bureau of the Budget level. NASA witnesses up through Administrator Webb categorically stated they had no technical or scientific criticism of this program and NASA will support the continuation of this program.

Mr. FASCELL. Is it not also true as a matter of fact, that the evidence was just the other way; that is, that the program is proceeding successfully at this point, and it has every opportunity of being completely successful?

Mr. HECHLER. This is correct. Evidence to support the point which the gentleman from Florida has just made is in the fact that NASA suggested the reprograming of $13.8 million to continue the development of the 260-inch solid propellant booster.

Mr. FASCELL. I thank the gentleman for making that point.

As I understand it now the $13.8 million which has been reprogramed will allow for the conclusion of phase 1 of the 260-inch program and provides for expenditures through December of this calendar year and would include the test firings of the one-half length full-bore motor; is that correct?

Mr. HECHLER. The gentleman is correct. With the $13.8 million reprogramed funds there can be duplicate firings of two each, half length boosters by two contractors—Thiokol and Aerojet General.

Mr. FASCELL. And if the gentleman will yield further, the committee, as I understand it, also authorized an additional $6.2 million to go into phase 2 of the program. Am I correct on that?

Mr. HECHLER. The committee recommended an authorization of $6.2 million beyond the President's budget which will not include an actual flight test, but added to the $13.8 million which was reprogramed will allow the testing and firing of the full-length booster by one contractor, the contractor to be determined by the outcome of the short-length firing.

Mr. FASCELL. I thank the gentleman.

Therefore, as I understand it, the subcommittee and the full committee which has strongly supported the solid fuel booster program has indicated, both from the standpoint of authorization and the language in the report, that it fully supports the conclusion of the firing at least on the ground of the full-length 260-inch program?

Mr. HECHLER. This is correct.

I would point out to the gentleman from Florida that this is highly important because the 260-inch booster has a thrust capability of 6 million pounds, and in addition to that it could possibly be clustered in the future. The 260-inch program was initiated by the Committee on Science and Astronautics by its continued pressure on NASA. This was done to be sure that an alternate booster capability would be available to the Nation. Solid boosters are inherently cheaper, more reliable, simpler in design, construction, and operation.

In addition, the solid propellant booster is likely to cost us about 50 percent of the money expended on the Saturn V in order to bring it to a man-rated system. Actually, when you count termination costs and over-runs which were incurred when the program was initially under the Air Force, it is far cheaper to the Government to go ahead with this 260-inch program than it would be to terminate it.

It is a very simple development in comparison with all of the highly complex group of engines, pumps, turbines, et cetera, you have in the Saturn chemical propulsion system, and I believe it is worth the comparatively small investment it would take to complete it.

Mr. FASCELL. I thank the gentleman. I am impressed by the fact there is no evidence anywhere that suggests a change of the original decision that we should make an effort to go both routes; that is, the liquid route and the solid route, to determine the feasibility of the solid propellant, large-motor concept.

I appreciate the dedication of the members of the committee and their courtesy to me. I wish to thank the chairman of the full committee, the gentleman from California [Mr. MILLER]; the gentleman from West Virginia, who is chairman of the Subcommittee on Advanced Research and Technology; and the gentleman from Georgia [Mr. DAVIS], who chaired the subcommittee hearings during the phase on the 260-inch program. I am very grateful to them for their courtesy and attention to the views expressed by me. I welcomed the opportunity to learn of their great knowledge on this vital and complicated subject. I commend them as well as the members of the committee for their thorough review of these programs and their courage, determination, and action to make certain that the United States and the free world advance the cause of freedom in the conquest of space.

Mr. HECHLER. I thank the gentleman from Florida.

M-1 ENGINE

Mr. FULTON of Pennsylvania. Mr. Mr. Chairman, will the gentleman yield?

Mr. HECHLER. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I would like to compliment the gentleman from West Virginia on his excellent statement. He has done a good job as chairman of the subcommittee in working with the full committee. The gentleman is exactly right, there has been no technical evidence that in any way derogates from the purpose of the 260-inch solid propellant booster, or the research and development on the M-1 engine, the high-thrust system. It is a second-stage engine, and it is the only one that is now in process of development. The testimony will show that the M-1 engine, when developed, will take only about three-fourths of the amount of fuel for other systems.

Mr. HECHLER. Mr. Chairman, in January 1962, NASA decided to take advantage of the growing technology in the use of hydrogen in liquid state as a propellant. This decision was made because the hydrogen-oxygen combination delivers the highest possible energy for the lowest weights in an all-liquid system.

The engine was designed to deliver 1.5 million pounds of thrust to power the second stage of the NOVA rocket. The development was initially funded with $16,705,000 followed by $35 million in fiscal year 1963. Prior to the submission of the fiscal year 1964 budget to the committee, a decision was made in NASA to drop the NOVA booster concept thereby greatly modifying the schedule and the objectives for the engine development and lowering of the funding level. In fiscal year 1964, NASA spent $24 million, the same—estimated—in fiscal year 1965, and nothing in fiscal year 1966. Not including any action taken in this fiscal year, NASA under prior authority has or will spend $99,705,000 for research and development to develop this engine, until the end of June 31 of this year. With regard to construction of facilities, NASA will have spent approximately $48 million to support the program.

The subcommittee recognized that no other engine research and development program, currently in progress could possibly deliver the amount of energy and thrust with the M-1. The subcommittee is convinced that the future leadership we must achieve in space will be principally dependent upon the amount of thrust and engine capability we will have at hand when we need it. The subcommittee somewhat decries the almost psychopathic insistence heard from many quarters that there must be a definite mission planned for every technological development before research can begin.

The subcommittee also has recognized that the money already spent on the M-1 over 3 years represents substantial progress in developing engine components, nozzles, pumps, and valves of unprecedented complexity and performance. Termination costs of the program are almost equal to an additional year's cost to continue the program on the present level. The subcommittee believes that it is in the best interest of economy and NASA's future capability to continue the program on a technological development schedule, leading up to the test of an integrated engine component system. However, it does not advocate at this time investing funds to climax in an engine flight test. By NASA following this recommendation, the subcommittee believes that the technologies already or soon to be realized will be available at a later date when the need for the development of an engine of this performance and capability will be more clearly defined. Therefore, the subcommittee recommendation to add $15 million to the M-1 program is reasonable, logical and based on the best information available to it.

This program is about 50-percent complete, with the possibility of making the first ground system test sometime before the end of June of this year. NASA had reprogramed $3 million for the M-1 engine in this fiscal year. Our committee felt that $15 million additional will carry this program through fiscal year 1966 at a reduced level from the $24 million a year level at which it had been operating. The prior program was oriented to produce a primary flight vehicle by 1971. Since there is no mission specifically designed at this time for the M-1 engine, the committee felt that to continue at the same rate as has been done in the past 2 years is not necessary. Therefore, the funds we are authorizing—$15 million beyond what the President's budget requested—will continue the program on an austere basis, yet allow development of a unique capability to include in the Nation's warehouse of launch vehicles. This further assures the country that there is no technology lag in the development of large boosters.

This program does not overlap or duplicate other developments. The F-1 engine used on Saturn V develops 1.5 million pounds of thrust at a specific impulse of about 250 seconds. The M-1 engine will deliver 15 million pounds of thrust at a specific impulse of 350 seconds. In addition, the mass friction is also reduced which makes this engine a very desirable upper stage. Therefore, it is a real accomplishment to provide an engine with this capability.

What do we buy for $15 million. The continuation of this program will provide a complete ground system test with component development continuing as previously initiated. This means that the major components that have already been designed will be perfected and tested, and as soon as enough components are available a complete system will be made up, and then the complete system can be tested. No flight test is planned at this time.

SNAP-8 NUCLEAR ELECTRIC GENERATOR

Mr. Chairman, I want to add a few words about the third program for which our subcommittee added funds: the SNAP-8 nuclear electric generating system. This is a 35-kilowatt, 50-horsepower auxiliary power generating system. It is designed to be used on board a spacecraft to provide electrical energy for the various apparatus aboard. The term S-N-A-P stands for system for nuclear auxiliary power. The system works in the following manner: A nuclear reactor is used as a source of very high heat. Mercury is vaporized in the reactor and from there goes to a heat exchanger.

There, sodium and potassium is vaporized to a high pressure and is passed through a turbine. The turbine is linked to an electrical generator which produces about 30 kilowatts of electrical power. The vaporized metals—mercury, sodium, and potassium—are in a closed system and are returned to their respective heat sources in a condensed form. SNAP systems in no way can be used for propulsion. They are solely intended to provide electrical power to operate internal spacecraft components and transmitters.

Any question concerning the joint operations of NASA and the AEC in nuclear electric and nuclear rocket research programs has been answered rather effectively in the subcommittee hearings. There is no question that in the early days of the joint agency efforts, there were problems of management and decision that had to be ironed out. Management mechanisms such as coordinating groups and advisory boards were set up that have been and are functioning well. The subcommittee is thoroughly satisfied that Mr. Harold Finger and his associates are functioning under a satisfactory working arrangement that is fruitful and under which gratifying and important progress has been made. In effect, the AEC is functioning as contractor of NASA and Mr. Finger is the manager, for NASA. He does have certain administrative responsibilities within the AEC but these in no way make him the "slave of two masters."

The Atomic Energy Commission with $9 million is developing the nuclear heat source required by this generator. NASA will develop the rotating turbine and electrical generator equipment to fit with the AEC heat source. To date, about $100 million has been spent by NASA and AEC, with the NASA portion amounting to about $47 million. The program is roughly 50-percent complete.

We understand that NASA initially requested $10 million for the SNAP-8 program, with that amount being denied by the Bureau of the Budget. Subsequently, NASA reprogramed $2.15 million to terminate the program sometime early in fiscal year 1966. The $8 million made available by committee action will continue the program at the $10 million level—when you count in the reprogramed funds. What we actually did was to add $6 million to the nuclear electric systems program, with the stipulation that an additional $2 million be utilized from the total $33 million authorized for the nuclear electric systems.

ELECTRONICS RESEARCH CENTER

Mr. Chairman, I have been fighting so long and vigorously for the Electronics Research Center, and for locating it at Kendall Square, Cambridge, that one of my colleagues on the opposite side of the issue now always addresses me as "Dr. Kendall Hechler." Mr. Chairman, I am proud of that sobriquet and hope that it sticks.

The Electronics Research Center is here to stay.

I would like to sketch in a little background as to why we need the Center.

In the hostile environment of space, with extremely high and perilously low temperatures, with radiation dangers, the great need for high-quality materials and high-reliability performance of components, men, and machines must have superior electronics to match the extreme demands. When you get way out in space, you must have for your men, and also for your instruments, superior guidance systems, superior internal spacecraft power, better communications systems—to mention only a few. You cannot have a small army of men with spare parts available in outer space as you have on the ground. You cannot check reliability with full platoons of men. We must develop self-checking systems.

We must develop a central national competence in electronics.

In November 1961, in response to these demands, an electronics and control division was set up in the Office of Advanced Research and Technology, to investigate how to concentrate the Nation's competence in electronics and to stimulate its development in the universities, private research organizations, and in private industry. The President's budget for the fiscal year 1964, transmitted to the Congress in January 1963, first asked for funds for an Electronics Research Center, which NASA felt would fill this critical need outlined. An Electronics Research Task Group was set up in NASA headquarters in January of 1963 to implement this idea.

In the 1964 fiscal year budget, $5 million was initially requested for ERC. Congress, after a spirited fight, appropriated $3.9 million for site and land acquisition. Congress further stipulated that the funds could not be spent until NASA transmitted to the Congress a detailed study of the geographic location, need for, and nature of, the Electronics Research Center. NASA by this time had decided that it was best to locate the Center in the Boston area because of its proximity to the numerous universities in that vicinity.

A thick, comprehensive report was officially issued by NASA on January 31, 1964, in compliance with the provision in the 1963 statute. The Committee on Science and Astronautics received and without objection officially accepted the report.

In March of 1964, NASA convened a Site Evaluation Committee which examined 160 sites in the Boston area. This Committee concluded that Cambridge was the best location. At this point, 13 sites in the Cambridge area were intensively reviewed, including the Watertown Arsenal and the Naval Ammunition Depot. One of the desirable sites considered was Kendall Square. Meanwhile, Congress last year appropriated $10 million to add to the $3.9 million already appropriated for ERC; this was for construction.

For many years, the city of Cambridge has been carrying on an active urban renewal program. On July 30, 1964, the city of Cambridge offered 29.2 acres in the Kendall Square area to NASA to constitute part of an urban renewal project. NASA accepted the offer on August 10, 1964.

The Electronics Research Task Group moved to Cambridge in September of 1964, and occupied quarters in leased space. Dr. Winston Koch was appointed to head the Center. Early in January 1965, ERC personnel moved into Technology Square, two blocks from the MIT campus.

Mr. Chairman, we had much discussion in our subcommittee about the issues involved in utilizing the urban renewal procedure. Our subcommittee, accompanied by the chairman of the full committee, the gentleman from California [Mr. MILLER], visited Kendall Square and a number of the businesses there. I agree with the general nature of the conclusions of the Housing and Home Finance Agency that of the 104 buildings in the Kendall Square area 68 are substandard, 19 standard, and 17 deficient. They are clearly an eyesore and are logically included in any urban renewal project.

On April 20, 1965, I received a letter from the Urban Renewal Administrator, the Honorable William L. Slayton, enclosing an official announcement of a $401,200 Federal advance to enable the Redevelopment Authority of Cambridge to begin survey and planning activities. This letter indicated:

> It is anticipated that by October 1, 1965, all city, State, and Federal action will have been completed and the project will be under a loan and grant contract executed between the Cambridge Redevelopment Authority and the Housing and Home Finance Agency. This will permit the filing of condemnation of properties in the project area by the redevelopment authority under the "quick taking" provisions of the Masaschusetts statutes.

The April 20 letter from Commissioner Slayton further stated:

> In one portion of the project area where eight business firms would be affected, relocation can be carried out, structures demolished, and site improvements installed to permit delivery of land to a redeveloper by April 1, 1966.

I would like to emphasize, Mr. Chairman, that it is the city of Cambridge which is acquiring this property through urban renewal, and whether or not NASA establishes the Electronics Research Center at Kendall Square, the city of Cambridge will go ahead with clearing this land for urban renewal. NASA is in no way involved in the acquisition of land.

We had considerable discussion in our subcommittee about whether to amend the pending bill to limit NASA. The full committee voted not to limit NASA in proceeding with this Center. The committee did feel, however, that the schedule for the Center has already slipped so far that it appears unlikely that NASA will be able to utilize the $10 million of construction funds requested for the fiscal year 1966. NASA already has $3.9 million of fiscal 1964 funds available for site acquisition, plus $10 million of fiscal 1965 funds for construction. If additional funds are needed between April and July 1966, the committee felt that NASA could come back for additional authorization.

As of April 6, 1965, 176 employees are already at work at the Electronics Research Center, Mr. Chairman. A total of $5.6 million was appropriated last year for administrative operations and research and development. This will all be obligated. There is in negotiation 28 contracts primarily for the improvement of component reliability and examining advance technology in the microwave region of the electromagnetic spectrum for communication and tracking purposes.

For the fiscal year 1966, our committee voted $5 million for research and development at the Electronics Research Center and of the $7,622,000 requested for administrative operations, our committee authorized $7,240,000, for a total of $12,240,890 for the Center. We feel that the denial of the $10 million requested for construction funds will not impair the operation and progress of the Electronics Research Center.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. WOLFF. Mr. Chairman, I want to pay due regards to our able leadership of the gentleman from California [Mr. GEORGE P. MILLER], and the chairman of the subcommittee on which I was privileged to serve, the gentleman from West Virginia [Mr. KEN HECHLER].

As a new Member of Congress, they have given me both the assistance and opportunity of contributing to this great effort.

Mr. Chairman, it is my privilege to speak on behalf of the Advanced Research and Technology Subcommittee of the House Committee on Science and Astronautics in support of H.R. 7717.

I believe strongly that our national security is dependent on how we discharge our responsibilities in acting upon this measure. The activities of the National Aeronautics and Space Administration need no detailed description from me. We all recognize, I am sure, that the Vice President of the United States—with all the urgent matters that require his attention—would never have been put in command of our Space Council unless this field were of utmost importance to the national security.

The United States stands at the pinnacle of world power today because, in addition to being the most democratic nation on earth, it has always been in the forefront of the technological revolution. We must maintain the initiative in every aspect of this revolution. And perhaps the most important field in which we must do this is space exploration.

If this Nation is content to rest on its past achievements—if it grows fat or weary or complacent—the results could be catastrophic. It took the launching of Sputnik I to jar us into the realization that we were not without serious competition in the technological field. If Sputnik I properly alerted us to the challenges that confront us, and freemen everywhere, then we should never again need such a rude awakening.

No less important questions than these confront us today. The world prestige of the United States is committed to success in the area of space exploration. The rapidly developing, uncommitted nations sometimes cannot comprehend the magnitude of the problems that beset us and our adversaries. But it is relatively easy to comprehend success or failure in space exploration. Either we shall succeed or our adversaries shall succeed, or both of us shall succeed in advancing the cause of mankind.

But if we fail—and particularly if we fail for lack of really trying—then we will have failed in more than merely the race to the Moon or to Mars or to other heavenly bodies. We will have failed to discharge our obligations to the entire free world and to civilization itself. For the whole community of nations looks to the United States for leadership and for freedom from the hardships of life. I believe that it is incumbent on the United States to maintain its leadership role in space exploration and in every other important endeavor in the technological revolution. We cannot afford to return to the cocoon consigned to perpetual earth dwellers whose horizons end at the water's edge or the tree line.

For all these reasons, I respectfully urge my colleagues to approve the appropriation bill now before us.

Outer space is not the private dominion of any one nation or group of nations. Indeed, it would be presumptuous of us to believe that outer space is even the private dominion of earthlings. The vast uncharted areas of space belong to mankind and to posterity. I am convinced that we and our adversaries must find some rational procedures for conquering the mysteries of space without indulging in the conquering of each other—at least militarily.

One reason NASA has been so immersed in research projects for so long has been to enable our country to accomplish in one lifetime man's adaptability to a space environment. This will be a truly remarkable achievement, if we are successful, when you consider that it took hundreds of millions of years for man to adapt to the environment of earth. There are those, of course, who say—perhaps rightly—that we have not yet accomplished the earthly adaptation. But I believe we have come close, if not all the way, and that we are destined to achieve greatness in the space age. It will not be easy. Sacrifices will be necessary. But these sacrifices must be made.

To get to the moon, or to get there first, really is not the important thing. The improvements we make along the way, in our technology and our civilization, will be far more important.

We must contribute to the future of mankind. Otherwise, our generation of Americans will be considered mere parasites who have lived off the land and ravaged it. I believe strongly that the future of the world will be determined in outer space. Thus, we must not only avoid the position of parasites on earth—but in outer space as well. We must make a contribution in this area that contributes not only to our national security, but to the national and international well-being in general.

I am convinced that virtually every possible economy in the NASA program has been made. The Subcommittee Section on NASA administrative operations, which I had the honor to chair, made an across-the-board cut of 5 percent in the agency's request for administrative programs. This resulted in an $8.5 million reduction in committee.

I want to emphasize that I firmly believe every wasted dollar should be trimmed from every budget we consider. This, I believe, has been done in the NASA budget. I again respectfully urge the House to approve this resolution.

Mr. FULTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. GURNEY].

Mr. GURNEY. Mr. Chairman, I should like to give my wholehearted support to this NASA authorization this year, H.R. 7717. Since I have served on the committee, I have always thought that this was one of the most important programs in which the United States is engaged. I think the Nation, in gaining preeminence in the space area, will also take an important step in obtaining preeminence in the world at large. I want to echo the thoughts of the gentleman previously in the well in reference to those who work on this committee. The chairman, subcommittee chairman, and Members on both sides of the aisle have always worked together in a bipartisan fashion to bring about a good space program.

I should like to make this additional comment: I know we have discussed this before in committee. It has been my feeling always, and it has been shared by Members on our side of the aisle, that we should have a larger staff on the Science and Astronautics Committee. In order to do a good job in any endeavor, whether it is in the field of Government or business, the Army, or anywhere else, an important part of doing the job is checking up now and then. People have a tendency to put their best foot forward sometimes when they are checked up on, when someone is supervising to see if the job is well done. It would occur to me, with this, one of the biggest budgets in the Government, that staff members with expertise in science and engineering, those in the space business, should go out in the field and take a look at the NASA centers and places in industry where the work is performed. Here I think the Congress could make a real contribution and help the space effort by so doing. I would hope we will be able to increase the staff. I know some of us on the committee have talked to the chairman about it.

I wish to speak also in support of H.R. 7717, the authorization for the National Aeronautics and Space Administration for fiscal 1966.

As a Member of this House and especially of the House Committee on Science and Astronautics, I support the space activities of the United States wholeheartedly and without reservation.

There is no more important undertaking, on the part of our Nation, than its space program. It is my firm conviction that the nation to first gain clear preeminence and superiority in space will in turn be the acknowledged leader of the nations of this planet.

This is surely a frontier where new discovery is always expected and again and again achieved. No one knows what lies beyond the horizon, but new wonders are the rule rather than the exception.

This Nation cannot afford to leave exploration of this truly new frontier to our rival, Communist Russia, nor can we afford to follow in the footsteps of the Communists in their endeavor. The United States must lead the way.

It is absolutely essential to this Nation to be first in space.

There are many reasons why this is important. First comes to mind the national security of this Nation. No one knows exactly what shape the military role in space will take by this or other nations. But it is significant that the present space program of this Nation and Russia grew out of the ballistic missile activities of the two nations. Engines, boosters, and the science and technology that goes into our peaceful and our military space programs are similar, overlapping and inextricably interwoven. The one complements the other.

Moreover, over the years, knowledge and skills in activities at first wholly peaceful, later become important militarily. No more dramatic example of this can be cited than the invention of the Wright brothers. The airplane at first considered to be a sort of freak invention later became a military weapon of great importance and a decisive factor in World War II.

All reasonable men fervently desire that space may be used for peaceful rather than warlike purposes. But the political forces contending in the world today make it plainly evident that the surest way to maintain the peace is through strength. It is imperative that the United States, the leader and bulwark of the West, the free world, become preeminent in space. Military activities of the future are destined to be conducted in space.

The acquisition of scientific knowledge is of great importance in this program. Space achievements of this Nation are rapidly increasing our knowledge about our home planet, the earth, the moon, the solar system, and the universe beyond. It cannot be doubted that we are on the threshold of great new discoveries here.

This past year has witnessed the great achievement of the Ranger program in the spectacular successes of photographing the moon.

Right now, every hour our Mariner space vehicle is hurling through space at thousands of miles per hour in its flight to Mars.

The NASA authorization of this year provides moneys for these important, ever-growing programs.

Space activities of this Nation include the great strides we are making in communications. Certainly one of the surest ways of better understanding of each other by the nations of the world is through improved communications.

It is only a question of time before the whole world will be connected by satellite communication systems. It cannot be doubted that such a network will help promote better relations among nations. Just a few days ago, Europe and America exchanged programs of information and interest by means of Early Bird, our latest communications satellite.

Then, too, in the field of weather reconnaissance our space program has made new breakthroughs. Here we can look forward to the day when the world will no longer be caught unprepared by weather surprises—the great tropical storms that have caused tremendous damage, suffering, and loss of human life in the past.

Of great significance in the space effort of the Nation is the reservoir of knowledge and of trained scientists and engineers which the Nation is rapidly building up. This resource will prove of incalculable benefit to the Nation as the years go on.

Lastly, I think it is of vital importance to men and a nation to have a challenge to face and to meet and overcome. In the past history of our planet, exploration has been one of the great challenges. There is little left to be explored on this globe now. Shrunk in size it has indeed, with modern tools of transportation and communication.

While there are still some unexplored portions of our earth, there are none which are not open to man should he desire to go there. Space, the solar system and the universe beyond are the frontiers to be explored today. They constitute the great challenge to men and nations of our day. I do not doubt that meeting this challenge will benefit this Nation in ways far beyond our comprehension today.

The activities and the spending proposed for the next fiscal year of NASA have been gone over at great length by the Committee on Science and Astronautics.

I think it is significant, and that NASA is to be complimented for holding down its request for spending at almost exactly the same level as last year and the year before. As one of the Members of this House who works closely with the space programs, I think it can be truly said that management techniques and cost controls have become of age in NASA and that good mileage is being obtained from our space dollar.

In my opinion, the bill is a sound one, and I urge its support by my colleagues.

I cannot urge this House of Representatives more earnestly or fervently to support this year's authorization for NASA, in this bill, to the end that our great Nation will continue its strong space program, while it will permit us to gain preeminence and world leadership in these frontiers of today and tomorrow.

While my support of this bill is without reservation, there are matters in connection with the space program and the committee work which should be brought to the attention of this House. These matters are considered more fully in the minority report of the committee, in which I have joined.

First, I have been long concerned that this Nation has dragged its feet all too slowly in its military space program directed to manned space flight.

Although NASA is going full steam ahead and spending the major portion of its space dollar on manned space flight, and I support this program wholeheartedly, the Department of Defense has persistently, in my opinion, downgraded the role of the military in manned space flight.

A good example is the Dyna-Soar program, an Air Force manned space flight program which not only would have given the military valuable and needed experience in manned space flight, but also had as a prime object, a spacecraft which had capability of maneuvering upon landing.

After an expenditure of a good deal of money, this worthwhile project was shot down by the Department of Defense.

Dyna-Soar was replaced by the MOL program, the manned orbital laboratory. I think it fair to say that there is almost unanimous agreement that this is a space effort which is a must for this Nation. Not only is it designed to give the Nation a capability in long-duration flights, but in a near-to-earth orbit, an area which would most certainly be a first and prime military objective.

Signs are that the Russians have always had this inner space uppermost in their minds. Moreover, their space programs have continuously from the outset been directed by military men. Can it be doubted that they are continually striving for military applications in their space programs.

In short, then, I do indeed earnestly urge our policymakers in the executive branch of the Government, and the appropriate committees of Congress to probe more deeply into the vital matter of our military manned space program to the end that they may receive more attention and greater emphasis.

The other matter which troubles me is the staff situation of the Committee on Science and Astronautics. I believe most strongly that the committee should have a strong minority staff assigned for the exclusive use of the Republican members of the committee, and especially do I bring to the attention of the House that the committee staff needs to be greatly expanded.

The space budget has been over $5 billion now for 3 years, counting fiscal 1966, which we are considering here. Certainly there is no more sophisticated or complicated program in all of Government.

The expertise of scientists and engineer staff types are needed by the committee to adequately supervise the spending of these vast sums.

The course of our Government today is that the executive branch, the administration, does most of the proposing of legislation. More and more the Congress loses initiative in this area. I doubt seriously if this scheme of things will ever change much or that Congress will recapture the initiative here. Nor do I intend in these remarks to argue the case one way or the other. I simply say this exists today and it does not look as though it would change.

Perhaps, the role of Congress in the future will more and more be directed toward closer and more effective supervision of the administrative departments of the Government.

Of course, this has always been one of the prime functions of Congress. I simply say I believe it should become increasingly important and receive greater emphasis.

Now then, I believe the Science and Astronautics Committee could perform a far better service to the Congress and the Nation if it would assume a far greater role in supervising and policing the vast spending that goes on in the space business. As it is today, in my opinion, we give this NASA authorization little more than a lick and a promise. We really do not know if the program can be improved upon, because we are not scientists and engineers and therefore do not have the expert knowledge necessary to make proper assessment of what is going on.

I can say to this House that we try hard, and have able men on the committee, but we need people trained especially in this business.

What we really need are committee staff people out in the field, the year round, spot checking on what is going on, sampling here and there the operation and progress of the space agency, the NASA centers, the industry places where the work is going on. The committee tries to do this each year and does acquire some feeling about the progress, but does not have the training to recognize trouble spots if it sees them.

I know of no business, or for that matter, any human activity, that does not require checking up periodically to insure top performance.

The Committee on Science and Astronautics needs an expanded and expert staff to do this. Our able chairman, Congressman Miller, has expressed his willingness to probe this matter. I would hope that some positive steps in this direction could be taken before we return to the House again with the authorization bill for next year. He certainly has been very receptive, and as I understand it, he is willing certainly to look into the matter to see if we might improve in that regard.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. GURNEY. Yes, indeed, I yield to the distinguished gentleman.

Mr. MILLER. The chairman of the Manned Space Flight Committee or NASA Oversight Committee, the gentleman from Texas [Mr. Teague] has agreed to take this up in the NASA Oversight Committee as soon as we dispose of the present business before us.

Mr. GURNEY. Yes, indeed, Mr. Chairman, and certainly we have you to thank for taking the leadership in this regard, and I am sure we can come up with a workable program.

The CHAIRMAN. The gentleman from Florida has consumed 4 minutes.

Mr. MILLER. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. Davis].

Mr. DAVIS of Georgia. Mr. Chairman, I would like to express my particular gratitude to the chairman of my subcommittee [Mr. Hechler] for having allowed me to occupy the chair on some of the most interesting phases of the matters of inquiry that have been under the jurisdiction of our subcommittee.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Florida.

Mr. PEPPER. I thank the able gentleman for his kindness in yielding.

Mr. Chairman, I want to compliment the distinguished chairman and the members of this committee for the services they have rendered to our country and to democracy and freedom in the world by what they have done on this space program. I heard on the radio yesterday morning a statement attributed to Mr. Webb, head of the space program, that we were behind the Russians because of budget limitations or budget difficulties.

As one of the Members of this Congress and of the House of Representatives, if any fault is to be found hereafter with the progress of our space program, I do not want it to be on my hands at least and more importantly, I do not want it to be on the hands of this House of Representatives. I take it this able committee has recommended to the House what you think to be necessary in the national interest in the funds to be authorized in this program.

Mr. DAVIS of Georgia. I thank the gentleman for his contribution.

Mr. PEPPER. May I add just one other thing. I particularly want to commend the able chairman and subcommittee chairmen and all those who had a part in it for having the courage, and I believe the honesty of purpose to put items in this authorization bill that have not been recommended by the executive branch of the Government. I think that is consistent with the responsibility of the Congress to the country, and I think, particularly in respect to the 260-inch solid propellant motor, that you have had the wisdom and the foresight in authorizing that program and the use of that type of propellant in the Polaris and in the Minuteman, was the most important in this extension of that program, at least through the second phase that you have authorized here.

I hope the executive branch of the Government will accept the wise provision of this able committee in providing for continuation of that and the other two aspects of the program that you have added to the recommendations of the executive department.

Mr. DAVIS of Georgia. I certainly agree with views expressed by the gentleman from Florida.

As I was about to say, Mr. Chairman, it was my privilege to occupy the chair of the subcommittee during the time all three of these programs were considered. In view of some of the colloquy that occurred before the Committee on Rules yesterday, I would like to ask the indulgence of the Committee to address a few general comments to the questions involved.

I recall that the late President Kennedy said that in our outer space, we have found a new ocean. That statement is almost literally true when you think about it. We, as human beings, have spent thousands and thousands and thousands of years, able to travel only on land. We ultimately came up with the invention of the wheel which was a great breakthrough when it happened, but we did not really improve our land transportation very much until we hit on a way to convert heat into thrust and propulsion.

We did it with the locomotive. Later we did it with the gasoline engine and the automobile.

Meanwhile, we had learned a good bit about building boats, but we did not go very fast or very reliably across the water until we hit upon a means of improved propulsion. We did it by converting heat into forward thrust, again.

Then, in our conquests of that ocean known as the atmosphere we never succeeded in manned flight until we hit upon a way of converting heat into forward propulsion. The Wright brothers were the pioneers in that effort. We never did succeed in any flight worthy of the name until we devised a means to do that.

Now we are at a key point in the field of propulsion again. The area we are dealing with now is the area immediately following the Lunar flight of 1970. We are about to squander a resource which we cannot replace, if we do not keep three programs in our total program.

The three programs to which I refer are the SNAP-8, the M-1, and the 260-inch solid fuel rocket. The letters "S-N-A-P" stand for space nuclear auxiliary power and the SNAP program is charged with the development of a nuclear powered system for generating 35 kilowatts of electrical power aboard a spacecraft for a 10,000-hour duration. The 260-inch solid fuel rocket motor, together with its second stage companion booster, the M-1 engine, are designed to place very heavy payloads into orbit. For example, if these two engines were to be used to lift a payload into near-earth orbit they would have the capability of launching and orbiting a load of 140,000 pounds.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield the gentleman from Georgia an additional minute.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from West Virginia.

Mr. HECHLER. Is it not true, also, that if we terminate these programs we will break up the teams who have worked so closely together in developing them?

Mr. DAVIS of Georgia. That is indeed true.

The resource we are about to squander is the resource of time. Once we squander that resource, we cannot buy it back.

It took us 5 years to develop a large booster after Russia launched the first sputnik. Dr. von Braun said it would take 5 years. It did.

At this time we are still developing the big Saturn booster. I devoutly hope that this committee will follow the recommendation of the House Committee on Science and Astronautics and leave in the M-1 program, the 260-inch solid booster development program, and the SNAP-8 program.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Is it not true that the F-1 engine, used in the Saturn, is parallel to the M-1 development today? If someone in the Air Force had not had the foresight to develop the M-1, we would be much further behind than we are today.

Mr. DAVIS of Georgia. That is exactly correct.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Wydler].

Mr. WYDLER. Mr. Chairman, at the close or the culmination of our hearings of the Committee on Science and Astronautics, I should like to express my personal thanks to the chairman of the committee, the gentleman from California [Mr. Miller], and particularly to the chairman of my subcommittee, the gentleman from West Virginia [Mr. Hechler], for their kindness and consideration in aiding me in the performance of my duties as a member of the committee.

Further, I should like to express my thanks to all members of the staff who helped me, and particularly to Mr. Boone, who was of particular help to me in carrying out my duties in the manner I believed necessary.

Mr. Chairman, I rise today in support of the NASA authorization bill. I intend to vote for it, although I have some serious reservations concerning some of its provisions. Some of the reservations I have have already been expressed, and they are contained in the additional views in which I have joined, which appear in the committee report. The sections of the report follow:

COMMITTEE STAFFING

Minority members of this committee have repeatedly expressed concern over the total number of staff personnel available to the Committee on Science and Astronautics. In our opinion it is impossible for the 12 professional and technical staff members to adequately handle the workload associated with the committee's broad responsibilities in the field of science. This committee has one of the largest budgets in Government to authorize and to oversee and one of the smallest committee staffs in Congress to assist in this process.

It is the responsibility of this committee to study thoroughly the many space projects and programs. The committee staff must be composed of individuals trained in engineering, electronics, and other space-related disciplines to assist in this important work. With the present staff, despite their individual competence, we believe the committee cannot fully perform its prime functions—to review the National Aeronautics and Space Administration's budget and to assist in evaluating, on a continuing basis, these programs. This situation constitutes a weakness in the system of checks and balances. Here is an instance where the legislative branch of Government, because of inadequate staff, is unable to keep watch on a huge executive agency. This is being "penny wise and pound foolish" and can certainly cause considerable waste and make inefficient our system of government.

In addition to the responsibility for the conduct of scientific research in the Government, the committee has authorization and oversight responsibility over one of the largest Government agencies—the National Aeronautics and Space Administration, with an annual budget totaling over $5 billion. Without additional staffing the committee cannot carry out these oversight responsibilities throughout the year and in addition involve itself in the many other responsibilities in the fields of science.

The Congress should not continue to fail to exercise its constitutional prerogatives and responsibilities, and run the risk of wasting taxpayers' dollars by failing to insist that a competent staff be selected to assure reasonable supervision of this budget and efficient handling of the many other responsibilities of the committee.

James G. Fulton.
Charles A. Mosher.
Richard L. Roudebush.
Donald Rumsfeld.
Edward J. Gurney.
John W. Wydler.
Barber B. Conable, Jr.

MINORITY STAFFING

We continue to believe that there is an urgent need for staff members responsible to the minority members of the committee, including both professional and clerical help. It is absolutely vital that staff members be available to all the minority members of the committee if the House is to be benefited by well-balanced views, conclusions, and recommendations. It is obvious that the most efficient way to provide a minority staff is to do so on a full-time basis so the staff members will not be overburdened by responding to both majority and minority efforts in carrying out the committee's work. Currently, the present staff is overburdened to the extent that it is difficult for them to be of assistance to minority members. It is our recommendation that at least one minority staff member be assigned full time for each subcommittee.

The Congress, the committees of Congress, and the majority and minority members have an obligation to the people of this country, and they fail in that obligation when, because of inadequate committee staff, they are unable to properly discharge their duties.

James G. Fulton.
Richard L. Roudebush.
Thomas M. Pelly.
Donald Rumsfeld.
Edward J. Gurney.
John W. Wydler.

THE M-1 ENGINE

We oppose the continuation of the development of the M-1 liquid oxygen-hydrogen engine as recommended by the committee. The Government committed itself in March 1964 to producing this engine for approximately $238.6 million. By the end of July 1965 the Government will have spent $100 million for the development of this item. NASA has continued this development project without a requirement, without any specific mission in mind, and finally chose to cancel it in the fiscal year 1966 request.

The committee has seen fit to override the Bureau of the Budget recommendation and the NASA request and provide an additional $15 million to keep this program alive.

As Republicans, we find ourselves in the strange position of backing the President against his Democratic majority on the committee. We do this, however, because he is right in this instance. It is obvious he would not have approved the cancellation of this program if it was vital to our Nation's space effort. If continued this program will cost at least $125 million more to complete. This is a useless waste of the public's funds as reflected in the original NASA action.

The partial restoration of funds will keep the project alive but provide only for component testing and not a complete nor useful system. This halfhearted approach is likely to result in a program with no real value at all to the country and which will provide a yearly drag on the NASA budget.

We have consistently supported development of those items which we believed had a potential and were necessary to further the Nation's space effort. However, to proceed on an engine development costing an additional $140 million, to complete without a mission in view, and not commensurate with the latest state of the art, is fallacious and wasteful of the public's funds. Mr. Wydler opposed the reinitiation of this project in the subcommittee, both of us did so in the full committee, and we impress upon the Congress the need for the better management of development programs.

We believe a full assessment of the values plus cost could only result in the cancellation of this development and the subsequent savings of an additional $125 million or more dollars to the taxpayers of this country. We are told that the continuation of this project at the level authorized by the committee will result in at least 5 to 6 years of development without having an item capable of being used in space. For these reasons we are opposed and urge all of our colleagues to oppose the reinitiation of this program.

Richard L. Roudebush.
John W. Wydler.

ELECTRONICS RESEARCH CENTER

We believe that the National Aeronautics and Space Administration should select a different site for the Electronics Research Center.

The Kendall Square site which NASA has selected is unsound, the cost is unwarranted, and acquisition problems too involved and uncertain to justify the time and expense required.

The cost of the site is prohibitive. Originally Congress was told that NASA would spend $3 million to acquire 1,000 acres of land, or $3,000 an acre. Now, the Kendall Square site is estimated to cost $3 million for less than 30 acres of land, or over $100,000 an acre. This is more than 30 times the original estimate. Since the site is a developed piece of land which requires the use of urban renewal to clear, the cost estimates of acquisition are likely to increase.

In addition, because the Kendall Square site is in the center of the city of Cambridge, the National Aeronautics and Space Administration will require a second site for part of its facilities to be located in a nonurban area. They will have to acquire 400 additional acres of land for this purpose. Based on the original estimates this will cost an additional $1,200,000.

And the truth of the matter is that this would merely be the start of the cost of this site to the American taxpayers.

The site selected in the center of the city of Cambridge is now occupied by 94 profitable businesses doing $75 million in sales, having plants valued at about $20 million, and employing 3,500 persons at an annual payroll of $18 million.

All this must be swept away to clear the site before the National Aeronautics and Space Administration can start its Center. Estimates of the cost of land clearance by Urban Renewal range from $20 million to $40 million.

Finally, there is the cost to our Nation which will result from the loss of the free enterprise that will be uprooted. The Congress has estimated that 35 percent of the going business is lost in an urban renewal project. That loss will cost more than 1,000 jobs and $6 million in payroll because of this one project.

All this is to provide a site which adjoins the campus of Massachusetts Institute of Technology. The only justification for that requirement is that young college graduates who work at the Center will be able to walk to Massachusetts Institute of Technology (and take a nearby subway to Harvard) to continue their studies.

In our opinion this does not justify the staggering costs to the country detailed above.

Over the last 2 years the National Aeronautics and Space Administration has insisted that it needs this Center at once to perform desperately needed electronic research.

Yet, the selection by the National Aeronautics and Space Administration of the Kendall Square site insures that this research will be delayed at a time when we are dangerously behind the Soviet Union in space.

In fact, because of the selection of this site the construction program for this Center has slipped 1 full year already. Of the $10 million which Congress appropriated for fiscal year 1965 not 1 cent will be utilized. We are now told that Urban Renewal believes it can deliver some part of the land so construction can begin 1 year from now.

We are not told the reasons for this additional delay of 1 year and why we do not buy land already cleared and start construction immediately.

We further believe the time estimates on the availability of this site are overly optimistic and not realistic. Urban Renewal recently granted funds "to begin survey and planning activities in the area." The Government has merely taken the first step in a long and involved process. The businessmen in the area have formed the Committee for the Preservation of Cambridge Industry and promised to fight the project to the highest court in the land. They have the financial means to do so. The question is whether the National Aeronautics and Space Administration and the Nation have the time to await the outcome of such proceedings.

There is real danger that the National Aeronautics and Space Administration will become committed to and so involved with this site that it will be unable in the years ahead to extricate itself from it. Each year will provide new reasons to accept delay. This country will lose the needed research to be produced by this Center.

There is surplus Federal land available within a few minutes' driving time of this site which the Federal Government could have at no cost and which could be utilized at once.

For these reasons, we believe that the National Aeronautics and Space Administration should select a different site at once for the Electronics Research Center.

CHARLES A. MOSHER.
RICHARD L. ROUDEBUSH.
THOMAS M. PELLY.
DONALD RUMSFELD.
EDWARD J. GURNEY.
JOHN W. WYDLER.
BARBER B. CONABLE, JR.

THE SPACE PROGRAM AND NATIONAL SECURITY

In this committee's reports to the Congress in 1963 and 1964, I joined in views criticizing the lack of an American program to secure "inner space" and control it militarily.

Since that time, the lack of response from the Department of Defense (DOD) has been appalling and dangerous to our national security.

We have reached a moment in history when a decision must be made between science and security.

The present DOD hierarchy is noted for its reluctance to undertake the development of new weapons systems. Even so, it is hard to believe that it still treats the manned use of space for military purposes with skepticism, while a manned flight to the moon for scientific and prestige purposes is hailed as a national goal. It is impossible to justify such an illogical conclusion even if it is the work product of a computer.

This double standard of undertaking the most advanced research and development and spending billions in the name of science and prestige while insisting on detailed justification and clear-cut missions, when the objective is national security, is not noble and efficient but wrong, and a confusion of priorities that endangers our Nation.

It is time now to put the manned-military control of space on a "crash" basis equal in priority to the Apollo program.

The need for a military man in space is clear. It is the same as having a military man on or under the sea, in a tank, or in an airplane. His purpose is to control the environment around him, and our Nation willingly spends billions of dollars each year to maintain manned control of these earth areas without hesitation. Still we procrastinate about manned space control.

Even now military uses of space are evident. Man can now maneuver in space and has shown ability to leave his capsule and return.

The semisecret military satellites now circling the earth and performing reconnaissance for both ourselves and Russia could all be approached by a man in space, tampered with, and/or destroyed by a spaceman using equipment based on presently demonstrated capabilities.

There is no longer a question of whether we will have "space tanks," "space pillboxes," "space artillery," and "space sentries" but the only question remaining is when we will have them and whose they will be.

I also believe that the main opportunity for developing effective countering and defensive systems against enemy submarines and missiles will be based on men operating from space. The possibilities of aerospace military reconnaissance, surveillance, and communication are all too clear. In the face of this, it is hard to understand the hesitancy of the Department of Defense and its inability to act decisively.

It is even at this very late date still "considering the advisability" of proceeding with the manned orbiting laboratory (MOL), its only major program directed toward utilizing the military man in space.

That program should be given a green light at once and pushed forward on a "crash" basis. The fact that more than 2 years has been spent bringing the program to its beginning must be a comfort to our enemies.

The further fact that this program is not in any sense a weapons system and is merely to "explore military usefulness of man-in-space" puts us at the mercy of those who are willing to risk failure by pushing ahead to develop the weapons system of the future.

We cannot afford further lipservice or halfhearted actions as they serve merely to delude us. Activity is not action. I suggest the following steps be taken at once:

1. The first MOL flight is scheduled from 2½ to 3 years from now. This should be speeded up at least a year and the necessary sacrifices made to achieve it.

2. The Gemini capsules required for the MOL project should be ordered at once.

3. To achieve our goals effectively the manned earth orbiting program should be placed under military control. The Department of Defense should assume the responsibility for the control of space. Manned earth orbit is not a civilian exercise but a military necessity.

I believe that the only way the Department of Defense can meet its responsibilities in "near space" is to assume direction of the manned earth orbiting program. It should reorganize the U.S. Air Force into the U.S. Aerospace Force and make it truly that.

Even now NASA is planning its follow-on activity to the Apollo program. It is in three parts calling for:

1. Exploration of the moon both from lunar orbit and on the moon surface.

2. Unmanned deep space probes looking toward an expedition to the planets.

3. An Apollo extension system (AES) which is to place crews in orbit around the earth for long periods.

I believe the first two are legitimate goals of the NASA program. The Apollo program should be continued as planned. The third proposal, however, is a military program and should have military direction. It is a duplication and dilution of the MOL program.

This is in no sense a criticism of NASA which is doing the job assigned to it and doing it well. There is no contest between NASA and the DOD. The decision we must make is not whether there will be military control of space but rather whether that control will be Russian or our own. Military direction of our program will help us achieve military control. The men of the NASA have succeeded in establishing the orbit capabilities we now have, and I believe that most of them would agree with me and put the interests of their country over those of their agency. Their talents and knowledge belong and are available to all Americans. Their program has matured to the point where direction of the manned earth program should be turned over and developed by the U.S. "Aerospace" Force to insure the necessary emphasis in "inner space."

It is the direction of the program and not its performance that requires its future development by the DOD. In this world, at this time, security must take precedence over science.

JOHN W. WYDLER.

In spite of these matters, much more can and should be said. The committee itself has recognized the serious difficulties being encountered with the present site of the Electronics Research Center by denying any further authorization for the construction of this project.

There are other areas in which improvements should be made in NASA operations. In the next few weeks I intend to take the floor of the House and bring these matters to the attention of the American public. I believe there is still time to take whatever corrective action is necessary in that connection.

In spite of these weaknesses, on balance, I believe the bill before us today is deserving of support today, and I intend to support it today. I urge my colleagues to do the same.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I wish to compliment the gentleman on his eagerness, and his ability and hard work on the committee.

Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CONABLE].

Mr. CONABLE. Mr. Chairman, my view of the committee is necessarily a limited one. I am the most junior member on the minority side. I would like to say I am proud to have had a part in the effort that this committee is making at the moment to roll back the horizons of knowledge. Man has studied his environment ever since he was aware of it. The contribution that this committee is making to this knowledge is a substantial one.

I would also like to say that from what I have been able to detect of it, this committee is a well run, well led organization, carefully designed to peer behind the budgetary facts of NASA.

I would particularly like to compliment the chairman of my subcommittee, the gentleman from Minnesota [Mr. KARTH], for his hardheaded approach to budgetary matters, his long memory and his very specific knowledge of complicated technical matters. We have been proud of the hearings that we have held and the amount of deliberation that has been put into the consideration of the Space Sciences and Applications Division of NASA.

It seems to me that we have every expectation that this program will continue to carry on the function for which it was designed.

I would like briefly to mention, because I think this has some added significance to the people of my State, the economic involvement which we have in this program. I find, from studying the figures, in the first 8 months of this fiscal year 1965, there were prime contracts totaling $229,930,000 for which the money was obligated in New York State. To date this program has obligated a total of $693,216,000 in New York State.

In addition to this, the best information available to me indicates that for the first 6 months of this fiscal year. New York State received an additional $23,700,000 in subcontracts. For the past 3 calendar years, a total of over $138 million in subcontracts was expended in New York State. This is all of importance to the people of my State. There is always, of course, the hope that there will be more.

Certainly the contribution that NASA makes to the economic climate of some parts of our country is a substantial one and not to be overlooked. I wish to call this to the attention of my New York colleagues in the hope that they will support this budget, not only because our space program is important to our national welfare, contributing to the sum total of human knowledge, and bringing the specific benefits that have been discussed here, but also because of its contribution to employment in our State.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I would like to compliment the gentleman as a new Member of Congress because he has shown a keen insight already into the space programs, of which there are many. Second, he has certainly been working for efficiency and economy. I must say also to the citizens of New York that you can always tell he is from New York because he is so proud of the State.

Mr. CONABLE. I thank the distinguished gentleman from Pennsylvania and yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ROUSH].

Mr. ROUSH. Mr. Chairman, I would first like to pay tribute to my subcommittee chairman, the gentleman from West Virginia [Mr. HECHLER]. His skillful and diligent handling of the work of the subcommittee was a source of pride for each of us who served under him. Through his own endeavor several million dollars were deleted from NASA's request. These were funds which testimony and the facts would not justify. At the same time the program of NASA has been strengthened because of his keen insight and farsighted view of future needs of this Nation. The people of West Virginia are indeed fortunate to have such a man represent them in the U.S. Congress. My own part in the hearings was for the most part concentrated in just a few areas. Through Mr. HECHLER's generosity I chaired the subcommittee through those phases of the hearings which dealt with tracking and data acquisition and technology utilization.

TRACKING AND DATA ACQUISITION

The National Aeronautics and Space Administration had requested a total of $246,200,000 for this operation which includes support to meet the requirements of all of NASA's flight projects as well as for projects of the Department of Defense, other governmental agencies, universities, private corporations, international organizations, and other countries engaged in mutual research programs. This support is provided for manned and unmanned flights; for spacecraft, launch vehicles, sounding rockets and research aircraft; for earth orbital and suborbital missions, lunar and planetary missions, and space probes.

The research and development funds provide for the operation and maintenance of the worldwide facilities, the procurement of equipment and modifications to adapt the facilities for new and changing flight project requirements, and the development of advanced tracking and data acquisition equipment and techniques. These are three main networks involved. They are the manned space flight network, the satellite network, and the deep space network. After very careful study the committee determined that the total sum of $242,321,000 should be authorized for this phase of NASA's work. This amounts to a reduction of $3,879,000. Additional funds were cut from the request made by NASA for the construction of facilities. I would like to use an example to show how diligent work and probing can result in preventing unnecessary expenditure of taxpayers' money. During the course of our hearings the subcommittee discovered that the agency—NASA—was requesting authority for the appropriation of funds to be used for the purchase of land on Antigua which would be used for a station very necessary in the Apollo program. They asked for $200,000 with which to purchase 40 acres of land. In other words, they were planning to pay as high as $5,000 per acre for land. Inquiry with the Corps of Engineers indicated that this was very high for unimproved land on Antigua. Further inquiry revealed that the Air Force had considerable land under its control. Still further inquiry revealed that, because of certain agreements which this country has with Great Britain, crown lands could be obtained rent free. As a result the subcommittee deleted the $200,000 request with directions to NASA to use either the available Air Force-controlled land or crown land.

In the area of technology utilization I think sometimes we overlook a program which although it takes only a small portion of the NASA budget is making a major contribution to the Nation's progress. Five million dollars has been allotted to this program this year. I am very intimately acquainted with that particular program which is taking place at Indiana University where we have one of the pioneer endeavors in this area of technology utilization. The center is known as the Aerospace Research Application Center. It is a rather unique program in that it combines the efforts of the Federal Government with private industry and with the efforts of the university.

In that particular program we have industries which are paying $5,000 a year to participate and they have eagerly participated. During the first year of the program's existence 29 industries participated and paid their $5,000. To show you its success I should tell you that 25 of these 29 industries have renewed their contract and are again participating in the program. The program has grown now to the extent that we have 38 industries participating in this aerospace and research program on the campus of Indiana University.

In my opinion the university is making a major contribution in the national interest through this unique and imaginative program. It is an example of ideal cooperation between the Federal Government, private industry, and the university.

Next, Mr. Chairman, I would like to comment just briefly on an amendment which has been made a part of this authorization bill. This deals with geographic distribution. Last fall the Daddario subcommittee went through an extensive series of hearings on this subject and made certain recommendations to the executive department and to the Congress. Included in the bill, in section 5, is a proviso which states that it is the sense of the Congress that it is in the national interest that geographic distribution be considered when giving out our research and development contracts.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. ROUSH. I yield to the gentleman from West Virginia.

Mr. HECHLER. Mr. Chairman, I would like to commend the gentleman from Indiana for the pioneer work which he has done in obtaining the background for his persuasive arguments in presenting this amendment and getting it included in the authorization bill. I believe this is an outstanding contribution to the space program and will direct the attention of all agencies and departments of our Government to the fact that it is the sense of Congress that consideration be given to geographical distribution of research funds.

GEOGRAPHIC DISTRIBUTION

Mr. Chairman, the far-reaching impact of a single idea upon the economy of a particular area or a nation has been recorded countless times in history. In the past these have been the result of individual initiative and curiosity. Gradually through the centuries the decades, and the years there have been introduced additional stimuli. Today we describe such action as research and development programs.

They have become an essential part of effort to progress in all fields. The support of such programs in recent years by the private sector of our economy has expanded at a tremendous rate but not as fast as the demand for more and more knowledge. As a result we find the Federal Government today providing 70 percent of all funds now being expended for such purposes.

This 70-percent figure is now translated into an overall total of $15 billion being requested for such purposes in the budget for the next fiscal year. Obviously the expenditure of such a sum, more than 15 percent of the entire budget of the Federal Government, has an effect of substantial proportions upon the Nation's economy.

In the rapid expansion of Federal funds for these purposes during recent years the natural forces at work have resulted in a concentration of such expenditures in only a few sections of our Nation. This natural action is producing unnatural effects upon our economy. This maladjustment of the geographical distribution of such funds contains a tremendous potential for economic and educational ill health in a great many sections of the country.

Ideas are translated into action and production and economic expansion in the immediate areas where they are originated. What we are seeing now is that the continued concentration of funds for idea production in a relatively few areas is drawing off the trained scientists and engineers from other sections. We are seeing areas of equal or close to equal competence bypassed to some extent, their growth rate stunted.

The problem has now reached a stage so severe and the potential benefits to the entire Nation are so great that we can no longer ignore the importance of including geographic distribution among the factors to be considered.

To remedy this condition it must be understood the efforts to be taken should not penalize those areas of demonstrated research competence.

I have recognized this in the amendment I presented to the House Science and Astronautics Committee. The committee has approved this amendment which directs that consideration be given to geographical distribution of such research funds whenever feasible. It also calls for the use of such other measures as may be practicable toward this end.

Mr. ROUSH. I thank the gentleman. I realize that in talking about geographic distribution and in presenting such an amendment one does run the risk of being charged with being parochial in his view, perhaps provincial in his view. But I sincerely believe that it is in the national interest that the knowledge potential of this country be developed throughout the country and that we leave no area as a research-poor area of the country; that by exploiting the talent which exists in Ohio, Indiana, California, Maine, Massachusetts, or Florida, by exploiting the talent which exists in every State of this Union we can best serve the interests of the entire United States.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. ROUSH. I yield to the gentleman.

Mr. LAIRD. I would like to ask the gentleman from Indiana a question about his amedndment. I too have been interested in the proper distribution of research dollars.

I have here a staff report which indicates that of the projected expenditure of space research dollars 78 percent of the amount authorized in this bill will be spent in the several coastal States. As everyone in this Congress knows these space research contracts and grants are not placed on a competitive bid basis.

Will this amendment have any effect upon this very unfair projection for 1966?

Mr. ROUSH. I would reply to the gentleman by saying that we hopefully think that it will.

Mr. LAIRD. If the gentleman will yield further, the gentleman thinks that the amendment will require reallocation of the proposed research spending as followed in 1965 and projected for 1966 by the National Space Agency?

Mr. ROUSH. I doubt that if there will be a reallocation of funds. However, I do believe that because of this amendment the National Aeronautics and Space Administration will direct its attention in planning the distribution of its funds and its programs in the future to a more equitable distribution of research and development funds throughout the various States of this Union.

Mr. LAIRD. It has been running from 78 percent to 80 percent to the coastal States since the program got started. Two years ago I announced that until this figure was reduced by at least 15 percent I would exercise my protest by voting against this authorization bill. I must express my deep disappointment over this projected allocation of research dollars for 1966.

Does the gentleman think that 1966 offers a proper distribution?

Mr. ROUSH. I do not.

Mr. LAIRD. It would seem to me that it would be far from proper and would be discriminatory toward the major sections of this country. I shall again express my disappointment over the 1966 authorization bill as to its allocation of research dollars by voting no on final passage, this is the only method available to those of us in the great central section of the United States in expressing our deep concern and sincere disappointment over the failure of the National Space Agency to follow through on their earlier commitments to recognize our section of the country.

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Chairman, the equitable distribution of NASA funds not only to accomplish the space program but to strengthen the technological base of the Nation, is foremost in our minds. Below is included an analysis of geographic distribution of NASA funds:

REVIEW OF GEOGRAPHIC DISTRIBUTION OF NASA FUNDS TO INDUSTRY AND UNIVERSITIES

In view of the intense interest in the question of geographic distribution of R. & D. contracts and the indication that certain portions of the country are not sharing proportionately in the distribution of these contracts, a review has been made of the distribution of NASA university and industrial contracts. In addition to this a number of selected studies have been made such as one on the geographic distribution of prime bidders for major contracts and the distribution of NASA subcontracts. Subcontract data is a more reliable indication of specific location of performance. Another item of interest is the proposed NASA participation in the project 60 contract administration program being conducted by the Department of Defense. The summary sheet enclosed on that subject indicates the cities where NASA will have representatives.

The following exhibits are included as attachments:

(a) Geographic distribution of prime contract bidders.

(b) State ranking in geographic distribution of total Government and NASA research and development funds.

(c) NASA representation in Defense Contract Administration Offices.

(d) Distribution of NASA subcontracts.

(e) Ranking of States by distribution of NASA university funds.

(f) Rank of training grants by State.

(g) Listing of 25 largest facility grants.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION GEOGRAPHIC DISTRIBUTION OF PRIME CONTRACT BIDDERS

This report covers a sample of eight competitive NASA prime contracts, all of which were awards of more than $5 million. The purpose of this study is to indicate the geographic distribution of companies submitting proposals for these eight contracts. The study also indicates which companies received requests for proposals from the National Aeronautics and Space Administration.

The eight projects selected for this study were from the Office of Manned Space Flight and the Office of Space Science and Applications. The projects are: Voyager, Pioneer, S–IC stage of the Saturn, crawler-transporter, C–I 100-pound thrust engine, biosatellite, advanced orbiting solar observatory, and unified S-band system for the Apollo tracking network.

Geographic distribution of prime bidders

State	Project																			
	Voyager		Pioneer		S–IC		Crawler		C–I		Biosatellite		AOSO		S-band		Total		Winning
	RFP	Bid	RFP	Bid	RFP	Bid	RFP	Bid	RFP	Bid	RFP	Bid	RFP	Bid	RFP	Bid	RFP	Bid	Bids
Alabama					1	(1)	1	(1)	9	(1)	1	(1)					12	(1)	
Alaska																			
Arizona	1	(1)	1	(1)													2	(1)	
Arkansas																			
California	26	[2] 4	25	[2] 6	10	3	6	(1)	6	[2] 3	19	4	9	2	21	5	122	27	3
Colorado			1	(1)							2	(1)	1	1			4	1	
Connecticut	1	(1)	1	(1)	2	(1)					1	(1)	1	(1)	1	(1)	7	(1)	
Delaware																			
District of Columbia			3	(1)			3	(1)			1	(1)	11	(1)	26	1	44	1	
Florida	1	(1)	1	(1)			6	(1)		(1)			1	(1)	6	1	15	1	
Georgia					1	(1)									1	(1)	2	(1)	
Hawaii																			
Idaho																			
Illinois	1	(1)	1	(1)			1	(1)	1	(1)					1	(1)	5	(1)	
Indiana [3]																			
Iowa [3]																			
Kansas					1	(1)											1	(1)	
Kentucky																			
Louisiana	1	(1)															1	(1)	
Maine																			
Maryland	2	1	4	(1)	1	1	3	(1)			2	(1)	4	1	10	1	26	4	
Massachusetts	4	(1)	4	(1)	1	(1)					3	(1)	2	(1)	2	1	16	1	
Michigan [4]			2	1	4	(1)	2	(1)	2	(1)	2	1	3	1			15	3	
Minnesota			1	(1)	1	(1)					1	(1)					3	(1)	
Mississippi																			
Missouri	1	(1)	1	(1)	1	(1)			2	1	1	1	1	(1)			7	2	
Montana																			
Nebraska																			
New Hampshire																			
New Jersey	2	(1)	1	(1)					4	[2] 2	1	(1)	1	[2] 1	4	2	13	5	2
New Mexico																			
New York	4	(1)	3	(1)	10	(1)	2	(1)	3	1	3	(1)	4	3	11	1	40	5	
North Carolina																			
North Dakota																			
Ohio [5]	1	(1)			2	(1)	4	[2] 1			1	(1)			4	(1)	12	1	1
Oklahoma			1	(1)											1	1	2	1	
Oregon																			
Pennsylvania	2	[2] 1	4	1	2	(1)	4	(1)			2	[2] 1	2	1	3	(1)	19	4	2
Rhode Island																			
South Carolina																			
South Dakota																			
Tennessee																			
Texas	2	(1)	1	(1)	1	(1)	1	(1)			1	(1)	1	(1)	1	[2] 1	8	1	1
Utah																			
Vermont																			
Virginia	2	(1)	2	(1)			1	(1)			1	(1)			8	(1)	14	(1)	
Washington	1	[2] 1			1	[2] 1	2	(1)	1	(1)	1	(1)	1	(1)	1	(1)	8	2	2
West Virginia																			
Wisconsin [6]							2	1									2	1	
Wyoming																			
Total	52	7	57	8	39	5	38	2	28	7	43	7	42	10	[7] 102	14	400	60	11

[1] Indicates no proposal returned.
[2] Indicates winning State.
[3] No bidders.
[4] Submitted 3 bids; no contracts.
[5] Submitted only 1 bid and got the contract.
[6] 1 bid.
[7] Canada had 1 RFP.

[Figures in parentheses ( ) denote total research and development funds. NASA distribution without parentheses]

	R. & D. dollars per industrial employee	Per scientist in universities	Advanced degrees conferred	R. & D. dollars per scientist	Universities per student enrolled	Federal tax contribution	Per capita	R. & D. dollars distribution
California	(4) 2	(3) 1	(4) 2	(2) 4	(6) 2	(4) 3	(3) 1	(1) 1
Connecticut	(21) 21	(14) 14	(23) 20	(19) 22	(12) 11	(20) 20	(12) 18	(21) 19
Florida	(10) 4	(27) 19	(17) 12	(33) 5	(31) 20	(12) 5	(13) 6	(9) 6
Georgia	(41) 22	(26) 26	(21) 24	(33) 18	(24) 28	(43) 22	(34) 24	(33) 22
Illinois	(36) 25	(7) 9	(8) 13	(27) 24	(7) 12	(34) 28	(22) 23	(13) 15
Indiana	(37) 29	(38) 34	(47) 40	(31) 30	(34) 30	(37) 33	(27) 31	(26) 25
Louisiana	(7) 1	(28) 32	(25) 30	(12) 3	(33) 35	(7) 1	(10) 2	(15) 3
Massachusetts	(20) 14	(5) 4	(6) 4	(13) 11	(4) 4	(13) 13	(9) 9	(3) 11
Michigan	(33) 27	(16) 11	(34) 21	(26) 26	(21) 14	(39) 35	(25) 25	(19) 17
Minnesota	(26) 18	(19) 10	(14) 7	(21) 19	(17) 10	(24) 17	(20) 21	(25) 18
New York	(18) 15	(9) 15	(20) 22	(16) 16	(10) 15	(25) 21	(11) 13	(2) 8
North Carolina	(46) 37	(32) 36	(31) 35	(34) 37	(25) 32	(44) 43	(31) 41	(29) 31
Ohio	(32) 20	(30) 33	(27) 31	(25) 17	(35) 34	(30) 19	(23) 20	(14) 12
Oklahoma	(35) 31	(36) 17	(44) 25	(37) 34	(39) 23	(41) 31	(31) 34	(36) 29
Pennsylvania	(24) 16	(18) 16	(18) 16	(20) 14	(19) 17	(23) 15	(18) 14	(5) 10
Tennessee	(17) 30	(20) 27	(36) 33	(14) 29	(32) 31	(15) 27	(16) 32	(18) 27
Texas	(13) 7	(24) 12	(29) 18	(18) 8	(36) 21	(18) 8	(17) 7	(6) 4
Virginia	(23) 11	(31) 25	(15) 19	(21) 9	(30) 26	(26) 10	(24) 11	(24) 13
Washington	(8) 23	(17) 43	(12) 42	(6) 31	(16) 42	(6) 29	(7) 28	(7) 26
West Virginia	(43) 42	(41) 29	(46) 36	(38) 42	(47) 38	(40) 39	(33) 44	(42) 41

NOTE.—Above figures represent State ranking in geographical distribution of NASA research and development funds in 8 categories of comparison.

NASA representation in offices of the Defense Contract Administration Service, actual and planned as of January 1965

Study regions and DCAS office locations [1]	Estimated value of NASA contracts (millions)	Date of establishment	NASA representation		
			Total	Specialty	
				Contract	Quality assistance
Northeastern:					
Boston	$217	June 1965	2	1	1
New York	890	August 1965	3	2	1
Philadelphia	495	September 1964	2	1	1
Midwestern:					
Chicago	139	October 1965	1	1	None
Cleveland	119	August 1965	1	1	None
Detroit	27	April 1965	1	None	1
St. Louis	808	October 1965	2	1	1
South Atlantic: Atlanta	820	June 1965	3	2	1
South Central: Dallas	1,105	October 1965	3	2	1
Western:					
Los Angeles	4,687	December 1965	None [2]		
San Francisco	63	do	None [2]		

[1] Study regions do not coincide with DCAS regions.

[2] None required as a result of locations of Western Operations Office and other NASA installations in the area.

1st and 2d tier NASA subcontracts awarded by 12 major primes, $10,000 or more, by place of performance

State	Jan. 1, 1962, to June 30, 1963	July 1, 1963, to June 30, 1964	Jan. 1, 1962, to Dec. 21, 1964
Illinois	9,367,643	11,252,055	28,764,146
Indiana	1,778,852	9,308,611	13,026,353
Iowa	18,335,666	37,451,820	86,125,310
Michigan	8,232,572	7,861,215	22,666,029
Minnesota	41,429,746	37,272,952	101,480,615
Ohio	10,188,022	16,341,994	52,362,527
Texas	4,390,063	6,426,463	22,306,429
West Virginia	647,026	82,048	836,481
Wisconsin	2,071,516	2,175,829	6,370,725

Ranking of total NASA university funds (top 21)

Rank		Research	Total university grants and contracts
1	Massachusetts	$7,240	$11,051
2	California	8,939	10,529
3	Illinois	4,627	5,602
4	Michigan	4,861	5,412
5	Texas	1,830	5,389
6	New Jersey	4,370	4,771
7	Pennsylvania	2,348	3,378
8	Georgia	1,164	2,645
9	Alabama	2,146	2,415
10	Ohio	1,283	2,143
11	Wisconsin	1,295	1,961
12	Missouri	633	1,890
13	Indiana	1,138	1,763
14	Florida	1,369	1,754
15	Virginia	1,195	1,536
16	Iowa	736	1,205
17	Minnesota	823	1,111
18	Colorado	924	1,334
19	District of Columbia	675	1,086
20	Arizona	841	1,024
21	Washington	678	928

Rank of training grants by State

Rank	State	Number of grants
1	New York	305
2	California	207
3	Pennsylvania	180
4	Texas	178
5	Illinois	156
6	Ohio	133
7	Massachusetts	108
8	Missouri	103
9	Indiana	100
10	North Carolina	94
11	Michigan	86
12	New Jersey	78
13	Iowa	77
	Colorado	77
15	District of Columbia	73
16	Florida	68
17	Virginia	66
18	Georgia	65
19	Oklahoma	62
20	Maryland	60
	Alabama	60
	Tennessee	60
23	Connecticut	57
24	Arizona	52
	Louisiana	52
	Kansas	52
27	Utah	50
28	Washington	46
29	Minnesota	46
30	New Mexico	38
31	Wisconsin	37
32	Oregon	26
	Arkansas	26
	West Virginia	26
	South Carolina	26
36	New Hampshire	21
	Kentucky	21
38	Delaware	20
39	Mississippi	18
40	Montana	16
41	Nebraska	12
	Vermont	12
	Nevada	12
44	Maine	9
45	Hawaii	7
46	North Dakota	5
	Alaska	5
48	Wyoming	4
	Idaho	4
50	South Dakota	3

Ranking (top 25) of facilities grants by university

Rank	University	Location	Amount (thousands)
1	Massachusetts Institute of Technology.	Cambridge, Mass.	$3,000.0
2	University of California.	Los Angeles	2,000.0
3	do	Berkeley	1,990.0
4	University of Chicago.	Chicago, Ill.	1,775.0
5	University of Michigan.	Ann Arbor, Mich.	1,750.0
6	Rice University	Houston, Tex.	1,600.0
7	University of Pittsburgh.	Pittsburgh, Pa.	1,500.0
7	University of Maryland.	College Park, Md.	1,500.0
7	Rensselaer Polytechnic Institute.	Troy, N.Y.	1,500.0
10	Cornell University.	Ithaca, N.Y.	1,350.0
11	University of Arizona.	Tucson, Ariz.	1,200.0
12	University of Illinois.	Urbana, Ill.	1,125.0
13	Georgia Institute of Technology.	Atlanta, Ga.	1,000.0
13	Texas A. & M. University.	College Station, Tex.	1,000.0
15	Purdue University.	Lafayette, Ind.	$840.0
16	University of Colorado.	Boulder, Colo.	792.0
17	University of Minnesota.	Minneapolis, Minn.	704.0
18	Polytechnic Institute of Brooklyn.	Brooklyn, N.Y.	632.0
19	Princeton University.	Princeton, N.J.	625.0
20	State University of Iowa.	Iowa City, Iowa.	610.0
21	Washington University.	St. Louis, Mo.	600.0
22	New York University.	New York, N.Y.	582.0
23	Stanford University.	Stanford, Calif.	535.0
24	University of Wisconsin.	Madison, Wis.	442.76
25	Harvard University.	Cambridge, Mass.	182.68

Mr. MILLER. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Chairman, as the Committee on Science and Astronautics reviewed the program to be authorized by the bill before the House, I was impressed by the many ways the space program affects every citizen of this great Nation and, indeed, all mankind. One of the most interesting of these relationships and one having a high potential for the future is in the medical research being carried out to meet requirements of space flight.

It may well be that one of the greatest contributions of the national space effort will be the increased understanding of the human system as a dynamic whole. In the past, traditional medicine has measured the individual primarily in a static condition, that is, man at rest. Preventive medicine seeks to protect man from injury and disease. Clinical medicine has been concerned with the treatment of disease, injury, and stress. These professional approaches have resulted over the years in the development of highly refined and sensitive techniques by which abnormal conditions are diagnosed, treated, and prevented. However, most of these techniques are applicable only to man as a clinical patient or to evaluations of the environment in which he works. Evaluations of normal ranges of human responses during activity have only begun to be explored.

Now, with the advent of the national space effort, four conditions exist which make it possible for the first time to study man as a total system.

First, healthy human beings are now being studied over a long period of time and quantitative data is being obtained on reactions of the human system to the environmental factors encountered in a stressful situation.

Second, biotechnology is making it possible to measure man's total reactions as a dynamic organism. As the sophistication of instrumentation continues to improve, the rate of change of living cells can be measured with increasing precision and comprehensiveness.

Third, in the space environment the human organism has six degrees of freedom of motion, free from external forces. In this environment, it will be possible to validate mathematical models that will provide analogs for more perfect standards of man's responses to dynamic situations. With these analogs as guides against which to measure the pattern of human-system function on earth, it will be possible to augment significantly the ability of medicine to prognosticate symptoms before they occur.

Finally, the increased interaction between the physical and biological sciences will advance understanding in such cases as molecular biology, mathematical biology, neurophysiology, bionics, and electrobiology.

This broad picture is the product of the combined efforts of many academic disciplines, heretofore strangers to each other, as well as the result of the combined participation of Federal agencies, university research centers, and industry. Many existing and potential benefits can be mentioned which can be expected to improve our knowledge and abilities in everyday life.

Ground based studies pursued to learn about the effects of weightlessness and other specific space flight stresses on man have included investigations of bed rest and the accumulation of data from instrumented participants in stressful activities. The results to date have shed further light on such matters as body fluid shifts, and the mechanisms by which the heart and blood vessels respond to stressful and subgravity environments. During these studies, heart rates, for example, were found to be capable of greater sustained increases than had been formerly thought possible without undesirable effect.

In another phase of the space effort, research into the field of electroencephalography—the measurement of electrical brain waves—has been accelerated resulting in a broadened spectrum of potential usage through miniaturization, and a broadened understanding of changes which occur. One direction of effort which appears very promising at this time is devoted to developing an automatic system of EEG interpretation which will enable the interpretation of EEG's on a large scale. In addition, the ability to interpret resultant data has become more sensitive.

In a very practical vein, we may note the use of the NASA communication satellite to transmit an electroencephalogram from England to the United States for diagnosis.

As a result of the space effort, the existing state of the art in both ballistocardiography and phonocardiography—the measurement of heart rates by the movement of surrounding parts of the body and by the sound of the beats—have been advanced through the development, in the first instance, of an air-bearing device and, in the second, of an electronic filter. It must also be mentioned that a clean room system, developed by the Atomic Energy Commission and turned over to NASA and the space industry, is readily applicable to hospital operating rooms and appears superior to any system now in use.

Currently, NASA is conducting a program concerned with the computerized reduction, storage, and analysis of medical information obtained during the astronaut's preparation for space flight. This information is so prepared that ground based medical data and in-flight medical data are in an interchangeable form so that they may be used for purposes of comparison and prediction. An ultimate goal is to develop a standardized method to record and electronically store all useful medical data on a worldwide basis for immediate retrieval in connection with the diagnosis and treatment of medical problems.

Miniaturization of equipment is, of course, another field on which the space effort has exerted much influence, particularly in the biomedical area. These bioinstrumentation developments permit the gathering of data with little discomfort to the patient. Sensors capable of being placed in the body include devices for monitoring respiration efficiency, recording blood pressure and for transmitting temperature. These are being developed for animal evaluations, but ultimately they may very well lend themselves to clinical application beyond the already utilized techniques of implanting cardiac pacemakers. Indeed, the total development in the field of bioinstrumentation has permitted the collection of physiological information under dynamic conditions. The ability to record data on people engaged in various activities is widening our understanding of human functioning and of the role of certain types of stress factors in our daily lives. Several Government agencies are pursuing research in this general area.

Columbia University is presently using a lunar gravity simulator, developed by the NASA Langley Research Center, to facilitate the rehabilitation of muscular activity in handicapped patients. Originally designed to study locomotor activity at lunar gravity, the device suspends a subject with an arrangement of near-vertical cables perpendicularly to an inclined walkway.

An instrument designed at Ames Research Center to measure the impact of micrometeoroids on spacecraft, being used to determine the heartbeat of a chick embryo for drug evaluation, may be useful in determining fetal heartbeat. We may also note that accelerometers developed to study acceleration effects in space travel are being used to study the protective value of impact safety devices such as football helmets, injury protection in car accidents, and tremor patterns in patients with Parkinson's disease. As a result of a NASA program, the concept of airbags for impact protection in airplane crashes was developed into a system which may find application in commercial air travel.

The removal of body heat by a water-cooling concept originating at Farnborough, England, and developed by NASA for the Apollo spacesuit, offers possibilities of practical application under conditions where the removal of body heat is a problem, as in diving and underwater exploration.

Also, we have heard very recently about the use of spacesuit technology by Tufts Medical School in developing a means of external assistance to the cardiovascular system during cardiac surgery. This research effort is currently limited to work with experimental animals but holds promise for clinical application to humans and can reduce the degree of risk associated with such procedures.

These are but a few of the advances, occurring as direct fallouts of the space program or resulting from the impetus to biomedical research and development provided our space activities. Without question, as our knowledge of man's physiological and behavioral responses in the space environment increases, so will our capabilities to understand and medically treat man in his natural environment.

NASA, however, is charged by the Congress not only with a research and development mission, but also with disseminating that information. A recent example of how this is done is illustrated by the recent extension of a contract with Midwest Research Institute—MRI. This contract extension provides for a combined effort with the Menorah Medical Center, Kansas City, Mo., to find space knowledge that will be useful to the medical profession. A research team of persons from Menorah and MRI will make an intensive and systematic review of aerospace technology to develop medical relevance. Only by combined research and development of facts such as this will the biomedical community of the Nation keep abreast of widening dimensions of technology and the potential applications to medical practice.

These benefits result from the fact that Government agencies concerned with medicine and health coordinate their work closely. One aspect of this coordination, about which the Committee on Science and Astronautics has been concerned in the past, has been in the field of space medicine.

During past hearings, this subcommittee has carefully examined the interrelationship of the NASA space medicine program and those of other Federal agencies. After scrutinizing in detail the research and development in the biomedical efforts carried out by NASA and the U.S. Air Force, we were in previous years somewhat critical of a seeming lack of coordination among programs of these two agencies. This, we believed, could lead to an unwarranted duplication both of work and of facilities. It could indeed impose an unnecessary strain upon the available scientific resources of the Nation.

Acting upon suggestions made by members of the committee, NASA and the U.S. Air Force subsequently made a determined effort to develop a system of effective coordination between their space medicine and bioastronautics programs, respectively. Since it was recognized that the capability for detailed analyses of technical programs lay with those who managed the specialized technical efforts on a day-to-day basis, a plan was developed to provide for coordination at the task scientist, or laboratory management, level.

First applied to the fiscal year 1964 programs, the plan proved to be highly successful. In terms of magnitude of effort and depth of detail, this endeavor was unique in Federal research management. For example, 900 tasks were analyzed in detail during program reviews. Fifty-five were eliminated because they were considered to be in duplication of other tasks. Even more intensive effort was made in the review of fiscal year 1965 programs. Almost 1,200 tasks were analyzed. Of these, 68 tasks were canceled for the same reason.

In this latest review, a new category of task identity was created. This category was comprised of those tasks funded and monitored by both agencies to meet common objectives. They number no less than 43. This, in itself, is a forward step, since joint funding implicitly results in a closer interagency working relationship. This leads to more effective use of facilities, and to savings in time, manpower, and funds.

In the course of these reviews, it became apparent that many tasks were of mutual concern to both NASA and the U.S. Air Force. This awareness of detail by both agencies, brought about by the coordination process, now becomes a factor in preventing the task level scientists from unknowingly initiating research or development activities already in progress at the other agency. The significance of this result must not be underestimated in terms of our national economy.

It is encouraging, too, that task scientist coordination of programs did not cease with the conclusion of the formal reviews described. Spurred by the increased knowledge and understanding of their joint research potential and efforts, both NASA and Air Force scientists have continued to seek each other out, to exchange ideas for research, and to profit from each other's experience. This effort has been formalized, for example, by the establishment of the NASA Space Medicine Liaison Office in late 1963 at Brooks Air Force Base, home of the Air Force Aerospace Medical Division and of the School of Aerospace Medicine. Established to provide a continuing focal point for the exchange of task information between the Air Force bioastronautics and NASA OMSF biomedical scientists, this office has proved to be highly effective. It has first assisted task scientists in obtaining current scientific reports and special technical information; second, arranged visits between personnel of the various laboratories and centers; third, review the status of facilities and specialized equipment in terms of applicability to both programs; and fourth, developed a Life Sciences Directory for the two groups. As the effective central point of reference for the task-level scientists of the Air Force and NASA, it has also been instrumental in disseminating that type of information which might otherwise have gone unnoticed, such as informal scientific estimates and judgments or research activities of a more subtle nature.

Mention should also be made of the fact that the U.S. Air Force Systems Command, as one part of its direct support to NASA, provides a Director of Biomedical Support housed physically within the NASA Offices of Manned Space Flight and contiguous to the Directorate of Space Medicine.

Thus, both at the NASA Headquarters and laboratory level, there now exists the formal machinery for the continuing coordinated effort in biomedical research and development to support the national space effort. This high degree of coordination between NASA and the U.S. Air Force has been vitally important both because of the fact that the Air Force bioastronautics program and the NASA space medicine programs have certain common mission objectives as well as mutual specialized areas of technical and professional interest.

The NASA space medicine program has been coordinated by means of task descriptions with the Army and Navy, through the Defense Director of Research and Engineering, the Civil Air Surgeon of the Federal Aviation Agency, the U.S. Public Health Service, including the National Institutes of Health, the Medical Director of the Veterans' Administration, and the Division of Medicine and Biology of the Atomic Energy Commission.

Within the NASA complex itself, moreover, an extremely significant step has been taken to integrate all aspects of the life sciences areas supporting the individual mission-oriented project offices. Recently there was established a Life Sciences Directors Group to include the Director of Space Medicine, Office of Manned Space Flight, the Director of Biotechnology and Human Research, Office of Advanced Research and Technology, and the Director of Biosciences, Office of Space Science and Applications. Dr. W. Randolph Lovelace II, Director of Space Medicine, was named as the permanent chairman by the NASA Associate Administrator. The Directors Group is charged with providing an integrated life sciences program for NASA with a logical and systematic feed-in of research and development results from basic research—biosciences—to supporting research and technology—biotechnology and human research—to application—space medicine. Requirements, on the other hand, flow in an orderly manner in the reverse direction from application to supporting research and technology on to basic research. The three NASA programs in the life sciences now may be said to be truly an integrated program rather than three separate programs. Meetings of the Group are held on a regularly scheduled basis.

All these coordinated activities in the national space effort initiated in 1963 and representing a continuing effort not only with the Air Force but with other Federal activities as well, indicate the progress which has been made toward achieving integrated programs in this area within the Federal complex of research and development. The subcommittee is well satisfied that a sincere effort has been made and is continuing to be made to comply with its wish that every effort be made to assure the most productive use of funds, facilities, and manpower for furthering the national space objectives.

To summarize, the space medicine program has made significant progress. The program is designed to constantly improve the astronauts' ability to live, observe and do optimal work in space and then return safely to earth. The effort to coordinate the medical program within NASA and with other agencies has been highly successful. There exists now a creative partnership in the space medical field, and the steps to enlist the talents of scientists, both in Government work and private laboratories, from this Nation and from the foreign scientific communities is already proving its value to mankind.

For these and other reasons covered by my colleagues, I join in urging the House to approve this measure of vital importance to our Nation's well-being.

Mr. FULTON of Pennsylvania. Mr. Chairman, it is a real honor to yield such time as he may consume to the former Speaker of the House of Representatives, the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Chairman, I want to take this opportunity to express my support of the space legislation which is now pending before the committee.

Mr. Chairman, I have been in Congress a long time. But I want to tell you that I never saw a committee that more diligently went over these budget figures more carefully than the present Space Committee.

Of course, Mr. Chairman, they had in mind the desirability of retrenchment and they tried wherever there was a chance to without interfering with the program of space progress. They knew that the American people wanted progress in space and yet wanted economy.

Mr. Chairman, this is a progressive program and yet reasonably priced. It is one I do not believe you could cut much without harming.

Mr. Chairman, I am very happy to support this legislation. We had our difficulties, but I want to say also that perhaps we learned a lesson.

Mr. Chairman, the site location for the Electronics Research Center at Cambridge will be determined very shortly and will be located in the city of Cambridge. Cambridge has authorized the legislature to begin the legislative process to give up to $25,000 for firms forced to relocate. I believe this will expedite the adjustment. I am informed they expect to be able to turn over the land to NASA by October 1. This will expedite the program and be the business stimulant New England sorely needs.

The site selected is close to Harvard and the Massachusetts Institute of Technology. It is where it can best solve the technical problems, and it is believed NASA will do work in the new location of which the country will be proud.

Mr. MILLER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. Casey].

Mr. CASEY. Mr. Chairman, I thank the chairman for yielding me this time. It has indeed been a pleasure and honor to serve on such a dedicated committee. The House committee has heard a chronological detail of how this country has overcome its lag in the space age since the launching of the Saturn. It is due to the fine leadership displayed by our great chairman, the distinguished gentleman from California [Mr. Miller], because I am confident there is no more dedicated man in the Congress, and certainly no more able a chairman. The House today has seen the distinguished subcommittee chairmen who know the complicated work that is involved in this great program. Each Member of the House can take pride in having brought this country to the forefront in the space age. It has been through their efforts, and we will maintain that position.

I want to invite all Members of the House and their constituents to visit my home district and see the Manned Spacecraft Center and the work that is being done there. This belongs to you Members of the House who had their part in building it. As Members they had a part in seeing that the job is well done, and I want you to meet those fine, dedicated people at the Manned Spacecraft Center, Houston, Tex., who make this program the success it is today.

Mr. MILLER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. Wolff].

Mr. WOLFF. Mr. Chairman, I am happy to have the opportunity to recommend to the Congress a technical device, the Lunar Excursion Module—LEM—developed and produced in the Third Congressional District of New York. LEM development was started by the Grumman Aircraft Engineering Corp., of Bethpage, Long Island, N.Y., in 1962. The $270 million to be appropriated for this project will be money well spent, a sound investment in the future of our people and all the free peoples of the world. LEM will push forward the time when Americans will land on the moon.

During fiscal year 1964, the preliminary design was completed. Work went forward swiftly during the year and by the end of 1964 four heavyweight propulsion rigs were delivered for use in the test program.

During fiscal year 1965, the program is undergoing a sharp buildup in development test activity. Major subsystems components are also under development. A LEM test article—LTA—will be delivered to Marshall Space Flight Center for vibration tests with a Saturn test vehicle. A second LEM test article will be delivered to North American Aviation for electronic systems integration. By the end of the year, fabrication will have started on four additional test articles and the first LEM flight vehicle.

During fiscal year 1966, design and engineering and component development tests will be completed and the qualification test program on prototype flight hardware will be started. Dynamic tests will continue at Marshall Space Flight Center on the LEM-Saturn V configuration, using the LTA vehicle delivered during fiscal year 1965. Two additional LTA vehicles will be delivered for the test program: one for static structural tests with the LEM-S-IVB adapter, and one for vehicle static and dynamic structural testing. The remaining three LTA vehicles will complete manufacturing and will enter installation and checkout. Manufacturing will continue on the first LEM vehicle for orbital flight. Five additional flight vehicles will be in production.

I have had the opportunity to visit the Grumann plant where LEM is in production, and have inspected the LEM and seen demonstrations and tests of the model as well as the progress of the actual vehicles. In fact, I have been privileged to enter the module and operate the controls of this vehicle of the future. In the course of the visit I was also shown the training devices that are being used by our astronauts and saw the astronauts in training at Bethpage. The thoroughness and care going into this project impels me to bring to the attention of the House the excellent work being done.

Yet, the moon is but a target. The real point of our space effort is that we must be first if world security and the ascendancy of democracy is to continue. Losing this race to a Communist power would be a calamity for all mankind.

Thus I hope that this legislation, as well as the entire NASA appropriation bill, will receive the overwhelming endorsement of the House of Representatives.

The transcendent importance of our space effort, in terms of the future of mankind, makes the legislation we vote on today among the most important to be considered by the Congress this year.

Mr. MILLER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. Vivian].

Mr. VIVIAN. Mr. Chairman, today I would like to speak very briefly on two points:

First, as a new Member of this House and of the Science and Astronautics Committee, and more particularly as one of the small number of professionally trained scientists who have been privileged to be Members of Congress, I have been impressed by one salient fact which I personally can appreciate—but which, I think, is rarely appreciated by many of our constituents throughout the Nation: that many members of this committee, though not scientists, to their great credit have become remarkably well informed—at times to my slight embarrassment—on the many diverse, complex and often obscure scientific matters with which the Science and Astronautics Committee must deal. I say this particularly of the chairman of the full committee, and of the subcommittee chairmen, on whom falls the brunt of this work. They have my deep respect. They deserve the appreciation of all of us.

Secondly, we of the committee, and the entire Congress, must very soon face and face thoughtfully, the task of establishing a new basic national policy to guide the geographical distribution of Federal research and development funds.

In the past, we have awarded work to the lowest bidder. This is certainly a wise procedure. We have located Government facilities where the climate and the terrain were best suited for such facilities. That too certainly is a wise procedure. But these procedures, wise as they are, are unfortunately no longer adequate. For it is a fact that many States are not sharing equitably in the powerful economic stimulus injected by our massive spending for advanced technology. More importantly, they are not sharing equitably in the potential for growth which the expansion of technological facilities and personnel inevitably promises. In fiscal year 1963, the East North Central region of this country, which includes Ohio, Indiana, Illinois, Michigan, and Wisconsin, received the lowest dollar volume of research and development funds, per capita, from the Federal Government, of any region in the Nation. Yet this area has traditionally been one of the key industrial production areas of the Nation. We need to find new criteria for distributing research and development funds. Otherwise, we will have in a decade hence new Appalachias, which will be deficient, not in coal or other physical resources, but rather in the mental resources, the resources of skilled labor, which will soon be the sign of economic well-being and capability in our increasingly technological society.

Mr. Chairman, shortly I will insert in the Record a number of specific suggestions which I hope will receive the consideration of our committee and of this House, in our efforts to meet and solve this pressing problem.

Mr. MILLER. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. Adams].

Mr. ADAMS. Mr. Chairman, it has been a great personal privilege on my part to serve on the Science and Astronautics Committee under the leadership of the gentleman from California, Chairman Miller, and on the Subcommittee on Manned Space Flight under the gentleman from Texas, Chairman Teague.

We have spent many hours listening to testimony and examining various facilities of the National Aeronautics and Space Administration. I rise to state my full support of H.R. 7717 to authorize appropriations of $5,183,844,850 for fiscal year 1966.

The many technical aspects of this bill are being covered in detail by other speakers and I will therefore not cover again the material which will be handled by others.

I wish to emphasize one point in this—my first opportunity to comment on America's space program. I hope that our people in America will understand the basic purpose of the NASA technological development in space exploration. We are in a technological race with the Russians and other nations of the world in the whole broad field of space technology. The most dramatic aspect is the so-called "race to the moon" but we should not be misled by this single dramatic point. The race is in producing a level of technology in a complicated field on a broad enough level that we take advantage of the scientific discoveries that will occur in the next few years.

The psychological effects of the Russians landing first on the moon have been frequently mentioned but the true race is not a matter of who should arrive first but whether our level of technology as compared to the Russian level is such that we are there almost simultaneously. I do not believe it would be an overwhelming tragedy if the Russians should arrive a few days before we did, but I believe it would be a disaster if they should arrive a year before we did. The first parties on the moon who are able to consolidate their position will have an overwhelming scientific advantage in terms of ability to experiment in space technology in a gravity one-sixth that of the earth and without the inhibiting factors of an atmosphere.

Of great importance in my opinion is the fact that there will be in the future significant changes in methods of propulsion and construction of spacecraft. I do not believe the present systems of larger and larger boosters with more and more volatile fuels are the ultimate answer to space exploration and control. Such fields as nuclear propulsion and maneuverable spacecraft are going to be within man's grasp within the next generation. We must produce a scientific community in the United States that will have a technology capable of developing these ideas or, if they should be developed elsewhere, of rapidly moving to capitalize on them.

For example, we have developed a technology in land vehicles such as the automobile which in World War II enabled us to move rapidly into the production of Army trucks and tanks. We could not have done this if our stage of development in the automobile industry had remained in the technology of the model T.

As of today we have no basic problem in the production of defense materials to be used on the ground, in the sea, or in the atmosphere because we have established technology in those fields. We were left behind when the sputnik was launched and are only now gaining in the race because we lacked a space technology. This is what NASA is developing and why it is separate from the military.

We must spread throughout American industry—which we are doing—the ability to produce rockets and spacecraft that are operational. We are accomplishing this through the Gemini and Apollo programs and we must continue to advance in our scientific technology, if we are to survive in the space age of the coming generation.

This is why we do not look on this as a military program—though it has great military significance—but rather an effort by all of America to create its place in the space age.

The NASA is developing a series of launch vehicles for manned and unmanned space flight that will provide a capability for the United States that will insure this Nation's preeminence in space for years to come.

I have been particularly concerned with the status and plans for manned space flight.

The Manned Space Flight Subcommittee heard the status and plans for the Apollo program during the month of March. In the past week, I have had the opportunity to update myself on the progress made in the launch vehicle area.

The progress that has been made in just these few short weeks, since our hearings, is indicative of the vigorous approach the United States is taking in pursuing the manned space flight program.

I would like to spend a few moments commenting on some of the more significant events that have occurred in the Saturn launch vehicles and related launch operations preparation during recent months.

The vehicles under development are the Saturn I, Saturn I–B, and Saturn V. The Saturn I is now operational and is being used to place Pegasus micrometeorite satellites in earth orbit and to test early prototype Apollo hardware.

SATURN I

All the Saturn I development and qualification testing was completed during 1964. This required a total of only 6 launches instead of the 10 originally planned. SA–7 flight was a fully operational launch vehicle mission in which the boilerplate spacecraft was tested. The Saturn I flight program has successfully verified the use of liquid hydrogen fuel for the high performance stages.

SATURN I–B

Saturn I–B, a two-stage launch vehicle utilizing an updated S–I stage and an improved upper stage, the S–IV–B, can place approximately 3,500 pounds in 100-mile earth orbit. By adding the Centaur—which already has flown successfully—as a third stage to the Saturn I–B, 12,000 pounds can be placed in an escape orbit. As a comparison with other lifting devices, the Saturn I–B has a potential capacity of lifting two Surveyors and one lunar orbiter to the moon or could propel three Mariners to Mars or place a Voyager on a path to Venus. The first flight S–I–B stage is being fabricated and assembled at Michoud in accordance with the schedule. Live firing test was successfully conducted in mid-April and the stage is currently being shipped back to Michoud.

The second stage, S–IV–B, for the first Saturn I–B flight has been fabricated and assembled on schedule and hot firings on a test stage are currently in process. The first launch of the Saturn I–B is scheduled for 1966.

SATURN V

The Saturn V launch vehiole will make it possible to place large payloads in orbit and to propel approximately 95,000 pounds on a translunar trajectory. With the addition of Saturn V the United States will possess a powerful and flexible launch vehicle system capability of wide range and variety of mission. Looking ahead to the requirements for the future, the Saturn V could place in orbit a 36-man space station with supplies for a 1-year period, or a 6-man space station in synchronous orbit over a fixed area of the earth and support extended lunar exploration from moon encampments. Capabilities, facilities, and personnel will shortly be available to place 200,000 pounds annually in earth orbit with 6 Saturn I–B launches per year and an additional 1½ million pounds annually with 6 Saturn V launches per year which will provide the United States with tremendous capability.

The Saturn V first stage, S–I–C, is fabricated by the Boeing Co. The first completely assembled ground-test stage, called the static-firing stage, was delivered to Marshall Space Flight Center and installed in the test stand on March 1, 1965, on schedule. The first single-engine firing of 15-second duration was conducted on April 10. A five-engine firing of 6½-second duration was accomplished 1 week later on April 16. This firing, where the thrust totaled 7.5 million pounds of thrust, was five times greater than the Saturn I's power and the most powerful rocket ever known to be fired. Both tests were successful and of great significance.

The second stage of the Saturn V vehicle is the S–II stage fabricated and assembled by North American Aviation. The ground-test stage was delivered last fall and performed a successful 10-second single-engine firing in November.

Because the Saturn V third stage, the S–IV–B being built by Douglas, is almost identical to the Saturn I–B second stage, its development is somewhat further advanced than the other two Saturn V stages.

This year of "ground testing" is extremely important in that the designs for a large percentage of the flight and ground equipment will face environments designed to test their adequacy to meet specified operational requirements.

LAUNCH FACILITIES

A significant event occurred at the Merritt Island launch area—MILA—on April 14, 1965, when the vertical assembly building—VAB—steel structural work was "topped out" at the 525-foot level. When completed, the VAB will be the world's largest building and its construction represents one of the largest projects in history. The VAB is scheduled for completion early in 1966 and is expected to be on schedule. Another important event occurred at MILA on April 3, 1965, when the crawler transporter No. 1 was moved for the first time approximately 50 feet in both directions and at a maximum speed of one-quarter mile per hour.

In conclusion, I would like to state that as a member of the committee responsible for our Nation's space program, I am continually impressed with the orderly, but rapid, progress in this challenging activity.

The progress that I have indicated today only covers a portion of the many things that are being accomplished daily in this program.

I, for one, am proud to be associated with this dynamic and worthwhile endeavor.

Mr. JONES of Alabama. Mr. Chairman, I want to record my fullest support for H.R. 7717 authorizing appropriations to the National Aeronautics and Space Administration.

In doing so, I would like first to pay a tribute to the gentleman from California, Chairman GEORGE P. MILLER, of the Science and Astronautics Committee, and to the members of the committee, for the remarkable and productive work they have done on this bill. It is a better bill because of their skillful and professional assessment.

Next, I would like to refer, generally, to the splendid, solid progress we are achieving in space. In a good many aspects of our space program we have already surpassed the Russians and before long it is likely we will achieve total superiority.

Truly, Mr. Chairman, we have, in a few short years, scored tremendous successes and have gained great knowledge and experience in the space field.

And our Apollo program which is designed to land a man on the moon in this decade is moving ahead smoothly and on schedule.

Our overall civilian-directed space program, as I see it, Mr. Chairman, has been an orderly one and I firmly believe it will continue to be so. It is based on a solid foundation. Certainly, the success of our present space activities is due, in large part, to the outstanding group of men engaged by NASA to direct and implement the program. All Americans can well be proud of this dedicated team.

It is appropriate for me to point out that H.R. 7717 will enable the continuation of the fruitful partnership existing between NASA and the city of Huntsville, Ala., situated in the congressional district which I represent.

In recent years this partnership has flourished to the mutual benefit of our national space activities and the civic and economic goals of Huntsville's citizens.

The NASA Marshall Space Flight Center at Huntsville is charged with the research and development for the Saturn launch vehicles. These impressive rockets, the Saturn I, Saturn I-B and Saturn V, each in turn adds greater capability to our manned space flight program, and the Saturn V will launch American astronauts toward the moon in the Apollo lunar landing mission.

The Marshall Center also has the responsibility of managing the contractors who will assemble, test, and launch these giant vehicles, and much of this work is actually done in Huntsville.

The guiding genius of the Marshall Center is Dr. Wernher von Braun, Director, who has provided brilliant leadership for the Huntsville program. Further, Dr. von Braun has assembled an exceptional staff at the Center and these loyal and devoted people have carried out their duties quietly and effectively and have produced splendid results as the record clearly shows.

When the Marshall Center was established in 1960 the budget for its first year of operation was $400 million. The total budget for the last fiscal year was about $1.8 billion, more than four times the 1960 figure. This past year 7 percent of the $1.8 billion was actually added to the economy of the Huntsville area.

Many new facilities have been added to the Marshall Center for use as laboratories and support offices, amounting to another $150 million. The facilities at the Center are now valued at a quarter of a billion dollars.

The total strength of civil service personnel at Marshall is more than 7,000. This number, multiplied by the members of each worker's family, adds appreciably to the total population of greater Huntsville.

It has been estimated that the impact of the Marshall Space Flight Center upon the economy of the Huntsville area has meant an increase in population of more than 40,000, an increase of 17,000 automobiles, and 11,000 additional jobs created by other new industry in the Huntsville area. All of these statistics can be translated into tremendous gains in personal income, bank deposits, retail sales, and home purchases.

The economic gain has been matched by a new vigor in all of its undertakings by the city of Huntsville and the State of Alabama. Tremendous growth always calls for an increase in government services. A community either rises to the challenge or falls behind. Alabama has proved its ability to move ahead with the pace of the manned space flight programs of the Marshall Center.

Mr. Chairman, Alabama is proud of its substantial contributions to the American space program and will continue to do its part with vigor, imagination, and a sense of pride.

Mr. SHRIVER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SHRIVER. Mr. Chairman, I support H.R. 7717 which authorizes appropriations for research and development programs of the National Aeronautics and Space Administration for the coming fiscal year.

As in the past, my support of this national space effort is based upon the important scientific and military advantages which accrue to the United States and its citizens. On the basis of military implications alone which involve the security of our country, we cannot afford to lessen our activities in the space program. Of course, the many scientific and technological benefits which already have been realized will have a tremendous impact upon our way of life and standards of living.

I fully support my colleagues, the minority members of the committee, in their request to strengthen the committee staffing and particularly to provide adequate professional and clerical staff for minority members.

We are dealing with a highly specialized and technical area involving billions of dollars. It is indeed "penny wise and pound foolish" if we fail to provide adequate and knowledgeable counsel to assist in the legislative responsibilities relating to this vital space program.

Mr. CORMAN. Mr. Chairman, I wish to express my wholehearted support for the proposed $5.2 billion authorization for the activities of the National Aeronautics and Space Administration.

I am privileged to represent one of the Nation's leading centers of aerospace technology and production and, therefore, take particular interest in our national space program.

Despite some ill-advised opposition by obstructionists, Congress has wisely recognized the value of space exploration in broadening our scope of scientific knowledge and technological progress in the interest of freedom.

We are making excellent progress toward our goal of landing a man on the moon and returning him safely to earth in this decade, and I am proud of the role the 22d District of California is playing in this outstanding effort.

But now is not the time to sit back and rest on the laurels of our past achievements. Now is the time to keep moving forward in pursuit of our national objective. We have proven that we have the potential ability to master space, and it is incumbent on this Congress to make certain that we continue to channel our vast technological resources in this direction.

There is no second-class ticket to space. If we are to safeguard our position of leadership in space, we must obligate the funds necessary for moving full speed ahead with our space program.

Mr. MILLER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time on either side, the Clerk will read.

The Clerk read as follows:

H.R. 7717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of $5,183,844,850, as follows:

(a) For "Research and development," $4,537,121,000 for the following programs:

(1) Gemini, $242,100,000;
(2) Apollo, $2,967,385,000;
(3) Advanced missions, $10,000,000;
(4) Physics and astronomy, $160,500,000;
(5) Lunar and planetary exploration, $213,115,000;
(6) Bioscience, $31,500,000;
(7) Meteorological satellites, $42,700,000;
(8) Communication satellites, $2,800,000;
(9) Applications technology satellites, $28,700,000;
(10) Launch vehicle development, $60,600,000;
(11) Launch vehicle procurement, $179,500,000;
(12) Space vehicle systems, $35,000,000;
(13) Electronics systems, $34,400,000;
(14) Human factor system, $14,900,000;
(15) Basic research, $22,000,000;
(16) Nuclear-electric systems, $33,000,000;
(17) Nuclear rockets, $58,000,000;

(18) Solar and chemical power, $14,200,000;

(19) Chemical propulsion, $51,200,000;

(20) Aeronautics, $42,200,000;

(21) Tracking and data acquisition, $242,321,000;

(22) Sustaining university program, $46,000,000;

(23) Technology utilization, $5,000,000.

(b) For "Construction of facilities," including land acquisitions, $60,675,000, as follows:

(1) Ames Research Center, Moffet Field, California, $2,749,000;

(2) Goddard Space Flight Center, Greenbelt, Maryland, $2,400,000;

(3) John F. Kennedy Space Center, NASA, Cocoa Beach, Florida, $7,854,400;

(4) Langley Research Center, Hampton, Virginia, $8,250,000;

(5) Lewis Research Center, Cleveland and Sandusky, Ohio, $867,000;

(6) Manned Spacecraft Center, Houston, Texas, $3,953,300;

(7) George C. Marshall Space Flight Center, Huntsville, Alabama, $4,291,100;

(8) Michoud Plant, New Orleans and Slidell, Louisiana, $269,500;

(9) Mississippi Test Facility, Mississippi, $1,905,600;

(10) Wallops Station, Wallops Island, Virginia, $1,048,000;

(11) Various locations, $19,871,400;

(12) Facility planning and design not otherwise provided for, $7,215,700.

(c) For "Administrative operations," $586,048,850.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts may be entered into under the "Administrative operations" appropriation for maintenance and operation of facilities, and for other services, to be provided during the fiscal year following that for which the appropriation is made.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) When so specified in an appropriation Act, any appropriation authorized under this Act to the National Aeronautics and Space Administration may initially be used, during the fiscal year 1966, to finance work or activities for which funds have been provided in any other appropriation available to the Administration and appropriate adjustments between such appropriations shall subsequently be made in accordance with generally accepted accounting principles.

Sec. 2. Authorization granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11), of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed a total of $53,459,300.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (12) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 5. It is the sense of Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds on a geographical basis whenever feasible and use other such measures as may be practicable toward this end.

Sec. 6. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 1966".

Mr. MILLER (during the reading). Mr. Chairman, I ask unanimous consent that the bill may be considered as read and open for amendment at any point, and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 13, strike out "$34,000,000' and insert in lieu thereof "$34,400,000".

The committee amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, as I understand it, the bill calls for an expenditure of some $5.1 billion, of which almost $3 billion is to be used for the purpose of trying to put a man or men on the moon. I wonder from what source this money is going to come? I have heard no suggestion as to where these billions will come from. We are fighting and financing two wars and I should think that somehow or other there would be some talk of fiscal responsibility on the floor of the House in connection with this and other multibillion-dollar expenditures.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will yield in a minute.

Yesterday I voted for some $16 billion for the defense of this country. It seems to me that we had better think in terms of pulling back on this moonshot business until we can catch up with ourselves in the matter of spending.

I yield to the gentleman from California.

Mr. MILLER. I am not conscious of any authorization or appropriation bills which come to the Congress as to which the legislative committee is required to determine from where the money is going to come. This is a subject and a matter for another committee, the Committee on Ways and Means, the money-raising committee of the House. I feel certain that the gentleman's plea should be made to them, rather than be an implied criticism of this committee. I do not believe the gentleman means to do that.

Mr. GROSS. It is most difficult for me to believe that the members of this legislative committee are not interested in the future solvency of the United States of America. I do not so believe, and I cannot accept the idea that all of the members of this committee are of the mind that we will just let the hide go with the horns in this matter of spending.

Mr. MILLER. The gentleman is very quick and very clever in picking up things and trying to make implications out of them. The gentleman is trying to put words in my mouth if he is trying to say I am not concerned and that the committee is not concerned.

Mr. GROSS. I am not putting words in anyone's mouth.

Mr. MILLER. Some of us become a little perturbed at times, or "teed off," at the continuous trying to wish onto all of us the fetishes which the gentleman may have with respect to this subject.

Mr. GROSS. I do not know whether it is a fetish. You can call it whatever you want to call it, but I am concerned for the future welfare of this country and those who someday will have to liquidate the enormous debts that are being piled on them. I do not know how it is proposed that we finance all these huge programs. Perhaps we will go over to Switzerland again and ask the Swiss to design a new and speedier printing press, and then have the West Germans produce the press to print the money faster.

In the meantime, I suppose Congress can be counted on to reduce taxes as it did last year to reduce revenue and pile the debt still higher.

Mr. MILLER. Mr. Chairman, will the gentleman yield again? I will say to the gentleman, with the new techniques we have developed in the space program, and the new technology we have throughout the country, we do not have to go to Switzerland or to Germany, to get quicker acting presses. We can do it right here.

Mr. GROSS. It has not been done in the past, and I do not know why you expect it to be in the future.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield to me?

Mr. GROSS. If the gentleman can contribute something to the cause of fiscal sanity in this country, I will be glad to yield to him.

Mr. FULTON of Pennsylvania. The gentleman from Iowa has a good point, that we must be careful in this country not to run into deficits that will destroy the economy of this country and make us financially insolvent, not only in government but also our citizens. I do believe that there is a balancing interest in space. We must be protected in space and while it has not been emphasized here, it nevertheless is just like a truck—it can be used in wartime, too, just like a tank can. Any of these programs we are now developing and using the research and development money for, such as the moon flight program and the Apollo program, are likewise of great benefit militarily.

Mr. GROSS. Let me ask you this question: How can Congress reduce taxes and ever hope to pay the bills for programs of this kind?

Mr. FULTON of Pennsylvania. If the gentleman will yield to me?

Mr. GROSS. Unless you propose to print the money or resort to some other means of phony financing.

Mr. FULTON of Pennsylvania. This is the authorizing committee. When we first authorized this legislation for the moon flight, the Apollo flight, it was said that it would cost $20 billion. At that time I am sure the chairman of the committee will remember that we called a rollcall for it, saying that this was the start of the moon program, and anybody who objected should now object to it. We have now spent $10 billion on that and have authorized the use of $20 billion. Even the gentleman from Iowa himself voted to start the moon program.

Mr. GROSS. Yes, I did.

Mr. FULTON of Pennsylvania. Let me finish.

Mr. GROSS. And I will just give you a little clue that here and now I have reached the end of the rope with respect to this moon program. I am all through as of today voting for $3 billion for a moon program and I will not again vote for it so long as we are in shooting wars and trying to finance the rest of the world.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7717) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PELLY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 389, nays 11, not voting 43, as follows:

[Roll No. 97]

YEAS—389

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Boggs
Boland
Bolton
Bonner
Bow
Brademas
Bray
Brock
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Carey
Carter
Casey
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Colmer
Conable
Conte
Cooley
Corbett
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Landrum
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
Machen
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff

Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Shipley
Sickles
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Zablocki

NAYS—11

Clancy
Collier
Devine
Gross
Laird
Michel
Nelsen
Reid, Ill.
Skubitz
Utt
Younger

NOT VOTING—43

Blatnik
Bolling
Brooks
Cahill
Celler
Chelf
Conyers
Corman
Curtis
Daniels
Dickinson
Fallon
Flynt
Fogarty
Giaimo
Griffin
Halleck
Hays
Holland
Jones, Mo.
MacGregor
Mackay
Mathias
Powell
Resnick
Rodino
Rogers, Colo.
Senner
Shriver
Smith, Va.
Talcott
Toll
Williams

So the bill was passed.

The Clerk announced the following pairs:

Mr. Fogarty with Mr. Talcott.
Mr. Corman with Mr. Griffin.
Mr. Smith of Virginia with Mr. Halleck.
Mr. Brooks with Mr. Curtis.
Mr. Giaimo with Mr. Cahill.
Mr. Daniels with Mr. Shriver.
Mr. Hays with Mr. MacGregor.
Mr. Blatnik with Mr. Dickinson.
Mr. Celler with Mr. Mathias.
Mr. Chelf with Mr. Toll.
Mr. Flynt with Mr. Resnick.
Mr. Fallon with Mr. Williams.
Mr. Mackay with Mr. Holland.
Mr. Powell with Mr. Conyers.
Mr. Rodino with Mr. Rogers of Colorado.
Mr. Senner with Mr. Jones of Missouri.

Mr. NELSEN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CHARLES O. LERCHE, JR.

Mr. GERALD R. FORD. Mr. Speaker, I offer a resolution (H. Res. 374) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 374

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, Charles O. Lerche, Junior, is hereby designated a minority employee effective May 1, 1965 (to fill an existing vacancy), until otherwise ordered by the House, and shall receive compensation at the basic rate of $7,000 per annum.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 447. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

INTERSTATE COMMERCE ACT AMENDMENTS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 358 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 358

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5401) to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio [Mr. BROWN] and myself such time as I may consume.

Mr. Speaker, if the Honorable Speaker and the Members of the House will indulge me for a preliminary word, which I believe to be fitting, before I address myself to this rule, I want to say that we are just concluding one of the significant and monumental weeks in the legislative history of this House, and one of the most significant and monumental in the history of any legislative body in this country or, in my opinion, anywhere in the world. We are very proud of what this House and, indeed, this Congress has accomplished since the beginning of the 89th Congress.

The whole country has had a sense of awareness that this Congress, under the leadership of our distinguished President, was bent upon the public business and serving the public interest; and consequently we have entered a record on the statute books through the enactments of this Congress which has been said to rival, indeed favorably, the historic hundred days when, under the leadership of President Franklin D. Roosevelt, this Nation fought its way out of a desperate depression.

The greatest of commendation from the country and from all of us who have had the honor to follow them should go out to our President and the great Speaker of this House and our leaders, as well as the leaders of the other body in the Congress, for what we have accomplished thus far in this historic session of the 89th Congress.

But we have particular reason, I believe, to be proud of what this House has accomplished this week. On the first day of this week, Monday, we took up a number of bills of local significance but of great public import, pertaining primarily to the Consent Calendar; but matters of vital interest to the people of this country. And they were passed.

On Monday, before the day ended, a day usually devoted to the Consent Calendar, we passed a bill providing for the extension of community health services under the able chairmanship of the distinguished gentleman from Arkansas [Mr. HARRIS], chairman of the Committee on Interstate and Foreign Commerce, providing for improving services rendered to the people of this country in the field of health, a monumental contribution to the law of this land.

On Tuesday we had an appropriation bill providing for the Departments of Labor, and Health, Education, and Welfare. There again were vast programs and extensions of programs meaningful to the health and welfare of the people of this Nation and furthering the cause of the working people of this land.

We had two more bills in the health field providing for the extension of mental health centers at the community level in this country, to meet the challenge and the problem of mental retardation, dealing with its inception and with measures designed for its correction, the correction of that tragic illness of so many of our people in this land. And the other bill was to extend the immunization process which will save lives and contribute to the health of so many of the people of this country. Those three measures came out of the great Committee on Interstate and Foreign Commerce under the able leadership of its distinguished chairman, the gentleman from Arkansas [Mr. HARRIS].

Then finally, only on yesterday, we came to two of the most monumental and historic measures; one of them was not just an appropriation of money but an affirmation of policy on the part of the Government of this country. I think all of us relish an opportunity for the Congress to participate in the declaration of affirmation of the foreign policy of this country because, after all, the executive and legislative branches of our Government are parts of the great enterprise of projecting the image and the interest of the United States in the affairs of the world. Yesterday, almost with solidarity, with almost complete unanimity of sentiment, this House stood firmly and courageously behind our own great Speaker and our own great President in reaffirming the policy of our Government to stand firm against aggression anywhere in the world as the best assurance not only of freedom for the people assaulted but also freedom from the recurrence of another tragic and devastating war. And so it was in the interest of freedom and peace that this House with almost unanimity yesterday voted to affirm the policy of the President to provide $700 million for the extension of programs designed to protect freedom and to further peace for this Nation and for all the peoples of the world.

In the same day, historic as it was, the able gentleman from South Carolina, the distinguished chairman of the Committee on Armed Services, led this House in the adoption of one of the greatest programs ever enacted by this House in the procurement of weapons designed to secure not only our own safety but to protect freedom in all parts of the world.

May I say, Mr. Speaker, tragic as is that fact, disappointing as it is to many of us that it is so today, the United States is the policeman of the world and without our protecting hand and shield what nation on earth today save Russia alone, besides our own, is free from aggression from a stronger conqueror who might assault its borders and attempt to conquer its people.

Mr. Speaker, it is a role that is a burdensome one to us and an expensive one, and, tragic as it is, it exacts much treasure and draws much blood from many of the younger men of America who, too, love life as do we. But without America today standing strong against aggression and for freedom and peace, who is there in the world today to defend it?

The United Nations is impotent in the Security Council because of the veto power. Recently, the Assembly in which many of us have put so much hope has become frustrated by the opposition of some of the great Communist powers and the misguided adherence to that tragic policy of our ancient friend and ally, France. So that hope, that alternative hope, of peacekeeping in the world through the collective process of the United Nations acting through the Assembly is temporarily also paralyzed.

So, Mr. Speaker, there is no Security Council to which the nations of the world may go for redress. There is no Assembly which can be effective. No other nation is willing to fill our role, and without the strong hand of the people of America who is there in the world today to defend any weak nation on the face of the earth against any aggressor who would devour those people and destroy their freedom?

So, Mr. Speaker, yesterday in that historic day we voted funds, yes, but more importantly, support and affirmation of the foreign policy of our country so ably enunciated by our President.

In addition to that we provided the weapons by which those policies might be preserved and protected.

And, today, how meaningful is the space bill which, under the able leadership of the distinguished gentleman from California, the chairman of the Space and Aeronautics Committee [Mr. MILLER] we have an opportunity to support and to carry out our great space operations.

Mr. Speaker, it may seem to some that the moon is far away. Some may not appreciate its relationship to our peace or our security. Surely they do not think far beyond the moment when they ignore the possibility of what an enemy could do to the security of America if it had possession of nuclear-weapon-bearing space satellites revolving around the world or located upon the moon, or elsewhere in space.

Mr. Speaker, I say to you today that this has been another meaningful day in the history of this House of Representatives, when we have rededicated ourselves to the exploration of space insofar as the interests of America require. We shall stop at nothing less than what our obligations to our people and our posterity are, because you do not lose but one modern war. And, how tragic it would be for us to err and say, "Well, it was too bad. We made a mistake. We were too little and too late." How often has that happened in our past? How tragically has it led to war? Every war in the history of America is primarily attributable to the weakness or indecision of this Nation.

Our great Speaker stated it so truly; it is weakness that promotes wars, not strength and firmness, or resolution. Let no one misunderstand what our policy is. In our space program we are not stopping with the periphery of the Earth, we are not stopping with the Moon, we are not stopping with Mars, we are not stopping in the infinite reaches of space so long as the interests of America are involved. Where American interests lie that shall be the perimeter of the reach of the power of the Congress and the country in our space operations.

So, Mr. Speaker, I ask your indulgence and that of my colleagues in making these observations and complimenting the historic progress made by this great House over which you, Mr. Speaker, have so ably presided this very week as we come to one of the last of our legislative days.

The measure, Mr. Speaker, to which I have the privilege of immediately addressing myself, House Resolution 358, is a rule that provides 3 hours of general debate by this House on the bill, H.R. 5401. This bill comes out of the distinguished Committee on Interstate and Foreign Commerce. The bill has to do with transportation and the protection primarily of the precious transportation facilities and agencies of our country.

The details of the measure will be ably explained and presented to the House by the distinguished chairman of the Committee on Interstate and Foreign Commerce [Mr. HARRIS]. The Members of the House, I know, will be in concurrence with the committee in supporting this measure. I believe it merits the consideration of the House, and I hope the rule will be adopted.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I turn to the order of the day and take up the responsibility that has been placed upon me here this afternoon in bringing to the floor for consideration House Resolution 358, making in order a rule under which a bill from the Committee on Interstate and Foreign Commerce, H.R. 5401, is to be considered, I want to take this opportunity to congratulate my distinguished friend from Florida, whose able oratorical ability cannot be questioned, and whose words have been of much interest to all of us.

I do not want to take the time here today to point with pride or with alarm to that which has gone on in this chamber during the past few weeks and months. However, I think it could be stated in order that we keep the record straight that we have a record here, called the CONGRESSIONAL RECORD, in which the votes of every Member of the House are recorded. That RECORD shows that in almost every instance, without exception, this Congress and the House have stood united in world affairs and in the defense of this country, and in the preparation for our security at home and abroad.

I do not believe that patriotism knows any party lines. I am rather proud of the fact, let me say to the House, that the votes which have been cast in the last few days indicate that there has been strong support for a strong Nation from this side of the aisle, and we do not make any apologies to anyone for the record we have made. How different Members have voted stands in the sunlight of publicity.

You will find support comes solidly from this side of the House for that which the President is trying to do to preserve the peace of the world as the distinguished gentleman just mentioned a moment ago.

Each of us has our own responsibility. We may differ in our opinions as to whether a piece of legislation is good, bad, or indifferent, and whether we should or should not support it. I want to say to my distinguished friend from Florida that there has been some difference of opinion as to some of the legislation that has been enacted in the last few weeks and months by this House and by this Congress and there may be such a difference of opinion found throughout the country so far as that is concerned. That is a privilege and a right that we should protect at all times.

I do not want to be placed in a position where I have to agree to a particular piece of legislation that my judgment and my conscience tells me is not in the best interests of the people I represent and in the best interests of the Republic I have sworn to uphold in order to be a good Member of Congress. I believe that conscientious voting is our responsibility and I believe every Member of this House has met that responsibility as his own judgment and his own conscience has dictated.

I hope there will be no misunderstanding about it. Perhaps I have said too much. I do not believe you will find all the patriotism, all the love of country, all the sound judgment and all the ability wrapped up under one label—whether it be called Democratic or Republican. After all, we are all Americans first and we are all Members of this House of Representatives on an equal basis and when we cannot act as our judgment and conscience dictates, then it is time to close the doors of this Chamber and permit someone else to take over and do our thinking for us. If I have any complaint to make or any criticism to make of this great body of which I have been a Member for so many years, it is that perhaps at times we have permitted others to do our thinking for us. We should be doing our own thinking for ourselves.

Now, Mr. Chairman, I will turn to the subject at hand. This resolution makes in order the consideration of the bill, H.R. 5401. This is a very important bill from the Committee on Interstate and Foreign Commerce. It deals with amendments to the transportation code as it affects private transportation in the trucking industry.

The bill was reported unanimously by the Committee on Interstate and Foreign Commerce. There was some question raised by some people throughout the country and some interests—shippers and truckers, as to one or two provisions of the bill. Those problems were discussed in the Committee on Rules. They were discussed in other places. The chairman of this great committee, the gentleman from Arkansas [Mr. Harris] very wisely and very ably has prepared an amendment which has been agreed to by all the members of the committee, which some of us have seen, which seemingly answers any and all objections of anyone in the trucking industry or in any other portion of the transportation industry with but one minor exception that is not actually touched by this bill. The bill now fully meets their requirements.

There is no opposition that I know on this side either to the adoption of the rule or to the passage of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INTERSTATE COMMERCE ACT AMENDMENTS

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5401) to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5401, with Mr. Evins of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. Harris] will be recognized for 1½ hours, and the gentleman from Illinois [Mr. Springer] will be recognized for 1½ hours. The Chair recognizes the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, the instant bill, H.R. 5041 is the culmination of some years' consideration by the committee of problems in the surface transportation field and of various legislative proposals advanced for meeting them. These problems generally seem to stem from the basic fact that whereas over the years the Nation's demand for transportation service has steadily grown, since World War II the position of common carriers in our total national transportation system steadily has worsened.

In the first years after the war this fact was evident only in relative terms; that is, while all forms of transportation shared in the increased volume of traffic, common carriers did not participate proportionately in this increased total volume. In more recent years it appears that there has been an erosion even in absolute terms in their participation in the transportation of total traffic.

One factor leading to this erosion of traffic in the railroad and motor carrier fields has been the increase in illegal for-hire trucking; that is, the transportation of nonexempt commodities on a for-hire basis by persons not having authority to do so from the Interstate Commerce Commission or a State regulatory commission.

It was one of the considerations giving rise to the Transportation Act of 1958 in the 85th Congress. In that act the Congress dealt with difficulties in the common carrier field by virtue of certain illegal hauling of agricultural commodities and by reason of illegal transportation performed through "buy and sell" arrangements covering the commodities being transported.

It was at that time the Congress not only amended section 203(b)(6) to make specific identification of just what commodities might be transported under the "agricultural" exemption, but also amended section 203(c) to cover "pseudo-private carriage" or subterfuges to get around bona fide transportation by incorporating into law the doctrine enunciated in a 1951 Supreme Court case; namely, a prohibition reading—

> Nor shall any person engaged in any other business enterprise transport property by motor vehicle in interstate or foreign commerce for business purposes unless such transportation is within the scope, and in furtherance, of a primary business enterprise (other than transportation) of such persons.

In the 87th Congress, the subject was given extensive hearings in the Senate committee on such proposed legislation as S. 2560 and in the 88th Congress, our committee considered a number of facets of this problem and incorporated various approaches to its solution in the bill, H.R. 9903, that was reported by the committee just a little over a year ago. The bill, H.R. 5401 being considered here today, stems from these provisions in H.R. 9903.

That bill, H.R. 9903, was carefully worked out by the Committee on Interstate and Foreign Commerce. It was the first time in my years of experience in the Congress we had ever been able to get the major transportation industries together—the railroads, the truckers, the airlines, and a portion of, if not most of, the waterways. When we got to the Rules Committee, an issue developed affecting certain ports and port authorities. We had a question of the commodities clause. There was also a concern of the grain dealers all of which, in my judgment, was responsible for the Rules Committee not granting a rule in the 88th Congress.

Since I am referring to that bill which became the center of some controversy through the opposition to it arising from some quarters after the bill had been reported and during the time it was being considered by the Rules Committee, it may be well at this point briefly to indicate what portions of H.R. 9903 this bill does not cover.

HOW H.R. 5401 DIFFERS FROM H.R. 9903

H.R. 5401 does not take up the ratemaking principles that were set forth in H.R. 9903 having to do with the transportation of agricultural commodities by all modes of transportation, and with the treatment of bulk commodities by water transportation. This subject which was treated of by the Presidential messages of both Presidents Kennedy and Johnson, is being given consideration by interested parties.

There was some further indication earlier this year that it was to be the subject of a further transportation message by the President. For these reasons the committee did not take up this subject at this time.

Another subject in H.R. 9903 which is not in H.R. 5401 is that of the repeal of the so-called commodities clause which is a prohibition that has been in the law since 1908 against carriers transporting commodities, other than timber, in which they have an ownership.

A third provision which was in H.R. 9903 but not in H.R. 5401 is that of a proposed new joint board comprising representatives of the Civil Aeronautics Board, the Federal Maritime Commission, and Interstate Commerce Commission, to treat of joint rates between carriers subject to jurisdiction of two or more of these Commissions. This proposal recommended by the three Commissions was being reconsidered during the early part of this year and the revised proposal was received after the committee considered those matters embodied in H.R. 5401.

Now, it is important to see just what H.R. 5401 does do and speak of those other portions of H.R. 9903 that are carried forward in the bill we are taking up here today.

The committee has taken the work of State commissions all over the United States; the work of the National Association of Railroad and Utilities Commissioners, referred to as "NARUC"; the work of the Interstate Commerce Commission; the work of major transportation industries; such as the American Trucking Association, the freight forwarders, and various organizations; together with the work of the committee, and has endeavored to bring together in this bill a transportation bill which provides for enforcement proceedings to carry out the provisions of the Interstate Commerce Act, which has been developed over a long period of time.

Now that gives you a brief history of what we have. At the outset of this Congress the Transportation Association of America, which is an organization that is made up of panels from all the transportation segments in this country, recommended this bill, H.R. 5401. The Interstate Commerce Commission recommended to the Congress innumerable bills which had to do with the same subject matter. They are listed in the hearings and in the report. The committee held hearings on the subject, which are printed and available. All of these bills were the subject of hearings. So this matter has had long and careful study and consideration over the years for one purpose; namely, to do what we have tried to do throughout the years—to maintain a sound common carrier system in this Nation.

At the same time we want to make available adequate transportation to all of our people to try to do equity and justice to the various segments of our common carrier industry—the motor carriers, the water carriers, the railroad industry, the airlines, the contract carriers, the private carriers, the shippers, and the freight forwarders, and other organizations, in order to see that they were not encroached upon or penalized by the operation of one or the other. There are various sections and paragraphs of the Interstate Commerce Act, which is composed of four parts. To remind you of its makeup, part 1 has to do with the railroad industry; part 2 has to do with the motor carrier industry; part 3 has to do with water transportation; part 4 has to do with the freight forwarders. We have over many years developed this procedure of a common carrier system to serve the public but at the same time maintained private carriage and exempt carriage such as the farm products, and so forth, to serve the total needs of this country.

WHAT H.R. 5401 DOES

H.R. 5401 first provides some relief for common carriers for illegal and unfair competition in the for-hire motor carrier field in two ways:

First, it provides for Federal-State cooperation in the motor carrier field through, section 1, agreements for the enforcement of State and Federal economic and safety laws and regulations and through, section 2, establishing standards for the registration within the several States of Federal certificates and permits, and

Secondly, it aids enforcement in the motor carrier field by extending, section 3, the civil forfeiture provisions of the act and increasing the amounts of maximum forfeiture, by assisting, section 4, the Commission to obtain service of process, and by permitting, section 5, any persons injured through certain violations of certain operating authority requirements of the act—applicable to freight forwarders as well—to apply directly to the courts for injunctive relief.

The bill, in addition, provides greater protection to the shipping public through providing a procedure enabling shippers to recover reparations from motor carriers, section 6 and freight forwarders, section 7.

Lastly, the bill H.R. 5401 encourages the development of water transportation upon inland waterways where no certificate may be in effect by providing, section 8, that any water carrier freely without a certificate can enter into the transportation of any goods over certain water routes, though its rates would be subject to regulation.

STATE-FEDERAL COOPERATION

Section 1 of H.R. 5401 would authorize the Interstate Commerce Commission to make cooperative agreements with the various States to enforce laws dealing with motor carrier operations, particularly illegal for-hire trucking operations.

The need for this legislation is evident when we recognize that such illegal operations may be carried out by any number of literally millions of trucks moving every day over the Nation's highways. Obviously, the small number of ICC highway enforcement officials—251 fieldmen in 1964—cannot do the enforcement job required in 50 States. These men must spend a considerable portion of their time handling administrative details dealing with more than 100,000 motor carriers that are subject to either the ICC's economic or safety regulations.

Therefore, if we are to expect any reasonable enforcement, we must lean heavily on State motor carrier enforcement officials, who are actually in a better position to take effective action against illegal operators because many of them have the power of arrest—a power not given to, nor being sought by, ICC highway enforcement officials.

Unfortunately, at present these State officials are unable to obtain helpful information from ICC motor carrier enforcement officials that would assist in apprehending and prosecuting illegal operators because of a provision in section 222(d) of the Interstate Commerce Act which prohibits any employee of the Commission divulging any information which has come to his knowledge during the course of an inspection. The bill would correct this situation.

STATE REGISTRATION OF ICC CERTIFICATES

Section 2 of H.R. 5401 would specifically authorize the States to require ICC-regulated motor carriers to register their operating authorities, provided such registration is done in accordance with standards determined by the National Association of Railroad and Utilities Commissioners—NARUC—and promulgated by the ICC.

This section sets forth the specific items to be covered by such registration, and also provides for ICC determination of the standards if NARUC fails to act within 18 months from the date of enactment.

The purpose of such registration is to enable State enforcement officials to identify motor carriers hauling, on a for-hire basis, commodities subject to regulation—and thus take on-the-spot action against those who have not the authority to do so. This, in effect, means that we want to encourage the States in helping the ICC keep unlawful interstate motor carriers off the highways.

This provision, like section 1, would encourage greater participation by the States in curbing illegal for-hire trucking. A State official, if equipped with this registration information and backed up with the power of arrest, plus access to ICC supporting data for use in court, could be an extremely effective enforcement tool in this serious problem area.

Many States at present are already working hard in trying to stop unlawful motor carriage. A survey showed that, in 1963, 29 States reported prosecution of 18,231 cases involving motor carriers operating without proper authority. The fines, which generally were levied against the driver, averaged about $68.

While 27 of the States reporting said they now require some form of registration of ICC motor carriers, there are no standards followed as proposed by this section. Passage of this legislation should result in more States requiring such registration, and in all of them standardizing their registering procedures.

INCREASE IN CIVIL PENALTIES

Section 3 of H.R. 5401 would permit the use of civil forfeiture procedures by the ICC in court cases involving economic violations by carriers claiming to be operating as lawful common, contract, or private motor carriers. At present, such cases have to be handled under criminal procedures, a more complicated method.

This provision would also apply a level of fines five times that now provided for under the civil forfeiture statute.

While much more needs to be done, the ICC is to be commended for its legal action against unlawful for-hire carriers. A tabulation of ICC cases handled in 1963 found that the Commission completed 432 court cases against illegal for-hire carriers, 379 of which were for operating without authority. The courts levied fines totaling nearly a half-million dollars, averaging $1,277 for the 383 fines given.

These ICC cases show that violators are not just gypsy operators, since they included 109 shippers, 352 unregulated carriers, 67 regulated carriers, and 50 individuals. In addition, the Commission's legal staff handled 27 cases that resulted in cease and desist orders against 58 carriers and 47 shippers. The relatively small number of cease and desist cases shows the time-consuming nature of processing a case through the Commission, and why direct court action is preferable.

With passage of this provision, it would be hoped that the number of such cases handled during each year would increase sharply, with a resulting decrease in illegal operations.

ENFORCEMENT PROCEEDINGS BY THE COMMISSION

Section 4 of H.R. 5401 would enable the Interstate Commerce Commission, in court cases involving illegal for-hire operations, to obtain service of process upon motor carriers or brokers and to join other necessary parties without regard to where the carrier or other party may be served. Present rules governing procedures in such proceedings limit the service of process to the territorial limits of the States in which the court sits.

The purpose of this proposal is to assure that neither the illegal operator nor the participating shipper avoids service of process, as is now possible, if located, or they remain, outside of the State where the legal action is being taken. This is very important, since the operations of such carriers often extend into many States.

Such legislation would also serve as a deterrent to shippers who might be considering unlawful operations, particularly large ones very jealous of their reputations with the general public, since they would be more susceptible to becoming a party in an illegal for-hire trucking court case.

It is obvious that without shippers' cooperation, illegal operations could not take place. Even with the limitations now placed on ICC court cases, many shippers are made parties to them. For example, in 1963, the courts found 109 shippers guilty of illegal for-hire operations, or aiding and abetting them, and the ICC issued cease and desist orders against 47 shippers for the same offenses.

ENFORCEMENT PROCEEDINGS BY INJURED PERSONS

Section 5 of H.R. 5401 would permit any person injured by an illegal for-hire operation, whether performed by a regulated or unregulated carrier, to seek direct injunctive relief in a Federal district court.

The ICC would be served with a copy of any such application for relief, and it could appear as of right in any such action.

To prevent harassing suits, the plaintiff would be required to post bond, and the party prevailing may, if the court so decides, recover both court costs and reasonable attorney's fees.

The passage of this section would greatly strengthen the enforcement powers available to stop illegal for-hire operations, since it would permit parties other than the ICC to take court action against outright violations. Yet at the same time it would provide reasonable safeguards against abuse of this privilege and permit the ICC to participate in any cases that it believes necessary or desirable.

I think it may be well at this juncture to refer to some letters which some of the members have been receiving in opposition to this bill, particularly to section 3 and to section 5 which I just discussed, insofar as it relates to the committee action in striking a proviso that was contained in the bill as introduced.

Section 3 relates to the imposition of civil forfeitures by the Commission, and section 5 provides for a procedure where any person injured by another through a "clear and patent" violation of the Motor Carrier Act may seek an injunction in Federal court to halt the violation. Sometimes unscrupulous carriers violate the act by illegally carrying on for-hire operations under the guise of private carriage. Under the law today, the Interstate Commerce Commission has primary jurisdiction over determining whether an operation is valid private carriage and thus exempt from economic regulation.

When the Commission considers whether carriage is private it uses as a criterion whether the carriage is in furtherance of a primary business other than transportation. This language was written into the law in 1958 after extensive consideration by this committee and by the Congress.

The bill, H.R. 5401, in giving injured persons the right to sue for injunction in Federal court, provided that nothing in the paragraph should be interpreted or construed to deprive the Commission of its right to determine what constitutes private or for-hire carriage.

The Interstate Commerce Commission testified that the cautionary provision was unnecessary, it clearly has such right and the bill would not take it away.

The ICC points out that, under terms of the bill, when an injunction suit is filed a copy of the complaint would go to the Commission. If the Commission felt that the complaint did not indicate a "clear and patent" violation it could, as a matter of right, appear before the court as a party in the case and lend its expertise with the court deferring to the Commission.

So, the Commission reasons, its original jurisdiction is retained and the cautionary language is unnecessary.

The same language would have applied in instances where, under section 3 of the bill, a carrier is liable to civil forfeitures—fines—for Motor Carrier Act violations.

In these cases, ICC Chairman Charles A. Webb told the committee during hearings, the cautionary language is "surplusage" since the committee would be initiating the court action in forfeiture cases.

The Commission would not bring such an action unless it first exercised its primary jurisdiction and had decided that the violator had failed the primary business test.

The proviso that was contained in sections 3 and 5 was not in H.R. 9903, nor was it in the bill which the Interstate Commerce Commission sponsored, H.R. 9396. It was added to H.R. 5401 by those who had been considering this legislation in an attempt to remove some of the fears of certain private carriers and shipping interests. Spokesmen for these interests, however, testified at our hearings in complete opposition to this proviso unless it was further amended to suit them, and this amendment in turn was very strongly opposed by the Interstate Commerce Commission.

As the Commission stated in a letter to me:

> If this suggested amendment were adopted, the purpose of section 5 would be largely nullified.

I think the Commission's position on this proposed amendment is of sufficient importance that it well should be included in the RECORD at this point:

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., April 9, 1965.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR CHAIRMAN HARRIS: In response to your letter of March 26, 1965, the Legislative Committee of the Commission submits the following comments on the testimony of witnesses for the Private Carrier Conference and the Private Truck Council concerning the primary jurisdiction and primary business provisions of sections 3 and 5 of H.R. 5401.

As indicated in my testimony of March 23, 1965, on H.R. 5401, the Commission believes that the "primary jurisdiction" clauses of sections 3 and 5 of the bill are unnecessary and, therefore, should be deleted. Witnesses for the Private Carrier Conference and the Private Truck Council apparently agree that the "primary jurisdiction" and "primary business" clauses would be ineffective and, therefore, they urge that the interpretation feared by the Commission be made explicit.

Specifically, the private carrier groups urge that the following language be added at the end of the provisos in sections 3 and 5 of H.R. 5401: ", and the court shall not have jurisdiction to determine such validity in the absence of a previous determination by the Commission as to the particular operation, pursuant to section 204(c) of this part."

One of the procedural reforms adopted by the Commission several years ago was a delegation of authority to the Director of our Bureau of Inquiry and Compliance to institute, or to recommend to the Department of Justice, the institution of court proceedings involving violations of the Interstate Commerce Act and related acts. This delegation has worked extremely well. As a result of this delegation, members of the Commission are no longer required to act each year on hundreds of enforcement recommendations.

Our Bureau of Inquiry and Compliance has been instructed to refer to the Commission any substantial question involving an operation in dispute under the primary business test prior to the institution of a court proceeding. However, the amendments suggested by the private carrier groups would require that all primary business contentions, no matter how frivolous, be resolved by the Commission upon a formal record before any effective step to restrain such operations could be taken. This would severely handicap the Commission in its efforts to deal with illegal "buy and sell" schemes. Inevitably, the number of pending enforcement cases and the time required to dispose of them would increase.

Under existing law and under the provisions of H.R. 5401, as introduced, we would not institute court action, in the absence of prior determination by the Commission, in

> any case involving a substantial question regarding the scope and applicability of the primary business test set forth in section 203(c) of the act. With respect to cases not made the subject of a previous determination by the Commission, the burden of proving that unlawful operations had been conducted would be on the Government. That burden could be met only by a preponderance of all the credible evidence.
>
> The testimony presented on behalf of the Private Truck Council implies that the Commission is already required to determine in a formal hearing the validity of a challenged "buy and sell" operation before the matter is submitted to a court. Similar arguments have been advanced from time to time in court proceedings to avoid the imposition of judicial sanctions. To date all such contentions have been rejected. See, e.g., *Burnham* v. *United States*, 297 F. 2d 523 (1961).
>
> Another suggestion of the private carrier groups is that section 5 of H.R. 5401 be amended to provide, in lieu of optional appearance by the Commission in the actions authorized, that the "Commission shall be made a party in any such action." We recognize that some actions might be instituted by private parties which are ill advised, which involve operations under investigation by our field staff, or which are the subject of pending or prospective administrative proceedings before the Commission. We are satisfied that the present provisions of H.R. 5401 concerning notice to the Commission and its optional participation in court actions afford adequate protection to the Commission and to the defendants. However, compulsory participation by the Commission in a large number of private actions would disrupt the Commission's enforcement efforts by placing a severe strain upon our relatively small enforcement staff.
>
> The Private Truck Council, on pages 4 and 5 of its statement, suggests as an alternative to its proposed amendment of section 5 of H.R. 5401, that the private party be required to file a complaint with the Commission and to request a stay from the court pending disposition of the complaint by the Commission. If this suggested amendment were adopted, the purpose of section 5 would be largely nullified. It is extremely doubtful that carriers would file a suit in court and post the necessary bond, knowing that the issues involved must first be determined by the Commission. If section 5 were amended as suggested, the self-help remedy intended to be authorized would be of little value and the Commission would be required to continue to handle a large number of complaints involving clear and patent violations of sections 203(c), 206 and 209 of the Interstate Commerce Act.
>
> For the reasons set forth above, we are strongly opposed to the amendments suggested by the Private Truck Council and the Private Carrier Conference to sections 3 and 5 of H.R. 5401.
>
> I trust that the above comments will be helpful. If you desire any additional information, please do not hesitate to let us know.
>
> Respectfully submitted.
>
> CHARLES A. WEBB,
> *Chairman, Committee on Legislation.*

What was proposed was that in every case instituted in the courts by an injured party, the Commission would have been named a party to the suit and the Commission itself would have had to reach a determination after a hearing of whether a violation had occurred, and the action in the court would have been stayed until such determination was made. Of course, it would have made fruitless the entire new procedure.

In addition to the fact that the Commission did not like the proviso as introduced and the fact that the Private Carrier Conference and the Private Truck Council and certain shippers did not like the proviso as introduced without an amendment which would have nullified the purpose of the section, the committee also had presented to it a complaint that the proviso might be discriminatory unless it were enlarged to include other carriers.

Spokesmen for farming cooperatives contended that if the private carriers were enabled to secure some kind of reference in this bill applying to operations in the trucking industry under subsection 203(c), the bill should also be amended to give the same consideration to farm cooperatives and other farm groups under subsection 203(b).

In view of this effort to vitiate the purposes which were in mind in the consideration of this legislation and in view of the Commission's complete opposition to the proposal, the committee determined that the public interest best would be served by dropping the entire proviso. This it did in both sections 3 and 5 relating to civil forfeitures.

REPARATIONS

Sections 6 and 7 of the bill would amend parts II and IV of the Interstate Commerce Act, applicable to motor carriers and freight forwarders, respectively, so as to permit shippers to recover reparations up to 2 years after the cause of action therefor arises. "Reparations"—as defined for purposes of this legislation—are charges made for transportation in accordance with filed tariffs to the extent that the Interstate Commerce Commission subsequently finds them to have been unjust and unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial.

In effect, these sections would permit a court of competent jurisdiction to award reparations to persons injured through violations of the Interstate Commerce Act by motor carriers and freight forwarders subject thereto. This would be accomplished in accordance with established judicial reference procedures under which the injured party must first institute action in the courts and then the Commission would be called upon to aid the court by making necessary administrative determinations relating to the amount of reparations. This would restore a procedure formerly available to shippers which was set aside by the Supreme Court in 1959 by its decision in the T.I.M.E. case (359 U.S. 464) and would not affect in any way the right of shippers to recover damages for misrouting under the Hewitt-Robins doctrine—see *Hewitt-Robins Incorporated* v. *Eastern Freight-Ways, Inc.*, 371 U.S. 84 (1962).

REVOCATION OF CERTIFICATES AND PERMITS; FREE ENTRY IN WATERWAY TRANSPORTATION

One of the situations that has been of increasing concern to the committee during the hearings which have been conducted in recent years on a number of legislative measures has been that of the protection which the public is getting for its tremendous investment of millions and hundreds of millions of dollars in its inland waterways system in order to provide a national transportation waterway network. The committee is concerned that the existing waterways should be used and also that the new waterways which are continuously being brought into being through the large projects going forward should also be fully utilized in the public interest.

At present, 268 water carrier certificates and permits issued by the Commission for Transportation on Existing Waterways are still in effect. Of this number, 84, or 31 percent, are not being used, 10 of which have been dormant since World War II, 20 years ago. The Commission testified that it "feels that the public interest is not served by allowing water carrier rights to remain in effect indefinitely."

It continued:

> The mere existence of dormant rights under which operations can be lawfully reactivated at any time acts as a deterrent to the institution of new operations by other carriers and in some instances is a threat to the economic well-being of the transportation industry.

The bill would add a new section 312a to part III of the Interstate Commerce Act and a new subsection (h) to section 309 of part III.

Taken together, this new section and subsection would cancel out certificates where they are not used and would permit domestic water carriers to give common carrier service on those waterways where there is no certificated service by permitting water carriers to give such service without being required to go to the trouble of obtaining a certificate of public convenience and necessity. Where there is such certification, but the common carrier willfully fails to provide the contemplated service, his certificate could be revoked, and where such willful failure continues for 3 or more years, this section would require the Commission to revoke the certificate involved. It is the intention of the committee that the holder of a certificate should "use it or lose it." That is, he should provide the transportation or lose the right to do so.

The committee is aware, however, that once the carrier loses his certificate because of nonuse, the carrier may experience difficulty in having it restored. The record of the Commission in granting certificates is such that the committee is not optimistic about the Commission seeing to it that the waterways are fully utilized. Thus, on new or newly developed waterways or on other waterways where there is no certificate holder, the bill makes it possible for anyone to provide transportation service by water without the necessity of obtaining a certificate, although he would be subject to rate regulation.

The right of "free entry," without need to obtain a certificate, would obviously be meaningless if the Commission or others were able to thwart this right through a long-drawn-out rate proceeding. The committee therefore provides in this legislation that the Commission may not suspend any initial schedule filed by a common carrier performing transportation under this proposed subsection (h) for which the carrier never has had rates on file with the Commission. Subsequently, of course, the Commission has the authority, as it has in all instances, upon complaint or upon its own initiative, to open up a proceeding for the determination of the reasonableness or nondiscriminatory character of the rates. It cannot, however, prevent a carrier from entering into the business through suspension of one carrier's initial rates.

PROPOSED FLOOR AMENDMENT

There is no opposition to this bill except in two parts. No. 1, the Private Carrier Organizations and the Traffic League had an amendment which they wanted and which in effect, from a technical standpoint, would have nullified the efforts to bring about the kind of enforcement that would be effective. They are groups representing certain segments of private carriers. Let me allay any fears anybody might have because of any wires that they have received and say that we do not interfere or change in any way the right of any industry or any private business activity to transport their own product. We do not in any way change the technical definition which is in the Interstate Commerce Act that covers what is commonly referred to as the primary business test. We do not in any way affect any of the exempt sections of the Interstate Commerce Act as they are applicable to the motor carrier industry in part II of the act, or the shippers organizations or associations or cooperatives that might have an exemption under part IV relating to freight forwarders' type of operation.

Notwithstanding what you may have heard I can assure you that there is no change whatsoever in the right of this group to do business on their own and for themselves legitimately, nor any change in the exemptions that have been provided in the various parts of the act affecting private carriers, or these shippers organizations to which I have referred.

Except for those two groups there is no opposition to this bill. As a matter of fact, everybody else supports it, including the American Trucking Associations, the railroad industry, the freight forwarding industry, and the Private Carriers Conference, with an amendment that I am going to offer later on, to reiterate that the primary business test is a responsibility of the Interstate Commerce Commission, which is charged with the responsibility of administering the act. I shall offer that amendment and explain why it is necessary, how it comes about, and why we are putting it in the bill, to make it abundantly clear that the Interstate Commerce Commission, who are the expert people in this field and therefore capable of determining these technical features of the operation of the Interstate Commerce Act, has authority to handle it.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Texas.

Mr. WRIGHT. The gentleman's explanation is extremely reassuring on that point. Just for the sake of complete clarification I should like to ask the following question. It relates to private groups of merchants who band themselves together in shippers' associations, thereby availing themselves jointly, as small, independent merchants, of the larger bulk shipping areas that under other situations would not be possible for them because of the volume of business that they do.

Do I understand the gentleman from Arkansas correctly to state that there is nothing in this bill which would adversely affect their present operations?

Mr. HARRIS. This group to which the gentleman from Texas refers to is exempt from the operations and the provisions of the Interstate Commerce Act in section 402(c).

I will read the gentleman the language for the RECORD. This is a part of the act itself which appears on page 230 of the recently revised issue of the Interstate Commerce Act and section 402(c) is applicable to the operations of the group to which the gentleman refers and provides an exemption for them. I read:

> The provisions of this part shall not be construed to apply (1) to the operations of a shipper or a group or association of shippers in consolidating and distributing freight for themselves or for the members thereof, on a nonprofit basis, for the purpose of securing the benefits of carload, truckload or other volume rates or (2) to the operations of a warehouseman or other shippers' agent in consolidating or distributing pool cars whose services and responsibilities to shippers in connection with such operations are confined to the terminal area in which such operations are practiced.

Therefore, such operations as this would continue to be exempt under the bill. It is not changed or touched.

Mr. WRIGHT. I thank the distinguished chairman for his explanation.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Washington.

Mr. PELLY. Could I ask the distinguished gentleman as to whether or not his amendment would restore the primary business test under the primary jurisdiction of the Interstate Commerce Commission?

Mr. HARRIS. It would not restore it because it is still there, both under the bill and under the proposed amendment.

Mr. PELLY. It would preserve it?

Mr. HARRIS. It has not been touched. The amendment which I shall offer not only maintains the primary business test which is in the act today in section 203(c) of the Interstate Commerce Commission Act, but we broaden the reference here a little bit because we believed that if it should be applicable to shippers of which the gentleman speaks that it equally should be applicable to cooperatives and farm organizations, and others who are exempt.

So the amendment I shall offer will broaden it to include the other groups as well as those about which he speaks.

Mr. PELLY. Would the gentleman yield for one further question?

Mr. HARRIS. Indeed.

Mr. PELLY. I have a communication which states that sections 3 and 5 both eliminate the Interstate Commerce Commission's primary jurisdiction.

As I understand it, that is not actually so; is that correct?

Mr. HARRIS. The act—and if I may, I will discuss it right now—I was going to get into it a little bit later. Let me explain what would happen. If the gentleman will get a copy of the bill he will find a proviso in section 3 of the bill and a proviso in section 5, and look at the part of the bill that is stricken out and he will see that those provisos were contained in the original bill. The Interstate Commerce Commission took the position that this language was unnecessary, that they had the authority anyway and they were going to maintain it and carry out their responsibilities.

In the course of the consideration of the legislation the groups of private carriers to which reference was made as well as the shippers league were quite concerned about it and they wanted to put another proviso in which would get the matter in a state of confusion.

So the gentleman from Illinois [Mr. SPRINGER] offered an amendment to just strike out the whole proviso, saying that the Interstate Commerce Commission had the authority anyway, and the committee went along with that.

There seems to have been a great fear developed among some of the private truck operators, who want to continue to transport their own product unmolested. We expect them to do it, and they will do it. Among others, the Private Carrier Conference, a part of the American Trucking Associations, expressed this great fear. An amendment has been worked out which I will offer, and it is satisfactory to the gentleman from Illinois [Mr. SPRINGER] in view of the fact it was his proposal, that the original proviso be stricken out. The committee will offer this amendment to section 5, and that will take care of the entire matter. I intend to do that.

Mr. PELLY. I thank the gentleman for a very clear explanation.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. To further clarify the question asked by the gentleman from Texas [Mr. WRIGHT], with regard to associations entering into operations which were mutually beneficial, the thing, I believe, that needs clarifying is that where shippers are formed together in these different associations, is it imperative under the terms of this enforcement provision that they be legally authorized and banded together for this operation? Can it be just a voluntary and unlicensed operation?

Mr. HARRIS. They may do it either way. They may organize a legal corporation or they may jointly organize an association, or just agree among themselves. They can do it whichever way they want to do it.

Mr. WAGGONNER. But under either circumstance they must have an interstate permit, or be licensed by some State?

Mr. HARRIS. Is the gentleman talking about shippers, now, or is he talking about the motor carriers?

Mr. WAGGONNER. The shippers.

Mr. HARRIS. The shippers are excepted under the provision I just read. That is where some misunderstanding occurred in connection with this, and where the problem comes from. We have an enforcement procedure proposed here where anyone who is doing business as they ought to under the law may continue to do so; but there is an enforcement process that if they are not doing legitimate business or there is some question—and some of these things are very fine as to their interpretation—and if somebody else is injured thereby, this provides he may go into court, file a proceeding, and enjoin him if it be a clear and patent illegal operation. But in so doing he has to file a copy with the Interstate Commerce Commission No. 1.

No. 2, he has to file a bond in order that if his action results in harm to the organization or people that he has attacked, he has to stand for it himself. He has to stand the costs and the expenses, and whatever results would be injurious to the other person in making the usual type of bond for the injunction.

If we stop right there, then perhaps some people might become alarmed about it, if they thought we were taking from the ICC the authority it has in the administration of the act in certain instances, and putting it in the courts. Because of that this amendment has been worked out which will be offered saying that since the ICC has the responsibility in it, the Commission may then assume the jurisdiction of it, and so notify the court. The court then will stay any proceedings pending the outcome of the matter before the Interstate Commerce Commission.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. GROSS. I would like to say to the gentleman the only objection I have had to this bill has been that dealing with section 5 and I am pleased to hear that the gentleman will offer an amendment to meet the objections that have come to me.

Mr. HARRIS. I thank the gentleman.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Maryland.

Mr. FRIEDEL. Mr. Chairman, when the bill H.R. 5041, was first introduced, the shippers association felt that they were not involved in any shape or form. But with section 417 they are very much concerned because they feel now that they can be harassed by the trucking association on any trivial thing and be taken into the Federal court where an injunction would be obtained.

Mr. HARRIS. The gentleman has brought to my attention the concern of his people. I had a conference with the gentleman and with two of his people—one of them a lawyer and the other, I assume, a businessman.

Mr. FRIEDEL. They were from the Baltimore Shippers & Receivers Association.

Mr. HARRIS. I explained to them and to the gentleman what the provisions were and its operation. I read the provisions of the act that were applicable to them, and I assured them that I was going to offer this amendment. If this amendment is not adopted by this committee and by the House, then I will move to strike out the entire subsection (b). If we cannot straighten it out in this way, then I would be in favor of eliminating that entire subsection.

Furthermore, I assure the gentleman and his constituents as well as others who are interested in it that they will have an opportunity then to analyze this completely and fully before the committee in the other body where they are going to have hearings within the next few days and if they can find any bugs in it that need clarification, I myself will join in helping to straighten it out.

Mr. FRIEDEL. I thank the distinguished gentleman and as the gentleman has said, the group that we met with this morning were informed of that.

I would just like to ask two questions for the RECORD. One is: If section 417 is amended, will any person be permitted to seek a direct court injunction against a shippers association, such as Baltimore Shippers & Receivers Association, who claims an exemption under section 402 (c) of the Interstate Commerce Act?

Mr. HARRIS. No, the Commission has found it to be a legitimate operation and has so stated in its directive. So, therefore, there could not be any violation by that organization and this language says the jurisdiction could be extended to the court only where there is a clear and patent violation.

Mr. FRIEDEL. I thank the gentleman. My other question is this:

If section 417 is amended will any person be permitted to seek a direct court injunction against a shippers' association while a case against that association is pending before the Interstate Commerce Commission?

Mr. HARRIS. If the Interstate Commerce Commission has it before them, all they have to do is to notify the court and this provision requires the court to stay proceedings pending the outcome of the matter before the Interstate Commerce Commission.

Mr. FRIEDEL. I thank the good chairman very much and want to express my appreciation for his kindness to my constituents and the time that he gave us on this matter.

Mr. HARRIS. I want to thank the gentleman for his contribution and for his usual attention to these very highly technical and difficult problems that we try to work out here in the interest of all of the people who are involved with our great transportation system in this country. It is our duty as a Congress to look after the public interest and to see that we maintain a sound common carrier system. We have to have it. We are the only nation in the world that has it and all of our people have to have the benefit of transportation. At the same time we recognize a legitimate business operation and we want to be just as fervent in our efforts to see that they are protected and they do not suffer harassment from other people who are doing so mainly because of the competitive situation.

Mr. Chairman, I do not claim this is the answer to our overall transportation policies, but this is a continuing thing. We will never get to the point where we do not have more work and consideration to give to the transportation problems of this country because we are a great nation. We are expanding. Our demands and our needs are growing. Consequently, it behooves Congress to give attention constantly, to the overall transportation system, to meet the needs of all of our people and not merely to the needs of only a chosen few.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for many years now, and particularly since 1962 the Committee on Interstate and Foreign Commerce has been considering bills dealing with surface transportation. We have heard many witnesses and looked at many versions of many bills dealing in omnibus fashion with the problems of regulation of rates on bulk and agricultural commodities, agricultural commodity exemptions, joint boards, reparations, and the commodity clause. Through it all there has persisted a series of proposals referred to as the "gray area" provisions. In all the smoke of battle which surrounded the many complex issues before us it was always understood that there was general approval of the gray area legislation.

Regulated trucking has been taking it on the chin for a long time now. More business has been steadily generated and they have been able to garner less and less of it. There have been many reasons why but the main reason seemed to be that a large proportion of the hauling was being done by carriers not entitled to it under the laws. In some ways this seems to be a contradiction in terms. If certain carriage is illegal, then enforce the law and stop it. This would be fair enough except that we had gradually devised a system which made it impossible to do so.

If the activity is clearly illegal but enforcement is difficult, then we should overhaul the enforcement machinery. Exactly. And that is what this legislation is designed to do.

As the law now stands just about everything possible stands in the way of adequate enforcement.

As long as Federal certificates could not be filed with the States it was difficult for State enforcement authorities to know when an operation was in violation of Federal rules or its certificate. The Federal establishment zealously guards its jurisdiction of operations within its purview. Under these circumstances State enforcement officers were not inclined to question anything likely to fall within Federal jurisdiction. This is understandable. As a result, however, all enforcement activities of Federal rules fell to the very small group of Federal personnel, despite the present size and the rapid growth of the trucking industry. The combined efforts of all enforcement agencies in the country could hardly hope to accomplish adequate enforcement. Many things in addition to this almost hostile attitude of State agencies add to the problem. If and when a case did come to the attention of the Interstate Commerce Commission it was necessary for the Commission to institute court proceedings and appear as the complaining party. All in all, the odds were with the illegal trucking. It is exactly these situations which the present legislation would change.

The bill would allow a State to require the filing of ICC certificates. Once that is done and the Federal Government executes an agreement with State enforcement agencies, it will be possible for the State people to tell whether or not an operator is actually authorized by ICC and just what his certificate covers. Clear violations of law which have previously gone unnoticed will be readily recognized. Once this happens, it will be possible for the Commission to proceed against the violator by serving him wherever he may be found. Additionally, and perhaps more important, a party injured by clear and patent violations may exercise self-help by suing for an injunction.

While granting that such measures will help the legitimate trucking operation, each segment of the industry has had reservations about some provision or other. They are concerned about the possibility of the pendulum swinging too far. Overzealous enforcement and litigious competitors could harass innocent companies. For example, the household movers were concerned last year because H.R. 9903 did not provide standards for interpretation of ICC certificates. Household movers do not travel set routes as do some other carriers and they feel that there might be uneven and unfair interpretation of what their certificates allowed. This was corrected by the inclusion of language which will make certain that uniform standards will be created. Civil forfeitures and self-help measures are more apt to be used against carriers not holding ICC certificates. Private carriers need not have such certificates and the ICC has always made the determination where questions arose, using what is known as the "primary business test." Because of their concern about this point, the private carriers wanted certain language included in this bill. The committee, after considering the matter, determined that the language was at best surplusage. For this reason the language was eliminated from section 3 and section 5. It should be pointed out that the bill now provides for notice to the ICC and for the appearance of the Commission in the court case or alternatively for assumption of jurisdiction by ICC.

The language of the bill reconfirms the jurisdiction of the Commission to interpret permits and also its own rules. Further, jurisdiction is only conferred on the court for cases of "clear and patent" violation. It is my feeling that the language of the bill, as it stands, adequately protects the private carriers both before the ICC and the courts.

The bill treats with one other subject concerning surface transportation. It is not a matter of enforcement, but does provide a means for an injured shipper to retrieve money paid over and above a legal tariff. One cannot stop his business and delay deliveries while waiting for a determination of the legality of a filed tariff. If it turns out he was gouged he should then be able to pursue those amounts wrongfully collected. Because of some peculiarities in the Interstate Commerce Commission Act and the interpretation by courts, this has not been possible if the transportation were accomplished by truck, but it was possible if the transportation was furnished by a railroad. This bill corrects the situation.

Over the last 2 years we have considered many of the problems of water transportation. Only two are dealt with here. In certain instances barge companies have requested certificates to service many river towns. Some of this was probably speculation on the growth of the community and the business it should generate. As time went on some of these communities did grow and did generate a fair amount of business, but not enough to prompt the certificate holder to render service. This seemed wrong. Especially would it seem wrong when other persons were willing and anxious to render such service. This bill provides for the revocation of unused certificates or portions of certificates.

There are also many places not mentioned in existing certificates which could be the source of business for a water carrier. To encourage the rendering of service to these points, the bill provides for what we call free entry. The owner of a barge or group of barges may see the opportunity to do business with several of these uncovered areas. He may do so without the formality of acquiring a certificate from ICC. He must, however, file his rates with ICC. Existing carriers take a dim view of all this. The best answer for them, however, would be to render service where it can be used, thereby making it unnecessary for additional carriers to come into being.

It could be said that the provisions of the bill before the House today touch only lightly the myriad problems of the transportation industry. I would agree with this. We have seen, however, the results of trying to bite off to much. It seems clear that transportation problems must be broken down, considered, and solved separately. Certainly we must try at the same time to keep our eye on the donut and to make sure that the individual pieces of legislation add to the whole fabric of national transportation policy. I feel that this bill meets this requirement and I recommend its passage.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I join the gentleman at this point in the Record in stating that as a practical, factual situation I also believe it would have been a better bill without the amendment, if we had left it as the gentleman had it.

As the Interstate Commerce Commission said, the primary test was in the act. The authority of the Commission is maintained and it seems to me if it could have been agreed upon, it might have been a better procedure, overall, for our transportation program. I do also appreciate the fears though of these groups who are involved with transportation problems. Just as was the gentleman, because of these fears, I was willing to go along at the present time with this procedure.

Mr. SPRINGER. I think the chairman of the committee has stated it correctly. There is no doubt under this amendment about the right of the Interstate Commerce Commission in these cases to intervene. I believe H.R. 5401 does do some things for the transportation industry that are good. There are some things that some of them have wanted for some time and I would say most of this bill has been enacted because it is in the public interest. We correct some inequities in the bill and for that reason I think it is good legislation and ought to pass.

Mr. HARSHA. Mr. Chairman, I rise in support of this amendment and urge its adoption. I know that many firms doing their own trucking and hauling are quite concerned about the deletion from the original version of provisions that give the Commission primary jurisdiction to determine the validity of any operation in dispute under the primary test.

Many concerns do a great deal of their own hauling and trucking of supplies throughout the Nation and although they are unregulated, they operate under the ICC jurisdiction and look to them for interpretation of their often highly technical rules and regulations and the enforcement thereof.

A primary jurisdiction of the Commission is to determine the validity of an operation in dispute under the primary business test; that is, is the private carrier hauling legally or illegally. The determination of this is often highly technical and should be judged by expert authorities in the field of transportation.

Under this bill without this amendment, the legislative doctrine under which they now operate as a private carrier—the primary business test—would be subjected to interpretations in the district courts without the benefit of ICC expertise in this highly technical field.

This amendment will retain the primary jurisdiction with the Commission and the private carriers will have the benefit of its experts in this field and a continuation of this policy will assure the private carriers of a continuation of the orderly process under which they now operate.

As the distinguished gentleman from Illinois [Mr. Springer] knows, I discussed this amendment with him at great length yesterday and I want to take this opportunity to express my appreciation to him for his assistance to me in resolving this problem.

Again, I want to urge my colleagues to adopt this amendment.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

H.R. 5401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection

(f) of section 205 of the Interstate Commerce Act (49 U.S.C. 305(f)) is amended by inserting after the second sentence thereof the following new sentence: "In addition, the Commission is authorized to make cooperative agreements with the various States to enforce the economic and safety laws and regulations of the various States and the United States concerning highway transportation."

SEC. 2. Subsection (b) of section 202 of the Interstate Commerce Act (49 U.S.C. 302(b)) is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) The requirement by a State that any motor carrier operating in interstate or foreign commerce within the borders of that State register its certificate of public convenience and necessity or permit issued by the Commission shall not constitute an undue burden on interstate commerce provided that such registration is accomplished in accordance with standards, or amendments thereto, determined and officially certified to the Commission by the national organization of the State commissions, as referred to in section 205(f) of this Act, and promulgated by the Commission. As so certified, such standards, or amendments thereo, shall be promulgated forthwith by the Commission and shall become effective five years from the date of such promulgation. As used in this paragraph, 'standards or amendments thereto' shall mean specification of forms and procedures required to evidence the lawfulness of interstate operations of a carrier within a State by (a) filing and maintaining current records of the certificates and permits issued by the Commission, (b) registering and identifying vehicles as operating under such certificates and permits, (c) filing and maintaining evidence of currently effective insurance or qualifications as a self-insurer under rules and regulations of the Commission, and (d) filing designations of local agents for service of process. Different standards may be determined and promulgated for each of the classes of carriers as differences in their operations may warrant. In determining or amending such standards, the national organization of the State commissions shall consult with the Commission and with representatives of motor carriers subject to State registration requirements. To the extent that any State requirements for registration of motor carrier certificates or permits issued by the Commission impose obligations which are in excess of the standards or amendments thereto promulgated under this paragraph, such excessive requirements shall, on the effective date of such standards, constitute an undue burden on interstate commerce. If the national organization of the State commissions fails to determine and certify to the Commission such standards within eighteen months from the effective date of the paragraph, or if that organization at any time determines to withdraw in their entirety standards previously determined or promulgated, it shall be the duty of the Commission, within one year thereafter, to devise and promulgate such standards, and to review from time to time the standards so established and make such amendments thereto as it may deem necessary, in accordance with the foregoing requirements of this pargaraph. Nothing in this paragraph shall be construed to deprive the Commission, when there is a reasonable question of interpretation or construction, of its jurisdiction to interpret or construe certificates of public convenience and necessity, permits, or rules and regulations issued by the Commission, nor to authorize promulgation of standards in conflict with any rule or regulation of the Commission."

SEC. 3. Subsection (h) of section 222 of the Interstate Commerce Act (49 U.S.C. 322 (h)) is amended by striking out the words "shall forfeit to the United States the sum of $100 for each such offense, and, in case of a continuing violation, not to exceed $50 for each additional day during which such failure or refusal shall continue" in the first sentence therein and by inserting in lieu thereof the following: "or who shall fail or refuse to comply with the provisions of section 203(c) or section 206(a)(1) or section 209(a)(1) shall forfeit to the United States not to exceed $500 for each such offense, and, in case of a continuing violation not to exceed $250 for each additional day during which such failure or refusal shall continue."

SEC. 4. Subsection (b) of section 222 of the Interstate Commerce Act (49 U.S.C. 322 (b)) is amended to read as follows:

"(b) If any motor carrier or broker operates in violation of any provision of this part (except as to the reasonableness of rates, fares, or charges and the discriminatory character thereof), or any lawful rule, regulation, requirement, or order promulgated by the Commission, or of any term or condition of any certificate or permit, the Commission or its duly authorized agent may apply for the enforcement thereof to the district court of the United States for any district where such motor carrier or broker operates. In any proceeding instituted under the provisions of this subsection, any person, or persons, acting in concert or participating with such carrier or broker in the commission of such violation may, without regard to his or their residence, be included, in addition to the motor carrier or broker, as a party, or parties, to the proceeding. The court shall have jurisdiction to enforce obedience to any such provision of this part, or of such rule, regulation, requirement, order, term, or condition by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier or broker, his or its offices, agents, employees, and representatives, and such other person, or persons, acting in concert or participating with such carrier or broker, from further violation of such provision of this part, or of such rule, regulation, requirement, order, term, or condition and enjoining upon it or them obedience thereto. Process in such proceedings may be served upon such motor carrier, or broker, or upon such person, or persons, acting in concert or participating therewith in the commission of such violation, without regard to the territorial limits of the district or of the State in which the proceeding is instituted."

SEC. 5. (a) Subsection (b) of section 222 of the Interstate Commerce Act (49 U.S.C. 322(b)) (as amended by section 4 of this Act) is further amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) If any person operates in clear and patent violation of any provisions of section 203(c), 206, 209, or 211 of this part, or any rule, regulation, requirement, or order thereunder, any person injured thereby may apply to the district court of the United States for any district where such person so violating operates, for the enforcement of such section, or of such rule, regulation, requirement, or order. The court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such person, his or its officers, agents, employees, and representatives from further violation of such section or of such rule, regulation, requirement, or order; and enjoining upon it or them obedience thereto. A copy of any application for relief filed pursuant to this paragraph shall be served upon the Commission and a certificate of such service shall appear in such application. The Commission may appear as of right in any such action. The party who or which prevails in any such action may, in the discretion of the court, recover reasonable attorney's fees to be fixed by the court, in addition to any costs allowable under the Federal Rules of Civil Procedures, and the plaintiff instituting such action shall be required to give security, in such sum as the court deems proper, to protect the interests of the party or parties against whom any temporary restraining order, temporary injunctive, or other process is issued should it later be proven unwarranted by the facts and circumstances. Nothing in this paragraph shall be construed to deprive the Commission of its jurisdiction to interpret or construe certificates of public convenience and necessity, permits, or rules and regulations issued by the Commission."

(b) Subsection (b) of section 417 of the Interstate Commerce Act (49 U.S.C. 1017(b)) is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following new paragraph:

"(2) If any person operates in clear and patent violation of section 410 of this part, or any rule, regulation, requirement, or order thereunder, any person injured thereby may apply to the district court of the United States for any district where such person so violating operates, for the enforcement of such section, or of such rule, regulation, requirement, or order. The court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such person, his or its officers, agents, employees, and representatives from further violation of such section or of such rule, regulation, requirement, or order; and enjoining upon it or then obedience thereto. A copy of any application for relief filed pursuant to this paragraph shall be served upon the Commission and a certificate of such service shall appear in such application. The Commission may appear as of right in any such action. The party who or which prevails in any such action may, in the discretion of the court, recover reasonable attorney's fees to be fixed by the court, in addition to any costs allowable under the Federal Rules of Civil Procedure, and the plaintiff instituting such action shall be required to give security, in such sum as the court deems proper, to protect the interests of the party or parties against whom any temporary restraining order, temporary injunctive or other process is issued should it later be proven unwarranted by the facts and circumstances. Nothing in this paragraph shall be construed to deprive the Commission of its jurisdiction to interpret or construe permits or rules and regulations issued by the Commission."

SEC. 6. (a) Paragraph (2) of section 204a of the Interstate Commerce Act (49 U.S.C. 304a) is amended to read as follows:

"(2) For recovery of reparations, action at law shall be begun against common carriers by motor vehicle subject to this part within two years from the time the cause of action accrues, and not after, and for recovery of overcharges, action at law shall be begun against common carriers by motor vehicle subject to this part within three years from the time the cause of action accrues, and not after, subject to paragraph (3) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the three-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice."

(b) Section 204a of the Interstate Commerce Act (49 U.S.C. 304a) is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting immediately after paragraph (4) thereof the following:

"(5) The term 'reparations' as used in this section means damages resulting from charges for transportation services to the extent that the Commission, upon complaint made as provided in section 216(e) of this part, finds them to have been unjust and unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial."

Sec. 7. (a) Paragraph (2) of section 406a of the Interstate Commerce Act (49 U.S.C. 1006a) is amended to read as follows:

"(2) For recovery of reparations, action at law shall be begun against freight forwarders subject to this part within two years from the time the cause of action accrues, and not after, and for recovery of overcharges, action at law shall be begun against freight forwarders subject to this part within three years from the time the cause of action accrues, and not after, subject to paragraph (3) of this section, except that if claim for the overcharge has been presented in writing to the freight forwarder within the three-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the freight forwarder to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice."

(b) Section 406a of the Interstate Commerce Act (49 U.S.C. 1006a) is amended by redesignating paragraphs (5), (6), and (7) as paragraph (6), (7), and (8), respectively, and by inserting immediately after paragraph (4) thereof the following:

"(5) The term 'reparations' as used in this section means damages resulting from charges for transportation services to the extent that the Commission, upon complaint made as provided in section 406 of this part, finds them to have been unjust and unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial."

Sec. 8. (a) (1) Part III of the Interstate Commerce Act is amended by inserting immediately after section 312 the following new section:

"REVOCATION OF CERTIFICATES AND PERMITS

"Sec. 312a. (1) Certificates and permits shall be effective from the date specified therein, and shall remain in effect until suspended or revoked as provided in this section.

"(2) Any certificate or permit issued under this part may, upon application of the holder therof, in the discretion of the Commission, be amended or revoked, in whole or in part, or may, upon complaint, or on the Commission's own initiative, after reasonable notice and opportunity for hearing, be suspended, changed, or revoked, in whole or in part, for willful failure to engage in, or to continue to engage in, the operation authorized by such certificate or permit.

"(3) The Commission shall, upon complaint or on its own initiative, after reasonable notice and opportunity for hearing, in any case of willful failure to engage in any operation authorized by any such certificate for a period of three or more years (whether occurring before or after the date of enactment of this section), revoke the part of such certificate authorizing such operation."

(2) The table of contents in section 301 of the Interstate Commerce Act, as amended (49 U.S.C. 901), is amended by inserting immediately after and below

"Sec. 312. Transfer of certificates and permits."

the following:

"Sec. 312a. Revocation of certificates and permits.".

(b) Section 309 of the Interstate Commerce Act is further amended by adding at the end thereof the following:

"(h) No person shall be required to obtain a certificate under subsection (a) in order to perform transportation subject to the provisions of this part over any route or routes or between any ports with respect to which no such certificate is in effect, and on and after the effective date of this subsection no such certificates shall be issued to perform such transportation over any route or routes or between any ports with respect to which no such certificate is then in effect. Any person performing such transportation under the provisions of this subsection shall be deemed to be a common carrier by water for the purposes of this part. The Commission may not suspend any initial schedule of rates filed by any person performing transportation under the provisions of this subsection for which such person has never had rates on file with the Commission."

Sec. 9. The amendments made by this Act shall take effect on the ninetieth day after the date of enactment of this Act.

Mr. HARRIS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be inserted in the Record at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AMENDMENT OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 15, line 19, strike out the quotation marks, and immediately after line 19 insert the following:

"(3) In any action brought under subsection (b) (2) of this section, the Commission may notify the district court of the United States in which such action is pending that it intends to consider the matter in a proceeding before the Commission. Upon the filing of such a notice the court shall stay further action pending disposition of the proceeding before the Commission."

Mr. HARRIS. Mr. Chairman, this is the amendment I referred to a moment ago. Section 5, containing a new concept of "self-help," has created some apprehension in the motor carrier industry. Since the Commission will no longer be the sole avenue to obtain injunctions for violations, some motor carriers—particularly the private carriers—have been concerned that the courts will replace the expert body which we have created to pass upon transportation matters. In other words, these carriers worry that the Commission will no longer have the primary jurisdiction which it now exercises over technical questions of the validity of motor carrier operations.

Their fears, in the opinion of the committee, are unfounded. Language to make certain that this jurisdiction would remain in the hands of the Commission was included in H.R. 5401 as introduced. It was stricken from the bill which is before you largely because the ICC said that it was unnecessary. In effect the ICC's Chairman said "The bill cannot by indirection take away from us one of our most basic duties."

However, since the bill was reported out I understand that many members have been contacted by private carrier groups expressing "grave" concern over the elimination of this language.

Accordingly I have offered this amendment which will restore the intent of the stricken language.

This amendment simply says that if a private person seeks to enjoin a violation of the act (under the procedure set forth in section 5) the Commission may notify the district court that the same specific controversy is to be brought before the Commission for settlement. If this happens then, under this amendment, the judge will stay the petition for injunction until the ICC has passed upon the issue.

I should like to make it abundantly clear that this procedure does not contemplate a proceeding by the Commission to determine if it will involve itself in a court proceeding. In other words, we do not intend that a person against whom an injunction is sought might petition the ICC to intervene in the court and thus tie up the court case. We firmly believe this new enforcement tool will be a good one. It should not be subverted by any practice which will avoid or delay prompt settlement of the issues.

This amendment is somewhat broader than the language originally in H.R. 5401. It would encompass any type of controversy which might arise under this new section 5 procedure. It certainly would include an issue which might involve the "primary business" test which has concerned the private carriers, and would include the question of exemptions which has concerned some of the farming and cooperative interests.

I am confident that adoption of this amendment will allay any fears which might continue to be entertained by a majority of the private carriers. In fact, I would like to state that I have been informed that this amendment has the support of the American Trucking Associations, Inc., and the Private Carrier Conference of the American Trucking Associations, and the National Industrial Traffic League, and the Transportation Association of America. The ICC believes the language of the amendment to be unnecessary but it interposes no objection to it.

I have here a wire from the managing director of the American Trucking Associations, Inc., which says:

WASHINGTON, D.C.,
May 5, 1965.

Hon. Oren Harris,
Washington, D.C.:

The American Trucking Associations, Inc., urges enactment of H.R. 5401, a bill containing amendments to the Interstate Commerce Act designed to strengthen enforcement of that act. We also support the proposed amendment which we understand will be offered by Chairman Harris for the committee.

W. A. Bresnahan,
Managing Director, American Trucking Associations, Inc.

Likewise I have a wire received the day before yesterday, May 3, from the American Trucking Associations, Inc., in which it clarifies its position on the amendment to which I have referred, which I will include in the Record:

WASHINGTON, D.C.,
May 3, 1965.

Hon. Oren Harris,
Chairman, Interstate and Foreign Commerce Committee, U.S. House of Representatives, Washington, D.C.:

The American Trucking Associations, Inc., representing the entire trucking industry, supports enactment of H.R. 5401. The bill will be of material assistance in our continuing effort to achieve adequate enforcement of the Interstate Commerce Act and thus improve our service to the public. The amendment, which we understand you will propose to section 5, is in keeping with the intent of that section and is acceptable to ATA.

We understand this language will recognize the right of the ICC to notify a district court that it intends to consider a matter in controversy under this section and that the district court shall then stay its proceedings on this matter pending disposition of the ICC case.

W. A. Bresnahan,
Managing Director, American Trucking Associations, Inc.

I have also a wire, Mr. Chairman, from W. E. Givens, president, Private Carrier Conference, Inc., American Trucking Associations, Inc., in which its says that with the amendment it is supporting the bill. I will include this in the Record with my remarks:

Washington, D.C.,
May 5, 1965.

Chairman Oren Harris,
House Interstate and Foreign Commerce Committee, U.S. House of Representatives, Washington, D.C.:

Section 5 of H.R. 5401, as reported by Commerce Committee, totally unacceptable to private carrier conference of ATA, but amendment of section 5 which would add new subsection (3) beginning on page 15, after line 19, would make it acceptable.

PCC composed of over 4,000 business concerns who are engaged in private carriage in United States. As representative of these concerns, PCC proposed to ICC, after committee report, that Commission have right to remove cases from Federal courts. ICC language designed to implement right in such new subsection (3) would read as follows:

"In any action brought under subsection (B)(2) of this section, the Commission may notify the district court of the United States in which such action is pending that it intends to consider the matter as a proceeding before the Commission, upon the filing of such a notice the court shall stay further action pending disposition of the proceeding before the Commission." As section 5 now reads PCC understands: (1) only clear and patent violations could be heard in Federal courts against certificated, permitted, private and exempt carriers if violation is not clear and patent, Federal court cannot exercise original jurisdiction; (2) ICC can intervene as a matter of right in clear and patent cases and participate as a party before the Federal courts. As section 5 would read with amendatory language in a new subsection (3) to section 5, PCC further understands: (1) ICC in all cases filed in Federal court pursuant to section 5 would have the absolute right, to be exercised by the ICC in its own discretion, to remove cases from original jurisdiction of Federal court and to consider such cases as its own, making its own findings and conclusions. In the event of an exercise of such right the Federal courts would be required to stay any further action pending outcome of cases before ICC.

(2) Amendment would, therefore, give more protection to private car carriers by giving ICC additional power in any case involving the law as it applies to private carriers to demand that it pass on the case.

Request this telegram be read into the Congressional Record during floor debate on H.R. 5401.

W. E. Givens,
President, Private Carrier Conference, Inc., American Trucking Association, Inc.

Also I have a wire and a letter from Mr. Harold Hammond, president of the Transportation Association of America in which he urges the adoption of this amendment in order to allay the fears that we have referred to:

Washington, D.C.,
May 6, 1965.

Hon. Oren Harris,
Washington, D.C.:

The Transportation Association of America, a national policy organization composed of users, investors, and carriers of all modes, supports most provisions of H.R. 5401 and opposes none, and urges approval of committee-approved amendment to protect private carrier interests.

Harold F. Hammond,
President, Transportation Association of America.

Transportation Association of America,
Washington, D.C., May 4, 1965.

Hon. Oren Harris,
Chairman, House Interstate and Foreign Commerce Committee, U.S. House of Representatives, Washington, D.C.

Dear Chairman Harris: This is to confirm that the following telegram was sent to you today. It indicates TAA's views on the proposed amendment, as worked out by the ATA and ICC, to section 5 of H.R. 5401.

"While TAA continues to favor the 'primary business test' proviso included in H.R. 5401, as introduced, it supports the proposed amendment to subsection (b)(2) of section 5 of the committee-approved version of H.R. 5401 to permit the ICC to take jurisdiction over any case brought under this subsection, since we believe this would provide added protection for shippers engaged in private carriage."

Sincerely,
Harold F. Hammond, *President.*

So we attempted in this way to make it abundantly clear that the ICC continues to have primary responsibility in the administration of the Interstate Commerce Act. It is only those clear and patent violations that could go into the courts, where they ought to be and where they will attempt to determine whether or not there is a violation. It is just that simple. That is the reason we are offering this kind of procedure.

I will agree with my distinguished colleague, a member of the committee from Texas [Mr. Rogers], that it is rather unusual procedure to file proceedings in the court and then have an agency notify the court that they are interested in it and therefore we want it over here. But nevertheless that is the way it seems best for this program to be administered and that is the reason, I believe, under the circumstances it is the best approach to it.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. KORNEGAY. Mr. Chairman, I thank the gentleman for yielding to me. I have a few questions I would like to propound to the gentleman at this time.

No. 1. Does this amendment restore the proviso in section 3 and the proviso in section 5, which were originally in H.R. 5401, as introduced?

Mr. HARRIS. As I have already explained, section 3 provides for the Commission being able to obtain forfeitures for violations of the act. Since the Commission must have made a determination of a violation before it can seek forfeitures, there is no need for any such additional proviso in section 3 beyond the authority of section 203(c) which is still in the law and will continue to be if this bill is enacted. In section 5, referring to enforcement proceedings by individuals, we are restoring, with a new paragraph here in a clearer and broader form than what was in section 5 as introduced, the proviso stricken out by Mr. Springer's amendment. So the answer to the gentleman's question is "Yes."

Mr. KORNEGAY. No. 2. Since the proviso was not in the exact words of the original bill, does the amendment nevertheless make it mandatory that the ICC retain its primary jurisdiction as it relates to private carriers?

Mr. HARRIS. Under the Interstate Commerce Act, even with the amendments that we have here, it is a matter of fact that the ICC retains its primary jurisdiction. With reference to certain clear and patent violations, the ICC could give way to the courts.

Mr. KORNEGAY. No. 3. Does the amendment apply equally to section 3 as well as to section 5?

Mr. HARRIS. The answer is "Yes."

Mr. KORNEGAY. No. 4. Under the proposed amendment if a private carrier were the subject of Federal court action and it petitioned the ICC to assume its primary jurisdiction, is it mandatory that the ICC grant such petition?

Mr. HARRIS. It is not mandatory, but I want to clarify what I said in answer to the previous question. The language is not restored in both section 3 and section 5, but the intent and purpose are still in section 3 as well as in section 5—the primary business test, as an example, which is in the law itself and also is the responsibility of the Commission.

Mr. KORNEGAY. No. 5. How does the amendment differ as compared to the proviso or protective clause for the regulated carriers? To put it another way, Is the private carrier protected equally as much as the regulated carrier?

Mr. HARRIS. My answer to that would be "Yes," and that is certainly our intention. We intend to try to bring better enforcement for the protection of the regulated carrier that is required to operate under the ICC Act. But at the same time we intend to protect the private carrier who is exempt from the act and we expect that his business may continue without change and interruption.

Mr. KORNEGAY. I want to thank the chairman very much for this fine explanation of the amendment and say that this certainly helps to write a fine legislative history with reference to the amendment and the bill.

Mr. HARRIS. I thank the gentleman from North Carolina for his help and the fine work which he has done with the committee in connection with this very important and somewhat highly technical legislation.

Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HARRIS: On page 17, line 2, strike out the quotation marks, and immediately after line 2 insert the following:
>
> "(3) In any action brought under subsection (b)(2) of this section, the Commission may notify the district court of the United States in which such action is pending that it intends to consider the matter in a proceeding before the Commission. Upon the filing of such a notice the court shall stay further action pending disposition of the proceeding before the Commission."

Mr. HARRIS. Mr. Chairman, this amendment is precisely the amendment that was just adopted which was applicable to part II of the act. This makes it applicable to part IV.

Mr. Chairman, Mr. Giles Morrow, in testifying for the freight forwarders and those who are required to operate under the act, stated:

> If you are going to create this procedure and make it applicable to the motor carriers, then why not give us the same protection?
>
> We do not want to interrupt or bother anyone who is exempt from the act from their legitimate business. We want to be required and we are required to comply with the act and, consequently, with reference to the overall enforcement, we think it should apply equally to both of us.

That is both parts. The committee did so, and it is for that reason that I offer the amendment, so that the same equality of treatment will apply here for the protection, if it be needed, for shippers associations, as would apply to private motor carriers.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

The **CHAIRMAN.** The question is on the committee substitute, as amended.

The committee substitute as amended was agreed to.

The **CHAIRMAN.** Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. EVINS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5401) to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes, pursuant to House Resolution 358, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER.** Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER.** The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks in the RECORD at the proper place on the bill H.R. 5401.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERSONAL EXPLANATION

Mr. REDLIN. Mr. Speaker, on rollcall No. 92 I was absent from the floor because of urgent business affecting my district. Had I been present I would have voted "aye." I have repeatedly stated my support for President Johnson's handling of the difficult Vietnam situation.

THE 17TH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I rise to call the attention of the House to the fact that today is the 17th anniversary of the independence of the State of Israel.

We all have cause to celebrate this anniversary of the day when a shining new star was added to the firmament of nations.

I personally feel a strong sense of satisfaction at the enormous progress Israel has made in these 17 years. I had occasion to visit Israel in 1952, when the Government literally did not know from one day to the next how it was going to pay for the next shipment to arrive in the port of Haifa. I was there again last summer and was thrilled to see the inspiring progress that has been made in every field.

Two of Israel's primary problems, as I know from my conversation with Prime Minister Eshkol last summer, are national defense and water. So far as national defense is concerned, Israel has made gigantic and remarkably successful efforts on her own. I trust that our Government will stand ready to make available to Israel such military assistance as may be required so as at least to maintain equilibrium in the Middle East. So far as water is concerned, Israel is taking full advantage of the available sources of natural water. This includes her share of the Jordan waters, within the limits proposed by the late Eric Johnston in his plan, which was generally hailed as a fair and equitable proposal for the distribution of the Jordan waters. Nevertheless, the time is not far off when natural waters will not suffice to meet the needs of the State of Israel and when it will be imperative for her to draw upon the limitless supply in the Mediterranean. Accordingly, I am glad that we are today cooperating with the State of Israel in a major effort to develop economical means to carry out this great task.

For the future, I look forward to the day when, pray God, there may be peace in the Middle East and Israel will be in a position to play a great role in contributing to the peaceful development of the entire area. Israel is already a bastion of democracy in the Middle East. She could be also a bastion of economic and social development for the many millions of people inhabiting that part of the world.

On this 17th anniversary, we can look back on the achievements of the past with satisfaction and look forward with confidence to an even brighter future for this state to which we have such close and rewarding ties.

SEE AMERICA FIRST

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, President Johnson has called upon Americans to see America first and stop tourism to Europe this summer in the interest of reducing the deficit in the international balance of payments. To that end I note on the news wire this morning the fact that several hundred cadets are not going to be able to take their usual travel cruise around the globe this summer by military transports in behalf of their training. But I also note in the morning paper that "Recreation Superintendent Milo F. Christiansen and National Parks Service Director T. Sutton Jett have left to attend a recreation conference in the Mediterranean principality of Monaco, long a favorite playground for Europe's millionaires."

Mr. Speaker, I would like to know who is doing what to whom and why in the matter of international travel?

USE OF SEATO IN VIETNAM

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, I have spoken out long and often in this Chamber on the events in Vietnam. Yesterday, by an overwhelming majority from both sides of the aisle, the President received the endorsement of this body for his direction of American participation there. I went on record myself in support of the President. At the same time I called for continued exploration of any and all further possibilities for settling the Vietnam fighting.

Mr. Speaker, such a possibility exists today. I am talking about SEATO.

At the conclusion of the SEATO Council meeting yesterday in London, the members of that Organization, with the exception of France and Pakistan, strongly endorsed the efforts of the South Vietnamese to repel the invaders of their homeland.

SEATO was organized for this purpose. Article II reads:

> In order more effectively to achieve the objectives of this treaty, the parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

Article IV states:

> Each party recognizes that aggression by means of armed attack in the treaty area * * * would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional process. If, in the opinion of any of the parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any party is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the parties shall consult immediately in order to agree on the measures which should be taken for the common defense * * * it is understood that no action * * * shall be taken except at the invitation or with the consent of the Government concerned.

What a golden opportunity.

Mr. Speaker, I do not believe that we Americans should carry this burden alone. What is needed is the assistance and participation of other southeast Asia nations who themselves face a future common threat from Communist expansionism. I think this body should go on record strongly in support of efforts to utilize SEATO in Vietnam.

SEATO could very well be the key to peace in southeast Asia.

WE ARE STILL IN THE RED

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the executive branch of the Government announced the other day that the deficit for fiscal 1965 would be $1 billion less than the earlier projected $6.3 billion. I am sure the entire Nation was gratified to receive the good news. However, I am equally sure that a good many thinking people were more concerned than gratified because of the remaining $5.3 billion in the red.

Mr. David Lawrence, editor of U.S. News & World Report, has put in the May 10 edition of that highly respected publication an editorial entitled "Only $30 Billion in the Red." Here Mr. Lawrence points out the folly of continued and increasing national debt. In the 5 fiscal years from July 1, 1960, the gross public debt will have increased by about $30 billion and the annual interest on the debt, which cannot be put off but must be paid every year, is running more than $11 billion.

It is not an easy thing to balance the national budget and it has not been done many times in recent years. It is easier to talk about it than it is to do it. Yet it can and must be done. Simple logic defies the indefinite continuation of deficit spending. Such is bound to produce economic chaos. No matter how difficult, we must summon the know-how and the self-discipline needed to balance the Federal budget and begin paying off the national debt.

Mr. Lawrence's editorial follows:

ONLY $30 BILLION IN THE RED

(By David Lawrence)

President Johnson, in a somewhat optimistic vein, the other day told the American people by television and radio and through the press that the deficit in the Federal budget for the fiscal year ending June 30, 1965, would be at least a billion dollars below the $6.3 billion which he had estimated last January.

This is supposed to be a sign of an improvement, if not a reversal, in the deficit spending which has now been going on year after year.

The sad truth is that in the 5 fiscal years beginning on July 1, 1960, the gross public debt will have increased by approximately $30 billion. The total interest now costs more than $11 billion a year.

Unfortunately, most persons in official life and also many others engaged in economic dialog are not disturbed by deficits totaling only $30 billion in 5 years. The thesis of the new school of economists is that deficit spending is the way to keep business good and that it doesn't matter whether the Government, year after year, is spending more than it is taking in.

The official budget estimates are often misleading. In the past 10 years, the original forecasts of the budget made 18 months before the end of a fiscal year amounted cumulatively to a total of only $200 million of deficit. But the revised estimates, made each time a year later, added up to an accumulated deficit of $36.9 billion. In that same 10-year period, the actual figures showed a deficit total of $40.8 billion.

The big fact is that the Government is running in the red year after year. Expenditures are kept down in some categories but go up in others.

The assumption is that, even with the large deficits, the United States will be able to pay its bills. But it can do so only with depreciated currency, and the risk to the average citizen is that prices will rise as the monetary unit dwindles in value. Many governments have had a tragic experience with such inflation.

Business conditions, of course, are regarded as good today, largely as a result of the recent cuts in tax rates. But how long will this last? For wages and prices as well as State taxes are continuing their upward trend. The mere size of the sales volume is not an indicator of a nation's ability to maintain its monetary unit on a stable basis.

The truth is that the Government is spending money for many things that it could well do without. This doesn't mean that the money is actually wasted, but it does mean that priority could be given to sound finance and the Nation would not suffer.

No administration, of course, can balance the budget at once. It must be a gradual process so that the economy can absorb the changes. But when year after year there is no sign that a balanced budget is even in sight, there is bound to be discouragement.

Meanwhile, the Nation will have to examine carefully all the official forecasts being made because experience has shown that, under both Republican and Democratic administrations, erroneous estimates have been offered. This is due to some extent to an inability to gage correctly future trends in business, both in this country and overseas.

The Eisenhower administration in January 1958, for example, predicted a surplus of $500 million for the fiscal year ending June 30, 1959. But, due to a downturn in business which, during the same period, developed into a real recession, receipts were $6.1 billion less than anticipated. In an attempt to reverse the business curve, the spending went up by $6.7 billion. So the final outcome was a budget deficit of $12.4 billion.

Likewise, in January 1962 the Kennedy administration forecast a surplus of $500 million for the fiscal year ending June 30, 1963, but the estimate proved to be wrong by nearly $7 billion. This was because corporate profits had been estimated at $56.5 billion and turned out to be only $48.2 billion. Also, taxes from individuals did not come up to the figures that had been predicted. Much of this was due to the uncertainties in business occasioned by the unsettled conditions in the steel industry. The final result was a budget deficit of $6.3 billion.

It would be much better if an incumbent administration would make long-range appraisals and chart the budget trends for a given period of years rather than concentrating on a single year.

What America needs is a comprehensive program of expense cutting, along with a stimulus to business which will produce more tax receipts. Such a plan cannot be confined to a single year. There ought to be at least a 5-year look ahead, with a program for a balanced budget which would be accepted as the reasonable reflection of a sound trend in Government finance.

The American people would welcome an end to the deficit era—a total deficit of $40.8 billion in the last 10 years, with $30 billion of this piling up in the last 5 years. The official figure for the public debt now is close to $317 billion. It's the biggest debt that any nation has ever faced in the history of the world.

THE SHAME OF AMERICAN FARMING

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, in a powerful article on the problems and conditions confronting America's itinerant farmworkers, Mr. Truman Moore, writing in the May issue of the Atlantic Monthly, has examined the price we pay for agricultural prosperity.

Mr. Moore is no abstract writer. He spent 4 years traveling and working with migrant farmworkers—talking with growers, union officials, ministers, and social workers—and so his comments are based on the facts and not mere flights of fantasy.

We are today concerned with the roots of poverty; of what can be done to alleviate the wretched conditions which afflict fully one-fifth of our people.

But as Mr. Moore points out:

> Until we see the connection between migrancy—the corpses piled on the roadway,

the children left to the darkness of ignorance and illiteracy, the despairing, destitute families groping for a way to live—and the bountiful supply of fruits and vegetables on every corner fruitstand or in every supermarket, no changes will come. Without this understanding, no war on poverty can hope to win more than a few skirmishes.

Mr. Speaker, I believe that our colleagues will find this to be persuasive commentary on one of the great social problems of our time, and I commend it to their thoughtful reading and consideration:

SLAVES FOR RENT—THE SHAME OF AMERICAN FARMING

(By Truman Moore)

Each year when the harvest begins, thousands of buses haul thousands of crews to fields across America as millions of migrant workers hit the road. They ride in flatbed trucks or old condemned school buses patched together for just one more season. They go by car: Hudson bombers with engines knocking, laying a smokescreen of oil; prewar Fords packed with bags, bundles, pots and pans, children crying. They go in pickups made into mobile tents—a home for the season. They ride the rods of the friendly Southern Pacific.

They come from farms in the Black Belt, from closed mines in the mountains of Kentucky and West Virginia, from wherever men are desperate for work. They come by whatever means they can find. These are the migrants—the gasoline gypsies, the rubber tramps—crossing and recrossing America, scouring the countryside in a land where the season never ends. There's always a harvest somewhere.

From Florida to Oregon the fruit tramp pursues the orchards. From Texas to Michigan the berry migrants work from field to field. Two million men, women, and children invade every State of the Union to pick fruit, to chop cotton, to scrape beans, to top onions, to bunch carrots, to pull corn, to fill their hampers with the richest harvest earth ever yielded to man.

The circus and the college house parties leave Florida after Easter. The first week of April, the major league clubs wind up their spring training and go home to play ball. The snowbirds start back to the cities of the North with their tans. And the migrants form crews and follow the sun. Sometimes a single bus will carry a crew; sometimes they pass in ragged convoys as the migrant battalions rumble out of Florida and up the eastern seaboard.

The invasion hits South Carolina in May, North Carolina and Virginia by June. By late summer they have passed through Pennsylvania into New Jersey and New York State. Some go into Delaware and Maryland, others to Long Island, and a few on to Maine. By October the upstate crops are in, and the migrant tide flows back to the southern tip of Florida.

The workers find little to do in November. It is after a lean Thanksgiving and a bleak Christmas that hands are needed again in the fields and groves of the winter gardens.

From Texas the pattern is much the same. This is the home base of the largest migrant group. The exodus begins in early spring. Storekeepers close down for the season as the little towns depopulate. Everyone who can bend and stoop starts for the great corporate farms of the North and the West. From the steaming valleys of Arizona and California to the great Pacific Northwest comes a string of harvests. There is no crop in the world that can't be grown on the Pacific coast, and relatively few that aren't. Where once was a vast desert wasteland, there are now the rich irrigated valleys, principally the Imperial and the San Joaquin. In steady sun and several inches of water, crop after crop is produced with factorylike precision.

Into all these fields, through State after State, the migrants cut a footpath across America. But in spite of their mobility, the migrants are shut off in their own world. Migrant America is a network of side roads, of farm towns and labor camps and riverbanks, of fields and packing sheds. The famous cities are not New York, Boston, and San Francisco, but the capitals of the agricultural empire of the big growers: Homestead and Belle Glade in Florida; Stockton in California; Riverhead on Long Island; and Benton Harbor in Michigan. For the migrants, no roadside motel or tavern offers a neon welcome. The host community sees them not as a potential payroll but as a blight to the community's health and a threat to the relief rolls. Businessmen, dance bands, and tourists making their way across the country find many services and comforts at their disposal. The migrant can hope at most for good weather, a grassy bank, and a filling station that will permit him to use the rest room.

There is always blood on the harvest moon. No one knows how many luckless migrants have died on their way to gather the harvest. Only a few of the more spectacular crashes make their way to America's breakfast table by way of the local newspaper. A few years ago, a half-ton truck left Texas for the sugar-beet fields of Wyoming. In it were 54 migrant workers. As the truck neared the outskirts of Agate, Colo., the driver suddenly hit the brakes. The truck spun around and turned over twice, scattering workers across the highway. There was one death, a baby who died in a Denver hospital shortly after the accident. In October 1963, not 3 miles from the spot in Fayetteville, N.C., where a truckload of migrants died in 1957, a truck carrying 24 beanpickers turned over when a tire blew out, strewing its human cargo like a handful of oats. Fortunately no one was killed.

When the ICC was considering regulation of migrant transportation in 1957, a representative of the "jolly" Green Giant Co. complained that restriction of travel between 8 p.m. and 6 a.m. was a hardship on the workers and the employers. "It has been our experience," said the company's man, "that these trucks can complete the trip from Texas to Wisconsin in from 50 to 60 hours with stops only for meals, gasoline, and general stretching."

A vegetable packer said that it was practically impossible to attach seats securely and still use the trucks to haul produce. He did not advance this as an argument against carrying workers in produce trucks, but against using seats. Many crew leaders use trucks because of the extra money they can make hauling the crops from the fields to the processors. Jon Misner, the director of migrant labor at Stokely-Van Camp in Indianapolis, said he knew crew leaders who made $15,000 hauling vegetables—in an 8-week season.

THE CREWLEADER

Little Jim was a good crewleader. His bus, the beanpicker special, was a bit run down, and the tires were slick. But the driver was sober and careful. The camps that Little Jim found for his crew while they were on the road were not always what he had promised them, but he could hardly help that. He couldn't demand that the grower put the crew up in the Holiday Inn.

The crew went hungry before the crop came in, but Little Jim never told them he was going to feed them. If he lent them money to buy food before they got work, he charged them no more than the going rates, just as a bank would. And he had not been greedy about the money he took from their pay. A dime out of every dollar was his take. He stuck to it. And he charged a couple of dollars for each job he got them, and there were no more than three or four a season. While they were on the road, he got them to "help on the gas." When he deducted for social security, he always turned it in, as he was supposed to. If there was a big shopping center near the camp, he'd stop on the way back from the field so that the crew could do their shopping there instead of in the little stores near the camps, which always overcharged.

His wife thought he was stupid to pass up any chance to make money. So he sold moonshine. There was a good profit in that. "I keep a little around because some of them—they won't work without it. If you don't have it for them, they'll go out and get it." He bought from a bootlegger for $1 a quart and sold it in the fields at 50 cents a shot. A heavy drinker gets thirsty in the field. But Little Jim had to be careful not to give a bad drinker too much. He had one worker named Leroy Small, who was a mean drunk. He pulled out a homemade machete one afternoon and almost took a man's head off. After that Little Jim was more careful.

He was usually on the road with the crew 4 to 5 months a year. During that time, he was the crew's official representative. It is the crewleader, not the grower or the corporate farm, who is recognized as the employer. Whether or not a migrant ends the season money ahead or money behind often depends on his crewleader.

There are more than 8,000 crewleaders in the migrant streams. They come in all shades of reliability and honesty. Good or bad, the crewleaders perform a service that is invaluable to the grower. A grower in Maryland can make a simple agreement with a crewleader to supply a given number of migrants at a specified date and for a stipulated price. The farmer, theoretically, can rest assured that his labor problems will be taken care of. In practice, however, he can never rest easy until he sees the crew pull into camp. An unscrupulous crewleader can shift his crew to a higher paying farm at the last minute. The first farmer can easily lose his crop for lack of a harvest crew. Because both the migrants and the farmers depend on the crewleader, he is in a good position to take advantage of both. Hamilton Daniels was like that.

You had to admire Hamp. He was a thorough professional, with imagination and style. He usually honored his obligations to deliver the promised number of workers at the agreed price and time. Sometimes he came a little late though, because he would stop for a few small unscheduled jobs on the way. Born in New Orleans, a diplomat and a shrewd judge of character, Hamp had a quick intelligence far beyond what 5 years in school had given him. He knew how to get along with the white growers. He just played Uncle Tom.

Sometimes when the grower was around, Hamp would ride herd on the crew just to let the man know he was in charge. But the growers knew that. They depended on Hamp to bring the migrants in on time and get them out when the work was done. Neither Hamp nor the grower would profit by argument. His dealings with the growers were usually cordial; a balance of power existed that neither cared to test.

Hamp could make a flat price for harvesting and then cut the crew's pay as low as they'd stand for. On a flat-fee basis, Hamp's profit was the difference between what the grower paid him and what he paid the crew. Hamp didn't care for this because if the weather was too hot or it rained too much, he might even lose money.

If there was a good crop and a high market, the grower might agree to an hourly rate so the crew would take their time and not damage the crop. But the usual agreement was a piece rate. This fixed the cost for

Hamp and the grower. The rates were usually set up on a sliding scale. When the crop was good, the rates were lower, and as the fields thinned out, the rates went up. When the fields thinned out, the crew didn't want to work them because it was hard to make any money. So the grower would pay a bonus at the end of the harvest to all the workers who stayed on the job. But it really wasn't a bonus. He just withheld some of their money until the job was finished.

Whatever arrangement was made, the crew seldom knew the details. If the grower gave his camp rent free as part of the payment, Hamp might still charge the crew rent. He was careful never to cut into a man's pay directly, except to take out social security, which he never turned in to the Government.

His dealings with the migrant crew were complex. For one thing, he lived closely with them. His impression on them was important. If a crew leader looked too prosperous, the crew might think he was crooked. If he looked too poor, they might doubt he was a good crew leader. Hamp managed to look just right. He had a pair of brown pants and a red shirt that were ragged to the point of fascination. He was the raggedest man they'd ever seen. Close examination of this costume would have revealed patches sewn over whole cloth, but the effect was one of arresting poverty. To contrast with this, Hamp drove a Cadillac. His garments attested to his humility and his car to his success.

In picking a crew, Hamp seemed to work with little thought or design. Actually, he was very careful about whom he took on. He wouldn't take boys who looked as if they were trying to save money for college in the fall. They held too tight to their money, and most of them would leave the crew to go back to school before the season was over.

Hamp looked for the quirk, the twist: the reason this man or that woman wanted to work the crops. He preferred workers, either male or female, in the first stages of alcoholism. Some crew leaders wouldn't hire the drinkers, but Hamp knew better. You had to wait until a man was hooked. Then he didn't seem to know or care what you took out of his pay as long as he had enough to eat and drink. He might get mad, but he didn't leave. Of course, a hardened wino was worthless. He couldn't stand the pace. It isn't easy to bend over in the broiling sun all day.

Hamp kept a good supply of white mule and had places along the way where he could get it. There was good money in it. He also kept little white packets of dope. There was the real money. But sometimes it was hard to get. You really had to push it all the time to make it pay, and it was too bad if the Government men caught you with junk.

He kept his hands in the ordinary rackets, too. He got a 15-percent cut from the grocery store near the camp. If the storekeeper refused to pay a kickback, Hamp would take the crew to another store. The crew seldom had cash, so Hamp worked out a credit system with the storekeeper. The crew members were never shown an itemized bill; they just paid what Hamp said they owed. Hamp also had beer and cigarettes in his trailer at double the store prices. For a 50-cent bottle of wine, he charged $1.45. None of the crew stocked up on these things because they never had the cash. With one thing and another, Hamp cleared about $20,000 in a fair year.

On the west coast, the crew leader is called a labor contractor. (The term "crew leader" refers to the foreman.) Nick Peronni is a labor contractor in California. He has a fleet of buses and trucks that haul workers in and out of the San Joaquin Valley. He operates out of the "slave market," a big fenced-in lot that serves as a hiring hall, just up the street from the farm placement service in the skid-row section. Before a man can work, he has to get a white card from the placement office. If he changes crews, he can't get another card. Even if the grower cheats him, he can't quit without losing his white card.

Most of the growers that Nick works for prefer to contract workers from elsewhere. Part of Nick's job is to keep too many of the local workers from getting on the crews. Nick does not travel with the crews. He loads the buses out of the slave market each day for these short hauls into the valley. He also handles the paper work. No one is sure how much Nick makes, but estimates run high. As he himself puts it, "If this thing blows up tomorrow, I'll go fishing. It'll be a long time before I get cold and hungry."

These men are representative of crew leaders. For the most part their lives are hard to trace. Some use colorful pseudonyms like Sugar Daddy, Cool Breeze, or Meatball. A few years ago, the New York Times reported that only half of the crew leaders coming into New York State gave addresses that could be located. Tax investigators in Oregon found that relatively few crew leaders had ever filed personal income taxes, and almost none had filed social security returns for the crew, even though all presumably deducted from their migrants' paychecks.

In 1964, Congress passed a crew-leader registration law designed to put dishonest crew leaders out of business. The crews have just started to move now. It remains to be seen what effect the new law will have.

THE TAR-PAPER CURTAIN

Across America there are tens of thousands of migrant camps. They are in the valleys and in the fields, on the edges of cities and towns. Some are half deserted. Some are behind barbed wire and even patroled by armed guards. Migrant camps are within commuting distance of Times Square, under the vapor trails of Cape Kennedy, and surrounded by missile sites in the Southwest. They have names like Tin Top, Tin Town, Black Cat Row, Cardboard City, Mexico City, the Bottoms, Osceola (for whites), Okeechobee (for blacks), and Griffings Path.

Negroes from the Black Belt are dismayed by camps they find up north. Okies and Arkies who migrate today find camps much like those the Joads found in "The Grapes of Wrath." You can drive from New York to California and never see a migrant camp. You have to know where to look. To borrow a popular analogy, a tar-paper curtain separates the migrants from the rest of America.

Let us look at a typical migrant camp which we will call Shacktown. Shacktown is owned by a corporate farm, one of whose foremen is in charge of the camp. "But mostly," he says, "we just turn it over to the people to run for themselves." In other words, no one collects garbage or maintains the camp in any way. The camp is built on the grower's sprawling farm. It cannot be reached without trespassing, and several signs along the road remind the visitor of this fact. Even finding it is difficult. Local residents are suspicious of outsiders who are interested in migrant camps. Requests for directions are met with icy stares.

Shacktown was built about 15 years ago. No repairs to speak of have been made since then. Most of the screen doors are gone. The floors sag. The roofs leak. The Johnsons, a Shacktown family, have a 6-month-old baby and five older children. "When it rains," says Mr. Johnson, "it leaks on our bed and all over the room. At night when it rains, we have to stand up with the baby so he don't get wet and catch pneumonia."

All the rooms in Shacktown are the same size, 8 by 16 feet. When the Johnsons moved in, they found they needed much more space. They sawed through the wall, a single thickness of 1- by 6-inch pine, and made a door to the next cabin, which was not occupied. The exterior walls are unpainted and uninsulated. They keep out neither wind nor rain, sight nor sound. Cracks between the boards are big enough to put your hand through. There is no privacy, and the Johnsons, like most Shacktown families, have learned to live without it. The windows are simple cutouts with a hatch propped open from the bottom. Some have a piece of clothlike screening tacked on.

The only touch of the 20th century in the Johnsons' cabin is a drop cord that hangs down from the ceiling. It burns a single light bulb, plays a small worn radio, and when it works, an ancient television set that Mr. Johnson bought for $10, through which they get their only glimpse of urban, affluent America.

Although there are trees nearby, the camp is built on a barren, red-clay hill, backed by a blazing summer sun. There are four barrack-type frame buildings, divided into single rooms. Behind the barracks are two privies, both four-seaters. The door to the women's privy is missing, but the rank growth of weeds serves as a screen. There are no lights, and no one uses the toilets after dark. The Johnsons use a slop jar at night. It is kept in the kitchen and used for garbage, too.

There is virtually no hope of keeping out the flies that swarm around the privies. But one county health inspector found an unusual way of getting the growers interested in the problem. The inspector would drop by the grower's house just before lunch and ask to see the migrant camp. When they came to the privy, the inspector would throw a handful of flour over the seats, which invariably swarmed with flies. On the way back to the house, the inspector would manage to get invited to stay for lunch. At the table he would remark, "Well, I'm sure glad you asked us all to lunch." And there crawling around on the fried chicken would be a floured, white-backed privy fly.

During most of the season in Shacktown there will be several full- or part-time whores. The going price is $3. Prostitution thrives behind open doors. Venereal diseases are sometimes epidemic. In a crew near Morehead City, N.C., 1 woman infected 10 men in the course of 3 days. Six out of eight crews working in the area had at least one syphilitic.

There are two hasps on the Johnson's door in Shacktown. One is for the family to use. The other is for the grower. If the rent is not paid, the family will find when they return from the field that they have been locked out. Some growers provide cabins free. Some charge according to the number of able-bodied workers. Rents run from as low as $10 a month to as high as $50.

The Johnsons, like most Shacktown families, do their own cooking. But grocery shopping is not easy. There is a small cracker-barrel store near the camp, run by the grower, but the prices are a third higher than in town. "We got a 10-cent raise," says Mr. Johnson, "and everything in the store went up a quarter. He wants us to buy from him or move out. It don't seem right."

Cooking is done on a small, open-flame, unvented kerosene stove which serves as a heater in the cold weather. Fires and explosions are not uncommon. The cabins are not wired for electric heaters; natural gas is not available. Bottled gas requires a deposit and an installation fee. Asked if the tenants did not suffer from the cold nights, the camp manager replied, "Oh, heat's no problem. You would be surprised how hot it gets in one of them little cabins with so many people."

For most of the year the cabins are miserably hot. Refrigeration is nonexistent, and perishable foods seldom find their way to the migrant's table. The baby's milk sours quickly, and he is given warm Coke. Good water is always scarce in Shacktown. Between the long buildings there is a single cold-water tap. The faucet leaks, and there is no drainage. A small pond has developed, and the faucet is reached by a footbridge made of boards propped on rocks. This is the only water in camp.

Just keeping clean is a struggle. Water must be carried in from the spigot, heated over the kerosene stove, and poured into the washtub. In the evening, the oldest children are sent out with buckets to stand in line for water. Sometimes when the line is too long, the Johnsons buy their water from a water dealer, who sells it by the bucket. "We get some of our water down the road about 5 miles," says Mrs. Johnson. "Sometimes I get so tired I would just like to go in and die. We have to boil the water and then take it to the tub to wash the cloths. We have to boil water for washing dishes. The last camp we was in had a shower, but you had to stand in line for it half a day, especially in the summer."

The problem of getting water is widespread in migrant camps. A Mexican national in California said his camp was without water for a week. "The contractor said the pump broke. There was a small rusty pipe that brought enough water for washing the hands and the face, but we could not wash our clothes, and we could not take a bath for a week. The inspector ordered the pump be fixed right away. Now the water from the baths is pumped out of a big hole, and it flows through a ditch between the bunkhouse and the tents. When it makes warm weather it smells very bad. To me it looks like the contractor is not afraid of the inspector."

When several children in a Swansboro, N.C., camp became ill, a young minister named Jack Mansfield had the water in the camp tested. It was found to be contaminated. He reported this to the county health office, but they said nothing could be done since the camp had been condemned long ago.

Shacktown is a typical migrant camp, but not all migrants live like the Johnsons. Some find better camps. Many will find no room at all, and unfortunate workers will live, as they say in Arkansas, "under the stars." Three hundred migrants were stranded in Nevada when the harvest was late. "For days they had barely enough food to keep alive," the Associated Press reported. "They camped—men, women and children—in the open, along ditch banks, without protection from winter rains and freezing night temperatures. They took their drinking water from irrigation ditches used by cattle. Many children were sick. And they had no work."

Migrant workers are often housed with the livestock. A Mexican worker in California described his camp this way: "We are installed in a barn which was used for the cows when we moved in. You have to slide the big door and go in and out the same as the cows. The cracks between the wall planks are about 8 or 10 centimeters wide. This makes very good ventilation for the cattle, but it allows the wind to pass over our bunks at night. It is strong and fresh cow smell. It is necessary to use much Flit, and the smell of this chemical also affronts us. The Americans are very inventive. Perhaps someday they will invent a flit with perfume. * * * The only person who comes to see us is the father, who hears confessions and says the Rosary. We are ashamed to have him come on account of the smell of the cows and the stink of the Flit."

As bad as conditions are in the camps where the migrants live, they are worse in the fields where they work. A Florida Health Department report noted that at times crews refused to harvest fields because of the human waste deposited there by an earlier crew.

Americans are probably the most dirt-conscious people in the world. We are a bathroom-oriented society. Chains of restaurants, motels, and hotels across the country appeal to customers almost solely on the contention that their establishments are spotlessly clean. In such a society, it is not pleasant to imagine that beneath the cellophane wrapper lies a head of lettuce that has been urinated on. A storm of controversy erupted when a labor union showed a movie of fieldworkers urinating on a row of lettuce. Growers charged that the picture was posed by unionmen in old clothes. Perhaps it was, but it need not have been faked.

The fields of the modern factory farm are immense. And there are no bathrooms. A Catholic priest observed that "most consumers would gag on their salad if they saw these conditions, the lack of sanitary conditions, under which these products are grown and processed."

After a tour of leading farm States, Senator HARRISON WILLIAMS of New Jersey said: "In the fields * * * sanitation facilities are a rarity. Unlike other sectors of our commerce, agriculture generally does not provide migrant farmworkers with field sanitation facilities such as toilets, hand-washing facilities, and potable drinking water.

"We as consumers have good reason to be uneasy about this situation. Much of our soft food and other products are picked, and often field packed, by migratory farmworkers. If we object to filth anywhere, we certainly should object to it in any part of the process that brings the food from the fields to our tables."

One grower, a woman, docked the workers an hour's pay if they left the field to go to the bathroom. The woman stayed with the crew most of the day. The men had to relieve themselves in front of her. They found this humiliating but were unwilling to lose the wage.

Antonio Velez, a fieldworker in the San Joaquin Valley, said he was told by the grower to drive a pickup truck into the fields which carried two chemical toilets. The grower told him to drive fast so that the toilets would slosh around and be dirty, and no one would want to use them. He was afraid the workers would lose too much time going to the bathroom. The idea of providing fieldworkers with toilets and clean water strikes most growers as an unnecessary refinement. Consumers who realize that diseases such as amebic dysentery, polio, and infectious hepatitis (to name only a few) can be transmitted through human excreta may not be so convinced of the frivolity of field sanitation.

Dysentery is often considered a joke. It is called by a host of humorous euphemisms. The facts about dysentery are not funny. It kills 6,000 Americans a year, finding its heaviest toll among children less than 2 years old, many of whom are the children of migrant workers.

It will be argued that to supply fieldworkers with rest rooms would be prohibitively expensive. In 1955, as a result of newspaper articles and State investigations about the lack of bathrooms and hand-washing facilities, a group of Western lettuce growers started a voluntary program. A novel type of mobile toilet and hand-washing facility was developed and tried out in the lettuce fields and found to be successful. Forty of the units were built and put into the fields in the spring of 1956. None of the other growers picked up the idea; so when the pressure abated, the project was abandoned.

THE CHILDREN OF HARVEST

The man put down his hamper. "It sure looks like rain," he said. The skies were a bright crystal blue, with only a trace of clouds to the east. The crew kept working, but a few looked up and saw the three men coming down the row. One was the grower, who seldom came around. The other was the crew leader. The third man was a stranger. He carried a brown leather case and a clipboard. The men just nodded as they passed.

Then went up and down the rows, the first two walking easily. The third man, the stranger, stumbled now and then—a city man used to flat sidewalks. They crossed the red-clay road and went into the south field. A woman looked up as they came past the stacks of empty crates. Before they were close enough to hear, she turned to the busy crew. "Sure looks like rain." Two small pickers dropped their boxes and darted through the vines and ran into the woods. Someone on the next row passed the word. "Sure looks like rain." Two more children ducked into the vines and ran.

The children hid beyond the road in a small clearing in a clump of scrub oaks. From here they could see the man leave. It was their favorite game. Hiding from the inspector was about the only thing that broke up the long hours in the field. In the camp they played hide and seek this way. When you were it you were the inspector. But it was more fun when there was a real inspector.

Luis at 12 was the oldest of the children. He had been to school off and on since he was 6, but he was only in the fourth grade. If he ever went back he would be in the fifth grade, because he was older and bigger now. But Luis didn't want to go back. He wanted to run away. He had been around the country a lot. Last year his family went to California and Oregon. One year they went to Arkansas. Once long ago—he was too young to remember when—his father took them to Florida for the winter citrus harvest. Luis was an ageless child. He had a way of taking a deep weary drag on a cigarette, and after a long while letting the smoke curve slowly out of his nostrils. His face was wrinkled, marked with a tiny network of fragile lines at the corners of his eyes and deeper lines across his forehead.

Still a child, he liked to play games. He enjoyed the gaiety at the Christmas feast. But at the end of the working day, he would stand stooped over slightly with his hands stuck flat into his back pockets. From behind he looked like a dwarf, a tiny old man whose bones had dried up and warped with age.

Billy was the youngest of the children. He was not quite 5 but old enough to do a little work. He didn't earn much, but it was better, his father said, than having him sit around the day-care center costing them 75 cents every single day. His mother kept the money he earned in a mason jar. When fall came, he'd get a pair of shoes if there was enough money. He could start school, if there was one nearby, in new shoes.

His brother lay beside him in the clearing. John was 10. In the years that separated Billy and John, a brother and sister had died, unnamed, a day after birth. John kept them alive in his imagination. There were few playmates in the camps and fields that he ever got to know.

"I got two brothers and a sister," he would say. "And they's all in heaven but Billy there."

He called his invisible brother Fred, which is what he wanted to be called instead of John. Faith was the name he gave his sister. He saw her as soft and gentle, wearing a dress with white frills, like a china doll. He played over in his mind a single drama with endless variations. Faith was hurt or being picked up by some bully. He would come to her side to help or defend her. Then he and Faith and Fred would sit beneath a tree, and they would praise him for his bravery, and he would say it was nothing. They would have something cold to drink and maybe some candy to eat. He retreated more and more into this pleasant world. His mother had noticed his blank gaze many times and had heard him say "Faith." She thought he was going to be called to the ministry to be a gospel preacher or a faith healer.

Robert was almost as old as Luis. He had been on the season for 2 years. His father came from the sawmill one day and said, "They don't need me any more. They hired a machine." His father had tried to make a joke of it, but late at night Robert could hear his mother crying. He knew it wasn't a joke about the machine being hired. They sold their house and packed everything into the car. Robert left school, and now they lived in one camp after another. Sometimes they slept in the car.

The man with the clipboard left. The children came out of the bushes, picked up their boxes. They bent over in silence and began to pluck at the vines. These are the children of harvest. "The kids that don't count" they are sometimes called. "The here-today-gone-tomorrow kids."

Inspectors from the Department of Labor find children working illegally on 60 percent of the farms they inspect. And no one knows how many hide in the woods when it "looks like rain." No one really knows how many migrant children there are. Estimates run from 100,000 to 600,000. The most frequently used figure is 150,000. One survey in the olive groves of California showed that nearly three-fourths of the workers were children. An Oregon survey showed the importance of the child's labor to the family. There the average migrant worker earned $32 a week during the weeks he worked. But his wife and children together earned $48. In some crops women and children do more than half the harvest work.

The birth of the migrant child will most likely be in a migrant shack or, at best, in the emergency room of a county hospital. His nursery is the field and his toys the things that grow there. A few camps have day-care centers. There are 24 such registered centers in the United States, with a total capacity of less than 1,000 children.

The migrant child may never develop any idea of home. His family is never in any place long enough, and home to him is wherever he happens to be. He seldom sees a doctor. It is almost certain that he will have pinworms and diarrhea. Other common ailments untreated are contagious skin infections, acute febrile tonsillitis, asthma, iron deficiency anemia, and disabling physical handicaps. A poor diet condemns the child from the start. A report on a camp in Mathis, Tex., showed that 96 percent of the children had not drunk milk in 6 months. Their diet consisted mainly of cornmeal and rice. A doctor commenting on the report said there was evidence of ordinary starvation. The migrant child is prone to scurvy, rickets, and kwashiokor—a severe protein deficiency. Some reports have put the incidence of dental abnormalities at 95 percent, and others said that bad teeth were universal.

Epidemics, like the one in the San Joaquin Valley a few years ago, take a heavy toll. Shigellosis, a form of dysentery, had been rampant in the valley for years. The infant mortality rate was extremely high. Within a short time, 28 babies died of dehydration and malnutrition. The migrant child is also prey to a host of diseases now rare in the nonmigrant world: smallpox, diphtheria, and whooping cough. A medical survey in California showed that two-thirds of the children under 3 years of age were never immunized against diphtheria, whooping cough, lockjaw, or smallpox. Two-thirds of the children under 18 had not received polio shots.

There have been many brave attempts to provide migrant workers with medical service, usually on a shoestring budget and through the energy of a few determined people in a community. In the little farming towns around Morehead City, N.C., the Reverend Jack Mansfield got together the first mobile medical clinic, a white trailer called the Rocking Horse, equipped with the rudiments of a doctor's office. The Rocking Horse—so named because it tilted back and forth when you walked around in it—was staffed by a group of local doctors who took turns going out to the migrant camps. The welfare department was persuaded to provide a social worker. The National Council of Churches provided a migrant minister.

By the light of a flickering kerosene lantern, the lines of workers waited to see the doctor. Some had unnamed miseries of the head and the chest, aches and pains that move up the back and seize the neck in a vise. Colds, bad teeth, rheumatism, and chronic headaches could only be treated by the same white pills.

It would take a full staff of psychologists to evaluate the psychic condition of the migrant children. But even in the absence of any thoroughgoing study, the symptoms of frustration, bitterness, and disorganization are easy to see. A daycare center was started in the basement of an Arkansas church for migrant children. One of the most successful parts of the center was a workshop run by a young man named Alec Johnson. The shop was set up in a corner room with small windows for ventilation at the top. It was cool and pleasant on the hottest days.

Alec had assembled the usual carpentry tools and some leatherworking tools. By the end of the season, when the migrants pulled out, he had learned several things about migrant children by watching them at play. Joey Smith was a blond blue-eyed boy from Kentucky. The family had been on the road for almost 10 years, which was most of Joey's life. He was two when the coal mine was closed and his father lost his job. When Joey first came to the shop, he was quiet; by the end of the second week, he was racing around the room banging the chairs with a hammer. Alec had to take the hammer away from him, and Joey sulked and refused to do anything.

Alec got Joey interested in making a leather billfold. "I got all the material together," said Alec, "and Joey started with a flurry of energy. But within an hour, he had put it aside and was toying with some pieces of lumber. I started him back on the billfold. Joey hit it a few whacks with the mallet and then looked around for something else to do. Joey wanted the billfold and had been excited about making it. But he didn't seem to be able to stay with it and finish. There were many of the kids who were like this. It seemed to be a characteristic. They start out with great enthusiasm, but as soon as they hit a snag, they toss whatever it is aside and go to something else. They haven't had any experience in building anything or in solving problems. They have no confidence in themselves." Teachers, doctors, and ministers have the most contact with the migrant children. They are, understandably, not optimistic about the future.

Children have worked on farms since the first farmer had a son, and it has always been considered part of the rural way of life. But there is a difference between the farmer's boy doing his chores and the migrant child topping onions and digging potatoes. The two are blurred together in the minds of people outside agriculture. The blurring gets help from such spokesmen as North Carolina's Congressman COOLEY, who enunciated the Blue Sky Doctrine: "There are no sweat shops on the farms of America," he said. "On the farms of our Nation, children labor with their parents out under the blue skies."

Under the blue skies of Idaho, a 12-year-old girl got her ponytail caught in a potato-digging machine. It ripped off her scalp, ears, eyelids, and cheeks. She died shortly afterward in a hospital. On a farm in California, a 10-year-old girl came back from the fields exhausted from a day's work. She fell asleep on a pile of burlap bags as she waited for her parents. As other workers returned from the fields, they tossed the empty bags on the stack, and the little girl was soon covered up. A 2-ton truck backed across the pile and drove off. They did not find her body until the next day.

If children were mangled in steel mills, there would be a storm of public protest. But death and injury on the mechanized farms seem to pass unnoticed. Under the blue sky of the farm factory is no place for little children. Agriculture is one of the three most hazardous industries. In California alone, more than 500 agricultural workers under the age of 18 are seriously injured every year.

The migrants who follow the harvest are the only people in America who are desperate enough for this work to take it. Their children will be another generation of wanderers, lost to themselves and to the Nation.

FACTORIES IN THE FIELD

The family farm used to be the citadel of virtue in the American rural tradition. Life was made hard by the vagaries of the weather and complicated only by the bureaucrats in Washington, who always meddled with farming. In 1900, when the population of the United States was under 76 million, 40 percent of the people lived on the farm. Today, only 8 percent live on farms, and more leave every year.

Today, the important farms, as units of production, are more like factories. Great cultivators and harvesting machines lumber through endless fields. Gangs of workers bring in the harvest. One cannot ride past these giant farms after the harvest is over and the crew has left without an eerie feeling of being in a land without people. A verse from Isaiah rides the wind: "Woe to those who join house to house, who add field to field, until there is no more room, and you are made to dwell alone in the midst of the land."

The importance of making the distinction between the big farm and the little farm—between the homestead and the factory in the field—is essential to the story of migrant labor. To begin with, the family farmer and the migrant worker are in the same sinking boat. The family farm, while providing an income and a place to live, no longer contributes significantly to America's food production.

If the earth suddenly swallowed up a million and a half small family farms in America—nearly half the total number—food production would drop by only 5 percent. Half of our food is produced by only 9 percent of the farms. These highly mechanized, capitalized, and integrated companies use most of the seasonal labor. Only a relatively few big growers (5 percent of the total number) use more than $2,000 worth of labor a year. The real giants—the top 3 percent—hire more than a third of all farm labor.

It is through the fields of the farm factories that the migrant stream flows. And these are the growers that have brought foreign farmworkers to America each year. The growth of corporation farming and its effect on the traditional family farm have been watched with concern for many years. In 1923 a North Carolina land commission issued a still-urgent report: "It is quite conceivable that under capitalistic or corporation farming, greater gains might be secured than under a system of small individual holdings.

"It is quite inconceivable, however, that the * * * farmer would be as good or as efficient a citizen, that he would take as great pride in farming, that he would get as much contentment and happiness for himself and his family out of his home, or that he could develop as satisfactory a community for himself and neighbors as he could and would if he owned the house in which he lives and the farm he cultivates. The problem, then, is that of life on the farm, the development of rural communities and the building of rural civilization with which, after all, we are most concerned. * * * The late Governor Bickett said: 'the small farm owned by the man who tills it is the best plant bed in the world in which to grow a patriot.' Every consideration of progress and safety urges us to employ all wise and just measures to get our lands into the hands of many and forestall the most destructive of all monopolies—the monopoly of the soil."

The policy of the Federal Government has always more or less agreed with this. Nearly every administration has declared itself in favor of preserving the family farm. It is ironic that each, in turn, has brought it closer to extinction.

In 1963 the Government spent $4.7 billion on surplus commodities. Most of the money went to prosperous commercial farms, with only pennies trickling down to the hard-pressed family farms. The Government-support price is often more than the production costs of the big commercial farms. This means they can produce without worrying about the market since "Uncle Sucker"—as some of the farmers say—will buy what they can't sell elsewhere.

In 1961 2 corporate cotton farms received Government subsidies of $2 million each; 13 great farms each received $649,753 on the average; and 332 farms received $113,657 each. By contrast, 70 percent of the cotton farms were given an average of $60.

The Government has subsidized the big operators in a more important way. Until this year the commercial farms have been allowed to draw on the pools of cheap labor from other countries, principally Mexico. The presence of hundreds of thousands of foreign workers has naturally disrupted the domestic labor market, resulting in low wages and poor working conditions. The family farmer, who hires little outside help, has to value his and his family's labor at no more than the commercial farmer pays for gang labor.

The exodus from the farm is proceeding at the rate of about 800,000 people a year, although cities and towns have as little immediate need for surplus rural population as the Nation does for surplus farm production. It has been seriously proposed many times that overproduction is caused by a surplus of farmers and that we should let the natural laws of competition weed out the less successful. This way, the problem of surplus production and surplus farmers would solve itself at no expense to the taxpayers. But, as we have already seen, most of the food is produced by a relatively few big farms. And, of course, when the small farmer finally gives up and goes to the city, his land is taken over eventually by another farmer and remains in production.

As a unit, the larger family farm is not without merit. According to a 1962 Government report, "Family farms (in this case those using 1.5 man-years of hired labor) are more efficient than large corporate-type farms * * *. When the management of a farm is taken away from those who supply the labor, there is a loss of incentive, diligence, skill and prudent judgment which are necessary to maintain efficiency." The report said that the advantages of the corporate farm lay primarily in superior financing and control on the market.

No farmer, of course, whether big or small, can dominate the market. But the vertically integrated farm is its own market. The perishable harvest from the field goes to the farm's own processing and canning plants and is sold canned or frozen under less urgent conditions. (In 1962, however, the Government bought up $1.3 million worth of California canned apricots.) The small farmer selling perishable produce is completely at the mercy of the market, or specifically, the buyer.

Today the position of the buyer is stronger than it has ever been. In 1956, supermarket buying agencies handled 60 percent of the food dollar. At the present time, it is said that chain buyers account for 90 percent of the food dollar.

There are about 3.7 million farms in the United States. What seems to be happening is this: The 312,000 first-class farms are big and getting bigger; the 1,755,000 middle-class farms are struggling, and to survive they need a more equitable marketing structure, some Government aid, and an orderly farm labor force; the third-class farms, of which there are 1,641,000, are marked for certain death if agriculture continues for much longer on its present path.

The farm of the classic rural tradition, the family farm, required little outside labor. A hired man or two were enough on the bigger farm for most of the year. And at planting or harvest, neighboring farm families joined together and did the work, going from farm to farm.

THE EXPLOITATION OF LABOR

The history of migrant labor is sketchy, but its dominant themes are quite clear. The rise of the corporate farm and the growth of the migrant labor force were twin developments. It is arguable which came first. Some say the industrialized farm developed because growers saw a chance to utilize a growing pool of unemployed labor. Others say that the development of the giant farm created a demand for gangs of itinerant labor, and the migrants came to fill the need. Whichever way it happened, the result has been that the corporate farm is, and always has been, dependent on cheap, migrant labor.

The migrant force of today still bears the marks of our history. Since early America was largely rural, farm interests dominated the Government. While manufacturers adjusted to the industrial revolution early, agriculture was able to win exemption from most of the social legislation passed since the turn of the century. Agriculture has grown from a society, or way of life, into a complex food industry without coming to terms with its labor force. Had the automobile industry been able to import cheap labor from underdeveloped countries, it is unlikely that the automobile union would have made much headway.

The commercial farm has never adjusted to the realities of modern labor conditions or wages. Furthermore, the modern commercial farmer holds on to the idea that he somehow has a God-given right to unlimited cheap labor. Never has he had to enter the labor market and make serious efforts to attract farm labor. If anything characterizes the history of the seasonal farmworker, it is this—fate, through famine or depression, war or revolution, has time and again delivered to the commercial grower an ample supply of cheap and docile labor.

The migrant drama caught the Nation's attention in the thirties. Great dust storms swept the plains and dimmed the sun as far away as the east coast. Long lines of tenant families, the gasoline gypsies, crossed the desert into California looking for work. The dust bowl refugees were only one set of characters in the migrant epic that began long before the Joads of "The Grapes of Wrath."

By 1934 the Anglo population in the labor camps reached 50 percent. As the bitter years of dust storms and depression set in, Okies and Arkies continued to stream into California in caravans of jalopies. It was ironic that after so many years of coolies and peons, American workers took over in a time of widespread unemployment. Hence wages and working conditions, bad as they were, got worse. For every job that was open, there was a hungry carload of migrants. Men fought in the field over a row of beans. For the first time Western growers admitted there was a labor surplus. The Farm Security Administration reported that by 1938, 221,000 dust bowlers had entered California.

THE BRACEROS

With the coming of World War II, shipyards and aircraft industries drained off the surplus labor left by the draft board. Food demands climbed to wartime levels. Another source of cheap labor had to be found. The Government was induced to sanction the wetbacks. And in 1944 the United States spent nearly $24 million to supply the growers with 62,170 braceros—Mexican farm laborers.

As the war progressed, prisoners of war were turned over to growers, along with convicts. Japanese-Americans, impounded in concentration camps, were released to the custody of the big growers. Armed guards patrolled the fields. When the war ended, the POW's went back to Italy and Germany, and the convicts went back to their cells.

The wetbacks remained, and their questionable legal position became more and more evident. Border patrols, on orders from Washington, looked the other way during the harvest season, and the wetbacks streamed in. The Federal Government not only condoned wetback traffic during the harvest season but actually encouraged it. The President's Commission studying the problems of migratory labor discovered this incredible situation:

"Wetbacks (who were apprehended) were given identification slips in the United States by the Immigration and Naturalization Service which entitled them, within a few minutes, to step back across the border and become contract workers. There was no other way to obtain the indispensable slip of paper except to be found illegally in the United States. Thus violators of law were rewarded by receiving legal contracts while the same opportunities were denied law-abiding citizens of Mexico. The United States, having engaged in a program giving preference in contracting to those who had broken the law, had encouraged violation of the immigration laws. Our Government thus has become a contributor to the growth of an illegal traffic which it has the responsibility to prevent."

In 1950 when the police action began in Korea, President Truman appointed a commission to study the problems of migrant labor. The pressure was building up for more cheap labor to meet the anticipated new demands for food. The McCarran-Walter Act (Public Law 414) had just been passed over the President's veto. This was a new Immigration and Naturalization Act, which permitted the temporary importation of foreign labor under contract for periods up to 3 years.

Following completion of the report of the President's commission, the 82d Congress, on July 12, 1951, passed Public Law 78. The commission had recommended a few months earlier that "no special measures be adopted to increase the number of alien contract workers beyond the number admitted in 1950." In that year 192,000 legal braceros (literally arm-men) came in under contract to work in the fields of the Southwest. Illegal wetback traffic began to decline, but by the end of the decade the number of braceros had risen far above the wartime emergency levels of either World War II or the Korean war. In 1959 there were 437,000 Mexican nationals scattered across the United States from Texas to Michigan.

Over the years growers have shown a decided preference for the foreign farm workers. The reasons are many. The foreigner many times does not speak English. He is uninformed about his rights and in a poor position to defend them if they are violated. He is willing to work for less and under poorer conditions. Imported farm workers are always single males. Housing and transportation are simpler. And when the farmer is done with them, they can be shipped back where they came from. And if any of them make trouble, they can be shipped home a little early.

Shortage of workers amid mass unemployment; foreign workers in record numbers while American workers can't find jobs—these are long-standing contradictions in farm labor. Growers say they can't find workers. Workers say they can't find jobs. Part of the answer lies in the definition of the terms. A shortage of labor exists for many growers when they don't have more than twice the number of workers they can get by with. Extra hands keep the wages down and the union out. The workers' idea of the proper labor supply is when he can choose betwen jobs and take the one that pays the most.

The theory of the laws that enable growers to import labor was that both worker and grower could be served. In practice these laws crushed the worker and gave the grower an almost limitless supply of cheap labor. Obviously, when a worker refuses a job at 35 cents an hour (the prevailing wage for fieldworkers in Arkansas, for example), he only makes it possible for the grower to get Mexicans. Until very recently, Arkansas was the third largest user of braceros, employing about 40,000 annually.

An interesting example of the law in action was the shifting wages in the Imperial Valley. For many years domestic workers in the winter lettuce harvest were paid a piece rate of a penny a head for harvesting lettuce. This amounted to an hourly wage of from $1.25 to $2, good money for harvesting.

As growers began to use more braceros, the piece rate was finally dropped and the wage level in the valley fell. For several years prior to 1961, it was frozen at about 70 cents an hour. When President Kennedy signed the extension of Public Law 78 in 1961 (for 2 years), he instructed the Secretary of Labor to see to it that the program had no adverse effect on domestic labor. As a result, Imperial Valley growers who sought to use braceros were instructed to reinstate the old piece rate of a penny a head. (It can be noted in passing that if harvest wages were doubled, the labor cost would be only 2 cents a head.)

In anticipation of this change, growers had increased the hourly wage from 70 cents to $1. But as soon as the Labor Department called for the old piece rate, 200 growers flew to Washington to protest. The Department backed down and agreed that the growers could pay either $1 an hour or the piece rate of 24 cents a carton. The choice was to be left to the worker. That the growers were satisfied with the new arrangement indicated that they didn't intend the workers, most of whom were braceros, to have much say in the matter after all. And the nature of the choice—between $1 an hour or $2 an hour—indicated that the Department of Labor was either naive or cynical.

The mystery was cleared up when an accountant employed by an El Centro lettuce company announced that she had falsified the payroll records. What she had done, on the orders of the company owners, was to pad the hours reported by the labor crews. This lowered, on paper, the hourly wage. Thus the Labor Department was unaware of what the piece rate earnings actually were. Apparently the wage surveyors had asked the growers what they were paying. But no one bothered to ask the workers what they were earning. If it had been discovered that the piece rate was equal to $2 an hour, then the bracero wage of $1 would have had to be doubled. It would have been clear that the use of the Mexicans had definitely had an adverse effect on other wages in the valley.

The low wages in agriculture may seem to be of little importance to the rest of society. But "agriculture as a whole," according to the California Democratic Council, "still remains our largest single industry. Depressed farm purchasing power contributes directly and significantly to fewer sales, fewer jobs, lower business profits, and a lower general level of national output and income than what the U.S. economy should be producing."

MEASURED IN PENNIES

The marketing of agriculture products needs a thorough investigation. In many cases neither the grower nor the worker is getting a fair shake. Tomatoes grown in McAllen, Tex., and sold in Denver, for instance, produced a net income to the grower of $68.85 per acre. But the consumers paid $9,660 for this acre of tomatoes. Only a small fraction of retail food prices reflect farm crop prices. And a much smaller fraction represents harvesting wages.

There is room here for fair profits to growers and honest wages to workers. What the harvesters need is the dignity of work done under conditions meant for farmworkers, not farm animals. The issues that are fought over are cabin space, hot water, and piece rates, but the real issues are basic human rights and fairplay. The migrant doesn't want charity or handouts. He wants a chance, a start, to build his strength and manage his own life.

The wages paid harvest labor constitute a tiny fraction of the retail cost of food. In many cases, an increase in wages as much as 100 percent would barely affect the retail price. The price to consumers of eliminating migrant poverty is measured in pennies.

Legislation designed to help migrant labor is urgently needed. In 1964 a number of bills were enacted which will help States improve migrant education, expand the restrictions on child labor, provide some new day-care centers for children, and help farmers provide field sanitation. Congress could, if it would, establish a minimum wage for migratory workers, improve the methods of recruiting, training, transporting, and distributing farmworkers, and extend the National Labor Relations Act to cover agriculture.

The ingrained poverty and underemployment that exist among the seasonal farmworkers will be difficult to eliminate. Our agricultural system has made harvest work shameful. It has made the welfare check often more honorable than harvest work. It has made pride and satisfaction impossible. No man goes into a field to harvest crops if there is any other choice open to him. The new laws passed in 1964 do not constitute a complete solution. But they would make a start.

NOTHING BUT DESPAIR

The Brent family is typical of many thousands of migrant families. They were forced off their land in Georgia. They blundered into the migrant stream when the owner combined it with five other "mule and nigger" farms. One afternoon a placard appeared in the window of the filling station-grocery store near their home. It offered "employment opportunities" in the harvest in Homestead, Fla. The family was desperate for work. They loaded their household goods into their 1940 Dodge and started for Homestead.

After a long, hot, and dusty trip, they stopped in Belle Glade, north of Homestead, where the harvest was underway. Once there, they found plenty of work, and the whole family went to the fields. In a month it was all over. They never got to Homestead. Work was finished there, too. They realized, too late, that they would have to go where the crops were. They sold their car and joined a crew headed for Pennsylvania. They had become migrants.

Crew leaders and roving busdrivers make recruiting drives into the South, and many workers enter the migrant stream this way. The promise of "a hundred dollars a week and live in a hotel" sounds good. A favorite target of the recruiters is the debt-ridden tenant family. Cash earnings and a place to live are heady inducements.

Some families enter the stream to search for a better place to live. One member will go on the season to look around up North or out West. Still, many of them wind up in the rural slums that lie at the fringes of the suburbs across the land. There are, for example, many Negroes from North Carolina living in Riverhead, Long Island. They came with migrant crews first and later brought their families.

Settling is a slow and difficult process. A Long Island woman explained it this way: "A man comes alone with a crew and picks a place to settle down. Next season, he may come back with another of the men in the family. If they decide it's OK, he'll come next year with his wife. At the end of the season, they stay in Riverhead. No one wants to hire a migrant because they're supposed to be wild and unstable; no one will rent him a house for fear he'll tear it up. So the first place the family lives is a real chickenhouse. If he finds a job, he can move his family out of the ex-migrant slum into a regular slum. After that, he's got it made. A lot of them don't, and they get stranded. Sometimes the husband has to leave so the wife can get welfare."

The valleys of California and Arizona and the suburbs of the Middle West are filled with the cabin slums of Mexican-Americans, Negroes, and poor whites trying to settle down. After a few years a migrant who cannot escape the stream is broken by it. The poverty, anxiety, homelessness, and isolation wear away his spirit. It is this apathy that is often called acceptance and makes people say, "They like things that way."

"We're always goin' someplace," said a sandy-haired Oklahoma migrant, "but we never git no place." In a tired, flat voice, an old woman in a Michigan field put it only a little differently: "I been ever' place, and I got no place."

A migrant minister in a Belle Glade camp asked a woman in his camp church if she was going on the season again. "I don't know. Ever' year I go up broke and I come back broke. I don't know why I go even."

A migrant in Arkansas sat on the steps of his one-room cabin. For an hour he had talked about where he had been, and the things he had done to keep his family alive. Suddenly it seemed as if the memory of the years crushed him. "I get sick of the world sometimes and ever'body in it. I don't know what's goin' to happen. Used to make a livin' pickin' cotton. Then they started bringin' in them Mexicans by the truckload. Now they're gettin' them machines every day."

Few urban Americans have any awareness of this vast impoverished army that tramps through their country to bring the crops in from the fields. It cannot be seen except as a broken-down car or bus here, a truck there, a ragged crew working somewhere off in a field.

But the harvest cycle yields its own fruits: ignorance, poverty, death, and despair. Until we see the connection between migrancy—the corpses piled up on the roadway, the children left to the darkness of ignorance and illiteracy, the despairing, destitute families groping for a way to live—and the bountiful supply of fruits and vegetables on every corner fruit stand or in every supermarket, no changes will come. Without this understanding, no war on poverty can hope to win more than a few skirmishes.

RABBI BERNSTEIN DISCUSSES AIPAC OBJECTIVES

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, earlier this week it was my pleasure to attend a dinner sponsored by the American-Israel Public Affairs Committee. My distinguished constituent, Rabbi Philip S. Bernstein of B'rith Kodesh Congregation in Rochester, N.Y., is chairman of the committee.

Rabbi Bernstein addressed those attending the dinner and cited the committee's objectives and the reasons behind the support which the committee's members give these goals.

I am sure my colleagues will be interested in reading Rabbi Bernstein's remarks and having the benefit of his views on these issues of crucial importance to the United States and the free world.

It is with pleasure that I point to my long association with Rabbi Bernstein and publicly express my appreciation to him for the counsel he has given me on many of these matters. He has been of invaluable help to me in framing the various legislative measures I have introduced to help further the objectives of the American-Israel Public Affairs Committee, including U.S. condemnation of Soviet anti-Semitism, blocking any aid to the United Arab Republic which would perpetuate Nasser's persecution of Israel, and helping American businessmen overcome the intimidation of the Arab boycott.

Mr. Speaker, at this point, and on this 17th anniversary of Israel independence, I include Rabbi Bernstein's speech in the RECORD:

SPEECH BY RABBI PHILIP S. BERNSTEIN

By the vagaries of the Jewish religious calendar we are now in the midst of a terrible anniversary. It was in just this week 22 years ago that the inhabitants of the Warsaw ghetto were engaged in the last throes of their heroic resistance. The Nazi troops had set out to destroy every building in the ghetto and to slaughter every Jew. Although they knew it was hopeless the Jews decided to die fighting. When the smoke cleared only a handful had escaped, but they and the dead had written another epic in the history of human heroism and martyrdom as their oppressors had written another page, perhaps the worst page, in the black history of man's inhumanity to man.

When some 2 years later Europe was liberated it was revealed that 6 million Jews had been done to death by Hitler and his cohorts. The great Jewish communities of Europe were gone forever. The survivors were caught in displaced persons camps from which it seemed they could not escape. Only when Israel came into existence and the fate of Jews was in Jewish hands were the camps liquidated and life began anew in freedom and dignity. The largest surviving Jewish community in Europe still suffers disabilities and discrimination. We appreciate that 190 Members of the Senate and House have sponsored resolutions condemning Soviet anti-Semitism.

Jews have determined that what happened to our people in our lifetime shall never happen again. Herein lies the first major purpose of the American Israel Public Affairs Committee. There are various way to help Jews and to enable Israel to survive and be strong. The United Jewish Appeal is the primary instrument of resettlement. Bonds for Israel is building the new country's economy. Innumerable efforts are being made along religious, cultural, social, personal lines.

Our committee is concerned with the political activity necessary for the survival and the strengthening of Israel. This is entirely consistent with American democratic practice. It is also consistent with the mood of the American people and the known attitudes of its leaders which have been sympathetic to Israel even long before the state came into existence. Every President beginning with Woodrow Wilson, every Congress for nearly half a century expressed approval of the Zionist aspiration for the reestablishment for those who needed and wished it, of a Jewish homeland in Palestine.

Therefore the AIPAC has supported the U.S. program of economic aid to Israel as well as to other deserving countries. This aid which has been generously given has been of indispensable assistance to the new state struggling with almost overwhelming problems.

We have supported an arms balance in the Middle East. Unfortunately, Israel's Arab neighbors have proclaimed and reiterated innumerable times their determination to destroy Israel and to drive its Jewish inhabitants into the sea. The attacks last week on President Bourguiba and the Tunisian Embassy in Cairo make clear that there is no change in the official Arab position. There is obviously no readiness for peace. The dominant Arab leadership is animated by a blind, unreasoning hatred. Its intent is clear. Israel must be strong enough to deter aggression. A weak Israel would be an invitation to attack and to destroy. We who are committed to the survival of Israel, and I hope that encompasses everyone in this room, therefore must be concerned with the arms balance.

President Kennedy and subsequently President Johnson, in a joint communique with Prime Minister Eshkol, have made such a commitment. In our opinion the aid given for this purpose should be open and clear. The failure to arm Israel directly obscures the commitment.

It is then to win support for economic aid to Israel and for strength for Israel's survival that our committee holds as its first objective.

The second objective, inextricably bound up with the first, is the strengthening of United States-Israel relations in the interests of the free world. Israel is a democracy. It is committed to the West. It hopes some day to normalize relations with the Soviet Union and its allies, but by the deepest ties of conviction it belongs in the free world. It is bound with bonds of history and faith to American Jewry. It is dependent upon the aid of the U.S. Government and of U.S. Jews. Thus Israel has become the one dependable bastion of democracy in the Middle East.

That the United States cannot depend upon Nasser and his cohorts has become abundantly clear. The Egyptian ruler has sought to undermine the American position in North Africa and among the new African states. He has permitted the burning of the U.S. library. He has told us that we may jump into the sea. How can we possibly trust him? Israel has displayed unshakable loyalty to the West, and Israel has also displayed a readiness to defend its own sovereignty and the Western position in that part of the world. In our own interests we had better be certain that Israel has the tools to do the job.

These then are the two basic objectives of our committee. Each year this committee holds a policy meeting in Washington to formulate and implement our position in relation to current realities. We are now at the conclusion of the 1965 conference. I will briefly restate our policy concerns for the coming year.

The first is deterrent strength, to which I have already referred. Israel should have the necessary military strength to deter aggression by the Arab states which are being armed by the Soviet Union. We recommend that our country arm Israel directly and openly. We believe this is the best way to prevent aggressive action.

Water: Israel's national water carrier is now in operation. This project is consistent with the Eric Johnston plan for regional water development which was proposed by the United States and designed to secure equitable distribution of water to all states in the region. Jordan has begun diverting the Yarmuk River away from Israel, and this too can be consistent with the Johnston plan.

Now the Arab nations have begun spiteful diversionary projects for the avowed purpose of depriving Israel of her fair share of the water. We urge our Government to make clear to the Arab states that unlawful water diversion projects are acts of aggression and will be so considered. World opinion should be mobilized to influence the Arab governments to accept regional cooperation so that the Near East may put waters to work instead of to waste.

Desalting: We applaud our Government's initiation of a joint beneficial United States-Israel water desalting project and trust that funds necessary to implement it will be made available.

Refugees: In past years we have urged that the Arab refugees be helped to settle in Arab lands and become productive citizens. The formation recently of a Palestine liberation organization which is recruiting and training refugees for combat against Israel is a threat to peace and a cruel disservice to the refugees. We call upon UNRWA to take strong measures to counteract war propaganda and war preparations among the refugees.

Boycott: We endorse S. 948, the Williams-Javits antiboycott bill to amend the Export Control Act of 1949, making it illegal for American businessmen to comply with demands for information and documents required by the Arab boycott. This bill give businessmen long overdue protection against a boycott that is in restraint of trade and which violates American principles of unrestricted commerce with countries friendly to the United States.

Economic aid: Israel is progressing rapidly but is faced with the grave economic problems that flow from its absorption of vast numbers of refugees, its tremendous development plans, and its defense needs. Accordingly we urge continued economic aid to Israel, beleaguered by hostile Arab nations committed to destroying her.

We have always favored economic aid for the Arab peoples as well as for Israel. However we believe our Government must guard against the misuse of our assistance. The United Arab Republic which depends heavily on food shipments from the United States is systematically exacerbating tensions throughout the developing world. Egyptian arms have gone to the Congo rebels. Egyptian technicians will man Soviet missiles on Cyprus. Egyptian soldiers are still at war in Yemen. Egyptian subversion endangers the British position in Aden. Egyptian propaganda and policy incite Arab states to renewed attacks on Israel. Egyptian authorities permitted the John F. Kennedy Library in Cairo to be burned. President Nasser has belittled America's aid to Egypt. He has assisted Communist East Germany and other Communist nations to gain influence in the Near East and in Africa.

We therefore urge the administration to implement the 1963 congressional enactment which would ban aid to countries preparing for aggression.

President Johnson told Israel Premier Levi Eshkol in June 1964: "We are aware * * * of the problems of political adjustment that Israel faces with her neighbors. We know that you want to live in peace with those neighbors, and we believe it not only possible but imperative that these problems be peacefully resolved."

The American Israel Public Affairs Committee believes that there are Arab leaders who share President Johnson's view that peace is imperative. We believe that Arabs and Israelis must someday soon reverse the drift toward war and engage in peace negotiations that are direct and unconditional.

Our own Government, as the leader of the free world, can exercise moral leadership to create a climate of opinion in the Near East which will isolate and outlaw the warmongers, and which will hasten the day of disarmament, regional cooperation, and peace for all peoples of the area.

FOREIGN AID

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SWEENEY. Mr. Speaker, soon the attention of the House of Representatives will be directed toward the program of the Agency for International Development of the Department of State. I have been extremely interested in studying the broad accomplishments of this agency and the effect of its programs upon the national economy and, in particular, the people of the State of Ohio that I am honored to represent here in the Congress.

Foreign aid concerns places far away from our daily lives and yet, at the same time, it is very close to home.

Putting aside for a moment the usual preconceived ideas about "foreign aid," let us examine briefly certain key aspects of our Nation's overseas assistance program, particularly the economic aid operation administered by the Agency for International Development.

Since postwar recovery assistance to Europe and Japan ended more than 10 years ago, United States efforts have centered in the developing regions of Asia, Africa, and Latin America. It is a far different—and far more painstaking—type of overseas assistance because it involves building up something from little or nothing rather than helping restore already sophisticated economies. I like to think of it as America offering a guiding hand to those countries which are now going through many of the same trials our own country surmounted during its own amazing geographic and economic development over many decades. It is well to remember, too, that while our forefathers displayed the ingenuity and New World pioneer spirit leading to success, much of the capital and foundations which enhanced our achievements in those early years came similarly from other, already established countries.

Our aid program of the mid-1960's definitely is not the usually pictured, stereotyped version inherent in popular concepts—or misconceptions—accumulated through the years. It has been a changing thing, harkening to the will of Congress and the people; so much so, in fact, that it is ironic that many people should persist in attacking it now just when it is really assuming those characteristics always widely wished upon it. It is realistic in size for what can hopefully be accomplished; it is concentrated in those countries which show a corresponding spirit of self-help and which are most vital to our own interests in blocking the spread of communism; it is embracing American private business and finance as a real working partner in the big development tasks remaining, and it has corrected those conditions which put it at conflict occasionally with our Nation's best economic interests—such as the balance of payments.

The telltale argument, of course, is that the program is working. A decade ago the Republic of China on the island of Taiwan was being written off as a likely prospect for long-term existence as an independent nation. Very successful development efforts have taken place since then, with strong and well-coordinated U.S. assistance. So successful has the program been, in fact, that right now the U.S. economic aid program in Taiwan is in the process of closing down in the next few months. This type of economic help no longer is needed. Programs were similarly closed out successfully in other lands, too, such as Lebanon and Greece. And it is nearing this stage presently in several other countries, we are assured by David Bell, Administrator of AID. But in still other instances the challenge remains large.

Despite the Nassers and Sukarnos—rather, far more important than them, for their outcries are fleeting—this is what our own Nation is deriving from a sensible aid program:

Mutual security at far less cost than deploying our own troops on the rims of the Communist bloc.

A "foot in the door" for American goods—often the first modern products introduced to new consumers in those countries.

Encouragement and assistance to private American investment in those fertile lands.

The healthy spread of the American way of doing things through the technical know-how and experience we share.

These are not the only direct benefits to us, however. Many Ohioans are realizing more and more that the foreign aid program actually begins for them at their factories, docks, offices, or schools. This pertains in part to the commodity procurement program of AID under which developing countries can buy needed materials and equipment. AID provides financing primarily through repayable loans, and these dollar credits usually can be used only for purchase of American-made goods. It means currently a billion dollars a year sales volume for American industry and commerce, representing more than 90 percent of all AID-financed commodity expenditures.

Ohio was second highest among all States in production of goods exported under AID financing last year, according to a production source sampling of that Agency. The sampling shows that our State had at least $27.3 million in AID program orders last year, part of a cumulative total of more than $68 million for the State during the past 3 years and 2 months—since January 1962. Because this is only a partial sampling, the actual dollar value of Ohio business under this program probably is much greater.

A special listing which that Agency prepared for me illustrates how, in the last half of 1964 alone, 161 plants located in 55 different Ohio communities participated in this sizable segment of commerce.

These AID summaries are limited generally to industrial output from Ohio, including such major items as steel, industrial and construction machinery, rubber products, and automotive goods. It does not take into account the volume of agricultural products from Ohio farms sold or given overseas through aid programs such as the food-for-peace effort. On top of both of these fields add other AID program business generated for the State's economy in such areas as transportation of these products, related port operations, and indirect benefits to secondary suppliers and service firms.

Ohio's business and academic resources also occupy a prominent role in another phase of the AID program—providing technical and training services. Ohio contractors, including firms, institutions, and individual experts, hold $12,312,720 in technical service contracts in support of the AID program throughout the developing world. Ohio is among the top 10 States in this field, too.

We might mention here that the AID program, contrary to views often heard, is not a significant factor in our Nation's balance-of-payments deficit. This is so because most of our aid does not go out to other countries as dollars but in the form of the goods and services we were discussing. Therefore, to carry out the extreme suggestion of eliminating all U.S. aid would reduce the overall gold outflow but little; instead, it would strike out this large segment of export business.

This present contract activity is only one side of the coin, however. After aid has given way during coming years to strictly commercial trade in those nations we are now helping, Ohio business and labor will share in the greater American trade which can be anticipated if the past is any indication. Consider how the American-produced goods initially introduced to a developing country through AID financing immediately become the "name brand" for later purchases. Also, the more highly developed a country becomes, the greater ability it has to buy. U.S. exports to Europe more than doubled during the last 10 years and American exports to Japan have more than tripled during the same time. This same trend is beginning to take shape in the developing regions, and they represent a potential market for American exports four times the size of our present major oversea customers in Western Europe.

But what about the potential competition for American industry from foreign economies built up with American assistance? This might cause real concern if certain facts are not kept in mind. However, the AID program can and does screen assistance proposals to avoid aiding any foreign industry which would unduly compete with American industries, either in United States or regular export markets. This must be done in accordance with an amendment to the Foreign Assistance Act of 1961. For instance, every application for an AID loan is examined against a checklist to make sure no funds are provided for the construction or operation of a productive enterprise abroad if there appears to be a substantial likelihood its products will compete directly in America's markets. At the same time we must remember that, far from harming our future trade, other countries' own export capabilities are an integral part of the commerce our Nation desires, since others cannot possibly have the foreign exchange means to buy from us unless we also buy from them. Their dependence on export sales to generate funds for international trade—including any sizable share with U.S. business—may be readily recognized when considering that American foreign aid to them never accounts for more than a small fraction of a country's total financial resources. In other words, this flow of trade must go both ways. It ultimately enters the context of free enterprise—a condition to which American industry has always been more than equal.

Considering all these points on balance, the results of U.S. foreign aid's principal "exports"—American know-how and the means to develop in a free society—far outweigh the negligible risks involved, whether political or economic. To abandon the field in the developing nations to Communist encroachment could do more than foreclose future markets to us in the two-way direction of aid and trade; it could clear the way for the single direction of Communist intentions.

Ohio production under AID financing, July 1–Dec. 31, 1964

[Partial; orders reported under letters of credit, denoting plant or supplier and its dollar total]

Akron:	
Adamson United Co	$371,036.44
Akron Chemical Co	2,000.00
Akron Paint & Varnish Co	3,045.80
Akron Standard Mold	123,019.88
Alcon Tool Co	1,116.00
Bellows-Valvair Co	2,036.57
Cutler-Hammer	2,000.00
Firestone Tire & Rubber Co	188,090.17
General Electric Supply Co	2,000.00
General Tire & Rubber Co	60,415.70
B. F. Goodrich Co	58,024.45
Goodyear International Co	5,752.46
Goodyear Tire & Rubber Co	317,689.33
Hardware & Supply Co	5,658.70
McNeil Machine Engr. Co	403,994.79
Mohawk Rubber Co	39,860.99
National Rubber Machinery Co	155,032.83
R. J. Paulin Co	450.00
B. W. Rogers Co	3,736.97
W. J. Ruscoe Co	11.20
A. Schrader & Sons	50,000.00
Seiberling Rubber Co	88,968.00
Lloyd Simmons Co	27,680.00
Westinghouse Electric Co	4,100.00
Willmott Electric Co	3,314.00
Avon Lake: B. F. Goodrich Co	63,878.28
Barberton: Seiberling Rubber Co	11,083.70
Bay Village: Clark H. Joy Co	$324.23
Bedford:	
General Motors Corp	28.28
Ferro Corp	11,271.00
Belpre: Shell Chemical Corp	8,795.00
Bluffton: Triplett Co	608.20
Brookpark:	
Goodyear International Corp	18,808.33
Goodyear Tire & Rubber Co	3,145.77
Bryan: Aro Corp	15,151.68
Canfield: Carbonic Dispenser, Inc	187.00
Canton: Timken Roller Bearing Co	134,361.34
Cincinnati:	
American Laundry Machine Industries	9,460.00
Balcrank, Inc	11,232.05
Cincinnati Electrical Tool Co	430.00
Cincinnati Milling Co	9,302.50
Cincinnati Milling Machine Co	30,386.00
C. Allen Fulmer Co	25,015.00
R. K. La Blond Machine Tool Co	10,064.00
Lloyd Bros., Inc	1,359.54
Matheson Coleman & Bell	2,700.00
The Cincinnati Shaper Co	31,054.00
Cleveland:	
Addressograph Multigraph Corp	10,113.86
Briggs Shock Absorber Co	1,868.91
Carlisle Hammond Division	2,831.74
Chemical Rubber Co	1,192.00
Cogan Machine Corp	29,645.00
Darling & Co	27,231.38
Eaton Manufacauring Co	3,089.60
Firestone Tire & Rubber Co	1,409.28
General Motors Corp	15,792.84
Jones & Laughlin	164,366.33
Industrial Owens, Inc	501,295.00
Ingersoll Rand Co	1,140.00
Injection Molders Supply Co	324.00
Lincoln Lubricating Systems	231.65
Martindale Electric Co	280.00
Master Builders, Inc	3,810.00
May-Fran Manufacturing Co	24,312.00
Mibo Steel Corp	36,927.00
Midwest Materials, Inc	35,075.48
Murphey Phoenix Co	531.16
National Acme Co	104.80
National Telephone Supply Co	3,647.00
The Ohio Crankshaft Co	40,202.00
Preformed Line Products Co	21,428.29
Republic Steel Corp	10,338.25
Schweitzer Equipment Co	2,915.40
Thompson Products Export Division	2,022.58
Thompson Ramo Wooldridge International, S.A	6,500.00
Towmotor Corp	64,831.00
Union Carbide Corp	33,434.00
United States Steel Corp	29,918.19
United States Steel (New York), Inc	10,180.05
Upson-Walton Co	21,824.75
Westinghouse Electric Corp	11,301.60
Worthington Corp	7,000.00
Producer not known	3,060.45
Columbus:	
Ebco Manufacturing Co	4,774.88
Industrial Nucleonics Corp	48,387.00
Jaegar Machine Co	22,405.20
Leeds & Northrup Co	347.40
Ranco, Inc	559.70
Cuyahoga Falls:	
Campbell Machinery Co	$152.19
McCandless Corp	1,140.00
Dayton:	
R. E. Conduit Co	1,233.31
Chrysler Corp	14,969.71
General Motors Corp	63,085.66
Master International	5,856.47
Egbert: S. K. Wellman Co	18,396.78
Findlay:	
Carwood Industries, Inc	57,158.00
Cooper Tire & Rubber Co	191,118.50
Giant Tire International	2,055.00
Galion:	
Eagle Crusher Co	60,109.00
Galion Iron Works & Manufacturing Co	411,582.60
Hudson: General Motors Corp	50,056.00
Lima: Baldwin Lima Hamilton Corp	682,650.00
Lorain:	
Ford Motor Co	5,100.00
United States Steel Corp	999,227.69
Louisville: Jones & Laughlin	10,500.00
Maple Heights: Lempco International, Inc	5,232.49
Mogadore: General Tire & Rubber Co	1,291.06
Mansfield:	
Bearings, Inc	601.15
Convey-All Metal Products Corp	1,911.00
Hartman Spring Co	372.60
Ideal Electric Co	66,570.00
Mansfield Electric Supply Co	44.78
Mansfield Hardware & Supply Co	354.87
Mansfield Tire & Rubber Co	13,206.10
Phoenix Sales & Electric Co	212.31
Tenny Tool & Supply Co	298.02
Marietta: Cyanimid, International	1,590.23
Marion:	
Huber-Warco Co	56,697.00
Marion Power Shovel Co	12,605.29
McDonald:	
United States Steel (New York) Inc	3,672.00
United States Steel Corp	22,213.64
United States Steel Export Co	15,386.17
Middleton:	
Armco International Corp	37,555.31
The Black Clawson Co	62,129.00
Minerva: Minerva Wax Paper Co	2,035.00
Montpelier: General Motors Corp	860.06
Mount Sterling: Robertson Fence Co	6,063.15
Napoleon: Plummer Spray Equipment Co	12,051.81
Newark: Westinghouse Electric	29,435.51
New Lexington: Lempco International, Inc	5,232.50
Painesville: Coe Machinery Co	7,840.00
Piqua: French Oil Mill Machinery Co	228,954.26
Plymouth: The Fate-Root Heath Co	50,268.75
Ravenna: The Stay Warm Electric Co	6,719.00
Reading: Carlisle Chemical Co	756.87
Salem: Deming Division, Crane Co	4,458.00
Sandusky:	
Farrell Check Steel Co	879.20
General Motors Corp	6,253.36

Ohio production under AID financing, July 1–Dec. 31, 1964—Continued

[Partial; orders reported under letters of credit, denoting plant or supplier and its dollar total]

Sidney:	
General Motors Corp	$823.80
Westinghouse Air Brake Co	11,537.05
Springfield: International Harvester Co	1,122,243.84
Steubenville: Weirton Steel Co	68,581.80
Tiffin: Sterling Grinding Wheel Co	1,064.32
Toledo:	
Champion Spark Plug Co	30,540.62
General Motors Corp	123.26
Goodyear International Corp	6,587.22
Equitable Equipment Co	5,400.00
Helb, Inc	6,850.00
Hobart Bros	42,803.24
Kaiser Jeep Corp	465,117.58
Prestolite Division of Electra Corp	7,117.75
Toledo—Continued	
Surface Combustion Division of Midland Ross Corp	$77,821.00
The DeVilbiss Co	11,138.72
Toledo Scale Company	1,790.05
Willys Overland Export Corp	7,547.60
Warren:	
Ajax Magnethermic Corp	154,573.74
Denman Rubber Manufacturing Co	10,500.00
Halsery W. Taylor Co	1,303.00
Van Huffel Tube Co	10,500.00
Producer not known	2,633.45
Wickliffe:	
Bailey Meter Co	27,301.00
Cleveland Tramrail	3,748.00
The Oster Manufacturing Co	575.00
Wooster: Wooster Co	$30,251.00
Yorkville: Wheeling Steel Corp	31,339.68
Youngstown:	
Jones & Laughlin	4,662.71
Roll Formed Products Co	9,713.00
United States Steel Corp	1,868,212.15
Youngstown Sheet & Tube Co	596,626.48
Canton, Bucyrus, Columbus, and New Philadelphia:	
Timken Roller Bearing Co	82,653.91
Producer not known:	
Brookpark and Toledo	2,445.48
Cleveland and Warren	58,485.31
City not known:	
General Tire & Rubber Co	10.19
Sharples Chemical	1,647.60
R. T. Vanderbilt Co	268.10
Total	11,552,335.09

Current technical service contracts as of Dec. 31, 1964

OHIO

Contractor	Country	Dollar value of contract	Total dollar value by contractor	Brief description
University of Akron, Akron, Ohio	Worldwide	$138,000	$138,000	Conduct a program for training in engineering management of water supply systems for certain nationals of cooperating countries.
Battelle Memorial Institute, 505 King Ave., Columbus, Ohio.	do	120,000		To conduct a study and analysis of transport mode technology ranging from the simplest level through the more complex, showing for each mode and level what can be accomplished, at what costs (e.g., facilities and resources), using what skills and what equipment.
	Turkey	98,550	218,550	To perform a study in order to provide AID with certain information required by AID for the purpose of providing assistance to the Government of Turkey in connection with construction of a hydroelectric dam at Keban, Turkey.
Dalton-Dalton Associates, The, Cleveland, Ohio.	Sudan	335,269		To provide certain assistance to the Building Unit of the Ministry of Education in Sudan with its general administration and architectural and engineering services for different types of schools, including but not limited to elementary, intermediate and post intermediate schools for both general and technical education.
	Africa regional	Open	335,269	Under task orders provide architectural and engineering services particularly concerned with the collection and analysis of basic data, preliminary plans, and cost estimates leading to the construction of school buildings, dormitories, instructional shops, etc., necessary to the development or expansion of educational facilities.
Richard Fox, 156 East 316 St., Willowick, Ohio.	Worldwide	1,500	1,500	To assist AID in connection with the revision and expansion of a book entitled "An Introduction to American Civilization" which is presently utilized by the AID Office of International Training.
The Fund for International Cooperative Development, 246 North High St., Columbus, Ohio.	Latin America regional.	82,100		To conduct studies to assist the cooperatives of Latin America to assess the possibilities of a cooperative institution organized on a regional basis and the possibilities of attracting nongovernment capital; and to make available specific plans and recommendations for creating financing institutions for cooperatives on a regional basis, and/or in the selected countries, for consideration in terms of financial and technical assistance by AID and other agencies interested in cooperative development in Latin America.
	do	250,000	332,100	To review, to the extent necessary, the findings and recommendations of the original study and to assist in implementing the program emerging from this review and revision, as this is the second stage of the program to establish a system of financing for the cooperatives of the Latin American countries.
Neal F. Gill, 11850 Edgewater Dr., Lakewood, Ohio.	China	5,200	5,200	A nuclear fuel specialist working under the direct supervision of the team leader and under the policy guidance of the U.S. AID Director to perform a comprehensive study and evaluation (survey) of the energy resources for the Government of the Republic of China for the purpose of determining the most efficient and economical method of supplying energy requirements from the present to 1980.
Frank Gillespie, 1270 East 146th St., East Cleveland, Ohio.	Vietnam	10,500	10,500	Assistant development officer to advise and assist the Government of Vietnam through U.S. AID in the implementation of proposed assistance programs at the provincial level. The contractor shall also act as liaison between U.S. AID and province-level Vietnamese officials, and between U.S. AID and MAAG sector advisers in the development of rehabilitation, Chieu Hoi, self-help, security and economic projects.
Ohio State University, Research Foundation of the, 1314 Kinner Rd., Columbus, Ohio.	Sudan (task order No. 3).	12,000		To provide for the conduction of workshops in supply management for the Government of Sudan.
	Brazil	965,000		To provide professional advice and technical assistance to the Government of Brazil in order to improve agriculture education in Brazilian educational and other institutions including integration of teaching, research, and extension activities modeled after the land-grant college system of the United States.
	India	3,004,960		Technical advice and assistance in the field of agriculture, veterinary science, home economics, and animal husbandry, and, in addition, technical advice and assistance in highway engineering in connection with graduate courses.
	do	1,645,100		Provide in-service training of academic school teachers in cooperation with all-India Council for Secondary Education.
	Africa regional	Open		To provide advice and assistance to certain African countries with respect to evaluating the supply management and contracting practices in connection with their government procurement and supply management functions.
	Worldwide	Open		Land-grant college. Training of participants in the United States.
	do	Open		To conduct training courses of approximately 12 weeks' duration each in fundamentals of supply management for nationals of various foreign countries.
Kent State University, Kent, Ohio	Tanzania	784,000	784,000	To provide technical advice and assistance for the improvement and expansion of the teacher education program in Tanzania principally through an institute of education to be established at the Changombe Teacher Training College in Dar-es-Salaam and to assist in alleviating the teacher shortage at secondary school level which threatens to block the expansion of secondary education vital to the development of Tanzania.
Donald O. McAllister, R.D. No. 5, Carrollton, Ohio.	Jamaica	7,500	7,500	To provide advice and assistance to the Government of Jamaica through U.S. AID in connection with the agricultural development and diary development.

Current technical service contracts as of Dec. 31, 1964—Continued

OHIO

Contractor	Country	Dollar value of contract	Total dollar value by contractor	Brief description
Ohio University, Athens, Ohio	Nigeria	$1,145,000		To provide advice and assistance to the Government of Nigeria for the improvement of teacher training, the reorganization and operations of the Kano Day Teacher Training College in Kano, and the upgrading of teachers through in-service training programs.
	Western Nigeria	2,615,626		To provide technical advice and assistance in carrying out the host government's elementary and commercial teacher training programs.
	Vietnam	299,250		Contractor will provide assistance to the Department of National Education, Government of South Vietnam, in the development of preservice training programs for secondary schoolteachers in the faculty of pedagogy, University of Saigon and the secondary school attached thereto and in the faculty of pedagogy, University of Hue and the seconary school attached thereto.
	Worldwide	Open	$4,059,876	To train participants at the institution in such fields as agriculture, business administration, community development, education, engineering, housing, labor affairs, public administration, public health, public safety, supply services, transportation, and such other fields as may be mutually agreed upon.
	do	636,821		To review and analyze programs for the development and improvement of agricultural credit institutions and services in a limited number of developing countries, in connection with the foreign assistance program administered by the Agency for International Development.
	do	16,344	6,370,225	To prepare, develop, administer, and conduct a course in management of material resources for AID supply, trade, and material resources advisers.
E. S. Preston & Associates, Ltd., 1620 East Broad St., Columbus, Ohio.	do	50,000	50,000	To provide expert engineering and economic services, advise and assistance in connection with AID's program of technical and economic assistance to other governments for short-term intermittent periods upon the issuance of task orders.
Total dollar value for State of Ohio.			12,312,720	

UPDATING OF DISASTER ASSISTANCE PROGRAM

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, during the past 13 months we have seen various sections of our Nation ravaged by individual eruptions of Nature's violence to such an extent that they have received the unwanted title of "a major disaster area."

Prior to 1950 Federal assistance to such areas was provided through individual bills designed specifically to aid the particular area. It was in that year that Congress saw fit to enact what has become known as the Disaster Act of 1950. It represented a comprehensive approach toward alleviating and eliminating the many problems which are left with the rubble and chaos in the aftermath of natural disasters.

Experience in the 15 years since its enactment has underlined the soundness and effectiveness of this particular act. Experience has also shown there are vacuums in this overall program of assistance. Experience has shown it has still been necessary from time to time to enact additional legislation to fill in such gaps of assistance for specific disaster areas.

The Palm Sunday tornadoes which ravaged large sections of my own congressional district and the efforts since then to enable the several thousands of individuals affected to regain the normal paths of life they followed before impressed upon me the need for a refinement and expansion of the provisions of this original act.

Accordingly I am introducing today a bill to accomplish this purpose. In particular I have been concerned about the lack of assistance for those individual citizens who find themselves in positions of severe financial hardship.

These are the individuals who, prior to the disaster, were in a position to borrow through normal financial channels. Suddenly their collateral to obtain such private loans has disappeared. There are provisions in this bill to correct this situation. Some of the provisions provide for an extension and expansion of disaster aid authority to the Federal agencies. There is a provision to establish a disaster fund for non-Federal insured loans in which the initiative and implementation rests within the States, in which the Federal Government shall provide 75 percent of the funds required through a grant with the individual States providing the balance of the moneys.

These and other provisions of the proposal are designed to bring up to date the Federal Government's disaster assistance program so that our citizens may be assured of all help possible to return to a normal life.

GOVERNMENT POLITICS

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. BATTIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BATTIN. Mr. Speaker, I am well aware that the Federal Government is engaged in many and various enterprises, including the dissemination of what I would call pure propaganda.

Just 2 years ago, I called the attention of my colleagues here to the open and obvious efforts of the Secretary of Agriculture to influence the outcome of the wheat referendum vote through not only the authorization but the actual designation of Federal funds to be used in "selling" the Department's position in that referendum. But in spite of the Secretary's personal efforts and the various directives that went out to State and county ASCS offices, the wheat farmers of the Nation voted the other way. Since that time, the office manager of the McCone County, Mont., ASCS office, the office that exposed the fact that they were supposed to spend $900 in "advising" the farmers of that area how to vote, that office manager, Mr. Francis D. Kelly, has been fired. It was not, of course, Mr. Kelly but the elected county ASCS officials who advised me of what I still believe was a violation of Federal law in authorizing the expenditure of Federal funds in an effort to influence the outcome of the wheat referendum.

As a further illustration of just how far the Federal Government will go in its brainwashing campaign, and again this is the Department of Agriculture, I received a copy of an amazing document recently. This one is an official publication put out by the regional forester of the northern region of the U.S. Forest Service. Embellished on its cover with the official emblem of the Forest Service and labeled "U.S. Department of Agriculture, Forest Service, Northern Region, Missoula, Mont.," and titled "Reference Points," the brochure carries a signed letter from the regional forester addressed to division chiefs, forest supervisors, Director, EDC, and advises that its subject is "Training."

Attached to the cover and letter is a reprint of an article from Harper's magazine with a note stating it was reprinted by special permission from Harper's magazine.

Now this Harper's article, you might guess, would have something to do with forestry or agriculture or at least management or personnel matters in view of the subject of the cover letter under which it was mailed—at Government expense.

But guess again. The subject of the article was "The Paranoid Style in American Politics," and a prefacing paragraph explains:

> It had been around a long time before the radical right discovered it—and its targets

> have ranged from the international bankers to Masons, Jesuits, and munitions makers.

Now I have no more sympathy for the so-called radical right than I have for the so-called radical left. The terms are used so loosely and recklessly these days that I am not sure anyone, including the authors who so phrenetically condemn one or the other flank of the extremists, really know what they mean. They may know what they think these terms mean or possibly have their own prejudiced or colored focal points.

I do not intend to clutter up the Record or burden the taxpayer at $90 a page with the contents of the Harper's magazine article. It was in the November 1964 issue in case any of you want to know anything about paranoid politics you have not heard here.

But I would like to quote the opening sentence of the article and the regional forester's letter that conveyed the reprint in the Forest Service magazine—printed and mailed at taxpayers' expense:

> American politics has often been an arena for angry minds. In recent years we have seen angry minds at work mainly among extreme rightwingers, who have now demonstrated in the Goldwater movement how much political leverage can be got out of the animosities and passions of a small minority.

And here is the regional forester's letter which conveyed this reprint to his division chiefs, forest supervisors, and director, EDC, whoever that is:

> The attached article, "The Paranoid Style in American Politics," deals with one facet of political psychology. The author simply borrowed the clinical term "paranoid," for descriptive purposes.
>
> The term "politics" should be considered in its broadest aspect—group behavior. Today, understanding of group behavior and group dynamics is an important part of every forest officer's job. The word "style" has more to do with the way in which ideas or causes are believed or advocated than with the truth or falsity of their content. It has to do with the tactics and techniques used by some special interest groups to attract supporters and to influence political leaders. As the author points out, the paranoid style has a greater affinity for bad causes than good, but nothing prevents the use of this style for advocating a sound program.

The term "politics" he says should be considered in its broadest aspect—group behavior. So I presume this puts us all in the same boat because none of us profess to be other than politicians. But I had been under the impression that we represented congressional districts as individuals and acted, usually, as members of one party or the other rather than as a group and, by implication of the regional forester's letter, a paranoid group.

But this is beside the point. The point is this. Why is the understanding of group behavior and group dynamics as explained in an article such as "The Paranoid Style in American Politics," an important part of every Forest officer's job? This has no more to do with his job than would a reprint of the two very excellent volumes put out by the House Un-American Activities Committee, "Facts on Communism."

But the real point is that the regional forester nor any other Government official has any right to produce, reproduce, circulate, or distribute such material under an official Government seal and frank. This, I believe, is actually a violation of the Hatch Act if that act any longer has meaning or can or will be enforced.

I would not object if the regional forester should send out material devoted to better methods of forestry; the need to plant trees and grow forests, insect control, fire protection, erosion control, and possibly even a hint that the alternate to politics is something he or few other Americans would tolerate.

EXPORT BENEFITS CANNOT OUTRUN IMPORT DAMAGE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Moore] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MOORE. Mr. Speaker, not much has been said during this session of the Congress about the problem posed by increasing import competition. The so-called Kennedy round has been very slow in developing, with the result that those of us who have a profound interest in what shape the negotiations will take, have been waiting and waiting.

I believe that there is no point in waiting any longer and that some comments with respect to the negotiations are in order in any event.

Mr. Speaker, I am afraid that the present state of business activity has produced some dangerous blind spots in those who should have a deep concern about employment in this country and the drain away of job opportunities by the preference of capital for oversea ventures.

We should look more deeply into the developments in our foreign trade than superficial observation of official statistics permits. Too many observers are satisfied by our so-called surplus of exports. They believe that this surplus shows that we enjoy a favorable position in world trade. They believe that the surplus of nearly $7 billion in 1964 in our exports proves beyond the shadow of a doubt that we are competitive in foreign markets.

Worst of all they believe that our employment gains more from exports than it suffers from import competition.

Mr. Speaker, it is high time that we take off these blinders.

First. Our so-called export surplus is more apparent than it is real. Our exports include our foreign aid shipments, our Public Law 480 exports, and our shipments of so-called commercial exports of highly subsidized wheat, wheat flour, and raw cotton. None of the exports under these categories can qualify as competitive exports.

Moreover, we tabulate our imports on the basis of foreign value, while nearly all other countries use the cost, insurance, and freight basis, which adds freight and insurance. This practice of ours reduces our imports of 1964 compared with those of other countries by some $3 billion.

Second. Our exports of manufactured goods has failed seriously to hold its own in world trade in relation to other countries. The decline has been alarming and the outlook is not improving.

Third. Our imports have been shifting away from raw materials toward finished manufactures and manufactured foodstuffs.

Fourth. Our domestic investments in new plant and equipment have been predominantly for modernization. The great expansion in such investment in recent years, moreover, has been in nonmanufacturing enterprises.

Mr. Speaker, these recitations add up to an ominous trend, and we disregard them at our peril.

I wish to call to the attention of all Members of this body a thoughtful and penetrating study on this subject by O. R. Strackbein, chairman of the Nationwide Committee on Import-Export Policy. This is a very illuminating paper and I trust it will be not only read but studied. It opens up some new and telling considerations in our study of the relative merits of exports and imports, particularly as they affect investment and employment.

Mr. Strackbein's challenge is so basic that anyone disagreeing with his conclusions would do well to prepare a detailed rebuttal.

Under leave to extend my remarks, Mr. Speaker, I offer his study under the title "Export Benefits Cannot Outrun Import Damage":

Export Benefits Cannot Outrun Import Damage

(By O. R. Strackbein)

Throughout the great controversy that has raged around protectionism and free trade in recent years, the heart of the issue has not been sufficiently examined. The core of the question is the blight visited by competitive imports on domestic industry and the helplessness of exports to come to the rescue.

Moreover, the unexampled character of the American economy, an outgrowth of its unique development in the world, marked by bold departures from its European forebears, has been oddly neglected. So pronounced has been the oversight that the real problems created by drastic tariff reductions, such as we have imposed on our economy, could not be fully understood.

The lure of export markets blinded economists and industrialists, as well as sundry farm and labor groups to the disruptive consequences of the successive steps that were to lead to free trade, particularly in the final approaches. Scholarly economic texts have been devoid of new avenues of inquiry that would lead away from Adam Smith and John Stuart Mill. These were the great British economists who, in happy tune with the cheap-food and raw material needs of the British insular position in the days of the industrial revolution, elaborated the blessings and beauties of free trade. They succeeded in saddling American economists with the identification of free trade with the eternal economic verities by which all smart people must be guided or suffer the consequence.

Well, the United States was long so obtuse in flouting these "eternal laws" of economics that she did indeed suffer the consequences: i.e., she achieved world industrial leadership.

Yet, so deep-seated had become the free-trade philosophy as expounded by our colleges and universities to the tender minds that came for instruction generation after generation that we could not rest with our conscience until we finally moved with determination toward the promised land. The academic economic mind felt somehow ashamed to live under a system so crude and unsophisticated as they held protectionism to be. The opportunity came with the great depression of the thirties.

Dismantling of the tariff, long the goal of the doctrinaire free-trade advocates, gained support from two sources that previously had been either protectionist or neutral. One source was the great industries that had built such a great productive machine, thanks to protectionism and other principles, mentioned later, that they spilled over the edges of the home market, notably in steel, automobiles, packinghouse products, electrical goods, sewing machines, agricultural implements, etc. They went eagerly looking for world markets, such as was already enjoyed by cotton and tobacco. Without them the free-trade program would have died. The other consisted of political activists who did not think much of the American system in the first place, and sought to change it more to their taste. They had supped at prosperity's table somewhat scantily and sourly noted certain "contradictions" within our economic system. They saw these to be of such dire character that a downfall could only be a matter of time. They vastly preferred "production for use" to "production for profit." The great depression provided them, too, the opportunity for which they had been waiting. They charged hard.

The quick answer of those who looked toward free trade as the road leading to an internationally planned economic society, was ready for use when injury to domestic industry was mentioned as the price of free trade. This patronizing but persuasive answer was that enlarged exports would repair the damage. A wound in one spot was to be salved by a spot of honey elsewhere.

There was at the outset of the trade program (1934) little concept of the problem of automation and unemployment as resultants of import competition. It seemed altogether fitting then that one industry could be hit on the head and sent reeling so long as some other unrelated industry (preferably one that was politically potent) would be given a benefit, through increased exports, equal to the damage done to the first one (politically not so potent).

Even today there is very little recognition of the connection between tariff reduction and unemployment. The trouble is that elite economists are in a beartrap from which they cannot extricate themselves. They insist on trying an economic world after the manner of a judge, by accepted economic principles that are not usually operative and cannot survive unbroken in the practical everyday political world such as we endure. Should they admit this; i.e., by getting out of the trap, they must admit that they typically judge programs such as "reciprocal trade" by a set of economic "laws" that are never practiced because of political interference. This is a fact they cannot face. Like General Pfuhl, a fastidious military theoretician described by Tolstoy in "War and Peace," they cannot abide practical considerations. The general had no use for practical considerations that interfered with his theory of warfare; and he lost battles. In his views, however, he lost them because his theories were violated in practice, but he had no idea of how the violations could be overcome.

The elite economists, for example, insist on the superiority of free trade over protectionism on the grounds that a free market can brook no interference. Yet they are not really interested in the free market since they have fervently supported scores of domestic policies that shatter the very concept of the free market (farm price supports, minimum wages, social security, etc.). The principle has indeed been massacred beyond repair by political pragmatism, with the torrid plaudits of many of these economists. Yet do they solemnly call for free trade in a world that has never known it and among an array of diverse economies in which indeed it could not survive.

It is not difficult to nominate and support a policy that has the happy faculty of pleasing both theoreticians and powerful interests that are otherwise generally mutually hostile. On the other hand it is indeed difficult to open a new transillumination of the subject under such circumstances. Yet, it must be done.

In the first place it is now and has been an error to judge the American economy by the European or the Japanese. These, to be sure, are moving in our direction, and one day may become suitable partners on a dead level of free interchange; but not yet, not yet. The profound differences that separate us are deeply entrenched, and it would be a serious error to ignore this fact.

In the second place the nature of import injury to our economy in recent times presents a unique facet that needs examination.

The injury inflicted by imports on domestic industry, when it occurs, may indeed be of one kind only, or of two kinds, or both.

Injury of the one kind consists of displacement of domestic production roughly equal to the volume of imports. This type of injury governs nearly all thought in this field. It falls both upon (1) the domestic industry in the form of deprivation of sales that would otherwise be made, or loss of actual sales volume previously enjoyed, and (2) upon employment as a direct result of reduced sales.

This type of injury, on reflection, is seen to be associated principally with staple products for which the demand is quite steady, i.e., a certain amount per capita, and inelastic, i.e., not responsive to price changes or to changing consumer income. It represents visible, measurable injury. If, for example, the domestic market absorbed a billion pounds of wheat flour per year, imports of 200 million pounds would reduce the sales of domestic mills by a roughly equal amount, or 20 percent. If each worker produced 100,000 pounds of flour per year (not an estimate) approximately 2,000 workers would be displaced by imports.

The free trade supporter would answer, that by selling the 200 million pounds of flour in this country, the foreign exporters would come into possession of, say, $5 million. They might then buy other American goods of an equivalent value. The 2,000 workers who were displaced in the flour milling industry would be absorbed elsewhere by the exporting industries.

The transaction would then approximate an offset of displaced workers by added employment. If, moreover, the countries were poor producers or nonproducers of wheat, they would gain from the exchange. If this country should buy tin or coffee with the proceeds of our exports, we would also gain because either we do not produce these products or could only produce them at a high cost.

It is this type of trade that held the attention of Adam Smith and his successors. They had little or no knowledge of a species of goods that exhibits a very different market behavior. Adam Smith wrote nearly 200 years ago and John Stuart Mill a hundred years ago. With minor exceptions the output of land, forests, and factories was dedicated in those days to the satisfaction of necessities. Luxuries and semiluxuries of the kind that are the very lifeblood of many of our industries today were then either nonexistent or in relatively small demand.

It was the American economy, not some other, that fumbled and groped its way toward building a type of producer-consumer interchange that brought forth a new and hitherto unheard of material abundance. It is not the purpose here to explain why it devolved upon this country to take the lead in this uncharted field. Suffice it to say that we had the makings in the form of a temperate climate and human and natural resources. These were let loose together in a medium of freedom, discipline, and individual reward. The human resources included inventiveness, regard for law, and willing acceptance of toil and hardship.

After the Civil War a decision was necessary. To give the economists their due, they helped greatly to illuminate the fatal dangers of monopoly power, vested in tightly integrated economic ownership and control. This insight, which found expression in antitrust and antimonopoly legislation beginning with 1890 marked one of our first departures from what became an accepted European pattern, i.e., the cartel.

This innovation was a providential step because it opened the way to a new vision not experienced elsewhere in the world.

If, because of technological development, more goods could now be produced with fewer hands, the cost of production could be lowered. Then free competition (as a substitute for monopoly) would in time pass the lower costs to consumers. The latter could then buy more than previously. This much we had perceived.

Whether the consumers would respond depended on the elasticity of demand for the goods. If the demand were elastic, purchases would go up considerably as prices fell significantly. This would not happen if the demand were inelastic as it is for food, etc., but would occur if the goods were nonessential and represented status or offered comfort and convenience.

Yet this was only half of the equation. If consumer income itself were increased even as costs and prices were lowered, it could then absorb ever more and more of the pleasing but not essential goods that could now be produced. Higher wages hand in hand with higher productivity per man would supply the answer. Sales of the nonstaples might rise to astounding levels. Seeing this possibility now seems simple but it had long been hidden from view. Earlier it was thought that reduction of wages offered the best means of lowering costs. In Europe and Japan this idea continued to flourish. The new vision discarded this concept as self-defeating in an expanding economy. Once more, economists helped greatly in establishing recognition of this principle.

As to which should come first, the lower prices or the higher wages, was a puzzle that was unlocked by Henry Ford either as an originator or as one who recognized a new idea when it was presented to him. The $5 per day wage represented one of his greatest claims to fame. He already had the high productivity potential that justified the higher wages.

Had Ford been a monopolist the vision could not have blossomed as it did, in the form of hundreds of thousands of "Tin Lizzies." He would have held the price at too high a level. Also, had he had no possibility of a profit, such as our system did provide, he might have folded his arms or walked away from the vision. Having been lured by the prospects of possible handsome gain, he would nevertheless have despoiled his vision had he then bowed to greed and kept all the profit to himself. He followed neither of these paths. He took a profit, to be sure, but not so much of it that he could not increase his pay envelope, thus setting an invaluable example in establishment of a proper balance.

He was engaged, perhaps under the torment of doubt and misgivings, in laying the foundation of the great mass-production, mass-consumption system that was soon to break out in a succession of industries. This is not intended as an apostrophe to Henry Ford, but as an illustration of a purely American economic development that held the promise of a second industrial revolution.

The secret lay in the difference between the demand for nonessential goods and the necessities. Were the demand for cars inelastic, Henry Ford's drastic price reduction would have brought him little response, and he would have gone broke; but the demand might be elastic, and he proved it. This difference, once exploited uncovered another factor that assumed great importance in the market generally—something that Adam Smith had no need to bother about. It was of psychological origin. Its name was and still is "confidence." It is inextricably linked with profits and elastic demand.

The difference in the demand for the two classes of products arises from the simple fact that consumers can postpone or even do without consumption of the nonessentials while they must have the necessities in order to live. (There are, of course, intermediate degrees of demand.) The demand for the necessities is readily calculated once per capita consumption has been accurately determined and a reliable census by age groups is on hand. Food intake, while variable, is nonetheless limited by the stomach. In like manner the consumption of necessary items of clothing, sanitation, and shelter may be predetermined. Here communism is in its true element. Economic planning is relatively simple.

With respect to the nonessentials, demand is sensitive, mysterious, and highly variable. Slide-rule calculations in this field are best known for their unreliability. Capitalism, with its profit motive, is the most suitable instrumentality for maximum production in this field but also the most volatile and vulnerable. The risks are so numerous that only a system that offers adequate rewards will succeed in attracting the necessary enterprisers. Unlike the field producing only essentials, this one offers the possibilities of bonanzas to those who have the necessary wit, the rugged burden-bearing qualities needed and the capital to invest. "Production for use, not for profit," is not at home here.

The whole productive process becomes more complicated. At the outset and for some years it may be a process of market trial and error, very uncertain; whereas setting up a flour mill needed only a stream, a millpond, a grinder and some wheat. The demand was at hand waiting. It was not necessary to awaken hunger.

In the more exciting and uncertain field of the nonessentials we first need the scientist or inventor. Not himself usually a producer, he passes his invention to the next stage, the manufacturer, who in turn may need the help of a financier or banker. The manufacturer is not necessarily a merchandiser and also needs the help of those who will better know how to dispose of the flood of goods that can be produced by use of the new invention. He needs the help of salesmen and advertisers. The inventor is usually given a stake in the sale through his patent rights. The other stages are bound together in the quest for sales and profits. Demand in this field is seldom automatic at the outset. The virtues of the products must be widely attested and displayed.

The consumer is the quarry. He is also the king who must be educated, flattered, and satisfied (or made to feel as if). He becomes the object of study and analysis. He must be awakened, tantalized, and his appetites hitched to his ego; not merely counted.

The most perplexing aspect of the consumer of nonessentials is that he is not only an animal but a human being. He has not only primary needs, as does the animal, but also secondary desires. His behavior becomes less predictable the more he learns and knows and particularly the more he suspects. Demand in this field is subject to vicissitudes and oscillations that can only be estimated in tentative projections. For this reason every effort is made to forecast what lies ahead; and here are the breeding grounds of confidence or fear.

What was learned by our enterprisers was the possibility of building veritable industrial empires based on supplying scores of millions of consumers with goods they did not need but relished once their desires had been awakened. Milady could perhaps do with a pair or two of really sturdy shoes per year, but once awakened to the ego-pleasing sensation of having a variety of shoes, the shoe manufacturers had a potential gold mine and more workers had jobs. With each drop of a few dollars in cost of shoes, thousands of converts to multiple shoebuying were made, and more jobs sprang up.

A hundred other products could be mentioned, wherein the possession of multiple units carries with it marks of status or ease and comfort that have always been highly prized. Here are lush markets, to be had through the right product, rich imagination, smart pricing, and self-spurring energy.

The great depression burnt into us respect for employment and purchasing power; but the view was limited. After all, this was the first time the vast and complicated machine that we had built stalled dead in the middle of the road.

All the desires and needs that had been so eagerly awakened and whetted by advertising and then filled with more and more goods, made by more and more workers, now turned on the system with the resentment of deep frustration. We had been used for the enrichment of loud and blatant business. The full venom of broken careers, shattered fortunes, and blasted ambitions turned on the owners, directors, and managers of business. The admiration of the twenties swung to hatred; and it rained dark drops a long time. The lower consumer income resulting from unemployment and other causes sharply reduced the demand for nonessential goods and this withdrawal of demand exposed the industries catering to it to a chilling outlook. No one would now venture, and nonventure meant reduction of investment to a trickle and still less employment. The country settled into a state of oppressive economic doldrums.

The remedy hit upon was "pump priming" through public works. If more workers were employed, purchasing power would rekindle and our economy might respond. We fastened great hope on the Keynesian formula of the reemployment multiplier. One man put to work on a public project would pull others with him, in the supporting activities and services.

Public works as an unemployment remedy, however, are like sawdust. They do not hold together. That this fact was understood even in the thirties is implicit in the words "pump priming." Once primed, it was felt, business would again get underway. The profit motive would supply the necessary impulsion.

Two difficulties were encountered: (1) Public works by themselves provide no continuous lift. There is no future in them beyond the immediate sustaining appropriations. When these run out the pressure stops. There is no magnet drawing forward into the future. (2) Business was frightened out of the possibility of confidence in the future by governmental acts of regulation that had the appearance if not the actuality of distrustful hostility. The need for regulation was converted by the high feelings of the day into something resembling vengeance; and that was deadly to business confidence.

Until this blockage was removed the system would not revive despite all the pump priming. Production devoted to meeting the nonessential responds to a lure, not a whip or coercion.

Because of the new appreciation of the function of purchasing power we did in those years extend the concept of fair competition to the field of wages. We outlawed sweatshop operations and child labor as eroders of purchasing power and established minimum wages to assure fairness of wage competition.

These steps were in keeping with the other foundations of the private, competitive, wage, price-profit system to which we hitched the mass-production, mass-consumption process. Regulation as such need do no violence to this finely balanced mechanism. It will indeed upset the balance only if it crumbles one or more of the supporting legs; for the confidence that is needed for motive power will falter.

Distortions or crippling effects are, of course, not confined to regulation. They may come from nonregulation of one or more factors if the other factors are regulated.

This brings us to the other type of injury that may come from competitive imports. In this field the injury is not confined, as in the example, to the simple displacement of domestic production and employment. It produces more damaging and farther reaching effects.

Confidence, to repeat, has special meaning in the field of nonessential goods because consumers may hold aloof when one or several factors are not right. The element of uncertainty therefore confronts the producer. Today he has a score of signs that he watches in an effort to read the future so that he may arrange his production schedules, plan for possible expansion of output, including new facilities.

If the signs do not look good, he becomes hesitant. If they look dark he may even curtail his operations. Instinctively the businessman seeks to expand if the outlook is inviting, for that way may lie greater profits.

On the domestic front he has many helpful reports that permit him to look into the future and to reduce uncertainty. On the seaward side visibility is poorer and uncertainty therefore greater.

In recent years more and more American industry has faced both the likelihood of a rising import invasion and the actuality of it. This fact has confronted it with various alternatives. One has been a reduction of costs in order to remain competitive. This could best be accomplished by modernizing, which means installation of labor-saving devices. Another alternative is to invest abroad, usually as a supplement to the first alternative. This course has been seized extensively because of the very much lower foreign wages, the rapidly rising productivity and the high profits to be made abroad.

Our economy has assumed the character of a high-pressure weather area bordering on low-pressure areas on all sides. It will slide, indeed, is sliding, as by gravitational force into the low wage, rising productivity areas, with results for the homefront not pleasant to behold.

When, after some two generations, the other industrial countries, having observed our industrial prowess, decided to adopt our system, we were inevitably bound for serious trouble. Unless we exercise due care soon, our high-pressure area will be dissipated and we will have lost our economic leadership. If we dissipate the factors by which we rose and if we ignore the sensitivity of our system, we will unravel our century of achievement. The problem would not have attained to present acuteness were we not already pelted by problems of unemployment as a result of automation. Foreign competition is one of the prime pressures behind this development.

A veritable debacle indeed lurks in some past intemperate tariff reductions and contemplated new ones. By exposing scores of our industries to a form of wage competition that was outlawed at home to preserve purchasing power, we are knocking down one of the indispensable props to our system. Fairness of domestic wage competition increased the vulnerability of domestic industry to imports. This, together with the higher wages that resulted from obligatory collective bargaining, magnified the potential damage from competitive imports.

Production and manufacturing in many lines, especially in the segment of consumer goods that enjoyed an elastic demand, had confidence shot out from under them by the fusiliers of our free-trade policy. Industries that would have expanded at home as they did in the past, hesitated. First, to repeat, they modernized by improving productivity. This meant unemployment; but as it reduced costs it would have led to much greater consumption and employment if the demand for the product was elastic and if imports with their own lower prices had not preempted all or most of the increased consumption and thus also despoiled the outlook.

Our system was thus systematically robbed of its crowning glory. Even the new growth industries, such as electronics, felt a withering blight falling on their hopes. The backwash of internationalizing our technology plus our lowered tariffs, deprived us of the accustomed dividend resulting from installation of labor-saving devices in industries that catered to an elastic demand.

Confidence in the possibility of gaining a vastly expanded market through automation and cost reduction, such as was the expectation in former years, now was shaken or even shattered in many industries. Means of adjusting to domestic technological competition could always be found right here at home, but imports were different. We had been assuming pridefully that our industry was tough and resourceful enough to overcome all obstacles and to withstand buffetings of all kinds while overlooking the private profit system's sensitive psychology.

Very well, big business, the multinational corporation, has indeed prospered abroad and continues to do so. The remainder, including all of labor, most farming, suppliers of materials, parts, and components to big industry, and finally small business, have a bleak outlook. In the face of declining employment at home our foreign investments have risen much more rapidly in recent years than domestic investment in new plant and equipment. The magnet of confidence has moved abroad.

Our export markets, meantime, are dwindling relatively. Stripped of our subsidized agricultural commodities and sales under tied foreign aid, et cetera, our exports have declined absolutely, measured by a constant dollar.

This fact destroys the long-suffering hope of the free-trade enthusiasts, who without adequate reflection have insisted that increasing export coming from freer trade would compensate for any injury inflicted by competitive imports.

If our imports were confined to staple commodities and if we were on an equal competitive footing with other countries; if the law of comparative advantage had a meaning in the field of nonessential goods where it has fallen a victim to technology; if there were no political interference with foreign trade, and if there had been no such interference in the past—all of them assumptions contrary to durable facts—under such conditions the benevolent claims for exports might be sustained. At least, what one segment lost might be added as a benefit to another segment.

Imports are now moving more and more into the very area, i.e., of finished consumer goods, where markets can be made or broken for the domestic manufacturers by nothing more substantial than creation or disruption of confidence.

This is the towering factor that has been so thoroughly overlooked in our foreign trade policy. Exports cannot come to the rescue, even if they should outstrip imports without the help of subsidy.

The vulnerability of our industries, especially those dedicated to the production of nonessential consumer goods, to import competition produces a psychological allergy that cannot respond to anything found in the medicine cabinet of exports. We may export 6 million bales of cotton without relieving in the least the troubles of the steel industry, the textile, or the cattle industry from imports. There is no way of transforming the benefits to an unrelated industry into an elixir for an afflicted industry if the latter suffers from different causes on a different plane. The benefits in the one case cannot even shake hands with the distress in the other. Imports of $2 billion of sensitive consumer goods may do more damage than subsidized exports of $5 billion could repair.

These are the reasons that must undermine fatefully the hopes that have been so romantically centered in the trade program. Much the same can be said for adjustment assistance.

Let no one believe that the segment of our industry that caters to nonessentials is unimportant to our economy as a whole. It represents the difference between this country and Russia. It seems safe to say that well over half of our production falls into this category, if we allocate to it the proper share of primary products, such as steel, lumber, fibers, oil, leather, copper, etc., as well as the proper share of machinery, fuel, transportation, finance, etc.

Imports have stricken both industries and workers that were formerly seemingly immune to import competition, as evidenced by many industries that have shifted from an export to a net import position, i.e., now import more than they export: steel, automobiles, petroleum, textiles, sewing machines, typewriters, consumer electronics goods, shoes, etc. These are not inefficient, marginal industries. Among them are the giants and early leaders of our surge to world leadership. Most of them are seeking self-salvation by investing heavily abroad and thus shrinking domestic employment, and their future exports. The vast machinery exports of today that follow the foreign investments will mean more imports and lower exports in the future.

The crippling of confidence in the domestic market as a indefinitely expansible outlet for consumer goods by knocking out the prop of fair wage competition cannot be undone by increasing exports, and represents a reversal of the process by which we gained world industrial leadership. This prospect has an ominous ring for our existing foreign trade policy.

That is one of the prime reasons why the policy is in acute need of reexamination.

THE CHOICE YOU MAKE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. YOUNGER. Mr. Speaker, on Sunday, May 2, 24 Members of Congress and their families took a trip to Annapolis. We attended chapel, visited with the Superintendent, Rear Adm. Charles S. Minter, Jr., and later had lunch with our appointees in Bancroft Hall while the womenfolk and the children had lunch at the Officers Club.

It was a most rewarding trip and one of the inspiring occasions was the sermon by Capt. James E. Reaves, the senior chaplain at the Academy, on the subject "The Choice You Make." We were so impressed with the sermon that we felt it should be given a permanent place in the CONGRESSIONAL RECORD. The sermon follows:

THE CHOICE YOU MAKE

(Sermon preached by James E. Reaves, captain, CHC, U.S. Navy; senior chaplain, U.S. Naval Academy; May 2, 1965)

A few years ago there was a popular program beamed throughout the country on TV. On one particular occasion the master of ceremonies laid two gems out on a beautiful piece of blue velvet and said to the contestant who stood before him, "You may make a choice. You may choose which of these gems is to be yours. One is synthetic, the other is real. You make the choice." And this lady stood and looked with mingled feelings, I am sure, at the gems laid before her. Finally, rather hesitantly, she reached out and touched the one that she had chosen. Unfortunately for her it was worth only $500 instead of $5,000. For she had chosen the synthetic. You and I are choosing each day certain things that will affect us throughout all of the rest of our lives.

There came a time in the life of Joshua, the leader of ancient Israel, when he thought that his life was slipping away from him. And he felt that he had to say one more thing to the people of Israel before dying so he called them all together in a great assembly. There he stood before them and recounted to them the history of that nation, telling how these tribes had wandered up and down the wilderness and how God with His mighty hand had delivered them from the bondage of the ancient pharaoh. When he got all through with this though he said some things not found in the Scripture that was read today, but which is there between the lines for each of us to get. I am sure he said to them in effect something like this: "You are making choices that are most unwise from day to day and I would like to lay it on the line for you." And then he did it. He said "Choose you this day whom you would serve; if you are going to serve these foreign gods, the gods of the tribes we have conquered, then go ahead and serve them but say so, stand up and be counted this day."

And then, I can picture old Joshua as he drew himself up to his full warrior's height looking out over this multitude and saying, "But as for me and my house, we will serve the Lord." He had to make a choice and these people had to make their choices just as we do today.

This was very evident when Jesus called these disciples to come and follow him. He came to them there as you heard read from the gospel according to St. Matthew and said to these men, rugged fishermen, "Leave what you are doing and come, follow me, and I will make you to become fishers of men." This was laying it on the line. They had to decide. He didn't say "Now after you have taken care of your families, after you have done all the things that you think you ought to do, if you have any energy left over, come and follow me." He didn't say that at all. He pointed directly to Simon Peter and to John and to James; to each one as he confronted him as an individual he said, "Leave what you are doing and come and follow me and I will make you to become a fisher of men."

When we confront that command today: "Choose you this day whom you will serve," I think we ought to not be dishonest, we ought to face the fact that there is a philosophy that has been kicked around in this world of ours for a long time. It has particular significance to the people of my generation. A philosophy that said "After all you don't have any choice, really, it's all a matter of fate. If your number is on it the bullet is going to get you. If it's time, then your ship's going to get it." How many of you who were in combat in World War II or Korea or before remember having heard people speak like that? One day in my ship I heard a sailor talking to some of his buddies saying in effect, "It doesn't really make any difference what I do; if I'm gonna get it I'm gonna get it." This was after we had held services for a shipmate who was buried over the side. I stopped there and listened for a little bit and then joined in the conversation and asked one question. I said, "In a couple of hours they are going to pass the word to darken ship." (We were in an old attack transport that still had the portholes and they had to be secured every evening.) "When the word is passed to darken ship suppose you take the attitude that you've just expressed? Do you feel that if you fail to carry out your part of the duties in darkening ship, if you left a porthole open and this light caused our ship to stand out bright and clear against the sky, and that submarine lurking out there should get us lined up and loose a torpedo upon us that would make a direct hit amidships and blow us apart. Do you feel it would be just fate?" (And that old ship couldn't have stood a torpedo amidships or anywhere else, I can assure you for even a near miss caused us to take on water faster than we could pump it sometimes.) This sailor and the fellows about him immediately laughed and said, "Oh, no; Chaplain we don't really mean that. Each one of us has a responsibility for doing what he can to preserve his own life as well as the life of his ship."

But you see there was rampant when I was a young man this philosophy that said it doesn't make any difference what you do. It was a sort of a behavioristic psychology and mechanistic philosophy that said you are just a pawn, it doesn't really make any difference. And that philosophy was furthered by a book that some of you had to read in English. Theodore Dreiser's "An American Tragedy." Do you remember that? The whole theme of this book was that here is a young man born in very unprepossessing surroundings out in the Midwest, whose career is traced until he meets death in the electric chair in New York State. The whole import of that book was that it doesn't make any difference what you want to do as an individual. The outcome is already set for you. Call it fate; call it what you will. You can't influence what's going to happen to you because you are simply the product of your environment and your heredity.

It is always wise to choose a good grandfather and grandmother. It's always wise to be born on the right side of the tracks but a great many of us weren't, and we weren't able to influence any of that at all. I submit to you that there comes a time in the life of every individual when, no matter what his heredity, no matter what his background, he has to stand on his own two feet and say, "This may be so, I may not have the brains that I would like to have because my grandfather and my forebears way back there didn't have them. And they just simply weren't passed on to me. I may not have all of the things that I want, by way of equipment." (How often when I sat on the bench and watched a halfback, whose slot I filled at times, make brilliant runs, how often I wished that I had the physical equipment to be out there starring instead of that guy, but I didn't have it and so I spent a lot of time on the bench.) We all wish that we had certain things and yet we have to live and work with what we've got. And there comes a time for each of us when it is our choice to make as to what we are going to do. Here I am responsible for channeling whatever equipment I have in this life.

You gentlemen make choices every day. Not long ago someone said to me "It must be a real source of satisfaction for you as the chaplain to see all these young men who have all their choices made for them. They are told when to get up, when to eat; they are told when to do this, when to do that." And that is true as you so well know. There are many things we are told to do at certain times. And yet the things that are really fundamental about life, the things that really count in the long run, are choices that you make as individuals day by day. When, therefore, we say with Joshua "Choose you this day whom you will serve," we are saying that it is a choice that you have to make; and when we say this day we are saying that there will come a time with most of us when we no longer can make choices that we can make today. We've got to make them as the days go by; we can't wait until we have reached a certain level of achievement before we make the choices that really determine our character. This is the sort of thing that happens in little ways, day by day. Sometimes the very drift of life will take us beyond the point that we can make choices. If a person just drifts along and doesn't intelligently make his choices, before long you will find that he has gotten into a pattern of reaction that causes him to choose the lesser rather than the greater good. And so, I would say this morning as you consider the words of scripture read before us: Make your choices every day wisely and intelligently remembering that you are going to live with them from now on. You can choose what goes into your mind; you can feed it trash if you want to, or you can feed it upon those things that shall give you intellectual and spiritual nourishment if you so desire.

Ah, yes, there are different backgrounds and there are people who come out of the same backgrounds who end up entirely differently at the end of their days. Look at the slum area of Chicago. Two people I would name for you came out of that same area. One looked at it all and said, "Something ought to be done." And Jane Adams dedicated her whole life to the settlement house work that now bears her name. And how many hundreds of young men and women were influenced by her having looked upon this and saying, "We ought to do something about it." There was another person from the same area of Chicago. I shall not detail the events in his career but we know him by the name of Al Capone.

What kind of a choice do we want to make as we go on? Let's remember that the blind Milton said, "The mind is a place all of its own, and in itself can make a hell of heaven or a heaven of hell." It is what we let go into our very being as we make those choices that counts in the long run. We can stay out of situations sometimes that will lead people into trouble. I think that is what the phrase in the Lord's prayer, "and lead us not into temptation," means. And perhaps it was never so well said as it was by William Temple, the Archbishop of Canterbury, who wrote many things but at his death the New York Times printed only one little excerpt from all of his writings. He was commenting upon the abdication of Edward the Eighth from the throne. Sometimes we don't like to hear things that are blunt and to the point, but listen to this. I'll read it: "The occasion for Edward's choice ought never to have been made. It has happened to many a man before now to find himself beginning to fall in love with another man's wife. That is the moment of critical decision. And the right decision is that they should cease to meet before passion can so develop as to create an agonizing conflict between love and duty." And the cold, practical, pragmatic approach of the New York Times said, "This is one of the things that made this man, William Temple, Archbishop of Canterbury, great." There is a statement concerning the choices that a man makes day by day.

A good many centuries ago there was a Chinese ruler of Formosa, where some of you have been, who went into this land and decided to try to do something about the customs that he found there. There was a custom that said that at every new moon there had to be a human sacrifice offered to the gods. This custom was gradually modified until finally they were only offering a human sacrifice once a year. This Chinese ruler, GoHo, finally convinced these people by his very character and concern for the well-being and the sacredness of individual human beings that they ought to follow his advice, so they gave up offering human sacrifice. They gave it up until some twenty years later they came upon a series of hardships, crop failures, what have you. These savage tribes didn't take long to revert to the ways of their fathers and they came and said, "We are going to offer a sacrifice. It is the only thing that will save our people." The ruler, seeing that they were adamant and that he could no longer influence them, said to them, "All right, tomorrow morning you will find the victim tied to a tree at a certain spot in the forest. This victim will be clad in a red robe and he will have a red veil over his face and will be there awaiting you. You go and take him and slay him. But I tell you now that you shouldn't do it." The chiefs of the tribe went there the next morning and found, as the ruler had said, a victim tied to a tree with a red robe upon his shoulders and a red veil over his face. So they took him and according to their custom immediately lopped his head off. When they did that the veil fell and they saw that it was the ruler GoHo himself. And the chiefs of these tribes realized that this man had been willing to give his very life to convince them that the thing that is sacred is human character, human personality. And from that day to this there has not been, so far as anyone knows, a repetition of human sacrifice in that manner. Our Lord, whom we honor this day, stood before Pilate and in effect said, "Here is my life. If it is necessary for it to be taken for me to show the world that God loves each one of us, then take it." And they did. What kind of choices are you making today? For you know the choice is yours. Let us pray.

O God, our Father, help each one of us to face himself without sham or pretense and to consider well the choices we must make.

Through Christ our Lord we pray. Amen.

HELP FOR DECLINING U.S. FISHING AND MERCHANT FLEETS

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. KEITH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KEITH. Mr. Speaker, as a nation we are becoming increasingly dependent upon others to supply us with fish. It is ironical that no single segment of our domestic food industry has so great a potential for growth and yet domestic production falls steadily and sharply behind the flow of foreign-caught imports—fish often caught in our own adjacent waters. It should also be noted that no other food industry has a more necessary and strategic role to play in the years ahead, as the world verges on a tremendous population explosion.

There are many reasons, of course, for the decline of the American fishing industry, a decline that has seen us plummet from second to fifth place in only a few years in rank among the major fishing nations of the world. But certainly a basic problem today, which lies at the root of the industry's troubles, is the continuing deterioration of our commercial fishing fleet, despite several Federal programs to assist in vessel replacement.

Similarly, and in a comparably short period of time, the United States has dropped from an unchallenged position as the mightiest maritime power in the world to that of a country with a sixth-rate merchant fleet. We have the world's most powerful navy, there is no question. And it is true that in many instances—and we can be justly proud of our success in this area—the United States has the fastest, most efficient, and most modern merchant ships. We have proven our supremacy as innovators and our continued command of the technology.

But the size, age, and general condition of our overall merchant fleet leaves much to be desired, and that is probably the understatement of the session, considering the fact that this country is currently engaged in military operations requiring waterborne logistical support in at least two major conflicts at opposite ends of the earth, and in each case thousands of miles from primary supply bases.

Two World Wars and the fight in Korea dramatically underscored the importance of maintaining a healthy merchant marine. South Vietnam and the trouble now in the Dominican Republic should prove to us that the need for this fleet, from a national security standpoint, has not diminished even in this age of the ICBM. Operation Steel Pike I last fall, the largest peacetime amphibious exercise ever held in the Atlantic, demonstrated how swift and how effective the American merchant marine can be in its role in combined operations under emergency conditions—and how essential it is to our national security.

Mr. Speaker, these comments have been by way of introducing a bill that I have today filed to provide both the fishing industry and the merchant marine an effective means to carry out vitally needed vessel replacement and fleet expansion programs. A similar measure (S. 1858) has been introduced by the distinguished chairman of the Senate Subcommittee on the Merchant Marine and Fisheries, Senator BARTLETT.

In very brief terms, this bill would allow merchant ship and fishing vessel operators to contract with the Secretaries of Commerce and Interior, respectively, for the establishment of a vessel replacement reserve fund. Into this fund would be deposited the proceeds of the sale of any vessel, proceeds of any insurance and indemnities, annual depreciation charges, earnings on deposits in the fund and, if the operator chose to do so, moneys from other sources, such as operating profits.

Such deposits would be treated as tax deferred, but only if they are used for this exclusive national interest purpose—replacement and rebuilding of merchant and fishing vessels.

In the case of merchant vessels, the bill provides further that Government payments in the form of freight-rate differentials on Government-sponsored cargoes—in the degree determined by the Secretary of Commerce—be deposited in the reserve fund for use ultimately in the replacement of a vessel. Senator BARTLETT has explained the need for this provision:

> It is apparent to me that to a substantial degree the singular inadequacy we can now note in the so-called Cargo Preference Act is that it has not promoted the construction of a modern tramp or bulk-carrying fleet. This must be corrected now. With this correction we can look to the construction of modern vessels—and with them a vast lowering in the cost of differential payments as these programs continue in the future.

Those of us from New England are, of course, particularly concerned about the state of our commercial fishing fleet. It might be appropriate to note that 2 years ago, for the first time in American history, imports of foreign fish exceeded our own domestic production. Tariff protection for our fishermen has been virtually nonexistent while at the same time this Government has channeled more than $115 million in aid to foreign fisheries, along with an estimated $182 million in counterpart funds for the same purpose—as of the summer of 1962. Because of the many forms this aid takes, it is difficult to obtain specific breakdowns. The Fish Boat, however, in a recent annual edition, compiled a table, based on just one source, the Agency for International Development and its predecessors. With permission, I would like to offer that table for the information of my colleagues:

Who gets U.S. dollars for fishery projects? Summary of foreign aid from only 1 source, Agency for International Development and predecessor agencies, for fishery projects by region and country, fiscal years 1955–64

Grand total	$16,358,000
Near East and South Asia	2,980,000
Pakistan	1,833,000
India	1,129,000
Turkey	18,000
Latin America	406,000
Brazil	55,000
British Guiana	55,000
Chile	102,000
El Salvador	42,000
Peru	152,000
Far East	$11,295,000
Cambodia	213,000
China, Republic of	1,534,000
Indonesia	907,000
Korea	5,531,000
Laos	13,000
Philippines	82,000
Thailand	147,000
Vietnam	1,908,000
Regional (AEDF)	960,000
Africa	1,560,000
Congo (Brazzaville)	10,000
Ethiopia	43,000
Ghana	88,000
Ivory Coast	267,000
Liberia	229,000
Nigeria	325,000
Somali Republic	451,000
Tunisia	147,000
Europe	117,000
Iceland	15,000
Spain	2,000
Yugoslavia	100,000
SUMMARY OF OBLIGATIONS BY FISCAL YEAR	
Total, fiscal year 1955–56	16,358,000
Predecessor agencies	15,044,000
1955	1,928,000
1956	2,354,000
1957	3,559,000
1958 [1]	2,212,000
1959	2,201,000
1960	2,274,000
1961	516,000
Agency for International Development	1,314,000
1962	793,000
1963	330,000
1964	191,000

[1] Includes $686,000 for development loan authorized in fiscal year 1958 for improvement of fishing in the Republic of China.

This foreign aid, which in no small way has contributed to the great expansion of fisheries development overseas and the exploitation of fisheries since World War II, has played a significant role in the building of new foreign fleets, many of which embody the latest design concepts and most modern equipment. We have been left behind in this development, and it has meant spiraling operating costs for U.S. fishermen, diminishing profits and a weakened competitive position in the world market and here at home in our own markets.

The average age of the U.S. documented fishing fleet is over 20 years. A third of the fleet is over 20 years old and nearly 500 vessels are over 50 years old. In 1961, the Bureau of Commercial Fisheries reported that one vessel built in 1865 was still operating commercially. It is not only the age of our vessels that is a deterrent to efficient and safe operation, it is their general lack of modern gear as well. Fish Boat reports that only 14 percent have hydraulic winches, that only 36 percent have electric plants, that less than 10 percent have refrigeration and only half the fleet has radiotelephones. Approximately 18 percent of these operators have not been able to afford an engine overhaul in the last 9 years.

Mr. Speaker, the bill that I have introduced today is far from the complete answer to this growing problem, but, coupled with the Fishing Fleet Improvement Act of 1964 and the fisheries loan program, which I hope Congress will renew this year, it can help the industry establish a basic financial platform for the orderly replacement and modernization of the fishing fleet.

Representing a major fishing area, I have dwelled, perhaps, on the troubles of the fishing industry, but the bill also provides the same program for the nonsubsidized portion of our merchant fleet, and that aspect of the bill is equally important to the national economy and the national security.

In conclusion, I urge every Member of Congress, regardless of what region of the country he represents, to consider the problems faced by these two historic maritime industries and their indispensable contributions to our national welfare. If this is done, I am confident that I can count on their enthusiastic support for the proposal I have introduced. Thank you.

Mr. Speaker, two other tables prepared by the Fish Boat are pertinent to these comments, and I insert them in the RECORD at this point:

What is the age of the U.S. fishing fleet? [1]

Years in service	Number of boats	Percentage
Under 10	2,487	20.9
10 to 20	4,959	41.6
20 to 30	2,028	17.0
30 to 40	1,218	10.2
40 to 50	804	6.7
50 to 75	398	3.3
75 to 100	34	.3

[1] Average age 20.6 years.

What is the age of main engines on boats of the U.S. fishing fleet? [1]

Years in service	Number of engines	Percentage
1 to 3	3,192	21.8
4 to 6	3,396	23.2
7 to 9	1,919	13.1
10 to 12	2,966	20.2
13 to 20	2,689	18.4
21 to 29	251	1.7
30 to 40	133	.9
41 and over	103	.7

[1] 42 percent of main engines in the U.S. fleet are 10 years or older.

TWO QUICK-THINKING YOUNGSTERS

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, in a period in which we read and hear a great deal about juvenile delinquency and school dropouts, we are inclined to forget about the overwhelming percentage of young people who are leading meaningful lives, working hard in school and learning how to be good citizens.

This morning it was my pleasure to attend a ceremony at the White House at which our President presented the American Automobile Association's Gold Lifesaver Medal Award to two quick-thinking youngsters from Three Rivers, Mich., which is located in the Fourth District.

The boys are John Abel, 13, son of Mr. and Mrs. Harold C. Abel, and Donald Brunner, 12, whose parents are Mr. and Mrs. Donald A. Brunner.

Donald and John were instrumental in saving Sandra Williams, age 9, on March 19 of this year, from serious injury in an unusual situation. As Sandra was leaving a car in front of her school, the door slammed shut on her coat. The driver, unaware of this, proceeded to drive away and dragged Sandra along the snowy street.

Donald was returning from his post as a safety patrol when he heard the little girl screaming. He ran behind the car to attract the driver's attention. John, on patrol duty at the corner, saw the car approaching him and ran into the street to signal the driver to stop. The driver said he did not hear the girl's screams or cries for help because of a noisy car heater fan, and he praised the boys' quick thinking and actions which prevented serious or fatal injury.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time in order to make an inquiry of the distinguished majority leader as to the legislative program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, we have finished the legislative program for the week, and I think Members can take pride in the accomplishments of this week.

The legislative program for next week is as follows:

Monday is District day. There are no District bills.

There are five bills which the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. BONNER], has said he will call up under unanimous consent agreement on Monday. Those bills are as follows:

H.R. 720, expanding the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act.

H.R. 724, authorizing the transfer of certain Canal Zone prisoners to the custody of the Attorney General.

H.R. 4528, regulating archeological exploration in the Canal Zone.

H.R. 5990, granting increased benefits to persons receiving cash relief under the Panama Canal Cash Relief Act and extending cash relief benefits to widows of recipients.

H.R. 7059, authorizing appropriations to the Smithsonian Institution to carry out its functions under the act of July 2, 1940.

Also on Monday, H.R. 2984, the Health Research Facilities Amendments of 1965 under an open rule with 3 hours of debate.

Tuesday, the 1966 appropriations act for the independent offices.

Wednesday and the balance of the week:

S. 701, International Coffee Agreement Act of 1965, open rule, 2 hours' debate.

H.R. 6755, additional authorizations for certain river basin plans to cover fiscal year 1966.

This announcement, of course, is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. Speaker, will the gentleman from Michigan yield for some unanimous consent requests?

Mr. GERALD R. FORD. I yield to the gentleman.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO FILE REPORT BY COMMITTEE ON FOREIGN AFFAIRS ON H.R. 7750

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tomorrow night to file a report on H.R. 7750.

Mr. GROSS. Mr. Speaker, reserving the right to object, that, of course, includes the minority report?

Mr. MORGAN. Yes, that includes the minority report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AIRCRAFT NOISE ABATEMENT

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. TENZER] is recognized for 30 minutes.

Mr. TENZER. Mr. Speaker, I have today introduced legislation relating to aircraft noise abatement.

My original interest in the subject of jet noise stems from the fact that I reside in the Fifth Congressional District of New York State—the southern third of Nassau County—and from the fact that I reside in the village of Lawrence, part of the five towns area of Long Island, which is within 1 mile of Kennedy Airport in neighboring Queens County of New York City.

The Port of New York Authority operating the regional airport system experienced its greatest air travel year in history during 1964 as 22,856,000 domestic and oversea travelers passed through Kennedy International, La Guardia, and Newark Airports. The recordbreaking year constitutes an increase of almost 16 percent over 1963. The greatest portion of this traffic is handled by Kennedy International which also accounted for a substantial part of the traffic increase in the area.

The problem of jet noise created by this traffic at Kennedy Airport is one of the most serious problems facing the residents of my district, affecting their physical and mental health, the quiet and peaceful possession of their homes, and the reduction in value of their property.

On January 7, 1965, I introduced H.R. 2086, which was referred to the Committee on Interstate and Foreign Commerce. H.R. 2086 is a bill to amend section 302 of the Federal Aviation Act of 1958 to provide for the establishment of an Aircraft Noise and Pollution Control Service within the Federal Aviation Agency and for other purposes.

After conferring with representatives of the various agencies of the Government having an interest in the problem and who may be affected by the proposed legislation, and other interested organizations and persons, I have concluded that the problem of aircraft noise is one of much greater magnitude than I at first realized, and one which calls for action by the Congress. It is a problem that should not be dealt with in conjunction with other problems such as air pollution from aircraft, airport operation and other aspects of civilian, military or Governmental operation or control of aviation.

I shall accordingly ask the distinguished chairman of the Committee on Interstate and Foreign Commerce, to which the bill has been referred, to lay on the table H.R. 2086.

My interest in jet noise control is now based upon my conviction that the problem is one which is far greater than the parochial view which I myself had at one time, as a citizen residing in the shadow of Idlewild, later to become Kennedy International Airport. I have consistently urged that the problem was one which called for an all out research program under the auspices of the Federal Government. As a result of conferences held since January 1965 with Federal Government Agencies, Representatives of the National League of Cities representing 13,000 cities of the United States; representatives of the National Association of Counties of the United States; representatives of aircraft manufacturers; representatives of public agencies and private operators of airports throughout the United States I now come before this House, Mr. Speaker, with much greater knowledge and information about the problem to sound an alarm to my colleagues and to inform them that we stand today only on the threshold of the jet age and with it the increasing problem of jet noise, which is developing into a national emergency of major proportions.

There are approximately 9,000 airfields in the United States; only 100 or so of them have the facilities to handle jet aircraft. The residents of many communities are not affected by the problem of jet noise as of today, but when we realize that the jetplane is comparatively new to the aviation industry, we must prepare them for the problems they are soon to face. As time goes on, airports will lengthen their runways to facilitate the landing and takeoff of jetplanes, in order to bring faster and speedier airplane service to more and more municipalities throughout the Nation. In addition, there is now operational a smaller jetplane requiring a shorter landing strip which will be available to airlines seeking to bring jet service to other sections of the Nation. In addition as newer jetplanes are delivered the airlines may soon be selling the obsolete jetplanes to companies which do not or could not make the purchase in the first place.

Mr. Speaker, I have suggested several elements of the problem; namely, the physical and mental health of the people; disturbance to the quiet and peaceful occupancy of their homes and the devaluation of their property.

Let me outline another area of the problem and make a personal reference to the community in which I reside. The town of Hempstead in Nassau County has spent considerable sums of money to establish and to maintain a noise abatement center. They have employed engineers and purchased measuring and detecting devices, all at great cost and expense to the local residents adding to their already heavy tax burden. The villages of Lawrence and Cedarhurst located in the town of Hempstead and in turn all located within my Fifth Congressional District have passed legislation fixing the height at which aircraft departing from and approaching Kennedy International Airport shall travel. This without regard to the pilot's necessary discretion to use his best judgment when the safety of his passengers and crew is involved. In my opinion all of these steps taken at great cost and expense to the residents of the community serve no useful purpose and can bring no solution to the problem. I point this out to my colleagues, Mr. Speaker, because what has been experienced by the communities surrounding the busiest airport in the world will be the experience—in varying degrees—in every State of the Union and in every subdivision thereof—where there is an airport in operation, governmental, quasi-governmental or private.

Therefore, in addition to the effect upon the physical and mental health of the people of our Nation, and the adverse effect on property values, there must be added the tax burden created by the inept steps taken by local officials in their attempt to do something about jet noise. And now let me point up another factor, namely the cost and expense of litigation by the municipalities against airlines and against airport operators by local residents.

Mr. Speaker, there are today pending in the United States more than 180 lawsuits—damage claims against airlines and airport operators. These suits reflect the claims of more than 2,400 citizens seeking damages totaling more than $21 million. This is only the beginning. I am privileged to serve as a director of the New York County Lawyers Association, the largest local bar association in the world with a membership of 10,000 lawyers. I have seen the problems which arise out of strike suits. No one will deny the right of a resident of the United States to institute an action for injury to his person or damge to his property or for the removal of a nuisance, but I foresee a surge of unwarranted, unreasonable, and unnecessary litigation arising from the growth and expansion of the use of jetplanes. Yes, I foresee an avalanche of strike suits.

The U.S. Supreme Court has held in *Griggs* v. *County of Alleghany*, 369 U.S. 84, that the agency operating an airport was liable for compensation to property owners when low-flying planes make their land so useless as to constitute a "taking" of the property for public use. Since that decision many lawsuits have been filed against airports. There is a legitimate and grave concern over the huge financial burden which might accrue from future litigation.

The problem of jet noise is a national problem requiring the best efforts of the Federal Government because there is no commercial value to the discovery of the way to control jet noise. Therefore, private industry cannot be expected to meet the financial burden of this necessary research and development without the help of the Federal Government.

At the present time a great deal of uncoordinated research is being conducted on the basic nature of sound; the effective measurement of sound; the theory, development, production, and economic feasibility of various noise suppression devices; the effects of noise upon man, physically and psychologically, individually and in community; and the phenomenon of sonic boom.

This research is being conducted by the National Aeronautics and Space Administration—NASA, the three branches of the Armed Forces, the Federal Aviation Agency—FAA, the Armed Forces National Research Council Committee on Hearing and Bioacoustics—CHABA, and the Bureau of Standards.

At present there are only three areas in which to search for an acceptable solution to the problem of aircraft noise, the first is reducing noise at its source. Technology has already produced some useful innovations. Among these are the effective design of in-flight sound suppressors and the development of turbojet engines which are significantly quieter at takeoff and develop more thrust, thus allowing for a faster, steeper climb.

Second, we can endeavor to move the source of noise away from people. This is more difficult because major airports must of necessity be located close to major population centers. The major progress made to date in this area has been the ineffectual promulgation of a series of unsanctioned guides by the Federal Aviation Agency.

The third area which offers hope for relief is the attempt to move people away from the source of noise. The FAA has so far been quite helpful in giving advice to those communities requesting it as to planning, zoning, and redeveloping communities for compatability with airport operations. I favor the continuation of this FAA policy to help our cities plan for the future.

The FAA has repeatedly stressed the desirability for action on the local level to alleviate the noise problem.

The mere encouragement of private industry by the FAA is not enough.

Although many airports are municipally or publicly owned, the bulk of any progress to be made with respect to operational techniques will have to be initiated by Federal agencies. The FAA has the primary responsibility for the establishment of rules, regulations, and preferential runways in takeoff and landing operations. In cases where the modification of existing airports is required, such modification will undoubtedly entail considerable expense.

It is for this reason that the proposed legislation provides for a partial subsidy for these alterations. Where changes in airport design are required, the Government in protecting the public may justifiably provide financial aid.

While planning, zoning, and redevelopment are primarily a local responsibility, the Federal Government should recognize that the creation of buffer zones—such as parks, roads, and low-density building—may be necessary in some instances. Local communities need Federal assistance to carry out such programs.

The original legislation which I offered—H.R. 2086—was intended to alert people on a nationwide basis to the problems of aircraft noise and air pollution. After analysis and numerous conferences I have revised the original bill and introduced two separate bills.

The first bill would amend section 203(a) of the National Aeronautics and Space Act of 1958 to provide for a program of research and development by NASA to reduce or eliminate aircraft noise. The problem of air pollution control has been omitted from this bill because it is felt that this is a problem which can be more effectively dealt with by separate legislation.

The bill declares the policy of Congress to be the abatement and alleviation of disturbance and annoyance caused by the operation of aircraft and airports.

Under the bill NASA is authorized to coordinate and consolidate existing research programs and conduct further research to, first, develop a workable measuring system for correlating the intensity and quality of aircraft noise with the distress to people on the ground caused by such noise; second, develop quieter aircraft through research and development in the fields of airframe and powerplant design and in the field of vertical takeoff and landing equipment for aircraft; third, develop a comprehensive body of knowledge concerning methods and devices for aircraft noise abatement such as noise suppression devices, ground baffle systems, preferential runway systems and greater ascent and descent angles for aircraft and administrative procedures such as airport site selection, local zoning regulations and encouragement of appropriate land use by Government and private persons in areas near airports and along present and proposed flight lines.

NASA has been named as the coordinating agency for research in the above fields because it is generally recognized as the agency most expert in the research and development functions required under this legislation. Last November I visited Cape Kennedy and conferred with NASA officials at that installation. I learned that the Federal Government had purchased a 5-mile area around the space center to prevent private developers from building homes which would be affected by noise from launchings. I discussed the point of view that the Government was doing at Cape Kennedy what it should have been doing for the past 15 years as jet airports were being built; namely, to acquire adjacent land rather than to wait until private developers built houses in areas surrounding airports thus aggravating the problems caused by jet noise and involving higher costs for land and buildings acquired by condemnation.

When I returned to Washington I scheduled a number of conferences and briefing sessions seeking information to guide me in proposing this legislation.

I learned that five agencies of the Federal Government were conducting research in this field, each doing a minimal job on a major problem. The thrust of my first bill was to authorize one agency to consolidate and coordinate efforts in the field of research to combat aircraft noise. I believe that duplication of effort in this field can be effectively eliminated.

The cost of implementing this bill is minimal and, by eliminating duplication of effort and coordinating research activities, a saving will be realized in the long run. The need for accelerated research programs is apparent and, by placing NASA in control of current and future activities, we will insure continued progress in the field of aircraft noise control.

The second bill would amend section 302 of the Federal Aviation Act of 1958 and confer the following authority upon the Administrator of the FAA:

First. To prescribe such regulations as he may deem appropriate to provide for the elimination of noise caused by aircraft, and for the protection of communities in this country from excessive interference or annoyance due to the operation of aircraft.

Second. To establish such rules and regulations as may be necessary to require the maximum utilization of aircraft noise elimination techniques and devices with due regard to safety.

In addition to the rulemaking powers conferred by this bill, I believe the significance of Federal legislation in the field of aircraft noise control lies in the provisions of this legislation which acknowledge Federal responsibility for sharing the cost of implementing the techniques and devices which will afford relief to those citizens now suffering from jet noise.

Under the second bill, the FAA Administrator is authorized to reimburse domestic air carriers, owners, and operators up to 30 percent for the cost of modifying aircraft and airports under FAA rules and regulations. In addition the powers of the FAA are broadened to include studies of appropriate land use by both Government and private persons in areas near airports and along present and proposed flight lines. The Agency is authorized to reimburse the State or any municipalities up to 90 percent of the cost involved in acquiring land near airports or flight lines when the land is acquired to reduce the effect of noise, glare, or other annoyances.

In preparing these bills for introduction, I have conferred with Federal, State, and local agencies and with counsel and representatives of the following organizations concerned with the problem of jet noise:

First. Aviation Development Council.

Second. American Municipal Association.

Third. The Long Island Association.

Fourth. National Association of Counties.

Fifth. National League of Cities.

Sixth. Port of New York Authority.

Seventh. County executive of Nassau County and his counsel.

Eighth. Members of City Council, City of New York.

Ninth. Airline Pilots Association.

Tenth. Operators of private airports.

Eleventh. The Lawrence Association.

The suggestions and recommendations made by these organizations and individuals interested in legislation to further the abatement of aircraft noise have been most helpful to me.

The legislation introduced today expresses the sense of Congress that aircraft noise is a national problem, but more important it makes clear that the Federal Government is willing to participate financially in plans for the abatement of this problem. The legislation does not stop with accelerated research programs. It provides the mechanics for swift implementation of techniques which have been perfected. It provides Federal assistance for the expense incurred by airport owners and operators who install or modernize equipment or take other steps to further the rules and regulations promulgated by the Federal Aviation Agency as a result of the findings and recommendations of the National Aeronautics and Space Administration after research and development procedures have been perfected.

President Johnson is the architect of our Great Society. We in the Congress are dutybound to weave into the fabric of the Great Society such plans and specifications as may insure its greatness.

Not by a patch here and there but rather by weaving it into the fabric.

What has been done to date with the jet noise problem has been patchwork. I ask my colleagues to join me in viewing the problem of jet noise in its proper perspective.

I urge my colleagues in the House to give serious consideration to these proposals which would first recognize aircraft noise abatement as a national problem and second, afford the machinery for the relief of residents of areas surrounding the Nation's airports and whose property rights have been deprived because of the annoyance of jet noise.

VOTER RIGHTS DEMONSTRATION IN SELMA AND MONTGOMERY, ALA.

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 60 minutes.

Mr. CONTE. Mr. Speaker, I want to make just a few remarks in response to the presentation made in this Chamber on Tuesday, April 27, which contained certain allegations concerning the behavior of some individuals during the recent voter rights demonstration in Selma and Montgomery, Ala.

I have delayed in responding to those remarks in the hope that I might avoid a hasty ill-tempered reaction. I have delayed my response in an effort to determine a constructive basis for that presentation.

I have tried, as I think we were all tacitly expected to do, to go beyond the text of that presentation and search for a greater meaning behind the lurid scenes painted for us with such exquisite detail.

I have tried, to find the broader implications, to grant some responsible basis for those charges in terms of the public welfare, in terms of pending legislation, in terms of a moral obligation to conduct responsible debate in this Chamber with some regard for the fact that our words and deeds are projected on a screen viewed by virtually every human being in the world, from the most sophisticated to the most primitive, by adult and child alike.

I have tried, but I have failed.

I have failed to find any justification to support what is termed a prima facie case for, I suppose, the fact that there is sin in the world.

This is, of course, a most worthy advocacy. It has been championed by some of the most important intellects of the last 3,000 or 4,000 years. I might add, I would have been happy to concede the point without the supporting citations submitted here on April 27.

I think rather what we have seen is an application of one of the oldest tricks in the book. It has been an effort to discredit what is to some an unpopular social movement. It is a tactical smokescreen, thrown up to blind the public to a far more serious social evil.

It has been an attempt to sap the energy and determination of the vast majority of American citizens in their efforts to rectify a grave injustice, to right a great and longstanding wrong.

I daresay, toward these objectives, the effort has been a dismal failure.

I do not intend to lend further distinction to the charges by countering them on a point-by-point basis. I am happy to note that other Members of this body, from both sides of the aisle, have already taken specific issue on many of the points raised and, judging from the reaction in the press, have pretty well revealed the whole package for the trumped-up humbug that it is.

I do not intend to insult the intelligence of this body or of the American people by denying that some abuses, some improprieties, could have occurred during the demonstrations in Alabama. We make no claim that these people are all saints. They are human beings, the same as you and me.

There are examples of this sort in the case history of virtually every social movement to which men have committed themselves. According to some of the more contemptuous critics of this very body, there are abuses of propriety and decorum occurring right here every day.

But we do not throw out the whole barrel because there are one or two bad apples in it. We do not condemn society because it harbors the despotic as well as the virtuous. We do not condemn Christianity because one of its disciples was Judas Iscariot.

As you know, Mr. Speaker, I, too, was a witness to some of the events in Selma and Montgomery during the recent demonstrations there. I suppose, in a sense, these remarks can be considered my personal affidavit with respect to those events.

My distinguished colleague, the gentleman from Massachusetts, the Honorable ED BOLAND, and I visited Selma over the weekend of March 14, shortly after the bludgeon slaying of Rev. James Reeb, of Boston. We went down at the request of the gentleman from Massachusetts, Speaker McCORMACK, as a bipartisan delegation from Massachusetts.

We wanted to demonstrate our concern for the welfare of all the people of Alabama and our sympathy for the voter rights cause. We made a lot of calls and talked to a lot of people on both sides of that so-called "Berlin rope."

I think I can safely speak for my colleague from Massachusetts when I say that our impression was not quite the same as that projected in this Chamber on April 27.

We were instead impressed by the facts—the hard cold facts—that have now been made a part of the permanent record of our consideration of voter rights legislation now pending before this Congress.

The religious leaders we met in Montgomery and Selma were, in every instance, of high courage, of unquestionable personal integrity, and of absolute commitment to God-fearing principles that permit no compromise in human rights and dignity.

They had indeed come to stick their noses into that business because their business is the business of all mankind, not merely of factional self-interest or geographic provincialism.

They were guided by an oath to assert and defend the principles of a greater truth. They went to Selma through no search for personal gain or recognition. If they sought thrills, they were not of the variety referred to here last week.

They did not, as was suggested, go to Selma and Montgomery to "mingle with and assist the spurious." They did not go, as was suggested, to lend their dignity and prestige to the kind of activities which were described so vividly here last Tuesday.

I and every other Member of this respected body know the reasons why men like James Reeb went to Alabama.

The spectacle I witnessed in Selma was hardly spurious and without dignity. It was thrilling, however.

I was thrilled by the manifestations of a mood of brotherhood and interfaith understanding which was ignited by the agony and injustice inflicted on those who asked nothing more than to be allowed to exercise their constitutional right to vote.

The abridgement of that right has triggered what I consider in the nature of a minor miracle. I saw the leaders of all faiths, Christian and Jew, Protestant and Catholic, united on the common ground of human rights and understanding, assuming the leadership and inspiring young people to follow in the drive to reaffirm the moral principles on which this country is founded.

The events in Alabama have ignited a movement toward ecumenical interfaith cooperation which is without precedent at the level of the laity. I do not think that mood or that movement is going to founder in the morass of innuendo and calumny spilled in this Chamber last week.

If the dignity and respectability of these leaders have been disfigured, it is the fault of the disease, not the cure which they have sought to administer. The blame lies with the sickness and, above all, with those who revive and prolong that sickness by trying to discredit the doctors who would eradicate it.

Such tactics reflect no credit on this body. They do no credit to the great State of Alabama. They are a disservice to the underlying principles of both our political parties. I hope I am reflecting the consensus of the Republican Party when I suggest that our party offers no sanctuary for such tactics.

In the final analysis, of course, these tactics are a reflection on this Nation and upon the ideals and principles on which it is founded.

I have, as I said, Mr. Speaker, tried to think in rational, objective terms about the implications of the presentation made in this Chamber last week. And it seems to me, after all, that, regardless of the veracity or lack of it with respect to the affidavits and allegations, it can have little bearing on the certain outcome of the greater issue with which they are concerned. Most of these charges are, therefore, worthy only of being ignored.

There has been some indication of interest over the last few days in expanding the questions and possibly launching a full investigation of the matter. I have myself considered offering affidavits from members of the clergy and other individuals who were on the scene in Selma and Montgomery which, with precisely the same degree of legal authenticity, would repudiate the claims made in the affidavits brought before us here last week.

I have put aside that idea, for the time being, and I urge my colleagues to do likewise.

We will, of course, risk charges of being afraid to face the truth of the allegations. We will risk further attempts to capitalize on our unwillingness to dignify these charges in open debate or through costly and tedious investigations.

I think the risk is worth taking. I think the taxpayers deserve something better than for us to fill the pages of the CONGRESSIONAL RECORD with material that might be more at home scribbled on the walls of a washroom.

I think the taxpayers have a right to expect something more responsible from this body. I intend to turn a deaf ear to those who would plead with us to betray this obligation.

Mr. Speaker, I now yield to my colleague, the gentleman from Massachusetts, Mr. ED BOLAND, who made the trip to Selma with me on March 14.

Mr. BOLAND. Mr. Speaker, I want to congratulate and compliment my colleague from Massachusetts [Mr. CONTE] on a very persuasive and splendid statement. As he indicated, both of us did go down to Slema as representatives of the Massachusetts delegation and at the request of the Speaker and other members of the delegation. We went down to Selma and spent some hours in Montgomery and Selma and, as was indicated by the gentleman from Massachusetts [Mr. CONTE] I think the one major observation we came away with, and the most impressive observation was the fact that, as we saw, these people were dedicated, sincere, and spirited people who were down there in Selma. They were anxious for the State government of Alabama to give them their constitutional rights. I think that the gentleman from Massachusetts [Mr. CONTE] will agree with me that their demeanor and character was as high as that of any group of individuals we have ever seen. My colleague and I visited the compound area and were behind the barricades. We went all through the area and talked with a good number of people from all over the Nation, both religious people and others in all walks of life. We had an opportunity to visit Brown's Chapel and were on Sylvan Street for the better part of half a day. We did get a chance to talk with these people and to observe their activities. I must say that both of us came away from Selma, after talking to the people who were there, with the definite impression that they were there for a great cause and were a people of whom all of us could be proud. They were great Americans and were dedicated Americans.

In company with Mr. CONTE and I were Mr. William Evans, the administrative assistant to Senator KENNEDY, who made the same observation and came up with the same conclusions as we did. My colleague will agree that on talking with the number of reporters with whom we spoke from all over the Nation—and there were a number of reporters from our own State of Massachusetts, as well—we were impressed with the fact that they also came to the same conclusions as you and I and Mr. Evans, and agreed that the demeanor of the crowd and the spirit of the crowd and the appearance of the crowd and the nature of the people who were there was of the very highest.

Mr. CONTE. I agree with the gentleman fully. I think that the many reporters we spoke to and the people who were running the television cameras, if they were withholding the news reported here on the floor last week, then they were guilty of conspiracy. I am certain that such a high type of individual, such people who are dedicated to their profession of journalism, would not be guilty of such a conspiracy in withholding news from the American public. The religious people there, the ministers, the rabbis, the Catholic priests and nuns were of the highest caliber. We came back and the major subject of our conversation on the way back was the high grade of people involved in the demonstration on Sylvan Street.

Mr. BOLAND. Actually it was the type of person who was there that gave the inspiration to the groups and the leaders which all of us could be proud of and which Dr. Martin Luther King could be proud of. All of these people joined together in this common cause. You have said that we talked with these reporters and one of the most distinguished of these reporters was a gentleman from my own State, Mr. Edward McGrath, from the Boston Globe, who was just as impressed as we were with the type of person there. He saw no evidence of what was charged on the floor here. I am delighted at the gentleman's remarks and compliment my colleague for taking the floor and not leaving this field completely to those who seek to discredit the people who participated in the march and seek to discredit the march itself. I think there is substance in what you say, that there ought to be a closer look taken at this and some affidavit should be forthcoming from people who were there and have been charged by others in this Chamber with regard to particular activities. I think it is something that we ought to look into and I will be delighted to join with my colleague on another day to expose the fallacies and inconsistencies of some of the statements made here on April 27 and March 30.

Mr. CONTE. Mr. Speaker, I want to thank my colleague from Massachusetts for the constructive contribution he has made here this afternoon. Mr. Speaker, I now yield to my colleague from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, I thank the gentleman from Massachusetts for yielding. First, I should like to express my appreciation to him for taking time on the floor of the House of Representatives to examine this question in a serious vein after a good deal of research and careful thought.

The gentleman, I think, was right and sound; I think all of us on this side of the aisle and the other side are sound, also, in speaking on this subject after due consideration and examination of the facts and the passage of sufficient time to allow some of the emotionalism to calm down.

One of the most important developments in the United States in recent years, it seems to me, has been the commitment by first, the clergy of all religions and second, younger people, particularly those in academic life, in the civil rights movement. It is a commitment on the part of groups in our society that heretofore have been rather strangely silent, compared with the activism of those groups in other democracies. One of the exciting aspects of this development is the realization by these people that nothing happens by itself; that you do not correct injustice and bring about justice—any more than you get adjustments in our legal or social structure when needed—without an active commitment.

It is perplexing, after all, that a whole century has gone by, and nothing really important has been done with respect to the civil rights promises made by the 14th and 15th amendments after the Civil War until the last 10 years, beginning with the Eisenhower administration, when the first civil rights bills in almost 100 years were passed.

During that decade the cause of civil rights has marched forward each year, culminating with the 1964 Civil Rights Act. Parenthetically, I may say that I was delighted that the gentleman from Massachusetts referred to the fact that our party—his party and mine, the Republican Party—cannot be ever a haven for those who would either deny or slow the march toward the equal protection of the laws for all citizens. It was the party of Lincoln, our party, that first recognized the special obligation and responsibility of the National Government to safeguard individual citizens in their rights and liberties from what Alexis de Tocqueville called the possible tyranny of local majorities. That sums up the whole meaning of civil rights legislation on the national level.

Therefore, when one sees the commitment in an active way of the clergy, of students, and others toward the completion of what should have been completed after the country made its great decision shortly after the middle of the last century, one recognizes that fulfillment has to be brought about by citizen engagement.

The great march on Washington in connection with the 1964 Civil Rights Act was an exciting thing. It was constructive. It was one of the first of the big demonstrations. The participants were white and black, old and young, and they were from every walk of life. It was an enormously well controlled, dignified demonstration. It set the tone for the ones to follow.

Since then we have had other demonstrations of various kinds. In most every case they have been peaceful, as they should be. Among those that were peaceful demonstrations in the best sense of the word were the ones that took place in Selma that the gentleman from Massachusetts has just been talking about.

One of the most important of the rights contained in the Bill of Rights—some people think it is the most important of all—is that contained in the first amendment: Free speech. The free speech amendment to the Constitution not only refers to the right to speak one's mind.

It is also devoted to the question—equally important and on an equal footing with the right of free speech—which is the right of every American to assemble peacefully with other Americans to petition the Government against grievances.

Strangely enough, that right contained in the Constitution does not have a specific statutory implementation. Indeed, I am one of those who has been struggling year after year to put into civil rights legislation a protection of this right.

It would be very simple to give the Attorney General sufficient injunctive powers to safeguard the right to petition against grievances by the method of peaceful assembly.

I think if we could even get it in the voting rights bill this year and get it through the House, we would have accomplished a great deal that has been neglected in this field for a long time.

Now, Mr. Speaker, if a demonstration that is peaceful is not permitted to occur—and they will not be permitted to occur if they are defamed and slandered—then you may see the eruption of nonpeaceful demonstrations.

The use of these peaceful demonstrations has been twofold: First, they provide a forum for the natural urges and wishes of young people and of the clergy who wish to see an improvement in our society. Second, they represent a safety valve, a natural outlet. If you repress it in any way, you will remove the safety.

This country became the most powerful country in the world in an extremely short space of time with only one revolution. Very few other democracies can point to that kind of history. We have done so by having enough safety valves in our system so that people can let off steam.

Also, there has been enough flexibility and commonsense among our people and our governmental institutions so that we can make sufficient adjustments as we go along to remove the sources of pressure.

So, Mr. Speaker, these demonstrations have been a safety device. They have also, I believe, been a constructive means by which citizens have exchanged their ideas and communicated with their governmental officials at every level. Thus the civil rights march on Washington in 1964 played a helpful and positive role in the enactment of the civil rights bill in 1964.

Returning to the gentleman's comment about the Republican Party, the Record should show that our party in each of these legislative accomplishments, the 1964 act, the 1960 act and the act of 1957 presented a higher percentage of Members of this great body in support of the legislation than on the other side of the aisle.

Therefore, the gentleman is quite sound and correct in restating the Republican Party's commitment to that cause which was begun by the first President of our party, Abraham Lincoln.

I do think so, Mr. Speaker, that on the facts of this particular matter it is relevant that neither the press nor any of the members of the clergy who were participants in the march made any reports of the kind or quality that the gentleman was talking about when he was disagreeing with the remarks made in this Chamber a few days ago.

I commend the gentleman, as I do his colleague from Massachusetts [Mr. Boland] for their trip to Selma. I only wish I had been free to go myself.

I have talked to a great many of the young people and clergy who were participants in the Alabama demonstrations. I have seen them in New York and on the campuses of universities in the Middle West. I have talked to boys and girls at the undergraduate and graduate levels who participated in the Montgomery march. I have discussed it with several members of the clergy of my own personal acquaintance who participated, as well as other members of the civil rights leadership here in Washington and elsewhere.

There simply is no basis for the charges that were made. It is not true that there was the unseemly, untoward conduct that the gentleman last week attempted to persuade the House took place.

But that is almost beside the point.

It is almost irrelevant because the problem here is the right of people to demonstrate their concern about what happens in our great country and what changes they would like to see take place. Whether or not we agree with their point of view, whatever it is, so long as the assembly is a peaceful one it has Bill of Rights protection. That protection will be lost by this kind of attack that the gentleman is attempting to correct now. It will be lost just as quickly as if the Government itself were to use its great powers to put an end to peaceful demonstrations.

No one suggests that the right of peaceful assembly is an absolute one, that has no limits at all, any more than the right of free speech does. We know that the Supreme Court time and time again has laid down reasonable inhibitions on free speech, depending on competing interests and the circumstances. One is not permitted to shout "fire" in a crowded theater. In some of the legislation passed by the Congress there are certain inhibitions to free speech. The Smith Act is such an example.

The same is true with respect to the right to picket or to petition reasonably. The point is that the right itself is supreme as long as reasonable conduct and conditions exist it must be protected, particularly from the pressures of disagreement on the part of others. They may petition or demonstrate themselves, if they so wish.

We Members of Congress are accustomed to pressure. We are petitioned every day of the week. We receive delegations in our congressional offices here, and in our congressional offices back home. We listen to thousands of complaints. We take a good deal of abuse from time to time ourselves because the Congress does not do this or does not do that. It may or may not be personal. We may be urged to consider something or not to consider something. Still we receive petitions. We almost take them for granted. Therefore it seems to me we have a double obligation here, and have a right also to speak, as the gentleman has done this evening, in protection of the right of persons and citizens to petition other segments of our society, governmental and nongovernmental, to illustrate their views.

We Republicans, in particular, maintain a historical interest in this freedom because it was the Republican Party which originally began and encouraged some of the great petitions of the past, most dramatically in the early years of the founding of our party.

We restate our commitment tonight to the cause of civil rights—I, like my colleagues, will work day and night in these times in another effort to improve our legislative system and our body of law and to strengthen that system and the law to do what is right and to do what we must do. In that process, and in the process of speaking here tonight, we reassociate ourselves with the wants and needs of every citizen who demands that he at least begin on an equal footing with other citizens; that he be safeguarded according to the tenets of the Constitution; and that he receive due process and the equal protection of the laws.

That applies to the body of the law—to voting rights and to the principle of a fair chance for all citizens. It also applies to the citizen's right to speak and be heard.

Once again, I compliment our friend, the gentleman from Massachusetts. I hope what he has done tonight and the words that we have spoken here tonight will be an important part of this day's Congressional Record and an important part of our party's—the gentleman's and mine—long history.

Mr. CONTE. I want to take this opportunity to thank the gentleman from New York for the contribution he has made here this evening in this colloquy and on this very important issue. I am pleased to hear his remarks.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to my friend, the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, I commend the gentleman from Massachusetts for the presentation that he has made here today.

It seems to me almost incredible that in this day and age a Member of this House of Representatives should have to rise to defend the clergy of the country who are performing, in my judgment, a service for which this House and the entire Congress and the Nation owe them a great debt for providing the moral leadership which is so necessary in meeting these problems and the continuing problems of civil rights. The gentleman from Massachusetts is to be commended for the stand that he has taken today, and I want to compliment him for it.

Mr. CONTE. I thank the gentleman. I would like to add a word on behalf of the distinguished Representative from New York, the Honorable Ogden Reid, who wanted very much to be here today to take part in this colloquy. The gentleman also made a trip to Selma and Montgomery and has indicated to me that his reaction was pretty much the same as my own.

I am sorry the gentleman was unable to be here this afternoon. I know his views would have been an important contribution to our discussion.

STATUTES, REGULATIONS, POLICIES, AND PRACTICES OF SELECTED FOREIGN COUNTRIES PROVIDING FOR PREFERENCES FOR DOMESTIC MATERIALS AND FIRMS IN THE AWARDING OF PUBLIC SUPPLY AND PUBLIC WORKS CONTRACTS

The SPEAKER pro tempore (Mr. Matsunaga). Under previous order of the House, the gentleman from Pennsylvania [Mr. Saylor] is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, I submit for publication in the Congressional Record the purchasing policies of the Governments of India, Japan, and the Philippines.

A study of this document reveals that India tolerates imports only when domestic materials are not available except when equipment and materials are to be financed by loans made by the International Bank for Reconstruction and Development or by the generosity of the U.S. Agency for International Development.

It is also interesting to note that Japan's "Buy Japan" policy closes the door to foreign goods regardless of cost savings even before the bidding starts, and that the Philippine Government has so many laws and regulations prohibiting purchase of foreign products that they are difficult of interpretation and seem to conflict with one another. In any event, the intent is most effective in limiting imports to emergency cases.

It is ironic that while industrial nations elsewhere largely prohibit use of foreign products in public works projects, the U.S. Government continues to buy in world markets without regard to economic conditions in this country. The remedy is for Congress to attach an effective buy American provision to every authorization requiring any use whatsoever of Federal funds.

Following is No. 6 of the series on purchasing practices of other governments in contracting for public works projects:

India (Member of GATT)

According to reports from the U.S. Embassy in New Delhi, in recent years the Government has been under pressure from some elements of the Indian business community to take steps to enact a "Buy India" act but thus far the Government has resisted such pressure.

Nevertheless, in all fields of supply and works government procurement, every effort is made to use local Indian resources to the utmost extent possible, subject to limitations imposed by "tied" external financing arrangements, such as those of the U.S. Agency for International Development.

For example, the Directorate General of Supplies and Disposals, in implementing the policy, accords price preferences to locally manufactured items and may also allow some relaxations in specifications and standards for such items. In effect, the Directorate imports foreign items only when unavoidable because of inadequate domestic manufacturing capacity. The Directorate, which accounts for more than 5 percent of total Indian imports, is responsible for the procurement of the major portion of the supplies and equipment purchased by the Central Government of India, state governments, municipalities, district boards, port trusts, and various other official and quasi-official agencies.

Procurement by the Ministry of Railways, commonly known as the Railway Board, which exercises all the powers of the Central Government for the construction, maintenance, operation, and regulation of the Indian railway system, is governed by the provisions of "Indian Railway Code for the Stores Department." The Code provides that, when making purchases, preference shall be given to local materials and that they should be accepted unless it is considered that the quality cannot meet the standard required. The Board has interpreted the provision to mean that local materials will be utilized insofar as possible even though imported materials may be of better quality and on occasion cost less. Most of the tenders for equipment and materials procured by the Board outside India are to be financed by loans made by the International Bank for Reconstruction and Development, which requires international public bidding, and by the United States Agency for International Development.

PRINCIPAL SOURCES

(1) Airgram No. A–57 dated July 12, 1963, from the U.S. Embassy in New Delhi, entitled "Indian Government Procurement Procedures—Directorate General of Supplies & Disposals."

(2) Airgram No. A–81 dated July 19, 1963, from the U.S. Embassy in New Delhi, entitled "Indian Government Procurement Procedures—Railway Board."

(3) U.S. Department of Commerce, "Investment Factors in India," Overseas Business Reports, OBR No. 62–40 (December 1962).

(4) U.S. Department of Commerce, "India: A Growing Market for U.S. Products and Investment," Overseas Business Reports, OBR No. 63–26 (January 1963).

(5) Kust, "Foreign Enterprise in India: Law and Policies" (Chapel Hill (N.C.), 1964).

Japan (Member of GATT and OECD)

The fundamental principle of Japanese Government procurement is competitive tendering with public advertisement, but many exceptions have been provided for in laws and orders pursuant to Article 29 of the Account Law. In many cases it is customary to adopt limited competition by selected suppliers.

The most important exceptions, which provide for an outright preference for Japanese products, are set forth in the Cabinet Order No. 336 of September 25, 1963 (published in the Official Gazette of the same date), which amended the special exceptions to the Cabinet order concerning budget, settlement of accounts and accounts (Imperial Order No. 558 of 1946) to provide additionally as follows (unofficial translation from Japanese):

"Article 4–(15). In purchasing any of the goods included in the goods designated by the Minister of Finance (hereinafter referred to as the 'Designated goods'), the chief of any Ministry or Agency may, for the time being for the purpose of encouraging the use of domestic products, make such purchase through limited competition, in addition as provided for in laws and orders in accordance with the provisions of Article 29–(3), paragraph 5, of the Account Law.

"Before inviting the limited competition in accordance with the provisions of the preceding paragraph, the Chief of any Ministry or Agency shall confer with the Minister of Finance.

"Article 4–(16). If the Chief of any Ministry or Agency finds that in a competitive bidding invited with respect to the purchase of any of the Designated goods, there are two or more persons who have offered the same price that would make their bids successful, he may, for the time being, designate as the successful bidder, the person who will supply such Designated goods in domestic products. If, in that case, there are two or more persons who would be the successful bidders, the successful bidder shall be determined in accordance with the provisions of article 83 of the Cabinet Order."

According to Japanese counsel, the "Buy Japan" policy reflected by the above-quoted provisions will be carried on in such a way as to give preference to Japanese goods, regardless of cost, notwithstanding the provisions of article 4–(16).

Notification No. 382 dated December 13, 1963, of the Minister of Finance (published in the Official Gazette of the same date), a copy of an unofficial translation from Japanese of which is attached hereto as Schedule A, designated 14 items, including automobiles, office machines, and agricultural machinery, for purposes of Article 4–(15) of the Cabinet Order, that is, items that can be purchased by selecting suppliers without recourse to public tendering.

The Cabinet Order and the Ministerial Notification obviously have the effect of virtually shutting out from Government procurement foreign-made articles on the list because only Japanese manufacturers and dealers with items made in Japan will be permitted to participate in the bidding. Proposals have also been made to broaden the list of designated articles.

The Cabinet Order of September 25, 1963, was adopted in implementation of the "Buy Japan" policy laid down in the Cabinet Decision of September 20, 1963 (Cabinet (TSU) No. 90 of 1963), in the following terms (unofficial translation from Japanese):

"In order for the Japanese economy to attain growth at the rate expected by the Government, the Government should take the lead in carrying out such measures as are within its jurisdiction to take, while keeping the international payments in balance and at the same time voluntary cooperation should be expected from the Industrial & Financial Circles.

"So far, there has been a tendency in this country for excessive preference for foreign products and it is often the case that foreign products are used despite the fact many domestic products are available which are not inferior to foreign counterparts in quality, performance, design, price, etc. Such tendency is particularly conspicuous with respect to machineries, partly because they are low in reliability, the important factor that makes them competitive as a result of insufficient experience in their manufacture and use. Such tendency seems to be threatening to aggravate with the furtherance of liberalization from now on.

"It is therefore decided that correct evaluation for domestic products, including machineries, be established and that effort be made to encourage the use of domestic products by the Government and Government agencies, in order to prevent the outflow of foreign exchange through unnecessary imports and to promote the domestic industries.

"The local public entities, the industrial and financial circles are hereby called upon to render cooperation in this matter."

By Cabinet decision of November 1, 1963, a copy of an unofficial translation from Japanese of which is attached hereto as Schedule B: The Department for Standardization of Government Goods and Promotion of Use of Domestic Products was established in the Office of the Prime Minister of Japan for the purpose, among others, of promoting the "Buy Japan" policy.

In the field of public works, Japanese construction firms are clearly favored under the construction enterprises law of 1949, which requires a foreign construction firm to qualify as a Japanese firm and contractor under the provisions of that law in order to bid on or participate in a construction contract of the Japanese Government. Contractors must first make application for registration and a license to the Ministry of Construction or the appropriate prefectural government and, except in the case of small projects, contractors who obtain licenses also must make application to become "designated contractors." That procedure involves the rating of contractors according to their size and capabilities.

The Minister of Home Affairs still had under consideration in February 1965 the issuance of "Buy Japan" instructions to the various local governments, but by then many Government-owned corporations had also initiated action to implement the "Buy Japan" policy. By notification No. 45 of July 3, 1964 (published in the Official Gazette of the same date), the Nippon Telegraph and Telegraph Public Corporation, which operates all the domestic telecommunications facilities, amended its accounting regulation by the insertion of the following provision (unofficial translation from Japanese):

"(Preference of domestic products in case of same price offered in bidding.)

"Article 42–2. If in a competitive bidding invited with respect to the purchase of any of the goods falling within the items to be provided for separately, there are two or more persons who offered the same price that would make their bids successful, the person who will supply the goods which are among the designated domestic products shall be the successful bidder."

The items referred to are the same as those designated by Notification No. 382 dated December 13, 1963, of the Minister of Finance, and Article 42–2 apparently will be applied in the same way as Article 4–(16) quoted above on page 2 so as to give preference to Japanese goods regardless of cost.

The Japanese Monopoly Public Corporation has not codified the "Buy Japan" policy in its regulations, but, in recognition thereof, it has limited its purchase of automobiles to domestic products.

Similarly, the Japanese National Railways have taken the position that there is no need for codification because their policy already is to purchase domestic products in most cases.

By Cabinet Decision of September 25, 1964, it was decided to initiate a strong drive on the entire domestic front for recognition of the excellence of domestic products. For that purpose the Domestic Product Promotion and Improvement Headquarters, an incorporated foundation (Zaidan Hojin), was designated to conduct a campaign to encourage and expand the use of domestic products. By Cabinet Decision of October 13, 1964, the week of November 16–22 was fixed as "recognition week" for the second half of 1964.

PRINCIPAL SOURCES

(1) Memoranda dated December 5, 1963, May 2, 1964, June 10, 1964, September 17, 1964, and December 18, 1964, prepared by McIvor, Kauffman & Christensen, attorneys of Tokyo, Japan, for Cravath, Swaine & Moore, New York.

(2) Foreign Service Despatch No. 1094 dated March 11, 1960, from the United States Embassy in Tokyo, entitled "Procurement Practices and Policies of the Government of Japan".

(Unofficial translation from Japanese)

SCHEDULE A—JAPAN: MINISTRY OF FINANCE NOTIFICATION NO. 382 DATED DECEMBER 13, 1963 (OFFICIAL GAZETTE, DECEMBER 13, 1963)

In accordance with the provisions of Article 4–15, paragraph 1, of the Special Exceptions to the Cabinet Order concerning Budget, Settlement of Accounts and Accounts (Imperial Order No. 558 of 1946), the items mentioned hereunder were designated.

December 13, 1963.

KAKEUI TANAKA,
Minister of Finance.

1. Four-wheeled vehicles:

(a) Passenger car (including car for passenger and cargo use).

(b) Buses.

(c) Trucks.

2. Calculation-type electronic computer (including input and output power apparatus and auxiliary parts).

3. Office machines:

(a) Electric computers, accounting machines, cash registers.

(b) Typewriters.

(c) Copying machines and rotary mimeographs.

(d) Micro-photographic equipment.

4. Air-conditioners.

5. Measuring apparatus and measuring instruments:

(a) Testers.

(b) Electric measuring instruments.

(c) Analyzers.

(d) Water gauges.

(e) Scales.

6. Civil engineering and construction machinery:

(a) Caterpillar tractors.

(b) Shovel-type digging machines.

7. Agricultural machinery:

(a) Wheeled tractors.

(b) Plows and harrows.

8. Wired and wireless communication apparatus, wireless applied apparatus and their parts:

(a) Wired telegraphic instruments.

(b) Wired telephone equipment.

(c) Electric communication equipment for carrier system.

(d) Wireless communication apparatus.

(e) Wireless applied apparatus.

(f) Parts for equipment and apparatus mentioned in (a) through (e).

9. Wires and insulating cables.

10. Aircraft.

11. Thermal electric generators:

(a) Dynamos.

(b) Steam boilers and their auxiliary equipment.

(c) Steam turbines (including steam condensers).

12. Pumps, blowers (including exhaust blowers), and compressors.

13. Printing and bookbinding machines.

14. Machine tools:

(a) Lathes.

(b) Drilling machines and boring machines.

(c) Milling machines.

(d) Planing machines.

(e) Grinding machines.

SCHEDULE B—JAPAN: CABINET DECISION OF NOVEMBER 1, 1963, REGARDING ESTABLISHMENT OF THE DEPARTMENT FOR THE STANDARDIZATION OF GOVERNMENT GOODS AND PROMOTION OF USE OF DOMESTIC PRODUCTS

(Unofficial translation from Japanese)

1. Establishment: For the purpose of the Government and Government agencies making efficient use of the appropriated money and assisting in the promotion of industrial standardization by standardizing the goods to be purchased by them, and encouraging the use of domestic products by giving preference to the purchase of domestic products, and in order to attain closer connection and coordination among the agencies concerned and carry out the policies uniformly, there shall be established in the Prime Minister's Office the Department for Standardization of Government Goods and Promotion of Use of Domestic Products (hereinafter referred to as the "Department").

2. Organization: The organization of the Department shall be as set forth below; provided, however, that the members may be added to as the necessity arises.

Chief of Department: General Affairs Deputy Director, Prime Minister's Office.

Members: Chief of Deliberation Office, Prime Minister's Secretariat, Chief of Inspection Bureau, Administrative Management Agency, Chief of Budget Bureau, Ministry of Finance, Chief of Heavy Industry Bureau, Ministry of International Trade and Industry, Standard Department, Agency of Industrial Science and Technology, and Chief secretaries or similar persons of the following Ministries and agencies:

Police Agency, Imperial Household Agency, Administrative Management Agency, Hokkaido Development Agency, Defense Agency, Economic Planning Agency, Science and Technology Agency.

3. Operation:

(1) The Department shall hold a meeting from time to time when necessary, such meeting to be called by the Chief of the Department.

(2) The Department shall hold, from time to time when necessary, a meeting of the Managing Committee composed of officials of the agencies concerned, such meeting to be called by the Chief of Deliberation Office, Prime Minister's Secretariat.

(3) The general affairs of the Department shall be handled by the Deliberation Office, Prime Minister's Secretariat, and the Heavy Industry Bureau, Ministry of International Trade and Industry, or the Standard Department, Science and Technology Agency.

THE PHILIPPINES

Philippine central procurement activities are carried on by a number of departments, agencies and government corporations, as well as by provinces, cities and municipalities. The most important national procurement authorities are the Department of Public Works and Communications (through the Director of Public Works) and the Department of General Services (through the Bureau of Supply Coordination). The Director of Public Works is generally responsible for contracts relating to the construction and repair of public works and buildings. Revised Administrative Code, section 1901. Rule 1 of the "Rules, Procedure, and Guides Governing the Procurement of Supplies, Materials, Equipment, and Non-Personal Services" (hereinafter called the Supply Rules), promulgated by Department Order No. 32 of the Secretary of the Department of Public Works (59 Official Gazette [O.G.] 1895, March 25, 1963) contains the following provisions with regard to supply contracts:

"Rule 1. Who are required to file requisitions with the Bureau of Supply Coordination.—All departments, bureaus, and offices of the National Government, including their branches, dependencies, and instrumentalities, shall file their requisitions for supplies, for official use, with the Bureau of Supply Coordination. However, government-owned or controlled corporations, and provinces, cities, and municipalities may avail of the procurement service of the Bureau at their option. They shall be subject, however, to these rules and regulations."

The basic principle that public contracts shall be awarded only through public bidding is well established in Philippine law and practice. In the field of public service and public supply contracts, Executive Order No. 298 of August 12, 1940, as last amended by Executive Order No. 40 of June 1, 1963 (59 O.G. 3579), provides that no contract for public service or for furnishing supplies, materials and equipment to the government or any of its branches, agencies or instrumentalities shall be renewed or entered into without public bidding, except for "very extraordinary reasons" to be determined by a committee the composition of which is specified in the Executive Order. The Order contains exceptions for emergency purchases and for purchases from an exclusive dealer or manufacturer. A copy of Executive Order No. 298, as amended, is attached hereto as Schedule A.

In the case of public works contracts, Section 1917 of the Revised Administrative Code, a copy of which is attached hereto as Schedule B, provides that contracts for all national public works involving an estimated cost of 10,000 pesos (about $2,600) or more shall, with the exceptions therein provided, be awarded to the "lowest responsible bidder" after publication in the Official Gazette. The annual public works appropriation acts usually contain a provision making publication of the calls for bids for public works projects in newspapers sufficient compliance with the advertising requirement contained in Section 1917. See, for example, Section 14 of Republic Act No. 2701 of June 18, 1960.

Executive Order No. 114 of December 27, 1947 (44 O.G. 11) provides that, except in cases of urgent necessity and those where the law or charter of the particular corporation concerned expressly authorizes the award of public works contracts without public bidding, all contracts for repair or construction works entered into by government-owned or controlled corporations, when the estimated cost is 3,000 pesos (about $780) or more, shall be submitted to public bidding and awarded to the lowest responsible bidder after publication or advertisement.

Generally, a qualified bidder who has properly exercised his right to bid is entitled to the award only if (1) he is the lowest bidder; (2) he has complied with the requirements and specifications of the advertised proposals to bid; and (3) his bid proves to be "advantageous" to the Government. See *Dumdum v. Secretary of Public Works and Communications* et al., 54 O.G. 1844 (1957) (Philippine Court of Appeals). In the case of public works contracts, the terms "lowest responsible bidder" in Section 1917 of the Revised Administrative Code is interpreted to mean the lowest bidder in price who the contracting authority determines has the requisite business judgment, capacity, skill and responsibility and who proposes to furnish contract materials of the requisite quality.

Supply Rule No. 46 establishes the following criteria for the award of supply contracts:

"Rule 46: Basis of awards.—Contracts shall be generally awarded to the lowest complying bidder. The following points shall be the basis for making awards:

(1) Public interest;

(2) Price quoted, considering the Flag Material Law, Commonwealth Act 138, (see Appendix H) and other laws and policies pertinent to procurement;

(3) Quality and kind of supplies offered and/or conformity with specifications;

(4) Time of delivery. When time is essential, the bidder who offers to deliver within the period stipulated in the invitation to bid shall be awarded the contract; provided that the price is not unreasonably higher than the lowest price offered;

(5) Whether the offer is whole or partial. All other things being equal, the bidder who offers to supply the whole quantity shall be preferred in order to obtain uniformity in quality, tensile strength, color shade, etc.;

(6) Reliability of supplier as bidder or contractor. The supplier may be required to furnish satisfactory evidence of his ability to comply with the contract;

(7) Requirement and recommendation of the using unit or agency. Justifications (for recommending an award) that are not contained in the advertisement for bids should not be entertained.

"The Director may consult the NASSCO on requisitions for shop manufacturing work; the National Development Company on clothing materials; the National Coconut Corporation on laundry soap; the Cebu Portland Cement on cement; and other government agencies for supplies about which they have official technical knowledge, familiarity, and/or authority."

Philippine laws and regulations abound in provisions that discriminate against foreign bidders and foreign products, some of which are in seeming conflict with one another. The basic preferential provisions are contained in the so-called Philippine Flag Law (Commonwealth Act No. 138 of November 7, 1936, 36 Philippine Annotated Laws [PAL] §§ 12–15), a copy of which is attached hereto as Schedule C. The Law is obviously based on the Buy American Act of 1933 of the United States.

Section 1 of the Flag Law contains broad provisions requiring every governmental instrumentality of any nature to give preference to materials and supplies produced, made and manufactured in the Philippines or in the United States, and to domestic entities, in the purchase of articles, materials and supplies for public use, public buildings and public works. Section 3 provides, among other things, that only articles, materials and supplies grown, produced or manufactured in the Philippines or in the United States shall be purchased for public use. When the lowest foreign bid, including customs duties, exceeds 2,000 pesos (about $520), the award must be made to the lowest domestic bidder, provided his bid is not more than 15 percent, in excess of the lowest foreign bid.

For purposes of the Law, the term "domestic entity" is defined to mean any citizen of the Philippines or of the United States habitually established in business and engaged in the manufacture or sale of the merchandise covered by his bid, or any corporate body or commercial company duly organized and registered under the laws of the Philippines, 75 percent of which is owned by citizens of the Philippines or of the United States, or both.

The application of the Flag Law is buttressed by the general provisions of annual appropriations acts, which usually contain a proviso granting a 10 percent differential in addition to that granted by the Flag Law. For example, section 9 of the Appropriation Act for the fiscal year July 1, 1963–June 30, 1964 (Republic Act No. 3845 effective July 1, 1963), provides as follows:

"Sec. 9. Purchase of locally manufactured equipment, parts, accessories, supplies, and materials.—All appropriations for the purchase of equipment, supplies and materials authorized in this Act shall be available only for locally manufactured equipment, parts, accessories, supplies and materials, except when none is available in the market, or when the prices of the locally manufactured article exceed those determined by the Flag Law by ten percent."

Other discriminatory provisions are contained in Commonwealth Act No. 541 of May 26, 1940 (36 PAL 325–326), a copy of which is attached hereto as Schedule D. Act No. 541 requires all branches, offices and subdivisions of the government and all government-owned or controlled companies authorized to contract, and make disbursements, for construction or repair of public works to give preference in awarding contracts to Filipino and American contractors and domestic entities when the lowest bid of a domestic bidder is not more than 15 percent in excess of the lowest foreign bid, subject to the proviso that "foreign bids" shall not be allowed on national defense construction contracts.

Act No. 541 differs from the Flag Law in that:

(a) Act No. 541 gives preference only to persons whereas the Flag Law gives preference not only to persons but also to articles, materials and supplies.

(b) Act No. 541 contains an absolute prohibition against the admission of foreign bids on national defense construction contracts.

Still further discriminatory provisions are contained in Republic Act No. 912 of June 20, 1953 (36 PAL §§ 16–20), a copy of which is attached hereto as Schedule E. Section 1 of that Act provides that in construction or repair work undertaken by the Government, whether done directly or through contract awards, "Philippine made" materials and products, whenever available, practicable and usable, and if they will serve the purpose as well as foreign made products or materials, shall be used. In effect, Act No. 912 greatly diminished the preference enjoyed by domestic bidders and domestic products under the Flag Law, insofar as materials and products for "construction or repair work" undertaken by the government are concerned. The principal differences between the Flag Law and Act No. 912 are as follows:

(a) The Flag Law requires that raw materials used or to be used in the manufacture of products be substantially of the growth, manufacture or production, as the case may be, of the Philippines or the United States, whereas Act No. 912 requires merely that the materials or products be Philippine-made, without any further requirement as to the percentage or quantity of the local raw materials that go into the manufacture of the products.

(b) The Flag Law contains a scale of differentials in favor of domestic bidders, entities and products, whereas no such differential in prices is provided in Act No. 912.

A fourth discriminatory provision is contained in Public Act No. 4239 of August 22, 1935 (36 PAL § 24), section 1 of which provides as follows:

"Section 1. No contract for the construction of any public building, excavation, pipe laying, bridges, piers, drainage, roads, water works, irrigation projects, or any other class of public works or improvements which shall be undertaken and done at the expense of the government or semi-government entities, shall be awarded to any contractor who is not a citizen of the Philippine Islands or of the United States, or of any country the laws of which grant similar right or privilege to citizens of the Philippine Islands or of the United States, nor to any association or corporation that is not duly registered or incorporated under the laws of the Philippine Islands, and of which at least seventy per centum of the capital stock or of any interest in said capital stock, belongs wholly to citizens of the Philippine Islands or of the United States."

The application of the Flag Law, Commonwealth Act No. 541 and Public Act No. 4239 to foreign bidders and materials with the exception of United States bidders and materials is clear. The application thereof to United States bidders and materials must be considered in the light of the provisions of Republic Act No. 76 of October 21, 1946 (18 PAL § 43), and Article VII of the Trade Agreement of July 4, 1946 (61 Stat. 2611), as revised by an agreement signed on September 26, 1955 (6 U.S. Treaties and Other International Agreements 2981) (hereinafter called the Revised Trade Agreement).

Section 1 of Republic Act No. 76 provides as follows:

"Section 1. Existing laws or the provisions of existing laws granting privileges, rights or exemptions to citizens of the United States of America or to corporations or associations organized under the laws of any of the States of the United States of America, which are not enjoyed by citizens or nationals of any other foreign State or by corporations or associations organized under the laws of such State, are hereby repealed unless they affect rights already vested under the provisions of the Constitution or unless extended by any treaty, agreement or convention between the Republic of the Philippines and the United States of America."

Article VII of the Revised Trade Agreement provides as follows:

"1. The United States of America and the Republic of the Philippines each agrees not to discriminate in any manner, with respect to their engaging in business activities, against the citizens or any form of business enterprise owned or controlled by citizens of the other and that new limitations imposed by either Party upon the extent to which aliens are accorded national treatment with respect to carrying on business activities within its territories, shall not be applied as against enterprises owned or controlled by citizens of the other Party which are engaged in such activities therein at the time such new limitations are adopted, nor shall such new limitations be applied to American citizens or corporations or associations owned or controlled by American citizens whose States do not impose like limitations on citizens or corporations or associations owned or controlled by citizens of the Republic of the Philippines.

"2. The United States of America reserves the rights of the several States of the United States to limit the extent to which citizens or corporations or associations owned or controlled by citizens of the Philippines may engage in any business activities. The Republic of the Philippines reserves the power to deny any rights to engage in business activities to citizens of the United States who are citizens of States, or to corporations or associations at least 60 percent of the capital stock or capital of which is owned or controlled by citizens of States, which deny like rights to citizens of the Philippines or to corporations or associations owned or controlled by citizens of the Philippines. The exercise of this reservation on the part of the Philippines shall not affect previously acquired rights, provided that in the event that any State of the United States of America should in the future impose restrictions which would deny to citizens or corporations or associations owned or controlled by citizens of the Philippines the right to continue to engage in business activities in which they were engaged therein at the time of the imposition of such restrictions, the Republic of the Philippines shall be free to apply like limitations to the citizens or corporations or associations owned or controlled by citizens of such States."

The Revised Trade Agreement will expire on July 3, 1974, unless extended, which seems unlikely, or unless abrogated or modified prior to July 3, 1974, by mutual agreement between the United States and the Philippines, which seems more likely in view of the highly nationalistic opposition to most of its provisions by many Filipinos.

The application of Act No. 76 and Article VII has been the subject of several conflicting interpretations.

In an informal opinion addressed to an undisclosed private company in August 1962, Mr. John J. Czyzak, the then Assistant Legal Adviser for Far Eastern Affairs of the United States Department of State, stated that the Department did not consider that Article VII of the Revised Trade Agreement was applicable to government procurement of goods or services either in the United States or in the Philippines and that whether foreign bidders may participate in such procurement is within the discretion of either government. The opinion is directed specifically to Commonwealth Act No. 541 but obviously has much broader application. The opinion reads in part as follows:

"The United States 'Buy American Act' is not unlike Philippine laws relating to governmental procurement contracts in that it also establishes preferences in favor of domestic bidders. Executive Order 10382 prescribes the procedures and provides the tests for determining whether an offer by a domestic supplier is unreasonable, thus allowing an award to a foreign bidder. While in the case of Philippine laws the differential is 15 percent, under the Buy American Act, it is either 6 percent, after deducting the duty and costs incurred after arrival in the United States, or 10 percent excluding such duty and costs.

"The lack of specific provision on government procurement in the Revised Trade Agreement indicates that the agreement was not intended to interfere with the operation of either the 'Buy American Act' or like Philippine laws.

"Although Commonwealth Act No. 541 provides for equality of treatment as between Philippine and American bidders, your attention is invited to Republic Act No. 76, an act approved October 21, 1946, which provides that the laws of the Philippines granting privileges, rights or exemptions to citizens of the United States or to corporations or associations organized under the laws of the United States which are not enjoyed by citizens or nationals of any other foreign state or by corporations or associations organized under the laws of such state are repealed unless they affect the right already vested under provisions of the Philippine Constitution or unless extended by any treaty, agreement or convention between the Philippines and the United States. Since government procurement of goods or services lies outside the scope of Article VII of the Philippine Trade Agreement, the saver clause of Republic Act No. 76 would appear to be of no avail. Accordingly, an American bidder is on the basis of the Philippine laws subject to the 15 percent differential in the same manner as any other foreign contractor bidding on Philippine contracts."

Earlier, in 1956, the then Secretary of Justice of the Philippines rendered an opinion (Opinion No. 294, Series 1956), in which he took the much narrower position that the commitment of nondiscrimination in Article VII of the Revised Trade Agreement did not require goods manufactured in the United States to be treated as if they were produced in the Philippines for the purposes of Commonwealth Act No. 138. The Secretary declined to state definitively whether the treaty provision had the effect of placing bidders who were United States citizens or enterprises owned or controlled by such citizens in the same preferred position as "domestic entities."

In an opinion which is in many respects in conflict with the opinion of the Secretary of Justice, and which does not refer to such opinion, the Government Corporation Counsel in the Department of Justice of the Philippines, in Opinion No. 179 dated October 23, 1962, to the National Power Corporation, interpreted Article VII of the Revised Trade Agreement as restoring Commonwealth Act No. 541 in its entirety (and presumably also Public Act No. 4239). Nevertheless, the Counsel interpreted Act No. 541 as requiring that United States enterprises owned or controlled by enterprises of the United States had to organize and register under the laws of the Philippines and that at least 75 percent of their capital must be owned by Filipino and/or United States citizens in order to enjoy the 15 percent preference.

The opinion of the Government Corporation Counsel appears to be the latest decision on the point. According to the United States Embassy in Manila, United States corporations must register either with the Bureau of Commerce or the Securities and Exchange Commission of the Philippines in order to participate in bidding for public works contracts, regardless of whether or not they are interested in the 15 percent preference. Registration is not necessary if (1) the materials or services sought are not available locally or (2) if the project in question is to be financed by "tied" arrangements, such as arrangements with the United States Export-Import Bank or the Agency for International Development.

Administrative Order No. 3 dated June 27, 1953, of the Department of Public Works and Communications, a copy of which is attached hereto as Schedule F, seems to be somewhat at variance with the foregoing and to require that at least 75 percent of the capital stock of foreign corporations registered in the Philippines must be owned by Filipinos, in order to be allowed to submit bids for the construction of buildings and other public works and structures under the jurisdiction of that Department.

Under the provisions of Supply Rule No. 15 only a bona fide supplier or a manufacturer, producer, regular dealer or service establishment licensed as such and who holds a valid and subsisting supplier's identification certificate may participate in bidding for supply contracts. Those who wish to obtain such a certificate must submit a certificate of registration with the Bureau of Commerce of the Philippines and/or incorporation or partnership papers duly registered with the Securities and Exchange Commission of the Philippines.

Among the other preferential provisions are the following:

(1) Under the provisions of Executive Order No. 51 dated May 18, 1964 (60 O.G. 3197), all departments, bureaus, offices, agencies, instrumentalities and political subdivisions of the Government, including Government-owned and controlled corporations, the Armed Forces, Government hospitals and public educational institutions, must purchase through public bidding from domestic textile mills, whenever available, all their requirements for clothing materials.

(2) Under the provisions of Executive Order No. 290 of 1958, in all construction which may be undertaken by the national, provincial, city and municipal governments in which it is necessary to use cement, the use of cement manufactured by Government-financed companies is obligatory whenever such cement is available. When it is absolutely impossible to use cement manufactured by Government-financed companies, express authority in each case must be secured in writing from the Secretary of the Department of General Services.

(3) Memorandum Circular No. 56 of the Government Enterprises Council, series of December 31, 1949, requires all government offices and institutions using laundry soap to make their purchases of soap from the National Coconut Corporation.

Provinces, cities and municipalities

Section 3 of the Local Autonomy Act (Republic Act No. 2264 effective June 19, 1959, 17 PAL § 135.22 (1963 Cum. Supp.)) provides that purchases of supplies not exceeding 5,000 pesos (about $1,300) in the case of provinces and chartered cities and 1,000 pesos (about $260) in the case of municipalities and municipal districts may be effected without public bidding, but only after a canvass of prices in the particular province, municipality or city. Otherwise, contracts must be awarded through public bidding.

The letting of contracts for provincial public works is governed by the provisions of Section 1919 of the Revised Administrative Code, a copy of which is attached hereto as Schedule G.

Section 3 of the Local Autonomy Act, supra, provides that awards of contracts for provincial, city and municipal public works should follow the "usual bidding procedure of the government". The "usual bidding procedure" for local public works is that provided for in Section 1919, supra.

The charters of each of the upwards of 40 chartered cities are contained in Acts of the Philippine Congress. Each of them contains provisions with regard to public works contracts. The following provisions of Section 32 of the Revised Charter of the City of Manila (Republic Act No. 409 of June 18, 1949, 17 PAL § 166) are typical:

"SEC. 32. Execution of public works and improvements.—All repair or construction of any work or public improvement except parks, boulevards, streets or alleys involving an estimated cost of three thousand pesos or more shall be awarded to the lowest responsible bidder after public advertisement in the Official Gazette for not less than ten days, by the Mayor upon the recommendation of the city engineer: *Provided, however,* That the city engineer may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration any such public work costing three thousand pesos or more.

"In case of public works involving an expenditure of less than three thousand pesos, it shall be discretionary with the city engineer either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulation, prescribed."

Principal sources

(1) Cobacho and Lucenario, Law on Public Bidding and Government Contracts (Manila, 1960).

(2) Foreign Service Despatch No. 369 dated November 17, 1961, from the United States Embassy in Manila, entitled "Philippine Government Bids".

(3) Airgram No. A–376 dated October 31, 1962, from the United States Embassy in Manila, entitled "Angat Dam Construction Contract", with which is enclosed a copy of the opinion dated November 23, 1962, of the Government Corporation Counsel referred to above.

(4) Airgram No. A–737 dated February 15, 1963, from the United States Embassy in Manila, entitled "Bidding Requirements in the Philippines-Marikina Dam Project".

(5) Letters dated February 2 and February 17, 1965, from Enrique Belo, Esq., of Ponce Enrile, Siguion Reyna, Montecillo & Belo, attorneys of Manila, to Cravath, Swaine, & Moore, New York.

(6) United States Department of Commerce, "Summary and Text of Revised United States-Philippines Trade Agreement," World Trade Information Service, Part 1, No. 55–95 (September 1955).

(7) United States Department of Commerce, "Establishing a Business in the Philippines," Overseas Business Reports, OBR No. 64–11 (February 1964).

SCHEDULE A. THE PHILIPPINES

(Executive Order No. 298 of August 12, 1940 (38 O.G. 2455) as last amended[1] by Executive Order No. 40 of June 1, 1963 (59 O.G. 3579))

(By the President of the Philippines, Malacañan Palace, Manila)

Executive Order prohibiting the automatic renewal of contracts, requiring public bidding before entering into new contracts, and providing exceptions therefor

Whereas, as a matter of general policy, it is in the interest of the public service that Government contracts for public services or for furnishing supplies, materials, and equipment to the Government be submitted to public bidding;

Whereas, when a Government contract has expired, to continue it automatically without again calling for bids is contrary to such policy;

Now, therefore, I, Diosdado Macapagal, President of the Philippines, by virtue of the powers in me vested by law, do hereby direct that no contract for public service or for furnishing supplies, materials and equipment to the Government or any of its branches, agencies or instrumentalities shall be renewed or entered into without public bidding except for very extraordinary reasons to be determined by a Committee composed of the Executive Secretary, as Chairman, and the Auditor General and the Secretary of Justice, as Members: *Provided*, That when there is a tie in the voting of the Committee, the case shall be submitted to the President for decision: *Provided, further,* That when the Head of the Department concerned certifies on the requisition that the supplies, materials or equipment are urgently needed to meet an emergency which may involve the loss of, or damage to, life and/or property or are to be used in connection with a project or activity which cannot be delayed without causing detriment to the public service, the Director of Supply may purchase the supplies, materials or equipment so requisitioned without public bidding, but only after thorough canvass of the market. The Director of Supply may likewise purchase without public bidding supplies, materials or equipment which are sold by an exclusive dealer or manufacturer which does not have subdealers selling at lower prices and for which no suitable substitutes can be obtained elsewhere at more advantageous terms to the Government.

However, highway district engineers, city engineers, or project engineers and headquarters engineers in division offices and in Manila can make direct legitimate emergency purchases with any known company in their province, or in nearby provinces, or in Manila, of spare parts for machinery and equipment used in public works which are of the make of the company and/or locally manufactured spare parts of any make which have been tested and found satisfactory by the Secretary of Public Works and Communications and at their prices, less the usual discount extended to government offices and another discount for cash purchases, provided that if a spare part being purchased in Manila will cost ₱50.00 or more, the representative of the Department of Public Works and Communications shall be accompanied by a representative of the Bureau of Supply Coordination; provided further that if such purchases exceed ₱3,000 per month, prior authority shall be secured from the Secretary of Public Works and Communications; and, provided finally, that except in cases of urgently needed spare parts for immediate use and not for the purpose of carrying them in stock, the approval of the Auditor General or his authorized representative shall be secured before such direct purchases are made.

This Order shall not in any way affect the regulations contained in Department Orders Numbered Seventy-three and Seventy-four of the former Department of Commerce and Communications, which will continue in full force and effect; and it contemplates that the provisions of Department Order Numbered Two, dated January fourteenth, nineteen hundred and thirty-six, of the Department of Finance, are hereby followed by all concerned.

Executive Order Numbered Sixteen, dated February third, nineteen hundred and thirty-six, as amended by Executive Order Numbered Ninety-eight, dated April twenty-fourth, nineteen hundred and thirty-seven, is hereby revoked.

SCHEDULE B. THE PHILIPPINES

(Revised Administrative Code, Section 1917)

§ 1917. Letting of contracts for National Public Works.—When any national public works of construction or repair involves an estimated cost of ten thousand pesos or more, the contract therefor, shall, except as hereinbelow provided, be awarded by the Director of Public Works to the lowest responsible bidder after publication in the Official Gazette, in accordance with Commonwealth Act Numbered Six hundred and thirty-eight, for at least three times extending over a period of at least ten days: *Provided, however,* That in case of urgent necessity, the Director of Public Works may, with the approval of the President of the Philippines, upon the recommendation of the Secretary of Public Works and Communications, execute by administration and without advertising for bids any public work costing ten thousand pesos or more.

In the case of national public works involving an expenditure of less than ten thousand pesos, it shall be discretionary with the Director of Public Works either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulation, prescribed.

SCHEDULE C. THE PHILIPPINES

(Commonwealth Act No. 138 of November 7, 1936 (36 PAL §§ 12–15))

Commonwealth Act No. 138.—An Act to give native products and domestic entities the preference in the purchase of articles for the Government.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The Purchase and Equipment Division of the Government of the Philippines and other officers and employees of the municipal and provincial governments and the Government of the Philippines and of chartered cities, boards, commissions, bureaus, departments, offices, agencies, branches, and bodies of any description, including government-owned companies, authorized to requisition, purchase, or contract or make disbursements for articles, materials, and supplies for public use, public buildings, or public works, shall give preference to materials and supplies produced, made, and manufactured in the Philippines or in the United States, and to domestic entities, subject to the conditions hereinbelow specified.

SEC. 2. For the purposes of this Act, the terms hereunder are hereby defined as follows:

(a) The term "United States" includes the United States of America, the District of Columbia, and any State or territory of the North American Union;

(b) The term "domestic entity" means any citizen of the Philippines or of the

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[1] Previously amended by Executive Order No. 146 of December 27, 1955 (52 Official Gazette [O.G.] 2), Executive Order No. 212 of November 6, 1956 (52 O.G. 6455), Executive Order No. 318 of September 17, 1958 (54 O.G. 6399) and Executive Order No. 358 of September 23, 1959 (55 O.G. 8259).

United States habitually established in business and engaged in the manufacture or sale of the merchandise covered by his bid, or any corporate body or commercial company duly organized and registered under the laws of the Philippines of whose capital 75 per centum is owned by citizens of the Philippines or of the United States, or both;

(c) The term "domestic bidder" means any person or entity offering unmanufactured articles, materials, or supplies of the growth or production of the Philippines or of the United States, or manufactured articles, materials or supplies manufactured or to be manufactured in the Philippines or in the United States, substantially from articles, materials or supplies of the growth, production or manufacture, as the case may be, of the Philippines or of the United States;

(d) The term "foreign bid" means any offer of articles, materials, or supplies not of the growth or production of the Philippines or of the United States, or of manufactured articles, materials, or supplies not manufactured or to be manufactured in the Philippines or in the United States, substantially from articles, materials, or supplies of the growth, production, or manufacture, as the case may be, of the Philippines or of the United States.

SEC. 3. Only unmanufactured articles, materials, or supplies of the growth or production of the Philippines or of the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the Philippines or in the United States, substantially from articles, materials, or supplies of the growth, production, or manufacture, as the case may be, of the Philippines or of the United States, shall be purchased for public use and, in case of bidding, subject to the following conditions:

(a) When the lowest foreign bid, including customs duties, does not exceed two pesos, the award shall be made to the lowest domestic bidder, provided his bid is not more than one hundred per centum in excess of the foreign bid;

(b) When the lowest foreign bid, including customs duties, exceeds two pesos but does not exceed twenty pesos, the award shall be made to the lowest domestic bidder, provided his bid is not more than fifty per centum in excess of the lowest foreign bid;

(c) When the lowest foreign bid, including customs duties, exceeds twenty pesos but does not exceed two hundred pesos, the award shall be made to the lowest domestic bidder, provided his bid is not more than twenty-five per centum in excess of the lowest foreign bid;

(d) When the lowest foreign bid, including customs duties, exceeds two hundred pesos but does not exceed two thousand pesos, the award shall be made to the lowest domestic bidder, provided his bid is not more than twenty per centum in excess of the lowest foreign bid;

(e) When the lowest foreign bid, including customs duties, exceeds two thousand pesos, the award shall be made to the lowest domestic bidder, provided his bid is not more than fifteen per centum in excess of the lowest foreign bid.

SEC. 4. Whenever several bidders shall participate in the bidding for supplying articles, materials, and equipment for any of the dependencies mentioned in section one of this Act for public use, public buildings, or public works, the award shall be made to the domestic entity making the lowest bid, provided it is not more than fifteen per centum in excess of the lowest bid made by a bidder other than a domestic entity, as the term "domestic entity" is defined in section two of this Act.

SEC. 5. This Act shall take effect on its approval.

Approved, November 7, 1936.

SCHEDULE D. THE PHILIPPINES

(Commonwealth Act No. 541 of May 26, 1940 (36 PAL §§ 325–326))

(Commonwealth Act No. 541)

An Act to regulate the awarding of contracts for the construction or repair of public works

Be it enacted by the National Assembly of the Philippines,

SECTION 1. All branches, offices, and subdivisions of the Government and all government-owned or controlled companies, authorized to contract and make disbursements for the construction or repair of public works, shall give preference in awarding contracts for such works to Filipino or American contractors and domestic entities when the lowest bid of a domestic bidder is not more than fifteen per centum in excess of the lowest foreign bid: *Provided, however,* That for the construction of land, air, and seacoast defenses, arsenals, barracks, depots, hangars, landing fields, quarters, hospitals, and all other buildings and structures required for the national defense of the Philippines, no foreign bids shall be allowed.

SEC. 2. For the purposes of this Act, the following terms shall be taken in the sense hereinbelow indicated:

(a) The term "Filipino or American contractor" means any citizen of the Philippines or of the United States habitually established in business and engaged in general construction work.

(b) The term "domestic entity" means any corporate body or commercial company duly organized and registered under the laws of the Philippines seventy-five per centum of the capital of which is owned by citizens of the Philippines or of the United States, or by citizens of both countries.

(c) The term "domestic bidder" means any Filipino or American contractor or domestic entity which bids for any public work or work of construction or repair for the Government of the Philippines and/or any of its instrumentalities as enumerated in section one of this Act.

(d) The term "foreign bid" means the bid of any other contractor or entity, not included in subsection (a) of this section.

SEC. 3. This Act shall take effect upon its approval.

Approved, May 26, 1940.

SCHEDULE E. THE PHILIPPINES

(Republic Act No. 912 of June 20, 1953 (36 PAL §§ 16–20))

(Republic Act No. 912)

An Act to require the use, under certain conditions, of Philippine made materials or products in government projects or public works construction, whether done directly by the government or awarded thru contracts

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled,

SECTION 1. In construction or repair work undertaken by the Government, whether done directly or thru contract awards, Philippine made materials and products, whenever available, practicable and usable, and will serve the purpose as equally well as foreign made products or materials, shall be used in said construction or repair work, upon the proper certification of the availability, practicability, usability and durability of said materials or products by the Director of the Bureau of Public Works and/or his assistants.

SEC. 2. For the purpose of carrying into effect the purposes of this Act, the Director of Public Works shall prepare or cause to be prepared, from time to time, a list of building and construction materials and products made in the Philippines that are available, durable, usable and practicable for construction and building purposes.

SEC. 3. No contract may be awarded under the provisions of this Act unless the contractor agrees to comply with the requirements of this Act, and a contract already awarded may be rescinded for unjustified failure to so comply.

SEC. 4. It shall be the duty of the Director of Public Works and/or his assistants, including the district engineers, to see to it that the requirements of this Act are faithfully complied with by the persons concerned, and failure on their part to do so shall subject them to dismissal from the government service or other disciplinary action.

SEC. 5. The Director of Public Works, subject to the approval of the Secretary of Public Works and Communications, is hereby empowered to promulgate such rules and regulations as may be necessary to carry into effect the purposes of this Act.

SEC. 6. This Act shall take effect upon its approval.

Approved, June 20, 1953.

SCHEDULE F. REPUBLIC OF THE PHILIPPINES, DEPARTMENT OF PUBLIC WORKS AND COMMUNICATION, BUREAU OF PUBLIC WORKS, MANILA

(Administrative Order No. 3)

Rules governing the filing of contractor's confidential qualification statements, issuance of plans, specifications, and/or proposal book, submission of bids, opening and consideration of same and recommendations.

1. General information for bidders:

Pursuant to requirements of law, bidders for the construction of public buildings and other public works and structures should meet one of the following requirements:

(a) Be a citizen of the Philippines; or if not such a citizen.

(b) Be a citizen of a country the laws of which grant similar right or privilege to citizens of the Philippines. To prove the latter, he is required to produce his citizenship papers and other proper evidence showing that the laws of his country grant similar right or privilege to citizens of the Philippines. (Act 4239 & Adm. Ord. No. 96, s. 1935.)

(c) Be an association or corporation duly registered or incorporated under the laws of the Philippines and of which at least 75 percent of the capital stock belongs wholly to citizens of the Philippines. Act 4239 & Com. Act No. 541. The Manager or head or other duly authorized representative of said association or corporation should be required to file evidence of registration or incorporation and that at least 75 percent of the capital stock belongs wholly to citizens of the Philippines.

What foreign entities or individuals are allowed to bid in the Philippines?

(1) Citizens of foreign countries who have proved that the laws of their country grant similar right or privilege to citizens of the Philippines.

(2) Associations or corporations duly registered or incorporated under the laws of the Philippines, of which not less than 75 percent of its capital stock, or of any interest in said capital stock, belongs wholly to citizens of the Philippines.

Flag law applicable to foreign bidders

Pursuant to Act 4239, as modified by Com. Act No. 541 and Republic Act No. 76, foreign bidders of the above classifications (1) and (2), otherwise qualified, may bid for public works (except defense works) but preference shall be given in awarding contracts for such works to Filipino citizens or domestic entities when the lowest bid of such domestic bid is not more than 15 percent in excess of the lowest foreign bid.

What foreign entities or individuals are disqualified from bidding?

(1) Citizens of foreign countries who have not proved by proper evidence that the laws

of their country grant similar right or privilege to citizens of the Philippines.

(2) Foreign corporations or associations not duly organized, registered, or incorporated under the laws of the Philippines.

Purchase of materials

For the application of the Flag Law to purchase of materials and supplies, please see Com. Act No. 138.

2. Technical qualifications of personnel: In addition to either of the foregoing requirements, a bidder must also qualify in any one of the following:

(a) An individual contractor should be a registered and currently licensed civil engineer. In case of buildings, a registered and currently licensed architect may take the place of a civil engineer. In the case of the installation or construction of machinery, or electrical apparatus or plant, the services of a duly registered and licensed professional mechanical engineer or electrical engineer shall be necessary.

(b) Subject to the above conditions, an association of duly registered civil engineers and/or of architects duly registered and licensed professional mechanical engineers or electrical engineers, may also submit bids for projects for which they are qualified individually.

(c) Individuals, associations and/or corporations, duly qualified to enter into these kinds of contracts, although lacking by themselves the above qualifications, may also submit bids provided that they engage the services of persons qualified to assume responsibility for the proper prosecution of the project for which a bid is being submitted.

In this case, the contract of employment, or a valid contract to employ, duly signed by the prospective bidders and the civil engineer, architect, mechanical or electrical engineer, as the case may require, whom he has already employed or has contracted to employ for the project under consideration, should be presented.

3. Financial resources:

A prospective bidder must convince the committee that he has financial resources in the form of cash on hand, or usable materials, fixed or current deposit in a reputable bank, or a credit line granted by such a bank, in the amount specified in the Advertisement, exclusively available for use on the project for which his bid is being submitted.

A certificate of the bank where the deposit is kept, or with which the credit line has been arranged, shall be acceptable evidence of the bidder's financial resources.

4. Necessary machinery and equipment:

The prospective bidder must also prove through his answers to the Equipment Questionnaire in his Confidential Statements (Pre–C–1 & 2) that adequate working machinery and other equipment or tools, both in number and in kind, are owned by him, or available to him through actual lease contract or contract to lease, copy of which shall be presented, for the efficient and speedy accomplishment of the project on which he proposes to bid.

For the guidance and information of prospective bidders, the minimum requirements in this connection for the specific project should be enumerated, if necessary, in the Notice or Advertisement calling for bids on the Project.

5. Proposal bond:

The bidder shall also present a duly accomplished cash or surety proposal or bid bond, in an amount equivalent to at least 5 percent of his total bid price. Any bid supported by a bid bond in an amount less than 5 percent of the total bid price shall be disqualified and will not be considered in the award.

The bond shall be made out specifically and exclusively for the definite project for which the bid is submitted, by a duly licensed bonding company or firm, in favor of the Director of Public Works, and conditioned to the effect that it shall be forfeited totally to the Bureau of Public Works, if the bidder should refuse or fail to enter into contract with the said Bureau, if his bid is accepted and the Contract is ordered awarded to him.

6. Confidential qualifications statements to be submitted by prospective bidders to the Committee on Prequalification and Awards:

(1) The contractors' confidential qualification statement (Form No. Pre–C–1) shall be submitted to the executive officer and secretary of the Committee on Prequalification and Awards once every calendar year, not later than the 15th day immediately preceding the opening of bids in which the Contractor proposes to participate for the first time, provided that, for bids scheduled to be opened during the first twenty (20) days of any calendar year, the contractor's confidential qualification statement (Form No. Pre–C–1) of the previous year, if any had been previously filed, will be sufficient.

(2) To obtain a copy of the plans, specifications and/or proposal book from the Division concerned, a prospective bidder should present to the chairman of the Committee on Prequalification and Awards an additional statement entitled contractors' confidential statement for the issuance of plans, specifications and/or proposal book (Form Pre–C–2), not later than the deadline set by the corresponding committee, after which date no other statements will be received by the said committee.

7. Prequalification:

The committee, together with the Representatives of the other entities concerned in the project, shall examine the qualifications statements (Form Pre–C–1 & 2) and all the other papers filed by the prospective bidders, with a view to determining who of the prospective bidders are to be deemed prequalified or pre-disqualified by the committee for this particular project, in the light of the requirements stated in the advertisement and of these Rules.

8. Reservations:

The Bureau of Public Works reserves the right to waive any stated requirements or impose additional ones for certain projects, or disqualify a bidder on account of poor performance in previous contracts, or for such other causes as it may deem adequate, as the best interests of the government may require.

9. Issuance of plans, specifications and/or proposal book:

The Plans, specifications and/or proposal book for the Project scheduled for bidding shall be issued only by the Office of Division concerned to prospective bidders who have been prequalified by the committee as evidenced by the presentation of the prospective bidder's confidential statement for the issuance of plans, specifications and/or proposal book (Pre–C–2) duly stamped or marked "Prequalified by the committee" and signed by the chairman of the Committee on Prequalification and Awards of the Division concerned. The official receipt evidencing deposit of the necessary amount to guarantee return of such plans, specifications and/or proposal book, when necessary, shall also be presented.

10. Opening of bids and preparation of abstract and tabulation:

The sealed bids will be received by the Chief of the Administrative Division or his representative as heretofore done, and opened as scheduled in the presence of a representative of the General Auditing Office and the Division concerned. The abstract of bids shall be prepared and signed immediately after the opening of bids. Then the tabulation of bids shall be prepared by the corresponding Division of the bureau of public works as heretofore done. The abstract, together with the tabulation shall be submitted without unnecessary delay to the executive officer and secretary of the Committee on Prequalification and Awards of the Division concerned.

11. Deliberation and recommendations: Reservation.

Said committee, together with the representative of the other entities concerned, shall meet to examine and consider in all its particulars all the bids received.

The comments, suggestions, observations and other manifestations, if any, of the representatives of the other entities concerned, should be accorded due consideration, and, if necessary, noted in the minutes of the proceedings of the committee.

The committee by a vote of at least two (2) of its three (3) members, shall recommend award of the Contract to the Bidder whose proposal appears to be the most advantageous to the Government, but the right is reserved to reject any or all bids, to waive any defect or informality in the bids received, and to accept or reject any bid, as the best interests of the Government may warrant. The committee may also disregard any bid which is obviously unbalanced or below what the work can be done for. Reasonable grounds for supposing that any bidder is interested in more than one bid for the proposed work under this bidding will be a sufficient cause for the rejection of all bids in which he is interested; likewise, where there is reason to suspect that there is evident collusion on the part of the bidders, then the right to reject may be freely exercised.

12. The recommendations of the committee shall be indicated on the tabulation; which shall be signed by the committee, and then submitted to the Chief of the Administrative Division for preparation of the corresponding Contract and transmittal papers. The whole set of papers will then be presented to the Director of Public Works to serve as basis for his recommendation to the Secretary of Public Works and Communications.

At its option, when necessary, the committee may require the winning bidder to fill out and submit a supplementary Contractor's Confidential Qualification Statement (Pre-C–3), before forwarding its recommendation.

13. Scope of application of these rules:

These rules shall govern all construction, reconstruction and major repair works prosecuted under contract, financed, wholly or partly, by national funds.

For national public works projects, bids for which are called for solely in the provinces and cities, the Committee on Prequalification and Awards shall be composed of the District/City Engineer, as Chairman, the Senior Civil Engineer, as Member, and Chief Clerk, as Member and Secretary.

This committee shall have the powers and duties specified in these rules, and such others as may be necessary and proper for the accomplishment of the stated duties.

14. Effectivity:

These regulations shall be uniformly followed by all divisions effective upon being furnished a copy hereof, for all projects then still under consideration.

15. Repealing clause:

All previous orders, rules or regulations of this Office inconsistent herewith, are hereby revoked. Those not in conflict herewith are to be deemed still in effect.

(SGD.) ISAIAS FERNANDO,
Director of Public Works.

SCHEDULE G. THE PHILIPPINES

(Revised Administrative Code, Section 1919)

§ 1919. Letting of contracts for provincial work.—Except in the case of work upon roads or trails, every provincial work of construction or repair involving an estimated expenditure of ten thousand pesos or more shall be let to the lowest responsible bidder, after advertisement for not less than ten days in the Official Gazette, and by notice posted for not less than ten days at the main entrance of the provincial building, but nothing herein shall be construed to prevent the giving of such further notice or making such further publication as will secure ample publicity for all invitations for bids: *Provided, however,* That in case of urgent necessity, the provincial board may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration and without advertising for bids any public work costing ten thousand pesos or more.

Provincial work not within the purview of the preceding paragraph may be prosecuted upon provincial account or may be let without advertisement, subject to the regulation of the Bureau of Public Works.

The district engineer shall perform the duties incident to advertising for bids for provincial public work, and the letting of contracts therefor; and with the approval of the provincial board, he may reject any or all bids received, in which case he may advertise anew or, with the approval of the board, may proceed with the execution of the work upon provincial account.

NEW YORK CITY IN CRISIS—PART LXII

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MULTER. Mr. Speaker, the following articles concern two of the main problems faced by the city of New York: housing and the flight of business.

They appeared in the New York Herald Tribune on March 19, 1965, and are part of the series on "New York City in Crisis."

The articles follow:

OPEN-ARMED RAIDERS: THE CITY'S DEFENSE

(By Barrett McGurn)

"Don't bother to dictate a letter of reply. Instead, please complete the form below:

"You may phone to arrange a conference. My phone number is: area code 216 596–1861. ☐

"Please mail me your folder. ☐

"Sorry, but we contemplate no expansion in the foreseeable future. ☐"

That's how the letter from Mayor Stanley Robertson of the city of Conneaut, Ohio, reads. That's the offer Manuel Hochberg, president of the Regal Metal Products Corp., of 848 Stanley Avenue, Brooklyn, has received. It's easy enough. All Mr. Hochberg would have to do would be to check one of the appropriate spaces and the city of Conneaut, population 10,557, would proceed with its job raid on New York, which is still America's main manufacturing center.

Mr. Hochberg has decided not to accept Mayor Robertson's offer. Conneaut, for one thing, is too far away from the 16 million consumers in New York City and its suburbs.

But if some one else can suggest something not that many hundreds of miles away, Mr. Hochberg will listen.

That's one reason why a group of subcommittees representing the main banking, insurance, department store and utilities investments of New York are at work trying to see what can be done to guarantee that neither Conneaut nor any other city or town continues to siphon off the blue-collar manufacturing which provides work for those New Yorkers who are least able to compete for the white-collar jobs, and are most likely to swell the rolls of the welfare clients and of disturbers of the city peace.

The business community subcommittees were set up Wednesday at a meeting of the Committee of Fourteen, acting in the names of 70 presidents and board chairmen of New York's and America's largest corporations.

The Committee of Fourteen includes the presidents or board chairmen of the Chase Manhattan, Irving Trust and Seamen's Bank for Savings, the Consolidated Edison Co. of New York and the New York Telephone Co., the Ford Foundation, R. H. Macy's and Abraham & Straus, the Brooklyn Union Gas Co., the New York Chamber of Commerce, the Commerce and Industry Association of New York, and the Downtown Lower Manhattan Association.

The businessmen's committee said yesterday that they used their Wednesday organizing meeting to compare views on how to "improve the business and job climate" of New York. They agreed in principle to form a private industrial development corporation that conceivably could be an expanded and reorganized version of the year-old corporation now serving as the bulk of the work of the city's Department of Commerce and Industrial Development. The job of launching a citizens' drive to help beleaguered New York was broken down into sections, and subcommittee chairmen were assigned to each area of work.

Two spokesmen were chosen, the presidents of the Commerce and Industry Association of New York (Henry Chandlee Turner, Jr.) and of the two-century-old New York Chamber of Commerce (Walter F. Pease), America's largest and oldest local chambers of commerce respectively.

The two spokesmen said that there would be no comments until the working committees return with reports. Quick action, in a week or two, is expected.

The letter from Mayor Robertson of Conneaut illustrated what the businessmen and the city's Department of Commerce and Industrial Development face. The promotion director of a soap or of a breakfast food could not have told his story more alluringly. Mayor Robertson wrote to Mr. Hochberg:

"I've waited 3 years to write you this letter. You see it was back in 1961 that public officials and private citizens here joined forces in launching a program to provide land, buildings and financial assistance for firms. * * *

"And now * * * on behalf of * * * Conneaut, I invite you to establish a business operation here. Our citizens agree with economists who say:

"'Business goes where it's invited.

"'And stays where it's appreciated.'

"We appreciate the importance of business to our community and we would welcome your organization with open arms.

"May we help you in your expansion plans by scheduling a conference to talk about such things as financial assistance, favorable tax rates, utilities, police and fire protection etc.? Or if you prefer * * * may we mail you a copy of our 'Conneaut Commands Consideration' folder (facts and figures about Seaway Industrial Park and Conneaut, Ohio)?"

Mr. Hochberg said he is fed up with New York's rising taxes and with job-hopping labor but he agreed to listen to counterarguments from New York's spokesmen.

With the businessmen still in the organizing stage, the city's own industrial development corporation made it clear that they would be in to see Mr. Hochberg within hours. They will argue that markets and good labor are here, and that New York at least is willing to consider zoning variances and other adaptations making it easier for a businessman to survive inside this city of congestion, of traffic, of taxes and of other difficulties.

OUR HOUSING LAW ENFORCEMENT MUDDLE

(By Alfonso Narvaez)

Two Manhattan Republican legislators announced yesterday that they will make a determined effort to obtain passage of a law establishing a unified agency to enforce housing laws in New York City.

Assemblymen Paul J. Curran and S. Willian Green said they will introduce a bill on Monday, and will "press to see that the Democratic majority report the bill out of committee and pass this important legislation."

On Wednesday, a bill to create just such an agency—a department of building inspection and maintenance—was defeated by the Democrat controlled assembly and was recommitted to the committee on general laws, thus killing the measure for this session.

The bill, Assembly Introduction 1214, was recommitted at the request of the sponsor—Assemblyman Alfred A. Lama, Democrat, Liberal, Brooklyn—and at the behest of the city administration.

The bill would have created a single agency with authority to deal with all the housing laws in the city. At present there are six agencies, with overlapping jurisdictions, that enforce housing laws.

"I recommitted the bill at the request of the city," Mr. Lama said yesterday. "They told me they were waiting for a report from Columbia University, which is making a study of the whole question of inspections, and it would take a month or two for the report to be completed.

"They told me to wait for the results of the study and to then draw up a bill along those lines."

However, a preliminary draft of the study by the Columbia University Legislative Drafting Research Fund, headed by Prof. Frank Grad, has been in the hands of the city administration for more than 2 months.

Professor Grad said last week, that he had filed a preliminary report on consolidation of housing enforcement agencies several months ago but the city has not yet released his recommendations.

In Albany, Assemblymen Curran and Green were incensed at the defeat of the bill and the continued delay.

"New York City desperately needs unified housing enforcement," they said. "Both of us have seen in our own districts the blighting effect of divided responsibility in this field and the resulting breakdown in housing enforcement."

Mr. Green said that both the city and the Legislature had studied the problem over the years, and that further delay was unjustified.

"Mayor Wagner has studied this question to death," he said. "The time for action is now. We call upon the assembly Democrats to throw off the shackles of Mayor Wagner and pass legislation at this session to give the people of New York the unified housing enforcement so desperately needed."

Mr. Curran added that unless pressure was put on the assembly, the measure "would never come out of committee."

NEW YORK CITY IN CRISIS—PART LXIII

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article on bias in the construction-trades unions in New York City. It is part of the series on "New York City in Crisis" and appeared in the New York Herald Tribune on March 20, 1965.

The article follows:

Mayor Hit for Inaction on Building Bias

(By Barry Gottehrer)

A fight between Mayor Wagner and the New York Young Republican Club exploded publicly yesterday over the mayor's 2-year delay in taking action to end bias in the construction trades unions.

In an exchange of letters between the club and the mayor released yesterday, Charles G. Moerdler, club president, criticized the city administration for failing to give any assurances that Negroes and Puerto Ricans will be granted equal job opportunity in the construction of "Co-op City." "Co-op City" is a Bronx middle-income housing project to be financed by a $263 million mortgage loan provided by the State under the Mitchell-Lama housing program.

Calling on the mayor "to withhold public funds and tax abatements from any new construction to be erected by segregated labor," Mr. Moerdler charged that an effective city administration "would urge organized labor to oust from its midst those unions that persist in discriminatory practices and would make it most unprofitable for those businesses which persist in doing so.

"None of these things," charged Mr. Moerdler, "has been done by Mayor Wagner."

STILL STUDYING

Though the mayor's failure to act on several "urgent" proposals on bias in the construction unions dates back to 1963, when he received a series of recommendations from the Commission on Human Rights and his own action panel (the mayor's office said yesterday he was planning a "progress" report), yesterday's controversy is only 1 month old.

On February 9, at a press conference announcing plans for "Co-op City," the mayor was asked what employment opportunities would be made available for minority group workers.

"We have been working on that problem," the mayor said. "Peter Brennan (president of the Building Trades Council) is working on that."

At this point, Mr. Brennan called out from the rear of the room, "Tell them it's all taken care of, Bob, that's all you have to answer."

That was all the mayor did answer and Mr. Brennan later was unavailable to outline exactly how it was all taken care of.

To get an answer to this question, the New York Young Republican Club wrote the mayor on March 10, citing the article from the Herald Tribune's "New York City in Crisis" series about the press conference.

In the letter, Mr. Moerdler demanded to know what Mr. Brennan had meant and "what guarantees have been given to assure that equal job opportunities will finally become a reality with respect to all construction in this city."

On March 13, Julius C. C. Edelstein, executive assistant to the mayor and his answer man, answered Mr. Moerdler.

According to Mr. Edelstein, the mayor "had no recollection of the exchange" between himself and Mr. Brennan although "he knows that an account along the lines you cite did appear in one of the newspapers."

"Indeed many reports are given currency these days whose accuracy the mayor would not care to underwrite."

Expressing the mayor's appreciation for the Young Republicans' concern as a "sign of the times and the year (an election year)," Mr. Edelstein said the alleged exchange does not reflect the mayor's attitude.

"The mayor," continued Mr. Edelstein, "has not ceased to exert both pressure and persuasion upon those few unions which have resisted steps toward the equalization of opportunity for admission into these unions. Contrary to the implications * * * substantial progress has been made by many of the unions in changing longstanding practices and rules. Of course, the progress made could not be considered sufficient in the light of the magnitude of the problem."

THE COUNTERATTACK

Failing to cite a single statistic or specific to document his claim of "substantial progress," Mr. Edelstein concluded by saying, "The question is, however, what efforts could have been exerted, and by whom, to have achieved a greater result? What power does the city government possess which, if applied, could produce this more gratifying result? Would shutting down city construction—a coercive measure which is suggested in your letter—contribute to the desired outcome? And by what steps?

"If such coercion is proposed as a proper measure by the city government, should it not also be urged upon the State government and upon the private construction industry, too?

"This is not to say that your letter indulges in such over-simplification. But the mayor thought I ought to call the possibility of it to your attention."

It was this letter—and another by Mr. Moerdler dated March 18—that led to the open controversy yesterday.

Though Mr. Edelstein, the mayor, and Peter Brennan could not be reached for comment yesterday afternoon, two reporters from the World-Telegram and Sun and a spokesman for the Human Rights Commission were.

The two newsmen, who also covered the press conference at which the exchange between the mayor and Mr. Brennan was reported in the Herald Tribune and denied by the mayor, corroborated the Herald Tribune's version.

AND STILL WAITING

A spokesman for the Human Rights Commission, which asked the mayor in 1963 to cancel contracts with construction firms shown to have engaged in discriminatory practices, said the commission is still waiting for an answer—and some action—from city hall.

Asked what Mr. Brennan meant by his statement that the matter was being taken care of, a spokesman for Mr. Brennan said yesterday that the building trades unions have been asked to send reports in to the central office detailing exactly how many Negroes and Puerto Ricans have entered each union.

When would some information be available?

"I just can't say," the spokesman said. "It will take us a while compiling the information."

In his letter of March 18, Mr. Moerdler told Mr. Edelstein, "If these various reports do not, as you suggest, 'reflect the mayor's attude on this matter,' it behooves him to speak for himself.

"It is difficult to believe that there is, as you suggest, a conspiracy afoot on the part of the press to publish reports '* * * whose accuracy the mayor would not care to underwrite.'

"Your question as to what an effective and conscientious mayor might do finally to end discrimination in this city is a most shocking admission of the moral decline of this city's government."

Mr. Moerdler concluded by saying he was delighted that the mayor appreciates the club's interest in the achievement of equal opportunity.

"Through such distinguished former club officers and members as Congressman Lindsay, Senator Javits, Governors Rockefeller and Dewey, Jackie Robinson and the late Stanley M. Isaacs, to name a few, we have tried over the years to make our contribution.

"I hope that we can finally persuade the mayor to make his."

THE CHOICE IN VIETNAM

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Krebs] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KREBS. Mr. Speaker, during recent weeks much has been written on the crucial matter of Vietnam. In my mind few newspapers have carried as clear an editorial as that of the Newark Evening News of April 28, 1965, which follows. I commend it to my colleagues and interested Americans as a lucid exposition of the grave situation facing our Government:

The Choice

President Johnson's restatement of policy on Vietnam was incisive, directed as much to his critics at home as to the governments of Hanoi, Peiping, and Moscow.

Nowhere was there an intimation of retreat from the position enunciated at Baltimore. The offer to hold unconditional discussions with any government, anywhere and at any time remains open.

Nor is there any slackening of the determination to resist Communist aggression with the most effective weapons at our command.

More cogently than any of his Cabinet officers, the President buttressed the case for bombing military targets in North Vietnam. In so doing, he relied upon this single, telling contrast:

On one side, bombs surreptitiously planted in movie houses, children's play fields and the U.S. Embassy in Saigon. On the other, bomb runs carried out against North Vietnam's bridges, radar installations and ammunition dumps where few, if any, civilians reside.

In light of this contrast, Mr. Johnson found it hard to understand, as others also must, how some persons can criticize the bombing of military targets in North Vietnam and "never open their mouth about a bomb being placed in our Embassy in South Vietnam."

Though he resisted the temptation, the President might as pointedly have asked his homefront critics what alternative they propose. Do they suggest we absorb all that is thrown at us without striking back? Or do they recommend withdrawal, leaving South Vietnam and the rest of southeast Asia to go under?

If either is their preference, they've been singularly silent about it.

Painful as may be this country's position in southeast Asia, it is difficult to see what course, beyond the one he is following, is open to the President. He has stated without equivocation his readiness to negotiate. He has made just as clear this Nation's determination to meet force with superior force.

The choice rests with the enemy. And the answer must come from Hanoi, Peiping, and Moscow.

PROPOSED TAX CREDIT FOR HIGHER EDUCATION EXPENSES

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. McCarthy] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McCARTHY. Mr. Speaker, I wish to introduce a bill to amend the Internal Revenue Code of 1954 to allow a tax credit to individuals for the expenses of providing higher education.

Under its provisions, persons paying for higher education would receive income tax credit on the first $1,500 expended for tuition, fees, books, and supplies.

The costs of higher education are heavy, both for colleges and for students. In 1961-62, for example, while tuitions were soaring and parents were groaning, student fees provided only 42 percent of the income of the average private institution in New York State. Congress has long recognized the burden institutions of higher education bear and the debts that we owe them for assuming the responsibility of educating our youth. These institutions, for example are tax exempt; there are numerous and generous Government programs for construction of buildings, for training of teachers, for research. Needy students, too, get assistance. The National Defense Education Act has served over 500,000 students with loans. And under the Economic Opportunity Act the very needy student is offered a work-study program to enable him to meet the costs of his education.

These programs are good; they are extensive; and they are indisputedly valuable. But just as many poor people are too poor to benefit from existing Federal aid programs—such as farm loans, or small business loans, or housing loans—many concerned parents are too rich for their children to qualify for scholarships yet not rich enough to pay school costs without considerable sacrifice and stress. The bill I have introduced today would help relieve a hard pinch on these family purses.

The average family income in the United States in 1963 was $6,249. College costs average $1,500 for public and $2,370 for private institutions. My point is clearly made: This represents a substantial chunk of the family's income. And a taxed chunk at that.

In addition, many, many families are trying to educate more than one child at the same time. Take my case as an example. I have five children—ages 7, 5, 4, 2, and 1. I hope to see them all in college some day. If this is possible, I could be paying four tuitions simultaneously for at least 2 years. Frankly, the prospect staggers me. Granted, this is an extreme case. But it does illustrate the problems that many families face in offering their children a college education.

Briefly, the bill provides a credit against taxes owed for the first $1,500 expended for tuition, fees, books, and supplies for a student in an institution of higher education. Room and board expenses are not covered by this credit. We propose that the credit be computed as follows: 85 percent of the first $200 expended, 30 percent of the next $300 and 10 percent of the next $1,000. A recent New York State regents study showed that the median tuition in private, 4-year, nondenominational collegiate institutions was $1,500 for 1964-65—just the amount that would be exempted under this bill. The family paying this amount in tuition would receive a credit of $360.

The sliding scale serves as a device to equalize the benefits afforded to students at private and public colleges. It provides most relief for the first few hundred dollars of tuition expenditure—and this is welcome relief for those attending public colleges where tuition and fees are low compared to private colleges.

A comparison can be made for New York State. I just noted that a family with a student in a private college in New York State, paying minimum costs of $1,500 for tuition and fees would receive $360 in credit.

The public State University of New York averages fees and tuition of $515 to $865. The credit afforded to people paying these fees would be $272 on the low end and $297 on the high end of the scale. The individual in the private college would be relieved of the burden of 24 percent of his expenditure up to $1,500, while the individual in the public school would be relieved of from 34 to 53 percent of his costs—indicating that those in public colleges benefit on a proportionately higher scale.

The credit is available to anyone who pays the costs for higher education—parent, student, or other benefactor. And a further control on its outflow is the limitation on benefits to higher income individuals. If the income of an individual paying education expenses exceeds $25,000, his credit is reduced by 1 percent of anything over that amount. Taxpayers in high income brackets get no credit at all, and the taxpayer with income of $30,000 per year receives substantially less credit than a man supporting his family on $15,000.

The middle- and upper-income earner, it becomes increasingly evident, is heavily hit by taxes, as is to be expected under our progressive tax system. Just this year, as we saw, this group of income earners found themselves owing the Government upwards of half a billion dollars over and above what was withheld from their salaries. An example is a $20,000-a-year man with a wife and two children. He found himself owing $707.21—beyond the $2,975.79 that had already been withheld for taxes from his earnings. Sending one of his two children to college would make an appreciable dent in his income this year.

The New York regents study estimates that by 1970 almost 35,000 students from the Buffalo area will be seeking higher education—a 35-percent increase over those who are now enrolled from that area. Many of the families I serve are middle-income families who would benefit from this legislation. During my campaign, I was repeatedly assured of their support for this measure.

The education of our youth is of essential importance to the future of this Nation. We have recognized this fact in our heavy support of institutions of higher education. But now is the time for us to help out the other participants in this complex area of higher education—the students and the families who make it possible for them to be students. Scholarships and loans cannot serve everyone in need—but legislation such as this tax-credit bill can ease the strain for some of those who bear the full burden of paying for a college education. I endorse immediate action on this legislation.

ISRAEL'S 17TH ANNIVERSARY EVENT

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Fascell] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FASCELL. Mr. Speaker, today we celebrate the 17th anniversary of the rebirth of a free Israel. For nineteen hundred years mankind was without the benefit of the nation which gave to man a new concept of God, the essence of three great religions, and the world's greatest Book.

There is no older section of the world of the Near East. It is a rugged land ravaged by time and filled with paradoxes which give rise to both hope and despair. Yet in this land can be found one of the most inspiring stories of this or any other century: the story of the birth of Israel, her struggle to maintain independence amidst hostile neighbors, and her efforts to extend freedom to people of all nations.

Israel is a small country but in less than 2 decades her people have built in their ancient homeland a strong and dynamic modern state. Once again Israel is enriching the lives of men through efforts of worldwide significance. Her unique and fertile culture is free once again to blossom into ideas whose beauty will stir the soul of the world as in the days of the Prophets. The Palestinian deserts bloom today through the miracle of modern agriculture and the perseverance of the Israel people. The sounds of industry echo through the Negev where once there was only the sound of the wind. Camels pass by modern buildings where scientists are unlocking the secret of the atom and working to make fresh water from the sea.

In these 17 short years Israel has been born, held off her enemies, who have unfortunately been many, and won a firm place among the free and progressive nations of the world. It is certain that the future of the new Israel will be as long and as rich as her ancient past.

An editorial from one of Florida's finest weekly newspapers, the Jewish Floridian, carried an excellent editorial commemorating Israel's anniversary.

The editorial follows:

ISRAEL'S 17TH ANNIVERSARY EVENT

The 17th anniversary of the State of Israel falls next Thursday, on May 6. The fifth day of the Hebrew month of Iyar marks the establishment of the modern Jewish republic, which was forged out of the ashes of the decimated Jewish community of Europe back in 1948.

Since then, we have seen a miraculous achievement in nation building that is almost unprecedented in our time. Section C of this week's edition of the Jewish Floridian is dedicated to this achievement.

Founded upon the tentative development of the earlier Yishuv in Palestine, the State of Israel has evolved as a model of democratic society in the Middle East, as a teacher for the newly, emerging African nations, as a sign of the human will to succeed for indigent peoples everywhere, and as a harbinger of faith fulfilled for the 2,000-year-long Zionist dream.

Politically sound, economically vigorous and militarily watchful, Israel today holds upward of 40 million hostile Arab peoples at bay, even as she moves forward on a variety of fronts at home.

It is in the nature of the reality of our time that we would be indulging in purposeless fancy to imagine just how much more Israel might achieve were there no governments elsewhere quite frankly dedicated to her destruction. Despite this unhappy dedication, the Jewish state year by year scores solid advances in the major task of ingathering of Jewish immigrants from lands of want and persecution and in integrating them into the life of a young nation grateful for every resource, particularly human, that helps add to the manifold goals of progress and prosperity.

On the occasion of the 17th anniversary of the State, we hopefully anticipate further evidence of growth and, above all, peace in the name of Israel's just right to existence in the world family.

COUNCIL FOR INTERNATIONAL VISITORS OF GREATER MIAMI, INC.

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FASCELL. Mr. Speaker, the Council for International Visitors of Greater Miami, Inc., is an outstanding example of how individual private citizens can help their country and their community to establish better relations with citizens of other lands. This fine private, nonprofit organization seeks to promote understanding and friendship between American and foreign visitors to the United States through citizen diplomacy. The council's hospitality program embraces a wide range of activities from greetings at the port of entry in Miami to dinners in the homes of Miamians. The program is bold and imaginative in conception and impressive in action. In the year ending March 1, 1965, nearly 1,200 international visitors were welcomed to Metropolitan Miami by the council. Included in this number were statesmen, scientists, teachers, businessmen, labor leaders, artists, and students from 67 countries.

The visitors were referred to the council through various Government agencies, the University of Miami, various privately sponsored international programs as well as many other organizations. The council also enjoys a close working relationship with the State department reception center in Miami which is very ably led by John T. Barfield.

I commend the council's president, Mr. Joe Campbell Morris, the executive coordinator, Mrs. Frederick J. McCartney, and its directors and members for their imaginative program which shows what an enlightened community can do to bring to the world a true understanding of the American people and their way of life.

The 1964–65 progress report of this fine organization follows:

PROGRESS REPORT OF THE COUNCIL FOR INTERNATIONAL VISITORS OF GREATER MIAMI, INC., 1964–65

The Council for International Visitors of Greater Miami, Inc. (CIV) recently completed a recordbreaking year in the number of international visitors programed and assisted in the greater Miami area through its hospitality program.

Although the CIV has been in existence since 1959 and large numbers of international visitors have enjoyed the services provided by its volunteers in the past, during the year April 1, 1964, to March 31, 1965, there has been a resurgence of community awareness and a greater, and ever-increasing number of individuals, families, and community organizations (500 estimated) are now participating and donating their generous and warm support to meet the needs of the international visitors for serious purposes in our community. The council proudly states that in this period no request for hospitality has been turned down, and each and every one received has been successfully completed to the satisfaction of all participants.

From a low of 2 visitors assisted in the month of April 1964 to the end of March 1965 nearly 1,200 international visitors from 67 countries have been welcomed by the council in greater Miami. Out of 71 national hospitality centers affiliated with the National Council for Community Services to International Visitors (Coserv) in 33 States and the District of Columbia, Miami now becomes one of only 14 centers which according to 1963 statistics program more than 1,000 international visitors annually.

The following statistics show the development of the program in this period:

Year and month	Hospitality requests	Number of visitors programed	Arrangements[1] completed	Countries
1964—April	5	2	13	2
May	3	6	7	2
June	18	34	57	13
July	12	69	85	8
August	31	50	63	14
September	41	67	75	7
October	21	80	110	7
November	30	133	146	4
December	32	165	185	7
1965—January	33	219	225	1
February	25	133	139	1
March	25	58	60	1
Total	276	1,016	1,165	67

[1] This is the number of visitors for whom arrangements were actually completed; cancellations were made by visitors or sending agencies.

The CIV's hospitality program which includes home-cooked meals, community sightseeing, home lodging, port-of-entry meets, group parties, holiday dinners, professional appointments, transportation, introductions to friends on civic, church, and government levels provides one of the most significant experiences of an international visitor's stay in our community. It is this citizen diplomacy that creates the impact on the international visitors which enables them to obtain a truer concept of America and Americans. We, in Greater Miami, are indeed privileged to participate in this self-rewarding experience in which entire families can share, and find the most effective way in which as individuals, we can fight the cold war on the home front. For in the words of President Kennedy, "This is what we can do for our country."

Our international visitors are diplomats, scientists, teachers, labor leaders, painters, students; the whole range of the professions and the arts. They come through the U.S. Department of State and other Government agencies, the University of Miami, other U.S. universities and colleges, and privately sponsored international programs such as: The Eisenhower Exchange Fellowships, International Student Service, the Ford Foundation, Friends of India Committee, the English Speaking Union, and others.

Proof that the council's work is effective was given by Mrs. Catherine Norrell, U.S. Deputy Assistant Secretary of State who, at a workshop at the University of Miami in October 1964, praised the Miami council's hospitality program and its importance in helping to implement America's foreign policy.

The Council for International Visitors of Greater Miami, Inc., is a nonprofit, nonpartisan organization of volunteer men and women who represent all areas of our community life. Its basic aim is to promote understanding, create lasting friendships with the present and future leaders of other lands, and in so doing help to improve the image of America and Americans in the eyes of the world. Its board of directors is ably headed by dynamic President Joe Campbell Morris, whose personal dedication has resulted in new life for the council; vice presidents: Rev. Mark A. C. Karras, Mrs. Albert Pick and Mrs. Mitchell Wolfson; treasurer, Mr. Talbot D'Alemberte; secretary, Mrs. Ralph V. Kirk; directors: Mrs. Seymour L. Alterman, Mrs. Charles Finkelstein, Metro Mayor Chuck Hall, Dr. Samuel F. Harby, Dr. Mose L. Harvey, Mr. Elliot Roosevelt, Mrs. Worth C. Sherrill, Mrs. S. Kenneth Stanleigh, Dr. Charles Doren Tharp; hospitality chairman, Mrs. L. N. Felts, and executive coordinator, Mrs. Frederick J. McCarney. Ex officio member of the board is Mr. John D. Barfield, director, State department reception center in Miami whose cooperation and support have also been highly instrumental in increasing the council's activities and scope.

The council is proud of its progress to date, but looks forward to further expansion and growth as Miami increases its international activities through Interama and other international programs and proves that it is an enlightened community ready and eager to bring to the world the true understanding of the American people and our way of life.

AID PROGRAM HELPS TO BRING ABOUT BETTER AGRICULTURAL YIELDS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, our most misunderstood program is undoubtedly our foreign aid program. For this reason I will, in the next few days, join several of my colleagues to attempt to point out the merits of our AID program.

Mr. Speaker, that great Indian leader, Mahatma Gandhi, once said:

> To the millions who have to go without two meals a day, the only acceptable form in which God dare appear is food.

Although Gandhi died some years ago, the hunger that he wrote about so feelingly is still a grim fact of life, not only in India, but also in many other parts of the world.

Our own land is blessed above all others.

Here, there has been developed the most efficient agricultural production plant in all history. Our great agricultural capabilities have enabled us not only to meet our own needs, but to provide the needs of many others throughout the world.

Our food-for-peace program is today providing surplus foods to millions of people in the developing countries of Asia, Africa, and Latin America. In some cases, it is practically the only source of food.

Obviously, we cannot begin to feed all the hungry people in the developing countries—even with our abundant resources.

But, there is another thing that we can do, and are doing through our foreign aid program, and that is to use our agricultural know-how to help the developing countries produce more of their own food.

Our rapidly advancing agricultural technology affords a primary opportunity to help the developing nations help themselves.

Here are some of the things our foreign aid program is doing to help the developing nations feed themselves:

In Bolivia, agriculture has been one of the bright spots of the nation's economy. With a 25-percent increase in productivity since 1961, agriculture's current rate of growth leads all other sectors of an economy which grew at a 6 percent rate in 1963–64. Bolivia is now self-sufficient in rice and sugar, with more than 75 percent of the sugar and half of the rice grown from varieties introduced through AID programs. Potentially rich agricultural lands have been opened up in the valleys east of the overpopulated altiplano, and an estimated 100,000 persons already settled on them. Another 100,000 are expected to follow suit in the next decade. The agricultural bank has been reorganized, and 800 subloans have already been made from AID-supplied credit of $2 million. Demonstration centers are providing farmers with new seed varieties, 1,000 rams to improve local flocks, and new cooperatives making possible official exports of llama and alpaca wool and bananas.

In the Dominican Republic, an agricultural expansion program recently got underway which seeks to increase the production of food through the use of agricultural advisers, research, training, and the use of agricultural extension advisers. The program also includes forest conservation, the opening up of new areas to cultivation, and the creation and expansion of credit institutions to make small loans accessible to farmers. Surplus U.S. farm products are being used under the food-for-peace program to construct agricultural training facilities and build farm-to-market roads.

Under the new agrarian reform legislation, new lands for settlement are being measured, subdivided, cleared, and prepared for housing and farming. AID is assisting with technical services, services and equipment for road maintenance, drainage improvements, and consultative services on soil conservation and agricultural credit.

In India, AID loans have financed the expansion of fertilizer plants. The American equipment needed for the 130,000-ton Trombay fertilizer plant was financed by a $30 million AID loan. In the largest "Cooley loan" ever extended, AID is lending up to the equivalent of $22,597,000 in rupees—proceeds from title I food-for-peace sales—to help finance a 365,000-ton fertilizer plant being established by United States and Indian private interests.

In Pakistan, waterlogging, salinity, insufficient water for irrigation, and inefficient cultivation and management have made the Indus Plain area of West Pakistan one of the least productive agricultural areas of the world. Through an integrated program of reclamation, desalinization, and the introduction of improved farming methods, effected by support to the Provincial agriculture department as well as by a major extension program, we expect to double production in a pilot area by 1975. The Indus Basin development program will help to provide water for these activities.

The groundwork for this program was laid by a project begun in fiscal 1954 to help the Government of West Pakistan train personnel to survey soil and ground-water resources. Since that time, the United States has provided equipment, technicians, a drilling contract, and training for Pakistani technicians. Plans for 25 proposed reclamation and desalinization projects will be based on the results of the surveys conducted through this effort.

In Vietnam, programs to supply fertilizer, improved seed, pesticides, together with the technical assistance on how best to use these items, have resulted in higher agricultural yields. A new counterinsurgency fertilizer distribution under liberal credit terms has supplemented the normal flow of fertilizer through commercial channels. In 1964, over 50,000 tons were eagerly received in the central lowlands where little, if any, fertilizer would otherwise have been used. The average rice yield has increased 40 percent where this fertilizer is used. New agricultural experiment stations have been established throughout the country and staff trained. A national seed board has been organized to plan and expedite seed multiplication of superior seed varieties tested and produced by the experimental stations. Improved rice seed has been distributed to 50,000 families. These programs also help strengthen the farm cooperatives which are helping to distribute fertilizer, feed, and pesticides on a cash sale or loan basis.

One of the simplest, but most popular rural projects carried out has been the so-called pig-corn program which is largely self-supporting and has given villages a new source of cash income. An improved breed of pig and some surplus U.S. corn is made available on loan to poor farm families. Some 35,000 farm families had benefited from this program by the end of 1964. This program is strengthened by the fact that hog cholera—a serious killer disease—has been eliminated under an AID-sponsored veterinary program.

In Turkey, AID has helped the Turks launch a major expansion of irrigation, including the establishment of national agencies to administer irrigation and soil conservation, the development of centers to train irrigation service employees and training programs to show Turkish farmers how to use irrigation facilities. AID provided the equivalent of $2.1 million in United States-owned Turkish lira to establish an irrigation loan fund that finances the individual farmer's initial investments for terracing, soil testing, and cement for water-regulating turnout gates.

And, in Nigeria, United States assistance has helped the development of agriculture. By the end of 1964, AID agricultural technicians had helped train nearly 1,500 workers for the extension service started by the Nigerian Ministry of Agriculture in 1961. In the western and northern regions alone, these new extension agents work with 900 village committees covering 125,000 individual farmers. An AID poultry adviser played a key role in the creation of a modern poultry industry which has cut egg prices 50 percent in Nigeria's eastern region.

Mr. Speaker, these are just a few of the ways in which our foreign aid program is helping the developing countries to help themselves. But I believe they are enough to show the good work we are doing throughout the world in the field of agriculture.

I urge that we continue these programs.

SUPPLEMENTAL APPROPRIATION FOR MILITARY FUNCTIONS OF DEPARTMENT OF DEFENSE FISCAL YEAR 1965

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, during debate yesterday on the President's request for an emergency fund to cope with the Communist threat in southeast Asia, the gentleman from California [Mr. BROWN] said he had "grave doubts" about the matter. He also deplored what he referred to as "the slaughter of peasants" in Vietnam. I later attempted to respond to the gentlemen's comments, but the 2 minutes I was allowed was insufficient for a detailed reply. Today I would like to go into the matter at further length.

I think we should get the facts straight as to just what the United States is doing to assist the Government and the people of South Vietnam to defend themselves against the Communist "war of liberation" which is being ruthlessly waged against them by the Communists who are led and supported by North Vietnam. I believe, when we talk about the "slaughter of peasants" in South Vietnam we should make it clear who is doing the slaughtering. Vietcong atrocities and terrorism against civilians in South Vietnam never really ended after the Geneva Agreements of 1954, although they were carried out at a rather low level until about 1957 when they increased discernibly. They have continued since. During the first 3 months of 1965 the Vietcong killed 89, wounded 29, and kidnaped 197 civilian officials. They killed 301, wounded 449, and kidnaped 1,490 who had no connection with the Government. These totals include men, and children, and do not include the 19 Vietnamese killed and the 131 Vietnamese wounded or the 2 Americans killed and 52 wounded as a result of the terrorist bombing of the American Embassy in Saigon on March 30, 1965.

To illustrate these statistics one might take a day in late March 1965 and list the incidents reported for that day. On March 21:

The Vietcong entered a hamlet in Quang Tin Province and kidnaped 10 civilians.

A Vietcong squad infiltrated a hamlet in Gia Dinh Province and kidnaped 10 youths.

The Vietcong fired on a minibus killing one civilian and wounding four others.

The Vietcong entered a hamlet in Quang Tri Province and kidnaped two civilians.

The Vietcong fired mortars into the office of the Hiep Hoa Village Council, wounding 22 civilians.

The Vietcong entered Phouc Thuan hamlet in Ba Xuyen Province, kidnaping the hamlet chief and wounding one civilian.

The Vietcong attacked a land development center in Darlac Province kidnaping seven and killing two civilians.

One Vietcong platoon entered a hamlet in Tuyen Duc Province and kidnaped three hamlet personnel and four civilians.

A large number of well-armed Vietcong entered a hamlet in Binh Dinh Province and forced 100 laborers to leave with them, bringing 10 days' rations. Twenty-five other laborers who refused to go with the Vietcong or obey their orders were executed before the Vietcong left the hamlet.

It has been said that South Vietnam unilaterally violated the Geneva agreements of 1954 by refusing to hold elections in 1956 to reunite Vietnam and that this is at the root of the Vietnam problem today.

The fact is that Ngo Dinh Diem in an interview given to New York Post Columist Max Lerner on January 24, 1955, made it clear that South Vietnam held that although the clauses providing for the 1956 elections were extremely vague they were clear on one point. They stipulated that the elections were to be free. Everything would depend on how free elections were defined. Diem said he would wait to see whether the conditions of freedom would exist in North Vietnam at the time scheduled for the elections. He asked "What would be the good of an impartial counting of votes if the voting had been preceded in North Vietnam by a campaign of ruthless propaganda and terrorism on the part of a police state." In the period from 1954 to 1956 it became obvious that conditions of freedom did not exist in North Vietnam and that it was impossible to envisage really free elections there. No less an authority than Gen. Vo Nguyen Giap, of North Vietnam, admitted this in October 1956 when as the Communist Party spokesman he read a long list of errors to the 10th Congress of the Party Central Committee. He freely admitted that in carrying out their land reform the authorities had gone too far and had executed and tortured many innocent people. He also confessed that there had been religious persecution and repression of minority groups.

It is also a matter of record that national elections were held on five different occasions in South Vietnam from 1955 to 1963.

It has been alleged that we are under the illusion that communism can be defeated by the power of military force alone regardless of the conditions and circumstances under which that force operates. What are the facts? The facts are that while the United States has made very substantial military contributions in South Vietnam we have been equally concerned with economic aid and social assistance. We have contributed more than $2 billion in such nonmilitary aid, contrasted with approximately $1.5 billion in military assistance.

Thanks in part to this massive technical and capital assistance provided by the United States and to substantial assistance provided by other nations, the Vietnamese people in the south, working under a free economic system, realized striking economic achievements in the period from 1954 to 1959. The root cause of the present problem in Vietnam was the refusal of the North Vietnamese Communists to accept this coexistence of a free economic system in the south with their own totalitarian system in the north. Economic and social progress in the south contrasted with the fiasco of doctrinaire Communist "land reform" in the north. As a result the Communists began to strike at the economic infrastructure which was being developed in the south, in an effort to bring about the victory which they had hoped time alone would bring them.

It has been implied that we are not in truth strengthening democracy in the world or weakening the spread of communism by our action in Vietnam. What are the facts? The facts are that the South Vietnamese are fighting to preserve their freedom against the type of indirect aggression which the Communists call a war of national liberation. By this device the Communists try to give the impression that a war is being fought by a local population to throw off foreign domination. The fact is that the Communists have realized that the days of direct aggression are over. The U.S. efforts in Europe after World War II and in Korea after 1950 proved this. However, this new Communist strategy of indirect aggression is just as deadly a threat to a small nation's survival as was the older form of direct aggression. The fact that it is clevery disguised as an indigenous insurrection can make it an even greater threat.

In order to cope with this disguised aggression free nations must determine the real source of the aggression and take steps to defend themselves against the attack from that source. In Vietnam this has meant ending the privileged sanctuary formerly afforded North Vietnam, the true source of the Viet Cong movement. Other weakly defended nations in Africa, Latin America, and Asia have been and will be faced with this new threat of aggression by proxy and the free world must find ways of defending them. This is what we are doing by our action in Vietnam. Small nations throughout the world which are potential victims of indirect aggression must understand as must the aggressors that we have the will and the means to defeat this new form of aggression. We have learned since the 1930's that yielding to aggression only leads to greater danger of war. We have learned in the post-World War II period that the way to defeat and to deter aggression is to meet it firmly in the beginning.

TRIBUTE TO A MOTHER: VERONICA GALLAGHER HUGHES

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. PATTEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PATTEN. Mr. Speaker, the appeal of Mother's Day is universal, so I think it appropriate to submit an article written by Mrs. Fannie Steinberg, of Highland Park, N.J., as a tribute to the mother of Gov. Richard J. Hughes, of New Jersey:

TRIBUTE TO A MOTHER: VERONICA GALLAGHER HUGHES

(By Fannie Steinberg)

RICHARD J. HUGHES: A PROLOG

It was August 10, 1909, and the long eventful night had just passed. In the wide-porched dwelling on Front Street in Florence, N.J., near the banks of the Delaware River a son was born to Veronica Gallagher Hughes. The mystery of childbearing over, Veronica Hughes shut her eyes, relaxed, and allowed herself a short period of rejoicing and dreaming. In our society her son would be free to develop his abilities and skills. He would be free to develop his individual worth and to strive toward limitless goals. He would be free to develop his talents and help to create blessings for generations to come. Her son was privileged to have been born in the United States. Veronica Gallagher Hughes was mindful of that privilege and she began to enumerate the sacrifices she was ready to make so that her son would be able to benefit to the maximum of his capacities from the privilege of having been born in America. She reverently prayed that America would be born in her son and that he would be distinguished for his courage, moral integrity, and love of God.

Perhaps as Veronica Hughes dreamed she relived the past and saw in her mind's eye what the future had in store. The future stimulated her. It seemed fascinating and interesting. This son would be a superior child—of excellent quality. He would inherit from his father a love for and knowledge of politics and a great desire to serve his fellowmen and his native State of New Jersey. The past comforted her. Her blessings were great. She was grateful for the patient understanding of her husband, Richard P. Hughes, for his devotion to his family, his high ideals, the respect he commanded in the community and for his distinguished career as a public servant. During his lifetime Richard P. Hughes was the recipient of many honors. He served with distinction as mayor of Burlington, as a State civil service commissioner, as warden of the State prison in Trenton, as postmaster in Burlington, and was Democratic State committeeman from Burlington County for 37 years.

Veronica Hughes had high moral standards and great faith in our democracy. She knew that nothing was impossible in this country, regardless of class, wealth, or social position. Perhaps with a mother's insight she was able to detect in her child the talents and qualities that lay dormant and to anticipate the character that was to develop later. Whatever Veronica Hughes did dream of for her son, Richard J. Hughes at an early age became a popular, important and beloved public figure. He won great honors. In 1931 Veronica Hughes saw her son graduate from Rutgers University School of Law and heard him described by his classmates as the "best speaker and most dignified." In 1932 her son was admitted to the New Jersey bar and established his law practice in Trenton.

Perhaps she hoped that she would see him live a life dedicated to helping his fellow men and serving his native State. Perhaps she hoped that some day he would lead his State as the Governor. That event, however, was more than 52 years in the future—it was destined to take place in January 1962. By that time Veronica Hughes had already passed away, and all the latent qualities which she had sensed in her son, had blossomed. His drive and ability were recognized everywhere. His prestige rose, and he became one of the Nation's most distinguished leaders in the fight to secure equal rights for all citizens. He had developed personal magnetism and statesmanlike qualities; tasks to which he was assigned he fulfilled with success; he was prepared for the highest type of leadership.

In 1938 he was the Democratic candidate for Congress from the Fourth District. In 1939 he was named assistant U.S. attorney for New Jersey. In 1945 he served as Democratic chairman of Mercer County, and then in 1948 he was named Mercer County judge, the youngest man in the State's history ever to hold such public office. In 1952 he was named chairman of the Supreme Court's Committee on Juvenile and Domestic Relations Courts. In 1957 he was named to the appellate division. In 1958 he was chairman of the Delaware Valley United Fund. In 1960 he was chairman of the fundraising campaign for St. Francis Hospital in Trenton. And in 1961 he was proposed as the Democratic Party's best qualified candidate for Governor on the basis of his record and experience.

Veronica Hughes did not live to see all her dreams come true, but one can realize what pride and gratitude she would have felt if she could have seen her son, as he, ready to devote his life to the service of his fellow men and his native State, delivered his inaugural address and became the first Roman Catholic Governor of New Jersey.

ISRAEL'S 17TH ANNIVERSARY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. GILBERT] is recognized for 10 minutes.

Mr. GILBERT. Mr. Speaker, in the midst of tensions still existing in the Middle East, the democratic State of Israel has reached another milestone—another anniversary of its existence.

As a renewed gesture of encouragement, friendship, and faith that Israel will endure and continue to grow economically and socially, I am glad to again join other Members of the U.S. Congress and other fellow Americans in saluting Israel on its 17th anniversary.

This is an anniversary of which Israel and Jewish people all over the world may well be proud. In these 17 years, against tremendous odds, a dedicated and resourceful people have built a land out of a desert and have provided refuge and freedom to many thousands of homeless. Israel's open doors have welcomed the survivors of concentration camps, the displaced of Europe, immigrants from North Africa, Asia, Jewish refugees from Arab countries and refugees from Iron Curtain countries. During this difficult period of development they have been forced to contend with hostile neighbors. Her economic problems have been complicated by the arms buildup of her hostile Arab neighbors and their refusal to establish peaceful relations.

In spite of persistent hardships, Israel's progress has been remarkable—in agriculture, science, marketing, housing, and education. Let us consider for a moment a few of the miracles which have taken place in Israel during these 17 years—methods of agricultural settlements had to be improved and their number expanded; rapidly growing cities and towns had to be supplied with food; soil erosion and desert areas had to be conquered; natural resources had to be developed, especially water supplies and the mineral wealth of the Negev. Industries had to be constructed to provide increased working opportunities; vast numbers of immigrants had to be absorbed into the population, housed, trained in skills; educational opportunities had to be expanded.

I congratulate Israel on her progress—on the cities she has built, her thriving industries, the schools, hospitals, scientific institutions, the cultural centers with which she has sustained and enriched the lives of her people. Israel has made great strides and has accomplished so much because her people have put skill, industry, and foresight into the management of their own meager resources and the aid she has received. Israel is living proof that devotion to principles of justice, equality, independence, and freedom can carry a determined people through challenges and tests which others without faith and the pioneering spirit could not surmount.

The United States was the first country to recognize Israel as an independent nation and we were Israel's principal sponsor for admission to the United Nations. The stability of the Israel Government, unlike any other in the Middle East, is a source of great satisfaction to the United States. We give new and forceful expression to our common ideals and hope that, just as they have made our Nation great, they will serve as examples for Israel's continued success and well-being.

On this occasion, I wish the people of Israel peace, prosperity, and happiness. Their courageous efforts so far have been rewarded with a strong and stable state, and I extend best wishes for continued success and growth.

Mr. KREBS. Mr. Speaker, on this fifth of Iyar I want to take a few moments to salute the state of Israel on its Independence Day. Seventeen years have lapsed since the proclamation of independence at Tel Aviv and these years have brought a bloom to a previously barren region. The bloom I speak of is not only the readily visible one that has come about by the application of modern irrigation technology, but the bloom of parliamentary government responsive to the will of the people. In a region where democratic principles are not always readily discernible, the state of Israel has set itself apart by its devotion to those democratic institutions that have long been nurtured by the Jewish people.

As a nation that from the first day of Israel's independence recognized its autonomy, the United States continues to this day as a true friend of Israel. Our country extended diplomatic recognition on May 14 and immediately made known its intentions of helping that small nation secure its future not only from the immediate danger of hostile neighbors but from those later enemies who continue to criticize the establishment of a state of Israel.

The peoples of our two countries cherish the bond of friendship that has existed since that proclamation of independence in 1948, and, Mr. Speaker, it is my fond wish that we will for many more years proclaim renewed faith in the brotherhood of man that has brought our two nations together.

Mr. BURKE. Mr. Speaker, this week is the anniversary of the independence of Israel. Since that May of 1948 Israel has made great strides in developing her economy and advancing the cause of democracy and freedom. In the Middle East this country is an outpost of democracy in an area where despotism is the usual form of government.

This nation has served as a beacon of hope for many of the people of Europe for whom the future seemed to be empty. Hundreds of thousands of refugees have been absorbed into an area about the size of New Jersey with a rapidly growing population of more than 2 million people.

The problems that this young nation has had to solve are formidable, to say the least. The Bible described Israel as a land "whose stones are iron and out of whose hills thou mayest dig copper"—Deuteronomy 8: 9. Nonetheless, she had to develop her resources and expand her industry and agriculture if she was to compete with the other more developed nations in the world. Since 1948 she has done just that. Agricultural production has increased sevenfold and the amount of land under cultivation has doubled. Increased irrigation and improved manufacturing techniques are presently being developed to increase Israel's output in both these areas.

One of the more outstanding accomplishments of this nation is the fact that only a decade after her formation she launched a foreign aid program. It is obvious that Israel's efforts in the field of economic assistance have a significance far beyond that implied by the numbers of people or the amounts of money involved. The experience that Israel has had with her limited resources is an experience that the new nations with similar problems find highly useful. Israel in turn can use these contacts to help overcome the barrier which her Arab neighbors have sought to erect. She can increase her imports and receive in exchange for her products goods which she cannot grow or produce. Israel has extended aid to more than a dozen countries of Africa and Asia. They have been brought into contact with a country that, through democratic means and under a representative government that guarantees freedom for all its inhabitants, has achieved wonders in just a few years.

In its brief 17 years of existence Israel has fought two wars for survival, has admitted and absorbed about a million immigrants, has stabilized its economy, raised its standard of living, become industrialized, made its deserts bloom and helped other less advanced states. This is a list of accomplishments of which free people all over the world can be proud.

Mr. Speaker, I am happy and pleased to pay special tribute to this great nation on the anniversary of its independence. If its people demonstrate in the future the vision, the daring, and the fortitude shown in the past, I have no doubt that in the years ahead Israel will continue to increase its stature as one of the leaders of the free world.

Mr. McGRATH. Mr. Speaker, in May 1948, very few people around the world thought we would see this day—the 17th anniversary of Israel's emergence as an independent nation. For 17 years, and through two wars, that brave bastion of democracy has withstood attempts of the 40 million Arabs in surrounding nations to make good President Nasser's threat to "push Israel into the sea."

Today, Israel is more unpushable than ever. Its population is now some 2.5 million; its industry is growing; its exports swelled to about $400 million last year; its average annual income is approaching $1,000; its tourist industry is booming; it is proving a force for good among other emerging nations of Africa and Asia; and it is embarked on a new 5-year plan designed to improve further on all those improvements.

It is interesting to note that the nation which threatens Israel the loudest and most consistently—the United Arab Republic—is reported to be in deepening economic trouble as its President continues to spend millions of dollars on military adventures and in preparation for a threatened push against Israel.

It is also interesting to note that this same Arab leader is even now venting his wrath on a fellow Arab leader who had the temerity to suggest that the Arab nations sit down with Israeli leaders to discuss peaceful settlement of their differences.

From the history of the past 17 years, it is easy to see which Middle East nation deserves the support of the free world and which are the troublemakers.

When the United Nations partitioned Palestine in May, 1948, Israel began its life as a nation with some 1 million people. About half of its 8,000 square mile area was rugged desert. Almost every one of its needs had to be imported. Its military force was a hodge-podge collection of guerrilla units which had been fighting against the British and Palestinian Arabs since World War II ended.

Yet, this makeshift force, armed principally with the will to exist as a nation, smashed a coalition of six Arab armies during the next 2 years. It then solidified and gained sufficient strength to rout Egyptian forces in the Sinai campaign of 1956, and stands today as a deterrent to future Arab military adventures.

Its industry has been nurtured to the point where it is successfully withstanding the Arab boycott against itself and countries which deal with Israel, and it has developed a maritime fleet able to ignore the ban against Israeli shipping in the Suez Canal.

Some 12 years ago, Israelis were limited to one egg each every 8 days; butter and cocoa were available only for children, and meat was a delicacy eaten only on holidays. Today, European nations are complaining that Israel eggs and chickens are flooding the Common Market, and in Israel itself, supermarkets bulge with just about every item of food its people crave.

It has developed a technology which has steadily forced the borders of the Negev Desert southward, making that sandy waste bloom with new farms and cities.

While Israel has been securing its own future, it has been working to make easier the lot of those new nations which lack the technology and funds to gain similar footholds. Assistance is offered to all nations of Africa and Asia which have problems the Israelis feel they can help solve; and in many cases, this assistance has been accepted and is showing results.

Contrast this with the attitudes of Israel's Arab neighbors whose average per capita income of from $50 to $150 compares with Israel's $1,000 a year. Despite constant offers by Israel to discuss peace terms anywhere, at any time with her hostile neighbors, the Arab nations waste their hard-to-come-by funds on armaments and rocket research. They stand in the unproductive sands near their borders with Israel, glaring—and frequently shooting—at the Israelis tilling fertile fields created from those same sands. Their leaders constantly hold meetings at which they threaten again and again to push Israel into the sea.

But Israel continues to stand as the only true democracy in the Middle East. It continues to improve the lot of its people. It continues to offer aid to other nations. It continues to plan for its future. All this while it continues to prepare to protect itself against the threatened onslaught of its neighbors.

Today, the rejoicing in Israel should occasion similar rejoicing throughout the free world, because that tiny nation is proving that democracy is viable; that free men striving for an ideal can prevail against hate and threats; that there is still hope that the entire Middle East can become peaceable and productive.

Mr. Speaker, on this auspicious occasion, I see in the continued existence and growth of this brave little nation, a new proof of the truths on which the United States was founded, and I wish Israel well as it continues to set an example for the Middle East and the world.

Mr. MULTER. Mr. Speaker, 17 years ago the State of Israel was founded. With its proclamation of independence came the fulfillment of a dream that originated many centuries ago in the days when the Book of Books was being written. The words of that proclamation were inspiring in 1948; they are inspiring today. For in the proclamation we find set out, with the world as a witness, the goals and dreams of the Israeli people. During 17 long and danger-filled years these people have never lost sight of their goals. During 17 years, they have toiled toward the realization of their dreams.

If we turn to the proclamation today, we find it alive with the past, the present, and the future of Israel. The dreams are untarnished; the goals are within grasp. Indeed, in one paragraph of the proclamation, we can trace much of the history of the independent Nation of Israel. Permit me to quote that paragraph, for it provides the theme of the remarks I intend to make today:

> The State of Israel will be open to Jewish immigration and the ingathering of exiles. It will devote itself to developing the land for the good of all its inhabitants. It will rest upon foundations of liberty, justice, and peace as envisioned by the prophets of Israel. It will maintain complete equality of social and political rights for its citizens, without discrimination of creed, race, or sex. It will guarantee freedom of religion and conscience, of language, education, and culture. It will safeguard the holy places of all religions. It will be loyal to the principles of the United Nations Charter.

In an age that has become used to high declarations of principle that are flouted in practice, these words might all too readily be dismissed as irrelevant. What is remarkable about Israel, however, is that these words became and remain part of the daily life of the people. Surely, this is why Israel has been able to mold a united people while at the same time welcoming hundreds of thousands of immigrants from diverse backgrounds. Surely also, this is why Israel has been able to develop and maintain a democratic society during times of bitter battle and times of armed and uneasy peace. This is why it has been possible to make the desert flower and the cities hum in a country so poor in natural resources and so destitute of fertile soil. I do not hesitate to say that in no other nation in our time have we witnessed such a successful combination of spirit, idealism, and practicality. The results are there for all to see. They should serve as an inspiration to those in the many new countries of Africa and Asia who are seeking a way to unity, stability, and rapid development.

Let us look for a moment at some of the accomplishments of the young nation of Israel. Perhaps most remarkable has been the nation's absorption of well over a million immigrants since 1948. Within a few short years following independence, the population of Israel more than doubled. The immigrants represented over eighty different nationalities; each brought his own language and customs. Fortunately, each also brought skills—some, of the most elementary kind, others, more technical. All brought the will to put these skills to work.

Something more, however, than the will to build a life in a new land was required. A people of such diverse origins is not readily molded into a nation. To a large extent, the requirement of something more has been filled by compulsory military training for both men and women, and the establishment of education centers throughout the land for those too young or too old to undertake military service. Instruction in Hebrew—the official language of the Government—is given both during military training and in the education centers. Language instruction is accompanied by courses in government and civics. The Government has well understood that sharing formative experiences is vital to the molding of a united people. It is impossible not to conclude that their programs have been successful.

Another formidable problem faced by the leaders of the young nation was that of economic development. Ways and means to feed a rapidly growing population had to be found. Techniques had to be developed to exploit the few natural resources possessed by the country. Above all, Israel had to be made less dependent on generous aid from abroad. These tasks would be difficult enough to confront under the best of circumstances. The men and women of Israel rolled up their sleeves and set to work under the sniping fire of the guns of hostile neighbors. Too frequently, they have had to lay down their ploughs and tools and take up arms to defend themselves.

The accomplishments of 17 years, therefore, seem all the more remarkable. Cultivable land has almost doubled since 1948. More than 500 agricultural communities have been established to develop hitherto unexploited land. Lake Huleh and its marshlands have been drained, and extensive irrigation projects have been undertaken. Soon, with the aid of water from the Jordan and converted sea water, the Negev Desert will become a major agricultural area, producing enough crops to eliminate the need for importing many agricultural commodities.

Achievements are no less impressive in industry and mining. Today, in communities scattered around the Dead Sea, there are new factories producing potash, common salt, bromines, and calcium chloride for export. Ancient copper mines have been reopened and are now again producing copper for the modern industries of Israel. On the Gulf of Eilat, the port of Eilat is being developed as a trading center and as a resort to attract tourists. New ports and industrial centers have also sprung up along the Mediterranean.

Mr. Speaker, it would be possible to cite many more examples of the material accomplishments and the industry of the people of Israel. But what I would like to stress in closing is the continuing vitality of this people, their courage, and their unflagging devotion to the ideas formulated in their proclamation of independence. They have known how to do more than eke an existence out of the desert. They have known how to build and maintain a society of freemen. They have known how not to become so preoccupied with means that they lose sight of ends. They have known how to be proud without being overweening. If they face a new time of peril—as seems likely—I can think of no people more deserving of our support. It is indeed a privilege to pay tribute to them on the 17th anniversary of their declaration of independence.

Mr. ROONEY of New York. Mr. Speaker, no nation in the world is more deserving of our congratulation on its observance of its independence day than is Israel. For no nation in modern times has accomplished more economically, politically, socially, and culturally than has this 17-year-old democracy.

Israel is only a teenager in terms of its chronological age, but its people and its leaders have so grown in wisdom and in stature before the world that one forgets the newness of its Government and the bloody atmosphere into which it was born.

The marked successes which Israel has enjoyed are indeed numerous and the pride of its people today on this anniversary of their precious independence is well justified. Today Israel is a nation of educated productive workers for education is universal; production of farm products and factory goods is far in excess of earlier plans and predictions; and the people of this vibrant country are real workers.

Out of desert wastes which have defied even forage for goats; out of rock fields where for generations even the tares could not take root; out of this grim desolation the people of a new nation have wrought a miracle of modern times. They have brought green to the drab hillsides and have harvested crops in abundance where once even locusts starved. I have been an eyewitness to these facts on three visits to Israel.

These liberty loving people have transformed mud-hut villages into bright and gleaming modern cities. Block after block of attractive apartments and housing structures line clean, well-paved and tree-bordered streets. Factories hum where the idle pallor of poverty-ridden slums so lately prevailed. Highways bristle with movement of modern trucks, buses, and passenger cars. Modern trains vie with jet airliners for attention.

All this has come to pass in less than a single generation—in less than two decades. Coupled with the will of a determined people with a oneness of purpose, the generous aid of Americans and others of the free world has given to this new nation an assurance of prosperity and longevity.

Today in spite of continued heavy expenditures for military readiness to defend themselves against the hostile neighbors who surround the little country, the economy of the country is sufficiently sound to entice an increase of more and more foreign investments. With this growing economy has come greater political stability which in turn has resulted in greater self-assurance for the whole nation.

Mr. Speaker, we in the United States of America are proud in having played a major role in the delivery and child care of this young nation. We are proud to have witnessed a noble experiment become an accomplished reality. We are proud indeed to join with the people of Israel and give thanks to God for the wonders which He today hath wrought through these, His people.

Mr. BOLAND. Mr. Speaker, in A.D. 70 the Roman General Titus captured Jerusalem, destroyed the temple, and scattered the Jews into exile. Thus began the Diaspora, the dispersion, under which Jews have lived abroad for over 2,000 years.

On May 14, 1948, Sir Alan Gordan Cunningham, the last British High Commisioner, left Palestine. On the very same day the Jewish National Council and the General Zionist Council at Tel Aviv proclaimed the establishment of a Jewish state, to be called Israel. The exile, in a sense, was over. Henceforth there would be a home for oppressed Jewry. Henceforth there would be a political entity of authentic Jewish stamp, whose very existence would enhearten and encourage those Jews who had been victimized by the holocaust of World War II, or who dwelt in lands where they lived by the sufferance of the majority, never fully accepted, and saddled with legal disabilities. Jews in America, or Britain or France, while remaining no less loyal to their own countries, could take legitimate pride in this realization of an age-old dream.

From the very beginning, Israel has had to cope with enormous problems. Three days after her independence was proclaimed she was attacked by five Arab neighbors, misled by the traditional stereotype of the Jew as pacific and noncombative, into hopes of an easy victory. But in the Israeli forces the Arabs met a foe who belied the stereotype, a tough, aggressive, disciplined fighter, who soon put the Arab forces to rout. Armistice agreements were obtained through the efforts of the United Nations, which lasted uneasily until 1956, when increasing Egyptian pressure, coupled with Egypt's seizure of the Suez Canal, led Israel to invade the Sinai peninsula, where they quickly crushed the Egyptian forces. Since that time there has been a great deal of boasting by Colonel Nasser, but no military action.

Indeed, it is time that this ridiculous vendetta of the Arab States against Israel came to an end, not only for Israel's sake, but for that of the Arab peoples themselves. Israel has much to offer that the Arab nations can use. She has the technical skills with which to launch assistance programs, modest but highly effective, as Israeli programs in Africa have already demonstrated. The burden of maintaining armed forces and armaments out of all proportion to the true needs of the country could be lifted from the back of Arab and Jew alike, and the savings put into long range development.

All that is required is that the Arabs accept the fact that Israel is here to stay. This may go down hard, after years of incessant propaganda, but the benefits for all concerned would be immense. In this connection all men of good will can commend Habib Bourguiba, of Tunisia, who is the first Arab leader of any stature to suggest that an accommodation be found with Israel.

Seventeen years after it proclaimed its independence, Israel can take pride in solid achievement. It has taken in and made a home for most of the survivors of Nazi savagery. It has taken in and brought abreast of the modern world Jews from other lands of North Africa and the Middle East many of whom previously dwelt in privation and primitive squalor. It has established a stable democracy, whose enlightenment and self-discipline might well be copied by some of the larger nations of the world. It is a Western outpost surrounded by weak and unstable societies, which are readily susceptible to Communist propaganda and subversion. On this 17th birthday of Israeli independence the American people salute the people of Israel, and hope that the substantial accomplishments already recorded will be but a prelude to greater things to come.

Mr. BROOMFIELD. Mr. Speaker, today marks the 17th anniversary of the independence of one of the world's newest—yet oldest—nations.

I speak of Israel, a nation born in the darkness of persecution and prejudice but which has emerged in a few short years into the light of freedom and opportunity.

Its citizens, many of them victims of atrocities, many of them the sole survivors of once-prosperous families, carved from harsh desert a land of prosperity, built on freedom, nurtured with love and understanding and protected by iron will and firm resolution from warlike and unfriendly neighbors.

Yet, while many of its neighbors destroy, Israel creates, fighting its twin wars against landscape and hostile neighbors with equal fervor and ferocity.

Israel attained greatness in the first decade of its independence, denied for so many centuries. Its greatness will grow in peaceful pursuits, in labors of the mind and body, in compassion and understanding for human suffering, and in the means to end suffering.

Its citizens have demonstrated to fight and to die for their homeland. But they have shown an even greater zeal for freedom, for justice, and for a peaceful world.

Mr. MINISH. Mr. Speaker, it is a great pleasure to join in saluting our brave young ally, Israel, upon the happy occasion of its 17th birthday.

Americans of all races and creeds feel spiritual ties with Israel which is committed to the same democratic principles upon which our own country was founded. The heroic qualities that have enabled Israel to make such remarkable progress in its brief history have evoked the admiration and esteem of Americans who take pride in our national spirit of self-reliance and independence. Americans have been happy to support Israel's tireless efforts to carve a modern industrial nation out of the arid desert. The tremendous accomplishments in every field are eloquent testimony to the character, ability, courage, and perseverance of the Israelis.

It is tragic that this brave new nation is unable to enjoy the fruit of its labors in peace and tranquility and that it must divert precious human and material resources to military defense against its aggressive neighbors. Like the United States, Israel earnestly seeks peace in freedom. Like the United States, Israel genuinely desires to achieve a better life for its people and for all mankind in an international society based on law and order. However, like the United States. Israel will not now bow before the forces of aggression and will defend its rights at whatever cost. After 2,000 years of dispersal the people of Israel and their leaders are determined to keep Israel free. As Justice Goldberg stated in his notable address at the American-Israel Public Affairs Committee dinner on May 3:

> Neither America nor Israel welcomes an arms race in the Middle East. Both seek peace but the cause of peace, as Congress has recognized, will not be served by encouraging those preparing for aggression or by permitting those whose security is imperiled to be the victim of an imbalance of arms. All objective observers agree that Israel seeks in the words of Isaiah to dwell "in a peaceful habitation" and "in secure dwellings." Israel deplores, as we do, the wastefulness of armaments in a country and in an area which loudly calls for social and economic development.

Despite its problems, Israel observes its 17th anniversary with the vitality and courage of youth and faces the future with pride in the past and confidence in the future. America will continue to support this great enterprise and to exert every effort to achieve peace and stability in the troubled Middle East.

Mr. FRIEDEL. Mr. Speaker it is proper that we pause in our deliberations today to mark a most important event—the 17th anniversary of the State of Israel. Many nations have gained their independence in recent years but Israel remains as an outstanding example of what freemen can do to help themselves if given assistance and encouragement by friendly nations.

The history of Israel reaches back 5,000 years, yet Israel and the United States have much in common. We both believe in the supremacy of moral law and we both believe in personal as well as national liberty. In the short 17 years since the State of Israel was established her people have developed a modern democratic society of which she can be justly proud.

As an American, there is no question in my mind that the entire free world needs the small State of Israel to keep the spark of democracy and independence alive in a particularly sensitive area—the strategic Middle East. It stands as an ally of the United States as well as a bulwark against the dangerous forces of communism.

The strong friendship which has existed between Israel and the United States since the days of her rebirth has served as a source of support to us in our efforts to protect the interest of free people everywhere.

Before the World War, Palestine, as it was then called, was a barren land from which its former glory had departed. In the words of Israel Zangwill, "the land without a people waited for the people without a land."

Today ancient Israel is a modern democracy, not only restored, but a respected member of the family of nations from which new light shines to bring to the world great discoveries in the fields of science, medicine, and technology.

I am proud to join my colleagues in the Congress of the United States today in this salute to Israel on the anniversary of her independence. We acknowledge her great progress, her determination of spirit, and her devotion to the cause of world peace. Certainly the people of Israel have proven to us, and to the world, that our confidence in them was not misplaced. They have earned our admiration and respect through their sacrifices in building a new nation and I wish them continued success in the years ahead.

Mr. HOWARD. Mr. Speaker, I am pleased and proud to join the commemoration of the independence of Israel. For the past 17 years Israel has been an example to all the nations of the world of what a determined people can do under a free, democratic government. Not only has Israel progressed notably at home, but she has also supported the United States and the United Nations and has undertaken a successful technical assistance program to emerging nations of Africa and Asia.

Israel was called "a land flowing with milk and honey" in the Bible—Deuteronomy 6: 3. Yet in 1948 much of Israel was an arid desert. Furthermore, the tiny nation was surrounded with enemies and was faced with a flood of refugees which, proportionately, was many times greater than the number of refugees that the United States admitted in the first two decades of this century. Industrial development lagged, and manufacturing techniques were not widely known.

Yet in 17 years Israel has gone a long way toward fulfilling the Biblical pronouncement. The new state has struggled against an unfavorable balance of trade and has scored notable achievements in this area. The gross national product has grown considerably and new industry is flourishing.

In the Israel Proclamation of Independence may be found the ideals of the Jewish people. I would like to quote two paragraphs which seem to me to be particularly important in the year 1965:

> Despite every hardship, hindrance and peril, the remnant that survived the grim Nazi slaughter in Europe, together with Jews from other countries, pressed on with their exodus to the land of Israel and continued to assert their right to a life of dignity, freedom and honest toil in the homeland of their people.
>
> We extend the hand of peace and good-neighborliness to all the states around us and to their peoples, and we call upon them to cooperate in mutual helpfulness with the independent Jewish nation in its land. The State of Israel is prepared to make its contribution in a concerted effort for the advancement of the entire Middle East.

These words need to be remembered today for they contain the foundation for the program that can be the salvation of the Middle East. Israel has lived up to the ideals that it put in writing back in 1948. May these ideals become realities in the very near future, and may Israel be free to develop in peace. Her past accomplishments give every reason to hope that the Israeli future will be a proud one.

Mr. RODINO. Mr. Speaker, on May 14, 1948, according to the Julian calendar, and May 6, according to the Hebrew calendar, the British mandate over Palestine came to an end, and present day Israel was born. For the idea of a return to their original homeland had never been absent from Jewish hearts, nor indeed from Jewish thoughts or culture, from the very beginning of the dispersion.

That the Arabs immediately attacked Israel and were beaten back is known to all of us. That the United Nations had to be called in to establish and maintain a precarious peace is equally well known. From May 15, 1948, until today, Arab leadership has never recognized the permanence of Israel, and has never renounced its intention to drive the Israelis into the sea. When recently the enlightened leader of Tunis, Habib Bourguiba, suggested that it might be time to recognize Israel and get on with the business of development, he was denounced as a traitor by the Arab leaders.

However precarious her security, Israel has used the intervening years well. She has brought in the exiles, the survivors of Nazi persecution and Jews of North Africa and the Middle East who were often second-class citizens in lands in which they had lived for a thousand years. Rapid and continuing expansion of her economy has been a top priority Israel objective, an objective which gives every sign of being successfully met. The Israel gross national product has continued to rise, and by enormous national effort Israel exports have also risen. So much land has been brought under cultivation through irrigation schemes that it is already proverbial throughout the world that Israel has made the desert bloom.

Politically Israel is a stable democracy, not only friendly with the West, but actually tied to the West by vital national interests. Her defense forces have already proved superior to those of the enemies that surround her. But Israel takes equal pride in her technical assistance programs, which while modest in scope, are pursued with vigor and enormous skill. Many an African country has already benefited substantially from such an Israel program.

Most of all, Israel can take pride in the spirit of her people, a people rescued from the jaws of extinction, with a fierce will to live, and a never-say-die outlook. Israelis are accustomed to living dangerously. Their bearing under stress contains a lesson for all of us, as we extend the hand of friendship, on this, their independence day.

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the Subcommittee on Africa of the Committee on Foreign Affairs, I have noted with great satisfaction the deepening warmth of the friendship of African nations for the State of Israel, which on May 6 celebrated her 17th birthday. From her limited resources, Israel has contributed much to the developing nations of Africa, and everywhere among Africans I have heard words of appreciation.

I do not hesitate to predict that the time is not far distant when the attitude of the Arab world toward Israel will change from hostility to acceptance of the facts of the present century and the truth that by working cooperatively together both the Arab States and Israel will benefit.

I have expressed this thought on at least two occasions when the newspapermen of Cairo graciously met with me at press conferences. While none of the Egyptian journalists spoke in agreement of my thought, there was no apparent resentment because I was championing the cause of Israel on Arab soil. This would not have been the case, certainly not 10 years ago.

Nations working cooperatively together in development of natural and social resources for mutual benefit is the order of the new day into which we have been ushered by the epochmaking changes that have followed World War II.

Israel offers no menace to the Arab States and she can be of tremendous benefit to them, as many of the new African nations have found.

It was on this keynote of optimism, with the vision of approaching understanding and friendship on the part of Israel's former foes, that I joined with my colleagues in birthday greetings to the brave and noble State of Israel.

What the State of Israel has accomplished in 17 years is one of the miracles of history. And the blessings she has brought to herself and her own people she has shared with all her neighbors and the new nations that would accept.

Mr. ADDABBO. Mr. Speaker, May 14 marks the 17th anniversary of the founding of the State of Israel, and it gives me pleasure to congratulate her and her people on this momentous occasion.

The State of Israel was born with great struggle as was our own United States. The founders of Israel and its people have much of the pioneering spirit that our forefathers had—we built a nation from the wilderness, Israel has built a nation from the desert. It is this spirit and determination which is responsible for the almost unbelievable strides she has made in the short period of 17 years.

We were the first country to recognize Israel as a nation and we want to be in the forefront of those congratulating her on her success and reassure her of our continued support and best wishes for continued growth and prosperity.

Mr. PELLY. Mr. Speaker, it was 17 years ago that the Union Jack was lowered over Palestine, marking the end of British rule over that area.

May 14, 1948, saw the emergence of a new nation, the State of Israel. This is a nation which has created an example of what a people can do when given the right of self-determination; she is a model of democracy in action.

Yes, Mr. Speaker, 17 years ago this dream of almost 1,900 years became a reality as the blue and white flag with the Star of David took its rightful place among the banners of the free world.

It has not been easy for the people of Israel these last 17 years, as it has not been for the last 1,900 years, because hostile neighbors have attempted to drive the Jewish people out of Israel. But this gallant nation has stood steadfast and grown strong and self-reliant.

I join with my colleagues and say mazeltov to the people of Israel.

Mr. IRWIN. Mr. Speaker, it is a genuine pleasure to join my colleagues in extending best wishes to Israel on the 17th anniversary of her independence.

It is a friendship that springs naturally from the many ties that link Israel and the United States.

It is a friendship filled with genuine admiration for what has been accomplished in so short a time. She is the most democratic and stable nation in the Middle East, an area noted for shaky governments and sporadic upheavals. She has made great strides in economic development. In a land that was once characterized by barren fields and deserts have risen modern cities and cultivated fields. It has become a center of learning and culture. Thousands of students from other lands pour in to attend its great colleges and universities. And only this week Israel opened its first national museum in Jerusalem.

Israel's achievements are more remarkable when we consider the handicaps she labored under. Israel had to absorb large numbers of immigrants from Europe as well as other parts of the globe. Israel was born in battle and had to fight hard to preserve her freedom.

Her achievements can also serve as an inspiration to many of us. Many newer nations in Africa and Asia, with whom Israel has maintained friendly relations, can find a practical example of what great economic strides can be taken in so short a time. And we in the United States can learn from Israel—as young as she is. The way her courageous people have repeatedly demonstrated their willingness to give their lives, if necessary, in defense of freedom and democracy, can serve as a powerful reminder of the value of what we are inclined to take for granted. It is therefore a warm pleasure to salute Israel, our democratic partner in the Middle East.

Mr. COLLIER. Mr. Speaker, since the end of the war many new nations have come into existence, and many new states have been formed. Among these new nations the Israeli nation is in a class by itself, and the State of Israel testifies to that fact. The birth, growth, and gradual strengthening of Israel as a free and independent state may be regarded as the miracle of the century, and as the realization of a 2,000-year-old dream, as something almost unique in human history.

Unhappy Jews were deprived of their homeland centuries before the discovery of America, and were scattered to all parts of the world. But these sons of ancient Israel were never reconciled with forced dispersion, and they dreamed of the day when they would return and recreate their old kingdom in their own image. This is what they eventually did, and their superhuman efforts culminated in the birth and rise of today's Israel on May 14, 1948.

Since that memorable day Israel citizens have done wonders in making their new state the model democracy in the entire Middle East. They have also made it a prosperous and progressive haven for its 2 million hard working, inventive, and confident inhabitants. On its 17th birthday the State of Israel is a powerful factor for peace and stability in the Middle East, and I wish its sturdy citizens more power in their struggle for peace and prosperity.

HAPPY BIRTHDAY, PRESIDENT TRUMAN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. RANDALL], is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, once again I rise—as I have done each year since 1959—to pay tribute to one of our Nation's greatest citizens. President Harry S. Truman will be 81 years old on May 8. It is my happy privilege, as Mr. Truman's Representative in Congress, to mark the occasion with a few remarks and to wish him a very happy birthday.

Each year at about this time I reflect upon this outstanding man's life and each year I am awed and almost overwhelmed by the number and variety of ways he has served the citizens of the free world. His rise to the highest office in the land under sudden and tragic circumstances, his strength in picking up the reins of Government in the midst of the world's most devastating war and in guiding the United States and its allies to a final victory, his foresight in serving as chief architect of the United Nations, the Truman Doctrine, the Marshall plan and point 4 aid, and his resoluteness in reaching difficult decisions such as the use of the atomic bomb to save thousands of American lives, the miracle of the Berlin airlift, and the decision to resist aggression in Korea all testify to his great stature as a President of the United States.

But my purpose is not to repeat what every American—from the most advanced student of the presidency to the youngest reader of a third grade history book—knows so well. I am concerned not with dates or historical facts, but with the man himself. I do not wish to repeat what this outstanding leader did, or how or even why he did it, but rather to look beyond the deed at the doer. And I might say, Mr. Speaker, that President Truman is a doer par excellence.

Eighty-one years old? Any man of 21 would do well to have the energetic zest for life and the love for people that the man from Independence still characteristically displays.

Today—20 years after he became President, 17 years after he won the cloak of leadership in his own right to the surprise of almost everyone except himself, and 13 years after leaving the White House—President Truman is not sitting around reading history. He is still making it.

Turn on your television set some evening. You are liable to see Mr. Truman starring in a 26-program series covering the years of his Presidency.

Walk by your corner bookstore. On the shelves you will see the two-volume set of memoirs he wrote in order that present-day students and future historians may study the record of his Presidency.

Pick up the morning newspaper. You may read about President Truman traveling to New York, accompanied by his wife, to accept the Freedom Award, as he did last month. Or, with the refreshing straightforward honesty that occasionally shocks the fearful and timid, responding to the questions of reporters.

In short, Harry S. Truman is not resting on his presidential laurels. He is continuing to earn his reputation as a man to be reckoned with.

A brief review of some of the President's recent activities illustrates more precisely why this is so.

Take, for example, his two books that chronicle the history of his administration, "Year of Decision" and "Years of Trial and Hope." These books were written not to glorify their author, yet in the words of Clement Attlee, the former Prime Minister of England, President Truman in his books "not only adds a page to history, but reveals himself a simple, straightforward, honest man, doing his duty with no thought of himself. I am impressed by the courage he displayed in facing this great task."

The President's courage is equally evident in the televised series called "Decision: The Conflicts of Harry S. Truman." Because of his intense interest in the lessons of history, Mr. Truman was the first President to participate actively in a television series in which he makes public his innermost thoughts and fears at the time of his most critical decisions. His statement to a representative of Screen Gems, the producer of the show, is characteristic of his sense of responsibility toward the current generation:

> I want the people to know me as I am and the Presidency as I have known it.

I might add that because of his willingness to allow the American people and the world to gain such insight into the history of his Presidency, the American Cinema Editors last March 14 presented the former President an award as the "Outstanding Television Personality of the Year."

Last month, on the 20th anniversary of his assumption to the Presidency, Mr. Truman received another honor—the coveted Freedom Award, presented annually since 1943 for outstanding contributions to the cause of freedom. In explaining the selection of President Truman to receive this year's award, the judges said:

> President Truman's leadership—particularly in initiating the Marshall plan, the Truman Doctrine and the defense of South Korea—set the pattern for America's worldwide activities in behalf of freedom.

The plaque presented to President Truman summed up this courageous man's place in history more succinctly, but no less meaningfully:

> Wise in policy,
> Valiant in action,
> Decisive in leadership;
> You gave a battered world new hope.

But perhaps the most eloquent and meaningful tribute to our former President was delivered by one who served with him as he took upon his shoulders the problems of our country and the world, and who therefore knew him best. Dean Acheson, in the major address at the Freedom Award ceremony reminded us that the policies of the Truman administration in foreign affairs showed a sweep, a breadth of conception and boldness of action which were new in this country's history.

The former Secretary of State said:

> Many of President Truman's decisions constituted expanding action in a truly heroic mold. All of them were dangerous. All of them required rare capacity to decide and act. All of them were decided rightly, and vigorously followed through.

This summary aptly indicates the continuing influence upon history which Harry S. Truman has exerted. How fortunate we are that he is still with us to continue making history.

In giving us the benefit of his insight, President Truman is as unencumbered now by self-aggrandizement or ego as he was when he led us and the world. He still displays the courage to give us new understanding of problems and issues—understanding which leads to clearer thinking and a better perspective, even among those who, for political or other reasons, may disagree with him. And, time after time, history proves Mr. Truman right.

Yes, Mr. Speaker, Harry S. Truman is still a principal actor on the stage of history. History is made when the President permits the American people and the world to read about the inner workings of his administration as it labored with some of the most momentous decisions of all time. History is also made when millions of men, women, and children, with the turn of a television dial, may watch and listen as events of two decades ago are described by those who participated. And history is made when our 33d President continues to express his views so forthrightly and honestly on the issues of today.

But President Truman also is making history in another way, through his well-known devotion to education. His dream, now fulfilled, to establish the Truman Library for the benefit of students of the Presidency stands as the best monument to his determination to share the knowledge he gained as President.

It has been said that next to his family, the President loves the Truman Library best. If so, this is because he loves his fellow man, and seeks in every way to help him improve himself and his world.

Only within the past 2 or 3 weeks, a drive was announced to raise $1 million to be used to aid scholars studying the office of the Presidency. This is in keeping with President Truman's wishes that the facilities of the Harry S. Truman Library Institute be made available to as many students as possible. Already—and this is certainly a tribute to the First Citizen of Independence—contributions have come in from across the country and from other nations as well, ranging from $7,500 down to the 25-cent donation of a young child.

Devotion to education and truth, to understanding and knowledge, and to the hope for peace is just as evident in Mr. Truman's activities of recent years, as they were during his years of public service. They center around one basic, overriding characteristic in the President's mind and heart: love for his fellow man.

Even at the height of his greatness, Harry S. Truman always remembered his friends and associates. He never forgot his loved ones. His door was always open to those who had served him. As a judge, as U.S. Senator, as Vice President, and in the highest elective office in the land, Harry S. Truman has remained close to the people he served.

Characteristically, Mr. Truman says that life has been good to him, and that he has done his best to repay the debt. I submit that Harry Truman owes no debts. Instead, mankind for all time will be indebted to him.

So I say, a happy 81st birthday, Mr. President, and may you have many, many more.

CHEER UP—THE POVERTY WAR HAS STARTED

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the war on poverty has begun. It is making a rather interesting start, however, which I would like to note.

The administration's antipoverty headquarters in Washington—Office of Economic Opportunity—gradually is getting itself organized as follows:

	Per year
Director	$30,000
Deputy Director	28,000
First Assistant Director	$27,000
Second Assistant Director	27,000
Third Assistant Director	27,000
An assistant	24,500
Do	24,500
Do	24,500
Do	24,500
Do	24,500
Do	24,500
Do	24,500
Do	24,500
Do	24,500
Another assistant	21,445
Do	21,445
Do	21,445
Do	21,445
Do	21,445
Do	21,445
Do	21,445
Do	21,445
Do	21,445
Do	21,445
Do	21,445
Another kind of assistant	18,935
Do	18,935
Do	18,935
Do	18,935
Do	18,935
Do	18,935
Do	18,935
Do	18,935
Do	18,935
Do	18,935
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Do	18,935
Do	18,935

The first five jobs listed are noncareer Executive Pay Act positions. The other 40 are under civil service and have been approved by the Civil Service Commission.

The national poverty headquarters plans a staff of 1,150 as a starter.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. COLLIER, for 30 minutes, on Monday next; to revise and extend his remarks and to include extraneous matter.

Mr. SAYLOR, for 60 minutes, today; and to revise and extend his remarks.

Mr. GILBERT (at the request of Mr. VIGORITO), to address the House for 10 minutes, today; and to revise and extend his remarks and include extraneous matter, and that all Members have 5 legislative days to extend their remarks in the body of the RECORD following the remarks by Mr. GILBERT on Israel Independence Day.

Mr. COOLEY (at the request of Mr. VIGORITO), for 60 minutes, on Tuesday, May 11, 1965; and to revise and extend his remarks and include extraneous matter.

Mr. ROGERS of Florida (at the request of Mr. VIGORITO), for 60 minutes, on Monday, May 10, 1965; and to revise and extend his remarks and include extraneous matter.

Mr. RANDALL, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. PHILBIN in two instances and to include extraneous material.

Mr. TENZER.

Mr. GRABOWSKI.

Mr. ROUSH to revise and extend the remarks made in colloquy with Mr. BROWN of Ohio on the rule to consider House Resolution 366 and include a chart.

Mr. KARTH asked and was given permission to include a table of figures following his remarks made in Committee of the Whole.

Mr. HARRIS the remarks he made in the Committee of the Whole today on H.R. 5401, and to include certain communications and other extraneous matter.

(The following Members (at the request of Mr. HUTCHINSON) and to include extraneous matter:)

Mr. MARTIN of Nebraska.

Mr. HALPERN.

Mr. DOLE.

(The following Members (at the request of Mr. VIGORITO) and to include extraneous matter:)

Mr. BRADEMAS in four instances.

Mr. STAGGERS.

Mr. RHODES of Pennsylvania.

ENROLLED JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 447. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 60. An act to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On May 5, 1965:

H.R. 5702. An act to extend for 1 year the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress and to provide necessary authorization of appropriations for such Commission.

On May 6, 1965:

H.J. Res. 447. An act making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

ADJOURNMENT

Mr. VIGORITO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, May 10, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1059. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 3, 1965, submitting a report, together with accompanying papers and an illustration, on a cooperative beach erosion control study of the city of Evanston, Ill., authorized by the River and Harbor Act approved July 3, 1930, as amended and supplemented (H. Doc. No. 159); to the Committee on Public Works and ordered to be printed with one illustration.

1060. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 5, 1964, submitting a report, together with accompanying papers and an illustration, on an interim report on Little Nemaha River and tributaries, Nebraska, requested by a resolution of the Committee on Flood Control, House of Representatives, adopted June 21, 1944 (H. Doc. No. 160); to the Committee on Public Works and ordered to be printed with two illustrations.

1061. A communication from the President of the United States, transmitting a supplement to his message of January 14, 1965, relative to foreign aid, to develop a program which is designed to strengthen the personnel capabilities of all the foreign affairs agencies of the Government (H. Doc. No. 161); to the Committee on Foreign Affairs and ordered to be printed.

1062. A letter from the Administrator, Veterans' Administration, transmitting a report of a violation of subsection (h) of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665(i)(2)), and pursuant thereto; to the Committee on Appropriations.

1063. A letter from the Comptroller General of the United States, transmitting a report of the lack of compliance with statutory requirement for local financial participation in area redevelopment projects, Area Redevelopment Administration, Department of Commerce; to the Committee on Government Operations.

1064. A letter from the Assistant Secretary of the Interior, transmitting a report of the investigation of the need for continuing assistance to Boulder City, Nev., for the cost of supplying water to the municipality, and announcing an allocation for fiscal year 1966 for such purpose, pursuant to section 9(e) of 72 Stat. 1729; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 7855. A bill to authorize appropriations for procurement of small patrol cutters for the Coast Guard; without amendment (Rept. No. 293). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 1771. A bill to establish a 5-day week for postmasters; with amendment (Rept. No. 294). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 485. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California, under Federal reclamation laws; with amendment (Rept. No. 295). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASHMORE: Committee on the Judiciary. H.R. 1665: A bill to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment in special jurisdictional cases, and for other purposes; with amendment (Rept. No. 306). Referred to the House Calendar.

Mr. POWELL: Committee on Education and Labor. H.R. 7031. A bill to provide for the establishment and operation of a National Technical Institute for the Deaf; with amendment (Rept. No. 307). Referred to the Committee of the Whole House on the State of the Union.

Mr. POWELL: Committee on Education and Labor. H.R. 7743. A bill to establish a system of loan insurance and a supplementary system of direct loans, to assist students to attend postsecondary business, trade, technical, and other vocational schools; without amendment (Rept. No. 308). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works. H.R. 6755. A bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes; without amendment (Rept. No. 309). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works. H.R. 7303. A bill to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters; with amendment (Rept. No. 310). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. House Resolution 347. Resolution expressing the disapproval of the House of Representatives of Reorganization Plan No. 1 of 1965; without amendment (Rept. No. 311). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Appropriations. H.R. 7997. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes; without amendment (Rept. No. 320). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H.R. 1231. A bill for the relief of Maria Mangano; with amendment (Rept. No. 296). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 1236. A bill for the relief of Salvador Munoz-Tostado; with amendment (Rept. No. 297). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 1306. A bill for the relief of Loretta Negrin; without amendment (Rept. No. 298). Referred to the Committee of the Whole House.

Mr. GILBERT: Committee on the Judiciary. H.R. 1314. A bill for the relief of Foster Masahiko Gushard; without amendment (Rept. No. 299). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 1322. A bill for the relief of Mrs. Anna Cristina Rainforth; with amendment (Rept. No. 300). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 1443. A bill for the relief of Mrs. Olga Bernice Bramson Gilfillan; without amendment (Rept. No. 301). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 1853. A bill for the relief of Giuseppe Delina; with amendment (Rept. No. 302). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 1889. A bill for the relief of Albert Marks; without amendment (Rept. No. 303). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 1908. A bill for the relief of Chester (Abramczyk) Hill; with amendment (Rept. No. 304). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 1987. A bill for the relief of Nabhane M. Nickley (Nabhane M. Karam); without amendment (Rept. No. 305). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 1989. A bill for the relief of Krystyna Glowacka; with amendment (Rept. No. 312). Referred to the Committee of the Whole House.

Mr. GILBERT: Committee on the Judiciary. H.R. 2012. A bill for the relief of Dr. Ignace D. Liu; without amendment (Rept. No. 313). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 2305. A bill for the relief of Zenaida Z. Lazaro; with amendment (Rept. No. 314). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2351. A bill for the relief of Teresita Centeno Valdez; with amendment (Rept. No. 315). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 2360. A bill for the relief of Dr. Antonio R. Perez; without amendment (Rept. No. 316). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 2499. A bill for the relief of Remedios Ocampo; without amendment (Rept. No. 317). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 3625. A bill for the relief of Alfred Estrada; without amendment (Rept. No. 318). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 4131. A bill for the relief of Mrs. Phoebe Thompson Neesham; without amendment (Rept. No. 319). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATTIN:

H.R. 7949. A bill to amend the Internal Revenue Code of 1954 to remove the maximum limitations on the amount of the de-

duction allowed a taxpayer for medical, dental, and related expenses; to the Committee on Ways and Means.

By Mr. DOLE:

H.R. 7950. A bill to amend the Internal Revenue Code of 1954 to provide for the deduction of certain education expenses of teachers; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 7951. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 7952. A bill to amend the Bank Merger Act so as to provide that bank mergers, whether accomplished by the acquisition of stock or assets or in any other way, are subject exclusively to the provisions of the Bank Merger Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. HAGEN of California:

H.R. 7953. A bill to amend section 8c(6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended, to authorize provision for marketing promotion and paid advertising under marketing orders for plums; to the Committee on Agriculture.

By Mr. HARRIS:

H.R. 7954. A bill to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960); to the Committee on Interstate and Foreign Commerce.

By Mr. IRVIN:

H.R. 7955. A bill to amend the Tariff Act of 1930 to provide a uniform rate of duty for tape recorders and dictation recording and transcribing machines; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 7956. A bill to promote the orderly replacement and expansion of the nonsubsidized merchant fleet and the commercial fishing fleet of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. LINDSAY:

H.R. 7957. A bill to amend title I of the Tariff Act of 1930 to limit button blanks to crude forms suitable for manufacture into buttons; to the Committee on Ways and Means.

By Mr. MARTIN of Alabama:

H.R. 7958. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. MATTHEWS:

H.R. 7959. A bill to provide for participation of the United States in the Inter-American Cultural and Trade Center in Dade County, Fla., and for other purposes; to the Committee on Foreign Affairs.

By Mrs. MINK:

H.R. 7960. A bill to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a) (3) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

By Mr. MINSHALL:

H.R. 7961. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of muscovite mica splittings proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

By Mr. PHILBIN:

H.R. 7962. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarships in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE:

H.R. 7963. A bill to amend the Internal Revenue Code of 1954 to exempt schoolbuses from the manufacturers' excise tax; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 7964. A bill to provide additional assistance for areas suffering a major disaster; to the Committee on Public Works.

By Mr. ST. ONGE:

H.R. 7965. A bill to provide for the administration of the Coast Guard Band; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR:

H.R. 7966. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. SISK:

H.R. 7967. A bill to amend section 8c(6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended, to authorize provision for marketing promotion and paid advertising under marketing orders for plums; to the Committee on Agriculture.

By Mr. STAFFORD:

H.R. 7968. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. MILLS:

H.R. 7969. A bill to correct certain errors in the Tariff Schedules of the United States; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 7970. A bill to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs; to the Committee on Public Works.

By Mr. KEOGH:

H.R. 7971. A bill to amend title I of the Tariff Act of 1930 to limit button blanks to raw or crude blanks suitable for manufacture into buttons; to the Committee on Ways and Means.

By Mr. McCARTHY:

H.R. 7972. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. PIRNIE:

H.R. 7973. A bill to amend section 4339 of title 10, United States Code; to the Committee on Armed Services.

By Mr. QUIE:

H.R. 7974. A bill to amend section 7701 of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 7975. A bill providing for the issuance of a campaign medal to each member of the Armed Forces who serves in Vietnam; to the Committee on Armed Services.

By Mr. STALBAUM:

H.R. 7976. A bill to expand and improve existing law and to provide for the establishment of regulations for the purpose of controlling pollution from vessels and certain other sources in the Great Lakes and other navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. ASHBROOK:

H.R. 7977. A bill to amend title 38, United States Code, to provide vocational rehabilitation, education and training, and loan guaranty benefits to persons who served in the Armed Forces on or after January 1, 1962, in combat zones, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Florida:

H.R. 7978. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 7979. A bill to provide that an individual who has attained age 62 and is entitled to monthly insurance benefits under title II of the Social Security Act shall be entitled to the same tax treatment under the Internal Revenue Code of 1954 as an individual who has attained age 65; to the Committee on Ways and Means.

By Mr. SCHMIDHAUSER:

H.R. 7980. A bill to provide assistance to certain States bordering the Mississippi River in the construction of the Great River Road; to the Committee on Public Works.

By Mr. TENZER:

H.R. 7981. A bill to amend section 203(a) of the National Aeronautics and Space Act of 1958 to provide for a program of research and development by the National Aeronautics and Space Administration to reduce or eliminate aircraft noise, and for other purposes; to the Committee on Science and Astronautics.

H.R. 7982. A bill to amend section 302 of the Federal Aviation Act of 1958 to provide for the elimination of aircraft noise, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H.R. 7983. A bill to amend the Federal Aviation Act of 1958 in order to provide for research to determine criteria and means for abating objectionable aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 7984. A bill to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities; to the Committee on Banking and Currency.

By Mr. BARRETT:

H.R. 7985. A bill to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities; to the Committee on Banking and Currency.

By Mr. WIDNALL:

H.R. 7986. A bill to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities; to the Committee on Banking and Currency.

By Mr. THOMAS:

H.R. 7997. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes.

By Mr. FLOOD:

H.J. Res. 450. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H. Con. Res. 408. Concurrent resolution expressing the sense of the Congress with respect to religious persecution by the Soviet Union; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H. Res. 369. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

By Mr. MURPHY of New York:

H. Res. 370. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

By Mr. SAYLOR:

H. Res. 371. Resolution expressing the continued opposition of the House of Representatives to the admission of the Communist China regime to the United Nations; to the Committee on Foreign Affairs.

By Mr. SHRIVER:

H. Res. 372. Resolution condemning persecution of national and religious minorities in the Soviet Union; to the Committee on Foreign Affairs.

By Mr. PHILBIN:

H. Res. 373. Resolution extending greetings and felicitations of the House of Representatives to the trustees, faculty, students and friends of Cushing Academy of Ashburnham, Mass., on the occasion of the 100th anniversary of the granting of its charter; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 7987. A bill for the relief of Mohamed Ramez Salem; to the Committee on the Judiciary.

By Mr. ASHLEY:

H.R. 7988. A bill to confer jurisdiction on the U.S. Court of Claims District Court for the Northern District of Ohio to hear, determine, and render judgment of the claim of Jean Davison against the United States; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 7989. A bill for the relief of Isidore and Margaret Zellermayer; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 7990. A bill for the relief of the estate of Bradford Smith; to the Committee on the Judiciary.

By Mr. MORRISON:

H.R. 7991. A bill for the relief of Benjamin Soued and Elie Soued; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7992. A bill for the relief of Salvatore Gambino; to the Committee on the Judiciary.

H.R. 7993. A bill for the relief of Vincenzo Prestigiacomo; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 7994. A bill for the relief of Georgios Kapsopoulos; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 7995. A bill for the relief of Jirayer Gharapetian Vartanian; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 7996. A bill for the relief of Clarita D. Garcia; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

197. By Mr. SHRIVER: Resolution adopted by Rice County Farmers Union, Rice County, Kans., urging that certain amendments be included in H.R. 7097 and that full parity for farm families is the goal we must reach; to the Committee on Agriculture.

198. By the SPEAKER: Petition of Henry Stoner, Columbus, Ohio, with reference to the removal of the U.S. Marine Corps from the Dominican Republic; to the Committee on Foreign Affairs.

SENATE

THURSDAY, MAY 6, 1965

(Legislative day of Wednesday, May 5, 1965)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

Dr. Joachim Prinz, rabbi, Temple B'Nai Abraham, Newark, N.J., offered the following prayer:

In the gray days of human history, Abraham, the father of all religions, enunciated for the first time the concept of one God, Creator of the world, and the Sustainer of life. Thus the history of the people of Israel remains forever bound up with the divine plan for His world and the people who inhabit it. Yet, Israel's history is one of bondage and persecution. For 2,000 years, after the Holy Land had passed into foreign hands, the Jewish people suffered in countries all over the globe. Herded into ghettos, they were subjected to discrimination and degradation, to injury and death. In our own days, 6 million of them lie buried in the mass graves of the concentration camps of Europe. Yet in all these centuries of hatred and bloodshed, they did not abandon their faith in God, nor did they forsake their belief in man's innate goodness and the principles of justice and peace. They prayed and hoped that the day would come when many of them would be able to return to their homeland, the land of Israel, and to build a nation and to reestablish themselves in freedom and human dignity. The bloodletting of so many millions in the land of persecution and the perseverance of the Jewish people made the dream and prayers of Israel come true.

Seventeen years ago, with the concurrence and approval of the United Nations, the land of Israel was established. Today, more than 2 million people from many lands, men and women of many races and faiths, inhabit the land.

On this day of the anniversary of the founding of the State of Israel, we pray: May there be peace between Israel and her neighbors. May all of them realize that in their hands and hearts rests the key to the preservation of peace in the whole world. May there be wisdom in the minds of all leaders in that part of the world, the cradle of religion and civilization, so that they will pursue the cause of cooperation and mutual respect, which alone will guarantee stability and peace for all. May the water from the ancient and sacred river benefit the fields of all nations, yielding bread and sustenance for all, and not be a source of conflict and armed threat. May all the peoples acknowledge Israel's right to be, to work, and to create, knowing that there is room enough for Arabs and Jews to live together in harmony. May the great nations of the world—may, indeed, our own country and its leaders, recognize their responsibility to protect the integrity of all borders, and the rightful and just claims of all peoples, to the end that the ancient prophecy may be realized:

"And it shall come to pass in the end of the days,
That the mountain of the Lord's house shall be established,
And all nations shall flow unto it.
For out of Zion shall go forth the law,
And the word of the Lord from Jerusalem.
And they shall beat their swords into plowshares,
And their spears into pruning hooks;
Nation shall not lift up sword against nation,
Neither shall they learn war any more."

SUPPLEMENTAL APPROPRIATION, FISCAL YEAR 1965, FOR MILITARY FUNCTIONS OF DEPARTMENT OF DEFENSE

The VICE PRESIDENT. Pursuant to the unanimous-consent agreement, the Chair lays before the Senate the pending business, which will be stated.

The LEGISLATIVE CLERK. A resolution (H.J. Res. 447), making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

The Senate resumed the consideration of the joint resolution (H.J. Res. 447) making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, will the Senator yield to me one-half minute?

Mr. STENNIS. I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Permanent Investigations of the Committee on Government Operations, the Committee on Commerce, and the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 800) to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 7597) to establish the veterans reopened insurance fund in the Treasury and to authorize initial capital to operate insurance programs under title 38, United States Code, section 725, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 60) to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, and it was signed by the Vice President.

HOUSE BILL REFERRED

The bill (H.R. 7597) to establish the veterans reopened insurance fund in the Treasury and to authorize initial capital to operate insurance programs under title 38, United States Code, section 725, was read twice by its title and referred to the Committee on Finance.

SUPPLEMENTAL APPROPRIATION FOR MILITARY FUNCTIONS OF THE DEPARTMENT OF DEFENSE

The Senate resumed the consideration of the joint resolution (H.J. Res. 447) making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a quorum call not to exceed 3 minutes, the time to be considered outside of the time allotted under the unanimous-consent agreement.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). The Senator from Montana will state it.

Mr. MANSFIELD. Have the 3 minutes expired?

The PRESIDING OFFICER. They have.

Mr. MANSFIELD. How long ago did the 3 minutes expire?

The PRESIDING OFFICER. They have just expired.

Without objection, the order for the quorum call is rescinded.

Mr. MORSE. Mr. President, I yield 40 minutes to the distinguished Senator from Alaska.

AN APPROPRIATION REQUEST CANNOT BE USED TO AUTHORIZE AN UNDECLARED WAR

Mr. GRUENING. Mr. President, in his message to the Congress on May 4, 1965, requesting this supplemental appropriation of $700 million to conduct the undeclared war in Vietnam, President Johnson frankly stated that this request was being used not because moneys were needed to supply our Armed Forces in Vietnam, but rather as a vehicle to secure congressional approval of his carrying on the undeclared war to North Vietnam and anywhere else in southeast Asia that he sees fit.

This the President made clear at the outset of his message when he stated:

> This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and Communist attack will not succeed.

It should be made clear also that this request for funds for the remainder of the current fiscal year—2 months—would be spending at the rate of over $4 billion a year. It is obvious that the sum has been set this high not because this sum can be obligated in the less than 60 days remaining in this fiscal year, but because there is here an attempt to obviate the fact that this is unnecessary. The President has stated that funds requested are not needed during this fiscal year. He has told Members of Congress that sufficient funds have been appropriated to the Department of Defense and sufficient transfer authority has been lodged in him to permit the undeclared war in Vietnam to be carried on without let or hindrance until the end of this present fiscal year.

By this message the President has sought to give the clear impression that a vote against this appropriation is a vote in aid to communism.

This implication is totally unwarranted. It should be resented by every Member of Congress. It attempts to blackjack the Senators and Representatives and to hold them up to scorn and to brand them as less than patriotic if they choose to differ and disobey the Presidential command.

I yield to no one in the intensity of my opposition to the international Communist conspiracy and in my determination to do what I can to defeat that conspiracy.

Thus, for reasons which I shall enlarge upon later in my remarks, I do support the actions which President Johnson felt forced to take to prevent a Communist takeover of the Dominican Republic.

This is not a rubberstamp Congress—or at least it should not be. The separation and independence of the three branches of government—executive, legislative, and judicial—is among the basic and inviolate tenets of our Constitution and of the American idea. We should resent being dragged around like a dog on a leash and given 48 hours to pass bills which the administration seeks to gird up its shaky policies and which admittedly are not needed at this time. The Congress should not be asked to enact legislation such as the bill before us today, with hidden meanings. Let us consider this bill on its merits without a background Presidential message which seeks to give devious and sinister meanings to our votes.

Some have attempted to compare the situation in the Dominican Republic with the situation in Vietnam.

The comparison is not valid.

In Vietnam we start with the historical fact that there had been a unified Vietnam for 800 years, which followed over a thousand years of Chinese rule and which preceded the colonial status after the French conquest of Indochina.

The concept of two Vietnams came into being only as a result of the Geneva Conventions of 1954 after the French had been decisively beaten by the Vietminh at Dienbienphu.

It was never intended to be a permanent division of Vietnam into two parts.

According to the Geneva Convention, free internationally supervised elections were to be held within 2 years for the purpose of reunifying the country into one, single Vietnam—as it had been before its conquest by France.

Those guaranteed elections were not held because the United States—through its puppet Ngo Dinh Diem—did not want them to be held. This despite our unilateral pronouncement at the time of the Geneva Convention in 1954 that we would abide by the results of free elections, supervised by the United Nations, designated to unify the country.

That was our first violation of our commitment to abide by the provisions of the Geneva Convention.

In addition, despite the clear injunction contained in the Geneva Convention prohibiting the escalation of armaments either in North Vietnam or in South Vietnam, almost immediately after the Geneva Convention was signed in 1954, the United States began to supply arms to South Vietnam and to send military trainers into South Vietnam to train the Vietnamese Army culminating, in 1961, with our sending ever-increasing numbers of so-called advisers to fight alongside the South Vietnamese on the frontlines.

Our military escalation has continued since then, culminating in our decision in February to carry the war into North Vietnam.

Over a year ago—on March 10, 1964—I took the floor of the Senate to warn of the dangers inherent in a continuation of our policies in Vietnam.

First of all I pointed out that President Johnson had inherited the mess in Vietnam. I noted that it was not of his making and that as he approached the problems of making the hard decisions on Vietnam—problems created long before he became President—he should feel no compunction to act in such a way as to justify past actions, past decisions, and past mistakes. I stated then and I state now that President Johnson should feel entirely free to act in such a manner and to make such decisions as are calculated best to serve the interests of the United States and the free world—a world changed greatly from the time of President Eisenhower and Secretary of State Dulles, who initiated our southeast Asia policies.

It is still not too late, in my opinion, for President Johnson to reexamine his policies in that area of the world and to admit frankly and fully that his predecessors may well have been wrong in the course of action they set in that part of the world.

Mr. President, I ask unanimous consent that my remarks on March 10, 1964, together with various exhibits included in those remarks, be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, since March 10, 1964, I have time and time and time again on the floor of the Senate and elsewhere pointed out that basically the undeclared war in Vietnam is a civil war in which South Vietnamese are killing other South Vietnamese.

There is no denial of the fact that some of the South Vietnamese—the Vietcong—are being aided by arms and men from North Vietnam.

On the other hand, there is no denial of the fact that some of the South Vietnamese—the people of the government of Saigon—are being aided by U.S. arms and fighting men, and in steadily increasing volume.

But these facts cannot controvert the established premise that Vietnam was once a single, unified country, that the United States agreed to its reunification determined at the Geneva Conference, and that the guerrilla warfare—the civil war—started in South Vietnam when we decided not to honor our commitments for the reunification of Vietnam.

No one controverts the fact that atrocities have been committed on both sides.

And at the same time, no one controverts the fact that while our puppet, Diem, ruled the country he became increasingly ruthless, tyrannical, and sadistic in oppressing his fellow countrymen, while we stood by without effective protest and permitted his oppression in violation of the conditions specified by President Eisenhower in his letter of October 23, 1954, when he offered South Vietnam military and economic aid.

That the Communist government in Hanoi represses human rights and dignities no one can deny.

But that the government in Saigon of Premier Diem did the same thing, with our concurrence, should not have been countenanced.

For at that time it was the avowed purpose of the United States to show to the people of all Vietnam—or we should have been seeking to do so—that economic and social progress could be achieved with respect to the dignity of man and observance of his rights and freedoms, and that a free society was superior to a police state.

This, regrettably, we failed to do.

Another thing I have repeatedly pointed out during the past year is that we are fighting in Vietnam alone. Shortly after the Geneva Conventions in 1954, the United States took the lead in establishing the Southeast Asia Treaty Organization on September 8, 1954. Joining in this organization were the Governments of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom, and the United States. These countries at that time agreed to protect the territories of Laos, Cambodia, and Vietnam from "armed attack and counter subversive activities directed from without against their territorial integrity and political stability."

But what is the situation today?

Except for some minor, token forces from one or two of these countries, belatedly contributed after our most urgent pleas, the United States is going it alone in Vietnam.

As I have pointed out repeatedly, Where are our allies of the Southeast Asia Treaty Organization?

They just are not on the front lines in quantity comparable to the number of U.S. fighting men who are daily being killed and wounded in Vietnam.

In the months since March 10, 1964, when I first spoke out on the mess in Vietnam, I have repeatedly pointed out that our action in Vietnam constituted violations of our commitments under the Charter of the United Nations.

Article 33 of the United Nations Charter provides:

> The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The United States has not sought a solution to the conflict in Vietnam by inquiry.

The United States has sought no solution to the conflict in Vietnam by mediation.

The United States has sought no solution to the conflict in Vietnam by conciliation.

The United States has sought no solution to the conflict in Vietnam by arbitration.

The United States has sought no solution to the conflict in Vietnam by judicial settlement.

The United States has sought no solution to the conflict in Vietnam by resorting to regional agencies or arrangements.

The United States has sought no solution to the conflict in Vietnam by any other peaceful means.

More recently—on April 29, 1965—I pointed out in my remarks on the floor of the Senate my conviction that our policies in southeast Asia in bombing North Vietnam are aiding and not thwarting imperialist communism.

I have stated U.S. present policies may be driving Hanoi into the waiting arms of Peiping. If our war efforts are escalated and North Vietnam is laid bare, then Hanoi may be forced to call for aid from both Red China and Communist Russia. Once Red Chinese troops occupy North Vietnam, how many thousands of years will it take before they leave? It will be difficult to drive them out.

Our policies are also driving Peiping and Moscow closer whereas their deep split was a cause for rejoicing in the free world. Our policies are likewise estranging us from our allies and strengthening imperialist communism.

How are our policies in southeast Asia strengthening imperialist communism?

Because if we had adhered to the Geneva agreement and would adhere to it now, if we announced our purpose to hold the elections promised in the Geneva agreement and would adhere to it now, and if we announced our purpose to hold the elections which we supported, a united Vietnam would inevitably firmly resist a takeover by the Chinese. This would be a complete accord with its past history.

The Vietnamese want to be independent. They objected to the presence of the French. They object to the presence of the United States. They would oppose the presence of the Chinese.

What would emerge in all probability judged by past history, both long time and recent, would be a Titoist form of government independent of Peiping.

To secure that type of independence from Moscow, the United States has invested $2 billion in foreign aid in Tito's Yugoslavia.

We could have pursued the same policy in southeast Asia, although in consequence of our aggressiveness there and now the bombings of North Vietnam and our repeated declarations for an independent South Vietnam, this policy would now be more difficult to achieve than it would have been a year ago. But it is still possible.

In this policy we would have Russian support.

But if we escalate the war still further, go still farther north, and continue to bait the Government of China, the Chinese may move in with ground troops into both North and South Vietnam. And once they occupy Vietnam it would be infinitely more difficult to get them out. It has been extremely difficult and, as yet, impossible to get Joseph Stalin's troops and tanks and their successors out of Estonia, Latvia, Lithuania, and Poland and Czechoslovakia. But we managed to assist Tito in proclaiming and maintaining a considerable degree of independence from Moscow. We are pleased with the result and consider the $2 billion that it cost the American taxpayers as a sound investment.

His government is Communist, but it is a communism independent of the imperial control which Joseph Stalin sought to impose. It is not a communism which is exported for the purpose of dominating other nations.

Similarly, if we had pursued or could now pursue a corresponding policy in southeast Asia, a reunited Vietnam choosing its own government would in all likelihood maintain its independence from the Peiping rule of Mao Tse-tung and Chou En-lai.

Unfortunately our present policy is likely to nullify that desirable solution.

Actually, our policy is leading to the very Chinese imperialist expansion which we declare it is our purpose to obviate.

I have also, on many occasions, spoken out against the attempt to controvert established facts.

For example, the President in his message on May 4, 1965, sought to equate the situation in Vietnam to the situation in Korea.

This is far from accurate.

In Korea there was manifest aggression—an armed invasion from the North at the start.

In Korea the United States was fighting side by side with the South Koreans determined to keep their country free from aggression from the North.

In Korea we were fighting under the banner of the United Nations with allies from 15 countries fighting side by side with our troops.

In Vietnam, on the other hand, we are engaged in fighting on one side of a civil war against an indigenous uprising of South Vietnamese aided by North Vietnamese.

In Vietnam we are fighting virtually alone, without allies and on the basis of might makes right.

History cannot be rewritten, although the administration has attempted to rewrite it.

Facts cannot be ignored, although pertinent facts have been ignored by and in the administration's presentation of its case.

The United States cannot by wishful thinking rewrite the facts to suit new theories.

I see no need for this reassertion by the Congress of approval of his policies in Vietnam.

The President on August 7, 1964, requested the Congress to pass the following resolution:

> SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all the necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

I voted against that resolution and stated in part at the time:

> I have asked, and ask again now, that instead of multiplying our Armed Forces and the resulting casualities, we request a ceasefire and seek, instead of hostile military action, a peacekeeping United Nations police force. I should be happy to see Americans as a part of that peacekeeping police force * * * I cannot in good conscience support the pending resolution, which opens the door to unlimited unilateral war by our country in an area and for a cause which pose no threat to our national security, and in which no more American lives should be sacrificed.

I still feel as I did then.

This requested appropriation, coupled with the President's message, is in fact tantamount to giving the President a second blank check.

The Congress last August gave him one blank check to wage war with only two dissents—those of the distinguished senior Senator from Oregon [Mr. MORSE] and that of the junior Senator from Alaska. To repeat, I feel strongly that this cannot be done under the Constitution.

As a Senator of the United States I have taken a solemn oath to preserve and defend the Constitution of the United States. I cannot in all good conscience vote to take any action contrary to the provisions of that Constitution.

The people of both North and South Vietnam are Vietnamese. They have behind them 800 years of united history. The United States cannot pervert history and mold facts to suit its own convenience or its own theories of what it seeks to accomplish.

Mr. President, in my judgment, the situation in the Dominican Republic is totally different. I support what the President has done to date. I commend him for it. I feel, from my longstanding familiarity with Caribbean affairs, that he had no alternative.

A Communist takeover engineered by Peiping or Moscow would be in violation of the Monroe Doctrine. It was so in the case of Cuba. I do not consider the Monroe Doctrine obsolete. I support it unqualifiedly, especially with the interpretation which President Roosevelt sought to put into it—and our subsequent Presidents have likewise supported—that it be made a joint concern of all the American republics. But whether a joint concern or not, it should stand.

My interest in the Caribbean, and particulary in the island of Hispanola, which houses the two nations of Haiti and Santo Domingo, is probably of longer duration than that of any Member of the Congress. Forty-five years ago, when I was managing editor of The Nation, the weekly magazine in New York—which this year, incidentally, will celebrate its 100th anniversary—I crusaded against what has since become known as "our gunboat diplomacy."

It was when I was in Camp Zachary Taylor, as a candidate for a commission in the Field Artillery during World War I that one time while I was in the Y, I read in a newspaper an item that U.S. marines were bombing Haitian villages. This was shocking to me because I believed deeply in our participation on the side of the Allies in World War I. I felt that our sending American marines into these two island republics was in complete contravention to Woodrow Wilson's notable pronouncements about the right of small nations to determine their destiny. And in those days our interventions, regrettably, were pare of "dollar diplomacy." They went into other countries to protect American financial investments.

I felt that our basic liberties and fundamental principles were at stake, and I had, as I have said, embraced the Wilsonian philosophy. I felt then and I feel now that our entry into both World War I and World War II were imperative. I made up my mind then that if possible, when the war was over, I would look into the matter of our military invasion of these Caribbean nations and see what could be done about it. My opportunity came when I assumed managing editorship of The Nation.

I commissioned several writers to do articles, and they did so, which The Nation published. I wrote editorials on the subject. I organized a committee of 24 lawyers, who wrote an impressive brief pointing to the illegality and unconstitutionality of our invasion of those two island republics. They were distinguished members of the bar. They were: Frederick Bausman, Seattle; Alfred Bettman, Cincinnati; William H. Brynes, New Orleans; Charles C. Burlingham, New York; Zechariah Chafee, Jr., Cambridge; Michael Francis Doyle, Philadelphia; Walter L. Flory, Cleveland; Raymond B. Fosdick, New York; Felix Frankfurter, Cambridge; Herbert J. Friedman, Chicago; John P. Grace, Charleston, S.C.; Richard W. Hale, Boston; Frederick A. Henry, Cleveland; Jerome S. Hess, New York; William H. Holly, Chicago; Charles P. Howland, New York; Francis Fisher Kane, Philadelphia; George W. Kirchwey, New York; Louis Marshall, New York; Adelbert Moot, Buffalo; Jackson H. Ralston, Washington, D.C.; Nelson S. Spencer, New York; Moorfield Storey, Boston; Tyrrell Williams, St. Louis.

Those names may not mean much to the present generation, but most lawyers of middle age or older will recognize that these were outstanding members of their profession.

Senator William E. Borah, at my request, addressed a mass meeting of protest in Carnegie Hall, New York, at which Louis Marshall, a great lawyer, presided. And finally, I managed to secure a congressional investigation.

In response to my efforts, the Senate appointed a select committee with the following membership: Medill McCormick, of Illinois, Republican, chairman; Tasker Oddie, of Nevada, Republican; Atlee Pomerene, of Ohio, Democrat; and Andreius A. Jones, of New Mexico, Democrat.

The committee made its plans to hold hearings in both Haiti and the Dominican Republic. Senator McCormick then asked me to precede the committee by 1 week and try to organize the hearings and select the witnesses, as the amount of time the committee could spend in the island was limited. It held hearings for 3 days in Haiti and an equal number in the Dominican Republic.

The findings of the committee were not wholly to my liking. We were still in the era of "gunboat diplomacy" and "manifest destiny." They recommended the continuation of the military occupation in Haiti but an early termination of the Dominican occupation. However, the Nation persisted, and during the Hoover administration the Marines were withdrawn from Haiti, and in the meanwhile, self-government had been restored in the Dominican Republic.

Unfortunately, a man trained in our Marine Corps—Rafael Leonidas Trujillo y Molina, who had worked himself into a high place in the Dominican constabulary—promoted a coup d'etat, seized power, and established himself as the ruler of the Dominican Republic. His 31-year reign probably exceeds that of any of the various Latin American dictators in brutality, ruthlessness, and corruption. He murdered thousands of his fellow Dominicans. And regrettably, U.S. administrations, both Republican and Democratic, supported him, even giving him military aid which he used to oppress his own people.

In the fall of 1922, my interest in a good neighbor policy led me to go to Mexico as a journalist, representing both Collier's week and The Nation. Very little was known in the United States about the Mexican Revolution begun in 1911 which had passed its violent stage and was settling down to reap its fruits. I went to find out among other things why the Harding administration, with Charles Evans Hughes as Secretary of State, was refusing to recognize the government of President Alvaro Obregon, a great statesman who had both defeated the forces of feudalism and reaction in the field and had been elected President in the first postrevolutionary period. The Harding administration had refused to recognize his government because he, quite properly, refused to approve a treaty requested by the United States which would in effect nullify the purposes and promises of the Mexican revolution by agreeing not to break up the large landholdings if they were American owned. We were still carrying out dollar diplomacy.

My interest in Latin America led me to discuss with President Roosevelt the desirability of a "good neighbor policy." I also discussed this at length with Secretary of State Cordell Hull, whom I found deeply sympathetic, although somewhat timid on the subject of agreeing to cease armed intervention in the neighboring countries in times of disorder and violence.

In the fall of 1933, I found that I had been appointed the adviser—and there was only one—to the U.S. delegation to the Seventh Inter-American Conference which was to convene in Montevideo, Uruguay, late that year. This was President Roosevelt's first venture into the Latin American field. The American commission was headed by Secretary Cordell Hull. The Republican member was J. Reuben Clark, of Utah, who had been a former Under Secretary of State, and the others were: Spruille Braden, whose family had had copper interests in Chile; Alexander Weddell, U.S. Ambassador to Argentina; J. Butler Wright, U.S. Minister to Uruguay; and Dr. Sophonisba Breckenridge, professor of social work at the University of Chicago.

In this Montevideo Conference we laid the groundwork for certain fundamental changes in U.S. policy. The most important of these was to adjure intervention for any reason whatever into the territory of our neighboring states unless requested by their government. Second, to make the Monroe Doctrine multilateral; to make it, in President Roosevelt's words, a "joint concern" of all the American republics. These became U.S. policy, and it was a gratifying and fundamental change from the imperialistic course we had followed for the previous third of a century and a little earlier. I considered it a very gratifying achievement, and American public sentiment generally supported it.

Subsequently, what had been called the Pan American Union became the Organization of American States, and its charter very specifically forbids intervention for any reason whatsoever. However, unfortunately and regrettably, that organization has not functioned well and is not now prepared to function quickly. So when President Johnson found that American lives were in danger, that there was no government in the Dominican Republic; that no protection could be given either Americans or foreign nationals, he took the only course possible and sent our marines there to protect human lives—the lives not only of our own citizens but of other foreign nationals. However regrettable it may be that this could not have been done multilaterally and by the OAS, as a practical matter that was impossible There was no time to lose if lives were to be saved. And so, as I have stated, I commend President Johnson for this action.

Before the marines had landed, the revolution seemed to be and apparently was a revolt by the followers of Juan Bosch against the dictatorial and reactionary regime of the military which had staged the coup d'etat against him, had deposed him from office and driven him into exile. He had been the constitutional and legally elected President—perhaps the first ever to be so elected in the Dominican Republic, whose history, unfortunately, has been an alternation between chaos and dictatorship. It was tragic that Bosch was not permitted to fulfill his term and have it followed by another constitutional election.

However, after the marines had landed, or about that time, the President was informed that the rebels against the usurping Government of the Dominican Republic were largely infiltrated by Commmunists, some of them trained in Cuba and elsewhere, and that there was a real danger that these Communist elements would take over the revolution.

Assuming that this information was correct, and obviously the President so felt, he had no other course but to announce that we would prevent the Communist takeover and not allow the Dominican Republic to become another Communist satellite.

The presence of one Communist-dominated country in the Caribbean such as Cuba unfortunately may not in itself be a direct menace to our own national security, but it is a constant menace to our sister nations in the Caribbean and in South America and to the peace of this hemisphere. Directed by Moscow, and maybe by Peiping, Castro's Cuba has sent infiltrators and saboteurs into Venezuela and Colombia, and seeks to export its Communist revolution to those countries which are striving for democratic forms and the freedoms predicated thereunder. So they have experienced the traditional Communist methods of violence—sabotage, bombing, and assassination. It is unthinkable that we should not do everything possible to prevent the spread of this form of totalitarianism, which is so contrary not only to our own ideals and purposes, but to that of our neighbor republics. This would become a menace to our security if it succeeded in subverting other nations in this hemisphere.

I regret to say that I think we have blundered gravely in our previous policies under both Democratic and Republican administrations. We have supported ruthless dictators of the right, such as Trujillo and Batista, who prepared the way for such a reaction against their tyranny and such a revulsion against their corruption that the field was ripe for a Communist takeover. When Castro finally revealed his true colors and showed himself to be a puppet of the Kremlin, we again blundered greatly in the Bay of Pigs episode. We should either have kept out entirely or given the Cuban refugees the support which they believed had been promised them and which they had every right to expect. We did neither, and Castro was strengthened by our fumbling. Castro has since proved a menace to the peace of the Western World and another such Communist Castroite republic nearby allied with Moscow or Peiping would be intolerable. So I feel the President has been dead right to scotch this menace.

President Johnson has also acted wisely and correctly in summoning the Organization of American States into action. It remains to be seen whether the Latin American members will rise to the occasion and move to provide the kind of multilateral security and consensus which their interests, as well as ours, would dictate. We should have an inter-American police force similar to a United Nations police force, but organized wholly in the Western Hemisphere. It should be manned by contingents from every country willing to participate, and the U.S. participation should be that of a member and not of a dominator. Once organized it should be ready to move into situations such as exploded in the Dominican Republic. If this could be achieved, the United States would get away both from the necessity as well as the onus of unilateral intervention. We would thereby dispel the idea, now unfortunately reborn, that we are resuming gunboat diplomacy and wielding the big stick.

So I want to make it clear that I feel that there is a fundamental difference between our military involvement in southeast Asia and our involvement, as it has been to date, in the Caribbean. As I repeatedly stated, I do not consider what happens in Vietnam, or indeed in southeast Asia, a menace to our Nation's security. I do not share the view that if we go to the peace table and work out a settlement in line with the Geneva agreement, which we are pledged to support, that there will be a Communist takeover of all southeast Asia. I share even less the alarmist fears that the takeover of the Philippines, Australia, New Zealand, and so forth, will follow, and that we shall have to repel communism on our U.S. shores. That is a lot of nonsense because the United States, through its fleet and air power, completely controls the Pacific Ocean. Moreover, as I pointed out again and again, the white man cannot settle internal Asian problems. They have to be settled by the Asians. I have discussed this at great length at various times, and passing events fully justify my apprehension that we are getting deeper and deeper into a quagmire from which we will have great difficulty in extricating ourselves with honor, with profit, or with success, and without the loss of still more American lives.

The said fact is that judging from the President's $700 million request to carry on the war for 2 months, we can assume that the total appropriation requested for next year will run over $4 billion—and it will probably be larger. The Korean war cost us $18 billion and, of course, this war will be at least, if not more, costly. So we can anticipate that all the fine domestic programs which the President has presented and which have already met with wide and enthusiastic acclaim from the American people, sorely needed and desirable programs—the war against poverty, antipollution, the war against crime, landscape and urban beautification, resource development, wildlife and wilderness conservation, and much else—will go down the drain. The funds needed to carry out the President's purpose and his overall proposal to build the Great Society will be consumed by the moloch of war.

Mr. President, I support President Johnson in his actions in the Dominican Republic since I appreciate the fact that the perilous situation in the Dominican Republic and the failure of the Organization of American States to offer an effective, readily available alternative compelled him to act in order to avoid a takeover of that Republic by international communism.

However, I cannot support President Johnson on the course he has chosen to follow in Vietnam. Therefore, I cannot support him in his request for this appropriation, which admittedly is not needed now to carry on our war there and which I regard as a subterfuge to gain congressional support for his policies in Vietnam.

Therefore Mr. President, I shall vote against the approval of this appropriation.

EXHIBIT 1

THE UNITED STATES SHOULD GET OUT OF VIETNAM

Mr. GRUENING. Mr. President, the mess in Vietnam was inherited by President Johnson.

Over 10 years ago, after a careful study of the situation in Indochina, a report was made to the Senate outlining the following conditions for success in that troubled area of the world:

"The basic problem which confronts all three governments and particularly that of Vietnam is to put down firm roots in their respective populations. They will be able to do so only if they evolve in accord with popular sentiment and they deal competently with such basic problems as illiteracy, public health, excessive population in the deltas, inequities in labor, and land tenure, and village and agricultural improvements. Finally, it is essential that there be a constant rising of the ethical standards of government and a determination to use the armies, now in the process of formation, strictly for national rather than private purposes. Failure in these fundamental responsibilities of self-government will result in the achievement of the shadow rather than the substance of independence. It could also mean the rapid reduction of the three nations to chaos and the subsequent intrusion of some new form of foreign domination from close at hand."

The date of that report was October 27, 1953, over 10 years ago.

The person making the report was our very able and distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], whose knowledge of that area of the world is most extensive. With respect to South Vietnam, the recommendations of the Senator from Montana were prophetic, but they went unheeded.

History shows that the major causes of the deterioration, not only of the U.S. position, but also of the position of the South Vietnamese governments, have been actions by the South Vietnamese Government contrary to the advice offered by the distinguished majority leader 10 years ago.

The war in South Vietnam is not and never has been a U.S. war. It is and must remain a fight to be fought and won by the people of South Vietnam themselves. The will to fight and win must come from the spirit of the South Vietnamese. The United States cannot instill that will in them.

For 14 years now the United States has helped the South Vietnamese with men, money and material in generous amounts. I ask unanimous consent that there be printed at this point in my remarks a table showing the amounts of aid loaned or granted for this area over the years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. military and economic aid to Laos, Cambodia, and South Vietnam, fiscal years 1954 to 1963, inclusive

[In millions of dollars]

Year	Laos	Cambodia	South Vietnam
1954			0.1
1955	40.9	38.2	325.8
1956	76.5	70.8	383.6
1957	48.7	55.3	391.6
1958	36.9	36.1	242.0
1959	32.6	29.6	249.0
1960	55.5	26.0	251.4
1961	64.2	28.1	209.6
1962	64.1	39.9	287.2
1963	36.8	29.2	208.1

Mr. GRUENING. Why have these been unavailing in bringing security to South Vietnam from the Communist-led attacks of the Vietcong? As Sam Castan, Look senior editor, wrote on January 28, 1964:

"But in spite of our noble intent, our massive aid and all the small acts of selfless heroism our men have performed in its behalf, South Vietnam's path to peace is cluttered by the debris of mistakes that America either made or endorsed."

I ask unanimous consent that the entire article by Mr. Caston entitled "Vietnam's Two Wars" be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. It is to the past then, rather than to the events of recent days and months, that we must look for the answer to the "why" of the present dilemma of the United States in South Vietnam.

When President Eisenhower took office in January 1953, the war in Indochina was not going well. It was a French war, fought with French troops as well as the troops of Laos, Cambodia, and Vietnam. U.S. military and economic aid had been going to the French in ever-increasing amounts as the drain of maintaining a fighting force of a quarter of a million men and of supporting three Indochinese national armies numbering 120,000 men increased.

In reviewing the situation on January 27, 1953—6 days after taking office—Secretary of State John Foster Dulles stated:

"Now the Soviet Russians are making a drive to get Japan, not only through what they are doing in northern areas of the islands and in Korea, but also through what they are doing in Indochina. If they could get this peninsula of Indochina, Siam, Burma, Malaya, they would have what is called the rice bowl of Asia. That's the area from which the great peoples of Asia, great countries of Asia, such as Japan and India, get in large measure, their food. And you can see that if the Soviet Union had control of the rice bowl of Asia, that would be another weapon which would tend to expand their control into Japan and into India. That is a growing danger and it is not only a bad situation because of the threat in the Asian countries that I refer to but also because the French, who are doing much of the fighting there, are making great effort and that effort subtracts just that much from the capacity of their building a European army and making the contribution which otherwise they could be expected to make.

In terms of fighting men, France was there as the only major power on the scene because the three countries had been and were French colonies. While they had been given independence in 1949, the independence was with respect to internal affairs only. They were still within the French Union and France had an obligation to them to help fight the Communist-supported internal fighting they faced.

But the long supply lines and the fierce fighting continued to sap French strength.

Then came the tragic events at Dienbienphu in March 1954. The Communists under Ho Chi Minh attacked that fortress in force.

Those were the days of brinkmanship, of massive retaliation, and of the domino theory—policies proclaimed by Secretary of State John Foster Dulles.

While the fighting was taking place, Gen. Paul Ely, French chief of staff, flew to Washington to inform the Eisenhower administration that the French could not hold out much longer and needed direct U.S. intervention.

This request precipitated a behind-the-scene struggle at the highest levels of Government circles both here in Washington and in London.

While General Ely was still in town, Secretary of State Dulles held a news conference in which he stated that what military aid was given to France was a military matter and that "if there are further requests of that kind that are made, I have no doubt that our military or defense people will attempt to meet them."

I ask unanimous consent that the text of Secretary Dulles' news conference on March 23, 1954, be printed in full in the RECORD, at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRUENING. Mr. Fletcher Knebel, well-known Washington correspondent, in an article in Look on February 8, 1955, gave a forceful account of maneuverings in high places in Washington and London in those fateful, early days of 1954 when the United States stood on the brink of an all-out invasion of Vietnam.

According to Mr. Knebel, Adm. Arthur W. Radford, then Chairman of the Joint Chiefs of Staff, advocated an immediate airstrike from carriers; Gen. Matthew B Ridgway, Army Chief of Staff, was opposed since he believed that such a strike could lead to all-out intervention; Admiral Carney, Chief of Naval Operations, and Gen. Nathan F. Twining, Air Force Chief of Staff, felt that, while an airstrike might help the French at Dienbienphu, more force would be needed to win the fight in Vietnam.

President Eisenhower, according to Knebel, agreed with Admiral Radford on two conditions: That the United States be joined in the action by other allies; namely, Great Britain; and that congressional approval be obtained for the action. Since neither condition could be met, the United States moved back safely from the brink.

I ask unanimous consent that that portion of Mr. Knebel's article dealing with Indochina be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRUENING. Dienbienphu fell on May 7, 1954.

At Geneva on July 21, 1954, delegates from Great Britain and the U.S.S.R., France, the United States, Communist China, Cambodia, Laos, Vietnam and the Vietminh came to a settlement to resolve the fighting in Vietnam. The main provisions of the agreement concerning Vietnam were as follows:

First. Vietnam was to be partitioned along the 17th parallel into North and South Vietnam.

Second. Regulations were imposed on foreign military personnel and on increased armaments.

Third. Countrywide elections, leading to the reunification of North and South Vietnam, were to be held by July 20, 1956.

Fourth. An International Control Commission—ICC—was to be established to supervise the implementation of the agreements.

The United States was not a signatory of the agreement, but issued a statement, unilaterally, stating that—"It (1) will refrain from the threat or the use of force to disturb the Geneva Agreements; (2) would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security and (3) shall continue to seek to achieve unity through free elections, supervised by the U.N. to insure that they are conducted fairly."

Mr. MORSE. Mr. President, will the Senator yield?

Mr. GRUENING. I yield with pleasure.

Mr. MORSE. I may say to the Senator from Alaska that I had planned to sit through every word of his speech. I had expected it would come earlier this afternoon. Unfortunately, I must go to an official conference. I assure the Senator from Alaska that I have read every word of his speech. I would have the RECORD today show that the senior Senator from Oregon thinks this is one of the great speeches in this session of the Congress on foreign policy. I associate myself with every word of the speech.

I am awaiting my Government's answer to it. In my judgment, there is no answer to the Senator's speech. There is no justification for killing a single American boy in South Vietnam. It is about time the American people awakened to what is going on in South Vietnam and recognized that South Vietnam is beyond the perimeter of American defense. There is no justification for murdering a single American boy in South Vietnam, for the issue has now become one of murder.

Everyone knows that if we got into a war with Russia or Red China it would be a nuclear war, not a conventional war. I do not know what we are doing over there with a conventional program.

Furthermore, as the Senator pointed out, where are our alleged allies in South Vietnam? In contrast with South Korea, where are our friends there? So long as we are willing to pay 99 percent of the bill and spill American blood, they will be satisfied.

If my Government wants to make this an issue across the land, I am willing to have it become an issue; but I do not intend to vote for a single dollar for operations in South Vietnam or to give support to the American Secretary of Defense who is bespeaking American foreign policy with no right to do so.

South Vietnam is not worth the life of a single American boy. I say to my administration that I have no intention of giving any support whatsoever to continuing the cost in blood and money for operations in South Vietnam that cannot be justified on the ground of American defense or on any other ground.

The Senator from Alaska has set forth the issue in his speech in terms so unanswerable that the American people have a right to say to the administration, "What is your answer?" I wait for the answer.

Mr. GRUENING. I thank the Senator for his helpful comment.

Within 2 months, on September 8, 1954, the governments of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom and the United States signed a collective security pact at Manila, known as the southeast Asia Collective Defense Treaty. Laos, Cambodia and Vietnam were not parties to this treaty, but by a simultaneous protocol to the treaty all the parties to the original treaty agreed to include the territories of those three nations in the territory protected by the treaty from "armed attack and counter subversive activities directed from without against their territorial integrity and political stability."

The United States made it clear to all the signatories that the type of aggression it considered itself bound to prevent was Communist aggression. As Secretary of State Dulles explained it: "We stipulated on behalf of the United States, however, that the only armed attack in that area which we would regard as necessarily dangerous to our peace and security would be a Communist armed attack."

In his address to the Nation on September 15, 1954, explaining the action taken at Manila, Secretary Dulles first reiterated his concept of the domino theory of possible events in southeast Asia in the following words: "Any significant expansion of the Communist world, would, indeed, be a danger to the United States, because international communism thinks in terms of ultimately using its power position against the United States. Therefore, we could honestly say, using the words that President Monroe used in proclaiming his doctrine, that Communist armed aggression in southeast Asia would, in fact, endanger our peace and security and call for counteraction on our part."

Secretary of State Dulles had explained the domino theory at an earlier news conference on May 11, 1954, in the following words: Asked if the plan for collective security could succeed if one or more of its segments were lost to the Communists, Secretary Dulles replied:

"The situation in that area, as we found it, was that it was subject to the so-called domino theory. You mean that if one went, another would go? We are trying to change it so that would not be the case. That is the whole theory of collective security. You generally have a whole series of countries which can be picked up one by one. That is the whole theory of the North Atlantic Treaty. As the nations come together, then the domino theory, so-called, ceases to apply. And what we are trying to do is create a situation in southeast Asia where the domino situation will not apply. And while I see it has been said that I felt that southeast Asia could be secured even without perhaps Vietnam, Laos, and Cambodia, I do not want for a minute to underestimate the importance of those countries nor do I want for a minute to give the impression that we believe that they are going to be lost or that we have given up trying to prevent their being lost. On the contrary, we recognize that they are extremely important and that the problem of saving southeast Asia is far more difficult if they are lost. But I do not want to give the impression, either, that if events that we could not control and which we do not anticipate should lead to their being lost, that we would consider the whole situation hopeless, and we would give up in despair. We do not give up in despair. Also, we do not give up Vietnam, Laos, or Cambodia."

In his nationwide address on September 15, 1954, on the Southeast Asia Treaty, Secretary of State Dulles also expounded his massive retaliation theories of how to contain communism anywhere in the world, any time, at the least cost:

"We considered at Manila how to implement the treaty. One possibility was to create a joint military force. However, I explained that the U.S. responsibilities were so vast and so far flung that we believed that we would serve best, not by earmarking forces for particular areas of the Far East, but by developing the deterrent of mobile striking power, plus strategically placed reserves.

"This viewpoint was accepted. Thus, the treaty will not require us to make material changes in our military plans. These plans already call for our maintaining at all times powerful naval and air forces in the Western Pacific capable of striking at any aggressor by means and at places of our choosing. The deterrent power we thus create can protect many, as effectively as it protects one."

I ask unanimous consent that a summary of events in Vietnam from the time of the Geneva agreements as prepared by the Library of Congress be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. GRUENING. Mr. President, by January 1, 1955, U.S. aid began to flow directly to South Vietnam and on February 12, 1955, a U.S. military assistance advisory group took over the training of the South Vietnamese Army. Previously, U.S. aid had been given through France.

In October 1955, the Eisenhower administration picked Ngo Dinh Diem to rule South Vietnam.

There may be some room for disagreement as to whether Diem was a poor choice for the job to begin with or whether, after having come to power, the thirst for more and more power on his part and on the part of his many relatives, whom he placed in high governmental posts, became insatiable.

Seven months before the former emperor, Boa Dai, was deposed on October 23, 1955, in a national referendum in which Diem received 98 percent of the votes, Diem met and greatly impressed Secretary of State Dulles. In a nationwide broadcast on March 8, 1955, Secretary Dulles said: "I was much impressed by Prime Minister Diem. He is a true patriot, dedicated to independence and to the enjoyment by his people of political and religious freedoms. He now has a program for agricultural reform. If it is effectively executed, it will both assist in the resettlement of the refugees and provide his country with a sounder agricultural system. I am convinced that his Government deserves the support which the United States is giving to help to create an efficient, loyal military force and sounder economic conditions."

Ngo Dinh Diem ruled South Vietnam from October 23, 1955, until the coup of November 2, 1963, deposed him. As the guerrilla fighting intensified through the years, so did the mismanagement and corruption of the Diem government. It became increasingly oppressive, trampling the rights of individuals and ignoring the necessity for economic reforms to benefit the people.

There is no room for disagreement concerning the fact that the United States condoned or ignored actions by Diem and his ruling relatives calculated to antagonize the people on whose support any stable South Vietnamese Government must rest—or fall.

As Jerry A. Rose stated in the New Republic on October 12, 1963: "For some reason, diplomats, soldiers in the field, and politicians in Washington are unable to grasp the importance of the people. While forever raising wet fingers to the wind of public opinion in the United States, the policymakers appear to operate on the belief that Asian people have no opinions, and even if they did have an opinion, it would carry no weight. A good Gallup poll would easily disprove the former proposition, and history has proved time and again the fallacy of the latter."

I ask unanimous consent to have Mr. Rose's article entitled "Dead End in Vietnam" be printed in full in the Record at the conclusion of my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 5.)

Mr. Gruening. The recent state of optimistic announcements from the Pentagon on how well the war in South Vietnam is going—despite contrary reports from trained observers on the scene—only carries on a tradition begun in the earliest days of U.S. participation in the fighting in Vietnam.

Thus, in July 1956, in the face of continued Vietcong sabotage and virulent propaganda, Vice President Nixon addressing the first Constituent Assembly of South Vietnam, stated that "the militant march of communism has been halted." But by the middle of the next year, Vietcong guerrilla bands stepped up their attacks, bombing U.S., MAAG, and USIS installations and attacking settlements near Saigon.

Mr. Nixon's overoptimistic statement in July 1956 is on a par with his statement in October 1960, when he stated: "As far as Indochina was concerned, I stated over and over again that it was essential during that period that the United States make it clear that we would not tolerate Indochina falling under Communist domination. Now, as a result of our taking the strong stand that we did, the civil war there was ended, and today we do have a strong free bastion there."

Vietcong guerrilla activities, reinforced by arms and men from North Vietnam, increased greatly during Diem's regime.

So did corruption and the oppression of the people.

As Castan states in his article already referred to:

"To his [Diem's] personal credit, he allegedly managed, again with American aid, to amass a personal fortune of some $50 million during the same period. Diem changed—too slowly for our then Ambassador Frederick J. Nolting, an intimate friend of both Diem and his charming sister-in-law, Mme. Ngo Dinh Nhu, to notice. Too slowly for Gen. Paul D. Harkins, boss of our military-assistance command, to notice. No one, in fact, noticed until we found that we had been duped into complicity, and were compounding by assent the mistakes of Diem and his family."

In the face of increasingly serious guerrilla activity, the so-called strategic hamlet plan was instituted in 1961. It was copied from Malaya, but served only to make it easier for the guerrillas to capture arms and supplies. It was a failure also as a means of isolating Diem's opponents.

Two accounts illustrate the hows and the whys of the failure of the strategic hamlet plan:

The first is related in the article before referred to by Castan: "Plei Ia Miah, one of the hamlets, is an example. 'The soldiers forced us out of our huts,' said the village chief, shortly before the November coup d'etat, 'and told us that a fortified village was ready for us in the valley. "Can we take out land?" we asked. Two men refused to leave our ancestral home and were shot. It took us 60 days to march here. We have no land to farm, and if the Government doesn't give us food soon, we'll have to sell the pigs and buffalo we brought with us. The Vietcong come at night for our weapons. We give them the weapons. Why should we die for weapons?'"

The second is from a Reporter article by Bernard Fall in the October 24, 1963, issue. I ask unanimous consent to have the article printed in the Record at the conclusion of my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 6.)

Mr. Gruening. Reading from the Fall article:

"There is not one plantation that has not been attacked or partly pillaged several times by the Vietcong during the past 5 years, and which has not seen several of its French personnel kidnaped and held for ransom or killed. During the Indochina war, the plantations had been allowed to arm themselves and maintained militia forces at their own expense. When Ngo Dinh Diem came to power he ordered all plantations disarmed and they thus became military liabilities.

"The plantation managers now keep in business by closing their eyes to the Vietcong emissaries who come to the workers' villages and exact tribute; they silently pay millions of piasters of ransom to the Vietcong—and as much again to bribe South Vietnamese authorities to allow them to operate. Here and there, the Saigon-controlled press announces that a French plantation was fined tens of millions of piasters (a million dollars or more) for 'economic violations.' Everybody knows what that means, and business goes on as usual."

The oppression of the people by Diem's secret police was intensified.

In the summer of 1963, Diem turned on the Buddhists and the students, with wholesale arrests and imprisonments.

And yet all through these years from 1955 to the November 1963 coup, Diem was shored up and kept in office with billions of American dollars and, as at present, as many as 17,000 American troops. The people of South Vietnam knew this. The United States won no friends and influenced no Vietnamese people when Buddhist priests were driven off to concentration camps in AID vehicles by Diem's secret police, who were paid by U.S. funds.

In the light of Diem's long years of corrupt and repressive rule, the two coups in Vietnam last year should have come as no surprise to anyone. The surprise lies in the fact that they did not occur sooner.

As I have said, the roots of the present dilemma of the United States reach back to 1955 and to the years of condoning corruption, misrule, and repression. Diem lost whatever support he had from the people through the use of U.S. money and U.S. arms.

Where do we turn now for our solution in South Vietnam?

The United States must start with one basic truth which should be constantly reiterated: the fight in South Vietnam can be won only by the South Vietnamese. Even if the United States would or could, the fight in South Vietnam cannot be won by making of that country a colony of the United States. The French tried and failed, even though they used a quarter of a million troops.

The question is this: After 20 bloody years of conflict, have the people of South Vietnam and the Government of South Vietnam the will and the capacity to fight to win? Putting it in other terms, Mr. President, has the present Government of South Vietnam the ability and the stability to wage the fight or is it obliged to look over the shoulder constantly in fear of another coup?

If there is no heart to fight in the people of South Vietnam, the sooner we face that fact the better off we shall be. Since a victory in South Vietnam can come only through a victory by the South Vietnamese themselves, if the people and the Government do not want to continue the fight in a manner conducive to victory, it is contrary to the best interests of the United States to remain there.

Some urge stepped-up military activity on the part of the United States, including carrying the war to North Vietnam. Even disregarding—which we should not—the grave possibility of drawing Red China into the fray in a Korean-type engagement, there are serious drawbacks to such a course of action. The first is the unwillingness of the South Vietnamese to follow such a course of action. The second, of course, is the fact that this is not solely an engagement between South and North Vietnamese. South Vietnamese are fighting South Vietnamese in a country divided within itself.

A comparison with Korea is not appropriate. There we had South Koreans who had the will to fight and win. And secondly, South Korea was not a country divided within itself.

And finally, there is one important difference between the situation as it exists in Vietnam and the situation as it existed in Korea. This is a difference which many people who are urging an escalation of U.S. armed effort in South Vietnam conveniently do not mention. In Vietnam we are alone—in Korea we were in there as part of a United Nations effort.

Fighting side by side with American troops in Korea were troops from Australia, Belgium, Britain, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, South Africa, Thailand, and Turkey.

Where are our allies in South Vietnam?

The 1954 Southeast Asia Collective Defense Treaty was signed by eight nations—Australia, France, New Zealand, Pakistan, the Republic of the Philippines, Thailand, the United Kingdom, and the United States.

We do not read in the headlines about the officers and men of the other signatory countries being killed in the jungles of South Vietnam. We do not read about them because they are not there. Over 200 Americans have been killed in South Vietnam, 115 of them in direct combat. The United States is all alone in the fight there and the prospects are that it will continue to fight alone there.

To give my colleagues some idea of the confusion prevailing in South Vietnam in the military command there and of the conditions under which U.S. troops are fighting, I ask unanimous consent that an article in the Washington Daily News by Jim Lucas on March 6, 1964, be printed in full at the conclusion of my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 7.)

Mr. Gruening. Mr. President, describing the "Spoils for Generals" after the most recent coup by Maj. Gen. Nguyen Khanh, Time magazine for February 14, 1964, stated: "It is far from certain that all the military are behind him. But he has rewarded his chief collaborators handsomely. Maj. Gen. Tran Thien Khiem, whose III Corps troops arrested former junta boss, Gen. Duong Van (Big) Minh, got the No. 2 military job as Defense Minister and Commander in Chief. But among the ranks of Khanh's new, expanded, 53-man junta (8 major generals, 9 brigadier generals, 25 colonels, 10 lieutenant colonels, 1 major), there was endless wrangling over the lesser spoils. Many a junior officer was disgusted."

The theory has been advanced that the United States has no alternative but to remain in South Vietnam regardless of the course of action followed by the people and the Government of South Vietnam. This theory follows the line that if we pulled our support out of South Vietnam now, it would quickly be taken over by the Vietcong who in turn would be controlled by North Vietnam which in turn would be controlled by Red China. The theory then continues that if this happens then Cambodia and Laos would also fall "like a row of dominoes" to Red China. This is a continuance 10 years later of Secretary Dulles' domino theory.

Recent actions on the part of Cambodia in seeking its own neutralization cast considerable doubt on this theory. Cambodia, the middle domino, fell out of its own accord. The $300 million we have spent there was totally wasted. Moreover Cambodia action took the United States by surprise. We were ill informed. How well informed are we in this whole area? The repeated optimistic statements of our officials in the past have been promptly refuted by events.

The distinguished majority leader [Mr. MANSFIELD], on Monday, March 2, stated: "I think the best thing our country can do is reassess its foreign policy insofar as it is possible to do so, face up to the realities of today, and not depend so much on the wishes of yesterday."

In no area of our foreign policy is such a reassessment of our foreign policy needed than with respect to the policy we are pursuing in Vietnam.

The United States should no longer permit the dead hand of past mistakes to guide the course of our future actions in South Vietnam.

President Johnson, by virtue of the fact that his control of U.S. foreign policy is so recent, is in the best possible position to make the reassessment of our foreign policy suggested by Senator MANSFIELD and not permit himself to be bound by a past made by his predecessors. The domino theory is not President Johnson's—it is a theory advanced by Secretary of State Dulles during the Eisenhower administration and, as in the case of Cambodia, already proven fallacious.

A few days ago, the senior Senator from Montana [Mr. MANSFIELD] took an enlightened stand with respect to the attempt by the President of France to put forth a solution for the deteriorating situation in South Vietnam. He stated: "It seems to me most glib to make light of the admittedly unsatisfactory situation in Laos or the unhappy state of our relations with Cambodia as a basis for any offhand rejection of De Gaulle's essay at a new approach to Indochina and southeast Asia."

I commend the majority leader for his statesmanlike approach to an admittedly difficult situation and join him in his statements on this subject. His statement of February 19, 1964, should be carefully studied in any reevaluation of our foreign policy in Indochina.

I also wish to commend my able colleague, Senator BARTLETT, for his excellent analysis of the Vietnam situation a few weeks ago and for his plea for less rigidity in our policy in Indochina; he stated: "It is important, however, in our Asian policies, that we strive to achieve flexibility, flexibility which our policies in recent years have failed to have. We cannot allow ourselves to be frozen forever with a rigid policy hoary with age. In Asia as elsewhere we must be willing to discuss anything with anybody who is willing to discuss in a rational and responsible manner. We are the greatest power on earth and we have no need to fear Red China and no need to fear negotiations."

I also wish to commend the able senior Senator from Oregon [Mr. MORSE] for his splendid speech last week on this same topic. Senator MORSE pointed out cogently that—"American unilateral participation in the war in South Vietnam cannot be justified and will not be justified in American history * * * we have always considered southeast Asia to be beyond the perimeter of U.S. defense. Southeast Asia is not essential to U.S. defense. Southeast Asia may very well be essential to the defense of some of our allies, but where are they? They ran out on us."

And more pointedly, in response to a question from Senator ELLENDER what Senator MORSE would advise we should do in South Vietnam, Senator MORSE answered with his usual forthrightness: "We should never have gone in. We should never have stayed in. We should get out."

And Senator ELLENDER seconded that clear—and in my judgment thoroughly correct and realistic counsel—by saying: "I have been advocating such a course of action. After my last visit there, I again stated that we should never have gone in there and that we should get out. My advice was never heeded. That is my advice today."

Had this advice of Senator ELLENDER given some time ago, now repeated by him and reaffirmed by Senator MORSE been heeded 200 precious American lives would not have been lost. These are far more important than the billions of dollars we have now wasted in seeking vainly in this remote jungle to shore up self-serving corrupt dynasts or their self-imposed successors and a people that has conclusively demonstrated that it has no will to save itself.

I consider the life of one American worth more than this putrid mess. I consider that every additional life that is sacrificed in this forlorn venture a tragedy. Someday—not distant—if this sacrificing continues, it will be denounced as a crime.

I would ask my colleagues and indeed American fathers and mothers this question:

"If your drafted son is sent to Vietnam and is killed there would you feel that he had died for our country?"

I can answer that question for myself. I would feel very definitely that he had not died for our country, but had been mistakenly sacrificed in behalf of an inherited folly.

Let us do a little hard rethinking. Must the United States be expected to jump into every fracas all over the world, to go it all alone, at the cost of our youngsters' lives, and stay in blindly and stubbornly when a decade of bitter experience has shown us that the expenditure of blood and treasure has resulted in failure?

Shall we not, if taught anything by this tragic experience, consider that of the three alternatives: First, to continue this bloody and wanton stalemate; second, to go in "all out" for a full-scale invasion and the certain sacrifice of far more lives and a scarcely less doubtful outcome; or, third, to pull out with the knowledge that the game was not worth the candle.

This last is the best of these choices.

In the event of determining on that last and least unhappy alternative, we shall no doubt be told by some that the United States will lose face in Asia.

I doubt whether we should lose face, whatever that may mean. But if it be so interpreted by some whose opinion should give us small concern, I say better to lose face than to lose the life of another American boy, or a score, or another 200 of them, doomed in varying numbers as long as we stay on.

President Johnson, let me repeat, inherited this mess. It was not of his making. As he approaches the difficult task of making the necessarily hard decisions with respect to the problems in South Vietnam, problems created long before he was President, he should feel no compunction to act in such a way as to justify past actions, past decisions and past mistakes. He should feel entirely free to act in such a manner and to make such decisions as are calculated best to serve the interests of the United States and the free world—a world changed greatly from the time President Eisenhower and Secretary Dulles initiated our southeast Asia policies.

Would South Vietnam go Communist if we got out? Probably, but it will doubtless do so in any event. What would the loss of a million men, or 2 million, or 5 million matter to the jampacked nation of 700 million that is mainland China, that can and will unconcernedly pour its cannon fodder into an adjacent, long-coveted area, and peopled with its fellow Asiatics. Their lives mean nothing to their own bloody rulers who have liquidated vast numbers of their own. But our American boys' lives would mean everything to our own Government and people if sacrificed in a cause in which we should never have engaged.

Of course, it is a source of regret whenever a new political entity appears to be falling behind the Iron or Bamboo Curtain. But why should we persist in seeking to prevent what is ultimately inevitable, in impossible terrain for a people who care not, in the most distant spot on the globe. It makes no sense.

Moreover there is considerable question whether South Vietnam, even if overrun by the indigenous Vietcong, or by the North Vietnamese, will not constitute another problem for Peiping as it was for the French, as it has been for the United States. It might well prove an aggravation of Red China's considerable internal troubles.

But surely we have no business there any longer, if indeed we ever had.

The time has come to reverse our policy of undertaking to defend areas such as South Vietnam, whose people are so reluctant to fend for themselves. Let us keep on, by all means, supplying them with arms. Let us continue to give them the means if they wish to use them. But not our men.

The time has come to cease the useless and senseless losses of American lives in an area not essential to the security of the United States.

Only yesterday the report came in of two more American fighting men killed in Vietnam.

Last Wednesday the report was made that three American officers had been killed there. Part of the UPI story reads as follows:

"Two U.S. officers were killed yesterday in separate battles with the Vietcong, military sources reported. A U.S. Navy officer was killed yesterday in a helicopter crash.

"One of the Army officers died as he attempted to rally Government paratroopers for an assault on a Communist position near the Cambodian border.

"There were few details on the death of the other Army officer. Reports reaching Saigon said he was killed in a battle at Trung Lap village 27 miles northwest of Saigon."

It is obvious from this story, as it has been for some time now, that the United States so-called training mission is actually engaged in fighting the Vietcong in a war which the South Vietnamese are themselves reluctant to fight.

I urge the President to take steps to disengage the United States immediately from this engagement.

All our military should immediately be relieved of combat assignments. All military dependents should be returned home at once. A return of the troops to our own shores should begin.

I also urge the President to go to the American people and explain in detail how the United States got involved in Vietnam; when we got involved in Vietnam, and why wo are getting out of there.

I sincerely hope that President Johnson will heed the advice of our distinguished majority leader, Mr. MANSFIELD, and others in this body, as knowledgeable as Senators MORSE, ELLENDER, and others reassess the Dulles doctrine of seeking to engage communism on its own grounds—12,000 miles away—and bring our boys home.

This is a fight which is not our fight into which we should not have gotten in the first place. The time to get out is now before the further loss of American lives.

Let us get out of Vietnam on as good terms as possible—but let us get out.

President Johnson is in an excellent position to reverse the previous unsuccessful policies in Vietnam which he did not make.

"EXHIBIT 1

"[From Look magazine, Jan. 28, 1964]

"VIETNAM'S TWO WARS

"(By Sam Castan)

"To a larger extent than we have admitted, the United States is responsible for South Vietnam's agony. We were behind the scenes at its birth in 1954. We handpicked its leaders, trained its troops, and paid for its economic and military survival. We didn't push it into war; the Communists did that. But in spite of our noble intent, our massive aid, and all the small acts of selfless heroism our men have performed in its behalf, South Vietnam's path to peace is cluttered by the debris of mistakes that America either made or indorsed.

"Ngo Dinh Diem was one.

"In 1954, after an 8-year losing war to preserve its colonial holdings in Indochina, France took the knockout punch at Dienbienphu. The United States had a heavy interest in southeast Asian developments. We had underwritten fully 60 percent of France's military costs—about $2 billion—and were considering direct military intervention when the end came. France sued the victorious Vietminh—a largely Communist guerrilla force led by a wily old Asian Marxist, Ho Chi Minh—for peace, and the Geneva Conference of 1954 divided the former French Colony into four independent states: North Vietnam, led by Ho Chi Minh; neutralist Cambodia, Laos, and pro-Western South Vietnam. The West knew that Ho Chi Minh had for years been preparing his share of the spoils for self-sufficiency. A civil service was ready, factory sites were laid out, teachers and industrial workers were trained, and a communications system was already buzzing messages to Peiping. The West also knew that South Vietnam had been left unprepared by France, and that with all the help we might give the new nation, its first, shaky steps toward democratic independence would be menaced by Vietminh cells left behind for purposes of disruption. We badly needed a man in Vietnam, and Diem was in.

"Descended from a family of central Vietnamese mandarins, Ngo Dinh Diem was an ascetic Catholic bachelor who had once lived in a Lakewood, N.J., monastery. As a civil administrator under the French, he had enjoyed a certain measure of popular support. Most important, he was an avowed anti-Communist. That was it. Secretary of State John Foster Dulles picked him. Senator MIKE MANSFIELD endorsed him, Francis Cardinal Spellman praised him, Vice President Richard M. Nixon liked him, and President Dwight D. Eisenhower OK'd him.

"Although 80 percent of South Vietnam was, and is, Buddhist, Diem's Catholicism was good politics in the United States. The Catholic Bishops' Relief Fund and the Catholic Relief Service assumed major roles in the resettlement of refugees streaming out of predominantly Catholic provinces of North Vietnam. Cardinal Spellman kept showering praise on Diem and his brother, Archbishop Ngo Dinh Thue. At this point, some American Catholics were beginning to vote Republican anyway, and the Eisenhower administration, with a wary eye toward John F. Kennedy in 1960, stressed its own role in creating an Asian haven for Catholics.

"Out in the Vietnamese boondocks, however, Diem's Catholicism didn't mean a thing. Both America and Saigon were remote from the peasant huts along the muddy canals of South Vietnam, where 80 percent of the population lives, and the nation's real strength lies. It was not religion that turned the people against Diem, and, aside from the extra aid it may have brought in, it was certainly not religion that helped him sustain the nation through those early, critical years. Diem managed, with half a billion dollars per year in American aid and his own skill, to keep South Vietnam afloat in the flood of propaganda and subversion let loose by the old Vietminh cells—now called Vietcong.

"That much was to Diem's administrative credit. To his personal credit, he allegedly managed, again with American aid, to amass a personal fortune of some $50 million during the same period. Diem changed—too slowly for our then Ambassador, Frederick J. Nolting, Jr., an intimate friend of both Diem and his charming sister-in-law, Mme Ngo Dinh Nhu, to notice. Too slowly for Gen. Paul D. Harkins, boss of our military assistance command, to notice. No one, in fact, noticed until we found that we had been duped into complicity, and were compounding by assent the mistakes of Diem and his family.

"In 1958, the Vietcong turned from subversion and propaganda to violent guerrilla insurgency. 'And Diem,' says a Vietnamese Army lieutenant, who was later called away from his post in the field to police Saigon during a martial-law period, 'made things so easy for them that every time the sun rose on South Vietnam, the Vietcong was stronger than they had been the night before.'

"Diem installed virtually all of his relatives in key positions, and insured their tenure by rigged elections. Family friends became district and province chiefs; their sons received commissions and cushy Army spots. Whatever dissidence this caused among the population was left to Diem's brother Nhu, to handle, through 18 separate secret police agencies and the Vietnamese Special Forces, which were not a branch of the regular militia, but in effect, a private police force.

"Under cover of the 1961 rainy season, Vietcong forces were bolstered by heavy reinforcements, along the famous 'Ho Chi Minh trail.' Vietcong raids became more frequent and more ferocious. By this time, corruption in Saigon was well known throughout the Provinces. The Ngo's, influenced by Malaya's experience, devised a plan to contend with increased guerrilla activity and at the same time contain pockets of internal dissidence. It was called the strategic hamlet program, and it had still another benefit. For public relations, the fortified villages could be passed off as a reminder of the pioneer stockades of early America. This device would bring in still more aid money.

"It worked for everyone—everyone being Diem and the Vietcong. Diem got his money, the Vietcong got clearly marked and easily taken resupply points for food, weapons, and ammunition. But it didn't work for the people. Plei Ia Miah, one of the hamlets, is an example. 'The soldiers forced us out of our huts,' said the village chief, shortly before the November coup d'etat, 'and told us that a fortified village was ready for us in the valley. "Can we take our land?" we asked. Two men refused to leave our ancestral home and were shot. It took us 60 days to march here. We have no land to farm, and if the government doesn't give us food soon, we'll have to sell the pigs and buffalo we brought with us. The Vietcong come at night for our weapons. We give them the weapons. Why should we die for weapons?"

"Buddhists, who comprise the great bulk of South Vietnam's population, became special targets of Nhu's secret police last summer. Like the university students who followed them into the torture cells and concentration camps ringing Saigon and Hue, they were too cohesive, too vocal to be allowed freedom. South Vietnam owes them a profound debt, for their protests, along with Madam Nhu's arrogant tirade about 'Buddhist barbecues' and 'American adventurers,' focused world attention on the police-state measures Diem had adopted. The United Nations sent a special commission to investigate religious persecution in South Vietnam, but it arrived too late. On November 2, 9 days after the commission reached Saigon, Diem fell, and a wildly jubilant Saigon crowd carried newly released Buddhist monks on their shoulders through a free city.

"The coup d'etat of last November was entirely predictable, despite the contentions of certain American journalists, notably Joseph Alsop and Marguerite Higgins, and the official word from the Public Information Office of our Military Assistance Command Vietnam (MAC-V) that Diem was winning the war and enjoying popular support. 'You Americans wouldn't understand,' said one coup leader. 'Diem betrayed us in the critical hour of our fight against communism. We had to kill him.' Added another, 'Diem started a second war—himself, his family, and his American allies against the people. That was the important war as far as he was concerned. In another month, the Vietcong would have controlled every Province in the country.'

"What sort of war have Diem's mistakes, and ours for allowing them, left us to face in the bloody showdown ahead?

"South Vietnam's new military government estimates that hard-core Vietcong guerrillas total upward of 35,000 men, with around 100,000 part-time irregulars joining them each night. Nearly all are armed with the best weapons America has been able to manufacture. The homemade rifles they began with in 1958 are used as drill weapons for recruits. The number of Vietcong rose sharply last year, when Diem's political interference in the military campaign was at its height, and popular resentment against the regime was sharpest. 'Diem hated large casualty reports,' relates one ARVN (Army of the Republic of Vietnam) colonel. 'Our orders were to surround the enemy on three sides, and let the main body out to avoid pitched battles. We had to head back for the barracks at dusk, even if it meant letting a boxed-in group we could easily handle get away.'

"These factors, combined with outright neglect in some provinces, and the existence of isolated and vulnerable 'paper hamlets,' to which Diem could point as proof that he was 'showing the flag,' have so strengthened the Vietcong that they no longer operate in marauding cutthroat gangs. 'They've got regular battalions,' says one American adviser, 'with heavy-weapons sections, radio communication—the works.' Says a chopper pilot, 'I half expect to see a Vietcong jet fighter waiting for me every time I go up.'

"The most critical factor in any guerrilla war is still popular support. The Vietcong, for all their newly gained strength, do not have the staying power in any one area to set up hospitals, rest areas, training camps, etc. In many areas, they don't need them, for every hut is a place to eat and rest and have wounds treated. 'Five miles down the canal, there's a Vietcong village,' says a U.S. Army Special Forces sergeant at Tan Phu. 'There are never any men around when we come through, but every hut's got a Vietcong flag on the wall, and there's a school with paper Vietcong pennants on every desk. I knew this was a strong Vietcong area, but the first time I hear about a Vietcong PTA, I'm getting the hell out.'

"We are faced, then, with a dedicated enemy grown strong on an endless string of mistakes we endorsed, fighting on his own ground and calling the tune. None of this has changed substantially since the coup. The new Government will need months to replace commanders, district, province, and village chiefs, and institute the civil reforms that will give South Vietnam its first real chance for democracy. Meanwhile, as soldiers and peasants wait to see how the new

Government will go, some of the old habits remain. And the Vietcong have taken every opportunity during this transitional period to strike and strike again. In the 4 weeks following the coup, Vietcong activity rose 50 percent.

"South Vietnam's uppermost need is to regain the military initiative. No one in the new Government deludes himself with the notion that we are winning the war, or that we even have the balance to jab back when we are hit. The common people of South Vietnam are tired after 20 years of fighting (against Japanese invaders, French colonialists, and now Communist guerrillas). The new Government must show its will to prosecute the war until a workable peace is in sight.

"How well the regime does depends upon the unity of the junta. Behind a facade of strength, strains are appearing among the 14 generals who wrested power from Diem. Most are loyal to Gen. Duong Van Minh, chairman of the revolutionary council, but some observers see the youngest general 38-year-old Tom That Dinh, as a comer. He is an ambitious man who assumed nearly all the credit for the coup's success, and his high personal ambitions remain unsatisfied. It was Dinh's weight that swung crucial troops against Diem. Immediately after the Presidential palace surrendered, he promoted himself from two- to three-star general. "I was the coup," says Dinh. "It was my planning, my courage, my leadership that brought Diem down. I did it for the people—not for money, not for another star. I have no personal ambitions." To prove that it believed him, the revolutionary council named Dinh Minister of Security, a considerably lesser post than he may have planned for himself.

"If dissension is actually developing within the provisional military government, the war effort may be adversely affected. So may the peace effort, if the generals decide, and if the United States, which pays their salaries, agrees, that the war cannot be won, and some sort of neutralism, such as that envisaged by France's President Charles de Gaulle, is the best way out of a bad thing.

"As long as there is shooting, the American involvement will, of course, continue. The removal of over 1,000 Americans last month was characterized by one personnel officer as 'trimming some of the fat off our Saigon surplus. Those boys had nothing to do but create a problem for the MP's, and stuff more money into Saigon's black market.'

"Our field forces stand at their highest level of 2,700 officers and men. There will be more American fatalities, more wounded and more captured. And more, too, of the weirdly funny tales that are part of any war. There was the young Army pilot who, shook up by the presence of Gen. Paul Harkins as a passenger, forgot to drop his wheels for a landing. Harkins climbed out of the wreckage, saying, 'That's one way to stop the damned thing.' And those two sergeants in Pleiku who measured their remaining time in Vietnam by the number of weekly malaria pills, they still had to take. 'I'm down to 22 pills,' boasted one to the other. 'How many pills do you have left?'

"Thanks in part to our blunders, to our old policy of seeing, hearing and thinking no Communist,' and to our love of bucking evil of anyone who labels himself 'antireality, a tired, bloodied nation is approaching its critical hour.

"How many pills does South Vietnam have left?"

"[From Look magazine, Jan. 28, 1964]

"An Interview With Ton That Dinh

"Question. General Dinh (full name pronounced Tone Tuck Dinn), what made you turn against Diem? You are the general who led his August pagoda raids against the Buddhists and ruled Saigon as military governor when he declared martial law.

"Answer. Diem did not order the raids. It was his brother Nhu who ordered me against the Buddhists, and as a soldier, I had to follow. They must have thought me a fool, those two. The very morning of the coup, I visited them in the Presidential Palace. I asked Diem how his head cold was coming. I was very pleasant. Then I mustered troops against them.

"Question. What made you decide to join in a coup d'etat?

"Answer. As a soldier, my resentment was building up for a long time. I was in the French colonial army as a private, and later became a cadet at St. Cyr, the French equivalent of your West Point. I have attended your General Staff College at Fort Leavenworth, Kans. I did not like being told how to fight the Vietcong. I did not like seeing them win because of Diem's and Nhu's interference. The last straw came when the national elections of last October were fixed. I knew then that Diem intended to stay in power, to keep interfering and never to institute reforms.

"Question. Which reforms, specifically?

"Answer. He had promised to institute religious freedoms, to end press censorship, to insure justice in the courts, to restore the legitimate authority of ministers and army commanders. I knew that none of these would ever come about, and that he had no intention of removing Nhu and his wife, or of lessening the air of discord and suspicion that was everywhere. We all became masters of subterfuge and intrigue under Diem. That much he taught us, and we used it against him.

"Question. How do you think the war against the Vietcong will go now?

"Answer. In some areas, the situation is very bad. We will have to start from scratch. But now we will push much harder. We will try to control the Cambodian border, where many of their supplies come through. We'll step up night operations—until now, the Vietcong has been fighting at night. And we have been fighting in the daytime, and we'll take risks. I was not frightened of risks when I fought Diem. I led the attack. I was at the palace, hurrying the troops through breaches in the wall. I did it. And now I can do it against the Vietcong.

"Question. Would you consider taking a higher government post than the one you now hold as Minister of Security?

"Answer. I have no personal ambitions. I am a soldier. But if the people ask me to serve, I will obey—not for myself, for them. I only want to serve, as I served Diem. I was sorry that we had to kill him. I cried."

"Exhibit 2

"[Department of State press release, Mar. 23, 1954]

"Indochina

"Asked at his news conference today about the situation in Indochina, Secretary of State John Foster Dulles made the following statement:

" 'I do not expect that there is going to be a Communist victory in Indochina. By that I don't mean that there may not be local affairs where one side or another will win victories, but in terms of a Communist domination of Indochina, I do not accept that as a probability.

" 'There is a very gallant and brave struggle being carried on at Dienbienphu by the French and Associated States Forces. It is an outpost. It has already inflicted very heavy damage upon the enemy. The French and Associated States Forces at Dienbienphu are writing, in my opinion, a notable chapter in military history. Dienbienphu is, as I say, an outpost position where only a very small percentage of the French Union Forces are engaged, and where a very considerable percentage of the forces of the Vietminh is engaged.

" 'Broadly speaking, the United States has, under its previously known policy, been extending aid in the form of money and materiel to the French Union Forces in Indochina. As their requests for material become known, and their need for that becomes evident, we respond to it as rapidly as we can. Those requests have assumed various forms at various times. But I think that we have responded in a very prompt and effective manner to those requests.

" 'If there are further requests of that kind that are made, I have no doubt that our military or defense people will attempt to meet them.

" 'As soon as this press conference is over, I am meeting with Admiral Radford. But so far I have not met General Ely, and I do not know what requests he has made, if any, in that respect because that would be primarily a matter for the defense people in any case. The policy has already been established so far as the political aspects of it are concerned.

" 'We have seen no reason to abandon the so-called Navarre plan which was, broadly speaking, a 2-year plan which anticipated, if not complete victory, at least decisive military results during the fighting season which would follow the present fighting season, which is roughly a year from now.

" 'As you recall, that plan contemplated a very substantial buildup of the local forces and their training and equipment. It was believed that under that program, assuming there were no serious military reversals during the present fighting season, the upper hand could definitely be achieved in the area by the end of the next fighting season. There have been no such military reverses, and, as far as we can see, none are in prospect which would be of a character which would upset the broad timetable and strategy of the Navarre plan.'

"Asked whether that ruled out any possibility of a negotiated peace at Geneva, Mr. Dulles replied:

" 'At any time if the Chinese Communists are willing to cut off military assistance, and thereby demonstrate that they are not still aggressors in spirit, that would, of course, advance greatly the possibility of achieving peace and tranquillity in the area. That is a result which we would like to see.

" 'To date, however, I have no evidence that they have changed their mood. One is always hopeful in those respects, but, so far, the evidence seems to indicate that the Chinese Communists are still in an aggressive, militaristic and expansionist mood.' "

"Exhibit 3

"[From Look magazine, Feb. 8, 1955]

"We Nearly Went to War Three Times Last Year, But Ike Said 'No'

"(By Fletcher Knebel)

"Three times within the past 10 months, the United States stood on the brink of war with the Communists in the Far East. Three times the proposal of war in the Orient was advanced in the highest councils of the Eisenhower administration. Twice it was rejected. Once it was abandoned—but only after a veto by Great Britain.

"Last April, America came to the threshold of war to save Indochina from the Communist forces of Ho Chi Minh, a venture that might or might not have involved us in hot war with Red China.

"In September, the United States was but inches away from a decision to go to war to prevent the little island of Quemoy, off the Chinese mainland, from falling into Communist hands.

"In November, America was stayed from a naval and air blockade of Red China—an act of war—by President Dwight D. Eisenhower and Secretary of State John Foster Dulles.

"The story of how America narrowly missed armed conflict in Asia is a fascinating interplay of the convictions of powerful men, all of them high principled, all of them sharing the Nation's top secret intelligence reports and all of them determined to guide America's destiny to the eventual goal of world peace.

"WERE IKE'S DECISIONS RIGHT?

"History may credit a number of men with helping to keep America out of war in the last 10 months. They were Eisenhower, Dulles, Gen. Matthew B. Ridgway, Anthony Eden, and even, curiously, Jawaharlal Nehru of India.

"The strongest voice for peace was that of President Eisenhower. Whether his decisions for peace were right or wrong is a matter of violent dispute in the Nation's Capital. 'Thank God for Eisenhower,' says one Democratic Senator who was consulted during the Indochina crisis. 'Ike has but postponed the day of reckoning,' says another well-briefed legislator who believes that the United States has taken the downhill path of appeasement.

"Right or wrong, Ike weighted the balances for peace in the secret councils of his administration, far from the headlines and the public eye. Without President Eisenhower, hundreds of thousands of American boys today might be plowing across the Pacific in Army transports—destination Red China.

"The men who urged war were sincere and dedicated leaders who believed that bold American action would check the Communists without plunging the Nation into allout land war with Red China. Ike believed otherwise.

"The struggle for war or peace in Washington was contested on an oddly shaped triangle, its points resting on the White House, the State Department, and the Pentagon across the Potomac River in Virginia.

"Here is the inside story, as gathered from many of the participants, of how the United States looked into the pit of war—and turned away.

"INDOCHINA

"Last March, the Communist warriers of Ho Chi Minh beseiged the French fortress of Dienbienphu in tremendous strength, seeking a knockout blow to win the dreary, 8-year-old conflict.

"Six days later, Gen. Paul Ely, French chief of staff, arrived in Washington and secretly informed U.S. leaders that American intervention was needed to save Indochina. This set in motion a monthlong chain of private Washington huddles and frenzied diplomacy.

"The Joint Chiefs of Staff, America's top military body, met in the Pentagon.

"Adm. Arthur W. Radford, a carrier and airpower naval officer and chairman of the Joint Chiefs of Staff, advocated U.S. intervention through a carrier strike from the U.S.S. *Essex* and *Boxer*, both then in the Gulf of Tonkin, and by Air Force bombers from the Philippines. Radford had long favored a display of force in the Far East, and was already an advocate of blockading Red China.

"Gen. Matthew B. Ridgway, Army chief of staff and former Korean commander, declared himself flatly against American intervention. He declared that an airstrike would lead inevitably to action by American troops as soon as the first planes were shot down. He contended that his limited army, with commitments around the globe, could not fight in the jungles of Indochina short of allout mobilization at home.

"Adm. Robert B. Carney, Chief of Naval Operations, and Gen. Nathan F. Twining, Air Force Chief of Staff, took a middle ground between Radford and Ridgway. They expressed belief that an airstrike would be effective in aiding the defenders of Dienbienphu, but doubted the aerial blow alone could win the war for the French.

"Radford took his recommendation for U.S. intervention to the National Security Council. President Eisenhower accepted Radford's opinion that an airstrike would be effective, but quickly laid down the rule that the United States would intervene only if joined by other allies. In the circumstances, "other allies" meant Britain, which had a carrier in the area.

"President Eisenhower also stipulated that any move of intervention in Indochina required approval of Congress. But the President and Dulles were convinced that Congress was in no mood to give a blank check for war measures at that time, before Britain had signed on the dotted line. To give Radford an idea of congressional opinion and to give congressional leaders Radford's viewpoint, Dulles summoned three top Republicans and five Democrats to a Saturday-morning meeting, April 3, at the State Department.

"This secret briefing left the legislators bugeyed, for it was the first time they realized that the administration was actually considering war in Indochina.

"The legislators said 'No' in various ways to the suggestion of congressional authorization for U.S. solo intervention. And Dulles indicated that the President had no thought of asking this anyway, since the principle of united action had been determined.

"The Secretary of State flew to London and Paris in mid-April, got British and French agreement to proceed with united action talks. A communique was issued, after Sir Winston Churchill himself made penciled changes.

"BRITISH MOVE ANGERS DULLES

"Back in Washington, Dulles arranged an eight-power conference on methods of stopping the Reds in Indochina. On Easter Sunday, however, Sir Roger Makins, the British Ambassador, called Dulles at home to say he had been instructed not to attend the talks. Angry at the apparent British retreat, Dulles changed the meeting into a 16-power Korean peace conference as a face-saving device.

"The transatlantic maneuvering generated terrific tensions behind the scenes. At one congressional briefing, a Republican legislator blurted out to Dulles, "You are either a liar or Eden is a doublecrosser." Dulles vowed he had told the exact truth of the negotiations with the British, that London suddenly had switched signals on him.

"On April 25, the British Cabinet met in emergency session and decided finally against military action in Indochina. The decision was relayed to Dulles in Paris by Anthony Eden. U.S. officials learned that Nehru in India had influenced the British Cabinet's decision by voicing violent objection to British-American military action in Indochina.

"Radford flew from Paris to London the next day, conferred with British leaders in an effort to arrange some other joint action in Indochina. But this mission failed. This ended all thought by U.S. leaders of intervening to save Dienbienphu, and on May 7 the fortress fell to Ho Chi Minh's troops.

"QUEMOY

"Two months after the Indochina armistice was signed in Geneva, July 21, the United States again moved to the edge of war in the Orient. This time, however, there was no question of 'united action.' This time, the Joint Chiefs proposed that America go it alone.

"In early September, Red Chinese artillery began shelling the Nationalist Chinese island of Quemoy, a few miles off the Asiatic mainland and about 125 miles from Chiang Kai-shek's stronghold on Formosa.

"The American Joint Chiefs of Staff, fearing preparations for the long-promised Red invasion of Formosa had begun, met at the Pentagon. They decided to urge President Eisenhower to use the 7th Fleet to thwart an invasion of Quemoy, should it develop.

"The Joint Chiefs split 3 to 1 on the recommendation. Radford, Carney, and Twining favored American strafing and bombing alongside Chiang's planes if a Red invasion of Quemoy actually got underway. Ridgway opposed it, again because he feared it meant eventual use of ground troops, leading to an all-out land war with Red China. The other three believed such 'clean' air and sea action could do the job without involving troops.

"Ike summoned the National Security Council to extraordinary session at Denver to discuss war in Quemoy. The meeting was held in the Officer's Club at Lowry Air Force Base.

"Dulles was in Manila, signing the southeast Asian collective-defense treaty. He cabled that he had two questions: One. Was Quemoy essential to the defense of Formosa (which the United States is committed to defend)? Two. Was Quemoy itself defendable?

"Dulles got the answers to his questions from Radford. Quemoy could be defended, but Quemoy was not absolutely essential to the defense of Formosa. Dulles then took a stand against any ironclad assurance to Chiang that we would help defend Quemoy. Vice President Nixon also opposed American aid for Quemoy.

"President Eisenhower in the end decided that we would make no definite commitment to Chiang to defend Quemoy. On the other hand, if the Reds attacked Quemoy in force as an obvious prelude to an invasion of Formosa, we would be free to strike if we wished. President Eisenhower cast his deciding vote against war.

"THE BLOCKADE

"Barely 2 months later, strong men in the administration and the Republican Party again propelled the United States toward war with Red China.

"In late November, the Chinese Communists announced they had imprisoned as spies 11 U.S. airmen and 2 civilians, captured in the Korean war.

"Secretary Dulles was vacationing at his home on Duck Island in Lake Ontario, where the chief blessing is the absence of a telephone. When Dulles stepped ashore Sunday, November 28, in Jefferson County, N.Y., he learned of the gathering thunderclouds.

"Senate Republican Leader William F. Knowland, of California, had called for a naval blockade so tight that 'no vessel can get in or out of China until these Americans are released.' He was then backed by other Republicans. Also, Dulles knew that Admirals Radford and Carney of the joint chiefs favored a blockade, not specifically because of the spy conviction of the American airmen, but as a tool to yank the fangs of militant Red China.

"Dulles decided to call the President, who was in Augusta, Ga., for Thanksgiving, but the President got him first at the home of friends in the hamlet of Chaumont on the shores of Chaumont Bay, Lake Ontario. They talked for 15 minutes and agreed that a blockade would be an act of war, that America should not commit its armed might in response to what they believed was a carefully timed provocative act by the Communists.

"Dulles sketched a proposed revision of his scheduled speech in Chicago Monday night and Ike approved it. The next morning, Dulles called to dictate the text of his revision, and an aid took it to Ike, who was out playing golf. As he sat on a bench beside a tee, the President made a few changes and approved the rest. The speech flatly rejected a blockade.

"The decision again was against war.

"Twice in 1954, the President turned down proposals that America fight Red China. Once he approved war action, but only on condition that our allies join us—they never did.

"In the search for peace, an American President must finger many tools. Once Ike used the hammer. To understand the peace quest of recent months, it is necessary to go back 2 years—to the time when Ike got tough.

"On December 8, 1952, the heavy cruiser *Helena* rolled in the seas off Wake Island, carrying President-elect Eisenhower from Guam to Hawaii after his promised post-election trip to Korea. A helicopter brought aboard Secretary of State-designate Dulles and other future Cabinet members. For the better part of 3 days, Ike and Dulles discussed the Korean conflict as the *Helena* cut eastward.

"Ike took the firm position that 'this war must end.' Dulles agreed. American casualties then had mounted to 128,000, including 22,000 killed. Both men agreed that Red China wanted the conflict prolonged, that the Reds must be made to quit. "We've got to make them want peace' is the way Ike put it.

"Ike and Dulles reached a basic decision. If the Reds did not come to terms, the United States would bomb the new industrial complex of Manchuria above the then-sacred Yalu River and smash Red China's will to fight.

"IKE PUTS IT UP TO THE REDS

"By May 1953, the truce talks still drifted in the Communist doldrums, despite an April agreement for exchange of sick and wounded prisoners. The Reds were playing the same old game of delay, frustration, and obstruction.

"Ike decided the time had come to let Red China know we meant business. Dulles, accompanied by FOA Director Harold E. Stassen, set off on a global flying tour. For 3 days, May 20 to 22, Dulles held confidential talks with Nehru in New Delhi, impressing on him that U.S. patience had come to an end in Korea. The Reds must either come to terms or face that allout bombing of Manchurian factories, he told Prime Minister Nehru.

"There is no concrete evidence outside the secret files of India that Nehru relayed this 'ultimatum' to Red China, but circumstantial evidence indicates that he did. Within 48 hours, our military negotiators reported to Washington that the Communist attitude had softened.

"The fits and starts of haggling at Panmunjom continued, but the Reds had decided to quit. On July 27, the long-sought truce in Korea was signed. Three years and 32 days of killing ended. That was just 114 days short of the duration of our fight against Germany in World War II.

"America had been at peace for 18 months. No man is certain how peace should be mantained. Ike seeks many ways. Men of deep conviction differ with some of his methods. The debate continues in Washington."

"EXHIBIT 4

"SOUTH VIETNAM: A SUMMARY OF EVENTS[1]

"YEAR 1954

"May 8–July 21: Geneva Conference on Indochina: The delegates are from Great Britain and the U.S.S.R. (joint chairmen), France, the United States, Communist China, Cambodia, Laos, and Vietnam, and the Vietminh regime. Agreements are signed on July 21 and the main provisions concerning Vietnam are that (1) Vietnam is to be partitioned along the 17th parallel into North and South Vietnam, (2) regulations are imposed on foreign military bases and personnel and on increased armaments, (3) countrywide elections, leading to the reunification of North and South Vietnam, are to be held by July 20, 1956, and (4) an International Control Commission (ICC) is to be established to supervise the implementation of the agreements. The United States and Vietnam are not signatories to the agreements. The United States issues a unilateral declaration stating that it (1) 'will refrain from the threat or the use of force to disturb' the Geneva Agreement, (2) 'would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security,' and (3) 'shall continue to seek to achieve unity through free elections, supervised by the U.N. to insure that they are conducted fairly.'

"July 7: Head of state and former Emperor Bao Dai appoints Ngo Dinh Diem Premier.

"August: Flow of almost 1 million refugees from North to South Vietnam begins.

"August 31: Gen. Paul Ely, French High Commissioner for Indochina, states that France is unequivocally committed to support the South Vietnamese Government as the legal government in Vietnam and to grant it total independence.

"September 16: South Vietnam's independence established as France turns over to the Diem government control of the police, justice and security departments, public utilities, and civil aviation.

"October: National Revolutionary Movement, mass political party in South Vietnam, is founded.

"October 11: The Communist Vietminh regime formally takes over control of Hanoi and North Vietnam.

"October 24: President Eisenhower sends a letter to Premier Diem of South Vietnam stating that American assistance will be given hereafter not through the French authorities, but directly to the Government of South Vietnam. The letter also states that the U.S. Government 'expects this aid will be met by * * * undertaking needed reforms.'

"YEAR 1955

"January 1: United States begins to render direct assistance to South Vietnam, on the basis of the existing pentalateral agreement of December 1950, for the support of the Vietnamese armed forces.

"January 24: Premier Diem states, in an interview with a New York Post correspondent, that Vietnam would do everything possible to help the ICC and would wait to see whether conditions of freedom existed in Communist North Vietnam at the time stipulated in the Geneva Agreement for holding Vietnam-wide elections.

"February 5: Premier Diem decrees the first of a series of laws initiating important and extensive land reform program.

"February 12: The U.S. Military Assistance Advisory Group (MAAG) takes over the training of the South Vietnamese army, following the relinquishing of command authority by the French.

"February 19: Southeast Asia Collective Defense Treaty (SEATO)—with its protocol covering Vietnam, Cambodia, and Laos—comes into force.

"March 7: United States and South Vietnam sign agreement which supplements existing economic cooperation agreement of September 1951.

"March 29: Armed revolt is precipitated in Saigon by the Binh Xuyen political-bandit group, spreading ultimately into large-scale dissidence in the southern provinces with the participation of elements of the Cao Dai and Hoa Hao religious sects.

"March 31: French-North Vietnamese agreement provides for a North Vietnamese liaison mission to the ICC to operate in South Vietnam.

"April 17: South Vietnamese Government appeals to the U.N. against the North Vietnamese Communists, who, in violation of the Geneva agreements, prevent northerners from migrating to South Vietnam.

"May 10: Premier Diem forms a new Cabinet composed largely of his own followers.

"May 16: Time limit given by Geneva agreement for exodus of refugees from North to South Vietnam (and vice versa) is extended to July 20.

July: Communists initiate the first overt propaganda moves in South Vietnam by distributing literature signed by North Vietnam's National United Front.

"July 1: French formally relinquish command authority over the Vietnamese Navy.

July 7: French formally transfer Nha Trang Air Base to Vietnamese control.

"July 20: Mass demonstrations by anti-Communists in Saigon, Capital of South Vietnam. The demonstrators accuse the ICC of not preventing Communist violations of the Geneva agreements. On the same day, talks were scheduled to begin (according to Geneva agreement) for the preparation of all-Vietnam elections to be held on July 20, 1956, to reunite the country. The Government of South Vietnam rejects the North Vietnamese Government's invitation to discuss the elections, on the grounds that in North Vietnam the people would not be able to express their will freely and that falsified votes in North Vietnam could overrule the votes in South Vietnam.

"August 16: Last French High Commissioner in Vietnam departs.

"October: Binh Xuyen is defeated as an organized armed insurgent force.

"October 23: A national referendum deposes Bao Dai, former emperior and since March 7, 1949, Head of State of Vietnam. Ninety-eight percent of the votes expressed preference for Premier Diem.

"October 26: A republic is proclaimed by Ngo Dinh Diem who becomes the first President of South Vietnam.

"December 5: President Diem decrees a new Vietnamese nationality law.

"December 30: Government plan is published for resettlement of 100,000 refugees from North Vietnam. The Government will induce landlords to sign contracts with refugee tenants, and if the landlords refuse to sign, the Government will take over the contracts on behalf of the refugees.

"YEAR 1956

"January: South Vietnamese army units occupy Tay Ninh, principal Cao Dai political center, leading to breakup of the organized Cao Dai armed insurgency. Agreement with Cao Dai leaders on February 28 legalizes Cao Dai religious practices and forbids its political activities as a religious sect.

"February 12: Tran Van Soai, leader of an important Hoa Hao faction, surrenders. Ba Cut, another principal Hoa Hao leader, is captured on April 13, leading to breakup of organized Hoa Hao armed insurgency.

"February 23: Communist North Vietnam calls for a new meeting of the participants of the Geneva Conference. North Vietnam accuses South Vietnam of violating the agreement by refusing to participate in all Vietnam elections and by preparing separate elections in South Vietnam.

"March 4: General elections for South Vietnam's first National Constituent Assembly, which is to have 123 members, result in the victory of the National Revolutionary Movement and other political parties supporting President Diem.

"March 22: French-Vietnamese agreement is signed for withdrawal of the remaining French expeditionary forces by June 30, 1956.

"April 6: The Vietnamese Government announces it will continue to cooperate with the ICC and reiterates its position of support on Vietnam-wide elections at such time as conditions in Communist North Vietnam permit genuinely free voting.

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[1] This chronology has been compiled primarily on the basis of: Deadline Data on World Affairs, Deadline Data, Inc., New York, and memorandum RFE-14, Department of State, Bureau of Intelligence and Research, Jan. 10, 1962.

"April 28: French Military High Command in Vietnam is dissolved.

"July 4: Constituent Assembly approves unanimously a draft constitution providing for a strong executive with safeguards for individual citizens. The President, whose term of office is to be 5 years, has veto power over all legislation of the unicameral parliament and may rule by decree when the National Assembly (elected for 4 years) is not in session.

"July 6: U.S. Vice President Richard Nixon visits Vietnam, hands to President Diem, of South Vietnam, a letter in which President Eisenhower declares he is looking forward to many years of partnership between the two countries. As guest speaker before the Constituent Assembly, Nixon declares that 'the militant march of communism has been halted."

"July 30: Vietnamese liaison mission to ICC is established preparatory to the transfer of functions from the French liaison mission.

"August 21: President Diem issues decree regulating the status of Chinese born in Vietnam. The decree declares them to be Vietnamese citizens; those who refuse to accept their new status must leave the country.

"September 14: President Diem reshuffles his Cabinet.

"September 19: French Air Force officially transfers the Tourane Air Base to Vietnamese control.

"October 26: South Vietnam's first constitution is promulgated and the National Constituent Assembly is officially transferred into a national assembly.

"November 16: Radio Hanoi broadcasts admit peasant resistance and armed clashes in North Vietnam's Nghe An Province.

"November 29: President Diem denounces the North Vietnamese Communist regime's military actions in Nghe An Province as a violation of human rights and a forceful suppression of persons wishing to move to the southern zone and urged the U.N. to take the matter under consideration; Vietnam also protests to the ICC, charging the North Vietnamese Communist regime with violation of article 14c of the Geneva agreements.

"December 26: Nguyen Ngoc Tho confirmed by the National Assembly as Vietnam's first Vice President, following his appointment by President Diem.

"YEAR 1957

"January 3: International Control Commission reports that between December 1955 and August 1956 neither North Vietnam nor South Vietnam have been fulfilling their obligations under the 1954 armistice agreement.

"February 22: Attempted assassination of President Diem at a rural fair in Ban Me Thuot by a Cao Dai adherent.

"March 5: President Diem enunciates a new national investment policy.

"March 27: Asian People's Anti-Communist League begins its third conference in Saigon. Vietnam established as the site of the permanent secretariat.

"April 11: Lucien Cannon, chief of the Canadian delegation to the ICC, is murdered.

"May 2: In South Vietnam a national military conscription program is decreed.

"May 5–19: President Diem visits the United States. He addresses on May 9 a joint session of Congress. In a joint communique (issued May 11), President Eisenhower and President Diem declare that both countries will work toward a peaceful unification of Vietnam. The United States will continue helping South Vietnam to stand firm against communism.

"June: French naval and air force training mission withdrawn.

"June 10: U.S. Export-Import Bank grants South Vietnam a $25 million loan for economic development.

"October 22: Bombing of the U.S. MAAG and USIS installations in Saigon; U.S. personnel injured in the incident.

"November 15: United Nations Secretary General announces plan for the development of the Mekong River basin, which is to be carried out in cooperation with Thailand, Laos, Cambodia, and South Vietnam, assisted by the U.N. Economic Commission for Asia and the Far East (ECAFE).

"YEAR 1958

"January 4: Large Communist guerrilla band attacks plantation north of Saigon, reflecting steady increase in Communist armed activity since mid-1957.

"February 20: Fire sweeps Gia Kiem refugees settlement center leaving 20,000 persons homeless.

"February 26: President Diem announces Cabinet changes.

"March 7: Premier Pham Van-dong of North Vietnam (in a letter to President Diem, of South Vietnam) proposes a conference of the two Governments to discuss reduction of their respective armed forces.

"April 26: Declaration by the Government of South Vietnam on measures to be taken by North Vietnam in order to create conditions for the holding of free elections as stipulated in the Geneva agreements.

"May 9: President Diem distributes land ownership certificates to 1,819 landless farmers.

"May 17: North Vietnamese liaison mission to the ICC withdrawn from Saigon.

"June 25: Cambodian royal proclamation, alleging that South Vietnamese troops have 'invaded' and occupied several Cambodian border villages, accuses South Vietnam of 19 cases of violation of Cambodian territory since January 1957. Allegation is repudiated by the Foreign Minister of South Vietnam.

"August 5: Ngo Dinh Nhu, brother of President Diem, travels to Cambodia to try to settle the drawn-out border dispute.

"August 10: Large Communist guerrilla force attacks in Tay Ninh.

"September 10: France and South Vietnam sign agreement under which France provides aid for the Vietnam Government's agrarian reform program—1,490 million francs.

"December 26: Premier Pham Van-dong, of North Vietnam proposes a conference to discuss limitation of military commitments and establishment of commercial and other exchanges between the north and the south.

"YEAR 1959

"April 22: United States and South Vietnam sign an agreement for cooperation for research in the peaceful uses of atomic energy.

"May 13: Japan signs a World War II reparations and loan agreement with South Vietnam.

"June 11: Laos and South Vietnam sign series of agreements, on judiciary cooperation, commercial exchanges and payments, and border control.

"July: Vietnam Government publishes official publication, 'Violations of the Geneva Agreements by the Viet Minh Communists.' Annual installments published in July 1960 and May 1961.

"July 8: Communist guerrillas attack Vietnamese military base at Bien Hoa, killing and wounding several U.S. MAAG personnel.

"July 10: In Belgian Communist publication Red Flag, Ho Chi Minh, head of the North Vietnamese Communist regime, states 'we are building socialism in Vietnam, but we are building it in only one part of the country, while in the other part we still have to direct and bring to a close the middle-class democratic and anti-imperialist revolution.'

"August 3: Premier Prince Norodom Sihanouk of Cambodia in South Vietnam on official visit.

"August 30: Second national elections give the National Revolutionary Movement and other pro-Government political parties overwhelming majority in the National Assembly.

"October 30: Spokesman of the Vietnamese Army discloses that a campaign against Communist guerrillas in the country's southernmost region, the Camau Peninsula, resulted in heavy guerrilla losses.

"November 14: French Minister of Finance and Vietnamese Vice President initial (in Saigon) agreements for the settlement of financial claims between the two countries and for a French loan of 7 billion (old) francs (about $14 million) and a credit of 11 billion (old) francs (about $22 million) for the purchase by South Vietnam of capital equipment.

"YEAR 1960

"January: In an article in Hoc Tap, journal of the Communist Party (Lao Dong) in North Vietnam, Gen. Vo Nguyen Giap, head of the North Vietnamese armed forces, states 'the North has become a large rear echelon of our army' and 'the North is the revolutionary base for the whole country.' A Communist guerrilla band attacks Vietnamese Army installation in Tay Ninh.

"March: Communist guerrilla force attacks leprosarium in Bien Hoa Province. President Diem inaugurates first agroville in Phong Dinh Province.

"March 24: France and South Vietnam sign agreement on outstanding financial and properties issues and on trade relations.

"April 17: North Vietnam protests to the chairmen of the 1964 Geneva Conference (Britain and the U.S.S.R.) against a formidable increase of personnel in the American military assistance and advisory group in South Vietnam; and accuses the United States of turning South Vietnam into 'a U.S. military base for the preparation of a new war.'

"April 30: An opposition group of 18, calling themselves the Committee for Progress and Liberty, send letter to President Diem demanding drastic economic administrative and military reforms.

"May 5: United States announces that at the request of the Government of South Vietnam, the U.S. military assistance and advisory group will be increased by the end of the year from 327 to 685 members.

"June 3: U.S. Development Loan Fund approves $9,700,000 loan to South Vietnam for purchase in the United States of diesel locomotives and railway cars.

"June 18: Government announces that the Governor of Vinh Kong Province and his driver were assassinated and a bodyguard wounded by Communist terrorists.

"June 26: Government announces that South Vietnamese troops kill 34 Communist rebels in a battle along the Cambodian border on June 22.

"June 28: Defense Ministry announces that Government troops killed 41 Communist guerrillas and lost 2 soldiers in a clash west of Saigon.

"June 29: Communist guerrillas ambush and kill the inspector of South Vietnam's youth and sports organizations. 'Each month, from 250 to 300 Government officials are murdered by Red guerrillas * * * South Vietnam is clearly the target of a new Communist offensive.' (Time, July 11, 1960.)

"July 16: Government discloses that in clashes with Communist guerrillas on July 9, Government troops killed 76, wounded at least 100, and captured 28.

"July 20: Vietnam National Assembly delegation leaves Saigon for 6-week visit to the United States.

"September 5: In addressing the opening of the Third National Congress of the Lao Dong (Communist) Party in Hanoi, Ho Chi Minh states 'the North is becoming more and more consolidated and transformed into a firm base for the struggle for national reunification.'

"September 10: The resolution adopted by the Third National Congress of the Lao Dong

Party declares clearly that an 'immediate task' of the 'revolutionary struggle of our compatriots in the South' is to overthrow President Diem's government.

"October: Series of attacks by large Communist guerrilla force in the Kontum-Pleiku area.

"October 18: President Diem reshuffles his cabinet and replaces the Secretaries of State for Justice, Interior, and National Defense.

"October 26: President Eisenhower assures President Ngo Dinh Diem, in a letter of good wishes on South Vietnam's fifth anniversary, that 'for so long as our strength can be useful, the United States will continue to assist Vietnam in the difficult yet hopeful struggle ahead.'

"November 2: Development Loan Fund announces signing of an agreement for a $17,500,000 loan to South Vietnam. The loan is for the improvement and expansion of the water supply of the Saigon metropolitan area.

"November 5: In a daylight ambush a U.S. public safety adviser, Dolph B. Owens, and his driver are killed by guerrilla machinegun fire near seaside resort, Long Mai. On the same day the National Assembly passes bill empowering the Government to mobilize 'popular fronts' and to strengthen existing military measures to 'better insure the security of the nation.'

"November 10: South Vietnam Government sends letter to the ICC charging that Communist attacks in the Kontum-Pleiku area in October (1) involved regular army forces from Communist North Vietnam through Laos, (2) constitute open aggression which was well prepared, commanded by high-ranking officers, and conducted by regular forces trained in North Vietnam, and (3) employed weapons made in North Vietnam and other Communist countries.

"November 11: Military coup attempt against President Diem's regime. Paratroop battalions led by Col. Nguyen Van Thy and Lt. Col. Vuong Van Dong besiege the Presidential palace. An order of the day issued by Colonel Thy declares that struggle against the Communists will be intensified, that President Diem is guilty of autocratic rule and neoptism and has shown himself incapable of saving the country from communism and protecting national unity.'

"November 12: Loyalists troops enter the capital and subdue the rebels. According to press reports from Saigon, an estimated 200 soldiers and civilians were killed during the fighting.

"November 13: U.S. State Department expresses satisfaction at the failure of the coup against President Diem and also hope that this power will be established on a wider basis with rapid implementation of radical reforms and energetic action against corruption-suspected elements.'

"November 16: Ngo Dinh Nhu, President Diem's brother and political adviser, announces that President Diem plans to appoint a new Government and introduce a farreaching reform program based on reports of the Ford Foundation and of a French study group.

"YEAR 1961

"January 29: Radio Hanoi praises establishment of the National Front for Liberation of South Vietnam (NFLSV), alledgedly founded in December 1960. On January 30, Radio Hanoi, quoting the press organ of the Lao Dong Party in North Vietnam, states that the 'sacred historical task' of the NFSLV is to overthrow the United States-Diem clique and to liberate the south.

"February 6: President Diem announces (at the first press conference held by him in 5 years) his administrative reform program..

"February 7: President Diem announces he will be a candidate for reelection in the presidential elections to be held on April 9.

"March 10: The Communist-led newly formed National Front for the Liberation of South Vietnam announces that a guerrila offensive against the Government will be started to prevent the holding of the April 9 elections. The National Front also declares that it will fight with every means the dictatorial regime set up by the Americans, that it stands for the peaceful reunification of the country.

"March 27: Cambodian and South Vietnamese representatives reach agreement in Pnom Penh, Cambodia, on settling the Cambodian refugee problem which has recently strained relations between the two countries. Large numbers of Cambodians settled in Vietnam crossed into Cambodia during the past weeks complaining that both Communist guerrillas and Government forces have committed atrocities against them.

"April 3: United States and South Vietnam sign a Treaty of Amity and Economic Relations in Saigon.

"April 4: President Diem appeals to the ICC to make an immediate and energetic investigation of growing Communist terrorism and subversion throughout South Vietnam.

"April 6: U.S. President John F. Kennedy and British Prime Minister Harold Macmillan discuss (according to press reports from Washington) the steps to be taken to prevent a deterioration of the situation in South Vietnam. On the same day, Government of South Vietnam announces details of nine engagements between Government forces and Vietcong guerrillas in widely separated areas.

"April 9: President Diem and Vice President Tho are elected by an overwhelming majority in Vietnam's presidential elections.

"May 2: North Vietnam calls for a ceasefire in Laos.

"May 4: Chairman of U.S. Senate Foreign Relations Committee, Senator J. W. FULBRIGHT, declares to the press (after a conference with President Kennedy) that he would not oppose direct military intervention in South Vietnam and Thailand to counteract the threat of a Communist takeover in those countries. He also emphasizes that he is opposed to the United States becoming the primary defensive factor in southeast Asia over a long time, and says that role should be up to India and Japan.

"May 5: President Kennedy declares at a press conference that consideration is being given to the use of U.S. forces, if necessary, to help South Vietnam resist Communist pressures. He declares that this will be one of the subjects discussed during the forthcoming visit of Vice President Johnson in South Vietnam.

"May 11–13: U.S. Vice President Johnson in South Vietnam. Joint communique on May 13 declares that additional U.S. military and economic aid will be given to help South Vietnam in its fight against Communist guerrilla forces.

"May 29: President Diem reorganizes his Cabinet.

"June 12: Communist Chinese Premier Chou En-lai and North Vietnamese Premier Phan Van-dong (in Peiping on a visit) accuse the United States of aggression and intervention in South Vietnam.

"June 19–July 15: U.S. group of financial, economic and military experts, headed by Eugene A. Stanley, in South Vietnam to study methods of countering guerrilla activities and to establish long-term plans to assist the South Vietnamese economy.

"June 29: ICC decides it is competent to investigate North and South Vietnamese complaints of violation of the agreement on Vietnamese partition.

"July 8: Attempted assassination of U.S. Ambassador Frederick E. Nolting.

"July 16: Government forces win an important battle 60 miles southwest of Saigon in the swampy region of the Plaine des Joncs, a guerrilla-infested territory.

"July 17: U.S. Agriculture Department announces an agreement to sell South Vietnam $11 million worth of U.S. surplus wheat, cotton, and tobacco, to be paid for in Vietnamese currency.

"July 24: Two National Assembly deputies assassinated by Communist guerrillas.

"August 2: President Kennedy declares that the United States will do all it can to save South Vietnam from communism. On the same day, the Government of South Vietnam orders all men between the ages of 25 and 35 to report for military duty.

"August 17: Government forces win another victory over Communist guerrillas on the Plaine des Joncs.

"September 1–4: Series of attacks by 1,000 Communist guerrillas in Kontoum Province. Army command communique states that during the month of August there were 41 engagements between Government forces and Communist rebels.

"September 17: British advisory mission on administrative and police matters, headed by R. G. K. Thompson (former Permanent defense secretary in Malaya), leaves for South Vietnam.

"September 18: Communist forces estimated at 1,500 men attack and seize the capital of Phuoc Thanh Province, only 60 miles from Saigon.

"September 25: President Kennedy, addressing the U.N. General Assembly in New York, declares that a threat to peace is 'the smoldering coals of war in southeast Asia.'

"October 1: Military experts of SEATO meet in Bangkok, Thailand, to consider the increasing Communist menace to South Vietnam. Adm. Harry D. Felt, U.S. Navy commander in chief in the Pacific, declares that there is no immediate prospect of using U.S. troops to stop the Communist advance in southeast Asia, but he indicates that among the plans evolved for 'every eventuality' some do call for the use of American troops.

"October 2: President Diem declares at the opening of the National Assembly's budgetary session: 'It is no longer a guerrilla war we have to face but a real war waged by an enemy who attacks us with regular units fully and heavily equipped and who seeks a strategic decision in southeast Asia in conformity with the orders of the Communist international.' The President also says that the U.S. committee headed by Dr. Eugene Staley recommended an increase in aid both for military measures and for economic and social development.

"October 11: President Kennedy announces (at his news conference) that he is sending Gen. Maxwell D. Taylor, his military adviser, to South Vietnam to investigate there the military situation and to report on it to him personally.

"October 18: State of emergency is proclaimed in South Vietnam by President Diem. On the same day the President also begins a series of consultations with Gen. Maxwell D. Taylor.

"October 24: Government of South Vietnam sends letter to the ICC charging the North Vietnamese Communist regime with organizing and carrying out 'elaborate and intensive' program of subversion, terror, and direct aggression against South Vietnam.

"October 26: On the sixth anniversary of South Vietnam as a republic, President Diem issues a message stressing the theme of national emergency and the need for greater effort and dynamic solidarity against 'Communist imperialism.' He demands the 'complete destruction of Communist aggression,' for which purpose the state of emergency has been declared. On the same day, President Kennedy, in a letter to President Diem, assures the South Vietnamese President that the United States 'is determined to help Vietnam preserve its independence, protect its people against Communist assassins and build a better life through economic growth.'

"October 28: Government announces that Cambodian and South Vietnamese troops clashed in An Giang Province in the border region where Cambodian troops crossed into Vietnamese territory.

"November 16: Following closely the recommendations in General Taylor's report, President Kennedy (with the approval of the National Security Council), decides to bolster South Vietnam's military strength, but not to commit U.S. combat forces at this time.

"November 20: Discussions between U.S. Ambassador Frederick Nolting and President Diem on measures to be taken by both Governments to implement General Taylor's report on South Vietnam and on possible reforms in the Diem administration.

"December 8: U.S. State Department publishes white paper that South Vietnam is threatened by clear and present danger of Communist conquest.

"December 15: U.S. President Kennedy pledges increased aid to South Vietnam.

"YEAR 1962

"January 4: A joint United States-South Vietnamese communique announces 'broad economic and social program [to raise living standards] * * * measures to strengthen South Vietnam's defense in the military field are being taken simultaneously.'

"February 7: Two U.S. Army air support companies totaling 300 men arrive in Saigon, increasing (according to the New York Times) the total of U.S. military personnel in South Vietnam to 4,000.

"February 8: United States reorganizes its South Vietnam military command, establishes new U.S. Military Assistance Command, Vietnam under four-star Gen. Paul D. Harkins.

"February 24: In a Peiping radio broadcast, Communist China declares her security seriously threatened by an 'undeclared war' being waged by the United States in South Vietnam. The broadcast demands the withdrawal of U.S. personnel and equipment.

"February 27: Two fighter planes, piloted by members of the South Vietnam Air Force, bomb and strafe Presidential Palace in Saigon for 25 minutes. President Diem and his staff not injured.

"March 7: U.S. Operations Mission Director Arthur Z. Gardiner discloses that the United States will spend $200 million to support South Vietnam's economy this year and help raise living standards.

"March 17: Tass Soviet news agency publishes Soviet Ministry note to the signatories of the 1954 Geneva Agreements. The note charges the United States with creating 'a serious danger to peace' by its 'interference' in South Vietnam, in contravention of the Geneva Agreements, and demands immediate withdrawal of U.S. troops.

"March 22: Operation Sunrise, a comprehensive plan to eliminate the Vietcong guerrillas in South Vietnam, begins with a mopping-up operation of rebels in Binh Duong Province.

"April 16: In answer to the Soviet note of March 17, the British Foreign Office rejects the Soviet charges and recalls that U.S. measures in South Vietnam were adopted long after the North Vietnamese Government had begun its campaign to overthrow the Government of South Vietnam, and that these North Vietnamese activities 'are at the root of the present trouble in South Vietnam.'

"April 20: National Assembly pledges full support to President Diem's plan to establish thousands of strategic hamlets in the Communist infested Mekong Delta during the current year.

"April 26: Foreign Minister Vu Van Mau accuses the Polish team on the ICC of 'acting more like a Communist delegation than a neutral body,' and says the Government is considering boycotting the delegation.

"May 9: At meeting of ANZUS (Australia-New Zealand-United States Defense Pact) Council in Canberra, Australia, U.S. Secretary of State Dean Rusk appeals for 'a helping hand' in South Vietnam.

"May 12: Communist forces in Laos gain control of large territories; about 2,000 Laotian Royal Army troops with their commander flee into Thailand crossing the Mekong River.

"May 15: U.S. troops land in Thailand to help deter a possible Communist attack.

"May 22: President Diem promulgates the protection of morality law, which prohibits all dancing and beauty contests, and makes prostitution and unnatural methods of birth control illegal.

"May 25: Canadian and Indian members of the ICC find North Vietnam guilty of subversion and covert aggression against South Vietnam. The Polish delegation to the commission rejects the charge.

"May 28: President Diem refuses a U.S. proposal that $1.5 million be set aside for direct aid by Americans for emergency counterinsurgency projects.

"June 23: North Vietnam's Central Committee of the National Liberation Front for South Vietnam orders intensified attacks against the strategic hamlets in South Vietnam.

"June 26: South Vietnam's National Assembly votes to extend its term of office by 1 year, to August 1963. The explanation given is that it is impossible to hold elections now, because it would tie down troops needed against the Communist guerrillas.

"July 2: Fourteen-nation Geneva Conference on Laos reconvenes and on July 23 the Foreign Ministers of the 14 nations sign a declaration on the neutrality of Laos.

"July 6: U.S. Secretary of Defense Robert McNamara declares that, while a final victory over the Communists in South Vietnam is years away, he is encouraged by the increased effectiveness of U.S. aid to the South Vietnamese forces.

"July 17: Leader of the Communist-run South Vietnam National Liberation Front Nguyen Van Hieu (in Moscow for a World Peace Congress) calls for the neutralization of South Vietnam similar to the 14-nation agreement on the neutrality of Laos.

"July 24: U.S. Secretary of Defense McNamara in Honolulu, Hawaii, confers with the commander of U.S. military forces in southeast Asia Gen. Paul Harkins and U.S. Ambassador to South Vietnam Frederick Nolting.

"August 19: U.S. aid mission in Saigon discloses that the South Vietnamese Government has agreed to embark on a program of deficit financing to help pay for the struggle against the guerrillas.

"August 25: U.S. Embassy in Saigon announces that it will provide $10 million to be distributed by South Vietnamese authorities for emergency projects to help refugees of the guerrilla war.

"August 26: Dr. Pham Huy Co, president of the banned Free Democratic Party, announces in Tokyo, where he lives in exile, that he has been clandestinely in South Vietnam and that a meeting of the opposition to the Diem government has been held on a junk off the coast of South Vietnam. The meeting appointed a 30-member National Council of the Revolution to head the anti-Communist, anti-Diem movement.

"September 11: Prince Norodom Sihanouk, of Cambodia, warns that if South Vietnam undertakes two more incursions into Cambodian territory, he will break off diplomatic relations with South Vietnam and establish diplomatic relations with Communist North Vietnam.

"September 12: General Taylor, Chairman of the U.S. Joint Chiefs of Staff, visits the central highland of South Vietnam where mountain peasants (montagnards) are being trained by the U.S. Special Forces for war against the Vietcong Communist guerrillas.

"October 8: United States publishes American war casualties in South Vietnam. Between December 31, 1961, and October 1, 1962, 46 Americans dead, 56 Americans sick or injured.

"October 26: National Assembly extends by 1 year President Diem's emergency powers to rule by decree.

"November 8: South Vietnam breaks off diplomatic relations with Laos as a result of Laos establishment of diplomatic relations with North Vietnam.

"December 6: South Vietnamese Government protests to the ICC against the introduction of Chinese-made weapons and ammunition. A large cache was discovered by a patrol in the central highlands.

"December 8: President Diem signs a Reorganization of the Army Act creating a fourth Army corps area and making several changes in military command posts.

"December 12: Government announces plans to transfer provincial and district administration from military to civilian personnel.

"December 29: Government in Saigon announces that 4,077 strategic hamlets have been completed (of a total of 11,182 to be built) and that 39 percent of South Vietnam's population is now living in these communities.

"YEAR 1963

"January 2: Vietcong guerrilla force estimated at 200 and armed with automatic weapons engages in an all-day battle against 1,200 Government troops and inflicts heavy casualties at Ap Bac, in the Mekong River Delta 35 miles southwest of Saigon.

"January 9–11: Adm. Harry D. Felt, commander in chief of U.S. forces in the Pacific confers with Gen. Paul D. Harkins and declares, before his departure, that the Vietcong guerrillas face inevitable defeat, and he says: 'I am confident the Vietnamese are going to win the war.'

"January 20: Press reports state that a captured Vietcong document (dated September 1962 and written by a senior Vietcong official) outlines the future of the war in Vietnam as a long and difficult struggle. Reviewing the expansion of U.S. military assistance to South Vietnam within the last year, the document says that the United States is the Vietcong's main enemy and that U.S. presence will drive many uncommitted Vietnamese to the Communist side. The document foresees a negotiated settlement of the war patterned on the Laotian agreement and it stresses the importance of understanding so-called transitional steps to the achievement of victory.

"February 1: U.S. Secretary of Defense Dean Rusk says (at a press conference) that there are 'both pluses and minuses' in the U.S. aid program to South Vietnam and he adds that 'there is no more difficult, disagreeable, and frustrating type of operation than those that are required to deal with guerrilla action supported from outside of a country, such as we find in that country.'

"February 2: Pham Huy Co, president of the National Council of the Vietnamese Revolution, claims (in Paris where he is a political exile) that his organization is the source of terrorist bombings which have occurred in Saigon and its suburbs since mid-January. He says the aim of these activities is to hasten the overthrow of the Diem government.

"February 11: U.S. Ambassador Frederick Nolting asks (in a Saigon speech) for greater frankness between United States and Vietnamese officials in the fight against the Communist guerrillas.

"February 16: Times of Vietnam (in an editorial) attacks U.S. press and demands

United States consider censorship of American dispatches from South Vietnam, accusing U.S. correspondents of helping Communist guerrillas and of responsibility for the deaths of United States and Vietnamese personnel engaged in the war.

"February 24: U.S. Senate study group, headed by Senate Majority Leader MIKE MANSFIELD, submits a report on southeast Asia made at the request of President Kennedy, to the Senate Foreign Relations Committee. The report warns that the fight against Communist guerrillas in Vietnam is becoming an 'American war' which is not justified by U.S. security interests and calls for a 'thorough reassessment of our overall security requirements on the southeast Asian mainland.' While expressing doubts concerning the results of $5 billion in U.S. aid to southeast Asia since 1950, the report recommends 'extreme caution' in reducing military and economic assistance in this area.

"February 28: Nguyen Ton Hoan, Secretary General of the Dai-Viet Nationalist Party and a political exile living in Paris, declares (in a letter to President Kennedy) that 'President Ngo [Dinh Diem] is incapable of leadership and unamenable to reform. His government may suddenly collapse in the near future and leave a vacuum into which the Communists will gladly step—unless both the American authorities and Vietnamese nationalist leaders are prepared to cope with such an emergency together instead of working at cross purposes.'

"March 6: U.S. military sources report that the Vietnamese Navy has taken over patrol of South Vietnam's coast from the U.S. 7th Fleet.

"March 9: Soviet newspaper Red Star, official publication of the Soviet Defense Ministry, charges that 'American interventionists have again used poison substances in South Vietnam' resulting in the killing of hundreds of people. On the same day, U.S. Defense Department denies the Soviet charges. Of the chemical now in use, the Department says, 'It is nontoxic to humans when used in the prescribed manner, that is sprayed on trees and under bushes in the open air.'

"April 8–10: SEATO Ministerial Council meeting in Paris (to discuss the Communist threat to southeast Asia) issues communique on April 10 expressing 'concern over the continuing and widening threats to the security' of the treaty area; takes note of the 'considerable progress' made in South Vietnam in the fight against Communist subversion and rebellion; emphasizes that effective measures to 'prevent and counter subversion continues to be a major task facing the member countries'; and notes the improvements in the 'plans for defensive action, in the light of changing and anticipated situations.'

"April 14: U.S. Under Secretary of State Averell Harriman (in a television interview) says that President Kennedy has decided that the United States must not become involved in the continuing conflict in Laos. He says that there are no plans to commit U.S. troops, and military supplies will only be sent if requested by the Laotian Government.

"April 17: President Diem proclaims an 'open arms' campaign to induce Vietcong guerrillas to give up their weapons and return to the side of South Vietnam.

"April 22: U.S. Secretary of State Dean Rusk calls the situation in South Vietnam 'difficult and dangerous,' and says that the United States 'cannot promise or expect a quick victory' and that its role is 'limited and supporting.'

"May 8: Riot erupts in northern city of Hue, former imperial capital, 400 miles north of Saigon. Involves Buddhist celebration of the anniversary of Buddha's birth and the flying of flags on the special day. Twelve persons are killed, including some children. Buddhist leaders charge that Government troops fired into the crowd, while Government officials say that Communists were responsible for the explosion.

"May 9: South Vietnam concludes agreement with the United States in which South Vietnam will finance the local cost ($17 million) of operating its strategic hamlet program and transporting U.S. economic and military equipment, food and other supplies to these settlements.

"June 3: Buddhist demonstrations break out in Hue. Martial law is swiftly imposed.

"June 7: President Diem (in a broadcast) appeals for calm and makes a partial concession to Buddhist demands that the Government accept responsibility for the incidents in Hue.

"June 11: Buddhist monk (Thich Quang Duc) commits suicide by burning himself to death with gasoline in front of the Cambodian legation. Further aggravates religious crisis involving South Vietnamese Buddhists.

"June 14: Press reports state that the United States has warned President Diem that unless he takes immediate steps to alleviate Buddhist grievances the United States will publicly condemn the treatment they have received.

"June 15: Tentative agreement is reached between Buddhist leaders and representatives of President Diem to end alleged religious discrimination and meet Buddhist demands.

"June 16: Government troops use tanks, tear gas, clubs, firearms, and barbed wire to suppress riots in Saigon which follow an agreement between Buddhist leaders and the Government.

"June 27: President Kennedy announces (in Ireland while on a European tour) the appointment of Henry Cabot Lodge as the next American Ambassador to South Vietnam, effective September 1963, to succeed Frederick Nolting.

"July 5: Trial of 19 Vietnamese paratroopers, admitted leaders of a revolt against the Diem government in November 1960 opens in Saigon. Prosecutor accuses former U.S. Embassy personnel of aiding the conspiracy to overthrow regime. Denied by the United States.

"July 7: Nine correspondents for U.S. news services in South Vietnam, including seven Americans, are physically assaulted by secret policemen armed with rocks at the scene of a memorial service for a Buddhist monk who committed suicide on June 11.

"July 9: Trial of 34 civilians, including Dr. Phan Quang Dan, leader of the Free Democratic Party, allegedly involved in a plot to overthrow President Diem in 1960, opens before a military tribunal in Saigon. Nguyen Tuong Tam, a Buddhist and a prominent author, scheduled to be tried, commits suicide by poison.

"July 11: U.S. Ambassador Nolting returns to South Vietnam after consultations in Washington and issues a statement assuring continued U.S. support to President Diem and warning that 'unity of purpose and purpose in action' must not be weakened by 'internal dissention.'

"July 15: Buddhist supreme leader, Thich Thinh Khiet, in a letter to President Diem, charges the Government with bad faith concerning the agreement of June 15 and says that there have been 'acts of a terrorist nature' against Buddhists throughout the country.

"July 17: Armed policemen use clubs against 1,000 Buddhists protesting religious discrimination in front of a pagoda in Saigon. On the same day, President Kennedy says (at his news conference) that the religious crisis in South Vietnam is interfering with the war effort against the Vietcong guerrillas and expresses hope that President Diem and Buddhist leaders will 'reach an agreement on the civil disturbances and also in respect for the rights of others.'

"July 18: President Diem asks Buddhist leaders to meet with Government officials and say that he has instructed a special committee to cooperate with Buddhists in implementing an earlier agreement and that all Government officials have been instructed to cooperate actively in this effort. However, Buddhist leaders indicate an unwillingness to negotiate with Government officials until certain conditions are fulfilled: secret policemen who have attacked Buddhist demonstrators must be publicly identified; prisoners being detained for their part in earlier riots must be released; permission to print missing persons notices in newspapers to locate Buddhists who have disappeared must be granted.

"July 23: Militiamen, war veterans, and widows parade through the streets of Saigon to demonstrate support for Government policies in the Buddhist dispute.

"July 30: Memorial services for Thich Quang Duc who committed suicide to protest alleged persecution by the Government are attended by thousands of Buddhists in Saigon, Hue and other cities. Peaceful demonstrations are staged without Government interference.

"August 1: Mme. Ngo Dinh Nhu, sister-in-law of President Diem, declares in an interview for television: 'The only thing that they (the Buddhists) have done * * * (is that they) have barbecued one of their monks whom they have intoxicated. And even that barbecuing was not even with self-sufficient means, because they used imported gasoline.' "

"August 3: Ngo Dinh Nhu, brother of President Diem, says (in an interview) that if the dispute with the Buddhists is not settled 'it will lead toward a coup d'etat' which would be anti-American, anti-Buddhist, and against 'weakness by the Government.'

"August 5: Young Buddhist monk suddenly immolates himself during a hunger strike at Phan Tiet.

"August 13: U.S. Assistant Secretary of State for Far Eastern Affairs Roger Hilsman declares (at a Washington press conference) that there are signs that the Buddhist crisis in South Vietnam 'is beginning to affect the war effort and to benefit the Communists, which none of the Vietnamese want, either the Government or the Buddhists.'

"August 17: Forty-seven faculty members at the University of Hue resign to protest Government indifference in the Buddhist crisis and the dismissal of the University's rector.

"August 20: Vietcong guerrillas overrun and burn 137 homes in the Ben Tuong strategic hamlet, 30 miles north of Saigon It was the showplace of the strategic hamlet program.

"August 21: Martial law is proclaimed throughout South Vietnam by President Diem after hundreds of armed police and Government troops raided the main Buddhist Xa Loi pagoda in Saigon.

"August 22: Foreign Minister Vu Van Mau (a Buddhist) submits his resignation to President Diem. Also on the same day, South Vietnam's Ambassador to the United States Tran Van Chuong (father of Mme. Ngo Dinh Nhu) resigns. Both resign in disapproval of Government policies toward Buddhists.

"August 23: Student demonstrations at Saigon University in opposition to Government disperse before police arrive on the scene. But the following day there are direct clashes, and many students are confined to jail.

"August 26: U.S. Ambassador Henry Cabot Lodge presents his credentials to President Diem and confers with him at a second meeting on the same day. On the same day, U.S. State Department declares: 'Present information is that the top leadership of the

Vietnamese Army was not aware of the plans to attack the pagodas, much less the brutal manner in which it was carried out.'

"August 28: Joint General Staff of the Vietnamese Army issues a reply to the U.S. statement insisting that 'These allegations are entirely and absolutely erroneous.'

"August 29: French President de Gaulle issues controversial policy statement on South Vietnam. He declares that France is able 'to appreciate the role this people would be capable of playing in the current situation of Asia for its own progress and for the benefit of international understanding once it was able to exercise its activity in independence from foreign influence, in internal peace and unity, and in concord with its neighbors. Today, more than ever, this is what France wishes to all of Vietnam.'

"August 30: French Ambassador to the United States Herve Alphand declares, after meeting with U.S. Secretary of State Dean Rusk, that General de Gaulle's statement is part of a long-range French political solution which would reunify North and South Vietnam in 'independence and neutrality' and that his declaration is not meant as a slap at the United States.

"September 1: Three Buddhist monks, including Thich Tri Quang, take refuge in U.S. Agency for International Development mission headquarters in Saigon.

"September 2: Times of Vietnam charges that U.S. Central Intelligence Agency agents had planned a coup d'etat for August 28 to overthrow President Diem. On the same day, U.S. President Kennedy declares (in a television interview with CBS Correspondent Walter Cronkite) that the United States is prepared to continue to assist South Vietnam 'but I don't think that the war can be won unless the people support the effort and, in my opinion, in the last 2 months, the Government has gotten out of touch with the people.'

"September 3: Group of 56 African and Asian UN members decides to ask the U.N. General Assembly to consider 'the question of the violation of human rights in South Vietnam' at its next session which begins September 17.

"September 5: President Diem declares (in a press interview) that 'the Government considers this [Buddhist] affair closed.' He denies reports that his brother Ngo Dinh Nhu has taken control of the Government. On the same day, Ngo Dinh Nhu says (in a press interview): 'I have never controlled the Government.'

"September 7: About 800 high school students are arrested by armed police and Special Forces (secret police) while engaged in anti-Government demonstrations in Saigon. 'For the first time in student demonstrations here, the slogans they shouted included criticism of the United States' (New York Times, September 8, 1963).

"September 8: David Bell, Administrator of the U.S. Agency for International Development, warns (in a television interview) that the U.S. Congress may cut back aid to South Vietnam unless the Diem Government changes its policies. On the same day press reports emanating from 'highly reliable sources' in Washington state that the U.S. Central Intelligence Agency has decided to continue making regular monthly payments of $250,000 to support the special forces of Col. Le Quang Tung in South Vietnam.

"September 9: President Kennedy (in a televised interview) says that 'it would not be helpful at this time' to reduce U.S. aid to South Vietnam because that might bring about a collapse similar to that of the Chiang Kai-shek government in China after World War II. On the same day, U.S. Ambassador Henry Cabot Lodge confers with President Diem. 'The United States has directly advised President Ngo Dien Diem * * * that it regards the removal of his brother Ngo Dinh Nhu as vital' (New York Times, Sept. 12, 1963).

"September 12: U.S. Senator Frank Church, Democrat, of Idaho, introduces a resolution (sponsored by 18 Democrats and 4 Republicans) in the Senate which calls for ending all U.S. military and economic aid to South Vietnam and withdrawal of U.S. troops unless the Diem government abandons its policy of 'cruel repressions.'

"September 14: Presidential decree announces end of martial law on September 16.

"September 16: Fourteen Afro-Asian nations demand a debate in the U.N. General Assembly (opening its fall session on September 17) on the ruthless suppression of Buddhist rights in South Vietnam.

"September 20: U.S. Senate Majority Leader Mike Mansfield, Democrat, of Montana, speaking in the Senate, calls on all U.S. agencies in South Vietnam to give full support to U.S. Ambassador Henry Cabot Lodge. Observers interpreted the speech as being directed against the CIA and some elements in the American military mission to Vietnam.

"September 21: President Kennedy orders Secretary of Defense Robert S. McNamara and Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, to go to South Vietnam to review the military efforts against the Communist Vietcong. McNamara and Taylor in South Vietnam during September 24 to October 1.

"September 22: Mme. Ngo Dinh Nhu, sister-in-law of President Diem, declares (in a press interview in Rome) that junior U.S. Army officers in South Vietnam are irresponsible 'little soldiers of fortune.'

"September 27: Elections are held for the 123-member National Assembly. All candidates were approved in advance by the Government; many were unopposed, including President Diem's brother, Ngo Dinh Nhu, and his wife, Mme. Nhu.

"October 2: Secretary of Defense Robert S. McNamara and Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, report to President Kennedy and the National Security Council on their mission to South Vietnam. The statement says that the United States will continue its 'policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong as promptly as possible. Effective performance in this undertaking is the central object of our policy in South Vietnam.'

"October 5: Buddhist monk burns himself to death in Saigon—the sixth such suicide since June 11. Three U.S. journalists who see the suicide are beaten by police. On the same day, the head of U.S. Central Intelligence Agency operations in Saigon (John H. Richardson) is recalled to Washington.

"October 7: Mme. Ngo Dinh Nhu, sister-in-law of President Diem, arrives in New York to begin a 3-week unofficial visit to the United States.

"October 8: U.N. General Assembly agrees to send a factfinding mission to South Vietnam to investigate charges of Government oppression of Buddhists. The Diem government on October 4 had invited the U.N. to send such a mission.

"October 17: Ngo Dinh Nhu, chief adviser of President Diem, declares (in a press interview in Saigon) that he cannot understand why the United States has 'initiated a process of disintegration in Vietnam.' He adds that 'the confidence between the Vietnamese people and the American Government has been lost.'

"October 21: It is disclosed in Washington and Saigon that the United States will withhold financial aid to the special forces of Col. Le Quang Tung as long as they are not used to fight Communist guerrillas.

"October 24: U.N. factfinding mission on the Buddhist situation in South Vietnam arrives in Saigon, and on the next day confers with President Diem and his brother, Ngo Dinh Nhu.

"October 27: Buddhist monk burns himself to death in Saigon—the seventh such suicide since June 11.

"October 31: Vietcong guerrillas attack an armored train north of Saigon, inflict heavy casualties on Government troops, and seize a large number of weapons.

"November 1: Military coup (organized by the key generals of the armed forces) against the Diem regime. Rebels lay siege to the Presidential Palace in Saigon which is captured by the following morning. President Diem and his brother, Ngo Dinh Nhu, escape from the palace, but a few hours later are taken by the rebels, and while being transported in an armored carrier to rebel headquarters they are assassinated. A proclamation broadcast by the leaders of the coup (a council of generals, headed by Maj. Gen. Duong Van Minh) declares that they have 'no political ambitions' and that the fight against the Communists must be carried on to a successful conclusion.

"November 2: Military leaders set up a provisional government headed by former Vice President Nguyen Ngoc Tho (a Buddhist) as Premier. The Constitution is suspended and the National Assembly dissolved. Buddhists, students, and other political prisoners arrested by the former regime are released.

"November 4: Premier Nguyen Ngoc Tho announces formation of a mixed military-civilian Cabinet which has been approved by the military leaders.

"November 7: United States recognizes the new provisional government of South Vietnam."

"Exhibit 5

"Dead End in Vietnam

"WE CAN'T WIN, BUT WE NEED NOT LOSE—I

"(By Jerry A. Rose[1])

"Saigon.—The war in South Vietnam cannot be won. That is now the on-the-spot opinion of numerous Vietnamese, American and other foreign experts. After 4 years of closely observing the situation, I concur. But it is unlikely that the Secretary of Defense, Robert McNamara and the Chairman of the Joint Chiefs of Staff, Gen. Maxwell Taylor, have reached a similar conclusion, though they have heard passionately contradictory viewpoints. There are powerful voices of optimism.

"Gen. Paul D. Harkins, commander of the Military Assistance Command, is one such voice. To many of us long in the area, his voice is like a frightening echo of past American commanders. Gen. 'Hanging Sam' Williams considered President Ngo Dinh Diem a near brother and felt that the Vietcong guerrillas could be eliminated with tanks and howitzers—and while he was molding the Vietnamese troops into standard warfare units, guerrilla terrorism increased. But Williams chose to ignore that lethal increase. Then came Gen. Lionel 'Stonehead' McGarr, who once told me that 'President Diem is a genius, a genius.' McGarr, to the day he left Vietnam because of 'heart trouble,' stoutly contended that the guerrillas were being contained. The opposite was true to any rational observer. Strangely, the tradition of rosy optimism dates back to French commanders during the Indochina war who saw a final victory forever around the corner until one day they turned the corner and ran smack into Dienbienphu.

" 'Vietnam has been the burial ground for more generals and diplomats than any other place on earth,' said a laconic reporter the day Ambassador Frederick Nolting departed.

"[1] Jerry A. Rose, former Far Eastern correspondent for Time magazine, now resides in Hong Kong where he does freelance writing on the Far East.

And indeed it has, though more realism and less wishful thinking may have saved their own necks and the nation's. Lesser officials and the much-maligned correspondents have called the hard, unpleasant but realistic shots. To do so is not difficult; it takes but a recognition of the basic factors involved in Vietnam and in guerrilla warfare. And the most basic of these factors is the attitude of the people toward their government and national leader. But for some reason, diplomats, soldiers in the field, and politicians in Washington are unable to grasp the importance of the people. While forever raising wet fingers to the wind of public opinion in the United States, the policymakers appear to operate on the belief that Asian people have no opinions, and even if they did have an opinion, it would carry no weight. A good Gallup poll would easily disprove the former proposition, and history has proved time and again the fallacy of the latter.

"During their week's stay in Vietnam, McNamara and Taylor got little if any inkling of Vietnamese public opinion and of its significance in the war effort. Rather, they have been evaluating the war largely through military statistics. Such statistics—when accurate—indicate trends but not solutions. The trend is: greater Vietcong activity, increased casualties on both sides (with the Government suffering generally fewer), and the crucial ratio of weapons lost and gained favoring the enemy by at least 2 to 1. A recent tabulation within 1 week showed the guerrillas to have captured 360 weapons from the Government while losing only 150 to the national forces. These figures tell a clear story: the Vietcong are winning the ground battles, though they incur heavy casualties from Government airstrikes. Thus, with a steady flow of weapons from within South Vietnam—and an increasing stream of Communist-bloc weapons being smuggled to the guerrillas from the outside—it is not surprising that the hard-core Vietcong force has jumped by an estimated 8,000 men in the last several months. There are now some 31,000 Communist guerrillas, well above last year's figure of 20,000 to 25,000.

"Nevertheless, $1.5 million a day and about 17,000 active U.S. military men has had some positive effect. The keynote strategic hamlet plan to urbanize and control the population goes well north of Saigon. As of September 8,227 strategic hamlets have been built, encompassing 76 percent of the population or 9.6 million people. In coastal provinces such as Quang Ngai, once a Vietcong stronghold, the 'hamletization' coupled with sound agricultural projects (small dams for irrigation, tons of fertilizer and pesticides) has gone far to winning back the support of the people. And here, notable military victories have been won—for it only takes one government-oriented peasant to inform on the movements of the Vietcong, one peasant actively supporting the Government. With solid information, the military can prepare itself. Just recently the Government caught the guerrillas by surprise and gained a decisive battle because one old lady came in to report the Vietcong's position.

" 'We're lucky to hold our own'

"Incredible though it is, that one active individual is lacking in most areas of the Mekong Delta, the economic heart of South Vietnam. Americans working with the strategic hamlet plan in the delta readily admit that the program is floundering, has made little progress. Militarily, the situation is equally unsatisfactory. Commented an American general: 'Below the Bassac River, we're lucky to hold our own.' Many feel that we are not even doing that.

"This economic heart of South Vietnam, the Mekong Delta, has suffered severe strokes over the last several years. In 1961, rice exports from the area—Vietnam's major export product—were totally suspended. The exports began to diminish in 1962. Now, they have again been halted. Despite the vast American aid, the Government is finding itself short of cash. For example, this year the strategic hamlet program was calculated to cost about $30 million. The United States was to pay the first 6 months (to the end of June), the Vietnamese the latter half of the year. As of September, the Diem government had not yet started to fulfill its part of the agreements. From July of 1962 to July of this year, Vietnam's foreign and gold reserves fell from $200 to $130 million. The national bank is reported to have a piaster reserve of only $14 million. And Vietnam's debts to foreign banks amounts to some $140 million (which is one reason why hardheaded Hong Kong businessmen decided to cease trading with the country).

" 'Right now, our greatest danger,' said a Vietnamese economist, 'is national bankruptcy and wild inflation.'

"Part of this economic condition is due directly to President Diem. He will not listen to the counsel of his own trained economists,

"Similarly, President Diem refused to listen to reasoning voices of moderation when the Buddhist trouble erupted. He took brother Nhu's advice and cracked down harshly. He has echoed his sister-in-law, the now infamous Madame Nhu, in calling the self-immolation of a Buddhist monk a murder. Then the Vietnamese students began to riot, and over 8,000 teenagers, both girls and boys, were imprisoned. Ministers of the state, civil officials, army officers went to the prisons with packages of clothing and food for their sons and daughters. Throughout the country, the word of these events—both with the Buddhists and the students—slowly seeps down. (Slowly seeps down, for news does not travel quickly.) Slowly seeps down and takes seed in the minds of the Vietnamese people, who are perhaps the most politically sophisticated people in Asia, for they have suffered the wars of politics for more than 20 years. They have listened to many political ideologies. They have also learned to choose cautiously, but they have also learned that to survive they must, sooner or later, choose a side. The repression against the students and the Buddhists will inevitably affect their choice, for they are no different from any other peoples in the world. They do not like to see their religious leaders or their young people persecuted.

"Yet, almost unbelievably, some U.S. officials maintain that the Buddhist and student demonstrations have not affected and will not affect the people and the 'way the war is going.' It has been said many times now, by U.S. Army officers, by disinterested observers, by journalists, by Communist guerrilla leaders themselves that 'a guerrilla war cannot be won by military means alone,' that 'the people are the key to victory.' It has been said so many times that the statement has become cliche. It is true, nevertheless, except I believe that the roots of rancor now run so deep in South Vietnam that the people can no longer be won over, at least not enough of them to result in clear-cut stability.

" 'Outside of a miracle, a genius like Magsaysay, coming to the fore,' said one American in Saigon who has dedicated all his energies over the last 3 years to South Vietnam, 'this country is lost.' Then, rather wearily, he murmured, 'leadership, leadership.' Even as late as last year, popular leadership may have spelled the difference. Today the grassroot strength of the Vietcong appears so strong, particularly in the delta, that it seems unlikely any leader could shake it.

"On top of this a few hardheaded observers contend that the war could never have been won. Said one Australian diplomat, 'We must clearly define what we mean by winning the war. An outright victory is impossible. Stability as existed in 1957 might still be achieved, but as then, there will always be terrorism.' While acknowledging the need of sound and popular leadership to gain that 1957 stability, this gentleman points to South Vietnam's long, gaping borders: a border with Cambodia, another with Laos, a third with North Vietnam. 'Porous borders,' he calls them; they could never be sealed off; they would always permit a shower of infiltrators, terrorists. Thus, 'In that sense the war cannot be won. Peace cannot be established.'

"According to good estimates, last year infiltration into South Vietnam ran in the neighborhood of 1,000 men per month. This year it fell off for a while to almost nothing; now it is back to around 500 per month. But the shocking factor is not the actual number of infiltrators but the capacity for infiltration. An intelligence expert told me bluntly, 'If North Vietnam wanted to, they could send down 20,000 infiltrators in one swoop, and it would be 2 weeks before we knew it.'

"Now let us review briefly the current situation in South Vietnam: (1) a national leader who is unpopular and whose family is detested; (2) a nation of discontented people, two segments of which (Buddhists and students) have overtly demonstrated their unhappiness, another segment which covertly demonstrates its unhappiness (by siding with the Vietcong), a final segment which remains for the time being passive (popular passivity helps the Vietcong, for the government needs active informers); (3) a shaky, inflationary economy; (4) a war that grows fiercer each week despite American aid in both money, materiel, and personnel; and (5) porous borders with three countries that permit a steady influx of guerrillas.

"Take these five elements, place them against the stated American policy in South Vietnam: 'To win and get out,' and it should be starkly clear that the United States is at a dead end. We cannot win.

"But we do not necessarily have to lose. That is, though an outright victory over the guerrillas now seems impossible (and I believe that despite the borders it was once possible), an outright defeat can still be prevented. But U.S. thinking must undergo some radical changes. Washington must begin to consider the proposition that peace to South Vietnam will come not on the battlefield but only at the conference table. And I do not mean General de Gaulle's conference table. Within the foreseeable future, reunification of the north and south could only result in a final Communist victory. But there are other possibilities. To understand them, one must be aware of the difficult position of the Democratic Republic of (North) Vietnam.

"An Asian Yugoslavia?

"In the slow-seething years before Red China and the Soviet Union split totally asunder, North Vietnam's President Ho Chi Minh tried to play the neutral moderator. He preferred the Russians, but the proximity of China did not permit him to take sides. He knew that to become an oriental Albania was to risk eventual destruction. Now, since the split, Ho has, by necessity, leaned more toward China. But the Chinese ruled Vietnam for almost 2,000 years, and China has never ceased to look hungrily at Vietnam's rice bowl, the Mekong Delta. In fact, it is the Mekong Delta which the north itself wants, and needs, to achieve a solid economy (the north has always been industrial, the south agricultural). All Vietnamese have a natural dislike, suspicion, and fear of the Chinese, and it is highly probable that Ho Chi Minh and the other Communist leaders of the north would do much to disengage themselves from China's sphere of influence. They could do this if they were able to trade for food with South Vietnam and for material with the West. And they likely would be willing to enter into trade relations, cease hostilities—become a sort of Asian Yugoslavia—providing they were convinced an outright victory could not be gained in the south within a reasonable length of time. The United States must convince the north it cannot win soon or easily.

"This could be done if President Diem were removed, a better leader emerged, popular support gained to some degree, the morale and efficiency of the Vietnamese Army improved. As Diem obviously is not easily removed, alternatives must be examined. One alternative is to put a division or more of American combat troops into action. Coupled with this direct involvement would be the establishment of a dual chain of United States-Vietnamese Army commands that ignored and bypassed the President. We could continue to finance the Vietnamese Army, but through nongovernmental channels. We could also cut back on our budgetary support.

"North Vietnam's response to this challenge could only be to heavily step up infiltration with large units of soldiers. The moment it does, three important changes occur in the nature of the war: (1) North Vietnam will begin to suffer the financial burden of war, a burden which it can ill afford; (2) sooner or later one of these infiltrating units will be captured and North Vietnam will be inextricably caught in the act of aggression; and (3) with definite proof of aggression, North Vietnam will leave itself open to direct retaliation, as through bombing attacks. At such a point, would the war escalate?

"The North Vietnamese do not want to be devastated, nor are they prepared to finance a war the size of the Korean conflict. Neither is Red China in any financial position to engage on a lengthy battlefield. The Soviet Union not only has been detaching itself from this part of the world, but also seems to wish peace as much as the United States. The conference table stands ready. The contract for peace is comparatively simple: trade relations in exchange for nonaggression.

"To sum up: One solution now for the United States appears to be a show of power in South Vietnam which would pave the way toward a compromising settlement. But is the risk of a power play warranted? Southeast Asia has been likened to a 'set of dominoes.' If South Vietnam falls, the rest of the blocks go too. It would seem, therefore, that it is in the high interest of the United States, as a leader and a system of government, to risk much in stabilizing that tottering block.

"CIA's thirst for power

"In a scathing dispatch from Saigon dated October 2, Richard Starnes of Scripps-Howard reported that on two occasions the CIA in Vietnam 'flatly refused to carry out instructions from Ambassador Henry Cabot Lodge.' In one instance, 'the CIA frustrated a plan of action Mr. Lodge brought with him from Washington, because the Agency disagreed with it.' Mr. Starnes also said that:

" 'CIA "spooks" (a universal term for secret agents here) have penetrated every branch of the American community in Saigon. * * * Few people other than John Richardson [chief of the CIA apparatus in Vietnam] and his close aides know the actual CIA strength here, but a widely used figure is 600.'

" 'For every State Department aid here who will tell you "Dammit, the CIA is supposed to gather information, not make policy, but policymaking is what they're doing here," there are military officers who scream over the way the spooks dabble in military operations.

" 'One very high American official here, a man who has spent much of his life in the service of democracy, likened the CIA's growth to a malignancy, and added he was not sure even the White House could control it any longer.'

"The story of the CIA in South Vietnam, said Mr. Starnes, 'is a dismal chronicle of bureaucratic arrogance, obstinate disregard of orders, and unrestrained thirst for power.'

"NEGOTIATING WITH THE NORTH—II

"(By Ho Thong Minh [2])

"When he returned to Vietnam in June 1954, Ngo Dinh Diem asked me to work with him. I resigned as Minister of National Defense on April 29, 1955, end of a brief 9-month period during which, as a result of the Geneva agreements, peace was temporarily restored. After 16 years of war, it did not seem to me that South Vietnam could continue moving toward its own reconstruction in a spirit of unity and harmony. All hope of positive advance had been made impossible by the nefarious activities of the Ngo clan.

"At present South Vietnam has a population of 14 million (as many as the former Belgian Congo). Inside the nation a facade of republicanism conceals the sordid realities: corruption, informer tactics, stagnation, the denial of all democracy. It is a dismal and telling contrast to recall that under Syngman Rhee in South Korea there were some 90-odd opposition deputies in office at Seoul, whereas Diem refuses to tolerate a single one at Saigon. The Diem regime claims to be anti-Communist, but its thinking and its actions are patterned after the psychological warfare of the French colonels. It has successively gotten rid of Bao-Dai, of the various religious sects, of the French, of all domestic opposition, of the Buddhists, of the Vietnamese people themselves, and now, finally, it is in difficulty with the Americans.

"The amount of U.S. aid to South Vietnam (and hence to the Ngo clan) is comparable to the contribution which France was making not so long ago to Algeria. Between direct military and economic aid and its own expenses for maintaining U.S. troops in Vietnam, the United States pours annually into the yawning South Vietnamese pit the sum of $700 million. This expenditure enables the United States to equip an army of over half a million Vietnamese (510,000, to be precise) on territory only half the size of the area where, in 1954, the French and Vietnamese together mustered only 450,000 men. All that money and military manpower—only to be held at bay by 50 Vietcong battalions all told.

"The whole world has become aware of the drama which is being enacted in South Vietnam, and the Diem regime is as sharply criticized abroad as at home. How is the impasse to be got around? Although the people of South Vietnam are resolutely committed to a program of defiance and insurrection, they aspire beyond this to surviving as a free and independent nation. They are certain that the Ngo regime must end and are already looking forward to the prospect of peace. But by what road is this peace to be achieved?

"The current situation renders imperative (first of all) the overthrow of the Diem regime; for this the Vietnamese Army will be the ineluctable instrument, and in this connection, the Americans are increasing their efforts to dissociate the army from the present government at Saigon. Next should come the cessation of foreign intervention—in other words, both the Americans and the infiltrators from the north should depart. This, of course, can only be done by a truce, a suspension of hostilities, with the Vietcong. Thirdly, after the foreign bases have been eliminated, it will be necessary to have solid international guarantees so as to make the present SEATO troops unnecessary.

"If these three steps could be taken, it would then at last be possible for the two Vietnams to sit down together and settle their problems. Of course national reunification continues to be the ultimate goal of the Vietnamese. But for the time being political realities require compromise solutions. Everyone knows that North Vietnam is directed by a Communist regime which seeks to maintain an attitude of neutrality as between Peiping and Moscow. Under these circumstances and for the immediate present, the next South Vietnamese Government can hardly be anything but non-Communist. In fact, if it were anti-Communist, practically nothing would be changed and there would be a danger of the country being swallowed up in Diemism without Diem. If, on the other hand, the new regime were to welcome Communists in the government, it could no longer speak as equal to equal in independent conversations with the north. Furthermore, one need look only as far as Laos to find an example of the very great difficulties which could rapidly become insurmountable if the Vietnamese Government were to be a three-headed coalition—and the example is still more compelling when one considers that Laos is all one country, not cut in two pieces like Vietnam. A future non-Communist regime in Saigon could, however, where domestic problems are concerned, invite the participation of all Vietnamese patriots, from the Buddhist clergy to the National Liberation Front, provided they are not Communists.

"In the international sphere, such a regime could contribute to peace in southeast Asia by adopting the same neutralist attitudes as those of its neighbor, Cambodia. It would certainly not oppose the diplomatic recognition of North Vietnam by France. In this way, France would fulfill a privileged role—providing a connecting link for economic unity and, most particularly, for cultural unity, the lines of which would be laid down between the two Vietnams in their efforts to establish the united and independent Vietnam which General de Gaulle has recently and rightly envisaged.

"There remains the crucial problem of the confrontation between China and the West in southeast Asia. Here it is possible to believe that the present conflict between Peiping and Moscow has been brought about less by ideological differences than by differences in the level of economic development. When China attains the level of economic development that now prevails in the U.S.S.R., it too will surely feel that it must protect the progress it has made by practicing peaceful coexistence.

"In any event, things being as they are, the foregoing program and prospects are those which seem to me within the realm of the possible.

"A TALK WITH HO CHI MINH—III

"(By Bernard B. Fall)

"As the second Indochina war now grinds on into its fourth year, a large-scale reappraisal is underway both among Americans in Saigon and in Washington as to the ultimate objectives and outcome of that war. For the time being, no solution envisaged considers seriously the possibility of talks with the real enemy by proxy, North Vietnam. In fact, it is not without significance that the only open reference made to such negotiations came from no one else but South Vietnam's secret police chief, Ngo Dinh Nhu, in his recent interview with an American columnist. Nhu, beyond a doubt seeks to use at least the threat—if not the reality—of such south-north contacts as a counterblackmail against the United States which has thus far (and with conspicuous unsuccess) sought his and his wife's removal from Vietnamese politics.

"[2] Ho Thong Minh, a 43-year-old civil engineer, now lives in Paris where he is the moving spirit behind the group Pour Le Vietnam. His comments were first published in Le Monde of Sept. 19.

"Thus, negotiating with North Vietnam—or, for that matter, any kind of contact with that country—has become another bogey that in the months to come, may supplant Cuba and even Red China in the public eye. Of course, as even a brief stay in North Vietnam shows, that attitude cuts both ways: in Hanoi, the only kind of demonstration that is allowed is directed against the United States, the Ngo family, or, on occasion, against the Indian and Canadian (not the Polish, of course) members of the lame-duck International Control Commission which still supervises the implementation of the civil liberties and disarmament provisions of the 1954 Indochina cease-fire. The Commission's lack of effectiveness makes it a permanent monument to the impossibility of settling a dispute when it directly involves the prestige or interests of both of the major power blocs.

"French non-Communist writers have been able, over the years, to visit North Vietnam, just as Canadian, Australian, and British writers have been able to visit Red China. In my own case, the fact that I had written a solidly documented (and, hence, unflattering) book in French about North Vietnam, perhaps incited the North Vietnamese leaders to be franker than usual. What follows is based on notes taken in the course of a conversation which took place in July 1962 supplemented by a tape recording made during that conversation and by notes made immediately afterward, while my memory was fresh. It is a verbatim translation from the original French, and leaves out only some of the usual banter.

"A brief note on the North Vietnamese leaders involved: Prime Minister Pham Van Dong, born in 1906 in central Vietnam, is of senior mandarin origin; in fact, say some, he outranks President Ngo Dinh Diem. While Diem's father was chief of cabinet to Emperor Thanh-Thi, Dong's father held the same post under Emperor Duy-Tan. A graduate of Chiang Kai-shek's own Whampoa Military Academy (class of 1925), Dong has been Ho's Prime Minister and probably closest associate since 1955.

"Ho Chi Minh, born in 1890 in central Vietnam, was a revolutionary since the age of 14, went to Europe in 1911, became a cofounder of the French Communist Party in 1920 and a French delegate to the Komintern in 1923. He founded the Indochinese Communist Party in 1930 and became President of the Democratic Republic of Vietnam (DRVN) on September 2, 1945. He unquestionably is the most important Asian Communist leader after Mao Tse-tung, and the last of the old Bolsheviks in power anywhere in the Communist world.

"All remarks made by Dong are preceded by 'P'; those made by Ho by 'H,' and those made by myself by 'F.' My own explanations are placed in brackets.

"[Pham Van Dong meets me in the corridor of the presidential residence; wears a khaki Mao Tse-tung suit; invites me to a sitting room overlooking the formal gardens.]

"P. Please make yourself at home, Monsieur le Professeur, take off your jacket [takes off his own jacket]. I know how it is here during the rainy season. I hope you are enjoying your trip throughout North Vietnam, and that you find us cooperative.

"F. Thank you, Monsieur le Prime Minister, your subordinates indeed have generally been cooperative.

"P. I remember, however, that you said in your book Le Viet-Minh that we are not a democratic country. Do you still feel the same way about this?

"F. Well, Monsieur le Prime Minister, all my color films were impounded upon my arrival at Hanoi Airport. I don't think you would call this in accordance with democratic procedures.

"P. [Laughing.] Oh, those are general rules which apply to everybody. [While theoretically true, the rule obviously applies to Westerners only. In addition, all black-and-white film has to be exposed prior to departure and the developed film submitted to the Foreign Ministry for censorship. Even so, the airport police again inspected my films prior to departure.]

"F. Monsieur le Prime Minister, North Vietnam has had some serious economic difficulties. Do you believe that they have been mastered?

"P. As you know, the recent seventh plenary session of the [Vietnamese] Communist Party's Central Committee has decided to give priority to basic heavy industries, although attention will be paid to a proper balance with agriculture and consumer goods production.

"We base ourselves upon the Marxist economic viewpoint; heavy industrial development is essential to Socialist construction, but we also understand the importance of the 'full belly.' In any case, we do not seek to bluff and will not put emphasis on 'showpiece' industries but on sound and useful economic development.

"Yes, we have made economic mistakes, due mainly to our backwardness and ignorance in the field of economic planning. Not all of those errors have yet been corrected and some of their effects are still felt, but we try to overcome them rapidly thanks to help from friendly countries.

"F. Monsieur le Prime Minister, President Ho Chi Minh made a declaration to the daily Express [London] in March 1962, referring to the conditions under which North Vietnam would negotiate a settlement with the South. Has anything happened in the meantime which would change those conditions?

"P. Our position has remained largely unchanged since President Ho Chi Minh's declaration. What has changed, however, is the extent of American intervention in South Vietnam, which has continued to increase and to take over increased responsibilities and control over the [Ngo Dinh] Diem regime.

"The real enemy is American intervention. It is of little importance as to who the American agent in Vietnam might be.

"F. Monsieur le Prime Minister, the International Control Commission [composed of Indian, Polish, and Canadian members] has recently accused the North Vietnamese Republic of aiding and abetting the South Vietnamese rebellion. What do you think of that accusation?

"P. [Deprecating gesture.] We understand, Monsieur le Professeur, under which outside pressures the [Indian and Canadian] members of the ICC labor. After all, India does depend for development upon large-scale American aid.

"F. But would it not at least be conceivable that some of the almost 100,000 South Vietnamese who went north [of the 17th parallel] in 1954 and whose relatives are now fighting against South Vietnamese forces, would attempt to slip across your border back into South Vietnam in order to help their relatives—even without the permission of the North Vietnamese Government? Wouldn't that be at least conceivable?

"P. Monsieur, in our country one does not cross borders without permission.

"F. Would not a spreading of the guerrilla war entail a real risk of American reaction against North Vietnamese territory. You have been to North Korea last year, Monsieur le Prime Minister; you saw what American bombers can do.

"P. [very seriously]. We fully realize that the American imperialists wish to provoke a situation in the course of which they could use the heroic struggle of the South Vietnamese people as a pretext for the destruction of our economic and cultural achievements.

"We shall offer them no pretext which could give rise to an American military intervention against North Vietnam.

"[Ho Chi Minh suddenly enters, unannounced. Mao Tse-tung suit in suntan cotton. Spry and tanned looking, springy step, arms swinging, firm handshake.]

"F. I thought you were in Moscow on vacation.

"H. You see, people say a lot of things that aren't true. [Looks at my jacket, tape recorder, book, next to me on sofa.] My, you have got a lot of things with you.

"F. I am sorry, Monsieur le President [Push things together. Ho sits down next to me, humorous gleam on face, slaps me on thigh.]

"H. So, you are the young man who is so much interested in all the small details about my life. [In my book "Le Viet-Minh" and the forthcoming "Two Viet-Nams," I have attempted to include as complete a biographical sketch of Ho Chi Minh as possible. During my stay in Hanoi, I also interviewed many of Ho's old friends on Ho's life, and he apparently had been informed of this.]

"F. Monsieur le Président, you are after all a public figure, and it certainly would not be a violation of a military secret to know whether you had a family, or were in Russia at a given date.

"H. Ah, but you know, I'm an old man, a very old man [he's 73]. An old man likes to have a little air of mystery about himself. I like to hold on to my little mysteries. I'm sure you will understand that.

"F. But——

"H. Wait until I'm dead. [In spite of this, I received just before I left Hanoi a letter containing six manuscript pages of details about Ho's life, filling in most of the gaps—no doubt on his own orders.]

"P. Monsieur Fall brought you a book on the Indochina war which contains a drawing of you by his wife.

"H. [With an old man's impatience]. Where? Where? Let me see it. Providing she's got my goatee right. Providing the goatee looks all right. [Unwraps and looks.] Mmm—yes, that is very good. That looks very much like me. [Looks around, grabs a small flower bouquet from the table, hands it to me.] Tell her for me that the drawing is very good and give her the bouquet and kiss her on both cheeks for me.

"P. Monsieur Fall is interested in the present situation in South Vietnam.

"F. Yes, Monsieur le Président, how do you evaluate the situation in South Vietnam?

"H. Monsieur Ngo Dinh Diem is in a very very difficult position right now and it is not likely to improve in the future. He has no popular support.

"F. But would you negotiate with South Vietnam?

"P. The situation is not yet ripe for a real negotiation. They [South Vietnamese] don't really want to negotiate.

"H. That is absolutely true. They are showing no intention to negotiate.

"F. But are you not afraid that the situation might degenerate into a protracted war?

"H. [Earnestly, turning full face.] Monsieur le Professeur, you have studied us for 10 years, you have written about the Indochina war. It took us 8 years of bitter fighting to defeat you French in Indochina. Now the Diem regime is well armed and helped by many Americans. The Americans are stronger than the French. It might perhaps take 10 years, but our heroic compatriots in the south will defeat them in the end. We shall marshal world public opinion about this unjust war against the South Vietnamese people.

"P. Yes, the heroic South Vietnamese people will have to continue the struggle by its own means but we watch its efforts with the greatest sympathy.

"H. I think the Americans greatly underestimate the determination of the Vietnamese people. The Vietnamese people has always shown great determination when it was faced with an invader.

"F. But are you still willing to come to a negotiated settlement if the occasion presented itself?

"H. Yes, but only with people who are willing to sit down with us at one and the same table and 'talk.' [French word: 'causer' which means: 'negotiate in good faith.']

"F. You mean you would negotiate with any South Vietnamese Government?

"H. Yes, with any.

"F. But what kind of relations would you envisage?

"H. Of whatever type they [South Vietnamese] wish. After all, the East and West Germans have flourishing trade relations in spite of the Berlin wall, haven't they? [After some further amenities, Ho leaves.]

"F. Monsieur le Prime Minister, what do you think of Mr. Ngo Dinh Diem's personal position as of right now?

"P. It is quite difficult. He is unpopular, and the more unpopular he is, the more American aid he will need to remain in power. And the more American aid he gets, the more as an American puppet he'll look and the less likely is he to regain popularity.

"F. That sounds pretty much like a vicious circle, doesn't it?

"P [humorous gleam]. No, Monsieur le Professeur. It is a descending spiral.

"F. But you must understand, Monsieur le Prime Minister, that South Vietnam is in a different situation than the non-Communist parts of Germany and Korea. In the latter two cases, the non-Communist part is by far the more populated, whereas in the case of Vietnam, the non-Communist part has 13.8 million people against your 17 million. You can clearly see that they have good reasons to fear North Vietnam which also has the larger army, and one with a fearsome reputation, as we French well know.

"P. Certainly, we realize that we are in the stronger position. Thus, we are also willing to give all the guarantees necessary for the South to be able to come out fairly [pour que le Sud trouve son compte] in such a negotiation.

"You will recall President Ho's declaration with regard to maintaining the South's separate government and economic system. The Fatherland Front embodies those points in its program, and the South Vietnamese Liberation Front likewise.

"We do not envisage an immediate reunification and are willing to accept the verdict of the South Vietnamese people with regard to the institutions and policies of its part of the country.

"F. What, then, would be the minimal conditions under which the Democratic Republic of Vietnam [North Vietnam] would accept a settlement of the conflict which at present exists in South Vietnam?

"P. [makes a statement as below].

"F. Would you object to my making a tape recording of that answer? It is a reply that I would like to have verbatim, if possible.

"P. [thinks it over, makes notes, agrees].

"P. This is a very timely question: The DRVN [North Vietnam] government has made sufficiently explicit declarations on the subject [but] let me underline what follows: The underlying origin and immediate cause of the extremely dangerous situation in the south of our country is the armed intervention of the USA and the Fascist dictatorship of Monsieur Ngo Dinh Diem, the creation and instrument of that [American] intervention.

"It is obvious, then, that in order to normalize the situation in our whole country, those factors of dissension must disappear. We support with determination the patriotic struggle of our southern compatriots and the objectives of their struggle—I mean, the program of the Southern Liberation Front.

"We are certain that the massive help of all classes of South [Vietnam's] society and the active support of the peoples of the world, shall determine the happy outcome of the situation full of dangers which exist in the south of our country.

"The people of Vietnam and the DRVN government remain faithful to the Geneva accords (of July 1954) which establish our basic national rights. We shall continue to cooperate with the International Control Commission on the basis of those accords, and hope that this cooperation shall be fruitful—providing that all members of the Commission respect the accords.

"F. Thank you, M. le Prime Minister, for that statement.

"P. I would like to say something about a remark you made in your book on our Republic about our alleged 'isolationism' from neutral and pro-Western countries, and from international organizations. No, no and no, we are not isolationists. On the contrary, we seek 'open windows' toward any country or organization that will deal with us on a matter-of-fact basis. We are willing to trade with them and make purchases from them.

"F. What would be the position of the foreign community in South Vietnam, if the war worsens? There are still 15,000 French citizens living there.

"P. As you know, the Southern Liberation Front has repeatedly shown that it does not wish to hurt the legitimate interests of the Europeans who live in South Vietnam. We make a distinction between France's position and that of American imperialists.

"F. What is the attitude of the DRVN toward Laos and Cambodia?

"P. We shall respect the Laos accords (this was stated briefly after the signature of the 1962 Geneva accords on Laos. It has become obvious since then that North Vietnamese troops still operate in Laos to some extent, or travel through South Vietnam), and shall at all costs maintain good relations with Cambodia."

"Exhibit 6

"[From the Reporter, Oct. 24, 1963]

"What De Gaulle Actually Said About Vietnam

"(Bernard Fall)

"President de Gaulle is used to being misunderstood by those to whom he directs his more Delphic remarks, and he is particularly used to being misunderstood by Washington. Indeed, there are times when one almost suspects he likes being misunderstood by Washington. The evidence is increasing that this is more or less what happened in the wake of De Gaulle's recent affirmation of France's abiding interest in the ultimate independence—'independence vis-a-vis the outside,' as he put it—of all of Vietnam, North and South. These remarks prompted considerable wringing of hands in Washington (even though Walter Lippmann thought that De Gaulle was right if he meant what Lippmann thought he meant), and many seemed to feel that his remarks were meant as merely a nettlesome intrusion into U.S. policy in southeast Asia. As usual, almost everybody was wrong.

"The original version of the statement in question was drawn up in August, just after the Buddhist riots had begun in Hue and Saigon and while the French Foreign Ministry was working with a skeleton vacationtime staff. At De Gaulle's request, the Ministry of Foreign Affairs had drawn up a short note on the subject of Vietnam. Most Foreign Ministry aids seemed to feel that what was going on in Vietnam was far, far away, and that anyway for once it was something happening not to the French but to somebody else. Thus the original note hardly went beyond voicing pious hopes about religious tolerance, phrased in terms that were considerably weaker than the Pope's statement on the same subject.

"At the Elysee, one of De Gaulle's civilian aids redrafted the note for his chief, but still without going much beyond the Quai d'Orsay draft. The new version was submitted to De Gaulle after his return from his mid-August vacation and disappeared from view until the President himself brought it up at the Council of Ministers on August 29, after Foreign Minister Maurice Couve de Murville had made his oral report on recent developments in Vietnam. The text which De Gaulle then read was a radical departure from the Quai d'Orsay draft, with perhaps the sole exception of its initial phrases referring to the 'attention and emotions' with which 'Paris views the grave events in Vietnam.'

"The operative paragraphs, which President Kennedy considered sufficiently disturbing to repeat 4 weeks later on the occasion of the departure of Gen. Maxwell D. Taylor and Secretary of Defense Robert S. McNamara for Vietnam, were entirely in De Gaulle's own hand:

" 'France's knowledge of the valor of the (Vietnamese) people permits her to discern the role they could play in Asia's present situation, for their own progress and to the benefit of international understanding: as soon as they could deploy their activity in independence vis-a-vis the outside, in peace and unity at home, and in concord with their neighbors.

" 'That is what France wishes, more than ever today, to all of Vietnam. It naturally is up to the (Vietnamese) people themselves, and to themselves alone, to choose the means of arriving (at that result) but any national effort undertaken by Vietnam with that aim will find France ready, within the means at its disposal, to enter into cordial cooperation with that country.'

"The statement, read to the assembled journalists at the end of the council meeting by Information Minister Alain Peyrefitte, had the effect of a brick in a birdbath. Yet it needs to be examined coolly to understand De Gaulle's meaning.

"He wants Vietnam to be reunified in independence. That is a wish that every Western statesman trots out whenever he visits a divided country like Germany, Korea, and Vietnam, or a city like Berlin. It is, in fact, an explicit long-range aim of Western policy, and the price of reunificaiton will in all likelihood be nonadherence to any bloc, as in Austria, for example, or nominally in Laos. In the case of Vietnam (as well as of Germany) such reunification would actually be dangerous to world peace if the reunified country, far stronger regionally than its neighbors, were to embark upon a policy of nationalistic revanchism. For Vietnam that would mean starting where it left off when the French arrived in 1858; gobbling up and destroying Cambodia and Laos, presumably in collusion with Thailand.

"According to De Gaulle's statement, Vietnamese independence should be arrived at by means chosen by the Vietnamese people themselves, and by 'themselves alone.' Any 'national' effort, i.e., by the Vietnamese nation as a whole, would find France willing to give such support as it can afford. This kind of vague promise is hardly designed to commit France to immediate action in the Far East. It simply says that if by some unspecified miracle the Vietnamese arrive at reunification—a reunification in which both America and the Sino-Soviets would lose their most obvious reasons for continuing to pay the lavish bills of their respective Vietnamese client governments—France would be willing to take up, as far as possible, the slack of the transitional crisis. In quite a few cases where Russia or the United States or France, for one reason or another, cut a particular country off its payroll, another country (or the United Nations) paid the most urgent bills until an equilibrium of sorts was established. That was about all there was to the De Gaulle statement.

"POOR HOMEWORK

"It was downright amusing to see the bewilderment on the faces of French officialdom in Paris as the storm broke. Washington went into a flap and spoke unofficially but loudly of yet another 'De Gaulle betrayal' of the West in general and the United States in particular. French Ambassador Hervé Alphand was hastily summoned to the State Department and met with Secretary Rusk for more than an hour. His subsequent statement, which stuck pretty closely to the text (always a sound policy when one tries to interpret Gaullist prose), obviously convinced no one, least of all the White House, which seems to have written off De Gaulle as Public Enemy No. 1. The American press, on cue, took up the cudgels to transform that 20-word statement into an explicit bid for a French takeover in Indochina, preferably in collusion with Hanoi, to make the treachery even blacker.

"Interviewed by Walter Cronkite on a CBS television program on Labor Day, President Kennedy voiced this reaction to the De Gaulle statement on Vietnam: 'It was an impression of his general view, but he doesn't have any forces there or any program of economic assistance so while these expressions are welcome, the burden is carried, as it usually is by the United States and the people there. * * * What, of course, makes Americans somewhat impatient is that after carrying this load for 18 years, we are glad to get counsel, but we would like a little more assistance, real assistance.'

"The words clearly showed how poorly the President's entourage had done his homework for him. The flat assertion that the French do not have any program of economic assistance in Vietnam is simply incorrect. Furthermore, it clearly shows that, on a public level at least, the White House still does not know who exactly has a stake in Vietnam, and for what reason.

"In Paris, Mr. Kennedy's statement was received with a shrug. 'Obviously, the Americans haven't understood, or they don't choose to understand,' was the reaction of a seasoned newspaperman from Le Monde. That paper and Agence France Presse had spelled out the French stake in South Vietnam; about 17,500 French citizens still live there, 6,000 of whom are French-born, the others being of Asia, Eurasian, Indian, or African origin; French investments in the country, including important rubber plantations, total close to $500 million; and there is a fairly sizable French economic and cultural-aid program.

"In terms of the actual dollar expenditures, French aid is not large, but it affects some politically important sectors. There are more than 340 French teachers in Vietnam. They are to be found from grade school to the university level, but are concentrated above all in the lycées, where tomorrow's elite is being trained. Close to 30,000 Vietnamese children go to schools staffed and paid for by the French cultural mission, and more Vietnamese are now passing the difficult French baccalaureate examinations than at any time during the colonial period. But French economic aid is also felt in another key sector: agrarian reform. By a convention signed on September 10, 1958, France agreed to advance funds to Vietnam for the repurchase of more than half a million acres of French-owned riceland. This permitted the Diem regime to redistribute land free to the farmers without having to resort to the expropriation of land belonging to the Vietnamese landlords, many of whom were high officials in the regime. The French also financed the only working coal mine in South Vietnam, the only indigenous source of fuel; and they donated diesel locomotives for Vietnam's battered railroads.

"But there is an even more important field in which France plays a key role, and that is Vietnam's trade. It is perhaps one of the unique tragedies of that poor country that it is more dependent now on France's taking its export products than at any time during the colonial era. The following table shows the whole grim problem at a glance:

	"Percent of total		
	1939	1956	1962
Exports to—			
France	32.2	67.5	42.0
United States	12.0	18.1	4.3
Imports from—			
France	55.7	24.5	11.8
United States	4.2	28.0	37.0

"France has been displaced in the import field, since imports now are financed by American aid; but in the export field few others but the French, who are used to them, seem to be willing to take Vietnamese goods. This French magnanimity is easily explained: Rubber, which in 1939 represented a healthy 21.4 percent of all Vietnamese exports, now represents an unhealthy one-crop 89.6 percent—and the rubber is produced largely by the huge French plantations. Like their counterparts in Malaya in the 1950's, French rubber planters are paying a heavy toll in lives and treasure to the insurgents. There is not one plantation that has not been attacked or partly pillaged several times by the Vietcong during the past 5 years, and which has not seen several of its French personnel kidnaped and held for ransom or killed. During the Indochina war, the plantations had been allowed to arm themselves and maintained militia forces at their own expense. When Ngo Dinh Diem came to power he ordered all plantations disarmed and they thus became military liabilities.

"The plantation managers now keep in business by closing their eyes to the Vietcong emissaries who come to the workers' villages and exact tribute; they silently pay millions of piasters of ransom to the Vietcong—and as much again to bribe South Vietnamese authorities to allow them to operate. Here and there, the Saigon-controlled press announces that a French plantation was fined tens of millions of piasters (a million dollars or more) for 'economic violations.' Everybody knows what that means, and business goes on as usual.

"Those Frenchmen and their property are hostages to both sides in South Vietnam's messy war. A brief visit to the Syndicat des Planteurs de Caoutchouc in Paris gives an eloquent picture of what this means: 'It means,' says one of the officials, 'that we are being told by the Vietcong that if we don't cooperate, our trees will be slashed and personnel killed. And when we do pay our "blood money," the Government's district chief comes and fines us exactly the same amount. There will come the day when the whole damned thing simply becomes too expensive to carry on, and we'll all go home, and Vietnam's last economic mainstay will collapse. After all, should the Americans pull out tomorrow, they'll simply create a beachhead around Saigon and fly out their military personnel and few local residents. But our 17,000 Frenchmen are spread out all over the country and there'll be a blood bath like back in 1945 when the Vietminh took over, or in 1960 in the Congo.'

"It is obvious, then, that renewed French preoccupations with Vietnam stem from reasons that are more realistic than the desire to nettle the young men in Washington while their policies are in disarray.

"BY NHU OUT OF ALSOP

"But that first row had barely simmered down when its second round broke out from a not entirely unexpected quarter. Joseph Alsop, who for the past 5 years had been a self-appointed spokesman for the Ngo Dinh Diem view of the outside world, arrived in time in Saigon to discover evidence of ugly stuff, to which he gave maximum play in his syndicated column of September 18. Further embroidering on the theme of De Gaulle's alleged desire to inherit the Vietnamese mess, Alsop interviewed Ngo Dinh Nhu and came away with the following intelligence, all directly gathered from the lips of Diem's official political adviser, head of the secret police, and chief anti-American:

"The French representative in North Vietnam, Jacques de Buzon, had seen Nhu together with French Ambassador Lalouette and had brought him an offer from Ho Chi Minh to negotiate—presumably via the French and behind the back of the United States.

"The Polish member of the Indian-Canadian-Polish International Control Commission (ICC) in Vietnam had come to see Nhu at Lalouette's behest with a message from North Vietnamese Premier Pham Van Dong.

"Nhu had not even told his brother Diem of all this for fear of causing a stir.

"The reaction in France was immediate. To the French, who know of Alsop's close relations with President Diem, this seemed one more deliberate attempt to blame the French colonialists for everything that was going wrong in Vietnam. Officially, the Quai d'Orsay simply said the article 'does not even merit a denial.' Unofficially, however, the following facts soon came to light:

"De Buzon, who had taken over his job in Hanoi only very recently, had never been to Saigon at all, as the flight records of the ICC aircraft testify, and there is no other way of getting from Hanoi to Saigon except by rowboat across the 17th parallel along the coast of the South China Sea.

"The Polish ICC member, after years of being snubbed, had suddenly been invited to Diem's receptions—a fact which American newsmen had reported. Lalouette had never presented the Pole to Nhu.

"As noted in the semiofficial La Nation, the newspaper of De Gaulle's UNR party, if Nhu wanted to keep the whole thing a secret from his brother, why did he give the story to Alsop to plaster all over the world?

"What had happened is that Nhu cleverly used Alsop to strengthen his own bargaining position in his life-and-death struggle with the United States. This was obvious from August 31, when Saigon almost immediately hailed the De Gaulle statement as 'not being critical of our position' and chose to interpret Diem's resistance to American demands for reform as an aspect of its own policy of struggle for 'external independence.' Nhu sought (and still seeks) to bolster the myth that he has two fallback positions: if the Americans let him down, he can always turn to the French; and if they let him down, he can always make a deal with Hanoi where, he says, he and his brother are greatly admired.

"Alsop realized that he was out on a limb; in his next column he backtracked by giving the world a description of the Gia-Long Palace in Saigon (where the Ngo Dinhs hide from their people) which resembled H. R. Tervor-Roper's description of Hitler's bunker in its last days, and which makes both Diem and Nhu look like paranoiacs. But having said that Nhu's egotism goes 'beyond normal vanity' and that Diem has 'lost his ability to see events or problems in their true proportions,' Alsop nevertheless returns to his idee fixe that Paris has nothing else in mind or in store for Saigon but a 'Communist takeover * * * by courtesy of the French.'

"It is certain that De Gaulle, and for that matter any Frenchman seriously concerned with southeast Asia, is less than happy with the way things have been going in South Vietnam of late—but this is a view that many

Americans share with them, including some leading personages in Washington. The real problem (beyond the extremely serious one of emotional overreaction in Washington whenever the name 'De Gaulle' comes up) is that nothing better than 'swimming with Diem'—and Nhu, of course—has been proposed anywhere. As a consequence, French Ambassador Lalouette was placed in the strange position of apparently lecturing newly arrived U.S. Ambassador Henry Cabot Lodge on the merits of the present Saigon rulers. In 1955, the French tried to get rid of Diem; they got thrown out of Vietnam for their pains and have not forgotten the lesson.

"Alsop's suggestion of French negotiations on behalf of Hanoi might be an interesting, even a clever, idea. But, as I was able to judge there for myself, De Buzon's predecessors in Hanoi were, in the words of Georges Chaffard in Le Monde of September 3, 'filled with a visceral hatred of all that was Communist.' They were not even received by Hanoi's top leaders, let alone used as messengers for negotiations. The French have no illusions about what their role would be in a reunified Vietnam dominated by Hanoi; almost all their properties in North Vietnam, worth close to $1 billion, have been confiscated, all their missionaries were expelled, and for the privilege of being able to maintain two teachers of French and one school administrator at one lycée, they must pay for the upkeep of the whole establishment. French trade with North Vietnam is $2 million a year; with South Vietnam it is far greater.

"On the whole, it seems difficult thus far to ascribe much more to De Gaulle's statement than an understandable desire to be heard on an issue in which the French feel, rightly or wrongly, that they may once more become the scapegoats; or worse, the victims."

"EXHIBIT 7

"[From the Washington Daily News, Mar. 6, 1964]

"MACV, MACT, MAAG: PAPERWORK IS A TIGER TO UNITED STATES

"(By Jim Lucas)

"CAN THO, SOUTH VIETNAM, March 6.—To understand anything at all about this strange little war, it helps to examine some of the organization problems.

"For one thing, the command structure—ours and the Vietnamese—is grotesque. Like Topsy, it just growed.

"On our part, we have MACV (Military Assistance Command, Vietnam) headed by Gen. Paul Harkins. General Harkins also is MACT (Military Assistance Command, Thailand).

"ADVISORY TEAMS

"Then, we have MAAG (Military Advisory Assistance Group) headed by Maj. Gen. Charles Timmes. MAAG has been here since the early 1950's. It controls the advisory teams.

"Then there is a support command, headed by Brig. Gen. Joe Stilwell, Jr. It controls the operating troops, such as the helicopter crews. Theoretically, they are here to support the Vietnamese. In practice, they are fighting a war

"On top of all this, we have a 'country team' headed by Ambassador Henry Cabot Lodge, who is a major general in the Army Reserve.

"HORRENDOUS

"Men in the field often work for all three commands. They must submit reports to all three. The paperwork is horrendous.

"There are rumors that Lt. Gen. William C. Westmoreland will abolish MACV or MAAG when he succeeds General Harkins. The troops devoutly hope this is true. General Westmoreland is now General Harkins' deputy.

"The Vietnamese have four categories of troops in the field, some working for the Ministry of Defense, others for the Ministry of Interior.

"At the lowest level, there is the hamlet militia. They work in squads. They have, at most, one automatic weapon. If they are paid at all, it is by the people they protect. Usually it is in rice.

"Next, there is the Self-Defense Corps. It is organized in platoons, and slightly better armed. Its men are paid $9 a month.

"THIRD ECHELON

"Third echelon is the civil guard. Roughly it compares with our National Guard. It is organized into companies. Its men draw $12 a month.

"Finally, there is the ARVIN (Army of the Republic of Vietnam). It is organized into regiments, divisions and corps. Its men are much better paid. They have fairly modern weapons.

"On top of this, there is the Vietnamese JGS (Joint General Staff), comparable to our Joint Chiefs of Staff. And to add to the confusion, the Province Chiefs (Governors) are majors, and the district chiefs under them captains and first lieutenants. Each has his own troops. Each Province Chief has a U.S. Army major as his adviser.

"BETTER PAID

"Though the ARVIN is better paid and better armed, it is the civil guard that bears the brunt of the war. The average ARVIN battalion goes 2 weeks without making contact with the Vietcong. An average civil guard company is fighting 2 days out of 3.

"There are reasons for this contrast. The civil guard is smaller (company-size units). It has less fire power; no artillery. Its men are sketchily trained. It does not have enough good officers, consequently it is not so well led.

"But the big reason the guard sees more action is psychological, and the Vietcong are canny enough to exploit that. A civil guard company is a local unit. These boys grew up in the province where they're stationed. Everybody knows them.

"KILLED

"If the Vietcong can chew up a civil guard company, they effectively assert their rule over that area. A man joins the civil guard one week, and they bring his body home the next. That night, the Vietcong slip in and tell his widow, 'we killed your man because he opposed us'."

Mr. McGovern. Mr. President, will the Senator yield?

Mr. Gruening. I yield.

Mr. McGovern. I regret that I did not hear the entire address by the Senator from Alaska. I do not know whether I am prepared to agree with all the conclusions he has drawn without having had an opportunity to study the text of his proposal. But as one Member of the Senate who is much interested in the security of our country and the peace of the world, I commend the Senator from Alaska for the thoughtful questions that he has raised today.

I wonder if the Senator is aware of the fact that 10 years ago, almost to the day, the then Senator John Kennedy, of Massachusetts, made a similar speech with reference to French involvement in French Indochina. On that day the Senator from Massachusetts ticked off a list of overly optimistic estimates that had been made by French military leaders about the success of the war in French Indochina, some of those estimates being shared by our own military strategists. Senator Kennedy warned against some of the sterile possibilities that faced the French if they continued what appeared to the Senator from Massachusetts to be a futile effort in southeast Asia.

It is quite ironical that that speech should have been made in April 1954. Thirty days later, the French cause was abandoned in French Indochina, and for the past decade we have been seeking, with questionable success, to carry on the same policy.

Mr. Gruening. I thank the Senator from South Dakota for his valuable contribution to the discussion. The fact is that Senator Kennedy as Senator did not make foreign policy. It was made by the Eisenhower administration—by the President and by Secretary of State John Foster Dulles. When John Kennedy became President 6 years later, he inherited the situation and tried for 3 years to do something about it. Considering the experience of failure to rectify what had been done during those 3 years, there has now been a total failure for a whole decade, with a steady loss of American lives.

It is high time to reassess our policy and ascertain why we are in Vietnam, why we should continue to be there, and why we should continue to sacrifice the lives of American boys for people who will not fight for themselves. We should not remain there. We should make the best deal possible before withdrawing, but in any event we should withdraw our men from the fighting front immediately. We should supply the South Vietnamese with all kinds of arms. But this is their war. We should try, by reassessing our policy, to bring an end to the tragedy that has taken place in the last 10 years.

Mr. McGovern. I appreciate the point the Senator has made. Speaking for myself, I would view both our involvement in Vietnam and any possible reevaluation of our position there as a bipartisan or nonpartisan matter. I would hope we could take the Vietnamese issue out of partisan politics and consider it from the standpoint of what is best for our country and what will make the most likely contribution to the cause of peace.

I thank the Senator from Alaska for yielding.

Mr. Gruening. I agree that the policy should be nonpartisan and should remain nonpartisan. This issue is far too serious to be permitted to deteriorate into a matter of partisan politics.

The reason this question is pertinent is that President Johnson, only recently arrived in office, is the heir of all these policies, and now he has an opportunity to reassess them. I believe he should do so.

Mr. McGovern. I think the Senator from Alaska will agree that it is important to determine the best course for us to follow now, rather than to attempt to assess the blame for what has happened.

Mr. Gruening. I agree that we should not assess the blame. But we should learn from experience.

Mr. McGovern. Mr. President, I thank the Senator from Alaska for yielding to me.

Mr. Gruening. I thank the Senator from South Dakota.

Mr. Saltonstall. Mr. President, will the Senator from Alaska yield briefly to me?

Mr. Gruening. I yield.

Mr. Saltonstall. The Senator from Alaska has made a very thoughtful speech, although I would not agree with some of the conclusions he has reached.

I certainly feel, as does the Senator from South Dakota, that this is not a partisan matter in any way, and that what President Eisenhower and Secretary Dulles did 10 and 12 years ago was done under different conditions in the Far East and also under different world conditions. How well that policy finally works out, we cannot say at the moment.

But I wish to point out that the present administration has sent one of its leading and most responsible officials to Vietnam, to determine what we should do now; I refer to Secretary McNamara. In my opinion, our policy in regard to Vietnam also involves our policies in regard to other areas, including Malaysia, New Zealand, Australia, and also our concern in Korea, and even our relationships with the Philippines. All those questions and others are involved, as I see the matter, in our policy in regard to South Vietnam at the moment. Also involved is our prestige in Panama, in Cuba, and in the countries of South America, if we quit South Vietnam.

So, as the Senator from Alaska has said, the President has a very difficult decision to make; and certainly it cannot be made very quickly or with relation to only one situation.

All of us very much deplore the loss of the lives of Americans in South Vietnam, and we hope no more Americans will lose their lives there. However, I believe we must give the present administration an opportunity to view this matter—particularly after sending the Secretary of Defense there—in light of all the conditions in the areas I have named, as well as those existing in South Vietnam alone.

I agree with the Senator from Alaska that the people of South Vietnam must fight for themselves; if they do not, we cannot fight for them.

Mr. GRUENING. I confess that I was shocked to read in the newspapers of the extravagant promises which Secretary McNamara has been making—promises of all-out U.S. aid. In my judgment, he has no business to make such commitments. He went there at the direction of the President to study and report to the President, and what authority he has to make such promises, I do not know.

If we are to have an all-out war there, it is for Congress to declare such a war. So I believe it unfortunate that Secretary McNamara has spoken so freely. I believe it would have been much better if he had kept quiet, returned to this country and had reported to his Chief and let him make the commitments.

I address this question to all Senators—not on a personal basis, because the question is already answered insofar as I am concerned: If a Senator's son were to be drafted in the current draft, under the conscription act, and were sent to Vietnam, and was killed there, would that Senator feel that his son had died in the defense of our country? Personally, I would not.

In South Vietnam we have been supporting corrupt and evil regimes and we have done it all alone. We are losing men there every day; while the South Vietnamese people will not fight for themselves.

Mr. President, I yield the floor.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The Senator from Pennsylvania.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

Mr. MORSE. Mr. President, after the Senator has used that 10 minutes, I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 20 minutes.

Mr. CLARK. I thank the Senator from Mississippi and the Senator from Oregon.

I

Mr. President, the sudden and dramatic request of the President of the United States for an appropriation of $700 million additional for the current fiscal year, to be used to support the war in Vietnam, raises a difficult question of judgment for every Member of the U.S. Senate.

The speed with which this request was approved by both Appropriations Committees on Wednesday, May 5, passed by the House and brought to the floor of the Senate under a time limitation which limits debate to 5 hours, makes the determination of this serious judgment question much more difficult. We have not been given the time necessary to properly consider the President's request. I regret that the bipartisan leadership has undertaken to press us to a decision in such undue and quite unnecessary haste.

Nevertheless, we must do the best we can in the time available; and I should like to share with my colleagues, my constituents in Pennsylvania, and whatever other members of the general public may be interested in one Senator's views, the considerations which have guided me in determining how to vote.

II

The purpose of our foreign policy is to secure and maintain a just and lasting peace with freedom and security for ourselves and for all other countries which, over the course of history, have developed a tradition and desire for freedom.

Without such a just and lasting peace, we cannot develop at home that Great Society and the social, economic, and political justice so eloquently advocated by President Johnson which, in peace, our affluent society can well afford. Our present military costs, public and private, including the substantial additional appropriation of $700 million now requested, are too high to make this possible.

Without such a peace, it will be difficult, indeed, to induce other reasonably prosperous countries to join us in bringing to the underdeveloped countries of the world the assistance they need to participate in the benefits of an international great society.

Nor do I agree with those who believe that we can do this job alone. We need friends, lots of friends, among the nation-states of the world to secure and maintain that just and lasting peace with freedom, of which I have just spoken.

III

What, then, are the prospects for achieving peace? They are not good; and passage of this appropriation is not likely, in the short run, to improve them. Let us take a quick look at political conditions in the world today.

In Europe, thanks in part, but in part only, to General de Gaulle, the NATO Alliance is in disarray. An escalated war in Vietnam is not likely to improve that situation.

The cold war with the Soviet Union which, after the Cuban crisis in 1962, showed signs of abating, is again heating up. An escalated war in Vietnam will add additional fuel to this fire and may well result in throwing a reluctant Russia into the smiling arms of a triumphant Communist China.

In the Middle East, thanks to President Nasser, a shooting war may erupt against Israel at any time, with arms supplied by us and Russia. An escalated war in Vietnam will make it more difficult for us to play the part in preserving peace and defending our gallant little ally, which we are honorbound to take.

Recent developments in the Dominican Republic and our unilateral intervention in violation of our treaty commitments are causing grave difficulties with long established friendships in Latin America recently promoted by the Alliance for Progress and implemented through the Organization of American States.

There may well soon be other revolutionary eruptions in Latin America which will call for further commitments of American marines—under conditions where we will have to "go it alone." Escalation of the war in South Vietnam will make the commitment of additional ground forces an ever greater strain on our economy.

The United Nations is, temporarily at least, immobilized by a dispute over responsibility for the costs of peacekeeping operations between Russia and France on the one hand and ourselves and some of our allies on the other. Efforts to resolve this dispute in a friendly manner will surely be made more difficult by an escalation of the war in South Vietnam, an escalation which is strongly opposed by both the Soviet Union and General de Gaulle.

Surely the dominoes with which America must hope to play the game of diplomacy, a diplomacy whose objectives is the achievement of a just and lasting peace, are falling and being exposed to our enemies all over the world. And a case can be made for the view that it is not weakness in opposing Communist aggression which is causing the dominoes to fall, but rather a foreign policy which is coming more and more to depend on unilateral military action and less and less on the development of feasible solutions to political problems through international institutions and cooperation.

Clearly, not all of the disarray in which our foreign policy finds itself can be blamed on us. Others, particularly Russia, Communist China, and General de Gaulle, are far more at fault than we. But American diplomacy has been something less than astute since 1953 in using our power to secure the peace, to end the cold war, and to start down the long, hard road to a world of peace and justice without war.

IV

The reason for our share of the blame, I suggest, is that our foreign policy is obsolete; and the additional appropriations for use in Vietnam which the Senate is about to approve are not likely to remedy that underlying weakness.

In the words of Senator J. WILLIAM FULBRIGHT, our foreign policy is based on old myths rather than on new realities.

In the interests of considering objectively our present and proposed activities in South Vietnam, let me attempt to stand back a bit from the close examination of the Vietnamese tree in order to take a comprehensive look at the larger forest of our foreign policy. Here are three myths which I believe should be dispelled and three realities which should be recognized:

Myth No. 1 is that we have a mission to conduct a holy war against godless communism, whether Russian or Chinese, Yugoslav, Rumanian, or Cuban. The myth suggests that all these various and quite different Communist nation-states are locked with the free world in a death struggle in which we or they must perish.

Reality No. 1 is that holy wars, be they the crusades in the Middle Ages, religious wars between Catholics and Protestants in the 16th and 17th centuries, or the present effort to oversimplify the complex struggles of the world today into a holy war against communism, have never succeeded in the past, are not likely to succeed in the present, and will not succeed, in my opinion, in the future. These holy wars result only in the loss of many lives, the destruction of endless wealth, and the continued confrontation of exhausted opponents, neither of which has been able to achieve that total victory which the zealous chauvinists on both sides yearn for.

The second myth is that to have a pro-Western South Vietnam is essential to our national security. It is true that China would like to expand. She would be pleased to see Communist governments in Vietnam, Cambodia, Indonesia, Malaysia, Laos, and Thailand. But China has been greatly disliked in these areas for over a thousand years. She is a weak country economically—particularly since Russia withdrew her support—with no navy or air force worth speaking of and an army incapable of supporting a sustained war far from her borders.

Chinese military expansion would almost certainly provoke anti-Chinese resistance in every one of the southeast Asia countries. The Chinese Communists know this. There is not presently a single Chinese soldier on foreign soil nor, if we play our cards right, is there likely to be one.

The second reality is that the United States has no business getting sucked into a ground war on the land mass of Asia. If Korea did not teach us that lesson then Dienbienphu should have. The thousands of American casualties and the heavy strain on our economy which would result would have no adequate justification.

We can far better prevent, if we have to, the military expansion of China southward by skillful diplomacy, the judicious use of foreign military aid and the exercise of air and naval power from the island barrier running from Japan through Okinawa, Formosa, the Philippines, Borneo, Australia, and New Zealand.

Nor do I believe that our commitment can be properly described as an obligation to defend "the freedom and independence of the gallant people of South Vietnam." A short look at recent history should convince us of this. Under the Geneva agreement it was agreed that free elections were to be held. Through these elections the Vietnamese people were to determine freely whether there were to be two Vietnams or one, and what kind of governments they were to have.

It is true that the Communists did not fulfill their obligation to hold free elections. But it is equally true that the Diem government with our connivance likewise defaulted on the obligation to hold free elections, and acting in defiance of the agreement, set up South Vietnam as an independent state.

All this was in line with the policy of John Foster Dulles, who induced us with President Eisenhower's support, to "fill the vacuum" in Indochina left by the withdrawal of the French. That was a mistake at the time; and it was made worse by the decision of President Kennedy to vastly strengthen our forces in that country in violation of the 1954 agreement with its prohibition against the introduction of foreign military support.

We have been told a half-truth about the results of the civil war in South Vietnam. The half of the truth which we tend to neglect is that in a very large part of South Vietnam resistance to the Vietcong has collapsed.

To escalate the war there by the commitment of several hundred thousand American ground troops would, in my judgment, be folly. The theory which was adopted by the Kennedy administration, at the urging of Gen. Maxwell Taylor, was that with enough arms, more money, and some additional American military advisers, the South Vietnamese would be able to create an army able to subdue the Vietcong rebels. General Taylor's optimism was based on faulty intelligence. One must wonder whether, even today, the intelligence coming from Vietnam is worthy of belief. Certainly it has been unreliable in the past. We have been told we were winning the war when in fact we were losing it.

And, moreover, the Taylor theory has not worked. The South Vietnamese Army has not surrendered but it has little stomach for war. It has an extraordinarily high rate of desertion and it is incapable of preventing the Vietcong from overrunning most of the country at will.

What used to be a civil war by the South Vietnamese Government against the Vietcong who were supported by North Vietnam, has now become an American war quite ineffectively supported by the Quat government. It is highly unlikely that pouring $700 million more into this bottomless south Asian pit can change the existing military situation significantly.

The third myth is that military solutions to political problems are likely to succeed in the world of today. The danger is that those who believe in this myth will end up dragging us into a world war III which could destroy modern civilization.

Nuclear, chemical, biological, and radiological weapons of offense against which there is no adequate defense have rendered war obsolete if we hope that civilization will survive. Even with brushfire wars, the danger of escalation into nuclear war is so great that every conceivable avenue to a peaceful settlement on honorable grounds must be explored before resort is had to force. It is unfortunate that many military leaders and Members of Congress still operate as though military force was a cure-all for such situations.

The third reality is that the best hope for achieving a just and lasting peace lies in an earnest effort, painstakingly pursued by the diplomats of all countries, to settle the differences between the nation-states they represent without recourse to war.

It is because we are doing far less to shatter these three myths and be guided by these three realities than, as intelligent men and women, we could and should be doing, that I say our foreign policy is obsolete. And, again, I suggest that the passage of this appropriation for use of our military forces in Vietnam will do nothing to upgrade, streamline, and modernize our foreign policy. It is all too likely to do just the opposite.

V

What, then, should be our objective in South Vietnam?

President Eisenhower said, on February 10, 1954, that he "could conceive of no greater tragedy than for the United States to become involved in an all-out war in Indochina." General MacArthur, at the congressional hearings resulting from his dismissal, emphatically warned against sending American soldiers to the Asian mainland to fight China. The problem is not with the intentions of President Johnson and his advisers. Rather, it is with the inevitable consequences of accelerating the war in Vietnam.

And if we are looking for historical analogies, I would prefer the analogy of the start of World War I to the so-frequently cited one of Munich, Hitler, and Neville Chamberlain. None of the statesmen who made the fateful decisions in July and August of 1914 would have been willing to say, in November of 1918, that "they planned it that way." Yet what happened in Europe in World War I was the almost inevitable result of the decisions of the statesmen made in those 2 critical months without ever thinking through the consequences. In Vietnam today if we do not look out, we will find ourselves taking a fateful and irreversible first step after which we will become the slaves of circumstances beyond our control.

In the words of Secretary of State Rusk of about a month ago:

> We still have some wiggle room.

We must keep it at all costs. Today, on somewhat flimsy evidence, we are holding Hanoi totally responsible for the Vietcong. Tomorrow we may be holding Peiping responsible for Hanoi. And thus belligerence escalates even as more military forces are devoted to a war we are losing.

I am satisfied that to call attention to these implications of our present policies cannot justly be referred to as appeasement, isolation, or softness on communism. It is merely an effort to distinguish between prudence and recklessness. It is based on a hope that we can eliminate that doctrinaire emotionalism which drowns all reason in the fervor of an anti-Communist crusade.

VI

No one can fail to extend his sympathy to President Johnson when thinking of the terribly difficult decisions which confront him in South Vietnam and, indeed, all over the world 24 hours of every day. He has endeavored, with great skill, to convince both Hanoi and Peiping that he is sincerely interested in negotiating, without conditions, a just and lasting peace while, at the same time, brandishing the stick of further military escalation of the war. I am in substantial agreement with much of what the President said at Johns Hopkins University on April 7. His address was entitled "Peace Without Conquest." He expressed his hope that peace would come swiftly. He stated his willingness to remain ready for unconditional discussions. He noted that no one need ever fear that we desire their land or to impose our will, or to dictate their institutions.

Yet perhaps the most impressive part of that speech was the first paragraph of its conclusion:

> We often say how impressive power is. But I do not find it impressive at all. The guns and the bombs, the rockets and the warships are all symbols of human failure. They are necessary symbols. They protect what we cherish. But they are witness to human folly.

I would hope that, in the days ahead, the President and his principal advisers would dispel the myths and recognize the realities of the modern world. I would hope that the President would continue to stress the carrot and pay less attention to the stick in his day-to-day conduct of our foreign policy. I find myself in complete accord with the following statement in his message in support of the appropriations called for by the pending bill:

> However, in the long run, there can be no military solution to the problems of Vietnam. We must find the path to peaceful settlement. Time and again we have worked to open that path. We are still ready to talk without conditions to any government. We will go anywhere, discuss any subject, listen to any point of view in the interests of a peaceful solution.

To assist him in finding that path to a peaceful settlement, I would suggest an extension of his offer of unconditional discussions made in the Johns Hopkins speech. I urge the President and the Secretary of State to announce publicly:

First. That we are willing to negotiate with Hanoi directly, or with any representatives Hanoi may suggest. This inevitably means representatives of the Vietcong, without whose acquiescence no peaceful settlement, in my opinion, is possible.

Second. We should indicate our willingness to support free elections in Vietnam to determine (a) whether the South Vietnamese really desire to remain independent of North Vietnam: and (b) if they do not, what kind of an all-Vietnamese Government should be set up.

Thereupon, we should be prepared to join with the other major powers, including China and the Soviet Union, in guaranteeing the independence and neutrality of the government which emerges from these elections, whether it be a government for all of Vietnam or two governments for separate parts of it.

And this guarantee should hold, no matter what the ideological complexion of such government or governments might be.

Third. The bombing attacks on North Vietnam should be gradually decreased and, for a time at least, terminated. The predictable effect of the raids has been to harden the resolve of the North Vietnamese without impairing their fighting ability. It is forcing the Soviet Union into a more hostile role in southeast Asia. It is alienating our friends and aiding our enemies in Asia, Europe, Africa, and Latin America. It is probably a major force in preventing a solution of the Vietnamese problem around the conference table.

There is no doubt that the Congress will overwhelmingly pass the pending request for $700 million additional for military operations in South Vietnam. I suggest that the President would be well advised to accompany this belligerent gesture with a renewed effort to go to the bargaining table in order to achieve a just and fair and feasible and pragmatic termination to the present war—for it is war, whether declared or not—in South Vietnam.

VII

In view of what I have said and with great reluctance and a heavy heart I have concluded to vote for the pending appropriation. I do so for three reasons:

First. I agree with the President that a vote for the resolution will, in the short-run, assist his efforts to halt Communist aggression in South Vietnam and thus prevent the present unhappy military situation from further deteriorating.

Second. A vote for the resolution will show that the American commitment, which the President insists is one of honor, is not worthless. In my judgment, that commitment should never have been made by John Foster Dulles and Dwight D. Eisenhower. It should never have been reinforced by John F. Kennedy. It should not have been reactivated after the assassination of Ngo Din Diem by the present occupant of the White House. But these are past facts and we must support our President until an honorable course of withdrawal presents itself. As he has said, the stakes are too high to back out now.

Third. The President, I am convinced, wants and will work for a peaceful settlement in Vietnam. He must be permitted to negotiate from as much strength as we can give him. Passage of this appropriation will strengthen his hand and help him in that search for a peaceful world to which I am satisfied he is deeply committed.

Mr. MORSE. Mr. President, I yield 20 minutes to the Senator from Wisconsin [Mr. NELSON].

THE UNDERLYING CONSENSUS ON VIETNAM

Mr. NELSON. Mr. President, I thank the Senator from Oregon for allotting me 20 minutes of the time that is under his control.

We are entering a delicate but dangerous period in Vietnam. Both sides profess a desire to negotiate, but neither side has yet found a precise way to do so. And on all sides there is a chorus of suggestions, criticisms, and demands which complicate and seriously threaten the faint hope of peace.

In this situation there is one danger which I believe to be profound. It is the danger that men of impatience, fear, and blindness will try to urge, demand, and threaten until there is no escape from a major land war in Asia or a thermonuclear war on a global scale.

I believe most Americans wish to avoid this. In fact, I am convinced there is an underlying consensus that we do not want another Korea, that the problems of Vietnam should be settled by negotiations, and that ultimately, unless the people of that country can settle their own problems, we will not be able to do the job for them.

There are some, however, who disagree. In recent weeks, the distinguished columnist, Walter Lippmann, has reported that powerful forces within the administration are urging that we send 350,000 American troops to fight in Vietnam.

I think it is necessary to delineate the implications of such policies in order to make it clear that they would be profoundly unwise, and ultimately detrimental to America's interests.

Perhaps the best way to grasp the meaning of such proposals is to examine one of them as presented by an eminent and distinguished spokesman who is not a member of the administration. Hanson W. Baldwin, the respected military analyst of the New York Times, undoubtedly reflects the opinion of many others. Mr. Baldwin recently wrote:

> Compromise and consensus—perhaps applicable to some of the Nation's great domestic problems—cannot be guideposts to foreign policy. There must be a clear-cut and courageous decision. And though in Vietnam we face the hard problem of risking much to gain little, the risk must be taken: we must fight a war to prevent an irreparable defeat. We must use what it takes to win.

Mr. Baldwin has honestly faced the implications of this argument. To his credit he has not shirked the fact that the policy he suggests may mean that the United States will "become involved in a new kind of Korean war."

Mr. Baldwin is prepared to take this chance. The essentials of his suggestions follow from this basic view. They are:

> The history of airpower dictates the need for unrelenting, massive attacks * * *.
>
> A naval blockade and naval gunfire may well supplement the air bombardment.
>
> Much larger, and better led, South Vietnamese forces would be necessary.

Most important, Mr. Baldwin believes:

> They would have to be supplemented by U.S. ground troops—perhaps in small numbers at first, but more later, particularly if North Vietnamese regular forces and Chinese soldiers joined the Vietcong.

He understands what this means:

> How many U.S. soldiers would be needed is uncertain—probably a minimum of 3 to 6 divisions—possibly as many as 10 or 12 divisions. Including Air Force, Navy, and supporting units perhaps 200,000 to 1 million Americans would be fighting.

All of this may be needed, Mr. Baldwin feels, because:

> If the might and will of the United States cannot evolve a victorious answer to (Vietcong) tactics, we are undone; the map of the world will gradually become red. And if we

> will not fight in Vietnam, where will we fight? Where will we draw the line?

Let me make it clear that I have sketched Mr. Baldwin's view not only because he is a respected reporter and writer on military affairs, but because I believe his thoughts are representative of many—and because I believe they demand an answer.

No one is suggesting that Vietnam should be given over to the Communists. What many have suggested is that the President is right to attempt a policy of power and moderation, of strength and negotiation, and in this way to try to reach a settlement of the conflict.

As even Mr. Baldwin realizes, a substantial expansion of our commitment of troops on the ground might well lead either to a major land war or to a thermonuclear war. The first would destroy what remains of the Vietnamese economic and political structure; the latter would achieve no sensible object. Death would be the only victor.

A major investment of troops would certainly lead to a long war. But what would be the final outcome? Does anyone seriously believe that even a million American troops can produce ultimate stability in Vietnam? Surely at the end of a bloody war we will again have to search for a negotiated settlement. White men cannot impose peace in Asia—even by overwhelming force. The time to recognize this is before—not after—a tremendous investment of treasure and blood.

Again, as Mr. Baldwin understands, a more aggressive, direct ground involvement would probably lead to Communist Chinese intervention. The Chinese are not there now, but to send a million men to fight in the very border areas of China is certainly the best way to bring the Chinese in. Does anyone believe the freedom of that area will be increased once hordes of Chinese soldiers swarm in?

Finally, would a more aggressive policy help us achieve our objectives in Asia? Mr. Baldwin argues that if we do not follow his advice, this would undermine our diplomatic position in Asia. But, in fact, just the opposite seems to be true. It is tough and narrow policies that have alienated most of Asia.

Walter Lippmann has recently written:

> On the continent of Asia there are besides Red China four major Asia powers, the Soviet Union and Japan in the north, Pakistan and India in the south. With the possible, though only apparent, exception of Japan, we are embroiled with all the powers of Asia. The bitter truth of the matter is that we can search the globe and look in vain for true and active supporters of our policy.
>
> That is how successfully the State Department has planned our diplomatic policy and has argued the American case.

These are sound arguments against the intransigent line suggested by Mr. Baldwin and others. They must be considered by anyone seriously interested in the future course of American policy. But in one sense, both Mr. Baldwin's advise, and the objections to it are beside the main point.

This is a democratic country. Decisions involving war and peace cannot be resolved by expert opinions. They must follow the wishes of the people and their duly elected representatives. We must consider the views of the American people. And I believe that most Americans oppose sending a large number of our troops in Vietnam.

I believe they feel such a diversion of resources to Asia would not be in our national interests and that a massive jungle war in Vietnam would be a fundamental error.

Last fall, during the Gulf of Tonkin debates, the Senator from Arkansas [Mr. FULBRIGHT], chairman of the Foreign Relations Committee, expressed this vital point:

> I personally feel it would be very unwise under any circumstances to put a large land army on the Asian Continent. It has been a sort of article of faith ever since I have been in the Senate that we should never be bogged down. We particularly stated that after Korea.

The Senator from Arkansas [Mr. FULBRIGHT] has underscored the most important point of what I would term an underlying consensus on Vietnam. His view is representative.

A leading Republican, the Senator from South Dakota [Mr. MUNDT], recently stated:

> To do whatever is needed to win that war would involve an open-ended commitment which could result in another situation like we had in Korea and I certainly am not prepared to say I want to go that far.

Or, as the Senator from Florida [Mr. SMATHERS] put it:

> To the idea of committing the United States to whatever effort is needed to win the war, I say: "No." I don't believe we should get ourselves in a major land conflict over there.

And, as the Senator from Alabama [Mr. SPARKMAN] has said:

> Of course, I favor winning the war. But what needs to be done is another question. I would not want to see us cause a general war in the area.

In my opinion, not even in its approval of the Gulf of Tonkin resolution did the Congress wish to endorse such a commitment. Illuminating statements by three Senators at that time are worth recalling.

> Mr. BREWSTER. I would look with great dismay on a situation involving the landing of large land armies on the continent of Asia. So my question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China.
>
> Mr. FULBRIGHT. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia; that our power is sea and air, that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated.
>
> Mr. MORTON. If we make that clear, we will avoid war, and not have to land vast land armies on the shores of Asia. In that connection I share the apprehension of my friend the Senator from Maryland.

These statements reflect a desire, I believe, to draw a line—to make a clear and open decision. They reflect a belief, which I share, we should not allow the Vietnamese war to draw us into another Korea. At some stage, we must make this an unequivocal element of our policy, for I believe this is a matter of fundamental interest—and a matter about which most Americans feel strongly.

If the desire to avoid another Korea is one part of the underlying American consensus, what are its other aspects?

First, let me point out that, so far as I know, few responsible U.S. leaders—and here I speak particularly of the U.S. Senate and as to the Senate, the word is "none," rather than "few"—have proposed that we pull out of Vietnam, leaving that country in the lurch, with no guarantees for the future.

The distinguished and vigorously independent Senator from Oregon [Mr. MORSE] is often regarded as representative of one wing of Senate opinion. It is true that he has stated:

> We should never have gone in. We should never have stayed in. We should get out.

But if I understand him correctly, Senator MORSE maintains not that we should give South Vietnam to the Communists, but quite a different point: that Vietnam is a matter of international concern, that it cannot be handled by the United States alone, and that a peaceful solution of the problem ultimately will require international action, preferably through the United Nations.

On the other hand, Senators MCGEE and DODD are often regarded as diametrically opposed to those who seek peaceful negotiations or an international solution. Nothing could be further from the truth.

It is true that, using the words of Winston Churchill, Senator DODD has stated:

> Never give in. Never, never, never, never. Never yield to force and the apparently overwhelming might of the enemy.

But Senator DODD has carefully refused to close the door on a negotiated solution. In a lengthy speech supporting the present source of our present policy he recently emphasized:

> All this does not mean to say that we must not under any circumstances enter into negotiations with the Communists. It simply means that when we do so, we must do so with our eyes open and with a clear understanding of the ingredients required to enforce compliance with the agreements.

And speaking in a similar vein, the Senator from Wyoming [Mr. MCGEE] opposed negotiations at the present juncture but went on to stress:

> Do not mistake me. I believe that some time there must be negotiations.

Senators CHURCH and MCGOVERN represent another view, or more accurately perhaps, a variation from the above two viewpoints. Unfortunately, they have sometimes been described as opposed to the President and in favor of an immediate pull-out. This description is plainly incorrect on both counts. Both are strong internationalists. Both recognize the vital necessity of America playing its role as leader of the free world with intelligence, vigor, and determination. Yet, in the climate of our times when conformity and me-tooism is the fashion in southeast Asian affairs these two distinguished Senators have been described as prophets of something called the "new isolationism." This, certainly, is semantics run wild.

In fairness to them, it should be made clear that both Senators have stressed their support of the President and both have stated on numerous occasions that they approve our air strikes in North Vietnam.

If I understand them correctly, these Senators say neither "talk now," nor "fight now, talk later." They suggest that we should combine a policy of fighting with a policy of talking, that the only viable reason for a policy of military action is to bolster a position of negotiations.

Senator Church is representative:

> The judicious use of both the arrows and the olive branch represents our best hope for avoiding a widening war in Asia.

In the growing tensions surrounding the Vietnam debate, often one newspaper, or one partisan group, attempts to caricature the other—to stress and overstress the differences between men and ideas. There are real differences over our course of action in Vietnam. But I believe they are not so great as some have suggested. Almost no one urges an immediate pullout without some international understanding to preserve the independence and security of the area. Almost no one argues that we should never negotiate.

And, indeed, over the last year, given the proper setting, an international approach to the settlement of the South Vietnam problem received favorable support from, among others, Senators Bartlett, Brewster, Clark, Cooper, Ellender, Fulbright, Gore, Gruening, Javits, Johnston, McIntyre, Pell, Robertson, Williams, Young of Ohio, and others in both the Senate and the House.

If I were to try to summarize the second part of the underlying consensus on Vietnam, I could think of no better statement in behalf of it than that of our late President, John F. Kennedy:

> We should never negotiate out of fear, but we should never fear to negotiate.

There is, I think, a third aspect to the consensus in the country: it is the understanding that, ultimately, the Vietnamese will have to solve their problems themselves.

In recent weeks, especially after the release of the State Department white paper on Vietnam, it has become fashionable to think that the problems of South Vietnam are all created by the Communist government of the north, that only the men and guns of Hanoi keep alive the guerrillas of the Mekong Delta, and that if only the north would issue a "halt" order, all would be well in the south.

Again, nothing could be further from the truth—and I believe most thoughtful Americans realize this. It is, of course, true that the North Vietnamese Communists are helping the guerrillas who want to overthrow the government of the south. But, it is also true that the governments of the south, for almost the entire period since World War II, have been dictatorial, harsh, totalitarian, and unpopular. Indeed, the governments of the south have created many of their own problems. This has been recognized in almost every important American policy involving the area since we began our role there in 1954. Thus the point was first underscored by President Eisenhower, when 10 years ago he committed this Nation to aid South Vietnam with material support and expert advice.

On October 23, 1954, President Eisenhower first offered aid to Vietnam. He stated:

> The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms.

Note the phrasing: The aid was given on the understanding that "This aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms."

Unfortunately, though some actions have been taken to increase the popularity of the governments, not enough has been done. It seems to be the fate of that country that dictatorial governments always try to put stability before reform. They end up with harsh repression which further increases the unpopularity of the government and increases the need for reform.

Guerrillas do not spring only from the north, nor from thin air; they need to be carefully nourished by the foolish and repressive policies of dictators. Only when unpopular governments help them can guerrillas hope to gain public support.

Almost 9 years after President Eisenhower stressed the need for reform in Vietnam, President Kennedy felt the need to reemphasize it and to restate our mission there. Nine years had passed, and, speaking on September 2, 1963, the President said:

> I don't think that unless a greater effort is made by the Government to win popular support that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists. We are prepared to continue to assist them, but I don't think that the war can be won unless the people support the effort.

And on August 12, 1964, President Johnson described the primary pattern of our effort over the last 10 years:

> First, that the South Vietnamese have the basic responsibility for the defense of their own freedom.

On this point, too, I believe there is an underlying consensus among the thoughtful political leadership of the country that extends from the President through a wide range of leaders of diverse political philosophy.

I think it might be a fruitful contribution to the dialog on this issue if we quoted a few of these distinguished leaders so that the drop-the-bomb-first crowd will not confuse or frighten everyone into believing that their all-out war position is also the position of the President and everyone else to boot.

The Senator from Montana [Mr. Mansfield], the majority leader, recently said:

> President Johnson can be counted on to continue to work with complete dedication on this problem; but the quicksands of Saigon's power politics and military conspiracy make this task infinitely more difficult. They underline the instability of the Vietnamese leaders, who seem to be more interested in personal power and prestige than in winning their own war. The leaders should realize that in the present situation, their country, not ours, their future, not ours, lie in the balance. The people of South Vietnam, not their personal prestige, are what matters. Without their dedication to the needs of the people, without regard for self, their prestige is likely to be swept away, and soon. The United States is committed to aid the people of Vietnam. It is not committed to continue subsidy of intramilitary struggles for power and prestige, with American lives and resources. The jealous generals of Saigon should realize that the hour is very late in Vietnam.

Others Senators have made the same point time and time again. Just over 4 months ago, on December 31, 1964, Senator Russell of Georgia, chairman of the Senate Armed Services Committee, told the press:

> We cannot support the present regime in Saigon unless they are able to attract popular support out in the rice paddies and the villages.

Senators Ellender and Dodd discussed the matter more recently on the Senate floor. Senator Ellender stressed that "unless we can persuade our allies to assist us in South Vietnam, and unless a stable government can be established there, a condition may develop which will be worse than the situation that confronted us in South Korea. This is what has worried me."

Senator Dodd replied:

> I know the Senator from Louisiana is worried; and so am I. It is a proper problem to worry about. There is no question that a stable government must be established in South Vietnam.

Senator Smathers recently commented:

> The first change needed is to bring about some political stability.

And Senator Hickenlooper stated:

> Unless we get a stable, vigorous, and reliable government in South Vietnam, I think it is a hopeless thing, fighting the war in the manner we are at present.

This is no partisan matter. Other leading Republicans on both the Armed Services and Foreign Relations Committees have reiterated this point. Senator Saltonstall, for instance, recently stated:

> We must make it clear that we intend to stay and assist the South Vietnamese if they are willing to help themselves. I hope it will be possible to work it out that way. But if they refuse to help, then certainly we cannot expect to be of assistance in continuing the struggle.

And Senator Aiken put it this way:

> The outlook for ending the war in Vietnam is hopeless as long as there is no stable government there.

Senators Bartlett, Inouye, Mundt, and Smith have made substantially the same point.

Increasingly, in recent months, we have heard the voices of many who seem to have decided that the war there is our war whether or not the Vietnamese are willing to fight or able to govern themselves. Since they believe, in fact, it is our war the necessary consequences follow: We will fight with all of the resources of the United States both on the land and in the air. If that means a massive land war with our troops fighting all the way to the China border, so be it. This is the line of reasoning of those who hold views similar to Mr. Baldwin's. If that means China sends her troops and we have to lick them too, so be it. And, since they believe it is our war and vital to our interests I suppose they insist that we must drop the nuclear bomb if it can be won in no other way.

If that is now our mission there, as some seem to believe, the rules of the game have been rather dramatically changed. I do not think our mission has been changed and I do not think it should be. Certainly, the President has not announced a change in our role in Vietnam. It may properly be argued that he has changed our tactic but nothing has been said or done by the President that has changed our often-stated fundamental role there.

As he said on March 20:

> Our policy in Vietnam is the same as it was 1 year ago. And to those of you who have inquiries on the subject, it is the same as it was 10 years ago. * * *
>
> Under this policy, changes in the situation may require from time to time changes in tactics, in strategy, in equipment, in personnel. I said last month, the continuing actions we take will be those that are justified and made necessary by the continuing aggression of others.

From the very beginning of our involvement it has been clear that our mission is a very limited one. Three Presidents have clearly stated the proposition that our role is simply to give material, aid, and assistance with the objective of helping establish an independent, viable regime that is capable of managing its own affairs. They have all made it clear that they must be able to defend themselves and run their own Government.

Ultimately, I believe most Americans understand this. Beneath the publicized debate over various courses of action, I think most men realize that, in the end, success or failure in Vietnam will be measured by the ability of the Government in that country to run its own affairs with the freely given support of its own people.

Of course, since the Gulf of Tonkin our response has been measurably increased. The President has directed substantial but carefully delineated strikes against supply lines and depots in the north. He has emphasized that it is necessary for the north to cease supplying, directing, and supporting the Communists in the south. He has made it clear that America does not wish to dominate any foreign country or engage in a war on foreign soil. I think it is clear from his policies and statements that this country is prepared to withdraw its presence when it is assured by firm enforceable agreement that the integrity of the south would be protected from outside attack and subversion. His moves and statements have been aimed at punishing the invader and containing the conflict.

This serious problem was inherited by the President. He is faced with a hard reality, not a living room exercise in war game theory. He needs and is entitled to flexibility and freedom in directing the overall strategy and day-to-day tactics of our forces. There is no doubt he has the support of the Nation in his management of our difficult circumstance.

Of course there are honest and thoughtful dissents; there are doubts and worries. But whatever our individual divergencies may be we are unified in the end we seek.

It is at this point that I call your attention to a rather strange phenomenon. After 10 years of involvement in South Vietnam, the President, with careful consideration, decided to increase the pressure on the north by air strikes against supply lines and depots. The President did not announce a change in our mission. Quite the contrary, he was careful to announce that there was no change; that we did not seek to widen the war; that we were only concerned with protecting the integrity of the south as we have been for the past 10 years.

War hawk demands for a massive land war involve two quite important attempts to alter this position. One is the sudden demand that we now change the role, the mission we have had in Vietnam for 10 years from one of assistance to the brandnew role of fighting their war for them with our troops; the second is a kind of patriotic demand that those who don't agree, keep quite—and those who won't be silent are subtly tarred as somehow against the President—though his position is not theirs—or as soft on communism, or as not very tough Americans or some other foolish nonsense.

The simple fact of the matter is that both foreign and domestic policies must be discussed to be understood; and they must be understood to gain public support; and they must have public support to succeed. Failure of public understanding of our foreign policy is the quickest way I can think of to return this country to the isolationism of another era. So, let us have more discussion of this issue.

I think we should continue our role in Vietnam as long as there is some possibility of accomplishing our original mission—that very well may be quite some time yet. Furthermore, there may be reasons of policy for staying there for a time even if at some stage we conclude they are unable to either govern or defend themselves. This is a judgment that must be evaluated continuously as circumstances demand.

In any event, it would be a tragic mistake to conclude at some stage that if they cannot defend their own freedom it then becomes our proper role to throw in the full force of our land army and take on the task of fighting their war for them as well as running their government.

> The South Vietnamese—

As President Johnson said last August—

> have the basic responsibility for the defense of their own freedom.

The United States can play a useful role in Vietnam—but in the long run it can be useful and successful only if the Vietnamese people can establish a viable government with broad public support and the capacity to defend its own freedom.

This, it seems to me, is the sum and substance of it all. This seems to me to be the meaning of the underlying American consensus.

To make a massive commitment of American troops would be to overlook the fundamentals of this consensus. It would attempt to use white men to force a solution on an Asian people. It would forget all that we have learned about the need for fundamental political reform. It would invite Chinese Communist intervention—an intervention which has not yet occurred. It would tie our hands in all diplomatic ventures. It would lose the support of our allies and of most of Asia.

The President is trying to find a moderate way to resolve the problems of Vietnam. He needs no warlike demands from the militants. What he needs is support for the course of moderation and negotiation he has initiated.

Mr. President, I ask unanimous consent to have printed at this point in the Record, as an appendix to my remarks, recent comments by various Senators on Vietnam.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Recent Comments by Various Senators on Vietnam

Senator Thomas J. Dodd (member, Foreign Relations Committee): "All this does not mean to say that we must not under any circumstances enter into negotiations with the Communists. It simply means that when we do so we must do so with our eyes open and with a clear understanding of the ingredients required to enforce compliance with the agreement about to be entered into." (Congressional Record, Feb. 23, p. 3349.)

Senator Gale McGee: "Do not mistake me. I believe that some time there must be negotiations." (Congressional Record, Feb. 17, p. 2887.)

Senator Frank Church (member, Foreign Relations Committee): "The judicious use of both the arrows and the olive branch represents our best hope for avoiding a widening war in Asia." (Congressional Record, Feb. 17, p. 2872.)

Senator E. L. Bartlett: "* * * in the long run the only satisfactory one of concluding what is a desperate situation * * * could be arrived at around the conference table. But it has been apparent from the start * * * that we should not go to the negotiating table from a stance of weakness." (Congressional Record, vol. 110, pt. 14, p. 18422.)

Senator Daniel Brewster (member, Armed Services Committee): "As for negotiations; we should never be afraid to either talk or fight, but any negotiations should be from a position of strength. Ultimately we would hope to negotiate a peace along the lines of the 1954 settlement." (U.S. News & World Report, Feb. 15, p. 72.)

Senator Joseph Clark (member, Foreign Relations Committee): "I believe that neutralization of the entire area is not an unworthy goal, and I would support such a policy provided that the action was not just a sham to cover up further Communist takeovers in nations which are now independent." (U.S. News & World Report, Feb. 15, 1965, p. 72.)

Senator John Sherman Cooper (former Ambassador to India): "I hope the President will use this power wisely with respect to our commitments in South Vietnam, and that he will use all other honorable means which may be available, such as consultations in the United Nations, and even with the Geneva powers." (Congressional Record, vol. 110, pt. 14, p. 18410.)

Senator Allen J. Ellender (chairman, Agriculture and Forestry Committee): "Is it not incumbent upon us to have a meeting of SEATO before we go too far?" (Congressional Record, vol. 110, pt. 14, p. 18412.)

Senator J. William Fulbright (chairman, Foreign Relations Committee): "If we could establish a firm position in which things were going better for the South Vietnamese and they had greater confidence in their capacity to survive, a consideration of some substitute, by way of the United Nations, not only would be tolerable, but I would be favorable toward it, for the reason that I would want no illusions to grow up about what our ultimate intentions are in South Vietnam." (Congressional Record, vol. 110, pt. 11, p. 14792.)

Senator Albert Gore (member, Foreign Relations Committee): "I think we should seek plausible reasons or circumstances to disengage with the maximum possible stability." (The Washington Post, Associated Press, Jan. 2, 1965.)

Senator Ernest Gruening: "Let us get out of Vietnam on as good terms as possible—but let us get out." (Congressional Record, vol. 110, pt. 4, p. 4835.)

Senator Jacob Javits: "May a Senator voting for the resolution assume that the United States * * * will continue to utilize all the organs of international peace which are mentioned here, including the United Nations, in order to secure freedom in that area." (Congressional Record, vol. 110, pt. 14, p. 18405.)

Senator Olin D. Johnston: "I suggest the United Nations handle it, set up a buffer zone between North and South Vietnam and police it." (Washington Post, Associated Press, Jan. 7, 1965.)

Senator Tom McIntyre (member, Armed Services Committee): "Not now, but with some military successes as bargaining tools, negotiation could well be the way out with honor at a later date." (U.S. News & World Report, Feb. 15, 1965, p. 71.)

Senator Claiborne Pell (member, Foreign Relations Committee): "I believe we must continue to hold on, seeking to arrive at a point where we can honorably negotiate a reasonable solid and forceful agreement that meets the interests of the Geneva powers, of ourselves, and most important, of the Vietnamese people." (Congressional Record, Feb. 11, 1965, p. 2619.)

Senator Willis Robertson: "I'd favor a settlement based on neutralization or to pull out." (Washington Post, Jan. 7, 1965.)

Senator John J. Williams (member, Foreign Relations Committee): "I think we should always be receptive to negotiations to find a way out. To do otherwise would be to propose a war aiming at unconditional surrender. But it is not very advantageous, from our viewpoint, to seek negotiations for a settlement at this time." (U.S. News & World Report, Feb. 15, 1965, p. 70.)

Senator Stephen M. Young (member, Armed Services Committee): "It seems to me that now is the time to proclaim to the world that the United States is ready to meet at Geneva over the conference table with representatives of China and North Vietnam and our allies of the free world to see if we cannot negotiate a settlement which would leave South Vietnam a free nation clear of aggressors from the north." Congressional Record, Feb. 17, 1965, p. 2823.)

Senator J. William Fulbright: "I personally feel it would be very unwise under any circumstances to put a large land army on the Asian continent." (Congressional Record, vol. 110, pt. 14, p. 18406.)

Senator Mike Mansfield (majority leader, member, Foreign Relations Committee): "It (the United States) is not committed to continued subsidy of intramilitary struggles for power and prestige, with American lives and resources. The jealous generals of Saigon should realize that the hour is very late in Vietnam." (Congressional Record, Feb. 22, 1965, p. 3306.)

Senator Richard Russell (chairman, Armed Services Committee): "I don't know just how we can get out now, but the time is about at hand when we must reevaluate our position. We cannot support the present regime in Saigon unless they are able to attract popular support out in the rice paddies and the villages." (The Washington Post, Associated Press, Dec. 31, 1964, p. A6.)

Senator Allen J. Ellender: "* * * unless we can persuade our allies to assist us in South Vietnam, and unless a stable government can be established there, a condition may develop which will be worse than the situation that confronts us in South Korea. That is what has worried me." (Congressional Record, Feb. 23, 1965, p. 3375.)

Senator Thomas J. Dodd: "I know the Senator from Louisiana is worried; and so am I. It is a proper problem to worry about. There is no question that a stable government must be established in South Vietnam." (Congressional Record, Feb. 23, 1965, p. 3375.)

Senator George Smathers (member, Foreign Relations Committee): "The first change needed is to bring about some political stability." (U.S. News & World Report, Feb. 15, 1965, p. 70.)

Senator Bourke B. Hickenlooper (ranking Republican, Foreign Relations Committee): "Unless we get a stable, vigorous, and reliable government in South Vietnam, I think it is a hopeless thing, fighting the war in the manner we are at present." (U.S. News & World Report, Feb. 15, 1965, p. 68.)

Senator Leverett Saltonstall (ranking Republican, Armed Services Committee): "* * * we must make it clear that we intend to stay and assist the South Vietnamese if they are willing to help themselves. I hope it will be possible to work it out that way. But if they refuse to help, then certainly we cannot expect to be of assistance in continuing the struggle." (U.S. News & World Report, Feb. 15, 1965, p. 69.)

Senator George D. Aiken (member, Foreign Relations Committee): "The outlook for ending the war in Vietnam is hopeless as long as there is no stable government there." (U.S. News & World Report, Feb. 15, p. 17.)

Senator E. L. Bartlett: "The war in South Vietnam is a South Vietnamese war. It will be won only by the South Vietnamese themselves. It will be won only when they have something worth winning it for." (Congressional Record, vol. 110, pt. 4, p. 4978.)

Senator Daniel Inouye (member, Armed Services Committee): "I would think in order to carry forward to a victorious conclusion, you have to set up a stable government which would be supported by the South Vietnamese." (U.S. News & World Report, Feb. 15, 1965, p. 72.)

Senator Karl E. Mundt (member, Foreign Relations Committee): "The important thing is to make the South Vietnamese understand that this is their conflict—that they must provide the major thrust for victory." (U.S. News & World Report, Feb. 15, 1965, p. 71.)

Senator Margaret Chase Smith (member, Armed Services Committee): "I think that unless South Vietnam shows some indication of moving toward a stable government, there isn't any hope." (U.S. News & World Report, Feb. 15, 1965, p. 72.)

Senator Fulbright: "* * * Speaking for my own committee, everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia; that our power is sea and air, that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is now contemplated." (Congressional Record, vol. 110, pt. 14, p. 18403.)

Senator Brewster: "I would look with great dismay on a situation involving the landing of large land armies on the continent of Asia. So my question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China." (Congressional Record, vol. 110, pt. 14, p. 18403.)

Senator Morton: "If we make that clear, we will avoid war and not have to land vast land armies on the shores of Asia. In that connection I share the apprehension of my friend, the Senator from Maryland." (Congressional Record, vol. 110, pt. 14, p.18404.)

Senator Sparkman: "Of course, I favor winning the war. But what needs to be done is another question. I would not want to see us cause a general war in the area." (U.S. News & World Report, Feb. 15, 1965, p. 68.)

Senator Mundt: "To do whatever is needed to win that war would involve an open-ended commitment which could result in another situation like we had in Korea, and I certainly am not prepared to say I want to go that far." (U.S. News & World Report, Feb. 15, 1965, p. 71.)

Senator Smathers: "To the idea of commiting the United States to whatever effort is needed to win the war, I say: No. I don't believe we should get ourselves in a major land conflict over there." (U.S. News & World Report, Feb. 15, 1965, p. 70.)

Senator Clark: "I should hope very much that we would not be sending 100,000 ground troops to Vietnam within the next few weeks." (Congressional Record, Apr. 23, 1965, p. 8338.)

Mr. NELSON. Mr. President, my remarks at this point will be directly applicable to House Joint Resolution 447. Some time ago I prepared the remarks I have just made, to be delivered on the floor of the Senate either this week or next. But yesterday we received the President's request for the supplemental appropriation; therefore, I have made the remarks today, so that my position may not be misunderstood.

My fundamental position on Vietnam and our role there has remained the same over an extended period of time. More than 2 years ago and on numerous occasions since I have expressed the view that it should remain a cardinal principle of our policy not to engage American troops in a land war in South Vietnam. Within the perimiter of this guiding principle there is great room for tactical variation. As the Commander in Chief of our forces it is the President's burdensome responsibility to decide the day-to-day tactics. From time to time we may agree or disagree with the tactics exercised but that is in the nature of the case. I, along with the vast majority, recognize where that responsibility lies and support the President in his incredibly difficult endeavor.

The issue before us is not whether we are unified in our purpose. We certainly are. It is not whether we are opposed to communism, whether we are willing to fight for freedom, whether we are at one with the President in the objective he seeks—in each of these matters we are unified. That unity has repeatedly been demonstrated by every public opinion poll as well as the conduct of the Congress and the statements of the Members.

Nevertheless, we are now asked to act within 24 hours on a $700 million appropriation for the conduct of our commitment in Vietnam. It is conceded by everyone that the money is not needed immediately to support our commitment there. It is agreed by everyone that the President has the authority to transfer the necessary funds to fully support our efforts. It is recognized by everyone in this body that on a moment's notice Congress will authorize every additional dollar needed to supply, equip, and support our forces without stint. So that there may be no doubt, if indeed there could be any, I know that $700 million will be needed in our 1966 budget. A substantial part of it might be needed in fiscal 1965. That may be so whether we make the unfortunate decision to change our mission there or whether we maintain our repeatedly stated role. I support that expenditure and more, too, if and when it is required. We will not hesitate to spend whatever is necessary to support our troops in whatever enterprise we direct them. That is not at issue among us.

What is at issue right now is the wisdom of acting within hours upon this requested appropriation—acting without printed hearings and with precious little discussion—acting posthaste, not because this money is required immediately, but rather because this precipitous action is supposed to demonstrate our support for the President's conduct of foreign affairs as well as our unity of purpose is opposing Communist aggression.

My willingness to support the President in these two enterprises is a matter of record—abundantly so. I do not feel the necessity of demonstrating my support by forthwith voting yea on a bill that came to the Senate at 2:30 yesterday afternoon—a bill that had only brief hearings in either House—a bill that was supported only by a half-page Senate committee report printed before the House bill arrived in the Senate. I object to legislating based upon what I read in the morning paper. No matter how sound the measure, I dissent from the proposition that the greatest deliberative body in the world should routinely give its stamp of approval to anything except under dire circumstances. No such circumstance has been alleged from any quarter.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. MORSE. Mr. President, I yield 2 additional minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 additional minutes.

Mr. NELSON. Mr. President, in the cloakrooms and on the floor, numerous distinguished Senators from both sides of the aisle have expressed their concern over the precipitate manner in which we are disposing of this matter.

I have no notion what the President said to the majority and minority leadership at the White House. If he requested that this bill be passed this week within a 24-hour period, instead of next week after ample discussion, I have not been so advised. Though I have a very high regard and respect for the integrity, the patriotism, and the genuine statesmanship of the leadership on both sides of the aisle, I do not intend lightly to delegate my vote to anyone in support of any proposal.

My objection does not run to the merits of this appropriation. No matter what the variances of viewpoint, we all know this money will be needed in the future and will be spent. Yet, I think I speak accurately when I say that a very substantial number of this body is gravely troubled by the unseemly haste of our action here today. We all know that our military planning is not so faulty that we need this appropriation right now. If it were required today our very able Secretary of Defense would have urged action quite some time ago.

My dissent is based upon the conviction that when a matter of this import is before us we owe it to ourselves and the Nation to discuss it deliberately and fully. That we may all end up agreeing on this particular measure does not detract from the importance of conducting the dialog. There is a continuing public confusion about where we are going and why. Silence contributes to that confusion. Our branch of the government has its own obligation. We should not default in that obligation, nor should we even give the appearance of doing so. Because of what appears to be a necessity for exceptionally speedy action on a large appropriation, there are many who will conclude that we must be intending to support or endorse a substantial expansion of our role in Vietnam, if not a fundamental change in our mission there. I am sure that neither the Congress nor the President intends consciously that. Nevertheless, you will see that interpretation put on our action from any number of sources within the next few days. I decline to lend my name in any way to that kind of misinterpretation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I yield 1 additional minute to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 additional minute.

Mr. NELSON. Mr. President, thus, at a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world we are stumbling over each other to see who can say "yea" the quickest and the loudest. I regret it, and I think some day we shall all regret it.

Now in the gentlest way I know how I mention to this body that as of this very moment I have yet to receive a call from the leadership or any other source in government advising me of the grave necessity for instant action. I should think if this matter were really so urgent a 15-minute party caucus would have sufficed at least to advise us so.

Thus, reluctantly, I express my opposition to our procedure here by voting "nay." The support in the Congress for this measure is clearly overwhelming. Obviously you need my vote less than I need my conscience.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, on behalf of the Senator from Mississippi, I yield 10 minutes to the Senator from Vermont [Mr. PROUTY].

Mr. PROUTY. Mr. President, the measure now before us will be passed by an overwhelming majority—there can be little doubt of that. I will be one of that majority. But before we approve the President's urgent request, I should like to make a few observations on the more general problem of America's response to relentless Communist efforts to engulf the non-Communist world.

In his message to the Congress requesting this appropriation, President Johnson said that he did not ask complete approval for every phrase and action of his administration. It is well that he did not; for if he sought such an endorsement, it seems to me he would have a very, very difficult time obtaining even a bare majority in this body.

No; this appropriation vote is not an endorsement of the Vietnam policies of the Truman, the Eisenhower, the Kennedy, or the Johnson administration.

This appropriation is not a blank check to the President to continue his course in foreign policy with immunity from congressional scrutiny and criticism.

This appropriation is not admissible evidence that the present administration has done the best possible job in protecting the interests of freedom in southeast Asia.

This appropriation should be construed to mean no more than it says—that an additional $700 million be made available for the conduct of the struggle in Vietnam.

On a number of occasions since I first came to the Congress in 1951, Presidents of the United States have sent urgent measures for prompt action in time of crisis. In most cases the passage of these measures was later cited by the President as evidencing the will of the Nation to support his administration's policy in crisis X or dispute Y. But, as the situation of the moment faded into history, the associated measures faded from the newspapers, from the view of the American people, and—most important—from the memories of those who would destroy human freedom throughout the world.

And here, Mr. President, is what I consider to be one of the most serious deficiencies of postwar American foreign policy. We have grappled with crises on a piecemeal basis. We have sometimes stood firm against Communist aggression, subversion, and penetration—other times we have not. We have never made it unmistakably, indisputably clear to our adversaries that the people, the resources, and the might of the United States of America will be used to make their efforts to reduce peoples to subservient bondage fruitless, costly, and, in the long run, doomed to ignominious failure.

In the tense years of 1948 and 1949, the United States heroically saved the freedom of West Berlin with the Berlin airlift. But would the Soviets even have attempted the blockade had they known that the American response would be so superb and effective?

When North Korea attacked our ally South Korea in the summer of 1950, the United States moved at once to resist Communist aggression. But would there have been that aggression if the Communist leaders had known that the United States would fight? And would subsequent Communist aggression have been prevented if the Communist leaders had learned that the United States would not only fight to a stalemate, but fight to victory?

A commendable decision to oust communism from Cuba led to the Bay of Pigs attack in April 1961. But that invasion became a tragic farce when the United States refused to use the means necessary to victory. I remember at the time the great amazement of Khrushchev and the Russian leaders at the decision to accept a humiliating defeat. Did our performance at the Bay of Pigs do anything to discourage the Communists from further such ventures?

In September of that same year, the Communists erected the infamous Berlin wall. Did they do so in the belief that American power would not be brought to bear, as it had not been brought to bear on the beaches of Cuba?

But, Mr. President, look what happened when President Kennedy told Premier Khrushchev that the United States would not tolerate missiles in Castro's Cuba. Those missiles were removed. To many, the missile crisis was a terrifying confrontation. To me, tacit American acceptance of a Soviet missile base on Cuban soil would have been a far more terrifying prospect.

I do not mean to suggest that every foreign policy goal can be achieved by the automatic application of the magic cure called firmness. Firmness would have done the cause of freedom little good in far-off Tibet, where the Chinese Communists extinguished the independence of the Tibetan people.

The time and place for firmness must be carefully chosen. But when the cause is just, the threat clear, and the implications of irresolution ominous, our adversaries must be left with no shred of doubt that the American people stand behind their Government in a swift, effective defense of freedom.

The year 1964 saw a great election in our Nation. The overriding issue of that campaign was the issue of peace. The publicists of the Democratic Party cried that Senator Goldwater would lead the country to war. They expressed shock at his ideas on carrying the war in Vietnam to the north, and on defoliating jungle trails. Had Senator Goldwater even hinted at the use of gas warfare in Vietnam, I shudder to contemplate the wave of righteous revulsion that would have swept the liberal press and public. Through the campaign the Democratic candidate was presented as the man who would speak and act for peace, the man who would bring old enemies together under the sheltering sweep of his long Texas arm, where his honeyed words of persuasion would soften the flinty hearts of those poor, misguided Communists.

Happily for the cause of the Nation, President Johnson has shown that he can act decisively to confront and repulse Communist aggression. But could it not be suggested that the impassioned rhetoric of our presidential campaign might have, in some way, led the Communists to believe that a United States with a "peace President" would hesitate to act boldly in the face of each new challenge?

Let us make no mistake about it. The United States of America has the means and the will to frustrate Communist adventures, not on a hit or miss basis, but consistently and relentlessly. Is it not time this was made clear to the Communists, not just by today's actions in Vietnam or Santo Domingo, not just by an overwhelming vote on today's appropriation, but by a firm, explicit, and continuing policy commitment by the Congress of the United States?

Three years ago I introduced a joint resolution, Senate Joint Resolution 225, designed to make our national policy clear, not just with regard to the crisis at hand—whether it be Korea, Berlin, Lebanon, Cuba, or wherever—but to Communist aggression, subversion, and penetration wherever the interest of free peoples are threatened. Today I ask that the Congress think seriously and deeply about the adoption of a great statement of purpose and intent along these same lines.

In his message to Congress with this bill, President Johnson said, "Wherever we have stood firm aggression has been halted, peace restored, and liberty maintained." Let us act to show the Communists that America has the will to frustrate their scheme by standing firm not just in Vietnam or in Santo Domingo, but wherever firmness will dissuade the advance of tyranny.

I yield back my unused time.

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from New York [Mr. Kennedy].

Mr. MORSE. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 13 minutes.

Mr. KENNEDY of New York. Mr. President, I vote for this resolution because our fighting forces in Vietnam and elsewhere deserve the unstinting support of the American Government and the American people. I do so in the understanding that, as Senator Stennis said yesterday:

> It is not a blank check * * *. We are backing up our men and also backing up the present policy of the President. If he substantially enlarges or changes it, I would assume he would come back to us in one way or another.

We confront three possible courses in Vietnam.

The first is the course of withdrawal. Such a course would involve a repudiation of commitments undertaken and confirmed by three administrations. It would imply an acquiescence in Communist domination of south Asia—a domination unacceptable to the peoples of the area struggling to control and master their own destiny. It would be an explicit and gross betrayal of those in Vietnam who have been encouraged by our support to oppose the spread of communism. It would promote an inexorable tendency in every capital to rush to Peiping and make the best possible bargain for themselves. It would gravely—perhaps irreparably—weaken the democratic position in Asia.

The second is the course of purposely enlarging the war. Let us not deceive ourselves: this would be a deep and terrible decision. We cannot hope to win a victory over Hanoi by such remote and antiseptic means as sending bombers off aircraft carriers. I have understood the purpose of the raids that have been conducted so far have been to indicate to Peiping and Hanoi our resolve to meet our commitments. I do not believe we should be under the self-delusion that this military effort will bring Ho Chi Minh or the Vietcong to their knees.

The course of enlarging the war would mean the commitment to Vietnam of hundreds of thousands of American troops. It would tie our forces down in a terrain far more difficult than that of Korea, with lines of communication and supply far longer and more vulnerable. It would risk the entry of the Chinese Communists and their inexhaustible reserves of ground troops. It would force the Soviet Union, now engaged in a bitter contest with Peiping for the leadership of the world Communist movement, to give major assistance to Hanoi, and it might well temporarily revive the relations between Peiping and Moscow. It would lead to heavy pressure on our own Government by thoughtless people for the use of nuclear weapons, and it might easily lead to nuclear warfare and the third world war.

Both of these courses—withdrawal and enlargement—are contrary to the interests of the United States and to humanity's hope for peace.

There remains a third course—and this, I take it, is the policy of the administration, the policy we are endorsing today.

This is the course of honorable negotiation. This is the hope of ending the violation of the northern frontier of South Vietnam and of moving toward a settlement of conditions in this troubled land—a settlement which would in the end unite South Vietnam, Laos, Cambodia, and North Vietnam in a common determination to live at peace with their neighbors, to reduce the intervention and presence of foreign troops and ideologies and to join together in undertakings, like the development of the Mekong River Valley, of benefit to all the people of the whole area.

Along with a number of Senators, I have taken advantage of President Johnson's cordial invitation to discuss these matters with him. He has listened to my comments on the course of the war in Vietnam, and I have appreciated the courtesy and interest with which he has heard these thoughts.

President Johnson has expressed our American desire for honorable negotiations. So far there has been no satisfactory response. It seems that North Vietnam thinks it will win anyway and therefore sees no point in negotiation. To create the atmosphere for negotiation in these conditions, we must show Hanoi that it cannot win the war, and that we are determined to meet our commitments no matter how difficult. This is the reason and the necessity, as I understand it, for the military action of our Government.

But I believe we should continue to make clear to Hanoi, to the world, and to our own people that we are interested in discussions for settlement. I believe that our efforts for peace should continue with the same intensity as our efforts in the military field. I believe that we have erred for some time in regarding Vietnam as purely a military problem when in its essential aspects it is also a political and diplomatic problem. I would wish, for example, that the request for appropriations today had made provision for programs to better the lives of the people of South Vietnam. For success will depend not only on protecting the people from aggression but on giving them the hope of a better life which alone can fortify them for the labor and sacrifice ahead.

While the appropriations under this joint resolution will be used, as I understand, for Vietnam and not for the Dominican Republic, our foreign policy is, I trust, a seamless web; and I cannot let this occasion pass without comment on the tragic events of the last few days in our own hemisphere.

I am sure that every Member of this body agrees with President Johnson in his determination to prevent the establishment of a new Communist state in this hemisphere. The free republics of the Americas have solemnly declared communism to be incompatible with the inter-American system. Action against revolutions aiming to install Communist regimes is in the interest of the whole hemisphere.

But this cannot mean that we plan to act on our own without regard to our friends and allies in the Organization of American States. We are all involved in the struggle for free government in the hemisphere together. In recent years, we have established a relationship of mutual trust and confidence between the United States and the free republics of the hemisphere. There is nothing more important to our future in the hemisphere than the preservation and strengthening of these bonds of mutual affection and respect.

Moreover, since we believe in the rule of law, we must always take care to respect the sovereignty of other nations; to proceed on the basis of our obligations to each other, and to make sure that every action reinforces the structure of law in the hemisphere.

Of course, unilateral action is easier than collective action; but we are much stronger when we act in concert with the rest of the hemisphere than when we act alone; and consultation is the price we must pay for the extra strength our alliances give us.

I note some tendency to criticize the OAS. The OAS has its imperfections, of course, and we hope that it will become a stronger agency of inter-American action in the future. But one way to make it stronger is to use it. Nor do I believe that the contribution of the OAS to the resolution of the Dominican crisis has been insignificant. Though the OAS was not properly notified, it appealed without delay for a cease-fire; it sent its Secretary General to Santo Domingo within 48 hours after the landing of the Marines; it had a peace commission there within 90 hours; that peace commission has obtained a cease-fire and hopefully laid the basis for an eventual political settlement; and now the OAS has authorized the establishment of an inter-American peace force. This seems to me a record deserving commendation, not criticism. Without OAS intervention and the devoted labor of OAS officials and delegates, the situation in the Dominican Republic would be far more hopeless than it is today.

I would make one further point. Our determination to stop Communist revolution in the hemisphere must not be construed as opposition to popular uprisings against injustice and oppression just because the targets of such popular uprisings say they are Communist-inspired or Communist-led, or even because known Communists take part in them.

In the case of the Dominican Republic, we know that professional Communist operatives are backing the revolution; and we know, too, that a small number of disciplined and skilled Communists can have an influence out of all proportion to their numbers. But this matter must be kept in perspective, and we can deal with it best in association with our allies in Latin America. In any case, we know that the revolutionary forces include also many non-Communist democrats.

I ask unanimous consent to have printed in the Record a dispatch sent yesterday from the rebel section of Santo Domingo by James Nelson Goodsell, the Latin American correspondent of the Christian Science Monitor, entitled "Dominican Revolution as Seen From Rebel Side," and published in the Christian Science Monitor on May 5, 1965.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dominican Revolution as Seen From Rebel Side

(By James Nelson Goodsell, Latin America correspondent of the Christian Science Monitor with the rebels in Santo Domingo)

A tour of the rebel section of this embattled city shows the extent to which antigovernment forces have dug in.

I spent 5 hours wandering through the 10-square-mile section of the city which includes the National Palace, Fort Ozama, and the commercial and business heart of the city.

My conclusions are these:

Virtually to a man the rebel elements feel they have a cause which is important to preserve, that of fighting for constitutionalism and returning the deposed President Juan Domingo Bosch to office.

While there are Communists in their midst, the top rebel command is in the hands of non-Communist elements who fiercely proclaim their opposition to communism.

There remains a significant balance of good will toward the United States despite the marine and airborne occupation of other parts of the city—even the understanding that the marines had to come to rescue American lives.

But the rebels are questioning the continued presence of U.S. forces and seem determined to resist any further encroachments on rebel territory by U.S. forces.

It may be possible to dislodge the rebel force with superior arms, but the rebels would probably put up a real struggle, for they possess large stores of weapons and ammunition stores.

FRIENDLINESS SHOWN

Friendliness greeted me as I walked alone through the rebel territory. People seemed pleased to talk with a newsman, if nothing more than to get their points of view across.

"Tell the world we are not Communists," was a repeated refrain. Spoken in a variety of ways, this view was virtually unanimous.

Col. Francisco Caamaño Deno, military leader of the rebel forces and apparently the top man in the whole effort, said, "We just do not have a Communist problem."

But the colonel, who is looked to with respect by thousands of Dominicans in the rebel area, admitted there are Communists in the midst of the rebel movement.

Another rebel chieftain added, "After all, we will take any support we can get."

Still another said, "But do not forget that we have control of the situation, and this is not a Communist revolution. It is a constitutional movement to restore constitutionalism."

This seems the driving force of the rebel movement. A number of Mr. Bosch's longtime associates and members of his political party are in key command positions in the rebel hierarchy.

LOOKING FOR REDS

However, some American spokesmen here cite the names of 53 known Communists who occupy positions of authority in the rebel command. On the other hand, not all U.S. officials in Santo Domingo agree with this assessment.

I tried to locate several of those whose names are on the list. I was not successful.

In the rebel headquarters in downtown Santo Domingo, as I went from office to office, I could find no evidence that they were anywhere in these key command positions. (This is not to suggest they do not operate with rebel forces, but merely to indicate they are not visibly in evidence as the U.S. spokesmen had affirmed they would be.)

A large supply of weapons and ammunition—including some tanks and some large weapons—are in rebel hands. They are stored at a variety of spots throughout the rebel territory.

U.S. presence in the Dominican Republic, to the extent of 15,000 troops, is viewed with growing alarm by the rebels. There is clear good will and even an understanding of President Johnson's decision to safeguard American lives.

U.S. INVOLVEMENT

"But we understand you've removed these Americans," said a rebel major who added: "Isn't it time for you to get out and allow us the opportunity to win the struggle against the forces of those opposed to constitutionalism?"

The major was speaking of the military under the command of last week's hastily formed military junta, headquartered at San Isidro Air Force Base east of Santo Domingo.

The U.S. forces began landing in the Dominican Republic at a time when the heart appeared to have been going out of the junta cause—and rebels were on the point of gaining the advantage—despite some reports inspired by the junta to the contrary.

There are many questions in the rebel territory about the next U.S. action in Santo Domingo.

"We will fight against Americans as we have fought against fellow Dominicans. We believe our cause is just, and we are willing to die for it," said one rebel.

His view is general, although of course expressed differently by others.

While I spent only 5 hours in the rebel area, my observations are in general corroborated by neutral observers who have been in the same territory in the past several days.

Mr. KENNEDY of New York. Mr. President, our objective must surely be not to drive the genuine democrats in the Dominican revolution into association with the Communists by blanket characterizations and condemnation of their revolution, but rather to isolate the Communists by assuring the genuine democrats that we wish to restore constitutional order and that all honest Dominican democrats, including those who took part in the revolution, will have a future role in the rebuilding of their country.

Our abiding purpose in Latin America must remain the establishment of democratic governments, sanctioned by free elections, devoted to the welfare and liberty of their peoples, in the spirit of the Alliance for Progress.

In closing, let me say that I am confident that the United States will surmount both of these crises. My only concern is that we emerge from these crises in an honorable position to continue our role of leadership in the world at large.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER (Mr. Bass in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 15 minutes.

Mr. MORSE. Mr. President, I add to my comments of last night, as follows:

Congress is being rushed into this course of action so that the American people will not have the time to react to the President's shocking proposal. If there were time to hold a political finger to the winds of opinion in this country and abroad, I believe that we would be appalled at the depth of concern and opposition to President Johnson's doctrine that military might is supposed to make right.

In the trouble spots of the world, this action relating to Vietnam and the posture which we have assumed by sending 20,000 troops into the Dominican Republic are linked. They are linked by the concept that the United States is big enough, strong enough, and tough enough, to impose our judgment—our unilateral judgment—upon the world.

Even our most precious friends abroad are doubting our wisdom and judgment.

Mr. President, I ask unanimous consent to have printed in the Record an article in today's Washington Post, entitled "Feeling Rises Against U.S. Action."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 6, 1965]

Feeling Rises Against U.S. Action

As American troops remained in the Dominican Republic, reports from France and Britain indicated a growing lack of support and sympathy for the American intervention. Meanwhile anti-American riots flared in Latin American cities.

"Only one thing is clear to me, the Americans are creating unanimity against themselves," correspondent Max Clos of the Paris newspaper Figaro reported from Santo Domingo.

"This strange war resembles very little what Americans imagine," Clos said. "The certain fact in all this business is that the Americans are treating the Dominicans as enemies, and vice versa.

"This is a sort of spontaneous revolution, without officers and a precise program. That hardly resembles a Communist movement," Clos said.

The rebel-controlled quarter is not at all "an inferno delivered over to anarchy," Clos said "It seems the massive arrival of American troops has provoked a mass rising * * * against a common adversary."

From London, Robert H. Estabrook of the Washington Post Foreign Service reported that the American intervention has caused many doubts within the Labor Party and complicated the problem of the Government with Labor's left wing in continuing to support American policy in Vietnam.

Without explicitly condoning President Johnson's actions, some British officials express understanding of his dilemma, and the Government is doing its best to appear a loyal ally.

Most press comment on the Dominican situation has been relatively restrained in criticism of the American action, with the exception of the Manchester Guardian.

In an editorial, the independent daily said the revelation that the purpose of American intervention was to crush an incipient Communist revolt "invites comparison with the intervention by the Russians in Budapest in 1956."

In Caracas, terrorists sprayed the U.S. Embassy with machinegun fire, narrowly missing several staff members. No one was hurt in the brief attack, the latest in a series of anti-American incidents.

Swedish newspapers unanimously condemned the U.S. intervention, Wilfrid Fleisher reported from Stockholm. The semiofficial Stockholmstidningen said, "Not in a long time has American prestige stood so low among the democracies * * * Americans with few exceptions may support the President or may not think at all, but the President obviously has no regard for world opinion."

The usually friendly Dagens Nyheter said, "American good will is being dissipated more by President Johnson's declarations of principle than by the actual military intervention in Santo Domingo. A great power can afford to make some mistakes but it must retain flexibility. That was John Kennedy's wisdom."

Mr. MORSE. Mr. President, one great organ of American public opinion has spoken out and I beseech my colleagues to pay it heed. The New York Times today, in an editorial entitled "The Illusion of Omnipotence," comments that the "Johnson doctrine" gives the United States "the appearance of heading toward the unenviable, self-righteous, and self-defeating position of world policeman."

The Times is talking about both Vietnam and the Dominican Republic.

Mr. President, I ask unanimous consent to have this editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, May 6, 1965]

The Illusion of Omnipotence

The United States is not omnipotent, but President Johnson talks as if it were. There is no one else who can do the job of insuring "the right of all people to shape their own destinies," he said in his message to Congress. If the Communists "are going to put Americans in danger," he told a labor conference in Washington, "where Americans go that flag goes with them to protect them."

This is the language of 1898, not 1965. In its development if not in its origin, the marine intervention in the Dominican Republic was reminiscent of 1916. At the beginning of the present crisis, no one questioned the need to protect American lives in Santo Domingo when law and order broke down. The practical reasons for intervening against a genuine threat of a Communist takeover would also have been understood. But the American troops were used almost immediately for political ends on the basis of reports that a handful of Communists were involved in the rebellion and on flimsy evidence that they threatened to gain control of it. And the Organization of American States was neither consulted nor informed of the intervention until after the invasion had been accomplished.

The result of an initially reasonable and acceptable maneuver was to engage American soldiers in an internal struggle, in which many thousands of non-Communist or even anti-Communist Dominicans were fighting, some of them no doubt because Americans—as they naturally saw it—were invading and occupying their country.

Another and more serious result has been to glorify the previously weak Dominican Communists and make them seem such a power and such a menace that nearly 20,000 American troops—more than half the number now in Vietnam—have thus far had to be sent in to assure order. Communism all over the world has been given new heroes and some damaging propaganda against the United States.

What Sir Denis Brogan as long ago as 1952 called "the illusion of American omnipotence" is now being turned into the "Johnson doctrine." U.S. policy since the end of World War II has been based on anticommunism, accompanied by efforts to achieve a détente with the Soviet bloc. The evolution of such a détente was one of the most encouraging developments in world affairs in recent years. But if it means anything, the Johnson doctrine means that the emphasis is now going to be on resisting the advance of communism anywhere in the world with military force rather than on differentiating between various kinds of communism or trying to coexist with any of them. The United States gives the appearance of heading toward the unenviable, self-righteous and self-defeating position of world policeman.

The Dominican Republic is a weak country, but its problems are not susceptible of military solution. It can be occupied by the United States; it will not be dictated to by the United States. A final truce accord was signed yesterday; but it will have no validity if by remaining there the United States tries to force the Dominican Republic to have only the kind of government of which the United States would approve.

Ours is the most powerful nation on earth, but there are things that even the United States cannot do in this period of history.

The sooner this country extricates itself from the Dominican Republic—if at all possible with the help of the OAS—the better.

Mr. MORSE. Mr. President, the American people have only one instrument that can prevent a misguided, misadvised, misinformed President from committing an incredible blunder—a blunder that will destroy all the confidence in America that has been built up since World War II. That instrument is the Senate of the United States.

But we are not able even to say "go slow," even though I would guess that half or more of the Members of this body know in their minds that the President is wrong.

In connection with the haste that the President is taking in the matter, the one painful fact about this joint resolution is that the President himself has stated its purpose: to obtain our endorsement of his policy in Asia.

Senators can talk all they like about supplying our soldiers. But the President plainly and clearly stated—as I pointed out last night—that the money is not needed. What is needed by the White House is another affirmation of our support.

Last August, many Senators performed a rather pathetic exercise of explaining that their votes for the resolution should not be construed to support an expansion of the war, or of bombing North Vietnam, or of U.S. troops fighting in Asia.

Within 8 months, all those things had come to pass, and the administration needed only to cite the Vietnam resolution as the source of its authority to expand the war in any way it saw fit.

This week we are hearing the "reservationists" saying now that their support for this appropriation should not be construed to be an endorsement of this, that, or the other thing—or of other expansion by the President.

Whom do they think they are kidding? Not the American people, let me warn them, but only themselves.

Yet the money they are appropriating is to be spent to finance all the things they were against last August, plus new U.S. bases, new U.S. weapons, and new U.S. troops in Vietnam. I think the White House must be laughing at their "reservations."

It is only votes that are binding upon the Pentagon or the White House, not the opinions of Senators of how the Executive should exercise the powers Senators are going to vote him today.

Let me say to Senators who claim that they intend to be consulted again before there is another escalation of the war: "You are being consulted right now. This is the President's consultation. When the President has this consultation under his belt, he is going to announce the landing of thousands more of American troops in Vietnam. When he starts sending those hundreds of thousands of troops into Asia, the moment that the Chinese start moving on the ground—that is exactly a part of the war plans—he will cite the pending joint resolution and the resolution of last August which give him that authority."

I say to the reservationists, who think the President is not going to do these things, that by passing the joint resolution they are giving the President another vote of confidence. That is what he told us in the message he sent to Congress asking for the passage of the pending joint resolution.

This is the second time in 10 months that Senators have, in the phrase of the poet, "Vowing she would ne'er consent, consented." Neither the President nor the country are interested in protestations; they are only interested in the actions taken here.

Last August this Congress was asked to adopt a resolution authorizing the President to use whatever force was necessary to prevent further aggression. Congress did not specify where, when, or by whom the aggression was to be prevented. But as we have done so habitually since the end of World War II, Congress once again responded to an Executive demand that it enact some kind of language that would present the appearance to the world of a united American front behind a Presidential policy.

As I said then, and say again, "You voted for an undeclared war. You voted outside the framework of the Constitution. Only Congress can declare war. The President has no constitutional right to make war in the absence of a declaration, except to meet an immediate emergency in self-defense and then only in self-defense, and only for the limited period of time that it takes him to get to Congress to present the facts by way of a recommendation of a declaration of war."

I say again sadly to my President today, "When are you going to get back within the Constitution and come to Congress to recommend war against North Vietnam?"

I have a hunch as to why he will not follow that policy. He knows that that would arouse such a negative reaction in this country that the American people would repudiate him. That is what would happen if the President of the United States asked for a declaration of war.

I say that the clear constitutional duty is for him either to stop making war or come to Congress and ask for a declaration of war. Then let the Members of Congress stand up and be counted as to their position under article I, section 8, of the Constitution.

We went through the same procedure in the case of Formosa, we did it in the case of the Middle East, we did it in the case of Vietnam. In the first instance, nothing has been proved or settled. Indeed, the ultimate disposition of the island of Taiwan is still as big a question as ever, and, as the end of the regime of Chiang Kai-shek draws near, the possibility that Taiwan and China will ever be reunited under one government is completely gone.

In the case of the Middle East, the Arab States have not rallied to the West, and are thoroughly divided in varying degrees of socialism, neutralism, reaction, and communism.

VIETNAM RESOLUTION HAS FAILED ITS PURPOSE

In Vietnam, the resolution of last summer, which was supposed to announce to the world our unity, and prevent misjudgment of our intentions, has had the opposite effect. Earlier in the week I placed in the CONGRESSIONAL RECORD portions of the debate of August 1964—and that was alluded to by the Senator from Wisconsin [Mr. NELSON] this morning—in which supporters of the resolutions outlined their intentions and their reservations. Many voices made clear that they did not intend the resolution to be used to put an American land army on the continent of Asia, nor to advance the war into North Vietnam. Yet since then many thousands of American troops have been landed in Asia.

These verbal reservations have, of course, been ignored and disregarded. The language of the resolution was unrestricted and unlimited and the blank check has been filled in by the person it was made out to, not by those who signed it by voting for it on rollcall.

The purpose of that resolution, too, has failed of achievement. The Vietcong rebellion did not wither and die in the face of this alleged American show of unity. The Government of North Vietnam was not warned so fully of our intentions that it ceased from doing whatever it is the Secretary of State assures us it is doing. The resolution has, in short, failed to prevent war in Asia. It only provided the foundation for a bigger war in Asia.

Now we are asked to repeat the same process all over again, only this time on a much higher level of involvement.

FUNDS UNNECESSARY

The President has made it clear that he does not need the money to prosecute the present level of the war. He has ample transfer authority in existing defense appropriations to finance what has been done to date, and yesterday's Washington Post tells us that the President himself has indicated in his talk to reporters that he did not have to come to Congress for the additional money. He told us that in the East Room of the White House the other day.

What the President is concerned about is not the money to prosecute the war, but the rising opposition to his policy. It is an old and time-honored device among chief executives in nearly every country to force a vote of confidence in them by raising a matter of a foreign policy challenge from abroad.

The text of his message, and his comments to the press, raise the question of whether the President is really afraid of more debate about Asian affairs, and whether he is taking this means of silencing it again, at least temporarily.

Mr. President, I am shocked that an ex-President of the United States and the present President should make a statement to the effect that those who disagree with the policy of the President should communicate their disagreement to him in writing but not engage in public criticism of the President.

I have never expected to live so long that it would be suggested from the lips of two Presidents—an ex-President and the present President—that criticism should be silenced in free America when elected representatives of free people in the Senate believe that the President's policy is wrong.

President Johnson is quoted as having told the building and construction trades convention on Monday:

> I warn you, and I plead of you, if you have got any suggestions or any views or any differences with your President * * * communicate them to me through Uncle Sam or Western Union, or directly, or your friends. Don't send them through my intelligence bulletin via Peking or Hanoi or Moscow.

And he has quoted a letter from President Eisenhower which states:

> If there is any who oppose the President in his conduct of our foreign affairs, he should send his views on a confidential basis to the administration; none of us should try to divide the support that citizens owe to their head of state in critical international situations.

It is obvious that, to recent Presidents, what the Communists think is more important than what the American people think. We are far down the road of allowing the Communists to make our policies for us because we do not know what we are for and against until we learn first what Hanoi and Peking and Moscow are for and against.

To make U.S. foreign policy that way is unsound. And it surely is contrary to a system of government that is supposed to be directly the opposite of the politburo system of government. Apparently we are on the way to adopting another tactic of the Communist system in the name of opposing it.

We have the clear duty and trust to raise our criticisms for the consideration of the American people and to let the American people exercise the final check on us, and on the President. I am willing to stand for that check. The President of the United States will feel that check in future years unless he stops leading America into this unnecessary and unjustifiable war in Asia.

MEANS OF NEGOTIATING ARE STILL UNUSED

Some of the speakers in the Senate today said they will support the President in this instance because they are satisfied that the President believes in negotiations. What kind of negotiations? If the President really believes in negotiations, he ought to exhaust the existing procedures under existing treaties for negotiation. The President should at least say to the United Nations, "You have an obligation to step in and seek to settle this conflict by negotiation through the procedures of the United Nations."

I do not want anyone to give me the old alibi that it will not work. We do not know whether it will work until we have tried.

Khrushchev ran into the opposition of some 80 to 90 nations when they took jurisdiction over the Congo, and I am satisfied, as a former delegate to the United Nations, that we might very well find that 85 or 95 nations would decide that the procedures provided in the Charter of the United Nations would provide an honorable basis for an international conference of the representatives of both sides, with the United Nations at the head of the table and the combatants on each side, which would lead to an honorable and enforceable peace.

Until the President makes that proposal, all his talk about unconditional discussion, referred to in the Johns Hopkins speech, does not ring true, because the kind of discussion he is talking about is bilateral discussion. The kind of discussion he was talking about was discussion that eliminated the Vietcong.

As the report to the Japanese Government by the emissary it sent to report on the situation in South Vietnam shows, the Vietcong are not represented by North Vietnam, and only a small portion of them really are from North Vietnam.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself 2 more minutes.

Only a small portion of them are really North Vietnamese. The overwhelming majority of them are South Vietnamese. It is sad for me to say it—it pains me to say it—but in my judgment, the President of the United States has never lived up to the obligations of this country under the United Nations Charter. Our signature is on that charter. We are pledged to use the procedures of that charter to meet a threat to the peace of the world. The peace of the world is threatened in Asia, and the President ought to proceed to use those procedures.

There has been some talk about the Geneva accords. I have said many times in the past year and a half on the floor of the Senate that we have been violating the Geneva accords from the very beginning. I read again, as a part of my speech, article 16 of the Geneva accords:

> Effective from the date of entry into force of the present agreement, the introduction into Vietnam of any troop reinforcements and additional military personnel is prohibited.

That article will be directly violated by this joint resolution.

So will article 17, which prohibits the introduction of additional weapons, and article 18, which forbids foreign military bases from being established. The President has announced that all these things will be done with the $700 million.

Mr. President, the Geneva accords also provide that the sending in of military aid is prohibited. The United States, along with the Communists, has stood in violation of the Geneva accords from the very beginning. That will be the sorry sentence of history against the United States for the wrongs that we have committed not only in Vietnam, along with the Communists, but also wrongs that in effect we have committed against the world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 additional minutes.

Mr. MORSE. Eventually, we no longer bothered with retaliation, as conducted in the Bay of Tonkin, but began a simple undeclared war against North Vietnam. Now, Americans are questioning whether that is going to do any good and whether it is in fact making the achievement of peace in Asia on American terms more remote than ever.

Here, again, the President has no answer. On the one hand, he says in his message that North Vietnam shows no sign of wanting to negotiate. Presumably, the purpose of the air attacks was to drive North Vietnam to the bargaining table, but now the President says nothing of the kind appears likely to happen. On the other hand, he told reporters:

> Our firmness and the actions we have taken in the last few weeks may well have already brought us much closer to peace.

"How has it brought us closer to peace?" I ask the President. "How? Why has it brought us closer to peace if you say at the same time that you cannot find anyone to negotiate with, and that our intelligence is agreed that the North Vietnamese see no need for negotiations?"

The great missing element in the administration's policy is that it does not, and probably cannot, explain how more war by the United States is going to achieve an American peace in Asia. No doubt it seeks to make North Vietnam and China merely give up their opposition to American dominance of South Vietnam.

But I warn the Congress and the American people that our attempt to dominate the kind of government that reigns in Saigon is going to require eternal, perpetual war. The only question before us is whether it will get bigger and become a total war.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 3 additional minutes.

Mr. MORSE. I am satisfied that more and more Americans are beginning to doubt that the policy we have been pursuing in southeast Asia is going to lead us anywhere else but into a full-scale war. I only regret that while the President invokes the name of freedom to justify what he has decided to do there, he is unwilling to see the free institutions of the Government he heads operate as they are intended to operate.

FEAR OF DEBATE PREVAILS

Why is debate in Congress so feared downtown? Why are Cabinet and sub-Cabinet members, and the President's personal advisers, sent up to the Hill every time the word gets out that some Member of Congress is thinking of questioning anything about to be done in Asia?

The official answer is that they are afraid that North Vietnam will be encouraged to think we are weak and divided at home. But we are weak and divided when people do not understand where its Government is taking them, and how it expects to reach the announced end of peace in Asia. Shutting up public debate does not unite the American people. Cutting off challenges does not unite Congress.

Does the President of the United States want to enjoy the appearances and the images and the labels of national support, or does he want to lead a country that is truly unified because it knows where it is going and how it is going to get there?

Perhaps the President understands that such a national unity will not come on the program he is presenting in Asia. Perhaps he understands that too many Americans instinctively realize that all the American military power in the world will not acomplish a permanent American hegemony and military foothold on the mainland of Asia.

Too many Americans are also beginning to appreciate that the unwise and unfortunate commitment in South Vietnam has not only cost them dearly, but it will cost them untold billions in the future until some means is found to bring in other nations to guarantee that territory's freedom from communism.

How many more resolutions will we be asked to adopt, and how many more billions will we be asked to appropriate, and how many more Americans will die in Vietnam before our Government recognizes that it cannot call the shots in Asia alone and unsupported by the other countries of Asia?

PAST U.S. POLICY HAS FAILED

I say that the Eisenhower-Kennedy-Johnson commitment in South Vietnam has been a total and disastrous failure for the United States. It has not saved that area from communism, because the Communists controlled little or none of South Vietnam when we started helping her, and now they control perhaps half its people and territory. Our commitment has been a failure because it has served only to suck us in deeper and deeper, to cause our conspicuous presence as the only white Western participant in the war to become more and more obvious to all Asians, and because it is unifying the people of Asia against the United States and not with us.

Of course, I know quite well that when the President puts this appropriation in the terms of being either for or against communism, he will get it through Congress. But it is a poor and feeble means of compelling agreement in a democratic society. It begs all the questions of how communism can most effectively be opposed. And I seriously question how often his case can be confined to such oversimplification without losing all its effectiveness. It is always easier for a President to act in international affairs than it is to judge, to estimate, and to think about the future effects of various alternative actions.

But the effects of those actions will be either enjoyed or paid for by future Americans. That is the reason why we have a Congress in this country that was designed to check the executive branch in international affairs, as well as in domestic affairs. Unless this Congress checks this President, I fear that future generations of Americans are going to be fighting and paying for wars in Asia indefinitely. I think that is going to result from what we are doing in Vietnam right now because the other great nations of Asia, whether Communist or not, have no interest in our continued presence in Vietnam. The more we force ourselves on southeast Asia, the more opposition we are going to generate, and, while it may start out as Communist opposition, it will not long remain a purely Communist opposition.

Ten years ago, we organized the Southeast Asia Treaty Organization in order to control events in that part of the world. Japan, India, and Indonesia, the largest countries of the region, had no part in it. Of the eight countries that were Western or pro-Western enough to join, two have all but repudiated our war in Vietnam. One is France, whose opposition to us is well known, and the other is Pakistan, the only Asian country of any size that joined SEATO in the first place.

The events of the SEATO conference are a further indication of the failure of our Asian policy of the last 10 years.

I am at a complete loss to understand why any American administration can continue to think it must try to make good on this series of commitments and policies that have, since their inception, lost more than they have gained for the United States. But I do understand that, so long as they continue to be pursued, the American people will pay an ever-increasing price for them. I do understand that to back with endless money and military power an involvement in South Vietnam that many officials have admitted for years was a gross mistake 10 years ago, will lead the American people into a war that not even their leaders want to fight.

Ten years ago we recognized that, while French withdrawal from Indochina was bad for us, it was not a war the United States should pick and fight for Western interests. So we embarked upon financial support instead. Yet when financial support was not enough, we began those first steps into military participation that have brought us to the present level of fighting. With each increment in money and then in military force, we told ourselves that this one would do the trick—that this money and this program and these helicopters and these advisers—would be the ones that would finally defeat the Vietcong and enable us to go home.

Not once in 10 years has any of these judgments proved right. The only result has been to increase our ante each time.

How long will it take us to realize that it is our policy that is wrong, and there is no means of implementing it that will make it succeed? Yes, we can drop the "nukes" on China. That will be the culmination of these 10 years of activity in southeast Asia. But what then? Will China disappear? Will communism in Asia disappear with her? No. The result will be more Chinese influence and probably Communist influence than before. Neither do I think containment is a policy that can be said to work against China merely because it had some success against Russia.

Asia is not Europe, and what worked with Russia will not work with China. In Europe, it was not white Americans imposing Western standards and ways upon countries only recently freed from colonialism. In Europe, we helped but we did not have to do the job all alone as we are trying to do in Asia. In Europe, we gained partners as the Marshall plan and then NATO progressed; but in Asia we are losing what few partners we ever had in SEATO.

If we want to try a containment policy toward China we should first set some limits upon China that we can thereafter contain. We never tried to contain Russia on her borders. Her satellites and buffer states were fully established before we began drawing any circle around her, and, in 1956, we recognized that in Hungary she was still acting within her logical sphere of national security interest.

We have never recognized any such sphere of influence for China. We have not been able to recognize even the logical fact that the island nations to the east of the Asian mainland are the natural areas where Chinese expansionism might be forestalled. On the continent of Asia, only the independence of the subcontinent can serve as a counterweight to China. White westerners will no longer be accepted in that role by anyone.

This appropriation of money is but one more step down the road to war in Asia, which is the only end our policy can lead to. It saddens me that it is designed as much to close off further discussion of that policy as anything else.

FUNDS WILL BE SPENT TO VIOLATE 1954 ACCORDS

But it also saddens me that the President, in announcing how it will be spent, has outlined still another whole series of violations of the Geneva accords of 1954 which the United States will commit in the name of enforcing them.

One hundred million will be spent for construction of new airfields and warehouses, which are flatly forbidden by article 18 of the 1954 accord. One hundred and thirty-four million will be for maintenance and day-to-day operations, although the introduction of foreign military personnel beyond the 600 or so we had in the south in 1954 is strictly forbidden by article 16; $270 million will be for weapons and ammunition; and $140 million for additional aircraft, although article 17 of the Geneva accord specifically forbids the introduction of additional weapons other than replacements for those left by the French.

Who is supposed to stop violating the Geneva accords first? Why, we would say, North Vietnam and China. They would say the United States and South Vietnam.

This is 1 year's measure—$700 million plus $500 million more in the foreign aid bill—of how impossible it has been for the United States to enforce alone an international agreement to which it is not even a party. And this was the year the Secretary of Defense told us we would be able to start bringing American troops back home from Vietnam.

Next year the price will be higher, and I predict we will be even further from reaching the President's objectives than we are now.

I can only hope that, despite the vote of confidence sought by the President and which I expect Congress to give him, the public will continue questioning and debating his Asian policy. The wisdom and intelligence of the American people are their last and ultimate check against their own disaster. No President can make the American people stop asking questions, even if he can stop Members of Congress from asking them.

I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. STENNIS. Mr. President, may we have order? Will the Chair ask those who are standing to be seated?

The PRESIDING OFFICER. The Senator from Illinois will discontinue for a moment. All those in the Chamber will please be seated and refrain from conversation. The Senate will be in order. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I listened with great interest to the distinguished Senator from Oregon. I have no doubt that he is earnest, sincere, and completely convinced of the position that he takes. But when the house is afire, it requires the use of the fire hose to extinguish the fire. But even a fire hose is of no consequence unless there is water in the reservoir. And when the President asked us for $700 million, he wanted to be sure that not only now, but in the days ahead, in the weeks ahead, and in the months ahead there will be water in the reservoir in the form of bases, in the form of planes, and in the form of whatever is needed effectively to prosecute the difficulty that exists in Vietnam at the present time.

I do not believe that the President would have asked for $700 million unless it were on the basis of advice he received from the Security Council, the advice he received from General Taylor, and the advice he received from the Joint Chiefs of Staff, because he is not a military man and he does what any President would do. He relies on expert judgment and opinion for the purpose of successfully prosecuting the problem that confronts us in Vietnam at the present time.

We have a duty to support the President; and there are many reasons for it. The first reason is that under no circumstances, with the world so full of fever, with the world so full of aggressive forces that would destroy our system forever, could we do other than to present a thoroughly united front, for when it appears that we have feet of clay and that we are leading from weakness, may the Lord help our country. We know what the aggressive forces are. So I propose to stand up and cast my vote for the President's request, because he is the Commander in Chief of the Armed Forces of this country; and, together with the tactical and strategic experts that he has, it is for him to determine.

I do not know the military background of my distinguished friend from Oregon. I know my own. I was a very humble second lieutenant on the western front in World War I. But I would not pit my vast military mental resource against those who are practiced and trained in the art of warfare, whether it be formal or whether it be guerrilla warfare that confronts us in the Orient. So I wish to see a united front presented on an occasion like this.

I want the word to go out to those who represent us in Vietnam that we back home, on the homefront, are in their corner if they need us. It would be a sorry spectacle, indeed, if word should be sent out this afternoon by shortwave: "You have been let down by the U.S. Senate," as the Senator from Oregon wants us to do. What would that do to the morale of those who are willing to forfeit their lives 12,000 miles from home in the bilge, in the sludge, in the jungles, in all those infested holes? I have been to Vietnam twice, from Hanoi to Haiphong to Saigon, and back again. I know a little something about the country, and I know the difficulty under which young Americans are struggling there this very afternoon. No word of mine will ever impair their morale; no word of mine will get into an international monitoring service to be broadcast on the radio out of Hanoi, as has been done with the words of the Senator from Oregon [Mr. MORSE].

If Senators want to see them, they need only ask the Senator from Pennsylvania [Mr. SCOTT] to show them a copy, which anyone can get if he wants to buy it. It is an amazing thing to listen to excerpts carefully and skillfully excerpted from speeches made on the Senate floor, saying to the Vietcong, "Hold on a little while longer and America will cave in." Is that good for morale in a critical hour like this?

There is another reason. We have said to the humble people of Vietnam and their leaders that we would stand with them. We said we would help to defend their freedom and let them articulate their own destiny. By supporting the Commander in Chief this afternoon, we shall make good on that commitment and that promise.

There is another reason. If the additional money is needed, and if the President thinks it is needed and the Security Council thinks it is needed, I will accept their word, and I do. I merely say, with General MacArthur, "There is no substitute for victory." Can we retreat with good grace? Can we back out? What would happen to the prestige of the United States in every part of the world? It is low enough as it is. To let it sink further and to let the words "paper tiger" finally apply to the United States and make them stick would be the worst thing that could happen in the history of this Republic.

There is no substitute for victory. Our prestige must be maintained, because if there is anything to the appellation that we are the leaders of the free world, what a tragic impairment of that title there will be. We shall be scoffed at.. All the little countries everywhere in the world will be able to say, with some truth, that a little country of 14 million people humbled the greatest country on the face of the earth and made it appear like the old illustration of Toussaint L'Ouverture, in Haiti, who with his ragged troops sent the finest flower of the French Army back in disgrace. Is that what we are bargaining for?

Is there anyone so naive as to believe that the President would ask for $700 million if he did not believe that now or in the foreseeable future, in the interest of victory, these funds for the purposes of bases and procurement would be needed?

There is another reason. There is but one passion on which to rely in our dealings with other nations. It is not love. I am not so naive as to believe that one people with an expansive heart can love another.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. STENNIS. I yield 2 additional minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I am not so naive as to believe that there is any other passion except respect for strength that will restore the position of our country and will ultimately bring victory to our arms in Vietnam, and will also carry out the commitment to keep intact the freedom that was vouchsafed to us with the accord at Geneva in 1954. That is about the whole situation.

I dislike to inject this note, but on the 7th of February the Communist Party of Illinois met in Chicago. They sent out the word by telegrams: "Write to your Senators; write to your Representatives. Tell them to insist on sitting down at the negotiation table." What was the word? They said we were "the brutal aggressors" in Vietnam. What an appellation to apply to the country where they were nurtured and gained their sustenance. I do not want to be in that class. I do not ever want it to be said that they finally succeeded in persuading enough people, finally, to relent in our efforts in Vietnam, and then to crow about it and say how they are influencing American policy both at home and abroad, thereby humbling this great Republic. It would be a tragedy of the first order if that should ever happen.

My regret is that the joint resolution, perforce, probably will not carry by a unanimous vote of the Senate. I recognize fully the right of my distinguished friend from Oregon [Mr. MORSE] to say what he wants about the joint resolution, but I do not share his views.

Mr. MORSE. Mr. President, I yield myself 2 minutes.

We have heard it, now, from within the Senate, as well as from within the White House: "Criticize the warmaking policy of this administration, and you aid and abet Communists." That is the smear.

Let me say on the floor of the Senate that a person who does not believe in the unjustifiable war of Johnson in South Vietnam has the duty to take the facts as he sees them to the American people. But I say to my friend from Illinois [Mr. DIRKSEN]: "I would be perfectly willing to let those thousands of GI's determine whether that war ought to be conducted, by way of a referendum in South Vietnam and North Vietnam." I, too, have received their communications; I have listened to some of the tapes that had to be smuggled out of South Vietnam by war correspondents because of the policy of this administration to deny freedom of the press in South Vietnam. We have had presented to us the spectacle of an administration that really has sought to censor a free press in South Vietnam.

Thousands of our soldiers want to know what they are doing in South Vietnam. Those who want to keep them there ought to offer themselves as substitutes for the boys who want to know why they are over there, and should go over and do the dying for them. That ought to be the policy of those who are so desirous of keeping the boys in South Vietnam in an undeclared war.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. I yield myself an additional minute.

Until there is a declaration of war, this voice will not be silenced by the Senator from Illinois [Mr. Dirksen], the President of the United States, the Communist Party of Illinois, by Hanoi or Peiping or any other force, because I do not yield to the Senator from Illinois or to the President in my devotion to my country. My patriotic duty is to try to do what I can to help lead my President into an honorable negotiated settlement, by asking him and pleading with him to return to our obligations under signed treaties, to stop violating the Geneva accords to stop violating the United Nations Charter, and to stop carrying on what is, in my judgment, a war outside the Constitution of the United States.

I ask unanimous consent that at the conclusion of these remarks there be printed the article "War With China?" by Prof. Hans Morganthau from the April 3 issue of the New Republic; a telegram from Congressman Don Edwards, chairman of Americans for Democratic Action; and an editorial from the May 5 St. Louis Post-Dispatch entitled, "A Crying Need for Debate."

There being no objection, the articles and telegram were ordered to be printed in the Record, as follows:

[From the New Republic, Apr. 3, 1965]

War With China?

(By Hans J. Morgenthau)

It illuminates the many misunderstandings that beset our Vietnam policy that in order to criticize that policy in public one has first to justify one's right to do so. The President himself has declared such criticism to be unhelpful and even damaging. A former President has supported him, and many eminent men interviewed on television and elsewhere have at least implied that to support these policies was the only decent thing to do under the circumstances. This position is incompatible both with the principles of democracy and the requirements of sound policy formation.

The Constitution assigns to Congress the right to declare war. How can Congress discharge this function if its Members and the citizens who have elected them are precluded from discussing the merits of the issues which might lead to war? The Constitution implies that Congress has a choice in the matter of war. How can it make that choice if neither it nor the people it represents have the right to debate the issues? To say that the most momentous issues a nation must face cannot be openly and critically discussed is really tantamount to saying that democratic debate and decision do not apply to the questions of life and death and that, as far as they are concerned, the people have given carte blanche to one man.

Not only is this position at odds with the principles of democracy, but it also removes a very important corrective for governmental misjudgment. Would Great Britain have been better off if in the months preceding and following the outbreak of the Second World War Churchill had kept quiet and rallied behind Chamberlain, however disastrous he thought his policies to be? The Chamberlain government was driven out of office in the midst of war; was it the duty of the opposition to keep quiet and rally behind it? Should the German Reichstag have kept silent in 1917 instead of passing a resolution asking for a peace with annexations? The German Government of the day indeed thought so, but history showed that the parliamentary opposition had better judgment that the Government. In the years preceding Pearl Harbor, this country engaged in a great debate about the best foreign policy to follow. Did the country not benefit from this clarification of the issues and was its later unity not in good measure founded upon it?

Two main arguments are advanced in favor of the proposition that the people should rally behind the President and not criticize his Vietnamese policies. One is that only the President has all the facts and therefore only he has the right to judge. The truth is that nobody has all the facts and nobody needs them all. What both the President and his critics need and have are the relevant facts, and what they need more than anything else is sound judgment. No one man can have a monopoly of that judgment. More particularly, the President cannot have it under present conditions.

It must be obvious to anyone who is acquainted with the President's principal advisers that the most powerful advice he gets seeks the extension of the war, and that it is hardly anything more than his innate good sense that has thus far prevented these advisers from carrying the day completely. The President ought to welcome, rather than regret, those voices from Congress and the public at large which give arguments and support to his sound instinct. The President would no doubt have personally an easier time of it, but only in the short run, if his Vietnamese policies were not exposed to criticism. Yet what the President must seek is not the convenience of one day but the approbation of history for all time to come. President Johnson is as conscious of his historic mission and of his place in history as any of his predecessors. Why, then, does he in this instance not practice what he knows to be right?

The answer to this question is to be found in the other argument in favor of silently rallying behind the President. It is the conception of consensus. Certainly the political health of the Nation and the effectiveness of government are greatly enhanced when the policies of the government are supported by the great mass of the people. But consensus is a means to an end, not an end in itself. Here is one of the differences between a totalitarian and a democratic society. In the former, disent is a moral vice and a political crime by definition and, conversely, consensus is the ultimate good. In a democracy, the ultimate standard is the soundness of policy for the support of which popular consensus is sought.

The democratic statesman is faced with an inevitable dilemma if he cannot get popular support for the sound policies he would like to pursue. He will choose the easy disastrous way out if he sacrifices sound policies on the altar of a fleeting popularity. If he chooses to pursue the policies he deems to be right against the opposition of the popular consensus, he must seek to change the consensus in favor of his policies in order to be able to pursue them. Doing this, he risks domestic political failure, but if he succeeds domestically, he will gain the immortality of a great statesman.

George Washington knew how to resolve this dilemma of democratic statesmanship. He proclaimed the neutrality of the United States in the War of the First Coalition against revolutionary France in 1793, while the popular consensus fervently wanted him to join France in that war. For weeks, crowds roamed the streets of Philadelphia clamoring for Washington's head, and John Marshall reports in his biography of Washington that if a motion for Washington's impeachment had not been tabled in Congress, it would have passed with an overwhelming majority. Yet if Washington had made consensus the ultimate yardstick of his policy, he would have gone down in history as the wrecker, not the father, of his country.

TWO DIFFERENT ANSWERS

A critical assessment of our involvement in Vietnam must start with the question, Why are we involved in Vietnam? Spokesmen for our Government have given two different answers. One answer is implicit in the Secretary of State's often repeated statement that our military mission in Vietnam will end when North Vietnam leaves its neighbor alone. In other words, we are in Vietnam in order to protect the independence of a sovereign state. Once that sovereignty is assured we can go home. It follows from this position that we would not presume to control the way in which that sovereignty might be exercised. If, for instance, the Vietcong should take over the Government in Saigon without support from the North or if a South Vietnamese Government should come to an understanding with the North through which the country would be united under Ho Chi Minh, we would not intervene.

The other answer to our question has been most clearly formulated by the Secretary of Defense when he said on February 18 that "the choice is not simply whether to continue our efforts to keep South Vietnam free and independent but, rather, whether to continue our struggle to halt Communist expansion in Asia." It is the same answer Senator Dodd has given at length in his Senate speech of February 23. This answer is tantamount to saying that we shall oppose communism in South Vietnam or wherever else we find it in Asia, by military means if necessary. In other words, we shall contain communism in Asia, as we have contained it in Europe. Other official spokesmen, such as Under Secretary of State Ball, in his speech of March 16, have expressed the same thought less concisely by defining our mission in Asia as the defense of "freedom," that is, of non-Communist governments, against communism.

It is obvious that these two positions are irreconcilable. For if one takes the Secretary of State at his word, then we are engaged in a limited undertaking which could be liquidated through a negotiated settlement without too much difficulty. If Hanoi made a gesture toward noninterference in the affairs of South Vietnam, we could find a formula which would allow us to disengage ourselves from South Vietnam. If, on the other hand, one takes the Secretary of Defense at his word, then we are engaged in a global crusade against communism which we must fight wherever we find it. Consequently, there is no possibility for a negotiated settlement, and we shall stay in South Vietnam as long as communism threatens to expand in Asia, that is, indefinitely.

There can be no doubt, on the basis of external and internal evidence, that the position of the Secretary of Defense is at present in the ascendancy in our Government. It is with that position, therefore, that I am here concerned. I am emphatically opposed to it on two grounds: because of the intellectual errors from which it derives, and because of its likely consequences.

The intellectual errors of that position are two: misunderstanding of the nature of contemporary communism; misunderstanding of the policy of containment.

We are in Asia in order to contain communism. But what do we mean by communism? To answer that question we must take a critical look at the two equations that provide the implicit foundation for our Asian policies. On the one hand, we have equated communism with the power of China; on the other hand, we have equated communism anywhere in Asia with Chinese communism. Yet what has been true of the Soviet Union in Europe has proved to be true also of China in Asia: that the basic direction of her policies is determined primarily by her traditional national interests, and that communism only adds a new dynamic dimension to the means by which those policies are to be achieved. In other words, the fundamental fact in Asia is not that China has a Communist government but that she has resumed her traditional role as the predominant power in Asia. That that power has been restored under Communist auspices is the only relevant fact for our anti-Communist crusaders. Yet it is but of secondary importance to the nations of Asia which, from Japan to Pakistan, behold with awe and admiration the new Chinese power and try to come to terms with it.

The identification of Asian with Chinese communism is similarly the result of the crusading opposition to communism as a political philosophy and a way of life. Such identification is justified in philosophy and ethics, but it has no place in foreign policy. For it is an obvious fact of experience that in the conduct of our foreign policy we are faced not with one monolithic communism, but with a number of different communisms whose character is determined by the character and the interests of the particular nation embracing it. Thus we find in Asia, as elsewhere, different kinds of communism whose relations to China and the Soviet Union range all the way from complete independence to complete subservience. To treat all these communisms alike on the assumption that they are all equally subservient to either China or the Soviet Union or to both is the height of doctrinaire folly. In its intellectual debility, it is no different from the doctrinaire excesses of a vulgar Marxism which sees the capitalistic world as a monolithic monster bent upon the destruction of communism.

Not only is such an attitude of indiscriminate hostility intellectually untenable, but it also precludes any possibility at diplomatic maneuver, subtle bargaining, and tolerable accommodation. In other words, it renders impossible the conduct of a foreign policy worthy of the name. One only needs to consider in the light of such opportunities for creative diplomacy the present relations among the United States, the Soviet Union, China, North and South Vietnam in order to see how self-defeating this doctrinaire crusading attitude toward communism is. Instead of bombing North Vietnam because we don't know what else to do, we would at least have a chance at bending the situation in southeast Asia to our rationally defined interests if the President were advised by a Richelieu, a Talleyrand, a Bismarck or—why go abroad?—a Hamilton.

FOREIGN POLICY CURSE

Alas, the President of the United States has no such advisers. Instead, he is advised to continue our struggle to halt Communist expansion in Asia, regardless of its character, its aims, its relevance to the interests of the United States. For such simple-minded conception of the enemy, the complexities and subtleties of diplomatic maneuver hold no promise. It needs an instrument as simple, indiscriminate, and crude as itself, and it has found such an instrument in the policy of the peripheral military containment of China. Here we are in the presence of the other intellectual error that dominates our Asian policy.

It seems to have been the curse of our foreign policy since the end of the Second World War that it has become the victim of its own successes. The Marshall plan was eminently successful in Europe, and so we have fashioned a global policy of foreign aid on the assumptions of the Marshall plan. The policy of containment was eminently successful in Europe, and so we have extended it to the rest of the globe.

Yet the factors which made the policy of containment a success in Europe are present nowhere else and least of all in Asia. First, a line could be drawn across the European Continent which clearly delimits the Western borders of the Soviet Empire. Second, two armies face each other across that line of demarcation, which is guaranteed symbolically by the presence of American troops and actually by the nuclear power of the United States to which the Soviet Union is vulnerable. Third, to the west of that boundary there lies an ancient civilization which was but temporarily in disarray and proved itself capable of containing Communist subversion. These factors add up to a threat which is primarily military in nature and to be countered primarily by military means. None of these factors is present in Asia.

The threat here is not primarily military but political in nature. Weak governments and societies are exposed to Communist subversion, which may or may not be an extension of Chinese power, as Chinese power may or may not be carried abroad by communism. Military containment has no bearing upon such a threat. Thus SEATO has been irrelevant to the expansion of Chinese influence into Indonesia and Pakistan. More particularly, China can, in the present state of her development, be hurt but not destroyed by nuclear weapons.

But even if the threat emanating from China were primarily military in nature, it could not be contained through the defense of accidentally selected local outposts at the periphery of China. For since the ascendancy of China in Asia is due primarily to its cultural and political predominance, it is futile to think that one can contain that predominance by militarily defending South Vietnam or Thailand. That Chinese predominance is as much a fact of life as is American predominance in the Western Hemisphere, and our attempts to contain Chinese predominance in Asia through local military operations is about as sensible as would be China's trying to contain the American predominance in the Western Hemisphere by committing her military forces in defense of one or the other of the Latin American countries.

Whoever wants to contain American predominance in the Western Hemisphere must strike at the very sources of American power; he must destroy that power itself. The same conclusion applies to the containment of China. Thus the policy of the peripheral military containment of China leads with logical necessity to war with China. Such a war cannot be fought with even a remote chance for success from the air and the sea; it must be fought and won where the sources of Chinese power lie, that is, on land. It must be fought as Japan tried to fight it, from 1932 to 1945, without ever coming close to winning it.

It is beside the point that all our leaders, past and present, even those who have deemed a war with China inevitable, have recoiled from the idea of sending millions of American soldiers to the mainland of Asia to fight. President Eisenhower said on February 10, 1954, that he "could conceive of no greater tragedy than for the United States to become involved in an all-out war in Indochina," and General MacArthur, in the congressional hearings concerning his dismissal and in personal conversation with President Kennedy, emphatically warned against sending American soldiers to the Asian mainland to fight China. We are here concerned not with the intentions of statesmen but with the inevitable consequences of their policies. None of the statesmen who made the fateful decisions in July and August 1914, could have looked back in November 1918, on the European scene and said, "I planned it that way." Yet what happened in Europe during the First World War was the inevitable result of what statesmen decided at its beginning, without wanting or even imagining the consequences. As Mephistopheles said to Faust: "At the first step you are free, at the second you are a slave."

In Vietnam today, we are in the process of taking that fateful first step. At the moment of this writing, at least, our policy is still ambiguous. On the one hand, it seeks to create a position of strength from which to negotiate. There is an ominous similarity between this attempt to fashion somehow out of the wreckage of a lost war a favoraable negotiating position, and the French policies leading to the surrender at Dienbienphu. General Navarre's last offensive also sought to establish favorable conditions for a negotiated French withdrawal, and the concentration of the French forces in strong points like Dienbienphu was to serve the protection of those armed forces from uncontrollable guerrilla actions. Is Danang destined to become the American Dienbienphu? And if it is, shall we follow the French example and withdraw, or shall we go forward until we encounter China? It is here that the ambiguity of our present policy comes into play.

The extension of the war into North Vietnam can be interpreted as an attempt to create in Hanoi the psychological precondition for a negotiated settlement. But it can also be interpreted as an attempt to change the fortunes of war in South Vietnam by rupturing the assumed causal nexus between the policies of Hanoi and the victories of the Vietcong. This causal nexus is a delusion, which has been given the very flimsy appearance of fact through the white paper of February 28. A policy derived from such a delusion is bound to fail. Yet when it has failed and when failure approaches catastrophe, it would be consistent in terms of that delusionary logic to extend the war still farther. Today, we are holding Hanoi responsible for the Vietcong; tomorrow we might hold Peiping responsible for Hanoi. "At the first step you are free, at the second you are a slave."

To call attention to these implications of our present policies has nothing to do with pacifism, isolationism, appeasement, and softness on communism. The difference between calling attention to these implications now, when we have still the freedom of choice, and of stumbling unawares deeper and deeper into a morass from which there is no retreat, is the difference between prudence and recklessness; between a rational, discriminating understanding of the heirarchy of national interests and the power available for their support, and a doctrinaire emotionalism which drowns all vital distinctions in the fervor of the anti-Communist crusade.

France owes more to Mendès-France who liquidated the Indochinese War, and to De Gaulle who stopped the fighting in Algeria, than to those who wanted to continue fighting without regard for the limits of their country's interests and power. Those few who warned Athens against the Sicilian expedition, which was to become the grave of Athens' greatness, were better patriots than its promoters. To point to the likely consequences of present policy is, then, not only a right, which ought not to require apologetic assertion, but it is also a duty, burdensome yet inescapable.

[From the St. Louis Post-Dispatch, May 5, 1965]

A Crying Need for Debate

President Johnson's request for $700 million more to prosecute his military adventures in Vietnam and the Dominican Republic ought not to be approved by Congress without thorough and extended debate.

The President concedes that he does not need the appropriation to prosecute his two armed excursions; he has ample authority to transfer already appropriated funds to meet any emergency needs. He wants a new appropriation solely to demonstrate "a firm and irrevocable commitment" behind his policies in Asia and the Caribbean. In other words, he is using a political bludgeon to halt debate and criticism of those policies.

We do not doubt that the appropriation can be blackjacked through Congress. But, for once, the legislative branch which so frequently complains of executive usurpation should firmly insist on its duty to examine carefully what it is the Nation is asked to support with "a firm and irrevocable commitment."

Men like Senators FULBRIGHT, of Arkansas; MANSFIELD, of Montana; CLARK, of Pennsylvania; MORSE, of Oregon; NELSON, of Wisconsin, MCGOVERN, of South Dakota, CHURCH, of Idaho; AIKEN, of Vermont—all of these Senators and others who have shown the independence to do their own thinking on foreign policy and the courage to differ with the President now ought to stand up and be counted.

It is essential that the American people understand what is at stake in a foreign policy that comes closer to the triggerhappy philosophy of Barry Goldwater than to the principles which Lyndon Johnson proclaimed when he won the peoples' votes last November. A calm and rational Senate debate would contribute to that public understanding; whooping the appropriation through in a surge of follow-the-leader emotion would betray the constitutional responsibilities of Congress.

Do the American people really want to use armed power for the purpose of dictating internal politics in any country anywhere in the world? Do they really believe it is our mission to intervene with force in any domestic revolution which our leadership unilaterally proclaims to be "undesirable"?

These questions are posed in their sharpest form when armed intervention takes place simultaneously in the Caribbean and in Vietnam, 12,000 miles away. It can be argued that our national security is closely engaged in the Caribbean and we have a special interest there which justifies the President's policy. In that case, what justifies the same policy in Vietnam? If the United States has the right to say what kind of governments shall exist in the Caribbean, why does not China have the same right as regards Southeast Asia?

Some Americans hold that the doctrine of great-power spheres of influence warrants some such trade as that. We disagree. A nation does have the right to take action against overt military threats against its homeland. That is why President Kennedy was justified in threatening force to get Soviet missiles out of Cuba. But it is quite another thing to say that we also have the right to decide what kind of governments our neighbors can establish. Whether or not hostile governments shall exist (Communist or otherwise) is not a question for us to determine, even in our "sphere of influence"—least of all when we have signed an inter-American treaty explicitly forbidding unilateral intervention.

Such questions as these cry out for a comprehensive Senate review of the dangerous road President Johnson is traveling. Failure to debate his appropriation request fully and deeply would be an inexcusable dereliction of duty.

WASHINGTON, D.C.
May 6, 1965.

Hon. WAYNE MORSE,
Old Senate Office Building,
Washington, D.C.:

Americans for Democratic Action supports your efforts opposing President's $700 million request for Vietnam. Such funds represent unnecessary authorization and constitute ratification by Senate of expanded conflict which may bring wider war. ADA believes time is right now for full discussion of war in Vietnam in open foreign policy committee hearings before further steps are taken.

Representative DON EDWARDS,
Chairman, Americans for Democratic Action.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, I fully support the President's request for additional funds for the Vietnam fight against Communist aggression and terror. I hope all Americans will support the President. Communism can be stopped in southeast Asia, and stopping communism now will preserve the peace of the world for the future.

It had been my fear for several months that the present defense budget, and the budget planned for the next fiscal year, provided insufficient funds to support American commitments against increasing Communist pressures. I was pleased that this year both the House and the Senate Armed Services Committees authorized increases in the budgets prepared by the Defense Department.

There was a particular concern that attrition of our attack planes and helicopters could not adequately be compensated for under funds originally budgeted, and I think the President and the Nation have made a wise choice in providing additional money to insure that we are not caught short in the face of present and future Red moves.

For the sake of future peace, we resist tyranny today, and for the sake of future peace, I support our President in the actions he has thus far taken to thwart communism's advance.

As a very frequent and severe critic of Lyndon Baines Johnson, I am proud to rally around and support my President in bringing an end to Communist encroachment in this world. I fervently hope that the Senate will give a resounding endorsement to the President's request.

Mr. STENNIS. Mr. President, I yield 5 minutes to the senior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. SALTONSTALL. Mr. President, we are faced with a realistic but a simple fact. Our troops are in South Vietnam and we must supply them.

As a senior representative on the Armed Services Committee, and a senior representative on the Appropriations Defense Subcommittee, I support the additional request of the President.

I have talked with the Secretary of Defense. I have listened to the testimony of General Wheeler, Chairman of the Joint Chiefs of Staff. I have talked with the Under Secretary of Defense.

Our armed services need this appropriation to build up the safety, comfort, and security of our men in South Vietnam, to supply them with American airplanes, and maintain them with food and supplies.

We hope and pray that there may be negotiations that will lead to the end of the conflict in southeast Asia. But, until this comes about, we must see to it that our soldiers, sailors, and aviators are supplied. That is what this appropriation would help to do. Let us pass it overwhelmingly.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. SIMPSON. Mr. President, I should like to add my comments to those of Senators who support the President in his request for an appropriation of $700 million to bolster our efforts to win the war in Vietnam.

I wholeheartedly applaud the forthrightness of our President in the sending of additional U.S. troops to Vietnam and for his courage in committing military personnel to the Communist-controlled revolution in the Dominican Republic.

As I see the facts, there is a relationship between the war and the revolution. Although separated by half the world, they both reflect continuing efforts to implement communism's plan for world conquest. Regardless of whether or not the Dominican revolution could be termed a well-planned effort by Fidel Castro to involve the United States in a second front and take her eyes and efforts from Vietnam, there can be little doubt that the Dominican revolution represents in itself a profoundly serious challenge to the freedom and security of the Western Hemisphere.

Much was said on the floor of the Senate some 2 years ago about that celebrated doctrine articulated by President Monroe. The death of the Monroe Doctrine was toasted in many capitals, while a number of Senators, myself included, were pointing out that the doctrine was never law or a treaty, but only the announced and enforced policy of Presidents of the United States. Its strength and credibility were only as great as the strength and credibility of the American President. In his hands the doctrine was either sterile, an anachronism, or an instrument of policy.

In the Dominican crisis I believe we have seen verified the assertion that the doctrine was never dead, only dormant. In the American response to the Communist takeover of the Dominican revolution, we see the apparent determination of the United States to breathe life back into what has been historically the cornerstone of hemispheric foreign policy.

In regard to the Dominican crisis, I ask unanimous consent that an editorial from the May 2 Casper, Wyo., Star-Tribune be printed in the CONGRESSIONAL RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. Mr. President, we are concerned primarily with the war in Vietnam, for it is to southeast Asia that the moneys appropriated today by the Congress will be sent.

One distinguished columnist has described Vietnam as the wrong war at the wrong place at the wrong time. Admittedly, there could have been since 1945 a more propitous time in which to challenge Communist expansion. The independence and autonomy of the free world have been challenged repeatedly by the Moscow- and Peiping-based philosophies that are determined to conquer the world by the convenient process of "wars of liberation," subterfuge, assassination, and all of the little clandestine ploys that fall short of war in the classic sense. We could and should have made a stand in Cuba, but we did not and we are paying in Santo Domingo the price of our indecision.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield the Senator one-half minute.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for one-half minute.

Mr. SIMPSON. Mr. President, the war in Vietnam—the war in which aggressors from the north have crossed over a recognized international boundary to attack a state in the south—has become the arena in which the reliability of American resolution and the credibility of Communist revolution are met and joined in battle. Every principle with which the United States has identified itself in the nearly 200 years of its existence, and every solemn commitment to stand at the defense of an ally and a friend is at stake in Vietnam. But even more important are the simple but vital lessons of history which suggest that aggression unchecked feeds upon aggression, that little wars beget big wars if they are not stopped before they can burgeon, and that a big war in this era of nuclear weaponry and pushbutton tactics could produce a disaster of immeasurable proportions.

If we fail to fight in Vietnam and if the Congress, Republicans and Democrats alike, fails to give the President its unequivocal support in the prosecution of this "dirty little war," the day may come when we must fight a powerful and rapacious nation peopled by one-fifth of the world's population. We will then be fighting that nation when its military superiority in relation to ours is far in excess of that ratio today. We may have to fight that nation when this schism between it and its competitor for power in the Communist camp has been bridged. We may then face a Communist phalanx extending from Siberia, to Stettin, to Indonesia, while behind us poises the most heavily fortified island in the world, Cuba, ready to pummel us from behind with the Soviet-supplied weaponry which today makes that island the second most powerful military force in the Western Hemisphere.

The war in which we are engaged today in southeast Asia can be considered a preemptive conflict. It is an alternative. It may prove to be the only alternative we have to engaging mainland China in open hostilities. It is notice to the Communist camp that the days are gone in which America acquiesced meekly in communism's quiet conquest of nations.

If we fight and win in Vietnam, we may not have to fight and win in China. If we fight and lose in Vietnam, or if we negotiate and lose, we will have given the green light to Communist expansion on at least two continents and signaled the end of what during the past few months has been a clear sign to international communism that "you have gone this far, but you may go no farther."

I believe no more prophetic or topical utterance can be found to put the war in Vietnam in perspective than the words of Winston Churchill:

> Still, if you will not fight for the right when you can easily win without bloodshed; if you will not fight when your victory will be sure and not too costly; you may come to the moment when you will have to fight with all the odds against you and only a precarious chance of survival. There may even be a worse case. You may have to fight when there is no hope of victory, because it is better to perish than to live as slaves.

EXHIBIT 1

[From the Casper (Wyo.) Star-Tribune, May 2, 1965]

DOMINICAN CRISIS

The right and the duty of the United States to protect its nationals anywhere in the world should be recognized. The action in sending marines to the Dominican Republic is in an American tradition which unfortunately has become somewhat faded in recent years.

With the current international political philosophy that has become so rampant, it is not surprising that there should be loud protests by demonstrators in a number of Latin American countries. Any strong action taken by the United States leads to the cry of Yankee imperialism and aggression.

Whether the United States has either the obligation or the justification to shore up a particular government, is another question, but in this instance there appears to be ample evidence that the rebellion has been engineered by Communists trained in Cuba and Czechoslovakia. The American record in its dealing with the Cuban situation has left much to be desired. The quick and firm action in regard to the Dominican Republic should restore some badly needed prestige in the Western Hemisphere.

Venezuela's accusation that the United States has violated the Charter of the Organization of American States may have some technical validity. There are times, however, when it is not the part of wisdom to wait on technicalities.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, it is clear that the Nation is committed. Perhaps some of us do not like it to be that way. Nevertheless, this country is committed to defending South Vietnam against aggression.

Speeches delivered on this floor and votes which would suggest that this Nation should get out of Vietnam at a time when we are fighting to defend that which we are committed to defend contribute to the Communist notion that they can put pressure upon us, and that if they continue their campaign of assassination and terror and step it up, America will pull out.

The only successful measure that we have managed to develop by which to stop Communist aggression is a show of strength. I hope that we will show that strength here today.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the only question before the Senate today is whether we shall grant the request of the President of the United States and appropriate $700 million.

Whether we should have become a party to SEATO in the first place is subject to debate. Whether we should have committed our boys in Vietnam at anytime is subject to debate. Whether we should negotiate at this time is subject to debate. However, what is not subject to debate is that while thousands of our boys are committed in that area of the world, we in the United States owe them all our support. That is why the $700 million is being requested. That is the reason why we should vote for the joint resolution this afternoon.

I hope and pray that there would not be one single vote in opposition to prove to the rest of the world that America is behind her boys 100 percent, without equivocation, without reservation, and without question.

Mr. STENNIS. Mr. President, I yield 2 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, the Senate is about to vote on the pending measure. As majority leader, I shall vote in favor of it. It will pass overwhelmingly. But let no one misunderstand this vote.

There is not one Senator who does not regret, with the President, the necessity for it. There is not a Senator who would not prefer, with the President, that a decent peace might be achieved quickly in Vietnam. But we will vote for this measure because there is not one Member of this body who does not desire to uphold the President and those who are risking their lives in seeking to carry out the policies of this Government. Even Senators who vote against this measure do so out of a sincere conviction that it is the best way to help him. And let no one question the sincerity of the motives, the beliefs, and the patriotism of any Member of this body, regardless of how he may vote.

This request for funds has come to us from the President on the basis of his belief that the action we are about to take is necessary for the effective conduct of the policies and defense of the United States.

That is his decision. No man can share that decision with him. It is his responsibility and his burden. All we can do is to give him as much support as we are able to give.

He wants this support, and he shall have it.

Mr. MORSE. Mr. President, I yield myself 5 minutes under the arrangement which I have with my good friend, the Senator from Mississippi, that he take 5 minutes and I take the remaining 5 minutes.

The issue before the Senate this afternoon is not the issue of a bill involving $700 million to be made available for the war in Asia. The $700 million is not needed. The President's lips have told the country so.

The boys in South Vietnam now have the best equipment which this Republic can supply. They have adequate resources to get all the additional equipment they need as of now. The President himself has told the American people that he has the authority without even coming to Congress to provide the funds with which to supply the equipment.

Let us face the issue. What the President is doing is using this resolution calling for $700 million to supply funds which he can use—which he does not need because he already has access to the funds—as the vehicle for obtaining a vote of confidence from the Congress of the United States for his policies in Vietnam.

That is the issue. In my judgment, we cannot justify giving him that vote until the President himself makes some drastic changes in his policy.

I recapitulate the position I have taken on this floor for a year and a half. This is a position which the voice of the Senator from Oregon has been pleading for across the country, as he has on the floor of the Senate. I want to pay my great respects to my great teacher, the Senator from Alaska [Mr. GRUENING], for he and I have stood up against the opposition to this policy as Members of Congress have rubberstamped the action of the President in an illegal war in Asia, as they have rubberstamped his action in violating the constitutional responsibility that rests upon the President in conducting a war without a declaration of war.

That is the first change in Presidential policy I shall continue to plead for across the land. There are millions of Americans who agree with me. There is not a Senator who does not have thousands of constituents who agree with the Senator from Alaska and the Senator from Oregon.

The first thing the President ought to do is ask for a declaration of war against Vietnam. That is the only place I know of to be cited as a place making war against the United States.

I answer those who ask me the $64 question, the smearists who would like to topple me, that if the President asked for a declaration of war tomorrow, I would vote against it. In my judgment, we cannot justify a declaration of war until our country has tried to keep its international commitments.

That is the second thing the President should do. He should live up to the signing by our country of the United Nations Charter. The day is long past when that should have been done. It should be done when a threat to peace occurs in any area of the world. It should have been done when the violation of the Geneva accords began, which accords we did not sign, and which we induced our puppet, Ngo Dinh Diem not to sign. That question should have been laid before the United Nations. Every nation that signed the United Nations Charter also stands with the United States in violation of that charter.

Mr. President, have we forgotten San Francisco? Have we forgotten the pleas of Roosevelt, Vandenberg, and Truman? Have we forgotten the dark days of this Republic when, on the floor of the Senate, we voted to confirm or ratify that Charter, by which we pledged to the world that we stood for the substitution of the rule of law for the jungle law of military power? We stand in violation of that pledge.

I shall continue to oppose this illegal action. The President should ask for a declaration of war. If it is presented, I will vote on the basis of the facts at the time it is presented, but once it is declared I shall then be silent and stand in unity behind the President.

I want my President to get behind the framework of the Constitution and the framework of the United Nations Charter.

Mr. STENNIS. Mr. President, I yield myself such time as I may have remaining.

I speak with the greatest deference to every Senator who is opposed to this bill. I know they do so in the greatest of good faith. I have listened to every word of this debate. I have heard mention of President Eisenhower, Former Secretary of State Dulles, and President Johnson. This is not a question of whether President Eisenhower, Former Secretary Dulles, or President Johnson is or was right or wrong. The only question is, Are we going to give the men who we have already sent off to do jungle battle the tools with which to fight? That is the only question.

This is an appropriation measure. No Senator has attacked the figures in it. No Senator has questioned how the figures were arrived at.

Some question was raised as to the way this measure was rushed through a joint meeting of the Armed Services Committee and the Appropriations Committee. The joint meeting was well attended. We had before us the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. They made their statements. Every Senator present asked questions and was given all the time he requested. I am certain that every single one of them will support the joint resolution when it comes up for passage.

It has been said—and I believe a quotation of the President was used—that we already have the money, that we do not have to pass this joint resolution. I believe that is a fair comment. Something to that effect is in the President's message. But when we get down to the actual figures, in certain categories, the only money available for this fiscal year that can be expended is limited. For example, in military construction there is only $20 million available for reprograming.

There is something like $30 to $50 million that can now be made available by transfer for operation and maintenance costs. Already the operations in southeast Asia have almost depleted those funds. Some of our military programs elsewhere are being deferred because of what has happened. Members of the legislative branch have mentioned this and urged that something should be done to set up a fund to use for this purpose.

We can go into the next fiscal year and start depleting those funds, but the day will come—it has already come—when we must do something through special appropriations. That is the only question before us. The purpose of this measure is not to review policy questions. The only question is whether we are going to back up our men with these funds. Combat in this area is expensive. One shot from an antiaircraft gun of 1942 vintage can knock down a $5 million airplane.

I speak with great respect to the Senator from Oregon. I agree that it might be well to have a review of this policy at the proper time. The policy questions involved could be discussed on an appropriate occasion. Perhaps there should be discussions with the President. Perhaps the Foreign Relations Committee should discuss it.

But to refuse to appropriate funds for defense is not the proper way to solve the problem. Barracks must be built. Warehouses must be supplied. We are suffering because of lack of runways and facilities for adequate dispersal of our aircraft.

This money should have been made available before now.

May I mention one thing parenthetically. This is the first military appropriation bill since 1933 that has been considered by this body that has not felt the guiding hand of our good friend the senior Senator from Georgia [Mr. RUSSELL]. I have not talked to him about this bill particularly. I know he is not happy about the current situation in Vietnam. But I know that if he were, he would be standing in the Chamber today with every nerve and every fiber of his body urging that the joint resolution be promptly passed, not only because the money is needed, but also because the message of its enactment will carry around the world—to our people and our friends and to our adversaries. I feel it in the air that he will be back with us soon. I know that will make every Senator happy, as I know it will make him happy.

No one knows what the future holds in store—not the Senator from Mississippi, not the Senator from Oregon—no one knows. No one can give a guarantee of the future.

However, I feel that if the Senate should refuse to pass the joint resolution or even should pass it by less than an overwhelming vote, that it will be notice to the world that the United States is backing up. The only inference from that would be that soon the United States will pull out.

Furthermore, it would be a message to that effect, not only to the American people but also to our adversaries—Red China, Communist China, North Vietnam, and the other nations of the world which are not on our side.

Moreover, it would be a direct message sent by us to our fighting men whom we sent forth to foreign lands, that we are not going to back them up with a sufficient quantity of the tools of war. If the Senate should do that, it would be the first time that this great Government ever sent its men to fight on foreign soil, or to fight on any soil, and then failed to provide the necessary money with which to purchase the tools of war.

God save our Nation from such a day. God save our boys from such a fate.

I hope that the Senate will give overwhelming and quick approval to the pending measure.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. If the Senator from Mississippi will allow me, I believe that in view of the debate yesterday and today, one statement should be made in conclusion and that is, to the best of my knowledge—and I believe I can state this unequivocally—no Member of this body has ever advocated withdrawal.

Mr. STENNIS. I do not believe I said that——

Mr. MANSFIELD. No, no—I know that the Senator from Mississippi did not say that any Senator has advocated withdrawal and I do not wish to imply that he did so. I merely wish the Record clearly to show that no one has suggested at any time during this debate, that any Member of this body has advocated withdrawal.

Mr. STENNIS. Very well. I thank the Senator from Montana.

The PRESIDING OFFICER (Mr. Russell of South Carolina in the chair). The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

On the question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from North Dakota [Mr. Burdick], the Senator from Arkansas [Mr. Fulbright], and the Senator from South Dakota [Mr. McGovern] are absent on official business.

I also announce that the Senator from Connecticut [Mr. Dodd] is absent because of the death of his sister.

I further announce that the Senator from Montana [Mr. Metcalf], the Senator from Georgia [Mr. Russell], the Senator from Florida [Mr. Smathers], and the Senator from Missouri [Mr. Symington] are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. Burdick], the Senator from Connecticut [Mr. Dodd], the Senator from Florida [Mr. Smathers], and the Senator from Missouri [Mr. Symington] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from California [Mr. Kuchel] is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 88, nays 3, as follows:

[No. 64 Leg.]

YEAS—88

Aiken
Allott
Anderson
Bartlett
Bass
Bayh
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Harris
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McIntyre
McNamara
Miller
Mondale
Monroney
Montoya
Morton
Moss
Mundt
Murphy
Muskie
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—3

Gruening
Morse
Nelson

NOT VOTING—9

Burdick
Dodd
Fulbright
Kuchel
McGovern
Metcalf
Russell, Ga.
Smathers
Symington

So the joint resolution (H.J. Res. 447) was passed.

Mr. STENNIS. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. SALTONSTALL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTING RIGHTS ACT OF 1965

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, if Senators will give attention, I should like to query the majority leader with respect to the time for the next vote, so that Senators may be advised.

Mr. MANSFIELD. In view of the unanimous-consent agreement, allocating 2 hours of debate on the Ervin amendment, 1 hour under the control of the distinguished Senator from North Carolina [Mr. Ervin] and the other under the control of the distinguished Senator from Michigan [Mr. Hart], I would anticipate that the Senator from North Carolina would use all of his hour, and that the Senator from Michigan would use a portion of his hour; and my guess would be that the vote on the amendment would be forthcoming between 4 and 5 o'clock.

Mr. GORE. Mr. President, what are the prospects for a vote tomorrow?

Mr. MANSFIELD. Rather thin. I do not know.

Mr. ERVIN. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. ERVIN. I yield myself 30 minutes, or so much thereof as I may use.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, the 15th amendment to the Constitution provides that—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

I would favor a statute providing for the enforcement of the 15th amendment by means which are constitutional and which harmonize with a proper regard for the federal system of government, and which are essentially fair. I cannot vote for the pending bill in its present form because I consider it to be unconstitutional, incompatible with a proper respect for the federal system of government, and inconsistent with the fundamental principles of fairplay. For those reasons I propose my amendment No. 135. That amendment would remove the most serious constitutional objections from the bill and would bring the bill into harmony with a proper respect for the federal system and would introduce the fundamentals of fairplay.

I ask unanimous consent that a copy of my amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

> On page 2, line 8, change the figure 6 to the figure 5.
>
> On pages 4 to 8, both inclusive, strike out sections 4 and 5 in their entirety and insert the following in lieu thereof:
>
> "Sec. 4. When he has reason to believe that any State or political subdivision of a State is engaged in denying or abridging the rights of citizens to vote on account of race or color, the Attorney General may institute an action in the name of the United States in the district court of the United States against such State or political subdivision in the district in which the capital of the State in question is located or in which the political subdivision in question is situated, against such State or political subdivision, alleging that it is engaging in denying or abridging the rights of citizens to vote on account of race or color. Upon demand of the Attorney General, such action shall be tried by a three-judge district court convened in the manner prescribed by Sixty-second Statutes at Large, page 968 (28 U.S.C. 2284). In case the court finds on the trial of such action that the State or political subdivision in question is denying or abridging the rights of citizens to vote on account of race or color, the court shall so adjudge and shall authorize the appointment of examiners by the Civil Service Commission in accordance with sec-

tion 5 to serve for such period of time and in such political subdivisions of such State or such political subdivision as the court shall determine is appropriate to enforce the guaranties of the fifteenth amendment."

On pages 8 and 9, strike out everything from the semicolon on line 22 on page 8 through the word "amendment" on line 11 on page 9, and insert in lieu thereof the following: "or section 4."

On page 19, lines 14 and 15, strike out the words "any declaratory judgment pursuant to section 4."

Renumber sections 6. 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.

Mr. ERVIN. Mr. President, I wish to modify my amendment. Since the yeas and nays have been ordered on the amendment, it will be necessary for me to obtain unanimous consent to do so. I therefore ask unanimous consent that I may modify my amendment by adding at the end of line 17 on page 2 an additional sentence reading as follows:

> It shall be the duty of the judge or judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and discussion thereof, and to cause the case to be in every way expedited.

The PRESIDING OFFICER. Is there objection?

Mr. HART. Mr. President, may I ask the Senator for the substance of his request?

Mr. ERVIN. I was asking unanimous consent to modify my amendment so as to make my amendment No. 135 provide that cases arising under it would be expedited as far as possible.

Mr. HART. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. In brief, my amendment would do the following things:

First, it would eliminate entirely the provisions of the pending bill which contain the so-called triggering device, and would substitute for them a requirement that the Attorney General should go into court, and prove, as a prerequisite to obtaining the appointment of Federal examiners, that a State or a political subdivision of a State was actually violating the 15th amendment by denying or abridging the rights of qualified citizens to vote on the basis of their race or color.

Second, it would give the Attorney General the option of having the case tried in the U.S. district court for the district in which the capital of the State is located or in which the political subdivision is situated, or to call for the appointment of a three-judge court to hear the case.

Third, it would provide that in the event the Attorney General established before the district court or the three-judge court trying the case that a State or political subdivision of a State was actually engaged in denying or abridging the right of qualified citizens to vote on account of race or color, Federal examiners could be appointed by the court and the other provisions of the bill would come into play, subject to one condition; namely, that the Federal examiners should determine the eligibility of persons seeking registration to vote according to the qualifications established by the State.

My amendment, if adopted, would do much to remove from the bill the most substantial objections based upon constitutional grounds and the most substantial objections based upon the disregard of this bill for our Federal system and the most substantial objections based upon the fact that the bill does not observe the essentials of fair play. The constitutional power to prescribe qualifications for voters belongs to the States. That is true because section 2 of article I of the Constitution specifies that those who vote for Representatives in the national House of Representatives shall possess the qualifications of electors of the most numerous branch of the State legislature. The same phraseology is repeated in the 17th amendment, which specifies in exactly the same words the qualifications of those who can vote for Members of the Senate of the United States.

The first section of article II of the Constitution provides that Presidential electors shall be chosen in the manner prescribed by the State legislatures.

The 10th amendment to the Constitution provides that all powers not delegated by the Constitution to the United States or prohibited by it to the States are reserved to the States or to the people of the States.

Every decision of the Supreme Court on the subject has given to these provisions of the Constitution their true meaning, and that is that the States have the constitutional power, expressly so far as Federal elections are concerned and by way of reservations so far as State elections are concerned, to prescribe the qualifications of voters in both Federal and State elections.

This interpretation was placed upon the Constitution by the Supreme Court in a number of cases, notably in the case of *Williams* v. *Mississippi*, 170 U.S. 225, *Guinn* v. *United States*, 238 U.S. 341, and *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45.

The most serious constitutional objection to the bill arises from the fact that the bill undertakes to nullify or suspend the constitutional power of seven States—Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia—to establish and use literacy tests as qualifications for voting in both Federal and State elections.

When the Supreme Court handed down its decision in the Lassiter case, which I have cited, it made the following statement in its opinion:

> Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.
>
> It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards. * * *
>
> The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the Constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot.

Mr. President, I ask unanimous consent that the entire opinion in the Lassiter case be printed at this point in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES—LOUISE LASSITER, APPELLANT, *v.* NORTHAMPTON COUNTY BOARD OF ELECTIONS, 360 U.S. 45 No. 584.—OCTOBER TERM, 1958

(On Appeal From the Supreme Court of North Carolina, June 8, 1959.)

Mr. Justice Douglas delivered the opinion of the Court.

This controversy started in the Federal District Court. Appellant, a Negro citizen of North Carolina, sued to have the literacy test for voters prescribed by that State declared unconstitutional and void. A three-judge court was convened. That court noted that the literacy test was part of a provision of the North Carolina Constitution that also included a grandfather clause. It said that the grandfather clause plainly would be unconstitutional under *Guinn* v. *United States*, 238 U.S. 347. It noted, however, that the North Carolina *statute* which enforced the registration requirements contained in the State constitution had been superseded by a 1957 Act and that the 1957 Act does not contain the grandfather clause or any reference to it. But being uncertain as to the significance of the 1957 Act and deeming it wise to have all administrative remedies under that Act exhausted before the federal court acted, it stayed its action, retaining jurisdiction for a reasonable time to enable appellant to exhaust her administrative remedies and obtain from the State courts an interpretation of the statute in light of the State constitution. (152 F. Supp. 295).

Thereupon the instant case was commenced. It started as an administrative proceeding. Appellant applied for registration as a voter. Her registration was denied by the registrar because she refused to submit to a literacy test as required by the North Carolina statute.[1] She appealed to the County Board of Elections. On the *de novo* hearing before that Board appellant again refused to take the literacy test and she was again denied registration for that reason. She appealed to the Superior Court which sustained the Board against the claim that the requirement of the literacy test violated the Fourteenth, Fifteenth, and Seventeenth Amendments of the Federal Constitution. Preserving her federal questions, she appealed to the North Carolina Supreme Court which affirmed the lower court (248 N.C. 102, 102 S. E. 2d 853). The case came here by appeal (28 U.S.C. § 1257 (2)), and we noted probable jurisdiction (358 U.S. 916).

The literacy test is a part of section 4 of article VI of the North Carolina Constitution. That test is contained in the first sentence of section 4. The second sentence contains a so-called grandfather clause. The entire section 4 reads as follows:

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[1] This act, passed in 1957, provides in sec. 163–28 as follows:

"Every person presenting himself for registration shall be able to read and write any section of the Constitution of North Carolina in the English language. It shall be the duty of each registrar to administer the provisions of this section."

Sections 163–28.1, 163–28.2, and 163–28.3 provide the administrative remedies pursued in this case.

"Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article."

Originally article VI contained in section 5 the following provision:

"That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together."

But the North Carolina Supreme Court in the instant case held that a 1945 amendment to article VI freed it of the indivisibility clause. That amendment rephrased section 1 of article VI to read as follows:

"Every person born in the United States, and every person who has been naturalized, 21 years of age, and possessing the qualifications set out in this article shall be entitled to vote."

That court said that "one of those qualifications" was the literacy test contained in section 4 of article VI; and that the 1945 amendment "had the effect of incorporating and adopting anew the provisions as to the qualifications required of a voter as set out in article VI, freed of the indivisibility clause of the 1902 amendment. And the way was made clear for the General Assembly to act" (248 N.C., at 112).

In 1957 the Legislature rewrote General Statutes 163–28 as we have noted.[2] Prior to that 1957 amendment section 163–28 perpetuated the grandfather clause contained in section 4 of article VI of the Constitution and section 163–32 established a procedure for registration to effectuate it.[3] But the 1957 amendment contained a provision that "All laws and clauses of laws in conflict with this Act are hereby repealed."[4] The federal three-judge court ruled that this 1957 amendment eliminated the grandfather clause from the statute (152 F. Supp., 296).

The Attorney General of North Carolina, in an amicus brief, agrees that the grandfather clause contained in article VI is in conflict with the Fifteenth Amendment. Appellee maintains that the North Carolina Supreme Court ruled that the invalidity of that part of article VI does not impair the remainder of article VI since the 1945 amendment to article VI freed it of its indivisibility clause. Under that view article VI would impose the same literacy test as that imposed by the 1957 statute and neither would be linked with the grandfather clause which, though present in print, is separable from the rest and void. We so read the opinion of the North Carolina Supreme Court.

Appellant argues that that is not the end of the problem presented by the grandfather clause. There is a provision in the General Statutes for permanent registration in some counties.[5] Appellant points out that although the cutoff date in the grandfather clause was December 1, 1908, those who registered before then might still be voting. If they were allowed to vote without taking a literacy test and if appellant were denied the right to vote unless she passed it, members of the white race would receive preferential privileges of the ballot contrary to the command of the 15th amendment. That would be analogous to the problem posed in the classic case of *Yick Wo* v. *Hopkins* (118 U.S. 356), where an ordinance unimpeachable on its face was applied in such a way as to violate the guarantee of equal protection contained in the 14th amendment. But this issue of discrimination in the actual operation of the ballot laws of North Carolina has not been framed in the issues presented for the state court litigation. Cf. *Williams* v. *Mississippi* (170 U.S. 213, 225). So we do not reach it. But we mention it in passing so that it may be clear that nothing we say or do here will prejudice appellant in tendering that issue in the federal proceedings which await the termination of this State court litigation.

We come then to the question whether a State may consistently with the Fourteenth and Seventeenth Amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States, supra,* 366, disposed of the question in a few words, "No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."

The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams* (193 U.S. 621, 633); *Mason* v. *Missouri* (179 U.S. 328, 335) absent of course the discrimination which the Constitution condemns. Article I, section 2 of the Constitution in its provision for the election of members of the House of Representatives and the Seventeenth Amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures." So while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough* (110 U.S. 651, 663–665); *Smith* v. *Allwright* (321 U.S. 649, 661–662)) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic* (313 U.S. 299, 315). While section 2 of the Fourteenth Amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State (except Indians not taxed), speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and constitution of the State." *McPherson* v. *Blacker*, 146 U.S. 1, 39.

We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show.[6] Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. Cf. *Franklin* v. *Harper*, 205 Ga. 779, appeal dismissed 339 U.S. 946. It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage.[7]

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[2] Note 1, supra.

[3] Section 163–32 provided:

"Every person claiming the benefit of section four of article six of the Constitution of North Carolina, as ratified at the general election on the second day of August, one thousand nine hundred, and who shall be entitled to register upon the permanent record for registration provided for under said section four, shall prior to December first, one thousand nine hundred and eight, apply for registration to the officer charged with the registration of voters as prescribed by law in each regular election to be held in the State for members of the General Assembly, and such persons shall take and subscribe before such officer an oath in the following form, viz.:

"I am a citizen of the United States and of the State of North Carolina; I am — years of age. I was on the first day of January, A.D. one thousand eight hundred and sixty-seven, or prior to said date, entitled to vote under the constitution and laws of the state of ————, in which I then resided (or, I am a lineal descendent of ————, who was on January one, one thousand eight hundred and sixty-seven, or prior to that date, entitled to vote under the constitution and laws of the state of ———— wherein he then resided."

[4] N.C. Laws 1957, c. 287, p. 277.

[5] Section 163–31.2 provides:

"In counties having one or more municipalities with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G.S. 163–43, with a full time registration as authorized by G.S. 163–31, such registration shall be a permanent public record of registration and qualification to vote, and the same shall not thereafter be cancelled and a new registration ordered, either by precinct or countywide, unless such registration has been lost or destroyed by theft, fire or other hazard."

[6] World Illiteracy at Mid-Century, Unesco (1957).

[7] Nineteen States, including North Carolina, have some sort of literacy requirement as a prerequisite to eligibility for voting. Five require that the voter be able to read a section of the State or Federal Constitution and write his own name. Arizona Rev. Stat. section 16–101; Cal. Election Code section 220; Del. Code Ann., c. 15, section 1701; Me. Rev. Stat., c. 3, section 2; Mass. Gen. L. Ann., c. 51, section 1. Five require that the elector be able to read and write a section of the Federal or State Constitution. Ala. Code, Tit. 17 section 32; N.H. Rev. Stat. Ann. sections 55:10–55:12; N.C. Gen. Stat. section 163–28; Okla. Stat. Ann., Tit. 26, section 61; S.C. Code section 23–62. Alabama also requires that the voter be of "good character" and "embrace the duties and obligations of citizenship" under the Federal and State Constitutions. Ala. Code, Tit. 17, section 32.

Two States require that the voter be able to read and write English. N.Y. Election Code sec. 150; Ore. Rev. Stat. sec 247.131. Wyoming (Wyo. Comp. Stat. Ann. sec. 31–113) and Connecticut (Conn. Gen. Stat. sec. 9–12) require that the voter read a constitutional provision in English, while Virginia (Va. Code sec. 24–68) requires that the voting application be written in the applicant's hand before the registrar and without aid,

> *Stone* v. *Smith* (159 Mass. 413-414) North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.
>
> Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face. In *Davis* v. *Schnell* (81 F. Supp. 872, aff'd 336 U.S. 933), the test was the citizen's ability to "understand and explain" an article of the Federal Constitution. The legislative setting of that provision and the great discretion it vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot.
>
> Affirmed.

Mr. ERVIN. Mr. President, what I have said makes it as clear as the noonday sun that the States, not Congress, have the power to prescribe qualifications for voters, and that the qualifications which they have the constitutional power to prescribe include the power to prescribe literacy tests.

The bill is based upon the highly peculiar theory that the Constitution of the United States is such a puny instrument that Congress can suspend its provisions for reasons satisfactory to Congress. This is contrary to the very nature of the Constitution and is inconsistent with the purpose for which the Constitution was drawn. It is incompatible with the decisions of the Supreme Court of the United States to the effect that no single provision of the Constitution can be suspended at any time, under any circumstances. That was held in the most graphic form by the Supreme Court in the celebrated case of *Ex parte Milligan*, 4 Wallace (U.S.) 2. I read these words from page 121 of that great opinion:

> No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

That statement was made by the Supreme Court in a case in which an attempt was made to suspend provisions of the Constitution during the troublous days of the War Between the States. In that case, the Supreme Court said that no more pernicious doctrine had been invented by the wit of man than the notion that any provision of the Constitution could be suspended in any of the great exigencies of government.

Despite that decision, and despite the nature of the Constitution and the purposes for which it was drawn, we are witnessing today in Congress an attempt to put into practice what the Court correctly described as the most pernicious doctrine ever invented by the wit of man; that is, the doctrine that the provisions of the Constitution of the United States, giving the States the power to prescribe literacy tests as prerequisites to registration and voting, can be suspended.

It is interesting to note the method which the proponents of the bill adopt to suspend the constitutional powers of 7 States of the Union. How does the bill propose to robe Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia of their constitutional power to establish literacy tests as qualifications for voting? It does so in two ways.

In the first place, it attempts to do so by a bill of attainder and an ex post facto law, which article I, section 9, clause 3 of the Constitution itself declares Congress has no power to pass. I invite the attention of the Senate to 3 great decisions of the Supreme Court of the United States: *Cummings* v. *Missouri*, 4 Wallace (U.S.) 277; *Ex parte Garland*, 4 Wallace (U.S.) 333; and *United States* v. *Lovett*, 321 (U.S.) 303. These cases hold that a bill of attainder within the meaning of article I, section 9, clause 3 of the Constitution is a legislative act which inflicts punishment without a judicial trial. Any deprivation or suspension of a constitutional or legal right or power constitutes punishment under this constitutional provision. Moreover, it makes no difference whether the legislative act declares guilt or assumes guilt, because the ultimate result is the same, and Congress cannot do indirectly what it is forbidden to do directly.

The bill undertakes to declare that 5 States as a whole and certain political subdivisions of 2 other States are guilty of violating the 15th amendment. The bill is designed to effect this condemnation of wrongdoing by a congressional declaration and without a judicial trial.

It then undertakes, on the basis of that legislative assertion, to deprive the States and the political subdivisions of States of their power and right under the Constitution to use literacy tests as qualifications for voting. It does so on the basis of events which occurred in connection with the presidential election of 1964. This being true, the bill is clearly a bill of attainder and an ex post facto law, because it undertakes to impose punishment upon States and subdivisions of States without a judicial trial, on the basis of events which occurred in the past.

The great opinions in the Cummings case, the Garland case, and the Lovett case also set forth these propositions:

An ex post facto law within the meaning of article I, section 9, clause 3 of the Constitution is one which imposes a punishment for an act which was not punishable at the time it was committed; or imposes additional punishment to that then prescribed; or changes the rules of evidence by which less or different testimony is sufficient to convict than was then required.

Although the prohibition of the Constitution to pass an ex post facto law is aimed at criminal cases, it cannot be evaded by giving a civil form to that which is in substance criminal.

(At this point, Mr. JORDAN of North Carolina assumed the chair.)

Mr. ERVIN. The bill constitutes an ex post facto law under each of the tests which these decisions enumerate. It would punish the States and the political subdivisions for events which were not punishable at the time they happened. It would even punish the States and the political subdivisions for something they were not responsible for; namely, the failure of 50 percent of their registered voters to vote. It would impose punishment upon the States and the political subdivisions additional to that prescribed by law at the time of the presidential election of 1964. It would create new rules by which less or different evidence would raise an assumption that the States and the political subdivisions were violating the 15th amendment than that required in 1964.

One great case which should be read by the President of the United States before he signs the bill into law, and which should be read by the 66 Senators who cosponsored the bill before they finally approve it, is one of the cases I cited a moment ago, Cummings against the State of Missouri.

I ask unanimous consent that the entire opinion in the case of Cummings against the State of Missouri be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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suggestion or memoranda. Washington (Wash. Rev. Code sec. 29.07.070) has the requirement that the voter be able to read and speak the English language.

Georgia requires that the voter read intelligibly and write legibly a section of the State or Federal Constitution. If he is physically unable to do so, he may qualify if he can give a reasonable interpretation of a section read to him. An alternative means of qualifying is provided: if one has good character and understands the duties and obligations of citizenship under a republican government, and he can answer correctly 20 or 30 questions listed in the statute (e.g., How does the Constitution of Georgia provide that a county site may be changed? What is treason against the State of Georgia? Who are the solicitor general and the judge of the State Judicial Circuit in which you live?) he is eligible to vote. Geo. Code Ann. secs. 34-117, 34-120.

In Louisiana one qualifies if he can read and write English or his mother tongue, is of good character, and understands the duties and obligations of citizenship under a republican form of government. If he cannot read and write, he can qualify if he can give a reasonable interpretation of a section of the State or Federal Constitution when read to him, and he is attached to the principles of the Federal and State Constitutions. La. Rev. Stat., Tit. 18, sec. 31.

In Mississippi the applicant must be able to read and write a section of the State Constitution and give a reasonable interpretation of it. He must also demonstrate to the registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government. Miss. Code Ann. sec. 3213.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

CUMMINGS *v.* THE STATE OF MISSOURI

SYLLABUS

1. Under the form of creating a qualification or attaching a condition, the States cannot in effect inflict a punishment for a past act which was not punishable at the time it was committed.

2. Deprivation or suspension of any civil rights for past conduct is punishment for such conduct.

3. A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution bills of attainder include bills of pains and penalties.

4. These bills, though generally directed against individuals by name, may be directed against a whole class, and they may inflict punishment absolutely, or may inflict it conditionally.

5. The clauses of the second article of the constitution of Missouri (set forth at length in the statement of the case, infra, pp. 279–281), which require priests and clergymen, in order that they may continue in the exercise of their professions, and be allowed to preach and teach, to take and subscribe an oath that they have not committed certain designated acts, some of which were at the time offenses with heavy penalties attached, and some of which were at the time acts innocent in themselves, constitute a bill of attainder within the meaning of the provision in the Federal Constitution prohibiting the States from passing bills of that character.

6. These clauses presume that the priests and clergymen are guilty of the acts specified, and adjudge the deprivation of their right to preach or teach unless the presumption be first removed by their expurgatory oath: they assume the guilt and adjudge the punishment conditionally.

7. There is no practical difference between assuming the guilt and declaring it. The deprivation is effected with equal certainty in the one case as in the other. The legal result is the same, on the principle that what cannot be done directly cannot be done indirectly.

8. The prohibition of the Constitution was intended to secure the rights of the citizen against deprivation for past conduct by legislative enactment, under any form, however disguised.

9. An ex post factor law is one which imposes a punishment for an act which was not punishable at the time it was committed; or imposes additional punishment to that then prescribed; or changes the rules of evidence by which less or different testimony is sufficient to convict than was then required.

10. The clauses of the second article of the constitution of Missouri, already referred to, in depriving priests and clergymen of the right to preach and teach, impose a penalty for some acts which were innocent at the time they were committed, and increase the penalty prescribed for such of the acts specified as at the time constituted public offenses, and in both particulars violate the provision of the Federal Constitution prohibiting the passage by the States of an ex post facto law. They further violate that provision in altering the rules of evidence with respect to the proof of the acts specified—thus in assuming the guilt instead of the innocence of the parties; in requiring them to establish their innocence, instead of requiring the government to prove their guilt; and in declaring that their innocence can be shown only in one way, by an expurgatory oath.

11. Although the prohibition of the Constitution to pass an ex post facto law is aimed at criminal cases, it cannot be evaded by giving a civil form to that which is in substance criminal.

STATEMENT OF THE CASE

In January 1865, a convention of representatives of the people of Missouri assembled at St. Louis, for the purpose of amending the constitution of the State. The representatives had been elected in November 1864. In April 1865, the present constitution—amended and revised from the previous one—was adopted by the convention; and in June 1865, by a vote of the people. The following are the 3d, 6th, 7th, 9th, and 14th sections of the 2d article of the constitution:

"SEC. 3. At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance or by-law of any municipal corporation, no person shall be deemed a qualified voter, who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the government of this State; or has ever given aid, comfort, countenance, or support to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them, or by unlawfully sending within their lines, money, goods, letters, or information; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by act or word, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States; or has ever, except under overpowering compulsion, submitted to the authority, or been in the service, of the so-called "Confederate States of America"; or has ever left this State, and gone within the lines of the armies of the so-called "Confederate States of America," with the purpose of adhering to said States or armies; or has ever been a member of, or connected with, any order, society, or organization, inimical to the government of the United States, or to the government of this State; or has ever been engaged in guerrilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as "bushwhacking;" or has ever knowingly and willingly harbored, aided, or countenanced any person so engaged; or has ever come into or left this State, for the purpose of avoiding enrolment for or draft into the military service of the United States; or has ever, with a view to avoid enrolment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself, or authorized himself to be enrolled, by or before any officer, as disloyal, or as a southern sympathizer, or in any other terms indicating his disaffection to the Government of the United States in its contest with rebellion, or his sympathy with those engaged in such rebellion; or, having ever voted at any election by the people in this State, or in any other of the United States, or in any of their Territories, or held office in this State, or in any other of the United States, or in any of their Territories, or under the United States, shall thereafter have sought or received, under claim of alienage, the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State, or in the army of the United States: nor shall any such person be capable of holding in this State any office of honor, trust, or profit, under its authority; or of being an officer, councilman, director, trustee, or other manager of any corporation, public or private, now existing or hereafter established by its authority; or of acting as a professor or teacher in any educational institution, or in any common or other school; or of holding any real estate or other property in trust for the use of any church, religious society, or congregation. But the foregoing provisions, in relation to acts done against the United States, shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized, under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by any such person, shall be considered as taken in such sense.

"SEC. 6. The oath to be taken as aforesaid shall be known as the Oath of Loyalty, and shall be in the following terms:

"'I, A. B., do solemnly swear that I am well acquainted with the terms of the third section of the second article of the Constitution of the State of Missouri, adopted in the year eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; that I will support the Constitution of the State of Missouri; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me.'

"SEC 7. Within sixty days after this Constitution takes effect, every person in this State holding any office of honor, trust, or profit, under the Constitution or laws thereof, or under any municipal corporation, or any of the other offices, positions, or trusts, mentioned in the third section of this Article, shall take and subscribe the said oath. If any officer or person referred to in this section shall fail to comply with the requirements thereof, his office, position, or trust, shall, ispo facto, become vacant, and the vacancy shall be filled according to the law governing the case.

"SEC. 9. No person shall assume the duties of any state, county, city, town, or other office, to which he may be appointed, otherwise than by a vote of the people; nor shall any person, after the expiration of sixty days after this Constitution takes effect, be permitted to practise as an attorney or counsellor at law; nor, after that time, shall any person be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect, or denomination, to teach, or preach, solemnize marriages, unless such person shall have first taken, subscribed, and filed said oath.

"SEC. 14. Whoever shall, after the times limited in the seventh and ninth sections of this Article, hold or exercise any of the offices, positions, trusts, professions, or functions therein specified, without having taken, subscribed, and filed said oath of loyalty, shall, on conviction thereof, be punished by fine, not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or both such fine and imprisonment; and whoever shall take said oath falsely, by swearing or by affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by imprisonment in the penitentiary not less than two years."

ARGUMENT FOR MR. CUMMINGS

In September, A.D. 1865, after the adoption of this constitution, the Reverend Mr. Cummings, a priest of the Roman Catholic Church, was indicted and convicted in the Circuit Court of Pike County, in the State of Missouri, of the crime of teaching and preaching in that month, as a priest and minister of that religious denomination, without having first taken the oath prescribed by the constitution of the State; and was sentenced to pay a fine of five hundred dollars and to be committed to jail until said fine and costs of suit were paid.

On appeal to the Supreme Court of the State, the judgment was affirmed; and the case was brought to this court on writ of error, under the twenty-fifth section of the Judiciary Act.

(Mr. David Dudley Field, for Mr. Cummings, plaintiff in error:)

My argument will first be directed to that part of the oath which affirms that the person taking it has never "been in armed hostility to the United States, or to the lawful authorities thereof, or to the government of this State;" * * * and has never "given aid, comfort, countenance, or support to persons engaged in any such hostility;" and has never "been a member of or connected with any order, society, or organization inimical to the Government of the United States, or to the government of this State." If the imposition of this is repugnant to the Constitution or laws of the United States, the whole oath must fall; for all parts of it must stand or fall together. Mr. Cummings was convicted, because he had not taken the oath, as a whole. If there be any part of it which he was not bound to take, his conviction was illegal. The oath is not administered by portions, and there is no authority so to administer it.

My first position is, that this provision of the constitution of Missouri is repugnant to the Constitution and laws of the United States; because it requires or countenances disloyalty to the United States.

Stripping the case of everything not immediately pertaining to the first position, the oath required may be considered as if it contained only these words:

"I hereby declare, on oath, that I have never been in armed hostility to the government of the State of Missouri, nor given aid, comfort, countenance, or support to persons engaged in any such hostility, and have never been a member of or connected with any organization inimical to the government of this State."

This is not an oath of loyalty to the United States. The government of Missouri has been, in fact, hostile to the United States. This is matter of history. Being in armed hostility to this hostile State government was an act of loyalty to the United States: an act not to be punished, but to be rewarded.

The loyal citizens of the State were obliged to array themselves against its government; they did so; they took up arms against it; they seized its camp and overthrew its forces. Had it not been for this act of hostility the State might have been drawn into the abyss of secession. It was, therefore, an act which was not only lawful but which was required of the citizen by his allegiance to the United States.

The Constitution and laws of the United States require allegiance and active support from every citizen, whatever may be the attitude of the State government. The difference between the Constitution and the Confederation consists in this, chiefly, that under the Constitution the United States act directly upon the citizen, and not upon the State. What the United States lawfully require must be done, though it be the seizure of the State capitol. The State of Missouri could not subject the plaintiff in error to any loss or inconvenience for giving, in 1861, a cup of coffee to the soldiers who under General Lyon marched out to St. Louis to take Camp Jackson.

Let us consider, in the second place, the tendency of this oath, in its relation to possible occurrences. It certainly is possible for the government of a State to be hostile to the United States. The governments of the eleven States lately in rebellion were so. If the legislature of South Carolina were to pass a law excluding from the pulpit and the offices of religious teachers every person who has been, at any time during the late war, "connected with any organization inimical to the government" of South Carolina, that law would be held disloyal and unconstitutional. Suppose the legislature of South Carolina were to go further, and enact that no person, white or black, should ever vote in that State, who, during the war, gave aid, comfort, or countenance to persons engaged in armed hostility to the government of South Carolina, would not every lawyer pronounce such a law utterly void?

If such an oath were required in Tennessee, the present President of the United States could not take it, and would be disqualified. If it were required in Virginia, more than one of our generals and admirals would be disqualified. And so of thousands of other citizens of the States lately in rebellion, who fought in the Union ranks, and opposed the governments of their own States.

There may be collisions between the Federal and the State governments, not breaking out, as the last has done, into flagrant war. A State government may attempt to resist the execution of a judgment of a Federal court; and the President may be obliged to call out the militia to assist the marshal. In such event, every man in the ranks will be in armed hostility to the government of the State. But the State cannot make him suffer for it.

This results from the rule of the Constitution, that the instrument itself, and the laws made in pursuance of it, are the supreme law of the land; and whatever obstructs or impairs, or tends to obstruct or impair, their free and full operation is unconstitutional and void.

The second position which I take is, that the provision imposing this oath as a condition of continuing to preach or teach as a minister of the Gospel, is repugnant to that part of the tenth section of the first article of the Constitution of the United States which prohibits the States from passing "any bill of attainder" or "ex post facto law."

Here, again, let us take a particular part of the oath, and refer to so much as affirms that the person taking it has never, "by act or word, manifested his * * * sympathy with those * * * engaged in * * * carrying on rebellion against the United States." Making a simple sentence of this portion, it would read thus:

"I declare, on oath, that I have never, by act or word, manifested my sympathy with those engaged in rebellion against the United States."

It may be assumed that previous to the adoption of this Constitution it had not been declared punishable or illegal to manifest, by act or word, sympathy with those who were drawn into the Rebellion. It would be strange, indeed, if a minister of the Gospel, whose sympathies are with all the children of men—the good and the sinful, the happy and the sorrowing—might not manifest such sympathy by an act of charity or a word of consolation. We will start, then, with the assumption that the act which the plaintiff in error is to affirm that he has not done was at that time lawful to be done.

Test oaths, in general, have been held odious in modern ages, for two reasons: one, because they were inquisitorial; and the other, because they were used as instruments of proscription and cruelty. In both respects they are contrary to the spirit, at least, of our institutions, and are indefensible, except when applied to matters outside of the domain of rights, and when prospective in their operation. Whatever the people may give or withhold at will, they may have a constitutional right to burden with any condition they please. This is at once the origin and extent of the rule.

When applied to past acts, another principle interposes its shield; that is, that no person can justly be made to accuse himself. This is incorporated in the fifth amendment, in the following words:

"No person * * * shall be compelled, in any criminal case, to be a witness against himself."

And although this prohibition is in terms applied to criminal cases, it cannot be evaded by making that civil in form which is essentially criminal in character.

Retrospective test oaths, that is to say, oaths that the persons taking them have not theretofore done certain things, are almost unknown.

Among the constitutional guarantees against the abuse of Federal power thrown around the American citizen, are these three: First, he cannot be punished till judicially tried; second, he cannot be tried for an act innocent when committed; and, third, when tried he cannot be made to bear witness against himself.

Two of these guarantees, and the last two, are set also against the abuse of State power.

The prohibition to pass an ex post facto law is, in the sense of the Constitution, a prohibition to pass any law which "renders an act punishable in a manner in which it was not punishable when it was committed." The question in the present case, therefore, becomes simply this: Is it a punishment to deprive a Christian minister of the liberty of preaching and teaching his faith? What is punishment? The infliction of pain or privation. To inflict the penalty of death, is to inflict pain and deprive of life. To inflict the penalty of imprisonment, is to deprive of liberty. To impose a fine, is to deprive of property. To deprive of any natural right, is also to punish. And so is it punishment to deprive of a privilege.

Depriving Mr. Cummings of the right or privilege, whichever it may be called, of preaching and teaching as a Christian minister, which he had theretofore enjoyed, and of acting as a professor or teacher in a school or educational institution, was in effect a punishment.

It is not necessary to inquire whether it was intended as a punishment. If the legislature may punish a citizen, by deprivation of office or place, on the ground that his continuing to hold it would be dangerous to the State, then every punishment, by deprivation of political or civil rights, is taken out of the category of prohibited legislation. Congress and the State legislatures—for in this respect they lie under the same prohibition—can pass retroactive laws at will, depriving the citizen of everything but his life, liberty, and accumulated capital.

The imposition of this oath was, however, intended as a punishment. This is evident from its history and its circumstances. It is patent to all the world that the object of the exclusion was to affect the person, and not the profession. Mr. Cummings may possibly, at some moment during the last 5 years, have manifested, by act or word, his sympathy with those engaged in carrying on rebellion against the United States; he may have given alms to the wounded rebel prisoners lying in our hospitals, or he may have spoken to them words of consolation; but no reason can be assigned, from all that, why he should not solemnize marriage or teach the 10 commandments; nor can any man arrive at the belief that the convention which devised this constitution had any such notion.

Let us turn now to the other prohibition, that against passing any "bill of attainder." This expression is generic, and includes not only legislative acts to punish for felonies, but every legislative act which inflicts punishment without a judicial trial. If the offence be less than felony, the act is usually called a bill of pains and penalties.

It is not necessary that the persons to be affected by a bill of attainder should be named in the bill. The attainder passed in the 28th year of Henry VIII, against the Earl of Kildare and others (chap. 18, A.D. 1536), enacted that "all such persons which be, or heretofore have been comforters, abettors, partakers, confederates, or adherents unto the said late earl, &c., in his or their false and traitorous acts and purposes, shall in likewise stand and be attained, adjudged, and convicted of high treason."

It is therefore certain, that if Mr. Cummings had been by name designated in the constitution of Missouri, and thereby declared to be deprived of his right to preach as a minister of religion, or to teach in a seminary of learning, for the reason that he had done some of the acts mentioned in the oath, such an attempt would have been in contravention of the prohibition against passing a bill of attainder; and it is equally certain, that if he had been thereunder judicially convicted for doing the same things, being not punishable when done, the conviction would have been in contravention of the other prohibition against passing an ex post facto law.

Does it make any difference that these results are effected by means of an oath, or its tender and refusal? There is only this difference, that these means are more odious than the other. The legal result must be the same, if there is any force in the maxim, that what cannot be done directly cannot be done indirectly; or as Coke has it, in the 29th chapter of his Commentary upon Magna Carta, "Quando aliquid prohibetur, prohibetur et omne, per quod deventuir ad illud."

The constitutional prohibition was intended to protect every man's rights against that kind of legislation which seeks either to inflict a penalty without a trial or to inflict a new penalty for an old matter. Of what avail will be the prohibition, if it can be evaded by changing a few forms? It is unquestionably beyond the competency of the State of Missouri, by any legislation, organic or statutory, to enact in so many words, that if Mr. Cummings on some occasion, before it was made punishable, manifested by an act or a word sympathy with the rebels, therefore he shall, upon trial and conviction thereof, be deprived of the right (or privilege) which he has long enjoyed, of preaching and teaching as a Christian minister. It must be equally incompetent to enact, that all those Christian ministers, without naming them, who thus acted, shall be thus deprived. And this is because it is prohibited to the State to pass an ex post facto law. It is also unquestionably beyond the competency of the State, to enact in so many words, that because Mr. Cummings, on some occasion, after it was made punishable, manifested such sympathy, therefore, he shall, without trial and conviction thereof, be deprived of his profession. It must be equally incompetent to enact that all those Christian ministers who have thus acted shall be thus deprived. And this because it is prohibited to the State to pass a bill of attainder.

It does not help this kind of legislation that its taking effect was made to depend on the neglect or refusal to take a prescribed oath; nor help it, to declare that the omission to take the oath is deemed a confession of guilt. If Mr. Cummings had even admitted in the presence of the convention his alleged complicity, that would not have dispensed with a judicial trial.

The legal positions taken on the part of Mr. Cummings may be thus restated. He is punished by deprivation of his profession, for an act not punishable when it was committed, and by a legislative instead of a judicial proceeding. If this is held to be constitutional because it is not done directly, but indirectly, through the tender and refusal of an oath, so contrived as to imply, if declined, a confession of having committed the act, then the prohibition may be evaded at pleasure. You cannot imagine an instance of oppression, that the Constitution was designed to prevent, which may not be effected by this means. Suppose the case of a man tried for treason, and acquitted by a jury. The legislature may nevertheless enact, that if the person acquitted by a jury does not take an oath that he is innocent, he shall be deprived of political and civil rights or privileges. Suppose that the legislature of New York were to pass an act disqualifying from preaching the Gospel, or healing the sick, or practising at the bar, all who during the last year were "connected with any organization inimical" to the administration of the State government. Such an act would of course be adjudged inconsistent with the Federal Constitution. But suppose, instead of passing the law in this form, it should be in the form of requiring an oath from every person desiring to preach the Gospel, or to heal the sick, or practise at the bar, that he had not been connected with such an organization, would that make the case any better? You can punish in two ways: you can charge with the alleged crime, and proving it, punish for it; or you can require the party to purge himself on oath; and if he refuses, punish him by exclusion from a right, privilege, or employment.

Mr. Montgomery Blair filed a brief, on the same side, and after citing several authorities, and enforcing some of the arguments of Mr. Field, thus referred especially to the opinions of Alexander Hamilton.

Mr. John C. Hamilton, in his "History of the Republic of the United States,"[1] says:

"The animosity natural to the combatants in a civil conflict, the enormities committed by the Tories, when the scale of war seemed to incline in their favor, or where they could continue their molestations with impunity; the inroads and depredations which they made on private property and on the persons of non-combatants, and the harsh and cruel councils of which they were too often the authors, appeared to place them beyond the pale of humanity. This was merely the popular feeling.

"In the progress of the conflict, and particularly in its earliest periods, attainder and confiscation had been resorted to generally . . . as a means of war; but it was a fact important to the history of the revolting colonies, that acts prescribing penalties usually offered to the persons against whom they were directed the option of avoiding them by acknowledging their allegiance to the existing government."

But there were exceptions to this wise policy. In New York, especially, there was a formidable party who indulgd the worst feelings and went to the greatest extremes. The historian of the Republic thus narrates the matter:

"Civil discord," says this author, "striking at the root of each social relation, furnished pretexts for the indulgence of malignant passions; and the public good, that oft abused pretext, was interposed as a shield to cover offences which there were no laws to restrain. The frequency of abuse created a party interested in its continuance and exemption from punishment, which, at last, became so strong that it rendered the legislature of the State subservient to its views, and induced the enactment of laws attainting almost every individual whose connections subjected him to suspicion, who had been quiescent, or whose possessions were large enough to promise a reward to this criminal cupidity."

"Two bills followed. One was entitled, 'An act declaring a certain description of persons without the protection of the laws, and for other purposes therein mentioned.' On its being considered, a member, a violent partisan * * * moved an amendment prescribing a test oath, which was incorporated in the act. It disfranchised the loyalists forever. The Council of Revision rejected this violent bill, on the ground that the 'voluntary remaining in a country overrun by the enemy,' an act perfectly innocent, was made penal, and was retrospective, contrary to the received opinions of all civilized nations, and even the known principles of common justice, and was highly derogatory to the honor of the State, and totally inconsistent with the public good."

The act nevertheless was passed. In regard to the test oath, General Hamilton said:

"A share in the sovereignty of the State which is exercised by the citizens at large in voting at the elections, is one of the most important rights of the subject, and in a republic ought to stand foremost in the estimation of the law. It is that right by which we exist, as a free people, and it will certainly therefore never be admitted that less ceremony ought to be used in divesting any citizen of that right than in depriving him of his property. Such a doctrine would ill suit the principles of the Revolution which taught the inhabitants of this country to risk their lives and fortunes in asserting their liberty, or, in other words, their right to a share in the government. Let me caution against precedents which may in their consequences render our title to this great privilege precarious."

General Hamilton further remarks:

'The advocates of the bill pretend to appeal to the spirit of Whigism, while they endeavored to put in motion all the furious and dark passions of the human mind. The spirit of Whigism is generous, humane, beneficent, and just. These men inculcate revenge, cruelty, persecution, and perfidy. The spirit of Whigism cherished legal liberty, holds the rights of every individual sacred, condemns or punishes no man without regular trial and conviction of some crime declared by antecedent laws, reprobates equally the punishment of the citizen by arbitrary acts of the legislature as by the lawless combinations of unauthorized individuals, while these men are the advocates for expelling a large number of their fellow-citizens, unheard, untried, or, if they cannot effect this, they are for disfranchising them in the face of the Constitution, without the judgment of their peers and contrary to the law of the land. Nothing is more common, than for a free peope in times of heat and violence to gratify momentary passions by letting into the government principles and precedents which afterwards prove fatal to themselves. Of this kind is the doctrine of disfranchisement, disqualification, and punishments by acts of the legislature. The dangerous consequences of this power are manifest. If the legislature can disfranchise any number of citizens at pleasure, by general descriptions, it may soon confine all the voters to a small number of partisans, and establish an aristocracy or oligarchy. If it may banish at discretion all those whom particular circumstances render obnoxious, without hearing or trial, no man can be safe, nor know when he may be the innocent victim of a prevailing faction. The name of liberty applied to such a government would be a mockery of common sense. The people are sure to be losers in the event, whenever they suffer a departure from the rules of general and equal justice, or from the true principles of universal liberty."

There is another sentiment of the great statesman and lawgiver which may be deemed not inappropriate to the present unhappy times. He says:

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[1] Vol. 3, p. 24.

"There is a bigotry in politics as well as in religion, equally pernicious to both. The zealots of either description are ignorant of the advantage of a spirit of toleration. It is remarkable, though not extraordinary, that those characters throughout the States who have been principally instrumental in the Revolution are the most opposed to persecuting measures. Were it proper, I might trace the truth of these remarks from that character who has been the first in conspicuousness, through the several gradations of those, with very few exceptions, who either in the civil or military line, have borne a distinguished part in the war."

ARGUMENT FOR THE STATE

(Mr. G. P. Strong, contra, for the State, defendant in error:)

I. The separate States were originally possessed of all the attributes of sovereignty, and these attributes remain with them, except so far as the people may have parted with them in forming the Federal Constitution.[2]

The author of the Federalist, No. 45, says:

"The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."

II. Among the rights reserved to the States which may be considered as established upon principle, and by unvarying usage beyond question or dispute, is the exclusive right of each State to determine the qualification of voters and office-holders, and the terms and conditions upon which members of the political body may exercise their various callings and pursuits within its jurisdiction. Authorities already cited establish this proposition; so, also, do others.[3]

III. The provisions of the second article of the constitution of Missouri come within the range of these reserved rights, and are neither "bills of attainder," or of pains and penalties, nor "ex post facto laws," nor "laws impairing the obligation of contracts." They are designed to regulate the "municipal affairs" of the State, that is, to prescribe who shall be voters, who shall hold office, who shall exercise the profession of the law, and who shall mould the character of the people by becoming their public teachers.

Bills of pains and penalties, and ex post facto laws, are such as relate exclusively to crimes and their punishments.[4]

The true interpretation of these laws by our own courts is settled by numerous cases in addition to those already cited.[5]

Not one of these examples of bills of pains and penalties, or ex post facto laws, bears any resemblance to the constitutional provisions which the court is now called to pass upon. They were, in terms, acts defining and punishing crimes. They designated the persons to be affected by them, and did not leave it optional whether they would suffer the penalty or not.

IV. Every private calling is subject to such regulations as the State may see fit to impose. The privilege of appearing in courts as attorneys-at-law, and the privilege of exercising the functions of a public teacher of the people, have always been the subjects of legislation, and may be withheld or conferred, as may best subserve the public welfare. Private rights have always been held subordinate to the public good.

Even the freedom of religious opinion, and the rights of conscience which we so highly prize, are secured to us by the State constitutions, and find no protection in the Constitution of the United States.

If any State were so unwise as to establish a State religion, and require every priest and preacher to be licensed before he attempted to preach or teach, there is no clause in the Federal Constitution that would authorize this court to pronounce the act unconstitutional or void.[6]

V. But we are told that this is not an oath of loyalty to the government of the United States, because it requires a declaration that the party has not taken up arms against the government of the State.

The Constitution of the United States is a part of the government of the State. It is as much the Constitution of the people of Missouri as the State constitution. Those who defended the one defended the other. The State government was never hostile to the Federal government. The hostility of Governor Jackson was individual and personal, and was intended to subvert both State and Federal governments.

Mr. Hamilton says:[7] "We consider the State governments and the National Government, as they truly are, in the light of kindred systems, and as parts of one whole."

Chief Justice McKean[7a] also says: "The Government of the United States forms a part of the government of each State. These (the State and National) form one complete government."

Mr. Jefferson,[8] speaking of the State and Federal Governments, says: "They are coördinate departments of one simple and integral whole."

(Mr. J. B. Henderson, on the same side, for the State, defendant in error:)

Do the provisions of the second article of the Missouri constitution conflict with the Constitution of the United States? The acts objected to are not acts of a State legislature. Even in regard to the constitutionality of such acts it has ever been thought a delicate duty to pass. If doubt exists, that doubt is always given in favor of the law. If ordinary acts of legislation are to be presumed valid, and are to be set aside only when patient examination brings them beyond doubt, into conflict with the supreme law of the land, how much stronger the presumption in favor of the act of the people themselves in framing such organic laws as they may think demanded by the exigency of the times and necessary to their safety?

The tenth amendment to the Constitution of the United States provides that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

No question, therefore, can arise as to the power of the people of Missouri to adopt the provisions in question unless they fall within the powers delegated to the United States, or are prohibited to the States by the Federal Constitution. The subject matter of them is clearly not within the powers delegated to the United States, but belongs to that class of legislation reserved to the States or to the people, and unless it be directly prohibited to the States by some clause or clauses of the Federal Constitution the provisions must be held valid. Among the powers prohibited to the States is one in the tenth section of the first article of the Constitution, which provides "that no State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts." This clause is chiefly relied on to avoid the provisions alluded to in the constitution of Missouri.

It has been decided that bills of pains and penalties, which inflict a milder degree of punishment, are included within bills of attainder, which refer to capital offenses. It has been said by an accurate writer[9] that in cases of bills of attainder, "the legislature assumes judicial magistracy, weighing the enormity of the charge and the proof adduced in support of it, and then deciding the political necessity and moral fitness of the penal judgment." He says these acts, instead of being general, are leveled against the particular delinquent; instead of being permanent they expire, as to their chief and positive effects, with the occasion. Now, do these provisions fall within this definition? To be obnoxious as bills of attainder, the provisions must operate against some particular delinquent, or specified class of delinquents, and not against the whole community. They must not be permanent laws, operating as a rule to control the conduct of the whole community, but must expire upon the infliction of punishment on the individual or individuals named. Before these provisions can be called bills of attainder, it must appear that they criminate the defendant for the commission of some act specified in the third section of the second article of the Constitution; and that they assume to pronounce the punishment for that act. The law itself must assume to convict him.

If any means be left by which the defendant can escape the punishment prescribed in the act, the act cannot be a bill of attainder; for a bill of attainder assumes the guilt and punishes the offender whatever he may do to escape. If the act in question applies as well to the entire community as to him, and operates upon all alike, only prescribing an oath, which may or may not be taken by him and others, as a condition of a future privilege, it is in no sense a bill of attainder.

If any objections really exist against these provisions of the Missouri constitution it is because they are retrospective in their operation. Whether they are ex post facto laws is, therefore, the chief question for our examination.

Before proceeding to that examination, an argument of one of the counsel for the plaintiff must be noticed. He errs not perhaps in logical deduction, but in the statement of premises.

He argues thus: Mr. Cummings had the right to preach. A test oath is prescribed for a person following his profession which he cannot truthfully take, hence he has to forfeit his right to preach.

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[2] Declaration of Independence: Art. 2, Articles of Confederation; Art. 10, Amendments to the Constitution of the United States. Federalist, No. 45, p. 216, Masters, Smith & Co.'s edit, of 1857. Calder *v.* Bull, 3 Dallas, 386; City of New York *v.* Miln, 11 Peters, 102, 139.

[3] Federalist, No. 45; Butler *v.* Pennsylvania, 10 Howard, 415; City of New York *v.* Miln, 11 Peters, 102, 139; In re Oliver, Lee & Co.'s Bank, 21 New York, 9.

[4] 1 Blackstone's Commentaries, 46; *Sewall* v. *Lee*, 9 Massachusetts, 367, citing "Conspirator's Bill;" 2 Woodeson, 41, p. 621; Chase, J., in *Calder* v. *Bull*, 3 Dallas, 390, 391; Paterson, J., Id. 397; *Carpenter* v. *Commonwealth of Pennsylvania*, 17 Howard, 456, 463; *The Earl of Strafford's* Case, 8 Howell's State Trials, 1515; *Sir John Fenwick's* case, 7 and 8 Wm. III, ch. 3; *Bishop of Rochester's* case, 9 Geo. I, ch. 17.

[5] *Ross's* case, 2 Pickering, 165; *Rand's* case, 9 Grattan, 738; *Boston* v. *Cummins*, 16 Georgia, 102; *Charles River Bridge* v. *Warren Bridge*, 11 Peters, 420.

[6] *Austin* v. *The State*, 10 Missouri, 591; *Simmons* v. *The State*, 12 Id. 268; *State* v. *Ewing*, 17 Id. 515; *The State of Mississippi* v. *Smedes & Marshall*, 26 Mississippi, 47; *The State* v. *Dews*, R. M. Charlton, 397; *Coffin* v. *The State*, 7 Indiana, 157, 172; *Conner* v. *City of New York*, 2 Sanford, 355; Same case, 1 Selden, 285; *Bendford* v. *Gibson*, 45 Ala. 521; *West Feliciana Railroad Co.* v. *Johnson*, 5 Howard's Mississippi, 277.

[7] Federalist, No. 82.

[7a] Dallas, 473.

[8] Letter to Major Cartwright, June 5, 1824; Jefferson's Works, vol. 4, p. 396.

[9] Woodeson, Lecture 41.

This is called a punishment, for the acts of which he is guilty, and of which he cannot purge himself by oath. The punishment, then, consists in the forfeiture of this assumed right to preach the Gospel. Of course, punishment must be impending to make the objection apply. The real objection to an ex post facto law is not that it declares a past innocent action a crime, but in the fact that it undertakes, after so declaring, to punish it. The Constitution of the United States steps in to prevent the punishment, not the passage of the act. Now, if the supposed forfeiture pronounced by the act is no punishment at all in the eye of the law, the objection ceases.

What is this thing we call punishment for crime in this country? Punishment under our institutions, legally considered, must affect person or property. It must take the "life" of an individual, impose restraints on his "liberty," or deprive him of his "property." Common sense teaches us that no man is punished by the loss of something that never was his absolute property. If I retake from my neighbor what I had granted him during my pleasure, I inflict no loss on him. He loses nothing. I gain nothing. The thing may be of value, but it is mine. If the thing taken has no value, although he may not have received it of me, he does not suffer. Punishment is to inflict suffering. This view of the subject is strengthened by the language of the fifth article of Amendments to the Federal Constitution, and by similar language in each State constitution. This article declares, first, that prosecutions, except in particular cases, shall be commenced by presentment or indictment of a grand jury. Coming to the trial, it is next provided, that no man shall be twice tried for the same offence, nor compelled to be a witness against himself, and then, in the same connection, it provides that he shall not "be deprived of his life, liberty, or property, without due process of law." The latter part of the clause evidently refers to the punishment of crime. To punish one, then, is to deprive him of life, liberty, or property. To take from him anything less than these, is no punishment at all. These are natural rights, and to take them away is what we properly call punishment. All other rights are conventional, and may at any time be resumed by the public, in the most summary way, without any regard to due process of law. Hence, public offices have always been taken away from the incumbents, by the sovereign act of the people, without consulting the incumbents, without informing them, without hearing them in their defence, and yet nobody ever supposed this to be a punishment of the incumbents. It is not a punishment, because it deprives them of no property whatever. The public, it is true, had given them a trust, but the public had created that trust for their own purposes, and the public can resume it whenever necessity or convenience require it. And the public alone can judge of that necessity or convenience.

Let us now proceed to the examination of ex post facto laws.

Story, J.,[10] defines an ex post facto law to be one "whereby an act is declared a crime, and made punishable as such, which was not a crime when done: was not a crime, and made punishable as such, which was not a crime when done: or whereby the act, if a crime, is aggravated in enormity or punishment, or whereby different or less evidence is required to convict an offender than was required when the act was committed." This court, in the case of *Fletcher* v. *Peck*, said:

"An ex post facto law is one which renders an act punishable in a manner in which it was not punishable when it was committed."

In *Watson et al.* v. *Mercer*,[11] this court said:

"The phrase ex post facto laws, is not applicable to civil laws, but to penal and criminal laws, which punish a party for acts antecedently done, which were not punishable at all, or not punishable to the extent or in the manner prescribed."

Each and every act enumerated in the third section may have been committed, and yet no provision of this State constitution attempts to punish it. Indeed, it makes no provision to punish even in the future the commission of such acts as are therein specified. The acts enumerated are not denounced in the constitution as crimes at all, nor is any punishment whatever attached to their commission. How, then, is this test oath an ex post facto law? It does not operate on the past. If one stands on his past record, however guilty he may be, this provision cannot touch him. If he is ever punished for what he has done, it must be according to some previous existing law, and not under this act. This act does not deal with the past. It looks only to the future. If it refers to the past at all, it is only for the purpose of ascertaining moral character and fitness for the discharge of high civil duties, which give credit and influence in the community, and can never be safely intrusted in the hands of base or incompetent men.

But to proceed with the definition. Justice Washington, delivering the opinion of the court in *Ogden* v. *Saunders*,[12] speaking of bills of attainder, ex post facto laws, and laws impairing the obligation of contracts, said: "The first two of these prohibitions apply to laws of a criminal, and the last to laws of a civil character."

In *Calder* v. *Bull*, the first great case involving a definition of the term ex post facto, in this court, Chase, J., delivered the opinion of the court, and gave a definition which has been ever since substantially adopted as the law. He said, it is:

"First. Every law that makes an action done before the passing of the law, and which was innocent when done, criminal, and punishes such action.

"Second. Every law that aggravates a crime and makes it greater than it was when committed.

"Third. Every law that changes the punishment and inflicts a greater punishment than the law annexed to the crime when committed.

"Fourth. Every law that alters the legal rules of evidence and receives less or different testimony than the law required at the commission of the offence in order to convict the offender."

Does this provision of the State constitution assume to declare any act already done by the defendants, at anytime, to be criminal? Is it, in any sense, a criminal law to operate upon the past? If it had declared that previous acts of practising law, innocent as they were when done, should now be offences, and might be punished in the courts, the provision could not, and should not, be enforced. If the provision had declared that any person guilty of a previous expression of sympathy with the public enemy, or of previously enrolling himself as disloyal, to evade military service in the Union forces, or of seeking foreign protection as an alien against military service, might now be indicted and punished therefor, by fine and imprisonment, or both, I could well understand an argument against its validity.

But this provision does no such thing. It declares no past act of the defendant to be an offence, nor does it prescribe for any such act any forfeiture whatever, much less the deprivation of a property right. What is a criminal law? It defines an offence, and fixes the punishment, and the mode of inflicting it. If it stamps as crime an innocent past action it is no law. But if it looks only to the future, and gives the choice to the citizen to violate it or comply with it, it is a valid law, at least so far as this prohibition is concerned. This act, it is true, defines an offence, but the offence defined is one that cannot be committed before the expiration of sixty days after the act shall have been adopted. No man is compelled to be guilty. That is not the case under an ex post facto law. In such cases there is no option for the victim. The act to be punished is done, and cannot be undone.

A punishment is also denounced in the act, but that punishment is to be applied only to acts of the future. This act, then, does not make a crime of an action which was innocent when done, and proceed to punish it, and it cannot in that respect be classed as an ex post facto law.

If one be guilty of treason, of course he cannot in such case take the oath, and must therefore stand excluded. It is not a new or additional penalty or forfeiture for the crime of treason. It was not so intended. In its true purpose, such an act is not a criminal law at all, much less an ex post facto law. It is an act to fix the qualifications of voters, and applies to the innocent as well as to the guilty. If a man, having long enjoyed the franchise, be excluded by the sovereign act of the people, unless he will take an oath that he can read and write, is it to be construed an act to punish ignorance, or an act to preserve the purity and usefulness of the ballot-box? If an act were passed vacating the offices of all sheriffs who had not practised law for five years under a license, before their election, is the act void?

But we are told that this act alters the legal rules of evidence, and receives less testimony than was necessary at the time the act was committed to convict the offender. If perjury be committed, and at the time of its commission two witnesses are required to convict, we can understand that a subsequent act authorizing a conviction on the testimony of one witness is not valid. We can well understand that a law which makes testimony competent, that was not competent at the time of the act, is void. But the law will not be declared void until its obnoxious provisions are attempted to be enforced in some specific case, that is, until a case arises. The difficulty here is that plaintiffs in error insist that they are on trial for the offences, or rather the acts of disloyalty, named in the third section. But they are not now on trial, for no conviction or judgment therefor can follow these proceedings. The taking of the oath is not an acquittal of the offences or acts enumerated. The refusal to take it is not a conviction, nor does it tend to a conviction. This act has nothing to do with the trial or conviction of the offender for past actions; it fixes no rule or rules of evidence by which a conviction may be had more easily, for there can be no trial or conviction at all under the act for anything previously done.

The Constitution provides that no person "shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law." It is insisted that the provisions of the Missouri law conflict with this clause, which clothes in language a great principle of national right. If, on the trial of the case of Mr. Cummings, he had been compelled to testify against himself, there would be some ground for the complaint. We have already attempted to show that he is not deprived of life, liberty, or property under this law. He is surely not deprived of life or liberty, and the right to pursue his profession is not such an absolute right of property as to be above the control and regulation of State law. It is said he is punished without the right of trial "by an impartial jury," and without the right "to be confronted by the witnesses against him;" without the right of "compulsory process for obtaining witnesses" in his favor, and without that other invaluable right, "the assistance of counsel" in his defence. Suppose it were so, what has this court to do with it? These great rights are only secured by the Constitution "in all criminal prosecutions" set on foot by the United States and not in those set on foot by the States.

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[10] Commentaries on the Constitution.

[11] 8 Peters, 110.

[12] 12 Wheaton, 267.

And now, in the present prosecution against Mr. Cummings for violating the act itself, or in any prosecution that may be hereafter instituted against him, or other persons, for such violation, if any of these rights shall be denied them we may say the act is unjust, but that is the end of it. The State may do acts of injustice if it chooses. We must trust something to the States. Mr. Cummings, however, had the right of trial by jury; the right to be confronted with the witnesses against him; the right of process to compel the attendance of his witnesses; and even those beyond the limits of our own country will know that he has had "the assistance of counsel," for he was ably defended in the courts of the State, and they who now defend him are known wherever enlightened jurisprudence itself is known.

Whenever prosecutions arise under these provisions, there will, doubtless, be granted, in Missouri, to the accused, all these guarantees of constitutional liberty. The State cannot deny them to one of its citizens without denying them to all; and to suppose a people so lost to common sense as to deprive themselves, voluntarily, of these great and essential rights, necessary to a condition of freedom, is to suppose them incapable of self-government.

But an objection is also urged which is well calculated to excite interest. The rights of conscience are sacred rights. They are too often confounded, however, with the unrestrained license to corrupt, from the pulpit, the public taste or the public morals. However this may be, the American people are exceedingly sensitive on the subject of religious freedom; and whenever the people are told, as they have been in this case, that the indefeasible right to worship God according to the dictates of conscience is about to be invaded, the public mind at once arouses itself to repel the invasion. The first article of the Amendments to the Constitution is in these words:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The third clause of the sixth article declares that

"No religious test shall ever be required as a qualification to any office or public trust under the United States."

Story, J., commenting on these provisions, says:

"The whole power over the subject of religion is left exclusively to the State governments, to be acted upon according to their own sense of justice and the State constitutions."

The Jew, the infidel, and the Christian are equal only in the national councils. The States may make any discrimination in favor of any sect or denomination of Christians, or in favor of the infidel and against the Christian. North Carolina had the right to exclude the Catholic from public trusts; and other States have the right, so long exercised, to deny ministers of all denominations a place in their legislative halls. Congress cannot establish a national faith; but where are the limitations on the powers of the States to do so? There are none, unless they be found in this provision against bills of attainder and ex post facto laws—a provision which, in its present interpretation, saps and withers every right once fondly claimed by the States. In the formation of State constitutions, I have never doubted the power to regulate the modes of worship or prescribe forms for the public observance of religion. Hence it is that the bills of right, to be found in all the State constitutions, attempt to secure this great right of free and unrestricted worship against the caprice or bigotry of State legislators. But within the limits of the State constitution, when thus framed, the legislature has entire control of the subject.

It is said these oaths are unprecedented. They are, no doubt, extraordinary, perhaps unprecedented; but the provisions themselves are no more extraordinary than the circumstances which called them into existence. These last are not known to all, and indeed are known fully but to few. I must ask the privilege of departing so far from the line of strict legal argument as partially to state them. Such a statement is indispensable truly to understand this case.

The bare recital of these provisions, I am aware, has fallen harshly on the public ear. Loyal men in other States hesitated to justify them, while the disloyal hastened to denounce them. Beyond the limits of Missouri, they, perhaps, have had but few advocates. But beyond those limits, no man knows the terrible ordeal through which her people passed during the late Rebellion. To appreciate their conduct properly, one must have been on the soil of the State, and that alone is not sufficient: he must have been an active participant in the struggle for national life and personal security. The men of Missouri, at an early day in this war, learned to be positive men. They were for, or they were against. When the struggle came, each man took his place. The governor and the legislature were disloyal. A convention called by that legislature, merely to give character to the mockery of secession, proved to be loyal, and refused to submit an ordinance of secession to a pretended vote of the people. Hence came a fierce war of opinion. The first great contest was for political power. Each party saw the absolute necessity of obtaining it. With it, ultimate success might be achieved; without it, success was impossible. In the midst of this controversy, while the issue was yet in doubt, Fort Sumter was attacked, and civil war suddenly broke upon the land. In Missouri, it was a hand-to-hand contest, each party fighting for the possession of power, and each feeling that expulsion was the penalty of failure. Acts of the grossest treason were committed; but no man could be found who confessed himself present, or who would speak the truth against his neighbor. His silence, however, made him no less earnest. Neighbors and friends of long standing separated and joined hostile forces. Each county had its military camps, and each municipal township its opposing military and political organization. Traitors and spies came from the confederate armies of Arkansas and Texas to organize regiments secretly in the State, and found shelter and food in the houses of the disloyal. Organized armies sprang into existence around us, and joined the advancing hosts. to assist in the work of devastation and death.

Some who did not themselves go into open rebellion from prudential reasons, some too old to bear arms, urged others to go, and furnished means and money to equip them. Some acted as spies in their respective neighborhoods, and sent secret information to the enemy, which often sealed the fate of their neighbors. The merchant in his storeroom talked treason to his customers; the school teacher instilled its poison into the minds of his pupils; the attorney harangued juries in praise of those whose virtue demanded the great charters of English liberty, and denounced the spirit of this age for its submission to usurpation and tyranny. And even the minister of heaven, forgetting of what world his Master's kingdom was, went forth to perform the part allotted to him in this great work of iniquity.

No man was idle. No man could be idle. Men might be silent, but they were earnest; because life, and things dearer than life, depended on the issue. The whole man, mental and physical, was employed. The whole community was alike employed, and every profession, and every avocation in life was made subservient to the great end—the success or overthrow of the Government. On the day when the delegates to the convention which framed this constitution were elected General Price at the head of 20,000 desperate men from Arkansas, Texas, Louisiana, and Missouri, was sweeping through the State, leaving behind him smouldering ruins and human suffering; and he and they who made this desolate path, were received with shouts of joy and approbation by thousands of citizens, who sought by the ballot, on that day, to give lasting welcome to the invaders.

I have referred to these things to vindicate the people of Missouri against the charges which have been made against them, and to show the reasons and the reasonableness of their action.

REPLY FOR MR. CUMMINGS

Mr. Reverdy Johnson, for the plaintiff in error, Mr. Cummings, in reply:

I. Is the provision in the constitution of Missouri obnoxious to the objection of being ex post facto?

Opposing counsel seem to suppose that the clause in the Federal Constitution which would prevent an ex post facto law is not applicable to the organic law of a State. They argue that even if a provision such as is contained in the constitution of Missouri would be void in a statute law of the State, yet it is not void when in her constitution.

There is no warrant for the distinction. The ninth section of the first article of the Constitution of the United States restrains Congress from passing any bill of attainder or any ex post facto law, and the great men by whom that instrument was framed were so well satisfied that legislation of this description was inconsistent with all good government, that they deemed it necessary to impose the same restriction upon the States; and this they did by providing that "no State"—not no legislature of a State, but that "no State"—should pass any ex post facto law or any bill of attainder. If we consult the contemporaneous construction—and which has ever been received almost as conclusive authority upon its meaning—given it by the Federalist, we will find [13] that it was not thought necessary to vindicate the Constitution upon the ground that it contained a provision of this description. It was thought sufficient to say that the provision was but a declaration of a fundamental principle of free government, a principle without which no such government could long exist, and that it was adopted not because there was any doubt in regard to it upon the part of the convention, or because any doubt was entertained what would be the public opinion in relation to it, but because it was so universally held to be important that it was deemed necessary not only by express constitutional provision to inhibit to Congress the power to pass such law, but to prohibit the States at any time from doing so either.

It can make no difference, therefore, whether such legislation is found in a constitution or in a law of a State; if it be within the prohibition it is void; and the only question, therefore, is whether the constitution of Missouri, in the particular which is involved in this case, is not liable to the objection of being ex post facto.

My brothers of the other side suppose that there is no punishment imposed by the constitution of Missouri upon one who refuses to take the oath. They do not mean, surely, no punishment in the general sense of the term; that he whose livelihood depends on his profession is not, in the general acceptation of the term, punished if he is not permitted to pursue it; that he whose business it is, claiming to derive his authority from a higher than any human source, to preach peace on earth, good will to men, is not punished when he is told that he shall do neither; that a man is not punished when he is prevented from teaching his own child (for this oath comprehends that act) the ways which he believes are the only ways that lead to perpetual happiness in the future; cannot teach him what he deems to be man's duty to man and man's duty to God;—without taking an oath which any State from party, political, or religious prejudice, may think proper to prescribe.

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[13] No. 44, by Mr. Madison.

A prohibition of the sort here enacted, operating to the extent that it does, is not only punishment but most severe punishment; perhaps the most severe.

And, if it is a punishment in fact, why is it not a punishment that falls within the inhibition of the Constitution? The inhibition is absolute and as comprehensive as language can make it.

Now what does the constitution of Missouri assume? It assumes that there are persons in the State of Missouri who have been guilty of disloyalty to the United States. Opposing counsel argue that it was of importance to the future welfare of Missouri, when the constitution was adopted, that such a provision as this should be incorporated in her fundamental law. And why? Because, as they assert, there were secret, silent, insidious traitors in her midst; traitors, also, whose hands were red with the blood of loyal citizens. The argument, therefore, as well as the provision itself, assumes that crime has been committed, and that it is important to the State that all who have been guilty of that crime shall forever be excluded from any of the offices or the employments mentioned in the third section of the second article of the constitution. Then it was put there evidently for the purpose of disfranchising those who were thus assumed to be guilty. Whether they were guilty or not, and how they were to be punished if that guilt should be established by due course of law, is one question. Whether, if guilty, they could be punished in the way in which they are punished by this constitution is a different question. If they are guilty, and are so to be punished, how that guilt is to be established is a third question.

How was their guilt to be established, according to the requirements of the constitution, if the charge of treason was made against them? By two witnesses. What would be the effect upon an individual if he was convicted? No disfranchisement. Capacity to hold office as far as any positive legal disability was concerned—capacity to appear as attorney—capacity to pursue his religious pursuits; all would remain unaffected.

What does this provision in the constitution of Missouri do? It assumes that it is not sufficient that society is secured by such punishment as the previous law provided. If the court should think proper in its discretion to award the punishment of imprisonment, and the party survives, he cannot be punished again in any way in the remainder of his life. If he seeks employment afterwards, the question of prior guilt may be held to affect his character; but that found to be fair and he trustworthy, the road to honor and to office may be open to him. This constitution of Missouri says that this is not enough; that the public safety demands that, if he is guilty, he shall be excluded from all offices in that State; not only from all offices, but from all employments; not only from professional employment, but from carrying on the avocation with which, in his own belief, heaven itself has endowed him; not only that, but from being an officer in any municipal or other corporation, although he may own nearly all the stock, and from holding any trust.

Is that not ex post facto? The very definition of such a law, which opposing counsel have given upon the authority of this court in the case of Calder v. Bull, and in the subsequent cases, brings such a provision within it. Even if we were to stop here, any law, and, as has been already shown, any constitution, which imposes a punishment for crime in addition to that which the existing law at the time of its commission imposed, is ex post facto.

But that is not all. It not only imposes an additional punishment, but it changes altogether the evidence by which, under the previous law, the crime was to be established. Two witnesses to the same overt act were necessary to prove the offence of treason. This constitution says, in effect, that "it is true that hundreds and thousands in the State of Missouri have been guilty of acts of disloyalty which would subject them to punishment for treason under the existing law; and it is true that they may be punished under that law effectively, provided the government which thinks proper to prosecute them can establish their guilt by such evidence as the constitution demands; but that will not answer our purpose; we cannot accomplish our end in that mode; we not only propose to aggravate the punishment, but we propose to establish the crime by evidence which is now inadmissible for that purpose." And what is that evidence as they themselves present it? "You, Mr. Cummings, desire to preach, to solemnize marriage, to bury the dead, to administer the sacrament of the Eucharist, to console the dying; you shall not do either, unless you will swear that you have not committed the offence: you must purge yourself by your own oath, or, as far as we are concerned, we find you guilty. We believe you are guilty; and if you are guilty, we do not mean that you shall execute your religious functions at all. And we make the fact of your refusing to swear that you are innocent conclusive evidence of your guilt, and punish you accordingly."

Now, Congress has treated an exclusion from the right to hold office as a punishment. The act of the 10th April, 1790, defines and punishes perjury, and for punishment, it is declared that the party shall undergo "imprisonment not exceeding three years, and a fine not exceeding eight hundred dollars; and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony in any of the courts of the United States until such time as the judgment so given against the said offender shall be reversed." [14] It is plain that to take from him the privilege of being a witness was considered a punishment. By the twenty-first section, the crime defined is that of attempting to corrupt a judge, and as punishment, it is declared that the party "shall be fined and imprisoned, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States." In accordance with the impression that that was not only punishment, but punishment of a very severe nature, we find in the act of July 17, 1862,[15] "an act to suppress insurrection, to punish treason," &c., passed of course whilst the Rebellion was in full force, this provision:

> "That every person guilty of either of the offences described in this act shall be forever incapable and disqualified to hold any office under the United States."

Counsel on the other side maintain that the exclusion of the priest from the right to preach or to teach is not ex post facto legislation within the meaning of those terms in the Constitution, because it is not the legal consequence of any crime; something having no connection with the crime. They admit, therefore, that if the punishment can attach itself to the crime, and it be a punishment not known to the laws at the time the crime was committed, it is void. Now, what does the State constitution do? Does it not exclude because of the crime, in consequence of the crime, and only in consequence of the crime? If it does, it is, in the judgment of Missouri, or in the judgment of its constitution, a punishment of the crime just as effectually as if a party was tried upon an indictment and convicted, and the law authorized a party, upon that conviction, to be excluded from the right to practise or to preach. That no proceeding, judicial in its nature, is provided for, can make no difference; a proceeding still more effective is provided. A proceeding by indictment might or might not accomplish the end; the two witnesses required might not be found; the party might, therefore, be acquitted. His guilt might be in his own bosom, and no witness could be found, and, consequently, he would be acquitted. And as its object was to strike at the crime, and remove those who were supposed to be loyal in the State of Missouri from the contamination of the crime or of the criminal, it requires him to swear that he has not committed it, and tells him, "Not swearing, we find you have committed the crime, and will punish you accordingly."

Suppose that, instead of excluding Mr. Cummings from the practice of his calling, it had said that if he did not answer he should be subjected to a pecuniary penalty, a fine, or to imprisonment, both or either; would not that be void because of the restriction? And if so, must not this be held void, provided we agree with Congress in the opinion contained in the two acts already referred to, that exclusion from the right to hold office is "punishment?"

The degree, the extent, the character of the punishment, has nothing to do with the fact of punishment. Admit that Mr. Cummings and all standing in like relation are punished by this State constitution, and the constitution falls just as absolutely as if, instead of ordaining that persons should be punished by not being permitted to exercise and carry on their occupations, it had said, "if you do not swear to your innocence we infer you to be guilty, and we fine and imprison you." It would be as much in that case, and not more, a consequence of the crime, as it is in this case. And once hold it to be consequential upon the crime, and you bring it within the inhibition, provided the punishment which it does inflict is not the punishment which the law inflicted at the time the crime is alleged to have been committed.

As a member of that Church which claims to have its authority directly through a regular and unbroken apostolic succession from the Author of our religion, Mr. Cummings is found in the enjoyment and practice of all the privileges belonging to the function and of all the sacred rights which are incident to it. The Constitution of the United States, to be sure, so far as the article which proclaims that there shall be no interference with religion is concerned, is not obligatory upon the State of Missouri; but it announces a great principle of American liberty, a principle deeply seated in the American mind, and now almost in the entire mind of the civilized world, that as between a man and his conscience, as relates to his obligations to God, it is not only tyrannical but un-Christian to interfere. It is almost inconceivable that in this civilized day the doctrines contained in this constitution should be considered as within the legitimate sphere of human power. "This question," it has been truly said by another clergyman sought to be restrained by this constitution, "is not one merely of loyalty or disloyalty, past, present, or prospective. The issue is whether the Church shall be free or not to exercise her natural and inherent right of calling into, or rejecting from, her ministry whom she pleases; whether yielding to the dictation of the civil power she shall admit those only who, according to its judgment, are fit for the office, or, admitting those to be fit, whether she shall not be free to admit those also who, though at first not fit, afterwards become so through pardon and forgiveness.

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[14] 1 Stat. at Large, p. 116, § 18.

[15] 12 Stat. at Large, pp. 589–590, § 3.

"The question is whether the Church is not as much at liberty and as fully competent nowadays as at the beginning to call in as well the saints as those who were sinners, as well the Baptist and Evangelist as St. Peter and St. Paul, the denier and persecutor of the Redeemer, as well as his presanctified messenger and beloved disciple. With all these questions the State itself has nothing to do. Their decision is the high and unapproachable prerogative of the Church, under the guidance of its Redeemer, who alone is the searcher of hearts, and whose power it is to recall or reject whom he pleases."

My associate, in his opening of the case, has stated that the State government of Missouri was at one time, 1861, hostile to the government of the United States; and that loyal citizens were obliged to take up arms and overthrow it. No doubt the fact must be so admitted. Governor Claiborne Jackson, holding the executive authority of the State under a proper election, and the judiciary and the legislative departments of the same State holding their respective authorities under a proper election, held in pursuance of a constitution then existing and not disputed, were at one time in the full possession of all the sovereignty of the State of Missouri, as far as that sovereignty was delegated by the people to its government. The Representatives of the State elected during the continuance of that constitution were received here. Their Senators were here, chosen by that legislature, and their credentials testified by the then governor. Their courts were in session under the authority of that constitution.

Under the decision in *Luther* v. *Borden*,[16] the court cannot go beyond these facts for the purpose of ascertaining in what condition, politically, Missouri was, for the purpose of answering the inquiry, what was the government of Missouri in 1861? Then it is plain that this oath calls upon the party to swear that he has been loyal to two governments of Missouri, one of which was directly opposed to the other.

Opposing counsel, indeed, say that the government of Missouri does not mean the government strictly speaking of the State of Missouri, constituted by the people of the State of Missouri; but that the government of Missouri is a compound, according to their view, consisting of the constitution and laws of Missouri and the Constitution and laws of the United States. But the argument is without force. When a law speaks of a State government it does not mean the government of the United States. Nor does it mean to include any authority over the people of a State which the government of the United States may possess by virtue of the Constitution of the United States. It means that political institution created by the people of the State for the government of the people of the State, without any regard at all to the other inquiry, over what subjects the people of that State have a right by government to assume jurisdiction.

If this is so, and it be true that a State government is one government as contradistinguished from all others, and that the government of the United States is another government as contradistinguished from a State government, then an oath which requires a party to swear that he has committed no act of hostility against the State government, and no act of hostility as against the government of the United States, is an oath which, if he has committed acts of hostility against the State government, renders it impossible that he can enjoy the franchise made dependent upon the failure to exercise any acts of hostility. Yet that is this oath.

It is said that what Missouri has done, in regulating the qualifications of those who are to hold office and pursue certain professions, is simply the right to define the qualifications which Missouri, in the exercise of her sovereignty, thinks proper to demand. Is it so? In one sense it is so; but is that the sense in which the provision has been incorporated in the constitution? To prescribe age, property qualifications, or any other qualification that any body has an equal opportunity of acquiring, is one thing; to disqualify because of imputed crimes, is quite another thing. The powers of government exerted in the doing of these two things are entirely distinct. In the one, the power of regulate the qualifications for office, or for the pursuit of callings, only is involved; in the other, the power of forfeiture under the power to punish is involved, and those two powers are altogether distinct. The one is the power which belongs to every government to define and punish crime. The other, that which belongs to every free government to provide for the manner in which its agents are to be chosen, and the conditions upon which its citizens may exercise their various callings and pursuits.

OPINION OF THE COURT

(Mr. Justice Field delivered the opinion of the court:)

This case comes before us on a writ of error to the Supreme Court of Missouri, and involves a consideration of the test oath imposed by the constitution of that State. The plaintiff in error is a priest of the Roman Catholic Church, and was indicted and convicted in one of the circuit courts of the State of the crime of teaching and preaching as a priest and minister of that religious denomination without having first taken the oath, and was sentenced to pay a fine of five hundred dollars, and to be committed to jail until the same was paid. On appeal to the Supreme Court of the State, the judgment was affirmed.

The oath prescribed by the constitution, divided into its separable parts, embraces more than thirty distinct affirmations or tests. Some of the acts, against which it is directed, constitute offences of the highest grade, to which, upon conviction, heavy penalties are attached. Some of the acts have never been classed as offences in the laws of any State, and some of the acts, under many circumstances, would not even be blameworthy. It requires the affiant to deny not only that he has ever "been in armed hostility to the United States, or to the lawful authorities thereof," but, among other things, that he has ever, "by act or word," manifested his adherence to the cause of the enemies of the United States, foreign or domestic, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in rebellion, or has ever harbored or aided any person engaged in guerrilla warfare against the loyal inhabitants of the United States, or has ever entered or left the State for the purpose of avoiding enrolment or draft in the military service of the United States; or, to escape the performance of duty in the militia of the United States, has ever indicated, in any terms, his disaffection to the government of the United States in its contest with the Rebellion.

Every person who is unable to take this oath is declared incapable of holding, in the State, "any office of honor, trust, or profit under its authority, or of being an officer, councilman, director, or trustee, or other manager of any corporation, public or private, now existing or hereafter established by its authority, or of acting as a professor or teacher in any educational institution, or in any common or other school, or of holding any real estate or other property in trust for the use of any church, religious society, or congregation."

And every person holding, at the time the constitution takes effect, any of the offices, trusts, or positions mentioned, is required, within sixty days thereafter, to take the oath; and, if he fail to comply with this requirement, it is declared that his office, trust, or position shall ipso facto become vacant.

No person, after the expiration of the sixty days, is permitted, without taking the oath, "to practice as an attorney or counsellor-at-law, nor after that period can any person be competent, as a bishop, priest, deacon, minister, elder, or other clergyman, of any religious persuasion, sect, or denomination, to teach, or preach, or solemnize marriages."

Fine and imprisonment are prescribed as a punishment for holding or exercising any of "the offices, positions, trusts, professions, or functions" specified, without having taken the oath; and false swearing or affirmation in taking it is declared to be perjury, punishable by imprisonment in the penitentiary.

The oath thus required is, for its severity, without any precedent that we can discover. In the first place, it is retrospective; it embraces all the past from this day; and, if taken years hence, it will also cover all the intervening period. In its retrospective feature we believe it is peculiar to this country. In England and France there have been test oaths, but they were always limited to an affirmation of present belief, or present disposition towards the government, and were never exacted with reference to particular instances of past misconduct. In the second place, the oath is directed not merely against overt and visible acts of hostility to the government, but is intended to reach words, desires, and sympathies, also. And, in the third place, it allows no distinction between acts springing from malignant enmity and acts which may have been prompted by charity, or affection, or relationship. If one has ever expressed sympathy with any who were drawn into the Rebellion, even if the recipients of that sympathy were connected by the closest ties of blood, he is as unable to subscribe to the oath as the most active and the most cruel of the rebels, and is equally debarred from the offices of honor or trust, and the positions and employments specified.

But, as it was observed by the learned counsel who appeared on behalf of the State of Missouri, this court cannot decide the case upon the justice or hardship of these provisions. Its duty is to determine whether they are in conflict with the Constitution of the United States. On behalf of Missouri, it is urged that they only prescribe a qualification for holding certain offices, and practising certain callings, and that it is therefore within the power of the State to adopt them. On the other hand, it is contended that they are in conflict with that clause of the Constitution which forbids any State to pass a bill of atttainder or an ex post facto law.

We admit the propositions of the counsel of Missouri, that the States which existed previous to the adoption of the Federal Constitution possessed originally all the attributes of sovereignty; that they still retain those attributes, except as they have been surrendered by the formation of the Constitution, and the amendments thereto; that the new States, upon their admission into the Union, became invested with equal rights, and were thereafter subject only to similar restrictions, and that among the rights reserved to the States is the right of each State to determine the qualifications for office, and the conditions upon which its citizens may exercise their various callings and pursuits within its jurisdiction.

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[16] 7 Howard, 1.

These are general propositions and involve principles of the highest moment. But it by no means follows that, under the form of creating a qualification or attaching a condition, the States can in effect inflict a punishment for a past act which was not punishable at the time it was committed. The question is not as to the existence of the power of the State over matters of internal police, but whether that power has been made in the present case an instrument for the infliction of punishment against the inhibition of the Constitution.

Qualifications relate to the fitness or capacity of the party for a particular pursuit or profession. Webster defines the term to mean "any natural endowment or any acquirement which fits a person for a place, office, or employment, or enables him to sustain any character, with success." It is evident from the nature of the pursuits and professions of the parties, placed under disabilities by the constitution of Missouri, that many of the acts, from the taint of which they must purge themselves, have no possible relation to their fitness for those pursuits and professions. There can be no connection between the fact that Mr. Cummings entered or left the State of Missouri to avoid enrollment or draft in the military service of the United States and his fitness to teach the doctrines or administer the sacraments of his church; nor can a fact of this kind or the expression of words of sympathy with some of the persons drawn into the Rebellion constitute any evidence of the unfitness of the attorney or counsellor to practice his profession, or of the professor to teach the ordinary branches of education, or of the want of business knowledge or business capacity in the manager of a corporation, or in any director or trustee. It is manifest upon the simple statement of many of the acts and of the professions and pursuits, that there is no such relation between them as to render a denial of the commission of the acts at all appropriate as a condition of allowing the exercise of the professions and pursuits. The oath could not, therefore, have been required as a means of ascertaining whether parties were qualified or not for their respective callings or the trusts with which they were charged. It was required in order to reach the person, not the calling. It was exacted, not from any notion that the several acts designated indicated unfitness for the callings, but because it was thought that the several acts deserved punishment, and that for many of them there was no way to inflict punishment except by depriving the parties, who had committed them, of some of the rights and privileges of the citizen.

The disabilities created by the constitution of Missouri must be regarded as penalties—they constitute punishment. We do not agree with the counsel of Missouri that "to punish one is to deprive him of life, liberty, or property, and that to take from him anything less than these is no punishment at all." The learned counsel does not use these terms—life, liberty, and property—as comprehending every right known to the law. He does not include under liberty freedom from outrage on the feelings as well as restraints on the person. He does not include under property those estates which one may acquire in professions, though they are often the source of the highest emoluments and honors. The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuits of a lawful avocation, or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment. By statute 9 and 10 William III, chapter 32, if any person educated in or having made a profession of the Christian religion, did, "by writing, printing, teaching, or advised speaking," deny the truth of the religion, or the divine authority of the Scriptures, he was for the first offence rendered incapable to hold any office or place of trust; and for the second he was rendered incapable of bringing any action, being guardian, executor, legatee, or purchaser of lands, besides being subjected to three years' imprisonment without bail.[17]

By statute 1 George I, chap. 13, contempts against the king's title, arising from refusing or neglecting to take certain prescribed oaths, and yet acting in an office or place of trust for which they were required, were punished by incapacity to hold any public office; to prosecute any suit; to be guardian or executor; to take any legacy or deed of gift; and to vote at any election for members of Parliament; and the offender was also subject to a forfeiture of five hundred pounds to any one who would sue for the same.[18]

"Some punishments," says Blackstone, "consist in exile or banishment, by abjuration of the realm or transportation; others in loss of liberty by perpetual or temporary imprisonment. Some extend to confiscation by forfeiture of lands or movables, or both, or of the profits of lands for life; others induce a disability of holding offices or employments, being heirs, executors, and the like."[19]

In France, deprivation or suspension of civil rights, or of some of them, and among these of the right of voting, of eligibility to office, of taking part in family councils, of being guardian or trustee, of bearing arms, and of teaching or being employed in a school or seminary of learning, are punishments prescribed by her code.

The theory upon which our political institutions rest is, that all men have certain inalienable rights—that among these are life, liberty, and the pursuit of happiness; and that in the pursuit of happiness all avocations, all honors, all positions, are alike open to every one, and that in the protection of these rights all are equal before the law. Any deprivation or suspension of any of these rights for past conduct is punishment, and can be in no otherwise defined.

Punishment not being, therefore, restricted, as contended by counsel, to the deprivation of life, liberty, or property, but also embracing deprivation or suspension of political or civil rights, and the disabilities precribed by the provisions of the Missouri constitution being in effect punishment, we proceed to consider whether there is any inhibition in the Constitution of the United States against their enforcement.

The counsel for Missouri closed his argument in this case by presenting a striking picture of the struggle for ascendency in that State during the recent Rebellion between the friends and the enemies of the Union, and of the fierce passions which that struggle aroused. It was in the midst of the struggle that the present constitution was framed, although it was not adopted by the people until the war had closed. It would have been strange, therefore, had it not exhibited in its provisions some traces of the excitement amidst which the convention held its deliberations.

It was against the excited action of the States, under such influences as these, that the framers of the Federal Constitution intended to guard. In *Fletcher* v. *Peck*,[20] Mr. Chief Justice Marshall, speaking of such action, uses this language: "Whatever respect might have been felt for the State sovereignties, it is not to be disguised that the framers of the Constitution viewed with some apprehension the violent acts which might grow out of the feelings of the moment; and that the people of the United States, in adopting that instrument, have manifested a determination to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the legislative power of the States are obviously founded in this sentiment; and the Constitution of the United States contains what may be deemed a bill of rights for the people of each State."

" 'No State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts.' "

A bill of attainder is a legislative act which inflicts punishment without a judicial trial.

If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge; it assumes, in the language of the textbooks, judicial magistracy; it pronounces upon the guilt of the party, without any of the forms or safeguards of trial; it determines the sufficiency of the proofs produced, whether conformable to the rules of evidence or otherwise; and it fixes the degree of punishment in accordance with its own notions of the enormity of the offence.

"Bills of this sort," says Mr. Justice Story, "have been most usually passed in England in times of rebellion, or gross subserviency to the crown, or of violent political excitements; periods, in which all nations are most liable (as well the free as the enslaved) to forget their duties, and to trample upon the rights and liberties of others."[21]

These bills are generally directed against individuals by names; but they may be directed against a whole class. The bill against the Earl of Kildare and others, passed in the reign of Henry VIII,[22] enacted that "all such persons which be or heretofore have been comforters, abettors, partakers, confederates, or adherents unto the said" late earl, and certain other parties, who were named, "in his or their false and traitorous acts and purposes, shall in likewise stand, and be attained, adjudged, and convicted of high treason;" and that "the same attainder, judgment, and conviction against the said comforters, abettors, partakers, confederates, and adherents, shall be as strong and effectual in the law against them, and every of them, as though they and every of them had been specially, singularly, and particularly named by their proper names and surnames in the said act."

These bills may inflict punishment absolutely, or may inflict it conditionally.

The bill against the Earl of Clarendon, passed in the reign of Charles the Second, enacted that the earl should suffer perpetual exile, and be forever banished from the realm; and that if he returned, or was found in England, or in any other of the king's dominions, after the first of February, 1667, he should suffer the pains and penalties of treason; with the proviso, however, that if he surrendered himself before the said first day of February for trial, the penalties and disabilities declared should be void and of no effect.[23]

"A British act of Parliament," to cite the language of the Supreme Court of Kentucky, "might declare, that if certain individuals, or a class of individuals, failed to do a given act by a named day, they should be deemed to be, and treated as convicted felons or traitors. Such an act comes precisely within the definition of a bill of attainder, and the English courts would enforce it without indictment or trial by jury."[24]

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[17] 4 Black, 44.

[18] Id. 124.

[19] Id. 377.

[20] 6 Cranch, 137.

[21] Commentaries, § 1344.

[22] 28 Henry VIII, chap. 18; 3 State of the Realm, 694.

[23] Printed in 6 Howell's State Trials, p. 391.

[24] *Gaines* v. *Buford*, 1 Dana, 510.

If the clauses of the second article of the constitution of Missouri, to which we have referred, had in terms declared that Mr. Cummings was guilty, or should be held guilty, of having been in armed hostility to the United States, or of having entered that State to avoid being enrolled or drafted into the military service of the United States, and, therefore, should be deprived of the right to preach as a priest of the Catholic Church, or to teach in any institution of learning, there could be no question that the clauses would constitute a bill of attainder within the meaning of the Federal Constitution. If these clauses, instead of mentioning his name, had declared that all priests and clergymen within the State of Missouri were guilty of these acts, or should be held guilty of them and hence be subjected to the like deprivation, the clauses would be equally open to objection. And, further, if these clauses had declared that all such priests and clergymen should be so held guilty, and be thus deprived, provided they did not, by a day designated, do certain specified acts, they would be no less within the inhibition of the Federal Constitution.

In all these cases there would be the legislative enactment creating the deprivation without any of the ordinary forms and guards provided for the security of the citizen in the administration of justice by the established tribunals.

The results which would follow from clauses of the character mentioned do follow from the clauses actually adopted. The difference between the last case supposed and the case actually presented is one of form only, and not of substance. The existing clauses presume the guilt of the priests and clergymen, and adjudge the deprivation of their right to preach or teach unless the presumption be first removed by their expurgatory oath—in other words, they assume the guilt and adjudge the punishment conditionally. The clauses supposed differ only in that they declare the guilt instead of assuming it. The deprivation is effected with equal certainty in the one case as it would be in the other, but not with equal directness. The purpose of the lawmaker in the case supposed would be openly avowed; in the case existing it is only disguised. The legal result must be the same, for what cannot be done directly cannot be done indirectly. The Constitution deals with substance, not shadows. Its inhibition was levelled at the thing, not the name. It intended that the rights of the citizen should be secure against deprivation for past conduct by legislative enactment, under any form, however disguised. If the inhibition can be evaded by the form of the enactment, its insertion in the fundamental law was a vain and futile proceeding.

We proceed to consider the second clause of what Mr. Chief Justice Marshall terms a bill of rights for the people of each State—the clause which inhibits the passage of an ex post facto law.

By an ex post facto law is meant one which imposes a punishment for an act which was not punishable at the time it was committed; or imposes additional punishment to that then prescribed; or changes the rules of evidence by which less or different testimony is sufficient to convict than was then required.

In *Fletcher* v. *Peck*, Chief Justice Marshall defined an ex post facto law to be one "which renders an act punishable in a manner in which it was not punishable when it was committed." "Such a law," said that eminent judge, "may inflict penalties on the person, or may inflict pecuniary penalties which swell the Public Treasury. The legislature is then prohibited from passing a law by which a man's estate, or any part of it, shall be seized for a crime, which was not declared by some previous law to render him liable to that punishment. Why, then, should violence be done to the natural meaning of words for the purpose of leaving to the Legislature the power of seizing for public use the estate of an individual, in the form of a law annulling the title by which he holds the estate? The Court can perceive no sufficient grounds for making this distinction. This rescinding act would have the effect of an ex post facto law. It forfeits the estate of Fletcher for a crime not committed by himself, but by those from whom he purchased. This cannot be effected in the form of an ex post facto law, or bill of attainder; why, then, is it allowable in the form of a law annulling the original grant?"

The act to which reference is here made was one passed by the State of Georgia, rescinding a previous act, under which lands had been granted. The rescinding act, annulling the title of the grantees, did not, in terms, define any crimes, or inflict any punishment, or direct any judicial proceedings; yet, inasmuch as the legislature was forbidden from passing any law by which a man's estate could be seized for a crime, which was not declared such by some previous law rendering him liable to that punishment, the Chief Justice was of opinion that the rescinding act had the effect of an ex post facto law, and was within the constitutional prohibition.

The clauses in the Missouri constitution, which are the subject of consideration, do not, in terms, define any crimes, or declare that any punishment shall be inflicted, but they produce the same result upon the parties, against whom they are directed, as though the crimes were defined and the punishment was declared. They assume that there are persons in Missouri who are guilty of some of the acts designated. They would have no meaning in the constitution were not such the fact. They are aimed at past acts, and not future acts. They were intended especially to operate upon parties who, in some form or manner, by action or words, directly or indirectly, had aided or countenanced the rebellion, or sympathized with parties engaged in the rebellion, or had endeavored to escape the proper responsibilities and duties of a citizen in time of war; and they were intended to operate by depriving such persons of the right to hold certain offices and trusts, and to pursue their ordinary and regular avocations. This deprivation is punishment; nor is it any less so because a way is opened for escape from it by the expurgatory oath. The framers of the constitution of Missouri knew at the time that whole classes of individuals would be unable to take the oath prescribed. To them there is no escape provided; to them the deprivation was intended to be, and is, absolute and perpetual. To make the enjoyment of a right dependent upon an impossible condition is equivalent to an absolute denial of the right under any condition, and such denial, enforced for a past act, is nothing less than punishment imposed for that act. It is a misapplication of terms to call it anything else.

Now, some of the acts to which the expurgatory oath is directed were not offences at the time they were committed. It was no offence against any law to enter or leave the State of Missouri for the purpose of avoiding enrollment or draft in the military service of the United States, however much the evasion of such service might be the subject of moral censure. Clauses which prescribe a penalty for an act of this nature are within the terms of the definition of an ex post facto law—"they impose a punishment for an act not punishable at the time it was committed."

Some of the acts at which the oath is directed constituted high offences at the time they were committed, to which, upon conviction, fine and imprisonment, or other heavy penalties, were attached. The clauses which provide a further penalty for these acts are also within the definition of an ex post facto law—"they impose additional punishment to that prescribed when the act was committed."

And this is not all. The clauses in question subvert the presumptions of innocence, and alter the rules of evidence, which heretofore, under the universally recognized principles of the common law, have been supposed to be fundamental and unchangeable. They assume that the parties are guilty; they call upon the parties to establish their innocence; and they declare that such innocence can be shown only in one way—by an inquisition, in the form of an expurgatory oath, into the consciences of the parties.

The objectionable character of these clauses will be more apparent if we put them into the ordinary form of a legislative act. Thus, if instead of the general provisions in the constitution the convention had provided as follows: Be it enacted, that all persons who have been in armed hostility to the United States shall, upon conviction thereof, not only be punished as the laws provided at the time the offences charged were committed, but shall also be thereafter rendered incapable of holding any of the offices, trusts, and positions, and of exercising any of the pursuits mentioned in the second article of the constitution of Missouri;—no one would have any doubt of the nature of the enactment. It would be an ex post facto law, and void; for it would add a new punishment for an old offence. So, too, if the convention had passed an enactment of a similar kind with reference to those acts which do not constitute offences. Thus, had it provided as follows: Be it enacted, that all persons who have heretofore, at any time, entered or left the State of Missouri, with intent to avoid enrolment or draft in the military service of the United States, shall, upon conviction thereof, be forever rendered incapable of holding any office of honor, trust, or profit in the State, or of teaching in any seminary of learning, or of preaching as a minister of the gospel of any denomination, or of exercising any of the professions or pursuits mentioned in the second article of the constitution;—there would be no question of the character of the enactment. It would be an ex post facto law, because it would impose a punishment for an act not punishable at the time it was committed.

The provisions of the constitution of Missouri accomplish precisely what enactments like those supposed would have accomplished. They impose the same penalty, without the formality of a judicial trial and conviction; for the parties embraced by the supposed enactments would be incapable of taking the oath prescribed; to them its requirement would be an impossible condition. Now, as the State, had she attempted the course supposed, would have failed, it must follow that any other mode producing the same result must equally fail. The provision of the Federal Constitution, intended to secure the liberty of the citizen, cannot be evaded by the form in which the power of the State is exerted. If this were not so, if that which cannot be accomplished by means looking directly to the end, can be accomplished by indirect means, the inhibition may be evaded at pleasure. No kind of oppression can be named, against which the framers of the Constitution intended to guard, which may not be effected. Take the case supposed by counsel—that of a man tried for treason and acquitted, or, if convicted, pardoned—the legislature may nevertheless enact that, if the person thus acquitted or pardoned does not take an oath that he never has committed the acts charged against him, he shall not be permitted to hold any office of honor or trust or profit or pursue any avocation in the State. Take the case before us;—the constitution of Missouri, as we have seen, excludes, on failure to take the oath prescribed by it, a large class of persons within her borders from numerous positions and pursuits; it would have been equally within the power of the State to have extended the exclusion so as to deprive the parties, who are unable to take the oath, from any avocation whatever in the State. Take still another case:—suppose that, in the progress of events, persons now in the minority in the State should obtain the ascendency, and secure the control of the government; nothing could prevent, if the constitutional prohibition can be evaded, the enactment of a provision requiring every person, as a condition of holding any position of honor or trust, or of pursuing any avocation in the State, to take an oath that he had never advocated or advised or supported the imposition of the present expurgatory oath. Under this form of legislation the most flagrant invasion of private rights, in periods of excitement, may be enacted, and individuals, and even whole classes, may be deprived of political and civil rights.

A question arose in New York soon after the treaty of peace of 1783, upon a statute of that State, which involved a discussion of the nature and character of these expurgatory oaths, when used as a means of inflicting punishment for past conduct. The subject was regarded as so important, and the requirement of the oath such a violation of the fundamental principles of civil liberty, and the rights of the citizen, that it engaged the attention of eminent lawyers and distinguished statesmen of the time, and among others of Alexander Hamilton. We will cite some passages of a paper left by him on the subject, in which, with his characteristic fullness and ability, he examines the oath, and demonstrates that it is not only a mode of inflicting punishment, but a mode in violation of all the constitutional guarantees, secured by the Revolution, of the rights and liberties of the people.

"If we examine it" (the measure requiring the oath), said this great lawyer, "with an unprejudiced eye, we must acknowledge not only that it was an evasion of the treaty, but a subversion of one great principle of social security, to wit: that every man shall be presumed innocent until he is proved guilty. This was to invert the order of things; and, instead of obliging the State to prove the guilt, in order to inflict the penalty, it was to oblige the citizen to establish his own innocence to avoid the penalty. It was to excite scruples in the honest and conscientious, and to hold out a bride of perjury. It was a mode of inquiry who had committed any of those crimes to which the penalty of disqualification was annexed, with this aggravation, that it deprived the citizen of the benefit of that advantage, which he would have enjoyed by leaving, as in all other cases, the burden of the proof upon the prosecutor.

"To place this matter in a still clearer light, let it be supposed that, instead of the mode of indictment and trial by jury, the legislature was to declare that every citizen who did not swear he had never adhered to the King of Great Britain should incur all the penalties which our treason laws prescribe. Would this not be a palpable evasion of the treaty, and a direct infringement of the Constitution? The principle is the same in both cases, with only this difference in the consequences—that in the instance already acted upon the citizen forfeits a part of his rights; in the one supposed he would forfeit the whole. The degree of punishment is all that distinguishes the cases. In either, justly considered, it is substituting a new and arbitrary mode of prosecution to that ancient and highly esteemed one recognized by the laws and constitution of the State. I mean the trial by jury.

"Let us not forget that the Constitution declares that trial by jury, in all cases in which it has been formerly used, should remain inviolate forever, and that the legislature should at no time erect any new jurisdiction which should not proceed according to the course of the common law. Nothing can be more repugnant to the true genius of the common law than such an inquisition as has been mentioned into the consciences of men. * * * If any oath with retrospect to past conduct were to be made the condition on which individuals, who have resided within the British lines, should hold their estates, we should immediately see that this proceeding would be tyrannical, and a violation of the treaty; and yet, when the same mode is employed to divest that right, which ought to be deemed still more sacred, many of us are so infatuated as to overlook the mischief.

"To say that the persons who will be affected by it have previously forfeited that right, and that, therefore, nothing is taken away from them, is a begging of the question. How do we know who are the persons in this situation? If it be answered, this is the mode taken to ascertain it—the objection returns—'tis an improper mode; because it puts the most essential interests of the citizens upon a worse footing than we should be willing to tolerate where inferior interests were concerned; and because, to elude the treaty, it substitutes for the established and legal mode of investigating crimes and inflicting forfeitures, one that is unknown to the Constitution, and repugnant to the genius of our law."

Similar views have frequently been expressed by the judiciary in cases involving analogous questions. They are presented with great force in *The matter of Dorsey*,[25] but we do not deem it necessary to pursue the subject further.

The judgment of the Supreme Court of Missouri must be reversed, and the cause remanded, with directions to enter a judgment reversing the judgment of the Circuit Court, and directing that court to discharge the defendant from imprisonment, and suffer him to depart without day.

And it is so ordered.

The Chief Justice, and Messrs. Justices Swayne, Davis, and Miller dissented. In behalf of this portion of the court, a dissenting opinion was delivered by Mr. Justice Miller. This opinion applied equally or more to the case of *Ex parte Garland* (the case next following), which involved principles of a character similar to those discussed in this case. The dissenting opinion is, therefore, published after the opinion of the court in that case.

Mr. ERVIN. Mr. President, I stated a moment ago that the bill would undertake to rob seven States of the power they possess under the Constitution of the United States to establish and use literacy tests in two ways. The first is by means of a bill of attainder and an ex post facto law. I have discussed this point.

The second is by means of an artificial presumption or triggering device in which the three specified conditions on which the presumption or triggering device rest bear no rational relation to the inference created—namely, that Alabama, Georgia, Louisiana, Mississippi, South Carolina, and certain cities and counties in North Carolina and Virginia are engaged in violating the 15th amendment.

The artificial presumption or triggering device contained in the bill is wholly inconsistent with the decisions of the Supreme Court which establish these two propositions: First, that a constitutional provision cannot be transgressed indirectly by creating a statutory presumption any more than by a direct enactment; Second: That a legislative body denies due process when it creates a statutory presumption in which there is no rational relation between the fact proved and the fact to be inferred, and in which the party to whom the presumption applies is denied an opportunity to submit all the facts bearing on the issue.

These principles were recognized and applied by the Supreme Court in the famous case of *Bailey* v. *Alabama*, 219 U.S. 219.

Other cases dealing with these basic principles are the following:

Speiser v. *Randall*, 357 U.S. 513; *Heiner* v. *Donnan*, 285 U.S. 312; *Western & Atlanta Railroad Company* v. *Henderson*, 279 U.S. 639; and *McFarland* v. *American Sugar Company*, 241 U.S. 79.

Let us see how this artificial presumption would operate. It would operate as an automatic condemnation of seven States, in whole or in part. The automatic condemnation provisions of section 4(b), which my amendment would strike, would apply to a State or political subdivision of a State if these three conditions exist:

First. If the State or political subdivision maintained a literacy test as a prerequisite for voting on November 1, 1964;

Second. If more than 20 percent of the persons of voting age residing in the State or subdivision in 1960 were nonwhites; and

Third. If less than 50 percent of the persons of voting age residing in the State or political subdivision were registered on November 1, 1964, or if less than 50 per centum of such persons voted in the presidential election of November 1964.

To show the absurdity of this artificial presumption or triggering device, I invite the attention of Senators to the alternative portion of the device in the third of these conditions. Under this provision a State or political subdivision could register every citizen of voting age without discrimination. Yet, if less than 50 percent of those registered voted in 1964, the State or political subdivision would be condemned by the artificial presumption or triggering device if it had a literacy test, and if more than 20 percent of its residents of voting age were nonwhite. That would punish some States and some political subdivisions of States for something for which they were not responsible, and which they could not have prevented under the system of free government which this country is supposed to have.

I submit that the first of the three conditions giving rise to the artificial presumption or triggering device reveal the absolute absurdity and utter injustice of the attempt to condemn certain States and political subdivisions of States of the offense of violating the 15th amendment by a congressional declaration rather than by a judicial trial.

I say that for the simple reason that there are 21 States in the United States which use literacy tests as qualifications for voting. Seven of those States are Southern States—the States at which the bill is aimed. The other 14 States are in the North and the West.

This bill is directed at Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. These States employ literacy tests as a prerequisite for voting.

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[25] 7 Porter, 294.

The States of Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Maine, Massachusetts, New Hampshire, New York, Oklahoma, Oregon, Washington, and Wyoming likewise use literacy tests as qualifications for voting.

With all due respect to them, I submit that the proponents of the bill are suffering from a species of schizophrenia in respect to what they think literacy tests prove. They use the literacy tests of 7 States to justify an inference of discrimination against them, but they use the literacy tests of the other 14 States to justify an inference of righteousness on their part.

The provisions of the bill relating to literacy tests offends a very basic constitutional truism which is expounded in the celebrated case of *Coyle* v. *Oklahoma*, 221 U.S. 559. Such provisions forbid 7 States to use literacy tests, and permit the other 14 States to use them.

I do not have time to read the Coyle case in full.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ERVIN. Mr. President, I yield myself 10 more minutes.

The Coyle case, which I do not have time to read, holds that the Constitution not only looks to an indestructible union of indestructible States, but to a union of equal States as well.

A bill which provides that 14 States can exercise their constitutional power to employ literacy tests and 7 States cannot puts the 7 States on a secondary plane and denies them their constitutional right to stand on an equal basis of dignity and power with the 14 States which are permitted by the bill to continue to use their literacy tests.

I will not discuss the second of the conditions in detail. It is manifest that the fact that more than 20 percent of persons of voting age in a State, or city, or county are nonwhite does not show anything one way or the other with regard to discrimination in violation of the 15th amendment.

This brings us to the third condition, which is alternative in nature, and which in connection with the first two conditions condemns any State or political subdivision where less than 50 percent of the persons of voting age were registered on November 1, 1964, or less than 50 percent of such persons voted in the presidential election of November 1964.

The proponents of the bill say the three conditions on which the artificial presumption or automatic triggering device rest justify the inference that literacy tests are being used in 34 counties in North Carolina to deprive citizens of the right to vote on account of race or color in violation of the 15th amendment.

Figures assembled by the U.S. Commission on Civil Rights show how absurd and unjust the presumption or triggering device is in its application to the 34 North Carolina counties. These figures show that 99.99684 percent of all North Carolinians of all races who take the literacy test pass it.

To reverse the proposition, the figures assembled by the U.S. Civil Rights Commission show that of the people of both races in North Carolina taking the literacy test only 0.000316 percent fail.

In other words, according to the figures assembled by the U.S. Civil Rights Commission, of every 1,000 people in the State, of all races, who take the literacy test, 997 of them pass, and only 3 out of 1,000 fail.

Yet North Carolina has 34 counties covered by the bill, notwithstanding these figures and notwithstanding the fact that when the Attorney General of the United States came before the Senate Judiciary Committee and urged the passage of this bill, he admitted that the Department of Justice had no evidence whatever that any of these North Carolina counties covered by the bill, and deprived of some of their rights of sovereignty by it, are engaged in the violation of the 15th amendment.

The triggering device constitutes an unconstitutional presumption under the decisions of the Supreme Court, because there is no rational relation between the registration figures contained in the triggering device and the discrimination inferred.

North Carolina ought not to be included in the bill. Even the proponents of the bill must concede that registration figures shed no light on this subject sufficient to create a presumption of discrimination against North Carolina.

The figures assembled for the House Judiciary Committee by the Attorney General himself show that North Carolina has registered 76 percent of all persons of voting age residing within its borders.

This is a far greater percentage than the percentage of persons of voting age registered in at least 13 States not covered by the bill. Those 13 States are Arizona, with 66 percent; Arkansas, with 56 percent; California, with 75 percent; Florida, 54 percent; Hawaii, 60.6 percent; Kentucky, 51 percent; Maryland, 70.6 percent; Michigan, 72 percent; Nevada, 67 percent; New York, 74.5 percent; Oregon, 75 percent; Tennessee, 72.7 percent; and Texas, 56.3 percent.

These figures show the absurdity of raising a presumption, on the basis of this triggering device, that North Carolina is engaged in violating the 15th amendment, and that 13 other States, which have a smaller percent of their adult population registered, are not engaged in violating the 15th amendment.

The triggering device is also unconstitutional under the decisions of the Supreme Court insofar as it attempts to base an assumption or presumption of discrimination on the fact that less than 50 percent of the adult population voted in the presidential election of 1964. This is so because of a lack of any rational relation between the 5 percent voting and the discrimination to be inferred.

During the hearings before the Judiciary Committee I made a statement showing the absurdity of applying any part of this triggering device to any part of the State of North Carolina. The statement appeared in part 1, pages 777 through 798, of the hearing record.

I ask unanimous consent that the statement may be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PART I

Senator ERVIN. I also offer my own statement analyzing the ridiculous crazy quilt created by the triggering device used in this bill and showing how there is no relationship between the triggering device in the States which are excluded by the bill and in the States which are included. I put that in the record.

(The statement referred to follows:)

"The voting bill and voting statistics

"The height of paradox is presented by the formula proposed in the administration's voting rights bill, S. 1564, to establish the presumption that the 15th amendment had been violated. New York, which uses a literacy test, had 74.5 percent of its citizens registered, while North Carolina, which also uses a literacy test upheld by the Supreme Court, had 76 percent of its voters registered. Given these facts, any reasonable man would think that a voting bill designed to secure the right of citizens to register and to vote would touch both New York and North Carolina. Yet, Mr. President, the State of New York is untouched by S. 1564, while 34 counties in North Carolina are presumed guilty of voter discrimination under the 15th amendment.

"Section 3(a) of S. 1564 creates a presumption that any State or political subdivision using a literacy test has violated the 15th amendment if 50 percent or less of those of voting age were not registered on November 1, 1964, or did not vote in the 1964 presidential election. Volume 12 of American Jurisprudence states that '* * * facts may be prima facie evidence of other facts if there is a rational connection between what is proof and what is to be inferred, and if the rule is not arbitrary.' There is no rational connection, however, between the fact that less than 50 percent of the persons of voting age in a State failed to vote and the presumption that this low voting percentage is due to a violation of the 15th amendment. Lack of participation in elections is brought about by many factors: a strong one-party system, a confidence in victory, dissatisfaction with both candidates, or a plain lack of concern. For instance, under the proposed bill, a single county in Maine would be affected. Yet as the Attorney General pointed out, 'A snowstorm could have kept the voters away from the polls.'

"I am in favor of any law that is constitutional and operates on a fair basis to end violations of the 15th amendment, but I think this bill does not do it. The absurdity of the 50-percent tests contained in section 3(a) of the bill is exhibited by reference to my own State.

"Almost 52 percent of all the North Carolinians of voting age voted in the last general election. Had the percentage fallen below 50 percent, then every one of the 100 counties in North Carolina would have been subjected to the sanctions of this bill. Thirty-four counties did vote less than 50 percent in the 1964 elections; therefore, these counties will be presumed to have violated the 15th amendment. It is also noteworthy, that North Carolina's literacy test, which is a simple test of reading and writing, has been held constitutional in the case of *Lassiter* v. *Northampton Board of Elections* (360 U.S. 45). New York County, N.Y., which uses a literacy test, has a population of almost one-half that of North Carolina. The percentage of the voting age population of New York County that participated in the 1964 presidential election was 51.3. What kind of logic would accuse Hyde County, N.C., which voted

49.7 percent of its voting age population, of violating the 15th amendment, but leave New York County untouched?

"In the District of Columbia during the last election only 38.4 percent of the residents voted, and only 42.6 percent were registered. This resulted despite the fact that the Constitution had been amended to permit District residents to vote in presidential elections and a strong drive had been made to increase voter registration. Special registration booths were established and kept open evenings and weekends to facilitate voter registration. In the District there is no literacy test, and the only requirement for registration is that the applicant be 21 years or older and have resided in the District for at least a year. Yet, if the District had a literacy test, the bill would condemn District officials for discrimination on the basis of race or color.

"These voting figures strongly indicate that considerations—other than discrimination—may cause low voting statistics. In short, voting statistics alone do not demonstrate that the 15th amendment has been violated by use of a literacy test.

"Florida has no literacy tests; there, in 1964, 52.7 percent of the voting age population voted. In five Florida counties the voting percentage was less than 50 percent. In one Florida county, only 36.6 percent voted—a smaller percentage than that for any North Carolina county. Yet 34 of North Carolina's counties are covered by this bill whereas no Florida county is covered.

"Arkansas has no literacy tests, but in 1964 only 49.9 percent of the voting age population voted. It would not be covered by this bill but North Carolina which voted 51.8 percent of its voting age population would be.

"Kentucky has no literacy test and in the last election 52.9 percent of the residents voted. In 13 counties, however, less than 50 percent voted. Kentucky, like Arkansas, would not be covered by this bill; neither would any of the 13 counties which voted less than half of their voting age population.

"Maryland has no literacy test, and while the State achieved a statewide percentage of 56 percent, there were three counties where less than 50 percent voted but these counties are covered by the bill.

"The absurdity of using percentages is further illustrated by comparing North Carolina, which has a literacy test, with its neighbor Tennessee which does not have a literacy test. North Carolina's voting percentage was 51.8 percent while the voting percentage of Tennessee was 51.1 percent or slightly lower. In North Carolina, 34 out of 100 counties had a percentage of less than 50 percent; in Tennessee, 22 out of 95 counties had a voting percentage of less than 50 percent. Was it literacy tests that caused the low percentage, or just the general apathy of voters, both white and Negro? Can it be demonstrated by any law or logic that North Carolina is guilty of discrimination under the 15th amendment, while Tennessee is not, simply because the latter does not have a literacy test?

"In Louisiana, to take another example, 47.3 percent of the people voted; in Texas only 44.4 percent voted. Under the proposed bill, these statistics would be used to justify the conclusion that there were violations of the 15th amendment in Louisiana, but none in the State of Texas.

"According to the bill, 34 counties in North Carolina have been violating the 15th amendment. There are 137 counties in Texas which voted less than 50 percent, but these counties are not covered by the bill. The State of Texas, which voted 44 percent, is deemed not to be guilty of violating the 15th amendment simply because it had no literacy test. Nineteen of North Carolina's condemned counties actually had a higher voting percentage than the "guiltless" State of Texas. The State of North Carolina voted over 50 percent and yet one-third of the State is deemed to have violated the 15th amendment simply because it does have a literacy test, which has been held constitutional by the U.S. Supreme Court.

"According to statistics submitted by the Attorney General, 75 percent of the voting age population in North Carolina is registered. This is a greater percentage than in at least 13 States not covered by the bill.

"State	*Registered voters (percent)*
Arizona	66.0
Arkansas	56.0
California	75.0
Florida	54.0
Hawaii	60.6
Kentucky	51.0
Maryland	70.6
Michigan	72.0
Nevada	67.0
New York	74.5
Oregon	75.0
Tennessee	72.7
Texas	56.3

And yet, one-third of the State of North Carolina, through the illogical inferences sanctioned and compelled by section 3(a) of the voting bill, are singled out by the Congress and pronounced guilty of violating the 15th amendment.

"In view of these facts, it becomes clear, that the criteria developed under the administration's bill for determining violations of the 15th amendment are illogical, discriminatory, and represent a vivid example of hurried draftsmanship.

"It would be well for our country if those who advocate this hasty legislation would pause and ponder these words of Mr. Justice Davis, speaking for the Court in Ex parte Milligan:

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government."

Senator ERVIN. I should like to make this statement for myself as a witness, and I shall be glad to be cross-examined by anyone.

The 1960 census shows that North Carolina has a total white population of 3,399,285, a total nonwhite population of 1,156,870.

Of this nonwhite population, 1,116,021 is Negro, and while it may be surprising to some people not familiar with North Carolina, the bulk of the other 40,849 nonwhite is Indian. North Carolina ranks fourth, incidentally, in Indian population in the States of the Union.

Senator HART. Mr. Chairman, even if I were free to remain, I would not presume to cross-examine you. But I must make my apologies. I think that the reader of the record from this point on will be listening to a man who has served with distinction for many years as a trial judge, as an appellate court judge, preceded by many years as a practicing lawyer and is serving now as a Senator. It will be interesting to see how a really qualified witness will sound in the record.

Senator ERVIN. I appreciate the kind remarks of the Senator from Michigan, and I understand why any Senator is impelled to leave a committee, because most of us have three or four committees going on at the same time.

The first thing I would like to point out is that there are 100 counties in North Carolina, and according to the reports of the Civil Rights Commission, complaints have been received from only 5 of those counties since the passage of the Civil Rights Act of 1957, of alleged denials of voting rights on the basis of race or color.

The total number of these complaints has been 36; 17 of them were received in 1959, which means that they could not have arisen earlier than 1958. This is true because North Carolina has had no registration and no election in the year 1959. North Carolina holds its elections in even years and does not register voters except during a period of about 1 month before the primary, which comes on the last Saturday of May in each year, and about a month before the general election, which comes on the first Tuesday in November of each year. So at least 17 of these complaints arose at least 7 years ago.

The Civil Rights Act of 1957 provides for the receipt by the Civil Rights Commission and by the State advisory committees of complaints in writing and under oath from any persons who claim they have been wrongfully denied the right to register to vote on account of race or color.

North Carolina has a State advisory committee which is charged with the duty to investigate conditions in North Carolina and to make reports on such conditions in this field to the U.S. Commission on Civil Rights. This committee was composed of Mr. J. McNeill Smith, of Greensboro, N.C., as chairman, who is an extremely able lawyer; A. T. Spaulding, of Durham, N.C., vice chairman.

Incidentally, Mr. Spaulding is a Negro and is the president of the largest insurance company owned and operated by members of the Negro race. The principal office, or home office, of his company is in Durham, N.C. Its name is the North Carolina Mutual Life Insurance Co.

The secretary is Mrs. Margaret R. Vogt, of Wilson, N.C.; Millard Barbee, of Durham, N.C., who is the president of the AFL–CIO in North Carolina; and Paul R. Ervin, an attorney at law, of Charlotte, N.C.

I wish to acquit Paul of any charge of any relationship to myself, notwithstanding the fact that I would be proud to be related to him and notwithstanding the fact that he spells his surname exactly like I do. I held court over a period of 7 years in the county in which he practices law, and he has had cases before me and many cases in which I was superior court judge. I know no man who has a greater capacity for objective viewing of any problem and who has a higher degree of intellectual integrity than he has.

Another member of the committee was Hector MacLean of Lumberton, N.C., who is a banker and is the son of a former Governor of North Carolina.

Another member of the commission is Conrad O. Pearson, an attorney at law, of Durham, N.C., who is a Negro lawyer of excellent character and ability.

Another member of the committee was William L. Thorp, Jr., of Rocky Mount, N.C. He is an attorney at law, and incidentally, the son of a college mate of mine and one of the brightest young lawyers in the State.

Another member is Curtiss Todd of Winston-Salem and Marion A. Wright, to complete the membership of this committee.

This committee is located throughout the State so that every area of the State is represented—east, west, and Piedmont, the three great sections of our State.

This committee, over a period of several years, conducted hearings throughout the State for the purpose of receiving complaints from any person who claimed that he had been denied the right to vote on account of race or color. According to page 451 of the U.S. Civil Rights Commission report entitled "The 50 States Report," published in 1961, they held hearings in New Bern, Greenville, Rocky Mount, and Fayetteville in the eastern part of the State.

Incidentally, New Bern is the county seat of Craven County, one of the counties that is being deprived of its constitutional prerogatives under this bill, and Greenville is the county seat of Pitt County, another one of these counties. Fayetteville is the county seat of Cumberland County which is also one of the 34 counties.

Rocky Mount is situated right in the area of others of these 34 counties.

Then hearings were held in Raleigh, Durham, Greensboro, Winston-Salem, and Charlotte, the chief cities of the Piedmont, which is the middle area of North Carolina. Hearings were also held at Asheville, which is in the western part of the State.

The hearings were held at these places over a period of several years, and the times and places were announced in the papers and the press of North Carolina. Notice was given that anyone who had any complaint that he had been denied the right to vote in violation of the 15th amendment was invited to come and be present and present his claim to them.

In addition to this, public notice was given that any citizen of North Carolina who claimed he had been denied the right to vote in violation of the 15th amendment could present his claim individually to any member of the North Carolina State Advisory Commission.

Now, I mentioned the fact that the record shows that only a total of 36 complaints of deprivations of voting rights were received from the 1,156,870 nonwhites in North Carolina. So far as I know, only one of these claims was ever litigated in court, that was a case from Bertie County, entitled "*Basemore v. the Board of Elections of Bertie County.*" It was held by the North Carolina Supreme Court in that case that the registrar in Bertie County had committed an error of law in permitting a person to copy a section of the North Carolina law from dictation. They found that under the North Carolina literacy test, a person is entitled to have the Constitution laid beside him where he can read it and copy it.

I have also noted the fact that 17 of these 36 cases had to originate at least as early as 1958. The other originated in 1960.

I want to make an additional statement on the location of the cities where these hearings were held.

Half of Rocky Mount is in Edgecombe County and the other half is in Nash County. Edgecombe County is 1 of these 34 counties.

I would like to call attention to the fact that at page 451 of the same publication of the U.S. Civil Rights Commission it states this: "To date, the committee has received sworn written statements from 5 of the 100 counties of the State." Those complaints were among the 36 that I have mentioned.

I would call attention to another publication of their Civil Rights Commission entitled "Equal Protection of the Laws of North Carolina," which covers the period 1959–62. On page 19, it states, and I quote: "In the more than 3 years that this committee has been in existence, there have been no such complaints"—that is, complaints of denials of voting rights—"on the basis of race from any of the other 95 counties of the State."

Now, nine of these complaints came from Franklin County. While the record does not so state, it indicates that all of them came from one precinct and involved the action of one registrar. These complaints all originated in 1960 in connection with the May primary. Four of the other complaints came from Greene County, one of them being at least as far back in origin as 1959. Three of these complaints in Greene County originated in connection with registration for the May primary of 1960, and involved the same registrar in that county.

Seven complaints were received from the third county, Bertie County, by the North Carolina Advisory Committee on May 20, 1960. These originated apparently in three different precincts. One of them gave rise to this case, *Basemore v. The Bertie County Board of Elections*, which is reported in "254, North Carolina Supreme Court Reports," page 398.

Ten of these complaints originated in 1959 in Halifax County, and the evidence given by the Attorney General, as well as a copy of the opinion in the case by the U.S. District Court of the Eastern District of North Carolina shows that all objections arising in Halifax County were corrected within about 12 days after the filing of the suit. The suit was dismissed on the ground that there was no occasion for it to be prosecuted further.

The fifth county where complaints were received was Northampton County. All of these complaints were received in 1959 and they total six in number.

North Carolina has approximately 2,200 precincts and in each of these precincts there is one registrar who passes on the qualifications for voters.

The registrar in the present setup is a member of the Democratic Party.

Then there are two judges, one a Republican and one a Democrat. But the judges have nothing to do with passing on registration.

So it would appear, that out of the 2,200 registrars in North Carolina since the creation of the U.S. Civil Rights Commission in 1957, not more than approximately 7 registrars out of 2,200 have been charged with denying any person the right to vote on account of race or color. Whether these complaints were justified in any of these cases except the Basemore case is not clear, because there was no adjudication made with respect to them.

But I submit that no State that has 2,200 election officials should be deprived of this constitutional right to use the literacy test in determining the qualifications for voters, because possibly 6 or 7 or 8 election officials out of 2,200 may not have exercised good judgment in administering a literacy test.

I consider this a punishment for supposed guilt upon an awful lot of innocent people.

I want to call attention to some registration figures for 1960; during the 1960 general election, 210,450 nonwhites were registered to vote, according to figures supplied by the U.S. Civil Rights Commission as appears from page 454 of their publication entitled "The 50 States Report."

On that same page is a mathematical or typographical error stating that these 210,450 nonwhites who were duly registered amounted to only 31.2 percent of the nonwhites of voting age. That should be 38.2 percent, as appears from anybody's arithmetic and also as appears in another publication of the U.S. Civil Rights Commission. The calculation appears correctly as 38.2 percent on page 283 of the publication of the Civil Rights Commission entitled "Voting 1961, U.S. Commission on Civil Rights Report."

Now, at that time, the total number of nonwhites in North Carolina of voting age, as shown upon the same page of the last publication, was 550,929, of whom 210,450 or 38.2 percent, were registered.

So much for the 1960 figures.

I pointed out this morning that according to the publication of the U.S. Civil Rights Commission entitled "The 50 States Report," which bears the date of 1961, a total of 239,687 new names were added to the registration books of North Carolina in 1960, and of that number 208,672 were whites and 31,015 were nonwhites.

I also called attention this morning to the fact that on page 473 of the same publication, it appears that 759 people who applied for registration in North Carolina were denied registration on the ground that they could not pass the literacy test.

What this means in very simple language is that the following percentage of all people in North Carolina applying for registration, both white and nonwhite, during 1960 passed the literacy test; 99.—and I am going to give you a lot of figures beyond the decimal point—99.99684.

To my mind, as I said this morning, it is like using an atomic bomb to get rid of one mouse to say that you are going to abolish literacy tests in a State where 99.99684 percent of the people passed the literacy test. Certainly on that kind of a basis no rational man can honestly contend that those figures show that the literacy test is being used to deny people the right to register to vote on account of race or color.

Now, to put this thing in reverse, the figures of the Civil Rights Commission itself show that during 1960, this percentage of people, whites and nonwhites both, applying for registration, failed the test: 0.000316. That means that only three-thousandths of 1 percent of the people in North Carolina, both white and nonwhite, who applied for registration in 1960 failed to pass the literacy test.

Now, I want to show some other figures about 1964. I cannot get official figures; they are not available. But I have been supplied by the Civil Rights Commission with certain figures which are based on compilations made by the voter education project of the Southern Regional Council.

As I understand it, the Southern Regional Council is financed by the Ford Foundation and it certainly is not engaged in picturing conditions in Southern States any better than they are. There are some very interesting things in this connection.

In 1960, as I pointed out, 38.2 percent of the nonwhites in North Carolina were registered. The figures for 1964 show that that had increased from 38.2 to 46.8 percent. The number had increased from 1960 to 1964 by approximately 58,000, because 258,000 nonwhites of voting age in North Carolina were registered in 1964. That is a very substantial figure and a very substantial increase, because the total number of nonwhites of voting age in North Carolina, according to the 1960 census was only 550,929.

Now, I want to address myself very briefly as far as I can to some of these counties that were charged with discrimination. In fact, no discrimination has been proved in any case, even in the Basemore case, because that was based upon misinterpretation of a law by the registrar. Thus far, I have been relying on figures supplied by the Civil Rights Commission. I do not think it is infallible, because in its publication for 1963, called "Civil Rights," at page 20, it is stated that there were 100 counties in the United States where denials of voting rights were indicated. Then they said on page 20 of that same publication that 7 of these 100 counties were in North Carolina. They added this, however: "The most recent figures available for these seven counties indicated a marked increase in Negro registration."

I think that is bound to be a mistake as to one of them. On page 35, it lists among those seven North Carolina counties the county of Graham. That is a county that is cited as having discrimination against persons in voting on account of race or color. The county of Graham, according to information supplied me, has not a single Negro resident in the entire county. Certainly it could not be discriminating against people who did not exist within the borders of this county.

Now, at that time, Bertie County was included in that report because of these complaints, and also because it had allegedly only 713 Negroes registered. The latest figures which I have just obtained from the Borad of Elections of Bertie County show that number has doubled in 4 years. There are now 1,434 Negroes registered to vote in Bertie County. To my mind this is a very substantial increase.

Hertford County was one of the counties included in the seven listed in this publication as counties where there were indications of the denial to vote on the basis of race or color. So far as I can ascertain, that is based solely upon the percentage of Negroes voting and not upon the actual complaints or investigations.

Another one of these counties that is listed by the Civil Rights Commission as being a county where discrimination was indicated—not proved, but indicated—was Green County, where 385 Negroes were registered in 1960. Now their number has risen to 622.

Another one of these counties was Halifax County, the one that was involved in the lawsuit, in 1962.

These figures I have given you are for 1962 rather than 1960.

In 1962, there were 1,954 Negroes registered, or 14.3 percent of those of voting age in Halifax County. By 2 years later—that is, in 1964, 3,644 Negroes were registered, amounting to 26.5 percent, which is a very substantial increase.

I do not have the figures for Hertford County, but I have been informed that there are no impediments whatever offered to Negroes to register in Hertford County. In fact, I have been furnished with a newspaper from Hertford County which has an article to that effect.

I am sorry, I do not have these figures from these other counties. I have requested all of the county election boards in North Carolina to furnish me information concerning their county regarding the number of persons voting in the November 1964 election, the number of whites and Negroes registered, the number of years records have been kept on literacy tests, the number of Negroes who passed and failed the State literacy tests and the number of whites who passed and failed the State literacy tests. Because of time restrictions placed on S. 1564 by the Senate, I have not been able to receive replies from all North Carolina counties. However, I have 50 replies, including those from 19 of the 34 counties which would be included under the administration's voting rights bill. These official statistics indicate that the number of Negroes who failed North Carolina's literacy test and the number of whites who failed this test were approximately the same in most cases. For example, in 6 of the 50 counties reporting, no Negroes failed the test, and in 7 of the counties, no whites failed the test.

Additional statistics point out that the number of Negroes who passed the literacy test was high in relation to the number who failed.

Also, these general observations held true for the 19 counties that reported out of the 34 that would be covered by the bill. In other words, there is no statistical evidence from these official records that indicated there was any systematic discrimination by election officials in North Carolina.

These official statistics disagree with those reported weekly in the Congressional Quarterly and indicate that even an invariably accurate source such as the Congressional Quarterly may be in error. In nine of the North Carolina counties which would be affected by S. 1564, the March 19 edition of the Congressional Quarterly inaccurately reported the total number of persons who voted in the 1964 presidential election. In every case except two, the erroneous figures reported by the Congressional Quarterly was less than that reported by the county election officials.

I would like to insert at this point the statistical data based upon information furnished to me by the county boards of election of these various counties.

(The document referred to follows:)

"The report of 50 North Carolina counties on voting and literacy test statistics

"I have requested all of the county election boards in North Carolina to furnish me information concerning their county regarding the number of persons voting in the November 1964 general election, the number of whites and Negroes registered, the number of years records have been kept on literacy tests, the number of Negroes who passed and failed the State's literacy test, and the number of whites who passed and failed the State's literacy test. Because of the time restrictions placed on S. 1564 by the Senate, I have not been able to receive replies from all North Carolina counties. However, I have received 50 replies, including those from 19 of the 34 counties which would be included under the administration's voting rights bill.

"These official statistics indicate that the number of Negroes who failed North Carolina's literacy test and the number of whites who failed this test were approximately the same in most cases. For example, in 12 of the 50 counties that reported, no Negroes failed the test and in 11 of the counties, no whites failed the test. Additionally, these statistics point out that the number of Negroes that passed the literacy test was high in relation to the number that failed. Also, these general observations held true for the 19 counties that reported out of the 34 which will be covered by the voting bill. In other words, there is no statistical evidence from these official records that indicate there was any systematic discrimination by election officials in North Carolina.

"These official statistics disagree with those reported recently in the Congressional Quarterly, and indicate that even an invariably respectable source such as the Congressional Quarterly may be in error. A comparison will show that in 9 of the 34 North Carolina counties which would be affected by S. 1564, the March 19 edition of the Congressional Quarterly inaccurately reported the total number of persons who voted in the 1964 Presidential election. In every case except two, the erroneous figure was reported in the Quarterly was less than the figure reported by the county election officials.

"County	Congressional Quarterly figures	Official figures
Beaufort [1]	9, 685	9, 855
Bertie	4, 263	4, 252
Camden	1, 404	1, 449
Hoke	3, 033	3, 060
Lenoir	13, 234	13, 353
Martin	6, 332	6, 328
Warren	4, 758	4, 824
Wayne	17, 346	17, 914
Wilson	12, 240	12, 329

[1] 2 statistical tables are attached.

"The report of 50 North Carolina counties on voting and literacy test statistics

"County	Total registered, Nov. 1, 1964	White	Negro	Voting, November 1964 general election	Years records kept on literacy tests	Negroes who failed test, 1964	Negroes who passed test, 1964	Whites who failed test, 1964	Whites who passed test, 1964
Alexander	10, 887	10, 290	597	7, 541	1	0			All.
Ashe	12, 846	12, 751	95	9, 275	Have not kept them	0	All	0	All.
Avery	5, 882	5, 847	35	4, 512	1	0	0	1	All but 1.
Beauford	21, 195	18, 286	2, 909	9, 855	1964, 1st year	(1)	(1)	(1)	(1).
Bertie	6, 673	5, 239	1, 434	4, 252	1964	30	560	1	306.
Caldwell	24, 160	22, 227	1, 933	19, 779	1964 general election	4	Unknown	14	Unknown.
Camden	2, 083	1, 800	283	1, 449	Keep only current tests.	4	43	2	51.
Craven	13, 749	10, 939	2, 810	12, 133	April 1964	32	2,810	20	10,939.
Clay	3, 181	3, 145	36	2, 800	1	0	1	0	74.
Columbus	22, 301	18, 384	3, 917	13, 775	No written test	0	All	0	All.
Cumberland	31, 638	25, 798	5, 840	22, 957	No answer	Approximately 8	No answer	No answer	No answer.
Currituck	3, 090	2, 719	371	2, 231	1 election past	No record	135	No record	229.
Davie	10, 153	9, 314	827	7, 700	1	1	68	1	243.
Durham	49, 278	34, 580	14, 698	39, 777	2	0	All	0	All.
Forsyth	86, 134	69, 062	17, 072	63, 822	No record	Approximately 4	Unknown	Approximately 2	Unknown.
Greene	6, 017	5, 395	622	3, 613	1	5	87	7	140.
Guilford	102, 485	85, 689	16, 796	77, 160	No records	3	3, 718	4	11,254.
Henderson	18, 415	17, 700	715	14, 846	1964 general election	0	263	3	1,835.
Hertford	6, 118	4, 058	2, 060	5, 014	1 year				
Hoke [2]	3, 770	2, 820	817	3, 060	1	3	116	3	228.
Hyde	2, 612	2, 308	304	1, 641	1	5	96	5	15.
Jackson	9, 000	8, 822	178	8, 250	No answer	None	All	0	All.
Jones	6, 231	4, 770	1, 431	2, 910	There is no written record of literacy test.	Estimate 12	Estimate 490	Estimate 10	Estimate 241.
Lenoir	18, 469	14, 977	3, 492	13, 353	No answer	10	942	3	2,161.
McDowell	14, 913	14, 303	610	10, 488	1964 general election	0		9	
Macon	7, 942	7, 884	58	6, 786	No test	0	All	0	All.
Martin	10, 299	8, 508	1, 791	6, 328	6 months	25	454	4	297.
Mecklenburg	124, 695	106, 006	18, 689	96, 391	April 1964	Possibly 12	3,452	Possibly 8	15,117.
Montgomery	9, 787	8, 365	1, 422	7, 726	1	14	386	16	493.
Moore	14, 464	12, 418	2, 046	11, 574	October 1964	9	642	7	1,275.
New Hanover	30, 742	24, 154	6, 588	24. 983	1	5 or less	Several hundred	5 or less	Several hundred.
Pasquotank	8, 017	6, 455	1, 562	6, 771	Oct. 10, 1964	Approximately 26	551	Approximately 10	968.
Pender	6, 250	4, 600	1. 650	5, 200	12 months	12	288	2	80.
Person	12, 140	10, 098	2, 042	6, 902	1 year	1	150	0	250.
Randolph	32, 627	30, 000	2, 627	24, 041	No record	(3)	(3)	(3)	(3).
Robeson [4]	18, 763	11, 770	3, 935	17, 371		13	3,935	3	11,770.

See footnotes at end of table.

"The report of 50 North Carolina counties on voting and literacy test statistics—Continued

"County	Total registered, Nov. 1, 1964	White	Negro	Voting, November 1964 general election	Years records kept on literacy tests	Negroes who failed test, 1964	Negroes who passed test, 1964	Whites who failed test, 1964	Whites who passed test, 1964
Rowan	36, 235	32, 006	4, 229	29, 980	1964	No record	961	No record	6, 939.
Rutherford	26, 109	24, 651	1, 458	16, 710	1964	2	178	0	685.
Scotland	6, 102	4, 743	1, 359	5, 163	1964	12	1,319	18	4,743.
Stanley	20, 058	18, 749	1, 309	17, 089	3	1	129	1	1,538.
Stokes	12, 020	10, 714	1, 306	9, 650	0	0		2	
Transylvania	8, 758	8, 368	390	8, 452	No record	0	All	0	All.
Tyrrell	2, 995	2, 492	503	1, 406		3	124	2	115.
Union	14, 000	12, 869	1, 131	11, 437	2	5 since 1962	1,131 since 1962	5 since 1962	12,869 since 1962.
Wake	74, 274	62, 475	11, 799	56, 294	1	(5)	(5)	(5)	(5).
Washington	4, 165	3, 294	871	3, 667	1 year	0	165	0	251.
Wayne	25, 350	19, 228	6, 122	17, 914	None				
Wilkes	29, 946	28, 170	1, 776	20, 530	No literacy test as such administered.				
Wilson	16, 941	13, 814	3, 127	12, 329	1	6	919	5	1,831.

"[1] Not sufficient records to answer.

"[2] Hoke County reported that 133 Indians were registered in November 1964; 4 Indians failed the literacy test in 1964 and 16 passed.

"[3] No record—few failed.

"[4] Robeson County reported that 3,058 Indians were registered in November 1964; 17 Indians failed the literacy test in 1964 and 3,058 passed.

"[5] No record on failure by race.

"The report on voting and literacy test statistics of 19 North Carolina counties that will be covered by the administration voting bill

"County	Total registered, Nov. 1, 1964	White	Negro	Voting, November 1964 general election	Years records kept on literacy tests	Negroes who failed test, 1964	Negroes who passed test, 1964	Whites who failed test, 1964	Whites who passed test, 1964
Beaufort	21, 195	18, 286	2, 909	9, 855	1964, 1st year	(1)	(1)	(1)	
Bertie	6, 673	5, 239	1, 434	4, 252	1964	30	560	1	306.
Camden	2, 083	1, 800	283	1, 449	Keep only current tests.	4	43	2	51.
Craven	13, 749	10, 939	2, 810	12, 133	April 1964	32	2,810	20	10,939.
Cumberland	31, 638	25, 798	5, 840	22, 957	No answer	Approximately 8	No answer	No answer	No answer.
Greene	6, 017	5, 395	622	3, 613	1	5	87	7	140.
Hertford	6, 118	4, 058	2, 060	5, 014	1 year				
Hoke [2]	3, 770	2, 820	817	3, 060	1	3	116	3	228.
Hyde	2, 612	2, 308	304	1, 641	1	5	96	5	15.
Lenoir	18, 496	14, 977	3, 492	13, 353	No answer	10	942	3	2,161.
Martin	10, 299	8, 508	1, 791	6, 328	6 months	25	454	4	297.
Pasquotank	8, 017	6, 445	1, 562	6, 771	Oct. 10, 1964	Approximately 26	551	Approximately 10	968.
Person	12, 140	10, 098	2, 042	6, 902	1 year	1	150	None	250.
Robeson [3]	18, 763	11, 770	3, 935	17, 371		13	3,935	3	11, 770.
Scotland	6, 102	4, 743	1, 359	5, 163	1964	12	1,319	18	4,743.
Union	14, 000	12, 869	1, 131	11, 437	2	5 since 1962	1,131 since 1962	5 since 1962	12,869 since 1962.
Wayne	25, 350	19, 228	6, 122	17, 914	None				
Wilson	16, 941	13, 814	3, 127	12, 329	1	6	919	5	1,831.

"[1] Not sufficient records to answer.

"[2] Hoke County reported that 133 Indians were registered in November 1964; 4 Indians failed the literacy test in 1964 and 16 passed.

"[3] Robeson County reported that 3,058 Indians were registered in November 1964; 17 Indians failed the literacy test in 1964 and 3,058 passed."

Senator **ERVIN**. There is an old expression that "Figures do not lie, but liars figure." This hearing has proved not only that, but that figures do lie. The figures supplied me by the Civil Rights Commission for 1964 are very interesting figures. For example, in Alamance County, which is the county where my colleague, Senator JORDAN, lives, 69.7 percent of all the nonwhites are registered. I think that registration would probably compare favorably with virtually any registration throughout the United States.

But here is a queer thing. Buncombe County, where Asheville is located, and where hearings were held, has a white population of voting age of 72,249, and a nonwhite population of voting age of 8,510. Only 28,894 of the white are registered, whereas 5,695 of the nonwhites are registered. In other words, in Buncombe County, N.C., according to figures supplied me for 1964 by the U.S. Civil Rights Commission, only 39.9 percent of the whites of voting age are registered, whereas 66.9 percent of the nonwhites of voting age are registered.

Now, if you take the reasoning of those who support the administration bill, you would say that would establish beyond all question that in Buncombe County, N.C., the election officials are discriminating against whites and in favor of nonwhites. This proves that when you take figures you can prove anything with them.

Now, here is another county in North Carolina, Forsythe County, which is where Winston-Salem is located, and the center of the great R. J. Reynolds Tobacco Co., which employs thousands of Negroes. The white registration is 76.6 percent, and the nonwhite is 40.1 percent.

In Beaufort County, N.C., 61.5 percent of the nonwhite adults are registered, as compared with 73.4 percent of the whites.

In Mecklenburg County, N.C., whose county seat is Charlotte, 58.8 percent of the adult whites are registered and 44.6 percent of the adult nonwhites are registered.

Here is a very interesting figure. The State capital of North Carolina is located in Raleigh, N.C. If the State of North Carolina were engaged in discrimination, it certainly seems it ought to be reflected in the figures for the county where the State capital is located. The white population of Wake County is 76,799; the nonwhite is 22,856—that is, I am talking about people of voting age. The number of whites registered is 43,869, the number of nonwhites is 12,586. And this means that 57.1 percent of the whites are registered and 55.1 percent of the nonwhites are registered.

I have already pointed out that 46.8 percent of all the nonwhites in North Carolina are registered on a statewide basis, according to the figures supplied me by the U.S. Civil Rights Commission for the year 1965.

It would appear that the reasons attributed by the North Carolina Advisory Committee to the Civil Rights Commission for the small percentage of North Carolina Negroes voting might also be applicable to New York County where only 51.3 percent of the people of voting age voted, and particularly New York's 18th and 19th Congressional Districts which voted 46.7 percent and 43.5 percent respectively.

The 18th Congressional District is one of the few districts in the United States with a Negro Congressman, Mr. ADAM CLAYTON POWELL, and includes the heart of Harlem.

By the same token, there appears to be an analogy to the situation in the District of Columbia which also has a large Negro population and voted 38.4 percent, a much smaller percentage of its population of voting age than did North Carolina which voted 51.8 percent of her residents of voting age. Yet all of these districts would be exempt from the provisions of this law. This has no rhyme and no reason whatever.

I add these observations. North Carolina has 100 counties, and only 11 of them voted smaller percentages of the vote on Republican and Democratic tickets than Congressman FARBSTEIN'S 19th Congressional District located in New York County.

I put in the record the other day a letter from the chairman of the North Carolina State Board of Elections, William Joslin, who stated that he had notice of only one or two complaints about literacy test matters, and which stated further that the Norh Carolina State Board of Elections had been holding meetings throughout the State, giving instructions to registrars and voting officials so as to have a uniform application of the law.

North Carolina has a very simple literacy test. The North Carolina law merely provides that a person must have five qualifications in order to vote. The first is a residence qualification. He must be a resident of the State of North Carolina 1 year at the date of election, and resident in the precinct 30 days by the date of election.

The second requirement is the literacy test. He must be able to read and write any section of the State constitution, and that, as I stated a moment ago, the Supreme Court holds, requires that he be given an opportunity just to look at it and read or copy a certain section of the State constitution.

The third requirement is he must be 21 years of age by the date of election.

The fourth requirement is that he must be an American citizen, either by birth or by naturalization. If he has lost his citizenship by reason of having received imprisonment in the State's prison, he must have his citizenship restored by the manner prescribed by law.

I might add that is a very simple procedure by which he files a petition with the superior court and proves that he has been of good character since his release from prison.

The fifth requirement is that he must be of sound mind in that he must be neither an idiot nor a lunatic.

I would like to put in the record at this point some instructions issued in Mecklenburg County, N.C., outlining the requirements for voting and certain procedures which are required to be followed by the registrars and judge at election.

(The document referred to follows:)

"Mecklenburg County instructions for registration

"Read page 26, section 29 of Election Laws of the State of North Carolina.

"An applicant for registration must meet these qualifications:

"1. Residence: He must be a resident of the State of North Carolina 1 year by the date of the election, and a resident of his present precinct 30 days by the date of the election.

"2. Literacy: He must be able to read and write any section of the State constitution.

"3. Age: He must be 21 years of age by the date of the election.

"4. Citizenship: He must be an American citizen, either by birth or by naturalization. If he has lost his citizenship by reason of having served imprisonment in the State's prison, he must have had his citizenship restored in the manner prescribed by law.

"5. Sound mind: He must be neither an idiot nor lunatic.

"Register only voters in your precinct.

"Put polling place sign in conspicuous place. When a voter enters your polling place for registration, follow this procedure:

"1. Ask if he has been registered before. (See transfers below).

"2. Ask where he lives, to determine if he is in your precinct. Learn your precinct boundary lines.

"3. If he has not been registered before ask how long has he lived in the State, and how long in your precinct.

"4. Ask the applicant to write in the ledger book one section of the constitution which he will select from the six excerpts herein provided by the board. (See attached mimeographed sheet.) When the applicant has completed the section have him sign his name on the line below. If applicant is unable to fulfill these requirements in a reasonably legible handwriting do not register him. In any case in which an applicant fails to meet this literacy test, registrar will note in margin 'rejected' and initial this notation. All entries shall be dated by registrar.

"5. Ask him to put his left hand on the Bible and raise his right hand while you administer the oath of registration to him.

"6 Ask for his party affiliation. If he does not wish to declare his party, explain that you can register him either as an Independent and as such be barred from voting in party primaries, or you can register him as 'No party' (designated on blue form by NP) which gives him the privilege of declaring a party affiliation on primary day to the registrar and voting in the party primary of his choice.

"7. Using the duplicator with carbon, fill out proper registration forms for him: use white if he is a Democrat, buff is he is a Republican and blue if he is Independent or no party. You will have two forms for each voter: one original and one carbon copy.

"8. Print his full name, no initials, with correct address and supply all information asked for on the form. Use all capital letters in printing. Print small.

"9. You sign and then ask him to sign both copies without carbon, using his regular signature.

"Transfers

"When you ask the voter if he has been registered before, and his reply is that he has been voting at any one of the precincts in the county, instead of filling out new forms for him, have him sign his full name, his new address, his old address and his party affiliation on one transfer form. He cannot change his party affiliation on this transfer (see change of party, below). If he has not voted in 6 years, fill out new forms as if he were a new voter. Be sure he has been a registered voter in Mecklenburg County and has merely moved into your precinct from another one. If you have the least doubt, register him anew.

"When a woman who has married or remarried comes to transfer, fill out new forms for her. The old forms we have would not have her correct name, and we could not change it. Give us a note with the new form, telling who the voter was before marriage.

"Change of Party

"If a voter wishes to change his party affiliation he may do so by reading the oath on page 22 of the green guidebook 'Primary and General Election Law and Procedure,' (by Henry W. Lewis). If an independent wishes to declare his party, he too must read the same oath.

"Mail all transfers and registration forms, both used and unused on Saturday night at the close of registration. Do not use paper clips when mailing forms. Put the forms and transfers you have used in small envelope; put unused ones in large envelope marked fourth-class mail.

"CATHERINE C. CARPENTER,
"Executive Secretary, Mecklenburg County, Board of Elections."

Senator ERVIN. I want to put in the RECORD a literacy test requirement. The registrar writes in the name of the man and the date he applies for registration, and he set out this:

"Under provisions of General Statute 163–28 and North Carolina"—

This is directions to the registrar—

"and North Carolina Constitution, article VI, paragraph 4, it shall be the duty of each registrar to administer to each applicant for registration these literacy provisions according to standards laid down by the North Carolina Supreme Court. He (the applicant) must be able to read and write any section of the State constitution in the English language."

That is the literacy test in North Carolina. That is the way they give it.

Instructions to the voter are as follows: "Copy the following, writing in the English language:"

Then they quote about the shortest section of the North Carolina Constitution. Here is the quotation of the North Carolina Constitution he is required to write:

"That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof."

And I might digress to say that if this bill passes, that will no longer be true. They will not have the right to regulate the internal affairs.

Then they have some blank lines, just to copy that, and that is the whole literacy test in North Carolina. There is no understanding test. Then he signs his name. Then the registrar has to say whether he approves it or it is disapproved and signs his name. So the record is very simple.

(The form referred to follows:)

"Literacy test

------------------------------ ----------
"Name "Date

"Under provisions of G.S. 163–28 and North Carolina Constitution, article VI, part 4, it shall be the duty of each registrar to administer to each applicant for registration these literacy provisions according to standards laid down by the North Carolina Supreme Court. He (the applicant) must be able to read and write any section of the State Constitution in the English language.

"Instructions: Copy the following, writing in the English language:

" 'That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof,'

"(Signature of applicant)

"Approved ------.
"Disapproved ------.

"Registrar"

Senator ERVIN. Here is a sample of an individual who took the literacy test. This was even shorter than the other one, because all he had to write was:

"All elections ought to be free."

This is an actual literacy test administered to a man who was a Negro. I struck out his name, because he does not want it to go into the record. He fills out the age, the race, the address, county where born, the question whether he was ever convicted of a felony, what party he is affiliated with.

Then the applicant is required to copy the shortest thing in the North Carolina Constitution:

"All elections ought to be free."

Well, it shows the registrar passed this man, and I would like to have this reproduced in the record in photostatic copy to see what poor writing you can do and still pass the literacy test in North Carolina.

(The document referred to follows:)

"New Hanover County Board of Elections literacy test

"1. -------------------------------- 41
(Print your full legal name) (Age)

"2. ------------------------------ Negro
(Address) (Race)

"3. Bishop Kille SC
(County in which you were born)

"4. Have you ever been convicted of a felony? 'No' If so, has your citizenship been restored? --------

"5. D
(Your political party: you may write a D for Democrat or R for Republican)

"6. Copy in your own handwriting the following underlined portion of the North Carolina Constitution in the space provided below: 'All elections ought to be free.' (North Carolina Constitution, art. I, sec. 10).

All elections ought to be free North Caroline Constitution art. I, section 10

"7. Date: 10–10–64

"Signature ------------------.

"I hereby certify that I have this day examined the above literacy test and I further certify that the applicant has passed this test.

"Registrar B. E. Hollis,
"3d Ward, 1st Precinct.

"(Note.—Any person who fails to pass this test will be given a copy of his or her test paper upon request in writing to the New Hanover County Board of Elections.)"

Senator Ervin. Now, as I pointed out, the North Carolina State Advisory Committee to the U.S. Commission on Civil Rights is composed of men and women of both races residing in all areas of North Carolina. I have pointed out that since 1960, they have only received 19 complaints of denials of voting rights on the basis of race or color. I have also pointed out that there is nothing to indicate that these denials actually existed. They are not proved except in the Basemore case.

Now, these people who know North Carolina, white in some cases and nonwhite in others, and who are numbered among the leading citizens of North Carolina, made a report which the U.S. Civil Rights Commission accepted and printed. It is in the book, "The Fifty States Report." That was printed in 1961. Here is what they say on page 43:

"We believe that in respect to voting, the people of North Carolina are in agreement that no citizen of our State should be denied the right to register, vote, and have that vote counted on account of his race, religion, or national origin. Where registrars have artifically imposed more difficult literacy tests on Negro applicants than on the white, wherever there has been discrimination against Negroes, in respect to their right to register and to vote, such denial of the basic right of citizenship does not have the approval, either open or tacit, of the vast majority of officials and citizens of our State. We believe that where such discrimination has been practiced, it has already disappeared or will soon disappear."

I wish to read into the record a statement made by the North Carolina advisory committee and accepted and printed by the U.S. Commission on Civil Rights in the book entitled "Equal Protection of the Laws in North Carolina," which covers a period down through 1962:

"There were no voting complaints filed by this committee after the May registration prior to the general election in November 1960. This fact, plus the fact that there have been no complaints from 95 out of the 100 counties, may mean that the disproportionately low registration and low voting of Negroes in North Carolina is due more to apathy or, as the registrars in Bertie and Green Counties suggested, to poor schooling and poor school attendance than to election officials' arbitrary denial of the right to register on account of race."

I mentioned the fact that one of the members of the North Carolina State advisory committee is Paul R. Ervin, an attorney at law of Charlotte, who so far as I know can be justly acquitted of being any relation of mine, notwithstanding the fact that we both spell our surnames in the same way—I have already mentioned the fact that I do no know a human being who has a greater capacity for viewing problems objectively and who has a higher degree of intellectual integrity than Paul Ervin. He wrote an article which is published in the North Carolina Law Review for December 1963, and which was part of an issue on civil rights in the South. This was a symposium, and to which such persons as Berle I. Bernhard, who was the Executive Director of the U.S. Civil Rights Commission, and Marion A. Wright, another member of the North Carolina commission and other persons contributed.

Paul Ervin, assisted in conducting investigations of this subject throughout North Carolina under the authority delegated to the North Carolina State Advisory Committee on Civil Rights by the U.S. Commission on Civil Rights under the 1957 act. This is what he said in this issue of the North Carolina Law Review, page 35:

"As of today—

That is as of December 1963—

it may fairly be said that if our nonwhite citizens do not exercise their civil right to vote, they have no one to blame but themselves."

I think that the proposal that 34 North Carolina counties be included in this bill on an artificial basis has no justification in fact or in simple fairness. I think that I am a typical North Carolinian in this respect. The overwhelming majority of North Carolinians believe that every citizen who possesses the qualifications to vote as prescribed by State law, is entitled to register and to vote, and that the denial of this right on any grounds should not be tolerated.

I favor the enforcement of the 15th amendment and I would support appropriate legislation to enforce it. I do not believe, however, that I can be true to my oath as a Senator of the United States to support the Constitution and still support a bill based on the theory that in order to enforce the 15th amendment, Congress must nullify at least four other provisions of the Constitution. Section 2 of article I and the 17th amendment, provide in express language that electors or Senators and Representatives in Congress must possess the qualifications of electors of the most numerous branch of the State legislature and by their own terms, confer upon the States the power to prescribe the qualifications for voters for Senators and Representatives in Congress.

I also feel that this bill would nullify amendments 9 and 10, which reserve to the States the undoubted power to prescribe the qualifications for voting in State and local elections. The Supreme Court of the United States has held in every case that has come before it that any State has a right to prescribe a literacy test. I think that this bill is unconstitutional and certainly unfair in that it would select out of all the 50 States of this Union 6 States and 34 counties in another State, and deprive them of the right to exercise constitutional powers conferred upon them by the Constitution of the United States, while permitting all of the other States to freely exercise such constitutional powers.

I do not believe that the Constitution of the United States permits Congress to degrade one State or six or seven States to such an extent that they are not on an equality with the other States of the Union.

Furthermore, I think that all courthouses should be open, and I think it would make a mockery of the judicial process for Congress to pass a law saying that one side to a controversy, namely, the Government of the United States, should have access to every Federal court in this land and that the States and the political subdivisions of States that ought to be covered by this unequal and unjust bill should not have access to any court except the District Court of the District of Columbia.

When our forefathers drew the Declaration of Independence they gave as one of their reasons why the Thirteen Colonies should sever their bonds with the mother country, England, the fact that Americans had been transported beyond the seas for trial. It is merely a question of degree between transporting people beyond the seas in order to try them and compelling them to journey anywhere from 250 to 1,000 miles in order to get access to a court. This bill would create an assumption which has no reasonable relationship to the fact on which the assumption is based.

And they would then deny the States and political subdivisions covered by it of the legal power to rebut that presumption and disprove its truth. I find it impossible to reconcile this bill with the Constitution. I find it impossible to reconcile this bill with the most fundamental principles of fair play.

The Department of Justice now has at least four separate laws at its disposal. It permits two of them to accumulate dust. It comes here and complains of what it states are outrageous deprivations of the right to vote in certain areas and although it has the right to have the men that commit those alleged offenses arrested and brought to trial, it refuses to do so.

Instead of using the laws it already has, it wants more laws. In my modest judgment, the Department of Justice now has at its disposal sufficient laws to secure the registration of every qualified citizen of any race in any area in the United States.

I am sorry that none of my brethren on the committee are here to cross-examine me.

I mentioned in the course of my statement the comparatively low voter turnout in New York County, which embraces part of New York City, as I understand it, which is commonly called Harlem. I also stated that the North Carolina Advisory Committee on Civil Rights had stated that the disparity between the registration and voting of Negroes and whites in North Carolina was due in large measure to apathy. It would seem to me that you might infer from these figures about Harlem that apathy prevails there because certainly there are no sinful southerners to impede their way to the polls. They are certainly free to vote in New York.

Unless there is somebody here who wants to cross-examine me, we will now take a recess until 10.30 a.m. Monday.

(Whereupon, at 4:04 p.m. the committee recessed to reconvene at 10:30 a.m., Monday, April 5, 1965.)

Mr. ERVIN. Mr. President, to illustrate the absurdity of the bill, 34 North Carolina counties are presumed by the triggering device to have discriminated against qualified citizens in violation of the 15th amendment because less than 50 percent of their residents of voting age voted in the presidential election of 1964. North Carolina itself voted 51.8 percent of all of its adult population in the Presidential election of 1964. North Carolina outvoted Alaska, Arkansas, the District of Columbia, Tennessee, and Texas. Yet North Carolina is covered by the bill; but these four States and the District of Columbia are exempt from the bill.

Alaska voted 48.7 percent; Arkansas 49.9 percent; the District of Columbia 38.4 percent; and Tennessee 51.1 percent of their adult populations. The State of Texas voted only 44.4 percent of its adult population. Yet, under the peculiar triggering devices created by the bill——

The PRESIDING OFFICER. The additional time of the Senator from North Carolina has expired.

Mr. ERVIN. May I inquire of the Chair how much time I have left?

The PRESIDING OFFICER. Twenty minutes.

Mr. ERVIN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 additional minutes.

Mr. ERVIN. Under this peculiar triggering device, North Carolina would be presumed to be violating the 15th amendment; but States such as Alaska.

Arkansas, Tennessee, Texas, and the District of Columbia would be presumed innocent of any such conduct.

The State of North Carolina has a literacy test, and so does the State of New York. In New York County in the last presidential election, only 51.3 percent of the adult population voted. This is one-half of 1 percent less that the percentage of adults voting in North Carolina. Yet under this strange bill, North Carolina would be covered by the bill to the extent of 34 counties, while New York County in the State of New York would be exempt from the bill and could still use the New York literacy test.

In three of the congressional districts of New York State, the percent of the persons of voting age participating in the presidential election of 1964 was much less than the percent of those voting in North Carolina. In the 19th Congressional District—Representative FARBSTEIN's district—only 41.9 percent of the adult voting population voted in the presidential election of 1964. In the 18th District of New York—Representative POWELL's district—only 44.6 percent of the adult population voted in the presidential election of 1964. In the 20th District of New York State—Representative RYAN's district—only 50.4 percent of the adult population voted. Yet, North Carolina would be included under this "wonderful," this "fair," this "just" triggering device, while the three New York congressional districts which I have just mentioned would be exempt from coverage under the bill.

Mr. President, the bill becomes more absurd when we look into the situation regarding counties. North Carolina would be covered by the bill in respect to 34 counties because in those counties less than 50 percent of the adult population voted. Yet the entire State of Texas would be exempt from the bill, even though in 137 Texas counties less than 50 percent of the adult population voted.

Incidentally, of the 34 North Carolina counties, 19 outvoted the State of Texas in respect to the percentage of its adult population who cast ballots in the presidential election of 1964.

Another absurdity, which shows how the bill would operate, is that Beaufort County, N.C., would be presumed to be violating the 15th amendment because 48.6 percent of its adult population voted, whereas Bell County, Tex., would be presumed not to be violating the 15th amendment, although only 31.7 percent of its adult population voted.

Mr. President, Josh Billings said, "It's better to be ignorant than to know what ain't so." There is a great deal of truth in that statement. The trouble with the pending bill is that its adoption is being urged, and it is being sponsored, by Members of Congress who are not ignorant—but who "know what ain't so" with respect to the territory which they are attempting to regulate by the provisions of the pending bill. They ignore the fact that in most of the South we have a single-party system, and advocate the passage of a bill based on their supposition that all Southern elections are bitterly fought contests in which two political parties contest every office.

Mr. TALMADGE. Mr. President, will the Senator from North Carolina yield?

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. ERVIN. Mr. President, I yield myself 5 additional minutes. I believe that will give me 10 remaining minutes?

The PRESIDING OFFICER. The Senator is correct. Ten remaining minutes.

Mr. ERVIN. I shall be glad to yield to the Senator from Georgia in just a moment.

The North Carolina counties included in the bill lie in the eastern part of North Carolina. They have been overwhelmingly Democratic since Reconstruction. In these counties no local Republican tickets were running in 1964. Let me state the percent of Republican strength in some of the counties which are being condemned by this bill because 50 percentum of the adults did not vote in the presidential election of 1964.

Gates County—9.4 percent. Hertford County, 9.9 percent. Martin County 5.8 percent. Warren County, 9.2 percent. Greene County, 6.7 percent. These percentages are based on the Senatorial race of 1960.

In those counties the Republican party runs no candidates for local offices. Consequently there is no reason in the world for Democratic candidates to spend their money or time urging voters to go to the polls, when all they need, is one vote to get elected.

Those people are Democratic. They are not accustomed to scratch the Democratic ticket. Some of them did not like the Democratic national ticket. Since they did not wish to vote Republican, they stayed at home. The bill seeks to penalize them for so doing.

I am now very glad to yield to the Senator from Georgia.

Mr. TALMADGE. Is not the purpose of the Senator's amendment to give States and counties the same constitutional due process of law that anyone accused of treason, murder, or rape, is entitled to have under our Constitution?

Mr. ERVIN. My amendment does not even go that far. All the amendment provides is to give them a trial in court. It does not even provide that they be given a jury trial. The Senator from Georgia is absolutely correct in his inference that persons accused of the most heinous crimes have rights superior to those this bill would give States or counties.

Mr. TALMADGE. What the amendment of the Senator from North Carolina seeks to accomplish is not legislative conviction, but the opportunity for every citizen in America to have his day in court, to which he is entitled under the Constitution. Is that not correct?

Mr. ERVIN. Absolutely. That is what the amendment is designed to bring about, for every citizen to have his day in court, in his own home territory, if possible, unless the Attorney General would require a three-judge court.

Mr. President, I believe in enforcement of the 15th amendment; but I believe in enforcement of the 15th amendment by methods which are constitutional, by methods which harmonize with the federal system, and by methods which are fair.

The pending bill does not comply with any of these three conditions. My amendment does.

If my amendment should be adopted, it would remove most of the objections to the pending bill.

Mr. President, I yield the floor at this time, and then I shall yield the remainder of my time to the Senator from Louisiana.

Mr. HART. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. The amendment which is now pending would have the effect of striking from the bill the "meat and potatoes" and the "bread and butter," its whole purpose and justification. Section 4, which would be struck, provides for the suspension of tests or devices in areas in which a formula is objectively sound and strongly indicates that racial discrimination has been and is being practiced.

Section 6 is the means whereby Federal examiners could be appointed in certain areas, if in the judgment of the Attorney General they are required.

Section 5 would enable the Attorney General and the courts to insure against changing the laws since November of last year, which would have the effect of perpetuating discrimination. The most important features of sections 4, 5, and 6 is the fact that their application does not depend on prior judicial determination that racial discrimination is occurring in these areas.

That determination is the fatal weakness in the existing voter legislation. The record before the committee, available to the Senate, establishes the complete inadequacy of a case-by-case basis to eliminate effectively such discrimination.

Sections 4, 5, and 6, which the amendment would strike, are Congress determination that it must deal with voter discrimination in a largely self-executing law.

I hope very much that Senators who have joined in sponsoring the bill will recognize that the amendment which is offered is the surest way to disable the effort to respond to those areas where the case-by-case method had been conscientiously sought to be applied by the Department of Justice and where it clearly demonstrated its inadequacy.

Those who believe that there is urgent need to find a means effectively to enroll persons in areas where the ratio between white voting age citizens who are registered to vote and nonwhite citizens is strikingly disproportionate will realize that this effort can be achieved only by rejecting the amendment which is offered and by continuing to support the basic approach which the bill provides.

I wish to add a word with respect to the suggestion by the senior Senator from North Carolina that there is no rational explanation for the formula. I believe the evidence lays a very convincing rational basis for the formula. Indeed, I suggest it may create the feeling that it is compulsory that we adopt such a formula.

In brief, in the presidential election of last November 62 percent of the people of this Nation voted. Those were people of voting age eligible to vote. However, only 17 States of the Union fell below the 62 percent average. Only 9 States averaged fewer than 50 percent. Only 7 States fell below 50 percent, when, as is provided in the bill, we eliminate persons in the armed services and their dependents and aliens from the population of a State.

Six of these States have tests and devices. There are characteristics common to them which further highlight the reasonableness or rationale embodied in the formula. Each of the six States had a substantial nonwhite population. In each case there is a great disparity between white and nonwhite citizens of voting age who were registered to vote.

There was a clear correlation between the low nonwhite registration and the low voting totals.

Additionally, over the years, including the recent past, there was racial discrimination in the public policy of those States with respect to travel, recreation, amusements, and schools.

The evidence lays a rational foundation for the formula which is established in the bill. As I say, it suggests a very strong compulsion for the adoption of the formula.

Again, those who would have Congress provide an effective instrument which will, within a reasonably quick period of time, register persons to vote all across the country, those who feel that this is a responsibility of Congress, and those who wish to support such an effort must understand that under the amendment offered, the effectiveness of the bill would largely be nullified. I hope that all Senators who have joined in the introduction of the bill will resist the amendment.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HART. I yield.

The PRESIDING OFFICER. The time of the Senator has expired. How much time does the Senator yield himself?

Mr. DOMINICK. I should like to ask a few questions.

Mr. HART. I yield myself 2 additional minutes. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, section 4 in effect outlaws tests or devices which result in discrimination. It provides for the bringing of a suit in the U.S. District Court for the District of Columbia. Section 9 refers to the right of the Attorney General to bring an immediate action—in fact, he has an obligation to do so—to determine the constitutionality of any poll tax, if it is a local method for determining who shall or who shall not vote in a State or local election. That action would be brought in a three-judge court in the appropriate district.

My question is, first of all, Is the poll tax deemed to be, within section 4(a), a test or device? If it is, why does the bill contain two sections, one in which a suit is brought in the District of Columbia, and another one which is brought before a three-judge court in the State?

Mr. HART. In the definition of a test or device, a poll tax is not included. The Senator will find that definition at the top of page 7. Provision is made in section 4 for an action to be brought by a State to obtain a declaratory judgment that it does not engage in discriminatory action and that the effect of discrimination has been removed. This would be a suit against the United States.

The bill proposes that the venue for such action shall be in the District Court for the District of Columbia. The action proposed in section 9 would be brought by the Attorney General against the State, and there it is intended that the venue lie within the State.

Mr. DOMINICK. Under section 4, if a subdivision within a State is discriminating by the use of a test or device, is the suit brought against the entire State or only against that subdivision of the State?

Mr. HART. No suit is brought by the United States under section 4. The suit would occur when the formula, the triggering device in section 4, operates to suspend the use of a test or device in a State or political subdivision. It would occur in the case——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. I yield myself 2 additional minutes. It would occur, in the case of a State, in the event the State voting figure was less than 50 percent and it had more than a 20-percent nonwhite population. If the State figure did not reach that level, but a county or other political subdivision had the 50-percent voting figure and the figure of 20 percent of nonwhite population, section 4 would operate to suspend the test or device. The suit would be brought either by the State, if applicable to a State, or by the county, if it were a local matter, against the United States in the District Court in Washington.

Mr. DOMINICK. I thank the Senator. His explanation helps me. One other point which the Senator from North Carolina brought up, referred to the distinction between some counties in North Carolina and some counties in Texas.

I presume this is because the Texas counties did not have the necessary number of so-called nonwhites in order to activate the triggering mechanism; is that correct?

Mr. HART. No. The reason it is not applicable to Texas is that Texas does not apply a test or device.

Mr. DOMINICK. They do not have any requirements; and the people do not vote?

Mr. HART. No. They have no requirement that meets the definition of a test or device within the bill.

Mr. President, I yield myself an additional 5 minutes to make some comments with respect to the argument that the bill constitutes a bill of attainder or would operate as an ex post facto law. That subject was discussed thoroughly in the hearings of the Judiciary Committee. The Attorney General has responded to it rather fully in the record. The point which I believe we should bear in mind is that since 1798 it has been held that the constitutional prohibition against ex post facto laws applies only to criminal statutes. The criminal provisions of the bill before the Senate do not operate retroactively. They punish only future acts. Nor do the provisions of the bill before the Senate constitute an unlawful bill of attainder since they do not involve punishment. There are numerous provisions in the United States Code which grant or withhold rights or impose regulations on the basis of past events. The agricultural laws are a common example familiar to all of us. Frequently they refer to certain base years in the past for the purpose of establishing parity indexes and crop quotas. So the immigration laws refer to immigration ratios as of the year 1920, and the Emergency Price Control Act of 1942, which I believe came under the shorthand label of "OPA," established price limitations on products based upon conditions existing at certain periods in the past. But what is most significant and what must be clearly kept in mind is that the bill we are offering does not proscribe or prohibit discrimination in voting on account of race or color. That prohibition, that proscription, has been barred by our Constitution for almost 100 years. The bill merely seeks to enforce effective existing constitutional rights.

Mr. President, it is my understanding that the Senator from Iowa had sought an opportunity to engage in colloquy with the Senator from North Carolina [Mr. ERVIN], whose time is severely limited. I am satisfied that it would be possible for those of us opposing the amendment to make some time available. I should like to inquire of the Chair how much time I have remaining.

The PRESIDING OFFICER. The Senator from North Carolina has 12 minutes remaining and the Senator from Michigan has 45 minutes remaining.

Mr. HART. Mr. President, I yield 10 minutes to the Senator from Iowa.

Mr. MILLER. I thank my friend the Senator from Michigan very much.

I should like to ask the indulgence of the Senator from North Carolina for a colloquy which I believe might develop for the RECORD the substantial differences between the amendment that he has offered and the bill in the nature of a substitute to which the amendment is offered, not only to draw out the differences, but also provide the legislative history which might be necessary to interpret the amendment in the law if the amendment is adopted.

First, I should like to make very clear that under the bill in the nature of a substitute there is a very rapid triggering device consisting of a determination by the Attorney General, and then very prompt action. I understand that the Senator has modified his amendment to provide for the most expeditious type of legal action through court procedure that is possible. Is that correct?

Mr. ERVIN. That is true. I modified my amendment at the suggestion of the Senator from Iowa, who I thought made a good suggestion. I modified it, according to his suggestion, to provide that cases brought under the amendment should be expedited as far as possible.

Mr. MILLER. That language, I believe, is identical to language on pages 14 and 15 of the bill, is it not?

Mr. ERVIN. That is true.

Mr. MILLER. In bringing out the differences between the Ervin amendment and the bill in the nature of a substitute, first, let us talk about the coverage for the appointment and use of Federal examiners. It is my understanding that the amendment in the nature of a substitute would limit that activity to cases in which the use of a test or a device has resulted in the denial of the right to vote. The Ervin amendment would not be so limited, but would actually cover the use of a test, a device, or any other action which had resulted in a denial of the right to vote. Is that correct?

Mr. ERVIN. The Senator from Iowa is absolutely correct on that point. It would cover any denial or abridgment, however it might be effected.

Mr. MILLER. Regardless of whether it was a test, device, or something else.

Mr. ERVIN. Or anything else.

Mr. MILLER. It is my understanding that the amendment in the nature of a substitute would limit the use of Federal examiners under section 4(b) to States or political subdivisions in which less than 50 percent of persons of voting age were registered on November 1, 1964, or less than 50 percent of such persons voted in the presidential election of November 1964, and more than 20 percent of the persons of voting age were nonwhite, or where the total number of persons of any race or color who are registered to vote is less than 25 percent of all such persons of voting age, whereas the Ervin amendment would be unlimited in its coverage. Is that correct?

Mr. ERVIN. That is correct. The triggering device would cover only seven States or parts of States, while my amendment would cover all States.

Mr. MILLER. And all political subdivisions thereof?

Mr. ERVIN. That is correct.

Mr. MILLER. With respect to the period of suspension of tests or devices, it is my understanding that under the amendment in the nature of a substitute the suspension period would be 5 years, whereas under the Ervin amendment the suspension period would be left open under the following language:

> For such period of time as the court shall determine is appropriate to enforce the guarantees of the 15th amendment.

Is that not so?

Mr. ERVIN. That is correct. In other words, it might be less than 5 years or more than 5 years, depending upon what the particular situation was.

Mr. MILLER. Under the amendment in the nature of a substitute the triggering mechanism would consist of determinations by the Attorney General that a test or a device was actually used on November 1, 1964, and the determination of the Director of the Census that certain statistical conditions which I have previously enumerated, were present, and, moreover, I might point out, according to the amendment in the nature of a substitute, would not be reviewable at all, whereas the triggering mechanism under the Ervin amendment would be a finding by a court—and it might be either a single-judge court or a three-man court, at the option of the Attorney General—that rights to vote had been denied or abridged.

Mr. ERVIN. The Senator is absolutely correct in his observations.

Mr. MILLER. I should like to make the further observation about what the Ervin amendment seems to me to be avoiding, which would, I believe, be a rather undesirable situation if the amendment in the nature of a substitute is not amended. First, it seems to me that the Ervin amendment would avoid a presumption of guilt that a political subdivision or State had violated the 15th amendment, which the amendment in the nature of a substitute does contain. Is that not correct?

Mr. ERVIN. That is correct.

Mr. MILLER. Second, once that presumption is operative under the amendment in the nature of a substitute, I think it could be recognized that a certain amount of hardship would be visited upon a political subdivision or a State in having to come into the District of Columbia to a Federal district court to purge itself. Under the Ervin amendment there would be no problem in that respect. The Federal court procedure would be followed entirely. It might be a single judge or a three-judge Federal court that would hear the case, but the procedure would be according to normal Federal judicial procedure. Is that not correct?

Mr. ERVIN. That is correct. The amendment would avoid the hardship which the unamended bill would impose on 34 North Carolina counties that would have to come to the District of Columbia to prove themselves innocent of acts of which the Attorney General has always admitted they are innocent.

Mr. MILLER. It seems to me that under the amendment in the nature of a substitute we would use mere statistical conditions as the basis for conclusions that a violation of the 15th amendment does in fact exist.

The Ervin amendment does not use such statistical conditions. I recognize the probability that violations of the 15th amendment have occurred if certain statistical conditions have existed; but that is not necessarily a sequitur; there may be exceptions. However, the Ervin amendment avoids the possibility of reaching an unsound conclusion merely because certain conditions are found to exist.

Mr. ERVIN. That is correct. My amendment depends on what the truth is, rather than on some artificial presumption which might be correct in one case and incorrect in another.

Mr. MILLER. Another thing that it seems to me the Ervin amendment avoids is a situation in which there is, in fact, a violation. Let us say a three-judge Federal court has found a violation, and that there are Federal registrars; but that after a period of, perhaps, 2 years, a Federal judge was persuaded that there would be no danger in lifting the suspension of the use of a test or device, or anything else, and that things would be handled properly according to the 15th amendment. That would be after 2 years.

Under the amendment in the nature of a substitute, nothing could be done for 3 more years. So the Ervin amendment does, in fact, avoid the possibility of suspending the legitimate use of a legitimate test or device during the period when a suspension is not required.

Mr. ERVIN. That is correct. It puts the question in the hands of a judicial officer, rather than a political officer who is the chief political adviser to the President.

Mr. MILLER. Finally, on page 7 of the amendment in the nature of a substitute, there is an interesting provision which reads:

> For purposes of this section, no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose of denying or abridging the right to vote on account of race or color if (1) incidents of such have been limited in number and have been promptly and effectively corrected by State or local action.

The Ervin amendment avoids any controversy—and I can see much of it coming—about what constitutes "limited" for the purposes of the substitute amendment. The number might be 5, it might be 50, it might be 100. There is no problem about that under the Ervin amendment. Is that not so?

Mr. ERVIN. That is correct. Under my amendment, it is merely a question of finding out if the 15th amendment is being violated, irrespective of the number of times.

Mr. MILLER. I thank the Senator from North Carolina for engaging in the colloquy. If the Senator from Michigan has any observations to make concerning whether he believes the colloquy has been faulty, I should be most happy to have him point out wherein the colloquy has been contrary to what his understanding of the situation is, because I believe there is much merit in the Ervin amendment. It avoids some of the problems which I am afraid are contained in the amendment in the nature of a substitute and which I hope could be removed. I thank the Senator from Michigan for yielding time.

Mr. HART. I was delighted to yield.

Mr. President, it seems to me that underlining the exchange between the Senator from Iowa and the Senator from North Carolina was the assumption on the part of the Senator from Iowa that the amendment in the nature of a substitute, which is pending, and to which the Ervin amendment has been offered, prohibits a State or a political subdivision from establishing that it is not engaged in a discriminatory practice in the application of a testing device for

5 years. This, I suggest, is not the case in connection with the amendment in the nature of a substitute. Rather, a State or a political subdivision may come to the district court at any time and seek a declaratory judgment.

Mr. MILLER. May I make a comment? I realize that that provision is in the substitute; but I point out to the Senator from Michigan that on page 5 is a proviso which makes it clear that the court shall retain jurisdiction for 5 years, and that if there is an attempt to come in, as the Senator from Michigan has suggested, any judgment that there have been tests which have resulted in discrimination that has been rendered within 5 years may be introduced as prima facie evidence to rebut the effort on the part of the State or local subdivision.

So while perhaps in theory what the Senator says is correct, as a matter of practical fact is would be very difficult, with the prima facie case, to rebut it. I am not saying that it could not be rebutted, but I am saying that it could be extremely difficult.

I am not sure that it is necessary to have such a situation. If a Federal judge finds, as a matter of fact, that the suspension can be lifted, what more is needed?

Mr. HART. We are agreed, however, that there is no bar for a period of 5 years. That is implicit in the Senator's earlier questions. We are agreed as to that.

Second, we who feel strongly that the bill is constructive and will respond effectively to any overreaching or overreacting to the needs of the moment believe that the retention of the case by the court for a period of 5 years is a highly desirable safeguard; and surely a declaration that prior judgments within the past 5 years that discrimination on the part of a State or subdivision existed is a prudent recital by Congress.

Mr. MILLER. That is a reasonable position; but, at the same time, I do not see much difference between that position and our position in pointing out that a Federal judge must make a determination that there is no longer any need for the suspension of a test or device. This is provided by the Ervin amendment. A nice question could be raised as to whether or not a three-judge Federal court would make an invalid determination under the Ervin amendment or would make a valid determination because it has jurisdiction for 5 years.

The Senator from North Carolina has pointed out that the 5-year limitation would actually be exceeded under his amendment if the Federal judge felt that after 5 years it was still not proper to lift the suspension.

I am not certain that we are talking about anything that is very substantial, but I wanted to bring out what seemed to me to be the main differences between the amendment in the nature of a substitute and the Ervin amendment.

Mr. HART. I was very glad to make it possible for the Senator from Iowa to do so. The proponents of the amendment in the nature of a substitute believe that the basic difference between the Ervin amendment approach and the approach proposed by us who support the bill is that the case-by-case controversy will be avoided, a situation which over the past few years has been demonstrated, nothwithstanding the good faith effort on the part of the Department of Justice to respond, to be completely inadequate in the face of a very difficult situation and the present uncertainty.

Mr. MILLER. I am as much concerned about the case-by-case, long delay of judicial process as is the Senator from Michigan. The recitals on that subject are known to all of us, particularly as they have come from the Attorney General during his testimony at the hearings. But I do not believe the problem would exist under the Ervin amendment.

Under the Ervin amendment, a suit would be filed by the Attorney General. One suit would be all that would be necessary to cover a whole State; there would be no multiplicity of suits. One suit would be all that would be necessary to cover a political subdivision; there would be no multiplicity of suits.

With the modification that the Senator from North Carolina has made of his amendment, the case must be expeditiously handled, and must be handled by a three-judge court if the Attorney General asks for it, from which the appeal would lie directly to the Supreme Court.

I would not favor the Ervin amendment if it were not clear that there would be expeditious judicial machinery, which has not existed most of the time heretofore. But such expeditious machinery would exist under the Ervin amendment.

I would hope that the vote on the Ervin amendment would not go off on the question whether there was to a multiplicity of suits or long delays in the judicial process, because I do not believe that that would happen.

Mr. HART. The Senator from Iowa and I disagree clearly on this one point. This is one of many compelling reasons why the Ervin amendment should be rejected.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield 4 minutes to the Senator from Florida.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The Senator from Florida is recognized for 4 minutes.

Mr. HOLLAND. Mr. President, two points appear very clearly from the statement of my friend the Senator from Michigan. They are points on which we can never agree. They are points which strike at the very pillars of this country.

I shall make this statement as brief as I can. First, I talk about the suspension of constitutional rights. This is the first effort at the suspension of constitutional rights of sovereign States.

Mr. President, many Senators believe that that is quite justifiable in this case. The suspension of constitutional provisions is a completely new field into which we would wander if we were to enter it at this time.

The suspension of one constitutional provision on one occasion opens the door to suspensions of other constitutional provisions on other occasions when a majority of Congress feels that should be done. I believe that is extremely dangerous. I would never give my consent to it.

My State is not affected by the bill. My State has no literacy test for voting. My States has voted more than 50 percent of its eligible people. My State has registered more than 50 percent of its eligible people.

I am merely stating what I believe to be a sound constitutional approach. I can never give my approval to the commencement of suspension of important constitutional guarantees. That is what is proposed here.

My learned friend the Senator from Michigan has used the word suspension in his address. I thank my friend the Senator from North Carolina, for calling attention to the fact that this element of suspension is the first attempt toward this end in our Nation. I accentuate the point that if we were to suspend a constitutional provision once, we would be offering the invitation to suspend a constitutional provision again when a temporary heavy majority in Congress feel that it should be done.

The second point is that I was extremely sorry to see the Attorney General testify that the courts are hopelessly inadequate to deal with a problem which lies in the judicial field under our form of government.

Mr. President, we have a tripartite form of government. We have lived, prospered, and grown under it. I dislike to see anyone strike at the roots of the judicial branch of the Government by saying that the courts are inadequate to deal with this temporary problem.

I could never give my consent to joining in the conclusion that because the courts have not been able to deal with some particular question with as much expedition as people would want, therefore we should deprive the courts of jurisdiction, shortcircuit the proceedings provided by our law, and cut away from the judicial jurisdiction a part thereof and deliver it to the executive department, which is already overgrown and overswollen.

Mr. President, I thank my distinguished friend for yielding to me. These two points hit at the very root of the question of the constitutionality of the bill as proposed. I cannot believe that the bill is constitutional. I am completely against the two approaches that I have just mentioned. I hope that the Senate will think very cautiously and carefully before following a course which would first suspend an important constitutional guarantee, and second, find as a matter of congressional finding that the court are helpless to deal with a problem which lies clearly in the judicial field.

I thank my distinguished friend for yielding.

Mr. HART. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, no State has ever had the constitutional right to apply tests and devices in a fashion which would violate the 15th amendment or suspend these tests or devices. Registering people to vote is not exactly a judicial function. I believe that the courts are less effective and less concerned with effectively handling the manner of registration and voting than executive officials; by administrative action.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. LAUSCHE. Mr. President, the Senator said that the right to register to vote is separate from the actual voting right. How would the Senator from Michigan justify declaring invalid the constitutional provision that each State shall have the right to determine the qualifications of voters?

Mr. HART. Mr. President, powers which under section 2 of the first amendment are reserved to the States include the establishment of qualifications for voters; and that includes a literacy test. The very case that the Senator from North Carolina so frequently cited, the Lassiter case, makes the point that a literacy test on its face may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot.

Again, in the Lassiter case, the Supreme Court said that the suffrage is subject to the imposition of State standards which are not discriminatory and do not contravene any instruction that Congress, acting in pursuit of its constitutional powers, has imposed.

Congress is not legislating in an area that is reserved to the States in this instance. It is merely enforcing a right expressly guaranteed by the Constitution.

The 15th amendment is the basis on which we act. I believe that fact has given us a direction that we shall affirmatively legislate, and not leave everything to the courts to safeguard and prevent violation of the 15th amendment.

Mr. LAUSCHE. Mr. President, to me it appears that there are three phases to this suspension. They are: First, suspension of State law; second, suspension of the operation of the Constitution of the United States; and third, suspension of the device that is used to prevent nonwhite people from voting.

The first two phases cannot be pursued. The third phase can be stopped, but it can only be stopped by the Federal Government taking over the machinery of registration.

Mr. HART. Which indeed this bill would, in effect, in those areas where a formula identifies the likelihood of the discriminatory use of tests and devices.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. HART. I yield.

Mr. HOLLAND. Mr. President, relating this question to the statement of the distinguished Senator that the courts have proved their inadequacy to deal with this matter, and the similar statement of the Attorney General given before the committee, I wonder if the distinguished Senator realizes that that is exactly the same justification that has been urged time after time, to stand back of lynching processes when citizens have taken the law in their own hands because, as it is felt and stated, the courts were inadequate.

Mr. HART. Mr. President, I am aware of no constitutional right to lynch. I am very conscious of a constitutional right to be permitted to vote without discrimination.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. HART. I yield.

Mr. MILLER. With all deference to my friend from Ohio, is it not true that under the Ervin amendment or under the substitute bill, once the triggering device has started—in the case of the Ervin amendment a finding of the court and under the substitute bill a finding by the Attorney General—there would be in fact a Federal examiner system in running elections? Is that not so?

Mr. HART. I thought the Senator was directing his question to the Senator from Ohio.

In answer, the Ervin amendment, after the court had made the determination under section 3, would so permit.

Mr. MILLER. Then, there is no difference between the Ervin amendment and the substitute in its mechanics of operating, once the triggering device goes into action.

Mr. HART. But there is a world of difference in the determination to be made.

Mr. MILLER. I detected that there was a difference from the statement of the Senator from Ohio between the Ervin amendment and the bill with respect to the suspension of tests; but there is none.

Mr. HART. Mr. President, in view of the time limitation and the relevance of the matter, I ask unanimous consent to have printed in the RECORD at this point a memorandum commenting on the existing inadequacy as developed from the cases that have been attempted to be brought and have been brought over the past few years.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

INADEQUACIES OF THE LITIGATION APPROACH TO DISCRIMINATION IN VOTING

Experience has demonstrated that the civil litigation approach to the elimination of racial discrimination in voting is woefully inadequate.

The Department of Justice has brought suit after suit in county after county in Alabama, Mississippi, and Louisiana during the last 5 years, but the results of these suits, measured, as they must be, by current registration statistics in these counties, show that such suits will not do the job.

Some of the principal problems that the Department has encountered in suits under 42 U.S.C. 1971 are delay, inadequate relief, and willful defiance of court orders by local officials. And it has become increasingly evident that the traditional litigation process is institutionally inadequate to cope with this deeply rooted social problem.

Various aspects of the most serious problems which arise under existing law are illustrated by the efforts of the Department of Justice to eliminate racial discrimination in the voter registration process in Dallas County, Ala. (of which Selma is the seat) and Clarke County, Miss.

(A) TWO CASE HISTORIES OF VOTING DISCRIMINATION, DALLAS COUNTY, ALA., AND CLARKE COUNTY, MISS.

(1) Registration statistics, 1961: In 1961, Dallas County had a voting age population of approximately 29,500, of whom 14,500 were white persons and 15,000 were Negroes. At that time, 9,195 of the whites—64 percent of the voting age total—and 156 Negroes—1 percent of the total, were registered to vote.

The 1961 registration statistics in Clarke County, Miss., revealed a similar pattern. There were approximately 6,000 white persons and 3,000 Negroes of voting age living in the county. Of these, 4,611 of the whites—76 percent of the voting age total—were registered to vote. Not one Negro was registered in Clarke County.

(2) Delays in trying lawsuits: On April 13, 1961, the Department of Justice filed suit against the Dallas County Board of Registrars in Federal district court. The case came to trial in May 1962, 13 months after the complaint was filed.

On July 7, 1961, the Department filed a similar suit against the registrar of Clarke County, Miss. The case was not tried until December 1962, almost 18 months after the complaint was filed.

(3) Delayed and inadequate relief in the trial court: In the Dallas County case, the district court did not decide the case until November 1962, over 6 months after the trial. The district court found that, although prior registrars had discriminated against Negro voter applicants, the present board was not discriminating and it declined to issue an injunction against discrimination. In addition, the court refused the Government's request for a finding of a "pattern or practice" of discrimination (the finding which triggers the voting referee machinery of the 1960 Civil Rights Act) and for an order requiring the board to register specific qualified Negroes. The Government appealed.

Although the Clarke County case was decided with unusual promptness in February 1963, the court granted wholly inadequate relief. The court did find that the registrar had discriminated against Negro applicants and that the registration forms of white applicants were full of irregularities but the court also found that the discrimination had not been pursuant to a "pattern or practice." Moreover, the court denied the Government's request for an order directing the registrar to apply to Negro applicants the same easy standards that had been applied to white applicants during the period of discrimination until the effects of the past discrimination had been dissipated. Accordingly, an appeal again was necessary.

(4) Delayed and inadequate relief on appeal: The Court of Appeals for the Fifth Circuit has been burdened with an overloaded docket for the past several years. This problem is aggravated in voting cases because it is often necessary for the appellate panel to pore over voluminous records and exhibits, particularly when the trial court's findings of fact are challenged on appeal as "clearly erroneous." The Dallas and Clarke County cases point up this problem.

In the Dallas County case, the appeal from the trial court's decision of November 1962 was argued in June 1963. The appeal was decided in September 1963, almost 11 months after the district court's decision.

The appeal in the Clarke County case was argued in December 1963, 10 months after the district court's decision. This appeal was decided in February 1964. The Government then petitioned for a rehearing which was granted. In April 1964, following rehearing and over 14 months following the district court's decision, the court of appeals reversed and remanded the case to the trial court.

In both the Dallas and Clarke County cases, the Government asked the court of appeals to direct the district court to order the registrars to apply to Negroes the same standards applied to whites during the period of discrimination. This form of relief, usually characterized as "freezing" relief, is embodied in the voting referee provisions of the Civil Rights Act of 1960 (42 U.S.C. 1971(e)) and, in more recent cases, the court of appeals has applied the freezing principle. See *United States* v. *Mississippi* (Walthall County), 339 F. 2d 679 (C.A. 5, 1964); *United States* v. *Duke*, 332 F. 2d 759 (C.A. 5, 1964). But the failure to secure "freezing" relief in the Dallas and Clarke County appeals meant that, as a practical matter, no real progress had been made.

(5) Defiance of decrees against discrimination: The Dallas County case illustrates the lamentable fact that State registration officials who are determined to thwart the efforts of qualified Negroes to register and vote may simply flout a Federal Court's decree against discrimination. In November 1963 the district court issued an injunction against discrimination by the Dallas County Board of Registrars pursuant to the court of appeals' mandate.

Among other matters, the registrars were specifically enjoined from (1) rejecting Negro applicants for immaterial errors and omissions on their application forms, (2) asking applicants oral questions unless they complied with both State and Federal law, and (3) using the State-prescribed questionnaire as a "test," unless grading standards were submitted to and approved by the court. Subsequent investigations by the Department of Justice showed that the registrars were defying the court's injunction. At a subsequent hearing in October 1964, it was shown, for example, that the board had continued to "test" and arbitrarily reject Negro applicants after the issuance of the November 1963 injunction. Existing civil and criminal contempt sanctions have proved inadequate to coerce compliance with injunctions against discrimination.

(B) OTHER DEFICIENCIES IN THE CIVIL LITIGATION PROCESS

In addition to the prolonged delays, inadequate relief, and intransigence of local officials, which are encountered in individual cases, there are at least two other reasons for concluding that the civil litigation approach to the problem is inadequate.

The first is that there is nothing in the present law to prevent local officials and, indeed, State legislators who are hostile to the awakening political aspirations of Negroes, from continuously erecting additional barriers to the ballot. As Burke Marshall, former Assistant Attorney General of the Civil Rights Division of the Department of Justice, has pointed out:

"When the will to keep Negro registration to a minimum is strong, and the routnie of determining whose applications are acceptable is within the discretion of local officials, the latitude for discrimination is almost endless. The practices that can be used are virtually infinite."

On the local level, registration officials, determined to retain white political supremacy, have proved themselves adept in devising new discriminatory techniques not covered by the letter of an injunction against discrimination. Likeminded State officials and legislators in Alabama, Mississippi, and Louisiana have thrown up additional barriers before prospective Negro voters. For example, in January 1964, a new and difficult literacy and knowledge-of-government test was prescribed for use by all Alabama county registrars. Since registration in Alabama is permanent and most of the white residents of voting age were already registered, the impact of the new requirements was primarily on the Negroes, the great majority of whom were unregistered. And another, still more difficult test was adopted in September 1964. The Mississippi Legislature adopted a bundle of new voter registration laws in 1962, including a law which forbids registrars from telling rejected applicants for registration the reason for rejection. The Louisiana Legislature, not to be outdone, adopted a new "citizenship" test in 1962, which was made more difficult early in 1965.

The legality of all of these laws has been challenged by the Department of Justice, and relief has been granted in a suit involving the legality of the Louisiana tests. See *Louisiana* v. *United States*, 85 S. Ct. 817 (1965). But such proceedings are inevitably time consuming and the practical results are, at best, mixed. The only certainty is that the State legislatures remain free to adopt new discriminatory devices if they are so inclined or are subjected to sufficient pressure.

A second formidable difficulty arises out of the nature of the voter registration process and the institutional limitations of judicial proceedings. Voter registration is a continuing administrative process which generates a strong and steady volume of simple factual disputes. Judicial proceedings, on the other hand, are traditionally concerned with the application of the law to a discrete set of facts. It is completely impracticable to attempt to police the State's registration process through an endless series of enforcement proceedings, once an injunction has been obtained. The problem demands a simplified administrative remedy.

(C) DEFICIENCIES IN THE VOTING REFEREE MACHINERY—42 U.S.C. 1971(e)—OF THE CIVIL RIGHTS ACT OF 1960

The voting referee provisions of the Civil Rights Act of 1960, 42 U.S.C. 1971 (e), may, in the long run, prove to be of some limited utility in dealing with the problem of racial discrimination in voter registration. (This statute does not deal at all with discrimination against registered Negro voters, for example, in refusing to count their votes.) But analysis readily shows that the referee machinery of the 1960 act is completely inadequtae to solve the problem quickly and effectively. The following deficiencies are particularly noteworthy:

(1) Proof of prior discrimination a prerequisite: The remedy is not even available until the Government has brought and won a lawsuit and proved past discrimination "pursuant to a pattern or practice."

(2) Limited availability of the remedy: After a "pattern or practice" of discrimination has been proved, the remedy is, of course, available only in the geographical area where the pattern existed. In the usual case, this means a single county or parish.

(3) The problem of community pressures: The statute requires that referees be qualified voters of the Federal judicial district in which they are appointed to serve. In areas where segregationist sentiment is strong, it may be difficult to find conscientious and qualified persons to serve as referees.

(4) Burdens on the Federal district courts: Even where a referee is appointed, the statutory machinery imposes substantial burdens on the Federal district courts. Factual disputes over qualifications of individual applicants must be resolved by the district judge personally.

(5) Other problems—The Perry County case: The foregoing deficiencies are apparent from a reading of the statute and a general familiarity with the nature and scope of the porblem. Practical experience under the statute has shown that additional problems may arise in its administration. The experience of the Department of Justice with the referee machinery in Perry County, Ala., is most instructive.

In August 1962, the Department brought suit against the Perry County Board of Registrars, alleging racial discrimination against Negro applicants for voter registration. At that time, 3,100 white persons—90 percent of the adult whites and 257 Negroes, 5 percent of the adult Negroes, were registered to vote. The case was tried in October, and in November 1962, the Federal district court enjoined the board of registrars from discriminating.

In January 1963, it was apparent that the board was defying the court's order and civil contempt proceedings were initiated by the Government. At the same time, the voting referee machinery of the 1960 act—which permits application for registration to be made directly to the court or a voting referee—was set in motion in order to bring about the registration of qualified Negroes. A total of 173 Perry County Negroes wrote letters to the Federal district court explaining that their applications for registration had been rejected by the Board of Registrars since the court's decree and asking the court's help. The court provided no relief other than to order the board to meet on special registration days and reconsider the qualifications of those who had written the letters. The Board of Registrars met, reconsidered, and again rejected most of these Negro applications.

During August and September 1963, an additional 175 letters were filed in the district court. The court ruled that these letters "do not contain requisite information to qualify them as applications" under the statute. The Government appealed.

In July 1964, the court of appeals reversed, directed the district court to process the applications, and suggested that the court might find it helpful to appoint a referee.

In September 1964, the district court appointed a practicing attorney from nearby Hale County, Ala., to act as referee. The referee notified the Negroes who had written letters to the court that he would hold hearings on their applications, and 134 Negroes subsequently presented themselves to demonstrate their qualifications.

Although the statute provides that in judging the applicant's qualifications to vote, the standards used may be no more stringent than those previously applied to white applicants during the period of discrimination, and although only minimal standards of literacy had been imposed in the past, the referee administered to the Negroes a knowledge-of-government test and a literacy test. He also subjected them to an oral dictation test, notwithstanding the earlier enactment of the 1964 Civil Rights Act requiring literacy tests to be "wholly in writing."

Following the hearings, the referee filed his reports in the Federal district court recommending the rejection of the applications of 110 of the 134 Negroes. On November 18, the district court confirmed the referee's report in all respects.

Once again, the Government appealed and, this time, obtained an order expediting the hearing of the appeal, which is now set for argument on May 20, 1965—over 2 years after the first applications were filed in the district court under the voting referee provisions of 42 U.S.C. 1971(e).

The inevitable conclusion is that the voting referee machinery of the 1960 Civil Rights Act is not the answer to the problem.

Mr. HART. Mr. President, I yield 5 minutes to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, we heard almost every argument made against this bill—and the amendment seeks to strike out the very heart of the bill—when we were discussing title II of the Civil Rights Act of 1964, the public accommodations sections. At that time the proponents, just as the proponents now, could not cite precedents which were precisely on all fours, as we lawyers say, with what was proposed to be done. But we felt the factual basis which had been laid for the legislation, when added to the principles established by the cases, demonstrated its constitutionality. We turned out to be right. Precisely the same issue is involved today.

I consider this to be a decisive point: The cases clearly indicate that qualifications for voting are in the hands of the States. The cases also indicate that this power is subject to the supreme power of the United States under the 15th amendment to the Constitution.

That is the case in regard to the suspension of tests or devices under this bill. The Congress has as the basis of fact the lack of success in eradicating voter discrimination with judicial proceedings under the acts of 1957, 1960, and 1964, and previous acts. Therefore the Congress must do what is needed to implement the safeguards of the 15th amendment. It must find a new way to safeguard those rights which is compatible with a reasonable implementation of the right sought to be safeguarded.

We submit that the triggering devices contained in the section of the bill which the Ervin amendment seeks to strike are reasonable implementations, based upon experience, and necessary in order to safeguard the right guaranteed by the 15th amendment.

There is no question that the right guaranteed by the 15th amendment is superior to the power of the States to fix the qualifications of voters. That is the very meaning of the 15th amendment. It came later than and modifies the earlier provision of the Constitution.

So the real question is whether or not the so-called triggering devices are reasonably adapted to safeguard the rights which are sought to be protected by the 15th amendment.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I cannot. I have not begun to complete my argument.

The PRESIDING OFFICER. The 5 minutes of the Senator from New York have expired.

Mr. JAVITS. May I have 2 additional minutes?

Mr. HART. I yield 2 additional minutes to the Senator from New York.

Mr. JAVITS. The situation as I see it is that when the triggering devices are measured against the States to which they apply, we find we are reaching just about those areas, on the whole, although not in every case—we cannot possibly tailor legislation that neatly—in which experience has shown that previous laws Congress has enacted have not been as effective as they should be in safeguarding the 15th amendment.

The fulcrum of the argument is that, once that right is denied, it represents an irremediable loss, because a person cannot later cast a vote.

It is for these reasons that I believe the scheme of this law will be held constitutional as a reasonable way, notwithstanding the very astute argument made by the Senator from North Carolina that it reaches county A and does not reach county B. It cannot be perfect. But it reaches the places Congress has found need to be reached in order to safeguard the rights under the 15th amendment.

Therefore, I believe the constitutionality of the provision will be sustained. I believe the measure to be as limited as it can reasonably be drawn, and yet take care of conditions which facts show require action by the Congress.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. I yield the Senator 2 more minutes.

Mr. JAVITS. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator has stated a series of events under which the triggering of the act will go into operation. That triggering means a suspension of the constitutional provision or a suspension of State law or a suspension of a device that is used to deny a nonwhite the right to vote. My question is, Where in the Constitution does the Senator find authority placed in the Congress to suspend, nullify, or render void provisions of the Constitution, or provisions of State law? Where in the Constitution is there that power or right?

Mr. JAVITS. I should like to read it to the Senator. Section 2 of the 15th amendment states that "the Congress shall have power to enforce this article by appropriate legislation."

Mr. LAUSCHE. Yes; but——

Mr. JAVITS. And it resides on the Lassiter case, which was mentioned here, in which the Supreme Court reserved the right to strike down a State literacy test when it finds it violates the 15th amendment guarantee of the right to vote without discrimination on grounds of race or color.

Therefore Congress has full power to impose reasonable restrictions, acting pursuant to its constitutional powers, which we are doing under section 2 of the 15th amendment.

Mr. LAUSCHE. I believe now we reach the crux of the whole issue. The Senator from New York construes that to mean that Congress has power to suspend, provided it adopts a law, but the law must be consistent with the provisions of the Constitution. The Senator from New York read that it can provide regulations consistent with the Constitution.

I say to the Senator from New York that when the Constitution of the United States is suspended, or when the Constitution or law of any State adopted pursuant to the Constitution is suspended, the Congress is acting beyond the scope of its powers.

I do not like to utter these words, but I took an oath when I came into the Congress; and I heard the last Senator to enter this Congress take his oath.

When he took it, I trembled. I did so because I realized how much it meant. We must stand by the Constitution, come hell or high water.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. HART. Mr. President, I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Let me say briefly that I took the same oath, and I am not going to suspend the 15th amendment so long as I am conscious. Therefore I shall vote "nay" on the Ervin amendment.

I yield to the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. I ask my friend this question: Is it not an egregious error into which the Senator from Ohio is falling, due to his misapprehension of the principles of hornbook constitutional law, to fail to recognize that the 15th amendment, having been passed later than the earlier portion of the Constitution must be construed as partially modifying and amending that earlier portion?

We know that in certain parts of the country the right to vote is denied because of discrimination. Obviously the 15th amendment supersedes the earlier portion of the Constitution where discrimination is shown and Congress finds discrimination has been shown.

Mr. LAUSCHE. If that were true, the 15th amendment would be nullified. If it were, no State law can stand in the face of that.

Mr. CLARK. The trouble with the Senator from Ohio and his colleagues is that they are——

Mr. LAUSCHE. Mr. President, let me answer the statement which has just been made.

Mr. HART. Mr. President—Mr. President——

The PRESIDING OFFICER. The Senator from New York has 15 seconds remaining.

Mr. LAUSCHE. I am fully familiar with the proposition that the last law passed, if it conflicts with preceding law, becomes the law; but the 15th amendment is merely a limitation upon the second section of the first article in the 14th amendment. Both stand.

Mr. THURMOND. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. HART. Mr. President, I reserve the remainder of my time. How much time remains to me?

The PRESIDING OFFICER. The Senator from Michigan has 7 minutes remaining.

Mr. HART. How much times remains to the Senator from North Carolina?

The PRESIDING OFFICER. The Senator from North Carolina has 12 minutes remaining.

Mr. THURMOND. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield myself 2 minutes for the purpose of answering the Senator from New York.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. ERVIN. Mr. President, the 15th amendment has been interpreted by the Court many times. The 15th amendment does not authorize Congress to violate the rest of the Constitution. The clearest case on the meaning of the 2d section of the 15th amendment is *Karem* v. *the United States,* 121 F. 250, a decision by Judge Lurton, while a member of the Sixth Circuit Court of Appeals. This is what he said, in part:

> The affirmative right to vote in such elections is still dependent upon and secured by the Constitution and laws of the State, the power of the State to prescribe qualification being limited in only one particular. The right of the voter not to be discriminated against at such elections on account of race or color is the only right protected by this amendment, and that right is a very different right from the affirmative right to vote.
>
> There are certain very obvious limitations upon the power of Congress to legislate for the enforcement of this article: First, legislation authorized by the amendment must be addressed to State action in some form, or through some agency; second, it must be limited to dealing with discrimination on account of race, color, or condition.

Mr. President, the pending bill is defective. It is not limited to legislation dealing with discrimination on account of race, color, or previous condition of servitude. The proposed legislation would outlaw literacy tests which are authorized by other parts of the Constitution.

With respect to the comments of my good friend the Senator from Pennsylvania [Mr. Clark], the 15th amendment was adopted after article II, section 1 was ratified in the original Constitution; but when the Congress submitted the 17th amendment to the States and prescribed the qualifications of U.S. Senators, it used exactly the same phraseology as the second section of the 1st article to the Constitution, and that amendment was passed long after the 15th amendment.

Mr. President, I ask unanimous consent to have the entire decision in Karem against United States printed in the Record.

There being no objection, the decision was ordered to be printed in the Record, as follows:

Karem Against United States

(Circuit Court of Appeals, Sixth Circuit, February 24, 1903, No. 1,068.)

1. Election—Federal Legislation Affecting State Elections—Limitation of Power. The power of Congress to legislate on the subject of voting at purely state elections is entirely dependent upon the fifteenth constitutional amendment, and is limited by such amendment to the enactment of appropriate legislation to prevent the right of a citizen of the United States to vote from being denied or abridged by a state on account of race, color, or condition; and since the amendment is, in terms, addressed to action by the United States or a state, appropriate legislation for its enforcement must also be addressed to state action, and not to the action of individuals.

2. Penal Statute—Construction—Constitutional Power to Enact.

A penal act of Congress cannot be sustained, as an exercise of the power given by a constitutional provision to enact appropriate legislation for its enforcement, where the act is broader in its terms than the constitutional provision, and the language used covers wrongful acts without as well as within the same. In such case the courts cannot limit the act by construction, and bring it within the constitutional grant of power.

3. Elections—Preventing Citizen From Voting at State Election—Federal Statute.

Rev. St. § 5508 [U.S. Comp. St. 1901, p. 3712], which makes it a criminal offense "if two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States," is not appropriate legislation for the enforcement of the fifteenth constitutional amendment, both because it relates to the acts of individuals, and not of a state, and because it is broader in its terms than the legislation authorized by the amendment; and it will not sustain an indictment for conspiring to prevent a citizen from voting at a purely state or municipal election on account of his race or color, whether the defendants are charged as individuals, or as officers of the state.

In Error to the District Court of the United States for the Western District of Kentucky.

The plaintiff in error has been convicted under an indictment framed under section 5508 of the Revised Statutes [U.S. Comp. St. 1901, p. 3712]. The indictment, in substance, charges that the plaintiff in error and C. H. Watson and G. P. Bohn and others, to the grand jury unknown, combined and conspired together to injure, oppress, threaten, and intimidate certain named persons of color, citizens of the United States and of the state of Kentucky, and lawfully qualified voters under the law of Kentucky, from exercising and enjoying "a right and privilege secured to them * * * by the Constitution and laws of the United States, to wit, the right and privilege to vote at the election hereafter named, without distinction of race, color, or previous condition of servitude." It is then averred that there was held within the state of Kentucky on November 7, 1899, an election for state and municipal offices only, and that at a certain named precinct the defendant Karem was a judge of election, C. H. Watson a clerk, and G. P. Bohn the sheriff holding the election, and that the said persons of color were lawful voters in said precinct, and legally entitled to vote at said election, and that they each appeared at the polls within the time fixed by law and offered to vote in and at said election, but that, in pursuance of the conspiracy aforesaid, the said defendants did prevent them from voting on account of their race, color, and previous condition of servitude. To this indictment the defendant Karem demurred upon the ground that the facts stated did not constitute an offense against the laws of the United States. The demurrer was overruled. The indictment was dismissed as to the alleged conspirator Bohn. The remaining defendants, Karem and Watson, entered pleas of not guilty. At the conclusion of all the evidence each of the defendants moved the court to instruct the jury to find against the government. This motion was allowed as to Watson and disallowed as to Karem, who has sued out this writ to reverse a judgment based upon a verdict of guilty.

W. M. Smith and Swager Shirley, for plaintiff in error.

R. D. Hill, for defendant in error.

Before Lurton, Day, and Severens, Circuit Judges.

Lurton, Circuit Judge, after making the foregoing statement of the case, delivered the opinion of the court.

Many errors have been assigned and argued, but, inasmuch as we are of opinion that no offense was charged against the United States in the indictment, it is wholly unnecessary to pass upon any of the other questions of either fact or law.

If Congress has not declared the acts charged to have been done by Karem to be an offense against the United States, the courts have no power to treat them as such, even though the Congress may have the constitutional power to make such acts a crime against the United States. *United States* v. *Reese,* 92 U.S. 214, 23 L. Ed. 563.

The contention of the Government is that the acts charged constitute an offense indictable and punishable under sections 2004 and 5508 [U.S. Comp. St. 1901, pp. 1272, 3712]. Those sections are in these words:

"Sec. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any state, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any state or territory, or by or under its authority, to the contrary notwithstanding."

"Sec. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

Neither the act from which section 2004 is taken, nor any section of the Revised Statutes, undertakes, in terms, to make its violation an offense against the United States, or provide for any punishment. It does nothing more than the amendment does proprio vigore. As said in *Ex parte Yarbrough,* 110 U.S. 651, 4 Sup. Ct. 152, 28 L. Ed. 274, the amendment "annulled the discriminating word 'white,'" wherever it was found in a state constitution or election law, "and thus placed the colored person in the enjoyment of the same right as white persons." "And," said Justice Miller, in the same case, "such would be the effect of any future constitutional provision of a state which should give the right of voting exclusively to white people, whether they be men or women."

But if section 2004 be regarded as anything more than a declaration of the effect of the fifteenth amendment, no penalty is provided for its violation. In *United States* v. *Reese,* 92 U.S. 214, 216, 23 L. Ed. 563, the court said:

"If Congress has not declared an act done within a state to be a crime against the United States, the courts have no power to treat it as such."

Referring to this section 2004, then the first section of the act of 1870 (Act May 31, 1870, c. 114; 16 Stat. 140), the court said:

"It is not claimed that there is any statute which can reach this case, unless it be the one in question. Looking, then, to this statute, we find that its first section provides that all citizens of the United States, who are or shall be otherwise qualified by law to vote at any election, * * * shall be entitled and allowed to vote thereat, without distinction of race, color, or previous condition of servitude, any constitution * * * of the state to the contrary notwithstanding. This simply declares a right, without providing a punishment for its violation."

The indictment in this case must therefore be predicated wholly upon section 5508, or the acts charged have not been constituted an offense punishable by the United States. But the constitutional authority for the legislation embodied in this section is very much broader than the fifteenth amendment. It was the sixth section of the enforcement act of 1870 (Act May 31, 1870, c. 116; 16 Stat.

141). The character of the "rights and privileges" protected is best illustrated by some of the cases in which it has been construed and enforced. The right of a qualified voter to vote for a member of Congress is a right "secured by the Constitution or laws of the United States," within the meaning of section 5508 of the Revised Statutes. Ex parte Yarbrough, 110 U.S. 651, 4 Sup. Ct. 152, 28 L. Ed. 274. In the case cited the indictment was brought under sections 5508 and 5520 of the Revised Statutes. The indictment in that case charged that the conspiracy was to deprive certain qualified colored voters, on account of their color, race, or previous condition of servitude, "of the enjoyment of the right and privileges of suffrage in the election of a lawfully qualified person as a member of the Congress of the United States, * * * which said right and privilege of suffrage was secured to the said Berry Saunders by the Constitution and laws of the United States." The Supreme Court held that the right to vote in a congressional election was a right secured by, and dependent upon, the Constitution and laws of the United States. In Lackey v. United States, 46 C. C. A. 189, 107 Fed. 114, 53 L. R. A. 660, after quoting from the opinion the argument for that conclusion, we said:

"The judgment of the court was also rested, in part, upon the broader ground that the Congress had the general implied power to protect the elections on which its existence depends from violence and corruption. But all that is said in that case upon this aspect of the question was said of elections at which electors or Congressmen are to be chosen, and of the direct interest of the United States in securing such elections from violence, corruption, and fraud. But whether the power of Congress to legislate in respect to congressional elections depends upon the effect of the second and fourth sections of article 1 of the Constitution, or arises out of the implied power to protect such elections against violence and fraud because they are federal elections so far as federal officials are thereby directly chosen, it is very obvious that, whether such power be attributed to either the one or the other source, it furnishes no reason for any interference at a purely state election."

In United States v. Waddell, 112 U.S. 76, 5 Sup. Ct. 35, 28 L. Ed. 673, an indictment under this section was also sustained. "The particular right held in that case to be dependent on and secured by the laws of the United States, and to be protected by section 5508 of the Revised Statutes, against interference by individuals, was the right of a citizen, having made a homestead entry on public land, within the limits of the state, to continue to reside on the land for five years, for the purpose of protecting his title."

In *Logan* v. *United States,* 144 U.S. 263, 12 Sup. Ct. 617, 36 L. Ed. 429, it was held that a citizen of the United States, in the custody of a marshal of the United States under a lawful commitment to answer an offense against the United States, has the right to be protected by the United States against lawless violence, and that this right is a right secured to him by the Constitution and laws of the United States and that a conspiracy to prevent his enjoyment of this right of protection is indictable under section 5508.

None of the cases in which an indictment under this section has been sustained involved a discrimination against voters in a purely state election on account of race, color, or previous condition of servitude. It is plain that resort can be had to this section only upon the theory that the right to vote at a purely state election is a right or privilege secured by the Constitution or laws of the United States. But the power of Congress to legislate at all upon the subject of voting at purely state elections is entirely dependent upon the fifteenth amendment. *United States* v. *Reese,* 92 U.S. 214, 24 L. Ed. 563; *United States* v. *Cruikshank,* 92 U.S. 542, 23 L. Ed. 588. The plain purpose of that amendment was to prevent all discrimination by the United States and by the states in the exercise of the suffrage on account of "race, color, or previous condition of servitude." The amendment reads thus:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

"Sec. 2. The Congress shall have the power to enforce this article by appropriate legislation."

The well-settled construction of the article is that it does not confer the right of suffrage upon any one. *United States* v. *Reeves,* 92 U.S. 214, 23 L. Ed. 563; *United States* v. *Cruikshank,* 92 U.S. 542, 23 L. Ed. 588.

In the case last cited the opinion in the Circuit Court was by Justice Bradley, and is reported as *U.S.* v. *Cruikshank,* 1 Woods, 308, and Fed. Cas. No. 14,897. In the opinion referred to, the learned justice, referring to the amendment, said:

"It does not confer the right to vote. That is the prerogative of the state laws. It only confers a right not to be excluded from voting by reason of race, color, or previous condition of servitude, and this is all the right that Congress can enforce."

Referring to the power of Congress to enforce this amendment by appropriate legislation, he said:

"It is not the right to vote which is guarantied to all citizens. Congress cannot interfere with the regulation of that right by the states, except to prevent, by appropriate legislation, any distinction as to race, color, or previous condition of servitude. The state may establish any other conditions and discriminations it pleases, whether as to age, sex, property, education, or anything else."

In *United States* v. *Reese,* cited above, the court said:

"The fifteenth amendment does not confer the right of suffrage upon any one. It prevents the states, or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a state to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not. If citizens of one race, having certain qualifications, are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment there was no constitutional guaranty against this discrimination. Now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right, which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by 'appropriate legislation.' "

In *United States* v. *Cruikshank,* cited above, the court said:

"In *Minor* v. *Happersett,* 21 Wall. 178, 22 L. Ed. 627, we decided that the Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the states. In *United States* v. *Reese et al., supra,* we hold that the fifteenth amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship, but that exemption from discrimination in the exercise of that right on account of race, etc., is. The right to vote in the states comes from the states, but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been."

The fifteenth amendment is therefore a limitation upon the powers of the states in the execution of their otherwise unlimited right to prescribe the qualification of voters in their own elections, and the power of Congress to enforce this limitation is necessarily limited to legislation appropriate to the correction of any discrimination on account of race, color, or condition. The affirmative right to vote in such elections is still dependent upon and secured by the Constitution and laws of the state, the power of the state to prescribe qualification being limited in only one particular. The right of the voter not to be discriminated against at such elections on account of race or color is the only right protected by this amendment, and that right is a very different right from the affirmative right to vote.

There are certain very obvious limitations upon the power of Congress to legislate for the enforcement of this article: First, legislation authorized by the amendment must be addressed to state action in some form, or through some agency; second, it must be limited to dealing with discrimination on account of race, color, or condition. These in their order:

1. That state, and not individual, action, is the subject of this article, would seem clear from many considerations. The right to vote in a purely state election, being, as we have seen, a right granted by and dependent upon the law of the state, is therefore a right which can only be denied or abridged by the state. The amendment is therefore, in terms, addressed to state action. Action by the United States and by the state in contravention of this right of nondiscrimination on account of race, color, or condition is inhibited. It has been argued that the amendment operates only to annul discriminations in existing constitutions and laws, and to prohibit all future legislation denying or abridging the right of suffrage on account of race, color, and condition, and that the power of Congress to enforce it is therefore limited to legislation appropriate to the prevention and punishment of conduct based upon discriminating legislation. We think this too narrow a view of the article. Although it has reference to state, and not individual, action, it has a wider scope than the mere nullification or inhibition of state legislative action, and avoids and inhibits not only state legislation, but all state action of every kind, and by every one assuming to exercise the power of the state, whether the state's authority be exceeded or not. When the Constitution speaks of a state, and inhibits the doing of certain things, it sometimes includes under the term "state" every instrumentality or agency of the state which presumes to act by authority of the state, and in other cases the action of the state in its sovereign or legislative character is alone referred to. This amendment is not limited to the prohibition of "laws" denying or abridging the elective function. For this very reason we conclude that legislation enforcing it may be corrective of any state action, whether based on state laws authorizing discrimination or not. With the exception of the first clause of the first section of the fourteenth amendment, that section is, like the fifteenth amendment, addressed broadly to the state. The other clauses of that section read as follows:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Each of the clauses quoted above has been authoritatively construed as addressed to state action in some form, and not to mere individual conduct. *Slaughter House* case, 16 Wall, 36, 21 L. Ed. 394; *Ex parte Virginia,* 100 U.S. 339, 25 L. Ed. 676; *United States* v. *Cruikshank,* 92 U.S. 542, 23 L. Ed. 588; *United States* v. *Harris,* 106 U.S. 629, 638, 1 Sup. Ct. 601, 27 L. Ed. 290; *Virginia* v. *Rives,* 100 U.S. 313, 25 L. Ed. 667; *Civil Rights* case, 109 U.S. 3, 11, 3 Sup. Ct. 18, 27 L. Ed. 835; *Chicago, B. & Q. R.* v. *Chicago,* 166 U.S. 226, 17 Sup. Ct. 581, 41 L. Ed 979.

In *United States* v. *Cruikshank,* the Chief Justice said:

"The 14th amendment prohibits a State from depriving any person of life, liberty, or property without due process of law, or from denying to any person the equal protection of the laws; but this provision does not add anything to the rights of one citizen against another. It simply furnishes an additional guaranty against any encroachment by the State upon the fundamental rights which belong to every citizen as a member of society."

In *Virginia* v. *Rives* the court said:

"The provisions of the 14th amendment here refer to State action, exclusively, and not to any action of private individuals."

In *United States* v. *Harris,* Justice Woods, after citing and commenting upon the earlier cases, said of the 14th amendment:

"The language of the amendment does not leave this subject in doubt. When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the law; when, on the contrary, the laws of the State, as enacted by its legislative and construed by its judicial and administered by its executive departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress."

Referring to *Ex parte Virginia,* 100 U.S. 339, 25 L. Ed. 676, where a law of Congress prohibiting discrimination in jury service on account of race, color, etc., was upheld as warranted by the last clause of the first section of the fourteenth amendment, the court, in the *Civil Rights Case,* 109 U.S. 3, 151, 3 Sup. Ct. 18, 24, 27 L. Ed. 835, said:

"In *Ex parte Virginia,* 100 U.S. 339, 25, L. Ed. 676, it was held that an indictment against a state officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws, namely those which make mere race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the state government, carry into effect such a rule of disqualification. In the Virginia case, the state, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the state actually laid down any such rule or disqualification or not, the state, through its officer, enforced such a rule; and it is against such state action, through its officers or agents, that the last clause of the section is directed. The aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and second sections of the same act which we are now considering."

In *Chicago Burlington & Quincy R. Co.* v. *Chicago,* 166 U.S. 226, 17 Sup. Ct. 581, 41 L. Ed. 979, it is said, referring to the fourteenth amendment:

"That the prohibitions of the amendment refer to all the instrumentalities of the state, to its legislative, executive, and judicial authorities; and therefore whoever, by virtue of public position under a state government, deprives another of any right protected by that amendment against deprivation by the state, violates the constitutional inhibition; and as he acts in the name and for the state, is clothed with the state's power, his act is that of the state."

In *Logan* v. *United States,* 144 U.S. 263, 293, 12 Sup. Ct. 617, 626, 36 L. Ed. 429, the cases cited above were reviewed, and the doctrine to be deduced from them thus formulated:

"The whole scope and effect of this series of decisions is that, while certain fundamental rights, recognized and declared, but not granted or created, in some of the amendments to the Constitution, are thereby guaranteed only against violation or abridgement by the United States, or by the states, as the case may be, and cannot, therefore, be affirmatively enforced by Congress against unlawful acts of individuals, yet that every right created by, arising under, or dependent upon the Constitution of the United States may be protected and enforced by Congress by such means and in such manner as Congress, in the exercise of the correlative duty of protection, or of the legislative powers conferred upon it by the Constitution, may in its discretion, deem most eligible and best adapted to attain the object."

The principles of interpretation applicable to the first section of the fourteenth amendment are equally applicable to the construction of the fifteenth amendment. The amendment simply limits state power in respect to suffrage at state elections by prohibiting discrimination in the enjoyment of the elective franchise on account of race, color, or condition. The right to vote in its own election can be conferred only by the state. No one, therefore, but the state, can "deny or abridge" the right to vote. The amendment is therefore properly addressed to the state. Individuals may by unlawful force or fraud prevent an otherwise lawful voter from voting. But it would simply be an act of lawless violence. The right of suffrage would not be denied or abridged. Individuals cannot deny or abridge the right of suffrage, for they cannot confer it. It is a right which is secured by, and dependent upon, law. Individuals cannot "deny or abridge" a right of suffrage confirmed by law by a mere lawless act of fraud or intimidation or violence. To deny or abridge it in the sense and meaning of the fifteenth amendment, there must be some act of the state, through its legislative, judicial, or executive departments. Some one exercising the power of the state, whether with or without the sanction of the law of the state, must deny to otherwise qualified voters the right to vote on account of race, color, or condition. That would be an act of the state, and such act might be made an offense against the United States by virtue of the power granted by the fifteenth amendment. To justify legislation directed to the mere lawless acts of individuals at a purely state election, even though such acts be based upon color or race, would be to enter the domain of the police power of the state. We speak only of purely state elections, for the power of Congress over its own elections rests upon altogether different principles. There is no more reason for assuming that this amendment authorizes legislation for the punishment of the ruffianly act of an individual in preventing the enjoyment of the right to vote in a state or municipal election, even though the intimidation be grounded upon race, color, or previous condition of servitude, than there would be for legislation punishing a trespass upon property upon the ground that such a trespass would be a denial of due process of law. Both the fourteenth and the fifteenth amendments are addressed to state action through some channel exercising the power of the state.

2. Appropriate legislation grounded on this amendment is legislation which is limted to the subject of discrimination on account of race, color, or condition. The act commonly known as the "Enforcement Act" (being the act of May 31, 1870; 16 Stat. 140) contained a number of sections which were plainly intended to enforce the provisions of the fifteenth amendment. These sections were the first, third, fourth, and fifth. The first has been carried into the Revised Statutes as section 2004 [U.S. Comp. St. 1901, p. 1272]. The third, having been held unconstitutional, is dropped out. The fourth, in a somewhat changed form, is carried into the Revised Statutes as section 5506, and the fifth section is section 5507 [U.S. Comp St. 1901, p. 3712] of the Revised Statutes. The third, fourth, and fifth sections of that act have been held to have been in excess of the jurisdiction of the Congress under the fifteenth amendment, and therefore null and void. The ground upon which this conclusion was reached was that neither section was confined in its operation to discriminations on account of race, color, or previous condition of servitude, and all were broad enough to cover wrongful acts both within and without the jurisdiction of Congress under the article. *United States* v. *Reese,* 92 U.S. 214, 23 L. Ed. 563; *Lackey* v. *United States,* 46 C.C.A. 189, 107 Fed. 114, 53 L.R.A. 660.

3. It may be conceded that the Congress has power to provide for the indictment and punishment of any person exercising the power of the state who should exclude, on account of race, color, or previous condition of servitude, the vote of lawfully qualified voters, even at a purely state election. But has congress so legislated? Section 5508 [U.S. Comp. St. 1901, p. 3712] is plainly not limited to acts done by persons acting under and exercising the power of the state. The indictment charges that the defendant conspirators were officers of election, and, as such officers, excluded colored voters from voting on account of race, color, etc. If the case made by the indictment is within this section, it is not because it provides specifically for the punishment of the offense charged, but because it comes under the general provision providing for the punishment of any unlawful interference with the free enjoyment of some right or privilege secured by the Constitution or laws of the United States. This section has for its object the punishment of all persons who conspire to prevent the free enjoyment of any right or privilege secured by the Constitution or laws of Congress, without regard to whether the persons so conspiring are private individuals or officials exercising the power of the United States or of a State. Neither does it draw any distinction between a conspiracy directed against the exercise of the right of suffrage based upon race or color, and a conspiracy not so grounded. It is therefore not legislation appropriate to the enforcement of the fifteenth amendment; and, if the only warrant for its enactment was that article, we should be obliged to hold that Congress had exceeded its jurisdiction, because broad enough to cover wrongful acts without as well as within its jurisdiction. That it is not within the province of the courts to so limit an act by judicial construction as to make it operate only on that which Congress may rightfully prohibit and punish is now a well-settled principle of constitutional interpretation. *United States* v. *Reese,* 92 U.S. 214, 23 L. Ed. 563; *United States* v. *Cruikshank,* 92 U.S. 542, 23 L. Ed. 588; *Trade-Mark Cases,* 100 U.S. 82, 25 L. Ed. 550; *United States* v. *Harris,* 106 U.S. 629, 1 Sup. Ct. 601, 27 L. Ed. 290; *Civil Rights Cases,* 109 U.S. 3, 3 Sup. Ct.

18, 27 L. Ed. 835; *Lackey* v. *United States,* 46 C.C.A. 189, 107 Fed. 114, 53 L.R.A. 660.

The case of *United States* v. *Reese,* above cited, is very much in point. The court had under consideration the constitutionality of sections 3 and 4 of the act of May 31, 1870, now constituting section 5506 of the Revised Statutes. The indictment charged two inspectors of a municipal election in the state of Kentucky with refusing to receive the votes of certain colored voters, in contravention of the terms of the third section of the act. The section in question was directed to the conduct of election judges and inspectors, but did not limit the operation of the act to exclusions from suffrage on account of race, color, or condition. The court said, in speaking of the section then under consideration:

"We find there no words of limitation, or reference, even, that can be construed as manifesting any intention to confine its provisions to the terms of the fifteenth amendment. That section has for its object the punishment of all persons who, by force, bribery, etc., hinder, delay, etc., any person from qualifying or voting. In view of all these facts, we feel compelled to say that, in our opinion, the language of the third and fourth sections does not confine their operation to unlawful discriminations on account of race, etc. If congress had the power to provide generally for the punishment of those who unlawfully interfere to prevent the exercise of the elective franchise, without regard to such discrimination, the language of these sections would be broad enough for that purpose. It remains now to consider whether a statute so general as this in its provisions can be made available for the punishment of those who may be guilty of unlawful discrimination against citizens of the United States, while exercising the elective franchise, on account of their race, etc. There is no attempt in the sections now under consideration to provide specifically for such an offense. If the case is provided for at all, it is because it comes under the general prohibition against any wrongful act or unlawful obstruction in this particular. We are therefore directly called upon to decide whether a penal statute enacted by Congress, with its limited powers, which is in general language, broad enough to cover wrongful acts without as well as within the constitutional jurisdiction, can be limited by judicial construction so as to make it operate only on that which Congress may rightfully prohibit and punish. For this purpose we must take these sections of the statute as they are. We are not able to reject a part which is unconstitutional, and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those which are not now there. Each of the sections must stand as a whole, or fall altogether. The language is plain. These is no room for construction, unless it be as to the effect of the Constitution. The question, then, to be determined, is whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only. It would certainly be dangerous if the Legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the government. The courts enforce the legislative will, when ascertained, if within the constitutional grant of power. Within its legitimate sphere, Congress is supreme, and beyond the control of the courts; but if it steps outside of its constitutional limitations, and attempts that which is beyond its reach, the courts are authorized to, and, when called upon in due course of legal proceedings must, annul its encroachment upon the reserved power of the states and the people. To limit this statute in the manner now asked for would be to make a new law, not to enforce an old one. This is no part of our duty. We must therefore decide that congress has not as yet provided by 'appropriate legislation' for the punishment of the offense charged in the indictment, and that the Circuit Court properly sustained the demurrers and gave judgment for the defendants."

In United States v. Harris, 106 U.S. 629, 637, 1 Sup. Ct. 601, 27 L. Ed. 290, section 5519 [U.S. Comp. St. 1901, p. 3714] was held void, as not warranted by the constitution. That section is in these words:

"Sec. 5519. If two or more persons in any state or territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges or immunities under the law; or for the purpose of preventing or hindering the constituted authorities of any state or territory giving or securing to all persons within such state or territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment."

It was sought to be supported under the thirteenth, fourteenth, and fifteenth amendments. The court said:

"It is clear that the fifteenth amendment can have no application. That amendment, as was said by this court in the case of United States v. Reese, 92 U.S. 214, 23 L. Ed. 563, 'relates to the right of citizens of the United States to vote. It does not confer the right of suffrage on any one. It merely invests citizens of the United States with the constitutional right of exemption from discrimination in the enjoyment of the elective franchise on account of race, color, or previous condition of servitude.' See, also, United States v. Cruikshank, 92 U.S. 542, 23 L. Ed. 588; s. c. 1 Woods, 308, Fed. Cas. No. 14,897. Section 5519 of the Revised Statutes [U.S. Comp. St. 1901, p. 3714] has no reference to this right. The right guarantied by the fifteenth amendment is protected by other legislation of Congress, namely, by sections 4 and 5 of the act of May 31, 1870, c. 114, and now embodied in section 5506 and 5507 of the Revised Statutes [U.S. Comp. St. 1901, p. 3712]. Section 5519, according to the theory of the prosecution, and as appears by its terms, was framed to protect from invasion by private persons the equal privileges and immunities, under the laws, of all persons and classes of persons. It requires no argument to show that such a law cannot be founded on a clause of the Constitution whose sole object is to protect from denial or abridgment by the United States or States, on account of race, color or previous condition of servitude, the right of citizens of the United States to vote."

The court further held that the act was not warranted by either of the other amendments, because it covered cases both within and without the authority of Congress. Referring to the claim that it might be supported by the fourteenth amendment, the court said:

"As, therefore, the section of the law under consideration is directed exclusively against the action of private persons, without reference to the laws of the state, or their administration by her officers, we are clear in the opinion that it is not warranted by any clause of the fourteenth amendment."

Assuming that exemption from discrimination at a state election is a "right or privilege secured by the Constitution or laws of the United States," it is a right which originates only in the fifteenth amendment, and can only be enforced by legislation directed to state action in some form, by which otherwise qualified voters are denied the elective franchise on account of race or color. This is the limit of the power of Congress under the article. Section 5508 is not so limited, and is not, therefore, appropriate legislation for the enforcement of the fifteenth amendment. The warrant for the section is found in other provisions of the Constitution, and other sections of the act of 1870, from which this section was taken, carried into the Revised Statutes as sections 5506 and 5507, were intended to enforce this amendment. We therefore conclude that the offense charged in the indictment is not included within or covered by section 5508.

The judgment must be reversed, with directions to sustain the defendants' demurrer to the indictment.

Mr. CLARK. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. If I have any more time left. I have already given 10 minutes of my time to the Senator from Louisiana [Mr. ELLENDER] and I do not know whether I have any time left at this moment.

The PRESIDING OFFICER. The Senator from North Carolina has 15 seconds left.

Mr. CLARK. I wish to know if the Senator from North Carolina agrees that the 15th amendment, section 1 and 2, are parts of the Constitution of the United States?

Mr. ERVIN. If the Senator had been in the Chamber to hear me, he would have known that I admitted that fact and that I urged that the 15th amendment be enforced by constitutional methods rather than by such an unconstitutional and ridiculous bill as that pending before the Senate.

Mr. President, I yield the remainder of my time to the Senator from Louisiana [Mr. ELLENDER].

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, I regret that the entire Senate was not present to listen to this debate, because I am satisfied that if all Senators had been present and acted on their own, there would be no question as to what the vote would be on the Ervin amendment.

I support the amendment proposed by the distinguished Senator from North Carolina [Mr. ERVIN] to the Mansfield-Dirksen amendment in the nature of a substitute to S. 1564, a bill supposedly designed to enforce the 15th amendment to the Constitution of the United States.

I use the word "supposedly" in all good conscience, Mr. President, for a careful analysis of S. 1564 as sent to Congress by the administration, or reported by the Judiciary Committee, or as amended by the Mansfield-Dirksen substitute, shows that it goes far beyond the powers granted to Congress by the 15th amendment. The 15th amendment relates only to the right to vote and does not convey any powers allowing the Federal Government to step in and assume control of voter qualifications. It has been previously demonstrated to the Senate that when the 15th amendment was being considered, many efforts were made to broaden its provisions and strike down the right of the States to establish voter qualifications based on grounds other than race, color, or previous condition of servitude.

I point out that in the House of Representatives many efforts were made to have the amendment so worded as to provide Congress with the right to declare qualifications, but all were voted down in the House, as well as in the Senate.

I have gone deeply into the legislative history of the 15th amendment when it was under consideration by the 40th Congress. There can be no doubt of the meaning of the 15th amendment. There can be no doubt that the 40th Congress, radical though it was, did not intend for the 15th amendment to strike down voter qualifications adopted by the States, based on such factors as education or literacy qualifications, or even property requirements. The fact is, as I found in my researches into the legislative history, each effort to so broaden the amendment was struck down decisively. The House of Representatives was particularly adamant in refusing to accept the extension of the 15th amendment language to cover fields of voter qualifications. This was, no doubt, because the House of Representatives was much closer to the people than was the Senate in 1869.

Without doubt, Mr. President, there is no basis in the 15th amendment to support this vicious bill as it was drafted by the attorneys in the Justice Department. Let us see how the Attorney General faces up to this fact.

In testifying before the Senate Judiciary Committee on S. 1564, Attorney General Katzenbach stated that it was not the purpose of the bill to nullify State laws, which, of course, Mr. President, is just what this bill would do. He admitted that the power of the States to set down and determine voter qualifications is a valid exercise of State power. To get around the constitutionally protected power of the States, he contends that this bill would merely suspend State law.

Mr. President, the question immediately comes to mind as to where in the Constitution can be found a power granted to Congress to suspend valid laws enacted by the States. More importantly, where in the Constitution or in any legal precedent is to be found the authority to allow the Attorney General of the United States to suspend valid State laws under some illogical statistical formula that reeks of political implications.

The section of S. 1564 which would be changed by the pending amendment, in line with logic and the legal and constitutional precedents which have always guided our Nation, closely parallels a section of a March 8 Supreme Court judgment rendered in the case of *United States* v. *Louisiana*, U.S. 1965. In that instance, literacy tests were suspended in 21 north Louisiana parishes on the grounds that they had not been fairly administered to all registrants. The Attorney General and the proponents of this measure are now claiming that Congress can on its own motion, without the production of so much as one iota of legal evidence in any court in our land, suspend valid and legally enacted laws adopted by the States.

Mr. President, it is one thing for a duly constituted court of law to enjoin, suspend, or strike down a State law which it finds discriminatory and subject to administrative abuses of a constitutional nature, but it is quite another thing for the Congress of the United States to hand over such judicial powers to the Attorney General of these United States. If the Ervin amendment is adopted by the Senate, as I hope it shall be, a grave defect in this legislation will be corrected. The bill will still be pernicious, but less so. It will still be subversive of the constitutional guarantees, but our States and people will have at least some protection against the personal notions of justice entertained by the Attorney General.

By the present terms of this legislation, determinations made by the Attorney General are to be based on statistics furnished him by the Census Bureau. The most odious and unjustifiable part of this provision is that the bill contains no requirement for any showing of discrimination, the formula is self-executing on the basis of statistical circumstances which, as I indicated earlier, are of questionable fairness.

Now, Mr. President, the amendment submitted by the Senator from North Carolina [Mr. ERVIN] would provide the following:

First. Allow the Attorney General discretion in instituting lawsuits anywhere in the United States to enforce the 15th amendment.

Second. Provide that the suit be brought in the district court where the discrimination is alleged to have occurred.

Third. Allow the Attorney General to remove the case to a Federal three-judge court sitting without a jury.

Fourth. Upon a finding by the court of discrimination, provide for the appointment of Federal examiners to register voters in accordance with State laws.

Senator ERVIN and others have correctly pointed out that:

> There is no rational connection between the fact that less than 50 percent of the persons of voting age in a State vote and the presumption that this low voting percentage is due to a violation of the 15th amendment.

The Ervin amendment would bring the judicial process once again into place. Findings would be based strictly on the merits of each case wherein discrimination was charged. As such, it would be far superior to declaring certain sections of the Nation guilty based on illogical statistics drawn on an ex post facto basis.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. I yield 1 additional minute to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, in conclusion I point out that under the terms of the Ervin amendment the Attorney General could have these cases tried by a special three-judge court, as was approved by the Congress in title I of the Civil Rights Act of 1964. This should answer the claims of many that fair judges cannot be found in our Southland, and would serve to expedite the judicial process. Also, cases tried before these special three-judge courts are heard without benefit of jury. Senator ERVIN has stated that he sees no reason why a three-judge court sitting in Richmond, Va., Charlotte, N.C., Charleston, S.C.—or I might add, New Orleans, La.—could not try a case with the same intelligence, integrity, and dispatch as the already overburdened district court in the District of Columbia. With this sentiment I fully agree, and I hope that the Senate does likewise.

Mr. HART. Mr. President, I yield the remaining time on our side to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Five minutes remain. The Senator from Illinois is recognized for 5 minutes.

Mr. DIRKSEN. Mr. President, anyone listening to this discussion might think that the Constitution of the United States was framed in a vacuum, that it is a static thing, and that it is presently somewhere in orbit. It is not anything of the kind. After the 13th amendment was adopted, it was discovered that the emancipated people had few rights. They could not serve on juries. They did not dare come into town. They could not vote, of course. Obviously it was necessary to confer upon them an additional citizenship. What did the 14th amendment do? It made them citizens not only of Illinois or Louisiana or North Carolina, but also citizens of the United States. Then, for good measure, the 15th amendment was adopted in the 1870's, to provide that no citizen shall be denied the right to vote on account of race or color or previous condition of servitude.

People shout about the powers of the Attorney General. I wish someone would tell me who in our form of government is to enforce the Constitution and the laws if it is not the Attorney General. Will someone point to a law officer or to an administrator who is going to do it except the Attorney General?

This is the situation that confronts us. That is the reason why we tried to set up an automatic device, and tried to make it as automatic as possible, in section 4, to provide that if the Attorney General finds there is a device or test of some kind, and the Bureau of the Census discovers that only a few of the registered voters actually voted, it would be the kickoff machinery, and would provide for some examiners to go in and examine into the qualifications of these people under the Constitution and the laws of the United States and the laws of the State—because that is what it provides—and to give the people a fair shake.

What does the Senator from North Carolina propose to do? He proposes to strike out section 4 and section 5 and a portion of section 6 and have us go back to what we have today. What have we today? We do not have anything today, really, notwithstanding the act of 1957, the act of 1960, and the act of 1964, because the voting right is still being denied those people.

One can say what he will—and the occupant of the chair (Mr. KENNEDY of New York) can bear this out himself, having occupied the distinguished office of Attorney General at one time—that when a suit is started, it takes 3 years to process it, and that when the suit is settled, another one is started, and one's great great grandchildren will never live long enough to see this problem whipped unless we have a device such as we have incorporated in the bill, in order to meet this problem. It has been here all too long, for 100 years since the Great Emancipator disappeared from the scene, and we are still arguing about the problem of people of color.

The amazing thing is that so much of the opposition comes from the very area—I do not like to see it—where there is a misuse and an abuse. I say to the opponents: You can stand on your tradition, if you like. You can say we are punitive, that we are pointing the finger of scorn at you. However, we are doing nothing of the kind. We are going where the abuse lies and where certain tests and devices have been used to discriminate. Where else shall we go? Shall we go to a State that is as clean as a hound's tooth and that lets people vote within the compass of the Constitution and State law?

That is all we ask for.

Mr. President, the Ervin amendment ought to be resoundingly defeated, because it is retrogressive and would bring us back to where we are at the present time. We need the proposed legislation in the amendment in the nature of a substitute. We do not claim perfection for that proposal. The House must impress its will. Then the bill will go to conference. If there are bugs in it, we can iron them out, but at least the proposed legislation will make a start, and an infinitely better start than we achieved in 1957, 1960, and 1964. I ought to know because I was either the captain or the cocaptain on nearly every one of those measures that went through this body.

So I hope the amendment will be resoundingly rejected.

Mr. HART. Mr. President, in our judgment, adoption of the Ervin amendment would result in the total emasculation of the amendment in the nature of a substitute. I ask unanimous consent that there be printed at this point in the RECORD, a summary of literacy tests and devices as reported from the Judiciary Committee by the 12 members of that committee who submitted their views.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

LITERACY TESTS AND SIMILAR DEVICES

Beginning in the early 1890's a number of States enacted legislation establishing new voting qualifications. Among them was the literacy test. Prior to 1890, apparently no Southern State required proof of literacy, understanding of constitutional provisions or of the obligations of citizenship, or good moral character, as prerequisites to voting. However, as the following table shows, these tests and devices were soon to appear in most of the States with large Negro populations.[1]

1. Reading and/or writing: Mississippi (1890), South Carolina (1895), North Carolina (1900), Alabama (1901), Virginia (1902), Georgia (1908), Louisiana (1921). And see Oklahoma (1910).

2. Completion of an application form: Louisiana (1898), Virginia (1902), Louisiana (1921), Mississippi (1954).

3. Oral constitutional "understanding" and "interpretation" tests: Mississippi (1890), South Carolina (1895), Virginia (1902), Louisiana (1921).

4. Understanding of the duties and obligations of citizenship: Alabama (1901), Georgia (1908), Louisiana (1921), Mississippi (1954).

5. Good moral character requirement (other than nonconviction of a crime): Alabama (1901), Georgia (1908), Louisiana (1921), Mississippi (1960).

It is significant that in 1890, 69 percent or more of the adult Negroes in seven Southern States which adopted these tests were illiterate (Alabama, 78 percent; Louisiana, 77 percent; Georgia, 75 percent; Mississippi, 74 percent; South Carolina, 73 percent; North Carolina, 70 percent; Virginia, 69 percent). These percentages were much higher than comparable figures for white illiteracy (Alabama, 19 percent; Louisiana, 19 percent; Georgia, 17 percent; Mississippi, 13 percent; South Carolina, 18 percent; North Carolina, 25 percent; Virginia, 15 percent). See Compendium of the 11th Census, part III, page 316.

At the same time alternative provisions for qualifying to vote were adopted to assure that illiterate whites were not disfranchised. Thus, in Louisiana, North Carolina, and Oklahoma, white voters were exempted from the literacy test by a "'voting' grandfather clause." Louisiana constitution, 1898, article 197, section 5; North Carolina constitution, 1876, article VI, section 4, as amended in 1900; Oklahoma constitution, 1907, article III, section 4a, as amended in 1910. The same result was accomplished in Alabama, Georgia, and Virginia by the so-called fighting grandfather clause. See Alabama constitution, 1901, section 180; Georgia constitution, 1877, article II, section 1, paragraph IV (1–2), as amended in 1908; Virginia constitution, 1902, section 19. Several of these States provided a separate exemption from the literacy requirement for property holders. See Louisiana constitution, 1898, article 107, section 4; Alabama constitution, 1901, section 181, second; Virginia constitution, 1902, section 19, third; Georgia constitution, 1877, article II, section 1, paragraph IV(5). And Alabama and Georgia additionally exempted persons of "good moral character" who understood "the duties and obligations of citizenship under a republican form of government." Alabama constitution, 1901, section 180, third; Georgia constitution, 1877, article II, section 1, paragraph IV(3), as amended in 1908. Another device, invented by Mississippi, and followed, for a time, by South Carolina and Virginia (and later Louisiana) offered white illiterates an opportunity to qualify by satisfying the registrar that they could "understand" and "interpret" a constitutional text when it was read to them. Mississippi constitution, 1890, section 244; South Carolina constitution, 1895, article II, section 4(c); Virginia constitution, 1902, section 19, fourth; Louisiana constitution, 1921, article VIII, section 1(d). For later registrants, South Carolina substituted a property alternative. South Carolina constitution, 1895 article II, section 4(d). The grandfather clause was struck down by the Supreme Court in 1915 (*Guian* v. *United States*, 238 U.S. 347) but the other devices remained and discrimination continued.

The history of 15th amendment litigation in the Supreme Court—from the beginning (*United States* v. *Reese*, 92 U.S. 214; *Ex parte Yarborough*, 110 U.S. 651) through the "grandfather clause" (*Guinn, supra; Myers* v. *Anderson*, 238 U.S. 368), and the "white primary" (*Nixon* v. *Herndon*, 273 U.S. 536; *Nixon* v. *Condon*, 286 U.S. 73; *Smith* v. *Allwright*, 321 U.S. 649; *Terry* v. *Adams*, 345 U.S. 461), the resort to procedural hurdles (*Lane* v. *Wilson*, 307 U.S. 268), to racial gerrymandering (*Gomillion* v. *Lightfoot*, 364 U.S. 339), to improper challenges (*United States* v. *Thomas*, 362 U.S. 58), and, finally, the discriminatory use of tests (*Schnell* v. *Davis*, 336 U.S. 933; *Alabama* v. *United States*, 371 U.S. 37; *Louisiana* v. *United States, supra*)—indicates both the variety of means employed to bar Negro voting and the durability of these discriminatory policies.

The barring of one contrivance has too often caused no change in result, only in methods. See dissenting opinion of Judge John Brown in *United States* v. *Mississippi*, 229 F. Supp. 925, reversed and remanded, — U.S. — (1965). The 15th amendment was intended to nullify "sophisticated as well as simple-minded modes of discrimination," *Lane* v. *Wilson*, 307 U.S. 263, 275 (1939).

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having expired, the question is on agreeing to the amendment of the Senator from North Carolina to the amendment offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. LONG of Louisiana. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from South Dakota [Mr. MCGOVERN] are absent on official business.

I also announce that the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] is absent because of the death of his sister.

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the

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[1] A number of examples appearing in the committee record showing that these tests and devices were adopted to disenfranchise the Negro. See, for example, *Ratliff* v. *Beall*, 74 Miss. 247, 20 S. Rept. 865, where the Mississippi Supreme Court, referring to the convention which adopted the Mississippi constitution of 1890 which contained literacy requirements, remarked that "within the field of permissible action under the limitations imposed by the Federal Constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the Negro race," 74 Miss. 266. See also *United States* v. *Mississippi*, No. 73, October term 1964, decided Mar. 8, 1965 (slip op. pp. 14–15).

Senator from Georgia [Mr. Russell]. If present and voting, the Senator from North Dakota would vote "nay" and the Senator from Georgia would vote "yea."

I further announce that, if present and voting, the Senator from Connecticut [Mr. Dodd], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], and the Senator from Missouri [Mr. Symington] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from California [Mr. Kuchel] is necessarily absent.

The Senator from Vermont [Mr. Prouty] is absent to attend the funeral of a close friend.

If present and voting, the Senator from California [Mr. Kuchel] and the Senator from Vermont [Mr. Prouty] would each vote "nay."

The result was announced—yeas 25, nays 64, as follows:

[No. 65 Leg.]

YEAS—25

Byrd, Va.
Byrd, W. Va.
Curtis
Eastland
Ellender
Ervin
Fannin
Hayden
Hickenlooper
Hill
Holland
Jordan, N.C.
Lausche
Long, La.
McClellan
Miller
Mundt
Robertson
Russell, S.C.
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young, N. Dak.

NAYS—64

Aiken
Allott
Anderson
Bartlett
Bass
Bayh
Bennett
Bible
Boggs
Brewster
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Dirksen
Dominick
Douglas
Fong
Gore
Gruening
Harris
Hart
Hartke
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Magnuson
Mansfield
McCarthy
McIntyre
McNamara
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NOT VOTING—11

Burdick
Dodd
Fulbright
Kuchel
McGee
McGovern
Metcalf
Prouty
Russell, Ga.
Smathers
Symington

So Mr. Ervin's amendment (No. 135) to the amendment in the nature of a substitute was rejected.

Mr. HART. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 162

Mr. KENNEDY of Massachusetts. Mr. President, I call up my amendment No. 162. I ask unanimous consent that the reading of the amendment be dispensed with but that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, beginning with line 8, strike out all through line 3, on page 15 (section 9 of the bill), and insert in lieu thereof the following:

"Sec. 9. (a) Congress hereby declares that to prohibit the collection of a poll tax or other tax or payment as a precondition of voting is necessary to secure the rights guaranteed by the fourteenth and fifteenth amendments to the Constitution against denial or abridgment.

"(b) To assure that such rights are not denied or abridged in violation of the Constitution, no State or political subdivision shall enforce the collection of a poll tax or other tax or payment as a precondition of registration or voting.

"(c) The Attorney General of the United States shall forthwith institute, in the name of the United States, actions against any State or political subdivision for declaratory judgment or injunctive relief against the enforcement, or threatened enforcement of such tax or payment as a precondition of voting. Such actions shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. Such action shall not preclude any remedy available to the Attorney General or to any other person under the laws or Constitution of the United States. For the purposes of this subsection the term "threatened enforcement" shall include the failure of a State or political subdivision to direct the appropriate election officials, no later than sixty days after the effective date of this Act, to permit otherwise eligible persons to register or vote notwithstanding their failure to pay a poll tax or make any other payment.

"(d) If subsection (b) of this section is held invalid in its application to a State or political subdivision, for one year after the entry of a final judgment in such action no person shall be denied the right to vote in any election for failure to pay a poll tax or to make timely payment thereof if at least forty-five days prior to such election he pays the amount of the tax or taxes for one year as may be required by State law."

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ascertain from the majority leader, if possible, what the program of the Senate will be for tomorrow and the remainder of the week, and whether or not there has been some discussion of a time limitation on the so-called poll tax amendment.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished senior Senator from Mississippi [Mr. Eastland] will make some remarks tonight on the pending bill and that it is possible that the distinguished junior Senator from Massachusetts [Mr. Kennedy] may lay the groundwork for his amendment, which is now pending.

I do not anticipate any further votes today. It is my understanding that the distinguished Senators from Hawaii [Mr. Fong and Mr. Inouye] wish to make an announcement regarding the passing of our beloved former colleague, Senator Oren Long, of Hawaii.

I would assume that tomorrow would be taken up with debate on the amendment of the Senator from Massachusetts [Mr. Kennedy] and that the debate on the amendment would continue into Monday.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I should like to propound a unanimous-consent request at this time. I had considered suggesting that the vote on the pending amendment be taken at 5 o'clock on Monday afternoon, but as the best means of accommodating the greatest number of Senators, I propose that the vote be taken on the amendment at 1 o'clock p.m. on Tuesday next, and that the time for debate on the amendment be equally divided between the distinguished junior Senator from Massachusetts [Mr. Kennedy] and the majority leader or whomever he may designate.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. At what time would the division of time begin?

Mr. MANSFIELD. I should say that the division of time should begin tomorrow at the conclusion of morning business.

Mr. HOLLAND. I thank the majority leader.

The PRESIDING OFFICER (Mr. Kennedy of New York in the chair). Does the majority leader make that a part of the unanimous-consent request?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The unanimous-consent request was subsequently reduced to writing, as follows:

Ordered, That the Senate proceed to vote at 1 o'clock on Tuesday, May 11, 1965, on the Kennedy Amendment, No. 162, to the substitute amendment by Senators Mansfield and Dirksen, No. 124, as amended, for the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Provided, That all time for debate after the transaction of routine morning business on Friday, May 7, 1965, and until 1 p.m. on Tuesday, May 11, 1965, be equally divided and controlled by the Senator from Massachusetts [Mr. Kennedy] and the majority leader [Mr. Mansfield], or some Senator designated by him.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred as indicated:

Program To Strengthen Personnel Capabilities of Foreign Affairs Agencies of the Government

A communication from the President of the United States, relating to a program designed to strengthen the personnel capabilities of all the foreign affairs agencies of the Government; to the Committee on Foreign Relations.

NATIONAL CAPITAL AIRPORTS CORPORATION ACT

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting a draft of proposed legislation to create the National Capital Airports Corporation, to provide for the operation of the federally owned civil airports in the District of Columbia or its vicinity by the Corporation, and for other purposes (with an accompanying paper); to the Committee on Commerce.

REPORT ON COMMONWEALTH PARLIAMENTARY ASSOCIATION CONFERENCE, KINGSTON, JAMAICA, 1964

A letter from the Chairman of the U.S. Delegation to the 10th Commonwealth Parliamentary Conference in Kingston, Jamaica, 1964, transmitting, for the information of the Senate, a report of that Conference (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL OF THE UNITED STATES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overpayments of rentals for automatic data processing machines, George C. Marshall Space Flight Center, Huntsville, Ala., National Aeronautics and Space Administration, dated May 1965 (with an accompanying report); to the Committee on Government Operations.

REPORT RELATING TO BONNEVILLE POWER ADMINISTRATION

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that due to a conflict of opinion between that Department and the General Accounting Office, no report was made for the fiscal year 1964; to the Committee on Interior and Insular Affairs.

FINANCIAL REPORT OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

A letter from the executive vice president, The American Society of International Law, Washington, D.C., transmitting, pursuant to law, a financial report of that society, for the period April 1, 1964–March 31, 1965 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Public Works:

"S. CON. RES. 7

"Whereas the settlement at Kalaupapa on the island of Molokai requires better facilities for bringing in supplies and more adequate and convenient living arrangements for physicians; and

"Whereas the Federal Government presently accepts heavy responsibility for the program; and

"Whereas the construction of a service road from the top of Molokai Island to the settlement at Kalaupapa would serve to: (1) provide more frequent delivery of food and other supplies; (2) permit physicians with families to live in a location convenient to the settlement; and (3) facilitate the laying of water pipeline that would not have to follow the coastline: Now, therefore, be it

"Resolved by the Senate of the Third Legislature of the State of Hawaii, regular session of 1965 (the House of Representatives concurring), That the Congress of the United States be and hereby is respectfully requested to consider the construction of such a road; and be it further

"Resolved, That certified copies of this concurrent resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States, and to the individual members of Hawaii's delegation to the Congress of the United States.

"KAZUSHIA ABE,
"President of the Senate.
"ELMER F. CRAVALHO,"
"Speaker, House of Representatives."

A resolution of the Legislature of the State of California; ordered to lie on the table:

"H. RES 262

"Resolution relative to the right of all citizens to vote

"Whereas President Lyndon B. Johnson has announced he will submit to Congress legislation which will establish a simple, uniform standard to establish the right to vote, and will strike down restrictions on voting in all elections—Federal, State, and local—which have been used to deny Negroes the right to vote; and

"Whereas in the words of the President, 'It is wrong, morally wrong, to deny any of your fellow Americans the right to vote in this country'; and

"Whereas recent incidents forcibly demonstrate the urgent need for legislation of the nature proposed by the President: Now, therefore, be it

"Resolved by the Assembly of the State of California, that the assembly respectfully urges the Congress of the United States to take prompt action on President Johnson's legislation to insure the right to vote, and to enact such legislation as soon as possible; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President, Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

"JAMES D. DRISCOLL,
"Chief Clerk of the Assembly."

The petition of Rafael G. Lugo, of San Juan, P.R., relating to a referendum to decide if the people of Puerto Rico want to become a State of the Union or an autonomous state; to the Committee on Interior and Insular Affairs.

ADDITIONAL ASSISTANCE FOR DISASTER VICTIMS—REPORT OF A COMMITTEE (S. REPT. NO. 177)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 1796) to amend the Small Business Act to provide additional assistance for disaster victims, and I submit a report thereon.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The report will be received and printed, and the bill will be placed on the calendar.

PURPOSE OF THE BILL

Mr. PROXMIRE. Mr. President, S. 1796, as amended by the Committee on Banking and Currency, would amend the Small Business Act to provide for an increase in the maturity of Small Business Administration disaster loans from 20 to 30 years.

It would provide for a suspension of up to 5 years on the payment of principal and interest on disaster loans at the discretion of the Administrator of the Small Business Administration. If the disaster loan upon which a suspension is granted is a participation loan, SBA shall, at the request of the lender, first, purchase the participating lender's portion of the loan; or second, in order to avoid default of the loan, make payments to the participating lender on behalf of the borrower during the suspension period. The bill would also increase SBA's revolving fund by $50 million.

GENERAL STATEMENT

The damage to property and the suffering to humanity which has resulted in the recent floods and tornadoes in the Midwest have shown that the disaster loan programs of the Government and the action of private relief groups have not been enough to care adequately for these flood and tornado victims. In the past, the Congress has taken piecemeal action as a result of a particular disaster; for example, the New England floods, the Alaska earthquake, and more recently by action in the Senate to provide disaster relief to the States of Oregon, California, Washington, and Idaho.

The Senate has recently passed a bill, S. 408, which would direct the Housing and Home Finance Administrator to undertake a study of alternative programs to help provide financial assistance to victims of future flood disasters. Also the President has directed the Office of Emergency Planning, first, to examine experience with Public Law 81–875—the National Disaster Act—to determine whether modifications are required to insure the most effective response in future disasters; second, to initiate a study to develop recommendations for improving Federal Government natural disaster planning; and third, to review Federal aid policies for hazardous areas.

These studies are needed and when completed will undoubtedly improve our present system of providing assistance to disaster victims. However, these studies will take time and something must be done quickly. S. 1796 will afford immediate relief to some of the victims of future disasters. This is a stopgap measure and will in no way impede the consideration of other more comprehensive bills relating to disaster relief now pending before the Congress. It will apply, not to one particular area, but to the entire country. This bill does not go as far as some of the members of the committee wished, but it will be of immediate and valuable assistance to many victims of the present disasters and of future disasters wherever they may strike.

HISTORY OF LEGISLATION

S. 1796 was introduced on April 22, 1965, by Senator PROXMIRE—for himself and Senators DOUGLAS, MCCARTHY, MONDALE, NELSON, HARTKE, LONG of Missouri, and BAYH. Hearings were held on this bill by the Small Business Subcommittee of the Banking and Currency Committee on April 27, 1965. At the hearings, testimony was received from Senators HARTKE, NELSON, DOUGLAS, and BAYH. Officials of the Small Business Administration also testified.

AMENDMENTS TO THE ACT MADE BY THE BILL—INCREASE IN MATURITY OF SBA'S DISASTER LOANS

Section 7(b) of the Act provides that the maturities of SBA disaster loans shall be no more than 20 years. Section 7(c) of the Act provides that in order to aid in the orderly liquidation of loans SBA may further renew the maturity of or renew any SBA loan for a period of 10 years.

Section 1 of S. 1796, as amended by the committee, would increase the maximum maturity of all SBA disaster loans from 20 to 30 years.

In many cases a person or small business concern whose home or business is destroyed or extensively damaged is reduced to serious financial straits. Many have existing mortgage payments to meet, along with the additional financial burden of debt brought about by the disaster damage. Thus, SBA is often compelled to refuse to make a loan because the applicant cannot demonstrate ability to repay on a 20 year amortization basis. This extension of maturity to 30 years would result in smaller installments spread over a longer period, and would enable SBA to meet the needs of individuals and small business concerns for whom the existing minimum would entail extreme hardship.

S. 1796, as amended by the committee, would provide that in the case of disaster loans of maturities over 20 years, section 7(c) of the Small Business Act permitting an additional 10-year extension of the maturity for orderly liquidation would not apply. Otherwise the application of this section of the act to disaster loans with maturities of over 20 years might result in loans with maturities of up to 40 years. Also S. 1796, as amended by the committee, provides for a possible extension, in some cases, of maturities of up to 5 years. This would create the possibility of a disaster loan with a maturity of 45 years. The committee believes that 40- or 45-year loans would be undesirable and has added this amendment which would make the provisions of section 7(c) of the Small Business Act inapplicable in any disaster loan with maturities over 20 years.

SBA MAY CONSENT TO A SUSPENSION OF PAYMENTS OF PRINCIPAL AND INTEREST ON CERTAIN DISASTER LOANS UPON SHOWING OF NEED

S. 1796, as amended by the committee, would provide that SBA may suspend the payment of principal and interest and extend the maturity on the Federal share of any disaster loans up to a period of 5 years. This suspension applies to homeowners or small business concerns and may be granted either at the time the loan is made or at a later date.

To be eligible for such a suspension, the disaster loan must be made to a homeowner to enable him to repair or replace his home or to a small business concern to repair or replace plant or equipment, and the home or the plant or equipment must have been damaged or destroyed as a result of a disaster. This disaster must be, first, a major disaster as declared by the President, or second, a natural disaster as declared by the Secretary of Agriculture.

In order to grant suspension of payments of principal and interest and the extension of maturity on the disaster loan up to 5 years, SBA must determine that such action is necessary in order to avoid severe financial hardship. The SBA is expected to act with caution and restraint in exercising this authority, and to grant suspensions and extensions only when and only to the extent necessary to avoid severe financial hardship. This suspension of payment of principal and interest would not stop the running of interest during the suspension period. At the end of the suspension period the borrower would still owe the amount of interest that had accrued during that time. This amount would be amortized over the remaining life of the loan.

The Administrator of SBA testified before the Small Business Subcommittee that SBA, on new disaster loans following the recent disaster in Alaska, has permitted a moratorium of principal and interest for up to 1 year, and a moratorium on principal only up to an additional 4 years.

The committee commends SBA for taking this step in Alaska. The committee believes, however, that this additional assistance is needed for victims of disasters in other parts of the country as well. The clear authority for this additional assistance would be placed in the act by this provision of S. 1796.

This suspension of payments of principal and interest will enable a small business concern to repair or replace its equipment and give it time to resume normal business activities. It would also soften the impact of additional indebtedness of a disaster loan on the part of those homeowners with outstanding mortgages on their homes.

SBA MAY PURCHASE BANK'S OR OTHER LENDER'S SHARE OR MAKE PAYMENTS TO BANKS OR OTHER LENDERS ON PARTICIPATION DISASTER LOANS ON WHICH SUSPENSION OF PAYMENTS HAVE BEEN GRANTED

S. 1796, as amended by the committee, would amend section 7(c) of the Small Business Act to provide that SBA, during any period of suspension of payments of principal and interest on a disaster loan in which a bank or other lender has a participation interest, shall at the request of the bank, or other lender, purchase such participation or SBA may assume the obligations of the borrower and make the payments to the lender during the period of suspension. Such payments may be made by SBA only in order to prevent a default on the loan. After the suspension period is over, the borrower will repay SBA the amount which SBA had paid to the lender on his behalf.

It is the committee's understanding that there are very few participations on disaster loans. The Administrator of SBA testified that from 90 to 95 percent of SBA's disaster loans are direct loans. When a participation is on a disaster loan on a dwelling the lender may only charge 3 percent, the same interest that is charged by SBA. However, in disaster loan participation on loans to small businesses the regulations provide that the participating lender may charge a "reasonable interest" on its share.

This amendment, containing the provisions of S. 1822, which was introduced by Senator BENNETT, is designed to encourage banks and other lenders to participate more in disaster loans with SBA.

INCREASE IN SBA'S REVOLVING FUND

S. 1796, as amended by the committee, would increase SBA's revolving fund by $50 million.

Public Law 87-550 pooled the authorization for disaster loans with the authorization for regular business loans and SBA's prime contract authority. By administrative action SBA has set aside $200 million for the use of its disaster loan programs. This increase should enable SBA to increase the amount available to take care of its disaster loan programs.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of March 1965. In accordance with the practice of several years' standing I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, MARCH 1965 AND FEBRUARY 1965, AND PAY, FEBRUARY 1965 AND JANUARY 1965

PERSONNEL AND PAY SUMMARY

Information in monthly personnel reports for March 1965 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In March numbered—	In February numbered—	Increase (+) or decrease (−)	In February was—	In January was—	Increase (+) or decrease (−)
Total [1] [2]	2,466,052	2,459,595	+6,457	$1,315,630	$1,392,735	−$77,105
Agencies exclusive of Department of Defense	1,448,043	1,441,886	+6,157	771,538	823,424	−51,886
Department of Defense	1,018,009	1,017,709	+300	544,092	569,311	−25,219
Inside the United States	2,306,466	2,300,350	+6,116			
Outside the United States	159,586	159,245	+341			
Industrial employment	540,588	540,762	−174			
Foreign nationals	132,326	131,678	+648	23,538	25,895	−2,357

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[1] Exclusive of foreign nationals shown in the last line of this summary.

[2] March figure includes 489 employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce engaged in taking the 1964 Census of Agriculture, as compared with 886 in February.

Table I, below, breaks down the above figures on employment and pay by agencies.

Table II, page 7, breaks down the above employment figures to show the number inside the United States by agencies.

Table III, page 9, breaks down the above employment figures to show the number outside the United States by agencies.

Table IV, page 10, breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V, page 11, shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during March 1965, and comparison with February 1965, and pay for February 1965, and comparison with January 1965*

Department or agency	Personnel				Pay (in thousands)			
	March	February	Increase	Decrease	February	January	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	99,089	96,597	2,492		$50,467	$53,293		$2,826
Commerce[1]	32,241	32,347		106	20,868	23,142		2,274
Health, Education, and Welfare	83,928	83,803	125		45,204	47,699		2,495
Interior	62,522	61,720	802		35,940	37,776		1,836
Justice	32,355	32,366		11	21,904	23,103		1,199
Labor	8,962	9,018		56	5,959	6,267		308
Post Office	593,752	591,419	2,333		286,453	310,735		24,282
State[2,3]	40,725	40,799		74	24,656	24,065	$591	
Treasury	93,119	93,464		345	54,612	56,333		1,721
Executive Office of the President:								
White House Office	320	322		2	239	257		18
Bureau of the Budget	483	478	5		464	496		32
Council of Economic Advisers	41	45		4	39	53		14
Executive Mansion and Grounds	74	74			42	38	4	
National Aeronautics and Space Council	32	32			30	26	4	
National Council on the Arts	4	3	1		2	1	1	
National Security Council	39	41		2	38	40		2
Office of Economic Opportunity	846	634	212		474	399	75	
Office of Emergency Planning	364	348	16		320	338		18
Office of Science and Technology	85	48	37		43	43		
Office of the Special Representative for Trade Negotiations	28	27	1		29	30		1
President's Commission on the Assassination of President Kennedy						3		3
President's Committee on Consumer Interests	11	11			9	8	1	
President's Committee on Equal Opportunity in Housing	11	11			8	9		1
Independent agencies:								
Advisory Commission on Intergovernmental Relations	25	25			23	25		2
American Battle Monuments Commission	440	416	24		81	71	10	
Atomic Energy Commission	7,194	7,195		1	5,755	6,036		281
Battle of New Orleans Sesquicentennial Celebration Commission	1	1			(4)			
Board of Governors of the Federal Reserve System	639	634	5		436	453		17
Civil Aeronautics Board	829	832		3	691	716		25
Civil Service Commission	3,731	3,729	2		2,312	2,413		101
Civil War Centennial Commission	4	4			4	5		1
Commission of Fine Arts	6	6			4	5		1
Commission on Civil Rights	91	92		1	62	63		1
Delaware River Basin Commission	2	2			3	3		
Export-Import Bank of Washington	296	297		1	218	232		14
Farm Credit Administration	235	232	3		174	175		1
Federal Aviation Agency	44,819	44,768	51		33,031	36,609		3,578
Federal Coal Mine Safety Board of Review	7	7			4	5		1
Federal Communications Commission	1,507	1,510		3	1,102	1,120		18
Federal Deposit Insurance Corporation	1,434	1,461		27	976	978		2
Federal Development Planning Committee for Appalachia	8	8			7	5	2	
Federal Field Committee for Development Planning in Alaska[5]	1		1					
Federal Home Loan Bank Board	1,248	1,239	9		875	1,036		161
Federal Maritime Commission	239	240		1	198	205		7
Federal Mediation and Conciliation Service	415	412	3		382	400		18
Federal Power Commission	1,122	1,122			835	864		29
Federal Radiation Council	5	5			4	5		1
Federal Trade Commission	1,142	1,141	1		882	919		37
Foreign Claims Settlement Commission	191	190	1		120	125		5
General Accounting Office	4,154	4,171		17	2,903	3,084		181
General Services Administration	35,227	35,086	141		17,737	19,589		1,852
Government Printing Office	7,321	7,352		31	4,070	4,437		367
Housing and Home Finance Agency	13,521	13,553		32	8,802	9,222		420
Indian Claims Commission	20	20			23	26		3
Interstate Commerce Commission	2,397	2,383	14		1,742	1,832		90
National Aeronautics and Space Administration	33,097	33,075	22		26,744	27,020		276
National Capital Housing Authority	429	420	9		201	214		13
National Capital Planning Commission	52	51	1		39	42		3
National Capital Transportation Agency	31	32		1	32	31	1	
National Commission on Food Marketing	40	34	6		24	13	11	
National Commission on Technology, Automation, and Economic Progress	19	17	2		2		2	
National Gallery of Art	303	310		7	139	148		9
National Labor Relations Board	2,108	2,109		1	1,578	1,651		73
National Mediation Board	117	132		15	124	117	7	
National Science Foundation	1,079	1,010	69		723	735		12
Panama Canal	15,465	15,492		27	6,090	8,969		2,879
President's Advisory Commission on Labor-Management Policy	1	2		1	2	2		
President's Committee on Equal Employment Opportunity	59	59			41	42		1
Railroad Retirement Board	1,737	1,750		13	1,052	1,118		66
Renegotiation Board	185	186		1	174	186		12
St. Lawrence Seaway Development Corporation	158	161		3	102	100	2	
Securities and Exchange Commission	1,386	1,387		1	1,009	1,050		41
Selective Service System	7,353	7,272	81		2,330	2,439		109
Small Business Administration	3,565	3,546	19		2,390	2,493		103
Smithsonian Institution	1,819	1,749	70		928	936		8
Soldiers' Home	1,095	1,095			370	419		49
Subversive Activities Control Board	26	26			28	29		1
Tariff Commission	275	276		1	213	223		10
Tax Court of the United States	149	150		1	140	148		8
Temporary Alaska Claims Commission[6]						1		1
Tennessee Valley Authority	16,244	16,173	71		9,874	10,671		797
U.S. Arms Control and Disarmament Agency	161	158	3		145	148		3
U.S. Information Agency	11,649	11,764		115	6,068	6,373		305
United States-Puerto Rico Commission on the Status of Puerto Rico	18	14	4		9	9		
Veterans' Administration	171,818	171,381	437		79,598	83,143		3,545
Virgin Islands Corporation	302	314		12	113	142		29
Woodrow Wilson Memorial Commission	1	1			(4)	(4)		
Total, excluding Department of Defense	1,448,043	1,441,886	7,073	916	771,538	823,424	711	52,597
Net change, excluding Department of Defense			6,157				51,886	

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during March 1965, and comparison with February 1965, and pay for February 1965 and comparison with January 1965*—Continued

Department or agency	Personnel				Pay (in thousands)			
	March	February	Increase	Decrease	February	January	Increase	Decrease
Department of Defense:								
Office of the Secretary of Defense	2,126	2,111	15		$1,882	$1,929		$47
Department of the Army	360,607	360,575	32		188,882	196,098		7,216
Department of the Navy	326,035	325,652	383		179,620	[7] 189,425		9,805
Department of the Air Force	291,635	291,792		157	152,973	160,211		7,238
Defense Atomic Support Agency	2,032	2,008	24		1,025	1,063		38
Defense Communications Agency	963	956	7		695	715		20
Defense Intelligence Agency	2,165	2,162	3		1,613	1,627		14
Defense Supply Agency	31,907	31,912		5	17,093	17,922		829
U.S. Court of Military Appeals	40	40			37	39		2
Interdepartmental activities	9	8	1		5	5		
International military activities	55	55			43	44		1
Armed Forces information and education activities	435	438		3	224	233		9
Total, Department of Defense	1,018,009	1,017,709	465	165	544,092	569,311		25,219
Net change, Department of Defense			300				$25,219	
Grand total, including Department of Defense [8] [9]	2,466,052	2,459,595	7,538	1,081	1,315,630	1,392,735	711	77,816
Net change, including Department of Defense			6,457				77,105	

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[1] March figure includes 489 employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce engaged in taking the 1964 Census of Agriculture, as compared with 886 in February, and their pay.

[2] March figure includes 15,324 employees of the Agency for International Development, as compared with 15,414 in February, and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The March figure includes 4,174 of these trust fund employees and the February figure includes 4,187.

[3] March figure includes 1,193 employees of the Peace Corps, as compared with 1,170 in February, and their pay.

[4] Less than $500.

[5] New agency, created pursuant to Executive Order 11182, dated Oct. 2, 1964.

[6] Agency expired pursuant to Executive Order 11144, dated Mar. 5, 1964.

[7] Revised on basis of later information.

[8] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

[9] Includes employment in the Job Corps by Federal agencies, under the Economic Opportunity Act of 1964 (Public Law 88-452), as follows:

Agency	March	February	Change
Agriculture Department	305	283	+22
Interior Department	432	243	+189
Total	737	526	+211

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during March 1965, and comparison with February 1965*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	97,839	95,346	2,493	
Commerce	31,634	31,729		95
Health, Education, and Welfare	83,263	83,139	124	
Interior	61,884	61,080	804	
Justice	31,992	32,008		16
Labor	8,892	8,946		54
Post Office	592,132	589,813	2,319	
State [1] [2]	11,083	11,048	35	
Treasury	92,413	92,768		355
Executive Office of the President:				
White House Office	320	322		2
Bureau of the Budget	483	478	5	
Council of Economic Advisers	41	45		4
Executive Mansion and Grounds	74	74		
National Aeronautics and Space Council	32	32		
National Council on the Arts	4	3	1	
National Security Council	39	41		2
Office of Economic Opportunity	846	634	212	
Office of Emergency Planning	364	348	16	
Office of Science and Technology	85	48	37	
Office of the Special Representative for Trade Negotiations	28	27	1	
President's Committee on Consumer Interests	11	11		
President's Committee on Equal Opportunity in Housing	11	11		
Independent agencies:				
Advisory Commission on Intergovernmental Relations	25	25		
American Battle Monuments Commission	7	7		
Atomic Energy Commission	7,161	7,161		
Battle of New Orleans Sesquicentennial Celebration Commission	1	1		
Board of Governors of the Federal Reserve System	639	634	5	
Civil Aeronautics Board	829	832		3
Civil Service Commission	3,728	3,726	2	
Civil War Centennial Commission	4	4		
Commission of Fine Arts	6	6		
Commission on Civil Rights	91	92		1
Delaware River Basin Commission	2	2		
Export-Import Bank of Washington	296	297		1
Farm Credit Administration	235	232	3	
Federal Aviation Agency	43,698	43,635	63	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,502	1,506		4
Federal Deposit Insurance Corporation	1,432	1,459		27
Federal Development Planning Committee for Appalachia	8	8		
Federal Field Committee for Development Planning in Alaska [5]	1		1	
Federal Home Loan Bank Board	1,248	1,239	9	
Federal Maritime Commission	239	240		1
Independent agencies—Continued				
Federal Mediation and Conciliation Service	415	412	3	
Federal Power Commission	1,122	1,122		
Federal Radiation Council	5	5		
Federal Trade Commission	1,142	1,141	1	
Foreign Claims Settlement Commission	180	179	1	
General Accounting Office	4,097	4,116		19
General Services Administration	35,198	35,059	139	
Government Printing Office	7,321	7,352		31
Housing and Home Finance Agency	13,312	13,344		32
Indian Claims Commission	20	20		
Interstate Commerce Commission	2,397	2,383	14	
National Aeronautics and Space Administration	33,081	33,059	22	
National Capital Housing Authority	429	420	9	
National Capital Planning Commission	52	51	1	
National Capital Transportation Agency	31	32		1
National Commission on Food Marketing	40	34	6	
National Commission on Technology, Automation and Economic Progress	19	17	2	
National Gallery of Art	303	310		7
National Labor Relations Board	2,075	2,076		1
National Mediation Board	117	132		15
National Science Foundation	1,075	1,005	70	
Panama Canal	155	148	7	
President's Advisory Committee on Labor-Management Policy	1	2		1
President's Committee on Equal Employment Opportunity	59	59		
Railroad Retirement Board	1,737	1,750		13
Renegotiation Board	185	186		1
St. Lawrence Seaway Development Corporation	158	161		3
Securities and Exchange Commission	1,386	1,387		1
Selective Service System	7,200	7,116	84	
Small Business Administration	3,495	3,478	17	
Smithsonian Institution	1,795	1,726	69	
Soldiers' Home	1,095	1,095		
Subversive Activities Control Board	26	26		
Tariff Commission	275	276		1
Tax Court of the United States	149	150		1
Tennessee Valley Authority	16,241	16,170	71	
U.S. Arms Control and Disarmament Agency	161	158	3	
U.S. Information Agency	3,462	3,468		6
United States-Puerto Rico Commission on the Status of Puerto Rico	12	10	2	
Veterans' Administration	170,841	170,405	436	
Woodrow Wilson Memorial Commission	1	1		
Total, excluding Department of Defense	1,385,494	1,379,105	7,087	698
Net increase, excluding Department of Defense			6,389	

See footnotes at end of table.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during March 1965, and comparison with February 1965*—Continued

Department or agency	March	February	Increase	Decrease
Department of Defense:				
Office of the Secretary of Defense	2,078	2,064	14	--------
Department of the Army	312,217	312,831	--------	614
Department of the Navy	302,924	302,721	203	--------
Department of the Air Force	266,220	266,122	98	--------
Defense Atomic Support Agency	2,032	2,008	24	--------
Defense Communications Agency	912	907	5	--------
Defense Intelligence Agency	2,165	2,162	3	--------
Defense Supply Agency	31,906	31,911	--------	5
U.S. Court of Military Appeals	40	40	--------	--------
Interdepartmental activities	9	8	1	--------
International military activities	34	33	1	--------
Armed Forces information and education activities	435	438	--------	3
Total, Department of Defense	920,972	921,245	349	622
Net decrease, Department of Defense	----------	----------	273	
Grand total, including Department of Defense	2,306,466	2,300,350	7,436	1,320
Net increase, including Department of Defense	----------	----------	6,116	

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[1] March figure includes 2,976 employees of the Agency for International Development, as compared with 2,980 in February.

[2] March figure includes 773 employees of the Peace Corps, as compared with 761 in February.

[3] New agency created pursuant to Executive Order 11182, dated Oct. 2, 1964.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during March 1965, and comparison with February 1965*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,250	1,251	--------	1
Commerce	607	618	--------	11
Health, Education, and Welfare	665	664	1	--------
Interior	638	640	--------	2
Justice	363	358	5	--------
Labor	70	72	--------	2
Post Office	1,620	1,606	14	--------
State [1] [2]	29,642	29,751	--------	109
Treasury	706	696	10	--------
Independent agencies:				
American Battle Monuments Commission	433	409	24	--------
Atomic Energy Commission	33	34	--------	1
Civil Service Commission	3	3	--------	--------
Federal Aviation Agency	1,121	1,133	--------	12
Federal Communications Commission	5	4	1	--------
Federal Deposit Insurance Corporation	2	2	--------	--------
Foreign Claims Settlement Commission	11	11	--------	--------
General Accounting Office	57	55	2	--------
General Services Administration	29	27	2	--------
Housing and Home Finance Agency	209	209	--------	--------
National Aeronautics and Space Administration	16	16	--------	--------
National Labor Relations Board	33	33	--------	--------
National Science Foundation	4	5	--------	1
Panama Canal	15,310	15,344	--------	34
Selective Service System	153	156	--------	3
Small Business Administration	70	68	2	--------
Independent agencies—Continued				
Smithsonian Institution	24	23	1	--------
Tennessee Valley Authority	3	3	--------	--------
U.S. Information Agency	8,187	8,296	--------	109
United States-Puerto Rico Commission on the Status of Puerto Rico	6	4	2	--------
Veterans' Administration	977	976	1	--------
Virgin Islands Corporation	302	314	--------	12
Total, excluding Department of Defense	62,549	62,781	65	297
Net decrease, excluding Department of Defense	----------	----------	232	
Department of Defense:				
Office of the Secretary of Defense	48	47	1	--------
Department of the Army	48,390	47,744	646	--------
Department of the Navy	23,111	22,931	180	--------
Department of the Air Force	25,415	25,670	--------	255
Defense Communications Agency	51	49	2	--------
Defense Supply Agency	1	1	--------	--------
International military activities	21	22	--------	1
Total, Department of Defense	97,037	96,464	829	256
Net increase, Department of Defense	----------	----------	573	
Grand total, including Department of Defense	159,586	159,245	894	553
Net increase, including Department of Defense	----------	----------	341	

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[1] March figure includes 12,348 employees of the Agency for International Development, as compared with 12,434 in February. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The March figure includes 4,174 of these trust fund employees and the February figure includes 4,187.

[2] March figure includes 420 employees of the Peace Corps, as compared with 400 in February.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during March 1965, and comparison with February 1965*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,629	3,618	11	--------
Commerce	6,025	5,409	616	--------
Interior	9,557	9,455	102	--------
Post Office	264	264	--------	--------
Treasury	5,483	5,523	--------	40
Independent agencies:				
Atomic Energy Commission	255	256	--------	1
Federal Aviation Agency	2,565	2,565	--------	--------
General Services Administration	2,172	2,175	--------	3
Government Printing Office	7,321	7,352	--------	31
National Aeronautics and Space Administration	33,097	33,075	22	--------
Panama Canal	7,503	7,588	--------	85
St. Lawrence Seaway Development Corporation	157	156	1	--------
Tennessee Valley Authority	13,062	13,060	2	--------
Virgin Islands Corporation	302	314	--------	12
Total, excluding Department of Defense	91,392	90,810	754	172
Net increase, excluding Department of Defense	----------	----------	582	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 132,831	[2] 133,418	--------	587
Outside the United States	[1] 4,381	[2] 4,342	39	--------
Department of the Navy:				
Inside the United States	182,730	183,108	--------	378
Outside the United States	1,273	1,270	3	--------
Department of the Air Force:				
Inside the United States	125,581	125,405	176	--------
Outside the United States	865	871	--------	6
Defense Supply Agency:				
Inside the United States	1,535	1,538	--------	3
Total, Department of Defense	449,196	449,952	218	974
Net decrease, Department of Defense	----------	----------	756	
Grand total, including Department of Defense	540,588	540,762	972	1,146
Net decrease, including Department of Defense	----------	----------	174	

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[1] Subject to revision.

[2] Revised on basis of later information.

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TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of March 1965, and comparison with February 1965*

Country	Total		Army		Navy		Air Force	
	March	February	March	February	March	February	March	February
Crete	81	81	--------	--------	--------	--------	81	81
England	2,329	2,457	102	102	101	100	2,126	2,255
France	14,751	14,816	11,496	11,557	10	10	3,245	3,249
Germany	66,880	65,992	56,442	55,501	70	70	10,368	10,421
Greece	308	311	--------	--------	39	38	269	273
Japan	41,573	41,620	14,179	14,188	12,314	12,336	15,080	15,096
Korea	5,443	5,448	5,443	5,448	--------	--------	--------	--------
Morocco	543	534	--------	--------	543	534	--------	--------
Netherlands	52	53	--------	--------	--------	--------	52	53
Trinidad	366	366	--------	--------	366	366	--------	--------
Total	132,326	131,678	87,662	86,796	13,443	13,454	31,321	31,428

STATEMENT OF SENATOR BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of March totaling 2,466,052. This was a net increase of 6,457 as compared with employment reported in the preceding month of February.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1965, which began July 1, 1964, follows:

Month	Employment	Increase	Decrease
July 1964	2,492,061	10,479	--------
August	2,495,606	3,545	--------
September	2,461,376	--------	34,230
October	2,470,330	8,954	--------
November	2,493,837	23,507	--------
December	2,485,771	--------	8,066
January 1965	2,464,012	--------	21,759
February	2,459,595	--------	4,417
March	2,466,052	6,457	--------

Total Federal employment in civilian agencies for the month of March was 1,448,043, an increase of 6,157 as compared with the February total of 1,441,886. Total civilian employment in the military agencies in March was 1,018,009, an increase of 300 as compared with 1,017,709 in February.

Civilian agencies reporting larger increases were the Agriculture Department with 2,492 and the Post Office Department with 2,333. The increase in the Agriculture Department was largely seasonal.

In the Department of Defense the largest increase in civilian employment was reported by the Department of the Navy with 383. The largest decrease was reported by the Department of the Air Force with 157.

Total employment inside the United States in March was 2,306,466, an increase of 6,116 as compared with February. Total employment outside the United States in March was 159,586, an increase of 341 as compared with February. Industrial employment by Federal agencies in March totaled 540,588, a decrease of 174.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,466,052 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 132,326 foreign nationals working for U.S. agencies overseas during March who were not counted in the usual personnel reports. The number in February was 131,678. A breakdown of this employment for March follows:

Country	Total	Army	Navy	Air Force
Crete	81	--------	--------	81
England	2,329	102	101	2,126
France	14,751	11,496	10	3,245
Germany	66,880	56,442	70	10,368
Greece	308	--------	39	269
Japan	41,573	14,179	12,314	15,080
Korea	5,443	5,443	--------	--------
Morocco	543	--------	543	--------
Netherlands	52	--------	--------	52
Trinidad	366	--------	366	--------
Total	132,326	87,662	13,443	33,221

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

NOMINATION OF HUGH F. OWENS TO SECURITIES AND EXCHANGE COMMISSION

Mr. ROBERTSON subsequently said: Mr. President, I am pleased to announce that the Senate Banking and Currency Committee has today approved the nomination of Mr. Hugh F. Owens, of Oklahoma, for a 5-year term on the Securities and Exchange Commission, following the partial term Mr. Owens has served since April of 1964.

Mr. Owens has a distinguished background; and we have had excellent reports of his service on the Commission during the past year.

We were glad to receive from the senior Senator from Oklahoma a letter supporting the nomination; and I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON COMMERCE,
May 5,1965.

Hon. A. WILLIS ROBERTSON,
Chairman, Banking and Currency Committee, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I was happy to see that President Johnson has nominated Mr. Hugh F. Owens, of Oklahoma, for a five-year-term on the Securities and Exchange Commission, following the partial term Mr. Owens has served since April 1964. I hope you and the other members of the committee will add you approval by reporting his nomination to the Senate.

You will remember that I testified when Mr. Owens was considered in March of 1964 that he had made an enviable record as administrator of the Oklahoma Securities Commission. That was at a time when the State was cited as one of the two States in the Nation doing the best job of State regulation of the securities industry. He has tackled his job as SEC Commissioner with the same devotion and competence.

Owens' very substantial knowledge of State regulation of securities has contributed greatly, I understand, to the liaison between the SEC and the State regulatory agencies. I understand that he also has been helpful in interpreting the Security Act Amendments of 1964, signed last August, to several national and regional conferences of attorneys and security brokers. I believe he was an excellent choice for Commission membership and could render continued superior service in the coming 6 years.

A native of Muskogee, Okla., he has degrees from the Universities of Oklahoma and Illinois. He had practiced law in Chicago and in Oklahoma City before his service with the Oklahoma Securities Commission from 1959 to 1964.

Sincerely yours,

MIKE MONRONEY.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD of Virginia:

S. 1905. A bill for the relief of Walter L. Crider; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 1906. A bill to give the Court of Claims jurisdiction over the claim of Rifkin Textiles Corp.; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 1907. A bill to amend chapter 161 of title 28 of the United States Code by adding a new section with respect to certain restraining writs or orders issued by U.S. district courts that affect property situated outside the United States; to the Committee on the Judiciary.

(See the remarks of Mr. SCOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. NELSON:

S. 1908. A bill to expand and improve existing law and to provide for the establishment of regulations for the purpose of controlling pollution from vessels and certain other sources in the Great Lakes and other navigable waters of the United States; to the Committee on Public Works.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

AMENDMENT OF CHAPTER 161 OF TITLE 28, UNITED STATES CODE, RELATING TO CERTAIN RESTRAINING WRITS OR ORDERS

Mr. SCOTT. Mr. President, I introduce for appropriate reference a bill to amend chapter 161 of title 28 of the United States Code by adding a new section with respect to certain restraining writs or orders issued by U.S. district courts that affect property situated outside the United States. This legislation is necessitated by a decision handed down last winter by the Supreme Court of the United States.

By way of background, Mr. President, Omar, S.A., a corporation organized under the laws of Uruguay, is claimed to owe to the U.S. Internal Revenue Service unpaid taxes, penalties, and interest. Although Omar has no offices or personnel in this country, the U.S. District Court for the Southern District of New York, on October 31, 1962, granted an injunction against the First National City Bank forbidding it to pay out any funds that might be on deposit for the account of Omar in any of its branches anywhere in the world. It subsequently appeared that Omar had a small deposit account in Uruguayan pesos—equivalent to about $1,500—in First National City Bank's Montevideo branch.

The Court stated that its injunction was intended to be "temporary" pending the Government's efforts to obtain jurisdiction over Omar. Today, more than 2½ years later, the Government has not obtained jurisdiction over Omar but the "temporary" injunction is still in effect.

The U.S. court of appeals reversed the decision of the district court, concluding that the deposits held by First National City Bank in Uruguay, which were "collectible only outside the United States," were not within the jurisdiction of the district court and that granting the power demanded "would lead only to harmful consequences for our banking system abroad without any concomitant benefits at home."

The Government appealed the decision. The Supreme Court, by a 7-to-2 vote announced January 18, 1965, reversed the rulings of the court of appeals and held that a Federal district court in New York does have the power to grant an injunction.

The majority opinion of the Supreme Court pointed out that the injunction was supposedly "temporary" and intended primarily to preserve the status quo pending the adjudication of the merits of the Government's tax claim against Omar. The Court did not rule on whether First National City Bank could be ordered by the district court to return funds held in the account of Omar.

The majority opinion discussed many important points which were omitted by the majority—the question of the equities involved, the possibility of multiple liability being incurred by the bank, and the adverse effects of the ruling on the bank's business.

The bank's position is that it is inequitable and unjustifiable for a court to order it to freeze a customer's account in a foreign country which is beyond the grasp of both the Internal Revenue Service and the court, simply because the bank's head office in the United States is within the grasp of the court. Such an account is entrusted to the foreign branch of the bank in accordance with the laws of the foreign country in which that branch operates. The injunction of a U.S. court requiring the foreign branch to dishonor checks and drafts drawn against such a foreign currency account, would expose the bank to liability and damages under the laws of the foreign country.

The ruling in this case obviously impairs the competitive position of U.S. banks abroad. It opens the banks to risk of loss on breach of contract under the laws of the foreign countries in which they do business. It encourages the withdrawal of foreign currency deposits, handicapping the ability of American banks to finance foreign commerce. It invites foreign countries everywhere to claim the right to subject U.S. citizens and firms to the jurisdiction of their laws and court decisions.

Realizing the implications of this case for the foreign activities of U.S. commercial banks, Chase Manhattan Bank, First National Bank of Boston, and Bank of America filed amici curiae briefs with the Supreme Court.

On April 13, 1964, the day the petition for review was filed with the Supreme Court, the Treasury Department announced regulations relating to the exercise of authority by the Internal Revenue Service over taxpayers' deposits in foreign branches of U.S. banks. The regulations state that jurisdiction will be exercised against bank accounts of foreigners under either of the following circumstances:

> 1. Whenever a district director of the Internal Revenue Service "believes" that the taxpayer is within the jurisdiction of a U.S. court at the time of the action; or
>
> 2. Whenever a district director "believes" that, even though the taxpayer is not within the jurisdiction of the court, all or some part of the deposits in question consist of funds transferred from the United States for the purpose of avoiding payment of taxes to the U.S. Treasury.

In issuing this regulation, the Treasury has tried, in effect, to indicate that this is an extraordinary power which it does not propose to use to the full at the present time, and that it plans to pursue a moderate policy, at least for the present. This attitude may be reassuring to the Treasury but it does not reassure a company overseas which, if it maintains an account with a U.S. bank, must subject itself to changing policies of a foreign government and even to the beliefs of district directors of the U.S. Internal Revenue Service. Consequently, U.S. banks do not regard this regulation as having solved the problems created by the Supreme Court's Omar decision. They believe that unless remedial action is taken, their competitive position abroad vis-a-vis foreign banks will be affected adversely.

Furthermore, the Treasury's regulation is almost sure to be completely ineffective from the standpoint of seizing assets of delinquent taxpayers. I find it difficult to conceive that a taxpayer smart enough to remove his funds from a U.S. bank would proceed to deposit these funds in the foreign branch of an American bank where they would be under the jurisdiction of U.S. courts.

In the judgment of U.S. banks which operate branches abroad, the only solution is for Congress to clarify the application of relevant statutes to countries overseas. Perhaps the best way to do this is through the legislation I am introducing today which would amend chapter 161 of title 28 of the United States Code to specify that the courts may not restrain a bank with respect to property or rights to property of any depositor in accounts maintained at branches of U.S. banks in foreign countries unless the compliance with such restraint will not violate foreign law or involve civil liability where the branch is located.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1907) to amend chapter 161 of title 28 of the United States Code by adding a new section with respect to certain restraining writs or orders issued by U.S. district courts that affect property situated outside the United States, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on the Judiciary.

GREAT LAKES SHIP POLLUTION ACT

Mr. NELSON. Mr. President, I am introducing legislation today designed to end the pollution of the Great Lakes and other navigable waters of the United States by ships and the shore installations which service them.

Such legislation has been recommended by responsible persons and organizations in widely separated parts of the country. It results from a growing nationwide concern about the grave problem of pollution. It will not, by itself, solve our nationwide pollution problem, but, along with a number of other legislative proposals recently enacted or under consideration by the Congress, it will provide for a coordinated attack on pollution at all levels.

Every major river system in America is now polluted and the tide of pollution is moving inexorably through our Great Lakes, the greatest fresh water resource on the face of the earth.

Lake Erie is already so gravely polluted that some expert scientists wonder whether it ever can be restored as a recreational resource and a habitat for aquatic life.

A study by the Public Health Service and recent public hearings have documented a degree of pollution in the southern tip of Lake Michigan that must surely shock the conscience of every thoughtful American.

The southern tip of Lake Michigan is becoming an industrial cesspool. Chicago's source of drinking water is threatened. On 150 days during 1964 water coming into Chicago's purification plant from Lake Michigan exceeded what the water department considers a permissible limit of pollution. The water was purified to acceptable standards by the addition of chemicals, but on several occasions the department came close to running out of the necessary chemicals.

For 64 days last year, beaches on Chicago's South Side were unsafe for bathing. One beach at Hammond, Ind., has been closed for 15 years. At Milwaukee, some public beaches have been closed off and on since 1959. At Green Bay, public beaches have been closed for 25 years.

Experts tell us that the pollution of the southern tip of Lake Michigan may already have progressed so far that it is irreversible.

This is a shocking situation which I hope the American public will not continue to tolerate.

The pollution that is slowly but steadily destroying our lakes and rivers comes in a number of different forms. Many communities do not have adequate sewage treatment plants and discharge raw sewage into our lakes and rivers. Even some communities with excellent sewage treatment plants discharge raw sewage directly into public waters during times of heavy rainfall because their storm and sanitary sewers are interconnected. Many industries do not have adequate sewage treatment plants and dump industrial acids and other chemicals into lakes and streams.

Detergents provide a special pollution problem. By their very nature, many detergent chemicals pass through our sewage disposal plants or seep underground from household septic tanks and enter wells and surface water supplies.

I support strong legislation to meet all of these pollution problems.

The bill I introduce today will meet a phase of the pollution problem which is often neglected—the pollution resulting from vessels and shore installations.

Even though this is a comparatively small percentage of the total pollution problem, it is still a serious matter, particularly in our harbors and in other bodies of water where a large number of ships are concentrated.

The Ohio River Valley Water Sanitation Commission adopted a resolution on January 9, 1964, expressing concern about pollution resulting from the discharge of untreated wastes from commercial and pleasure watercraft and floating facilities. The Commission recommended that "no marine waste disposal system on any watercraft or floating facility operated on waters within the district shall be so constructed and operated as to discharge inadequately treated wastes into these waters." The Wisconsin State Committee on Water Pollution, the State agency charged with enforcing our antipollution laws, has recommended that "laws and regulations pertaining to sewage disposal facilities by commercial vessels operating interstate should be developed and be enforced by the Federal Government." I have had similar recommendations from the health commissioners at Green Bay, Superior, and Milwaukee, Wis. The Mississippi Valley Association, in a letter to me dated March 18, states that "our association is vitally interested in the abatement of pollution in this Nation and feels very strongly that more and better reuse of our Nation's water resources is as important an aspect of sound water resource development as is the construction of dams and other water control structures."

The St. Lawrence Seaway and all the States involved are gravely concerned about pollution in the seaway. The U.S. Coast Guard and the U.S. Public Health Service are working on this problem.

All of this indicates a rising degree of concern about that portion of pollution which can be attributed to vessels and shore installations.

In previous sessions of the Congress, committees of the House have conducted very valuable hearings into this problem, and I have drawn upon the testimony presented at those hearings in developing the legislation I offer today.

There already is considerable law on the statute books relating to vessel pollution. At the Federal level, at least six agencies are empowered to deal with vessel pollution under 12 different laws. Most of these laws are not directed at pollution itself but deal with matters such as navigation, safety, and public health. For instance, the Refuse Act of 1889 is considered to apply only in situations in which navigation is impeded. The Oil Pollution Control Act of 1924 is confined to navigable coastal waters and provides no help whatever on the Great Lakes. The Public Health Service Act of 1944 deals only with the interstate transmission of communicable disease. The Water Pollution Control Act of 1956 is very general in its coverage and provides only for judicial enforcement.

There is no central Federal agency for coordinating the responsibility of Federal agencies in this field.

This bill attacks the problem of vessel pollution directly and provides simple, effective enforcement.

First, the bill provides a statement of policy, making clear that the pollution of the Great Lakes and other navigable waters by oil, sewage, and refuse discharged or dumped from vessels is contrary to the public interest.

The bill gives the Secretary of Health, Education, and Welfare the authority to establish reasonable regulations and standards for facilities to be used in the retention or treatment of sewage and refuse.

The Secretary is directed to consult the other Federal officials and governmental agencies which are presently involved in matters relating to navigable waters. It also directs the Secretary to appoint a technical committee of Government representatives, owners, and operators of Great Lakes vessels and such other persons as the Secretary determines. In this way, the Secretary will develop regulations which are workable and, at the same time, adequate to protect the public interest.

Considerable interest has been expressed in the exact regulations which might be adopted. I have had inquiries from boating and shipping interests and from governmental agencies which deal with this problem, asking whether I would propose to require all vessels regardless of size to retain sewage for disposal ashore; whether I would propose to accept sewage treatment systems which discharge treated effluent overboard, and many similar technical questions.

I do not think that the floor of the U.S. Congress is the place to design a seagoing sewage system. At the same time, I think that such facilities are seriously needed. I think that the exact specifications should be left up to a qualified committee which could study the matter at great length and consider all of the complicated problems involved.

This is moderate legislation. It provides that the regulations and procedures adopted by the Secretary and his technical advisers shall not become effective until January 1, 1970. The Secretary is directed to report back to the Congress annually for 4 years, which would allow ample time for further legislative action if it should prove necessary.

This part of the bill—which calls a halt to the dumping of oil, sewage, and refuse from vessels into our lakes and other navigable waters—is the heart of the bill. Undoubtedly, many persons will come forth to say that, while it is desirable to stop this pollution, the problems involved are so great that it should not be undertaken.

The best answer I have seen to that point of view comes from Dr. E. R. Krumbiegel, the Milwaukee City Health Commissioner, who stated in a letter to me:

> The only practical solution to the problem is to enact Federal legislation relating to all ships of all nations. It would be impractical to enact legislation requiring fairly extensive alteration of present ships unless a reasonable leadtime for compliance was specified. I am not so much concerned with the question of whether this leadtime should be 10 or 20 years. The important thing is that we look to the future and attempt to enact legislation without unnecessary delay which will lead to alleviation of the problem at some time in the reasonably foreseeable future.

The other sections of the bill are also important.

The changes in the Oil Pollution Act of 1924 extend that act to apply to shore installations and to terminal facilities, from which pollutants often are discharged directly into our waters or accidentally dumped or spilled. This section also removes the restriction of the act to coastal and inland waters in which "the tide ebbs and flows," and extends it to navigable waters generally. It also provides that anyone who discharges oil must remove it or reimburse the Federal Government for doing so. It transfers administration and enforcement of the Oil Pollution Act from the Corps of Engineers to the Coast Guard. This is necessary to make enforcement more efficient and effective.

The changes which this bill makes in the Oil Pollution Act of 1961 transfers administration and enforcement of the act from the Corps of Engineers to the Coast Guard.

The changes which this bill makes in the Refuse Act removes the exemption of refuse matter flowing from sewers in the liquid state. It thus extends the act to cover sewage discharged from vessels. The bill also transfers administration and enforcement of the Refuse Act from the Corps of Engineers to the Coast Guard.

At present, the Corps of Engineers has the responsibility for administration of these acts while the Coast Guard, as the general maritime policy agency, enforces them. The Coast Guard must presently report violations to the Corps of Engineers, which in turn prepares a case and sends it to the Department of Justice for prosecution. Enforcement would be much more effective if responsibility for recommending prosecution rested with the Coast Guard. Mr. President, this bill will give us, for the first time, the machinery we need to move against the rapidly increasing pollution of the Great Lakes and other navigable waters by vessels and shore installations which service them. It would set in motion some carefully organized governmental machinery which would lead to the solution of a serious public problem over the next 5 years. It provides broad latitude for the wisdom and judgment of experts. Unless we are prepared to take positive steps to solve this problem—and to meet all the other pollution threats which are facing us—we must simply resign ourselves to the fact that in the next 5 to 10 years the pollution of our lakes and rivers and our fresh water resources will continue at unprecedented speeds and that many of these resources will shortly be destroyed beyond hope of recovery.

I think that the American public and even the industries and economic interests involved are now aware of the problem and are ready for thoughtful action toward the objective sought in this bill.

Mr. President, I ask unanimous consent to have printed in the Record at this point three articles from Milwaukee newspapers commenting on the serious Lake Michigan pollution problem.

The first is an editorial from the Milwaukee Sentinel of April 13, 1965, reporting that the pollution of two Milwaukee beaches is up to seven times the total limit set by the Public Health Service. The editorial states:

> The water is so foul that the State board of health and a special citizens' committee has recommended that guards be hired to keep people out of the water.

What a commentary on our standards of values when a city on the shores of one of the largest and most beautiful lakes in the world must spend the taxpayers' money to protect the public from its polluted waters.

The next article is from the Milwaukee Journal of April 9, 1965, reporting the findings of State and local officials in regard to the pollution of Lake Michigan waters. And the third article is an editorial from the Milwaukee Sentinel of March 6, 1965, commenting on the specific problem of water pollution by boats and ships.

Mr. President, I also ask unanimous consent that the text of the bill, the "Navigable Waters Pollution Control Act of 1965," be printed in full in the Record at the close of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, editorial, and articles will be printed in the Record.

The bill (S. 1908) to expand and improve existing law and to provide for the establishment of regulations for the purpose of controlling pollution from vessels and certain other sources in the Great Lakes and other navigable waters of the United States, introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 1908

A bill to expand and improve existing law and to provide for the establishment of regulations for the purpose of controlling pollution from vessels and certain other sources in the Great Lakes and other navigable waters of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Navigable Waters Pollution Control Act of 1965".

STATEMENT OF POLICY

Sec. 2. The Congress finds that the waters of the Great Lakes and of the harbors and ports on such lakes, and other navigable waters of the United States constitute an irreplaceable natural resource of incalculable value to the Nation now and in the future; and that these waters are being polluted by oil, sewage, and refuse of every kind discharged or dumped by vessels plying them. The Congress further finds that to abate and prevent such pollution in the public interest, it is necessary that the disposal by vessels of oil, sewage, and refuse on these waters be controlled by forbidding it to the greatest practical extent, by establishing standards for treatment before disposal, and by designating points and places where disposal may take place.

ESTABLISHMENT OF POLLUTION CONTROL REGULATIONS

Sec. 3. (a) For the purpose of this section the term—

(1) "oil" includes fuel oil, sludge, oil refuse, and other oil of any kind or in any form;

(2) "sewage" includes human toilet waste, wash and laundry waste; and kitchen and galley waste; and

(3) "refuse" includes garbage, dunnage, and other trash.

(b) For the purpose of providing such control of pollution, in addition to that provided under existing law as amended by this Act, as may be necessary to carry out the policy of this Act, the Secretary of Health, Education, and Welfare, with the assistance and cooperation of the Secretary of the Army, the Secretary of the Department in which the Coast Guard is operating, and the Secretary of Commerce, shall establish—

(1) reasonable regulations with respect to equipment and facilities on, and treatment and disposal of oil, sewage, and refuse from, vessels on such part of the Great Lakes as is under the jurisdiction of the United States, in harbors or ports of such lakes under such jurisdiction, and on other navigable waters of the United States; and

(2) procedures for carrying out such regulations by the Coast Guard under the direction of the Secretary of the Department in which the Coast Guard is operating.

Such regulations and procedures shall become effective on such date, not later than January 1, 1970, as is established by the Secretary of Health, Education, and Welfare.

(c) The Secretary of Health, Education, and Welfare shall appoint a technical committee to meet at his direction and advise in the formulation of regulations and procedures pursuant to this section. Such committee shall be composed of representatives of the Departments of Health, Education, and Welfare, the Army, and Commerce, the Department in which the Coast Guard is operating, owners and operators of Great Lakes vessels, and such other persons as the Secretary may determine. Members of such technical committee who are not regular full-time employees of the United States shall, while attending meetings of such committee or otherwise engaged on business of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(d) Not later than January 1, 1966, and January 1 of the four succeeding years, the Secretary of Health, Education, and Welfare shall make a report to the Congress with respect to activities pursuant to this section together with any recommendations for additional legislation.

AMENDMENT OF OIL POLLUTION ACT, 1924

Sec. 4. The Oil Pollution Act, 1924 (43 Stat. 604) is amended to read as follows: "That this Act may be cited as the 'Oil Pollution Act, 1924'.

"Sec. 2. When used in this Act, unless the context otherwise requires—

"(a) 'oil' means oil of any kind or in any form, including fuel oil, sludge, and oil refuse;

"(b) 'person' means an individual, company, partnership, corporation, or association; any owner, operator, master, officer, or employee of a vessel; any owner, operator, officer, or employee of a shore installation or terminal facility; and any officer, agent, or employee of the United States;

"(c) 'terminal facility' means any pier, wharf dock, or similar structure to which a vessel may be moored or secured, or upon, within, or contiguous to which equipment and appurtenances dealing with oil may be located, including, but not limited to, storage tanks, pipelines, pumps, and oil trucks;

"(d) 'shore installation' means any building, group of buildings, manufacturing or industrial plants or equipment of any kind adjacent to the navigable waters of the United States, upon, within, or contiguous to which equipment and appurtenances dealing with oil may be located, including, but not limited to, storage tanks, pipelines, pumps, and oil trucks;

"(e) 'discharge' means any accidental, negligent, or wilful spilling, leaking, pumping, pouring, emitting, emptying, or other release of liquid; and

"(f) 'Secretary' means the Secretary of the department in which the Coast Guard is operating.

"Sec. 3. (a) Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter authorized, it is unlawful for any person to discharge or permit the discharge from any vessel, shore installation, or terminal facility of oil by any method, means, or manner into or upon the navigable waters of the United States.

"(b) Any person discharging or permitting the discharge of oil from any vessel, shore installation, or terminal facility into or upon the navigable waters of the United States shall remove the same from the navigable waters immediately. If such person fails to do so, the Secretary may remove the oil or may arrange for its removal, and such person shall be liable to the United States, in addition to the penalities prescribed in section 4 of this Act, for all costs and expenses reasonably incurred by the Secretary in removing the oil from the navigable waters of the United States. When the oil has been discharged from a vessel, these costs and expenses shall constitute a lien on such vessel which may be recovered in proceedings by libel in rem. When the oil has been discharged from a shore installation or terminal facility, these costs and expenses may be recovered in proceedings by libel in personam.

"(c) The Secretary may prescribe regulations which—

"(1) permit the discharge of oil from vessels in such quantities, under such conditions, and at such times and places as in his opinion will not be deleterious to health or marine life or a menace to navigation, or dangerous to persons or property engaged in commerce on such waters;

"(2) relate to the loading, handling, and unloading of oil on or contiguous to vessels, shore installations, and terminal facilities; and

"(3) relate to the removal or cost of removal, or both, of oil from the navigable waters of the United States.

"Sec. 4. (a) Any individual who violates section 3(a) of this Act shall, upon conviction thereof, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both such fine and imprisonment for each offense.

"(b) Any vessel other than a vessel owned and operated by the United States from which oil is discharged in violation of section 3(a) of this Act shall be liable for a penalty of not more than $10,000. Clearance of a vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid. The penalty shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be.

"(c) The owner or operator of a shore installation or terminal facility from which oil is discharged in violation of section 3(a) of this Act shall be liable for a penalty of not more than $10,000 which may be recovered in proceedings by libel in personam in the district court of the United States of the district within which the shore installation or terminal facility is located.

"(d) Any person who violates any regulation prescribed under section 3(c) of this Act shall, if there has been no discharge of oil, be liable for a penalty of not more than $100.

"Sec. 5. The Commandant of the Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any vessel found violating the provisions of section 3 of this Act.

"Sec. 6. In the administration of this Act the Secretary may make use of the organization, equipment, and personnel of the Coast Guard. For the better enforcement of this Act, the officers and employees of the Coast Guard, the Bureau of Customs, and the officers and agents of the United States in charge of river and harbor improvements, and persons employed under them by authority of the Secretary of the Army, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions. No person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials. Whenever any arrest is made under the provisions of this Act the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

"Sec. 7. This Act shall be in addition to other laws for the preservation and protection of navigable waters and shall not be construed as repealing, modifying, or in any manner affecting the provisions of such laws."

AMENDMENTS TO OIL POLLUTION ACT, 1961

Sec. 5. The Oil Pollution Act, 1961 (75 Stat. 402) is amended—

(1) in section 2(h) by striking out "of the Army" and inserting in lieu thereof "of the department in which the Coast Guard is operating";

(2) by striking out section 6 and inserting in lieu thereof the following:

"Sec. 6. (a) Any person who violates any provision of this Act, except sections 8(b) and 9, or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, for each offense.

"(b) Any ship (other than a ship owned and operated by the United States) from which oil is discharged in violation of this Act, or any regulation prescribed in pursuance thereof, shall be liable for a penalty of not more than $10,000, and clearance of such ship from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such ship which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the ship may be."; and

(3) by striking out section 8 and inserting in lieu thereof the following:

"Sec. 8. (a) In the administration of sections 1–12 of this Act, the Secretary may make use of the organization, equipment, and personnel of the Coast Guard. For the better enforcement of the provisions of said sections, the officers and employees of the Coast Guard and the Bureau of Customs and the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary of the Army, shall have power and authority and it shall be their duty to swear out process and to arrest and to take into custody, with or without process, any person who may violate any of said provisions. No person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials. Whenever any arrest is made under the provisions of said sections, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crime against the United States. Representatives of the Coast Guard and Bureau of Customs and of the Secretary of the Army may go on board and inspect any ship in a prohibited zone or in a port of the United States as may be necessary for enforcement of this Act.

"(b) To implement article VII of the convention, ship fittings and equipment, and operating requirements thereof, shall be in accordance with regulations prescribed by the Secretary. Any person found violating these regulations shall, in addition to any other penalty prescribed by law, be subject to a civil penalty not in excess of $100."

AMENDMENTS TO REFUSE ACT

Sec. 6. (a) Section 13 of the Act of March 3, 1899 (30 Stat. 1152) is amended—

(1) by striking out "and sewers"; and

(2) by striking out "the Secretary of War, whenever in the judgment of the Chief of Engineers" and inserting in lieu thereof "the Secretary of the department in which the Coast Guard is operating, whenever in the judgment of the Commandant of the Coast Guard".

(b) The administration of such provisions other than section 13 of such Act of March 3, 1899, as relate to the enforcement of section 13 and are being carried out by the Secretary of the Army is hereby transferred to the Secretary of the department in which the Coast Guard is operating.

EFFECTIVE DATE

Sec. 7. Sections 4, 5, and 6 of this Act shall be effective after ninety days following the date of enactment of this Act.

The editorial and articles presented by Mr. Nelson are as follows:

[From the Milwaukee Sentinel, Apr. 13, 1965]

BEACH POLLUTION

If there is any lingering doubt that water pollution is a critical problem in Wisconsin, it should be put to rest by the report of the sewerage commission of Milwaukee about the condition of the waters off Milwaukee area beaches.

The pollution of the two Grant park beaches is up to seven times the tolerable limit set by the U.S. health service. The water is so foul that the State board of health and a special citizens' committee has recommended that guards be hired to keep people out of the water.

There was a time when lifeguards were used exclusively to prevent drownings; now along Lake Michigan, they're needed to keep prospective swimmers from poisoning themselves in the water.

In spite of the insistence by some South Milwaukee officials that these beaches within their city limits are suitable for swimming, the extent of pollution clearly creates a health hazard.

The fact that the Grant park beaches have been officially closed to swimming since 1958 reinforces the conclusion that these beaches are too polluted for swimming. For, in the last 7 years, the sewage and other effluent pouring into the lake at Grant park has substantially increased.

It's a sad day when any of our lake beaches must be closed to swimming. It's even worse when the water becomes so polluted that we have to put guards to make sure no one goes in.

Water pollution is, of course, a problem not only along Lake Michigan but in many of Wisconsin's waterways. The problem demands the immediate attention of all governments and all citizens. The longer we delay in cleaning up our waters, the less likely that we will ever be able to do anything about it. Here is an immediate crisis demanding immediate attention.

[From the Milwaukee Journal, Apr. 9, 1965]

STATE SAYS BEACH IS STILL UNSAFE

Prospects of opening Grant Park Beach in South Milwaukee to swimming this summer appeared dim after a 4-hour discussion in the courthouse Thursday.

A committee formed last summer to study the possible sources of pollution at the beach was unable to agree on steps that should be taken. The committee was headed by Howard H. Knuth of the county public works department.

O. J. Muegge, sanitary engineer for the State board of health and a member of the committee, stated that he would send a letter to the county park commission declaring the beach unsafe for swimming and urging that it be patrolled to keep swimmers out of the water.

Muegge said he also would give recommendations to South Milwaukee officials on installations needed in the suburb's sewage treatment plant to chlorinate effluent emptied into Lake Michigan.

This effluent has been blamed for polluting the water at Grant Park Beach.

James N. Peschel, assistant general manager of parks, said he did not believe that he could recommend to the park commission that the beach be reopened on the basis of a report made recently by South Milwaukee officials.

The beach has been closed to swimming since 1958.

South Milwaukee officials, headed by Mayor Joseph M. Kehoe, took the position, as they had previously, that it was safer to permit swimming in the polluted water under the supervision of lifeguards than to have swimmers sneaking into the water with no protection against possible drowning.

[From the Milwaukee Sentinel, Mar. 6, 1965]

DON'T DELAY

One problem facing State and local governments that cannot wait is that of water pollution. Ignore it, temporize, delay—and this problem may become forever insoluble.

POLLUTION WON'T WAIT

The solution of the pressing problems of taxes, budgets, transportation and governmental organization should be sought at the earliest practicable date. But the postponement of a solution, although inconvenient, is usually not disastrous. The damage caused by delay is usually reversible. Not so with water pollution. A river, lake or stream polluted will remain so for many years, perhaps forever. Effluent and waste are not eliminated by an act of the legislature; bacteria and human waste cannot be outlawed by a commission order. The longer a body of water remains polluted, the more it becomes polluted, the more difficult it becomes to unpollute it. Much of the pollution is irremediable.

It is, therefore, imperative that the Wisconsin Legislature reject all attempts to delay the application of the State's new toilet boat law, passed in 1963. The thought of another summer going by with thousands of boats dropping sewage into Wisconsin waters nauseates us, as it does Assemblyman Borg (Republican, Delavan), who opposes delay in the effective date of the law.

The dismay of boating associations and many boaters with the new law is understandable. Many will be inconvenienced by having to install closed toilet facilities in their boats.

But the conflicting interests must be weighed. On the side of immediate and full enforcement of the new law is the certainty that if we do not demand that pollution be kept from our waters, Wisconsin's heritage of pure, clean water may be gone—not for 2 years but forever, not for ourselves only but also for our children and our children's children.

The boaters, who have as great an interest as anyone in clean water, would do better to persuade the legislature to amend the law to permit the use of alternative, perhaps less expensive, devices for keeping waste out of our lakes and streams. But to ask that we delay the effective date of the toilet boat law is to legitimatize intolerable pollution for 2 more years.

SOCIAL SECURITY AMENDMENTS OF 1965—AMENDMENTS

AMENDMENTS NOS. 163 THROUGH 165

Mr. BOGGS submitted three amendments, intended to be proposed by him, to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

VOTING RIGHTS ACT OF 1965—AMENDMENTS

AMENDMENT NO. 166

Mr. ERVIN submitted an amendment, intended to be proposed by him, to the Mansfield-Dirksen amendment (No. 124), in the nature of a substitute, to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 167

Mr. FONG (for himself, Mr. BAYH, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. HART, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MCCARTHY, Mr. RIBICOFF, Mr. SCOTT, Mr. TYDINGS, and Mr. WILLIAMS of New Jersey) submitted amendments, intended to be proposed by them, jointly, to the Mansfield-Dirksen amendment (No. 124), in the nature of a substitute, to Senate bill 1564, supra, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 23, 1965, the names of Mr. BARTLETT, Mr. BURDICK, Mr. FONG, Mr. JAVITS, Mr. MURPHY, Mr. SALTONSTALL, Mr. SCOTT, Mr. TOWER, and Mr. TYDINGS were added as additional cosponsors of the bill (S. 1808) to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States, introduced by Mr. LONG of Missouri (for himself and Mr. HRUSKA) on April 23, 1965.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported on today, May 6, 1965, he presented to the President of the United States the enrolled bill (S. 60) to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 447) making a supplemental appropriation for the fiscal year ending June 30, 1965, for military functions of the Department of Defense, and for other purposes, and it was signed by the Vice President.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Remarks by him relating to the switch activation of an electrostatic precipitator at the Weirton Steel operation of the National Steel Corp.

SEVENTEEN YEARS OF ISRAEL INDEPENDENCE

Mr. PELL. Mr. President, in the history of civilization, 17 years is not a long time; in the history of man, 17 years is not sufficient time to measure the impact of a momentous event; in the history of nation-state, a 17-year-old state is but an infant. The importance of Israel independence 17 years ago cannot however be viewed only in terms of years, but rather must be seen in the impact that state has had on the lives of millions of Jews around the world, and specifically the 2.5 million inhabitants of Israel.

In spite of a violent beginning and sometime shaky life there is abundant hope for an auspicious future. Today, 2.5 million Israelis live in a democratic republic where individual freedom and social justice prevail. Israel is quickly and surely becoming a model of governmental stability in the Middle East. A model I might hasten to add, with democratic institutions.

The marvel of Israel has been the growth of a modern economic system in an area once largely an arid desert, within the framework of democratic ideals and institutions. Israel offers a lesson to other less developed nations that economic growth can be accomplished within the context of democratic freedoms and social justice and without recourse to totalitarianism.

Mr. President, this stability to which I refer has been gained in spite of a changing world and aggressive Arab nationalism. If we review briefly the events since World War II, we can appreciate all the more the accomplishment of this infant state which we honor and congratulate today.

Following World War II it became apparent to the British and others that millions of Jews and non-Jews around the world expected the British to honor the 1917 Balfour Declaration which promised a Jewish state in the Middle East. The problem, however, could not be clearly solved, and it was referred to the United Nations. The General Assembly plan for partition was not acceptable to Jews and Arabs alike, and finally on May 14, 1948, the last day of the old league mandate, the Jews proclaimed the formation of the State of Israel. On the same day, six Arab States launched an armed attack on the new state, but the Israeli forces beat back the attackers, asking only that they be allowed to live in peace. An armistice in 1949 failed to bring peace to the area, and there has been fighting ever since. The U.N. forces presently oversee an unsteady peace.

During these past 17 years large-scale migration that would tax the ability of more mature governments, has taken place. Israel's declaration of independence opened the doors, and between 1948 and 1961, well over a million persons had sought a home in the new state. That the Israeli Government has been largely successful in accepting these persons into a well-ordered society cannot be denied.

Israel has indeed taken its place as a respected member of the international community, sympathetic to feelings and aspirations of the newly independent countries of Africa and Asia, and helping with technical assistance the underdeveloped countries everywhere in the world. Israel has been a member of the United Nations since 1949, and presently participates in almost every one of the U.N.'s affiliated agencies.

I join with my colleagues and with millions of Americans in wishing the State of Israel continued prosperity and a long life.

Mr. SALTONSTALL. Mr. President, today marks the 17th anniversary of the establishment of the free and independent State of Israel as a homeland and place of refuge for Jews from all over the world. Our Government has the distinction of being the first to extend diplomatic recognition to the fledgling state, and we have watched her continued growth with a deep sense of pride. We immediately recognized that the people of this new nation were dedicated to the same basic principles of freedom which are at the foundation of our own democracy. The history of the Jewish people is a history of persecution and struggle against the forces of tyranny. With the establishment of the State of Israel came the hope for a better life for Jews from all over the world.

The people of Israel were beset with many problems in trying to build an economically prosperous and politically stable state. Her very survival has been threatened daily by her Arab neighbors. She has been forced to spend large sums of money to build a strong defense establishment, capable of protecting her sovereignty.

At the same time, she has also been successful in meeting her internal political, social, and economic challenges. In the past 17 years Israel has admitted more than 1 million immigrants and has had a large measure of success in assimilating these newcomers with their divergent backgrounds. An outstanding system of universal education has been devised. She has made the most of the limited natural resources available to her to strengthen her domestic economy. Once the recipient of technical aid and financial assistance from other nations, Israel is now in a position to share her technical know-how with other developing countries, and has embarked on a program of technical assistance in the fields of agriculture, health, and education to many nations in Africa and Latin America.

The parliamentary government of Israel has been notably stable, and the country stands as a positive force for peace in the turbulent and volatile Middle East. She is an important and valuable ally in the world's community of free nations.

The outstanding achievements of this nation are a source of pride to all of us who cherish the ideals of freedom, and a source of hope to all of us who pray for a world of prosperity and peace. To all the people of Israel, I say "mazeltov," congratulations for what you have accomplished in the past 17 years.

Mr. WILLIAMS of New Jersey. Mr. President, today Israel celebrates the 17th anniversary of its independence.

On this auspicious occasion, it is equally fitting that the American people should rededicate the strong bonds of freedom and friendship that unite our two nations.

Although Israel is young among the nations of the world, the contributions which its people have made can be traced back thousands of years to the founding of Western civilization itself.

Although it occupies but a small area, the industry and ability of its people are well known, and the dynamism and stability of its Government are admired and respected.

American society has benefited more than most by the influence of the Jewish people, and we attribute many of our highest achievements to their ingenuity.

Yet even as we commemorate this happy event, the severe pain and hardship which these courageous people endured through many dark days, remains all too fresh in our memories. Even today, while we pause to honor this nation's liberation from the forces of tyranny, in some places such as the Soviet Union, the oppression on these people is still great and freedom is only a dim hope.

Israel stands as a symbol to the world of man's unrelenting determination to overcome these forces which threaten to destroy his fundamental rights and rob him of his dignity. In this cause the people of both our nations will always stand together.

Mr. SCOTT. Mr. President, 17 years ago, the United States was the first nation to recognize the new State of Israel. Our ties to this small democracy have been close, and we in America can today share some of the satisfaction and pride of the Israelis in that formerly bleak land which they have transformed into a fruitful garden.

Surrounded by hostile neighbors dedicated to her destruction, Israel has fought, labored, and toiled to create a haven for the oppressed and an isle of democracy and progress in that ancient land. She has harnessed the sun and exploited her limited resources in an area still ridden with feudal strife and ancient hatreds. Living in constant danger, she has built schools, homes, and hospitals within range of enemy snipers and moments away from belligerent aircraft.

The United States must continue to work for peace in the Near East. One thing we can do to achieve this end is to sell Israel the necessary defensive arms to protect herself against hostile nations pledged to her destruction.

The United States should also urge in the strongest terms a renewed effort for direct Arab-Israel peace talks. Tunisian President Bourguiba recently aroused new hope in this regard by urging progress toward a settlement under which Arabs and Jews could live side by side in peace.

We should welcome President Bourguiba's initiative and support all such efforts to end hostility in the Middle East and secure peace for Israel and her neighbors.

Mr. MONTOYA. Mr. President, today marks a significant anniversary in the world's continuing search for peace and freedom.

This is the 17th anniversary of the independence of the State of Israel, according to the Hebrew calendar which that nation employs. To us who use the Gregorian calendar, this anniversary will fall on May 17, but it is appropriate to observe the date used by the Israelis.

In those 17 years, Israel and the Jewish people have given the Eastern Mediterranean region an example of what an intelligent, determined and democratic people can accomplish.

From a wasteland, and with a bitter war disrupting every phase of community life, Israel has progressed to become an example of self-help and peace that the whole Western World can point to with pride.

Unfortunately, though the shooting has stopped, Israel still suffers greatly from the unremitting hostility of her Arab neighbors. Under Egypt's leadership, the Arabs are pledged to destroy the State of Israel no matter what the cost in human progress.

This anniversary is an appropriate time to reiterate our country's continuing support of the people and the State of Israel, and to restate our pledge to defend her independence, security, and territorial integrity.

Mr. President, let us urge those nations which have for so long treated their neighbor with hatred to reconsider their attitude and seek ways to live together in peace.

Mr. CASE. Mr. President, today marks the 17th anniversary of the birth of Israel as an independent nation. In recognition of this occasion, we are honored today by the presence of Rabbi Joachim Prinz, who presented the invocation at today's session, accompanied by a group of distinguished citizens representing both national and New Jersey organizations within the Jewish community.

With each passing year, Israel's dramatic success story becomes more impressive. The 17th anniversary of Israel's independence is a significant occasion, because this small nation has successfully maintained its freedom in spite of the hostility of many of its neighbors.

It is essential to all free nations that Israel's independence be maintained. Insofar as I can affect it, the U.S. Government will continue to use its influence to assure that this progressive, pioneering nation remains free to preserve and strengthen its tradition of democracy.

Mr. TYDINGS. Mr. President, on this date 17 years ago, a new and yet old nation took its place in the world community—the State of Israel.

In these 17 years, Israel has achieved an enviable record of progress in almost every field of human endeavor. Her industry is rapidly expanding: Her agricultural output has soared as new lands and resources were brought into productive use: And the standard of living and per capita income of her inhabitants is increasing at one of the highest rates in the world.

During this period of rapid development, Israel has remained free and independent, she has remained steadfastly committed to democratic government, and she has remained firm to her commitment to the principles of social justice.

In recent years, Israel has begun to make its talent and technology available to other, less fortunate nations, in an effort to help others help themselves.

On this anniversary, then, I join my colleagues and all Americans in congratulating Israel on her past progress, and in expressing the conviction that this Nation will continue to provide an example to others.

BALANCE-OF-PAYMENTS PROBLEM

Mr. PROUTY. Mr. President, there has been a great deal of thought and discussion recently about our balance-of-payments problem. Unfortunately, as has so frequently happened in similar situations in the past, much of this thought and discussion has been in a negative vein. Tuesday of this week, however, Mr. Juan T. Trippe, chairman and chief executive officer, Pan American World Airways, a man not inclined to negative thinking, proposed a positive program of action in support of the voluntary effort undertaken by U.S. industry, at the request of the administration, to ease the country's balance-of-payments problem.

The Pan Am program will provide a 30-percent increase over last summer's transatlantic service, and will include: new low-fare charters, at rates 36 percent below present rates, offered on a large scale for residents of Western Europe, to permit more Europeans to visit the United States this summer, as well as increased air service between the United States and Europe to offer more opportunity for U.S. citizens, who wish to do so, to assist in easing the payments problems by making their transatlantic trips aboard U.S.-flag airliners.

Mr. Trippe, at the company's annual stockholders' meeting, at the Commodore Hotel in New York City went on to point out that Pan Am will increase its lift capability by 30 percent over 1964, notwithstanding the fact that only a 15-percent increase in transatlantic traffic is predicted for the 1965 season.

Mr. Trippe also announced that 1964 was the first year in which revenue from air cargo exceeded 10 percent of the company's gross revenues.

ACTION OF PRESIDENT JOHNSON IN DOMINICAN REPUBLIC

Mr. LONG of Missouri. Mr. President, on May 4, the St. Louis Globe-Democrat published an editorial expressing its full support for the decisive and correct action of President Johnson in the Dominican Republic. The editorial with high praise went on to comment on the President's courage and wisdom in the Stanleyville rescue operation and Vietnam. I find myself in complete accord with the editorial's high commendation of President Johnson's policies in meeting the challenge of Communist aggression and subversion. The President has proven himself a true leader in the cause of freedom. I believe the editorial would be of interest to the Senate. Therefore, I ask unanimous consent that the editorial "Lyndon Johnson's Finest Hour" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LYNDON JOHNSON'S FINEST HOUR

U.S. intervention in the Dominican Republic is totally justified by events in that tiny Caribbean nation. The revolution had created conditions of chaos in the capital. Communist conspirators had seized direction and control of the revolt. The lives of thousands of Americans and other nationals were endangered.

"In this situation hesitation and vacillation could mean death for many of our people, as well as many of the citizens of other lands." So spoke the President in his splendid address to the world Sunday night.

Lyndon Johnson did not hesitate or vacillate. He acted instantly, courageously, and correctly.

Freemen everywhere will admire this display of strength. And the Nation will admire his decisiveness and his determination that there will be no more shameful tragedies like Cuba in the Caribbean and the Western Hemisphere.

With that mission of mercy into Stanleyville, with the presidential decision to punish the North Vietnamese aggressors daily, with this decisive stroke to abort a Communist-supported coup on the island of Hispaniola, Lyndon Johnson has demonstrated a resolve to stand up to communism, to punish aggression and to defend just Western interests such as we have not seen in the White House in years, if not decades.

Those millions upon millions of Americans who have yearned for the type of leadership and purpose, so evident Sunday from the White House, ought to let their Government know of their support. The American people should no longer leave the public podium to sophists, appeasers, pacifists, and confused and frightened professors.

The New York Times maintains the President did not give sufficient documentation for his charge of Communist expropriation of the revolt.

As the President explained, he acted upon the unanimous advice of the knowledgeable Americans in the Dominician Republic. It was an emergency, calling for decision. There was no time to call the Security Council or the Organization of American States into debate. We might have paid for our hours of debating in the coin of innocent American blood. The evidence of Reds in the Dominican revolt seems adequate and convincing.

The OAS should now be given the full case of Castroite and other Communist involvement in this revolt. Then the time will be at hand for something more meaningful than diplomatic and political sanctions against the Communist megalomaniac who rules in Havana.

Should the OAS fail to act against Cuba, we might hearken to the words of a former President, which were regrettably a substitute for action:

"Should it ever appear that the inter-American doctrine of noninterference merely conceals or excuses a policy of nonaction; if the nations of this hemisphere should fail to meet their commitments against outside Communist penetration, then I want it clearly understood that this Government will not hesitate in meeting its primary obligations which are the security of the Nation."—John F. Kennedy, April 20, 1961.

In the Dominican Republic, as in Vietnam, we are confronted by a Communist "war of national liberation." The face of aggression has changed; but it is nonetheless aggression. It is not conducted by large armies crossing fixed frontiers. The aggressors are trained terrorists, subversives, propagandists who infiltrate backward nations, exacerbate tensions, loot and murder and create conditions of chaos. These wars are directed and supported and supplied by the Communists in Moscow, Havana, and Peiping.

Their ultimate objective is not just control of the Dominican Republic or seizure of all Hispaniola or even all Vietnam. It is the destruction of the one thing that blocks the road to world conquest: U.S. power.

These Communist revolutions have never granted the people the pledged political or social benefits. Instead of peace, land, bread, agrarian reform, free elections, there is the seizure of all property, impoverishment, totalitarianism, and terror.

The one point about which every Communist is in total agreement is their mutual hatred of America and mutual recognition that our power and resolve alone thwarts the realization of their wildest dreams.

The greatest power in the history of the world cannot pack up, abandon commitments, come home to wage gallant war on Appalachia while tiny states which would stand for their freedom if we would stand with them, fall singly into the agonies of Communist terror.

President Johnson has shown the proper use of power. The Communist road to world conquest is less certain and more hazardous than it was just a year ago.

A NEW WATER RESOURCES RESEARCH CATALOG AVAILABLE

Mr. ANDERSON. Mr. President, during consideration of expanded water resources research by the committees of Congress, and by the House and the Senate, considerable concern was expressed about expenditures for duplicating research projects.

The original water resources research bill, which I introduced in 1962, provided for the Office of Water Research to maintain a register or catalog of all federally sponsored water research and as much non-Federal and private research as the sponsors would voluntarily report. One of the purposes of the catalog was to avoid duplication of research projects. Another was to make knowledge of all such projects—and the results as projects were completed—widely available.

In processing the legislation, the task of maintaining a comprehensive record of water research projects was assigned to the Science Information Exchange at the Smithsonian Institution, where it could be kept with other scientific research data.

As one of its first projects, the new Office of Water Resources Research, has obtained from the Science Information Exchange a catalog of all federally supported water resources research projects underway and published the catalog in a well-classified and indexed 450-page volume.

The catalog lists a total of 1,545 project summaries under eight chapter headings including "Nature of Water," "Water Cycle," "Water and Land Management," "Development and Control," "Qualitative Aspects," "Reuse and Separation," "Economic and Institutional Aspects," and "Engineering Works."

There are four indexes, by corporate author, by subject, by supporting agency, and by principal investigator.

The publication of this first catalog is the achievement of a milestone in water research, Mr. President, which is very gratifying to me, and I have taken the floor to call attention to it in the RECORD because of the great potential value that the document will have as it is circulated and used in water research circles.

The catalog will do a great deal to prevent expensive duplication of research effort by both public and private agencies. With a shortage of competent hydroscientists, the savings in manpower which results from avoiding duplication may be even more important than savings in dollars.

The catalog will also have increased water problems with leads to sources of information, and as the catalog is reissued from year to year, the accumulated record of research underway and completed will have increasingly great value in this respect.

The catalog will provide those with value in the future as the Science Information Exchange is able to add non-Federal research projects.

Copies of the catalog are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., for $2.50.

If that sounds like a commercial, it is intended to be, for I hope the document will come into wide use.

I congratulate all those officials who have had a part in the issuance of the catalog, including Dr. John Calhoun, who served as Acting Director of the Office of Water Research when it was organized, Dr. Roland Renne, the Director of the Office of Water Research, and his Associate Director, E. D. Eaton, Secretary of the Interior Stewart Udall, and Dr. Monroe E. Freeman, Director of the Science Information Exchange of the Smithsonian Institution, for the very fine job they have done.

TAX EXEMPTION FOR MILITARY PERSONNEL

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Washington Evening Star explaining the procedures established by the Internal Revenue Service for military personnel eligible to claim the tax exemption, recently granted by Executive Order No. 11216, for those serving in Vietnam subsequent to January 1, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES SET TO SPEED TAX REFUNDS FOR VIETNAM SERVICE

The Government has set up a plan to speed income tax refunds to military personnel who served in Vietnam during 1964.

Thousands of servicemen paid taxes on military pay which President Johnson recently ruled was at least partially tax exempt.

The White House announced today that taxpayers who served in Vietnam in 1964 and have already filed returns may claim refunds by submitting amended returns.

To speed processing of the refunds, amended returns should be marked at the top of the form: "Amended—Combat Zone."

While tax returns on 1964 normally were due April 15, servicemen in Vietnam have been granted an automatic extension of time for filing. Any original claims and returns they file should be marked simply "Combat Zone" to speed processing.

The White House said servicemen filing amended returns, original returns or claims should attach a statement showing the number of months served in Vietnam in 1964 and the total amount of pay excluded from taxation.

PROTECTING OUR OWN—FOR ONCE

Mr. PELL. Mr. President, none of us is happy that circumstances have forced us to send the marines to the Dominican Republic, but as the facts have unfolded none of us can doubt that there was no alternative if we were to protect our own national interests against a proliferation of Castroism in the Caribbean. It is gratifying indeed that responsible elements of the press have been sensitive to the realities of the situation and have thrown their support behind the President's commitment. In this connection I ask unanimous consent to have printed in the RECORD at this point an excellent editorial from the Philadelphia Inquirer entitled "Protecting Our Own—for Once."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTECTING OUR OWN—FOR ONCE

There seems to be considerable surprise mingled with the expectable Communist uproar over the landing of American marines and airborne troops in the Dominican Republic to protect American lives and property. It has been a long while since we exerted our strength in our own interest.

Well, let them yelp. The United States has bent over backward—almost double—in the last generation to be a good neighbor to the whole world community, with particular emphasis on nearer neighbors in this hemisphere. As a result, we have endured the charming spectacle of having our libraries and embassies attacked, sometimes burned; our touring citizens insulted and at times imperiled; our envoys subjected to every kind of boorish behavior, and our avidly solicited investments wiped out.

If the landing in bloody Santo Domingo and the sealing off of our Embassy from the raggle-taggle assaults of every juvenile or adult Dominican delinquent betokens a "tougher line," most Americans, we believe, will agree it's time.

It is interesting what a thunderous clamor Fidel Castro is making in this connection. The lesson may have special meanings to him—he caught us when we were still trying to be polite if it killed us.

How many Castroists may be in the Dominican mobs is still problematical, but it is a certainty that if they didn't precipitate this situation it was made to order for them.

We await firm and useful action by the Organization of American States—this mess is really the whole hemisphere's baby—but for once we are not standing still, with a foolish grin shining through the tears—while we wait.

POLISH CONSTITUTION: A TRIBUTE

Mr. WILLIAMS of New Jersey. Mr. President, today we commemorate the anniversary of the Polish Constitution of May 3. This is an occasion long remembered among Poles and among those who have a reverence for constitutional democracy.

For the Poles, the proclamation of this Constitution was an act of sublime patriotism, because in this Constitution were infused all the hopes for a free, independent, and democratic Poland and all the glory that is Poland.

For those who revere constitutional democracy this anniversary has special significance because the Constitution of May 3, while not a revolutionary break with the past, was an extraordinary document for its time which contained all those ingredients that would insure an evolving system of constitutional democracy in Poland.

Unfortunately, the Constitution was never given a chance to achieve its purposes. Not from any defects on the part of the document itself; not from any want of will or determination on the part of the Poles; but because a strong, democratic Poland was a political fact that the Russians could not tolerate. It was the Russians who in the final analysis must bear the responsibility for destroying this Polish dream of constitutional democracy.

But this dream of constitutionalism lives on in Poland and among Poles everywhere; it lives on in a national tradition that deserves the respect and honor of free peoples everywhere. It is fitting, therefore, that we commemorate this anniversary.

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. MONTOYA. Mr. President, an editorial from the April 29, 1965, issue of the Chicago Tribune has come to my attention and I think it merits the attention of my colleagues. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MARINES LAND

President Johnson has sent a contingent of 400 marines into the Dominican Republic to save the lives of American citizens and to protect American property. A rebellion has endangered both, and Dominican military authorities admitted that they could no longer guarantee the safety of foreign nationals in the country.

Rescued Americans arriving in Puerto Rico told of rebel hostility to Americans. The rebels invaded a hotel where Americans were principally concentrated and took delight in threatening them.

Communist propaganda will undoubtedly seek to make the most of this first marine landing in a Latin American republic in 38 years. Cries of "imperialism" and "colonialism" may be expected, and the intervention in the Caribbean will be likened to the intervention in Vietnam.

Yet, historically, it has been American policy to protect American lives and interests in strife-torn areas of the Americas. Theodore Roosevelt enunciated the doctrine, and William Howard Taft put it into practice by sending marines into Nicaragua. In 1914 Woodrow Wilson sent marines to Haiti, and 2 years later ordered a full military occupation of that country. Calvin Coolidge endeavored to withdraw the marines from Nicaragua in 1924, but 3 weeks later another revolution broke out and they were hastily returned to the country, remaining there until a semblance of order was established in 1934. President Wilson's punitive expedition into Mexico in 1916 was another expression of American determination to protect its rights.

President Johnson's action a year ago in providing an American military airlift to carry Belgian paratroopers into the Stanleyville area of the Congo, where the rebel Simbas were threatening the lives of several thousand Americans and foreigners, was similar in purpose to the present mission in the Dominican Republic. Had no effort been made to rescue these Americans and Europeans, they would have been butchered, as many of them were.

The Dominican revolt is believed to have been animated by Communist elements, if not Castroites, bent on restoring the exiled president, Juan Bosch, to power. Bosch was deposed in September 1963 after the military charged that he had permitted Communists to infiltrate his regime. From the loud howls from Havana about the present American intervention, Castro has such a close interest in the outcome of the fighting that the rebellion probably is a mask for an attempted takeover by his agents. If that is so, the marines may find they have a further mission.

TRIBUTE TO THORNTON WILDER

Mr. RIBICOFF. Mr. President, a few days ago, Thornton Wilder received the first National Medal for Literature. In a brief White House ceremony, Mrs. Lyndon B. Johnson praised Mr. Wilder, in whose works "the commonplaces of living yield the gaiety, the wonder, and the vault of the human adventure."

These are the apt words to describe the abundant talent of this rare individual. His writings are outstanding. The mention of Pulitzer Prize winners such as "The Bridge of San Luis Rey," "Our Town," and "The Skin of Our Teeth," brings excellence to mind.

As poet and playwright and novelist, he has enriched the literature of our Nation and thus the experience and pleasure of every person who chooses to partake of his achievements.

We are proud of Thornton Wilder—a resident of our great State of Connecticut, whose books and plays are enjoyed by millions. We wish him many, many more productive years. We congratulate him for this latest, well-deserved honor that has come his way.

I ask unanimous consent that an editorial about Mr. Wilder in today's Washington Post be included in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

On the Razoredge

Presentation of the National Medal for Literature to Thornton Wilder Tuesday in ceremonies at the White House suitably acknowledged the remarkable career of a distinguished American. The First Lady, in conferring the award upon Wilder, spoke for her countrymen when she praised his skill in treating the commonplaces of American living with gaiety and wonder.

It might have been, besides, a good occasion to have given the country again the benefit of the wisdom that flowed from such Wilder characters as Mr. Antrobus. In a time when the role of this country seems especially hard, difficult, and perplexing, it might have been useful to quote Mr. Antrobus, the central figure in "Skin of Our Teeth." Mr. Wilder's followers will remember that Mr. Antrobus said:

"Oh, I've never forgotten for long at a time that living is struggle. I know that every good and excellent thing in the world stands moment by moment on the razoredge of danger and must be fought for—whether it's a field, or a home, or a country."

PACIFIC MEDICAL CENTER—HELPFUL LEGISLATION PROPOSED

Mr. BARTLETT. Mr. President, today I am proud to cosponsor a bill submitted by the farsighted Senator from Hawaii [Mr. Inouye] which authorizes the establishment of a Pacific Medical Center.

I am most interested in programs designed to help the people of Asia. I have been concerned about our failure to communicate the aims of our way of life to citizens of the Pacific nations.

Because of this concern, I supported President Johnson's proposal made at Johns Hopkins University to participate in a program designed to improve the lot of the poor in southeast Asia.

I welcome suggestions to explore greater trade possibilities with the people of Asia.

In the same spirit, I cosponsor this bill which would help bring the miracles of modern medicine to all the people of the Pacific.

I can think of no better way to tell the story of America, of no surer program to demonstrate our good intentions than by helping other countries improve their health programs and services.

INVESTIGATION OF INVASIONS OF PRIVACY

Mr. LONG of Missouri. Mr. President, in recent weeks, there have been published hundreds of editorials in newspapers in all parts of the country with respect to our investigation of invasions of privacy. Fortunately, most have been favorable.

I have gathered some of the more provocative ones and ask unanimous consent to have them printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Richmond News Leader, Apr. 28, 1965]

The Great Coverup

Any definitive list of the country's 10 most frustrated men surely would include the name of Edward V. Long, a Senator from Missouri. For the past many months, as chairman of a Senate committee investigating invasions of privacy, the Senator has been trying assiduously to get information from Federal agencies on what their investigators are up to. And all the Senator has received is the royal runaround.

Mr. Long did manage to get some limited material from the Post Office Department, about which we have commented earlier. He finally wrung from the Department an admission that certain first-class mail is in fact opened for the Internal Revenue Service, but he failed altogether in his effort to get a list of 24,000 "mail covers" over the past 2 years. (A "mail cover" is a surveillance and a listing of all the mail a person receives, according to return address.)

When the Long committee sent its chief investigator to Boston, in an effort to get information on postal surveillance activities there, "our man was tailed, trailed, and photographed by a squad of Federal agents in that city."

The committee's problems in dealing with the Department of Health, Education, and Welfare have proved more maddening still. Secretary Celebrezze will not even answer the Senator's letters. Lower level bureaucrats are evasive, noncommittal, uncooperative. Last week the Senator wrathfully subpenaed some of the HEW officials to appear before his committee today, but he has little hope of getting much out of them.

There is a constitutional problem in all this, arising from the wise tradition that separates the powers of legislative, executive, and judicial branches of Government; plainly the Post Office Department, the Welfare Department, and other agencies are part of the executive branch. Yet the problem is not as difficult as the bureaucracy insists. The Congress has no power to trespass upon true executive prerogatives, but the Congress surely has power to find out how public appropriations are spent. And if public funds are being spent to invade the privacy of American citizens, as Senator Long soundly suspects, the Congress has both the right and the power to get the facts.

"If it takes a year, so be it," said Mr. Long last week. "If it takes 2 years or 3 years, so be it. But one day or the other, this committee will get the information."

We wish him all the luck in the world. When Big Brother is watching the people, some one—preferably the elected Congress—had better keep an eye on Big Brother.

[From the Houston (Tex.) Post, Feb. 22, 1965]

Super-Sophisticated Snooping

You've heard the joke about the two psychiatrists who met one morning in the elevator. "You're all right, Jack," one greeted the other. "How'm I?"

Maybe it isn't so funny after all, if you consider what came out of the Senate Judiciary Subcommittee hearing last week in Washington on snooping on Government employees and private citizens.

Among the revelations were the bugged martini olive for cocktail party eavesdropping, a cup-shaped listening device that can record your conversation from a block away, a tie clasp monitor that can do everything but read your mind, tiny electronic units to bug home lamps, curtains and draperies, and a unit that signals in Morse code through impulses felt on the skin of the person to whom it is strapped.

Telephone wiretapping is no longer modern, it was agreed, although some of the less sophisticated private eyes still practice it.

Privacy, of course, is something that modern man will have to look for in the dictionary. What with cameras that are made as small as a thimble and microphones the size of a sugar lump.

So move over, Marx Brothers, now that you can't even trust the olive in your martini.

[From the Wilmington (Ohio) News-Journal, Mar. 22, 1965]

Checking for Bugs

Electronic listening devices have reached a degree of sophistication that makes it comparatively easy and inexpensive to invade the privacy of an individual. This is an early conclusion of a Senate investigating committee.

The committee is looking into the use of electronic snooping devices by governmental agencies. Many of the revelations are startling. A martini can be bugged. A device can be attached to a telephone line and used to monitor conversations in a far-distant room merely by dialing the number of the telephone to which the device is attached.

The investigation will raise controversy. Many of the practices and procedures alleged to be invasions of privacy are stanchly defended by users as necessary for security reasons. Law enforcement officials say the devices aid in crime detection and prevention.

In many cases the snoopers are helpful, but the question of invasion of privacy remains, nevertheless.

The chairman of the committee, Senator Edward Long, says the purpose of the investigation is not to hamper law enforcement, but to see if techniques of surveillance and modern electronics are not beginning seriously to infringe on the privacy of individuals. The findings could show need for Federal regulations.

Today the area of privacy is both a legal desert and a legal jungle. A desert because of the sparsity of law; a jungle because of the conflicting nature of existing laws.

History has proved George Orwell's "Big Brother" is not simple fiction. Americans must safeguard their rights. The committee's investigation should help.

[From the Star, Lincoln, Nebr., Mar. 16, 1965]

Privacy a Lost Cause?

Considerable concern is expressed now and then in regard to the various ways in which the privacy of the individual is infringed upon. The Post Office Department, of late, has been hard put to defend its practice of peeking on employees and patrons, and its practice of watching the mail of selected individuals.

American industry has had to defend, too, some of its practices aimed at finding out about its employees and even its prospective employees. Many large industries now use a lie detector machine in the interview process, making sure that the company comes to know the most intimate details of an individual's life.

One of the problems with the lie detector is that the company might not know what to do with information it obtains. An applicant may show on the lie detector to have been involved in something unfavorable at some time in his life but the machine can't say much about rehabilitation or the current state of the individual's affairs.

If that situation is discouraging to you, you might be still more upset to learn that even the White House is not safe from bugging devices of various kinds. A New York Times story reports that, despite all precautions, someone still manages now and then to plant a listening device in the White House.

One way of meeting the problem is through a highly amplified wave length system set up throughout the White House. If the President is talking on the phone, he merely turns up the music and the eavesdroppers get a pleasant melody instead of the Chief Executive's conversation. If even the President's privacy cannot be guaranteed, what chance is there for the rest of us?

[From the Pittsburgh (Pa.) Press, Mar. 6, 1965]

The Government "Snoopers"

The Senate subcommittee investigating "snooping" by Government agencies apparently is getting little cooperation from Postmaster General John A. Gronouski.

The committee, headed by Senator Edward V. Long of Missouri, asked for a list of 24,000 persons whose mail has been "under surveillance" in the last 2 years. This is called a "mail cover" and it consists of making a record of mail sent from or to addresses of persons who may or may not be involved in some legal offense.

Mr. Gronouski said he was opposed to giving up this list because it would "seriously violate the civil liberties of many innocent persons."

He used as an example this story:

Two bandits held up a post office. The license plate on the getaway car led to the name of the person to whom the car was registered. A "cover" was put on this person's mail. When a letter was found addressed to this person from the city where the stickup took place the addressee was reached and turned over the letter, which contained some of the loot.

Mr. Gronouski's point is that in this way a crime was solved (the bandits were convicted) and that the addressee had nothing to do with the crime. But if the name were published, the Postmaster General said, he might risk bodily harm from the convicted holdup men.

This seems like pretty murky reasoning. But even granting its validity, Senator Long didn't ask for the list of 24,000 names to publish it. He asked it for the committee's information. He said he would hold the list confidential so long as this was in the "public interest" as it surely would be in the case recited by Mr. Gronouski.

But the Postmaster General also said in his reply to Senator Long that in addition to the Post Office Department 21 agencies of the Government, including the Central Intelligence Agency and the Air Force have had hundreds of "mail covers" in effect recently.

A good many "civil liberties of innocent persons" could be involved in such a widespread practice by so many agencies of the Government.

Maybe not, but with this much "snooping" going on, there should be some outside check and review of it. Senator Long is competent to do this. And Mr. Gronouski seems to have evaded the real issue—not publication of the list, but giving the Long committee a look at it. How else can the committee complete its investigation?

[From the Cincinnati (Ohio) Enquirer, Mar. 7, 1965]

Big Brother Marches On

In the maze of hearings conducted in connection with pending Federal legislation, those of the Administrative Practice and Procedure Subcommittee of the Senate Judiciary Committee should be of particular interest to the general public.

Federal invasion of privacy is the concern, and the hearings have touched on electronic eavesdropping, peepholes, so-called mail covers, censorship, and psychiatric testing.

What is being revealed is that what we once believed were inviolable rights of privacy are now little more than nice-sounding theoretical preachments, while "Big Brother Is Watching You" is more than just a catchy bit of low-grade witticism.

Senator Edward V. Long, Democrat, of Missouri, and Representative Robert L. Leggett, Democrat, of California, have introduced bills to prohibit the use of mail covers—a system by which all mail received by a firm or person is examined and all information obtainable without actually opening the mail is recorded. The theory behind this form of surveillance (involving 750 individual covers every day, 1,000 every month) is that it would be used when there is good reason to believe it might be instrumental in solving a crime.

Senator Long argues that in practice, however, "there is absolutely no effort at control."

Peepholing has been publicized recently by several writers looking into the practice of industry as well as the Government checking on employees—in this case, spying in locker rooms and restrooms where concealment of theft might be attempted.

What has proved to be most frightening of all, perhaps, is the extent of the development in electronic eavesdropping.

Readers of some forms of magazines may be aware of snooping devices that can pick up whispered conversations in the next room or other devices that can pick up, and record, normal conversations several blocks away. Minute microphones have been developed that can be hidden in tie clasps, purses, cigarette packages—and even disguised as a martini olive. There are recording devices activated by a telephone ring that can continue to record even after the telephone is hung up.

There is at issue here, we believe, a very basic question of infringement on the public's right to privacy. There can be and have been solid arguments introduced favoring telephone tapping, but it seems to us there is a fine line beyond which individual liberties are violated.

There have been previous investigations, and other limiting bills introduced, but "Big Brother" continues marching.

[From Camden (N.J.) Courier Post, Mar. 5, 1965]

Right to Privacy Must Be Protected

Snooping is threatening to become a national nuisance, and Senator Edward V. Long, Democrat of Missouri, is properly alarmed.

He heads a Senate subcommittee which is investigating the rising invasion of privacy by official and unofficial eavesdroppers.

Wiretapping may be necessary when it is the only way that the FBI and other police can catch spies and racketeers. But some "refinements" of snooping are alarming.

Wiretapping by private detectives is reportedly on the increase. Peepholes and one-way mirrors are being used in more public and private buildings. "Mail covers" are provided by the Post Office Department to inform Government agencies about what appears on the outside of envelopes addressed to suspects (will the letter be steamed open next?).

And now there is even the possibility that laser light beams will be used to transmit conversations, plus television pictures, over a distance of several blocks to receiving devices.

As the St. Louis Post-Dispatch observes, "unlimited snooping has always been the mark of tyrannies." Yet it seems that we are close to having it today.

At hearings by Long's committee, electronic eavesdropping equipment was displayed, and the display was truly shocking. One $400 gadget permits its owner to eavesdrop on any room equipped with a telephone that can be dialed direct. The eavesdropper hitches up the device and dials his target. The phone rings and is answered. From then on, even after the phone has been hung up, the eavesdropper can hear every sound in the target room. The device works at any distance, even, as its maker testified, from Hawaii to Washington.

Microphones and transmitters can be made so small and efficient that (as was demonstrated) they can be hidden in the olive in a martini cocktail. That one works even when dunked in gin.

"It is obvious that proliferation of snooping paraphernalia is increasing, placing the constitutional right of privacy of the individual citizen in peril," says Long. "Modern Americans are so exposed, peered at, inquired about, and spied upon as to be increasingly without privacy—members of a naked society and denizens of a goldfish bowl."

Law enforcement and individual rights of privacy must sometimes be balanced against each other, and striking the proper balance is not always easy.

But we must try to reach it as nearly as we can. New legislation to control snooping is needed if innocent Americans are to retain their legitimate rights of privacy.

[From the Virginian-Pilot, Norfolk, Va., Apr. 16, 1965]

How To Lose Confidence

Section 4057 of title 39 of the United States Code seems pretty unambiguous. It flatly states that only an employee of the dead letter office or a person holding a search warrant may open first-class mail in the custody of the Post Office Department.

Upon the rock of this law we Americans for years have rested secure in a belief in the sanctity of the mails. Now it appears that we have been misled. Basing their action on the supposed authority of the Internal Revenue Service, some postal officials have been seizing first-class mail and turning it over to the tax agency.

Before a subcommittee of the Senate Judiciary Committee, Mr. Harvey H. Hannah, Deputy General Counsel of the Post Office, admitted this week: "We've been doing wrong, no question about it."

No question indeed. Yet only 2 months ago the Nation's top postal inspector had assured the subcommittee that first-class mail was inviolate. "Citizens must have confidence in their mail system," said Henry B. Montague, "or they lose it in other Government institutions." Faced this week with Mr. Montague's earlier assertion, the uncontested fact of seizure of first-class mail, and the firm language of the law barring such action, Post Office and IRS officials pointed to a section of the tax code which does not specifically exempt mail from the kinds of property that the Revenue Service may seize for tax collection purposes.

The chairman of the subcommittee, Senator Edward V. Long, of Missouri, called this "warped and tortuous reasoning." We could not agree more heartily.

The subcommittee received a letter from Postmaster General John A. Gronouski saying seizures for the IRS by his Department had been stopped last August by agreement with the Treasury Department. It is encouraging to know that the Departments involved saw their error before Senator Long's antisnooping investigation uncovered the practice, but we cannot help thinking back to Mr. Montague's earlier statement. Citizen confidence in Government institutions is essential to our whole political structure, and it is difficult to maintain when prying gumshoes are caught making end runs around the laws they are sworn to uphold.

[From the Independent, Ashland, Ky., Mar. 6, 1965]

Checking for Bugs

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The committee is looking into the use of electronic snooping devices by governmental agencies. Many of the revelations are startling. A martini can be bugged. A device can be attached to a telephone line and used to monitor conversations in a far distant room merely by dialing the number of the telephone to which the device is attached.

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[From the Mount Vernon (Ohio) News, Mar. 5, 1965]

Blow for Individual Privacy

A Brooklyn judge, Nathan R. Sobel, struck a blow for the right of the individual to enjoy his privacy when he ruled unconstitutional a New York State law which permits electronic eavesdropping by police when it is done under a court order. Justice Sobel held the New York law violates the U.S. Constitution, in which the fourth amendment guarantees a citizen against unreasonable searches and seizures, and which requires a warrant for a search of a home which states what is sought, and who or what is to be seized.

Justice Sobel's decision was handed down in a State court which corresponds to our Ohio court of common pleas, and is subject to review by successively higher courts.

However, his reasoning is on firm ground when he holds an electronic listening device is necessarily indiscriminate, and adds, "Technologically, no electronic device has been discovered which shuts itself off to all social discourse and turns itself on when the conversation turns to criminal acts."

The recent growth of new types of electronic bugging devices is a matter of real concern. A person sitting in an auto can now hear your conversation as you walk along the street a block away. A cruising auto can identify a radio or television program to which you are tuned as it cruises by your home. It's only a matter of time until it can pick up conversations in your home.

The right of privacy in our homes is one of our deepest needs and most valuable freedoms. Our forefathers recognized this when they insisted upon attaching the Bill of Rights to the Constitution.

It is difficult to see where any government representative has a justifiable right to eavesdrop on any conversation in your home. About the only conceivable justification would be a matter of great national peril.

It may be difficult to prevent the manufacture and use of such devices, but we can ban the use of information obtained by such methods as evidence in court. The day may also come when the manufacture or possession of such devices may be declared illegal.

[From the Evansville (Ind.) Courier, Mar. 6, 1965]

Uncle Peeping Sam

The Government of the United States does not look well in the role of Peeping Tom. It does not look well when it imposes numerous "mail covers" on a none too discriminating basis. It does not look well when it uses lie detectors without acceptable safeguarding of individual rights. It does not look well when it operates post office peepholes to spy on postal employees.

There may be some justification for these and other Government invasions of privacy. Mail covers, though they are imposed without legislative authorization, may in some instances be a tolerable means of investigating subversive or other criminal activity. Use of the polygraph, or lie detector, may be warranted in some cases if the instrument is operated by experts under proper conditions. Conceivably even the post office peepholes are justifiable as a deterrent to postal theft, even though the secret inspection system reportedly costs far more than the value of items involved in the mail theft thus exposed.

The problem lies in two possibilities—abuse, and against invasions of privacy. When mail covers are common, rather than exceptional; when lie detectors are used indiscriminately; when any other means of prying into the behavior of individuals are used without scrupulous regard for individual rights, there is danger ahead. The trend is one to resist as strongly as possible, for invasion of privacy is characteristic of totalitarian systems. The current investigation by a Senate subcommittee headed by Senator Long of Missouri is thus of prime importance. Its findings will deserve the most careful attention.

[From the Syracuse Post Standard, Feb. 21, 1965]

Snooping Made Easy

New electronic devices have brought the art of snooping to a point where man's privacy on this planet may soon vanish.

A Senate subcommittee investigating surveillance as practiced by Government agencies must have been startled by a display of witnesses of what these contraptions can do.

The Senators were shown a laser that when perfected will transmit a concentrated beam of light on a room several blocks away, and reflect back a picture of everything happening in the room, including sound.

They saw microphones concealed in a tie clasp, a cigarette package, a picture frame, a cigarette lighter, and even in the olive in a martini.

But the crowning achievement is a gadget that can be attached to a telephone line and be used to monitor a conversation in a room any place direct dialing will reach. Thus a private conversation in Washington could be monitored in Hawaii.

The snooper merely calls the number of the phone to which the device is attached, and then can hear all conversations in the room even though the phone is hung up.

When these devices become generally available electronic surveillance will be something to contend with—that is unless something is developed to render them useless.

What price progress?

[From the Pittsburgh (Pa.) Press, Mar. 1, 1965]

The Mail "Cover"

For several years the Post Office Department has been carrying on a special surveillance of the mail it handles—some mail, at least.

Under this practice, called a "cover," the Post Office boys make a record of the origins and postmarks of mail destined for certain persons. The mail is not opened.

Henry B. Montague, Chief Postal Inspector, testified before a Senate subcommittee that the mail cover had provided clues to fraud, capture of fugitives from the law, tax violations, and other crimes.

The Senate committee, headed by Senator Edward V. Long, of Missouri, is investigating all forms of Government snooping which might be regarded as an invasion of privacy. And has demanded the Post Office Department furnish a list of 24,000 names of persons whose mail has been subjected to the cover in the last 2 years.

The Post Office is studying the request. It should accede.

This whole business may be necessary, or at least sometimes useful, but it gives us a creepy feeling. The Post Office Department is a service (which annually runs a deficit) and it should not be used as a pry unless there are unusually valid reasons for it.

Senator Long has said he would keep this list confidential unless there was some important public reason to the contrary. His judgment can be trusted.

Any time we have an agency of the Government setting itself up as a "censor" or "snoop" there at least ought to be an outside authority checking on it.

Whether the American people want to tolerate this covert business is something they could decide better after the Long committee has examined the whole busybody system and discovered whether it has any merit.

[From the Middlesboro (Ky.) News, Mar. 18, 1965]

Something Out of Focus?

A Senate investigating committee has been told that it is now possible for electronic wizards to bug the olive in your martini, so that it records with lethal clarity everything you say.

The olive, you see, contains a teensy microphone. And what looks like a toothpick stuck in the olive is in reality a miniature antenna.

This ingenious bit of supersnooping naturally brings up the question of invasion of privacy. It also brings up a couple of other questions:

First. What's to keep the unwitting martini guzzler from swallowing the olive, microphone and all? (What could happen to him then might be stronger than fiction.)

Second. If a little bitsy microphone with a toothpick antenna can do all that, how come the big television set in the living room, with its long, ungainly rabbit ears, can't bring in a decent picture from a television station only 5 miles away?

Is the viewer supposed to sit there drinking martinis with olives in them hour after hour—just to get a clearer picture?

Or is there something fuzzy about this whole thing?

[From the Middletown (Ohio) Journal, Mar. 3, 1965]

"Mail Cover" Debate

In his testimony before a Senate Judiciary subcommittee probing Government invasion of privacy, Chief Postal Inspector Henry B. Montague, defended the use of the "mail cover" as a law enforcement tool. He denied that any unwarranted invasion of privacy was involved.

This brings to public attention one of the gray areas, neither wholly black nor white, so often found in Government policy and practice. The question is one that ought to be discussed.

The "mail cover" consists in keeping a record of mail received by a given person—the name of the sender, the point of origin, the postmark, the class of mail. There is no doubt that this has its uses in some criminal investigations, and in efforts to keep tabs on subversive activities. This is an argument for continuation of the mail cover as an investigatory tool.

The matter shades from white toward black, though, as one begins to think about possible abuses of this practice. Is the Government entitled to examine the mail of anyone, for example, as a sort of "fishing expedition" to discover possible subversive or criminal connections? We think not. Perhaps it is unfair to suggest that such a thing might be done, but the danger of abuse is clearly present.

Though that is true, the mail cover is at present a relatively minor aspect of the Government's many-faceted intrusions into the private lives of citizens. The investigation being conducted by a subcommittee under the chairmanship of Missouri's Senator Edward Long, is of great importance as part of the continuing fight to safeguard individual freedom in an increasingly Government-centered society.

[From the Salt Lake City (Utah) Tribune, Mar. 7, 1965]

Antisnooper Snooper

Science, it's wonderful.

For every kind of fertilizer there's a new power mower. The antimissile is abreast of the missile. There's a sedative for every perk-up pill and so on.

And now there is a little gadget which reveals the presence of any "snooper" gadgets hidden in the room.

At a recent "postgraduate course in the higher sciences of eavesdropping," held on the campus of the University of San Francisco, the usual line of "bugging" equipment was demonstrated. This included telephone tapping transmitters, microphones for listening through walls, amplifiers small enough to carry in a shirt pocket, and transmitters less than 2 inches square. The "bumper beeper," a little transmitter which can be fastened with magnets to the bumper of a car, making it easy to follow, made a mild sensation.

But the star of the show was the device to make other snooping devices useless. "Take a portable receiver into the room and start talking. If you get feedback you know you're bugged," the demonstrator said.

There's the answer to all those harried souls who long ago clammed up, convinced that privacy was a thing of the past. All they have to do is take along a portable receiver, clear the room of all hidden electric snoopers and start talking—at the risk, of course, of having the other fellow tattle.

[From the Rocky Mountain News, Denver, Colo., Mar. 4, 1965]

Gronouski on Mail Covers

Postmaster General Gronouski is holding out on the Senate subcommittee investigating assorted forms of "snooping" by Federal agencies.

The committee, headed by Senator Edward V. Long of Missouri, asked for a list of 24,000 persons whose mail has been "under surveillance" in the last 2 years. This is called a mail cover and it consists of making a record of mail sent from or to addresses of persons who may or may not be involved in some illegal offense.

Gronouski said he was opposed to giving up this list because it would "seriously violate the civil liberties of many innocent persons."

He used as an example this story:

"Two bandits held up a post office. The license plate on the getaway car led to the name of the person with whom the car was registered. A 'cover' was put on this person's mail. When a letter was found addressed to this person from the city where the stickup took place the addressee was reached and turned over the letter, which contained some of the loot."

Gronouski's point is that in this way a crime was solved (the bandits were convicted) and that the addressee had nothing to do with the crime.

But if the name were published, the Postmaster General said, he might risk bodily harm from the convicted holdup men.

This seems like pretty murky reasoning to us. But even granting its validity, Senator Long didn't ask for the list of 24,000 names to publish it. He asked it for the committee's information.

He said he would hold the list confidential so long as this was in the public interest, as it surely would be in the case recited by Gronouski.

But the Postmaster General also said in his reply to Senator Long that, in addition to the Post Office Department, 21 agencies of the Government, including the Central Intelligence Agency and the Air Force, have had hundreds of "mail covers" in effect recently.

A good many "civil liberties of innocent persons" could be involved in such a widespread practice by so many agencies of the Government.

Maybe not, but with this much "snooping" going on, there should be some outside check and review of it. Senator Long is competent to do this. And Gronouski, it seems to us, has evaded the real issue—not publication of the list, but giving the Long committee a look at it. How else can the committee complete its investigation?

[From the Houston (Tex.) Post, Apr. 17, 1965]

IRS Mail Opening Is Shocking

Disclosure that the Internal Revenue Service, in some cases, has seized sealed, first-class mail without a proper search warrant and opened it before it was delivered to the person to whom it was addressed, in an effort to catch tax dodgers, was nothing less than shocking. It was, in fact, scandalous and should arouse unanimous indignation.

Both the Treasury and the Post Office Departments say that the practice has been discontinued, but there are few Americans who will not agree with Senator Edward V. Long of Missouri, head of the Senate subcommittee checking into governmental snooping, that there should be an ironbound law to prevent this sort of thing if present laws can be interpreted to permit it.

Privacy for the individual citizens is taking a beating these days under the best of circumstances. Even the sanctity of the home is under attack despite the constitutional guarantee against unreasonable search and seizure. The impression has existed, however, that the privacy of first-class mail was inviolate so far as Government is concerned.

The practice of putting mail covers on some individuals has received a great deal of publicity in the course of the subcommittee's investigation. It is a borderline practice, however, since the mail is not actually opened and actually amounts to surveillance, somethink like a police stakeout. Opening of sealed mail, except possibly for purposes of making delivery, falls into the same category as forcible entry into a private residence without a court order.

There is a law on the books that carries a maximum penalty of 5 years in jail and a $2,000 fine for opening first-class mail addressed to another person. If this does not cover all agents of the Government, it certainly should. If the IRS-Post Office agreement does not violate existing statutes, it definitely is in conflict with the constitutional guarantee against unreasonable search and seizure.

The Senate subcommittee has performed an invaluable service to the Nation in bringing the IRS practice to light, even though it is said to have been discontinued.

The Post Office Department should be the first to seek whatever corrective legislation is needed to prevent the practice. It is going to great lengths to try to break even on its operations, but if the public ever loses confidence in the absolute privacy of first-class mail, it will stop using the service to the extent that it can turn to other means for transmitting confidential communications.

In the case of the IRS seizures, it is not that anybody has any sympathy for tax evaders. They should be caught and punished just as the violators of any law should be.

But those entrusted with the responsibility for enforcing the law must stay within the restrictions imposed upon Government for the protection of the rights of the individual, no matter how loudly they complain that it handicaps them in their work and keeps them from doing the most efficient job. This is just as true for the Nation's tax collectors as for other law enforcement officers.

[From the Times-Picayune, New Orleans, La., Mar. 8, 1965]

"SEARCH BY BUG" HELD ILLEGAL

As some predicted, after a study of court decisions which reached a sort of climax in 1961, a trial judge (New York) has ruled electronic eavesdropping unconstitutional per se.

Though his decision might merely have followed U.S. Supreme Court bans on illegal physical trespass—in the "planting" of so-called "bugs"—the judge chose also, and primarily, to apply the fourth and fifth amendments in a basically restrictive sense.

Thus he says that the process represents a search, and conversation overheard or transcribed a seizure thereof. To this premise he applies jurisprudence of long standing relating to search and seizure of tangibles. These interpretations limit the legal products of search to fruits of and instruments used in commission of crime, and to "contraband" unlawful to possess. They exclude mere evidence of guilt, especially if it partakes of self-incrimination.

A "search by bug" invariably represents, he holds, a search for "mere evidence"; furthermore by its nature it cannot be restricted to specific statements which law enforcement desires to be seized, but sweeps up any and all statements, pertinent or otherwise.

This reasoning by analogy and extension is expected to precipitate the Scandefia case, through a long chain of appeals to final decision at Washington. It has become more and more customary that broad issues thus are settled where narrower principles could be invoked. Thus it seems dubious that the act of breaking into an establishment by night to plant a listening device would be condoned as a legal search by the Supreme Court, in light of previous decisions, even though the officers had a warrant to evesdrop. The New York ruling is that the process can't be used at all, under any circumstances.

To equate illegal trespass with search seems in accord with the fundamental safeguards of the fourth amendment. To equate both a trespass and a nontrespass eavesdrop with search and seizure of tangible things seems more like an exercise in flexible semantics. In trying to erect reasonable and desirable safeguards against abuse of police practice, by statutory means, it may be that some lawmakers and courts have themselves helped wipe out any distinction, by equating conventional search warrants with warrants to eavesdrop.

[From the Trenton (N.J.) Times, Mar. 2, 1965]

VIOLATING PRIVACY

Blameless and upright you may be, honest as the day is long, but your mail could be watched. Deliveries can be delayed while the Post Office Department snoops on the people whom it serves.

Records have been kept on the incoming mail of 24,000 persons. The return address and postmark are recorded, and then the letters are delivered. A Senate committee has called for the names of the addressees.

There could be abuses here. It is called the "mail cover" system, and the postal people say it has been going on for years. Usually surveillance begins when requested by the professionally suspicious agents of any enforcement authority—presumably as an assist to criminal investigation.

Distaste is lent this practice because it seems cut from the same cloth as wiretapping and the recent electronic peeping which is also concerning the Senate. It has the Big Brother taint, a sort of police stakeout on persons who don't know their privacy is being violated.

One need not have committed any crime. He simply may have aroused the suspicion of personnel from any one of a hundred Government agencies—or of law enforcement officials from the Federal or State level down to the local cop. Admittedly it has served at times to help solve crimes, but it was testified that mail covers have been used as a "retaliatory measure" against some who have simply incurred the dislike of bureaucrats.

Some of our cherished safeguards lose something in such practices. Something more than an occasional quizzing by a congressional committee should invite correction of possible abuses of constitutional and other traditional rights.

We would be better served by the Post Office if it explained how far it is involved in these clandestine exercises, and how many of its employees are thus engaged—taken away from their traditional appointed rounds.

[From the San Mateo (Calif.) Times and News Leader, Mar. 6, 1965]

PROBING THE SNOOPERS

A Senate judiciary subcommittee headed by Senator Edward Long is trying hard to look over the shoulder of the Post Office Department. It is not a case of checking on the historic inefficiency of the mail system, but on an entirely extraneous activity—that of snooping.

The committee has been told by the Department that it provides approximately 1,000 mail covers a month on individuals at the request of a great variety of police agencies, from the FBI down to local law enforcement. When such a cover is instituted, post office employees keep track of all mail received, including such information as the sender and the postmarks of origin.

Among the committee's revelations is the fact that the post office forms by way of which such covers are ordered have—in the best tradition of the spy thriller—instructions on them to be destroyed after use. The institution of a mail cover is made without examination of the reasons behind such a request.

The work of the subcommittee is part of a larger effort by Congress to look into snooping activities by Federal agencies, to search out invasions of the privacy of individuals. The material gathered by the committee has shown a vast effort in existence, including a variety of snooping equipment to stagger the imagination of comic book authors.

The subcommittee has encountered some difficulty in obtaining cooperation in its work. The Post Office Department has refused repeated requests for the list of individuals subjected to mail cover in the last 2 years.

The committee owes it to the public to persist both in its demands and in its devotion to the investigation of the entire subject. This effort is particularly essential in relation to a Government agency, such as the Post Office Department, which has a monopoly by law to an indispensable public service. It should serve its customers, not those who wish to snoop into their affairs.

Executive agencies must recognize their responsibility to protect individual rights in the performance of their duties. If they do not, Congress has an equal obligation to examine the facts and, when abuse is discovered, to protect those rights by law.

[From the Philadelphia (Pa.) Inquirer, Feb. 21, 1965]

DON'T TALK INTO THE MARTINI

People who talk into their martinis have always been suspect. But, from now on, they will be living more dangerously than ever: the olive may really be a microphone. Putting a "mickey" in your drink may take on new and more sinister meanings.

This grim overtone to living in the electronic age was developed at a hearing of a Senate subcommittee that is inquiring into wiretapping and other types of snooping by Federal agencies, legitimate or perhaps otherwise.

Before the meeting was over, the Senators had been thoroughly "bugged" by a variety of devices introduced by private eyes, manufacturers of listening-in-devices and other experts. The chairman, Senator Edward V. Long of Missouri, found himself talking into a hidden tape recorder through a red rose harbored in a vase on his desk. In addition to the martini that can listen—with a toothpick serving as the antenna—there was produced a device that can put the tap on telephone conversations and other even after the phone is hung up.

Counterbug equipment is also available, but the best defense against electronic eavesdroppers, the committee was told is: Turn up the TV set loud; step into the shower with the water running; hold conversations in the subway. Or don't talk: your martini may be listening.

CAPT. EUGENE R. FOWLER

Mr. BAYH. Mr. President, I would like the Senate to turn its attention for 1 moment to a fellow townsman of mine, Capt. Eugene R. Fowler, of the U.S. Army Reserve.

It seems appropriate to mention Captain Fowler today because the Senate is about to approve a supplemental appropriation of $700 million to enable us to continue the U.S. presence in Vietnam in defense of freedom.

On this same day, at 10 a.m., Captain Fowler was laid to rest in Arlington Cemetery. The caisson which carried his casket to its final resting place was the same caisson used to bear the casket of our martyred President, John Fitzgerald Kennedy. Captain Fowler's grave is located 150 yards down the slope from the grave of America's 35th President.

Gene Fowler, of Terre Haute, Ind., was the first Hoosier killed in Vietnam to be buried at Arlington. He is the fourth son of Indiana to give his life for his country in Vietnam.

Last March 16, Captain Fowler celebrated his 34th birthday. He had been a member of the U.S. Army Reserve for more than 14 years. In September of last year he was assigned to Vietnam as an assistant sector adviser in the Phouc Binh Thanh special zone. On April 25, while accompanying an Army of Vietnam force on a combat mission, Captain Fowler stepped on a land mine. He died of wounds 2 days later. He was an expert pistol shot and held the expert carbine badge. He was awarded the Armed Forces Reserve Medal, the Army of Occupation Medal for Germany, the Armed Forces Expeditionary Medal for Vietnam.

Gene Fowler had much to live for. He had a lovely wife and two fine children—"Genie," 9 years old, and Stephen, 5 years old. Yet, he gave his life in the effort of his Nation to contain Communist advances in southeast Asia.

Mrs. Fowler decided to remain in Washington for a day after the funeral. She told Army officials that she wants her children to see the White House and the Capitol and other symbols of the country for which their father died.

I think I speak for all my colleagues when I say for Captain Fowler and his gallant comrades from all our States:

They shall grow not old, as we that are left grow old;
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning
We will remember them.

POLITICAL CLIMATE IN THE DOMINICAN REPUBLIC

Mr. MONRONEY. Mr. President, the perplexing, complex problems which the United States must deal with in the Dominican Republic have been brewing for a long time. They obviously will not yield to quick or easy solutions. I do not believe the American people expect them to be quickly or easily solved.

It is equally apparent, I believe, that an overwhelming majority of our people have confidence in President Johnson's handling of this most difficult situation.

The historic vote today by the Organization of American States suggests that our confidence in the President's acumen and courage is shared by most Americans, north and south.

The OAS commitment proves once again that we are on the side of the angels. This Nation has the most potent, the most formidable military force in all history, yet since we have achieved this tremendous power we have never imposed military force for selfish purposes, for territorial expansion or to limit the rights of other nations for self-determination in free elections. The record of the United States speaks far more eloquently than the strident and shrill promises of the Communist conspirators who have deviously sought to infiltrate liberal and democratic movements throughout the world.

Perhaps we have seen today in the action by the OAS a signpost of maturity, of significant progress in the development of international law and order in this troubled world. I take this means of saluting President Johnson and those dedicated and conscientious advisers who have helped him bring this vexatious problem to such a promising point.

An editorial in last Friday's Chicago Sun-Times provided an interesting insight into the President's perspective on this matter. The editorial reminded us that the President, in February of 1963, got a firsthand look at the rough and tumble internal politics of that nation.

This editorial offers background information that will be helpful to Members of the Senate.

I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago (Ill.) Sun-Times, Apr. 30, 1965]

TWOFOLD ACTION

President Johnson knows through personal knowledge how volatile and dangerous the political climate can be in the Dominican Republic. As Vice President, Mr. Johnson attended the inauguration of Juan Bosch as President of the Dominican Republic on February 27, 1963. The inaugural parade was attacked by a mob of pro-Communist demonstrators. Mr. Johnson was hustled from the parade stand by security police and into the protection of a nearby building.

The President took swift action on Wednesday when the Dominican Government admitted it could not guarantee the safety of American citizens in the current revolt. He ordered U.S. marines landed as a protective force and offered the umbrella of that military protection to the citizens of other nations.

The Dominican Republic is still in the throes of trying to recover from more than 30 years of brutal and bloody dictatorship under Generalissimo Rafael Trujillo. Juan Bosch, the first President elected in that sad nation in 38 years, was backed by the United States. Bosch lasted less than 7 months as President before being overthrown and his government dissolved by the rightwing army on charges that he had not made good on promises, that he was soft on communism and that his proposed constitutional reforms were more socialist than democratic.

The current revolt, mounted by some officers in the army, has apparently been beaten back by the air force and navy, led by the officers that overthrew Bosch.

President Johnson's decision to provide protection for U.S. citizens has been criticized by the Organization of American States. While admitting the situation is serious and something must be done, the OAS said the United States did not have the right to act without first consulting them.

This sensitivity can be recognized. But safety for U.S. citizens comes first. If the landing of the marines (who were fired on yesterday, shortly after going ashore) also helps to stabilize the situation on behalf of the recognized government both the Dominican Republic—which needs time to recover from the evils of dictatorship—and the OAS itself will have benefited.

TRIBUTE TO WALTER BURKE

Mr. NELSON. Mr. President, it has been my privilege for many years to have as my constituent and friend Hon. Walter Burke, newly elected secretary-treasurer of the United Steelworkers of America. Mr. Burke, in his new position, will move from his home in Milwaukee, Wis., to Pittsburgh. Commenting on the loss to Milwaukee, the Milwaukee Journal on May 3 editorialized concerning Walter.

I ask unanimous consent that the Milwaukee Journal editorial be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WALTER BURKE DEPARTS

In the 17 years that he has directed steelworkers' union activities in Wisconsin, Walter J. Burke has been a credit to his union and the labor movement.

Those who have watched his work on the coordinating committee for higher education, the legislature's "committee of 25," the blue ribbon tax committee and other public groups will long remember his quiet efficiency and careful regard for the total public interest. The esteem he commands within his union is amply demonstrated by the size of the vote he received for the post of secretary-treasurer.

That victory means that he will now move on to union headquarters in Pittsburgh. His departure will be regretted by those in the city and State who know of his many helpful public services.

SUMMARY OF MEDICARE TESTIMONY, MAY 6

Mr. HARTKE. Mr. Presdent, as a sequel to the summary of testimony heard before the Finance Committee on Tuesday and Wednesday, which I introduced into the RECORD yesterday, I offer a further summary of the highlights presented by witnesses at today's hearings. While it is, of course, impossible to do more than point out highlights, I believe this unofficial summary by my staff is nevertheless a useful effort to bring out the major points as made by the various witnesses.

I request unanimous consent that this summary may appear in the CONGRESSIONAL RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MAY 6, 1965

NATIONAL ASSOCIATION OF BLUE SHIELD PLANS

Dr. Russell B. Carson, Fort Lauderdale, Fla., chairman of the board. Represents 85 Blue Shield plans, covering 56 million people.

1. Voluntary supplemental benefits program should include a choice instead of a single pattern "virtually identical to the Governmentwide indemnity program" for Federal employees.

2. Choice should include opportunity to continue present prepayment health insurance patterns. Five million over 65 are now covered by Blue Shield, which has a "relatively uncomplicated program." The present bill will be confusing to many elderly, complicated in administration.

3. Blue Shield is "the most expert, efficient, and personal subscriber service organization in its field." It desires to make a maximum contribution, and "would expect to do so on a nationwide scale." Objects to narrower regional or geographic basis; proposes uniform national service and transferability of coverage.

4. Specifically, Blue Shield urges amendment to provide: (1) A nationwide service benefit plan, contracting with physicians and other health service providers; (2) an indemnity benefit plan, providing cash payment not exceeding actual expenses; (3) comprehensive medical plans, including (*a*) group practice prepayment plans and (*b*) individual practice prepayment plans.

5. Blue Shield would offer its services as a carrier under the service benefit plan option, including (1) basic surgical-medical benefits, with no deductible: surgical care, emergency first aid, in-hospital medical care, anesthesia, radiation therapy, in-hospital diagnostic X-ray, laboratory, pathology, and physiatry services; (2) extended and other medical health services, subject to annual deductible of $100 and 20 percent copayment, including: out-of-hospital diagnostic X-ray and laboratory, home and office calls and consultation, home health services, ambulance service, prosthetic devices, braces, artificial limbs and eyes, rental of medical equipment (iron lung, etc., psychiatric services (60 days in-hospital, $312.50 annual maximum outpatient).

6. These services would be offered "within the financing specified in H.R. 6675 for the voluntary supplementary program."

NATIONAL ASSOCIATION OF LIFE UNDERWRITERS

Raymond E. King, Jr., Charlotte, N.C., member NALU board, chairman of its committee on social security. Trade association, 50 States, 855 local life underwriter associations, membership 90,000, most selling health as well as life insurance.

1. Favors Government-financed health care for "aged people who are actually in need." "Vigorously opposed" to a system taxing younger workers and employers.

2. Objects to use of new payroll tax on current earnings for benefit of those who have not paid this tax; also, "general revenue financing * * * an unwholesome and even dangerous departure" from the payroll financing concept.

3. Association is "if anything, even more opposed to the supplementary program" than to the basic program, because it (a) will virtually eliminate private health insurance business among the aged; (b) is derived from general revenues; (c) is voluntary, violates previous workable compulsory concept. The financially better off would tend to enroll, lower income group stay out.

4. Liberalized disability payments (to those disabled 6 months) is unsound. Result will be situations providing more take-home income than while working, deterring rehabilitation, and encouraging incidence and duration of claims.

AMERICAN ASSOCIATION OF MEDICAL CLINICS

Dr. Edward P. Jordan, executive director, Charlottesville, Va. Voluntary medical society, 160 private medical clinics in 38 States and District of Columbia, with 18 percent of members owning or controlling their own hospitals.

1. Opposes confining of outpatient diagnostic services to hospitals; recommends transfer of section 1861(p) to section 1832. This would put diagnostic and therapeutic services in the same category; diagnosis and treatment cannot well be separated, as in the case of a broken leg.

2. Favors present deletion of services by doctors in anesthesiology, radiology, etc.

3. Provision should be made for entry into an "extended care facility" without the bill's requirement of prior hospital stay.

4. "Spell of illness" should be better defined. Clarification is needed in other specific points, such as section 1812(f) and section 1813(a)(1).

AMERICAN DENTAL ASSOCIATION

Dr. I. Lawrence Kerr, private practice, Endicott, N.Y., and member, council on legislation of the association.

1. Opposes the principle of providing care without regard to need, involved in both the hospital and medical plans. The medical plan will help least those in greatest need, who will be least likely to join, and conversely.

2. The need is declining, the present system serving increasingly well. This is "a permanent solution for a problem that very probably is temporary." "Both (hospital and medical) plans should be eliminated from the bill."

3. Dental care for dependent children under the medical assistance program, as recommended by the President, should be included.

4. Oral surgery performed in a hospital is covered only if done by an M.D. or D.O. Dentists should be included.

5. The ADA opposes reimposing the 3-percent medical and dental expense deductibility for taxpayers over 65 (sec. 106).

COMMUNITY COUNCIL OF GREATER NEW YORK, INC.

Dr. Samuel Standard, surgeon, speaking for the "central coordinating body for welfare and health services in New York City."

1. "Endorses all three portions of this bill."

2. Endorses restoration of hospital specialists' services in anesthesiology, radiology, etc. Otherwise you have "hotel care, not hospital care."

3. "We regret the deductible provisions," especially as to diagnostic services, often delayed because of this initial cost to patient.

4. Sees need for "a mechanism with authority to establish standards of professional competence as well as facilities." National Medical Review Committee should be extended to State levels.

5. Endorses improvement and extension of Kerr-Mills program to other groups, especially children.

LIBERTY LOBBY

W. B. Hicks, Jr., Washington, executive secretary. "Liberty Lobby represents over 130,000 Americans."

1. Opposes the bill as "a threat to the future of the Nation," irrevocable.

2. Adovcates a measure such as Congressman Frank Bow's bill in the 88th Congress (H.R. 21), with insurance in private hands unconnected with the social security program.

DR. JACK SCHREIBER

"Family physician," Canfield, Ohio. "I speak entirely for myself."

Opposes the bill. Voluntary effort, responsibility, is American tradition. "Medicare" would "shift this personal responsibility directly to the Federal Government." "The real issue * * * is philosophical."

TALKING OUT OF TURN

Mr. HARTKE. Mr. President, the postponement of Indian Prime Minister Shastri's visit to the United States raised some eyebrows around the world. Our President's decision, many said, was harsh and would lead to severely strained relations with India.

Putting this incident into its proper perspective, however, results in the conclusion that the Prime Minister brought the postponement upon himself with an irrational show of international bad manners. Michael Padev, foreign editor of the Indianapolis Star, sees this situation clearly in a recent column.

I ask, Mr. President, that the text of Mr. Padev's article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Indianapolis (Ind.) Star, Apr. 25, 1965]

India's Premier Tactless in Criticizing U.S. Policy

(By Michael Padev)

Washington.—"You are angry—you must be wrong."

This ancient proverb, said to have originated in China, comes to my mind as I read the furious outbursts of the Indian press against the United States and President Johnson. The Indian Prime Minister, Lal Shastri, has also let it be known that he feels nothing but "growing anger" toward L.B.J. Shastri says he won't come to the United States this year even if invited, and that "it will be a long time" before the "damage" to United States-Indian relations is repaired. The impression is given that this "damage" to United States-Indian relations has been caused by President Johnson and nobody else.

Why? Because President Johnson last week postponed, rather abruptly, the official visit which Prime Minister Shastri was about to pay to Washington. Nobody in India seems to be asking the question, what was the real reason for the postponement of this visit, or whether or not Shastri had anything to do with it.

HE TALKS OUT OF TURN

The truth is that Shastri made the visit impossible himself. In the last few weeks and on many public occasions Shastri has openly critized U.S. policy in Vietnam. In particular he insisted that the U.S. bombing raids on Communist targets in North Vietnam should be stopped immediately—to create an "atmosphere of peace."

But why shouldn't we allow foreign critics of our policies to visit Washington?

We should, of course, otherwise Washington would be a very dull place indeed. We should always be ready to listen—and listen carefully—to foreign critics of our policies. But there is a world of difference between friendly constructive criticism and a public "stab in the back" at a particularly difficult stage of the war in Vietnam.

U.S. HOLDS FORT FOR DECADE

Prime Minister Shastri should have presented all his critical points personally and privately to President Johnson. He had no business in making public speeches asking that U.S. bombing raids should be stopped. The United States has been holding the fort in Vietnam for 10 years—and this has been done at the request of a friendly Asian government.

India hasn't helped much in this difficult U.S. endeavor, and that's India's business. But as India pretends to be a friend and depends for economic assistance and military protection entirely upon the United States, she has the duty to observe a certain international decency and not kick us in the teeth, publicly, at every opportunity.

NEUTRALISTS SHOW ARROGANCE

It is, of course, true that we are at least partly to blame for this strange Indian attitude. For some 20 years now we have bent ourselves backward to be nice to all and sundry and to be especially generous to arrogant neutralists who love our money and hate our policies.

India, in particular, whose economic solvency and military protection depend wholly on the United States, has proved very tactless and even cruel in denouncing basic U.S. foreign policy positions at very critical moments. And the United States has never protested or complained.

Mr. Johnson's postponement of Prime Minister Shastri's visit tends to introduce a certain sense or proportion in United States-India relations. That's why it is a most welcome and encouraging development. It is bound to benefit the United States and, eventually, India as well.

DEATH OF FORMER SENATOR OREN E. LONG OF HAWAII

Mr. FONG. Mr. President, today, the Nation, and my State in particular, mourn the loss of an outstanding adopted son of Hawaii—one whom I am proud to call a friend and one with whom it was my privilege to serve in this body as the first U.S. Senators of the 50th and newest State in the Union—our former colleague Oren E. Long, now at rest following a lifetime of dedicated public service.

When he retired from the Senate in 1963, Oren Long had spent 45 years in the service of his fellow man—as an educator, as a Government administrator, and as a legislator in both the Territory of Hawaii Senate and the U.S. Senate.

Though he retired from the Senate in 1963, Oren Long did not retire from public life. He continued to serve this Nation and the State of Hawaii as a member of the U.S. South Pacific Commission and also as chairman of the Hawaii Higher Education Facilities Committee, which was created to administer the Federal Higher Education Facilities Construction Act.

Not only Hawaii, but also our entire country is poorer because of the passing of this fine, outstanding citizen, who was an untiring force for good government and the brotherhood of man.

Nearly 6 years ago, on August 24, 1959, Oren Long and I, side by side, took the oath of office as U.S. Senators—the first Senators from the new State of Hawaii.

We shared the deep thrill of that moment which brought the fact of statehood home to both of us. The dream of statehood that the people of Hawaii had nurtured for more than half a century, and for which Oren and I and so many citizens of Hawaii had labored so long, had at last come true.

I know Oren Long shared with me a deep sense of humility along with a great awareness of our responsibility to serve our State and our country to the best of our ability.

Until his term ended in January 1963, Oren Long and I worked hand in hand on many pressing matters involving the new State of Hawaii. Together we served on the Interior and Insular Affairs Committee, where we devoted hours upon end to the exacting task of devising legislation amending 54 sections of Federal laws to effect Hawaii's transition from territory to State. We served together also on the Public Works Committee, where we were able to have Hawaii included in the provisions of the Defense Highway Act and to obtain approval of many needed projects for Hawaii.

Together we labored to persuade Congress to establish in Hawaii a Center of Cultural and Technical Interchange Between East and West. With the help of many friends in Congress, we were successful in 1960. The East-West Center was promptly built and it is already making significant contributions to mutual understanding among peoples of the Asia and Pacific region.

Success also crowned our cooperative efforts to obtain funds for the University of Hawaii in lieu of a land grant under the Morrill Act so as to strengthen higher education for young people from the islands and from out-of-State.

Oren Long and I joined forces to obtain authorization and funds for a breakwater to protect the city of Hilo on our largest island, Hawaii, from tidal waves which, in two devastating strikes, killed more than 220 persons. Again, with the help of our sympathetic colleagues in Congress, we were successful.

We both pressed for an irrigation project on the island of Molokai to turn desert land into fertile fields in the hope that some day Molokai might become the breadbasket of our State, which now is forced to import two-thirds of the food we consume.

These are only a few of our many cooperative endeavors in behalf of our State. Although we belonged to different political parties, I am happy to report that no thought of petty partisanship interferred when the serious affairs of our State were at stake.

That we attained such a fine working relationship attests in large measure to the serene and unimpeachable integrity of Oren Long and to his mellow wisdom and perspective born of his wide experience.

An educator by profession, Oren Long rose through the ranks of his chosen field after receiving his bachelor of arts degree from Johnson College, Tenn.; his master's degree in English and American history at the University of Michigan in 1916; and his master's degree in administration from Columbia University in 1922. While working on his advanced degrees, he was a high school teacher and, in due time, became principal.

During these years of education and training, Oren Long showed discerning judgment by marrying Miss Geneva Rule, of Knoxville, a capable teacher in her own right, who has been a never-failing source of encouragement and inspiration to him throughout his career. On their wedding day, Oren and Geneva Long departed for the Territory of Hawaii, little realizing that someday Hawaii would be a State and that Oren would be chosen by its people to represent them in Congress.

Since 1917, Oren Long has served in a number of posts. He was deputy superintendent of public instruction for the islands from 1925 to 1934 and then was named superintendent of public instruction, in which post he served with great distinction until 1946, when the President appointed him Secretary of Hawaii.

In 1951, President Truman selected Oren Long to be Governor of Hawaii. At that time, I was serving as speaker of Hawaii's house of representatives. I was privileged to work closely with Oren Long in the affairs of our territory for about 2 years until February 1953 when a change of administration in Washington resulted in a new Governor for Hawaii.

On leaving the governorship, Oren Long engaged in an active campaign for statehood for Hawaii, serving as member and vice chairman of the Statehood Commission from 1954 to 1956.

In the latter year, Oren ran for elective office and won a seat in the territorial senate, in which he served until 1959. On July 28, 1959, Oren Long was elected a U.S. Senator.

An adopted son of Hawaii, Oren Long endeared himself to the native-born sons and daughters of the islands. Countless numbers of our children are better educated because of Oren Long's sound and enlightened leadership of our school system. They are also better citizens because of Oren Long and his belief that, "understanding and tolerance and a willingness to work together do not constitute an ideal, but rather, a necessity."

Kansas born, Oren Long also earned the gratitude of the people for Hawaii for his efficient administration as Governor, his record of steady progress, and his constant efforts toward full statehood for us. As the Honolulu Advertiser, one of the Hawaii fine daily newspapers, stated in an editorial:

> His guiding light has been a deep sense of history and an abiding faith in the essential wisdom of an informed electorate.

Another fine daily newspaper in Hawaii, the Honolulu Star-Bulletin, accurately observed:

> Senator Long carries with him into retirement the respect and affection of his friends on both sides of the political aisle.

A measure of the widespread esteem for Oren Long is the action of the Hawaii House of Representatives in 1962 when it adopted a resolution offering felicitations to him on his 73d birthday.

On his 75th birthday on March 4, 1964, friends honored Oren Long at a banquet attended by thousands at the Hilton Hawaiian Village.

It is not ability alone that endeared Oren Long to Hawaii. He won a permanent place in our hearts with his pleasing personal attributes, his gentle, kindly manner, his exemplary life, his quiet perseverance—which qualities proved to be so effective. A veteran of the political arena, he showed none of the scars or bitterness of battle. He remained constantly good natured and affable. He was indeed a credit to Hawaii, to Congress, and to all America.

All Hawaii mourns his passing. My wife Ellyn and I express our heartfelt condolences and deepest sympathy to his bereaved wife and companion, Geneva, and to other members of his family.

Mr. FONG. I yield now to my colleague from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. President, tomorrow, I am taking a sad journey to Hawaii to pay my last respects to Hawaii's first Senator, and Hawaii's most distinguished public servant, the Honorable Oren E. Long, who passed away today.

Senator Long was truly Hawaii's first citizen. Pages in his life's history cover nearly five decades of dedicated, unselfish, and honest public service. He served Hawaii's people first as a social worker, then as a school teacher, a school principal, the director of public welfare, the superintendent of public instruction, the secretary of the Territory of Hawaii, the Governor of the Territory of Hawaii, and as a member of the territorial legislature. In 1959, the people of Hawaii, in appreciation of his great public service and in recognition of his immense store of talent and integrity, elected him as one of our first U.S. Senators to serve the new State of Hawaii.

Hawaii will long remember Oren E. Long. Today is a sad day for all of us in Hawaii. Hawaii has lost a kindly gentleman. Hawaii has lost a leader, and I think all of us have lost a great friend of whom Lawrence Fuchs has written in his book, "Hawaii Pono":

> He supported * * * and favored progressive legislation to improve the health, welfare, and education of Hawaii's people * * *. He neither patronized nor disparaged any of Hawaii's racial groups * * *. He worked behind the scenes to further Hawaii's educational system, supporting such dynamic teachers as Miles Cary and visiting parent-teacher groups throughout the islands * * *. In many of his appointments * * * and in

his legislative proposals, he revealed his lifelong interest in extending opportunity to the underdog.

We shall all miss this good and gallant gentleman.

Mr. CARLSON. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield now to the Senator from Kansas.

Mr. CARLSON. Mr. President, Oren Long was born in Kansas. He spent his early years and received his education in our State. He still has many acquaintances and ties with friends remaining in Kansas.

Oren Long had a sweet character, and he was a person one enjoyed being with. Mrs. Carlson and I enjoyed his being in the U.S. Senate.

I shall always remember the interesting comment of a Kansan who went out to the Hawaiian Islands and received the privilege of serving as Governor and later a U.S. Senator. He remarked on one occasion that as an educator he started educating young people from their youth and kept an interest in them through college, and he knew practically all of them by their first names.

He was a great educator and a great Senator and a great person. Mrs. Carlson and I wish to express to Mrs. Long our deepest sorrow.

Mr. BARTLETT. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield to the Senator from Alaska.

Mr. BARTLETT. Mr. President, I grieve at the loss of Oren Long. He was a kind man. He was a gentle man. He was an effective man. He did a great deal for the State and the Nation which he served. He had many friends. He was an educator. He loved people. He did many good things for the Territory and the State of Hawaii, and the people honored him in recognition of his work for them. He had a distinguished career in the islands, the paradise of the Pacific, and he had a distinguished career in the U.S. Senate.

He was a wonderful friend. Mrs. Bartlett and I treasured the friendship of Senator Long and his wife. Our deepest sympathy goes out to her.

Mr. HOLLAND. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield now to the Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. President, my acquaintance with the late Governor and Senator Oren Long began when he came to the Senate and to the Congress as a member, or perhaps as chairman, of the committee which was sponsoring statehood for Hawaii, our 50th State. I remember having numerous conferences with him. He learned early in his stay here that I favored statehood for Hawaii.

I remember that he threw himself with all possible vigor into that campaign. He used to sit in one of the seats in the gallery that look down on the Senate floor. I remember looking up and seeing him peering with his scholarly face over the edge of the balustrade, wondering, I suppose, whether he was going to be able to succeed in the effort which he and his predecessors were making which ended in statehood for Hawaii.

He was one of the gentlest, most gracious, most likable persons I ever met. He always carried with him the demeanor of a schoolmaster, but not in any disagreeable way. He was always kind and friendly to those with whom he came in contact. He served with distinction as one of the first two Senators from Hawaii, along with my friend the present senior Senator from Hawaii.

I am deeply saddened to hear of his death today. Mrs. Holland and I extend our warm sympathy to Mrs. Long.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FONG. I yield now to the Senator from Idaho.

Mr. CHURCH. Mr. President, I wish, first of all, to express my sense of loss and sorrow at hearing the news of the passing of Oren Long, who was a man of many faceted accomplishments. His life was one in which a man could take just pride.

Through his years he was a teacher, an administrator, a public servant, and through it all a kindly and considerate gentleman.

I first met Oren Long in 1947 when, as a college student, I had an opportunity to travel to Hawaii to debate the question of statehood. From that moment onward, he was a friend.

When the opportunity again came in later years to renew the friendship, after he had come to the U.S. Senate as one of the first Senators to represent the 50th State of Hawaii, he had added many laurels to his long list of accomplishments. He had served as Governor. He had been one of the principal architects in bringing about the successful enactment of the statehood bill.

Finally, he had come, in just reward, to Washington as a U.S. Senator.

It is said that Thomas Jefferson, when asked about an epitaph, thought of three of his greatest accomplishments, the first being that of the founder of the University of Virginia, the second being that of author of the Declaration of Independence, and the third being that of serving as President of the United States.

When I think of the life of Oren Long, it seems to me that perhaps his service in the field of public education and his long association with young people might have been regarded, in his own estimate, as the service that was most rewarding of all.

He was a great citizen and a noble public servant.

I am deeply grieved to learn of his passing. My wife, Bethine, and I extend to his widow our deepest sympathy.

Mr. THURMOND. Mr. President, will the Senator from Hawaii yield to me?

Mr. FONG. I yield now to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I was indeed sorry to learn of the passing of former U.S. Senator Oren Long, of Hawaii. I had the pleasure of serving in the Senate with Senator Long. I found him to be a man of the most exemplary character, high principles, and integrity.

He will be missed by all.

He was a member of our Wednesday morning breakfast prayer group. I looked forward to seeing him there. He was present almost every Wednesday.

He stood for principles which I think could well be emulated by young people throughout the land.

Senator Long was not only an educator, but he set an example for all the people of our country.

I am indeed sorry to learn of his passing, and extend to Mrs. Long my deepest sympathy.

Mr. FONG. Mr. President, again I wish to say that the Nation and Hawaii have lost a great citizen.

I thank my distinguished colleagues for their fine tributes to the late Oren E. Long. I know that Mrs. Long and all Hawaii will appreciate very much the appropriate, excellent, and gracious remarks which were spoken on the floor of the Senate today.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Mr. EASTLAND. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield, without losing his right to the floor?

Mr. EASTLAND. I am happy to yield.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanmious consent that the Journal be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Mr. EASTLAND. Mr. President, this bill reduces the Southern States to the status of second-class statehood by depriving them of their right to set voting qualifications; by denying them access to their local courts; by giving the Attorney General veto power over their legislative acts; by transferring the administration of voting registration from their duly elected county officials to politically appointed Federal registrars; by allowing Federal poll watchers to interfere with the orderly conduct of their elections; and by preventing the certification of their election returns pending determination of federally instituted election contests. This bill is the worst kind of tyranny. This bill and the civil rights bill passed last year are the most far-reaching acts in the history of this country. These bills are designed to destroy the culture and the civilization of a great people. They are designed to hamper, hamstring, and destroy the right to a job, to those best qualified, and to hamper and destroy the operation of business and commerce and the ownership of property. There has never been a step which goes further toward the destruction of this country than this voting rights bill.

The people in the States and counties involved will become second-rate citizens. Deprived of the control of their institutions—deprived of the rights to which every American citizen is entitled—deprived of the protection of their Constitution. This bill is a vicious, punitive measure aimed at the destruction of southern people because southern people have stood foursquare and resolute in defense of their country, their Government, and the principles which built the United States and made her the greatest country upon which the sun ever shone.

Mr. President, some say the bill furthers democracy. The cold facts are that we are watching the sun set on human liberty and individual freedom in this country.

Mr. President, I am wholly and completely opposed to the enactment of S. 1564 in its entirety or in any single one of its parts. In the long history of the Senate, I do not believe any one piece of legislation has been introduced that had more unconstitutional features encompassed in 18-odd pages of print than does this presently proposed legislation.

The new amendment in the nature of a substitute, offered jointly by the distinguished majority and minority leaders, does little or nothing to make this proposed legislation more acceptable or more in line with the Constitution. It does, however, recognize the fact that the abolition of the poll tax as a prerequisite to voting in State or local elections should not be attempted by congressional act, and the new language leaves open this question for judicial determination. By and large, the new substitute adds to the confusion and complication that surrounds the bill.

Pursuant to the order of the Senate, agreed to March 18, 1965, S. 1564, with amendments in the nature of a substitute, was reported close to midnight on April 9, without recommendation. The short and terse language of the report wholly and completely fails to inform this body of the absolute impossibility of performing the statutory function of a congressional committee when the committee is forced to operate under instructions that require action in a shorter period of time than is humanly possible to perform the assigned task. As previously stated on the floor, both by proponents and opponents of the bill, S. 1564 in the language in which it was introduced is an intricate and complicated bill. In a sense it plows new ground—ground involving grave constitutional questions that have never before been considered by the Congress of the United States. It was cosponsored by 66 Senators and, with deference to my colleagues, I seriously doubt whether a handful of them had even read completely the language of the proposed legislation, much less attempted to digest and understand it, at the time it was introduced. Yet, without fully realizing the content, it was arbitrarily referred on March 18 to the Judiciary Committee, with orders to report back to the Senate on or before April 9.

Let me add that the President of the United States had promised to send forward to Congress civil rights legislation for many weeks before a bill was received. On the day that he appeared to deliver a joint message to the Congress, the text of the bill had not been prepared or agreed upon. The evidence is clear that this was due to the difficulty in attempting to surmount the constitutional barriers that were inherent in an effort to transgress on the reserved rights of the States and the people in areas where no delegation of power had been given by the Constitution to the Federal Government.

As I recall the testimony of the Attorney General, the final draft of what became S. 1564 was completed and agreed upon only 15 minutes before it was rushed to Capitol Hill and introduced in the House of Representatives as H.R. 6400. That date was March 16, and the House Committee on the Judiciary immediately scheduled hearings which commenced the day following. The House committee has conscientiously met and considered the bill, but it is still before the committee, and there is no present indication as to when it will be reported to the House of Representatives.

The Senate Judiciary Committee, operating under the mandate of the Senate, conducted public hearings on March 23, 24, 25, 29, 30, and 31 and April 1, 2, and 5. These were not bobtailed sessions. Every hearing started early in the morning and continued into the late afternoon. The testimony taken and exhibits offered now appear in 2 volumes containing over 1,500 pages of fine printed matter. However, it was utterly impossible for the committee to hear but a fraction of the witnesses, or obtain but a small portion of the evidence that would have been necessary to thoroughly understand the terms and implications of the bill. Only the Attorney General of the United States, the Director of the Bureau of the Census, and the Chairman of the Civil Services Commission, all of whom have delegated functions to perform under the terms of the proposed legislation, appeared on behalf of the proponents. The only public witnesses heard in opposition to S. 1564 were representatives of five of the six States which the Attorney General says are included within the terms of the proposed legislation. The bobtailed hearings raised many grave and fundamental constitutional questions which were directed solely and alone to the provisions of S. 1564 as introduced, a bill which covered slightly more than 10 bill pages.

The committee then went into executive session, and long and arduous sessions were held on April 6, 7, 8, and 9, considering the bill. What bill? Not the bill as introduced. Not the bill about which thousands upon thousands of words of testimony had been taken and additional hundreds of thousands of words had not been heard, but the executive sessions took up a substitute bill. The substitute revised in great detail and particularly many of the sections of the bill as introduced, and also contained new provisions which were wholly outside the scope and contemplation of those contained in the original bill. Then, in executive session, the substitute was "revised" and "clarified" by so-called revisions to substitute, which contained no less than 23 revisions of greater or lesser degree, many of which, in my judgment, are not revisions or clarifications at all, but major changes in the substantive language of the substitute. Then, both preceding and following consideration of revisions of the substitute, there were manifold amendments offered and adopted to the substitute. Some of these might be designated as "Attorney General amendments." Others were suggested by one or another member of the committee. If my arithmetic is correct, one of the sponsors of the bill offered, explained, and had voted upon, either by a rollcall vote or a show of hands, 26 separate amendments, all of which were promptly rejected. Even the sponsors of the original bill and the substitute bill now cry out that some of the amendments that were offered and adopted in executive session jeopardize the constitutionality of the entire bill. The distinguished minority leader, the primary architect of the substitute, and one of the architects of the original bill, admitted on the floor that the legislation was difficult and complicated and that the work of the committee had been arduous and faithful in trying to meet the time limitation set by the Senate. This bill was constructed like a jigsaw puzzle as class legislation. While utilizing language which is vague and general in terms, it was adroitly devised to give awesome power and discretion to the Attorney General of the United States to be applied only in those instances and in those areas where the Attorney General makes what amounts to a judicial determination that the bill shall apply.

In one colloquy which took place during the course of the hearings, the bill was characterized as "legislative lynch law." The mob lynched those people whom it considered so patently guilty of an offense that there was no need for a court trial and sentence. This legislation charges that a handful of Southern States are so guilty of certain alleged offenses that they are not entitled to a trial and verdict by a court, but that the Attorney General is justified in arbitrarily meting out punishment in his own discretion and to the extent which he thinks necessary.

It is a sad day in the history of this country, Mr. President, when a situation such as this is brought about by those who seek to intimidate both the people and the Congress by unlawful and lawless demonstrations and marches, demonstrations designed to play upon both the fears and sympathy of the people who are not present in these southern areas and who do not know and appreciate the extent to which outside agitators are deliberately creating situations and crises. They are roiling the waters of tranquillity for the deliberate purpose of dividing and setting at odds large segments of the populations of towns, cities, counties, and States throughout the South, and also in the North where there is a large concentration of Negro population.

It is a tragic circumstance that with headlong and heedless haste Congress is being stampeded into the enactment of vicious, punitive legislation which, while today it is directed solely as a lash and goad against a handful of the white people—and also the Negro people—in what are called the hard core Southern States, will ultimately result in the absolute destruction and annihilation of the constitutional liberties of all the people of the United States, regardless of the area in which they may live.

Mr. President, I ask unanimous consent that my remarks today be not counted as one speech against the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RABBI JOACHIM PRINZ

Mr. TYDINGS. Mr. President, the Senate was honored today by the presence of Rabbi Joachim Prinz, who delivered the opening prayer.

Rabbi Prinz, spiritual leader of Temple B'Nai Abraham, of Newark, N.J., is the national president of the American Jewish Congress and of the national conference of presidents of major American Jewish organizations. He was a former rabbi in Berlin, Germany, where his outspoken criticisms of Hitler resulted in his repeated arrests by the Nazis before his expulsion from Germany in 1937. Rabbi Prinz is an outstanding leader in the United States in the fight against racism and bigotry.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to come before the Senate, I move, under the order previously entered, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 48 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, May 7, 1965, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Joseph Baranowski: One of Nation's 12 Outstanding Physical Fitness Leaders of 1964

EXTENSION OF REMARKS

OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. BRADEMAS. Mr. Speaker, it is with a great deal of pride that I salute Joseph Lewis Baranowski of Mishawaka, Ind., in my congressional district, on his selection as one of the Nation's 12 Outstanding Physical Fitness Leaders of 1964.

The 12 winners were honored this week in Washington, D.C., by the U.S. Junior Chamber of Commerce. They were selected from hundreds of candidates from 44 States.

The purpose of the national award, which was initiated at the suggestion of the President's Council on Physical Fitness, is to "honor individuals who contribute much but receive little of the publicity going to championship athletes and bigtime football coaches."

Twenty-five years ago Joe Baranowski organized the Indiana Independent Athletic Association to give the youth of Mishawaka an opportunity to participate in sports. The activities of the IIAA include summer softball, winter basketball leagues, bowling, and golf.

Particularly noteworthy is the fact that Joe Baranowski's longtime efforts on behalf of the youth of his city were not performed as a part of his regular occupation but on a volunteer basis. Mr. Baranowski works as a plant guard at the Dodge Manufacturing Corp., Mishawaka.

The occasions are few in which we give recognition to our Nation's private citizens who devote their time, efforts and money on behalf of their fellow citizens. I am pleased that the Jaycees have seen fit to do so. It is also fitting that Joe Baranowski should receive the recognition and gratitude that he so well deserves.

Dr. Gilbert Klaperman

EXTENSION OF REMARKS

OF

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. TENZER. Mr. Speaker, I listen with reverence to our opening prayer each day. Today I had the honor of hearing my own spiritual leader, Dr. Gilbert Klaperman, rabbi of Congregation Beth Sholom, Lawrence, Long Island, N.Y. Our guest chaplain today served during World War II as chaplain in the Canadian Army with the reserve rank of captain. Ordained by the Rabbi Isaac Elchanan Theological Seminary in 1941, he received his B.A., and doctoral degree at Yeshiva University and his M.A. at the State University of Iowa.

Rabbi Klaperman is president of the National Jewish Book Council, vice president of the New York Board of Rabbis, assistant professor of sociology at Yeshiva University, vice president of the Hadoar, chaplain at the Nassau County Jail, and active in many Jewish and civic organizations.

Previously, Dr. Klaperman taught comparative religion, history, Bible, ethics and related courses at the State University of Iowa and Talmud at the Teachers Institute of Yeshiva University. He was the director of the B'nai B'rith Hillel Foundation of Queens University in Kingston, Ontario; at the State University of Iowa and Iowa State College in Iowa; The Citadel at Charleston, S.C. and at Clemson College in Clemson, S.C.

Rabbi Klaperman served in pulpits at Charleston, S.C.; West New York and Kingston, Ontario, prior to coming to Lawrence.

He is listed in "Who's Who in Religion," "Who's Who in World Jewry," "Who's Who in the East," and "Who's Who in American Colleges and Universities," and is a past president of Yeshiva College Alumni Organization and past national secretary of the Rabbinical Council of America.

Rabbi Klaperman has contributed extensively to "Jewish Life," "Opinion, Horizon," "Jewish Spectator" and the "American Educator Encyclopedia," is the author of a definitive history of Yeshiva University and coauthor with his wife of a four-volume history of the Jewish people.

Rabbi Klaperman has traveled extensively and was a member of the five-man delegation of the Rabbinical Council of America that conducted a 7-week factfinding mission in Russian and other countries behind the Iron Curtain in 1956.

Mr. Speaker, I wanted my colleagues to know about my spiritual leader, so they would better understand my pride and happiness today.

Results of a Public Opinion Poll

EXTENSION OF REMARKS

OF

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. MARTIN of Nebraska. Mr. Speaker, listed below are the results of the questionnaire mailed out to 100,000 people about 6 weeks ago. Results have been most gratifying as we have had a return of over 15,000.

One of the most significant results is the answer to question No. 4, if you favor the medicare bill tied in with social security. A resounding "No" was given to this question as 86.6 percent of our replies voted "No" and only 7.7 percent in favor.

Question No. 2, which asked if you approve of the present $3.5 billion a year foreign aid program, was also included in my 1964 questionnaire. It is interesting to note that the percentages are approximately the same in both years. This year, 8.6 percent approved; 79.7 percent disapproved; and 12.5 percent were not sure. Last year, in answer to the same question, 8.6 percent approved; 81 percent disapproved; and 10.5 percent were not sure.

Nebraskans continue to want to solve their problems either through individual initiative or at the State or local level. Two-thirds do not approve of the Federal-aid-to-education bill recently passed by the Congress and 73 percent opposed doubling the appropriation to carry on the antipoverty program for the coming fiscal year.

It is interesting to note that 72.6 percent favor only 7.3 percent opposed my bill H.R. 333 which would amend the Sherman Anti-Trust Act and bring the labor unions under its provisions, and 20 percent were not sure.

One of the least conclusive replies is in regard to the agriculture programs as the percentage of "Not sure" votes was so large that it did not give a clear picture. No separate returns were compiled from nonfarmers so it is difficult to properly analyze the answers to questions No. 1.

The results of the questionnaire follow:

	Percent		
	Yes	No	Not sure
1. In his inaugural message, President Johnson indicated that he would recommend extension of the present wheat and feed grains legislation.			
(a) Do you favor this type of program?	23.4	34.1	42.5
(b) Do you favor the same basic support price ($1.30 per bushel) for wheat plus an increased certificate payment?	18.4	34.6	47.0
(c) Do you favor an increase in the basic support price in both wheat and feed grains?	28.8	31.9	39.3
(d) Do you favor a land retirement program attached to soil conservation?	31.8	30.7	37.5
2. President Johnson has recommended $3,500,000,000 to carry on the foreign aid program next year. Do you approve?	8.4	79.1	12.5
3. Do you favor my bill, H.R. 333, which would amend the Sherman Anti-Trust Act and bring labor unions under its provisions?	72.6	7.3	20.1
4. Do you favor the King-Anderson medicare bill for people 65 years of age or over, which would be compulsory, tied in with social security, and paid for by increased social security taxes on both the employee and employer?	7.7	86.6	5.7
5. Do you favor an "eldercare" bill for senior citizens, administered by the States, on a matching basis, which would be voluntary and handled through private insurance companies?	70.3	16.3	13.4
6. The President has recommended doubling the expenditure in the coming fiscal year for the antipoverty program to approximately $2,000,000,000 per year. Do you approve?	14.5	73.7	11.8
7. Do you approve of the bill which I have introduced, H.R. 4502, to allow parents who have children in college or university an additional $1,000 tax exemption per year for each student?	76.6	15.5	7.9
8. Do you approve of the aid-to-education bill, currently before the Congress, which would give assistance to both public and private schools at the secondary and elementary school levels at an estimated cost of $1,200,000,000 for the 1st year?	19.9	65.5	14.6
9. In regard to the present war in Vietnam, in which the United States is currently engaged to the extent of approximately 25,000 American troops plus planes and equipment, do you—			
(a) Approve of the manner in which this is being handled?	12.7	51.7	35.6
(b) Favor withdrawing of American military aid from Vietnam?	20.9	40.3	38.8
(c) Favor increasing military aid and stepping up our involvement in this war?	34.6	23.1	42.3
10. Do you favor repeal of sec. 14(b) of the Taft-Hartley law which would nullify the right-to-work law now in effect in Nebraska and 18 other States?	10.0	65.6	24.4
11. Do you favor removal of excise taxes on cosmetics, luggage, handbags, furs, jewelry, etc., as the Republican House Members tried to get passed last year?	38.7	49.4	11.9
12. Do you favor amendments to the Fair Labor Standards Act which would—			
(a) Increase minimum wage from the present $1.25 per hour?	26.2	60.5	13.3
(b) Provide for double time for over 40 hours per week?	17.8	68.7	13.5
(c) Reduce the workweek from 40 to 35 hours?	7.2	80.3	12.5
13. Do you favor a constitutional amendment which would increase the term for House Members from 2 to 4 years with one-half of the House membership up for election every 2 years?	54.4	27.1	18.5

Hero Medal for Ronald Sands, Jr.

EXTENSION OF REMARKS

OF

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. RHODES of Pennsylvania. Mr. Speaker, President Lyndon B. Johnson has presented one of the coveted American Automobile Association Gold Lifesaver Medals to Ronald Charles Sands, Jr. He is a 12-year-old student at Ontelaunee Elementary School in Leesport, in the Sixth Congressional District of Pennsylvania, which I am honored to represent. Ronald was one of the Nation's 13 school safety patrol youngsters to receive the award for having saved the lives of schoolmates in traffic incidents.

The ceremony was held on Thursday, May 6, at the White House. It is the fourth consecutive year that the Lifesaver Medal, the highest award in the safety patrol movement, has been presented by the President of the United States. Ronald was accompanied to the White House by his mother, Mrs. Jacquelyn Sands; Stanley A. Prey, supervising principal of Schuylkill Valley joint school system; Mrs. Prey; Frank B. Sylvester, director of school safety education for the Reading Automobile Club; Robert R. Gerhart, Jr., club public relations director; Mrs. Margie S. Rhodes, and Mrs. Kathryn S. Wolford.

The event precedes by 2 days the 29th national school safety patrol parade on Washington's Constitution Avenue, Saturday, May 8. More than 22,000 youngsters from 21 States and the District of Columbia will march in tribute to the Nation's 850,000 safety patrol members. Berks County high school bands from Reading, Woodrow Wilson, and Boyertown will participate.

Later the same day, the 13 young heroes, 2 girls and 11 boys, visited the office of J. Edgar Hoover, Director of the Federal Bureau of Investigation, to present to the veteran G-man a plaque naming him "an honorary member of the school safety patrols."

Today, when much is heard about juvenile delinquency, it is good to know that there are many brave young people of whom we can be proud. I would like to take this opportunity to relate the heroic and self-sacrificing effort which earned Ronald the gold Lifesaver Medal.

As Ronald was waiting with a group of children, April 30, 1964, at a schoolbus stop on rural Route 61 near Leesport, Pa., a large truck passed the approaching bus on a curve and began to skid on the wet highway. The skid brought the truck onto the road shoulder with several mailboxes and the children in its path. Ronald, realizing the imminent danger, turned around and pushed his small sister, Susan, and several other children back toward the bus shelter. Ronald's prompt action prevented injury to the youngsters both from the broken mailboxes flying through the air and the skidding truck.

Weirton Steel Co. Commended for Its Program of Air and Water Pollution Control—Senator Randolph Participates in Dedication of New Equipment

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 6, 1965

Mr. RANDOLPH. Mr. President, on Friday, April 30, 1965, a remote control switch activating a huge electrostatic precipitator at the Weirton Steel operation of National Steel Corp. was formally placed in service. This facility was installed to control air pollution from the open-hearth furnaces in Weirton, W. Va. As a member of the Senate Special Subcommittee on Air and Water Pollution, it was my privilege and responsibility to participate. The switch was thrown, the button was pressed, then came the satisfaction of seeing the red-brown plumes of smoke billowing from these open-hearth furnace stacks transformed within 2 minutes into clean air, leaving the precipitator stack.

State of West Virginia officials and National Steel Corp. executives present were aware that far more than a simple action of that moment was associated with this undertaking. Members of the West Virginia Air Pollution Control Commission, State Agriculture Commissioner Gus R. Douglas, and Samuel Kusic, representing an active State air pollution control body; Mr. C. G. Tournay, president of Weirton Steel Co., and his staff, representing an enlightened industrial management; and several million dollars, representing the cost of this facility; all working together were necessary to achieve this transformation. Let the record reflect, Mr. President, that when these basic ingredients are present, air and stream pollution problems, no matter how complex, can and are being solved at the State and local levels of government. These factors are effective in West Virginia. Other State and local officials at this significant ceremony were State Senators Chester R. Hubbard and William Tompos of the First District; members of the house of delegates, George G. Griffith and George Di Tokash of Hancock County; and Mayor Frank A. Rybka, of Weirton.

Prior to the ceremony, Weirton Steel officials explained in some detail to these guests, the full extent of their current air and stream pollution control progress. They discussed their new "mill of the future," under construction, consisting of a 300-ton basic oxygen process, a vacuum degassing unit and a continuous casting installation. For the first time in this country, these three units will function in unison to make a superior steel product; thus the name, "Mill of the Future." These facilities require large amounts of water for cooling, scale removal and dust collection—over 50 million gallons of water per day. The water treatment facilities planned by Weirton Steel will fit their name for this "Mill of the Future." They will recirculate 90 percent of this water through complex filters, oil and scale basins, clarifiers, and finally, polishing pressure filters. As water is returned to the Ohio River, it will meet the most stringent requirements for water quality.

Before the basic oxygen process effluent is released to the atmosphere, this air will be washed in a wet scrubber and another clean stack will mark the Weirton horizon, all of this at a cost of many millions of dollars.

The company management also discussed with us a new sulfuric acid disposal facility to completely eliminate the discharge of waste sulfuric pickling acid into the Ohio River. This installation, on which operating costs equal $1,000 per day, will collect and neutralize all sulfuric acid wastes from the Weirton Steel plant. At the same time, there is a complete remodeling of the cold rolling tandem mills to recirculate rolling solutions and install oil collection and removal basins to prevent rolling oils from entering the Ohio River. These installations represent current projects to reduce air and stream pollution at Weirton. Much more has been done and much more will be done. National Steel officials told me during this visit, that their current budget commitments at Weirton Steel for control of air and stream pollution equaled approximately $10 million. This has been committed by an industrial company working with local and State officials with no involvement of Federal authorities.

The Weirton Steel plant occupies a significant place in the economic, social, and civic life of the northern section of our State, where it employs almost 13,000 persons. Leadership in many aspects of civic affairs is exercised by company personnel, and it is noteworthy, in this respect, that the former president of Weirton Steel, the Honorable Tom Millsop, served as a mayor of that city and was responsible for much community progress and a strong sense of community purpose.

If all industrial management officials were as progressive and as civic minded as are those of the Weirton Steel, and if all State and local officials were as conscious of their responsibilities in the field of pollution control as are those now serving in West Virginia, the Congress would perhaps not need to act on Federal standards for air and water quality.

As legislators we must recognize that these large expenditures for cleaning our air and water and for the beautification of America do not result in any financial return to industry. On the contrary, they result in substantial costs.

As legislators, therefore, in addition to enacting abatement legislation based on enforcement authority, we should create an effective incentive for the continuation, acceleration, and expansion of abatement projects constructed at the initiative of industry. We can do so by supporting legislation that will give tax recognition to amounts expended by industry to improve the quality of air and water—our invaluable natural resources.

As I stated in my remarks at Wierton on April 30, it is my hope that the Congress will act during this session on legislation which would give to industry an accelerated writeoff of investments in pollution abatement equipment. As a cosponsor of S. 1670, which is now pending before the Senate Finance Committee, I believe that society as a whole should bear some of the cost of such equipment which is necessitated by the increasing industrialization of our country and the growing population density. For these reasons I shall press for early action on the Clean Air Act as well as legislation to bring some relief to those companies which seek to implement the goals of that legislation.

Hudson, Mass., Centennial

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein part of the remarks I recently made at the precentennial banquet for the town of Hudson, Mass., attended by a very large gathering of leaders and prominent citizens of that wonderful community.

I am anxious to compliment the committee in charge of this most impressive and memorable event which was so greatly appreciated by everyone in attendance and was indeed a very splendid beginning of the centennial observance to follow.

Hudson's centennial celebration will most assuredly be one of the very best.

Under the leadership of my good and esteemed friend, Mr. Anthony O'Malley, and his fine committee, its great success is already forecast.

The above mentioned follows:

REMARKS IN PART OF CONGRESSMAN PHILIP J. PHILBIN, PRECENTENNIAL BANQUET, HUDSON, MASS., MAY 1, 1965

Speaking at the precentennial banquet in Hudson last night, Congressman PHILIP J. PHILBIN, of Clinton, called for calmness, firmness, unity, and reasoned judgments in the current international crisis and declared that the American people must stand behind the President and our national policy of defending helpless peoples from Communist tyranny and safeguarding our own security.

If this Nation shows weakness in facing up now with resolution and strength to Communist aggression, the day may well come when we may have to face these dangers in San Francisco Bay or Boston Harbor rather than in Vietnam and the Dominican Republic.

This is not an imperialist nation, he said. We seek no territory or domination of others. We do not wish to control the affairs of other nations. But we cannot stand by idly while the Communist conspiracy perpetrates one attack after another upon poor, helpless, defenseless peoples, and moves with evil design and aggression to spread its powerful tentacles all over the earth, and we do not propose to do so.

At the same time, we actively seek peace with all nations, and we seek to establish permanent peace in the world, and we are ready and willing to negotiate for peace at any time that the Communists are willing to negotiate in honesty and good faith.

The peace we seek must be based on justice for all, and not on surrender to the selfish, territorial designs, threats and aggressive acts toward world domination of the Communist conspiracy.

The President of the United States is doing everything he can to propose and secure the peace, and at the same time, above all, to protect the freedom and security of this country, this hemisphere, and keep our commitments to freedom and security in the world so vital to our own.

It is a time for loyal Americans to stand behind him and strengthen his policy and his purpose, and it can be said to the great credit of this Nation that almost everyone in the Congress on a nonpartisan basis is following that course.

Let us hope and pray that through wise statesmanship, through our great strength and power, through our military might and economic resources, greater than any in history, or the world, and through the loyalty and devotion and spiritual courage of the American people, we will soon find a way to bring peace to the Nation and the world

I heartily congratulate the people of Hudson and their able, dedicated leaders upon this occasion, and this banquet meeting, which has been so delightful for all of us.

I am sure that it marks the start, a good and worthy start, of your centennial celebration. It also marks the beginning of a great deal of hard work on the part of those who are undertaking the preparations for this noteworthy event in the history of this wonderful community. But there are good heads, willing hands and open hearts to lighten your tasks.

Hudson is a town rich in all the best, most constructive virtues of America. It has an illustrious history. It has been distinguished time and time again, in peace and in war, in turmoil and in strife, and at every time in history for the lofty patriotism of its people, their unexcelled citizenship, their allegiance to the best values of America, the fervor of their spiritual beliefs and their unceasing labor for the fulfillment of the American dream.

Much more can be and will be said on that subject during the days of your celebration, but I want it to be noted tonight that there is no place in this country where there is greater loyalty, a finer spirit of civic responsibility or a more God-fearing, freedom-loving people devoted to American ideals and principles than in this beautiful Massachusetts town of Hudson.

I want you all to know how very proud I am of you, and this splendid American community of yours which in every sense has done so much to build up our beloved State and to make our country a better, healthier, more progressive, more prosperous, free and happy place in which to live, and how very grateful I am for your kindness, cooperation, and warm friendship and support which has done so much to help and encourage me in my difficult work.

I am sure that your anniversary observance, under the vigorous leadership you have here, will be most successful and inspiring, and I want you all to know that I am looking forward to cooperating with you in every way I can, to make it the most memorable occasion of its kind in the long, illustrious history of this great town.

Thank you, Mr. Toastmaster, and all of you, for giving me the high and happy privilege of being with you tonight.

International Executive Service Corps Underway

EXTENSION OF REMARKS

OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. BRADEMAS. Mr. Speaker, another significant step has been taken by American private enterprise with the help of the foreign aid program to promote economic development abroad. This month the newly formed International Executive Service Corps (IESC) signed its first country agreement to undertake projects to improve business and managerial techniques with Panama. President Marco A. Robles signed on behalf of Panama at the ceremony in the Presidential Palace, Panama City, and representing the IESC were David Rockefeller, chairman of the board, and Omer C. Lunsford, IESC representative in Panama.

The corps is a nonprofit, private corporation formed by leading American businessmen whose purpose is to recruit American business executives to work on a short-term basis with the private sector of the less-developed countries. The IESC hopes to relieve the shortage of skilled executives and management leadership which presently limits the growth of industrial enterprises in the developing countries.

The Agency for International Development encouraged the formation of the IESC and provided the initial planning and financial support to get it underway, although the direction and control comes wholly from the private sector.

The IESC has now initiated preliminary surveys or active projects in eight countries: Panama, Costa Rica, Peru, Colombia, Brazil, Taiwan, Iran, and Pakistan. In Panama, executives are at work on three projects, including assistance to a general engineering and aluminum manufacturing firm, and three more are under consideration. In Peru, where there is a meat shortage, an IESC executive is studying possibilities of marketing whale meat. In Colombia, another executive is working with a general construction company, and in Brazil IESC is preparing to cooperate in a program sponsored by the National Federation of Industries to increase the productivity of small businesses.

The great acceptance of the corps both at home and abroad is a credit to private American initiative in the economic development of less fortunate countries. It is also an important indication of the wider private involvement in the economic growth of aid recipient nations which is being strongly encouraged by our Government.

Anniversary of Israel Independence

EXTENSION OF REMARKS

OF

HON. BERNARD F. GRABOWSKI

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. GRABOWSKI. Mr. Speaker, today, the 6th of May 1965, presents me with the welcome opportunity to express my sincere congratulations to the courageous people of Israel on this, their 17th anniversary of independence.

For nearly two millenia after the destruction of their Second Temple by the armies of the Roman Empire, the Jews of the world were forced to look upon their ancient heritage as a purely spiritual matter. Never for a moment, however, was the dream of the return to Zion forgotten. The goal of once again establishing the independent State of Israel permeated the literature, the art and culture, the lives and, of course, the religion of the world's Jews.

In the latter part of the 19th century, due in large part to a new series of pogroms, a concerted drive to create a new homeland on the foundations of the old was begun. Called Zionism, after the hill in Jerusalem which bears that name, it soon attracted many notable adherents, as well as the support of a great number of Jews in countries the world over.

With the close of World War I, and the express support of the British Government as a result of the Balfour Declaration, immigration to Palestine by refugees from war-ravaged Europe increased markedly. Despite the desire of the Jewish community of Palestine for peaceful and fruitful cooperation with the Arab community, the irresponsible leadership of the Arabs encouraged violent opposition to Jewish property and activities.

In an effort to settle the early perennial problem of the future of Palestine, Great Britain asked the United Nations for assistance. And, in late 1947, a historic decision was reached: the partition of Palestine into a Jewish and an Arab State, joined together in an economic union. Once again, however, the intransigence of the Arabs proved that the final realization of this age-old dream was not to become an immediate reality. As soon as the mandate ended, and the newly independent State of Israel was proclaimed in May of 1948, the armies of the neighboring Arab States attacked and tried to thwart the peaceful implementation of the U.N. resolution.

The self-defense forces of the Israeli, and the courage and conviction of the citizenry of the new state were, however, more than a match for the invaders. Once the armistice agreements had been signed, this courageous country embarked upon programs to realize the dreams and ideals of centuries, even though there remained the constant threat of new attacks from its Arab neighbors.

What has, in fact, been achieved in the 17 short years which have passed is remarkable. In the field of agriculture, thousands of acres have been reclaimed; in the field of industry, thousands of new enterprises have been created; and new towns and cities, hospitals, schools, and universities have been founded to provide the necessary facilities for the expanding population. The rate of growth of the economy, as well of the per capita income, are among the very highest in the world.

Indeed, in the very short period since Israel has once again become an independent member of the family of nations, the progress which her people have achieved is nothing short of miraculous. It is, therefore, with great respect and deep conviction that I today salute this small state and its people on another of the many, many anniversaries I expect to see it celebrate.

Fair Packaging and Labeling Legislation

EXTENSION OF REMARKS

OF

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. HALPERN. Mr. Speaker, today I testified before the Senate Commerce Committee on behalf of the fair packaging and labeling legislation, which that committee is presently studying. I feel very strongly about the need for the enactment of this remedial legislation, and have long advocated its passage. For the benefit of those who are not familiar with this measure, I would like to incorporate my testimony in the RECORD for today:

TESTIMONY OF REPRESENTATIVE SEYMOUR HALPERN, OF NEW YORK, SENATE COMMERCE COMMITTEE, FAIR PACKAGING AND LABELING LEGISLATION, MAY 6, 1965

Mr. Chairman, I appreciate this opportunity to appear before this distinguished committee, to present my views on S. 985, Senator HART's fair packaging and labeling bill, and on my companion measure, H.R. 7493.

I respectfully urge this committee to accord favorable consideration to this legislation which, quite simply, is designed to provide the consumer with accurate and complete information on the foods and drugs he is buying.

The problems and abuses toward which this legislation addresses itself are well known to every shopper. For too long shoppers have had to contend with bogus cents-off sales; they have had to hunt diligently for statements of net weight only to find them expressed in fractions or units of measure unintelligible to the ordinary consumer, and deliberately employed to defy rational comparison of similar products in varying sized packages. Consumers have been misled by attractive pictures appearing on packages and purporting to represent the product inside—pictures of cookies just chock full of chocolate chips, for example. It is not until the package is opened, that the truth is learned: the picture bears precious little resemblance to the product.

In addition to these abuses, we note such things as oversized packages and the use of meaningless catch phrases like "jumbo quart" and "giant half pint." Another interesting phenomenon may be witnessed in advertisements which boldly proclaim "four servings" or "six servings." These may be true if we are serving small children who have been nibbling all day long, but if the product is intended to be served to adults, then these ads are grossly misleading.

Mr. Chairman, it has proven impossible to rely on industry to rid itself of these unfair practices. In all candor though, I would like to acknowledge the fact that I understand some companies really made an effort to reform. But when the questionable practices of other competing firms meet with success, even the good firms feel constrained to follow suit.

This legislation would lay the ground rules, clearly and forcefully, for all to obey. In this way reputable firms would not be disadvantaged by the mischief of their less scrupulous competitors.

In substance, the bill makes it unlawful to distribute in interstate commerce any packaged or labeled consumer commodity if the label or package does not conform to regulations promulgated pursuant to the bill. These regulations will be drawn up by the Federal Trade Commission where products like soap, detergents, and paper are involved; and where food, drugs, and cosmetics are to be regulated, the responsible authority will be the Secretary of Health, Education, and Welfare. In some areas, the bill requires that regulations be promulgated; in other, more complex areas, the bill sets forth the kinds of regulations which may be promulgated, but leaves the final decisions to the administering authorities, to allow for sufficient flexibility.

Thus it will be mandatory to publish regulations—

1. Requiring the statement of net contents on the front panels of packages, and on labels affixed to the commodities;
2. Establishing standards of prominence for the net contents statements;
3. Prohibiting addition to net contents statements of qualifying words or phrases;
4. Specifying exceptions to the foregoing requirements;
5. Prohibiting "cents off" or other statements of price reduction or price advantage on packages or labels;
6. Prohibiting the placing on packages of illustrations which misrepresent the contents of the package.

In the discretionary area, the Federal Trade Commission and the Secretary of Health, Education, and Welfare are authorized to publish regulations—after public hearings and consultations with persons affected thereby—which would extend to—

1. Establishing reasonable weights or quantities in which a commodity shall be distributed for retail sale;
2. Preventing use of packages of sizes, shapes or dimensions which are likely to deceive consumers as to net quantity of contents;
3. Establishing standards other than net quantity of contents for designating quantity of contents;
4. Defining what constitutes a "serving";
5. Providing standards for alternative designations for quantity of contents which cannot meaningfully be designated in terms of weight, measure, or count; and
6. Requiring labels and packages to disclose sufficient information regarding product ingredients and composition as will establish or preserve fair competition between competing products by enabling consumers to make rational comparison with respect to price and other factors or to prevent consumer deception.

I am aware that there are some who would object to the passage of this bill, on the grounds that ample authority already exists to control these abuses, or that it would stifle the growth of industries or preclude product diversification. I believe these charges are unfounded.

As far as present authority is concerned, Mr. Dixon, the Chairman of the Federal Trade Commission, put his finger on the problem when he explained that under the present law, the Federal Trade Commission must demonstrate consumer deception before it can act. As a result, it has not proved feasible to issue orders, on a case-by-case basis, requiring affirmative disclosures on packages, of net contents, or defining what constitutes a "serving," or requiring labels to disclose information concerning product ingredients or composition. Under this bill, the Federal Trade Commission would be empowered to issue regulations governing this area—and the regulations would have the force of law.

It is also said that the Federal Drug Administration has ample authority to curtail the abuses this bill seeks to correct. But Commissioner Larrick has explained that the Federal Drug Administration is so caught up with handling problems of public health and sanitation, that it has had little opportunity to address itself to the pressing problem of "truth in packaging." Well, this bill seeks to see to it that the problem is attended to, by assigning authority to agencies better equipped to exercise it.

Finally, Mr. Chairman, I submit that this bill will not stifle the growth of industries or preclude product diversification. Ample room is left for nonprice competition in the marketing of products. The only restriction is that packaging and labeling must be honest, must be fair. I am personally convinced that this will not be inordinately burdensome on the imagination and creativity of American business.

Mr. Chairman, I understand that Mrs. Peterson, the Special Assistant to the President for Consumer Affairs, and Mr. Dixon, Chairman of the Federal Trade Commission, have both appeared before this committee to speak on behalf of this legislation, and I am very glad indeed that the administration endorses this bill. When one considers that the average family spends some 30 percent of its income on consumer commodities of this sort, one realizes that the need for this legislation has been with us far too long, and now, surely, is the time for action. Mr. Chairman, I am confident that your committee will take this necessary action, and will favorably report this bill to the Senate.

The 1965 College Chemistry Teacher Awards

EXTENSION OF REMARKS

OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. BRADEMAS. Mr. Speaker, it gives me great pleasure to bring to the attention of the House the names of three outstanding college professors selected by the chemical industry to receive 1965 college chemistry teacher awards. The awards, which will be presented by the Manufacturing Chemists' Association, Inc., on June 3, consist of a medal and a citation, accompanied by a check for $1,000. MCA, the oldest chemical industry trade association in the United States, has conducted the college chemistry awards program for the past 9 years with the aims of directing public attention to the importance of good science teaching at the undergraduate level; honoring the men and women engaged in college science teaching; and inspiring qualified students to choose careers in science. To date, 45 professors have been honored by the chemical industry as outstanding college chemistry professors.

Those selected to receive the award this year are:

Dr. Ernest L. Eliel, professor and head of the department of chemistry, University of Notre Dame.

Dr. William Franklin Kieffer, professor of chemistry, the College of Wooster.

Dr. Albin Iver Johnson, professor of chemical engineering and chairman of the department, McMaster University.

Dr. Eliel has been teaching in the University of Notre Dame chemistry department since receiving his Ph. D. from the University of Illinois in 1948. I am proud to have known him as a good friend and constituent for many years. For a number of years he has singled out the more capable sophomores in chemistry and given them the opportunity to collaborate with graduate students on original research. About 80 percent of the chemistry majors from the University of Notre Dame go on to graduate study.

Dr. Eliel's advanced textbook, "Stereochemistry of Carbon Compounds," has been described as a classic in its field and has been adopted as a text in many other colleges and universities. Much of Dr. Eliel's impact as a teacher derives from his universal interests as a chemist, and in research he has been associated with many undergraduates as well as graduate students and postdoctorals.

Dr. Kieffer has been a professor of chemistry at the College of Wooster for the past 21 years. He received his Ph. D. from Brown University, his master's from Ohio State, and his B.A. from Wooster. In all his lecture work he attempts to develop basic points and applications and sends undergraduate majors to the original literature in solving problems and writing papers. Dr. Kieffer constantly demands a high standard of student preparation and rejects routine and superficial parroting of text or lecture material. He has been editor of the Journal of Chemical Education for 10 years and served as chairman of the American Chemical Society Advisory Committee for Continental Classroom. Dr. Kieffer also was on the committee that planned the Ford Foundation-sponsored project of putting a complete high school chemistry course on film.

Dr. Johnson was associate or assistant professor at the University of Toronto and Johns Hopkins University prior to joining the faculty at McMaster University in 1963. He has been in the forefront of the application of simulation and optimization procedure in chemical engineering. His basic objectives in presenting chemical engineering are to stimulate students in expressing a physical problem in mathematical terms; to exploit modern teaching and computational aids in increasing classroom efficiency; and to relate laboratory experiments to modern chemical engineering theory.

Today quality teachers are in short supply. Their number will never be adequate. These three science teachers honored by the chemical industry have dedicated their lives to the instruction of our youth. They deserve our recognition and profound gratitude.

Tax Justice for Teachers

EXTENSION OF REMARKS

OF

HON. ROBERT DOLE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. DOLE. Mr. Speaker, today, I am introducing a bill to allow more definitive and extensive tax deductions for educational expenses incurred by teachers.

This legislation is necessary, in my opinion, if we are to encourage qualified and experienced teachers to continue in the teaching profession as better trained teachers.

Under existing law and Internal Revenue Service rulings a teacher is only allowed to deduct expenses for education undertaken primarily to first, maintain or improve skills required by present teaching position; or second, meet expressed requirements to retain present salary, status, or position. Furthermore, a teacher must already meet minimum educational requirements of his present position to be eligible for such deductions.

Thus, a teacher with temporary certification generally cannot claim a deduction for expenses incurred to obtain permanent certification, for he has not met minimum requirements of his position. Similarly, those who prepare for college teaching by teaching part time while working toward an advanced degree may not deduct educational expenses under existing law. It is unlikely an instructor could deduct the expenses of additional college courses applicable to a master's degree which might qualify him for an advancement in salary or position. The Treasury Department would question that his goal was not primarily to maintain or improve skills, but to obtain a new position or degree.

These teachers with some teaching experience who might become fully qualified and established in the teaching profession find little encouragement to continue their education under existing tax regulations. Teachers who could apply the benefit of their experience to more specialized instruction or to positions of greater responsibility are discouraged from obtaining the education necessary for advancement. Teachers who take the initiative to become self-improved teachers are often actually penalized by the IRS rulings.

The IRS must follow the letter of the Internal Revenue Code and has tried to provide fair interpretations within these limits. However, there remains extensive confusion and controversy. Such confusion could be eliminated by amending the law to provide deductions for educational expenses of teachers be based on explicit provisions in the Internal Revenue Code. Furthermore, legislation should be enacted to allow more extensive tax deductions for teachers who are willing to make the necessary effort and investment to become better qualified teachers.

If the bill were enacted teachers would not have to depend upon IRS interpretations nor to contend with necessary delays often involved with IRS rulings to receive tax deductions for educational expenses. It would amend the code with precise language to provide that a teacher, if teaching during the taxable year in an institution of higher education, secondary, or elementary school, may deduct expenses incurred for education in an accredited institution of higher education during the taxable year or in any of the 4 preceding years. If the bill were enacted, as long as a teacher continues to teach he would be eligible to deduct educational expenses. Such expenses would include: tuition and fees, expense of travel away from home, and books and educational materials, required for a course or degree, and up to $100 per year for related materials and books.

All deductions now allowable for teachers' educational expenses would be continued. In addition, my bill would effect improvements by making additional and more equitable deductions available under the code.

Any teacher would be allowed to deduct educational expenses as long as he was continuing to teach. By way of example:

First. A teacher might return to college for advanced education. Upon resuming teaching, he could deduct up to 4 years of advanced educational expenses—sufficient to obtain an advanced degree.

Second. A teacher could deduct expenses for summer school courses as long as he continued to teach.

Third. Those teaching part time could deduct expenses paid to obtain additional education.

Fourth. The teacher temporarily hired would be allowed to deduct expenses for further education and thus be encouraged to remain in the teaching profession as fully qualified.

Fifth. Deductions allowable for travel would be extended to include travel necessary in connection with a course of study. This would help the teacher working on a thesis or dissertation which requires out-of-school experimentation and fieldwork.

Certainly, this legislation would serve first, to make deductions available to teachers for educational expenses explicit under the Internal Revenue Code—a teacher could go directly to the code to determine such deductions and would not have to contend with the confusion and necessary delay which often accompany IRS tax rulings; second, to provide more extensive and equitable tax deductions for teachers who desire to enrich their teaching experience through additional education; third, to give an added incentive to experienced and qualified teachers to improve their teaching capacity.

The qualified and experienced instructor should be encouraged to advance to more specialized teaching positions or positions of more responsibility.

It is my conviction our educational system can be strengthened substantially through measures which seek to encourage the individual teacher to improve his teaching and administrative capacities and to continue to contribute the benefits of his experience and education to the educational system.

Mr. Speaker, the text of the bill follows:

H.R. 7950

A bill to amend the Internal Revenue Code of 1954 to provide for the deduction of certain education expenses of teachers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CERTAIN EDUCATION EXPENSES OF TEACHERS.—

"(1) IN GENERAL.—If the taxpayer was a teacher during the taxable year, the deduction allowed by subsection (a) shall include any eligible education expense which was paid or incurred by the taxpayer in the taxable year or in any of the 4 preceding taxable years, and which was not deductible under this section in any previous taxable year.

"(2) ELIGIBLE EDUCATION EXPENSE.—For purposes of this subsection, the term 'eligible education expense' means only an expense paid or incurred after the taxpayer first became a teacher—

"(A) for his—

"(i) tuition and fees,

"(ii) travel away from home, and

"(iii) books and educational materials, required for a course for academic credit at an institution of higher education or for an academic degree at such an institution; or

"(B) for his books and educational materials, if they were related to the subject of any such course.

The amount deductible by reason of subparagraph (B) shall be limited to $100 for each taxable year during which expenses described by such subparagraph were incurred.

"(3) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) The term 'teacher' means an individual compensated for full-time or part-time professional services, related to an instructional program, at an institution of higher education, an elementary school, or a secondary school. Such term includes teachers, librarians, guidance counselors, supervisors, and administrators.

"(B) The term 'institution of higher education' has the same meaning as such term has in the first sentence of section 103(b) of the National Defense Education Act of 1958.

"(C) The terms 'elementary school' and 'secondary school' have the same meaning as such terms have in sections 103(g) and 103 (h), respectively, of the National Defense Education Act of 1958."

SEC. 2. The amendments made by this Act shall apply only with respect to expenses paid or incurred in taxable years beginning after the date of enactment of this Act.

Cushing Academy

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1965

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks, I include herein the text of a resolution congratulating the outstanding coeducational secondary school, Cushing Academy, which is located in the town of Ashburnham, Mass., now celebrating its centennial, upon its services, efforts, and contributions in the field of education.

I may state that Cushing Academy is one of the great preparatory schools of our country. It stands in the foremost rank of schools devoted to preparation of our youth for college and other institutions of higher learning.

This centennial celebration is indeed a very gratifying and proud one, since it marks an era in the history of Cushing and our Nation which has seen this great school make tremendous contributions to the education of our youth and to the welfare and well-being of our country.

I am proud indeed of this great school and happy to take this opportunity in the House to extend my heartiest congratulations to Headmaster Bradford Lamson and everyone associated with the great educational institution which is Cushing Academy, and to offer my commendations as well for the the gleaming record of accomplishment which Cushing has achieved throughout the years.

May I also express the fervent wish and prayer that Cushing's epochal work may continue in the future with unabated effectiveness and ever-widening scope.

There are many people to thank for Cushing's unexcelled contributions, and it is not possible for me to enumerate all of them in these remarks. Such great names as Wayland, Bullock, Lowe, Coolidge, Dunn, Both, Pierce, Vose, Cowell, Quimby, and many others are associated with Cushing's magnificent history over the last 100 years.

In the modern era of Cushing so well exemplified by Headmaster Lamson and his colleagues, one would inevitably have to recall the outstanding, dedicated services of the distinguished former headmaster, Dr. Clarence P. Quimby, who had so much to do with shaping the modern educational patterns of the school, and Mrs. George R. Wallace of Fitchburg whose generosity has been truly magnificent. To be sure, there are other great educational leaders and faculty members, trustees, and a host of individuals who have by their ability, devotion, and generosity rendered invaluable contributions to Cushing.

It is noteworthy that Dr. Quimby during his regime secured national recognition for his superb leadership and his successful efforts in advancing the interests and the stature of the school in innumerable, commendable ways.

On this occasion, it is only fitting that we should express our deep gratitude to all these men and women of Cushing whose unselfish, dedicated, capable service and leadership have been helpful in reaching the very high goals of scholarship and standing that Cushing has achieved.

For their splendid contributions that have been made throughout the years by very many persons, including many generations of trustees, notably the present board, the present headmaster, and the faculty, and the headmaster and faculties throughout the years, whom we can never forget, it is surely most appropriate that we should tender our sentiments of esteem and gratitude on this centennial observance.

Let me reiterate that, in tendering my heartiest congratulations and best wishes to Cushing and all its sons and daughters upon its great anniversary, I am proud to hail and salute this magnificent secondary school which stands like a beacon light in the educational world.

Deeply moved with pride and appreciation, may I hope and pray today that Cushing Academy may endure until the end of time, spreading its wonderful influence, as it has done in the past, over countless generations of our youth, yet unborn, ever widening and deepening its contributions to community, State and Nation, and ever strengthening the insoluable bonds of affection which link this great school so closely to its proud, distinguished alumni.

As Congressman of the Third Massachusetts District, where Cushing Academy is located, I join proudly and joyfully in this wonderful centennial observance of Cushing Academy and extend my warm greeting, regards, and best wishes to its alumni, its many friends and admirers throughout the Nation and the world. Long live Cushing Academy.

Mr. Speaker, as part of my remarks, I include a resloution of the General Court of the Commonwealth of Massachusetts, memorializing and hailing Cushing Academy for its accomplishments in the field of education and public service, and extending best wishes in its future endeavors, and a resolution I have introduced in the House of the same tenor:

RESOLUTIONS CONGRATULATING CUSHING ACADEMY ON ITS SERVICES, EFFORTS AND CONTRIBUTIONS IN THE FIELD OF EDUCATION

Whereas Cushing Academy was founded with funds available from the estate of Thomas Parkman Cushing of Ashburnham and Boston "* * * for the promotion of so important an object as that of improving the education, and thus strengthening and enlarging the minds of the rising and future generations."; and

Whereas the academy was chartered by the great and General Court of Massachusetts on May 15, 1865, opening its doors to students approximately 10 years later on September 7, 1875, with first Principal Edwin Pierce (1875–78); first chairman of the board of trustees, the Reverend Francis Wayland (1865–67); fourth president of Brown University; and second chairman of the board of trustees, Gov. Alexander H. Bullock (1867–76), Governor of the Commonwealth of Massachusetts; and

Whereas administrators and faculty have been active in civic and church affairs in the town of Ashburnham and the Commonwealth. Principals Hervey S. Cowell and Clarence P. Quimby served as town moderators for significant periods of time. Cowell ran for Governor on the State Prohibition ticket; and

Whereas the academy served a dual role up to the mid-1950's by providing the secondary education needs of the town while serving as one of New England's leading independent schools and has attracted students to the Commonwealth from all over the world while, from year to year, more than half of the student population comes from Commonwealth communities; and

Whereas, in 1875, 122 students enrolled; in 1964, there are 252. The academy has grown from 1 major building to one with 12 major buildings on a 36-acre campus; and it continues to grow in excellence and greatness towards its continuing goal of maintaining the best in coeducational secondary education: Therefore be it

Resolved, That the secretary of the Commonwealth hereby commends Cushing Academy for its accomplishments in the field of education and extends best wishes in all their future endeavors.

Adopted December 3, 1964.

KEVIN H. WHITE,
Secretary of the Commonwealth.

H. RES. 373

Whereas the year 1965 marks the 100th anniversary of the granting of the charter of Cushing Academy of Ashburnham, Massachusetts, by the Great and General Court of the Commonwealth of Massachusetts; and

Whereas from the time of its founding, the trustees, faculty, and students of Cushing Academy have figured conspicuously in the growth, development, and defense of this great Nation; and

Whereas Cushing Academy is one of the Nation's oldest independent, coeducational, secondary boarding schools with more than 250 students from all parts of the world; and

Whereas the observance of Cushing Academy's Charter Year Centennial is being celebrated on Saturday, May 8, 1965, with impressive festivities and ceremonies with alumni, parents, college and secondary school educators, local, State, and National public officials, and friends of Cushing Academy in attendance; and

Whereas Cushing Academy is an outstanding educational institution, well known for its patriotic contributions, noted for its many famous sons and daughters who have distinguished themselves in many fields of endeavor and many facets of American life: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the trustees, faculty, students, and friends of Cushing Academy on the occasion of the 100th anniversary of the granting of its charter and the House of Representatives further expresses its appreciation for the splendid educational services rendered to the Nation by Cushing Academy since its founding.

An Interview With Assistant Secretary of State for Inter-American Affairs, the Honorable Jack Hood Vaughn, May 7, 1965, on the Situation in the Dominican Republic

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 6, 1965

Mr. BRADEMAS. Mr. Speaker, under unanimous consent, I insert in the Record the transcript of a television interview I have just conducted with the distinguished Assistant Secretary of State for Inter-American Affairs, The Honorable Jack Hood Vaughn.

I think particularly significant among Mr. Vaughn's remarks is his call for the establishment of an inter-American peacekeeping force, a multilateral force composed of troops from the several states of the Organization of American States.

This force could be, in the words of Mr. Vaughn, "on call, ready, and trained at all times to cope with such emergencies" as the present crisis in the Dominican Republic.

The transcript follows:

INTERVIEW BY REPRESENTATIVE JOHN BRADEMAS OF ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, JACK HOOD VAUGHN

Representative Brademas. Mr. Secretary, why are the U.S. Marines in the Dominican Republic?

Secretary Vaughn. The U.S. Marines went into the Dominican Republic last Wednesday evening (April 28) after the only forces—the only elements in the Dominican Republic with whom we were in contact—after we had been advised by our Ambassador Bennett that the situation had deteriorated to the point where the lives and safety of our citizens there could no longer be guaranteed. That's why they're there.

Representative Brademas. What about the danger of adverse Latin American reaction to our unilateral intervention down there?

Secretary Vaughn. There has been a good deal as you know, John, of adverse reaction and criticism already. Certainly this could have been expected and more to come. However, privately many of my Latin American friends have confessed that although this bothers them deeply and emotionally, they realize that we had no choice. The President felt at the time of taking action that he had no choice, that he was not prepared to abandon roughly 3,000 American citizens plus the hundreds of other citizens, non-Dominican citizens, who had requested and desperately needed our immediate help and protection.

Representative Brademas. What about the involvement of the Organization of American States at this point?

Secretary Vaughn. As you are aware, the Organization of American States has sent their Secretary General, Mr. Mora, and a special commission of five to investigate the situation to determine if a cease-fire can be established and made to work and if a more—not permanent but more—formal arrangement can be worked out whereby the peace will be safeguarded and the country will be able to move back toward constitutional government.

Representative Brademas. Is there any prospect that a permanent peace-keeping force on a multilateral basis, composed of troops from OAS, could be developed for future crises?

Secretary Vaughn. The first step will certainly be the effort to get a number of Latin countries to send contingents there to replace U.S. troops and assist U.S. troops in keeping the peace. I would hope, personally, John, that this would be the first step in the establishment of an inter-American peacekeeping force, a multilateral force that could be on call, ready and trained at all times to cope with such emergencies.

Representative Brademas. I just have three other quick questions to shoot at you. What's the future of ex-President Juan Bosch?

Secretary Vaughn. His future, in my opinion, depends on him and depends on the Dominican people. They have seen him as a successful campaigner and president. He left and much happened since he left. Whether he comes back and in what role I think should be determined by the Dominican people.

Representative Brademas. Would you comment on the twin dangers of a Communist coup on the one hand and a rightwing military dictatorship on the other in the Dominican Republic?

Secretary Vaughn. In the past the choice has been between democracy and the dictatorship of the right. More and more we have a new ingredient which is a dictatorship on the left. Neither form of dictatorship is acceptable to us and we would hope that there will be a government and a philosophy of government somewhere in the middle.

Representative Brademas. I have just one final question which I ask you not only because we've had Peace Corps volunteers in the Dominican Republic but because you were once an administrator of the Peace Corps yourself. What about the role of American Peace Corps volunteers in that country?

Secretary Vaughn. As has been the case always, I have derived great pride and satisfaction from the performance of the volunteers in this crisis. During the heavy fighting, during the disturbances in general, the Peace Corps volunteers stayed on the job. We have a contingent of nurses there who have worked around the clock in Dominican hospitals for the last 10 days. There are no complaints—they haven't been hurt—they're there to help the people.

Representative Brademas. Thank you, Mr. Secretary.

Representative F. Bradford Morse Honored

EXTENSION OF REMARKS
OF
HON. HARLEY O. STAGGERS
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 6, 1965

Mr. STAGGERS. Mr. Speaker, it is my pleasure to inform the House that our colleague, the gentleman from Massachusetts, Representative F. Bradford Morse, received the Public Service Award as Legislative Man of the Year from the Air Freight Forwarders Association in New York City on April 9. This award is presented annually to outstanding Members of Congress. The award was presented to the gentleman from Massachusetts [Mr. Morse], by Louis P. Haffer, executive vice president of the Air Freight Forwarders Association.

Following the presentation of this award, the gentleman from Massachusetts [Mr. Morse], addressed the convention. His remarks paid tribute to the contribution which the airfreight forwarding industry has made to the development of our national transportation system and to foreign trade. I am pleased to insert in the Record both Mr. Haffer's remarks and the address given by the gentleman from Massachusetts, Congressman Morse:

INTRODUCTION OF CONGRESSMAN MORSE BY LOUIS P. HAFFER

It has been truly said that one of the minor paradoxes of life is that only those deserve public recognition who do not really need it.

In the crisis world in which we live, most of our citizenry have awakened from an insular, purely domestic view, and have come to recognize that the rate and direction of economic and political spin, the rate at every corner of the earth, may affect their own balance, indeed their own survival. Among these alert citizenry, our guest and legislative speaker for the evening, the Honorable F. Bradford Morse, Congressman from the Fifth District of Massachusetts, is very well known. For, now in his third term in the Congress, while not neglecting the local interests of his district, he has elected to make his special field of interest the foreign affairs and the foreign economic policy of our country. He has taken the larger view.

Congressman Morse first came to Washington as counsel for the Senate Committee on Armed Services in 1953. From 1955 to 1958 he served as executive secretary and chief assistant to Leverett Saltonstall, then and now the senior Senator from Massachusetts. Thereafter, until he was elected to his first term, he was Deputy Administrator of Veterans' Affairs for the United States.

Beginning with his very first term he was selected to serve on the important House Foreign Affairs Committee. Both as a member of this committee and as a representative of the whole House he has participated in a number of international conferences abroad. He has attended in an active and official capacity meetings of the Interparliamentary Union in various European countries and the Inter-American Parliamentary Union meetings in various Latin American countries. In each of these meetings he has served with distinction that has brought him almost unprecedented praise from our national press. These involvements have served to give our guest a deep insight into the problems of other people, their interrelationships with us and ours with them, and the reality of the kinship of all of them with all of us. He has become an acknowledged congressional expert on matters of foreign trade and economic policy in their relation to our total foreign policy. He is widely recognized as one of the hardest working men on Capitol Hill.

In recognition of his eloquent advocacy of the development of international understanding through international trade; in appreciation of his vigorous devotion to a sound foreign economic policy and his championship of independent business, the Air Freight Forwarders Association has voted to pay tribute to Mr. MORSE and to bestow upon him its public service award as Legislative Man of the Year.

ADDRESS BY CONGRESSMAN F. BRADFORD MORSE, REPUBLICAN, OF MASSACHUSETTS, BEFORE THE AIR FREIGHT FORWARDERS ASSOCIATION, NEW YORK CITY, APRIL 9, 1965

It is a great honor for me to receive this award from you tonight. I am delighted to be the beneficiary of this recognition from your organization, which commands the respect of the various Government departments and the congressional committees before which it has appeared. I am particularly gratified because, as is my understanding, I am the first Member of Congress from my party to be so honored by your association. Believe it or not, there are still some of us on Capitol Hill, and you are to be congratulated—not on the award to me, but on your awareness of the continued existence of a vital two-party system in this Congress.

It would be pretentious for me to assume or imply that I am here tonight because of any profound knowledge of air transportation and its complex problems. I am not a professional in this field. But on the other hand, no man who serves in the Congress can afford ignorance on this subject in this age of rapid technological developments in air transportation. As far as my other legislative duties have permitted, I have tried to gain insights into this mode of communication which has already revolutionized so much of our national life, and made the concept of one world a reality.

My own part of the country, New England, and particularly the Boston metropolitan area, is an example of the dependence of a region's economy on air transportation. Our air transportation system is now facing many serious problems of attrition, including the potential loss of an important north-south service and a curtailment of the number of class A airports. We in New England cannot afford to, and do not propose to, see our region isolated in a transportation cul-de-sac removed from the mainstream of our Nation's air transportation system. It will take all of our knowledge, and a good deal of our energy, to assure that vital public service is not lost to us in the shuffle.

Speaking only of freight, with which you and your guests are especially concerned, I need not tell you professionals the extent to which the industrial complex of any region depends on an adequate air transportation system for getting its products to the markets of the country and the world—and for receiving in turn the industrial parts and raw materials to keep its factories and laboratories humming. This is particularly important for New England at this time, for we are now experiencing an exciting industrial renaissance. Newly established industries, capitalizing on our rich reserves of skilled manpower and highly trained technicians and scientists, have built new, modern plants, in many instances far outside the principal transportation centers. The products of these plants must be funneled into air transportation in order to be truly competitive with those of other regions.

Your industry serves an important function in making airfreight service available both to our older industries and to these newer ones. Many of you, I know, have offices in a number of principal New England cities, and through your know-how and facility in overcoming both roadblocks and airblocks, you have made yourselves indispensable to our factories and service establishments. And I am well aware of your efforts to render even more efficient service to these outlying industries, not only in New England but in the rest of the country as well, by seeking to broaden the areas of your authorized pickup and delivery operations under your control and geared to airfreight schedules. While recognizing the legal and regulatory problems involved, I would urge all of you to continue your efforts toward this worthwhile goal so that the advantages of expedited airfreight transportation may be extended to most, if not all, places in which the need exists.

I have every reason to feel confident that your relative role in airfreight transportation will grow even larger as the growth of airfreight transportation itself inevitably makes the problems of its use more complex for the shipper, and at the same time opens up new places and new ways for you to serve him.

Especially in the field of international trade and foreign economic policy, a field which occupies much of my legislative time, I have seen firsthand the present contribution of air transportation, and particularly airfreight transportation, to our national goals.

The growth of the Common Market has produced an accelerating increase in both surface and air freight transportation among those countries of Europe which have lifted their trade barriers and merged their economic futures. This economic unification of the Old World has served as a spur to our own American industry to make our products more attractive in price and quality, in order to compete in these markets. At the same time, it has stimulated our search for new sources of trade with countries beyond the Common Market, including those which lie behind the Iron Curtain. I feel that these developments are good, both for the healthy growth of our private enterprise system, and for the encouragement of underdeveloped countries to join us in the family of peaceful and stable nations. You in the air transportation business—forwarders and airlines alike—have been dedicated missionaries in exploring these new markets for our industry and in serving them effectively once they have begun to open up.

There are now pending in both House and Senate a number of bills seeking to lend encouragement to the expansion of our export trade. These will be given full consideration by the Congress, and I hope that we will be successful in enacting legislation to quicken the oversea promotion of American products, sales, and service, while improving our balance of payments. But we must not forget that international trade is a two-way street, and that our foreign economic policy must recognize the fact that foreign nations seek markets here as well. You airfreight forwarders, serving both American shippers in outbound movements and American and foreign shippers on inbound movements as well, can be a particularly appropriate agency in implementing both of these phases of our foreign trade goals.

I am aware that your industry has had many problems. But I also know that during your long maiden voyage, now in its 20th year, you have shaken down most of these difficulties and are now more than ready to take your place as a certified flagship in the fleet of the air transportation industry. You are here to stay. I want to assure you that I will lend every reasonable assistance to insure your continued participation as a valued force in our transportation system.

Again, let me thank you for the award bestowed on me tonight.

SENATE

FRIDAY, MAY 7, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, strong to save: Amid the shifting shadows of the temporal, give us, we pray, clear and clean eyes to discern the shining truth of the eternal. Forgive us that in the heat of partisanship so often we have forgotten that above our selfish ambitions and our hollow pride are unchangeable verities, like granite peaks piercing the sky.

May those here, the few among the multitudes, called to chart the course of the Republic, highly resolve that this white-domed Capitol edifice shall be not only an arsenal of material might, sufficient to make tyranny anywhere in the world tremble, but also a cathedral of faith where are proclaimed to all the earth the sanctions of irresistible moral force and the spiritual verities upon which our freedoms were reared and upon which they rest, and without which our boasted democracy is but a bruised and broken reed.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 5, and Thursday, May 6, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5401. An act to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes;

H.R. 7717. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; and

H.R. 7855. An act to authorize appropriations for procurement of small patrol cutters for the Coast Guard.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 5401. An act to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes; and

H.R. 7855. An act to authorize appropriations for procurement of small patrol cutters for the Coast Guard; to the Committee on Commerce.

H.R. 7717. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; to the Committee on Aeronautical and Space Sciences.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce be permitted to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Lottie G. Moore, to be postmaster at Durbin, W. Va.; which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Freddie L. Jeffries, and sundry other persons for permanent appointment in the Coast and Geodetic Survey.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF AGRICULTURE

The Chief Clerk read the nomination of John A. Schnittker, of Kansas, to be Under Secretary of Agriculture.

Mr. CARLSON. Mr. President, John A. Schnittker, whose nomination for Under Secretary of Agriculture is now under consideration by the Senate, was born on a Kansas farm in Kingman County and spent his early years on this farm.

He will assume the position of Under Secretary of Agriculture with a practical knowledge of our farm problems, plus years of study in the field of agricultural economics.

He has served as consultant to the Senate Committee on Agriculture, to the Joint Economic Committee of Congress, and chairman of a task force on wheat named by the late President Kennedy in October 1960.

Wayne Darrow, in his farm letter of April 30 wrote:

> Schnittker brings to his new job a flair for public relations and professional competence. He is well liked in and out of USDA. He works well with everybody. His wide boyish grin and ability to explain without talking down to less knowledgeable people wins friends for him.

We in Kansas are pleased that the President selected him for the important position of Under Secretary of Agriculture and I am confident he will render outstanding service not only to agriculture, but to the Nation.

I ask unanimous consent that the editorial which appeared in the May 1 issue of the Hutchinson News, entitled "Kansan Steps Up" be made a part of these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Hutchinson (Kans.) News, May 1, 1965]

KANSAN STEPS UP

Appointment of John Schnittker, 40-year-old former Kansas State agricultural economist, to be Under Secretary of Agriculture, puts him in the highest Cabinet post any Kansan has held since Harry Woodring was Secretary of War.

Schnittker's appointment is a source of pride, not only down in the Cunningham area where he grew up as a farm boy, and where his parents, Mr. and Mrs. John Schnittker, still live, but for the whole State.

But it is more than that. It also indicates the determination of the Johnson administration to approach the farm problem in a practical, down-to-earth way. For the first time in a good many years, one of the highest posts in agriculture is now held by a man who combines both experience from his own farm background and the scientific approach of a trained and expert economist.

Schnittker has been in Washington since the beginning of the Kennedy administration when he was recruited from the Kansas State staff as an economic adviser. He has risen steadily in the Department of Agriculture, not by virtue of any political patronage, but as a result of his own hard and effective work.

He has played a key role in the development of recent farm programs and has been a spokesman of the American farmer in international tariff negotiations. Until his new appointment this week, he was director of agricultural economics for the Department.

No one, least of all John Schnittker, expects to please all the American farmers at any time, or even some of them all the time. But as the country moves ahead toward some workable solutions to its agricultural problems, farmers, and in particular the Kansas wheat farmer, can consider that they have a powerful friend at court in John Schnittker.

And as for John himself: To have reached the high position he has attained at the age of 40, emphasizes the bright future he has as a public servant.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. CARLSON. I am delighted to yield to the Senator from Minnesota.

Mr. McCARTHY. I join the Senator from Kansas in paying tribute to Mr. Schnittker, who has been named to a high post in the Department of Agriculture. I have known him during the years I served on the Committee on Agriculture and Forestry, and even before that time, when I used to call on him in the Department for advice and counsel on subjects related to agriculture. I also commend the President for having made his selection and for the promotion.

Mr. CARLSON. I appreciate very much the remarks of the Senator from Minnesota.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

SECURITIES AND EXCHANGE COMMISSION

The Chief Clerk read the nomination of Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1970.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

CHANGE OF REFERENCE OF NOMINATION

Mr. HILL. Mr. President, the nomination of Mr. Wilbur J. Cohen, of Michigan, to be Under Secretary of the Department of Health, Education, and Welfare was erroneously referred to the Committee on Labor and Public Welfare. Under the rules and precedents of the Senate, this nomination should have been referred to the Committee on Finance.

Therefore, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of this nomination, and that the nomination be referred, under the rules and precedents of the Senate, to the Committee on Finance.

The VICE PRESIDENT. Without objection, it is so ordered.

NOMINATION OF CHARLES S. MURPHY TO BE CHAIRMAN OF THE CIVIL AERONAUTICS BOARD

Mr. MUSKIE. Mr. President, the nomination of Charles S. Murphy, Under Secretary of Agriculture, to assume the chairmanship of the Civil Aeronautics Board has been transmitted by the President to the U.S. Senate.

Under Secretary Murphy is a highly qualified and dedicated public servant who, in his capacities as Assistant Legislative Counsel to the Senate for 11 years, as special assistant to President Harry S. Truman, and as the second man in the Department of Agriculture, has performed with high distinction.

I have been privileged to work with Under Secretary Murphy on numerous occasions. At all times I have found him to be a fair, impartial, and objective administrator. His knowledge and understanding are broad, and his ability to get to the crux of complicated problems is impressive. He evaluates all matters on their merits.

Delegated extensive authority by Secretary Orville Freeman, he has carried out his duties in an exemplary manner. The administrative problems and the housekeeping chores that crossed his desk daily were many and varied. His responsibilities in the commodity field required a tact, a patience, and a firmness that could pull the multiple threads of need from all segments of agriculture into a recognizable strand.

Under Secretary Murphy's considered judgments were made always in light of the national interest. His decisions were equitable and just, and firmly bedded on congressional mandate and legislative intent.

I commend him for his excellent performance of duty in an extremely complicated area of responsibility. I congratulate him and compliment the President upon his new assignment.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

AMENDMENT TO THE SMALL BUSINESS ACT TO PROVIDE ADDITIONAL ASSISTANCE FOR DISASTER VICTIMS

Mr. MANSFIELD. Mr. President, in view of the emergency nature of the situation, and with the full concurrence of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 164, which has been reported unanimously to the Senate by the Committee on Banking and Currency.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1796) to amend the Small Business Act to provide additional assistance for disaster victims.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency, with an amendment, to strike out all after the enacting clause and insert:

That (a) section 7(b) of the Small Business Act is amended by striking out "twenty years.", in the second sentence, and inserting in lieu thereof the following: "thirty years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period of not to exceed five years, if (A) the borrower under such loan is a homeowner or a small-business concern, (B) the loan was made to enable (i) such homeowner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as the result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection, and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of twenty years".

(b) Section 7(c) of such Act is amended by inserting "(1)" after "(c)", and by adding at the end thereof a new paragraph as follows:

"(2) During any period in which principal and interest charges are suspended on the Federal share of any loan, as provided in subsection (b), the Administrator shall, upon the request of any person, firm, or corporation having a participation in such loan, purchase such participation, or assume the obligation of the borrower, for the balance of such period, to make principal and interest payments on the non-Federal share of such loan: *Provided*, That no such payments shall be made by the Administrator in behalf of any borrower unless (i) the Administrator determines that such action is necessary in order to avoid a default, and (ii) the borrower agrees to make payments to the Administration in an aggregate amount equal to the amount paid in its behalf by the Administrator, in such manner and at such times (during or after the term of the loan) as the Administrator shall determine having due regard to the purposes sought to be achieved by this paragraph."

(c) Section 4(c) of such Act is amended by—

(1) inserting "7(c)(2)," after "7(b)," in the first sentence;

(2) inserting "and 7(c)(2)" after "7(b)" where "7(b)" first appears in the fourth sentence; and

(3) deleting "section 7(b)" from clause (2) in the fourth sentence and inserting "sections 7(b) and 7(c)(2)".

SEC. 2. Section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,666,000,000" and inserting in lieu thereof "$1,716,000,000"; and

(2) by striking out "$1,325,000,000" and inserting in lieu thereof "$1,375,000,000".

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the name of the Senator from Indiana [Mr. BAYH] be added as a cosponsor of Senate bill 1796.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the Committee on Banking and Currency reported the bill without a dissenting vote. I shall not make a detailed statement on the bill at this time, since yesterday I explained the bill very thoroughly when it was reported. That explanation appears on page 9808 of the CONGRESSIONAL RECORD for May 6, 1965.

The bill would provide needed relief for the many victims in the recent disaster in the Midwest. It would also be the basis of additional relief for victims of future disasters, wherever they might occur in the United States.

I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 177), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 1796, as amended by the committee, would amend the Small Business Act to provide for an increase in the maturity of Small Business Administration disaster loans from 20 to 30 years. It would provide for a suspension of up to 5 years on the payment of principal and interest on disaster loans at the discretion of the Administrator of the Small Business Administration. If the disaster loan upon which a suspension is granted is a participation loan, SBA shall, at the request of the lender, (1) purchase the participating lender's portion of the loan; or (2) in order to avoid default of the loan, make payments to the participating lender on behalf of the borrower during the suspension period. The bill would also increase SBA's revolving fund by $50 million.

The damage to property and the suffering to humanity which has resulted in the recent floods and tornadoes in the Midwest has shown that the disaster loan programs of the Government and the action of private relief groups have not been enough to care adequately for these flood and tornado victims. In the past, the Congress has taken piecemeal action as a result of a particular disaster; e.g., the New England floods, the Alaska earthquake, and more recently, by action in the Senate, to provide disaster relief to the States of Oregon, California, Washington, and Idaho.

The Senate has recently passed a bill, S. 408, which would direct the Housing and Home Finance Administrator to undertake a study of alternative programs to help provide financial assistance to victims of future flood disasters. Also the President has directed the Office of Emergency Planning (1) to examine experience with Public Law 81–875 (the National Disaster Act) to determine whether modifications are required to insure the most effective response in future disasters; (2) to initiate a study to develop recommendations for improving Federal Government natural disaster planning; and (3) to review Federal-aid policies for hazardous areas.

These studies are needed and when completed will undoubtedly improve our present system of providing assistance to disaster victims. However, these studies will take time and something must be done quickly.

S. 1796 will afford immediate relief to some of the victims of future disasters. This is a stopgap measure and will in no way impede the consideration of other more comprehensive bills relating to disaster relief now pending before the Congress. It will apply, not to one particular area, but to the entire country. This bill does not go as far as some of the members of the committee wished, but it will be of immediate and valuable assistance to many victims of the present disasters and of future disasters wherever they may strike.

Mr. PROXMIRE. Mr. President, I hope that the House of Representatives will also act promptly on the proposed legislation.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HARTKE. Mr. President, it is most gratifying to me that the Proxmire-Hartke bill for amendment of the SBA disaster loan procedures has received such prompt attention. Introduced on April 22 with the support of several of my colleagues from States hard hit by tornadoes and floods, the bill was heard before the Small Business Subcommittee only 5 days later, chaired by the Senator from Wisconsin [Mr. PROXMIRE]. Yesterday, exactly 1 week later, the bill was reported by the full committee. Today I urge your support for its passage.

This bill, despite the brief period in which it has been developed and considered, is one which will aid us not only at the moment but one which will also stand us in good stead in future cases of disaster need.

The Small Business Administration is presently prohibited from providing loan maturities longer than 20 years, although it may at the end of that time, to aid orderly liquidation, make a renewal or extension up to 10 years. The bill increases the maximum maturity of all SBA disaster loans to 30 years, but it does not allow the addition of a 10-year extension. It does, however, through another provision make possible an extra 5 years if necessary, since it also gives authority for a period of up to 5 years without payment of either principal or interest, in the discretion of the Administrator. Interest during such a period, however, would still be accrued and added to the balance due.

The bill would also allow SBA, if necessary to prevent default on a disaster loan in which there is bank participation, to assume the obligation and make payments for the borrower during the suspension period. Presently only 5 to 10 percent of SBA disaster loans involve participation. The amendment is designed to encourage more participation with SBA by other lenders. The bill also increases the SBA revolving fund by $50 million.

I am in support of this bill because it is needed in order to assist many persons who have been hard hit by the current disaster, including Indiana, where private damage reached close to $70 million and public damage more than $18 million. But I support it also because it will afford an improved mechanism for aid within the range of the Small Business Administration Act whenever action in disaster circumstances becomes necessary. It is not all that we can or should do to assist in the event of such tragedies. I am supporting other measures for helpful changes throughout the range of disaster relief, including S. 1861, which was introduced by my junior colleague from Indiana [Mr. BAYH]. I would welcome similar speed on this and other like legislation, but I am delighted that we are able to vote today on this particular measure. I am confident that other Members will give it support, and I sincerely hope that its completion will be achieved and that it will be signed into law at the earliest opportunity.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON NEED FOR CONTINUING ASSISTANCE TO BOULDER CITY, NEV.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the investigation of the need for continuing assistance to Boulder City, Nev., for the cost of supplying water to the municipality (with accompanying papers); to the Committee on Appropriations.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Administrator of Veterans Affairs, Veterans' Administration, Washington, D.C., reporting, pursuant to law, on the overobligation of an appropriation within that Administration; to the Committee on Appropriations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on lack of compliance with statutory requirement for local financial participation in area redevelopment projects, Area Redevelopment Administration, Department of Commerce, dated May 1965 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION 30

"Joint resolution memorializing the Congress of the United States to propose an amendment to the Federal Constitution abolishing the electoral college and providing for the direct popular election of President and Vice President

"Whereas the present method of electing the President and Vice President of the United States on the basis of electoral rather than popular votes is unresponsive, because it isolates those offices from the will of the people; and

"Whereas the method of electing the President and Vice President of the United States via an electoral college is unfair, because the presidential candidate losing a State by even a close margin forfeits all of that State's electoral votes; and

"Whereas the method of electing the President and Vice President of the United States via an electoral college is inaccurate, because in most elections the winner's electoral votes are inflated grotesquely out of proportion to his popular vote; and

"Whereas the method of electing the President and Vice President of the United States via an electoral college is uncertain, because presidential electors are not constitutionally bound to vote for the presidential candidate who carries the State; and

"Whereas the method of electing the President and Vice President of the United States via an electoral college is undemocratic, because a minority of the popular vote can, and on occasion has, cast a majority of the electoral votes and elected a President; and

"Whereas the method of electing the President and Vice President of the United States via an electoral college is unrepresentative, because, if no candidate wins a majority of the electoral college votes, the verdict is then rendered by the House of Representatives of the U.S. Congress where each State delegation, no matter how large, casts but a single vote in choosing among the top three candidates: Now, therefore, be it

"*Resolved by the assembly (the senate concurring)*, That the Legislature of Wisconsin respectfully memorialize the Congress of the United States to propose an amendment to the Constitution of the United States which will abolish the electoral college and provide for the election of the President and Vice President of the United States by the nationwide popular vote in accordance with the majority of popular votes cast; and be it further

"*Resolved*, That duly attested copies of this resolution be immediately transmitted to the clerks of both Houses of the Congress of the United States and to each Member of the Congress from Wisconsin.

"ROBERT T. HUBER,
"*Speaker of the Assembly.*
"JAMES P. BUCKLEY,
"*Chief Clerk of the Assembly.*
"PATRICK GLUY,
"*President of the Senate.*
"WILLIAM P. NUGENT,
"*Chief Clerk of the Senate.*"

A concurrent resolution of the Legislature of the State of Texas; to the Committee on Interior and Insular Affairs:

"SENATE CONCURRENT RESOLUTION 44

"Whereas there is pending in the Congress of the United States several bills having for their purpose the creation of a Guadalupe Mountains National Park; and

"Whereas the creation of the Guadalupe Mountains National Park has been recommended by the Southwest Regional Office of the National Park Service to the U.S. Department of Interior;

"Whereas Mr. J. C. Hunter, Jr., of Abilene, Tex., has expressed a desire to sell his 71,790-acre ranch in the Guadalupe Mountains region located near the northern border of west Texas between Odessa and El Paso; and

"Whereas Mr. J. C. Hunter, Jr., has expressed the further desire that this ranch be used for parks and public recreational purposes; and

"Whereas it has been further recommended by the Southwest Regional Office of the National Park Service that the J. C. Hunter, Jr., ranch be purchased for the formation of such a park; and

"Whereas Mr. Wallace Pratt has donated to the National Park Service 5,632 acres of land in the northern McKittrick Canyon area in New Mexico, immediately north of and adjacent to the Hunter ranch, which donated Pratt land alone is inadequate for development as a national park; and

"Whereas the area offers a natural game and fish preserve for its various species of wildlife including bear, lion, elk, bighorn sheep, deer, turkey and smaller birds, and the only fresh water mountain trout stream in the State; and

"Whereas the proposed Guadalupe Mountains National Park would complement and adjoin the Lincoln National Forest and the Carlsbad Caverns National Park areas in New Mexico; and

"Whereas the current rate of growth of our cities and our population creates a demand for additional recreational areas; and

"Whereas a national park in the Guadalupe Mountains would prove to be an economic benefit to the citizens of this State, attracting many tourists to the area: Now, therefore, be it

"*Resolved by the Senate of the State of Texas (the House of Representatives concurring)*, That the Congress of the United States is respectfully urged to enact the required legislation with all deliberate speed to purchase land and establish the Guadalupe Mountains National Park in Texas and New Mexico; and be it further

"*Resolved*, That a certified copy of this concurrent resolution be furnished to the President of the Senate, the Speaker of the House of Representatives, to each of this State's Representatives to the Congress, and to the Secretary of the Interior of the United States.

"PRESTON SMITH,
"*Lieutenant Governor,*
"*President of the Senate.*
"BEN BARNES,
"*Speaker of the House.*

"Attest:

"CHARLES SCHNABEL,
"*Secretary of the Senate.*
"DOROTHY HAELMAN,
"*Chief Clerk of the House.*"

A resolution of the Legislature of the State of Minnesota; to the Committee on Public Works:

"RESOLUTION 3

"Resolution memorializing the Congress of the United States to provide for development of the Wild Rice River watershed and construction of a dam on the Wild Rice River

"Whereas the Wild Rice River periodically is the source of floods that inundate the low, flat, fertile lands in the western reaches of the river, thereby endangering lives and damaging farm property, crops, highways, bridges, railroad and other property; and

"Whereas control of the Wild Rice River would conserve the water available in the river, would provide for industrial development, recreational needs, and would provide a habitat for wild life: Now, therefore, be it

"*Resolved by the Legislature of the State of Minnesota*, That the Congress of the United States provide for development of the Wild Rice River watershed and for construction of a dam on the Wild Rice near Twin Valley; and be it further

"*Resolved*, That copies of this resolution be forwarded to the President and Vice President of the United States, to all Members of the U.S. Congress from the State of Minnesota, to the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Department of Health, Education, and Welfare and to the U.S. Army Corps of Engineers.

"A. M. KEITH,
"*President of the Senate.*
"L. L. DUXBURY,
"*Speaker of the House of Representatives.*

"Passed the senate this 26th day of April in the year of our Lord 1965.

"H. Y. TORREY,
"*Secretary of the Senate.*

"Passed the house of representatives this 28th day of April in the year of our Lord 1965.

"G. H. LEAHY,
"*Chief Clerk, House of Representatives.*

"Approved May 3, 1965.

"KARL F. ROLVAAG,
"*Governor of the State of Minnesota.*

"Filed May 3, 1965.

"JOSEPH L. DONOVAN,
"*Secretary of the State of Minnesota.*"

A resolution adopted by San Juan Lodge No. 972, Benevolent and Protective Order of Elks, San Juan, P.R., endorsing the position taken by the President of the United States in the Dominican Republic; to the Committee on Foreign Relations.

The petition of Robert F. Gloor, of Saipan, Mariana Islands, relating to a health program for the Mariana Islands; to the Committee on Interior and Insular Affairs.

The petition of the National Society of Professional Engineers, Washington, D.C., relating to the role of professional engineers in the free enterprise system; to the Committee on Public Works.

By Mr. AIKEN:

A joint resolution of the Legislature of the State of Vermont; to the Committee on Agriculture and Forestry:

"JOINT RESOLUTION 32

"Joint resolution relating to agricultural conservation program

"Whereas the preservation of the soils, water, forests, and wildlife of this Nation, and in particular the topsoil, is necessary; and

"Whereas we believe the preservation of these resources is a responsibility of all people; and

"Whereas farmers and landowners through conservation practices have made Vermont a far more beautiful State for both rural and urban people to enjoy; and

"Whereas the agricultural conservation program and the technical assistance provided the landowners of Vermont are a vital link in the overall natural resource conservation movement through the State; and

"Whereas for the past 30 years the U.S. Department of Agriculture, through the agricultural conservation program has done much to maintain and improve these resources, and make landowners and society in general more conscious of the need for such preservation; and

"Whereas during this period Vermont farmers and landowners have put to good use the many conservation practices of the agricultural conservation program; and

"Whereas in carrying out these practices Vermont farmers and landowners are now more than matching Government funds dollar for dollar; and

"Whereas through the medium of agricultural conservation program farmer-elected committeemen throughout the State, farm leadership has been developed to a most helpful degree: Now, therefore, be it

"*Resolved by the senate and house of representatives*, That the Congress of the United States be respectfully urged to give the necessary and adequate support to the continuance of the agricultural conservation program; and be it further

"*Resolved*, That Vermont Senators, GEORGE D. AIKEN and WINSTON L. PROUTY, and the State Representative in Congress, ROBERT T. STAFFORD, be asked to give their wholehearted support to the agricultural conservation program, and to vote to continue the annual national appropriation of $250 million for the agricultural conservation program; and be it further

"*Resolved*, That an adequate amount be set aside from such appropriation to make it possible to administer the program through the present system of farmer-elected committeemen; and be it further

"*Resolved*, That the secretary of state be directed to transmit duly attested copies of this resolution to the chairmen of the Senate and House Committees on Agriculture, to the chairmen of the Senate and House Committees on Appropriations, to the Secretary of Agriculture, and to the Vermont congressional delegation.

"FRANKLIN S. BILLINGS, Jr.,
"*Speaker of the House of Representatives.*
"JOHN J. DALEY,
"*President of the Senate.*

"Attest:

"HARRY H. COOLEY,
Secretary of State.

"Approved May 4, 1965.

"PHILIP H. HOFF,
"*Governor.*"

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McINTYRE, from the Committee on the District of Columbia, without amendment:

S. 1317. A bill to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks or money orders (Rept. No. 181); and

H.R. 66. An act to authorize the Board of Parole of the District of Columbia to discharge a parolee from supervision prior to the expiration of the maximum term or terms for which he was sentenced (Rept. No. 179).

By Mr. McINTYRE, from the Committee on the District of Columbia, with an amendment:

S. 1321. A bill to amend section 501(e) of title 16 of the District of Columbia Code relating to bond requirements in connection with attachment before judgment (Rept. No. 180).

By Mr. McINTYRE, from the Committee on the District of Columbia, with amendments:

S. 1319. A bill to authorize a work release program for persons sentenced by the courts of the District of Columbia; to define the powers and duties in relation thereto, and for other purposes (Rept. No. 178).

By Mr. BARTLETT, from the Committee on Commerce, without amendment:

H.R. 7855. An act to authorize appropriations for procurement of small patrol cutters for the Coast Guard (Rept. No. 182).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON:

S. 1909. A bill for the relief of Nora E. Jackman; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 1910. A bill for the relief of Rachel Fisher; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 1911. A bill to authorize the appointment of crier-law clerks by district judges; to the Committee on the Judiciary.

By Mr. ERVIN (for himself and Mr. HRUSKA):

S. 1912. A bill to amend sections 1, 17a, 57j, 64a(5), 67(b), 67c, and 70c of the Bankruptcy Act, and for other purposes; to the Committee on the Judiciary.

By Mr. CLARK:

S. 1913. A bill to amend the Federal Corrupt Practices Act, and for other purposes; to the Committee on Rules and Administration.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH):

S. 1914. A bill to amend the act of May 23, 1908, as amended and supplemented, so as to permit the use of receipts from national forests which are paid in accordance with such act to the States in which such forests are located to be used for purposes other than schools and roads; to the Committee on Agriculture and Forestry.

By Mr. BARTLETT:

S. 1915. A bill to assist in the provision in Alaska of adequate housing for persons who are otherwise unable to finance such housing upon terms and conditions which they can afford, through a program encouraging mutual and self-help, self-government, and individual homeownerhip, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 1916. A bill for the relief of Candida E. Ramirez; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1917. A bill to amend the Merchant Marine Act, 1936, in order to protect and promote the health of seamen on vessels of the United States, and for other purposes; and

S. 1918. A bill to amend section 607(D) of the Merchant Marine Act of 1936, as amended; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills, which appear under separate headings.)

By Mr. McGEE:

S.J. Res. 77. Joint resolution to establish a National Commission To Study Railway Post Office Service and its relationship to the national transportation system; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. McGEE when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

DESIGNATION OF NATIONAL HALIBUT WEEK

Mr. MAGNUSON submitted a concurrent resolution (S. Con. Res. 34) to designate the 7-day period beginning May 15, 1965, and ending May 21, 1965, as National Halibut Week, which was referred to the Committee on the Judiciary.

(See the above concurrent resolution printed in full when submitted by Mr. MAGNUSON, which appears under a separate heading.)

FEDERAL CORRUPT PRACTICES ACT—AMENDMENTS OF 1965

Mr. CLARK. Mr. President, I introduce for appropriate referral a bill to amend the Federal Corrupt Practices Act, and for other purposes.

I ask unanimous consent that an explanatory memorandum outlining the principal provisions of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The bill will be received and appropriately referred; and, without objection, the memorandum will be printed in the RECORD.

The bill (S. 1913) to amend the Federal Corrupt Practices Act, and for other purposes, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Rules and Administration.

The memorandum presented by Mr. CLARK is as follows:

EXPLANATORY MEMORANDUM: FEDERAL CORRUPT PRACTICES ACT AMENDMENTS OF 1965

1. Receipt and custody of statements: Under present law certain statements are required to be filed with the Clerk of the House of Representatives, others with the Secretary of the Senate. However, the division of responsibility does not follow logical lines. For example, the treasurer of a political committee supporting a candidate for the Senate is required to file a statement with the Clerk of the House of Representatives, but not with the Secretary of the Senate.

This amendment provides that all statements shall be filed with the Comptroller General of the United States.

As regards the preservation of records, the amendments authorize the Comptroller General to establish an automatic information retrieval system utilizing modern automatic data processing techniques to make possible the ready availability of all filed information on an indefinite basis. Filed information would be available to the public for a period of 8, rather than 2 years. Filed information would be available to any Member of Congress without regard to the elapsed period of time.

2. Prosecution for failure to file, or for willful misstatements in filings: Responsibility for prosecution would continue to be vested in the Department of Justice. However, the amendments would expressly create a mandatory duty on the part of the Comptroller General to report to the Department of Justice the failure to file of persons or organizations under a duty to file, or the filing of misstatements. In order to perform this duty, the Comptroller General is authorized and directed to entertain and investigate complaints relating to failure to file or the filing of misstatements. Investigations may also be conducted by the Comptroller General on his own initiative.

3. Broadening the definition of political committee with regard to filing requirements:

(a) Intrastate political committees are presently exempt. The amendment would repeal this exemption for political committees which operate in one State but which extend support to candidates for any national office.

(b) The definition of political committee would be clarified so as to include any entity, whether ad hoc or of a permanent nature, which in fact functions as a political committee, without regard to the fact that its principal activity may be different, as in the case of a manufacturers or trade association.

4. The exemption for primary elections would be repealed.

5. Corporate purchase of ads in campaign books: For the purposes of the act, the organizers and managers of a campaign book or political convention program would be deemed a political committee. They would be required to have a treasurer and to file a statement in which money received from the sale of ads would be treated as contributions. Title 18 of the United States Code would be amended to make it a crime for a corporation to buy such ads on the theory that they are merely disguised political contributions, which are prohibited to corporations under existing law.

ALASKA NATIVE HOUSING PROGRAM

Mr. BARTLETT. Mr. President when one thinks of Alaska one pictures rugged mountains, roaring rivers, fish-filled streams and beautiful expanses of snow and ice.

For those who appreciate the beauty of Mother Nature untamed, Alaska is indeed the place to go.

Apparently, many people think of Alaska in such romantic terms. This week I received a letter from a first-grade class in West Chester, Pa., asking questions about our State.

One question was, how do Eskimos cook in snow houses?

Mr. President, our Eskimo and other native Indians do not live in igloos, though it might be better if they did.

No; many of our native people live in shacks, shacks that are in worse condition than you find in the most deplorable big-city slums. Many of our native people live in cabins without electricity, light, or sufficient heat. I do not think I need dwell on the problem of living through an Alaska winter without heat.

In short, our native villages have many of the same characteristics of city ghettos—overcrowded conditions, disease, despair.

At a time when at long last the national conscience has been stirred to correct injustices suffered by minority groups, the plight of Indians and Eskimos is virtually ignored.

The Federal Government has numerous housing programs, but Mr. President, none of the programs in existence or proposed is applicable to our native villages.

Many villagers do not earn enough money to qualify for Government housing. Federal construction standards are too high for construction costs in Alaska.

The basic problem is not a need to build handsome, airy structures which might be possible in other areas of the Nation.

The basic problem is that our native people need warm shelters, and you cannot get any more basic than that.

Unfortunately, our Federal housing programs, in requiring more than that become inoperative for native villages.

A review of the background of the housing situation in Alaska will explain the difficulty.

The Alaska Housing Act of 1949 made Federal housing laws effective in Alaska. These laws had, of course, applied to Alaska, but many factors, especially the lack of investment capital, had prevented Alaskans from reaping benefits from the many programs in operation in the then 48 States. With enactment of the Alaska Housing Act, the many programs under the Federal Housing Administration, the Public Housing Administration and the Federal National Mortgage Association began to operate.

Last year, FHA estimated that it insured 80 percent of houses in Alaska.

Before 1961 the Farmers Home Administration had issued approximately $147,000 in housing loans. Since 1961, the total has climbed to more than $2 million.

The Alaska Housing Act of 1949 established a special fund for making character loans to Alaska natives of up to $500 for home improvement. These loans were to be spent for floors, windows, doors, and other minor improvements. Congress recognized that little progress against tuberculosis which, long before 1949, had reached epidemic proportion among Alaska natives, could be made if families continued to live in cabins, tarpaper shacks and sod huts. The Senate report accompanying that bill contained the following language:

> It is true that such improvements would often be made in connection with accommodations inadequate by all normal standards. However, such improvements are a

> matter of urgent necessity in view of the very real protection which would be afforded to the health of the occupants.

Father Paul J. O'Connor, S.J., the then chairman of the Alaska Housing Authority, was the inspirational and driving force behind the Alaska Housing Act. A Jesuit missionary, he had lived among the Eskimo people for over two decades. He knew the sorry housing conditions in the native villages; he knew the life of the people. Father O'Connor did not want to build for them elaborate houses. He wanted them to have educational housing, as it were, from grade to grade. And he wanted them to have to participate in improving their housing conditions. The attention focused upon the sorry plight of these fine people was beamed by Father O'Connor more than any other man.

Mr. President, the tuberculosis rate dropped rapidly after 1949. Not all of the credit can be attributed, of course, to the housing improvements, but the contribution made by these improvements was substantial.

However, the TB rate among Alaska natives is still six times the national average and, tragically, it has begun to rise in the last 2 years. No new housing program has been adopted to replace the special loans, which were minimal at best.

Alaska native villages cannot qualify for FHA mortgage insurance. Incomes are too low, and, in most cases, a house designed for minimum FHA standards would exceed construction costs limits in these rural areas.

Low-rent housing programs under PHA are unworkable for the same reasons. Because of the lack of development in these native villages, construction costs can range well over 100 percent of costs elsewhere. Costs of operation and maintenance are extraordinarily high in villages where fuel costs are double or triple what they are in the larger communities.

In the Arctic, families spend from $600 to $1,200 a year if they are able to purchase oil to heat their tiny homes. If wood is the only available fuel, a man spends most of the winter searching for willow branches, driftwood and other small pieces of wood so he and his family can enjoy room temperature above freezing. As a consequence, a low-rent housing project loses any significance and would, if for no other reason than the cost of fuel, fail in its purpose.

PHA can assist Indian reservations in improving housing through a mutual and self-help program. However, this program can operate only in certain areas of southeastern Alaska for the same reasons. Design, construction, operation and maintenance standards exceed workable limits for the rest of Alaska's native villages.

We now have before Congress amendments to the National Housing Act. These amendments are intended to help the neediest of our Nation's families, but they would not assist Alaska native families.

Mr. President, officials of State and Federal agencies have worked hard and long with me for a number of years to find a solution within the existing framework of our housing programs. We have explored every avenue open, but have found no way to help these people.

Disease and death rates are rising among Alaska natives and this can be directly attributed to deplorable housing conditions.

It is difficult, if not nearly impossible, to educate properly our young native men and women if they are ill and poorly housed.

Alaskans face the prospect of defeat in their war on poverty. Each year we spend hundreds of thousands of dollars in giving health care to Alaska natives. Millions have been invested in fine hospitals. But, as I said before, the disease and death rates are rising.

It is cruelty of a particularly invidious kind to fail to make an effort to close the gap.

To help close that gap, I introduce, for appropriate reference, a bill to establish a housing program designed to benefit Alaska's native people. The bill would authorize a one-shot, $10 million program to provide the minimum of adequate housing for these people. The bill establishes an average maximum expenditure of $7,500 a dwelling and provides that the Federal Government will bear no more than 75 percent of the total cost.

The housing would fall below existing Federal standards and yet would be vastly superior to what now exists in the villages. The houses would at least be warm.

Under the bill, the Administrator of the Housing and Home Finance Agency would contract with the Alaska State Housing Authority to supervise design and construction and on a village-by-village basis, requiring participation by each village. That would mean that each village would have to demonstrate that it wanted to embark on an improvement program and would contribute as much labor and material as possible, thereby lowering costs and involving every resident of the village in the program.

I ask that the text of the bill be printed at the end of my remarks.

Mr. President, this is no bonanza of fancy housing throughout Alaska's villages. The bill will simply mean that our native families would be housed in well-designed, small cabins and houses which will be adequately insulated. Most of the houses would provide only about 700 to 750 square feet of living space, hardly larger than a good sized efficiency or one-bedroom apartment here in Washington. But it would be adequate—barely so, but adequate in rural Alaska. A house much larger would be far too expensive for an Alaska native to heat.

My colleagues have heard me speak of the Grayling project. This project was financed by a grant under the experimental housing program established by Public Law 87-70. Approximately $125,000 was granted to the Alaska State Housing Authority to construct 27 minimum-sized homes in the new village of Grayling and two homes in other parts of Alaska for additional research.

Grayling was chosen because the villagers, after many years of planning, had decided to move from their former village of Holikachuk. The Grayling site had been chosen and lots and streets platted before the grant was made. The villagers were determined to accomplish the move and would have moved whether or not the grant funds were made available. With the grant, however, the village was constructed in two seasons—1963 and 1964. The villagers cut timber and helped to build 27 well-designed, warm homes. ASHA estimates that approximately $2,500 a dwelling was spent to procure nails, window frames, glass, doors, and other items which the villagers could not manufacture themselves.

Grayling has served as the prototype for the program I envision under this bill. The Alaska State Housing Authority has worked closely with me and has supported every effort to bring a decent standard of living to our native people.

It is contemplated that under this bill, warm, adequate shelter would be provided on a community basis. Central sewer and water systems would not be included. The cost is far too high at this time. Eventually, the native people should have running water in their homes and they should have sewer systems. These things can be provided in the Arctic. This was demonstrated when DEW line stations were built. There has been a further and splendid demonstration of feasibility in the remarkable project instituted by the Canadian Government at Inuvik. It has always been my personal opinion that lack of these facilities, so common elsewhere, has been one of the great drawbacks to Arctic living.

Mr. President, in summary, the situation in Alaska native villages is desperate and no housing program exists which will benefit them. We are committed as a nation to a massive program of eradicating poverty but we will accomplish little in the rural areas of Alaska if we do nothing to improve basic living conditions.

The bill I introduce today will make it possible to bring the beginnings of a decent life to our native people. The bill has strong support among all Alaskans and it is my earnest hope that the Congress will give it early consideration.

The situation demands urgent and imaginative action. This bill offers the Congress an opportunity to meet it prudently and constructively.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1915) to assist in the provision of Alaska of adequate housing for persons who are otherwise unable to finance such housing upon terms and conditions which they can afford, through a program encouraging mutual and self-help, self-government, and individual homeownership, and for other purposes, introduced by Mr. BARTLETT, was received, read twice by its title, referred to the Committee on Banking and

Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Housing and Home Finance Administrator is authorized to make loans and grants to the State of Alaska, or any authorized agency or instrumentality thereof, in accord with a statewide program prepared by the State of Alaska, or authorized agency or instrumentality thereof, and approved by the Administrator, to assist in the provision of housing and related facilities for Alaska natives and other Alaska residents who are otherwise unable to finance such housing and related facilities upon terms and conditions which they can afford. The programs shall (A) specify the minimum and maximum standards to be met by the housing and related facilities, the cost of which shall not exceed an average of $7,500 per dwelling unit to be provided under the program; (B) to the extent feasible, encourage the proposed users of the housing and related facilities to utilize mutual and self-help in their construction; and (C) provide experience, and encourage continued participation, in self-government and individual homeownership.

SEC. 2. Grants made under this Act shall not exceed 75 percent of the aggregate cost of the housing and related facilities to be constructed under the program. There is hereby authorized to be appropriated to the Housing and Home Finance Administrator, out of any moneys, in the Treasury not otherwise appropriated, not to exceed $10,000,000 for the purposes of this Act.

MEDICAL TREATMENT AND HOSPITALIZATION FOR SEAMEN

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill at the request of the Labor-Management Maritime Committee. This proposal deals with adequate medical treatment and hospitalization for seamen, and I ask unanimous consent that a supporting memorandum prepared by the Labor-Management Maritime Committee be printed in full in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the memorandum will be printed in the RECORD.

The bill (S. 1917) to amend the Merchant Marine Act, 1936, in order to protect and promote the health of seamen on vessels of the United States, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The memorandum presented by Mr. MAGNUSON is as follows:

MEMORANDUM IN SUPPORT OF LEGISLATION RELATING TO MEDICAL TREATMENT AND HOSPITALIZATION OF SEAMEN

This bill is intended to preserve from extinction one of our oldest and honored group of institutions, the Public Health Service general hospitals. Shortly after World War II, the number of hospitals was sharply reduced and justifiably so, when the Nation returned to peacetime status. However, during the past decade, an administrative practice of budgetary privation has been applied. Funds appropriated for these hospitals by the Congress have been withheld to their detriment, substantially in the areas of major repair and capital improvements. This situation is further compounded by an announcement on January 19, 1965, by the Secretary of Health, Education, and Welfare, that 7 of the remaining 12 general Public Health Service hospitals were to be closed.

Consideration is also being given to transferring the remaining five hospitals to the Veterans' Administration. This movement was in direct contradiction to positions taken by the Public Health Service over recent years. Further, the announcement came at a time when some 11 veterans' institutions also were being recommended for closing and which evoked a storm of protest from our servicemen throughout much of the Nation.

It is a strange anomaly that in a time when the general population and its medical needs are increasing; when the Congress itself is considering an expanded medicare program; and when all signs point to the need for more hospitals rather than less—that some of our oldest and time-tested hospital institutions are scheduled for reduction or elimination.

The Public Health Service general hospitals represent an extension of the marine hospital program enacted into law during the administration of John Adams and has served the Nation well for 167 years. It is the mother institution from which most of our other medical and health programs, including the veterans hospital program, were developed and nurtured. It has protected the Nation from disease importation at our maritime gateways for almost one and three-quarter centuries. It has provided fit and able seamen for our peacetime economy and for our national defense. It serves the men and women of the Coast Guard and other beneficiaries whose health is essential to the Nation. These hospitals should not only be preserved but improved to meet the highest medical standards anywhere in the world. In fact, they should be a model in worldwide hospital care.

Certainly with the world situation as it is today, we should not diminish our capacity to serve the health needs of those who defend us. Mass closing of Public Health Service hospitals or transferring the functions to other agencies of Government is a matter for the Congress to decide—not one for abstract administrative decision.

This bill is intended to sustain and make clear this concept. Veterans throughout the country have made it amply clear they do not want seamen and other beneficiaries imposed upon veteran facilities or taking precedence in treatment over any of the veterans patients. Seamen and other beneficiaries of the Public Health Service general hospitals have made it equally clear that they want these institutions continued.

It is not intended by this legislation to oppose the closing of any given hospital where appropriate criteria indicate further operation nonfeasible. Nonfeasibility should be real and not manufactured. It is also possible that in a given area a hospital may be needed where service has already been curtailed.

But opposition is expressed to the outright transfer of functions or the mass closing of these institutions or any modification of the intended effect of law, without the expressed consent of the Congress. These institutions should be maintained in terms of modern standards with services equal to any in the world. This bill is designed to help achieve these ends.

AMENDMENT OF SECTION 607(D) OF THE MERCHANT MARINE ACT OF 1936, AS AMENDED

Mr. MAGNUSON. Mr. President, at the request of the Committee of American Steamship Lines—CASL—I introduce, for appropriate reference, a bill which would amend the Merchant Marine Act of 1936. CASL represents the berth line operators in our ocean foreign commerce who are subsidized, and this proposal is designed to increase their flexibility in investing funds required by law to be retained for ship construction purposes. I ask unanimous consent that the bill and the supporting memorandum prepared by CASL be printed in the RECORD in full.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD.

The bill (S. 1918) to amend section 607(D) of the Merchant Marine Act of 1936, as amended, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (2) and (3) of section 607(D) of the Merchant Marine Act, 1936, as amended (49 Stat. 985, 46 U.S.C. 1177), are repealed and new subdivisions (2) to (8) inclusive shall be added to such section 607(D) to read as follows:

"(2) The contractor may hold some or all of his capital and special reserve funds in demand deposits, time deposits, and certificates of deposit, of banks approved by the Secretary of Commerce. The contractor may invest some or all of his capital and special reserve funds in interest-bearing securities approved by the Secretary of Commerce. The interest on such deposits, certificates, and other interest-bearing securities shall be transferred to or held in the capital reserve fund.

"(3) The contractor may transfer to and hold in one or more trusts some or all of his capital reserve fund, and in one or more trusts some or all of his special reserve fund, for the benefit of the contractor and of the United States as their interests are stated in this section 607. Any such trust shall be held by a trustee which is incorporated as a bank or trust company under the laws of the United States, or of any State or the District of Columbia, and which is approved by the Secretary of Commerce. All interest, dividends, and other income, including capital gains, stock dividends, and the sale of stock rights, received or realized by any of such trusts, after deduction of the reasonable and necessary expenses of investment, shall be transferred to or held in the capital reserve fund. The trustee shall, in the absence of instructions under subdivision (4) below, be authorized to deposit such funds in the trustee's interest-bearing accounts or to invest such funds in interest-bearing securities of the United States.

"(4) The contractor, upon compliance with the provisions of this subdivision (4) may direct that the trustee holding its capital and special reserve funds under subdivision (3) invest or reinvest any specified amount of either of said funds in any specified bonds, notes, debentures, preferred or common stock, or securities convertible from one of such classes into another, and may direct that any specified amount of such stock or securities of any nature be sold and liquidated. Such directions shall be given in accordance with policies or programs established by the board of directors of such contractor, acting upon the advice of a finance committee, or (b) upon delegation of such authority by the board of directors, then by such finance committee. The finance committee, which term may include any other committee with similar functions, shall consist of not less than three members of the board of directors and shall be responsible for supervision of any reserve fund investment program of the contractor under this subdivision (4). A copy of each such direction of the contractor to such trustee shall be filed with the Maritime Administration, United States Department of Commerce.

"(5) Notwithstanding the provisions of subdivision (4) above, no contractor without the prior approval of the United States shall direct investment in the stock or obligation of the contractor or of any holding company, subsidiary, affiliate, or associate company of such contractor, or of any corporation in which an officer or director of such contractor has a substantial interest.

"(6) The trustee shall upon reasonable notice pay, for the purposes specified in subsections (b) and (c) of this section 607, from the principal and accumulated net income after expense, of the trusts provided in this subsection such amounts as the contractor and the Secretary of Commerce shall from time to time direct.

"(7) Trust indentures executed under authority of subdivision (3)–(6), inclusive, may contain such other terms and conditions, not inconsistent with such subdivisions, as the Secretary of Commerce determines are desirable to protect the interests of the United States. The authority of the Secretary of Commerce under this section 607(d) may be delegated to the Maritime Administrator.

"(8) Trust indentures executed under the former section 607(d)(3) of this Act, prior to its repeal by this amendment, shall continue for their life to be valid except that the contractor may at any time abrogate such trust indenture in order to substitute therefor reserve fund trusts as provided in the presently enacted subdivisions (3)–(7), inclusive, of section 607(d)."

The memorandum presented by Mr. MAGNUSON is as follows:

JUSTIFICATION FOR PROPOSED AMENDMENT OF SECTION 607 OF THE MERCHANT MARINE ACT, 1936

Public Law 85–637 amended the Merchant Marine Act, 1936, to provide some additional freedom in the investment of statutory reserve fund moneys, after there had been developed in hearings before the Senate Committee on Interstate and Foreign Commerce and the House Committee on Merchant Marine and Fisheries, evidence that the ability of operating-differential contractors to replace obsolete vessels and to earn a return on the stockholders' investment, were substantially handicapped by the restrictions then in force. The handicap on earning ability had, of course, a depressing effect on income tax and subsidy recapture accruing in favor of the United States.

Public Law 85–637 provided under certain limitations that up to one-half of each statutory reserve fund might be invested in common stocks. To engage in such common stock investment, the contractor was obliged to turn over to a bank the relevant funds, and forego all control, authority, and judgment as to the stocks to be purchased. It was hoped that the result of such investment would be pleasing to the United States and to the contractor and his stockholders.

Now, 7 years later, the contractors who have established reserve fund common stock trusts are dissatisfied with the investment results obtained. They and all other contractors, including a number who desire shortly to improve their reserve fund investment programs, seek opportunity to invest under their own judgment in a wide range of interest-bearing securities and in common and preferred stocks as and when market conditions make such investment attractive, and to the extent that scheduled needs for note maturities and vessel construction and reconstruction make such investment appropriate and safe.

The contractors have found;

With respect to the use of bank trustees:

A detailed and minute examination of several reserve fund common stock trusts, shows that their values at September 30, 1964, averaged less than would have resulted from indiscriminate purchase of the stocks on which the Dow-Jones stock indexes are constructed.

Investment has typically been spread over so wide a list of stocks as to indicate that real selectivity has not been attempted.

With respect to the 50 percent limitation:

The limitation has been arbitrary and not useful, in that funds not required in the near-term future and therefore eligible for careful stock investment are improperly limited to 50 percent, while no contractor does or wants to make use of the 50 percent privilege insofar as cash needs in the near-term future are concerned.

In a fund 50 percent invested in common stocks which have risen in value, it may become desirable to sell certain stocks, realize the profit, and reinvest in other stocks. No matter how wise and sound this course may be, the owner is forced to transfer half the profit to the interest-bearing portion of the fund. His investment judgment is thereby inhibited and warped.

The contractors observe with respect to the philosophy of Government control over reserve fund investment:

The Merchant Marine Act, 1936, was adopted at a time when recapture of subsidy accrued to the United States was represented by moneys in reserve funds, and the United States therefore had an ownership interest in the funds. Since the "Kracke amendment" to appropriation acts, recapture has been deducted from subsidy payments, and reserve funds are wholly the property of the contractors.

The administration has stated that overregulation is typical among Government agencies, with resultant excessive delays and excessive costs borne both by the Government and the regulated enterprises. The contractors find that regulation of reserve fund investment is a case in point.

Public Law 85–637 goes into great detail about reserve fund investment matters in which the Congress has no real interest and in which the Maritime Administration should be able to make changes by regulation but is powerless to do so.

The Merchant Marine Act, 1936, was adopted at a time when the dollar was stable in value. Since 1939 currency deterioration has been consistent. In the last 10 years this inflation has been more gentle than in other years, about 1½ percent per annum, possibly a little more. The most competent estimates by economists are that in the future currency deterioration will continue mild if normal peacetime activity shall continue but will exceed the 1½ percent of the past decade. It will be much greater in case of important emergency, whether military economic, or political. No law which establishes dead rules, on how money is to be invested is reasonable or safe or fair to reserve fund owners or in the true interest of the United States.

Beyond the inadequacy of the bank trustees as investment "czars," and beyond the attempt to establish investment categories in the fees of unknown future economic values, the contractors say that there is direct overregulation and duplication of regulations.

The purpose of the Merchant Marine Act is to provide steamship operation well serving the water-borne commerce of the United States and capable of serving as naval and military auxiliary. To that end there must be best equipped, safe, and suitable vessels. The Maritime Administration, operating under these requirements of the act and the regulatory authority incidental to the act—

Requires new construction contracts to be entered into not later than specified dates.

Determines the size, speed, design, materials, and equipment of the vessels constructed.

Determines the routes on which the contractors' vessel must operate.

Determines the frequency of service desirable either by establishing such frequency in a given contract or by double or triple tracking.

Imposes the responsibilities which make the contractors true common carriers.

Has statutory authority to require (under certain conditions) deposits in reserve funds in excess of those normally made.

Controls dividends so as to insure the availability of resources for both vessel construction and working capital.

Having thus provided directly and fully the equipment, services, and resources to serve waterborne commerce and support the military, the Merchant Marine Act calls for ownership and operation under the U.S. flag by citizens of the United States. This policy is in general observed; it is not observed in the case of investment of the moneys set aside in reserve funds. This constitutes a duplication of the controls listed above, consequently overregulation.

Corporate enterprise involves a board of directors to establish policies and the general means by which they are to be carried out. The directors are responsible to the stockholders for the wise and (hopefully) profitable use of the properties committed to their care. They employ the chief executive officer, pass on the senior officers through whom he works, authorize budgets, determine financial policy, authorize the making of operating-differential and construction-differential contracts and accept obligations therein entailed.

The excessively narrow and rigid requirements related to reserve funds, established in 1936 can be explained in the light of the failure of hail-pay contractors to build enough new vessels. The real causes of such failure are more likely the severity of the depression and the inadequacy of post office executives of the early 1930's.

However one may view the circumstances of 1936, it was clear in 1958 that the rigidities of the act had caused many millions of dollars in income losses, thus defeating the purposes of the act. Experience since then has demonstrated the fact that the 1958 amendment did not go far enough. It is time to let boards of directors assume their proper authority and responsibility, erecting only necessary safeguards, rather than have a law which in effect removes from their directors nearly all authority and responsibility. It is therefore proposed to restore to the Boards of Directors such authority and responsibility, with these specific safeguards:

Reserve fund moneys may not be invested in or loaned to the contractor itself nor its holding company, subsidiary, or associate company, except with Maritime Administration prior approval.

Reserve fund moneys may not be invested in or loaned to any corporation in which an officer or director of the contractor has a substantial interest, except with Maritime Administration prior approval.

All reserve fund moneys and securities shall be held in deposits or certificates of deposit of banks approved by the Secretary of Commerce, or in interest-bearing securities approved by the Secretary of Commerce in trusts established in banks or trust companies approved by the Secretary of Commerce.

Reserve fund investment shall be directly supervised by the contractor's board of directors or by a committee of not less than three directors charged by the board with that responsibility.

The Maritime Administration shall be furnished immediately with a copy of every investment instruction issued to the trustee.

Trusts created under the act as it now stands may be continued indefinitely.

The Secretary of Commerce may require trust agreements to contain such other terms and conditions, not inconsistent with the amended act, as he may determine desirable to protect the interests of the United States. This authority may be delegated to the Maritime Administration.

After the transfer of primary investment authority and responsibility to the contractors' boards of directors, and subject to the safeguards just recited, there is every reason to believe that the contractors will make substantially better use of the moneys segregated in reserve funds and will thus enhance (1) tax[1] and recapture accruing to the United States, (2) the ability of the contractors to continue replacing vessels the costs of which are constantly increasing through greater tonnage, more speed, newly developed and improved equipment, and currency deterioration, and (3) the approach of stockholders' return more nearly to the levels prevailing in other industries.

COMMISSION TO STUDY RAILWAY POST OFFICE SERVICE AND ITS RELATIONSHIP TO THE NATIONAL TRANSPORTATION SYSTEM

Mr. McGEE. Mr. President, I am introducing legislation today setting up a commission and calling for an investigation of the relationship of the railway postal service and the national transportation.

The Post Office Department, in its constant drive to conduct its operations at reduced costs, has been conducting studies to determine to what extent railway postal office facilities should be terminated and abolished. This has caused serious concern to many people throughout the country, and I am certain that many of my colleagues have had complaints and inquiries on this matter. Many have expressed doubts that the removal of railway post office would improve service or reduce costs. Others have questionad what would happen to railway post office clerks and others who are dependent on this service for their jobs and livelihood; and still others have questioned whether or not passenger train service would be continued to many of the areas involved if the revenue derived from the railway postal service were to be taken away from railroad management.

It appears to me, Mr. President, that there are many real questions to be answered in regard to this matter, and answers should be available before any final and irrevocable action is taken by the Post Office Department.

For many years Congress has demonstrated an active interest in the national transportation systems as a matter of national interest and national security. Passenger-train service is a vital and integral part of this system, and I feel we should know before any action is taken what effect the removal of railway post office would have on the passenger service and the national system.

I would hope to obtain speedy action on this resolution, and that in the meantime the Post Office Department would take cognizance of it and delay any final decisions on removal or termination of RPO service.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 77) to establish a National Commission To Study Railway Post Office Service and Its Relationship to the National Transportation System, introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

NATIONAL HALIBUT WEEK

Mr. MAGNUSON. Mr. President, I submit, for appropriate reference, a concurrent resolution authorizing and requesting the President of the United States to proclaim May 15 to May 21 as National Halibut Week. In addition, this resolution calls upon the people of the United States to observe such week with appropriate ceremonies and activities.

Last year I presented a similar proposal and an effort was made by everyone interested in our valuable halibut resources to appropriately celebrate this occasion. Strong leadership has been given to this celebration by the wives of halibut fishermen who are not only participating in this celebration but should themselves be saluted for their industy and activity.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 34) was referred to the Committee on the Judiciary, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That the President is authorized and requested to issue a proclamation designating the seven-day period beginning May 15, 1965, and ending May 21, 1965, as National Halibut Week and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

HIGHER EARNINGS LIMIT UNDER SOCIAL SECURITY AMENDMENT (AMENDMENT NO. 168)

Mr. FONG. Mr. President, I submit for appropriate reference an amendment to H.R. 6675, Social Security Amendments of 1965, which would allow social security recipients to earn up to $2,400 a year without losing any of their social security benefits.

Under present law, they may earn only $1,200 without reduction in their monthly social security checks. For every $2 they earn between $1,200 and $1,700, they now lose $1 of their social security benefit. For every dollar earned above $1,700, they lose $1 of benefit.

The bill approved by the House of Representatives liberalizes the present law somewhat. Under the House version, for every $2 earned between $1,200 and $2,400, the social security recipient would lose $1 of his benefit. He could still earn only $1,200 without suffering any loss of social security benefit, just as at present.

I do not believe the House-passed bill sufficiently improves the earnings limit.

My amendment would allow social security recipients to earn up to $2,400 without losing any of their social security benefit. For every dollar earned above $2,400, they would lose $1 of benefit.

My amendment is designed to help older citizens be more self-sufficient. In view of the high and rising cost of living, Congress should increase the amount of earnings social security recipients may earn without suffering any loss of social security benefit.

This amendment is similar to my bill, S. 765, introduced earlier this year raising the earnings limit to $2,400.

I hope the Finance Committee will approve this needed increase in the earnings limit.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 168) was referred to the Committee on Finance.

VOTING RIGHTS ACT OF 1965—AMENDMENT (AMENDMENT NO. 169)

Mr. THURMOND. Mr. President, I submit an amendment to the Mansfield-Dirksen amendment (No. 124), in the nature of a substitute for S. 1564, and ask that it be printed in the RECORD, at this point.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 169) is as follows:

> On page 14, line 19, strike the period at the end of the sentence and insert "on account of race, color, or previous condition of servitude."

Mr. THURMOND. Mr. President, this amendment would add the words "on account of race, color, or previous condition of servitude" to the end of subsection (a) of section 9 of the Mansfield-Dirksen substitute. As this section now reads, the Attorney General is directed to institute a court action for the purpose of determining if a State poll tax, or other tax or payment, has the purpose or effect of denying or abridging the right to vote. The requirement that a citizen of a State pay a poll tax as a prerequisite to the voting privilege necessarily has the effect of denying the privilege of voting to those who fail to pay the tax. However, this, in and of itself, does not violate any provision of the Constitution of the United States. It would violate the Constitution of the United States only insofar as any such poll tax denied or abridged voting rights solely on the basis of race, color, or previous condition of servitude.

For this reason, I feel that it is necessary that these words be added to the provision in question, and I am submitting this amendment for that purpose.

ADDITIONAL COSPONSORS OF BILLS

Mr. AIKEN. Mr. President, I shall take but a minute.

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[1] Tax accrual will increase because the need for extra deposits of income will decrease.

I desire to have the Record show that since S. 1766 was printed, the names of additional cosponsors have been added to the bill. The bill provides for the establishment of rural water systems with Federal assistance.

I ask unanimous consent that the names of the Senator from Maryland [Mr. Tydings], the Senator from Kansas [Mr. Pearson], the Senator from Illinois [Mr. Dirksen], and the Senator from Wisconsin [Mr. Proxmire] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, reserving the right to object, can the distinguished Senator from Vermont tell us the number of sponsors the Aiken bill has at this time?

Mr. AIKEN. At this time the number seems to be 47. I am sorry that not every Senator has been informed about the bill. Senators have probably overlooked it, because at the time it was introduced by the Senator from Montana [Mr. Mansfield] and me, only three or four Senators were in the Chamber. So we asked that the bill remain at the desk for a week to receive additional cosponsors. As I recall, at the time the bill was printed, there were 40 sponsors in all. Other Senators have said they would like to cosponsor it.

Since that time we have added the names of the Senator from West Virginia [Mr. Byrd] and the Senator from South Carolina [Mr. Russell]. Their names were inadvertently omitted in the printing.

As of today, we are asking to have added the names of Senators Tydings, Pearson, Dirksen, and Proxmire. I believe that makes 46, perhaps 47.

Mr. MANSFIELD. May the number increase. I withdraw my reservation of objection.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the name of the Senator from Indiana [Mr. Bayh] be added as a cosponsor of S. 1796, a bill to amend the Small Business Act to provide additional assistance for disaster victims.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON THE BANK MERGER ACT

Mr. ROBERTSON. Mr. President, I should like to announce that the Financial Institutions Subcommittee of the Senate Committee on Banking and Currency will begin hearings on Wednesday, May 19, 1965, on the bill, S. 1698, to amend the Bank Merger Act so as to provide that bank mergers, whether accomplished by acquisition of stock or assets or in any other way, are subject exclusively to the provisions of the Bank Merger Act. The hearings will be held at 10 a.m., in room 5302, New Senate Office Building.

Any persons who wish to appear and testify in connection with this nomination are requested to notify Matthew Hale, chief of staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C., telephone 225-3921.

HEARINGS ON U.S. BALANCE OF PAYMENTS

Mr. MUSKIE. Mr. President, in accordance with expectations, which I reported to the Senate a few days ago, printed copies are now available of the hearings conducted by the Subcommittee on International Finance of the Banking and Currency Committee on the continuing deficits in our balance of payments and the resulting outflow of gold. Several distinguished officials of the Government, a number of outstanding economists expert in this field, and representatives of business and banking appeared before the committee. The purpose of the hearings was stated to educate the members of the committee, the Congress, and the general public as to the nature and causes of the problem and as to proposed measures for dealing with it.

Hearings began with statements by the Government officials—Mr. Dillon, the then Secretary of the Treasury, Mr. Connor, the Secretary of Commerce, Mr. Martin, the Chairman of the Federal Reserve, Mr. Murphy, then Under Secretary of Agriculture, Mr. Griffith Johnson, Assistant Secretary of State, Mr. Hitch, Assistant Secretary of Defense, Mr. Bell, Administrator of AID, and Mr. Linder, President and Chairman of the Export-Import Bank. These officials described the general nature of the problem, explained the existing governmental programs that affect it, and discussed the new administration programs for dealing with it.

Economists then discussed the basic elements and principles involved and set forth views as to means of handling the problem of the deficit. The representatives of banking and business also presented their views as to the nature of the problem and measures for dealing with it.

Following statements of the witnesses, significant points were further developed in questioning by members of the subcommittee. In addition, the record of the hearings contains a number of statements, studies, and data developing particular points, as well as various public statements bearing on the subject by distinguished public officials and experts.

It is contemplated that hearings will be resumed in the near future. As I announced in the Senate earlier, Dr. Edward M. Bernstein, who has been chairman of a committee of experts which has recently completed a review of balance-of-payments statistics and prepared a report recommending improvements, and who is an outstanding expert on international financial economics, is scheduled to appear on May 17. Other businessmen, bankers, and other experts in this field will be requested to appear when the schedule of the committee permits.

TRIBUTE TO SENATOR FANNIN OF ARIZONA

Mr. DIRKSEN. Mr. President, my friend, Willard Edwards, who is one of the outstanding representatives of the Chicago Tribune and who covers the Senate Press Gallery very diligently, has done an excellent portrayal of our colleague, Senator Paul Fannin, of Arizona. Not only is it an excellent article but I might add that it is richly deserved and I am delighted indeed to ask consent for its insertion in the Record as a part of my remarks so that it might have wider currency and be frequently quoted in all areas of the country.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago (Ill.) Tribune, May 2, 1965]

Arizona's Senator Fannin Earns Label of "Man Who Succeeds"—1 to 100 Shot for Governor, but He Wins

(By Willard Edwards)

Washington, May 1.—When political leaders gather to pick a slate of candidates for a forthcoming campaign, an embarrassing silence sometimes falls when volunteers are sought in a virtually hopeless cause.

The problem arises when someone must be found to seek a political office which has always been won by the opposition party with no indication that the voters are inclined to disturb this precedent.

NEED FOR SACRIFICE

If the chief of the parley is a diplomat, he may inquire, not without a note of sarcasm, along this line:

"Is some loyal member of the party available to sacrifice himself in this effort?"

On a somewhat lower level, he might ask:

"Have we got a sucker for this spot?"

Such was the situation in 1958 in Arizona when Republican Party leaders began considering the selection of a candidate for Governor of the State. They had been encouraged in 1952 by the astonishing victory of their candidate for the U.S. Senate, a Phoenix department store owner named Barry Goldwater. He had ousted a veteran Democratic incumbent, Senator Ernest McFarland, Senate major leader.

STATEHOUSE HOPES DIM

Goldwater now was running for a second term and GOP hopes were high for his reelection. However, registered Democrats still outnumbered Republicans in the State by 3 to 1 and the wildest hopes of the party leaders did not extend to capturing the statehouse.

Arizona had never had a Republican Governor and the experts could detect no popular surge to elect one. The need was for a willing victim to endure the hardships of a campaign without the slightest hope of victory.

Goldwater's brother, Robert, had roomed at Stanford University 30 years earlier with Paul J. Fannin, son of a transplanted Kentuckian who had come to Arizona in 1907 for his health. The friendship had remained firm as Fannin and his brother, Ernest, converted a small hardware store into a prosperous distributing business which stretched into several States.

Fannin, then 51, had never been active in politics. He was a poor speaker and unversed in the strategy of wooing votes. However, he was highly respected, possessed of the necessary means, and widely known in the State through his business activities.

BARRY STUDIES CHANCES

When Fannin was suggested as a candidate for Governor and provided not unwilling to make the sacrifice, Goldwater toured the State to survey his prospects.

"Well," he reported to Fannin, "it's possible that you might have a chance." This was accepted as polite encouragement to one willing to give his all to the party. The betting against Fannin was 100 to 1 with no takers. The winner of the Democratic primary already was celebrating his certain victory in November.

With the temerity of the innocent who venture where angels will not, Fannin plunged into a campaign which astonished all. He almost literally "walked" the huge State, shaking hands with thousands, invading the smallest villages, voicing his ideas about government, sometimes haltingly, but with an impressive sincerity.

On election day, the experts surveyed the results with unbelieving eyes. Fannin had won by 35,000 in his first race for office. When Goldwater had upset similar odds 6 years earlier, he had won by only 6,500 votes.

Arizona's first Republican Governor was reelected in 1960 by the largest majority ever given a gubernatorial candidate in the State. He was elected to a third term in 1962. In 1964, he was asked again to make a sacrifice which could remove him from politics, perhaps forever.

He was induced to file as a candidate for the Senate on a standby basis pending the outcome of Goldwater's bid for the Republican nomination for the Presidency. If Goldwater should fail in this attempt, it was understood that Fannin would withdraw and permit Goldwater to run for a third Senate term. It would then be too late for Fannin to file for any office.

He was relieved of this gentleman's agreement when Goldwater gained the GOP presidential nomination. Fannin remained on the ticket as candidate for the Senate.

Again, on election day, the experts were confounded. Goldwater captured his home State's 5 electoral votes by a narrow margin of 4,000 votes. Fannin ran ahead of him by 10,000 votes, winning the Senate seat by a comfortable 14,000 margin.

Today, the political tyro of 7 years ago sits in the seat formerly occupied by Goldwater whose political future is uncertain. The new Senator from Arizona would be the first to admit that he does not possess the quick mind, the witty personality, and the charm and gayety which helped thrust his predecessor to the political heights. His friends say he has the dogged persistence, the capacity for study, the ambition to learn which were not easily visible as Goldwater's outstanding characteristics.

"He grows on you," an associate said. "It's hard to assess the political ingredient which makes him a winner. Perhaps it's the utter sincerity which he projects and which was Eisenhower's greatest attribute. He's no orator but people listen to him and believe him."

HALTS LIQUOR RACKET

Some measure of Fannin's ability may be gained from his record as Governor. Facing a hostile legislature in which the senate had 27 Democrats and 1 Republican, he called 4 special sessions and made 4 recommendations, winning approval of them all, an almost unprecedented accomplishment in the State's legislative history. Among other things, he killed a thriving racket in liquor licenses which were being handled as a monopoly by a small group and being leased for as much as $60,000 a license. He also put through a program for much needed improvements in the State's educational system.

In an interview, he disclosed the project closest to his heart—a somewhat amazing program of international cooperation between Arizona and the State of Sonora in Mexico, which lies just south of the border. He sees the beginnings of a common market of the Americas in the joint development of the two States which are the fastest growing in their respective republics.

Fannin and the Governor of Sonora at that time, Alvara Obregon, formed a permanent committee in 1959 to expand cultural and trade relations between the two States. The result has been greatly increased travel between them, the birth of new businesses, cooperative programs between State universities, and increased investments by Arizona banks in Sonora.

CITED BY MEXICO

Some businessmen see in this development the basis for a common market which is essential if the United States is to meet the growing competition of the European Common Market in Latin America.

In Mexico, his efforts are so highly appreciated that he was recently awarded a plaque proclaiming him the Latin American equivalent of "Man of the Year."

Fannin is a big, rangy man—6 feet 1½ inches, 185 pounds. He keeps fit and was a famous softball pitcher in his day, playing on championship teams where he was hailed as "Windmill" Fannin because of a sweeping delivery.

His seriousness matches his size. However, as he talked, losing self-consciousness in the interest of his subject, a lively imagination, a quiet sense of humor, and a sensitivity to injustice began to emerge.

INTERESTED IN INDIANS' WELFARE

He became almost eloquent about the plight of the American Indian, the ignored minority when welfare state billions are being passed out. Arizona has more Indians [83,000] than any other State. Taking the floor for the first time in connection with pending legislation last month, the Senator discussed the inadequacies of the administration's $1.3 billion aid-to-education bill.

"I must protest," he said, "against a formula that would give the 10 wealthiest counties in the United States nearly $9 million and 10 of the poorest counties only half that much. And I protest the implication that the Federal Office of Education can do better than what the States and local school districts have been doing since the beginning of our Republic.

"In my State, we happen to have a continuing demonstration of the Federal Government's competence in this field. Despite the solemn treaty obligation of the United States to provide thousands of Indian children with adequate education and health facilities, the Government has clearly failed.

"Of 23,191 Navajo children on the Arizona portion of the reservation, virtually all from poverty stricken families, approximately 3,500 were not enrolled in any kind of school. Three-fourths of the adult population cannot speak, read, or write English."

Recently, a veteran Republican colleague found him poring over a book on the Senate's parliamentary rules, an intricate maze of rulings and precedents which few can decipher.

"Oh, Hell, Paul," said the elder. "Don't bother with that. If you do something wrong, someone will be around to tell you."

The freshman Senator went on studying. He does not appear to be the type who waits for someone to tell him he is wrong.

MAN OF THE YEAR

Mr. DIRKSEN. Mr. President, on April 29 there was published in the Chicago Tribune an editorial on the subject "Man of the Year." I believe it is quite important and deserves wider circulation. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Apr. 29, 1965]

MAN OF THE YEAR

The Tribune today presents the real "Man of the Year."

He was not picked by the Junior Association of Commerce, or by the Senior Association of Commerce, or by the politicians, or by any association of newspapermen. You won't find his picture in the papers. You may not recognize him as you pass him on the street. But we hope you do.

Our "Man of the Year" is in the middle income brackets. He gets up every morning at 6:30 so that he can get to his job in an office or factory at 8 or 8:30. He works hard, not only because he wants advancement, but because he thinks his employer deserves a fair deal. He is honest and dependable.

Our "Man of the Year" manages to get along with one wife. They have three or four children, whom they love so much they teach them to be respectful, law abiding, and self-reliant. They have done their best to earn and save enough money to send their children to college, but the rising costs of higher education make this goal more difficult each year.

The rising cost of everything also makes it harder to put aside money for retirement. Recent Federal income tax reductions have helped the people in high income brackets and low income brackets, but the man in the middle has got little benefit. There are no loopholes in the income tax for him, and he can't put any money into tax-exempt securities.

Social security taxes, which started at $30 a year, are now up to $174. Soon the medicare program will make them much higher. Local property taxes have doubled, and so have the various State taxes. Worst of all, the purchasing power of the dollar is only 42 percent of what it was when our "Man of the Year" bought his first insurance policy in 1937. The little money which he has set aside for a rainy day is worth about half of what it was when he earned it.

Our "Man of the Year" belongs to a church and works at his religion. He is no saint, but he understands the Biblical meaning of neighbor and tries to be decent to men of all races and creeds. You won't find him, however, in civil disobedience demonstrations. He believes laws ought to be enforced.

Our "Man of the Year" is not ashamed to be considered a patriot. He flies the flag on national holidays. He can't understand Americans who join organizations dedicated to the destruction of America. He can't understand legislators and judges who strive to undermine law and order, or to feather their own nests.

Our "Man of the Year" believes in our system of government. He votes at every election, but he votes only once.

For all his merits, we salute him.

THE SINO-SOVIET DISPUTE ON WAR AND THE NATIONAL LIBERATION OF VIETNAM

Mr. DIRKSEN. Mr. President, Mr. Robert D. Crane, who is a member of the Center for Strategic Studies at Georgetown University, has prepared an excellent article that involves, among other things, our problems abroad. On a previous occasion I have had printed in the Record an article that he has done. There is further information here that I believe is at once constructive and useful. It is a little lengthy, but it bears the title "The Sino-Soviet Dispute on War and National Liberation of Vietnam." It is extremely timely, and, notwithstanding its length, I believe it will prove extremely useful as a reference article. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Sino-Soviet Dispute on War and the National Liberation of Vietnam

(By R. D. Crane)

The most significant development during the past few months in the southeast Asian war has been the decision of the Soviet and Chinese Communist leaders to increase their overt military support of the war in Vietnam. This new development has caused policymakers for the first time publicly to consider the risk of escalation as an important factor in determining U.S. policy toward southeast Asia. This new concern with the degree of risk involved in prosecuting the southeast Asian war has focused attention on the alliance problems within the Communist camp, and particularly on the nature and extent of the Sino-Soviet dispute.

The fullest possible understanding of this dispute has become critical because American policymakers are concluding that the future course of events in southeast Asia will be determined not merely by North Vietnamese or Communist Chinese policy, but by Soviet policy. This important point was brought out in Secretary McNamara's annual defense posture statement to Congress on February 18, 1965, when he said: "Unless there is a change in Soviet policy, it still appears doubtful that the Chinese Communists will deliberately initiate any major overt aggression against their neighbors."

The two most critical questions for an analysis of the impact of the Sino-Soviet dispute on the southeast Asian war therefore are: (1) What is the real issue in the Sino-Soviet dispute as it has developed during the past few years? and (2) What policy should the United States follow to prevent the adoption of a dangerously expansionist policy by the Soviet Union and to promote Soviet policies of greater moderation? The answer we give to these two questions will be important in determining the whole course of American policy in Asia during the coming decade.

THE SINO-SOVIET DISPUTE

Most of the studies on the Sino-Soviet dispute conclude that this dispute is caused basically either by nationalism or by ideology or by some combination of the two.[1] There is considerable evidence that the Sino-Soviet dispute is not caused basically by either of these two factors but rather by opposing theories of how best to control conflict, and particularly how to deter nuclear war, during the course of the world revolution.[2] According to this view:

1. Chinese and Soviet strategists are in complete agreement that nuclear war and even any serious risk of nuclear war must be rejected as rational instruments of policy.

2. These strategists also agree that their advanced weapons are not necessary primarily for the defensive purpose of deterring capitalist attack on their homelands, but are necessary for the offensive purpose of deterring U.S. intervention in expansionist Communist wars of national liberation.

3. The Chinese and Soviet strategists differ primarily on how best to control conflict, especially by deterring nuclear war, during the course of the world revolution.

4. The Chinese Communists believe that nuclear war can best be deterred by constant revolutionary pressure designed to promote isolationist tendencies in the United States. The Soviets believe that nuclear war can best be deterred, and revolutionary movements protected from armed U.S. opposition, if the Soviet Union can exploit an atmosphere of detente to achieve superiority over the United States in a few critical advanced weapons.

The decision of the Soviet and Chinese Communist leaders to increase their overt military support of the war in Vietnam might seem superficially to indicate the convergence of Soviet and Chinese Communist theories of conflict control and, therefore, the abandonment of the Soviet strategy of detente. Further analysis, however, suggests that the Soviets and Chinese agree on the advisability of pressing for victory in the southeast Asian war because developments during the past year both in Soviet advanced weaponry and in the national liberation struggle have caused the Soviet and Chinese Communist strategists to conclude that their diverse theories of conflict control call for a common and mutually supporting policy of revolution in southeast Asia. Some of the advances in Soviet weaponry, particularly in Soviet antiballistic missile developments, which may have influenced Soviet strategists, were discussed on February 11, 1965, before the Senate Armed Services Committee. Some of the isolationist developments in the intellectual climate in the United States, which may have influenced Chinese strategists, were presaged by Senator Fulbright's speech a year ago on "Old Myths and New Realities" and were described on February 23, 1965, in a major speech by Senator Thomas J. Dodd, Democrat, of Connecticut, entitled "Vietnam and the New Isolationism."

The response of Premier Khrushchev and of his principal military supporter, the late Marshal Biryuzov, to the new developments in Soviet weaponry and in U.S. foreign policy may have been the desire to exploit the new Soviet weapons directly and dramatically in a Cuba-type gamble to intimidate the United States. The opponents of Khrushchev, including Suslov and Marshals Sokolovskiy and Malinovskiy, condemned such "harebrained" scheming. The successors of Khrushchev in the Soviet power structure reportedly created instead a top-level national liberation commission composed of Presidium members. Among them may be the individual to whom the Chinese Foreign Minister, Chen Yi, referred recently when he stated: "We expect nothing from Khrushchev's successors. However, we firmly believe that the Soviet people will have a great leader in the not too distant future."

Soviet strategy in the post-Khrushchev era has returned to the original Khrushchevian emphasis of the pre-Cuba crisis period on wars of national liberation, but has added two innovations: (1) a further shift toward the belief that the mere existence of the new Soviet weapons, particularly in conjunction with increases in their quality and quantity, is sufficient to limit the strategic goals of the United States and to deter any dangerous U.S. response to overt Soviet support of national liberation wars, and (2) a new emphasis on the promotion and exploitation of a continued detente with the United States both to use its threatened termination as a means of deterring U.S. intervention in national liberation wars as well as to gain the many direct advantages that detente can provide for the Soviet Union.

The main points that emerge from the above analysis of the Sino-Soviet dispute as it affects American policy on southeast Asia are the following: (1) both the Chinese and the Soviets are in complete agreement on the need to avoid any great risks of escalation to nuclear war, and (2) although they differ principally in their theories about the nature of deterrence in the modern era of national liberation war, nevertheless recent developments in Soviet weaponry and in U.S. thinking about foreign policy have caused the Chinese and Soviet strategists to proceed from their differing theories on deterrence to the conclusion that the time is now ripe to start a concerted effort finally to drive the United States and its allies off the rimland of Asia.

IMPLICATIONS FOR U.S. POLICY

The second of the two principal questions we must ask if we are meaningfully to analyze the impact of the Sino-Soviet dispute on the war in southeast Asia is: What policy should the United States follow in order to exert a moderating influence on the Soviet Union and thereby indirectly on Communist China? This question is basic to American foreign policy. It becomes acute only during periods of tensions such as we experienced during and after the Cuban missile crisis and are experiencing now.

Most of the recent commentary on this question has warned against the alleged danger that an overly firm U.S. policy might push the Soviets into the arms of the Communist Chinese, thereby eliminating an important moderating influence in the underdeveloped areas of the world, particularly in Asia. It has been suggested that during Premier Kosygin's visit to Vietnam in January 1965 the Chinese Communists trapped him into adopting a hardline position against his will, and that we therefore must agree to neutralize South Vietnam in order to help Kosygin extricate himself from a dilemma. Another consideration, which first became familiar during and after the Cuban missile crisis, is the alleged need to follow a conciliatory policy toward the Soviet leaders because the failure of their foreign policies, once the Soviet Union has become committed for one reason or another to these policies, would cause a succession crisis that might result in a shift toward a hardline and perhaps even a Stalinist line in Soviet domestic and foreign policy.

The behavior of the power-oriented Soviet leaders in past crises suggests, to the contrary, that the best way to bring on such an unfortunate succession crisis would be for the United States to follow a conciliatory policy in southeast Asia. Such a policy would serve merely to prove that the so-called hardliners in the Soviet Union are right in their contention that a maximum push in revolutionary warfare will inaugurate the third and final phase in the liquidation of capitalism. The only way the United States can support the moderates in the Soviet Union and the only way it can reduce the present ideological orientation of the Communist system is to combine a policy of maximum contact with Soviet individuals with a policy of maximum firmness in opposing Communist aggression. Instead of trying to support the moderates in the Soviet Union by adopting a conciliatory American foreign policy, we should try to support these moderates by frustrating and thereby undermining their hardline opponents. Only when the Soviets are forced to recognize the Utopian nature of their global ambitions can we achieve any real success in our long-range policies of peaceful engagement and peaceful cooperation with the leaders and peoples of Russia.

Specifically, in our policy toward southeast Asia, we should make it clear that we support the original goal of the Geneva agreement of 1954, which called for free elections in the country of Vietnam. We should draw the conclusion, which the Communists have forced upon us, that the Communists do not want elections except on their own fraudulent terms. If elections are to be free from Communist terrorism, the entire country of Vietnam, both north and south, must first be liberated from Communist control. National liberation has been the goal of the Vietnamese leaders. It was opposed by the

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[1] Perhaps the best such study in the recent literature is Richard Lowenthal's "The Prospects for Pluralistic Communism," Dissent (winter 1965), pp. 103–143.

[2] See "The Sino-Soviet Dispute on War," in "Detente: Cold War Strategists in Transition" (New York and London: Praeger), 1965, eds. Eleanor Lansing Dulles and Robert D. Crane.

French colonialists. It has been opposed by the United States on the pretext that the time was not opportune, but really because some American policymakers feared the possibility of escalation from the national liberation war that the Vietnamese people would have to fight in North Vietnam.

During 1959 and 1960 special Vietnamese guerrilla forces liberated large areas in the northern areas of Vietnam extending as far north as the Chinese border. These successful liberation efforts were forbidden by American policymakers at the time because they feared that the very success of such a liberation movement would provoke a Chinese launched invasion under a Soviet nuclear umbrella and therefore jeopardize the independence of all of southeast Asia.

The resulting abandonment of what promised to be the first successful national liberation movement in Communist controlled Asia had an adverse local effect on the conflict in southeast Asia because it caused bitterness and disillusionment among the Vietnamese intellectuals who had been struggling for 20 years to liberate and unify their ancient and proud country. Even more important, this forced abandonment was a milepost in the adoption of a defensive mentality among American guerrilla warfare strategists. It provided the first classic example of the power of Communist psychostrategic warfare to direct and control American strategy in the underdeveloped world.[3]

In order to exert a moderating influence on Soviet and Chinese Communist policy, the United States must first reverse this defensive orientation of its strategic thinking on Asia. Specifically, the United States must abandon its effort to force the Vietnamese to remain at the tremendous disadvantage which defending forces have in modern guerrilla warfare. The United States must abandon its efforts to force on the Vietnamese people the unpopular goal of containing (and thereby maintaining) communism within their own country. Events have proven that the sterile purely military policies attempted by France and the United States have failed. If present trends continue, the only real alternative, other than eventually complete Communist victory, may be to permit the Vietnamese to return to the policy which gave them victory over the French, which is giving the Communist Vietnamese victory against the Americans, and which would give the overwhelming anti-Communist majority of the Vietnamese people victory over the Vietcong "Chinese puppet" leaders. This is a policy, very simply, of guerrilla warfare directed toward the liberation of their entire country from the foreigners and foreign-dominated Vietnamese who have used Vietnam for so many years as a strategic or economic pawn. This type of warfare goes far beyond the ineffective and costly commando raids of the past which have been designed to maintain the status quo. It calls not only for a change in operations, but for a complete change in goals.

This reorientation of goals would require also a multibillion-dollar foreign aid program, perhaps under U.N. auspices, to promote the economic and cultural resurgence of all of southeast Asia.

A policy of true national liberation is a policy which the United States can support, but which the Chinese Communists and Soviets cannot. A policy of national liberation, backed by the full support of the West and by unlimited U.S. commitment to counter any Chinese or Soviet intervention, would evoke strong Communist protests and threats, and perhaps even a military probe. In the long run, however, this is the best policy to exert a moderating influence not only on the Soviets but also on the Chinese Communists. This is also the only policy consistent with our basic American foreign policy, which is to make the world not democratic, but safe for any country—with the ability and desire—to build democracy.

April 23, 1965.

The Need for a U.S. Policy on the Liberation of Vietnam

From: Robert D. Crane.
To: Adm. Arleigh Burke.

Two premises are at the heart of the failure of U.S. policy in Vietnam. They are: (1) military victory must be given priority over everything else, and (2) there is no other choice than ending the war by winning it in South Vietnam.

Military power plays a supporting role and therefore should not be given top priority. The confrontation with communism is political, though it is backed by a peripheral military duel. In order to win against communism we must adopt a forward political strategy, as have the Communists. The greatest fallacy of our time is the dream of a status quo with communism, particularly in "national liberation" wars. In Europe it may work, but Europe is not going to be the arena of conflict during the next decade.

The American policy of trying to win the national liberation struggle in Vietnam by strategic bombing represents the bankruptcy of our global strategy. The same may be said about the Soviet decision to send surface-to-air missiles into Vietnam. If present trends continue, both the United States and the U.S.S.R. may be out of Vietnam by next year at this time and the Chinese Communists may have proven the superiority of their particular strategy of revolution and conflict control.[1]

The destruction of value targets in North Vietnam is not going to influence basically the conflict in Vietnam, nor would the destruction of Soviet missile bases in North Vietnam. Strategic offense and defense are not going to decide anything in a national liberation struggle. This may be precisely what the Chinese hoped to prove by changing their minds and letting the Soviets send their missiles through safe Chinese territory to Vietnam.

We must, of course, consider the possibility that the Soviet missiles in North Vietnam will force the United States to call off its strategic bombing without the United States at the same time shifting to a policy of national liberation. This would be the most catastrophic of all policies, because it would prove that both the Soviet and Chinese strategies of world revolution are right. Soviet psychostrategic warfare to neutralize U.S. strategic power would be demonstrated as correct, and Chinese revolutionary pressure to surround the cities from the countryside and create isolationism in the United States would have been vindicated. This is probably the maximum Soviet objective in Vietnam, and it would spell the worst possible defeat for the United States.

The second erroneous premise is that the war in Vietnam can be ended only by winning it in the South.

We must recognize that the war in Vietnam is a national liberation struggle of the most classic kind. And we must recognize that the only way to win a national liberation struggle is to win it. In helping the Vietnamese people wage this national liberation struggle we must recognize the cardinal principle that their efforts must be designed to liberate all of Vietnam. The Communists have never once indicated any other aim. It is absurd for us to have the impossible goal of trying to maintain communism in Vietnam by our policy of status quo.

Second, the struggle must be not only a liberation struggle but a national struggle. This is also cardinal. We have alienated the most dynamic and able Vietnamese leaders by treating Vietnam as our strategic pawn. This treatment has gotten worse the more the Communists put pressure on us. The most able leaders went with Ho Chi Minh in 1954 because he was the only one who they thought showed promise of liberating their entire country from foreign domination. The leaders who stayed in the south have gradually become disillusioned and now in many cases hate Americans, because we have forbidden them from fulfilling their basic goals of liberating and unifying their ancient and proud country. We have kept them under foreign domination just as the Chinese have kept Ho under foreign domination. The leaders in Vietnam, both North and South, know that economically they would be better off without communism. We need only prove that they can unify and also fulfill their hopes of building their country without communism. The United States has never once even tried to do this. This is why we are losing and will continue to lose. Our failure to understand the elemental forces which are molding the world is undoubtedly encouraging to the Communists, particularly to the Chinese Communists. The Chinese believe, and probably correctly, that neither the Soviets nor the Americans understand the real dynamics of the world.

It is encouraging to note the realistic view President Johnson seems to be taking on the need to maintain U.S. strategic superiority. Nevertheless, it is discouraging to witness the simplicity of the U.S. approach to the real political conflict in the world. A status quo in the volatile world of the latter third of our century is an Alice in Wonderland concept. Unless the United States recognizes the necessity for adopting a policy of political offensive in the predominately political confrontation with communism, we may end up with strategic military superiority but nothing left to defend. Perhaps our problem is that in our cynical sophistication we don't understand our own principles and ideals and therefore cannot understand either our own real power or the power of the ideals and principles which motivate other people. We not only don't take ourselves seriously, we don't take the Communists seriously either.

Perhaps the root of our problem is the great gnostic revival which is molding the intellectual framework of our leading thinkers. The essence of the gnostic drive, and the most pervasive phenomenon of our time, is the search for an organizational and intellectual framework for the creation of utopia. The traditional gnostic search for the perfection of man was first articulated in the second century when a heretical gnostic sect of Egypt tried to achieve the perfection of heaven while still on earth. This traditional gnosticism is best illustrated by the development of Marxism in the 19th century. During the nuclear age the gnostic drive is shifting toward a search for either the resolution or the management of conflict. One of the most dangerous of the 20 or more modern gnostic utopias is the concept that strategic superiority in the modern era is the key to controlling conflict. Although it is very useful for the United States to have strategic superiority, and probably even essential, nevertheless strategic military superiority is really of secondary importance.

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[3] The impact of psychostrategic warfare in the purely nuclear field is suggested in Robert D. Crane's, "A New Cold War?" Survival, Journal of the Institute for Strategic Studies (March-April 1965), pp. 79–82. Perhaps the first Western master of psychostrategic warfare in the nonnuclear field is General Georgios Grivas-Dighenis, whom Eugen Weyde has called the non-Communist Mao-Tse-tung of Europe. The strategic concepts of General Grivas have been further developed in Germany at the School for Psychological Warfare, which has specialized in what Major Weyde terms the art of the "verdeckte Kampf." See Grivas, "Partisanenkrieg heute: Lehren aus dem Freiheitskampf Zyperns" (Frankfurt am Main: Bernard & Graefe Verlag fuer Wehrwesen), 1964, with an introduction by Eugen Weyde.

[1] For background on this particular point see, "The Sino-Soviet Dispute on War and the Cuban Crisis," Orbis, fall 1964.

Another point we must realize if we are to play a creative role in history is that even the shift from the utopian search for the perfection of man toward the search for conflict control is utopian to the extent that some of the various approaches to conflict control overlook the social revolutionary nature of the modern world.

This point was put quite clearly in a recent speech by Tran Van Dinh, former head of the equivalent of the USIA in Vietnam, former acting Ambassador of Vietnam to the United States, and during 1959 and 1960 organizer of the only successful national liberation movement against communism in Asia. Since the day in 1960 when the U.S. Government forbid the continuation of this national liberation movement in North Vietnam and forced its dissolution, Tran Van Dinh has been carrying on a one-man campaign to explain the need for an imaginative and forward policy in Vietnam.

According to a report in the National Catholic Reporter on April 21, 1965, Tran Van Dinh emphasized at the Xavier University forum that his nation's war against the Vietcong "cannot be won with the present strategy." That strategy, he explained, is to "win the war first and meet the people's needs second."

"Our government has to recognize that this is a war of the minds and hearts of people. We must have a positive social program." According to this very knowledgeable young Vietnamese leader, providing jobs for the unemployed, decent housing for poor city-dwellers, land reform for the peasants, reliable water systems—all of this is of greater importance than the military problem.

Our failure to recognize and lead the social revolution in the world (or sometimes the failure to act on this recognition, as in the case of Chiang Kai-shek during and after the Sino-Japanese war a generation ago) is one of our greatest weaknesses in controlling conflict. By failing to see that conflict control is not an ultimate aim, we fail in our aim to control conflict. During the past 2 years I have talked with the architects of our strategic hamlets program in Vietnam and have been shocked by their complete inability to see anything other than simple security (essential though it is) as the key to the promotion of freedom in Vietnam. Our policymakers have lost their sense of romanticism. Without an understanding of romanticism they cannot understand what motivates the leaders of people, particularly in the underdeveloped world. Without this understanding on our part, history will simply pass us by. This would be the greatest of human tragedies, because we Americans, of all peoples, have the greatest potential to help the peoples of the world fulfill their elemental needs and desires and to demonstrate that they can build their societies without the need to destroy the very freedom which in one way or another they all desire.

The adoption of an American policy to support national liberation in Vietnam can be really meaningful only within the context of a policy of national liberation on a global scale. It is important, of course, that all national liberation efforts of the United States should be strictly in accordance with international law. The U.S. policy of liberation should be geared to the specific needs and potential of each country. For Eastern Europe our national liberation policy should be directed toward increasing the cultural and economic independence of such countries as Rumania and Poland from Soviet control. In a situation like Vietnam, where the Communists have embarked on open warfare against neighboring governments, international law permits and may even require the defense of true national liberation movements against the false "national liberation" movements controlled and exploited by the Communists. This approach to national liberation would require a creative and positive orientation rare in American foreign policy. Perhaps the challenge of American failure in Vietnam will help us overcome our rather parochial and defensive approach to world affairs. We have all the potential for such a policy, both ideas and leadership.

FEED GRAINS

Mr. TALMADGE. Mr. President, recently the southeastern region has been a deficit area in the production of feed grains. We import many millions of bushels of feed grains annually for our substantial poultry, livestock, and dairy businesses. The Kiplinger agricultural letter of April 23, 1965, deals with the economic tendency and the possible growth of the livestock industry in the Southeast if rates on the transportation of feed grains are further reduced. I ask unanimous consent that pages 1 and 2 of the Kiplinger agricultural letter dated April 23, 1965, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE KIPLINGER AGRICULTURAL LETTER

WASHINGTON, *April 23, 1965*.

DEAR SIR: A drastic overhaul of commodity transportation is underway * * * a basic revision of Government regulation and the freight rate structure.

It means billions will be saved by farmers and other shippers, and by consumers: Not overnight, but gradually as old ways go out.

It also means big shifts in geographic farm production patterns and changes in the traditional patterns in the way farm freight moves.

A revolution in railroad technology is what's back of it all. Railroads are beginning to wake up. Most have been asleep for years, result of the days of monopoly, and have been losing business steadily.

They're coming up with new kinds of equipment and new methods of handling commodities which are making drastic cuts in their costs. Rails only now are catching up with modernization of other industry.

And they've "discovered" a new philosophy: Customer service. Used to be that rails handled stuff to suit their convenience, but now they're switching to development of cars, etc., to suit customer needs.

A pioneer in all this is Southern Railway. It has developed a whole new line of freight cars tailormade for specific commodities.

For example, "Big John," a covered hopper car which carries 100 tons of grain, about twice as much as the old traditional car. And now, "Super Big John," bigger. Also: An all-door freight car whose entire side rolls up like a garage door, new 85-foot boxcar holding 118 hogsheads of tobacco, "Big Boy," 100-ton bulkheaded-end flatcar with permanent chain tiedown for lumber and other products.

Southern also developed a supercushion boxcar underframe which eliminates much in-transit damage. More aluminum boxcars. Unit trains, one engine pulling a string of cars with a single commodity.

Other major rails are doing the same, a real revolution.

Cost cuts that rails can make are enormous. Example: Big John cuts the cost of grain shipments as much as 60 percent from regular boxcar.

Billions will be cut off the Nation's freight bill each year as the savings are passed on to shippers and consumers. But, a problem:

Government regulators are reluctant to allow drastic cuts in rates for fear they might upset transportation patterns, hurt trucks, barges. Under the interstate commerce rules, Southern did get an OK for some cut, but the company is out for more. Trucks and barges fight it hard * * * there's little question they'd have to cut rates, maybe lose business.

But there's evidence the rails will win greater rate freedom over the long pull. A recent Supreme Court decision is interpreted by transportation experts as a blow against strict Government regulation.

Sooner or later, Congress will relax the law on ratesetting, the experts predict. And the administration is known to favor this.

May seem strange rails can't cut rates now if they want to, but it's traditional Government view, for better or worse. It will change.

Now, some effects on agriculture of transportation revolution:

A sure boom for the South. Lower grain rates already in effect may well be the biggest single factor in development of new agriculture in Southern States—touching off what looks like a tremendous expansion.

And it will come in cattle and hogs. Because of special climate, economists for years have anticipated a major livestock boom in the South. Slow in coming, but now one major drawback, expensive feed, is licked. For example, rates from Midwest to South are down a whopping 10 to 15 cents a bushel, depending upon destination and quantity bought, that saving for farmers.

Lower freight rates make it cheaper to import feed from Midwest than to produce it in the South. Midwest feed—basis for South's boom. That plus an enormous pasture potential, better than most other areas.

Biggest problem now: Persuading farmers to switch from crops such as cotton, tobacco, and peanuts to livestock—educating the bankers to the potential. Colleges already have started educational campaign.

Government programs will help, especially omnibus farm bill proposal allowing farmers to sell or lease allotments, make way for livestock.

Little farmers will be able to get in on it as well as the bigs.

And we look for big vertical integration trend, mainly in hogs.

What is the potential for livestock production in the South?

A $3 to $4 billion increase over current level of income, USDA and college studies indicate. That much more from hogs and cattle.

To feed the people in the South, about 1 billion pounds of beef are imported annually, 1.3 billion pounds of pork. This huge deficit, economists say, can be produced by southern farmers, not midwestern.

Add certain population growth, and the potential gets bigger.

As for businessmen, it means more meatpacking houses needed, more processing plants, more storage facilities, more bank loans, etc.

And aside from grain and livestock, fruits and vegetables, too. Production will go up and eventual lower freight rates are bound to draw processing plants, freezers, etc., into the South, near output areas.

In next 5 years, southern farming will undergo vast changes, and the man who plans now for it will be the one who cashes in later.

Effects outside the South: Relatively sharp rise in grain sales by midwest farmers to southern farmers. Almost an entirely new market. This includes corn, other feed grains, feed supplements, even wheat.

More competition for cattle and hog producers outside the South, even though southerners may eat more. Pressure on prices generally.

Those are the main effects. We'll cover others in later letters.

Overall, other freight rate changes are constantly going on, but none match the sweeping effect on agriculture of new rail technology.

On broiler production: Another big breakthrough is coming up, we understand—unrelated to the freight rate cuts we've talked about.

It's the 10-cent broiler. Cost of producing a bird is about 14 cents now, and a 4-cent cut may sound impossible, but one outfit says it can be done, is testing it now. Asked not to name, but thought you should know.

If it works, it's going to push all the smalls out of business.

For them, the answer is to convert bird houses into hog houses.

AMENDMENT TO FOREIGN SERVICE BUILDINGS ACT OF 1926—SAIGON CHANCERY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 162, H.R. 7064.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7064) to amend the Foreign Service Buildings Act of 1926, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the report to explain why the bill was approved and reported by the Committee on Foreign Relations.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill authorizes the appropriation of $1 million, in addition to the amounts previously authorized for use in the Foreign Service buildings program, in order to permit the construction of a new chancery in Saigon, Vietnam.

A few days after the American chancery at Saigon was damaged by a bomb, the President, on April 1, 1965, transmitted to the Congress an authorization request for a $1 million appropriation to begin construction of a new chancery. H.R. 7064 which carries out the President's recommendation was introduced by Congressman WAYNE HAYS that same date and reported to the House on April 3. The House passed the bill on April 5, 1965, by a vote of 378 to 0.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 7064) was ordered to a third reading, read the third time, and passed.

FLOODS IN WISCONSIN—EXPERT LEADERSHIP OF CITIZENS

Mr. PROXMIRE. Mr. President, the western part of Wisconsin is still recovering from its worst flood in history. The city of La Crosse, Wis., was buffeted by Mississippi River floodwaters for most of last month and the early part of May. When the flood crested at La Crosse April 23, the river waters were almost 6 feet above flood stage.

During this period, Mr. President, communications were out much of the time—telephone and telegraph wires were down and existing communication systems that were not knocked out were severely overtaxed.

Nevertheless, vital messages—calls for help, data on the flood crest, information on separated families and emergency requests for men, equipment, and medical assistance—were relayed during this communications blackout by ham radio operators who are part of the Navy Mars Communications network.

I was informed recently that two La Crosse men performed outstanding service in passing important messages and in keeping the emergency radio network in operation.

The two men—Raymond Snider, of 203 South 23d Street, and Bruce Bjerstedt, of 335 South 22d Street—worked up to 18 hours a day from April 11 to April 23 to perform this valuable service for their community and State. They received no pay for this effort. Mr. Snider used his vacation time from his regular job so that he could devote full time to this vital service.

In the words of the Wisconsin Area Emergency Communications chief:

> These two individuals provided the timely and expert leadership of the 150 amateur and citizens band operators that cooperated to save millions of dollars in property and many lives, through providing adequate communications over this extended interval.

I want to thank these men for the service they performed for the disaster victims and I urge that the proper agency issue a commendation to them for their outstanding contribution.

LT. BILL ROARK—A BRAVE YOUNG MAN WHO BELIEVED LIBERTY WORTH DYING FOR

Mr. HRUSKA. Mr. President, across the Nation there is widespread support for this country's strong stand in Vietnam. In the main, the large majority of the Congress and the American people have responded overwhelmingly to the President's action.

The choice, while difficult, has been a simple one. It is a question of the defense of freedom against the onslaught of aggressive communism.

Throughout history the price of freedom is costly—costly in terms of our money and materials, but more important, in terms of our most precious asset—our fighting men.

Today I want to talk a few moments about one of these brave young men.

In the early summer of 1956, as will be repeated this year, from across the Nation there assembled at the Naval Academy at Annapolis the new class of plebes. Among the group was a young man from Omaha, Bill Roark. Although he was appointed by my successor in the House, I knew the lad and his family. I knew of his proud high school record.

Like so many others he survived the rugged first year and went on to graduate from the Academy in the class of 1960. From there he entered flying school and became a Navy pilot. Because of his skill, because of his proven ability, he was assigned to carrier duty—one of the most physically and mentally demanding jobs in the military. In December of 1964 he began his second tour aboard the aircraft carrier, the *Coral Sea*.

Today, Bill Roark is dead.

Today, his young widow, who just gave birth to his third child 2 weeks ago, begins to pick up the pieces of her shattered life and tries to carry on.

Navy Lt. William M. Roark is one of 160,000 Americans who have given their lives in defense of freedom since the end of World War II. He was shot down during air activity over North Vietnam.

Like the others who serve in all wars, Lieutenant Roark wrote home. One of the last letters he wrote contained a message that I want to share with the Senate. It contains a message for all America.

Bill Roark said:

> I don't want my sons to fight a war I should have fought. I wish more Americans felt that way. I'm not a warmonger; it will be me who gets shot at. But it's blind and foolish not to have the courage of your convictions.

Bill Roark believed in America. He believed it worth fighting for. He believed that the war in Vietnam has a purpose. He believed that it was a cause worth life itself.

He wrote to his wife:

> I will not live under a totalitarian society and I don't want you to, either. I believe in God and will resist any force that attempts to remove God from society, no matter what its name.
>
> This is what we all must do if we believe in what the Founding Fathers stood for.

Mr. President, there is nothing I can add to Bill Roark's eloquent and moving words. I only hope that those who would have us believe that the cause of freedom is not worth fighting and dying for in Vietnam might somehow take heed.

Mr. President, the poignant story of Bill Roark's last letters to his wife has been written for the Omaha World-Herald which also published an editorial on his courageous convictions, together with the remarks of Dr. Harvey M. Throop, Th. D., at a memorial service for Lieutenant Roark.

I ask unanimous consent that these articles be printed in the CONGRESSIONAL RECORD as a tribute to the bravery and devotion of a brave young man who believed liberty is worth dying for.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Omaha (Nebr.) World-Herald, Apr. 12, 1965]

"WHAT ALL MUST DO"

"I don't want my sons to fight a war I should have fought. I wish more Americans felt that way.

"I'm not a warmonger; it will be me who gets shot at. But it's blind and foolish not to have the courage of your convictions."

The brave man who wrote the above words to his wife last month is now dead. The plane piloted by Navy Lt. William R. Roark, of Omaha, was shot down over North Vietnam and he parachuted, presumably lifeless, into the sea.

Unlike some other Americans Lieutenant Roark thought the war had a purpose. He thought resistance to communism in that far corner of the world was a cause worth dying for. He said in his letter to his wife:

"I will not live under a totalitarian society and I don't want you to, either. I believe in God and will resist any force that attempts to remove God from society, no matter what the name.

"This is what we all must do if we believe in what the Founding Fathers stood for."

The words should bite into the conscience of every American, and especially those who think there is some easy way out of world problems, some compromise, some way of buying off the enemy.

The war in Vietnam isn't worth the life of a single American boy, says Senator ERNEST GRUENING, Democrat, of Alaska. The fainthearted echo his words. If you agree with them, then the sacrifice by Lieutenant Roark and some 400 other Americans who have died in Vietnam has been without purpose.

President Johnson, in holding out the olive branch to the North Vietnamese last week, failed even to mention that theirs is a Communist regime working to establish a totalitarian society in South Vietnam and all of southeast Asia.

To the North Vietnamese that is what the war is all about. They are seeking the destruction of the non-Communist Government of South Vietnam and the forced withdrawal of American troops there.

Bill Roark, the intelligent and high-minded young Annapolis graduate, could see what was going on. He thought the cause in Vietnam was worth his life, and he said so.

Part of the legacy of Lieutenant Roark are his words: "This is what we all must do."

Have the rest of us the will and courage? Are we Americans willing to fight this thing through?

The gallant young Navy flier from Omaha stated the challenge.

[From the Omaha (Nebr.) World-Herald]

OMAHAN WROTE CREDO TO HIS WIFE: "I DON'T WANT MY SONS TO FIGHT A WAR I SHOULD HAVE FOUGHT"

(By Robert Phipps)

On March 3, Navy Lt. William M. Roark wrote to his wife in Omaha from the carrier *Coral Sea:*

"I don't want my sons to fight a war I should have fought. I wish more Americans felt that way.

"I'm not a warmonger; it will be me who gets shot at. But it's foolish and blind not to have the courage of your convictions.

"I will not live under a totalitarian society and I don't want you to, either. I believe in God and will resist any force that attempts to remove God from society, no matter what the name.

"This is what we all must do if we believe in what the Founding Fathers stood for."

Karen Roark studied this letter Friday in her home at 3620 Ida Street, hugged her daughter Lisa, 4, and son, John, 2, and talked bravely about the telegram from the Defense Department.

Lieutenant Roark was killed in action over North Vietnam, it was announced.

The telegram with supplementary information said he had ejected from his plane, had parachuted to the sea and was seen floating face downward, presumably dead from gunshot wounds. His body, said the Defense Department, is not recoverable.

Mrs. Roark, who is expecting a third child on about Easter Sunday, spoke of other things her husband had written to her.

"He believed we should stay in southeast Asia until we finished the job," she said. "He was proud of the Navy, proud to be a Navy flier.

"He felt we should not let the Communists drive us out, that it is better to finish the job as soon as possible. He wished more Americans were keeping up with the situation," she added.

Lieutenant Roark was a graduate of Central High School in 1956, was cadet colonel and commanding officer of the regiment, and was given the Kiwanis Club Medal in his senior year as the outstanding cadet.

His parents are Mr. and Mrs. Frank F. Roark, 1819 South 76th Street. Recalling the day he presented the Kiwanis medal to his son, Mr. Roark said: "From the age of 10 Bill knew he wanted to be a Navy officer.

"He had no idea then about the qualifications at the Naval Academy. He made himself qualify, physically and mentally, and graduated in 1960.

"I have talked to his commanding officer," Mr. Roark continued, "and he told me Bill was an outstanding officer and flier."

The lieutenant started his second cruise on the *Coral Sea* last December 7, after duty at Lemoore, Calif., since April 1962.

Arrangements for a church memorial service are pending. Survivors also include the officer's grandparents, Mr. and Mrs. W. W. Emerson, Sioux City, Iowa.

[From the Omaha (Nebr.) World-Herald, Apr. 26, 1965]

WHY AMERICANS DIE IN VIETNAM

(NOTE.—Remarks by Dr. Harvey M. Throop, Th. D., at a memorial service for Lt. William Roark.)

Patriotism is a kind of loyalty. It is the kind of loyalty that the late Prof. Josiah Royce of Harvard University once defined as "the willing, practical and thoroughgoing devotion of a person to a cause as that cause is embodied in a person."

In this term of reference, patriotism transcends love of community, or State, or Nation; it rises above devotion to fatherland, even though that fatherland be embodied in a person such as Uncle Sam.

American patriotism has gone far beyond that. American patriotism is based on devotion to ideals and institutions. The cherished ideals of American patriotism are independence and freedom, democracy and equality.

The cherished institutions of American patriotism are a government of limited powers, a system of checks and balances, trial by jury, and the right of every citizen to exercise his franchise.

As we examine further substance of American patriotism, we discover that it is expressed in our national determination to guarantee inherent human rights wherever they may be infringed upon, and to rise to challenge whomever or whatever dishonors those rights or dares to infringe upon them.

Whether those rights are challenged in Selma or Saigon by the same unscrupulous element in our world society, there are true patriots who are prepared to spring to the defense of those whose inherent human rights have been threatened, infringed upon, or denied.

We think and speak of this as a controversial subject. Its controversy is created by those who have lost their sense of loyalty to a cause, or are afraid to express their devotion for one reason or another. It has always been so, and probably always will be so, for in every generation of men there have been those who had no deep convictions about right and wrong, truth and falsehood, freedom and slavery, self-determination and tyranny, and where there were no deep convictions, there was no courage.

For courage without convictions is like enthusiasm without a cause. But moral convictions supported by dynamic courage have constituted the hearts of those who have manned the battle stations in the cause of human freedom throughout the world, and they have been constantly annoyed by the timid and distracted by the cowards while they held their positions on the firing steps.

One cannot imagine men hesitating to declare their own independence from forces that would keep them in political serfdom. Yet such was the case in Philadelphia in 1776, when the courageous and the timid engaged in debate over a controversial instrument known to Americans as the Declaration of Independence.

When the timid were gaining and the courageous were vacillating, John Witherspoon, the only clergyman in the Continental Congress, arose and said:

"There is a tide in the affairs of men, a nick of time. We perceive it now before us. To hesitate is to consent to our own slavery. That noble instrument upon your table, which insures immortality to its author, should be subscribed this very morning by every pen in this House. He that will not respond to its accents and strain every nerve to carry into effect its provisions is unworthy of the name of freeman.

"For my own part, of property I have some, of reputation more. That reputation is staked, and that property is pledged on the issue of this contest; and although these gray hairs must soon descend into the sepulcher, I would infinitely rather that they descend thither by the hand of the executioner than desert at this crisis the sacred cause of my country."

That oration carried the day, and the document was signed, and we became a free and independent nation.

It is as a result of our own history that we are sympathetic toward those who are struggling for their independence—whether that independence be economic or political. As a nation, we have been moved to be compassionate toward the underdeveloped nations and toward those who have been threatened by political or military aggression.

Today we have moved once more to the assistance of a nation whose right of existence has been challenged by international communism. In the field of that contest we have nothing to gain but the satisfaction that we have gone to the assistance of a nation whose right of existence was established by an agreement which we signed, and whose existence has been threatened by other signatories to the same agreement only 10 years ago.

As a nation, we are engaged in a struggle not only against the enemies of human freedom and self-determination, but against moral treason and timidity in our own country which would thwart our determination and commitment.

These people in our own country need to be reminded that there is no place for uncommitment in a committed world, and in a contest which involves human rights and human freedom, neutralism is moral cowardice.

Fifteen years ago, we met this same enemy in the hills of Korea, and, as a result of the pressure of moral treason and timidity, we agreed to a truce and signed an armistice agreement which was repulsive to every lover of freedom and the greatest embarrassment in our national military history.

Gen. Mark Clark, who was compelled to sign that document in the name of the United States, has shared with me personally his humiliation in being a party to that "surrender."

There are people in our Nation today, and I am ashamed to admit that many of them are ministers of the Gospel of Jesus Christ—the gospel of personal freedom—who have struck their colors and lowered the mast of personal dignity and responsibility, and are promoting another surrender to international communism—the gangster philosophy that is running rampant throughout the world.

These people in our country are not only guilty of treason, as far as their own country is concerned, but traitors and betrayers of their proud heritage as Americans.

Any man, regardless of his station or profession, who "will not respond" to the cry of a nation threatened with extinction by aggressive godless communism, and who will not "strain every nerve" to insist upon the adherence to the agreement of 1954 which we signed and guaranteed by our signature "is unworthy of the name freeman."

I did not know Bill Roark. He left Omaha before I came here, but I know that I would have liked him had I known him.

There is nothing that I could say about him to surpass the epitaph he wrote for himself in a letter dated March 3—just 1 month before he gave his life in the defense of the freedom of other men, women, and children whom he never saw or knew. He wrote to his wife:

"I don't want my sons to fight a war I should have fought. I wish more Americans felt that way. I'm not a warmonger; it will be me who gets shot at. But it's foolish and blind not to have the courage of your convictions.

"I will not live under a totalitarian society, and I don't want you to, either. I believe in God, and will resist any force that attempts to remove God from society, no matter what the name. This is what we all must do if we believe in what the Founding Fathers stood for."

Those words are the epitaph of a true American: a brave man who is devoted to the ideals of independence and freedom, democracy and equality; a man who is committed to the defense of these sublime ideals wherever and whenever they are challenged; a man who is convicted by a noble regard for what is right and a comparable disdain for everything that is wrong; a man who is committed to the defense of inherent human rights, and whose commitment is so profound and complete that he discounts the dangers and risks involved, and, if need be, lays down his life with a will.

William Marshall Roark did not lose his life in the defense of human freedom. He gave it.

ISRAEL INDEPENDENCE

Mr. PROXMIRE. Mr. President, yesterday Israel celebrated her 17th anniversary as a free nation. Although its inhabitants enjoy one of the oldest and richest of cultural heritages, this small, new nation is alive with vibrant and progressive programs for housing, education, agriculture, industry, and economic development.

In the few short years that have elapsed since Israel became an independent nation in 1948, its citizens have literally made the desert bloom.

Its achievements are even more remarkable in view of the fact that Israel was born and has grown in a hostile environment. She has fought bravely for her freedom and stands ready to fight again to preserve it.

But perhaps most heartening of all, this nation is one of the most democratic in the world. In a day when the threat of totalitarianism hangs heavy over the heads of all newly emerging nations in Africa and Asia, Israel has shown that a nation can make the big leap forward without subordinating the hopes of its people for freedom to the growth of the state.

Israel's program of economic and technical assistance to the newly independent countries of Asia and Africa is particularly effective because, like them, she has had to struggle for her independence, and she faces the same problems in economic and industrial development.

RUMANIAN INDEPENDENCE: A TRIBUTE

Mr. LAUSCHE. Mr. President, the crisis in Vietnam reminds us all again that communism is a dynamic, a driving, a hostile world force that seeks the destruction of freemen, their governments, and their societies.

Vietnam provides the background for the commemoration this year of Rumania's Independence Day, and thus reminds us too of the successes that communism has achieved in the past. The Rumanian people have now known the awful reality of Communist oppression for two decades. During that period they have suffered much, and it is a tribute to their courage and determination that they have borne their burden heroically.

To Rumanians of Cleveland, throughout the free world, and behind the Iron Curtain, I extend my congratulations on this commemoration of Rumania's Independence Day. Let us pray that next year at this time when we celebrate again this anniversary the crisis in Vietnam will have been resolved. Let us also pray that sometime in the future when we celebrate Rumania's Independence Day we may be celebrating the true independence of Rumania, independence, that is, from Communist control.

VICE PRESIDENT HUBERT H. HUMPHREY'S REMARKS BEFORE THE 10TH NATIONAL LEGISLATIVE CONFERENCE OF THE BUILDING AND CONSTRUCTION TRADES

Mr. YARBOROUGH. Mr. President, last Monday, May 3, Vice President Hubert H. Humphrey made a fine speech before the 10th National Legislative Conference of the Building and Construction Trades Department of the AFL–CIO, here in Washington. Because of the importance of his message in building a better society for the future, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of Vice President Hubert H. Humphrey

This past weekend we entered our 51st month of uninterrupted economic expansion.

We are now in the longest period of peacetime prosperity in this Nation's history.

Our gross national product is at a record high and pushing upward. Some 1,6 million more Americans have jobs than a year ago. And the unemployment rate is the lowest in 7½ years.

As you well know, the construction industry has shared in—and contributed to—this prosperity.

From 1961 to 1964 the physical volume of construction work rose more than 13 percent, while in the previous 6 years it rose only a little over 1 percent. Last year, weekly earnings of construction workers averaged more than $132. Average hourly earnings hit $3.67 in February—14 cents more than a year ago.

The number of employees of construction contractors rose by 300,000 from 1961 to 1964 to reach a new total of 3.3 million.

But I did not come here today just to tell you that you never had it so good.

I came to thank you for your past efforts toward building a better America—but also to ask your help in the tasks that remain to be done.

We still have a long way to go in this country before we truly achieve a Great Society—before we assure every man full opportunity to build a better life for himself and his children.

There are tasks to be done which will require all the energies of those who hope to build that better life.

Our enemies are poverty, discrimination, and disease—and they will not be easily defeated.

You have fought for many years for aid to education.

This Congress has already passed a historic Elementary and Secondary Education Act. With your support, we will pass in this session the higher education bill.

You have fought for medicare. With your support, we will pass medicare in this session.

With your support, this Congress in this session will pass: the voting rights bill—the urban affairs and housing bill and legislation to create a new Federal Department of Housing and Urban Affairs—and other legislation basic to the long-term well-being of our country.

This country needs a healthy and responsible relationship between management and labor. To cement this relationship, this administration is pledged to repeal of section 14(b) of the Taft-Hartley Act. We ask your continued work in this effort.

Another part of the Taft-Hartley Act—as interpreted by the Supreme Court in the Denver case—restricts the rights of building trades members to picket at construction sites. Three administrations, Republican and Democratic, have recognized these restrictions as unfair. I am happy that the building and construction trades department and industrial union department have now reached agreement on scope and language of legislation to remedy this. I ask for your work for that legislation.

I also ask your help today in righting other wrongs.

As chairman of the President's Committee on Equal Employment Opportunity, I am charged with the responsibility of seeing that equal hiring policies are observed on all Federal and federally assisted construction projects. I'm sure we agree that this problem demands the concern and attention of all segments of the construction industry.

I say to you today—directly and publicly—that the general presidents of your international unions have pledged to me their full cooperation in the promotion of equal employment opportunity within the building and construction trades. And I have pledged to them that the Federal Government has no intention of seeking to abolish established union hiring procedures which are based on merit and qualifications of the individuals. We seek to impose no quotas. We seek no preferential treatment on the basis of race or other factor.

But we do seek affirmative action by all union members to help correct a situation stemming from many generations of deprivation, inequality and discrimination. We ask you to carry back to your local communities the message that equal employment opportunity within your locals is more than an empty phrase or a meaningless slogan.

We expect that all applicants for apprenticeship programs will be given fair and equitable treatment and that all examinations for apprenticeship programs will be administered in a fair and nondiscriminatory fashion.

We will encourage the full use of apprenticeship information centers and the other resources of the Department of Labor to help prepare young people for apprenticeship examination. Where the situation warrants, I hope that local construction industry councils will cooperate closely with school systems or other appropriate bodies in sponsoring preapprenticeship training courses.

Each of us has a personal responsibility in this matter.

My friends, it is at this time of prosperity that we must make the investments and put forth the hard work necessary to maintain this Nation's future health—not just its physical health, but its economic and social health as well.

That investment and that work will be great. But it will cost less, far less, than the cost of illiteracy, of school dropouts, of poverty, of discrimination, of disillusion and bitterness.

We have the opportunity to prove in this country that freemen, working together, can both preserve personal liberty and provide for the general welfare. We can prove that opportunity and justice can exist together.

My friends, we have come a long way and we have worked for a long time for the things that are now in our reach. Let us see it through.

I can say now, as President Franklin Roosevelt wrote 20 years ago in the last week of his life:

"The only limit to our realization of tomorrow will be our doubts of today.

"Let us move forward with strong and active faith."

FOOD FOR PEACE PROGRAM

Mr. KENNEDY of New York. Mr. President, the April 24 issue of the New Republic includes an article, by the eminent economist Gunnar Myrdal, on the necessity for continuing and expanding such efforts as America's food for peace program to eliminate hunger from the world.

Mr. Myrdal credits our past efforts with preventing the starvation of millions. This is an indirect tribute to one of our colleagues, the junior Senator from South Dakota [Mr. McGovern], who brought a positive new emphasis to the food for peace program when he served as director of that office, under President John F. Kennedy. It was in a high degree the Senator's energy and vision which gave our food for peace efforts a dynamic meaning to millions of people around the globe.

Because of population growth and the failure of agricultural production to rise as rapidly as food needs in the underdeveloped countries increased, Mr. Myrdal believes that a world effort to meet the threat of mass starvation in the years ahead should be made. He concludes that this "should not be paid for by the United States alone."

The article impresses me with the importance of two current proposals by our associate, the former food for peace director. One of those, Senate bill 1212, is a proposal to strengthen our technical assistance to the developing nations and to help them increase their productivity. The other is to assure a continuation of the use of our ability to produce food for world needs after Department of Agriculture surplus stocks are gone.

I ask unanimous consent that the Myrdal article, from the New Republic, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Will We Prevent Mass Starvation?

(By Gunnar Myrdal)

On the late President Kennedy's proposal, the sixties were declared the development decade. So far, what we have seen is a retardation of the pace of development in underdeveloped countries, of which the main cause is stagnation in agriculture. In India agricultural production has for 3 years not been rising appreciably, while population is increasing by 2.5 percent, perhaps more. Except for American deliveries of food under Public Law 480, there would have been mass starvation. Pakistan and Turkey with hundreds of millions of inhabitants, more than three-quarters of whom are in agriculture, could not have survived if they had not been fed by agricultural surplus from the United States. South Asia as a whole has in recent decades changed from a surplus to a deficit region in regard to food. Food production per head in Latin America has been at a standstill for the last decade; its present level may be somewhat lower than it was a generation ago.

The Food and Agriculture Organization has calculated that close to one-half of the world's population suffers from sheer hunger or crippling malnutrition or both. The masses of the underfed are in agriculture. Taking into account pending increases in population, the FAO calculates also that in order to provide a reasonable level of nutrition for all people, total food supplies must be doubled by 1980 and trebled by 2000. From my own studies I am inclined to believe that this is an underestimation rather than an overestimation, particularly if the nutrition level for the poorest strata is to be raised, aliready a necessity if labor productivity is to be increased.

Several things are clear. First, most of this increase in agricultural production must take place in the underdeveloped countries, which implies a sharp upturn in their curves of agricultural development. Second, nonfulfillment of this goal would be a world calamity, the real import of which is terrifying to consider. Third, there is no realistic hope that these huge reforms in the agriculture of underdeveloped countries can be engendered rapidly, say within the next few years. Fourth, to prevent the internationally intolerable situation where tens and hundreds of millions of people are starving to death, the rich countries will have to increase their gratuitously given food deliveries very much.

Let me add a fifth point: Considering the rapidly increasing populations in underdeveloped countries, charity deliveries of food will in the long run not suffice; they will only bridge over the approaching emergency. In all our dealings with underdeveloped countries we must in their own, in our, and in the world interest be most careful to spur them to raise the productivity of their land and labor, being careful not to encourage complacency on their part.

In the world emergency which I foresee within only a relatively few years there will be a fundamental change in the way we will come to view the problem of agricultural overproduction in the United States. For three decades or more the United States has been under compulsion to use various means of holding down production; nevertheless surpluses have tended to accumulate. In recent years food deliveries under Public Law 480, besides being of great importance to the underdeveloped countries, have been instrumental in taking care of a growing share of U.S. surpluses. More than two-thirds of the total export of U.S. wheat, for instance, was disposed of as part of the food-for-peace program.

If I am right in assessing the world situation in regard to agricultural production and the need for food—and I am afraid I am—very much more food will be urgently needed within a short time. I am informed that when taking into account reasonable expectations of the rise in food consumption in the United States and of commercial exports, the deliveries of food under Public Law 480 will soon approach the limit of the foreseeable available surpluses. But we all know that agricultural production in the United States would rise very sharply if the lid were taken off. Now, if the rich world is to do its obvious duty to prevent hunger on a mass scale in the underdeveloped countries, all that American farmers can produce will be needed, as well as what Canada, New Zealand, and other similar countries can produce above their domestic requirements.

To American farmers, this will be a great opportunity. It will not solve the problems of the poor farmers who have too little or too unproductive land. But they should be aided in other ways, as President Johnson has recently been urging: The young should be given education and training possibilities to move into more remunerative sections of the American economy; the old, who cannot move, should be pensioned in some way. Rich America can easily afford that.

Increased food aid to underdeveloped countries must be paid for in some way. Last summer, I stated that there is no rational reason why such aid should be paid by the countries who happen to be able to produce a large surplus of food. To be more specific, when my own country, Sweden, which is about as well off as the United States, is able to give remunerative work to the 9 percent of its labor force still counted as belonging to agriculture, without producing much of a surplus—mainly because of our substantial forestry—this is no reason why Sweden should be relieved from paying its due share for food aid to underdeveloped countries.

A condition, of course, is that this aid be internationalized. In this connection I would like to draw attention to the world food program, administered by FAO. It was set up on the initiative of the United States. It is still diminutive, only $100 million for 3 years. Within its limitations it has been a clear success. It is pioneering methods for international handling of food aid without disturbing commercial trade and especially without interfering with—in fact actually helping—the progress of agriculture in the underdeveloped countries. It is proposing to go further and explore methods of using international food aid on a development program basis. This should be an invaluable experience for the vastly increased food aid that will become necessary within a few years, and which should not be paid for by the United States alone.

NEW HAMPSHIRE IS WAITING FOR THE RESULTS OF THE AREA REDEVELOPMENT ADMINISTRATION STUDY OF THE AMERICAN SHOE INDUSTRY

Mr. McINTYRE. Mr. President, last month the Area Redevelopment Administration announced its approval of a technical assistance project to examine problems of the American shoe industry, and recommend action which will result in increased employment opportunities.

Since my arrival in the Senate, I have taken the floor from time to time to point out to my colleagues the pressing need for action to preserve our shoe industry. I have urged the administration to come forth with a study pinpointing the areas where private and public assistance can best be applied to help the shoe industry regain its position as an important source of employment for American workers.

The statistics of the shoe industry are far from reassuring. In the 10-year period since 1953, U.S. shoe production rose by only 12 percent, while total U.S. production of all goods and services rose by 32.6 percent. U.S. employment in the shoe industry has decreased from 244,000 workers to 218,000 workers, while the number of imported shoes has increased from 8 million pairs in 1953 to 55 million pairs in 1963.

The State of New Hampshire has a high investment in the shoe industry. Approximately 1 out of every 20 New Hampshire workers is employed in some aspect of the industry. We in New Hampshire are looking forward to the results of the ARA study, and I for one hope to take an active part in pursuing any legislative recommendations which this cooperative Government-labor industry study decides on.

The time is running out for the shoe industry. I urge my colleagues once again to remember that, when the shoe industry comes before the Congress for assistance, the assistance must be granted. The need for action has been well established, and the area redevelopment study will point the way toward the action to be taken.

PROPOSED EXPANSION OF PRESIDENT'S WAR ON POVERTY

Mr. WILLIAMS of New Jersey. Mr. President, in the very near future this Congress will be asked to vote a major expansion of the President's war on poverty. I am happy to have been a sponsor of the Economic Opportunity Act of 1964, and I will vote to continue it on an expanded basis.

This is a major new public effort and any such effort is likely to need a great deal of exposition before it is generally understood. I think this program has been misunderstood. I think that the inevitable conflicts and criticisms which must arise in the first 5 months of an undertaking which aims to change the face of America have been allowed to cover up the very important progress this program has made in its brief existence. The news has been centered on the isolated conflict between city and private agency, or on charges of political patronage, high salaries, and high administrative costs. All of these headlines are nothing but ripples on the surface of a major, significant antipoverty effort which has been launched in the space of 5 months. I would like today to illustrate that progress and the unfairness of much of the criticism with regard to my own State.

New Jersey has gotten a fast start on antipoverty programs. Governor Hughes acted to establish a State office of economic opportunity on the day President Johnson signed the legislation. It has been recognized as one of the leading States across the Nation in the war against poverty. It has 67 separate antipoverty projects already approved in the State, ranging from a loan to a poor farmer of $1,200 to a major urban Job Corps Center at Camp Kilmer which will train 2,500 youths. As of April 23, the Federal Government had committed $18 million in New Jersey's antipoverty effort.

This tremendous activity compressed into a 5-month period has not taken place in a vacuum. The New Jersey program has been in the headlines from the day it began. Governor Hughes appointed as director of the program, John C. Bullitt, who had distinguished himself here in Washington as Assistant Secretary of the Treasury for International Affairs and who, upon leaving the Treasury, received its rarely given Distinguished Service Award. Governor Hughes set Mr. Bullitt's salary at $25,000 a year. His salary as Assistant Secretary in Washington had been $27,000 a year, but because of his devoted interest to the eradication of poverty in New Jersey, he was willing to return to take what has proven to be a tremendously difficult task at a lesser salary. Mr. Bullitt staffed his office with key people from New Jersey with long experience both in Washington and in the State—people drawn from the President's task force on poverty, from the U.S. Department of Labor and particularly from the Office of Manpower Development. To get them, Mr. Bullitt had to offer salaries equivalent to prevailing Federal standards—not more than Federal standards but just equivalent salaries. This did not satisfy the critics of the program. They felt that the poor who, as Sargent Shriver has pointed out, have had the worst of everything else—housing, health services, job opportunities—should also have the worst administration, so this became an issue.

Certain members of the majority party in the New Jersey State Senate saw some political capital to be made, so they proposed an "investigation" of the program. One at least, impatient of his fellow legislators' slowness in setting up the investigating committee, has taken to making his charges in the newspapers. Among the more startling of this particular senator's charges is that Project Head Start, the program which will provide summer preschool training for thousands of underprivileged children who will be entering school next September—training coupled with medical examinations and treatment, and a nutrition program—is nothing more than a "babysitting program." Statements like this show an ignorance of the nature of poverty and of the programs designed to eradicate it.

One critic has fed misinformation to another with the result that a completely unfounded charge and, incidentally, an irrelevant one, that 26 antipoverty jobs in the city of Newark were paying more than $10,000 a year. This was repeated by a State senator, a Member of the Congress, and finally emerged in the Republican National Committee's newsletter as gospel. To set the record straight, as any of these people could have done if they were interested in having the record straight, there are nine budgeted positions in Newark's community action program which have a salary range over $10,000 and only three of these are filled.

New Jersey is, therefore, an appropriate place to study the antipoverty program because it has taken the lead in activities and because it has attracted such widespread interest. I would like to take this opportunity to review what is being done.

New Jersey is one of the wealthiest States in the Nation but still, in the midst of plenty, at least 180,000 of its families live on less than $3,000 a year. Close to 1 million of our State's 6.5 million people live in poverty; one-third of New Jersey's unrelated people—widows, widowers, bachelors, and other people living alone—earn less than $1,000 a year; more than 25 percent of all Negro families in Newark are poor; more than 3,000 "homes" in rural Cumberland County have no flush toilets, no bathtub or shower, and close to 2,000 of these shacks do not even have piped water. Twenty-six percent of the families in Cape May County, our least populated county, earn less than $3,000 a year. With relatively few exceptions we face a problem in every part of the State.

The important thing about New Jersey's poverty is that in the midst of such great wealth, the poor are not visible. The other day after an organizing session of a community action group in one of our rural counties, those who had attended the meeting went out to take a good hard look at the problem. They did not have to go far. A couple of miles from the county seat they came upon some of the most shameful hovels in the State, but the worst part of it was that one of the county leaders was heard to say: "Why I have lived here all my life and I never knew that this kind of thing exists right here."

Everybody in New Jersey pays the cost of this poverty. The poor pay with suffering, deprivation and despair. The rest of us pay with our taxes—$101 million went for welfare in New Jersey in fiscal year 1964, not to mention the cost of unemployment insurance, maintaining and enlarging State correctional institutions and other custodial costs. We also pay with fewer customers and lower sales—a gradeschool dropout has an estimated $100,000 less to spend during his lifetime than a high school graduate. We also pay with the spreading slums, the lowering of school standards and the social tensions which poverty breed.

In New Jersey, the Economic Opportunity Act, indeed, provided a great opportunity; and in the past 6 months since the passage of the act, New Jersey has been making the most of it. The response of the communities has been overwhelming, and the State has been able to record a number of firsts. There are now 22 approved neighborhood Youth Corps projects across the State, far more than are approved in any other State. Together with the rural youth program, they are now serving more than 4,000 youths between the ages of 16 through 21, school dropouts who need work experience and counseling in how to apply for and keep a job, and young people who will be kept in school by the impetus of this program.

The first of these, that of the city of Newark which has the first neighborhood youth corps project in the country, has been so successful that it drew words of praise from President Johnson and Secretary of Labor Wirtz. This project, which provides city employment for 350 high school dropouts, has demonstrated the effectiveness of the approach. It is worth noting that this was no specially selected model group. Half of these youths had previous juvenile records.

In addition to these programs, at least a dozen applications from New Jersey communities are pending in Washington. Nine community action programs have been approved in New Jersey. They include New Jersey's six big cities, two counties, and Atlantic City. All of these community action programs are striving for maximum involvement of the poor. None of them are politically controlled. The chairman of the United Community Corp. of Newark is Dean Willard Heckel of the Rutgers University Law School. In Paterson the corporation is headed by the Reverend David Erickson, pastor of the Central Presbyterian Church. In Monmouth County, the chairman is Joseph C. Irwin, a Republican county freeholder. In Elizabeth, the chairman is Mr. Robert Goldsby, president of the Jersey Mortgage Co. In Jersey City, the chairman is Father Joseph Faulkner, S.J., director of the city's Roman Catholic Center for Puerto Ricans. All of these boards are made up of representative members of the community; businessmen, labor leaders, clergymen, welfare workers, and the poor themselves. These are the boards who select the professional staff. These men and their boards are not politically motivated. They are motivated only by the desire to provide the poor in their communities with the opportunity and the will to help themselves, and the present estimate is that 45 percent of the positions created in these antipoverty programs will go to the poor themselves.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I ask for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, among the most unfair charges that have been made against these community action groups are:

First. That the grants made to them are eaten up by the planners and administrators and do not go to the poor, and

Second. That there is too much planning and not enough action.

Both criticisms simply fail to understand what this community action program is all about. First, this antipoverty program is not another welfare program. If it were concerned with doling funds out to the poor, you could measure it in terms of how many welfare checks one clerk or one computer could turn out. The cost of administering any program is a fair question, but the antipoverty program deals not with relief but with rehabilitation. The aim of the program is to make people self-reliant, self-sufficient, wage-earning members of society. You do not do this by handing out surplus food packages. You do it by providing basic education, by providing job training, by providing legal services, by providing homemaking and health services, by setting up neighborhood organizations and centers in areas where they will reach the poor; and you do not do these things without qualified people to do this work—where-ever possible, drawn from the poor themselves, but, above all, qualified to provide leadership. In this context, it is as silly to talk about the proportion of funds going into salaries being too high as it would be to say that the proportion of salaries being paid to teachers in a high school was too high. The real questions are—what are the jobs meant to accomplish, and are the people appointed to them qualified?

This leads to the second criticism that there has not as yet been sufficient action.

First of all, in most of New Jersey, this is not true; but, secondly, those groups which have had program development grants, have had them, at most, for 4 months. These grants are a relatively small proportion of the total funds which will be available to a community. They are given so that a community may hire a professional staff. This staff then undertakes an in-depth survey of where the community's poor are and what their most pressing needs are so that a survey may be made of the programs run by existing public and private voluntary agencies. Decisions must follow as to the gaps that exist and these are to be remedied by a comprehensive program. Most important, the poor must be organized so that they can begin to take responsibility themselves for their own self-improvement.

To call for action without this type of planning is to ask for waste and an even higher percentage of false starts that are normal in any new program. We are talking about millions of dollars in human renewal. No private company and no Federal agency whose budget this Congress approves would begin such an undertaking without adequate planning. It is naive and foolhardy to think that community action organizations should not have adequate time with which to gradually begin a series of comprehensive programs.

But already each of these approved community action programs in New Jersey, with the exception of one approved only in the last 2 weeks, has undertaken a variety of action programs. They are built around neighborhood centers and they are largely focused on remedial and noncurricular education, on preschool programs, on development of job opportunities, on small business development, job training and counseling, housing management and home maintenance, special services to the elderly, assistance to families displaced by public programs, special social services to public assistance clients, and day care services, and legal aid and information to the poor.

The nine approved community action programs in New Jersey are just a beginning. New Jersey is the most urban State in the Nation and many more of its communities are on the verge of mounting antipoverty programs. One priority program which will lead many communities into comprehensive community action programs is project head start, a special summer preschool program which will give 8 weeks of special attention to poor children who will enter school for the first time this fall.

Head start programs will provide opportunity for a child's growth and development and not simply baby-sitting care, as a misquided member of New Jersey's State Senate has charged. The programs are designed to meet the needs of the whole child. Those with health, nutrition, social services, and educational activities will be at the heart of the program. For example, head start will provide complete medical examinations—vision, hearing, speech tests, examinations for signs of TB, anemia, and kidney disease, as well as pediatric and neurologic examinations. A recognition of proper nutrition will be central to the program. Each child will be screened for special intellectual, social, and emotional weaknesses and strengths. Special note will be made of problems in family life and relationships. On the basis of this information, the work, play, and study plans can be custom designed to each child's need.

New Jersey communities from one end of the State to another have indicated their enthusiasm for this project by filing applications for more than 13,500 disadvantaged children. Gov. Richard Hughes, who in an attempt to encourage this program and to see that it is continued on some sort of a year-round basis as a part of a comprehensive community action program, has requested $200,000 to help boards of education and community action programs meet their local costs where necessary. A few members of the State legislature, seeking to make political capital out of the antipoverty program, are trying to hold this up. It would be tragic if this small encouragement to local communities, especially communities hard pressed for cash resources, were halted for political reasons. I do not think this will happen. I do not think that the people in communities in every county of the State who are ready to get into this program will let it happen.

I have noted with some concern the criticism of the economic opportunity program to reach the poor in rural areas. This is definitely not the case in New Jersey, and it may be well to note how New Jersey is meeting that very difficult challenge in three ways.

New Jersey has organized a rural youth development program, funded as part of the U.S. Department of Labor's nationwide experimental manpower development program and the neighborhood youth corps program. This is designed to assure that the work experience features of the Neighborhood Youth Corps and the additional counseling, remedial education, and on-the-job skill training features of the Manpower Development and Training Act are available to nearly 1,000 youths in the remote, rural regions. This program is without precedent anywhere in the United States and is designed to provide rural poverty fighters everywhere with important experience which they can apply to their local efforts. One hundred and fifty youths are already in training and other States are already beginning to follow this pattern.

Of course, the application in my own State of the special provisions in the law for seasonal agricultural workers is of special concern to me. I am pleased to note that New Jersey was the first State to frame and submit a proposal, and that it offers great promise for expanding and coordinating existing State efforts in a way that will reach most of the migrant families this season. Day care for the children of working mothers, remedial education programs for children and adults, improved housing, VISTA programs, improved sanitation, and home management practices are among the components. We take pride in the fact that the first federally supported manpower training course for these workers was organized in New Jersey, and we hope that we can continue to provide skill-improvement and education opportunities in the future.

Of particular significance, however, is that portion of the New Jersey plan which provides that more than 60 migrants will be employed in the project and that they will have a role in planning this activity.

The needs are old, and this attention to the needs of these formerly forgotten people is very new. I think it significant that this kind of help was not delayed because of some controversy inherent in its nature. On the contrary, the program has the expressed approval of the State migrant labor board which includes specific representation of labor, management, and other interested groups. What was previously lacking was statutory authorization and funds—we now have the Economic Opportunity Act—and an appropriate agency to serve as the coordinating and operating center of activities. This, in my opinion, is an ideal role for State government and I am delighted to see that through the New Jersey Office of Economic Opportunity, Governor Hughes has acted vigorously in this area.

It has been said with some justification that it is more difficult to organize community action programs and related projects in rural areas and smaller communities. The New Jersey Office of Economic Opportunity anticipated this nationwide problem and has launched a special program development effort which is bringing into the community action effort organizations of sufficient scope and promise that they can make meaningful local attacks on poverty in areas usually considered beyond the reach of most helping programs. Because New Jersey's rural poverty is marked by dozens of small communities of very poor families, the State of New Jersey Office of Economic Opportunity is working to develop in each of these hamlets organizations similar in purpose to some of the neighborhood organizations in the larger cities, under the guidance of regional community action organizations.

In general, the State office is serving as an effective regional arm of the economic opportunity program for mounting special efforts in rural areas. In this work, we are fortunate in having the support and assistance of a number of State and Federal agencies with related responsibilities.

In addition to this, under another title of the act, more than 40 loans have been made by the Farmers Home Administration to persons in rural areas to help them increase their previously very low annual earnings. For example, a farmer's wife has bought a sewing machine which makes it possible for this skilled seamstress to add a good deal to the family's earnings. Another loan has enabled the farmer to pay the necessary insurance premiums for use of his truck as a commercial delivery vehicle.

Under other titles of the act, eight colleges have set up work-study programs to enable needy students to earn income necessary to keep them in school both during the school year and in the summer without interfering with their education. The State department of education's plan for providing adult literacy education has been approved and the cities of Newark, Trenton, and Camden are preparing to utilize antipoverty funds to make constructive work opportunities for their welfare recipients. New Jersey's Health Department has become the first State health agency in the country to receive an Office of Economic Opportunity grant for examination and remedial treatment of school dropouts participating in the Neighborhood Youth Corps programs across the State and for selective service rejectees.

I have skimmed the surface of some of the more important things that are being undertaken in New Jersey.

Perhaps the most significant aspect of the intensive activities of the last 6 months in my State is that, for the first time in many years, the citizenry of the State is broadly aroused and determined to eradicate the paradox of poverty in the midst of one of the richest States in the Nation. This broad citizen concern is new, and it is healthy. Also, for the first time in years, the poor themselves are responding to this concern. It would be a national tragedy if this concern and response were to be shattered by a maelstrom of politics.

New Jersey has shown that the antipoverty program can be a success; and I say to my colleagues in the Senate and to the critics that, based on the 5 months it has had to operate, the New Jersey antipoverty effort has exceeded anyone's reasonable expectations. I commend it, and I commend the program which is worthy of our wholehearted support, not merely lipservice.

SCHOOL BREAKFAST PROGRAM FOR NEEDY CHILDREN IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, as many of my colleagues are aware, for a long time I have advocated the inclusion of a breakfast program in school lunch programs, both nationally and in the District of Columbia.

I have pointed out, both in the Education Subcommittee hearings and the District of Columbia Committee hearings, that the evidence seems to be clear that there is a direct relationship between hungry children in school in the mornings and school truancy and misbehavior.

I reported several weeks ago that the Subcommittee on Education held a conference, which I attended, in Philadelphia with a group of mothers who were donating their services to Pennsylvania schools and individually handling so-called behavior problems in the lower grades. They soon discovered that they were dealing in many instances with little boys and girls who had come to school without a mouthful of breakfast.

All of us who are parents know that every once in a while when we were bringing up our youngsters, we discovered that some of the behavior problems we had with our own children were the result of the fact that they were hungry. Blood chemistry changes almost instantly on the intake of food.

So the mothers I had a conference with in Pennsylvania said that whenever, out of money from their own pockets, they started to supply breakfasts, surprisingly enough to them it solved many of the behavior problems of children.

On the basis of the evidence that my subcommittees have been collecting and opinions that have been expressed to us by teachers and parents working with hungry children in our schools, I publicly called upon the District of Columbia Commissioners and public school authorities, some time ago, to give serious consideration to a school breakfast program. As a member of the Senate Committee on the District of Columbia and as chairman of the subcommittee having jurisdiction over educational and welfare problems in the District of Columbia, I requested from Dr. Carl Hansen, Superintendent of the District of Columbia public schools, a report regarding any proposals or plans the Board of Education might have considered that would provide a breakfast program for needy children.

This very great Superintendent of our public school system here in the District of Columbia—and I want to say proudly that I know of no public school superintendent in the Nation for whom I would have greater preference—has responded to my request; and I am pleased to announce to the Senate today that the Board of Education will be requested this month to approve a program for adding cereal to the morning milk service for approximately 10,000 children daily who are qualified for the free noon lunch program here in the District of Columbia. The program also provides milk for the children in the afternoon.

I read to the Senate the letter I received today from the Superintendent of Schools, Dr. Carl F. Hansen:

> Re change in the milk program for elementary school children being proposed to the board of education for its May meeting.
>
> DEAR SENATOR MORSE: Free milk will be available to all elementary school children at 9 o'clock in the morning and at 3 o'clock in the afternoon, and will be available for children who receive the free lunch at noon.
>
> In addition, the Board of Education will be asked to approve a program for adding cereal to the morning milk service for about 10,000 children daily, specifically, the children who are qualified for the free lunch at noon.
>
> Under this program 180,000 halfpints of milk per day will be served to the children in all elementary schools—public and nonpublic—at an additional cost of $200,000.
>
> To avoid imposing additional burden on already overtaxed teachers, the plan includes funds for the employment of teacher aids 2 hours a day at a total cost of approximately $170,000 a year. Parents in the community will be employed to dispense the milk, thus contributing to the incomes of families who can benefit from small additional earnings each day.
>
> The program, including the adding of cereal, will entail a total additional cost of approximately $508,000. All available Federal funds will be used, based on current regulations, as well as District funds now available to underwrite the cost of the present milk program available to all children at 10:30 o'clock in the morning.
>
> The project is based upon the findings of the Health Department that milk is a necessary element in the diet to the extent of two to three cups of milk for children under 9, and three or more cups for children between the ages of 9 and 12.
>
> The problem of milk service to children is complicated by the fact that for many parents with limited incomes the cost of milk makes it necessary for them to omit this element from their daily food program.
>
> Very sincerely yours,
>
> CARL F. HANSEN,
> *Superintendent of Schools.*

In closing this announcement, I wish to say that I sincerely hope the District of Columbia Board of Education will highly approve of the recommendation of this great superintendent of schools. I hope the officials of the District government who have authority in regard to fiscal matters will enthusiastically support the school breakfast program.

Let me say a word to my colleagues in the Congress. It is easy for us, in our busy congressional work, to overlook the fact that in our own midst in the Capital City of the Nation there are literally hundreds of little boys and girls who are in need of breakfasts. We know the school areas from which they come. We know that for the most part they are the school areas for which we battled last year for impacted area school funds totalling approximately $4.5 million, as to which Dr. Hansen committed himself to expenditure in the poor school districts. He has kept his word.

It is my understanding that this kind of breakfast program will be connected to some extent with the wise expenditure of those funds. I do not wish to seem to be sentimental about this matter, although I am, and there is nothing wrong in being sentimental in connection with a great humanitarian cause such as this. I am only pleading that my colleagues recognize that they have an obligation to little boys and girls in the District of Columbia. So long as we function as aldermen in the District of Columbia, we cannot justify, as aldermen, failing to take the steps necessary to feed the hungry children in this District.

I shall be perfectly happy to supply any of my colleagues in either the Senate or the House—and the present Presiding Officer, the Senator from Maryland [Mr. TYDINGS] is well aware of this, because he sits on our District of Columbia Committee—with the evidence or have them listen to the testimony to justify the plea we are making to supply milk and cereal to the hungry boys and girls in this District that we put in the custody of teachers each day and to whom we say, "All right, now it is your job to handle them for the school period."

We at least ought to help those teachers by giving them boys and girls to try to teach who at least have been fed.

When I think of all the money we spend for other things, I know of no justification for not feeding the boys and girls with some of the money the Federal taxpayers put into the Treasury of the United States.

So I hope we shall not have to speak very often in support of this important program. I hope the soundness and the unanswerability of the plea will be recognized by all; that Dr. Hansen will get the approval of the Board of Education; and that Congress will meet this great need.

OREN LONG

Mr. GRUENING. Mr. President, those who knew Oren Long cannot but be deeply grieved at the passing of this outstanding American and this dedicated public servant. He was, first of all, a teacher; and there is no nobler profession or a more valuable one in a free society. Oren Long knew that, and lived it.

Having known Oren Long for a quarter of a century, I knew him first as superintendent of public instruction, when he was in charge of the educational system of the Territory of Hawaii. When, later, he was a Presidential appointee as Secretary of the Territory, and then as its Governor, we had the opportunity to exchange ideas mutually useful, for I was Governor of Alaska at that time.

In the long fight for statehood for our two Pacific Territories, we worked together. Later, a year after Alaska had been admitted to the Union, when I had the thrill of seeing Oren Long take the oath of office as one of the two Senators from the 50th State, I could not but feel that this happy culmination, not only of our aspirations, but also of the validation of the most basic of American principles, was properly incarnated in the Hawaiian delegation to the Congress.

Thereafter, we were able to collaborate even better on Pacific problems. One of our memorable joint ventures was on a study mission to American Samoa and to the Trust Territories. Oren Long, long aware of the needs of the people of Samoa, who had come under U. S. rule several decades earlier, sponsored a Senate resolution "to conduct a full and complete study and investigation of conditions in American Samoa, for the purpose of determining what should be done to improve economic and other conditions, and to give the people of American Samoa a greater amount of self-government."

Out of this mission came, first, a 184-page printed report issued by the Senate Committee on Interior and Insular Affairs, of which both of us were members. This committee appointed an ad hoc subcommittee, for service on which he and I volunteered. He was its chairman.

The report and what followed are monuments to the dedication of Oren Long in behalf of less privileged people and those who, for one reason or another, require solicitude and help beyond what they, themselves, are able to supply.

As a result of this report, an entirely new and constructive policy for American Samoa has been developed by the United States. This beautiful island, inhabited by a branch of the great Polynesian race, had been sadly neglected by Uncle Sam. American Samoa was a forgotten island. Not only has Oren Long caused it to be remembered, but, for the first time since it has come under the American flag, an active program consonant with American purposes and ideals is now underway and in the process of fulfillment. It is my hope that a suitable memorial in American Samoa—a school would be the height of appropriateness—will be named for Oren Long. I have no doubt that his beloved State by adoption, Hawaii, will render similar recognition.

Oren Long's life is a model of public service. Holding important positions in both the executive and the legislative branches of Government, he brought to his tasks a devotion, a kindliness, a good humor, and a generous outgiving which made him both beloved and highly effective.

To his wife, Geneva, his lifelong companion, whom we learned to love with Oren, my wife Dorothy and I extend our deepest sympathy. We can only pray and hope that her loneliness will be tempered by the recollection of their long and happy years together and by the knowledge of his legacy of appreciation and gratitude, which will endure.

Several generations of Hawaiian children grew up under Oren Long's tutelage as director of the Hawaiian educational system. They are the better citizens for his guidance. They are further indebted to him for his enlightened service as the territory's chief executive, and, finally, for his vigilant solicitude for the welfare of his new State, during his term as one of the first two Senators from the State of Hawaii.

All of them and all of us will miss him.

GOALS FOR AMERICAN POLICY

Mr. CHURCH. Mr. President, on May 5, the New York Times published two fine articles by two of the most perceptive writers on foreign affairs for the Times—James Reston and C. L. Sulzberger. Although these articles contain many worthwhile ideas, I call especial attention to Mr. Sulzberger's definition of the proper objective of U.S. foreign policy:

> Our business is neither ideological warfare nor the rigid maintenance of any status quo. Our business is to protect our own national interests from any threat, regardless of its philosophic label, and to try and see that changes in an ever-changing world are sufficiently controlled to avoid excessively dangerous explosions. We must get this fact straight.

I ask unanimous consent that these articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WASHINGTON: THE JOHNSON DOCTRINE

(By James Reston)

WASHINGTON, May 4.—The change in the fortunes of the Johnson administration is startling. At the beginning of the new term, less than 4 months ago, it was concentrating on the homefront, and now it is back in the ruck of the cold war.

From the war on poverty to the war in Vietnam, from the Alliance for Progress to the Marines in the Dominican Republic, from common action and collective security to unilateral military force—this has been the melancholy direction of events in the last 120 days.

So swift has been this transformation that it is necessary to pause and review the scene. At the beginning of the year, the President was determined not to go north in Vietnam but went. His principal hope was to concentrate on the development of the Great Society, but he was diverted. His formula for unifying the Alliance was common consultation and, if possible, common action on common problems, but now he is carrying greater burdens with less help from the Allies than ever before.

GO IT ALONE

The Johnson way is changing the use of American power to a significant degree. He is using military power faster now. He is still limiting his retaliatory military moves, but he now seems more ready to go it alone than in the first year of his Presidency.

Last year, he talked a lot about being in Vietnam to help the Vietnamese help themselves; now he is treating Vietnam as a vital national interest to be defended at any cost.

It is not clear whether this represents a carefully calculated change of emphasis, or merely a series of personal Johnsonian responses to increased Communist pressures, but there is at least a change of emphasis.

He has gone back to the Monroe Doctrine in dealing with the uprising in the Dominican Republic. The basic principle of the Organization of American States is that "no state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. * * *"

After a year of disappointing efforts to get effective cooperation from the Allies, however, the President acted first on reports that he faced another Communist conquest in the Caribbean and consulted later.

Moreover, Mr. Johnson's long comments on the Vietnamese crisis today indicates that the Johnson doctrine is to apply the Monroe Doctrine not only in this hemisphere but in other parts of the world threatened by Communist power.

The Communist aim in Vietnam, he said, is to show that the "American commitment is worthless. Once that is done, the gates are down and the road is open to expansion and endless conquest. * * * There are those who ask why this responsibility should be ours. The answer is simple. There is no one else who can do the job."

This goes a step or two beyond the Truman doctrine. Mr. Truman agreed that the United States could not allow changes in the status quo by corecion or subterfuge, but emphasized that the aid should be in concert with others and should be primarily financial and economic. Mr. Johnson seems to be saying that the United States must take on the burden alone if necessary.

THE DEEPENING COMMITMENT

This is a bold and may be a realistic appraisal of the problem, but it is a somber prospect and the Nation should be clear about what it implies. The administration's emphasis has now shifted from a revolutionary situation to a military situation, and and from collective action by the Allies to unilateral military action, if necessary, by the United States.

The trend in Vietnam, moreover, is shifting toward larger commitments of American ground troops, and while the offer of a negotiated settlement remains, the political commitment to fight the battle out to an honorable settlement, if necessary, is stronger than ever.

This impression may be misleading, because the President is now talking out off the cuff on these delicate matters, but the more he talks the more he is obliged to make his actions fit his words, and to respond even more to whatever tactics and strategy the Communists use against him.

STEPPED-UP ACTIVITY

As he says, the pace of Communist activity is increasing. They have the power to create disorder, not only in Vietnam and in Santo Domingo, but in many other places. In fact, Mr. Johnson told the congressional leaders that his intelligence reports indicated the likelihood of another uprising in another place this week but he didn't say where.

If this is what we are facing, the need is not going to be for less emphasis on common action by the Allies to meet the common danger but for more, for the Johnson doctrine, if carried out, could require more marines than the President has under his command.

FOREIGN AFFAIRS: BACK TO BROAD PRINCIPLES

(By C. L. Sulzberger)

WASHINGTON.—During the 20 years since World War II the United States has elaborated several foreign policy doctrines and the nub of his latest speech may yet be known as the Johnson doctrine. The Johnson doctrine is simply that any country can have any kind of revolution it wants, but if such occurs in the Americas and has communistic dictatorship as its aim, hemispheric action is called for. For hemispheric read "United States."

PHILOSOPHICALLY LINKED

Such a flat commitment resembles other regional commitments made under the highly successful Truman doctrine, which protected Greece and Turkey, and the highly unsuccessful Eisenhower doctrine, which failed to line up the Arabs with us against the Soviet Union. There is no fundamental difference between the policies regionally expressed in the Truman, Eisenhower, and Johnson doctrines. All relate to a philosophical pledge made by President Truman on March 12, 1949, when he told Congress:

"It must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures."

The trouble comes when broad concepts are abandoned. Mr. Truman didn't endorse ideological "holy wars." His promise, indeed, would be equally valid against aggressive fascism as against aggressive communism. Today it would apply as well to threatened Malaysia as to threatened South Vietnam.

The Johnson doctrine rephrases with unnecessary ideological exactitude previous U.S. policy for Latin America. It errs by limiting its application to communistic dictatorship and by specifying hemispheric action. Current events in the Dominican Republic indicate how hard it is to ascertain that a revolution is indeed Communist led, and also how hard it is to muster swift hemispheric action.

Presidential doctrines beg trouble if they are too narrowly precise. The United States essentially wants to protect its own vital interests and to safeguard global peace when possible, by limiting or preventing any kind of aggression. The U.N. Charter gives sufficient justification for such an approach; there is no reason to embarrass our future actions by being needlessly specific.

When General Eisenhower composed his final report as NATO commander, he asked me to read it and suggest changes. I proposed he amend references to Communist threats in favor of Soviet imperialist or outside aggression. Eisenhower agreed. Later, however the original phraseology was restored. The general's advisers thought his report would thereby have more political appeal in a year when he was running for President.

Our business is neither ideological warfare nor the rigid maintenance of any status quo. Our business is to protect our own national interests from any threat, regardless of its philosophical label, and to try and see that changes in an everchanging world are sufficiently controlled to avoid excessively dangerous explosions. We must get this fact straight.

MATURING CREED

Communism, as a creed, is maturing rapidly. Today there are many kinds of Communism, some of which, such as Marshal Tito's, certainly do not seem to threaten us. Russia, China, Albania, Yugoslavia, Rumania are all at odds in one or another respect. In Vietnam it is not at all clear just what the relations are between Peiping, Hanoi, Moscow and the Vietcong partisans.

During his first years as Secretary of State, John Foster Dulles made the mistake of condemning all communism, some socialism and even neutralism. Obviously it is not in our national interest to publish blanket condemnations and to advertise blanket ideological commitments.

A FLEXIBLE POLICY

If we keep insisting that any variety of Communism is automatically our enemy, we risk two consequences. Support for our policies will diminish among our allies who have less interest than ourselves in "holy wars." And, still more important, such an inflexible outlook will push centrifugal communism back upon itself. It is not sensible policy to encourage quarreling opponents to reunite.

Instead we should stick to fundamentals—defend our vital interests; help those of our friends who feel themselves threatened, attacked or undermined, and work to preserve a peace that is always at best tenuous. Under the U.N. Charter, under our alliance commitments registered in U.N., and under widely understood principles of our global policy, this is enough. No limiting precisions are required.

RACIAL DISCRIMINATION IN THE SOUTHERN FEDERAL COURTS

Mr. DOUGLAS. Mr. President, the Southern Regional Council, a reliable research and reporting organization based in Atlanta, has issued a very useful report on the extent to which Negroes participate in the administration of justice under the Federal courts of the South.

The report is particularly relevant to our consideration of the Voting Rights Act. The broad finding of the study—although we already knew it generally, of course—is simply shocking:

> A Negro involved in Federal court action in the South could go from the beginning of the case to the end without seeing any black faces unless they are in the court audience, or he happens to notice the man sweeping the floor.

The council's survey shows that, as far as can be determined, in the 11 States of the South there are no Negroes among the circuit court judges, district court judges, referees in bankruptcy, U.S. commissioners, U.S. clerks, U.S. attorneys, jury commissioners, and U.S. marshals. Among all these States, there are five assistant U.S. attorneys and nine deputy U.S. marshals who are Negroes. In addition, there are a few Negro clerical and secretarial employees.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

RACIAL DISCRIMINATION IN THE SOUTHERN FEDERAL COURTS

The exclusion of Negroes from the administration of justice in the State courts of the South has long been the subject of serious criticism and concern. But little attention has been given to the extent of exclusion of Negroes from the Federal courts of the South.

One obvious reason is that, in the conflict between State and Federal law on basic constitutional questions of the past two decades, the State courts have with frequency appeared as the antagonist of the Negro southerner, and the Federal courts frequently as his protector.

This protection has come, however, largely through the overriding decisions of Federal appellate courts. As Federal jurisdiction is extended, the role of the Federal courts becomes even more vital to the national effort to achieve full justice. The Civil Rights Act of 1964 enlarges the responsibility of the Federal courts, including district courts, many of which in the past have been highly protective of segregation. The voting bill now before Congress seeks to bypass these courts. New Federal legislation to protect citizens against the Klan and other dispensers of death and ruin will, however, almost certainly increase the reliance on the district courts of the South for the protection of individual life and liberty.

Pressures to move civil rights issues out of the streets and into the courts continue. The question has to be asked (and it has always had its pertinency in criminal cases): what kinds of courts will handle them?

The Federal court system in the South, guided by the Supreme Court and the courts of appeals, has slowly demonstrated the ability of a frankly white-dominated institution to deal justly with the broad, crucial questions of race. But now, not just the logic and principles of these very decisions, but all the practical understanding of human dealings that is implied in the term, "jury of his peers," requires a closer look at the racial composition of the courts themselves, as administrators of justice to the individual as well as guardians of principle.

This report deals with employment practices and jury composition of the southern Federal courts. It is based on such documentation as there is available plus interviews with lawyers practicing in the Federal courts of each State.

States covered by the survey are Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas in the fifth circuit; North Carolina, South Carolina, and Virginia in the fourth; Tennessee in the sixth; and Arkansas in the eighth circuit. Each State contains from two to four U.S. district courts. Data on the courts of appeals refer only to their offices and operations within these 11 States.

Clerical records of the Federal Government do not designate race of court employees, and there are no compilations of statistics on racial composition of juries. No systematic examination of each court in each State was attempted. Respondents for the most part relied on memory and general knowledge. Results of such a survey are not definitive or finally authoritative; there is room for minor errors and oversights. But such a survey does reveal general patterns, and it is with these that we are concerned. If more detailed and precise research is stimulated, that is good; but the immediate purpose is a new awareness of the need to improve the situation.

I. EMPLOYMENT

The broad patterns regarding the role of Negroes in the Federal courts under study in this survey can be summed up in the following statistical table:

Racial distribution of officers and personnel in southern Federal courts

	Total	White	Negro
Circuit court judges	[1] 12	12	0
District court judges	65	65	0
Referees in bankruptcy	55	55	0
U.S. commissioners	253	253	0
U.S. clerks	28	28	0
Deputy U.S. clerks	321	321	0
U.S. attorneys	29	29	0
Assistant U.S. attorneys	158	153	5
Jury commissioners	109	109	0
U.S. marshals	29	29	0
Deputy U.S. marshals	165	156	9
Secretarial and clerical	364	(2)	(2)

[1] This is the number of judges of southern residence now serving on the 4th, 5th, 6th, and 8th circuits. The numbers respectively are 3, 7, 1, and 1.

[2] Exact number of Negroes not ascertainable. The number, from observation, is quite small.

The above table may possibly overlook some Negroes in some positions. But it cannot be far from the exact numerical situation.

The circuit court and district court judges are appointed by the President of the United States, with the advice and consent of the Senate. So are the U.S. attorneys and marshals. The clerks of the respective courts are appointed by the judges. The judges also appoint U.S. commissioners, jury commissioners, and the referees in bankruptcy. The clerks select their own deputies and clerical assistants, subject to approval of the judges. Assistant U.S. attorneys are appointed by the Attorney General of the United States. The Attorney General authorizes marshals to appoint deputy marshals.

Exclusion of Negroes from the top positions in the system obviously has the practical effect of virtually eliminating them from lesser positions. The influence on appointments and hiring by southern officeholders through political party patronage channels can't be overlooked.

Of the nine Negro deputy marshals there are two in Alabama, one in Mississippi, two in North Carolina, one in South Carolina, two in Tennessee, one in Virginia. Of the five assistant U.S. attorneys, one is in North Carolina, one in Tennessee, two in Texas, one in Virginia. This is at best tokenism.

In no State are Negroes serving in the positions of importance and highest responsibility except in token numbers as deputy marshals and assistant U.S. attorneys, and in four States—Arkansas, Florida, Georgia, and Louisiana—in none of these positions at all.

In lesser positions, a Negro clerical worker was noted in Alabama, a bailiff in both Florida and Georgia, court criers in Virginia and South Carolina, and two secretaries in Texas. Again, some may have been overlooked, but not enough to change the general picture.

In nearly every State, employment of Negroes in custodial jobs was noted. Use of Negro employees designated as "criers" or "messengers" as valets, chauffeurs, and the like was reported. In Georgia, such an employee's duties were described as helping the judge with his robes, bringing his books, and driving for him.

A respondent in Alabama said: "If it were not for the lone Negro deputy marshal, the district court in Birmingham would look like the county courthouse." A respondent in Virginia, when asked if he were describing Negro employment in addition to a deputy marshal and two criers as "negligible," replied: "nonexistent." Instances were cited in Tennessee, Texas, and Georgia of Negroes turning down appointments or jobs. Strenuous opposition was encountered to appointment of the three Negroes in responsible jobs in North Carolina. This came from various sources, including political ones.

II. JURY SERVICE

Negroes are called and do serve on petit and grand juries in the southern Federal courts. Estimating and evaluating the degree to which they do is of course not an exact science. One respondent's tokenism might be another's substantial numbers or another's fair amount.

But for the very most part, lawyers interviewed in each of the 11 States were not satisfied that Negroes are serving on juries to the extent that they should be.

In Alabama, a typical jury panel was described as 5 or 6 Negroes among 110; Negroes occasionally serve on grand juries. An Arkansas respondent said he and others estimated that out of double panels of 40 to 50 persons, 3 or 4 might be Negroes, and out of a single panel of 24, 1 or 2 might be Negroes. In most cases in Arkansas, lawyers consider Negroes as ciphers who will go along with the majority, but they are said to dismiss Negroes when opposing counsel has been active in civil rights. There is a general understanding in Arkansas, a respondent said, of the need to avoid the appearance of systematic exclusion. In Florida, one sees as many Negroes as women on jury panels; their service was termed more than token, but less than reflective of Negro population. Negroes were said to be called fairly for jury duty in Louisiana, but more than average numbers are eliminated by challenge or excuse from serving on the jury. The same was said of South Carolina. Mississippi's situation was described as token. So was Tennessee's, Georgia's, and North Carolina's, with recognition in the latter of some improving efforts. In Texas, the estimate ranged from token to substantial numbers, with more of a conflict of opinion among respondents over whether enough Negroes serve than in other States. A Virginia respondent said that from 5 to 7 Negroes might be on a panel of 30, from 2 to 5 on a grand jury. A respondent said the number serving on Federal juries throughout the State is not sufficient.

The respondents described two problems involved in getting satisfactory numbers of Negroes on Federal juries. One is whether or not enough Negroes are called for jury service in the first place. The other is whether among those called, even if it is a fair number, enough Negroes get through the various processes of attrition to do what really counts—actually serve on a jury.

One often cited reason for a smaller number of Negroes called for jury duty is the lack of knowledge of the Negro community on the part of the mostly white court personnel. (All southern jury commissioners are white.) Prospective jurors are generally selected by a procedure described by the Judicial Conference of the United States in "The Jury System in the Federal Courts," September 1960. It involves getting persons of substance to recommend those who might be selected. Often, only white persons make these recommendations. Even the Negroes who make them might not be persons of knowledgeable acquaintanceship in the Negro community. They are often the Negroes who happen to come into contact with white persons.

A Tennessee respondent said officials go to persons such as the presidents of chambers of commerce for names for jury lists. Use of State jury lists was reported in parts of Georgia and Virginia. Use of voter registration lists—which are notoriously low in the number of Negroes—was reported in Mississippi.

Some respondents singled out individual district courts where genuinely conscientious efforts seem to be made, with varying degrees of success, to get representative numbers of Negroes on the jury lists. These included the middle district of Florida, the Atlanta division of the northern district of Georgia, and the middle district of North Carolina.

The lawyers interviewed were inclined to attribute the high amount of attrition among prospective Negro jurors mostly to racial circumstances, partly to other causes.

Peremptory challenges by opposing attorneys account for some of the attrition, particularly where the case involves Negroes. Negroes, in the view of defense attorneys, value Negro life and welfare, it seems, more highly than whites. Another reason often cited is economic, and it applies to large numbers of whites as well. Hourly wage earners (unless they have a union contract or other agreement guaranteeing compensatory pay) and persons of low income generally are unable to give up the working time (and pay) that jury service entails. So they get excused if they can. Negroes in disproportionately large numbers, compared with whites, are hourly wage earners and low-income workers in the South. A respondent in Mississippi commented that most Negro hourly workers there could probably earn more serving on a Federal jury.

The broad findings of the study show that a Negro involved in Federal court action in the South could go from the beginning of the case to the end without seeing any black faces unless they are in the court audience, or he happens to notice the man sweeping the floor.

The problem of the personnel of the courts seems easily and obviously remediable. More Negro appointments and hiring are needed. There are reports of political and other opposition when conscientious efforts are made to accomplish this. There are also reports of instances where Negroes turned down appointments or jobs. Negro attorneys are in short supply in the South, but the survey does not indicate by any means that their number or that of other qualified persons has been fully called upon.

The courts seem out of line with the fair employment hiring practices of Federal agencies, not to mention the spirit and philosophy of the civil rights statute.

But the employment practices of the court system is not the only, or even the largest, issue. The responsibility for the appointment of Federal judges and the U.S. attorneys is the President's. At its 1964 annual meeting (November 20–21) the Southern Regional Council adopted and conveyed to the President a resolution which said in part:

"It is our strong conviction that only men of the highest professional competence and the fullest devotion to the declared principles of the Constitution should be charged with the judicial responsibility of enforcing Federal laws in the South. It is our further conviction that no appointment contrary to these qualifications however strongly urged by State or congressional spokesmen, can satisfy the new politics of the South. In a situation where plain talk is desirable, we would report as plainly as we can that the progressive leadership of the South, both Negro and white, would find the appointment or promotion of any judge of well-authenticated segregationist views to be a severe blow to regional, national, and democratic interests."

The problem of jury service is more complex. If the impressions of respondents in this survey are correct, then a great many more Negroes need to be called and to serve on southern Federal juries. The widespread reports of nonuse of low-income and hourly income workers on southern juries raise questions beyond racial considerations. One may not only ask if it is possible under present circumstances to get a Federal jury of peers for people who are not white, but also for persons who, regardless of race, are not middle class.

Proposals have been made to select jury lists as much as public opinion poll samples are chosen—at random in such numbers from lists of all qualified persons so as to get a true cross-section of the community in terms of the various socioeconomic factors, including race and income level. Some such fresh approach seems needed.

There is an urgency to this. The goal of nondiscriminatory selection of juries is to assure that only the facts and evidence of the case will affect outcome of a trial. It would be just as much a tragedy if public clamor and legal maneuvering over exclusion of Negroes from juries were to become a factor in the outcome of a trial as when this results from discriminatory bias in the composition of a jury.

Reform of the basic institutions of American society is compelled by the logic of the civil rights movement. What began as an effort to correct the most glaring inequities of racial discrimination requires that the general structure of inequity be overhauled, looking toward the ideal of liberty and justice for all.

SENATOR RANDOLPH'S AMENDMENT TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965 WILL HELP WIN PRESIDENT JOHNSON'S WAR ON POVERTY

Mr. GRUENING. Mr. President, accelerated public works projects provide the best means to restore a sagging economy quickly; and full employment is our No. 1 national goal.

The funding for the Accelerated Public Works Act was used up long before the needs of the States were met. When accelerated public works money ran out in midyear 1963, more than $700 million in proposed projects were backlogged. Left unfunded were such projects as public buildings and sewage-treatment plants.

Testimony received last month by the Senate Public Works Committee during hearings on Senate bill 1648 has documented the need for increased accelerated public works funding.

Therefore, I am pleased to join as a cosponsor of the amendment—offered by the distinguished senior Senator from West Virginia [Mr. RANDOLPH]—increasing from $250 million to $500 million, annually, the authorization for public facilities matching funds under title I of Senate bill 1648.

My good friend from West Virginia is correct. More funding is essential if the backlog is to be met.

On March 25, 1965, I wrote to the Governors of the 50 States, asking for a list of economically sound and needed public works projects which could be started immediately in each State, were Federal matching funds available.

Responses to date from but 11 States dramatically endorse the need for increased funding. The Governors of 11 States have advised me they can put to good use, immediately, a total of $335,159,285. Other States are preparing their reports.

I have received the following responses:

State:	*Amount*
Iowa	$25, 627, 800
Maryland	20, 275, 000
Wyoming	625, 000
Maine	1, 478, 105
Massachusetts	21, 334, 000
Illinois	28, 851, 568
Louisiana	43, 002, 900
New Mexico	11, 432, 321
California	147, 000, 000
West Virginia	25, 000, 000
Missouri	10, 532, 591
Total	335, 159, 285

Early in this session, I introduced Senate bill 110, to increase by $1.5 billion, the amount authorized to be appropriated for the accelerated public works program. That bill was cosponsored by the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Texas [Mr. [YARBOROUGH].

Poverty is fought on many battlefields. Some victories are immediate, others are long range. We can have our Great Society if we build and educate.

I ask unanimous consent that the full text of my letter of March 25, 1965, to the Governors of the States be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 25, 1965.

Because full employment opportunity for every American is our number one national goal, ways must be found to put the unemployed to work immediately. The poverty program is long range, but the need for jobs is immediate.

A revival of the accelerated public works program will open up job opportunities quickly. When accelerated public works funds ran out in midyear 1963, processing was underway at the Federal level on submitted worthwhile State projects totaling more than $700 million.

Sound public works projects represent good investments, and I have introduced a bill to increase the amount authorized for the Accelerated Public Works program by $1.5 billion. My bill, S. 110, is cosponsored by Senator JENNINGS RANDOLPH, of West Virginia, and Senator RALPH YARBOROUGH, of Texas.

I believe need exists for the revitalization of the accelerated public works program. If you share my belief and can send me a list of economically sound and needed public works projects which could be started immediately in your State, were Federal matching funds available, I will press for action on S. 110

by the Senate Public Works Committee of which I and Senator RANDOLPH are members.

For your information, I enclose a copy of S. 110.

With best wishes, I am,
Cordially yours,
ERNEST GRUENING.

THE WORLD POPULATION EXPLOSION

Mr. TYDINGS. Mr. President, for few subjects is the need for discussion so pressing as it is for the problem of population control. Every day, throughout the world, there are 192,000 births—8,000 an hour, 60 million a year. Thomas Malthus could not conceive of the world of today. It took until the year 1840 for the world population to reach 1 billion. Could Malthus have foreseen that only 200 years later, the world population would be, not double, but triple?

An excellent article on the world's exploding population was published on April 18 in the Baltimore Sun. I commend the article to all Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WORLD'S EXPLODING POPULATION

(By Sid Moody)

She wore a pair of men's shoes, muddied from the yard and its skeletons of junked cars. She rocked shyly in a tiny, chipped chair as she cradled her youngest in her lap. A safety pin did duty for a broken zipper. The sun, angling through the open door of her cabin, caught her blond hair when she looked up to speak.

She was a mountaineer's wife, in Kentucky, with six children. But she was everywoman, too. A world symbol, a world headache and, maybe, a world heartache.

She did not know it, but she was speaking for many millions when she looked, nervously but with the resolution of a mother's love, across the doorway and told of her harsh decision.

"I thought about it a lot, and I decided it's more of a sin to bring children into the world that you can't take care of than to stop having them."

Her name was Ruby Gray, 25, wife of a man with a lame leg who hasn't worked in months and who supports his family with food given free by the Government. And she is also the child of a gathering world crisis: Overpopulation.

SYMBOL OF GLOBAL PROBLEM

Ruby Gray embodies it all: Too many children, dwindling food for them, no means to buy more. In their despair Ruby Gray agreed to her husband's decision to have himself sterilized. That was their private decision. It will not be the world's. But the problem is the same and the world with sudden awareness has come to see its immensity, complexity, its urgency.

The problem is an unbalanced equation in which billions of mouths do not equal nutrition, health, work to sustain life in decency. It is a problem that holds in its relentlessness the possible seeds of world war III.

Can mankind's greatest gift become his greatest curse? It is a heated argument. But now it is being argued.

There is some—but not much—opinion that the unprecedented world burst of population is a base upon which to build a utopia of consumption and prosperity. Others see it as a burden of such pressing weight as to condemn the world's poor to lives of static futility—or worse.

And while the argument goes on among experts of economics and demography, the science of population, the governments of the world have seemingly overnight been moved to action.

UNITED STATES REVERSES STAND

Reversing an earlier position, the United States has offered on request to help foreign birth-control programs with advice—but not contraceptives. The United Nations reflects increased world concern in considering what role it should play in family planning. Several countries have widespread birth-control programs underway.

Science has made several major breakthroughs in contraception, and a family planning expert exhibited the other day a new contraceptive he felt could change the history of the world. No one has quite been able to say why it works, just as no one can accurately forecast where the surging birth rate, rightly called an explosion, will end. Hence the argument.

The argument has a bitter arithmetic, questioned by some, admitted to be only an educated guess by many. But the figures are there.

Babies are being born faster than a person could name them. There are 192,000 births every day, according to the United Nations, over 60 million a year, more than the population of Great Britain. At the current 2-percent annual rate of increase, world population in 600 years will be one person per square yard. Anthill arithmetic. An impossibility. But where will it stop? And how?

PROJECTIONS FOR 2000

United Nations projections for the year 2000 show a world population, now 3,300 million, of about double that. Mexico, with a current population of 40 million, will have 71 million by 1980 at its present 3.1-percent rate of increase, one of the world's highest. It will be 13,500 million in 200 years if the same rate is sustained, says the National Academy of Sciences. It took all of history for the world population to reach 1 billion by the 1840's.

The reason for the swift change in population is twofold: high rates of birth, especially in the underdeveloped nations, and a steady drop in the death rate which accelerated astoundingly after World War II due to the developments of science.

Because of this postwar surge, a high percentage of the world's people is young. In Latin America over 40 percent of the people are under 15, noncontributors requiring education and food supplied by their producing elders. But if almost half the population is not producing and the country is already poor, as most of the Latin American nations are, how can this huge segment be supported?

And that is the immediate crux of the population problem: not how can the underdeveloped nations achieve the promise of rising expectations they feel their new independence entitles them to but how, in fact, to keep their standard of living even at its present marginal level?

The Food and Agricultural Organization of the United Nations says that up to half of the world's people suffers from hunger and malnutrition. By 1975, says the FAO, world food supplies will have to be increased by a third "merely to sustain the population at its present unsatisfactory level." A reasonable improvement would require a 50-percent increase by then and a tripling of food production by 2000.

"If present trends continue," says Raymond Ewell, research vice president of the State University of New York, "it seems likely that famine will reach serious proportions in India, Pakistan and China in the early 1970's, followed by Indonesia, Turkey, Iran and Egypt and several other countries within a few years—and Africa and Latin America by 1980. Such a famine will be of massive proportions."

The United Nations agrees, calling for "a vast increase in the production of food to meet the inevitable population increases * * * if appalling disasters are to be averted."

EMPTY BELLY AND WAR

Says a United Nations official: "Food, not Berlin or its equivalent, could be the cause of World War III, particularly if it gets mixed up with the racial thing. It's the white who has the food. It's the brown, black and yellow who has an empty belly. That's a heap of tinder sitting over there."

The Far East has 53 percent of the world's population and produces but 28 percent of its food while North America, with 7 percent of the population, grows 21 percent of the world's supply.

Can the world feed its swelling members? Almost every expert answers that it can, theoretically. Colin Clark, a British agricultural economist, is quoted as saying the world's arable land could feed 95 billion people if cultivated as intensively as Japan's.

Irrigation cultivating vast tracts of idle land in South America, Borneo, New Guinea, Sumatra; far greater exploitation of fish and vegetable matter from the sea; all of these could expand food supply by an incalculable amount. And existing land itself, with fertilizers and improved cultivation, could as much as triple output, experts have advised the United Nations.

Clearly the technology is there. But is there the money, the incentive, the vital international cooperation, the technicians to bring tractors and pesticides and science to the peasant with his hoe, his timeless tie to tradition and his tiny plot of land?

AREAS OF OPTIMISM

There are areas of hope—the Philippines' food output rose 6 percent annually during the 1950's—and unease—India feeds up to 40 million people on imported food and 11 million mouths are added each year.

Should famine come, surely the great food producing nations would not stand idly by. But it would require 20,000 freighter shipments a year to take care of India's current food deficiency.

The Population Reference Bureau in Washington, a statistic gathering organization, estimates that if all the huge U.S. food surplus were distributed to the world's hungry, it would provide each person the equivalent of two cups of rice every 17 days.

But overpopulation is not only a matter of hunger. It is economics, the economics of too little for too many. A country with an annual 3-percent increase in population must increase its national output by that much yearly just to stay in the same place. But it takes an estimated 9 percent increase in capital investment to produce a 3-percent increase in national income and where is the investment to come from in unindustrialized countries?

Under India's first two 5-year plans, national income was increased $8,900 million. But in the same period population increased 35 million, so per capita income went from $59.64 to only $69.30.

Philip Hauser, University of Chicago sociologist, notes that even if the world's wealth were equally distributed, per capita income would only come to $223.

JUST STAYING ALIVE

If the have nots are to have highways and schools and factories and hospitals, they must have money. And much of what little they have is spent on just staying alive. Ceylon, for instance, spends about $50 million in valuable foreign exchange each year to buy rice.

Perhaps technology will pull some lifesaving rabbit from a hat.

"A radical change in social structure, efficient use of solar and nuclear energy, or the extraction of large food resources from the waters of the ocean," says a United Nations report, "might enormously increase the earth's population-supporting capacity * * * some of these eventualities (are) not beyond the limits of plausibility * * * but it would be imprudent to take them as a basis for plans for the future. The consequences, furthermore, are incalculable."

Existing knowledge so far has maintained an uneasy status quo. But, says an official of the PRB, "this is only buying time, not curing the problem. And if time is not bought, the four horsemen will ride. It is as simple as that: the death rate will go up if the birth rate does not go down. In a finite world, this multiplication is simply going to have to stop."

POTENTIAL CONSUMERS

Not everyone sees the world coming to crisis. The Reverend Anthony Zimmerman, S.V.D., believes high population means potential consumers for an expanding economy, not hungry mouths that it must struggle to feed.

"The possibility of world overpopulation is highly conjectural," he has written. "If and when it should occur, population growth will most likely stop by the free choice of people as it did during the depression years. Nevertheless (should it) become a serious threat, the time to discourage normal family life will be then, not now."

Msgr. John Knott, of the National Catholic Welfare Conference, says any population forecast beyond 10 years "is pure speculation."

"Demographers can be and have been wrong," answers Rev. George H. Dunne, S.J., of Georgetown University. "But if there is uncertainly about the long range, there can be no uncertainty about the immediate problem of population. A million people do sleep on the streets of Calcutta and people do live on a mountain of garbage outside Lima."

"The (world) population is growing at over 2 percent which means a doubling every 35 years," says an official of the Population Council, a private organization that operates population control programs overseas with Rockefeller funds. "That is simply a fact."

It is also a fact that is no longer not table-talk.

JOHNSON PLEDGE

In 1959 President Eisenhower said the U.S. Government had no business in the field of population control. Yet last January President Johnson said in his state of the Union address:

"I will seek new ways to use our knowledge to help deal with the explosion in world population and the growing scarcity of world resources."

The Agency for International Development had already begun giving advice on population problems and helping foreign nations, on request, with fertility control.

Similarly, Egyptian President Nasser said as recently as 1962 that a nation's population was one of its main natural resources. Overpopulation is now considered by the Egyptian Government to be a matter of life and death. Faced with a doubling of population in 27 years, Egypt has begun distribution of birth control pills.

India allocated $56 million for a family planning program in its current 5-year plan, five times the amount in the last one.

"We must stabilize the population at no more than 700 million," says Deputy Health Minister D. S. Raju. "Beyond that we will not be able to cope even if all our measures to improve the economy work out."

South Korea, with help from the Population Council, is trying to cut its birth rate a third by 1971 through new birth control clinics.

Japan, where birth control has been national policy since 1949, has had 20 million legal abortions in the last 15 years as the birth rate fell from 34.3 in 1947 to 16.5 last year.

In Latin America, dominantly Catholic, birth control is nonetheless a topic of increasing concern. "Up until recently," said an Argentinian physician, "it was bad manners to talk about the whole issue. Things have changed in the last year."

MARXIAN GOSPEL

Even in the Communist world, population has drawn official attention. Marx preached—and the party line still does—that overpopulation is a capitalist plot perpetuated by industrialists to insure a ready market of cheap, surplus labor. Under socialism everyone works, so the gospel of Marx goes, hence the problem simply evaporates. Except it hasn't.

Red China, which in the next 15 years will add an estimated population almost equal to that of the United States, has raised the official marriage age and imposed rationing restrictions on parents who have more than three children.

Even in Russia, where birth control is legal, orthodoxy has softened. "Marxist-Leninists have no objection against humane measures over decreasing the birth rate," a Government official said recently.

The United Nations General Assembly now has before it a report of the United Nations Population Commission which said the organization "must play a wider and more active role in population fields than it has played up to the present. Recommendations included increased United Nations aid on request in compiling census statistics, research into fertility and the effects of population on society.

"The common view of governments," said a United Nations official, "is that the population problem is acute. The difference of opinion is what to do about it."

In the United States the amount of public and quasi-public activity in fertility control has spread quickly and widely. In Corpus Christi, Tex., the Federal Government has given $8,500 to run birth control clinics in poor areas. Oregon is considering a State welfare department request for $135,000 to buy birth control devices. Nineteen counties in Tennessee have family planning clinics. Only one had them a year ago.

Twenty-five family planning projects have applied for Federal funds, and Sargent Shriver, Director of President Johnson's antipoverty program, says if the clinics have local support, the money will be approved.

The stated purpose of much of this is to reduce the rapidly growing amount of welfare to mothers with many dependent children. It is less expensive to give birth control services, the argument runs, than to spend money to support impoverished children.

Nationally, aid for dependent children is costing a reported $1,500,000 a year for 4 million children compared to $639 million for 2,200,000 youngsters in 1955.

Despite the urgency of the world population problem, a relative pittance is being spent on it.

"Just listing the causes of death would fill a huge volume," says Robert Cook, director of the PRB. "There is only one cause of life." Yet for the billions spent on mortality control, only a few millions go to study the very source of life. The Ford Foundation, probably the biggest single source of funds in fertility research, awarded grants totaling $3 million last year.

Yet it is through research, many feel, that some way will be found to the perfect birth control device, one that is cheap, easily used, long lasting and could meet Roman Catholic church objections that any mechanical interference with procreation is a sin against natural and moral law.

The Church of Rome is frequently held as an unyielding foe of birth control. It is.

And it isn't.

In recent years the church has softened its position by permitting couples a measure of natural birth control, the so-called rhythm method. And now, confronted with radical new development in birth control as well as the growing crush of population, the church has shown itself to be anything but a monolith. A dialog has moved into the open, one in which conflicting opinion is strongly held and remarkable for its outspokenness.

The church has not changed its strictures against birth control. But a Papal commission has begun studying the whole area of fertility and population. And as Pope Paul VI said last year:

("Birth control and population) is an extremely grave problem. It touches on the mainspring of human life * * * it is necessary to face attentively this development * * * and this is in fact what the church is doing. But, meanwhile, we say frankly that up to now we do not have sufficient motive to consider out of date and thus far not binding the norms given us * * * therefore they must be considered valid. At least until we feel obliged by conscience to change them."

If that statement reads less than dogmatically, the addresses by three liberal cardinals last October at the Ecumenical Council sounded almost revolutionary.

One, Cardinal Seunens of Belgium, said, "Of course there is no question of modifying or challenging the truly traditional teaching of the church * * * but no one epoch can boast of having fully perceived the unfathomable riches of Christianity * * * thus the church never has to repudiate the truth but * * * she can and must integrate this truth into a richer synthesis."

He urged the council to "meet the immense problem posed by the present demographic explosion * * * the matter is difficult but the world is waiting. I beg you, my brothers, let us avoid a new Galileo case. One is enough for the church."

Where its introspection will carry the church is impossible to say. But one of the factors the church must be aware of is a seeming gulf in certain areas between its theory and the practices of the faithful. Italy, almost universally Catholic and where contraceptives are illegal, has one of the world's lowest birth rates. Why? "There are two things Italians do not regard as sinful," said a non-Italian priest, "missing Sunday mass and using contraceptives."

In heavily Catholic Chile, a doctor has estimated that between 35 and 49 percent of pregnancies end in abortion, a sin.

Dr. C. Lee Buxton, Yale physican who is fighting to repeal Connecticut's birth control law, received a letter from a young Catholic father.

"I have a personal interest in birth control because for lack of it in one way or another I lost a wonderful wife and mother of six children. She was only 31 years old when she died 8 hours after our last child was born * * * what do people who find themselves in our predicament do? Man and woman living together in a life of matrimony are also living a life of sin because they use means to prevent further childbirth. Is the health of your wife and children to be disregarded?"

LICIT METHOD

In 1951, Pius XII, in affirming the legitimacy of regulation of offspring through the rhythm method said, "I may even hope that science will succeed in providing this licit method with a sufficiently secure basis."

Maybe it has.

Two new contraceptives—the pill and a little plastic curlicue called an interuterine device (IUD)—have brought worldwide population control to the point of possibility. And they have raised profound questions for theologians.

Dr. John Rock, a Catholic gynecologist who was a leading developer of the pill, notes the pill does not kill the female egg but simply interrupts its monthly cycle.

"Should this be stigmatized as temporary sterilization?" Dr. Rock asked in his controversial book on birth control "The Time Is Now." What is the difference between a conscious effort to avoid conception by rhythm and use of the pill? Both, he says, are an exercise of the intellect vis-a-vis nature to safeguard the family.

And, he says, "the frustration of nature, far from being immoral, is man's vocation."

Both Catholics and Protestants condone birth control for various social, medical, and economic reasons. "They disagree on methods, not objectives," he says.

Apart from its philosophical implications the pill has come into widespread use throughout the world. Widespread ignorance, however, has frustrated its maximum effectiveness. The wife must maintain sufficient motivation to take it daily. Science hopes to find a better pill that can work over longer periods. Or a pill or injection to sterilize temporarily the male.

The IUD is another breakthrough. An official of the Population Council pulled one from his desk drawer the other day. "It only costs pennies to make. But I say, and I believe, that this little piece of plastic is going to change the history of the world."

For reasons that medicine does not fully understand, the IUD is 98-percent effective in preventing pregnancy. It can readily be inserted in the uterus—and taken out should pregnancy be desired.

Because it is cheap, effective, does not require continuous motivation, the IUD is receiving scrutiny from many of the world's underdeveloped nations including South Korea, Pakistan, Ghana, Nigeria, Egypt, Tunisia, Indian, Jamaica, and Malaysia.

In the city of Taichung on Formosa an intensive pilot project by Nationalist Chinese health officers with help from the Population Council has indicated such a concerted effort could reduce the birth rate eventually by almost half. The program is being extended to the rest of the country.

EFFECTIVENESS QUESTIONED

There are dissenters, not only as to the morality of mass birth control but its effectiveness.

Asks Monsignor Knott: "What scientific evidence exists to prove that (birth control) programs in the past have succeeded * * * no contraceptive program to date has been accepted in any effective manner by people in the backward parts of the world."

A spokesman at the P.B.R. agrees to the extent that reaching and motivating people presents one of the most difficult aspects of the population boom.

"The $64,000 question is how do you get the word to people, word that the third child is enemy to the first and second?"

The task may not be insurmountable. A survey in Guatemala, for instance, showed that 91 percent of parents wanted to space their families. "The requests by mothers for sterilization are truly incredible," said Dr. Roberto Santiso, head of the department of gynecology at Latin American Hospital in Guatemala.

Under the South Korea program, 90 percent of couples interviewed wanted fewer than four children but had more than five.

Many thousands of men have been voluntarily sterilized in India under its family planning program.

"The most significant preliminary finding of Taichung," said the Population Council, "is that people do not have to be motivated. The program suggests that a planned effort can spread fertility control—not so easily or as fast as death control—but nevertheless substantially."

HARVARD OR KEEPING ALIVE?

The motivation does not come from an awakening to the landslide of humanity some fear is forming. The motives stem from a source as personal as the purpose of procreation itself: the family.

"From the Indian village to Scarsdale, N.Y.," says an officer of the Population Council, "it is the economic welfare of the family, not the health of the mother or the world, that's primary. Scarsdale wants to send its children to Harvard. The more children, the remoter their all going to Harvard is. The Indian just wants to be able to feed them. What we are after is to have people have as many children as they want—when they want."

Back in Kentucky a county doctor ground his jeep into four-wheel drive as the vehicle wallowed through mud up to its axles. It took an hour to reach the two-room hovel where Dora and Everett Canada and their seven children live.

They survive on Government food and whatever Mrs. Canada and the children can make sawing wood or plowing the scraggly fields of their neighbors with their one mule. Canada has been unable to work for 2 years, even if there had been work.

Over the swaybacked bed where three of the children slept was a fragment of a page from "The Night Before Christmas" showing a rosy-checked ma and pa sleeping blissfully waiting for St. Nick. The page had been tacked over a crack to keep out the raw, late winter wind.

Mrs. Canada, 39, but who looked 20 years older, knew about population explosions.

"My mamma had 11 kids. I never wanted as many as that, but I didn't know there were ways to use your head knowledge to stop from having them. It makes me feel so bad toward myself."

The Canadas have the same answer the Grays had. He is going to be sterilized under a privately financed program operating in the Kentucky hills.

And history will have its own answer, too.

ALASKA SUPPORTS THE MERGER OF NATIONAL GUARD AND ARMY RESERVE

Mr. GRUENING. Mr. President, I am in receipt of a communication from Brig. Gen. William S. Elmore, the Adjutant General of Alaska's National Guard. He urges support of the proposal, now pending, to merge the National Guard and the Army Reserve. His comments are informed.

Because of the diversity of opinion that exists on this proposal, I feel that General Elmore's contribution is both timely and useful. I ask unanimous consent that his letter to me and the attached fact sheet be printed in the RECORD at this point in my remarks.

There being no objection, the letter and the memorandum were ordered to be printed in the RECORD, as follows:

STATE OF ALASKA, DEPARTMENT OF
MILITARY AFFAIRS, OFFICE OF THE
ADJUTANT GENERAL,
Juneau, Alaska, May 4, 1965.

Hon. ERNEST GRUENING,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: There has been much hullabaloo over the merger of the National Guard and the Army Reserve. Many charges of derogatory nature have been made about the National Guard and I am sorry to say we, the National Guard, have done little to defend ourselves. I feel that our past achievements along the road of history speak for us with knowledgeable people, and public accusations from us about our opponents tend to degrade our stature as the Nation's No. 1 reserve component.

We are, and I feel the Nation is, in great peril over the resistance to this merger. Without the merger we will continue two poorly equipped and inadequately manned Reserve armies that will take months to ready for combat. In this day of rapid movement and missile warfare, truly "he who arrives with the most first" is still good counsel.

Attached is a fact sheet on the merger that presents the feeling of the National Guard. I urge you to support this Army plan and concept of the merger as I feel, along with the other adjutants general, that it is the best for our defense posture.

Sincerely,

WILLIAM S. ELMORE,
Brigadier General, Alaska ANG,
The Adjutant General.

MEMORANDUM

The State Adjutants General support the Department of the Army proposal to realine the Army's Reserve Forces because:

1. It provides the number and types of Reserve component units required by the Active Army to fulfill its mission in the event of emergency or war;
2. It concentrates organized units in a single component—the National Guard, and nonunit reservists in a single component—the Army Reserve—a system which operated successfully for many years;
3. It meets State requirements for military forces necessary for internal security and disaster;
4. It increases the number of organized Reserve component units maintained in priority status for early deployment; and
5. It will result in a better trained, better equipped and more efficiently managed force at no increase in Federal or State expenditure.

The Army National Guard and Army Reserve presently have a total of 8,215 units. The Army states it has no military requirement for 2,435 of these units. Thus, nearly one-third of the units in the existing Reserve component force are in a nonpriority status, are maintained at low strength and lack essential support.

By contrast, the realined force would contain 6,100 organized Reserve component units all in priority status—all manned at 80 percent or higher of war strength with 100-percent authorized equipment and full support for technicians and training.

TRIBUTE TO EDWARD MURROW

Mr. CHURCH. Mr. President, many thousands of words have been printed and uttered in eulogy of Edward R. Murrow. The most poignant and meaningful have been the sincere and heartfelt editorials written by his fellow newsmen, for Edward R. Murrow epitomized the highest standards of American journalism in all media.

He was my friend; and it is always the most difficult of tasks to properly express grief over the passing of a friend, and at the same time to join in praising a great American.

Edward R. Murrow was identified with, and indentified himself with, every hardworking newsman in this country. Two of the latter, writing on behalf of their newspapers, have expressed what all of us who knew him, and the millions to whom he was the voice of calmness in times of crisis, would like to say.

I ask unanimous consent that editorials published on April 28 in the Lewiston, Idaho, Morning Tribune and the Idaho State Journal, of Pocatello, mourning the passing of Edward R. Murrow, be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Lewiston (Idaho), Morning Tribune, Apr. 28, 1965]

Edward R. Murrow, Great Reporter

The death yesterday of Edward R. Murrow cost the United States one of its most effective and distinguished citizens.

Radio and television journalism grew up around Murrow, and only a rare few have approached the standards he set for electronic reporting of news.

A brilliant reporter and a superb speaker, Murrow was endowed with one of the most commanding voices in the whole arena of public affairs. During Germany's bombing attacks upon Britain in World War II, his voice probably became more familiar to Americans than any other except the late President Franklin D. Roosevelt's. His broadcasts from London conveyed the urgency and drama of one of history's most gallant struggles in vivid, personal terms. For many Americans these reports were more meaningful than similar or even superior information reaching them in print. With these broadcasts, the power of the spoken word became a major force in journalism.

Murrow's rivals in newspaper journalism seldom attributed his tremendous effectiveness merely to his magnificient voice, however. He was a reporter who could star in any medium. He could collect, appraise, and organize the salient facts of a news story with the most skilled and experienced newsmen in the newspaper world. He wrote beautifully, and when there was no time to write he could report precisely and dramatically without benefit of script.

His remarkable success in these early reports from London quickly persuaded his employers that he must have enough network time to present his news in reasonable detail. Thus, he broke the precedent that an electronic newscast could be no more than a bulletin's equivalent to newspaper headlines. His reports were equivalent in detail to a major newspaper story. Radio and television journalism today still wears its birthmark—the quick bulletin sandwiched between commercials—but Murrow blazed the trail for news documentaries which today give listeners a closeup view of a few major news events.

He still was atop the crest of his remarkable journalistic career in 1961 when he, like many of America's leading intellectuals, heeded the call of the late President John F. Kennedy to "ask what you can do for your country."

What Murrow did this time for his country was to reorganize and reorient the U.S. Information Agency. He transformed it from a rather apologetic propaganda organization into a proud and resourceful news agency. He pledged that USIA would strive to tell the essential rounded truth about the United States to the rest of the world. He was remarkably successful. Under his leadership, USIA ignored pressures inside and outside Congress to broadcast only sugarcoated news abroad and kill important stories which might damage America's image. He was a good enough journalist to understand that the seamy side of life must be reported along with the sweet side if the image of truth is to supplant the image of propaganda. He was renowned and respected enough as a journalist to follow that goal, despite the nervous Nellies who wanted USIA to suppress unfavorable news.

Even when Murrow appeared—now as a Government employee—to explain U.S. policies to the probing, working press, he commanded a respect not often accorded by professional newsmen to Federal bureaucrats. They could not forget for a moment—nor did he ever forget—that he was quite as capable as any of them of asking searching questions instead of answering, and of giving the public factual, relevant information about public affairs.

He was a rare one, this graduate of Washington State University who became one of the world's great news reporters. His influence perhaps never, can be measured accurately, but certainly he served his country and the world uncommonly well.

He died at 57, a relatively young man, but no tears need be shed on that account. He lived his years at full speed, crowding more achievement into each month than most men crowd into a lifetime. And he still will remain for untold years to come a symbol of superior public service.—B.J.

[From the Idaho State Journal, Pocatello, Idaho, April 28, 1965]

A Fitting Tribute

Those who lived through the dark early days of World War II will long remember Edward R. Murrow's "This * * * is London." Those three dramatically phrased words served to introduce his reports of the indomitable British people as they fought alone against almost overwhelming odds. Murrow's voice is now stilled by death but his spirit and his contribution will long survive.

Perhaps more than any other person, Murrow brought radio and television broadcasting to maturity. He realized early that broadcasting could be a powerful medium for the dissemination of information and for editorial comment on that information. As an excellent reporter, he went beyond the obvious and he put great issues into perspective and into sharp focus so that they could be grasped by his listeners and viewers. He was truly a pioneer in his field, with broadcasters Elmer Davis and H. V. Kaltenborn and others, and with them, he used the spoken word as a powerful constructive force during most difficult times.

Paying tribute to Murrow yesterday at his news conference, President Johnson said of him:

"We who knew him knew that he was a gallant fighter, a man who dedicated his life both as a newsman and as a public official to an unrelenting search for the truth. He subscribed to the proposition that free men and free inquiry are inseparable. He built his life on that unbreakable truth."

No higher tribute can be paid to a man in Edward R. Murrow's profession than that he was "a gallant fighter" and that he dedicated his life "to an unrelenting search for truth." It is a tribute that he thoroughly merited.—L.E.

ADDRESS BY CARDINAL SHEHAN

Mr. TYDINGS. Mr. President, last evening it was my pleasure to attend, in Baltimore, an impressive testimonial dinner, sponsored by the Metropolitan Baltimore Chamber of Commerce. The dinner was in honor of Maryand's native son, Lawrence Cardinal Shehan.

Baltimore is justly proud of Lawrence Cardinal Shehan, a native son, who in February was elevated to the highest council of the Catholic church—the College of Cardinals. In nominating the Baltimorean for this honor, Pope Paul VI selected a prelate widely known for his priestly qualities and executive ability, a vigorous supporter of civil rights causes, a pioneer in ecumenical activities, and a student of church-state relations.

Cardinal Shehan, spiritual leader of some 480,000 Catholics in the archdiocese of Baltimore, was the only American among 27 prelates honored at ceremonies in Rome, on February 22.

The son of Thomas Patrick and Anastasia Dames Schofield Shehan, he was born on March 18, 1898, in the family home, then on Greenmount Avenue. From St. Ann's Parochial School, he went to St. Charles College, Catonsville, graduating in 1917, summa cum laude. After 3 years at St. Mary's Seminary, in Baltimore, he entered the North American College, in Rome, where he received the degree of doctor of divinity, and was ordained on December 23, 1922.

From 1923 to 1945, he was at St. Patrick's, Washington—first as an assistant, and then as pastor. During this period, he also served first as assistant director, and then as director, of Catholic Charities in Washington.

In 1945, he was advanced to the rank of domestic prelate, with the title of right reverend. In the same year he was consecrated a bishop, and was appointed auxiliary to the archbishop of Baltimore and Washington. From 1946 to 1953, he was pastor at SS. Philip and James, in Baltimore, and vicar general of the archdiocese.

In 1953, he was named the first bishop of Bridgeport, Conn.—a post he held until 1961, when he returned as coadjutor archbishop of Baltimore, with the right of succession. He became archbishop of Baltimore on December 8, 1961, upon the death of Archbishop Keough; and then, in February of this year, he was elevated to the rank of cardinal.

The high point of the evening came when Cardinal Shehan delivered a very inspiring address, one which touched on our failures of the past, as well as the challenge of the future. Cardinal Shehan quoted extensively from a great oration delivered in Rome by another famous Maryland prelate—James Cardinal Gibbons. At the conclusion of his address, last night, Cardinal Shehan received a standing ovation.

I ask unanimous consent that the complete text of Cardinal Shehan's address, as printed in today's issue of the Baltimore Catholic Review, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Text of Cardinal's Speech to Chamber of Commerce

In a speech delivered at his titular church, Santa Maria in Trastevere, shortly after he had been elevated to the College of Cardinals, James Gibbons began by ascribing the progress made by the church in this country, under God "to the civil liberty we enjoy in our enlightened republic."

"For myself as a citizen of the United States," he said, "without closing my eyes to our shortcomings as a nation, I say with a deep sense of pride and gratitude that I belong to a country where the civil government holds over us the aegis of protection, without interfering with us in the legitimate exercise of our sublime mission as ministers of the Gospel of Christ. Our country has liberty without license, authority without despotism. She rears no walls to exclude the stranger from among us. Her harbors are open to welcome the honest emigrant who comes to advance his temporal interests and find a peaceful home. She is at peace with all the world. She rests secure in the consciousness of her strength and her good will toward all. Her strength lies, under the overruling guidance of providence, in the majesty and supremacy of the law, in the loyalty of her citizens, and in affection of her people for her free institutions." Such was the bright picture of our country that occupied the mind of Gibbons in that year 1887.

Times have greatly changed since then, and with them has changed the face of our country. The overall picture to my way of thinking is still good. But the light that shines on that picture is not nearly so bright as it was some 80 years ago.

It is questionable, for instance, whether anyone can now say that we have liberty without license. We do indeed have ample liberty; but freedom of speech and freedom of the press as they relate to the obscene and pornographic seem to have been expanded to almost unlimited license.

Nor can we say with all the confidence of the late 19th century that the strength of our country lies in the majesty of the law and in the affection of her people for her free institutions. The increasing volume of crime and the evidence of corruption both in business and in public life cast a shadow on the majesty of the law in the minds of many; and the stubborn withholding of civil rights and equal justice from great numbers of our fellow citizens casts a shadow of doubt on our affection for the free institutions of our country.

With the McCarran-Walter Act still on our books, how hollow today would sound the words, "We raise no walls against strangers; our harbors are open to the honest emigrant." The famed words on the base of the Statue of Liberty: "Give me your tired, your poor, your huddled masses yearning to breathe free," are today, unfortunately, more poetic than factual.

Conscious of the lingering effects of the two World Wars, with the memory of Korea fresh in our minds and with reports of Vietnam daily before us, no one today would care to say, "We are at peace with the world; we rest secure in the consciousness of our strength and of our good will toward all."

The problems of our times, then, cast a shadow over the bright picture that Gibbons painted almost 80 years ago. Yet, in spite of all its present defects, there is undoubtedly a basic soundness at the heart of our country; and there is therefore reason for hope.

In the first place, notwithstanding present violence, crime, and corruption, ours is still a government by law. One of our main difficulties is that amid the great social changes which are taking place, the law and our other social institutions have not evolved fast enough or far enough to meet our problems as they have arisen.

There are, however, certain indications that the country is awakening to the needs of the present hour. The rapidity, for instance, with which Congress has reacted to the President's leadership to provide free exercise of the ballot on the part of all citizens everywhere, regardless of race or economic status, manifests a new determination, at least on the part of Government, that the majesty of the law be made evident by the fulfillment of all the provisions of our Federal Constitution.

Ours, too, is a deep attachment to liberty and to our free institutions. Although we realize that freedom has been used by some on the one hand for the protection of crime, and on the other for the exercise and promotion of license, yet there are signs that the people are awakening to the danger arising from license and at the same time are conscious of the great care that is necessary lest, in the curbing of excesses, freedom itself be injured.

Never again perhaps will the harbors of our country be opened to masses of immigrants under conditions that marked the arrival of so many of our ancestors, yet we have long been conscious of our duty of greater hospitality, and of justice, if not charity, in its exercise. At least a beginning has been made to correct the inverse colonialism which has characterized our immigration law and policy during the past generation.

When Gibbons gave his Trastevere speech, he and his contemporaries, like Archbishop Ireland and Bishop Kane, had already taken the first step to help meet the most crying social problem of their day, arising from the prevalence of laissez faire and from the antagonism that existed between capital and labor.

Today our great social problem is racial antipathy and discrimination. Real progress, no doubt, has already been made in meeting this problem. I cannot help believing that the American people will not abate their efforts until a satisfactory solution will have been worked out for our whole country. No one expects that every aspect of the problem will be solved overnight. But in the last decade we have come a long way toward the establishment of civil rights for all.

When that part of our task will have been completed and all forms of discrimination will have been eliminated so that all citizens are considered as free individuals, equal in the possession of the same basic rights and opportunities, we shall have laid the foundation for a satisfactory solution of our whole racial problem.

The complete solution will have been achieved only when all races and all ethnic groups, in a spirit of understanding, good will, and friendliness, will have joined together in wholehearted cooperation to meet the common social problems which face us all—problems which none of us can solve alone, problems for which no single group is alone responsible.

These are some of the reasons why we can say that in spite of our present ills there is a fundamental soundness at the heart of our country, and why Americans, fortified by a proper determination, can face the future with hope.

One special ray of hope is being shed upon this land by the ecumenical movement which has made such encouraging progress among the various religious groups during the past 3 or 4 years. In the past, a special difficulty in meeting our social problems has been the almost complete separateness and even antipathy that has existed among the religious bodies of this country and their consequent failure to cooperate for the common good.

Although Baltimore, partly through the example of Carroll, our first archbishop, and Gibbons, our first cardinal, was in some respects a notable exception, yet generally, it can be said, now for the first time in the almost 200 years of our country's history we are experiencing the birth of a true spirit of understanding and friendliness between the various churches—a spirit which makes possible a more intense cooperative effort on the part of men of all religious denominations in the solving of our common social problems.

There are some who fear the new spirit and hold back from cooperative effort lest the importance of doctrinal differences be lost to sight. I personally can see no evidence of a spirit of compromise on doctrinal matters among responsible religious leaders, either Catholic or Protestant.

Certainly so long as Catholics are guided by the Second Vatican Council and by its "Decree on Ecumenism," such fear and such hesitancy on their part are uncalled for. If they follow the call of the council, they will go on to what the decree itself calls "that more intensive cooperation in carrying out any duties for the common good of humanity which are demanded by our common Christian conscience." No one can doubt that such cooperation in the spirit of understanding and mutual confidence can be an important factor in the solution of some of our most vexing problems.

There is, as I see it, one other cause of considerable hope which has arisen during the past few months. In the recent congressional act for aid to education we have for the first time in our history a clear indication that both public and private schools are to be regarded as integral parts of our whole educational system—as partners rather than as rivals, and that private schools, in the performance of their public function, are to receive some measure of public support. This should bring about closer cooperation and planning on the part of public and private educational leaders, and should make possible steady progress toward the solution of one of our most important problems—the provision of adequate educational opportunities for all our young people.

While we face the future with hope and with optimism, yet we must admit that we in Baltimore, as our fellow citizens everywhere, are faced with serious social problems. Our whole educational system, both public and private, presents many challenges which are our common responsibility. The battle against racial discrimination and antipathy is certainly far from won. We still have the frightening problem of crime and all the social and economic ills which foster it. The flight of the upper and middle classes from the city to the suburbs still continues. We are apparently still far from effecting some form of metropolitan authority which can meet the problems of the whole area with a unified force, coordinated effort, and an adequate common plan.

But if the leaders of both public and private education, and all the churches and social forces of the community can unite their efforts upon the problems of youth; if all the religious leaders can wholeheartedly join their forces and cooperate in the solution of our various major social problems; if the leaders of both major races and all ethnic groups can center their attention and effort on the main problems that plague us all; if city and suburban leaders, putting aside divisive jealousies and narrow interests, will concentrate on the common good of the whole area, Baltimore and its factually merging contiguous communities can unite and come forth as one of our country's great metropolitan centers, large enough to accomplish great results, yet small and intimate enough still to be regarded as our true home.

I began my talk by quoting from Gibbons' Trastevere speech on the subject of the advantage of the American political system. I shall conclude by referring to remarks made by him on the same subject at the very end of his life. After comparing our own system of government with that of other countries, he said, "The question arises, which is the best arrangement, the official union of church and state, or the mutual independence of both? I have nothing to say in regard to other countries, but our own friendly relations of church and state without official union is best for us." Yes, the American system, with all its shortcomings, is still for us the best; but it will remain the best only if all of us work at it—together.

THE ALABAMA CIVIL RIGHTS MARCH

Mr. DOUGLAS. Mr. President, the current issue of Ebony, the respected monthly Johnson publication which originates in Chicago, has a heartwarming account, in text and photographs, of the march for civil rights to Montgomery, Ala., in which thousands of Americans recently participated.

Simeon Booker, the author of the article, gives a factual and human-interest account of the character of the march, some of its events, and the reactions of its participants and observers. Despite the many problems of such an undertaking, the marchers carried it out with decorum and quiet purpose. It was, indeed, a responsible celebration of freedom now—and freedom certain to come.

I ask unanimous consent that the text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

On Montgomery—Martin Luther King Leads Negroes, Whites in Most Heroic Civil Rights Protest in History

(By Simeon Booker)

From the arc of the Edmund Pettus Bridge, Alabama's Highway No. 80, a twin double stretch of asphalt, seemed a long, dusty pathway to hell. Ahead were swamps, the murky colored rivers, KKK hangouts and water moccasins along the 50-mile route to the cradle of the Confederacy, a city named Montgomery. In the rear, Selma appeared as a collection of ramshackle buildings erected years ago by slaves when the town enjoyed more prosperity and wasn't dogged to frustration by determined, freedom-seeking Negroes.

Above the segregationists' loudspeakers in the distance blaring "Dixie" and "Bye, Bye, Blackbird," the rhythmic harmonizing of "We Shall Overcome" was interspersed with the sound of thousands of tramping feet. While helicopters zoomed overhead and burly State troopers muttered, "dirty nigger," but stood erect, GIs, guns at their side, stood at attention fortified by jeep loads of radiomen, trucks of soldiers, unmarked cars of FBI agents and Justice Department aids.

There was a sun in the sky and today was Sunday—a churchgoing day. The mood was spiritual but the gaiety of a holiday celebration rimmed the activity.

At the head of the line of 10,000 marched a hero.

Behind him marched a movement.

The movement could shape history in Alabama.

The hero was Martin Luther King, the most publicized Baptist preacher in America. King is the man who put the Negro church in the human rights mainstream a few years ago and now had accomplished the virtually impossible: He had converted leaders of the so-called white church. For his earlier humanitarian efforts, he won a Nobel Peace Prize in Norway. Now he was more eligible for a Freedom Prize in the United States.

Beside him trudged perhaps the second most publicized Negro in America—bronze-hued Dr. Ralph Bunche, the brilliant Under-Secretary of the United Nations and himself a celebrated Nobel Peace Prize winner.

In a few minutes, the two distinguished Negroes would pass the most revolting spot in recent civil rights action. The wounds were still fresh. Only 14 days earlier, helmeted State police, some on foot and some on horseback, charged into another march ranks, battered the pilgrims to the ground, tear gassed them into misery, then whipped their heads and bodies some more. To make the punishment stick as the marchers—some 600 strong—recovered from the gassing, the troopers, aided by a posse of able-bodied white men, whipped the marchers all the way back to the starting point. This was a Negro church where Negro youngsters still sang "Freedom, Freedom" and organized new marches protesting the barriers to voting.

Now—2 weeks later—a gain was chalked up in civil rights as gains in the field always are made—softly, tenderly, and tearfully. The gain was that the marchers passed over the part of the highway where previously the State troopers had twice stoody defying any further advance and fingering night sticks and bullwhips. A Federal judge restrained Gov. George Wallace and his lieutenants from interfering with the proposed march, established the ground rules from the starting command to the time of the final prayer. The order was partially obeyed because the Alabama troopers, who had taken such glee in cracking heads on bloody Sunday, shifted their positions and sullenly stood along the edge of the highway. Behind them was a forest of cars and rednecks (who probably didn't know about the judge's order) who congregated to witness another chapter of bloodshed. There was the moment of surprise when troopers didn't slash into the marching ranks and what followed was an example of the mental sickness in Alabama. Catcalling reached a low level. Profanity—blue with hatred—sounded even from chubby-faced kids. There were gnarled fists, spit, grimaces, and crudely written signs. Ironically, the targets for abuse were not Drs. King and Bunche, or the hundreds of other Negroes: the newly hated were the whites—the pure-faced nuns, the clerics with high collars, the energetic college students, and the occasional beatnik. It was a rude awakening to the visiting whites and it took the words of a freedom song with the phrase, "black and white together," to soothe hurt feelings.

Instances of love versus hate dotted the atmosphere as much as the Confederate flags waving in hands. A woman shouted, "scum of the earth," and a nun answered, "I love you." A thin, scraggly dressed man hollered "nigger lover" and a white pastor smiled and called him "brother." A child barely able to walk spat hard against the ground. At the catchiest hate calls, the State troopers grinned in delight, encouraging the gang to become more creative in damning the "outside agitators."

But there were 50 miles more to go. Little time was available for roadside education, granting it would take less than a lifetime for conversion. As the lead line with Messiah King and global peacemaker Bunche moved through the channel of hate, the real essence of the movement emerged grimly and dramatically. This was a people's army, as mighty and powerful as the forces which Mahatma Gandhi led against the salt tax in India, or the mass throng of laborers who topped the wine-and-cake royalty in the French Revolution. This was the most spectacular people's movement in American race relations. Dynamic and electric, it was a landmark in group might.

To give the pilgrimage a worldwide impact, hordes of photographers, reporters, writers, and TV leg men converged near the front line jotting down notes on every twist of the mouth or wrinkle of the forehead of leader King. A TV truck slowly wended its way up the highway recording almost every step of the elite marchers.

With attention focused on the leader, the real beauty and meaning of the people's army went almost unnoticed. Who were these nondescript marchers? Why would they undertake such a strenuous journey? What provided the momentum for a project which former President Harry Truman, during a press conference, dubbed "silly"?

The questions possibly could be answered by the men, women, and children who endured, sacrificed, and suffered for 5 days to satisfy a burning moral commitment. There was a priest, Father Sherill Smith of San Antonio, who stood out as a giant because of his devotion to the cause. On many mornings, after completing his duties of helping clean the campsites, Father Smith walked alone in the fields reading his Bible and meditating. "This is no holiday," he explained. "It is tragic to think we have to walk like this, that such a demonstration must be carried out to dramatize the plight of these people. One must sacrifice himself to help others."

There was the 72-year-old minister, G. H. Nelson, of Butler County, Ala., who had preached Heaven to his Missionary Baptist Church congregation for almost a half century. In the twilight of his life, he realized that he wronged his flock by not trying to improve their earthly kingdom and now, repentant, marched bravely as a symbol for his Alabama young.

You couldn't forget one-legged Jim Leatherer of Saginaw, Mich., who hobbled most of the way under the most harrowing conditions. Why would a white cripple punish his body in such a manner? "I believe in brotherhood," he said grimly. "My handicap is not that I have only one leg. It is that I cannot do more to help these people vote." No fanatic or kook, Leatherer casually described why he marched, stating, "I just couldn't get a bus or train to go to Montgomery."

One of the most colorful figures was 56-year-old Jim Brown, a farmer of Alabama's Perry County. Father of 12 children, two of whom marched, hulking Brown stepped majestically in a sort of elk's strut. Flicking a gnarled tree branch cane, he sang and chatted with whites for the first time. Along the way, he slit his shoes to give swollen toes more room. A few miles outside of Montgomery, he collapsed and had to be ambulanced. Tears came to the eyes of his fellow marchers to think he couldn't reach the promised land. But his pluck and courage inspired a slew of the young kids with more energy and health but little opportunity.

There was Jack Tiger, a Selma high school science teacher who carried a brief case in the sophisticated manner of a doctor or lawyer. Well might he have been a medic had he had the chance for more education. But now he was prepared to be fired from the segregated school system because he was ready to stand up and be counted so that more young people might move up.

On and on the list could go. There were many inspiring crusaders—most from Alabama, but many from the outside, too. They were Negro and white, Jew and gentile, Catholic and Protestant, and some, perhaps, atheists. The common bond of brotherhood transcended every obstacle and joined individuals in a powerful mass movement boasting a logistical efficiency rivaling the military. Who would have dreamed a few years ago a civil rights demonstration could utilize mobile radio cars, ambulances with physicians and nurses, experienced tentmakers, experts on latrine trucking, and mass food preparers?

Walking along the highway, chatting with pilgrims, listening to freedom songs and observing the ravages of fatigue on bodies, a reporter discovered a twofold meaning to this endeavor. There was a noticeable difference in reactions of Negro and white, perhaps understandable. The white reaction, for the most part, was one of complete disbelief. "God, I never thought the South was like this," a white northerner told me. "I absolutely believed we were making progress and that passage of the civil rights bill last year was all we needed. Now I'm confused and bitter, ashamed that I have waited so long to investigate for myself." A Chicago sympathizer asked: "How can Negroes remain nonviolent when life around them is so violent?" A California minister confided. "We have lost the meaning of democracy. The church, government, and the people have failed. This is a land of desolation and emptiness and God only knows how long it will take to bring happiness to the faces of whites and blacks down here." Yet I found optimism and a new sense of dedication among the whites to action programs dedicated to the complete eradication of segregation.

Negroes, meanwhile, talked of even bolder campaigns. Many saw the march as a mere clarion call for further action—generated more by the young than the old. Hundreds of school youngsters participated, many playing hookey from school for weeks. One lass of 18 told me, "Even if I stay in school and graduate from one of the Alabama Negro colleges, I am nothing. Our schools are bad and there are no decent jobs." Another high school student arrested five times in Selma, admitted that "frankly, I've postponed my education. I'd rather work for civil rights. It's more exciting and it means more."

Putting two and two together, one can easily see the backbone of a new revolution in Alabama which could rout Governor Wallace and many segregationists as soon as the next elections are held if the franchise is given the Negro. There is no turning back now and Alabama Negroes are ready to sacrifice lives, property, and individual futures for the common cause.

This is a heartening development considering the long years of apathy and complacency. But it is a process fraught with danger; whites in Alabama must decide the tools or weapons for the shaping of the future. If there is cooperation and teamwork, the change will be peaceful; if there is continued violence and hatred, there will be counterattacks and a bloody confrontation.

On the first day, the hypocrisy of the Alabama system was clear to every marcher: a hypocrisy fortified by Senators and Representatives in Washington erupting with charges of "communism" at every assault on their dynasty. Each day saw Alabama's Governor urging constituents to protect white supremacy and further divide the races, the State's police trying to weed out militants by excessive head rappings, its posses roving streets and roads at night to harass civil rights workers. Here in a great Southern State of the world's greatest democracy, it took a vast army—helicopters in the air, mine demolition teams scouting ahead for dynamite, GI's posted 50 feet apart the full route, truckloads of troops at every intersection, a 200-man Army force following the pilgrims, hundreds of FBI agents and Justice Department aids, thousands of the federalized Alabama National Guard, and the President, himself to guarantee safe travel for the nonviolent demonstration a mere span of 50 miles.

In a nation that propagandizes democracy throughout the world, with soldiers snaking along the front in Vietnam, and shortwave radios dotting the globe, it was incongruous for many of the outside visitors to believe that the state of affairs had drifted to such brutality and bestiality in Alabama. Such a revelation plus the hardship of travel brought anguish and pain to newcomer civil righters, causing a white minister to suffer a mental collapse.

For the hazardous journey, it took a determined spirit and a sound body and mind to become an effective cog in the pilgrimage to the cradle of the Confederacy. Only a small number of the 10,000 who joyously left Selma on "that great getting-up morning" had any ambitions of walking the 54 miles to Montgomery—except by auto after the first 8-mile stretch. For one thing, the court order limited the number to 300 on the two-lane section of the highway.

The first day's army was a motley collection—a California couple wheeling a baby, ladies in high-heeled shoes, barefoot college students, VIP's from across the country, maids and porters, clerics with sleeping bags and youngsters. The atmosphere was moving, emotional—a ragged army tramping through a wasteland.

By the time the line reached a railroad 6 miles from Selma, where 1,000 were supposed to be entrained back, the passengers refused to drop out. They wanted to reach the first camp, the farm of David Hall, a Negro father of eight who had survived the heartache of deciding whether to welcome the marchers and be harassed or turn them down. His farm was less than prosperous and his livestock consisted of a small herd of cows, a few hundred chickens and four guinea hens. His four-room house added little to the value of the 80 acres. But Farmer Hall's contribution couldn't be judged in a material sense. He became the first Negro farmer to defy threats and offer a campsite to the marchers. His courage was a selling point to other Negro farmers along the route.

This spirit of militancy among Alabama Negroes was a key factor throughout the march. The courage and drive inspired the whites in moments of greatest despair. Recognizing this peculiar circumstance, SCLC strategists devised a campaign plan which focused attention on the Alabama natives as "the chosen few" of the march—the ones who would walk the entire distance—while many of the out-of-staters were assigned to housekeeping chores to keep the people's army on its feet as the pilgrimage snaked through one of the most barbaric sections of Alabama.

Devotion of the whites to task of keeping army marching was exceptional. California priests and ministers set up and dismantled the camp tents. Whites manned the communication system, the security operations, the mess tents, the latrine trucks and even cleaned up the sites. A Canadian professor, Sam Farr, helped clean a latrine truck. Pittsburgh Pastor Richard Bigeler passed out coffee in the breakfast line. Purnell Roberts (Adam of TV's Bonanza family) picked up litter around the tents.

Against a backdrop of terror—inclement weather and dropouts from fatigue, the teamwork of whites and Negroes forged a unity that defied comparison in the bigoted State. A subfreezing temperature at the first stop disillusioned some and slowed down preparation of supper and nocturnal vespers. But with marchers shivering and hesitating to roll out sleeping bags, big Jim Orange, the song leader, hopped onto a truck and launched a singing session. "Freedom" he shouted and hundreds huddling around fires to keep warm soon turned the campsite into a singing, swaying mass of humanity.

Obviously, survival under the adverse conditions (which forced accompanying GI's to gripe about hardships) brought on soul searching. "Was this worth it?" many a marcher, Negro and white, asked himself. "I froze and you can quote me," boomed Rev. Richard Leonard, pastor of New York City's Community Church, the largest Unitarian congregation in the country, "But I found myself. Suffering intensifies determination." Negro TV actor William Marshall, who turned down contracts to participate, told reporters, "This is my State and the State of my friends. We must bring it in line with the 20th century." He admitted that he didn't sleep a wink on the first night, but as a security marshal, he tended to his job day after day.

Shivering in the cold in a transient militarized ghetto was one type of suffering. The intense Alabama sun was so broiling at times that medics had to apply sunburn lotion to faces—making some marchers look like zombies. Driving rain frequently soaked freedom lovers to the skin and turned fields into oceans of mud so unfirm that tents could not be erected and there was no dry standing room. The constant drain on food and water found some going hungry and thirsty for hours without relief. At one time, the water rankled with kerosene from a tank car that had been used for other purposes and some of the people developed stomach disorders. Suffering for the cause was the theme, the life, as feet blistered, legs and backs ached and faces burned with too heavy a dose of the sunshine of freedom. Because this type of existence was not the life of many of the middle class visitors, the survival etched a memory which could not easily be forgotten. To endure meant commitment and involvement in a lifelong civil rights struggle. At a camp breakfast, SCLC aid Andy Young summed up the predicament in explaining why the oatmeal was served without cream. Said Young: "Folks down here make less than $2,000 a year and don't know what cream tastes like."

Of the chosen few selected to tramp the entire distance, five gleamed with almost heroic brilliance. Prosperous Baltimore, Md., Physician Thomas C. Jones "woke up one morning" and decided he had a stake in the march. Leaving five patients at a hospital in care of a colleague, he flew to Alabama and worked around the clock for a full week. Riding ambulances, walking, answering sick calls in camp at night, he became "The Doc" for hundreds. Why did you participate? "It was the toughest assignment I've ever handled." Dr. Jones replied, "But, golly, it was the most inspiring, too. More of us have to get involved." Easygoing Judge King, a 20-year-old Marion, Ala., civil righter, walked a good bit with Mrs. Leah Washburn, a white Atlanta mother. They chatted, sang, and he carried her coat for spells. "I got new ideas about white people," he described the period. "Some are real nice. Now I feel like a man." Declaring that he traveled to Alabama and walked the entire distance, rather than be a "4-hour marcher," New York State race relations expert George Fowler hiked, ate the camp food, and bunked down in a sleeping bag alongside Alexander Aldridge, Gov. Nelson Rockefeller's cousin and aid and former White House staffer Harris Wofford. Said Fowler: "This is an amazing experience. I'm convinced the movement should touch the northern big cities and bring the pride to its people that this march has brought to these fine deprived people in Alabama. It is remarkable and I have grown, too." Arrested seven times in Selma for demonstrating, 17-year-old Joe Boone was typical of Alabama's new breed. Serving as a marshal for the highway trek, Boone went right to work when he arrived at campsite, heading a cleaning detail. His enthusiasm and executive ability were noted by pilgrims who could visualize the great waste of Negro talent. "My mother and father never thought this day would come," stated Boone, "but it's here and I want to do my part." Perhaps the most apologetic pilgrim was 82-year-old Rager Lee, the grandfather of slain civil righter Jimmie Lee Jackson. He walked only a few miles on the first day and had to quit with tears in his eyes. He came back off and on to put in a few miles as a show of his interest. "Just got to tramp some more," he kept repeating.

From the swamps of hate and despair, the pilgrims trudged nearer Montgomery. The goal was in sight. Cars stopped and passengers ran across the strip of grass to join their freedom brothers. Buses and trucks unloaded more. Hundreds joined the line stretching it from 100 yards long to three miles of moving and singing pilgrims. No longer was there the studied wave of Negroes—a flick of the hand or the nod of a head to avoid suspicions of whites.

At the crossing into Montgomery, shouts, cheers and singing came from some 500 well-wishers who waited for hours at the city limits. There were tears, big and bouncy, running down cheeks. There was arm waving, including some whites. Teachers and students rushed from buildings to urge on the marchers and some even embraced and kissed Dr. King. Cooks ran out from pantries, leaving patrons with standing orders. In windows of motels, chambermaids waved and cried with joy. While whites silently watched, the Negroes jumped for joy. At intersections and along the way, crowds stood and joined in the singing.

It was the day of freedom. The weary had come home.

From 50 States came supporters—all determined to make the last assault onto the American flagless Alabama State capital. Pouring in by train, bus and plane, the backers continued to come. At first, reports counted 10,000, then more and more. The city was packed tightly—in hotels, homes, and churches.

Tomorrow would be better.

Led by Drs. King and Bunche, and featuring the army of the new republic, the 300 "chosen few" with red capes as a badge of honor, the last-lap march passed the Jefferson Davis Hotel where a huge Confederate flag stretched across the front, the Old Slave Square where many of their forefathers had been sold on the auction block, and up to the State Capitol. The front lines had reached the Capitol and marchers were still leaving the City of St. Jude, stretching their might and power three miles across the city. The pilgrimage was the largest in city history—50,000—and its interracial force was awesome to the tiny band of State lawmakers who gasped at the show of power. More American flags were carried in the hands of the pilgrims than flew in Montgomery, and perhaps, throughout Alabama. "We Shall Overcome," the marchers, Negro and white, sang loud and clear in a beautiful blend of democracy. During the historic program, two Negro maids listened from a window of the guarded State capitol and waved during the tremendous singing of the freedom anthem, causing some to marvel at the new courage of the Alabama Negro—no matter his age or job. The new will to gain freedom spread throughout Montgomery, throughout Alabama, and had spread on to other Southern States and even to the North. Inspired by deaths of two civil rights figures, and harassed throughout by the fear of death, the Selma-to-Montgomery pilgrimage concluded also with two deaths, those of Detroit housewife Viola Liuzzo and Jim Crow.

THE WAR IN VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent that letters, telegrams, and editorials which I have received in support of my position against the unjustifiable war in Vietnam may be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WEST LOS ANGELES, CALIF.,
May 7, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Your magnificent courage in behalf of peace deserves the thanks of millions.

S. I. Casady, President, California Democratic Council; Henry Waxman, President, California Federation of Young Democrats; Don Smith, Chairman, Los Angeles CORE; Ruth Abraham, American Civil Liberties Union; Rev. J. Hugh Anwyl, Mount Hollywood Congregational Church; Maurice Weiner, Vice President, Californians for Liberal Representation; James Scott, 30th District Director, California Democratic Council; John Slevin, American Friends Service Committee; David Cheal, Friends Committee on Legislation; Gail Eaby, Women's Strike for Peace; Gussie Sitkin, Women for Legislative Action.

MAY 6, 1965.

Hon. Senator MORSE.

DEAR SIR: Everyone is against you but the people. God bless you, Senator, keep up your fight. Let's get out of Vietnam.

G. ORBAN.

THE UNIVERSITY OF TOKYO,
Tokyo, Japan, April 30, 1965.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C., U.S.A.

SIR: I was a Fulbright exchange graduate student for the year 1955–56, and a Rockefeller fellow during 1956–57. I visited the United States again last year as an Eisenhower fellow. While in America, I was always greatly impressed with the courage and independence you showed in criticizing a wrong policy of the administration and in advancing an imaginative and sound alternative.

I am writing this letter in a serious hope that the voice of the Japanese people concerning the war in Vietnam will be heard by influential political leaders in the United States.

If you allow me to speak with candor, I must tell you that the United States is appearing in the eyes of the Japanese public as an increasingly violent, horrible, and perhaps deranged nation as far as its policy in Vietnam is concerned. Furthermore, the brutalities directed against civil rights marchers were reported almost every day with pictures of what we had been told to consider as utterly "un-American"; i.e., uncivilized and undemocratic, scenes. What is happening in the mind of the common citizen here is something far beyond a political disagreement to the U.S. policy toward Vietnam. It is a deep moral indignation against the stand taken by the U.S. Government and, indeed, the moral prestige of the United States seems to have reached by far the lowest point in the whole postwar history of United States-Japanese relations.

The Japanese are gravely concerned with the situation in Vietnam not only because we have profound sympathy with the people of South Vietnam, whose earnest desire for peace and survival is disregarded by the United States which is allegedly fighting for their freedom, but also because escalation of war will almost inevitably involve Japan in a conflict in Korea and over the American bases in Okinawa and on the main island.

The general consensus among the Japanese, even including the political leaders in the Conservative Party, business leaders, and many intellectuals, who have been committed to Japan's alliance with the United States, is that the Vietcong are more nationalist than Communist, the domino theory is untenable and irrelevant, and a settlement should be worked out, not by war or the bombing of North Vietnam or the use of poisonous gases and napalm bombs, but by diplomatic negotiations.

There is a recent opinion poll taken toward the middle of March by the Mainichi, one of the three largest national papers with a circulation of approximately 4 million. As high as 100 percent of the sample knew that a war is being waged between the South Vietnamese Government and the U.S. Armed Forces, on the one hand, and the "Vietcong," on the other.

One of the questionnaires reads: "What do you think is the first step to be taken for the termination of war in Vietnam?"

	Percent
Withdrawal of U.S. troops	40
Opening of international negotiations	46
Cease-fire by "Vietcong"	4
Increasing bombing of North Vietnam	0
Don't know and others	10

Although I am aware that, strictly scientifically speaking, there are some minor questionable points in the techniques used in this poll, I do feel that this survey represents a fair picture of the general reactions of the Japanese people. Please note that this poll had been taken before the use of gas by the U.S. troops was reported.

The hope created by President Johnson's address on April 7, has been completely canceled out by the massive bombardment on the following days. In retrospect, his speech even contributed in strengthening the indignation of the Japanese public against American policy because many of us found ourselves "cheated" by the hopeful illusion produced by the President's address.

In view of the critical situation in Vietnam which is threatening peace in Asia and the security of Japan, 93 intellectual leaders living in the Tokyo area addressed an appeal to the Japanese Government, by way of handing it over to Prime Minister Sato on April 20. It called for a prompt and effective action by the Japanese Government toward peaceful settlement of the Vietnamese problem. It urged the Japanese Government (1) to clarify its position that if war should escalate into a larger scale involving additional countries Japan would disapprove American bases in Japan being used for combat operations, (2) to appeal to the U.S. Government for an immediate suspension of air attacks on North Vietnam, and (3) to appeal to the United States and other countries concerned to open diplomatic negotiations at once, to which the "Vietcong" should be a party, and to effect an immediate cease-fire.

The full text of the statement, despite its being of considerable length, has been published by two of the largest national papers, the Asahi with a circulation of approximately 5 million and the Mainichi mentioned above. This was an extraordinary treatment by the press of an appeal issued by an ad hoc group of intellectuals.

It may also be noted that this appeal was an unusual action by nonleftist, liberal intellectual leaders here and that many of the signatories hold influential positions not only among academic circles but as advisers to the Government—a fact that would in part explain the willingness on the part of the Prime Minister to meet the five representatives.

Enclosed, I am sending you (1) a copy of the English translation of the appeal, (2) a clipping of the front page of the Mainichi Daily News, English edition of the Japanese Mainichi, that carries a report on the statement, and (3) an editorial of the Asahi Evening News, again English edition of the Asahi in Japanese, that gives full support to the appeal. You will also find (4) a news report of the Japan Times, which is known for its pro-American orientation, on the remarks of Mr. Matsumoto on the Vietnamese war. He was former Ambassador to Great Britain and has just been to southeast Asia as special envoy of Prime Minister Sato. You might also be interested in information on (5) the agreement between Mr. Lodge and Premier Sato that Japan can never become a direct operational base for the American forces fighting in Vietnam. Mr. Matsumoto's remarks as well as this agreement indicate hesitation and reluctance on the part of the Japanese Government to become involved in the war in Vietnam in collaboration with the United States.

I am sending you these reports in the hope that they will draw your attenion and prove to be of interest to you. I should be deeply grteful if you take into your consideration the view of the Japanese public stated herein.

Sincerely yours,
YOSHIKAZU SAKAMOTO,
Professor of International Politics.

APPEAL TO THE JAPANESE GOVERNMENT ON THE WAR IN VIETNAM

The devastation and the danger brought about by the war in Vietnam are being aggravated day by day. Not only is this war causing unsurpassable misery to the people of Vietnam, but it is also constituting a great menace to peace in Asia and to the security of Japan. It is no wonder that there is rapidly growing among the Japanese people concern and apprehension as to the implications of the war. We deeply regret that the Japanese Government has not taken any positive action by way of fulfilling its responsibilities to guarantee the security of Japan and to restore peace in Asia.

Therefore, we strongly urge our Government to make a prompt decision according to the three proposals we present below, and to declare its intention to the Japanese people and to other nations.

1. If the United States should persist in her present policy, there is an imminent danger of armed conflicts ensuing between the United States and the People's Republic of China, regardless of the calculated design of the Government of the United States. Furthermore, there is a natural fear for the tension being heightened at the 38th parallel in Korea, between South Korea, who has sent troops to South Vietnam, on the one hand, and North Korea, who has pledged military support to the National Liberation Front (Vietcong), on the other. It is past any dispute that our involvement in these armed conflicts resulting from the military operations of the United States will be absolutely incompatible with the security of Japan.

It is true that Japan is bound by the security treaty to collaborate with the United States. Nevertheless, article I of this treaty holds that, in accordance with the provision of the United Nations Charter, international disputes shall be settled by peaceful means, and the parties to the treaty shall refrain from "the threat or use of force against the territorial integrity or political independence of any state." We believe that the present use of force by the United States in Vietnam is in violation of these provisions. It is evidently in line with the general rule of international law that in such a case Japan is not necessarily bound by the above-mentioned duty of collaboration. This point is clearly illustrated by the position of the United States who, at the time of the Suez crisis, opposed the military actions undertaken by Britain and France, in spite of the fact that the United States was in alliance with these two nations.

Accordingly, we appeal to the Japanese Government to manifest its position immediately to its own people and to other nations that if the war in Vietnam should escalate into a war on a larger scale involving additional countries, Japan would refuse to let the U.S. bases in Japan be used for the purpose of military combat operations. A declaration of the Japanese Government in making this stand will in itself be an important impetus toward preventing the war in Vietnam from escalating into armed conflicts between the United States and China or the Soviet Union.

2. The direct cause of such expansion of the war in Vietnam is the air attacks by the United States on North Vietnam. For this reason, the first thing that should take place to prevent this danger is the cessation of the bombardment on North Vietnam by the United States and the South Vietnamese forces.

Moreover, the air attacks on the north are in themselves operations beyond the limits of self-defense, even if further escalation of the war might somehow be avoided. Such an abuse of the right of self-defense is contrary to the provisions of the United Nations Charter and article I of the Japan-United States Security Treaty. It may be noted that the Government of the United States no longer endeavors to justify its actions by invoking such concepts as retaliation or collective self-defense, as it did at the beginning of the air attacks on the north.

Though there may be a certain degree of aid given by North Vietnam to the National Liberation Front, even the figures given by the U.S. Government in the "White Paper on Vietnam" show clearly that the military assistance from the north is very modest in terms of military force. Looking back on the whole process of the war in Vietnam, we are persuaded to believe that the aid from the north has been more of a counterbalance to the enormous amount of military aid offered by the United States to the South Vietnamese Government, which has taken measures to suppress any groups opposing its policies, and has forfeited the support of the people. This means that the United States is not entitled to justify the air attacks on the north, by citing the help extended by North Vietnam to the National Liberation Front.

For these two reasons, we urge the Japanese Government to appeal to the United States for immediate suspension of the air attacks on the north.

3. At present, in South Vietnam,a gruesome war is going on, side by side with the air attacks on the north. We cannot refrain from expressing our profound indignation against the recent use by the U.S. forces of napalm bombs, poisonous gases and other atrocious weapons, and especially against the bringing in of tactical nuclear weapons into South Vietnam.

If the United States should continue to fight the National Liberation Front with such means of warfare, which would make the war in Vietnam literally a war of annihilation, the greater part of South Vietnam will inevitably be reduced to a scorched land of complete devastation. The people of South Vietnam are exhausted by the war that has lasted more than 20 years. There is no doubt about their not desiring continuation of such a war. The United States, however, is pursuing war efforts and destruction, against the will of the Vietnamese people who are longing for peace. The fact that Japan belongs to Asia makes it all the more impossible for us to remain inactive in the face of the suffering of the people in South Vietnam.

In view of what has been stated above, the war in South Vietnam conducted by the United States cannot escape from being called an unexcusable disregard of human dignity and the right of national self-determination. In order that South Vietnam should emerge out of its present condition of misery and despair, diplomatic negotiations should be opened without delay to terminate the war. In this respect, we welcome President Johnson's statement, made in response to the proposal by the 17 nonalined nations, to the effect that the United States "remains ready for unconditional discussions." This kind of diplomatic discussions, however, must be accompanied by an unconditional cease-fire, so that there can be no room for continued military operations with the aim of gaining a favorable position for negotiation.

The essential conditions for a solution to the war in Vietnam will be firstly to base the whole argument on the recognition that this war is fundamentally a civil war, and should be treated as such; the National Liberation Front should be recognized as a party to the negotiation; the U.S. troops should eventually be withdrawn; and there should be corresponding suspension of the aid from North Vietnam.

We fervently hope that the Japanese Government, in full realization of the points cited above, will send urgent appeals to the United States and other nations concerned to open diplomatic negotiations at once, to which the National Liberation Front should be a party, and to effect an immediate cease-fire, so that there will be the earliest possible restoration of peace in Vietnam.

LIST OF SIGNATORIES

Toshiyoshi Miyazawa, professor of law, St. Paul's University, professor emeritus of the University of Tokyo, member of the Japan Academy.

Ihiro Osaragi, writer; member of the Art Academy of Japan.

Hyoe Ouchi, professor emeritus of the University of Tokyo, former president of Hosei University, member of the Japan Academy.

Tetsuzo Tanikawa, president of Hosei University.

Sakee Wagatsuma, professor emeritus of the University of Tokyo, member of the Japan Academy.

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Matsumoto, Nobuhiro, professor of oriental history, Keio University.

Minemura, Teruo, professor of labor law, Keio University.

Miyake, Yasuo, professor of chemistry, Tokyo University of Education.

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Nakamura, Takafusa, associate professor of statistics, University of Tokyo.

Nakano, Yoshio, professor of English literature, Chuo University.

Nambara, Shigeru, former president of the University of Tokyo.

Niida, Noboru, professor emeritus of the University of Tokyo.

Noda, Yoshiyuki, professor of law, University of Tokyo.

Nogami, Mokichiro, professor of physics, University of Tokyo.

Nogami, Yaeko, authoress.

Nomura, Heiji, professor of labor law, Waseda University.

Nomura Koichi, associate professor of Chinese history, St. Paul's University.

Oe, Kenzaburo, writer.

Okōchi, Kazuo, president of the University of Tokyo.

Ooka, Shohei, writer.

Otsuka, Hisao, professor of economic history, University of Tokyo.

Saito, Makoto, professor of American history, University of Tokyo.

Sakamoto, Yoshikazu, professor of international politics, University of Tokyo.

Sato, Isao, professor of constitutional law, Seikei University.

Sugi, Toshio, professor of French literature, St. Paul's University.

Sumiya, Mikio, professor of economics, University of Tokyo.

Serizawa, Kojiro, writer.

Tajima, Eizō, profesor of physics, St. Paul's University.

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Takano, Yuichi, professor of international law, University of Tokyo.

Takeda, Kiyoko, professor of history of thought, International Christian University.

Takeuchi, Yoshimi, writer, Chinese literature.

Tamanoi, Yoshiro, professor of economics, University of Tokyo.

Tanaka, Shinjiro, critic, arms control and disarmament.

Tsuru, Shigeto, professor of economics, Hitotsubashi University.

Tezuka, Tomio, professor of German literature, St. Paul's University.

Tomonaga, Sin-itiro, professor of physics, Tokyo University of Education.

Toyoda, Toshiyuki, professor of physics, St. Paul's University.

Uchiyama, Shozo, professor of civil law, Hosei University.

Uemura, Tamaki, honorary president of Japan YWCA.

Wakimura, Yoshitaro, professor emeritus of the University of Tokyo.

Watanabe, Kazuo, professor of French literature, St. Paul's University.

Yamamoto, Tatsuo, professor of southeast Asian history, University of Tokyo.

Yoshida, Hidekazu, music critic.

Yoshida, Tomizo, director, Cancer Institute, Tokyo.

Hirotsu, Kazuo, writer.

[From the Asahi Evening News, Apr. 22, 1965]

APPEAL ON VIETNAM CRISIS

We are in complete agreement with the aims of an appeal submitted on Tuesday to the Japanese Government by 93 scholars and men of letters. This is because we believe the most important problem now is how to prevent the danger of the Vietnam situation from escalating.

First, we wish to take note of the fact that it took the form of an appeal to the Japanese Government. We think that this is the proper line to take in any such movement. The reason is that if, instead, such a movement takes the form of direct statements or actions aimed at the United States or the Communist side, there is danger of it being led in an unexpected direction by a sudden outburst of feelings.

Utmost care must be exercised so that such a movement does not move toward fostering bad feelings against a certain country or race. One of the saddest results of the Sino-Soviet polemics is in its fanning of racial antagonism. The Vietnam war may further increase this danger.

If Hanoi is bombed, what a big shock will be felt by our people. There is a possibility of a recurrence of the disturbance that broke out in 1960 over the problem of the Japan-United States Security Treaty.

In considering the possibility of such danger, it will become of increasing importance in the future for such movements in our country to take the proper course and be directed to the Government or the Diet. And if we can trust the Government and the Diet to properly understand the current feeling of the people and act accordingly, the movement will of itself maintain order.

AMERICAN VIEW

In criticizing the appeal, it is pointed out that the U.S. Government and the majority of the American people consider that North Vietnam is invading the South and that the prerequisite to negotiations is to stop it. Aside from whether this American view is wrong or not, it is also pointed out that the Americans believe so.

It is reasonable. But even if there had been a little aid to the south from the north, as a real problem, as a result of the bombing of the north, the aid from the north to the south can be imagined to have been cut, while the aid that the United States has extended to the South Vietnam Government is far greater than the aid from the north to the Vietcong. In view of this, an appeal to the United States and South Vietnam to first stop bombing the north cannot be said to be unreasonable so as to cease the vicious cycle in which one retaliatory action leads to another.

In particular, we wish much thought to be given to how much the friends of the United States were hopelessly disillusioned by the series of bombings of the north, which were launched immediately after President Johnson gave his Baltimore speech, which was so rich in suggestions.

At the same time, we must strongly ask the Vietcong and the Communists not to make the withdrawal of American troops the prerequisite for negotiations for peace. Such a demand for withdrawal is eventually right, and the United States itself is not against it, but it must be said to be too costly a demand that ignores commonsense.

We imagine that the most difficult problem remaining would concern the treatment of the Vietcong. Negotiating with "rebels" or their participation in talks may be hard to bear. But historically, this has been so for all movements of colonies for liberation. American independence started with the revolt against the mother country, Britain. It has been so in the independence of Ireland and India. French President Charles de Gaulle was wise in deciding to negotiate with the Front de la Liberation Nationale (FLN) in Algeria.

In considering the problem thus, the basis for a judgment lies in just how much territory and how many people the Vietcong presently has under its control. On this score, the Vietcong, whether one likes it or not, must be recognized as a belligerent organization.

REASONABLE

After all, Japan cannot take the stand that it does not matter if South Vietnam is communized. Therefore, opinion is strong that it should aid the United States and South Vietnam. This is reasonable in a way.

But actually, is not the problem of how to meet communism more important?

It is not wise to oppose ideology with armed force. The U.S. Government is probably fully aware of this reasoning. But the tragedy of South Vietnam may be said to have been in not discovering a democratic reformer for a leader.

It may be logically contended that the United States can do nothing but strengthen its military actions at the present stage. But it is also a fact that as the military operations are strengthened, the originally non-Communist democratic people as well as the nationalists will be rapidly pushed toward communism. Experience has frequently shown that if people who are not Red are branded as such and continually called so, they will really become Red.

Not only the United States but the Soviet Union and China, the big powers, tend to be short in understanding the nationalism of the small countries. Even among Communist countries, which stand on the principle of internationalism, the nationalism of the small countries is strong.

Even if the fears of the United States against the expansionism of China are justified, is not the United States itself breaking down the strongest barrier against China's expansion by its bombing of North Vietnam?

PREDICAMENT

If the United States-Vietnam policy fails, Japan will be placed in a terrible predicament. Therefore, we wish the United States to consider the advantages and disadvantages, not from a small military and political standpoint, but from a broader standpoint.

To be sure, the argument may be made for a continuation of the bombing of the north, and if China comes out, to take it as a chance to hit and destroy its nuclear power in the bud. But victory on the ground cannot be gained by destruction from the air alone. Japan has proved by its experience in China that even if points and lines are secured, the war will not end and the tide of popular feelings cannot be won over.

The important thing now is to end the escalation of the war. Consideration for world opinion can be discerned in the joint statement by the Soviet Union and North Vietnam. President Johnson's Baltimore speech reveals that it was motivated by a peace appeal by nonalined nations.

The present situation can move toward an expansion of the war, or it can be the right moment for listening to the peace appeal. It is at a most delicate stage when moves can be made either for peace or war.

The present, therefore, is no time for the Japanese Government and ruling party to stand idly by watching developments in the belief that there is little possibility of an armed clash between the United States, the Soviet Union, and China. The reason is that there are many Japanese who take a serious view of the situation. Since there are so many such people, the way to allay their fears and make them move with reason is to listen to their voice and take proper action.

[From the Japan Times, Apr. 24, 1965]

DIET COMMITTEE HEARS BRIEFING ON VIETNAM WAR—BOMBING WON'T INDUCE HANOI TO FAVOR PEACE TALKS, MATSUMOTO SAYS

Shunichi Matsumoto, adviser to the Foreign Office and former Liberal-Democratic member of the Diet, said Friday he doubted if U.S. air raids on North Vietnam would induce North Vietnam to respond to bids for peace talks.

Matsumoto, former ambassador to Britain, who recently toured the three Indochinese nations as a special envoy of the Government, appeared before the House of Representatives Foreign Affairs Committee to brief on the Vietnam situation.

Also appearing at the committee session were Takeshi Kaiko, author of "The War in Vietnam," and Tokumatsu Sakamoto, professor at Aichi University and chairman of the Japan-Afro-Asia Joint Committee.

All three men spoke up against the U.S. policies toward Vietnam.

Qualifying his statement that it was a purely personal point of view, Matsumoto said that, while the Vietcong did identify itself with communism and were receiving help from North Vietnam, he disagreed with the contention of a highly placed U.S. Government official that 90 percent of the Vietcong were Communists.

About U.S. bombing of North Vietnam, Matsumoto said:

"I am not so sure if the bombings would make North Vietnam feel like heading for a peace conference table. In the light of Ho Chi Minh's past record and disposition, North Vietnam isn't going to give up easily in spite of the air raids."

Matsumoto said it would be extremely difficult to weaken the Vietcong with air raids and sporadic attacks alone.

"If you want to exterminate them," he said, "you'll have to destroy the whole land. And that would be a formidable task even for a strong army."

Matsumoto noted that the United States was beginning to realize that air raids on North Vietnam would not bring about the desired results.

He said that was why the United States was stepping up warfare against the Vietcong.

Matsumoto said if the United States continued to escalate its bombings of North Vietnam, Communist China and the Soviet Union would probably not remain silent. He also said if the United States intensified its attack on the Vietcong, the entire Vietnamese people would oppose the United States and the war might be turned into a fierce "racial battle."

Consequently, Matsumoto continued, it is necessary to bring peace to the embattled country as soon as possible.

"However, there have been no concrete reactions to President Lyndon B. Johnson's speech at Baltimore and it is regrettable that the Vietnam situation is becoming more aggravated," Matsumoto added.

Matsumoto said the U.S. proposal of providing $1,000 million for the development of southeast Asia, including North Vietnam, was an indication that the United States has recognized the necessity of promoting the welfare of the people in that area. He said it would also be well for Japan to increase her economic assistance to the countries in the area.

Matsumoto said the stabilization of the area cannot be achieved for long by military actions, politics, and ideology alone. An ultimate solution to the problem must be obtained by raising the living standards of the people and developing the economies of the countries.

Meanwhile, Kaiko declared that the farmers hold the key to Vietnam but they do not trust the South Vietnam Government and lean more toward the Vietcong.

"If the Vietnam war is to be won by military action, it must be done by land forces which will be able to weed out the enemy from every nook and corner of South Vietnam. However, if the Vietcong are to be annihilated, all the farmers must be killed. The United States is stuck in a quagmire, not knowing whether it can win the war or not."

On the other hand, Sakamoto said he did not think the four conditions decided at the North Vietnam Congress on April 10 could be put into practice immediately. The four conditions include respect of the 1954 Geneva agreement on Vietnam and the withdrawal of American forces from South Vietnam.

He said it was necessary to call upon world opinion for the realization of this principle and restore peace as soon as possible.

Sakamoto said that the Vietcong were organized by political, religious, and mass organizations before the formation in January 1962 of the People's Revolution Party, which corresponds to the Communist Party.

He said the true character of Vietcong was set forth in the 10 principles announced at the time of its formation and 6 others adopted at its second convention in January 1964.

Its aim, he said, is to knock down "U.S. imperialists and their agents" and set up a racial and democratic coalition government.

He said the other objectives included enforcement of a land reform program, adoption of policies dedicated to neutrality and peace, and peaceful reunification of North and South Vietnam.

Answering questions by committee members, Matsumoto said there was no need for Japan to propose the holding of a peace conference at present.

He said various moves are being made to convene such a conference and that it is sufficient for Japan to declare itself as one of the chief advocates of peace in the area.

Socialist Satoko Tokano then said she believed the Government should tell the United States that bombing of North Vietnam is meaningless and asked Matsumoto's view on this matter.

Matsumoto replied that he was of the same opinion, adding that he hoped Henry Cabot Lodge, special envoy of President Johnson, would convey this view to the President.

Kaiko said he had heard that even U.S. veterans who fought in the Korean war were of the opinion that "farmers cannot be blamed for helping Vietcong guerrillas," or "Vietcong will win this war."

He said "now that the Vietcong have decided to fight to the last, there will be no alternative but to recognize the Vietcong group as a legal entity and, finally, for the United States to withdraw from South Vietnam.

[From the Asahi Evening News, English edition of the Japanese Asahi]

JAPANESE VIEWPOINTS: AMERICANS' JUSTICE

(Letter to the Asahi Shimbun, Tokyo)

EDITOR: I do not understand the Americans any more. The United States is continually bombing North Vietnam because they think communism is evil.

Why don't the Americans, many of whom are people of good commonsense, think about putting an end to the war?

Is the United States to continue bombing till North Vietnam is totally destroyed?

I now remember the atomic bombings on Nagasaki and Hiroshima. The United States may have its own argument for dropping the A-bombs on those two cities. But still there remains in us something that is unconvinced about the justification of atomic bombings.

We, as the country which first triggered the war, have avoided discussion of this subject.

However, the attacks on North Vietnam face us squarely with all the realities involved.

It seems to me that the United States is bombing North Vietnam for reasons which are not acceptable to other nations.

Why on earth must the United States continue to drop bombs on North Vietnam when even Canada is voicing its opposition?

I do not understand any longer what the American people claim as justice.

EIGO SEGAWA,
Jobless.

SENDAI CITY.

[From the Japan Times, Apr. 25, 1965]

LODGE AGREES JAPAN WILL NOT BE TURNED INTO VIETNAM WAR BASE—L.B.J.'S ENVOY SEES PREMIER; REQUESTS JAPAN AID EFFORT

Special U.S. presidential envoy Henry Cabot Lodge and Prime Minister Eisaku Sato Saturday agreed that Japan can never become a direct operational base for the U.S. forces fighting in Vietnam.

Their meeting at the Prime Minister's official residence at Nagata-cho Saturday began at 4 p.m. and lasted more than 2 hours. Lodge arrived at 1:59 p.m. Saturday.

Sato told Lodge that Japan is increasingly concerned over expansion of the Vietnam war and also conveyed Japan's desire that the United States make more efforts to find a peaceful settlement of the Vietnam conflict.

Lodge, former ambassador to South Vietnam, said the United States is fighting to secure the freedom and liberty in South Vietnam and also expressed a hope that Japan understands the difficulties now facing the United States to obtain these objectives in Vietnam.

Lodge also urged that Japan undertake an active role in the development of southeast Asia under the program recently suggested in President Lyndon B. Johnson's Baltimore speech.

Lodge, who is on a tour of Oceania and Far Eastern countries as Johnson's special envoy, arrived at Tokyo International Airport by a special plane Saturday afternoon for a 3-day stay in Tokyo.

Soon after his arrival, Lodge visited the Prime Minister at his official residence, accompanied by U.S. Ambassador Edwin O. Reischauer.

The meeting was also attended by Foreign Minister Etsusaburo Shiina and Chief Cabinet Secretary Tomisaburo Hashimoto.

After the meeting, Hashimoto said Lodge did not have a special proposal to make but exchanged views with the Prime Minister on the Vietnam issue.

Hashimoto, however, refrained from disclosing whether or not Sato presented to Lodge a concrete Japanese plan for peaceful settlement of the Vietnam question.

Hashimoto said that Sato told Lodge that the United States should not involve Japan in the Vietnam war by turning its bases here into direct operational points for its military operations in Vietnam. Lodge reportedly answered that he agreed with Sato's view on this matter.

According to Hashimoto, Lodge, going into details over Johnson's plan for southeast Asia's economic development, added that the United States does not yet have a concrete plan for such a program. He said, however, that the United States expects Japan can cooperate actively in the program because of its geographical proximity, experience, and know-how in the Asian development.

[From the Mainichi Daily News, Apr. 21, 1965]

JAPANESE SAGES URGE IMMEDIATE SUSPENSION OF NORTH VIETNAM AIR ATTACKS

President Tetsuzo Tanikawa, of Hosei University, Novelist Jiro Osaragi and three professors emeritus of Tokio University—Toshiyoshie Miyazawa, Hyoe Ouchi and Sakae

Wagatsuma—Tuesday filed a joint proposal with Prime Minister Eisaku Sato that the Government appeal to the United States for an immediate suspension of air attacks on North Vietnam.

In this proposal, they also urged the Government to clarify its position that if the war in Vietnam should escalate to a larger scale involving other countries, Japan would disapprove American military bases in Japan being used for combat operations.

At the same time, they asked the Government to appeal to the United States and other nations concerned to open diplomatic negotiations at once, to which the Vietcong should be admitted, and to effect an immediate ceasefire.

They sent an English version of this three-item proposal to U.S. President Lyndon B. Johnson, Vice President HUBERT HUMPHREY and U.S. Senators Tuesday in an attempt to deepen the American authorities' understanding of their efforts to restore peace in Vietnam as quickly as possible.

Prime Minister Sato made no immediate answer to their proposal, but the five intellectuals told the press later that they believe the Prime Minister will take their request into full consideration.

A total of 93 scholars, artists, novelists and educators signed the proposal before it was handed to the Prime Minister at his official residence Tuesday afternoon.

According to Chief Cabinet Secretary Tomisaburo Hashimoto, the Prime Minister told the five representatives of academic and cultural circles that the Government is counting on action by France to have the North Vietnamese infiltration into South Vietnam suspended, by utilizing her diplomatic relations with the North Vietnamese and Communist Chinese governments.

Sato also explained his stand that, although it is difficult for the Government to step into the Vietnamese dispute at the present stage, he intends to spare no efforts to restore peace in Vietnam, and support the recent Johnson speech as a member of the free nations.

The text of the appeal follows:

"The devastation and the danger brought about by the war in Vietnam causing unsurpassable misery to the people of Vietnam, but it is also constituting a great menace to peace in Asia and to the security of Japan. It is no wonder that there is rapidly growing among the Japanese people concern and apprehension as to the implications of the war. We deeply regret that the Japanese Government has not taken any positive action by way of fulfilling its responsibilities to guarantee the security of Japan and to restore peace in Asia.

"Therefore, we strongly urge our Government to make a prompt decision according to the three proposals we present below, and to declare its intention to the Japanese people and to other nations.

"1. If the United States should persist in her present policy, there is an imminent danger of armed conflicts ensuing between the United States and the People's Republic of China, regardless of the calculated design of the Government of the United States. Furthermore, there is a natural fear for the tension being heightened at the 38th parallel in Korea, between South Korea, who has sent troops to South Vietnam, on the one hand, and North Korea, who has pledged military support to the National Liberation Front (Vietcong), on the other. It is past any dispute that our involvement in these armed conflicts resulting from the military operations of the United States will be absolutely incompatible with the security of Japan.

"It is true that Japan is bound by the security treaty to collaborate with the United States. Nevertheless, article 1 of this treaty holds that, in accordance with the provision of the United Nation Charter, international disputes shall be settled by peaceful means, and the parties to the treaty shall refrain from "the threat or use of force against the territorial integrity or political independence of any state." We believe that the present use of force by the United States in Vietnam is in violation of these provisions. It is evidently in line with the general rule of international law that in such a case Japan is not necessarily bound by the above mentioned duty of collaboration. This point is clearly illustrated by the position of the United States who, at the time of the Suez crisis, opposed the military actions undertaken by Britain and France, in spite of the fact that the United States was in alliance with these two nations.

"Accordingly, we appeal to the Japanese Government to manifest its position immediately to its own people and to other nations that if the war in Vietnam should escalate into a war on a larger scale involving additional countries, Japan would refuse to let the U.S. bases in Japan be used for the purpose of military combat operations. A declaration of the Japanese Government in making this stand will in itself be an important impetus toward preventing the war in Vietnam from escalating into armed conflicts between the United States and China or the Soviet Union.

"2. The direct cause of such expansion of the war in Vietnam is the air attacks by the United States on North Vietnam. For this reason, the first thing that should take place to prevent this danger is the cessation of the bombardment on North Vietnam by the United States and the South Vietnamese forces.

"Moreover, the air attacks on the North are in themselves operations beyond the limits of self-defense, even if further escalation of the war might somehow be avoided. Such an abuse of the right of self-defense is contrary to the provisions of the United Nations Charter and article I of the Japan-United States Security Treaty. It may be noted that the Government of the United States no longer endeavors to justify its actions by invoking such concepts as 'retaliation' or 'collective self-defense,' as it did at the beginning of the air attacks on the North.

"Though there may be a certain degree of aid given by North Vietnam to the National Liberation Front, even the figures given by the U.S. Government in the "White Paper on Vietnam" show clearly that the military assistance from the North is very modest in terms of military force. Looking back on the whole process of the war in Vietnam, we are persuaded to believe that the aid from the North has been more of a counterbalance to the enormous amount of military aid offered by the United States to the South Vietnamese Government, which has taken measures to suppress any groups opposing its policies, and has forfeited the support of the people. This means that the United States is not entitled to justify the air attacks on the North, by citing the help extended by North Vietnam to the National Liberation Front.

"For these two reasons, we urge the Japanese Government to appeal to the United States for immediate suspension of the air attacks on the North.

"3. At present, in South Vietnam, a gruesome war is going on, side by side with the air attacks on the North. We cannot refrain from expressing our profound indignation against the recent use by the U.S. forces of napalm bombs, poisonous gases and other atrocious weapons, and especially against the bringing in of tactical nuclear weapons into South Vietnam.

"If the United States should continue to fight the National Liberation Front with such means of warfare, which would make the war in Vietnam literally a war of annihilation, the greater part of South Vietnam will inevitably be reduced to a scorched land of complete devastation. The people of South Vietnam are exhausted by the war that has lasted more than 20 years. There is no doubt about their not desiring continuation of such a war. The United States, however, is pursuing war efforts and destruction, against the will of the Vietnamese people who are longing for peace. The fact that Japan belongs to Asia makes it all the more impossible for us to remain inactive in the face of the suffering of the people of South Vietnam."

In view of what has been stated above, the war in South Vietnam conducted by the United States cannot escape from being called an unexcusable disregard of human dignity and the right of national self-determination. In order that South Vietnam should emerge out of its present condition of misery and despair, diplomatic negotiations should be opened without delay to terminate the war. In this respect, we welcome President Johnson's statement, made in response to the proposal by the 17 non-alined nations, to the effect that the United States "remains ready for unconditional discussions." This kind of diplomatic discussion, however, must be accompanied by an unconditional ceasefire, so that there can be no room for continued military operations with the aim of gaining a favorable position for negotiation.

The essential conditions for a solution to the war in Vietnam will be firstly to base the whole argument on the recognition that this war is fundamentally a civil war, and should be treated as such; the National Liberation Front should be recognized as a party to the negotiation; the United States troops should eventually be withdrawn; and there should be corresponding suspension of the aid from North Vietnam.

We fervently hope that the Japanese Government, in full realization of the points cited above, will send urgent appeals to the United States and other nations concerned to open diplomatic negotiations at once, to which the National Liberation Front should be a party, and to effect an immediate ceasefire, so that there will be the earliest possible restoration of peace in Vietnam.

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THE UNITED STATES IN VIETNAM

(By George McT. Kahin and John W. Lewis)

(NOTE.—The authors are professors of government at Cornell University. Mr. Kahin is also director of Cornell's southeast Asia program, and author of "Nationalism and Revolution in Indonesia" (1952) and editor of "Governments and Politics of Southeast Asia" (1964) and "Major Governments of Asia" (1963). Mr. Lewis is author of "Leadership in Communist China" (1963) and "Major Doctrines of Communist China" (1964).)

During the past decade we have come full circle in Vietnam, both militarily and in the effort to build up a viable non-Communist government. The United States cannot afford to disregard the similarities between the present situation and that of 10 years ago.

The Vietcong has for some time now controlled substantially the same amount of territory—and in most cases the same areas—in South Vietnam as did the Vietminh in 1953–54.[1] Moreover, in those areas of the south still under Saigon's authority, popular loyalty to the Government is tenuous and not appreciably greater than that accorded to France and her Vietnamese proteges.

The French under Gen. Henri Navarre made their major military effort in 1953–54 not on the assumption that they could defeat the Vietminh but as a necessary step in building a position of greater strength from which to negotiate.[2] Similarly, we are now insisting that greater military power must be brought to bear before we can attain a suitable position for negotiations. The French ignored then, and the United States is ignoring now, basic political factors that limit what can be achieved by military power. With us as with the French, the lack of popular support for a regime artificially fostered by Western backers and out of line with the mainstream of Vietnamese nationalism has precluded any politically effective application of military power.

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[1] Compare for example, the map showing the position at the end of May 1953 in Henri Navarre, "Agonie de l'Indochine (1953–54)" (Paris, 1956), p. 37, with the map in the New York Times of Jan. 31, 1965.

EARLY ATTEMPTS TO BUILD A GOVERNMENT

American efforts to build up an anti-Communist government in Vietnam began at least 5 years before the 1954 Geneva Conference on Indochina and were initially undertaken in cooperation with and in support of the French.[3] Abandoning Roosevelt's postwar objective of denying Vietnam to France and making it a United Nations trusteeship,[4] the Truman administration backed France in her efforts to reimpose military control.[5] In adopting this policy, Truman's advisers were hoping that either concurrently or following the reestablishment of such control, France would grant a substantial measure of independence to a non-Communist Vietnamese Government. But that hope rested on a fundamental error in assessing Vietnamese political forces and was shattered politically[6] quite as dramatically as subsequently it was militarily with the debacle of Dienbienphu. During its early efforts to build up a Vietnamese Government, Washington failed to appreciate the extent to which Ho Chi Minh and the Vietminh were regarded as the symbol of Vietnamese nationalism—for most non-Communists as well as Communists. And the United States, by associating itself with France's effort, took its first long step toward making the Vietnamese cynical about American protestations of support for national self determination. Thus ended the first U.S. attempt to build up a competing government in Vietnam.

This failure left two important political legacies: First, the Vietminh had gained overriding control of Vietnamese nationalism; and second, most of rural Vietnam, south as well as north, had become accustomed to being administered by the Vietminh and had reason to be loyal to it. In the eyes of the Vietnamese peasant, the Vietminh had rid the country of colonial rule and had enacted beneficial social reforms, especially in the agrarian sphere. These legacies have powerfully affected the political scene in post-Geneva Vietnam and still limit the possibilities for attaining American objectives there.

Yet despite these inherent disadvantages, soon after the Geneva Conference the United States for the second time attempted to establish an anti-Communist Vietnamese government, this time no longer in association with France. Although the circumstances might have seemed to doom this American effort from the outset—no matter how enlightened its execution—there was one crucially important, though temporary and in a sense artificial, advantage which the United States enjoyed. This derived from the unequivocal provision in the Geneva accords that elections would be held in July 1956, under international supervision, to unify the country under one government.[7] In anticipation of these elections (and also because of its preoccupation with the economic rehabilitation of the North), the Vietminh initially honored a central provision of the accords and abstained from militant tactics in the South. The American-sponsored Ngo Dinh Diem government thereby won a reprieve lasting several years in which to could have built up popular support.

THE GENEVA ACCORDS

To understand why the Vietminh granted this reprieve, and indeed to appreciate both the course of subsequent developments and the possibilities open today, it is essential to understand certain features of the Geneva accords which have frequently been overlooked. Moscow and Peiping each for its own special reasons,[8] pressured the Vietminh into signing an armistice with France and negotiating a political settlement which, it was generally agreed, gave the Vietminh control over far less territory than its military position warranted.[9] Nevertheless, had they been carried through in their entirety accords could have served the Vietminh's interests.

The basis of the accords was a military truce between the Vietminh and France. This was designed to end the 9-year-old war and open the way for an internationally supported political agreement which would provide for the peaceful resolution of outstanding problems. The political accords agreed to at Geneva[10] established the conditions for transferring political competition to the electoral plane. The Vietminh, yielding to Soviet and Chinese pressure,[11] laid down its arms and agreed to the temporary partition of the country,[12] pending reunification through nationwide elections.[13] It dismantled its government south of the 17th parallel and withdrew its armed forces to the North. It was generally anticipated that the Vietminh would win the elections scheduled for 1956; [14] and because the accords stipulated that France would remain in South Vietnam until the elections were held the Vietminh felt that its interests were secured.

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[2] See Anthony Eden, "Full Circle" (Boston, 1960), p. 100, and Navarre, op. cit.

[3] By 1954 American aid to the French war effort in Indochina was considerably greater than the amount France herself was spending on these operations. In September 1953 the French Prime Minister announced that the additional aid then being granted by the United States would defray 70 percent of France's expenditure on the war. Finally in 1954 "the American Government undertook to underwrite the entire cost of the war, allocating $1,175 million for that purpose" (Donald Lancaster, "The Emancipation of French Indochina" [Oxford, 1961], p. 417).

[4] Roosevelt indicated that he had this in mind at the 1945 Yalta Conference; see Allan B. Cole, ed., "Conflict in Indochina and International Repercussions: A Documentary History, 1945–55" (Ithaca, N.Y., 1956), pp. 47–48.

[5] The United States consistently urged the French to grant real independence to the states of Indochina, but our urging was polite and restrained. Any real pressure, it was felt, would so antagonize the French as to have adverse effects upon American plans to make France a keystone in the defense of Europe. Even after 1950, American efforts to exert pressure on France in the Far East were inhibited by what the United States deemed to be her more important European objectives—first the commitment to NATO, and later the attempt to establish a European Defense Community, which was ultimately defeated by France herself.

[6] Even if France had yielded to our request that she grant real independence to the puppet government she promoted under Emperor Bao Dai, it was most unlikely that a majority of the Vietnamese would have chosen him over Ho Chi Minh. As Eden described Bao Dai, he was "neither a popular nor an inspiring figure. He preferred the casino to the council chamber and the antics of his corrupt and transient ministers in Saigon did not appeal to moderate nationalist opinion" (Eden, op. cit., p. 89).

[7] See article 7 of the "Final Declaration of the Geneva Conference," in "Further Documents Relating to the Discussion of Indochina at the Geneva Conference, June 16–July 21, 1954," hereafter referred to as Geneva Accords (London [Her Majesty's Stationery Office, Cmd. 9239], 1954), p. 10. Significantly, article 7 stipulates that the elections were to be antecedent to and a necessary condition for the "fundamental freedoms, guaranteed by democratic institutions" and that the elections were to be held "in order to insure * * * that all the necessary conditions obtain for free expression of the national will." This particular portion of the accords has frequently been quoted out of context, with the key phrases in reverse order, in order to justify the refusal to hold elections on the grounds that the necessary conditions did not exist.

[8] The Soviet Union probably put pressure on the Vietminh in order to induce France to stay out of the projected European Defense Community; see Lancaster, op. cit., pp. 336–337, and Daniel Lerner and Raymond Aron, editor, "France Defeats EDC" (New York, 1957), pp. 16–17. China, on the other hand, had determined to embark on its somewhat delayed 5-year plan and temporarily to lay aside its more militant line. For China's relationship to the Vietminh at the conference, see Lancaster, op. cit., p. 334.

[9] The Vietminh agreed not only to give up control of rich areas in the delta south of Saigon but also to evacuate major centers of support north of the 13th parallel. As French Premier Mendès-France stated before the National Assembly: "So far as the demarcation line is concerned, the enemy was asking for the 13th parallel; and today we have the 17th. Now between the 13th and 17th parallel Tourane [now Danang] and Hué are located, and there are three provinces which have always shown allegiance to the Vietminh and which the Vietminh is now going to evacuate so that they may pass under our control" (Journal Officiel de la République Francaise, Débats Parlementaires, Assemblée Nationale, Séance du vendredi 23 juillet 1954 [Paris, 1954], p. 3580).

[10] The political accords at Geneva were subscribed to by verbal assent by Cambodia, China, the Democratic Republic of Vietnam (Vietminh), France, Laos, the U.S.S.R., and the United Kingdom. The United States and the State of Vietnam (French-sponsored Bao Dai regime) were not parties to the accords, but the United States made its own unilateral declaration (see [17] below).

[11] As the New York Times correspondent, Tillman Durdin, cabled from Geneva: "Vietminh leaders are not entirely happy about the peace settlement in Vietnam. A number of members of the Vietminh delegation have declared openly that pressure from Chinese Communist Premier Chou En-lai and Soviet Foreign Minister Vyacheslav M. Molotov forced their regime to accept less than it rightfully should have obtained here." These Vietminh officials contended, according to Durdin, that the military situation in Vietnam would have given the Vietminh almost full control within a year, and that Cambodia and Laos could have taken over eventually. They saw the settlement as a sort of appeasement; "in interests of Soviet and Chinese Communist international relations," they feel "their revolution has been slowed down, if not halted, right on the verge of complete success" (New York Times, July 25, 1954). See also Jean Lacouture and Philippe Devillers, "La fin d'une guerre: Indochine 1954" (Paris, 1960), pp. 282–285.

[12] The Vietminh, as well as China and the Soviet Union, also recognized the potential danger in further fighting, should it lead to a massive American intervention. With the promise of elections before them, however, the Communists had little reason to challenge the United States further and thereby determine the credibility of vague warnings about massive retaliation.

[13] The official Vietminh newspaper, Nhan-Dan, reflected the confident expectation of the North Vietnamese that elections would be held when, just after the conclusion of the Conference, it reported: "The final declaration of the Geneva Conference has stipulated the withdrawal of foreign troops from Indochina and * * * general elections in each country of Indochina. * * *

The military truce, it must be emphasized, was between the Vietminh and France alone. And France was to maintain responsibility in South Vietnam until elections were held.[15] The question at issue is not affected by the fact that neither the United States nor Bao Dai's representative signed the Geneva accords, Bao Dai's government was not endowed as yet with any real political substance.[16] It was no more than an adjunct of and subordinate to French power, and was so regarded by the Vietminh. The United States, for its part, while unwilling to signify its adherence to the accords, did issue a unilateral declaration, which stated, specifically with reference to the provision for elections in Vietnam: "In the case of nations now divided against their will, we shall continue to seek to achieve unity through elections supervised by the United Nations to insure that they are conducted fairly." [17]

Hanoi initially carried out the central provisions of the Geneva accords and eschewed violence south of the 17th parallel. Expecting elections, it did not wish to alienate those whose electoral support it sought; in the years just after Geneva it relied primarily on political competition.[18]

It was obviously a much surprised Vietminh that came to realize during 1955–56 that the French were disengaging from the responsibilities they had accepted at Geneva—thereby permitting the introduction of an increased American presence—and that elections were not going to be held.[19] When on July 16, 1955, the Diem government announced,[20] with American backing, that it would defy the provision calling for national elections, it violated a central condition which had made the Geneva accords acceptable to the Vietminh. Regardless of what sophistry has been employed to demonstrate otherwise, in encouraging this move the United States departed from the position taken in its own unilateral declaration. And France in acquiescing abandoned the responsibility which she had unequivocally accepted a year earlier.[21]

These aspects of the Geneva accords are central to any sound assessment of political developments in Vietnam. Yet they are not taken into account in the State Department's white paper of February 27, 1965. And they lead to a question which the white paper certainly does not ask: When a military struggle for power ends on the agreed condition that the competition will be transferred to the political level, can the side which violates the agreed conditions legitimately expect that the military struggle will not be resumed? As Robert Scigliano has described the Vietminh's position, "the only alternative to peaceful reunification was reunification by force." [22]

NGO DINH DIEM'S GOVERNMENT—AND AFTER

This was the context in which the United States set out to underwrite Ngo Dinh Diem, without any indication that he had a significant measure of Vietnamese support.[23] The American decision to back him was made even before his administration had secured the essential attributes of independence from France.[24]

The story of the failure of America's attempt to build up an effective government under Diem is well known.[25] Despite a substantial period of insulation from Vietminh militancy, despite unstinting American economic and political backing, Diem failed to develop a real base of popular support. As a result, his government was unable to withstand competition with the Vietcong guerrillas [26] when from 1958 on they adopted increasingly militant policies.[27] After this, even in those areas not yet effectively penetrated by the Vietcong and where a security problem had not yet arisen, Diem's government could

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The above-mentioned recognition and stipulation, on the one hand, guarantee the consolidation of our basic victories, and on the other, create favorable conditions for us to overcome all difficulties and go forward to settle peacefully the question of complete national unity and independence" (Radio Hanoi, July 25, 1954). See also Ho Chi Minh's interview with Hsinhua News Agency, Radio Peiping, Sept. 21, 1954, and the statement of Premier Pham Van Dong reported on Radio Hanoi, Nov. 5, 1954.

[14] Former President Eisenhower has written: "I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had elections been held as of the time of the fighting possibly 80 percent of the population would have voted for the Communist Ho Chi Minh" (Dwight D. Eisenhower, "Mandate for Change: The White House Years, 1953–56" (London, 1963), p. 372).

[15] Paragraph (a) of article 14 of the "Agreement on the Cessation of Hostilities" could not be more explicit. It states: "Pending the general elections which will bring about the reunification of Vietnam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present agreement" (Geneva accords, p. 30). This was clearly the Vietminh's understanding. Thus, on Jan. 1, 1955, Premier Pham Van Dong declared: "It was with you, the French, that we signed the Geneva agreements, and it is up to you to see that they are respected" (Philippe Devillers, "The Struggle for the Unification of Vietnam" in P. J. Honey, ed., North Vietnam Today, (New York, 1962), p. 31).

[16] Not until early 1955 did France relinquish control over South Vietnam's defense, monetary and tariff policy, and port control, and it was in February of that year that South Vietnam gained control of its own armed forces. The Republic of Vietnam was proclaimed on Oct. 26, 1955, but French troops were not evacuated from the country until April 1956.

[17] "Extracts from Verbatim Record of Eighth Plenary Session," Geneva accords, p. 7. Nowhere in its own declaration did the United States recognize the political partition of Vietnam; insofar as it referred to the country, it designated it as "Vietnam," not "South Vietnam" and "North Vietnam." In addition, the unilateral declaration stipulated that the United States would refrain from the threat or use of force to disturb the accords and that it would view any renewal of aggression with grave concern and as a threat to international peace and security.

[18] See, for instance, the speech by Premier Pham Van Dong, Radio Peiping, July 23, 1954; see also Radio Hanoi, Sept. 28, 1954, Mar. 28, 1955, and Apr. 29, 1956.

[19] Even following the evacuation of French troops, the North Vietnamese Government held that France was still responsible for seeing that the Geneva accords were implemented. Thus, on May 1, 1956, Premier Pham Van Dong stated: "The withdrawal of French troops from South Vietnam can neither cancel nor lessen the responsibility of the French Government in the continuation of the implementation of the Geneva agreements. * * * Legally, factually, and actually, the South Vietnam administration is, jointly with the French Government, responsible for the application of the Geneva agreements. It is the successor to the French Government in the continuation of the implementation of the Geneva agreements" (Radio Hanoi, May 1, 1956).

[20] See Cole, op cit., pp. 226–228, and Lancaster, op cit., pp. 370–372.

[21] That France had accepted the responsibility for seeing that the Geneva accords were carried out was made clear from the outset. See, for instance, statements of cabinet ministers before the French Chamber of Deputies, as noted by Roger Pinto (legal consultant to the French Delegation to the United Nations, 1949–1956) in "La France et les Etats d'Indochine devant les accords de Genève," Revue Francaise de Science Politique, v, 1 (January–March 1955).

On Feb. 23, 1956, M. Pineau, French Minister of Foreign Affairs, stated: "We are not entirely masters of the situation. The Geneva accords on the one hand and the pressure of our allies on the other creates a very complex juridical situation. * * * You ask me what will be our position after the reckoning [l'écheance] of July 1956 provided by the Geneva accords. The position in principle is clear: France is the guarantor of the Geneva accords. * * * But we do not have the means, alone, of making them respected" (Le Monde, Feb. 25, 1956, and Journal Officiel de la Rèpublique Francaise, Dèbats Parlementaires, Counseil de la Rèpublique, Feb. 24, 1956 [Paris: 1956], p. 197). See also the London Times of Feb. 24, 1956, which reports Pineau as stating France's belief in the desirability of elections for the whole of Vietnam but noting that while France was supposed to guarantee these elections it could not enforce its desire.

In a note of Apr. 3, 1956, to the cochairmen of the Geneva Conference, France served notice of her decision to withdraw from South Vietnam (New York Times, Apr. 24, 1956). It was following this that an editorial in Le Monde of Apr. 12 asked: "But who will assume in our place the obligations undertaken at Geneva. * * * People will long discuss this French withdrawal, abandoning responsibilities which it no longer has the means of honoring."

[22] Robert Scigliano, South Vietnam: Nation under Stress (Boston, 1963), p. 134. The Communists have, of course, made similar statements that resumption of fighting was the only course open to them after 1956 for reunification.

[23] Ngo Dinh Diem had been appointed Premier by Bao Dai, the Chief of State, and installed in office before the Geneva negotiations were consummated.

[24] See (16) above.

[25] See W. R. Fishel, "The Eleventh Hour in Vietnam," Asian Survey, v. 2 (February 1965) 98–107; Roy Jumper and Marjorie Weiner Normand, "Vietnam," in George McT. Kahin, ed., Governments and Politics of southeast Asia (Ithaca, N.Y., 1964), pp. 375–513; Scigliano, op. cit.; and Milton C. Taylor, "South Vietnam: Lavish Aid, Limited Progress," Pacific Affairs, XXXIV, 3 (Fall 1961), 242–256.

[26] The term "Vietcong," meaning Vietnamese Communist, was coined by Diem's government.

[27] The date at which the Vietcong began militant guerrilla operations has been subject to considerable dispute. P. J. Honey, for example, states that "the desperate and increasing food shortage led the DRV [North Vietnam] to decide—probably at the meeting of the Central Committee of the Lao Dong Party held in May 1959—to change its tactics toward South Vietnam and to revert to the technique of the 'people's war' " (Honey, Communism in North Vietnam [Cambridge, Mass., 1963], p. 67). On Mar. 5, 1965, Secretary of State Dean Rusk said that Hanoi was impressed by improvements in South Vietnam and "with the backing of Peiping" decided to "launch its increased guerrilla aggression in late 1959 and early 1960" (Department of State Press Release, No. 36, Mar. 4, 1964).

not secure the loyalty of most of the population.

In the rural areas it fell short in all its attempts to attract the support of the Vietnamese people.[28] Programs urged by the United States for the improvement of social and economic conditions,[29] for winning the allegiance of the non-Vietnamese mountain-dwelling peoples,[30] and for the establishment of strategic hamlets[31] were generally unsuccessful. The consequence was an ever-greater alienation of the population. Moreover, in the 18 months since the assassination of Diem the situation has continued to deteriorate, and the shifting combinations of army officers controlling the government have remained just as isolated from the Vietnamese people.[32]

When the United States in February 1965 began its air strikes against the north, Saigon's authority in the countryside was at a low point at the same time that the Vietcong was mounting a major military offensive to split the country. Against a confident, powerful adversary, the South Vietnamese forces seemed inept and undisciplined on the battlefield, and additional areas fell under Vietcong control. Between mid-December 1964 and mid-March 1965, more than 120,000 refugees fled to Saigon and other coastal areas from central highland areas recently taken over by the Vietcong.[33]

Not only was the country's political leadership seriously weakened because of internal schism, but also the army itself, now seriously divided, was so absorbed in the struggle for power that it had lost much of its combat potential. Key units were alerted as often for transfer to Saigon, to support or oppose one or another of the military politicians, as for assignment to fight the Vietcong. In late 1964, dissension in the ranks of the army began to accompany an increased civilian disenchantment with the Saigon Government. By January 1965, the army was experiencing grave difficulty in conscripting recruits, an average of 30 percent of whom were reportedly deserting within weeks of their enlistment.[34]

The rapidly deteriorating military position of the Saigon administration coincided with a decrease in its political cohesion and a perceptible growth in war weariness and in the demand for a peaceful settlement. In Saigon itself, as well as in such Buddhist strongholds as Hué, students and monks advocated an end to the fighting and called for negotiations with Hanoi.[35] Popular backing for such a course became so great that the Government could no longer silence the dissidence simply by jailing all of those who voiced these views. Preoccupied with the Vietcong offensive begun in December in the central region of South Vietnam, and fearing a military disaster, the United States further committed its forces to a protracted and costly effort. Yet this move must have seemed to many of the Vietnamese to condemn them to a struggle for which there was no end in sight. Together with the existing war weariness of the populace, it raised the possibility that the leader of a future coup might respond to widespread sentiment to end the war by undertaking bilateral negotiations with Hanoi. There was no evidence, however, that American policy allowed for such a possibility.

THE OTHER SOUTHERN REGIME

The increasing areas south of the 17th parallel from which Saigon has been ousted have not become administrative vacuums. Into most of them has moved a fully functioning Vietcong administration.[36] The Vietcong now controls more of South Vietnam than Saigon does, and at night, when Saigon's military patrols return to their bases, the area which the Vietcong administers expands still further.[37]

The Vietcong cadres are not isolated strangers in an unfamiliar land. Most, recruits and hard core alike, are southerners with deep local roots, familiar with the area and living in what they rightly regard as their homeland. At least up to the end of 1964, nearly all those Vietcong who had infiltrated from the north were southerners.[38] As well as cadre and troops, the Vietcong relies upon administrators who are native to the areas in which they work.[39] Indeed, the Vietcong has consistently been far more sensitive than Saigon to the strong regional sentiment characteristic of politics throughout Vietnam.

Undoubtedly it was in part in order to come to terms with this regional feeling in the south that the National Liberation Front of South Vietnam—the NLF—was established in December 1960. Whatever the extent of its loyalty to Hanoi, the Vietcong has depended on southern support and has felt obliged to give the liberation front a distinctly southern slant—even to the point of using a different flag from the government in the north. The front calls on all anti-Saigon Vietnamese for backing; while clearly Communist-dominated, it enlists the support of many non-Communists as well.[40]

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[28] Contrary to the position taken in the State Department's white paper of Feb. 27, 1965, this is the view of most independent and informed observers.

[29] Under Vietminh control the peasants were often given land and not required to pay taxes on it; but when the Diem government's land reform was put into action the peasants had to buy this land from the landlords and pay taxes. The Vietcong successfully presented this to the peasants as an oppressive measure. See J. L. Finkle and Tran Van Dinh, "Provincial Government in Vietnam: A Study of Vinh Long Province" (Michigan State University Advisory Group, Saigon, 1961). Moreover, the South Vietnamese peasants often ridiculed Diem's rural programs because of their non-Vietnamese origins. The Vietcong's denunciations of the My-Diem government—that is, the American-Diem Government—thus frequently echoed popularly expressed sentiments. See Scigliano, op. cit. pp. 158 and 206. The Saigon administration also made the mistake of frequently assigning upper level local administrators with regional backgrounds different from the rural populations under their authority.

[30] Despite its statements to the contrary, the Diem regime failed to develop a policy which took account of the tribal peoples' grievances. The government ignored a report prepared by the Michigan State University Advisory Group which urged real and "sorely needed" reforms in the relationship between the tribal peoples and the Saigon authorities (final report covering activities of the Michigan State University Vietnam Advisory Group, for the period May 20, 1955–June 30, 1962 [Saigon, 1962]). Mounting tension between the government in Saigon and the tribal peoples eventually led to the limited rebellion of September 1964 in which the tribal people in the Ban Me Thuot area killed a large number of lowland Vietnamese and made demands for greater autonomy. A description of these events and some discussion of the background of tribal discontent is contained in the New York Times for the period Sept. 21–28, 1964.

[31] This program received considerable publicity throughout 1962 and much of 1963. Almost all official U.S. comment during this period praised the achievements of the program. It is now widely admitted, however, that the program was a failure and that exaggerated claims were made for its success by both South Vietnamese and Americans. The program sought, in theory, to resettle peasants in protected hamlets, where they would be able to benefit from improved social services. Little attention was paid, however, to the basic sociological factors which were involved in such a program. The South Vietnamese peasants in the delta region are not accustomed to living in compact settlements. They resented being moved from their fields, the tombs of their ancestors and the village dinh, the spiritual center of the village. The hamlets into which they were moved were inadequately protected, leaving the peasants a prey to the insurgents, while the promised social improvements did not eventuate. On the failure of the strategic hamlet program, see in particular: the New York Times of Oct. 23, Dec. 13, and Dec. 23, 1963, and Jan. 10 and 12, 1964; Policy and Program of the Government of the Republic of Vietnam as Announced by Gen. Nguyen Khanh the Prime Minister on Mar. 7, 1964 (issued by the Embassy of the Republic of Vietnam, Washington, 1964), p. 3; and G. C. Hickey, "Village in Vietnam" (New Haven, 1964), p. 54.

[32] This is made abundantly clear in the New York Times reporting during this period. Also, a U.S. official report released on April 1, 1964, stated that only 34 percent of Vietnam s villages were government controlled; 24 percent were "neutral," and 42 percent were outright Vietcong. In January 1964, The Observer (American Army newspaper in Saigon) wrote that "some four to five million people support the NLF in varying degrees." Both of these sources are cited in Bernard Fall, The Two Vietnams (New York, 1963), p. 396.

[33] New York Times, Mar. 16, 1965.

[34] New York Times, Jan. 19, 1965. The London Times of Mar. 6, 1965, reported that during February 1965 alone 1,450 men had deserted.

[35] For example, see New York Times of Feb. 26 and Mar. 2, 1965.

[36] According to Peter Grose, writing in the New York Times Magazine of Jan. 24, 1965, the Vietcong has developed "a stable and orderly political machine across the country, their cadres paralleling the Saigon administrative structure at every level. Only a final political shift at the top is awaited before the entire Communist-led apparatus surfaces and exercises its control in the open. Under Vietcong provincial commissars and their central committees come district commissars, then the village or township cadres and finally the hamlet committees. Where Vietcong control is firm, the administration functions with scarcely an interruption. * * * By conservative estimate, 8,000 to 10,000 political administrators govern areas of South Vietnam controlled by the Vietcong."

[37] It appears that the Vietcong's taxing authority, in one form or another, extends over about three-quarters of South Vietnam. Citing a U.S. Operations Mission report of June 14, 1963, Bernard Fall notes that as early as then, in all but three of South Vietnam's forty-four provinces, the Vietcong was collecting taxes (Current History, Feb. 1965, p. 98). On Jan. 24, 1965, in the New York Times Magazine, Peter Grose noted that "as much as 50 million piasters (about $700,000) could have been collected by the Vietcong last year in a wealthy province such as Long An. Saigon received 17 million piasters from Long An last year."

[38] According to the New York Times of Jan. 27, 1965, "before 1964 all infiltrators were trained in the north but were South Vietnamese in origin and were assigned to their native localities." Assistant Secretary of State William P. Bundy stated a few days earlier (New York Times, Jan. 24, 1965) that " 'significant numbers' of trained North Vietnamese soldiers had for the first time been infiltrating into South Vietnam." The State Department's white paper of Feb. 27 declares that "as many as 75 percent of the more than 4,400 Vietcong who are known to have entered the south in the first 8 months of 1964 were natives of North Vietnam." If correct, this figure (3,300) would be a small fraction of the total number of Vietcong.

[39] See George A. Carver, Jr., "The Real Revolution in South Vietnam," Foreign Affairs, XLIII, 3 (April 1965), pp. 406–407.

Although the NLF leaders undoubtedly have close ties with Hanoi, there is evidence suggesting that the front has a significant degree of autonomy and independence of action. Not only has it established political representation in Peiping and a number of other capitals,[41] but also the political line it takes in its radio broadcasts by no means faithfully follows that of Hanoi. It sometimes seems closer to Peiping.[42] Although the interests of anti-Saigon southerners and Hanoi usually coincide, this has not always been the case; nor need it be the case in the future. The front cannot, of course, successfully attract and hold southern support if it does not appeal to southerners. Hanoi recognizes this fact, and the United States in dealing with Hanoi would be unrealistic not to allow for it.

THE NORTHERN GOVERNMENT

Following the Geneva partition, Ho Chi-minh's Vietminh set up a highly authoritarian but relatively effective government in the north. It cautiously adopted features from Communist systems abroad, evidencing a nondoctrinaire selectivity in its policies that gave it a distinctive cast.

Vietnamese nationalism has always been strongly anti-Chinese. The Vietnamese have usually been on the defensive against China and sensitive to any action which might be construed as a Chinese attempt to reimpose anything like the old vassal relationship.[43] This sensitivity has been particularly strong in the north, for it was this area that China once absorbed and that most recently suffered Chinese occupation. In 1945–46, Kuomintang forces occupied Vietnam north of the 16th parallel. Allied plans for disarming the Japanese called for a Chinese occupation of this area, but the Chinese also took advantage of the opportunity to loot the country with a thoroughness not forgotten by the inhabitants.[44]

Ho Chi-minh's government has always shown considerable independence of political judgment and action. Even under the increased pressures upon it resulting from the Sino-Soviet dispute it has tried to hold a middle course; standing sometimes closer to Moscow, sometimes to Peiping, it has never irrevocably bound itself to either.[45] In recent years, as was true in the preceding decade, the Vietminh's basic allegiance has been to Vietnam rather than to Peiping or Moscow.

Two major limitations, however, have prevented Hanoi from pursuing more fully an independent course. The first of these is its inadequate agricultural base,[46] which has led to a heavy reliance on China, the only Communist country in a position to relieve her food deficiency. Traditionally, South Vietnam was the area which compensated for the north's lack of foodstuffs; and thus it is understandable that Ho should have shown such a strong interest in establishing trade relations with the south, at least on a basis similar to that which exists between East and West Germany.[47] Hanoi has attempted to offset this agricultural inadequacy by industrialization. Here the North Vietnamese are even more dependent upon outside support, but for industrialization Moscow has been in a somewhat better position than China to render assistance.

The second major limitation on Hanoi's desire to pursue an independent line within the Communist bloc has been its fear of American military intervention in support of the Saigon government and the possibility that this support might extend beyond the 17th parallel. Hanoi has concluded that she could not rely very heavily on the Soviet Union in such a confrontation; therefore, despite her aversion to Chinese intervention, she has had to depend more on Peiping, whose power might help deter the United States.

AMERICAN ESCALATION

This, then, was the situation in Vietnam on the eve of the U.S. air strikes against the north. Underlying the administration's decision to follow a policy of controlled escalation of the war was the assumption that Hanoi controls the Vietcong in the south. Yet this is a dangerous assumption on which to base American policy, as also is the view that Hanoi in turn is controlled by Peiping. There is no neat chain of command from Peiping to Hanoi and thence to the Vietcong. And even if the NFL were completely subordinate to Hanoi, the leaders in the north, being far removed from the actual area of the fighting, could not easily dictate the precise course of action of those in the field. It could not count upon compelling those who are fighting successfully in areas they regard as their home to lay down their arms and discontinue the struggle. The Vietcong has suffered casualties for years in its struggle against Saigon; and it seems unlikely that it would call off the fight just because the north had also begun to feel the sting of war.

In 1954 the Vietminh could induce its numerous supporters in the south to accept Vietnam's partition and to abandon their conquests south of the 17th parallel because partition was regarded as a temporary measure, to last only until elections. But we cannot assume that once again pro-Communist elements in the south will give up what they have won through long and difficult struggle. If over the last 5 years the doctrine of uncompromising resistance and the real expectation of victory have been so assiduously nurtured among the southern-rooted Vietcong, is it sensible to assume that Hanoi can abruptly call off their opposition—or enforce such compliance?

An important reason for the Johnson administration's reluctance to negotiate with Hanoi has been the belief that this would involve negotiating with China—a belief deriving from the assumption that Hanoi depends upon Peiping and is its agent. Certainly the Chinese would like us to believe that in dealing with Hanoi we must do so through Peiping. Although this is not yet the case, continuation of our bombing will certainly drive Hanoi into an ever greater reliance on Peiping and deprive North Vietnam of any significant independence of action. Therefore, if the United States wants to negotiate primarily with Hanoi rather than Peiping, it must move toward such negotiations very soon.

CHINESE POLICY

Sensing that the United States has committed itself to a path from which there are no acceptable exits, Mao Tse-tung's government waits for the United States either to back down without a settlement or unilaterally to overextend its military commitments in North Vietnam. The pattern of American policy since February has thus far coincided with Chinese expectations, and has led to a situation in Vietnam which conforms more to Chinese than to American and Vietnamese interests.

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[40] The success of the National Liberation Front is partly understandable given the character of its appeal. Its "Program," adopted in December 1960, calls for the overthrow of the Saigon government and its replacement by "an independent, democratic, peaceful, and neutral government" (presumably dominated by the NLF), which would provide for the economic welfare of the whole population, land for poor peasants, autonomy for minorities, and negotiations with Hanoi leading to the peaceful reunification of Vietnam. See Philippe Devillers, "The Struggle for the Unification of Vietnam," The China Quarterly, 9 (January-March 1962), pp. 19–20.

[41] The NLF has permanent delegations in the People's Republic of China, Cuba, East Germany, Czechoslovakia, Indonesia, and Algeria. It is a member of the Afro-Asian Peoples' Solidarity Organization. The Communist Party of South Vietnam (South Vietnam Working People's Association) is regarded as the core of the front made up of more than 20 political parties and peoples organizations (Peiping Review, No. 52 [Dec. 25, 1964], p. 13).

[42] See footnotes 61 and 62.

[43] The first and most extensive period of Chinese control was from 111 B.C. to A.D. 939, when a large part of North Vietnam was annexed by China and governed as a Chinese Province. It was also occupied from 1406 to 1427. In the historical museum at Hanoi, a major room is devoted to depicting the heroic struggle of the Vietnamese people against Chinese feudal invaders. Referred to by Bernard Fall in A. Doak Barnett, ed. "Communist Strategies in Asia" (New York, 1963), p. 214.

That this attitude still persists is illustrated by a Hanoi broadcast of July 15, 1963, when, in reciting major military victories of the Vietnamese, three successful victories over Chinese feudal invaders were bracketed with Dienbienphu as wonderful military feats (Radio Hanoi, July 15, 1963). Honey suggests that "there are excellent grounds for the belief that the principal raison d'être of such a powerful army in North Vietnam today is to protect North Vietnam against possible Chinese aggression" (Honey, op. cit., p. 98).

[44] Ellen J. Hammer describes the 1945 Chinese occupation in this way: "The unruly Chinese Army spread over the countryside as though it were there to stay. It lived off the land and afflicted Tonkin like an invasion of locusts, looting Hanoi and surrounding regions" (Ellen J. Hammer, "The Struggle for Indochina" [Stanford, 1954], p. 134).

[45] This judgment on the relative independence of the North Vietnamese leadership in the Sino-Soviet dispute has been the subject of a fairly extensive literature. After an examination of the documentary record from 1961 to 1963, Alexander Dallin has concluded that "in the dispute between the CPSU and the CPC, the [North] Vietnamese Workers Party (Lao Dong) avoided committing itself to either side" (Dallin, ed., "Diversity in International Communism" [New York, 1963], pp. 396–397). The Chinese have, with fanfare, published several Vietnamese speeches and articles which follow Peiping's line fairly closely but which at the same time carefully avoid any real commitment to China. See, for example, Le Duan, "Some Questions Concerning the International Tasks of Our Party" (Peiping, 1964). Bernard Fall has commented on such documents in his "Our Options in Vietnam," the Reporter (Mar. 12, 1964). See also the articles by P. J. Honey and Bernard Fall in the China Quarterly, 9 (January–March 1962); A. M. Halpern, "The Emergence of an Asian Communist Coalition," Annals of the American Academy of Political and Social Science, 349 (September 1963), 117–129; Jean Lacouture, "Uncle Ho Defies Uncle Sam," New York Times magazine, Mar. 28, 1965.

[46] North Vietnam has less than 5 million acres of arable land, to support a population estimated at 15,903,000—i.e., 0.3 of an acre per capita; population figures are based on a census completed by the Northern Government in March 1960 and reported in the New York Times on Mar. 21, 1960, and the figure for the amount of arable land is from a speech by Bui Cong Trung, vice chairman of the North Vietnam Scientific Research Commission (Radio Hanoi, Nov. 2, 1962).

[47] As Jean Lacouture observes ("Uncle Ho Defies"), Ho would like "to establish commercial relations permitting the North to buy rice from the South at a reasonable price."

Chinese goals in Vietnam are less understood than those of Hanoi or the Soviet Union. Although Peiping does not intend to occupy or absorb into China the lands of southeast Asia, it does consider all of eastern Asia to be within China's exclusive political-economic sphere of influence. The Maoist leadership believes that the presence of strong American military power now denies it this influence. Mao's politburo seeks to avoid—and without unequivocal Soviet assistance could not contemplate—a full-scale military confrontation with the United States.[48] Rather, it plans to erode American power in Asia through political means while simultaneously working toward the conditions under which it could regain Soviet support on its own terms. In the long run, it is through their influence over national revolutionary parties and the major elements of the shaken Communist movement that Peiping's leaders hope to enhance China's global position.[49]

Since February, Peiping's aim of discrediting American power in Asia has seemed closer to realization than ever. In particular, China's rulers have been able to capitalize on America's violent reaction to the crisis in South Vietnam. Throughout most of Asia they have assiduously spread the belief that in Vietnam the Americans are acting with brutal and unjustified violence against hapless Asians. Following the bombing raids, Peiping has ridiculed U.S. protestations of its peaceful aims in Asia, heaping scorn on Soviet Russia's advocacy of peaceful coexistence, and has gained further justification for its refusal to sign the nuclear test ban treaty and end its own nuclear program. For as long as the raids continue without a military response from North Vietnam and without any sign of actual Chinese military intervention, Peiping can expect that the strains on the Soviet-American detente and the NATO alliance will intensify, while the American position in Asia will be undermined. The State Department's white paper did little to counter the Chinese accusation that the Johnson administration had acted irrationally in order to conceal the inadequacies and failures of its program in South Vietnam. The Chinese have thus gained political advantage from Hanoi's adversity.

In contrast to their view at the time of the 1954 Geneva Conference, the Chinese now see how both their local and global objectives can be served by an intensified struggle against the United States in Vietnam. The struggle for Vietnam could reduce Vietnamese "independence" in the Sino-Soviet dispute, insure North Vietnam's long-term dependence on China, and at the same time strengthen China's influence among not only other Communist regimes and parties, but also among non-Communist unalined nations in Asia and Africa; moreover, it could bring the security interests of China and the Soviet Union into closer alinement. Intensification of the war in Vietnam also provides a domestic atmosphere more conducive to eradicating the "revisionist" and even pro-American sentiments which have been spreading among the Chinese youth, and enables Chinese life to be further regimented.[50]

U.S. GLOBAL CONSIDERATIONS

These considerations underscore the argument that America's policies in Vietnam should conform to its global priorities. It has long been recognized that we should not pursue measures likely to undermine our peaceful relationships with the Soviet Union, and our tacit agreement with Moscow on the containment of Chinese power. Yet, the escalation of violence begun last February has set in train reactions outside of Vietnam which run strictly contrary to our previously accepted global priorities. This is the price we pay for our policy in Vietnam.

U.S. NEGOTIATING STRENGTHS

If the United States desires a peaceful settlement with Hanoi, various factors contribute to a strong U.S. negotiating position. This position cannot be strengthened by further escalation of military pressure. On the contrary, such action can only destroy or weaken this position and lose for the United States the opportunity of dealing primarily with Hanoi on essentially Vietnamese terms, rather than with Peiping on essentially Chinese terms.

1. Common American and Soviet objectives in southeast Asia: The Soviet Union and the United States have as their fundamental aim in southeast Asia the restraint of Chinese influence in the area.[51] The new Soviet leaders have thus far resisted Chinese pressures toward greater militancy, and have continued to place a high priority on Khrushchev's international policies of peaceful coexistence and amicable relations with the United States. Moscow apparently wishes to avoid risky commitments in southeast Asia, but does not want to lay itself open to Chinese propaganda by appearing to abandon any revolutionary movement. Although the Soviet Union would have to be circumspect in approaching negotiations on Vietnam because of the capital which China could draw from any apparent alinement between the Soviet Union and the United States, tacit Soviet opposition to China during the negotiations would be of particular importance in encouraging Hanoi to take an independent stance.

2. Hanoi's desire to remain independent of Peiping: Hanoi hopes to arrive at a settlement which will insure that all of Vietnam remains fully independent of China. While the Government of North Vietnam seeks national reunification, it does not want to see this achieved at the cost of dependence on China; moreover, Hanoi undoubtedly realizes that it would seriously damage its appeal to southerners if it even appeared to become dependent upon China.

3. North Vietnam's economic position: North Vietnam now relies much more on China than upon the Soviet Union for food, her most critical deficiency. As noted above, if she were given an opportunity to trade with South Vietnam and secure a significant part of its rice exports for her industrial centers, she could both reduce her dependence upon China and abandon her own expensive and highly uneconomic efforts to grow food in marginally productive areas. Moreover, an end to the trade blockade of North Vietnam would benefit the country by enabling it to obtain items necessary for its further industrialization. Given the continuing increase of its population upon an unchanging base of arable land, such industrialization is a prerequisite for the economic development—and ultimately the economic viability—of the North. Furthermore, the United States could stand ready to dispatch Public Law 480 rice, thereby permitting an immediate relief of Hanoi's dependence upon Peiping, and to include North Vietnam in plans for the economic development of southeast Asia.[52]

4. War weariness: This factor is not only operative in the South, but also affects the North. One should not underestimate the intense desire for an end of fighting and for family reunions,[53] which were important factors even before the bombing began.

5. The recognized threat to the use of greater military force: The North naturally wishes to avoid additional damage from U.S. air raids. However, as the raids continue, the North Vietnamese may be pushed ever closer to the conclusion that what remains to be protected in the North is no longer sufficient to outweigh the advantages accruing from striking southward. Further, as long as the threat remains unrealized, we leave Hanoi in a tenable position from which to negotiate.

If the United States is to derive maximum advantage from these negotiating strengths, it must give due weight to the political realities of the Vietnamese situation and recognize that these set limits for all parties. Even if the United States could win a decisive military victory in Vietnam, and even if this could be achieved without permanently antagonizing most of the Vietnamese people, these political realities would endure. Washington would still have to face most of the same problems which, since 1954, have obstructed the achievement of its objectives.

Persistent questions remain to be answered by Washington. Is the United States prepared to acknowledge the fact that most people in Vietnam—North and South—desire an end of the war and the reunification of their country? If we accept these as legitimate aims, what would be our position if Hanoi agreed to a cease-fire and the withdrawal of infiltrators on the condition that the United States and Saigon would honor the provision of the Geneva accords calling for national elections—particularly if it also agreed that such elections should take place under U.S. auspices? [54] If a military truce were achieved, would the U.N. recognize that any political solution in the South enforceable by Hanoi must provide for some sort of grouping of regional authority and administration, whereby substantial areas would remain under National Liberation Front control?

The Vietminh has good reason to be embittered over the fact that in the Geneva negotiations, the concessions which it made were futile because a central clause of the accords was not honored. Is it not reasonable to assume that this time Hanoi will refuse to negotiate a settlement, unless assured that there will be reasonably effective international supervision over execution of any agreement reached?

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[48] In the period since February, the Chinese have not overlooked the possibility that further escalation might lead to an attack on China. They have few illusions concerning the amount of damage that the United States could inflict on their cities and apparently hope to confine the arena of actual fighting to Vietnam. See Jen-min jihpao editorial, Feb. 12, 1965.

[49] For a more comprehensive discussion of Chinese objectives, see the articles by A. M. Halpern and Morton H. Halperin in the China Quarterly, 21 (January–March 1965).

[50] John W. Lewis, "Revolutionary Struggle and the Second Generation in Communist China," the China Quarterly, 21 (January–March 1965), pp. 126–147.

[51] Moscow, of course, would favor the extension of Communist influence in southeast Asia at our expense, although it would simultaneously hope to prevent the extension of Chinese influence there. It has faced a policy dilemma, therefore, because it has not been easy to separate pro-Chinese and pro-Communist tendencies in Asia.

[52] This possibility was foreshadowed in President Johnson's statement on Mar. 25, 1965. The United States could also agree to extend the projected Mekong River development plan to North Vietnam (see the article by Gilbert F. White in the December 1964 Bulletin). On Apr. 7, President Johnson expressed his hope that following a peaceful settlement "North Vietnam will take its place in the common effort" for regional economic development (New York Times, Apr. 8, 1965).

[53] For an indication of the number of divided families, it was reported that in Quangngai Province about 40 percent of the residents have relatives in North Vietnam or among the Vietcong (New York Times, Apr. 13, 1964).

[54] This would be in accordance with the United States own unilateral declaration at Geneva (see footnote 17 above).

ASIAN NATIONALISM

Further, in our approach to the crisis in Vietnam we need to reexamine some of the hypotheses advanced as justification for our actions there. For example, Americans who subscribe to the so-called domino theory for the most part fail to take into account the differences between the political factors operating in Vietnam and those obtaining in other states of southeast Asia. Also implicit in this theory is the notion that individual Asians and Asian nationalism will react differently from Westerners and Western nationalism to force or the threat of force. But in fact Asians and Westerners react alike. Indeed, opposition to foreign encroachment, real or threatened, has been a primary generator of national consciousness among Asians and a major factor in strengthening national cohesion. The history of Vietnam's nationalist movement has been unlike that of any other state of southeast Asia; in none of these other countries did the intransigence of a colonial power so frustrate the nationalist movement as to force it into cooperation with, and ultimately subordination to, the Communists. In other countries of southeast Asia, nationalism has provided the strongest barrier to the growth of communism and to the influence of outside Communist powers.[55] There is a direct relationship between the fact that the governments of Cambodia and Thailand have remained in harmony with their countries' nationalism and the fact that there has been no strong development of communism in either state.

This is directly relevant to the administration's tendency to regard Vietnam as "a critical test of the Communist technique of military subversion" and to say that if America fails this test this will embolden Communists throughout the underdeveloped world to take up arms and attempt to seize power. Such a view not only ignores the role nationalism has played in containing communism, but also assumes that Communists elsewhere lack relevant local experience to guide them and are awaiting the outcome of the "test" in Vietnam before proceeding. Moreover, it takes no account of the fact that Western military intervention generally gives the Communists great political capital.[56] The most significant conclusion that could be drawn from a failure of the American effort in Vietnam would be that, no matter how much force it applies, the United States cannot exert effective political leverage when its actions run counter to the tide of a country's nationalism, and where the majority of the population does not support these actions.

This does not mean, however, that the United States should not continue to provide assistance to the states of southeast Asia. If a government—one which reflects its country's nationalism and which enjoys broad popular support—should request aid in repelling military incursions by a more powerful neighbor, the United States should provide this aid. With this in mind, U.S. efforts to reach a peaceful resolution of the situation in Vietnam could appropriately be coupled with an offer to provide help to popular-based southeast Asian states that might request it.

THE POSSIBILITIES FOR SETTLEMENT

In approaching a settlement, the United States must recognize that Vietnam should be treated as a whole and that, at least on a gradual step-by-step basis, it should be reunified. Provisions for a progression toward economic and political integration would be indispensable for insuring that the majority of the Vietnamese would cooperate. International guarantees would be essential to assure the Vietnamese that any agreement entered into would be honored and that planned developments toward political and economic stabilization and national reunification would be carried out.

As a first step, and preliminary to a military truce, the United States would have to signify its willingness to stop bombing the North. Concurrently, it could stipulate its terms for a comprehensive military truce. Provision could then be made for the evacuation of all foreign troops and the introduction of a temporary international presence which would insure that the truce was carried out and the way kept open for implementing agreed measures for a political settlement.[57]

One pattern of settlement which might warrant serious exploration would be a stage-by-stage establishment of a federation,[58] wherein the economic and political links between the component parts would be strengthened at stipulated intervals. Two levels of federation might emerge in Vietnam: in the south,[59] incorporating both Saigon-controlled and Vietcong-controlled areas; and later, between the federated south as a whole and the north.[60]

When the perimeters of the southern federal components have been established, plans could be worked out first for local elections there, and then after an agreed interval of time, for national elections. The international presence could help insure that the proper conditions existed for the election campaigns and the subsequent voting.

With the existence of such an international presence—to which the United States could with honor transfer what it regards as its responsibilities in Vietnam—it might be possible for a political system to emerge which would reasonably reflect the wishes of the population. Some such solution would at least give time and scope for a peaceful accommodation between non-Communists and Communists, and would avoid the otherwise inescapable alternative of a continuing use of violence to resolve political differences.

Even if the Communists do eventually come to dominate all of Vietnam, need this be regarded as contrary to fundamental American objectives? Is not our principal objective in Asia to contain the People's Republic of China and provide the opportunity for states in southeast Asia to develop free from Peiping's dominating influence? If so, can we not adopt there, as we have in Eastern Europe, policies to encourage greater polycentrism among Communist states? Should we not extend to Asia our attempt to foster nationalism and greater independence among the lesser Communist states? The United States has come to accept Communist governments in Poland and Rumania, and tries to give them the sort of support likely to decrease their dependence on Moscow; why, then, should the United States not capitalize upon the strength of Vietnamese nationalism and its strongly anti-Chinese thrust?

THE U.S. POSITION IN MID-APRIL

What have been the consequences of the policy that the United States has been following in Vietnam? After more than 2 months, the bombing raids above the 17th parallel have not resulted in any significant decrease in Vietcong activity in the south. Hanoi has consistently demanded that the United States abide by the Geneva accords, and at times has seemed to indicate its interest in negotiations.[61] The National Liberation Front, on the other hand, has expressed firm opposition to the idea of negotiations, a position prominently supported by China.[62]

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[55] Beginning in 1948, Communists in Burma, Indonesia, Malaya, and the Philippines tried to seize power by force; in each case, however, their insurrections failed because they lacked sufficient nationalist support and even ran counter to the mainstream of their countries' nationalism.

[56] In the only major non-Communist country of southeast Asia where communism has developed significant strength—Indonesia—its road was smoothed by American interference, which provided important political capital to the Communists. American encouragement of and support to the anti-Djakarta rebels in 1957–58 provided a major stimulus to the growth of Indonesian communism and has been responsible more than any other factor for the deterioration of Indonesian-American relations. See Herbert Feith, "Indonesia," in Kahin, ed., op. cit., pp. 211–212, and George McT. Kahin, "Indonesia," in Kahin, ed., Major Governments of Asia (Ithaca, N.Y., 1963), pp. 646–649.

[57] This possibility would necessitate bringing in substantial international elements, but an operation of this kind would cost far less than the amount now spent by the United States in South Vietnam. The introduction of this international presence would have to coincide with the withdrawal of American troops and whatever Soviet and Chinese technicians or "volunteers" were then operating in Vietnam. If the U.S.S.R. and the United States could agree concerning the necessary budgetary arrangements, the U.N. Security Council might be able to make provisions for establishing this, and Russian cooperation might facilitate North Vietnamese acceptance of such a presence.

The proposal in March 1965 by Secretary General U Thant for a seven-power conference on Vietnam might have brought the United Nations into the Vietnamese crisis in a constructive way and led to discussions concerning the creation of an international peacekeeping force under U.N. auspices.

Another means of introducing an international presence might be to reconvene the Geneva Conference on Indochina. Hanoi has publicly used the Geneva accords as the baseline for its demands in the present crisis, and it might well be willing to use a reconvened Geneva Conference both as a forum for further negotiation and as a means for introducing an acceptable international supervisory presence.

[58] On Mar. 12, 1965, Radio Hanoi called for a national coalition, democratic, peaceful, and neutral government to be set up in South Vietnam with the participation of the NLFSV. Jean Lacouture ("Uncle Ho Defies," p. 112) has also suggested that Hanoi would be willing to set up two governments on a long-term basis with a liaison committee between the two zones.

[59] In order to insure that such a southern federation would be realistically based and as viable as possible, there would have to be some regroupment of the population, and here the United States would have to supply a large part of the funds. Already in the South there are identifiable areas which could become components of a federation. For example, it should be relatively easy to establish perimeters for the Hoa Hao and Cao Dai areas. As most northern Catholic refugees who settled outside of Saigon are clustered in agricultural communities with their own religious leaders, it should be possible to regroup them into viable Federal components. Similarly, with some of the major Montagnard minority groups boundaries could be established. Saigon and much of its hinterland could constitute a major Federal component. Finally, many areas long administered by the Vietcong are relatively clearly delimited and could be the basis of other units in a southern federation.

[60] Initially the southern areas under the Vietcong would not be merged with North Vietnam, but they would possess a substantial degree of autonomy within the south. With the federated components retaining substantial powers, and with each of them guaranteed by the international presence, the delegates could meet together and establish procedures for additional cooperation and exchange between the components.

The United States, for its part, has extended its bombing of the north, as well as the south, and his accelerated the rate of introduction of its combat forces into the south. On April 7, President Johnson, while indicating that the United States was prepared for "unconditional discussions," evinced no willingness to depart from previous administration statements which had called for a reestablishment of the pre-1958 status quo. He made no proposal which could be expected to provide a realistic basis for negotiations. In fact, the terms offered Hanoi call upon it to compel capitulation of the Vietcong.

PROSPECTS FOR ESCALATION

If the United States continues to increase its military punishment of North Vietnam, Hanoi is likely to send elements of its 300,000-man army south. The decision to do this will presumably be made at the point when the United States has inflicted so much damage on the North Vietnamese that they will have little to lose by a retaliatory attack and little to save through compromise or negotiation. Although we cannot predict with certainty what kind of a military operation North Vietnam would attempt, it seems likely that in view of America's vastly superior air and sea power, Hanoi would deploy its forces in ways whereby it would be least affected by that power. It might, therefore, send its troops into South Vietnam as small, highly mobile, guerrilla units.[63] These troops could enter the south all along the extensive, jungle-covered western Vietnamese border.[64] The United States would still face an essentially guerrilla war, but on a vastly expanded scale. The accepted and well-publicized formula that it takes 10 regular troops to counter each guerrilla would still apply; thus for each 100,000 men the Vietnamese introduced we would have to commit 1 million. The American public has hardly been prepared for such a high cost in American lives and material as would be entailed in an effort of this magnitude. Nor is it realistic to expect that, without some indication that this effort would yield results commensurate with such sacrifice, the American public could be brought to support it.

During this phase of the fighting, China's armies could be expected to remain out of the conflict,[65] though Peiping would presumably continue to supply heavy equipment, a few technicians, and possibly some volunteers. But China is not likely to provide us with such clear invitation to attack her as would be given by her massive intervention in Vietnam. By remaining behind her frontiers and restricting herself to providing primarily moral support to Hanoi, China could gain tremendous political and psychological advantages from continued U.S. attacks on the Vietnamese (although she would no doubt be uneasy about the possibility of American escalation spilling across her frontiers).

Despite the care the Peiping leadership has taken in Vietnam to do nothing which might invite an American attack on the Chinese mainland, the United States may still choose to enlarge its theater of operations to include China.[66] A decision to do this would probably derive in part from the belief discussed above that Peiping contols Hanoi. In addition, however, there is a not insignificant group in America that feels that a war with China is inevitable and should be waged soon, before China grows stronger and attains a real nuclear capacity.

But once we attack China—even without nuclear weapons—the whole context of the American effort in Vietnam would be drastically altered. China would retaliate, and she has explicitly said that she would not confine herself to the areas of conflict in which the United States is presently engaged. On February 9, 1965, for example, the Chinese Government declared: "We warn U.S. imperialism: You are overreaching yourselves in trying to extend the war with your small forces in Indochina, southeast Asia, and the Far East. To be frank, we are waiting for you in battle array."[67] The Chinese have repeated this threat to engage our "small forces" on a vast front in "Indochina, southeast Asia, and the Far East," and have carefully elaborated the "dire consequences" that would befall the U.S. forces involved.[68]

There are at least 10 million people in China who are ethnically akin to the Thai, Lao, and Vietnamese. We could expect that China would use these people—as regular army troops or volunteers—in a greatly expanded guerrilla war in the jungles of southeast Asia. Such a war would not require massive Chinese logistical support and would minimize the vulnerability of Chinese forces to American air and sea attack. It would also present the United States with vastly greater difficulties than those it now faces in South Vietnam. The possibility that China would use these minority peoples has been suggested by the intensive militia campaigns conducted with particular fervor in 1964 in Yunnan, Kwangsi, and Kwangtung—all Provinces which border southeast Asian states.

The Chinese believe that the United States could not win this type of war and that thereby the credibility of American power would be destroyed in southeast Asia.[69] As the Chinese probably envisage it, the war for continental southeast Asia would not duplicate that of Korea, where their troops, confined to a narrow peninsula, were subject to the risk of annihilation by American sea and air strikes and where most of the local population was hostile to them. China could be expected to mount offensives simultaneously at many points along a thousand-mile front. American military units attempting to cope with these forces in jungle terrain could neither gain a decisive victory nor compel them to withdraw.

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[61] Vo Nguyen Giap, Hanoi's Minister of National Defense, has given what may be regarded as the initial bargaining position of the Hanoi government. He stated that the United States must correctly implement the Geneva agreements and cease its acts of provocation against North Vietnam; also the United States must allow the Vietnamese people to settle the matter of reunification (Radio Hanoi, Mar. 10, 1965). This constituted an elaboration of an earlier statement by the North Vietnamese Premier, Pham Van Dong, to A. N. Kosygin of the Soviet Union on Feb. 6, 1965 (Radio Hanoi, Feb. 8, 1965).

Throughout the period since the first bombings in February, Hanoi has requested "the two cochairmen and the governments of the participating countries of the 1954 Geneva Conference on Indochina, the Socialist countries, and all peaceloving countries in the world to take timely and effective actions aimed at staying the hands of the U.S. imperialist aggressors and warmongers, insuring strict implementation of the 1954 Geneva accords on Vietnam [and] defending peace in Indochina and southeast Asia" (Radio Hanoi, Feb. 8, 1965).

[62] On Feb. 14, for example, the Presidium of the Central Committee of the NLF "called on the entire army and people of South Vietnam to fight the enemy continuously and on all battlefields, fight more powerfully, wipe out more enemy forces, destroy many more strategic hamlets, urgently arm the entire people, endeavor to build and consolidate the fighting hamlets and villagers, [and] urgently build and develop the armed forces" (Liberation Radio [Vietcong], as rebroadcast by Radio Hanoi, Feb. 15, 1965).

While Hanoi continued to hark back to the Geneva accords and to demand action against the United States by the International Control Commission, China denounced those bodies and echoed the Vietcong's hard line. Jen-min jih-pao on Feb. 19 declared: "The Johnson administration is neither willing to accept defeat nor courageous enough to face the consequences of an extended war. * * * The aim of the Johnson administration is quite clear—to get at the conference table what it could not get on the battlefield."

[63] In the week following the first American raids on the north, Nhan-Dan provided some clues to a future North Vietnamese strategy. On Feb. 13 it said: "By launching 10 battles at the same time on various battlefields and simultaneously promoting all-sided guerrilla activities, the South Vietnam People's armed forces have shown their maturity in all fields, command, tactics, and technique. * * * During the recent big battles, they have also cleverly and creatively applied the fighting tactics, striking the enemy where and when he was least prepared and by methods which are most unexpected to them."

[64] Given the possibility of encountering massive American firepower, it could not, of course, be expected that North Vietnam would launch a massive frontal assault across the 17th parallel.

[65] Mao Tse-tung told Edgar Snow, before the February air strikes, that "China's armies would not go beyond her borders to fight. * * * Only if the United States attacked China would the Chinese fight." Mao added that "The Vietnamese could cope with their [own] situation" (the New Republic [Feb. 27] 1965, p. 22). Subsequently China has modified its position; see (67) below.

[66] An official Chinese Government statement of Mar. 12, 1965, commented on remarks in the U.S. press that China would not be allowed to remain a sanctuary, as it did in the Korean war. It added: "In plain language, this means it [the United States] would bomb China" (Radio Peiping, Mar. 13, 1965).

[67] See Jen-min jih-pao, Feb. 9, 1965. Similar warnings were given during the subsequent 8 weeks. On Mar. 25, China and Russia both threatened to aid the Vietcong if the NLF so requested (Jen-min jih-pao, Mar. 25, 1965). These threats were made in response to a statement issued by Liberation Radio (Vietcong) on Mar. 23, that: "If the U.S. imperialists continue to send their troops and the troops of their satellites into South Vietnam or to expand the war to the North and Laos, the NLFSV will call on the world peoples to send troops."

Peiping's threat to retaliate in Vietnam has been more direct and unambiguous than the one it made prior to entering the Korean war in 1950. Allen S. Whiting has observed, however, that "the problem of communicating a threat is formidable, and in the context of the Korean war it was especially difficult"' (Whiting, "China Crosses the Yalu" [New York, 1960], p. 109).

In the present crisis, Peiping has moved with great caution, as it did in 1950; but it has also attempted to strengthen the credibility of its threat to aid Vietnam by recalling its intervention in Korea. For example, radio Peiping, Feb. 13, 1965, warned: "Your hope lies in making people afraid of you. But you [Americans] will become utterly helpless when the people resisting aggression, instead of being afraid of you, dare to fight, defy difficulties, and advance wave upon wave. You have been taught a lesson on this score in the Korean war. Do you want to have the lesson repeated in Indochina?"

[68] This was part of a thinly veiled Chinese effort to threaten the Philippines, Thailand, and the entire Indochinese peninsula. See in particular the broadcast of radio Peiping on Feb. 4, 1965, on the Thai patriotic front, and the Jen-min jih-pao article of Jan. 27, 1965, on the Philippines.

[69] See Jen-min jih-pao, Feb. 19, 1965.

Once again, the 10 to 1 ratio applicable to guerrilla war would hold. Substantially larger American forces would have to be committed for this war than for a war against the North Vietnamese alone. And it is even more doubtful that the American public would support an operation on this scale; once again Washington would lack clear-cut objectives and any likelihood of an outcome favorable to American interests would seem remote.

Given the unpredictable and possibly disastrous consequences of a nuclear bombardment of China, the United States would be unlikely to resort to this level of escalation. However, the possibility of nonnuclear attack cannot be ruled out. This could presumably achieve the destruction of China's industry, and even her major cities. But the United States would be totally unprepared to undertake the gigantic ground operation which would then be required. It would still confront China's main armies.

(NOTE.—The authors wish to acknowledge the help of Benedict R. O'G. Anderson, B. Sean Brady, Herbert W. Briggs, Daniel S. Lev, Myron Rush, and others who read drafts of this paper and made valuable suggestions. For the opinions expressed here, however, the authors are solely responsible.)

MISHAWAKA, IND.,
May 6, 1965.

DEAR SENATOR: The enclosed front page section and editorial, both appearing in the May 5 South Bend Tribune, struck me as warranting your attention.

The Tribune, previous to this issue, has been in full accord with the foreign policy of the Johnson administration, editorally and otherwise.

In this case, however, the choice of the lead article by W. R. Fry, unprecedented appearance (in the Tribune at least) of Senator MORSE in print on page 1, far from friendly editorial job; indicate an unmistakable departure in the Tribune's philosophy.

While one newspaper doesn't constitute a trend, I believe that it will not be an isolated incident.

There is a point beyond which patriotism degenerates into blind allegiance. I have faith that the Senate, the press, and the public will make this distinction.

Respectfully yours,
JOHN D. MARSHALL.

[From the South Bend (Ind.) Tribune, May 5, 1965]

YANKEES, COME HOME

We must assume that the Johnson administration is prepared to prove beyond a shadow of a doubt that the revolt in the Dominican Republic was taken over by Communists, even though he has not yet done it publicly.

Otherwise, there can be no conceivable justification for sending U.S. troops into Santo Domingo's front lines to relieve the fighting forces of the junta which, a year and a half ago, deposed Juan Bosch, the duly elected President of the Republic.

No matter how good the President's case turns out to be, it will not completely neutralize the damage the Dominican venture has done to the United States throughout the hemisphere. In Latin eyes, the sight of North American troops wading ashore on a Caribbean island does not touch off calm deliberation. It brings back emotional memories of the saddest chapters of inter-American relations, of U.S. intrusion in hemispheric affairs that constitutes the deepest roots of the Yankee-go-home syndrome in Latin America.

The situation was not helped by Washington's shift in reasons halfway through the Dominican operation. At first, it was said the marines were there only to protect the lives of Americans and other foreign nations. We might have had some success selling that explanation if our troops had carried out their job and quickly withdrawn.

Instead, the marines were soon assigned to do the junta's work. The President says it was either that or see the Dominican Republic go the way of Cuba.

As the President has reminded his critics, it is not easy to be under the gun, and Mr. Johnson was caught in a painful dilemma. To act was to incur the wrath of many Latin friends. Not to act, the President has assured us, was to allow a second Communist country in this hemisphere. There was little time to weigh alternatives.

Once committed, it became too late to weigh alternatives. What must now be considered is how to salvage what remains of our good relations in Central America, South America, and the Caribbean. And the first thing that must be done is to get our troops off the island of Hispaniola as quickly as prudence allows.

Washington must not allow itself even to think in terms of an "occupation." Once major fighting has stopped and order can be restored in Santo Domingo, the marines must leave.

Let us hope that, even then, we will not have saved half an island from communism at the cost of a hemisphere.

[From the South Bend (Ind.) Tribune, May 5, 1965]

DIPLOMATIC PRICE FOR INTERVENTION MAY BE FORMIDABLE

(By William R. Frye)

UNITED NATIONS, N.Y.—The United States is paying a formidable diplomatic price for the intervention in the Dominican Republic, events here suggest. U.N. people friendly to Washington hope it will prove to have been worth the cost.

U.N. sources added up the initial damage as follows:

1. A formidable wave of popular and governmental indignation in Latin America.

Many Latins, perhaps not fully informed, resent what they see as a revival of the "gunboat diplomacy" of the early 20th century, when marines were sent periodically to Latin America to prop up friendly rulers of "banana republics" and oust unfriendly ones.

President Johnson's assertion of a right to intervene whenever the United States thinks a Latin country is going Communist tends, in their eyes, to buttress this fear. They do not fully trust America to exercise dispassionate judgment where Castroism is—or may be—involved.

MORSE CRITICIZES AMERICAN ACTIONS

SCHENECTADY, N.Y.—Senator WAYNE MORSE, Democrat, of Oregon, yesterday criticized U.S. actions in Vietnam and the Dominican Republic and called for settlement of both disputes through the United Nations.

"I don't see how the United States can hope to set itself up as the policemen of the world and jump in whenever and wherever a revolution takes place," the Senator said at a news conference prior to an address at Union College here.

WISHART, SASKATCHEWAN, CANADA,
April 28, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I just want to tell you how much I appreciate the decent stand that you are taking in regard to Vietnam. I am particularly pleased that you gave our boot lickers in Ottawa a shellacking.

I hope that you can keep up this good work.

Yours truly,
J. MCPHAIL.

NEW CITY, N.Y.,
May 4, 1965.

Senator WAYNE B. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Though I am not one of your constituents, I wish to tell you of my wholehearted support for your stands on both Vietnam and the situation in the Dominican Republic.

Your voice in this debate seems to be one of the few sounds of sanity in this country in general and in Washington in particular. I do wish that either you, or someone else if not you, would make an issue of the way in which the President is using the powers of the Executive to wage war and raise money to do so without a declaration of war from the Congress or the expressed wish of the electorate to become involved in war.

I wish to tell you also that you have the support of all the members of my family and all of my friends. We are behind you and urge you to redouble your efforts to bring back sanity and good sense to American foreign policy.

Very truly yours,
SOL STEMBER.

MAY 1, 1965.

Hon. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I just cannot remain silent. Complaints and appeals about U.S. foreign policy are almost a refrain.

Pope Paul begged leaders to hear mankind's desire for peace; for conversations and negotiations at all levels to avert the threat of war. Also he said "Today, as if no lesson had been learned from the tragic experiences of the two world conflicts, we have the dreadful spectacle in certain parts of the world." He is right.

United States landing in the Dominican Republic aroused criticism and bitter memories among Latin Americans—as in Chile, Venezuela, Argentina and Mexico. Seems we violated rules we ourselves made.

Mr. Lippmann, a top journalist-thinker, and Ralph McGill, and a host of renowned scientists, clergymen and journalists are a part of that huge body of Americans who do not want you to do for the United States what Governor Wallace is doing for Alabama.

Our collossally expensive nonintervention on two continents has led to a joint French-Soviet statement concerning "recent events" in Vietnam and the Geneva agreements of 1954. Mr. President, must U.S. behavior force a welding of the power and influence of France, Russia, and China—three nuclear powers and so very much manpower?

This is Law Day. The Golden Rule if paraphrased might read: "Let us do unto foreigners on their soil as we say we want our Mississippians and Alabamians to do unto their fellow citizens of color."

And Senator WAYNE MORSE can't be all wrong.

Sincerely, for friendship and peace.
HARVEY G. BAKER.
DAYTONA BEACH, FLA.

[From the Daytona Beach (Fla.) Morning Journal, May 1, 1965]

IT'S LAW DAY, U.S.A.

One can observe the day this is only with a sense of sadness as he looks out across the world as it really exists in 1965. May 1 is Law Day, U.S.A., the U.S. answer to the Communist May Day.

We observe Law Day at the instigation of the American Bar Association to say to the world that we believe law should rule the affairs of men, not might; that we believe disputes should be settled in the courts, not by men shooting each other.

But Thursday, a 19-year-old American marine shot a man in the back in South Vietnam—an unarmed man who was fleeing for safety. The marine shot him because, in the "law" of war, a man doesn't run when he is challenged.

And in this same area of the world on the same day, 51 U.S. Skyraiders and Skyhawks rained bombs on North Vietnam in 1 raid, destroying 15 buildings which probably were not empty of people.

On Thursday too, we landed more troops in the Dominican Republic as that unstable nation once again was rocked with turmoil. The troops are there, we maintain, to protect U.S. citizens on the island, but in fact they are there in the hopes that it will discourage the new revolt that finally erupted following the coup which toppled the nation's only elected President in 30 years.

We're a long way yet from establishing a rule of law for the world as we follow the course of containing communism with the force of arms. Because communism still resorts to terrorist tactics, we must punish it militarily. Because it engineers coups, we must intervene with our marines.

There is a great debate going on in our country over whether this is the course we should take, and how far we can extend ourselves in doing it. The young are protesting angrily over Vietnam, marching on the White House in demonstration against Vietnam. The older, and surely wiser, heads around President Johnson are insisting that we can't deviate from the course, else it would encourage the terrorists to the point that they could rule the world.

There are those who say we should quit Vietnam and there are those who "pray" (Barry Goldwater) for an excuse to bomb Red China.

There are those who say we should fight actively the Communists in Santo Domingo, and there are those who warn us that rightists have been armed by those sympathetic to the late Dictator Trujillo and to "Pappa Doc" Duvalier on Haiti, the iron man of the Caribbean.

The truth, surely, lies somewhere in between.

The truth is that, in some way, we should be moving toward establishing the rule of international law to handle these explosions.

We do it at home. Rightists terrorists in the United States have their guns impounded, and if they have committed a crime, they are brought into court.

Communists are prevented by law from overthrowing this Government by force, and they are brought to trial for fomenting riots.

The extremists on either side are checkmated by a body of law geared to protecting human rights.

These laws are upgraded by Congress to meet new situations and new realizations of need, and American liberty to enjoy life is enhanced. We do not need any foreign power to come in and help us protect our freedom.

But, as the Wayne Morses of the Senate contend, we surely can't police the world's right to freedom alone. We know, anyway, that freedom can't be maintained by force of arms alone, for force breeds counterforce.

We protected freedom in Korea, but it is not free. Students toppled our puppet government there, and they still sack our libraries in angry demonstration over having a divided country. Night still holds back the dawn of freedom in South Vietnam after years of our efforts there.

Maybe all of this failure can be laid at the door of communism. Or maybe it can be laid at the door of another failure.

Communism is in a state of evolution in Eastern Europe. The originator of this false idea, Russia, is beginning to understand the industrial era, and that if it is to have a part in it, there must be incentive for the people. So, under Khrushchev and still more under Kosygin, the Russians are practicing the profit system. Not quite as we do, but they have learned the mistake of ordered planning with no incentive for the planners.

And the people of Russia are no longer fearful of the nighttime bang on the door; no longer afraid to look an American in the eye. They no longer starve; no longer grovel in ignorance.

So the failure, we might say, is in not taking advantage of this change to persuade the Russians, earnestly, to help us establish a real rule of law for the world. We should have made it clear to this other nuclear power that our interest is in controlling all of the world's extremists through law, not force.

We should have demonstrated our sincerity in this respect by scrapping the reservation we have affixed to the U.N. Charter which excuses us from responsibility among the nations when we want to be excused. We should have backed wholeheartedly the international effort to establish a workable code of international law, and insisted that it be administered by the International Court of Justice. We should have insisted that individuals, in and out of all governments, be held responsible to that Court for infractions of law governing the rights of nations.

This is what Law Day, U.S.A., should be about. It should symbolize both our efforts to prevent such tragedies as a 19-year-old youth having to shoot a defenseless man in the back in obedience to the "law" of war.

It's said to contemplate on this day that we have failed thus far in establishing Law Day, the world.

ARDMORE, PA.,
May 5, 1965.

DEAR SENATOR MORSE: My husband and I have long admired your independence and courage, never more than last August in your stand against the carte blanche approval the Senate gave President Johnson on Vietnam. Consequently, I write to you now to support your position on Vietnam, and to urge that you continue your efforts to change our policy. As Hans Morgenthau points out in the May 1 issue of the New Republic, our policy is forcing Russia to support China, and is seriously damaging the chances for peaceful coexistence.

What we read about the nature of the war, in the New York Times, the New Republic, I. F. Stone's Weekly, and the New Statesman, compared with the State Department's concept of it, makes us wonder, among other things, what is happening to democracy in our country. Clearly there is little left that an individual citizen can do, but perhaps Senators still can carry some weight. We read yesterday that you and Senators FULBRIGHT, CHURCH, and CLARK are considering some action, and we urge you to take it. Particularly we urge you to vote against the President's request for more money.

Beyond that we urge the cessation of the bombing of North Vietnam, as worse than useless, and more than criminal.

Yours with admiration and respect,

FAITH H. PATTEN.

MAY 4, 1965.

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: This letter is to commend you for speaking out and against the intervention of our Armed Forces in the internal affairs of the Dominican Republic and the increasing amount of troops being sent to Vietnam and the bombings taking place there daily.

I don't understand enough about the policy in Vietnam; the people evidently do not support the regime, else why should there be so many changes as have taken place in the past year. Our first people were sent over as military advisers; now we are engaged in more or less a full-scale war and when will it stop? The Evening Star has an article by Doris Fleeson which probably expresses the thoughts of many people like myself far better than I could write it.

May you long continue to be the voice of sanity and clear thinking in the Senate. This we need in order to preserve our freedom.

Respectfully,

SAMUEL JACOBS.

GREENBELT, MD.

LYONS, KANS.,
May 4, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: I wish to take this opportunity to express my appreciation for your fearless stand in denouncing U.S. participation in the Vietnam war.

I have written letters favoring U.S. withdrawal to President Johnson and to Senators CARLSON and PEARSON, of Kansas. I regret to state that none of these appear interested in ending the bloodshed.

It appears that the militarists of our country are in control of the Government. I feel this is a very dangerous situation and could likely end in disaster. Someone has stated that the United States has the power to destroy the world but not to conquer it.

I do hope you continue to have the courage to speak out fearlessly against those who entertain the idea that world problems can be solved by military might, destruction and bloodshed.

Respectfully yours,

C. A. PINKENBURG, D.C.

ATHENS, OHIO,
May 2, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I was very much impressed by the content of the speech which you delivered at Ohio University during the course of the mock United Nations. I hope that you will continue to strive for a peaceful settlement of the crisis in Vietnam, and I volunteer my services to you in any way which can be helpful.

Sincerely,

PAUL D. BRANDES,
Professor of Speech.

NEW YORK, N.Y.,
May 4, 1965.

DEAR SENATOR MORSE: Just a word of appreciation from citizens who feel as you do about our Government's policies in Vietnam and now on Santo Domingo.

In addition to good judgment, your courage is to be commended.

Very truly yours,

Mr. and Mrs. STANLEY ROMAINE.

PLEASANTVILLE, N.Y.,
May 5, 1965.

DEAR SENATOR MORSE: Your courageous opposition to the American involvement in the Vietnam war is to be commended.

I only hope that soon you will be joined by more Senators in your fight for withdrawal.

I also wish that your important words would be published in full and in the most popularly consumed magazines so that the almost apathetic American public will begin to think, and those who are committed to President Johnson's policy will begin to question.

I am also concerned about our troops in the Dominican Republic. I hope you speak out about this.

Sincerely yours,

MRS. E. KLEIN.

BETHESDA, MD.,
May 4, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: In the field of foreign affairs, yours is one of the very few sane voices being heard in official Washington these days. Please continue to speak out. In the deepening gloom of administration Asian and Caribbean policies, many Americans are grateful for the beacon you are providing.

Yours truly,
DAVID SAVITZ, M.D.

CAMBRIDGE, MASS., *May 5, 1965.*

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR: I wish to congratulate you on your forthright criticism of the administration's policy in Vietnam and now, also in the Dominican Republic. I hope you will continue to speak your mind.

The administration has embarked on a most dangerous course and with very little justification.

Sincerely yours,
RUTH WALD.

WALTHAM, MASS., *May 4, 1965.*

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: This letter is being written to express my full support of your Vietnam and Dominican Republic positions.

I am one of the overwhelming majority of faculty members and students in this area who are shocked by the recent turn of events.

I only hope that something can be done before it is too late.

Sincerely yours,
RONALD J. BAUMGARTEN, Ph. D.

ARLINGTON, VA.,
May 5, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I am enclosing a copy of a letter I have today sent to the President on the subject of Vietnam and the Dominican Republic.

At the same time, I want to commend you for your unflagging efforts in behalf of world peace. You have many admirers who are not going to take the time to write you but I think you know that they are behind you all the way in your attempt to give thoughtful and responsible leadership. Keep up the good work.

Sincerely yours,
MILLIE HEDRICK.

ARLINGTON, VA.,
May 5, 1965.

Hon. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: When I voted for you in 1964, I did so because I believed you were sincerely for peace, and Senator Goldwater had made it abundantly clear that he was not. At the same time, many of us hoped that your election would serve notice on the followers of Senator Goldwater that the great majority of the American people was fed up with McCarthyism and the blight it cast over our Nation for so many years.

I have read your most recent statements on Vietnam and the situation in the Dominican Republic with some care and have concluded that your decision to accelerate the war in Vietnam is worthy of Senator Goldwater. Further, mixing into the affairs of the Dominicans "to stop a Communist conspiracy" sounds just like McCarthyism, even to playing the despicable numbers game—but on an international scale. How, then, does your position differ from Senator Goldwater's or the late Senator McCarthy's?

I do not like to criticize the President of the United States, especially one who had my enthusiastic support. But also I am utterly opposed to a national policy of global McCarthyism. I support Senator WAYNE MORSE's position on Vietnam and oppose American aggression in the Dominican Republic. (I am sending Senator MORSE a copy of this letter.)

Mr. President, we have a war to fight here at home—the war on poverty and ugliness—and for that kind of war you, and your dear lady, have my utmost support.

Respectfully yours,
MRS. MILLIE HEDRICK.

NEW YORK, N.Y.,
May 6, 1965.

DEAR SENATOR MORSE: How many people will we have to kill before we make the world safe for democracy?

We need negotiations not Marines.

Please keep up your fight for a more sane foreign policy.

Yours truly,
MRS. J. DELL.

PHILADELPHIA, PA.,
May 5, 1965.

DEAR SENATOR MORSE: Congratulations on your firm, democratic stand.

May your reasoning on the cease-fire in Vietnam, our removal of our Marines from the Dominican Republic, and all your valid steps toward a true peace in the world, come to fruition.

Let's stop giving more and more money for armaments, and start to help people everywhere to live, through aid to the U.N.

The Goldwater philosophy that our present Government seems to have adopted is most frightening. Those of us who worked so hard to defeat Senator Goldwater are wondering and are confused these days. Can't we get our President back to his thinking a la his domestic program and expand it to the world scene?

May you continue to work ever more successfully for peace, along with our Senator CLARK, and others like you.

Respectfully yours,
MRS. FRANCES K. RUBIN.

URBANA, ILL.,
May 6, 1965.

DEAR SENATOR MORSE: Permit me to applaud and support your position on the war in Vietnam. I admire your courage and your analysis of the situation.

Sincerely,
ROBERT CARROLL,
Associate Professor of Mathematics, University of Illinois.

LOS ANGELES, CALIF.,
May 4, 1965.

Hon. WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: Keep up your speeches against the war in Vietnam. I feel that you are speaking not only for the people of Oregon, but for the people of California and the whole United States. We must not have another Korea, or even worse, a World War III because of the inability of the U.S. Government to admit to its past mistakes and change course.

Sincerely,
FRANK LINDENFELD.

CHICAGO, ILL.,
May 4, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: It is amazing that the popularity and poll conscious President has paid no heed to the most important and most accurate poll, the election of November 3, 1964.

Doesn't he realize that if the people wanted an escalation of the needless war in Vietnam they would have elected Senator Barry Goldwater as their President?

Wish we had more Members of Congress who had your backbone and courage.

Yours truly,
HENRY S. KAPLINSKI.

HAZARD, KY.,
May 4, 1965.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SIR: Just as an old fashioned American, I want to commend you for having nerve enough to come out in the open and tell the public what you think about South Vietnam.

As I understand it the Congress alone has the power to declare war. This has not been done by the Congress, yet we are in a war in South Vietnam by Executive action. We have also gone into Santo Domingo with more troops than are necessary.

I think the sooner we abandon the idea that we have a right to dictate to other nations the kind of government they ought to have, it will be better for us.

But aside from this the man on the street, on the farm and everywhere knows that if the present trend of Government spending and Government interference with the affairs of other nations continue, that it will be just a matter of time when we will close our own present form of government and go socialistic or communistic.

So far as I am concerned personally, since I am 79 years old, it does not mean so much to me, but it means a lot to my children and grandchildren.

Again I want to commend you.

Respectfully yours,
S. M. WARD.

TROY, N.Y.,
May 6, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your excellent speech at Union College on May 4, 1965. Please continue your sane policy on Near Eastern affairs and do what you can to pursuade others to join before it is too late.

MRS. NED FREUND.

ANGOLA, IND.,
May 4, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I congratulate you on your strong stand in your Senate address of last Monday blasting our Vietnam policy—and calling for the resignations of McNamara and Rusk.

Our Government seems to have forgotten the word "sovereignty." Each nation should have sovereignty—to decide what kind of government they want, even if that be communism. If we have made perpetual way against communism we have a long, bloody, and losing fight ahead of us.

Communism is not a cause. It is a result of poverty, inequality, oppression, ignorance. The more people waste in war, the more poverty and hence cause for communism.

If we really want to get rid of communism we should find a road to peace—then slowly but surely build a more prosperous world. This is the one and only safeguard against communism.

I have a feeling that most of the have-not nations will go through a stage of communism until they find some measure of prosperity, then they will turn slowly to a free enterprise system—as Russia is now doing.

We are doing the same thing in Santo Domingo—trying to dominate their Government. The radio just stated that President

Johnson was asking for $700 million for military purposes. I hope it meets with a strong fight.

Again, congratulations. Keep up the fight.

A. H. SHOLTY,
Officer in the Intelligence Corps, World War II.

SAN FRANCISCO, CALIF.,
May 4, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have such great admiration for you that I can't express it.

I am truly dismayed by our Government's criminal policy in foreign affairs.

Is there anything ordinary people can do? I've written to President Johnson very strongly stating my beliefs—and to HUBERT HUMPHREY—and the California Senators. I've sent Western Union's POM's by the dozen. All this seems to be futile.

Most Americans do not support this trumped-up war in Vietnam—and lots of us are ashamed of the United States. And yet, like it or not, the war continues and grows.

Is there anything that could be done to help to get us out of Vietnam where we have no business to be?

I wish we could have a man like you for President—I'm sure this also is too much to hope for.

If I can do any good, any way, let me know.

Respectfully,
MRS. EVE BYRON WYATT.

STAMFORD, CONN.,
May 6, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: God bless you. May you function as a Senator until you are 110.

I only wish I had the privilege of voting for you.

As a liberal Democrat I have always been proud that as a whole our party has cared for the common man. What is happening to our Government? Where is the Senate and the House? Our President is operating the country like a one-man show in the area of foreign relations—it is not quite wartime yet. Sometimes I worry that the Republicans will espouse the cause of peace but they are probably too stupid.

If I were a woman I would cry nights about our foreign policy. As you know the inspiration for the freedom of the Latin American countries came from the examples set by us and France. Why is it that over the whole course of history we have never sided with the common man down there? All the most rotten dictators (no matter how much he has abridged individual rights under law) down there has to say is "We hate Commies" or "Commies are behind the plot" and we load him up with money, guns, and anything else. Historically the percentage of Commies in Latin America is nil. But at the rate our Government is going we will breed them down there faster than fleas.

Our history in South Vietnam is just as bad, but this letter is long enough.

Let's get out of Latin America and South Vietnam now.

You and the few that side with you in Congress have a lonely fight. I am sure you and your small group are being pressured to conform with the sick honey being spread around by administration aides to justify our unjustifiable foreign policy.

Don't weaken! Don't give up the fight! Don't let anybody muzzle you!

Yours truly,
CHARLES W. STOBBIE.

SCOTTSDALE, ARIZ.,
May 5, 1965.

DEAR SENATOR MORSE: We live in a metropolitan area served by only one Goldwater Republican newspaper, the Arizona Republic. Therefore, little, if any, coverage is given the minority opinions in Congress on such disasters as Vietnam and our present incredible national policy in Latin America.

From brief news broadcasts on the networks, I gather you are once again one of the few with courage and wisdom enough to question the administration's actions.

We can't vote for you, of course, but I want to let you know we are grateful for your being in the U.S. Senate. Please do what you can to tell your colleagues our present recklessness will do more to further international communism than almost anything we could do.

Sincerely,
MRS. E. J. LAETZ.

RENSSALAER POLYTECHNIC INSTITUTE,
Troy, N.Y., May 5, 1965.

DEAR SENATOR MORSE: Please know that there are many who are anti-Communists and who nonetheless applaud your great courage in criticizing the astonishingly brutal foreign policy of our President.

Sincerely,
ISADORE TRASCHEN.

DOWNEY, CALIF.,
May 5, 1965.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: Attached is a copy of a letter to the Secretary of State proposing a course of conduct by the United States in South Vietnam. I do not purport to be any sort of an expert on the problems there. But it seems to me that we are hopelessly engaged there in what could easily become, at the least, a major disaster, and, at the worst, a world holocaust.

The proposal would have the effect, I would hope, of stabilizing the South Vietnam military, political, economic, and social situation. If it did not achieve this, it would allow the United States to withdraw under honorable circumstances.

A letter similar to this is going to several of your colleagues. Your consideration is appreciated.

Very truly yours,
PAUL COOKSEY,
Attorney at Law.

DOWNEY, CALIF.,
May 5, 1965.

Hon. DEAN RUSK,
Secretary of State, State Department,
Washington, D.C.

MY DEAR MR. SECRETARY: The purpose of this letter is to propose a course of action with respect to South Vietnam that would have the following objectives:

1. Limit the duration of American military participation and assistance.
2. Disengage American prestige now committed in South Vietnam.
3. Forestall the entry of China and Russia into the conflict.
4. Promote economic, social and political reforms in South Vietnam.
5. Promote a viable, stable political government in South Vietnam.

The proposal is that the United States announce that it will continue all military assistance to South Vietnam for 1 more year ending July 1, 1966, but will discontinue all military assistance after that date as quickly as it can be withdrawn.

The 1-year commitment is conditional, however, as follows:

(a) That there will be no land invasion north of the 17th parallel.

(b) That certain economic reforms, principally dealing with the ownership and distribution of land, be initiated in South Vietnam.

(c) That political equality be established.

(d) That a stable political government be formed and further military coups be abandoned.

If these conditions are met, then the United States would further commit itself to a program of substantial economic assistance to South Vietnam in order to help its economic development and maintain its political stability.

Thank you, Mr. Secretary, for your consideration of this proposal.

Very truly yours,
PAUL COOKSEY,
Attorney at Law.

CONCORD, CALIF.,
May 4, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We urge you to refuse the unneeded extra defense appropriation President Johnson is demanding as a proof of congressional loyalty.

We are appalled at America's nakedly aggressive policies in Vietnam and in the Dominican Republic. We utterly reject the cynical excuses of the administration. Liberty is not defended by supporting oppressive governments; communism is not defeated by brutally crushing a rebellion sparked by genuine grievances. And self-determination either means exactly that or nothing at all.

At home Mr. Johnson has been ruthlessly gutting the democratic process. Honest reporters, concerned citizens, and a few courageous and outspoken Senators such as yourself have all been made to seem disloyal. When will the witch hunt begin?

Thank you for your magnificent stand in the face of enormous executive pressure.

Sincerely,
Mr. and Mrs. RAYMOND D. GILBERT.

PAINESVILLE, OHIO,
April 4, 1965.

Hon. WAYNE MORSE:

DEAR SENATOR: I wish to let you know that I am just one of thousands—yes, millions—who agrees 100 percent with your gallant, courageous, and loyal effort by trying to save America's prestige, good name, and sovereignty which we once possessed but unfortunately lost by now, by our foolish behavior. The whole world is mad at us. I hate to see the day when the whole world gangs up on us and knocks the stuffing out of us.

More power to you, and God bless your good work.

Sincerely yours,
MATT HRIBAR.

BOULDER, COLO.,
May 3, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I would like to thank you for your forthright and courageous position for calling publicly for a moratorium on the bombing of North Vietnam and for greater efforts towards negotiations. It seems clear that this is the overwhelming sentiment of all Americans, and it is to express this view that the original of the enclosed photocopied letter was sent to President Johnson by a large number of extremely active members of the Democratic party in Boulder County, Colo. We are sending this to you to indicate the kind of support your stand has obtained; you will notice, for example, that there are many precinct committee men and women, as well as three members of the Colorado Democratic State central committee, among the signatories.

I believe that you and other Members of the Senate are in a position of crucial importance in the days ahead, and we all look to you to do everything in your power to effect a change in the direction of our foreign policy before it is too late.

Respectfully yours,

Mrs. Leslie Fishman.

April 21, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: As active Democratic precinct captains, block workers, and independent Republicans who worked enthusiastically for you during many long hours of the 1964 campaign, we would like to express our deep concern regarding your Vietnam policy, which seems to us not only to be morally wrong, but, politically, to be sheer suicide for the Democratic Party.

Boulder County, Colo., is normally a Republican county, and yet a clear victory went to you in November. It is our strong belief, based on hundreds of conversations while ringing doorbells and doing precinct work, that the many independents and Republicans who voted for you did so because of the fear of Barry Goldwater as a trigger-happy candidate who intended to defoliate the jungles, bomb the villages, and generally extend the war in Vietnam and even beyond.

The statement of one elderly Republican widow, who lives alone in a modest framehouse, is typical of the thoughts of most Americans at the time of the election. When approached by the Democratic block worker, she said: "I am a lifelong Republican, but I will never vote for Goldwater, and I don't see how any American mother could. I have grown children and small grandchildren, and I don't want us to get into another war. Goldwater would get us in, but President Johnson will keep us out."

Mr. President, the sentiment of the millions of Americans who gave you the vast majority of votes in November has not changed. The war in Vietnam is the most unpopular war in American history, for the American people know that it is wrong. It is even more unpopular than the Korean war, and it was the promise to settle that one which elected Dwight Eisenhower in 1952.

It becomes increasingly hard for us to look squarely at our friends and neighbors whom we had told in November: "The Democrats are not the war party." It will be impossible, ever again, to convince the electorate of this fact, if the bombings and the acceleration of the war are not stopped immediately, and if some basis for negotiations is not found.

We are convinced that your astute and wise thinking can bypass conventional diplomacy, as represented by the many men in the State Department who have been committed for too long to a Dulles' policy, and that you personally can find an imaginative and honorable way to peace in Vietnam.

Respectfully yours,

Ann F. Johnson, Precinct Committeewoman; Victoria Ruwitch, Committeewoman 15th Precinct; Richard C. Johnson, County State Delegate; Jerrold H. Krenz, Block Worker; Carl Ubehlohde, Committeeman, 15th Precinct; Mary Ubheldohde, Secretary, Second Congressional District Convention; Philip A. Danielson, Member, State Democratic Central Committee; Mildred P. Danielson, Committeewoman, 21st Precinct; Regina D. Wieder, Member, State Democratic Central Committee; Helen J. Wilson, Democratic Block Worker; Eleanor G. Crow, Delegate to Boulder County Democratic Convention; Edward Sampson, Jr., Block Worker, Boulder; June S. Sampson, Committeewoman, Boulder; Gorden W. Hewes, Registered Democrat; Minna W. Hewes, Registered Democrat; Beatrice Hoffman, Democratic Block Worker; Nancy C. Kraushear, Democratic Party Worker; Mary Jo Uphoff, Block Worker, Boulder; Leslie Fishman, Delegate to Boulder County Democratic Convention; Malcolm Correll, Democratic Block Worker; E. Victor Traibush, First Alternate to State Democratic Convention, Boulder County; Jon Traibush, Delegate, County Convention; Jean Gillette, Ferris, Registered Republican; Lillian I. Fraser, Delegate, 1964 Convention Democratic Committeewoman; William E. Goding, Baptist Chaplain, University of Colorado; Denna Hersh Mersky, Block Worker, Boulder, Colo.; Betty Irene Lovelace, Office Manager Democratic Headquarters, Boulder, Colo.

Richard B. Wilson, Precinct Committeeman; Robin B. Bowler, Block Worker; Ned W. Bowler, Registered Democrat; Virginia Hammond, Block Worker; Annabelle Cook, Block Worker; Beverly Plank, Block Worker; Ruth Kunz, Block Worker; Eleanor Goldstein, Precinct Committeewoman; Mavis McKelvey, Louis Phillips Hudson, Ruth A. Loose, Joseph L. Sax, Eleanor G. Sax, Block Worker; Sorin L. Jacobs, Registered Democrat; Marian Martell, Registered Democrat; Lonnie Codding, George A. Codding, Jr., Registered Democrat, Delegate County Convention; J. W. Allen, Aldithe S. Allen, Block Worker; Clark W. Bouton, Phyliss Bouton, Prudence J. Scarritt, Block Worker; James R. Scarritt, Roland Reiss, Betty M. Reiss, Block Worker.

Evelyn Rose, Block Worker, Precinct 2; Edward Rose, Democrat; Florence Becker Lennon, Registered Democrat; Gary W. Bickel, Democratic Precinct Worker and Convention Delegate; Ray W. Alsbury, Committeeman, 7th Precinct; A. Glenn Hedgecock, former Treasurer, Boulder County; Hardy Lon Frank, Cochairman, Boulder County Young Citizens for Johnson and Humphrey; Marion Higman, Registered Democrat, 25 years; Sadie G. Walton, Registered Democrat; June P. Howard, Democratic Committeewoman, Boulder Precinct 14; John L. Murphy, Registered Democrat; John M. Major, Block Worker; Charles Milton, Committeeman, Boulder Precinct 26; Arlene P. McClung, Block Worker, Boulder, Colo.; Joan R. Rowland, Block Worker, Boulder, Colo.; Nancy B. Kitts, Democratic Precinct Committeewoman, Boulder 24; Janet Weir, Democratic State Central Committee; Walter Weir, Democrat; John M. Adams, Democrat, Party Worker; Louise V. Adams, Democratic Party Worker; Margaret B. Hanson, Committeewoman, Precinct B4; Jack H. Gore, County Organizational Chairman.

Lyh Taylor, Cochairman, Boulder County Young Citizens for Johnson and Humphrey; E. D. Fraker, direct to H. H. Humphrey; Dorothy Jay Thompson, Democratic Precinct Committeewoman, Precinct 20–B, Boulder; Christopher R. Broucht, Precinct Committeeman, Treasurer, Young Citizens for Johnson; Mayor Broucht; Margaret H. Stahl; Robert I. Low, Finance Chairman, Boulder County Central Committee; Rosemary T. Low, Registered Democrat, Club Worker; Harriet T. Moskovit, Republican for Johnson, Precinct Worker; Leonard Moskovit, Republican for Johnson; A. Frank Knotts, Democrat, Block Worker; Mrs. Frank Knotts, Democrat, Block Worker; Adrian D. Gibson, Independent; Eleanor P. Fishman, Democrat, Block Worker.

Waukesha, Wis., *May 5, 1965.*

Dear Senator Morse: All I can say is bless you, you're an honest man. How I wish that there were a hundred more of you—or that a hundred more like you possessed your courage and determination. You've earned my everlasting admiration and respect for your truthful discussion of U.S. policy regarding Vietnam and now, heaven help us, the Dominican Republic.

I sincerely hope that you get a million or more letters of encouragement, although I know the American public to be lazy and apathetic toward writing their views. Please don't give up—each time I pick up a newspaper and read about you speaking in Milwaukee or on the Senate floor, my hope is renewed. Many thanks.

Respectfully yours,

Mrs. Dorothy Boxhorn.

New York, N.Y., *May 5, 1965.*

Sen. Wayne Morse,
Senate Office Building,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: You have won my warmest admiration for your heroic stand on the atrocious Vietnam adventure. I only regret that I am unable to add a vote to my admiration. Nonetheless, I urge your continued opposition to the war, and in particular to the President's staggering request for a new military appropriation.

Very truly yours,

Stephen Koch.

Coos Bay, Oreg.

Dear Wayne: We, the people, are back of you 100 percent; we listen to your every word.

We know we did vote for L.B.J., but we are sorry, for our President is a warmonger, and is not a man to be trusted; in fact he should be recalled, as well as a few others I could mention.

Please do not let the warmongers scare you but stick to your guns and give them hell, Truman style.

I know that for today a vote against L.B.J. war would win by a big majority by the common man of the United States.

President Johnson is setting a bad example to the American people by his breaking his promises, when he was running for election, and he knows it.

My wife and I are for you, Wayne, as well as thousands of others.

I remain,

Sincerely,

Edward N. Taylor.

Moco Limited,
Toronto, Ontario, May 4, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: If we survive this crisis your name will become one of the most hallowed in American history. You are entitled to and have my heartfelt thanks for your courage in standing above the pack and telling the truth.

You have helped me keep my self-respect. I have three young boys at home and find myself thinking of fathers in Vietnam, of gas, of napalm, of fire bombs, and I know that I am guilty, too. I am trying to do as much as I can but the ways for most of us to protest are so limited.

Thank you again for proving there is still some hope for America.

Yours very truly,

Norman M. Kelly.

Daytona Beach, Fla.,
May 4, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: The arrogance of Secretary Rusk in criticizing the members of university faculties who have spoken out against his war-escalation policy in Vietnam is the voice of the dictator, not a trusted servant of the people in a democracy.

Enlightened public opinion is a necessary ingredient of a government of the people, for the people, and by the people. It must be expressed and respected by the administration in administration decisions. The most enlightened opinion in American classes and categories is in the academic community. Who does Mr. Rusk think he is besides a guardian of the corporate interests of America, and beyond the reach of the people's influence?

We spend vast sums on higher education and then permit a corporate-minded man like Mr. Rusk to discredit the product. The books being written by the so-called intellectuals of the State Department at the public's expense, are largely propaganda.

The Senate is the branch of Government invested with the responsibility to declare war. We are in war which the Senate has not declared and only a handful of Senators have the understanding or guts to protest.

Sincerely,

Josephine Gomon.

McMinnville, Oreg.,
May 1, 1965.

Hon. Wayne Morse,
Senator From Oregon,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Let me again thank you warmly for your courageous stand against the war in Vietnam. The conditions that the President lays down before he will negotiate demand that the opponents submit to him in advance. They will not do it. Therefore he is tying himself to a scorched earth policy and will gain the enmity of all Asia. Africa will ally themselves with Asia. And already the European nations are objecting. If we brush aside world opinion, we had better stop wasting our money on propaganda.

It is all such folly. Thank you for being not a follower but a leader.

Yours sincerely,

Richard B. Gregg.

Coos Bay, Oreg.,
May 4, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: It is certainly true that we live in a most complex world and it becomes increasingly difficult to chart a course in it. As we attempt to chart our course the direction of our foreign policy becomes of dire importance.

One of our continued vexing problems is that of Vietnam. Your stand has been most courageous and perceptive. My wife and I and many of our friends support you wholeheartedly.

The recent action of our country in the sending of troops to the Dominican Republic gives us great concern. The action of our country bears an uneasy semblance to the action of Russia in deciding on the type of government of the satellite countries. A fear of communism cannot cause us to violate the national sovereignty of other countries. Law and order and mutual respect can never be "second" to national interest.

Perhaps it is to the best interests of our Nation and of the world if Congress would refuse to give the additional money to the military budget.

As you exercise your influence in the leadership of our country we pray God to continue to illumine and direct you.

Sincerely,

Volus W. McEachern.

San Jose, Calif.,
May 5, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: As a non-Oregonian I would like for you to know that I appreciate your stand on the Vietnam problem and I'm behind you 100 percent. We are wrong there and we are, if possible, wronger in the Dominican Republic. I can't understand how a nation can condemn Soviet action in Hungary then turn right around and repeat that very action they condemn. It is becoming pretty hard to hold my head up and proudly say "I'm an American" today.

Sincerely,

Jack Fields.

P.S.—Enclosed is a picture clipped from the local paper. When I first saw this I couldn't help but recall a similar photograph I had seen of another man taken 25 years ago in Germany. He too thought that his way was always right.

Farmingdale, N.Y.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: You do not stand alone in your brave stand against the Vietnam war, which only continues because many people including the President, and his two warhawks—McNamara, and Rusk—think that America is the only Nation that does right.

We college students know better. Although I may be speaking with ideals rather than realities in my mind, I think the time has come when America should allow every country—right or wrong, pro-American or anti-American—to decide for itself which type of government it wishes to live with, Too many times we blame the Commies for something we began.

Robert Stanton, Jr.

Milwaukie, Oreg.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: There are many things that make me proud to be an Oregonian. By far the most important of these is the statesmanship of our senior Senator.

My wife and I wish to express our complete support of your couragous and intelligent stands on the U.S. actions in Vietnam and the Dominican Republic.

Very truly yours,

E. D. Schamp.

Bronxville, N.Y.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Thanks for you, Raymond Brown, Robert Engler, Carl Resek, and Harvey Swados.

Sarah Lawrence College.

Menlo Park, Calif.,
May 1, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for your many statements against our Government's policy in Vietnam. I hope you will continue to make these statements and not be silenced.

I heard you speak at Stanford University and was greatly impressed by your knowledge of the situation and by your sincerity. I agree with everything you say; may it influence the opinion of your colleagues and the public at large.

Sincerely yours,

Vivian K. Bedell.

Belmont, Calif.,
April 30, 1965.

Senator Wayne Morse.

Dear Senator: We appreciate and admire your courageous stand against the shameful action of our Government in Vietnam.

I am sure that if there were a couple of dozen like you in the Senate, things could be much better.

Unfortunately few have the moral strength nowadays, the ability, willingness to consider our actions with a humanitarian point of view.

Yes, we go to church, at least many of us do, under a mantle of humble Christianity, but a closer look will reveal ugliness to the bottom of our souls, and hands dripping with blood.

Our President before the election gave us plenty of peaceful promises, and now look what he is doing. I wonder if Goldwater would have been any worse.

If there is a law for gangsters, why not applying in this case? This concerns not only our country, but the entire world.

Have we become the boss? The police of the globe? This is the best way to get the prestige indeed. What we need now is a rope to keep the world from going around.

Respectfully yours,

Mary Lurry.

Ardmore, Pa.,
May 3, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: My husband and I support your stand on Vietnam and urge you to continue your good work.

Sincerely yours,

Flora K. Gerbner.

St. Louis, Mo.,
April 27, 1965.

Dear Sir: The enclosed resolutions were passed overwhelmingly at a public meeting attended by more than 450 people at Sheldon Memorial in St. Louis, Mo., April 21, 1965. The meeting was sponsored by the St. Louis Committee for Peace in Vietnam, an ad hoc organization composed of representatives from the Americans for Democratic Action, Citizens for Liberal Action, the St. Louis Fellowship of Reconciliation, Public Affairs Committee of the Ethical Society, Committee for a Sane Nuclear Policy, Women's International League for Peace and Freedom, and the Student Peace Union.

We urge your careful consideration of these resolutions and that you use your most sagacious influence in helping to stop the dangerous escalation of the Vietnam war and work toward a peaceful solution.

Most sincerely yours,

Zelda Strickberger,
Mrs. Monroe Strickberger,
Chairman, St. Louis Committee for Peace in Vietnam.

RESOLUTIONS FOR PRESENTATION TO THE ST. LOUIS RALLY FOR PEACE IN VIETNAM

Whereas the prevention of nationwide elections by the U.S.-backed Diem regime in violation of the Geneva Agreement of 1954 contributed to the armed conflict which in the past 10 years has cost the lives of more than 70,000 Vietnamese and caused widespread devastation of Vietnamese property and territory;

Whereas North and South Vietnam are not two sovereign nations but are, according to the Geneva agreement, two zones of one sovereign nation;

Whereas the conflict in Vietnam is a civil war among South Vietnamese political factions;

Whereas the United States has continually supported a series of regimes neither selected nor supported by the people of South Vietnam;

Whereas the United States is the only foreign power actively engaged in this conflict;

Whereas military escalation of the conflict increases the danger of widening the war to involve regular North Vietnamese, Chinese, and Russian military forces and decreases the likelihood of negotiation;

Whereas the Secretary General of the United Nations, Pope Paul and other major religious leaders, several leading statesmen from allied nations, and a body of 17 un-allied nations, have urged convening a conference of all concerned powers;

We, participants in the St. Louis Rally for Peace in Vietnam, on April 21, 1965—

Do urge the U.S. Government to end the bombing of North Vietnam, and to agree to an immediate cease-fire by all forces;

Do urge the President of the United States to extend his agreement to enter into discussions so that all major South Vietnamese factions, including the Vietnamese National Liberation Front, will be directly represented;

Do urge the Congress of the United States, and each Senator and Representative individually, to consider seriously their constitutional responsibilities in relation to war, and to consider these in the light of the enormous destructiveness of modern nuclear weapons.

We do, further—

Congratulate the President of the United States for his offer of major economic aid to such multilateral projects as that of developing the Mekong Basin;

Congratulate those Senators who have had the moral and political courage to speak publicly in favor of peace in Vietnam, especially Senators Church, Gruening, McGovern and Morse;

Congratulate the St. Louis Post-Dispatch, whose columnists and editors have presented a clear and objective picture of events in Vietnam;

And we do—

Recommend that individuals act with urgency to express by telegrams and letters to the President of the United States and to Members of Congress their support for these resolutions;

Recommend that individuals make every effort to keep themselves informed about events in southeast Asia;

Recommend that individuals join in the efforts of such organizations as the sponsors of this rally to continue to express their concern and convictions about such events (Americans for Democratic Action, Citizens for Liberal Action, Fellowship of Reconciliation, Public Affairs Committee of the Ethical Society, Committee for a Sane Nuclear Policy, United Campus Christian Fellowship, and the Women's International League for Peace and Freedom);

Recommend that individuals interested form an ad hoc organization specifically devoted to the achievement of the goals of this rally, a just and lasting peace in Vietnam.

AN OPEN LETTER TO PRESIDENT JOHNSON

We, residents of the Elgin area, commend your willingness to negotiate the Vietnam conflict. In the nuclear age, there can be no victory in the traditional sense—all armed conflicts must eventually end in negotiation.

To facilitate these negotiations, we urge that you consider a cessation of the bombing of North Vietnam for a trial period, as suggested by Senator Fulbright:

Harold R. Bare, Margaret Bare, Edith Barnes, John Bather, Wanda Bather, Lois E. Baumgartner, Leland H. Beery, Beverly Beu, Anne Booth, Douglas Booth, Loren Bowman, Dorothy E. Brown, Mrs. Dorothy Brown, Merle Brown, Ethel and Everett Brubaker, Eula P. Brumbaugh, John W. Brumbaugh, Paul Brumbaugh, Wilbur Brumbaugh, Robert L. Brunton, Edith Cantrell, Richard Cantrell, Florence Carpenter, Kenneth W. Clardy, Mary E. Cline, Glen E. Cluts, Richard Coffman.

Esther Craig, Ralph Custer, Fern Custer, Paul Dailey, Lillian B. Davis, Pauline Delk, Ralph M. Delk, Judith Doss, John Ecker, Paula Ecker, Blanche C. Ewing, Mr. and Mrs. Charles Flory, Mr. and Mrs. E. Gergen, Ronald Glenn, Mr. and Mrs. Fred Greenawalt, Robert Greiner, Eleanore R. Hardt, Olga Hardy, Arnold Hartman, Clint Heckert, Mildred E. Heckert, Emerson L. Helman, Mrs. Elva Hevener, Jean Henley, Marilyn Henley.

Edward W. Henninger, Cedrie C. Herrmann, Rebecca F. Herrmann, Elmer M. Hersch, Sudie O. Hersch, Cinda Hibschman, Richard Hibschman, Blossom Hicks, Vivian Hileman, Mrs. Helen Hillmer, Carrie Hoffman, Marie Hofstatter, Moritz Hofstatter, M.D., Grace Hollinger, Ruby D. Honert, Jerry Hoover, Jewel D. Howlett, L. Wayne Howlett, John P. Humphrey, Ruth O. Humphrey, Charlene Hunn, Mr. and Mrs. Ora Huston, Lois Johnson, Ryerson Johnson, Don R. Jordan, Ellen S. Jordan, Joyce Jordan, Nancy Keller, Hazel M. Kennedy, Russell N. Kerr, Winfield D. Knechel, Ruby Koehnke, Bernard Land, Larry Land, J. S. LaRue, Maud Lengel, Will E. Lengel, Nancy Long, Ercell V. Lynn, Isabel M. Lynn, Eugene Martin, Mrs. Ina Martin, K. E. McDowell, Eda B. Meyer, Carol C. Miller, Leon Miller, Elmer E. Miner, Elmer F. Moeller, Gwendolyn Moeller, Wilbur E. Mullen, Carl E. Myers, Irene W. Myers.

J. T. Nelson, Nancy Newcomer, Glen E. Norris. Lois D. Norris, W. L. Olwin, Hazel Peters, Norma Peterson, John Post, Helen Reish, J. Elbert Reish, Martin R. Rock, Frances Rolston, W. Wendell Rolston, Leona Z. Row, Harry Row, W. Harold Row, Donald E. Rowe, Howard E. Royer, Harl L. Russell, Hazel Russell, Sue Russell, Mrs. Fern Schauer, Linda D. Schroeder, Donald H. Shank.

Eileen S. Shank, Ruth Shriver, Merlin Shull, Mrs. Pearl Shull, Phi Silvius, Revie Slaubaugh, Mary B. Smeltzer, Ralph E. Smeltzer, Helen Smith, R. H. Smith, Mr. and Mrs. Neil A. Swartz, Donald Thomas, Erma Joyce Thomas, John Thomas, Mr. and Mrs. Joel K. Thompson, Robert Carl Tully, Mr. and Mrs. Bruce Turner, Diane Warnke, Elizabeth Weigle, Dana G. Whipple, Lee G. Whipple, Stann Whipple, Roy White, Doris L. Wilson, Leland Wilson, Jean V. Wissman, George G. Worthen, Wilbur Yohn.

This open letter paid for by the persons listed above—Ruth O. Humphrey, route 2, Elgin, Ill.

STELLA MARIS, MALIBU, CALIF.,
March 18, 1965.

MY DEAR SENATOR: Like most people I am deeply confused and concerned regarding Vietnam, and like some, I have a few nagging thoughts as to the validity of our entry into South Vietnam.

In a recent correspondence with Dr. Linus Pauling, he suggested I write to you to send me copies of your Senate speeches and other statements about the subject.

I would appreciate it very much if you would do so.

Sincerely yours,

MARY ASTOR.

BOULDER, COLO.,
May 4, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Just a note to express my heartfelt thanks to you for your courageous stand against President Johnson's policy in Vietnam. Every fiber in my being tells me that this policy is wrong—dead-wrong, and that somehow it must be redirected before it is too late.

McCarthyism as applied to domestic affairs can at best destroy a country; as applied to world affairs, can destroy the whole world. It can destroy for keeps: Shakespeare, Beethoven, Jesus, Jefferson, Confucius, Emerson, and on and on. Somehow our country must get out of this stupid ideological rut it is in and come up with some real answers to the terrible problems facing mankind.

I am 38 years old, and for just about as long as I can remember taking any note of public affairs, the personage of WAYNE MORSE has been on the scene. There are, I am sure, millions of us. Don't, for God's sake, let us down now.

Sincerely yours,

WESLEY V. SEARS.

QUITMAN, MISS.,
May 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I congratulate you on your stand with reference to South Vietnam.

Our being in South Vietnam is a mistake.

The commitment of troops to Vietnam shall be one of the most tragic mistakes in history, as I feel later historians will record.

With kindest personal regards I am,

Yours very truly,

BILLY E. HARRIS.

DENVILLE, N.J., *April 30, 1965.*

Hon. WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Since the McCarthy era I have admired your adherence to the principles of individualism professed but abandoned by your colleagues. On no issue has this independence been vital than in the Vietnamese war. As John Kenneth Gailbraith hinted in the New York Times, the administration clings to its stupid, hopeless bombing policies not to save this Nation, but to save the reputations of blundering bureaucrats who, rather than admit they were wrong, are not magnifying their errors in the vain hope that more of a bad thing will somehow prove good. From Adlai Stevenson through moral mediocrities like Dean Rusk, the administration's yes men are pretending not to notice the odor. Thank you for demanding that we clean up the stench.

Very truly yours,

C. W. GRIFFIN, Jr.

PENNSYLVANIA LUMBER & POST CO., INC.,
La Vale, Md., May 3, 1965.

U.S. Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I agree with your attitude on Vietnam.

Yours very truly,

W. H. SOLOMON,
Treasurer.

GEORGE WASHINGTON UNIVERSITY,
DEPARTMENT OF ENGLISH,
Washington, D.C., April 30, 1965.

Senator WAYNE MORSE,
U.S. Foreign Relations Committee,
Washington, D.C.

SIR: May I commend you on your courage and perseverance in opposing our immoral and impractical policy in Vietnam.

May I implore that you do not slacken in your purpose nor in your energy. Yours is one of the few sane voices in the Government that makes itself heard on this issue.

Sincerely yours,

FRANK TURAJ, *Instructor.*

CHRISTIAN FAITH MINISTERIAL
ASSOCIATION, INC.,
Big Rapids Mich.

Senator MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I admire your stand against this senseless war in Vietnam.

There is only one way to stop a war. That is for Congress to refuse to furnish the money to carry it on. The people of United States do not want this war.

If Congress refuses to finance it it will die a natural death, and that will be that. Why should we lay all our boys on the alter to be butchered by war, when we do not own a foot of ground in Vietnam?

For whom is this war being fought? Certainly no common man stands to gain anything but death over there. Stop this war and put a new law on the books that no war can be declared or fought unless the people of the United States represented by the Congress in Washington give their consent, and unless the people are willing to finance it.

Cut our income taxes so the Government don't have so much money to throw away on moon flights and war on the whole world, and lets give the elderly people a decent home and a chance to give their property to their children, as the Bible plainly teaches.

Let's raise our voices against "murder incorporated" that's all war is, financed by the Duponts and we are the fools who suffer most.

Your sincerely,

REV. J. BAKER.

CAMBRIDGE, MASS.,
April 22, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

You speak for hundreds of thousands of Americans in your warning against further escalation of war in Vietnam; your voice sorely needed in present tragic conflict; our heartfelt thanks go to you.

KAY BOYLE.

STATE UNIVERSITY
COLLEGE AT BROCKPORT,
Brockport, N.Y., April 26, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on your continuing fight to maintain free discussion of our foreign policy in the Senate. Our war in Vietnam is immoral and unintelligent. Might it not be called the policy of Henry Cabot Lodge, the jingoist son of a jingoist father?

May I humbly suggest, however, that in your continuing debate you accent more the unintelligence of our policy than its immorality; how we have wedded ourselves to an image in the Far East of a 20th century Metternich, defending the plutocratic inheritors of the ancient regime against all respectable movements toward national self-realization. In a sense have we not been imitating British 19th century policy in India, cementing our power by making deals with the maharajahs and nabobs? Isn't it true that the patriots of Vietnam who liberated their country from the French went north, leaving the south to the rich and titled natives of Saigon, who had prospered under the French?

Why do we do this and why do we continue to do this, not only in Vietnam but around the world? This fundamental question must be faced; it is the background question and Vietnam is only an incident.

Another fundamental element in our difficulties is that we are caught in a dilemma between two foreign policies: (1) coexistence with communism and (2) containment of communism. One way out of this dilemma is to return to the policy that preceded our entry into World War II, that is, a policy against imperialism, against Japanese unilateral conquest of the Far East and German and Italian ditto of Europe.

Where the Communists are imperialistic we must check them. On the other hand, where spontaneous national uprisings employ Communist weapons and advice, we have no clear call to intervene. Shouldn't we ask why these national uprisings do not turn to us for assistance? I suggest the answer is that we have been willing to do business with the reactionary regimes which the rebels wish to supplant. Our policy has been cynical in this respect and even worse it has been lazy and naive. We haven't had the energy to mount an effort to export our brand of progress to the rising suppressed classes of the world. (Peace Corps is an exception.) Not having an ideology to export or a program, we have inevitably resorted to force—money, then fleets and air forces, now the marines. Tomorrow what?

The big thing that keeps American public opinion uneasily but still effectively behind the Johnson policy is very simple to identify. It is the fear that if we retreat from Vietnam all of southeast Asia will go Communist, perhaps even India. In my mind no counter argument will go very far unless we recognize this fear. It is a pervasive fear and not a totally unreasonable one. How do we quiet this fear? I suggest that the way to quiet the fear is to face it. Admit it. Let us suppose that our disengagement from Vietnam is followed shortly by the emergence of Communist allied governments in South Vietnam, in Cambodia; and that the Malaysian will to resist Indonesia is weakened. Also let us suppose India feels driven into the Chinese orbit.

We must honestly face the consequences of this assumedly real possibility. What are these consequences? I suggest that they are no real threat to our security for these reasons: (1) The nations of southeast Asia are economically and militarily weak. (2) They will remain so for decades to come. (3) By turning to China they will merely aggravate their weakness by frustration. China is too poor to be of any real help. After the hysteria of nationalism and anticolonialism has spent itself, and the wine of independence has been drunk to the dregs, isn't it highly probable that quietly, one by one, these countries will seek our aid and to some extent at least come back into our orbit?

Some will say that my reasoning is that of a neoisolationist. I disagree. I think rather it is that of a sober, intelligent, and moral internationalist. I envision as the goal toward which this troubled but very dynamic and creative century is moving is a "planetary federation of states." This goal cannot be reached by imposition; that was the old way of the Pax Romanum. Indeed, all efforts on the part of particular great powers to impose a planetary order must be resisted, including our own. Rather, the planetary peace must be voluntarily arrived at, by the free will and the increasing cooperation of all the member states of this planet. This can only come if the suppressed states achieve freedom, self-determination, and the direction of their affairs by themselves. We want no puppet states in the United Nations, or in any greater unifying organization that will succeed it.

I despise negativity, but I must confess that I fear I smell war in the air. Just as the events of the late thirties—Ethiopia and Spain and all that—were preceded by the weakening of the League of Nations, so the current affair in Vietnam is accompanied by a great and ominous silence in the United Nations; 1914–39—exactly 25 years; 1939–64—exactly 25 years. The militarists have been rehearsing their war too long. They seek to perform; they seek catharsis in action.

Perhaps one telling weapon against Johnson is to accuse him of gross irresponsibility, of launching on an aggressive policy without first equipping the country with bomb shelters. That ought to get that politician where it hurts. In any case, I am sure that it will do no good in this fight to be merely morally indignant. We must be calm, deadly logical, insultingly intelligent. We must also demonstrate.

This letter has, I am afraid, turned into a lecture. In closing, I want to stress my uniqualified approval of your position, and express my encouragement and support. I am a professor in a college community of over 2,000 students and teachers. I think one can take hope from the situation here. Although the milieu is mentally very middle class and most of the students and faculty, I am afraid also, are from small towns in western New York, only the few hotheads are as yet beginning to vibrate to the escalated verbiage of the Johnson mouthpieces like Long. Most are puzzled and perplexed, and confess woeful ignorance of just what it is all about. In short, I do not yet believe we have gone over the dam.

Sincerely yours,

JOHN R. CROWLEY,
Associate Professor,
English Department.

TEMPLETON, IND.,
May 2, 1965.

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: I wish to contribute to the long list of letters that I know you have received commending you for your courageous and intelligent stand on the Vietnam affair.

The administration's "policy" if such it may be called is not enlightened from the point of view of the American people and certainly not enlightened or fair to the people of Vietnam. You are exactly right. The strife in that war-torn country is a civil war and since when has it become wrong for a people to strive to right their wrongs. Certainly we did it. The document which marked the beginning of our national existence is the Declaration of Independence. The right of revolution is set for in it. I have been very attentive to it and that position of the Declaration is never quoted any more. It is, however, the history of things that when a people has reached the seat of the high and the mighty that they become indifferent or even oppose the efforts of others to improve their lot.

I agree with you that Johnson should dismiss Rusk and McNamara. They are all mixed up in their own mental aberations. Thanks a lot for your courageous stand.

With great respect, I am,

Sincerely yours,

J. H. NICHOLS,

NEW YORK, N.Y.,
May 3, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am appalled at the position this Government has taken in both Santo Domingo and Vietnam in the use of arms and the spreading of war and its atrocities.

The use of American troops for intervening in the affairs of a foreign government is both contrary to the United Nations Charter, which we have pledged to uphold, and our beliefs in democracy.

I urge you to use your good efforts and office to stop this policy.

I regret to state that at present I am ashamed to be an American citizen.

Respectfully yours,

NORMAN LEVINE.

PHILADELPHIA, PA.,
May 4, 1965.

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I was shocked to see that you sent our marines to the Dominican Republic.

In Vietnam, it seems as though our policy is up a blind alley, and your escalation of the war may very well be heading us all toward a nuclear holocaust. When the Buddhist monks died in flames, they were martyrizing themselves to stop the spread of the war; if we and our children go up in flames, it will have served no rational purpose.

Your foreign policy seems to be out-Goldwatering Goldwater. When I, together with the vast majority of Americans elected you to the Presidency, it was in great part because we were fearful of the trigger-happiness of Senator Goldwater. I believe that Senators Fulbright and Mansfield, and the others who support them, are advocating a position which makes more sense so far as our country is concerned.

Unless you call for cease-fire now—and use the good apparatus of the United Nations, or some other international body—it seems to me that we are going to pay a heavy price for the grave mistakes that are being made.

Very truly yours,

Irwin N. Rosenzweig.

Decatur, Ga.,
May 1, 1965.

Dear Mr. Morse: You are without a doubt the bravest and most thoughtful man there is living today. I have enjoyed very much your wonderful speeches I have read in the Congressional Record.

It is my feeling that perhaps Mr. McNamara and Mr. Rusk should be given sabbatical leaves as the strain they have been under has possibly left them unable to think and act in the best interests of our country and mankind at this critical time of world history.

Sincerely,

Mrs. W. K. Zeis.

Willow Grove, Pa.,
May 3, 1965.

Dear Senator Morse: I congratulate you for your recent statements criticizing our Vietnam policy. I am in complete agreement with you. I only wish more Senators and Congressmen would join you, and counteract the voices of the Republicans and conservative groups which seem to be supporting President Johnson.

Sincerely,

Elaine H. Stallworth.

Chicago, Ill.,
May 4, 1965.

Dear Senator Morse: Keep up your fine work of opposition to our cruel, amoral policy in Vietnam. I hope you will also oppose our current intervention in the Dominican Republic—what has happened to such principles and peacekeeping devices as international law, self-determination of nations, and the U.N.?

I have written my views on these two foreign policy issues to the President, Dean Rusk, Senators Douglas and Dirksen, and Representative Yates.

Good luck.

Sincerely,

Sidney Schonberger.

New York, N.Y.,
May 4, 1965.

Senator Morse,
The Senate,
Washington, D.C.

Dear Senator Morse: I am glad to know that you are still keeping up the fight against the war in Vietnam and the new involvement in the Dominican Republic. I think the worst aspect of these military actions is that they are against the long run interests of the United States.

Sincerely,

Gordon V. Axon.

Del Mar, Calif.,
April 29, 1965.

President Lyndon Johnson,
The White House,
Washington, D.C.

Dear President Johnson: If you really wish to pursue negotiations in Vietnam, and I sincerely hope you do, please stop the bombing of North Vietnam. At least stop it for a specified time.

We voted for you because we were afraid that Goldwater would do the very things you are doing now. This is not a popular war with the American people in spite of the incessant war propaganda we hear from our Government.

Sincerely,

Emily H. Nawalinski.

Dear Senator Morse: The section about Vietnam in your March report is excellent. Thank God for your voice in the Senate.

Emily H. Nawalinski.

Palmetto, Fla.,
April 28, 1965.

Dear Mr. Wayne Morse: Keep up the good work. We are behind you and need a leader. May the Lord bless you.

Alfred Darling.

Berkeley, Calif.,
May 1, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Thank you for your courageous efforts to be about a peaceful solution of the Vietnamese problem.

Sincerely yours,

Dr. and Mrs. W. J. Lossow.

Philadelphia, Pa.,
May 2, 1965.

Dear Senator Morse: I extend to you a spiritual handshake for your courageous opposition to President Johnson's foreign policies. His continued aggression in regard to South Vietnam will ultimately result in world destruction. Only through dissenting voices such as yours have we any hope for a future, especially as a democratic society. Thank you for your intrepidity and foresight.

Peggy Farley.

Chicago, Ill.,
May 3, 1965.

Dear Senator Morse: More power to you in your efforts to get the United States out of its impossible situation in Vietnam. And now along comes Santo Domingo. The way our country plays as God would be comical if it were not tragic.

Thank you for your splendid work in Washington.

Sincerely,

Arthur L. Mysland.

Senator Wayne Morse,
Senate Building,
Washington, D.C.

Dear Sir: I wish to express my deepest appreciation for the stand you have taken on the Vietnam war and I also want to inform you of my full support for your position.

The official expressions of the Johnson administration concerning our actions in Vietnam are both hypocritical and fraudulent.

President Johnson should be reminded that the only clear-cut issue of major importance in the last election was the extension of the war and bombing in Vietnam. The people voted overwhelmingly in favor of what they thought was a rational and sincere desire by Johnson to curtail and eventually end our intervention in that country's civil war.

And now our marines are occupying the Dominican Republic.

We have made a mockery of the Geneva agreements of 1954 concerning Vietnam, of the Atlantic Charter signed in 1943 (self-determination), and of the very basic principles of democracy.

Please keep up your good work.

Very truly yours,

Irving Richman.

San Antonio, Tex.,
April 29, 1965.

President Lyndon B. Johnson,
Washington, D.C.

Dear Sir: I am writing this letter to you without prejudice toward any person or party, but strictly as an American that was born in this wonderful country some 61 years ago. In my time as in yours, many changes have taken place. Some good, some bad, but today in my opinion we are witnessing the dissolution of a once great Republic into the quagmire of internationalism.

Why do we fight a war halfway around the world from our land yet tolerate a Communist buildup 90 miles from our shores. A war we possibly could lose at a cost of thousands of American lives and untold millions of dollars, all this while our so-called allies and friends send shiploads of supplies to North Vietnam. This Vietnam war is one of the biggest political blunders of our time. Why must we alone try to save Asia from the Communists while other nations that would be affected do not see fit to join us?

Unless we drastically restrict our foreign, military, and financial commitments we will destroy our own country. One of the greatest generals this country has ever had, Gen. Douglas MacArthur, warned this country to keep our soldiers out of the rice paddies, swamps, and jungles or suffer defeat.

Sir, if we must fight the Chinese as we probably will have to, let us choose the place and type war, not with 5,000 miles of supply lines and ground troops.

I might add, sir, I am getting damn well fed up with working to pay taxes to support giveaway, throwaway aid programs all over the world, which for the most part go to people who hate us. Yankee come home while you still have a home to come to.

Very truly yours,

Claude C. White.

P.S.—Believe all loyal Americans will support you in your decision to send U.S. marines to the Dominican Republic to protect and evacuate Americans, and if necessary, prevent the Castro Communists from taking over the government of that country.

Portland, Oreg.,
April 27, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: I find it very reassuring to know that there is at least one sane person in Washington who is giving the President some opposition on his present stand in Vietnam. I have yet to see peace found through war. The threat of war at present to me is simply a threat of destruction, and I am not as yet willing to die or to watch my fellowman be slaughtered.

I just wanted to let you know that I am behind you in your opposition and will continue to back you in any and every way that I can. It is people like you who have managed to keep this world livable.

Sincerely,

Susan J. Scott.

P.S.—I'd appreciate being placed on your mailing list.

Reed College,
Portland, Oreg., April 26, 1965.

Senator Wayne Morse,
Capitol Hill,
Washington, D.C.

Dear Senator Morse: It is not principally your independence of judgment that I respect in your current stand on the Administration's policy in Vietnam. It is the complete rightness of that stand.

I was shocked to hear the abusive language of Senator Long ("beatniks," "student demonstrators") and the implication he made that everyone who opposes the Johnson (McNamara-Rusk) policy deserves such depreciatory labels. I am shocked that a man of Russell Long's obvious intelligence should stoop to such rhetorical stupidities.

One wonders if, by Longian logic it does not follow that, since Bogalusa and the KKK are prominent phenomena in the headlines these days related to Louisiana, and since Senator Long is also associated with Louisiana, that he is a Bogalusa member of the KKK. (The principle of the Longian logic I am relying on is: every part of everything that makes the newspapers is fully and accurately represented in the headlines about the same.)

You and I will not invariably agree on other important matters, but we certainly agree perfectly on this one, and I am very grateful that I and many who think like me have such an able and clear-thinking spokesman on Capitol Hill. Next year, when I move to Missouri, I will still be a strong backer of your stand (and a strong opponent of Senator Long) despite the fact that my vote will not count for or against either of you. My vote in 1968 may very well count against the bunch Johnson, McNamara, Rusk, Bundy and company, however.

Yours very truly,

Malcolm Brown,
Assistant Professor of Philosophy.

Eugene, Oreg.,
April 29, 1965.

Dear Senator Morse: We continue to support your policy concerning Vietnam. We hope that you will continue to speak out as courageously as you have been.

Sincerely yours,

Virginia Lake Kennel.
E. Finley Kennel.

The Methodist Church,
Springfield, Oreg., May 5, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing to say that I stand solidly behind you in the things you are saying relative to our Vietnam policy. Keep it up. The matter is urgent.

Sincerely,

Ross Knots,
Minister.

Portland, Oreg.,
April 27, 1965.

Senator Wayne Morse.

Dear Sir: I'm writing in support of your courageous stand in opposition to the Government's policy in Vietnam. Being a Democrat of long standing, I cannot help but feel concern over our actions which are promoted by our President and his Cabinet. Mr. Johnson speaks so nice about his dreams, but I and many, many people are beginning to have nightmares. We have two sons. Each one at 18 years went to separate wars at the end of high school. We were then hoping it would not have to happen again. But it seems dreams are just that. Should we dream our way through Vietnam? I'm sure we will wake up having lost not only Asia but a good deal of the rest of the friends we now have.

Sincerely yours,

Nils Karlson.

Portland, Oreg.,
April 10, 1965.

Dear Mr. Morse: When you came to Portland to debate on Vietnam, I was there to see you. I want you to know that I support you 100 percent on every view you hold on Vietnam. I was so engrossed with your speech I sent a registered to President Johnson expressing my views fully. Why can't there be some harsh action taken quickly to stop this war? I will keep protesting the administration's policy on Vietnam as long as we have a "warmonger President in the White House." Well, I must close now. Keep up the good work.

Sincerely yours,

Tyrone Busch.

Eugene, Oreg.,
April 26, 1965.

Dear Senator Morse: I was greatly in agreement with your speech at the University of Oregon. I hope your views that we should cease fire in Vietnam will reach as many as possible.

I should like to protest the war in Vietnam on the following grounds:

1. Brutality: The war seems to be carried out against the people. I feel morally responsible for this cruelty and should like to end it. There seems to be a parallel between the United States in 1965 and Germany in 1939.

2. Effectiveness: We cannot justify our actions on this ground. The majority of the people there hate America. With some justification. The strategies of Mao seem to be more effective, and yet we refuse to learn from him.

3. Opinions of others: The majority of the world does not share our perspective in Indochina. To be seen as an aggressor by a large part of the world is surely of some importance. We are continually losing face.

4. Coexistence: We must face the fact that we must share this planet with others who are different in religion, government, and belief. This elementary fact must be accepted by those who would turn to aggression. Warfare is no longer a solution to these differences.

Very truly yours,

James C. Keesey.

Lake Oswego, Oreg.,
April 9, 1965.

Dear Senator Morse: I want to tell you how impressed and gratified I was with your part in the debate with Proxmire on Vietnam. You succeeded in converting to your point of view everyone in our party, including some who had voted for Goldwater in the last election. It's a tribute to your powers of persuasion as well as to the justness of your cause. It's a pity and a disgrace that the Oregonian can't do the public the favor of adequately reporting your statements.

Sincerely,

Laurie Malarkey Rahr.

Eugene, Oreg.,
April 25, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: This letter is to let you know that I greatly appreciate your courage to make your views clear on our policy in Vietnam. I am completely behind an immediate ceasefire in Vietnam. I also appreciate your part in the protest held at the University of Oregon last Friday night and hope that your optimism about the degree to which the President will heed the growing concern and protest of our policy and action in Vietnam will prove justified.

I would like one or more copies of the speeches to the Senate by Mansfield, yourself, and others. I regret to admit that these speeches were not covered by the Register Guard and were mentioned, to the best of my knowledge, only very briefly for the first time in today's paper.

Sincerely yours,

Dee Anne Dozier,
Rehabilitation Counselor, State of Oregon.

Portland, Oreg.,
April 14, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I have felt for sometime that we were straying from one of the basic premises of our country—namely, that the people, if given the facts, are capable of reaching sound conclusions. The lack of distribution of such facts and the misrepresentation of information given us, as seems so common in Washington these days, is greatly disturbing. If our governmental leaders have assumed this premise to be partially or totally false then we are living in something other than a free country.

It was gratifying to hear you during your recent appearance in Portland for many reasons, the above included. I, in general, support your views on the Vietnam situation and appreciate your honesty in discussing the various aspects involved. A valid conclusion cannot possibly be drawn from incorrect information. I find it easier to accept your statements than those of our present administration.

Sincerely yours,

Dennis Gould.

Portland, Oreg.,
April 14, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: We want to thank you for sending us your news reports these past few years.

Your stand on the Vietnam situation is to be commended. We have no business being involved there; It would be better to "lose face" and get out of there before we stir up more trouble and promote an all-out war.

We have always admired your great statesmanship and will continue to support you with our votes and prayers. Keep up the good work.

Our new mailing address is above. Our last address was 1108 S. Pine St., Newport, Oreg.

Sincerely yours,

Richard B. Baker.
Violet I. Baker.

Portland, Oreg.,
April 22, 1965.

Hon. Wayne L. Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator: I should like to express to you my personal support and admiration for your stand on our U.S. policy in Vietnam.

What can yet be done, and how can we citizens help?

Sincerely,

Andre Diaconoff,
Minister of Cherry Park Community Church (Sweden-Corgian).

Portland, Oreg.,
April 28, 1965.

Senator Wayne Morse,
Washington, D.C.

Deeply concerned about unrealistic attempted explanation South Vietnam war. Using methods that have consistently brought us into former wars. Our great President gave courageous speech and action in civil rights. Why directly contradictory principles in South Asia?

H. W. Hebblethwaite.

Eugene, Oreg.

Dear Senator Morse: We heard your marvelous speech Friday April 23 in the Erb Student Union. For once I was proud of my country—after so much mish-mosh on radio and TV. It was a real relief to my soul to hear plaintalk, blunt talk and hard talk about our U.S. policy in Vietnam.

Such fairy tales are presented in our papers that I just don't buy the paper any more. But I will buy today's and see if the all night vigil and its many fine participants won't get Eugene on the move.

Yours with thanks for the fine job you are doing for us.

Mrs. Jeanne Kenyon.

Eugene, Oreg.,
April 25, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to congratulate you on the excellent speech you gave at the University of Oregon on Friday. Though generally favorable to your point of view on Vietnam, I had not understood the whole structure of your arguments until then. You are to be commended for speaking up on this issue before the rest of us, and I hope you continue to do so.

Sincerely yours,
Arthur E. Curtis,
Graduate Student in History.

P.S.—And thanks for coming to Eugene just for our meeting.

Walterville, Oreg.,
April 26, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: We wish to let you know we are with you in your protests against our action in Vietnam. We do not like the brainwashing President Johnson and his aids are trying to give the people. Anyone with any sense at all would know this is all wrong and can only lead to a world disaster.

Please advise me if there is anything we can do to try to stop this before it is too late. I can get many, many signatures on a letter of protest if you think it would do any good. To whom would I address it?

We are Democrats, but I don't think Goldwater could have done much worse.

Sincerely,
Margaret Rae Jones.

P.S.—The following people who live close concur in this: Mr. and Mrs. Carl V. Wilson, Walterville; Rose Wilson, Walterville; Jim E. Jones, Walterville; Mr. and Mrs. William C. La Shot, Walterville; Carl Wilson, Sr., Walterville; and Mr. and Mrs. Ted D. Phibbs, Myrtle Creek.

Harold J. Schulman Associates, Inc.,
Chicago, Ill., April 30, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Honorable Sir: Just a word of encouragement and heartfelt thanks for courageous actions you are taking in trying to bring this country back to a path of peace and justice.

We were searching for the name of the man who could be the fit subject for a "Profile in Courage" in a future TV program. And your name is the only one we could think of.

Our thanks and prayers go with you.

Sincerely,
Harold J. Schulman.

Los Angeles, Calif.,
April 27, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: I am a Republican who voted for Rockefeller in our primary and then cast my vote for President Johnson, although not with any strong conviction. You might rather say I voted against Goldwater (not as a man but as a puppet of the radical right).

I want you to know that I support your position in our war against Vietnam. I also believe it is illegal, unmoral, and reflects godlessness. I go a bit further. I fear it reflects military thinking based on training which has exulted Prussian (or Nazi or whatsoever) military tactics.

I am not a letter writer but today I feel impelled to give you a bit of disheartening news. The Birch Society groups, I have been told, are now urging all members to write to the President in his support.

A local newspaper column, conducted by George Todt in the Los Angeles Herald-Examiner, today comes out for support of the President. I am enclosing the article for your reference. It was clipped from page C–3, issue of April 27. Todt has consistently supported all Birch candidates and has praised the patriotism of Birch members. He favors Joe Shell (a defeated Republican candidate) on all issues. He opposes Senator Kuchel. He attacked Rockefeller day after day for his leftwing radicalism. He hopes to elect Ronald Reagan as U.S. Senator in place of Senator Kuchel. I cite this since you may have no way of placing Todt. I am sending a copy to Senator Kuchel who knows Todt's work and can read the column for himself.

While it would be an oversimplification to say that what the Birch Society wants is automatically wrong, there is enough truth in such an idea to give some of us courage to speak up in the Vietnam situation.

As you well know, Americans are very unpopular around the world. It hurts to have one's foreign host explain to other guests that although you are an American, you are not typical—that you are in fact reasonable. This is what our present policies (supposedly based on the Truman doctrine) have done for us.

I believe with Walter Lippmann that we can oppose any popular uprising anywhere on the grounds that we do so for the containment of communism—whether such is the case or not—and end up being right. For, as he says, wherever we move in force we shall attract Communist opposition.

Even more unpopular than Americans in Asia are the Chinese. This is nothing new. Any half-educated person knows that the Chinese have been hated for generations. No Vietnam government would dare (up until now) to invite the Chinese in. Our conduct in Vietnam promises, however, to change all this.

Secretary Rusk in attempting to strengthen his position spoke of the Ethiopian war and the Japanese war in Manchuria—apparently for the purpose of getting across the idea that we should have intervened. However, it did not come out that way in our press. Instead it reminded persons of my age of the aggression and made us think of our own position in such terms. I cannot, as an American put on paper what I truly mean. It is too humiliating.

The Rusk position that to end the war would invite the loss of all Asia to the Communists is of course wrong. The opposite is true. Our warlike posture will throw one country after another into the hands of those who oppose us. If we would take to helping countries throw out their crooked leaders and with neutral help offer guidance (not a carrot in one hand and a stick in the other), we could be heroes and not villians.

I beseech you to keep up your good work and I pray that you will find the health and energy to do so.

Yours very truly,
Fred Ingalls.

[From the Los Angeles (Calif.) Herald-Examiner, Apr. 27, 1965]

L.B.J. Needs Our Help

(By George Todt)

"Light is the task when many share the toil."—Homer, "Illiad."

Whether we are Democrats or Republicans is not nearly so important as to rise above party considerations and stand for what is best where our beleagured Republic of the United States may be concerned.

Recently I addressed the San Fernando Valley Republican Business & Professional Women's Club in Sherman Oaks at Bullock's Fashion Square. This is a live wire group headed by attractive Mrs. Lee Gregory.

In the process of my talk before the GOP ladies, I made it clear that in my opinion President Lyndon B. Johnson (a Democrat) is eminently correct regarding his present policy of carrying the war home to North Vietnam, via aerial bombing.

There is no absolute guarantee of success in any conceivable form of action in this area. But the bombing raids ordered by L.B.J. are proving costly to the instigators of aggression in the north. What will they do?

That much remains to be seen—but we are no longer a "paper tiger."

A LAUGHINGSTOCK

If we back down now, as many perhaps-well-intentioned appeasers and pacifists would have us do, we would become quickly the laughingstock of Asia. And likely ultimately, the whole world, too. Why give away our marbles?

Another interesting question might be as to why all these weird marches and student sitdowns are directed monotonously at our Government, instead of the offensive Reds? They are to blame for the present trouble. Aren't they?

Why are such voices of protest aimed only at the Government of the one nation which bears the brunt of championing the cause of the free world against the ominous threat of Communist global slavery? Why us? Hmm?

NOT ORGANIZED

I believe that what has happened in the American Republic today is simply a case of excessive leftwing organization and not enough organization of those people who believe thoroughly in our libertarian cause.

The overwhelming percentage of our citizenry, including students, is in the later camp, although they have largely been outshouted by organized militant minorities exploited by leaders out in left field. Apathy can be extremely dangerous.

What we must do soon in our country is organize countermovements against those launched by questionable or Red-tinged sources. It will take time and hard work. But the decent and truly moderate people must be heard from, too.

As an example, what could be done on a down-to-earth scale to counteract the harmful influence of 15,000 "beat the draft" student types that besieged the White House recently in a vain and disgraceful effort to cause L.B.J. to withdraw from Vietnam?

The Republican ladies I mentioned earlier in the column took an exemplary action after I finished talking to them in Sherman Oaks.

They unanimously, passed a resolution to send President Johnson a telegram, with all their names attached as Republicans, letting him know they were 100 percent behind him in his Vietnamese policy and to keep up his courageous fight.

Let me suggest that my readers take pen in hand now and complete the same kind of action to L.B.J. White House, Washington, D.C.

Let us encourage him for doing what is difficult—but right—in Vietnam.

New York, N.Y.,
May 5, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

As active members in the democratic and as firm believers in democracy we support your stand and your statement on the foreign policy of the United States.

Mr. and Mrs. Sam Shaim.

Capitola, Calif,
May 5, 1965.

Senator Wayne Morse.

Dear Senator: I wish to highly commend you for your long and consistent stand for negotiation, withdrawal, and peace in Vietnam.

In the recent call for an international conference which failed to materialize, the NLF of South Vietnam was not included. It seems to me that could be the chief reason why the proposed conference did not meet. The evidence shows that only recently any substantial support in men and arms have been received by the NLF of South Vietnam. These are the people we are fighting and should be represented in any conference.

The rightful experiences of the Vietnamese people as a whole for an interminable time should spur us to the conference table if we have any humanity left.

Copy of this letter has been sent to the President.

Yours sincerely,
DUNCAN MCINTYRE.

MAY 2, 1965.

Subject: Vietnam.
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: What's the use. I've written my Senators and Representatives in Washington protesting against our presence in Vietnam but what happens? Nothing. Yourself, Senator GRUENING, of Alaska, CHURCH, of Idaho and a few others have the courage to speak out. I've followed a good many of your speeches which are reprinted in the Post-Dispatch and agree with everything you say. The attached letter could just as well have been written by myself. I too, voted for L.B.J. but am I ever sorry. What is left for the voter? We are asked to do our duty and vote but a deal such as this is no encouragement.

Now it's the Dominican Republic. Who next? Are we supposed to force our politics down the throats of people all over the world?

Perhaps if you receive many letters like mine it may do some good but I doubt it.

Sincerely,
ALBERT J. MILLER.

GAINESVILLE, MO.
P.S.—World War II veteran.

[From the St. Louis (Mo.) Post-Dispatch, Apr. 29, 1965]

A READER DISENCHANTED

May I propose the formation of the Legion of the Disenchanted? Membership requirements: Simply a sense of betrayal and some nausea among those who voted with some enthusiasm for L.B.J. He betrayed those of us when he promised: "No war," and who can help a feeling of nausea when reading or hearing those mealy-mouthed, sanctimonious, Bible-quoting statements of "love," "justice," "brotherhood," etc., by a man who unleashes escalation of a war in which we have no business and no just cause?

And behold this humble, God-fearing man. He gets piqued at the Prime Minister of Canada, piqued at Shastri, piqued at Pakistan, and rudely brushes aside the advice of U Thant. Get out of the way, you little critters; we have the planes, the bombs, the ships, and the napalm, so don't butt in while we settle this our way. Later, we can talk of law among nations, of the importance of the U.N., of the sanctity of treaties, of the horrors of war, of our unalterable devotion to peace; later, boys, later—now we are too busy showing how mighty we are.

Could Goldwater have been a little right? He did call L.B.J. a "faker." Likely, he knew him better than we did. My son came of voting age last September. He asked my advice: I said: "Do not vote for the man who rattles the saber." So he voted for the man who is now dropping the bombs around the clock and is headed in the direction of war with China. Could Goldwater have done worse?

DISENCHANTED.

SACRAMENTO, CALIF.,
April 30, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I wish to express my appreciation as an American citizen who believes in the rule of the Constitution rather than decree for your fearless stand on Vietnam.

No occidental can understand the mind of the oriental. We cannot buy friendship and we are wrong in trying to force these oriental primitives into our form of government. They have not evolved of this point yet.

Your stand on this matter and your courage in speaking out deserves praise.

All of your remarks are true.

Take care of yourself and may God bless you and guide you always.

Yours truly,
G. W. CANDISH.

LEXINGTON, S.C.,
May 4, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please get out of Vietnam and stop that bombing before World War III gets started.

Sincerely,
Mr. and Mrs. THOMAS E. SOX.

SYDNEY, N.S.W., AUSTRALIA,
April 30, 1965.

DEAR SIR: May I, as a British subject, temporarily residing in Australia, say thank goodness there are such men as you, and Senators FULBRIGHT, MANSFIELD, GORE, and GRUENING, in the United States.

It is men like you who help restore one's flagging faith in the basic goodness of your great country.

I utterly deplore the Australian Government's decision to send troops to Vietnam. But I'm not Australian.

Nevertheless, that is not to say that I'm at all happy about my own Prime Minister, Mr. Harold Wilson's role, regarding Vietnam. I admire the man greatly, supporting many of his policies, but not the one on Vietnam.

At least, he has sent no troops in. Let us hope he keeps it that way.

Good luck, and God support you and the above-mentioned Senators.

Yours faithfully,
G. A. ATHANS.

EAST HAVEN, CONN.,
May 3, 1965.

DEAR SENATOR MORSE: You have done a valiant job of alerting the American people to the dangers of their Government's policy in southeast Asia. At a time when very few people were concerned with this problem, you spoke out. Your action was in the finest tradition of an elected representative: you led rather than followed at a time when it was far from popular to do so. Not that your position is yet popular, for we are still in great danger—but you are no longer alone. A great many people, including myself, have come to see the futility of continued war in Vietnam—and we applaud your continued dedication to finding solutions for this problem.

DANIEL W. CROFTS.

BOSTON, MASS.,
May 3, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Please keep up your efforts to bring legitimacy to our foreign policy in southeast Asia. In addition, I look forward to hearing what you will have to say about the administration's current adventures in the Dominican Republic.

You will surely be remembered as a voice of candor in an era when real debate is being snuffed out by consensus.

Yours gratefully,
P. W. ANDERSON.

WATERTOWN HIGH SCHOOL,
Watertown, N.Y., May 2, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I wholeheartedly support your admirable effort to clarify the facts and reveal the dangers of our present policy concerning Vietnam. It seems apparent that the American public has been misinformed and even purposely deceived by most of the mass media. Certainly both the State and Defense Departments must shoulder much of the blame for this. The inevitable consequences of this practice of self-delusion can lead only to the slow erosion of our vitality as a free nation. It is regretful that only a few other Senators have had the courage to speak out against such an unjustifiable misuse of power.

The current involvement of the United States in Santo Domingo is also appalling and entirely inconsistent with the ideals for which this country stands. I hope you will point out that U.S. intervention in the internal affairs of any Latin American country beyond protecting the lives of our citizens in time of danger is both contrary to international law and Pan American relations.

Sincerely yours,
J. BRUCE DUDLEY.

STONY POINT, N.Y.,
May 2, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We wish to make known to you our admiration, our gratitude, and our continued support for your position on Vietnam.

It is our belief that our foreign policy is fast becoming as ludicrous and unpopular at home as it is abroad. We trust that you will continue to voice your logical and humane opposition, even though you may at the present time be isolated.

Thank you.

Sincerely,
LEO F. and MARY W. KOCH.

Copies to: President Johnson, Secretary of State Rusk, and Ambassador Stevenson.

SARASOTA, FLA.,
May 2, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My strong feeling is that you are entitled to all the moral support you can be given in your stand on the war in Vietnam. I have again written the President and Dean Rusk in a way that respects them, and their good intentions; but finding them wrong. Perhaps I may have felt too strongly over too much of time recent. This is partly for confession to you. For one, I have never seen any future in fighting ideas with a stick, feel that after the war we wilted before an anti-Communist barrage, and that this has made enemies for us among distant peoples where it may have been unnecessary to do that.

It seems to go back to the time when we continued support of Chiang Kai-shek after it became clear that he could not lead China.

Of course I feel very contrary to fighting communism without U.N. support, and beginning it at the antipodes. I feel that our present policy overlooks the tendency of Communists, when left alone, to become somewhat livable with or at least less fiery in criticism of us and more aware of the simple needs of their own people—including in those needs not only more consumer goods and a certain amount of the common freedoms but some "capitalistic country" features in their system. I might possibly go too far for you on some of this. I don't know.

I feel sure we have been wrong in keeping real China out of the U.N. No other place for them to go to school with others. It seems as if we might be immensely better off right now if they could be reached as members. The sooner they get to fighting their natural problems at home and nearby, instead of having us for a foreign devil, the better—one feels. I am of course very particularly and anxiously behind you now in the effort to keep from extending the war in Vietnam. You awakened me to the point about using gas in war.

An old schoolteacher, more or less like yourself.

SIDNEY S. ROBINS.

OCCIDENTAL LIFE INSURANCE CO.,
OF CALIFORNIA,
May 3 1965.

Senator W. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: It is not usual for me to be stirred sufficiently to write to anyone about the world situation, but I consider the problem in Vietnam so grave that I have taken the liberty of writing the President.

I would like you to know that in spite of the lukewarm appearance of the Canadian Government in this regard there are Canadians who care very much about the survival of the human race and we wish you well on your stand on Vietnam.

I sincerely hope that enough voices will be raised in the United States and elsewhere to persuade the administration that its foreign policy should be radically altered and that the only hope for the survival of the world is negotiation and the belief in the reasonableness of all men.

Yours truly,

DENIS KALMAN,
Branch Manager.

MAY 3, 1965.

President L. B. JOHNSON,
White House, Washington, D.C.

DEAR MR. PRESIDENT: I know that I am only one voice among millions, but I hope that I am one of millions to express to you the following views:

The human race has never before possessed the power to completely destroy itself and its environment. Therefore, the waging of even a limited war is no longer a feasible answer to present to those whose ideas and ideals may conflict with ours. Our only path has to be negotiation. Our only hope is the belief in the reasonableness of all men.

I urge you to put an end to the Vietnam conflict by withdrawing now before the whole thing escalates into a disaster where nothing will matter anymore. This is the only sane solution to the problem, and I am moved all the more strongly to write because I am extremely disappointed in the lack of clear voice from the Canadian Government.

I know that Senators MORSE, GRUENING, and CHURCH are urging you to do the same as this letter and I am also writing them to encourage them to continue their attempt to influence you in this matter.

In closing I would like to emphasize that this is the first time that I have ever been moved sufficiently to write to a head of state. I sincerely believe that today's world situation may be more complex and serious than your advisers realize.

Yours truly,

DENIS KALMAN.

Copy to: Senators W. MORSE, E. GRUENING, and F. CHURCH.

WAYLAND, MASS.,
May 4, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I send you once again my congratulations for your continuing stand on Vietnam. You have my every good wish.

Also, I wish to register my protest for U.S. actions in the Dominican Republic. Such ill-advised unilateral action reveals the lack of maturity in foreign policy that has plagued our country and the world for so many years.

I urge you to do all in your power to reinstate the U.S. Senate as an active partner in the formulation of U.S. foreign policy. I am unhappy, as I am sure you are, with the current arrangement wherein the Senate is presented a fait accompli and then has the uncomfortable task of supporting an unfortunate position merely because a crisis situation seems to offer no alternatives. This unsatisfactory arrangement could not continue without passive Senate approval.

I maintain that many of our international problems stem in large part from this Government's internal structure as operative today.

I commend this area to your attention.

Yours truly,

WILLIAM C. MOYER.

EAST LANSING, MICH.,
May 3, 1965.

DEAR SENATOR MORSE: I fully agree with your attitude toward the conflict in Vietnam, and believe a peaceful settlement should and could be worked out, possibly in conformity with the Geneva Agreement of 1954.

It is of the utmost importance, I feel, at this crisis-ridden time that our country respond with political maturity rather than force to those peoples of the world who may not share our views, but are as inhibited to their own as we are to ours.

Sincerely yours,

MRS. THOMAS WALLACE.

MONTEREY, CALIF.,
May 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: May I please tell you how much my wife and I agree with your sensemaking proposals regarding Vietnam.

I thought the enclosed advertisement, taken out by the Friends Committee on Legislation, might interest you.

Respectfully yours,

SCOTT A. HEATH.

MR. PRESIDENT: THE WAR CONTINUES

Though we approve your excellent proposal of a billion dollars for the development of the Mekong River Valley, your words are made meaningless by each raid that sends our jets with tons of bombs and napalm spilling over North and South Vietnam.

You have said, "It is a war of unparalleled brutality * * * small and helpless villages are ravaged by sneak attacks, large raids are conducted on towns and terror strikes in the hearts of cities."

You have said you will negotiate unconditionally with any government.

You have said, "The guns and bombs, the rockets and warships are all symbols of human failure. * * * They are witnesses to human folly."

Why continue the bombing, the use of napalm, the indiscriminate killing of women and children?

Why exclude the National Liberation Front which is fighting the "governments" we support in South Vietnam and which is the de facto government of more than one-half of South Vietnam's territory and people?

We agree, it is tragic folly.

Why continue a war and a policy which sinks us in ever deeper and tends to create an atmosphere which precludes negotiations?

When so many experts (among them U Thant, Hans Morgenthau, Walter Lippmann) have pointed out that the military approach produces results exactly opposite to those we wish, why continue and intensify the war?

Secretary General U Thant, speaking of insurgency in Burma in 1948, recently stated:

"The Burmese Government dealt with this internal problem by its own means, without asking for any outside military assistance * * * [and] there has not been a single instance of outside help to the Burmese Communists * * * in the last 17 years * * * Burma has over 1,000 miles of land frontier with mainland China. If only the Burmese Government had decided at some stage to seek outside military assistance to suppress the internal insurrections and revolts, then I am sure that Burma would have experienced one of the two alternatives: either the country would be divided into two parts or the whole country would have become Communist long ago * * *. Not one American life has been lost in Burma. Not one American dollar has been spent in the form of military assistance * * *. We must ask the great question: Why?"

Are you committing our young men to murderous attrition in a ground war which may last a generation? Are you going to make the fatal mistake of bombing China?

The Religious Society of Friends have traditionally rejected war for any reason. A modern expression of this position is found in the United Nations Charter which says, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

And yet the war still goes on. You can stop it.

We respectfully recommend:

1. An immediate end to the bombing.
2. No more U.S. troops be sent to South Vietnam.
3. The United States call for a 4-week truce and an invitation to all concerned to bring about negotiations for a peaceful settlement.
4. Negotiations which include:
    (a) Provisions for peaceful settlement of future differences in Asia by establishing working relationships which include the the United States, all Asian nations and the U.N.
    (b) A phased withdrawal of United States and all other outside forces from South Vietnam with full recognition and willingness to accept the results of free elections.
5. The immediate implementation of your proposal for a billion-dollar U.S. grant for economic aid to southeast Asia under U.N. auspices.
6. No withdrawal of aid, even if the voting should go against us.

We can win with aid and peace what we cannot win by war.

Write a letter to President Johnson and to Senators KUCHEL and MURPHY, and to your Congressmen expressing your concern about the Vietnam war.

FRIENDS COMMITTEE ON LEGISLATION,
ROBERT GRUNSTED, Chairman,
ROBERT MANIG, Executive Secretary.
2160 Lake Street,
San Francisco, Calif.

☐ I wish additional copies of this ad at: 10 copies 25 cents; 50 copies $1.

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Submitted as a public service by the Friends Committee on Legislation.

Montreal,
April 1, 1965.

Senator Wayne Morse,
The Senate,
Washington, D.C.

Dear Sir: The eyes of the people of 90 nations look upon you, their ears listen to your eloquence, and their hopes rise for the survival of the human race and the alleviation of the suffering of the peasants of Vietnam.

Many must be the pressures brought to bear on you to toe the line of the present administration; constancy and a great courage must be yours to withstand them. May you somehow feel the desire of thousands of humble people around the world—although of less courage and eloquence—to be by your side to give you added strength to uphold those principles, which you have so ably fought for.

May your voice and those of your courageous compatriots (Senators Gruening, Fulbright, Javits, McGovern, and Church) be persuasive enough to turn President Johnson away from the course set by such evil counselors as McNamara, Rusk, McGeorge Bundy, General Taylor, and their like in the Pentagon.

There must be much sadness in the hearts of many young Americans who have been shipped off to Vietnam to fight in a war of which they understand little, and to be called upon to commit acts of barbarism with the horrible weapons that modern science has fabricated.

Robbie Burns' poem "Man Was Made to Mourn" comes to mind:

> "And man, whose heaven-erected face
> The smiles of love adorn—
> Man's inhumanity to man
> Makes countless thousands mourn!"

The respect and gratitude of many thousands around the world must be yours. May your efforts and those of your friends divert the course of events away from a path that could eventually lead to the extinction of mankind, and upward to the day,

> "When man to man the world o'er
> Shall brothers be for a' that."

With deep admiration,
Allan Findlay.

Medford, Wis.,
April 29, 1965.

Re Vietnam.
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Congratulations on your wonderful and courageous demand for the ouster of Secretaries Rusk and McNamara.

I support you all the way on this. A copy of my latest letter to the Vice President is enclosed.

Don't stop. Give em hell, more hell and then some more hell.

Yours truly,
Roy T. Traynor.

Medford, Wis.,
April 29, 1965.

Re Vietnam.
Vice President Hubert H. Humphrey,
Capitol Building,
Washington, D.C.

Dear Mr. Vice President: An old warrior, Senator Wayne Morse, spoke very true words when he criticized the Secretaries of Defense and State and demanded their ouster.

I agree with that old warrior because I have become alarmed at the dangerous growth of the power of the military in the United States.

I agree too because, as the old warrior pointed out, McNamara is consistently wrong. As far as Secretary Rusk is concerned—who cares? He is virtually ineffectual and has abdicated to the Secretary of Defense anyway.

I call for the ouster of Secretaries McNamara and Rusk. I call for the appointment of J. W. Fulbright as Secretary of State and Clark Kerr as Secretary of Defense.

I call for the removal of General Taylor from his position as Ambassador (a misnomer for a post more akin to Governor General) and the appointment of a prominent nonmilitary Hawaiian of oriental heritage to that position.

And just in case you or your office staff are going to send me another release which, in effect, tells me to be more loyal to my country, I just want to point out that I am a paratrooper veteran of the 82d Airborne Division, U.S. Army, and no public official is going to insinuate, directly or indirectly, that I am of doubtful loyalty more than once and get my vote the next time around.

I will continue to support Johnson and Humphrey, but Taylor, Rusk, and McNamara must go. This trio of tragic efficiency experts has been so consistently wrong on Vietnam that I cannot for the life of me understand how they continue to have weight as Presidential advisers.

And last but not least, I should point out, as a makeweight, that I am the only Democratic attorney in this county of 19,000 in north-central Wisconsin. I don't think the administration realizes how the tide of public opinion is moving on Vietnam.

Yours truly,
Roy T. Traynor.

May 3, 1965.

Dear Senator Morse: Please, please, please, don't allow your voice and conscience to be silenced as concerns Vietnam. There must be some sane voices left to speak out against the mad policies that our President and his policymakers are forcing upon the public. As it is, the press seems to have fallen directly in line behind the "hawk" propagandists.

Sincerely,
Mrs. Olga Martin.

Palo Alto, Calif.,
May 2, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: Even without the facts supposedly held by the Departments of Defense and State, it is obvious that our foreign policy as to Vietnam is bankrupt. The course being followed is one of mistake compounded by tragedy. How long can we afford to continue?

I urge you, as a courageous Senator, who has demonstrated in the past the courage to dissent from prevailing political opinion, to continue to speak out in thoughtful opposition to the present course of events. Your voice is needed if the current policy is to be reevaluated. The crisis is now. Wise men cannot remain silent.

Respectfully,
James J. Novelli.

Labindustries,
Berkeley, Calif., May 3, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: We deplore our immoral military invasions of Vietnam and of the Dominican Republic, entered into in the name of anticommunism. Our Nation is becoming the most hated nation on the face of this earth. In our evangelical zeal for democracy—or is it power—we are sacrificing all devotion to human principles. We are sacrificing the lives of thousands in a false crusade.

We urge you to continue your campaign in the name of all human decency and to use your influence to get us out of Vietnam and to abandon military intervention in the Dominican Republic.

Very truly yours,
Marion H. Shapiro, *Coowner.*

Philadelphia, Pa.,
May 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

We want to let you know that we support your fight for an end to the war in Vietnam. We wish that more of our leaders felt like you.

Sincerely yours,
Mr. and Mrs. Michael Sholen.

San Diego, Calif.,
May 3, 1965.

President Lyndon Johnson,
The White House,
Washington, D.C.

Dear President Johnson: A little more than a week ago I wrote to you and said, in part, "I protest in the strongest way possible the escalation of the war in Vietnam. I advocate the immediate cessation of hostilities. The weapons of war being used by our troops and airmen are inhuman. Phosphorus and napalm and dart-scattering bombs are bringing down upon us hatred and contempt. They are not winning the war; they are losing us the world." I continued, asking for an immediate cease-fire and actual, active opening of negotiations, a difficult task but one we cannot put off.

I deleted from that letter most of the following statements, which I now send, for I cannot in conscience refrain from voicing the sentiments the deleted sentences contain. "Most of my friends and acquaintances feel as I do. You are losing the trust and support of the one group that is essential to your continuance as an effective President, the liberals, the presidentmakers in many a past election. I would not have voted for you had I known you were a warmonger. I will not vote for you again unless you show that the Christianity you profess is a reality to you. The Vietnam war is canceling every wonderful accomplishment of your remarkable and productive term as President of the United States."

Since that earlier letter you have invaded the Dominican Republic in order to crush the successful and democratic revolution in progress there. Juan Bosch is not and never was a Communist. Most of his revolutionaries are not and never were Communists. You are using this civil strife, in my opinion, as an excuse to restore to power the military and economically powerful reactionaries who, 2 years ago, overthrew the first democratically elected government the Dominican Republic has had since the United States last invaded their country and forcibly upheld a repulsive dictatorship.

I repeat from my last letter: I am a white, 53-year-old woman, a lifelong Democrat, and up to now, proud of it. I am more sorry than ever that President Kennedy was murdered. Unless something brings you to the realization that your actions are endangering the world and destroying the good name of the United States, we are in terrible danger indeed.

Sincerely,
Roberta N. Goodrich.

Manhattan, Kans.,
May 3, 1965.

Senator Wayne Morse.

Bravo. How desperately we need your voice of sanity. Keep it up.

Sincerely,
Mr. and Mrs. Ernest Goertzen.

ITHACA, N.Y.,
May 2, 1965.

DEAR SENATOR MORSE: This is to express to you my gratitude and admiration for the honest and courageous position you have taken on the recent turn of events in the Vietnam war. It has been practically your voice alone out of all those emerging from Washington which has left me with the feeling that there is anybody at all left in the Government with any decency, honor, or commonsense.

I want to assure you of my warm and admiring support, and to express my confident hope that you will continue to act as the voice of good sense until the administration regains theirs.

Sincerely yours,
N. DAVID MERMIN.

CHARLESTON, W. VA.,
May 1, 1965.

DEAR SENATOR: Your address on the floor of the Senate last week was very impressive. We are deeply concerned about Johnson's present policy on Vietnam. Your thinking as expressed on TV last week with reference to southeast Asia makes sense. Your party crucified Goldwater with the appellation of "trigger happy." And as he stated in Paris a few days ago: "Now you're a statesman when you do that." Add to our southeast Asia headaches we are fighting in the Dominican Republic. Why must we try to keep peace in every country in the world? We are afraid your party is leading us down the road to destruction.

Sincerely,
W. S. BEECHART.

EVANSVILLE, IND.,
May 3, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I feel sure I speak as one among many when I say that your efforts in behalf of world peace are appreciated.

May you continue to receive courage and strength for the great work you are doing.

Sincerely yours,
Mr. and Mrs. GEORGE HESSENAUER.

RIDLEY PARK, PA.,
May 3, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I'm with you all the way on this Vietnam bit. If there was some way of getting Rusk and McNamara to resign, it would be the best thing for our country.

Sincerely,
H. D. LECONRIGHT.

NEWPORT BEACH, CALIF.,
May 2, 1965.

MY DEAR SENATOR MORSE: I told my son, 22, attending the University of California, to go to jail before being drafted for war in Vietnam.

I have been in two wars in the Pacific. I volunteered for Korea, where as a forward observer during the actions of 1951 I was instrumental in killing more Chinese than any U.S. soldier. But I can't stomach Vietnam; it's not worth a single soldier's life.

It's ideological, not a vital U.S. interest. Playing footsie with Goldwaterites is no way for the administration to hold my loyalty, a loyalty to the Democratic Party of 30 years.

What's happened to the President? Now Santo Domingo. It's nuts, plain nuts. I can't understand it—interfering with other people's rights, including the right of revolution, a right proclaimed in our Declaration of Independence.

Please keep sounding off.

Sincerely,
WALTER V. BREM.

BERKELEY, CALIF.,
May 4, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We want you to know we fully support you in the stand you have taken in the Senate protesting the role of the United States in Vietnam and in the Dominican Republic. It takes great courage to be in such a minority and to stand up for the things you believe in.

We believe you will go down in history as a true patriot and that time will show you were right and that President Johnson and his administration are doing incalculable harm to this country and the world.

Our best wishes go to you in your courageous fight and we hope many new voices will be added to yours.

Sincerely,
Mr. and Mrs. GILBERT MINES.

PHILADELPHIA, PA.,
May 5, 1965.

Senator WAYNE L. MORSE,
The Capitol,
Washington, D.C.

DEAR SENATOR MORSE: Dismayed by the recent course of American foreign policy, I have written a letter to the President today, a copy of which is enclosed. You may use it for any purposes you see fit. If nothing else, take it as an expression of support for your courageous and forthright opposition to those policies. History will certainly remember you well for the position you now take. You have my deepest respect.

Sincerely,
FRANKLIN D. GRABILL,
University of Pennsylvania Law School.

Hon. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have been deeply concerned for some time over the way in which you have been conducting the foreign affairs of my country. I believe the course you are pursuing in Vietnam is completely unjustifiable either from the standpoint of international morality, which the United States as the richest and most powerful nation in the world is obligated to uphold, or from the standpoint of sheer "Machtpolitik". You have, in the brief span of 6 months since you no longer had to worry about popular support for your policies, completely undone all the good will and respect for this country which your far more worthy predecessor had diligently cultivated. You have completely abandoned the noble idea that my country must work to further freedom and social justice around the world, and substituted a policy of gunboat diplomacy and military missile-rattling. I am ashamed of you, Mr. President, and you cannot write me off as simply another of those "beatnik-pacifists." I am a graduate of Yale University and presently a student at the University of Pennsylvania Law School. Last fall I spent many hours working for your election as a member of the Young Democrats here at Penn and as a member of the Democratic lawyers committee. I gave you and other Democratic candidates my time because I believed what you were saying in your campaign speeches about the role of the United States in world affairs. I believed you when you condemned your opponent for his willingness to go to war, and commit American troops to fight for what were at best dubious causes. Now it is he who is gloating, and I and many like me who are disillusioned and apprehensive. Perhaps, Mr. President, instead of insulting the memory of your late and beloved predecessor by oblique references to his rocking chair, you would do well to sit in a rocking chair awhile yourself and ponder where you are leading this great Nation of ours. Ponder, Mr. President, just what has happened in the last 6 months. The great "detente" has been shattered and the cold war rages hotter than in the darkest days of Dulles and Vishinsky. Our military leaders in Hawaii blithely talk of using nuclear weapons against North Vietnam and China. "Lazy Dog" bombs and napalm obliterate the lives of those we claim to be saving in the name of "freedom." In Latin America, the hopes and aspirations of a continent which were aroused by the Alliance for Progress have been dashed by our brutal suppression of the Bosch rebellion. Students are dying in the streets down there, students like myself, whose only crime was to take arms in the defense of democracy. Why are we killing them, Mr. President? Must people die because someone in the State Department or CIA says if Bosch returns to power he'll be soft on leftist elements in the country? A little reflection would have told you that nothing would help Castro more than our sending in the Marines. Will we send the Marines into Venezuela, Colombia, Brazil, and Argentina in the name of freedom, too?

So I would ask you to sit in your rocking chair with your hands crossed awhile and ponder. Because the students in the Dominican Republic and the peasants in Vietnam don't have the votes to return you to office, they're as much human beings and their aspirations as noble as those poor farmers in the Pedernales Valley you're so fond of.

Sincerely,
FRANKLIN D. GRABILL.

DETROIT, MICH.,
May 4, 1965.

Hon. WAYNE MORSE,
Senator From Oregon.

SIR: I have no reason to hurt the President's feelings, but he classifies the war in Indochina as a bully in a schoolyard. Well, that sounds well enough for simple-minded people and he may be one himself.

But it is purely a race war. The little yellow men do not want white man's military power in their own country.

President Johnson is leading our country into a mess that can end up to be worse than Truman's Korea.

There seems to be no reaction from our military men. Are they even more simple minded than Johnson?

It has now, after his death, it has been proven that General MacArthur was ready and willing to have all our boys slaughtered, if he could bring military prestige to himself. How different he was from General Washington or General Pershing.

We do not want any Hitlers or Napoleons in our country and the Congress better wake up, as what Johnson talks about and what he thinks about are very different deals.

President Johnson is not a man of great experience, as he has been tied down at Washington, D.C., almost his whole lifetime.

His success, while it has given him a great title, his own experience has been very narrow and it surely has shown he has overrated himself a great deal.

And as I said before, he looks at it as a bully in a schoolyard. I had in my years as a boy much experience with these bullies, but I would not use that know-how in Indochina.

General de Gaulle well knows we are a bunch of fools trying to be a world policeman. But, of course, he doesn't use tough words for us. He just says we will go it alone. I like any (swellhead, the White House) believes it, getting a bum deal.

President Wilson, no one knows just what his deal would have been like, if he had got it, but it would surely been a world policeman's deal as time went by.

There is so much loose talk about Chamberlain Act, well those countries except Poland, were easy 50-percent German. They were already in Hitler's pocket. Chamberlain gave him nothing that he did not already have. But the dishonest story is great stuff for the U.S. warmongers, the name Chamberlain appear with our General Washington at Valley Forge and also in Civil War of 1860. I can prove it. In this world police idea, the great profits go to du Pont Corp. and other warmongers. And whenever Johnson orders a shot fired, he does only one thing, make warmongers rich.

This country can do no trading with Indochina, as long as shooting is going on, and it won't stop until we get out our military bases in the yellow man's country.

What's going to happen when our businessmen wake up to our bum-steer Johnson has cooked up for us.

Mr. Rusk talks schoolboy stuff; no businessman is going to believe his talk—except warmongers.

I think Johnson is like old Bill Bryan, he talked too much never did any real thinking.

Yours,

An Old Timer.

State College, Pa.,
May 4, 1965.

Dear Mr. Morse: I am enclosing a copy of a recent open letter to President Johnson which appeared in our local paper. I trust that it will confirm what I am sure is very apparent to you; namely, that in your stand on Vietnam you speak for many Americans throughout this land.

Sincerely yours,

Marvin E. Rozen.

An Open Letter to President Johnson on Vietnam

We wish to commend and support those parts of your recent speech on Vietnam in which you expressed a willingness to undertake unconditional discussions toward a peaceful settlement while engaging in a bold program, through the United Nations, of economic development. We are troubled, however, by other views in your speech which, if unchanged, will surely jeopardize the accomplishment of these ends.

We do not believe that the history of the Vietnamese war begins in 1956 with the creation of a sovereign and independent state of South Vietnam. Does not the present conflict have its roots in the efforts of a subjugated people to overthrow their French colonial rulers? Does it not draw sustenance from the failure to hold, and our complicity therein, free elections in all of Vietnam, as provided by the Geneva accords of 1954. Obsessed with the threat of communism, did we not intervene in a fundamentally civil conflict in support of a repressive and undemocratic government? Must we persist in attempting to retrieve unwise political commitments by ever-stronger military action? By stressing the independence of South Vietnam do we mean to deny the eventual political unification of Vietnam?

We believe, Mr. President, that your moving vision of peace and prosperity in southeast Asia is likely to be fatally compromised by an oversimplified and misleading characterization of the conflict that rages in South Vietnam. To insist that the war in Vietnam is simply an instance of a greedy Communist nation attacking its freedom-loving neighbor—that the Vietcong are no more than agents of the North—is to preclude the possibility of meaningful negotiations. This view of the Vietnamese conflict may provide a rationale for our present policy of military bombardment of North Vietnam, but it does not enhance the likelihood of a satisfactory settlement at the conference table. Nor does bombing set an example of responsible international action we would expect other nations to follow. In the past some in the United States have criticized the Chinese Communist Government for attempting to "shoot its way into the U.N." Are we now attempting to shoot our way into a Vietnam conference? We oppose the violent tactics adopted by all parties—acts of terrorism, torture, napalm, and other bombings. Mass violence must be foresworn by all parties so as to achieve the objective of protection of the Vietnamese people.

Mr. President, we urge you to follow up your recent speech with unequivocal actions in the interests of peace. The negative Communist response to your proposals should not dissuade you from this course. There are definite indications that negotiations may be possible if the United States matches its expressions of willingness to negotiate with concrete manifestations of its desire to achieve an honorable and realistic settlement.

Senator Fulbright has suggested breaking the present stalemate by a brief pause in the aerial bombings of North Vietnam, challenging the Communists to reciprocate by agreeing to a conference while the Vietcong halts its military action in South Vietnam. This suggestion, which we commend to your attention, is only one of several alternatives available to us if we are determined to maintain the initiative for peace. We urge you, Mr. President, to:

1. Initiate actions leading to an immediate cease-fire and an eventual end to the hostilities in Vietnam.

2. Support the establishment within South Vietnam of a government that is truly and fairly representative of all the people.

3. Support the establishment of a united Vietnam through free elections, to be held under the auspices of the United Nations within a reasonable time period.

4. Help convene, upon the successful resolution of the Vietnamese problem, a further conference to settle other international issues in Asia.

To do all this, Mr. President, will not indicate weakness but rather the strength that flows from doing what is right and just. Can the ingenuity we now lavish on waging war be put at the disposal of peace? Is it too late to begin to change in Vietnam?

Viola Flores and William H. Adams, John M. Anderson, Alice and Elton Atwater, Christine and Raymond Ayoub, Joseph D. Ban, David S. Bell, John Bellanti, Mrs. E. L. Bergman, Mrs. Lillis Berry, Cynthia and Robert Boyer, Jan and Fred Brown, Ed and Margaret Budd, Barry Clemson, Alan R. and Gloria Cleeton, Irene L. and Paul Cutler, Carl G. Davidson, Chloe and Louis Dellaport, Peter Dooley, John Downey, Lydia and Sam Dubin, Frank and Julie Ehrenthal, Trudy and Alfred Engel, Miriam and Herbert Ershkowitz, George A. Etzweiler, Grant Farr, Irwin Feller, Joseph Flay, Margaret and Ernest Ferund, James Fritz, Karen Gellen, Heinz and Liza Gewing, Helmut J. Golatz, Bruce Goldberg, Leon and Avia Gorlow.

Joe Graedon, Lowell K. Haynes, Jim Grant, Philip Henning, Alice and Howard S. Hoffman, Olive and Ari Hoogenboom, Paul Hornack, David Houston, Mr. and Mrs. Merwin Humphrey, Barton L. Jenks, Shirley and Wells Keddie, Emil Kazes, Margaret and Philip A. Klein, Joe Kransdorf, Elizabeth and Charles Marsh, Mr. and Mrs. J. D. McAulay, Carol McClure, Betty McCorkel, Herbert A. McKinstry, Gerald and Ingeborg Moser, Helene and Frank Mulvey, Kathy and Gary Noll, Janet and Richard Olson, Hans Panofsky, Margaret Ann Panofsky, Ruth Panofsky, Warren D. Parbour, August L. Peastrel, Elizabeth and Roger Pennock, Jr., Antoinette Peters, Martha and William Rabinowitz, Anne and Robert Radlow, Jeffrey Reiman, Maria Pilar, and Hugo Ribeiro.

Jane Richey, Richard Rosenberg, Frieda and Marvin Rozen, Sam Sabean, Michael A. Santulli, Owen Sauerlender, Cythia Schein, Marcia and Robert Scholten, Mrs. Caroline Seitz, Carol and Jeffrey Shapiro, Mary D. Shaw, Dorothy P. Shemick, Rosemary Shraer, Rose Marie and Charles J. Slonicka, Mae and Warren Smith, Lotte Steele, Anne Straus, Helen Striedieck, David B. Tanner, B. J. Thompson, Laurence I. Thompson, Thomas and Barbara Thwaites, Rosalind and Robert R. Tompkins, Arthur Townsend, Betty and Alan Trachtenberg, Mr. and Mrs. K. Vadam, Katherine and Joseph VanDerKar, Deborah Ward, Jose W. Ward, Lynn and John Withall, Kenneth Wodthke, Florence Yarnall, Gladys and Wilbur Zelinsky, Rima Zimmerman.

This open letter has been sponsored and paid for by the signers. It was written shortly after President Johnson's speech at Johns Hopkins University. Subsequent events indicate that all the parties involved in Vietnam are maintaining their collision course. Let us do all that we can to avert disaster.

Carmel, Calif.,
May 6, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: It is with a grateful heart that I thank you for lifting a voice against the duplicity and evil that stems from the White House and State Department these days. Vietnam is but one disgrace against all of us who live in this land, because of their machinations.

Now we are faced with the disgrace of the Dominican Republic. And the President uses the same disguise used by the Kluxers, George Wallace, the Birchers, et al.: "The Communsts are taking over." Shades of Joe McCarthy.

I'm not dumb and know there are Communists there, of course, and I know there are Communsts and Fascists right here in this holy land of ours. But I didn't think the President would stoop to the gutter to brainwash us with this idiocy.

So we went down to protect our nationals. Then came the denoument: we're digging in deep for munitions; not to be used against the criminals who have caused increased suffering to the poor after Trujillo was dumped, but against the poor themselves who are seeking to cast off their very heavy and painful yoke.

Thank you, Senator. Most of us fear that some cruel actions might again be taken against us for not approving of the evils from Washington.

Sincerely,

M. J. Kosty.

Woodlawn, N.Y.,
May 5.

Senator Wayne Morse.

Dear Sir: I read with much interest your article in Daily News today headed "Johnson Violates Constitution" and am glad there are a couple of Senators who know the true story. I always thought that the Senate and Congress were the only ones who could declare war and no matter what anyone says we certainly are at war now in Asia. It seems that three men, Johnson, Rusk, and McNamara, are taking too much leeway in sending our boys around the world in great numbers without the consent of Congress and the people.

As it is now, about 90 percent of our Senate and Congress are just puppets pulled on strings and having their arms twisted, not using their own thoughts and minds, or the will of those who they represent, and follow these men, by being called to the White House for a breakfast or a dinner. Surely America is in a bad way on account of this situation and we are being burried fast as Khrushchev said they would do. It is about time America woke up and instead of just destroying parts of railroads and bridges in North Vietnam, the bombs should be wiping out Hanoi, Red China, and North Vietnam. Believe me the Reds, China and Russia are in no position now to fight back on account of economic conditions in those countries. They are buying their food now all over the world. They could not engage in a war at this time. If we wait too long it will be too late, as we saw in Cuba, and seeing now in Santo Domingo.

Our Supreme Court, that has gone soft on communism, is the fault of our trouble in the South, on our college campuses, and in our labor organizations, and unless you who are leaders and representatives don't do something soon, not only will New York and other larger cities, that are becoming jungles because of the Great Society (great giveaway), America will see the Red takeover, rioting, and unrest that we as citizens have never seen. As a world war vet when we fought for peace and democracy we sure are not going to have it.

I am sending a copy of this to Senator Dirksen. (I wrote him some time ago but never received an answer or acknowledgement. Also sending copy to New York News. "Let's have America for Americans."

Very truly yours,

A. J. Schoudelmeier.

May 5, 1965.

Hon. Wayne Morse,
U.S. Senate.

Dear Senator Morse: Millions of Americans thank you and look to you to represent them as one of the few legislators who try to keep America's conscience.

As little evidence as exists to indicate that some of the Vietnamese people may desire our presence. I see absolutely no justification for our invasion of the Dominican Republic. Yet I feel unrepresented and inarticulate in the current climate of conformity and hysteria, except for your lone voice.

Respectfully yours,

Norman E. Henkin.

New York, N.Y.,
May 5, 1965.

Hon. Wayne Morse,
U.S. Senator,
Washington, D.C.

Dear Mr. Morse: You and one or two of your colleagues in the U.S. Senate are the only men of vision, courage, and self-reliance in an abysmal collection of rubber stamps.

I thank you for defending the Constitution by reminding the President, the so-called legislators of the Senate and House, and the people at large, that it is in the Congress that the right to make or declare war is vested.

Coming while we are engaged in the brutal and bloody violation of North Vietnam, and at a time while we keep telling the world that we are solely concerned with the defense and preservation of liberty, the invasion of the Dominican Republic to defend a military junta which usurped power by ousting the legitimately elected government of Juan Bosch, is without doubt the most egregious piece of official stupidity that could have been perpetrated at this juncture.

Latin America, and the uncommitted nations of the world, cannot possibly fail to grasp the full meaning of this action.

Please accept my profound respect and warm admiration.

Yours very truly,

Edward Schindeler.

Alhambra, Calif.

Re immoral and godless war.

Hon. Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator: Thank you for supplying me with such appropriate descriptive adjectives, in describing the present U.S. military action in Vietnam.

Newspapers print the following, "Sweat-Soaked Marine Kills His First Red Guerrilla."

By Gen. Wallace Greene, Jr.: "The Job I want them (marines) to do is to find the Vietcong and kill them."

So American boys are taught the fine arts of murder. Though the administration is using all the wily devices to whitewash and brainwash, the American public will not be fooled forever.

It is good to know that at least, in our Congress of the United States there are still American citizens who dare to give out with the truth.

For the American way of life,

Yours very truly,

Paul M. Smith.

[From the Alhambra (Calif.) Post Advocate, Apr. 30, 1965]

"I Felt Kind of Sorry for Him"—Sweat-Soaked Young Marine Kills His First Red Guerrilla

(By Peter Arnett)

Hoi Vuc, South Vietnam.—The sweat-soaked young marine stood over the torn body of a Vietcong guerrilla with mixed emotions flitting across his face.

For Cpl. Pleas David, of Tuscaloosa, Ala., it was a day he would never forget. David had just killed his first man.

"I felt kind of sorry for him as I stood there," said David, a lanky 19-year-old who entered the Marine Corps after he left high school last year.

"And he didn't even have a weapon," he added.

[From the Los Angeles (Calif.) Times, Apr. 29, 1965]

Moderate Damage

U.S. officials reported "moderate damage" had been inflicted on the bridge, located about 100 miles north of the 17th parallel in a narrow valley running up the center of the country.

The size of the Marine force which struck out from the Da Nang missile and air base was not known, but it was believed several companies were involved.

Gen. Wallace Greene, Jr., Commandant of the U.S. Marine Corps, declared the Leathernecks would extend their operations out of the Da Nang base as far as necessary to insure its protection.

"The one job I want them to do is to find the Vietcong and kill them," Greene said at a Da Nang news conference before his departure for Hawaii.

The marines were moving out into an area 10 to 15 miles west of the Da Nang complex. There were reports, unconfirmed by Marine officials, that more Leathernecks soon would join the 10,000 stationed at Da Nang, situated 350 miles northeast of Saigon.

The attack was carried out by two A–4 Skyhawks and two F–8 Crusaders. The American planes drew light weapons fire, and pilots reported seeing black puffs of smoke indicating antiaircraft fire.

U.S. military officials in Saigon reported Wednesday that government forces last week compiled one of their best marks of the war, killing 605 Vietcong while losing only 100 of their own troops.

But 18 Americans died during the week, 8 of them when 2 helicopters were hit by bullets and collided while airborne. Twenty-three other Americans were wounded, and a pilot was missing on a raid over North Vietnam.

(A Cambodian communique monitored in Tokyo said Cambodia charged that four South Vietnamese planes violated airspace Wednesday and bombed the village of An Long.)

Danville, Ill.,
May 5, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: Thank you for your constancy on the Vietnam situation.

To me we are embarked on a Deutschland Uber Alles route and have bypassed the United Nations concept.

As a Democratic Party precinct captain I am all but speechless at the role of President Johnson. I guess he is so determined to "facsimile" F.D.R. who truly had a problem on his hands pre the exposing of Hitler, that he is trying to rewrite the facts.

What a terrible thing. What a terrible tragedy for humankind.

But one more thing bears mention: In seeking national solidarity President Johnson has allowed the southern U.S. concept to betray the commonsense we so desperately need just now. The southern U.S. concept sees all the North as Communist-inspired.

What a terrible thing. What a terrible tragedy for our democracy.

Sincerely,

Mrs. John T. Rausch.

P.S.—In my opinion President Johnson threw away the United Nations concept to appease the thinking of men like Senator Russell Long.

Hartsdale, N.Y.

Dear Senator Morse: I just had to sit down and write this note of praise and encouragement on your recent stand in re South Vietnam and the Dominican Republic.

Yours is truly the voice of America. Please do not stop. I know it must be terribly lonely in the Senate; but truly great men fight for principles—not for popularity.

Yours, for a successful campaign for peace.

Matthew Chaves.

Minton Co.,
Mountain View, Calif., May 3, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: I want you to know that you have my support in your outspoken and courageous criticism of the Johnson-McNamara-Rusk war policy in Vietnam. Keep it up.

Sincerely yours,

Owens Minton.

Hayward, Calif.,
May 3, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator: I write to give you unqualified support for what you have been recently saying on the Vietnam issue.

It is, to me, almost unbelievable that we should be so grossly deceived by our highest leader. I rejoice every time I hear you call it what it is.

The pity seems to be that—while there are millions who feel as I, and millions who will even march, enough certainly to bury the war mongers in a landslide—there is no one to get them together and make them articulate.

I would gladly see such a movement organized around you. I thought it was lacking in courage to see the French philosopher, Jean-Paul Sarte, refuse to come to Cornell to speak, because he thinks it would be futile.

The current step in the President's well-Madisonized campaign seems to be getting big names to endorse his product. Can't we get out the little people?

I remember with joy and pride, Senator Morse, coming to know you in Sacramento, Calif., several years ago. So I send personal greetings, if I may.

Very sincerely,

Correll M. Julian.

April 29, 1965.

The President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: You have appealed for the people to follow you in the Vietnam situation.

I am writing to say that I am not following you. And of course I join millions whom you do not seem to recognize.

The constant deceit of the people, first concerning the very reasons for the situation, then regarding the number and functions of men whom you sent in, then concerning your methods—poison gas, brutality, etc.—has but increased with your new and recent stepup.

It was all too apparent to the discerning, however, that you were preparing a good segment of the press for mass deceit. Then came a picture campaign, in which two or three Americans were pictured being brought home as casualties, with never a word about the hundreds of other casualties. Then came the white paper. Probably an occasional proposition in it could be believed. Then came private correspondence. I wrote you, but the State Department stepped in and answered the letter, with a little white paper, which was no more successful than the big one. I understand this method is being widely used.

So I make one more appeal to my President, that you embrace the opportunities which are still open—for deeds, not just words—to arrive at understandings, and pull out.

Sincerely yours,

Correll M. Julian.

Wayne, Mich.,
May 5, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I understand the President is asking the Congress for a "vote of confidence" on his Vietnam and Dominican policies. I further understand you plan to vote against his request for $700 million.

I support your position. As you are well aware, this is unpopular, at the moment, but it is the right position.

It seems to me we have violated international law and the whole tradition of the past in our Dominican intervention. It is interesting that Bolivia and Uruguay have opposed our intervention.

Our position in Vietnam is somewhat similar except that here we originally went in on an advice and training basis. Now, since an election in which Mr. Johnson posed as the opposite of a trigger-happy candidate, Mr. Goldwater, we suddenly find ourselves bombing North Vietnam.

It seems to me we have embarked on a dangerous and tragic course since January 1, 1965. It further seems to me that the 1964 presidential winner waged a completely dishonest campaign. Barry Goldwater may be wrong but, at least, he was honest.

I have little confidence, although one can always hope, that this Congress will become anything more than a subservient agent of an all-powerful President, but one can hope that reason and observance of international law will eventually return as a basis for American policy.

Yours truly,

John R. Ryan.

May 1, 1965.

Dear Senator Morse: May I applaud you for your vigorous and courageous speech attacking U.S. policy in Vietnam and denouncing Secretary Rusk and Secretary McNamara and the President for their efforts in escalating the war there? American policy in Vietnam is indeed godless and immoral, as you point out, for it is causing untold suffering in that unhappy country and grave anxiety everywhere else in the world. This reckless fanning of the flames of war will at best lose America the friendship of Japan, and at the worst spark a world conflagration that will incinerate us all.

The day after your speech appeared on page 1 of the Asahi Evening News, an excellent English language newspaper in Japan, there appeared in this same paper the censored testimony of Undersecretary of State George Ball and Douglas MacArthur II before the Senate Foreign Relations Committee (a clipping which I am enclosing) in which they claimed that the reason why Japanese newspapers are so critical of U.S. policies in Vietnam is that there is a large number of Communists on their editorial staffs.

What is amazing about the statements of Ball and MacArthur, and even the subsequent interrogations by Chairman Fulbright, is the ignorance they reveal of the state of mind of the Japanese, and these persons total inability to comprehend how anybody, least of all the Japanese, could be critical of American policy in Vietnam.

The Asahi Shimbun (the Japanese language paper) and the Mainichi, the two papers accused of Communist infiltration, vigorously denied the charges of Ball and MacArthur, as you will see from the clippings which I am enclosing, and responsible Japanese with whom I have spoken likewise agree that the editorial policies of these newspapers are free from Communist influence. Indeed, the extensive coverage of the Vietnam war in Japan includes magazines, TV, and radio, as well as the daily newspapers. These media are on the whole critical of U.S. policy in Vietnam, and in this, I think it is fair to say, they reflect the feelings of the average thoughtful Japanese.

As an American Buddhist priest who has been living in Japan for almost 15 years, I can honestly say that in all that period this is the first time I have been able to discern strong anti-American Government feelings among the Japanese. But they have good reason to oppose present American policy in Vietnam. They themselves have been bombed, so they know the suffering and destruction it causes. But they are also fearful that if either China or Russia or both enter the war, as is very likely if the war continues to escalate, they will be targets for attack by these powers.

Dear Senator Morse, I pray that you be granted the strength to continue to oppose, with all your forensic skill, the madness of our Government's policies in Vietnam, not only for the sake of the decency and self-respect of the United States, but for the sake of the suffering Vietnamese and peoples everywhere who are worried and anxious lest Vietnam erupt into the third world war.

Respectfully yours,

Philip Kapleau.

Kamakura, Japan.

[From the Asahi Evening News, Apr. 30, 1965]

ASAHI SHIMBUN DENIES INFILTRATION BY REDS

The Asahi Shimbun issued a statement today denying charges made in the U.S. Senate Foreign Relations Committee that the newspaper is infiltrated and influenced in its editorial policies by Communists.

A censored transcript of the testimony of Undersecretary of State George Ball and Douglas MacArthur II, Assistant Secretary of State for Congressional Relations, in closed-door hearings in the committee April 7 was made public in Washington Wednesday.

Mr. Ball was quoted as saying that the Mainichi Shimbun has on its staff "quite a number of Communists * * * and has taken a critical attitude" toward U.S. policy in Vietnam.

Mr. MacArthur, former American ambassador to Japan, was reported to have said, "They both are infiltrated. Asahi had over 200 members of the Community Party on the editorial staff."

The Asahi Shimbun issued a denial in the form of a statement by managing editor Isami Suzukawa, which said the charges were utterly untrue.

"It is extremely regrettable that high officials of the U.S. State Department gave testimony in the Senate implying that there are Communists on the editorial staff of the Asahi Shimbun and that the editorial policy of the Asahi Shimbun is influenced by these Communists. This testimony is absolutely contrary to the truth," Mr. Suzukawa's statement read.

"The Asahi Shimbun is published on the basis of its traditional policy of impartiality and nonpartisanship. It maintains its own viewpoint of fair reporting and editorializing and is not influenced by Communists or any other outside pressures.

"The Asahi Shimbun reflects public opinion and has always criticized and will continue to criticize, when necessary, the policies, not only of the United States, but of other countries as well.

"However, these criticisms have always been made from a spirit of friendship and there are no ulterior motives. We especially hope that the American Government and people will listen frankly to our friendly criticism," the statement concluded.

[From the Asahi Evening News, Apr. 29, 1965]

BALL, MACARTHUR SAY PRESS HERE "INFILTRATED"

Washington, April 28.—Two high-ranking State Department officials have told Congress one reason Japanese newspapers are so critical of U.S. policies is that there is a large number of Communists on the editorial staffs.

Under Secretary of State George Ball and Douglas MacArthur II, Assistant Secretary of State for Congressional Relations, testified on the subject recently in closed-door hearings of the Senate Foreign Relations Committee. A censored transcript of their testimony was made public today.

Committee Chairman J. William Fulbright asked why the newspapers of Japan were so critical of the United States despite the fact that Japan is "supposed to be our strongest ally in that area."

He quoted a story in the Tokyo Mainichi about an interview with a special envoy, Shunichi Matsumoto, who had been sent by Premier Sato to survey the situation in Vietnam.

Mr. Ball replied: "That Mainichi, which is the largest newspaper in Japan—in fact I think it is the largest newspaper in the world—has on its staff quite a number of Communists and has taken a critical attitude."

Mr. Fulbright remarked that Asahi had also been critical, and Mr. MacArthur said: "They both are infiltrated. Asahi had over 200 members of the Communist Party on the editorial staff."

Mr. Fulbright remarked that Mr. Matsumoto is not a Communist, and Mr. MacArthur agreed that he was not. "He is a former diplomat turned politician," Mr. MacArthur said.

"What has happened here is not an expression of the view of the Japanese Government," Mr. Ball said. "This is an expression of a man who went on a factfinding mission and has come back."

He added that it was "not clear" whether the mission was an official one.

AMERICAN BAPTIST CAMPUS MINISTRY IN NORTHERN CALIFORNIA,
Berkeley, Calif., March 30, 1965.
President LYNDON B. JOHNSON.

DEAR MR. PRESIDENT: During this month a number of us have engaged in fasting, each for 48 hours, as (1) in repentance for our share, unwilling though it is, in the brutal, barbarous, illegal, and immoral war in Vietnam; and (2) as a deep expression of our concern that negotiation and economic and social aid may take the place of military escalaton there.

Sincerely yours,
GEORGE L. COLLINS.

LOS ALTOS, CALIF.,
April 23, 1965.
Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: After seeing you on todays newscast; I am thankful that we still have a few statesmen in Congress who are ready to stand up to be counted. When the executive branch of our Government delegates the enormous powers to Cabinet head men like Wirtz, McNamara, and Katzenbach; who are immune to constructive criticism but are willing to gamble with our citizens' lives; we at home wonder why we have a Congress.

Mr. McNamara estimated that the tab for our interference in South Vietnam, will cost us about $1½ billion in the 1965 fiscal year. Just how did Congress face up to accept this decision of the Pentagon? We are in war. Yet, who declared this war; without the sole decision of you, the representatives of the people?

On February 11, 1963, I had written your colleague Senator MARGARET CHASE SMITH. I was much disturbed because a son of my friend in southern California was killed in Vietnam. I asked her two question:

1. For what cause has this man and others given up his life?

2. What is the Government telling the unfortunate parents and relatives? She sent my letter to the Defense Department and returned a two page brief from Mr. Arthur Sylvester in which he states:

"U.S. assistance to the Republic of Vietnam is of limited nature. This is a Vietnamese war. They are fighting it, and they are directing it. In February of last year, President Kennedy noted that we have not sent combat troops to Vietnam. That is still true. Our role is limited to furnishing the Vietnamese with advisory, logistical, and technical support." This is the excerpt from the Assistant Secretary of Defense in his letter of February 23, 1963. This morning a reporter at a news conference referred our present fracas in South Vietnam, a McNamara's war. He apparently was not abashed at accepting this label. We now have perhaps 30,000 men in Vietnam.

Again today, it is reported that the Government will sanction (?) raises in steel prices, I suppose if they grant labor's demands. This will mean another snowballing of increased costs of living. Being a retired individual, not destitute, but feeling the pinch that has affected those of us who must live on a static income and continue to pay our way; I feel that the Government has let us down in not stabilizing the dollar purchasing power. It has permitted inflation and in many cases we are creating a Great Society out of those who haven't tried to create wealth through production.

This is why many folks today are questioning the function of a Congress, that rubberstamps laws dictated by the executive department. So, I want to thank you when you fight for a principle regarding the Vietnamese affair. Those of us who fought in the First World War have learned how wrong we were when we believed we were fighting to end all wars.

Yours very truly,
FRANK J. KRACHA.

WARSON WOODS, MO.,
May 5, 1965.
Senator STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: I want to register a strong protest against the $700 million war-appropriation measure, and the steamroller tactics by which it is proposed to rush it through Congress. In the name of heaven, let Congress stop and consider the significance of what it is being asked to do. The President admits the money itself is not needed and announces that he wants the measure passed as evidence of popular support of his policy in Vietnam and in the Dominican Republic. Then why the haste? Why not take time to debate his policy? The fact is that millions of Americans think that Johnson is pursuing a terribly wrong and dangerous course of action. If the President wants Congress to endorse his policy, he should not use this devious device but should ask for a vote directed to the policy itself. Moreover, before Congress gives such an endorsement it should be extremely careful to define precisely what policy it is approving. As I understand him, Johnson has stated that he wants to tell the world that we are determined to pursue his new policy no matter what the cost and no matter what the risk. I, for one, would give him no such blank check. The new policy appears to be this: to intervene with military force to whatever extent deemed appropriate by the Defense Department, wherever there is a revolutionary outbreak which the President's inner circle of advisers—presumably including the Secretary of State—concludes is or might be "Communist dominated."

To what ridiculous and suicidal end will this new policy lead us? Suppose China decides to intervene in Vietnam? Will the President then approve the use of nuclear weapons? He may well do so, relying on Congress overwhelming approval of an appropriation measure. Suppose the Soviet Union then is impelled to resort to its nuclear arsenal. Who will accept the awful responsibility for pushing the red button? The President of the United States—or Congress?

I urge you and the other Members of the Congress at the very least to somehow limit the appropriation measure so that its passage would seem inevitable and not fairly be treated as a blanket endorsement of the President's policy as it has developed to date, or certainly not as a blanket endorsement of what other steps in the process of escalation his advisers may see fit to recommend in the immediate or remote future.

Very truly yours,
OWEN T. ARMSTRONG.

(Copies to Senators LEVERETT SALTONSTALL, HENRY M. JACKSON, MARGARET C. SMITH, J. W. FULBRIGHT, MICHAEL J. MANSFIELD, WAYNE MORSE, ALBERT GORE, FRANK J. LAUSCHE, FRANK CHURCH, GEORGE D. AIKEN, CLIFFORD P. CASE, and editor, Post-Dispatch.)

HOOD RIVER, OREG.,
May 3, 1965.
Senator WAYNE MORSE.

DEAR SIR: I have been intending to write to you for some time to commend you for your stand about fighting in southeast Asia.

It seems absolutely criminal for our Government to go in and shoot up that country, leaving it in a shambles like Korea, I suppose, after killing off a lot of the American soldiers and others.

I cannot understand why President Johnson didn't acept the offer Secretary General U Thant to let the U.N. mediate the trouble and build up southeast Asia with the Mekong project. Though I really do believe it was the military-industrial combine insisted that their stockpile of weapons should be used so they could say they needed more.

Our WSCS had a study "The United States and the New Nations," by Vera Micheles Dean, and in that book she stated that 80 percent of the money for foreign aid stayed in this country. And a pamphlet came at the same time telling how much the AID organization was going to do for needy nations, and it made the same statement that 80 percent of the money would stay in this country——implying that because of that more people in our country were in favor of the foreign aid program. At the same time this clipping was sent to me which I intended to send you. For I have heard you advocating less aid for the military and more for the people.

Several years ago I wrote you a very explosive letter to which you replied kindly that if you had a chance to get acquainted with me you could make me change my opinion. So I must tell you that I admire your courage in standing for the right things on so many issues. Of course, one of the main ones is on the liquor question. If you visited Jack Travis' cattle when you were in Oregon, you were right across the road from my house.

I wonder how long it will take President Johnson to bankrupt this country.

Very truly yours,
Mrs. H. A. SYLVESTER.

DENVER, COLO.,
May 4, 1965.
Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I want you to know that my wife and I agree wholeheartedly with your stand on Vietnam.

This bombing of North Vietnam seems senseless, immoral, and cruel—yes and costly.

We had no business getting mixed up in this Vietnam situation in the first place.

Sincerely yours,
SHERLEY N. BURCH.

ALBERTA, CANADA,
May 2, 1965.
Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I am sending a copy of my recent letter to our Prime Minister, Hon. Lester Pearson, for your interest, to which I received a friendly reply.

The 1954 Vietnam agreements have not been lived up to by Britain, the United States of America, and but feebly by Canada.

President Eisenhower's words (August 1953): "Indochina and the whole of southeast Asia are essential to the United States, both for strategic and political reasons," to which I would add material reasons, provide no valid excuse for interference in internal strife in other countries with which you will surely agree.

Now 2 years later, the United States of America seems to have assumed—or arrogated to itself—the responsibility of policing the world (3 days ago U.S. marines landed in the Dominican Republic in support of another puppet government). What the U.S. President under pressure from the military, is now trying to achieve is nothing less than a new form of colonialism which must be utterly rejected.

A withdrawal from Vietnam would indicate the acceptance of the facts of international life, leaving non-Western peoples to work out their own destiny, and this would open the way for a more realistic and beneficient ordering of their politicoeconomic life. And as for the National Liberation Front—called Vietcong by the U.S. advisers—far from being a group of Communist terrorists, it was a broad organization including almost all political and religious opponents of the Diem dictatorship. Its 31 members central committee is headed by a non-Communist lawyer who had spent years in Saigon prisons for his defense of civil rights. Represented are leading Buddish priests, Catholic priests, Protestant clergymen as well as businessmen and representatives of the three leading opposition parties. Its program is far from Communist in tone; it calls for peace, withdrawal of U.S. Armed Forces, democratic elections and eventual reunification for the whole country—prevented from taking place in 1956 by none other than the democratic United States of America and its puppet Diem.

Please use your influence in restoring the good name of the United States by helping to bring an end to this cruel and unjust war.

I read heartening things about you.

Sincerely and deeply concerned,

Mrs. Reta G. M. Rowan.

(Copy to President Johnson, Senators Ernest Gruening, and Frank Church.)

Alberta, Canada,
April 6, 1965.

Hon. Lester Pearson,
Prime Minister of Canada,
House of Commons,
Ottawa.

Dear Mr. Pearson: It was indeed heartening to know that you had received the World Peace Award of Temple University in Philadelphia, and that in accepting it you spoke for the majority of Canadian people in your proposals to President Johnson regarding Vietnam.

In my view it is a case of the old quotation: "For what is a man profited if he shall gain the whole world and lose his own soul?" and that the very existence of the whole world as we know it is risked at the present time for political reasons. It is true that through very efficient mass communications media we are made aware that something in the nature of a world revolution is taking place today, but it is also true that the United Nations Charter, in article 2, No. 7, states that there shall be no intervention in matters which are essentially within the domestic jurisdiction of any state—and surely this holds good as a moral precept for any member state.

That the United States intervention in South Vietnam was (or is) on behalf of the Vietnamese people is sheer sham, for we all know that those governing that small country at the time were not democratically elected, nor even popular with the masses of the people (as is also the case with the three subsequent coups).

We have to accept that change is synonymous with life itself, and we have seen great changes even in a life time, as for instance in our powerful neighbor, the U.S.S.R., and we surely have no moral right or excuse to try to impose our will by killing, upon other experimenting nations. We have only to put ourselves in their place to sense the resulting outrage for any such action.

I would like to thank you for having the Under Secretary of State reply to my last letter to you, of February 13, and for sending me your addresses to the Ottawa Canadian Club and the United Church Board of Evangelism. I trust you will use your influence on Prime Minister Wilson toward ending the war in Vietnam.

Respectfully and sincerely,

Reta G. M. Roman.

Slingerlands, N.Y.,
May 4, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: Please accept my very warm thanks for your efforts to extricate us from our blunders in Vietnam. It was this kind of foreign policy I thought I was rejecting when I preferred Mr. Johnson over Mr. Goldwater last November.

I am particularly incensed by the superior tone of the Secretary of State in referring to dissenters in the academic community. The State Department has become the purveyors of myths to support an indefensible intrusion into the internal affairs of an unfortunately divided country.

Our actions cannot but deal a heavy blow to the U.N. as well as to our own image everywhere. I hope and pray that you will continue your struggle for sanity to a successful conclusion. I shall urge my representatives in Congress to give you their fullest support.

Respectfully yours,

Albert Morrision.

P.S.—Enclosing copy of recent letter to the President.

Slingerlands, N.Y.,
May 3, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: This is to inform you of my profound distress over our military intervention in the Vietnamese civil war. The white paper which purports to justify this intervention has been described as "a dismal failure" by an eminent historian and political scientist, Prof. H. G. Morgenthau, of the University of Chicago. On the contrary, this document tends rather to support the earlier official view of the civil nature of the military struggle wracking the Vietnamese people.

We have thus violated the Geneva Pact of 1954 in support of a dubious South Vietnam Government which not only failed to carry out the election mandate of the pact but instituted the reign of repression which provoked the present rebellion. I, therefore, take my stand with Senators Morse, Gruening, Church, McGovern, Fulbright, and others in their sharp dissent with our present harsh military venture in Vietnam. I am appalled by the bombing, burning, chemical, and other weapons with which our military have been experimenting in that unhappy land. I plead, nay, demand an end to such barbarities for so they are no matter who unleashes them. I ask that you convene forthwith an assembly of the Geneva Pact powers to fashion a viable, representative Vietnamese state. Once a cease-fire is established, it should be maintained by a U.N. military force and American troops withdrawn.

Mr. President, you must lead, not follow on the way to the conference table if we are to regain our role as the leader of the democratic way.

Sincerely yours,

Albert Morrison.

Edmonton, Alberta, Canada,
May 5, 1965.

Senator Wayne Morse,
The Senate,
Washington D, .C., U.S.A.

Sir: About a month ago, when events in the Vietnamese war began to be escalated to a new high pitch, I wrote a letter to Prime Minister Pearson, the substance of which is given in the enclosed duplicated letter. (This letter is a copy of the one I sent to Canadian newspapers and others to try to get support for the idea contained in it.) I felt that some practical method had to be worked out to replace the vacuum left when the United Nations Assembly was paralyzed last session. This method would need to bypass both the positions of the Soviet Union, France, and the other nonpaying nations, and that of the United States, so that neither side would "lose face" or pride, and paralyze the new move. The aim should be to revitalize the United Nations, so that it could stop the escalation of the Vietnamese war before it reached the point of no return. My plan had to be initiated by the smaller nations; I proposed that Canada take the lead.

During the last 2 weeks or so, the names of Santo Domingo, India and Pakistan, and Southern Rhodesia have been added to the list of those nations where war, or threatened war is going on. The world is increasingly full of nations whose boundaries are guarded by military forces under cease-fire agreements, some with peace-keeping forces under the United Nations to try to prevent open war. Some nations, such as Indonesia, are on the edge of open war. The widespread sale or gift of modern military weapons by the older industrial powers to the new nations for the purpose of security, has not produced security, but is producing the opposite. War is no longer formally declared against a nation, but is suddenly used to gain some advantage when a nation can supposedly get away with it. Very few peace treaties have been made since 1945 to end these local wars; instead, these wars end only in cease-fire agreements (or in no agreements) which can be broken at any time to continue the wars. The whole situation is fast growing in unstable equilibrium, or in no equilibrium.

The longer these "brush-fire" wars are allowed to simmer away, according to my observation, the more difficult will be the efforts required to settle them, and the more likely they will involve other nations. The fear of atomic weapons seems to have little effect on preventing war. It may even encourage the smaller nations to use the war method, since they can probably get away with no intervention from the atomic nations, on the assumption that they dare not use their atomic weapons. Even the civil war, which began locally (perhaps ?), end up by being in fact wars between the atomic nations.

The one organization that should be available at such a time as this is the United Nations. But it is paralyzed by the promise of the United States to challenge the defaulting nations on their right to vote in the Assembly. This paralysis has lasted a whole session, creating an enormous power vacuum. The longer the United Nations stays paralyzed, the greater this power vacuum will become. The more chance the People's Republic of China will have to woo the nations of Africa and southeast Asia from the present defunct United Nations into the counter "united nations" it has recently proposed.

Communist China should have been taken into the United Nations in 1960–61, during the time of the food shortage, when the country had lost much of its aggressiveness. It would be much better to fight by words in the United Nations than by bullets, or bombs. This does not ignore the intransigeance of the days of Vishinsky. Delegates could be trained for that as Dr. Martin Luther King's followers have been trained to meet the savage onslaughts of the police in Alabama by nonviolent methods.

Until the United Nations is restored as the power center of the world, based essentially on moral power, the huge and growing forces of disintegration will continue to grab control, with the growing threat of escalating war into world war III, with the use of atomic weapons to destroy mankind. I trust this letter will be of some real use to you in trying to stop this escalation.

Yours sincerely,

Lewis V. Smith.

Marion, Iowa,
May 4, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Have just finished reading Drew Pearson's article "Sees Big War Danger Intensifying." As a result I sent the following telegram to President Johnson: "Do not drag us into world war. Get rid of Rusk and McNamara." I write regularly to Johnson every week and occasionally to Rusk and McNamara. It is most discouraging. Thanks for all you are doing. Why can't America wake up? Best wishes.

Sincerely,

Irene G. Coombes.

Evanston, Ill.,
May 4, 1965.

Senator Frank Church,
Senator Ernest Gruening,
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Gentlemen: I have just heard the news that President Johnson has asked Congress for an immediate appropriation of $700 million, to show American determination to remain in Vietnam and the Dominican Republic. He went on to indicate that the Government of the United States is determined to put down any revolution anywhere which it does not like. Thus our country has come full circle—from being the first successful anticolonial revolution and champion of the self-determination of people, to being—if Johnson has his way—the main suppressor of revolution, and the right of self-determination of people.

It seems clear to us that President Johnson, by word and deed, has announced a new foreign policy for the United States—precisely the Goldwater policy which he pretended to oppose during the recent presidential campaign. He has announced a policy of putting down any revolution which he does not like, justifying this by labeling it "Communist," thus in effect saying that only the United States has the right to determine the legitimacy of any revolution. We thereby become judge, jury, prosecutor, policeman, and jailer for the world. This tears up the Atlantic Charter, which recognizes the right of people to self-determination, and substitutes a right of U.S. determination for all countries of the world—a policy akin to Hitler's in concept and similar in result, flies in the face of the United Nations Charter, which does not recognize the right of any nation to interfere in the internal affairs of another country, and tramples on international law. Such a policy can have only disastrous consequences, at the very best bringing about universal hatred of our country, killing, and maiming of untold persons, both American and foreign, the vast destruction of property (which we would presumably rebuild, according to Johnson's southeast Asia plan), greatly increased arms expenditures, all of this resulting in leading the United States downward toward becoming a second-rate power by squandering our natural resources and what remains of our good name. At worst, this policy could lead to the total disaster of thermonuclear war.

You have been providing splendid leadership in opposition to the administration's policy in Vietnam. Now that the underlying logic of the U.S. position there has been made the basis of American policy everywhere, we look to you to take the lead in opposing this appropriation and in exposing the logic of President Johnson's position.

The President, undoubtedly realizing the strong opposition of a major segment of the American people to this policy, has adopted the tactic of presenting us with an accomplished fact, then giving his "explanation" as to why, which he clearly thinks no one has the right to question. (This reminds me of McCarthy.) He then demands blind acceptance—indeed, automatic support—from Congress and the American people. If we are to preserve world peace and the good name of our country, if we are to build a great society at home and maintain the freedom our forefathers brought forth at great cost of work, struggle and blood, President Johnson's new foreign policy must be vigorously and successfully opposed.

To prevent the ramming through of this appropriation before the people have had time to realize what is happening and to express their opposition, we ask that you and your colleagues who have done such noble work on Vietnam lead an extensive and intensive debate on the appropriation and the policy behind it. If it is necessary to prevent this measure from being rammed through, I would even suggest a filibuster. Though I dislike filibusters, it would be justified in this case to prevent an unpopular and disastrous course from being forced on our country.

Yours for a decent foreign policy,

Arnold F. Becchetti.

Northampton, Mass., *May 5, 1965.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Although not your constituent, I write you knowing that our views on the military adventures of the administration are similar. I am sure you will do everything you can to avoid in the Senate the haste with which the House had apparently given the President the money he requested. There is no emergency, no crisis, no Pearl Harbor here. You owe it to the large number of Americans who share your views to see that hearings and a full debate are held.

Secretary Rusk has answered me and my academic colleagues with insults. Can it be that he does not think his own arguments sufficiently good to answer us with reason?

Keep up the good fight.

Sincerely,

Bruce Hawkins.

Seattle, Wash.,
May 5, 1965.

Senator Wayne Morse,
Senate Office Building.

Dear Sir: Do appreciate your strong statements and the position you are taking on both South Vietnam and on the Dominican Republic.

We must prevent the military and the CIA from taking over complete control of our Government. Your statements and actions are most important.

Please keep up your battle.

Thank you.

John E. Magraw.

Toledo, Oreg.,
May 5, 1965.

Senator Morse,
Washington, D.C.:

What you say makes good sense to me and I'm writing Johnson to this effect.

J. E. Wright.

Flint, Mich,
April 26, 1965.

Senator Wayne Morse.

Dear Sir: This is to advise you. I am flatly against our procedure in Vietnam.

I feel it is time for the conference table, rather than bombing that small country, before we lose the opportunity.

Your truly,

Mrs. Karin Thorngren.

P.S.—I have written my Senators my feelings.

Milwaukie, Oreg.,
May 5, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: As ardent supporters of your views on foreign policy in the past, we would like to commend your opposition to the war being waged by President Johnson in the Dominican Republic and in Vietnam. We earnestly hope that you will speak for rational people in Oregon, as well as in the rest of the United States, by voting against the President's request for more funds to support these acts of outright aggression by our "peace-loving Government." Please do your part to stop our Nation from rushing headlong into war under the pretense of "saving the world from communism," or soon other nations will be waging war to save themselves from us. We wish you Godspeed in your courageous endeavor.

Sincerely,

Mr. and Mrs. Coleman Beghtol.

The First Baptist Church,
Scottdale, Pa., May 5, 1965.

Hon. Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I thank God for your "voice crying in the wilderness" opposing the senseless foreign policy of our Government in Vietnam and now in the Dominican Republic. I am with you 100 percent in crusading for peace—not for war.

Several weeks ago a Canadian newspaperman raised the following questions about Vietnam:

1. Where do we stand on the U.S. bombing of North Vietnam in violation of the 1954 truce accord?

2. How much of a civil war is going on in South Vietnam?

3. If the Chinese and North Vietnamese are guilty, why not an all-out U.N. action?

Similar questions can now be raised about our intervention in the Dominican.

During the election campaign, Senator Goldwater was caricatured as being "trigger happy." Many of us are raising the question, "Who is trigger happy now?"

You may be assured of my continued interest and support. And may your tribe increase in the days ahead that we may be spared the horrors of another Korea.

Cordially yours,

Gordon S. Wilson.

Oldcastle, Ontario, Canada,
May 3, 1965.

Dear Senator Morse: This small item on your stand on peace was in our "Windsor Star:

"Senator Urges Top Men Go

"Washington.—Senator Wayne Morse, Democrat, of Oregon, wants Defense Secretary Robert S. McNamara and Secretary of State Dean Rusk to resign to help bring an end to 'this Nation's outlawry in southeast Asia.'

"In a Senate speech Monday, Morse bitterly attacked U.S. policy in South Vietnam and said if a change is not made 'a couple of months from now there will be hundreds of thousands fighting and dying in Asia.'

"The Senator singled out the two Cabinet members for the brunt of his criticism. He said he was shocked by Rusk's speech Saturday night in which he said the Secretary of State called administration critics modern-day appeasers."

We also saw and heard Secretary of State Dean Rusk on his Saturday night speech and could hardly believe our ears.

We commend you for your courage in speaking out for peaceful negotiations, and all the rest.

Yours sincerely,

Myrtle Cushman Brown.

P.S. We have also written to Senator J. William Fulbright and Senator George Aiken.

Wichita, Kans.,
May 5, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I uneasily remember that in their fear of communism, the people of Germany turned to a dictatorial and militaristic Hitler. I am deeply concerned that my country is backing military junta in South Vietnam and Dominican Republic. I am also disturbed that it is being hinted that mounting military spending could offset an economic recession caused by added medicare costs. Like you, I wonder that the President can go ahead and start wars without advice and consent of Congress. I also worry about alienating India, Pakistan, Cambodia, and now countries in our hemisphere; about going against U.N. and OAS.

I also feel that those who voted against Goldwater, fearing his views on foreign policy, have been ironically betrayed by our present militaristic foreign policy.

Sincerely,

Margaret Bangs.

Yellow Springs, Ohio,
May 5, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Esteemed Senator: I support your Vietnam stand. My only regret is that you do not represent my State.

Yours truly,

Andrew Schwefel.

Eugene, Oreg.,
April 25, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: I am a professor at the University of Oregon, one of the organizers of the all-night protest session against the war in Vietnam held here last Friday. I think you should know some things about this protest movement that do not show in newspaper reports or in official statements. In the first place, the students who took part here were among the most able that we have. A disproportionate number are graduate students, highly selected for intelligence and intellectual achievement, and many of the undergraduates are of equal ability. They are persons whose contributions are essential to the continued progress of our society. In contrast, the supporters of the present Vietnam policy who showed up at Friday night's meeting gave no evidence of such intellectual quality either in the somewhat naive questions they asked or in the boisterous heckling in which they indulged at times. Only a few of them were enough interested to stay through the after-midnight discussions and express their views.

The second factor to which your attention may not have been drawn is the character of these all-night sessions. They are not simply protests, but a very concentrated form of education. By the time the participators have spent 12 hours listening to speeches, asking and answering questions, and examining prepared discussion materials, they know a great deal about such things as the Geneva 1954 agreements, the history of our involvement in southeast Asia, and other relevant matters. The plan announced last week by the State Department to step up their public information activities is not likely to have much influence on this group. They know why we are in Vietnam, they are convinced that our presence there has no legal or ethical justification, and they will be impressed only by policies that are directed toward extricating us rather than involving us more deeply. Statements like the one in this morning's paper that the United States is "retaining the option of using small nuclear weapons" solidify the opposition in that they serve to confirm our worst fears—namely, that forces in the administration are trying to provoke a preventive war with China.

The third point I wish to make is that the opposition to present policy is extremely intense and serious. It grows out of a profound moral conviction similar in quality to that expressed in the civil rights movement. If our protests do not produce a change in policy, we will not subside, but rather find new ways of expression. I personally am considering nonpayment of income tax as one such possibility. There are undoubtedly many others. The ingenuity and resourcefulness with which dedicated young people can develop new ways of dramatizing their views have become apparent during the struggle over civil rights. They will demonstrate the same sort of creativity in this cause.

Sincerely yours,

Leona E. Tyler, Ph. D.

The Superior Court of Los Angeles,
Los Angeles, Calif., April 28, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I think every earnest citizen in the United States owes you a vote of confidence and support in your dedicated efforts to sustain the integrity of this country in matters of fiscal solvency and from present foreign military intervention in southeast Asia.

The suggestion often made that by some divine ordinance this country must undertake the responsibility to engage continually in global fighting and military intervention in foreign countries rests upon emotional, irresponsible propaganda, and appeal that is befogging the American public with the thought that "An aggressive war is wicked, but a defensive war is righteous."

To suggest that a man is an isolationist because he opposes this type of global military intervention is both irresponsible, unprincipled, and vicious.

I am sure there is a great bloc of the American people who are in back of you 100 percent.

May I congratulate you upon your emphatic and gainful efforts.

Very sincerely yours,

Joseh L. Call,
Judge.

Lamont, Calif.,
May 1, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.:

You are to be commended for your efforts in trying to bring peace to southeast Asia. Maybe there are those who are trying to solve the difficult problem of population explosion; but perpetual war is a poor solution.

Sincerely yours,

Earl Benham.

[From the Bakersville Californian, Apr. 26, 1965]

CALIFORNIA DEMOCRATIC COUNCIL LEADERS VOTE TO QUIT VIETNAM WAR

Directors of the California Democratic Council, at its closing session of its 2-day conference Sunday at the newly opened Holiday Inn, passed a resolution reaffirming a stand in favor of a negotiated peace in Vietnam. The resolution also commended the view of Senator **William J. Fulbright** and Senator **George Aiken** which called for a cease-fire in Vietnam in order to enhance the possibility of discussions for settlement.

The board turned down a more radical resolution on Vietnam which called for street demonstrations and political action.

The California Democratic Council convention in Sacramento in March also passed a resolution concerning the settlement of the conflict in Vietnam in which it urged the President of the United States to stop the widening of the war by ordering a halt to further bombing of North Vietnam. It also asked that the United States seek a cease-fire through the United Nations or an international body preliminary to negotiating a diplomatic settlement, with guarantees against foreign intervention for an internationally supported economic and social program of reconstruction and development.

The board also passed a civil rights resolution in support of "the people fighting for their recognition of basic rights and human dignity in Alabama."

In another resolution the board voiced support of the AFL–CIO farm labor organization.

The board also went on record as "opposing nondisloyalty oaths for candidates." The California Assembly recently passed a measure requiring a loyalty oath of candidates and the bill is now before the State senate, it was reported.

In the discussion on this resolution, the directors said they did not object to loyalty oaths but did object to one that called for declarations from a candidate or others "that they had never been connected with an organization or movement deemed disloyal."

Another resolution called for the restoration of the proposed 10-percent cut in salaries of State college teachers; and another calling for the legislature to reduce the vote required for the passage of a school bond measure in a school district from a present two-thirds majority to one of a simple majority.

Another resolution called for an investigation into the decline of the fishing industry in the State and to check into water pollution problems.

Simon Casady, of El Cajon, near San Diego, a retired publisher and newspaperman, told a reporter of the Bakersfield Californian, that "any division within the Democratic Party seems to have healed over." Casady reportedly had recently attended a meeting in Sacramento in a conference with Gov. Edmund G. Brown and Assembly Speaker Jesse D. Unruh.

"At present, everything is sweetness and light and that will be the story until after the election," said Casady.

"The party will be unified and of one mind in recognizing the job for the next 2 years is to keep control and hold tight against the extreme rightists from taking over the State."

Tom Carvey, immediate past president of the CDC, in a short speech on Saturday saw the role of the CDC "as the conscience of the Democratic Party" and "its strength will lie in its idealism and practical purposes in politics."

Carvey was presented with a large brass-banded gavel as a memento for his longtime service as State leader.

Horace D. Massey, of Bakersfield, region III vice president, who arranged for the board meeting invited the directors to look over the facilities of the civic auditorium late Saturday as a preparation for the 1966 convention.

The convention which will bring an estimated 8,000 CDC members to Bakersfield, February 18, 19, and 20, 1966, will be one at which all endorsements for State offices will be made preliminary to the June primary election.

The directors voted Sunday also to hold the 1967 convention in Fresno bypassing a bid of San Diego for the convention. Long Beach had also bid for the 1967 meeting.

Bakersfield Attorney Gabriel Solomon was named as State legal counsel for the CDC. Solomon just returned from Sacramento where he also was appointed vice chairman for Northern California Negroes for Political Action.

Solomon was also named by George Simpson, of Tulare, 18th Congressional District director, for CDC, to the post 18th Congressional District chairman for CDC.

VIETNAM EXPERTS PETITION PRESIDENT

Hundreds of the country's leading experts on Vietnam, China, and Asia attending the national meeting of the Association for Asian Studies, in San Francisco, petitioned President Johnson to take the lead in calling for peace in southeast Asia. The petition reached the White House during a 3-day intensive deliberation on Vietnam policy.

The petitioners fear that the present policy of escalation will cause the U.S.S.R. to abandon its policy of peaceful coexistence and (to) reassume its nuclear shield over China. Other points in the petition to the President stressed:

Current U.S. policy is forcing Hanoi (North Vietnam) to depend increasingly on Communist China;

The Vietcong in the south benefit from the cruelty, impotence, and selfishness of the so-called governments in South Vietnam that have alienated the peasantry;

There are both doves and hawks in policy circles in Hanoi, Peiping, and Moscow. Arguments of their doves are weakened by fear of America's implacable hostility.

The petitioners conclude that a strong gesture from President Johnson for a peaceful resolution in Vietnam could establish that ours is the just cause and thereby win for us the allegiance of the poor countries of the world.

Prominent among the signers are:

From University of California: Gerald Berreman, Delmer M. Brown, George De Vos, Joseph R. Levenson, Herbert M. Phillips, Henry Rosovsky, Franz Schurmann, James R. Townsend.

From Harvard University: Robert Bellah, Jerome A. Cohen, John K. Fairbank, Ezra Vogel.

From University of Michigan: Albert Feuerwerker, Rhoades Murphy, David Sternberg.

From Yale University: Harry Benda, Robert J. Lifton, Mary Wright.

Jackson H. Bailey, Earlham College.
Robert A. Burton, University of Kansas.
Claude A. Buss, Stanford University.
Paul A. Cohen, Amherst College.
Stanley Lubman, Columbia University.
H. Y. Tien, University of Illinois.
G. William Skinner, Cornell University.
Stanley K. Sheinbaum, Center for the Study of Democratic Institutions.

Petition

To the President of the United States:

1. We, the undersigned, professional scholars in the field of Asian studies attending a conference concurrent with your White House deliberations on Vietnam policy, respectfully call upon you to use the awesome power and responsibility that rest in your hands to decide whether our country will be the world leader for peace and progress, or for war and destruction. Politics is the work of individual men, not the production of the forces of history. In every crisis, a great leader of men, by his decision alone, determines the fate of the world. Whatever the outcome of that decision, he bears full responsibility for it.

2. When a decision involves war or peace, the moral leader only opts for war because he believes that an ultimate greater good will be attained, or because he sincerely believes that his country's enemies are undeviatingly determined to have war. We, as students of Asian affairs, firmly believe that neither of these is the case. We believe that all three great powers: the United States, the Soviet Union, and Communist China, in one way or another, use both the sword and the olive branch to protect and to extend their interests. It is not the force of history but single events produced by individual decisions which determine which shall be used.

We have taken a dangerous step forward through our policy of increasing escalation of the war, one which puts us on a direct collision course with China. This could be the ultimate tragedy in Sino-American relations. War with China would not win the predominantly guerrilla war in South Vietnam. It would wreak vast destruction in eastern Asia with only the prospect that Communist China, like the Soviet Union in the wake of World War II, would emerge stronger than before. It would run the grave risk that the Soviet Union would abandon its policy of peaceful coexistence and reassume its nuclear shield of China. This would not only once again pose the issue of total war, but undo those laborious steps toward world peace that have been achieved over the past years.

3. The present policy of increasing escalation rests on three questionable assumptions. First, it assumes that the Soviet Union will, in a showdown, not support Communist China, and that, therefore, American power can punish China with impunity. The Sino-Soviet dispute has gone through many fluctuations. The Soviet leaders are individual men making decisions. No one can predict what they will be. No expert can state flatly that they will abandon China in the moment of extreme crisis.

Second, it assumes that China and North Vietnam, when confronted with punishing destruction, will surrender to force. The history of these two nations indicates just the opposite. When attacked by the Japanese and the French respectively, the Chinese and the Vietnamese struck back fiercely, made opportunity of the war to strengthen their social organization, and finally triumphed stronger than ever before.

Third, it assumes that the existence of the war will create conditions for stability in South Vietnam, strengthen the South Vietnam army, and create better conditions for winning the war in the South. The Vietcong are powerful because of broad support from the Vietnamese peasantry, and because the latter have been alienated from the government by cruelty, impotence, and selfishness. The succession of governments in Saigon promises to further widen the chasm between it and the people. That if anything, will strengthen, rather than weaken, the Vietcong.

4. We firmly believe that a further escalation can only lead to an even greater catastrophe in eastern Asia. America will then be enmeshed in a land war on the Asian mainland with the prospect of short-term success and long-term defeat. America's inevitable withdrawal from eastern Asia would occur in a context of defeat and hatred, just as was the case with imperial Japan.

5. We firmly believe that there is an alternative decision for peace which is more than just a negative decision against war. There are "doves" and "hawks" in Hanoi, Peiping, and Moscow, just as in our own country. There are men in Hanoi who fear Chinese domination as a consequence of war. There are men in Peiping who fear loss of China's painful recovery in the wake of its great economic crisis 4 years ago. There are men in Moscow who would go a long way to prevent a recurrence of the disaster that befell Russia in the last war. What weakens the argument of these men is the fear of America's implacable hostility against them. We believe that an open declaration of America's determination for peace in eastern Asia would increase the chances of a favorable response from the other sides and from third parties. We respectfully call upon you to express this determination by calling off the bombing of North Vietnam and taking the lead in convening the Geneva Conference or the appropriate meeting you deem best. We call upon you to declare to Peiping and Hanoi our fundamental willingness to coexist peacefully with them as we are trying to do with the Soviet Union. We do not believe that such a magnanimous declaration would be regarded as a sign of American weakness. Peiping and Hanoi are well aware of the immense power that America commands, can use, and has used. We believe that such a declaration of peaceful intent would help create the conditions for terminating the insurgency in the south on terms satisfactory to the south. Above all, we believe that such a declaration will make possible steps toward peace in Asia such as already have been achieved in Europe.

6. The course of events is in your hands. We ask you to use the great power for moral good, political justice, and economic progress which America has, and for which, because it has always used that power, it is respected throughout the world, to attack for peace rather than for war. Power comes from bombs, but greater power comes from a just cause. Like all men, the men of Peiping and Hanoi feel that theirs is the latter. It is in your hands to take that from them and so give America access to the allegiance of the poor countries of the world.

7. With all respect we stand ready at any time and in any number to consult and advise if you believe we can make a contribution toward the resolution of this critical problem.

The Crisis in Vietnam

(Remarks of Senator Wayne Morse, Joint University Forum Chicago, Ill., January 15, 1965)

The title of my remarks would indicate that I came here to talk about our problems in Vietnam. But events of recent hours make it evident that the problems in Vietnam are really those of the entire peninsula of Indochina, now divided into North and South Vietnam, Laos, and Cambodia.

Refusal of the Administration to explain what our planes are doing in Laos means that the American people are getting a foreign policy of concealment in that part of the world. They are entitled to know what is being done in their name in Laos and Vietnam. They are entitled to know whether the United States is escalating the war in Asia, and if so to what extent and for what purpose. They are entitled to know whether this violation by us of the Laotian agreement of 1962 means we have junked that agreement as the basis of our policy in Laos and what is being substituted for it.

If they do not demand and receive such an explanation, they could wake up some morning and find that their Great Society has dissolved in an Asian war.

That is how seriously I view our situation in Asia. What little we in Congress are told about the activities of our Armed Forces in Asia is told in confidence. But it is you the people, who fight, and you the people who pay the bill. Today, neither you nor I know what the Administration is doing in Asia, to what it has committed us, what its objectives are, and how much it is risking to achieve them.

On one point there is much agreement among members of Congress and Administration officials—that getting involved in Indochina after the French got out was a great mistake. Yet they are now undertaking to compound that error by increasing our involvement and commitment. Where it will end and how much it will cost the American nation they have not discussed with the people nor with the Congress.

That is why I say we have a foreign policy of concealment in southeast Asia.

But I would like to go back to the end of World War II and examine the history of American relations with southeast Asia to see just how our policy led us to the present perilous situation.

Twenty years ago almost to the very month, the subject of postwar American policy in southeast Asia came in for study in the high levels of Government. A State Department memorandum to President Roosevelt suggested that positive announcements should be made of American policy toward the former colonial areas of southeast Asia being liberated from Japanese occupation. It suggested that specific dates for their self-government be set as objectives of American policy.

We know from Cordell Hull's memoirs that President Roosevelt heartily endorsed that policy. He believed that French dominion over Indochina should not be restored. At the Cairo and Teheran Conferences he urged that it be placed under an international trusteeship as a final step toward independence.

Cordell Hull records that only Prime Minister Churchill disagreed, and he quotes Roosevelt as saying:

"The only reason [the British] seem to oppose it is that they fear the effect it would have on their possessions and those of the Dutch. They have never liked the idea of a trusteeship because it is, in some instances, aimed at future independence.

"Each case must, of course, stand on its own feet, but the case of Indochina is perfectly clear. France has milked it for 100 years. The people of Indochina are entitled to something better than that."

Today we are paying the price for our failure to carry out that policy. Within 10 years of the end of the war, the British, the Dutch, and the French largely recognized, after years of war and the expenditure of billions of dollars, that colonialism is a thing of the past. It is the United States that has failed to recognize what Mr. Roosevelt knew to be true: the era of white rule in Asia is finished, whether it takes the form of economic exploration through direct rule or the form of manipulating governments to protect what we regard to be our interest—the postwar American form of colonialism.

Roosevelt's policy died with him. Our primary interest became one of bowing to French wishes in all international matters to guarantee her support and participation in NATO, and we began financing the French effort to recapture Indochina. We put over $1¼ billion into that futile struggle. And when the French finally gave up, we took it over ourselves.

WANTED: A WESTERN FOOTHOLD

All in all, it has cost American taxpayers $5½ billion, exclusive of the cost of our own forces, to try to keep a Western foothold in southeast Asia. Some writers are working hard to convince the American people that all we are doing is maintaining a historic American policy. Journalistic spokesmen for the Defense Department are vehement in declaiming that to lose our foothold in Vietnam is to lose all we fought for in the Pacific in World War II.

Nothing is further from the truth. Never in our history have we had any kind of foothold on the mainland of Asia. Before World War II, the most we ever had was the Philippines, which we voluntarily relinquished in 1935 and formally freed in 1945. Since 1945, we have maintained base rights in the Philippines, as in Japan; and we have kept a base in Okinawa, won by conquest. Our present foothold in South Korea is a legacy of World War II, not its objective.

What these Defense Department spokesmen really have in mind are not the strictly American footholds and bases in that part of the world but the whole network of French, Dutch, and British possessions that in World War II were freely used by Americans in the prosecution of the war against Japan. The possibility that these staging areas should no longer be available for use at our pleasure vis-a-vis China is for many of them so unthinkable that they believe it is worth a war to retain at least one of them.

When France finally gave up the struggle in Indochina, the United States refused to sign the Geneva Accord of 1954, which ended the war. And we prevailed upon a new government we had chosen to back in South Vietnam not to sign it either. We began to send military aid early in 1955, and we, along with South and North Vietnam, were found by the International Control Commission to be in violation of the treaty.

The sad truth is that the threats by leading American officials to make war on China and the present war crisis, are the logical end of the dismal road in Indochina that John Foster Dulles set us upon in 1954. After failing in his efforts to keep the French fighting on in Indochina, despite American aid to their war effort and the promise of direct U.S. military action, Dulles refused to put the signature of the United States on the Geneva agreement of 1954 which marked the end of French rule there. South Vietnam also declined to sign. The most the United States said about the 1954 agreement was that we would recognize it as international law and regard violations with grave concern and as seriously threatening international peace and security.

Among the provisions of the 1954 accords was article 16: "With effect from the date of entry into force of the present agreement, the introduction into Vietnam of any troop reinforcements and additional military personnel is prohibited."

An exception was made for rotation of personnel, meaning French, already there.

Article 17 provided: "(a) With effect from the date of entry into force of the present agreement, the introduction into Vietnam of any reinforcements in the form of all types of arms, munitions, and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines, and jet weapons and armored vehicles is prohibited."

Again, an exception was made for replacement on the basis of piece for piece of the same type and with similar characteristics.

Article 18: "With effect from the date of entry into force of the present agreement, the establishment of new military bases is prohibited through Vietnam territory."

For 10 years we have claimed that North Vietnam was violating the accord by sending in help to the rebels against the South Vietnamese Government. But our solution was not to go to the parties who signed the agreement and who were responsible for its enforcement. Nor did we go to the United Nations, the sole international body with jurisdiction over threats to the peace.

Instead we multiplied our own violations by joining in the fighting. Each time we increase the number of American boys sent to that country to advise the local troops we violate the Geneva Agreement of 1954. Every jetplane, every helicopter, every naval vessel we furnish South Vietnam or man with American servicemen is a violation, and so is every military base and airstrip we have constructed there.

Yet we hypocritically proclaim to ourselves and the world that we are there only to enforce the Geneva agreement.

Part of the 1954 agreement established an International Control Commission of Poland, India, and Canada to investigate complaints of violations. As early as its report covering 1956, this Commission found both North and South Vietnam had violated the accords of 1954, the latter in conjunction with the U.S. military aid activities.

Immediately upon the signing of the 1954 agreement, the United States began to support the new government of South Vietnam in a big way. In the letter President Eisenhower wrote President Diem, a letter still serving as the basis for our policy in 1964, aid was pledged to Diem, and in turn, "the Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms."

NO FREEDOM OR DEMOCRACY IN SOUTH VIETNAM

In 1965, President Johnson refers to that letter as the basis for our aid, but the part about reforms has long since been forgotten.

In the decade following 1954, the United States for all practical purposes made a protectorate out of South Vietnam. Its new government immediately became financially dependent upon us; as rebellion against it grew, our level of aid was stepped up. By 1961, we had to send 15,000 American troops as "advisers" to the local military forces. Today, the figure is 23,000.

When the Diem government diverted itself from fighting rebels to fighting Buddhists, a coup by military proteges of the United States overthrew it. Within a few weeks, another coup replaced the Minh junta with what American advisers considered a more efficient military junta under General Khanh. In turn, the Khanh government has been succeeded by a series of coalitions, the current one being headed by Tran Van Huong.

At no time have the people of this unfortunate country had a government of their own choosing. In fact, the Khanh junta justified its coup with the excuse that some Minh officers were pro-French, and might seek some way of neutralizing the country. Just how these various creations of the U.S. Government differ from the old Bao Dai government which served as the French puppet, I have never been able to see. Yet American leaders talk piously of defending freedom in South Vietnam.

We say that one of our objectives is the enforcement of the 1954 agreement. But it has never been explained why we have any business enforcing by force of arms an agreement to which neither we nor our client country is a signatory.

Nor is it explained why enforcement can only take the form of massive violations by ourselves of articles 16, 17, and 18 of that agreement.

SIMILAR PROVISIONS GOVERN LOAS

In the case of Laos, we did sign the Geneva accord of 1962, along with 13 other nations, which sought to neutralize that country. Hence, we claim that the violations we have committed ourselves were undertaken only after North Vietnam violated the accord first. Our violations have taken the form first, of sending armed planes flown by American pilots over Laos for reconnaissance purposes and more recently to carry out armed attacks within the country.

The 1962 agreement permits military equipment to be brought into the country at the request of the Laotian Government. But article 4 of the Loatian accord reads: "The introduction of foreign regular and irregular troops, foreign paramilitary formations and foreign military personnel into Laos is prohibited."

Today, we know the United States has violated article 4 by sending our military personnel into Laos. That they fly over the country and bomb it from the air rather than from the ground does not alter the case. Our air raids in Laos are every bit as much a violation of the agreement as the violations we believe North Vietnam has committed.

That is why I said at the outset that neither you nor I know whether this country considers itself bound by that agreement; nor do we know what policy in Laos may have replaced it.

One of the speculations in Washington—and speculation is the most we have to go on about our policy in Asia—is to the effect that the raids were undertaken to convince North Vietnam and ultimately China that we would not be pushed out of southeast Asia and were prepared to expand the war if North Vietnam did not stop her alleged encouragement of rebels in South Vietnam.

If this is in fact the purpose of the raids, which have been going on since last June, what have they accomplished?

Has anyone heard North Vietnam ask to negotiate? Has anyone heard of a Vietcong surrender? To the contrary. The Vietcong raids have become more daring and more successful in the last 6 months than at any time since the French underwent very much the same experiences we are now undergoing.

BRINKMANSHIP IN ASIA

The air raids are a brinkmanship fully as dangerous as John Foster Dulles ever practiced anywhere in the world.

We are trying to bluff China. But we overlook the fact that the rebellion in South Vietnam is carried out by South Vietnamese people primarily with weapons captured and obtained from Government forces.

Not once have I heard an official advocate of this "put pressure on North Vietnam and China" policy state that the Vietcong would collapse without outside support. All the evidence presented to the Foreign Relations Committee is exactly to the contrary. The State Department and the Pentagon continue to admit up to this very minute that the body and muscle and weapons of the Vietcong are local and not foreign.

The result is that we are not going to make any progress in South Vietnam by bluffing China. We only run the terrible risk that the decision of how far to go will be taken out of our hands as it was in Korea, when we believed we could engage in acts of war a few miles from Chinese borders without her doing anything about it. The massive intervention by China in Korea took place only 2 or 3 years after the Communists had taken control of the country. Thirteen years later they are much better prepared to fight a land war in Indochina than they were in Korea.

Our brinkmanship with China flies in the face of one of the facts of life we have long since recognized as regards the Soviet Union. It is that a great power will not tolerate hostile governments or the bases of hostile nations on its immediate borders. Is there any doubt that the United States will not tolerate a Soviet base in Cuba? Or that we would take whatever steps were necessary to evict such a base? Or that we will use all the economic, political, and covert means at our disposal to get rid of that hostile government just 90 miles away? Perhaps it is not worth war to us to get rid of it; but we mean to limit the extent of threat it poses and to work for its downfall.

The Soviet Union accepted that premise, just as we had accepted it in 1956 when the Soviet Union took what steps it considered necessary to prevent a hostile regime from coming to power in Hungary. We deplored their action and we wrung our hands. But we have conceded that Russia will not tolerate hostile governments on her borders and we have accepted the premise as part of our policy in Europe.

It is hard for us to apply that premise to China, not only because it is a Communist nation more virulent in its aggressive policies than the Soviet Union of today. We have the additional emotional and historic ballast of generations of American domination of whatever part of Asia we cared to dominate. It is as hard for many Americans to see Asia emerge into full industrial nationhood as it was for Sir Winston Churchill to preside over the liquidation of the British Empire.

It was we who opened Japan to the west against her wishes; it was we who insisted upon an "open door" for all western nations to exploit China equally; it was we who seized and eventually released the Philippines from colonialism; and it was we who bore the battle against Japan when she undertook to make Asia a Japanese colony instead of a white colony.

The Pacific has historically been an American lake. While other Western nations controlled large reaches of it, we were satisfied with their presence. But never have we experienced a Western Pacific controlled by the people who lived there, except for the brief period of Japanese supremacy.

Within a very few years, however, the United States is going to find it cannot call the shots in all the Pacific without involving itself in war, this time not against only an island outpost of Asia, but against a third of the world's population.

I am satisfied that this would be true if communism had never been invented. There never has been a time since 1954 when it was possible for this country to impose a government upon the people of South Vietnam without constant fighting to keep it in power. The war there will never end on our terms because our very presence and our domination of its affairs is a target for rebellion.

IGNORING THE U.N. CHARTER

If we expand the war into Laos, North Vietnam, or China, in the name of protecting our investment in South Vietnam, it will be an outright American aggrandizement of the kind we have not embarked upon since the Mexican War. We will not only be inviting disaster but will be flouting every principle of international policy we have espoused since World War II.

Not the least of these is our signature on the U.N. Charter and our support of its activities. If our signature means anything, it requires us to observe article 2, section 4: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

Other charter provisions are specific as to the duty of nations when they find themselves involved in a dispute. Article 33 states:

"Section 1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotaition, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

Notice that the controlling verb is "shall." This is not an option but a directive. So far, it has been ignored by the United States.

It is commonly said both in and out of government that the U.N. is a waste of time and that the Communists understand nothing but force. However, the line continues; maybe at some future date we will find it to our interest to go to the U.N. This supposedly sophisticated argument ignores several points.

First, it may not be left to us to decide whether and when the issue should go to that body. Article 35 provides that "any member of the United Nations may bring any dispute, or any situation of the nature referred to in article 34 (threats to international peace), to the attention of the Security Council or of the General Assembly." This means that if we wait for another country to invoke article 35, we can be sure it will not be under conditions most favorable to us.

Second, the assumption by administration spokesmen that someday, sometime, somehow and under some other circumstances we will seek U.N. action is an admission that the issue is really one of U.N. jurisdiction. What they are saying is that to adhere to the Charter now would not serve American interests: The time to negotiate is when we dominate the battlefield.

This amounts to saying that any treaty obligation that does not serve our national interest is just a scrap of paper. These officials take the view that we may one day resurrect the Charter from the wastebasket but not until we think it serves our interests.

If this is to be our policy, then we are helping to destroy the United Nations and all the advances in the rule of law in world affairs that it represents. This will undermine our moral position and seriously compromise our capacity for calling others to account for breaches of the peace. This is already the case in connection with Mr. Sukarno's aggressions against Malaysia.

Third, the "fight now, negotiate later" line is based on the wholly illusory assumption that Red China and North Vietnam will do what we refuse to do—negotiate when they are losing. Can we really expect that when China is in the same situation in which she was in Korea, she will negotiate instead of pouring her hordes into the fray? I know no reason to justify either this wishful thinking or the head-in-the-sand attitude that if we kill enough and bomb enough, North Vietnam and Red China will yield.

UNITED STATES ISOLATED IN ASIA

There is yet another element to this problem that has largely been ignored. That is the isolation we would create for ourselves in Asia.

There is no evidence that any other nation would join us in expansion of the war into Laos or North Vietnam. Although a spokesman for Thailand recently proposed that military forces from other Far Eastern nations join the United States in the fighting, not even Thailand has actually sent any. There are no British, New Zealand, French, Filipino or Pakistani forces in Vietnam, either, yet all are members of the Southeast Asia Treaty Organization, under whose terms we claim we are acting in South Vietnam.

Prime Minister Wilson has rejected a request by President Johnson that Britain send troops to join ours. But so did the President reject Wilson's request that the United States help fry Britain's fish in Malaysia. Apparently each country will act unilaterally in those places with a moratorium on criticism of any illegalities or threats to world peace that may result.

Of SEATO members, only Australia has sent a token force. It now amounts to perhaps 60 to 70 men, with a few air transport planes and crews promised for the future.

That is the measure of how our SEATO allies feel about fighting in Vietnam.

The SEATO organization, in the first meeting of its foreign ministers in 1955, adopted what amounts to a bylaw requiring that all action taken by the treaty organization shall be by unanimous agreement. Flat opposition by France and Pakistan has foreclosed any formal military action in Vietnam by SEATO.

Indeed, the largest newspaper in Pakistan, Jang, recently editorialized:

"As long as the United States is allowed to remain in the area she will continue to involve countries of the area in war. This is because the United States is out to encircle and destroy the People's Republic of China."

Even Australia is expressing alarm about the possible escalation of the war. The Daily Mirror of Sydney, a relatively conservative Australian paper, said on November 26:

"DON'T BOMB HANOI

"There are ominous signs that renewed efforts are about to be made in Washington to stampede the Johnson administration into agreeing to bomb North Vietnam.

"This would be the last throw in an effort to end the civil war that has racked South Vietnam for so long.

"Any such reckless action could well prove to be disastrous. At the best it is not likely to achieve its objective. At its worst, it could start a Korea-type war, with Chinese intervention, which might spread nobody knows where.

"Two of the most influential British newspapers, the Guardian and the Times, condemn the proposal to extend the war. The Guardian says that even if the present propaganda campaign is merely designed to put the United States in a better bargaining position, it still does not seem a good idea.

"The Times says that the dangers 'scarcely need pointing out.' One of the risks, it says, is of Chinese intervention, and it adds: 'One of the fallacies of the past 5 years in South Vietnam has been that the guerrillas in the south were a creation of the north and not a genuine revolt against misgovernment.'

"The French, who have bitter cause to know more about the situation in Indochina than anybody else, also oppose bombing North Vietnam.

"After 16 years of ruinous civil war surely commonsense would dictate to Washington that a political, not a military solution, is the answer."

Although India is the one country of Asia most threatened by China, even India has no desire to see a war break out, because in conditions of war between the United States and anyone in Asia, nuclear weapons would be used sooner or later. Moreover, like Australia, India knows that in war, nations lose control of events. Nations are controlled by wars, and not the other way around.

Prime Minister Shastri of India has just recently renewed his request that the United States seek a negotiated and not a military solution. And Prime Minister Sato of Japan has closed his talks with President Johnson without committing his country to an endorsement or condemnation of anyone in southeast Asia. That is the most sympathetic view of our position among any of the leading nations of Asia.

How much further do we want to dig ourselves into this pit, started by the Eisenhower administration and deepened by the Kennedy administration?

FUTURE OF UNITED STATES IN ASIA UP TO PRESIDENT JOHNSON

That question is going to have to be answered by President Johnson alone. It is too bad that all these chickens have all come home to roost on his doorstep; but there they are.

The resolution passed last August by Congress gave the President a blank check to use force in Asia. As a legal statement it means little; but it was sought and given as a political backstop. On two other occasions, similar resolutions authorizing a President to use armed force in given areas led right straight to war. One was with Mexico in 1846 and a second was with Spain in 1898. Those resolutions, like the current one, were supposed to prevent war by warning an adversary of our intentions. But both had to be followed by declarations of war.

The question now is whether President Johnson can bring himself to do the only thing that can be done in Asia to escape an expanded war: to bring other interested parties into a multilateral political agreement for southeast Asia.

This could take the form of a United Nations jurisdiction along the lines proposed so wisely by President Roosevelt; or it could take the form of seeking a SEATO action that would police South Vietnam while a political solution is developed; or it could take the form of a new 14-nation conference among the same nations that arranged the 1954 Geneva accord.

The further we go in expanding the war—the more agreements we violate and the more people we kill in the name of peace—the more military opposition we harden against us in North Vietnam and China—the more we alienate ourselves from the now-Communist nations in that part of the world—the more impossible any peaceful solution becomes.

In the last 10 years, we have learned that we are not masters of events in Vietnam, despite our billions of dollars and our thousands of troops on the scene. It has not been shown that any stepped-up investment of blood or money will make us masters.

It still is not too late for President Johnson to lead the American people out of this morass. Whether he leads us out or further in, will be the first great test of his administration.

IDEA FOR SEA-GRANT COLLEGES

Mr. PELL. Mr. President, this Nation is convinced that going to the moon is a worthwhile objective and the Federal Government is spending billions of dollars for this purpose. As it should have been, this decision was reached after considerable public and private study and debate. Now, I think it is time that national recognition be given to a relatively unexplored frontier right here on earth which holds countless riches and the key to solving many of the problems posed by a mushrooming population. I speak of the oceans, which many scientists claim we know relatively less about than the surface of the moon. In view of the recent camera probes of the moon's surface, these scientists may be right.

Yet, the oceans cover two-thirds of the globe's surface. In a world where at least 500 million humans suffer from extreme critical deficiencies of animal proteins, the seas contain untapped supplies of fish, shellfish, and crustaceans. The oceans also contain most of the earth's minerals. Many of the nations—faced with searing droughts—are washed by these same mineral-saturated waters.

In connection with problems of the scope of the oceans and our mastery of them on an international basis, I well recall how much we have yet to learn from my experience as an American delegate to the initial meeting of the Intergovernmental Maritime Consultative Organization—IMCO—in London in 1959.

The seas also present some unique problems to us as a nation. Marine pollution in terms of chemicals, sewage, water temperatures, and—in some case—radioactive materials is a growing threat to the fishing, shellfishing, and recreation industries. As the population expands and new industrial complexes rise, these problems will become more pressing.

Meanwhile, our fishing fleets face the prospect of being forced from the high seas because of economic pressures and unnecessary technological lags. Once the second largest fishing nation in the world we now stand fifth after Peru, Japan, Red China, and Russia.

Other leading nations of the world are becoming increasingly conscious of the oceans and their potentials of research and development in food supply, mineral resources, and military application.

President Johnson, in his idea for the Great Society, I am sure, thinks in terms of the contribution to be made in the years ahead by the mighty seas. President Kennedy stated in a message to Congress:

> Knowledge of the oceans is more than a matter of curiosity. Our very survival may hinge upon it.

These are some of the problems and challenges, but what are we doing about them? As a nation, are we doing enough? What should we be doing that we are not? Specifically what benefits can be realized from greater efforts in the marine sciences? I would like to try and answer some of these questions today, not only because of Rhode Island's long heritage as a marine-oriented State, but also because of the benefits that the Nation and the world can realize.

Fortunately, the economic potential of developing our marine resources has been documented very carefully by a distinguished committee of the National Academy of Sciences—National Research Council. This group reported that within the next 10 to 15 years oceanographic research could bring benefits—either in annual savings or new annual production—worth $5.7 billion. The areas where these benefits could be realized are in fisheries, the development of ocean-floor mineral deposits, improved long-range weather forecasting, improved near-shore sewage disposal methods, expansion of near-shore recreational opportunities, and lower shipping costs to the United States. These benefits are in addition to those that would accrue to our national defense effort. This factor should not be overlooked, since past experience has shown that ocean conditions and processes influence all phases of naval activities.

There is also every indication that given the proper assistance and the right atmosphere, many private companies will step up their marine research and development activities, creating significant new industries and jobs.

Keeping what I have said in mind, it is apparent that steps toward tapping these vast ocean resources depend—at least initially—on Federal and State support of research in the marine sciences. The Federal Government has partially recognized its responsibilities in this respect with sharply increased budgets for oceanographic research. In fiscal 1958, the first time the Government surveyed its spending in this field, it was determined that $23 million was being spent. In 1963, the total had climbed to $124 million. The projections for 1972 are that the Federal oceanographic effort may have a $350 million budget or more.

The Federal plans are fine as far as they go, but I believe there are some big gaps in our thinking. Let me explain.

Some interesting parallels have been drawn between the state of agriculture in our country and the slow decline in the fishing industry.

I am particularly conscious of the role that fish and ocean products can have in fulfilling human protein requirements from my role as Coast Guard officer in charge of the restoration of the Sicilian fishing industry at the end of World War II, when our objective was to feed the hungry Sicilian people as quickly as possible.

In 1820 one American farmer was producing enough food, fiber, and related products for himself and four other people. Today, this farmer's descendants produce enough food to feed himself and 31 others, including 5 persons in foreign countries.

On the other hand, fishermen—particularly in this country—are hunters in an environment they don't understand too well. Seventy-two percent of the American fishing fleet was from 11 to 50 years old in 1962, according to statistics gathered by the Bureau of Commercial Fisheries. This agency reported that the average medium-sized trawler fishing North Atlantic waters was built in 1941. Small trawlers are even older—

the average vessel having been built in 1938.

Meanwhile, we are faced by increased foreign competition. In April 1964 the Bureau of Commercial Fisheries reported that for the first time imports provided over half the U.S. supply of fishery products. Nevertheless, the fishing industry employs—either directly or indirectly—over 500,000 people and fishermen received, according to the latest available statistics, over $370 million for their catch. It can be conservatively estimated that you should multiply the latter figure by three or four to get the true value of the catch to the American economy. In this case, we are talking about an industry worth in excess of $1 billion which is slowly being eroded away by foreign competition and lagging technological progress.

The answer, I believe, is something that has been called sea-grant colleges, similar in concept to the land-grant colleges which have done so much for American agriculture. Within the sea-grant universities could be colleges of aquaculture, marine aquacultural experiment stations, fishery extension services, and seagoing fishing port agents.

At first glance, this whole idea may be a bit startling, but it has been advanced by serious and knowing marine scientists. I think the Congress should do its part in advancing the idea, and I intend to explore this concept further. It is evident that this idea is already evolving and taking form because it makes sense and is in reality a necessity for the survival of the fishing industry.

I am happy to report that Rhode Island has already taken the leadership in this direction. The nucleus for this leadership is at the University of Rhode Island which has been doing basic research in oceanography and the marine sciences since 1937, when it established a small laboratory at the mouth of Narragansett Bay.

In the short span of less than three decades, this small laboratory has grown into a $7 million marine research complex that includes Federal, State, and university facilities. It is also the headquarters for the University of Rhode Island Graduate School of Oceanography, one of the finest in the Nation, and the home port for the 180-foot research vessel, *Trident*. Here within a few years at least 400 persons will be working in the marine sciences. Here too will be trained a significant number of the new generation of oceanographers, since the university is one of only six in the country that trains scientists in all aspects of oceanography.

This brief background and a bit more bears on the point I want to make.

During the decades that Rhode Island was rising to prominence in oceanography, the role of agriculture in the State was declining. As a result the University of Rhode Island's College of Agriculture shifted its emphasis. I am not going to go into the details of the many ways this was done, but significantly the college has directed some of its attention to the fishermen who were very obviously in desperate need of help.

Today, the university has a department of food and resource economics in the college of agriculture that works closely with fishermen and other marine interests. A universitywide marine sciences program has promoted research in waterfront development, shore stabilization, sand dune control, fishery marketing, the production of pharmaceuticals from marine organisms, fishery populations and management, pollution, and radioactive contamination of the marine environment to name a few areas.

In addition, the faculty members involved in this work have sought to make their knowledge and findings available by serving as consultants to industry and government agencies by speaking before interested groups, by articles and papers, and by a series of annual forums for New England fishermen.

The university is now studying the idea too of initiating a program in fisheries technology to train novice fishermen.

In my office, there are two maps depicting the last physical frontier on our planet. One shows the ocean deeps of the North Atlantic, the other Narragansett Bay and the bordering ocean. In my State, we have for generations been sea and navy minded—from early colonial days.

I have cited what is happening in Rhode Island because I am excited about the future possibilities and the events give some inkling of what "sea grant" universities might accomplish on a national scale.

If nothing else, I believe the Congress should take steps to initiate a Federal extension program in fisheries and related areas of marine sciences. We need people who can review the extensive research that has already been done and take steps to put it into practical use. We need people to bridge the gap between the researchers and the people who can benefit from this research. The place for these people is in the universities. Fishermen who are already operating on a narrow profit margin cannot be expected to take time out to adapt experimental gear to their own uses, even though in the long run it might be the most profitable thing to do. These men cannot be expected to try and catch new species of marine organisms, even though this might open up vast new markets.

Let us take note of two very specific instances where a fisheries extension program would be of benefit.

Right now North Atlantic fishermen traditionally trawl along the bottom to fill their holds with fish. Yet—as any biological oceanographer will tell you—many valuable species are found in midwater depths. These fish escape bottom nets. The Bureau of Commercial Fisheries has done pioneering work in developing midwater trawl methods on the west coast. Hearing about this, some fishermen at Point Judith, R.I., have said they would like to try and adapt these techniques to local conditions and boats. But this requires technical assistance, time away from the fishing banks, and tying up a boat and crew for days. How many fishermen can afford this? Where do they turn for help?

Another illustration involves the so-called deep sea red crab which is found in abundance along the continental shelf from Nova Scotia to Cuba. Catches of 3,000 to 4,000 pounds of these crabs have been obtained by deep-sea lobstermen in 1-hour tow. However, these crabs are considered a nuisance and are dumped back into the sea.

Scientists at the Woods Hole Oceanographic Institute have known about these crabs for years. A Bureau of Commercial Fisheries taste panel said the quality, texture, and palatability of crabs cooked at sea and frozen was "good."

Although you can't purchase these crabs in your grocery store, you can find plenty of similar frozen and canned products from Japan and other foreign nations. Yet successful marketing of the American red crab, is a definite possibility, according to a University of Rhode Island scientist. The problems of how to preserve the crab catch and how to process it cheaply—once it gets ashore—are being investigated.

There is considerable room for expansion of imaginative university-based programs of this nature, but I don't believe we can ask the States alone to assume the burden of a nationwide system of sea-grant universities. Nor should there be as many sea-grant universities as there are land-grant institutions of higher learning.

Improved communcations techniques and new modes of transportation make a State-by-State system of sea-grant universities unnecessary. I envison possibly a dozen or more such centers serving various regions in the country. These should also be centers of excellence for the entire broad range of oceanographic studies. The universities could be the focal point for vast research and development complexes involving the Federal Government, private industry, and fishing interests.

These centers of excellence in the marine sciences should be fostered and developed in those areas that have made a beginning and have the capabilities and resources for such an undertaking. Obviously, geography too is an important consideration.

I believe such a marine science complex is well on its way toward development in the region stretching from New London, Conn., through Rhode Island to Woods Hole, Mass.

Within the 75-mile span from Electric Boat in New London to the Woods Hole Oceanographic Institution are major fishing ports, companies like Raytheon, Electric Boat and United Nuclear, several important Navy installations, including the U.S. Naval Underwater Ordnance Station at Newport, universities, Federal research laboratories, a research reactor, and most importantly a considerable number of people with experience and advanced degrees in the marine sciences.

Working together with the proper assistance and encouragement, these people can make outstanding contributions to the national welfare and the advancement of science.

At this time in our history, I believe this Nation is on the threshhold of a new, bold, and imaginative era in which the Science of Oceanography will play an immense role. Within the next decade, I foresee we will take giant steps forward in this area to keep our Nation strong in the leadership of the free world.

Already there are a number of bills before the Congress to advance our society through the potentials of the great oceans that wash our shores. I am happy to be cosponsor of the Magnuson bill in the Senate which would provide among other things for expanded research in the oceans and the Great Lakes, establish a National Oceanographic Council and preserve the role of the United States as a leader in oceanographic and marine science and technology.

It is very possible, I believe, we will someday in the not too distant future embark on a great program comparable perhaps even to our effort in space and perhaps equally as important, if not more so, in exploring, developing, and harvesting the seas. And, I believe, my own State of Rhode Island, already endowed with the advantages of geography and scientific facilities and know-how, will make a significant contribution in this vital, progressive and perhaps even survival endeavor.

MEDICARE TESTIMONY, MAY 7

Mr. HARTKE. Mr. President, the Finance Committee today continued its hearing on H.R. 6675. Five witnesses presented testimony dealing with what we have commonly come to call medicare. I offer once more, and ask unanimous consent that it may appear in the RECORD, a brief summary digest, prepared by my staff and entirely unofficial, of the testimony of the day.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

AMERICAN NURSING HOME ASSOCIATION

Dr. Carl E. Becker, clergyman of the American Lutheran Church and administrator of the Lincoln Luthern Home, Racine, Wis., president since 1960 of the Wisconsin Nursing Home Association. American Nursing Home Association comprises over 5,000 nursing homes, including 10 to 15 percent nonprofit homes.

1. Proposes amendment to allow conversion of home health visits to additional nursing home days at 2 for 1, allowing a maximum of 25 added nursing home days instead of 50 home visits (out of the 100 available). This would parallel (in section 1832) provisions for converting unused hospital days into nursing home days (section 1812).

2. Proposes deletion of "listing" (section 1863) as inappropriate in a standards section, leaving the secretary to consult with "national (listing or) accrediting bodies." Section 1865 on accreditation should specify the National Council for the Accreditation of Nursing Homes, whose chairman is also a member of the Joint Commission on Accreditation of Hospitals.

3. Proposes additional specification (section 1867) of membership in the Health Insurance Benefits Advisory Council by at least 1 representative of nonprofit and 1 of proprietary nursing homes among the 16 members.

4. Nursing home provisions should take effect at the same time as hospital provisions, not 6 months later. Otherwise nursing home patients will seek transfer to hospitals at greater cost in order to receive benefits. The 3-day hospital stay for nursing home eligibility should likewise be eliminated to avoid "caravans of ambulances" shifting patients to secure eligibility.

5. Proposes added standards: Fire-resistant building; disaster plan; a planned program of nursing care; uniform accounting system (section 1861(j)).

KAISER FOUNDATION HEALTH PLAN, INC.

Dr. Clifford H. Keene, general manager. Plan "provides most of the hospital and medical care services for over 1,200,000 persons through 14 hospital-based medical centers and 29 outpatient clinics."

1. Supports health care provisions of the bill, but believes they can be improved to give (a) better health care and (b) incentives for controlling costs.

2. Choice of plans should be furnished comparable to the choice offered in the Federal employees health benefits program.

3. Direct service plans (Kaiser, Health Insurance Plan of New York, etc.) have direct responsibility for their own facilities and staff. This provides "a built-in incentive for economy of operation not present in the 'fee-for-service' method of payment for medical care," since increased treatment or hospitalization does not increase income. "Fee-for-service" plans should be provided as "the dominant pattern in this country" but should not be exclusive.

4. There should be a financial incentive for effective utilization controls.

RICHARD S. WILBUR, M.D.

Internist, partner in Palo Alto Medical Clinic, Palo Alto, Calif.

1. Protection should be against medical catastrophe, but the proposed coverage goes "well beyond" this. "Total health care" programs encourage increased utilization, increased costs of administration without comparable health values. Result will be depletion of benefits fund.

2. The program should be restricted "to those people who must have help now."

3. "Ordinary working doctors" should be consultants in rewriting the bill.

4. A separate "health oriented" agency should administer the plan.

SHIRLEY POWELL MARLOW

Mrs. Marlow is "a southern housewife," Virginia Beach, Va.

1. Strongly opposes the bill.

2. Main objection: It tries to shift a basic personal moral obligation to Government.

3. "Medicare" is already "a pretty cruel hoax," not doing what many expect.

AMERICAN SOCIETY OF INTERNAL MEDICINE

Dr. Malcolm S. M. Watts, San Francisco. Society has 8,000 members.

1. All diagnostic services ordinarily supervised by physicians should be in the voluntary rather than basic coverage.

2. Diagnostic service should not be tied to hospital controlled facilities only; should include physicians' offices and laboratories as well.

3. A choice of programs comparable to that of the Federal Employees' Health Benefit Plan should be included.

4. Benefits "should be extended to include truly catastrophic illness for the perhaps 2 to 4 percent of beneficiaries who will really need it."

5. Administration should be by "a quasi-independent governmental board or commission."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, that it stand in adjournment until 12 o'clock noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. KENNEDY], on behalf of himself and other Senators, numbered 162, to the amendment in the nature of a substitute, as amended, numbered 124, offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call to be charged to the time allotted to my side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

How much time does the Senator yield to himself?

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 1 hour.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 hour.

Mr. KENNEDY of Massachusetts. Mr. President, this amendment deals with a subject that has been the concern of Congress for almost 30 years. In 1942, 1943, 1945, 1947, and 1949 the House of Representatives passed statutes abolishing poll taxes in Federal elections, while, in the Senate, this issue was not allowed to come to a vote. In 1942, and again in 1950, the poll tax requirement for voting was abolished by act of Congress for men in the Armed Forces. Just 3 years ago, under the very able leadership of the Senator from Florida, we passed the 24th amendment.

We have debated this matter for so many years because the overwhelming majority of the Members of the Senate know in their hearts that, used as a prerequisite to voting, the poll tax is not right. It is not logical. It is not in keeping with the principles of our form of free government to tell a man that, in order to vote, he must pay a tax.

Who are we protecting by abolishing the poll tax? We are protecting the Negro farmworker in Greenville, Miss., whose average income is $12 a week, and to whom the family poll tax is the equivalent of 1 day's pay. We are protecting the sharecropper in Alabama who earns $2 a day and does not get paid until the cotton comes in, but who nevertheless must pay his poll tax in November and December. We are saying to these hundreds of thousands of people: "We will not stand by and see your right to vote taken away because you are poor and have had no economic opportunity. We will not single you out of all the other citizens of the United States and place an economic hardship on your right to vote."

The voting rights bill before us, which the President of the United States presented to us so eloquently, as we all remember, at the time of the crisis in Selma, Ala., will have its greatest effect in State elections. It is designed to give Negro citizens the right to participate in the choice of their sheriffs, their mayors, their State legislators, and their Governor—all the State and local officeholders whose activities have such an impact on their lives—including the officeholders who have been so prominent in discriminatory practices against Negro citizens. Because of the importance of these offices to the lives of these people, I believe that the overwhelming majority of the Members of the Senate know in their hearts that it is neither right, nor logical, nor in keeping with the principles of our form of free government to tell a man that in order to vote in a State or local election he must pay a tax.

All of us who are cosponsoring this amendment believe that the leadership, in its bill, has recognized these principles just as the great majority of Senators recognize it.

I commend the distinguished majority leader and the distinguished minority leader for the interest they have shown in this subject.

First. The leadership undertook to put in a provision, which is the present section 9, stating that there was evidence that poll taxes denied the right to vote, and directing the Attorney General to forthwith make a test of the constitutionality of poll taxes in the four States that still have them.

This is extremely significant. It shows that the leadership and the Senators who sponsored this amendment have the same strong feeling about poll taxes and are working toward the same end.

I also commend the Attorney General for the interest he has shown in this issue. The Department of Justice has been concerned with developing ways and means of insuring the abolition of poll taxes in State elections. This is typical of the leadership in the cause of equal rights that the Attorney General has given this country, both in his present position and before.

We are all agreed on purpose. We disagree only on how to accomplish that purpose. The nine members of the Judiciary Committee who introduced the original ban on the poll tax have been joined in cosponsorship of the amendment we are now considering by 30 other Senators of both parties. With all due respect for both the ability and sincerity of the authors of the substitute, we believe that:

Our methods will work and theirs may not.

Our method will work quickly while theirs will work slowly.

Ours clearly expresses the policy of Congress in this area while theirs leaves the making of policy to the courts.

First, let me state what our amendment does. It does not outlaw the poll tax, it merely says that the right to vote cannot be conditioned on its payment. Many States have poll taxes today, but collect them in other ways than by denying people the right to vote. Only Alabama, Mississippi, Virginia, and Texas make payment a precondition of voting in all State and local elections. It is to the people in these States that our amendment is directed.

First, our amendment makes a strong congressional declaration that the prohibition of the poll tax requirement for voting is necessary to secure the rights guaranteed by the 14th and 15th amendments to the Constitution against denial or abridgement.

Secondly, our bill forbids the collection of such a tax as a precondition of voting. It orders the Attorney General to sue forthwith against any State or local voting official who threatens to enforce such a tax. In this we have tried to stay as close as possible to the procedure laid down by the Mansfield-Dirksen bill. They seek a court test of constitutionality. We seek a court test of constitutionality. But we sincerely believe that the chance of a favorable decision by the Court will be immensely strengthened under our version. That is why I hope all who feel strongly about abolition of the poll tax will vote with us.

Let me explain why we believe our version will do better in court:

First, we make a strong congressional declaration that the prohibition of the poll tax as a voting requirement is necessary. The courts always give a great weight to such declarations by Congress. The courts have said that they do this because Congress does have the ability to review the whole situation and gather all the evidence, while the courts can only look at the facts of the case before them. Congress can declare a national policy, while the courts can only decide the pending cases.

The bill we are seeking to amend does not have a declaration of national policy. It merely says that evidence has been presented to Congress. But what does it do with this evidence? It does not take any action on it. It merely passes it on to the courts. A great deal of evidence is presented to Congress on many subjects. But if Congress does not do anything with it the evidence certainly loses persuasiveness.

Our amendment does take action on the evidence. It does so by prohibiting States and political subdivisions from enforcing the poll tax as a requirement for voting. And that action, in our judgment, is going to be crucial to the court test. Until Congress acts—and this is a very important point—until Congress acts, all the courts can do is decide whether existing State poll tax voting requirements are constitutional. The courts have never outlawed such a statute even though cases have been before the courts in varying postures on four or five occasions. But once Congress acts, the only question then before the courts is whether the act of Congress is reasonable. Under our version all the Attorney General has to do when he goes into court is show that Congress could reasonably arrive at the declaration that prohibition of the poll tax was necessary to secure constitutional rights.

Mr. President, the Nation's leading authority on constitutional law is Prof. Paul Freund, of the Harvard School of Law. He is universally recognized as such. It was he who spoke at the funeral of Mr. Justice Frankfurter. It is he who is editing the history of the Supreme Court that Congress has authorized and funded. He says on this subject, and I quote:

> Congress has the responsibility under the 14th and 15th amendments that cannot be avoided by forcing issues of voting rights into the courts without the benefit of congressional declarations of policy, experience and judgment.

He does not say evidence. He says declarations of policy. This is what our amendment has and the present bill does not have.

We have received expressions of support for the constitutionality of our amendment from experts all over the country. They include the dean of the Yale Law School, the associate dean of the St. Louis University Law School, professors at the University of Alabama Law School and many others. But no one has stated the issue more succinctly than Professor Freund. And with all respect to the distinguished constitutional lawyers in this Chamber, I think his views are entitled to the most careful consideration.

What the question really gets down to is this:

We all want a quick Court determination of constitutionality. We all want the Attorney General to go into court as soon as he can.

Are we going to send him in there with the strongest possible case? Are we going to give him a strong declaration and action by Congress so he will be in the best possible position? Are we going to give him the tools to do the job?

Three times in the last 8 years we have passed bills that allowed the Attorney General to sue to protect voting rights. But these bills did not have the tools. They did not do the job, so each time we had to come back and pass a new law. Now the President has asked us to strike down all barriers to the right to vote. I say let this be the last bill.

Let us not see Negroes going in to register and vote under all the protection we have established in other parts of the bill and then not being able to vote because of failure to pay the poll tax.

This amendment will also result in a faster determination of constitutionality and a faster application of the prohibition on poll taxes. Under the bill we seek to amend, the Attorney General will have to sue case by case, district by district, State statute by State statute. These are precisely the objections that the Judiciary Committee report on this bill raised on the time-consuming and nonsettling effect of litigation under the Civil Rights Acts of 1960 and 1964. They are the very reason for the voting rights bills of 1965. The leadership version is unclear on whether the Attorney General is authorized to attack the poll tax as a practice or just attack it in its application. If it is the latter it will require a great many suits to be brought, and brought repeatedly. While all this is going on the poll taxes will still be in effect.

Under our version the ban is effective from the day the bill is signed. The poll tax will be eliminated for the same elections for which the other provisions of the voting rights bill are in effect. There are crucial elections coming up in many States next year—primary elections in the spring. If we are going to send in Federal registrars to enroll Negro voters so that they can vote we should make sure that they are not barred from voting because they cannot pay a poll tax.

And ours, Mr. President, is a responsible approach. It contains a savings clause so that if the Court finds against this act of Congress voters who have not paid poll taxes in reliance on what we have done will not be disenfranchised.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator knows that we in Louisiana repealed the poll tax many years ago, and did it by constitutional amendment, on which the people voted; but I would gain the impression that if this bill is constitutional at all, in other words, if Congress has any power at all to strike down a literacy test which is applied equally to all people, by the same token it would have power to strike down the poll tax. After all, the theory of abolishing literacy tests by congressional action would be on the basis that once the Negroes had been guaranteed the right to vote and were denied that right and discriminated against because of race, certain people wanted to stop them from voting on the ground that they were ignorant, and so they found this way to do it. By so doing they would disfranchise some white people, but would disfranchise practically all of the newly freed slaves. In addition, some people said, "They are poor. Let us put a tax on the right to vote." Some white people would be disfranchised, but most of the Negroes would be disfranchised. If we are to talk about a poll tax of $500, very few Negroes would be able to pay it. The financial hardship would be too great.

I suppose a poll tax of $3 or $4 today would be equivalent to a poll tax of $1 10 or 15 years ago. When we in Louisiana repealed the poll tax, one of the principal arguments made against its repeal—which was the main argument for repealing it—was that if we repealed the poll tax we would allow Negroes to vote. Perhaps the advocates were not sincere, but at least that was the argument which the opposition made. At that particular time, it did not disenfranchise Negroes. It disenfranchised poor whites, because there were other provisions in the law to prevent Negroes from voting.

The white primary was still the chief organ of the State. In order to register, one had to be identified by two other voters, in the event that the registrar did not know him. That tactic was used to disenfranchise Negroes.

The poll tax, however, has historically been regarded as an impediment to Negro voting. It was also aimed at the Populist Party. We found in Louisiana, however, that when we repealed the poll tax, registration increased by approximately 65 percent. My guess is that any State which repeals the poll tax will find a heavy increase in its registration. It tends to discriminate against those who are poor. My guess is that if the bill is constitutional at all—and I am not positive that it is—should we repeal the poll tax, it would be just as constitutional as an effort to strike down the literacy tests might be.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the Senator from Louisiana. He brings to this subject a unique experience, not only because of the activities of his father in abolishing the poll tax in Louisiana, but also because of the Senator's own great interest in the question.

The Senator has underscored one important and basic point of the many which, in his brief comments, I find particularly appealing and interesting, and that is the authority for Congress to act. The authority of Congress to act against the poll tax is no different or less than the power of Congress to act under the rest of the bill in eliminating literacy tests that have had the effect of violating the Constitution.

I know that in the course of this debate questions will be raised concerning cases which have, under certain circumstances and in the face of certain facts or lack of facts, held the poll tax to be constitutional, but there have also been cases that have held literacy tests to be constitutional.

As Congress has power under the 15th amendment to say under section 4 of the bill that we feel that under a certain formula the use of literacy tests should be suspended over a period of time, I believe that Congress can exercise the same power and abolish the poll tax.

Mr. LONG of Louisiana. Mr. President, will the Senator from Massachusetts yield further?

The PRESIDING OFFICER (Mr. GORE in the chair). Does the Senator from Massachusetts yield to the Senator from Louisiana?

Mr. KENNEDY of Massachusetts. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. It seems to me that the 15th amendment contains two sentences, the first of which states that no person shall be denied the right to vote because of his race. The second sentence states that Congress may pass laws to carry out the intent of the first section.

If the second sentence had any meaning at all, it would seem to me that, in addition to actions which the Court would find to be a direct denial, such as the holding of a white primary, it would also be intended that Congress could legislate in areas where the Court had not found that a person was being denied his right to vote because of his race.

In those instances, it would seem to me that when Congress finds that a particular measure is a subtle refinement which, while it does not directly deny a person the right to vote because of his race, has that tendency, or tends to deny voting rights to one race to a greater degree than it does another, congressional findings to that effect will set the stage for future debate, which is what was intended by the 15th amendment.

Mr. KENNEDY of Massachusetts. The Senator from Louisiana is once again accurate. This was the basis for the reasoning in 1915, when the Supreme Court struck down the "grandfather clause," *Guinn* v. *United States*, 238 U.S. 347. Even though it might seem as though that legislation applies to both races equally, the Court looked to see what the purposes and effects of the "grandfather clause" was and struck it down.

Let me point out further, as the Senator from Louisiana has so eloquently developed, that the poll tax as tied to voting works a significant economic hardship on many people in the areas which I have mentioned. Once again the Senator brings a deep understanding and concern for the economic conditions existing in that part of our country.

Our ability to act in this area is not only restricted to the second section of the 15th amendment, but also applies to the fifth section of the 14th amendment, which I believe is as pertinent to this question of the poll tax as is the 15th amendment.

Mr. LONG of Louisiana. To what particular language is the Senator from Massachusetts now referring?

Mr. KENNEDY of Massachusetts. I read:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The article, of course, to which reference is made is the 14th amendment. Under the 14th amendment all contend that the payment of a poll tax as a condition for voting is, first of all, not a reasonable requirement, and since it is not a reasonable requirement, it violates the due process clause of the 14th amendment.

Mr. LONG of Louisiana. Does the Senator from Massachusetts have the wording of the second clause at hand?

Mr. KENNEDY of Massachusetts. There is the question of reasonableness in the first section of the 14th amendment. I read:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Under the due process clause, of the 14th amendment, the Court has developed the rule that when a citizen is deprived of his rights by law, such deprivation must be reasonably related to the ends sought in the law. There is a strong contention here that the enforcement of the payment of a poll tax by depriving a citizen of his right to vote is not a reasonable requirement. Moreover, I shall also make the case that the poll tax as such violates the equal protection clause of the 14th amendment.

Mr. LONG of Louisiana. It could well be contended in regard to persons who are poor that even a small poll tax of as low as $1 could be enough to constitute a substantial denial of the right to vote. If a person is earning no more than $20 to $30 a month, and that is all he has to live on, $1 would be the equivalent of what he has to live on in a single day.

Mr. KENNEDY of Massachusetts. The Senator has raised once again the economics of the Negro in the States which have been mentioned. I wish to refer to the economics of the Negro in these States at this appropriate moment.

The median income of a Negro family in Mississippi is $1,444, or 34 percent that of whites.

In Alabama, it is $2,009, or 41 percent that of whites.

In Virginia, it is $2,780, just half that of whites.

In Texas, it is $2,591, less than half that of whites.

This indicates that the income of nonwhite citizens of Mississippi for 1 week is approximately $32, an average of only $4 a day. And this only if that Negro is at the median. This means that one-half of the Negro population is below the amounts mentioned in those areas.

Take the poll tax payment to be made in Mississippi, where the rate of the tax is $2 for each year.

A person in Mississippi would have to pay $2 for himself and $2 for his wife, to continue their right to vote. That comes to $4. That amounts to about a day's pay if this family is fortunate enough to be at the median. If a person must pay a day's pay in our country at this time in order to vote, it seems to me that this is a consideration that bears heavily on what we are trying to accomplish with our amendment and, indeed, the entire bill.

Mr. LONG of Louisiana. The Senator is speaking of the average income of Negroes.

Mr. KENNEDY of Massachusetts. The median income.

Mr. LONG of Louisiana. He is not speaking about the aged Negro who has practically no income.

Mr. KENNEDY of Massachusetts. Since it is the median income, half of the nonwhites would have incomes less than that, and therefore it would be a greatly magnified burden on these people.

As I shall develop in my argument with respect to the economic plight of the citizens involved in States demanding poll taxes, it will be made clear that the workers in many of these areas are dependent upon seasonal employment. I will also show that the poll tax must be paid at a particular time, usually between October and February, and this is the very time when, because of the economy of the area, the greatest burden is placed upon Negroes and some poor white people.

Mr. LONG of Louisiana. My recollection is that the maximum welfare payment for an aged citizen in that State is about $55. The Senator says that the person would have to pay $4.

Mr. KENNEDY of Massachusetts. Four dollars for himself and his wife.

Mr. LONG of Louisiana. That would be the equivalent of 4 days' income.

Mr. KENNEDY of Massachusetts. Correct, and if we consider what a Member of the U.S. Senate makes in 1 day, at the rate at which we are paid, and relate that to what a Negro makes in 1 day, and consider what must be paid for the privilege of voting, it appears to me to be quite a significant burden that we place on the Negro—in fact, an overwhelming burden.

I appreciate the comments of the Senator from Louisiana.

The poll tax, simply as a tax, has a long history. It existed in ancient Persia, Palestine, Athens, and Rome where a poll of the community was taken, usually on the basis of males of certain ages, and they were then taxed for the common good. That is where it got its name. It had nothing to do with polling places, or voting. France in the 18th century established a capitation tax, which was found to be acceptable and successful and such a tax was soon established in most other countries of Europe. But these taxes had no relationship at all to the exercise of the franchise.

During the early years of the new Republic most States demanded that voters own so many acres of property. Noteworthy, though, is the fact that in those halcyon days all but a few white adults were landowners: No apartments, no tenement houses. Soon, often influenced by spreading Jeffersonian principles, the States began to recognize possession of personal property in lieu of realty. In the first three decades of the new century, the belief that government was best which involved the active participation of the greatest proportion of the people gained in strength. One result was that the payment of taxes was, in a number of States, made an alternative to ownership of either realty or personalty. Soon, the people were demanding the abolition of all means tests, taxation and property alike. By the time of the Civil War, property qualifications had everywhere disappeared; and by 1868 even a taxpaying requirement existed only in three States, all northern.

The close of the Civil War saw the ratification of the 13th, 14th, and 15th amendments to the Constitution. Shortly thereafter, between the years 1889 and 1908 all former Confederate States changed their laws to make poll taxes a prerequisite of Negroes, as I pointed out in my speech 2 weeks ago. Where records exist of the debates in the State legislatures or the proceedings of the State constitutional conventions it is very easy to find concise and open statements as to this fact.

The Senate Judiciary Committee in the 77th Congress, after an exhaustive study of this history, said:

> We think a careful examination of the so-called poll tax constitutional and statutory provisions and an examination particularly of the constitutional conventions by which these amendments become a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll tax laws, were motivated entirely and exclusively by a desire to exclude the Negro from voting.

Mr. President, we do not have to rely, strong as it is, upon the history of the origins of the poll tax as tied to voting in order to show there is sufficient evidence for Congress to declare national policy against it. The current effect of this tax is such that it actually discriminates against Negro citizens in the exercise of their constitutional rights. It also affects poor white citizens, and I am sure in many instances deprives them of their right to vote. But even among the poor there are those who are poor, and those who are really poor, and I feel it can be clearly shown that in this country the Negro is without parallel as a class of people whose economic status has suffered tremendously as a result of past and current deprivations.

The Voting Rights Act of 1965 provides for Federal examiners in affected areas where necessary and where literacy tests and devices have been used. We know that once these tests have been eliminated the examiner may not give these literacy tests himself nor any portion of such test, for it is assumed that these literacy tests no matter how fairly administered will fall discriminatorily upon the Negro. The cause for this is traced to the legal separation of the races in education until recent times and there is a general recognition that current educational opportunities still places the Negro in a disadvantaged position.

A look at the statistics of family and individual income by white and nonwhite groups shows us in every instance that the Negro is worse off than the white regardless of education, regardless of job, regardless of skill, and in effect regardless of anything that the Negro may try to do. The Negro is sorely deprived economically because he has been discriminated against and thus when a price is put on the ballot, when that man must pay to vote, he suffers to a greater extent than does any other citizen that makes up any other group in our society.

The American Negro, especially in the South, is significantly different from other American citizens in terms of dollars. The individual income of Negroes in the South is only two-fifths that of comparable whites, while in other regions of the country the income of Negro citizens is about three-fourths that of whites. Even if we relate southern Negroes with nonsouthern Negroes we find the differentiation between regions to be great. While Negroes in other parts of the country have incomes of only 75 percent that of whites throughout the land, the southern Negro has an income that is about two-fifths that of the northern Negro. These are the people that face the requirement of paying for the right to vote.

The State of Alabama has a poll tax at an annual rate of $1.50. Before you can vote in Alabama you must show proof that you have paid this tax for 2 years or pay it in a lump sum between October 1 and February 1, or 9 months before a general election in that State. Using the most recent census data we find that in 1960 there were 983,123 nonwhites residing in Alabama. These citizens of the State comprise about 30 percent of the population and are almost evenly divided between their residence in urban and rural areas. The median income for white families in Alabama per year is $4,764. Negro families in the State have a yearly income, if they are at the median, that is only 41 percent of white income or $2,009. If you are a white individual in the State of Alabama with income during the year and you are just at the median you can expect an income of $2,371, while a Negro can only expect 36 percent of that or $886. The weekly median income in Alabama is $45. That is to say if any one week an Alabama citizen who happens to be a Negro wishes to pay his maximum poll charge for himself and his wife it amounts to about 13 percent of his weekly income.

The poll tax in the State of Mississippi is at an annual rate of $2. This $2 must be paid for 2 years before a citizen of that State can vote, and if one payment is missed it cannot be made up. Approximately 42 percent of the State's population are nonwhite, and of these 68 percent are rural Negroes. Still, income for white families in Mississippi in a year is $4,209 while that of Negroes is only 34 percent as much or $1,444. The income of a white individual in Mississippi at the median is $2,750 while that for a Negro individual is only 32 percent as much or $890. This means that of all Negro families in Mississippi, 66 percent have yearly incomes of less than $2,000 a year and 83 percent have incomes of less than $3,000 a year as compared with 32 percent of the white families. A Negro family in this State at the median has a weekly income of only $32, while a comparable white family has a weekly income of $79.

Much of the same kind of disparity between incomes can be shown for Virginia and Texas. Virginia, for example, has a poll tax of $1.50 a year with a 3-year cumulative provision leading to a maximum charge of $4.50 before you can exercise the right to vote. Virginia is a State that has a nonwhite population of approximately 18 percent of total population and 47 percent of these nonwhites are rural. In this State Negro family income is approximately 50 percent of white family income while a Negro individual's income in Virginia is only 45 percent that of a white person. Of all Negro families in the State of Virginia, 54 percent have yearly incomes of less than $3,000 a year; only 14 percent of white families find themselves in such poverty—two-thirds of all Negro individuals have incomes of less than $2,000, while such is true for only 39 percent of the white people. The weekly median income of a Negro family in the State of Virginia is $61, while a white family at the median has an income of over $100 a week.

Finally, in the State of Texas that has a nonwhite population of 13 percent we find again that Negro family income is only one-half that of white family income in a year. And that a Negro individual in that State at the median has only 50 percent of the annual income of a white individual. As in Virginia two-thirds of all the Negro families in the State of Texas have yearly incomes of less than $3,000, as compared with only one-third of the white families; and 68 percent of all Negro individuals in Texas have incomes under $2,000 a year, as compared with 42 percent of the whites. The weekly median income of a Negro family in the State of Texas is $55 while it is $100 for whites.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator from Massachusetts yield for a question?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. KENNEDY of Massachusetts. I am happy to yield to the distinguished Senator from Texas.

Mr. YARBOROUGH. Does the Senator have available any data as to the income of the white Latin families in Texas?

Mr. KENNEDY of Massachusetts. I do not have such data.

Mr. YARBOROUGH. The percentage of whites of Latin extraction to the total population is higher than the percentage of the Negro population.

In respect to education, in Texas the average Negro has had 6.9 years of schooling, while the average Latin has had 4.9 years of schooling. So the average Latin in Texas does not earn as much as the average Negro. In my State, a poll tax bears much more heavily on the Latin white population than it does on the Negro. Last year a higher percentage of Negroes in the State paid the poll tax, despite the heavy burden on them, than the white population. The reason was that the Latins were not able to pay the poll tax.

If such data can be obtained—and I intend to look for them—I believe they will be helpful in the RECORD to show discrimination against more than one and a half million people of Spanish or largely Latin extraction. They are of Spanish-Mexican extraction. That discrimination results because their income is less. That is the segment of the population upon which the poll tax bears most heavily—far more than it does on the Negro population.

Mr. KENNEDY of Massachusetts. Therefore, it is the opinion of the Senator from Texas that the poll tax is a significant economic burden on the Latin-American?

Mr. YARBOROUGH. It is a great disadvantage to those of Latin extraction.

Mr. KENNEDY of Massachusetts. I am sure that the Senator from Texas believes that such a burden should not be placed upon those individuals in order to secure a privilege and a right which is guaranteed to them under the Constitution.

Mr. YARBOROUGH. That is one of the reasons I am a cosponsor of the amendment which the distinguished Senator from Massachusetts is so ably handling.

Mr. KENNEDY of Massachusetts. I wish to express my appreciation to the Senator. I believe that the Senator from Texas has added a significant note to this discussion. He has demonstrated the economic burden that has been placed upon a significant segment of the population of that great State. I believe that point is extremely important when we are trying to demonstrate at this particular part of our discussion the fact that the burden which is placed upon Negroes in particular, and upon poor whites also, is great, and that such a burden really violates the 14th amendment rights of Negroes, poor whites, and others disadvantaged in various parts of the country that condition voting on the payment of a tax.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. AIKEN. I have noticed that the discussion has been based upon the Negro primarily. Personally I do not like the segregation of people according to race, creed, or color for the purpose of legislation. In my mind, people are people, and they are all equal so far as legislation is concerned.

In my own State of Vermont only one-tenth of 1 percent of the population are nonwhite. I presume that many of those are students who are attending colleges in Vermont from foreign countries.

Can the Senator from Massachusetts tell me how his amendment would affect the State of Vermont?

Mr. KENNEDY of Massachusetts. As the distinguished Senator from Vermont recognizes, Vermont was one of the earliest States in the Union to adopt the poll tax. In reviewing the circumstances which surrounded the adoption of that tax, it was my understanding that it occurred as a result of the enlightened viewpoint of broadening the franchise to citizens in Vermont in the face of a strict property requirement. As I mentioned in the early part of my speech, Vermont was one of the first States to broaden the franchise and, in doing so, it felt that it could fulfill the requirements that were necessary at that time with respect to the possession of property as a qualification for voting. It felt that the payment of a poll tax would fulfill that requirement and the franchise would be broadened.

As the Senator realizes, today in Vermont there is a poll tax which is related to the privilege of voting. That tax is levied on all inhabitants between 21 and 70 at the rate of $1 plus an additional $5 for old-age assistance, unless one is exempt, as are veterans on disability, members of the State militia and fire companies, or persons who are actually poor, and persons on old-age assistance. The tax is a prerequisite to voting in town elections.

Therefore, the poll tax as a precondition for voting does exist in Vermont.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from the Governor of Vermont in support of the proposed legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF VERMONT,
EXECUTIVE CHAMBER,
Montpelier, April 19, 1965.

Hon. EDWARD M. KENNEDY,
U.S. Senator from Massachusetts,
Senate Office Building,
Washington, D.C.

DEAR TED: Thank you for your note of the 13th and for the materials relative to your support of legislation abolishing the poll tax as a requirement for voting in local elections.

This problem is of immediate concern to Vermont where the poll tax was originally instituted as a means of extending the franchise. The vagaries of history, however, have been such that the poll tax now limits the voting rights of Vermonters in local elections.

At its inception, the Vermont poll tax reflected the theory that every man's head constituted property. Hence, by enactment of a poll tax, Vermont became the first State in the Union to establish universal manhood suffrage. This, of course, was because the Original Thirteen States limited voting to property owners.

Now the poll tax is figured at 1 percent of the grand list. This permits some towns to discriminate against nonproperty owners by having a low assessment ratio to true value and a proportionately higher rate—thus, the price tag on voting in local elections fluctuates from town to town.

The fact that poll tax payment is not required to vote in State or Federal elections in Vermont also adds to the value of the poll tax as an instrument of political power. In some instances the town officials use the March meeting (taxpayer) voting list for registration for the nontaxpayer voting in State and Federal elections.

It is difficult to establish this as a conscious effort to restrict the voting rights of some of our people. However, I am certain you can understand that this constitutes at least undue harassment to many Vermont voters.

Interestingly enough, the Vermont State Senate has four times voted to eliminate the poll tax as a requirement for voting in local elections. Each time, however, this measure has been killed in the lower chamber where less than 12 percent of the State's population controls a majority of the seats.

The best estimates available at present, indicate that as many as 10,000 Vermonters are disenfranchised in local elections for nonpayment of poll taxes. At the same time, all recipients of old-age assistance, disabled veterans, and persons over 70 are exempt from paying poll taxes.

I am enclosing an extract from a tax study done in 1952 which gives some more details of Vermont poll taxes.

Again, let me express my pleasure that you are working to have the voting rights bill broadened to eliminate economic discrimination as well as discrimination on the basis of race or color.

Very truly yours,
PHILIP H. HOFF,
Governor.

Mr. KENNEDY of Massachusetts. In effect, the amendment would eliminate the poll tax provisions of the Vermont law as a prerequisite to voting in municipal elections.

Mr. AIKEN. I am glad that the Senator has had printed in the RECORD the letter from the Governor of Vermont. The Governor of Vermont tried that same argument on the Vermont Legislature and was promptly swamped by a vote of 196 to 34. In other words, he could not persuade the house Democrats in the legislature to go along with the proposal.

Vermont's old-age assistance tax, which I, as Governor first recommended in 1937 as a flat payment of $2.75, and which has later been raised to $5, is not a condition for voting in Vermont.

The payment of a $1 tax is a requisite for voting. I should like to read from our law as to who may vote:

> A male or female citizen, 21 years of age, who has taken the freeman's oath and whose list, including poll, is taken in a town, at the annual assessment preceding a town meeting, and whose poll and flood tax due such town, was paid prior to February 15 preceding such town meeting.

As I recall, the law contained for a while a requirement of a $1.50 head tax for repairing flood damage as a prerequisite for voting. Now it is the payment of a poll tax based on a $1 valuation. There are exemptions, as the Senator has mentioned. Civil War veterans—and hardly any of them are left—are exempt. Members of the State militia; fire companies, if a town so votes; and, of course, poor persons are exempt. Possibly the wealthy people in Vermont should go to court and claim that there is discrimination against them, because they must pay a poll tax if they desire to vote.

Mr. KENNEDY of Massachusetts. The Senator from Vermont has said that poor persons are not required to pay. Can the Senator outline how a person goes about being excluded? Does he have to make a public declaration that he is poor?

Mr. AIKEN. I should say that 98 percent of the people of Vermont gladly pay their assessment based on a $1 valuation in order to show their appreciation of living under the State government and receiving the benefits of the State government.

Mr. KENNEDY of Massachusetts. But they pay to vote.

Mr. AIKEN. The State of Vermont also requires the taking of a freeman's oath from everyone who is over the age of 21 as a prerequisite to voting. That is in effect an oath of allegiance to the State of Vermont. Does the Senator from Massachusetts hold that that oath of allegiance should not be required as a prerequisite to voting?

It seems to me that that is in the same category as the payment of $1 as a head tax.

Mr. KENNEDY of Massachusetts. The oath of allegiance is related, of course, to the question of loyalty, which I believe is quite distinguishable from the guarantee of the right to vote, as set forth in the Constitution, and as interpreted by the Supreme Court. I see a rather significant difference. I have trouble following the Senator's arguments.

It is extremely important that the Senator mentions that poor people in Vermont do not have to pay the poll tax. I think it important to ask the Senator if he can outline the procedures by which poor people are excluded.

Mr. AIKEN. Any person who receives public assistance; I should say any person on social security. That is a matter for State determination. Also, the authorities in each town have the right to abate the taxes of any individual who they think is being unduly oppressed.

Mr. KENNEDY of Massachusetts. If the individual does not fall within the requirements the Senator from Vermont has mentioned, does he have to indicate that he is poor, in order to be excluded?

Mr. AIKEN. I do not believe there has been any serious trouble about that. What really bothers some persons, who would like to duck the payment of taxes of any kind, is that they are required to show they have paid their poll tax in order to get an automobile driver's license. But that requirement would not be affected at all by the Senator's amendment.

I should like to make certain whether the amendment offered by the Senator from Massachusetts would outlaw any poll tax or any other tax that is levied as a condition for voting in the towns of Vermont. There are no poll tax requirements for the county or State voting; and, of course, a poll tax for voting in Federal elections is completely outlawed, anyway. But the Senator's amendment would outlaw the poll tax in Vermont as a condition for voting at Vermont town meetings, would it not?

Mr. KENNEDY of Massachusetts. The Senator is correct. When he says the amendment would outlaw the payment of a poll tax as a precondition of voting in municipal, city, town, county, and State elections, the Senator is correct.

Mr. AIKEN. Does the Senator from Massachusetts know how many other States would be found in similar circumstances?

Mr. KENNEDY of Massachusetts. There would be four States.

Mr. AIKEN. Vermont is not in a class with those four States.

Mr. KENNEDY of Massachusetts. Four States require the payment of a poll tax as a precondition for voting. Twenty-three States have poll taxes but they are not related to voting in any way. We recognize completely, wholeheartedly, and respectfully the right of any State, in any part of the country, to impose a poll tax as a revenue measure. However, we feel such a tax should not in any way be imposed as a precondition for voting.

Mr. AIKEN. The Senator will agree, will he not, that should the Vermont poll tax, the $1 head tax, be outlawed, the State would have full authority to assess each person, able bodied or otherwise, and to increase the poll tax to $10 or $20, so long as that was not made a condition for voting.

Mr. KENNEDY of Massachusetts. Once again, the Senator from Vermont has demonstrated exactly an understanding of what the amendment provides. It would not in any way prohibit States or limit the power of States to raise revenue by a head tax or any other means it cared to impose. The only purpose of the amendment is to bar such a tax as a precondition for voting. If Vermont desired to take other means to raise revenue, it would not in any way be prohibited by the amendment from doing so.

Mr. AIKEN. I understand. I agree with the Senator's statement completely, though not with the purpose of his amendment.

Does the Senator know how many other States require an oath of allegiance to the State as a condition for voting?

Mr. KENNEDY of Massachusetts. I have not that information.

Mr. AIKEN. But suppose there are no other States—and offhand, I know of no other States, although there may be some. Is it not likely that if the payment of a poll tax based on a $1 valuation is unconstitutional or should be done away with in Vermont—I will not say it is unconstitutional—it would also be unconstitutional for a State to require every citizen to take an oath of allegiance—a specially worded oath of allegiance—to the State as a condition of voting in the towns? I am not speaking now of State elections, county elections, or Federal elections.

Mr. KENNEDY of Massachusetts. I am not prepared to answer the Senator's question. I am not familiar with the provisions of Vermont law to which the Senator has referred.

Mr. AIKEN. It is a condition that has to be met in order to vote. If a person reaches the age of 60 and has never taken the freeman's oath—and I believe there are a few persons in that category—he cannot vote. In order to vote, it is necessary to take the freeman's oath.

I was about to say that perhaps Vermont has more voters disqualified for refusal to take that oath than who are disqualified for not paying the tax on a $1 valuation, but I am probably in error about that, so I should not say anything about it.

Mr. KENNEDY of Massachusetts. Has that law been tested in the courts?

Mr. AIKEN. Not to my knowledge. I realize that a court test of a Virginia case is awaiting a decision by the Supreme Court. I do not believe that decision should be applicable to Vermont, because in Virginia it was a poor person who could not or would not pay the poll tax. But in Vermont, she would have been completely exempt from the payment of the poll tax. So the conditions are not the same.

In Vermont, the payment of the poll tax is, in a sense, a declaration of loyalty. The feeling of our forefathers was that everybody who enjoyed the benefits and privileges of State government should be willing to pay $1. For that, a person is given the right to vote.

I wanted to have this understanding made clear before I cast my vote on the Senator's amendment. As I understand, the Senator's amendment would not in any way affect the levying of a poll tax or a head tax for the purpose of raising revenue.

Mr. KENNEDY of Massachusetts. The Senator is correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the senior Senator from Florida.

Mr. HOLLAND. Mr. President, in connection with the requirement of a payment of poll tax as a prerequisite to voting in town elections, the senior Senator from Florida and others, including the Senator from Vermont, who were interested in the adoption and ratification of the 24th amendment, encountered this same problem.

We discovered that there was great reluctance on the part of State legislatures to ratify the amendment. It was only through the good offices of the senior Senator from Vermont that it was made very clear to the legislature in Vermont that in no sense would the adoption of the 24th amendment, affecting, as it did, voting for Federal officials only, interfere with the State laws of Vermont relative to the payment of poll tax as a condition for voting in town elections.

I again pay tribute to my distinguished friend from Vermont for the unusual effort that he expended in an effort to make it very clear to the members of the legislature of his State and to his Governor—who I think also raised the question—that the 24th amendment in no sense applied to the poll tax requirement of the State of Vermont, which requirement, as a prerequisite to voting, applies only to town meetings and town elections.

Mr. AIKEN. If the Senator from Massachusetts will permit me to interrupt again I consider the New England town meeting the nearest approach we have to true democracy in the world. It is the New England town meeting—which we have in 246 towns and cities of Vermont—to which this proposed amendment would apply.

I am proud of our New England town form of government. I am extremely jealous of its existence. I do not want anyone to take the heart out of it. It is still the best example we have of democratic government.

I believe that good government originates in the community, whether it be a rural town or a city ward; and I hope that we shall do nothing to impair the democratic working of this form of government.

Mr. KENNEDY of Massachusetts. Mr. President, I appreciate the comments of the Senator from Vermont. The town meeting is a tradition that applies, as the Senator so appropriately mentions, not only to the great State of Vermont, but also throughout New England. It is an important part of our tradition. It continues to work well and provide an effective means of self-government.

I feel that the amendment would in no way disrupt the effectiveness of town meetings. On the other hand, I would hope that, with the elimination of the prepayment of a poll tax, it might actually encourage broader and wider participation in such meetings. It is with that sincere feeling that I discuss the question.

Mr. AIKEN. Mr. President, I would have no objection to Vermont, Massachusetts, Connecticut, or any other State repealing the poll tax provisions if it so desires. However, I do not like to see the Federal Government moving into the finest example of true democracy that we have in the United States and undertaking to regulate the affairs on a community basis.

Mr. KENNEDY of Massachusetts. Mr. President, I respectfully disagree with the Senator from Vermont on this point, in the sense that anything contained in the amendment could be interpreted as regulating the affairs of cities or towns of the great State of Vermont in any way.

Senators who have cosponsored the amendment—and also other Senators—hope that with the elimination of prepayment of poll tax as a condition to voting, there might be broader participation in the town meetings. Perhaps we would have even more effective town meetings.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY of Massachusetts. I yield myself another half hour.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for an additional half hour.

Mr. AIKEN. Mr. President, I speak from experience in this matter. I have been moderator of my town meeting. I consider that to be about the highest office in the world.

Mr. KENNEDY of Massachusetts. Mr. President, I cannot say that I have had that honor.

Mr. AIKEN. Mr. President, I have never known anyone who wanted to vote but was deprived of an opportunity to vote because he had not paid his poll tax. If a person is unable to pay the tax, he is automatically exempt.

Mr. KENNEDY of Massachusetts. Mr. President, prior to yielding, I was outlining the economic situation in relation to the Negroes. The Senator from Texas [Mr. YARBOROUGH], mentioned the Latin American people of Texas and indicated the plight in which those Americans find themselves when attempting to fulfill their responsibilities. The Senator made the point that it serves as a burden upon them to pay even a nominal amount for the right to vote.

Mr. President, these figures represent to me the price that the Negro is paying for the fact that he is not white. To impose upon him an additional price to exercise the constitutional right should seem to be at least outrageous. In light of this evidence, how can we possibly say to these citizens that, in 1965, the Congress of the United States is enacting a law which will at last guarantee the vote that has been so long denied when we can see in the very face of it that a man with an income of $800 a year—and even he is only at the median—is in little or no position to pay any price for anything.

It is unfortunate but true that for the majority of Negroes in Mississippi and Alabama their economy is a barter and credit economy. Those who work the farms or those who are tenants on small plots of land barely have enough to subsist on. The only moment of time that they have any cash at all is just long enough after a harvest for them to pay past credits due and to begin the cycle of indebtedness anew.

Take, for example, the rural Negro who lives in the State of Alabama. Here, the median income is $694 a year—about $2 a day. Yet they must pay $3 for the right to vote at some point in time between October 1 and February 1, the months in which they do not know the sight of cash. In the State of Mississippi, where 70 percent of all the Negroes are rural, we know that rural farm income is only $637 a year for these people, and yet a man and his wife must find $4 for the right to vote and he must pay this before February 1 in each of two years preceding an upcoming election if he wishes to vote. In the May 1965 Farm Labor Report, issued by the Department of Agriculture, we find the daily rate for sharecroppers for farm laborers for Mississippi. In that State a sharecropper or a farm laborer averages $5 a day without board and room, or $4.60 a day if housing is provided for him. We know that in the cotton fields in the delta area of Mississippi there are two major operations. The first is cutting and chopping, which is done primarily in the late spring and early summer, for which the average rate is $3 a day. The second major operation is the actual picking itself which is done primarily in the late summer and pays a rate of $2.50 per hundredweight. It is fair to state, Mr. President, that the money paid in this occupation, so heavily dominated by Negroes in that State, is not great, and that the time of greatest wage payment is in the middle of the summer. To ask these people to pay any sum of money for the right to vote not now, but for that right 2 years from now, and to ask them to pay on or before February 1 is a clear and harsh hardship.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. LONG of Louisiana. When we repealed the poll tax in Louisiana, the principal purpose of doing so was to make it possible for the poor whites to vote. A group which held itself to be a liberal group in Louisiana was in that movement. It was difficult for a truly poor man to be registered. If he was registered, it was due perhaps to the fact that some well-to-do person like a ward leader or a sheriff or an assessor or someone else who had some power would pay the poll taxes for 60 or 80 people, so long as he was satisfied that those people were going to vote for the local ones in power when they did vote. So those people would take the poll tax receipt and vote. On the other hand, if a leader found out that such a person was taking a different line—for example, if he had heard Huey Long speak and said he was going to vote for him—he would arrange things so that that person would not have a poll tax receipt and could not vote.

A ward leader in New Orleans who had some experience knew that every time some sailor came through town he could meet him in the bar and arrange to register in that sailor's name and pay the poll tax for him. The election would come around, he would display the poll tax receipt, and vote this person. On the other hand, many decent folks felt it was a burden for them to pay the poll tax, and so were not registered and did not vote. It was said that sometimes those in power would pay the poll tax on an entire cemetery, so that every name on the tombstones was registered, and they would be voted. So the poll tax had element of a high degree of corruption. With the repeal of the poll tax it was hoped that a fairer representative government in that State would be brought about.

Of course, the Senator knows the poll tax cannot be stricken out because it tends to bring about corruption, but if it is stricken out, it must be because it disfranchises the Negro.

Mr. KENNEDY of Massachusetts. The last sentence, particularly, with respect to disfranchising, reaches the whole fundamental point in our argument. It disfranchises because of the economic burden it places not only on poor Negroes, but also on poor whites in parts of the country with low incomes. There is no question that this is a fundamental aspect of our argument. The evidence we have been able to show makes it quite clear that in a number of instances there has been disfranchisement purely on that basis.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Indiana.

Mr. BAYH. I was particularly interested in the colloquy between the Senator from Massachusetts and the Senator from Vermont [Mr. AIKEN]. I was obliged to leave the Chamber briefly before the end of the colloquy. For the sake of the RECORD, I would like to have the Senator once again, as he did earlier, clarify in the clearest possible terms the difference between the payment of a head tax, or some other type of individual tax which is used for revenue-producing measures, and the assessment of a tax strictly as a requirement for voting. There is a definite difference. This is one of the main thrusts of the argument. The RECORD should be made abundantly clear.

Mr. KENNEDY of Massachusetts. I appreciate the observation of the Senator from Indiana, who serves on the Judiciary Committee, and who was a cosponsor of the amendment in the committee as well as the present amendment. He raises a basic and fundamental question, as to the direction in which our amendment goes. We recognize that today 23 States have poll taxes, but this amendment applies only to the States that use the poll tax as a percondition for voting.

My own State of Massachusetts had a poll tax, but not as a precondition to voting.

Mr. BAYH. Indiana has a head tax, similarly.

Mr. KENNEDY of Massachusetts. This amendment would not in any way prohibit or forbid those States from collection of poll taxes or prohibit the opportunity for other States to enact poll tax legislation.

The thrust of this legislation is at the point of requiring the payment of a poll tax as a precondition for voting. Viewing the history of the poll tax itself, we know that a number of States adopted the poll tax in the early years of the Republic as a way to broaden the franchise, and then eliminated it as Jeffersonian principles took hold.

It was only after adoption of the 13th, 14th, and 15th amendments that certain States adopted the poll tax as a precondition for voting. We have only to look at the speeches at the conventions that were held, which played a fundamental part in the enactment of such legislation, to see that their purpose was to disfranchise an important part of our society.

We feel that Congress should speak out on this question so we will be assured that the poll tax will not serve as a barrier to voting after we do the job that has been outlined in section 4 of the voting rights bill with regard to the literacy test. If we do not do the full job now, the issue will come back to this body and we shall be called upon to do something to eliminate this additional barrier to voting at a later date.

Mr. BAYH. If the Senator will yield briefly, the presentation which he made in his prepared remarks is the finest documentation of the development, the rise, and subsequently the fall, of the poll tax, with respect to the factors to which the Senator has alluded. The Senator's remarks make it abundantly clear that the thrust of the amendment is not designed in any way to impair the right of the States to raise money, but it is striking at the invidious method used to disfranchise American citizens.

I thank the Senator for answering my questions.

Mr. KENNEDY of Massachusetts. I appreciate the observations of the Senator from Indiana on an extremely important and fundamental part of the debate, and a part of the argument which has been misunderstood in the past. The Senator has offered important observations in helping to clarify the matter.

I continue with my statement:

The Alabama State constitution provides that no legal process nor any fee or commission shall be allowed for poll tax collection. No bills are even sent out for the poll tax in the State of Alabama. And in Virginia the collection of the poll tax is enforcible but not until the tax has become 3 years past due. These provisions should make it clear that these taxes are not relied upon as revenue devices but they are heavily relied upon as methods of disenfranchising. Further evidence to show that States could not be possibly reliant upon these taxes can be seen from the fact that in 1954, for example, Alabama spent almost $95 million for its schools and collected half a million dollars in poll taxes; in 1955 Mississippi spent $26 million on its schools and collected half a million dollars in poll taxes; while Texas, spending over $205 million for free schools and vocational education, received only $1,400,000 of poll tax revenue available for these schools; and Virginia in 1954 spent $67.7 million for schools, collecting only $972,000 from poll taxes.

Mr. President, I have been making the case that the poll tax, as tied to voting, has a history fraught with evil intent, and that no matter how levied, it has the effect of disenfranchising members of the Negro race in a discriminatory fashion. But the matter does not end there. We have examples of discriminatory application of the poll tax requirement.

Let me say in all candor that, if the Voting Rights Act of 1965 is enacted by Congress without eliminating the poll-tax requirement for voting, we shall find a great increase in the misuse of this revenue device. It will be the last barrier. It will become the goal of those who, in the past, have ingeniously exercised their talents to deprive Negro citizens of the right to vote.

Mr. LONG of Louisiana. Mr. President, will the Senator from Massachusetts yield?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Massachusetts yield to the Senator from Louisiana?

Mr. KENNEDY of Massachusetts. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. It would be an interesting commentary if the Senator would add up the average welfare payments in the five Southern States which have a poll tax and then compare them with the average welfare payments in the six Southern States which do not have a poll tax. I believe that the Senator would find it enlightening. He would find that, generally speaking, approximately twice as much effort is being made to help the needy with their welfare programs in the States which do not have a poll tax as in the States which do.

Mr. KENNEDY of Massacusetts. The Senator from Louisiana has made an important observation. Many of us believe that those who are dependent to a great extent upon welfare payments have a significant and vital interest in the kind of government which they have. They should have a voice in their government. By his comment, the Senator has suggested that where there is a heavier dependence of citizens on welfare those people should have the right to a voice in their government so as to effect, if possible, the economic condition of the State.

Mr. LONG of Louisiana. Consider the vicious circle involved. Because a person is poor, he loses his right to vote. Because he loses his right to vote, he loses his right to have support for his child. If he is unable to provide for the child, he loses his right to advance that child in school to the extent that would otherwise be the case. He also loses an opportunity to be provided for in his old age. He also loses his opportunity for better hospital care. He loses all of these benefits which would most likely have been derived from being permitted to vote. When he loses his right to vote, he loses the rest of it.

Mr. KENNEDY of Massachusetts. The Senator has made a significant and important observation, and I appreciate the fact that the Senator has made it.

Mr. President, the tax itself is wide open to abuse. The only reason evidence is not more weighty in this area is that plainly other methods have been more convenient to date, such as literacy tests and other devices that we will be lifting by the proposed legislation. For example, a proffer of the tax may be refused, misleading or incorrect information as to the necessity or time of payment may be rendered to citizens, tax receipts or exemption certificates may be withheld on a discriminatory basis, or receipts may be backdated to make them timely for whites but not for nonwhites.

I should like to cite five cases which have been brought, or which are in process of being brought, by the Government in this area, simply as a method of describing the kinds of abuses which have been found or alleged in the application of the tax.

In *U.S.* v. *Dogan*, 314 F. 2d 767, 5th Cir. 1963, the U.S. Court of Apepals for the Fifth Circuit found that—

> Distinctions on account of race or color have been made in the collection of poll taxes in Tallahatchie County, Miss.

The court stated that—

> A careful scrutiny of the evidence adduced in the trial court discloses that beyond question racial discrimination was being practiced, even up to the last day of the taking of evidence in the hearing of the motion for preliminary injunction (Dec. 22, 1861).

This general finding in the Dogan case is based on four distinct but related findings of discrimination.

First, the court found that evidence in the record revealed several incidents between 1951 and 1961 in which Negroes of Tallahatchie County tried unsuccessfully to make timely payment to sheriffs of that county. In some of the incidents, the sheriff or his deputy simply refused to accept the payment, in one case replying that "no nigger could pay his poll tax there." In some others, the sheriff was nowhere to be found, and the deputy told the Negroes that they would have to find the sheriff in order to pay. The court concluded from the evidence of these incidents:

> This evidence of prior discrimination and continuously unsuccessful efforts on the part of Negroes to pay poll taxes would have thrown light upon the question why there were so relatively few efforts on the part of Negroes to pay their poll taxes during the present sheriff's term.

Second, in this case the court found discrimination in Sheriff Dogan's standing instruction "that if any Negro came there to pay the poll tax, for them to see me." Whereas white people were referred to him by his deputies in regard to poll tax payments only "if there was no question of their precinct qualification." In regard to this the court stated:

> All Negroes who desire to pay poll taxes were required to see the sheriff. Very few, if any, white persons who desire to pay their poll taxes were required to see the sheriff.

Third, in this case the court found that whereas Sheriff Dogan's office assisted whites who wanted to pay their poll tax "no assistance was given to Negroes who wanted to pay their poll taxes. Nor was the word of a Negro taken as to his voting precinct." This need of the word of the Negro to be taken arises out of the Mississippi statute which says that all persons liable for a poll tax under the constitution and laws of the State shall present their correct names and their ages, sexes, places of residence, election precincts, and other information.

Fourth, the court found a strong inference of discrimination from the statistical evidence of the voting age population of Tallahatchie County, which consisted of 5,099 white persons and 6,483 Negroes. Witnesses during the 3-day hearing were completely unable to locate from the records or from memory any Negro citizen who had ever been permitted to pay poll tax in Tallahatchie County.

In another case, *U.S.* v. *Holmes County Mississippi* 21458, 5 Cir., the complaint alleges that since assuming office in 1956 and until January 3, 1964, Andrew Smith, the deputy sheriff of Holmes County, has refused to accept poll tax payments from any Negro citizens of Holmes County purely on the basis of race or color. The district court did not grant relief in this case, but an appeal is currently pending. The defendant sheriff in this instance has stipulated that he did not allow any Negro to pay his poll tax during this period and testified that he refused payments from about 20 Negroes. He claimed that this refusal was due to a misinterpretation of the law; that is, the sheriff stated that he believed that only registered voters were liable for poll tax payments. However, the Government in its appellate brief has pointed out, when asked whether he would accept poll tax payments from white persons who are not registered voters, Smith replied, "I am sure I didn't collect poll tax from any white person that was not qualified to vote." He added, however, that he did not know that this was so. Furthermore, he did not recall whether he had given his deputies instructions not to collect poll taxes from unregistered white persons.

In the case of *United States* v. *Hal N. Allen, Jr., Circuit Clerk of Chickasaw County, Mississippi*, No. EC 6457 filed on September 3, 1964, the Government has alleged in its complaint that defendant Allen has refused and unreasonably delayed the furnishing of poll tax exemption certificates to Negro applicants eligible to receive them, and these refusals and delays were pursuant to a "patent and practice." Investigation by the Department of Justice in preparation of this case reflected in the Government's "Answers to Interrogatories Propounded by Defendants" reveals that three Negro citizens of Chickasaw County, all eligible for poll tax exemption, were refused poll tax exemption certificates by the defendant circuit clerk and/or his agent.

In the case of United States against Arnold Simpson, the sheriff and tax collector of Chickasaw County, Miss., State of Mississippi, in a complaint filed on December 16, 1963, the Government alleges that since at least 1948, duly elected sheriffs of Chickasaw County have followed the policy and practice of refusing to permit Negro citizens in Chickasaw County, but not white citizens, to pay their poll taxes, and that since assuming office the sheriff and tax collector of the county, defendant Griffin, has continued to follow this racially discriminatory policy and practice, and that this policy and practice is pursuant to a "patent or practice." This case was originally styled United States against R.E. Griffin et al. Defendant Simpson replaced Griffin as sheriff and tax collector of Chickasaw County, Miss., on January 6, 1964. On February 14, defendants Griffin and the State of Mississippi filed their answers. They moved to dismiss the action on March 26. On July 21, the motions to dismiss the action were denied and the new sheriff, Simpson, was ordered to be substituted as a party defendant. This case is currently awaiting trial. The Department of Justice claims, in United States against Simpson, that between 1947 and January 16, 1964, at least 14 Negroes made 21 attempts to pay their poll taxes to sheriffs or their agents in various parts of Chickasaw County. In each case their proffered payment was allegedly refused, many times by the express reference to their race or color, but at other times by means of excuses such as sheriff's absence, or that it was not the proper time for payment, or that there was inadequate proof of the county residence of the Negro citizens. In other instances these Negroes were refused the opportunity to pay their poll tax by the collecting agent's stated fear of personal consequences if he did collect the taxes, or by his statement that he lacked authority to collect the tax at all. In many instances these Negroes who had been attempting to pay their poll taxes alleged that they had observed whites engaged in paying their taxes at the same time. The only instance during this period of time covered by the case that a Negro succeeded in paying his poll tax was when one Negro citizen, whose personal proffer of payment had been rejected once during each of the two previous days finally mailed a money order to the sheriff and received a receipt in the mail.

Finally, in the case of *U.S.* v. *Duke, the Circuit Court Clerk and Registrar of Panola County, Mississippi,* 332 F. 2d 759 (C.A. 5) 1964, the United States described in its appellate brief the action by this registrar of this county in the following manner:

> Another means employed by Duke to discourage and delay Negro registration was his requirement—imposed only on Negroes—that applicants have two current poll tax receipts prior to registration.

Mr. President, it should be noted that in the State of Mississippi the payment of poll taxes, while required for voting, is not a prerequisite to registration. A number of named Negro registration applicants were rejected by this means in 1959 and 1962 according to the Government's case. Named white applicants were accepted during the same period even though they had not paid their poll taxes. The U.S. court of appeals found specifically that Duke had indeed discriminated on this ground and found that this means was one of many employed by Duke to discourage Negroes, generally, from going through with the registration proceedings.

One final example of the discriminatory administration of the illegal requirement of two poll tax receipts in order to register to vote in the State of Mississippi has been documented. Clifford Fields, the circuit clerk of Adams County, Miss., in 1946 testified as follows before a special committee of the U.S. Senate:

> The Chairman. Will you tell the committee of a few instances when a colored person did apply and you turned them down and give the reasons why you turned them down, if you know?
>
> Mr. Field. Yes, sir. When they first started coming in there they came without having two poll tax receipts. They would not have been qualified if I had registered them. So I told them, I said, "What is the use of me cluttering up these books with you all registering here when you are not going to be able to vote if you do register?"
>
> The Chairman. The law doesn't provide that in order to be registered the poll tax should be paid, does it?
>
> Mr. Field. No sir.
>
> The Chairman. Why did you put that restriction on them?
>
> Mr. Field. Because it is just a matter of cluttering up the books with a lot of people's names who could not vote; they would not be eligible to vote even if they did register.
>
> The Chairman. Do you require the same thing as to white people?
>
> Mr. Field. No sir.
>
> The Chairman. Why not?
>
> Mr. Field. Well, because I knew that eventually the white people would become qualified but I didn't think——
>
> The Chairman. Why didn't the same thing apply to the colored?
>
> Mr. Field. I didn't think they would be qualified; they never were before and I didn't think they ever would be.
>
> The Chairman. Well it is strange that you should have had a different restriction with the colored than with the whites.
>
> Mr. Field. Yes; I expect it is but I did it.

Mr. President, a large number of distinguished constitutional lawyers have indicated their belief in the constitutionality of our amendment. They believe that given the clear Supreme Court determination in the reapportionment cases, that a State cannot give an unequal weight to the votes of its citizens because of geographic location or economic status, and because of the very strong lanugage in the recent Supreme Court case of Harman against Forssenius in which the Court said that "congressional hearings and debate indicate a general repugnance to the disenfranchisement of the poor occassioned by failure to pay the tax." The Supreme Court would certainly hold that it is not unconstitutional for Congress to prohibit discrimination against the poor in deciding who should vote. I would like at this point to place in the Record a copy of a statement signed by 75 lawyers and law professors supporting our amendment.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A Statement on the Right of Congress To Outlaw State and Local Poll Taxes Submitted to the Congress of the United States

Both the Senate Judiciary Committee and a subcommittee of the House Judiciary Committee have adopted amendments to the administration's voting rights bill prohibiting the exaction of poll taxes in State and local elections. It is the view of the undersigned that Congress has clear authority to do so.

At the present time five States, all Southern, require such poll taxes: Alabama, Arkansas, Mississippi, Texas, and Virginia.

In 1942, the Senate Judiciary Committee in Senate Report No. 1662 (77th Cong., 2d sess.), stated that a careful examination of the various State poll tax constitutional and statutory provisions reveals that they "were motivated entirely and exclusively by a desire to exclude the Negro from voting." Indeed, the Mississippi Supreme Court shortly after the enactment of the poll tax in that State candidly held that such was the primary intent. (*Ratliff* v. *Beale*, 74 Miss. 247, 20 So. 865 (1896).)

Not only was the poll tax conceived for discriminatory purposes but it has been administered in a discriminatory manner. For example, in the case of *U.S.* v. *Dogan* (314 F. 2d 767, (5th Cir.) (1963)), the United States sought a mandatory injunction on behalf of Negro residents of Tallahatchie County, Miss., to force the sheriff of that county to accept their poll taxes. The court's discussion of the facts showed that the county had approximately 6,000 white persons of voting age and 6,500 Negroes; that it had no Negro voters; that no Negro residents were permitted to pay a poll tax; that the policy of the sheriff (who was charged with collecting the tax) was to allow his deputies to accept payment from white applicants, but to have all Negro applicants referred to him personally, and that of those Negro applicants so referred, none were allowed to pay the tax. Affidavits in the record showed that one applicant had been trying regularly to pay her poll taxes from 1951 to 1962; another from 1952 to 1962. Each had been regularly turned down.

The poll tax is not a qualification for voting under article 1 of the Constitution but rather a restriction on voting. Congress has the power to outlaw such a restriction if it deems it a restraint on the right to vote for which there is no good cause or adequate justification. No one seriously contends it is a revenue measure.

The power of Congress to outlaw State and local poll taxes rests both on section 5 of the 14th amendment and section 2 of the 15th amendment. The 14th amendment prohibits States from denying any persons within its jurisdiction the equal protection of the laws, and the right to vote for any State and Federal officers. Section 5 provides that "the Congress shall have the power to enforce by appropriate legislation the provisions of this article." The 15th amendment holds that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. It also provides in section 2 that "Congress shall have power to enforce this article by appropriate legislation."

These are express grants of power to Congress to enforce those articles. The fact that Congress utilized a constitutional amendment to abolish the poll tax in Federal elections is merely to recognize the political reality of a Senate filibuster. The House had passed five antipoll tax bills since 1939, only to have them die under Senate filibuster or threat of filibuster.

The Supreme Court's decision in *Breedlove* v. *Suttles* (302 U.S. 277, (1937)), which upheld the Georgia poll tax (now repealed) is not to the contrary. That was a suit by a white male claiming a denial of equal protection because of favoritism to older people and to women. The 15th amendment was not raised. No claim was made of racial or economic discrimination. Furthermore a decision on the poll tax in the absence of congressional action is totally irrelevant to the issue of congressional power to act, because neither racial discrimination nor congressional action was involved in *Breedlove*.

It is the view of the undersigned that Congress has the clear power and authority, if not the duty, to provide in the voting rights bill for a provision abolishing all State and local poll taxes as a condition for exercising the right of franchise.

APRIL 21, 1965.

CONSTITUTIONAL LAWYERS AND LAW SCHOOL PROFESSORS ENDORSING THIS STATEMENT

Morris Glushein, general counsel, International Ladies' Garment Works' Union of America.

Norman Dorsen, New York University.

Prof. Albert R. Beisel, Jr., Boston University.

Robert E. Gooshee, professor of government, American University, Washington, D.C.

Steven Duke, associate professor of law, Yale University.

Rev. Robert F. Drinan, S.J., dean, Boston Law School.

John O. Honnold, Jr., professor of law, University of Pennsylvania.

Charles M. Whelan, S.J., Fordham Law School, New York.

Eugene V. Rostow, dean, Yale Law School.

Prof. Henry H. Foster, Jr., New York University.

Howard L. Greenberger, associate professor of law, New York University.

Hugh A. Ross, professor of law, member of the bar, Ohio and Wisconsin.

Lawrence G. Wallace, faculty, associate professor of law, Duke University.

Melvin G. Shimm, Duke University School of Law.

Neil Newton Gold.

Thomas J. O'Toole, Georgetown University Law Center.

Joseph B. Robison, American Jewish Congress, New York.

Jay W. Murphy, professor of law, University of Alabama.

Melvin L. Wulf, New York, N.Y.

Herman Edelsburg, Anti-Defamation League of B'nai Brith.

Thomas Harris, AFL–CIO.

David E. Birenbaum, American Jewish Congress, Washington, D.C.

N. J. Brockelbank, University of Idaho College of Law.

Howard H. Spuaprow.

Herbert E. Schwartz, professor.

C. Dallas Sands, University of Alabama School of Law.

Leonard S. Powers, University of Florida, College of Law.

Arthur L. Berney, assistant professor of law, Boston College.

Austin W. Scott, J., Boulder, Colo.

Leonard Lesser, IUD, AFL–CIO.

Roger Paul Peter, Notre Dame Law School.

Oval A. Phipps, professor of law, St. Louis, Mo.

Richard J. Childress, professor of law, associate dean, St. Louis University School of Law.

Walter Frank, 230 Park Avenue, New York, N.Y.

Thomas Mille Jenkins, Florida Agricultural and Mechanical University School of Law.

Ralph S. Rice, University of California School of Law.

Norman Redlich, professor of law, New York University.

Paul W. Bruton, University of Pennsylvania School of Law.

Reynold C. Seitz, Marquette University Law School.

Vern Countryman, Harvard University Law School.

Alexander D. Brooks, Rutgers Law School, Newark, N.J.

Edward C. King, University of Colorado School of Law.

Prof. Henry H. Foster, New York University School of Law.

Lewis H. Weinstein, Boston, Mass.

Will Maslow, graduate school, CCNY.

J. Francis Pohlhaus, NAACP legal counsel.

Leo Pfeffer, chairman, Department of Political Science, Long Island University, New York.

Harold B. Roitman, Boston, Mass.

Marcel S. Kistin, Boston, Mass.

Harold Katz, Boston, Mass.

Irving Fishman, State representative, Boston, Mass.

Michael S. Dukakis, State representative, Boston, Mass.

Ernest Winsor, Boston, Mass.

Sumner Z. Kaplan, former State representative, Boston, Mass.

Morton Myerson, Boston, Mass.

Max R. Kargman, Boston, Mass.

Irving H. Welfeld, Boston, Mass.

Sheldon Baskin, Boston, Mass.

Morris B. Schwartz, University of Pennsylvania Law School.

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E. O. Belskein, Lincoln, Nebr.

Ephraim London, 535 Fifth Avenue, New York, N.Y.

Milton R. Konvitz, Cornell Law School.

Charles A. Reich, New Haven, Conn.

Charles E. Ames, New York, N.Y.

Arval Morris, Seattle, Wash.

Frank W. Miller, Washington University School of Law.

Edgar Bodenheimer, Salt Lake City, Utah.

Edwin J. Lukas, general counsel, American Jewish Committee, New York, N.Y.

Alan F. Westin, New York, N.Y.

Mark DeW. Howe, Harvard Law School.

Lawrence Speiser, American Civil Liberties Union.

Daniel H. Pollitt, University of Oregon.

John D. Scarlett, dean, School of Law, University of South Dakota.

Alexander Hamilton Frey, Philadelphia, Pa.

Elmer Jackson, Jr., Kansas City, Kans.

Sol Rabkin, New York City.

Arnold Forster, New York City.

Mr. KENNEDY of Massachusetts. Mr. President, in conclusion I quote the President of the United States in his message to us on the voting rights bill:

> In our system, the first right and most vital of all our rights is the right to vote. Jefferson described the elective franchise as the ark of our safety. It is from the exercise of this right that the guarantee of all our other rights flows.
>
> Unless the right to vote be secured and undenied all other rights are insecure and subject to denial for all our citizens. The challenge to this right is a challenge to America itself. We must meet this challenge as decisively as we would meet a challenge mounted against our land by enemies from abroad.

This is what we want to do. We want to remove the last apparatus of that denial. Our amendment would do this. It would do it in compliance with the Constitution. And I urge its passage by the Senate.

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield me some time?

Mr. KENNEDY of Massachusetts. I yield 30 minutes to the Senator from New York.

Mr. COOPER. Mr. President, I should like to direct some questions to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Very well. I first yield myself such time as I shall need to answer the questions of the Senator from Kentucky.

Mr. COOPER. I have been very much interested in the Senator's presentation and his speech last week, supporting his amendment. I wish to ask him a few questions to determine, if I can, the precise grounds upon which his amendment is based. I believe all of us will agree that there is something distasteful and offensive about the levying of a poll tax as a condition for voting. I believe it to be repugnant to our free system of government. My State has no poll tax as a condition for voting, but the question is a natural one.

The basis for those sections which would suspend literacy tests is that they are used discriminatorily, and thus are clearly in contravention of the 15th amendment. It is the discriminating operation and manipulation of the literacy tests—tests that are fair on their face—which deems the right to vote. There is no claim that the tests are inherently wrong.

I am not quite clear as to what the exact basis of the proposed poll tax amendment is, upon what authority it is bottomed. It is not stated in the amendment that the poll tax is used discriminatorily. It provides that the poll tax is stricken down as a precondition for voting.

Will the Senator from Massachusetts tell me on what the amendment is bottomed? Is it on the 15th amendment?

Mr. KENNEDY of Massachusetts. It is based upon the 14th amendment, as well as on the 15th amendment. First of all, as I mentioned in the latter part of my speech, there are some outstanding examples and significant examples in which the 15th amendment has been violated because the persons involved were discriminated against solely on the basis of their being Negroes. We also base the amendment on the 14th amendment. We do not feel that the payment of a poll tax is a legitimate qualification as a prerequisite for voting. We feel that it does not reasonably relate to the process of voting. Residency is a requirement. It underscores the fact that an individual must have an understanding of local problems. Age denotes some maturity. Registration itself means that the person is of good moral character. These requirements we recognize as legitimate qualifications. We are troubled by the fact that the prepayment of a poll tax is not a reasonable qualification for voting.

Does that mean that someone who has sufficient income and yet fails to pay the poll tax is less qualified to vote than some poor fellow who would steal $2 and pay the tax?

Mr. COOPER. I understand all the moral and practical reasons against a poll tax, and I agree wholeheartedly with the Senator. It is offensive to require a person to pay a poll tax in order to vote. But, important as the moral consideration is, my question goes more precisely to our authority to legislate. First, is it correct that the amendment is based, at least in part, upon the 15th amendment?

Mr. KENNEDY of Massachusetts. That is correct.

Mr. COOPER. The Senator has produced evidence in his speech to support a congressional finding that the poll tax has been used discriminatorily. Is that correct?

Mr. KENNEDY of Massachusetts. That is correct.

Mr. COOPER. The Senator has stated that the amendment is based also on the 14th amendment to the Constitution. In what way does the poll tax violate the 14th amendment? Is it considered that the tax violates that amendment because of the abridgment of the voting right that is guaranteed by the 15th amendment?

Mr. KENNEDY of Massachusetts. The privileges and immunities are guaranteed by the 14th amendment.

Mr. COOPER. I ask the question because the Senator has said that the payment of a poll tax as a precondition for voting is an abridgment of the right to vote. Is this one of the grounds?

Mr. KENNEDY of Massachusetts. It certainly is; and we base it on the second and third clauses of the 14th amendment. The third clause deals with the subject of the right to equal protection of the laws. We feel that the poll tax serves as a burden upon Negroes and poor white people which is unreasonable and which violates their right to the equal protection of the laws.

The recent case of Reynolds against Simms, a reapportionment case, puts significant weight on the question of geography and the question of how votes will be cast, and a number of other cases demonstrate quite clearly, first, what is needed in order to qualify people to vote and, second, they deal with rights to vote, which we feel have been violated. The basis of our argument under the 15th amendment is that it is an unreasonable restriction, and we can document that point by cases. It is a violation of the right to equal protection under the laws. We can document that point by the economics of the situation, and we can refer to the most recent court cases, which demonstrate that the court is extremely sensitive to the economics of the situation. That is what we are basing it upon.

Mr. COOPER. The literacy test sections of the bill would be suspended if discrimination were found or determined.

I know the answer to the question I am about to ask, but I shall ask it for the record. Would the Senators amendment suspend the poll tax or would it strike it down forever?

What is the reason for the differences in remedies? One suspension, and one abolition of the poll tax?

Mr. KENNEDY of Massachusetts. The amendment would strike down the poll tax forever. It is our feeling that the literacy test is a reasonable requirement if it is not used for discriminatory purposes. If a period of time is available in which all citizens in a part of the country could meet the requirement, the States which would be covered by the proposed legislation would have an equal opportunity to have educational benefits. But as the Attorney General has pointed out, he feels, first, that the test is being used discriminatorily; second, even if it were used nondiscriminatorily today, there has been a disadvantage to many citizens on the basis of their education; and, in effect it would be discriminatory. We believe that the literacy test is a reasonable requirement, but we fail to find the reasonableness of a poll tax as a precondition for voting.

Mr. COOPER. I believe the Senator has answered the questions to which I desired responses. Although we may agree that the poll tax is inherently wrong and offensive, the Senator is not basing his amendment solely upon that fact, but on the constitutional basis that the tax has been used discriminatorily; and also that, under the 14th amendment, the right to vote is abridged.

Mr. KENNEDY of Massachusetts. Under the 14th amendment. The Senator has stated the case exactly. We base it on the 15th amendment violations, some of which I mentioned in my speech. We base it also on violations of rights under the 14th amendment. Recent cases of the Supreme Court have referred to how the Supreme Court regards the right to vote. It is a fundamental and basic right. The case of Reynolds against Sims, relating to the balancing of votes—and I am now speaking of the reapportionment case—demonstrates the importance of the right as fundamental to every other right. The economics, about which I have spoken, demonstrate quite clearly that the burden which is placed upon poor Negroes and poor whites in that part of the country which would be covered by the proposed legislation results in a denial of the right to equal protection of the laws. It puts an undue burden upon citizens in exercising a guaranteed right.

Mr. COOPER. While I agree that the poll tax places a heavier burden on those in poor circumstances than it does on others, I cannot find too much strength in that argument, for everyone cannot be exactly equal. I think it wrong for the States to require the payment of a poll tax as a condition for voting, but that judgment standing alone does not confer on Congress authority to legislate.

Mr. KENNEDY of Massachusetts. I believe the Senator in referring to the reasonableness of such a requirement to vote is correct in the arguments which have been made. The arguments which have been made by the members of the committee and my distinguished colleagues that the poll tax is really an unreasonable restraint upon voting and therefore is a violation of rights under the 14th amendment is a part of our argument.

I yield the floor to the Senator from New York [Mr. JAVITS] for one-half hour.

Mr. JAVITS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, in view of the fact that the opponents of the present amendment have not yet had an opportunity to speak, I should like to state that it is my intention to seek recognition after the distinguished Senator from New York completes his argument.

Mr. JAVITS. Mr. President, I am grateful to the majority leader for allowing me to precede him, although he could claim priority to the floor.

The distinguished Senator from Massachusetts [Mr. KENNEDY] has made an eloquent argument concerning a number of the major questions which are before us. I shall not in this presentation duplicate, so far as I can avoid it, anything that he has said, partly because it would waste the time of the Senate, but, even more importantly, because it would derogate from the degree of excellence which has characterized his presentation. I should like to deal with a few other matters in respect to the bill.

First and foremost, let us have our eye on the objective, for it seems very clear that the poll tax has been a materially inhibiting factor against voting. The four States which still have the poll tax and which would be subject to the law, if this amendment were adopted, are among the six States which have the lowest percentages of voting participation in the Nation. Of the four States which have the very lowest percentages of citizens of voting age actually voting, three are poll tax States. The other one is only slightly higher in the ranking than that. So it seems to me that the first thing we had better keep our eye on is that the lowest ranking States in the Nation in terms of voting participation, by and large, are poll tax States.

Second, and very important, is the size, in proportion to general population, of the Negro population in those four States. Again, that is a critically important factor in considering what we should do about the poll tax.

Finally, the feeling of Congress, the feeling of the courts, and the feeling of the country seems to be one of general, universal agreement about one thing, that we do not want to deprive anyone of his voting right.

It was most interesting to me, as I read the debates incident to senatorial action on the 24th amendment, which was adopted and became a part of the Constitution only a short time ago, that there was a feeling on the part of all southern Senators and all northern Senators—everybody, including those in the middle—that the one thing we did not want to do was to inhibit the right to vote.

There is an eloquent statement by the Supreme Court which is well worth remembering in that connection, in the case of Harman against Forssenius, the recent Virginia case, in which the Court repeats what it said in the case of Reynolds against Sims:

> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.

So point No. 1 is that the poll tax States are among the lowest in terms of voting participation.

Point No. 2 is that there seems to be a universal feeling on the part of the country that the right to vote is the one thing we can all agree that we want to sustain and preserve.

We come now to the 24th amendment, which seemed to bespeak the broad consensus of the country that the poll tax should be done away with. But the 24th amendment has not done away with the poll tax. That is precisely one of the most critical points for consideration at this time. Notwithstanding the ponderous machinery of a constitutional amendment, notwithstanding the feeling that the poll tax should be banned in respect to Federal elections, it was then said that it was unnecessary to apply the ban to State and local elections; so the poll tax persists and is an abridgment of the right to vote, even after the enactment of the 24th amendment. That is a serious situation, because many people like myself argued, long before the 24th amendment was considered, that the way to deal with the poll tax was by statute; that if it were dealt with by constitutional amendment, it would be necessary to deal with it across the board. The constitutional amendment should have eliminated the poll tax for State and local elections as well as for Federal elections.

It seems to me that having learned our lesson, after being led down what appears to be, without any criticism of its proponents, the garden path of the 24th amendment, it is high time for us to have the courage to face our responsibilities and now, at long last, ban the poll tax, lock, stock, and barrel, root and branch.

As a lawyer, I know it is not necessary to prove everything that one might be able to prove in order to prevail in a case. So it is enough, notwithstanding so much other evidence which exists, to say the following: Whatever has been the case until recent years, the record is irrefutable that in recent years the poll tax, like the literacy test device, has been used as a means for perpetuating the abridgment or denial of the right to vote. Enough instances, in the cases, the decisions of the courts, the findings of the Federal Civil Rights Commission, the findings of the Attorney General, and the facts published in the press, have been demonstrated to make a solid, factual case that the poll tax, in the way it has been administered and in itself, represents an unconstitutional abridgment of the right to vote.

If one proved nothing else, and incorporated in a congressional finding what I have just stated, which is exactly what is done by the amendment, he would have enough upon which to base a poll tax ban. In that respect, I should like to refer to the recent case sustaining the constitutionality of the Civil Rights Act of 1964, the case of Katzenbach against McClung, which reads, in part, as follows:

> Where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end.

Substitute for the word "commerce" the words "the voting right as guaranteed by the 15th amendment," and the sentence would then read:

> Where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of the voting right as guaranteed by the 15th amendment, our investigation is at an end.

So if we do nothing but establish this factual basis and ban the poll tax on that basis, it seems to me that we would be proceeding upon perfectly sound constitutional ground.

It is well known that I joined the Senator from Massachusetts [Mr. KENNEDY] in proposing this amendment to the Committee on the Judiciary. I did not do it lightly, but I did it in pursuance of an opinion, not arrived at then and there in the committee, but entertained by me for years, that the poll tax could be eliminated by legislative action of Congress. In 1960, I proposed exactly that as an amendment to the civil rights bill then being considered; 37 Senators agreed with me at that time.

In 1962, I made a similar proposal in respect to the proposed 24th amendment then before the Senate, and at that time 34 Senators agreed with me. It is highly significant that the House of Representatives passed a ban against the poll tax on five successive occasions prior to the time when it joined in the proposal to submit the 24th amendment to the States.

It seems to me that we are dealing, not with a problem that someone just recognized, but with a matter with which we have been struggling for years, and which we have even disapproved by constitutional amendment, but which still eludes us. It is for these reasons that I believe that a ban, and nothing else, will do. That is why this amendment frankly and directly faces the issue by undertaking to legislate a ban—a ban not against taxes but against enforcing taxes with the denial of the right to vote.

A highly pertinent question was asked the Senator from Massachusetts by the Senator from Kentucky [Mr. COOPER]. The question was this: If we claim that a literacy test is abused and used as a means for inhibiting the right to vote and therefore seek to prevent its use for that purpose, but do not ban it generally, why do we feel that the poll tax, which is similarly used as a means to abridge the right to vote, must be banned entirely? I believe the answer is this: In the first place, a tax must be equally applied. Therefore, it is difficult to deal with the ban of a tax in particular subdivisions of a State, let us say. It presents real problems and may involve other aspects of the Constitution, assuming that we deal effectively with the basic protection against abridgment of the right to vote.

A second point in that respect is even more important and persuasive, for when we are dealing with a literacy test, we can say honestly that we are dealing with a qualification for voting. In my judgment, the Congress has the power to override the States' normal constitutional authority to establish qualifications for voting when the exercise of that authority has, in our judgment, resulted in abridgment of the right to vote under the 15th amendment. That is what we should establish.

But, in my judgment, the poll tax is not a qualification for voting. It is an exercise of taxing authority which is designed and intended to abridge the right to vote. We are not dealing with a constitutional qualification, but with the exercise of a taxing power for the unconstitutional purpose of abridging the right to vote. Therefore, in order to strike at the poll tax in an appropriate manner, we must eliminate it. We cannot base our argument on whether a qualification is being reasonably used, because it is not a qualification.

That is the great difference between the way in which a literacy test is treated in the bill and the way in which a poll tax is treated in the bill. It is critically important that this be made clear to all.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. That was my purpose in asking the question. It seems to me that if the argument for the elimination of the poll tax were based solely on the ground of discrimination, as covered in the 15th amendment, the question would arise whether the poll tax should be entirely stricken out or only suspended, as in the case of the literacy tests.

I believe that is the thrust of the Senator's answer.

Mr. JAVITS. The Senator is exactly correct.

Mr. COOPER. Then the Senator moves on to a much more comprehensive basis for his argument. I believe the Senator is saying that, under the 14th amendment, the imposition of a poll tax as a condition to voting is an abridgment of the right to vote and therefore unconstitutional.

Mr. JAVITS. I agree with the statement of the Senator.

The point I have just made with respect to the poll tax not being a qualification, but being rather an exercise of taxing power for an unconstitutional purpose, properly rests on both the 14th and 15th amendments. If the taxing power were to be used in order to abridge the right to vote on grounds of race or color, regardless of how the tax was administered, we would still have a course of action that would be contrary to the 15th amendment. If the taxing power were used in such a way as to prejudice irremediably the economic well-being of a class of citizens, whether white or Negro, there would be a violation of the 14th amendment involving the denial of the right to equal protection of the laws.

I have already stated the attitude of the Court with regard to the acceptance of a congressional finding, as, for example, in the case of the public accommodations title of the Civil Rights Act of 1964. Based upon the factual proof, it seems to me that there would be a violation of a combination of both the 14th and 15th amendment, and we would have a firm constitutional basis for the ban of the poll tax.

Mr. COOPER. Mr. President, I wanted the Senators' answers on the authority of the Congress. I feel strongly as a matter of principle and conscience that it is wrong to impose a price on voting.

But the Congress must establish a basis for the poll tax amendment in the same way a basis is established for the suspension of literacy tests.

I remember that in a 1937 decision the Supreme Court held that the levy of the poll tax on its face was within the power of a State, as a condition for voting.

Mr. JAVITS. Mr. President, the Senator is referring to the Breedlove case, which is constantly cited as authority for the proposition that States have the power to legislate a poll tax.

But in the Breedlove case, the issues to which I am now referring were not raised. The Breedlove case essentially concerned the question of denial of equal protection of the laws by the Georgia poll tax, which exempted women and those under the age of 21 even though people could vote at the age of 18 in that State.

The Court held that that was not an unreasonable distinction. Therefore, it sustained the tax as against that challenge. It cannot be claimed fairly that it impliedly sustained the poll tax against the charges we are making against it. To do so the Court would have had to go outside the argument of counsel and the facts of the case presented. It did not do so.

Furthermore, it is important to note that in 1937 the Court obviously was not dealing with the frame of reference it began to deal with in 1954. The Court, despite protestors and detractors, in 1954 found that the Constitution was not a dead, but a living instrument, and reversed the holding of Plessy against Ferguson on the question of separate but equal educational facilities. It seems to me that the Court is moving toward the view that it will abandon whatever implication might be drawn from its approval of a poll tax in 1937, and will now hold constitutional a Federal statute which bans the poll tax on the ground that experience, in the light of the subsequent development of the constitutional issues, dictates that such a statute may lawfully be enacted by Congress.

That brings up a new point that I should like to mention. It seems to me that the factual finding contained in this amendment is a critically important point. If we adopt this amendment, we make that finding. I believe that we have placed enough evidence in the RECORD to strongly support it. Perhaps before we vote, we shall have even more evidence in the RECORD and thus back up the fact that we are not proceeding in this situation without a basis in fact, but have a very solid basis in fact for our findings.

Mr. COOPER. Mr. President, I know that the evidence would be directed toward discrimination. I should like the Senator to elaborate a little more, if he will, on the 14th amendment and his argument that the poll tax is in itself unconstitutional.

Mr. JAVITS. Mr. President, I yield myself an additional 15 minutes, with the authority of the Senator from Massachusetts [Mr. KENNEDY].

I should like to answer the question raised by my colleague from Kentucky, because I believe it is pertinent to the issue.

I point first to the fact that it seems almost irrefutable that the basis of the adoption of the poll tax was to restrict voting. If there are any questions about that, I invite attention to the case of *Ratliff* v. *Beale*, 20 U.S. 865. Interestingly enough, it is a case decided by the Supreme Court of Mississippi in 1896. Let us remember that the poll taxes we are talking about were adopted just about at the period of time when there was a rather precipitous decline in Negro voter participation. Speaking of the adoption of the Mississippi poll tax in 1890, the court stated as follows, on page 868:

> It is in the highest degree improbable that there was not a consistent, controlling directing purpose governing the convention by which these schemes were elaborated and fixed in the Constitution. Within the field of permissible action under the limitations imposed by the Federal Constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the Negro race.

What else need anyone add to that to establish the fundamental constitutional thrust of this amendment?

If anymore were needed, I should like to point to what the great former Senator, Carter Glass, said at the Virginia Constitutional Convention which proposed the poll tax adopted in that State not so many years ago:

> I declared then—

Referring to the beginning of the convention—

> that no body of Virginia gentlemen could frame a constitution so obnoxious to my sense of right and morality that I would be willing to submit its fate to 146,000 ignorant Negro voters whose capacity for self-government we have been challenging for 30 years past.

In the Alabama Constitutional Convention—as testified to before the Senate Judiciary Committee in the 78th Congress—the president of the convention was quoted in the journal of the convention:

> The purpose of the convention was within the limits imposed by the Federal Constitution to establish white supremacy.

It was recognized in Congress when in 1942 the Senate Judiciary Committee in Senate Report No. 1662, said:

> We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of State laws, will convince any disinterested person that the object of State constitutional conventions, from which emanated mainly the poll tax laws, were motivated entirely and exclusively by a desire to exclude the Negro from voting.

Again in 1943, the Senate Judiciary Committee had this to say:

> The pretended poll tax qualification for voting has no place in any modern system of government. We believe it is only a means, illegal and unconstitutional in its nature, that is set up for the purpose of depriving thousands of citizens of the privilege of participating in governmental affairs by denying them the fundamental right—the right to vote.

That is the beginning. We go from there to the wide disparities in median income as between individuals and families in the States which have the poll tax, depending on whether they are Negro or white. In the States other than Mississippi, the ratio whites' median income to Negroes' median income is 2 to 1. In the State of Mississippi, the ratio is 3 to 1.

The Senator from Massachusetts [Mr. KENNEDY] has developed the factual economic base and the real cost to a poor Negro in those States, regardless of how little it may appear to us who are accustomed to much larger incomes and disbursements. He has shown the great cost it entails in terms of a man's labor to pay the poll tax, especially when that tax is cumulative. For these reasons, it is discriminatory in its effect.

Because it was designed to, and in fact does, abridge the right to vote in its administration and practice, and because it is inherently an abridgment of that right, it is, in our judgment, unconstitutional under the 14th amendment as a denial of equal protection of the laws and under the 15th amendment, as being an abridgment of the right to vote on grounds of race or color. We have maintained that the ban upon it—especially based upon an express congressional finding that it abridges the right to vote—is entirely constitutional.

Mr. President, this brings me to the last point which I shall make this afternoon, regarding what is being done in the Mansfield-Dirksen substitute bill and why that is not sufficient to deal with the situation.

An examination of section 9(a) of the substitute bill shows two things:

First, the poll tax obviously was on the minds of the drafters. This was entirely due to the arguments, debate, and evidence presented before the Judiciary Committee. We could not sweep the issue under the rug, nor could we forget it. The 24th amendment was on the books and there was no excuse because it had not done the whole job. The poll tax was still being exacted for State and local elections, with just the same net effect on Negro voter participation as before. Congress had to do something about it; it would be a disgrace to do nothing about it in a voting rights bill now.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I believe that the Senator from New York went too far in his statement. Does he not know that one of the fine States requiring a poll tax payment at the time of adoption of the 24th amendment eliminated it from its constitution last November; namely, the State of Arkansas?

Mr. JAVITS. I am very happy about that. I believe that it is a very fine thing. I still point out that against the one State which did, there are four other States which did not. Therefore, I do not believe that it is an extreme argument when 80 percent of the case at least, even without analysis of the number of people involved, rests on my side.

Mr. HOLLAND. Does not the Senator know that only last week the Senate of the Legislature of the State of Alabama, in session at that time, adopted a constitutional amendment by a very heavy vote? It has not yet been adopted by the house, but indicates the direction in which the wind is blowing in the State of Alabama.

Mr. JAVITS. I am delighted to hear that. I welcome it. It is a very fine thing. I still feel, with all due respect to the Senator, that it does not invalidate the point that four out of five States have not done so, notwithstanding so solemn an act as the 24th amendment—and I am the first to give the greatest credit to the Senator from Florida for originating that amendment, piloting it through the Senate, and having it adopted.

I am not in any way derogating from that achievement. I only say that of the five States which had a poll tax, four still continue to enforce it, that therefore it is not an extreme argument to maintain that, in the main, the situation remains the way we found it. I would be the last to deny that the 24th amendment means something, and was of some help, as the Senator properly states.

We believe that the poll tax has now been successfully eliminated in Arkansas—and Arkansas has been taken out from under the bill—but it still persists in the four other States.

As to Alabama, I welcome very much the fact that it would even save the litigation which we are contemplating, either under the pending amendment or under the substitute bill, if the State of Alabama itself eliminated the poll tax. Nothing would make me happier. But I still say that it constitutes no argument against adoption of the ban now, for this reason: We have dealt with this question of timing in regard to civil rights time and time again. It seems to me that by now, after the Civil Rights Acts of 1957, 1960, and 1964, Congress has come to the conclusion that in an area in which it can act in this field, it should act and not wait for the long periods of time required for the affected States to act under the internal dynamics which might occur in those States.

It may be that over long periods of time such a process would work; but the inhibition to voting which is represented by the poll tax, as part of the total pattern of inhibitions to voting by Negroes which exists in these areas, makes it, in our judgment—with all respect to the right of the Senator from Florida to disagree with me—unwise in the interest of the Nation to wait any longer before we deal with this subject.

(At this point Mr. HOLLAND took the chair as Presiding Officer.)

Mr. JAVITS. Mr. President, as I was saying as to the comparison between the pending amendment and the substitute bill which is before us, the bill does not even make a finding of fact with respect to the poll tax. All it does is take account of the fact that some evidence was produced before the Judiciary Committee, and upon that evidence it asks the Attorney General to go to court. It says to the Attorney General that he is to institute in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of the poll tax.

It does not even give a court the benefit of a congressional finding, and yet implicit in what it is saying in section 9(a) is a congressional finding; otherwise, why do we have to tell the Attorney General what to do?

It seems to me that there is an implication also that if we are not ready to make the finding, we are not convinced about the situation. First, there is an absence even of a finding in the substitute bill offered by the majority leader and the minority leader with respect to the poll tax. I do not see how we can get away from that, after the Attorney General testified that it would seem to him proper to make a congressional finding that the poll tax is being used to abridge the right to vote.

Secondly, if we make such a finding, we should have the courage of our convictions. Having made a finding which justifies the ban, we should go ahead and impose the ban; and that is what we seek to do in the amendment.

Finally, we say that we are not proceeding in an arbitrary way. In our amendment we ask the Attorney General to move promptly to obtain injunctive relief to prevent enforcement or—and I emphasize this—threatened enforcement of the poll tax in violation of the ban Congress places on it.

Therefore, Congress will make its factual finding and will have the courage of its own findings, and will then get a prompt judicial determination as to whether what it did was right. In the event that that determination—and our amendment even deals with this possibility—should go against us, we then put into effect the machinery with respect to the payment of the poll tax which was originally in the administration bill, with respect banning a requirement of payment of more than the current year's taxes.

It seems to me that we could not possibly be more reasonable and fair in this regulatory scheme. We have taken every consideration into the compass of our amendment and have provided for it, and we have had the courage of our convictions.

It is for those reasons that I hope very much the Senate will support this long overdue and highly desirable amendment.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE. Mr. President, I wish to associate myself with the Senator from New York in all respects, and I wish to express for myself the great satisfaction and the deep appreciation that I have for his lucid and forceful and, in fact, compelling discussion of the particular amendment which it has been my fortune to hear him discuss and in which I am associated with him and the Senator from Massachusetts [Mr. KENNEDY] and other Senators.

I wish to ask him a question which I believe he has already answered, but I wish to emphasize it. Has he, in his many years of experience as a lawyer—and his standing as a lawyer is well known to all of us—ever seen an animal of the kind that the so-called substitute amendment would set up in the way of either an administrative device or a legislative procedure? Has he ever seen anything like it in all the years of his experience?

Mr. JAVITS. I assume the Senator has reference to the poll tax provision in the substitute amendment.

Mr. CASE. The one the Senator discussed.

Mr. JAVITS. It is a strange one. I would not want to say more. I have too much regard for both the majority leader and the minority leader to say anything beyond that. But I must say it is a strange one. It gives the Attorney General a direction by saying, "We have heard some evidence on this subject. We do not rightly know what to do about it, except to ask you to go into court and find out about it."

The Attorney General obviously can go into court and do that even without such a provision. A Virginia case is now pending in which people who are paupers and are unable to pay the poll tax are presenting to the Supreme Court the fundamental constitutional proposition to which we have referred, that is, the invalidity of the poll tax under the combination of the 14th and 15th amendments.

However, it does not present to the Court the much more favorable situation which a finding of fact by the Congress, as we make in our amendment, would present.

The Mansfield-Dirksen poll tax provision is a rare bird, indeed. We would be saying to the Attorney General, "We have heard some evidence. We are sorry that we cannot make up our own minds. So, Mr. Attorney General, please ask the Court to make up our minds for us."

Mr. CASE. I thank the Senator. This is a most extraordinary evasion of responsibility that a legislative body could possibly indulge in.

Although in general we agree, as cosponsors of much of the legislation which the group has offered, though we agree with the product in general, in this respect the product needs improvement and is crying for it.

I hope very much that a majority of our colleagues will be persuaded. I am sure that the excellent exposition and the forceful argument presented by my friend from New York will be helpful toward that end.

Mr. JAVITS. I am grateful to the Senator from New Jersey.

Mr. President, if any time remains to me, I reserve it.

The PRESIDING OFFICER (Mr. AIKEN in the chair). The Senator has used all his time; none remains.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the Senator from Virginia.

Mr. ROBERTSON. Mr. President, I am pleased and happy to join the distinguished majority leader in opposing the pending amendment to his substitute, to ban the poll tax. I can understand why those who lived in Palestine in the days of Tiberius Caesar objected to the poll tax. It was imposed without respect to ability to pay. In those days it was a head tax, and it was ruthlessly collected. The people did not like it.

Why our good friends from Massachusetts and New York should be so concerned about a tax with which we raise a million and a half dollars in Virginia, which goes to our public schools, is a little difficult for me to understand.

Mr. President, whatever one may think of other parts of this voting rights bill, there is no constitutional basis for section 9, seeking to prevent any State from levying a poll tax in State or local elections.

Since I discussed this bill on April 28 the leaders of both parties in the Senate have come up with a new version of the bill, which recognizes their doubts about the constitutionality of the poll tax section as it came from the Judiciary Committee.

Instead of attempting a flat repeal of the poll tax by Congress, the party leaders are now proposing to put the issue up to the courts again by directing the Attorney General to file new lawsuits for the purpose of banning State and local poll taxes.

Mr. President, the courts have upheld a State's right to levy a poll tax so recently that I think it is an insult to the intelligence and integrity of the Supreme Court to suggest that the Court could now be persuaded to reverse itself. That seems to be the theory on which the newest leadership substitute is based; namely, that the present Supreme Court will overturn a long line of decisions upholding use of a poll tax.

As I pointed out recently, the Virginia poll tax as a prerequisite to voting was reviewed by a special three-judge court as recently as 1951 in *Butler* v. *Thompson*, District Court of the United States for the Eastern District of Virginia, subsequently confirmed by the U.S. Supreme Court in that year.

In *United States* v. *Reese*, 92 U.S. 214 (1875), the Court construed a statute passed under Congress' power of section 2 to enact appropriate legislation. The act was invoked by the applicant because his failure to pay a poll tax enabled the inspectors to prohibit his voting in a municipal election. In the opinion of Chief Justice Waite the following statement is made:

> Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. * * *
>
> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not.

See also *Quinn and Beal* v. *United States*, 238, U.S. 347, 362 (1915) where Chief Justice White stated for the Court that the States retained the power under article I, section 2, to establish qualifications of voters, except of course as to the subject with which the amendment—15th—deals and to the extent that obedience to its command is necessary.

VIRGINIA POLL TAX HELD VALID

The question of Virginia poll tax as a prerequisite to voting was reviewed as I have said by a special three-judge court as recently as 1951 in *Butler* v. *Thompson*, D.C.E.D. Va., 97 F. Supp. 17, affirmed, 341 U.S. 937. Judge Dobie quoted from an earlier opinion in the case of *Saunders* v. *Wilkins*, 152 F. 2d 235, 237, as follows:

> The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the priviliges or immunities of citizens of the United States which are protected by the 14th amendment. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election for Members of Congress is set out in article I, section 2, clause 1 of the Federal Constitution which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The Supreme Court in *Breedlove* v. *Suttles*, 302 U.S. 277, 283, 58 S. Ct. 205, 82 L. Ed. 252, held that a poll tax prescribed by the constitution and statutes of the State of Georgia did not offend the Federal Constitution.

The latter part of *Butler* v. *Thompson* discussed the general principle that a statute may be administered in such a fashion as to be unconstitutional even though it is fair on its face, under the 14th amendment, as in *Yick Wo* v. *Hopkins*, 118 U.S. 356 or under the 15th amendment as in *Lane* v. *Wilson* 307 U.S. 268. Judge Dobie reviewed the administration of the poll tax in Virginia and came to the conclusion on the basis of the evidence presented to him that it was being fairly administered, without discrimination on the basis of race.

Accordingly, Judge Dobie, speaking for the unanimous three-judge court, held that the Virginia poll tax statute did not violate either the 14th amendment or the 15th amendment, and was valid under article I, section 2 of the Constitution of the United States.

The right of a sovereign State to fix nondiscriminatory prerequisites for voting as decided in the Butler case was fully confirmed no later than March 1 of this year, when, in the case of Carrington against Rash, the Supreme Court held:

> There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, "the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised" * * * "In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution."

But a distinguished Senator from Massachusetts, an able and wonderfully fine man, but not a constitutional lawyer, says in effect: "Don't let those decisions bother you. The Supreme Court can be prevailed upon to overrule them."

Mr. President, the arguments advanced by my distinguished colleague the Senator from Massachusetts [Mr. KENNEDY] on April 13 have been answered by an able young lawyer in my State, Mr. Sam S. Crutchfield, Jr., executive director of the Virginia Commission on Constitutional Government.

I intend to place Mr. Crutchfield's statement in the RECORD as a part of my remarks. But first I wish to quote a letter from Mr. David J. Mays, chairman of the Virginia Commission, which summarizes Mr. Crutchfield's qualifications.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. KENNEDY of Massachusetts. Is Mr. Crutchfield a graduate of Mr. Jefferson's university?

Mr. ROBERTSON. He is, indeed.

Mr. KENNEDY of Massachusetts. I thank the Senator.

Mr. ROBERTSON. The Senator will see from the letter which I shall read from the Chairman of the Commission, an outstanding constitutional lawyer, that he is also a writer of note, and has received the Pulitzer Prize for his biography of Edmund Randolph. Mr. Mays wrote to me as follows:

> I bring to your attention a brief memorandum prepared by Mr. Sam Crutchfield, Jr., Director of the Commission on Constitutional Government, in response to a speech recently made by Senator KENNEDY, in which he advocated the abolition of poll tax by a mere act of Congress as though the Constitution of the United States no longer exists. Speeches of this sort are so shocking, those of us who have paid any attention to constitutional law can only wonder when the buffeting of the Constitution will end, if ever.
>
> Mr. Crutchfield is a young man of considerable attainments. In his military service, he was a Cryptoanalyst Specialist of the Army Security Agency. Afterwards, he attended George Washington University, where he attained his B.A. and LL.B. and later did some work in its graduate school. As a student there, he was managing editor of the Amicus Curiae, the law student paper, and associate editor of the Law Alumni News. He is a member of the District of Columbia Bar and of the District of Columbia Bar Association and the American Political Science Association. He was fortunate upon graduation to have the privilege of serving as law clerk to Judge Frank H. Myers of the District of Columbia Court of Appeals, and was employed by Project Lawsearch, a Ford Foundation project.

I digress at that point to say that I was in error when I told the Senator from Massachusetts that Mr. Crutchfield was a graduate of Jefferson's school. So many of our leading Virginia lawyers are that I assumed that Mr. Crutchfield was also. I find now that he was not. But he is a good lawyer.

Continuing to read from Mr. Mays' letter—

> He has written a number of articles in the field of constitutional history and government, and was unanimously selected by our Commission as its director at its executive committee meeting on December 10, 1964. He has thereafter continuously carried out the duties of that office to the entire satisfaction of the members of the Commission and has, among his other duties, prepared for the Commission publications of a very high order.
>
> Sincerely yours,
>
> T. MAYS.

Mr. President, I ask unanimous consent to have Mr. Crutchfield's statement on the poll tax issue printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

VOTING RIGHTS AND THE POLL TAX

(Statement of Sam S. Crutchfield, Jr.)

On April 13, 1965, Senator EDWARD M. KENNEDY of Massachusetts, rose to the floor of the Senate to defend the constitutionality of an amendment to S. 1564, the Voting Rights Act of 1965, which would prohibit the payment of poll taxes as a prerequisite to voting in State and local elections.

The amendment, adopted by the Senate Judiciary Committee, provides:

"Section 9. No State or political subdivision shall deny or deprive any person of the right to register or to vote because of his failure to pay a poll tax or any other tax or payment as a precondition of registration or voting (S. 1564, Rept. No. 162, Apr. 9, 1965)." [1]

In defending the amendment (of which he is a co-sponsor), Senator KENNEDY has ignored the opinion of the Attorney General of the United States, Nicholas deB. Katzenbach, who has stated:

"This bill is based on the 15th amendment and to eliminate poll taxes on the basis they have been used to discriminate, I think, would be a difficult case constitutionally to prove and establish." [2]

Consider also the following colloquy between Representative LINDSAY and Mr. Katzenbach:

"Mr. LINDSAY. You are coming back to the 15th amendment basis that I was talking about; that is really what it comes down to. In other words, the poll tax is all right if it is ordinary and routine; it is not all right under the 15th amendment if it is used as a device to deny people the vote.

"The ATTORNEY GENERAL. Right, but I can't establish that it has been used as that kind of a device. That is my difficulty." [3]

In defending the amendment, Senator KENNEDY ignores the misgivings of Senate minority leader, EVERETT DIRKSEN, a major supporter of the administration's original proposal, who, in expressing doubts as to the constitutionality of the amendment, stated that the changes absolutely jeopardize the whole measure.

Finally, in defending the amendment, Senator KENNEDY ignores the provisions of the Constitution of the United States.

THE CONSTITUTION

Article I, section 2, of the U.S. Constitution, reads as follows: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature."

The 17th amendment to the Constitution, adopted May 31, 1913, provides:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

Both article I, section 2, and the 17th amendment contain identical provisions, as can be seen above: The qualifications for voters in congressional elections shall be the same qualifications as those established by the States for voters in State elections.

Innumerable decisions by the Supreme Court never question this basic proposition. See, for example, *Minor* v. *Happersett*, 21 Wall. 178; *United States* v. *Cruikshank*, 92 U.S. 542; *McPherson* v. *Blacker*, 142 U.S. 1; *Ex parte Clarke*, 100 U.S. 399; *Ex parte Yarbrough*, 110 U.S. 651; *In re Green*, 134 U.S. 377; *Pope* v. *Williams*, 193 U.S. 621; and *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45.

Indeed, the courts have held that a person has no constitutional right to vote until he has first been qualified by the State. *United States* v. *Crosby*, 25 Fed. Cas. 701 (No. 14893) (C.C.S.C. 1871); *Guinn* v. *United States*, 238 U.S. 347; *Breedlove* v. *Suttles*, 302 U.S. 277.

In the case of *Ex parte Siebold*, 100 U.S. 371, the voter was able to invoke constitutional protection in a case of ballot-box stuffing only because he had already qualified to vote under State law. See also *United States* v. *Classic*, 313 U.S. 299, which held that a voter was able to invoke constitutional protections in an irregular vote counting situation, but again, only because he had been qualified to vote by the State.

The States, with few exceptions, "may condition suffrage as they deem appropriate," Breedlove, supra.

What are these exceptions? The 15th amendment to the Constitution, adopted March 30, 1870, provides: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

The 19th amendment, adopted August 26, 1920, states that: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

Finally, the 24th amendment reads: "The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

How do these amendments change then, the basic power of a State to establish such voting qualifications as it may deem appropriate?

The answer would appear obvious to those willing to forego emotionalism for rationalism: The 15th, 19th, and 24th amendments act as narrow limitations on the power of the States to establish their own voting qualifications.

The powers of the States to prescribe voting qualifications are as absolute and unlimited today as they were in 1789, with the narrow exceptions created by the 15th, 19th, and 24th amendments.

Note carefully: These three amendments confer the right to vote on no one. They only prohibit a State from disqualifying voters because of race, sex, or nonpayment of poll tax in a Federal election. They do not purport to eliminate any other qualifications which a State may choose to impose. And this is the most important point in the argument, a point, incidentally, which proponents of the proposed voting rights legislation have not, and cannot, come to grips with.

To state this proposition in another manner, think of article I, section 2 and the 17th amendment as now reading:

Article I, section 2: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. (No prospective voter may be disqualified because of race or sex, nor shall the payment of poll tax be a prerequisite to voting in any Federal election.)"

Seventeenth amendment: "The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. (No prospective voter may be disqualified because of race or sex, nor shall the payment of poll tax be a prerequisite to voting in any Federal election.)"

The 15th, 19th, and 24th amendments cannot be viewed as overriding the power of a State to establish voting qualifications, provided that race, or sex is not utilized to prevent an otherwise qualified citizen from voting, and provided further that no citizen be prevented from voting in a Federal election, if otherwise qualified, for failure to pay a poll tax.

The power of a State to establish any voting qualifications it may choose to impose, with the exception noted above, is as absolute and unlimited today as it was in 1789.

Consider now, the effect of the proposed amendment.

THE KENNEDY AMENDMENT

The Kennedy amendment nullifies the power of the States to regulate their electoral processes, even in the absence of discrimination based on race or color.

Although, in the words of Senator KENNEDY, there are "only four last-ditch poll tax States in the Nation today," [4] his amendment, if adopted, would prohibit any State in the Union from enacting, in the future, any legislation requiring the payment of a poll tax as a prerequisite to voting in State or local elections.

This amendment does not stop with providing means against the violation of the 15th amendment.

Instead, its real effect is to obliterate one more power reserved to each of the States by the Constitution.

In the course of his speech, Senator KENNEDY stated: "I do not suppose anyone would question congressional authority to abolish the poll tax in areas where Federal examiners will operate under the proposed bill, S. 1564."

But consider again the provisions of section 9, set forth above. The language of this section does not restrict the application of the amendment to certain areas in which discrimination has been found to actually exist—it plainly declares that "no State or political subdivision thereof" shall deny a person of his right to register because of failure to pay a poll tax.

As this amendment now stands, it absolutely prohibits any State—North, South, East or West—from requiring the payment of a poll tax as a prerequisite to voting in a State or local election. And the fact that 46 States presently have no poll tax requirement makes not an iota of difference; they have the constitutional power to change their minds should they so decide.

Consider too, the following statement made by Senator KENNEDY: "There is yet another basis on which the Congress may rest its decision that the poll tax should be prohibited; namely, its authority to protect the republican form of government under section 4, article IV of the Constitution."

In a 1959 speech entitled "Poll Tax and the Constitution," Virginia's Senator A. WILLIS ROBERTSON gave short shrift to this argument when he said:

"Not more than passing attention need be given to argument based on Article IV, section 4. This section provides:

"'The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.'

"Under this section it is contended that Congress may pass appropriate legislation under the 'Necessary and Proper' clause to outlaw the poll tax because it reduces the size of the electorate, therefore denying a republican form of government. It is added that this legislation will not be unconstitutional since the Supreme Court historically has refused review of such a political question.

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[1] A similar amendment was approved by Subcommittee No. 5 of the House Committee on the Judiciary (H.R. 6400, committee print, Apr. 10, 1965).

[2] Testimony before House of Representatives, Subcommittee No. 5 of the Committee on the Judiciary, Mar. 18, 1965.

[3] Supra, note 2, Mar. 19, 1965.

[4] Alabama, Mississippi, Texas, and Virginia.

"The short answer to this approach is that the definition of a republican form of government may only be found by examining those of the States when they adopted the Constitution. Among the qualifications which prohibited universal suffrage were tax statutes, including poll taxes. See the explanation of this section by Madison in No. 43, Federalist. Moreover, such is the judicial interpretation, *Minor* v. *Happersett*, above, at 175–176."

Nor does Senator KENNEDY's reliance upon the 14th amendment as a foundation for the proposed amendment need much comment. The administration has plainly stated that the bills under consideration are bills to "enforce the 15th amendment to the Constitution of the United States." Fourteenth amendment arguments, no matter how relevant in other contexts, have no relevancy to legislation which purports to rely solely upon the 15th amendment for its constitutionality.[5]

Senator KENNEDY discussed at great length the mental state of the legislators who adopted various State poll tax statutes.

However, as one commentator has written:

"It seems clear, therefore, that a State may condition the voting privilege through such a tax if it believes that only citizens with sufficient interest to pay the tax should vote. In point of fact, Northern States have adopted restrictive legislation the intent and effect of which was the exclusion of a particular group; the constitutionality of such measures has never been questioned.

"While the extent to which the unconstitutional ends sought to be achieved by constitutional means may be the subject of judicial consideration is far from clear, it would seem unlikely that the South's poll taxes would be declared invalid simply because of the mental state of the legislators who adopted them."[6]

Senator KENNEDY advances not one argument, nor cites one case, which supports his theory that Congress can abolish the use of a poll tax in State or local elections when there is an admitted absence of proof of discriminatory application of such a tax.

Nor can he.

Consider finally the wisdom embraced in the following passages, taken from the Harvard Law Review note, cited in footnote 6 above:

"Slow though it may be, the most practicable attack upon the poll tax would seem to be embodied in movements local in origin."[7] And "* * * insofar as congressional attempts to abolish State poll taxes cause southern voters to associate the movement with the activities of northern negrophiles, it will be weakened in the field where lies its best chance of success."[8]

The unidentified author of these passages has truly grasped the meaning of the doctrine of "federalism."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 25 minutes.

Mr. MANSFIELD. I believe an order has been entered that when the Senate adjourns tonight, it stand in adjournment until 12 o'clock noon on Monday.

The PRESIDING OFFICER. The Senator is correct.

REQUEST FOR RECESS FROM MONDAY TO TUESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 12 o'clock noon on Tuesday.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KENNEDY of Massachusetts. Would it be possible on Monday to set the time for meeting on Tuesday in case there is a disproportionate amount of time available to the two sides, since the time is now divided equally between the proponents and the opponents? I am afraid that if we should now set a time certain for meeting on Tuesday, we would not be in as good a position as we would be if we could establish that time on Monday.

Mr. MANSFIELD. The purpose is to recess from Monday until Tuesday so that we shall have all the time available after the prayer on Tuesday until 2 o'clock available for the debate.

I can make the request as easily on Monday as now, so I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Mr. MANSFIELD. Mr. President, the majority leader is not a lawyer. He is only a Senator. His primary concern is to see to it that highly significant legislation, such as this voting rights bill, which is desired by this administration has an opportunity to be voted on and disposed of, one way or another. That is what was involved in the substitute bill which the distinguished minority leader and the majority leader offered jointly to the Senate a week ago. That is a good part of what is involved in the opposition to the so-called poll tax amendment to this substitute which is now pending.

Now let me make one thing clear. If I thought that the provision on poll taxes already in the Dirksen-Mansfield substitute was inadequate, that it would not serve the needs of the administration, that it would not achieve, in the realm of the right to vote, all that can be, reasonably and constitutionally, achieved by legislation, I would be delighted to support the Kennedy amendment or any other which promised to achieve that end.

The determination of what is what and which is best, in the language of law, however, can come only from legal advice. To be sure, the Judiciary Committee provided such advice in the bill which was reported back to the Senate and which modified the original Dirksen-Mansfield bill. But it became apparent quickly that a very large number of Senators who are also lawyers were dissatisfied with the advice of the Judiciary Committee on this and on several other significant points in the bill. It also become apparent that the Justice Department was dissatisfied with this new provision on poll taxes, that it had grave concern as to its enforcibility under the Constitution and in its general and possibly adverse effect on the intent of the bill, which is to bring equality of voting opportunity without regard to race or color as quickly as possible under the Constitution.

Now what is a majority leader, who is not a lawyer but only a Senator, going to do in a situation of this kind? He is going to do, and I hope I did do, what the legislator, perhaps as distinct from the lawyer, would conceive as the sensible thing to do. I consulted at great length with those Senators who authored the pending amendment. I consulted at great length with Senators who wanted a voting rights bill but who opposed the amendment of the Judiciary Committee. I consulted with leaders of both groups at the same time. I consulted with the officials who have had the most experience in the Government with legal problems involving civil rights legislation. These men, taken together, have carried the burden of civil rights enforcement over the years even at the risk of their lives. In short, I consulted with the distinguished Attorney General and those in the Government who have worked most closely with him over the years. And, finally, I brought in the dispassionate legal aids on the staffs of the majority policy committee and other committees to try to hammer out or, more exactly, to squeeze out the legal language which would resolve this issue.

I did not consult one or twice but, time and again, for many days. I did not consult once with the minority leader but many times. I did not meet casually with the distinguished junior Senator from Michigan [Mr. HART], who supports this so-called poll tax amendment but intensely and over and over again. The Attorney General was brought down to the Capitol at my request, not for a polite chat, but to work, day after day. with all parties.

And after all this, a substitute provision was devised which satisfied the minority leader, which satisfied the majority leader, and, most important satisfied the Attorney General on whose shoulders the burden of enforcement will fall, if, and I underscore, if a bill is passed. I am finally persuaded that this substitute is not only the best legal approach to the problem but also the best legislative path to a final disposition of the entire voting rights question in the Senate.

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[5] Consider the following passage taken from the testimony of Attorney General Katzenbach before Subcommittee No. 5:

"Mr. ROGERS. And it [H.R. 6400] has no relation whatsoever to the 14th amendment as it relates to actions we have taken in the other pieces of legislation, the civil rights legislation?

"Mr. KATZENBACH. As drafted, this is based entirely on the legislative provision of the 15th amendment which empowers Congress to enact legislation in order to effectuate the substantive prohibitions against discrimination on the ground of race or color."

[6] Note, 53 Harvard Law Review 645, 650 (1940).

[7] Id. at 652.

[8] Id.

Now, with whom else should I have consulted? Where else is a majority leader, who is not a lawyer but only a Senator, to turn for advice, if not to his colleagues who are lawyers, to disinterested legal aids of the Senate and to the relevant Department—the Department of Justice—of the executive branch of the Government?

I respect the work, in committee, of the Senators who have offered the pending amendment. Indeed, much of the thought which they contributed is incorporated into the substitute bill. But in the light of the additional advice which has been sought by the leadership, in the light of the leadership's responsibility to move an effective bill with reasonable dispatch, in the light of the total responsibilities of the Senate for many measures, I make no apologies for not accepting their thought completely. I have offered substitutes to committee measures before and will undoubtedly do so again. Indeed, I hear little quarrel with the substitute measure of the leadership as it affects other parts of the committee bill.

As I said, I respect the efforts of those who offer this amendment to the substitute. I would hope that they will respect mine. In the circumstances, it grieves me to find the rumor mills of the backrooms turning out reports of "deals" and the "dissatisfaction of the Attorney General" with the leadership substitute, the implication being that in his heart the Attorney General really supports this pending amendment.

Insofar as deals are concerned, I can say categorically, that in this statement the Senate has the full record of what the leadership has done. There were no deals. No one outside of the Government was consulted by me in this situation in any shape or form. The majority leader talked with no group or individual in the seclusion of his office, except those already mentioned. There are other and proper channels for such outside consultation but not at this stage in the legislative process. All consulted were officers of this Government and they were consulted in a most appropriate and proper way, for advice. They were asked for advice. The responsibility to decide is ours. For in the end, our responsibility is to the Nation as a whole. The full story of the leadership substitute is contained in these remarks and I say again, categorically, there were no deals.

Insofar as the Attorney General is concerned, I had discussed this question with other Senators, since the substitute was offered last week, on my understanding that he preferred the version on poll taxes contained in the leadership substitute to any other. I had so represented him. It astounded me to learn, therefore, in this 11th hour, that his name has now been dragged in as in opposition to the leadership substitute and in favor of the pending amendment. In the circumstances, I felt that I should make this statement but that I should not speak for him. Instead, I requested, as I learned of these reports, that he speak for himself, openly and frankly. And that is what he has done.

I now read to the Senate a letter which I received from Attorney General Katzenbach this morning.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KENNEDY of Massachusetts. Having heard what the distinguished majority leader just said, I desire to say, as a proponent of the amendment, that there has never been, at least in my mind or, so far as I know, in the mind of any member of the committee, any other thought than that the Senator from Montana was acting in complete good faith and honorable conduct in attempting to devise a suitable, responsive, and effective substitute measure.

Not only in my presentation today, but on every other occasion, I have held in the highest respect the majority leader and the minority leader in what they are trying to do. I believe that they are seeking to achieve a bill which is effective, broad, and responsive to the needs of the country today, as they see it.

As one who has been working on the amendment for a period of time with Senators on both sides of the aisle who are members of the Judiciary Committee, I believe it is important to indicate for the Record that there was no effort to imply in any way that the Attorney General supported our amendment, much as we would like to have that support.

The Senator from Montana is completely correct in stating at this point that we have never at any time tried to do other than to state the Attorney General's position. We have respectfully disagreed with certain aspects of the Attorney General's observations, but we feel that ultimately the decision and determination will have to be made by the Senate, as it should be appropriately made by the Senate. So I appreciate the majority leader's mentioning this factor.

As one Senator who is involved in the debate on this amendment, I wish to say that at no time were we trying to distort or misrepresent to any Member of this body the position of the Attorney General.

Mr. MANSFIELD. As always, the distinguished Senator from Massachusetts [Mr. Kennedy] is most gracious, most considerate, and most fair and impartial. For all I know, he may have heard these rumors too; but the rumors I have heard have not in any way implicated any member of the Committee on the Judiciary or any Senators who are interested in the pending amendment. I merely thought that since the rumors were going around, the best place to make them known and put them at rest was on the floor of the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I am pleased to have heard the Senator from Montana make the statement with respect to the members of the Committee on the Judiciary, for I was on my feet to join the Senator from Massachusetts. I believe it is fair to say that I have been most active in behalf of this amendment, on this side of the aisle, both in committee and on the floor of the Senate. I was never under any illusion as to the views of the Attorney General. We debated the proposal with him when he testified; we have debated it with him privately since. I do not believe he has changed his mind any more than we have changed ours.

I believe it is the feeling of the Senator from Massachusetts that the Senate must fight it out, and that the decision must be made by the Senate; but there is no question that weight must be given to the beliefs of the Attorney General, just as weight must be given to what we say.

Mr. MANSFIELD. That is correct. I appreciate the statement of the Senator from New York.

The letter from the Attorney General reads as follows:

Office of the Attorney General,
Washington, D.C., May 7, 1965.

Hon. Mike Mansfield,
U.S. Senate,
Washington D.C.

My Dear Senator Mansfield: In response to your inquiry, I must answer that I am opposed to the amendment prepared by Senator Edward Kennedy to the substitute which you and Senator Dirksen have sponsored.

Let me be clear, however, that my disagreement is not about ends, but means. I am in full accord with the objective of eliminating the poll tax as an unwarranted clog on the franchise. And I am anxious to accomplish that result as promptly as possible. The question is not whether to abolish the poll tax, or when; the only issue is how to do it. In my view, the Mansfield-Dirksen provision offers the safest, swiftest, and most effective course. The reasons are many:

1. There are constitutional risks in the Kennedy amendment. Subsection (b) of that proposal is a flat ban of the poll tax everywhere, here and now. I do not say that such a legislative prohibition is unconstitutional, but I submit we must all recognize that the question is not free of doubt. After all, it was not very long ago that the Supreme Court upheld the constitutionality of the Georgia poll tax in *Breedlove* v. *Suttles,* 302 U.S. 277, and it was only 3 years ago that the Congress proceeded by constitutional amendment rather than legislation to abolish the poll tax for Federal elections. Nor is the 15th amendment basis for universally outlawing the poll tax too clear on the evidence presently before the Congress. Indeed, even the Kennedy amendment recognizes some doubts by explicitly providing in subsection (d) for the eventuality that the flat prohibition of poll taxes may be held invalid.

So saying, I do not mean to imply any reluctance to argue that poll taxes, as applied, abridge rights guaranteed by the 14th and 15th amendments. On the contrary, I welcome the congressional directive to challenge these so-called qualifications for voting on both grounds in judicial proceedings. And I accept all the arguments marshaled in support of invalidating the poll tax; I would invoke these in the suits the Department of Justice is directed to institute. But it is easier to ask a court to void or suspend a requirement that is shown, by concrete evidence in the case before the court, to work a discrimination along racial or economic lines, than to sustain a nationwide, permanent outlawry of the poll tax enacted by the Congress without particular reference to any special context of proven facts. I do not belittle the arguments in favor of congressional power to immediately outlaw poll taxes everywhere. My question is simply this: What principle requires us to gamble in so important a matter when the same result can be more surely, more safely, and more swiftly assured in another way?

We are concerned with the right to vote which is, as the Supreme Court has repeatedly said, "the most fundamental right of all, because preservative of all others." There are two dangers if the congressional ban should be declared unconstitutional. The first is that many will have been misled into failing to pay required poll taxes and will lose their vote if the adverse court ruling comes too late for them to correct their default. The second is the very seriously damaging impact of a judicial declaration of unconstitutionality with respect to any portion of the Voting Rights Act of 1965. For those who have waited so long, it is cruel to hold out what may be false hopes.

Those risks are eliminated in the Mansfield-Dirksen substitute. There is here no invitation to rely on a congressional outlawry which the Congress itself has always viewed as precarious. There is no danger of misleading or disappointing, because no promise is made that depends on guesses about how a court may rule.

2. The suggestion is made that the gamble is necessary to avoid an intolerable delay in the abolition of the obnoxious requirement. I say that is not true. In this area, I think everyone must realistically anticipate some measure of resistance to the law until the highest Court has upheld the legislation. Indeed, the Kennedy amendment expressly adverts to enforcement of poll tax requirements after they have been outlawed and makes such disobedience the predicate for a court test of the legislation. It is, therefore, the aim of both provisions to obtain a Supreme Court ruling as early as possible.

The Mansfield-Dirksen substitute, it seems to me, offers the best opportunity for a prompt adjudication. It instructs the Attorney General to file suit "forthwith" and directs the Court to hear the case as swiftly as possible. By contrast, the Kennedy amendment permits a suit only upon the "enforcement or threatened enforcement" of the poll tax as a precondition of voting—which may be some relatively distant election day. That delay is necessary because having outlawed the tax, the Government cannot simply go into court and ask for a declaration that what has been done is constitutional until a real controversy develops through disobedience of the law. To be sure, the Kennedy amendment says that a failure to abandon the tax within 60 days shall be viewed as a threat to enforce the requirement. But that rule may be a little contrived, or a district court may think so. In that event, the "case or controversy" question would have to go to the Supreme Court and the ultimate validity of the poll tax bar could not be finally decided until after a remand, a second hearing in the district court and a second appeal. The risk of such time-consuming piecemeal litigation is avoided under the Mansfield-Dirksen substitute.

One other consideration relative to delay in obtaining a final adjudication must be noted. As you know, the Supreme Court has agreed to hear the Harper case next fall, which involves a challenge to the Virginia poll tax solely on 14th amendment grounds. If, in the meantime, the Congress outlaws all poll taxes, partly as violating the 15th amendment, is there not a risk that the Court may deem it appropriate to dismiss or remand the Harper case until a lower court has had an opportunity to consider the validity of the new legislation which apparently moots the issue now before the High Court? No case can reach the Supreme Court sooner than the Harper case. It would be unfortunate to jeopardize this opportunity of obtaining a very prompt ruling.

3. In mentioning the Harper case, I do not mean to suggest that Congress should remain silent at this time. Nor do I think the Congress must confine itself to granting the Government a right to assert the 14th amendment, as well as the 15th, in bringing suit to challenge poll taxes. I view as of very real importance the legislative declaration that the right to vote has been unconstitutionally abridged by the poll tax requirement which introduces subsection (a) of the Mansfield-Dirksen substitute—and which, in another version, constitutes subsection (a) of the Kennedy amendment.

The views of Congress are as unequivocally expressed in the one measure as in the other. This expression of congressional views strengthens the case that the poll tax as a preconditioning of voting violates the 14th and 15th amendments.

In my opinion, the unambiguous declaration of the necessity for prohibiting poll taxes will weigh as heavily with the courts as any attempt to outlaw State taxes by congressional fiat. It has all the advantages and none of the disadvantages of the Kennedy approach. It permits those who will be charged with its enforcement a range and strength of argument before the courts which should not be abandoned. It permits us to attack on constitutional grounds particular poll taxes as well as all poll taxes, and thus does not confine us to an all or nothing approach.

To summarize: I prefer the poll tax provision of the Mansfield-Dirksen substitute over the Kennedy amendment because I see in it a surer and swifter path to the goal we all seek, eradication of the poll tax.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

That, I think, is sufficient answer to the backroom rumors. I trust that what appears to one Member, who is not a lawyer but only a Senator, as a law-school debate, will now end in the rejection of the pending amendment in the vote which will be had on Tuesday next. I trust that the Senate will stay with the leadership substitute. It is the best legal road and it is the best legislative road to the goal of equal voting opportunity for all Americans.

I yield to the Senator from New York.

Mr. JAVITS. Mr. President, will the Senator yield on a question of fact?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, as I heard, the Attorney General indicated that there was a finding of fact in the leadership substitute that the poll tax was used to abridge the right to vote. With all respect, I do not find that. I read from page 14, on which it specifically states, lines 8 to 10:

> In view of evidence presented to the Congress that the constitutional right of citizens of the United States to vote is denied or abridged in some States by the requirement of the payment of a poll tax as a condition of voting in State or local elections and to assure that such right is not denied or abridged in violation of the Constitution, the Attorney General shall forthwith institute—

And so forth. It seems to me that that is not a finding of fact. It is nothing but the recital of a fact that evidence has been presented, but it does not find, on the part of Congress, a fact.

I call attention to page 2 of the amendment of the Senator from Massachusetts [Mr. KENNEDY], which does find a fact. It is contained in section 9(a), and reads:

> Congress hereby declares that to prohibit the collection of a poll tax or other tax payment as a precondition of voting is necessary to secure the rights guaranteed—

And so forth. I am not trying to tax the majority leader, because, as he has frankly stated, he is not a lawyer; but I would like, through him, to put the question to the Attorney General. We have until Monday to do it. The question is, Does the Attorney General sincerely contend that there is a finding of fact in the leadership substitute? If he does, I do not find it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield myself 2 minutes.

As I recall my conversation with the Attorney General, he does so find. He so states in the third numbered paragraph of his letter. In section 9(a) there is, in my opinion, based on the conference had with him, an implied finding, on which I assume the Senator has based his question. In that section, reference is made to the evidence presented to Congress that the right to vote is denied or abridged in some States by the requirement of the payment of a poll tax as a condition of voting. In the same sentence is a direction to the Attorney General to institute suit forthwith against enforcement of such a poll tax. This, in my opinion, is an implied finding. But I will direct the question of the Senator from New York to the Attorney General so we may be absolutely certain that it will be answered, and answered in black and white.

Mr. JAVITS. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. As I have been listening to the Senator from Montana speaking, a thought occurred to me. Would not the adoption of the amendment offered by the Senator from Massachusetts likely prove extremely embarrassing to the President of the United States? Assuming the legislation passes with the Kennedy amendment in it, and goes to the President for his consideration; would he not be in the position of having to sign legislation which his chief legal adviser, the Attorney General, says is unconstitutional?

I have not heard Mr. Katzenbach's ability questioned, unless we assume the introduction of the amendment itself questions his ability.

The President would be put in the position either of signing legislation containing provisions which his Attorney General states are unconstitutional in his opinion, or returning unsigned to the Congress a bill which contains many provisions which the Senate, I assume almost unanimously, agrees are necessary in order to correct existing injustices.

The President is having to face crisis after crisis now. It seems to me this question might be extremely embarrassing to him and that we should not add to his burdens.

Mr. MANSFIELD. I would say to the distinguished Senator from Vermont that as far as the attitude of Senators on both sides of the aisle is concerned, they have great respect for the legal ability and good judgment of the Attorney General, Mr. Katzenbach. I would also point out that the Attorney General has never stated that the so-called Kennedy amendment is unconstitutional. He has said only that there are constitutional risks in the Kennedy amendment; in the first numbered paragraph of his letter he says:

> I do not say that such a legislative prohibition is unconstitutional, but I submit we must all recognize that the question is not free of doubt.

I have noted that the best of lawyers tend to interpret words and phrases differently, and, like economists, find it quite difficult to arrive at a consensus. But it is true, of course, that the President should not be put in a position which would not fit in with the views expressed by the Attorney General, who is the President's chief legal adviser. While I might assume that, even with the Kennedy amendment in it, the bill might well be signed, nevertheless, as the arguments of the Attorney General have indicated, the road would not be as clear toward the objective which we all seek—the right of all our citizens to vote, regardless of race or color. The road would have some constitutional risks; it would be more circuitous. And if the Kennedy amendment were adopted by Congress and later found unconstitutional, it would be difficult for some to vote in the next general election, and thereby our citizens would be deprived of the right to vote, which they otherwise might have.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield myself 2 minutes.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KENNEDY of Massachusetts. I am willing to yield some of my own time.

In reference to the observations made by the distinguished Senator from Vermont [Mr. AIKEN], I had the opportunity to attend all the committee meetings and participate in the discussions. I have never heard the Attorney General of the United States make a flat declaration that this amendment abolishing the poll tax on the basis of the 14th and 15th amendments would be unconstitutional. It is my understanding that the Attorney General has based his reservations on whether or not there was sufficient evidence compiled by his Department to make the banning of the poll tax constitutional on the basis of the 15th amendment alone.

Mr. MANSFIELD. He has not said it was unconstitutional, but he has said that there may be some doubts about its constitutionality.

Mr. KENNEDY of Massachusetts. He has raised questions with regard to the 15th amendment. I have read carefully these statements of the Attorney General. I cannot help but conclude that his remarks have been widely misinterpreted and are being used by those who, for other purposes, are out to defeat this amendment. What the Attorney General said was that the Department of Justice did not currently have enough evidence to present to a court to show that the poll tax was being used to deprive Negroes of the right to vote under the 15th amendment. It is easy to understand why this is so. States and voting districts have been so busy using other tests or devices that they have not had to rely on the poll tax. It should be remembered that when this bill was originally presented it was a bill to "enforce the 15th amendment." Mr. Katzenbach's remarks were necessarily limited to that, but when the Senate Judiciary Committee put in the ban on the poll tax it changed the preamble of the bill to read "to enforce the 15th amendment and for other purposes." The other purposes we spoke of were to enforce the 14th amendment. Let me make it clear that at no time has the Attorney General ever questioned the validity of our amendment under the 14th amendment. The reason for this is that no such evidence against discrimination against Negroes is necessary under the 14th amendment. All one has to show a court is that the payment of a poll tax places an unreasonable burden on the poor. All the court has to hold is that it is unconstitutional to discriminate against the poor in deciding who should vote and who should not.

And let me say that the Court has almost gone this far already in the case of Reynolds against Sims which dealt with reapportionment. The Court said that an individual's vote cannot be diluted because of his economic status. Certainly if it cannot be diluted, it cannot be taken away altogether.

So those people who say and those editorial writers who write that the Attorney General is questioning the power of Congress to pass this bill or the prospect that the Court will uphold it as a valid exercise of power under the 14th amendment are doing a disservice to the Attorney General, in my opinion, and have brought a cloud on this question.

It is with the greatest respect that I mention this.

I have some questions in regard to the letter which I would like to raise this evening and reserve the right to have an opportunity—I have just received it in the last 8 or 9 minutes—to respond to it on next Monday.

(At this point Mr. PELL took the chair as Presiding Officer.)

Mr. MANSFIELD. I was under the impression that the Senator received a copy of my remarks before I even began to speak.

Mr. KENNEDY of Massachusetts. I received a copy of the general remarks. I did not receive the——

Mr. MANSFIELD. Was not a letter with it?

Mr. KENNEDY of Massachusetts. I received one enclosure in its entirety. No letter was included.

Mr. MANSFIELD. I must apologize to the Senator because the letter should have been included. Of course, the Senator has every right to study the letter and raise questions and to answer some of the issues which have been raised.

Before the Senator proceeds, if he will allow me, getting back to the question of constitutionality raised by the distinguished Senator from Vermont, I should like again to quote from the first page of the letter, as follows:

> There are constitutional risks in the Kennedy amendment. Subsection (b) of that proposal is a flat ban on the poll tax everywhere, here and now.

Mr. KENNEDY of Massachusetts. Would the Senator——

Mr. MANSFIELD. Just one more sentence.

> I do not say that such a legislative prohibition is unconstitutional, but I submit that we must all recognize that the question is not free of doubt.

Mr. KENNEDY of Massachusetts. That is why I should like to consider the letter over the weekend, because that statement is not accurate:

> Subsection (b) of my proposal is not a "flat ban on the poll tax everywhere, here and now."

Our amendment does not so provide. Our amendment provides that there shall be a flat ban on poll taxes as a precondition for voting. An extremely significant point was made by the distinguished Senator from Vermont [Mr. AIKEN] that 23 States have poll taxes. It would be a gross misinterpretation if Members of this body were to say that the language which has been proposed in the Attorney General's letter, "Subsection (b) of that proposal is a flat ban on the poll tax everywhere, here and now" is the same as our amendment.

A number of statements have been made which Senators should have an opportunity to examine. A distinction must be made in the Breedlove against Suttles case. This was a case raised by a white person, and the 15th amendment argument was, thus, never considered. I believe it is a complete distortion to say that the Breedlove against Suttles case is a ruling consideration in this particular amendment. Parts of that decision relate to the question of the poll tax and to the privileges and immunity clauses of the 14th amendment. Reference is made to the 14th amendment, so far as the equal protection clause is concerned, and to the 19th amendment. But Breedlove against Suttles does not reach the 15th amendment, because it was brought by a white person.

With all respect to the Attorney General's views as expressed in his letter, when he states that there is a congressional finding in the Mansfield-Dirksen substitute language, I would share the strong reservations which have been expressed by the Senator from New York [Mr. JAVITS]. It appears to me that in examining the substitute language, it provides only that there is evidence. The substitute language begins, "In view of the evidence presented to the Congress" and then it goes on to refer to the constitutional rights of citizens of the United States. That, to me, is not the same as a congressional finding, much less the strong declaration that appears in our amendment.

What is this evidence and what is the use of having evidence if Congress does not take any action on it. It says, "In view of the evidence." There is no followthrough requiring that we should consider this evidence or in any way act on it. It simply says, "In view of the evidence," and then tells us the Attorney General can bring suits.

Congress does not take any action. It merely passes it on to the courts. A great deal of evidence is presented to Congress on many subjects, but if Congress is not going to do anything about the evidence, such evidence loses its persuasiveness.

Mr. MANSFIELD. The Senator has raised a question concerning the statement made by the Attorney General, that "Subsection (b) is a flat ban on the poll tax everywhere"—with the emphasis on "here and now."

If the Senator will look at section 9(b), that is the impression one would get. I believe also, if the Senator will look at the last page of his speech, he will find the following in print:

> Under our version, the ban is effective from the day the bill is signed.

If that is not, "here and now," I do not know what "here and now" means. The point is, I suspect, that in both cases reference to a ban is a shorthand method of saying, in effect, that poll taxes are prohibited as a precondition of voting.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Montana yield further?

Mr. MANSFIELD. Yes, indeed.

Mr. KENNEDY of Massachusetts. This part of the statement is correct. But what is not correct is the Attorney General's statement:

> Subsection (b) of that proposal is a flat ban on the poll tax everywhere, here and now.

That would insinuate that there are 23 States that would all be affected because they levee poll taxes. That is not so, we are only discussing four States which relate the tax to voting. On the basis of a cursory examination Mr. President, there are a number of statements made in the Attorney General's letter which are not entirely accurate. I repeat the language:

> Subsection (b) of that proposal is a flat ban on the poll tax everywhere, here and now.

The language of subsection (b) referred to in the letter reads:

> To assure that such rights are not denied or abridged in violation of the Constitution, no State or political subdivision shall enforce the collection of a poll tax or other tax or payment as a precondition of registration or voting.

As I pointed out to the Senator from Vermont, there are 23 States today having a poll tax but only 4 that tie the tax to the right to vote in all State and local elections.

To read the pertinent statement in the Attorney General's letter:

> Subsection (b) of that proposal is a flat ban of the poll tax everywhere, here and now.

This would certainly raise substantial doubt as to the authority of Congress to lift poll taxes as a means for States to raise revenue.

We are not attempting to do that. It is fundamental to our case. What we are looking for is only the situation where the tax is a precondition for voting. This is basic. We shall raise a number of additional questions on Monday concerning this letter.

Also, I believe the Breedlove against Suttles case is distinguishable from the view of the poll tax that we have taken. As stated earlier, Breedlove against Suttles was brought by a white person and the 15th amendment arguments were never raised. Even more important and basic to our argument is the fact that there was no declaration by Congress preceding the Breedlove against Suttles case, which was decided in 1937. This is extremely important and is basic to our argument of the fact that we say there should be a declaration of policy in 1965. We do not accept the language in the Mansfield-Dirksen substitute for this purpose. It gives the Court no guidance, no declaration of congressional policy. On the second page of the Attorney General's letter, second paragraph, it reads as follows:

> It is easier to ask a court to void or suspend a requirement shown by concrete evidence in the case before the court to discriminate along racial or economic lines than to sustain a nationwide, permanent outlawry of the poll tax.

I must add the words "as a precondition for voting" to the last clause.

Here, I believe, is the guts of the whole question before us. I have the greatest respect for the views of the Attorney General; but the function of Congress is to represent the various States and constituencies; and we have a responsibility to consider a nationwide policy, to take a broader view than the Court can take. This is the fundamental reason for our amendment. We say in our amendment that we in Congress make the policy, and that we find there are violations of the 14th and the 15th amendment rights as a result of the poll tax, and we provide a ban to eliminate the tax.

I respectfully disagree with the Attorney General when he says that this question should go to the Court without a finding or declaration by Congress, because if we are not going to be responsive to national needs, who is going to be responsive to national needs? We have the responsibility. We must recognize full well that when the Court considers whether there is a violation of the 14th or 15th amendment rights, it will consider evidentiary factors, and will consider—as my distinguished colleague the Senator from Virginia [Mr. ROBERTSON] pointed out in the Butler case—only the facts before it. Perhaps what the Butler case did not show was the fact that a poor woman did not have the means to collect the facts and collect the evidence. Congress is not so restricted in its views; we can act if we believe it to be in the national interest.

Congress has this responsibility. We can consider all the important evidence. A court of law must consider only evidence that is admissible. The court is under these restrictions.

I believe that is the fundamental question before us.

The Supreme Court will give great weight to our findings. If we believe that the poll tax violates the 14th and 15th amendments, and if we believe that it disfranchises the poor, white, colored, and Spanish-speaking people, we have the obligation to act. We also can be assured that the Supreme Court will consider heavily a statement of policy by Congress, and will thus not be restricted by a narrow interpretation.

Whether or not there is sufficient courtroom evidence to uphold an action against a State poll tax, there is sufficient evidence for Congress to act. That is the difference, as I see it.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY of Massachusetts. I yield.

Mr. AIKEN. With regard to Congress having the right to act on the poll tax question, I wonder whether Congress would have an equal right to act with respect to the farcical literacy tests which are in vogue in certain States. I believe they actually disfranchise more people in the United States than does the poll tax.

Would Congress have the same right to take action against literacy tests which prevail in some of the States?

My State has no literacy tests. We have the most liberal voting laws in the country.

Mr. KENNEDY of Massachusetts. The Senator has raised a crucial and important point. That is what we are doing under section 4 of the voting rights bill. We are suspending literacy tests by tying them to a finding by Congress that if less than 50 percent of eligible citizens were registered or voted in November of 1964, then the tests are lifted. In such a situation and under this bill we are saying that these tests shall be suspended, even though the Supreme Court in a past declaration has upheld literacy tests under State law in a clearer fashion than ever used to uphold a poll tax. Nevertheless, Congress is finding that literacy tests serve to disfrancise on their face because of lack of educational opportunity. Congress has the power to do this.

Congress also has the power to so act on the poll tax. I repeat, the Supreme Court has stated that literacy tests are constitutional. Yet the Congress is making a finding that they have been used to abridge 15th amendment rights.

Mr. AIKEN. We would suspend them. The result would be frequent registrations, which I understand are very discouraging in some areas, where it is necessary to have frequent reregistration before a certain date, under the watchful eye of neighbors, and so forth.

Mr. KENNEDY of Massachusetts. We are suspending them.

Mr. AIKEN. Why do we not do away with all these things and take the Vermont law, which permits everyone to vote, provided he has paid his poll tax?

Mr. KENNEDY of Massachusetts. I appreciate the Senator's comments.

Mr. AIKEN. That is only for purposes of local government. What is the purpose of suspending the literacy test?

Mr. KENNEDY of Massachusetts. Because we believe that literacy tests, while they have been employed unfairly, have a much closer relationship to legitimate qualifications. The literacy test has been abused in certain instances. Congress can, in fulfilling its responsibility under the 15th amendment, suspend them in certain cases. That is what we are seeking to do.

As the Senator knows, there are other procedures which are established under the pending legislation which would permit those States to remove themselves from the bill by way of a declaratory judgment in the Federal court in the District of Columbia.

I respectfully submit that there is a significant difference in determining the qualifications of the voter with respect to whether he can read or write and whether he can pay a poll tax as a precondition for voting.

Mr. AIKEN. Why is it important to strike out completely the poll tax as it relates to a local election, and suspend the literacy test only until such time as it can be put into full effect again?

Mr. KENNEDY of Massachusetts. As the Senator has suggested by his question, the situation in Vermont is a byproduct of a much larger national problem, that requires the attention of Congress. As I said earlier, in response to a previous inquiry by the Senator, the amendment would ban the poll tax in Vermont for local municipal elections.

Mr. AIKEN. Only.

Mr. KENNEDY of Massachusetts. Yes.

Mr. AIKEN. What I am trying to point out to the Senator and to the Senate is that, all in all, Vermont has the most liberal voting laws of any State in the Union, and probably disfranchises fewer people, percentagewise, than any other State.

Mr. KENNEDY of Massachusetts. On page 3 of the Attorney General's letter, in the third paragraph I read:

> The Mansfield-Dirksen substitute, it seems to me, offers the best opportunity for a prompt adjudication. It instructs the Attorney General to file suit "forthwith" and directs the Court to hear the case as swiftly as possible. By contrast, the Kennedy amendment permits a suit only upon the "enforcement or threatened enforcement" of the poll tax as a precondition of voting—which may be some relatively distant election day.

I respectively disagree with the Attorney General's interpretation of that language. In subsection (c) of our amendment we provide for the Attorney General to seek forthwith a "declaratory judgment or injunctive relief against the enforcement or threatened enforcement of such tax."

I believe that is a rather significant difference. We provide for "enforcement or threatened enforcement." The Attorney General interprets this language rather restrictively. He refers to "threatened enforcement" only.

It is clear that it does not have to be merely threatened enforcement, but can be enforcement as well. The Attorney General can sue forthwith under our amendment as he is instructed to do under the leadership's amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MANSFIELD. Will the Senator read the rest of that paragraph?

Mr. KENNEDY of Massachusetts. Yes.

> Against the enforcement or threatened enforcement of such tax or payment as a precondition of voting. Such actions shall be heard and determined by a court of three judges——

Mr. MANSFIELD. No; the rest of the paragraph from which he read in the Attorney General's letter.

Mr. KENNEDY of Massachusetts. I am sorry.

> That delay is necessary because, having outlawed the tax, the Government cannot simply go into court and ask for a declaration that what has been done is constitutional until a real controversy develops through disobedience of the law.

If I could comment on these statements as we go along, I believe the presentation would be clearer.

There is little question about the controversy that is involved. I suggest that this does not merely constitute my opinion. Distinguished constitutional lawyers believe that there is a real controversy, and that there is a question of adversity after Congress makes a finding and establishes a ban. Enforcement has been upheld by the Supreme Court in United States against Gibson, which involved a question of schools being integrated, and which held that the Attorney General had power to act, because certain communities had shown a pattern of discrimination and that that had been the case since 1880 and the Supreme Court in the case of United States against Gibson permitted the Attorney General to seek a declaratory judgment in the absence of claims that the schools would not integrate. It does not seem to me to be carrying reasoning too far to say that by making a congressional finding or a congressional prohibition as provided by the procedures which have been outlined in section (c), the Court will find a case or controversy when the Attorney General acts. Our language was modeled closely after the language of the Mansfield-Dirksen amendment in the nature of a substitute, as closely as we thought we could, but with additional language:

> For the purposes of this subsection the term "threatened enforcement" shall include the failure of a State or political subdivision to direct the appropriate election officials, no later than 60 days after the effective date of this act, to permit otherwise eligible persons to register or vote notwithstanding their failure to pay a poll tax.

We therefore have a question of adversity. We have a question of interest, because there would be a flat congressional prohibition. It is our humble opinion that because Congress had acted and had made a declaration of policy, that fact would give us a stronger case than would the Mansfield-Dirksen amendment in the nature of a substitute. Once there was such a congressional declaration and prohibition, a violation of the law would create a question of adversity rather than only evidence of a finding, which is what the Mansfield-Dirksen amendment in the nature of a substitute would provide.

There follows language which would permit the Attorney General to come in. So with all due respect to the Attorney General, I feel that our proposed language on that particular point is really stronger than that contained in the Mansfield-Dirksen amendment.

In commenting on that point, I think it is well to point out that if we adopt the amendment which has been offered, the bipartisan amendment——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MANSFIELD. The Senator has raised the question of findings, declarations, and whatnot. It is my view that section 9(a) is an implied declaration or an implied finding. But to bring the question to a head, what would be the Senator's view if the following language were struck out of line 8, on page 14, of the so-called Mansfield-Dirksen substitute: "In view of evidence presented to the—" and after the word "Congress" in line 9, to insert "declares," so that the line would read: "Congress declares that the constitutional right of citizens—."

Mr. KENNEDY of Massachusetts. That language would strengthen the provisions of section 9(a). While "in view of evidence presented, Congress declares" comes closer to a declaration; I do not feel comfortable about it.

Mr. MANSFIELD. The language I just proposed was, "Congress declares—," with no reference to "evidence." This would be an outright declaration. The Senator would not feel comfortable about that declaration?

Mr. KENNEDY of Massachusetts. I would certainly be encouraged.

Mr. MANSFIELD. I was about to ask the Senator if that language would be satisfactory. I see that the answer would be "No."

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. TYDINGS. As I have skimmed over the letter of the Attorney General to the Senator from Montana [Mr. MANSFIELD], it would appear to me that the Attorney General has missed the thrust of the amendment which was offered by nine members of the Judiciary Committee and others. If subsection (b), which relates to the abolition of the poll tax as a precondition of registration for voting, were left out, the Attorney General would be sent into court with one less tool to argue for the final abolition of the poll tax. Although I have not had the time to study the Attorney General's letter, I wonder why, on the first page, he mentions the case of Breedlove against Suttles to support the proposition that perhaps the courts will not find that the poll tax, as a precondition to voting, is unconstitutional, and completely fails anywhere to mention the case of Harmon against Forssenius.

That decision was handed down by the Supreme Court only a week ago. In dictum, the Supreme Court, on page 15 of the opinion, emphatically referred to a Virginia poll tax that was born of a desire to disenfranchise the Negro. Any reading of that opinion cannot help but give any reasonable person the knowledge that the feeling of the Supreme Court today is far from the feeling of the Court that handed down the decision in the case of Breedlove against Suttles.

Skimming the letter of the Attorney General—and it is difficult to digest that letter in a few minutes—on page 2 he refers to the Kennedy amendment as being a gamble. I respectfully disagree, and state that the Mansfield-Dirksen amendment in the nature of a substitute is a gamble, because the Attorney General would be sent into court without all the tools he would need. He indicated that under the Kennedy amendment it would be too long or perhaps misleading. Quite to the contrary. I do not see how one could construe the language of section 9(c) on page 2, which states:

> The Attorney General of the United States shall forthwith institute, in the name of the United States, actions against any State or political subdivision for declaratory judgment or injunctive relief against the enforcement or threatened enforcement.

Four States are enforcing a poll tax as a precondition today. So if that is not a direct authorization for the immediate filing of a suit, I do not know how it could be better or more properly expressed.

Mr. KENNEDY of Massachusetts. I believe that the Senator has brought up a valid point, and a point which I believe he developed with regard to exactly what we were attempting to accomplish, and what I think we did accomplish by the language in section (c) as compared to what the Attorney General has said that we accomplished. Our language is extremely clear that an action can be brought. The provision is that the Attorney General "shall forthwith institute actions against the enforcement or the threatened enforcement."

The Senator from Maryland has been helpful. Once again I should like to say, with the greatest respect to the Attorney General, that on the top of page 4 of his letter he continues to write about the enforcement or threatened enforcement of the poll tax. Then he continues:

> In that event, the "case or controversy" question would have to go to the Supreme Court and the ultimate validity of the poll tax bar could not be finally decided until after a remand, a second hearing in the district court and a second appeal. The risk of such time consuming piecemeal litigation is avoided under the Mansfield-Dirksen substitute.

Mr. President, it is with the greatest humility that I respectfully submit that the question which will be raised when the Attorney General goes to court under our amendment will be whether the Congress of the United States had the power to act to eliminate poll taxes as a precondition for voting. The Court would settle the constitutional question. Under the Mansfield-Dirksen substitute the Attorney General would be constantly in the courts trying to strike down this or that poll tax.

That is the question which will come before the Supreme Court of the United States under our amendment and once the Supreme Court decides that question, it is my understanding that that decision will establish the law on this particular question.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I should like to continue for a moment.

Under the Mansfield-Dirksen substitute amendment, not only would the Attorney General have to sue in Virginia and in all the other States or political subdivisions, but he would have to go to court, and not only question whether Congress had the power under the 14th and 15th amendments, but would have to prove that there had been a violation in each case on the basis of the 14th and 15th amendments. He would have to gather evidence to adduce the proof. Therefore, he would have to demonstrate that he was going to bring the case as it evolved, for example, in Mississippi. He would have to gather evidence in Mississippi, Alabama, Texas, or any political subdivisions, to prove that individuals had been deprived of their right to vote under the 14th and 15th amendments.

Under our amendment, the test would be whether Congress had the authority under section 5 of the 14th amendment and section 2 of the 15th amendment to make a finding, on the basis of our responsibility, as to the facts which had been developed in hearings, and on the basis of our own experience with the various cases which have come before the courts.

The distinguished Senator from Maryland [Mr. TYDINGS] has mentioned that we can make a finding. If we have power, then this would be the law. Congress has responsibility under the 14th and 15th amendments. A case cannot be taken by force into court without benefit of congressional judgment.

On page 4 of his letter, the Attorney General says:

> The risk of such time-consuming piecemeal litigation is avoided under the Mansfield-Dirksen substitute.

On the contrary, our amendment would expedite action in the most rapid way. It would eliminate the need for proof, for lawsuits being instituted, and the collecting of evidence. There would be only one fundamental question before the court. This is one of the most important, basic elements and reasons for the adoption of our amendment.

I now yield to the Senator from Montana.

Mr. MANSFIELD. In response to a number of statements of the distinguished Senator from Massachusetts relative to the statements of the Attorney General. I refer the Senator from Massachusetts to the second numbered paragraph in the Attorney General's letter. That paragraph raises several questions about the Kennedy amendment. Who will decide the time when a case or a controversy will be started? What if nothing is done until the day of the election? What if it means that people who want the right to vote under the 15th amendment do not have that right because of a delay, contrived or otherwise, which would invalidate that right? The Attorney General is of the opinion that the Dirksen-Mansfield proposal is swifter and surer, and would guarantee to all citizens the right to vote in the next general election in a more satisfactory manner than would the pending Kennedy amendment.

The Senator has mentioned something about findings and declarations. Again, I invite his attention to the fact that I have just suggested the substitute amendment, now before the Senate, might be amended to eliminate the first seven words, and say simply, "Congress declares that the constitutional right of citizens." It appears to me that that is a declaration and a finding. How much stronger it could be made, I do not know.

In any case, all the questions raised here today will be referred to the Attorney General, and I am hopeful that an answer will be forthcoming from him before the vote on this amendment next Tuesday.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the distinguished majority eader. Regardless of how one interprets our particular amendment as to the expeditious review of the findings themselves, I think he would have to realize that in Virginia and Texas, the payment of a poll tax is a precondition for registration, and that in July of this year—1965—there will be a general primary in Virginia. We are talking at this time concerning an expeditious review. I submit that our language is adequate. It is extremely clear with respect to the authority of the Attorney General to raise forthwith the question as to the constitutionality of the act.

The latest we would have to go would be into July of this year to have a "case or controversy," regardless.

Regardless of the timing of the passage of the bill, which I am sure will be expeditious under our distinguished leadership, the latest date of a test would be July of this year, although I submit the sincere belief that under our language this matter could be expedited before that time.

Mr. MANSFIELD. Mr. President, I yield up to one hour and a half to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the distinguished majority leader.

Mr. President, I say smilingly that one of the great temptations to which Senators are subjected when they first come to this body is that they thereby seek to become great constitutional authorities, particularly if they are assigned to the Committee on the Judiciary.

I have been somewhat intrigued by the effort of certain members of the Judiciary Committee to gild the lily by seeking to improve on the bill sent to the Congress by the administration, a bill drafted by the Attorney General and his experts, even to seeking to include in the bill an amendment dealing with the elimination of poll taxes by statute.

I have been even further intrigued by the showing that some distinguished Senators have become so uncertain as to the adequacy of what they themselves have submitted that they have now submitted another approach to the same important and difficult question.

I have been further intrigued this afternoon to hear some of the same distinguished Senators differing strongly with the learned Attorney General and with the letter of the Attorney General. I hope I shall not fall victim to that particular illness which seems to affect most of us in the Senate to the extent that we regard ourselves, as Senators, to be necessarily constitutional experts.

The distinguished Senator from Massachusetts [Mr. **Kennedy**] made one point in addressing questions to the majority leader that I should like to dispose of at this time. He found fault with the fact that paragraph 1 of the letter of the Attorney General referred to the elimination of the poll tax without adding the additional words "as a requirement for voting." If the Attorney General had added those words or comparable words every time he mentioned the poll tax in the course of his letter, his letter would have been at least another page longer than it is—and it is already quite a long one.

I invite attention to the fact that the first three sentences in the body of the letter make very clear the subject to which the Attorney General's letter addresses itself:

> Let me be clear, however, that my disagreement is not about ends, but means. I am in full accord with the objective of eliminating the poll tax as an unwarranted clog on the franchise. And I am anxious to accomplish that result as promptly as possible.

Mr. President, it is completely clear, therefore, that the whole burden of the letter of the Attorney General is to deal with the question of the elimination of the poll tax as a requirement for voting, or, as he puts it, as a clog on the franchise. Every time that he refers to the poll tax from that time on, he is talking about just that and nothing else.

I hope that we shall have no more of these semantics in the discussion of this very important question. After all, everyone knows what the Attorney General is talking about in his letter. Everyone knows that our learned friends who put this uncalled for provision in the bill in the Committee on the Judiciary have now come back and admitted that they think it is not as good as they thought it was, by having offered another provision which is the one now before us in the form of an amendment offered by the distinguished Senator from Massachusetts [Mr. **Kennedy**] and others. I believe that all of us know that it is evident that the confidence of these distinguished Senators is oozing from their fingertips, as is well shown by subsection (d) on page 3 of the printed amendment. This subsection makes it very clear that they apprehend that their efforts may end in failure.

The subsection reads:

> (d) If subsection (b) of this section is held invalid in its application to a State or political subdivision, for one year after the entry of a final judgment in such action no person shall be denied the right to vote in any election for failure to pay a poll tax or to make timely payment thereof if at least forty-five days prior to such election he pays the amount of the tax or taxes for one year as may be required by State law.

Mr. President, it is very evident that our distinguished friends who were the authors of a more positive provision in the Committee on the Judiciary, which was added to the administration bill in this case as an effort, as I have said, to gild the lily, have now decided that their first effort was not as good as they thought. They have come back with a second effort and have thus shown their suspicion that they have great apprehension that their effort may be thrown out of court. They have put in the amendment a section which would provide what would happen in the event they were to be beaten in the courts, which is what I would expect to happen.

So far as the elimination of the poll tax as a requirement for voting is concerned, I have probably been interested in that subject and active in carrying out that objective for as long as any other Senator.

In 1937 I voted as a member of the Florida State Senate to eliminate this requirement as a condition for voting in all elections in the State of Florida. It was freely predicted at that time by political columnists and others that my vote would eliminate me from State politics from that time forward. In other words, it was not entirely an easy vote to cast.

The results have not supported the fears of those critics whom I have mentioned. However, that was the fact.

Shortly after I came to the Senate in 1949, I introduced the proposal, which is now the 24th amendment to the Constitution of the United States, to ban the requirement of the payment of poll taxes to participate in the election of all federally elected officials.

I again express my deep appreciation for the overwhelming support that we finally received from both bodies of Congress and from the States of the Union when that amendment was finally referred to the people by Congress and was approved by the required number of 38 States.

I remind the Senate at this time that it did not happen automatically. It required 13 years of considerable and continuing effort before the amendment was taken seriously and referred to the States for action. There ought to be a showing of my great interest in the elimination of the poll tax as a requirement for voting.

There is one difference between the distinguished Senators who offer this amendment and myself, however, and that is on the question of the constitutional means used in such effort.

I feel strongly that the method which the Senators suggest is hopelessly unconstitutional. I base that feeling not solely on my opinion, but also on the action of the two bodies of Congress, which preferred the constitutional approach, and upon the statements which I have heard made on this floor or in committee by Members of Congress who I thought were probably the soundest constitutional lawyers we had.

I heard the great Senator from Wyoming, Mr. O'Mahoney, standing over at his desk, make perhaps the finest speech I have ever heard on this subject, to the effect that the poll tax cannot be eliminated by the mere passage of a Federal statute.

I heard read in committee—because I was not here when the great Senator Borah, of Idaho, was in the Senate—a part of the great speech which he made in support of that measure. I heard former Senator O'Mahoney in questioning witnesses on the Committee on Rules and Administration, which was the first committee to which I was assigned when I came to the Senate, bring up repeatedly the position taken by the great Senator from Idaho, Mr. Borah.

Neither former Senator O'Mahoney nor former Senator Borah was from a State which had a poll tax. However, they had a deep understanding of the Constitution and a great respect for it.

I heard the great Senator from Georgia, Mr. George, formerly a justice of the supreme court of that State, discuss this subject. I heard the late Senator Taft, whose portrait is in the anteroom, selected one of the five greatest Senators, talk on this subject. That was his opinion.

I heard the great Senator from Colorado, Mr. Millikin, on that subject.

The men whom I have mentioned were lawyers of the greatest skill and proven ability and knowledge of the law. The position of those five former Senators was unanimous—that there was only one way in which to accomplish the elimination of the poll tax as a requirement for voting, and that was to do it by means of a constitutional amendment, if it were approached from the Federal level.

Mr. President, with those preliminary remarks, I shall rather briefly review the question of what is involved in this particular matter. First, I believe we all know that if anyone knew what the meaning of the Constitution was on this subject, it was Mr. James Madison, who, more than any other individual, is recognized as the father of the Constitution.

I read from Mr. Madison's paper No. 52 of the Federalist, in which he states:

> I shall begin with the House of Representatives.
>
> The first view to be taken of this part of the Government relates to the qualifications of the electors and the elected.
>
> Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason, that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States, as it would have been difficult to the Convention. The provision made by the Convention appears, therefore,

> to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the Federal Constitution.

It is rather clear from that quotation that the principal author of the Constitution of the United States made it very clear in one of his papers written to the people of our country, as a plea for their support of the Constitution, that the States were the ones to establish the qualifications for electors.

Incidentally, anyone who has read carefully the history of the convention knows that there probably would have been no Constitution if it had not been agreed that the States would be left alone by the Federal Government in the determination of the qualification of electors.

Mr. President, at this time I wish to place in the Record, article I, section 2, of the Constitution, which is a part of the Constitution originally framed and referred to by Mr. Madison, and which bears out his position as taken in the paper I have just read. That portion of the Constitution reads as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The traditional argument of those who wanted to eliminate this poll tax requirement by statute for all voting purposes was that the poll tax is not, properly speaking, a qualification.

I was rather surprised to hear the distinguished Senator from New York [Mr. Javits] devote a considerable part of his speech this afternoon to the view that the poll tax could not be properly regarded as a qualification.

In order to make it clear that this has been the principal argument of those who wanted to eliminate the poll tax by statute, I wish to read what I think is a fair statement of my distinguished former colleague, Senator Pepper, who was formerly a strong advocate of the statutory approach, which he made in hearings before a subcommittee of the Senate Committee on Rules and Administration on July 19, 1941. I quote Senator Pepper as illustrating with his scholarly statement the argument of those who for years were trying to eliminate the poll tax by statute. Said Senator Pepper:

> Now, I will admit, gladly, that the States have the right to prescribe reasonable qualifications for voters, and when those qualifications by the State are reasonable and proper, then they become Federal qualifications, but if the Federal Government through the Congress decides that a State has imposed as a qualification something that is not a qualification but is a condition precedent, that under the guise of a qualification they have attempted to limit the Federal franchise and the enjoyment thereof, then the Federal Government has the right to say that this power that you have endeavored to assert is not a proper power.

In presenting this case to a subcommittee of the Committee on the Judiciary headed by the late Senator from Tennessee, Mr. Kefauver, after this statement was read he spoke out to say that he thought that was a very fair statement of those who were trying to eliminate the poll tax by statute, of whom he at that time was one.

Not only did those words come up on many occasions in the hearings, but I note in the reports of the Senate committees that they also came up there. The following statement, taken from Senate Report No. 625 of the 79th Congress, which was inserted in the record of the committee hearings by both Senator Pepper and Representative Bender, of Ohio, also illustrates clearly the philosophy of advocates of the statutory approach. This was one of the fairest statements I could find on this approach in any of the reports on this subject. Again Senator Kefauver spoke up to say that it was a fair statement. This is what was included by those signing the minority report at that time:

> We believe there is no doubt but that the prerequisite of the payment of a poll tax in order to entitle a citizen to vote has nothing whatever to do with the qualifications of the voter, and that this method of disfranchising citizens is merely an artificial attempt to use the language of the Constitution, giving the State power to set up qualifications, by using other artificial means and methods which in fact have no relation whatever to qualifications.

I have gone thus far into this subject because I want to make it clear that those who have tried to eliminate the poll tax requirement by statute are a resourceful group. They have tried one course and another, and finally, after 100 years, they have come to the conclusion that the 15th amendment, which was adopted in 1869, and the 14th amendment, which was adopted in 1868, both ban a poll tax requirement. This is contrary to the views of Senator O'Mahoney, Senator Taft, Senator Borah, Senator Millikin, and Senator George, all of whom took the opposite view to that of gentlemen who take the statutory approach. They are now taking the position—after nearly 100 years—that the 15th amendment almost automatically bans a poll tax requirement to the degree that a statute passed by Congress based on that theory is sound and can be enforced against the States under the Constitution.

It might be well first to state that when the original Union was framed by the adoption of the Constitution, the State of New Hampshire already had a poll tax embedded into its constitution, and every other State had requirements that were less liberal than the poll tax requirement, having to do with payment of taxes or imposition of property requirements.

Every one of those 13 States had requirements which, if the attitude of our distinguished friends of the opposition were correct, would not have been regarded as qualifications of voters.

Yet the fact is that in the case of the State of New Hampshire, its constitution spoke of the poll tax as a qualification.

Without laboring the question, Mr. President, I shall ask to have printed as a part of my remarks the provisions of the New Hampshire constitution at that time which provided for the imposition of the poll tax as a requirement for voting.

I am not pretending that this was the only requirement. Other requirements are also embraced, but the poll tax payment was one of the requirements. I call attention to the fact that the constitution of New Hampshire directly used the words "qualification," "qualified," and the like, in setting up its poll tax requirement.

I ask unanimous consent that the provisions of the New Hampshire constitution be inserted in the Record at this point.

There being no objection, the provisions were ordered to be printed in the Record, as follows:

PROVISIONS OF NEW HAMPSHIRE CONSTITUTION BEARING DIRECTLY UPON THE USE OF THE WORD "QUALIFICATIONS"

> The Senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner; viz, Every male inhabitant of each town and parish with town privileges in the several counties in this State, of 21 years of age and upwards, paying for himself a poll tax, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March; to vote in the town or parish wherein he dwells, for the senators in the county or district whereof he is a member.
>
> And every person qualified as the constitution provides shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish, and plantation where he dwelleth and hath his home.

Mr. **KENNEDY** of Massachusetts. Mr. President, will the Senator yield on that point?

Mr. **HOLLAND**. I shall be glad to yield in a moment, when I finish with this point.

In addition to the State of New Hampshire, five other States—namely, Maryland, New Jersey, South Carolina, New York, and Massachusetts—imposed more serious requirements than the payment of a poll tax—either ownership of property or payment of taxes—in a much more onerous amount than any poll tax payment. Their constitutions referred to this payment as "qualifications" or as "qualifying" requirements.

Without encumbering the Record, I have before me the provisions of those constitutions. Those five States had, prior to and at the time of the adoption of the provisions in their State constitutions, provisions providing far more onerous burdens, propertywise, by way of payment of taxes or ownership of property by citizens in order to qualify them to vote, than was required in New Hampshire.

New Hampshire, in placing the poll tax requirement in its constitution, made it plain that it was trying to be liberal by making it easier for her citizens to qualify to vote than it usually was.

Now I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Is the Senator from Florida suggesting by his observation that the five States he mentioned, plus New Hampshire, today either have or enforce a poll tax requirement as a precondition for voting?

Mr. HOLLAND. I am not saying that at all. I merely wish to make it clear that the framers of the Constitution—who were the best informed men in the infant country at that time as to the requirements of law, not only in their own States but also generally, and who knew more about constitutional provisions than any other group of citizens—knew what they were talking about when they used the word "qualifications" in section 2 of article I. They included the word "qualifications" because their idea was to allow a person to qualify to vote. Not only were they referring to the poll tax requirement, but there were requirements very much more burdensome, that citizens should own property in a certain amount very much more than is involved in a poll tax payment, or pay taxes in an amount very much more than what is involved in the poll tax payment.

The point of my remarks is that it is completely futile to attempt to prove otherwise, that the framers of the Constitution knew perfectly well that when they used the word "qualifications" they were talking about the poll tax requirement. They were talking about the taxpaying requirements. They were talking about property ownership requirements, one or two or all of which were contained in the basic law in all 13 of the original States.

Mr. KENNEDY of Massachusetts. Will the Senator from Florida yield again for a question?

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. HOLLAND. I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. The Senator from Florida is not trying to suggest that merely because qualifications as a requirement for voting have been stated in article I of the Constitution, Federal power completely restricted in this matter, is he?

Mr. HOLLAND. No, but I am stating—and I mean this to be my permanent statement—that those who framed the Constitution of the United States and submitted it to the States, knew perfectly well what was required in interpreting the word "qualifications." They knew that in talking about the qualifications that would be required by the Thirteen Original States, they were talking about poll taxes, in the case of New Hampshire. They were talking about property ownership much greater in value than the payment of poll taxes. In other cases they were talking about the payment of taxes in large amounts. They based their action on section 2, article I, not upon any new standard imposed, but as stated by one of the distinguished framers of the Constitution, James Madison, they took the requirements of the States as the States had made them, because they knew that was the good way to get the Constitution accepted by the States.

James Madison could not have stated the point more clearly than he did in the item which I read from, taken from the Federalist papers.

Mr. KENNEDY of Massachusetts. Would the Senator from Florida, for my own enlightenment, indicate why he believes that the payment of a $2 poll tax provides some qualification for voting in 1965?

Mr. HOLLAND. I believe that the payment of a poll tax meant, when the word was placed in the Constitution, that that was one of the things required, as in the case of New Hampshire. A much greater qualification was required in the case of property qualifications, despite the qualifications in all the other cases. I do not believe we can, at will, change the Constitution by our own ideas as to what now qualifies someone to vote. I believe that the Constitution means the same thing now as it did in 1789.

I deplore any philosophy which comes to a conclusion that we have a right to decide now that the framers of the Constitution did not mean what they obviously meant at the time they placed these words in the Constitution.

Mr. KENNEDY of Massachusetts. The Senator is not suggesting that we are not supposed to read into the Constitution the 14th and 15th amendments as well, is he?

Mr. HOLLAND. No. I will get to that later, if the Senator will permit me to proceed.

Mr. KENNEDY of Massachusetts. I am only stating——

Mr. HOLLAND. If the Senator will permit me to finish——

Mr. KENNEDY of Massachusetts. I am glad to do so.

Mr. HOLLAND. I hope this will be for the information of the distinguished Senator, that this was the situation as to the Thirteen Original States. The Senator will not deny that, because he knows that the words I have spoken are true. He knows also that there were two States which did not have a constitution at that time—I believe they were Connecticut and Rhode Island. Rhode Island did not frame its constitution until 1842, and then placed in the wording of its constitution, even at that late time, more than half a century after the other, the same kind of words, the same kind of qualifications, and made it distinctly clear that they, too, were relying upon the continuance of qualifications as they existed at the time of the framing of the Constitution. This, by the way, applied to them at that time under the colonial charter, or under statutes passed by their colonial assemblies prior to that time.

There was not 1 of the 13 States which did not have, either in its constitution or in its then basic law, a colonial charter—in two cases—or in statutes passed by the colonial assemblies, provisions which were more far reaching in the imposition of property requirements and taxpaying requirements. The poll tax requirement was actually in the New Hampshire constitution.

I repeat that at the time of the adoption of the New Hampshire constitution, it was made abundantly clear that they wished to be a little more liberal in trying to help their citizens qualify to vote than had been the case in any one of the 12 States which comprised, with New Hampshire, the Thirteen Original States.

I have not heard any Senator on the floor of the Senate, in my nearly 19 years of service, deny or take issue with anything that I have said up to this time on this subject, because it happens to be the truth historically. I have the recitals on every one of the constitutions. I do not wish to burden the RECORD with those recitals. I also have the recitals of the colonial charters, and I also have the statutes of the two States which were operating under colonial charters.

There is no doubt that that was the case; and any case which the distinguished Senator and his associates might claim or might try to make, must be based on something that has happened since that time, and not upon what was required in the original Constitution, again reaffirmed in the Rhode Island charter of 1842—and I shall come to that—also reaffirmed in 1913 with the adoption of the 17th amendment, which took place well after the adoption of the 14th and 15th amendments.

My distinguished friends like to refer to the 14th and 15th amendments and say that they were adopted at a certain date, and that ever since that date this has been the case. The odd part about it is that no one else has had that idea occur to him in all these years, or has advanced it on the floor of the Senate. No one seems to wish to pay any attention to the 17th amendment, which was adopted in 1913. If there be any validity in the claim of our friends that the 14th and 15th amendments by reason of certain vague references therein automatically knocked out something that had been basic in our Constitution from 1789, I do not see how they are going to escape the conclusion that adoption of the 17th amendment in 1913 reaffirmed, and I believe reestablished, the law which had not been questioned in that period of time—operating from 1868 and 1869 up to 1913.

Mr. TYDINGS. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to the Senator from Maryland.

Mr. TYDINGS. The Senator from Florida is a distinguished historian, and can speak in his own right on the poll tax question. If I am not mistaken, when the distinguished Senator from Florida was Governor of that great State, he personally led the fight in Florida.

Mr. HOLLAND. I thank my friend, the Senator from Maryland, for putting that crown upon my brow, but the poll tax was knocked out in Florida in 1937 well before I was Governor, when I was a member of the State senate, and I supported the enactment of the statute.

Under Florida law, the constitution permits the legislature to enact statutes setting up a poll tax of not to exceed a dollar a year, and to make that a requirement for qualification for voting.

The legislature had proceeded under this statute before that time and had established the poll tax requirement. In 1937, we eliminated it.

Before the Senator from Maryland came to the Chamber, I mentioned, more or less facetiously, but it happened to be true, that various columnists and others—and, of course, columnists are always said to know more about politics than we do—had said that by voting to eliminate the poll tax, I had eliminated myself from preferment thereafter in State politics in Florida. But that did not prove to be true, because I believe people wanted to do the right thing, and when they saw their servant trying to do what he thought was right they were quick to forgive and quick to forget. They obviously have forgiven and have forgotten in that case.

I now yield again to the Senator from Maryland.

Mr. TYDINGS. The point I wish to make is this: Although it is true that in the early years of our Republic property was a qualification for voting, and the poll tax or head tax was a substitute for the holding of property, as our country grew under our great Democratic Presidents, first Jefferson and then Jackson, is it not a fact that the franchise was consistently broadened; that is to say, legislation and every constitutional amendment which has been adopted have had the effect of broadening the franchise?

Mr. HOLLAND. The Senator is correct. What I am suggesting is a constitutional amendment as the proper way of dealing with this subject. That is what we did in the case of the 24th amendment, with respect to the Federal question, by eliminating the poll tax as a requirement for voting for federally elected officials.

Mr. TYDINGS. My next point is that, particularly in the great States of Texas, Alabama, and Mississippi, which were especially closely allied with the forces of the new democracy under Andrew Jackson, the head tax, the poll tax, and similar types of tax as a prerequisite for voting were eliminated prior to the Civil War. As the result of the tragic Reconstruction period after the Civil War, subsequent to the adoption of the 14th and 15th amendments, the poll tax and other devices were adopted as a means of circumventing the 14th and 15th amendments, and thus limiting the franchise.

Mr. HOLLAND. They were adopted partially for that purpose. They were also adopted—and I regret to say this—to limit the franchise with respect to all people. Let me give the distinguished Senator one brief page out of my own book. When we eliminated the poll tax as a requirement for voting for all purposes in Florida in 1937, the primary was the business part of an election; that was the final thing. There was the white primary. The Senator knows that the white primary existed until about 1944, when the Federal courts eliminated it.

The point I am making is that at the first primary election following elimination of the poll tax, the total number of Florida citizens who voted and participated increased about three times as fast as the population had increased during that period of time.

Also, not only did participation by white citizens greatly increase, but the purity of government in various counties that had been controllable through the poll tax system was greatly enhanced.

It was not a matter at that time of affecting the Negro vote, except incidentally, because few Negroes voted in the general election. In the main, however, it was to purify the primary election and to allow more people to participate.

I agree with the Senator from Maryland that the results that flow from the imposition of the poll tax are not good. I have tried to eliminate the poll tax probably for as long as the Senator has been alive, and have always tried to do so in constitutional ways. My feeling is that we are getting along rather rapidly in that direction.

The 24th amendment was adopted a little more than a year ago. I cannot remember the date. The record will show it.

Mr. TYDINGS. Mr. President, will the Senator yield on that point?

Mr. HOLLAND. I should like to finish this statement first. Last November Arkansas eliminated its poll tax for all purposes, reducing the number of States from five to four. I cannot help but think that the adoption of the 24th amendment played a part in that action. The States of South Carolina and Tennessee eliminated their poll taxes while we were considering the 24th amendment, in earlier years. I would like to think that the fact that we were urging that action had something to do with it.

Only last week the upper house of the Alabama Legislature voted overwhelmingly to submit to the people of the State the repeal of the poll tax in the Alabama constitution. I regret to say that the House did not take action before the adjournment of the special session of the Alabama Legislature.

However, it is quite clear that that is what is taking place. I do not like the particular means adopted, which I believe to be unconstitutional. I do not like to see this spoke-in-the-wheel attempt, that will be resented, take the place of the orderly method of eliminating the poll tax for all purposes in the four remaining States in the next few years.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. TYDINGS. Would it be a fair statement to say that one of the tragic aspects of the poll tax as a prerequisite to voting is that it works very largely against that sector of the population that works on the farms, who have very little hard cash available for any purpose, poll tax or any other, and that when they must pay $2 per family, in a small family working on the soil, sometimes it is a hardship to pay that amount for the right to vote?

Mr. HOLLAND. The Senator is right. The payment of the poll tax imposes a greater hardship upon people of modest means than it does upon others, but by no means is that the only ill that comes out of it. There is the carelessness of thousands and thousands of people who are eliminated from voting every year in the poll tax States. The husband, when he pays the poll tax, may forget to pay his wife's poll tax. Perhaps people let the final day for the payment of the poll tax slip by. That is one of the ill effects.

Another ill effect, which I have already mentioned briefly, is that it leads to corruption in government at the local level, particularly in the county government in the small counties, because a few of the courthouse officials, so called, by being able to pay the tax for people who otherwise would not pay the tax, can exact from them certain votes, paying no attention to how they vote on other issues. That has brought about corruption. The Senator knows that this is one of the bad results of the poll tax requirement.

Therefore, the result named by the Senator from Maryland is only one of the three bad results that come from the imposition of the poll tax.

I believe I know something about the subject, because I have seen what has happened under the poll tax system, and I have seen what has happened after the poll tax had been eliminated. I have seen greater participation, in the first instance only with respect to white voters, and in recent years also with respect to colored voters. There are more than 300,000 qualified colored voters in Florida. My own feeling is that we should eliminate the poll tax. But let the Senator from Maryland not be so eager—because he has a fine end in view—that he will adopt means which are questionable, as stated by the Attorney General, and which so many lawyers have said are completely unconstitutional.

I do not believe the Senator can forget that able lawyers like Mr. O'Mahoney, Mr. Borah, Mr. Taft, Mr. Millikin, and Mr. George stated unqualifiedly their conviction that to deal with this subject by statute is a hopelessly unconstitutional approach. I shall not forget that. I believe that if it was unconstitutional then, it is unconstitutional now. It is the same good Constitution, thank the Lord, and it must be interpreted as the framers interpreted it. Those who wish to put into it a meaning not understood at that time and not meant at that time and relied upon by the States in adopting it, and relied upon later in 1913 by the States in approving the 17th amendment are, I believe, taking a shortcut which they will later deeply regret.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield again to the Senator from Maryland.

Mr. TYDINGS. I should like to discuss a little more the problem which the Senator so very eloquently described; namely, the problem of the marginal family. I refer to a State such as Mississippi, where the per capita personal income in 1962 was $1,282, which amounted to approximately $24 a week. The back poll tax of $4, cumulative 2 years, which a person in that State would have to pay would be equal to 1 day's pay.

The median family income for Negro farmers overall in Mississippi was less than $995. The weekly income would be under $20. That poll tax would amount to one-fifth of the weekly budget of that family.

We all know, I believe, that in recent years, particularly, it has been more and more difficult for the small farmer to make ends meet. First, he is in competition with the big packers and the big canners who contract large fields from large holders. Unless he has credit, he cannot afford to purchase the farm machinery and equipment necessary to enable him to compete. He cannot afford to purchase fertilizer. At times he cannot even afford to purchase the necessary things for his own family. So when we are talking about $20 a week or $24 or $25 a week for the small farmer, white or black, we are talking about a real sacrifice.

When it comes to the choice of whether a child might have a new dress for commencement or whether or not a child would have even carfare to go to the State university to apply for a scholarship, let alone to go to school, or whether or not to pay the poll tax, is it not a great hardship on the individual farmer or any member of his family to pay the poll tax?

Mr. HOLLAND. It is a greater hardship upon such a family than it is upon a person who is not in such modest circumstances. I believe I have already stated that. That is one of the grave objections to the poll tax system. But that fact does not justify an unconstitutional approach. It does not justify an approach which I believe would turn back the wheels of progress and not get us quite speedily to some solution. My own preference on the subject would be for those who believe in the proposed course to offer a constitutional amendment. I fought for one for 13 years in the field that I thought was most desirable. That was the elimination of the poll tax requirement in voting for Federal officials; and that amendment is now in the Constitution. With the present temper of the country, I believe there would be little delay in obtaining approval of such an amendment as the Senator proposes.

But I do not like to see the question handled in this quite youthful manner, if I may say so. Youth is always eager; youth is always full of vigor—and I am happy that that is the case—but they are not always sound. That is one of those circumstances in which they are not sound; and I hope that they will look back at the statements made by Senators who were well qualified and distinguished constitutional lawyers and find out what firm convictions they had on this subject.

The Senator from Maryland was not here at the time, but I hope he will remember that 77 Senators, including the Senator from Florida, joined in supporting the 24th amendment. That was no idle gesture on their part. Some of them may have thought that it was the best way to accomplish the desired result. But many thought that that was the only way to get it done. Certainly it was done very quickly.

I cannot understand the enthusiasm which leads to undue haste in an effort to improve the administration bill, to override the Attorney General's judgment, to override the judgment of the majority leader and the minority leader, and try to force something into the bill which I believe would be very harmful.

I remind the distinguished Senator that the same vote, a two-thirds vote, which would approve a constitutional amendment, is required to bring about a cloture proceeding; and a cloture proceeding might well be required if the poll tax provision were to remain in the bill, although I do not believe that it will be required if the poll tax proposal is removed or rejected.

Mr. TYDINGS. I am sure that the Senator from Florida is familiar with the circumstances, the background, and the history surrounding the adoption of the 14th amendment.

Mr. HOLLAND. Yes. I believe that was one of the most disgraceful events in American history. It is something we now have to put up with. Our legislature in Florida was called into session by General Meade, who was the general in command of the division in the Southeastern States—certainly Georgia and Florida—and perhaps other States. He was in close touch with the legislature at all stages. I have a complete record of that in my office. If the distinguished Senator from Maryland would like to come over and view it, he will see that three separate constitutions were adopted by that particular constitutional convention, from whose membership former Confederate officers and soldiers were banned. The Senator will find that there were enough questions arising from that constitutional convention to puzzle us all the rest of our lives. That was only one of several rather disgraceful occasions which were relied upon when great States of the North and the West refused to adopt the 14th amendment. To the contrary, Thaddeus Stevens, Senator Sumner and others had to get the votes of the Southern States or lose the 14th amendment. So they got them by preventing Senators and House Members from the Southern States from taking their seats until new constitutional conventions could be called as directed by the military commanders and new constitutions adopted.

The provisions of the 14th and 15th amendments were adopted. The whole business is one that I do not like to remember, but it is now a part of our history. The 14th and 15th amendments are both deeply engrained in our Constitution. I would not take them out at this stage. We have too much history based upon them.

I am sorry that the Senator reminded me of the unfortunate conditions that existed in connection with the adoption of the 14th amendment.

Mr. TYDINGS. I remind the Senator that the last clause of section 1 of that amendment provides that no States shall "deny to any person within its jurisdiction the equal protection of the laws."

A great many of us feel that that particular line of that particular section of the Constitution provides a fundamental protection for the American people. I do not see how the Senator can argue that to permit someone who is fortunate enough in life either to have inherited wealth or to have had such success or fortune as to be able to pay a poll tax with, say, one-tenth of 1 percent of his year's salary, and to say that the same protection under the laws is provided to some poor marginal dirt farmer who has to pay one-fifth of his family's paycheck for the right to vote, and to say that that is equal protection of the laws, because I do not think it is. I believe that the right to vote is fundamental. Whether or not a man makes $100 a week, $24 a week, or any other amount should not make any difference. When we require a man to pay any sum—when we require him to make a choice between giving his children three square meals on a given day and paying a poll tax—so that he may have the right to vote, this is not equal protection of the laws.

Mr. HOLLAND. I appreciate the enthusiasm of the Senator from Maryland. I find myself much in sympathy with what he has said. But all that he has said does not change the meaning of the Constitution. I refer at this time to the Senate Manual, which states that the 14th amendment was rejected by the State of Maryland on March 23, 1867.

Mr. TYDINGS. Maryland ratified it in 1963.

Mr. HOLLAND. In 1963, the State of Maryland decided, along the lines I have just stated, that by that time the situation had become such a figment in our history that there was not much to do but to go along with it. However, that does not change the fact that the Senator's great State was one of the States that declined to go along with it, which made it necessary for Thaddeus Stevens, Charles Sumner, and others of their ilk to force the amendment down the throats of the Southern States under coercion; and it was adopted only by duress and coercion.

If the Senator wishes me to do so, I shall read the names of the other States that declined to approve the amendment.

I observe in the Chamber the distinguished Senator from Kentucky [Mr. COOPER]. Kentucky was one of the States which declined to approve it, and rejected it. New York and California were two States which first approved the amendment but later withdrew their approval. It is a rather disgraceful chapter in our history, but it is something that we have to live with.

I am not questioning it; I merely say that the facts as stated by the Senator from Maryland, which I shall not question, do not change the constitutional aspects.

Mr. COOPER. Mr. President, will the Senator yield to permit me to ask a few questions?

Mr. HOLLAND. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. The Senator may be planning to develop these points in his speech, but I should like to propound some questions I directed earlier to the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New York [Mr. JAVITS]. I know that the Senator from Florida is a great constitutional lawyer.

Mr. HOLLAND. I certainly deny that. I shall not fall heir to the difficulty that so many Senators immediately fall heir to when they become Senators. I am a country lawyer who has had a good, long practice. I do not claim to be a distinguished constitutional expert.

Mr. COOPER. I will put it this way: The Senator has studied the Constitution and has studied this issue carefully.

Mr. HOLLAND. I thank the Senator.

Mr. COOPER. The Senator from Florida was the sponsor of the 24th amendment to the Constitution.

I have said many times that whenever a constitutional question arises in the Senate, any Senator who has been a lawyer begins to think he is a great constitutional lawyer. I doubt that it is correct; but anyway, we like to think so.

Mr. HOLLAND. The Senator from Kentucky, with his distinguished service as a circuit judge for many years, has more claim to that distinction than has the Senator from Florida.

Mr. COOPER. I thank the Senator; but I, too, was a circuit judge in a rural area.

I know that some of my questions will be based upon assumptions with which the Senator from Florida probably will not agree. But I believe the Senator will agree with this statement. It is clear that the States can fix reasonable qualifications for voting. Also, the courts have held that State qualifications cannot be used to override the constitutional protections for voters, particularly the 15th amendment.

I have directed my questions to several Senators who are interested in the amendment offered by the Senator from Massachusetts, and also the amendment proposed by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

Assuming that Congress can enact legislation to strike down literacy tests, or at least to suspend literacy tests, when they are used to discriminate against voters, would it not be logical to say that Congress could similarly suspend, at least suspend poll tax qualifications if it could be demonstrated that the poll tax had been used to discriminate against voters on account of color or race?

Mr. HOLLAND. In the first place, the Senator from Kentucky knows that the proposed amendment would not suspend, but would strike down.

Mr. COOPER. I know that.

Mr. HOLLAND. I hope the Senator would not support a measure which would strike down.

Mr. COOPER. I am seeking knowledge. I do not know what the position of the Senator is. Perhaps he believes that the entire bill is unconstitutional. But if one assumes as I do that the part of the bill which deals with literacy tests is constitutional when it can be shown that the tests are used discriminatorily, and the tests can then be suspended, is it not equally logical and consistent to hold that if it can be shown that the poll tax is used to prevent a person from voting because of his race or color, it, too, could at least be suspended?

Mr. HOLLAND. Without question, I believe relief could be had in cases in which there had been abuse or improper use. That is different from either suspending or eliminating the provision embraced in the Constitution of a sovereign State. A State might have 50 counties. One county might abuse the provisions of the poll tax law in the way the Senator has suggested; the other 49 counties might not. To say that the proposed amendment could be used to eliminate—not to suspend; this amendment would provide for the knocking out of the poll tax—flies in the very face of the Constitution; and I could not, under any circumstances, support it.

Mr. COOPER. I understand what the bill proposes; I should like to have the Senator's view on the question I have propounded.

Mr. HOLLAND. I should be happy to let the Senator proceed; but since he has mentioned literacy tests, I do not think they can be suspended. Where they are abused, relief can be had from those abuses. Relief can be had in the courts. I do not like to see a manifest bypassing of the courts. I do not like to think of Congress giving to the Attorney General, no matter how dedicated he may be, the authority, by his sole finding, a finding which would not be subject to appeal or to review in any court, the right to bring a sovereign State into a situation in which, under the bill, the provisions of its constitution, adopted in conformity with the Federal Constitution, would be suspended. To my mind, that would be almost treasonable, as I see the importance of it; and I do not believe it could be done.

Mr. COOPER. I am aware of the Senator's objections to the bill, but I am limiting my question to a situation which is held by the sponsors of the bill, that literacy tests can be suspended when it is shown that they have been used in a discriminatory manner. Does the Senator agree with that position?

Mr. HOLLAND. I do not agree that there could be any suspension of constitutional authority.

Mr. COOPER. If it could be shown that a poll tax was similarly used discriminatorily, is it not correct that the same action could be taken as could be taken as with respect to literacy tests?

Mr. HOLLAND. I think both practices are in the same category. Where they are used manifestly to discriminate as to race or color, they are in contravention of the 15th amendment. But I do not believe in a "shotgun" handling of the problem by merely having the Attorney General hand down a finding that in a certain State that kind of activity has been engaged in, and that thereby the constitution of that State shall be terminated or suspended in that regard. One of the provisions of the bill suspends and the other terminates. I do not believe that is constitutional.

I have never heard any Senator of the caliber mentioned in my earlier mention of Senators take the position that we could do that kind of thing and still conform to the U.S. Constitution.

Mr. COOPER. Mr. President, the leadership has offered an amendment which states that the Congress finds evidence that the poll tax has been used to deny the vote, but the bill does not seek the remedy applied to literacy tests.

Mr. HOLLAND. Mr. President, I agree with the Senator. I am sorry that the two distinguished leaders did not go as far as they should. I approve only of their treatment of the poll tax.

I am glad they have taken a sound approach on this question. Incidentally, they have taken the administration approach. That approach is sounder than that which has been put in the bill by members of the Committee on the Judiciary who think that these shortcuts can be taken.

I understand that my time is rapidly coming to a close. For that reason, I shall first read quotations from the decision of the Supreme Court in Breedlove against Suttles, decided in 1937.

Mr. Justice Butler in the unanimous opinion of the Court stated:

> Payment of the tax as a prerequisite (to voting) is not required for the purpose of denying or abridging the privilege of voting. * * * Exaction of payment before registration undoubtedly serves to aid collection from electors desiring to vote, but that use of the States' power is not prevented by the Federal Constitution. * * * To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

I call the attention of my learned friends on the opposition side to the fact that this last outstanding opinion of the Supreme Court makes it very clear that the poll tax is legal under the 14th amendment. We have heard much talk about that amendment.

As to the 17th amendment, which was submitted in 1912 or 1913, and adopted quickly thereafter, I ask unanimous consent that the first paragraph of the text of that amendment be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. HOLLAND. Mr. President, I have had that excerpt ordered to be printed in the RECORD merely to show that exactly the same wording as was included in section 2, article I, of the Constitution in the framing of the Constitution was provided in this provision, which was dated in 1913.

Mr. President, I have heard advocates of statutory repeal rely upon the fact that section 4 of article I provides that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof. This is the part that is always quoted by our friends: "but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Mr. President, anyone reading that language ought to see that it applies only to the times, places, and manner of holding elections, not to the qualifications of voters. Yet, I have heard it argued, not once, but a dozen times on the floor of the Senate, that that provision gives the U.S. Congress the power to knock out the poll tax by statutory action.

Mr. President, without arguing this question at any great length, I point out that in the case of Newberry against the United States, decided in 1921, it was made very clear that that provision applies only to the manner of holding elections, and not to the qualifications of the electors.

Mr. President, I ask unanimous consent to have an excerpt from the transcript of committee hearings on Poll Tax and Enfranchisement of District of Columbia, dealing with the decision in Newberry against the United States printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEWBERRY *v.* UNITED STATES

> The authority of the Federal Government to regulate elections under article I, section 4 was further defined in 1921 in the case of *Newberry* v. *U.S.* (256 U.S. 232). Mr. Justice Pitney, speaking on behalf of Justices Brandeis, Clark, and himself, in a concurring opinion, which dissented on one main point in the case, said that section 4 "does not confer a general power to regulate elections, but only to regulate 'the manner of holding' them. But this can mean nothing less than the entire mode of procedure—the essence, not merely the form of conducting elections."
>
> And, in its majority opinion in this case, the Court said:
>
> "We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite, undefined power over elections for Senators and Representatives not derived from section 4. The Government, then, of the United States, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication."

Mr. HOLLAND. Mr. President, our very resourceful friends have come down to the point where they interpret the 15th amendment and the 14th amendment—adopted nearly 100 years ago—as permitting the action which they have been trying to take for a period of years in Congress under other provisions of the law and other provisions of the Constitution.

I do not believe that they can do so. I think that they must proceed by means of a constitutional amendment. However, I shall deal with that in a moment.

Mr. President, I ask unanimous consent that the text of the 24th amendment be printed at this point in the RECORD.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

ARTICLE XXIV

> SECTION 1. Payment of poll tax or other taxes not to be prerequisite for voting in Federal elections. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reasons of failure to pay any poll tax or other tax.
>
> SEC. 2. Enforcement. The Congress shall have the power to enforce this article by appropriate legislation.

Mr. HOLLAND. Mr. President, I read from the decision of the Supreme Court in the case of Harman against Forssenius, decided just a few days ago, which decision reads in part:

> The issue here is whether the State of Virginia may constitutionally confront the Federal voter with a requirement that he either pay the customary poll taxes as required for State elections or file a certificate of residence. We conclude that this requirement constitutes an abridgment of the right to vote in Federal elections in contravention of the 24th amendment.

Mr. President, it is quite evident from this decision that the Court approved of the 24th amendment, as it should, and that the 24th amendment means what it says. It knocks out the requirement of the poll tax as a requirement for voting for Federal officials. Not only does the decision do that, but also it prevents any abridgment of the right of electors by reason of their failure to pay poll taxes. The State of Virginia, according to this decision, attempted to abridge or reduce the right of electors by a statute which they passed and which was knocked out by this decision.

Mr. President, I noticed an article published in the Washington Post recently, written by William Chapman, one of its writers, which deals with the decision of the Supreme Court in the case of Harman against Forssenius and how it affects the 24th amendment.

Mr. President, without encumbering the RECORD, I shall read three paragraphs from that article, which happen to be true. They read:

A MILLION VOTERS

> How succesful was the poll tax in limiting the electorate? The 1964 presidential election offers a handy gage. It was the first modern election in Virginia without a poll tax requirement and the certificates plan already had been declared unconstitutional by a three-judge Federal court.
>
> For the first time in history, more than a million Virginians went to the polls. The vote was 271,000 larger than in 1960, representing the largest between-elections increase in Virginia's history. About 33 percent of the voting-age population went to the polls in 1960; 41 percent did so in 1964.
>
> As a University of Virginia political scientist, Ralph Eisenberg, observed: "The removal of the poll tax * * * as a requirement for voting in Federal elections was the principal factor responsible for the impressive turnout."

Mr. President, that is only an example of what we accomplish when we go about things in a constitutional way. I want this case to be undertaken in a constitutional way. Incidentally, the attorney general of Texas ruled last year that more than 100,000 voters who had not paid a poll tax had qualified for voting in the presidential election of 1964, under the 24th amendment to the Constitution, thus greatly enlarging the participation of the electorate in that State.

To come back to the 17th amendment, which is something that seems to have been forgotten by our distinguished friends of the opposition, I want to dwell on it because both legal and moral questions are involved.

As to the legal questions, the fact is that the framers of the amendment in 1912—or even later, because it was adopted by the States in the following year—made it very clear that they believed in the provision for the qualifications of electors that had been prescribed in the original Constitution by including in that amendment, applicable to the direct election of the U.S. Senators, the identical provision, in the same words, that had been placed in section 2, article I of the original Constitution.

That shows that our friends who were in the Senate and the House, who submitted the amendment to the States—and it was adopted by more than the three-quarters necessary to adopt the amendment—did it against the background of argument in debate in the Senate and the House, which made it abundantly clear that this amendment would not take away from the States the right to control the qualifications of their own electors.

I wish to read hurriedly three quotations from the debates in the two Houses at that time as the 17th amendment was being considered. The first is the argument by Senator Borah on this subject on June 12, 1911, which appears on page 1890. Senator Borah said:

> The first proposition is that the State alone can determine the qualifications of the voter. The National Government has no power, aside from the proposition of preventing discrimination, to interfere with any qualification which the State fixes with reference to the voter. Whenever the State determines who shall vote at an election, if there is no element of discrimination such as is covered by the 15th amendment, Congress cannot interfere with the action of the State.

Congressman Hobson, of Alabama, speaking in the House on May 13, 1912—page 6356 of the CONGRESSIONAL RECORD—said:

> I am in favor of taking action now that will insure the submission of this amendment. The part of the amendment that provides for the qualifications of electors for Senators guarantees the complete control of the electors in each State by the State itself. That part of the bill is fundamental and protects the States against danger of Federal interference. The power of Congress to control the time, place, and manner of election is really only an incidental matter in comparison with the control of the qualifications of electors.

Congressman Taggart, speaking in the House on May 13, 1912—page 6359 of the RECORD—said:

> Suffrage was conferred upon the Negro by the Southern States themselves. Under the Constitution every State can prescribe its own qualifications for suffrage, with the single exception that no State can deny or abridge the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude.

Mr. President, I read these quotations, and I shall read further, because I do not think Senators realize that the amendment would not have been submitted except by the votes of southern

Senators and Representatives from States that had poll tax requirements in their constitutions. It would not have been ratified except for the approval of five Southern States that had poll tax requirements in their constitutions. Four of those five States had to ratify to make ratification complete.

I have here the names of the Senators from the South who voted for submission of the 17th amendment for ratification, whose States were at that time imposing poll taxes, either constitutionally or in a statutory way:

From Texas, Senator Joseph W. Bailey and Senator Charles A. Culbertson.

From Arkansas, Senator James P. Clark and Senator Jeff Davis.

From South Carolina, Senator Ellison D. Smith, whom many of us have known in his later years.

From Tennessee, Senator Luke Lea.

From North Carolina, Senator F. M. Simmons.

From Virginia, Senator Thomas S. Martin and Senator Claude A. Swanson.

From Florida, Senator Nathan P. Bryan.

Ten southern Senators voted for the submission of that constitutional amendment. It is interesting to note that if they had not voted for it the constitutional amendment could not have been submitted, because the final vote, after a great deal of debate and jockeying and some other votes, was 64 to 24. This is found on page 1925 of the CONGRESSIONAL RECORD for 1911.

If those ten Senators had changed their votes, the vote would have been 54 to 34, and the amendment would not have been submitted.

So we have a background of this amendment having been submitted by a necessary number of votes by southern Senators who represented sovereign States that had poll tax requirements in their constitutions, and who were reassured by what was said on the floors of both the House and the Senate at that time indicating that the States would continue to have the unimpaired right to control the qualifications of their electors.

The story goes further than that. It shows that when the ratifying time came, the States which ratified were more than enough to ratify—one more. Four of the States that voted for ratification—Texas, Arkansas, Tennessee, and North Carolina—had poll tax requirements in their constitutions, but supported ratification of the 17th amendment and made it possible.

South Carolina did not support ratification. I mention it because I mentioned South Carolina before.

Here we have an amendment that not only continued the traditional method of qualifying electors as stated so ably by James Madison, as contained in section 2, article 1, containing the same words in 1911 as applicable to U.S. Senators, but continued it in statements made on the floors of both the House and the Senate; namely, that the qualifications of electors by States would be unimpaired and would continue as it was.

The votes of four States with poll tax constitutional provisions were necessary for the ratification of the amendment, and it was ratified.

I do not believe Senators know about this.

I do not believe the average Senator wants to overlook the moral question. There is a moral question involved. The 17th amendment very clearly not only contained, but continued, the important provision of qualifying electors under State law, as had been done since the framing of the Constitution in 1887, and as adopted in 1889, and as it had been carried forward all the way through.

I would dislike to think that all the lawyers who have served in the House and the Senate have been blind to the 14th and 15th amendments in the almost 100 years that have elapsed since that time and during the time when poll tax repeal was an active and contentious issue in both Houses. I do not think anyone woke up to find he had been overlooking the real key to this question. On the contrary, I believe the sound conclusion of those able lawyers who have studied the question and have retained this right to fix the qualifications of their electors in the States was right, and that it is still the law and the constitutional provision of the United States.

Mr. President, there are many other points which I should like to make on this question, but on this moral question I am not going to say any more, because I believe Senators will regard very carefully the basic fact that I have brought out—that we had the concurrence of those Southern States in ratifying the 17th amendment. Without the ratifying votes of Senators—and Representatives, too, if one wants to examine the rollcall in the House—the amendment would not have been submitted. They had a right to rely upon the argument stated time and time again in the debates that the right of the States to fix the qualifications of their electors would not be impaired by the adoption of the amendment.

I do not believe that the amendment could have been adopted if any such contention as that now made had been advanced at that time, or any such interpretation of the meaning of the amendment had been made at that time.

Senators are practical individuals. We may not all be great constitutional lawyers, but we are practical political people. We have come up through the steps of politics. We know something about politics. I ask Senators to ponder in their own minds this practical question: Could the 17th amendment have possibly been adopted under the facts I have stated unless it had been thoroughly understood that the original provisions of the Constitution giving to the States sole control of the qualifications of electors would remain unimpaired?

I cannot say which of the Southern States would have voted to submit—and they were necessary for the submission of the amendment—if it had been explained to them that someone was claiming that this would change the whole qualification of electors and would leave it so that Congress could at any time knock out the right of the States to fix the qualifications of their electors.

I do not believe that any time the five Southern States have had a poll tax provision in their constitutions they would have ratified this constitutional amendment except upon the belief that their right was unimpaired, to continue to fix the qualification of their electors in exactly the same way that it had been done since the Founding Fathers put it in, back in 1787, as a necessary condition to assure a real opportunity for ratification of the Constitution by the required number of the Original Thirteen States.

Mr. President, that is the moral question in this matter. I leave it to the consciences of Senators. I hope that when Senators reach the point where they are wrestling with their consciences as to what they would like to do, this will be one time that their consciences will prevail and that the moral aspect of the question will be given thorough and full concern.

I applaud the action of the majority leader and the minority leader in moving to replace this obnoxious provision with reference to knocking out the poll tax by statute and replacing it with one which merely requires an early and immediate test in the courts to see whether the present Court—and everyone knows that the present Court has different opinions, and different ideas in some fields, some of which I greatly regret—will by its own action affirm—as I believe it should—the rights of the States to require a poll tax as a prerequisite to voting in State and local elections.

The matter is moving rapidly. As shown by the clipping which I read covering the situation, many thousands of citizens voted last November who could not have voted if the poll tax requirement had been insisted upon.

As I have already stated, the same situation obtained in Texas. I am satisfied that the same situation existed in other affected States, but I have no accurate information to that effect.

I have a letter from the distinguished Governor of Texas, John Connally, stating that he strongly supports submission to his State of a constitutional amendment through which the collection of poll taxes as a requirement for voting in any election will be eliminated. I hope that the distinguished Governor will be successful in that objective.

I am still standing where I have been standing all these years; namely, for the elimination of the poll tax as a requirement for voting, but not by unconstitutional means and not by offering a gap in the armor of the Constitution through which temporary majorities of both Houses of Congress may find it desirable to vote many other suspensions of constitutional provisions, and in knocking out many other constitutional provisions.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. HOLLAND. Mr. President, inasmuch as the distinguished majority leader is not in the Chamber at this moment, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 additional minutes.

Mr. HOLLAND. The matter is moving rapidly, but our evangelistic friends think it should move faster. They might find that they would have made more speed in the long run if they submitted a constitutional amendment on the elimination of the poll tax in States and localities. After all, the majority which is required for cloture of Senate debate is required to submit a constitutional amendment.

Mr. President, one more statement and I shall be through. A great many people believe that all the efforts at the registration of additional voters in the South by the ardent leaders of the civil rights movement are welcomed by the Negro people of the communities to which those efforts are addressed. That does not happen to be the case.

For instance, in the city of Tallahassee, or in the county of which that city is the county seat—Leon County—there are more than 7,000 Negro citizens already registered. Notwithstanding that, Dr. Martin Luthur King announced that he is going to send in a battalion of his troops to register the remaining Negroes if he has to drag them to the registration poll. He did not say that, of course, but he is going to send them in.

Mr. President, this was immediately resented by the leaders of the civil rights movement—and there are leaders of that movement in Tallahassee. I read an article from the Miami Herald of April 16, 1965, with the dateline Tallahassee:

> Florida's capital will be a major target for Negro voter registration in the South this summer, a spokesman for the Southern Christian Leadership Conference (SCLC), said Thursday in Atlanta.
>
> In Tallahassee, Samuel A. Hunter, Negro coordinator of voter education activities there, told Dr. Martin Luther King, in a polite way, that he does not need help from King's SCLC in getting Negroes registered. Hunter is connected with the Community Action Awakening Crusade in Tallahassee.
>
> Fred Martin, who directs SCLC's summer community organization and political education project (SCOPE) said 40 students will work in Tallahassee and Leon County in a 10-week program, from June 20 to August 28.

Mr. President, 40 of them are being sent in to that county which has already more than 7,000 registered.

Continuing reading:

> Martin added that the SCLC will work with the National Association for the Advancement of Colored People (NAACP) to register 5,000 Negroes.
>
> While SCOPE will work in several other north Florida counties, Martin said, it will not compete with the Congress for Racial Equality (CORE) which also is planning voter projects in Leon, Liberty, and Gadsden Counties.
>
> Hunter, a school principal in Tallahassee, said there is no trouble in registering Negroes, but added that the main problem is apathy among Negro voters.
>
> He said Negro registration increased from 5,578 in 1963 to 7,397 in 1964.
>
> Hunter said although apathy appeared to be diminishing with time, "It would be my hope that SCLC and other groups would employ assistance where it is needed most—in some of the smaller counties in Florida and other States which are in need of stimulation much more than Tallahassee."
>
> Martin, in his Atlanta announcement, said while there were no legal problems in Tallahassee registration there were problems in creating Negro interest.
>
> Leon County (Tallahassee) has around 28,000 whites of voting age and about 12,300 Negroes of voting age. Martin said more than 7,000 Negroes are registered.
>
> He added: "I'd like to say we will register 5,000. However, it would be more realistic to say we hope to register 3,500 of the remaining 5,000. The last 10 or 15 percent really gets tough."

Mr. President, I have before me two quotations from the reports of the U.S. Civil Rights Commission of 1959 and 1961. In these excerpts the Commission refers to apathy, not interference, not violence, and not obstruction as the main responsibility for the trouble that is occurring in connection with Negro registration.

I ask unanimous consent that the two excerpts be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPT FROM 1959 U.S. COMMISSION ON CIVIL RIGHTS

(P. 52)

> But this only raises the question as to the cause of the racial disparity. Why are so few Negroes in some areas registered?
>
> Apathy is part of the answer. In Atlanta, from all accounts, Negroes can register freely and 29 percent have done so, but 44 percent of the whites have registered. Similarly, in New Orleans Parish, some 28 percent of the Negroes are registered, compared with 60 percent of the whites. It may be that a lesser proportion of Negroes than of whites are registered in Northern and Western States. Gallup polls indicate that outside the South the voting turnout of Negroes is less than that of whites; according to the Gallup surveys an average of 53 percent of Negroes voted in the four national elections from 1948 to 1954, compared with a white average of 61 percent. Such apathy may stem from lack of economic, educational, or other opportunities, but it does not constitute a denial of the right to vote.

EXCERPT FROM 1961 U.S. COMMISSION ON CIVIL RIGHTS REPORT—1. VOTING

(P. 22)

> The absence of complaints to the Commission, actions by the Department of Justice, private litigation, or other indications of discrimination, have led the Commission to conclude that, with the possible exception of a deterrent effect of the poll tax—which does not appear generally to be discriminatory upon the basis of race or color—Negroes now appear to encounter no significant racially motivated impediments to voting in 4 of the 12 Southern States: Arkansas, Oklahoma, Texas, and Virginia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

Mr. COOPER. Mr. President, will the Senator withhold his suggestion of the absence of a quorum?

Mr. HOLLAND. I am glad to withhold it. I understand this meets with the approval of the majority leader.

Mr. PELL. Mr. President, on behalf of the majority leader I yield 15 minutes to the Senator from Iowa.

THE ADMINISTRATION'S FARM BILL

Mr. MILLER. Mr. President, the editor of the Farm Journal, a highly respected farm magazine, has come out in the May issue with his assessment of the administration's farm bill.

He finds that—

> The result is a hodgepodge. It would extend for 2 years some of what we've had, make voluntary programs more compulsory than ever and put Government more firmly in control of farming.

While he concedes that there are some things he likes in the bill—the cropland retirement program, for example—there are more things he does not like.

For one, he feels that the Secretary of Agriculture—and again I quote—"would be handed an even bigger club than he has now." He finds that the Secretary of Agriculture would be the one setting prices, not the market.

And the editor concludes, after reviewing this proposal for unprecedented power:

> We submit that this is more authority and control than any man should have over the Nation's farmers.

The proposed legislation also would set up the Secretary of Agriculture as a judge in determining whether acreage will be reduced for a landowner who evicts or "otherwise mistreats" a tenant or sharecropper.

As the editor wisely points out:

> If we want social legislation let's pass such, but if we try to solve economic and social problems in the same bill will likely solve neither.

Mr. President, this editorial is must reading and and I ask unanimous consent that it be placed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOT WHAT FARMERS ASKED FOR

> "George, what in the world are we going to do about this farm problem?" the President is said to have asked a friend from the farm country recently.
>
> Judging by his new farm bill, it is still a good question. Delayed several times while it was puzzled over, the bill was toggled up this way and that, up to the moment it had to be pushed out on the stage for public inspection (without a cotton program).
>
> The result is a hodgepodge. It would extend for 2 years some of what we've had, make "voluntary" programs more compulsory than ever, and put Government more firmly in control of farming.
>
> There are some things in the bill that we like.
>
> One is the cropland retirement program for taking 40 million acres out of cultivation on a long-term basis. We have always thought this had more promise, at less cost, than annual acreage control. We'd like to see it extended to 80 million, with proper safeguards for individual counties, control of weeds, etc. If we took out enough land and had price floors based on the average of 3 years' market prices, we could do away with the whole rigmarole of annual programs and let farmers, not the Government, decide how to farm the rest.
>
> We favor the idea of taking some of the cost of farm programs off the tax bill and putting more of it on the cost of food. We aren't impressed with the hue and cry about a "bread tax." On their food bill consumers

have never had it so good. They've taken price rises from everybody else; it's about time they took a little from farmers. They aren't asked to take much anyway.

So long as we have acreage allotments, we favor letting farmers buy and sell them as they wish. We'd do away with limitations; we don't have any on buying and selling land, why on allotments?

There are more things we don't like.

The Secretary of Agriculture would be handed an even bigger club than he has now. If the price spread on wheat were anything like $1.25 a bushel, between those who comply and those who don't, and if the Secretary could dump CCC grain at 105 percent of the loan level, as he has done, it is ridiculous to say that farmers would have much "choice."

The Secretary would have too much power in other ways. He, not the market, would set prices, substituting the judgment of one man, and necessarily a politician at that, for the judgment of the many who make a market. He would determine the price of the certificates on wheat and rice. He could say what crops to raise on diverted acres. In feed grains, he could "determine the amount of the payments in kind." In the whole bill the Secretary can "authorize," "permit," "adjust," "determine," "prescribe," "proclaim," or have "authority" given to him no less than 124 times. We submit that this is more authority and control than any man should have over the Nation's farmers.

The bill is both a social welfare measure and a farm bill. It favors the small over the large. In rice it permits the Secretary to reduce acreage for anyone who "evicts" or "otherwise mistreats" a tenant or sharecropper, with the Secretary as judge. If on rice today, on what tomorrow?

If we want social legislation let's pass such, but if we try to solve economic and social problems in the same bill we'll likely solve neither.

Finally, the bill, far from simplifying anything, would cause farmers and their county ASCS committees to pore through an even thicker rulebook.

Farmers have told the world clearly enough what they want—less government in farming. Why not give it to them instead of this mess of controls?

FLOODS IN THE MIDWEST

Mr. MILLER. Mr. President, the people of the Midwest States of Iowa, Minnesota, Wisconsin, and Illinois this spring have faced up to—and overcome—the angry waters of rivers and the cruelty of tornadoes.

And although 12 lives have been lost and property damage has mounted to the $150-million mark, the people of these States have not faltered.

In touring the flood-ravaged areas of my own State of Iowa, I witnessed the valiant and unselfish efforts of young and old alike.

What I saw underscored the remarks of W. Earl Hall, former editor-publisher of the Mason City, Iowa, Globe-Gazette:

> We humans stand tallest when we are confronted by bad trouble.

The disasters of 1965 are told in the stories—

Of the 17-year-old Davenport, Iowa, girl, with her hands red and blistered from tying bailing twine around the necks of sandbags.

Of the woman who saved her busfare and donated it to flood victims because, as she told a Red Cross worker, "not all of us can throw sandbags. This is something I can do."

Of the Navy man who worked 24 hours straight because—as he remarked: "I think I owe it to the city. I feel the city has been good to me and this is the time when they really need help."

Of the youngsters who won the praise of their elders because—in the tribute paid to them—"nearly all of the town would be under water if it weren't for them." And these are the youngsters who, as one editorialist worded it, "should answer the critics who find youth irresponsible."

Mr. President, I have collected what I consider to be a representative cross section of articles relating to the unstinting efforts of those who surmounted adversity during the floods and I ask unanimous consent that they be placed in the RECORD.

First. "Humans Tallest When in Bad Trouble," from the Mason City, Iowa, Globe-Gazette, April 23, 1965.

Second. "Teens Name Queen of the Ties," "She Helps, Too," "Why Does He Work So Hard?" "People Keep Calling," "Weary Workers Raising Earthen Levee at Sabula," and "No Dropouts—These," all from the Davenport Times-Democrat.

Third. "Young Flood Fighters Win Praise," from the Cedar Rapids, Iowa, Gazette, of April 26, 1965.

Fourth. "Waterloo Battles Flooding Cedar—400 Families Flee," and "Scouts Help Fight Flood," from the Des Moines Register of April 8, 1965.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Mason City (Iowa) Globe-Gazette, Apr. 23, 1965]

HUMANS TALLEST WHEN IN BAD TROUBLE

(EDITOR'S NOTE.—W. Earl Hall, former Globe-Gazette editor and longtime volunteer Red Cross worker, has written the following personal observations on a trip Wednesday to the Mississippi flood area in Iowa.)

(By W. Earl Hall)

CLINTON.—A day spent in this flood-menaced community has impressed anew on me that we humans stand tallest when we are confronted by bad trouble.

Residents of this eastern Iowa River city who ordinarily take their neighbors for granted (even as you and I) are either joining them in their all-out effort to cope with the rising flood or offering a helping hand if they are fortunate enough to be above the flood's path.

This was notable everywhere you looked * * * on the dikes where people of all ages were toting sandbags * * * in the residential sections where neighbor was helping neighbor shore up against water damage * * * at the downtown Red Cross chapter house where thousands filed in for typhoid inoculation * * * at the VA domiciliary facility where volunteers for disaster duty were signing up while, nearby, those driven from their homes were finding food and shelter supplied by the Red Cross.

The vast establishment set up in World War I as Schick Hospital and converted later to domiciliary use by the Veterans' Administration is already serving a key role in Clinton's disaster relief effort and will have an expanded usefulness if the dike standing between Clinton and catastrophe gives way.

Some 60 families were being housed and fed as evacuees in the huge sprawling structures. This number could be multiplied by 10 in a few short hours if the murky Mississippi water rushes through a break in the levee. When it's sand versus water, water often proves the winner.

"We're all in this together," a friend of long standing on the staff of the Clinton Herald, observed to the writer. "It's to the interest of everybody to pull for the common good."

Earlier this year in northern California and Oregon I heard the same sentiment expressed on more than one occasion by those hit by the floods.

In the face of this grim prospect involving the immediate future, Clinton residents still manage to give thought to the long-term future.

"Our big mistake," one city official observed to the writer, "lay in assuming that the flood level reached here in the early fifties would never be exceeded. We didn't count on Minnesota's record snowfall. We didn't realize how dependent one part of the country, or the world, can be on another part."

This assumption, it was explained, led to a pronounced reluctance to erect adequate levees. "We were afraid," he pointed out with a wry smile, "that they would cut off our view of the river."

In the years ahead, he predicted, there will be not only a willingness but an insistence on doing whatever is needed to deal with a flood even greater than the present one.

Like Iowa's other river cities, Clinton has profited immensely in recent years from the barge service made possible by the Mississippi and the system of dams and locks up and down the mighty stream.

Industries such as the Du Pont plant at the southwest edge of Clinton have been attracted without any other special promotion or inducements.

Now the Du Pont factory is all but surrounded by water which has backed up into a small tributary stream from the swollen Mississippi. Like situations have developed upstream at Dubuque and at points farther downstream. * * * Davenport, Burlington, Muscatine, and Keokuk.

Added protection for these industrial developments, as well as providing levees more substantial than those made of sandbags for residential and business sections, will be receiving the earnest attention of these communities when the present crisis has become history.

[From the Davenport (Iowa) Times-Democrat, Apr. 21, 1965]

TEENS NAME "QUEEN OF THE TIES"

(By Ed Dailey)

A 17-year-old brunette reigns as "queen of the ties" along Davenport's sandbag levees.

She is Mary Weston, 2131 West Hayes Street, who was chosen by acclamation of her fellow teen workers.

Her crown is a bow of bailing twine tied in her long dark hair.

Mary, daughter of Mr. and Mrs. J. L. Beadle, has worked more than 40 hours on sandbagging since last Wednesday.

Sunday, when the sandbagging operation stopped for Easter, she worked 6 hours as a volunteer Mercy-ette at Mercy Hospital, Davenport.

She usually ties bailing twin around the necks of sandbags. Her hands, which have become red and blistered, trembled as she quickly tied and moved the 50-pound bags.

HELPS BUILD DIKES

She not only has tied bags but has spent time building the dikes and carrying the bags.

She said she believes in "becoming actively engaged and taking an interest in whatever catches your eye. You must be willing to work for each of the projects, because each takes a lot of time."

A junior at West High School, Mary has won more than 20 first places in debate and oratory contests in the last 2 years.

The National Forensic Society for debaters awarded her a degree. She has placed twice in the Veterans of Foreign Wars "I speak for democracy" contest.

ENGAGED IN RESEARCH

Mary has been engaged in radioactivity research 3 years. She won the American cancer award and two first-place ratings at the science fair for her work with radioactive isotopes on cancer and on radioactive iodine and phosphorus.

In 3 years, she has worked more than 800 volunteer hours as a Mercy-ette at Davenport's Mercy Hospital.

Sister Mary Eamon, RSM, director of the Mercy-ette program, said, "Mary is one of the finest girls; she is a refreshing and charming young lady."

"Physics and trigonometry are two real interesting subjects," Mary said, "and I am going to place more emphasis on them and debating."

She plans to take nurse training, study medicine and pathology.

Meanwhile, "I'll be down sandbagging at Third and Scott Streets tonight," the "queen of the ties" said.

[From the Davenport (Iowa) Times-Democrat, Apr. 28, 1965]

She Helps, Too

A woman walked into the Red Cross office at Davenport today and contributed $2 for flood victims.

"Not all of us can throw sandbags," she said. "This is something that I can do."

The woman said she saved the money from her bus fares since the Downtown Davenport Association offered free rides downtown to minimize traffic jams during the flood.

[From the Davenport (Iowa) Times-Democrat, Apr. 28, 1965]

Why Does He Work So Hard?

(By Robert Swanson)

"I think I owe it to the city."

That was the reply of Roger E. Smith, a Davenport Navy man of 5 months, when asked why he has volunteered so much time in battling the flood.

He is a resident of the village trailer court and has been fighting the high waters since his leave started April 11.

A civil defense official said that Smith, at one stretch, was working on his patrol "duck" 24 hours straight without any rest and then came back for another long trek after 5 hours of sleep.

Civil defense officials kept him away from the flood so he could get 24 hours of rest and spend some time with his relatives.

"I feel the city has been good to me," said Smith, "and this is the time when they really need help.

"It's just too bad, more haven't helped out.

"I'm proud of the young people of the community on how they have served."

Smith was critical of the adults for not offering to help.

"They can come down to the flood scene and look," he said, "but they never offer to do anything and they get in the way."

Smith said the Navy has given him an extension on his leave until May 11. He was due to return Sunday to San Diego, Calif.

He was back at his job today, intending to work another 18 hours.

[From the Davenport (Iowa) Times-Democrat, Apr. 28, 1965]

People Keep Calling

(By Fred Fedler)

"People keep calling. They want to know how they can help," Mrs. Melvin Bauguess, who is working in the Red Cross evacuation center at St. Mark Lutheran Church, said today.

"We've had a wonderful response from people bringing in food," said Mrs. Bauguess, who started work at 6:30 this morning and won't finish until 8 tonight.

She is a member of the church's kitchen committee, which is preparing food for 96 people.

"We've had a lot of food donated, but not just by individuals," she said. "One restaurant had to close and gave us practically everything they had.

"There's just a tremendous amount of cookies, and some cakes. We've had calls, in most cases from older people * * * maybe they know someone in the shelter. Most of them call ahead and ask what we need.

"The shelter is authorized to buy any other food it needs, but does not have on hand," Mrs. Bauguess continued.

"People here say they're eating pretty good. Some said they don't know whether they want to leave. Most are families with children who find it difficult to get a room anywhere else.

"In some cases they've lost everything, but they're eager to get back home and get things cleaned up," Mrs. Bauguess said.

Each day two women from other Davenport churches help prepare food at St. Mark, and women living in the shelter also have volunteered to help.

Last night, for example, they prepared ham, potatoes, corn, and bread pudding for supper. For breakfast today, people received scrambled eggs, toast, coffee, and milk. Chili was on the menu this noon.

[From the Davenport (Iowa) Times-Democrat, Apr. 25, 1965]

Weary Workers Raising Earthen Levee at Sabula

SABULA, Iowa.—"The men are dazed, they're so weary. It's hard to find supervisors for the work."

Thus commented a Preston, Iowa, volunteer who after only an hour's sleep Saturday rejoined the battle of this island community against the brawling Mississippi River flood already as much as 10 feet higher than street levels. The manmade dikes look puny against the swirling wall of water they must hold back.

The main effort was raising 2 miles of hastily bulldozed earthen levee from the end of big permanent North Dike on the Chicago, Milwaukee, St. Paul & Pacific Railroad tracks to a point deep in the timber called White Crossing. This dike is to keep Esmay Slough from spilling around the corner of the permanent dike.

The new effort on this front resulted from a combination of factors. One was a revised crest forecast for Sabula, from 24 to 24.5 feet due Tuesday. The other was the discovery that pressure of the swiftly moving mainstream—now estimated at up to 20 miles an hour here—is shoving against backwater in Esmay Slough with enough force to raise the level of the slough 1½ feet higher than the main channel.

National Guard Lt. Col. F. J. Kelly, Dubuque, whose district encompasses 165 miles of riverfront from Sabula northward, inspected the flood protection works here Saturday. A complement of 14 enlisted men and a first lieutenant has been here all week aiding the flood effort.

"Everything here is prefectly done. It is a wonderful effort on the part of everyone," Kelly said. "The only thing we found is one culvert that was overlooked; we are working to plug that. It isn't big enough to flood the town, but if we can stop it that will help control seepage which would flood basements and cause breaking up of streets."

By a stroke of fortune, the community "inherited" some 7,000 sandbags—already filled—when the Milwaukee Railroad abandoned its flood fighting at Green Island Friday night.

A call from railroad officials reached Ed Black, Preston publisher, that sandbags were on flatcars at Green Island and could be had for the taking.

"I blew the fire whistle and we went back and unloaded several cars between 2 and 5 a.m., Saturday," he said.

The bags were being deployed along River Drive here, where the rising Mississippi now is lapping at the top of the riprap wall.

Within the 5 miles of permanent and temporary levee guarding the town, another battle is being waged with pumps.

Richard Smith, Sabula, said 18 pumps are straining to return seepage to the mainstream and to lower the level of the lake which separates Sabula from the Iowa shore.

Smith quickly tallied the pumping capacity and calculated more than 1,300,000 gallons of water a minute was being pumped back to the river in an effort to keep the town reasonably dry. And already several blocks in the south part of town have water in them from seepage.

Informed of the higher crest forecast, he cursed softly and wondered where he'd get more pumps, and more firehose.

[From the Davenport (Iowa) Times-Democrat, Apr. 19, 1965]

No Dropouts These

If "youth will be served," it won't be denied either.

Youth is getting in some pretty good licks as this eastern Iowa and western Illinois border area takes on the Mississippi River.

So far, it has been the young people who most certainly have qualified for the citations for meritorious service. The mighty stream is surging toward a new crest. So is the spirit of the boys and girls of this region. It belongs to their elders today. It will be theirs tomorrow.

When the flood's threat was recognized, the appeal was for volunteers to fill and stack sandbags. The response came almost immediately from high school and college students. Where men go—and these boys are men—the girls and women are quick to lend support.

The sandbag dikes took form for blocks. Sandwiches and coffee were swiftly forthcoming to sustain floodfighters.

"Man proposes * * * but God disposes." Here, though, was youth's answer to a problem.

It may be granted that the situation was made to order for young people. The challenge of a rising river appeals to young minds governing young muscles. It's a dull member of the generation who doesn't feel a responsive urge.

This should answer the critics who find youth irresponsible.

As the game mounts to crucial heights, it's good to feel that the freshman team knows the score.

[From the Cedar Rapids (Iowa) Gazette, Apr. 26, 1965]

Young Flood Fighters Win Praise

DUBUQUE.—Dubuque youngsters are the toast of the city for their untiring efforts to turn back the floodwaters of the Mississippi River.

One of their biggest boosters is Fanny Evans, who helps tend bar in her husband's tavern. Nearly every customer is told by Mrs. Evans that "We've got to do something for those kids.

"Nearly all of the town would be under water if it weren't for them," she says.

Mrs. Evans, who said her home is protected from the floodwaters "by a dike that the kids built," said it will "be impossible to ever repay them."

"You couldn't have hired them to turn out like they have for nothing," she said of the high school and college students who have been on call for emergencies throughout the week.

"They did it because they wanted to help, and I think the city of Dubuque should say 'thanks' somehow when this is all over," she said. "Maybe we could give them the fanciest dinner and the biggest dance they ever saw. We can't do enough for them.

"They have been willing all week to go out whenever they were called. None of the dikes we have would have been built if the kids hadn't helped build them."

Mayor Robert Horgan and City Engineer John White, leaders of the Dubuque war against the flood, echoed her sentiments.

And Hugh Dalton, in charge of the battle to keep the Julien Dubuque Bridge across the Mississippi open to traffic, concurred.

"Whenever we get into a jam and a big leak develops," Dalton said, "we call for volunteers and within minutes 50 college kids are down here throwing sandbags."

The comments were the same, up and down the river.

Area youngsters who left school to help at McGregor and Guttenberg played a big role in keeping back floodwaters, officials said.

[From the Des Moines (Iowa) Register, Apr. 8, 1965]

Waterloo Battles Flooding Cedar; 400 Families Flee

(By Gene Raffensperger, Register staff writer)

Waterloo, Iowa.—The swollen Cedar River laid siege Wednesday to Waterloo and the surrounding area, threatening the pressures of the highest flood crest in history.

By late Wednesday floodwaters had forced more than 400 families from their homes in Waterloo, Cedar Falls, and Evansdale.

The river reached a level of 21.39 feet Wednesday night.

The latest crest prediction called for the river to level off at 21.6 feet at about 4 a.m. today. That would be a few inches short of the crest record set here in the March 1961 flood. The river hit 21.86 inches then.

Flood stage on the Cedar at Waterloo is 15 feet.

To meet the river's challenge Waterloo and surrounding towns threw more than 1,500 men and boys into the job of piling sandbags on levees.

Waterloo industry gave men, trucks, and equipment to help in the fight.

SCHOOL YOUTHS

More than 800 of the flood fighters were high school boys from 3 Waterloo high schools and from schools in neighboring towns. They were excused from school to work on the levees.

"You can say this," said Mayor Clifford Schake of Evansdale, "if this town is saved it will be because of these kids."

Carl Fagerlind, Waterloo streets superintendent, added, "we'd be in a lot of trouble without the kids. They are our ace in the hole."

In three Waterloo locations the boys shoveled sand into bags, at times to the accompaniment of "rock" music piped over a loudspeaker.

In Waterloo, the Cedar rolled over the grounds of the Dairy Cattle Congress. It isolated homes in the following areas: Sherwood Park, San Sousi, Westfield, and Riverview. Firemen took eight families out of Westfield in boats.

Col. Howard B. Coffman, head of the Army Engineers at Rock Island, Ill., accompanied by H. Garland Hershey, chairman of the Iowa National Resources Council and State geologist, met with Mayor Ed Jochumsen Wednesday morning.

ICE JAMS

Coffman and Hershey advised the mayor to expect a crest near or above the 1961 record and that the crest would likely last 30 or more hours.

The mayor ordered the 4th Street bridge closed to motor traffic at 5 p.m. because he felt it was unsafe. It's one of three main bridges in downtown Waterloo. Water was within 6 inches of the top of the arch of the bridge.

The 5th Street bridge remained open, as did the Park Avenue bridge, which was of a newer and higher construction.

The logistics involved in feeding the Waterloo flood fighters are a problem. Red Cross and Salvation Army sources are handling most.

Girls at West High School made 5,000 sandwiches Tuesday and Wednesday for flood workers.

In Evansdale some 350 high school boys put away 50 cases of pop, 2,000 sandwiches and 60 dozen rolls and doughnuts.

SPENT $2,000 ON FOOD

Curt McNally, city councilman in Evansdale, said the city spent $2,000 on food so far.

"You bet it's worth it," he said.

Approximately 40 families were sheltered Tuesday night in Red Cross or Salvation Army quarters as a result of the flooding.

At Charles City, the river dropped to 18.05 feet after cresting at 19.04 feet. The river ice broke up and floated away. No serious damage was reported.

Scouts Help Fight Flood

Cedar Rapids, Iowa.—About 100 Boy Scouts reported for volunteer duty here Wednesday night to help fill sandbags in preparation for the 19.5-foot Cedar River crest which is expected to hit here Friday night.

More than two dozen Red Cross volunteers also started making and delivering sandwiches to dike crews.

The Cedar stood at 12.5 feet Wednesday night and was rising about two-tenths of a foot an hour. Flood stage is 13.3 feet and the 1961 crest was 19.6 feet.

With 48 hours remaining for preparation, city officials indicated they expected "to move the water through the city" without serious damage although low areas already are under water both upstream and downstream from the downtown area.

An offer of assistance was received by the Linn County Red Cross from a group of Mennonites living in the Kalona and Sharon center area, about 40 miles south of here.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILLS AND JOINT RESOLUTION INTRODUCED

By unanimous consent, the following additional bills and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. COOPER:

S. 1919. A bill for the relief of Laura MacArthur Goditiabois-Deacon; to the Committee on the Judiciary.

S. 1920. A bill to provide for a study in the field of correctional rehabilitation; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Cooper when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. MILLER:

S.J. Res. 78. Joint resolution providing for the establishment of a joint committee of the two Houses of the Congress to study matters relating to the implementation of the award of the board established under Public Law 88–108 to arbitrate a labor dispute between certain carriers by railroad and their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Miller when he introduced the above joint resolution, which appear under a separate heading.)

S. 1920: TO HELP CORRECT JUVENILE DELINQUENCY AND REDUCE CRIME BY UTILIZING EXISTING VOCATIONAL SERVICES

ASSISTANCE IN FINANCING STATE REHABILITATION PROGRAMS—AMENDMENTS

AMENDMENTS NOS. 170 AND 171

Mr. COOPER. Mr. President, much attention is being given to the problem of juvenile delinquency, and the country and all of us are greatly concerned about the growing problem of crime.

In one of its aspects, the problem of crime prevention is one of rehabilitating the offender—for whether or not we ignore persons who have committed an offense and met whatever penalty has been imposed, they are in our society. If they have no job and little chance of finding work—whether through ignorance, disability, lack of skill, or past behavior—there is every reason to expect a repetition of trouble. Vocational training and job placement, therefore, is an important part of correctional rehabilitation and crime prevention.

Federal efforts toward vocational rehabilitation began shortly after World War I. And since the Vocational Rehabilitation Amendments of 1954, there has been an increasingly successful and well organized Federal-State cooperative effort which provides counseling and guidance, education, and training, physical restoration, and job placement services to persons having "a physical or mental disability which constitutes a substantial handicap to employment."

The Vocational Rehabilitation Act, however, now makes no mention of correctional rehabilitation. While offenders who have a physical or mental disability may be referred to vocational rehabilitation centers, I understand that this is not the general practice, and little use is made of vocational rehabilitation services when juveniles or adults are placed on probation, or after their release from a correctional institution. Overburdened probation and parole officers, having a hundred or two hundred cases at one itme and spending most of their time on presentence investigations, are not in a position to give much vocational guidance.

It seems to me that many of the problems which need to be dealt with—which are individual problems—differ little in kind or variety from the problems now handled at vocational rehabilitation centers. I suggest that to the extent correctional rehabilitation involves finding and holding a job—a main step in taking a place as a self-sufficient and self-respecting member of our work society—the hundreds of vocational rehabilitation centers, located and known in nearly every major city in the country, could be of great assistance.

The rehabilitation centers have trained people and are already doing good work in vocational training and placement. They provide a nucleus of experience now, and could join at once in a cooperative effort by many public and private agencies to accomplish a realistic program of correctional rehabilitation.

Such vocational guidance would supplement the very limited training provided within most institutions. It should be designed to reach individuals placed on probation before they end up in an institution, and to pick up those paroled immediately upon their leaving an institution—during the very critical and important times when help can be most effective and is most urgently needed.

I was glad to learn, upon inquiry, that the Vocational Rehabilitation Administration has become interested in the correctional field and, in the last year or two, has funded several research projects, some within institutions, based on the fact that most offenders are found to have a physical or mental disability.

But research—with reports which are often filed away and forgotten—and 3- to 5-year studies, are not enough. The President has said: "Crime will not wait while we pull it up by the roots." I believe the existing vocational rehabilitation centers located throughout the country offer a practical and immediate means of doing more now to reduce crime and to combat juvenile delinquency.

Mr. President, I may say that my interest was attracted to this subject by H.R. 2263, introduced in the House on January 11 by Mrs. GREEN and called to my attention by Mr. Newman of the Kent School of Social Work of the University of Louisville. Some hearings have been held by the House Committee on Education and Labor on this bill, and a few days ago Senators CLARK and JAVITS introduced a companion bill, S. 1807. These bills would amend the Vocational Rehabilitation Act to authorize a thorough and complete 3-year study of professional personnel needs in the field of correctional rehabilitation, presumably by the recently established Joint Commission on Correctional Manpower and Training.

I now introduce a somewhat similar bill. It is not, however, limited solely to the question of the availability and training of professional and highly specialized personnel. It would ask the Secretary of HEW to determine also, and promptly, the extent to which existing vocational rehabilitation services are being and could be used to help accomplish correctional rehabilitation.

As I said earlier, there is authority now for State vocational rehabilitation centers to provide assistance to any person—including any juvenile delinquent or adult on probation or parole—if he has a physical or mental disability "which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation." But my bill would specify correctional rehabilitation as an area of concern, and encourage the Vocational Rehabilitation Administration and State agencies to become more active in this field.

II

Senator CLARK's companion measure to the Green bill has been referred to the Subcommittee on Employment and Manpower of which he is chairman, and which handles legislation dealing with juvenile delinquency. In addition, the Health Subcommittee of the Committee on Labor and Public Welfare has before it S. 1525, the administration's Vocational Rehabilitation Act Amendments of 1965.

For this reason, and because of the interest of the members of both subcommittees, I am also submitting an amendment to S. 1525 of similar purpose—authorizing the Secretary to conduct research, pilot, and demonstration projects in the vocational guidance, training, and job placement, of juvenile delinquents and young adult offenders.

I point out that my amendment to S. 1525 is not directed to sections 2, 3, or 4 of the act, which deal with grants to the States under the vocational rehabilitation program, although I hope the States will take a growing interest in this field. It is directed to section 7, which authorizes research, studies, and demonstrations by the Secretary, and which contains its own authorization for appropriations. Therefore, it would in no way restrict the existing activities of State vocational rehabilitation agencies, or diminish funds available to the States under the act.

Mr. President, I ask unanimous consent to include in the RECORD a statement which I have secured from the office of Miss Mary Switzer, Administrator, describing the research activities of the Vocational Rehabilitation Administration, together with a complete list of the research projects, all but three or four of which have been undertaken in the last year. It is my understanding that these projects are being conducted under the authority of section 4(a)(1) of the act.

I support this work and hope it will be continued. I think it would be better, however, to provide specific statutory authority for it, and that is the purpose of my amendment.

I hope these proposals may merit the attention of members of the Senate Labor and Judiciary Committees, and that they will at least provide a basis for discussion and recommendations by persons and organizations interested in vocational and correctional rehabilitation.

The PRESIDING OFFICER. The bill and amendments will be received and appropriately referred; and, without objection, the statement and list of projects will be printed in the RECORD.

The bill (S. 1920) to provide for a study in the field of correctional rehabilitation, introduced by Mr. COOPER, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The amendments (Nos. 170 and 171) submitted by Mr. COOPER, were referred to the Committee on Labor and Public Welfare.

The statement and list presented by Mr. COOPER are as follows:

REHABILITATION OF PUBLIC OFFENDERS

In his state of the Union message on January 4, the President called attention to the problems imposed by crime and juvenile delinquency. Among other statistics, he cited the fact that crime costs the Nation's taxpayers $20 billion per year and that 60 percent of all prisoners released again return to criminal activities.

I. VR INVOLVEMENT IN THE CORRECTIONAL AREA

In recent years Vocational Rehabilitation has become increasingly involved in various aspects of the problem of physically and mentally handicapped persons among prisoners, probationers, and parolees. Since many public offenders are disabled persons who are eligible for VR services, there are ways in which our program can effectively complement existing correctional programs. VR has been involved through the regular support program and through research and training activities.

A. Regular program

Four State agencies are presently conducting special programs (under sec. 2) to provide comprehensive rehabilitation service to offenders in the younger age groups. For example, working in cooperation with the family court of Rhode Island, the State agency participates in a team operation which evaluates problems of children who appear before the court and ultimately provides restorative services to these children.

The Georgia Department of Vocational Rehabilitation in 1963 began a large-scale program of service to young offenders at the Georgia Industrial Institute. This program offers vocational rehabilitation services and encompasses such functions as screening, vocational appraisal, prevocational evaluation, physical restoration, prevocational training, specific vocational training, counseling and guidance, job placement and followup.

The Arkansas State agency in cooperation with the State's department of corrections, is working with two State training schools for girls and two for boys. One school has assigned a dormitory to the rehabilitation agency to be used as a vocational rehabilitation facility. Vocational rehabilitation services are to be provided outside the school at the Hot Springs Rehabilitation Center or at private agencies as needed.

The Washington State agency is conducting a program which provides vocational rehabilitation services to probationers and parolees referred from the State correctional system. Preliminary data indicates a success rate of approximately 50 percent with this group. The effectiveness of this program has surprised even the most optimistic correctional officials in Washington.

B. Research and demonstration

Since 1961, VRA has supported 18 projects in which the public offender was the focus of study and/or service. As of this month (April 1965) approximately $900,000 has been granted for projects in the correctional area. These projects, conducted by State agencies, private agencies, hospitals, and departments of correction, utilize a wide range of special techniques varying from installation of VR units in reformatories and prisons to the use of surgical procedures to aid in the rehabilitation of disfigured offenders. The emphasis has been primarily on the adult offender, though one (Children's Village, Dobbs, Ferry) provides comprehensive rehabilitation services for delinquent adolescents.

C. Training

1. Short-term: Two short-term training institutes have been supported by VRA in

order to bring together professional personnel from rehabilitation and correctional fields to explore ways of working more closely together. The first was held at Chicopee, Mass., in November 1962, and was sponsored jointly by the Graduate School of Social Work at Boston College and the United Prison Association of Massachusetts. The second, at Atlanta in April 1964, involved agency heads from VRA and various Federal correctional agencies plus selected State VR agency personnel from region IV. A third such institute to involve State rehabilitation and correctional personnel in region VII is scheduled for the University of Oklahoma, April 12–15, 1965.

2. Long-term: The VRA Division of Training recently increased the grant to the University of Washington School of Social Work by $3,600 to permit establishment of a field work placement unit at the Federal Correctional Institution at McNeil Island. Also, negotiations are now underway with the University of Missouri School of Social Work to establish a similar unit at the Federal Correctional Medical Center at Springfield, Mo.

II. CURRENT ACTIVITIES IN THE CORRECTIONAL AREA

A. Federal probation office projects

As the first step in implementing a series of special demonstration projects at Federal probation offices, the Washington vocational rehabilitation received a planning grant in March 1965. Working in close cooperation with the University of Washington and with personnel from the Federal Correctional Institution at McNeil Island, the State agency will plan the series of nine projects to concentrate vocational rehabilitation services at selected Federal probation offices across the Nation. The master project and the Research Control Center are to be located in Washington. Each of the eight satellite projects (locations still to be determined) will include research objectives and full rehabilitation services to probationer, parolees, and release under the jurisdiction of the respective probation offices.

B. Joint Commission on Correctional Manpower and Training

In October 1964, the Vocational Rehabilitation Act funded a research application from the National Council on Crime and Delinquency to assist in the establishment of a Joint Commission on Correctional Manpower and Training. Promulgation of a joint commission was the major recommendation to come out of the Arden House Conference of June 1964 in Harriman, N.Y. At that conference, top leaders from public and private correctional agencies, from allied organizations, agencies and professions, and from Congress and the Judiciary, met to consider the critical shortage of competent professional manpower in the correctional field and to formulate plans for meeting these needs. The Vocational Rehabilitation Act project supports the work of an interim committee which represents the 61 national, State, and local organizations which attend the Arden House meeting. The interim committee has been quite active in recent months. It was this group which worked closely with Mrs. GREEN to stimulate the development of H.R. 2263, the Green bill. The joint commission was incorporated in the District of Columbia in March 1965.

Source: Vocational Rehabilitation Administration; Department of Health, Education, and Welfare.

R. & D. PROJECTS IN CORRECTIONAL AREA

Berman School, Inc., Freeport, N.Y., J. E. Slutzky, Ph. D.: To investigate the contribution of a therapeutically oriented work-study program to the VR of emotionally disturbed adolescents.

The Children's Village, Dobbs Ferry, N.Y., Morton Zivan, Ph. D.: To demonstrate in a day-care setting the feasibility of effective comprehensive rehabilitation service to meet vocational and social needs of emotionally disturbed delinquent adolescents.

Vocational Rehabilitation Division, Oklahoma City, Okla., Lowell E. Green: To show the effectiveness of intensive rehabilitation services for a group of young reformatory inmates who are physically handicapped, mentally retarded, and/or emotionally disturbed.

Vocational Rehabilitation Division, Oklahoma City, Okla., James A. West: Development and evaluation of a rehabilitation program for handicapped inmates of a State penitentiary.

Youth Research, Inc., New York, N.Y., Marisa Zavalloni, Ph. D.: Evaluation of the effectiveness of various types of treatment programs for rehabilitation of emotionally handicapped and delinquent youth.

University of California, School of Public Health, Los Angeles, Calif., J. S. Felton, M.D.: To identify and study personality traits which differentiate between alcoholic recidivist prisoners who return to self-supporting employment and those who are unable to attain this degree of rehabilitation.

Emory University, Atlanta, Ga., Earl D. C. Brewer, Ph. D.: To study those characteristics of prisoners and probationers likely to provide background data, insights, and guides for the development of a more effective rehabilitation program.

Vocational Rehabilitation Division, Oklahoma City, Okla., James A. West: To study the rehabilitation requirements of juvenile delinquents and to determine the role of a State vocational rehabilitation agency in meeting these needs.

Division of Vocational Rehabilitation, Atlanta, Ga., A. P. Jarrell: To plan and establish a cooperative rehabilitation program with the Board of Corrections in Georgia.

Communicable Disease Center, Atlanta, Ga., James Lieberman, Ph. D.: To produce a film to demonstrate problems presented by the disabled public offender and possible methods by which prison officials, probation officers and vocational rehabilitation agency personnel, working together, might offer some significant services to this population.

South Carolina Department of Vocational Rehabilitation, Columbia, S.C., T. K. Fowler: To provide comprehensive and intensive rehabilitation services to public offenders, with chief emphasis placed on probation cases.

Montefiore Hospital, Bronx, N.Y., Michael Lewin, M.D.; Hans Abeles, M.D.; and Sol Chaneles, Ph. D.: To study the effectiveness of a program of medical rehabilitation comprising plastic surgery for facial and somatic disfigurements and the removal of visible tattoos supplemented by social and vocational services on the reduction of chronic unemployment, emotional disturbance, and recidivism of adult male and female correctional inmates.

New York City Department of Correction, New York, N.Y., Sol Chaneles: To demonstrate feasibility for intensive vocational rehabilitation effort for women confined for relatively short periods of time.

The Minneapolis Rehabilitation Center, Minneapolis, Minn., Robert A. Walker: To demonstrate the vocational rehabilitation potential of parolees from a State reformatory utilizing the facilities of a comprehensive rehabilitation center.

National Council on Crime and Delinquency, New York, N.Y., Charles Prigmore, Ph. D.: To plan the establishment of a Joint Commission on Correctional Manpower and Training.

Division of vocational rehabilitation State board of vocational education, Olympia, Wash., Frank Noren: A planning study preliminary to determining the need for, and the most effective means of providing vocational rehabilitation for Federal offenders.

Washington Center for Metropolitan Studies, Washington, D.C., Gladys A. Harrison: To study existing law affecting criminal law offenders suffering from mental disorders.

National Council on Crime and Delinquency, New York, N.Y.: Formulation of a research design to evaluate group counseling for the rehabilitation of public offenders.

As of March 1965 approximately $900,000 has been expended by VRA for research and demonstration projects in the correctional area.

ESTABLISHMENT OF JOINT BIPARTISAN COMMISSION IN CONGRESS TO STUDY MATTERS RELATING TO THE IMPLEMENTATION OF THE AWARD OF THE BOARD ESTABLISHED UNDER PUBLIC LAW 88–108 TO ARBITRATE A LABOR DISPUTE BETWEEN CERTAIN RAILROAD CARRIERS AND THEIR EMPLOYERS—INTRODUCTION OF JOINT RESOLUTION

Mr. MILLER. Mr. President, I introduce for appropriate reference a joint resolution which would provide for the establishment of a joint bipartisan committee of the two Houses of Congress to study matters relating to the implementation of the award of the board established under Public Law 88–108 to arbitrate a labor dispute between certain railroad carriers and their employees.

Section 7(a) of that public law states:

> In making any award under this joint resolution the arbitration board established under section 2 shall give due consideration to the effect of the proposed award upon adequate and safe transportation service to the public and upon the interests of the carrier and employees affected, giving due consideration to the narrowing of the areas of disagreement which has been accomplished in bargaining and mediation.

The policy considerations thus enunciated are very important to the national well-being, and it would seem timely and proper for a bipartisan joint committee to review the implementation of what constituted the first compulsory arbitration statute ever passed by the Congress—passed, I might point out, at the urging of the late President Kennedy and with only two dissenting votes in the Senate.

It will be recalled that the late President told the Congress, and the Congress found, that passage of the compulsory arbitration statute, limited as it was to two issues—fireman and crew consists—was essential to security and the continuity of transportation services. We were told that the carrier parties and the labor parties to the dispute had accepted, with certain reservations, the Secretary of Labor's suggestion that these issues be resolved by binding arbitration, but that the parties had been unable to agree upon the terms and procedure of an arbitration agreement.

Under the statute, the award of the arbitration board would continue in force for a period of not to exceed 2 years from the effective date of the award. The expiration date is March 31, 1966.

Meanwhile, there have been some developments which should concern everyone in our country and particularly the Members of Congress.

Reports have appeared in the newspapers and other press media that a nationwide railroad strike will occur following the expiration of the final effective date of the arbitration award. This would be costly to both labor and management, and it would be very costly to the general public. I suppose it could cause the President to declare that the security of our country would again be threatened, and this would be even more likely if the war in Vietnam is still going on. I would think that everything reasonable should be done—well ahead of the critical date—to avoid such hardship. A major criticism leveled at the administration of the late President was that not sufficient concerted effort was made soon enough, and as a result the Congress found itself faced with an emergency which might have been avoided. A review of the implementation of the policy declarations of the Congress, contained in Public Law 88–108, might well encourage the resolution of disputes which could lead to such an emergency situation.

Reports have appeared indicating that nationalization of the railroads is being advocated in certain quarters and that this advocacy will grow if another emergency situation arises.

I ask unanimous consent that an article appearing in the January 23, 1965, issue of Business Week be placed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNIONS SWITCH: "LET UNITED STATES RUN RAILS"

That's the suggestion of railway union executives, who for 45 years had opposed nationalization. Meanwhile, nonoperating unions raise a new threat of strike.

The bitter breach between the Nation's carriers and railroad employees' unions widened this week.

The perennial battles at the bargaining table erupted in a new strike threat—this time by five nonoperating rail unions. At the same time, 22 railroad labor organizations urged the Government to take over railroads—after 45 years of clinging to a policy against nationalization.

The unions' call brought a chorus of disagreement—including opposition from the influential Brotherhood of Locomotive Engineers. The Administration was silent, congressional leaders critical. Carriers said the labor leaders "let their frustration get the better of their commonsense."

But, just in case anybody took it seriously, the carriers—through the Association of American Railroads—put a $26 billion price tag on the system.

FREE TO STRIKE

The five unions involved in the latest rail labor contract fight to come to a crisis—the Railway Clerks, Maintenance of Way Employees, Telegraphers, Signalmen, and Dining Car Employees—are legally free to strike at any time. Union officials said: "We are quite close to setting a strike date."

Strike deadlines on the rails have come up almost on a timetable for a year. But walkouts have been banned by either legal restrictions, Administration intervention, or Congress. In the case of these five unions, legal maneuvers apparently have run out, and union officials said at midweek that they will refuse to go along with any new appeals for delays.

SECURITY ISSUE

Job and earnings security is the issue in the dispute, involving unions with 290,000 employees. A December 20 deadline was extended into this month at administration urging. Talks broke off last Friday.

TAKEOVER URGED

Chiefs of the 22 unions in the Railway Labor Executives Association deny that this latest breakdown in bargaining brought on their unanimous vote to seek nationalization of the railroad industry. It has been very much in mind for some time, they say.

Among others, Charles Luna, president of the Brotherhood of Railroad Trainmen, has been talking for a year or more of a need to nationalize the railroad industry. Other rail union leaders, less outspoken about it, have been turning from their long-held policy against Government ownership and control. At the top, there is now a high degree of unanimity.

ALTERNATE ROUTE

The rail unions, stymied at negotiating tables, more and more are looking at Government ownership and operation of roads as a way to win the gains they can't get through bargaining.

Ben W. Heineman, chairman of the Chicago & North Western Railway, said in Chicago that the union executives, "seeing that their insistence on excess manpower is beginning to meet with public and economic defeat, hope to transfer the railroads to the Government—where they can use political measures to maintain excess manpower whose costs would then be underwritten by the U.S. Treasury."

WORLD WAR I EXAMPLE

Shortly after the United States entered World War I, President Woodrow Wilson used authority given him by Congress to take over railroads. The unions benefited from their treatment by Government bodies. Memberships rose, and labor won gains in wages and working conditions. After the war, the unions strongly opposed the return of the roads to private ownership.

They proposed, as an alternative, that the Government purchase the railway system and run it through a tripartite management in which unions would have representation. This proposal—the Plumb plan—had little support elsewhere. Roads were returned to private owners in March 1920. Although some sentiment for public ownership lingered on, generally the rail unions have been for private ownership—and against nationalization—since then.

WHY THE CHANGE

G. E. Leighty, president of the Railway Labor Executives Association, said RLEA unions now support nationalization for many reasons—among them "the failure of the railroads to give adequate service, reflected in their progressive elimination of passenger trains, and the failure of the carriers to provide adequate equipment and service for freight shipments * * * and the chaos in labor relations."

This statement, and the RLEA position to be taken formally at a conference in Miami Beach February 22, can be considered a culmination of a number of separate campaigns the unions have been conducting:

They have been fighting the trend for railroad mergers as a threat to "adequate" transportation in a period of economic expansion or possible national emergency.

They have consistently opposed cuts in passenger service through the elimination of stations and trains, as a shirking of public responsibility.

They have criticized carriers for eliminating thousands of miles of track. They contend that railroads now operate over less mileage than in 1900, despite national and industrial expansion.

And they have protested that railroads have surrendered to trucking by refusing to compete more vigorously for short-haul freight.

Each of these arguments has gone to Capitol Hill—and has gotten little attention. Labor's present hope is that bringing the arguments together in a dramatic demand for nationalization will bring the issues into closer focus. The unions' overriding interest is, of course, the jobs that would be saved or provided if mergers can be curbed, passenger service expanded, and freight service stepped up.

INDUSTRY POSITION

The industry's position all along has been that railroads provide the services that are financially possible, that where services have been curtailed, it has been because demands have shrunk.

J. E. Wolfe, chairman of the National Railway Labor Conference, gave a quick, short answer to the union's suggestion that nationalization might be an answer to problems.

"The men the unions represent would be the hardest hit by nationalization," he said.

Mr. MILLER. Mr. President, this, I submit, would be a most unfortunate development, and it could have a disastrous impact on the economic system known as peoples' capitalism which characterizes the American way of life. Let no one think that such a step is a slight possibility. There is a dangerous trend in this country to let the Federal Government solve every major problem—and a good many minor ones too—affecting our people and the economy. The trend is being compounded by the persistence of the Federal Government in reaching further and further into areas which bring it into competition with private business. One would not have to stretch his imagination very far to envision a nationalization of the railroads followed by nationalization of the other modes of transportation—which would otherwise be trying to meet competition from the railroads being operated by the Federal Government—such as the airlines, buslines, motor freight carriers, and shipping industry. Only today in the Washington Post we find an article describing the four-vote margin in the British House of Commons whereby the Government will nationalize the steel industry in Great Britain. Similar action several years ago brought Britain to its knees in unemployment and economic disarray, and it is shocking that the voters there did not learn their lesson. I ask unanimous consent that the article to which I have referred be placed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILSON WINS FOUR-VOTE VICTORY ON STEEL ISSUE

(By Karl E. Meyer)

LONDON, May 6.—Prime Minister Wilson won a signal victory tonight as the House of Commons gave him a four-vote margin in the first round of his campaign to nationalize most of the British steel industry.

Labor Party members were jubilant as the vote of 310 to 306 was announced after a day of turbulent and often angry debate on a Government white paper outlining plans for acquiring the 13 firms that account for 90 percent of the country's steel production.

The totals indicated that party dissidents who had threatened to oppose or abstain wound up supporting the Government in a critical vote that brought some Members from the sickbed and others from places as distant as Fiji.

BROWN SEES LEEWAY

This unity was partly achieved by a final trump played by George Brown, Minister of Economic Affairs, intended to soothe right-wing Laborites who oppose nationalization.

In his summation for the Government Brown admitted that there was room for debate on the best methods of modernizing the steel industry and making it responsive to national needs.

He turned to Woodrow Wyatt, a Laborite who had spoken against the white paper, and said that the Government would be prepared to "listen" to different proposals for reform if agreement could be reached on the essential need for public control.

Brown's appeal apparently worked, though it raised new questions about how and when the Government would press for the legislation that would carry out the white paper proposals.

Only the vote was an anticlimax. The debate itself lived up to expectation by providing the exuberant sallies at which British parliamentarians excel. It took place as a byelection was being held in Birmingham at which a conservative, as expected, was chosen to fill a vacant seat, shaving Wilson's margin from four votes to three.

A Tory said it was a "squalid trick" to hold the steel debate before the new Member—Reginald Eyre—could be seated, but this brought a chorus of jeers from Government benches.

MACLEOD LEADS ATTACK

The opposition attack on the white paper was led off by Iain Macleod, a former Tory Cabinet minister who now edits the weekly magazine Spectator. He described Government proposals as "frivolous, disastrous, old fashioned and irrelevant."

Macleod defended the industry's efficiency, pointed to record highs of productivity and said that Britain would be alone among advanced nations in the free world in nationalizing steel.

Power Minister Fred Lee, whom Macleod derided as a "political pterodactyl," defended the white paper by asserting that the case for nationalization was "purely based on economic factors." The private steel companies, he said, were fragmented into too many small units and were unable to compete with giant firms in America and Europe.

IN EVENING CLOTHES

These arguments were repeated more forcefully by Brown in his summation just before the tense House came to a vote at 10 p.m. Some Members who had left dinner parties stood in evening clothes in the gangway as Brown fended off hecklers.

After causing an uproar by aiming personal gibes at Tory leaders, Brown pointed to criticism of industry production techniques and argued that the steel business was too important, in effect, to be left only to steel executives.

State regulation, Brown said, was insufficient, because there is "the worst of both worlds" when Government controls decisions of an industry run on the profit motive.

The vote followed. With it, Tory hopes vanished for bringing down a Government that must bring in members on wheelchairs and in ambulances in order to preserve its wafer-thin margin.

Yet the country has been more absorbed by the drama of the parliamentary infighting than by the substance of the fight over steel. A Gallup poll published today in the Daily Telegraph found that 52 percent of those responding felt that the entire steel industry should be put in private hands. Another 16 percent favored nationalizing all steel firms, while only 14 percent said they favored public ownership of the biggest firms—the formula the Government is proposing.

Steel nationalization is more an article of party faith than popular demand. Fourteen years ago the steel industry was nationalized by the Labor government headed by Clement Attlee. It was denationalized by the resurgent Tories in 1953 and, ever since, memory of that has rankled among Labor partisans.

This was forcefully brought home in the debate today when one Tory, citing the Gallup figures, asked, "After all, who wants nationalization of steel?" Labor members rose up and roared back, "We do! We do!"

Mr. MILLER. Mr. President, it would seem to me that every reasonable effort should be made to avoid an emergency which could develop into nationalization of the railroads or any other segment of industry, and a review of the implementation of the policy declarations of the Congress, contained in Public Law 88–108, might well encourage the resolution of disputes which could lead to such an emergency situation.

And there are disputes. Over the past year there have appeared an increasing number of reports of charges by both carriers and brotherhoods that hold the other side to blame for situations which could lay a foundation for even deeper trouble later on.

Last month the Southern Railway blamed a strike by trainmen on the union's refusal to voluntarily permit a management decision which appears to be in the area of crew consist.

Competition between union brotherhoods was blamed by J. E. Wolfe, chairman of the National Railway Labor Conference and the industry's chief labor-relations spokesman, for a threatened strike last November. The degree to which the award made under Public Law 88–108 underlay the dispute is not clear, but it is apparent that it was at least in the background. I ask unanimous consent that an article appearing in Business Week for January 9, 1965, be placed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES RAIL LABOR LAW NEED A NEW TIMETABLE?

Provisions of current bargaining machinery are being scrutinized, particularly by those who claim that too much Government control delays settlements.

Why are there so many railroad union strike threats—and so few walkouts?

Because of the Railway Labor Act, union officials say; the law, they contend, allows carriers "to stall in negotiations" and threats are necessary to prod talks along.

Industry negotiators say a proliferation of unions with jealous rivalries is the cause.

Whatever the reason, the country has faced one rail strike threat after another over most of the past 2 years. The threats aren't over. Three shopcraft unions, seeking contracts with a skill differential, may renew threats of a nationwide walkout if they succeed in new efforts to knock out a restraining order (Business Week, Jan. 2, 1965, p. 50).

MORE TURMOIL

The past year saw more strike threats and turmoil in the railroad industry than in any of 15 previous years. James E. Wolfe, chairman of the carriers' National Railway Labor Conference, said a few days ago that "far too many" crises in 1964 had jolted orderly, stable labor relations in the industry.

"We're the innocent victims of dealing with 24 unions," Wolfe said. "We can't deal with them concurrently. We have to take them on one at a time or in the groups they get together. Many of the unions are rivals for membership or jurisdiction, or for labor prestige and power. All five operating brotherhoods are engaged in raiding wars, resulting in destructive practices. Their demands are contradictory, not consistent. They call strikes to show their aggressiveness, hoping to win something extra so that they can say. 'We got more than the others.' The industry is caught in the middle, as in the shopcraft dispute."

Jesse Clark, president of the Brotherhood of Railroad Signalmen, blames the industry's bargaining problems and strike threats on Railway Labor Act procedures. These make delaying tactics possible, he said in Chicago. Congress should amend the law to set time limits on the various steps for "the disposition of disputes between carriers and employees," Clark urged. Other union leaders in the Railway Labor Executives Association say much the same thing.

WHO STALLS?

There is no argument about the slow movement of bargaining under the Railway Labor Act. There is always lively argument, though, about who is guilty of stalling—if anybody is.

According to Clark, "The railroads stall in negotiations and in reaching agreements—because it's to their financial advantage." The longer settlements that raise costs can be put off, he said, the more carriers save.

Wolfe, however, retorted in Chicago that it took the industry 7 years to win concessions reducing the number of unnecessary firemen in freight and yard diesel service and giving the roads other gains against outmoded working rules. Union tactics forced hearings before commissions and boards, passage of a law by Congress to avert a crippling strike, arbitration proceedings, and final negotiations leading to a settlement May 7, 1964, on demands filed formally on November 2, 1959, and made informally 2 years earlier.

MARATHONS

Labor Secretary W. Willard Wirtz has referred to disputes under the Railway Labor Act as "marathons of maneuver," and has said that the procedures for handling the disputes—using a considerable amount of improvisation—aren't "wholly satisfactory or efficient."

There is growing agreement with this even though the recurring strike threats cause national jitters more than real inconvenience. Worries about the procedures for handling rail disputes persist although 1964 settlements promise several years of peace on wages. New reasons for concern are on the horizon:

The arbitration award under which roads began laying off some firemen and otherwise reducing train crews expires next year and unions already have said that they intend to demand that firemen and other crewmen be rehired.

There are signs that the brotherhoods' bargaining front is splintering, and that the future will see more rivalry and competition between the unions—not less.

The new developments are being watched closely. Meanwhile, present Railway Labor Act provisions are under scrutiny, particularly by those who contend that too much Government control impedes bargaining.

TWO STUDIES

Two academic studies of rail bargaining came up with similar conclusions: Under existing law, rail unions can threaten walkouts—but do not have much freedom to strike. Government and public opinion are strongly opposed to interference with rail service. The union's freedom to strike is subordinated to the public interest.

Every step in bargaining takes into consideration the fact that the Government won't allow a national rail strike to go on beyond a few hours.

There is little real bargaining before a Presidential board is appointed under the Railway Labor Act, according to Prof. Herbert R. Northrup, of the University of Pennsylvania's Wharton School. Presidential factfinders complained of this in 1961 and again last year, sharply criticizing the parties' "failure to meet problems * * * without invoking the aid of outsiders."

The absence of real bargaining before a board is named insures the appointment of a large number of boards, according to Northrup. The frequency of boards lessens their effectiveness "in making public opinion an effective enforcement measure." And, he said, the delay in real bargaining until after the boards report "creates the actual emergency—if such can occur—after the emergency board has reported and is ready to bow out" rather than before, when Railway Labor Act procedures are operative.

Northrup believes "reform is in order," perhaps the substitution of compulsory arbitration (something neither side wants) for emergency board procedures, now accepted as a railroad bargaining way of life.

Prof. Jacob J. Kaufman, of Pennsylvania State University, also suggests that the Railway Labor Act's "cumbersome and ineffective" procedures should be changed. Kaufman would leave "vexing problems" to bargaining on individual railroads, taking the issues out of national negotiations and restoring the possibility of strikes without "the impact of a national strike" as a way of prodding the parties into meaningful bargaining.

Mr. MILLER. There are union charges that the Pennsylvania Railroad separated out too many firemen—helpers—with the result that a few months later they hired new ones instead of those who had been separated. Subsequently, I understand, this was rectified; but much friction was caused which might have been avoided. Additionally, there are charges that with too few firemen—helpers—available, trainmen have had to perform additional duties contrary to the arbitration award. Also that subsequent interpretations by the reconvened Board of Arbitration were ignored by the railroad regarding the separation of firemen—helpers—having over 2 years' service.

One of the most alarming charges is that the railroad has failed to pay separation allowances according to interpretations by the reconvened Arbitration Board.

I am quite sure that Congress could, by having a joint committee look into the implementation of Public Law 88–108, avoid many of the charges and countercharges, the volume of which seems to be increasing. Hardships to families which may have arisen due to misinterpretation of the Arbitration Board's rulings and interpretations should most certainly be avoided.

Let me conclude by saying that I am not such an optimist as to think that all manner and type of disputes can be looked into, let alone cleared up, by the establishment of such a committee. Some undoubtedly can be. What is even more important is that the Congress can and should see to it that the policies underlying the laws we have passed are in fact carried out—policies affecting the economic well-being and security of our country, which depends so greatly on our railroads. Now is the time to do this. Delay until March 31, 1966, could cause irreparable hardship.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 78) providing for the establishment of a joint committee of the two Houses of the Congress to study matters relating to the implementation of the award of the board established under Public Law 88–108 to arbitrate a labor dispute between certain carriers by railroad and their employees, introduced by Mr. **Miller**, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSOR OF AMENDMENT

Mr. PELL. Mr. President, I ask unanimous consent that the name of the senior Senator from Wisconsin [Mr. **Proxmire**] be added as a cosponsor of the so-called poll watcher amendment No. 167, submitted by the senior Senator from Hawaii [Mr. **Fong**] to the Mansfield-Dirksen amendment in the nature of a substitute for the voting rights bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. PELL. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon on Monday.

The motion was agreed to; and (at 6 o'clock and 4 minutes p.m.), the Senate adjourned, under the order previously entered, until Monday, May 10, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 7, 1965:

National Capital Transportation Agency

Walter J. McCarter, of Illinois, to be Administrator of the National Capital Transportation Agency.

The Judiciary

Donald Frank Turner, of Massachusetts, to be an Assistant Attorney General, vice William H. Orrick, Jr., resigned.

U.S. Attorneys

Justin J. Mahoney, of New York, to be U.S. attorney for the northern district of New York for the term of 4 years. He is now serving in this office under an appointment which expires May 5, 1965.

William T. Thurman, of Utah, to be U.S. attorney for the district of Utah for the term of 4 years. He is now serving in this office under an appointment which expires May 5, 1965.

Joseph P. Kinneary, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years. He is now serving in this office under an appointment which expires May 15, 1965.

Lawrence M. Henry, of Colorado, to be U.S. attorney for the district of Colorado for the term of 4 years. He is now serving in this office under an appointment which expires May 1, 1965.

State Department

John M. Leddy, of Virginia, to be an Assistant Secretary of State, vice William R. Tyler.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 7, 1965:

Postmaster

I withdraw the nomination sent to the Senate on January 29, 1965, of Lottie G. Moore to be postmaster at Durbin, in the State of West Virginia.

CONFIRMATIONS

Executive nominations confirmed by Senate May 7, 1965:

Department of Agriculture

John A. Schnittker, of Kansas, to be Under Secretary of Agriculture.

Securities and Exchange Commission

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1970.

HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture: Isaiah 58: 14: *Then shalt thou delight thyself in the Lord.*

Almighty God, we worship and adore Thee as the Lord of life and light, who alone can enable us to rise above all confusions and contradictions and rescue us from the trials and tribulations which so frequently beset us.

We rejoice that in our loneliness Thou dost walk with us, setting us free from weariness and fear, and girding us with power to remain unitedly steadfast and faithful.

May we understand that the fact of our human solidarity has never been more deeply felt or resolutely proclaimed than it is today.

If our civilization and democracy are to remain, then we must seek to organize society into a fellowship of friendship and fraternity, of good will, and charity.

Wilt Thou send us into the crowded ways of life with hearts of compassion and concern and may the members of the human family live together in honor and peace.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 6, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7064. An act to amend the Foreign Service Buildings Act of 1926, as amended.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1796. An act to amend the Small Business Act to provide additional assistance for disaster victims.

BIRTHDAY ANNIVERSARY OF HON. CARL ALBERT

Mr. STEED. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Speaker, I have asked for this time for the pleasure of making a very happy announcement. I should like to inform the Members of the House that today is the birthday of our beloved majority leader, the gentleman from Oklahoma, CARL ALBERT. I want to join in wishing him happy returns of the day and express the hope that he will be here with us many more years for his very distinguished and useful service.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, may I join the distinguished gentleman from Oklahoma in wishing our distinguished majority leader, CARL ALBERT, our very best wishes on this birthday anniversary. We, on our side of the aisle, are proud to work with him. We are proud of the record that he has made in the Congress of the United States. CARL ALBERT is a real gentleman, an outstanding leader of the Democratic Party, and I am very proud and honored to call him a friend. He has our warmest regards and best wishes. We hope he has many more years of good health, happiness, and success.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the distinguished gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I just want to second what our very distinguished minority leader has said about CARL ALBERT. I have worked with CARL ALBERT through the years that we have been here together. He is one of the ablest, finest, and most distinguished gentleman I have known in my lifetime, always cooperative and always understanding. I wish for him many happy years in the future.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I would be amiss in the sentiment of friendship and of appreciation of the highest qualities of heart and brain in a colleague if I did not join in these happy birthday greetings to the distinguished majority leader. I have never known a more remarkable person than CARL ALBERT. Every day, since the tragic death of Mr. Sam called him to leadership, his stature has grown, and I am making a statement with which I am sure no one will disagree when I say he is recognized on both sides of the aisle as one of the alltime legislative giants of the House of Representatives of the Congress of the United States. I predict for our beloved and dedicated majority leader a future of ever-expanding brilliance in the service of our country and of the American people.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, it is a pleasure to join today in extending birthday greetings to Oklahoma's most famous legislator, our beloved and able majority leader, CARL ALBERT.

Very few men in Washington bear a heavier load of responsibility than our distinguished colleague from McAlester, and certainly no one shoulders his responsibility with greater ability, seriousness of purpose, and genuine humility.

CARL ALBERT has grown in stature and following with every passing year of his remarkable public career, and his contribution to responsible and effective legislative action is acknowledged by all observers of the Washington scene.

Every Oklahoman is proud to salute this outstanding Sooner on his birthday, and I am confident every Member of this body joins in the hope that we can celebrate happy birthdays for CARL ALBERT for many years to come.

ADDITIONAL LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the gentleman from Texas [Mr. TEAGUE] has advised that he will call up under unanimous-consent request tomorrow three bills unanimously reported by the Committee on Foreign Affairs; namely, H.R. 225, providing statutory authority for the Veterans' Administration to assist the President in his program of honoring the memory of deceased veterans by means of an appropriate certificate to be sent to the next of kin or other close relative or friend. This memorial certificate program is now in operation, and enactment of this bill would place it on a permanent basis; H.R. 2414, authorizing conveyance, without consideration, of approximately 47 acres of land situated in the reservation of the Veterans' Administration Hospital, Roseburg, Oreg., to that city; and H.R. 4421, authorizing the Administrator of Veterans' Affairs to convey to the city of Cheyenne, Wyo., without monetary consideration, for park and recreational purposes, approximately 27 acres of land, a portion of the Veterans' Administration reservation at the Veterans' Administration Center, Cheyenne.

EXPANDING AUTHORITY OF THE CANAL ZONE GOVERNMENT TO SETTLE CERTAIN CLAIMS

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 720) to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the bill, as follows:

H.R. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 271 of title 2, Canal Zone Code (76A Stat. 22), is amended to read as follows:

"§ 271. Claims arising from civil government

"(a) The Governor, or his designee, may adjust and pay claims for injury to, or loss of, property or personal injury or death arising from the activities of the Canal Zone Government.

"(b) An award made to a claimant pursuant to this section shall be payable out of any moneys appropriated for or made available to the Canal Zone Government. The acceptance by the claimant of the award shall be final and conclusive on the claimant, and shall constitute a complete release by him of his claim against the United States, except that the Governor may make an interim partial award for humanitarian or compassionate reasons in a sum not exceeding $1,000.

"(c) This section does not apply to tort claims cognizable under section 1346(b) of title 28, United States Code."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING TRANSFER OF CERTAIN CANAL ZONE PRISONERS TO CUSTODY OF THE ATTORNEY GENERAL

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 724) to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the bill, as follows:

H.R. 724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5003 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(b) The term 'State' as used in this section includes any State, territory, or possession of the United States, and the Canal Zone."

SEC. 2. (a) Subsection (b) of section 6503 of title 6, Canal Zone Code, is amended by striking out "this section" and inserting in lieu thereof "subsection (a) of this section".

With the following committee amendment:

Page 1, line 5, delete " '(b)", and insert in lieu thereof " '(d)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATING ARCHEOLOGICAL EXPLORATION IN THE CANAL ZONE

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 4528) to regulate archeological exploration in the Canal Zone, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the bill, as follows:

H.R. 4528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 2 of the Canal Zone Code, approved October 18, 1962 (76A Stat. 1), is amended by adding thereto a new chapter 54 embracing sections 741 to 747, and reading as follows:

"CHAPTER 54—ARCHEOLOGICAL EXPLORATION

"Sec.
"741. Archeological exploration declared subject to regulation.
"742. Unauthorized archeological activity prohibited.
"743. Permits authorized.
"744. Regulations authorized.
"745. Receiving items illegally obtained.
"746. Seizure of items illegally obtained; forfeiture.
"747. Punishment of violations.

"§ 741. Archeological exploration declared subject to regulation

"In order to preserve as a public heritage all items of prehistorical and historical value and to increase the knowledge of such items, archeological exploration in all lands and waters of the Canal Zone is hereby made subject to regulation in the public interest.

"§ 742. Unauthorized archeological activity prohibited

"No person shall excavate, explore, injure, destroy, or appropriate any prehistoric or historic ruin, site, wreck, or other thing of prehistorical or historical value except as authorized by the provisions of this chapter or the regulations prescribed hereunder.

"§ 743. Permits authorized

"Except as to military or naval reservations, the Governor is authorized to issue permits for—

"(1) the exploration for, or of, ruins, sites, wrecks, objects, or other things of prehistorical or historical value;

"(2) the excavation of archeological or historical ruins or sites; and

"(3) the gathering or salvage of objects or things of prehistorical or historical value

to reputable museums, universities, colleges, or other recognized scientific or educational institutions or societies in the United States or on the Isthmus of Panama, or to their duly authorized agents. The Secretary of each military department or his designee is authorized to issue such permits covering lands and waters within military or naval reservations.

"§ 744. Regulations authorized

"The President is authorized to prescribe regulations for the purpose of carrying out the provisions of this chapter.

"§ 745. Receiving items illegally obtained

"Whoever receives, transports, conceals, stores, barters, buys, sells, or disposes of any object, article, or thing of prehistorical or historical value, knowing or having cause to believe the same to have been obtained or taken without a permit, or contrary to the terms of a permit, or otherwise contrary to this chapter or the regulations prescribed hereunder, shall be punishable as provided in section 747 of this title.

"§ 746. Seizure of items illegally obtained; forfeiture

"Any object, article, or thing of prehistorical or historical value taken, removed, or appropriated without a permit, or contrary to the terms of a permit, or taken, removed, or appropriated in a manner otherwise contrary to this chapter or the regulations issued hereunder, may be seized whenever and wherever lawfully found by any person authorized to enforce this chapter or the regulations prescribed hereunder. Upon conviction of the offender or upon judgment of the United States District Court for the District of the Canal Zone that the property was taken, removed, or appropriated without lawful authority, the property shall be forfeited to the United States and disposed of in the manner provided by the regulations authorized hereunder, even though, when seized, the property may have been in the possession or custody of an innocent holder or purchaser. In instances in which the offender cannot be charged because absent from the jurisdiction or from any other cause, and in instances in which the taking of the property, though unauthorized, occurred under circumstances not constituting a crime, the United States attorney shall bring the matter before the district court by special petition seeking a judgment of forfeiture of the property, giving notice by publication of the right of any person claiming an interest in the property to oppose the petition.

"§ 747. Punishment of violations

"Any person who violates any provision of this chapter, or of the regulations issued hereunder, shall be punished by imprisonment in jail for not more than one year, or by a fine of not more than $10,000, or by both."

SEC. 2. The chapter analysis of part 2, title 2, Canal Zone Code, is amended by inserting the following item:

"54. Archeological exploration........ 741".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTING INCREASED BENEFITS TO PERSONS RECEIVING CASH RELIEF UNDER THE PANAMA CANAL CASH RELIEF ACT AND EXTENDING CASH RELIEF BENEFITS TO WIDOWS OF RECIPIENTS

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 5990) to grant increased benefits to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937, and to extend cash relief benefits to widows of recipients, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BONNER]?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand that there will be no cost to the Federal Government as a result of this legislation?

Mr. BONNER. That is correct.

Mr. GROSS. This would not indirectly result in an increased cost in that the retirement benefits will be paid out of revenue from the operation of the Canal Zone?

Mr. BONNER. That is correct.

Mr. GROSS. Of course, if the Federal Government should augment payments for the operation of the Canal Zone, then this would result in no cost even in that event?

Mr. BONNER. That has never been necessary, I will say to the distinguished gentleman, and it is not likely that it will be necessary. With the receipts and the expectation of an increased utilization of the canal, it is hard to understand how that would be necessary.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 181(b) of title 2, Canal Zone Code, approved October 18, 1962 (76A Stat. 20), is amended to read as follows:

"(b) An additional amount of $20 per month shall be paid to each person who receives payment of cash relief under subsection (a) of this section and shall be allowed without regard to the limitations contained therein."

SEC. 2. Section 181 of title 2, Canal Zone Code, is further amended by inserting new subsections (c) and (d) and by amending the existing subsection (c) and relettering it as subsection (e), the three subsections to read as follows:

"(c) The Governor of the Canal Zone may pay cash relief to the widow of any former employee of the Canal Zone Government who, until the time of his death, receives or has received cash relief under subsection (a) of this section or under the Act of July 8, 1937. The term 'widow' as used in this section includes only the following:

"(1) A woman legally married to such employee at the time of his termination for disability and at his death; or

"(2) A woman who, although not legally married to such former employee at the time of his termination, had resided continuously with him for at least five years immediately preceding the employee's termination under such circumstances as would at common law make the relationship a valid marriage and who continued to reside with him until his death.

Cash relief granted to such widows shall not at any time exceed 50 per centum of the rate at which cash relief, inclusive of any additional payment under subsection (b) of this section, would be payable to the former employee were he then alive.

"(d) The Governor of the Canal Zone is authorized to conduct an assistance program for the benefit of former employees and their widows who receive cash relief under this section. Such assistance may include medical and nursing services in the recipients' home, medicine, artificial limbs, eye glasses, outpatient treatment, and the repackaging and distribution of donated food and supplies, such as those obtained from the Cooperative for American Remittances to Europe organization. The funds appropriated for this assistance program shall not exceed $25,000 in any fiscal year.

"(e) Effective October 5, 1958, the Civil Service Retirement Act applies to those classes of employees of the Canal Zone Government and the Panama Canal Company who would have been eligible to receive benefits under the cash relief program if their services had been terminated by reason of disability prior to that date."

SEC. 3. This Act shall take effect on the first day of the month following that in which it is enacted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS TO SMITHSONIAN INSTITUTION TO CARRY OUT ITS FUNCTIONS UNDER THE ACT OF JULY 2, 1940

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 7059) to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79–79e), to authorize such appropriations to the Smithsonian Institution as are necessary in carrying out its functions under said act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7059

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That section 7 of the Act of July 2, 1940 (54 Stat. 725; 20 U.S.C. 79e), is amended to read:

"SEC. 7. There are authorized to be appropriated annually, from money in the Treasury of the United States not otherwise appropriated, such sums as are necessary for the administration of this Act and for the maintenance of laboratory or other facilities provided for carrying out the purposes of this Act."

SEC. 2. Section 4(g) of the Act of July 2, 1940 (54 Stat. 725), as modified by section 801 of Reorganization Plan Numbered 3, effective July 16, 1946 (60 Stat. 1101; 20 U.S.C. section 79b(f)), is amended to read as follows:

"(g) include in its annual report of its operations to Congress a statement of activities and operations during the preceding year."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, the act of July 2, 1940, established the Canal Zone biological area as an independent Government entity with its own board of trustees and an annual appropriations limitation of $10,000. In 1946, the functions and authority of the independent board were transferred as a whole to the Smithsonian Institution by Reorganization Plan No. 3, and the Canal Zone biological area became an integral part of and an important center for the Smithsonian's programs in tropical biology. Although it was not the intent or effect of this transfer to place a $10,000 limitation on the Smithsonian's expenditures for tropical biology, it was not possible, using the Reorganization Act power, to remove this inappropriate portion of the original legislation. Consequently this legislation introduced in the Congress at the request of the Board of Regents, is proposed for the purpose of removing this limitation and making clear that the appropriations authority for Smithsonian activities associated with Barro Colorado Island is the same basic authority underlying appropriations for other longstanding Smithsonian research programs.

The passage of such legislation at this time is desirable in view of the Smithsonian's plans to establish an administrative unit to be known as the Institute of Tropical Biology, the purpose of which will be to coordinate and extend the research opportunities now afforded by the various Smithsonian programs in tropical biology, including the activities on Barro Colorado Island. The Smithsonian's efforts to respond with greater effectiveness and economy to its traditional obligations in field biology in the New World tropics, can thus move forward without any possible question as to its appropriations authority which might arise from a misconception of this earlier legislation framed in a more limited context.

Mr. Speaker, I feel it proper to advise the House regarding a breakdown of appropriations and trust fund expenditures of 1950 to 1966 and also a breakdown of current year budget showing the various objects of expenditure. Both as a member of the Board of Regents of the Smithsonian Institution and as a Member of the House I urge the passage of H.R. 7059.

Canal Zone biological area appropriations and trust fund expenditures, 1950–66

Fiscal year	Canal Zone biological area appropriation	Statutory appropriation limitation	Trust fund expenditures	Amount appropriated in addition to statutory limitation
1950	$5, 000	$10, 000	$10, 835	
1951	18, 000	10, 000	8, 721	$8, 000
1952	16, 647	10, 000	10, 744	6, 647
1953	7, 000	10, 000	10, 991	
1954	7, 881	10, 000	10, 847	
1955	8, 473	10, 000	7, 920	
1956	18, 790	10, 000	9, 292	8, 790
1957	30, 274	10, 000	7, 004	20, 274
1958	34, 785	10, 000	4, 513	24, 785
1959	61, 768	10, 000	11, 018	51, 768
1960	53, 000	10, 000	21, 000	43, 000
1961	52, 000	10, 000	20, 000	42, 000
1962	60, 000	10, 000	14, 000	50, 000
1963	97, 000	10, 000	10, 000	87, 000
1964	138, 000	10, 000	16, 000	128, 000
1965 [1]	159, 000	10, 000	15, 000	149, 000
1966 [1]	159, 000	10, 000	15, 000	149, 000

[1] Estimated.

Canal Zone biological area, fiscal year 1965

	Current annual salary
NM–14 (director)	$18, 176
NM–12 (plant taxonomist)	13, 100
NM–12 (zoologist)	12, 745
NM–11 (administrative officer)	11, 178
NM–7 (administrative assistant)	6, 050
NM–4 (wildlife technician)	4, 410
NM–4 (clerk typist)	4, 139
NM–3 (game warden)	3, 245
NM–3 (game warden)	3, 245
NM–3 (wildlife technician)	3, 037
MS–8 (foreman)	6, 781
M–11 (electrician)	6, 094
M–10 (launch operator)	5, 013
M–10 (launch operator)	5, 013
M–8 (cook)	3, 162
M–8 (cook)	3, 286
M–7 (carpenter)	2, 766
M–5 (helper)	2, 163
Total salary	113, 603

(Key: NM=Nonmanual equivalent to general schedule; M=Manual equivalent to wage; MS=Manual supervisor.)

(NOTE.—Overtime, holiday, part time and temporary employment, and certain other premium pay differentials are not included.)

Personnel compensation (11)	$119, 000
Personnel benefits (12)	8, 000
Travel and transportation of persons (21)	6, 000
Transportation of things (22)	2, 000
Rent, communications, and utilities	4, 000
Other services (25)	3, 000
Supplies and materials (26)	12, 000
Equipment (31)	5, 000
Total	159, 000

AUTHORIZING PRINTING OF ADDENDUM TO REPORT OF 44TH NATIONAL CONVENTION, DISABLED AMERICAN VETERANS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 257) and ask for its immediate consideration.

H. RES. 257

Resolved, That there shall be printed as an addendum to House Document Numbered 39, Eighty-ninth Congress (the Report of the Forty-fourth National Convention, Disabled American Veterans), the following matter relating to the Disabled American Veterans: (1) financial statements and supplemental schedules for the year ended December 31, 1963, and accountants opinion; and (2) financial statements for the year ended June 30, 1964, and accountants opinion.

SEC. 2. The number of copies of the addendum printed pursuant to the first section of this resolution and the distribution thereof shall be the same as in the case of House Document Numbered 39, Eighty-ninth Congress.

The SPEAKER. The gentleman from Ohio [Mr. HAYS] is recognized.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. GROSS. Only a day or so ago, a Member of the House who is knowledgeable on the subject of the costs of printing told me that we are spending for our printing at the annual rate of about $5 million. He says this printing bill is increasing steadily. It would be my hope, and I have no quarrel with the resolutions that are to be considered this morning, but it would be my hope that the gentleman and his subcommittee would scrutinize very carefully all bills that pertain to printing that come before his subcommittee in the future.

Mr. HAYS. I can say to the gentleman, and I thank the gentleman for his comments, that the bills that come to the floor are not by any means all the bills that come before the subcommittee and the full committee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HOUSE REPORT NO. 175, OF THE JOINT ECONOMIC COMMITTEE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That there be printed for the use of the Joint Economic Committee five thousand additional copies of House Report Numbered 175, Eighty-ninth Congress, first session, entitled "Report of the Joint Economic Committee on the January 1965 Economic Report of the President With Minority and Additional views".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS A HOUSE DOCUMENT A REVISED EDITION OF "THE CAPITOL"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 364 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 364

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document, with illustrations, a revised edition of "The Capitol"; and that four hundred and sixty-nine thousand additional copies shall be printed, of which four hundred and thirty-nine thousand copies shall be for the use of the House of Representatives and thirty thousand copies shall be for the use of the Joint Committee on Printing.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF POCKET-SIZED EDITION OF "THE CONSTITUTION OF THE UNITED STATES OF AMERICA" AS A HOUSE DOCUMENT

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 383

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document the pamphlet entitled "The Constitution of the United States of America" (pocket-sized edition), as revised and reprinted by the United States Department of Health, Education, and Welfare; and that there shall be printed sixty-four thousand five hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives and twenty thousand six hundred copies shall be for the use of the Senate. Such copies shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.

With the following committee amendment:

On page 1, line 2, strike out all after the resolving clause through the word "Welfare" on line 6, and insert the following: "That there shall be printed as a House document 'The Constitution of the United States of America', as amended (pocket-sized edition);".

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF "CATALOG OF FEDERAL AIDS TO STATE AND LOCAL GOVERNMENTS—SUPPLEMENT, JANUARY 4, 1965"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up Senate Concurrent Resolution 27 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

S. CON. RES. 27

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations sixty thousand additional copies of its committee print of the Eighty-ninth Congress, first session, entitled "Catalog of Federal Aids to State and Local Governments—Supplement, January 4, 1965", a study prepared by the Legislative Reference Service of the Library of Congress for the Subcommittee on Intergovernmental Relations.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REPRINTING OF HOUSE DOCUMENT 103, 88TH CONGRESS, ENTITLED "HOW OUR LAWS ARE MADE"

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 165) authorizing reprinting of House Document 103 of the 88th Congress, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 165) entitled "Concurrent resolution authorizing reprinting of House Document Numbered 103 of the Eighty-eighth Congress", do pass with the following amendment:

On page 1, line 8, strike out all after "printed" down to and including "Room." in line 12 and insert "one hundred sixty-three thousand additional copies of such document, of which one hundred thirty-two thousand shall be for the use of the House of Representatives and thirty-one thousand shall be for the use of the Senate.

"SEC. 2. Copies of such document shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective House and Senate Document Rooms."

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HEALTH RESEARCH FACILITIES AMENDMENTS OF 1965

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2984) to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California [Mr. SMITH], and to myself such time as I may consume.

Mr. Speaker, House Resolution 355 provides for consideration of H.R. 2984, a bill to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes. The resolution provides an open rule with 3 hours of general debate, making it in order to consider the substitute amendment now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

The present health research facilities program was initially authorized in 1956, and provided an authorization of $30 million annually for matching grants of up to 50 percent of the costs of construction of health research facilities.

When the program was initially authorized, total national expenditures for medical and health-related research were slightly over $300 million, as contrasted with $1.7 billion in 1964. The demand, in terms of approved applications for health research facilities construction has always exceeded the funds available. Present estimates are that the backlog of approved but unfunded health research facilities applications exceeds $80 million for the fiscal year 1965.

Under the Health Professions Educational Assistance Act of 1963, construction assistance is limited to facilities for the teaching of students; however, research facilities are an essential and integral part of any medical, dental, or health professions school. The expansion of medical education requires an expansion of research facilities, for without these facilities a new school cannot attract the faculty for the instruction and inspiration of high-caliber students.

Other demands for new research facilities arise out of the rapid changes taking place in the nature of medical research. Modern methods of research can bring to bear the full array of new techniques but these techniques often require more sophisticated instrumentation, and often involve higher standards of air conditioning and more precise environmental control.

The cost of meeting these needs is far outweighed by the cost to the health of the American people of impeding the progress of medical research through inadequate facilities. The continuation of this program is a minimal and essential step which must be taken to insure the continued progress of medical research.

H.R. 2984 would extend the present program for construction of health research facilities for 3 additional years, with an authorization of $280 million in the aggregate for matching grants for such facilities, in lieu of the existing $50 million annual appropriation authorization; provide a 3-year authorization, with a ceiling of $43 million, for the Public Health Service to enter into research contracts in lieu of the existing authorizations contained annually in appropriation acts; and authorize three additional Assistant Secretaries of Health, Education, and Welfare.

Mr. Speaker, I urge the adoption of House Resolution 355.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from Florida [Mr. PEPPER] in my opinion has very ably explained the rule and the purpose of the bill. I agree with his statements and ask to be associated with them.

May I simply add that it is my understanding that this bill is here at the request of the administration. They originally asked for what might be called an open-end, no time limit on the extension. The committee in its wisdom felt that the Congress should review the program periodically and accordingly have placed a 3-year time limit on the extension.

The total cost of the program provided in the bill will be slightly in excess of $409 million over the 3-year fiscal period 1966 through 1968. An aggregate of $280 million in appropriations is authorized for health research facilities. Forty-three million dollars annually is authorized for the continuation of contract facilities. It is anticipated that the additional cost associated with the appointment of additional Secretaries will be minimal. The testimony before the Committee on Rules was to the effect that there will be three additional Secretaries. These individuals presently exist and are operating. The main purpose of the provision is that in holding various conferences and attending meetings and the like, if they had this authority their word might be more strongly accepted than if they were merely individuals in the Department. They state that it will not cost too much additional money.

Mr. Speaker, I do not know of any objection to the rule. In fact, I know of no objection to the bill. I urge the adoption of the rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman tell me whether the $409 million is in addition to present appropriations for the Department of Health, Education, and Welfare or is a part of the appropriation that was approved by the House a few days ago?

Mr. SMITH of California. I would assume that it is part of the appropriations being made. The report states that the total cost of the programs provided in the program is $409 million for the 3 years.

Mr. GROSS. The question is, would this be additional to the amount since this represents new legislation?

Mr. SMITH of California. I wonder if the gentleman from Arkansas [Mr. HARRIS] would like to answer that question?

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Arkansas.

Mr. HARRIS. No, it is not a new program. It is not a new authorization. The bill extends two present programs that have been in existence for some time and that in my judgment and the judgment of the committee have proved their worth.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. So that the $409 million, as stated in the report, will not be additional to present appropriations for the Department of Health, Education, and Welfare, but will be absorbed by present appropriations? Is this what I understand from the gentleman from Arkansas?

Mr. HARRIS. No, I did not intend to leave that impression at all. The bill extends two existing programs for 3 additional years. To that extent the bill provides additional authorization for the next 3 years after the program expires this year.

Mr. GROSS. I see. Approximately one-half billion dollars?

Mr. HARRIS. Almost.

Mr. GROSS. Plus the cost of three additional secretaries and their retinues?

Mr. HARRIS. If the gentleman from California will yield further, I shall be glad to continue this discussion when we get in the Committee of the Whole and explain the matter as thoroughly as I can.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 98]

Abbitt
Adair
Andrews, George W.
Andrews, Glenn
Annunzio
Ashley
Ayres
Battin
Bell
Berry
Bingham
Blatnik
Bolling
Brademas
Broyhill, N.C.
Buchanan
Cahill
Chelf
Clawson, Del
Cramer
Curtin
Daniels
Dent
Dwyer
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Fino
Flood
Fogarty
Giaimo
Gilligan
Grabowski
Green, Oreg.
Gubser
Gurney
Halpern
Hamilton
Hanna
Hathaway
Henderson
Holland
Jennings
Laird
Landrum
Lennon
Lindsay
Long, Md.
McCarthy
McDowell
Macdonald
Mackie
Mailliard
Martin, Ala.
Mathias
Miller
Mink
Moore
Morgan
Morse
Morton
Mosher
Nix
Passman
Patman
Powell
Price
Quillen
Reid, N.Y.
Reifel
Resnick
Robison
Rodino
Rogers, Tex.
Roosevelt
St Germain
Saylor
Scheuer
Shipley
Shriver
Sikes
Stephens
Sullivan
Sweeney
Talcott
Teague, Tex.
Todd
Toll
Tuck
Vanik
Watkins
White, Idaho
Widnall
Wright

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall, 341 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HEALTH RESEARCH FACILITIES AMENDMENTS OF 1965

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2984) to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2984, with Mr. THOMPSON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this is a highly important piece of legislation. It would extend two existing programs relating to health legislation and authorize the appointment of additional Assistant Secretaries of the Department of Health, Education, and Welfare.

Briefly, the bill extends for 3 additional years the current program under which Federal matching grants of up to 50 percent of the cost of construction are authorized for the construction of health research facilities. Existing law authorizes $50 million annually in appropriations for this purpose and a substantial backlog of applications has built up which cannot be funded because of limitations on existing authorizations.

The committee proposes to deal with the problem as of today by extending the program for 3 additional years, and authorizing appropriations aggregating not more than $280 million over the 3-year life of this extension. Then the bill provides permanent authority for the Public Health Service to carry out its functions under the present language of section 301 of the Public Health Service Act through the mechanism of entering into contracts. The committee has provided that this contract authority will be limited to 3 years' duration.

Now, you may raise the question why we put a restriction of 3 years on these various programs that our committee has brought to you recently. Several years ago it was decided that due to open-end authorizations of certain programs, some of them have been extended rather rapidly and in the opinion of some, have gone beyond the authorization intended.

So the committee decided that because of the public interest involved, it would be advisable at least for the legislative committee to take a look at the progress of these programs at least once every 3 years. For that reason, these various programs have been extended, and some of the authorizations, with a limitation of 3 years or less on them.

Mr. Chairman, this is a pattern that was developed several years ago and that is the reason for this restriction today.

In addition, Mr. Chairman, we put another restriction insofar as concerns the contractual authority contained in the bill, and that is a limitation of $43 million to be obligated during any one fiscal year.

Mr. Chairman, this proviso will come in for some discussion. The committee received information that the present program was working very well and the amount of contractual authority for 1964 was $43 million. Since then, it has developed that this information was incorrect and that the NIH had entered into contracts obligating the total sum of $46,259,000, and for the entire program under the Public Health Service Act it was $57,419,000. For this fiscal year the total sum of all of these services for contractual authority is proposed to be at the level of $79,366,000. Therefore, we did not obtain the correct information on the extent of the program and even the present status of it but nevertheless the committee did include an amendment with this restriction which was offered by our distinguished colleague and ranking minority Member, the gentleman from Illinois [Mr. SPRINGER].

Mr. Chairman, it developed later that we did not have the proper information, but we decided that it would be better to proceed with it and this matter could be given further attention as the bill progresses through the Congress. We thought, or at least I thought, it would be better to go ahead with the legislation and that we could get more precise information on the program and straighten it up as we go along.

The Public Health Service has had this contract authority ever since 1957, obtained through "point of order" language contained in the annual appropriation bill. Therefore, this authorization provided through amendment to permanent legislation, actually constitutes an extension of existing law with limitations which are not today present in the language contained in the appropriation acts.

I intend to discuss this program at greater length later on in my remarks.

The third change in existing law made by H.R. 2984 is the authorization for additional Assistant Secretaries of Health, Education, and Welfare. Our committee has had bills providing for additional Assistant Secretaries before it for many years, but these bills have always proved extremely controversial. There are many reasons for this but I think it cannot be denied that the existing staff of the Secretary of Health, Education, and Welfare at the Under Secretary and Assistant Secretary level is greatly overburdened. I doubt if there are any men holding comparable status in any department in Washington who have as many different, complicated and highly important jobs as the current Assistant Secretaries of Health, Education, and Welfare.

As I mentioned, our committee has had bills proposing additional Assistant Secretaries for some time. It has been a question of some controversy. I have had some feeling about it myself. In the past I have been very reluctant to go along with the requests that we have had for additional Assistant Secretaries on the basis that the proper showing in my judgment had not been made.

Where the showings have been made in the request, we generally went along with them. Sometimes, unfortunately, we get into a fuss or controversy as to its being a patronage proposition. We felt that a showing was made this year, so the committee decided that responsibility should be placed with the proper people. We have seen the Department grow and expand and spread out all over the lot. We have seen the authorizations go from a little more than a billion dollars in 1953 to expand now to nearly $8 billion under existing legislation.

Under new legislation that has come with a bill passed by the House and Senate, and the President signed not long ago, and others, it is going to go to almost $10 billion. That is a lot of work, that is a lot of responsibility. No one man can keep up with this. The responsible people authorized to administer these programs are few. So we decided where there are tremendous programs, as this great Department has, we should have authority to select good and responsible people. The Secretary can delegate the responsibility to those who represent him, and not have to depend on the Civil Service employee who does not have have the same responsibility to the Secretary. That is precisely the reason I have decided this is an appropriate request. It is, in my judgment, a reasonable request

We in the report discuss this matter at some length beginning on page 5. I call your attention to the fact we discuss there the problems and the duties of each of these Assistant Secretaries. The third one you probably will notice on page 10 presently carries the designation of a special assistant.

In other words, we are not increasing his duties and responsibilities, and we are increasing his pay only slightly. The others are not given substantially more money—practically the same money—but are being designated into a responsible position which he can be held accountable for by the Secretary. I would think this would be, in my judgment, the way we should establish this governmental program in an effort to carry out the responsibilities which we have given to this great Department.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be happy to yield to the gentleman from Iowa.

Mr. GROSS. It seems to me the gentleman from Arkansas has made quite an indictment of civil service employees. What reason would we have to believe there would be any more responsibility on the part of an Assistant Secretary than on the part of a top-grade civil service employee?

Mr. HARRIS. Let me hasten to say, there is no indictment or intended criticism of the civil service at all. But we do recognize that a civil service employee is a Federal employee under established civil service procedures and law. But when these political appointments are made, and the civil service appointments are not political appointments, they are people who have earned what they have under the law that this Congress has set up and they have earned it on the basis of merit and service. Here we have a responsible position where the Secretary can say to one of his assistants that we have a problem in Iowa or we have a problem in some other place—you go and represent me there and you be responsible for it as my assistant. Consequently, he can hold him accountable. There are other situations where assistant secretaries of the State Department, for example, or the Assistant Secretary of some other department of the Government are involved in a conference on a certain problem and it is a whole lot better, where equal responsibility exists, to have an assistant secretary to sit in on that same conference with the same status. That is the way I feel about it.

Mr. GROSS. The gentleman is not saying inversely that these proposed new assistant secretaries will not be appointed on the basis of politics?

Mr. HARRIS. Well, I would think that any administration regardless whether it is the present administration or the previous administration or any other administration will try to select people who are capable and can perform the duties and who are people they know sufficiently well to have confidence that they will cooperate. That is a part of our system and that is the way it should be. I think we have to hold people responsible and the appointing officer has to be satisfied that these people who are selected for these places are people who are highly capable. That is what we are trying to do. That is our duty, to see that this can work as it ought to work.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. There is absolutely no question in my mind about the wisdom of the chairman of the committee as to the need for the additional Secretaries or Assistant Secretaries to the Department of Health, Education, and Welfare. I would presume there have been adequate hearings, study, and determination about the workload and the job status and job descriptions as to warrant this.

Mr. HARRIS. The gentleman is correct.

Mr. HALL. I am interested, however, in the question of the changing of the one special assistant for health and medical matters to the Secretary to one of these Assistant Secretaries of the Department of Health, Education, and Welfare. I read carefully the report and even the hearings. The bill itself, it would appear to me that eventually as now written, the special assistant to the Secretary of Health, Education, and Welfare for health and medical matters will be phased out although the incumbent may remain as one of the special assistants to the Secretary. Is it the intention of the legislation before us to have a special assistant or an Assistant Secretary in charge of health, one in charge of welfare, and one in charge of education, or is that to be left entirely to the Secretary of Health, Education, and Welfare? I just want to establish a little legislative record, Mr. Chairman.

Mr. HARRIS. As the gentleman has read in the report, the current special assistant to the Secretary, and the gentleman from Missouri knows who he is and I think he is a very good man, will become the Assistant Secretary in charge of health and medical affairs. At the same time we will phase out this position that he holds. As a matter of fact, it is intended that it be abolished. Of the other two which are described on page 8, it is intended that one be named Assistant Secretary for Special Programs.

Those programs are, of course, listed on pages 8 and 9. They include mental retardation, as well as the Department's activities relating to the Economic Opportunity Act of 1964, youth crime and delinquency, special institutions, and so forth.

The other one proposed here would be assigned, as is explained in the report, as Assistant Secretary for Intergovernmental Relations.

I wish to say, in my position as chairman of this committee, that for the past few years I have had the experience of visiting with and talking with these people. Administering the Department of Health, Education, and Welfare has become one of the most difficult jobs in our Government. There are so many things involved in these programs developing. Our country is getting quite large. Our population is expanding, our economy is expanding, getting bigger and bigger all the time.

It appears to me that almost everything now becomes involved with other departments. I do not know how that can be eliminated. It is a simple fact in the operation of these huge departments in the Government today. Consequently, it requires an enormous amount of time even to correlate activity of HEW with, let us say, the Bureau of the Budget, along with the Commerce Department or the Interior Department or any other department, on any particular program. I know this, because I have been trying to help coordinate between departments in respect to one highly important program affecting education in this country, with the educational people in my district, trying to work out something satisfactory and acceptable. We have had a difficult time doing so. It has required a lot of time of the people in policymaking positions.

Mr. HALL. I agree with the gentleman. I am well aware of the fact that they must also have a liaison with the Congress. This in itself becomes a difficult problem of coordination and interdigitation, at least of various persons.

Mr. HARRIS. I should like to say that Mr. Wilbur Cohen has been made Under Secretary of Health, Education, and Welfare and has been handling that responsibility, along with some others in the Department, with the various divisions, bureaus, and so on within that Department.

It has been my experience that Mr. Cohen does a splendid job in advising Congress of the facts and providing information. We may disagree at times, but I believe he is one of the most efficient and well qualified men for this particular service with whom I have had experience in some time. He has always been fair. He has always honored anything that I would request of him. He has always endeavored to provide information which I requested. He has done a tremendous job.

Mr. HALL. If the gentleman will yield further, I would say that is a part of his opinion I do not share with him, but I can certainly disagree without being disagreeable. I am glad the gentleman made the statement about this former employee, who is now on leave to the Federal Government, I believe, from one of the great universities, as a professor of political science.

Is it understood by the distinguished Chairman, now in the well of the House, that he and/or the Secretary will, in addition to the Commissioner of Education and/or the Commissioner of Health and/or the Commissioner of Vocational Rehabilitation, or these other assistants, in addition to the Assistant Secretary for Special Projects and the Assistant Secretary for Legislative Liaison, and one at least pro tem until his appointment expires or runs out, will act for health and medical matters, and that these things will be handled by the Secretary and the Deputy?

What worries me is that after the incumbent's appointment expires, under existing legislation there could no longer be anyone designated or bent into such responsibility for health and medical matters.

I submit to you that with medicare coming up to be administered by this Department, as it says in H.R. 6675, which passed this House, the original medicare for civilian dependents act continuing, with our new mental installations and with this very bill here today which is to be administered by them, if there was ever a time when we needed someone to head up these committees at the State level dealing with hospitals and to head up the new training program and the new mental health staff procurement program which we passed under the able leadership of the chairman in the well of the House and his committee, then this is the time. This is the time when we need someone designated who has special expertise not only in the consideration of these bills which become legislation but for their implementation and regulation. I hope that we might continue to have designated even a physician in this period who will serve on the staff of the Secretary and be responsible for these matters.

Mr. HARRIS. I share the gentleman's views with reference to the needs for specialists for particular programs. We are not attempting to interfere with that concept at all. All we are trying to do here is to get the organization set up in HEW where the Secretary can have someone that he can hold responsible, and that we in the Congress can hold responsible.

Having said that let me go further. It is the general consensus of our committee that the whole organizational structure of HEW ought to be gone into. With the cooperation and at the suggestion of the committee I have established a committee made up of members of our committee and have already obtained several staff members for the particular purpose of making a very thorough and objective study of the whole organizational setup of this great, sprawling Department, particularly with reference to those parts of the agency that come under our jurisdiction.

This, of course, will also be correlated with the jurisdiction of other committees as best we can. We feel an objective job can be accomplished to see that the organization itself is set up so as to carry out these various programs that Congress has provided. I think it is a feasible and justifiable attempt that we are making here. We will pursue it in an effort to bring about the best possible administration of these programs.

Mr. HALL. I compliment the gentleman. I am well aware of this special committee study going on in his Committee on Interstate and Foreign Commerce which does deal with all matters coming up in Congress affecting health except those involving the Committee on Ways and Means.

Mr. HARRIS. And the Committee on Education and Labor, among others. Of course, we will confer with them as we go along on these correlated programs.

Mr. HALL. I hope the distinguished committee keeps its jurisdiction and emphasizes the need for an assistant secretary designated to be in charge of health matters in these times when we are spreading the benefits of our knowledge relating to health to all of our people, as we probably should do.

I thank the gentleman.

Mr. HARRIS. I thank the gentleman for the comments and suggestions he has made here.

I believe from the responses that I have gotten from Members of the House as well as from others, that there are many persons who feel that such a study is long overdue, and will be extremely helpful. Among the matters that I expect the special subcommittee to look into will be the programs contained in this bill—that is, the program of assistance for construction of health research facilities; the program of contract authority, with some emphasis on the collaborative research programs conducted by the National Institutes of Health; and the functions, duties, and operations of the new Assistant Secretaries of Health, Education, and Welfare.

These matters will not, of course, be the only matters of concern to the subcommittee, since I expect that they will take a good hard look at all of the programs of the Department which affect matters within the legislative jurisdiction of our committee; however, I mentioned the establishment of the subcommittee in connection with this bill because I expect that the programs contained in the bill will be among those studied by the subcommittee.

HEALTH RESEARCH FACILITIES

Mr. Chairman, this bill authorizes an extension of the current health research facilities program. In 1956, this program was initially authorized. At that time, the total national expenditures for medical and health-related research were slightly over $300 million. In 1964 almost six times as much was spent throughout the United States for this purpose or a total of approximately $1.7 billion.

The demand for these facilities increases each year. Our report, on pages 24 and 25, shows the professional disciplines covered by projects awarded through December 31 of last year, and the types of institutions which have received these awards. The majority of the grants for the construction of these facilities insofar as concerns numbers of requests are by universities or colleges, which have received 325 projects during the life of the program, at a total cost in excess of $68 million. The second largest category of institutions which have received awards, and the largest in terms of dollar amounts, are schools of medicine, which have received 278 projects at a total cost to the Federal Government of $160 million. In addition, projects have been awarded to schools of dentistry, pharmacy, and schools of veterinary medicine, and other institutions.

A total of 179 projects have been awarded to hospitals and 113 to research institutes. There have been a total of 1,263 construction grants made under the program to date totaling $320 million. These awards have been made to 399 institutions in every State, the District of Columbia and the Commonwealth of Puerto Rico. For every Federal dollar that has been spent, more than $1.50 has been provided from non-Federal funds. The total cost of the research construction aided with assistance under this program has totaled $819 million, of which $320 million has been furnished through Federal funds.

This program is an extremely important and vital one, and our committee unanimously recommends its continuation with the modifications contained in the bill.

RESEARCH CONTRACT AUTHORITY

Section 3 of the bill, as I mentioned before, is an extension of the existing program under which the Public Health Service is authorized to enter into contracts to carry out the purposes of section 301 of the Public Health Service Act.

This section contains broad general authority to the Surgeon General to deal with his responsibilities under the act. It provides:

> The Surgeon General shall conduct in the Service, and encourage, cooperate with, and render assistance to other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man, including water purification, sewage treatment, and pollution of lakes and streams.

The amendment made by section 3 of the bill will add a new subsection to section 301 which will provide that the Surgeon General may, in carrying out his duties, under section 301, use the mechanism of entering into contracts including contracts for research or development under authority similar to that possessed by the heads of military departments under title 10 of the United States Code. The sections of title 10 referred to are set out for the information of Members of the House on pages 19 and 20 of the committee report.

Under these sections, a contract for research could provide for acquisition or construction by, or furnishing to, the contractor of research facilities and equipment which the Secretary of Health, Education, and Welfare determines to be necessary for performance of the contract. The facilities that could not be readily removable or separable without unreasonable expense could not be installed unless special provisions were included in the contract to protect the interests of the United States. In addition, such contracts could also contain provisions to indemnify contractors against claims by third persons from risks that the contract defines as unusually hazardous and against loss of or damage to property from a risk defined as unusually hazardous.

Members may have noted that the authority in section 301, which is amended by the bill, is extremely broad. In providing permanent authorization for contract authority, our committee has provided a limitation on this authority so that the administration will have to return in 3 years and justify the continuation of this program. In addition, we have placed an overall ceiling on the amount of obligations which may be incurred during any fiscal year pursuant to this new authority. I expect that the obligations under this contract authority both in the past and in the future will be looked into by the special subcommittee headed by the gentleman from Florida [Mr. ROGERS], and we will review the legislative authorization 3 years from now when we receive the expected request from the administration for the further extension of the program.

ASSISTANT SECRETARIES OF HEW

Section 4 of the bill provides for the appointment of two additional assistant secretaries and for the conversion of the existing position of Assistant to the Secretary for Health and Medical Affairs to the position of an Assistant Secretary of Health, Education, and Welfare.

As I have already mentioned, our committee report states on pages 6 to 10 the duties which it is presently planned will be assigned to the new Assistant Secretaries. We realize that the Secretary must retain flexibility in the assignment of duties to the Assistant Secretaries; therefore, this bill does not specify their their duties but leaves the assignment to be made by the Secretary from time to time as the needs require.

I do not think it can be denied that the Secretary of Health, Education, and Welfare requires additional top-level assistants. The Department was created in 1953. In the 12 years that it has been in existence it has turned out to be the fastest growing Department in the entire Federal Government.

Since the Department was created, there has been no change in the top level staff available to assist the Secretary in carrying out his very broad responsibilities under the law. Currently, there are two Assistant Secretaries and one Assistant to the Secretary for Health and Medical Affairs. In addition, there is an Assistant Secretary for Administration, whose position is not subject to Senate confirmation. This means that the Department has three Assistant Secretaries and one Special Assistant to the Secretary, who, in addition to the Secretary, constitute the entire top level staff of the Department, aiding and advising the Secretary. Since the Department was created in 1953, more than 125 laws have been enacted which either created new programs or expanded existing ones. Over 70 grant-in-aid programs currently administered by the Department have been adopted since 1953. Expenditures from the old age, survivors, and disability insurance trust funds have increased from $3.4 billion to $17.6 billion.

The most significant indicator of the growth in the Department's responsibility is found in the level of appropriations. In 1953, the Department's budget was $1.9 billion. The budget for fiscal year 1966 calls for total appropriations of $7.8 billion under existing legislation and $2 billion under new legislation for a total of $9.8 billion.

These facts make it abundantly clear that the Secretary's need for additional top level staff is urgent and, accordingly, we recommend the establishment of the Assistant Secretary positions called for by the bill.

CONCLUSION

Mr. Chairman, this bill was the subject of 4 days of hearings before our committee; was considered in great detail; was amended fairly substantially by the committee; and I might add, in my opinion, the amendments strengthened the bill greatly. The bill was ordered reported to the House by a unanimous vote of the committee. We recommend its enactment.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be glad to yield to the gentleman from Minnesota.

Mr. NELSEN. I note from the committee report, the Wooldridge report, the review group, in its language indicated some dissatisfaction relative to contractual work that had been done. We discussed this in the committee and there is included in the report some recommendations. I wonder if you want to touch on that for the purpose of legislative history, which might be a little incentive to this operation, that is, to sharpen it up a bit.

Mr. HARRIS. I will be glad to discuss this.

We are, of course, aware that there has been some criticism of the research contract mechanism used by the Public Health Service. That is one of the reasons we provided a 3-year limitation on this authority and have placed a ceiling on the funds which may be obligated under this program.

In the summer of 1963, President Kennedy directed that the Office of Science and Technology implement an investigation of the National Institutes of Health. On February 17, 1965, the President made public the report of the NIH Study Committee which conducted this study, under the chairmanship of Dr. Dean E. Wooldridge.

As a part of this report, the committee expressed some criticism of the collaborative research programs conducted by the National Institutes of Health.

The review panel of the Committee which studied the NIH collaborative programs expressed some criticism of the contractual mechanism for research, directed in large measure to the administration of these contracts. The review panel, however, recognized that the research contract is desirable under some circumstances, and stated—page 88 of the Wooldridge report:

> In general, then, we recognize the usefulness of the contract mechanism for those situations in which a concerted developmental effort is indicated.

The committee expects to study the matters raised in the Wooldridge report in the near future, and particularly operations under the contract authority as carried out in the past and as extended in this legislation. Pending the completion of the committee's proposed study of this and other matters relating to the Public Health Service, the committee has extended the contract authority requested by the Department for 3 years at fiscal 1964 levels of appropriations utilized for the National Institutes of Health,

Mr. Chairman, the committee reported this bill unanimously, and we hope it will be adopted.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

In the year 1956, only 3 years after the Department of Health, Education, and Welfare was organized, a system of grants for health research facilities was instituted. Starting off modestly, it enjoyed such success with the universities, the medical schools, and the scientific community generally that by 1961 these grants amounted to $50 million a year. Research in the health field has always been an inherent activity where medical education was taking place. Most of the important medical discoveries of recent times have come from our universities producing graduate doctors. The principle has become so well accepted that no medical school is complete without a broad and meaningful research program.

The 88th Congress passed the medical education bill, the purpose of which was to provide more facilities for the education of doctors and other medical professionals. There is every indication that this program will pay off as planned. As more facilities are created for the education of doctors, more research facilities are also needed. At the present time there is a backlog of approved projects amounting to $80 million. As the bill came to the committee it contained no ceiling on expenditures and would have continued for 5 more years. In keeping with precedent, the committee limited the program to 3 years and placed an overall ceiling of $280 million for the period. This should take care of the bulge created by the expansion in medical education. Although it is generally understood, it should be said that the main purpose of health research facilities is not to give research experience to students and professors, but to produce basic knowledge and new procedures to combat the diseases of mankind.

The bill also provides for authority to make contracts for the conduct of research and other purposes. The Department has been exercising this kind of authority for several years by virtue of language in the appropriations bill. I am informed that the Appropriations Committee had given notice that this practice could not continue and that proper legislative authority should be obtained. The request itself was very simple, but trying to discover exactly how the authority had been used turned out to be very difficult. The budget language was so mushy that no specific figure could be determined. As far as one could tell from examination of the budget submission and the conclusion drawn by the Wooldridge report, the contracts authority had been used almost entirely for cancer research and the development of vaccines by NIH. A book containing all of the outstanding contracts of this kind was submitted, and it appeared that $43 million would cover the activity. Later we discovered that the Department had intended to expand the use of the contract device and would spend over $60 million in the next year and about $90 million in the following year.

Examination of the report to the President, called "Biomedical Science and its Administration," otherwise known as "the Wooldridge report," disclosed that the use of the contract authority for health research projects is the weakest spot in NIH administration. It suggests further examination of the subject. It does, however, indicate that the use of this device to obtain health research has much to be said for it when properly handled.

A great deal of the research in the health area can be and is done through grants to institutions and individuals. The success of this device depends entirely upon the desire of the individual scientists or the group of scientists to pursue the line of research suggested. There are many kinds of activities which will require intensive and continuing research under the supervision and control of the Public Health Service. This can best be done by contracts with industry.

A good example of research activity conduct under contract is the operation of Oak Ridge for the Atomic Energy Commission by the Union Carbide Co. I do not feel that there is any need for concern at the present time about granting this authority. There does need to be more explanation and considerably more light on the entire subject. I have no doubt that this entire operation will now be well ventilated. Meanwhile the committee has recommended that the authority be reexamined in 3 years and that during this period the use of the contract authority for all purposes within HEW be limited to $43 million per year. This will avoid the possible cutting back of desirable projects already well underway, but will prevent any expansion in this area until we can learn more about it.

An entirely different and unrelated subject contained in this bill would allow for the appointment of three new Assistant Secretaries within the Department of Health, Education, and Welfare. I am sure there is some feeling within the Committee and elsewhere that the justification for these positions is weak. It has been demonstrated many times in Government that the right people with the wrong organization can do nearly anything, while the wrong people with the perfect organization accomplish little. There are strong arguments for the general proposition that HEW needs more leadership at the policy level. The Department has grown tremendously and the emphasis on health and education in the legislation of recent years has multiplied the workload of HEW by many times. This factor and a comparison with other departments would seem to justify the existence of policymaking personnel responsible to the Secretary. There has been some tendency in this particular Department, however, to use Assistant Secretaries as dumping grounds for assorted programs. There is a definite need for better compartmentalization and unification of related activities. We are willing to go along with the request, but we are watching with interest the way these new positions are used.

I recommend the passage of H.R. 2984.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of this legislation. This extension of a program which the Congress has already wisely acted upon is needed to continue the success already accomplished through State and Federal cooperation. As a member of the Interstate and Foreign Commerce Committee, I have followed the measure before the House closely, and urge favorable House action on it.

H.R. 2984 does allow a 3-year extension of the health research facilities program instead of allowing a standing authority for annual appropriations of up to $50 million per year. It also allows for 3 years of authority of the Public Health Service to enter into research contracts instead of the existing authorizations now allowed each year.

This new basis should give clear direction in these programs, and set down guidelines of congressional intent in a positive way.

The increasing demands for medical research, along with the rapid changes in research methods, give logic for closer coordination between these programs and the Congress. I am hopeful that the Congress will support the committee's amendments as presented in this legislation.

Mr. CLEVELAND. Mr. Chairman, I am pleased to support H.R. 2984, which will extend the present program for construction of health research facilities for 3 additional years and provide the necessary new means for carrying out the program with the greatest efficiency.

The health research facilities program is administered by the Department of Health, Education, and Welfare, which was created by President Eisenhower in 1953. The health research program itself was created under the Eisenhower administration in 1956. The wisdom and foresight of this action is providing great rewards in the battle against disease and affliction. The demands for new facilities are rising at a rapid pace and it is proper that we now revise the program in keeping with present and future requirements.

Modern medical research is extremely complex and very expensive. Modern laboratories are miracles of engineering and modern experimental work requires controls and equipment of a precision unattainable only a few years ago. The refinements of research today are matched by the need for effective supervision and coordination. The old, rigid divisions of science are collapsing as we find underlying laws and principles applying to physics, medicine, biology, chemistry, and the other fields alike.

As on who served on the Select Committee on Government Research of the 88th Congress, I have an education on these problems unavailable to most laymen and I believe this legislation will help the Federal Government to improve its vital supporting role in scientific research. I congratulate the Interstate and Foreign Commerce Committee for the excellence of its work on this bill. I urge the House to pass it.

The CHAIRMAN. There being no further requests for time, pursuant to the rule the Clerk will read the substitute committee amendment printed in the report on the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 2984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Research Facilities Amendments of 1965".

HEALTH RESEARCH FACILITIES CONSTRUCTION GRANTS

SEC. 2. (a) Section 704 of the Public Health Service Act (hereinafter referred to as the "Act") is amended by inserting after "$50,000,000," the following: "and for the fiscal year ending June 30, 1967, and the two succeeding fiscal years, an aggregate of not to exceed $280,000,000,".

(b) Subsection (a) of section 705 of the Act is amended by striking out "June 30, 1965" and inserting in lieu thereof "June 30, 1968".

CONTRACTS FOR RESEARCH

SEC. 3. Section 301 of the Act is amended by striking out "and" at the end of subsection (g), by redesignating subsection (h) as subsection (i), and by inserting immediately before such subsection the following new subsection:

"(h) Enter into contracts during the fiscal year ending June 30, 1966, and each of the two succeeding fiscal years, involving obligations of not more than $43,000,000 for any such fiscal year, including contracts for research in accordance with and subject to the provisions of law applicable to contracts entered into by the military departments under title 10, United States Code, sections 2353 and 2354, except that determination, approval, and certification required thereby shall be by the Secretary of Health, Education, and Welfare; and".

ADDITIONAL ASSISTANT SECRETARIES OF HEALTH, EDUCATION, AND WELFARE

SEC. 4. (a) There shall be in the Department of Health, Education, and Welfare, in addition to the Assistant Secretaries now provided for by law, three additional Assistant Secretaries of Health, Education, and Welfare, who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of section 2 of the Reorganization Plan Numbered 1 of 1953 (67 Stat. 631) shall be applicable to such additional Assistant Secretaries to the same extent as they are applicable to the Assistant Secretaries authorized by that section.

(b) The office of Special Assistant to the Secretary (Health and Medical Affairs), created by section 3 of the Reorganization Plan Numbered 1 of 1953 (67 Stat. 631), is hereby abolished.

(c) Paragraph (17) of section 303(d) of the Federal Executive Salary Act of 1964 (78 Stat. 418) is amended by striking out "(2)" before the period at the end thereof and inserting in lieu thereof "(5)"; and paragraph (95) of section 303(e) of such Act is repealed.

(d) The President may authorize the person who immediately prior to the date of enactment of this Act occupies the office of Special Assistant to the Secretary (Health and Medical Affairs) to act as one of the additional Assistant Secretaries authorized by subsection (a) of this section, until that office is filled by appointment in the manner provided by such section. While so acting, such person shall receive compensation at the rate now or hereafter provided by law for Assistant Secretaries of executive departments.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to comment further on the limitation of $43 million on the expenditures for research contracts. I should like for just a moment to make some comparisons of the limitation with the current budget. Should the limit of $43 million that is placed on expenditures by the Public Service Act for research and development contracts during fiscal years 1966, 1967, and 1968 remain, the effect on the current public health service research program and on plans for the further development of these programs would be widespread and significant.

The figure $43 million represents the applications by the National Institute of Health for research contracts during fiscal year 1964. Since the proposed limit would apply to all bureaus of the Public Health Service and would apply to fiscal years 1966 through 1968, the limit would have the effect of forcing a major reduction in the public health service research contract programs.

I intend to obtain permission when we get back in the House to include at this point in the Record a table which will give the factual situation for our own use and information as this matter developed.

Then I will discuss the effect on the current contract program on the future program development; on the restriction of the choice of financing mechanism and the restriction on the use of industrial capability applicable to health programs.

It would be my purpose to have all this information in the Record because of the apparent misunderstanding to which I alluded earlier and the gentleman from Illinois [Mr. Springer] referred to a moment ago, in order that we can have the factual information regarding this for such use as we might need it for as this matter progresses through the Congress.

I will also put into the Record at the appropriate place a full discussion, Mr. Chairman, of the research contract authority for these programs of the Public Health Service. I think it is important because the gentleman from Florida [Mr. Rogers] and his special subcommittee will go into all of these problems. They are making an objective study of the entire organizational setup of the Department. In view of the fact that we had the Wooldridge report which the gentleman from Minnesota [Mr. Nelsen] inquired about, and other reports including several congressional committee reports, and in view of all of the work of this great and important Department of our great Government, we intend to conduct a full and thorough study of the problems. All this information should be made available in connection with the study and for our use as these programs are considered.

Mr. Chairman, I include the material referred to above at this point:

The Effect on Public Health Service Research Programs of Limitation on Expenditures for Research Contracts

COMPARISON OF LIMITATION WITH CURRENT BUDGET

If a limit of $43 million is placed on expenditures by the Public Health Service for research and development contracts during fiscal years 1966, 1967, and 1968, the effects on current PHS research programs and on plans for the further development of these programs will be widespread and significant. The figure of $43 million represents the obligations by the National Institutes of Health for research contracts during fiscal year 1964. Since the proposed limit would apply to all bureaus of the Public Health Service and would apply to fiscal years 1966 through 1968, the limit would have the effect of forcing a major reduction in PHS research contract programs.

The following table gives the total obligations for PHS-negotiated contracts [1] for fiscal year 1964, the estimated obligations for the current fiscal year, and estimated obligations for fiscal year 1966 based on the President's budget request:

[In thousands of dollars]

Public Health Service operating bureaus	Fiscal year 1964	Fiscal year 1965	Fiscal year 1966
Bureau of State Services:			
Community health	5, 611	11, 895	21, 189
Environmental health	4, 624	6, 263	8, 028
National Institutes of Health	46, 259	60, 090	63, 398
National Center for Health Statistics	390	362	541
National Library of Medicine	535	756	976
PHS total	57, 419	79, 366	94, 132

EFFECT ON CURRENT CONTRACT PROGRAMS

The cutback resulting from the proposed limitation would require curtailment or limitation of a number of current PHS research activities which are heavily dependent on research contracts. Prominent examples are:

1. The National Cancer Institute is currently launching a special program aimed at a systematic exploration of the possible virus-leukemia relationship. For fiscal year 1965, the Congress added a special $10 million appropriation to start this program. One possible payoff of this activity is the development of a vaccine effective against some types of leukemia.

2. The cancer chemotherapy program seeks to identify chemical agents which are effective against various forms of cancer. The program procures large numbers of chemical agents and tests them for anticancer effects. Contracts are used to support the drug development and evaluation phases of the program up to the clinical level.

3. The environmental health sciences program includes a group of contractual community studies on pesticides in which the communities were selected to provide a range of different pesticide exposure situations by geographical area, type of pesticide, method of application, and other factors.

4. The National Institutes of Allergy and Infectious Diseases utilized contracts in its virus reagents programs which has assumed increasing importance in the research effort against respiratory diseases of vital causation. This program makes available standardized reagents for numerous agents important in human infections including influenza. A contract has been awarded for the establishment of a reagent storage and distribution center. The NIAID also uses contracts in carrying out its program of vaccine development in the area of respiratory disease.

These are only a few examples of the many scientific and technical activities of the Public Health Service carried out largely through contracts.

Since the ceiling of $43 million is approximately $36 million below the current level of PHS research contract obligations, the PHS would be forced to cut off or drastically retrench the important activities described above, as well as in other valuable contract programs.

EFFECTS ON FUTURE PROGRAM DEVELOPMENT

As serious as the cuts in current programs would be, a more profound effect of the ceiling and its continuation through fiscal year 1968 would be the limitation placed on the ability of the Public Health Service to effectively exploit new opportunities presented by the advances in biomedical sciences and the potential application to health problems of new capabilities derived from the physical sciences and related engineering and technological fields. Some of the most exciting prospects for the application of scientific knowledge to the reduction of human death and suffering will depend on extensive use of the contract mechanism, especially when the use of industrial capability is involved.

The opportunities are particularly bright at this time because of the increasing interest of industrial firms in the aerospace and electronic fields in applying their sophisticated technology to problems in the health area. During the summer of 1964, senior NIH staff reviewed developmental research needs in the health area to identify specific projects which might put to high priority use the industrial R. & D. capabilities expected to become excess to Department of Defense needs. This effort was stimulated and coordinated by an interagency committee on Possibilities and Policies for Industrial Conversion, headed by Mr. Arthur Barber, Deputy Assistant Secretary of Defense for Arms Control.

The objectives of this effort were threefold: First, to encourage aerospace and other defense-oriented industries to diversify their interests, and thereby minimize the impact of defense cuts on individual companies and on the geographic area dependent on these companies for employment; second, to hold together the industrial, scientific, and engineering teams that had already contributed so much to the Nation and still offered unique competencies; and third (the basis for NIH participation), to improve the quality of existing Federal programs by bringing to them the insights and proven techniques of advanced industrial research—particularly the systems approach.

NIH scientists identified many promising uses for these R. & D. capabilities in the health research area. From the many proposals made, eight project areas involving a first-year expenditure totaling $17 million and a second-year level of $75 million plus were selected for submission to the Barber Committee. A more detailed description of these opportunities has been supplied to the House Appropriation Committee as a part of the hearings of the budget for fiscal year 1966. A listing of these projects is attached. The conduct of all of these activities was predicated on the use of research contract authority.

RESTRICTION ON THE CHOICE OF FINANCING MECHANISM

One of the serious effects of the ceiling on the use of research contracts would be the restriction placed on program managers in choosing the financing mechanism most appropriate for effective conduct of a given research or development program. The rapid increase during recent years in the use of research contracts by the PHS is the cumulative result of individual program decisions that the contract was the preferable mechanism for carrying out the particular program purpose. This trend also reflected the maturing of the biomedical sciences as developmental opportunities, aimed at applying knowledge to health problems, became more common. The increased use of contracts also reflected the growing involvement of industrial capability in PHS programs.

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[1] Negotiated contracts are used for the procurement of property and services outside formal advertised bidding. Such negotiation is authorized under the circumstances enumerated in sec. 302(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251–260).

If the use of contracts is restricted, the choice of mechanism may in fact be the determinant factor in program decisions. We believe that the missions of the PHS can be more efficiently carried out if the choice of mechanism results from rather than determines the program decision.

RESTRICTION ON THE USE OF INDUSTRIAL CAPABILITY APPLICABLE TO HEALTH PROBLEMS

The most specific and potentially the most serious problem presented by a limitation on the use of research contracts would be practical elimination of further involvement of industrial firms in the health-related programs which are the responsibility of the PHS. Since the pharmaceutical firms, the aerospace industries, and electronic and computer firms have so much to offer in the future evolution of the national medical research effort, and since the industries are expressing increased interest in applying their capabilities to these problems, the wisest course would seem to be to seek maximum utilization of this vast potential in achieving the health objectives set forth for the Public Health Service in its basic enabling legislation. Because the contract is the only mechanism appropriate for the financing of research in profitmaking firms, increased use of contracts by the PHS is totally consistent with present program trends and farsighted program direction.

The Public Health Service should be in a position to draw on the creativity of American free enterprise in seeking the solution to the health problems which have been given high priority by this administration and the Congress. In so doing, the PHS would be following the productive pattern of collaboration between Government and industry which is already firmly established in the other major fields of research and development receiving significant support from the Federal Government.

THE IMPORTANCE OF RESEARCH CONTRACT AUTHORITY FOR THE PROGRAMS OF THE PUBLIC HEALTH SERVICE

THE EXPANSION OF THE KNOWLEDGE BASE

In the first 15 years, a strong foundation of quality research activities in the sciences related to health has been developed, largely through the rapid rise in Federal support for health-related research. During this period, the major emphasis of Public Health Service research support programs has been the strengthening of the research and research-training capabilities of universities, medical schools, and other nonprofit research institutions in the health-related sciences. Federal research support directed toward the development and continued functioning of this broadly based research structure in the biomedical sciences has been provided primarily through the grant-in-aid mechanism. This instrument is most responsive to the initiatives and priorities set by the scientists in these non-Federal institutions.

THE EMERGING OPPORTUNITIES FOR DEVELOPMENTAL EFFORTS

The productivity of these non-Federal research programs, supported in the public interest by PHS funds, has contributed in many ways to our understanding of basic disease and life processes as well as our ability to alleviate suffering and forestall death. The progress in the advance of basic knowledge has created the potential for the undertaking of a variety of deliberate developmental and applied research activities. The development of vaccines for respiratory diseases, the furtherance of applied research in the viral etiology of cancer, and the design and development of artificial organs such as the mechanical heart and artificial lung, improved methods of hemodialysis to save lives threatened by diseased kidneys, and development of new means for coping with environmental hazards are examples of the current direction of research activities which progress in the basic sciences has made possible. The search for chemical agents which fight the spread of cancer, large coordinated studies aimed at identifying the causes of birth defects, the development of automated hospital systems, and the use of computers in clinical testing are other examples where hope exists that developmental and applied research activities can produce practical results.

In the areas just cited, information is at hand that will permit relatively precise definition and specification of the nature and dynamics of biological processes, both normal and pathological. With such specifications, it is possible to explore the development of support or replacement systems for physiological processes and organs on the one hand and on the other to pursue in a deliberate manner specific diagnostic and therapeutic approaches to certain disease problems. These approaches will involve intensive exploratory and advanced developmental effort before such concepts can be brought to practical result.

Another trend which creates the potential for productive developmental efforts is a growing awareness of the significance of advances in the physical sciences and related engineering and technological capability to medical research and health services. The scope of potential contributions to health and medicine from these fields is very broad, ranging from new materials, intrumentation, and electronics to the application of computer technology and systems analysis concepts. The current biomedical scene is marked by an accelerating interplay between the life sciences and the technology and concepts of the physical sciences. New areas of effort characterized as biomedical engineering, medical electronics, bioinstrumentation, etc., have emerged.

The stage of this development is such that opportunity for a major exploitation of this new capability in the furtherance of the medical sciences and clinical medicine seems clearly at hand. The conduct of programs of this character involves greater control over the course of technical activity and more coordination and integration of the various parts of the developmental program. These types of activities also require access to new levels of scientific and technical talent.

THE RESULTANT NEED FOR CONTRACTING CAPABILITY

In order to take advantage of the opportunities to improve the Nation's health, which are presented by these emerging fields, it is vital that the Public Health Service have access to adequate research contract authority. The contract enables the program manager to exert the necessary degree of control and coordination over the conduct of the parts of the developmental program. An example is the need to establish uniform protocols in a number of contracts which comprise a coordinated program so that meaningful comparisons can be made among the results of the various contracts. In the absence of adequate research contract authority, the program leader in important PHS activities is limited to the use of research grants to finance the desired research undertaking. Because the nature of the grant mechanism puts emphasis on the purposes and initiative of the non-Federal scientific investigator and provides terms and conditions most suitable for the free pursuit of new research leads, it is most appropriate for the support of unstructured research activities, such as those found in the academic environment. In these more fundamental research activities, the end result to be achieved is often unknown at the start of the research project, and any attempt to structure the research so as to reach a predetermined goal may involve a waste of effort since the goal itself is often a product of the course of the research project. For the financing, however, of developmental activities where the theoretical capability is already known, the contract is the superior instrument to the grant in aid. In fact, as the House Select Committee on Government Research has pointed out, the grant mechanism is already in need of being rescued from the morass of administrative detail in which it appears to be drowning, and should be restored to its intended function as a valuable research instrument. The broader and more critical use of research contracts by the PHS for financing developmental and applied research activities will preserve the important distinctions between the grant and the contract and their respective roles as instruments for Federal support of research.

THE IMPORTANCE OF ACCESS TO THE RESEARCH CAPABILITY OF PRIVATE INDUSTRY

The most effective conduct of these developmental efforts also requires the Public Health Service to draw upon new kinds of engineering and scientific talents of the type often found in industrial firms. As developmental opportunities evolve, the PHS will need to draw heavily upon the kind of technical capability industry has brought to bear in other fields, such as the aerospace and defense-related programs. A special interagency committee, chaired by Mr. Arthur Barber, Deputy Assistant Secretary of Defense for Arms Control, has already been looking into the possibilities of utilizing in other fields of Government interest the industrial research and development capabilities expected to become excess to Defense Department needs. The PHS has reviewed developmental research needs in the health area and has identified several projects which might utilize such capabilities, including such projects as development of artificial hearts, automated clinical laboratory systems, and the development of special facilities for use in hazardous work on viruses. Fruitful collaboration with the pharmaceutical industry is already being carried out in several fields related to cancer research. Since it is the considered policy of the Department of Health, Education, and Welfare, based on past experience, that contracts are the most desirable means of financing research activities in profit organizations, further PHS exploitation of industrial capabilities in health-related will require use of adequate research contract authority.

Contracts are also of increasing importance in the procurement of highly specialized substances, not ordinarily available in the open market, which are essential for the conduct of certain types of research and development activities. Such substances, which include viral reagents and chemicals synthesized to very specific standards, can be efficiently developed and produced through a contract, thereby freeing individual investigators from the laborious process of producing these substances in minute quantities for use in their own projects. Contracts are also the best means for procuring the data processing services that have become an integral part of many research and development programs.

THE IMPORTANCE OF CONTRACTS IN THE RESEARCH PROGRAMS OF OTHER FEDERAL AGENCIES

The effectiveness of contracts in financing developmental and applied research activities can be illustrated by the extensive use of R. & D. contracts by other Federal research supporting agencies. Attachment A shows the extent to which other agencies use R. & D. contracts in that portion of their programs that represents health-related research. These agencies also have access to grant authority for the support of basic research (under Public Law 85-934), but the attachment shows that the program managers involved have made widespread use of contracts in carrying out the developmental and applied research missions of their agency. The importance of the health-related research supported by the PHS has been recognized by the Congress in the form of greatly increased appropriations over the past 15 years. In order to provide the directors of these programs with the flexibility necessary for the most effective utilization of these public funds, it is important to give them access to the type of contract authority that has proven so useful in the conduct of other Federal research programs.

PRESENT SOURCE OF PHS CONTRACT AUTHORITY

The Public Health Service Act as it now stands does not provide authority for the making of research contracts in the conduct of the Service's research programs. The research contract authority utilized by the Public Health Service is based on point-of-order language which appears annually in the appropriation statute. In order to take advantage of the opportunities presently existing for productive developmental and applied research programs, the PHS needs to have permanent research contract authority, which is adequate for the achievement of important health goals. In addition to basic authority to enter into research contracts, the PHS needs access to certain types of contract authority presently available to the Department of Defense in title 10 of the United States Code.

The first of these authorities would permit payment of the costs of construction determined to be necessary in the performance of a research contract. Some research contracts require highly specialized facilities as an integral part of the research program. A current example is the special protective facilities required for continued work with dangerous and infectious agents encountered in the important research effort investigating the cancer-virus relationship. Without such authority, these research contracts must be administered within restrictions based on superficial distinctions between temporary and permanent improvements. These artificial distinctions result in the expenditure of additional money with no productive effect on the performance of the contract.

The second authority would provide for the indemnification of contractors against claims which arise out of direct performance of the contract and which are the result of a risk which the contract defines as unusually hazardous. This type of contract provision is often required if a contractor is to be induced to undertake work which involves the handling of live viruses or the exposure to poisonous compounds.

Given these authorities, the Public Health Service will be in a position to make the choice of financing mechanism grow out of the program decision instead of being forced, through limitations in authority, to distort the program to fit the available mechanism. In the absence of adequate contract authority, the use by the PHS of the extensive research capabilities of private industry in the field of medical research, will be virtually denied.

ATTACHMENT A.—*Federal contract support for medical and health-related research, 1964 and 1965*

[In thousands]

Agency	Obligations for research contracts			
	1964		1965	
	Amount	Percent of agency support for extramural research	Amount	Percent of agency support for extramural research
Total	$177,303	22.8	$210,943	24.4
Atomic Energy Commission	72,157	100.0	79,618	100.0
National Space and Aeronautics Administration	23,700	69.7	42,800	78.4
National Science Foundation	10	0		
Veterans' Administration	1,050	96.1	907	97.6
Department of Agriculture	358	5.6	3,264	32.1
Department of Defense	29,167	92.3	27,209	91.9
Department of Health, Education, and Welfare	50,298	8 3	56,440	8.5
Public Health Service	(49,441)	(8.5)	(55,612)	(8.7)
National Institutes of Health	(41,845)	(7.7)	(45,006)	(7.6)
Department of Interior	224	100.0	255	100.0
Department of State	339	100.0	450	100.0

Source: National Institutes of Health 1964 survey of Federal agencies on obligations for medical and health-related research and development.

Public Health Service funds for negotiated contracts,[1] *all programs*

[In thousands of dollars]

Public Health Service operating bureaus	Actual, fiscal year 1964	Estimated, fiscal year 1965	President's budget, fiscal year 1966
Bureau of State Services:			
Community health	5,611	11,895	21,189
Environmental health	4,624	6,263	9,028
National Institutes of Health	46,259	60,090	63,398
National Center for Health Statistics	390	362	541
National Library of Medicine	535	756	976
Public Health Service total	57,419	79,306	94,132

[1] Negotiated contracts are used for the procurement of property and services outside formal advertised bidding. Such negotiation is authorized under the circumstances enumerated in sec. 302(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251-260).

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment to the committee substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 7, strike all of line 16 through 23 and on page 8, strike all of lines 1 through 23.

Mr. GROSS. Mr. Chairman, the amendment is quite simple. It would strike out all the language in the bill pertaining to the addition of three additional Assistant Secretaries in the Department of Health, Education, and Welfare.

I will say that there is nothing at all modest in the asking on the part of this Department, when it comes to expanding its particular bureaucracy.

As the gentleman from Illinois [Mr. SPRINGER] suggested, it is unusual that they would ask for this number at one time.

The gentleman from Illinois also seems to argue that these three Assistant Secretaries are necessary for the purpose of keeping up with the Joneses. In other words, he cites the number of Assistant Secretaries in other Departments of Government and makes a point that there are fewer in the Department of Health, Education, and Welfare.

There are others who seem to want to justify this increase as a matter of prestige and status.

The gentleman from Arkansas [Mr. HARRIS] suggested, and I believe this is a hope with him that the adding of three Assistant Secretaries might make it possible to put some restrictions upon some of the programs of this Department which are expanding and proliferating all over the map.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arkansas.

Mr. HARRIS. Certainly I would share the gentleman's views as expressed with reference to the hope about the extent of these programs. I should like to emphasize the fact that since Congress has expanded the operation of this agency tremendously over the past 12 years, what I am trying to do is to give them the tools with which to work.

Mr. GROSS. I would say to the gentleman that they have been doing a pretty good job of getting rid of a lot of money with the tools they have. When I say "good" I do not mean it in the sense of approbation. They have been doing a job getting rid of a lot of money with the present Assistant Secretaries they have.

The gentleman from Missouri made a point a few moments ago in his colloquy with the gentleman from Arkansas that they have a number of commissioners in this Department, perhaps more than any other department of Government. They are directing geniuses of the status of Assistant Secretaries.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman from Ohio.

Mrs. BOLTON. I am interested in this, because I believe it has been evident to those of us who have had direct contact with the work of this Department that they have been very overburdened. A man who is a good Assistant Secretary of Health will not necessarily be a good Assistant Secretary of Welfare or Assistant Secretary of Education. The three things are quite different.

I believe it is high time for us to give help to that Department. I have not studied the amounts of money involved, but I do know that many times when there is not sufficient watchfulness possible from the top a lot of money is extravagantly spent. I have not felt this was the case in that Department. The gentleman always knows more than I do on this subject, so I do not raise a question about it. I suggest that the work is in three different areas of life, and I believe should be headed up by three different kinds of men.

Mr. GROSS. That would be fine, if the test of an assistant secretary, among other things, was cutting down on extravagance, waste, and inefficiency. But the further we go into this Government of ours, with more assistant secretaries, deputy assistant secretaries, and assistants to the deputies and all that sort of thing, the further we go to more waste and inefficiency, and the bigger the payroll becomes. It does not follow, and it has not followed in the past, that merely by adding assistant secretaries in the State Department or anywhere else in this Government has there been any accomplishment with respect to the stopping of waste and extravagance, and in some cases corruption.

Mrs. BOLTON. That is probably so in respect to many departments, but they are not set up in the way the Department of Health, Education, and Welfare is set up. It never should have been one department, anyway. To me it is a very important and timely that we should have the divisions made.

Of course, there should be integrity in every department. Heaven knowns there is not, but it would be very good.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, all I am trying to say is that it is proposed here today to establish three Assistant Secretaries in the Department of Health, Education, and Welfare, in other words a 100-percent increase in the list of such secretarial appointments at $27,000 a year plus all of the camp followers that go with each Assistant Secretary. I have heard no estimate made today as to what it will cost for the retinue of employees that go with each of these individuals. I do not know whether a Cadillac will go with each Assistant Secretary. But at any rate you are adding another chain of expense and adding to the bureaucracy by increasing the number of Assistant Secretaries. I am opposed to this portion of the bill because I do not think that this Government and the taxpayers are in any position today to be financing an added bureaucracy.

Mr. Chairman, we hear wails on the House floor bemoaning the growth of the bureaucracy in Government. It will be interesting to note the vote by which it is proposed to increase by 100 percent the number of Assistant Secretaries in this one Department.

I urge the adoption of my amendment.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

First, I would certainly like to congratulate the gentlewoman from Ohio [Mrs. BOLTON], for the points she made. I thought they were very well taken.

In reply to the gentleman from Iowa, I would point out that this Department handles more money and supervises more programs than any other Department of the Government with the exception of the Department of Defense and that their top-level staff is far less than that of any other Department in the Government. Let me explain this if I might. When this all started in 1953 the agency received appropriations of $1.9 billion. Its budget for this coming year will be around $10 billion, because of actions by the Congress. They did not do it. We did. The Secretary made this very pertinent statement as one of the main reasons for asking for this legislation. He said:

> If the legislation affecting the social security program goes into effect, this Department will then be responsible for trust funds and expenditures to the extent of $30 billion a year.

We are adding different burdens to the Department all the time. If you will look at the number of Assistant Secretaries they have there, you will see it is much smaller than other Departments, and yet the programs of the Department affect every American's life. It is because we did it and it is not because of their asking for it.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a correction?

Mr. STAGGERS. I will be glad to yield.

Mr. GROSS. I wish the gentleman would change his reference to the personal pronoun and exempt me from his inference that "we did this and we did that."

Mr. STAGGERS. I have to lump the gentleman from Iowa with the Congress, because he is a Member of Congress. Congress did it, and I speak of "we" as the Congress. Whether we are in opposition or not, it is always the majority that rules.

Mr. GROSS. Will the gentleman yield further?

Mr. STAGGERS. Surely.

Mr. GROSS. If we could get the kind of a setup over there that would put a stop to such business as studies of human behavior at cocktail parties and a study of the intrapersonal relationship of a husband and wife and that kind of drivel, I might be persuaded to go along with you for one assistant secretary. I cannot go along with three. Does not the gentleman agree they are able now, with the staff that they have, in the Department of Health, Education, and Welfare, to get rid of an enormous amount of money every year?

Mr. STAGGERS. In order to answer that question, you know that I would have to rephrase it.

Mr. GROSS. The gentleman would have to agree, would he not?

Mr. STAGGERS. Of course, but I would have to explain why. It is because we are the ones that forced those duties on them and increased their responsibilities almost ninefold without giving them the tools to do it. Yet we expect them to do a good job. If we do that, we must give them the personnel and the men with responsibility in order to hold them responsible. Let me read you what the Secretary said in regard to this:

> I have to keep staff working 12 to 14 hours a day, 6 to 7 days a week, day in and day out. I don't think that that is good management, particularly during the legislative sessions, which are long sessions.

That is one reason for it. As the chairman said a moment ago, we have set up a special committee in our Committee on Interstate and Foreign Commerce to study this Department.

Under the able leadership of the gentleman from Florida a thorough study will be made and if some of these things are not right—and since these matters are all handled by human beings and, like the gentleman and myself, they are not perfect—I am sure they will try to iron out any difficulties. I have been trying to explain why the Department needs these, and to my mind they do need them. That is why I am opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the committee as printed in the report of the bill.

The committee substitute amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2984) to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes, pursuant to House Resolution 355, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 333, nays 4, not voting 96, as follows:

[Roll No. 99]

YEAS—333

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Baldwin
Bandstra
Baring
Bates
Beckworth
Belcher
Bell
Bennett
Betts
Blatnik
Boggs
Bolton
Bonner
Bow
Bray
Brock
Broomfield
Brown, Ohio
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Carter
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Clevenger
Cohelan
Collier
Colmer
Conable
Conte
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtis
Daddario
Dague
Davis, Ga.
Dawson
de la Garza
Delaney
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dyal
Edmondson
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodell
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hanley
Hansen, Idaho
Hansen, Iowa
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Langen
Latta
Leggett
Lipscomb
Long, La.
Long, Md.
Love
McClory
McCulloch
McDade
McEwen
McFall
McGrath
McMillan
McVicker
MacGregor
Machen
Mackay
Madden
Mahon
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Michel
Mills
Mink
Mize
Moeller
Moore
Moorhead
Morris
Morrison
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, Ill.
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Senner
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stratton
Stubblefield
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vigorito
Vivian
Walker, N. Mex.
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—4

Gross
Utt
Waggonner
Walker, Miss.

NOT VOTING—96

Andrews, George W.
Annunzio
Ashley
Ayres
Barrett
Battin
Berry
Bingham
Boland
Bolling
Brademas
Brooks
Brown, Calif.
Broyhill, N.C.
Buchanan
Cahill
Carey
Casey
Celler
Chelf
Clawson, Del
Conyers
Cramer
Curtin
Daniels
Davis, Wis.
Dent
Dwyer
Edwards, Ala.
Edwards, Calif.
Ellsworth
Fino
Fogarty
Fraser
Giaimo
Gilligan
Grabowski
Green, Oreg.
Gubser
Halpern
Hamilton
Hanna
Hansen, Wash.
Holland
Jennings
Laird
Landrum
Lennon
Lindsay
McCarthy
McDowell
Macdonald
Mackie
Mailliard
Mathias
Miller
Minish
Minshall
Monagan
Morgan
Morton
Mosher
Multer
Nix
O'Neill, Mass.
Passman
Patman
Powell
Purcell
Quillen
Reid, N.Y.
Reifel
Resnick
Robison
Rodino
Roosevelt
St Germain
St. Onge
Saylor
Shipley
Shriver
Stephens
Sullivan
Sweeney
Talcott
Thompson, La.
Thompson, N.J.
Todd
Toll
Vanik
Watkins
White, Idaho
Widnall
Williams
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Fogarty with Mr. Laird.

Mr. O'Neill of Massachusetts with Mr. Widnall.

Mr. Multer with Mr. Minshall.

Mr. Dent with Mr. Ellsworth.

Mr. Jennings with Mr. Ayres.

Mr. Lennon with Mr. Broyhill of North Carolina.

Mr. St. Onge with Mr. Saylor.

Mr. Shipley with Mr. Mosher.

Mrs. Sullivan with Mr. Cahill.

Mr. Toll with Mr. Lindsay.

Mr. Giaimo with Mr. Mailliard.

Mr. Daniels with Mrs. Dwyer.

Mr. Brooks with Mr. Cramer.

Mr. Rodino with Mr. Halpern.

Mr. Roosevelt with Mr. Reid of New York.

Mr. Wright with Mr. Shriver.

Mr. Annunzio with Mr. Watkins.

Mr. Landrum with Mr. Berry.

Mr. Celler with Mr. Robison.

Mr. Macdonald with Mr. Del Clawson.

Mr. Carey with Mr. Fino.

Mr. White of Idaho with Mr. Quillen.

Mr. Morgan with Mr. Gubser.

Mr. Minish with Mr. Battin.

Mr. Monagan with Mr. Morton.

Mrs. Green of Oregon with Mr. Talcott.

Mr. Casey with Mr. Whalley.

Mr. Brademas with Mr. Reifel.

Mr. Barrett with Mr. Mathias.

Mr. Miller with Mr. Edwards of Alabama.

Mr. Thompson of New Jersey with Mr. Davis of Wisconsin.

Mr. Nix with Mr. Curtin.

Mr. Thompson of Louisiana with Mr. Buchanan.

Mr. St Germain with Mr. Holland.

Mr. Andrews of Alabama with Mr. Ashley.

Mr. Hanna with Mr. Powell.

Mr. McDowell with Mr. Sweeney.

Mr. Vanik with Mr. Williams.

Mr. Chelf with Mr. Edwards of California.

Mr. Grabowski with Mr. Brown of California.

Mr. Todd with Mr. McCarthy.

Mr. Bingham with Mr. Conyers.

Mr. Boland with Mr. Mackie.

Mr. Patman with Mr. Stephens.

Mr. Passman with Mr. Gilligan.

Mr. Fraser with Mr. Hamilton.

Mr. Purcell with Mrs. Hansen of Washington.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may extend their remarks in the RECORD at an appropriate place, on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERSONAL EXPLANATION

Mr. VIGORITO. Mr. Speaker, on rollcall No. 96 I was absent from the floor because of urgent business affecting my district. Had I been present I would have voted "aye."

RUMANIAN INDEPENDENCE: A COMMEMORATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCORMACK. Mr. Speaker, today, May 10, 1965, we commemorate the anniversary of Rumanian independence.

Americans derive a special pleasure in paying tribute to other people in the world who have succeeded in asserting their own right of self-determination. This has always been the case, ever since we had won our own independence. During the 19th century Americans were the evangels of self-determination and constitutional democracy. Official documents of our Government, either in the form of congressional debates, of official State Department dispatches, or of proclamations and statements by the President, all reflect this profound national tradition that is deeply ingrained in our national attitudes.

It is not strange, therefore, that we in this Chamber should set aside our legislative duties for a few moments and pay our respects to this great nation and great people, the Rumanians.

Today it is even more urgent for us to commemorate Rumanian independence, because one of the central themes of Communist propaganda, a theme that they use unceasingly to attack the United States and its allies, is the charge of imperialism. According to the Communists, American democracy is the tyranny of the modern age. It is we who are held up to the world as the imperialist aggressors who seek to destroy the liberties of all people in the world.

By commemorating the independence of Rumania and all other countries who have been conquered by the Communists we are able to mount a counterattack against this fallacious charge.

It is communism and not democracy that is the plague of the modern age.

Communism is the enslaver of mankind, and democracy the greatest political force for the liberty and well-being of man.

Rumanians had no free choice in the government that was to rule them. Communists came to Rumania in the wake of the conquering Red army. Free elections were never held. Communist political power was imposed by force and terror. Rumania stands as one of the classic examples of the destruction of human liberty by communism. It is now a bitter reminder to us of what can happen in South Vietnam if American resolve is weakened.

Communism has conquered Rumania, but the hope of all is in the historic possibility that Rumanians may themselves conquer communism. This may not come in the form of any sudden revolution that itself could endanger the peace of Europe. But there is a real possibility that through the erosion of communism, the reassertion of traditional national Rumanian values, and the continuing orientation of its political and economic interests toward the West, the Rumanian people may consume the tyrant and the tyranny that have oppressed them since 1945. Great changes have taken place in Rumania and in Rumania's attitude toward the West in the past few years. This development may be but the beginning of a long evolving trend toward a Western alinement.

This is our hope; this is our expectation.

Whether it will come to pass is a matter of future history. But we do know that the assertion of Rumanian independence, as we have observed in the past few years, however limited it is in range, nonetheless, detracts from the total power assets of the Soviet Union and thus is a development that coincides with American interests as well as those of the Rumanian people.

In the final analysis our great hope is for a free and independent Rumania. Perhaps in the unfolding of future history we may be able to commemorate May 10 not only as the day of Rumanian independence from the Turks but also commemorate it as a day of independence from communism.

IMMIGRATION HEARINGS

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, hearings on pending immigration legislation, which were scheduled to resume on May 12, are now postponed to a later date, to be announced as soon as circumstances permit.

The postponement results from the fact the full Judiciary Committee has not completed action on the voting rights bill and the likelihood that the balance of the week and possibly longer will be required to complete that action.

I include at this point a letter from Congressman EMANUEL CELLER, chairman of the Judiciary Committee, together with my answer thereto, both of which are self-explanatory.

MAY 7, 1965.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building.

DEAR COLLEAGUE: This will acknowledge receipt of your letter of today's date suggesting that I postpone the public hearings on proposed changes in the Immigration and Nationality Act, scheduled to resume on May 12, until a final vote has been taken by the full committee on the pending voting rights bill.

I am making arrangements for a postponement of immigration hearings and will announce the postponement so that all interested parties may be advised.

As you know, I have cooperated fully in meeting the schedule set for full committee hearings and vote on both the Presidential inability bill and the voting rights bill, by postponing prior hearings scheduled by Subcommittee 1 on pending immigration legislation. There is no question about the immediate importance of action on that legislation, but I am sure you are aware that there has been misunderstandings about the reasons for delay in completing our immigration hearings. As matters now stand, some 20-odd national organizations in addition to interested individuals have made written requests to be heard on proposed changes in the immigration law.

It is my desire to conclude our immigration hearings as soon as possible by continuous hearings and to that end I will plan to resume our hearings immediately after final action has been taken by the full committee on the voting rights bill.

Sincerely,

MICHAEL A. FEIGHAN,
Chairman.

MAY 7, 1965.

Hon. MICHAEL A. FEIGHAN,
Chairman, Subcommittee No. 1, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR COLLEAGUE: In view of the importance of the voting rights legislation now before us and which the committee has been considering in full committee for a number of days, may I suggest that you postpone your public hearing on the proposed changes in the Immigration and Nationality Act until final vote on the pending Voting Rights Act of 1965 has been taken by the full committee.

Sincerely yours,

EMANUEL CELLER, *Chairman.*

GOVERNMENTAL INTRUSION INTO A CITIZEN'S RIGHT TO PRIVACY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, I would like to share with my colleagues an editorial which appeared in the Vandalia Leader, Vandalia, Mo., under the authorship of Weldon H. Steiner. It relates to the invasion of the right of privacy through snooping and wiretapping.

I want to join with Mr. Steiner and Senator LONG and my fellow Representative from Missouri [Mr. HALL] in their concern about this threat of governmental intrusion into a citizen's right of privacy.

The editorial referred to follows:

[From the Vandalia (Mo.) Leader, Mar. 18, 1965]

EAVESDROPPING

Missouri's Senator ED LONG opened hearings last month on the controversial subject of Government eavesdropping. One of the days was devoted to the demonstrations of electronic devices that are available and currently in use for Federal agency snooping.

This display of devices was amazing and seemed to bring out the fact that nothing is private any more. Such things as olives in martini glasses, devices in packs of cigarettes, tiny concealed tape recorders. Reading the list of devices being used one came up with the conclusion that to maintain a tight lip at all times is the only assurance of security. This might not even be safe in the future. It wouldn't surprise the average U.S. citizen to learn of a device to determine what one is thinking.

Senator LONG's committee hearings indicated that many of these devices are purchased by the nonsecurity Federal agencies. The committee stated that it is recognized that the interest of criminal justice and our country's safety from foreign enemies must be maintained by the Federal officials who have the responsibilities. But, at the same time, the right to privacy that Americans have always guarded and cherished must be preserved against the threat of increasingly clever techniques of electronic snooping.

We couldn't agree more wholeheartedly.

CENTENNIAL OF THE FOUNDING OF ONE OF AMERICA'S OUTSTANDING PREPARATORY SCHOOLS

Mr. MARSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia.

There was no objection.

Mr. MARSH. Mr. Speaker, Saturday, May 8, marked the centennial of the founding of one of America's outstanding preparatory schools. I refer to Augusta Military Academy located at Fort Defiance in Augusta County near Staunton, Va. This school for young men, that seeks not only to provide formal preparatory education, but also seeks to build character and attain physical excellence, is well known throughout the

Commonwealth of Virginia and America for its outstanding program of military instruction.

AMA, as it is known to the student body, area citizens, and graduates, has attained this reputation for excellence through the achievements of its alumni, its educational curriculums, the qualifications of its faculty, and the continuous leadership by its administration.

The history of Augusta Military Academy is part and parcel of the post-Civil War history of the South. It was founded in 1865 by a young veteran of the Confederate Army, Charles S. Roller, who, viewing the devastation of his native State and the Valley of Virginia that was his home, saw the need in the South for the establishment of educational facilities that had been destroyed by 4 hard, grinding years of war. The predecessor institution of Augusta Military Academy, a day school founded in 1742 by the Reverend John Craig, was burned to the ground by General Seigel of the northern army in this campaign through the valley.

It is a tribute to the leadership and ability of Charles S. Roller that Augusta Military Academy was able not only to survive but flourish and grow in the Reconstruction era.

The responsibility for the administration passed on the death of the founder to his two sons, Col. Thomas J. Roller and Maj. Charles S. Roller, Jr., who became better known as Major General Roller. The recent passing of Major General Roller was mourned not only at Augusta Military Academy, but throughout the State of Virginia; however, on his death, the school would remain a family school, inasmuch as the administration was vested in a family trusteeship including the widow of General Roller, Col. M. H. Livick, now principal, and Mrs. Livick, the form of management which continues today.

It is a privilege for me to pay tribute to the 100 years of public service by AMA, but the finest testimony to the contributions of Augusta Military Academy in the development of character and scholarship is to be found in the dedicated service of its alumni in leadership assignments in the Armed Forces of the United States during our Nation's wars as well as in countless fields of civilian endeavor.

THREAT OF NATIONWIDE BOYCOTT OF JAPANESE GOODS

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I am informed that the Congress of American Fishermen is organizing a nationwide boycott of Japanese goods. The dateline set for picketing of Japanese ships and U.S. merchants who carry Japanese goods for sale is June 1, or as soon as the Japanese fishing fleet begins netting American runs of Pacific red salmon on the high seas. This protest campaign is scheduled to break out, I am told, throughout the Nation, and signs such as "No Jap goods sold in this store" are already being printed, as well as bumper strips, and so forth, to incite public reaction against the unwillingness of the Japanese to cooperate with the United States in fishery conservation in the North Pacific Ocean.

Mr. Speaker, ever since World War II, I have sought the upbuilding of trade with Japan and have been gratified at the ever-growing exchange of goods between our two nations. I have nothing against Japan and want to see our trade grow, so it is with deep regret that I find, like a smoldering volcano, an eruption of ill will, economic harm, and bad feeling is in the making.

How serious this boycott could be, I doubt if anyone knows, but it appears that organized labor may well follow its tradition and support our fishermen and their various affiliated unions. This could tie up every Japanese vessel that comes into port and all Japanese imports that cross our docks.

The worst part of the boycott is that ill will and prejudice generated today cannot be shut off like an electric switch. The ill will and hurt will go on long after any settlement. Unfortunately, too, the wounds of Pearl Harbor will be opened anew and our two peoples will renew old hates.

So, as I say, I hope this boycott does not get started; but at the same time, if it does start, I intend to support our fishermen in every way possible. Ten years ago, Japan agreed by treaty to protect American red salmon on the high seas, and I, for one, will not stand quietly by and see the Japanese abdicate this position and destroy the runs of fish made possible by our fishermen through sacrifice for the sake of conservation.

The time is short, and I hope and pray that our Government can dissuade the Japanese from causing a trade war that will hurt both sides, and which both sides will regret.

"WORLD'S GREATEST COLLEGE WEEKEND"

Mr. BRAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, the "World's Greatest College Weekend" again has been celebrated on the Indiana University campus.

Springtime on Indiana campuses always is inspiring. The wholesome youth in our great Indiana colleges give hope in the future of our country.

Indiana University's "Little 500" is based on the great Hoosier 500-Mile Memorial Day Auto Races. It was commenced several years ago by Howdy Wilcox, who at that time was director of the Indiana University Foundation and who now is a member of the board of trustees of the university and general manager of the Arizona Republic and Phoenix Gazette. This colorful weekend not only includes tests of athletic prowess in the men's bicycle races and the coed's tricycle races, but adds color, pageantry, artistry, pulchritude, and the sheer effervescence of youth to an unforgettable weekend. The proceeds of the "Little 500" weekends have provided for almost 2,000 scholarships.

I am happy to say that the students on the campuses of the colleges of Indiana look quite different from the 17,000 "students" who demonstrated in Washington recently carrying signs attacking their country. I also am proud that as yet students on the campuses in Indiana have not emulated the students and faculty members in some eastern colleges, who sent a cablegram to Ho Chi Minh saying, in part, "You have our respect and sympathy." Nor have our students followed the lead of a group of students in a midwestern college who sent money to the "National Liberation Front" (the Vietcong). Neither have our students made a public demonstration of burning their draft cards in a bonfire, as occurred in a western university.

I still am proud of the youth of America despite the actions of some. We should not allow the actions of those few to cause us to lose faith in the future of America, which of course depends upon the youth of today.

In every generation there are some who are misfits. Some are guilty of treason. There are many more who are misguided, and in a frenzy of idealism lose perspective in viewing their own country.

Despite the extremism of a small fraction, the great majority of our youth are ready and willing to support their country and to defend freedom.

ARMED FORCES WEEK

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, at a multiservice dinner at the Sheraton Park Hotel in this city, last Friday evening, the Navy League, the Air Force Association, and the Association of the U.S. Army, "kicked off" our Armed Forces Week, which this Nation reverently and pensively celebrates in honor of those who dedicate their service, their lives, and their youth to the freedom of this Nation and other responsible nations who seek our help.

Gen. Harold K. Johnson, Chief of Staff of the U.S. Army, led off the three major uniformed military services, as greetings were sent to the servicemen and women around the world.

Predicated upon enhanced communication and increased ease of transportation, the general very wisely sums up the situation of the real world, while remarking that, just as in the case of individuals, nations must be "responsible," if deterrence, conference, and eventual peace are to hold sway. General Johnson sums it up for the past, present and future by referring to our faith under the fatherhood of God, and the rights of individual peoples to be free. Based on political, geographic, technical and an additional shrinking of the world, requirements have never been greater for dedicated, well-trained talent and for equipment and unit combat readiness around the world.

I commend these remarks by one of our greatest chiefs to the careful consideration of my colleagues:

REMARKS BY GEN. HAROLD K. JOHNSON, CHIEF OF STAFF, U.S. ARMY, AT THE NATIONAL ARMED FORCES DAY DINNER, WASHINGTON, D.C., MAY 7, 1965

This Armed Forces Week finds our Nation and its Armed Forces team in a world that is shrinking: politically, geographically, and technologically. This world generates greater risks for our national security and greater demands on our Army, Navy, and Air Force.

In a political sense the world is shrinking because in many parts of the globe once dormant lands are emerging as restless new nations, anxious to come of age quickly, yet often inadequately equipped to protect themselves against covert or overt aggression. As the number of these nations swells, and so long as the Communist world pursues its avowed objective of communizing the world, there are likely to be more trouble spots where stability must be maintained or restored. Hence we may expect more, rather than fewer, places where freedom is on the line, and the speed with which we can move to the defense of freedom will be of growing importance.

In a geographic sense, the world is shrinking simply because we now calculate movement times in hours rather than days or weeks as they once were, of necessity; and the Army, as a strategic hitchhiker service continues to rely on air and sealift for the initial deployment of troops and equipment as well as resupply of those troops once we are in the area where the issue will be decided.

In a technological sense the world is shrinking as the fruits of research and development materialize and as ideas and information spread. Our knowledge of physical science is roughly double that which existed in 1950, and the price for failure to stay ahead or at least keep abreast of our adversaries in the scientific area may be measured not in time or dollars, but ultimately in cities and blood.

This shrinking world means for the United States more international involvement as well as more hazards; more military commitments to the defense of freedom, as well as more demands on our economic and military strength. Never before have the requirements been greater for dedicated, high-caliber talent in our Armed Forces, and for equipment and unit combat readiness which have no equal.

This represents the backdrop for the basic purpose of the Army within the defense team. Since June 14, 1775, the basic purpose for the Nation's landpower has not changed. However, the real world in which we must carry out that purpose is changing rapidly. Areas of potential and active turbulence are emerging in different parts of the world to disrupt, in various ways, the climate of order and stability so important to the peaceful adjustment of the changes underway.

Within these conditions of world change, it remains the rôle of the Army, with generous assistance from our Naval and Air Force comrades in arms, to carry out the landpower missions of the United States so that turbulence is reduced, stability is preserved or restored, and peace is achieved without destruction of the institutions of society which exist under the rule of law. These landpower missions run all the way from roadbuilding by a battalion of engineers in the hinterland of Thailand, and frontier development in Alaska, through support of counterinsurgency efforts in South Vietnam, to manning the ground defenses against limited or general attacks in NATO Europe. In accomplishing these missions the U.S. Army of over 950,000 men and women has deployed 41 percent of its strength in 101 countries. As the finest Army in our Nation's history, it provides a sound base on which to build for the future.

On this occasion of the Annual Armed Forces Day Dinner, I salute the sons of an earlier day who wore our uniforms and pioneered the way, the sons of today who unflinchingly are defending freedom's ramparts, and the sons of tomorrow who will inherit our mighty defenses, and our faith in the rights of peoples to be free.

Thank you.

THE AVENUE OF UNDERSTANDING

Mr. ICHORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker, during the past week the communications media has utilized the Early Bird communications satellite in transmitting several programs of the public information variety across the span of the Atlantic Ocean. Those who have witnessed this tremendous innovation in television broadcasting certainly have seen history in the making.

I believe this achievement ranks with the laying of the transatlantic cable or the first transatlantic flight for now it is possible for the peoples of Europe and the United States to better understand each other through live television transmissions. Think of the heretofore unimaginable scope of events that now can be seen as they happen. The areas of politics and world affairs, music and art, and sporting events are but a few among the hundreds of subjects which may now be covered by the television media.

Hopefully, in the near future all nations of the world will be able to enjoy this advancement. I sincerely hope this remarkable feat will serve as the means to making transoceanic broadcasts the avenue of understanding.

All those who participated in this project are to be highly commended and congratulated, for they have made it possible to take a giant step forward in the march toward international understanding.

OUTSIDE MONEY INFLUENCING ELECTIONS

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I am again today introducing a bill which would prohibit campaign contributions from crossing State lines to influence congressional primaries and elections and to influence election for electors of the President. I urge the Congress to conduct hearings and study the whole area of campaign contributions and campaign expenditures. The situation grows steadily worse.

Campaign contributions are sent from one State to another and even from foreign countries to influence elections. I maintain, Mr. Speaker, that the people within a congressional district and the people of a State should elect their Representatives to the Congress of their own free will without the influence of outside money. It is rapidly becoming impossible for citizens to offer for public office until they can first raise fantastic sums of money to finance a campaign. Often these finances come from far away places. Many Americans without personal wealth or financial connections find it impossible to offer for public office. This is making a fraud and a mockery of representative government.

In 1966, congressional elections will be held in every State of the American Union. In my own State of South Carolina, next year there will be campaigns for two seats in the U.S. Senate. To offer for the Senate in most States will cost from a half million to a million dollars. In some States it will cost more than a million dollars to make a statewide campaign. Should this trend continue, representation in Congress would become controlled by pressure groups and those who can raise the most money.

Should congressional races be influenced by huge sums of money pouring across State lines, the people would lose their representation to those who got there "firstest with the mostest." I urge the Congress to take action before the 1966 elections.

PROBLEMS OF THE HANDICAPPED

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DADDARIO. Mr. Speaker, on May 1, 1965, hundreds of dedicated persons from the 50 States of the Union and from a number of countries abroad, came to Washington for a several days' conference under the sponsorship of the President's Committee on Employment of the Handicapped to discuss the problems of the handicapped, and to discuss ways and means for further progressive and humane activity in their behalf.

At the meeting of May 1, 1965, our distinguished Speaker received from the President's Committee on the Employment of the Handicapped an unusual honor, "Citation for Exceptional Service," and as stated in the citation, "For a lifetime of dedicated service to the handicapped of America; for improving their welfare in the Halls of Congress; for instilling new hope and courage in their hearts; for his compassion and support of his fellow Americans in need; he has earned the honor of the Nation."

On the occasion of the opening meeting of the conference on May 1, 1965, our distinguished Speaker, Mr. McCormack, addressed the immense gathering. I include in my remarks the address made on that occasion by Speaker McCormack:

ADDRESS BY SPEAKER MCCORMACK AT A CONFERENCE SPONSORED BY THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

Mr. Chairman, I am most appreciative of your recognition today. I accept it both personally and for the entire Congress, for although it bears my name, whatever I was able to do was because the Congress felt the same way.

It has been a rewarding experience to sit on the other end of Pennsylvania Avenue and watch how a dream has come to life and grown into a national program which has benefited so many men and women. I speak of the dream made real by the dogged persuasion of Paul A. Strachan and the gentle persistence of the dedicated Mildred Scott.

When I first talked to Paul about his dream of National Employ the Physically Handicapped Week, he was petitioning and buttonholing every Member of Congress who would listen to him, in the halls, in their offices, in the corridors outside the well of the House and Senate and on the street. With Paul, who could hardly hear a word you said, but who could read your lips remarkably well, except when you said "no," was Miss Scott, who acted as his "ears." Mildred, with her brace and cane, and Paul, with his aggressive insistence, gave life and breath to the American Federation of the Physically Handicapped. Together with the Disabled American Veterans, represented then by Millard Rice, they persisted, and "NEPH Week" was born. This fall we shall mark the 20th anniversary of that legislation and the 21st observance of the week. Their place in history is secure in the hearts and homes of the handicapped who have benefited by public attention focused on their job needs.

Two years after the Congress passed legislation proclaiming "NEPH Week" the President's Committee was born, also due in large measure to Paul Strachan, Bill McCahill and others. In the years that have followed, its first two chairmen, Vice Adm. Ross T. McIntire and Maj. Gen. Melvin J. Maas, have gone to their eternal rewards and are buried with the hero dead of our country at the western end of Constitution Avenue. It was the Navy Doctor McIntire who brought the Marine Reserve General Maas into the position of vice chairman as his successor. It was the Marine general who brought the former Army sergeant, Harold Russell, into the vice chairman position as his successor. The three volunteer chairmen of this President's committee have established a record for leadership and dedication which cannot be matched by any other volunteer group I know anything about.

For no less than 18 years we find Bill McCahill on the combat front of this, one of the noblest endeavors in the whole catalog of national and communal heroism for the handicapped. Colonel McCahill can make the heart work wonders in the field of concrete accomplishment.

It is not only the handicapped who owe those I have mentioned, with so many others, recognition for the efficacy of their workmanship, their talent for dealing with the great and the near-great on behalf of those who face the cold human shoulder in so many places in world society, but it is people like myself who feel immensely indebted to those living, and the memory of those no longer with us.

Legislation, as so many of you know, and executive action, must have besides a philosophy of decency, the working ingredients of soundness and durability. We legislate not only because it is right, but because concomitantly it is workable; it is rugged; it will stand up and hold its place firmly on the statute books of the Nation. What those I am speaking of, your McCahill, your Strachan, your Scott, your Rice, your ever so active Harold Russell, have done that is sensible and worthy, is to take the problem out of the area of merely do-goodism and put it in the area of good business as well. It is no little thing that every year as many as a quarter of a million handicapped placements are made by the public employment services.

This may not fulfill your final goal—and I, for one, hope it does not—but it is a brilliant record that deserves all kinds of applause. It shows that you have brought in sight at least the day when the handicapped-unemployed will cease to be a problem gnawing at the heart and the conscience of a nation that wants to fight every manner of poverty and injustice to which man is heir.

If those of little faith come to me and ask, What do you mean by the Great Society? I have only to point to you, to the National Employ the Physically Handicapped Week, and say: There you see one of the great pillars of that Society.

You can have no idea, as I speak to you now, how immensely proud I am of you and of the image—as they say these days—that people like you give to the portrait of our country. I can never forget some of the efforts I have seen you people, yourselves handicapped, make for the handicapped, for the American Federation of the Physically Handicapped, for the Disabled American Veterans, for your persistence with NEPH Week. Indeed, I remember your first two chairmen after Congress passed the NEPH Week legislation. Vice Adm. Ross T. McIntire was the first, to be followed by Maj. Gen. Melvin J. Maas. Both have since passed to their eternal reward, but not until they had established a remarkable record for leadership and dedication.

I know that there are volunteer groups and volunteer groups. But where, I ask, is there one to match this?

So, in accepting this recognition for my part in helping push forward with your wonderful work, I am happy to review a little bit of history for you and to predict that Harold Russell, a young man for whom I have great personal admiration, with the continued cooperation of Bill McCahill and others, will forcefully build on the foundation of Strachan, Scott, McIntire and Maas.

I predict that 10 years from now our past successes will seem small indeed compared to what will have been accomplished by the time the Nation celebrates the 30th anniversary of the week that is 52 weeks long, the week that lasts the whole year, the week that helps the handicapped to help themselves.

CLOSING OR CONSOLIDATING OF NAVAL SHIPYARDS

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, on November 19, 1964, the Secretary of Defense announced his intention to close or consolidate three naval shipyards.

These were: First, the merger of the Mare Island and San Francisco Naval Shipyards in California, under a single commander, during 1965; second, the closure of New York Naval Shipyard in Brooklyn; and third, the gradual phaseout of the Portsmouth Naval Shipyard, Portsmouth, N.H., prior to 1975.

Because of the possible implications of these actions on our national defense efforts, I am planning to set aside one day during our hearings on the fiscal year 1966 military construction bill to hear all Members of Congress who wish to be heard on the naval shipyard closures. I cannot yet state a firm date.

Those who desire to testify should notify the House Armed Services Committee, extension 4151, by Friday, May 14, 1965. We will be happy to accept statements for the record from those who do not desire to testify in person.

Mr. KEOGH. Mr. Speaker, will the gentleman yield to me?

Mr. RIVERS of South Carolina. I will be glad to yield to the gentleman from New York.

Mr. KEOGH. Mr. Speaker, permit me to commend the gentleman from South Carolina for the statement he has just made. It is the first ray of hope that the long-suffering people of Brooklyn have had in a long, long time.

Mr. RIVERS of South Carolina. I thank the gentleman.

MASS TRANSPORTATION ACT

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Fino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FINO. Mr. Speaker, today I have introduced legislation to clarify the Mass Transportation Act so that demonstration project funds under that act can be made available for bistate or tristate agency attempts to operate the passenger service of the New Haven or some other railroad.

This bill was prompted by the controversy over whether or not financial aid to a public authority aiding a railroad can qualify for a demonstration grant. My amendment to the Mass Transportation Act would remove any doubt that "new methods of continuing existing mass transportation services" qualify for demonstration project grants. This bill would, besides clarifying dubious language, serve to express congressional sentiments that Mass Transportation Act moneys should be applied to new ways of financially maintaining and restructuring railroad passenger service, as well as to technological experimentation.

In March, I introduced legislation to meet the rail crisis by setting up a Federal authority to subsidize uneconomic passenger service in the Northeast. I regret the fact that it looks like we can hope for only piecemeal solutions to the overall rail crisis, but something is better than nothing. Therefore, I am offering this bill to try and make sure that Mass Transportation Act demonstration project funds are brought to bear on the New Haven and other railroad crises.

As far as I am concerned, the Congress has a duty to the commuters and other railroad users. It was recently announced by the White House that $8.7 million is being made available for the improvement of one railroad in Pakistan. The recent Presidential message accompanying the foreign aid report also mentioned our aid to Korean railroads. I am tired of the discrimination against American railroads, both at home and abroad. The hypocrisy behind dollars for foreign railroads and empty gestures and unkept promises for American railroads and commuters is one reason why I am abandoning my 12-year support of foreign aid. We can and should spare millions for American railroads before we subsidize foreign railroads.

LATIN AMERICAN TRADE: A TOTAL HEMISPHERE TRADE STRUCTURE?

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, the recent proposal for a Latin American common market made by four leading Latin American economists has brought us to the point of decision about the kind of trade relationships we wish to establish with the nations of this hemisphere. Some have endorsed the Latin common market proposal, adding that it should be tied to a broader scheme for hemisphere trade. Certainly, if the United States decides that a formalized Latin-United States trade arrangement is desirable, such an arrangement should include all nations of this hemisphere with the possible exception of Cuba. It must be total hemisphere trade structure created in the context of GATT, open to world trade and dedicated to promoting competition and efficiency in the hemisphere economy.

On April 29 I expressed these and other thoughts in a letter to Senator JOHN SPARKMAN, chairman of the Joint Economic Committee's Subcommittee on Inter-American Economic Relationships, of which I am a member. In my letter I urged that the Inter-American Subcommittee examine thoroughly the proposals for change in hemisphere trade relationships in the context of U.S. hemisphere and world trade goals. I also expressed my conviction that the Executive should take leadership in proposing creative alternatives to the Latin proposals. Clearly the United States is obligated to heed Latin America's calls for change, if only by the special relationship the United States has for over a century claimed with the nations of this hemisphere. The United States cannot, at this turning point in hemisphere economic and political relations, afford to let the initiative drop from its hands. We must help decide what hemisphere economic system will build the soundest hemisphere relationships, yet at the same time comply with the broader objectives of the United States and with international development.

But I think it necessary to warn that we cannot immediately consider that a special hemisphere trade system can by itself solve the serious economic development problems shared by most Latin nations. I would also caution that it may not be in the interests of world development to freeze the historic economic relationships that exist between European countries and Africa, and North America and Latin America. Let us at least consider removing the present special economic ties between industrial and developing nations, and replacing them with a world trading system in which each developing country's trade problem is considered individually.

In closing I wish to compliment Senator SPARKMAN and the staff of the Joint Economic Committee's Subcommittee on Inter-American Economic Relationships. Senator SPARKMAN has made this subcommittee a respected forum for discussion and deliberation on Latin economic policy. All the members of the subcommittee have benefited from his guidance and from the excellent and thorough work of the staff of the subcommittee.

The text of my letter to Senator SPARKMAN follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 29, 1965.

Hon. JOHN J. SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPARKMAN: The proposal for a Latin American Common Market announced in Mexico City on April 12 has brought into focus a series of developments in Western Hemisphere economic and political relations which have been in process for years. These events concern me deeply as a member of your Subcommittee on Inter-American Economic Relations.

The Latin American Common Market proposal itself is filled with uncertainties—its precise terms are yet unknown. But it deserves the closest study. And, should the proposal be found feasible and in keeping with our national objectives, it should have the unhesitating support of the United States. In this regard I would like to recall Senator JAVITS' comments to the Senate on April 13 and emphasize his concern that a Latin American Common Market should not exclude the United States and Canada, but that Cuba should not be included until political changes take place there.

The purpose of this letter, however, is to express my concern about the relationship of a Latin American Common Market to other world trading groups and to the General Agreement on Tariffs on Trade, and to explore broader problems of hemisphere trade policy. To this end, a brief examination of elements of the current situation is useful.

Latin American nations particularly have been active in formulating the proposals for change in world trading relationships recommended in July 1964, by the United Nations Conference on Trade and Development. Latin proposals were incorporated in the so-called Charter of Alta Gracia, agreed to by the majority of Latin nations last spring and reaffirmed in the fall of 1964 before the Inter-American Economic and Social Council's (IA-ECOSOS) third annual review of the Alliance for Progress at Lima, Peru.

Broadly, the Alta Gracia recommendations call for:

1. Trade preferences for entry of developing nations' manufactured products into industrialized countries.
2. International agreements to stabilize commodity markets and to support prices.
3. Flexible international funds to compensate developing countries for losses from deteriorating terms of trade.
4. Immediate standstill and gradual abolition of all tariff and nontariff barriers on primary exports from developing countries.
5. Progressive reduction of all developed-country subsidies on primary products.
6. Modification of present developed-country agricultural price-support policies.
7. Application of internationally agreed criteria to the disposal of agricultural surpluses.
8. Curbs in the development of new synthetic industries by advanced nations.
9. A plan for giving developing nations a greater share in the growing world shipping business, reduction of freight rates by established maritime nations, and new U.N. machinery to coordinate future cooperation between developing and developed countries in shipping matters.
10. Establishment of domestic insurance and regional reinsurance schemes in the developing nations as a means of reducing invisible charges.

At the Lima IA-ECOSOC conference these preferential proposals were countered by the U.S. delegation, which emphasized that Latin nations must improve their own export promotion efforts and must attempt to diversify exports to sell to wider foreign markets. The problem of trade was, after considerable dispute, referred to the year-old Inter-American Committee on the Alliance for Progress for study and recommendations.

Nonetheless, at the end of the IA-ECOSOC meeting, 19 Latin nations formed a new group to carry on the work they began at Alta Gracia. They established the Special Coordinating Committee for Latin America (CECLA), which will meet before the next IA-ECOSOC Alliance for Progress Review, to be held in Argentina next fall. CECLA's job is to maintain a Latin American "united front" on trade policy.

These developments signaled to U.S. observers at Lima that Latin America would not abandon claims for preferential trade treatment by the United States.

There are significant reasons for this Latin attitude:

1. Latin American nations feel at a disadvantage in world markets when competing with African nations, which have special trading ties to the European Economic Community. Other special trade arrangements, such as those of the British Commonwealth, also exclude Latin America. Thus, in a speech at Philadelphia on April 10, Panamanian Ambassador Ricardo Arias said:

"The consequences of the European policy (of discrimination against Latin America) leads us to believe that Latin American countries, which for geographical and historical reasons share with the United States responsibility for the future of our continent, might well consider it a just aspiration that their exports be given preferential treatment in the U.S. market."

The comment of the U.S. Chamber of Commerce representative to the Lima IA-ECOSOS meeting is also instructive:

"With hopes for an Atlantic Community dimming, Europe toying with restrictions on U.S. investment and refusing to relax its own commercial ties to Africa; Japan competing increasingly for Asian markets, even Latin American buyers eyeing more hungrily the offers of favorable Japanese and European credits, conversations at the Lima conference turned frequently and seriously to the 'natural' need for a hemispheric trade agreement."

2. While the terms of Latin America's trade with the rest of the world improved by an estimated 2 to 3 percent in 1964, predictions are that in 1965 and succeeding years advance cannot be maintained. Thus Latin pressure for special consideration for its exports in foreign markets will increase.

3. Latin nations claim to be concerned about signs of U.S. protectionism. They cite the imposition of restrictions on beef imports, and President Johnson's unwillingness to consider freeing the U.S. quota system on imports of residual oil. The Latin reaction is to want to secure an assured place for their products in U.S. markets.

4. Obvious progress of the current round of GATT negotiations has been slow, and Latins are impatient. Although GATT members adopted in January 1965 a new "chapter" intended to give greater consideration to less-developed country trade needs, so little "Kennedy Round" progress has been made that Latins are impatient to obtain immediate relief from their trade ills through the new United Nations Trade and Development Board.

Clearly the United States is obligated to head Latin America's calls for change, if only by the special relationship the United States has for over a century claimed with the nations of this hemisphere. The Latin American Common Market proposal should be considered at the highest levels of the Johnson administration in light of the great pressures for change in Latin America. The administration should take this opportunity positively to respond to a proposal by four of Latin America's most respected economists and leaders—not necessarily by accepting the plan outright, but building on it constructively. Under Secretary Mann has shown ability in dealing with Latin American problems. Let us hope that he will lead our Government in a positive, creative response to these issues.

To those in the State Department and Executive Office who will formulate the U.S. response, I suggest that a suitable and positive response to the Latin Common Market proposal would be a total hemisphere trade structure. This could take the form of a free trade area of a common market. But it would incorporate all nations in this hemisphere.

But I do not propose that the United States, Canada and Latin nations immediately abolish all intragroup tariffs. Such a plan is clearly not feasible. Latin nations almost surely would have difficulty competing with the developed economies to their north in such an environment.

In addition, I have serious reservations that geographic barriers, aggravated by lack of postal and telegraphic communication and by inadequate intracontinental transportation, will impede the growth of a true Latin American Common Market. South America is divided naturally into two areas. The nothern area, including Venezuela, Colombia and Panama, is separated by the Amazon and its vast tropical riparian areas from the southern area, including Brazil, Uruguay, Argentina, Chile and Peru, Paraguay and Bolivia. The countries of Central America and the Caribbean thus form with northern South America a natural area for commercial exchange, while the southern area remains isolated, a natural unit unto itself.

This wide natural barrier to a true hemisphere common market would seem to be a prima facie reason for opposing its formation. Latin nations must overcome this barrier—by developing adequate air, land, and coastal transport. Hopefully the removal of tariff barriers among all Latin nations would create incentives to purchase from each other and would require adequate transportation networks. The development of the United States as a unified market was not prevented by the existence of the Mississippi River or the Rocky Mountain Range—even in the absence of the Panama Canal gold prospectors found their way to the goldfields of the West, and this demand for transportation led to the development of efficient and relatively quick land and sea transportation.

In addition, it is necessary to warn that a new hemisphere trading relationship will not by itself solve the serious economic development problems shared by most Latin nations. These problems of taxation, social reform, private capital growth and investment, and urban development can only be solved by the increasing efforts of these nations themselves. But we cannot forget the many serious obstacles to Latin economic growth that a Latin American common market or other arrangement cannot hope to easily solve.

I would identify at least the following further conditions for a total hemisphere trading plan:

1. It must be based on an underlying agreement that the plan's purpose would be to promote competition. Greater efficiency, diversification, specialization and economic integration would be its goals.

2. It must be created within the context of GATT. GATT exemption from application from the most-favored nation requirement would be obtained. The United States would not attempt to abandon a multilateral approach to freer trade.

I have spoken in this letter of a Latin American common market and a free trade area almost as if they are interchangeable. Of course, they are not. Common markets and free trade areas are utterly distinct, though each can be modified for use in different circumstances. We must give serious consideration to the relative desirability of these basic multilateral arrangements in the context of Western Hemisphere needs and our GATT obligations.

I wish to end this letter with a reservation to my proposals and with a caveat. It may not be in the interest of world development that we freeze the historic economic relationships that exist between European countries and Africa, North America and Latin America, or those economic relationships that now exist or may develop in Asia. Rather, it may now be in the interests of world development to further economic relations among the world's regions. Let Africa develop better economic relationships with the United States and let Latin America develop better economic relationships with Western Europe. Let us consider removing the present special economic ties between industrial and developing nations, and replacing them with a world trading system in which each developing country's trade problem is considered on individual merit by all countries.

It is time that Congressmen, congressional committees and the Executive study these problems. Certainly it is imperative that the Subcommittee on Inter-American Economic Relations examine them thoroughly, hopefully some time this year. We must help decide what hemisphere economic system will build the soundest Western Hemisphere relationships, yet at the same time comply with the broader objectives of the United States and with international development.

Sincerely,

THOMAS B. CURTIS.

RUMANIAN INDEPENDENCE DAY

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, today, the 10th of May, marks the 88th anniversary of the traditional national holiday of the Rumanian people who, after centuries of subjugation and oppression by foreign powers, proclaimed their independence on May 10, 1877, which was confirmed by the Congress of Berlin in 1878. For 70 years Rumania prospered as a free nation and enjoyed social, economic, and political progress, but this freedom was short lived—and today the country suffers the fate of other captive Eastern European nations which have become victims of the Communist tyranny.

It is tragic indeed that this anniversary of Rumanian independence cannot be observed openly by the people in Rumania without inviting harsh retribution from their Communist authorities. Those of us who cherish the privileges and responsibilities of freedom share the hopes and confidence of these people for the future independence of their country and express for them their fervent and undying belief in religious and political freedom and in the rights of individuals. We know that as long as there is any suppression of the right of self-determination, the world cannot hope for a secure and durable peace. We assure them that we will not submit to the illusion that the victory of communism is inevitable—on the contrary, we will never forget that freedom is man's birthright and that its survival and triumph are inevitable.

RESIDUAL OIL—BOOMING COAL SALES BELIE CALLS FOR CONTINUED QUOTAS

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, some of our colleagues, driven by understandable regional zeal, have been painting an inaccurate picture of gloom in the coal industry as a reason for continuing restrictions on the importation of residual fuel oil. To listen to them, one would think that coal was battling for its life against desperate odds stacked up against them by residual oil. Such is not the case; coal is making tremendous profits, and its future is sound Coal interests are big interests and so are the Appalachian States in which big coal is based. These big interests have gained the ear of the Great Society. Hearkening to the call of economic and political power, the Great Society is pouring out special favors for Appalachia in the form of a billion-dollar-plus special program of public works just for Appalachia.

On top of this, the masters of the Great Society in March overruled the

Secretary of the Interior and directed that strict controls on residual oil be continued. Although the Secretary himself recognized the injustice of the import restrictions, and acknowledged that they unfairly cost the consumers of New England upwards of $40 million a year, and had worked out a carefully drawn relaxation of the quota system, on the eve of action, his work was rudely brushed aside from above. The White House again had responded to the siren call of politics represented by the economically powerful and vote-rich region of Appalachia.

What is the truth? The truth is that the big coal interests are prospering mightily and that their prosperity bears little relation to residual oil. Of course, residual oil competes with coal. So does natural gas and so does atomic power in a smaller but growing way.

To substantiate my claim of coal's prosperity, I draw the attention of the House to the May 1 issue of Forbes magazine, which follows these remarks. It will be seen from this that coal is meeting its competition in the best American traditions. As a result, which we all applaud, big coal is making big profits and the profits are growing. This article should make it plain that coal needs no special protection from the Federal Government. Also apparent is the gross unfairness to the users of residual fuel in continuing the import stranglehold on this vital commodity.

With Appalachia receiving so much Federal bounty, paid for in part by the taxpayers of New England, and with the coal industry enjoying such great prosperity, it is patently unfair to continue these restrictions.

I hope every Member will have the time to peruse the Forbes article:

Coal's Progress: Business Is Good for the Top Coal Companies, and the Closer They Are to the Utilities, the Better They Fare

The fortunes of the coal industry have improved notably in the last 4 years. Since 1960 bituminous coal output has risen 16 percent, from 415 million tons to 482 million. Behind this growth lies the $1.5-billion utilities market, using about 6 percent more coal each year. Coal's other big market—steel—has been of little help, increasing its consumption an average of only 2 percent a year since 1960.

Coal's position with the utilities is solid. Despite the growth of natural gas meantime, it still supplies 66 percent of the energy used to generate electricity, just as in 1950. But the battle remains fierce. Foreign residual oil offers real competition on the east coast. So, in other areas, do natural gas and atomic energy. But coal is today an aggressive contender.

To keep the offensive, coal's strategy is to sign the utilities to long-term contracts running as long as 30 years. This assures the utilities of stable energy costs, something they cannot count on from oil. The risks are great—to get the utilities to sign, the coal companies must offer attractive prices, often depending on unrealized gains in mine productivity. Confided one eastern coal executive: "All of these contracts have escalation clauses in case wage or other costs get out of hand. But when I think of some of the prices quoted, the escalations seem small comfort."

Yet the strategy seems necessary to coal's survival. Said F. Stillman Elfred, Peabody Coal Co.'s peppery chairman, "When you get a customer to take your coal for 20 years, you know exactly where you stand. Then you can make the investment in the machinery you need to produce at the price you have set. And in the meantime you have frozen out the competition."

THE STANDINGS

All the big coal companies did well last year. The more closely they were linked to the utilities, the better they did. Peabody Coal, for example, came up with a 24-percent gain in net over 1963 on an 18-percent sales increase. (See table.)

Close to 90 percent of Peabody's operations are in strip mining, the cheapest way to dig coal. Peabody does 75 percent of its business with utilities, most of it under long-term contracts. In its midwestern market Peabody has little competition from residual oil or atomic energy. Its mines are located near their markets, and half its output can be shipped by cheap water transport, in barges in which Peabody often has a part interest.

Consolidation Coal Co., the biggest coal company (in sales), showed impressive earnings gains of 16 percent last year and nearly 50 percent since 1960 on a smaller sales rise than Peabody's. But with only 8 strip mines out of a total of 32, Consol's gains in net have come less from its own mines than from tax reductions and credits, joint coal operations with others and dividends from its 3 million Chrysler shares.

Among Consol's problems is competition from oil in eastern markets. In addition it sells the steel companies some 24 percent of its output. Said President G. Albert Shoemaker, "There is no real growth in steel. Any expansion in steel will be compensated by greater efficiencies in the use of coking coal."

But Consol is also the richest coal company, with net working capital of $104 million, and a 3.7 to 1 current asset ratio versus an average of 1.7 to 1 for the other four companies on the table. These liquid assets, said Shoemaker, "will enable us to make a long-term deal of any proportion with any customer."

Among the other major coal producers, Island Creek Coal Co. gets practically all its income from coal, while Pittston Co. and Eastern Gas & Fuel Associates get less than half. But all three have this in common: They increased their coal earnings sharply last year, Island Creek by 33 percent, Eastern by about 60 percent, and Pittston by about 80 percent.

Anyone who still thinks of coal as a sick or dying industry would do well to ponder these figures.

Coal's performance

Company	1964 sales (millions)	1963-64 change (percent)	Earnings per share		
			1964	1963-64 change (percent)	1st quarter 1964-65 change (percent)
Peabody	$188.7	+18	$2.16	+24	+5
Consolidation	297.3	+4	3.17	+16	+19
Island Creek	112.0	+20	2.38	+33	+10
Eastern Gas & Fuel [1]	170.3	+13	6.43	+83	+84
Pittston [1]	257.1	−2	4.90	+10	(2)

[1] Diversified.

[2] Not available.

RUMANIAN INDEPENDENCE DAY

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, May 10 marks the anniversary of Rumanian independence. On this day, Clevelanders of Rumanian descent will gather to observe the occasion. Regrettably similar celebrations will not take place in Communist Rumania. Yet in the hearts of the people, we are confident, this event is cherished. It remains the symbol of their permanency and perserverance through woes and hardships to reach the ultimate goal of freedom and well being.

Ruthless foreign domination now oppressing the Rumanian nation has not been able to extinguish the people's devotion to May 10. Liberty is not so easily defeated.

Freemen everywhere should pause and reconsider all that they take for granted. Such an event as this helps remind us of our blessings.

So it is my privilege and honor to stand side by side with my Rumanian-American friends in observance of this day, awaiting with strength and courage the return of freedom to Rumania.

RUMANIAN INDEPENDENCE DAY

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Gerald R. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, it is particularly significant in this turbulent time of aggression against freedom in many parts of the world that we pay tribute to the spirit and courage of the Rumanian people.

This 10th of May traditional national holiday celebration is a living symbol of perseverance in seeking freedom while facing tremendous obstacles.

The free world takes a monumental pause today to honor the history of Rumania where its people can no longer commemorate this date behind the Iron Curtain.

Although tragic circumstances silence the people in Rumania, we in the free world send them assurance that a time of independence must ultimately be achieved.

We join with Rumanians, who are captive in their homeland and must celebrate today in their hearts, in hoping for the dawn of a new time when freedom will return to their country.

EULOGY TO FORMER U.S. SENATOR OREN E. LONG OF HAWAII

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, it is with extreme sadness that I rise to inform the House that the State of Hawaii mourns the loss of one of its outstanding citizens, former U.S. Senator Oren E. Long, who passed away in Honolulu on Thursday, May 6, 1965. He was 76 years of age.

Senator Long's sudden death means a deep personal loss to me. He was a very dear friend of mine, and I was privileged to enjoy his friendship over a long period of years. Like thousands of others who attended the public schools in Hawaii, I came to know Oren E. Long by his reputation many years before the start of our friendship. He had actually given the public school system in Hawaii a lifetime of outstanding service before commencing a career in politics which he completed with equal distinction and dedication.

Honest, courageous and able, Oren E. Long was above all a kind and thoughtful person. He was just as much interested in the problems of schoolchildren as he was in the affairs of state. Behind a quiet and unassuming demeanor, Senator Long possessed a remarkable quality of being able to get things done. He himself once alluded to the fact that while he disdained shouting and pounding on the table, he was, in his own way, able to obtain the desired results.

Oren E. Long was born in Altoona, Kans., on March 4, 1889. He received his early education in Kansas and Tennessee. He received graduate degrees from the University of Michigan and from Columbia University.

He journeyed to Hawaii in 1917. After serving his initial island assignment as a social worker, Oren Long became vice principal of McKinley High School, which was then one of the few high schools in Honolulu.

After a period of study in the continental United States, he returned to the public education field in the then Territory of Hawaii. From 1925 to 1934 he was deputy superintendent of public instruction, before becoming the head of the department.

As superintendent of public instruction, he was sincerely interested in giving the best possible education to all of Hawaii's children of heterogeneous races. He guided the public school system to a place of excellence.

Thousands of our citizens remember Oren E. Long best for the many years in which he headed the school system in Hawaii. During this period, the number of senior high schools increased from 9 to 24.

In 1946, he was named Secretary of Hawaii, the Territorial counterpart of the present Lieutenant Governor's office. He became Hawaii's Governor in May 1951.

When Hawaii achieved statehood in 1959, Democrats nominated him for the U.S. Senate and he defeated his Republican opponent for the 2-year term.

In 1962, Senator Long voluntarily retired and stepped aside for DANIEL K. INOUYE, Hawaii's distinguished first Representative to Congress, in whom he had, in the Senator's own words, "a special interest."

Mr. Speaker, as a citizen of Hawaii and a close friend of the late Oren E. Long I am deeply grieved by the passing of this great American. He leaves behind him indelible footprints in the sands of time. To his beloved widow Geneva Long, I extend deepest sympathy from Helene and myself.

FOREIGN AID IS GOOD BUSINESS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, when we take a close look at how our foreign aid is stimulating our economy, the conclusion is inescapable that our aid to the developing countries of Asia, Africa, and Latin America, is not only the right and humanitarian thing to do, but it is also good business.

Under the "buy American" policy of our aid program, 86 percent of all the goods we financed today are bought right here in the United States. This, in turn, has opened up new export markets for us, by acquainting the people of the developing countries with American-made products.

In fiscal 1964 alone, our economic assistance programs were translated into $1,008 million worth of export business for American industry. American shipping lines were paid another $80 million to carry these goods to their destinations. Other AID dollars went to pay American colleges, businesses, consulting firms, and nonprofit associations who hold $450 million worth of AID contracts for technical assistance overseas. Still more AID dollars went to pay American engineering and construction firms to design and to build about $4 billion worth of capital projects the United States is helping to finance in the poorer countries—irrigation works, power dams, fertilizer factories—the kinds of things that will give these countries a chance to expand their own output.

Any way you look at it, our foreign aid program means a lot of business for American business and industry today. In 1964, it meant $157 million in export business for American iron and steel product manufacturers; $310 million in exports of machinery ranging from electric motors to draglines; $97 million in chemical exports; $83 million for motor vehicles from American factories; and $49 million in railway equipment exports.

These were all exports to countries that were unable to buy much from us because of shortage in foreign exchange. The AID program finances a large share of U.S. exports to these markets and a very large share of total exports in many areas. For example, AID pays for 31 percent of all exports of iron and steel mill products, 37 percent of railway transportation equipment, and 46 percent of fertilizers.

In our military assistance program, practically every dollar of the billion-dollar budget is spent to buy American military hardware.

From a long-range viewpoint, we find that our AID program is now playing the same role in the developing countries of Asia, Africa, and Latin America that the Marshall plan played earlier in Western Europe by developing the economies of countries that could become good U.S. customers, and by acquainting them with U.S. goods and services in the process.

Our biggest present export customers are former aid recipients, now the developed countries of Western Europe, and Japan, where AID financing is no longer necessary or furnished. In the period from 1950 to 1962, our exports to Europe doubled. Our exports to Japan have tripled in the past decade.

A striking example of how the aid program has led to the creation of new export markets is demonstrated by U.S. coal sales abroad. Before World War II, U.S. coal was not normally exported to European markets. Under the Marshall plan, however, large amounts of coal were exported to Europe under foreign aid financing. Aid financing of coal exports has long since been reduced virtually to zero. But the markets have remained.

The Coal Exporters Association of the United States points out that 28 million tons of the 40 million tons of U.S. coal exported in 1962—approximately $285 million worth—was a result of export business established as a consequence of our foreign aid program. This is a classic case of U.S. aid paving the way for new markets which thrive after aid is discontinued.

The developing countries in Asia, Africa, and Latin America which we are aiding today represent a potential market for American exports—four times the size of our present major oversea market in Western Europe.

There are already signs that in some developing countries, trade is beginning to follow aid, as it did in Europe. For example, there were increases in nonaid U.S. commercial exports over the past 5 years of 14 percent to Taiwan, 28 percent to Colombia, and 76 percent to Israel.

The foreign aid program in the recipient countries is also helping to establish sound fiscal budgetary and monetary policies which is proving conducive to private investment and economic growth. It is evident that our aid program is influencing public policies and private actions in dozens of countries around the world in the direction of progress and freedom.

The fact that it is good business is a valid reason for continued support of our foreign aid program. But it is not the only reason. The bulk of the world's population still live under conditions of hunger, poverty, and disease. It is not simply a matter of sound business for us to help overcome these conditions. It is also a matter of fundamental humanitarian concern. Thus, we have one of those rare and fortunate instances where self-interest and the right thing to do actually coincide. Let us continue this worthy program.

THE NEED FOR JUNIOR COLLEGES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. COLLIER] is recognized for 30 minutes.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks including a table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COLLIER. Mr. Speaker, if ever there has been a single phase of higher education in this country which has been neglected, it is in the area of the junior and community college. Looking ahead a few years, it becomes more and more evident that this year much greater emphasis must be placed if we are to solve the problem of overcrowded campuses and educational opportunity for a greater number of deserving students.

About 1.4 million young people who will receive their high school diplomas in the next few weeks are seeking college entrance in September. It is estimated that more than 100,000 of these who are scholastically qualified will not gain admittance.

State universities that once welcomed out-of-State students can no longer do so because most have a serious problem in accommodating those students residing in their own States. Higher tuitions and more stringent scholastic requirements have necessarily been placed upon out-of-State applicants.

In my home State of Illinois, more than 5,000 students who sought admission had to be turned away in September of 1964. This number will increase in growing proportions in the years ahead unless something is done at a community level to absorb greater numbers of these each year. The prime problem in most cases is inadequate facilities. There is a need for congressional action to provide incentives at a community level to expand junior colleges and community college facilities. In fact, conservatively speaking, there is a need for at least doubling the number of junior colleges now in operation over the next 10 years.

There are many obvious advantages to expanding this type of facility in the field of higher education. As a matter of simple economics, one must realize that the average cost of attending a junior college is about $1,600 per year less than it costs a parent to send a son or daughter to a college or university away from home. In the light of the sharply increasing expense in attending the private colleges, Government funds just cannot provide the answer on the scale that is demanded.

A few months ago, I polled several hundred of these private colleges and found that the increase in enrollment has in no manner kept pace with the increase in tuition, construction of new facilities on these campuses, or the sharp increases in faculty salaries. While the survey was made of this type of institution across the country, let me cite the results of some of those in my own State which are indeed significant. One showed a decrease in enrollment over 8 years of approximately 7 percent while the tuition cost increased 104 percent and new construction soared over $3.5 million, 17 percent of this cost coming from Federal funds.

During this same period, faculty salaries increased by 80 percent. Another college with an enrollment of approximately 1,400 students showed an increase of 24 percent in enrollment while tuition increased over 100 percent and faculty salaries in excess of 60 percent. Still a third showed an increase in enrollment of 6 percent with tuition expenses soaring by 72 percent and faculty salaries by 50 percent. The same institution spent approximately $4 million in new construction during the same period of time.

While I am not critical of either the need for new buildings nor the increase in faculty salaries, the fact remains that the increasing number of dollars is not going to expanding the educational opportunities for a greater number of students. If tuitions continue to soar each year on most college campuses, the burden of providing a college education is becoming more and more difficult for families with modest incomes whose sons and daughters are not able to get into their State colleges and universities because they are overcrowded and have constant student housing problems.

An expanded system of junior and community colleges would also take great pressure off of the student loan programs for certainly the need for student loans would be minimized where the same students could spend 2 years in a junior college, for example, before going on to a larger college or university. There is one other very important reason why expansion of the junior college program is essential in the field of higher education today.

Countless thousands of students who enter an institution of higher learning each year either wash out at the end of the first or second grading period or flunk out by the end of the year. In many cases, it is because the growing demand upon college students today and the higher standards of education at this level are part of the educational progress in the society in which we live. Many students fail because they are just not equipped to cope with these demands either because of improper study habits or inability to acclimate to college life and to compete academically with other students. Thus, the junior and community college system affords a sort of screening process. It seems to me that it makes good sense to find out that a student cannot do college work satisfactorily before he goes off to a campus many miles away from his home.

It is not unlikely that the cost of a college education will continue to increase in the years ahead. It is a certainty that the number of high school graduates who seek college entrance will continue to rise at a greater pace than they have in recent years. While we have made advances in providing college housing in the past decade, this will continue to be a serious problem, too.

All of these factors, it seems to me, establishes the need for greater and greater emphasis upon the expanding program I have recommended. The incentive to build new junior colleges must be provided as part of the Higher Education Facilities Act which was woefully inadequate in this field. And, this is where one could expect an increase in enrollment of college students more in line with the dollars which are spent for new construction in the field of higher education. Now, it seems to me, is the time that the Congress should look at this problem objectively and from a long range point of view for it holds the key to accommodating the primary demand this Nation must meet in the field of higher education in the years ahead.

STATUTES, REGULATIONS, POLICIES, AND PRACTICES OF SELECTED FOREIGN COUNTRIES PROVIDING FOR PREFERENCES FOR DOMESTIC MATERIALS AND FIRMS IN THE AWARDING OF PUBLIC SUPPLY AND PUBLIC WORKS CONTRACTS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, today's study of foreign governments' purchasing practices deals with Latin American countries, including Venezuela, whence most of the foreign oil used in east coast military installations originates.

While Venezuela has erected impenetrable obstacles to foreign supplies and equipment for government use, our own Department of Defense is literally tied to the uncertainty of foreign sources of energy in east coast bases. Although obviously such imports would not be available in an emergency, the State Department objects—for so-called diplomatic reasons—to any prohibition whatsoever on shipments of foreign fuel.

As you are well aware, the use of coal produced in Pennsylvania and other mining States instead of alien oil would be advantageous to America's balance-of-payments position and at the same time help to reduce coal industry unemployment. These factors should be taken into consideration as you review No. 7 in a series of documents which I present for publication in the RECORD.

LATIN AMERICAN FREE TRADE ASSOCIATION (LAFTA)

Unlike the various European regional economic treaties, the Treaty of Montevideo establishing the Latin American Free Trade Association (LAFTA) does not contain any specific provision for the elimination of, or any provisions which could form a direct basis for action to eliminate, legislative, regulatory administrative provisions, practices and policies of the contracting parties discriminating against foreigners and foreign products in the field of public contracts.

The treaty was signed on February 18, 1960, by Argentina, Brazil, Chile, Mexico, Paraguay, Peru, and Uruguay. All the signatory governments deposited their instruments of accession on May 2, 1960, except Paraguay (June 21, 1961). Colombia and Ecuador acceded by instruments of accession deposited on September 30, 1961, and November 3, 1961, respectively. Article 58 of the treaty leaves the way open for accession by any other Latin American country but thus far only Venezuela appears to have given serious consideration to acceding.

Basically, the treaty provides for the creation of a free trade area during the 12-year period following the entry of the treaty into force by the gradual and progressive elimination by the members of LAFTA, "in respect of substantially all of their reciprocal trade", of such duties, charges and restrictions that may be applied to imports of goods originating in the territory of any contracting party. The contracting parties have also agreed to attempt to harmonize their import and export regimes, to establish consistent treatment for capital, goods and services entering the free trade area, and to coordinate their plans for industrial development. Until 1973 each contracting party will continue to set its own tariffs against nonmembers, but at that time all the contracting parties will review what they have created, and, if the results justify such action, they have agreed to multilateral negotiations to adapt the treaty to a new stage of economic integration.

The treaty establishes three interrelated devices by which the contracting parties will reduce tariffs and other barriers to interarea trade. Those devices are (1) annual negotiations of reciprocal concessions on particular products; (2) triennial negotiations of a "common" list of products that the parties irrevocably agree will circulate free of all barriers by no later than 1973; and (3) negotiations from time to time by two or more contracting parties of so-called "complementation" or "integration" agreements providing for preferential treatment for particular products or for the products of particular industries.

The supreme organ of LAFTA is the Conference of the Contracting Parties, which "shall adopt all decisions in matters requiring joint action". The permanent organ of LAFTA is the Standing Executive Committee, which acts as the executive branch. Its membership consists of a permanent representative from each Contracting Party, which has a single vote, and a Secretariat headed by an Executive Secretary.

The theme which is expressed in the preamble to the Treaty and runs throughout the Treaty is the desire of the Contracting Parties to pool their efforts to achieve the progressive complementarity and integration of their national economies on the basis of an effective reciprocity of benefits. Conceivably, application of that theme in the course of the evolution of the free trade area toward full operation in 1973 may give rise to action to eliminate national discriminations in the field of public contracts. For example, although "dumping" is not referred to in the Treaty, the Second Session of the Contracting Parties adopted a resolution (No. 65 (II)) declaring "dumping" and other unfair commercial practices in international trade to be incompatible with the Treaty and containing an undertaking by the Contracting Parties to use all their power to prevent such practices and to enact national legislation to that end.

Thus far, however, no action appears to have been taken in the field of public contracts, although all the Contracting Parties discriminate in one way or another against foreigners and foreign products in the letting of public contracts.

Principal sources

(1) Association of the Bar of the City of New York, Committee on Foreign Law, Economic Integration in Latin America, 17 Record (Supplement, June 1962).

(2) Business International, Latin America's Merging Market: The Challenge of Economic Integration (New York, 1964).

(3) Hoagland, The Latin American Free Trade Association, in Surrey and Shaw (eds.), A Lawyer's Guide to International Business Transactions (Philadelphia, 1963).

(4) United Nations, Multilateral Economic Co-operation in Latin America, Vol. 1: Text and documents (1962).

(5) Wionczek, Latin American Free Trade Association, International Conciliation, No. 551 (January 1965).

ARGENTINA

(Member of LAFTA)

The basic Argentine legal provision relating to public supply and public works contracts is Chapter VI of the Accountability Law (Ley de Contabilidad) (Decree-Law No. 23,354 of 1956), as last amended by Decree No. 2554 of April 4, 1961 (Boletín Oficial, April 7, 1961). The Decree-Law is regulated by Decree No. 9,400 of August 12, 1957 (Boletín Oficial, August 23, 1957), to which are attached the General Specifications for Public Tenders, Private Tenders and Direct Contracting—General Clauses.

Article 55 of the Decree-Law establishes the general principle that every purchase or sale for the account of the Nation as well as every contract concerning the giving on lease (locación), and the taking on lease (arrendamiento), of works or supplies shall be made after public bidding (licitación pública). Article 50 authorizes private bidding (licitación privada) for small contracts and direct contracting (contratación directa) in 13 cases, including the case in which, for urgent reasons, there is no time for tendering. The exceptions are capable of being broadly construed. All contracts exceeding 5,000,000 pesos (about $33,000 in January, 1965) must be approved by the Executive Power.

Paragraph 40 of the Regulations under Article 61 provides that as a general rule bidders must be enrolled in the Register of State Suppliers maintained by the General Administration for State Supplies under the provisions of Paragraph 1. Under Paragraph 41, however, enrollment is not necessary in the case of foreign firms which do not have representatives or agents in Argentina. In order to comply with technical tender requirements and procedures, however, it is almost imperative that a foreign firm have a representative or agent in Argentina.

The quotation of each bidder must, under Paragraph 47, specify whether products of Argentina or foreign industry are involved and Article 48 implies that bids contemplating products to be imported will be accepted only if so provided in the bid proposal.

Paragraph 68 of the Regulations under Article 61 provides that the most advantageous (más conveniente) offer shall be accepted, it being understood that such offer, quality being equal, is the one that is lowest in price. Nevertheless, the way is left open for discrimination against foreign materials by providing exceptionally that the contracting authority may award the contract to a higher bidder if it is determined that the quality of his product is better. Moreover, Paragraph 69 permits the rejection of all bids.

The General Conditions attached to the Regulations require that bidders establish legal domicile in Argentina.

A strong "Buy Argentine" policy is in effect by virtue of Decree-Law No. 5340 of July 1, 1963 (Boletin Oficial, July 5, 1963), as amended by Decree-Law No. 6672 of August 9, 1963 (Boletin Oficial, August 16, 1963). An unofficial translation from Spanish of Decree-Law No. 5340, as so amended, is attached hereto.

Article 1 of Decree-Law (page 4 of the translation) requires all Government departments, agencies, autonomous State entities, State enterprises, public service concessionaires and their contractors to purchase only merchandise, materials and products of Argentine origin when available at "reasonable" prices. Article 13 provides for the extension of the policy to the provinces.

The Decree-Law is complemented by a circular of the same date of the Central Bank of Argentina to commercial banks which states that, in order to put domestic suppliers on a more competitive footing with regard to credit terms, the Bank will finance up to 80 per cent. of the payments contracted by national and provincial agencies for periods of up to five years.

The criteria set forth in Article 3 (pages 5–7 of the translation) for price comparison purposes are obviously discriminating against foreign bidders and foreign products. Particularly discriminating is the provision that an amount equivalent to the sales and profits taxes shall be included in the price of the imported product, even though the latter is destined for the importer's own use and hence is not subject to those taxes.

Moreover, Article 4 gives a distinct advantage to products originating elsewhere in the Latin American Free Trade Association over products originating elsewhere.

Principal sources

(1) Airgram No. 177 dated August 14, 1963, from the United States Embassy in Buenos Aires.

(2) Letter dated November 12, 1964, from the Bureau of International Commerce, United States Department of Commerce, to Cravath, Swaine & Moore, New York.

(3) United States Department of Commerce, "Basic Data on the Economy of Argentina," Overseas Business Reports, No. OBR 63–84 (1963).

(4) United States Department of Commerce, Establishing a Business in Argentina, Overseas Business Reports, No. OBR 64–33 (1964).

ARGENTINA DECREE-LAW NO. 5340 OF JULY 1, 1963

(Boletín Oficial, July 5, 1963)

(Unofficial translation from Spanish)

Whereas in order to promote the general welfare, which is one of the essential aims of the Government, measures may be enacted, which are conducive to the prosperity of the country and to the advancement and welfare of all the provinces, for the promotion of the existing industries and the introduction and establishment of new industries through laws for the protection of these purposes, as expressed in the Preamble to the National Constitution and its Article 67, paragraph 16;

Whereas it is considered absolutely essential and urgent to take certain measures to promote domestic activities for the production of goods;

Whereas purchases abroad of goods which could be acquired in the domestic market unnecessarily increase the deficit in the balance of international payments of the Republic, since they require payments in foreign exchange which can be avoided;

Whereas the larger the sales on the domestic market, the more employment there will be and the larger the degree to which the causes for employment will be eliminated;

Whereas a larger volume of sales is generally accompanied by a reduction in cost, which in turn is reflected in a reduction of sales prices;

Whereas a strengthening of the domestic market encourages new investments and, consequently, creates an element of competition which is the basic mechanism for improving production and lowering the costs thereof;

Whereas purchases to be made by the public administration, the agencies, departments and economically independent and self-governing entities, the State enterprises and public service enterprises operating under license represent a very large volume;

Whereas it is essential to take measures to insure that the purchasing potential of the State, of the State organizations and of those rendering public services is directed toward the domestic market by acquiring to the largest extent possible products, merchandise and materials of domestic origin where their price level is reasonable compared to similar products, merchandise and materials acquired abroad;

Whereas the customs duties and exchange surcharges on imports tend to establish a balance between the prices for domestic products and for imported products within reasonable margins and in consideration of the convenience of the establishment of certain production activities;

Whereas since the public administration, the State organizations and enterprises and the public service enterprises operating under license are, in some instances, exempt from payment of customs duties and import surcharges and, in other instances, are granted financial facilities for payment thereof, there naturally exists a tendency to acquire imported materials, merchandise and products;

Whereas for these purposes it seems the most appropriate to establish absolute preference in favor of materials, merchandise and products of domestic origin for direct or indirect acquisitions by the public administration, the State organizations and enterprises and public service enterprises operating under license where the price is reasonable, a reasonable price to be deemed a price which is not higher than that of the imported materials, merchandise or products after computing all exchange surcharges, duties, imposts, taxes and charges which a non-privileged importer would have to pay, i.e., a person who cannot claim the exemptions or privileges of the State;

Whereas in this manner, the same policy is followed which the industrialized countries have adopted and which secured for their own industries a market for public investment;

Whereas with the establishment of this system, the National Government proposes to secure permanently an important sector of the domestic market for supply with production of domestic origin, without disregarding the commitments under the Treaty of Montevideo which established the Latin American Free Trade Association; and now therefore,

The President of the Argentine Nation decrees with force of law:

Article 1. The Public Administration, the agencies, departments, economically independent or self-governing bodies, the public service enterprises operating under license and the State enterprises shall exclusively acquire materials, merchandise and products of domestic origin, provided the price be reasonable.

Under the same obligation shall be persons who enter into works or services contracts with the public administration, the agencies, departments, economically independent or self-governing bodies and State enterprises.

Article 2. For purposes of Article 1, it shall be understood that a material, merchandise or product is of domestic origin when it is:

(a) a mineral extracted from mines situated within the national territory and processed within said territory;

(b) a farm product produced within the national territory;

(c) an industrial product manufactured in the Argentine Republic for the finishing of which raw materials, semi-finished products or parts produced in the national territory are used;

(d) an industrial product manufactured in the Argentine Republic for the finishing of which raw materials, semi-finished products or parts produced abroad and which are not, or cannot be, produced within the national territory at reasonable prices are used;

(e) an industrial product manufactured in the Argentine Republic by industrial plants which are developing a plan of industrial integration approved or established by competent authority, even though the product may not comply with the requirement of paragraph (d) above.

Article 3. The cost shall be considered reasonable when the price of the materials, merchandise or products of domestic origin is not higher than the price of imported materials, merchandise or products which, for purposes of price comparison only, shall include:

(a) value c.i.f. Argentine port (cost, insurance, freight);

(b) the exchange surcharges established for import of the materials, merchandise or products in question which must be paid by a non-privileged importer; the minimum surcharge shall be computed at 25 percent if the established surcharge should be less or should not exist;

(c) the imposts, duties and customs charges which would have to be paid by a non-privileged importer;

(d)[1] all remaining imposts, duties, taxes or charges which are payable by a non-privileged importer, and an amount equivalent to the sales and profitable activities tax, even though the import may consist of goods intended for the personal use of the importer;

(e) any interests, commissions and financial charges which the purchaser must pay if term payment for the imported materials, merchandise and products may have been offered, in the amount which may exceed the current percentage in the country of origin for financed exports, on the value of the delivered materials, merchandise and products; there shall also be computed in this context the income tax payable on remittance of interest abroad where it is imposed on the purchaser.

Article 4. On materials, merchandise and products originating in countries belonging to the Latin American Free Trade Association, only the surcharges and customs tariffs in force on the Argentine national list shall be computed.

Article 5. If the Ministry of Industry and Mines, upon request by an interested party or ex officio, should validly determine that the price in the internal market of the country of origin of the imported material, merchandise or product which may have been offered is at least 10% higher than the export price and provided that there does not exist an established index price, the price C.I.F. Argentine port shall be substituted, for purposes of price comparison, by the current price in the internal market of the country of origin, increased by the factors necessary to determine the value C.I.F. Argentine port.

Article 6. For purposes of the price comparison provided for in Article 3, if the amount of all the taxes on the imported finished product which the non-privileged importer would have to pay should be less than the total amount of taxes paid on the imported component parts of the domestic finished product, that difference shall decrease the price of the material, merchandise or product of domestic origin included in paragraph d) and e) of Article 2. That amount shall be determined by the Ministry of Industry and Mines, and the lesser amount determined shall be applied to each one of the various similar materials, merchandise or products of domestic origin offered in public bid if imported raw materials, semi-finished products or parts had been used to differing extents in the finishing.

Article 7. A certificate by the Ministry of Industry and Mines to the effect that a material, merchandise or product is of domestic origin pursuant to the provisions of Article 2 and stating the amount determined in accordance with Article 6 shall be a prerequisite for the application of the regulations established. The Ministry of Industry and Mines shall issue the certificates within 10 business days from the date of request, and the certificates shall be permanently valid as long as they are not rectified or modified ex officio or at the request of an interested party.

Article 8. The official banks may grant credits, endorsements, or guarantees for the financing of the purchase in foreign countries of materials, merchandise, or products by the provincial or municipal public administrations, departments, economically independent or self-governing bodies or State, provincial, or municipal enterprises only after issuance of the joint resolution to which Article 12 refers.

Article 9. Exemption from exchange surcharges or customs duties requested by the provinces, municipalities, or any other public body for the import of materials, merchandise or products shall not be granted if the conditions established in this decree do not prevail.

Article 10. The regulations established are hereby declared of public order, and any contracts entered into in violation thereof are declared absolutely null. Nullity may be declared ex officio or at the request by an interested party, considering as such also a party offering materials, merchandise or products of domestic origin.

Article 11. There is hereby established, under the jurisdiction of the Ministry of Economy, an Honorary Advisory Commission formed by representatives of State organizations and private activities, which shall supervise compliance with the provisions of these regulations by advice to said Ministry. An internal regulation to be issued shall establish the number of members, the organizations represented and the procedure under which it must discharge its assignment.

Article 12. Upon receipt of advice from the Commission to be created, import permits may be granted by joint resolution of the Ministry of Economy and the Ministry of Industry and Mines in the following cases:

(a) Where the provisions of the regulations established by this decree have been complied with and the price C.I.F. Buenos Aires for the imported materials, merchandise or products is more advantageous in accordance with the criterion for comparison established under Article 3.

(b) Where the object on which international public bids have been made is protected by an exchange surcharge in excess of 25 percent and, after a cost study, including a reasonable profit for the Argentine manufacturer, the conclusion was reached that the existing protection exceeds the protection that would be necessary for purposes of the comparison mentioned in Article 3, paragraph (b), the surcharge may be reduced to the extent of the amount in excess and the new charge shall under no circumstances be lower than 25 percent.

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[1] As amended by Decree Law No. 6672, dated August 9, 1963, published in the Boletín Oficial of August 16, 1963.

(c) Where there is an urgent reason and it is validly proven that the local suppliers are not in a position to deliver the product involved within the required time.

(d) Where imports from countries which are members of the Latin American Free Trade Association are involved and it is believed that a specified import will promote exports in other sectors.

(e) Where operations financed by foreign governmental agencies or international credit organizations are involved, provided that, after the corresponding economic studies have been undertaken, the production or work to be financed is considered of high priority and that, as a consequence thereof, a correlative increase in general domestic activities and an adequate participation by the Argentine industry will occur.

(f) Where it is validly proven that the quality of the domestic product is not satisfactory or that the technical specifications demanded by the purchasing entity substantially differ from those of the domestic product and cannot be adapted to those of the domestic industry without serious detriment to the buyer.

(g) Where the previous business transactions of the domestic supplier have, in the judgment of the Commission, not been satisfactory as to his ability to comply with the terms and conditions of his offer.

(h) Where the bidder, by virtue of the benefits granted by the State, has committed himself to operate at a level of protection below that which is established by these regulations.

Article 13. The Ministry of the Interior shall invite the provincial governors to enact standards similar to those of these regulations in their respective jurisdictions.

Article 14. The provisions of this decree shall not apply to comparisons to be made in international tenders undertaken under financings already agreed upon with foreign government agencies or international credit organizations in which the corresponding contingencies had especially been provided for.

Article 15. This decree shall be countersigned by the Ministers and Department Heads in the Departments of Economy; Public Works and Services; National Defense; and Interior, and signed by the Secretaries of State for Energy and Fuels; Industry and Mines; Commerce; and Finance.

Article 16. To be communicated, published, passed on to the Office of the Director General of the Official Bulletin and Printing, and deposited in the archives.

Guido.—José A. Martínez de Hoz.—Horacio J. Zubiri.—José M. Astigueta.—Osiris G. Villegas.—Jorge Bermúdez Emparanza,—Luis Gottheil.—Juan B. Martín.—Eduardo B. M. Tiscornia.

BRAZIL

(Member of LAFTA and GATT)

Article 244 of Decree No. 4536 of January 28, 1922, as amended, containing the General Regulations for Public Accounts establishes the basic principle that contracts for supplies or the furnishing of services exceeding 5,000,000 cruzeiros (about $2,825 in January 1965 at the free rate) and all public works contracts exceeding 10,000,000 cruzeiros (about $5,650) must be awarded through public tendering (concorrência publica) in accordance with Chapter I of Title VII of the Decree.

Notices of calls for public tenders must be published in the official newspaper (Diário Oficial) of the Federal Government or the official newspapers of the States. Article 750 contains the somewhat unusual provision that all bids must be published in their entirety in the same official newspaper or newspapers in which the notices were published.

Restricted tendering (concorrência administrativa) is permitted in cases of "emergency" and for contracts the amount of which are less than those stated above. That method is subject to the same rules as public tendering except for the publication of notices and bids. Written notices must, however, be delivered or mailed to all suppliers of the article desired.

In the case of ordinary supplies the procurement authorities may effect direct purchases through what is called standing tendering (concorrência permanente). Under this method suppliers file in advance their names and other details, the prices at which they are willing to sell the supplies and information as to quality, delivery, etc.

The contracting authorities have the legal right to cancel any call for tenders as well as to reject bidders not deemed to be suitable (idoneidade). Under Article 743 the contract must be awarded to the lowest bid (a proposta mais barata), however small the difference between such bid and any other bid.

Preferences

Article 742 of the Accountability Decree provides that Federal Government departments shall always prefer domestic bidders, conditions being equal (em igualdade de condições).

Article 744 of the Decree provides as follows (unofficial translation from Portuguese):

"Article 744: It is permitted that the Government stipulate a second condition which, in the case of absolute equality between the two proposals, with right to better classification, will serve to decide to which falls the preference."

A check made by the United States Embassy in Rio de Janeiro of government tenders published in the Diáro Oficial during January 1965 showed that, when conditions were stipulated under Article 744, first preference was given to bidders of Brazilian nationality. For example, in a tender published by the Ministry of Aviation, the condition was as follows:

"In cases of equality of prices, the decision will obey the following preferential order (Art. 744 of R.G.C.P.):

"1. National bidder;

2. Reduction of prices;

3. Supplier of article or labor during the past year;

4. Drawing [i.e., by lot]."

Another tender for sale of used equipment stated that, in the event of equality of offers between a national firm and a foreign firm, preference would be given to the former.

According to information supplied by the United States Department of Commerce and the United States Embassy in Rio de Janeiro, the Government and its agencies and autonomous entities are required to purchase articles of domestic origin similar to foreign articles (artigos de produção nacional similares aos estrangeiros), rather than making purchases abroad, if the products are included in the list of equivalent domestic products ("similars") determined by the Customs Policy Council. Articles so included are automatically ineligible for exemption from, or reduction of, import duties, and are, moreover, transferred to the least favorable category of exchange.

Basic exemptions from, or reductions of, import duties are regulated by Decree-Law No. 300 of February 24, 1938, as supplemented by Law No. 3244 of August 14, 1957, which established a new tariff system listing items according to the Brussels nomenclature. Additional exemptions or reductions are granted by other laws and decrees, either permanently or temporarily, for specified articles, but all exemptions or reductions are dependent upon the fact that the imported article has no equivalent produced domestically in a quantity sufficient to supply the market. Moreover, Article 3 of Law No. 3244 provides that the Customs Policy Council may increase by a maximum of 30 per cent. the import duty on items of a type registered as "similars".

The basic provisions relating to the determination of "similars" are contained in Chapter XXVI of Decree-Law No. 300. The Commission on Similars established under its provisions was superseded by the Customs Policy Council under the provisions of Law No. 3244.

The basic regulation requiring the use of "similars" in public procurement, unless special permission is obtained, is reported by the United States Embassy in Rio de Janeiro to be Circular No. 7 of February 26, 1942, of the Director of Customs Revenue, which reads as follows (unofficial translation from Portuguese by the Embassy):

"In accordance with a decision rendered by his excellency the Minister of Finance in a document filed with the Treasury Department as No. 9,159 of this year, which resulted in the issuance of Official Memorandum No. PL/53/561.1(P.1.1.176) of January 29, 1942, from the Federal Foreign Trade Council, I hereby inform all Customs Inspectors and other Customs Boards of the country, for their guidance and necessary action that, in accordance with recommendations made by His Excellency the President of the Republic, preference should be given to the national similar products in all purchases made by the Public Administration of the Country."

Preference for products of the products of the Volta Redonda steel plant of the National Steel Company is provided by Circular No. 36 of December 18, 1947, of the Director General of National Finance, which reads as follows (unofficial translation from Portuguese by the Embassy):

"The Director General of the National Finances, taking into consideration the resolution of His Excellency the President of the Republic, to be implemented by order of the Minister of Finance, recommends to all chiefs of departments and services of this Ministry, as well as all autonomous agencies, that in their operations they shall not purchase from other sources those products manufactured by Volta Redonda steel plant of National Steel Company [Cía Siderúrgica Nacional].

"It is further declared that the National Steel Company has already been requested to provide a list of products which it manufactures and that this list will be published so that the importation of similar products for use by government agencies can be completely discontinued."

The Government regularly encourages both its own entities and Brazilian private industry to develop national "similars". As an example, Petrobras, the Government petroleum monopoly, as a special division for developing information on, and specifications for, "similars".

Principal sources

(1) Letters dated December 16, 1964, January 22, 1965, and February 10, 1965, from the United States Embassy in Rio de Janeiro to Cravath, Swaine & Moore, New York.

(2) Letter dated November 12, 1964, from the Bureau of International Commerce, United States Department of Commerce, to Cravath, Swaine & Moore, New York.

(3) Foreign Service Despatch No. 1635 dated June 16, 1955, from the United States Embassy in Rio de Janeiro, entitled "Protection Against Imports of 'Similar' Products".

(4) American Chamber of Commerce for Brazil, São Paulo, Supplement No. 28 dated October 9, 1957, entitled "Registration of Similars".

(5) United States Department of Commerce, Establishing a Business in Brazil,

Overseas Business Reports, No. OBR 63–149 (December 1963).

(6) United States Department of Commerce, Foreign Trade Regulations of Brazil, Overseas Business Reports, OBR 63–150 (December 1963).

(7) Harvard Law School (World Tax Series), Taxation in Brazil (Cambridge, 1957).

CHILE

(Member of LAFTA and GATT)

In principle, Chilean law requires that public supply and public works contracts be awarded through public tendering, but there are many exceptions.

The two most important procurement agencies are the State Purchasing Department (Dirección de Aprovisionamiento del Estado) and the Ministry of Public Works. Under the provisions of Article 1 of Decree with Force of Law No. 353 dated April 5, 1960 (Diario Oficial, April 6, 1960), the Purchasing Department, a public organism dependent on the Ministry of Finance, is in charge of the purchase, storage and distribution of all materials, machinery and other equipment required by the Government, including the armed forces, as well as of office supplies, material and equipment required by semi-governmental institutions, regardless of the origin of the funds with which the purchases are made. Under the provisions of Article 1 of Law No. 15,840 of November 2, 1964 (Diario Oficial, November 9, 1964), the Ministry of Public Works is charged, among other things, with the construction, improvement and repair of public works financed by the Treasury. Under Article 2 Ministries which have legal power to construct works, the State institutions and Government enterprises (such as the State Railways) and the municipalities can entrust to the Ministry the construction, etc., of works, agreeing with it on the conditions, the methods and the financing thereof.

Article 2 of Decree with Force of Law No. 353 requires that, as a general rule, the State Purchasing Department make its purchases through public or private tendering (licitación pública o privada). Public tendering may be omitted, however, in a number of specified cases, including those involving a purchase of not more than 5,000 escudos (about $2,100 at the official rate) and in urgent and emergency cases.

Article 50 of Law No. 25,985 provides that public works shall be executed by means of contracts awarded through public bids. The Article provides, however, for a number of exceptions which permit works to be executed by direct negotiation (por trato directo), by contracts awarded through private tendering (por cotización privada), by administration (por administración) or by delegated administration (por administración delegada), all as determined by the Regulations. Works executed by administration are carried out by the department or entity concerned. Those executed by delegated administration are carried out as a rule by contractors on a cost plus fixed fee or cost plus percentage basis, or a combination of the two.

There are a number of legal provisions which contain preferences for Chilean bidders and Chilean products and materials. Article 4 of Decree with Force of Law No. 353 provides as follows concerning purchases of the State Purchasing Department (unofficial translation from Spanish):

"The Department shall give preference in the purchases which it makes to materials, supplies, and equipment of domestic manufacture, price and quality being equal and giving protection to the national [fiscal] interest.

"Conditions being equal, the manufacture of materials, furniture, fixtures, and equipment by national [i.e., Government] factories will be preferred."

By virtue of the registration requirements of the Regulations for Public Works Contracts approved by Decree No. 1,240 of June 6, 1961 (Diario Oficial, October 14, 1961), as amended by Decree No. 539 of March 7, 1963 (Diario Oficial, May 8, 1963), and Decree No. 2,193 of August 27, 1964 (Diario Oficial, September 22, 1964), contracts for public works can be awarded only to Chilean firms that are enrolled in the General Register of Contractors or in the Registers of Minor Works and Specialized Works maintained by the Divisions of the Ministry of Public Works. Contractors are enrolled in the General Register according to one or more principal specialties and are also classified in five categories according to the maximum amounts of the contracts which they are deemed qualified, ranging from the First Category of 2,000,000 escudos (about $840,000) to the Fifth Category of 100,000 escudos (about $42,000).

In order to be registered in the First Category of the General Register, a corporation must be organized by public instrument and its constitutive document must require that at least one of its directors be a professional Chilean civil engineer. Less restrictive requirements apply to the other Categories but at least one director must enjoy specified professional status. The Regulations also provide for numerous other technical and financial qualifications.

A Special Register is maintained for contractors deemed qualified to execute a work amounting to more than 1,000,000 escudos. The prerequisites for registration are fixed for each work by the officials of the Ministry; hence, the possibility exists for the registration of foreign contractors. Even if the amount is less than 1,000,000 escudos, a Special Register may be established, if the technical characteristics of the work justify it.

Decree No. 1,250 of October 20, 1964 (Diario Oficial, November 18, 1964), an unofficial translation from Spanish of which is attached hereto as Schedule A, requires all governmental and semi-governmental entities to purchase domestic metallurgical products or parts in preference to similar imports.

Article 2 provides that domestic metallurgical products "of equal price and quality" must be given preference over similar imports and that, for purposes of price comparison, the amount of the duties levied by the customs authorities shall be added to the price of the goods of foreign origin, even though the purchasing entity may bear such duties. According to reports from the United States Embassy in Santiago, the Chilean Metallurgical Trade Association (ASIMET) takes the position that such duties must be included, even though the purchasing entity may be exempt from paying such duties.

Reasons for purchasing foreign metallurgical products must be certified to the Department of Industry and Commerce in the Ministry of Economy. The certification must show that there are no equivalent domestic products, that no bids for similar domestic products were received, or that there exist acceptable reasons justifying metallurgical imports. A maximum amount of domestic components should be incorporated in the imported products, if the complete product is not available domestically. Preference must be given to foreign offers of equal "price" and "quality" which would permit maximum incorporation of domestic components in the final product.

Most unfinished metallurgical products manufactured in Chile are already protected by prohibited lists or high surcharges.

Finally, Circular No. 30 dated August 4, 1961, of the Ministers of Economy and the Treasury, an unofficial translation from Spanish of which is attached hereto as Schedule B, contains instructions to State enterprises (empresas del Estado), such as the State Railways, concerning the letting of bids and provides that, in cases where there exists domestic production of the article required, bids should be limited to Chilean suppliers.

Principal sources

(1) Letters dated November 9, 1964, and January 15, 1965, from the United States Embassy in Santiago to Cravath, Swaine & Moore, New York.

(2) Letter dated February 5, 1965, from Dr. Gustavo Serrano M. of Price Waterhouse Peat & Co., Santiago, to Cravath, Swaine & Moore, New York.

(3) United States Department of Commerce, Market for U.S. Products in Chile (December 1961).

(4) United States Department of Commerce, Licensing and Exchange Controls—Chile, World Trade Information Service, Part 2, No. 62–18 (May 1962).

SCHEDULE A. CHILE

Decree No. 1250 of October 20, 1964, concerning preference to be given to the National Metallurgical Industry in public bids

(Diario Oficial, November 18, 1964)

(Unofficial translation from Spanish)

(No. 1250)

SANTIAGO, *October 20, 1964.*

Today the following has been decreed:

Whereas it is necessary to stimulate the development of the national metallurgical industry, for which purpose it is appropriate to broaden its internal market;

Acquisition of its products by the public sector will furthermore diminish the outflow of foreign exchange; and in view of:

The provisions contained in Articles 1, para. (b), and 4, Nos. 15 and 18, of the Decree with Effect of Law No. 88, dated May 12, 1953; Article 1 of Decree No. 1,272, dated September 7, 1961, which established the definitive text of the Law concerning Exports, Imports and International Currencies;

I decree:

Article 1. In addition to those special provisions which may apply in each case, acquisitions of machinery, tools, equipment and appliances made by governmental and semigovernmental institutions shall be governed by this Regulation.

Article 2. Where equality of price and quality exists and the interests of the purchasing institution have been safeguarded, domestically produced goods shall be given preference.

For the purposes of price comparison, the amount of duties levied by the Customs Authorities shall be added to the price of the goods of foreign origin, even where the purchasing institution may bear such duties.

Article 3. If an offer for sale of goods of foreign origin is accepted, it must be stated that, in accordance with information received from the Department of Industry and Commerce, no adequate domestic production exists and that no offers for goods of domestic origin had been submitted, or the reasons for which offers that had been submitted were not accepted must be given.

Article 4. In the absence of an adequate domestic offer, preference shall be given to that foreign offer which, where equality of price and quality exists and the interests of the purchasing institution have been safeguarded, offers to integrate the largest proportion of its value with parts or elements of domestic production.

Article 5. The value of the foreign offer referred to in the previous article shall be only that part which relates to the price offered for machinery, tools, equipment or appliances. Thus, the price for assembling, for construction on the land and other work of a secondary nature shall be excluded.

Article 6. For the purposes of Article 4, a part or element of domestic production shall be understood to be a part or element in which the principal raw material originates in Chile and those with respect to which, although they are of foreign origin, the aggregate value in Chile produced by their processing is at least equal to 50% of the price offered for the finished product. That percentage must be proven in the offer by the bidder.

Article 7. For the effects of controlling the quality and uniformity of specifications between parts and elements of domestic production and of foreign origin which must be integrated, the Quality Standards to be used for such control must be specified in the conditions of the bid.

Article 8. The foreign bidder whose offer may be given preference pursuant to Article 4 must guarantee the material, efficiency, production and quality of the final products of the entire integrated project.

To be recorded, communicated and published.

J. ALESSANDRI R.,
MANUEL PEREIRA Y.,
Minister of Economy, Development and Reconstruction.

What is transcribed is for your information.

Very truly yours,
CARLOS GREBE HERNÁNDEZ,
Undersecretary of Economy, Development and Reconstruction.

SCHEDULE B. CHILE

Circular No. 30 dated August 4, 1961, of the Ministers of Economy and the Treasury

(Unofficial translation from Spanish)

Bearing in mind:

(a) The need for avoiding in so far as possible the outflow of foreign exchange from the country;

(b) The advisability of stimulating the development of national industry, improving its competitive position with relation to foreign industry;

(c) The intentions of the Government of acquiring the greatest volume of national products without detrimentally affecting the consumer;

(d) The importance of progressively substituting imported products with those of national origin;

The Government has decided to give the following instructions to State Enterprises [Empresas del Estado] concerning the handling of bids:

(1) In the case where there exists domestic production of the article required, bids should be limited to domestic suppliers.

(2) In such bids all quotations should be requested on the basis of the normal conditions of payment utilized by the Enterprise for domestic purchases, but in no case may payment be extended beyond date of delivery of the merchandise.

(3) Whenever performance of the preceding clause brings about financial difficulties to the purchasing Enterprise, it should advise the Budget Division of its additional financing requirements.

(4) The Enterprise should place special emphasis on the requirements of quality that the material must meet, indicating them with the greatest preciseness at the time that bids are called for.

(5) At the same time that bids are called for, the Enterprise should take the necessary steps to determine the international market prices for similar articles. In determining the price of the imported article, there should be taken into account, in addition to freight, insurance and taxes and import and export duties, all the expenses, such as import deposits, which a private individual would incur if he himself had effected the operation.

(6) Should the cost of the domestic product prove to be greater than that of the imported product, calculated on the basis established in paragraph No. 5, the Enterprise should send the record to the Budget Division. This organization will advise as to the financial implications of the transaction, with special relation to paragraph 3 of this circular. The Budget Division will answer within a maximum of 10 days. In case that no answer is received within 10 days, the Enterprise will be free to request bids with the participation to foreign suppliers.

Should the Enterprise run into legal obstacles in the application of these instructions, it is requested that the Minister of Economy be advised concerning the particular point as soon as possible.

We communicate this to you with the certainty that it will be strictly observed by the Enterprise under your direction.

JULIO PHILIPPI,
Minister of Economy.
EDUARDO FIGUEROA,
Minister of the Treasury.

COLOMBIA

(Member of LAFTA)

Article 21 of the Fiscal Code establishes the general principle that contracts shall be awarded only through public tendering (licitación pública). Direct contracting with a selected firm is authorized, however, in a number of cases. The most important is when the Council of Ministers has approved a declaration of urgency to the effect that there is insufficient time in the particular case to carry out the tendering procedure.

Various specific laws and decrees also permit deviation from the general principle. Decree No. 2880 of October 24, 1959 (Diario Oficial, November 10, 1959), relating to the National Supply Service, permits the use of private tendering (licitación privada) for the awarding of contracts which involve the procurement of goods or supplies for national defense or those which by virtue of their nature or the service for which they are intended are not appropriate for public tendering.

Also, Law No. 4 of September 30, 1964 (Diario Oficial, October 6, 1964), which relates to the awarding of public works contracts by the Nation, the Institutes, the decentralized public undertakings or establishments and other government and semi-government entities, authorizes public tendering to be dispensed with in the awarding of very small contracts (less than 200 pesos) and in cases of imminent paralyzation or suspension of, or damage to, a public service. Those circumstances must be verified, however, by a declaration of the Council of Ministers, if national works are involved, and otherwise by a "motivated" resolution of the entity concerned.

Under Colombian law and practice the contract is awarded to the person whose bid is most advantageous (más conveniente), which is not necessarily the one that is lowest in price. Law No. 4 of 1964 provides that the Government will regulate the form in which, in addition to the amount of the bid, there should be weighed the equitable distribution of work, the technical capability, experience, organization, economic responsibility and the equipment and facilities of each bidder, in order that those factors may be taken into account in the award.

Colombian public contract law is characterized by two unusual features: (1) all contracts exceeding 100,000 pesos (about $8,000) are subject to review and revision by the Council of State and (2) the complete text of all contracts must be published in the official newspaper.

The basic discrimination in favor of domestic bidders and domestic products stems from Colombia's import policy, which is aimed not only at conserving foreign exchange but also at protecting domestic industries. The policy applies as a rule to all Government and semi-Government agencies as well as to the private sector of the economy.

Imports are classified in three lists: (1) free, (2) prior license, and (3) prohibited. So-called free imports are considered essential and may be imported without quantitative restriction. The prior license list includes a vast number of items which may be imported only upon the issuance of a license by the Superintendency of Imports. They include iron and steel products and most machines and equipment. Prohibited imports are those that are considered luxuries and nonessentials or those that are produced in Colombia and in quantities sufficient to meet demand.

As an example, a Government agency can obtain a license to import foreign steel for a construction project only if it obtains a certificate from the Government steel plant that the particular steel product is not produced by it or is produced by it in quantities insufficient to meet domestic demand.

Various laws and regulations specifically discriminate against foreign firms and foreign products. Thus, Article 14 of Law No. 4 of 1964 provides as follows (unofficial translation from Spanish):

"The construction industry and the engineering and architectural callings in all their branches are activities useful and necessary for the economic development of the country, for which reason the State ought to stimulate and protect domestic natural and juridical persons devoted to them.

"The Government will regulate the form in which this protection and stimulus should be given and that which should be encompassed within the term 'domestic juridical persons' for those purposes."

Article 25 of Decree No. 2880 of October 24, 1959, requires persons who wish to enter into public supply contracts to be registered with the Supply Division of the National Supply Service and with the Ministries and Administrative Departments authorized to make special purchases. Registration requires compliance with the following prerequisites:

(1) Proof of registration in the Public Commercial Register (which, for a foreign corporation, entails almost the same formalities as the incorporation of a Colombian corporation);

(2) If a juridical person is involved, proof of its constitution, existence and legal representation; and

(3) Establishment of antecedents of good commercial reputation by means of a certificate of a bank or the National Federation of Distributors or the National Association of Manufacturers.

Upon being registered, the registrant, under the provisions of Article 26, must submit to the Supply Division and the Ministries and Administrative Departments price lists of the goods, or merchandise which it wishes to sell and must inform the same entities, in a permanent fashion, concerning variations in such prices. Compliance with the requirement is indispensable if the bids of the registrant are to be taken into account in any class of purchases.

Compliance with the foregoing requirements is obviously very difficult for any foreign corporation which has not already established a branch in Colombia and complied with the registration provisions.

Furthermore, Article 42 of the Fiscal Code provides that all contracts made by the Government in Colombia with foreign persons are subject to Colombian law and the jurisdiction of the Colombian courts and that such contracts must contain a clause stating that the foreigner subjects himself to the Colombian courts and laws and waives the right to make a diplomatic claim, except in case of denial of justice. Such a denial is not considered as existing if the remedies allowed by Colombia were available to the foreigner.

Principal sources

(1) Letter dated November 10, 1964, from the United States Embassy in Bogotá to Cravath, Swaine & Moore, New York.

(2) Vidal Perdomo, Derecho Administrativo General [General Administrative Law] (Bogotá 1961).

(3) Sarría, Derecho Administrativo [Administrative Law] (4th ed., Bogotá, 1962).

(4) United States Department of Commerce, Colombia: A Market for U.S. Products (1964).

(5) United States Department of Commerce, Foreign Trade Regulations of Colombia, Overseas Business Reports, OBR No. 64-3 (January 1964).

MEXICO

(Member of LAFTA)

Article 134 of the Mexican Constitution provides as follows (unofficial translation from Spanish):

"All the contracts which it is necessary that the Government enter into for the execution of public works will be awarded by competitive bidding through notice in order that proposals may be submitted in sealed envelopes which will be opened in public."

In practice, however, open public tendering is used only infrequently, largely because of the absence of adequate implementary legislation. Most contracts are awarded through private invitations for offers or by direct negotiation.

According to the U.S. Embassy in Mexico, there is a wide divergence among government agencies in the procedure for inviting bids, which, by virtue of the registration requirements described below, is almost never done by advertisement. Some agencies inform all registrants of a proposed contract or order. Others select only a few registrants and give them invitations to bid. In either case, once the bids have been received, the contracting authority is not required to accept the lowest bid.

Under the provisions of the Presidential Decree of January 13, 1959 (Diario Oficial, January 29, 1959), an unofficial translation from Spanish of which is attached hereto, all Mexican ministries and departments of state, decentralized federal entities and enterprises with state participation are required generally to acquire goods, equipment, materials and merchandise that are of Mexican origin and are permitted to acquire articles of foreign origin only in exceptional cases. Imports of foreign origin are permitted only in cases in which the material is unavailable in Mexico or is not available in sufficient quantity or satisfactory quality.

The Decree establishes a Committee on Government Imports composed of the Director General of the National Foreign Trade Bank as Chairman and representatives of four ministries and the Bank of Mexico for the purpose of screening all requests for imports by government agencies. Only those imports which are authorized by the Committee are permitted.

National credit institutions which extend financial assistance, either themselves or through guarantees of the Federal Government, to state and municipal governments which are intended for acquisition of goods of foreign origin are required by Article 11 of the Decree to prescribe as a condition precedent that the provisions of the Decree are satisfied.

Under the provisions of the Presidential Decree of April 27, 1962 (Diario Oficial, May 22, 1962), all natural and juridical persons which desire to enter into public works and supply contracts with the Federal Government, must register once a year in the Register of Contractors and Suppliers of the Federal Government maintained by the Department of National Property (Secretaría del Patrimonio Nacional).

In order to be registered, foreign corporations must obtain the authorization of the Department of Industry and Commerce after complying with the following requirements:

(1) Proof that they have been legally constituted according to their domestic laws.

(2) Proof that their Articles of Incorporation and other constitutive documents are not contrary to the precepts of public order established by Mexican laws.

(3) Registration in Mexico as a foreign corporation or the appointment of an agent in Mexico.

Foreign corporations must also comply with other requirements. For example, in an announcement issued in the Fall of 1963 by the Department of Public Works outlining procedures for qualifying for bidding for contracts for machinery and other equipment during the remainder of 1963 and 1964, the following requirements were specified:

(a) Registration in the Public Commercial Register of the City of Mexico (which entails compliance with the same requirements or those for registration in the Register of Contractors and Suppliers) as well as registration in the latter Register.

(b) Permission of the Secretary of Foreign Relations to operate in Mexico, in accordance with Article 33 of the Law of Nationality and Naturalization, which requires an agreement by the corporation to consider itself as Mexican for the purposes of any contract awarded to it and an undertaking not to invoke the protection of its government in any dispute.

(c) Compliance with Mexican legal formalities for the appointment of any agent. To be effective the power of attorney must be legalized and stamped and recorded in the Public Commercial Register of the City of Mexico. If the agent is a foreigner, he must demonstrate his legal status in Mexico in accordance with the procedures established by the General Law of Population.

The situation is summarized in the following excerpt from a letter dated February 15, 1965, from the United States Embassy in Mexico:

"It is believed that the registry of the Secretariat of National Property consists exclusively of persons or companies resident in and/or organized under Mexican law. Foreign companies are represented on the list through local firms organized in accordance with Mexican law and domiciled in Mexico. No foreign companies domiciled outside Mexico are on the registry. Foreign firms wishing to be registered must apply through a Mexican firm (usually a subsidiary or affiliate) or buy into a local firm which is or can be registered.

"Having one's name on the registry merely permits a supplier or contractor to compete with other firms. Except where international contracting requires the receipt of competitive bids, the letting of contracts is usually handled on a restricted basis, with only domestic firms entering the bidding."

Principal sources

(1) Letter dated February 15, 1965, from the Commercial Officer, United States Embassy in Mexico, to Cravath, Swaine & Moore, New York.

(2) Foreign Service Despatch No. 684 dated January 27, 1959, from the United States Embassy in Mexico, entitled "Mexican Government Entities Required to Purchase Mexican Goods in Preference to Imports."

(3) Foreign Service Despatch No. 1104 dated May 19, 1959, from the United States Embassy in Mexico, entitled "Government Controls; Establishment of Register of Suppliers and Contractors to the Mexican Federal Government."

(4) Foreign Service Despatch No. 1157 dated May 29, 1959, from the United States Embassy in Mexico, entitled "Data Regarding Conditions and Requirements Confronting Foreign Contractors and/or Engineering Firms Desiring to Operate in Mexico."

(5) Foreign Service Despatch No. 952 dated February 29, 1960, from the United States Embassy in Mexico, entitled "Procurement Policies and Practices of Foreign Governments."

(6) Airgram No. A-430 dated October 8, 1963, from the United States Embassy in Mexico, entitled "Mexican Government Invitations to Bid—Procedures for Qualifying."

(7) United States Department of Commerce, Establishing a Business in Mexico, Overseas Business Reports, No. OBR 64-82 (July 1964).

(8) Gabino Fraga, Derecho Administrativo [Administrative Law] (9th ed., México, 1962).

(9) Marentes, Contratos Administrativos [Administrative Contracts] (México, 1962).

MEXICO

Decree of January 13, 1959, providing for the establishment of a Committee of Imports of the Public Sector

(Diario Oficial, January 29, 1959)

(Unofficial translation from Spanish)

THE EXECUTIVE,
DEPARTMENT OF THE INTERIOR.

Decree: for the establishment of a Committee on Imports of the Public Sector, which shall be in charge of resolving on the exceptions for import or purchase in the country of articles of foreign origin which the Ministries and Departments of State, decentralized organizations and enterprises with State participation must make, in the discharge of their duties, of goods, equipment, materials and merchandise.

In the margin, a seal with the National Coat of Arms, which reads: Mexican United States. Presidency of the Republic.

To all Ministries and Departments of State:

Whereas purchases of articles of foreign origin made by the entities of the public sector have rapidly increased to the point where they represent a high proportion of the total imports of the country;

Acquisitions of domestic products by the State, the decentralized organizations and the enterprises with State participation must contribute to the stimulation of internal production and to the development of the domestic market;

The scattering of the purchases of the public sector and, in particular, the lack of uniformity in demand and supply vis-a-vis foreign countries limit the buying capacity and affect the negotiation possibilities of the country in foreign markets;

The absence of a mechanism which would permit an adequate channelling of imports of the public sector has to date prevented an adjustment of such purchases to the real needs and to the financial potential of the State;

In order to have acquisitions of the public sector stimulate to a larger extent the domestic production and keep them from exercising unjustified pressures on the trade balance, it is imperative to use flexible instruments which will contribute to a better use of available foreign exchange;

The strengthening of the domestic economy demands, not only the ever increasing cooperation by individuals, but the better organization and larger responsibility of the State:

I have seen fit to enact the following Decree:

1. In the discharge of their duties, the Ministries and Departments of State, decentralized organizations and enterprises with State participation must, in general, acquire goods, equipment, materials and merchandise produced in the country. Articles of foreign origin may be acquired only in exceptional cases, provided that the requisites established in this Decree and applicable both to direct imports and to internal purchases of articles of foreign origin are fulfilled.

2. In order to study and resolve on the exceptional cases referred to in Item 1, there shall be created a Committee on Imports of the Public Sector presided over by the Director General of the National Foreign Trade Bank and consisting also of a representative

of each of the following entities: Ministry of Foreign Affairs, Ministry of Finance and Public Credit, Ministry of National Property, Ministry of Industry and Commerce and the Bank of Mexico, S.A.

3. The Ministries, Departments, decentralized organizations and enterprises with state participation must request from the Committee authorization for direct imports and local purchases of articles entirely of foreign origin, or of articles assembled, bottled or packaged in Mexico which, in the opinion of the Committee, contain a high proportion of foreign products.

Said information shall be submitted to the National Foreign Trade Bank and contain the following data:

(a) Amount of imports proposed to be made, including purchases to be made within and outside of the country of articles of foreign origin described under Item 3, as well as their volume or the number of units which it is proposed to import;

(b) Name and firm name of suppliers, indicating, where applicable, existing previous commercial transactions and the reasons for which a specified supplier is preferred;

(c) Technical and commercial specifications of the products;

(d) Chronological account of the dates of purchase, deliveries of the articles and their utilization;

(e) Unit prices of the products;

(f) Country or countries of origin of imported goods;

(g) Forms and terms of payment;

(h) Financing and sources of payment for the purchases;

(i) Proof, at the discretion of the Committee, for the effects of paragraph (e) of Item 4, that the articles which it is proposed to import are not produced in the country or are produced in a quantity which is insufficient, or a quality which is unsatisfactory, for supplying the national market;

(j) Reasons justifying the need for direct imports or purchases in the country of articles of foreign origin.

4. The Committee shall decide on the applications which are presented to it, taking into account, in addition to the requisites listed in the preceding item, the following:

(a) General trends of production, employment and prices in the country and abroad;

(b) Foreign trade trends and the commercial policy of the country;

(c) The balances of trade and payments;

(d) The possibilities of effecting offsetting barter or exchange transactions and the arrangements or measures of a commercial or financial character which the Federal Government may be projecting or negotiating with other countries;

(e) The potential production and supply, by domestic companies, of the articles which form the subject of the petition;

(f) The capacity for payment and financial situation of the Federal Government and of the public sector in general;

(g) The availability of assets in the possession of entities which form part of the public sector, as well as the possibility of a better use of said assets, especially where capital assets are involved;

(h) The productivity of the investments, their economic and social importance, and the degree of urgency of making the purchases for which authorization is requested.

5. For the purpose of facilitating as much as possible the supply with products of foreign origin to the department, decentralized organizations and enterprises with State participation, and so that the procedure established by this Decree may be as effective as it should be, import applications shall be decided according to the following system:

(a) The applications must be made on special forms which the Committee will approve for this purpose and which the National Foreign Trade Bank will distribute;

(b) The Committee shall make its decisions and shall notify the applicants thereof within 15 days, counting from the date on which the applications are submitted or, where applicable, from the time at which the respective file may have been duly completed, in the discretion of the Committee;

(c) The decisions of the Committee shall be made by a majority of votes. In case of tie, the Chairman will have the deciding vote;

(d) The Committee shall meet as frequently as it may deem convenient to fulfill its functions with the highest degree of efficiency, and shall establish the working procedures and operating rules that it may deem most expeditious and efficient;

(e) The Chairman of the Committee shall have the power to convoke the Committee as often as may be necessary and must propose the administrative organization and the rules and procedures required for effective compliance with this Decree.

6. Where imports included within the investment program of the public sector are involved, once the steps referred to in the previous articles have been concluded, the National Foreign Trade Bank must obtain from the Department of the Presidency a confirmation to the effect that said investment program has been approved.

In every case in which transactions involving the acquisition of foreign products are authorized, these transactions must be carried out through, and with the intervention of, the National Foreign Trade Bank, which shall be the only institution authorized to open and establish credits and to participate in the resulting financial arrangements.

7. The Ministry of Finance and Public Credit and, where applicable, the Ministry of National Property shall not authorize within their respective jurisdictions expenditures for the acquisition of goods which the Agencies of the Federal Executive or decentralized organizations or enterprises with State participation may acquire, if the requisites of this Decree have not been previously met.

The Ministries mentioned in the preceding paragraph as well as the Department of the Presidency must contribute, through the functions of planning, coordination and supervision legally vested in them, to the accomplishment of an application of this Decree to the fullest extent.

Customs offices shall not process any customs declaration for the import of goods acquired abroad until the interested agency submits to them proof, issued by the National Foreign Trade Bank, of the fact that such import has been authorized.

8. The national credit institutions shall make financings which they grant to the Federal Government, to decentralized organizations and enterprises with State participation, and to accredited individuals, or to associations and corporations of any kind formed by them, subject to the terms of this Decree, in so far as they may cause purchases of articles of foreign origin.

9. The Cabinet Ministers, Heads of Departments, counsellors, commissioners, directors, managers, officials and employees of the decentralized organizations, national credit institutions and other enterprises with State participation shall be directly responsible for non-compliance with the terms of this Decree, within their respective spheres of action.

The Committee concerned shall be informed of all cases of non-compliance referred to in the preceding paragraph, and shall propose to the President of the Republic the measures which it considers appropriate to ensure complete compliance with this Decree.

10. The preceding provisions shall be applicable also in the case of direct imports or purchases in the country of articles of foreign origin made by the Federal Government, decentralized organizations and enterprises with State participation within the free perimeters or zones.

11. In order that the National Credit Institutions may grant financings, either of their own or guaranteed by the Federal Government, to the Governments of the States and Municipalities, which are intended for the acquisition of goods of foreign origin, they must demand as a prior requisite that the rules established in this Decree are satisfied.

12. The National Foreign Trade Bank shall be in charge of the preparation and management of the budget of the Committee.

The annual budget of expenditures as well as any amendments thereto shall be submitted, after authorization by the Committee, for the approval of the Ministry of Finance and Public Credit, which shall propose to the President of the Republic the form in which the expenses brought about by the application of this Decree shall be covered.

Done in the Palace of the Federal Executive, in Mexico, D.F., on January 13, 1959. The President of the Republic, Adolfo Lopez Mateos. [Here follow the signatures of fifteen Ministers and three Chiefs of Departments.]

PERU

(Member of LAFTA and GATT)

Peru has no central procurement agency for government purchases, and the various government industries, agencies, and entities are generally free to purchase their own requirements. Competitive bidding is required where possible, but there are many exceptions.

The general regulations for bidding and contracts for public works were promulgated by Supreme Decree No. 36 of October 6, 1961. Article 4 provides for a Register of Public Works Contractors in which contractors are classified according to financial capacity. Registration entails compliance with numerous formalities and only those who are registered may submit bids for most public works contracts. All invitations for bids must be published in the Official Gazette ("El Peruano") and in other media. Contracts usually are awarded to the lowest bidder.

Article 55 of the Industrial Development Law (No. 13270 of November 30, 1959) contains the following preferential provisions (unofficial translation from Spanish):

"The Government, branches of the public administration, including quasi-governmental, municipal, and benevolent organizations, and any institution receiving financial support from the Government, may not buy foreign articles similar to those manufactured in the country. If domestic production is not sufficient, acquisition of imported articles will be in order, but only for the balance [required], which will be authorized in each case by the Bureau of Industries and Electricity [of the Ministry of Development and Public Works]."

Article 17 of the Peruvian Constitution of 1933 provides as follows (unofficial Pan American Union translation from Spanish):

"Art. 17. Commercial companies, national or foreign, are subject, without restrictions, to the laws of the Republic. In every state contract with foreigners, or in the concessions which grant them in the latters' favor, it must be expressly stated that they will submit to the laws and courts of the Republic and renounce all diplomatic claims."

Principal sources

(1) Letter dated February 10, 1965, from Dr. Luis Echecopar Rey, attorney of Lima, Peru, to Cravath, Swaine & Moore, New York.

(2) Letter dated November 12, 1964, from the American Republics Division, Bureau of International Commerce, United States Department of Commerce, to Cravath, Swaine & Moore, New York.

(3) United States Department of Commerce, Market for United States Products in Peru (July 1961).

(4) United States Department of Commerce Establishing a Business in Peru, World Trade Information Service, Part 1, No. 62-78 (1962).

URUGUAY

(Member of LAFTA and GATT)

The basic Uruguayan law concerning the awarding of public contracts is Law No. 9,542 of December 31, 1935, as amended by Law No. 11,185 of December 20, 1948. The 1935 Law establishes public invitation for offers (licitación publica) as the basic method for the awarding of contracts by the Government and the autonomous entities and decentralized services relating to public works or the investment of funds (except where the amount involved is small). If the contract does not relate to a public work or the investment of funds or if it falls within one of the special exceptions provided for by the Law, then the contracting authority may award the contract by direct negotiation.

The 1935 Law also recognizes the use in some cases of the restricted invitation for offers method (licitación restringida), in which invitations for tenders are issued only to selected firms.

In the case of both public and restricted tendering, the contracting authority has the duty of accepting the offer which it deems the most advantageous (más ventajosa), which is not necessarily the one which is lowest in price. Moreover, if all the offers are deemed unsuitable, the contracting authority can reject all of them and order a new invitation for offers.

Law No. 11,232 of January 8, 1949, specifically provides that in all public works the acquisition of all materials, apparatus, fixtures, installations, etc., and the procurement of services therefor shall be effected by means of a public invitation for offers, except as provided in the 1935 Law and with three further exceptions.

Article 374 of Law No. 13,032 of December 7, 1961 (Diario Oficial, December 22, 1961), contains the following preferential provision (unofficial translation from Spanish):

"In all tenders or direct purchases to be performed by the Executive Power, Departmental Governments, Autonomous Public Enterprises and the Decentralized Public Service Departments, preference shall be given to locally produced goods, products, machinery, equipment and articles, always provided that this procedure should not become inadvisable as a result of duly justified technical considerations or that their price does not exceed by more than 40% similar offers from foreign sources.

"The same procedure shall be followed in case that only part or parts of the locally produced goods, products, machinery, equipment or articles, offered by the bidders, were manufactured in the country. If this should occur, the tolerance in the price margin shall only be calculated on said part or parts.

"The protection accorded by this article is with regard to the surcharges which the Administration might impose on [imported] goods, products, machinery and articles, in use of the faculty granted to it under the Law of December 17, 1959."

Principal sources

(1) Sayaqués, Enrique, Tratado de Derecho Administrativo [Treatise on Administrative Law] (Montevideo, 1953).

(2) Information supplied by the Bureau of International Commerce of the United States Department of Commerce.

VENEZUELA

Venezuela has no general statute governing public contracts and there is no central procurement agency. The various ministries and agencies and autonomous entities and establishments generally make their own purchases. Public bids tenders are usually invited by advertisement for supplies and materials and for the execution of government works in accordance with the requirements of Article 427 of the Finance Law of March 17, 1961 (Gaceta Oficial, March 17, 1961). Article 427 exempts from those provisions contracts involving national defense, those relating to technical services and those not amounting to more than 10,000 bolivares (about $2,200 at the free rate in January 1965).

Article 428 contains the following provision concerning the awarding of contracts (unofficial translation from Spanish):

"The award shall be made to the bid which offers bigger advantages [mayores ventajas], these conditions being stated in the record. If it is determined that none of the bids fulfills the required conditions, the bidding shall be declared void."

The various ministries and agencies generally require that local manufacturers or dealers and agents of foreign suppliers who wish to qualify as bidders must first register. In order to be registered they must, among other things, establish that they are current in the payment of Venezuelan taxes and that financially and technically they are qualified to participate in government bidding.

Under the rules and regulations for bidding on government contracts for public works adopted by Resolution No. 623 of August 12, 1964, of the Ministry of Public Works (Gaceta Oficial, August 13, 1964), all contracts must be let through public bidding (licitación pública), except those amounting to not more than 1,000,000 bolivares (about $220,000 at the free rate in January, 1965). Exceptions are also provided in the case of emergency works necessitated by public calamities, such as earthquakes and floods, and those involving state security or national defense, subject to the approval of the Cabinet. The Minister of Public Works is also authorized to dispense with the requirement of public bidding in situations which, according to his determination, affect the public or social interest.

Subject to the applicability of the other exceptions, if the amount of the contract is more than 200,000 bolivares (about $44,000 at the free rate in January 1965) but less than 1,000,000 bolivares, it must be awarded by means of private bidding (concurso privado) with the participation of at least three firms enrolled in the Register of Public Works Contractors.

The rules and regulations provide for a Tender Commission (Comisión de Licitación) for each contract for the purpose of selecting eligible bidders from among those enrolled in the Register, the filing of bids, the selection of the successful bidder and the awarding of the contract. Provision is made for the rejection by the particular Commission of unqualified bids. Of the remaining bids, the contract must be awarded (Article 34) to the bid determined to be, all things considered, the most beneficial (más conveniente) to the interests of the Nation. Article 35 requires the Commission, in making that determination, to take into account not only the lowest price but also the experience, technical capability and economic status of the bidder, thereby permitting the exercise of considerable discretion and possible discrimination against foreign bidders.

Article 53 contains detailed provisions as to the prerequisites for enrollment in the Register of Public Works Contractors maintained by the Ministry.

Obstacles are placed in the way of foreign bidders not only by the prior registration requirements of the various ministries and agencies but also by the fact that all firms submitting bids on government contracts must be domiciled in Venezuela. In the case of foreign corporations, that requirement entails domiciliation under the provisions of Articles 354 through 358 of the Venezuelan Commercial Code. Those provisions require, among other things, the filing of certified copies of the articles of incorporation (or corresponding documents) and the by-laws of the foreign corporation and the translation into Spanish and publication of the articles of incorporation, as well as the appointment of a representative in Venezuela with full powers to act in Venezuela for the foreign corporation, except the power to dispose of the business of the corporation.

Accordingly, foreign corporations which are not already registered with a ministry or agency and are not domiciled in Venezuela are at a substantial disadvantage, particularly if the period allowed for the submission of bids is relatively short.

The protection of existing national industry and the encouragement of new industries is the declared policy of the Venezuelan Government. In furtherance of that policy, the "Buy Venezuelan" Decree of January 9, 1959 (Decree No. 512, Gaceta Oficial, January 13, 1959), a copy of an unofficial translation from Spanish of which is attached hereto, requires all government departments and agencies and autonomous entities and establishments to purchase Venezuelan products, provided the domestic price is not over 25% greater than that of the imported product.

Principal sources

(1) Foreign Service Despatch No. 328 dated November 3, 1961, from the United States Embassy in Caracas, entitled "EXPORT: Government Tenders".

(2) Airgram No. A-171 dated September 18, 1964, from the United States Embassy in Caracas, entitled "Rules and Regulations for Bidding on Government Contracts for Public Work".

(3) Airgram No. A-217 dated October 7, 1964, from the United States Embassy in Caracas, entitled "Venezuelan Law Governing Bids on Government Contracts".

(4) Letter dated November 12, 1964, from Bureau of International Commerce, United States Department of Commerce, to Cravath, Swaine & Moore, New York.

(5) United States Department of Commerce, Venezuela: A Market for U.S. Products (1964).

VENEZUELA

Decree No. 512 of January 9, 1959

(Gaceta Oficial, January 13, 1959)

(Unofficial translation from Spanish)

The Government Junta of the Republic of Venezuela, in exercise of the authority conferred upon it by its Constitutive Act, in Council of Ministers,

Whereas one of the major obstacles for our industrial and economic development consists in the insufficient capacity of the internal market;

Whereas a large part of the national consumption is vested in the Public Administration; and

Whereas as part of the protection policy which the National Government has developed in favor of the production of the country, the adoption of measures to channel the purchases of the Public Administration towards the market of national products is necessary;

Decrees:

Article 1. The Public Administration shall not be allowed to acquire goods abroad at prices which, added to the corresponding duties which regular import causes, plus a surcharge up to 25 percent ad valorem, will be higher than, or equal to, the prices paid for similar articles or adequate substitutes in the internal market. Prices for the goods to which this article refers shall be determined in the corresponding port of entry into the country.

Article 2. Acquisitions of nationalized goods shall be subject to the provisions of the preceding article. In that case, only the surcharge provided for shall be applied to the price of said goods in the internal market.

Article 3. The Autonomous Official Institutes and Establishments of the Public Administration shall expressly be subject to the provisions of this Ordinance.

Article 4. The Industrial Council shall determine the goods to which this Decree shall be applied and the surcharges in each case.

Article 5. The provisions of this Decree shall not be applicable to cases in which the acquisition of goods produced abroad will be a particular necessity in the judgment of the Ministry of the branch in question. For this purpose, the Ministry which may have ordered or authorized the acquisition must state to the office of the Controller of the Nation the reasons on which it bases its resolution.

Article 6. When inspecting ["Al fiscalizar"] the acquisition of goods pursuant to the Law, the Office of the Controller of the Nation shall apply the provisions contained herein.

Article 7. Decree number 131 dated May 20, 1949, is hereby repealed.

Article 8. This Decree shall become effective 120 days after its publication.

Palace of Miraflores, Caracas, the ninth of January of nineteen hundred fifty nine. The 149th Year of the Independence and 100th Year of the Federation.

The Government Junta,

EDGARD SANABRIA,
President.

CENTRAL AMERICAN COMMON MARKET (CACM)

The five Central American countries—Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua—are parties to a number of agreements which comprise or relate to the Central American Economic Integration Program. The two main agreements—the General Treaty of Central American Economic Integration signed on December 13, 1960, and the Multilateral Treaty on Free Trade and Central American Economic Integration signed on June 10, 1958—deal specifically with eliminating trade barriers within the group (the "common market" or CACM), and generally with the whole problem of economic integration.

Article XVI of the General Treaty contains the following provisions with regard to national treatment for construction enterprises (unofficial United Nations translation):

"The Contracting States shall grant national treatment to enterprises of other Signatory States engaged in the construction of roads, bridges, dams, irrigation systems, electrification, housing and other works intended to further the development of the Central American economic infrastructure."

Article III of the General Treaty contains the following provision with regard to national treatment of goods (unofficial United Nations translation):

"Goods originating in the territory of any of the Signatory States shall be accorded national treatment in all of them and shall be exempt from all quantitative or other restrictions or measures, except for such measures as may be legally applicable in the territories of the Contracting States for reasons of health, security or police control."

To encourage investment, the concept of "integrated industries" has been developed. Integrated industries are regulated by the Multilateral Agreement of June 10, 1958, which was validated by Article XVII of the General Treaty. An integrated industry is one that, even at minimum capacity, must have access to the entire Central American market in order to operate under reasonably competitive conditions. An integrated industry is granted a number of special incentives. Article VII provides in part that "the Government and other State bodies shall also give preference in their official imports to the products of the Central American integration industries."

Like LAFTA, CACM has an Executive Council consisting of a representative from each member country, and a permanent secretariat that carries out the administrative functions. The latter is under the direction of a Secretary General. Unlike LAFTA, the supreme authority of CACM is the Central American Council, consisting of the Ministers of Economy of the five member countries.

Principal sources

(1) Association of the Bar of the City of New York, Committee on Foreign Law, Economic Integration in Latin America, 17 Record (Supplement, June 1962).

(2) Business International, Latin America's Merging Market: The Challenge of Economic Integration (New York, 1964).

(3) Duvall, Latin American Integration Developments, 9 International and Comparative Law Bulletin 34 (December 1964) (published by Section of International and Comparative Law, American Bar Association).

(4) Nattier, The Central American Program of Economic Integration, in Surrey and Shaw (eds.), A Lawyer's Guide to International Business Transactions (Philadelphia, 1963).

(5) Pincus, The Central American Common Market (U.S. Department of State, Agency for International Development, Washington, D.C., 1962).

(6) United Nations, Multilateral Economic Cooperation in Latin America, Vol. 1: Text and documents (1962).

STRONG SUPPORT FOR ACTION TAKEN BY OUR GOVERNMENT IN VIETNAM AND IN THE CARIBBEAN OPPOSED BY CERTAIN ELEMENTS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Florida [Mr. ROGERS] is recognized for 60 minutes.

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, 5 days ago today, the House of Representatives indicated its strong support for the action being taken by our Government in the Vietnam situation, as well as in the Caribbean, when we adopted legislation appropriating additional funds for the conduct of military operations in these two areas of the world. Now that the Congress is again on record in support of the President and our military leaders, it would be well to take note of some opposition to this course which became evident during the spring recess, while Members were away from Washington.

On April 17, 1965, a "march on Washington" was staged to protest our Vietnam policies and was attended by thousands of college students and others saying they are in opposition to the U.S. aggression in Southeast Asia.

While some of those in attendance may well hold sincere beliefs that U.S. action is wrong, let no one believe that this demonstration was spontaneous or merely the identical reaction of an impartial group of young American students. The evidence clearly indicates that this march was fostered and promoted by the Communist elements in this country which are hard at work to undermine the efforts of our Government in the conduct of our foreign affairs.

Six groups, in addition to the Communist Party, U.S.A., seem to have been most interested in the April 17 demonstrations. They are the Progressive Labor Party; the May 2d Movement; the Committee for Nonviolent Action; the Socialist Workers Party; the Workers World Party, and the Students for a Democratic Society.

Some members of these organizations and others who took part in the Washington demonstration, do so from personal conviction and not as followers of the Communist Party line. But that they do lend their support to the efforts of the Communists is cause for concern.

Most of those participating in the Washington demonstration were college students. It would be well for every parent who has a son or daughter in college to advise their children of the real purposes they serve when they participate in such activities. Too often the parents are not familiar with the activities of their youngsters while at college. And many students apparently feel that if they are in agreement with the aims of some organization they can join in activities sponsored by these organizations, without adequate study of the real motives of these acts and their possible consequences.

The organizations which participated in the April 17 march on Washington deserve careful study.

The organization, Students for a Democratic Society, was the prime mover in the April 17 demonstration in Washington, as well as the Easter vigil at the L.B.J. ranch in Texas.

The society is the youth affiliate of the League for Industrial Democracy, the successor to the Inter-Collegiate Socialist Society which was organized in 1905 with the purpose to mobilize college professors, students, and graduates to teach socialism and collective ownership of property. The National Office of the Students for a Democratic Society is located at 119 Fifth Avenue, New York City, and the organization claims a membership of 1,700 in 44 chapters.

The society has demonstrated that it will render support to or receive support from any organization, subversive or otherwise, which has common goals with the society.

As of February 24, 1965, Charles Clark Kessinger, Jr., was national secretary of the society. In 1963 he was a student of the University of Wisconsin and made arrangements for the guest appearance of Herbert Aptheker, a member of the National Committee of the Communist Party, U.S.A.

On February 20, 1965, the society cosponsored and participated in demonstrations in Chicago and at the White House, protesting the war in Vietnam. On March 5, they cosponsored a demonstration in front of the Armed Services Recruiting Station at Philadelphia. On April 5, they picketed a lecture delivered at Johns Hopkins University by Presidential Adviser McGeorge Bundy. And, on April 17, in Washington and Johnson City, Tex., they demonstrated again against U.S. policies in Vietnam.

It is my understanding that they soon will bring a number of university faculty members to Washington to challenge administration officials to a debate on Vietnam policy.

Progressive Labor Party is another group participating in current demonstrations, including the one of April 17. It is extremely militant, along the Marxist-Leninist or Chinese Communist Party lines. Their magazine, Challenge, of February 9, 1965, said:

> If we demonstrate, if the organizations we belong to demonstrate, if we show that we will not support it—if we demand in one voice that the war be ended—then Johnson will not be able to get away with it.
>
> We can stop the war. For our own sake, we must. End the war in Vietnam. Bring the troops home.

This group was formerly known as the Progressive Labor movement, formed in 1962 by dissident elements of the Communist Party, U.S.A., led by Milton Rosen and Mortimer Scheer, both of whom held positions in the New York district of the Communist Party, U.S.A. Rosen is president and Scheer is a vice president, along with William Epton. Epton, a former Communist Party, U.S.A., member, left the party because he felt it was no longer a revolutionary power. He was instrumental in forming another Progressive Labor Party front group, the Harlem Defense Council, during the summer of 1964. He was arrested and charged with advocacy of criminal anarchy.

In addition to the Challenge, the Progressive Labor Party also publishes the magazine Progressive Labor, 500 copies of which are reportedly sent to the People's Republic of China each month. A former editor of this publication has stated that organization members have been involved in trips to Cuba in violation of a State Department ban on travel to that Communist country.

The May 2 movement also took part in the April 17 Washington demonstration. It was organized in the spring of 1964 and planned and executed a demonstration in New York City in that year demanding the withdrawal of U.S. troops from Vietnam. Currently, the movement is attempting to influence students to demonstrate for more freedom on various college campuses. The national chairman is Russell Stetler, a student at Haverford College, Pennsylvania.

This group has a film entitled "Heroic Vietnam 1963," which was reportedly made by the Vietcong and smuggled into the United States from Cuba. It contains anti-U.S. propaganda and has been shown recently at Drew University, University of Cincinnati, University of Pennsylvania, and Pennsylvania State University. Of the May 2 movement, Progressive Labor has said:

> The role of the May 2 movement is to oppose American imperialism throughout the world.

According to the February 8, 1965, issue of Spark, a newspaper issued by the Progressive Labor Party on the west coast, the May 2 movement is circulating and obtaining signatures to a declaration from young men of draft age, stating the "U.S. participation in the war is for the suppression of the Vietnamese struggle for self-determination and national independence. We herewith state our refusal to fight against the people of Vietnam." Also in February, a panel discussion was held at the Student Union Building, Michigan State University, sponsored by the Young Socialist Club where Stetler stated that the May 2 movement had obtained hundreds of signatures on one campus alone on a petition that the students would not allow themselves to be drafted for a war in Vietnam.

Committee for Nonviolent Action is another group which has been most active in protesting U.S. action in Vietnam. It has been supported by the Progressive Labor Party. It was formed in 1957 and its leaders and most of its members reportedly are ardent pacifists. While nonviolent action is the stated effort of this organization, it is interesting to note that its national chairman, A. J. Muste, was an observer at the 16th National Convention of the Communist Party, U.S.A. in New York City in 1957. He has long fronted for Communists and has in the past circulated an amnesty petition calling for the release of Communist leaders convicted under the Smith Act.

This committee also sponsored the Quebec-Guantanamo Walk for Peace which culminated in Florida in 1964, when Government authorities seized the boat which this group intended to use to travel to Cuba. The group distributes literature calling on individuals to quit their jobs in war industry, refuse to serve in the Armed Forces, refuse to pay part of their income taxes for defense and especially to speak to any and every organization through which they can gain a platform for greater publicity. They are also distributing a document entitled "An Appeal to the Conscience of America," which claims that torture is used by our side in Vietnam, that the Vietcong are not supplied by the North Vietnamese or Red China.

Socialist Workers Party also took part in the April 17 demonstration in Washington. They follow the Trotsky line and their youth branch is known as the Young Socialist Alliance. Both have manifested their opposition to U.S. presence in Vietnam, in their publications and on college campuses and in demonstrations. They were active in a march in Boston earlier this year, protesting the Vietnam policies of this Government and also helped in the promotion of the April march in Washington. Three national leaders of the Socialist Alliance toured college campuses in the East, South, Midwest, and Far West to urge students to join the march.

Workers World Party, and its youth affiliate, Youth Against War and Fascism, have also been active. This group was formed in 1959 from a splinter group that left the Socialist Workers Party. It reportedly has branches in Buffalo, Youngstown, Seattle, and Los Angeles and maintains headquarters in New York City. They had a delegation in Washington to participate in the April demonstration.

The Communist Party, U.S.A. exhibited its extreme interest in the April 17 demonstration by front page articles devoted to the event which appeared in the Worker. In a directive to all party districts dated March 31, 1965, the Communist Party, U.S.A. national office described the march as the "major point of concentration" in the campaign in the withdrawal of U.S. forces from Vietnam. The party districts were told that the main task was to get maximum participation in the demonstration. An estimated 15,000 individuals participated in this demonstration, including known Communist Party members from throughout the Nation. They included Arnold Johnson, public relations director and Michael Zagarell, National Youth Director of the Communist Party, U.S.A. and George Meyers, a member of the party's national committee. At the time of the Washington march, in Johnson City, Tex., 45 individuals, many identified as past or present members of the Communist Party, maintained a vigil at the President's ranch.

While all of these groups except the Communist Party itself include among their members and followers individuals who are undoubtedly well-meaning, the facts are indisputable that the denunciation of present U.S. policy in Vietnam is in accord with the Communist objectives and contrary to the best interests of the United States.

It is paradoxical that the followers of these organizations apparently place a greater trust in the propaganda emanating from Communist sources than they do in the policies of their own country. It is alarming that so many young people from our colleges could be gathered together for these demonstrations without realizing they are being used by the forces which would see us destroyed.

Sincere Americans have every right to protest any action of their Government with which they disagree. We live in a free country where every citizen has that right. Nor are we insinuating that every organization or individual who protests is an agent of the Communist Party. But knowingly or not, they are participating side by side with Communists working to bury us. That they are being used by agents of the Communist movement is apparent, and every effort must be made to acquaint the American people with the real motives behind large group actions against U.S. policies in Vietnam. No doubt we will soon see similar demonstrations regarding our stand in the Caribbean, and elsewhere, any time we stand up to Communist threats anywhere in the world. We must identify those behind these movements, call them to the attention of every citizen and make every effort to acquaint American students with the threats which are posed to the very freedoms they promote.

RUMANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN], is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, the 10th of May has been observed as Rumanian Independence Day for the past 87 years. Rumania as a nation won recognition of her national independence at the Congress of Berlin on May 10, 1878, but only after bloody sacrifices and heroic deeds in the war between imperial Russia and the Ottoman Empire. Significantly, and ironically in light of present events, the Rumanian people turned back to the Ottoman Turks after they had inflicted two critical defeats on the imperial Army of Russian Grand Duke Nicholas. Rumania's reward was recognition of her national independence by the great powers of Europe.

It was 20 years ago last March 6 that the new imperialism of Moscow seized the Rumanian nation by fraud and violence and robbed her people of freedom and national independence. In typical Russian style, Vishinsky, an agent of the Kremlin, announced that the Rumanian Government no longer existed and that it had been replaced by a new regime, a regime of Communist puppets. This action was backed up by the tanks and guns of the Red army and occurred only after a Russian campaign of terror and violence among the Rumanian people.

From this it is obvious that the Russians have no respect for history, that to help them in their hour of crisis is to invite their ungrateful and deceitful actions at a future date. That is the lesson we learn from the events of 1877–78 when Rumania held back invasion of imperial Russia by the Ottoman Turks and the events of 1945 when imperial Russia robbed the Rumanian people of their national independence.

The United States has had its share of harsh experiences with the imperial Russians. In 1917–18 we provided Russia with military supplies and funds to defend itself against imperial Germany. From 1918 to 1921 we provided the food to prevent famine in Bolshevik Russia—hoping to win their friendship. As a reward our humanitarian program was branded as a spy operation and disbanded as soon as the threat of famine had been defeated.

In 1939 the imperial Russians and Nazi Germany made a secret pact to launch World War II and to divide all of Europe between the tyrants. When the Nazis later invaded the Russian empire, we rushed to the aid of imperial Russia and embraced her as an ally. We poured out over $20 billion in loans and lend lease—all to save the imperial Russians from certain defeat. We fought to liberate all of Europe from the tyrants whip only to defeat Nazi Germany and then to be immediately confronted with wholesale Russian subversion and aggression directed at the conquest of all of Europe.

Every American is aware of Russian directed subversion and aggression in Korea, Vietnam, Africa, Cuba, the Dominican Republic, and elsewhere since the end of World War II. Despite this record there are people who call out for more efforts to win the friendship of the Russians. There are even people who still believe that we can win Russian friendship if we remain quiet about the fate of the people in the captive nations of Europe and Asia. But the record shows the only possible friendship with the Russians is based upon submission to their demands.

The people of Rumania know the full meaning of friendship—Russian style. They have lived under that forced friendship for 20 years. During that time they have seen the Russians liquidate their Rumanian quislings, those Rumanians whose friendship was based upon the alleged bond of Communist ideology. Communist ideology is always subservient to the demands of the Russian empire. They have experienced the plans and schemes of the Russians to change the character of the Rumanian people by remaking them into Soviet people. In other words, they have lived through the 20th century Russian nightmare and there is every reason to believe the character, the spirit, and the rich traditions of Rumanian life remain alive in the hopes and aspirations of her people.

How else can we account for recent developments in Rumania? There is no denying the fact that the Rumanian people are becoming more bold and outspoken in their opposition to Russian domination of their homeland. Popular feelings on this issue have reached such a stage that even leading members of the imposed Communist regime have made anti-Russian statements and have also made attempts to create the public impression that they are not wholly owned agents of Moscow. It is reasonable to conclude that the Russians with their reactionary system of colonizing other nations, have become so unwanted that even their trained quislings are attempting to disassociate from them.

No effort on the part of the imposed Communist regime in Rumania to convince the Rumanian people that their country is free and independent can succeed. The people know they are not free and that their national independence has been robbed by Moscow. The people of Rumania will not be satisfied until they are complete masters of their destiny, until traditional Rumanian culture is allowed to flourish and until full and open relations with the Western World are resumed.

World events are moving in a direction favorable to Rumania and the other captive nations. Russian instigated aggression through so-called wars of national liberation, such as is taking place in Vietnam and as was attempted in the Dominican Republic, has aroused the free world from its temporary slumber. Cuba has provided our people with a striking example of the end results of such wars of national liberation. That Russian base of operations in the Western Hemisphere now threatens many countries in Latin America. President Johnson's action in both Vietnam and in the Dominican crisis serves notice that we will not stand idly by while Moscow robs more nations of their freedom and independence.

Meanwhile, imperial Russia is charging the United States with imperialism for defending the freedom and independence of Vietnam and the Dominican Republic. Our actions to defend human freedom have been labeled by Moscow as acts of aggression. It is time that we exposed the nature of Russian imperialism and the manner in which the mythology of communism is used to expand the empire of Moscow.

Congress can provide the forum for that long overdue exposure by authorizing a Special House Committee on the Captive Nations. Such a committee could put the labels of imperialism and aggression where they properly belong—on the unchanging Russians. The one remaining empire in the world cannot stand the test of full exposure. Such an exposure would renew the hopes and aspirations of millions of non-Russian people throughout the captive nations. It would serve notice that we have not forgotten them and would be a certain assurance that we do not seek Russian friendship at the expense of continuing enslavement of the captive nations. Moreover, it would put imperial Russia on the defensive as the seat of the last vestige of colonialism and reactionary exploitation of nations and people.

The 10th of May is not being officially celebrated in Rumania today. Moscow would not permit it and the Communist regime in Bucharest could not endure the consequences. But the people of Rummania will remember this day and they will observe it in their own way despite the commands of Moscow or the counterplans of the Rumanian Communist regime. Today is Rumanian Independence Day. And it will be so observed long after the Russian nightmare is ended.

Mr. HOWARD. Mr. Speaker, today, May 10, we commemorate the anniversary of Rumanian independence. After centuries of domination by the Ottoman Empire, the people of Rumania had at long last achieved their freedom. It is fitting that we in this Chamber, Mr. Speaker, take a few moments in our busy schedule of legislation to pay tribute to Rumania and to her people on this great national holiday.

The Rumanian people today, as they were before declaring their independence from the Turks, are a people living in a state of national oppression. Since 1945, Rumanians have known nothing else but the tyranny of communism and all its evil works. At the close of that last great war it was the hope of all freemen that there would no longer be any other dominating tyranny in the world. It was the hope of many who had fought in that great and terrible war that a new age had dawned for mankind.

But we were all mistaken. Our hopes were soon dashed when we observed with bitter anguish the envelopment of all eastern Europe by a new world tyranny, communism. Rumania, Poland, and all the other states of Eastern Europe fell under the coercive ideology of communism. Freedom was destroyed, and all hope for a better future and a future in freedom was dissolved.

In the past few years great changes have taken place in the Communist world. Forces of diffusion have been at work, eroding away the once total power that the Soviets had once held over Eastern Europe. One of the states that has experienced the full impact of these changing currents of history has been Rumania. During these years Rumania has exerted to a remarkable degree its independent role within the Soviet bloc. It has insisted upon a separate economic future quite apart from the rigidly imposed structure established in Moscow. It has played off with great skill the Chinese against the Russians in the interplay of intrabloc politics, and thus have been able to establish some degree of independence from Moscow. Russian influence is on the way out in Rumania. Even the learning of the Russian language is no longer compulsory, and Western languages are gaining their pre-1945 favor in the Rumanian education system. Moreover, Rumania has been establishing greater ties with the West.

These are considerable changes. There can be no mistake about that. But it would be a mistake to read too much into these changes; for Rumania remains Communist and its government is intolerably totalitarian. Nonetheless, Rumanians are exerting greater independence from the bloc than ever before, and this in itself constitutes a diminution of overall Soviet strength in Europe.

On this anniversary of Rumanian independence, it gives satisfaction to witness these changing events in Rumania. Let us all hope that the trend will enlarge to a degree that at some time in the future Rumania and her people will at long last be free from communism itself.

Mr. McGRATH. Mr. Speaker, the steadfastness with which the Rumanian people continue to defy their Soviet masters is emphasized by the fact that although yesterday, May 9, is decreed their national holiday, Rumanians continue to celebrate May 10, their traditional national holiday, in their hearts.

Today, the good wishes and heartfelt support of all Americans go out to the Rumanian people—those within Rumania clandestinely marking this triple observance, and those outside their homeland who are free to mark this occasion.

On May 10, 1866, Prince Charles of Hohenzollern-Sigmaringen was proclaimed Prince of Rumania, thus founding the Rumanian dynasty. Eleven years later, on May 10, 1877, the principality of Rumania proclaimed her independence from the Ottoman Empire, and 4 years later, on May 10, 1881, Charles I was crowned King of Rumania.

During the ensuing years, Rumanians have cherished the 10th of May as their national holiday, and today it remains the symbol of their perseverance to reach their ultimate goal of freedom and well-being. Even the oppressive Soviet rule which they have lived under since 1947 has not been able to alter the significance of this date, despite the fact that the present government decreed that May 9—the anniversary of the Soviet victory over Nazi Germany—as the official Rumanian national holiday.

To these valiant people—our allies in two World Wars, we extend our good wishes on this holiday of their hearts, and hope with them for the day when all Rumanians may again celebrate May 10 openly.

Mr. KREBS. Mr. Speaker, from time to time we have unusual opportunities to reflect on the sad fate that has befallen some of the older nations of the world. This day Rumanian people throughout the free world are pausing to commemorate the independence of Rumania on May 10, 1877. But unfortunately the people of that nation are today not free to celebrate an independence from rule established without consent of the governed.

As a nation that during two world wars saw action alongside the Allied Powers, Rumania has to this day retained a zeal for independence and freedom. While there is presently little opportunity for genuine expression of that independence in Rumania, I am sure my colleagues will agree that no nation can long be forced to suppress its rightful goal of independence from foreign domination.

I therefore want to join my fellow Members of Congress in saluting the Rumanian people on this anniversary. And I take this opportunity also to assure the people of Rumania that the United States still remembers the gallantry of its service with the Allies and to wish them a quick return to earlier days of freedom and independence.

Mr. MULTER. Mr. Speaker, throughout its history Rumania has been at the crossroads between East and West. Partly for this reason, and partly because of the fact that the country is both fertile and rich in natural resources, Rumania remained divided among her powerful neighbors for nearly 400 years up to the latter half of the 19th century. During all that time, since its conquest by the Ottoman Turks in the 15th century, Rumania was part of the Ottoman Empire, and Rumanians were subjected to the oppresive rule of Ottoman sultans. Through Turkish misgovernment and misrule Rumanians suffered greatly, but they never gave up their ideals, and they worked hard for the attainment of the national goal, their freedom.

In the middle of the last century, after the Crimean War, they attained part of their goal. In 1856, Rumania secured autonomous status, and its only direct tie with the Ottoman sultan was the payment of annual tribute to the sultan's treasury. But the Rumanian people wanted to get rid of this one remaining tie, and the Russo-Turkish War of 1877–78 offered them the opportunity to do this. When that war was raging, on May 10, 1877, the Rumanians proclaimed their full independence of Turkey and fought for its realization. The Rumanian forces joined the Russians in that war against the Turks, and at the end of the war their newly won independence was recognized by the Congress of Berlin. Such was the rise of free and independent Rumania 88 years ago.

Since those exultant days Rumanians have had their ups and downs. They were involved in the First World War, fighting on the side of the Allied and associated powers, and in the end succeeded in having their territorial claims recognized by the formation of a greater Rumania. They were then quite content with their lot and were doing well during the interwar years. They were also involved in the last war, and they were the victims of both Nazi and Soviet aggressions. Before the actual end of that war Rumania was brought into the clutches of the Kremlin, and for nearly two decades Rumanians suffered more under unrelenting Communist totalitarianism than they had under other alien rules in the past. The rich resources of the country were taken over by Soviet authorities, and were exploited by them. A Communist system of government, with all its attendant evils, was imposed upon the Rumanian people. Collectivization, regimentation, and nationalization were carried out with an iron hand and the people had no choice but to obey the dictatorial decrees.

Until recent years the country was practically sealed off from the West, and Rumanians were prisoners in their own country. They endured many hardships and prayed for their liberation from Communist tyranny. Fortunately, today there is considerable change for the better. The iron hand of communism is somewhat relaxed; in matters of trade and commerce they seem to have regained some freedom, and the country is not as effectively sealed off from the West as it was until a few years ago. On the 88th anniversary of Rumanian Independence Day let us all hope and pray that this spirit of relaxation and toleration will continue and eventually the Rumanian people will regain their full freedom.

Mr. RODINO. Mr. Speaker, on the 10th of May, the anniversary of the day in 1877 when the Rumanians proclaimed their liberty from the Turks, our thoughts turn to the Rumanian people of today. Although the dissension in the Communist world and the rift between the Soviet Union and Communist China have recently permitted Rumania a slight margin for nationalistic action, Rumania is still a captive nation of the Soviet Union. The Rumanian people are still under the control of communism, an alien movement which could never stay in power without the proximity of the Red army. They suffer from the failings of Communist economic and agricultural policies. For example, 90 percent of Rumania's agriculture is collectivized and the yields remain pathetically low in sharp contrast to the bountiful surpluses of our own farms.

As Rumanians who live in the free world and Americans of Rumanian descent celebrate the anniversary of Rumanian independence, it is my hope that the people of Rumania will be heartened by the evidence that their plight has not been forgotten. It is my hope that they too will remember that their ancestors lived under foreign domination for more than four centuries, yet they were at last successful in regaining their independence.

The United States, which will always be stronger because of the contributions made by its citizens of Rumanian background, realizes that the Communist government of Rumania is not a reflection of the will of the Rumanian people. We realize that the Rumanian people themselves have not changed in their love of liberty. We shall do everything prudently possible to hasten the day when all peoples have the opportunity to live in liberty and enjoy freedom.

Mr. CUNNINGHAM. Mr. Speaker, the historic step taken by the gallant inhabitants of Rumania 88 years ago, during the Russo-Turkish War of 1877–78, constitutes a significant landmark in the turbulent history of the Rumanian people.

On May 10, 1877, the Rumanians proclaimed their independence from the Turks. In the ensuing war, they were victorious and the subsequent peace treaty guaranteed Rumania's freedom of independence. Thus, that daring act of May 10, 1877, marked the independence day of Rumania.

Since those distant days Rumanians have experienced the joy of freedom and the woes of foreign tyranny. Today they are grievously deprived of freedom in their homeland. Communist totalitarian dictatorship has eliminated all vestiges of independence there, but happily the Rumanian people have not given up their hope for eventual freedom.

Let us not forget the 10th of May when the Rumanian people demonstrated to the free and independent peoples of the world that centuries of oppression and suffering had not dimmed their hope for freedom, and their willingness to fight for their national independence. Though today once more they are robbed of their freedom, and are enslaved by Moscow-dominated forces in their homeland, I am confident that they will again regain their freedom and live happily in their beloved Rumania.

Mrs. KELLY. Mr. Speaker, although we Americans are among the most highly educated peoples in the world, for many of us the history of Eastern Europe is a huge blind spot. We seldom realize that the nations and peoples of Eastern Europe had to struggle long and valiantly before they attained independent status. Overrun by Turks or Russians in an earlier day, the peoples of Eastern Europe became pawns in the political power game as it was played by the Western nations, Russia, and the Ottoman Empire.

Throughout this long twilight period, the Rumanian people tenaciously held to their idea of nationhood. Their tenacity was rewarded when, at the end of the Crimean War, the powers recognized the autonomy of Wallachia and Moldavia, the Turkish provinces that were to make up the Rumanian state.

But the leaders of Rumania knew the temper of their people. They knew that both peasant and intellectual would not be satisfied short of outright independence. In the Russo-Turkish War of 1877 they saw their opportunity, and on May 10 of that year declared Rumanian independence to be an accomplished fact. Rumanian troops were skillfully employed to gain political advantage, besides being of material help to the Russians. Rumania's independence was recognized by the powers in the Treaty of Berlin, a year later, but she was required to cede Bessarabia to Russia.

Today on another independence day, Rumania finds herself subjugated by a foreign power. That power, of course, is the Soviet Union, which installed communism by force and trickery in the closing stages of World War II. But Rumanians are showing that old spirit of independence that comforted them so much in their turbulent past. Rumania is eager to trade with, and learn from, the West, and it has shown a readiness to do so regardless of Soviet pressure. But surely this will not be enough. Surely Rumanian tenacity will triumph again, bringing with it true freedom so prized by all Rumanians. That is really the lesson of this Rumanian Independence Day.

Mr. DINGELL. Mr. Speaker, my colleagues of the House, today, May 10, is the traditional national holiday of the Rumanian people. It commemorates the day when, in 1877, the people of Rumania declared their independence. During the following year that independence was recognized by the powers of Europe in the Treaty of Berlin. The culmination of Rumania's hopes and dreams, hopes and dreams sustained for hundreds of years, through a variety of historical regimes, was realized at last.

Yet Rumania, like so many of the states of southeastern Europe, was faced with massive internal problems, and was bedeviled, as were so many of her neighbors, by conflicting territorial claims, and bewildering ethnic heterogeneity. Despite these handicaps the country made notable economic and political progress in the period from 1878 to 1918. After the end of the first World War, in which Rumania participated on the side of the Allies, the country made spectacular economic progress. New industries, supported by domestic and foreign capital, sprouted extensively, and foreign trade expanded substantially. Political life flourished, parliamentary institutions grew stronger, and a number of Rumanian statesmen made a significant mark on the world scene, particularly M. Titulescu at the League of Nations. Rumanian foreign policy was pro-French in orientation; in fact Rumania was allied with France in one of the many pacts by which the latter sought to safeguard her security against a potentially renascent Germany.

But with the onset of the depression and the rise of Nazi Germany, Rumania came under increasing pressure from antidemocratic forces, both within and without. Eventually these pressures proved too much for Rumania's democratic forces, and she lapsed into a royal dictatorship, which was followed by that of Fascist oriented elements. It was this government which took Rumania into the Second World War on the German side and which was overthrown by a popular uprising led by King Michael.

But the hopes which the popular young king aroused were soon to be dashed. The Soviet Union, having conquered the territory of Rumania in its advance against the Nazi legions, was determined to control the country together with the rest of Eastern Europe. Having rid themselves of one set of totalitarian masters, the Rumanians were to find that set replaced by another. With the establishment of the Rumanian Peoples Republic in 1947 all vestiges of a free society disappeared from Rumania.

But if history is relevant at all, and we believe that it is, the Communist regime which presently rules Rumania will disappear into the mists of time. Not today or tomorrow, let us have no illusions on that score. But eventually this will come to pass, for communism is alien to all Rumanian national traditions. In the long run, the institutions which nurture man's spirit survive, and those which demean it, perish. If we believe this truth, we can be certain that a day will come when Rumanians can celebrate their national independence on their native soil, and not in exile. In the meantime we salute the courage and tenacity of the Rumanian people, just as we salute these same qualities in the people of every country suffering under Communist tyranny.

Mr. O'HARA of Illinois. Mr. Speaker, May 10 is the national holiday of the Rumanian people. It is a date which commands the respect of all who cherish freedom and who hold steadfastly to its ideals regardless of cost.

The people of Rumania have a long and interesting history dating back to days of ancient Rome. From that time to the present they have maintained their distinctive cultural and linguistic qualities. But their political development, due to the facts of geography, has been tragically impaired by the insensitive forces of great power rivalry and greed.

This Christian nation was a constant object of Turkish aggression ,and after many valiant struggles came under Ottoman domination in the 17th century. But this domination did not have even the saving grace of protection. Rumanian territory was caught up in the ambitions of three great neighboring empires—Russia, Turkey, and Austria. From the end of the 16th century until the day of independence in 1877, the Russian forces entered Rumanian territory at least 13 times, usually staying for periods of 5 or more years.

Most of the country remained under Turkish oppression, and at one point the Russians and Turks signed an agreement for joint control over the territory. This came after the wave of democratic nationalist revolutions that swept Europe in 1848 in which the Rumanians and many other oppressed nationalities attempted to win their freedom.

As Turkish power began to decline it was inevitably replaced by Russian hegemony. But the rise of Russian power in this area aroused the interest of England and France and, when Russia invaded Rumania, once again it lead to the Crimean War and the defeat of Russia.

Some of the Rumanian territory was restored through the Treaty of Paris and a new government under Prince Alexander Cuza showed what the Rumanian people would do if given the chance to govern themselves. Serfdom was abolished, the peasants received ownership of land, voting rights were broadened and compulsory education was instituted. A liberal constitution was established in 1866.

This newly won independence was threatened, however, when the Russians and Turks went to war in 1877. The Rumanian Government allowed Russian forces to enter its territory for the purpose of defense against the ancient oppressors, and Rumanian forces fought bravely along with those of Russia. But the Russians showed no gratitude and in a manner that has become familiar to us, they used the opportunity to demand and take parts of Bessarabia, with the compliance of other European powers.

In spite of this loss the Rumanian people were able after this episode to enjoy a period of freedom from outside oppression. Rumania fought with the Allies against the Germans in World War I. And again the Russians, before and after the Bolshevik revolution, attempted to use the situation to take Rumanian territory.

Between the two wars Rumania alined itself with the West, but when the Nazis and Communist Russians concluded their short-lived agreement to divide up the helpless peoples of Eastern Europe, Rumanian territory was once again taken by Russia. Rumania's independence could not survive the ensuing struggle and the Russians finally satisfied their greed by taking control of all of Rumania.

On this occasion of the anniversary of Rumania independence we desire to let the Rumanian people know that we have not forgotten them and do not consider their struggle for freedom to be at an end. Although, despite the strict confines of Soviet control today, we see that Rumania is attempting to move toward a degree of economic freedom that can only serve to loosen the bonds which some day must disappear. Recent years have seen Rumania forging ahead economically in a manner which augurs well for achievement of political as well as economic independence which will constitute an independence for Rumania on a May 10 not far removed from 1965.

Mr. DERWINSKI. Mr. Speaker, today I wish to join in the commemoration of Rumanian Independence Day. Rumania achieved its independence on May 10, 1877, and retained its freedom until 1947, when King Michael was forced to abdicate by the Communists.

Rumanians in the free world who observe their enslaved nation's national holiday each year with great devotion are also diligently working in cooperation with representatives of other captive nations toward their common goal of restoring freedom to their native lands. It is a tragedy that the Rumanian people who suffer under Communist tyranny are prevented from celebrating their holiday, but their Soviet-imposed government seeks to obliterate all such traditional observances of Rumania's great past.

Mr. Speaker, I am delighted to observe the increased interest throughout the United States in the cause of the captive peoples of communism and the fact that their legitimate aspirations for independence for their homelands constitutes a major weakness in the Soviet imperialist empire. Self-determination of peoples is a cornerstone of our foreign policy which must be maintained until all the nations enslaved by Communist tyranny achieve their independence.

The illegitimate Rumanian Government flaunts the will of the Rumanian people and is not a freely elected administration. Therefore, Mr. Speaker, we must do more than merely commemorate this and other national holidays of the captive nations. We must take positive action. An immediate step which the House of Representatives should take is to approve the resolution of the gentleman from Pennsylvania [Mr. FLOOD] establishing a Special House Committee on the Captive Nations.

Mr. HALPERN. Mr. Speaker, May 10 is the traditional national holiday of the Rumanian people. Here in the United States we are privileged to know the meaning of this annual event, and in like spirit, we commemorate the day of Rumanian independence.

Rumania proclaimed her independence on May 10, 1877. She severed the bonds which previously had linked her to the Ottoman Empire. Liberty was dearly fought for. In 1878, the Congress of Berlin recognized the independence of Rumania and accorded her official status.

In 1881, the land became a kingdom and thereafter, for many decades, the country was a model of stability and peaceful progress.

The tragic ramifications of World War II altered the complexion of affairs. The nation remains dominated by the Soviet Union, ruled by her, subjected to an outside and foreign ideology.

I hope that the 10th of May will serve to remind us that once the flame of liberty has been set afire, it can never completely be extinguished. The Rumanian people have suffered much throughout the Russian intereference. They are still oppressed by a ruthless foreign invader.

Let us hope, in commemorating Rumania's national holiday, that freedom will be restored to this brave people.

Mr. STANTON. Mr. Speaker, the date of the 10th of May is celebrated by freedom-loving Rumanians and Americans of Rumanian descent as the anniversary of Rumania's independence. On that day in 1877, the Rumanians proclaimed their liberty from the Turks, under whose yoke they had suffered since late in the 15th century. For more than four centuries the Rumanian people had been seeking to free themselves from the Ottoman Empire whenever opportunity permitted, and in the last decades of the 19th century they finally met with success.

The independence of Rumania was soon afterward recognized by Russia, Italy, Great Britain, France, and Germany. A kingdom was proclaimed and Prince Charles was crowned King on May 22, 1881. Until the Second World War, Rumania flourished in its liberty. The war, however, resulted in the loss of that liberty. Rumania became one of the captive nations of the Soviet Union, its sovereignty curtailed by a satellite status which is deplored by those Rumanians who understand the importance of freedom as well as by all Americans who have migrated to this country from Rumania.

At the present time significant changes are taking place in Rumania. Although until recently Rumania was one of the most ardent Soviet allies, there has been a conspicuous amount of de-Russification and expanded cultural interchange with the West in the past few months. Russian is no longer a compulsory language in schools. The number of Soviet films has been reduced and the Soviet radio program has been dropped. In 1964 Soviet-Rumanian Friendship Week was given only perfunctory attention. More and more Western plays are being shown, and additional Western authors have been put on accepted reading lists.

There should be no illusion that the Communist system itself has been liberalized, or that the Government of Rumania has moved one iota away from Communist ideology. Rather, the Sino-Soviet ideological differences have given Rumania more opportunity for maneuver. Let us hope that in the process of change the longing for freedom which is felt in the hearts of the Rumanian people can eventually result in the attainment of true independence once again. May our expressions commemorating Rumanian indepedence remind all people behind the Iron Curtain that they have not been forgotten by the free world.

Mr. ZABLOCKI. Mr. Speaker, I am pleased to join with my colleagues in commemorating Rumanian Independence Day.

Twenty years ago—a generation—Soviet military might thrust a crown of thorns on the brow of Rumania. Since that time the people of Rumania have suffered under the domination of a Communist totalitarian regime.

In recent years there have, happily, been signs that the oppression slowly is being lifted. No longer does the Soviet Union maintain its military garrisons on Rumanian soil.

Recently too, the Rumanian Government has demonstrated some independence from Moscow, and has expressed a desire for better relations with the West.

These efforts at breaking the grip of Soviet communism over a people are to be applauded. Let us hope that they presage even further advances toward restoring freedoms to the Rumanian people.

While no concession should be made any regime in Eastern Europe which would endanger our national security or solidify the position of Communist rulers, the United States should continue to work for the betterment of the Rumanian people.

In this effort, it may be possible to explore increased trade, cultural and trade relations between people of the United States and the people of Rumania. In this way it eventually may be possible to assist the reentry of Rumania into the family of European nations.

It is that glorious time we look toward today as we commemorate Rumanian Independence Day.

Mr. LINDSAY. Mr. Speaker, each year on the 10th of May, the people of the free world commemorate a traditional Rumanian national holiday. This is the day which honors the achievement of Rumania's independence from Ottoman oppression and the founding of its kingdom. The observance by the free world is to signify to the Rumanian people behind the Iron Curtain that they have not been forgotten and will not be forgotten.

The American people share the hopes and aspirations of the Rumanian people for national liberty. On this commemoration of the 10th of May, we hope they will find new strength in their determination to celebrate the freedom and independence they rightfully earned nearly a century ago.

Mr. KLUCZYNSKI. Mr. Speaker, 20 years ago Soviet communism crushed the freedom and independence of many civilized European nations, among them the sovereign, constitutional, and socially progressive Kingdom of Rumania, established on the 10th of May 1881. Transformed into a so-called peoples republic, Rumania today is in fact a Soviet colony, ruled by the naked force and incredible terror of totalitarian tyranny. To stifle the national feeling of the people, even the celebration of the 10th of May—the traditional national holiday—has been forbidden. Today only the refugees scattered over the free world, many of them in our own country, are able to perpetuate the sacred tradition and in so doing, to draw our attention to the present tragedy and the just aspirations of their oppressed people.

As a nation conceived in freedom and committed to its defense everywhere, we Americans feel deeply saddened by the plight of the Rumanians and appreciate highly their valiant resistance to tyranny as a valuable contribution to the general struggle against the Communist menace. Let us therefore take advantage of the anniversary of the 10th of May to convey to Rumanians everywhere the sincere sympathy and the very best wishes of the American people. Let us assure them anew of our determination to pursue, with prudence of course, but with firmness, our national commitment as defenders of freedom. We consider the right of all peoples to freely choose their governments as sacred and inalienable and in the common interest of peace. Thus we cannot and will not acquiesce in their enslavement or accept the status quo as permanent. On the contrary, we are dutybound to support their strivings for freedom by all peaceful means, and express our conviction in the ultimate victory of our common efforts.

Recent developments in the Communist world add considerable substance to our hopes, especially concerning the Rumanians. A great deal has been written recently about a seemingly radical change of mind and policy by Rumania's Communist rulers, who are alleged to have become politically—but not militarily and economically—"almost independent" of Moscow, eager to put national interests above Communist allegiance and to intensify contacts with the West. Consequently the West, and our administration particularly, has decided to encourage by all means, mainly economic, the Bucharest regime in its new orientation.

We certainly welcome any change for the better in Rumania, provided it be genuine, and we wholeheartedly approve any American help, provided it improves the lot of the people more than it strengthens the Communist regime. Well knowing that it was the stubborn will for freedom of the Rumanians which compelled their rulers to make certain "concessions" to the national sentiment and national interests, we must make it clear that we do not intend to recognize the Communist regime as legitimate, or to bail it out from its self-created economic chaos simply for its own sake. Our intention is to alleviate the lot of the people and thus make them more able to assert more forcefully their will to freedom. Any confusion or misrepresentation concerning this fundamental position might tend to dishearten the Rumanians, weaken their spirit, and make our generosity self-defeating.

We must not forget, wishful interpretation of current events notwithstanding and despite the welcome release of thousands of political prisoners, that Rumania's regime continues to enforce "Socialist discipline," that is, police terror, more ruthlessly than any other regime in the Soviet camp. Would it be too much to ask the Bucharest rulers to grant at home at least the degree of freedom and respect for human rights which has become common in Poland and even Hungary? How else can they find in the West the good will, and the dollars, they so desperately need and want?

Confident that our Government is well aware of the complexities of this situation and will move with wisdom, we wish to pay tribute to the unbending spirit of the Rumanian people, who have compelled their rulers to enter upon the path of national interest. This gives us renewed confidence that the ideals of freedom and independence so eloquently symbolized by the 10th of May will once more prevail.

Mr. HELSTOSKI. Mr. Speaker, World War II and the years since the termination of this conflict have been tragic for some 17 million Rumanians in their homeland.

The 10th of May is the traditional day of independence of the Rumanian people, but in Rumania there is no joy on this day, no celebration of that glorious day of May 10, 1877, when Rumania proclaimed her independence. Today, these brave Rumanians are under the yoke of Communist subjugation and oppression and this day of rejoicing has been taken away as a right of the Rumanian people.

In 1877 Rumania proclaimed independence from Turkey, and was recognized by the European powers as an independent state in the Treaty of Berlin, and as a kingdom in 1881 under Carol I. In 1886 Rumania became a constitutional monarchy with a bicameral legislature.

The life of the Rumanian people was always one of uncertainty because of its geographic position. Rumania's location on the border of warring nations made it a frequent victim of strife. It helped Russia against Turkey during the years 1877 and 1878. It was defeated by Germany and Austria-Hungary in World War I. In World War II, Rumania was forced to join Germany against the U.S.S.R. by Marshal Ion Antonescu, a leader of the militarist movement in Rumania. In 1944, Antonescu was overthrown by King Michael with the help of the Soviets and Rumania joined the allies.

With occupation by Soviet troops the National Democratic Front, headed by the Communist Party, displaced the National Peasant Party. As a result of this change, a People's Republic was proclaimed on December 30, 1947. Under this rule, land owners were dispossessed, industrial and transportation units were nationalized and banks were taken over by the new regime. On September 24, 1952, a Soviet type constitution was adopted and Rumania, as an independent and free state was lost.

Even though Rumania is behind the Iron Curtain for a number of years now, her spirit and her wish to once again be free and independent remains undaunted.

I know that all Americans are united in the hope that Rumania and all those who have been crushed under the heel of the Soviets will some day be free again.

The question arises, since Rumania cannot clebrate her own day of independence, and is a country so far removed from the every day life of the average American—why do we, in the House of Representatives celebrate and commemorate this day?

We do this because we understand the plight of the captive nations and have many times pledged ourselves to bring back freedom to these subjugated nations. We take this time to again renew our determination that these nations will be enabled to obtain self-government, freedom and liberty, to which they have an inherent right.

We cannot forget the ordeal of Rumania and all the other captive nations under the rule of the Soviet. We should not turn our eyes away from the encroachment of Soviet domination into the Western Hemisphere. There already has been evidence of this domination in the instance of Cuba, which lies only 90 miles away from our borders. Now, the uprisings in the Dominican Republic should further alert us to these dangers.

Let us make no mistake about the intentions of the Russians. They are determined to win a total victory in the skirmishes they have launched against the United States and other free nations. There is no desire on their part to negotiate, they believe in a winner-take-all policy and are determined that they be the winner. We are forced into this game, because there is much at stake for the Western and free nations and we cannot let this game go to the Russians by default.

So, on this 87th anniversary of Rumanian independence we should again revaluate the world situation. We should again give hope and encouragement to the Soviet dominated nations and our pledge to those free nations that are subject to pressure from the Soviets that we shall continue our efforts to make this world one of free and independent nations, each with its own choice of government and leadership.

Mr. ST GERMAIN. Mr. Speaker, on this, the anniversary of the declaration of Rumanian independence on May 10, 1877, it is a pleasure to send greetings to the Rumanian people, many of them still living behind the Iron Curtain, many of them scattered throughout the world. For many centuries, the Rumanians lived under the yoke of the Ottoman Turks. But in the 18th and 19th centuries, the forces of nationalism began to awaken in eastern Europe, and the Turkish administration began to weaken. Following a number of uprisings, the Rumanian people were able to achieve independence in 1877. But that independence was precarious. For to the north and to the east, lay a giant neighbor, whose aims of dominion in eastern Europe has already become too apparent. Thus the Russian empire seized southern Bessarabia in 1877 and held this territory until the end of World War I. And in 1939, following the Soviet-Nazi pact, the Soviet Union seized Bessarabia and northern Bukovina. Today, these territories remain lost to Rumania and stand as symbols of the tyranny practiced by a far from benevolent neighbor.

The Rumanian people, however, have never lost sight of the independence that they won in 1877. While still remaining in the grips of the harsh system imposed by the Soviet Union in 1945, they have steadily worked to free themselves of external domination. Today, Rumania is increasing her trade and contacts with the West. The country is resisting Soviet economic plans to maintain her in the subservient position of a primarily agricultural nation and is rapidly building her own industry over Soviet opposition. However long the road to true independence and freedom may prove to be, the first steps have been taken. The Rumanian people are imbued with the cultural traditions of the West. I am confident that these ties to the West can never be broken. I am confident that one day the Rumanian people will regain the liberty for which they fought so hard in the 19th century.

USE OF FOOD AND FIBER PRODUCTS IN THE FOOD-FOR-PEACE PROGRAM AND DOMESTIC PROGRAMS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. STALBAUM], is recognized for 15 minutes.

Mr. STALBAUM. Mr. Speaker, I have today introduced a bill, which would permit the Department of Agriculture to use food and fiber products produced by our American farmers, even if not in surplus, for title III of the food-for-peace program and for those domestic programs for which they supply commodities.

While my prime concern relates to the foreign activities and the vital use of this production in our foreign programs, the problem was most sharply called to my attention recently by a condition which developed in the domestic food programs. My bill covers both of these areas.

On the domestic scene, a situation, arose last winter in which butter was no longer considered a surplus commodity. As a result, the use of this dairy product in certain of the domestic programs was discontinued, and, I have been informed by the Department of Agriculture this past week, will not be resumed again until July 1.

To many of us familiar with dairy production patterns, this move by the Department of Agriculture to halt the use of butter, while perhaps technically correct as to interpretation of the law, made little sense when related to normal production activities. No one denied that within a few months, as the spring flush of milk production reached the markets, we would again see a surplus of butter accumulating. Yet, the Department of Agriculture was not in a position to continue the program, even with an anticipated surplus facing them. My bill would permit the continuation of programs under those circumstances.

In the food for peace program, we find an even greater challenge. The food for peace program has now completed a full decade. We have this experience to draw upon. The program has been refined through the years and there is basic acceptance that it is working well. One and one-half billion dollars of commodities were provided through it in 1963–64. Commercial sales have grown in 1963–64 to $4½ billion, so that we now find over $6 billion of American farm production going to foriegn nations. Foreign donations, with which we are concerned here, now exceed one-third of a billion dollars.

During the 10 years the program has been in operation, we have come more and more to recognize it as an integral part of our foreign policy, rather than the original concept of being an outlet for stocks of surplus commodities. In other words, the emphasis has switched from being a mere surplus disposal program to being a basic component of our entire foreign policy. President Eisenhower, in February of 1959, 5 years after its inception, had already recognized this when he said:

> It [using food for peace] is more than surplus disposal, more than an attempt to foster ties and sympathies for America. It is an effort that I consider in full keeping with the American tradition—that of helping people in dire need who with us are devoted to upholding and advancing the cause of freedom. It is an undertaking that will powerfully strengthen our persistent and patient efforts to build an enduring, just peace.

In 1963, then President Kennedy emphasized this point even more strongly, when he said:

> We make a grave mistake if we regard food for peace as merely a program for disposal of surplus commodities instead of an opportunity to utilize our agricultural capacity to encourage the economic development of new and developing nations. Food for peace is an increasingly important tool of American foreign policy.

President Johnson in his farm message this year said:

> The food-for-peace program is good international policy and it is sound economic policy. Food is a powerful weapon for peace. People who are hungry are weak allies for freedom. Men with empty stomachs do not reason together.
>
> We broadened the food-for-peace program last year and are continuing to study ways to broaden it further. Food shipments under this program help to expand it by building food habits which increase the demand for U.S. products * * *.
>
> This same program has also strengthened growing economies, contributed to rising standards of living, promoted international stability, and literally saved lives in many less developed countries. Our agricultural resources are thus making a significant contribution to the prospects for peace in the world.
>
> To make this food aid most effective, we plan to gear our food-for-peace programs more specifically to the needs of recipient countries and their economic development programs. We may need more flexibility to assure proper nutritional balance in these programs, particularly as they relate to child feeding.

Recognition of this has been noted in other recently introduced bills. Senator NELSON, of Wisconsin, and Senator MONDALE, of Minnesota, along with Wisconsin's Congressman KASTENMEIER, have introduced legislation to liberalize the concept of the term "surplus" in providing food commodities, in assisting "needy persons and social welfare and nonprofit school lunch programs in friendly foreign nations."

Senator McGOVERN, of South Dakota, has introduced legislation relating to the purchase of dairy products for the various programs normally receiving surplus commodities when there are insufficient stocks in the hands of the Commodity Credit Corporation. I am pleased to see others who are interested in the well-being of American agriculture recognizing this problem and the efforts they are making toward a solution through this legislation which they have introduced.

Experience has shown that food for peace serves a valuable purpose in the total assistance effort in a country. Accordingly it is recognized both by countries receiving assistance and by AID missions to these countries as a significant part of their programs. Nearly 100 million people in over 100 nations benefit directly from the creative use of the farm production here in America, which we have not been able to use domestically. Millions more benefit indirectly from this food and fiber. When it is recognized that the United States spent, in 1962, nearly $400 million simply to store its accumulated farm surpluses, it is far better that these be put to use, to feed those who need food throughout the world, than to merely pile it up in warehouses.

It has been long recognized that the ability to provide an adequate food supply for a nation precedes other economic and industrial development. This was true in our own Nation in the late 19th century. While we normally think of developing the food production through technological assistance and advances among the friendly nations, the point cannot be overlooked that through the use of our food commodities to these people we can, to a limited extent, release labor normally required to produce food and fiber for other economic activities. Our food programs in this manner are certainly playing a role in the industrial and economic development of these people.

Recognizing the value of the program as proved by its 10-year history, it is time that we start thinking about removing the shackles of limiting this program only to those items which must first meet a rule of surplus. As a part of our policy in dealing with other nations, the use of food is sound. Let us move away from the limitations we have had in the past. It is to give thought in this area that this bill is being introduced.

UNDERMANNED DISTRICT OF COLUMBIA POLICE FORCE IS AN OPEN INVITATION TO CRIME IN WASHINGTON

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 30 minutes.

Mr. **PUCINSKI**. Mr. Speaker, there has been considerable discussion during the past few days about crime in Washington, D.C. President Johnson has suggested an increase in the police force as one possible solution.

I should like today to review the critical situation in which we have placed our Washington, D.C., Police Department and the real emergency that we face on our city streets here in the Capital of the United States. I believe my analysis may help show how completely right the President is in his plea for an increase in the District police force.

The crime rate soars and we refuse to face the problem. Our District of Columbia police force is seriously handicapped because it is understaffed and poorly financed. I hope this analysis will help show that our District police are doing a monumental job under most difficult conditions.

What does this mean in terms of personal protection in the precincts? We shall readily see that in order even to start on the colossal job ahead, the District police force will need at least 3,000 more men and possibly even more.

The problem here in Washington is that too frequently a great number of details combine on a single day and reduce the number of men available for actual police patrol to a point which literally prohibits effective police work. To illustrate this point, I selected a random date: October 5, 1964.

A number of details during that day, including a parade, reduced the number of men available for actual police work for each of the 2 night shifts throughout the entire District of Columbia to 150 men.

On this day, during the hours from 4 in the afternoon until 8 in the morning, when the hourly crime rate is at its maximum, there were only 150 men available for the protection of more than 800,000 citizens.

In terms of police precincts, this means that precinct 7, which is Georgetown, with a population of 35,000, had only 7 men available for patrol.

Precinct 10, which contains a large part of the inner city of Washington, with a population of 80,000, had only 14 men on duty throughout the night.

Precinct 11, which is on the east side of the Anacostia River, is representative of the situation. This area of 8 square miles has a population of 105,000. On the night of October 5, there were only 10 men available for patrol.

On an average night, precinct 11 would expect at least two housebreakings, a robbery, a car theft, an assault, and four or five miscellaneous incidents requiring investigation, such as a fight, a missing person report, an ambulance emergency, or any number of crises occurring in police precincts in large cities throughout the country.

In addition to crimes actually reported for Washington, there are numerous traffic accidents, which all have to be investigated.

The point of all this is that because of a fantastic shortage of manpower, the handful of men available to each precinct, no matter how dedicated, no matter how efficient, can do very little more than answer complaints. There is virtually no time available for crime prevention or intensive investigation.

Society encourages crime and prevents the enforcement of law with its apathy toward this manpower shortage. Precinct 11 was virtually without police protection on the night of October 5—a date selected purely at random—and precinct 11 is typical of Washington, D.C.

Mr. Speaker, I believe that the crime problem in Washington is not much different from the crime problem throughout America, but we in Congress have a special obligation to deal with the problem here, if for no other reason than to provide adequate protection for the people of the District, as well as the thousands of our constituents who visit here every year.

The President has voiced his concern and this Congress is now considering various programs for combating lawlessness. Prevention of crime and protection of the individual have many facets.

Considerable emphasis of current proposals is on attacking the source of crime by rehabilitating the potential criminal and providing him with the means to become a successful, productive member of society. However, confident as we are of the eventual success of these long-range programs, we cannot ignore the citizen's frontline of defense, the Nation's police departments.

Throughout America we face a crisis and nowhere is this crisis more imminent than here in the District of Columbia. Robbery and automobile theft—the best barometers of crime because they are always reported—are up 30 percent and 56 percent, respectively, in the last year.

While the crime rate soared and the population in 1964 continued its climb to 800,000 inhabitants of the District of Columbia, the authorized strength of the District police force remained at 3,000 men and actual strength declined from 2,901 to 2,888.

Careful analysis of these manpower figures further reveal that losses owing to weekends, annual vacation, sick leave, special details, time lost in court and hearing appearances, and administrative needs substantially reduce the number of men available for patrol at any given time.

The main thrust of my remarks today is to show that while we have 2,888 policemen assigned to the District, when you take into consideration all of the facts cited above, then divide the remainder into 3 shifts daily, you have practically no policemen for investigative or preventive police work at the precinct level.

Our present shortage of policemen is an open invitation to crime in the District of Columbia.

A minimal figure of only 449 men out of almost 2,888 on the District force are assigned to necessary administrative posts. This leaves 2,439 policemen available for nonadministrative assignments.

But, of these remaining 2,439 men, fully 1,097 are unavailable for patrol duty on any given day for the following reasons:

The 5-day week accounts for a loss of 819 men daily—as their respective day off comes up.

Annual leave accounts for a loss of 156 men daily.

Sick leave averages out to a loss of 111 men daily.

Military leave and other reasons account for a loss of 11 men daily.

This totals an average of 1,097 men necessarily absent on any given day.

An additional 27 patrolmen are tied up per day to appear in court and hearings, and fully another 131 police officers, on the average, are detailed to such things as Capitol Police, sports events, protection for the President, protection of Federal buildings, protection for foreign dignitaries, flower shows, boat shows, parades, festivals, rallies—the list is endless.

Thus, special details, court and hearings, and sanctioned absences for official reasons further reduce police manpower available on any given 24-hour period to 1,198 for the entire District of Columbia.

But even this is not the final figure of men available for general police work. The total is further reduced because 119 are assigned to traffic division and 41 are assigned to youth aid division which processes juvenile offenders and coordinates the activities of the police department and the juvenile court.

This leaves 1,030 men available for criminal investigation with the detective and morals division, and patrolwork in the precincts.

This number is then divided by the number of shifts—3 during a 24-hour period—to obtain the number of men actively engaged in crime prevention and detection, as well as citizen protection, at any one time.

Mr. Speaker, we have an average and, mind you, this is often greatly reduced owing to the need for policemen at special events, we have an average of only 340 men available for patrol at any given time in a city of 800,000 people.

During the day shift, the figure is further reduced by the number of policemen assigned to school crossing duty where the crossing guard fails to report to work or where there is no crossing guard regularly assigned. A policeman assigned to a school crossing is lost to his commander for virtually the entire day shift because he cannot afford to get started on any other detail in between his school crossing assignment.

The odds in Washington against an officer encountering a robbery or any crime of violence while in progress are astronomical, when you consider how tragically undermanned the average police precinct is during any period of the day or night in the District of Columbia.

Lest you think this situation is attributable to the inefficiency, lack of dedication, or simple inertia of our police force, let me describe a not untypical day in the life of our policemen here in Washington.

Last October 5—the random day I selected for this study—President Macapagal of the Republic of the Philippines was honored on his State visit by a parade down Pennsylvania Avenue. The close friendship between the United States and the Republic of the Philippines was celebrated, and the President's visit was a striking success. However, this victory for American diplomacy demanded a police detail of 200 men. These men controlled the crowds and helped protect the President for 3½ hours in the afternoon; then some of these same officers had to report back to their precincts to finish work that had yet to be done. It is pertinent to note that because the Police Department is not authorized to pay overtime, these men were required to work nearly 12 hours and were paid only for 8. How in the world can we expect peak efficiency and also to attract new recruits to the police force under these conditions?

I believe we have an excellent force of policemen in the District. The fact that they are able to keep crime contained as they do against such overwhelming odds is a tribute to their dedication and devotion to public duty, but they need help.

The deplorable situation of our Nation's law enforcement agencies is not due to anything less than the failure of our citizens and the Congress to provide the manpower, equipment, and cooperation necessary to do the job. The police are understaffed, underpaid, overworked, and often held in contempt and rebuked by the very citizens who demand the most protection.

Here in the Nation's Capital, demands on Chief Layton and the District Police Department are particularly great. They have all the problems peculiar to a capital city—tourists, visiting dignitaries, and special events—as well as the police problems of a great urban center.

We ask the District police to do a first rate job in two areas, and deny them the financial support and public cooperation that would enable them to accomplish their task.

The increase of 100 men approved by the Appropriations Committee is a beginning, but we cannot be satisfied with this modest start. The salaries for this increase in manpower will total $600,000 a year, and expenses for recruiting and training will raise this figure. The result of this will be 100 rookie policemen.

Investigation has shown that an additional investment of $325,000 can give us an additional 100 badly needed veteran officers. This money would be used to replace 50 officers now involved in school crossing work, with 50 part-time employees. These part-time crossing guards, most of whom are women, cost the city $1,200 apiece per year. The policemen they replace cost $6,000 per year. These 50 part-time crossing guards will cost $60,000 and will free 50 police officers for patrol work in the precincts who would cost at least $300,000 to hire and train.

Fifty additional men could be released immediately for patrol duty through the hiring of 50 civilian and clerical staff employees with a similar saving. Thus we can gain 100 experienced police veterans as soon as we are ready to face up to our responsibilities and appropriate the minimal sum required.

Another program which deserves our increased support is the police cadet program. This allows the potential police officer to begin training and earning a salary between the ages of 17 and 20, when interest is at a maximum, and qualifications as a full-fledged officer is not possible because of the minimum age requirement of 21.

Not only is this program a tremendous help in recruiting, but cadets are qualified to replace officers in certain jobs in the station houses which civilians cannot perform. The present program should be doubled within the year from 25 to 50 cadets, and ought eventually to be increased to 150 positions.

The injustice of the present system of nonpayment for overtime is obvious. We cannot expect to keep qualified, capable men in our police force if we do not recompense them equitably for all we demand of them. We must authorize payment for overtime work; to do less is to expect less. And the Nation's Capital cannot afford to maintain inadequate protection for the millions who come here yearly who have a right to adequate police protection in their Nation's Capital let alone those who have residences within the city limits.

Mr. Speaker, the Congress has the responsibility for providing the District with superior police protection. By seizing the initiative in this area, we can set an example for municipalities throughout America by emphasizing the need to aid and strengthen our police forces in their efforts to protect the individual citizen and his property.

Mr. Speaker, the problem is serious and pursuit of the solution will be long and difficult. We can make a substantial beginning by appropriating the necessary funds. I urge my colleagues to accept this commitment to our Capital City. I urge them also to join President Johnson in giving Washington, D.C., a first-class police force, which will serve as a model for the entire Nation.

ISRAEL INDEPENDENCE DAY

The SPEAKER pro tempore. Under previous order of the House the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, last Friday we were privileged to celebrate the 17th anniversary of the rebirth of Israel as an independent member of the family of nations. After a hiatus of nearly 2,000 years, the age-old dream of the children of Israel was fulfilled in 1948, and it is heartening to report that the achievements of this brave people since that time provide an instructive and moving example of the virtues of patriotism, hard work, and free, democratic government.

The achievements of this small state in the short span of 17 years approach the miraculous. I should, however, like to be specific in one area where the accomplishments of Israel have been particularly notable. This is the field of education, which is the means whereby this new state has welded a diverse population of many national origins into a united whole.

Despite the heavy burden which unlimited immigration, extensive development programs, and essential expenditures for defense have placed upon the economy, a complete educational system from free and compulsory elementary schools to universities which have received world recognition has been created.

From a total school enrollment of about 130,000 in the school year 1948–49, the educational system now handles between 650,000 and 700,000 students per year. Children are permitted to attend either religious or general schools at the discretion of their parents, both of which are financed by the government for all children between the ages of 5 and 14. One of the marvelous things about Israel is that this education is equally available to the Arab minority, among which school attendance has increased tremendously since the days of the mandate.

One of the most important factors in Israel's progress has been her ability to train scholars, scientists, and technicians and professional men of the highest caliber. There are, as a result, a number of first-class institutions of higher learning in Israel, some of them dating back to the first days of the development of the modern Jewish community. The Technion, for example, was founded in 1912, and the Hebrew University only a few months after the liberation of Palestine from Ottoman rule.

The Technion, the Israel Institute of Technology, is the oldest institution of higher learning in Israel. It trains the great number of engineers, technologists, architects, and applied scientists which the country needs to carry forward its extensive programs of development. In 1948 it had only 678 students; today there are more than 2,500 students in the undergraduate division alone, and the total for all degrees and in all departments is over 8,700.

The Hebrew University has experienced an almost similar growth rate; in 1948 it had only 1,000 students, whereas today the number is over 9,000. It has just moved to a new campus at Vivat Ram after many years in temporary buildings, and has also opened branches in Rehovot, Tel Aviv, and a new medical school at Ein Kerem in Jerusalem.

For those interested in studying in greater depth the history, religion, and culture of the Jews there is a religious university, Bar-Ilan University, located near Tel Aviv, which although founded only a few years ago already plays host to over 1,100 students.

And, there are numerous other educational facilities, a short list of which would include the municipal university of Tel Aviv, the many teachers training colleges, adult education institutes, schools for trade union leaders, and institutions of advanced studies. A full listing would also have to include the yeshivot or talmudical colleges, where over 12,500 students are enrolled.

Indeed, this emphasis on the importance of education has helped to mold Jews from the most diverse backgrounds imaginable to a nation with the highest literacy rate in the Middle East, the most technically skilled population, and undoubtedly the most socially conscious. The importance of Israeli education has received such recognition from students in Africa and Asia that more than 1,500 from these areas have picked Israel as the place to obtain their education. These students, and the aid program which Israel has been able to mount because of the many skills her people possess, has been an important factor in many of the newly-independent states. Many of the African countries look to independent Israel as a example, and as a source for the technical skills which so many of them desperately need.

In addition, Israel's balance of private enterprise and state capitalism is especially attractive to many of these same countries, for the experience of its people in establishing an economically progressive state with phenomenal industrial and agricultural development in the short space of less than two decades is especially relevant to their own situation. It also provides a meaningful illustration of how a high standard of living can be achieved without sacrificing important human values, democratic government, and the ideals of justice and freedom to which all peoples strive. At the same time, it also illustrates that representative democracy, involving parties of every conceivable political shade is not only a viable but also effective alternative to the one-party state when it comes to managing a new country.

It is quite obviously no exaggeration to say that Israel has already left her mark upon the world. She has become an important ally of the West in what has become known as the "battle for men's minds" in the many new countries of Africa and Asia. For this, we are most grateful, for every example of the application of the ideals for which we stand is an important factor in the struggle between East and West.

I therefore extend my most heartfelt congratulations to the people of Israel on their 17th anniversary. I am convinced that the achievements of these years is simply an indication of the progress yet to be achieved, and a preface to an even finer future.

GENERAL LEAVE TO EXTEND

Mr. LOVE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of Rumanian Independence Day, following the remarks of the gentleman from Ohio [Mr. FEIGHAN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INTEREST RATES RISE AS MONEY TIGHTENS—83 DEMOCRATS EXPRESS CONCERN OVER THREAT TO NATION'S ECONOMIC WELL-BEING

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PATMAN. Mr. Speaker, I am very pleased to announce that the April 13 meeting of the Unofficial Steering Committee of House Democrats To Oppose Any Increase in Interest Rates on Long-Term Government Bonds was most encouraging. The sole purpose of this committee is to support the Democratic platform pledge for reasonable interest rates and to prevent any tinkering with the 4¼-percent interest rate ceiling on long-term Government bonds on the statute books for over 45 years.

Interest rates are vitally important in two overall aspects. First, it is impossible to have a healthy, growing economy without an adequate supply of credit at a reasonable interest cost. Second, since the Government must pay interest on the national debt out of money contributed by the taxpayers, it is important that interest costs to the Government be kept as low as possible. In this way more public funds will be available for production and social projects such as housing, roads, small business, and assistance in eliminating poverty.

We have 88 enthusiastic Democrats on our committee from 37 States and the number grows daily. Our attendance at this first meeting was excellent. I had the honor of being elected permanent chairman. A number of officers will be elected very shortly. We will soon visit with representatives of the White House, including the new Secretary of the Treasury, Mr. Fowler, and the Chairman of the President's Council of Economic Advisers, Mr. Ackley.

At the April 13 meeting the question arose from several Members on why it is so urgent that our steering committee organize and become active at this particular time. You do not have to look far or hard for the answer. The facts are these—the Federal Reserve first tightened up on credit last August, raised the rediscount rate by almost 15 percent last November and, at this very moment, the Fed is engaged in another turn on the monetary screws. These drastic moves can have only a severe dampening effect upon our unprecedented prosperity, now entering its fifth year. Indeed, our steering committee has grave cause for concern, as upward pressures on interest rates are everywhere to see. Bank reserves are at their lowest in 5 years, bank loans to businessmen are harder to come by and more expensive, interest rates are at their highest in 30 years and long-term Government bonds—bellweathers of the money market—are fluctuating below par, which is a strong sign that money is growing ever tighter. If the Federal Reserve would support Government bonds, then the pressure would be off interest rates and bank reserves at the same time. However, they are leading us steadily toward an economic abyss.

Following are a number of news items on recent moves to raise interest rates and the harmful effects that will result:

"January Orders of Machine Tools Trailed December," Wall Street Journal, February 26, 1965.

"First National City Bank Urges Economic Tightening; Curbs on Credit Supply Growth," American Banker, March 16, 1965.

"Housing Is a Soft Spot in the Economy," New York Times, March 21, 1965.

"Hagemann Sees Second-Half Increase in Interest Rates," American Banker, March 25, 1965.

"Nation's Banks See Continuing Loan Rise, But at Slower Pace," American Banker, March 25, 1965.

"Troublesome News Complicates Pricing of Bond Offerings," Daily Bond Buyer, March 29, 1965.

"Nation's Money Supply Rises at Reduced Rate of 0.7 Percent Annually," Daily Bond Buyer, March 31, 1965.

"Factory Orders Dip; Shipments Also Fall Slighty for Month—Inventories Up," New York Times, April 1, 1965.

"Government Market Eases in Dull Trading Session," Daily Bond Buyer, April 2, 1965.

"One Hundred and Nine Million Dollar Deficiency Reported for Banks' Average Reserves," Daily Bond Buyer, April 2, 1965.

"Potential Credit in Week Declined to a 5-year Low," Wall Street Journal, April 2, 1965.

"Squeeze Hits Banks as Fed Curbs Credit," Journal of Commerce, April 9, 1965.

"Business Inventories Climbed $330 Million in February, Slimmest Rise Since August," Wall Street Journal, April 9, 1965.

"Lendable Cash of Banks Fell Again in Week; Possible Further Credit Tightening Hinted," Wall Street Journal, April 9, 1965.

"Credit Curbs Seen by Some Bankers," New York Times, April 9, 1965.

"Reserve Deficiency Largest Since 1960; Sixth Week of Deficit," Daily Bond Buyer, April 9, 1965.

"Federal Reserve Action Tightens Money Policy," Washington Star, April 11, 1965.

"Chicago Bank Sees Drop in Business Loans From Big First Quarter Volume," Daily Bond Buyer, April 13, 1965.

"Week's Credit Supply Held at 5-Year Low, Indicating Federal Reserve Kept Tight Rein," Wall Street Journal, April 16, 1965.

"Broker's Loan Rate Raised to 4¾ Percent by Four Big Banks; was 4½ Percent Since 1960," Wall Street Journal, April 16, 1965.

"Higher Charge for Loans to Stockbrokers Is Announced by Two More Major Banks; Higher Prime Rate Wanted," Wall Street Journal, April 20, 1965.

"Treasury Bills Rate Rise; 6-Month Issue Over 4 Percent," Daily Bond Buyer, April 20, 1965.

"Federal Reserve Continues to Curb Credit by Constricting Supplies of Lendable Cash," Wall Street Journal, April 23, 1965.

"Growth in Installment Loans Declining Since February, Washington Analyst Says: Retailers Complain General Credit Clampdown Might Deflate Their Sales," Wall Street Journal, April 29, 1965.

"Fed Restricts Funds of Banks; for Ninth Week in Row Fed Kept Banks in $130 Million Deficit Position in Funds for New Loans and Investments," Journal of Commerce, April 30, 1965.

THE 89TH CONGRESS UNOFFICIAL STEERING COMMITTEE OF HOUSE DEMOCRATS TO OPPOSE ANY INCREASE IN INTEREST RATES ON LONG-TERM GOVERNMENT BONDS, AS OF MAY 6, 1965

Alaska: Mr. Rivers; Arizona: Mr. Udall; Arkansas: Mr. Trimble; California: Mr. Brown, Mr. Burton, Mr. Cameron, Mr. Cohelan, Mr. Corman, Mr. Dyal, Mr. Edwards, Mr. Hanna, Mr. Hawkins, Mr. Holifield, Mr. McFall, Mr. Moss, Mr. Roosevelt, Mr. Roybal, Mr. Sisk, Mr. Van Deerlin, Mr. Charles H. Wilson; Colorado: Mr. McVicker; Delaware: Mr. McDowell; Florida: Mr. Pepper; Georgia: Mr. Mackay, Mr. Stephens, Mr. Weltner; Hawaii: Mr. Matsunaga, Mrs. Mink; Idaho: Mr. White; Illinois: Mr. Annunzio, Mr. O'Hara, Mr. Ronan; Indiana: Mr. Madden; Iowa: Mr. Hansen, Mr. Schmidhauser; Kentucky: Mr. Perkins; Louisiana: Mr. Morrison; Maryland: Mr. Friedel; Massachusetts: Mr. O'Neill; Michigan: Mr. Diggs, Mrs. Griffiths; Minnesota: Mr. Karth, Mr. Olson; Missouri: Mrs. Sullivan; Nebraska: Mr. Callan; Montana: Mr. Olsen; New Jersey: Mr. Daniels, Mr. Helstoski, Mr. Krebs, Mr. McGrath, Mr. Minish, Mr. Rodino, Mr. Thompson; New York: Mr. Bingham, Mr. Multer, Mr. Ottinger, Mr. Resnick, Mr. Ryan; North Dakota: Mr. Redlin; Ohio: Mr. Ashley, Mr. Gilligan, Mr. Vanik; Oklahoma: Mr. Johnson, Mr. Steed; Oregon: Mrs. Green, Mr. Ullman; Pennsylvania: Mr. Barrett, Mr. Craley, Mr. Dent, Mr. Green, Mr. Holland, Mr. Nix, Mr. Rhodes, Mr. Rooney; Rhode Island, Mr. St Germain; South Carolina: Mr. Dorn, Mr. Gettys; Tennessee: Mr. Evins; Texas: Mr. Gonzalez, Mr. Patman, Mr. Wright; Washington: Mr. Hicks, Mr. Meeds; West Virginia: Mr. Kee; Wisconsin: Mr. Kastenmeier, Mr. Race, Mr. Reuss; Wyoming: Mr. Roncalio.

Eighty-eight Members from thirty-seven States.

TAXPAYERS IN NEARBY PRINCE GEORGES COUNTY, MD., PAY $1 MILLION TRIBUTE TO FEDERAL RESERVE BOARD HIGH-INTEREST POLICIES BACKED BY WALL STREET BANKERS

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PATMAN. Mr. Speaker, it is high time that we faced the fact that all across our land money is getting tighter and interest rates are rising. This is not good news for businessmen, consumers, and, most of all, for communities which must borrow millions at a clip to finance such expensive, but absolutely necessary, civil improvements such as schools, highways and streets, sewers and other projects. We are all dependent upon the money market, and particularly the commercial banks, for our financing needs whether we want to buy a home, automobile, boat, and, most of all, new public improvements.

I have said before that tighter money and high-interest rates are a recipe for recession, and very few will disagree with me. The cause of this latest flirtation with economic disaster is the Federal Reserve's irrational addiction to ever-higher interest rates, which in recent weeks has resulted in tighter money, higher borrowing costs, and an uncertain bond market. The recent unpleasant and ominous experience of nearby Prince Georges County, Md., just across the District line from where we sit, as reported in the March 3 Washington Post, is a good example of what I am talking about. The bond counselor for Prince Georges County said that the county was caught by "an unfortunate change in recent weeks." What he is talking about, of course, is the Federal Reserve open market operations to tighten up our money supply. As a result, Prince Georges County residents will have to pay an extra million dollars in interest costs just on this one bond offering over and above the previous rate mentioned in the article.

Now all this talk about tight money and interest rates is not just idle chatter on my part; far from it, because just within a matter of weeks after experiencing the interest rate debacle the Prince Georges County Commissioners, as reported in the Washington Daily News of April 28, are raising the property assessment 11 cents, a hefty increase in the citizens' tax burden. So, when interest rates go up, there is always a predictable burden on the average citizen in his annual tax bill. This will always result. The Prince Georges example may very well be multiplied 10,000-fold in every congressional district in all 50 States before the Fed's latest tight money campaign runs its course and triggers recession, a rise in unemployment and poverty, and requires more Government programs.

The newspaper articles follow:

[From the Washington (D.C.) Post, Mar. 3, 1965]

INTEREST RATE RISES ON COUNTY'S BONDS

Prince Georges County sold $18.3 million worth of school and road bonds yesterday at an interest rate of 3.234 percent, a higher rate than on its last two yearly sales.

The interest rate, averaged over the 25-year life of the bonds, was also markedly higher than the 3.06 percent rate obtained by Montgomery County on $10 million in bonds January 12.

The low bid was made by Chase Manhattan Bank & Associates, one of six bidders.

This year's interest rate is slightly higher than last year's 3.136. The county obtained its lowest rate, 3.019 percent, 2 years ago.

Bond Counselor Edward O. Clarke of the Baltimore firm of Smith, Somerville & Case, said Prince Georges was caught by "an unfortunate change in recent weeks."

"From what our bond counsel has told us," Acting Commission Chairman M. Bayne Brooke said, "the bond market has been off during the past month and compared with other comparable sales we did very well indeed."

Moody's Investors Service Bond Survey, which reports nationally on municipal bond sales, reported last month that after yesterday's sale, the per capita debt in Prince Georges would be $299 and the total indebtedness would be 11.4 percent of the total assessed valuation.

"These ratios, while not low, are amply protected by the rising tax base," Moody's said.

[From the Washington (D.C.) Daily News, Apr. 28, 1965]

UP 11 CENTS PER $100: PRINCE GEORGES HIKES TAX RATE

Prince Georges property taxes will go up 11 cents—to $2.79 per $100 assessment—in June to finance the $95.4 million budget adopted yesterday by the county commissioners.

Original spending requests from department heads would have hiked taxes nearly 40 cents, but the commissioners trimmed away $1.8 million and found nearly $1.5 million in new revenue and savings. Last year's budget was $81 million.

The continuing boom in the county, one of the fastest growing areas in the Nation, hiked property values from $1.316 to $1.551 billion last year, adding more than $3 billion in tax receipts.

In their 6-week study of the budget, the commissioners cut $1.1 million from school requests; $250,000 from police spending (despite adding the 46 officers); $150,000 from roads; and $80,000 from the county hospital subsidy.

Actions by this year's legislature will give the treasury an extra $1 million from a property sales levy increase, and $390,000 in additional State education aid. A new insurance program will save $36,000 on premium payments.

Takoma Park will pay a $2.77 property rate, reflecting a 2-cent allowance for the city's own library system.

ROLLCALL NO. 99

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Brademas] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I was unavoidably absent for rollcall No. 99, the Health Research Facilities Act. I was on my way back to Washington from New York City where this morning I was chairing hearings of the General Education Subcommittee of the Committee on Education and Labor on H. R. 7177 and related bills to extend the Juvenile Delinquency and Youth Control Act of 1961.

Had I been present for rollcall No. 99, I would have voted "aye."

THE PROBLEM OF SILVER AND COINAGE

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. Baring] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BARING. Mr. Speaker, there has been a great deal of discussion in recent months about the problem of silver and the coinage. Much has been said in this body, and much has been said in the Nation's press.

For many months the Treasury Department has been conducting a study, and it is sincerely hoped by all concerned that the Department's recommendations will be sent to the Congress as soon as possible.

We have heard a great deal of talk about how our silver stocks are dwindling, and the Treasury has been warned that if a change is not made soon in the silver content of our coins, we will run out of silver in a few years. Some have gone so far as to recommend that all silver be removed from our coins so that Treasury stocks and new production would be available for industrial uses. Some have even gone so far as to maintain that silver is too precious a metal to be used in our Nation's coins. Yet these same people do not find silver too precious to be used in knives and forks, although such use can hardly be called a critical national defense need.

When listening to these arguments, I suggest that my colleagues ask themselves the question, "What is the most important use of silver?" Certainly we need silver in the manufacture of photographic materials, in solders and brazing alloys and in electrical and electronic products. In 1963 space and defense applications consumed at least 8.5 million ounces. The use of silver in the fabrication of sterling and plated ware is an important application, although no one would seriously regard it as the most important use of this precious metal.

I firmly believe—and I am convinced that this belief is shared by millions of Americans—that one of the most important uses of our silver, if not the most important, is its use in our coins. The fact that the American citizen knows that his dime, his quarter and his half dollar contain silver gives him confidence in these coins and confidence in our entire monetary system. Some jeer at this, pointing out that there is as much confidence in a $10 bill as there is in a dime, which by virtue of its silver content has intrinsic value. Some say there is no logic to this belief; some call it emotionalism or old fashioned. Perhaps, but the attitude of the American citizen toward his money is of vital importance in today's economic world as it has been throughout the history of our Republic.

Many of my distinguished colleagues from the West have expressed this view far better than I, and what has been the answer? Some have said that the feeling for sound money, the love of silver money, is a vestige of the past and is only reflected by the people in the West where much of our silver is mined today. There is no doubt that we in the West have been more outspoken on this subject, but I do not believe our citizens in other parts of the country would support the complete removal of silver from our coins. I have had collected for me some editorials from newspapers published in some of our non-Western States. which substantiate this view. Some of these papers are large and some are small.

Here is a quote from an editorial in the Lakeland, Fla., Ledger of March 4, 1965:

> The Ledger suggests that U.S. mints be operated to serve the public at large, and not cater to the special interests of a relatively few persons. We submit that these two reforms alone—elimination of the mint mark and of the date from the design of coins—would go a long way toward solving the coin shortage. Perhaps enough, even, to permit the continued use of unadulterated silver. We believe that a sudden change to some base metal or plastic in our dimes, quarters, and half-dollars would have a bad psychological effect on the public respect for all U.S. currency.

An editorial from the Atlanta, Ga., Times of March 28, 1965:

> With the continuing devaluation of the American dollar through inflation, and the ever-upward spiral of wages and prices, it is a questionable action to remove silver from our coins.

Here is a quote from the Greenfield, Ind., Reporter of January 30, 1965:

> The feel, the sound, the sense of value and security in our present coinage are important roots of our American stability. Real silver money will help us retain our self-respect both at home and abroad.

From the Baton Rouge, La., Advocate of February 4, 1965:

> The public has been accustomed to the idea of some coins, nickels and pennies, being made of different kinds of metals.
>
> Coins of a different metal would buy as much or as little as they now buy. But the appearance of the coins, and ultimately the psychology of their users, still must be considered. These considerations favor an eventual reduction of the amount of silver in small coins rather than elimination of its use.

Here is what the Niles, Mich., Star said on March 22, 1965:

> If the coinage is to be stripped of its silver, then Washington may be assaulting the faith of the American people to continue to believe in the progress of this economic system.

One of the most significant editorials that has crossed my desk is from the April 5, 1965, Watertown Times, of Watertown, N.Y. It is entitled, "Keep Silver in Coins," and I would like to present it to you in its entirety:

> Disturbing the present composition of silver coins, which has existed since 1792, is considered dangerous, despite a necessity to relieve the shortage, one which becomes more serious year after year. So far no corrective measures have been undertaken. Suggestions have been made that the composition of the coins be drastically changed so that there will be less silver used.
>
> Simon D. Strauss, vice president of the American Smelting & Refining Co., had some interesting remarks to make in a speech before the New York Society of Security Analysts. He is emphatically opposed to abandonment of silver coins in favor of some other metal that is less scarce.
>
> Mr. Strauss warns: "The lesson of history is that when currency of intrinsic value disappears completely from the monetary system, in due course the currency of that nation loses substantially all of its value. This was true as far back as the ancient Greek city-states and the Roman Empire; it was true of Germany, Japan, and Italy as recently as World War II."
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> Mr. Strauss pointed out that the United States has inherited a coinage that has survived unchanged since 1792, adding: "In that year when Alexander Hamilton, the first Secretary of the Treasury, asked Congress to authorize the minting of coins containing 90 percent silver and 10 percent copper, he hit upon a composition that has met all the tests of a satisfactory coinage. Silver coins are attractive, durable, hard to counterfeit, and meet the psychological need of the public for a coinage of real value that carries the ring of authenticity."
>
> The Government needs to find other means to relieve the silver shortage than to reduce or eliminate entirely the amount used in the composition of the silver coins. There is little question that once the public is told of plans to distribute new coins without silver, hoarding of the silver coins will move at a much faster pace and eventually none will be found in circulation.
>
> Disturbing the present composition of the silver coins is dangerous, and any idea of making a drastic change should be abandoned. Other avenues must exist to find a way out to relieve the shortage. Eventually, the Government will unearth a plan but in the meantime it must realize that the risk is too great to tamper seriously with the present composition of our silver coins.

Mr. Speaker, there is no need to remove silver entirely from our coinage. Certainly the silver content must be reduced, but it is vital that some silver be retained in our coinage. By reducing the silver content to one-third, the Treasury's silver reserve for coins would be approximately tripled. There are some 1.9 billion ounces of silver currently outstanding in coins. Many of these coins will be recovered over the years ahead, and this silver can be used for new lower content coins. The producers of silver have announced new production increases within the next 4 years which would increase free world silver production by 18 percent.

This new production along with present Treasury reserves and silver obtained from melting present coins will provide a long-term supply of silver for our Nation's coin needs as well as the needs for industry and the arts.

A BILL FOR THE DEVELOPMENT OF WATER SYSTEMS IN RURAL AREAS

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. BANDSTRA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BANDSTRA. Mr. Speaker, I am today introducing a bill that would establish, under the Farmers Home Administration, a program for Federal grants to aid in the development of water systems in rural areas.

An adequate water supply is one of the greatest needs of rural America. A small community in a rural area may possess good sites for industrial development, good transportation, good communications, and good government.

However, if it lacks an adequate and dependable water supply, the community cannot hope to keep up with the economic growth taking place in so many parts of the Nation.

Past experience has shown that the Federal Government can play an important and constructive role in promoting rural development. The Rural Electrification Administration, for example, has demonstrated that it is possible to bring the power resources of an industrialized society to rural areas.

The purpose of this bill is to make sure that small towns and farming areas have the opportunity to make the most of their water resources and to share in America's economic growth.

The bill would amend the Consolidated Farmers Home Administration Act of 1961, as amended in 1962 by Public Law 87–703 and Public Law 87–798.

The bill, first of all, provides for the authorization of Federal grants totaling up to $25 million in any fiscal year to help finance projects in rural areas for the storage, treatment, purification, or distribution of water.

These grants would be available to public or quasi-public agencies and nonprofit corporations for development of water systems in areas where there is a community of less than 5,000 population.

Secondly, the bill would authorize Federal grants of up to $5 million in any fiscal year for comprehensive planning in the development of rural water systems.

A similar bill, S. 1766, has been introduced in the Senate and has gained strong support there. I am hopeful that my fellow Members in the House of Representatives will recognize the need for this legislation.

SENIOR CITIZENS MONTH

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OTTINGER. Mr. Speaker, on April 10 President Johnson proclaimed May 1965 as senior citizens month. In his proclamation, the President stated:

> It is a time dedicated to community action on behalf of older Americans. Their hopes and their problems are shared by us all. It is up to us to help them solve them.

Our older Americans have made significant contributions to the progress and development of our country; yet, many of us tend to forget or ignore their problems and their aspirations.

One organization that never forgets our older Americans and that is continually striving to assist them is the Westchester County Council of Senior Citizens, headed by Mr. Paul Leith. This group, particularly, has made significant efforts to promote senior citizens month and I should like to take this opportunity to present some of the material it has distributed in preparation for this event.

The first item is a statement adopted by the council last February on senior citizens month:

SENIOR CITIZENS MONTH, MAY 1965

(A statement adopted by the Westchester Council of Senior Citizens at White Plains on Feb. 18, 1965)

The month of May was proclaimed as senior citizens month by New York State Governors since 1954, and for several years by U.S. Presidents. In his proclamation of March 26, 1964, President Lyndon B. Johnson stated:

"I urge all public and private organizations and all citizens to have the theme of this special month, Opportunities for Older Americans, become a living reality. Let us repay our older Americans for their sustained creative participation in our national and community life by providing them with a wide range of meaningful opportunities. Let us take all necessary steps to see that they have a real chance to enjoy health and a life of dignity. Let us find ways to employ the skill and wisdom that so many of our older Americans possess and long to share. Let us make this month outstanding in our continuing effort to keep in the mainstream of our national life all those who have lived so long and contributed so generously."

President Johnson has already indicated the theme for this year: "Community action for senior citizens."

Proclaiming May 1964 senior citizens month in the State of New York, Governor Nelson A. Rockefeller declared on March 24, 1964:

"We observe this month, in recognition of the contributions made by countless citizens of this State, fully realizing that it is but a small token for those to whom we owe so much. The task before us requires our dedication every day of the year."

These noble sentiments indicate the need for a varied, comprehensive program of activities and events during the entire month of May. Observance of senior citizens month should not be limited to a 1 day celebration. It should involve all appropriate Federal, State, county, town and village boards and departments, as well as civic and fraternal organizations. The needs of senior citizens should be discussed in town meetings and in meetings of organizations; e.g., medicare, housing, tax relief, low-cost drugs, etc.

Last year, Westchester County and the Town of Cortlandt celebrated senior citizens day. In most of the cities, towns and villages, senior citizens month went by unnoticed. Let us resolve that this shall not happen this year. Let the public authorities in every city, town and village proclaim May 1965, as Senior Citizens Month and make extensive plans for its celebration.

The Westchester Council of Senior Citizens requests the county board of supervisors to bring the message of senior citizens month to the people of the county through their various departments. We request all senior citizens clubs in Westchester County to adopt as their own the Senior Citizens Charter passed by the 1961 White House Conference on Aging. We request all newspapers in the county to print this charter and comment editorially on it; we request churches, and civic and fraternal organizations to print the charter in their bulletins.

The Westchester Council of Senior Citizens particularly requests the Mayor's Advisory Committee on Aging in the city of Yonkers, the Citizens Advisory Committee on the Aging in New Rochelle, and the Senior Citizens Advisory Board in Mt. Vernon to set an example to the other cities, towns and villages in the county, by drawing up a comprehensive program of activities by the entire community during the whole month of May. We hope that by May 31, there will not be a city, town or village in the county without a local committee on aging, appointed by the responsible public authority. We hope, too, that by May 31, there will not be a village in the county without a senior citizens club.

We request all newspapers and radio stations to further the aims of Senior Citizens Month. Special radio programs interviewing senior citizens and public officials could be arranged.

We request school authorities to arrange for senior citizens club members to speak before school classes as "living pages of American history." Senior citizens club members could be invited to school entertainments. School children should also be encouraged to devise special projects to honor their grandparents and other senior citizens during the month of May.

We request all adult organizations and clubs to honor their members who are 65 years and over, and to consider what they can do for all senior citizens in their community.

We request all senior citizens clubs to reexamine what their club and individual members can do to help their community. This is an obligation of senior citizens. We request all senior citizens clubs to bring senior citizens month to the attention of their community authorities and organizations, recommending plans to their city, town and village boards. Let us all work together, so that our celebration of May 1965 as senior citizens month may be a shining example for the Nation of what the people of Westchester County can do.

PAUL LEITH, *President.*

CROMPOND, N.Y.

The following is a letter which was sent to 46 mayors and supervisors in Westchester County. Accompanying this letter was a copy of the Senior Citizens Charter.

WESTCHESTER COUNCIL OF SENIOR CITIZENS,
Crompond, N.Y., March 3, 1965.

DEAR SIR: Enclosed is a statement on "Senior Citizens Month—May 1965" adopted by the Westchester Council of Senior Citizens. It calls for the widest participation by local government and private agencies and of the people generally in observance of senior citizens month, annually proclaimed by President Johnson and Governor Rockefeller.

We hoped that your city (town or village) will participate fully in this celebration. May I make the following suggestions:

1. A discussion on senior citizens month by your council (or board) (a) on the significance of the celebration, on the situation of the elderly in your area, and whether improvements can be made by government or private action to make the lot of the senior citizens a happier one. For example, health care, housing, etc.; (b) on whether or not the existing senior citizens clubs are adequate to meet the need: (i) the number of clubs; (ii) their capacity; (iii) the nature of their programs; (iv) transportation problem.
2. Selection of a local committee on aging as proposed by the 1961 White House Conference on Aging. There are only three in all of Westchester County.
3. A proclamation on senior citizens month.
4. A "town meeting" to honor senior citizens, a certificate of award to "the senior citizen of the year", etc. A reception at city (town, village) hall. Awards to active senior citizens in professional, artistic and business circles.
5. The schools, in particular, should be involved.

Would you be kind enough to let me know what action you plan on this?

Sincerely yours,

PAUL LEITH,
President.

SENIOR CITIZENS CHARTER

(Adopted by the 1961 White House Conference on Aging)

RIGHTS

Each of our senior citizens, regardless of race, color or creed, is entitled to:

1. The right to be useful.
2. The right to obtain employment based on merit.
3. The right to freedom from want in old age.
4. The right to a fair share of the community's recreational, educational, and medical resources.
5. The right to obtain decent housing suited to needs of later years.
6. The right to the moral and financial support of one's family so far as is consistent with the best interest of the family.
7. The right to live independently, as one chooses.
8. The right to live and die with dignity.
9. The right of access to all knowledge as available on how to improve the later years of life.

OBLIGATIONS

The aging, by availing themselves of educational opportunities, should endeavor to assume the following obligations to the best of their ability:

1. The obligation of each citizen to prepare himself to become and resolve to remain active, alert, capable, self-supporting, and useful so long as health and circumstances permit and to plan for ultimate retirement.
2. The obligation to learn and apply sound principles of physical and mental health.
3. The obligation to seek and develop potential avenues of service in the years after retirement.
4. The obligation to make available the benefits of his experience and knowledge.
5. The obligation to endeavor to make himself adaptable to the changes added years will bring.
6. The obligation to attempt to maintain such relationships with family, neighbors, and friends as will make him a respected and valued counselor throughout his later years.

The council also sent special letters to the 47 school superintendents and district principals in Westchester County; to the 47 senior citizens clubs in the county; and, to the 29 newspaper editors which serve the county.

I am privileged to present some of this material as it is a fine example of community service in action. I feel all Americans should know of the splendid work which the Westchester Council of Senior Citizens has done, not only in preparing for Senior Citizens Month itself, but for the service it has done by making the community aware of our older Americans.

PRESIDENT JOHNSON'S POLICY ON VIETNAM IS A POLICY FOR PEACE

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the following editorial from the great Philadelphia newspaper, the Philadelphia Inquirer of April 29, 1965, deals with one of the most important problems facing the country today and calls to the attention of the people of America that President Johnson's policy in Vietnam is a policy to bring about world peace and should be supported by all peace-loving, freedom-loving nations.

The editorial is as follows:

IN QUEST OF NEGOTIATION

It is easy enough for the critics of President Johnson to talk, in the abstract, about negotiating a peaceful settlement in Vietnam.

The President, however, cannot deal in abstracts. He must work with realities. He cannot simply ignore the obstacles to peace. He must overcome them.

He is confronted with the extremely difficult problems of how to get meaningful negotiations started and how to achieve a bona fide peace that will be something more than merely a camouflaged surrender to Communist conquest.

In his forthright opening statement at Tuesday's news conference, and in subsequent answers to questions, President Johnson came to grips with these problems.

With timely and appropriate reference to the appeasement of Hitler at Munich in 1938, which prepared the battleground for the Second World War, Mr. Johnson applied the lesson to Vietnam. "To yield to aggression," he said "brings only greater threats and brings even more destructive war. To stand firm is the only guarantee of a lasting peace."

The U.S. strategy in Vietnam, fundamentally, is to bring about a peaceful settlement, within the framework of freedom, by convincing the Communist North Vietnamese that there will be no cheap and easy victory—or, in fact, any victory at all—by force of arms.

President Johnson continues to take the initiative in opening the door to negotiation. "I say again that I will talk to any government, any where, any time, without any conditions, and if any doubt our sincerity, let them test us."

It is hard to imagine how the door could be opened any wider.

We hope the chronic critics of administration policy laid down their signs of protest long enough to hear the President's words. It would be a refreshing change of pace if so-called proponents of peace would get behind the President in his quest for a peaceful solution.

Cooperation from allies would be helpful, too. Charles de Gaulle's latest outburst of caustic comment, denouncing U.S. efforts to stem the tide of Communist aggression in southeast Asia, is a vicious kind of sniping that hurts the chances for peace.

An international conference may be taking shape in Cambodia—a parley that could lead to negotiations on Vietnam. The U.S. State Department has served public notice of this country's willingness to participate. President Johnson's renewed bid for negotiations is well timed and could produce affirmative response.

THE COLD WAR AND THE "R" FACTORS

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. ZABLOCKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, it was my pleasure to attend the Capitol Hill First Friday Club breakfast at St. Peter's Catholic Church Hall, Second and C Streets SE., on May 7. The president of the club, William P. Cochrane, introduced Comdr. Joseph F. Cloonan, U.S. Navy, assistant fleet chaplain, CINCATL FL, Norfolk, Va., who gave a most inspirational talk on "The Cold War and the 'R' Factors."

Father Cloonan, a native of Pittsford, N.Y., was ordained in 1944, commissioned in 1948, and has served his country in Korea with the 1st Marine Air Wing and at naval bases in Alaska, California, Maryland, and the District of Columbia. Father Cloonan's remarks are constructive and significant and I herewith enter his speech:

THE COLD WAR AND THE "R" FACTORS

The other day the young wife of a serviceman phoned me. Her husband is deployed in the Mediterranean. He has been gone for months and won't be home for another 7 weeks. "Do 7 weeks seem like a long time to you?" she asked. I answered by telling her of the little boy who said: "Poppa, how heavy is a ton of coal?" The father answered: "It depends on whether you are shoveling the coal or merely looking at it." He was stressing the factor of relativity. This is our first R factor.

There is much talk nowadays of the cold war. But in Vietnam, our servicemen don't think of it as cold. They are too close to its center to make that mistake. Not so with us on its edges. Again the factor of relativity.

A Marine colonel who had been involved in much bitter fighting in Korea was rotated home. He flew into San Francisco. He said it was another world having no apparent connection with Korea where—as we know now—about a million people killed each other off. He noted the contrast between the grim business of war in one country and the false facade of peace in the other. It takes thought and thoughtfulness for one not actively engaged in it to be conscious of the hot part of the cold war. Otherwise, he lives in a separate world, an unreal world, his isolated little world of peace. The Marine colonel was conscious of the heat of the cold war. He doubted that the average San Franciscan was. Again the factor of relativity.

An epitaph on a country tombstone describes fairly well one who is unconscious of the world in which he lives:

> "Here lie the bones of Maggie Jones.
> For her, life held no terrors.
> Aloof she lived.
> Aloof she died.
> No hits, no runs, no errors."

No hits, no runs, no errors. Of course, she never got in the game; she was never in touch with the struggling world around her.

Pass over from the realm of the cold war, if you will, to a more spiritual realm where we run the risk of aping Maggie Jones. (Actually, they are the same but seen in a different context. Again the factor of relativity.) Our times bear the label of the cold war. The newspapers never refer to these days as the era of the redemption. This is our second R factor. But we Christians know that we are living not only in the year of our Lord 1965 but we are living in the age of the redemption. And because we are conscious of this world of the redemption we are not scandalized by the struggle between good and evil, by countries divided against themselves, by the furious wars waged in our souls. For Christ our Lord forewarned us that the world—whose prince is Satan—would oppose the world of the redemption. And we have His promise that although evil may have its hour—and a relatively long, long hour it may seem—good will finally have its day.

Will God bring this about?

Yes, but not without our cooperation.

Augustine said that individuals may be forgiven for their crimes. Nations cannot. The whole culture pays for its crimes. It may take generations before the day of reckoning comes but that day is inescapable. History verifies this. Culture after culture, civilization after civilization rose, flourished and fell. Except for the relatively few instances where they were destroyed by enemies from without, they were toppled by their own weight of evil. Let's summarize the four great stages through which a civilization goes (nothing political is intended here; these are simply sociological changes which occurred in most civilizations):

1. The first is a pioneer stage, marked by an unconscious obedience of the natural law. Men eat only if they work to provide food. The hardy survive, the weak die off. A rifle in one hand, a hoe in the other marks their living.

2. In this stage more and more of the necessities of life are provided. There are fewer obvious dangers to the welfare of the community.

3. In the third stage, most of the citizenry are guaranteed the necessities of life. Many enjoy luxuries. Parasites grow rapidly in this stage. It is possible for them to waste while better men work.

4. The final stage of a civilization comes when luxuries are confused with necessities. The people become soft, comfort-loving, complacent, lulled into a sense of false security. Julius Caesar used an expressive phrase to describe a people in this fourth stage. He wrote that it was possible for him easily to take over one Germanic tribe without a battle because they had made their souls effeminate. The vast majority of cultures have not been able to survive this fourth stage.

What has all this to do with us? It should remind us of the folly of trusting our future to a society rather than to ourselves. You and I live in a society where more than our dairy products are homogenized. This is the age of the group. The invidivual is the loner, the eccentric. Today, the one is not as important as the many. Ours is fertile soil for the growing of committees. And yet a modern historian, Schlesinger, has reminded us that "everything that matters in our intellectual and moral life begins with an individual confronting his own mind and conscience in a room by himself." But the world feels that it has a right to our front rooms. And, sheeplike, we pay for installing the television there, the all-seeing, hypnotic eye of TV. In such a society as ours it is easy to be a Maggie Jones, to bind ourselves and our hopes in the group. But the society, even the Great Society, won't save us. That is still the individual's job. It is still the one thing necessary.

And whether you and I are conscious of this age of crisis which the world calls cold war but which the man of faith calls the age of redemption, whether you and I are in the frontlines or whether we are bringing up the rear—even walking the other way—depends on you and me.

But the problem is ourselves. It is the tricky problem of human nature. Willful, cantankerous, proud, and pouting human nature. How to make it divine? There's the question. And we answer: "We would like to be divine but it is so comfortable being human. All of us want to be better than we are but it's so difficult being good. We want to be at peace with ourselves; but we don't want the struggle that makes peace possible. We would like to ascend the lofty heights of spirituality but we don't like that first step of self-denial. We would like to introduce into our living the values left us by Christ. But we don't want to pay the high price involved, especially since no green stamps are given for effort. We would truly like to love everyone but the truth is we don't love ourselves."

That's the problem. What's the answer? If you don't know it, start reading the New Testatment as if it were the latest best seller, as if it were really new.

I mentioned Maggie Jones as a type of one answer to this question. Let me conclude by reminding you of an over-80-year-old man who fought himself fiercely his whole life to erase his mountainous self-love in order to hand himself over to Christ. He succeeded so well that in our day of snobs and scoffers, people all over the world mourned his death as they would a brother. And the mark left on the world by John XXIII was the mark of the redemption. And as you well know, the R factor of the redemption is not relative. It is an essential for every life. And it always demands a continuing Good Friday for a glorious Easter.

VERITAS MEDAL OF PROVIDENCE COLLEGE

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Albert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ALBERT. Mr. Speaker, on Saturday, May 8, our great and beloved Speaker was the recipient of the Veritas Medal of Providence College. This is the highest award which that outstanding college bestows upon those whom it singles out for devoted service. To receive the award is, of course, a signal achievement.

I was happy to be among the host of the Speaker's friends, including the President of the United States, who were present when the award was made. We were all delighted that Mrs. McCormack, the beloved wife and lifelong helpmate of the Speaker, was honored along with her husband. I know I speak the sentiments of all Members of the House when I extend to the Speaker and Mrs. McCormack our heartfelt congratulations.

Under leave to extend my remarks, I include the citation, the address of the Speaker, and the address of President Johnson:

Citation for Awarding of Providence College's Veritas Medal for Devotion to Providence College, May 8, 1965, Speaker's Office, U.S. House of Representatives, to the Honorable John William McCormack

John William McCormack, respected, capable and dynamic Speaker of the House of Representatives of the Congress of the United States, you have served your country as an eminent statesman in the Halls of Congress for more than 35 years. Starting in 1928, you have been elected to the Congress for 18 consecutive terms. In 1941, you were elected majority leader of the House of Representatives and you served in that exacting position more than twice as long as anyone else in the entire history of the Congress. Upon the death of your devoted colleague and peerless leader, Sam Rayburn, you became Speaker of the House in January 1962.

In November 1963, you reached a most eminent position in American Government. As Speaker of the House of Representatives, upon the assassination of John Fitzgerald Kennedy, you automatically became America's second most influential Government personage as the direct successor to the supreme office of President of the United States.

Your enviable record of achievement in shaping the course of our Government in both domestic and foreign affairs composes a brilliant chapter in American political history and is a tribute to your dedication to the highest ideals of our democracy.

Woven closely in rich golden threads into the magnificent fabric of your love of God and country has been your constant devotion to your charming wife who gave up a promising career as an opera singer to travel together with you from your early days in Boston's rugged political area to the present, and on into the future. You have always considered the paramount pleasure of your life to have a dinner at home every night with your beloved and graceful wife, Harriet Joyce McCormack.

As an honorary alumnus of Providence College, you have adorned your Nation and our college with noble deeds. Your life reveals an awareness of the blessings of freedom, opportunity, and human dignity insured by the Constitution of the United States. Your service to the country and its citizens and your fond devotion for Providence College merit grateful recognition. I know that my learned and saintly predecessor, Father Robert Joseph Slavin, whom you and Harriet loved as your own, is smiling benignly upon us today as we confer upon you the highest award within our power, our Veritas Medal, on this 8th day of May in the year of our Lord, 1965.

Remarks by Speaker McCormack

Father Dare, President of Providence College, Reverend Father's Speaker "Joe" Martin, Majority Leader Carl Albert, Majority Whip Hale Boggs, my dear friends and colleagues, ladies and gentlemen, the Veritas Medal is an outstanding honor in the catalog of distinctions awarded by Providence College to those whom this society of scholarship seeks to single out for its approval. I am deeply touched in being selected as this year's recipient of this great honor and award from Providence College and I shall always appreciate and treasure the same.

For Mrs. McCormack and I have a deep feeling for the Dominican order and a special attachment for Providence College. For in addition to being one of our outstanding institutions of higher learning with its high intellectual attainments, our late dear and beloved friend, Father Robert J. Slavin, was its president for a number of years.

I value very much the reasons stated in the citation accompanying the award, particularly to the reference so properly and eloquently expressed about Mrs. McCormack.

I am very conscious of the significance of the title of this award—Veritas. Truth is one of the most majestic words in our language, one of the most important concepts of our civilization. It is a reality which every man in public life must strive for every day of his stewardship. It must also be a national goal for it provides the only solid foundation for any lasting achievement in our Nation's policy. Within its scope is implied realism and honesty and the courageous determination to do what is right.

I am sure that St. Thomas' definition of truth is well known. The great philosopher saw truth in the measured relationship between the outstanding and the actual fact. In the minds of those who shrug off hard reality and ask, "What is truth?" without waiting for an answer it is important that our beloved country be foremost among the seekers of truth in an uncertain world. It is important that this Nation in its dealings with its neighbors have the courage to follow the admonition of Shakespeare, "To thine ownself be true," and continue boldly to support the principles on which human rights and national honor must be based. It is important too that in our own lives we continue to develop a place for truth among our personal ideals realizing that it is still true today as it was 2,000 years ago that

"You shall know the truth and the truth shall make you free." This award is also of great significance in relation to our way of life, based upon truth given to us by God through his natural law. For our way of life is a philosophy based on eternal truth as compared with the atheistic Marxist philosophy based on falsity.

It is those historical forces of influences based on truth and particularly applicable to the world of today that constitute an affirmative and constructive power that we possess, as compared with the false philosophy of atheistic communism. For high military strength is vitally necessary, and we must realize that we have powerful and affirmative forces and influences based on truth that we should capitalize to the fullest extent possible. I again express to Father Dore and the other fathers and laymen responsible, my deep appreciation for this treasured honor conferred upon me by Providence College.

Remarks of the President in the Rayburn Reception Center, U.S. Capitol, on the Occasion of the Presentation to Speaker John McCormack of the Veritas Medal, the Highest Academic Award of Providence College

This is one occasion—and one audience—where the President of the United States is not the principal speaker.

I say that figuratively as well as literally.

While there are many challenges I am willing to face, 30 years of close observation and study have persuaded me it would be unwise to challenge John McCormack to an oratorical contest on an occasion such as this.

I come not to speak publicly but simply to join quietly and privately in paying tribute to one of the most inspiring men I have known—and one of the great Americans of our times.

In times of peace, in times of war, in moments of tumult, and in times of tranquility, John McCormack has shown himself to be just that—a great man, a good man, a generous, and genuine man.

It is especially fitting that he should receive this medal from Providence College.

When we add up the sum of John McCormack's career, it is clear that he has devoted his public life to making this Nation and this world better and safer for young people. There can be no more noble use for life on this earth than that.

The name of this medal aptly describes the Speaker's most outstanding qualities—he is true and noble and faithful.

Theodore Roosevelt once wrote to a Member of Congress saying:

"I entirely appreciate loyalty to one's friends, but loyalty to the cause of justice and honor stands above it."

John McCormack has always been loyal to his friends. This is why they love him. But that loyalty has never come ahead of his fidelity to the cause of justice and honor. And that is why the Nation honors him and will never forget his leadership.

At the White House, Mr. Speaker, I operate under the rules of the Senate—where there is little limit on the length of a speech. In your presence, however, I am reminded of my days in the House where the limitations are somewhat more severe.

So while I have exceeded the 1-minute rule, I will quit speaking and like any good former Member of the House, take my seat before your gavel calls me to order.

EXCISE TAX REDUCTION

The **SPEAKER** pro tempore. Under previous order of the House the gentleman from Michigan [Mr. O'Hara] is recognized for 30 minutes.

Mr. **O'HARA** of Michigan. Mr. Speaker, I was pleased to learn from yesterday's newspaper that the administration may be revising its thinking on excise tax reduction. According to an Associated Press account, the administration may ask Congress to eliminate some $5 billion in excise taxes in a series of repeals and reductions over the next several years.

I wish to announce to my colleagues that I have introduced today H.R. 7999, a bill providing for a staged elimination of all excise taxes not earmarked for the highway trust fund, the wildlife restoration fund, or fish restoration and management projects.

H.R. 7999 differs in many respects from the legislation which is reportedly under consideration by the administration, but the concept of repealing these taxes over a period of years is similar.

My bill would provide for a one-third reduction in all such taxes beginning on July 1 of this year. A further reduction of one-third of the present excise tax rates would follow on July 1, 1966, and such taxes would be repealed effective July 1, 1967.

The revenue losses in the coming fiscal year from H.R. 7999 would be no more than the loss which would result from the frequently advocated repeal of retail excise taxes. It would also accomplish the objectives of excise reduction in a more equitable manner.

There is no logical reason for singling out retail excises for total repeal and leaving other onerous excise taxes untouched. In many cases, the excise tax upon telephone service and automobiles, for example, strikes harder at those who have difficulty in paying for what are to them necessities than the retail taxes on furs, jewelry, and toilet articles.

The reasons for my bill are, first, the excise tax is regressive and not based upon ability to pay; second, a staged reduction of excise taxes, as provided in my bill, will have a beneficial effect on our economy and will increase consumer purchasing power, and finally, most excise taxes have outlived their usefulness and no longer can be justified by the emergency war-time conditions which prompted their enactment.

In his appearance before the Democratic platform committee in August 1964, former Secretary of the Treasury Douglas Dillon said:

> High priority should be given to a thorough overhaul of the hodge-podge of excise taxes remaining from World War II days.

He added:

> Many of these taxes no longer serve their purposes. Instead they increase business costs, weigh unevenly on consumers, and are often an unnecessary nuisance to taxpayers and Government alike.

Mr. Speaker, I hope that this session of Congress will take action to reduce Federal excise taxes across the board and submit my bill as a possible vehicle for accomplishing this result.

For the benefit of those who may have missed it, I include the Associated Press dispatch regarding excise taxes, which appeared in the Washington Post of Sunday, May 9, at this point in the Record. I also include the text of H.R. 7999 following the article:

[From the Washington Post, May 9, 1965]

Plan To Reduce Excises Gradully Is Disclosed

(By Sterling F. Green)

Hot Springs, Va., May 9.—Administration officials disclosed today that Congress may be asked to eliminate some $5 billion of excise taxes in a series of repeals and reductions over the next several years.

Plans under study would include the 10-percent tax on both new automobiles and telephone service in the midyear legislation, but provide for only small annual cuts—perhaps 1 or 2 percentage points annually for the next 5 or 10 years.

This plan, some officials contend, would erase the need to make the auto excise repeal retroactive. The industry has asked a retroactivity clause, to prevent prospective purchasers from staging a buyers' strike while waiting for the cut to take effect.

The recommendations still are under study. Officials predict privately that all decisions will be made in the next week or so, so that President Johnson can send draft legislation to Congress within the month.

Several administration officials including Treasury Secretary Henry H. Fowler and Commerce Secretary John T. Connor, are making speeches in Hot Springs to the Business Council, an organization of top industrialists.

Administration planners are reported to be in full agreement that the thriving economy needs no massive stimulus from tax reduction now. And while they foresee no mapor bulge in defense spending, they are said to feel that military uncertainties in Vietnam and elsewhere make it unwise to seek large immediate excise cuts.

Administration thinking at the moment calls for approximately this schedule of reductions, the official sources said:

On July 1, cuts totaling $1.75 billion or thereabouts. These would include outright repeal of the retail nuisance levies on furs, leather goods, cosmetics, toiletries, jewelry, and some other items, plus a small cut in auto and phone-service levies and repeal or reduction of some other excises, such as those on electrical appliances, musical instruments, phonographs, radio, and television sets.

On next January 1 or perhaps July 1, 1966, further cuts on the latter group of commodities to a total of around $700 million to $800 million.

Starting July 1 and followed by yearly stepdowns for several years, a gradual elimination of the Federal manufacturers' excise on new cars and on telegraph and telephone service, with the savings passed on to consumers.

No other major tax reduction until 1967 at the earliest. This apparently rules out prposals for another general income-tax cut next year.

It was made clear, however, that the long-range planning, calls for the elimination of all Federal excises, producing more than $5 billion in revenues annually, except the taxes on alcoholic beverages and tobacco products and the highway-user levies on gasoline and other automotive items.

Hearings by the House Ways and Means Committees are expected to start immediately after Johnson's excise tax message is received. There is indication that the schedule of reductions already has been discussed with Chairman Wilbur D. Mills, Democrat, of Arkansas.

The modest initial cuts proposed would disappoint many Members of Congress. Some lawmakers have talked freely of much larger immediate cuts, ranging up to $3 or $3.5 billion.

Administration men believe, however, that the pressure for big reductions at midyear has abated because of the thriving state of the economy and the possibility of rising outlays for military purposes.

H.R. 7999

A bill to amend the Internal Revenue Code of 1954 to provide for the reduction and repeal of certain retailers and manufacturers excise taxes and the excise taxes on facilities and services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter F of chapter 31 of the Internal Revenue Code of 1954 (relating to special provisions applicable to retailers tax) is amended by redesignating section 4058 as section 4059 and by inserting after section 4057 the following new section:

"Sec. 4058. Reduction and Repeal of Certain Taxes.

"(a) Reduction.—The rate of tax imposed by sections 4001 (tax on jewelry and related items), 4011 (tax on furs), 4021 (tax on toilet preparations), and 4031 (tax on luggage, handbags, etc.), respectively, shall—

"(1) with respect to articles sold at retail after June 30, 1965, and before July 1, 1966, be 66⅔ percent of the rate of tax imposed by each such section which is in effect on June 30, 1965, and

"(2) with respect to articles sold at retail after June 30, 1966, and before July 1, 1967, be 33⅓ percent of the rate of tax imposed by each such section which is in effect on June 30, 1965.

"(b) Repeal.—Effective with respect to articles sold at retail after June 30, 1967, sections 4001, 4011, 4021, and 4031 shall not apply."

(b) The table of sections of such subchapter F is amended by striking out

"Sec. 4058. Cross reference."

and by inserting in lieu thereof

"Sec. 4058. Reduction and repeal of certain taxes.

"Sec. 4059. Cross reference."

Sec. 2. (a) (1) Subchapter F of chapter 32 of the Internal Revenue Code of 1954 (relating to special provisions applicable to manufacturers tax) is amended by adding at the end thereof the following new section:

"Sec. 4220. Reduction and Repeal of Certain taxes.

"(a) Reduction.—The rate of tax imposed by sections 4061(a) (2) (tax on passenger automobiles and certain trailers and semitrailers), 4061(b) (tax on parts and accessories for motor vehicles), 4091 (tax on lubricating oil), 4111 (tax on refrigeration equipment), 4121 (tax on electric, gas, and oil appliances), 4131 (tax on electric light bulbs), 4141 (tax on radio and television sets, phonographs and records, etc.), 4151 (tax on musical instruments), 4161 (tax on sporting goods) (except for the rate of tax on fishing rods, creels, reels, and artificial lures, baits and flies), 4171 (tax on photographic equipment), 4181 (except for the rate of tax on firearms (other than pistols and revolvers) and shells and cartridges), 4191 (tax on business machines), 4201 (tax on pens and mechanical pencils and lighters), and 4211 (tax on matches), respectively, shall—

"(1) with respect to articles sold by the manufacturer, producer, or importer after June 30, 1965, and before July 1, 1966, be 66⅔ percent of the rate of tax imposed by each such section which is in effect on June 30, 1965, and

"(2) with respect to articles sold by the manufacturer, producer, or importer after June 30, 1966, and before July 1, 1967, be reduced to 33⅓ percent of the rate of tax imposed by each such section which is in effect on June 30, 1965.

"(b) Repeal.—Effective with respect to articles sold by the manufacturer, producer, or importer after June 30, 1967, sections 4061(a) (2), 4061(b), 4091, 4111, 4121, 4131, 4141, 4151, 4171, 4191, 4201, and 4211 shall not apply."

(2) The table of sections of such subchapter is amended by adding the following new item:

"Sec. 4220. Reduction and repeal of certain taxes."

(b) Effective with respect to articles sold by the manufacturer, producer, or importer after June 30, 1967, subchapter D of such chapter is amended to read as follows:

"SUBCHAPTER D—RECREATIONAL EQUIPMENT

"Part I. Fishing equipment.

"Part II. Firearms.

"*Part I—Fishing equipment*

"Sec. 4161. Imposition of tax.

"Sec. 4161. Imposition of Tax.

"There is hereby imposed upon the sale of fishing rods, creels, reels, and artificial lures, baits, and flies by the manufacturer, producer, or importer a tax equivalent to 10 percent of the price for which so sold.

"*Part II—Firearms*

"Sec. 4181. Imposition of tax.

"Sec. 4182. Exemptions.

"Sec. 4181. Imposition of Tax.

"There is hereby imposed upon the sale of firearms (other than pistols and revolvers), shells, and cartridges by the manufacturer, producer, or importer a tax equivalent to 11 percent of the price for which so sold.

"Sec. 4182. Exemptions.

"(a) Machineguns and Short Barrelled Firearms.—The tax imposed by section 4181 shall not apply to any firearm on which the tax provided by section 5811 has been paid.

"(b) Sales to Defense Department.—No firearms, shells, and cartridges purchased with funds appropriated for the military department shall be subject to any tax imposed on the sale or transfer of such articles."

Sec. 3. (a) (1) Part I of subchapter A of chapter 33 of the Internal Revenue Code of 1954 (tax on admissions) is amended by adding at the end thereof the following new section:

"Sec. 4235. Reduction and Repeal.

"(a) Reduction.—The rate of tax imposed by section 4231 shall—

"(1) with respect to amounts paid after June 30, 1965, for admissions after such date and before July 1, 1966, be reduced to 66⅔ percent of the rate of tax imposed by such section which is in effect on June 30, 1965, and

"(2) with respect to amounts paid after June 30, 1966, for admissions after such date and before July 1, 1967, be reduced to 33⅓ percent of the rate of tax imposed by such section which is in effect on June 30, 1965.

"(b) Repeal.—Effective with respect to amounts paid after June 30, 1967, for admissions after such date, section 4231 shall not apply."

(2) The table of sections of such part is amended by adding the following new item:

"Sec. 4235. Reduction and repeal."

(b) (1) Part II of subchapter A of such chapter (tax on club dues) is amended by adding at the end thereof the following new section:

"Sec. 4244. Reduction and Repeal.

"(a) Reduction.—The rate of tax imposed by section 4241 shall—

"(1) with respect to amounts paid after June 30, 1965, and before July 1, 1966, be reduced to 66⅔ percent of the rate of tax imposed by such section which is in effect on June 30, 1965, and

"(2) with respect to amounts paid after June 30, 1966, and before July 1, 1967, be reduced to 33⅓ percent of the rate of tax imposed by such section which is in effect on June 30, 1965.

"(b) Repeal.—Effective with respect to amounts paid after June 30, 1967, section 4241 shall not apply."

(2) The table of sections of such part is amended by adding the following new item:

"Sec. 4244. Reduction and repeal."

(c) (1) Subchapter B of such chapter (tax on communications) is amended by adding at the end thereof the following new section:

"Sec. 4255. Reduction and Repeal.

"(a) Reductions.—The rates of tax imposed by section 4251 shall—

"(1) with respect to amounts paid after June 30, 1965, for communication services rendered after such date and before July 1, 1966, shall be reduced to 66⅔ percent of the rates of taxes imposed by such section which are in effect on June 30, 1965, and

"(2) with respect to amounts paid after June 30, 1966, for communication services rendered after such date and before July 1, 1967, shall be reduced to 33⅓ percent of the rates of taxes imposed by such section which are in effect on June 30, 1965.

"(b) Repeal.—Effective with respect to amounts paid after June 30, 1967, for communication services rendered after such date, section 4251 shall not apply."

(2) The table of sections of subchapter B is amended by adding at the end thereof the following new item:

"Sec. 4255. Reduction and repeal."

(d) (1) Subchapter C of such chapter (tax on transportation of persons by air) is amended by adding at the end thereof the following new section:

"Sec. 4265. Reduction and Repeal.

"(a) Reduction.—The rate of tax imposed by section 4261 shall—

"(1) with respect to amounts paid after June 30, 1965, for transportation which begins after such date and before July 1, 1966, be reduced to 66⅔ percent of the rate imposed by such section which is in effect on June 30, 1965, and

"(2) with respect to amounts paid after June 30, 1966, for transportation which begins after such date and before July 1, 1967, be reduced to 33⅓ percent of the rate imposed by such section which is in effect on June 30, 1965.

"(b) Repeal.—Effective with respect to amounts paid after June 30, 1967, for transportation which begins after such date, section 4261 shall not apply."

(2) The table of sections of subchapter C is amended by adding at the end thereof the following new item:

"Sec. 4265. Reduction and repeal."

(e) (1) Subchapter D of such chapter (tax on safe deposit boxes) is amended by adding at the end thereof the following new section:

"Sec. 4288. Reduction and Repeal.

"(a) Reduction.—The rate of tax imposed by section 4286 shall—

"(1) with respect to amounts collected after June 30, 1965, and before July 1, 1966, be reduced to 66⅔ percent of the rate of tax imposed by such section which is in effect on June 30, 1965, and

"(2) with respect to amounts collected after June 30, 1966, and before July 1, 1967, be reduced to 33⅓ percent of the rate of tax imposed by such section which is in effect on June 30, 1965.

"(b) Repeal.—Effective with respect to amounts collected after June 30, 1967, section 4286 shall not apply."

(2) The table of sections of subchapter D is amended by adding at the end thereof the following new item:

"Sec. 4288. Reduction and repeal."

Sec. 4. (a) (1) Sections 4001, 4011, 4021, and 4041 of the Internal Revenue Code of 1954 are amended by striking out "There is hereby imposed" where it appears in each such section and inserting in lieu thereof

"Except as provided by section 4058, there is hereby imposed".

(2) Sections 4061(a), 4061(b), 4091, 4111, 4121, 4131, 4141, 4151, 4161, 4171, 4181, 4191, 4201, and 4211 of such Code are amended by striking out "There is hereby imposed" where it appears in each such section and inserting in lieu thereof "Except as provided by section 4220, there is hereby imposed".

(3)(A) Section 4231 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4235, there is hereby imposed".

(B) Section 4241 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4244, there is hereby imposed".

(C) Section 4251 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4255, there is hereby imposed".

(D) Section 4261 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4265, there is hereby imposed".

(E) Section 4286 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4288, there is hereby imposed".

(b) The amendments made by subsection (a) of this section shall take effect on July 1, 1965.

Sec. 5. Effective with the repeal of any excise tax imposed by the Internal Revenue Code of 1954 by the amendments made by the first section and sections 2 and 3 of this Act, the remaining provisions of such Code are hereby modified to the extent necessary to reflect such repeal.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Buchanan (at the request of Mr. Gerald R. Ford), for today and tomorrow, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Feighan, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Stalbaum, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Pucinski, for 30 minutes, today.

Mr. Halpern (at the request of Mr. McDade) for 15 minutes, today.

Mr. O'Hara of Michigan (at the request of Mr. Love), for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Zablocki (at the request of Mr. Love), for 30 minutes, on May 12, 1965; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Fraser.

Mr. Murphy of New York.

Mr. Harris to revise and extend remarks made in the Committee of the Whole today, to include a discussion of the importance of the research contract authority for the program of the Public Health Service, and to include a statement on the effect on the Public Health Service research program of limitations on expenditures for research contracts, and to include tables.

(The following Member (at the request of Mr. McDade) and to include extraneous matter:)

Mr. Morse.

(The following Members (at the request of Mr. Love) and to include extraneous matter:)

Mr. Kee.

Mr. Corman.

Mr. Monagan.

Mr. Van Deerlin.

Mr. Rivers of South Carolina.

Mr. Dow.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1796. An act to amend the Small Business Act to provide additional assistance for disaster victims; to the Committee on Banking and Currency.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7064. An act to amend the Foreign Service Buildings Act of 1926, as amended.

ADJOURNMENT

Mr. LOVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 9 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 11, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1065. A communication from the President of the United States, transmitting for consideration amendments to the request for appropriations for the legislative branch made in the budget for fiscal year 1966 (H. Doc. No. 162); to the Committee on Appropriations and ordered to be printed.

1066. A communication from the President of the United States, transmitting for consideration an amendment to the budget for fiscal year 1966 involving a proposed provision relating to appropriations for the American Battle Monuments Commission (H. Doc. No. 163); to the Committee on Appropriations and ordered to be printed.

1067. A letter from the Associate Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report on title I, Public Law 480 agreements signed during April 1965, pursuant to Public Law 85-128; to the Committee on Agriculture.

1068. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize travel and transportation allowances under certain circumstances for members of the uniformed services when ordered to make changes of permanent stations while away from their permanent stations under orders, and for other purposes; to the Committee on Armed Services.

1069. A letter from the Attorney General, transmitting a report of review of voluntary agreements and programs as of May 9, 1965, pursuant to section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1070. A letter from the Chairman, 1964 Committee on Law Enforcement in the District of Columbia, transmitting a report of the Council on Law Enforcement in the District of Columbia for 1964, pursuant to District of Columbia Code 2-1901; to the Committee on the District of Columbia.

1071. A letter from the Comptroller General of the United States, transmitting a report of potential savings through use of Government-owned housing to meet military requirements in the Tampa, Fla., area, Federal Housing Administration, Housing and Home Finance Agency, and Department of Defense; to the Committee on Government Operations.

1072. A letter from the chairman, Eleanor Roosevelt Memorial Foundation, transmitting the second annual report of the foundation for calendar year 1964 pursuant to Public Law 88-11; to the Committee on the Judiciary.

1073. A letter from the Postmaster General, transmitting a draft of proposed legislation to provide for the discontinuance of the Postal Savings System, and for other purposes; to the Committee on Post Office and Civil Service.

1074. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report of proposed legislation to terminate cost-of-living allowances for statutory-salaried Federal civilian employees in nonforeign areas, and for other purposes; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of May 6, 1965, the following bill was reported on May 7, 1965:

Mr. MORGAN: Committee on Foreign Affairs. H.R. 7750. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; without amendment (Rept. No. 321). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 10, 1965*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 257. Resolution authorizing the printing of certain matter as an addendum to House Document No. 39 of the 89th Congress; without amendment (Rept. No. 322). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 289. Resolution authorizing the printing of additional copies of House Report No. 175, the report of the Joint Economic Committee on the January 1965 Economic Report of the President with minority and additional views; without amendment (Rept. No. 323). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 364. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Capitol"; and providing for additional copies; without amendment (Rept. No. 324). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 383. Concurrent resolution authorizing the printing of a pocket-sized edition of "The Constitution of the United States of America" as a House document, and for other purposes; with amendment (Rept. No. 325). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 27. Concurrent resolution to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments—Supplement, January 4, 1965"; without amendment (Rept. No. 326). Ordered to be printed.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 7596. A bill to amend title 10, United States Code, to remove inequities in the active duty promotion opportunity of certain Air Force officers; with amendment (Rept. No. 327). Referred to the Committee of the Whole House on the State of the Union.

Mr. MACDONALD: Committee on Interstate and Foreign Commerce. H.R. 806. A bill to amend the Textile Fiber Products Identification Act to permit the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product; with amendment (Rept. No. 328). Referred to the House Calendar.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 5241. A bill to amend section 20a(12) of the Interstate Commerce Act to eliminate the necessity for prior approval of the Commission for a person to hold the position of officer or director of more than one carrier when such carriers are in a single integrated system of carriers lawfully operated under common control, and for other purposes; without amendment (Rept. No. 329). Referred to the House Calendar.

Mr. HARRIS. Committee on Interstate and Foreign Commerce. H.R. 5242. A bill to amend paragraph (10) of section 5 of the Interstate Commerce Act so as to change the basis for determining whether a proposed unification or acquisition of control comes within the exemption provided for by such paragraph; without amendment (Rept. No. 330). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5246. A bill to amend sections 20a and 214 of the Interstate Commerce Act; without amendment (Rept. No. 331). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 3415. A bill to equalize certain penalties in the Intercoastal Shipping Act, 1933; without amendment (Rept. No. 332). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 6164. A bill to authorize the Secretary of the Treasury to permit foreign-flag vessels to transport passengers between the United States and Puerto Rico to attend the Seventh Assembly of the World Convention of Churches of Christ; with amendment (Rept. No. 333). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 5988. A bill to provide that Commissioners of the Federal Maritime Commission shall hereafter be appointed for a term of 5 years, and for other purposes; without amendment (Rept. No. 334). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BANDSTRA:

H.R. 7998. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. O'HARA of Michigan:

H.R. 7999. A bill to amend the Internal Revenue Code of 1954 to provide for the reduction and repeal of certain retailers and manufacturers excise taxes and the excise taxes on facilities and services; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 8000. A bill to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BURTON of California:

H.R. 8001. A bill to amend section 302(c) of the Labor Management Relations Act, 1947, to permit the participation of retired employees of employers, employees of certain labor organizations, and employees of certain trust funds, as well as certain self-employed persons to participate as beneficiaries of welfare and pension trust funds; to the Committee on Education and Labor.

H.R. 8002. A bill to amend the Civil Service Retirement Act so as to provide relief for those employees involuntarily separated from service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND:

H.R. 8003. A bill to amend the Internal Revenue Code of 1954 to provide that certain insurance agents shall be treated as outside salesmen for purposes of computing adjusted gross income; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 8004. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. FINO:

H.R 8005. A bill to amend the Urban Mass Transportation Act of 1964 to permit projects demonstrating new methods of financing existing service; to the Committee on Banking and Currency.

By Mr. WILLIAM D. FORD:

H.R. 8006. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. GIBBONS:

H.R. 8007. A bill to prohibit the manufacture, sale, or use in commerce of any motor vehicle which discharges substances into the air in amounts found by the Secretary of Health, Education, and Welfare to be dangerous to public health; to the Committee on Interstate and Foreign Commerce.

H.R. 8008. A bill to amend title 38 of the United States Code in order to make individuals, who die or are disabled from a disease incurred or aggravated in line of duty while performing inactive-duty training, eligible for certain benefits under that title; to the Committee on Veterans' Affairs.

By Mr. GRAY:

H.R. 8009. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited service of periods of service performed as a Work Projects Administration employee in an administrative or supervisory capacity, classified as noncertified and nonrelief; to the Committee on Post Office and Civil Service.

H.R. 8010. A bill to authorize the Secretaries of the Army, Agriculture, and the Interior to make Federal contributions to certain State water resource projects; to the Committee on Public Works.

By Mr. HARVEY of Indiana:

H.R. 8011. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. HERLONG:

H.R. 8012. A bill to provide for participation of the United States in the Inter-American Cultural and Trade Center in Dade County, Fla., and for other purposes; to the Committee on Foreign Affairs.

By Mr. HOSMER (by request):

H.R. 8013. A bill to clarify the authority of the Secretary of Agriculture to require reasonable bonds from packers in connection with their livestock purchasing operations; to the Committee on Agriculture.

By Mr. HUNGATE:

H.R. 8014. A bill to amend the Tariff Act of 1930, as amended, to limit button blanks to crude forms suitable for manufacture into buttons; to the Committee on Ways and Means.

By Mr. KEOGH:

H.R. 8015. A bill relating to the unlimited deduction for income tax purposes of charitable contributions; to the Committee on Ways and Means.

By Mr. MACHEN:

H.R. 8016. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

H.R. 8017. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of marriage or a remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 8018. A bill to amend the Internal Revenue Cod of 1954 to provide an accelerated amortization deduction in certain cases for industrial or commercial plants and facilities constructed or established in economically depressed areas; to the Committee on Ways and Means.

By Mr. SCHISLER:

H.R. 8019. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 8020. A bill to amend section 8c(6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended, to authorize provision for marketing promotion and paid advertising under marketing orders for plums, or nectarines; to the Committee on Agriculture.

H.R. 8021. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of certain Indians of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WATTS:

H.R. 8022. A bill relating to the unlimited deduction for income tax purposes of charitable contributions; to the Committee on Ways and Means.

H.R. 8023. A bill to amend the definition of earned income for income tax purposes in the case of contributions by self-employed individuals to pension and profit-sharing plans; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 8024. A bill to provide a percentage deduction for certain expenses paid for the higher education of the taxpayer, his spouse, and his dependents; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 8025. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit the participation of retired employees of employers, employees of certain labor organizations, and employees of certain trust funds as well as certain self-employed persons to participate as beneficiaries of welfare and pension trust funds; to the Committee on Education and Labor.

H.R. 8026. A bill to amend the Clayton Act, as amended, by requiring prior notification of corporate mergers and acquisitions, and for other purposes; to the Committee on the Judiciary.

H.R. 8027. A bill to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. DORN:

H.R. 8028. A bill to prohibit interstate contributions in connection with congressional primaries and elections and with elections for electors of the President; to the Committee on House Administration.

H.R. 8029. A bill to authorize a 3-year program of grants for construction of veterinary medical education facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 8030. A bill to provide for the discontinuance of the Postal Savings System, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EVANS of Colorado:

H.R. 8031. A bill to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN:

H.R. 8032. A bill to modify the Cleveland Harbor, Ohio, project to authorize the dredging of a portion of the Old River to a depth of 27 feet; to the Committee on Public Works.

By Mr. HAWKINS:

H.R. 8033. A bill to provide for family winter recreational use of a portion of the San Gorgonio Wilderness Area, San Bernardino National Forest, Calif., without reducing the area set aside for wilderness preservation within such forest, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LAIRD:

H.R. 8034. A bill authorizing the Secretary of Health, Education, and Welfare to make certain grants to the Menominee Indian people of Menominee County, Wis., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PIKE:

H.R. 8035. A bill to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RIVERS of South Carolina:

H.R. 8036. A bill to make available to civilian officers and employees of the United States who are transferred as the result of the closure of a Department of Defense activity the same travel and transportation allowances provided for members of the uniformed services; to the Committee on Government Operations.

By Mr. STALBAUM:

H.R. 8037. A bill to achieve a fuller and more effective use of food abundances; to strengthen food donation programs both at home and abroad in order to provide for improved level of nutrition, and for other purposes; to the Committee on Agriculture.

By Mr. THOMPSON of Louisiana:

H.R. 8038. A bill to amend sections 41, 43, and 44 of title 18 of the United States Code to include amphibians and reptiles within those sections; to the Committee on the Judiciary.

By Mr. ROBISON:

H.J. Res. 451. Joint resolution to provide for the display of the flag of the United States of America on Father's Day, the third Sunday in June; to the Committee on the Judiciary.

By Mr. SICKLES:

H. Con. Res. 409. Concurrent resolution establishing a joint committee composed of Members of the House of Representatives and the Senate to conduct a full and complete investigation of any and all matters pertaining to crime in the District of Columbia; to the Committee on Rules.

By Mr. ELLSWORTH:

H. Res. 375. Resolution amending the rules of the House of Representatives to permit the telecasting and broadcasting of certain proceedings; to the Committee on Rules.

By Mr. HALPERN:

H. Res. 376. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. By the SPEAKER: Memorial of the Legislature of the State of California, relative to benefits for veterans of the Vietnam action; to the Committee on Veterans' Affairs.

248. Also, memorial of the Legislature of the State of Nebraska, relative to an effective means of stopping the flow of unsolicited obscenity through the mails; to the Committee on Post Office and Civil Service.

249. Also, memorial of the Legislature of the State of North Dakota, relative to urging the construction of a scenic badlands road connecting the units of the Theodore Roosevelt National Memorial Park; to the Committee on Interior and Insular Affairs.

250. Also, memorial of the Legislature of the State of Texas, relative to establishing the Guadalupe Mountains National Park in Texas; to the Committee on Interior and Insular Affairs.

251. Also, memorial of the Legislature of the State of Washington, relative to providing funds so that the construction of the third powerhouse at Grand Coulee can be commenced at the earliest practical date; to the Committee on Appropriations.

252. Also, memorial of the Legislature of the State of Wisconsin, relative to an amendment to the Federal Constitution providing for the direct popular election of the President and Vice President; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 8039. A bill for the relief of Saverio Bonacasa; to the Committee on the Judiciary.

By Mrs. BOLTON:

H.R. 8040. A bill for the relief of Wladislawa Plizga; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 8041. A bill for the relief of Chick Tung Kung Chin; to the Committee on the Judiciary.

By Mr. HALL:

H.R. 8042. A bill for the relief of the estates of certain former members of the U.S. Navy Band; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 8043. A bill for the relief of Mrs. Janina Blaszczynska; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 8044. A bill for the relief of Dewey Williams, Buford E. Davenport, Edgar Chamberlain, and Gerald E. Tveitnes; to the Committee on the Judiciary.

By Mr. KREBS:

H.R. 8045. A bill for the relief of Merlita Bartolome Francisco; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 8046. A bill for the relief of Ludmila A. Vasilenko; to the Committee on the Judiciary.

By Mr. WHITE of Texas:

H.R. 8047. A bill for the relief of Joe (Chow) Tong Fat (also known as Howard Chung); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

199. By the SPEAKER: Petition of Gushikawa-son Assembly, Okinawa, Ryukyu Islands, relative to requesting recession of the U.S. Government in the governing of the Ryukyu Islands in favor of Japan; to the Committee on Foreign Affairs.

200. Also, petition of San Carlos Chamber of Commerce, San Carlos, Calif., relative to the need for a constitutional amendment on reapportionment; to the Committee on the Judiciary.

201. Also, petition of National Society of Professional Engineers, Washington, D.C., relative to legislation supporting the role of the professional engineers in the free enterprise system; to the Committee on Post Office and Civil Service.

202. Also, petition of Lower Snake River Ports Association, Clarkston, Wash., relative to assurances of continued customs services at the major ports on the lower Columbia; to the Committee on Ways and Means.

SENATE

MONDAY, MAY 10, 1965

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, we come with grateful hearts to the bowered beauty in the midst of which we walk, as growing things, answering the call of the springtime, are bursting into bud and flower. We thank Thee, too, for the gifts of love and friendship, for sacred and sunny memories, and for every radiant hope which sends a shining ray far down the future's broadening way.

Meet us, we beseech Thee, in the thorny questions which confront us amid the tragedies that have befallen men and nations out of their own willfulness and ignorance. We do not ask that Thou wilt keep us safe in these dangerous times, but we ask that Thou wilt keep us loyal to the ideals which make this dear land of freedom the torch of the world.

Above all our questing and groping, make us sure, O Lord, that Thou art, indeed, our light and the stronghold of our life, because we walk in Thy ways. Then, only, may we have no fear when evildoers assail us, uttering slander; though a host encamp against us, we shall not fear; though war arise against us, yet shall we be confident, as in Thy name we set up our banners.

We ask it in the name which is above every name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 7, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

ORDER DISPENSING WITH THE CALL OF LEGISLATIVE CALENDAR UNDER RULE VIII

On request of Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar under rule VIII was dispensed with.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Public Health of the Committee on the District of Columbia and the Subcommittee on Privileges and Elections of the Committee on Rules and Administration were authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDENT pro tempore. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

COAST AND GEODETIC SURVEY

The Chief Clerk proceeded to read sundry nominations in the Coast and Geodetic Survey.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

APPROPRIATIONS FOR PROCUREMENT OF SMALL PATROL CUTTERS FOR THE COAST GUARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 169, H.R. 7855.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7855) to authorize appropriations for procurement of small patrol cutters for the Coast Guard.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. BARTLETT. Mr. President, I would like to stress again the importance of this legislation which will authorize the Coast Guard to obtain appropriations for the necessary funds to replace the 17 Coast Guard patrol cutters that were recently taken from domestic service and sent to Vietnam. I have repeatedly stressed, and other Senators have joined me, in emphasizing the necessity of maintaining a vessel construction program for the U.S. Coast Guard that is adequate to meet their needs both here at home and abroad when needed.

The vessel replacement program, in my opinion, has not been adequate and I have repeatedly stressed this fact. During the past several years the Coast Guard authorization legislation, introduced at the request of the Secretary of the Treasury, has not been adequate to permit the timely replacement of the Coast Guard fleet according to the schedule of replacement indicated in the Coast Guard long range vessel plan. The only class of vessels which were being constructed on schedule was the class from which these 17 patrol vessels were taken. Now we are faced with a situation in which the resources of the Coast Guard will be spread dangerously thin to meet this emergency in Vietnam. I sincerely hope that this will point out the importance of keeping the Coast Guard fleet replacement program on schedule in the future. This is no time to reduce our capability for Coast Guard service in our domestic waters, therefore, this emergency authorization was necessary.

I sincerely hope that within 18 months the new replacement vessels will have been constructed and the balance of our replacement program will be on schedule.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 182), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 7855 is to authorize appropriations for the procurement of 17 small patrol cutters for the Coast Guard. The companion Senate measure (S. 1901) was introduced by the chairman, Senator WARREN G. MAGNUSON, by request of the Secretary of the Treasury on May 4, 1965. The committee held hearings on the legislation on May 6 and ordered the bill to be reported favorably. In appearing before the committee, Assistant Secretary of the Treasury James A. Reed explained that the need for the legislation was based on developments during the last several weeks during which time 17 Coast Guard patrol boats were deployed to Vietnam. This legislation would authorize appropriations for obtaining a replacement for the 17 vessels, each of which is estimated to cost about $368,000.

JUSTIFICATION FOR THE BILL

The transfer of 17 Coast Guard small patrol cutters from their present duty stations in the United States leaves the Coast Guard severely handicapped in the accomplishment of its domestic missions of safety and rescue. The total fleet of small patrol cutters consisted of 44 vessels of this class. The 17 selected from this class were taken from the following locations: Woods Hole, Mass.; Fire Island, N.Y.; Sandy Hook, N.J.; Cape May, N.J.; Norfolk, Va. (2); Fort Pierce, Fla.; Grand Isle, La.; Galveston, Tex.; Port Isabel, Tex.; Long Beach, Calif.; San Pedro, Calif.; Newport Beach, Calif.; Benecia, Calif.; San Francisco, Calif.; Everett, Wash.; and Bellingham, Wash.

This will leave substantially weakened the Coast Guard capability for research and rescue operations in these areas. The purpose of this legislation is to overcome this deficiency at the earliest possible time. During the hearings, Assistant Secretary Reed pointed out that it was extremely unlikely that the vessels sent to Vietnam would be returned because of the uncertainty of the situation in that country and because of the heavy duty responsibilities that will be placed on the vessels. Since South Vietnam has recently extended its coastal jurisdiction, it is anticipated that patrol vessels such as those furnished by the Coast Guard would be needed even after any cession of hostilities.

Vice Adm. William D. Shields, Assistant Commandant of the Coast Guard, testified that the 17 vessels could be replaced in a period of 14 to 18 months if authority for immediate action is promptly given.

The PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7855) was ordered to a third reading, was read the third time, and passed.

CONCURRENT RESOLUTION OF NEW YORK LEGISLATURE

Mr. JAVITS. Mr. President, I present, for appropriate reference, a concurrent resolution of the Legislature of the State of New York. I ask unanimous consent that the concurrent resolution may be printed in the Record.

There being no objection, the concurrent resolution was referred to the Committee on Finance, and, under the rule, ordered to be printed in the Record, as follows:

Resolution 170

Concurrent resolution of the Senate and Assembly of the State of New York memorializing the Congress of the United States to enact into law H.R. 424 which grants the physically handicapped certain deductions and an additional exemption on their Federal income payments

Whereas there is an ever-increasing need to alleviate the problems encountered by the physically handicapped individual in the United States; and

Whereas there are large numbers of physically handicapped persons willing and able to contribute to the Nation's growing economy by engaging in useful occupations; and

Whereas such physically handicapped persons must expend a substantial portion of their earnings for a multitude of everyday living expenses not encountered by the rest of this Nation's population and, in particular, extraordinary expenses for transportation to get to and from the locale of their employment; and

Whereas there are a substantial portion of such physically handicapped persons who are kept from engaging in productive endeavors because of these extraordinary transportation, and other, expenses; and

Whereas there is presently pending before the Congress of the United States H.R. 424, which would grant to the physically handicapped person a deduction of up to $600 for transportation and/or an additional exemption on their Federal income tax payments: Now, therefore, be it

Resolved (*if the senate concur*), That the Congress of the United States be and it is respectfully memorialized to enact with all convenient speed H.R. 424 so that the physically handicapped persons of this Nation may be able to earn a livelihood and make their contributions to the economic growth of the United States; and be it further

Resolved (*if the senate concur*), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives and one copy to each Member of the Congress from the State of New York.

By order of the assembly.

John T. McKennan,
Clerk.

Concurred in, without amendment, by order of the senate.

George H. Van Lengen,
Secretary.

RESOLUTION OF TEXAS STATE SENATE

Mr. TOWER. Mr. President, I ask that there be printed in the Record and appropriately referred, a well-written and important resolution recently adopted by the Senate of the State of Texas in support of plans to create the Guadalupe Mountains National Park.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, as follows:

Senate Concurrent Resolution 44

Whereas there is pending in the Congress of the United States several bills having for their purpose the creation of a Guadalupe Mountains National Park; and

Whereas the creation of the Guadalupe Mountains National Park has been recommended by the Southwest regional office of the National Park Service to the U.S. Department of Interior; and

Whereas Mr. J. C. Hunter, Jr., of Abilene, Tex., has expressed a desire to sell his 71,790-acre ranch in the Guadalupe Mountains region located near the northern border of west Texas between Odessa and El Paso; and

Whereas Mr. J. C. Hunter, Jr., has expressed the further desire that this ranch be used for parks and public recreational purposes; and

Whereas it has been further recommended by the Southwest regional office of the National Park Service that the J. C. Hunter, Jr., ranch be purchased for the formation of such a park; and

Whereas Mr. Wallace Pratt has donated to the National Park Service 5,632 acres of land in the northern McKittrick Canyon area in New Mexico, immediately north of and adjacent to the Hunter ranch, which donated Pratt land alone is inadequate for development as a national park; and

Whereas the area offers a natural game and fish preserve for its various species of wildlife including bear, lion, elk, bighorn sheep, deer, turkey and smaller birds, and the only fresh water mountain trout stream in the State; and

Whereas the proposed Guadalupe Mountains National Park would complement and adjoin the Lincoln National Forest and the Carlsbad Caverns National Park areas in New Mexico; and

Whereas the current rate of growth of our cities and our population creates a demand for additional recreational areas; and

Whereas a national park in the Guadalupe Mountains would prove to be an economic benefit to the citizens of this State, attracting many tourists to the area: Now, therefore, be it

Resolved by the Senate of the State of Texas (the House of Representatives concurring), That the Congress of the United States is respectfully urged to enact the required legislation with all deliberate speed to purchase land and establish the Guadalupe Mountains National Park in Texas and New Mexico; and, be it further

Resolved, That a certified copy of this concurrent resolution be furnished to the President of the Senate, the Speaker of the House of Representatives, to each of this State's representatives to the Congress, and to the Secretary of the Interior of the United States.

Preston Smith,
Lieutenant Governor,
President of the Senate.

Attest:

Charles Schnabel,
Secretary of the Senate.

RESOLUTION OF NATIONAL GUARD ASSOCIATION OF TEXAS

Mr. TOWER. Mr. President, the National Guard Association of Texas, at its annual conference last month, adopted a most important resolution concerning the proposed Army Reserve-National Guard merger. I regard this as an extremely significant expression of views by key Texans, and so that other Senators may share those views I ask that the resolution be printed in the Record and appropriately referred.

There being no objection, the resolution was referred to the Committee on Armed Services, as follows:

Resolution Submitted by the Army Affairs Committee Relating to the Proposed Merger of the Army National Guard and the United States Army Reserve

Whereas, during the history of this Nation, it has been necessary to wage wars against many enemies dedicated to our destruction and to the basic guarantees granted every citizen under the Constitution of the United States of America; and

Whereas the Secretary of Defense and the Secretary of the Army have proposed a concept which will merge all elements of the National Guard and the Army Reserve into 1 component and thereby effectively eliminate and destroy 21 Army divisions, each of which possesses a long and rich heritage of duty and service to this Nation; and

Whereas the civilian soldier has always been ready to offer up, and has offered up, his worldy goods and life to defend those rights which his forefathers so gallantly fought and died for in years past; and

Whereas such civilian components have proved themselves equal to tasks assigned in both war and peace, and have provided our Nation with a reservoir of personnel dedicated to its defense in numbers which its economy could not support and which its citizens would not tolerate as a standing professional force; and

Whereas it is accepted doctrine among all professional soldiers that the Army division is the basic force required to supervise and control large bodies of troops over long periods of time, both tactically and logistically; and

Whereas it is the consensus of this association that this proposed merger is, in the final analysis, a plan to destroy the Army Reserve and to reduce the National Guard to a state of ineffectiveness; and

Whereby if this plan, conceived in secrecy and presented to the public under the subterfuge as making the Reserve components more ready for active combat, is permitted to become fact, it will only result in the excessive losses of units and waste of untold talent among the highly skilled and dedicated officers and men of the Reserve Forces, and will have a marked and far-reaching effect on those remaining who know that a few people have the power to override the constitutional rights given the Congress of the United States of America: Now, therefore, be it

Resolved, That the National Guard Association of Texas in general conference assembled on this 10th day of April 1965 record its complete opposition to the proposal to eliminate from the troop structure the present 21 Army divisions scheduled to become independent brigades or brigades of the present priority division force and that the officers of this association so advise all members of the Texas delegation to the Congress of the United States.

Clayborne E. Kruckemeyer,
Major, Texas Air National Guard,
President.

RESOLUTION OF CHAMBER OF COMMERCE AND AGRICULTURE, CUERO, TEX.

Mr. TOWER. Mr. President, the Board of Directors of the Chamber of Commerce and Agriculture of Cuero, Tex., recently passed a most important resolution concerning section 14(b) of the Taft-Hartley law. In order that other Senators may share the views of these

concerned Texans, I ask that the resolution be printed in the Record, and appropriately referred.

There being no objection, the resolution was referred to the committee on Labor and Public Welfare, as follows:

Resolution —

Whereas section 14(b) of the Taft-Hartley law guarantees to the States the right to protect their workers from compulsory unionization and thus guarantees to each such employee the freedom of choice whether to join or not join a union; and

Whereas this country has become great largely through a Constitution that protects the rights of the individual and guarantees to him certain basic freedoms; and

Whereas the right-to-work law passed by the State of Texas and other States protects the individual from compulsory membership in a union in order to hold a job and make a living for his family; and

Whereas the Chamber of Commerce of Cuero believes in the free enterprise system, dignity of the individual and in the freedom of choice: Now, therefore, be it

Resolved, That the Chamber of Commerce of Cuero, in meeting this 5th day of April 1965, does hereby oppose the repeal of section 14(b) of the Taft-Hartley law and urge their elected officials to vigorously oppose the repeal of said section and that a copy of this resolution be sent to the President of the United States and the Senators and Congressmen from the State of Texas.

Attest:

Pat Patterson,
Secretary.

THE TAFT-HARTLEY LAW—RESOLUTION

Mr. TOWER. Mr. President, the Texas Heavy, Municipal & Utilities Branch of the Associated General Contractors of America adopted a most important and well stated resolution concerning the Taft-Hartley law. In order that other Senators may be aware of the thinking of key Texans on this matter, I ask that the resolution be printed in the Record, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, as follows:

Resolution

Whereas it is a basic principle guaranteed by the Constitution of the United States of America that every American should have the right to life, liberty, and the pursuit of happiness; and

Whereas liberty to choose for himself man's place and nature of employment can rightfully be included; and

Whereas freedom of the individual against discrimination in employment because of membership or nonmembership in an organization is as basic a civil right as freedom of the individual against discrimination in employment because of race, color, creed, or national origin; and

Whereas because Federal law preempts State law, States today may protect their citizens from loss of their jobs for nonmembership in a union only by special dispensation of the Federal Government under section 14(b) of the Taft-Hartley Act; and

Whereas labor organizations, like employer organization, should be encouraged to grow on the basis of merit and not by compulsion; and

Whereas when compulsion becomes the means of growth of an organization, it tends to lose a sense of direction in the public interest, causing the public to turn to more and more Government regulations; and

Whereas management and labor both have seen these observations come true in recent years in connection with Federal labor legislation; and

Whereas the prohibition of union shop provisions in labor agreements would not interfere in any way with all the legitimate tools that workers otherwise have under Federal law to organize and bargain collectively with their employers: Now, therefore, be it

Resolved by the Texas Heavy, Municipal & Utilities Branch of the Associated General Contractors of America, Inc., in regular session at the Warwick Hotel in Houston, Tex., on the 10th day of April 1965, To support necessary changes in Federal and State law to fully protect the rights of all Americans to join or not to join any organization as a condition of employment, and to oppose the repeal of section 14(b) of the Taft-Hartley Act.

Adopted April 10, 1965.

John W. Ratliff,
President.
Frank B. Harrell,
Executive Secretary.

RESOLUTION OF COMMON COUNCIL OF CITY OF BUFFALO, N.Y.

Mr. JAVITS. Mr. President, I present, for appropriate reference, a resolution adopted by the Common Council of the City of Buffalo, N.Y., relative to assistance on cost of water pollution control facilities. I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was referred to the Committee on Public Works, as follows:

Resolution Re Assistance on Cost of Water Pollution Control Facilities

Whereas each year the incidences of water pollution along the Niagara frontier becomes more and more hazardous to the health, welfare, and well-being of the people of the Niagara frontier; and

Whereas the Honorable Henry P. Smith III, Representative of the 40th District, introduced H.R. 5317, a bill, "To amend the Internal Revenue Code of 1954 to encourage the prevention of water pollution by allowing the cost of water pollution control facilities to be amortized at an accelerated rate for income tax purposes": Now, therefore, be it

Resolved, That this common council memorialize and urge the U.S. Congress, on behalf of the people of the city of Buffalo, to pass the bill known as H.R. 5317 and that the city clerk be authorized and directed to forward certified copies of this Resolution to both Houses of the Senate and the Congress and to our respective two U.S. Senators from New York State and our Congressmen from this area.

Attest.

Stanley Mohk,
City Clerk.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 4338. An act to authorize the Veterans of Foreign Wars of the United States to rent certain property in the District of Columbia for certain office purposes (Rept. No. 185); and

H.J. Res. 195. Joint resolution to authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the American Legion National Convention of 1966, to be held in Washington, D.C.; to authorize the granting of certain permits to the American Legion 1966 Convention Corporation of the District of Columbia on the occasion of such convention, and for other purposes (Rept. No. 184).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S.J. Res. 5. Joint resolution designating the bridge crossing the Washington Channel near the intersection of the extension of 13th and G Streets Southwest the "Francis Case Memorial Bridge" (Rept. No. 183).

By Mr. SCOTT, from the Committee on Commerce, with an amendment:

S. 836. A bill to amend the Wool Products Labeling Act of 1939 to authorize the Federal Trade Commission to exclude from the provisions of that act wool products with respect to which the disclosure of wool fiber content is not necessary for the protection of the consumer (Rept. No. 186).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 1921. A bill to authorize certain modifications of the project for Calumet Harbor and River, Ill. and Ind.; to the Committee on Public Works.

(See the remarks of Mr. Dirksen when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 1922. A bill for the relief of Valentina Sidorova Parkevich; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 1923. A bill to amend chapter XI of the Bankruptcy Act to give the court supervisory power over all fees paid from whatever source;

S. 1924. A bill to amend section 39b of the Bankruptcy Act so as to prohibit a part-time referee from acting as trustee or receiver in any proceeding under the Bankruptcy Act; and

S. 1925. A bill to amend paragraphs b and c of section 14 of the Bankruptcy Act; to the Committee on the Judiciary.

(See the remarks of Mr. Tydings when he introduced the above bills, which appear under a separate heading.)

By Mr. CASE:

S. 1926. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Harold Braun, of Montclair, N.J.; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 1927. A bill to authorize the Secretary of the Interior to preserve as an area of historic interest certain structures and lands comprising the Washington Navy Yard; to the Committee on Armed Services.

(See the remarks of Mr. Bartlett when he introduced the above bill, which appear under a separate heading.)

By Mr. MONRONEY:

S. 1928. A bill to provide that the United States shall hold certain Chilocco Indian School lands at Chilocco, Okla., in trust for the Cherokee Nation upon payment by the Cherokee Nation of $3.75 per acre to the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (by request):

S. 1929. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947, as heretofore amended, to provide that taxable income for District income tax purposes and not income for District franchise tax purposes shall conform as closely as possible to taxable income for Federal income tax purposes under the present and future income tax laws of the United States, except as otherwise specifically provided herein, and for other purposes;

S. 1930. A bill to authorize the Commissioners of the District of Columbia to utilize volunteers for active police duty;

S. 1931. A bill to amend the District of Columbia Alcoholic Beverage Control Act;

S. 1932. A bill to amend the act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended; and

S. 1933. A bill to amend the act of July 11, 1947, to include members of the District of Columbia Fire Department, in the Metropolitan Police Department band, and for other purposes; to the Committee on the District of Columbia.

By Mr. NELSON (for himself and Mr. PROXMIRE):

S. 1934. A bill authorizing the Secretary of Health, Education, and Welfare to make certain grants to Menominee County, Wis., and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (by request):

S. 1935. A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 1936. A bill to provide for the gradual reduction and eventual elimination of the tax on communication services over a 3-year period; to the Committee on Finance.

(See the remarks of Mr. TOWER when he introduced the above bill, which appear under a separate heading.)

ELGIN, JOLIET & EASTERN RAILWAY BRIDGE

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize certain modifications of the navigation project for the Calumet Harbor and River, Ill., and Ind., insofar as it pertains to the Elgin, Joliet & Eastern Railway bridge.

The bridge spans the Calumet River in Chicago several miles lakeward of the Nickel Plate bridge spanning the same river. Being the first bridge inside the mouth of the river, the E.J. & E. bridge is subjected to more traffic through its draw than any other bridge over the river.

The proposed dredging of the south draw of this bridge to a depth of 27 feet is in aid of the program of the Chicago Regional Port District to establish an adequate port in Lake Calumet and appropriate access thereto.

The E.J. & E. bridge is one of the main obstructions to the existing project. The status of the bridge as an obstruction to navigation was the subject of a public hearing held January 20, 1965, under the Truman-Hobbs Act. The report on the obstructive character of the bridge is scheduled for completion during the third quarter of fiscal year 1966.

The Corps of Engineers has no present authority to pay for the bridge protection needed to withstand the Calumet River channel deepening authorized by the River and Harbor Act of 1962.

It is estimated that, for a cost of about $75,000, the E.J. & E. bridge can be strengthened sufficiently to allow dredging the channel through the south draw to a depth of 27 feet over a width of at least 75 feet. That is the minimum usable channel needed for navigation on the Calumet River.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1921) to authorize certain modifications of the project for Calumet Harbor and River, Ill., and Ind., introduced by Mr. DIRKSEN, was received read twice by its title, and referred to the Committee on Public Works.

PROPOSED LEGISLATION TO AMEND THE BANKRUPTCY ACT

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, three bills to amend the Bankruptcy Act. These are technical amendments which have been recommended by the Administrative Office of the U.S. Courts and endorsed by the Judicial Conference of the United States. Identical bills are pending in the House of Representatives. They are H.R. 5497, H.R. 6965, and H.R. 5654.

I ask unanimous consent that the text of the bills which I introduce today, and a brief memorandum in support of each, prepared by the Administrative Office of the U.S. Courts, be included in the RECORD.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bills will be received and appropriately referred; and, without objection, the bills and memorandums will be printed in the RECORD.

The bills, introduced by Mr. TYDINGS, were received, read twice by their titles, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1923. A bill to amend chapter XI of the Bankruptcy Act to give the court supervisory power over all fees paid from whatever source:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 366 of the Bankruptcy Act (11 U.S.C. 766) is amended by adding a new clause to read as follows:

"(5) All payments made or promised by the debtor or by a corporation acquiring property under the arrangement, or by any other person, for services and for actual and necessary expenses in, or in connection with, the proceeding or in connection with the arrangement and incident thereto, have been fully disclosed to the court and are reasonable."

The memorandum accompanying Senate bill 1923 is as follows:

EXPLANATION

A practice becoming prevalent in chapter XI proceedings under the Bankruptcy Act in which the compensation of attorneys, accounts, and others is paid or promised by third parties was brought to the attention of the Bankruptcy Committee of the Judicial Conference of the United States at its March 1964 meeting.

It has been held that such payments are beyond the control of the court (*In re Star Brands Products and Pickle Company,* 96 F. Supp. 406, and *In re A. L. Ratner, Inc.,* 95 F. Supp. 137). It was the view of the Bankruptcy Committee that all such payments should be subject to the approval of the court in the same manner as payments made in proceedings under chapter X of the Bankruptcy Act.

The Judicial Conference, upon the recommendation of its Bankruptcy Committee, authorized the Administrative Office to study the need for remedial legislation and further authorized the committee to recommend remedial legislation if it be deemed necessary. As a result, the Bankruptcy Division of the Administrative Office submitted the proposed amendment now contained in H.R. 5645 to the Bankruptcy Committee of the Judicial Conference at its September 1964 meeting. Whereupon, the committee recommended the proposed amendment to the Judicial Conference, and the Conference approved it at its September 1964 meeting.

The language of this proposed amendment has been adopted with appropriate modifications from section 221(4) of chapter X of the Bankruptcy Act. Omitted is reference to payments by a corporation "issuing securities" under the plan, since this is peculiarly applicable to corporate reorganizations. Also omitted is the last phrase of section 221(4)—"or, if to be fixed after confirmation of the plan, will be subject to the approval of the judge." This is deemed to be inapplicable to chapter XI where all fees are fixed before confirmation and must be included in the deposit which is prerequisite to filing an application for confirmation (secs. 337(2) and 362(2)).

Citing section 221(4), the Supreme Court said in *Woods* v. *City National Bank and Trust Company of Chicago,* 312 U.S. 362, 61 S. Ct. 493, 44 Am. B.R. (N.S.) 655:

"Under chapter X of the Chandler Act the bankruptcy court has plenary power to review all fees and expenses in connection with the reorganization, from whatever source they may be payable."

Again, in *Leiman* v. *Guttman,* 336 U.S. 1, 69 S. Ct. 371, the Supreme Court construed section 221(4):

"The control of the judge is not limited to fees and allowances payable out of the estate—Section 221(4) places under his control 'all payments made or promised' (1) by 'the debtor' or (2) 'by a corporation issuing securities or acquiring property under the plan' or (3) 'by any other person' for services rendered 'in connection with' the proceedings or 'in connection with' the plan and 'incident to' the reorganization.

* * * * *

"The aim of the expanded controls over reorganization fees and expenses is clear. The practice had been to fix them by private arrangement outside of court. * * * This gave rise to serious abuses. There was the spectacle of fiduciaries fixing the worth of their own services and exacting fees which often had no relation to the value of services rendererd.

* * * * *

"And section 221(4) is written in pervasive terms—it applies to 'all payments' for services 'in connection with' the proceeding or 'in connection' with 'the plan' and 'incident to' reorganization, whoever pays them."

With this construction of the statutory language of section 221(4), it is believed that the proposed amendment to section 366 would curb the abuse at which it is directed.

S. 1924. A bill to amend section 39b of the Bankruptcy Act so as to prohibit a part-time referee from acting as trustee or receiver in any proceeding under the Bankruptcy Act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of paragraph b of section 39 of the Bankruptcy Act (11 U.S.C. 67b) is amended to read as follows:

"b. Active part-time referees, and referees receiving benefits under paragraph (1) of subdivision d of section 40 of this Act, shall not practice as counsel or attorney or act as trustee or receiver in any proceeding under this Act."

The memorandum accompanying Senate bill 1924 is as follows:

EXPLANATION

During an examination of the judicial offices in a certain U.S. district court, the Department of Justice examiner called to the attention of the Department the fact that a part-time referee in bankruptcy had been appointed to serve as trustee in a corporate reorganization bankruptcy proceeding (ch. X) before the chief judge of that district. The referee is being compensated as trustee in addition to his regular compensation as part-time referee. The examiner raised a question as to the propriety of the appointment and asked for the advice of the Department of Justice and that Department in turn requested the views of the Administrative Office of the U.S. Courts on the subject.

The Administrative Office, after consideration of the matter, wrote to the Department of Justice on February 10, 1964, referring to what it regards as pertinent provisions of the Bankruptcy Act and general orders and expressing the view that the practice of appointing a part-time referee to serve as a trustee in a chapter X proceeding and the allowance of compensation to the referee as such trustee is a practice which should be avoided and that in any event if a part-time referee serves in such capacity, his compensation as trustee should be paid into the Referees' Salary and Expense Fund. A copy of the letter of February 10 to the Department of Justice was supplied to the chief judge.

After considering the views of the Administrative Office, as expressed in its letter of February 10, 1964, to the Department of Justice, the chief judge involved wrote to the Administraive Office under date of March 6, 1964, indicating his complete disagreement with the conclusions of the Administrative Office that the appointing of a part-time referee to serve as a trustee in a chapter X proceeding should be avoided, and that in the event a referee serves as such trustee, his compensation for services as trustee should be paid into the Referees' Salary and Expense Fund. He also expressed the opinion that the provisions of the Bankruptcy Act cited in the letter of the Administrative Office do not support such conclusions, or either of them.

In view of the difference in the view of the Administrative Office and the Chief Judge regarding the appointment of a part-time referee in bankruptcy to serve as trustee in a chapter X (corporate reorganization) proceeding, the Administrative Office brought the situation to the attention of the Committee on Bankruptcy Administration of the Judicial Conference of the United States at its July 27, 1964, meeting and requested the Committee's views with respect to such appointment. The Committee reported to the Conference that it was of the view that section 39b of the Bankruptcy Act (11 U.S.C. 67b) does not prohibit such appointments. The Committee however felt that as a matter of policy and good practice such appointments should not be made and recommended to the Conference that the last sentence of section 39b be amended to read as follows:

"Active part-time referees, and referees receiving benefits under paragraph (1) of subdivision d of section 40 of this Act, shall not practice as counsel or attorney *or act as trustee* in any proceeding under this Act." (New language in italic.)

During the latter part of 1964 the proposed amendment was brought to the attention of Mr. Randolph Montgomery, Chairman of the National Bankruptcy Conference, and on January 8, 1965, he advised the Administrative Office that—

"As to the proposed amendment to section 39b, all Conferees from whom I have heard have approved the amendment except that it is believed the prohibition should be against acting not only as trustee but also as receiver in any proceeding under the Act."

This was submitted to the Bankruptcy Committee at its February 1965 meeting and it recommended to the Judicial Conference of the United States that it approve the amendment to the original proposal. Therefore, upon the recommendation of the Bankruptcy Committee the Conference at its March 1965 meeting approved the suggestion of the National Bankruptcy Conference and reaffirmed its approval of the suggested amendment which is now contained in H.R. 6965, 89th Congress, 1st session.

COMPARATIVE PRINT

"b. Active part-time referees, and referees receiving benefits under paragraph (1) of subdivision d of section 40 of this Act, shall not practice as counsel or attorney *or act as trustee or receiver* in any proceeding under this Act." (The language in italic is new.)

S. 1925. A bill to amend paragraphs b and c of section 14 of the Bankruptcy Act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs b and c of section 14 of the Bankruptcy Act (11 U.S.C. 32 (b), (c)) are amended to read as follows:

"b. The court shall make an order fixing a time for the filing of objections to the bankrupt's discharge which shall be not less than thirty days after the first date set for the first meeting of creditors. Notice of such order shall be given to all parties in interest as provided in section 58b of this Act. If the examination of the bankrupt concerning his acts, conduct, and property has not or will not be completed within the time fixed for the filing of objections to the discharge the court may, upon its own motion or upon motion of the receiver, trustee, a creditor, or any other party in interest or for other cause shown, extend the time for filing such objections. Upon the expiration of the time fixed in such order or of any extension of such time granted by the court, the court shall discharge the bankrupt if no objection has been filed and if the filing fees required to be paid by this Act have been paid in full; otherwise, the court shall hear such proofs and pleas as may be made in opposition to the discharge, by the trustee, creditors, the United States attorney, or such other attorney as the Attorney General may designate, at such time as will give the bankrupt and the objecting parties a reasonable opportunity to be fully heard.

"c. The court shall grant the discharge unless satisfied that the bankrupt has (1) committed an offense punishable by imprisonment as provided under title 18, United States Code, section 152; or (2) destroyed, mutilated, falsified, concealed, or failed to keep or preserve books of account or records, from which his financial condition and business transactions might be ascertained, unless the court deems such acts or failure to have been justified under all the circumstances of the case; or (3) while engaged in business as a sole proprietor, partnership, or as an executive of a corporation, obtained for such business money or property on credit or as an extension or renewal of credit by making or publishing or causing to be made or published in any manner whatsoever a materially false statement in writing respecting his financial condition or the financial condition of such partnership or corporation; or (4) at any time subsequent to the first day of the twelve months immediately preceding the filing of the petition in bankruptcy, transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property with intent to hinder, delay, or defraud his creditors; or (5) in a proceeding under this Act commenced within six years prior to the date of the filing of the petition in bankruptcy has been granted a discharge, or had a composition or any arrangement by way of composition or a wage earner's plan by way of composition confirmed under this Act; or (6) in the course of a proceeding under this Act refused to obey any lawful order of, or to answer any material question approved by, the court; or (7) has failed to explain satisfactorily any losses of assets or deficiency of assets to meet his liabilities; or (8) has failed to pay the filing fees required to be paid by this Act in full: *Provided*, That if, upon the hearing of an objection to a discharge, the objector shall show to the satisfaction of the court that there are reasonable grounds for believing that the bankrupt has committed any of the acts which, under this subdivision c, would prevent his discharge in bankruptcy, then the burden of proving that he has not committed any of such acts shall be upon the bankrupt."

The memorandum accompanying Senate bill 1925 is as follows:

EXPLANATION

The Bankruptcy Division of the Administrative Office of the U.S. Courts, as a measure of economy, suggested that the Bankruptcy Committee of the Judicial Conference of the United States, at its meeting February 1964, consider the amendments proposed in this bill amending paragraphs b and c of section 14 of the Bankruptcy Act to permit the court, before the filing fees required to be paid by the act are paid in full, to make an order fixing a time for the filing of objections to the bankrupt's discharge and providing that a discharge cannot be granted until the filing fees are paid in full.

Under the present provisions of section 14b, such an order is not permitted until after all of the filing fees have been paid in full. As a consequence, in cases where the filing fees are not paid in full when the petition is filed but are paid in installments as authorized under General Order No. 35, the court is required in the simplest case to send two separate notices to creditors. The first is the 10-day notice of the first meeting of creditors and the second is the 30-day notice of the last day fixed by the court of the filing of objections to the discharge.

In cases where the filing fees are paid in full when the petition is filed, section 14b now permits the two notices to be combined and a single combined notice is mailed to creditors. The proposed amendment would permit the court to combine the two notices in every straight bankruptcy case. This would effect a substantial saving in the cost of penalty mail, envelopes, paper, and the time of clerical help. The savings are estimated at between $150,000 and $200,000 a year.

The Judicial Conference of the United States, at its meeting in March 1964, upon the recommendation of its Committee on Bankruptcy Administration, approved the proposals contained in the bill which is attached.

COMPARATIVE PRINT

"b. [After the filing fees required to be paid by this Act have been paid in full] (t) the court shall make an order fixing a time for the filing of objections to the bankrupt's discharge which shall be not less than thirty days after the first date set for the first meeting of creditors. Notice of such order shall be given to all parties in interest as provided in section 58b of this Act. If the examination of the bankrupt concerning his acts, conduct, and property has not or will not be completed within the time fixed for the filing of objections to the discharge the court may, upon its own motion or upon motion of the receiver, trustee, a creditor, or any other party in interest or for other cause shown, extend the time for filing such objections. Upon the expiration of the time fixed in such order or of any extension of such time granted by the court, the court shall discharge the bankrupt if no objection has been filed *and if the filing fees required to be paid by this Act have been paid in full;* otherwise, the court shall hear such proofs and pleas as may be made in opposition to the discharge, by the trustee, creditors, the United States attorney, or such other attorney as the Attorney General may designate, at such time as will give the bankrupt and the objecting parties a reasonable opportunity to be fully heard."

"c. The court shall grant the discharge unless satisfied that the bankrupt has (1) committed an offense punishable by imprisonment as provided under title 18, United States Code, section 152; or (2) destroyed, mutilated, falsified, concealed, or failed to keep or preserve books of account or records, from which his financial condition and business transactions might be ascertained, unless the court deems such acts or failure to have been justified under all the circumstances of the case; or (3) while engaged in business as a sole proprietor, partnership, or as an executive of a corporation, obtained for such business money or property on credit or as an extension or renewal of credit by making or publishing or causing to be made or published in any manner whatsoever a materially false statement in writing respecting his financial condition or the financial condition of such partnership or corporation; or (4) at any time subsequent to the first day of the twelve months immediately preceding the filing of the petition in bankruptcy, transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property with intent to hinder, delay, or defraud his creditors; or (5) in a proceeding under this Act commenced within six years prior to the date of the filing of the petition in bankruptcy has been granted a discharge, or had a composition or an arrangement by way of composition or a wage earner's plan by way of composition confirmed under this Act; or (6) in the course of a proceeding under this Act refused to obey any lawful order of, or to answer any material question approved by, the court; or (7) has failed to explain satisfactorily any losses of assets or deficiency of assets to meet his liabilities; *or (8) has failed to pay the filing fees required to be paid by this Act in full:* Provided, That if, upon the hearing of an objection to a discharge, the objector shall show to the satisfaction of the court that there are reasonable grounds for believing that the bankrupt has committed any of the acts which, under this subdivision c, would prevent his discharge in bankruptcy, then the burden of proving that he has not committed any of such acts shall be upon the bankrupt."

(Note.—The language in brackets is deleted. The language in italic is new.)

THE WASHINGTON NAVY YARD: HISTORY AND TRADITION

Mr. BARTLETT. Mr President, I introduce, for appropriate reference, a bill to preserve as an area of historic interest certain structures and lands of the Washington Navy Yard as a national museum for the people of the United States. This location has played a key role in the development of the Nation's Capital, and in fact dates back to the beginning of the Republic.

President George Washington, together with Maj. Pierre L'Enfant, surveyed the proposed site which was transferred to the United States during the administration of President John Adams by the act of July 23, 1798. The Department of the Navy gives the official founding date of the yard as October 2, 1799. The famous architect and engineer, Benjamin Henry Latrobe, completed plans for the yard in 1805. The home of the first Commandant still stands as a tribute to the architectural skill of Latrobe, and traces of his work are evident in the main entrance arcade. Much of the yard was destroyed by fire during the British siege in 1814. Under the influence and foresight of Comdr. John Dahlgren, the scope of the yard's activity was expanded to include ordnance manufacture and testing to the point where, in recent times, it became the largest naval weapons plant in the world.

Through tradition and history the Navy has played an extremely important part in the development of the United States. George Washington saw the need for a strong Navy both as an extension of foreign policy and as an instrument to keep the high seas open to free trade. With these thoughts foremost in mind he realized that naval vessels must have adequate berthing and shore facilities instead of the then existing occasional service at commercial docks. The Washington Navy Yard was the first of the six proposed yards and was located 12 blocks from the Capitol to be "under the eye of the Government."

Mr. President, the huge machines and factories of the Navy yard are all but silent. A considerable portion of the land and buildings has been declared surplus and is now under the jurisdiction of the Administrator of General Services. There is considerable fear that the historic sections of the yard will also be turned over to the General Services Administration for disposition—thereby losing forever the historical significance of this area.

At the present time, there is a small naval museum operated by the Navy Department for the benefit of service personnel. The staff of the museum is small, and its budget is limited. The museum building has a big overhead crane which is well equipped to handle the many donations of historic equipment for display in the museum. Of special interest at the museum is the private ship model collection of the late President Kennedy. The *Thresher* exhibit is a grim reminder of the noncombative dangers Navy men constantly face.

Largely through the efforts of private individuals, interest in preserving the Navy yard has increased. Until last fall, the average attendance had been small. With the opening of this display center to the public on March 1, 1965, the average daily attendance has more than quadrupled.

The United States does not have a national naval museum as many other nations do. To be sure, it does have several excellent maritime museums—but these are chiefly local in nature and character. The Nation's capital is an ideal location to establish for posterity a national naval museum, particularly in the country's oldest Navy yard. The history of the U.S. Navy is closely interwoven with our American heritage from the pre-Revolutionary days to the present space age. That history must be preserved if future generations are to have full knowledge and proper perspective of the importance of the U.S. Navy to the growth and development of our Nation. It has been suggested that the existing piers be utilized in part to become permanent showcases for such historic vessels as the U.S.S. *Constellation*, Admiral Dewey's flagship, the *Olympia*, and the last square rigged vessel built in the United States, the *Kaiulani*, a gift to this country from the Philippine Government. However, the purpose of this legislation would benefit others than just historians.

Earlier this year, President Johnson stated:

> The river rich in history and memory which flows by our Nation's Capital should serve as a model of scenic and recreational values for the entire country.

It is fitting that Mrs. Johnson's Committee for a More Beautiful Capital will start its tour of the District waterfront from the Washington Navy Yard. The proposal incorporates recreational facilities and plans to improve the appearance of the Anacostia waterfront.

The bill would preserve as an area of historic interest the structures—including piers—lands, and water comprising the Washington Navy Yard which are under the jurisdiction of the Secretary of Defense, when this area is no longer needed for national defense purposes. The protection, preservation, maintenance, and development of the area shall be undertaken consistent with a comprehensive plan to be prepared and carried out by the Secretary of the Interior, in consultation with the Secretary of Defense, the Chairmen of the National Capital Planning Commission and the Commission of Fine Arts, and the Advisory Committee created by the Secretary of the Interior. Such plan shall include, among others, provisions providing for the development of the lands and waters as an area for exhibiting and displaying vessels and weapons.

I ask unanimous consent that the full text of the bill be printed at this point in the Record and that the bill be left on the desk for 10 legislative days for additional cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record and held at the desk, as requested by the Senator from Alaska.

The bill (S. 1927) to authorize the Secretary of the Interior to preserve as an area of historic interest certain structures and lands comprising the Washington Navy Yard, introduced by Mr. Bartlett, was received, read twice by its title, referred to the Committee on Armed Services and ordered to be printed in the Record, as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of preserving as an area of historical interest (1) the structures (including piers), lands, and waters comprising the Washington Navy Yard in the District of Columbia, which are under the jurisdiction of the Secretary of Defense, and (2) such structures and lands within the Washington Navy Yard, which have been declared excess property, as may be designated by the Secretary of the Interior, the Secretary of the Interior, following a determination by the Secretary of Defense that the structures, lands, and waters referred to in clause (1) are no longer needed for national defense purposes, shall protect, preserve, maintain, and develop such structures, lands, and waters (together with any structures and lands designated pursuant to clause (2)) in the manner hereinafter provided.

(b) The protection, preservation, maintenance, and development referred to in subsection (a) shall be undertaken consistent with a comprehensive plan to be prepared and carried out by the Secretary of the Interior, in consultation with the Secretary of Defense, the Chairmen of the National Capitol Planning Commission and the Commission of Fine Arts, and the Advisory Committee created by the Secretary of the Interior pursuant to section 2 of this Act. Such plan shall include, among others, provisions providing for the development of the lands and waters referred to in subsection (a) as an area for exhibiting and displaying vessels and weapons.

SEC. 2. The Secretary of the Interior shall create an advisory committee to consist of a representative from the Department of the Navy, the United States Marine Corps, and the National Park Service. It shall be the duty of such committee to advise the Secretary of the Interior in carrying out his duties under this Act. Meetings of the committee shall be held at the request of the Secretary. The members of the committee shall receive no compensation for their services as members, but shall be entitled to reimbursement for such necessary travel and other expenses in connection with their attendance at committee meetings as may be authorized or approved by the Secretary of the Interior.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

MENOMINEE COUNTY AID BILL

Mr. NELSON. Mr. President, on behalf of myself and my colleague the senior Senator from Wisconsin [Mr. PROXMIRE], I send to the desk, for appropriate deference, a bill to provide education, health, and welfare aid and the means for a stable economic future to Wisconsin's most poverty stricken county.

Today in the House of Representatives, Representative MELVIN LAIRD is introducing an identical bill.

Menominee County has an average family income of only $2,634, less than half the State average. By every other known index—health, education, unemployment—the county unemployment rate stands at 18 percent—housing—the county is in desperate condition.

In April 1961 over 100 years of tribal status for the Menominee Indians was terminated in the bright hope that the Menominees could make their way on their own.

The hope has not materialized. The bill is designed to help make it a reality.

The problem is not now an Indian problem but a poverty problem. And this is not an Indian bill, but an economic opportunity bill.

The bill would provide 10 years of aid for education, health, and welfare, finance careful economic planning, and provide the long-term loans needed to establish a stable economy.

Specifically the bill would provide $1,125,000 over the 10-year period for education—$150,000 annually for 5 years and a declining amount for 5 additional years; $747,000 over the 10 years of welfare—$100,000 annually for 5 years and a declining amount for 5 additional years; $500,000 for health, especially tuberculosis eradication $100,000 a year for 5 years; $450,000 for the completion of sanitation connections in Neopit and Keshena; $50,000 for a detailed recreational development study under the direction of the Interior Department; $25,000 for a detailed study of the possible expansion of the timber industry; $5 million in long term, low-interest loans to carry out the study recommendations.

Menominee County became Wisconsin's 72d county April 30, 1961, when the tribal status of the Menominee Indians was terminated. The tribal lands and assets were turned over to Menominee Enterprises, Inc., with members of the tribe becoming stock and bond holders.

The county has experienced continued economic difficulty. The expenses of running a county government and the lack of available capital has handicapped the county.

Congress recognized its responsibility for making independence an economic as well as a legal fact in 1961 when it voted funds to aid education and to construct sewer and water lines in the county after termination. Now the education aid has about run out—and all the sanitation money has been spent without completing the sewer and water systems in Neopit and Keshena, the principal settlements in the county.

Continued aid is vitally needed. But if we are to see an end to piecemeal handouts to Menominee County we must do more than simply continue the Federal aid program—we must provide for the planning and capitalization necessary to put the county on a solid financial footing.

The county's great natural wealth includes not only tall forests of virgin timber and lovely lake country but also one of the few untamed rivers in the Nation considered beautiful enough for inclusion in the President's wild river bill. The Wolf River is one of the true glories of Wisconsin.

I am particularly hopeful that sound recreation development planning could lead to a stable economic future for the Menominees. It could also serve as a model for the development of the greatest underdeveloped resource in the northern Great Lakes area.

The orderly way in which the timber operation has been handled by Menominee Enterprises shows that the management capacity is there. But the capital is lacking, and the farsighted recreation development planning that is needed has not been done and cannot be done without substantial Federal aid.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1934) authorizing the Secretary of Health, Education, and Welfare to make certain grants to Menominee County, Wis., and for other purposes, introduced by Mr. NELSON (for himself and Mr. PROXMIRE), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

AMENDMENT TO THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED, TO PROVIDE FOR THE TIMELY DETERMINATION OF CERTAIN CLAIMS OF AMERICAN NATIONALS SETTLED BY THE UNITED STATES-POLISH CLAIMS AGREEMENT OF JULY 16, 1960, AND FOR OTHER PURPOSES

Mr. SPARKMAN. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes.

The proposed legislation has been requested by the Chairman of the Foreign Claims Settlement Commission and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Chairman of the Foreign Claims Settlement Commission received by the Senate on May 3, 1965, as well as a section-by-section analysis of the amendments to the International Claims Settlement Act submitted by the Foreign Claims Settlement Commission in behalf of the executive branch.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and section-by-section analysis will be printed in the RECORD.

The bill (S. 1935) to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes, introduced by Mr. SPARKMAN, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949, as amended, is further amended as follows:

(1) Subsection (f) of section 4, title I, is hereby amended to read as follows:

"(f) No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the

Commission under this title shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title, on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both."

(2) Section 6, title I, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) The Commission shall complete its affairs in conection with the settlement of United States-Polish claims arising under the Polish Claims Agreement of July 16, 1960, not later than March 31, 1966."

(3) Subsection (b) of section 7, title I, is amended by inserting "(1)" after the subsection letter, and adding at the end thereof the following paragraphs:

"(2) The Secretary of the Treasury shall deduct from the undisbursed balance in the Polish Claims Fund, created pursuant to section 8, as of the date of enactment of this paragraph and from each payment thereafter into that Fund, 5 per centum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts. The Secretary shall make payment to the person or persons entitled thereto out of the Polish Claims Fund on account of any amounts deducted pursuant to subsection (b) of section 7 from payments made pursuant to section 8(c) (1) and (2) prior to the enactment of this paragraph.

"(3) The Secretary of the Treasury shall deduct from each payment into any other special fund created pursuant to section 8, subsequent to November 4, 1964, 5 per centum thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts."

(4) Paragraph (1) of subsection (c), section 7, title I, is hereby amended to read as follows:

"(1) If any person to whom any payment is to be made pursuant to this title is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates."

(5) Subsection (c) of section 8, title I, is amended by striking out the phrase "any of the funds" and inserting in lieu thereof "the Yugoslav Claims Fund", and by inserting the phrase "paragraph (1) of" after the phrase "pursuant to" and before the words "subsection (b)".

(6) Section 8, title I, is hereby further amended by adding at the end thereof the following subsection:

"(e) The Secretary of the Treasury is authorized and directed out of the sums covered into the Polish Claims Fund and into any other special fund created pursuant to this section subsequent to November 4, 1964, to make payments on account of awards certified by the Commission pursuant to this title with respect to claims included within the terms of the Polish Claims Agreement of 1960 and of any other similar agreement entered into subsequent to November 4, 1964, as follows and in the following order of priority:

"(1) Payment in the amount of $1,000 or in the principal amount of the award, whichever is less;

"(2) Thereafter, payments from time to time on account of the unpaid principal balance of each remaining award which shall bear to such unpaid principal balance the same proportion as the total amount in the Polish Claims Fund and in any other special fund created pursuant to this section subsequent to November 4, 1964, available for distribution at the time such payments are made bears to the aggregate unpaid principal balance of all such awards; and

"(3) Thereafter, payments from time to time on account of the unpaid balance of each award of interest which shall bear to such unpaid balance of interest, the same proportion as the total amount in the Polish Claims Fund and in any other special fund created pursuant to this section subsequent to November 4, 1964, available for distribution at the time such payments are made bears to the aggregate unpaid balance of interest of all such awards."

(7) Section 302, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) The Secretary of the Treasury shall cover into each of the Bulgarian and Rumanian Claims Funds, such sums as may be paid by the Government of the respective country pursuant to the terms of any claims settlement agreement between the Government of the United States and the Government of such country."

(8) Section 303, title III, is amended by striking out the word "and" at the end of paragraph (2), and by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and immediately thereafter, the word, "and".

(9) Section 303, title III, is further amended by adding at the end thereof the following new pragraph:

"(4) Pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Bulgaria and Rumania, between August 9, 1955, and the effective date of the claims agreement between the respective country and the United States."

(10) Section 304 of title III is amended by inserting "(a)" after the section number and adding at the end thereof the following subsections:

"(b) The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on August 9, 1958, which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to subsection (a) of this section or under section 202 of the War Claims Act of 1948, as amended, or to persons whose claims have been denied by the Commission for reasons other than that they were not filed within the time prescribed by section 306.

"(c) The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on September 3, 1943, and the date of enactment of this subsection, against the Government of Italy which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in territory ceded by Italy pursuant to the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy or subsection (a) of this section."

"(d) Within thirty days after enactment of this subsection, or within thirty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under subsections (b) and (c) of this section, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication.

"(e) The Commission shall certify awards on claims determined pursuant to to subsections (b) and (c) of this section to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 310 of this Title, after payment in full of all awards certified pursuant to subsection (a) of this section.

"(f) After payment in full of all awards certified to the Secretary of the Treasury pursuant to subsections (a) and (d) of this section, the Secretary of the Treasury is authorized and directed to transfer the unobligated balance in the Italian Claims Fund into the War Claims Fund created by section 13 of the War Claims Act of 1948, as amended."

(11) Section 306, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) Within thirty days after enactment of this subsection or the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 303 of this title, whichever is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under paragraph (4) of section 303 of this title, which limit shall not be more than six months after such publication."

(12) Section 310, title III, is amended by adding at the end of subsection (a) thereof the following paragraph:

"(6) Whenever the Commission is authorized to settle claims by the enactment of paragraph (4) of section 303 of this title with respect to Rumania and Bulgaria, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission pursuant to paragraphs (1), (2), or (3) of section 303 of the Bulgarian or Rumanian Claims Funds, as the case may be, until payments on account of awards certified pursuant to paragraph (4) of section 303 with respect to such Funds have been authorized in equal proportion to payments previously authorized on existing awards certified pursuant to paragraphs (1), (2), and (3) of section 303."

(13) Section 316, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) The commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (4) of section 303 and subsections (b) and (c) of section 304 of this title not later than two years following the date of enactment of such paragraph, or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 303 and subsections (b) and (c) of section 304 of this title, whichever is later."

The letter and section-by-section analysis presented by Mr. SPARKMAN are as follows:

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Transmitted herewith in behalf of the executive branch for the consideration of the 89th Congress is the draft of a proposed bill entitled "A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes."

On July 16, 1960, the Governments of the United States and the Polish People's Republic entered into an en bloc settlement of claims of nationals of the United States against Poland for the nationalization or other taking by Poland of property and rights or interests therein; the deprivation of use or enjoyment of property; and debts of nationalized enterprises. The Polish Government agreed to pay to the U.S. Government an aggregate of $40 million in 20 equal annual installments. Five such installments have been paid to the U.S. Treasury.

A total of 10,239 applications have been received to date, some having been received after the close of the filing date, March 31, 1962. It is anticipated, of course, that the number of valid claims will be considerably less. Nevertheless, all claims filed with the Commission, whether valid or invalid, must be examined and decided by formal opinions.

The Commission started work on the Polish claims program on September 1, 1960, pursuant to title I of the International Claims Settlement Act of 1949, as amended, which established the procedures for the administration of such a claims program by the Foreign Claims Settlement Commission. Title I, however, makes no provision with respect to limiting the time within which the Commission must bring about the timely and orderly completion of the Polish claims program.

As indicated, 10,239 claims have been filed. In relation to programs previously administered by the Commission this one is more than six times the size of the Yugoslav program, equal to the size of the title III program, and more than twice the size of the title IV program. Four years were allowed for the completion of each of those programs. Accordingly, the Commission proposes that the period for processing claims against Poland be no greater than 4 years from the last day for filing claims.

Eight other proposals were contained in the draft measure:

(a) A proposal to relieve the Commission of the burden of determining attorneys' fees and to make title I consistent with the attorney fee provisions of titles III and IV of the International Claims Settlement Act.

(b) A proposal to relieve the Treasury Department of extensive administrative burdens in deducting the Commission's administrative expenses from the Fund instead of from each award by the Commission.

(c) A proposal to reopen the Italian claims program under section 304 of the International Claims Settlement Act of 1949.

The following proposals are designed to provide for the implementation of the United States-Rumanian Claims Settlement Agreement of March 30, 1960, and the United States-Bulgarian claims settlement agreement of July 2, 1963.

(d) A proposal to enable the Secretary of the Treasury to cover the payments of governments with which the U.S. Government concludes en bloc claims settlement agreements into the respective claims fund.

(e) A proposal to provide for a new category of claims against the Rumanian Claims Fund and the Bulgarian Claims Fund.

(f) A proposal requiring the Commission to publish notice of the programs in the Federal Register.

(g) A proposal providing for equitable payments on awards.

(h) A proposal providing for the orderly completion of the Rumanian and Bulgarian programs.

The items covered in the draft proposal will involve little, if any, cost. In any event, the cost of effectuating any of the proposals would be borne by the claims fund concerned and not the U.S. Government.

The Commission cannot proceed in the orderly administration of the Polish, Rumanian, and Bulgarian claims programs unless the items pertaining to them are enacted. With respect to the remaining items, these are considered good administrative housekeeping which should not be left at loose ends. Moreover, it is important that this legislation be enacted promptly because installment payments aggregating $10 million have been made by the Government of Poland. On July 1, 1964, the Government of Rumania made its final installment payment of $500,000 under the terms of the Agreement of March 30, 1960. On July 1, 1964, the Government of Bulgaria made its lump-sum settlement first installment payment in the amount of $200,000.

For these reasons the Commission urges early and favorable action on the proposed bill.

The Bureau of the Budget advises that the enactment of this proposal would be consistent with the administration's objectives.

Accompanying the draft bill is a section-by-section analysis of its provisions.

Sincerely yours,

EDWARD D. RE,
Chairman.

INTERNATIONAL CLAIMS SETTLEMENT ACT AMENDMENTS SUBMITTED BY THE FOREIGN CLAIMS SETTLEMENT COMMISSION IN BEHALF OF THE EXECUTIVE BRANCH—SECTION-BY-SECTION ANALYSIS

Paragraph 1: (The enacting clause unnumbered.)

Section 4(f) of title I of the International Claims Settlement Act of 1949, as amended, presently provides for a limitation on attorney's fees of 10 percent of any payment on an award made by the Commission, but it also provides machinery authorizing the Commission to set the amount of such fee within the 10-percent limitation. Further provision is made for deduction by the Secretary of the Treasury of the amount of the fee and for payment directly to the attorney.

Because of the additional administrative burdens imposed upon the Commission and the Treasury Department through such procedures the attorney fee provisions have been considerably simplified in legislation enacted subsequent to title I of the act, namely, titles III and IV. The latter two titles provide simply that such fees shall not exceed 10 percent of any payment made on an award by the Commission, and leaves the settlement thereof to attorney and client.

Paragraph 1 of the proposed bill is designed to repeal present section 4(f) of title I, and to substitute therefor the attorney fee provisions contained in section 414 of title IV of the act.

Paragraph 2: While title I of the International Claims Settlement Act of 1949, as amended, made provision for the initiation of claims programs such as that contemplated under the Polish Claims Agreement of July 16, 1960, and authorized the Commission to set a claims filing period, it did not make provision for establishing the time limit within which the Commission should wind up its affairs in completing the program.

Accordingly, the Commission, having received nearly 10,000 claims during the filing period, recommends in the measure that the windup date be set 4 years from the last day for filing claims. The date thus recommended is March 31, 1966.

Paragraph 3: All claims funds administered by the Commission have been charged with financing the administrative expenses of the Commission and the Treasury. Therefore, section 7(b) of title I of the International Claims Settlement Act of 1949, as amended, presently provides for the deduction of 5 percent of any payment made on an award. Legislation enacted subsequent to title I, i.e., titles III and IV, instead provides for a direct deduction of 5 percent from each payment into the respective funds. This method lifts an extensive administrative burden from the Treasury Department.

It is recommended, therefore, that provisions comparable to those of title IV be included to apply (1) to the undisbursed balance of the Polish Claims Fund as of the date of enactment and to the future payments of $2 million annually into that fund to be completed in 1980; (2) to payments into the fund contemplated by the new Yugoslav Claims Agreement of November 5, 1964, which calls for five annual payments of $700,000, to be completed in 1970; and (3) to payments into any other similar fund.

The Treasury has deducted from payments of up to $1,000 already made on account of the principal of awards under the Polish claims program 5 percent thereof for administrative expenses. Under the present priority of payments, holders of awards in the principal amount of $1,000 or less have not, therefore, received payment in full. For this reason, the proposed amendment provides for payment to those awardholders of the amounts withheld prior to the enactment of this paragraph.

Paragraph 4: Section 7(c)(1), title I, of the International Claims Settlement Act of 1949, as amended, presently provides that payment of awards be made only to the persons entitled thereto except in cases involving legal disability or death. Where the award does not exceed $500, requirements with respect to the appointment of a qualified executor or administrator may be waived and payment made to the person or persons found by the Comptroller General to be entitled thereto.

This proposal raised the limit from an award not in excess of $500 to any payment not in excess of $1,000. This will provide for a more orderly and efficient disposal of claims falling within the provision of the act. A similar change was made regarding claims under title IV of the act against the Government of Czechoslovakia.

Paragraph 5: This proposal involves technical changes in the language of subsection (c) of section 8 of the act to retain the present payment procedures with respect to claims included within the terms of the Yugoslav Claims Agreement of 1948 in the event future prorated payments are made.

Paragraph 6: This new subsection would authorize the Secretary of the Treasury to make payments on account of awards certified by the Commission with respect to claims included within the terms of the Polish Claims Agreement of 1960, the Yugoslav Claims Agreement of 1964, and any other similar agreement subsequent thereto and provides payment in the order of priority as follows: (1) Payment in the amount of $1,000 or in the principal amount of the award, whichever is less; (2) thereafter payments on a prorated basis on account of the unpaid principal balance of each remaining award. This proration will be made on the basis of the total amount remaining in the Polish Claims Fund, in the new Yugoslav Claims Fund contemplated by the Yugoslav Claims Agreement of November 5, 1964, and in any other similar fund available for distribution after initial payments have been made; (3) payments on account of the unpaid balance of each award of interest under the same prorated basis.

Under these provisions it is possible for claimants having awards less than $1,000 to receive payment in full, excluding awards of interest. Claimants who receive awards in principal amounts over $1,000, would receive additional payments on a prorated basis.

Paragraph 7: Upon completion of the claims program against the Government of Rumania on August 9, 1959, the Commission had issued 498 awards in the aggregate of $84,729,291, including interest, against a fund in the amount of about $22 million. On March 30, 1960, the Governments of the United States and the Rumanian People's Republic executed an en bloc settlement of these claims of U.S. nationals upon the provision that Rumania pay to the United States an additional $2.5 million in five equal annual installments.

On July 2, 1963, the Governments of the United States and Bulgaria entered into a similar agreement providing for the payment by the Bulgarian People's Republic of the sum of $400,000, of which $200,000 was paid on July 1, 1964.

Inasmuch as the statute now provides that the Rumanian and Bulgarian Funds shall be comprised only of sums blocked, vested and transferred by the Attorney General, the additional sums paid by Rumania and Bulgaria cannot by covered into the Funds. New subsection (c) provides the vehicle for accomplishing this purpose.

Paragraphs 8 and 9: Paragraph 8 involves technical changes in the language of section 303, title III of the act to permit the addition of a new paragraph "(4)" as contained in the amendment under paragraph 9. The proposal under paragraph 9 makes provision for disposition of a small number of claims against Rumania, included within the agreement of March 30, 1960, and against Bulgaria, included within the agreement of July 2, 1963, which have arisen since August 9, 1955.

Paragraph 10: This proposal would reopen and extend the Italian claims program to cover claims under section 304 of the act not previously compensable because of late filing and claims of persons who had become nationals of the United States on or before August 9, 1955. The proposal would also include claims arising in territory ceded pursuant to the treaty of peace with Italy, including the Dodecanese Islands which were heretofore excluded under the provisions of the act. Excluded from consideration are claims of persons who have received compensation pursuant to section (a) of section 304, section 202 of the War Claims Act of 1948, as amended, or under the treaty of peace with Italy. Any balance remaining in the Italian Claims Fund after payment of claims as proposed under these amendments would be transferred into the War Claims Fund created under section 13 of the War Claims Act of 1948, as amended.

Paragraph 11: This proposal requires the normal publication of the claims filing period in the Federal Register.

Paragraph 12: This proposal revamps the award payment provisions with respect to claims against Rumania and Bulgaria in order to insure that new awardees will not obtain a pecuniary advantage over previous awardees. Awardees under the Rumanian program have received approximately 35 cents on the dollar in payments on their awards. Awardees under the Bulgarian program have received approximately 50 cents on the dollar in payments on their awards. This proposal would limit payments on new awards to a like extent, and then permit the residual balance to be distributed proportionately among all awardees.

Paragraph 13: This proposal requires the Commission to wind up its affairs in the Bulgarian, Italian and Rumanian claims programs within a period of 2 years.

GRADUAL REDUCTION AND ELIMINATION OF TAX ON COMMUNICATION SERVICES

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a bill to provide for the gradual reduction and eventual elimination of the tax on communication services.

Congress imposed upon the communications services these excise taxes during World War II. The stated purpose of such taxation was to discourage somewhat, during wartime, the use by civilians of an essential service. Now, 20 years later, the tax is still with us. Twenty years ago, no one dreamed this war tax would be continued.

Mr. President, I understand there are approximately 55 million telephone customers in this country today, paying on the average around $19 per year in Federal excise taxes. This amounts to a total of over $1 billion a year.

Certainly the telephone is a necessity in over 40 million homes in this country. It is a necessity on the farm and in businesses. This excise tax on communications is a selective tax and is considered the only such tax now imposed on such an essential service.

We are today continually reminded that the Federal Government is seeking to encourage economic growth. I believe an excellent way to encourage such growth would be to eliminate this tax. Bureau of Census statistics show that, as of March 1960, 86 percent of our households had incomes under $10,000 per year. Certainly, it is true that the repeal of this tax would result in the use of increased purchasing power, to the extent of millions of dollars.

In order to insure the impact of removal would not be too harshly felt by the Treasury, I am proposing in this bill the elimination of the tax over a 3-year period. I ask unanimous consent the bill be printed in the Record at this point.

Mr. President, the elimination of this 20-year-old tax, not intended for today, would be good for our economy and for our people.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1936) to provide for the gradual reduction and eventual elimination of the tax on communication services over a 3-year period, introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 1936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4251 of the Internal Revenue Code of 1954 (relating to tax on communication services) is amended to read as follows:

"Sec. 4251. Imposition of Tax.

"(a) In General.—There is hereby imposed on amounts paid for the communication services enumerated in the following table a tax equal to the specified percent of the amount so paid pursuant to bills first rendered during the periods specified in such table:

Taxable service	Rates of tax (percent) for period beginning—			
	Before July 1, 1965	On July 1, 1965	On July 1, 1966	On July 1, 1967
General telephone	10	6	4	2
Toll telephone	10	6	4	2
Telegraph	10	6	4	2
Teletypewriter exchange	10	6	4	2
Wire mileage	10	6	4	2
Wire and equipment	8	4	2	------

The taxes imposed by this section shall be paid by the person paying for the services.

"(b) Termination.—No tax shall be imposed under this section on any amount paid—

"(1) for wire and equipment services pursuant to a bill first rendered after June 30, 1967, and

"(2) for any communication service pursuant to a bill first rendered after June 30, 1968.

"(c) Application Where No Bill Is Rendered.—For purposes of this section, in any case in which no bill is rendered for a communication service, a bill shall be treated as having been first rendered for such service—

"(1) on the date on which payment for such service is made, if such payment is made within two months after such service is rendered, and

"(2) on the date on which such service is rendered, if payment for such service is not made within two months after such service is rendered."

PRINTING OF REVIEW OF REPORTS ON BIG CREEK, AT HAYS, KANS.

(S. DOC. NO. 22)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, dated August 17, 1964, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of the reports on Big Creek at Hays, Kans., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted May 29, 1951. I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965—AMENDMENT

AMENDMENT NO. 172

Mr. COTTON submitted an amendment, intended to be proposed by him, to the amendment, in the nature of a substitute (No. 124) proposed by Mr. Mansfield (for himself and Mr. Dirksen) to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 173 AND 174

Mr. ERVIN submitted two amendments, intended to be proposed by him, to the amendment, in the nature of a substitute (No. 124) proposed by Mr. Mansfield (for himself and Mr. Dirksen) to Senate bill 1564, supra, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF BILL

Mr. BARTLETT. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 1915) to assist in the provision in Alaska of adequate housing for persons who are otherwise unable to finance such housing upon terms and conditions which they can afford, through a program encouraging mutual and self-help, self-government, and individual homeownership, and for other purposes, the name of my colleague, the junior Senator from Alaska [Mr. Gruening] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PACIFIC MEDICAL CENTER ACT OF 1965—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 28, 1965, the names of Mr. Bartlett, Mr. Brewster, Mr. Gruening, Mr. Hartke, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Magnuson, Mr. Mansfield, Mr. McCarthy, Mr. McGee, Mr. Montoya, Mr. Morse, Mr. Moss, Mrs. Neuberger, Mr. Pell, Mr. Randolph, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio were added as additional cosponsors of the bill (S. 1833) to provide for a Pacific Medical Center in Hawaii, introduced by Mr. Inouye on April 28, 1965.

CONSTITUTIONAL RIGHTS SUBCOMMITTEE HEARINGS ON PSYCHOLOGICAL TESTS AND EMPLOYEES' RIGHT TO PRIVACY

Mr. ERVIN. Mr. President, I wish to announce that the Constitutional Rights Subcommittee has scheduled hearings on June 7, 8, 9, and 10 at 10:30 a.m. in room 2228 of the New Senate Office Building, on the use of psychological tests by the Federal Government.

This represents one phase of our broad study of the rights of Federal employees. In the course of these hearings, we hope to discover to what extent psychological testing is used in Government or financed by Federal funds, and how the constitutional rights of Federal employees are affected by it. Our preliminary investigation and the complaints we have received show that very serious and urgent problems are raised by current practices in this area. We shall hear testimony about the procedures used in hiring, firing, and promoting Government employees on the basis of psychological tests and psychiatric evaluation. Furthermore, since these problems cannot be separated from the more basic issue of the tests themselves, we shall consider the validity and reliability of tests as well as the qualifications of the persons administering and scoring them.

Witnesses will include authors of works on psychological testing, Government officials, representatives of bar associations, Federal employee unions, and civil liberties groups, psychologists, psychiatrists, and others interested in protecting the rights of Federal employees. Any person who wishes to testify or submit statements pertaining to this measure should communicate with the Subcommittee on Constitutional Rights.

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, on behalf of the Chairman of the Committee on Foreign Relations, I desire to announce that on Friday, May 7, the Senate received the nomination of John M. Leddy, of Virginia, to be an Assistant Secretary of State.

I announce further that today the Senate received the nominations of Mercer Cook, of Illinois, to be Ambassador to the Gambia; Ridgway B. Knight, of the District of Columbia, to be Ambassador to Belgium; George A. Morgan, of the District of Columbia, to be Ambassador to the Ivory Coast.

In accordance with the Committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

NOTICE OF HEARING ON NOMINATION OF JAMES E. DOYLE, TO BE U.S. DISTRICT JUDGE, WESTERN DISTRICT OF WISCONSIN

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 19, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of James E. Doyle, of Wisconsin, to be U.S. district judge, western district of Wisconsin, vice Patrick T. Stone, deceased.

At the indicated time and place, persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McClellan], the Senator from Nebraska [Mr. Hruska], and myself, as chairman.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 27) to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments—Supplement, January 4, 1965."

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 165) authorizing reprinting of House Document No. 103 of the 88th Congress.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7064) to amend the Foreign Service Buildings Act of 1926, as amended.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. SMATHERS:

Statement by him and address by Vice President Humphrey at annual meeting of the President's Committee on Employment of the handicapped, at Washington, D.C., on April 30, 1965.

RESOLUTION OF ILLINOIS STATE SENATE

Mr. DIRKSEN. Mr. President, on March 10, 1965, the Illinois State Senate enacted Senate Joint Resolution No. 22 memorializing both branches of the Congress by resolution to call a constitutional convention for the purpose of having proposed to such a convention an amendment to the Constitution under which 10 percent of all the taxes collected by the United States be refunded to the State in which it is collected without placing any restriction on the way and the manner by which the State might use such refunds.

The suggestion is an intriguing one to say the least because more and more the Federal-State relationship becomes a highly important matter and likewise the competition between the Federal and State governments for the tax dollar of the American citizen. I ask unanimous consent that a copy of the resolution be inserted with my remarks in the hope that this proposal will reach a larger group of the citizenry and bring about some spirited discussion.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Illinois Senate Joint Resolution 22

Whereas the Federal income tax and numerous other taxes levied by the Federal Government have not only imposed a heavy burden upon the American taxpayer but, by funneling into the Federal Treasury many of the prime potential sources of State revenue, have had a depressing effect upon each of the 50 sovereign States; and

Whereas the Federal Government now takes in Federal taxes from the State of Illinois approximately $7 billion annually, and takes a proportionate amount from each of the other States; and

Whereas for many years State and local governments have been in a straitened financial condition which constitutes a real emergency which has been compounded by the impact of Federal taxation; and

Whereas this emergency could be alleviated if the several States were given their rightful share of the total tax revenues by a system whereby the Government of the United States would refund to each State 10 percent of the Federal taxes collected therein without curtailing or interfering with any present or future program of Federal and State functions; and

Whereas since these tax funds are the taxes from the people, this refund is not to be considered a Federal loan or gift or any form of Federal aid nor will the use of these funds be restricted; and

Whereas this could be accomplished without any new Federal taxes and without interference with any needed function of our Federal Government by eliminating unnecessary Federal expenditures and by curtailing the foreign aid program and especially by eliminating assistance to nations which refuse to cooperate with our national defense policy, which demonstrate their hate by burning and looting our embassies, which desecrate our flag, and hurl insults at our people: Therefore be it

Resolved, by the Senate of the 74th General Assembly of the State of Illinois (the House of Representatives concurring herein), That we respectfully petition the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States to provide for a refund to each State of 10 percent of all Federal taxes collected therein without any restriction on the use of such refunds; and be it further

Resolved, That a copy of this resolution be forwarded by the secretary of state to every Member of the Congress of the United States from the State of Illinois, and to the Governor and the secretary of state of each of the other 49 States.

PRIVATE ENTERPRISE AND A FREE SOCIETY

Mr. SIMPSON. Mr. President, one of the finest statements I have been privileged to read on the philosophy, purpose, and vitality of the profit system is a speech delivered by Mr. M. Dale Ensign, director of computer systems for the Husky Oil Co. Speaking before the Cody Club, Cody, Wyo.'s Chamber of Commerce, Mr. Ensign took umbrage at those who demean our system of profit, loss, and free choice, and asserted graphically that the freedom to create profit is the foundation on which is built the strongest and most envied nation on earth.

Mr. Ensign points out the folly of the Marxian approach to economics, calling it a "monumental intellectual fraud on the minds of men. The tragedy is that many unthinking people give their allegiance to a doctrine designed to destroy them."

Mr. Ensign told the Cody Chamber of Commerce in his speech which was reprinted in its entirety in the May 6 Cody Enterprise that:

> I am one who believes that, next to life itself, man's most precious possession is freedom of choice. America's free enterprise profit and loss system stands as one of the last remaining bulwarks against the creeping socialistic degeneracy of our age which threatens to destroy freedom of choice.

Mr. President, I ask unanimous consent that Mr. Ensign's speech on our private enterprise system be printed in the CONGRESSIONAL RECORD from the pages of the Cody Enterprise, and I recommend it enthusiastically to the attention of my colleagues and all Americans who daily peruse the RECORD of Senate debate.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From the Cody (Wyo.) Enterprise, May 6, 1965]

HUSKY OFFICIAL PRESENTS CASE FOR PROFIT SYSTEM AT CODY CLUB MONDAY

(Editor's Note.—We are happy to publish, for everyone's enjoyment, a talk given by M. Dale Ensign before the Cody Club Monday. In our opinion it is one of the finest cases for private enterprise we have ever heard. Ensign is director of computer systems for Husky Oil Co.)

THE CASE FOR PROFITS

(By M. Dale Ensign)

Recently I read an article concerning a group of Government economists who advocate that Government control profits. This suggestion comes at a time when the aftertax on U.S. corporate net worth is about 6.8 percent. If 6.8 percent sounds like swollen profits, heaven help us, and there are many of us, including Husky, that would like to be earning that much. Indeed, to enhance the profitability of enterprise, the present administration has of late provided certain profit incentives. These include new depreciation guidelines, investment tax credits and general-corporate income tax cuts.

Businessmen struggling in the arena of competitive combat know what it requires to stay in business. They know that the competitive game of free enterprise is better described as "profit and loss" and the losses oftentimes exceed in number the profits. They know that sometimes profits are up and sometimes they're down. Some say those who are exempted from the rules of the game by subsidies and guaranteed profits soon lose their appreciation of what it's all about. Businessmen know that profits create more and better jobs; that profits enable the business to not merely exist but to grow; to give better service and value to its customers; to develop new products and techniques; to provide better facilities and to raise capital when needed for expansion to pay dividends to stockholders; to meet competition; to do more and better advertising; to build up reserves against lean periods; to make useful contributions to worthy institutions, and to pay taxes required to meet national, State and community needs.

But why is it when profits are so important to everyone do so many—or is it only the vocal few—criticize and downgrade profits?

Now let's see if we can take this riddle apart and find out why our attitudes about profits are as they are. Because we possess conscience and values influenced by moral leaders, with your permission, I am going to tell a couple of Sunday school stories which contain the roots of some of our attitudes about profits.

The world has always had some misgivings about wealth. At least from the time of Christ, much of this misgiving can be laid to variable interpretations and misunderstandings growing out of some of the things He said which have been accepted as a proper code of behavior in the Judeo-Christian world. The following familiar Biblical account provides a good illustration. Jesus was approached by a young man who asked what he must do to have eternal life. The Master answered that he should keep the commandments; do not murder, do not commit adultery, do not steal, do not bear false witness, honor thy mother and father and love thy neighbor as thyself. The young man said that he had done all of these things, and what more was required? Jesus replied that if the young man wished to be perfect, he would sell what he owned, give it to the poor and follow the Master. Whereupon the young man turned away, for he was a man of great possessions. Jesus then exclaimed to his disciples: "Verily I say unto you, that a rich man shall hardly enter the kingdom of heaven."

To many this story means the Lord did not intend the children of man to accumulate wealth. However, a closer scrutiny will disclose the Master's key words, "If thou wilt be perfect." Unquestionably Jesus perceived the remaining principal weakness of this young man, that of his reliance upon wealth rather than upon faith in spiritual principles. Undoubtedly, it was this experience in mind, that on another occasion Jesus said, "How hard it is for them that trust in riches to enter the Kingdom of God." Later, he declared, "For the love of money is the root of all evil." Thus, as I see it, the teaching is, that it is not the possession of wealth that is wrongful, but the love of and trust in riches for happiness and salvation to the exclusion of faith in God is what which can cause a man's downfall. And I personally believe that the downfall of a man can also be attributed to poverty. The poor can as easily develop the weakness of being embittered about their status, envious of other, jealous and resentful, which qualities certainly are no more conducive to the growth of character and spiritual development than the weakness of one who trusts excessively in wealth.

During the medieval period men were counseled that only if they sought wealth for a moral end was it justified. Usurers were dealt with severely. Authorities repeatedly fined banks for charging high rates of interest on loans. Toward the close of the 13th century credit transactions were prohibited altogether. In the middle ages it was thought that public officials were best able to fix the just price, but it was recognized that the drive of the trader to buy as cheaply and sell as he could was effectively held in check by competing rivals.

In the first Massachusetts settlement the town fathers engaged in fixing prices of interest, wages, and profits. However, with the coming of the industrial revolution, mass production and widened trade, the people were eager for a better material existence. Into this breach moved the Puritan who believed that success in business was a sign that "God has blessed his trade."

No historical footnote of the ethics of profitmaking would be complete without a comment or two regarding Karl Marx, who, in the 1850's, advocated that all profits and commodities are exclusively products of labor. Capitalists were described as those who worked parttime and stole from the workers. Marx prophesied that capitalistic exploitation would thrust the masses down to ever-increasing misery and degradation. Marx's writings were so abstract, vague, and inconsistent that no one is sure what he was saying or trying to say. As a prophet he was totally wrong. Far from progressively sinking into misery and degradation the worker and society bettered his material lot. Meanwhile, the Marxists have perpetrated their monumental intellectual fraud on the minds of men. The tragedy is that many unthinking people give their allegiance to a doctrine designed to destroy them.

During the turn of the century new concepts of profit developed in conjunction with a religious movement that resulted in what has been termed "the social gospel." The social gospel held that the profit motive gives selfishness, and not service, top priority, and therefore flies in the face of ethics.

Additionally, the social gospel held that the profit and loss system results in great inequalities of wealth and social status. Undoubtedly, some of today's opposition to profitmaking stems from this thinking.

In the depression years, some religious and political leaders believed that capitalism had reached a dead end and that some form of socialism held the most likely answer to the issue of how much profit was reasonable and how it should be distributed. Many of us who have lived through the depression years have witnesed the creeping, paralytic effects of the acceptance of the socialistic idea. Increasingly people are looking more to the state for their security and less to themselves. As economic decision is transferred from the marketplace to the political process we have more socialism and less profit and lossism.

Roger Blough, chairman of the board, United States Steel Corp., tells the story of a pretty street-corner evangelist who stood rather solemnly in the cold banging away on a big bass drum. A curious reporter listened attentively to her story about how she had strayed from the path of rectitude and failed to follow her better instincts. She told in detail of the escapades that had led to her downfall, and, finally to her reformation.

"And what are you doing now" the reporter asked. "Well," she replied, "now I just stand on this street corner and bang on this confounded drum."

She paused a moment, before adding, "And mister, you'd better get a drum of your own and bang on it, too."

And gentlemen, this illustrates a point. Many of who know and understand what this thing called business profit is all about, had better join up, at least in spirit, with that pretty young lady and start banging on the profit drum, and we've got a lot to bang about.

First, in answer to the moral criticism, to me there is nothing in the Scriptures to indicate that the accumulation of wealth is wrong. On the contrary, you will recall in parable of talents that the Master rebuked the servant who hid his talent, or money, in the ground rather than invest it wisely to return a profit. Moreover, He took the talent from the servant who failed to produce a profit and gave it, not to the servant who had received two talents and returned an additional two, but rather to the servant who received five talents and returned an additional five to the Master. Thusly he perpetuated the profits of the most successful profitmaker.

Second, it is paradoxical to me that the men criticized as profitmakers are those businessmen which are devoting much of their busy lives to the betterment of communities in which the critics live. You, gentlemen, the business leaders of this community, as you devote your time and energy from your business to improve life within this community are prime examples of what I am talking about. And I would venture to say that if your profits were better, you wouldn't spend them all extravagantly, but rather those profits would find their way into programs for the growth and expansion of your business, the creation of new jobs, the improvement of products and services and more personal devotion to betterment of the community. Therefore, I say that rather than being inimical to Christian fellowship, profits advance the cause.

Third, the profit and loss system implies that men are free to make a profit even if the price of that product is set at a level which wipes out the profit of a competitor. At first glance, this seems to be a heartless system of economics that takes away men's livelihood, renders some property worthless, and causes pain and injury to those who lose in the competitive arena. But this is the inevitable price of progress. It is impossible to visualize progress without someone being discomfited. The only tenable answer it would seem, is that the consumer's interests should take precedence over those of the producer. And should we, in this or any other community, attempt to protect the businessman at the expense of the consumer we have no guarantee that the competitive forces tossed against us by neighboring communities, States, or nations, would be lessened. As someone once said, "No war, no strike, no depression can so completely destroy an established business or its profits, as new and better methods, equipment, and materials in the hands of an enlightened competitor." Competition will move on and perhaps it is well that we remind ourselves that it does not end with the store down the street, but that Dusseldorf, Tokyo, and Hong Kong are in today's competitive arena.

Fourth, the genius of the profit and loss system is not merely that it satisfies the desires and needs of mankind generally but it responds to the factor of variation as between individuals. It allows each man to do anything he wishes so long as he can survive at it. Therefore, each man can survey the field of economic opportunity and gradually tries to push himself into that phase of work which satisfies him best. I am one who believes that, next to life itself, man's most precious possession is freedom of choice. America's free enterprise profit and loss system stands as one of the last remaining bulwarks against the creeping socialistic degeneracy of our age which threatens to destroy freedom of choice.

No one should ever make the mistake of assuming that economic freedom can be divorced from political, religious, and cultural freedoms. As Alexander Hamilton reminds us, "Power over and man's subsistence is power over his will." Even more vivid is the statement by Leon Trotsky, the colleague of Lenin, who said: "In a country where the sole employer is the state, opposition means death by slow starvation. The old principle: he who does not work shall not eat has been replaced by a new one: who does not obey shall not eat." One of the great moral flaws of modern liberalism is its penchant for knowning is good for the others and its willingness to coerce the other man for his own good. When the state becomes monolithic this moral deficiency is elevated to the statues of a virtue. The state then defines the common goal and the individual must conform.

No life is free of the compulsions of nature or the pressures of a social system, but the profit-and-loss process affords maximum opportunity for people to do things because they want to, not because they are compelled.

When it comes to profitmaking, companies have written credos to state what they stand for and believe in, and the thesis that constantly runs through these credos is service and the Golden Rule: "Therefore all things whatsoever ye would that men should do to you, do ye even so to them." Many of America's best profitmakers consciously pivot their efforts around this precept, for they know that it is both profitable and right. When one treats stockholders well they supply funds for new ventures. When employees are highly regarded they cooperate enthusiastically. When the consumers are given an honest product at attractive price, they buy and continue to buy.

You may ask: Where do we begin banging on the profit drum?

To begin with, more attention should be given to pointing up the distinct advantages of the American profit-and-loss system in our high schools and colleges. I am sorry to admit that in 4 years of high school and 7 years of college, I cannot recall a class that emphasized the benefits of the free enterprise system over other systems. On the other hand, I was quizzed at length about the Marxist theory and the Malthusian theory and other economic and social orders that fail to hold a candle to the lasting brightness of the true American system. Accordingly, to our educators may I propose more emphasis in this regard.

To be sure, some companies engage employees who are so far removed from the profit complexes as to be confused about the necessity of profitmaking. I have been told by employees that the first objective of a company is service to the community. While this thought is lofty, let's face it, without profits the company would not exist to perform the service. Therefore, the first order of any business is in making profits, of which we should not be ashamed. So let's drum up the idea with our own employees.

Next, there are those that have lost faith in the basic principles of voluntarism and decentralization and embrace the coercive authority of the Federal state. To these let us say, there is nothing in the evidence that indicates that central direction and control is an imperative of history. Free human beings who are conscious of and responsible for their acts can have any form of society they wish.

And, by all means, let us help bring to an end the disparaging of the profit system and private capitalism. Profits are not dishonorable; they are used to pay billions of dollars in taxes for the support of Federal Government, without which our Government would face bankrupcty. There is nothing disgraceful about making profits to pay debts or to pay stockholders sufficient rent for their money and persuade them to continue to invest their savings in American enterprises.

Let us remember too that the simple judgment of what is adequate in the way of profits cannot be made for us by Government. It can and should only be made in the competitive arena, for this is the American way.

INVASION OF PRIVACY THROUGH MAIL COVERS

Mr. YARBOROUGH. Mr. President, the serious and growing threat, through the practice of mail covers, to the constitutionally guaranteed right of privacy of the individual should be closely examined; and the enactment of legislation to prevent governmental encroachment upon a person's private affairs should be considered.

The action of the Post Office Department in systematically recording all the mail a person or firm receives, as well as all the information obtainable from the mail without opening it, is shocking to the American tradition of inviolability of the mails, as well as being legally questionable.

The fourth amendment protects "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." No law on the books authorizes such mail tampering.

Federal statutes also make it a crime to delay the mail for any purpose, and specifically if the delay is for the purpose of attempting to pry into someone else's business. Yet, the Post Office Department removes mail from the regular channels, sets it aside, records the information, and then puts the mail back in the regular course—a series of events which certainly delays the mail.

Furthermore, such a mail cover is placed upon any person or firm at the request of any Government Department, and the evidence indicates that this surveillance technique is used with little effort by the Post Office Department to control abuses by any other Government department.

Another objectionable practice is the seizure and opening of the mail by the Post Office for the Internal Revenue Service, for the purpose of aiding in the collection of Federal taxes. The seizure of mail without a search warrant is an obvious violation of the fourth amendment; and the opening of mail is patently illegal, as well as being an invasion of privacy that is directly contrary to all American concepts of fairness and privacy.

Mr. President, I am strongly opposed to such practices of snooping through the mails as illegal and un-American. I ask unanimous consent that an editorial entitled "Pull off the Cover," from the Dallas Times Herald of April 20, 1965, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Dallas (Tex.) Times-Herald, Apr. 20, 1965]

PULL OFF THE COVER

The practice of putting mail covers on individuals should be closely examined. There appears to be too much of this questionable practice. It is evidently too easily done.

Senator RALPH YARBOROUGH was right in terming the practice "un-American" during recent hearings on the Post Office budget. Such things as mail covers, where an individual's mail is checked (not opened) and a list made of just who is writing to whom, and electronic eavesdropping devices are adding up to a loss of privacy for the individual.

The citizen must be given better protection from both private and governmental snoopers.

THE EXECUTIVE ORDER ON STANDARDS OF ETHICAL CONDUCT

Mr. CASE. Mr. President, the Executive order prescribing standards of ethical conduct is a step in the right direction. It recognizes the need for more adequate protection against the misuse of public office, even the appearance of abuse of public trust.

The prescribed standards do not, however, take the place of public disclosure by officers and employees of their financial interests. As the order now stands, it is primarily designed to protect the agency. Recently, there was the case of a governmental official who had profited from information available only to corporate insiders. His activity became known to the agency; but not until it became public knowledge did the official submit his resignation.

One other aspect of the order is noteworthy. It again underlines the double standard practiced by Congress. Limited though it is, the order has no counterpart so far as Members of Congress and congressional employees are concerned. It points up the need for the bill I recently reintroduced—a bill which would require public disclosure for all Members of Congress and all other persons in the legislative branch, as well as for all in the executive branch, who are policymakers or are in a position to influence policy.

GOVERNOR ROLVAAG SALUTES NEIGHBORHOOD YOUTH CORPS PROGRAM

Mr. MONDALE. Mr. President, recently the distinguished Governor of the State of Minnesota, the Honorable Karl F. Rolvaag, forwarded to me a copy of a letter which he had originally addressed to the attention of Sargent Shriver, Director of the Office of Economic Opportunity.

Governor Rolvaag's communication details clearly the tremendous success which has been experienced in Minnesota under the application of title I of the Economic Opportunity Act of 1964. The establishment of Neighborhood Youth Corps has already distinguished itself as one of the most attractive and rewarding programs included in the War on Poverty legislation enacted by the 88th Congress.

I wish to join the Governor in commending the Office of Economic Opportunity and those within that agency directly responsible for the development and execution of the Neighborhood Youth Corps program. I commend the Governor's communication to Mr. Shriver to the attention of all Senators and request unanimous consent that it be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 19, 1965.

MR. R. SARGENT SHRIVER,
Office of Economic Opportunity,
Washington, D.C.

DEAR MR. SHRIVER: Minnesota's experience with the Neighborhood Youth Corps program under title I B of the Economic Opportunity Act has been most encouraging. In the brief period that the program has been in effect several hundred youth have been employed by our conservation department on projects designed for the improvement of our State park, State forest, and State game and fish lands. I am sure that their employment experience has been most beneficial to them as well as to the State.

We have had outstanding cooperation from your office and from all affected Federal and State departments and agencies as well as the local press, television and radio and the general public.

I wish to commend you on the fine job that has been done in this area and I trust that the program can be continued and expanded in the future.

Very truly yours,
KARL F. ROLVAAG, *Governor.*

THE CHALLENGE OF MAN'S CONQUEST OF SPACE

Mr. MONDALE. Mr. President, sometime within the next 5 years, three American astronauts will board an Apollo space craft at Cape Kennedy, for a trip to the Moon. They will be lifted into orbit around the Earth by a Saturn V rocket that will generate 8.7 million pounds of thrust in three stages. Before the Apollo reaches its 100-mile-high orbit, it will have jettisoned the first two stages. The third stage will power the Apollo toward the Moon. At a predetermined point, the Apollo will be released from that stage, and will turn around, to pick up the moon-landing vehicle. After orbit around the Moon, and after the landing on the surface of the Moon, the astronauts will rejoin the moon-landing craft with the Apollo vehicle, and will head toward home.

The goal of this project represents an experiment and an adventure harsher, more demanding, and more inspiring than any we have ever attempted before. We are, in truth, committed to a bold enterprise; and the Apollo program is but a first step in our conquest of the new environment of space. The Saturn V vehicles will be capable of placing men in space, to explore the Moon, the planet Mars, the planet Venus, and even the planet Saturn. In fact, the entire solar system is now within the capability of control by mankind.

A great deal depends upon how we intend to use our knowledge of space, and for what purposes. Last week, I was appointed one of the Senate's advisers to the U.S. delegation to the United Nations Commission on the Peaceful Uses of Outer Space. I am honored that the Senate has seen fit to entrust me with this task. Part of the Commission's purposes is to acquaint our citizens with full information regarding man's exploration of space. Thus, as articles which serve the purpose of explanation and education on our space program, I ask unanimous consent that two articles by staff writers of the Washington Post be printed in the CONGRESSIONAL RECORD. Both of these articles, by Howard Simons and by Chalmers M. Roberts, are excellent accounts of our space efforts, and point out the need to insure that our explorations of space are for peaceful purposes.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Mar. 28, 1965]

WE'RE TAKING A BEAD ON THE UNIVERSE

(By Howard Simons)

A handful of dreams ago, it was inconceivable that man could roam the distant heavens. Now what confronts man is: Where to stop? There is no answer. If the universe is infinite, so too, it seems, are man's ambitions to explore.

The first leg on the journey to infinity will be the moon. Perhaps it even will be colonized in the same sense that Antarctica has been colonized by scientists.

Then will come Mars. National Aeronautics and Space Administration officials already talk about sending expeditions to stay there for as long as 18 months. And beyond Mars are the Earth's other planetary neighbors and the vast reaches of the solar system.

American and Russian space planners now propel their ideas of future space travel in nearly identical terms. Lingering doubts that the Russians aim to send cosmonauts to the Moon should have been dispelled March 18 when Lt. Col. Aleksi A. Leonov ventured into the void from his *Voskhod 2* space vehicle. This was a necessary step on the path to the Moon. American astronauts will have to perform the same feat, just as Russian cosmonauts will have to maneuver vehicles in space as Virgil I. Grissom and John W. Young did last Tuesday.

Most Americans involved in the U.S. space effort have always assumed that the Russians are in the moon race. But these same persons are not willing to concede the race to the Russians, at least not on the basis of anything the Russians have achieved or demonstrated to date.

THE RUSSIAN PLAN

There are many ways to gage the pace of the race, but none of the measuring rods is precise enough or reliable enough to warrant a confident prediction of the outcome. The best-informed opinions of what the Russians are up to in space amounts to this:

They want to build a manned orbiting space station and they want to land cosmonauts on the Moon's surface and they want to explore the planets beyond. Space is one of the few areas in which the Russians have had repeated successes and they are not about to deny themselves the benefits that accrue from success, though they have been niggardly about nonmanned space-flight activities. The Russians have orbited relatively few scientific satellites and have yet to report the launching of a communications, navigation, or weather satellite.

Technically, the Russians appear to have elected an Earth orbit rendezvous as the preferred means for getting men to the lunar surface. What this means, in effect, is that they plan to mate two spacecraft in orbit near the Earth and then send the combined vehicle on to the Moon.

American space planners on the other hand, rejected an Earth orbit rendezvous in favor of a lunar orbit rendezvous. This technique calls for launching a manned spacecraft directly into orbit around the Moon. Then a smaller space vehicle will be launched to the lunar surface from the mother ship, which will continue to orbit. After a short stay on the moon, the astronaut-explorers will fly their bug off the Moon to rendezvous with the mother ship for the return to Earth.

There are no overriding advantages of one rendezvous method over the other where a lunar landing is at stake. In July 1962, when a decision was made that Americans would make the trip via lunar orbit rendezvous, Space Agency officials argued that it offered the cheapest and fastest means to get Americans to the Moon in this decade—the goal set by President Kennedy in May 1961, and reaffirmed by President Johnson.

A BIGGER BOOSTER

To achieve a man-on-the-Moon capability using an Earth orbit rendezvous, the Russions will need a more powerful booster than they have demonstrated so far, according to American experts. Essentially, the Russians have relied on the same basic and reliable booster that shook the world in October, 1957, when it put Sputnik I into orbit.

There have been modifications in this 800,000-pound-thrust booster since then, principally in its upper stages, but it still is not powerful enough even in tandem to send men to the Moon and return them safely to Earth.

Available evidence, presumably from American reconnaissance satellites and other intelligence sources, indicates that the Russians are developing a bigger booster, though they have yet to wheel it out to be seen. This same evidence further indicates that the new Russian booster will not be as large as the gargantuan Saturn V, which will propel three Americans to the Moon. The Saturn will be 362 feet long and have a thrust of 8.7 million pounds.

American experts also have some notions about what the Russians might attempt in space next. The likeliest spectacular this year will be to mate two spacecraft; to rendezvous and dock, as it is called. But there is also the outside chance, the experts say, that the Russians might send a manned spacecraft into a figure eight loop around the Moon and home again. That space feat would not require nearly as much oomph as it will take actually to land men on the Moon.

Whatever the Russians do next, they have been busier than ever. Since January 1, they have sent 13 spacecraft aloft. In a comparable period last year, the number was four. The year before, it was two.

OUR CAUTIOUS PLAN

America's official answer to all this is one of comparative calm. In spite of its $20 billion cost over 9 years, Project Apollo, the American man-on-the-Moon effort, is not a crash program. A crash program, such as the World War II Manhattan project to develop the atomic bomb, is not limited by money but by time. Apollo is limited by money.

With more money, Apollo could be speeded up by months—though not by years. But there are no indications that Project Apollo will be accelerated.

Accordingly, NASA is proceeding toward the Moon landing by following a cautious, stepwise plan that began with the one-man Mercury flights, continues with the two-man Gemini journeys and will culminate in the three-man Apollo flights.

There will be nine more Gemini flights between now and early 1967 when the first manned Apollo is to orbit the Earth. The next Gemini flight is scheduled for early June. It is to last 4 days, during which an American astronaut will literally stick his neck out in space. The rest of the Gemini program will include journeys of 7 days, possibly even 2 weeks; an astronaut duplicating Cosmonaut Leonov's extravehicular aerobatics, and several attempts at rendezvous and docking.

MAN ON THE MOON IN 1969

As soon as the Gemini program ends, the Apollo program will begin with Earth orbit fights powered by Saturn I–B rockets which don't have enough power to make it to the moon. At about the same time, in 1967, unmanned Apollo flights powered by the big Saturn V will begin.

NASA's manned space flight director, George Mueller, said at Cape Kennedy last week that "in 1968 we expect to begin flights of the Saturn V, and sometime in 1969 we expect to be ready for the historic flight that will take the first Americans to the surface of the Moon and back."

NASA officials estimate that over the next 4 to 5 years they will send 25 manned spacecraft aloft. It now appears that it will be a long time, if ever, before Americans will have to wait 22 months to ride vicariously in space with astronauts, as they did between the last Mercury flight and the first Gemini.

NASA currently is spending about $5 billion a year on its activities, with the bulk going for manned space flight. In recent testimony before a congressional committee, NASA Associate Administrator Robert C. Seamans, Jr., said that without more facilities or manpower than presently committed, "We will be able, by 1969, to produce and launch up to six Saturn I–B and six Saturn V vehicles per year."

"Up to eight of these flights," Seamans said, "could be manned orbital or lunar missions; the remainder could be unmanned scientific and technological flight missions."

As to infinity, President Johnson said last January 27 in a letter of transmittal accompanying a space report to Congress: "We expect to explore the moon, not just visit it or photograph it. We plan to explore and chart planets as well. We shall expand our earth laboratories into space laboratories and extend our national strength into the space dimension."

TWO-MONTH ORBITS

Space planners are taking this as a blueprint for the future. It suggests that in the decades after the first lunar landing, the United States will develop the wherewithal to establish a lunar base; to establish a manned orbiting space station and to send men to Mars and beyond.

Post-Apollo missions are already challenging NASA officials. With some modification, they suggest, the Apollo capsule can be used in the 1970's for Earth orbital flights of 2 months duration. Large space stations can be built by crews operating outside their spacecraft. A ferry service can carry crew and cargo to these stations, as well as to the Moon.

NASA, in cooperation with other Government agencies, now in exploring Earth-oriented utilization of manned space stations such as worldwide systems of air traffic control, air-sea rescue and data gathering.

"And for the more distant future," Mueller said, "we are studying such possibilities as an up-to-date inventory of the world's resources and better forecasts of food production."

As space planners study manned missions to the planets, the one that attracts the most interest is to Mars—with the possibility that some form of extraterrestrial life will be found there. A manned Mars mission is still probably 20 years away and will probably require a nuclear rocket.

Nonetheless, it may take a good many of those 20 years to develop the wherewithal to take Americans on the 440-day round trip (by nuclear rocket) to Mars. Mueller has told Congress that the Mars landing mission "presently contemplated are for stay times at Mars ranging from 0 to 550 days to conduct exploration and experimentation."

Meanwhile, the Mars view of Earthbound Americans will be brought into sharp focus this July when the Mariner space probe passes by Mars with its cameras photographing the red planet. The photographs, experts say, will feature Mars with roughly the same resolution that Earthbound telescope viewers now achieve looking at the Moon.

All this program lies ahead. It sounds like an even greater fantasy than the Moon program, which has been widely attacked as a space boondoggle because it would produce little and drain dollars better spent on Earth.

To this, the administration's latest answer came from Vice President HUBERT H. HUMPHREY after a daylong visit to Cape Kennedy during the Grissom-Young Gemini flight. The Vice President said, in effect, that the United States should set its own standards in space, implying that if sputnik had never existed we should still aim for the moon and the universe. He said, too, that space activities should not be regarded as a competitor for education and health dollars. In his optimistic and ebullient way, the Vice President stated, "This country can have both."

And he concluded: "America's economy is better because of the space program. America's education is better because of the space program. America's industry is better because of the space program. Americans are better because of the space program."

THE HARDWARE COMES FROM A WORLD APART

(By Chalmers M. Roberts)

Strolling down the main street of Roswell, N. Mex., a few evenings ago, I came upon a rickety-looking steel frame standing some 30 feet high on the lawn of the local museum.

Inside the frame sits a slender rocket shell. The whole contraption looks like something that a smart present-day high school senior might put together for rocketry experiments.

But, in fact, what stands in front of that museum is the work of Dr. Robert Goddard, the father of American rocketry and one of three men (the others were Russian and German) who pioneered the field. Goddard, who first fired a liquid fueled rocket in Massachusetts in 1926, began his New Mexico experiments on December 30, 1930, when he sent a missile 2,000 feet into the sky at 500 miles per hour.

DISTANTLY DERIVATIVE

Howard Simons, the Washington Post's science writer and I, stumbled across the Goddard memorial during a 10-day tour of some of the Nation's key nuclear weapon, science, and space installations in the Midwest and West. What we saw was remote from the Goddard experiment but in large part was derivative from it, both the military aspects and those having to do with the peaceful exploration of space.

Man and his brain are the key to it all, but man has fashioned machines of such precision and perfection as to be close to defying description. Everywhere—at Strategic Air Command Headquarters in Omaha; at the Los Alamos and Livermore nuclear laboratories; deep underground at the Atlas, Titan, and Minuteman sites; in the workshops of controlled thermonuclear reaction, and at North American and Douglas where they are fashioning parts of the man-to-the-moon project—one is faced with batteries of computers.

The men who run these machines may not be a breed apart in our society, but at times they seem close to it. One finds a fervor, an intensity of interest, in what they are about; a hope that the visitor, too, can understand their aims and their calculations.

Those involved in nuclear weaponry and its possible devastating delivery thousands of miles away in a twinkle of time worry about what their counterparts in the Soviet Union are doing. Slowly, in some cases, they are beginning to worry about what Red China may some day be doing.

Those involved in putting an American on the moon worry about Soviet space exploration. Those involved in peaceful pursuit of the atom and its ability to serve rather than destroy mankind hide no secret and invite Soviet cooperation.

PASSIONATE DETACHMENT

In the world of these laboratories, be they behind guards and fences, or underground where men in uniform wear sidearms, or in more freely accessible places, the events in Alabama or in the Vietnamese paddy fields seem remote. Indeed, at many levels one finds a singular intensity of purpose to do the job at hand with little or no attention to its relationship to the larger scheme of American life, something one can find in so many other sectors of our society.

Aside from the men and their machines, the other dominant impression one receives is that of speed. From Goddard's primitive rocket in the New Mexico sky to 10,000-mile intercontinental missiles and 245,000-mile trips to the moon has been a mere 35 years, only half a lifetime.

In September 1959, I rode in a train with Nikita Khrushchev along the California coast past Vandenberg Air Force Base and saw, as he could, three operational Atlas missiles, the first such American ICBM's. There had been a first test firing from the Vandenberg range only 11 days earlier.

Now the Atlas is obsolete; as a weapon, they will all be phased out of action by June 30. The Atlas served well to boost John Glenn and his fellows into the Project Mercury orbits, but its complicated fueling, its maze of umbilicals, the almost cotton batting treatment that this monster requires—all the thousand-times Rube Goldberg complexity has junked it as a weapon.

OBSOLESCENCE COMES FAST

This multimillion-dollar investment in military deterrence has run its useful lifetime in a mere 5½ years. Today they are arguing about what to do with the concrete silos in which the Atlases have been hung by mammoth suspension cables and springs.

So the search for the new and the better, be they machines of construction or of destruction, goes on, and at fantastic cost. One returns from such travels with both admiration and respect: admiration for American brains and ingenuity; respect for American dedication to the task at hand and sometimes to the national interest involved.

But, one also returns to Washington whence came the direction and the dollars for it all, with the fateful question of whether national leadership will be able to assure that what mankind creates will remain its servant.

THE ROTC IN PREPARATORY SCHOOLS

Mr. ROBERTSON. Mr. President, the computers used by our brilliant Secretary of Defense in arriving at military decisions do not give the National Guard, the Army Reserve, or the ROTC units a high rating. He, therefore, desired to curtail all of those activities in a major way. Congress, however, was not willing to put all of its defense eggs in the one professional military basket and, therefore, continued to appropriate sums for the full continued operation of all three activities. But the Secretary of Defense in his rapid climb to power learned some years ago, in refusing to carry out the congressional mandate to continue the production of long-range bombers, that he could strangle and gradually kill any particular program merely by refusing to spend what the Congress had appropriated for its operation. He has applied that technique to the ROTC units in preparatory schools or junior colleges.

In 1963, the Secretary of Defense told the Congress that the Army was not getting enough benefit from that type of training to justify its continuation, and he asked permission to strangle it to death merely by having Congress refuse to appropriate the necessary operating funds. Congress promptly replied by not only appropriating all necessary funds for continued operation, but it reenacted the ROTC program for high schools and prep schools. So, early this year, the Secretary of Defense designed a new method of eliminating at least some of those ROTC units in the South. Knowing that it is no easy matter for a small educational unit in the South to integrate where boys must eat together, sleep together, and share their dates, he issued a directive that all preparatory schools must sign a nondiscrimination pledge that would apply not only to enrollment but to the daily activities in the school or else lose their ROTC unit. He instructed his Secretary of the Army to implement that order who, in turn, relayed it to the Adjutant General of the Army. It was not until April 26 that the Adjutant General of the Army mailed that directive to Fork Union Military Academy. The president of that school is well known to the military authorities, because he has served as president of the National Association of Military Academies. But, no notice of the desegregation order was sent directly to him. It was contained in a letter to an Army major, serving at Fork Union as professor of military science, and that Army officer was instructed to inform the president.

Mailing date was April 26; received at Fork Union, April 29.

Article 7 of the directive:

> Those schools or school districts, which are partially integrated in response to a court order or have partially completed a phased desegregation or plan to desegregate and wish to continue to receive Federal assistance for, or Federal recognition of their ROTC–NDCC program should submit a plan for desegregation to the Adjutant General. If such a plan has been submitted under a court order or in connection with Federal assistance from any other Federal agency, then such plan need not be resubmitted.

I call attention in this directive to the word plan. If, as used, that is a noun, then Fork Union and all other prep schools that have not desegregated are absolutedly out. In the remainder of the order "plan" is definitely used as a noun. Fork Union Military Academy has in recent years received the highest rating for academic as well as military proficiency. It had been giving training in military science and tactics long before the junior ROTC program was established, but it has been in the ROTC program for the past 46 years.

Some years ago, I accepted membership on the board of visitors of Fork Military Academy, both because I was interested in an opportunity for Virginia boys to get a little better preparation for college work than was being given in some of our rural areas, and likewise because I had had some experience with the subject of military training through service on the Board of Visitors of the U.S. Military Academy, the U.S. Naval Academy, and the Virginia Military Institute. It was not until the morning of May 5 that a fellow member of our board brought to my attention that the directive had been received from the Adjutant General of the Army for a certificate of full compliance with the order of the previous February. Knowing that there was no legal basis for the order unless the Defense Department had misconstrued the meaning of title VI of the Civil Rights Act of 1964, I sent the following telegram to the Secretary of the Army:

> As a member of the board of trustees of a private preparatory school in Virginia called Fork Union Military Academy, which not only is in the ROTC program, but each year receives the highest award for efficiency, I am informed that your Adjutant General has notified this school that it submit to him a plan of integration by the first of next month. Please advise me under what law your Adjutant General has made that demand and if he claims he is operating under title VI of the Civil Rights Act of 1964. Please advise what part of the Federal contribution to the ROTC units goes to the prep schools and not directly to the students, and also give me the wording of the regulation you have issued under the provisions of the Civil Rights Act of 1964 with which you are now requiring compliance, including your definition of the word "discrimination."
>
> In event of desegregation, will you still require boys receiving Federal funds under ROTC program to devote 8 hours a week to strictly ROTC activities to qualify them for better military service in regular military units of the Defense Department?
>
> An immediate reply is respectfully requested because the issue must be considered by the executive committee of the Fork Union Board next Tuesday.

That telegram left my office about noon of Thursday, May 6, and there is no reason to assume that it was not promptly delivered. Since the Secretary of the Army had been aware of the order in question for more than 2 months, he could easily have replied to my message either by telegram or by letter in a matter of hours. But he has never seen fit even to acknowledge receipt of my telegram. The principal reason, of course, for that discourtesy is the fact that the action taken was illegal and the Department of Defense can give no satisfactory ground for having taken it. Unfortunately, however, the rudeness shown me by the Secretary of the Army in this matter is but one of many evidences of the fact that we are gradually shifting from a government of laws to a government of men and in the latter type of government, Members of Congress may well expect more bureaucrats of the type described in 1825 by Senator Randolph, of Virginia, when he said:

> His mind is like the Susquehanna Flats—naturally poor and made less fertile by cultivation. Never has ability so far below mediocrity been so richly rewarded—not since Caligula's horse was named Consul.

PRESIDENT JOHNSON'S REMARKS BEFORE THE REA CONVENTION

Mr. YARBOROUGH. Mr. President, on May 4, 1965, President Johnson made a fine speech before the Rural Electrification Association convention, here in Washington. A large group from Texas was in attendance.

During President Johnson's long service in the House of Representatives and in the Senate, he was one of the most consistent supporters of the REA in the entire Congress. He was and he is a good and true friend of the Rural Electrification Administration.

Because of the importance of President Johnson's message in reflecting the present and the past significant roles which the REA has played in the development of our country, I ask unanimous consent that the President's speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO THE REA CONVENTION AT THE WASHINGTON HOTEL, MAY 4, 1965

Mr. Chairman, Senator YARBOROUGH, Congressman PATMAN, ladies and gentlemen, I am glad to know that Babe Smith and the Pedernales Electric Cooperative and the Blue Bonnet Cooperative are sponsoring this dinner. I have never known Babe to be a fast man with a buck. So we can all be mighty sure that the Texas congressional delegation rates pretty high—at least with Babe.

As a matter of fact, if I had not had some problems to worry about tonight myself, I would have come over a little sooner, because all of my family's life we have been paying out to the Pedernales Electric Co-op, and tonight I could have had one meal on them without that monthly minimum.

You have all followed the events of the past few days, I am sure. So I think you know why I am here.

For all of my public life, whenever I have been in need of light, I turn to the REA. I know that some of you were first against my policy about turning out lights in the White House until I found out that we were serviced over there by private power and then you regarded that as a step in the right direction.

For years everyone has wondered what there would be to do when all rural America had electricity. Well, I think now you have the answer—you are going to eletcrify the rest of the world.

Tonight, an REA team is in South Vietnam at my request, talking and planning and working with the officials there, to find ways to bring the healing miracles of electricity to that poor, war-torn countryside where the per capita income is $50 a year, and where the average person's span of life is 35 years.

So we must be ready to fight in Vietnam, but the ultimate victory will depend upon the hearts and the minds of the people who actually live out there. By helping to bring them hope and electricity you are also striking a very important blow for the cause of freedom throughout the world.

Wherever we are in the world, whatever we are doing in faraway places—many with strange sounding names—we are doing it not for power, not for territory, not for dominion, or not for influence. It is none of these things that we want. We want nothing that someone else has. We are there because we have to be. We are there so that the free choice of peoples to select their own pathway to their own future can be preserved. We are there because the United States of America in 1954 gave our word, and our pledge, and our commitment. And we keep it.

As we labor there tonight, there are a hundred other little nations in the world that are looking, and watching, and hoping, and praying, because if we were unsuccessful there they know they are next on the list. Once our promise is broken in one place, even though it is a little country called South Vietnam, America's promise is worthless in all places. Once we ignore and fail to live up to our treaty in southeast Asia, our treaty in Berlin is not worth the scrap of paper it is written on.

This has been a rather long day for me, and I suspect the night will be even longer. But however heavy the burden and however demanding the task, we are not about to drag or to fail.

Whether it be in Vietnam, where a brave people struggle for their own freedom, or whether it is the Dominican Republic, where the spoilers of freedom have plundered and killed, this Nation—your country—will do what is right, and will do what is just, and will do what is needed—when it is needed.

I do not want to keep you long this evening. I would hope that some of my problems go away with the dispatch that I am to depart this rostrum tonight. But I could not let you come to Washington without telling you of my gratitude and the affection that I have had for all the REA people since REA was born.

The REA is, has been, and I hope always will be my friend. I want to keep it that way.

And now just one other thought. There are 351 men and women associated with me in attempting to provide leadership to this great country in these troubled and critical times. We never know what the next moment will offer. In that group, Texas has one of the largest delegations, and one of the most trusted and most able.

While I have been known to differ with my fellow man in Congress—of both parties—from time to time, I have not found it necessary to ever criticize or to quarrel with any of the members of my delegation from my State.

I have been President 17 months and they have supported me beyond my wildest and fondest expectation. When they could vote with me, and for me, and in good conscience, they were down in the front row with their flag flying high. When they could not, they were very frank and friendly, and praying that I would not make that mistake again.

Thank you.

RESOLUTIONS ON REPEAL OF EXCISE TAX ON AUTOMOBILES

Mr. CARLSON. Mr. President, the Kansas Motor Car Dealers, meeting at their 34th annual convention in Wichita, Kans., on April 27 and 28, urged Congress to write legislation that would eliminate the Federal excise tax on passenger cars, and also would make retroactive application of the automotive-excise-tax reduction.

The Federal excise tax on passenger cars was originally approved as a wartime tax on October 4, 1917; and since that time it has been both extended and increased. The tax was finally repealed on May 29, 1928. It was reimposed on June 21, 1932, and since that time has been extended continuously.

It is my hope that within the next few week, when Congress considers the repeal of excise taxes, it will reduce or eliminate this tax, which in 1963 cost the citizens of the State of Kansas over $20 million.

I ask unanimous consent that the resolutions adopted by the Kansas Motor Car Dealers at their meeting in Wichita be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ON RETROACTIVE APPLICATION OF AUTOMOTIVE EXCISE TAX

Whereas a 10-percent Federal manufacturers excise tax is presently levied on all new automobiles manufactured for sale in the United States; and

Whereas several bills have been introduced in the Congress, to either repeal or substantially reduce this Federal excise tax; and

Whereas President Johnson has called for repeal or reduction of Federal excise taxes in the amount of $1.75 billion in 1965; and

Whereas news media are widely noting these legislative proposals and predicting reduction of varying degrees in the Federal excise tax rate on new passenger cars; and

Whereas the Federal excise tax on a new passenger car is such a significant amount, averaging about $225 per car, the purchaser of a new car would likely be induced to delay purchase until final legislative action was taken; and

Whereas an understanding by the public that the repeal or reduction if any, of the Federal excise tax on passenger cars would be made retroactive to a certain date, would minimize the likelihood of postponement of presently planned purchases of such articles and would lessen the risk of serious adverse effect upon the economy in general and the automotive industry in particular: Now therefore, be it

Resolved, That the members of the Kansas Motor Car Dealers Association, representing all domestic and imported makes of vehicles sold in Kansas, in convention assembled this 28th day of April 1965, urge either the immediate enactment of legislation providing for refunds to purchasers of the Federal excise tax paid by them on new passenger cars purchased prior to the effective date of enactment of legislation, if any, repealing or reducing said tax; or an assurance, at the time that public announcement is first made of consideration by Congress of legislation to repeal or reduce these Federal excise taxes, that such repeal or reduction will be made retroactive to the date of the first public announcement of consideration by the Congress of legislation to repeal or reduce Federal excise taxes; be it further

Resolved, That a copy of this resolution requesting and urging support for such action by the Congress, be forwarded to each U.S. Senator and Representative from the State of Kansas.

Unanimously approved:

THE KANSAS MOTOR CAR DEALERS ASSOCIATION,
WILL G. PRICE, Jr., *President*.

RESOLUTION ON ELIMINATION OF FEDERAL EXCISE TAX ON PASSENGER CARS

Whereas a Federal excise tax was first imposed on automobiles October 4, 1917, at the rate of 3 percent of the manufacturers' selling price. This wartime tax was increased to 5 percent on February 25, 1919, and reduced to 3 percent on March 27, 1926. This temporary tax was finally repealed on May 29, 1928; and

Whereas this tax was reimposed on June 21, 1932, during a depression at the 3 percent rate, increased to 3½ on July 1, 1940, and to a 7 percent permanent rate on October 1, 1941. On November 1, 1951, a temporary 3 percent increase brought the tax to a total of 10 percent, and this temporary 3 percent has been extended year to year by successive excise tax extension acts; and

Whereas Federal excise tax revenues from the sale of passenger cars in 1963 in the State of Kansas amounted to $20,349,000 constituting a heavy tax burden on the citizen of this State, which should be eliminated, and

Whereas Federal automotive excise taxes are levies that exact a special fee from purchasers of motor vehicles over and above all other taxes and no other form of transportation is subjected to similar special taxation; and

Whereas the present excise tax on motor vehicles was conceived and placed into effect during various national emergencies; namely, the 1932 depression and two military conflicts; and

Whereas the national emergencies during which these excise taxes were created have long since been resolved and no longer exist; and

Whereas these taxes are of a discriminatory nature and because they were enacted as temporary levies: Now therefore be it

Resolved, That the members of the Kansas Motor Car Dealers Association, in convention assembled this 28th day of April 1965, urge the immediate elimination by the U.S. Congress of the Federal manufacturers excise tax of 10 percent on passenger cars as being in the best interests of the citizens of this State and of the national economy; and be it further

Resolved, That a copy of this resolution, requesting and urging support for the elimination of this tax, be forwarded to each U.S. Senator and Representative from the State of Kansas.

Unanimously approved.

THE KANSAS MOTOR CAR DEALERS ASSOCIATION,
By WILL G. PRICE, Jr., *President*.

THE HUNGARIAN MINORITY IN RUMANIA

Mr. PELL. Mr. President, about a year ago, on May 11, 1964, in this Chamber, I made a statement on our negotiations with Rumania in the economic and cultural fields and on the situation of the Hungarian minority in western Rumania, known historically as the province of Transylvania.

At that time, I agreed with the general policy of our Government of expanding cultural, economic, and trade ties with the peoples of Eastern Europe, but had insisted that, in return, the Rumanian government grant a general amnesty to its many political prisoners, including those sentenced to long terms in prison after the abortive 1956 Hungarian revolution which also filled the Hungarians of Transylvania with unfulfilled hopes. I stated that trade concessions on our part should form a quid pro quo in effecting the release of the prisoners and for a more humane nationality policy on the part of the Rumanian Government.

I wish to review what has happened during the past 12 months. There were, of course, some improvements. The Rumanian Government implemented the general amnesty, and released about 11,000 prisoners, among them some Hungarians. Yet, according to some sources, the Rumanian Government apparently still failed to make good its promise of general amnesty for political prisoners. The January 1965 issue of Eustomy, the quarterly journal of Amnesty International, published in London, and having consultative status with the Social and Economic Council of the United Nations, tells us that despite the releases, which even included former members of the Iron Guard, at the behest of the now deceased Rumanian Communist leader, Gheorghiu-Dej, two groups were not released. I quote:

> There are two small groups of political prisoners who do not appear to have been released. The first are about a dozen high Communist officials, who have been accused of currency offenses—smuggling money and depositing it in Swiss banks. This is regarded as sabotage, and therefore a form of treason, in Communist lands.
>
> The second group are Hungarians, members of the minority in Transylvania who have been agitating against the suppression of their countrymen (closing of Hungarian schools, universities, etc., in Transylvania).

Personally, I hold no brief for the first of these two groups. However, it does appear that one of the salient points in my speech last year has not been completely fulfilled; and I hope that in future talks the State Department will raise this issue with the Rumanian Government, so that those still lingering in prison, because of Rumanian nationality politics, will be released.

During the year, one of our distinguished foreign correspondents, George Bailey, from the Reporter magazine, visited the area. His experiences were published in the form of an article entitled "Trouble Over Transylvania," in the November 19, 1964, issue of that magazine. In the article, he stated clearly the inadequacies and injustices of Rumanian nationality policies in Transylvania toward the Hungarian minority.

Mr. President, it is interesting to note that the economic and trade relations between us and the Rumanian Government has developed in a rather unusual manner. Rumanian interest lies mainly in receiving technical information—just in the months of March and April, we have given them data for three patents, and have permitted reexportation to Rumania of a patent granted originally to Japan and certain chemical machinery, including a methane pipeline booster station. On the other hand, in dollars the trade remains rather small.

In this connection, it is also interesting to note that under existing cultural and other exchanges, virtually no Hungarians from Rumania come to the West. I trust that in future negotiations, our Government will take discreet steps to insure that the Hungarians from Rumania are also included in the exchanges, inasmuch as this is their only opportunity to have contact with the West.

The cultural policies of the Rumanian Government have not improved over the past years. Even in the few Hungarian grade schools in purely Hungarian areas Rumanian-language instruction exceeds now, in weekly hours, such instruction in Rumanian schools and the merged classes and subjects. Even Hungarian Communists do not receive their proper place in the Rumanian administration. An analysis of the sham elections of March 1965, shows that in the Rumanian Parliament, among the deputies, only 14 are of Hungarian nationality.

On May 11, 1964, I said:

> It seems to me that Rumania should be required to lift the heavy hands of oppression before we clasp her proffered hand of friendship.

Mr. President, I am glad that some steps have been taken in this direction. But there is still more room for improvement by the Government in Bucharest.

RUMANIAN INDEPENDENCE DAY

Mr. YARBOROUGH. Mr. President, today, May 10, stands as a symbol of proud history and of freedom valiantly won, for today is the 88th anniversary of Rumanian independence, which the Rumanians won in 1877.

It is with pride that we note the fortitude and the courage of the Rumanian people, as reflected in their history. We are also proud of the many contributions which the American citizens of Rumanian extraction have made to this country.

However, it is unfortunate that this holiday cannot be celebrated within the boundaries of that nation, whose history is so steeped in love of freedom. The Communist dictatorship has deprived Rumania of today's celebration, just as it has deprived the Rumanians there of their freedom.

Although Rumania stood as a free country for almost 70 years, she became a victim of aggression, and she is now a captive subject of the Soviet Union and the Communist conspiracy.

Despite the hardships which history has dealt Rumania, the people there have not lost their love of liberty or their desire for national independence. On this independence day, we in America join them in their celebration, and share their hopes and ideals for liberty and freedom for Rumania.

Mr. BAYH. Mr. President, this is a day of very special significance for citizens of Rumania and for people of Rumanian origin.

It was on this date in 1877 that Rumania became an independent nation for the first time in history. Rumanians rightfully recall with pride that achievement, even though they are saddened by the present plight of their homeland.

The Rumanian Nation suffered greatly after attaining independence. It sustained terrible losses in the two World Wars; and during the past 18 years, Rumanians have not been blessed with a free and independent government.

It is heartening that, in recent years, Rumania has begun to adopt a more independent role in its relations with other nations. But the Rumanian people do not have the freedoms cherished by citizens of other countries.

Rumanian citizens are not permitted to observe the anniversary of their country's independence. To show our continued sympathy for their lack of freedom, it is fitting that this traditional holiday is being commemorated in our Nation. The Rumanian National Committee is sponsoring an observance today at the Carnegie Endowment International Center, in New York City.

It is inevitable that one day the high aspirations of Rumanian citizens for freedom and full independence will be realized.

AIRMAN HOVAN WRITES THAT VETERANS CANNOT AFFORD COLLEGE

Mr. YARBOROUGH. Mr. President, the economic difficulty which confronts a veteran who hopes to attend college is almost insurmountable, inasmuch as it is virtually impossible for a serviceman ever to save enough money to be able to pay college expenses when he returns to civilian life.

The difficulty of this problem was recently explained in a letter which I received from James G. Hovan, airman first class in the U.S. Air Force. In the letter, he states that, at his wage scale, he would have to save every penny he earns for a year, in order to be able to attend college for a year. That would mean that he could not spend a thing for a year—an impossibility for anyone.

I ask unanimous consent that his letter be printed at this point in the Record, to emphasize the need for a cold war GI bill to help our veterans finance an education.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Campion Air Force Station, Alaska,
May 3, 1965.

Dear Senator Yarborough: On behalf of thousands of military men including myself, I would like to take time to thank you for supporting the cold war GI bill. It is my belief that something of this nature is long overdue. Especially the educational part of it, although all parts are equally important.

I am a native of Ohio, and after my discharge next February I plan to finish my education at Ohio University. But a large problem enters into it, for me as well as other servicemen. And this problem is one of finances. As an airman first class, I earn roughly $2,430.40 a year. One year at Ohio University including books, board, etc., is $1,288. Which means if I were able to save 1 year's pay without spending a penny I could have saved enough to go to school 1 year. But that is without any spending at all, which is utterly impossible. The $2,430 mentioned above are the wages of an airman first class. But what of the lower ranking men who only earn half or less than that amount? Their hopes of ever completing a first-rate education are even dimmer. That is why the subsistence in the bill is of such great importance.

Since articles pertaining to the status of the bill are somewhat sparse it is difficult to see how it is progressing. Maybe by the time this letter reaches you the bill might already have been passed. At any rate Mr. Yarborough thank you.

Very respectfully,
James G. Hovan,
Airman First Class, USAF.

ASSATEAGUE ISLAND NATIONAL SEASHORE

Mr. BREWSTER. Mr. President, I rise once again to speak of the necessity for early action on Senate bill 20, which would establish the Assateague Island National Seashore.

I first introduced this proposed legislation in September 1963. When I again introduced the bill, on January 6, 1965, I noted that private commercial developers were pressing the State of Maryland for permits to begin construction on the island. In an initial court test, the State's failure to grant permits was reversed; and the State appealed to the Maryland Court of Appeals. I said at that time:

> If the opinion of the lower court is sustained, there is little likelihood that private development can be forestalled. The millions of people living in Baltimore, Washington, Wilmington, and Philadelphia, and those additional millions who will visit the seashore annually, will have been deprived of an unprecedented recreational opportunity. I hope the Congress can act in time.

Mr. President, "in time" is now. The Maryland Court of Appeals, in a 4-to-3 ruling, last Tuesday, sustained the lower court, and ordered the State to issue water and septic tank permits for the development of more than 50 acres on Assateague Island.

If we are not to lose forever this magnificent opportunity to provide the best in outdoor recreation for millions of our fellow citizens and for their children and grandchildren, affirmative action can no longer be postponed.

By way of further explanation, I ask unanimous consent that an article which was published on the front page of the May 5 Washington Star, and two editorials urging early enactment, from the May 6 editions of The Washington Post and the Washington Star, be printed at this point in the Record.

There being no objection, the article and the editorials were ordered to be printed in the Record, as follows:

[From the Washington Star, May 5, 1965]

Senator Seeks Fast U.S. Action on Assateague—Brewster Moves as Court Upholds Private Developer

Senator Daniel B. Brewster, Democrat, of Maryland, today called for swift congressional action to save Assateague Island from private development expected in the wake of a Maryland court of appeals decision.

The State's highest court, in a 4-to-3 ruling yesterday, ordered the Maryland health department to issue water and septic permits to Robert C. Walker for development of more than 50 acres on the Atlantic Ocean barrier reef.

The decision was expected to clear the way for approval of six other permit applications which have been held up in Worcester County circuit court pending an appellate decision in the Walker case.

TAWES FAVORS U.S. PURCHASE

Gov. J. Millard Tawes and other State officials have urged Congress to approve Federal purchase and preservation of Assateague as a natural seashore park before development makes future purchase too costly.

Federal acquisition of Assateague headed a list of proposed recreation areas listed in a conservation message sent to Congress February 8 by President Johnson.

In view of yesterday's Maryland appellate decision, Brewster said, "Congress is the real court of last resort.

"If Congress fails to act swiftly, the American public will lose forever the finest seashore park area on the Atlantic coast," Brewster said.

WALKER PLANS EARLY START

Walker today said today he hopes to have some of his property under development this summer. The land all lies within the tract proposed for Federal purchase.

Maryland now owns a 2-mile stretch of Assateague which it is developing into a State park. Another 15 miles have been plotted for homebuilding by private developers.

The incentive for private development was heightened last September 25 when the State opened the first bridge from the mainland across Sinepuxent Bay to Assateague.

Brewster introduced a bill earlier this year for Federal purchase of the island except for the State-owned portion. Hearings were held in March by a Senate interior subcommittee.

SPEED BILL, BREWSTER URGES

Brewster today said he is asking the committee chairman, Senator Alan Bible, Democrat, of Nevada, to move the bill as soon as possible.

In their decision, the four Maryland appellate judges upheld the Worcester County circuit court ruling to grant water and septic tank permits to Walker.

The high court said Robert M. Brown, chief sanitary engineer for the State health department, was not qualified to testify as an expert in the case, because he had not personally examined Walker's property after his application was filed in May 1963.

[From the Washington Post, May 6, 1965]

Emergency at Assateague

Assateague Island is now defenseless against the threat of uncontrolled development. The Maryland Court of Appeals has decided, by four judges to three, that the State health authorities must permit developers to install their own sewage systems. Heavy construction is now possible along the beach that is the Washington-Baltimore metropolitan area's last hope for an unspoiled national seashore.

Assateague can be rescued for the public only if Congress passes legislation before the developers get underway. The Senate's hearings have ended, but the bill remains motionless. The reasons for this delay are obscure. Both Senator Brewster and Senator Tydings actively support it. Assateague's Congressman, Mr. Morton, and the State's Congressman-at-large, Mr. Sickles, support it. Governor Tawes supports it. The Interior Department supports it. And yet, strangely, the bill is stuck fast.

"Our present system of parks, seashores, and recreation areas—monuments to the dedication and labor of farsighted men—do not meet the needs of a growing population," President Johnson said in his message on natural beauty 3 months ago. He placed Assateague first in his list of the parks to be acquired with the new conservation fund.

But Assateague will never be a park if it is commercially developed as another popcorn-and-pizza beach resort. The court's decision means that Congress has no more time to waste. The Federal Government must acquire Assateague now or never. Only President Johnson's direct intervention can produce legislation fast enough to preserve Assateague in its natural beauty for the people of the crowded, urban east coast.

[From the Washington Star, May 6, 1965]

Assateague Now

Most Americans would agree that it is the duty of Congress to consider legislation with all deliberate speed, allowing ample time for testimony and debate. But there are exceptions to this general rule. And a case in point is the bill to authorize the Secretary of Interior to add Maryland's Assateague Island to the national park system.

The last Congress failed to pass such legislation, although it had overwhelming national and State support. The result was inevitable: Maryland having successfully delayed through its executive departments and its courts the beginning of private resort construction on the island, has reached the end of its legal rope. By a 4-to-3 decision its court of appeals has ordered the health department to issue water and septic tank permits to private landowners involved. Now Congress alone can save the day.

The Assateague bill is before Senator ALAN BIBLE's Interior Subcommittee. Hearings have been completed, but the subcommittee has not yet reported it to the full Senate Committee on Interior and Insular Affairs. In the House, Chairman ASPINALL of the Interior and Insular Affairs Committee, has yet to schedule hearings. Thus, prospects for final passage of the bill, if the doctrine of deliberate speed is followed, is weeks, perhaps months, away.

But with each passing day the price tag on the island is growing. And it will grow more rapidly as landowners receive their permits and prepare to begin building.

President Johnson has singled out Assateague for acquisition. Maryland has expressed its wholehearted agreement. The pros and cons of acquiring it have been thoroughly aired. There remains no earthly reason why the Senate and House committees involved should not avail themselves of every possible shortcut to obtain quick passage of the bill to authorize its purchase. Continued delay can only result in robbing the taxpayer.

The time for deliberate speed is past.

KASHMIR: DILEMMA OF A PEOPLE ADRIFT

Mr. PELL. Mr. President, Arthur Bernon Tourtellot is a distinguished historian and writer-producer who wrote the script for "The Guns of August." This proud son of Rhode Island is, in addition, a recipient of the Peabody Award for the film version of General Eisenhower's "Crusade in Europe."

In the March 6 edition of the Saturday Review, Mr. Tourtellot has written a descriptive article entitled "Kashmir: Dilemma of a People Adrift." This article is an outgrowth of a recent visit he made to the Indian subcontinent, gathering material for a book on constitutionalism in the emerging nations.

With respect to the growing Indian-Pakistani conflict, the article provides a sobering account of the real issue involved—the fate of Kashmir, and provides deep insight into this 27-year-old problem of a stateless people cut adrift in a political clash.

I ask unanimous consent that the article entitled "Kashmir: Dilemma of a People Adrift" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KASHMIR: DILEMMA OF A PEOPLE ADRIFT

(By Arthur Bernon Tourtellot)

From Rawalpindi, temporary capital of the Islamic Republic of Pakistan, the road providing the only year-round access to the divided land of Jammu and Kashmir climbs from the broad Potwar plateau high up into the western flank of the Himalayas. Winding precariously around the sides of mountain peaks so numerous that they have no individual names, the road is always dramatic as, one after another, vistas of bold, incredible beauty open up at almost every turn. For, of the world's 22 peaks exceeding 25,500 feet, 7 are within the princely state of Kashmir.

But the road to Kashmir is also hazardous in the extreme. To the natives of the region, who love to crowd onto tiny buses to go from village to village, it is known and feared as a death trap. In a 2-week period just before I rode over it recently, more than 60 people had lost their lives as the light buses plunged off the edge of the narrow shelf of a roadway and down the mountainsides. The drivers take a fierce pride in their craft and sometimes, seeking to better the 20 miles an hour they can average on the road, take wild chances.

The buses, when they make it, run between Rawalpindi, once the great British military cantonment for policing the embattled Northwest Frontier of India, and the former hill station, Murree, 39 miles in distance and 8,000 feet in altitude away. Beyond Murree, few except military vehicles continue on down to the boulder-strewn valley of the Jhelum for the slow climb upward on the east side to the remote, lonely little city of Muzaffarabad, capital of the Azad (free) government of Jammu and Kasmir, which is that part of Kashmir—approximately one-fourth of its total area of 83,000 square miles—not occupied by the Indian army.

My purpose in visiting Muzaffarabad was to talk with the President of the Azad Government. I had gone to India and to West and East Pakistan for the purpose of studying at first hand constitutionalism on the vast subcontinent—which, to any historian or political scientist, is the crucible of government by law in this turbulent century. But towering realities have a habit of getting in the way of political processes in countries of huge populations, low literacy, and oppressive economies. And everywhere I went, with everyone I talked, in both India and Pakistan, the permeating reality was the Kashmir dispute. In India, the hungry were throwing stones through the windows of police stations, as the most accessible seats of civil authority, and the devastating floodwaters on the great river plains had not yet receded. But government officials, journalists, and educators seemed not nearly as concerned with these matters as with consolidating Kashmir as a part of India. And in Pakistan, in the midst of the first presidential election campaign in its history—and one testing an electoral and constitutional system that, if it worked, might possibly serve as a model for emerging nations weary of parliamentary instability everywhere—the fate of the 4 million Kashmiri was equally the center of attention.

I decided to go to Muzaffarabad to find out the situation of the Kashmiri themselves. Arriving there on a Sunday afternoon as the sun was beginning to sink behind the mountains, I was taken to bungalow lodgings built to house the United Nations Commission that, 17 years ago, came to mediate the localized war between the twin infant democracies of Pakistan and India over the unilateral ceding of the Moslem state of Kashmir by its last Maharajah, a Hindu, to India. The cession was made as a condition of the Maharajah's receiving Indian military aid to put down an insurrection of his subjects against his clan's wholesale extermination of Moslem natives. The unifying power of Islam is strong and impassioned, and soon the Moslem tribesmen of the Pakistani northwest frontier invaded Kashmir to help the insurgents.

The Azad Kashmiri, with the aid of the tribesmen, were fighting a persistent but unavailing battle against a far more powerful Indian army and air force, when both India and Pakistan brought charges before the United Nations in January 1948. India charged Pakistan with aiding the invading and often wildly plunderous tribesmen. Pakistan charged India with the fraudulent, coercive acquisition of Kashmir. Each charged the other with violence. By the time the United Nations five-member Commission, having first convened in Geneva, got to Kashmir in the summer of 1948, Pakistan, disturbed as hundreds of thousands of Kashmiri refugees poured across its borders, had sent regular troops in to aid the Azad forces. Only exceptionally conscionable leadership in both New Delhi and Rawalpindi stopped the war from exploding into a major holocaust between the world's two youngest, and its largest and third largest, democracies. In January 1949 the United Nations commission established a cease-fire line, pending the withdrawl of troops and the holding of a plebiscite as to whether the Kashmiri themselves wanted to accede to India or to Pakistan.

But 16 years later there has been no plebiscite and the cease-fire, broken almost daily, is precarious.

As I left the bungalow for the drive to the President's house, just 30 miles from the cease-fire line, the sounds of gunfire echoed from the distance. The President's house is a simple, one-story structure, like all the Azad Government buildings. The Government regards itself as temporary—a Government-in-exile, belonging not in these rugged hills but in the traditional capital, Srinagar, in the lovely valley of the Kashmir, now in control of India. The President, Abdul Hamid Khan, is a gentle, scholarly man who had spent 22 of his 57 years on the bench, the last of them as chief justice of the Azad Kashmir high court. Judicious in temperament as well as in experience ("An independent judiciary," he says, "is the mark of civilization"), Hamid has lived among his countrymen all through the long, trying history of the Kashmir dispute, having served the Azad Government ever since it was first set up in 1947. Yet he talks of it now with the serenity of the historian's backward glance or, perhaps more accurately, the judge's review of a long and complicated case.

The thing that had baffled me all the time about the Kashmir dispute—as I suppose it has everyone else far removed from it—is why, for nearly two decades, it has defied resolution. Why is it that these two huge democracies, India and Pakistan, born in the agony of partition and the mass uprootings of peoples, plagued by an illiteracy rate exceeding 75 percent, and harassed by crushing problems of poverty, malnutrition, and overpopulation, persist in a costly stalemate over a largely barren and craggy area that has never been able to sustain its own population? It is true that Kashmir is the very heart of Asia. If you draw a line, north and south, midway between the Mediterranean at Beirut and the Pacific at Tientsin, and another line, east and west, between the Arctic Circle and the southern tip of Ceylon, the lines will cross in Kashmir. And it borders not only on Pakistan and India but on China, Russia, and Afghanistan. But the geographic locus pales into strategic insignificance in the face of topographic factors. The country is mountain-locked, limiting air access, and all roads but that through Muzaffarabad are apt to be impossible in winter. It is an unlikely, if not impossible, roue for anyone's invading the subcontinent, and neither Pakistan nor India has advanced any very persuasive claims about its military value.

Hamid sees the plight of Kashmir almost wholly in human terms. Jurists are deeply conscious of the premises of the law, and nothing is more real to Hamid than the Islamic assumption of absolute equality among all believers. Fundamentally a religious principle, historically related to Islam's doctrinal kinship with Christianity, equality has become increasingly a political and social reality in the Moslem world as systems of self-government have, in the upheavals of the 20th century, replaced autocratic princes and chiefs. One has only to contrast this with the quality of inevitableness that inheres in the Hindu caste system.

as Hamid sees it, to understand the compelling instinct of the Kashmiri, nearly 80 percent Moslem, to cast their lot with Pakistan. For neither Islam nor Hinduism is merely a religion. Both are social systems—powerful and pervasive forces that govern the practices as well as the laws of life. "It is easier to illustrate than to explain briefly," Hamid says. "The example of the cow has often been cited: to the Moslem, it is something to eat; to the Hindu, it is something to worship."

There are attitudes toward the future involved, too, and age-old visions of life and death. Though not doctrinally hostile, these differ in so many particulars that, given the educational level of southwest Asia today, they are going to be irreconcilable for a very long time to come. This is a fact of life that Hamid considers overriding, and he cannot see his 4 million Moslem countrymen, not long since sent scurrying into the hills by Hindu and Sikh terrorists, voluntarily committing their future to Indian custody.

Hamid views logic as the servant of man and not his master, for like Holmes he knows, as one long devoted to attempting to reconcile behavior and principle, that the life of the law consists less in logic than in experience. And so he expects no consistency in political behavior, even though his jurist mind looks longingly at precedent. India will not agree to a plebiscite in Kashmir—nor even agree to the justness, in this case, of self-determination. And yet, in the cases of Junagadh and Hyderabad, counterparts to Kashmir because they had Hindu populations and Moslem rulers who claimed the right to remain antonymous, India insisted that the majority of their populations, not their despotic rulers, should determine their destiny. And at the point of bayonets those princely states were incorporated into India. The cases are not exactly parallel, of course—neither Junagadh nor Hyderabad is contiguous to both Pakistan and India as Kashmir is—but Hamid sees them, in terms of human ties and needs, as the same.

To the disciplined mind of Hamid, the outcome of a plebiscite in Kashmir is clear. First and primarily, the people of Kashmir are, in overwhelming majority, Moslem, and they see their destiny united by the forces of culture, religion, and history as inextricably tied up with that of their neighbor, the largest Moslem nation on earth. Secondly, Kashmir's dependence on the outside world is inalterable, and the only year-round route is through Pakistan. It is also clear to Hamid that there is a certain historic inevitability about Kashmir's choice of union with Pakistan. Such economic and geopolitical considerations as the flowing of the rivers of Kashmir through the West Pakistan breadbasket and the flowing back to Azad Kashmir of Pakistan foodstuffs seem to him irreversible natural determinants.

Alarmed but unswayed as he is by recent Indian administrative moves to incorporate occupied Kashmir more tightly into India, there is in Abdul Hamid Khan a quiet but stolid insistence, which seems deeply rooted in a fundamental faith in the whole drift of history, that the Kashmir dispute will one day be settled; that world opinion, articulated both within and outside the United Nations, will force the plebiscite upon an unwilling India, because the idea of self-determination is as much the rallying cry of the 20th century as liberty was that of the 18th century; and that it is not merely a military or a political matter but a matter of the conscience of mankind that 4 million people cannot indefinitely be held hostages both against their will and against their heritage. "We have not lost our hopes in the United Nations," Hamid said, "and we believe that the day will come when the world body will rise to the occasion to rescue the Kashmiris."

In Rawalpindi, the young foreign minister of Pakistan, Zulfikar Ali Bhutto, educated in political science at the University of California and in jurisprudence at Oxford, sees the holding of a plebiscite under U.N. supervision and the stipulated preliminary of the withdrawal of Pakistani and Indian soldiers as a relatively simple matter. Yet the debate frequently wanders far afield, advancing claims and counterclaims as to whether the Islamic or Hindustani tradition makes for the good society. But Bhutto insists, "The purpose of the United Nations is not to give Kashmir as a prize to the better society, but merely to ask the Kashmiri whom they want to join."

The Indian Government and, from all that I could discover, those Indian people not preoccupied with their own survival are dead against implementing the U.N. proposal of a plebiscite. Their reasons range from the querulous, usually surrounding technicalities relating to the withdrawal of troops that the U.N. Commission stipulated as a prerequisite to the plebiscite, to worried concern about its precedential effect upon the cohesiveness of Indian nationalism. I got the bluntest answer, and the quickest, from Krishna Menon, still a member of Parliament though no longer a government minister, and though still cantankerous, grown mellow and a little touched with sadness. In the library of his house in New Delhi, I sat drinking tea while Mr. Menon, looking purposefully satanic in his native costume and with his hair in careful disarray, lectured me on the multiple errors committed by the United States all over the world: "Wherever there is mischief, there is your country in its midst." There is mischief in Kashmir, and we aren't there; but Menon minced no words when I asked him why, after 16 years, India refused to agree to carrying out the U.N. plebiscite. "Because we would lose it," he said. "Kashmir would vote to join Pakistan, and no Indian Government responsible for agreeing to the plebiscite could survive."

In the Menon lexicon the line between realism and cynicism is very thin, and political morality is pretty much, in his words, "a textbook approach" to public affairs. Conceding that "there may be neither legal nor moral justification" for India's position on Kashmir, he held that the question was not what was "right" but what was opportune.

As he did in so many areas, Menon unquestionably influenced Nehru to some extent, during a long, close association on India's course in Kashmir. But the full explanation of India's position goes far beyond Menon and, for that matter, beyond Nehru. Like India itself, it is enormously complex, and in its contradcitions it ranges, also like India itself, from the soft and mystical to the harsh and expedient. Himself a Kashmiri, Nehru personally took a romantic and rather wistful view of the land of his fathers. He ended his autobiography, in 1940, with what was for so sophisticated a statesman a childlike yearning: "3 months ago I went back to Kashmir and after an absence of 23 years, and I drank in the loveliness of that land of enchantment and forgot for a while the pain and torment of soul which are the lot of humanity today." And 12 years later: "Kashmir is a piece of my heart."

But as a political leader, Nehru, with his commanding concern for Indian nationhood, took positions on the fate of the Kashmiri, with whom he had few personal ties, so inconsistent as to be completely antithetical. In 1951 he told the All India Congress Committee, "Kashmir has been wrongly looked upon as a prize for India or Pakistan. People seem to forget that Kashmir is not a commodity for sale or to be bartered. It has an individual existence, and its people must be the final arbiters of their future." And, at the time of accession, he reminded the Constituent Assembly that "We went out of our way to make a unilateral declaration that we would abide by the will of the people of Kashmir as declared in a plebiscite or referendum." But long after India had embraced the principles of the United Nations provision for a plebiscite, he could say, "The demand for plebiscite has become a joke." and "It is foolish for Pakistan or for any other country to talk about such a thing."

The traumatic effect of Nehru's death on his people was reflected in a desperate search for a rationale of the intransigent but never fully illumined attitude of India about Kashmir. It was the magnetic power of Nehru's personality, coupled with his historical association with Gandhi, that had been, for 17 years the strongest single force in keeping the polyglot, heterogeneous nation united. Almost inevitably, national unity became an obsessive concern once Nehru was gone. A federation of states, India had reason to be fearful as individual states, impatient at the national Government's inability to alleviate such problems as the food shortages, have threatened more than once to take matters into their own hands. I heard some claims in New Delhi that the trouble with a plebiscite in Kashmir was that it could lead to demands for plebiscites in such restless constituent States as the Punjab and Madras. But no responsible Government official could bring himself to any such declaration of the fragility of Indian union.

It is true that a nation of such diverse ingredients and such ancient forces of sectionalism and sectarianism as India cannot take its unity for granted. But the officer in the Ministry of External Affairs responsible for Kashmir, B. L. Sharma, a knowledgeable and perceptive man, believes that India has twice had its ordeal by fire and its capacity to stay united. The first occasion, the invasion by China of Indian territory and the remarkably swift and concerted rallying of the population, clearly established India's essential unity. The other was the death of Nehru, and the nation's ability promptly to agree on a new leader after Nehru, stating flatly that it was the duty of a democratic people to choose its own leadership, had refused to name a political heir—again demonstrated its singleness of purpose.

I sat with Sharma in his quiet chambers in the Secretariat at New Delhi as, late in afternoon when everyone else had gone, he speculated about the effect of Kashmir on Indian unity—whether the move to absorb Kashmir did not again reflect a national unity of will. But he knew that this was not so, and he turned quickly to the emerging figure of Shastri, and to his differences from Nehru, rather than any similarities, as a more likely unifying factor.

Far from being in any way either a symbol or a source of unity in India, the Kashmir impasse is keeping alive the Moslem-Hindu hostility that split the nation apart at the time of independence and still arrays its 425 million Hindus against its 50 million Moslems. It has, moreover, been in large measure the reason why both Pakistan and India have devoted such a large proportion of their resources—badly needed for the hungry and undernourished—to the military. (In 1 year India devoted 50 percent of her budget to military purposes; in another Pakistan devoted 80 percent to them.) It has interrupted such urgent joint Indo-Pakistani undertakings as the Indus River development project. It has paralyzed for 16 years the praiseworthy work of a conscientious commission of the United Nations and diminished the influence of that body among emerging nations with whom it ought to be strengthened. It is alienating a valued friend of the West, as Pakistan fearful—justifiably or not—that American weapons in India may be turned on them as India steps up the use of force in Kashmir, forges new bonds with Red China. And in both

Pakistan and India, is is building up attitudes of hate and suspicion and inspiring a dialogue of vituperation, counsels of extremism, and an explosive atmosphere of anxiety.

As I left the President's house in Muzaffarabad, however, I was sharply reminded of the bitterest price of all—the plight of the 4 million Kashmiri, wholly deprived of any voice in their own fate, as bleak pawns in a purposeless stalemate. The sound of the gunfire was still echoing, as it had all through the afternoon and evening, from the cease-fire line. That weekend 12 people were killed, 7 of them Kashmiri villagers. Since the cease-fire line was established, an estimated 16,000 have died, half of them civilians. The living hostages had little to expect of the future—too little food, too little education, too little clothing and housing, too little dignity, and too little sense of their own identity. President Hamid, the justice turned administrator, saw the question in my mind before I could phrase it. "The whole answer, the only answer," he said, "is in the first article of the U.N. Charter, where the purpose of the United Nations is clearly stated: 'To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.'" His voice trailed off, and he looked at the mountains surrounding us, I thought that his look seemed directed more hopefully to the future than regretfully to the past.

PRESIDENT JOHNSON'S DECISION TO SEND U.S. TROOPS TO THE DOMINICAN REPUBLIC

Mr. HARRIS. Mr. President, as I stated last Saturday, in a speech to the Oklahoma Junior Chamber of Commerce State convention, meeting in Tulsa, Okla., I endorse the decisive action of President Johnson in sending troops to the Dominican Republic.

His prompt decision was necessary—there being no OAS peacekeeping force then in being—in order to protect the lives of American nationals and to prevent the establishment of another Communist government in this hemisphere.

I ask unanimous consent that there be printed in the Record two editorials which also approve the action taken by President Johnson.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, May 5, 1965]

Instead of Doing Nothing

Debate over the Dominican crisis in the United Nations Security Council and the Organization of American States during the past 2 days puts into clear focus the difficult problem and the grave decision that confronted President Johnson a week ago. That was when he received desperate and urgent appeals for help from Santo Domingo—where thousands of Americans and others were in imminent danger of mass slaughter by bands of terrorists roaming the lawless city.

Events of the past 48 hours strengthen the argument of the President that it might have been impossible to get international sanction for a rescue mission to the Dominican Republic in time to do any good. Men and women could have been slaughtered in the streets by the hundreds while the OAS or the U.N. were deciding what, if anything, to do about it.

This does not mean the OAS should have been bypassed. We believe, and have said repeatedly since the outset of the Dominican crisis, that the Organization of American States has both the authority and the duty to take effective action in emergencies of this type. There is a great need—underscored by the present situation—for a general overhaul of the OAS administrative and executive machinery so it can be counted on to act both decisively and swiftly when catastrophe is imminent.

As President Johnson put it, "We don't propose to sit here in our rocking chair with our hands folded and let the Communists set up a government anywhere in the Western Hemisphere."

And, as Ambassador Stevenson noted, in addressing the Security Council, "Deliberate effort of Havana and Moscow to promote subversion and overthrow governments, in flagrant violation of international conduct, is responsible for much of the unrest in the Caribbean area."

It is extremely unfortunate—but an undeniable fact—that some of the most vocal criticism of President Johnson, in the U.N. and in the OAS, has come from countries which oppose constructive action or initiative by international organizations. Those who frustrate any kind of response to crisis at the international level, while at the same time opposing any recourse to unilateral action, seem to be advocating that nothing be done by anybody, in any circumstances, to help people in danger or to repel Communist subversion.

[From the Watertown (N.Y.) Daily Times, May 3, 1965]

The President Speaks on the Dominican Revolt

Emotionally and with deep sincerity President Johnson brought into perspective the dangers of the Dominican revolution to the American people Sunday night. His appearance on television was without any advance notice, and came as a complete surprise. With his message he announced orders for 4,500 more American troops to go to the island. Here is an instance in which many citizens of the United States are satisfied with his decision, satisfied with his reasoning, and applaud him for the speed and magnitude of his moves. He does not have to justify his actions Sunday or during the previous week to the American citizen.

The value of his speech domestically may well be the revelation that the American citizen and he are both in agreement and that they have been thinking along the same lines ever since his first step Wednesday ordering the Marines to Santo Domingo. There will be no national argument over his decision. A total of 15,000 troops into an island in 5 days is an example of going all out. The act of Wednesday, coupled with the orders of Friday and Sunday, are proof to most of us that the Dominican campaign is not too little and too late. Probably it was unnecessary for the President to go before the people, but the fact that he did means that in spite of the rigors of the office, he intends to show a rapport with Americans.

With equal emphasis his speech was directed toward the other countries of the Western Hemisphere. He made references to the number of American and foreign nationals in the Dominican Republic who had to be and have been protected by American forces. He recounted the steps taken by the United States to bring the Organization of American States into a responsible role toward the solution of the Dominican crisis. He explained that it was impossible to discuss or debate whether troops should be sent. That is why the OAS was not asked to consider the desirability of the American military intervention. The handling of the problem before the OAS has been and will continue to be careful and hopefully constructive. The point has been well made by the President and his advisers that the sole interest of the United States in the Dominican Republic is that it have a chance to vote freely in the establishment of a democratic government. If he made this point once in his speech, he made it several times.

To many the most important part of the President's remarks was his declaration of an enlarged policy with respect to the countries of the Western Hemisphere. He said, "The American nations cannot, must not, and will not, permit the establishment of another Communist government in the Western Hemisphere." While revolution may be a matter for each individual country to deal with, "it becomes a matter calling for hemispheric action only when the object is the establishment of a Communist dictatorship."

The President had previously commented on the Communist infiltration by Cuban-trained Reds of the Dominican revolt. He explained how they had taken over the revolt and were trying to transform it into Castroism. He made it clear that this added to the alarm of the U.S. Government.

It may be necessary this week that more troops be sent. He did not give this indication, but he has clearly affixed the policy; namely, no Communist takeover of the Dominican Republic. He has made this promise, and the evidence is clear he intends to keep it.

SUMMARY OF MEDICARE TESTIMONY, MAY 10

Mr. HARTKE. Mr. President, in testimony received by the Finance Committee this morning, six more witnesses appeared on H.R. 6675. I ask unanimous consent that an unofficial summary, prepared by my staff, may appear in the Record, following those I have offered on previous days of the hearings.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Hearings, Monday May 10, 1965

AMERICAN LIFE CONVENTION, HEALTH INSURANCE ASSOCIATION OF AMERICA, LIFE INSURANCE ASSOCIATION OF AMERICA, LIFE INSURERS CONFERENCE

Manton Eddy, senior vice president, Connecticut General Life Insurance Co., Bloomfield, Conn. Five hundred insurance company members of the four associations represented write 90 percent of health insurance issued by U.S. insurance companies.

1. Basic coverage (part A) "unnecessary in the light of the existing magnitude and growth of voluntary health insurance, coupled with governmental programs for those who need help." Remainder of points relate to part B, the supplementary voluntary plan.

2. Selection from different kinds of plans should be available instead of an inflexible single supplementary plan.

3. The supplementary plan preempts the field, involves Government "direct competition with private insurance" which would be "unfair." In sum, "part B calls for much more study and hence should be deleted from the present bill."

4. "We oppose the projected 1971 increase (in taxable wage base, sec. 320) to $6,600." Wage base should not exceed "current average earnings of full-time workers covered."

5. Disability provisions (sec. 303) should be deleted.

6. Full tax deduction (rather than one-half up to $250) should be allowed on medical insurance expenses.

7. Section 213(e)(2) should allow statement of medical costs in a multipurpose policy by the insurance company, not simply require cost specification in contracts.

8. Deduction should be allowed for costs of income indemnity insurance.

NATIONAL ASSOCIATION OF RETAIL DRUGGISTS

Ralph R. Rooke, Richmond, Va., pharmacist, past president. The National Association of Retail Druggists represents 41,000 of the Nation's 54,000 drugstores, speaks for "practicing retail pharmacists."

1. Proposes amendment of section 1861(t) to allow prescription by brand names as well as generic names (formulary dispensing).

2. Opposes allowing coverage regardless of need; for "a screening process of some kind."

3. The 3-day prior hospitalization for eligibility to extended care facilities should be deleted.

4. Hospital out-patient facilities may involve excessive travel. There should be "maximum use of existing treatment institutions," doctors' facilities, etc., instead of solely hospital-connected treatment.

R. B. ROBINS, M.D.

(Past president, American Academy of General Practice, and of Arkansas Medical Society. Member, Democratic National Committee, 1944–52.)

1. "In vigorous opposition to a program of health care under centralized Federal administration" financed by wage earners "for millions of Americans who do not need the assistance."

2. Young doctors will be discouraged from entering medicine.

3. Doctor-patient relationships will be disrupted.

4. Doctors should not be forced into the social security system.

GROUP HEALTH INSURANCE OF NEW YORK

Arthur H. Harlow, Jr., president. Insures 900,000 people, processing 40,000 claims weekly as a "consumer oriented plan."

1. "GHI favors the bill before your committee."

2. Favors inclusion of anesthesiologists, radiologists, etc., in basic hospital costs.

3. Regrets limitations of coinsurance, "substantial deductible," exclusion of preventative medicine.

4. Primary point: Choice of plans should be available. "Independent plans" should be available (in the supplementary section) with "the beneficial results of private competition."

GREATER PHILADELPHIA CHAMBER OF COMMERCE

(George L. Clothier, personnel superintendent Strawbridge & Clothier (department store), chairman of the chamber's hospital task force.)

1. "In general sympathy with most of the objectives," including Kerr-Mills extension, basic hospital plan controls, separate voluntary supplemental plan.

2. Effective date of both basic and supplementary plans should be July 1, 1967.

3. Cost control should be improved with uniform cost accounting systems for hospitals, while allowing for major differences.

4. Financial incentives (reimbursement principles) should encourage hospitals to hold down costs and to transfer patients to other facilities.

5. There should be uniform terminology and numerical coding for all medical and surgical services and procedures.

6. There should be review and appeal procedures in each State on above and all other regulations adopted.

7. Benefits should be "graduated according to ability to pay" and consideration given to other available funds. The supplementary plan should have maximum dollar limits.

8. Urge "extreme caution" lest this be "the camel's nose in the tent."

CHICAGO MEMORIAL ASSOCIATION

(Dr. Paul E. Hanchett, educational director.)

The bill "should be unhesitatingly passed." Like education, health care requires payment collectively. Medical care is "a precondition to the efficient production and enjoyment of all other commodities," with implications beyond direct health benefits.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. KENNEDY], on behalf of himself and other Senators, No. 162, to the amendment in the nature of a substitute, as amended, No. 124, offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

Mr. MANSFIELD. Mr. President, what is the time status so far as the pending amendment is concerned?

The PRESIDING OFFICER. The proponents have used 187 minutes and the opponents have used 165 minutes.

ORDER FOR RECESS UNTIL 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, to clear the decks, I hope that the proponents and the opponents of the pending amendment will divide the time as equally as possible. With that in mind, I ask unanimous consent that when the Senate completes its work tonight, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. There will be no morning hour tomorrow. Immediately after the prayer the Senate will resume consideration of the amendment offered by the Senator from Massachusetts [Mr. KENNEDY], on behalf of himself and other Senators, numbered 162, to the amendment in the nature of a substitute, as amended, numbered 124, offered by myself and the Senator from Illinois [Mr. DIRKSEN].

I ask unanimous consent that tomorrow, immediately after the prayer, the available time be equally divided between the proponents and the opponents of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I should like to suggest the absence of a quorum, the time necessary therefor being charged to me. It will be a brief call.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 1 hour to the Senator from Mississippi [Mr. EASTLAND].

The PRESIDING OFFICER. The Senator from Mississippi [Mr. EASTLAND] is recognized for 1 hour.

Mr. EASTLAND. Mr. President, I rise to speak against the pending amendment to S. 1564; to challenge its constitutionality and urge its resounding defeat by the Senate.

Once again we are confronted by an attempt to prohibit the States from exercising their constitutional right to require the payment of taxes as a prerequisite to voting. I had thought that the long debate over the adoption of the 24th amendment had forever laid to rest the theory that these State qualifications could be abolished by any other method than by constitutional amendment.

But this legislative juggernaut is not founded upon constitutional principles but upon the ancient axiom that might makes right; it is not based on law but power; it is not premised on the force of reason but the reason of force; it is not the result of deliberation but the steamrolled product of ultimatum; it is an unconstitutional means to a questionable end.

We are once again confronted with the simple issue so clearly defined by Chief Justice Marshall in the historic case of *Marbury* v. *Madison*, 5 U.S. 137, wherein he stated:

> The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, is alterable when the legislature shall please to alter it.
>
> If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people, to limit a power of its own nature illimitable.

Likewise, if the premise upon which this amendment is founded is valid, then the extension of this principle to its logical conclusion renders the Constitution as worthless as the parchment upon which it is written. But, if on the other hand, the Constitution remains the supreme law of the land, the foundation upon which this amendment is based must crumble before the clear mandate of its language. As for myself, I elect to embrace the latter proposition.

As stated by Justice Harlan in *Jacobson* v. *Massachusetts*, 197 U.S. 11:

> We have no need in this case to go beyond the plain, obvious meaning of the words in those provisions of the Constitution which, it is contended, must control our decision.

All rules of constitutional construction are founded upon the basic premise that a provision which is positive and free from ambiguity must be accepted as it reads.

> As otherwise stated, that which the words of a constitutional provision declare is its meaning cannot be added to or taken away from by the court or legislature (16 Am. Jur. 2d., Constitutional Law, sec. 59).

There is no language to be found in the Constitution more clear, cogent, and unambiguous than that found in article I, section 2, of our National Constitution, where it states:

> The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Its language is neither subject to misunderstanding nor susceptible to misinterpretation by fairminded men. It was clearly comprehended by its authors and has been accepted for 177 years since the ratification of our Constitution as an absolute reservation unto the States of the power to prescribe voter qualifications, save only as limited by the subsequent adoption of the 15th, 19th, and 24th amendments. I submit, Mr. President, that the proponents and advocates of this amendment are mocked at every turn by the clear and cogent language of article I, section 2, of the Constitution of the United States; the deliberations related thereto by the Constitutional Convention of 1787; the debates and treatises concerning its ratification; its subsequent consideration from time to time in the debates of the Congress; and 177 years of unbroken legal precedents.

Mr. President, the proponents of this type of legislation have journeyed throughout the years from one section of the Constitution to another in their vain search for some legal ground upon which to base a legislative abolition of the poll tax. I wonder if there remains any section of the Constitution which they have not at one time or another attempted to cite as authority for their efforts to avoid the full force and effect of article I, section 2 of the Constitution. I suppose by a simple process of systematic elimination they have now shifted their ground to the 14th and 15th amendments.

I should like to deal with the 14th amendment and its relationship, if any, to article I, section 2, of the Constitution. The 14th amendment was adopted during the tragic era of Reconstruction, during one period in the history of our National Legislature when there was no so-called band of willful, sinful southern Senators upon which to blame its mistakes and failures, for we were precluded from those deliberations by the imposition of bayonet rule throughout the South. Both branches of our National Legislature were in the hands of the most vicious, vindictive, vengeful group of extremists our Nation had witnessed to that time, and the Machiavellian axiom that might makes right was the accepted rule of the day.

If there was ever a time in the history of our country when a claim would have been made that the U.S. Congress had any power to regulate the question of suffrage in the States, that claim would have been made during the debates over the civil rights bill of 1866 and the deliberations over the adoption of the 14th amendment in that same year. I would like to briefly review the very emphatic statements made at that time by the Senators of the North, East, and West, and direct attention to the fact that with the exception of one, there was not a single Senator on the floor of the Senate who claimed or contended for one minute that the States did not have the full control of the suffrage.

At this point I think it important to identify the authors of the 14th amendment. The 14th amendment was constructed by a joint committee of 15 of the Senate and House, the Senate chairman of which was William Fessenden, of Maine, later President Lincoln's Secretary of the Treasury. The senior member of that group was Jacob M. Howard, of Michigan, followed by John Harris, of New York; James W. Grimes, of Iowa; Reverdy Johnson, of Maryland; and George H. Williams, of Oregon. The members of that joint committee on the House side were Roscoe Conkling, of New York; George M. Boutwell, of Massachusetts; Henry T. Blow, of Missouri; John A. Bingham, of Ohio, the author of the first section of the amendment; Justin S. Morrell, of Vermont; and E. B. Washburne, of Illinois.

The first two sections of the amendment were considered separately and were later joined together and made articles of one amendment, finally adopted as the 14th amendment to the Constitution.

The 1st section of the 14th amendment was drafted by John A. Bingham, a Republican Member of the House from Ohio, who in answering questions in the House in a floor debate stated:

> This amendment takes from no State any right that ever pertained to it. The amendment does not give, as the section shows, the power to Congress of regulating suffrage in the several States.

Addressing himself to the 2d section of the 14th amendment, Representative Bingham remarked as follows:

> The second section excludes the conclusion that by the first section suffrage is subjected to congressional law.

In regard to the first section of the 14th amendment, Senator Howard, of Michigan, made the following clarifying remarks on the floor:

> The first section of the proposed amendment does not give to either of these classes the privilege of voting. The right of suffrage is not, in law, one of the privileges and immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as a result of positive local law.

And as to the second section, the Senator from Michigan remarked:

> This section does not recognize the authority of the United States over the question of suffrage in the several States at all. Nor does it recognize much less secure the right of suffrage to the colored race. It leaves the right to regulate the elective franchise still with the States and does not meddle with that right.

Senator Howard closed his remarks with a clear, accurate, and concise statement as to the intended meaning of the 14th amendment in regard to voting rights:

> We know very well that the States retain the power which they have always possessed of regulating the right of suffrage. It is the theory of the Constitution. That right has never been taken from them; no endeavor has ever been made to take it from them; and the theory of this whole amendment is to leave the power of regulating the suffrage with the people of the legislatures of the States and not to assume to regulate it by any clause of the Constitution of the United States.

Several days later, Senator Reverdy Johnson, the lone Democrat of the joint committee of 15 in the Senate, noted the fact that the question of Negro suffrage was not a southern question alone, as only 6 States of the North and East admitted Negroes to the right of suffrage at that time. Pursuing that line of thought as to the complete power of the States over the subject of voting rights, Senator Johnson stated:

> I suppose that even the honorable Member from Massachusetts (Senator Sumner) will not deny that it was for Massachusetts to regulate her suffrage before 1789, and if it was, she has the power still unless she has agreed to part with it by devolving it upon the General Government. Is there a word in the Constitution that intimates such a purpose? Who at that time, in 1787, denied that the State was clothed with the power of prescribing the qualifications for the most numerous branch of the State Legislature? * * * The State and nobody else.

To substantiate his point, Senator Johnson cited Federalist No. 54:

> The right of choosing the allotted number in each State is to be exercised by such part of the inhabitants as the State may itself designate. Words could not have been adopted more obviously leading to the conclusion that in the opinion of the writers of the Federalist, the States were to have the sole right of regulating the suffrage.

And continuing this same premise, he concluded:

> There is nothing innate in the right of suffrage. It depends wholly upon governmental regulation.

Senator Hendricks, of Indiana, then asked the unavoidable question that continues to embarrass and haunt the proponents of this kind of legislation:

> I ask the Senators the question: Have the States, under the Constitution the right to control the elective franchise? Does any Senator question that? The Senator from Massachusetts does. He thinks that Congress may control the rights of suffrage in the States, but it has not been a question of dispute whether the State had control of the elective franchise. It is absolute and perfect.

During the course of the debates, even the radical, Charles Sumner, of Massachusetts, took the unusual and irreconcilable position that the State could not deny the Negro suffrage, but went on to say that his State had entire control over the question of voting rights and could deny it by reason of condition of age, residence, character, education, property, and the payment of taxes. Thus, Charles Sumner himself emphatically denied that the 14th amendment would have the effect of denying his State its absolute authority to prescribe the payment of taxes as a prerequisite for voting.

Even the radical Sumner's colleague, Senator Wilson, of Massachusetts, accurately restated the fact that the 14th amendment was intended to have no effect whatsoever upon the right of each respective State to prescribe its own voter qualifications.

Senator Wilson said:

> The men who framed the Constitution made those State constitutions * * * they well knew what the qualifications were. Every State constitution provides for electors, prescribes the qualifications for suffrage. The laws of the States provided for the qualifications of electors. Every State, from the adoption of the State constitution to this hour, has claimed the authority and exercised it to settle the questions pertaining to suffrage. They never supposed the Federal Government had the power to change it. They never gave that power and they never intended to give it.

Not until after the ratification of the 14th amendment, do we find a single Senator or Congressman so bold as to contend that the privileges and immunities clause of the 14th amendment vested in the Federal Government the authority to regulate State voting qualifications by statute. While the 15th amendment was under consideration, a small minority of Republicans led by George Boutwell, of Massachusetts, advanced the proposition that it was not necessary to have an amendment, as the 14th amendment vested Congress with the statutory power to accomplish the same purpose. Such a theory was flatly rejected by Congress and has since been rejected by the courts.

Any theory that the 14th amendment applied to the field of voting rights was decisively laid to rest 91 years ago in the Slaughterhouse cases, *United States* v. *Reese,* 92 U.S. 214 and *Minor* v. *Happerset,* 88 U.S. 162.

In the Reese case, Chief Justice Waite, discussing the 15th amendment, clearly stated:

> The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment.

Continuing his discussion of the 15th amendment, he stated that the amendment prevented a State from denying the right to vote on account of race, color or previous condition of servitude, but added:

> Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, education. Now it is not. . . . Previous to this amendment, there was no constitutional guaranty against this discrimination; now there is.

In the case of Minor against Happersett, the complainant was refused the right to register to vote in the general election of November 1872, on the basis of a provision in the Missouri constitution limiting the suffrage to male citizens only. Not only did the Court reject in unequivocal terms the theory that the right to vote is guaranteed by the privileges and immunities clause of the Constitution as an incident of national citizenship, but it also continued with a splendid restatement of the law concerning the rights of States to prescribe voting qualifications. The Court said:

> If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is, therefore, presented whether all citizens are necessarily voters.
>
> The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case one need not determine what they are, but only whether suffrage is necessarily one of them.
>
> It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislature. Senators are to be chosen by the legislatures of the States, and necessarily the members of the legislature required to make the choice are elected by the voters of the State. Each State must appoint in such manner, as the legislature thereof may direct, the electors to elect the President and Vice President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.
>
> The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizens."

Finally, the Supreme Court said:

> Certainly, if the courts can consider any question settled, this is one. For nearly 90 years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to declare what it should be.

The question as to whether the provisions of the 14th amendment could be invoked to prohibit a State from requiring the payment of a poll tax as a prerequisite to voting was decisively decided in the negative by the Supreme Court in the case of *Breedlove* v. *Suttles* (302 U.S. 277—1937). In that historic case, a Georgia statute making a poll tax a prerequisite to voting in Federal and State elections was attacked on the ground that it violated the 14th and 19th amendments. The Supreme Court, flatly rejecting both contentions, gave special attention to the 14th amendment. I quote from the decision of the Court:

> The pertinent facts alleged in the petition are these. March 16, 1936, appellant, a white male citizen 28 years old, applied to appellee to register him for voting for Federal and State officers at primary and general elections. He informed appellee he had neither made poll tax returns nor paid any poll taxes and had not registered to vote because a receipt for poll taxes and an oath that he had paid them are prerequisites to registration. He demanded that appellee administer the oath, omitting the part declaring payment of poll taxes, and allow him to register. Appellee refused.
>
> Appellant maintains that the provisions in question are repugnant to the equal protection clause and the privileges and immunities clause of the 14th amendment and to the 19th amendment.
>
> To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. *Minor* v. *Happerset,* 21 Wall. 162, 170 et seq. *Ex parte Yarbrough,* 110 U.S. 651, 664–665. *McPherson* v. *Blacker,* 146 U.S. 1, 37–38. *Guinn* v. *United States,* 238 U.S. 347, 362. The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. *Hamilton* v. *Regents,* 293 U.S. 245, 261.

Even Attorney General Katzenbach admitted in his testimony of March 23, 1965, before the Senate Judiciary Committee, that the principle established in the case of Breedlove against Suttles prohibits Congress from abolishing the poll tax by legislative act. In reply to this same question by Senator JAVITS, he stated:

> Our difficulty with respect to attempting to deal with poll taxes, except in the limited way we deal with them here, has been this one on the question of *Breedlove* v. *Suttles,* which is going to be reexamined by the Court the next term, as to whether or not there is a 14th amendment violation in imposing the poll tax.

For this reason he expressed the hope that Breedlove against Suttles would be overturned, stating as follows:

> At least four jurists are willing to reconsider that case, because it is going to be argued before the Court. So four jurists think that at least there is enough merit in the argument to have them look again at *Breedlove* v. *Suttles,* which was a 1937 decision.
>
> I do not think anything that Congress says under the power of the 14th amendment helps very much.

That the Congress has no power whatsoever under the provisions of the 14th amendment to abolish poll taxes was finally and conclusively settled by this case and the subsequent decision based thereon. It should be just as obvious to us as it is to the Attorney General, that these decisions are the law of the land until such time as the Supreme Court might choose to reverse them. As stated in 16 American Jurisprudence, second volume, Constitutional Law, section 58, "the determination of the constitutionality of legislation is for the courts * * * and where a court of last resort has construed a constitutional provision, such construction is binding on all departments of government, including the legislature." It has never been the policy or the province of the Congress to legislate on the premise that what is patently unconstitutional today may be rendered constitutional tomorrow.

Four years later this principle was reaffirmed in the case of *Pirtle* v. *Brown* (118 Fed. 2d 218, 221), when the Circuit Court of Appeals of the Sixth Circuit considered this question: Whether or not the Tennessee constitution and statutes, which make the payment of a poll tax a condition precedent to the right to vote for Members of Congress, are repugnant to any of the provisions of the Constitution of the United States.

Pirtle, otherwise qualified, but having failed to pay the poll tax required by law, attempted to vote. The defendants, judges of elections, declined to allow him. In the action brought by Pirtle, the Federal district court rendered judgment for the defendants. Pirtle appealed to the circuit court of appeals. The contention of the appellant, Pirtle, was that article IV, section 1 of the constitution of Tennessee, and section 2027 of the Tennessee Code, violated the "privileges and immunities" clause of the 14th amendment of the Federal Constitution. The circuit court of appeals held that this point had been conclusively decided against appellant in the case of Breedlove against Suttles, and that the Tennessee Code and Constitution did not violate the "privileges and immunities" clause of the Federal Constitution.

In so holding, that court said:

> But in any event, we are not dealing with the question whether the payment of poll tax as a prerequisite to voting violates some natural right or fancied political right. The inquiry is whether such provision denied any privileges or immunities protected by the Federal Constitution. We have already seen that article I, section 2 of the Constitution of the United States guarantees to the elector for Members of Congress no other privileges than those accorded him by the State as an elector for the most numerous branch of the State legislature. But appellant goes beyond this. He urges that the quoted provision of article IV, section 1 of the constitution of Tennessee and section 2027 of the code violates the "privileges and immunities" clause of the 14th amendment, that his right to vote for a Member of Congress is not taxable, regardless of whether the amount of the tax imposed is trifling or substantial. We need not labor the point. It has been conclusively decided against appellant in *Breedlove* v. *Suttles*, supra, 302 U.S. page 283, 58 S. Ct. page 208, 82 L. Ed. 252, where the Court said: "2. To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. *Minor* v. *Happersett*, 21 Wall. 162, 170 et. seq. 22 L. Ed. 627; *Ex parte Yarbrough*, 110 U.S. 651, 664, 655, 4 S. Ct. 152, 28 L. Ed. 274; *McPherson* v. *Blacker*, 146 U.S. 1, 37, 38, 13 S. Ct. 3, 36 L. Ed. 869; *Guinn* v. *United States*, 238 U.S. 347, 362, 35 S. Ct. 926, 59 L. Ed 1340, L.R.A. 1916A, 1124. The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. *Hamilton* v. *Regents*, 293 U.S. 245, 261, 55 S. Ct. 197, 203, 79 L. Ed. 343."

The question of Virginia poll tax as a prerequisite to voting was reviewed by a special three-judge court as recently as 1951 in *Butler* v. *Thompson*, D.C.E.D. Va., 97 Supp. 17, affirmed 341 U.S. 937. Judge Dobie quoted from an earlier opinion in the case of *Saunders* v. *Wilkins*, 152 F. 2d 235, 237, as follows:

> The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges or immunities of citizens of the United States which are protected by the 14th amendment. The privilege of voting is derived from the State and not from the national government. The qualification of voters in an election for Members of Congress is set out in article I, section 2, clause 1 of the Federal Constitution which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The Supreme Court in *Breedlove* v. *Suttles*, 302 U.S. 277, 283, 58 S. Ct. 205, 82 L. Ed. 352 held that a poll tax prescribed by the Constitution and statutes of State of Georgia did not offend the Federal Constitution.

Mr. President, the proponents of this amendment have labored the claim that the required yearly payment of a $2 poll tax is financially prohibitive to large numbers of otherwise qualified voters and thus discriminates against the poor in violation of the 14th amendment. Not only is such an argument absolutely ridiculous on its face, but it has been flatly rejected by the courts.

In the case of Breedlove against Suttles, the appellant stated in his brief to the Supreme Court:

> It is significant that this statute restricts the electorate of Georgia to 8 percent of the population, while in other States not having a poll tax statute with a franchise deprivation clause * * * the average electorate is in excess of 30 percent * * *. There is certainly very little correlation between the ability of a man to vote and his ability to pay a poll tax. Many of the world's great thinkers would have undoubtedly been deprived of the right of franchise under this Georgia statute. Certainly the great literary figures of times past, who were properly, by mental equipment, most qualified to exercise the right of suffrage, would have been precluded from voting in Georgia.

The Court rejected this plea, stating:

> Poll taxes are laid upon persons without regard to their occupations or property to raise money for the support of the government or some more specific end. The equal protection clause does not require absolute equality.

And recognized the right of a State if it so desired "by statutory declaration to levy a poll tax upon every inhabitant of whatsoever sex, age, or condition."

Likewise, in the Delaware case of *Frieszleben* v. *Shallcross* (1890), 9 Houst. (Del.) 1, 19 A. 576, 8 L.R.A. 337, in answer to the contention that the requirement of the payment of a poll tax as a condition of the right to vote was discriminatory against the poor, and especially Negroes, and therefore a denial of the equal protection of the laws, the Court said:

> An immense number of voters * * * had been added, by the 15th amendment to the Constitution of the United States, to the political ranks of the State. Almost all of these new voters were obscure persons, without any means whatever of a tangible nature to pay their taxes. * * * It is not true that delinquency is the effect of poverty. There are none so poor that they cannot pay their poll taxes, which for them is "scot and lot"; less than 2 days' hire out of the wages of the common laborer being sufficient for that purpose. Labor everywhere, and always among us, is in demand. There is no hardship upon any in requiring him to pay his taxes. Taxes being necesary to the support of the government, a State has the right to adopt any measure short of actual disfranchisement to compel their payment. No one doubts the validity of the provisions in our statute for imprisonment of nonpaying taxables. Would the law be unconstitutional because the collector might choose to take the ultimate course—upon the eve of an election, to shut up in jail nonpaying citizens to whom it applied? Why would it not be? Simply because imprisonment is an extreme remedy for nonpayment of liabilities, as old as the law. Then, if such a provision be valid, why is not that for dropping from the assessment list for 12 months valid? Such an imprisonment as mentioned would effectually cut off, pro hac vice, the suffrage right, whereas the dropping from the list would, under the circumstances pointed out by the plaintiff's counsel, do nothing more; and in that case the dropping could not be otherwise taken than as done by the voter's consent, who had almost a whole year in which to pay his poll tax, and thus save himself from delinquency.

It has even been held, Mr. President, that statutes giving property owners in improvement districts the right to vote a number of voters in district elections based upon the number of acres or lots owned in the district are valid, as against the contention that they constitute an unconstitutional discrimination among voters.

Typical of this line of decisions was the Nebraska case of State ex rel, *Harris* v. *Hensen* (1908), 80 Neb. 724, 115 N.W. 294, 117 N.W. 412. The court in that case held that notwithstanding constitutional provisions that "all elections shall be free and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise" and that "every male person of the age of 21 years or upward shall be an elector," nevertheless a statute giving landowners of a drainage district one vote for each acre or fraction thereof and for each plotted lot which he might own, or in which he might have an easement, was valid as against the contentions that the quoted provision of the constitution forbade it.

It has been suggested, Mr. President, that the poll tax statutes exempting certain defined classes of persons from payment are discriminatory against those classes not so exempt and thus in violation of the equal protection clause of the 14th amendment. Of course, this is just another vain stab in the dark. This proposition was put to flight along with other similar contentions in the case of Breedlove against Suttles wherein the Court made the following statement in regard to poll tax exemptions:

> Poll taxes are laid upon persons without regard to their occupations or property to raise money for the support of government or some more specific end. The equal protection clause does not require absolute equality. While possible by statutory declaration to levy a poll tax upon every inhabitant of whatsoever sex, age, or condition, collection from all would be impossible for always there are many too poor to pay. Attempt equally to enforce such a measure would justify condemnation of the tax as harsh and unjust * * *. Collection from minors would be to put the burden upon their fathers or others upon whom they depend for support. It is not unreasonable to exclude them from the class taxed.
>
> Men who have attained the age of 60 are often, if not always, excused from road work, jury duty, and service in the militia. They have served or have been liable to be called on to serve the public to the extent that the State chooses to require. So far as concerns equality under the equal protection clause, there is no substantial difference between these exemptions and exemptions from poll taxes. The burden laid upon appellant is precisely that put upon other men. The rate is a dollar a year, commencing at 21 and ending at 60 years of age.
>
> The tax being upon persons, women may be exempted on the basis of special considerations to which they are naturally entitled. In view of burdens necessarily borne by them for the preservation of the race, the State reasonably may exempt them from poll taxes.

And finally, Mr. President, the proposition is advanced that authority for this amendment can be found in the language of the 15th amendment, wherein it states:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation.

I think there are few who can argue with the interpretation of the 15th amendment as found in the case of *United States* v. *Reese,* 92 U.S. 214 (1875). In that case the Court stated:

> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude.

Or with the statement found in *Gwinn* v. *United States,* 238 U.S. 347, the Oklahoma constitution case which arose under the 15th amendment, wherein Chief Justice White stated:

> It is true that the amendment does not change, or deprive the States of their full power as to suffrage except, of course, as to the subject with which the amendment deals.

It has never been questioned that proof of discrimination on the basis of race or color is a fundamental and absolute prerequisite to the invocation of the prohibitions of the 15th amendment.

This brings up to the question as to whether there has been a discriminatory application of the State poll tax requirements on this basis.

Testifying before the Senate Judiciary Committee in regard to this same bill, even Attorney General Katzenbach admitted that in his opinion State poll tax requirements cannot be prohibited by simple legislative statute under the power vested in the Congress by the 15th amendment, in the absence of clear and convincing evidence of its discriminatory application on the basis of race or color.

Commenting on his advice to the President in regard to this matter, the Attorney General stated:

> I gave him the same advice that I have given the committee here. I think if Federal qualifications, as such, are to be set, then it requires a constitutional amendment to do so.
>
> But at the same time, State qualifications that have been used in violation of the 15th amendment, been used for discriminatory purposes, can, in my judgment, as I have repeatedly testified here, be suspended. I think that is consistent with the decision cited in my statement. (Transcript I, p. 182.)

And in reply to a question posed by the Senator from Hawaii, Senator FONG, he said:

> Now, I think, as I have explained, I think in answer to questions by Senator HART and by others, you could eliminate the poll tax under the 15th amendment if you could show that its effect had been to disenfranchise Negroes in contravention of the terms of the 15th amendment. (Transcript I, p. 194.)

However, the Attorney General then went on to state that he could not support an amendment to the bill prohibiting the use of State poll tax as a prerequisite to voting for the reason that he had no evidence that such requirements had been used in a discriminatory manner.

In answer to the Senator from North Carolina, Senator ERVIN, the Attorney General stated:

> My difficulty on this, on the elimination of poll taxes is that I do not believe I have the facts to make a record that poll txaes have been abused in violation of the 15th amendment. (Transcript I, p. 94.)

Again, in part 1, page 142 of the printed transcript of those hearings we find the following:

> Senator HART. But you expressed some doubt with respect to the availability of any evidence from history to put you in a position to argue that the poll tax had in fact been used as a device to discriminate and, therefore, was a violation of the 15th amendment.
>
> Attorney General KATZENBACH. Yes.

Pursuing this matter further, I asked the Attorney General the following question:

> Do you agree that a $2 poll tax, that any member of any race can pay is not discrimination?

To which Mr. Katzenbach replied:

> I have no information, Mr. Chairman, which would lead me to believe that this point—I am not in possession of the facts—that a $2 poll tax did operate in a way which would be a violation of the 15th amendment. (Transcript I, pp. 194–195.)

In view of the clear language of the 15th amendment, the legal interpretations thereof, and the testimony of the Attorney General himself, how can it be cited by reasonable men as constitutional authority for this amendment?

Thus, the entire controversy surrounding this bill in general and this amendment in particular resolves itself into the simple question as to whether we will be ruled by laws or by men, by right or by might, by reason or by force. We must resolve the question posed by Chief Justice Marshall as to whether the Constitution is "a superior paramount law," or being "on a level with ordinary legislative acts, is alterable when the legislature shall please to alter it," and thus an "absurd attempt on the part of the people, to limit a power of its own nature illimitable." We must decide for ourselves whether we will honor our oaths to uphold and defend our Nation's charter or, yielding to the sheer force of majority power, renounce, repudiate and desecrate the letter as well as the spirit of that historic document. We must follow the proven path of the Constitution or join this legislative stampede down the road to ruin for our republican form of government.

If this bill passes, you are going to see the application of the falling domino theory right here at home, for when this pillar of our Constitution falls, then the remaining institutions and individual liberties created and secured thereby will likewise tumble in rapid succession. Once this cornerstone of our Republic is destroyed, then the entire structure of our Federal system will inevitably come crashing down. Once you have opened this Pandora's box of congressional mischief, you will unleash a chain reaction which will finally culminate in the establishment of an all powerful, unchecked, unanswerable, supersocialist state; a new order in which the States will be reduced to mere administrative arms of a monolithic Federal bureaucracy. When that occurs, Mr. President, the dark night of despotism will descend like a pall upon this great Nation and the rule of tyranny will pervade this land.

Mr. KENNEDY of Massachusetts. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, I yield to the Senator from Illinois [Mr. DOUGLAS] whatever time he may desire.

WHY THE KENNEDY ANTI-POLL-TAX AMENDMENT SHOULD BE ADOPTED

Mr. DOUGLAS. Mr. President, the 14th and 15th amendments to the Constitution of the United States spell out in a very clear fashion the constitutional right and, indeed, the duty of Congress to legislate both to protect the right to vote, explicitly under the 15th amendment, and to secure the equal protection of the laws to all of our people, regardless of race, creed, or color, or previous condition of servitude under both the 14th and 15th amendments.

These two amendments to the Constitution, passed after the Civil War, have been largely ignored. Our southern friends customarily refuse to refer to them, and they treat the 10th amendment, passed in the original Bill of Rights nearly 80 years before, as being controlling. But the 14th and 15th amendments, as I have repeatedly pointed out, are as integral a part of the Constitution as any of the original text or any of the amendments, and since they came 80 years after the 10th amendment, in the fields which they cover they have necessarily superseded the 10th amendment.

THE COURT AND CONGRESS HAVE NOW ACTED

However, in the last decade the Supreme Court—and, after some delay, the Congress—finally acted under them. But there is still a group of Senators, namely, most but, fortunately, not all of our southern colleagues and a number of their allies who still try to ignore both of those amendments, which are a vital part of the Constitution of the United States. Because of that, it is not inappropriate to read once again what they provide.

The 15th amendment provides, in section 1, that—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

And I stress the language "or by any State."

Section 2 of that amendment provides that—

> The Congress shall have power to enforce this article by appropriate legislation.

The first section of the 14th amendment, which was passed some 2 years earlier, provides—

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.
>
> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 has also a clause which was later copied into section 2 of the 15th amendment:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

WHAT THE 14TH AMENDMENT DOES

I point out that the 14th amendment guaranteed citizenship as a national right and not merely a right to be conferred by a State.

Second, it provided that no State should deny to any person within its jurisdiction the equal protection of the laws.

Third, as the later decisions of the Supreme Court have indicated, the constitutional guarantees of the early amendments to the Bill of Rights become a part of the obligations of the State governments as well as the National Government under the privileges and immunities clause and can be protected by the National Government and indeed should be.

Finally, all persons are citizens of equal standing before the law. There are to be no first-class citizens or second-class citizens, but all citizens with equal legal rights.

The Constitution provides that no State shall abridge the privileges or immunities of citizens, nor deny to any person within its jurisdiction the equal protection of the laws. The framers meant, of course, not merely the State governments as such, but also the local and county governments and officials, which obtain their powers from the State legislatures and constitutions and which, in the legal sense, are creatures of the separate States.

OVERWHELMING AND UNANSWERABLE CASE MADE

On April 13, the Senator from Massachusetts [Mr. KENNEDY] made an important speech in the Senate in which he made an overwhelming case in support of the proposed poll tax amendment, which the majority of the Senate Committee on the Judiciary had adopted to the voting rights bill. I commend him for that speech, which was one of the ablest statements that I have ever heard any Senator make. I commend him also for the speech of last Friday, which is found in the CONGRESSIONAL RECORD for that day. Over the weekend I read it very carefully. That speech was an impromptu, off-the-cuff reply to the letter of the Attorney General of the United States. Both those speeches are extraordinarily able. They show a close knowledge of the subject and perfect mastery of the points. I believe they are the finest presentations that I have ever heard a freshman Senator prepare and make, and equal to the arguments of any other Senator, however long he may have served in this body.

NO SUBSTANTIVE REBUTTAL GIVEN

I believe that the Senator has made an unanswerable case. In the arguments on the poll tax, no one has yet made any real attempt to answer the substance of his argument; and no one has done so because he made such an overwhelming and unanswerable argument. He showed that there was no doubt that Congress can properly legislate to outlaw the poll tax in State and local elections under the 14th and 15th amendments. In his speech he made the following points and produced the detailed and specific evidence to back them up.

POLL TAXES ENACTED TO DENY NEGROES THE VOTE

First, he showed that in three of the States in which poll taxes exist, namely, Alabama, Mississippi, and Virginia, they were enacted for the purpose of denying Negroes the right to vote. The Senator has pointed out that the framers of these requirements openly stated on the floor of the Convention that this was the predominant and overriding purpose. No one can deny that fact; and the study which I have made of the contemporary literature of the time surrounding the passage of these provisions indicates that this was not merely the intention of the sponsors, but also it was the purpose of the supporters.

THE EFFECT IS TO DENY NEGROES THE RIGHT TO VOTE

In the second place, the Senator from Massachusetts showed that the effect of the poll tax in those States was to deny to the Negro the right to vote. He pointed out, and gave citations and cases to show, that Negroes had been denied the right even to pay the poll tax. He pointed out that suits had been brought against both State and local officials to accept the payment of the poll tax when they had refused to accept it when Negroes had tried to pay it. He brought forth evidence to show that Negroes were often unable to locate the place where the poll tax was to be paid. He gave examples of political jurisdictions Where there was more than one place to register or to pay the poll tax and where Negroes were actually shunted from one place to another, only to find that the offices were closed.

MODERN SHELL GAME

At country fairs some decades past there were sharp operators who practiced the shell game. A person was supposed to guess under which shell the pea was located. It was always under some other shell than the one the person guessed. The use of the poll tax in the instances I have cited operates as a shell game. Where there was more than one place for the payment of the poll tax, and the Negro presented himself at one of them to make the payment, he was generally shunted to some other place.

FEW NEGROES REGISTER AND VOTE WHERE POLL TAX EXISTS

The Senator from Massachusetts and other Senators have shown that where State and local poll taxes now exist, relatively few Negroes are registered or are able to vote, and that this is especially true in the counties and jurisdictions of the States where Negroes comprise a large proportion of the population. In other words, these disqualifications operated primarily in the so-called "black belt," or the old cotton kingdom, which begins in the southern counties of Virginia, goes down the Atlantic coast through North Carolina and extends inward several counties from the coast, then continues down the coast into South Carolina, goes through the rural counties of Georgia, then takes a turn to the west and goes through northern Florida, southern Georgia, through virtually all of Alabama and Mississippi, and then up the Mississippi River from northern Louisiana until, virtually, my State is reached at Alexander County, at the city of Cairo. It is in this region that the disqualification of Negroes is most evident and most pronounced, although it is not necessarily confined to that area. And in those areas where it exists, the poll tax is one of the devices used to disqualify Negroes. In certain cities of the South, notably Atlanta and Memphis, Negroes have been able to obtain the right to vote.

POLL TAX A RESTRICTION ON VOTING

In the fourth place, the Senator from Massachusetts showed, and quoted numerous congressional opinions and legal opinions to point out, that the poll tax was not a qualification to vote that was put forward by those States, but was, in fact, a restriction on voting or a limitation on the right to vote.

It should be clear that we are not proposing to outlaw the poll tax as such as a revenue measure; we are merely saying that the failure to pay a poll tax should not be a disqualification to prevent one from voting.

One of the most important points which the Senator from Massachusetts made was a quotation of the junior Senator from Illinois [Mr. DIRKSEN], my colleague, the present minority leader, from his testimony before the Subcommittee on Elections of the House Committee on Administration, in the 80th Congress, 1st session:

> So I came to the conclusion that, in my judgment, the poll tax is not a qualification. As I see it, a poll tax is not a qualification but a restriction.

I join my colleague from Illinois in the sentiment which he expressed nearly 20 years ago. I think he was sounder then than he is today.

POLL TAX AN ECONOMIC BURDEN ON POOR

In the fifth place, the Senator from Massachusetts further showed that the amount of the poll tax and the fact that it was cumulative clearly denied Negroes the equal protection of the laws under the 14th amendment. I wish to emphasize this point.

I listened carefully to the testimony of the able, honorable, and highly distinguished Attorney General on this subject. He has said that he believes the outlawing of the poll tax may not be justified under the 15th amendment because it is an income disqualification which cuts across the racial components of our population and is not racial.

HITS NEGROES AND LATIN-AMERICANS

In the first place, it is racial, as the Senator from Texas has pointed out, because not only does it hit most severely the Negroes in the States of Virginia, Mississippi, and Alabama, but it hits with equal severity those of Latin origin in the State of Texas. The Senator from Texas pointed out that the number of Mexican-Americans, or Latinos, as they may more properly be termed, exceeds the number of Negroes in Texas and that they occupy in Texas much the same low position on the social ladder as Negroes in the Deep South.

CUMULATIVE FEATURES

In Virginia, Mississippi, and Alabama the cumulative requirement, 3 years in Virginia and 2 years, as I recall, in Mississippi and Alabama, makes the maximum charge $4.50 in Virginia, $4 in Mississippi, and $3 in Alabama. There is no question that Negroes are at the bottom of the economic totem pole, and that a cumulative poll tax as a requirement for voting falls far more heavily on the masses of Negroes in the South and also on the Latinos in Texas, whose incomes as a group, are far below any standard of need.

EXCEEDS DAILY WAGE

The Senator from Massachusetts has submitted evidence on this point. He showed that the average income of Negroes in Mississippi was approximately one-third the income of whites; that the average income of Negroes in Alabama was 40 percent that of whites, and approximately 50 percent in Virginia. He gave some figures to indicate that the accumulative tax in some cases was equal to or exceeded the average daily earning power of such workers when employed.

EARLY PAYMENT REQUIRED

Furthermore, in some States the poll tax must be paid at an early period in the year—months before the election itself, months before the registration period. It was shown that this operated to disqualify the less informed sections of the population. As I have stated, at times they found it difficult to find the place where payment should be made or the persons to whom the tax was to be paid.

The Senator from Texas has performed a useful function in pointing out that the poll tax operates as severely upon the Latinos of that State—the Mexican-Americans—as it does upon the Negroes, and that they are numerically a larger element in the population of that State.

I believe that we should recognize that it is not merely Alabama, Mississippi, and Virginia which are involved, but also Texas as well. Those who are acquainted with the recent political struggles in Texas over the question of whether the poll tax was to be used for local elections can appreciate the point which I am trying to make.

II

REASONS WHY MANSFIELD-DIRKSEN SUBSTITUTE SHOULD BE OPPOSED

There are numerous reasons why the Senate, in my judgment, should oppose the Mansfield-Dirksen substitute and support the Kennedy-Javits antipoll tax amendment.

I pay tribute also at this point to the distinguished senior Senator from New York [Mr. JAVITS], who has been an advocate of equal rights under the laws ever since he came to Congress many years ago, and whose career in the Senate has been one of great integrity.

AVOIDS LEGISLATIVE RESPONSIBILITIES

In the first place, the Mansfield-Dirksen substitute really asks Congress to avoid its responsibilities. It makes no real finding of fact. It merely provides that:

> In view of evidence presented to the Congress that the constitutional right of citizens of the United States to vote is denied or abridged in some States by the requirement of the payment of a poll tax as a condition of voting in State or local elections and to assure that such right is not denied or abridged in violation of the Constitution, the Attorney General shall forthwith institute in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax, * * *.

The Mansfield-Dirksen substitute constitutes no declaration by Congress. It merely refers to evidence presented, without passing judgment upon whether the evidence is conclusive. In effect, it really asks the Senate to avoid its responsibilities.

Mr. President, in my judgment, Congress not only has the right, but also the duty to legislate on the issue concerning the right to vote under the 14th and 15th amendments.

DO NOT PASS THE BUCK TO THE COURT

The leaders of the Senate, both of the majority and minority parties, state, in their substitute language, that we should pass the buck to the courts.

Congress avoided its responsibility under the 14th and 15th amendments for almost a century. We finally met a part of our responsibilities under the various Civil Rights Voting Acts passed since 1957. However, once again we are told that we should not act, that we should leave it to the courts.

IRONIC POSITION

This is both a curious and an ironic position. A large number of Senators who will support the Mansfield-Dirksen position on this issue are the very ones who, over the past decade, have been denouncing the Supreme Court of the United States for going beyond the intent of the specific legislation which Congress has enacted.

This has been the case on the part of our southern friends—and I want to say most sincerely that they are still our friends—in the case of school desegregation opinions. Time and again we have heard them say that the Court went beyond its jurisdiction. The Court is charged with legislating and usurping the functions of Congress.

This charge was made by those who opposed the one-man one-vote decisions of the Supreme Court in the State legislature reapportionment cases, which involved originally Tennessee and Alabama, but which, in subsequent decisions has involved many other States as well. The very able leaders of the Senate, the distinguished majority and minority leaders, went so far as to introduce legislation last year as a rider to the foreign aid authorization bill in order to postpone and upset the Supreme Court decisions. Arguments were made at that time that the courts were interfering with the legislative functions. I do not believe that was true. The Court acted only after the various States legislatures had, for decades, failed to redistrict themselves. But the argument was made.

OUR DUTY IS TO LEGISLATE

We now have before us the opportunity for Congress to act, to legislate, and to carry out its proper functions. Yet, many Senators who, in the past, have chided the Court for usurping legislative functions, are now saying that we should leave this legislative duty to the courts.

I believe that Congress should legislate. It should function as a legislative body, and carry out its duties and responsibilities.

AMENDMENT WILL STRENGTHEN THE HANDS OF THE COURT

The second reason why we should oppose the Dirksen-Mansfield substitute and support the Kennedy anti-poll-tax amendment is that it would strengthen the hands of the Court if or when the constitutionality of the poll tax at the

State and local level is before the courts for decision.

A curious argument has been raised on the question of constitutionality. Those who argue that there is a constitutional question are basically arguing that the Supreme Court, on its own volition and without a congressional finding, might not hold that the State and local poll taxes now in force are unconstitutional.

Frankly, I believe that if the Court is presented with this issue, it will find that the poll taxes in State and local elections are unconstitutional under both the 14th and 15th amendments. But if Congress makes a finding, as we are asking Congress to do, and if Congress enacts legislation under the 14th and 15th amendments to outlaw the poll tax in State and local elections, I believe that there is no doubt whatsoever that the Court will support the action of Congress. We strengthen the hands of the Court by legislating under the 14th and 15th amendments and by assuming our responsibilities. We weaken the strength of the Court if we fail to act.

SUBSTITUTE TIES HANDS OF ATTORNEY GENERAL

The Mansfield-Dirksen substitute proposes to provide that the Attorney General must go into court with one hand tied behind his back. He cannot say that Congress has made a finding. He can only take up the facts of a specific case.

It may well be that the decisions of the Court will be restricted to particular cases, and that each case will have to be fought on its own merits and decided according to the specific instances of that case.

The Kennedy amendment, on the other hand, would make it a finding of Congress that this has been the general policy, to restrict and discriminate against the right to vote, both of the Negroes and the Latinos; therefore the Court, in acting, will have to pass upon whether Congress acted in a reasonable fashion.

EVEN PROPONENTS OF JUDICIAL RESTRAINT SUPPORT KENNEDY AMENDMENT

The advocates of judicial restraint, who were led for many years by Justice Frankfurter, and whose most eminent present representative is Prof. Paul Freund of Harvard, say that in the absence of congressional authority, the courts should not intercede in the questions concerning the 14th and 15th amendments, and declare that a legislative finding will enable the courts to act.

This position is taken by the foremost legal scholar who has advocated judicial restraint, and who I think regards himself as the continuer of the Frankfurter tradition, which is sometimes, though I think mistakenly, interpreted as the Holmes tradition. But even Professor Freund is a strong advocate of this bill.

I suggest that those who argue the constitutional issue, if they are really sincere, should support the Kennedy-Javits antipoll tax amendment in order to strengthen the hands of the Court in this field.

CONGRESSIONAL ACTION WILL STRENGTHEN COURT

The position of those who oppose the poll tax and who believe in the right of every citizen to vote regardless of race, creed, or color—and by color I mean not merely a black skin, and not merely a chocolate color skin, but a bronze skin as well—is greatly strengthened by a congressional finding and a congressional act under the 14th and 15th amendments to the Constitution. It would be strengthened by comparison with a case that would be before the Supreme Court if unaccompanied by such a finding.

THOSE, WHO COMPLAIN COURT WENT TOO FAR, NOW ARGUE COURT WILL NOT GO FAR ENOUGH

In the third place, I find it ironic and in a larger sense almost amusing that those who complain that the Court went too far in the one-man, one-vote reapportionment decision and who complain that the Court went beyond its power in making certain that every citizen would have an equal vote would now argue that the Court might not find that an act of Congress outlawing the poll tax was constitutional. Surely a Court which has supported the one-man, one-vote decisions without a congressional finding would not throw out an antipoll tax provision with a congressional finding. The poll tax does not merely give unequal representation. It denies all representation instead to those who cannot afford to pay the tax.

I am somewhat struck with the fact that there are some 65 members of the bar in this body, nearly all of whom believe they may grace the Supreme Court, and who have very little restraint in giving constitutional opinions on what the Supreme Court would do. I have great respect for my colleagues, but I submit that the proper thing to do is to pass as good an act as possible and then let the Supreme Court decide the constitutionality.

CONSTITUTIONAL LAWYERS SUPPORT KENNEDY AMENDMENT

The letter introduced by the Senator from Massachusetts [Mr. KENNEDY] on Friday, listing a large number of eminent constitutional authorities who believe the Kennedy-Javits amendment is constitutional, should, I think, somewhat restrain the curbstone and horseback opinions of my colleagues.

Since my colleagues have not been backward in giving their opinion on constitutionality, I feel, with all due modesty and humility, that I may be permitted to advance constitutional arguments.

REAPPORTIONMENT CASES DECIDED ON 14TH AMENDMENT DENIAL

One should notice that in the reapportionment cases the Court turned to this phrase of the 14th amendment: "that no State shall deny to any person within its jurisdiction the equal protection of the laws." It held that unequal representation in the State legislatures had the practical effect of denying to those who were underrepresented the equal protection of the laws.

POLL TAX DENIES RIGHT TO VOTE

The poll tax as a condition of voting does not merely restrict and reduce the right to vote, but it eliminates the right to vote. Those who are disqualified from voting because of the failure to pay a poll tax in those four States are denied the right to vote and, therefore, suffer not merely from partial or unequal protection and representation; they are instead completely excluded from representation because, according to the logic of the Supreme Court, which I personally believe to be correct, they are completely excluded from the equal protection of the laws.

If there is a State in which the residents of cities and suburbs have only one-tenth of the representation of those in certain rural districts, it can be argued that they have at least one-tenth their representation. That is not equal to the representation of others, but it is at least partial representation. But in these four States, those who do not pay the poll tax are completely excluded from the right to vote. Their representation is zero; and zero is certainly less than one-tenth. It is less than even the one four-hundred-and-fiftieth which is the situation when comparing Los Angeles County and one of the Sierra senatorial districts.

In short, if the court will eliminate underrepresentation, it would seem that it would certainly eliminate the complete absence of representation.

This is one of the intellectual weaknesses which I see contained in various statements of the Attorney General.

I have great respect for Mr. Katzenbach as a man. I believe that he is a most excellent Attorney General. He comes from my State. I endorsed him for his original appointment as Deputy Attorney General. I endorsed his appointment as Attorney General and was glad to testify for him. I believe he is doing an excellent job in administering his department.

DO NOT LIMIT CASE TO 15TH AMENDMENT

So I do not impugn his ability or character when I say he has unduly restricted the field of his argument. He has talked entirely of the 15th amendment and has said its poll tax is an economic disqualification, and not a racial disqualification. He has made no mention, so far as I am aware, of the 14th amendment, which provides that no State shall deny to any person within its jurisdiction the equal protection of the laws.

Therefore, in his constitutional arguments he has one hand tied behind his back. I still think the one hand which is retained under the 15th amendment is a strong hand and should be used much more vigorously than he has used it; but I feel that there is ground for action, and for the Congress declaring this to be action also under the 14th amendment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the distinguished Senator from Louisiana, the majority whip.

Mr. LONG of Louisiana. Mr. President, the 15th amendment starts, in section 1, with a provision which the courts can automatically institute; namely, it provides that a State shall not deny the right to vote on account of race. Then, if one would assume the first section to be self-executing, and a matter which the court would have a right to act upon, it seems to me the second section would tend to go beyond that and convey power on Congress to act in fields where Congress feels the denial of the right to vote has occurred.

If the Senator believes that the second section goes beyond the first section, it might well be that the court, of its own initiative, if the literacy test were evenly applied and the poll tax were evenly applied, which tended to disfranchise people either because they were poorly educated or had less financial means, while it might tend to disfranchise Negroes to a higher degree than whites, would hold that this was the type of thing in which Congress was given the power to legislate if Congress saw fit to do so. If the Court should hold that it was not the kind of thing which the Court should cast aside but rather the kind of thing that would be reserved for the judgment of Congress, under the Mansfield-Dirksen proposal, Congress would not give the Attorney General anything he does not now have.

Mr. DOUGLAS. The Senator is correct.

Mr. LONG of Louisiana. It would leave him with the right to test the first section of the 15th amendment without support of exercising the power which Congress is conveyed in the second section of that amendment, wherein Congress is given the power to strike down measures when it finds there is a subtle denial of the right to vote based upon race.

Mr. DOUGLAS. The Senator is correct. The Mansfield-Dirksen amendment and Mr. Katzenbach's letter would send the Attorney General into court with one arm tied behind his back. He could not use section 2 of the 15th amendment. He could not use a congressional finding or legislation under the 14th amendment.

Mr. LONG of Louisiana. I have always found that if we are going to attack the poll tax by Federal legislation, the best attack would be to rely upon section 2 of the 15th amendment. That would be the most logical approach to use to strike down the poll tax. I believe that if Congress saw fit to say that the poll tax discriminates against persons on an economic basis, while it may be uniformly applied, a percentage of Negroes who are poor greatly exceeds the percentage of whites who are poor, so that this would disenfranchise a much higher percentage of Negroes than whites. Some may wish to have the poll tax, but we must not condition the vote upon paying that tax.

Mr. DOUGLAS. I agree with the Senator from Louisiana that the poll tax excluded Negroes in Virginia, Alabama, Mississippi, and Texas. I would also include the Latinos of Texas who are sometimes lost sight of, but who probably number some 5 to 6 million persons. They are scattered all over the country, but are concentrated primarily in the Southwest and Lower California.

Mr. LONG of Louisiana. Of course, it is an additional denial which adversely affects Negroes under a poll tax to the disenfranchisement of the poor.

Mr. DOUGLAS. The Senator is correct.

Mr. LONG of Louisiana. The poor whites as well as the poor Negroes in Louisiana. The voters among the poor whites, for example, had much to do with liberal hospital and welfare programs, and the free lunch program——

Mr. DOUGLAS. The Senator is correct.

Mr. LONG of Louisiana. When the poll tax was first repealed, while it did not enfranchise the Negroes, at least it enfranchised those who had a parallel economic interest in a liberal program which, under the Constitution, had to be uniformly applied to all the people, with the result that it enfranchised poor whites and helped the Negroes by which some could vote who had a parallel economic interest. But where the poll tax remains in effect, the record will show—I was looking at the figures in the last presidential election—that in the Southern States which have a poll tax compared to those which do not, approximately 20 to 25 percent more votes were cast in the presidential race in States which did not have a poll tax than in States which did. So the 25 percent difference tends to represent those who are more deprived from the economic point of view, and tends to result in State policies which deny to the Negro what he might otherwise have had because of poverty, and denies him the benefit of votes which would be cast to his economic interest by poor whites.

Both are being disenfranchised, although the excuse is given that it is done to keep Negroes from voting. Those who would like the kind of government which has few services to offer and lower taxes as a result, usually prefer a sales tax to an income tax. This economic interest would tend to coalesce behind a poll tax. We could not strike at a poll tax because it disenfranchises poor whites, but it could be stricken because it tends to disenfranchise Negroes.

Mr. DOUGLAS. I quite agree with the Senator from Louisiana that the poll tax affects poor whites as well as Negroes and Latinos. It is a powerful reason to support the provision to outlaw the poll tax under the 14th amendment to the Constitution, as a denial of equal protection of the laws.

The Senator from Louisiana, in his able colloquy on Friday last with the Senator from Massachusetts [Mr. KENNEDY], which I have read carefully, mentioned the fact that the poll tax was put into effect in many Southern States to head off the Populist movement in the early 1890's, which challenged the old parties in some Southern States, and which in a State like South Carolina forced the Democratic Party away from the control of the Tidewater interests toward the control of the upcountry interests, represented first by Ben Tillman, and then by Coleman Blease, and lastly by our late beloved colleague Olin Johnston. The Populist movement soon frightened the big planters so that they put through a poll tax provision, as well as the segregation provisions in many States, to raise the Negro issue, but also in reality to disqualify poor whites as well as poor Negroes.

That is why I believe that we should legislate under the 14th amendment as well as the 15th amendment. From the very time that Attorney General Katzenbach testified, and the Mansfield-Dirksen original bill came to the floor of the Senate and was then referred to the Judiciary Committee, I was critical of the provision which provided that the purpose was to legislate only under the 15th amendment and made no provision whatsoever for legislation under the 14th amendment. Therefore, I was glad that the Senator from Michigan [Mr. HART] insisted that a clause be included to legislate under the 15th amendment and "for other purposes." This, while not specific, clearly indicated the intent to act under the 14th amendment as well.

The case has now broadened. This is not merely an attempt to enfranchise poor Negroes, but also poor Latinos and poor whites. If the amendment is adopted we are going to see a big improvement in southern government, both local and State. I believe that this is one of the reasons why there are many who are opposing the proposed legislation.

Mr. LONG of Louisiana. It is also entirely likely that if the amendment carries, the number of poor whites enfranchised by the amendment will be as great as the number of Negroes enfranchised.

Mr. DOUGLAS. I believe that it will be, if they do not exceed the number. One of the tragedies of the South in the past 70 years has been the way in which poor whites have allowed themselves to be used under the guise of anti-Negroism to weaken themselves.

Let me pay tribute to the father of the junior Senator from Louisiana [Mr. LONG]. I say frankly that there are imperfect actions in all lines of endeavor, that there were some things about the actions of the Senator's father of which I did not approve, but the record shows that the Senator's father tried to extend the benefits of hospitals, good roads, books, and education to the poor people of Louisiana, regardless of their color, and that his influence was very strong in abolishing the poll tax. This is something that tends to be forgotten. I do not intend to let the Nation forget it. I welcome these declarations by the junior Senator from Louisiana, the distinguished majority whip.

Mr. LONG of Louisiana. Mr. President, the repeal of the poll tax in Louisiana has resulted in such an increase in the electorate that some of us have had the good fortune, in a hotly contested race, to wind up with majorities that exceeded the votes cast when my father ran for Governor.

Mr. DOUGLAS. It means that the oil companies of Louisiana and the Choctaw Club of New Orleans no longer control the elections in Louisiana.

The Senator from Louisiana may not wish to reply. I can say it, however, because I come from Illinois, and from much farther up the Mississippi Valley.

Mr. LONG of Louisiana. It has caused the rank and file people to recognize the importance of their vote and the importance of casting their vote. Sometimes as many as a million votes are cast in my State. When my father first ran for office, for the office of Governor, the total vote was about a quarter of that.

SUBSTITUTE REQUIRES SERIES OF COURT CASES

Mr. DOUGLAS. Mr. President, fourth, one of the serious flaws in the Mansfield-Dirksen substitute is that it would require a series of court cases not only in the four States which still retain the poll tax in State and local elections, but also in those local jurisdictions within those States which claimed that the conditions in their area differed widely from the conditions in the suits which were brought.

In other words, the Mansfield-Dirksen substitute amendment is really presenting us once again with a long drawn out judicial process which is the main reason the voting rights provisions of 1957, 1960, and 1964 have not been effective.

CONSTITUTIONAL AMENDMENT NOT NEEDED

Finally, Mr. President, those who are opposing the Kennedy-Javits amendment and supporting the Dirksen-Mansfield substitute say that because we outlawed the poll tax in Federal elections by a constitutional amendment, it would take a constitutional amendment to outlaw the poll tax in State and local elections.

Many of us worked to outlaw the poll tax in Federal election by legislation. We thought there was no question that this could be done under both the 15th amendment and under the 14th amendment. The reason why it was done by constitutional amendment rather than by legislation is a simple one—namely, rule XXII in the Senate and the reign of King Filibuster in the Senate. When we tried to accomplish the result by legislation, it was filibustered, or a filibuster was threatened. We were told that if we proceeded by legislation there would be no restriction on poll taxes.

Finally, as the only alternative, it was done by constitutional amendment. But it was not necessary to do it that way, and it is not necessary to outlaw the poll tax in State and local elections by a constitutional amendment. This is a false argument.

The outlawing of the poll tax by legislation was done five times by the House. I do not regard the Members of the House as inferior to those in the Senate in either public devotion or constitutional ability.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. The point that worries me about the Mansfield-Dirksen proposal is that, based on previous decisions which the Court has rendered, if I were a Justice of that Court, looking at the Mansfield-Dirksen proposal, unless I wanted to depart from the doctrine of stare decisis, that the earlier decisions are persuasive upon the Court, I would feel compelled to say that, while the Congress does have the power to act in this way, it has chosen not to do so.

Mr. DOUGLAS. Yes; it would not strengthen the argument.

Mr. LONG of Louisiana. It would send the Attorney General to court with power he already has.

Mr. DOUGLAS. It would send him to court with chains around his hands and leg irons on his legs. Apparently he wants to go to court that way.

Mr. LONG of Louisiana. It would make one wonder whether he wants to win his case, if he is willing to go in with his hands tied.

To be fair to the Attorney General, I believe the Senator knows that the Attorney General's logic in taking this position relates to other factors, including the practical consideration of getting a bill passed.

Mr. DOUGLAS. Yes. I have paid high tribute to the intrinsic qualities of the Attorney General. He is an able and devoted public servant. However, I reserve the right to differ with him when I think he is wrong.

Mr. LONG of Louisiana. From reading the two provisions, if I were to be sent to court to plead the case, I would wish to plead the case under the Kennedy amendment, because under its language I believe I would have a chance of winning the lawsuit. By contrast, my chances of winning would be extremely dubious if I were proceeding under the Mansfield-Dirksen substitute.

III

LET US FINISH THE JOB

Mr. DOUGLAS. Mr. President, there is almost unanimous opinion in the country that the right to vote should be guaranteed and enforced by the Congress under the Constitution of the United States. No State or local official, acting under color of law, should be able to deny this basic right of citizenship.

PAST LEGISLATION INADEQUATE

On this general principle there is almost complete unanimity. But we have thus far failed to pass adequate legislation to enforce this right. We passed laws in 1957, 1960, and again in 1964 which did not do the job. They did not work because—like the present Mansfield-Dirksen substitute on the poll tax provision—they provided a judicial case-by-case remedy. This remedy has been both too slow and inadequate. Yet, that is what is now proposed again.

LET US REMEMBER THE PAST

Mr. President, it is always ungracious to rehearse past history. I do not wish to arouse the resentment of any other Member of the Senate. I do not wish to maximize unduly the role which some of us have played in the past. I do not wish to say, "We told you so." But we are making history and from our past mistakes. I therefore wish to go back and review the history of the civil rights legislation in Congress over the past decade.

YEAR 1956 BILL BURIED IN COMMITTEE

In 1956 the House passed a good civil rights bill. But in that year the Senate refused even to act. It was buried, without even a tombstone being erected over it. At that time I made a motion that the House bill be considered. This motion was overwhelmingly defeated, and we obtained only six votes. Three votes were cast for it on the other side of the aisle and three votes on this side of the aisle.

I shall not go into the question of who made the motion to table; nor who voted for the motion to table. Nearly every Senator voted for the motion to table.

I shall not single out the six of us who voted for consideration, except that I hope the RECORD will permit me to say that I was naturally in favor of my own motion. When we were smashingly defeated that night and publicly rebuked, I believe I was more discouraged than I have ever been in my life.

That night I seriously considered resigning from the Senate. The prospects for successful action seemed very dark indeed. However, there was a rankling sense in the country and, to some degree, even in this body, that injustices had been committed and were continuing, and that the issue could not be permanently swept under the rug.

YEAR 1957 BILL INADEQUATE

In 1957, the then Attorney General, Mr. Herbert Brownell, brought in a bill to deal with the voting rights issue. In that year we passed a voting rights bill. It was inadequate on two grounds. First, it followed a judicial procedure which has not been fast enough or effective enough.

Second, under the threat of "King Filibuster," the Senate voted out part III, or those provisions in the bill which would have made the 14th amendment effective and which would have guaranteed to Negroes the equal protection of the laws in education, in the use of parks, and in the use of other public facilities.

ANOTHER BILL NEEDED IN 1960

What was the history of that legislation? We had to do it again. In 1960 there was another voting rights bill, this time produced by the very able Attorney General, I believe in general a very fine individual, Mr. William P. Rogers; but, like the 1957 bill, it followed the path of judicial action or inaction and set up court referees in voting cases upon a case-by-case basis.

DOUGLAS-JAVITS AMENDMENT FOR FEDERAL REGISTRARS TABLED

It was on this bill that the Senator from New York [Mr. JAVITS] and I submitted an amendment, not to provide for judicially appointed referees in specific cases, but for presidentially appointed registrars. That amendment was hailed as a wild idea. I shall again not go into the question of who made the motion to table or who supported the motion to table or who voted for the motion to table. I pay tribute to the 22 Senators who stayed with us against the motion to table. Our numbers had increased from 6 in 1956 to a total of 24 in 1960.

FIVE YEARS LATER LEADERSHIP SUPPORTS AMENDMENT THEY TABLED

But the motion to table was carried by the leadership of both parties. We made our motion on March 18, 1960, 5 years to the day before the present bill, calling for federally appointed registrars, was introduced. In other words, 5 years after the Senate voted down our proposal, they came around to the idea of the federally appointed registrars and the inadequacy of the judicial process.

The Senate establishment is not always right. It may have the power, but it does not always have the wisdom. The defeats in 1956, in 1957, and in 1960 was because of the combined power of the leadership of both political parties, and of what is vaguely, but I think accurately, described as the Senate establishment. Five years after we had met with that crushing defeat—although not as crushing as it had been in 1956—our provision was submitted with the sanction of the Senate leadership. That feature at least will become law, but it was at least 5 years too late. Selma and other blots on our national honor have occurred because we failed to act in 1960.

YEARS 1956 AND 1957 BILL PROVISIONS 8 YEARS IN BEING ADOPTED

Similarly, in 1964, we finally passed, at least 8 years after we should have acted, many of the provisions in the 1956 and 1957 Civil Rights Acts, which Congress then failed to enact.

YEAR 1964 BILL INADEQUATE

In 1964 we again tried to bolster the right to vote along with other constitutional rights by improving on the system of judicial referees, which we had first created in 1957 and 1960. But in 1965 we are trying once again to make the right to vote for all our citizens effective, or rather we say that we are trying to make the right effective.

I believe that the moral would be obvious. We continue to act with too little and to act too late. Can we not learn from history?

LET US FINISH THE JOB

I suggest that Senators look to the broader scope of public opinion in the country and see that if we fail once more to make the right to vote effective, we shall have to do it later, and before that time comes there will be other Selmas, other Little Rocks, and other Birminghams.

Those who decry demonstrations should join us in making the right to vote as effective as it is possible for legislation to make it.

GRIEVANCES MUST BE MET BY PASSAGE OF EFFECTIVE LAWS

There is one further point I should like to make in that respect. If we fail to do that job again, as we have repeatedly failed, what will happen to the truly responsible Negro leaders and Negro organizations? They have been patient beyond belief. They believe in the American system. They believe that their grievances can be heard, met, and ameliorated through the process of legislation and law. That is conspicuously the case with the National Association for the Advancement of Colored People and also Martin Luther King, as well as other leaders.

DO NOT TRANSFER PROBLEM TO THE STREETS

But if once again we fail to finish the job, there are others who are merely waiting to use a different kind of action, a kind of action which differs fundamentally from either legislation or peaceful protest. If we fail to act again, and if we fail to finish the job, in large part we shall be responsible if the problem is transferred from the Halls of Congress and from the courts, on the one hand, into the streets, alleys, and back alleys of our country. Therefore, in my opinion, it is essential that we adopt the Kennedy anti-poll-tax amendment and finish the job.

Almost the same voices which opposed the civil rights bill of 1956, in part III of the 1957 bill, and the Douglas-Javits proposal for Federal registrars in 1960 are again saying, "Do not go too fast or this provision may be unconstitutional."

I submit to the Senate and to the country that we should not again act too late with too little.

IV

KING FILIBUSTER RIDES AGAIN

Finally, there is one other practical argument which we are now hearing in the cloakrooms of the Senate, which needs to be brought out explicitly on the floor, and which is sometimes repeated in the comments of some of the columnists. It is that if we adopt the Kennedy amendment, we cannot obtain cloture on the bill and stop a filibuster. In effect, a pistol is being pointed at our heads, and we are told that if we wish to avoid a filibuster and a tying up of the Senate, with an interminable discussion intended to prevent a vote, we must give up the idea of outlawing the poll tax under the 14th and 15th amendments.

Year after year, rule XXII and "King Filibuster" have been used, or their use has been threatened, to keep us from carrying out our responsibilities.

UNWORTHY ARGUMENT

This year, as I believe in other years, the argument is unworthy. We can pass the bill with the Kennedy amendment in it. I do not believe that many Senators would vote against cloture on the bill if the Kennedy anti-poll-tax amendment were included. Some may use that as an excuse, but I do not believe that it would be the real reason or the effective cause. I believe we can obtain cloture in any case.

Let Senators who would vote against cloture because of the amendment do so. Then let them face public opinion at home if they do so.

Once again, King Filibuster is being used to keep us from doing our duty and from carrying out our responsibilities. And, ironically again, it is being argued, for the most part, by those who have either voted to keep the existing rule XXII or have certainly been tepid in their support of any change.

V

CONCLUSION

So, Mr. President, we should pass this amendment.

An overwhelming and unanswerable substantive case has been made in its support.

The Mansfield-Dirksen substitute seeks to avoid our responsibilities.

After a decade of ineffective legislation aimed at guaranteeing the right of all citizens to vote, we should finally finish the job and do it right.

And, we should not let King Filibuster continue to reign in the Senate.

Mr. KENNEDY of Massachusetts. Mr. President, I should like to say how important and helpful it is to have the commentary of the distinguished Senator from Illinois on this important consideration. He brings to the debate a unique background, experience, and understanding of a variety of questions. Having his voice in support of this issue will, I know, be useful to all Members of the Senate in their conisderation of the amendment. Once again, in his usual, constructive, enlightening style, he has pinpointed many of the most significant questions that have been raised. He has dealt with them effectively, efficiently, and with elucidation and conciseness.

I add my voice of commendation of the Senator from Illinois for his remarks in support of this important amendment, and commend them to the Senate for its deliberation in the closing hours of the debate.

Mr. DOUGLAS. I thank the Senator from Massachusetts.

Mr. CASE obtained the floor.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Who yields time to the Senator from New Jersey?

Mr. KENNEDY of Massachusetts. How much time does the Senator wish to have yielded to him?

Mr. CASE. Ten or fifteen minutes.

Mr. KENNEDY of Massachusetts. Mr. President, I yield to the Senator from New Jersey whatever time he requires.

The PRESIDING OFFICER. The Senator from New Jersey is yielded 15 minutes.

Mr. CASE. Mr. President, I join the Senator from Massachusetts in expressing appreciation to the distinguished Senator from Illinois [Mr. DOUGLAS]. In his usual style, he has made a contribution to the enlightenment of all of us and to the enlightenment of the American people on this subject. He combines a great heart with erudition, common sense, and wisdom. It is a delight to serve with him in the Senate. It is a delight to sit at his feet on any subject, particularly the subject of civil rights, in which he has been a strong and effective fighter over many years.

Mr. DOUGLAS. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

Mr. DOUGLAS. I thank the Senator from New Jersey for his characteristically generous remarks. His own devotion to this cause is as great as my own, and his contributions have certainly been greater. It is a real joy to serve with him in the Senate and to find ourselves in agreement on this matter, as well as so many others.

Mr. CASE. I thank the Senator from Illinois.

Mr. President, I appreciate the fine statements which the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New York [Mr. JAVITS] have made in response to a letter from the Attorney General, in which the Attorney General has set forth his position that he prefers the Mansfield-Dirksen poll tax position rather than the one offered by the proponents of the pending amendment.

In my opinion, the Attorney General's position is utterly demolished by the response made by the Senator from Massachusetts and the Senator from New York. I associate myself fully with their statements. I am glad, indeed, that the opportunity to bring this question into the open has been afforded by the Attorney General's action and by the answer made by the Senator from Massachusetts and the Senator from New York.

Mr. President, I have joined in sponsoring the pending amendment to ban the poll tax as a condition of voting because I am convinced it is a necessary part of an effective voting rights measure.

Three times in the last 8 years Congress has acted on voting legislation. Each time, our intent has been largely frustrated by stubborn and ingenious resistance. The time has come for us to act to discharge fully the responsibility placed upon us by the Constitution.

Amendment 14 declares in section 1:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 reads:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment 15 states:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

I do not know how the matter could be stated more plainly.

The question before us is not one of constitutional authority. Our constitutional authority and our constitutional obligation are clear. The only question is whether the poll tax as a condition of voting is an instrument of discrimination in violation of the 14th and 15th amendments.

To me, the answer to that question is plain.

The notion that citizens should have to pay to vote is repugnant to the vast majority of Americans, and rightly so. For there is no legitimate relationship, historical or otherwise, between the payment of a head tax and the right to vote.

In this connection, I remind the Senate that the name "poll tax" derives from the old English word meaning "head." And it was as a head tax, unrelated to voting, that the poll tax first appeared in the United States, even before the adoption of the Constitution. Most of the Colonies had such a tax. But it was not related to voting. In most States which have a poll tax today, including Massachusetts, Vermont, Connecticut, Rhode Island, Maine, and New Hampshire, the right to vote is not conditioned upon its payment. The tax is collected in other ways and at other times than at elections.

It is significant that only after the 15th amendment, which I have read, was adopted to assure Negroes the right to vote that the four States—Alabama, Mississippi, Virginia, and Texas—which would be affected by this amendment, acted to require payment of a poll tax in order to vote.

They did not hide their purpose at the time. The Mississippi Supreme Court, in a decision shortly after the enactment of the poll tax in that State, frankly said that the primary purpose of the tax was to limit Negro suffrage. As for Virginia, a report made in 1942 by the Senate Judiciary Committee quotes Senator Carter Glass as saying at the constitutional convention which proposed the poll tax:

> The chief purpose of this convention is to amend the suffrage clause of the existing constitution. It does not require much prescience to foretell that the alterations which we shall make will not apply to all persons and classes without distinction. We were sent here to make distinctions. We expect to make distinctions. We will make distinctions.

Those are the words of Senator Glass.

The evidence as to the origin of the Mississippi and Alabama poll tax is similar. The president at the Alabama convention stated, according to the Senate Judiciary Committee report:

> The purpose of the convention was, within the limits imposed by the Federal Constitution, to establish white supremacy.

The historical record is replete with evidence showing that the poll tax was adopted in the Southern States as a barrier to Negro voting.

That it has been an effective one can also be documented. I cite only one example. In the case of *United States* v. *Dogan*, 314 F. 2d 767 (5th cir., 1963), the United States sought a mandatory injunction on behalf of Negro residents of Tallahatchie County, Miss., to force the sheriff of that county to accept their poll tax. The court's discussion of the facts showed that the county had approximately 6,000 white persons of voting age and 6,500 colored; that it had no colored voters; that no colored residents were permitted to pay a poll tax; that the policy of that sheriff, who was charged with collecting the tax, was to allow his deputies to accept payment from white applicants, but to have all colored applicants referred to him personally, and that of those colored applicants so referred, none was allowed to pay the tax. Affidavits in the record showed that one applicant had been trying regularly to pay her poll taxes from 1951 to 1962; another from 1952 to 1962. Each had been regularly turned down.

Senators have already filled many pages of the RECORD with other examples of the use of the poll tax as a means of disenfranchisement.

Time and again, State and local officials in certain Southern States have made plain their determination to evade compliance with the voting rights law. Who can doubt that, should we pass a bill which does not effectively deal with the poll tax, the dreary history of endless litigation necessitated by the refusal to register Negroes and to allow them to vote will have to be repealed.

Let us recognize the poll tax for what it is. In the words of our distinguished minority leader speaking in 1947—

> A poll tax is not a qualification but it is a restriction.

That is true. It has no conceivable reference to the right of an individual to cast his vote wisely and well. It is a restriction designed to subvert the constitutional rights of thousands upon thousands of Americans.

The right to vote is the most basic of all rights of our citizens. It was the brutal rebuff of efforts to exercise that right that led only a few weeks ago to the march on Montgomery. In permiting the march, Judge Johnson declared—

> The wrongs and injustices inflicted upon these plaintiffs have clearly exceeded and continue to exceed the outer limits of what is constitutionally permissible.

Surely, no one of us wants another Selma. Surely, no one believes citizens should have to risk life and limb to achieve a right most of us take for granted.

The opportunity is before us. Let us act now, once and for all, to provide truly effective protection of the birthright of every American citizen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Maryland [Mr. TYDINGS] is recognized.

Mr. TYDINGS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The junior Senator from Maryland is recognized for 15 minutes.

Mr. TYDINGS. Mr. President, I have listened to the remarks of the distinguished senior Senator from New Jersey [Mr. CASE] and the distinguished senior Senator from Illinois [Mr. DOUGLAS]. I believe that they have added a great deal to the debate and colloquy which have taken place in this Chamber for the past several days. The distinguished junior Senator from Massachusetts [Mr. KENNEDY] has ably stated the case for the pending amendment. I am honored to be a cosponsor of the amendment. I am pleased to be able to aid him in the effort to secure its adoption.

The senior Senator from Maryland [Mr. BREWSTER] is also a cosponsor of the amendment. He has asked me to state for him that if he were in the Chamber today, he would echo the statements which I shall express, and that he is wholeheartedly behind the adoption of its amendment.

As a member of the Judiciary Committee I have spent many hours during the past 2 months in hearings, in executive session, in briefings, and in innumerable strategy meetings to help fashion the best possible bill. We on the committee who support effective voting rights legislation were most fortunate to have as our leader, the Senator from Michigan [Mr. HART]. He has been wise, patient, and perceptive at every stage of our deliberations.

We were also fortunate to have on the committee the junior Senator from Massachusetts [Mr. KENNEDY]. He brought an energy, dedication, and sense of commitment that are in large part responsible for the fact that we have before us a bill which goes a long way toward recognizing the need for abolishing the poll tax. His perseverance is also largely responsible for the fact that we have before us an amendment that would do the whole job. This amendment is cosponsored by 9 of the 16 members of the Judiciary Committee and 30 other Senators. These members of the Judiciary Committee heard the testimony and deliberated on the entire bill.

Mr. President, I am frank to admit that when I first came to the Senate, the question of abolishing poll taxes in State elections was a rather nebulous proposal. I was skeptical at first.

After all, only 2 years before, we had adopted a constitutional amendment to abolish poll taxes in Federal elections. Moreover, I had some doubts that poll taxes were used to discriminate. The sums involved, I assumed, were trivial, and the opportunities for discriminatory application seemed, on the face of it, remote and insubstantial. Finally, I figured if these taxes were as bad as some claimed, they would be struck down by the courts.

As we on the committee dug deeper into this matter, day after day, I became convinced that my initial reaction was incorrect. I found that poll taxes are in fact used to discriminate both against the poor, the marginal farmers, and the Negroes. I become convinced Congress has ample power under the 14th and 15th amendments to outlaw these taxes when used as a condition of voting. Finally, I became convinced that we have a moral duty to act upon these facts, rather than leave this matter to the courts to resolve without an expression of national policy and purpose from the Congress.

My purpose here today is to share with my colleagues and constituents some of the factors that have persuaded me that Congress can and should ban the poll tax when used as a condition of voting. In so doing, I shall not attempt to make a comprehensive constitutional argument. That was done most effectively by the Senator from Massachusetts [Mr. KENNEDY] in his floor speech of April 13. Rather, I shall concentrate on two or three elements that seem to me particularly important to an understanding of why I feel that Congress should outlaw poll taxes in State elections.

To begin with, the poll tax as a condition for voting was conceived to deliberately disenfranchise the colored citizens of many States. Originally, poll taxes were used in some States in post-Revolutionary War days as a substitute for the holding of property as a qualification for suffrage. By the time of the Civil War, however, taxpaying as a qualification for voting had been eliminated in almost every State.

The great renaissance of the poll tax, as a condition for voting, occurred in the period 1890 to 1908. Every State of the old Confederacy adopted the poll tax during this period. This is also the period when most of our Southern States adopted the literacy tests, understanding tests, and other devices which are the principal subject of the Voting Rights Act now before us. This is also the subject of section 4 of the original bill, and the substitute amendment.

All these devices had a similar purpose—to reduce voting participation, particularly among Negroes. White southern leaders were convinced that the survival of white civilization in the South required wresting from Negroes the political rights which had been virtually foisted upon them by northerners during the Reconstruction period.

The record is replete, Mr. President, with proof that the principal purpose of the poll tax was to disenfranchise Negroes. One delegate after another who attended the constitutional conventions that imposed the poll tax and other suffrage limitations boldly proclaimed the principal purpose—to disenfranchise Negoes and not white citizens.

A delegate to the Virginia constitutional convention, J. C. Wysor, explained of the poll tax:

> It will not do away with the Negro as a voter altogether, but it will have the effect of keeping numbers of the most unworthy and trifling of that race from the polls. I do not know of anything better in view of the 15th amendment.

One of the delegates in the Alabama convention stated that he believed the poll tax would disenfranchise 10 Negroes to 1 white man. And the president of the Louisiana constitutional convention, in his closing remarks, frankly said:

> We have not drafted the exact constitution that we should like to have drafted; otherwise we should have inscribed in it, if I know the popular sentiment of this State, universal white manhood suffrage, and the exclusion from the suffrage of every man with a trace of African blood in his veins. What care I whether the test we have put be a new one or an old one? What care I whether it be more or less ridiculous or not? Doesn't it meet the case? Doesn't it let the white man vote, and doesn't it stop the Negro from voting, and isn't that what we came here for?

Following his speech, Judge Thomas J. Semmes, chairman of the judiciary committee of the Louisiana convention of 1898, and a former president of the American Bar Association, described the purpose of the convention:

> We meet here to establish the supremacy of the white race, and the white race constitutes the Democratic Party of this State.

Throughout the States, the intentions were the same. In the words of one delegate to the 1890 Mississippi constitutional convention, the purpose of the convention was:

> To devise such measures, consistent with the Constitution of the United States, as will enable us to maintain a home government, under the control of the white people of the State.

The Mississippi Supreme Court, writing in 1896, characterized the 1890 convention with this frank observation:

> Within the field of permissible action under the limitation imposed by the Federal Constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the Negro race.

In addition to its iniquitous birth, Mr. President, the poll tax has lived a life of discriminatory application.

It is used, first, to disenfranchise poor people in violation of the 14th amendment.

It is self-evident that it is more difficult for a poor man than a rich man to pay a poll tax. Some have replied that the poll tax is so small as to be de minimus. They point out that the remaining poll taxes are all less than $4.50. I have summarized these taxes in a table which shows that the taxes in the four remaining poll-tax States are as follows:

State	Annual rate	Cumulative provision	Maximum charge
Alabama	$1.50	2 years	$3.00
Mississippi	2.00	do	4.00
Texas	1.50	None	1.50
Virginia	1.50	3 years	4.50

I reject the argument that $3 or $4 for the right to vote is insignificant. To be sure, most of our citizens, even in the poorer States, can find $3 or $4. But in my judgment if there is one person who cannot do so because he cannot afford the tax, the tax is discriminatory as applied to him.

What do we mean when we say "cannot afford to pay the tax"? In every case, the payment of the tax requires the voter to forgo some other expenditure. In the case of the wealthy citizens, they may give up little or nothing. But in the case of a marginal family, $3 or $4 may represent the cost of food or shelter for that day, or even a week. For a family on welfare, $3 may very well be more than one day's expenditures for all items. I think it is wrong to require a family to choose between bread and the ballot.

In this context the figures for the tax are not de minimus. The per capita personal income in Mississippi in 1962 was $1,282. This amounts to $24.65 per week. For that person, $4 is equal to 1 day's pay. The median family income for Negro families in the South in 1960 was $995. For this family their weekly income is under $20 and the poll tax in Mississippi amounts to one-fifth of a weekly budget.

These are, of course, average and median figures. Many families and persons earn below even these poverty levels. For them a $4 poll tax many mean giving up basic necessities of life.

The foregoing considerations apply equally, as I have stated, to poor whites and to poor Negroes. But it is important to realize that because there are a great many more poor Negroes than poor whites in Alabama, Mississippi, Texas, and Virginia, the poll tax also serves to discriminate in violation of the 15th amendment.

We are by this bill abolishing literacy tests in certain areas because they fall unequally on Negroes. Our reason for reaching this conclusion is that 100 years of discrimination in educational opportunities makes unfair the application of a literacy or educational achievement test.

The same considerations apply to the poll tax. One hundred years of discrimination in employment opportunities and of economic oppression make unfair the collection of a tax as a prerequisite to voting.

What are the facts concerning the economic status of the southern Negro, as compared to white citizens.

First. In all other regions of the country the median income of a Negro individual is about 75 percent that of a white citizen—but in the South it is 40.2 percent.

Second. The median income for a Negro individual in the South is $995 per year. Elsewhere the Negro median income is $2,200 or more.

Third. The median income for a Negro family in the South is $2,322, for a southern white family it is $5,009. Median Negro family income elsewhere is $4,370 or more.

Looking at some specific States, the median income of a Negro family in Mississippi is $1,444, or 34 percent that of whites; Alabama, $2,009, or 41 percent that of whites; and in Virginia, $2,780, or just half that of whites.

In Alabama, 49 percent of all Negro families had 1960 incomes of less than $2,000, while only 19 percent of the white families earned below that level. In Mississippi, the same percentages are 66 percent for Negroes and 22 percent for whites. And in Virginia 35.5 percent of the Negro and only 7.8 percent of the white families earned below $2,000.

To me, these figures make hollow the argument that a poll tax of $1.50 or, where cumulative, $3 or $4 for an individual is not oppressive. If a Negro man and wife in Mississippi, who are at the median, wish to vote, they must pay 1 percent of their year's income, while southern whites at the median would pay less than four-tenths of 1 percent of a year's income.

Finally, many of these less fortunate citizens live in a barter or credit economy. They have cash when crops come in only long enough to pay the winter's bills. All other months they live on credit with merchants and landlords. When are poll taxes due? In the winter months.

Another element in the poll tax picture which is frequently overlooked is that these taxes must be paid long in advance of an election. Prof. Fredric Ogden, who has made an intensive study of the poll tax, writes in his book, "The Poll Tax in the South":

> In those States where the poll tax must be paid a considerable period before the primary and general elections, the monetary burden of the tax is supplemented by the time-of-payment provisions, which also have an effect upon the number of persons qualified to vote. Individuals are called upon to yield their hard-earned cash before knowing who the candidates will be. Since there is frequently little interest in an election to be held some months in the future, many persons neglect to pay the tax before the deadline. When the election draws near and candidates and issues—if any—are known, some persons may desire to vote only to find that they cannot because they failed to pay their poll taxes by the proper time. Thus, citizens may be prevented from voting not solely because they cannot afford to pay the tax but because they do not pay at the right time. This provision is most effective as a means of disfranchisement with the less educated groups who are frequently unaware of the time when the tax should be paid. It is also used to advantage by professional politicians who see that their followers have paid the tax, or who pay it for them, by the due date.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. I yield myself 2 minutes.

If, as Professor Ogden has shown, the poll tax discriminates not only against the poor, but also against the less educated, I see no reason why it should not be thrown out by the Congress under the 15th amendment on the same basis as we are now throwing out literacy and educational achievement tests.

Finally, I wish to call attention to a little known feature of the poll tax that enables it to be administered in a discriminatory way. I refer to the requirement in Texas and Mississippi that the voter must present on the election day evidence that he has paid his poll tax. This means the voter must keep and preserve his poll tax receipt from 6 or 12 months earlier. This requirement can, however, be waived by local election officials. Professor Ogden reports that there is evidence that proponents of the poll tax at the time of its adoption felt that this requirement would work primarily to the disadvantage of the Negro. He concludes that the primary significance of the requirement of evidence of payment is that voting officials are in a position to waive the requirement for whites and not for Negroes.

I conclude, Mr. President, by saying that I am proud to cosponsor this anti-poll-tax amendment to the voting rights act of 1965. I believe its adoption will make this a far stronger and better bill.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. DOUGLAS. I commend the junior Senator from Maryland for the excellent statement which he has made which is in keeping with the splendid record he has been making ever since he joined this body a few months ago.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. I yield 5 minutes to the Senator from Illinois, or whatever time he requires.

Mr. DOUGLAS. I will try not to indulge myself on the Senator's time.

The Senator from Maryland has made many excellent points. One point which I think needs to be carefully considered is the fact that Negroes and Mexican-Americans are largely disqualified in agricultural regions of the South, some in Virginia, throughout the countryside in Alabama and Mississippi, and some in the cities, as well as through country districts in Texas. Here they are largely in debt in the country regions. They are carried from one end of one crop to the harvesting of the next largely on credit and do not have much money in their pockets. Then, when they do get some money in their pockets, they have to use it to pay last year's debts, so that in many cases they are really in a condition of peonage. This means that the cost of the poll tax is a much larger share, as the Senator from Maryland has pointed out, of their available cash income than of their total income. When we add to this the fact that the poll tax is generally payable in the months after they have settled for the past year's debt, and when they are being compelled to resort to credit in order to buy food at the local store, it catches them at their weakest moment.

The Senator from Maryland deserves a great deal of credit for bringing out the subtle features of the poll tax which operates as measures of further disenfranchisement.

The last point the Senator made, namely, that in one of the States the receipt must be produced in addition, means that persons may have paid their poll tax and yet, if they have not kept the receipt, they can be disqualified.

I often find it hard to keep receipts and I can, therefore, imagine how those who do not have any filing facilities find it even more difficult.

I thank and congratulate the Senator from Maryland. He is making a great record in the Senate and in committee. It is a real source of joy to me to see so much young and vigorous blood coming into the Senate, men who have real causes at heart and who show such evident ability.

Mr. TYDINGS. I thank the distinguished Senator from Illinois for his kind remarks. The Senator has himself compiled a great record over the years. He has been a source of inspiration to many of us, long before we ever aspired to this august body.

The Senator from Illinois grasped the heart of my argument; namely, that in the rural agricultural economy of the four States which still have the poll tax——

The PRESIDING OFFICER (Mr. MONDALE in the chair). The time of the Senator from Maryland has expired.

Mr. TYDINGS. Mr. President, I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 2 additional minutes.

Mr. TYDINGS. In many families in these particular areas, payment of the cumulative $4 poll tax could mean the taking of food out of a child's mouth, or it might mean no rent for the child or no rent for the family. It becomes a definite economic sacrifice in many areas, sometimes amounting to a privation.

I feel strongly on this subject, as do all the cosponsors of the Kennedy amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement concerning discrimination in voter registration in the State of Virginia.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT IN REFUTATION OF VIRGINIA'S DENIAL OF DISCRIMINATION IN VOTER REGISTRATION

The General Assembly of Virginia, at its 1958, 1960, and 1962 sessions, reflected the State's purpose of continuing its discrimination against Negro applicants for voter registration.

Section 20 of the constitution of Virginia as promulgated in 1902, read, in part, as follows:

"Every citizen of the United States, having the qualifications of age and residence required in section 18, shall be entitled to register, provided:

* * * * *

"Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer, stating therein his name, age, date and place of birth, residence, and occupation at the time and for 1 year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; * * *"

In January of 1958, a bill was introduced to require registrars to literally enforce the constitutional requirement that the applications to register be made "without aid, suggestion, or memorandum." This was viewed in the public press as "a bill that could upset voter registration practices followed in Richmond and other urban areas [by halting] the Richmond city custom of registering would-be voters on printed questionnaire cards." (Richmond Times-Dispatch, Jan. 30, 1958.) "It appeared the bill might be aimed at halting or delaying registration of groups of Negroes in various areas who have been encouraged and aided, in qualifying to vote, by the National Association for the Advancement of Colored People." (Id.)

This bill, as enacted (acts 1958, c. 576), required that the application be made "on a sheet of paper containing no written or printed data, information, question or words" (code S. 24–68). It added to code S. 24–71 these further ambiguous provisions:

"While making in writing his application for registration the applicant shall not be permitted to refer to any pamphlet, booklet, or other memorandum, printed or written, nor to discuss with any person any matter concerning the requirements necessary in order to register under this chapter.

"The registrar, upon request of the applicant, and in advance of his making written application, shall give the applicant information as to the requirements incident to registration and advise the applicant as to the pertinent provisions of this chapter and the constitution. The registrar shall furnish the applicant copies of the applicable provisions of the constitution and code of Virginia, provided, however, no other written or printed material shall be used or referred to by the applicant while making application for registration."

And it provided in code 24–53, as follows:

"Any registrar or assistant registrar who registers or permits the registration of any person who has not made application to register as required by and in conformity with this chapter and section 20 of the constitution may be removed from office by the electoral board of the county or city and if so removed shall be ineligible to serve as registrar anywhere in the Commonwealth of Virginia for a period of 5 years."

The Richmond News Leader (James J. Kilpatrick, editor) on May 2, 1958, expressed the legislative sentiment in these words:

"Now, that, we submit, is a perfectly fair and reasonable registration law, exactly in accord with the letter and spirit of Virginia's constitution. If a prospective registrant, holding in his hand a copy of the constitution, cannot read section 20 and comprehend its simple requirements, he has no business voting in Virginia. The law, as adopted, discriminates against no one; indeed, other provisions of the act, not quoted, provide new protection to the registrant who may believe he has been treated unfairly. And to touch the racial issue: The bill makes it easier for a Negro to register in Virginia than, say, in New York, where a literacy test is spelled out in some detail."

By the time the 1960 session convened, it had become apparent to the legislators that the 1958 amendments to the registration laws were in fact preventing white citizens from registering but that the NAACP was teaching Negroes how to memorize the requirements. Hence, by chapter 288 of the acts of 1960, the blank paper requirement of code section 24–68 was deleted and replaced by a requirement that application be made "on a form which may be provided by the registration officer" and, by chapter 614 of the acts of 1960, it was proposed that section 20 of the constitution be amended to require that application be made "on a form which may be provided by the registration officer, without aid, suggestion or other memorandum." As will be shown, the use of the underlined word "may" provided the means by which registration officers in areas heavily populated by Negroes (and in which most white citizens are registered) claimed and yet claim the right to require applications to be made on blank sheets of paper. At its 1962 session, the general assembly further amended code section 24–68 by providing that "application may be made on a form provided by the registration officer which may be "a sheet of ruled paper which is entirely blank but for a reference to an excerpt from section 20 of the constitution at the top and, at the foot, indication where the "date" and the "signature of the applicant" should be written.

In anticipation of the adoption of the proposed amendment to section 20 of the constitution, the general assembly, by chapter 422 of the acts of 1962, provisionally amended code section 24–71 to require the registrar to furnish a "form for registration" instead of the former blank sheet of paper. Notwithstanding the adoption of the constitutional amendment which made this change in the statute operative and notwithstanding the ruling of the district court in the litigation next mentioned, registrars in most of Virginia's southside counties furnish the Negro applicants the sheet of paper which, but for the constitutional provision at the top and indication of place for date and signature at the bottom, is blank.

On August 13, 1964, Negro residents of Greensville and Brunswick Counties and of the city of Petersburg brought an action against their respective registrars which was heard on September 25, 1964, on a motion for an interlocutory injunction. (*Wilks, et al.,* *v. Woodruff, et al.,* U.S.D.C., E.D. Va., Richmond Division, C.A. No. 4073.) It having been shown that the registrars in Alexandria, Lynchburg, Richmond, and Henrico County provide applicants with forms which elicit the information required by the constitution and that the plaintiff Ann Jackson had made her application to the general registrar on a form substantially similar, that officer was "enjoined and restrained until further order of the court from denying Ann Jackson, and all other persons similarly situated, registration as a voter on the ground that the applicant for registration has furnished his name, age, date and place of birth, residence, and occupation at the time and for 1 year next preceding and stated whether he has previously voted, and, if so, the State, county, or precinct in which he voted last, upon a paper approximately 8½ by 11 inches in size, which sets forth all of the foregoing requirements with appropriate space for the answers to be supplied immediately adjacent to the requirements."

The attorney general of Virginia has indicated his purpose to appeal if after a plenary hearing the district court will adhere to its ruling of September 25, 1964. In short, the official policy of the State is to enable local registrars in their own discretion to deny registration to persons who cannot read and comply with section 20 of the constitution of Virginia without any aid, suggestion, or memorandum.

We do not know and have not heard of any white person's having been denied registration for failure to make proper application. We do know that persons have been registered without being required to make any written application. We do know that in the year 1951 several Negro residents of Sussex County appealed denials of registration to the circuit court of that county. We know that then one of the registrars required the applicants to identify several incumbent State and county officials. We do know that shortly thereafter the general registrar for that county demanded of several Negroes who had been previously registered that they come to his office and make applications or suffer their names to be purged from the books. (On advice of counsel they relied upon the "conclusive" presumption of code, sec. 24–105 that they had complied with all requirements of law, inasmuch as they had been registered for more than 6 months.)

We do know that in Virginia's southside counties, and particularly in those which have precinct rather than general registrars; e.g., Mecklenburg and Brunswick, some of the registrars are too often unavailable when Negroes want to register. One such precinct registrar, who apparently had no office, required the Negro applicants to go to the back door of his home; another to the back door of the theater where he is employed. Voter registration campaign workers have had to appeal to local Commonwealth's attorneys to overcome invented excuses of unwilling registrars such as an unfounded claim that the books were closed. Sizable groups of Negro aspirants were disappointed in Mecklenburg County last fall when, for example, the registrar decided to attend a tobacco festival rather than keep an appointment to register a group or, on another occasion, to plead at 10:30 a.m. that his supply of (modified blank paper) "forms" was exhausted. On the other hand, Negro voter registration campaign workers have observed registrars give "forms" to white applicants to be filled in at home or promise to register white applicants at a more convenient time and place.

Frequently, county treasurers volunteer to Negro taxpayers that they do not have to pay the poll tax or suggest that if you do not vote you need not pay the poll tax. County treasurers are known to have refused to accept payment of poll taxes until the taxpayer makes payment of his personal property tax. Section 24–129 of the code is generally interpreted by county treasurers as requiring an individual to personally take his poll tax payment to the treasurer's office, thus often adding the loss of a day's employment to the price of voting.

Innumerable other subtle practices, difficult to reach by litigation, serve the openly declared purpose of the constitutional convention of 1901–2 to end what then was called Negro domination but what was merely the promise of the 15th amendment.

S. W. TUCKER,
Chairman of the Legal Staff of the Virginia State Conference of NAACP Branches.

RICHMOND, VA., *March 31, 1965.*

Given under my hand this 31st day of March 1965.

My commission expires August 28, 1965.

EVALYN W. SHAED,
Notary Public.

Mr. TYDINGS. Mr. President, I yield the floor.

Mr. AIKEN. Mr. President——

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. AIKEN. Mr. President, since the debate on the Kennedy amendment started, the news media have all stated that the purpose of this amendment is to insure voting rights to all the people of four States—Mississippi, Alabama, Virginia, and Texas.

Nowhere have I read or heard that the effect of this amendment would be a body blow to a basic sector of American democracy—the New England town meeting.

It was in the New England town meeting that our freedom was born and when that institution dies much of our freedom and self-government will die with it.

Speaking only for Vermont—for I am not familiar with all the governmental processes of the other 49 States, I can say that in my opinion the town meeting represents the nearest approach to true democracy to be found in the world today.

On the first Tuesday in March the people of my town gather at the town hall.

There they elect town officers for the ensuing year—raise money to pay the town's expenses and transact any other business which may legally come before said meeting.

On town meeting day all voters are equal—I have seen the wealthiest man in town take one side of a question and the woman who cleaned his floors and windows express herself vigorously on the opposite side.

She could go back to work for him the next day—but on town meeting day they were strictly equal and each one recognized this fact.

There are few restrictions for voting on town meeting day in Vermont.

One must have lived in the State since the previous April 1 and in the town for 3 months.

There is no literacy test whatever.

It is not necessary to be able to read and write—as it is in our neighboring States—although Vermont ranks high among all States as far as literacy is concerned.

An ex-criminal can vote in a town meeting in Vermont as soon as he is released from prison.

He has paid his debt to society and his past mistakes are not held against him.

We do have two requirements for voting in town meeting.

Before he can vote, one must take the freeman's oath—a sort of loyalty oath to the State.

One must also pay a poll tax based on a valuation of $1 if he is over 21 and under 70 years of age.

Persons actually poor—men in service and volunteer firemen are also exempt.

Payment of a poll tax in Vermont is a requirement for voting in town meeting only.

It does not apply to county elections, State elections, or Federal elections.

Only the town meeting—the basis of local government is involved.

Do Vermonters think that the poll tax is oppressive?

A short time ago the Governor of the State asked the legislature to pass a law prohibiting the poll tax and he was unmercifully beaten by a 196 to 34 vote in the House, with less than approximately one-third of his own party members of the house supporting him.

Why did the early freemen of New England adopt the poll tax?

It may have been partly for revenue—although in those days the tax rate was very low.

I believe it was more likely to impress on each man that if he were to enjoy such benefits as government could give him that he owed at least a minimum of responsibility to that government.

Why does one pay dues to the Grange, the Elks, the Knights of Columbus, the Masons, to a labor union, or any other order or fraternity?

Is not the privilege of being a voting member of your community of at least equal value?

Now we have the Kennedy amendment before us.

It provides, in effect, that the towns of Vermont—large or small—shall no longer have the right to run their local affairs.

The New England tradition to which all America owes much of its freedom today is to go out the window.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I have only 5 minutes.

The big boys in Washington will now take over and tell us what we can and cannot do.

It is all tommyrot to say that this amendment is necessary to insure the vote to the people of Mississippi, Alabama, Virginia, and Texas.

The 15th amendment can take care of that, if enforced.

And no one—not a single one of the cosponsors of the Kennedy amendment can show that any town in Vermont has ever used the poll tax to discriminate against any person because of his race, creed, or color.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. AIKEN. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. MANSFIELD. Mr. President, I yield 2 additional minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 additional minutes.

Mr. AIKEN. Mr. President, the adoption of this amendment would be only one more step toward the elimination of local self-government.

If the Congress can go this far, there is no limitation to its authority.

Almost certainly the Vermont freeman's oath—the giving of which obligates a person to be a good citizen—would go next and the Members of Congress who live in States where the county is the local unit of government should take notice.

If the Federal Government can take over the governmental machinery of a town, it can also take over the local government of a county.

Why is there such unseemly haste to pass this amendment?

With the constitutionality of a poll tax coming before the Supreme Court this fall, why should anyone frantically seek the adoption of this amendment now, when the Attorney General of the United States seriously questions its compliance with the basic law of the land?

If the purpose of the amendment were to be a test of strength between conflicting schools of thought, I would strongly and politely suggest to the factions involved that they utilize some other criterion, rather than jeopardize or weaken one of the basic institutions of democratic government, the New England town meeting.

I now yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Will the Senator be kind enough to yield for some questions?

Mr. AIKEN. I am glad to do so.

The PRESIDING OFFICER. How much time does the Senator from Massachusetts yield himself?

Mr. KENNEDY of Massachusetts. Such time as I may need.

I wonder if the Senator from Vermont would be kind enough to identify those parts of the amendment to abolish the poll tax which reflect on the town meetings of New England or the ability of such localities to hold those meetings in any way they desire?

Mr. AIKEN. I refer the Senator to the statement which he made on the floor last Friday afternoon, during a colloquy between us, when he said that his amendment would definitely outlaw the town poll tax of Vermont.

If Congress can outlaw that part of our town procedures, it can go on from there and outlaw others as well.

It is not the poll tax that I am arguing against so much, because if the Supreme Court says, after 170 years, that it is unconstitutional, we shall have to accept the decision. If my State desires to prohibit it, I will accept that, too. But the Federal Government ought not to have the right to go into a community, particularly a New England community, and tell us how to conduct our strictly local affairs.

Mr. KENNEDY of Massachusetts. I would gather from the Senator's observations that he feels that the amendment, if it were adopted, would prohibit a poll tax as a precondition for voting, and would therefore violate the town meeting concept in Vermont.

Mr. AIKEN. Absolutely.

Mr. KENNEDY of Massachusetts. The Senator feels, therefore, that the poll tax as a precondition to voting does not serve as a source of discouragement to people in Vermont. Is that correct?

Mr. AIKEN. Very little. There are always unpaid poll taxes, because there are always some people in towns on the first day of April when the poll tax is assessed against them who are perhaps away on construction work, or some other work out of the State, and consequently their poll tax is not paid because there is no particular incentive for them to pay it under those conditions.

Mr. KENNEDY of Massachusetts. Does the Senator feel that the payment of a poll tax as a precondition to voting is similar to the payment of dues to the Knights of Columbus or to a labor union? Does the Senator hold those views in the year 1965?

Mr. AIKEN. I would think so. Perhaps the payment of dues to a labor union is a better example, because there is no fraternal interest there. However, it seems to me that a member of a labor union or any other organization ought to be able to vote without having to pay a poll tax or a membership tax as a prerequisite to voting in such an organization.

Mr. KENNEDY of Massachusetts. The Senator does not distinguish between the fundamental principle of our democratic right to vote and the right of people to belong to a fraternal organization?

Mr. AIKEN. I would hope that labor unions were democratically comprised also. I would hope that our fraternal organizations were not discriminatory in their operations. And I hope that they never will be.

Mr. KENNEDY of Massachusetts. But the Senator does not distinguish between the payment of a tax for the right to vote, a right which the Supreme Court has stated to be fundamental to all our rights, and the payment of dues to some fraternal or trade organization. And the Senator feels, as I gather from his discussion today, that the right to vote ought to be preconditioned upon the payment of a levy—whether it be a dollar or any other sum.

Mr. AIKEN. I regard the voters of my town and the other towns of Vermont as members of the finest fraternities in the world. I believe we should always remember that it is not what your country can do for you, but what you can do for your country.

Mr. KENNEDY of Massachusetts. I am familiar with those words.

Mr. AIKEN. One cannot think very much of his country if he cannot pay a dollar for the privilege of voting.

Mr. KENNEDY of Massachusetts. As a precondition to voting?

Mr. AIKEN. Yes. It is necessary to pay dues before a person can vote in a labor union.

Mr. KENNEDY of Massachusetts. Do I correctly understand that the Senator is generally in sympathy with the other provisions of the proposed legislation—the Voting Rights Act of 1965?

Mr. AIKEN. I am completely in sympathy with the provisions of the 15th amendment, that there shall be no discrimination on the ground of race, color, or previous condition of servitude. I cannot recall any incident in which the 15th amendment has been violated in my State.

Mr. KENNEDY of Massachusetts. Does the Senator from Vermont expect to support the voting rights bill as it applies to literacy tests?

Mr. AIKEN. Literacy tests?

Mr. KENNEDY of Massachusetts. Yes.

Mr. AIKEN. Some States have terrible literacy tests. In the Senator's own State a voter must be able to read the constitution of the State of Massachusetts. I hope everyone in the State has read the constitution. It is a prerequisite to voting in Massachusetts that every person be able to read the full constitution of the State of Massachusetts. There is no such provision in Vermont. I believe New York State has a perfectly horrible literacy test, which can be used to defranchise voters by the thousands. It might be well to do away with such tests everywhere.

Mr. KENNEDY of Massachusetts. Does the Senator from Vermont recognize the authority of Congress to do away with literacy tests when they serve to discriminate against individuals?

Mr. AIKEN. To the same extent that Congress has authority to do away with poll taxes. I am not sure, but probably they would have to undergo a court test.

Mr. KENNEDY of Massachusetts. But the Senator is willing to let the Court make such an adjudication; is that correct?

Mr. AIKEN. I do not say that I will agree with the decision of the Supreme Court. They have made some rather unusual decisions, from my point of view. But if the Supreme Court wants to make a decision, I feel we should have to accept that decision, unless we adopt a constitutional amendment which would obviate it.

Mr. KENNEDY of Massachusetts. What bothers me is that the Supreme Court has upheld quite clearly in some cases State literacy tests as constitutional; therefore, the States basically have the right to impose a literacy test. That concept has been upheld by the Supreme Court.

Mr. AIKEN. Then we ought to have a constitutional amendment to do away with them.

Mr. KENNEDY of Massachusetts. Yet here we are, with the proposed legislation before us, making, in effect, a finding under section 4 of the voting rights bill that literacy tests, which have been prescribed by States themselves, are being used to violate the 15th amendment rights of individuals.

It is difficult for me to accept the reasoning that, for the purpose of the proposed legislation, we will say that regardless of what the Supreme Court has said with reference to literacy tests we will suspend them where we find them discriminatory. Yet, as regards poll taxes, we hesitate to make a finding, and so act, because Supreme Court cases in 1937 and 1941 have held certain poll taxes constitutional. I think we all recognize that literacy tests have a closer relationship to qualifications in determining the real qualifications of a prospective voter than is the case with poll taxes. Nonetheless, we are in effect making a finding on literacy tests that we will suspend them because they are discriminatory. The problem I have in following the reasoning of my friend is that it seems to be somewhat innocuous for us to be saying we will do this by legislation, but that we, as Congress, do not have the right to prohibit the payment of a poll tax as a precondition to voting, when we can also show such taxes to be in violation of, not only the 15th amendment, but also the 14th amendment.

I say, with the greatest respect to the senior Senator from Vermont, who has had such a distinguished career in this body, who has made so many contributions, and who certainly represents in a most effective way one of the finest of all our States, and all our New England States, that it is my sincere belief that the great institution of town meetings that exists in so many of our communities would in no way be hindered by the adoption of the proposed legislation but would be furthered, and I believe further encouraged to make an even more significant contribution by the elimination of the payment of a tax as a precondition to effective participation in such meetings.

Mr. AIKEN. I thank the Senator from Massachusetts. I know that he is speaking in all sincerity. If the Senator will yield further, I should like to say that if the Supreme Court holds that literacy tests are constitutional—and admittedly the imposition of a literacy test would disenfranchise hundreds of thousands of people—it should also find that the town poll tax, which would disenfranchise hardly any people in my State at least, is equally constitutional. As I understand, that question will come before the Supreme Court this fall. I also understand that the proponents of the amendment feel that the action here today might influence the decision of the Supreme Court. I believe that regardless of what our action in the Congress may be on the Kennedy amendment, such action should not influence the decision of the Supreme Court.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Montana.

I continue to be deeply concerned about the efforts of some Members of this body to secure the passage of a statute which would prohibit the use of the poll tax requirement as a condition precedent to voting in State and local elections. Time after time that question has been presented to the Senate, and each time its Members have firmly taken the position that a constitutional amendment is necessary to outlaw such a requirement.

Likewise, every time the question has been presented to the courts of this Nation, both State and Federal, the courts have decided that the States have a constitutional right to require the payment of a poll tax. If that be true—and it has been uniformly held to be true—the Congress has absolutely no authority whatsoever to change that rule by statutory enactment. There has been no denial of the holdings of the court. The argument for the measure is an attempt to base upon a logical foundation the view that the practice should not be the rule, and therefore we ought to take a chance. It is proposed that we should take a "shot in the dark" and change that requirement.

Mr. President, I should like to have the attention of the author of the amendment and quiet in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I was saying that this is the first time that I have ever seen boldly written on the face of proposed legislation of any kind a doubt as to its validity. The frankness manifested is to be commended, but it is certainly an admission that the whole structure upon which the amendment is based is doubtful. I read now from section (d) on page 3 of the amendment:

> (d) If subsection (b) of this section is held invalid in its application to a State or political subdivision, for one year after the entry of a final judgment in such action no person shall be denied the right to vote in any election for failure to pay a poll tax or to make timely payment thereof if at least forty-five days prior to such election he pays the amount of the tax or taxes for one year as may be required by State law.

That language is an admission that the proposal is invalid. It is an admission that the courts have held contrary to the proposed amendment. It is an admission that heretofore the Congress has ruled contrary to the proposed amendment. So the proposed legislation is framed in the alternative, and in effect provides that if sections (a), (b), and (c) are unconstitutional, section (d) will apply. I say that is the first time I have ever seen that language boldly put into cold type in the face of proposed legislation. I have seen language providing that if any part of a bill should be declared invalid, the remainder shall control. But here is an alternative provision that states, "We ourselves have doubt about the validity of the proposal." Of course, we have doubt.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. STENNIS. I shall yield to the Senator from Massachusetts. I do not have much time available, but I shall yield to him before I finish.

The President of the United States and the Attorney General have stated that Congress does not have authority to abolish poll tax requirements by statute. Despite these unanimous decisions and precedents we are now facing another effort to take from the States this constitutional power.

During the current debate on S. 1564, the so-called Voting Rights Act of 1965, arguments have been advanced in support of the position taken by the proponents of the pending amendment which, in my opinion, reflect a weakness of desperation. In a Senate speech on April 13, for example, the junior Senator from Massachusetts used as an argument in favor of this amendment the fact that "the Supreme Court has not invalidated any act of Congress since the days of its obstruction to New Deal legislation in the thirties." If there is validity to this argument, the Congress may just as well forget the constitutional limitations on its power in any field and enact any possible legislation it may so desire. In that same speech, the cases of Brown against Board of Education, Baker against Carr, and others were cited, although they have absolutely no relevance to the issue of the constitutionality of poll tax requirements. While citing these cases as authority, the junior Senator from Massachusetts attempted to completely dismiss Breedlove against Suttles as having no application to the question, although the Supreme Court unequivocally stated therein that "to make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment"—302 U.S. 277, 283. The Supreme Court reaffirmed this position as recently as 1951 when it affirmed in a per curiam opinion the decision of the lower court in the case of *Butler* v. *Thompson*, 97 F. Supp. 17 (D.C.E.D.Va.), wherein a three-judge court held with reference to a poll tax requirement, "that such a law both fair on its face and also fairly administered does not offend the Federal Constitution is well settled"—97 F. Supp. 17, 22. In addition to these opinions of the Federal courts, innumerable State court decisions have upheld the validity of poll tax requirements. In fact, no court has ever held that the States do not have the constitutional authority to establish such requirements.

It would be better to say that under our constitutional form of government the Congress has no power whatsoever to abolish such a procedure merely by legislative enactment. Such questions have been before the Senate for many years; and only a few years ago the proper course was taken. A constitutional amendment was submitted to the States to abolish the poll tax in Federal elections. To that proposal there was offered by the ever energetic and well versed Senator from New York [Mr. JAVITS] an amendment in substantially the same form as the proposed legislation, except that on its face it did not carry an admission of possible unconstitutionality. Otherwise it was substantially the same as the proposal now before the Senate.

It was ordered to the Senate. I do not have the exact result of the vote before me, but I believe that by a vote of 3 to 1, or almost 3 to 1——

Mr. JAVITS. No, no.

Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. JAVITS. We shall yield the Senator more time; but on one vote, in 1957, we received 37 votes; so the result was fairly close. I shall give the Senator the vote on the prevailing side.

Mr. STENNIS. Fifty-seven?

Mr. JAVITS. No; 37 Senators voted in favor of the amendment. In 1960, we had 34 votes. I shall supply the exact result.

Mr. STENNIS. I thank the Senator from New York. At any rate by a decisive vote in 1962, the Senate rejected the very same idea, following an argument by the esteemed Senator from New York, who vigorously pursued the very same idea.

Congress then proposed a constitutional amendment to the States, the States in turn adopted it, and it is now the law of the land. That is the constitutional process that must be followed to reach any problem of this kind. I submit that that is what should have been done in this instance.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The time of the Senator from Mississippi has expired.

Mr. KENNEDY of Massachusetts. Mr. President, I yield from the time under my control whatever time the Senator from Mississippi needs.

Mr. STENNIS. The Senator from Massachusetts is most generous. I shall not impose on him much longer.

The esteemed junior Senator from Massachusetts also argued at that time that a requirement to pay $1 or $2 a year as a condition precedent to voting is an undue restriction on persons having low incomes. He stated:

> Since almost all Negroes deprived of their voting right by the tax have not paid in previous years, the cumulative provisions of the State laws are in effect. This means that a Negro in Mississippi whose income equals the State median must pay over 12 percent of his weekly income in order to vote.

Disregarding the validity of the legal argument that the poll tax requirement is economically discriminatory, this statement is highly misleading in two respects. First of all, there is no cumulative poll tax in Mississippi. The tax simply must be paid each year in the total amount of only $2; therefore, it is incorrect to infer that the cumulative tax would have to be paid each year. Secondly, the Mississippi poll tax provisions require the payment of the poll tax only once each year, not each week. It is therefore grossly incorrect to infer that the poll tax equals 12 percent of every week's income. As a matter of fact, using Mr. KENNEDY's figures, the annual poll tax of $2 in Mississippi equals only thirteen one hundredths of 1 percent of the annual median income of nonwhites.

The Senator from Massachusetts said that many Negro citizens were paid only once a year, or words to that effect. The Senator has not looked up the customs and practices, nor has he checked recently upon the methods of payment. Many of the people who work on the farms and in the fields, in agriculture, are paid every day, at the end of the day. They receive free transportation and are paid when they leave their work.

Many others, including those who work in factories, industries, and sawmills, or who cut timber in the woods, are paid at the end of every week.

Virtually all the rest, unless they are farming on their own land or on land they have leased, are paid at the end of a 2-week period. That does not cover all workers. But the rule is quite uniform. It is practically impossible to get workers to take jobs unless payment is made on this basis.

This is an illustration of how old facts have crept into the books, or how information that is not correct, or is used as factual either in favor of, or against a proposal, not used intentionally, not given out on purpose, to create a wrong impression, may change the whole aspect and outlook of this subject.

Some kind of token support of any kind of organized government is a good qualification before one is allowed to vote. Many persons do not believe that. But I believe it, and almost everyone used to believe it. Instead of trying to tear down the qualifications and responsibilities of citizenship, we ought to be trying to build them up. I have not heard much said about the responsibilities of citizenship. All the talk has been with respect to removing some little restriction or limitation that gives a regulation the meaning and purpose of honest citizenship.

Surely no one can argue with any validity that such a requirement is prohibitory or even burdensome, and it clearly is not discriminatory. White residents of low income pay the same amount of tax as nonwhite residents of equal income. The imposition of the poll tax is simply a reasonable exercise by the State of its constitutional authority.

Mr. President, what position has the Attorney General of the United States taken on this question? Both in his sworn testimony before the House and Senate Judiciary Committees on the very bill now under consideration and publicly on national television, Mr. Katzenbach has unequivocally stated that the States do have the authority to require the payment of a poll tax as a condition precedent to voting. He acknowledged the holding of the Supreme Court in Breedlove against Suttles that the 14th amendment does not prohibit the use of such a requirement, and he further stated that he cannot prove that the poll tax has been used in violation of the 15th amendment. It would seem clear, Mr. President, that if the evidence were available to establish such proof, the Attorney General would have presented same to the Congress. But after years and years of investigation by the Justice Department and the other Federal agencies involved in the field of voting rights, this evidence simply does not exist.

Of course, it should also be pointed out that the President of the United States has publicly supported the position of the Attorney General within the past few days. Also, during his service in Congress, President Johnson consistently opposed efforts to abolish poll tax requirements by statute, although he stated on many occasions that he was philosophically against such requirements.

In passing, I wish to quote the words of a highly esteemed gentleman who was once a Member of the Senate. On March 9, 1949, as shown at page 2047 of the CONGRESSIONAL RECORD, Senator Lyndon B. Johnson, now the President of the United States, unequivocally stated:

> The framers of the Constitution of the United States were plain, specific, and unambiguous in providing that each State should have the right to prescribe the qualifications of its electorate and that the qualifications of electors voting for Members of Congress should be the same as the qualifications of electors voting for members of the most numerous branch of the State legislature. For that reason, and that reason alone, I believe that the proposed anti-poll-tax measures introduced in previous sessions of this body and advocated in the President's civil rights program is wholly unconstitutional and violates the rights of the States guaranteed by section 2 of article 1 of the Constitution.

Those are not my words; they are the remarks of former Senator Lyndon B. Johnson. As President of the United States, he is standing firm. That was his belief as a Senator; it is his belief now.

More convincing than these executive and judicial opinions, however, is the action which this very body, the U.S. Senate, has taken on this question in the past. It is well known that the Senate has consistently refused to approve a statutory enactment to abolish the poll tax. Time after time such a proposal has been defeated. It was not until 1962 that the Senate finally adopted a joint resolution proposing an amendment to the Constitution to prohibit poll tax requirements in Federal elections. During the consideration of that joint resolution, a substitute was offered to abolish such requirements by statute. By a vote of 59 to 30, however, the Senate tabled the substitute and then passed the joint resolution by a vote of 77–16.

This action of the Senate was consistent with the position taken on every previous occasion when the question of abolishing poll tax requirements by statute has been presented to this body. It is the established precedent of the Senate, and it is in conformity with the law as written in the Constitution and interpreted by all courts of this land, including the Supreme Court.

Notwithstanding the authorities which I have cited, we are now asked to ignore the law and pass a statute to prohibit the States from exercising their constitutional authority to establish a poll tax requirement as a condition to voting. The Supreme Court has upheld the validity of such a requirement under the 14th amendment. The Attorney General of the United States, with all the vast investigative and legal powers of his office, has not been able to establish that such a requirement has been used in the violation of the 15th amendment; indeed, he did not even attempt to present any evidence on the question, and the Senate has firmly established the precedent that it cannot abolish such requirements by statute. In addition, the President of the United States has supported this position, as have the present majority leader and minority leader of the Senate. The weight of authority is overwhelming, Mr. President, and I believe the Senate will be disregarding its responsibility if it acts contrary to these well-established principles.

With all deference, I believe that to adopt the amendment would be reckless and would flout the Constitution. It is admitted on its face that the amendment itself is of doubtful validity. The question is not what we think of a poll tax, but whether we have the authority, under the grant of authority given by the Constitution, to act in the premises. I respectfully submit that we do not.

I thank the Senator from Massachusetts for yielding me additional time.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 7 minutes to respond to observations made by the distinguished Senator from Mississippi; then I shall yield to the Senator from Indiana [Mr. BAYH] who wishes to make general comments about the amendment.

First, the record would be inaccurate if it in any way suggested that the President of the United States has not commented on the question involved in this important issue. He has done so on a number of occasions. Most recently, he has indicated his own personal belief that the poll tax, as such, should be eliminated.

He stated only that he is following the advice and counsel of the Attorney General in reaching a position that he has some question about the constitutionality of the complete abolition of the poll tax. However, it would be a distortion of the record to indicate that the President of the United States does not feel that the poll tax should be abolished.

In the President's message on the voting rights bill, he said:

> In our system, the first right and most vital of all our rights is the right to vote. Jefferson described the elective franchise as the ark of our safety. It is from the exercise of this right that the guarantee of all our other rights flows.
>
> Unless the right to vote be secured and undenied all other rights are insecure and subject to denial for all our citizens. The challenge to this right is a challenge to America itself. We must meet this challenge as decisively as we would meet a challenge mounted against our land by enemies from abroad.

It would be also a distortion if Senators were to read in the RECORD that the Breedlove case would be guiding so far as the amendment, which has been introduced and recommended by 39 Senators, is concerned. As I mentioned before, on Friday, and in my other speeches, the Breedlove case is not controlling. Breedlove was a white man. Breedlove never raised the 15th amendment argument.

The Breedlove case is only controlling as it applies to the privileges and immunities clause of the 14th amendment. It never reached, or it reached only inadequately, the equal protection provisions and the due process clause of the 14th amendment. The issue of poverty was never raised or suggested in the Breedlove case.

Mr. President, it is upon the basis of the 14th and 15th amendments that we have offered our amendment.

Listening to my distinguished colleague the Senator from Mississippi [Mr. STENNIS] discuss how meaningless are the cumulative provisions of poll taxes in the various States, it is ironic to realize that when Breedlove was asking for a writ of mandamus in the State of Georgia, they were attempting to charge him $13.50 to participate in the elective process in the State of Georgia at a time when the yearly tax in Georgia was around $1 or $2 a year. Breedlove was indeed a victim of the cumulative nature of the tax.

Georgia has been speedy in eliminating the poll tax as a precondition to voting. Of course, no such case could come before that distinguished court from that State at this time. We know, Mr. President, the States to which our amendment would apply.

The State of Virginia has a cumulative provision for some 3 years. It is difficult for me to understand why the cumulative provisions have been applied, if they were really seeking, in fact to somehow test the qualifications of a voter.

It seems to me that when there is a requirement, such as in Mississippi, that there should be payment not only for one particular year, but also for a second year in order for an individual to vote in an election in the second year, that in no way reflects on the adequacy of the individual to participate in the elective process. In Mississippi, you cannot pay up back poll taxes due. It is therefore difficult to justify the tax as a revenue device for schools.

I wish to be completely identified with the distinguished Senator from Mississippi when he says that he is interested in uplifting the qualifications of those who participate in our elective process. I, too, would like to see an uplifting of the qualifications. However, it is difficult for me to see how the simple payment of a poll tax deals in any way with the qualifications of an individual to participate in the electoral process.

I can understand how age denotes a certain quality of maturity, or that this can be a reasonable requirement legitimately established by the States. I can understand how the fact of residency is a qualifying factor. It is presumed that whoever has been a resident of a particular State or area for a certain period of time is familiar with local problems. I can understand why it is necessary for individuals to register in order to indicate that they have not committed crimes against the community, and are of good character. However, there is considerable question in my mind as to why an individual who is able to pay $2 or $1.50 in Texas, $1.50 in Alabama, or $1.50 in Virginia, is thus eligible to vote. An individual might steal the money with which to pay his poll tax and thus qualify. I cannot understand why this should denote any proof of a person's qualifications as a voter. Another individual may, because of an oversight, have missed a payment, but be an eminently qualified citizen. The fact that he missed the payment could result from the fact that Alabama and Mississippi do not even send out poll tax notices—and they do this on purpose to disenfranchise.

I must respectfully disagree with the Senator from Mississippi when he discusses some parts of the speech that I made on last Friday, in which speech I spoke about seasonal employment.

I certainly recognize that the Senator from Mississippi has an understanding of the economy that exists in his great State.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 additional minutes.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator from Mississippi has an understanding of the business practices and procedures in his State. However, I pointed out in my speech of Friday that much of the employment of Negroes in Mississippi is on a rural economy basis and as is the case with many other States in the South is seasonal in nature.

Those who are employed in this seasonal employment will receive their small payment in the middle of the summer or in the fall. Nonetheless, whether they are paid essentially during that period, or paid daily, they are required to pay the poll tax not in the spring, summer, or early fall, but in the late winter.

I believe that we would have to recognize that in the rural economy of the South, most individuals who work on farms are paid on a seasonal basis. That fact affects their ability to participate in the elective process and pay their poll tax. It must be recognized that this operates as a hardship on the poor whites and Negroes in the States—the very individuals whom the bill would cover.

Mr. President, I appreciate the sincerity of the observations of the Senator from Mississippi. I have the greatest respect and admiration for him. I respect the position for which he stands today. I should not like my silence to be in any way accepted as admitting agreement with the observations that the Senator made in his remarks.

Mr. President, I yield 2 minutes to the senior Senator from New York.

The PRESIDING OFFICER. The senior Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, to supplement what the junior Senator from Massachusetts has just stated, I refer to the record of my previous efforts to have this matter dealt with by statute. On February 2, 1960 and on March 27, 1962, I moved the Senate to eliminate the poll tax by statutory amendment. On both occasions, the so-called amendment was before the Senate. On February 2, 1960, my motion was tabled by a vote 50 to 37. On March 27, 1962, it was tabled by a vote of 59 to 34.

I point that out because it bears so heavily on what we are attempting to do here. At that time, I pointed out that the poll tax was not a qualification. Qualifications come after the poll tax is paid. I pointed out that it is a tax. It is a tax burdening the right of an individual to cast a vote. That is unlawful under the 15th amendment. Congress has the right to eliminate the poll tax by statute.

That, in essence, is the argument which we have made here.

The Breedlove case has been cited. The Breedlove case is not an authority. The question was not raised in that case, in view of the timing of the decision. We did not get into the mainstream of the civil rights decisions until 1954 which indicates that the factual basis has now been laid for the courts to find that such a statute is constitutional.

I thought we should have that statement to complete the answer to the argument made by the Senator from Mississippi.

Mr. KENNEDY of Massachusetts. Mr. President, I yield to the Senator from Indiana [Mr. BAYH] such time as he may need.

Mr. BAYH. Mr. President, I am pleased to have the opportunity to join with nearly 40 other Senators in cosponsoring the amendment of the Senator from Massachusetts [Mr. KENNEDY] which would provide a new section 9 of the voting rights bill in place of the substitute proposed by the distinguished majority and minority leaders. If adopted, this amendment would do four things: First, declare that the requirement of the payment of a poll tax as a prerequisite for voting violates constitutional rights protected by the 14th and 15th amendments; second, prohibit States and political subdivisions from collecting any tax as a condition for registration or voting; third, direct the Attorney General of the United States to seek declaratory judgments or injunctive relief forthwith in three-judge Federal courts against any State or local government which enforces or attempts to enforce such a tax; and, fourth, assure that any judicial determination holding this section invalid would not result for 1 year in the denial of the right to vote of any person who pays a required tax at least 45 days before an election.

This is a brief, capsule summary of the intention of the Kennedy amendment. Anyone who has had the privilege of reading the RECORD, or sitting in the Chamber to listen to the distinguished Senator from Massachusetts, cannot help but be impressed by the logic and eloquence of his argument. I rise to add one additional voice in support of the already complete argument that has been made by my colleague from Massachusetts.

Recently we have heard quoted on the floor a statement made almost 20 years ago by the man who later became leader of the Senate, and who is now President of the United States. We have heard references made about certain Supreme Court decisions in the last decade. One thing Members of the Senate must realize in considering the field of the Kennedy amendment is that we are now living in May 1965. Events are rapidly occurring that had not transpired when those statements were made on the floor and when those cases were decided in past decades. A declaration by the Congress of the United States such as is contained in the Kennedy amendment has not been before the Court.

This amendment, Mr. President, is predicated on the belief that Congress has the power to forbid the imposition of poll taxes as a qualification for voting in State and local elections. The basis for this power can be found, in my judgment, in the 14th and 15th amendments, which give Congress the authority to enforce their provisions by appropriate legislation. The due process of laws and equal protection of the laws clauses of the 14th amendment, and the prohibition in the 15th amendment against denying the right to vote on the grounds of race or color, would thereby be implemented by positive congressional action.

It is imperative, it seems to me, that Congress positively declare that the imposition by State or local government of a poll tax invades constitutional rights of citizens of that given State. This finding may well prove to be very significant in the judicial determination of constitutional authority. Such a declaration serves official notice on the courts that the legislative branch, the Congress of the United States, after careful investigation and determination, has concluded that the exaction of a payment for the privilege of voting is not consistent with those rights. There is ample evidence to support the fact that judicial notice is paid to congressional declarations of findings in cases where national policy is at issue.

Mr. President, this is not a picayune issue. It is a matter of great national policy and concern. The Supreme Court looks to the Congress of the United States for a declaration on great national policy issues.

The amendment also forbids the collection of poll or other taxes as a condition for either registration or voting. As the Senator from Massachusetts [Mr. KENNEDY] so ably pointed out last Friday, however, this does not outlaw poll taxes as such. I think that should be emphasized. There are numerous States which still retain what is termed a "poll tax", or a head tax, but most of these do not make payment a condition for registration or voting. Only the four States of Alabama, Mississippi, Texas, and Virginia now have statewide taxes which must be paid as a qualification for voting. In addition the State of Vermont uses a similar tax as a test for voting in town elections. The 24th amendment, of course, abolished the poll tax for all Federal elections. Thus, for all practical purposes, section 9 will have direct impact only in the State and local elections of four States and in the local elections of a fifth. It will in no instance restrict the power of States to collect "poll" or "head" taxes which are not—let me emphasize the word "not"—linked to the franchise.

Mr. President, despite this limited application, there is real need for Federal action in this matter. It is irrefutable that the average income of Negro families in the four Southern States still retaining the poll tax is considerably lower than that of white residents. Other Senators have pointed out that in some cases the charge for poll tax purposes would cost a man and his wife the equivalent of earnings for a full day's labor, or even more. This indeed is a burden that might discourage many individuals from exercising their right to vote. I for one do not believe that there should be a price-tag placed on the voting franchise.

Moreover, this denial of voting rights is not limited to those of the Negro race. Poverty-stricken whites in these States are likewise discouraged if not prevented, from casting their ballots because of poll taxes. The distinguished senior Senator from Texas [Mr. YARBOROUGH] on Friday stated that in his State the poll tax bore more heavily on the citizen of Latin extraction than it did on the Negro. The Senator from Louisiana [Mr. LONG], the distinguished majority whip, emphasized the comparatively lower welfare payments prevailing in the poll tax States and the effect this would have on the lack of ability of poor people, especially older inhabitants, to become eligible for the franchise. It appears abundantly clear that the relatively small turnout at the polls which characterizes elections in these States is due in no small part to the exaction of a fee for the privilege of voting.

I remember the figures the Senator from Louisiana [Mr. LONG] mentioned. After poll taxes were removed in that State, in the next election the turnout increased by 65 percent—merely by reason of removing the price tag on the right to vote.

In still another respect the poll tax, as presently administered, is deplorable as well as unconstitutional. There is evidence demonstrating that some local officials have refused arbitrarily to accept payment of poll taxes offered by Negroes. Surely a system which permits such unchecked abuse of authority constitutes a denial of equal protection of the laws. Discrimination of this type justifies and, it seems to me, undergirds the finding by Congress that the poll tax has been used to deny the right to vote.

There is no doubt that the basic power to determine qualifications for voting is reserved to the States. Unless prohibited by the Constitution or forbidden by national law, States are free to impose legitimate—let me emphasize the word "legitimate"—restrictions on those who ballot in both National and State elections. From the beginning, States have adopted limitations on age, residence, and citizenship of voters, which have been consistently sustained in the courts on grounds of reasonable relationship to the exercise of the franchise. So long as they are not arbitrary or discriminatory, and do not violate express provisions of the 14th, 15th, 19th, and 24th amendments, such limitations are constitutional.

But what is the rationale of the poll tax? In what way is it related to reasonable qualifications for voting? It is difficult to discern how the payment of $1 or $2 a year can in any sense be a meaningful test of a person's ability to participate in the franchise. It is one thing for a State to lay down a minimum age, or length of residence as voting qualifications, or to disqualify convicted felons or persons incarcerated in mental institutions, but to bar otherwise qualified persons solely on the ability to read or write or the contents of their purse is an entirely different matter. That is what the poll tax does.

Under certain conditions, the pending bill would order the suspension of State literacy tests or other devices being used to prevent citizens from registering and voting. This is, of course, the heart and soul of the bill, the attack we make on the discriminatory effect of the literacy test.

Literacy tests, when fairly administered, may be said to have some relationship to voting competence, as I mentioned a moment ago. In any case, their relationship to voting is much more pertinent than the possession of sufficient cash to pay an annual fee for this privilege. Congress—most of us who have added our names to the so-called voting rights bill and many others who intend to support it—have assumed the authority to suspend their employment in the pending bill. The abolition by national statute of State and local poll taxes which have no reasonable relationship to voting competence is surely founded on constitutional principle as sound—if not more so—as the suspension of State literacy tests.

The key, of course, in both these instances is to be found in the denial of basic constitutional rights by arbitrary means. It matters not what the particular device may be which is employed by State or local governments as a method to deny the right to vote. Whether it be the white primary, literacy tests, discriminatory application of registration laws, official intimidation, or poll taxes makes no difference if the procedure is one which treats unfairly one segment of the citizenry as compared to the rest. The imposition of a tax on voting inherently carries with it the element of greater hardship on those least able to pay.

Historically, poll taxes were established, as a condition for voting—as the distinguished Senator from Massachusetts [Mr. KENNEDY] pointed out in his eloquent presentation last week, to widen the base of the franchise in order to provide additional incentive to come to the polls. As it was implemented and the base spread and became broader, they were gradually eliminated, only to be reestablished, following the Civil War, as a condition for voting after the 14th and 15th amendments were adopted. This in itself indicates that the enactment of such requirements were aimed at excluding Negroes from the polls. Statements made by contemporary authorities tend to substantiate that this was the real goal. Combined with long residence periods and literacy tests, poll taxes were an integral part of the so-called "Mississippi plan" which was enacted widely during the last part of the 19th century.

Further evidence of the discriminatory nature of these special tests is provided by the equally wide subsequent use of "grandfather clauses" which were designed to enable poor whites, who had become disfranchised by the Mississippi plan, to have their names added to the registration rolls without having to pass literacy tests or pay poll taxes. Although "grandfather clauses" were later held unconstitutional, in the meantime, large numbers of whites had been blanketed into the electorate without qualifying under the tests which barred Negroes from the polls.

To defend the use of poll taxes as an essential source of revenue to these States, finding a great need, it seems to me, would be rather difficult.

The Compendium of State Government Finances in 1964, compiled by the U.S. Census Bureau, discloses that State income from poll taxes is comparatively insignificant.

For instance, while the total revenue from State taxes in Alabama last year was over $384 million, the poll tax yield amounted to only $521,000, or less than one-seventh of 1 percent of the total income for the State of Alabama.

In Texas, the State tax revenue in 1964 totaled more than $1,100 million, but the poll tax produced only a little more than $3 million, or not much more than one-fourth of 1 percent of the total tax take of the State of Texas.

The Virginia poll tax brought in $1,826,000 compared to total State tax revenue of $437 million, or less than one-half of 1 percent.

No poll tax revenue is listed for the State of Mississippi, but in Vermont a total poll tax collection of $795,000 was reported out of a total State tax revenue of $56 million.

It would appear to be clear that the financial capability of State governments does not depend heavily on these taxes and would not be seriously jeopardized if the source of tax revenue were not in existence.

In any case, States would be free to collect poll taxes—or head taxes, or whatever we wish to call them—so long as they were not made a condition for voting.

The decision by the Supreme Court in the 1937 Breedlove case—which has been discussed between the Senator from Mississippi [Mr. EASTLAND] and the Senator from Massachusetts [Mr. KENNEDY]—which sustained the Georgia poll tax, has been cited frequently on this floor, as the basis and reason to vote against the Kennedy amendment.

It is important to remember that in that case the question of racial discrimination under the 15th amendment was not at issue at all.

The Court was confronted only with a claim for a denial of equal protection, on the ground that women and older persons were exempt from a poll tax assessed on a white male citizen. Moreover, there had been no finding or declaration on the part of Congress that imposition of a State poll tax in State or local elections would constitute a denial of voting rights. This is one thing Congress can establish by finding it essential to decide that this is a violation of a person's right to vote, an undue requirement and imposition on an individual prior to voting.

Mr. President, like the Mansfield-Dirksen substitute, the amendment proposed by the Senator from Massachusetts would direct the Attorney General to institute suits forthwith to prevent enforcement of the poll tax and to test its constitutionality. Attorney General Katzenbach has said that he would welcome a directive by Congress to challenge the validity of State poll taxes, but he doubts the wisdom of a legislative pronouncement which would seek to invalidate them by law. Instead, in his opinion, it would be more proper to seek court determination of constitutionality without a Federal statute banning poll tax requirements.

I have the greatest respect for the Attorney General. He has been a yeoman in the battle to guarantee all Americans the right to vote. Those of us who favor the Kennedy admendment have gained much from our discussions with him. He and our majority leader are to be complimented for the effort which they have made to reach some agreement, or a consensus to move forward.

It seems to me that if we feel that the poll tax is inherently wrong and that it is discriminatory, there is good reason for Congress to take a firm, positive stand directly prohibiting the exaction of fees for the privilege of voting.

By acting on its undenied powers granted by the 14th and 15th amendments, Congress makes known its express finding that poll taxes, when used by State and local governments as a condition for exercising the franchise, clearly deprive citizens of constitutional rights. Such a strong statement of policy would fortify any judicial relief sought by the Attorney General and would in no way delay or impede judicial determination of the issue.

The Attorney General would have a stronger hand to play before the Supreme Court, a stronger case to argue, if he were given a congressional declaration of national policy concerning the effect of the poll tax.

Finally, it seems circumspect to me to include the proviso which would operate only if the courts held that Congress lacked power to abolish poll taxes by law. This subsection provides that no person would be denied the right to vote for a period of 1 year following such a decision of invalidity if he paid any required tax at least 45 days before an election. Even though there is good reason to support the constitutionality of the proposed new section 9, inclusion of this saving clause would serve in case of an adverse judicial ruling, to prevent loss of voting rights of those who acted in good faith according to the provisions of the voting rights act, if it were to be amended by the Kennedy amendment. Far from indicating any belief by its supporters that the section may be invalid, this clause is only a safeguard against the unfortunate situation which might prevail in the unlikely event of a judicial holding that the section was unconstitutional.

Despite the argument of the distinguished Senator from Mississippi [Mr. EASTLAND] whom I respect and hold in the highest regard, it is not unusual to have a severability clause. Such clauses are included in many pieces of legislation. The RECORD should clearly state that it is in no way an indication of lack of faith on the part of the sponsors of the Kennedy amendment.

In conclusion, Mr. President, let me reiterate my conviction that the amendment submitted by the Senator from Massachusetts is the most expeditious way of achieving our common goal. In essence it would retain the feature of the Mansfield-Dirksen substitute which insures early judicial review, but would also strengthen our case by providing a clear declaration of policy and a positive exercises of congressional authority conferred by the 14th and 15th amendments. I urge the Senate to adopt this logical approach in order to end finally and conclusively this practice which weakens our democratic system and deprives many of our citizens of their full constitutional rights.

At long last, after more than a hundred years, we have come to the time in the history of our country when we must answer the question, What is the value of a vote? What value does the franchise have to the average American citizen? Is it 1 cent? Is it $1? Is it $1.50? Is it $2? Is it worth a man's life?

There are those who have given their lives at home and abroad to guarantee basic freedoms given to us by our Founding Fathers.

We must cherish all these fundamental freedoms; and among them we must cherish the freedom of the right to vote. Yet by permitting the imposition of a poll tax as a prerequisite to casting a vote we are in effect saying that it has a value, and that this is its value, that this is the value of the right to vote, that that is what it is worth in America.

I believe it is high time that in the Senate we say we will no longer tolerate a sales tag, a price tag on our right to vote.

I read with great interest in the newspapers recently that there are those who have called us a group of young liberals who are doing battle on this issue.

I wonder whether it is being a liberal to feel that we should guarantee to every American citizen the right to vote, the constitutional right to vote, indeed. The protection of constitutional rights is something that our conservative brethren have prided themselves on. Whether conservative or liberal, the important thing for us to realize is that in America we must remove the last vestige of discrimination, the last mechanism which presently exists, and which tends to make it more difficult for one man to vote than it is for another.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. TOWER. I ask the Senator if he believes that the States where the imposition of a tax as a prerequisite for voting is used as an instrument of discrimination include Vermont and Texas?

Mr. BAYH. I said earlier, probably before the Senator came to the Chamber, that it is true with respect to Vermont so far as local town elections are concerned.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAYH. Yes.

Mr. JAVITS. As a practical matter, we have made the distinction very clear in the amendment that we are dealing with a poll tax as a prerequisite to voting. Other than the four States involved, States have head taxes.

Mr. BAYH. Yes. Earlier I said that there are States—I believe my State is one of them—which assess a head tax. This has no relationship to a poll tax.

Mr. JAVITS. It is not a precondition to voting.

Mr. BAYH. That is correct.

Mr. JAVITS. One can vote, and then he is taxed, and he can be sued.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. TOWER. In the period immediately following the Reconstruction period, we in Texas did not enact a poll tax. It was not done until about 1902. The question of inhibiting the Negroes from voting never entered into the debate. It was an effort to prevent vote frauds. There had been some massive vote frauds prior to that time. This tax was a means of policing the elections to the extent that we would not have further vote frauds.

I wish to have that clearly understood. It should be understood that never in my State has there been any use of the poll tax as a means of discriminating.

I point out further that Texas is one of the few States where there is a higher percentage of Negro eligible registrants than with respect to white eligible registrants, on a proportional basis. For example, about 56 percent of total eligible white voters are registered, and some 58 percent of the total eligible Negroes are registered to vote. In a number of counties, the poll tax is added automatically with respect to both whites and Negroes. There is no attempt to discriminate. I wish to make it clear for the RECORD that the tax has never been used as a means of discrimination.

I do not say that in some counties there has not been an attempt at intimidation to keep certain people from voting, as in the case of some people who are over 65. The poll tax, as such, has not been used as an act of discrimination. I wish to make that clear. It has not been used for that purpose in my State.

Mr. BAYH. All of us in this great body are permitted to exercise our own discretion on these subjects, and should do so continually. The thing that, in my judgment, puts the poll tax in the least favorable light is that by its very nature it has within its confines characteristics which, by its imposition as a tax, even a small one, has a discriminatory effect which imposes a greater hardship on a person with meager means than on one with larger income.

Mr. TOWER. However, according to the figures I cited those who are relatively low in the socioeconomic scale have been a little better and more conscientious about paying the tax and becoming qualified to vote than those who are somewhat higher in that scale.

Mr. BAYH. We have had considerable evidence that it has been discriminatory. I believe the Senator's colleague from Texas pointed out that the poll tax in his State hits many Latin Americans to a greater degree than it does Negroes.

Mr. TOWER. Probably the problem is that many Latin American citizens, being unable to read and write the English language, are not sufficiently informed to know what their duties and responsibilities as citizens are.

I further point out that the Senator from Vermont [Mr. AIKEN] has indicated that the elimination of the poll tax would have very serious consequences on town governments in his State. I wonder if any consideration has been given to that situation.

Mr. BAYH. The Senator from Massachusetts [Mr. KENNEDY] has discussed the subject at some length with the Senator from Vermont. I do not believe the Senators ever reached a position in which they obtained a consensus. But there was a full exploration of their views. It is difficult for me to see how the proposed legislation would impose a hardship on the State of Vermont which could not otherwise be eased without the imposition of the poll tax as a prerequisite for voting. It could be imposed as a head tax or a poll tax collected at some other time or enforced in some other way rather than as a prohibition on the right of a person to vote.

Mr. TOWER. Is it not conceivable that very often people do not pay their poll tax because they are apathetic and not conscious of what their duties and responsibilities as citizens are?

Mr. BAYH. There is nothing that we in this body can do to rid this country of apathy so far as civic irresponsibility and government irresponsibility are concerned.

I am sure that the Senator from Texas and the Senator from New York have spoken to college and high school young people on that subject, urging them to accept responsibility. There is nothing that we in this body can do to legislate away apathy. I wish there were. We would have 100 votes in this body to support it.

We must take away every vestige and every roadblock that is in the way of those who are nonapathetic.

Mr. TOWER. I thank the Senator for his discussion. I should like to say further that I am sure that adoption of the amendment would have the effect in my State of allowing some unscrupulous political bosses to bloc-vote certain people. The measure would afford them an opportunity to register those people. The registration would not cost them $1.75 a head, as it once did. It could have some consequences that were not anticipated by those who initiated the poll tax in my State in 1902 in an effort to cure vote fraud.

I thank the Senator from Indiana.

Mr. JAVITS. Mr. President, I yield myself a minute to reply to the Senator from Texas.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The Senator from New York is recognized for 1 minute.

Mr. JAVITS. In the first place, 1902 is a far cry from 1965. It is a small question of 63 years. There have been many iniquitous practices in voting in many parts of the country, including my native State, which have occurred in modern times. The period around 1890 and through 1902 was a period when the poll tax and other means to restrict the voting right came upon the scene. It was very unfortunate that it should have come at that time. It marked a new attitude on the part of the South toward the Negro franchise.

I know that the Senator from Texas feels very strongly about the voting right. I understand his views about the poll tax. But that historic point must be made.

Finally, our contention is not only under the 15th amendment provisions with respect to a direct factual showing of inhibition in voting, but also we think that practices have been shown to be widespread enough to justify the Congress in acting, even if they do not occur in many places in Texas.

Some have contended that the head tax is an imposition of a burden amounting to an abridgment of the right to vote, and also violates both the 14th and 15th amendments in and of itself, if used as a prerequisite for voting and an economic standard. I think the RECORD should be complete on that score.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TOWER. I should like to ask what effect the amendment would have on a property qualification for voting in local bond elections.

Mr. JAVITS. I do not believe that what we are doing would have any effect on a property qualification for voting in local bond elections. Frankly, I would not be prepared to engage the Senator in any discussion of the law on that subject without knowing exactly what it is we are talking about. But I do not believe that anything that we are attempting to do in banning the poll tax would deal with that question.

Mr. TOWER. There is no implication in the amendment championed by the Senator from New York that could result in a court interpretation of congressional intent to abolish a property qualification which exists in perhaps most cities and political subdivisions in relation to bond elections.

Mr. JAVITS. I do not know what a court could read into an act of Congress. We have not referred to that. We have not dealt with it as a question of legislative intent. We are dealing with a specific measure—the poll tax. I can hardly see that the amendment would affect what the Senator has spoken about. But I could not stop any court from reading any implications it chooses into the law. Frankly, I do not see any.

Mr. TOWER. In other words, the Senator intends merely to deal with the poll tax and not with any other qualification.

Mr. JAVITS. That is the intention of the authors of the amendment, as I understand.

Mr. TOWER. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Oregon such time as he may require.

Mr. MORSE. Possibly the single most significant defect in section 9 of the substitute bill is that it passes the buck from Congress to the courts.

For 87 years—from 1870 to 1957—Congress did pass the buck on civil rights to the courts. This was for a very simple reason that can be summed up in one word—filibuster. For that long period prior to 1957, the only part of our Government that enforced the 14th and 15th amendments was the judiciary.

Then came the civil rights laws of 1957 and 1960 which avoided the filibuster and the law of 1964 which overcame a filibuster. Purely and simply, the question before the Senate right now is this: Are we going to return to the buckpassing filibuster era prior to 1957 or are we going to carry out the congressional responsibility to legislate?

We who support the antipoll tax amendment say that Congress should not once more "leave it to the courts"; we say that Congress should act, that Congress should carry out its responsibility, that Congress should enforce the 14th and 15th amendments.

In a nutshell this is what section 9 of the substitute bill does: it announces that evidence has been presented to Congress that the poll tax denies the constitutional rights of some citizens and then turns around and says to the courts, "We, the Congress, don't know what to do with that evidence, so we are leaving the job of weighing it to the courts. You tell us what this evidence and the 14th and 15th amendments mean. We just don't feel like using our powers to enforce those amendments."

Section 9 makes a mockery of the doctrine of separation of powers. In our tripartite system of Government, Congress is supposed to legislate and the Court to enforce and interpret that legislation. If the substitute bill stands, Congress will have failed in its major responsibility—to legislate.

In recent years the Supreme Court has been criticized for usurping the functions of Congress. I do not believe this is a fair criticism, for the Court has acted only when Congress defaulted in its responsibility. We who believe in the Court would be derelict in our duty were we once more to shift our responsibility there.

This evasion of congressional responsibility is not the only defect in section 9 of the substitute measure.

There is a grave question whether section 9 is not simply an unconstitutional request by the Congress for an advisory opinion from the Supreme Court.

The Attorney General already has power, under the 1957, 1960, and 1964 civil rights laws, to bring suit to protect the right to vote against unconstitutional infringement. If section 9 of the substitute goes beyond this authority, as its supporters assert, the additional authority must lie in a request for an advisory opinion from the Supreme Court on the validity of the poll tax. This the Court will not give.

> In the Constitutional Convention of 1787 it was proposed to give to the President and to Congress the right to ask opinions of the Supreme Court, but this proposal was not agreed to. In 1793 President Washington, however, asked the opinion of the Supreme Court as to certain questions arising under Jay's treaty. The Court refused to answer upon the ground that it would act only in cases or controversies brought before them in due form (1 Willoughby, "Constitutional Law of the United States" (1929), 28–29).

Congress tried again to obtain an advisory opinion from the Court many years later. Congress failed. See *Muskrat* v. *United States*, 219 U.S. 346.

Strangely enough, even the request for the advisory opinion is unclear. Is it an advisory opinion under the 15th amendment only or is there a request for an opinion under the 14th amendment as well? The words "purpose or effect of denying or abridging the right to vote" in section 9(a) of the substitute appear to limit the matter to the 15th amendment and to rule out the important aspects of the due process and the equal protection clauses of the 14th amendment.

Another defect of section 9 of the substitute bill is that no provision is made for what happens if the Supreme Court declines to give an advisory opinion on the poll tax or if the Court should uphold the poll tax in the absence of congressional action outlawing it. If this happens, who would collect the poll tax—the Federal registrar or the State officials? Would a registrant have to pay back poll taxes or just for the current year? Would the payment have to be at the time required by State law which might be a year or two prior to the election? All these questions go unanswered in section 9 of the substitute bill.

In a word the substitute bill passes the buck to the courts, asks the Supreme Court for what may be an advisory opinion, and leaves unsettled what will happen if that opinion is not forthcoming or does not ban the poll tax.

Mr. McCARTHY. Mr. President, will the Senator yield 30 minutes to me?

Mr. KENNEDY of Massachusetts. I yield 30 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 30 minutes.

Mr. CLARK. Mr. President, will the Senator from Minnesota yield briefly to me?

Mr. McCARTHY. I yield to the Senator from Pennsylvania.

FOREIGN POLICY

Mr. CLARK. I thank the Senator from Minnesota for yielding to me briefly for the purpose of making a couple of insertions in the RECORD.

Mr. President, on last Friday, the 7th of May, President Johnson made an extraordinarily fine speech on the Early Bird communications satellite television, during the course of which he reviewed the general foreign policy situation in which we find ourselves on the 20th anniversary of the end of World War II. I ask unanimous consent that the text of that speech may be printed in the RECORD at this point in my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 8, 1965]

TEXT OF PRESIDENT'S SPEECH RECALLING V–E DAY

Twenty years ago the guns fell silent in Europe. Today we know those who gave their lives in that conflict did not die in vain.

We still live in an uncertain world. Men have not yet stopped war or put an end to poverty. Freedom, as always, demands courage, and unyielding vigilance and occasionally the life of a man.

And the alliance of the West is marked by arguments among its members. But on the whole, this 20 years has been a time of shining achievement, of promises realized, of hopes fulfilled.

Nowhere does this emerge more clearly than in the dramatic contrast between this 20 years and the 20 years which followed World War I.

LEAGUE IS RECALLED

On November 11, 1938, the 20th anniversary of the armistice, Munich was just 6 weeks old and war less than a year away. Depression scarred the face of Europe and the Americas; the League of Nations, hopeful herald of a new era, had dissolved in bitter nationalism, unchangeable suspicion and endless, useless debate.

And when new aggression threatened, Western leaders yielded to find that weakness only increased the appetite of tyrants.

In all of this America shared by failing to support the League and by standing apart from troubles of Europe. And war came. Again the lights went out.

When the dawn arrived 20 years ago today, it was a gray dawn. Tens of millions were dead and nations were shattered. Almost before the ashes had cooled, the shadow of Soviet ambition fell across the face of Europe.

It was perhaps fortunate that the new danger came when past failure was fresh. For we learned from the folly of the past.

First, instead of revenge we sought reconciliation. The result is that Western Germany and Italy and Japan are today trusted and flourishing members of the community of free nations.

Second, the narrow nationalism of rival states was replaced by a drive toward a unified Europe growing in intimacy and partnership with the United States.

The Marshall plan, history's most generous act by one country toward others, provided the foundation for this unity.

REALITY OF PROSPERITY

Third, we found policies that replaced the fear of depression with the reality of prosperity.

The Common Market and closer economic ties between all the nations of the Atlantic have been the catalyst of abundance.

Compared with 1938, America's production has almost tripled. Free Europe's production has doubled. The flow of goods between us has tripled and together we have opened the door to a world without poverty.

Fourth, the Atlantic nations replaced appeasement with firmness. We made it clear in Greece, in Turkey, and in Berlin that we would not yield 1 inch of European soil to aggression; as a consequence Europe is safer from attack and closer to enduring peace than at any time since V–E Day.

These, then, are the achievements of two decades: in place of depression, abundance; in place of division, unity; in place of isolation, partnership; in place of weakness, strength; in place of retreat, firmness; in place of war, peace.

LESSONS FROM THE PAST

We must not now forget in success and abundance the lessons that we learned in danger and isolation. None of us has sought or will seek domination over others. We have resisted the temptation to serve only our own interests. We have been successful because we've acted in a wider interest than our own alone.

Thus, the European nations have found strength and prosperity in building communities that stretch beyond old frontiers. The United States has committed its resources to European reconstruction and has committed its military strength to European defense.

America has steadily sought the strength of European unity rather than to exploit the weakness of European division. Our policy has had a single aim, to restore the vitality, the safety, and the integrity of free Europe. And with our help, Europe is better able to resist domination from within or without than ever before.

There are some efforts today to replace partnership with suspicion and to drive toward unity and a policy of division. The people of the Atlantic will not return to that narrow nationalism which has torn and bloodied the fabric of our society for generations; every accomplishment of the past has been built on common action and increasing unity.

DIVISIVENESS ASSAILED

Are our people more prosperous? Is peace nearer? Is the future brighter? If so, it is because we have drawn together the strands of union, and there is no problem that we now face which will not yield more easily to common and united action.

The kind of nationalism which would blight the hopes and destroy the dream of European unity and Atlantic partnership is in the true interest of no free nation on earth. It is the way back toward the anguish from which we all came.

Of course there will be differences among us. But they can be resolved through reason founded on respect.

Of course there will be difficulties. But they can be overcome by determination founded on belief.

Of course there will be dangers. But they can be faced by unity founded on experience.

Let us, therefore, continue the task that we have begun, attentive to counsel but unmoved by any who seek to turn us aside.

We will go all together if we can. But if one of us cannot join in a common venture, it will not stand in the way of the rest of us.

Each of our nations will, of course, respect and honor the achievements and the culture and the dignity of its neighbors.

But we do this better joined in common trust than divided by suspicion, for we do have a civilization to build.

MORE TRADE URGED

Here is some of our unfinished and urgent business.

First, we must hasten the slow erosion of the Iron Curtain. By building bridges between the nations of Eastern Europe and the West, we bring closer the day when Europe can be reconstituted within its wide historic boundaries.

For our part, after taking counsel with our European allies, I intend to recommend measures to the U.S. Congress to increase the flow of peaceful trade between Eastern Europe and the United States.

Second, we must work for the reunification of Germany. The people of Germany—East and West—must be allowed to freely choose their own future.

The four powers have special responsibility for Germany and Berlin. The shame of the Eastern Zone must be ended. It serves the real interest of none.

We must set the Germans free while still meeting the history-laden concerns that all understand. The United States is ready to play its full part in such arrangements.

EUROPEAN UNITY STRESSED

Third, we have a wide range of economic problems to resolve. Despite obstacles, we will continue to press for greater European integration and a freer flow of trade across the Atlantic.

We will also devise new proposals to expand world monetary reserves and to modernize the system of international payments.

Fourth, we must begin a new effort to find common instruments for helping the developing world. We are the rich nations in a world of misery. We are the white nations in a colored world. The treasured values of our civilization tell us it is right, morally right, that we should help others.

The lessons of experience and wisdom tell us that if we fail to help now, then some day, the tides of unrest will be surging along our own coasts. In fact, they already are there.

Fifth, we must work out more effective forms of common defense. All Atlantic nations who wish to do so have a right to share in collective nuclear defense while halting the spread of nuclear weapons.

Just as long as they are needed and wanted, strong U.S. forces, backed by strong nuclear power, will remain in Europe.

SOVIET AMITY SOUGHT

Sixth, we must work toward agreement with the Soviet Union. Our firmness in danger has shown that the door to conquests in the West is forever closed. Thus, the door to peaceful settlement is now open. It is in the interest of the Soviet Union and in our own to seek an end to tensions. I am sure that all the nations of the West share our own desire to work together toward any agreement that can hasten lasting peace.

These are a few, and only a few, of the great issues which face us as we move toward the third decade of increasing European unity and stronger Atlantic partnership.

My country is engaged in tiring and troubling enterprises around this struggling globe. Our American troops fight to hold back Communist aggression today in Vietnam; others try to protect the freedom of the Western Hemisphere. In Africa, in the Middle East, our energies are engaged with the responsibility that great power brings.

SOLIDARITY OF ATLANTIC

Everywhere, we seek to serve the common interest of the free. But the heartbeat of our policy and our expectation is with the nations of the Atlantic. We must all, Americans and Europeans, vow never to repeat the errors which have led to disaster, for America to stand proud in isolation or Europe to fall apart in rancor.

But it is not enough to keep from past mistakes. We must build the new achievements of our future, a future one in purpose, hope, and temper, reaching across the Atlantic to the civilization which it bred and taught and which Europe now welcomes in common trust.

In 1778 the French Government said of the struggling new United States of America, "The glory, the dignity, and essential interests of France demand that she should stretch out her hand to those States."

Well, the Atlantic tides have risen many times since then. Her waters have seen many a great captain. Many goods and dozens of armies make the passage. Yet the old dream stays—a great civilization touching both Atlantic shores.

How much grander is that dream than any hope to which a single nation can reach? How much more filled with a prospect of peace and the increasing welfare of man? The glory, the dignity, and the essential interests of all our States command us to the majesty of that Atlantic civilization. It shall be ours.

Mr. CLARK. Others may well stress different parts of that fine speech. A great deal of it is devoted to the need to shore up our Atlantic Alliance, to make progress in the reunification of Germany, to devise new proposals to expand world monetary reserves, and to modernize the system of international payments. I find myself in accord with all those comments of the President, but I should like to call the particular attention of Senators and readers of the Record to the sixth point made by the President in his speech. He said:

> Sixth, we must work toward agreement with the Soviet Union. Our firmness in danger has shown that the door to conquests in the West is forever closed. Thus, the door to peaceful settlement is now open. It is in the interest of the Soviet Union and in our own to seek an end to tensions. I am sure that all the nations of the West share our own desire to work together toward any agreement that can hasten lasting peace.

With that statement I find myself in complete accord. It is an indication again that, if such a thing were necessary, the President has no truck with the theories advocated by certain columnists, and occasionally even by certain Members of this body, that we are engaged in a holy war against godless communism, but that, as James Reston said in an excellent column in the New York Times on Sunday:

> Finally, there is, on this 20th anniversary of the end of the Second World War, a general realization in the West that the complex problems of today cannot be solved in ideological terms. Washington has had to transform its ancient concepts of capitalism; the labor government in London, its dogmatic ideology of socialism; and even Moscow, though not Peiping, its traditional assumptions about imperialist communism.

Mr. President, I ask unanimous consent that Mr. Reston's column, entitled "The Consolations of History," may be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, May 9, 1965]

Fiery Run, Va.: The Consolations of History

(By James Reston)

Fiery Run, Va., May 8.—The lonely hills are supposed to clear the mind and expand the vision, but the Blue Ridge is blind with fog this weekend, and the end of the yard seems as distant as the end of the century.

All we can see here in the mist is a cardinal sitting tailup on her nest in the heart of a boxwood just outside the cabin window, but we can hear, spanning the oceans and penetrating the fog, the voices and music of Washington, Moscow, London, and Paris celebrating the 20th anniversary of the end of the great European war.

We are shut in, but not shut out, which is the peculiar and wonderful paradox of the age. The voices from across the sea talk of peace, with funeral music for the dead in the background, and somehow, they give the impression this year that they have finally learned the lesson that the cardinal knew all along: that, whatever happens, life must go on.

WELLS' VISION

At the beginning of the last war, H. G. Wells saw the human race blundering down the slopes of failure to degradation, suffering, and death. He gave us a hard choice: adapt to the modern world or perish. The universe was bored with the stupidity of man, Wells thought, and he saw him being carried less and less intelligently and more and more rapidly, suffering as every ill-adapted creature must suffer, along the stream of fate to extinction.

Well, some odd things have happened since then. There has been "degradation, suffering, and death," and plenty of stubborn stupidity, but the world has not adopted Wells' "parliament of man," and yet it has survived and multiplied.

It has not found the unifying philosophy Wells advocated. It has not discovered a positive guiding principle. If anything, it has less faith in the perfect ability of man now than at the beginning of the two World Wars. It is still run largely by powerful pygmies, brigand adventurers, and what Wells called "a patchwork of staggering governments," but it has learned something.

SCIENTIFIC TERROR

Primarily, it has learned to fear itself. It is terrified of its own scientific achievements. It still envies and hates and desires as before, but it seems to have understood that total war with the instruments that could obliterate life itself cannot be employed for any rational purpose or objective, no matter how desirable.

This is the most negative-positive fact in the world today, and the most encouraging paradox. Roosevelt was wrong in contemporary terms: the only thing we have to fear is not fear itself, but the possibility that we might stop being afraid of atomic weapons and begin thinking we can be courageous enough to use them for political ends.

There are other hopeful signs 20 years after the last World War. America has made progress in adapting itself to the realities of power. It has realized, or at least accepted, the idea that the only power equal to the power of those who would challenge the concept of individual freedom, mercy and pity—the central traditions of Western civilization—rests with the United States. If this had not been so over these past 20 years, Communist power would probably be much more influential—if not dominant—today from the Elbe River to the North Sea and even to the Pyrenees—not to mention the Middle East and southeast Asia.

Also, despite our immediate preoccupation with the bad manners of De Gaulle, who seems to want us to stop defending everything except France, the fact remains that the West is more unified on the main issue of defending its civilization today than it was when challenged by the Kaiser or Hitler.

LIMITS OF IDEOLOGY

Finally, there is, on this 20th anniversary of the end of the Second World War, a general realization in the West that the complex problems of today cannot be solved in ideological terms. Washington has had to transform its ancient concepts of capitalism; the Labor Government in London its dogmatic ideology of socialism; and even Moscow, though not Peiping, its traditional assumptions about imperialist communism.

This creates great controversy in all capitals. Moscow and Peiping are arguing about who is the true Communist believer. The British Government is divided between the Socialist philosophers of the past and the new pragmatists of the present. France is divided between those who accept De Gaulle's nationalist way to glory and those who think that France's true glory is not national but universal.

These controversies over power, the past, ideology, and pragmatism will go on for the next 20 years no doubt, but meanwhile, what has happened in the last two decades will at least give everybody time to sort things out.

NO APOCALYPSE

Nobody has accepted H. G. Wells' intellectual concept of sanity among the nations, but nobody has yet had to face his apocalyptic view of the consequences of rejecting his ideas.

What the nations seem to have accepted is merely the cardinal's conclusion that life is better than death. Both sides in the world struggle remain faithful to their objectives, but fortunately nobody is prepared to use all the weapons at his command to fight for unconditional surrender.

Accordingly, a whole generation has now come to maturity since the last World War without any personal memory of either a major war or a major economic depression. This is something new in the 20th century. It is not good enough to meet Wells' conception of sanity, and it is not enough to avoid limited struggles in Vietnam and the Caribbean, but it is not total insanity, and this is at least a form of progress.

Mr. CLARK. Mr. President, I invite the attention of the Senate to an excellent column entitled "Foreign Affairs: The Unruffled Interior," written by C. L. Sulzberger, and also published in the New York Times of May 9, 1965. In his column, Mr. Sulzberger says that the President "will not allow the Vietnam war to frustrate his patient search for better understanding with Russia."

Also:

> Washington's determination that the two superpowers must learn to live together has in no way been diluted.

I stress again, as I have many times in the past, that our foreign policy is obsolete in that so many in the State Department and elsewhere still view our overall policy as a vital fight between two ideologically opposed empires. This is not the truth. I am happy to note that the President does not agree with those who so hold. I commend him for his excellent stand in this regard.

I ask unanimous consent that Mr. Sulzberger's column be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

FOREIGN AFFAIRS: THE UNRUFFLED INTERIOR

(By C. L. Sulzberger)

WASHINGTON.—President Johnson's European policy is based upon two broad intentions. The President will not be provoked into a quarrel with France nor permit differences with General de Gaulle to deflect the United States from tightening its alliance ties. And he will not allow the Vietnam war to frustrate his patient search for better understanding with Russia.

This is the essence of the administration's current approach and Mr. Johnson's Friday television message confirmed the persistence of his aims. They have been diverted by neither regional crisis in southeast Asia and the Caribbean.

NO BASIC RIFT

Despite irksome divisions between Paris and Washington, the President sees no reason to reclassify France's traditional listing as our "friend" and "ally." Even though De Gaulle does many things the United States would obviously prefer him not to do, Mr. Johnson regards such actions with calm. He sees no point in yielding to irritation. Rather than engaging in quarrels, he prefers to smile and turn the other cheek.

The President is confident in the strength of his position and never forgets that DeGaulle, now almost 75, cannot indefinitely hold power. Nor does Mr. Johnson forget that, together with resurgent French pride and nationalism, has come a more stable, vigorous France which unhesitatingly supported our position during the 1962 Cuban confrontation.

POLICY UNCHANGED

Consequently, unruffled, it is clear the President feels both sufficiently powerful and sufficiently right to persevere in his broad European policy while blandly disregarding French opposition. We will foster new efforts to encourage NATO nuclear sharing after the September elections in West Germany; and we will take new initiatives in the quest for German unification. Washington has seemingly persuaded Bonn that, when the proper moment comes, West Germany must be prepared to indicate what concessions it might be ready to make to achieve ultimate unity.

Evidently no progress can be made in the latter quest without improved East-West relations. Here again, therefore, as Mr. Johnson indicated Friday, he is eager to continue pressing for détente despite the complex repercussions of the Vietnam crisis. The President acknowledges Moscow's need, as communism's greatest capital, to denounce our Far East policy for ideological reasons; but he feels this political fact should not be permitted to interrupt the search for rapprochement.

Although, with all its intricate ramifications, the Vietnam war has made the Soviets tense, the President sees no reason for allowing this tension to get worse. Ambassador Dobrynin has apparently been told as much. Washington's determination that the two superpowers must learn to live together has in no way been diluted.

Therefore, despite the excitements of recent months, Mr. Johnson has not changed his mind about the wisdom of exchanging official visits with Moscow's leaders. He would still be happy to have them come to the United States and, if invited, to go himself to the U.S.S.R. He is said to believe that Khrushchev's trip to an Iowa farm had profound effect on Russian diplomatic, as well as agricultural, attitudes. Perhaps, if Khrushchev's successors were to tour American laboratories and factories there might be similar positive repercussions.

JOINT ENDEAVORS

Long-range Johnson policy will not be turned from its charted course by hidden pitfalls or unexpected obstacles. This policy reasons that if America and Russia can further develop the habit of working together, as they now do in such fields as space or the desalting of water, they will be increasingly less likely to wish to fight against each other.

These are clearly the fundaments of Mr. Johnson's attitudes toward our friends in the West and our adversaries in the East of Europe. Despite the haste and improvisation occasionally shown during emergency flaps such as Vietnam and the Dominican Republic, steadiness remains the objective. There is a mature and tolerant understanding of such factors as the internal need for present Soviet propaganda bitterness toward Washington or the pride, touchiness and nationalism with which De Gaulle has seasoned the stability he gave France.

REMARKABLE CALM

On the surface, there might appear to be paradoxical contrast between the air of precipitate haste that accompanies Presidential decisions when new crises erupt. But underlying such agitation there also appears to be a remarkably calm resolve not to be provoked by minor pinpricks nor to be impelled toward holocaust by local explosions.

The twin search continues—for unity with friends and accommodation with opponents. This inner and unruffled determination is more indicative of Mr. Johnson's real policy goals than the outer disorder that sometimes clothes its facets.

PEIPING AND WASHINGTON

Mr. CLARK. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Peiping and Washington," published in the Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 5, 1965]

PEIPING AND WASHINGTON

At a time when you might least expect it, several interesting moves were made here last week toward a dispassionate look at the United States relations with Communist China.

The U.S. Chamber of Commerce, without dissent, passed a resolution urging the administration "to explore steps designed to more effectively open channels of communication with the people of mainland China."

And while Ernest J. Loebbecke, chairman of the chamber's policy committee, said this was not aimed at trade with China, Robert P. Gerholz, the chamber's new president and a 1964 Goldwater supporter, told his first news conference that it makes no sense for the United States to be out of touch with China's 700 million people and trade could be "one of the magic formulas."

Also last week, the American Friends Service Committee, in cooperation with both Georgetown and American Universities, held the first significant national conference on American-Chinese relations since the Communists came to power on the mainland.

The conference's objective was to stimulate attention on the problem, rather than to promote any particular viewpoint. Some 800 conferees heard a gamut of speakers ranging from high State Department officials and the Nationalist Chinese Ambassador to Senators, a U.S. chamber representative, critical professors and an Indian diplomat.

It was perhaps no inadvertence at all that such a conference was held while the United States was involved in a war in South Vietnam aimed at containing Chinese aggression. For China is the primary lesion of U.S. problems in southeast Asia. In a way, for this country to face Asian communism in South Vietnam, or Laos, or Thailand, even in North Vietnam, is like a doctor treating a cancer patient limb by limb. The primary lesion of the Communist cancer is in Peiping, and sooner or later this Nation will have to address itself to China directly.

Businessmen and chambers of commerce, particularly the one in San Francisco, which used to depend so much on China's ports, tend to think that trade is the way to start a rapprochement. South Dakota's Senator McGovern told the China conference that one first step might be to lift the restrictions on selling U.S. surplus grain to China, a restriction that he, as former director of the food for peace program, found particularly disagreeable.

The American Friends Service Committee, in a new booklet of Quaker proposals, suggested a more realistic look at Taiwan, support of its integrity but encouragement of China-Taiwan talks to settle the problem of competing Chinas.

Last week's events represented only small steps on the long road ahead toward resolving the United States-China impasse, an impasse so great that the two countries only talk to each other in sporadic secret and formal exchanges in Warsaw. But the steps were taken, and taken in the midst of an emotional heat toward China. The Quakers the two local universities and the U.S. Chamber of Commerce should be commended for their lead.

THE UNITED STATES AND CHINA

Mr. CLARK. Mr. President, last week the National Conference on the United States and China held a most interesting meeting in Washington. In the course of that conference, somewhat to my surprise, but also to my gratification it was said that the U.S. Chamber of Commerce had called upon our Government to open more effectively channels of communication with the people of mainland China. As the national president of the U.S. Chamber of Commerce said:

> It makes no sense for the United States not to be in touch with a country of 700 million people.

I ask unanimous consent that the excellent address on the subject "The United States and China," delivered by the distinguished junior Senator from South Dakota [Mr. McGovern] at the National Conference on the United States and China, be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Excerpts From Remarks of Senator George McGovern, Democrat, of South Dakota, National Conference on the United States and China, Washington, D.C., Thursday, April 29, 1965

Over the years our preoccupation with the diplomatic recognition issue has made it almost impossible to consider other ways in which we might be developing useful contacts with the people of mainland China. I believe that it would be both in our own national interest and in the interest of international understanding for us to explore carefully the possibility of new initiatives.

It seems increasingly clear that there is much to be gained in the long run by at least limited contacts with China. I do not for a moment believe that broadening U.S. relations or admitting China to international organizations will transform Peiping into a democratic, congenial regime. It may, however, be a form of pressure toward less belligerent actions and toward conformity with the norms of international relations. As long as we treat China like an international outlaw, we cannot be surprised if she reacts by scorning our standards and judgments. Through greater contact with other nations, it would be far more difficult for Communist China to act as a law unto itself.

The Red Chinese leaders have used world hostility to generate xenophobia within the country. This emotional response is then exploited to win backing for difficult domestic and foreign efforts. By easing the obvious signs of world hostility, we might ultimately contribute to a relaxation of the internal regimenting and external pressures which are a source of very widespread concern.

So, while it may be difficult and perhaps impossible, it is worth trying to bring China into a constructive relationship with world councils. Therefore, I suggest that instead of staring transfixed at our diplomatic dilemma, we raise our eyes to consider other aspects of the problem. I do not believe the time is propitious now for the United States to extend diplomatic recognition to the People's Republic of China. In fact, I doubt that we will be able to take such a step in the lifetimes of Mao Tse-tung or Chiang Kai-shek. The revolutionary fervor of the first generation Communist leaders and such factors as Mao Tse-tung's personal grief over the death of his son in Korea on the one side, and the bitterness of the Nationalist defeat on the other, are still very close, probably too close for a lasting settlement.

But there are other approaches which we can follow that might open the way for useful relations between the Chinese mainland and ourselves.

First of all, I strongly support the stand taken by the U.S. Chamber of Commerce in its actions yesterday calling on our Government "to more effectively open channels of communication with the people" of mainland China. This declaration, adopted without dissent from some 1,000 delegates, was designed to encourage educational and cultural exchange between the two peoples. I think the new national president of the chamber of commerce spoke for many of us when he said: "It makes no sense for the United States not to be in touch with a country of 700 million people."

I think Chamber President Robert Gerholz, who favors trade, discussion, and cultural exchange with the Chinese, expressed the views of many Americans when he said "Any time you can get people around a conference table * * * I prefer it to bombing and going to war."

The issue of newsmen has long been a source of controversy in the United States-Chinese dialog. Until 1960, serious efforts were made to negotiate a press exchange. Then the Chinese abruptly changed their attitude and refused to consider any settlement of minor issues until the major question of Taiwan's status was satisfactorily adjusted.

Today, about 50 U.S. reporters have American passports validated for travel in China, but their persistent requests for visas from the Peiping government have been ignored. In nearly a decade only two U.S. newsmen have traveled in Red China, one a farm expert who, it is believed, received a visa inadvertently in Helsinki, and the other, Edgar Snow, whose longtime contacts with Mao Tse-tung secured his admission and a personal interview with Red China's leader.

Our Government might emphasize again our willingness to increase contacts by eliminating the requirement of special passports to China and other nations and allow adult citizens to travel at their own discretion whenever they could secure visas. The right to travel freely should be a basic right of American citizens. Our Government has nothing to lose by reasserting that stand. Although I would not expect any immediate results, such a step in the long run would make our own principles clearer and put the onus of a secretive and restrictive policy on the Peiping government.

I would also recommend efforts to improve the climate for economic relations between the two countries. Since no responsible Chinese official has ever proposed increased trade with the United States, there is no immediate likelihood for a flourishing trade. But the removal of present blanket prohibitions against trade with Red China—prohibitions that go back to the days of the Korean war—would enable individual U.S. firms to deal with the country much as they have with Soviet Bloc States in Europe. Today, the only goods that cross borders are publications and printed material, between libraries and various institutes, but this trickle might flow faster if present U.S. regulations were relaxed so that we might sell the Red Chinese goods on the same basis as we do the Russians.

Such an act on our part would not weaken American security in any way, but it could introduce China's industrial managers to American goods and methods. It could stimulate demands among the engineers and technicians—if not the politicians—for greater access to U.S. technical data. It could open the way for sales of wheat and other surplus crops to a nation which undeniably contains many hungry mouths.

In recent years, China's fast-growing population, unfavorable weather, and the failure of the "great leap forward" have resulted in chronic grain shortages. As a consequence, Peiping has purchased large quantities of wheat and other cereals from Canada, Australia, France and other sources. Indeed, Canadian farmers and exporters are experiencing an economic boom as a result of sizable sales to China and the Soviet Union. The Canadian, Australian, and French Governments have relaxed acreage controls, utilized their surpluses, and stimulated their agricultural and related industries.

One wonders if such a policy with reference to our own agricultural commodities is not in our national interest. The United States is struggling to control the output of our farmers by acreage controls, land retirement schemes, and other expensive devices. We have sought to isolate our accumulated surpluses in Government-financed storage programs. Yet, the American farmer's amazing productivity has outstripped every control effort. Farmers have been heavily penalized rather than rewarded for their efficiency. They have been blamed for the high public cost of the farm control program; they have been subjected to tighter acreage restrictions; and they have seen their prices depressed by surplus production. Meanwhile, the Nation has suffered from a depressed agricultural economy and mounting public costs.

Given these factors, would it not be in the Nation's interest to lift some of the restrictions that have foreclosed U.S. grain sales in China and other parts of the Communist world?

Such trade would obviously be of economic benefit to us. I believe it is also a sound political and moral position for the Nation. It is a method of quietly demonstrating the efficiency of our type of agriculture, and it recognizes that even our political rivals should not be denied food which we have in abundance and which they might be willing to purchase.

As the former director of our food for peace program under President Kennedy, I believe that we should eliminate the political restrictions on our food for peace program. Various legislative and administrative rulings now prevent us from selling or granting food to most of the people who are so unfortunate as to live under Communist governments. I think this is a mistake which deprives us of a unique opportunity to advance our national interest and the peace of the world.

St. Paul admonished "If thine enemy hunger, feed him." Applied to food for peace, that advice is not only good religion; it is good economics and good politics.

It is good religion because it builds on the assumption that all men are brothers—even those who disagree.

It is good economics because it recognizes that a billion people live in the Communist world and that breaking down the barriers to international commerce in nonstrategic materials can be of material benefit to all.

It is good politics because it enables us to demonstrate the superiority of free, independent, family-type agriculture over the collectivized farms of the Communist world. In time this could lead to an important modification of the Communist system.

Food is one of the common denominators of international life. It ought not to be used as a barrier to divide mankind; it should serve as a unifying force in the world.

It is especially important that we remove political restrictions on our child-feeding programs. The cold war has claimed enough victims without applying it to infants, nursing mothers, and schoolchildren.

Of course, removing the political barriers around food for peace might not prompt all foreign governments, including mainland China, to admit U.S. food. But at least we would have taken a positive position before the world that will enhance both our moral and political capacity as a great power.

I think the American people overwhelmingly favored the commercial sale of wheat to the Soviet Union in 1963. I am equally convinced that they would support a policy of feeding hungry people in China or any other country in spite of our dislike for their Government. When I was director of food for peace in 1961, our office received literally thousands of letters from Americans in every walk of life urging that we offer food to relieve the famine on the Chinese mainland. No other issue drew so much spontaneous mail and so many thoughtfully written letters.

One tough-minded veteran Congressman suggested early in 1961 that the President publicly inform the Chinese that American ships loaded with wheat were on the way. They would be welcome to the wheat provided the Red Cross were permitted to supervise its distribution. If they rejected it, the ships would head for Hong Hong and the wheat would be stored there for the refugees. I still think this was an experiment worth trying.

In short, I regard our food abundance as a blessing of the Lord that ought to be taken out of the context of the cold war.

As a Senator from a great agricultural State, I have given special attention to both commercial grain sales and food-for-peace operations. But we need to reexamine our trade policies with China with reference to industrial goods, as well.

If we were to permit exports to China under validated and carefully checked licenses, I would not expect an immediate flood of orders on either side, but I would expect a gradual increase in sales and a growing interest on the part of their economists and industrial managers.

We have learned from our observation of Soviet Communist leadership through the years that the revolutionaries and ideologists are succeeded by managerial and professionally oriented men. As long as economic growth and development continue to be a major Communist goal, this trend in Communist leadership will probably continue. Our efforts should be directed at arousing interest and at least getting on speaking terms with these elements of Chinese society.

Partly as a result of U.S. policies, partly as a result of deliberate Chinese action, the leaders and people of the country have been cut off from most Western and all American contacts. The Sino-Soviet rivalry promises to increase Chinese isolation in the Communist world, but it might have the opposite effect in increasing China's need for intercourse with the Western democratic nations.

For decades, the United States was the principal exponent of the "open door" policy toward China. Despite the colonialist implications of that policy—spheres of influence, extraterritoriality and the like—it was a rational and honest policy, beneficial to both sides. Since 1950 the door has been tightly shut. There is little point in advocating rash actions to force the door suddenly open now, but I do believe the United States and her allies have much to gain by making the patient and no doubt frustrating effort to restore normal international, economic, and cultural ties with China. The most populous nation in the world with its highly significant position in Asia and its own nuclear arsenal must be included in world councils or all of our efforts at international peace and stability will be heavily handicapped.

Recognizing the hazards and difficulties ahead, I think we share the resolution of the late President Kennedy who concluded his great American University address of June 10, 1963, with these words: "Confident and unafraid, we labor on—not toward a strategy of annihilation, but toward a strategy of peace."

COMMUNIST CHINA

Mr. CLARK. Mr. President, I ask unanimous consent to have printed at this point in the Record the text of two broadcasts by Edward P. Morgan, of the American Broadcasting System Radio Network, one on April 19, and one on April 20. Both broadcasts refer to our relationships with China.

There being no objection, the broadcasts were ordered to be printed in the Record, as follows:

Edward P. Morgan and the News, Sponsored by the AFL–CIO, American Broadcasting Co. Radio Network

April 19, 1965.

A friendly foreigner said the other day that he was amazed at the number of Americans who participate, directly or indirectly, in governmental decisions. He wasn't referring to the size of the bureaucracy but rather the compulsion of so many different individuals and groups, in and out of Government, to speak their minds on, say U.S. policy in southeast Asia. Paradoxically enough, some observers have criticized the lack of dialog between the Johnson administration and the public over the whys and wherefores of our participation in the war in Vietnam. But events of the Easter weekend clearly illustrated the friendly foreigner's point. Some 15,000 undergraduates, teachers, housewives, and others demonstrated in Washington against U.S. Asian policy. Alaska's Senator Gruening addressed them with sympathetic views, and Arkansas' Senator Fulbright, chairman of the Foreign Relations Committee, stood by his advocacy of a temporary halt in our air strikes to see whether that gesture might not hasten peace negotiations. Meanwhile American newspaper publishers arriving in New York for their annual association meeting were quoted by the Times as finding widespread support around the country for President Johnson's policy in the conflict.

This is a glimpse of the open society at work. These colliding views are necessary. Somebody is mistaken. Or at least more mistaken than somebody else. But their honest disputes tend to create an atmosphere of some restraint. The President has not made reckless decisions in this crisis. He is not inclined to lunge toward a major objective, anyway. He has been, as somebody put it, both tough and reasonable. Perhaps it has been easier for him to maintain this difficult mix because so many people have been asking so many questions.

Still, in the pressure of day-to-day events we all may lose sight of a vital long-range question; sooner or later the fighting will be suspended in Vietnam. What happens then to our relations with that emerging colossus of Asia, Communist China? Very few responsible students of Asia advocate a sudden reversal of American policy in Vietnam, a pullout. But many experts argue that by concentrating on the war there we are limiting the influence we might have on the wider spectrum of events in Asia.

One such observer is Alvin Hamilton, a conservative member of the Canadian Parliament from the province of Saskatchewan. As Minister of Agriculture in the Diefenbaker government, Hamilton was instrumental in negotiating the huge sales of Canadian wheat to China. His experience with Communist officials and his observation of the people in two trips to China, during which he traveled widely, make him cautiously optimistic about long-term relations between China and the West. But he is convinced the United States is hiding one of its most penetrating lights behind a dense bushel of doubt and moral platitudes in its approach to Asia.

In a speech to the Kansas Institute of International Relations in Wichita 3 weeks ago, Hamilton developed the theme he has been emphasizing publicly and privately around the continent: "I personally wish," he said, "that the Americans had more confidence in their real strength. I am not referring to their great military strength. I am not referring to the American concepts of self-determination or American style democracy. I am referring to the economic system that has developed in North America. This corporate system of business * * * is (now) run by a managerial class that is so efficient that no form of organization in the world, particularly socialism, can ever hope to compete against it successfully.

"The insidious efficiency that raises the living standards of so many people so quickly is the greatest conquering force the world has ever known * * *. In this challenge for mens' minds and loyalties, the appeal of the affluent society overwhelms all political dogmas." (The minute those American-type chain stores hit France, Hamilton mused on a more recent occasion, God help de Gaulle.)

Even Peiping, a dictatorship, is sensitive, Canada's ex-minister of agriculture insists, to consumer pressure. China is over its grave 1959–61 food crisis but it still buys Canadian wheat. Why? The Chinese love pastries, became fond of the cakes and better bread made possible by mixing Canadian grain with their own. The government heeded, Hamilton thinks, a consumer demand. And he suggests that a compelling reason for Soviet purchase of Canadian and American wheat in 1963 was to avoid a public furor and hence government loss of face that bread rationing would have caused.

Dissolving dogma and doctrine in the abundance of a supermarket is more easily said than done, particularly in terms of East-West trade with dictatorial control on one end. Furthermore, China has little we need, could afford to buy little from us. But Canada's Alvin Hamilton poses a challenge worthy of American ingenuity. If Washington can pursue a tough but reasonable course in Vietnam is it unreasonable to hope that a similar balance could be struck in the nonmilitary probes of China that must come?—unless of course we insist on going in with all guns blazing.

This is Edward P. Morgan saying good night from Washington.

EDWARD P. MORGAN AND THE NEWS, SPONSORED BY THE AFL–CIO, AMERICAN BROADCASTING CO. RADIO NETWORK

APRIL 20, 1965.

Communist China, with a population of 700 million or more, "is the largest group of people on earth under single management," as Canada's ex-Agriculture Minister Alvin Hamilton puts it. By 1980 on a huge land mass roughly the area of the continental United States and Alaska combined, there may be 1 billion Chinese living under Peiping's dictatorial regime.

How tightly can totalitarian leaders manage the lives of so many people? In two trips to China, in connection with trade and the sale of Canadian wheat, Hamilton found a "highly directed society, a high-pressure persuasion type of dictatorship. Loudspeakers are everywhere, on the corners, in the factories, on the farms, in railway coaches and Heaven knows where else.

What are the messages, blaring over the radio from 6 in the morning til 10 at night? "Work hard." "Keep fit." "Don't marry too soon," and whatever else is the party line including hatred of the imperialist United States. "Slogans cover walls. Demonstrations are massive. School curriculums have a heavy dose of anti-American propaganda."

English is taught through grades 1 to 12 but Hamilton was shocked to discover that the basic image of Britain comes from the romantic and adventure writings of Robert Louis Stevenson and the English text of American literature are passages from "Uncle Tom's Cabin" and "Huckleberry Finn" selected, apparently, to dramatize horrible discrimination against the Negro because of his color. There are singing exercises in which toddlers act out anti-imperialist slogans.

Still there is a question of the effectiveness of this brainwashing. The Soviet brand of it did not deter the young Hungarian freedom fighters in Budapest, many of whom were born under communism. In traveling through China as a Canadian Government official, Hamilton noticed "on trains and in the streets that very few people really listened to the constant [propaganda] barrage." Another observer noted that before and after the youth masses passed the reviewing stands with their posters and banners held high protesting the American bombing of North Vietnam, many of them were covertly holding hands. Hamilton found indications that "the majority of the participants enjoyed the release from work and more or less looked on the demonstrations as a chance to have fun."

Still there is no denying the fact that the Mao Tse-tung regime has singled out the United States as not just China's but the world's public enemy No. 1. In recent years, however, there seems to have been a subtle shift in Peiping's position. O. Edmund Clubb, long a China expert in the State Department and now a teacher at Columbia University, calls it the "doctrine of the intermediate zone." Peiping is at the pole of virtue, the United States at the opposite pole of evil, with most other nations—including Canada—at various gradations in between.

This posture of mutual hostility—for that is what it is—poses a large question: Do these two great powers continue on what can only be a collision course or can the courses be deflected sufficiently to avoid a head-on catastrophe?

But, some will say, how ill timed the question when only today the Chinese threatened to send men to Vietnam. My stubborn answer is, there couldn't be a more urgent time to raise it, before it is too late. I don't know what the answer is. The experts themselves disagree. But one thing is sure: Continued noncontact between the most powerful nation in the world and the most populous nation in the world can only lead to the disastrous contact of violence. A lot of hogwash has been written about how contacts should be made. Realism, not romanticism, must guide our approach. A world authority on Chinese and Soviet affairs, the German scholar Klaus Mehnert, warns in his monumental book "Peking and Moscow" that the Communists have by no means abandoned their objective of world conquest but changed circumstances have put unexpected obstacles in their path. The rift between Moscow and Peiping is deep and real. Given that fact, is it not logical, then, to suspect that the Chinese "offer" of manpower to North Vietnam was made as much to compete with a similar Soviet offer as to counter and threaten the Americans in Vietnam?

It is admittedly difficult, psychologically and otherwise, to explore approaches to China at this juncture but it is necessary. As a modest beginning the State Department might release the volumes, already bound but long gathering dust on Department shelves, on U.S. relations with China during the controversial years, 1944 to 1949; it should also reexamine the long-stymied project of an exchange of journalists. And the Government should ask itself, sharply: What real purpose is served in stifling the circulation of Chinese printed matter in this country? A scholar at Columbia University's East Asian Institute, for example, reports the Post Office Department has made it next to impossible to receive Chinese literature and periodicals, even for research. The Chinese are going to be difficult enough to deal with when we learn more about them without making perpetuation of our ignorance official policy.

This is Edward P. Morgan saying good night from Washington.

FLOOD DISASTER IN MINNESOTA

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter to me, dated May 4, 1965, from Hon. Karl F. Rolvaag, Governor of Minnesota, in which he commends the State, local, Federal, and volunteer agencies for the humanitarian work they have performed in assisting the people of Minnesota during the disastrous floods that occurred in recent weeks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
EXECUTIVE OFFICE,
St. Paul, Minn., May 4, 1965.

Hon. EUGENE J. MCCARTHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCARTHY: Minnesota is emerging from the worst flood disaster to hit this State in its history. The cost may well exceed $100 million; this, however, is but a fraction of the cost that would have been sustained had not preparations been made well in advance. These preparations, I believe, set a new high in the Nation. The extremely low loss of lives that can be actually attributed to the flood is perhaps the most gratifying of all. We had less than five deaths that could be attributed directly to this flood.

I believe our success, if there is success in a natural disaster, can be attributed to a pitifully small group of dedicated citizens who have worked untiringly for many weeks before the flood struck to prepare both our citizenry and our local units of governments for a possible disaster. This small group was comprised of our State, county, and municipal civil defense organizations. On these people fell the major burden of preparing for a disaster, of operating during the disaster, and now are intimately involved in recovering from the disaster. I would like to state here and now that had it not been for these people the cost of this disaster would have been many, many times greater in lives lost and property damaged.

Tragic as this flood has been, I believe I have seen a new high in cooperation between Federal, State, and local governments. The assistance provided the State of Minnesota through the Office of Emergency Planning, Executive Office of the President, the Office of Civil Defense, Department of the Army, and many, many other Federal agencies too numerous to mention, coupled with the preparation on State, county, and local levels has culminated in this success story.

We have seen civil defense function in a widespread natural disaster. Certainly their value to the citizens of this Nation, should we become involved in a major conflict of international proportions, would prove invaluable. The entire Nation should rise in praise of our civil defense program.

Sincerely,

KARL F. ROLVAAG,
Governor.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Mr. JAVITS. Mr. President, do I correctly understand the Senator from Minnesota is yielding himself time in opposition to the amendment, and that this is with the permission of the majority leader?

Mr. McCARTHY. I am acting for the majority leader. I am speaking on the time available in opposition to the amendment.

Mr. President, I am opposed to the pending amendment. I take this position in opposition because I believe the language which has been agreed upon between the majority leader and the minority leader, together with the Department of Justice, which, of course, has primary responsibility for handling civil rights cases, represents the best approach to the achievement of the objectives which are sought by S. 1564. S. 1564 has, from the beginning, been conceived of as a bill of limited objective to meet a special problem. It has not been designed to solve all the problems of civil rights or all the problems of human rights or all the problems of equal rights in the United States.

It is my judgment that we have made mistakes in the past in civil rights bills, and that often the preambles went far beyond the potentials of the bills themselves to come anywhere close to achieving those objectives. In many instances, there was more rhetoric included in the bills than there was legislative language.

In this case, the language of the bill, the legislative substance of the bill, is somewhat closely related to the objectives set forth. I believe this relationship is maintained in the language that is proposed by the majority leader and the minority leader.

The first point which should be made clear is that the debate on the pending amendment is not really about a question of substance, but rather is one about two different approaches toward the same objective.

Of course, some Senators oppose the entire voting rights bill, as they have been opposed to every voting rights bill that we have considered in the past. They oppose the language of the pending amendment and the language of the Mansfield-Dirksen substitute. They would vote against the Mansfield-Dirksen substitute if that were the pending amendment, just as they would vote against the amendment that is now pending.

But there are also Senators who oppose the pending amendment but who share a common conviction that there is an urgent need to provide procedures to protect voting rights, and who are strongly opposed to the use of the poll tax as a qualification for voting in any election. The pending amendment is not a test of one's commitment to legislation to protect voting rights; nor is it a test of one's opposition to the use of the poll tax. It involves a difference as to means to be adopted.

Many of the arguments being made in support of the amendment are arguments against the poll tax rather than arguments against the Mansfield-Dirksen language, for which the amendment is offered as a substitute.

I have been a Member of Congress since 1949. I have heard all these arguments. I have made all these arguments. I would hope that those who are passing judgment on this debate would separate the arguments against the poll tax from the arguments that have a bearing upon the particular amendment.

I have strongly supported civil rights legislation ever since I came to Congress in 1949. In my first term, as a Member of the House of Representatives, I voted for an anti-poll tax bill. That bill would have outlawed by statute the payment of a poll tax as a prerequisite for voting for Federal officials in any primary or other election. I believe Congress had the authority to do this by statute and should have taken action at that time in advance of the response on the part of the courts. However, the proposal did not receive the necessary support in the Senate.

Later, a constitutional amendment to ban the poll tax was proposed, and as a Member of the Senate I supported that proposal. It has now become the 24th amendment to the Constitution.

In 1950, as a Member of the House, I voted for the establishment of a Fair Employment Practices Act. In the House, I voted for the Civil Rights Act of 1956, and again for the Civil Rights Act of 1957.

As a Member of the Senate, I have supported the effort to modify the cloture rule, which has long been the principal impediment even to the consideration of many civil rights bills. I was one of the minority of Senators in 1960 who worked for a stronger civil rights bill and for stronger provisions to protect the voting rights of all American citizens.

It is my opinion that had a majority of the Members of the Senate voted with us at that time, we would not have to be debating a voting rights bill today. We might be considering other aspects of civil rights or individual rights in Amerca, but not this particular matter. The proposal of the late Senator Hennings, of Missouri, for safeguarding voting rights by administrative determination and procedures, which was rejected, would have met this problem effectively.

Mr. President, I ask unanimous consent to have printed at this point in the Record a summary of the provisions of the Hennings amendment as they were printed in the Record on March 16, 1960.

There being no objection, the summary was ordered to be printed in the Record, as follows:

[From the Congressional Record, vol. 16, pt. 5, p. 5745]

Summary of Hennings Amendment

1. INITIAL FINDING OF DISENFRANCHISEMENT AND NOTICE TO PRESIDENT

(a) Judicial: In a proceeding by the Attorney General under section 131(c) of the Civil Rights Act of 1957, the Attorney General is required to notify the President, if the court finds that "under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, for elections because of their race or color."

(b) Administrative: Whenever the Civil Rights Commission in a proceeding under section 104(a) of the 1957 act or another executive agency or department designated by the President to perform the same functions as the Civil Rights Commission makes a finding similar to that described in the preceding paragraph, the Commission shall notify the President.

2. APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

Upon notification of a judicial or administration finding that voting rights have been deprived, the President is authorized to appoint Federal enrollment officers from among qualified voters within the congressional district in question. The President may delay such appointment if he determines that State officials are making efforts to end deprivation of voting rights in the district.

3. ENROLLMENT AND ENROLLMENT RIGHTS

All persons belonging to the race discriminated against, who are qualified to vote under State laws and reside in area covered by the finding, are eligible to register with the enrollment officers and receive certificates of enrollment. Enrolled voters have the right to vote and have their votes counted in any State or Federal primary or general election in the district.

4. ENFORCEMENT

(a) Challenges by State of eligibility of enrolled voters in Federal district courts are permitted, but the enrollees are permitted to vote and have their vote counted subject to court determination of the validity of the challenge.

(b) Enrollment officers are authorized to attend elections, determine whether enrollees are permitted to vote and have their votes counted, and directed to notify the Attorney General of denials.

(c) The Attorney General is authorized to enforce voting rights by "appropriate civil and equitable proceedings" and the courts are authorized to issue "permanent or temporary injunctions or other orders" to protect the exercise of such rights.

(d) In all cases of criminal contempt arising under the provisions of the proposal, conviction carries penalties up to $1,000 and 6 months' imprisonment. The judge can decide whether the trial shall be with or without jury. But the accused is given the right to demand a trial de novo before a jury if the sentence exceeds $300 or 45 days in prison.

Mr. McCARTHY. Mr. President, I supported and voted for the Civil Rights Act of 1964. Over the years I have sponsored numerous bills to prohibit unreasonable literacy tests, antilynching bills and other measures to establish procedures for protecting civil rights.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator indicated a few moments ago that he has supported the constitutional amendment approach to the elimination of the poll tax for Federal elections in 1962.

Mr. McCARTHY. The Senator is correct.

Mr. KENNEDY of Massachusetts. As I understand, the Senator also supported the amendment of the Senator from New York [Mr. Javits] which would have eliminated the poll tax by statute in 1962, which amendment was finally defeated.

Mr. McCARTHY. I believe the Senator is correct.

Mr. KENNEDY of Massachusetts. I thank the Senator.

Mr. McCARTHY. Mr. President, many of us with a clear and consistent record of demonstrating concern for civil rights over the years have had to be content with weaker and less effective civil rights bills than we judged necessary to solve the problem.

We find ourselves in this position again. The present bill falls short of what the Congress can and should do in the very limited field of registration and supervision of voting. I think this is true of the original administration proposal, of the committee bill and of the Mansfield-Dirksen substitute. It will be true of the final bill, even if the pending amendment were adopted.

Congress has the authority to establish procedures to protect the right of citizens to vote at any place, any time there is evidence the right of a citizen to vote is denied or abridged on account of race or color. This is the language of the 15th amendment. It is also implicit in the 14th amendment. In some ways, the 14th amendment provides a broader base for voting rights legislation.

The bill before the Senate was never designed to accomplish all of these objectives. Although it gives promise of a substantial improvement in protecting voting rights, I regret that it was limited originally to the areas of massive discrimination. I believe that we should have attempted to enact legislation which would have applied a Federal remedy whenever discrimination exists on the basis of color, race, or other limitation. If I had had my way, I would not have limited the procedure to certain States and subdivisions in which it is clear that massive discrimination exists. I would not have confined it to certain tests and devices, or triggering devices, but would have had the procedures ready to remedy any kind of intimidation, harassment, or other practices which abridge the right to vote.

I and seven other Senators expressed our views to the majority leader and key members of the Committee on the Judiciary while the committee had the administration bill under consideration. We recommended in particular that the committee enlarge the bill to include the provision proposed by Senator Hennings in 1960: that is, to provide for an administrative determination by the Civil Rights Commission—or any group established by Congress for this purpose—and following this administrative determination, to authorize the President to appoint officers to enroll citizens of the race discriminated against.

Discrimination is discrimination, and the Federal Government has the right and the duty to enact appropriate legislation to offset discrimination in voting based on race or color wherever it occurs, whether in registration, or voting, or whether it is necessary to insure the correct counting of the votes that have been cast.

The Committee on the Judiciary determined to work within the structure of the administration bill. It modified and made additions. It improved and enlarged the bill in several ways. However, apart from the automatic triggering already in the administration bill, the procedure still rests largely on the complex and slow judicial processes. There is no provision for administrative determination and forthright administrative action.

In the legislative process each of us usually must settle for less, often substantially less, that we would prefer to see enacted. The nature of the majority rule decision is that we rarely have the opportunity to cast a vote for what we believe to be the ideal solution. We are called upon to cast a yea or nay vote on a particular amendment or particular bill as it stands. The issue on the pending amendment is not about an ideal, but rather, is between the Kennedy amendment or the Mansfield-Dirksen language.

There are also legal authorities on both sides. In this instance, the judgment of the Attorney General of the United States and the Department of Justice deserves special consideration.

In the Senate there are 100 experts on the Constitution. I do not feel that any Senator who is a lawyer is any better qualified to pass on fundamental constitutional questions than is a Senator who is not a lawyer. Some Senators have chosen to go outside Congress to consult experts. No one can find fault with that. However, eventually, we shall have a proper interpretation of the Constitution by the Supreme Court.

It is the Attorney General who has the responsibility in large part for enforcement of the voting rights bill. It is the Attorney General, as adviser to the President, who has a special constitutional duty to examine legislative measures of this type in the light of the Constitution and in the light of his special responsibility. It is his obligation to advise on the practical effects of a proposal as they may relate to a pending court cases and to advise on the comparative advantages and disadvantages of alternative means of meeting a problem or achieving the objective. I believe that he has spoken quite clearly in this case.

We should, of course, seek and consider the views of constitutional authorities. But we will vote on a specific amendment to a specific bill at a definite point in history—and the decision of Members of Congress must take into account all of these realities, not merely the speculation as to constitutionality. There is no need to prove ourselves.

In many conferences with Senators and most recently in a formal statement to the Senator from Montana [Mr. MANSFIELD], Attorney General Katzenbach has stated that he opposes the Kennedy amendment as compared to the Mansfield-Dirksen substitute language. He states:

> In my view, the Mansfield-Dirksen provision offers the safest, swiftest, and most effective course.

If Mr. Katzenbach had only stated the Mansfield-Dirksen language was the safest, I would not be as persuaded.

I believe we have had too many "safe" approaches to civil rights over the years. We are dealing with a situation in which voting rights have been denied over a period of many years. There are times when other reasons, including speed of redress, may be more important than the consideration of the safest approach. However, the Attorney General went on to state that the Mansfield-Dirksen language is the "swiftest and most effective course." I believe that the judgment of the Attorney General deserves our most careful consideration.

In his letter, the Attorney General explains why he thinks the Mansfield-Dirksen substitute would bring the swifter decision.

In answer to the suggestion that the gamble on the pending amendment is necessary to avoid an intolerable delay, he states:

> I say that is not true. In this area, I think everyone must realistically anticipate some measure of resistance to the law until the highest court has upheld the legislation. Indeed, the Kennedy amendment expressly adverts to enforcement of poll tax requirements after they have been outlawed, and makes such disobedience the predicate for a court test of the legislation. It is, therefore, the aim of both provisions to obtain a Supreme Court ruling as early as possible.

In my judgment, the Attorney General, who is going to be principally responsible for carrying on this fight, ought to be given a choice of weapons. His recommendation of what he needs ought to be weighed very carefully by the Senate. If he believes that something short in the way of a weapon, something which has been described by some as an inferior weapon, is more effective, we ought to consider his judgment on this point most carefully.

The Attorney General went on to explain why he believes the Mansfield-Dirksen language offers "the best opportunity for a prompt adjudication." I shall not take the time to review his argument, because it has been read into the RECORD and discussed in the Senate. I will only comment that the Attorney General states:

> As you know, the Supreme Court has agreed to hear the Harper case next fall, which involves a challenge to the Virginia poll tax solely on 14th amendment grounds. If, in the meantime, the Congress outlaws all poll taxes, partly as violating the 15th amendment, is there not a risk that the Court may deem it appropriate to dismiss or remand the Harper case until a lower court has had an opportunity to consider the validity of the new legislation which apparently moots the issue now before the High Court?

The Attorney General puts this in the form of a question. However, his next statement, I think, has an important bearing:

> No case can reach the Supreme Court sooner than the Harper case. It would be unfortunate to jeopardize this opportunity of obtaining a very prompt ruling.

The debate on the pending amendment, therefore, is not about whether or not one wants a strong voting rights bill. It is not about whether or not one wants the poll tax abolished as a condition of voting in State elections. It is not a question as to whether or not the Congress should express its legislative declaration that the right to vote has been unconstitutionally abridged by the poll tax requirement; on this point the Attorney General is quite clear, I think. He states:

> The views of Congress are as unequivocally expressed in the one measure as in the other.

It may be that the views are not unequivocally expressed in either, but any Supreme Court Justice, knowing what has been discussed and what has been said here, would understand what the views were to the extent he needs to understand them as the basis for making a decision on the Harper case or any other case which may come before the Court.

Under both the Kennedy amendment and the Mansfield-Dirksen language the final decision will rest with the Supreme Court so far as constitutionality is concerned. The Mansfield-Dirksen substitute bill makes a legislative declaration that the poll tax represents an unconstitutional abridgement of the right to vote. I do not believe this is necessary. On the other hand, since there has been a discussion of a finding of fact or a declaration of policy, this minor point should be noted.

The Supreme Court has already agreed to hear a case involving the poll tax. The judicial procedures are already in operation to get a Supreme Court decision. Nothing in the pending amendment adds to that reality, and the Attorney General expresses his conviction that it may delay action toward a decision. This, I think, is perhaps the key consideration in the whole debate.

This is an issue which only the Supreme Court can decide. It can decide it without any declaration of intent on the part of the Congress, or without any finding of fact on the part of the Congress.

In other sections of the bill the Congress is establishing procedures to protect the right to vote. In the Civil Rights Act of last year there were complex situations to meet; there was a need to establish procedures for determining discrimination in relation to public accommodations, employment practices, and in other areas, and also of establishing ways of diminishing and preventing discrimination. What is involved in the poll tax issue is a very simple question—a constitutional matter which can be decided yes or no.

I should point out that on the authority of the Attorney General, the safest, swiftest, and most effective course is to retain the Mansfield-Dirksen language.

A number of arguments have been made either in support of the pending amendment or in opposition to the Dirksen-Mansfield language, which I believe are somewhat important. It has been rather common to cite views of lawyers on the committee and outside the committee. In my judgment, these are interesting citations, but they have no real bearing or significance on what Congress should do. We can weigh those opinions, if we wish, and then consider them against the recommendations or judgments of those lawyers who are called upon to deal directly with the problem. We have opinions from the Attorney General's Office on the Dirksen-Mansfield language: of the Attorney General, men like Burke Marshall, and John Doar, who have been in the "salty marshes" and at the "hot gates." They have been waging the fight with reference to this question for years. It is their primary responsibility and it is their personal commitment, which has been written into the record of their lives, that discrimination be eliminated; and their judgment should be weighed heavily by this body.

A second and more general argument raised is that when a constitutional issue comes before the Court, it comes on much stronger ground when Congress has given some indication of its interest in it, rather than when Congress has not acted.

This statement has some validity when applied to the broad areas in which Congress may or may not act. If Congress had chosen years ago to prevent discrimination in education, the Supreme Court might have acted more readily to eliminate discrimination in education. If Congress had acted 20 years ago to eliminate discrimination in public transportation, the Supreme Court might have been forced to decide on that question earlier than it did.

The general argument being made that the Court acts on stronger ground when Congress make its intention known cannot be applied with the same force to the area of constitutional responsibility. The Court has not waited for Congress to act in matters involving civil rights. We might reflect on the status of civil rights and the amount of discrimination that might still exist if the Court had waited on Congress to take action. The Court has been far ahead of us in this area, and continues to be ahead of us.

In the course of debate a special point has been made that discrimination of other kinds is really in many ways more serious than the poll tax. Repeal of the poll tax would still leave many hurdles and obstacles to full enjoyment of the right of citizens to vote. Discrimination through literacy tests, through economic reprisal, and even violence are among the devices which have been mentioned.

I share the concern over possible use and actual use of some of these devices, techniques, and methods for preventing citizens from voting.

There is nothing in the voting rights bill which would eliminate or diminish "economic reprisals," or violence or the threat of violence. Even the provisions for dealing with literacy tests are a limited approach.

It could be asked: Why not have an amendment which would eliminate all literacy tests, since they have been used to discriminate on a massive scale?

There are approximately 20 States which have literacy tests of one form or another. Although these tests are not used in every State to discriminate on the basis of race or color, they do discriminate. California requires a voter to be able to read the Constitution in English and write his name. In Connecticut, the voter must be able to read the U.S. Constitution and the Connecticut statutes in English. Massachusetts requires the voter to be able to read the State constitution in English, and in New York, one must be able to read and write English.

Literacy tests can and do discriminate against those who cannot read or write in English, even though they may be able to read another language.

Minnesota has no literacy test. In the last election, Minnesota had the highest percentage of citizens voting of any State except Utah. Utah had 77 percent. Minnesota had 76.3 percent. Massachusetts had 67.1 percent. New York 61.9 percent. California 62.7 percent.

I do not intend to offer an amendment to the pending amendment to provide that all literacy tests should be eliminated, although I believe that they should be. I do not know what the response of Senators who support the pending amendment would be if I offered such an amendment. I am sure that many of them would stand with me in support of the elimination of the literacy test throughout the country. On the other hand, many Senators have indicated in debate that they believe a literacy test in some form is not only defensible under the Constitution, but also necessary and desirable.

In my own judgment, there is no doubt that literacy tests have been used to discriminate on the basis of race or color, and also on the basis of cultural origin. We discriminate against immigrants and other Americans who have not yet established themselves. The same is true with reference to poll taxes, which have been used to discriminate on the basis of race or color; they have also discriminated against the poor whites.

In my opinion, the Mansfield-Dirksen proposal on the poll tax issue is adequate to the purposes of the bill. It rests principally upon the recommendations of the Attorney General. Their judgment and recommendation should be sustained.

Mr. MANSFIELD. I yield 2 minutes to the Senator from Vermont.

Mr. PROUTY. Mr. President, I rise to speak in opposition to the pending amendment to the proposed substitute for S. 1564.

This amendment has as its purpose and principal objective the prohibition of the collection of the poll tax on any State or local election, any place in the United States.

The general thesis of this voting rights bill is that discrimination against certain citizens, because of race or color, in the exercise of this franchise is unconstitutional and should, therefore, be prohibited.

I could not agree with that idea more. I cannot agree, however, with the pending amendment. As it is worded, it is only incidentally concerned with the right of the Negro to be free from racial discrimination in exercising the right to vote.

During the debates and the hearings on this question of the repeal of the poll tax, two primary objections to poll taxes generally have been offered.

The first of these is racial discrimination. No one can really deny the evidence that there has been a studied effort, in some places, to use poll taxes for discrimination purposes. No one has ever implied, nor to my knowledge has anyone ever suggested, that there was even any such discrimination in the State of Vermont.

In my State of Vermont, where there are only about 500 Negroes out of a population of almost 400,000, we have for years had a poll tax which is a condition to voting in our municipal elections which we call town meeting.

Initially, the proponents of this amendment were insisting that the only possible reason for a poll tax would be racial discrimination. That was either before they learned Vermont had a poll tax, or before they learned that it was a precondition to the exercise of the vote.

Since the State of Vermont could in no way be accused of racial discrimination, those in favor of this amendment were obliged to look elsewhere for objections to our poll tax.

They seized, then, on the supposition that the poll tax discriminates against the poor. Even in this instance, they are wrong for the simple reason that the poor are exempt from the poll tax.

In fact, Mr. President, there are five groups of people exempt from the payment of the poll tax. They are:

First. Veterans of all wars including "Federal emergency services" providing they are on disability pension or compensation;

Second. State militia and fire companies in the option of the towns;

Third. Persons actually poor;

Fourth. Those receiving old-age assistance;

Fifth. Those on active military duty.

So, Mr. President, I cannot subscribe to the two principal reasons why the proponents of this amendment say it should be adopted.

There are two other perfectly good reasons why I am unable to support the pending amendment.

The first of these is the question of constitutionality which surrounds the pending amendment. We all certainly feel very deeply the necessity of the early passage of a voting rights bill. It seems to me that no less a person than the Attorney General, Mr. Katzenbach, has sounded a warning clear enough for us all to heed. I quote from his letter to the majority leader, of May 7, where he said:

> I do not say that such a legislative prohibition is unconstitutional but I submit we must all recognize that the question is not free of doubt.

This question of constitutionality will very soon be decided by the Supreme Court. It is my understanding that the Court has agreed to hear a case next fall which would answer this question squarely.

Second, during its session this spring, the Vermont House of Representatives by the overwhelming vote of 196 to 34, defeated a measure which sought to repeal the poll tax on local elections in our State. I could not vote in opposition to this clear mandate on the part of our State house of representatives.

I am therefore compelled to vote against the pending amendment.

Mr. MANSFIELD. Mr. President, I yield 7 minutes to the Senator from Texas.

The **PRESIDING OFFICER.** The Senator from Texas is recognized for 7 minutes.

Mr. TOWER. Mr. President, in my opinion, the promulgation of constitutional voting requirements for local and State elections comes within the particular purview of the functions, rights, and responsibilities of each of our States.

In Texas the poll tax does not actually operate to prevent people from voting. Statistics indicate a very excellent record in my State in encouraging minority ethnic groups to participate in the political process. The amount of the tax is low enough so that persons are not deterred from voting, regardless of their financial or socioeconomic status.

It is most interesting to note that, percentagewise, more of the Negro segment registers in Texas than does the white segment of my constituency. A charge of discrimination in Texas through the use of the poll tax has no validity in the light of present day statistical analysis.

Mr. President, I ask unanimous consent that two articles indicating the percentage of registration in my State be printed at the conclusion of my remarks.

The first article is entitled, "Statistics and Voting Rights." It was published in the Evening Star on April 5, 1965.

The second article is entitled, "Statistics Bare Voting Bill Need." This article was published by the Committee on Political Education, AFL-CIO, on April 5, 1965.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. TOWER. Now, Mr. President, I will turn to refutation of certain charges made against the State of Texas on this floor, April 13, 1965, by a proponent of the pending amendment.

It was charged that "the history of the poll tax is so entwined with racial discrimination that it can never and will never be separated from racial discrimination." It was also stated that "the purpose of the poll tax in the Southern States where they have been enacted was clearly one of discrimination against Negroes."

Certainly I realize these statements as they relate to Texas were made unintentionally. I merely wish to set the record straight by turning briefly to Texas history as it relates to the poll tax.

I ask consent that a brief history taken from Laura Snow, "The Poll Tax in Texas: Its Historical, Legal, and Fiscal Aspects," 32, manuscripts, M.A. thesis, University of Texas, 1936, of poll tax legislation in Texas during the Republic be printed at this point in the RECORD.

There being no objection, the history was ordered to be printed in the RECORD, as follows:

CHAPTER II. HISTORY OF POLL TAX LEGISLATION IN TEXAS DURING THE REPUBLIC

On March 2, 1836, Texas declared its independence from Mexico, and on March 17, 1836, a convention which had met at Washington, on the Brazos, adopted a Constitution, and set up a government patterned after that of the United States. The Republic of Texas existed as a separate nation for a period of 10 years, and at the end of that time, it was formally annexed to the United States, and on February 16, 1846, the government of the Republic was committed into the hands of the State authorities.

As an independent nation, the Republic of Texas maintained relations with foreign countries, made and enforced its own laws, assessed and collected its own taxes, and in every way carried on the normal functions of government. Dr. Miller, in his "Financial History of Texas," says "that the history of the Republic is a chapter of difficulties and disappointments * * * and there were few financial expedients which were not resorted to."[1]

During the era of the Republic four different poll tax laws were enacted. The first of these was that of June 12, 1837, which provided for a poll tax of $1 to be levied on all white males between the ages of 21 and 55 years of age.

The next law was that of January 16, 1840, which removed the upper age limit, and stated that an annual poll tax of $1 should be collected on every white male in the Republic 21 years of age and over.

By the act of February 4, 1841, the levy was continued at $1, but the age limit was revised to include all males between the ages of 21 and 45 years. This act also provided that exemption from the tax be extended to members of volunteer companies formed in the separate counties.

The last enactment of a poll tax law during the Republic was made just 2 weeks before Texas became a State. This act of February 3, 1845, provided that there should be levied and collected a poll tax of 50 cents on every white male of the Republic between the ages of 21 and 50 years of age.

Mr. TOWER. Mr. President, the poll tax in Texas continued through reconstruction, but its payment was not a prerequisite for voting until after the adoption of a constitutional amendment in 1902.

A Texas State Constitutional Convention of 1875 considered and rejected the payment of a poll tax as a prerequisite for voting.

There was continued expression of sentiment for the poll tax as a voting qualification until 1901, when the 27th legislature felt the issue should be submitted to the people as a constitutional amendment.

In general, the people of Texas at this time seemed to favor the adoption of the amendment, because of the existing dire necessity for what was termed ballot purification. Flagrant violations of election laws were in evidence in various parts of the State.

Dallas News editorials of October 2, 1902, and October 25, 1902, stated:

[From the Dallas (Tex.) News, Oct. 2, 1902]

The poll tax to be voted on at the approaching election should be adopted by a unanimous vote. One of the strongest arguments in favor of the amendment is found in the frauds often perpetrated by repeaters, imported voters, vote buyers, and other brokers in corrupt politics. It will be in order, to provide by statute that the tax must be paid and receipts taken some months before the primary or regular election is held. This, and other provisions for further safeguarding the ballot box will doubtless be provided by the lawmakers.

Another strong argument for it is: If the poll tax were large or burdensome, or brought back to the taxpayer no adequate return, the News would oppose an amendment exacting its payment as a condition precedent to voting. The tax is small and the returns are correspondingly large in Texas. The free school is of itself quite enough argument in favor of a change which is quite sure to add more than $100,000 to the educational fund. It is claimed that as many as 100,000 men now refuse to pay even a poll tax. It may safely be set down that some of these are active voters, and even hard workers in all movements to increase the burdens of others, and that they patronize liberally and criticize eloquently the public schools to which they contribute no support. It goes without saying that they should, at least, pay a poll tax. It is to be hoped that many of the delinquents will not wait to be coerced by law, or urged to perform their first duties as citizens of this great State.

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[1] Miller, Edmund Thornton, "A Financial History of Texas," p. 19.

[From the Dallas (Tex.) News, Oct. 25, 1902]

The politician who goes forth under the new amendment to buy voters must pay more for them than heretofore, and still less will fall in the palms of the fellow who is eager to sell his suffrage. To begin with, at least $1.50 must be dropped into the public treasury in the form of a poll tax before the regular work of buying the man begins. For every voter that is bought, the amount of the poll tax must first be contributed to the State; then the margin demanded by the voter must be handed over to him. Many a voter has been bought for a dollar or less. Candidates who had the money, and found suffragans waiting about the ballot boxes for the best bid proceeded on the day of the election to treat the waiting squads and shell out a dollar apiece, and, thus, carry the day. * * * The waiting groups, a reproach to the people of the State will lose much of their power in politics under the new amendment.

By amending the Constitution you will render it practically impossible to buy this disreputable and dangerous balance of power. It will cost too much to do it, and such goods will not be bought many months before the date of delivery."

A Belton News editorial clearly endorsing the amendment stated:

Of course, the amendment aims at nothing less than the elimination of a very dangerous element from our biennial elections; namely, the floating and purchasable vote. It goes on the assumption that the man who pays his taxes will not sell his vote; that the man who pays his taxes will resent a bribe. If by that means our elections can be placed on a higher basis; can be freed even to a small extent of the corruptive influences of money, and can be made more nearly to express the real will and wishes of the people, then it is a good thing and should receive the unanimous endorsement at the polls.

The amendment means, perhaps, $150,000 annually added to the school fund, of which the children of Texas will get the benefit. The amendment doesn't impose a tax: it simply helps the State collect what is already due. The amendment does not discriminate against any class, but aims to make all share equally in both burden and privileges.

There was virtually no opposition to the amendment in the State. Of particular note was the fact that there was no evidence of opposition by Republicans, who had, of course, been most active in opposition to the proposal in 1876. The El Paso Herald, a stanch Republican paper stated in part:

Honest elections must be based on the poll tax, the Australian ballot, and the relentless prosecution and persecution of bribe givers and vote buyers.

The poll tax amendment was adopted by an overwhelming majority, November 4, 1902. Thus, in the subsequent session of the legislature, "an act to regulate elections and to prescribe penalties for its violators," was passed into law.

In summary, Mr. President, poll taxes have been paid in Texas ever since the Republic was founded, for more than 125 years. This head tax was designed to make every adult male share in paying the cost of government, and was levied for some 65 years before it had any relationship to voting.

As late as November of 1963, Texas voted down an amendment to abolish the $1.50 to $1.75 requirement of a poll tax receipt for voting in local and State elections. The adoption of the amendment would have repealed the requirement of a poll tax receipt for voting and replaced it with an annual registration requirement and a fee of 25 cents per voter.

The proposed amendment was defeated by a vote of 316,000 to 243,000.

I wish to emphasize, of course, that I believe every citizen should have the right to participate in the political process. It is indeed reprehensible that in some areas of the country this constitutional privilege is denied because of color. No defense can be made, I believe, for anyone who would so deny an American citizen of the right to vote, because of the coloration of his skin.

However, it is not merely a matter of singling out one or two of the many different types of State qualifications for suffrage and subjecting them to Federal jurisdiction and control. If this arbitrary Federal standard is to be imposed on those few States which have a poll tax, should we not also consider some of the qualifications for suffrage that we find in many other States, and then proceed to establish uniform Federal standards for them? I believe no such Federal standard should be adopted, because to do so could ultimately mean the destruction of our State electoral machinery.

It is interesting to note the wide variations in voter qualifications under election laws of the various States. State residence requirements range from 6 months to 2 years. County residence requirement for voting range from 30 days to 1 year. Precinct requirements range from 0 to 1 year. Age requirements differ in the various States.

Also, State requirements regarding other reasons for disqualification, such as felony—convictions, insanity, and so forth, vary widely. Responsible and uniformly applied State voter qualifications should not be stricken and replaced with Federal standards.

I yield the floor.

EXHIBIT NO. 1

[From the Washington (D.C.) Evening Star, Apr. 5, 1965]

STATISTICS AND VOTING RIGHTS

(By Dana Bullen)

A major problem in the debate over the voting rights bill is that figures can be cited both to show that it goes too far and that it doesn't go far enough.

To understand the bill—and the changes that may be proposed shortly—it's necessary to put these statistics into perspective.

The table with this article provides a way of understanding the impact of many of the various proposals.

The present bill basically, would eliminate literacy tests and certain other voter tests in a State or county where less than 50 percent of those of voting age were registered or voting in 1964.

It also would provide for the appointment of Federal voter examiners when 20 or more residents of such areas complain to the Attorney General or when he decides this is otherwise necessary.

STATES WITH LITERACY TESTS

The basic standard would reach seven States—Alabama, Mississippi, Louisiana, South Carolina, Georgia, Virginia, and Alaska. They have both literacy tests and voting figures under 50 percent.

It also would reach 34 counties in North Carolina and 1 county each in Arizona, Idaho, and Maine. The States have tests, and these counties are below the 50-percent figure.

The table shows why Texas, for example, is not within the act's provisions. Although its voting percentage is under 50 percent, Texas has no literacy test.

REGISTERED VOTE TABLE

The following table shows the percentage of the voting age population that was registered or voting in 1964, the year to which standards in the administration's voting rights bill are geared.

The table also shows the percentage of Negroes of voting age registered in 1964 in the 11 Southern States for which such percentages are available.

States with a literacy test or other "test or device" for voting as defined in the administration's bill are marked with asterisks.

State	Percentage registered overall	Percentage voting overall	Percentage of Negroes registered
Alabama*	55	36	23
Alaska*		49	
Arizona*	66	55	
Arkansas	56	49.9	49
California*	75	65	
Colorado	82	68	
Connecticut*	81	72	
Delaware*	87	71	
District of Columbia	43	39	
Florida	71	53	64
Georgia*	63	43	44
Hawaii*	61	52	
Idaho*	94	76	
Illinois	87	74	
Indiana	93	74	
Iowa		72	
Kansas		65	
Kentucky	51	53	
Louisiana*	63	47	32
Maine*	90	65	
Maryland	71	56	
Massachusetts*	83	71	
Michigan	72	69	
Minnesota		77	
Mississippi*	44	33	7
Missouri		67	
Montana	82	70	
Nebraska		67	
Nevada	67	55	
New Hampshire*	92	72	
New Jersey	78	69	
New Mexico	90	64	
New York*	75	63	
North Carolina*	76	52	47
North Dakota		72	
Ohio		67	
Oklahoma	82	62	
Oregon*	75	69	
Pennsylvania		68	
Rhode Island	83	69	
South Carolina*	56	38	39
South Dakota	92	73	
Tennessee	73	51	69
Texas	56	44	58
Utah	86	77	
Vermont	87	68	
Virginia*	52	41	46
Washington*	90	72	
West Virginia	102	75	
Wisconsin		71	
Wyoming		73	

Figures in the 1st 2 columns, except those for the District of Columbia, are from material submitted by the Justice Department to the House Judiciary Committee.

Figures for overall registration in some cases might be inaccurate or inflated (as in West Virginia) because of ineffective purging of registration rolls.

Where overall registration figures are not given, it is because these States do not have a statewide registration.

The overall voting figures indicated in the 2d column, the committee was told, are based on statistics supplied by State sources to Congressional Quarterly.

Negro registration percentages in the 3d column are from other material prepared by the Voter Education Project of the Southern Regional Council and released by the Commission on Civil Rights.

Some registration figures were obtained in early months of 1964 and are less than the actual registration figure in November. For example, Kentucky lists registration of 51 percent, but voting of 53 percent. The answer appears to be that more people registered later.

New York, on the other hand, has a literacy test, but the State is not under the act. The reason is that both its registration and voting figures are above 50 percent.

The third column of the table shows, for 11 Southern States, the percentage of Negroes of voting age who are registered.

There are no official figures for the District showing what percentage of the Negro population here is registered. In 1960, there were 246,553 Negroes of voting age here.

It has been estimated that 77,000 Negroes were registered as Democrats in 1964 and that 7,000 Negroes were registered as Republicans. The overall registration was 219,687.

The Negro voter registration figures put other percentages in Southern States into perspective. They tend to support the administration's contention that its "triggering" standard for corrective action is workable.

For example, Louisiana has a voter test and a voting percentage of 47. It could argue the act should not reach it because Negro registration is 32 percent—over half the overall percentage.

Senator Sam J. Ervin, Democrat, of North Carolina, maintains the "absurdity of using percentages" is illustrated by comparing his State's situation with that of its neighboring State, Tennessee.

Thirty-four of North Carolina's 100 counties would be under the act because the State has a voter test and these counties have percentages under the 50-percent figure.

Ervin questions whether it can be demonstrated "by any law or logic" that his State is guilty of discrimination while Tennessee, with no test but 22 counties under 50 percent, is outside the act.

Negro registration in North Carolina is 47 percent, according to the Southern Regional Council, while the overall rate is 76 percent. Negro registration in Tennessee is 69 percent.

In Texas—which critics of the bill have contended was purposely excluded from its provisions—the Negro registration figure is 58 percent, while the overall registration is 56 percent.

Both critics and supporters of Negro voting rights can use such statistics to advantage, and county-by-county figures give them still another golden opportunity.

Why should Aroostook County, Maine—for example—where only 1 percent of the population is nonwhite, be covered, while Smith County, Tex., with a 27 percent Negro population, is not covered?

FORD CRITICIZES BILL

"This bill introduces a strange kind of geographical discrimination," said House Minority Leader Gerald R. Ford, of Michigan, in a recent speech at the National Press Club.

Ford said the bill would nullify the literacy test in Martin County, N.C., where 49.9 percent voted, but leave it in effect in Guilford County, N.C., where 52.5 percent turned out.

He emphasized, too, that the bill would not apply to the four Southern States in which 25 percent of the unregistered Negroes of the South are located—Arkansas, Florida, Tennessee, and Texas.

A bill introduced in the Senate 2 days before the administration's bill was presented would use the percentages of Negro voter registration to "trigger" voting rights action.

Under this bill, introduced by Senator Paul H. Douglas, Democrat of Illinois, and nine other Senators, any State employing a test would have to drop it if less than 50 percent of the members of any race of voting age were unregistered.

The same result would occur if less than 50 percent of the overall voting age population did not vote in the November 1964 election. The table shows which states would be affected.

Another provision of this bill would require the President to assign Federal registrars for any voting district in which less than 25 percent of any race of voting age were not registered.

Whatever standard is finally employed as a "trigger," it apparently will have to meet the mounting pressure to deal with areas of discrimination not reached by the present bill.

STATISTICS BARE VOTING BILL NEED

Statistics speak eloquently of the need for a new voting rights law with teeth in it strong enough to overcome the tactics of delay, discrimination, coercion, and violence that have limited Negro voting in some States for generations.

In Alabama, 111,000 Negroes were registered to vote in the 1964 elections; 370,000 of voting age were not. In Louisiana, 164,700 were registered; 350,000 were not. In South Carolina, 144,000 were registered; 227,000 were not. In Georgia, 270,000 were registered; 343,000 were not.

In Mississippi, the figures are even more shocking: only 28,500 Negroes were registered for the 1964 elections; 394,000 were not.

Throughout 11 Southern States, only 43.3 percent of voting age Negroes were registered in 1964, a total of 2,174,000. Unregistered were 2,843,000. This contrasts sharply with the 73.2 percent of whites registered in these States.

The chart below illustrates conclusively the need for new voting rights legislation.

Southern Negro voter statistics by State

State	Total Negro voters as of Nov. 1, 1964[1] (1)	Increase since Apr. 1, 1962 (2)	Percent of eligible Negroes registered (3)	Percent of eligible whites registered (4)	Percent Negro of total registered (5)	Percent Negro of voting age population (6)	Presidential winner and margin, 1964 (7)	Unregistered Negroes of voting age (8)
Alabama	111,000	42,700	23.0	70.7	10.4	26.2	BG 213,625	370,000
Arkansas[1]	105,000	36,000	54.4	71.7	14.6	18.4	LBJ 70,932	88,000
Florida	300,000	117,500	63.7	84.0	12.0	15.2	LBJ 42,599	170,000
Georgia[2]	270,000	94,500	44.0	74.5	16.8	25.4	BG 94,027	343,000
Louisiana	164,700	13,000	32.0	80.4	13.7	28.5	BG 122,157	350,000
Mississippi	28,500	4,500	6.7	70.1	5.2	36.0	BG 303,910	394,000
North Carolina	258,000	47,500	46.8	92.5	11.7	21.5	LBJ 175,295	293,000
South Carolina	144,000	53,100	38.8	78.5	17.0	29.3	BG 93,348	227,000
Tennessee	218,000	67,100	69.4	72.9	14.4	14.9	LBJ 126,082	96,000
Texas	375,000	133,000	57.7	53.2	12.5	11.7	LBJ 704,619	275,000
Virginia	200,000	89,900	45.7	55.9	16.0	18.8	LBJ 76,704	237,000
Total[1]	2,174,200	698,000	43.3	73.2	13.0	22.4	LBJ 369,164	2,843,000

[1] Arkansas figures are as of Jan. 1, 1965.
[2] Voting age 18.

Source: Voter Education Project of the Southern Regional Council.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EAST-WEST TRADE

Mr. JAVITS. Mr. President, I wish to comment briefly on two significant reports issued on May 7 concerning East-West trade. One was issued by the President's Special Committee on U.S. Trade Relations with East European Countries and the Soviet Union, headed by Irwin Miller, chairman of the board of Cummins Engine Co., and the other by the Research and Policy Committee of the Committee for Economic Development—CED—under the chairmanship of Theodore O. Yntema, chairman of the Finance Committee, Ford Motor Co.

Although differing in some respects, both reports call for the expansion of trade in nonstrategic goods with the Eastern European bloc of nations, which are considered to be allied with the Soviet Union for the purpose of promoting our foreign policy objectives in Eastern and Central Europe.

Both reports recognize the need for giving the President authority to conduct our trade policy with these countries in a revised form and selectively. Both urge that Government-guaranteed credits granted to Eastern European countries be limited to 5 years, that East-West trade be conducted in convertible currencies, and that trade negotiations with these countries should involve the reasonable settlement of such outstanding commercial problems, as debts, the danger of dumping of commodities and other items, the arbitration of commercial disputes, copyrights, and similar subjects.

The Committee for Economic Development—CED—although not its European and Japanese counterparts, agreed with the President's committee that a change of U.S. trade restrictions should be confined to Eastern European countries allied with the Soviet bloc.

The CED committee also suggests the creation of a new intergovernmental agency, to be known as the Committee on East-West Trade, under the jurisdiction of the OECD, the 20-nation Organization for Economic Cooperation, and Development, to insure uniformity in credit terms granted to the Eastern European countries. It will be remembered that this is one of the big bones of contention between the European countries that trade with the Soviet bloc and Central Europe, and the United States.

We have stuck to the 5-year credit basis as being our concept of the outermost limit of what we ought to make without trade becoming foreign aid.

This Committee on East-West Trade would also become the means to harmonize the East-West trade policies of all OECD countries, of which the United

States is one. These policies have been in disarray and disharmony.

If there is one thing that needs to be done, it is to bring about a harmonization of policy with respect to the whole Western industrialized world and Japan in respect to trade with the Soviet bloc in Eastern and Central Europe.

In substance, the positions taken by the Miller committee and by the Yntema committee of the CED are generally parallel with the views that I hold. I have made my position clear on repeated occasions—in a report I submitted to the Joint Economic Committee in November 1961, as a result of an investigative trip to the U.S.S.R.; in a full floor statement on October 3, 1963, analyzing the pros and cons of East-West trade, so far as the United States is concerned; and in a statement on February 24, 1965, at a hearing held for that purpose by the Senate Committee on Foreign Relations.

There is a great need for flexibility in the U.S. approach to nonstrategic trade with the European Communist bloc. Our European allies, for reasons of geographic location, their need to engage in a very large export and import trade—unlike ourselves, because with us it represents a relatively small part of our gross national product—and their particular national interest, have engaged in the last decade in substantially broad trade with their Communist neighbors. During this period our position with respect to East-West trade has remained rigid and has been steadily eroded by what might be called this competition with the Soviet bloc. It is not so much that we can do much more business with the Soviet bloc, though we probably can with countries like Poland, Czechoslovakia, Hungary, and Rumania, the so-called satellite countries, than we can with the Soviet Union itself, but the main point is it has represented a state of disharmony with our allies in Western Europe. This has been harmful to the economic future of the Atlantic community.

It is, therefore, essential that we revise our trade policies toward the European Soviet bloc within the dictates of our national interest as defined by the President, in partnership with the Congress—and I emphasize this—in partnership with Congress, and at the same time press for a common Western policy on East-West trade.

It is quite clear that without a revision of our policies with respect to nonstrategic goods, it would be extremely difficult for the United States to reestablish a common policy with our allies. I have advocated—and I get much support in my view from these two distinguished committees in their reports—a code of fair trade practices, insuring that the European Soviet bloc would conduct its trade relations with the non-Communist world in line with normal world trade practices, like those set down by GATT, the General Agreement on Tariffs and Trade, as a good starting point for negotiations, first among members of the OECD—the 20 national organizations in Europe, Japan, and the United States—and then between the OECD and the European Soviet bloc nations.

The President, in his state of the Union message on January 4, 1965, indicated that following a full-scale study of ways to increase peaceful trade with the eastern European countries and the Soviet bloc, such as the one completed today by the President's Miller committee, he would report to Congress his conclusions and recommendations.

I hope very much that as he makes this report the President will do two things; first, recognize that Congress should be a full and equal working partner with the executive branch in determining what should be the revised policy; and, second, emphasize the essentiality of harmonizing the policies of the United States and the other countries in OECD—the other 19 countries—in this vexing issue, which, if resolved, could be tremendously helpful to the future of economic cooperation in the whole Atlantic Community.

I ask unanimous consent that an article dealing with this subject, published in the New York Times of May 7, 1965, be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, May 7, 1965]

Panel Suggests Easing of Curbs on Soviet Trade—Presidential Group Calls for Flexibility in Commerce With Eastern Europe

(By Felix Belair, Jr.)

Washington, May 6.—A Presidential commission on East-West trade reported today that a relaxation of restrictions on trade between the United States and the Soviet Union and the Communist countries of Eastern Europe would help promote American foreign policy objectives.

In an 8,000-word report released by the White House, the group urged that the President be authorized by Congress to relax or tighten such restrictions on trade in nonstrategic commodities and equipment depending on the state of U.S. political relations with the Communist bloc.

The report also recommended, however, that "the United States should in no case drop its controls on strategic items that could significantly enhance Communist military capabilities."

PENTAGON DECISION

It said the Defense Department should have complete authority to decide whether any U.S. export item would contribute to the Communist military potential.

The study group did not recommend any change in trade policy toward Communist China, North Korea, North Vietnam, or Cuba.

It said the only basis for its proposals was to make possible some "hard bargaining" by the United States for political advantage. Ordinary motivations, such as for economic or financial gain, have no place in trade relations with the Communist countries, it said.

In any case, the volume of trade and the profits involved would be "negligible," the study group found, amounting in the current year to less than the $200 million of expected exports to Switzerland.

RELATIONS A FACTOR

On the other hand, the possibility of influencing through expanded trade both the internal evolution and external behavior of Communist countries in Eastern Europe far outweighs any political or military risks involved, it said.

Within this general framework, the commission urged that Congress legislate a special category of tariff agreements.

Under this authority, the President could negotiate bilateral trade pacts that would be subject to cancellation at any time and renewable after periodic review of political relations with the individual country.

The report made these further recommendations:

The President should have continuing authority, as now, to permit Government-guaranteed commercial credits of up to 5 years on trade with the Communist countries "if such terms are normal to the trade and if they are considered to further the national interest."

The Federal Government should decide and provide in bilateral agreements "the permitted scope of the trade in terms of security considerations." But within such limits, the amount of the trade that takes place should be left to U.S. business and the U.S. consumer to decide.

It also said:

The United States should insist in trade negotiations with Communist countries that payment for its exports must be made in convertible currencies. It should oppose "any governmental linkage of exports and imports."

Both in bilateral trade agreements and in extending Government guarantees of private commercial credit, the United States should insist on a settlement of private claims stemming from expropriation of American property and, in the case of the Soviet Union, of the United States lendlease account fixed by this Government at about $800 million.

The United States also should require from Communist countries such trade connecessions as guarantees against "dimpling" and other forms of market disruption, assurances regarding the arbitration of commercial disputes in third countries, and for the protection of patents and other commercial property.

Release of the report by the Presidential study group coincided with similar recommendations by the Committee for Economic Development, a nonprofit, nonpolitical research and education organization of 200 businessmen and educators.

Its primary purpose is to develop national and international policies designed to attain high employment within the framework of a free society.

Like the Presidential study group, the research and policy committee called for expanding trade with the Soviet Union and other East bloc countries, including Poland, Czechoslovakia, Bulgaria, Rumania, Hungary, and Albania.

It was joined in this by counterpart organizations in Western Europe and Japan. The latter refused to go along, however, with the proposal that relaxation of trade restrictions be confined to the Soviet Union and the Eastern European countries.

The European and Japanese businessmen said that Communist China had to be included in any call for trade expansion with Communist countries because it had one-fifth of the world's population and was now going through a period of intensive economic development.

One committee proposal in which its companion organization joined went beyond the recommendations of the Presidential commission. This called for creation of a new intergovernmental agency to be known as the Committee on East-West Trade.

The new group would be set up under auspices of the Organization for Economic Cooperation and Development, an adjunct of the North Atlantic Treaty Organization.

The principal reason advanced for the new agency was the need for uniformity in the credit terms to be provided by the West in trade with Communist countries.

The committee report noted that the "ingredients of a credit war" already were present in the competition for Communist trade between Western European countries on the one hand and the Japanese on the other.

TWENTIETH ANNIVERSARY MEMORIAL SERVICE FOR JEWISH VICTIMS OF NAZI EXTERMINATION EFFORT

Mr. JAVITS. Mr. President, I call attention to the celebration at Hunter College in New York on Sunday, at a great mass meeting for former Jewish victims of Nazi extermination effort marking the 20th anniversary memorial service of the date when the concentration camps were liberated. I had the honor of speaking there on Sunday, as did the president of the board of education, who was my opponent when I ran for reelection in 1962, also Charles A. Silver, a former president of the board, and my very distinguished colleague from New York [Mr. KENNEDY].

I am sure that my colleague would join with me in calling attention to the depth of tragedy which was revealed by those hundreds of faces of people who had been marked with the blue stenciled numbers of the Nazi concentration camps, with people who probably now weigh twice or more what they weighed when they were liberated. One man told me that he weighed 75 pounds when he was freed. He had lost every single member of his family, without exception—man, woman, and child.

It is necessary to emphasize that point, because only 20 years have elapsed. It is too soon to forget. We are reminded of many urgent things that we are not doing that this terrible memory should stimulate us in doing.

It has been 16 years that a United Nations treaty against genocide has been awaiting Senate consent to ratification. I do not see how we can face ourselves on such a 20th memorial service without at least bringing it up for hearing. If the Senate wishes to turn it down, let it be turned down. But that is the best memorial we could erect to those 6 million Jewish martyrs of Europe who were exterminated by Hitler.

There is a great problem in the world about the reunification of Germany. We are preparing to do something about that now. I think that must be coupled with an understanding that Germany must be fully integrated, especially if we are seriously to consider its reunification as a member in the best standing of pan-Europe, bearing in mind the tragic history that we have had with nationalism in Germany.

It brings up problems with relation to Israel and the terrible jeopardy in which that country is placed, notwithstanding the fact that it is the one secure and safe haven which, had it existed in Hitler's time, might have rescued hundreds of thousands, perhaps millions, of those who were otherwise exterminated. Other cries for justice are brought to our memory by the unbelievable bestiality and inhumanity of what took place in Europe toward the close of the 1930's and through the early 1940's.

The one thing that I should like to leave with Senators and Members of the House of Representatives who will read this RECORD is that oft-repeated but, in this case, unbelievably apposite statement: "Lest we forget; lest we forget."

Let us never forget what was the capacity of a whole people in making a leader like Hitler, and then in one way or another supporting him through a terrible war and through terrible crimes upon the world. Let us not forget all those who served with him, and all the controversy which surrounded the Nuremberg trials. Those things could be settled by the genocide convention. Let us examine our own consciences and see whether we are doing everything that as decent human beings we can do as a fair memorial to this terrible tragedy.

One of the things which is immediately within the grasp of the Senate, and which is the least we can do, is at long last to hold hearings on the ratification of the United Nations convention against genocide.

Mr. President, I ask unanimous consent to have printed in the RECORD as part of my remarks an article from the New York Times of May 10, 1965, concerning this tragic memorial meeting.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VICTIMS OF NAZIS MARK LIBERATION—JEWISH SURVIVORS OF DEATH CAMPS MEET AT HUNTER

Six survivors of Nazi death camps stood on the platform of Hunter College auditorium yesterday afternoon and lighted six candles in memory of 6 million Jews who died at the hands of the Nazis.

And as Cantor Moshe Koussevitzky intoned the Hebrew prayer Ani Maamim ("I Believe"), many in the audience of 1,000 wept softly.

It was this hymn—1 of the 13 articles of faith written by Maimonides, the 13th-century Jewish philosopher and physician—that was sung in the concentration camps and by the fighters of the Warsaw ghetto uprising.

That uprising, which began on April 19, 1943, lasted for 44 days; only a handful of the 60,000 ghetto residents survived.

In the background at the Hunter College ceremony was a large banner, in Yiddish and English, that read: "We Will Never Forget."

The sobbing deepened when Cantor Koussevitzky intoned the El Mole Rachamin ("God, Full of Mercy")—the prayer for the dead—and led the survivors in the recitation of the Kaddish, another memorial prayer.

All in the audience had been in Auschwitz, Dachau, Treblinka or Buchenwald.

The ceremony marked the 20th anniversary of the liberation of those camps. It was held under the auspices of the Jewish Nazi Victims of America at the college, 695 Park Avenue.

SENATORS WELCOMED

Moses Socachevsky, president of the organization, a survivor of Buchenwald, expressed the gratitude of his assemblage for their liberation, for the chance to rebuild "our lives in the beloved United States of America."

There were ovations for Senator ROBERT F. KENNEDY and JACOB K. JAVITS when they emphasized that the cruelty of the Nazi regime must never be repeated.

"The world," said Senator JAVITS, "owes a duty to Nazi victims—that of never forgetting."

Senator KENNEDY said that "part of our determination never to let the senseless cruelty of the Hitler years happen again must be channeled toward maintaining the security of Israel."

Other speakers included Dr. Hillel Seidmann, a survivor of Warsaw ghetto and a writer for Jewish and Israel publications; Jacob Katzman, general secretary of the Farband Labor Zionist Organization, James B. Donovan, president of the New York City Board of Education; Harrison S. Goldin of the American Jewish Congress, and Charles A. Silver, who represented Mayor Wagner.

APPOINTMENT TO EIGHTH CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The PRESIDING OFFICER. On behalf of the Vice President, pursuant to the provisions of Public Law 86-42, the Chair announces the following appointments to the Eighth Canada-United States Interparliamentary Group to attend the meeting to be held at Ottawa, Montreal, on May 20–24, 1965: MIKE MANSFIELD, EUGENE MCCARTHY, LEE METCALF, B. EVERETT JORDAN, DANIEL K. INOUYE, STEPHEN YOUNG, GEORGE D. AIKEN, LEVERETT SALTONSTALL, JOHN SHERMAN COOPER, MILWARD SIMPSON, LEN B. JORDAN, and JAMES B. PEARSON.

IS THE OAS WRITING HISTORY ON THIS CONTINENT? THE STORY OF HOW PRESIDENT JOHNSON'S MOVE IN THE CARIBBEAN IS BEING VINDICATED

Mr. MANSFIELD. Mr. President, I yield whatever time is necessary to the Senator from Alaska.

Mr. GRUENING. Mr. President, I thank the distinguished Senator from Montana.

The Organization of American States is now meeting at the Pan American Union to decide what action to take with relation to events in the Dominican Republic. The outcome of that meeting will be of historical dimensions. What the 20 special delegates from the American Republics decide to do about the Dominican situation will determine whether OAS machinery for peace and security in the Western Hemisphere moves forward into the context of the 1960's or grinds to a disastrous halt.

On May 6 I pointed out on the floor of the Senate that the situation in the Dominican Republic is totally different from the one we face in Vietnam. For one thing it is at our front door in the Caribbean. It is not on the continent of Asia. I commend the President for his swift action in the Dominican Republic, both for humanitarian purposes—the saving of lives—and for heading off Communist takeover in the Caribbean. I also urged that our initial action be made as soon as possible a joint concern of all the American Republics. I am glad that the administration did indeed lay the matter before the Organization of American States.

Unhappily, the U.S. press has been gravely derelict in reporting what has transpired in the OAS with regard to the Dominican crisis. Reports continue to imply that the United States overacted in the Dominican circumstances. While generally accepting the necessity to rescue U.S. nationals and other foreigners whose lives were endangered, commentators express doubts regarding the wisdom of expanding our mission to prevent a Communist takeover. Many reports question the extent of Communist infiltration.

Yet, to my knowledge, none of the major wire services, newspapers, or radio-television systems have taken the trouble to examine the findings of the OAS investigating team that returned from the Dominican Republic last weekend. The Special Committee of the OAS consisted of the following five Latin American Ambassadors: Ricardo M. Colombo, Argentina; Elmar Penna Marinho, Brazil; Alfredo Vazquez Carrizosa, Colombia; Carlos Garcia Bauer, Gutemala, and Frank Morrice, Panama.

On Friday night, May 7, the Council of the OAS met to question the Committee regarding its findings in the Dominican Republic. The meeting lasted almost until 3 o'clock Saturday morning. While the meeting was private and the press not admitted, the OAS Council decided to release its proceedings so that the hemisphere—indeed the world—could be apprised of the true situation in the Dominican Republic.

The Pan American Union made the document available to the press on Saturday night about 8 p.m. The text is in Spanish, so it appears that reporters who do not read Spanish simply ignored it existence. I understand that the OAS secretariat does not provide translations of proceedings in languages other than those in which they transpire. Since the text of this particular meeting is so important, I shall put the entire document into the RECORD as soon as I have it translated.

Meanwhile, it is imperative that the gist of the Ambassadors' revelations be widely publicized. If we are to judge the efficacy of U.S. policy and to plan for similar episodes in the future, we must first understand what is taking place in the Dominican Republic. What better source, then, than the views of five Latin American Ambassadors, from five exceedingly diverse Latin American countries, sent to the Dominican Republic in the official capacity of investigators of the OAS?

Here, then, are some of the highlights of their testimony.

The members of the Special Committee were asked to report on the degree of Communist infiltration in the rebel and junta forces. The Ambassadors of Argentina, Brazil, and Colombia all expressed their opinion that the degree of Communist infiltration had indeed reached worrisome proportions. Ambassador Colombo of Argentina revealed that Colonel Caamano himself recognized that Communist infiltration was a great problem for the rebels.

The delegate from Brazil put the situation this way:

> Mr. President, to corroborate the affirmative answers just given by my colleagues from Colombia and Argentina and add an aspect which I believe can help to clear the focus that can be given to this problem, I wish to say, Senores Special Delegates, that with the total collapse of public authority—since neither the forces of the junta of government (Benoit, Santana and Saladin), nor those of Colonel Caamano controlled the situation—the Dominician State practically disappeared as a juridicial-political entity, dissolving into a kind of no-man's land. The arsenal had been handed out to the people, and all of the disoriented population, adolescents and fanatics, carried modern automatic armaments, in an excited state which was even more exacerbated by constant radio broadcasts of obvious subversive character. Neither I, nor any of the members of this Committee, I believe, am in condition to assert with assurance that the movement of Colonel Caamano, backed by the really popular figure of ex-President Bosch, is an essentially Communist movement. But one fact is indisputable: during the state of true anarchy in which the country was engulfed for various days, especially the capital, where bands of snipers sacked, killed, and did not obey anyone, whatever organized group disembarked on the island could have dominated the situation. For that reason, and on this the majority of the chiefs of foreign missions there agree, all the members of the Committee are in accord in admitting that the movement of Caamano, although authentically democratic in its origins, since none of us believe sincerely that Caamano is a Communist, could rapidly have been converted into a Communist insurrection.

The special delegate from Uruguay—Senor Oribe—asked whether the situation is such that it would endanger the peace and security of the hemisphere.

As you know, Mr. President, collective action by the inter-American system can be invoked only in the case that the peace and security of the hemisphere are endangered. Otherwise, collective as well as unilateral action would be considered intervention in the internal affairs of a member state, and hence prohibited by Charter of the OAS.

In answer to this crucial question, the special delegate from Colombia replied:

> The first question is: Is the situation such that it endangers the peace and security? My answer is "Yes;" yes, there exists a situation which endangers the peace and security. The reasons are very clear. A disturbance or even a war in one member state is not the same where there exist elements of order and constituted authority as in a state where one can see, one can judge the degree of, and one can document the absence of constituted authority. What to do, Senor Delegate, faced with the absence of a state? What does the (inter-American) system do when a state does not exist? What happens when blood is flowing through the streets; what happens, Senor Delegate, when an American country—and I am going to speak frankly so that your Excellency meditates with all the clarity that we recognize you possess—if those conditions are found, in the vicinity of Cuba? Do we sit in the balcony to watch the last act of the tragedy? Do we sit as in a bullring awaiting the entrance of the matador and his crew? What to do, Senor Delegate? We are in a movement of the struggle of international communism; and we are in the world, Senor Delegate, and America is not separated even by the sea from other continents. The Dominican Republic, as any country in America, is a part of the (inter-American) system, and it is the system which will suffer when any of its members is headless. The problem we face is not one of juridical concepts, subject to an exact legal interpretation. The problem is one of deep political significance, of continental importance, much graver than that of any of the other American revolutions.

Mr. President, the five OAS delegates, all of them Latin Americans themselves, have performed a magnificent service for inter-American peace and solidarity. They have, in a very real sense, vindicated President Johnson's decision to act quickly in the Dominican situation.

Now the question of the future of the Dominican Republic has moved on to an inter-American stage. The OAS Special Committee has declared that, in the anarchial situation in the Dominican Republic, there existed the danger of a Communist takeover. Hence, the OAS presence in the Dominican Republic is warranted as a counterforce to extra-continental intervention in an American Republic.

The question which the OAS must now face concerns returning that tragic little American Republic to a semblance of peace. It is not enough to have nipped off an impending Communist subversion. I believe that the OAS now has the responsibility to protect the Dominican people from either a tyranny of the left or the right. The prospect of a Communist tyranny should not be an excuse to permit the establishment of an abhorrent dictatorship of the Trujillo stripe.

The United States, having intervened to stave off a Communist dictatorship, cannot now abandon the Dominican people. The OAS, having in effect condoned the U.S. intervention and turned it into a collective action, now must assume the responsibility for assuring that the Dominican people do indeed get the opportunity to exercise those democratic rights upon which the Charter of the OAS is based.

It is my understanding that the meeting at present in progress will concern itself with the next collective steps to be taken in the Dominican Republic. As is clear from a reading of the discussion by the members of the Special Committee, both sides in the present conflict in the Dominican Republic respect the inter-American system, have faith in it, and desire to cooperate with it. This augurs well for any imaginative attempt by the OAS to proceed to the tough task of reconstruction.

I do not underestimate the tremendous problem ahead in any collective effort to help the Dominican people on the path of attaining a viable, democratic government. But I am convinced that the effort must be made. I fervently hope that the Council of the OAS, presently meeting, will hasten to establish a committee of distinguished hemisphere citizens to serve as advisers and counselors in the Dominican Republic until such time as democratic elections can be held to record the voice of the Dominican people.

As soon as I can obtain a translation of the May 7–8 session of the OAS, I shall insert it in the RECORD. It is required reading for all those who wish to know what really transpired in the Dominican Republic that led the United States to risk the opprobrium of our Latin American friends by landing U.S. marines on Latin American soil for the first time in a generation.

In short, we may be on the eve of a great turn of events in the history of American relations. If these materialize as a result of President Johnson's swift action coupled with his efforts to get the Organization of American States to take over, then the tragic losses of life in the Dominican Republic may not have been in vain. This could well be the most important change in hemispheric policy since President Roosevelt's declaration of the good-neighbor policy early in his administration and his subsequent efforts to make the Monroe Doctrine, as he termed it, "a joint concern" of all the American Republics.

The President, as we know, has been in touch with the outstanding apostles of democracy in the Latin American world: Romulo Betancourt, the great ex-President of Venezuela; José Figueres, former President of Costa Rica; a figure of international standing; and our own Luis Muñoz-Marín who has written a bright page of history in the Caribbean. In the case of Muñoz-Marín, it has always been regretted by those who appreciated his great statesmanship that it could not have been exercised on a scale larger than a small island—Puerto Rico. Maybe the opportunity has now come for him to put his great talents and vision to work in behalf of the whole hemisphere.

Finally, let me say again that President Johnson is to be commended for his swift statesmanship and action in the Caribbean, although I find it difficult to understand the size of the military commitment that has been made. But as of now, we must all hope that a hemispheric organization will move in, and, as I said on the floor of the Senate last Thursday, relieve the United States both of the responsibility and the onus of unilateral intervention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, under the agreement previously entered, I ask unanimous consent that the Senate stand in recess until 12 o'clock noon tomorrow.

There being no objection, the Senate (at 5 o'clock and 18 minutes p.m.) took a recess, under the order previously entered, until tomorrow, Tuesday, May 11, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 10, 1965:

U.S. ATTORNEY

Harold D. Beaton, of Michigan, to be U.S. attorney for the western district of Michigan for the term of 4 years, vice George E. Hill, resigned.

DIPLOMATIC AND FOREIGN SERVICE

Mercer Cook, of Illinois, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to The Gambia.

Ridgway B. Knight, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

George A. Morgan, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

Barney B. Taylor, of Michigan, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Ronald I. Spiers, of Vermont, for appointment as a Foreign Service officer of class 2, a consul, and a secretary in the diplomatic service of the United States of America.

Godfrey Harvey Summ, of Virginia, now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Morris H. Crawford, of Virginia, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Fredrick C. Ashley, of Ohio.

John M. Beshoar, of Colorado.

Warren Clark, Jr., of the District of Columbia.

Raymond H. Collins, of Missouri.

Wilfred F. Declercq, of Missouri.

Roger R. Gamble, of New Mexico.

Richard E. Ginnold, of Washington.

Kenneth Allen Hartung, of New York.

Arthur D. Levin, of Rhode Island.

Charles T. Magee, of the District of Columbia.

Edward Michael Sacchet, of Maryland.

Cameron H. Sanders, Jr., of New York.

William L. Swing, of North Carolina.

Norman E. Terrell, of Washington.

Miss Lenore E. Westfahl, of Wisconsin.

The following-named Foreign Service officers for promotion from class 8 to class 7.

Paul G. Berry, of Maine.

Kenneth W. Bleakley, of New York.

Duane C. Butcher, of Oklahoma.

David P. N. Christensen, of Nevada.

Jared J. Collard, of Washington.

Lowell R. Fleischer, of Ohio.

Richard M. Greene, Jr., of California.

George H. Haines III, of New York.

Lauren Wells Jackson, of New Jersey.

Charles E. Lahiguera, of Rhode Island.

Thomas G. Martin, of Alabama.

Shirl F. McArthur, of Washington.

Joseph D. McLaughlin, of Kansas.

Donald E. Mudd, of the District of Columbia.

Bruce S. Pansey, of Rhode Island.

Irwin Pernick, of New York.

Gordan R. Powers, of Idaho.

John P. Riley, of New Jersey.

Miss Ruth M. Schimel, of New York.

John F. Simmons, Jr., of the District of Columbia.

Gilbert J. Sperling, of Pennsylvania.

Thomas Ronald Sykes, of Illinois.

Paul Daniel Taylor, of New York.

Thaddeus C. Trzyna, of California.

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Sydney Goldsmith, of New Jersey.

Alphonse F. La Porta, of New York.

Stephen O. Lesser, of California.

Miss Sheila-Kaye O'Connell, of Massachusetts.

John H. Penfold, of Colorado.

Bruce C. Rogers, of New York.

Theodor Rumme, of Massachusetts.

James W. Shinn, of California.

James E. Taylor, of California.

John Way Vincent, of Illinois.

Miss Sarah D. Wilkinson, of California.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

William E. Barreda, of Texas.

David L. Blakemore, of New York.

Colby Cornish Coombs, of Massachusetts.

James J. Ehrman, of Wisconsin.

Thomas P. Gallagher, of New Jersey.

Arthur H. Hughes, of Nebraska.

Richard L. Jackson, of Massachusetts.

Dennis W. Keogh, of the District of Columbia.

Peter S. Maher, of Illinois.

Gene B. Marshall, of New Hampshire.

Richard Keller McKee, of Illinois.

Walter M. Notheis, of California.

John E. Ormond, Jr., of Rhode Island.

Alan Parker, of Kansas.

Albert J. Planagan, of New York.

Bruce F. Porter, of Iowa.

Mark S. Ramee, of New York.

The following-named Foreign Service reserve officers to be consuls of the United States of America:

J. Donald Blevins, of Virginia.

Paul E. Carr, of Virginia.

Bernard F. Coleman, of Illinois.

Ted D. Girdner, of Maryland.

Raymond A. Loughton, of Utah.

Lee E. Patton, of Virginia.

Rafael Sancho-Bonet, of Puerto Rico.

Frederick Warner, of California.

Walter G. LaPointe, of Maine, a Foreign Service reserve officer, to be a consul and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service reserve officers to be vice consuls of the United States of America:

Paul E. Arnold, of Virginia.

Eugene M. Geiger, of Pennsylvania.

Robert B. Goodwin, of Massachusetts.

Carl E. Trettin, of Virginia.

The following-named Foreign Service reserve officers to be secretaries in the diplomatic service of the United States of America:

John Basarab, of Pennsylvania.

Mark T. Colby, of Florida.

Condit N. Eddy, Jr., of New York.

James B. Fletcher, Jr., of Florida.

Thomas B. Graham, of Tennessee.

William J. Hood, of the District of Columbia.

Richard L. K. Jung, of New York.

Francis G. Meyer, of Virginia.

James D. Montgomery, of Tennessee.

Henry D. Morgan, of Virginia.

Walter L. O'Brien, of Illinois.

Edwin J. Pechous, of Illinois.

Peter J. Romano, of the District of Columbia.

John J. Seidel, Jr., of West Virginia.

Terry R. Ward, of Pennsylvania.

Leroy S. Wehrle, of Illinois.

The following-named Foreign Service staff officers to be consuls of the United States of America:

Miss Giulia Assante, of New Jersey.

Miss Elsie C. Bell, of California.

Miss Myrtle J. Eckblom, of Washington.

G. Ryder Forbes, of the District of Columbia.

Charles W. Stuckey, of Alabama.

Wayne A. Swedenburg, of Illinois.

Elwin T. Vangas, of New Hampshire.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1965:

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Coast and Geodetic Survey:

To be lieutenants

Freddie L. Jeffries.
Gerald R. Schimke.
John D. Boon III.

To be lieutenants (junior grade)

Paul W. Larsen
Leland L. Reinke
Henry L. Pittock III
Ronald W. Elonen
John B. Jones III
Thomas E. Ryder
Christian Andreasen
Carl N. Davis
Edward E. Jones
Frederick J. Kuehn, Jr.
Robert H. Leininger
John E. Dropp
Conrad E. Huss
William Y. S. Williams
Lindle E. Barnett
William J. Cooke
Neal A. Horst
Joseph W. Dropp
Walter F. Forster II
Delwyn C. Webster
Joseph T. Smith
Peter M. Schidrich
Robert C. Westphall
Billy G. Morrison
Danford A. Moore
William R. Klesse
Gerald M. Ward
Woodrow E. Bliss, Jr.
David L. Hough
Phillip C. Johnson
Rodger K. Woodruff
James M. Wintermyre
Karl W. Kieninger, Jr.
Karl S. Karinch

To be ensigns

Leonard T. Lynch, Jr.
Thomas F. Scygiel, Jr.
Stanley M. Hamilton
Leonard Larese-Casanova
Dennis E. Youngdahl
Kirk P. Patterson

EXTENSIONS OF REMARKS

Citation and Distinguished Service Award Presented to the Honorable Harley O. Staggers, of West Virginia, by the American War Mothers Yesterday at the 41st Annual Mother's Day Ceremonies in the Amphitheater at Arlington National Cemetery

EXTENSION OF REMARKS
OF

HON. JAMES KEE

OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 10, 1965

Mr. KEE. Mr. Speaker, just yesterday, Sunday, May 9, the American War Mothers conducted their 41st annual Mother's Day ceremonies in the amphitheater at Arlington National Cemetery.

During this ceremony the American War Mothers presented a special award honoring the officers and men of our Armed Forces in South Vietnam in appreciation of patriotic and dedicated service to country. This was presented to the members of our Armed Forces now serving in South Vietnam through Gen. Harold K. Johnson, Chief of Staff, U.S. Army, representing the Joint Chiefs of Staff.

Mr. Speaker, I am delighted to have this opportunity to share with you and the Members of the House the fact that the American War Mothers presented the following citation to the Honorable HARLEY O. STAGGERS, the distinguished dean of the West Virginia congressional delegation:

> The Founding Fathers of the United States of America devised a system of government, unique to its time, under which its citizens could freely seek their chosen goals, and the Nation as a whole could prosper and progress. Providing for three separate and distinct areas of authority, the Constitution delegates to the Congress the solemn responsibility of legislative power. It has been, and is, for those men who have followed that Continental Congress to build the edifice of a great Nation upon this foundation of great principle.
>
> Since 1948, the Honorable HARLEY O. STAGGERS has served in that great body as a Member of the House of Representatives from West Virginia and now dean of the West Virginia congressional delegates. Appointed to important committee assignments on the Interstate and Foreign Commerce Committee, the Post Office and Civil Service Committee, and the Veterans' Affairs Committee, he has worked with a diligence recognized by the continued support of the people of West Virginia, and with regard at all times for the national interest and the welfare of all Americans.
>
> The American War Mothers believes that skilled and dedicated leadership is essential to the continued security of this Nation and is privileged to commend the Honorable HARLEY O. STAGGERS for distinguished and faithful service marked by excellence of achievement and honor in the Congress of the United States of America.

In addition, the American War Mothers presented its Distinguished Service Award, which was a plaque with the following words inscribed thereon:

> The Honorable HARLEY O. STAGGERS for distinguished and faithful service, marked by excellence of achievement and honor in the Congress of the United States of America.

I take this opportunity to highly commend the American War Mothers for selecting our esteemed colleague, Congressman STAGGERS, to receive their annual Distinguished Service Award.

Three Hundredth Anniversary of Staten Island Reformed Church

EXTENSION OF REMARKS
OF

HON. JOHN M. MURPHY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 10, 1965

Mr. MURPHY of New York. Mr. Speaker, the Staten Island Reformed Church celebrated its 300th anniversary this year and on May 2 at the 4 p.m. service a beautiful plaque was unveiled. The plaque reads:

> In 1665 a small group of the first Dutch settlers to come to the shores of this island banded together for the worship of Almighty God. Through three centuries, faithful men and women have continued this ministry to the community, the Nation, and the world.

John M. Braisted, Jr., district attorney for Richmond County, and a member of the Reformed Church, played the organ for this historic service.

A message from President Johnson to Rev. Jack Hascup, pastor, was delivered by me as follows:

> THE WHITE HOUSE,
> *Washington.*
>
> Rev. JACK HASCUP,
> *The Reformed Church of Staten Island, Staten Island, N.Y.:*
>
> I have learned with much pleasure from Congressman MURPHY that the Reformed Church on Staten Island is observing the 300th anniversary of its founding.
>
> On this joyous and memorable occasion you may recall with pride and satisfaction the many fruitful years of service rendered by your church to God and to your community.
>
> I am happy to extend to you and to your members my heartiest greetings and warm congratulations. I hope that the years ahead will be replete with abundant blessings for you and for the members of your church.
>
> LYNDON B. JOHNSON.

The church services were edifying and enlightening to all who attended. In the front row of the church, seven little girls in Dutch costumes set the tone for the occasion and they were a reminder to all that although costumes and materials have changed, the principles and faith in our heritage and religion have not.

The former pastor of the church from 1948 to 1959, Rev. Cornelius Vander Naaid, gave the principal address.

Fifth District Voters Support President's Position in Vietnam

EXTENSION OF REMARKS
OF

HON. JOHN S. MONAGAN

OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, May 10, 1965

Mr. MONAGAN. Mr. Speaker, each year during the past 5 years I have conducted a poll of public opinion in the Fifth Congressional District of Connecticut, which I have the honor to represent. I have just completed a tabulation of the returns on my most recent questionnaire which covers 14 major issues confronting the Congress and the administration, and never before has the questionnaire turned up a more significant registration of public opinion than the current one. It is particularly noteworthy because of the nature of the response to the questions concerning Vietnam.

I include in the RECORD the complete chart of the results of my questionnaire, but I want to call particular attention to some of the highlights. On the issue of Vietnam, 38.8 percent, or a plurality of those answering, favored intervention in strength by U.S. forces, 36.4 percent opposed such action, 24.8 percent expressed no opinion. The answers become more significant and I am sure that the President will take comfort in the knowledge that 68.6 percent flatly opposed withdrawal of U.S. support from South Vietnam and 62.6 percent favored expansion of our present support program for the people and army of South Vietnam.

While this study is the fifth which I have conducted, it is the first report of sentiment from the redistricted Fifth Congressional District, the boundaries of which became effective with the convening of the 89th Congress.

I am happy to tell you that my constituents are continuing to demonstrate a gratifying interest in the problems of government. In response to approximately 20,000 questionnaire cards distributed by me, at no cost to the Government, I received a total of 3,300 returns or 16.5 percent and these were mailed to me by my constituents at their own expense. In addition, I received hundreds of letters from constituents who commented at length on the issues listed, having found unduly restrictive the confinement to the "yes" or "no" of the printed questionnaire.

I am grateful to the people of my district who have assisted me by their participation in this survey. While I do not look upon these returns as an official mandate, they are helpful guides and indicators of public opinion trends. I shall, of course, continue to exercise my own judgment in voting on the issues.

I want to point out the heavy registration of support for revision and improvement of presidential and vice-presidential succession and inability laws and for a 60-day limit on presidential campaigns, which have been two of the subjects in which I have taken a very personal and particular interest. Among other subjects in which I have initiated legislative action and which have won strong support in the survey are an accelerated program of Federal assistance for local-State effort to curb water and air pollution; a constitutional amendment to permit the voluntary recitation of prayer in public schools; Federal legislation to guarantee the right of voting registration for every citizen; and an additional income tax exemption for persons paying expenses of college students. There are others, but these are the ones most favored.

With your permission, Mr. Speaker, I include at this point the complete tabulation of the 14 sections and the several subsections covered in my 1965 questionnaire, showing the total scores both in figures and in percentages:

Results of questionnaire, April 1965, John S. Monagan, 5th District of Connecticut

	Yes		No		Undecided	
	Total	Percent	Total	Percent	Total	Percent
Do you favor?						
1. (a) A program of hospital and nursing care under social security?	2,019	61.2	1,145	34.7	136	4.1
(b) Extension of present programs based on general tax revenue?	1,591	48.2	736	22.3	973	29.5
2. (a) Withdrawal of U.S. support from South Vietnam?	610	18.5	2,263	68.6	427	12.9
(b) Expansion of our present support program for the people and Army of South Vietnam?	2,026	62.6	719	21.8	515	15.6
(c) Intervention in strength by U.S. forces?	1,281	38.8	1,201	36.4	818	24.8
3. Repeal of sec. 14(b) of the National Labor Relations Act of 1947?	702	21.3	921	27.9	1,677	50.8
4. Revision of immigration and nationality laws by elimination of the national quota system?	1,690	51.2	1,187	36.0	423	12.8
5. Inclusion of private and parochial schools in benefits of Federal programs of aid to education?	1,851	56.1	1,317	39.9	132	4.0
6. Abolition of House Un-American Activities Committee?	745	22.6	2,052	62.2	503	15.2
7. A 60-day limit on presidential campaigns?	2,811	85.2	357	10.8	132	4.0
8. A constitutional amendment to permit the voluntary recitation of prayer in public schools?	2,683	81.3	436	13.2	181	5.5
9. (a) Appropriations for U.S. foreign aid program (military)?	1,726	52.3	1,141	34.6	433	13.1
(b) Appropriations for U.S. foreign aid program (economic)?	1,956	59.3	944	28.6	400	12.1
10. Additional income tax exemption for persons paying expenses of college students?	2,547	77.2	604	18.3	149	4.5
11. Accelerated program of Federal assistance for local-State effort to curb water and air pollution?	2,799	84.8	323	9.8	178	5.4
12. Revision and improvement of presidential and vice-presidential succession and inability laws?	3,010	91.2	101	3.1	189	5.7
13. Termination of selective service (draft)?	759	23.0	2,211	67.0	330	10.0
14. Federal legislation to guarantee the right of voting registration for every citizen?	2,908	88.1	250	7.6	142	4.3

A Monument to Freedom

EXTENSION OF REMARKS

OF

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. VAN DEERLIN. Mr. Speaker, many of us have filled requests for American flags which have flown above the Capitol. On a recent visit to my San Diego, Calif., district, I was able to fulfill a more unusual request. It was from the students of the Horace Mann Junior High School, who wanted a Colombian flag.

They wanted it to help mark the completion of a school project so laudatory that I wish to share the information about it with House colleagues.

Because of the imagination and efforts of these young people, a remote community in the southernmost Province of Colombia will have a public school for some 400 children—a school it might otherwise have waited a long time for.

The project was undertaken with Peace Corps cooperation. That agency put the San Diego school in touch with community leaders in Barrios Unidos, Garzon, in the Province of Huila. The children of this village were without any school whatever. An aroused citizenry had earmarked the land needed, and was getting it cleared for construction—mainly on hope—when the San Diego school youngsters entered the picture. It was then estimated that as little as $1,400 in outside money would cover the cost of sand, rock, cement, and fencing needed for the physical plant—utilizing contributed labor.

Despite offers of assistance from adult groups, the Horace Mann students decided that this was to be their project. And early in the spring they launched a whirlwind round of money-raising activity: a student jazz concert, a benefit student-faculty basketball game, a bake sale, a weekend carwash center, the gathering of trading-stamp books redeemable in cash.

Slowly, the funds accumulated—to the full $1,400. Under the direction of Peace Corps volunteers on the scene in Garzon, the money is making possible a five-room school where no school existed before.

As Horace Mann's principal, C. Russell Henzie, puts it—

> The benefits flow both ways. An urgently needed school is being built for children woefully lacking in education. It is not financed with Government funds or foreign aid, but by private funds from our San Diego students and self-help from the people of Garzon.
>
> The people building the school will feel the pride and satisfaction of having participated to their capacity, and the students of Horace Mann can be proud of the fact that they have helped build a lasting monument to freedom. It has been said that "Only the educated are free." What better way to promote freedom than to build a school?

Due special mention for their efforts in this great project are James Harrington, faculty advisor to the Horace Mann student body, and the following students: Earl Altshuler, student president, Pete Keyser, Kirk Kiloh, Bobby Belkin, Randy Flynn, Rod Boone, Bill Coady, Becky Overton, Mike Drakulich, Linda Moore, Kathy Crosthwaite, Glen Skirvin, Frank Apgar, Pete Snyder, Carol Knott, Sandy Overton, and Carol Lamden.

Thank you, Mr. Speaker.

Questionnaire to 22d District of California

EXTENSION OF REMARKS

OF

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. CORMAN. Mr. Speaker, at the beginning of each session of Congress, I send a legislative questionnaire to all households in my district, soliciting the views of my constituents on the important issues before us. This year's questionnaire was mailed to 152,000 households in the 22d Congressional District.

At this time, I would like to make the results of my fifth annual questionnaire an official part of the RECORD:

QUESTIONNAIRE RESULTS

1. I have listed below a number of issues of vital public concern. Please check the three items you believe deserve priority in Congress (listed in order):

	Percent
(a) Reexamination of foreign aid	15.7
(b) Juvenile delinquency, narcotics, and crime	15.2
(c) Taxes and economic growth	10.4
(d) Diversification of the private economy to provide for less reliance on Government contracts	9.7
(e) Aid to education	9.5
(f) Reapportionment of State legislatures on a population basis	8.4
(g) Training and employment opportunities for youth	7.7
(h) Reexamination of national defense requirements	7.6
(i) Space research and exploration	5.5
(j) Needs of our senior citizens	5.3
(k) Regulation of mail-order purchase of firearms	5.0

2. Please indicate any or all of the following measures Congress should enact in the field of education:

	Percent		
	Favor	Oppose	No opinion
(a) Establishment of Federal scholarships to enable more high school graduates to attend college	50.2	43.8	6.0
(b) Extending work-study programs, which provide oncampus jobs, for college students from middle-income families	60.1	29.9	10.0
(c) Awarding of grants to help States buy books for elementary and high school libraries	40.4	49.1	10.5
(d) Aiding low-income school districts	61.0	31.6	7.4

3. If Federal money is used to assist public schools, should it also be made available to children in private and parochial schools? (Examples, providing textbooks or shared classroom space.) Yes, 51.5 percent; no, 43.4 percent; no opinion, 5.1 percent.

4. In order to promote more responsible and effective law enforcement, should the Federal Government establish institutes to assist in the training of police and correctional personnel? Yes, 50 percent; no, 39 percent; no opinion, 11 percent.

5. How do you rate Robert McNamara as Secretary of Defense? Doing good job, 42 percent; fair, 23.5 percent; poor, 20 percent; undecided, 14.5 percent.

6. Is it a proper function of Government to provide birth control information? Yes, 70 percent; no, 24 percent; no opinion, 6 percent.

7. What do you think the United States should do in South Vietnam? (Check the course of action that seems most preferable to you.)

	Percent
(a) Expand the war into North Vietnam and go all out to win	47.2
(b) Work toward a negotiated settlement through the United Nations and withdraw our troops when a settlement has been reached	25.4
(c) Continue current policies of military support, without expanding or reducing our efforts appreciably	17.4
(d) Withdraw our military troops and advisers immediately and let the Vietnamese solve their own problems	10.0

8. Federal excise taxes are charged on many luxury items. (For example, a 10-percent tax is levied on the retail price of perfume.) If you agree with me that Congress should cut excise taxes, please indicate in what order they should be eliminated or modified.

	Percent
Telephone service	40.5
Automobiles	22.9
Appliances	20.4
Cosmetics	5.0
Theater admission	4.2
Cigarettes and tobacco	2.6
Liquor	2.2
Furs and jewelry	2.2

9. Do you favor or oppose medicare, that is, hospital care for persons over 65, financed through the social security system? Favor, 47.8 percent; oppose, 42 percent; undecided, 10.2 percent.

10. Our national objective is to land an American on the moon by 1970. Do you support this program? Yes, 68.7 percent; yes, but the program should be slowed down, 14 percent; no, 17.3 percent.

11. I have introduced legislation to create a National Commission on Economic Conversion and Diversification and to establish regional centers to place the findings of science usefully in the hands of American enterprise. Do you favor this approach as a means of creating new markets and industry to widen the employment base in our valley? Yes, 66.3 percent; no, 18.4 percent; no opinion, 15.3 percent.

12. Do you favor continuance of this type of questionnaire? Yes, 95.3 percent; no, 1 percent; no opinion, 3.7 percent.

Statement by Senator Smathers and Address by Vice President Humphrey at Annual Meeting of the President's Committee on Employment of the Handicapped

EXTENSION OF REMARKS

OF

HON. GEORGE A. SMATHERS

OF FLORIDA

IN THE SENATE OF THE UNITED STATES

Monday, May 10, 1965

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD my remarks entitled "Inspiration of the Handicapped" and those made by the Vice President of the United States, on April 30, at the annual meeting of the President's Committee on Employment of the Handicapped.

There being no objection, the statement and the speech were ordered to be printed in the RECORD, as follows:

INSPIRATION OF THE HANDICAPPED—STATEMENT BY SENATOR SMATHERS

It is an inspiration to us all when we see men rise above crippling handicaps and go on to render significant contributions to society.

Such men inspire not only those of us who are more fortunate but, more importantly, those who have been disabled and who must make major readjustments to life.

Roger W. Irving, of St. Petersburg, Fla., is that kind of a man.

On April 29, Mr. Irving was honored as the Handicapped American of the Year and received from Secretary of Labor W. Willard Wirtz a special plaque.

At 72, Roger W. Irving is continuing to lead an active and useful life despite multiple handicaps including the loss of an arm, the removal of his larynx because of cancer, and a recent sight impairment.

Despite this, Mr. Irving has rendered outstanding service to his fellow Americans—ranging from the Boy Scouts to laryngectomees like himself, to whom he has taught the technique of regaining speech.

I regret that other duties prevented me from being present at ceremonies honoring Mr. Irving on April 29.

Mr. Irving demonstrates so graphically that a physical handicap need not be the end of a career. He is a credit to the State of Florida and the entire Nation.

Vice President HUMPHREY has summed up, I think, some excellent thoughts on the contributions of men like Roger W. Irving and the role of the handicapped in society.

The Vice President's remarks were prepared for delivery April 30 at the annual meeting of the President's Committee on Employment of the Handicapped.

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY, PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED ANNUAL MEETING, APRIL 30, 1965

Four years ago, Emik Avakian won the President's trophy as Handicapped Man of the Year. Mr. Avakian is severely cerebral palsied, almost unable to sit in a wheelchair.

Years ago, he had to fight his way into college against the advice of counselors who thought he was too severely handicapped. Now an electrical engineer, he is also a brilliant scientist. He devised a lightning-fast reservation system whereby airlines can tell how many seats are available on all flights.

He couldn't hold a pencil, so he invented a typewriter that could be operated with his breath. He is at present working on use of a computer to control radiation beams that might perform bloodless surgery on that part of the brain which, if injured, can cause cerebral palsy.

This disabled American acts to overcome not only his own disability but to make possible new vistas for the able as well as for the disabled. Others are joined in this struggle. This administration is committed to it. And so are you.

This February, President Johnson wrote to the Nation's employers:

"Given encouragement and hope, our handicapped citizens can competitively earn a useful place in our great land of opportunity. They have the courage. All they need is a chance to prove themselves."

It is you who are providing that chance—you of Governors' committees and mayors' committees, you who are leaders of business, of labor, civic groups, veterans, and other voluntary organizations.

Your teamwork with the President's committees, the U.S. Vocational Rehabilitation Administration and State rehabilitation agencies has opened employment doors which for too long were barred to the handicapped. You opened those closed doors by first opening closed minds. Those minds had arbitrarily rejected the disabled as being allegedly "unemployable." But "open minds," "open hearts," friendly outstretched hands have changed that picture.

Thus, as an example, last year, 8,300 men and women who had been regarded as completely outside the labor force—because they were mentally retarded—were put to gainful work. They represent only a small portion of the 3 million retarded who are capable of doing a job. But this important beginning does show what can be done.

I honor those—in the National Association for Retarded Children—and in cooperating organizations who blazed this path of progress.

This October will mark the 20th anniversary of the first celebration of a special week to employ the handicapped.

Eighteen years ago it was my privilege, as mayor of Minneapolis, to issue one of the first municipal proclamations for observance of that week. At that time, the secretary of our mayor's committee was a young Purple Heart veteran named Orville Freeman. Today, as Secretary of Agriculture, he is leading the fight to aid America's rural disabled.

In this auditorium today are many pioneers of jobs-for-the-handicapped. You have proven that it is definitely good business to employ the handicapped.

And it is good government and good citizenship to get a disabled man off the welfare roll onto a payroll and a tax roll.

For years, the roll call of honor for the handicapped was headed by the predecessor of your great Harold Russell a fellow Minnesotan, the late Gen. Melvin Maas. Though blind, General Maas "saw" this need of the Nation and responded magnificently to it.

He led us closer to the time when all men and women in our society will have opportunity to develop their talents and skills.

The goal of this administration is—as it was General Maas' goal—opportunity for all Americans. We seek opportunity for all who would work to lift themselves.

The handicapped do want to work. The handicapped do not want pity. They do not want handouts. And they do not want "made work." They ask only that they be trained for meaningful jobs they can perform and that, whenever necessary, jobs be adapted so they can perform them.

That is not too much to ask.

But the job-seeking handicapped comprise a long waiting list. Three million Americans have disabilities which still keep them on the fringes of community and family life.

Year by year, the numbers of the rehabilitated are—fortunately—rising. In 5 years, we hope to reach the annual mark of rehabilitating 200,000 each year.

But the time gap implicit in these figures confirms how far we still have to go.

Meanwhile time hangs heavy on those waiting their chance for a job. Is there anyone among us who can calculate the anguish of the man or woman forced to wait or who vainly applies for employment—time after time—only to be rejected?

For these men and women we are determined to open up more jobs. Jobs are needed, too, not just for the disabled—but for millions of the impoverished.

The poor and the disabled are frequently one and the same.

Some 40 percent of the disabled are poor.

It is no coincidence, too, that the poor are blighted far more frequently by mental retardation and mental illness than are more fortunate citizens.

One handicap tends to breed others. A vicious cycle goes on and on. Starting with disability or with poverty, it leads to other forms of deprivation—to psychological, cultural, social or other wants.

To remedy this tragic pattern—to provide for the deprived, to uplift the poor, the disabled—a peaceful war is being fought in this Nation.

The war against poverty is simultaneously a war against disability—to prevent disability before it strikes, to treat disability if it does strike, to cure disability, if possible, or to relieve it and to rehabilitate the victim.

Against single or multiple handicaps, your administration is mobilizing every sound weapon that the ingenuity of man's mind and the devotion of man's heart can devise.

History-making legislation—Federal aid to primary and secondary education, including special education—aid to evaluate the potential of the disabled and to expand sheltered workshops—aid for regional medical centers—is being passed.

It is being passed because of the broad support of American citizens—especially the citizens in this audience.

I urge you in this audience not just to receive—passively—the qualified handicapped who are sent to you, and not just to hire them.

I urge you to go out and see the handicapped—where they live, where they train. See them in sheltered workshops. See them, too, in companies which are successfully employing them. Listen to them.

Then participate in the new program of employment seminars which mayors throughout America are now organizing.

Examine the program of jobs-for-the-handicapped in your own State and community. Meet the targets you have set for job placements and then go on to achieve still higher targets.

What you are doing is not only economically right but morally right.

In the future, despite our progress, we face formidable problems.

Most of our efforts must now be directed against fortresses which thus far have resisted progress. I refer to such citadels as mental illness, mental retardation, and epilepsy.

Recent history proves that the walls of an enemy fortress—like poliomyelitis or tuberculosis—"will come tumbling down" if public and private forces combine to concentrate national attention upon it.

Long since, American genius broke the sound barrier. Now let us break the prejudice barrier—the poverty barrier—the disability barrier—the psychological barrier which denies any man his due.

Jobs for disabled Americans are a blessing for every American. Let us multiply that blessing.

Free Elections, Not Anticommunism, Should Be Goal of U.S. Intervention

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. FRASER. Mr. Speaker, we need some plain talk about the nature and morality of intervention because the action of the United States in the Dominican Republic these last 10 days has outstripped, or at least fails to correspond with the contemporary attitude about intervention.

Intervention in the internal affairs of other nations is strongly condemned. This principle is found in the U.N. Charter and it is even more explicity stated in the Charter of the OAS. Yet we intervene every day in the affairs of other nations. The total thrust and purpose of American foreign policy is aimed at influencing events in other nations ranging from our military strength designed to deter others from starting a war to economic assistance aimed at speeding development in the recipient nations.

These kinds of intervention have been acceptable and not thought to be inconsistent with the prohibitions contained in the various multilateral charters because they are peaceful in character. They do not employ force.

We are using force in South Vietnam. Intervention in South Vietnam has been justified on the ground that the insurgency war had external origins and continues to have outside support thereby constituting aggression within the meaning of the U.N. Charter. The charter permits us to intervene when there is aggression. We have not taken that claim before the U.N., however.

Today, we have taken another step. We are employing force in the Dominican Republic to quell a revolution which admittedly was of internal origin. We need to talk about these events and what they mean, because the quality of our leadership—its morality, if you will—is being called into serious question, both by our own citizens and abroad. We must reconcile our actions within the more fundamental values which are generally shared by mankind.

UNITED STATES AND THE DOMINICAN REPUBLIC

In 1963 President Bosch, elected 7 months earlier and strongly supported by the United States, was overthrown by a military coup. We protested and suspended aid but did not send in the Marines.

In the past 10 days the United States did intervene in the Dominican Republic when a new revolution sought to restore President Bosch to power. We did so because of our fear of a possible Communist takeover in that revolution. But the hard truth is that most revolutionary movements seeking to oust a military sponsored or nondemocratically based government will contain some Communists. They may lean toward Moscow, toward Peiping, or they may be indigenous types. If they were in charge, they surely would not reestablish democratic institutions in that country. But how can we know with accuracy the role they are playing? One can assume that the more resistance encountered by the revolution the more the Communists move toward control. Yet their influence cannot be easily identified nor can we assess their prospective control if the revolution is successful.

One is not reassured by the cries from some within the United States that our own civil rights movement is Communist inspired, nor by the tendency in Latin America to classify social reformers generally as Communists, just as General Wessin with whom we are cooperating calls former President Bosch Communist, which he is not.

Thus, if the United States continues to use this rationale of a possible Communist takeover for intervention, we are placed in a peculiar and untenable position. We do not intervene when democratic institutions are destroyed by a military takeover, but we do intervene when efforts are made to restore such institutions because of the inevitability of Communists attaching themselves to the cause.

This is a wholly unsatisfactory state of affairs. This type of asymetrical intervention can only lead to increasing isolation from our friends and increasing involvement in the civil wars of other countries.

The fundamental objections to forceful intervention come from the experience of mankind, particularly from the experience of those who have been the victims of intervention. Countries which have been under colonial control and countries which though emancipated have been subjected to the strong arm of the larger powers are particularly sensitive. We need only ask how we would feel if other powers were to intervene with force in our affairs.

NONINTERVENTION IS NOT AN ABSOLUTE PRINCIPLE

Yet it is perfectly plain that nonintervention is not an absolute principle paramount above all others. My clearest example is the genocide committed by the Nazis against the Jews. Who among us could ever again stand by and say this was no concern of ours? A contemporary example is the ruthless, uncivilized treatment which South Africa accords its non-European population. Nor can civilized people ignore the wholesale denial of political and personal rights by totalitarian governments on both the left and the right. In short, there are more compelling considerations to determine our conduct than that of nonintervention.

THE PROMOTION OF REPRESENTATIVE DEMOCRACY

The promotion of representative democracy as a form of government is one principle to which the principle of nonintervention must often give way. American foreign policy is bottomed on the belief that a world of democratic nations provides the most favorable environment for our own security. Our faith in the democratic process has deep pragmatic roots. The genius of this process is its ability to effect change without revolution. Moreover, experience has shown that governments which have a mature political process permitting the free exercise of the ballot are least likely to engage in military adventures and are most likely to add stability to the international community.

OAS NATIONS ARE COMMITTED TO PROMOTING DEMOCRACY

In the Western Hemisphere, to establish and maintain representative democracy is an important goal of the Organization of American States. In the Charter of Bogotá which set up the OAS in 1948 as a "regional agency within the U.N.," there appears the following language:

> The solidarity of the American States and the high aims which are sought through it require the political organization of those states on the basis of the effective exercise of representative democracy.

A conference of Western hemispheric nations was called in 1962 on this question. It is interesting to note that this conference, called the "First Symposium on Representative Democracy," was held in Santo Domingo, capital of the Dominican Republic, from December 17 to 22, 1962. One of the activities of the conference was the observation of the December 20 election which brought that island its first representative government after 30 years of the Trujillo dictatorship.

It was the conclusion of that OAS symposium that "the other fundamental principles of the American regional system would become truly meaningful only insofar as all the member states adopted a vigorous constitutional policy favoring the establishment or consolidation of such a political system within their respective national territories."

So the principle is well established in our hemisphere to promote representative democracy.

INTERVENTION IN DOMINICAN REPUBLIC MAY BE JUSTIFIED

The action of the United States in the Dominican Republic can be justified, in my opinion, if the basis for such intervention is explicitly stated as the need to preserve the right of the people to choose their own government. This statement needs to be followed by action consistent with this objective. If the United States promptly moves toward the holding of free elections and requests the OAS to take over in the interim, then I see the total effect of intervention resulting in the strengthening of democratic institutions on the island, the avoidance of bloodshed, and the will of the people being observed.

What must be avoided at all costs is the establishment of a client government dependent upon outside forces for support. This would utterly destroy any moral foundation for our action.

These steps in support of the right of the people to choose their own government would not be easy. The Dominican Republic lacks strong traditions of public service. It had barely the veneer of an effectively organized and functioning government.

Suppose that under OAS sponsorship an election is held and someone is elected President who finds himself unable to meet the demands of his people for adequate wages, employment, and economic progress. Then the country moves more closely toward another coup, revolution, or civil war? Then what is the role of the OAS or the United States?

There is no easy answer to this dilemma, and every course of action involves calculated risks. For my money, however, I would choose the right of self-government unrestricted except for a continuing guarantee to the people that their right to choose their own leader-would be respected and enforced. This would mean that a military coup or any other revolution would automatically bring forward OAS forces designed to enforce these basic constitutional processes. This is the kind of intervention which in my judgment is highly moral and is sorely needed.

Had this type of guarantee been in effect in 1963 President Bosch could have called upon the OAS or the United States for help in defending his constitutional right to his office. Such a procedure would, of course, be giving free license to the people to vote into office good and bad presidents alike, some of whom might well damage the economy or welfare of the Nation. Unfortunate as this might be, there is no other acceptable solution which does not place our goals in serious jeopardy.

MULTILATERAL FORCE IS BEST

I have suggested that the OAS take on these new tasks, because multilateral intervention carries assurance that announced reasons for intervening are indeed genuine and unlikely to become subordinated to someone else's national interest. Confidence in the multilateral agency is thereby engendered. Moreover, the presence of multilateral forces favorably changes the psychology flowing from the use of force.

The prime example was the recruitment for use in the Congo of small nation forces which had no history of colonialism. Logistical support, on the other hand, was supplied by the larger nations. The same concepts applied in the Dominican Republic would be of enormous assistance.

THE ROLE OF THE UNITED NATIONS

Although the OAS seems the logical agency to effect a transition to a popularly elected government, the United Nations may be the logical vehicle for a major economic program which must surely follow the reestablishment of a democratic government in this country which suffers from illiteracy and high unemployment. The U.N. Economic Commission for Latin America, the U.N. Special Fund and Expanded Technical Assistance programs or the World Bank might well be asked to accept substantial development responsibilities in the Dominican Republic in cooperation with the Inter-American Committee for the Alliance for Progress. This possibility should be explored because the United States should make perfectly clear to the world as well as to the Dominican Republic our willingness to employ multilateral agencies to carry out a program of economic assistance to which we will make substantial contributions rather than insist on a bilateral aid relationship.

The possibility of the United Nations becoming the multilateral agency to intervene in support of free elections needs further consideration. The OAS Charter provisions are explicit in rejecting such a role today—but they can be changed. The U.N. Charter provisions are not so explicit and in the case of the Congo the U.N. found a way to intervene. For the moment the political problems within the U.N. probably preclude such a role, leaving regional organizations such as the OAS and the OAU in the best position to act if they will. There is no inherent reason, however, why the U.N. should not act when requested to act by a freely chosen government which is threatened by forces within the country.

UNITED STATES MUST ANNOUNCE ITS OBJECTIVE OF FREE ELECTIONS

Some implications which follow from this examination of our intervention in the Dominican Republic are inescapable. We need to firmly fix in our minds and announce to the world that our objective is the preservation of the right of people to choose their own government. It is in these terms that we must justify the use of force, and not on the grounds of anticommunism. Moreover, this requires a reexamination of our position on coups which are committed by the military forces in these countries.

It is my fervent hope that events in the Dominican Republic will cause this Nation to take a good, hard look at what it really seeks to do—and then to speak the truth. If a fundamental reexamination follows these events it may bring a new surge of enthusiasm and commitment to the enormous undertakings of this Nation across the globe.

WE ARE AT A CROSSROADS

It is my considered judgment that the United States stands at one of its most crucial crossroads since World War II. The energetic application of force by President Johnson has filled a vacuum, but like the genie in the bottle, we may have uncorked an ill spirit which can do more damage to the United States than any other single action taken since the end of World War II. People across this entire globe will be watching with close attention the steps now taken by our Government. If there was ever a time when the fundamental morality of our Nation had to be demonstrated, that time is now. This fundamental morality must be pursued vigorously to its logical conclusion despite the calculated risks which are involved.

The Organization of American States likewise stands at a crossroads. The doctrine of nonintervention uncritically accepted these past decades must now be reexamined with eyes which also comprehend the enormous moral implications of the events which are unfolding. If the OAS meets these challenges, it can literally transform this hemisphere with new relationships which recognize man's responsibility to man and our mutual interdependence in our common efforts to secure the blessings of freedom for posterity.

Times Herald-Record of Middletown, N.Y., Wins Award

EXTENSION OF REMARKS
OF
HON. JOHN G. DOW
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 10, 1965

Mr. DOW. Mr. Speaker, I am pleased and proud to report that the Middletown Times Herald-Record in my 27th Congressional District of New York, has won first honorable mention among tabloid newspapers in the annual Ayer competition for excellence of typography, makeup and printing.

For the past 35 years the N. W. Ayer Award has been coveted by English-language daily newspapers published in this country, to whom the contest is open. This year's entries numbered 700.

As the top prize—the Ayer Cup—went to a regular-size newspaper, the award to the Middletown Times Herald-Record places it first among tabloids.

I wish to take this opportunity to publicly applaud its most talented management and staff for their very fine achievement.

Air Force Academy Report

EXTENSION OF REMARKS
OF
HON. L. MENDEL RIVERS
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 10, 1965

Mr. RIVERS of South Carolina. Mr. Speaker, last Thursday, May 6, the report to the Secretary and Chief of Staff of the Air Force by the Advisory Committee on the U.S. Air Force Academy was released to the public. Named after the chairman of the advisory committee, former Chief of Staff of the Air Force, Gen. Thomas D. White, it brings to a close an unfortunate episode in the history of the Air Force Academy during which 109 cadets were dismissed for violating its honor code.

As I have mentioned previously, the Secretary of the Air Force, Eugene M. Zuckert, handled this affair which had the potential of seriously damaging the whole fabric of our military service institutions with commendable effectiveness, candor, and understanding. The frank revelation of the cheating incidents and the judicious corrective action taken by the Air Force kept this incident in its proper perspective and reaffirmed the high caliber and integrity of our officer and cadet corps.

Even before the conclusion of the investigation, Secretary Zuckert appointed a board composed of the following outstanding individuals to review and analyze the basic causes of the cheating episode in terms of an evaluation of the structure and working of the Academy:

Gen. Thomas D. White, chairman.

Prof. Hardy C. Dillard, dean of the Law School, University of Virginia.

Lt. Gen. Joseph J. Nazzaro, vice commander in chief, Strategic Air Command.

Dr. Robert L. Stearns, former president of the University of Colorado.

Charles B. Thornton, president of Litton Industries.

The report of this committee is thorough, straightforward and consistent with the competency, forthrightness and professionalism that has marked the handling of this entire affair.

I was particularly impressed with the recommendations on the extension of the minimum tour of the Superintendent and the Commandant as well as the appointment of a permanent Advisory Board to keep the Secretary and Chief of Staff advised on all aspects of Academy policies and operation. The adoption of these recommendations will tend to develop at the Academy greater stability of management and a continuity of operations.

The committee is to be commended on its remarks with respect to athletics. The report bears out what I have always felt—that athletics are vital to a well rounded Academy program. However, the point is well made that the primary purpose of the Academy—to produce career officers—is being achieved.

The report clarifies the role of the foundations which provide scholarship aid to young men who need additional scholastic training to qualify for admission to the Academy. In the past 3 years, the Falcon Foundation funds have supported 67 scholars of whom only 4 were known to have high potential for varsity level athletic participation. In the same period, the Gertrude Skelly Trust has aided 45 scholars, all of whom were sons of career military personnel; the trust does not take athletic ability into account.

In its consideration of the honor code itself, the committee clearly pointed out that the code did indeed set a high standard, but one not out of line for a profession committed to public trust and mutual confidence. A military organization depends for its success upon a deep sense of personal responsibility by each member to the group at large. The high calling of the Air Force officer and the demands made by the profession of arms lends support to the choice of the high standards which the cadets have adopted.

The prohibition against toleration which rounds out the cadet honor code is its most exacting and difficult standard. Since honor is not an exclusive value, a very real conflict may develop between personal friendship and a higher loyalty to the cadet wing which the toleration clause embodies. Here too, however, the standard which cadets exact of themselves, though far more rigorous, is not without roots in society at large.

When we consider that these cadets will someday be our military leaders and could be called upon to make decisions determining the life or death of our Nation, or perhaps civilization, we must expect that they will be trained to adhere to the strictest codes of honor and moral integrity.

The members of the committee who unselfishly devoted their time and energy to prepare this authoritative report are to be congratulated for the great service they have rendered the Air Force and the Nation.

National Distinguished Service Award To Be Given Speaker McCormack

EXTENSION OF REMARKS
OF
HON. F. BRADFORD MORSE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 10, 1965

Mr. MORSE. Mr. Speaker, I wish to call attention to the great honor to be tendered to you on Thursday of this week when you receive the National Distinguished Service Award of the National Association of State Directors of Veterans' Affairs.

Every Member of this House knows how well you deserve this high honor. Throughout your service in this body, you have given the interests and concerns of our Nation's veterans a high place in your thoughts and efforts.

I am pleased to add my congratulations and good wishes to those of other Members of the House on this occasion.